

Geraldine V. Breakfield  
Associate Deputy Under Secretary for Management  
U.S. Veterans Benefits Administration  
810 Vermont Avenue, NW (20M2)  
Washington DC 20420

Dear Associate Deputy Under Secretary Breakfield:

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

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

### ***Proactive Prevention***

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

In its FY 2005 report, VBA submitted PART Is (EEO Plan to Eliminate Identified Barrier) which follow a standard goal structure established by VA for all of its component agencies, including VBA, Veterans Health Administration and National Cemetery Administration. This standard goal structure allow VA's components the freedom to address their specific issues within the overarching agency-wide goals while still allowing VA to monitor the efforts of its components and roll-up their plans into an agency-wide report. Our comments on those plans and initiatives are contained in a letter to VA.

We note that large agencies with Second Level Reporting Components may have agency-wide plans and initiatives that encompass their component agencies. However, the component's plans should tailor those agency-wide plans and initiatives to the situation at the component and report the specific activities that will be undertaken by the component as part of the agency-wide effort. The planned activities set forth in VBA's PART I's show important steps in building the foundation of an EEO program. However, the objectives suggest that VBA was just beginning the process of identifying the specific barriers encountered in its workforce, and we would prefer more indication of the specific action items.

We also take this opportunity to note that component agencies should do a thorough barrier analysis based on their own specific workforce data and not assume that there are no barriers outside of those present at the agency-wide level. It is our understanding that VA's goal structure does not pose any impediments to a component agency's setting of its own goals. Moreover, workforce statistics may be useful as an initial diagnostic tool, but the identification of workplace barriers requires a thorough examination of all of the circumstances, and the assessment of trends, workplace climate and local reports will be different within individual components or even individual facilities. That is why it is necessary to have EEO staff within such components and facilities.

Accordingly, we look forward to seeing a focused analysis of the steps taken by VBA to examine its workforce data and its assessment of the relevant policies, practices, procedures and conditions at VBA that may be creating barriers to equal opportunity in VBA's FY 2006 report.

### *People With Targeted Disabilities*

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

	Federal Work Force (FWF)		Employees with Targeted Disabilities		
	#	Change	#	Change	% of FWF
<b>FY 2001</b>	2,445,335	0.11%	26,834	-1.46%	1.10%
<b>FY 2002</b>	2,459,505	0.58%	26,230	-2.25%	1.07%
<b>FY 2003</b>	2,428,330	-1.27%	25,551	-2.59%	1.05%
<b>FY 2004</b>	2,606,903	7.35%	25,917	1.43%	0.99%
<b>FY 2005</b>	2,610,920	0.15%	25,142	-2.99%	0.96%

As a result, every effort must be made to close this gap. We note that the participation rate for employees with targeted disabilities declined at VBA from 2.9% to 2.67% for FY 2005. We congratulate VBA for this participation rate, which exceeds the "Federal high" participation rate for agencies, held by the Equal Employment Opportunity Commission at 2.16%. (The EEOC

has chosen not to base the “Federal high” participation rate on rates achieved by agency components.)

We commend VBA for its significant achievement in this area. We would appreciate it if VBA would choose to share its practices and policies in this area with us as they may constitute ‘best practices’ that merit sharing with other federal agencies.

Nonetheless, VBA’s participation rate for people with targeted disabilities has declined over the past fiscal year. VBA’s plans to increase representation of persons with targeted disabilities again replicate the plans contained in VA’s report. Since VBA’s participation rates for people with targeted disabilities exceed the VA-wide rate, we look forward to seeing a focused analysis of the steps taken by VBA to examine its workforce data and its VBA-specific Special Program Plan for the Recruitment, Hiring and Advancement of Individuals with Targeted Disabilities in VBA’s FY 2006 report.

Finally, notwithstanding VBA’s noteworthy accomplishments, MD-715 requires that a specific numerical goal be established for the employment of persons with targeted disabilities. We urge VBA to establish such a goal.

### *Efficiency*

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

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

In its FY 2005 Form 462, VBA reported that, on average, the processing of a complaint from date of complaint filing to closure (without an AJ decision) took 249 days. VBA also reported that for FY 2005 it timely completed 241 of 241 EEO counselings, or 100%; 81 of 108 EEO investigations, or 75%; and timely issued 20 of 50 final agency merit decisions on complaints where there was no Administrative Judge’s decision, or 40%.

We recognize that VA’s Office of Resolution Management is responsible for investigating complaints and issuing final agency decisions. Moreover, VBA has achieved a 100% rate for the timely provision of EEO counseling. Thus, VBA continues to make progress in its program efficiency. We remain available to provide technical assistance to help VBA continue this trend. We also note a report which EEOC has issued, *Attaining a Model Agency Program: Efficiency*. This report includes several best practices established by other federal agencies in establishing and maintaining an efficient complaint resolution process. It is posted at our website under the link: [www.eeoc.gov/federal/efficiency](http://www.eeoc.gov/federal/efficiency).

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

Sincerely,

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