

This document was published prior to the following Executive Orders issued on January 20, 2025:

- *Initial Recissions of Harmful Executive Orders and Actions;*
- *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government; and*
- *Ending Radical and Wasteful Government DEI Programs and Preferencing.*

Any references in the attached document that are inconsistent with the above executive orders are no longer applicable.

The Commission will also ensure that the upcoming Fiscal Year 2024 *U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report* (Management Directive 715 Report) will be fully compliant with all applicable executive orders.

<b>EEOC FORM 715-02 PARTS A - D</b>	<b>U.S. Equal Employment Opportunity Commission FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT</b>
<b>Federal Maritime Commission</b>	<b>For the Period Covering October 1, 2022 to September 30, 2023</b>

<b>PART A Department or Agency Identifying Information</b>	1. Agency		1. Federal Maritime Commission	
	1.a 2 <sup>nd</sup> level reporting component		Not Applicable	
	2. Address		2. 800 North Capitol Street, NW	
	3. City, State, Zip Code		3. Washington, DC 20753	
	4. Agency Code	5. FIPS code(s)	4. MC00	5. 11001
<b>PART B Total Employment</b>	1. Enter total number of permanent full-time and part-time employees		1. 123	
	2. Enter total number of temporary employees		2. 5	
	3. TOTAL EMPLOYMENT [add line B1 through 2]		3. 128	

**PART C  
Agency Official(s) Responsible for Oversight of EEO Program(s)**

<b>PART C.1 Head of Agency and Head of Agency Designee</b>		
Title Type	Name	Title
Head of Agency	Daniel B. Maffei	Chairman
Principal EEO Director/Official	Camella M. Woodham	EEO Director

**PART C.2**  
**Agency Official(s) Responsible for Oversight of EEO Program(s)**

<b>EEO Program Staff</b>	<b>Name</b>	<b>Title</b>	<b>Job Series</b>	<b>Pay Plan</b>	<b>Phone Number</b>	<b>Email Address</b>
Principal EEO Director/Official	Camella Woodham	EEO Director	0260	GS	202-523-5859	cwoodham@fmc.gov
Affirmative Employment Program Manager	Camella Woodham	EEO Director	0260	GS	202-523-5859	cwoodham@fmc.gov
Complaint Processing Program Manager	Camella Woodham	EEO Director	0260	GS	202-523-5859	cwoodham@fmc.gov
Diversity and Inclusion Officer	Camella Woodham	EEO Director	0260	GS	202-523-5859	cwoodham@fmc.gov
Hispanic Program Manager (SEPM)	Camella Woodham	EEO Director	0260	GS	202-523-5859	cwoodham@fmc.gov
Women's Program Manager (SEPM)	Camella Woodham	EEO Director	0260	GS	202-523-5859	cwoodham@fmc.gov
Disability Program Manager (SEPM)	Camella Woodham	EEO Director	0260	GS	202-523-5859	cwoodham@fmc.gov
Special Placement Program Coordinator (Individuals with Disabilities)	Courtney Killion	HR Director	0201	GS	202-523-5773	ckillion@fmc.gov
Reasonable Accommodation Program Manager	Courtney Killion	HR Director	0201	GS	202-523-5773	ckillion@fmc.gov
Anti-Harassment Program Manager	Courtney Killion	HR Director (Employee Management Relations POC)	0201	GS	202-523-5773	ckillion@fmc.gov
ADR Program Manager	Camella Woodham	EEO Director	0260	GS	202-523-5859	cwoodham@fmc.gov
Compliance Manager	Camella Woodham	EEO Director	0260	GS	202-523-5859	cwoodham@fmc.gov
Principal MD-715 Preparer	Camella Woodham	EEO Director	0260	GS	202-523-5859	cwoodham@fmc.gov
Other EEO Staff	Philip Lee	Collateral Duty EEO Counselor	0905	GS		plee@fmc.gov
Other EEO Staff	Susan Johnson	Collateral Duty EEO Counselor	2110	GS		sjohnson@fmc.gov
Other EEO Staff	Kimberly Doughty	Collateral Duty EEO Counselor	0301	GS		kdoughty@fmc.gov

**PART D**

**PART D.1**

List of Subordinate Components Covered in this Report

Subordinate Component	City	State	Country (Optional)	Agency Code	FIPS Codes
NONE					

**PART D.2**

Mandatory and Optional Documents for this Report

In the table below, the agency must submit these documents with its MD-715 report

Did the agency submit the following mandatory documents?	Please respond Yes or No	Comments
Organizational Chart	Yes	
EEO Policy Statement	Yes	
Strategic Plan	Yes	
Anti-Harassment Policy and Procedures	Yes	
Reasonable Accommodation Procedures	Yes	
Personal Assistance Services Procedures	Yes	
Alternative Dispute Resolution Procedures	Yes	

In the table below, the agency may decide whether to submit these documents with its MD-715 report

Did the agency submit the following optional documents?	Please respond Yes or No	Comments
Federal Equal Opportunity Recruitment Program (FEORP)	No	
Disabled Veterans Affirmative Action Program (DVAAP) Report	No	
Operational Plan for Increasing Employment of Individuals with Disabilities under Executive Order 13548	No	
Diversity Policy Statement	No	
Human Capital Strategic Plan	No	
EEO Strategic Plan	No	
Results from most recent Federal Employee Viewpoint Survey or Annual Employee Survey	No	

<b>EEOC FORM 715-02 PART E.1</b>	<b>U.S. Equal Employment Opportunity Commission FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT</b>
<b>Federal Maritime Commission</b>	<i>For the Period Covering October 1, 2022 to September 30, 2023</i>

<b>Part E: EXECUTIVE SUMMARY</b>
<b>PART E.1 MISSION</b>

The Federal Maritime Commission (FMC, Agency, or Commission) is an independent federal agency charged with regulating liner shipping in the U.S. international trades. From its creation in 1961, the FMC has ensured a competitive and reliable international ocean transportation supply system that supports the U.S. economy and job growth, and protects the public from unlawful, unfair, and deceptive practices. Facilitating commerce and protecting U.S. shippers remain the essential focus of the FMC.

The Federal Maritime Commission administers Subtitle IV (Parts A through D) of title 46, United States Code, including the various amendments to title 46 implemented by the requirements of the Ocean Shipping Reform Act of 2022 (OSRA 2022) and the Frank LoBiondo Coast Guard Authorization Act of 2018 (LoBiondo Act).

Parts A and B of Subtitle IV deal with the regulation of ocean shipping and were formerly known as the Shipping Act of 1984, as amended (the Shipping Act), the Foreign Shipping Practices Act of 1988 (FSPA) and Section 19 of the Merchant Marine Act, 1920. The Commission also administers and enforces Part C of Subtitle IV, formerly sections 2 and 3 of P.L. 89-777, and section 3503(b)(1)(C) of title 46, United States Code. Part C and section 3503 deal with the financial responsibility of cruise line operators towards passengers of such vessels. Part D of Subtitle IV addresses the Commission generally, including its organization and authority to prescribe regulations. Part D also contains provisions or amendments that were in the Shipping Act, the FSPA and the LoBiondo Act.

The mission of FMC is to:

*Ensure a competitive and reliable international ocean transportation supply system that supports the U.S. economy and protects the public from unfair and deceptive practices.*

The FMC's headquarters is located in Washington, D.C. The Agency also has Investigators located in major port and transportation centers within 3 regions nationwide.

EEOC FORM 715-02 PART E.2	<b>U.S. Equal Employment Opportunity Commission</b> <b>FEDERAL AGENCY ANNUAL</b> <b>EEO PROGRAM STATUS REPORT</b>	
Federal Maritime Commission		<i>For the Period Covering</i> <i>October 1, 2022 to September 30, 2023</i>

<b>Part E: EXECUTIVE SUMMARY</b>
<b>PART E.2</b> <b>ESSENTIAL ELEMENTS A-F</b>

**Essential Element A: Demonstrated Commitment from Commission Leadership**

The FMC continues to demonstrate a culture that supports equal opportunity, diversity, inclusion, and accessibility. Chairman Daniel Maffei articulated in the agency’s annual policy statements the agency’s commitment to equal employment opportunity and a discrimination-free workplace and supported an inclusive environment that provides to all employees, individually and collectively, the chance to work to their full potential. Chairman Maffei’s Equal Employment Opportunity and Diversity Policy statement, dated May 3, 2023, states:

*The Federal Maritime Commission (FMC) reaffirms its commitment to equal opportunity in employment regardless of race, color, sex (including pregnancy, sexual orientation, and gender identity/stereotyping), national origin, religion, age (40 years and older), disability (physical and/or mental), genetic information, and/or reprisal. The FMC will continue to provide a workplace that is free from all forms of discrimination, harassment, and retaliation, ensuring equal opportunity in all human capital and employment-based decisions, including, but not limited to, recruitment, hiring, merit promotions, transfers, reassignments, training and career development, benefits, and separations.*

The FMC policy adheres to EEOC guidance on establishing a model EEO program. The agency actively strives to continuously incorporate effective management, accountability, inclusiveness, self-assessment, and adaptivity to ensure that all employees enjoy a safe and effective workplace. As the FMC EEO and Diversity Policy statement makes clear:

*...the FMC will continue to actively and consistently support and promote the principles of equal opportunity, diversity, inclusion, and accessibility in order to guarantee an environment in which employees are valued, treated with dignity and respect, and ensure that all employees and applicants are provided the freedom to compete on a fair and level playing field. The entire FMC community - executive leadership, supervisors, managers, and staff - will always be held accountable to maintain an environment with the highest standards of diversity, inclusion, accessibility, and equal employment opportunity.*

FMC continues its support of individuals with disabilities. The agency continues to review its policies and procedures to ensure that individuals with disabilities have opportunities and access to all the privileges and benefits of employment, including access to reasonable accommodations and personal assistance services, as they are needed. The FMC EEO and Diversity Policy states:

*In support of Executive Order 13548, "Increasing Federal Employment of Individuals with Disabilities," we will seek to strengthen our efforts to attract, hire, and retain individuals with disabilities by utilizing special hiring authorities, and by providing reasonable accommodations to qualified individuals with disabilities. The FMC is committed to providing equal employment opportunities to individuals with disabilities and ensuring that applicants for employment and existing employees with disabilities are treated with the same respect and fairness that every employee expects and deserves in the workplace.*

To increase engagement and inclusion, FMC Leadership promoted, and actively participated in, special emphasis programs that occur throughout the year. In addition to encouraging employees to participate in the FMC special emphasis programs, leadership took an active role by introducing speakers and events and delivering remarks. The Commission regularly assesses and ensures EEO principles are part of its culture and has taken an integrated approach to identify opportunities to improve the recruitment/outreach, hiring, development and retention of women, minorities and individuals with disabilities. The FMC uses the Federal Employee Viewpoint Survey to monitor the perception of EEO principles within the workforce as part of the annual barrier analysis.

EEO policies and procedures are published on the FMC public website at [Equal Employment Opportunity Rights & Statistics - Federal Maritime Commission \(fmc.gov\)](https://www.fmc.gov/equal-employment-opportunity-rights-and-statistics) and on the FMC intranet.

## **Essential Element B: Integration of EEO into the Commission's Strategic Mission**

The FMC's EEO programs are structured to maintain a workplace that is free from discrimination and support the agency's strategic mission. EEO is integrated into the agency mission and included in the FMC's Strategic Plan for Fiscal Years (FY) 2022 - 2026 and underscores the Commission's commitment to attract and retain a highly effective and diverse workforce. In the FMC's Strategic Plan, the Commission further underscored its commitment to foster a high performing, engaged, and diverse workforce where staff understand how their efforts contribute to the goals of the Commission. The Office of Equal Employment Opportunity supports the agency's strategic mission by advising and assisting the agency in carrying out its responsibilities relative to the Civil Rights Act of 1964, as amended (Title VII), the Rehabilitation Act of 1973, the Equal Pay Act of 1973, the Age Discrimination in Employment Act of 1967, and the Genetic Information Nondiscrimination Act of 2008 (GINA), as well as executive orders, and regulatory guidelines implementing affirmative employment and the processing of EEO complaints. The strategic plan includes the following language:

Administrative Strategies in Support of Agency Objectives: "The FMC is committed to the principles of diversity and the implementation of policies and objectives to enhance the Commission's workforce. The Commission's Office of Equal Employment Opportunity (OEEO), along with senior leaders, effectively carries out this commitment."

The reporting structure for the EEO program provides the principal EEO official with appropriate authority and access to resources to effectively carry out a successful EEO program. The EEO

Director controls all aspects of the EEO program, is consulted on management and personnel actions, and involves managers in the implementation of its EEO program.

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

The FMC OEEEO advises managers/supervisors on EEO matters and effectively coordinates with the Office of Human Resources (OHR).

During FY 2023, the FMC posted EEO complaint processing data on its public website. Consistent with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), the FMC delivered No FEAR Act training to its new employees, and informed new employees of their rights and remedies under antidiscrimination laws and whistleblower protection laws within 90 days of their appointment.

The Commission evaluates managers and supervisors on their efforts to ensure equal employment opportunity. Rating officials evaluate the performance of supervisors and managers based on EEO elements. The FMC Performance Assessments (Form 27A/B) used by all employees, includes a critical element covering professional behavior and interpersonal skills (Element 4). To obtain a satisfactory rating (level 3), the employee must "display respect, courtesy and tact during interactions with people within as well as outside the FMC; collaborate as a team player; and demonstrate adherence to EEO and diversity principles."

The FMC has established policies and procedures to prevent all forms of EEO discrimination. The agency ensured compliant reasonable accommodation procedures and processed requests for reasonable accommodations following the requirements of the Final Rule amending 29 CFR Part 1614.203 titled Affirmative Action for Individuals with Disabilities in Federal Employment (applicable as of January 3, 2018) and the requirements of the Rehabilitation Act of 1973 and the ADA Amendments Act of 2008 (ADAAA).

As required by the Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020, as well as EEOC regulations and directives, the EEO Director is under the direct supervision of the Chairman of the Commission.

OEEEO also leveraged the talents of three FMC employees who, in addition to performing their primary duties and responsibilities, volunteered to serve as EEO Counselors in a collateral duty capacity. In FY 2023, collateral duty EEO Counselors attended their mandatory eight-hour refresher course training delivered by experts from the EEOC, as well as other trainings to enhance their skills.

### **Essential Element D: Proactive Prevention of Unlawful Discrimination**

The FMC takes early measures to prevent discrimination and to identify and eliminate barriers to equal employment opportunity. Internal policies are reviewed on an annual basis and continuously throughout the year to ensure fairness and clarity in all FMC operations.

The FMC reviews informal complaint activity as an indicator of FMC's proactive measures. During FY 2023, the FMC processed one (1) counseling in the informal stage. This counseling was completed, and a formal complaint was filed. The FMC's informal EEO complaint activity,



measured as the number of informal counseling contacts as a percentage of the total workforce, was .78% in FY 2023. This is significantly below the 2020 government-wide measure of informal complaint activity of 1.73% and slightly below the FMC informal complaint activity reported for 2022 (.82%). Source: *Annual Report on the Federal Work Force Fiscal Year 2020 and FMC Annual 462 Report 2023*.

The EEO Director works across two independent agencies and draws on support of each agency's Office of the Chairman, Office of Human Resources, and other agency managers to proactively address emerging issues in the workplace.

To increase employee engagement and inclusion, the FMC created a Diversity, Equity, Inclusion and Accessibility Council (DEIA Council), which includes employees from various offices, to inform barrier analysis reviews, spread diversity awareness, and provide feedback on the FMC's diversity and inclusion programs. During FY 2023, the DEIA Council aided in delivering the agency's Special Emphasis program educational events and activities designed to improve cultural awareness, debunk stereotypes, and recognize the contributions and achievements of diverse groups represented in our workforce.

As part of its proactive prevention efforts, the FMC disseminates EEO policies covering harassment prevention, workplace violence, and personal assistance services to all personnel. The FMC also publishes information on the EEO complaint process, EEO policies, and the roles and responsibilities of OEEEO on its internal and public websites. EEO posters are placed on FMC bulletin boards in high-traffic areas, to provide employees and applicants for employment with notice of their EEO rights and to highlight the 45-day time limit for contacting an EEO Counselor or OEEEO. New employees are required to take the No FEAR Act training course within 90 days of onboarding. Additionally, each new employee takes an online course on Unconscious Bias and is briefed on the EEO program and their EEO related rights and responsibilities as an agency employee.

The FMC's offices are accessible to persons with physical disabilities in compliance with the Architectural Barriers Act (ABA) and an agency employee has been assigned to oversee compliance with the requirements of the ABA, as well as physical accessibility under the Americans with Disabilities Act/Rehabilitation Act.

### **Essential Element E: Efficiency**

The Chairman continues to ensure that OEEEO has sufficient staffing, funding, and authority to support the EEO process, as well as diversity and inclusion initiatives. The FMC continues to maintain an efficient, fair, and impartial complaint resolution process. In FY 2023, OEEEO processed 100% of complaint actions within the timeframes defined in EEOC regulations for processing EEO complaints. The FMC has established a fair alternative dispute resolution (ADR) program and applies this program to resolve issues at the earliest stage possible. In FY 2023, the FMC timely processed one investigation (investigation completed in FY 2024).

The FMC's OEEEO has an effective and accurate data collection process in place to evaluate its EEO program and to identify significant trends and best practices. One of these best practices is the use of high-quality contractor support for EEO investigations. The use of quality contractor support with extensive experience in EEO complaint processing is cost beneficial and ensures

that quality work product is consistently delivered. Using internal due dates more aggressive than MD-110 requirements ensures all case actions are timely processed.

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

The FMC has conducted an annual self-assessment against the essential elements prescribed by the EEOC's MD-715. As part of this assessment, FMC analyzed its workforce profiles to identify any triggers that may require further inquiry as to the existence of barriers to equal employment opportunities for any employee group based on race/ethnicity, sex, or disability.

Additionally, all informal and formal complaints were processed in a timely manner and in accordance with EEOC Regulations at 29 C.F.R. Part 1614.

There were no findings of discrimination issued against FMC in 2023.

EEOC FORM 715-02 PART E.3	<b>U.S. Equal Employment Opportunity Commission</b> <b>FEDERAL AGENCY ANNUAL</b> <b>EEO PROGRAM STATUS REPORT</b>	
Federal Maritime Commission	<i>For the Period Covering</i> <i>October 1, 2022 to September 30, 2023</i>	

<b>Part E: EXECUTIVE SUMMARY</b>
<b>PART E.3 WORKFORCE ANALYSIS</b>

**FMC Workforce**

At the end of FY 2023, the FMC had 128 full-time employees, 123 of the staff were permanent and 5 were temporary. Of the 123 full-time permanent employees, there were 58 (47.15%) males and 65 (52.85%) females.

Most Commission staff are analytical professionals with strong academic records, advanced degrees, and specialized skills in law and transportation industries. These mission critical staff, along with other management and support staff support the accomplishment of the strategic goals set forth in the Commission’s Strategic Plan.

<b>COLOR LEGEND</b>	
	Civilian Labor Force (CLF)
	At or above the CLF
	Within 2% of the CLF
	More than 2% below the CLF or no participation

The U.S. Office of Personnel Management (OPM) has established a workforce participation rate goal of 12% for persons with disabilities (PWD) and 2% for persons with targeted disabilities (PWTD). There are twelve targeted disabilities: developmental, traumatic brain injury, deaf or serious difficulty hearing, blind or serious difficulty seeing, missing extremities, significant mobility impairment, partial or complete paralysis, epilepsy or other seizure disorders, intellectual, significant psychiatric disorder, dwarfism, and significant disfigurement. In addition, OPM’s guidance, issued pursuant to Executive Order 13548, requires federal agencies to establish Disability Employment Plans consistent with the federal government goal of hiring 100,000 additional individuals with disabilities, including those with targeted disabilities.

The following provides a summary of representation within the FMC’s permanent workforce compared to the 2014-2018 Civilian Labor Force and OPM/EEOC’s goals for PWD/PWTD:

Race/Ethnicity	2014-2018 CLF %	FY 2023 # (%)	FY 2022	FY 2021	FY 2020	FY 2019
Hispanic or Latino Male	6.82%	7.14%	0.87%	1.80%	0.9%	0.9%

Hispanic or Latino Female	6.16%	0%	2.61%	3.6%	2.6%	2.6%
White Male	35.65%	21.43	33.91%	33.33%	36.8%	35.1%
White Female	31.82%	14.29	22.61%	22.52%	21.1%	21.9%
Black or African American Male	5.7%	21.43	10.43%	9.91%	9.7%	11.4%
Black or African American Female	6.61%	21.43	20.00%	20.72%	19.3%	18.4%
Asian Male	2.19%	7.14	3.48%	3.60%	2.6%	2.6%
Asian Female	2.18%	7.14	5.22%	3.60%	3.5%	3.5%
Native Hawaiian/Other Pacific Islander Male	0.08%	0.0%	0.0%	0.0%	0.0%	0.0%
Native Hawaiian/Other Pacific Islander Female	0.08%	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/Alaska Native Male	0.31%	0.0%	0.0%	0.0%	0.9%	0.9%
American Indian/Alaska Native Female	0.31%	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races Male	1.05%	0.0%	0.0%	0.0%	0.9%	0.9%
Two or More Races Female	1.05%	0.0%	0.0%	0.0%	1.8%	1.8%

EEO Group	OPM Goal %	FY 2023 # (%)	FY 2022	FY 2021	FY 2020	FY 2019
No Disability		68.30%	69.57%	76.58%	83.3%	86.8%
Not Identified		20.33%	18.26%	9.01%	5.3%	1.8%
Disability	12%	11.39%	12.17%	14.41%	11.4%	11.2%
Targeted Disability	2%	3.26%	3.48%	3.60%	3.5%	3.5%

The percentage of PWD in FY 2023 (11.39%) is slightly below the OPM established 12% goal. The percentage of PWTD in FY 2023 (3.26%) is above the OPM established goal of 2%.

### Participation Rates for FMC Major/Mission Critical Occupations

Major or Mission Critical Occupations (MCOs) at the FMC include those occupations that have direct mission related responsibilities. This assessment does not include positions that provide primarily administrative support or clerical support for mission objectives. MCOs at the FMC include positions in the following series:

- ***Economist (Series 0110)*** - This series covers positions which require application of a professional knowledge of economics in the performance of duties that include: research into economic phenomena, analysis of economic data, and the preparation of interpretive reports; advice and consultation on economic matters to governmental officials and private organizations or citizens; and the performance of other professional work in economics including supervision and the direction of economists engaged in the various economics programs of the Federal Government. FMC Economists identify, track and analyze key indicators of the maritime supply chain; identify research projects, develop resource proposals, timelines, and deliverables and conduct independent research on the maritime supply chain that are grounded in economic theory of the industry and trade and include statistical and econometric techniques.
- ***Miscellaneous Administration and Program (Series 0301)*** - This series covers positions the duties of which are to perform, supervise, or manage two-grade interval administrative or program work for which no other series is appropriate. The work requires analytical ability, judgment, discretion, and knowledge of a substantial body of administrative or program principles, concepts, policies, and objectives. Because of its miscellaneous nature, the series includes both mission critical and non-mission critical positions.
- ***Program Management (Series 0340)*** - This series classifies federal positions that involve managing or directing one or more programs. FMC roles in this series includes GS-14 to SES positions involving management of mission focused offices/programs.
- ***Management and Program Analysis (Series 0343)*** - This series covers positions that primarily serve as analysts and advisors to management on the evaluation of the effectiveness of government programs and operations or the productivity and efficiency of the management of Federal agencies or both. Positions in this series require knowledge of: the substantive nature of agency programs and activities; agency missions, policies, and objectives; management principles and processes; and the analytical and evaluative methods and techniques for assessing program development or execution and improving organizational effectiveness and efficiency. Some positions also require an understanding of basic budgetary and financial management principles and techniques as they relate to long range planning of programs and objectives. The work requires skill in: application of fact-finding and investigative techniques; oral and written communications; and development of presentations and reports.
- ***General Attorney (Series 0905)*** - This series within the FMC provides advice and recommendations to the Commission on legal and policy matters related to the Commission's responsibilities; provide advice to the Chairman and Commission Members on legal matters concerning adjudicatory and investigative proceedings; FMC attorneys evaluate and advise on the defensibility of the agency's decisions and defend those decisions when challenged in court. Attorneys advise the Commission on various mission-related matters, including the Shipping Act of 1984 (Shipping Act), as amended by the Ocean Shipping Reform Act (OSRA) of 1998 and 2022; the Foreign Shipping Practices Act

of 1988 (FSPA); Section 19 of the Merchant Marine Act, 1920 (1920 Act); Sections 2 and 3 of Pub. L. No. 89-777, 80 Stat. 1350; Sections 701-714 and 834 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (LoBiondo Act); the Freedom of Information Act; the Paperwork Reduction Act; Equal Employment Opportunity; and records management.

- **Administrative Law Judge (ALJ) (Series 0935)** - ALJs serve as independent impartial triers of fact in formal proceedings requiring a decision on the record after the opportunity for a hearing. In general, ALJs prepare for and preside at formal proceedings required by statute to be held under or in accordance with provisions of the Administrative Procedures Act. ALJs rule on preliminary motions, conduct pre-hearing conferences, issue subpoenas, conduct hearings (which may include written and/or oral testimony and cross-examination), review briefs, and prepare and issue decisions, along with written findings of fact and conclusions of law. Federal Maritime Commission ALJs resolve cases involving alleged violations of the [Shipping Act](#) and other laws within the Commission's jurisdiction. ALJs are independent decision makers whose independence is protected by the [Administrative Procedure Act](#).
- **Investigative Analyst (Series 1805)** - This series covers positions which supervise, lead, or perform work involving the research, analysis, and/or evaluation of information to assist investigators in ongoing investigations. The work includes formulating information source search strategies and reviewing data to identify patterns and relationships across financial, criminal, public record, and other information. Work primarily requires knowledge of: Federal laws and regulations relevant to the work being performed; entities, operations, activities, products, or items subject to the laws and regulations; and techniques and methods to locate, sort, and evaluate information.
- **Transportation Industry Analyst (Series 2110)** - This occupation includes positions that involve analytical, evaluative, advisory, or similar work pertaining to regulation of the transportation industry regarding operations, economics, equity in industry practices, and protection of the public interest. The work requires a knowledge of transportation industry regulatory controls, of the customs and competitive practices of carriers, and of carrier operations, services, and facilities. It also requires a general knowledge of economics, statistics, law, business management and related subject-matter areas, but does not require full training and professional competence in any of those fields. FMC Transportation Industry Analysts plan, coordinate, and recommend compliance efforts related to service contracts, tariffs, and marine terminal operator schedules.

## Applicant Flow for New Hires

Applicant flow data is provided to the Commission by the OPM. This data is available through the OPM's USA Staffing tool only for FMC jobs that were posted on USAJOBS. The FMC uses USAJOBS for all hiring actions.

A few important notes about applicant flow data help to facilitate interpretation. First, applicants are not required to provide demographic information when applying for a position.

Second, the USA Staffing tool captures and provides information only through the point at which an applicant is selected. Various hiring process steps beyond a selection decision may impact success in onboarding a new hire (e.g., suitability assessment). Applicant data only shows

applicant flow data of selected applicants. In contrast, it does not show present data on new hires on-boarded during the year. Differences are observed in the demographic statistics of those selected versus those hired.

Third, applicant flow data for the FMC combines applications submitted for permanent and temporary positions with the FMC. Thus, the data tables below reflect the pool of applications submitted for permanent and/or temporary employment.

During FY 2023, FMC issued thirty-five (35) vacancy announcements for seven major occupational series: Economists 0110, Miscellaneous Administration and Program Series (0301), Program Management (0340), General Attorneys (0905), Administrative Law Judges (0935), Investigative Analysts (1805), and Transportation Industry Analysts (2110). The applicant flow data provided by the OPM was analyzed for these major occupational series at the FMC. Applicant Flow is provided by USA Staffing. Applicants are categorized based on the hiring path noted in the vacancy announcement to which they applied (“Internal Competitive” or “New Hire”).

**“Internal Competitive”** includes announcements that are open to current or former competitive service employees.

**“New Hires”** includes announcements that are open to applicants who are not current or former competitive service employees. Current or former federal employees can also apply to jobs that are open to the public.

Source: [Understanding the Federal Hiring Process | U.S. Department of Labor \(dol.gov\)](#)

The charts below highlight our analysis of mission critical vacancies announced in FY 2023<sup>1</sup>:

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<sup>1</sup> Applicant flow data is collected from each applicant for employment with FMC via OMB Form No.: 3046-0046. The aggregate information collected through this form is used to determine if our equal employment opportunity efforts are reaching all segments of the population, consistent with federal equal employment opportunity laws. Completion of this form is voluntary. These charts reflect total applications for the referenced vacancies, however, where applicants have voluntarily elected not to self-identify race or sex, that information is not included. Where applicants have voluntarily elected not to self-identify disability, they have been included and combined in the number of individuals who did self-identify as having “No disability.”

## ***Economist (Series 0110)***

The FMC issued three (3) vacancy announcements for series 0110 Economist positions. The FMC received forty-four (44) total applications for these positions. Of the forty-four (44) applicants, 23 (52.27%) were listed as qualified and 4 (17.39%) selections were made from those deemed qualified. Below, see the demographics of the applicants who applied.

<b>3 Vacancy Announcement</b>		<b>Internal Competitive</b>	<b>New Hires</b>
<b>44</b>	TOTAL APPLICATIONS	0	44
<b>23</b>	TOTAL QUALIFIED	0	23
<b>23</b>	TOTAL APPLICATIONS REFERRED	0	23
<b>4</b>	TOTAL SELECTIONS	0	4

<b>EEO Group</b>	<b>Qualified Applicants (23 Applicants)</b>		<b>Referred Applicants (23 Applicants)</b>		<b>Selected (4 Applicants)</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
Hispanic or Latino Male	1	4.35%	1	4.35%	1	25%
Hispanic or Latino Female	0	0.00%	0	0.00%	0	0.00%
White Male	10	43.48%	10	43.48%	3	75%
White Female	0	0.00%	0	0.00%	0	0.00%
Black or African American Male	5	21.74%	5	21.74%	0	0.00%
Black or African American Female	0	0.00%	0	0.00%	0	0.00%
Asian Male	3	66.67%	3	66.67%	0	0.00%
Asian Female	2	8.69%	2	8.69%	0	0.00%
Native Hawaiian or Other Pacific Islander Males	0	0.00%	0	0.00%	0	0.00%
Native Hawaiian or Other Pacific Islander Females	0	0.00%	0	0.00%	0	0.00%
American Indian or Alaska Native Male	0	0.00%	0	0.00%	0	0.00%
American Indian or Alaska Native Female	0	0.00%	0	0.00%	0	0.00%
Two or more Races Male	0	0.00%	0	0.00%	0	0.00%
Two or More Races Female	0	0.00%	0	0.00%	0	0.00%
Disability	4	17.39%	4	17.39%	1	25%
Targeted Disability	3	13.04%	3	13.04%	0	0.00%
No Disability/Not Identified	19	82.61%	19	82.61%	3	75%



**Miscellaneous Administration and Program (Series 0301)**

The FMC issued eight (8) vacancy announcements for series 0301 Miscellaneous Administration and Program positions. The FMC received one hundred eighty-six (186) total applications for these positions. Of the 186 applicants, 79 (42.47%) were listed as qualified and 6 (7.59%) selections were made from those deemed qualified. Below, see the demographics of the applicants who applied.

8 Vacancy Announcements		Internal Competitive	New Hires
<b>186</b>	TOTAL APPLICATIONS	131	55
<b>79</b>	TOTAL QUALIFIED	39	40
<b>52</b>	TOTAL APPLICATIONS REFERRED	38	14
<b>6</b>	TOTAL SELECTIONS	2	4

EEO Group	Qualified Applicants (79 Applicants)		Referred Applicants (52 Applicants)		Selected (6 Applicants)	
	#	%	#	%	#	%
Hispanic or Latino Male	4	5.06%	3	3.80%	2	2.53%
Hispanic or Latino Female	4	5.06%	2	2.53%	0	0.00%
White Male	12	15.19%	8	10.13%	0	0.00%
White Female	8	10.13%	4	5.06%	0	0.00%
Black or African American Male	10	12.66%	6	7.59%	1	1.27%
Black or African American Female	23	29.11%	18	22.78%	1	1.27%
Asian Male	4	5.06%	1	1.27%	0	0.00%
Asian Female	2	2.53%	0	0.00%	0	0.00%
Native Hawaiian or Other Pacific Islander Males	0	0.00%	0	0.00%	0	0.00%
Native Hawaiian or Other Pacific Islander Females	0	0.00%	0	0.00%	0	0.00%
American Indian or Alaska Native Male	0	0.00%	0	0.00%	0	0.00%
American Indian or Alaska Native Female	0	0.00%	0	0.00%	0	0.00%
Two or more Races Male	0	0.00%	0	0.00%	0	0.00%
Two or More Races Female	0	0.00%	0	0.00%	0	0.00%
Did not identify	12	15.19%	10	12.66%	2	2.53%
Disability	13	16.46%	13	16.46%	0	0%
Targeted Disability	8	10.13%	8	10.13%	0	0%
No Disability/Not Identified	66	%	39	%	6	7.59%

**Program Management (Series 0340)**

The FMC issued five (5) vacancy announcements for series 0340 Program Management positions. The FMC received one hundred seventy-nine (179) total applications for these positions. Of the 179 applicants, 147 (82.12%) were listed as qualified and 2 (1.36%) selections were made from those deemed qualified. Below, see the demographics of the applicants who applied.

5 Vacancy Announcements		Internal Competitive	New Hires
<b>179</b>	TOTAL APPLICATIONS	78	101
<b>147</b>	TOTAL QUALIFIED	68	79
<b>90</b>	TOTAL APPLICATIONS REFERRED	68	22
<b>2</b>	TOTAL SELECTIONS	1	1

EEO Group	Qualified Applicants 147 Applicants)		Referred Applicants (90 Applicants)		Selected (2 Applicants)	
	#	%	#	%	#	%
Hispanic or Latino Male	14	9.52%	10	6.80%	0	0.00%
Hispanic or Latino Female	7	4.76%	3	2.04%	0	0.00%
White Male	20	13.61%	14	9.52%	0	0.00%
White Female	11	7.48%	5	3.40%	0	0.00%
Black or African American Male	18	12.24%	10	6.80%	0	0.00%
Black or African American Female	17	11.56%	9	6.12%	1	0.68%
Asian Male	13	8.84%	6	4.08%	0	0.00%
Asian Female	7	4.76%	4	2.72%	0	0.00%
Native Hawaiian or Other Pacific Islander Males	0	0.00%	0	0.00%	0	0.00%
Native Hawaiian or Other Pacific Islander Females	0	0.00%	0	0.00%	0	0.00%
American Indian or Alaska Native Male	0	0.00%	0	0.00%	0	0.00%
American Indian or Alaska Native Female	0	0.00%	0	0.00%	0	0.00%
Two or more Races Male	0	0.00%	0	0.00%	0	0.00%
Two or More Races Female	3	2.04%	2	1.36%	0	0%
Did not identify	37	25.17%	27	18.37%	1	0.68%
Disability	17	11.56%	11	7.48%	0	0.00%
Targeted Disability	7	4.76%	4	2.72%	0	0.00%
No Disability/Not Identified	130	88.44%	79	53.74%	2	1.36%

**Management and Program Analysis (Series 0343)**

The FMC issued four (4) vacancy announcements for series 0343 Management and Program Analysis positions. The FMC received four hundred sixty-four (464) total applications for these positions. Of the 464 applicants, 177 (38.15%) were listed as qualified and 2 (1.13%) selections were made from those deemed qualified. Below, see the demographics of the applicants who applied.

4 Vacancy Announcements		Internal Competitive	New Hires
<b>464</b>	TOTAL APPLICATIONS	215	249
<b>177</b>	TOTAL QUALIFIED	80	97
<b>107</b>	TOTAL APPLICATIONS REFERRED	78	29
<b>292</b>	TOTAL SELECTIONS	1	1

EEO Group	Qualified Applicants (177 Applicants)		Referred Applicants (107 Applicants)		Selected (2 Applicants)	
	#	%	#	%	#	%
Hispanic or Latino Male	10	5.65%	8	4.52%	0	0.00%
Hispanic or Latino Female	6	3.39%	4	3.74%	0	0.00%
White Male	34	19.21%	22	12.43%	0	0.00%
White Female	26	14.69%	17	9.60%	1	0.56
Black or African American Male	19	10.73%	17	9.60%	1	0.56
Black or African American Female	31	17.51%	14	7.91%	0	0.00%
Asian Male	8	4.52%	3	1.69%	0	0.00%
Asian Female	1	0.56%	1	0.56%	0	0.00%
Native Hawaiian or Other Pacific Islander Males	0	0.00%	0	0.00%	0	0.00%
Native Hawaiian or Other Pacific Islander Females	0	0.00%	0	0.00%	0	0.00%
American Indian or Alaska Native Male	0	0.00%	0	0.00%	0	0.00%
American Indian or Alaska Native Female	0	0.00%	0	0.00%	0	0.00%
Two or more Races Male	2	1.13%	2	1.13%	0	0.00%
Two or More Races Female	7	3.95%	3	1.69%	0	0.00%
Did not identify	33	18.64%	16	9.04%	0	0.00%
Disability	18	10.17%	16	9.04%	0	0.00%
Targeted Disability	11	6.21%	11	6.21%	0	0.00%
No Disability/Not Identified	159	89.83%	91	51.41%	2	1.13%

## General Attorney (Series 0905)

The FMC issued eight (8) vacancy announcements for series 0905, *General Attorney* positions. The FMC received two hundred and thirty-five (235) applications for these positions. Of the 235 applicants, 225 (95.74%) were listed as qualified and 7 (3.11%) selections were made from those deemed qualified. Below, see the demographics of the applicants who applied.

8 Vacancy Announcements		Internal Competitive	New Hires
<b>235</b>	TOTAL APPLICATIONS	0	235
<b>225</b>	TOTAL QUALIFIED	0	225
<b>224</b>	TOTAL APPLICATIONS REFERRED	0	224
<b>7</b>	TOTAL SELECTIONS	0	7

EEO Group	Qualified Applicants (225 Applicants)		Referred Applicants (224 Applicants)		Selected (7 Applicants)	
	#	%	#	%	#	%
Hispanic or Latino Male	13	5.78%	13	5.80%	0	0.00%
Hispanic or Latino Female	5	2.22%	5	2.23%	0	0.00%
White Male	65	28.89%	65	29.02%	3	42.86%
White Female	44	19.56%	44	19.64%	1	14.29%
Black or African American Male	8	3.56%	8	3.57%	0	0.00%
Black or African American Female	11	4.89%	11	4.91%	0	0.00%
Asian Male	8	3.56%	8	3.57%	0	0.00%
Asian Female	9	4.00%	9	4.02%	0	0.00%
Native Hawaiian or Other Pacific Islander Males	0	0.00%	0	0.00%	0	0.00%
Native Hawaiian or Other Pacific Islander Females	0	0.00%	0	0.00%	0	0.00%
American Indian or Alaska Native Male	2	0.89%	2	0.89%	0	0.00%
American Indian or Alaska Native Female	0	0.00%	0	0.00%	0	0.00%
Two or more Races Male	1	0.44%	1	0.45%	0	0.00%
Two or More Races Female	0	0.00%	0	0.00%	0	0.00%
Did not identify	59	26.22%	58	25.89%	3	42.86%
Disability	16	7.11%	16	7.14%	0	0.00%
Targeted Disability	5	2.22%	5	2.23%	0	0.00%
No Disability/Not Identified	209	92.89%	208	92.86%	7	100%

## Administrative Law Judge (Series 0935)

The FMC issued one (1) vacancy announcement for series 0935 Administrative Law Judge positions. The FMC received sixty-seven (67) total applications for these positions. Of the 67 applicants, 63 (94.03%) were listed as qualified and 1 (1.59%) selection was made from those deemed qualified. Below, see the demographics of the applicants who applied.

1 Vacancy Announcement		Internal Competitive	New Hires
67	TOTAL APPLICATIONS	0	67
63	TOTAL QUALIFIED	0	63
63	TOTAL APPLICATIONS REFERRED	0	63
1	TOTAL SELECTIONS	0	1

EEO Group	Qualified Applicants (63 Applicants)		Referred Applicants (63 Applicants)		Selected (1 Applicant)	
	#	%	#	%	#	%
Hispanic or Latino Male	5	7.94%	5	7.94%	0	0%
Hispanic or Latino Female	2	3.17%	2	3.17%	0	0%
White Male	19	30.16%	19	30.16%	0	0%
White Female	6	9.52%	6	9.52%	0	0%
Black or African American Male	2	3.17%	2	3.17%	0	0%
Black or African American Female	9	14.29%	9	14.29%	0	0%
Asian Male	2	3.17%	2	3.17%	0	0%
Asian Female	4	6.35%	4	6.35%	0	0%
Native Hawaiian or Other Pacific Islander Males	0	0%	0	0%	0	0%
Native Hawaiian or Other Pacific Islander Females	0	0%	0	0%	0	0%
American Indian or Alaska Native Male	0	0%	0	0%	0	0%
American Indian or Alaska Native Female	1	1.59%	1	1.59%	0	0%
Two or more Races Male	1	1.59%	1	1.59%	0	0%
Two or More Races Female	0	0%	0	0%	0	0%
Did not Identify	12	19.05%	12	19.05%	1	1.59%
Disability	2	3.17%	2	3.17%	0	0%
Targeted Disability	1	1.59%	1	1.59%	0	0%
No Disability/Not Identified	61	96.83%	61	96.83%	1	1.59%

### **Investigative Analyst (Series 1805)**

The FMC issued two (2) vacancy announcements for series 1805 Investigative Analyst positions. The FMC received sixty-six (66) total applications for these positions. Of the 66 applicants, 49 (74.24%) were listed as qualified and 3 (6.12%) selections were made from those deemed qualified. Below, see the demographics of the applicants who applied.

<b>2 Vacancy Announcements</b>		<b>Internal Competitive</b>	<b>New Hires</b>
<b>66</b>	TOTAL APPLICATIONS	66	0
<b>49</b>	TOTAL QUALIFIED	49	0
<b>49</b>	TOTAL APPLICATIONS REFERRED	49	0
<b>3</b>	TOTAL SELECTIONS	3	0

<b>EEO Group</b>	<b>Qualified Applicants (49 Applicants)</b>		<b>Referred Applicants (49 Applicants)</b>		<b>Selected (3 Applicants)</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
Hispanic or Latino Male	0	0%	0	0%	0	0%
Hispanic or Latino Female	4	8.16%	4	8.16%	0	0%
White Male	7	14.29%	7	14.29%	0	0%
White Female	1	2.04%	1	2.04%	0	0%
Black or African American Male	6	12.24%	6	12.24%	0	0%
Black or African American Female	12	24.49%	12	24.49%	0	0%
Asian Male	1	2.04%	1	2.04%	0	0%
Asian Female	0	0%	0	0%	0	0%
Native Hawaiian or Other Pacific Islander Males	0	0%	0	0%	0	0%
Native Hawaiian or Other Pacific Islander Females	0	0%	0	0%	0	0%
American Indian or Alaska Native Male	0	0%	0	0%	0	0%
American Indian or Alaska Native Female	1	2.04%	1	2.04%	0	0%
Two or more Races Male	0	0%	0	0%	0	0%
Two or More Races Female	0	0%	0	0%	0	0%
Did not identify	17	34.69%	17	34.69%	3	6.12%
Disability	6	%	6	%	0	0%
Targeted Disability	1	2.04%	1	2.04%	0	0%
No Disability/Not Identified	43	%	43	%	3	6.12%

## Transportation Industry Analyst (Series 2110)

The FMC issued eight (8) vacancy announcements for series 2110 Transportation Industry Analyst positions. The FMC received 105 total applications for this position. Of the 105 applicants, 27 (25.71%) were listed as qualified and 4 (14.81%) selections were made from those deemed qualified. Below, see the demographics of the applicants who applied.

8 Vacancy Announcements		Internal Competitive	New Hires
105	TOTAL APPLICATIONS	48	57
27	TOTAL QUALIFIED	14	13
17	TOTAL APPLICATIONS REFERRED	8	9
4	TOTAL SELECTIONS	1	3

EEO Group	Qualified (27 Applicants)		Referred (17 Applicants)		Selected ( 4 Applicants)	
	#	%	#	%	#	%
Hispanic or Latino Male	1	3.70%	0	0.00%	0	0.00%
Hispanic or Latino Female	5	18.52%	4	23.53%	1	25.00%
White Male	5	18.52%	2	11.76%	1	25.00%
White Female	1	3.70%	1	5.88%	0	0.00%
Black or African American Male	3	11.11%	2	11.76%	0	0.00%
Black or African American Female	2	7.41%	1	5.88%	0	0.00%
Asian Male	2	7.41%	1	5.88%	0	0.00%
Asian Female	2	7.41%	1	5.88%	0	0.00%
Native Hawaiian or Other Pacific Islander Males	0	0.00%	0	0.00%	0	0.00%
Native Hawaiian or Other Pacific Islander Females	0	0.00%	0	0.00%	0	0.00%
American Indian or Alaska Native Male	0	0.00%	0	0.00%	0	0.00%
American Indian or Alaska Native Female	0	0.00%	0	0.00%	0	0.00%
Two or more Races Male	0	0.00%	0	0.00%	0	0.00%
Two or More Races Female	0	0.00%	0	0.00%	0	0.00%
Disability	1	3.70%	0	0.00%	0	0.00%
Targeted Disability	0	0.00%	0	0.00%	0	0.00%
No Disability/Not Identified	26	96.30%	17	100%	4	100%

## Applicant Flow Data for Persons with Disabilities/Targeted Disability

The FMC received a total of 1,973 applications for fifty-seven advertised vacancies in FY 2023. Of those applications, 199 (10.09%) applicants self-identified as having a disability. Of the thirty-five (35) selections, two (5.71%) applicants self-identified as having a disability. No selected applicants identified a targeted disability. In exploring these triggers, the FMC will review recruiting sources and continue to encourage hiring managers' use of Schedule A hiring authority. The Schedule A hiring authority and the FMC's reasonable accommodation/personal assistance services policy were detailed in each vacancy announcement. Below is a breakdown of applicant data for PWD/PWTD.

EEO Group	Total (1973 Applicants)	Qualified (1128 Applicants)	Referred (732 Applicants)	Selected (35 Applicants)
No Disability/Not Identified	1774	1023	651	33
Disability <sup>2</sup>	199	105	81	2
Targeted Disability	91	45	38	0

## Career Ladder Promotions

A review of the FMC's non-competitive promotions reflects that of the 123 permanent employees, 20 employees were eligible for promotion. Nineteen (19) employees (95%) of the eligible permanent workforce were promoted. Of those 19 employees: 10 males (52.63%) and 9 females (47.37%) received a career ladder promotion. The demographics for those promotions are:

EEO Group	Promoted	
	#	%
Hispanic or Latino Male	0	0.00%
Hispanic or Latino Female	0	0.00%
White Male	5	26.32%
White Female	4	21.05%
Black or African American Male	3	15.79%
Black or African American Female	5	26.32%
Asian Male	1	5.26%
Asian Female	0	0.00%
Native Hawaiian or Other Pacific Islander Males	0	0.00%
Native Hawaiian or Other Pacific Islander Females	0	0.00%
American Indian or Alaska Native Male	0	0.00%
American Indian or Alaska Native Female	0	0.00%

<sup>2</sup>The Disability category includes individuals with targeted disabilities.



Two or more Races Male	1	5.26%
Two or More Races Female	0	0.00%
Disability	7	36.84%
Targeted Disability	0	0.00%
No Disability/Not Identified	12	63.16%

## Separations

The FMC monitors separation rates to gain insights into management efficiency, training effectiveness and employee satisfaction. In FY 2023, the FMC lost twenty (20) employees from its permanent workforce. Of the twenty (20) total permanent employee separations, all were voluntary. There were no removals in FY 2023. One Hispanic male and two White males separated via resignation. Three White males and one Black male separated by retirement and four White males, seven White females and two Asian females separated by other (unspecified) means.

Disabled employees separated as follows: One (1) disabled employee and two (2) non-disabled employees separated via resignation. The disabled employee had a targeted disability. Four (4) non-disabled employees separated by retirement. Twelve non-disabled employees and one disabled employee separated by other voluntary (unspecified) means.

Separations (Permanent Workforce)								
EEO Group	Removals (0)		Resignations (3)		Retirement (4)		Other Voluntary (13)	
	#	%	#	%	#	%	#	%
Hispanic or Latino Male	0	0.00%	1	33.34%	0	0.00%	0	0.00%
White Male	0	0.00%	2	66.67%	3	75%	4	30.77%
White Female	0	0.00%	0	0.00%	0	0.00%	7	53.85%
Black or African American Male	0	0.00%	0	0.00%	1	25%	0	0.00%
Asian Female	0	0.00%	0	0.00%	0	0.00%	2	15.39%
Disability	0	0.00%	1	33.34%	0	0.00%	1	7.70%
Targeted Disability	0	0.00%	1	33.34%	0	0.00%	0	0.00%
No Disability/Not Identified	0	0.00%	2	66.67%	4	100%	12	92.30%

EEOC FORM 715-02 PART E.4	<b><i>U.S. Equal Employment Opportunity Commission</i></b> <b>FEDERAL AGENCY ANNUAL</b> <b>EEO PROGRAM STATUS REPORT</b>
<b>Federal Maritime Commission</b>	<i>For the Period Covering</i> <b>October 1, 2022 to September 30, 2023</b>

<b>Part E: EXECUTIVE SUMMARY</b>
<b>PART E.4 ACCOMPLISHMENTS</b>

**Action Plans Implemented**

In FY 2023, the FMC continued implementation of several actions and accomplishments in the areas of EEO, diversity and inclusion, and leadership development, including, but not limited to, the accomplishments listed below.

*Leadership Commitment to EEO*

All managers and supervisors are expected to adhere to EEO principles. By way of the Chairman’s annual statement on EEO and Diversity Policy, the Commission reiterates its commitment to equal opportunity in employment. This policy statement expresses the FMC’s continuing commitment to provide a workplace that is free from all forms of discrimination, harassment, and retaliation. The statement also states that FMC leadership, managers, supervisors, and staff will be held accountable for maintaining a work environment that adheres to the highest standards of diversity, inclusion, and equal employment opportunity. Further, the statement promises to continue to strengthen the agency’s efforts to attract, hire, and retain individuals with disabilities using special hiring authorities and by providing reasonable accommodations to qualified individuals with disabilities and ensuring that applicants for employment and existing employees with disabilities are treated with respect and fairness.

*Periodic Training for Supervisors and Hiring Officials Related to the Hiring, Promotion, and Reasonable Accommodation of Individuals with Disabilities*

The FMC provides training to all managers on Schedule A hiring authority and Reasonable Accommodation (RA) to ensure their awareness of their role in hiring and retaining employees with temporary or permanent disabilities.

The FMC will continue to provide training to supervisors and hiring officials to ensure that they are aware of their responsibilities regarding hiring and supervising employees with disabilities. The training will cover restrictions on questions related to medical information, Schedule A hiring authorities, the FMC’s disability accommodation procedures/personal assistance services, overlap between the Family Medical Leave Act and the Rehabilitation Act of 1973, and confidentiality requirements.

In addition, the Office of Human Resources encouraged managers to take affirmative steps

to recruit, hire, train, and promote employees from diverse backgrounds.

### Accommodating Individuals with Disabilities

The FMC posts reasonable accommodation procedures on its intranet and internet sites. All employees are made aware of the procedures and their rights concerning reasonable accommodation requests. The FMC processes all accommodation requests within the time frame set forth in its reasonable accommodation procedures.

### Outreach, Recruitment and Retention of Diverse Talent

In FY 2023, the FMC took several affirmative steps to seek diversity in the workforce by:

- Engaging FMC staff from offices across the Commission in workforce special observance efforts, and
- Partnering with professional associations, educational organizations, and institutions to inform diverse professionals and students about FMC career and internship opportunities.

### Employee Engagement

All employees are encouraged to participate in special observance events at the FMC. The FMC's special emphasis programs have been well received and have promoted engagement in the virtual environment.

Through investment in employee development, the FMC has continued to adapt to new challenges post-pandemic and other disruptions to the workplace, as well as to the transportation industry. To support our workforce, the FMC continues workplace initiatives, including telework scheduling flexibilities. These flexibilities continue to have a positive impact on the workforce and increase inclusion for our disabled employees and employees with caregiving responsibilities.

Based on FMC's [2023 FEVS results](#), the Commission continues to serve as a model federal agency. For the 8th year in a row, we have no items identified as "Challenges" (items rated 35% or more negative are considered a challenge). We saw our biggest jump in the questions, "Considering everything, how satisfied are you with your pay" and "Employees in my work unit make me feel I belong," which both saw a 4% increase in positive responses from the prior year. The top three responses in the 2023 survey include:

- "It is important to me that my work contribute to the common good." (96%)
- "I am held accountable for the quality of work I produce." (94%)
- "Employees in my work unit contribute positively to my agency's performance." (90%)

OPM uses the Employee Engagement Index (EEI) to measure factors that lead to an engaged workforce, such as supporting employee development and communicating agency goals. This EEI is an average of 15 questions from the FEVS, with questions divided into three subcategories: Leaders Lead, Supervisors, and Intrinsic Work Experience. This year, the overall EEI reflected the following:

- 71% in Employee Engagement (76% in 2022) - Conditions that lead to engaged

employees.

- 79% on Supervisors (84% in 2022) - The interpersonal relationship between worker and supervisor, including trust, respect, and support.
- 73% on Intrinsic Work Experiences (76% in 2022) – Employees’ feelings of motivation and competency relating to their role in the workplace.
- 60% on Leaders Lead (70% in 2022) - Perceptions of leadership integrity and behaviors, such as communication and workforce motivation.

For the FY 2023 FEVS cycle, the FMC had a survey response rate of 66.9%. Of the 128 employees onboard, 118 employees were eligible to receive a survey, and 79 employees responded.

### Training and Leadership Development

The FMC provided numerous opportunities for employees to acquire the skills and certifications needed to succeed in their positions and to progress in their careers. The FMC provided virtual and e-Learning programs and offered an extensive array of learning opportunities in various areas (e.g., business writing) as well as in leadership development to FMC senior leaders and non-supervisory staff. The FMC also provides free learning opportunities to all levels of staff through membership in the Small Agency Council for Training.

In FY 2023, the FMC conducted a 3-month Coaching and Mentorship Pilot Program to provide external supervisory coaching to 6 first-line supervisors in the agency. The pilot was to determine whether to implement a full non-competitive coaching and mentorship program with the agency for all supervisors to utilize. Based on the successful outcome of this pilot, the agency approved further implementation of the program in FY 2023 and has offered two 6-month cohorts for supervisors to attend in FY 2024.

During FY 2023, EEO Office staff participated in mandatory EEO Counseling Refresher training, Barrier Analysis training, Examining Conflicts in Employment Law (EXCEL) training conference, as well as the Blacks in Government National Training Conference. Additionally, the DEIA program staff completed the Cornell University Diversity and Inclusion Certificate Program.

### Career Development Programs

In FY 2023, FMC employees took job-related training programs and on-the job training and as noted above, employees acquired skills and certifications needed to succeed in their positions and progress in their careers, however, the agency does not have an agency-wide career development program that is competed broadly.

In FY 2023, FMC implemented its SES Development Program. Interested employees were required to provide an SES Development Program Application, a current resume, a recommendation provided by their supervisor, response to the essay question identified in the announcement and their most recent performance appraisal when submitting their application to the program. Candidates also participated in an interview with the Executive Resources Board (ERB) to demonstrate their experience with the SES fundamental competencies.

EEOC FORM 715-02 PART E.5	<b><i>U.S. Equal Employment Opportunity Commission</i></b> <b>FEDERAL AGENCY ANNUAL          EEO PROGRAM STATUS REPORT</b>	
<b>Federal Maritime Commission</b>	<i>For the Period Covering          October 1, 2022 to September 30, 2023</i>	

<b>Part E: EXECUTIVE SUMMARY</b>
<b>PART E.5          BARRIER ANALYSIS &amp; PLANNED ACTIVITIES</b>

*FY 2024 Planned Activities*

- Review quarterly applicant flow data.
- Review progress in implementation of FY 2020-2023 planned activities.
- Continue to encourage managers to take affirmative steps to recruit, hire, train, and promote employees from diverse backgrounds.
- Continue and establish additional partnerships with professional and educational partners.
- Continue to investigate triggers and explore additional sources of data to inform barrier analysis.
- Continue to enhance agency knowledge of effective barrier analysis, including participating in EEOC training and other training opportunities.
- Establish additional recruitment sources to expand outreach to underserved groups and groups with low participation in FMC workforce and applicant data.

EEOC FORM 715-02 PART F	<b>U.S. Equal Employment Opportunity Commission</b> <b>FEDERAL AGENCY ANNUAL</b> <b>EEO PROGRAM STATUS REPORT</b>
Federal Maritime Commission	<i>For the Period Covering</i> <b>October 1, 2022 to September 30, 2023</b>



**MD-715 – Part F**  
**CERTIFICATION of ESTABLISHMENT of CONTINUING EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS**

I, Camella M. Woodham, am the Principal EEO Director/Official, GS-0260-15, for the Federal Maritime Commission.

The Agency has conducted an annual self-assessment of Section 717 and Section 501 programs against the essential elements as prescribed by EEO MD-715. If an essential element was not fully compliant with the standards of EEO MD-715, a further evaluation was conducted and, as appropriate, EEO Plans for Attaining the Essential Elements of a Model EEO Program, are included with this Federal Agency Annual EEO Program Status Report.

The Agency has also analyzed its workforce profiles and conducted barrier analyses aimed at detecting whether any management or personnel policy, procedure or practice is operating to disadvantage any group based on race, national origin, gender, or disability. EEO Plans to Eliminate Identified Barriers, as appropriate, are included with this Federal Agency Annual EEO Program Status Report.

I certify that proper documentation of this assessment is in place and is being maintained for EEOC review upon request.





<b>Camella Woodham</b> 	Digitally signed by Camella Woodham Date: 2024.08.29 09:06:02 -04'00'	08/29/2024
<i>Camella M. Woodham, EEO Director, Federal Maritime Commission (Signature certifies that this Federal Agency Annual EEO Program Status Report is in compliance with EEO MD-715.)</i>		Date
	Digitally signed by DANIEL MAFFEI Date: 2024.08.28 16:05:14 -04'00'	08/28/2024
<i>Daniel B. Maffei, Chairman, Federal Maritime Commission</i>		Date

Federal Maritime Commission




For period covering October 1, 2022 to September 30, 2023

**AGENCY SELF ASSESSMENT CHECKLIST – Part G**

**Essential Element A: Demonstrated Commitment From Agency Leadership**





 <b>Compliance Indicator</b>  <b>Measures</b>	<b>A.1 – The agency issues an effective, up-to-date EEO policy statement.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>A.1.a</b>	Does the agency annually issue a signed and dated EEO policy statement on agency letterhead that clearly communicates the agency’s commitment to EEO for all employees and applicants? If “yes”, please provide the annual issuance date in the comments column. [see MD-715, II(A)]	Yes	FY 2023 statement was signed May 3, 2023, and posted May 8, 2023.
<b>A.1.b</b>	Does the EEO policy statement address all protected bases (age, color, disability, sex (including pregnancy, sexual orientation and gender identity), genetic information, national origin, race, religion, and reprisal) contained in the laws EEOC enforces? [see 29 CFR § 1614.101(a)]	Yes	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>A.2 – The agency has communicated EEO policies and procedures to all employees.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>A.2.a</b>	Does the agency disseminate the following policies and procedures to all employees:		
<b>A.2.a.1</b>	Anti-harassment policy? [see MD 715, II(A)]	Yes	
<b>A.2.a.2</b>	Reasonable accommodation procedures? [see 29 C.F.R § 1614.203(d)(3)]	Yes	
<b>A.2.b</b>	Does the agency prominently post the following information throughout the workplace and on its public website:		
<b>A.2.b.1</b>	The business contact information for its EEO Counselors, EEO Officers, Special Emphasis Program Managers, and EEO Director? [see 29 C.F.R § 1614.102(b)(7)]	Yes	
<b>A.2.b.2</b>	Written materials concerning the EEO program, laws, policy statements, and the operation of the EEO complaint process? [see 29 C.F.R § 1614.102(b)(5)]	Yes	
<b>A.2.b.3</b>	Reasonable accommodation procedures? [see 29 C.F.R. § 1614.203(d)(3)(i)] If so, please provide the internet address in the comments column.	Yes	<a href="https://www.fmc.gov">Reasonable Accommodation &amp; Personal Assistance Services Policy and Procedures (fmc.gov)</a>
<b>A.2.c</b>	Does the agency inform its employees about the following topics:		
<b>A.2.c.1</b>	EEO complaint process? [see 29 CFR §§ 1614.102(a)(12) and 1614.102(b)(5)] If “yes”, please provide how often.	Yes	Annual
<b>A.2.c.2</b>	ADR process? [see MD-110, Ch. 3(II)(C)] If “yes”,	Yes	Annual







	please provide how often.		
<b>A.2.c.3</b>	Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If "yes", please provide how often.	Yes	Annual
<b>A.2.c.4</b>	Anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1] If "yes", please provide how often.	Yes	Annual
<b>A.2.c.5</b>	Behaviors that are inappropriate in the workplace and could result in disciplinary action? [5 CFR § 2635.101(b)] If "yes", please provide how often.	Yes	Annual
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>A.3 – The agency assesses and ensures EEO principles are part of its culture.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>A.3.a</b>	Does the agency provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in equal employment opportunity? [see 29 CFR § 1614.102(a) (9)] If "yes", provide one or two examples in the comments section. 	Yes	The FMC's Commission Order 62 (CO-62), <i>Performance and Incentive Awards</i> , includes an award category for Equal Employment Opportunity Achievement.
	This award recognizes outstanding contributions to federal or non-federal activities that promote EEO. Some examples of achievements that may merit recognition are: participation in activities within or outside of the Commission that foster EEO in the government that have achieved positive results; promoting and/or participating in skills development activities and on-the-job training to qualify minority group members and women for higher-level positions; providing upward mobility for lower-grade and underutilized employees as evidenced through promotion; creating new job opportunities for the underutilized, handicapped, or disadvantaged; providing outstanding leadership and participation in recruitment, placement, and training activities within or outside the FMC that effectively foster EEO in Government; providing outstanding leadership in the development and implementation of an EEO action plan or activity that leads to innovation or changes and improvements in the Commission's EEO Program; providing sound guidance or counseling and prompt, effective resolution of employee discrimination complaints; or outstanding contributions made to community or cultural activities that foster EEO, such as economic opportunity programs and improvements of housing, transportation, education, and childcare facilities.		
<b>A.3.b</b>	Does the agency utilize the Federal Employee Viewpoint Survey or other climate assessment tools to monitor the perception of EEO principles within the workforce? [see 5 CFR Part 250]	Yes	







**Essential Element B: INTEGRATION OF EEO INTO THE AGENCY’S STRATEGIC MISSION**  
**This element requires that the agency’s EEO programs are structured to maintain a workplace that is free from discrimination and support the agency’s strategic mission.**

 <b>Compliance Indicator</b>  <b>Measures</b>	<b>B.1 - The reporting structure for the EEO program provides the principal EEO official with appropriate authority and resources to effectively carry out a successful EEO program.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>B.1.a</b>	Is the agency head the immediate supervisor of the person (“EEO Director”) who has day-to-day control over the EEO office? [see 29 CFR §1614.102(b)(4)]	Yes	
<b>B.1.a.1</b>	If the EEO Director does not report to the agency head, does the EEO Director report to the same agency head designee as the mission-related programmatic offices? If “yes,” please provide the title of the agency head designee in the comments.	NA	
<b>B.1.a.2</b>	Does the agency’s organizational chart clearly define the reporting structure for the EEO office? [see 29 CFR §1614.102(b)(4)]	Yes	
<b>B.1.b</b>	Does the EEO Director have a regular and effective means of advising the agency head and other senior management officials of the effectiveness, efficiency and legal compliance of the agency’s EEO program? [see 29 CFR §1614.102(c)(1); MD-715 Instructions, Sec. I]	Yes	
<b>B.1.c</b>	During this reporting period, did the EEO Director present to the head of the agency, and other senior management officials, the "State of the agency" briefing covering the six essential elements of the model EEO program and the status of the barrier analysis process? [see MD-715 Instructions, Sec. I)] If “yes”, please provide the date of the briefing in the comments column.	Yes	The EEO Director conducts briefings for the Chairman, addressing the status of the EEO program. The following briefings were conducted for FY 2023: 11/30/2022, 2/15/2023, 6/14/2023.
<b>B.1.d</b>	<p>Does the EEO Director regularly participate in senior-level staff meetings concerning personnel, budget, technology, and other workforce issues? [see MD-715, II(B)].</p> <p>Additionally, the EEO Director attends the Supervisory Team meetings. The Senior Executive Service members also meet separately. The SES meetings focus on execution of policy and programmatic matters.</p> <p>To ensure that the EEO Director will continue to be consulted and have appropriate input into personnel, budget, information technology, and other workforce issues, as a small agency, the EEO Director has direct access and works closely with directors or the staff of all agency offices, including the Office of Human Resources, Office of Management Services, Office of Budget and Finance, and Office of Information Technology. At the EEO Director’s discretion, considering the relevancy of topics slated for discussion and upon balancing competing priorities in the EEO program, the EEO Director decides whether attendance during any particular management meeting is appropriate.</p>	Yes	<p>OEEEO is consulted and provides input to personnel, budget, technology, and other workforce issues. OEEEO is also invited to brief senior staff periodically.</p>
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>B.2 – The EEO Director controls all aspects of the EEO program.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>



<b>B.2.a</b>	Is the EEO Director responsible for the implementation of a continuing affirmative employment program to promote EEO and to identify and eliminate discriminatory policies, procedures, and practices? [see MD-110, Ch. 1(III)(A); 29 CFR §1614.102(c)]	Yes	
<b>B.2.b</b>	Is the EEO Director responsible for overseeing the completion of EEO counseling [see 29 CFR §1614.102(c)(4)]	Yes	
<b>B.2.c</b>	Is the EEO Director responsible for overseeing the fair and thorough investigation of EEO complaints? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]	Yes	
<b>B.2.d</b>	Is the EEO Director responsible for overseeing the timely issuance of final agency decisions? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]	Yes	
<b>B.2.e</b>	Is the EEO Director responsible for ensuring compliance with EEOC orders? [see 29 CFR §§ 1614.102(e); 1614.502]	Yes	
<b>B.2.f</b>	Is the EEO Director responsible for periodically evaluating the entire EEO program and providing recommendations for improvement to the agency head? [see 29 CFR §1614.102(c)(2)]	Yes	
<b>B.2.g</b>	If the agency has subordinate level components, does the EEO Director provide effective guidance and coordination for the components? [see 29 CFR §§ 1614.102(c)(2) and (c)(3)]	NA	No subordinate level components
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>B.3 - The EEO Director and other EEO professional staff are involved in, and consulted on, management/personnel actions.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>B.3.a</b>	Do EEO program officials participate in agency meetings regarding workforce changes that might impact EEO issues, including strategic planning, recruitment strategies, vacancy projections, succession planning, and selections for training/career development opportunities? [see MD-715, II(B)]	Yes	
<b>B.3.b</b>	Does the agency's current strategic plan reference EEO/diversity and inclusion principles? [see MD-715, II(B)] If "yes", please identify the EEO principles in the strategic plan in the comments column.	Yes	Per FMC FY 2022-2026 Strategic Plan:  "The Commission's ability to carry out its mission and serve its customers depends on having a well-trained, highly skilled, and flexible workforce. The FMC is committed to the principles of diversity and the implementation of policies and objectives to enhance the Commission's workforce. The Commission's Office of Equal Employment Opportunity, along with senior leaders, effectively carries out this commitment."



 Compliance Indicator  Measures	<b>B.4 - The agency has sufficient budget and staffing to support the success of its EEO program.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>B.4.a</b>	Pursuant to 29 CFR §1614.102(a)(1), has the agency allocated sufficient funding and qualified staffing to successfully implement the EEO program, for the following areas:		
<b>B.4.a.1</b>	to conduct a self-assessment of the agency for possible program deficiencies? [see MD-715, II(D)]	Yes	
<b>B.4.a.2</b>	to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)]	Yes	
<b>B.4.a.3</b>	to timely, thoroughly, and fairly process EEO complaints, including EEO counseling, investigations, final agency decisions, and legal sufficiency reviews? [see 29 CFR § 1614.102(c)(5) & 1614.105(b) – (f); MD-110, Ch. 1(IV)(D) & 5(IV); MD-715, II(E)]	Yes	
<b>B.4.a.4</b>	to provide all supervisors and employees with training on the EEO program, including but not limited to retaliation, harassment, religious accommodations, disability accommodations, the EEO complaint process, and ADR? [see MD-715, II(B) and III(C)] If not, please identify the type(s) of training with insufficient funding in the comments column.	Yes	
<b>B.4.a.5</b>	to conduct thorough, accurate, and effective field audits of the EEO programs in components and the field offices, if applicable? [see 29 CFR §1614.102(c)(2)]	Yes	
<b>B.4.a.6</b>	to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures)? [see MD-715, II(B)]	Yes	
<b>B.4.a.7</b>	to maintain accurate data collection and tracking systems for the following types of data: complaint tracking, workforce demographics, and applicant flow data? [see MD-715, II(E)]. If not, please identify the systems with insufficient funding in the comments section.	Yes	
<b>B.4.a.8</b>	to effectively administer its special emphasis programs (such as, Federal Women's Program, Hispanic Employment Program, and People with Disabilities Program Manager)? [5 USC § 7201; 38 USC § 4214; 5 CFR § 720.204; 5 CFR § 213.3102(t) and (u); 5 CFR § 315.709]	Yes	
<b>B.4.a.9</b>	to effectively manage its anti-harassment program? [see MD- 715 Instructions, Sec. I); EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]	Yes	
<b>B.4.a.10</b>	to effectively manage its reasonable accommodation program? [see 29 CFR § 1614.203(d)(4)(ii)]	Yes	
<b>B.4.a.11</b>	to ensure timely and complete compliance with EEOC orders? [see MD-715, II(E)]	Yes	

<b>B.4.b</b>	Does the EEO office have a budget that is separate from other offices within the agency? [see 29 CFR § 1614.102(a)(1)]	No	As a small agency, the FMC does not have a separate budget for program offices, except for the Office of the Inspector General. The FMC's Office of Equal Employment Opportunity's resources are included in the Commission's singular budget operating program fund. Individual office expenditures are determined by the Director, OEEEO, as necessary.
<b>B.4.c</b>	Are the duties and responsibilities of EEO officials clearly defined? [see MD-110, Ch. 1(III)(A), 2(III), & 6(III)]	Yes	
<b>B.4.d</b>	Does the agency ensure that all new counselors and investigators, including contractors and collateral duty employees, receive the required 32 hours of training, pursuant to Ch. 2(II)(A) of MD-110?	Yes	
<b>B.4.e</b>	Does the agency ensure that all experienced counselors and investigators, including contractors and collateral duty employees, receive the required 8 hours of annual refresher training, pursuant to Ch. 2(II)(C) of MD-110?	Yes	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>B.5 – The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>B.5.a</b>	Pursuant to 29 CFR § 1614.102(a)(5), have all managers and supervisors received training on their responsibilities under the following areas under the agency EEO program:		
<b>B.5.a.1</b>	EEO Complaint Process? [see MD-715(II)(B)]	Yes	
<b>B.5.a.2</b>	Reasonable Accommodation Procedures? [see 29 C.F.R. § 1614.102(d)(3)]	Yes	
<b>B.5.a.3</b>	Anti-Harassment Policy? [see MD-715(II)(B)]	Yes	
<b>B.5.a.4</b>	Supervisory, managerial, communication, and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications? [see MD-715, II(B)]	Yes	
<b>B.5.a.5</b>	ADR, with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR? [see MD-715(II)(E)]	Yes	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>B.6 – The agency involves managers in the implementation of its EEO program.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>B.6.a</b>	Are senior managers involved in the implementation of Special Emphasis Programs? [see MD-715 Instructions, Sec. I]	Yes	

<b>B.6.b</b>	Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]	Yes	
<b>B.6.c</b>	When barriers are identified, do senior managers assist in developing agency EEO action plans (Part I, Part J, or the Executive Summary)? [see MD-715 Instructions, Sec. I]	Yes	
<b>B.6.d</b>	Do senior managers successfully implement EEO Action Plans and incorporate the EEO Action Plan Objectives into agency strategic plans? [29 CFR § 1614.102(a)(5)]	Yes	





**Essential Element C: MANAGEMENT AND PROGRAM ACCOUNTABILITY**  
**This element requires the agency head to hold all managers, supervisors, and EEO officials responsible for the effective implementation of the agency’s EEO Program and Plan.**





 Compliance Indicator		Measure Met? (Yes/No/NA)	Comments
 Measures			
<b>C.1</b>	<b>The agency conducts regular internal audits of its component and field offices.</b>		
<b>C.1.a</b>	Does the agency regularly assess its component and field offices for possible EEO program deficiencies? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.	Yes	There are no subordinate level components. Field offices are included as part of the overall agency annual EEO Program Status Report.
<b>C.1.b</b>	Does the agency regularly assess its component and field offices on their efforts to remove barriers from the workplace? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.	Yes	There are no subordinate level components. Field offices are included as part of the overall agency annual EEO Program Status Report.
<b>C.1.c</b>	Do the component and field offices make reasonable efforts to comply with the recommendations of the field audit? [see MD-715, II(C)]	Yes	There are no subordinate level components. Field offices comply with recommendations.

 Compliance Indicator		Measure Met? (Yes/No/NA)	Comments
 Measures			
<b>C.2</b>	<b>The agency has established procedures to prevent all forms of EEO discrimination.</b>		
<b>C.2.a</b>	Has the agency established comprehensive anti-harassment policy and procedures that comply with EEOC’s enforcement guidance? [see MD-715, II(C); Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]	Yes	
<b>C.2.a.1</b>	Does the anti-harassment policy require corrective action to prevent or eliminate conduct before it rises to the level of unlawful harassment? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]	Yes	

<b>C.2.a.2</b>	Has the agency established a firewall between the Anti-Harassment Coordinator and the EEO Director? [see EEOC Report, Model EEO Program Must Have an Effective Anti-Harassment Program (2006)]	Yes	
<b>C.2.a.3</b>	Does the agency have a separate procedure (outside the EEO complaint process) to address harassment allegations? [see Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]	Yes	
<b>C.2.a.4</b>	Does the agency ensure that the EEO office informs the anti-harassment program of all EEO counseling activity alleging harassment? [see Enforcement Guidance, V.C.]	Yes	
<b>C.2.a.5</b>	Does the agency conduct a prompt inquiry (beginning within 10 days of notification) of all harassment allegations, including those initially raised in the EEO complaint process? [see <u>Complainant v. Dep't of Veterans Affairs</u> , EEOC Appeal No. 0120123232 (May 21, 2015); <u>Complainant v. Dep't of Defense (Defense Commissary Agency)</u> , EEOC Appeal No. 0120130331 (May 29, 2015)] If "no", please provide the percentage of timely-processed inquiries in the comments column.	Yes	
<b>C.2.a.6</b>	Do the agency's training materials on its anti-harassment policy include examples of disability-based harassment? [see 29 CFR 1614.203(d)(2)]	Yes	
<b>C.2.b</b>	Has the agency established disability reasonable accommodation procedures that comply with EEOC's regulations and guidance? [see 29 CFR 1614.203(d)(3)]	Yes	
<b>C.2.b.1</b>	Is there a designated agency official or other mechanism in place to coordinate or assist with processing requests for disability accommodations throughout the agency? [see 29 CFR 1614.203(d)(3)(D)]	Yes	
<b>C.2.b.2</b>	Has the agency established a firewall between the Reasonable Accommodation Program Manager and the EEO Director? [see MD-110, Ch. 1(IV)(A)]	Yes	
<b>C.2.b.3</b>	Does the agency ensure that job applicants can request and receive reasonable accommodations during the application and placement processes? [see 29 CFR 1614.203(d)(1)(ii)(B)]	Yes	
<b>C.2.b.4</b>	Do the reasonable accommodation procedures clearly state that the agency should process the request within a maximum amount of time (e.g., 20 business days), as established by the agency in its affirmative action plan? [see 29 CFR 1614.203(d)(3)(i)(M)]	Yes	
<b>C.2.b.5</b>	Does the agency process all accommodation requests within the time frame set forth in its reasonable accommodation procedures? [see MD-715, II(C)] If "no", please provide the percentage of timely-processed requests in the comments column.	Yes	
<b>C.2.c</b>	Has the agency established procedures for processing requests for personal assistance services that comply with EEOC's regulations, enforcement guidance, and other applicable executive orders, guidance, and standards? [see 29 CFR 1614.203(d)(6)]	Yes	
<b>C.2.c.1</b>	Does the agency post its procedures for processing requests for Personal Assistance Services on its public website? [see 29 CFR § 1614.203(d)(5)(v)] If "yes", please provide the internet address in the comments column.	Yes	<a href="http://www.fmc.gov">Reasonable Accommodation &amp; Personal Assistance Services Policy and Procedures (fmc.gov)</a>





 <b>Compliance Indicator</b>  <b>Measures</b>	<b>C.3 - The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>C.3.a</b>	Pursuant to 29 CFR §1614.102(a)(5), do all managers and supervisors have an element in their performance appraisal that evaluates their commitment to agency EEO policies and principles and their participation in the EEO program?	Yes	
<b>C.3.b</b>	Does the agency require rating officials to evaluate the performance of managers and supervisors based on the following activities:		
<b>C.3.b.1</b>	Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see MD-110, Ch. 3.I]	Yes	
<b>C.3.b.2</b>	Ensure full cooperation of employees under his/her supervision with EEO officials, such as counselors and investigators? [see 29 CFR §1614.102(b)(6)]	Yes	
<b>C.3.b.3</b>	Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see MD-715, II(C)]	Yes	
<b>C.3.b.4</b>	Ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees? [see MD- 715 Instructions, Sec. I]	Yes	
<b>C.3.b.5</b>	Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]	Yes	
<b>C.3.b.6</b>	Provide disability accommodations when such accommodations do not cause an undue hardship? [ see 29 CFR §1614.102(a)(8)]	Yes	
<b>C.3.b.7</b>	Support the EEO program in identifying and removing barriers to equal opportunity. [see MD-715, II(C)]	Yes	
<b>C.3.b.8</b>	Support the anti-harassment program in investigating and correcting harassing conduct. [see Enforcement Guidance, V.C.2]	Yes	
<b>C.3.b.9</b>	Comply 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? [see MD-715, II(C)]	Yes	
<b>C.3.c</b>	Does the EEO Director recommend to the agency head improvements or corrections, including remedial or disciplinary actions, for managers and supervisors who have failed in their EEO responsibilities? [see 29 CFR §1614.102(c)(2)]	Yes	
<b>C.3.d</b>	When the EEO Director recommends remedial or disciplinary actions, are the recommendations regularly implemented by the agency? [see 29 CFR §1614.102(c)(2)]	Yes	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>C.4 – The agency ensures effective coordination between its EEO programs and Human Resources (HR) program.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>C.4.a</b>	Do the HR Director and the EEO Director meet regularly to assess whether personnel programs, policies, and procedures conform to EEOC laws, instructions, and management directives? [see 29 CFR §1614.102(a)(2)]	Yes	



<b>C.4.b</b>	Has the agency established timetables/schedules to review at regular intervals its merit promotion program, employee recognition awards program, employee development/training programs, and management/personnel policies, procedures, and practices for systemic barriers that may be impeding full participation in the program by all EEO groups? [see MD-715 Instructions, Sec. I]	Yes	
<b>C.4.c</b>	Does the EEO office have timely access to accurate and complete data (e.g., demographic data for workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables? [see 29 CFR §1614.601(a)]	Yes	
<b>C.4.d</b>	Does the HR office timely provide the EEO office with access to other data (e.g., exit interview data, climate assessment surveys, and grievance data), upon request? [see MD-715, Yes II(C)]	Yes	
<b>C.4.e</b>	Pursuant to Section II(C) of MD-715, does the EEO office collaborate with the HR office to:		
<b>C.4.e.1</b>	Implement the Affirmative Action Plan for Individuals with Disabilities? [see 29 CFR §1614.203(d); MD-715, II(C)]	Yes	
<b>C.4.e.2</b>	Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]	Yes	
<b>C.4.e.3</b>	Develop and/or provide training for managers and employees? [see MD-715, II(C)]	Yes	
<b>C.4.e.4</b>	Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]	Yes	
<b>C.4.e.5</b>	Assist in preparing the MD-715 report? [see MD-715, II(C)]	Yes	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>C.5 – Following a finding of discrimination, the agency explores whether it should take a disciplinary action.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>C.5.a</b>	Does the agency have a disciplinary policy and/or table of penalties that covers discriminatory conduct? [see 29 CFR § 1614.102(a)(6); see also <u>Douglas v. Veterans Administration</u> , 5 MSPR 280 (1981)]	Yes	
<b>C.5.b</b>	When appropriate, does the agency discipline or sanction managers and employees for discriminatory conduct? [see 29 CFR §1614.102(a)(6)] If “yes”, please state the number of disciplined/sanctioned individuals during this reporting period in the comments.	NA	No discipline actions as mentioned were processed in OHR for the time period reported.
<b>C.5.c</b>	If the agency has a finding of discrimination (or settles cases in which a finding was likely), does the agency inform managers and supervisors about the discriminatory conduct? [see MD-715, II(C)]	Yes	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>C.6 – The EEO office advises managers/supervisors on EEO matters.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>











<b>C.6.a</b>	Does the EEO office provide management/supervisory officials with regular EEO updates on at least an annual basis, including EEO complaints, workforce demographics and data summaries, legal updates, barrier analysis plans, and special emphasis updates? [see MD-715 Instructions, Sec. I] If “yes”, please identify the frequency of the EEO updates in the comments column.	Yes	The EEO Director briefs senior leaders at least annually.
<b>C.6.b</b>	Are EEO officials readily available to answer managers’ and supervisors’ questions or concerns? [see MD-715 Instructions, Sec. I]	Yes	





**Essential Element D: PROACTIVE PREVENTION**  
**This element requires that the agency head make early efforts to prevent discrimination and to identify and eliminate barriers to equal employment opportunity.**



 Compliance Indicator		Measure Met? (Yes/No/NA)	Comments
 Measures			
<b>D.1</b>	<b>D.1 – The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year.</b>		
<b>D.1.a</b>	Does the agency have a process for identifying triggers in the workplace? [see MD-715 Instructions, Sec. I]	Yes	
<b>D.1.b</b>	Does the agency regularly use the following sources of information for trigger identification: workforce data; complaint/grievance data; exit surveys; employee climate surveys; focus groups; affinity groups; union; program evaluations; special emphasis programs; reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I]	Yes	
<b>D.1.c</b>	Does the agency conduct exit interviews or surveys that include questions on how the agency could improve the recruitment, hiring, inclusion, retention and advancement of individuals with disabilities? [see 29 CFR 1614.203(d)(1)(iii)(C)]	Yes	The HR Office conducts exit interviews focused on overall retention and employee satisfaction with one general question related to EEO bases. Additionally, OHR provides OPM’s contact information for SES to complete exit surveys.

 Compliance Indicator		Measure Met? (Yes/No/NA)	Comments
 Measures			
<b>D.2</b>	<b>D.2 – The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)</b>		
<b>D.2.a</b>	Does the agency have a process for analyzing the identified triggers to find possible barriers? [see MD-715, (II)(B)]	Yes	
<b>D.2.b</b>	Does the agency regularly examine the impact of management/personnel policies, procedures, and practices by race, national origin, sex, and disability? [see 29 CFR §1614.102(a)(3)]	Yes	
<b>D.2.c</b>	Does the agency consider whether any group of employees or applicants might be negatively impacted prior to making human resource decisions, such as re-organizations and realignments? [see 29 CFR §1614.102(a)(3)]	Yes	



<b>D.2.d</b>	Does the agency regularly review the following sources of information to find barriers: complaint/grievance data, exit surveys, employee climate surveys, focus groups, affinity groups, union, program evaluations, anti-harassment program, special emphasis programs, reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I] If “yes”, please identify the data sources in the comments column.	Yes	Complaint/grievance data, exit surveys, employee climate surveys, affinity groups, program evaluations, anti-harassment program, special emphasis programs, reasonable accommodation program.
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>D.3 – The agency establishes appropriate action plans to remove identified barriers.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>D.3.a.</b>	Does the agency effectively tailor action plans to address the identified barriers, in particular policies, procedures, or practices? [see 29 CFR §1614.102(a)(3)]	Yes	
<b>D.3.b</b>	If the agency identified one or more barriers during the reporting period, did the agency implement a plan in Part I, including meeting the target dates for the planned activities? [see MD-715, II(D)]	NA	
<b>D.3.c</b>	Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]	NA	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>D.4 – The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>D.4.a</b>	Does the agency post its affirmative action plan on its public website? [see 29 CFR 1614.203(d)(4)] Please provide the internet address in the comments.	Yes	<a href="http://www.fmc.gov">Equal Employment Opportunity Rights and Statistics - Federal Maritime Commission (fmc.gov)</a>
<b>D.4.b</b>	Does the agency take specific steps to ensure qualified people with disabilities are aware of and encouraged to apply for job vacancies? [see 29 CFR 1614.203(d)(1)(i)]	Yes	
<b>D.4.c</b>	Does the agency ensure that disability-related questions from members of the public are answered promptly and correctly? [see 29 CFR 1614.203(d)(1)(ii)(A)]	Yes	
<b>D.4.d</b>	Has the agency taken specific steps that are reasonably designed to increase the number of persons with disabilities or targeted disabilities employed at the agency until it meets the goals? [see 29 CFR 1614.203(d)(7)(ii)]	Yes	
<b>Essential Element E: EFFICIENCY</b>			
<b>This element requires the agency head to ensure that there are effective systems for evaluating the impact and effectiveness of the agency’s EEO programs and an efficient and fair dispute resolution process.</b>			
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>E.1 - The agency maintains an efficient, fair, and impartial complaint resolution process.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>E.1.a</b>	Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105?	Yes	
<b>E.1.b</b>	Does the agency provide written notification of rights and responsibilities in the EEO process during the initial counseling session, pursuant to 29 CFR §1614.105(b)(1)?	Yes	



<b>E.1.c</b>	Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch.5(I)?	NA	
<b>E.1.d</b>	Does the agency issue acceptance letters/dismissal decisions within a reasonable time (e.g., 60 days) after receipt of the written EEO Counselor report, pursuant to MD-110, Ch. 5(I)? If so, please provide the average processing time in the comments.	Yes	
<b>E.1.e</b>	Does the agency ensure all employees fully cooperate with EEO counselors and EEO personnel in the EEO process, including granting routine access to personnel records related to an investigation, pursuant to 29 CFR §1614.102(b)(6)?	Yes	
<b>E.1.f</b>	Does the agency timely complete investigations, pursuant to 29 CFR §1614.108?	Yes	
<b>E.1.g</b>	If the agency does not timely complete investigations, does the agency notify complainants of the date by which the investigation will be completed and of their right to request a hearing or file a lawsuit, pursuant to 29 CFR §1614.108(g)?	Yes	
<b>E.1.h</b>	When the complainant does not request a hearing, does the agency timely issue the final agency decision, pursuant to 29 CFR §1614.110(b)?	Yes	
<b>E.1.i</b>	Does the agency timely issue final actions following receipt of the hearing file and the administrative judge's decision, pursuant to 29 CFR §1614.110(a)?	Yes	
<b>E.1.j</b>	If the agency uses contractors to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays? [See MD- 110, Ch. 5(V)(A)] If "yes", please describe how in the comments column.	Yes	
<b>E.1.k</b>	If the agency uses employees to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays during performance review? [See MD-110, Ch. 5(V)(A)]	Yes	
<b>E.1.l</b>	Does the agency submit complaint files and other documents in the proper format to EEOC through the Federal Sector EEO Portal (FedSEP)? [See 29 CFR § 1614.403(g)]	Yes	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>E.2 – The agency has a neutral EEO process.</b>	<b>Measure Met? (Yes/No/ NA)</b>	<b>Comments</b>
<b>E.2.a</b>	Has the agency established a clear separation between its EEO complaint program and its defensive function? [see MD- 110, Ch. 1(IV)(D)]	Yes	
<b>E.2.b</b>	When seeking legal sufficiency reviews, does the EEO office have access to sufficient legal resources separate from the agency representative? [see MD-110, Ch. 1(IV)(D)] If "yes", please identify the source/location of the attorney who conducts the legal sufficiency review in the comments column.	Yes	The Office of General Counsel has established a firewall, enacted by memorandum, to differentiate the EEO advisory roles within its office and to establish an appropriate barrier between the agency's defensive function and its role in advising the EEO office.



<b>E.2.c</b>	If the EEO office relies on the agency's defensive function to conduct the legal sufficiency review, is there a firewall between the reviewing attorney and the agency representative? [see MD-110, Ch. 1(IV)(D)]	Yes	
<b>E.2.d</b>	Does the agency ensure that its agency representative does not intrude upon EEO counseling, investigations, and final agency decisions? [see MD-110, Ch. 1(IV)(D)]	Yes	
<b>E.2.e</b>	If applicable, are processing time frames incorporated for the legal counsel's sufficiency review for timely processing of complaints? [see EEOC Report, <i>Attaining a Model Agency Program: Efficiency</i> (Dec. 1, 2004)]	Yes	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>E.3 - The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>E.3.a</b>	Has the agency established an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process? [see 29 CFR §1614.102(b)(2)]	Yes	
<b>E.3.b</b>	Does the agency require managers and supervisors to participate in ADR once it has been offered? [see MD-715, II(A)(1)]	Yes	
<b>E.3.c</b>	Does the agency encourage all employees to use ADR, where ADR is appropriate? [see MD-110, Ch. 3(IV)(C)]	Yes	
<b>E.3.d</b>	Does the agency ensure a management official with settlement authority is accessible during the dispute resolution process? [see MD-110, Ch. 3(III)(A)(9)]	Yes	
<b>E.3.e</b>	Does the agency prohibit the responsible management official named in the dispute from having settlement authority? [see MD-110, Ch. 3(I)]	Yes	
<b>E.3.f</b>	Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]	Yes	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>E.4 – The agency has effective and accurate data collection systems in place to evaluate its EEO program.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>E.4.a</b>	Does the agency have systems in place to accurately collect, monitor, and analyze the following data:		
<b>E.4.a.1</b>	Complaint activity, including the issues and bases of the complaints, the aggrieved individuals/complainants, and the involved management official? [see MD-715, II(E)]	Yes	
<b>E.4.a.2</b>	The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)]	Yes	
<b>E.4.a.3</b>	Recruitment activities? [see MD-715, II(E)]	Yes	
<b>E.4.a.4</b>	External and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status? [see MD-715, II(E)]	Yes	
<b>E.4.a.5</b>	The processing of requests for reasonable accommodation? [29 CFR § 1614.203(d)(4)]	Yes	
<b>E.4.a.6</b>	The processing of complaints for the anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.2]	Yes	
<b>E.4.b</b>	Does the agency have a system in place to re-survey the workforce on a regular basis? [MD-715 Instructions, Sec. I]	Yes	

 <b>Compliance Indicator</b>  <b>Measures</b>		<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
	<b>E.5 – The agency identifies and disseminates significant trends and best practices in its EEO program.</b>		
<b>E.5.a</b>	Does the agency monitor trends in its EEO program to determine whether the agency is meeting its obligations under the statutes EEOC enforces? [see MD-715, II(E)] If “yes”, provide an example in the comments.	Yes	The agency reviews data in complaint activity and exit interviews to search for trends.
<b>E.5.b</b>	Does the agency review other agencies’ best practices and adopt them, where appropriate, to improve the effectiveness of its EEO program? [see MD-715, II(E)] If “yes”, provide an example in the comments.	Yes	Yes, the agency attends small agency AE/EEO committee meetings where small agencies share best practices, resources, training and other information to improve the effectiveness of EEO programs.
<b>E.5.c</b>	Does the agency compare its performance in the EEO process to other federal agencies of similar size? [see MD-715, II(E)]	Yes	

**Essential Element F: RESPONSIVENESS AND LEGAL COMPLIANCE**  
**This element requires federal agencies to comply with EEO statutes and EEOC regulations, policy guidance, and other written instructions.**

 <b>Compliance Indicator</b>  <b>Measures</b>		<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
	<b>F.1 – The agency has processes in place to ensure timely and full compliance with EEOC Orders and settlement agreements.</b>		
<b>F.1.a</b>	Does the agency have a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions? [see 29 CFR §1614.102(e); MD-715, II(F)]	Yes	
<b>F.1.b</b>	Does the agency have a system of management controls to ensure the timely, accurate, and complete compliance with resolutions/settlement agreements? [see MD-715, II(F)]	Yes	
<b>F.1.c</b>	Are there procedures in place to ensure the timely and predictable processing of ordered monetary relief? [see MD-715, II(F)]	Yes	
<b>F.1.d</b>	Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]	Yes	
<b>F.1.e</b>	When EEOC issues an order requiring compliance by the agency, does the agency hold its compliance officer(s) accountable for poor work product and/or delays during performance review? [see MD-110, Ch. 9(IX)(H)]	Yes	

 <b>Compliance Indicator</b>  <b>Measures</b>		<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
	<b>F.2 – The agency complies with the law, including EEOC regulations, management directives, orders, and other written instructions.</b>		
<b>F.2.a</b>	Does the agency timely respond and fully comply with EEOC orders? [see 29 CFR §1614.502; MD-715, II(E)]	Yes	
<b>F.2.a.1</b>	When a complainant requests a hearing, does the agency timely forward the investigative file to the appropriate EEOC hearing office? [see 29 CFR §1614.108(g)]	Yes	
<b>F.2.a.2</b>	When there is a finding of discrimination that is not the subject of an appeal by the agency, does the agency ensure timely compliance with the orders of relief? [see	Yes	

	29 CFR §1614.501]		
<b>F.2.a.3</b>	When a complainant files an appeal, does the agency timely forward the investigative file to EEOC's Office of Federal Operations? [see 29 CFR §1614.403(e)]	Yes	
<b>F.2.a.4</b>	Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance?	Yes	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>F.3 - The agency reports to EEOC its program efforts and accomplishments.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>F.3.a</b>	Does the agency timely submit to EEOC an accurate and complete No FEAR Act report? [Public Law 107-174 (May 15, 2002), §203(a)]	Yes	
<b>F.3.b</b>	Does the agency timely post on its public webpage its quarterly No FEAR Act data? [see 29 CFR §1614.703(d)]	Yes	

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Federal Maritime Commission	<i>For the Period Covering</i> <i>October 1, 2022 to September 30, 2023</i>

**MD-715 – Part J**  
**Special Program 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 plan will improve the recruitment, hiring, advancement, and retention of applicants and employees with disabilities. All agencies, regardless of size, must complete this Part of the MD- 715 report.

**Section I: Efforts to Reach Regulatory Goals**

EEOC regulations (29 C.F.R. § 1614.203(d)(7)) require agencies to establish specific numerical goals for increasing the participation of persons with reportable and 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. (Source: Table B4)**

- a. Cluster GS-1 to GS-10 (PWD) Yes
- b. Cluster GS-11 to SES (PWD) No

Demographic data table B4 shows the following:

Of the five (5) permanent employees in the GS-1 to GS-10 cluster, zero (0%) employees self-identified as a PWD. This is below the 12% benchmark.

Of the one hundred eighteen (118) permanent employees in the GS-11 to SES/Senior Pay cluster, fourteen (12.73%) employees self-identified as a PWD. This is above the 12% benchmark.

**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. (Source: Table B4)**

- a. Cluster GS-1 to GS-10 (PWTD) Yes
- b. Cluster GS-11 to SES (PWTD) No

Demographic data table B4 shows the following:



Of the five (5) permanent employees in the GS-1 to GS-10 cluster, zero (0%) employees self-identified as a PWTD. This is below the 2% benchmark.

Of the one hundred eighteen (118) permanent employees in the GS-11 to SES/Senior Pay cluster, four (3.39%) employees self-identified as a PWTD. This is above the 2% benchmark.

Grade Level Cluster (GS or Alternate Pay Plan)	Total	Reportable Disability		Targeted Disability	
	#	#	%	#	%
<b>Numerical Goal</b>	--	12%		2%	
Grades GS-1 to GS-10	5	0	0.00%	0	0.00%
Grades GS-11 to SES	118	14	11.86% <sup>1</sup>	4	3.39%

**3. Describe how the agency has communicated the numerical goals to the hiring managers and/or recruiters.**

The Agency communicates the numerical goals to hiring managers via email and in HR strategy consultations with hiring managers.

**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.**

Yes

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<sup>1</sup> This number rounds up to 12% and is reflected as having met the 12% goal since is less than a quarter percentage point under 12%.



**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	Courtney Killion, Director Office of Human Resources. ckillion@fmc.gov
Answering questions from the public about hiring authorities that take disability into account	1	0	0	Vicky Schenck, Human Resources Specialist, Office of Human Resources. vschenck@fmc.gov
Processing reasonable accommodation requests from applicants and employees	1	0	0	Courtney Killion, Director Office of Human Resources. ckillion@fmc.gov
Section 508 Compliance	1	0	0	Lucille Marvin, Managing Director, Office of the Managing Director lmarvin@fmc.gov  Catie-Megan Moran, Web Content Specialist, Office of the Secretary. cmoran@fmc.gov
Architectural Barriers Act Compliance	1	0	0	GSA represents FMC in all matters pertaining to the ABA.  Coordination with FMC is through Katona Bryan-Wade, Director, Office of Management Services. kbryan-wade@fmc.gov
Special Emphasis Program for PWD and PWTD	1	0	0	Camella Woodham, Director, Office of Equal Employment Opportunity. cwoodham@fmc.gov

**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.**

Yes.

The Human Resources Director and Senior Human Resources (HR) Specialist have received OPM's Special Placement Program Coordinator (SPPC) training to carry out their responsibilities related to the disability program. In FY23, the HR Specialists, EEO Director, and managers completed OPM's training on Schedule A, "A Roadmap to Success: Hiring, Retaining and Including People with Disabilities". This training provides staff and leadership with basic resources and strategies to successfully hire, retain, and include employees with disabilities.

During FY 2025, the FMC plans additional training for all staff on how to comply with Section 508 requirements, as well as identifying refresher SPCC training for HR staff.

## **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.**

Yes

## **Section III: Program Deficiencies In The Disability Program**

None identified.

## **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 Applicants with Disabilities**

**1. Describe the programs and resources the agency uses to identify job applicants with disabilities, including individuals with targeted disabilities.**

The FMC continues to use a variety of recruitment strategies designed to increase the number of qualified applicants with disabilities and applicants with targeted disabilities with the major occupations. The FMC used the following resources to identify job applicants with disabilities: OPM's Agency Talent Portal and the Workforce Recruitment Program (WRP). The WRP is a recruitment and referral program that connects federal and private sector employers with college students and recent graduates.

Additionally, the EEO Director sent recruitment announcements to disability affinity groups in an effort to identify job applicants with disabilities, including individuals with targeted disabilities.

**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.**

The FMC uses Schedule A appointing authority (5 C.F.R. 213.310(2)) and 30% or more Disabled Veteran appointing authority (5 U.S.C. 3112; C.F.R. 316.302, 316.402, and 315.707) to proactively hire PWD expeditiously. FMC job announcements contain information explaining how to apply under Schedule A and other excepted service hiring authorities.

Applicants with disabilities may also provide their application directly to the FMC Office of Human Resources (OHR) at any time. The OHR reviews the current recruitment inventory to identify potential position(s) for which the applicant is suited, determines whether the applicant meets the Schedule A 213.3102(u) requirements, reviews for qualifications, and then forwards the application package to the appropriate subject matter expert (SME) and/or hiring manager for a further consideration.

**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.**

When individuals apply for a position under Schedule A, the HR Specialist will confirm that the applicant has a Schedule A letter. If the applicant meets the Schedule A requirements, their application is provided to the position's SME to determine if the applicant is qualified for a position they are applying to by reviewing the job qualifications against the applicant's resume. The SME documents their review and provides the HR Specialist with the determination. If qualified, the candidate is referred to the hiring manager for further consideration. The HR Specialist will also explain the Schedule A hiring authority should the SME and/or hiring official have any questions.

To determine if an applicant is eligible under Schedule A, the Office of Human Resources reviews their application package to determine if they provided the required documentation (as described in the vacancy announcement from OPM's Disability Employment Page).

The documentation is reviewed for eligibility under the hiring authority. This procedure is applied when a candidate submits an application through USAJobs and/or directly to OHR.

If the documentation submitted is unclear, we give tentative consideration under this hiring authority. In this case, if the individual is selected, we ask the selectee to furnish the appropriate documentation.

When an applicant applies through USAJobs, we review their package for eligibility. Those eligible and qualified under non-competitive hiring authorities are placed on a certificate of eligibles that is separate from those competitively eligible.

Additionally, the OHR searches OPM's Agency Talent Portal, resumes we have on file, and/or other sources for recruiting persons with disabilities. If qualified candidates are found, the resumes are forwarded to the hiring official via email for consideration.

**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.**

Yes

The FMC provides mandatory annual training for senior leadership, hiring managers, and HR specialists to:

- Promote and support employment of PWD/ PWTDD for all employment opportunities in the agency;
- Use Schedule A authority for people with disabilities;
- Use other tools available to assist hiring managers to identify qualified applicants with disabilities; and

- Remain versed on the FMC's procedures for providing reasonable accommodation to job applicants and employees with disabilities.

**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.**

The Office of Human Resources utilizes the Workforce Recruitment Program and the EEO Director sends recruitment announcements to disability affinity groups in an effort to identify job applicants with disabilities, including individuals with targeted disabilities.

**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. (see Table B1)**

- a. New Hires for Permanent Workforce (PWD)                      Yes (see chart below)
- b. New Hires for Permanent Workforce (PWTD)                      No (see chart below)

New Hires	Total Workforce New Hires #(%)	Reportable Disability		Targeted Disability	
		#	%	#	%
	28	2	7.14%	1	3.57%
<b>Numerical Goal</b>	--	12%		2%	

**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. (Source: USAStaffing Disability by Series)**

a. New Hires for MCO (PWD) Yes (see chart below)

b. New Hires for MCO (PWTD) Yes (see chart below)

New Hires to Mission-Critical Occupations	Total Qualified (#)	Reportable Disability		Targeted Disability	
		Qualified Applicants #(%)	Selected #(%)	Qualified Applicants #(%)	Selected #(%)
<i>Economist (0110)</i>	23	4 (17.39%)	1 (4.35%)	3 (13.04%)	0 (0.00%)
<i>Misc. Administration and Program (0301)</i>	40	3 (7.50%)	0 (0.00%)	2 (5.00%)	0 (0.00%)
<i>Program Management (0340)</i>	79	9 (11.39%)	0 (0.00%)	4 (5.06%)	0 (0.00%)
<i>Management &amp; Program Analysis (0343)</i>	97	8 (8.25%)	0 (0.00%)	5 (5.15%)	0 (0.00%)
<i>General Attorney (0905)</i>	225	16 (7.11%)	0 (0.00%)	5 (2.22%)	0 (0.00%)
<i>Administrative Law Judge (0935)</i>	63	2 (3.17%)	0 (0.00%)	1 (1.59%)	0 (0.00%)
<i>Investigative Analyst (1805)</i>	No New Hire Applicants	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)
<i>Transportation Industry Analyst (2110)</i>	13	1 (7.69%)	0 (0.00%)	0 (0.00%)	0 (0.00%)
<b>Numerical Goal</b>	-	<b>12%</b>		<b>2%</b>	

**3. Using the qualified 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. (Source: USA Staffing Disability by Series)**

- a. Qualified Applicants for MCO (PWD)                      Yes (see chart below)
- b. Qualified Applicants for MCO (PWTD)                      Yes (see chart below)

Internal Hires to Mission-Critical Occupations	Total Qualified (#)	Reportable Disability		Targeted Disability	
		Qualified Applicants #(%)	Selected #(%)	Qualified Applicants #(%)	Selected #(%)
<i>Economist (0110)</i>	No internal applicants	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)
<i>Misc. Administration and Program (0301)</i>	39	10 (25.64%)	0 (0.00%)	6 (15.38%)	0 (0.00%)
<i>Program Management (0340)</i>	68	8 (11.76%)	0 (0.00%)	3 (4/41%)	0 (0.00%)
<i>Management &amp; Program Analysis (0343)</i>	80	10 (12.50%)	0 (0.00%)	6 (7.50%)	0 (0.00%)
<i>General Attorney (0905)</i>	No internal applicants	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)
<i>Administrative Law Judge (0935)</i>	No internal applicants	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)
<i>Investigative Analyst (1805)</i>	49	6 (12.24%)	0 (0.00%)	1 (2.04%)	0 (0.00%)
<i>Transportation Industry Analyst (2110)</i>	14	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)
<b>Numerical Goal</b>	-	12%		2%	

**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. (Source OHR/Reporting Center)**

- a. Promotions for MCO (PWD)                      Yes (MCO not identified due to small data size)
- b. Promotions for MCO (PWTD)                      Yes (MCO not identified due to small data size)

## 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.

The FMC is committed to ensuring opportunities for advancement for all employees, including PWD and PWTD. On an individual office basis, the FMC provides for various training opportunities to enhance skills and development. In all training and development activities, EEOC ensures that employees with disabilities are accommodated. Advancement opportunities are provided equally for all staff across the agency. If a barrier is found, a more targeted approach and a plan to remove the barrier is undertaken.

### B. Career Development Opportunities

1. Please describe the career development opportunities that the agency provides to its employees.

As a small agency, the FMC does not have a formal career development program. However, it provides individual training, offers a SES Development and Leadership Development Program, and offers periodic details (internal and external).

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	16	2	NA	NA	NA	NA
Fellowship Programs	NA	NA	NA	NA	NA	NA
Mentoring Programs	6	6	0	0	0	0
Coaching Programs	6	6	0	0	0	0
Training Programs	NA	NA	NA	NA	NA	NA
Detail Programs	NA	NA	NA	NA	NA	NA
Other Career Development Programs	1	1	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.**

a. Applicants (PWD) NA

b. Selections (PWD) NA

No applicants with PWD applied for any career development opportunities.

**4. Do triggers exist for PWTD among the applicants and/or selectees for any of the career development programs identified? (The appropriate benchmarks are the relevant applicant pool for applicants and the applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.**

a. Applicants (PWTD) NA

b. Selections (PWTD) NA

No applicants with PWTD applied for any career development opportunities.

### **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. (Source table B9-2)**

a. Awards, Bonuses, & Incentives (PWD) Yes

b. Awards, Bonuses, & Incentives (PWTD) Yes

Using the Inclusion Rate (Table B9-2), to determine whether there are triggers for qualified PWD and PWTD that may warrant further barrier analysis the FMC notes several triggers:

Time-Off Awards (11-20 hours) (PWD and PWTD)

Time-Off Awards (31-40 hours) (PWD and PWTD)

Cash Awards (\$1000 - \$1999) (PWD and PWTD)

Cash Awards (\$2000 - \$2999) (PWD)

Cash Awards (\$3000 - \$3999) (PWD and PWTD)

Cash Awards (\$4000 - \$4999) (PWD and PWTD)

Cash Awards (\$5000 or more) (PWD and PWTD)



AWARDS	Total	Persons without Disability ID (Combined 50,01)	Disability [02-03, 06-99]	Targeted Disability
Time-Off Awards 1 - 10 hours: Awards Given #	71	63	8	3
Time-Off Awards 1 - 10 hours: Awards Given %	57.73%	57.80%	57.15 %	75.00 %
Time-Off Awards 1 - 10 Hours: Total Hours #	445	394	51	28
Time-Off Awards 1 - 10 Hours: Average Hours #	6	0 *	6	9
Time-Off Awards 11 - 20 hours: Awards Given #	24	21	3	0
Time-Off Awards 11 - 20 hours: Awards Given %	19.52%	19.27%	21.43 %	0.00 %
Time-Off Awards 11 - 20 Hours: Total Hours #	456	404	52	0
Time-Off Awards 11 - 20 Hours: Average Hours #	19	2 *	17	0
Time-Off Awards 21 - 30 hours: Awards Given #	28	25	3	1
Time-Off Awards 21 - 30 hours: Awards Given %	22.77%	22.94%	21.43 %	25.00 %
Time-Off Awards 21 - 30 Hours: Total Hours #	760	666	94	48
Time-Off Awards 21 - 30 Hours: Average Hours #	27	-4 *	31	48
Time-Off Awards 31 - 40 hours: Awards Given #	61	55	6	2
Time-Off Awards 31 - 40 hours: Awards Given %	49.60%	50.46 %	42.86 %	50.00 %
Time-Off Awards 31 - 40 Hours: Total Hours #	2488	2216	272	64
Time-Off Awards 31 - 40 Hours: Average Hours #	40	-5 *	45	32
Time-Off Awards 41 or more Hours: Awards Given #	0	0	0	0
Time-Off Awards 41 or more Hours: Awards Given %	0.00%	0.00 %	0.00 %	0.00 %
Time-Off Awards 41 or more Hours: Total Hours #	0	0	0	0
Time-Off Awards 41 or more Hours: Average Hours #	0	0	0	0
<b>Benchmark (Representation in Permanent Workforce):</b>	<b>123</b>	<b>109</b>	<b>14</b>	<b>4</b>

• This figure in the Average Hours line and Persons without Disabilities column represents an average of their over/under representation in that category when measured against the Average Hours for Persons with Disabilities.

CASH AWARDS	Total	Persons without Disability ID (Combined 50,01)	Disability [02-03, 06-99]	Targeted Disability
Cash Awards \$500 and Under: Awards Given #	0	0	0	0
Cash Awards \$500 and Under: Awards Given %	0.00 %	0.00 %	0.00 %	0.00 %
Cash Awards \$500 and Under: Total Amount \$	0	0	0	0
Cash Awards \$500 and Under: Average Amount \$	0	0	0	0
Cash Awards: \$501 - \$999: Awards Given #	2	1	1	1
Cash Awards: \$501 - \$999: Awards Given %	1.63 %	0.92 %	7.15 %	25.00 %
Cash Awards: \$501 - \$999: Total Amount \$	1500	750	750	750
Cash Awards: \$501 - \$999: Average Amount \$	750	0*	750	750
Cash Awards: \$1000 - \$1999: Awards Given #	28	25	3	2
Cash Awards: \$1000 - \$1999: Awards Given %	22.77 %	22.94 %	21.43 %	50.00 %
Cash Awards: \$1000 - \$1999: Total Amount \$	32050	29050	3000	2000

Cash Awards: \$1000 - \$1999: Average Amount \$	1144	144*	1000	1000
Cash Awards:: Awards Given #	46	38	8	2
Cash Awards: \$2000 - \$2999: Awards Given %	37.40 %	34.87 %	57.15 %	50.00 %
Cash Awards: \$2000 - \$2999: Total Amount \$	95000	78200	16800	4000
Cash Awards: \$2000 - \$2999: Average Amount \$	2065	-35*	2100	2000
Cash Awards: \$3000 - \$3999: Awards Given #	5	5	0	0
Cash Awards: \$3000 - \$3999: Awards Given %	4.07 %	4.59 %	0.00 %	0.00 %
Cash Awards: \$3000 - \$3999: Total Amount \$	16992	16992	0	0
Cash Awards: \$3000 - \$3999: Average Amount \$	3398	3398*	0	0
Cash Awards: \$4000 - \$4999: Awards Given #	40	37	3	1
Cash Awards: \$4000 - \$4999: Awards Given %	32.53 %	33.95 %	21.43 %	25.00 %
Cash Awards: \$4000 - \$4999: Total Amount \$	160000	148000	12000	4000
Cash Awards: \$4000 - \$4999: Average Amount \$	4000	0*	4000	4000
Cash Awards: \$5000 or more: Awards Given #	16	15	1	0
Cash Awards: \$5000 or more: Awards Given %	13.01 %	13.77 %	7.15 %	0.00 %
Cash Awards: \$5000 or more: Total Amount \$	160076	147168	12908	0
Cash Awards: \$5000 or more: Average Amount \$	10004	-2904*	12908	0
<b>Benchmark (Representation in Permanent Workforce):</b>	<b>123</b>	<b>109</b>	<b>14</b>	<b>4</b>
<ul style="list-style-type: none"> <li>This figure in the Average Awards Amount line and Persons without Disabilities column represents an average of their over/under representation in that category when measured against the Average Awards Amount for Persons with Disabilities.</li> </ul>				

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. QSI / Pay Increases (PWD)                      Yes
- b. QSI / Pay Increases (PWTD)                    Yes

OTHER AWARDS	Total	Persons without Disability ID (Combine d 50,01)	Disability [02-03, 06-99]	Targeted Disability
Total QSIs Awarded #	3	3	0	0
Total QSIs Awarded %	2.44%	2.76%	0.00%	0.00%
<b>Benchmark (Representation in Permanent Workforce):</b>	<b>123</b>	<b>109</b>	<b>14</b>	<b>4</b>

Three (3) employees received QSIs in FY 2023. Of the 14 employees with disabilities and three with targeted disabilities, no individuals with disabilities or targeted disabilities received QSIs in FY 2023.

**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)                      N/A
- b. Other Types of Recognition (PWTD)                      N/A

Not applicable, as the FMC did not have any other type of employee recognition program during FY 2023.

**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. [Source: USAStaffing MD-715 Announcement Type: Internal Competitive](#)**

**a. SES**

- i. Qualified Internal Applicants (PWD)      NA      (no SES internal promotions)
- ii. Internal Selections (PWD)                      NA      (no SES internal promotions)
- b. Grade GS-15
- i. Qualified Internal Applicants (PWD)      YES      (GS13/14 and GS 14/15 not included in GS-15 count)
- ii. Internal Selections (PWD)                      YES      (GS13/14 and GS 14/15 not included in GS-15 count)
- c. Grade GS-14
- i. Qualified Internal Applicants (PWD)      YES      (GS13/14 and GS 14/15 not included in GS-14 count)
- ii. Internal Selections (PWD)                      YES      (GS13/14 and GS 14/15 not included in GS-14 count)
- d. Grade GS-13
- i. Qualified Internal Applicants (PWD)      YES      (GS13/14 and GS 12/13 not included in GS-13 count)
- ii. Internal Selections (PWD)                      YES      (GS13/14 and GS 12/13 not included in GS-13 count)

Internal Competitive Promotions to Senior Grade Levels	Total Qualified (#)	DISABILITIES	
		Qualified Internal Applicants (PWD) #(%)	Internal Selections (PWD) #(%)
SES	0	NA	NA
GS-15	98	8 (8.16%)	0 (0.0%)
GS-14	15	0 (0.0%)	0 (0.0%)
GS-13	6	0 (0.0%)	0 (0.0%)
GS-12/13	36	3 (8.33%)	0 (0.0%)

GS-13/14	21	3 (14.29%)	0 (0.0%)
GS-14/15	73	10 (13.70%)	0 (0.0%)
Numerical Goal	-	12%	

**2. Does your agency have a trigger involving PWTD 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. Source: USAStaffing MD-715 Announcement Type: Internal Competitive**

a. SES

- i. Qualified Internal Applicants (PWTD) NA (no SES internal promotions)
- ii. Internal Selections (PWTD) NA (no SES internal promotions)

b. Grade GS-15

- i. Qualified Internal Applicants (PWTD) NO
- ii. Internal Selections (PWTD) NO

c. Grade GS-14

- i. Qualified Internal Applicants (PWTD) Yes (GS13/14 and GS 14/15 not included in GS-14 count)
- ii. Internal Selections (PWTD) Yes (GS13/14 and GS 14/15 not included in GS-14 count)

d. Grade GS-13

- i. Qualified Internal Applicants (PWTD) Yes (GS13/14 and GS 12/13 not included in GS-13 count)
- ii. Internal Selections (PWTD) Yes (GS13/14 and GS 12/13 not included in GS-13 count)

Internal Competitive Promotions to Senior Grade Levels	Total Qualified (#)	TARGETED DISABILITIES	
		Qualified Internal Applicants (PWTD) #(%)	Internal Selections (PWTD) #(%)
SES	0	NA	NA
GS-15	98	3 (3.06%)	0 (0.0%)
GS-14	15	0 (0%)	0 (0.0%)

GS-13	6	0 (0%)	0 (0.0%)
GS-12/13	36	3 (8.33%)	0 (0.0%)
GS-13/14	21	0 (0%)	0 (0.0%)
GS-14/15	73	6 (8.22%)	0 (0.0%)
Numerical Goal	-	2%	

**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. Source: USAStaffing, Applicant Flow Vacancy Detail Report, MD-715 Announcement Type: New Hires**

- a. New Hires to SES/ES/AL (PWD)      No
- b. New Hires to GS-15 (PWD)          Yes    See chart below
- c. New Hires to GS-14 (PWD)          Yes    See chart below
- d. New Hires to GS-13 (PWD)          Yes    See chart below

New Hires to Senior Grade Levels	Total Qualified (#)	DISABILITIES	
		Qualified New Hire Applicants (PWD) #(%)	New Hire Selections (PWD) #(%)
SES/ES/AL	116	8 (6.90%)	0 (0.0%)
GS-15	100	8 (8.00%)	0 (0.0%)
GS-14	56	7 (12.50%)	0 (0.0%)
GS-13	9	0 (0.00%)	0 (0.0%)
GS-12/13	40	0 (0.00%)	0 (0.0%)
GS-13/14/15	113	4 (3.54%)	0 (0.0%)
GS-11/12/13/14/15	45	4 (8.89%)	0 (0.0%)
GS-14/15	78	6 (7.69%)	0 (0.0%)
Numerical Goal	-	12%	

**4. 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. Source: USAStaffing, Applicant Flow Vacancy Detail Report, MD-715 Announcement Type: New Hires**

- a. New Hires to SES (PWTD) Yes See chart below
- b. New Hires to GS-15 (PWTD) Yes See chart below
- c. New Hires to GS-14 (PWTD) Yes See chart below
- d. New Hires to GS-13 (PWTD) Yes See chart below

New Hires to Senior Grade Levels	Total Qualified (#)	TARGETED DISABILITIES	
		Qualified New Hire Applicants (PWTD) #(%)	Internal Selections (PWTD) #(%)
SES/ES/AL	116	4 (3.45%)	0 (0.0%)
GS-15	100	3 (3.00%)	0 (0.0%)
GS-14	56	4 (7.14%)	0 (0.0%)
GS-13	9	0 (0.0%)	0 (0.0%)
GS-12/13	40	0 (0.0%)	0 (0.0%)
GS-13/14/15	113	3 (2.65%)	0 (0.0%)
GS-11/12/13/14/15	45	0 (0.0%)	0 (0.0%)
GS-14/15	78	4 (5.12%)	0 (0.0%)
Numerical Goal	-	2%	

**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.)** **Source: USAStaffing, Applicant Flow Vacancy Detail Report, Vacancy Details.** Yes - See chart below

Internal Competitive Promotions to Supervisory Positions	Total Qualified (#)	DISABILITIES	
		Qualified Internal Applicants (PWD) #(%)	Internal Selections (PWD) #(%)
GS-0340-15	68	8 (11.76%)	0 (0.0%)
GS-0505-15	30	0 (0.0%)	0 (0.0%)
Numerical Goal	-	12%	

**6. Does your agency have a trigger involving PWTB 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.)**

Yes - See chart below.

Internal Competitive New Hires to Supervisory Positions	Total Qualified	TARGETED DISABILITIES	
		Qualified Internal Applicants (PWTB)	Internal Selections (PWTB)
	(#)	#(%)	#(%)
<b>GS-0340-15</b>	68	3 (4.41%)	0 (0.0%)
<b>GS-0505-15</b>	30	0 (0.0%)	0 (0.0%)
Numerical Goal	-	2%	

**7. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTB among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box. Yes - See chart below**

New Hires to Supervisory Positions	Total Qualified	DISABILITIES	
		Qualified New Hire Applicants (PWTB)	New Hire Selections (PWTB)
	(#)	#(%)	#(%)
<b>GS-0340-15</b>	53	9 (16.98%)	0 (0.0%)
<b>GS-0505-15</b>	42	2 (4.76%)	0 (0.0%)
Numerical Goal	-	12%	

**8. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTB among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box. Yes - See chart below.**

New Hires to Supervisory Positions	Total Qualified	TARGETED DISABILITIES	
		Qualified New Hire Applicants (PWTB)	New Hire Selections (PWTB)
	(#)	#(%)	#(%)

GS-0340-15	53	4 (7.58%)	0 (0.0%)
GS-0505-15	42	1 (2.38%)	0 (0.0%)
Numerical Goal	-	2%	

## Section VI: Plan to Improve Retention of Persons with Disabilities

To be a 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 to 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 personal 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.

N/A

In FY 2023, there were no Schedule A employees eligible to convert to competitive service.

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. [Source: Table B-1](#)

	Inclusion Rate (% PWD of 123 Permanent employees)	PWD	PWOD	
a. Voluntary Separations (PWD)	1.63%	2	18	No
b. Involuntary Separations (PWD)	0.00%	0	0	No

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.

	Inclusion Rate (% PWTD of 123 Permanent employees)	PWTD	PWOD	
a. Voluntary Separations (PWTD)	0.81%	1	18	No
b. Involuntary Separations (PWTD)	0.00%	0	0	No



**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.**

No triggers exist in the separation rate of PWD or PWTD.

## **B. Accessibility of Technology and Facilities**

Pursuant to 29 C.F.R. § 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.**

[Accessibility Notice - Federal Maritime Commission \(fmc.gov\)](https://www.fmc.gov/accessibility-notice)

**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.**

[Accessibility Notice - Federal Maritime Commission \(fmc.gov\)](https://www.fmc.gov/accessibility-notice)

**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 agency is reviewing its Section 508 policy and procedures to ensure accessibility of agency technology.

## **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.)**

The average processing time from the date of request to approval in FY 2023 was fourteen (14) 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.**

All reasonable accommodation requests were completed in a timely manner; managers and supervisors receive training on the reasonable accommodation policy and the Office of Equal Employment Opportunity monitors accommodations requests for trends.

#### **D. Personal Assistance Services Allowing Employees to Participate in the Workplace**

**Pursuant to 29 C.F.R. § 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 FMC did not receive any PAS requests in FY 2023.

### **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 government-wide average?**

No

**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?**

No

**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 – FMC did not have any findings in FY 2023.

#### **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?**

No

**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?**

No

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

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?

No

2. Has the agency established a plan to correct the barrier(s) involving PWD and/or PWTD?

N/A

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.

<p><b>Triggers across multiple indicators</b></p>	<p>Lower than expected participation rate (percentage) of PWD and PWTD in FY 2023 selections.</p> <p>A review of triggers indicating a lower-than-expected participation rate for PWD and PWTD in the permanent workforce, as well as in the new hires to mission critical occupations. Additionally, triggers existed regarding internal applicants with disabilities/targeted disabilities entering the selection pool for vacancies in the agency.</p>	
<p><b>Barrier(s)</b></p>	<p>Not identified</p>	
<p><b>Objective(s)</b></p>	<p>Increase pool of qualified PWD/PWTD applicants</p>	
<p><b>Responsible Official(s)</b></p>	<p><b>Performance Standards Address the Plan?</b></p> <p>(Yes or No)</p>	
<p>All hiring managers; Offices of Equal Opportunity and Human Resources</p>	<p>Yes</p>	
<p><b>Sources of Data</b></p>	<p><b>Sources Reviewed?</b></p> <p>(Yes or No)</p>	<p><b>Identify Information Collected</b></p>
<p><b>Workforce Data Tables</b></p>	<p>Yes</p>	<p>Reviewed Tables B1 and B7, applicant flow data.</p>
<p><b>Complaint Data (Trends)</b></p>	<p>Yes</p>	<p>No trends found in non-selection complaint data.</p>
<p><b>Grievance Data (Trends)</b></p>	<p>N/A</p>	<p>No grievance data available.</p>

<b>Findings from Decisions (e.g., EEO, Grievance, MSPB, Anti- Harassment Processes)</b>	N/A	No findings available.		
<b>Climate Assessment Survey (e.g., FEVS)</b>	Yes	Reviewed questions and responses that support the diversity and inclusion index for PWD in FEVS.		
<b>Exit Interview Data</b>	No	No trends found in exit interview data		
<b>Focus Groups</b>	N/A			
<b>Interviews</b>	N/A			
<b>Reports (e.g., Congress, EEOC, MSPB, GAO, OPM)</b>	Yes	Reviewed several federal and private sector reports and data from special interest groups to gain additional information in best practices and solutions for addressing low participation of PWD/PWTD.		
<b>Other (Please Describe)</b>				
<b>Target Date (mm/dd/yyyy)</b>	<b>Planned Activities</b>	<b>Sufficient Staffing &amp; Funding (Yes or No)</b>	<b>Modified Date (mm/dd/yyyy)</b>	<b>Completion Date (mm/dd/yyyy)</b>
Ongoing	OEEO to discuss with OHR encouraging active discussions with hiring managers when determining area of consideration to fill vacancies.	Yes	09/30/2023 and ongoing	
9/30/2023	Continue to educate hiring managers regarding available legal authorities and hiring flexibilities, including annual email reminders	Yes	09/30/2023 and ongoing	
Ongoing	Establish relationships with organizations that assist PWD in securing and maintaining employment (including local colleges, universities and professional organizations)	Yes	09/30/2023 and ongoing	
<b>Fiscal Year</b>	<b>Accomplishments</b>			
2023	EEO continues to interact with Gallaudet University career services and provides vacancy announcements.			
2023	OHR ensured all managers and supervisors received notification of Schedule A hiring flexibilities. The HR Director and Senior Human Resources (HR) Specialist have received OPM's Special Placement Program Coordinator (SPPC) training to carry out their responsibilities related to the disability program. In FY23, The HR Specialists, EEO Director,			

	and managers completed OPM's training on Schedule A, "A Roadmap to Success: Hiring, Retaining and Including People with Disabilities". This training provides staff and leadership with basic resources and strategies to successfully hire, retain, and include employees with disabilities
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**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).**

No measurable impact has been observed to date.

**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.**