

**ANNUAL  
EQUAL EMPLOYMENT OPPORTUNITY  
PROGRAM STATUS REPORT**

**FISCAL YEAR 2020**



**U.S. FEDERAL TRADE COMMISSION**

## TABLE OF CONTENTS

Part A-D	Federal Trade Commission Total Employment and Responsible Agency Officials
Part E	Executive Summary and Workforce Analysis
Part F	Certification of Establishment of Continuing EEO Programs
Part G	Agency Self-Assessment Checklist
Part H	EEO Plan to Attain the Essential Elements of a Model EEO Program
Part I	EEO Plan to Eliminate Identified Barriers
Part J	Special Program Plan for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities
	Affirmative Action Plan for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities

### APPENDICES

<b>Appendix A:</b>	Equal Employment Opportunity Commission (EEOC) generated MD-715 Workforce Tables (Participation Rate)
Table A1	Total Workforce – Distribution by Race, Ethnicity, and Sex
Table A2	Total Workforce by Component – Distribution by Race, Ethnicity, and Sex
Table A3	Occupational Categories – Distribution by Race, Ethnicity, and Sex
Table A4P	Senior Pay & General Schedule Grades (Permanent) – Distribution by Race, Ethnicity, and Sex
Table A4T	Senior Pay & General Schedule Grades (Temporary) – Distribution by Race, Ethnicity, and Sex
Table A5P	Salary (Permanent) – Distribution by Race, Ethnicity, and Sex
Table A5T	Salary (Temporary) – Distribution by Race, Ethnicity, and Sex
Table A6P	Mission-Critical Occupations (Permanent) – Distribution by Race, Ethnicity, and Sex
Table A6T	Mission-Critical Occupations (Temporary) – Distribution by Race, Ethnicity, and Sex

Table A7	Table found in Appendix B
Table A9	Employee Recognition and Awards – Distribution by Race, Ethnicity, and Sex
Table A11	Table found in Appendix B
Table A12	Table found in Appendix B
Table B1-1	Total Workforce – Distribution by Disability Status
Table B1-2	Total Workforce – Distribution by Disability Status (Inclusion Rate)
Table B2	Permanent Workforce by Component – Distribution by Disability Status
Table B3	Occupational Categories – Distribution by Disability
Table B4P	General Schedule (GS) by Grades (Permanent) – Distribution by Disability
Table B4T	General Schedule (GS) by Grades (Temporary) – Distribution by Disability
Table B5P	Salary (Permanent) – Distribution by Disability
Table B5T	Salary (Temporary) – Distribution by Disability
Table B6P	Mission-Critical Occupations (Permanent) – Distribution by Disability
Table B6T	Mission-Critical Occupations (Temporary) – Distribution by Disability
Table B7	Table found in Appendix B
Table B9-1	Employee Recognition and Awards – Distribution by Disability
Table B9-2	Employee Recognition and Awards – Distribution by Disability (Inclusion Rate)
Table B11	Table found in Appendix B
Table B12	Table found in Appendix B
<b>Appendix B:</b> Federal Trade Commission generated MD-715 Workforce Tables	
Table A7P	New Hires for Mission-Critical Occupations by Race, Ethnicity, and Sex (Permanent)
Table B7P	New Hires for Mission-Critical Occupations by Disability (Permanent)

Table A7T	New Hires for Mission-Critical Occupations by Race, Ethnicity, and Sex (Temporary)
Table B7T	New Hires for Mission-Critical Occupations by Disability (Temporary)
Table A9P	Internal Competitive Promotions for Mission-Critical Occupations by Race, Ethnicity, and Sex (Permanent)
Table B9P	Internal Competitive Promotions for Mission-Critical Occupations by Disability (Permanent)
Table A9T	Internal Competitive Promotions for Mission-Critical Occupations by Race, Ethnicity, and Sex (Temporary)
Table B9T	Internal Competitive Promotions for Mission-Critical Occupations by Disability (Temporary)
Table A11	Internal Competitive Promotions for Senior Grade Levels by Race, Ethnicity, and Sex (Permanent)
Table B11	Internal Competitive Promotions for Senior Grade Levels by Disability (Permanent)
Table A12	Career Development for Senior Grade Levels – Distribution by Race, Ethnicity, and Sex (Permanent)
Table B12	Career Development for Senior Grade Levels by Disability (Permanent)

**Appendix C:** Federal Trade Commission Organization Chart

**Appendix D:** Federal Trade Commission’s Commitment to Equal Employment Opportunity

**Appendix E:** Federal Trade Commission’s Strategic Plan for Fiscal Years 2018 to 2022

**Appendix F:** Federal Trade Commission, *Administrative Manual*, Chapter 5, Section 330 – Alternative Dispute Resolution Policy and Procedures

**Appendix G:** Federal Trade Commission, *Administrative Manual*, Chapter 5, Section 420 – Anti-Harassment Policy and Procedures

**Appendix H:** Affirmative Employment of Persons with Targeted Disabilities and Personal Assistance Services Procedures

**Appendix I:** Disability Anti-Discrimination Policy and Reasonable Accommodation Procedures

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

<b>PART A</b> Department or Agency Identifying Information	1. Agency	1. Federal Trade Commission
	1.a 2nd level reporting component	
	2. Address	2. 600 Pennsylvania Avenue, NW
	3. City, State, Zip Code	3. Washington, DC 20580
	4. Agency Code   5. FIPS code(s)	4. FT00   5. 11001

<b>PART B</b> Total Employment	1. Enter total number of permanent full-time and part-time employees	1. 1060
	2. Enter total number of temporary employees	2. 91
	3. TOTAL EMPLOYMENT [add lines B 1 through 2]	4. 1151

<b>PART C</b> Agency Official(s) Responsible For Oversight of EEO Program(s)	Title Type	Name	Title
	Head of Agency	Lina M. Khan	Chair
	Head of Agency Designee	Jennifer Howard	Chief of Staff, Office of the FTC Chair
	Head of Agency Designee	None	None
	Principal EEO Director/Official	Namon C. Friends	Acting Director, FTC Office of EEO & Workplace Inclusion
	Affirmative Employment Program Manager	Namon C. Friends	Acting Director, FTC Office of EEO & Workplace Inclusion
	Complaint Processing Program Manager	Namon C. Friends	Acting Director, FTC Office of EEO & Workplace Inclusion
	Reasonable Accommodation Program Manager	Cindee Smith	Human Capital Specialist, Acting Disability Program Manager
	Other EEO Staff	Stephanie Langley	EEO Specialist
	Other EEO Staff	Namon Friends	Attorney Advisor
Other EEO Staff	Teresa Kelsey	EEO Specialist	

For period covering October 1, 2019 to September 30, 2020

<b>PART D</b> List of Subordinate Components Covered in This Report	Subordinate Component and Location (City/State)	Country	Agency Code
<b>EEOC FORMS and Documents</b>	<b>Required</b>	<b>Uploaded</b>	
Personal Assistance Services Procedures	Y	Y	
Alternative Dispute Resolution Procedures	Y	Y	
Reasonable Accommodation Procedure	Y	Y	
Anti-Harassment Policy and Procedures	Y	Y	
Agency Strategic Plan	Y	Y	
EEO Policy Statement	Y	Y	
Organization Chart	Y	Y	
Disabled Veterans Affirmative Action Program (DVAAP) Report	N	N	
Diversity Policy Statement	N	N	
EEO Strategic Plan	N	N	
Federal Equal Opportunity Recruitment Program (FEORP) Report	N	N	
Human Capital Strategic Plan	N	N	
Results from most recent Federal Employee Viewpoint Survey or Annual Employee Survey	N	N	

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

**EXECUTIVE SUMMARY: MISSION**

The United States Federal Trade Commission (FTC or Agency) is a bipartisan federal agency with a unique dual mission to protect consumers and promote competition.

Broadly, the FTC addresses issues that touch the economic life of every American. Domestically, the FTC seeks to ensure that the nation's markets function competitively and are vigorous, efficient, and free of undue restrictions. In addition, the FTC protects consumers from deceptive or misleading claims, and from harmful business practices that undermine the competitive process. Additionally, the FTC develops policy and research tools through hearings, workshops, and conferences. Internationally, the FTC partners with the global community by serving both as an internal resource to FTC staff on international topics and by partnerships with foreign authorities through formal and informal agreements.

Specifically, the FTC has two major law enforcement bureaus, the Bureau of Consumer Protection (BCP) and the Bureau of Competition (BC). The Bureau of Economics (BE), the Office of the General Counsel (OGC), the Office of the Executive Director (OED), eight regional offices, and several small, yet critically important offices collaborate with BC and BCP in various contexts to achieve the FTC's dual mission.

In Fiscal Year 2020, there were 1,060 permanent employees in the FTC's workforce.<sup>[1]</sup> The Office of Equal Employment Opportunity and Workplace Inclusion (EEOWI) retained its full-time staff of four employees in the FTC's Headquarters in Washington, D.C., and one collateral-duty EEO counselor in each of the Agency's eight regional offices. The Office of EEOWI maintains a highly-trained and skilled staff, which provides the foundational support for the Agency as it progresses towards model EEO status.

Inherent in the FTC's stated goals from senior leadership is a commitment to a zero tolerance policy regarding unlawful employment discrimination. This is the basis upon which the Office of EEOWI ensures that FTC employees have a workplace in which they feel valued, respected, and that they can grow professionally at the Agency. This commitment extends to equality of opportunity in all aspects of employment, including, but not limited to, employment outreach, recruitment, hiring, career development and advancement, discipline, and employee retention. It also requires identification and elimination of barriers that disadvantage or exclude any group.

<sup>[1]</sup> In March 2020, the FTC transitioned to operating virtually due to the ongoing, global pandemic triggered by the Coronavirus Disease 2019 (COVID-19).

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

## EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F

**HIGHLIGHTS OF FISCAL YEAR 2020 ACCOMPLISHMENTS: EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S ESSENTIAL ELEMENTS FOR A MODEL EEO PROGRAM**

The Equal Employment Opportunity Commission (EEOC) established six essential elements of a model EEO program in its Management Directive 715 (MD-715), as required under Title VII of the Civil Rights Act of 1964, as amended, and the Rehabilitation Act of 1973, as amended. The six essential elements are:

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

These six essential elements provide the framework to achieve the ultimate goal of a discrimination-free work environment, characterized by an atmosphere of inclusion and free and open communication for employment opportunities.

The FTC's Fiscal Year 2020 Annual EEO Assessment/Program Status Report identifies both accomplishments and planned actions to eliminate deficiencies and identified barriers, addressed in Parts G, H, and I. Highlights of our accomplishments, in implementing the MD-715's six essential elements, are discussed below.

**Essential Element One: Demonstrated Commitment from Agency Leadership**

During FY 2020, then FTC Chairman Joseph Simons included the EEOWI Director in the Agency's weekly senior staff meetings [\[1\]](#). The Chairman's decision to include the EEOWI Director in these weekly senior staff meetings reinforced the fact that EEO principles, and a fair and impartial workplace, were valued during his tenure.

In addition, the Chairman was intentional with regard to linking the FTC's dual mission to protect American consumers and promote competition with the stated goal of ensuring that the Agency remained committed to equal employment opportunity, and workplace diversity and inclusion. Chairman Simons's insistence that the workplace remains free of unlawful employment discrimination represents continued collaboration between the Agency head and the Office of EEOWI. This unwavering and visible support from the Chairman further strengthened the Office of EEOWI and enhanced its relationships across the Agency.

The Office of EEOWI has formalized and expanded its delivery of training workshops, some of which the Chairman made required training. These training workshop topics include Diversity and Inclusion, EEO Basics, and Unconscious Bias. In the future, the Office of EEOWI will develop additional curricula, based on trends and hot topics in the area of EEO and workplace inclusion, and based on staff training requests.

Additionally, Chairman Simons ensured that the Office of EEOWI was fully staffed and that it has the necessary resources to satisfy its regulatory requirements. These important items and others were discussed during the monthly meetings between Chairman Simons and the EEOWI Director. Because the Office of EEOWI reports directly to the Office of the Chairman, the EEOWI Director benefits from a direct line of communication to the Agency head. There is no mid-level manager between the Chairman and the EEOWI Director. The existence of this organizational structure continued to send a signal across the organization that the Chairman prioritized issues and matters that are the responsibility of the Office of EEOWI.

FTC's Diversity Council collaborated with the Office of EEOWI regularly, along with the Agency's Human Capital Management Office (HCMO), to address concerns involving targeted employment outreach and recruitment, retention, workplace inclusion, and other relevant topics. Throughout the FY 2020, the EEOWI Director, on numerous occasions, met with the Diversity Council's Executive Committee (i.e., its Chair, Vice Chair, and Secretary) and discussed best practices and strategies for diversity and inclusion in the workplace, and ideas to address underrepresented groups in the FTC's workforce. As a result, the Diversity Council increased its visibility, both as a partner to the Office of EEOWI and other Agency entities, and as an Agency change agent.

In addition to the work of the Diversity Council, the EEOWI Director met with FTC bureau and office directors, and their managers and supervisors, to discuss important EEO and workplace inclusion topics, including targeted employment outreach and recruitment, strategies to diversify applicant pools, appropriate interview questions, retention of the Agency's talent, and explaining what is permissible under EEO laws. By building professional relationships across the FTC, the EEOWI Director raised the level of awareness of certain issues and concerns, which were then communicated through FTC bureau and office directors to their respective organizations.

The delivery of in-person training to the Agency's eight regional offices remained a critical component of the leadership's commitment to a staff well informed of its EEO rights and responsibilities. Unfortunately, the pandemic halted in-person training, starting in March 2020. However, past trainings in the regional offices triggered management officials in the FTC's Headquarters to request that training be delivered to additional staff. As a result, instead of the training being mandated by the Chairman, the FTC's management team approached the Office of EEOWI about various trainings and to schedule trainings via Zoom for their organizations.

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

**EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F**

Further, to communicate the FTC leadership's commitment to equal employment opportunity, members from the Office of EEOWI, OGC, and HCMO collaborated during FY 2020 to present a management-training program for new management officials and a program for experienced management officials. This mandatory training focused on how the various offices work together to address critical employee relations and EEO issues at the FTC. This training encourages managers and supervisors to address workplace disputes before they escalate into intractable conflicts.

**Essential Element Two: Integration of EEO into the Agency's Strategic Mission**

Due to the Office of EEOWI's reporting structure with the Office of the FTC Chairman, the EEOWI Director enjoyed direct and regular access to the Chairman on policy and operational issues and trends. The staff in the Office of EEOWI worked closely and frequently with the Chairman's Office to advance the principles of equal opportunity, and ensured that policies and procedures were current and workplace policies, practices, procedures, and conditions that were identified as barriers to equal employment were addressed. The EEOWI Director provided the Chairman with regular updates regarding the activities and accomplishments of the Office of EEOWI.

In addition to briefing the FTC Chairman, the EEOWI Director regularly briefed the Chief of Staff and senior management officials on the state of equal employment opportunity in the FTC. In this regard, the EEOWI Director's briefings strategically integrated EEO principles at the highest levels of the Agency. Through these briefing sessions, the EEOWI Director ensured that the Chairman remained informed and apprised on the development and implementation of potential strategies to address and correct deficiencies and any potential barriers. In addition to highlighting issues and concerns across the organization, the EEOWI Director communicated what resources were expended during the prior month, the types of training delivered, and the status of EEO cases. These EEOWI briefings also included discussions of the MD-715 essential elements: accountability; effectiveness; efficiency; and legal compliance. Any additional concerns or problem areas, as identified by the EEOWI Director, were presented to the Chairman and the Chief of Staff during these briefings and as circumstances required throughout FY 2020.

The EEOWI Director is also actively involved in expanding opportunities to integrate EEO into all FTC hiring plans, policies, procedures, and practices. The EEOWI Director and the Chief Human Capital Officer (CHCO) had ongoing discussions about strategies to improve the work environment, address concerns raised by FTC staff, and address any recurring issues that had not been fully resolved. The EEOWI Director and the CHCO met with managers and supervisors, the Diversity Council's Executive Committee, and the FTC's Executive Director. The EEOWI Director strengthened the office's role as a resource by assisting managers and supervisors through coaching, providing direction and guidance, and monitoring workplace initiatives.

The Diversity Council continued to collaborate extensively with the Office of the Chairman, the EEOWI Director, the CHCO, and the Executive Director to address diversity and inclusion concerns. The Diversity Council has five committees, including Workforce Diversity, Workplace Inclusion, Sustainability, Communications, and Employee Engagement. These committees worked both independently to achieve their goals, and collaboratively to increase diversity and foster inclusion at the FTC. During its regularly scheduled meetings, the various committees provided reports to the membership at-large as it related to accomplishments, ongoing projects, and planned activities and events.

In FY 2020, the FTC built on past efforts to address the underrepresentation of Hispanics in its workforce. Specifically, the FTC continued to maintain and cultivate effective partnerships by sponsoring employees to attend the 2020 Hispanic National Bar Association's (HNBA) Convention, which was held virtually. The FTC, through its Office of EEOWI, sponsored two attorneys' attendance at the HNBA Convention in September 2020.

The FTC also participated in the National Asian Pacific American Bar Association Convention (NAPABA), which was held virtually in November 2020. The FTC, through its Office of EEOWI, sponsored four attorneys. The FTC's presence at NAPABA served several purposes, including increasing the likelihood that Asian/Pacific Islander Americans will seek employment at the Agency in the future and offered current employees the opportunity to represent the Agency as ambassadors, which aids in employee retention.

The FTC participated in the 2020 National Bar Association Annual Convention in July 2020, which was held virtually. The FTC, through its Office of EEOWI, sponsored two attorneys for this event. These attorneys attended virtual conference programs, seminars, and continuing legal education sessions.

Typically, the FTC participates in the conferences provided by Federally Employed Women (FEW) and Blacks in Government (BIG). However, the 2020 FEW Training Conference and the BIG 2020 National Training Institute annual training programs were cancelled due to the COVID-19 pandemic.

In FY 2020 the COVID-19 pandemic forced the cancellation of the Office of EEOWI's Partnership in Education (PIE) Program, which is under the broader umbrella of the federal Pathways Internship Program. The PIE Program provides summer internship opportunities to rising high school seniors and new high school graduates. In past years, the Office of EEOWI has worked to increase the size of the PIE Program. This program should re-emerge in future years, to continue its positive trend of growth. During the summer, the PIE Program affords the Agency an opportunity to introduce PIE interns to the FTC and learn about the FTC's dual missions of protecting consumers and promoting competition. In prior years, the students received training on interviewing techniques, business and writing skills, appropriate workplace conduct, and applying for college and financial aid. Since the PIE Program's inception, it has created a sustainable hiring pipeline for the FTC. The program has also contributed to increased diversity at the FTC as some graduates of the program have returned to the Agency as full-time employees.

Through the aforementioned programmatic activities and events, and others not highlighted here, the FTC integrates equal employment opportunity principles into the achievement of its strategic mission of protecting American consumers, whose diversity reflects a broad spectrum of diverse races,

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

**EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F**

national origins, religions, and differing abilities.

**Essential Element Three: Management and Program Accountability**

In FY 2020, the Agency continued to strengthen its Disability Program by conducting training on the Schedule A Hiring Authority. In particular, the Disability Program Manager met with management and hiring officials to explain the benefits of utilizing Schedule A. This occurred in several contexts, including supervisory training programs for new and experienced supervisors, respectively. The FTC increased its focus on educating more FTC officials on the federal government goals of agencies having 2% of their workforces have targeted disabilities, and 12% percent of their workforces be individuals with disabilities.

The Office of EEOWI presented programs for employees, supervisors, and managers during FY 2020, in a virtual setting. During these training sessions, the Office of EEOWI communicated to staff their rights and responsibilities pursuant to the federal civil rights laws and the FTC's internal policies that implement these laws. On some occasions, a member of the Office of EEOWI presented this material as a member of a broader training panel, composed of other officials from the FTC. For example, the Office of EEOWI participated in a training panel with BC, and the training's focus was on bias in the job interview process. The audience for this particular training was composed of FTC employees who were part of BC's interviewing committee.

Additionally, the performance plans for FTC supervisors must include critical elements that consider diversity and inclusion, among other factors. As an example, the FTC's *Administrative Manual* provides that members of the Agency's Senior Executives Service must be appraised on the performance of critical elements, taking into account several factors. These factors include meeting goals linked to affirmative action, equal employment opportunity, and diversity, and complying with the merit system principles outlined in 5 U.S.C. § 2301.

In support of these accountability measures for FTC supervisors and managers, the Office of EEOWI's required trainings for new and experienced management officials highlighted updates in equal employment opportunity law, avenues to set and achieve diversity goals, and methods to achieve compliance with the merit system principles. Due to these targeted, proactive trainings, the Office of EEOWI had only three formal EEO complaints in FY 2020. In relation to the size of the Agency's total workforce, this number represents a low number of formal discrimination complaints.

**Essential Element Four: Proactive Prevention of Unlawful Discrimination**

The Office of EEOWI continued to look for new and innovative ways to address and correct inappropriate conduct before it rose to an actionable level. In particular, with support from the Agency's Chairman, the Office of EEOWI met with hiring officials, regional directors, supervisors, and managers, to discuss issues in their respective organizations. The Office of EEOWI's staff devoted an extensive amount of time to building or maintaining relationships with the Agency's management officials in different contexts throughout FY 2020. In the short term, this effort resulted in continuous dialogue between the Office of EEOWI and management, which reduced disputes in the workplace and increased the likelihood of resolution of conflicts when they arose. Similarly, it allowed the Office of EEOWI to present itself as a proactive resource for employees, and not only as a reactive entity that processed discrimination complaints.

In the long term, the Office of EEOWI continued to establish new and strengthen existing relationships with front-line staff and management officials. The existence of these relationships provided an opportunity for management officials to contact the Office of EEOWI to discuss potential issues in the workplace in the earliest stages of conflict. Similarly, employees regularly reached out to the Office of EEOWI to receive guidance and suggestions on conflict avoidance and resolution. This increased employee engagement has led to a better overall workplace environment for FTC staff. Ultimately, these efforts by the Office of EEOWI helped it achieve its goal of being recognized as a resource and not only as a place to file an EEO complaint.

In addition, the Office of EEOWI continued to manage the Employee Exit Interview survey program. This includes making the survey questionnaire electronically available and accessible via the Agency's Intranet website, tracking employees who are separating from the Agency, promoting its completion, and analyzing the data for EEO trends, issues, and potential barriers to equality of opportunity. In order to keep the Employee Exit Interview survey program efficient and user-friendly, the Office of EEOWI continued to seek ways to improve this data collection platform. During the upcoming fiscal year, the Agency hopes to deliver a new and improved electronic platform, which will make the production of reports less time consuming.

**Essential Element Five: Efficiency**

During this reporting period, the Office of EEOWI continued to experience success in its pre-complaint resolution rate. In particular, the FTC's pre-complaint resolution rate was 72.7% in FY 2020. Pursuant to EEOC's management guidance, the Office of EEOWI continued to place great emphasis on resolving complaints at the lowest levels possible. To that end, practices remained in place to make certain that the EEO Counselors possessed the necessary tools and skill sets to determine whether an informal complaint was ripe for resolution. The Office of EEOWI expects this trend to continue in the years ahead.

Due to the success of its informal resolution program, only three individuals filed a formal EEO complaint in FY 2020 – two FTC employees and one individual who was not an FTC employee.<sup>[2]</sup> These formal complaints were processed pursuant to EEOC regulations and Management Directive 110.

**Element Six: Responsiveness and Legal Compliance**

The Office of EEOWI, HCMO, and OGC continued to share responsibility for responsiveness and legal compliance in the area of EEO. Historically, these

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

**EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F**

three offices have combined their efforts to ensure that the FTC remains in full compliance with all federal civil rights laws and EEOC regulations, management directives, and guidance. The aforementioned offices conducted trainings in FY 2020 for new and experienced management officials. Emphasis was placed on the collaborative relationship that these three offices possess. In addition, these offices reiterated to FTC management officials that the aim was the provision of excellent customer service and a welcoming work environment. When EEO matters arose, these offices also worked collaboratively to address the underlying issues.

The Office of EEOWI kept track of all EEO matters to ensure timely processing and an efficient process. Mechanisms were put in place to ensure that complainants and responsible management officials were made aware of their responsibilities and obligations, and knew the various steps of the administrative process.

In addition, although the Agency's Anti-Harassment Policy and Procedures remained under the Office of EEOWI's purview, FTC employees who believed that they had been subjected to harassment or a hostile work environment could initiate a complaint under this policy with HCMO. Within thirty days of initiating a complaint under this FTC policy, an inquiry is conducted and a final report is issued to the employee, HCMO's Director for Employee and Labor Relations, and the Director of the Office of EEOWI. The Office of EEOWI reviews the final report for timeliness, responsiveness of the staff involved in the process, the thoroughness of the report, and whether it complied with EEOC's legal requirements.

Additionally, the Office of EEOWI continued its Interagency Agreement with one of its fellow federal agencies to assist in the processing of conflict cases. The importance of these relationships with other federal agencies cannot be overstated. A major goal of the Office of EEOWI continued to be its insistence on supporting other federal agencies in the pursuit of model EEO employer status.

**FTC – Model EEO Employer**

In light of the foregoing, the FTC appreciates the opportunity to present this MD-715 EEO Plan to the EEOC to guide our efforts in achieving model EEO employer status in the future. In FY 2021 and beyond, the FTC will continue to identify areas that need strengthening and strive to remove even more barriers to equality of opportunity. In particular, the Office of EEOWI anticipates an agency-wide effort of deploying new strategies to: (1) promote diverse hiring by expanding the Agency's recruiting and visibility with colleges and law schools, especially with those institutions that serve students and alumni in demographic groups that are underrepresented within the FTC's workforce; (2) increase the population rate of individuals with targeted disabilities within the FTC's workforce; (3) develop or strengthen relationships with the agency's regional offices to further promote the equal access to opportunities and visibility throughout the agency. The Agency will also strengthen the Office of EEOWI's reputation as an entity that proactively prevents unlawful employment discrimination and promotes diversity and inclusion. Furthermore, in FY 2021, the Office of EEOWI will develop and deliver a slate of workshops and courses that will focus on diversity management, and diversity and inclusion. These trainings will be adapted to virtual platforms to account for the ongoing COVID-19 pandemic.

[1] Chairman Simons' tenure as the head of the FTC concluded in January 2021. He was succeeded by Acting Chair Rebecca Kelly Slaughter in January 2021. The current Chair of the FTC is Lina M. Khan, who was sworn in as the head of the Agency on June 15, 2021.

[2] Of the three formal EEO complaints filed against the FTC in FY 2020, the FTC resolved one complaint before an investigation into the matter commenced and one complaint was pending an EEO investigation. Regarding the remaining case, an individual filed a complaint against the FTC, and the Office of EEOWI categorized this individual as a contractor employed by a company providing services to the FTC. Consequently, the Office of EEOWI dismissed this complaint given that its underlying allegations were against the company employing the individual, and not the FTC.

## WORKFORCE ANALYSIS

### INTRODUCTION

This workforce analysis section provides an overview of the total FTC employment, including temporary and permanent employment with a focus on the agency's permanent and attorney workforces. Analyzed separately are the Senior Executive Service, GS-15, GS-14, and GS-13 workforces. Note that this workforce analysis data is comprised of the voluntary responses of persons who self-reported demographic information.

The Equal Employment Opportunity Commission (EEOC) requires comparing the profiles of the race/ethnic/gender groups in these categories at the FTC against the profile for the Civilian Labor Force (CLF), which serves as the benchmark. The FTC workforce data are viewed in light of the CLF for grade level distribution, promotions, recognition and awards, and separations. This measure is based on EEOC's assumption that the distribution of racial minorities and women at various grade levels, or with regard to promotions, recognition and awards, and separations should approximate their same percentage as represented in the CLF. The Relevant Civilian Labor Workforce (RCLF) covers all individuals in the United States who are employed in a specific occupation, such as attorneys.

### CHANGES IN THE WORKFORCE

#### Total Workforce

*The total FTC workforce increased by 2.2% from 1126 at the close of FY 2019 to 1151 at the end of FY 2020. (See Table A1).* A review of the total FTC workforce shows:

- Women's representation in total employment decreased from 48.9% to 48.6%, which is above their national CLF of 48.1%. Men's representation in total employment increased from 51.2% to 51.4%, which is below their national CLF of 51.9%.
- Hispanic employees' representation in total employment increased from 4.3% to 4.8%, which is below their national CLF of 10%. Hispanic women's representation in total employment increased from 2.3% to 2.7%, which is below their national CLF of 4.8%. Hispanic men's representation in total employment increased from 2% to 2.1%, which is below their national CLF of 5.2%.
- White employees' representation in total employment increased from 68.2% to 68.3%, which is below their national CLF of 72.4%. White women's representation in total employment decreased from 29.5% to 28.9%, which is below their national CLF of 34%. White men's representation in total employment increased from 38.7% to 39.4%, which is above their national CLF of 38.3%.

- Black employees' representation in total employment decreased from 17.3% to 16.9%, which is above their national CLF of 12%. Black women's representation in total employment decreased from 11.2% to 11%, which is significantly above their national CLF of 6.5%. Black men's representation in total employment decreased from 6.1% to 5.9%, which is above their national CLF of 5.5%.
- Asian employees' representation in total employment increased from 8.9% to 9.3%, which is significantly above their national CLF of 4%. Asian women's representation in total employment increased from 5.3% to 5.6%, which is above their national CLF of 1.9%. Asian men's representation increased from 3.6% to 3.7%, which is above their national CLF of 2%.
- Native Hawaiians or Other Pacific Islanders' representation in total employment decreased from 0.3% to 0.2%, which matches their national CLF of 0.2%. Native Hawaiians or Other Pacific Islander women's representation in total employment remains constant at 0.1%, which matches their national CLF of 0.1%. Native Hawaiians or Other Pacific Islander men's representation decreased from 0.2% to 0.1%, which matches their national CLF of 0.1%.
- American Indians or Alaskan Natives' representation in total employment decreased from 0.3% to 0.2%, which is below their national CLF of 1.1%. American Indians or Alaskan Native women's representation in total employment decreased from 0.1% to 0.0%, which is below their national CLF of 0.5%. American Indians or Alaskan Native men's representation in total employment remained constant at 0.2%, which is below their national CLF of 0.6%.
- Persons of two or more races' representation in total employment decreased from 0.7% to 0.5%, which is below their national CLF of 0.6%. Women of two or more races' representation remained constant as 0.4%, which is above their national CLF of 0.3%. Men of two or more races' representation decreased from 0.3% to 0.1%, which is below their national CLF is 0.3%.
- Persons with targeted disabilities in total employment decreased from 1.4% to 1.3%. There is no CLF for Americans with targeted disabilities. The federal workforce goal is 2%.

### **Total Workforce: FY 2020**

Total employment representation of White men, Black men and women, Asian men and women, and women of two or more races exceeded their percentage in the national CLF. By contrast, total employment representation of Hispanic men and women, White women, and American Indians or Alaskan Native men were below their percentage in the national CLF. Total employment representation of Native Hawaiians or Other Pacific Islander men and women

matched their percentage in the national CLF. American Indians and Alaskan Native women were not represented in the total workforce at the end of FY 2020.

## **Temporary Workforce**

***The number of temporary employees increased 8.3% from 84 at the close of FY 2019 to 91 at the close of FY 2020.*** Temporary employees represented 7.5% of the FTC's total workforce at the end of FY 2019, compared to 7.9% at the end of FY 2020. (See Table A1). A review of the agency's temporary workforce shows:

- Women represented 56% of the temporary workforce at the end of FY 2019, compared to 59.3% at the end of FY 2020, which is above their national CLF of 48.1%. Men represented 44.1% of the temporary workforce at the end of FY 2019, compared to 40.7% at the end of FY 2020, which is below their national CLF of 51.9%.
- Hispanic employees represented 4.8% of the temporary workforce at the end of FY 2019, compared to 3.3% at the end of FY 2020. Hispanic women increased from 0 to 2. Their representation increased from 0.0% to 2.2%. Hispanic men decreased from 4 to 1. Their representation decreased from 4.8% to 1.1%.
- White employees represented 71.4% of the temporary workforce at the end of FY 2019, compared to 73.7% at the end of FY 2020. The number of White women increased from 33 to 38. Their representation increased from 39.3% to 41.8%. The number of White men increased from 27 to 29. Their representation decreased from 32.1% to 31.9%.
- Black employees represented 13.1% of the temporary workforce at the end of FY 2019, compared to 7.7% at the end of FY 2020. The number of Black women decreased from 9 to 5. Their representation decreased from 10.7% to 5.5%. The number of Black men remained constant at 2. Their representation decreased from 2.4% to 2.2%.
- Asian employees represented 10.8% of the temporary workforce at the end of FY 2019, compared to 15.4% at the end of FY 2020. The number of Asian women increased from 5 to 9. Their representation increased from 6% to 9.9%. The number of Asian men increased from 4 to 5. Their representation increased from 4.8% to 5.5%.
- Native Hawaiians or Other Pacific Islanders were not represented in the temporary workforce at the end of FY 2019 and FY 2020.
- American Indians and Alaskan Natives employees were not represented in the temporary workforce at the end of FY 2019 and FY 2020.

- Persons of two or more races were not represented in the temporary workforce at the end of FY 2019 and FY 2020.
- Persons with targeted disabilities in the temporary workforce were not represented at the end of FY 2019 and FY 2020.

## **Permanent Workforce**

*The number of permanent employees increased 1.7% from 1042 to 1060.* Permanent employees represented 92.5% of the FTC's total workforce at the end of FY 2019, compared to 92.1% at the end of FY 2020. (See Table A1). A review of the agency's permanent workforce shows that:

- Women's representation in the permanent workforce increased from 503 to 505. Their representation decreased from 48.3% to 47.6%, which is below their national CLF of 48.1%. Men's representation in the permanent workforce increased from 539 to 555. Men's representation in the permanent employment workforce increased from 51.7% to 52.4%, which is above their national CLF of 51.9%.
- Hispanic women in the permanent workforce increased from 26 to 29. Their representation increased from 2.5% to 2.7%, which is below their national CLF of 4.8%. The number of Hispanic men in the permanent employment workforce increased from 19 to 23. Their representation increased from 1.8% to 2.2%, which is below their national CLF of 5.2%.
- White women in the permanent workforce decreased from 299 to 295. Their representation decreased from 28.7% to 27.8%, which is below their national CLF of 34%. The number of White men in the permanent workforce increased from 409 to 425. Their representation increased from 39.3% to 40.1%, which is above their national CLF of 38.3%.
- Black women in the permanent workforce increased from 117 to 121. Their representation increased from 11.2% to 11.4%, which is significantly above their national CLF of 6.5%. The number of Black men in the permanent workforce decreased from 67 to 66. Their representation decreased from 6.4% to 6.2%, which is above their national CLF of 5.5%.
- Asian women in the permanent workforce remained constant at 55. Their representation decreased from 5.3% to 5.2%, which is significantly above their national CLF of 1.9%. The number of Asian men in the permanent workforce remained constant at 37. Their representation decreased from 3.6% to 3.5%, which is above their national CLF of 2%.
- Native Hawaiian or Other Pacific Islander women in the permanent workforce remained constant at 1. Their representation remained constant at 0.1%, which equals their national CLF of 0.1%. The number of Native Hawaiian or

Other Pacific Islander men in the permanent workforce decreased from 2 to 1. Their representation decreased from 0.2% to 0.1%, which matches their national CLF of 0.1%.

- American Indian or Alaskan Native women in the permanent workforce decreased from 1 to 0. Their representation decreased from 0.1% to 0.0%. Their national CLF is 0.5%. The number of American Indian or Alaskan Native men in the permanent workforce remained constant at 2. Their representation remained constant at 0.2%, which is below their national CLF of 0.6%.
- Women of two or more races in the permanent workforce remained constant at 4. Their representation remained constant at 0.4%, which is above their national CLF of 0.3%. The number of men of two or more races in the permanent workforce decreased from 3 to 1. Their representation decreased from 0.3% to 0.1%, which is below their national CLF of 0.3%.
- Persons with targeted disabilities in the permanent workforce decreased from 16 to 15. Their representation decreased from 1.5% to 1.4%, which is below the government-wide goal of 2%.

## **CHANGES IN LEVELS OF EMPLOYMENT**

**October 1, 2019 to September 30, 2020**

### **Senior Executive Service**

*The Senior Executive Service (SES) workforce decreased 17.1% from 41 to 34. SES employees accounted for 3.9% of the FTC's permanent workforce at the end of FY 2019, and 3.2% at the end of FY 2020. (See Table A4-P).*

- Women's representation in the SES workforce decreased from 18 to 14. Their representation decreased from 43.9% to 41.2%, which is below their representation of 47.6% in the permanent workforce.
- Racial minorities in the FTC SES workforce decreased from 6 to 5. Their representation in the SES workforce increased from 14.6% to 14.7%, which is significantly below their representation of 32% in the permanent workforce. Hispanic men, Black men, Asian Men, Native Hawaiians or Other Pacific Islanders, American Indians or Alaska Natives, and persons of two or more races were not represented in this workforce.
- Persons with targeted disabilities were not represented in the SES workforce.

## Grades 13-15

**Total employees in grades 13-15 increased by 3.8% from 840 to 872.** This pool of employees provides the major source of highly qualified candidates for managerial and supervisory positions. Employees in grades 13-15 accounted for 80.6% of the permanent workforce at the end of FY 2019, compared to 82.3% at the end of FY 2020.

## Grade 15

**Total employees in grade 15 increased by 2.5% from 570 to 584.** As the largest populated FTC grade level, grade 15 accounted for 54.7% of the FTC's permanent workforce at the end of FY 2019, compared to 55.1% at the end of FY 2020.

**Women in grade 15 increased by 1.9% from 262 to 267.** Their portion of grade 15 decreased from 46% to 45.7%, which is below their representation of 47.6% in the permanent workforce. The number of men increased from 308 to 317. Their portion of grade 15 increased from 54% to 54.3%, which is above their representation of 52.4% in the permanent workforce at the end of FY 2020.

**Hispanic employees in grade 15 increased by 20% from 20 to 24.** Their portion of grade 15 increased from 3.5% to 4.1%, which is below their representation of 4.9% in the permanent workforce. The number of Hispanic women increased from 11 to 14. Their portion of grade 15 increased from 1.9% to 2.4%, which is below their representation of 2.7% in the permanent workforce at the end of FY 2020. The number of Hispanic men increased from 9 to 10. Their portion of grade 15 increased from 1.6% to 1.7%, which is below their representation of 2.2% in the permanent workforce at the end of FY 2020.

**White employees in grade 15 increased by 2.8% from 459 to 472.** Their portion of grade 15 increased from 80.3% to 80.9%, which is significantly above their representation of 67.9% in the permanent workforce. The number of White women increased from 194 to 196. Their portion of grade 15 decreased from 34% to 33.6%, which is above their representation of 27.8% in the permanent workforce at the end of FY 2020. The number of White men increased from 265 to 276. Their portion of grade 15 increased from 46.5% to 47.3%, which is above their representation of 40.1% in the permanent workforce at the end of FY 2020.

**Black employees in grade 15 decreased 5.6% from 36 to 34.** Their portion of grade 15 decreased from 6.4% to 5.9%, which is significantly below their representation of 17.6% in the permanent workforce. The number of Black women remained constant at 22. Their portion of grade 15 decreased from 3.9% to 3.8%, which is significantly below their representation of 11.4% in the permanent workforce at the end of FY 2020. The number of Black men decreased from 14 to 12. Their portion of grade 15 decreased from 2.5% to 2.1%, which is below their representation of 6.2% in the permanent workforce at the end of FY 2020.

***Asian employees in grade 15 increased 1.9% from 52 to 53.*** Their portion of grade 15 decreased from 9.2% to 9.1%, which is above their representation of 8.7% in the permanent workforce. The number of Asian women increased from 34 to 35. Their portion of grade 15 remained constant at 6%, which is above their representation of 5.2% in the permanent workforce at the end of FY 2020. The number of Asian men remained constant at 18. Their portion of grade 15 decreased from 3.2% to 3.1%, which is below their representation of 3.5% in the permanent workforce at the end of FY 2020.

***Native Hawaiian or Other Pacific Islanders in grade 15 decreased 50% from 2 to 1.*** Their portion of grade 15 decreased from 0.4% to 0.2%, which matches their representation of 0.2% in the permanent workforce at the end of FY 2020. Native Hawaiian or Other Pacific Islander women were not represented at the end of FY 2020. The number of Native Hawaiian or Other Pacific Islander men decreased from 2 to 1. Their portion of grade 15 decreased from 0.4% to 0.2%, which is above their representation of 0.1% in the permanent workforce at the end of FY 2020.

***American Indian or Alaskan Native Americans were not represented in grade 15 at the end of FY 2020.***

***Persons of two or more races were not represented in grade 15 at the end of FY 2020.***

***Persons with targeted disabilities in grade 15 remained constant at 4.*** Their portion of grade 15 remained constant at 0.7%, which is below their representation of 1.4% in the permanent workforce at the end of FY 2020.

/

## **Grade 14**

***Total employees in grade 14 increased 6% from 149 to 158.*** This grade accounted for 14.3% of the FTC's permanent workforce at the end of FY 2019, compared to 14.9% at the end of FY 2020.

***Women in grade 14 increased 3.1% from 65 to 67.*** Their portion of grade 14 decreased from 43.6% to 42.4%, which is below their representation of 47.6% in the permanent workforce at the end of FY 2020. The number of men increased from 84 to 91. Their portion of grade 14 increased from 56.4% to 57.6%, which is above their representation of 52.4% in the permanent workforce at the end of FY 2020.

***Hispanic employees in grade 14 remained constant at 7.*** Their portion of grade 14 decreased from 4.7% to 4.4%, which is below their representation of 4.9% in the permanent workforce at the end of FY 2020. The number of Hispanic women in grade 14 remained constant at 4. Their portion of grade 14 decreased from 2.7% to 2.5%, which is below their representation of 2.7% in the permanent workforce at the end of FY 2020. The number of Hispanic men remained

constant at 3. Their portion of grade 14 decreased from 2% to 1.9%, which is below their representation of 2.2% in the permanent workforce at the end of FY 2020.

***White employees in grade 14 increased 5.2% from 96 to 101.*** Their portion of grade 14 decreased from 64.4% to 63.9%, which is below their representation of 67.9% in the permanent workforce at the end of FY 2020. The number of White women in grade 14 increased from 39 to 40. Their portion of grade 14 decreased from 26.2% to 25.3%, which is below their representation of 27.8% in the permanent workforce at the end of FY 2020. The number of White men in grade 14 increased from 57 to 61. Their portion of grade 14 increased from 38.3% to 38.6%, which is below their representation of 40.1% in the permanent workforce at the end of FY 2020.

***Black employees in grade 14 increased 19% from 21 to 25.*** Their portion of grade 14 increased from 14.1% to 15.9%, which is below their representation of 17.6% in the permanent workforce at the end of FY 2020. The number of Black women in grade 14 remained constant at 11. Their portion of grade 14 decreased from 7.4% to 7%, which is below their representation of 11.4% in the permanent workforce at the end of FY 2020. The number of Black men increased from 10 to 14. Their portion of grade 14 increased from 6.7% to 8.9%, which is above their representation of 6.2% in the permanent workforce at the end of FY 2020.

***Asian employees in grade 14 increased 4.5% from 22 to 23.*** Their portion of grade 14 decreased from 14.7% to 14.5%, which is above their representation of 8.7% in the permanent workforce at the end of FY 2020. The number of Asian women increased from 9 to 10. Their portion of grade 14 increased from 6% to 6.3%, which is above their representation of 5.2% in the permanent workforce at the end of FY 2020. The number of Asian men remained constant at 13. Their portion of grade 14 decreased from 8.7% to 8.2%, which is significantly above their representation of 3.5% in the permanent workforce at the end of FY 2020.

***Native Hawaiians or Other Pacific Islanders in grade 14 remained constant at 1.*** Their portion of grade 14 representation in the permanent workforce was less than 1% in FY 2020. The number of Native Hawaiians and Other Pacific Islander women in grade 14 remained constant at 1. Their portion of grade 14 decreased from 0.7% to 0.6%, which is above their representation of 0.1% in the permanent workforce at the end of FY 2020. Native Hawaiians or Other Pacific Islander men were not represented in the permanent workforce at the end of FY 2020.

***American Indians or Alaskan Natives were not represented in grade 14 at the end of FY 2020.***

***Persons of two or more races in grade 14 decreased 50% from 2 to 1.*** Their portion of grade 14 representation in the permanent workforce decreased from 1.4% to 0.6%, which is above their representation of 0.5% in the permanent workforce at the end of FY 2020. The number of women of two or more races remained constant at 1. Their portion of grade 14 decreased from 0.7% to 0.6%, which is above their representation of 0.4% in the permanent workforce at the end of FY 2020. The number of men of two or more races in grade 14 decreased from 1 to 0. Their

portion of grade 14 decreased from 0.7% to 0.0%, which is below their representation of 0.1% in the permanent workforce at the end of FY 2020.

***Persons with targeted disabilities in grade 14 remained constant at 2.*** Their portion of grade 14 representation remained constant at 1.3%, which is below their representation of 1.4% in the permanent workforce at the end of FY 2020.

## **Grade 13**

***Total employees in grade 13 increased 7.4% from 121 to 130.*** This grade accounted for 11.6% of the FTC's permanent workforce at the end of FY 2019, compared to 12.3% at the end of FY 2020.

***Women in grade 13 increased 8.6% from 58 to 63.*** Their portion of grade 13 increased from 47.9% to 48.5%, which is above their representation of 47.6% in the permanent workforce at the end of FY 2020. The number of men increased from 63 to 67. Their portion of grade 13 decreased from 52.1% to 51.4%, which is below their representation of 52.4% in the permanent workforce at the end of FY 2020.

***Hispanic employees in grade 13 increased 33.3% from 6 to 8.*** Their portion of grade 13 increased from 5% to 6.2%, which is above their representation of 4.9% in the permanent workforce at the end of FY 2020. The number of Hispanic women remained constant at 3. Their portion of grade 13 decreased from 2.5% to 2.3%, which is below their representation of 2.7% in the permanent workforce at the end of FY 2020. The number of Hispanic men increased from 3 to 5. Their portion of grade 13 increased from 2.5% to 3.9%, which is above their representation of 2.2% in the permanent workforce at the end of FY 2020.

***White employees in grade 13 increased 11.5%, from 61 to 68.*** Their portion of grade 13 increased from 50.4% to 52.3%, which is below their representation of 67.9% in the permanent workforce at the end of FY 2020. The number of White women increased from 26 to 28. Their portion of grade 13 remained constant at 21.5%, which is below their representation of 27.8% in the permanent workforce at the end of FY 2020. The number of White men increased from 35 to 40. Their portion of grade 13 increased from 28.9% to 30.8%, which is below their representation of 40.1% in the permanent workforce at the end of FY 2020.

***Black employees in grade 13 remained constant at 45.*** Their portion of grade 13 decreased from 37.2% to 34.6%, which is above their representation of 17.6% in the permanent workforce at the end of FY 2020. The number of Black women increased from 25 to 28. Their portion of grade 13 increased from 20.7% to 21.5%, which is above their representation of 11.4% in the permanent workforce at the end of FY 2020. The number of Black men decreased from 20 to 17. Their portion of grade 13 decreased from 16.5% to 13.1%, which is above their representation of 6.2% in the permanent workforce at the end of FY 2020.

***Asian employees in grade 13 increased 14.3% from 7 to 8.*** Their portion of grade 13 increased from 5.8% to 6.2%, which is below their representation of 8.7% in the permanent workforce at the end of FY 2020. The number of Asian women remained constant at 4. Their portion of grade 13 decreased from 3.3% to 3.1%, which is below their representation of 5.2% in the permanent workforce at the end of FY 2020. The number of Asian men increased from 3 to 4. Their portion of grade 13 increased from 2.5% to 3.1%, which is below their representation of 3.5% in the permanent workforce at the end of FY 2020.

***Native Hawaiians or Other Pacific Islanders in grade 13 were not represented at the end of FY 2020.***

***American Indians or Alaskan Natives in grade 13 were not represented at the end of FY 2020.***

***Persons of two or more races in grade 13 decreased 50% from 2 to 1.*** Their portion of grade 13 decreased from 1.7% to 0.8%, which is above their representation of 0.5% in the permanent workforce at the end of FY 2020. The number of women of two or more races were not represented at the end of FY 2020. The number of men of two or more races in grade 13 decreased from 2 to 1. Their portion of grade 13 decreased from 1.7% to 0.8%, which is above their representation of 0.1% in the permanent workforce at the end of FY 2020.

***Persons with targeted disabilities in grade 13 increased 100% from 2 to 4.*** Their portion of grade 13 increased from 1.7% to 3.1%, which is above their representation of 1.4% in the permanent workforce at the end of FY 2020.

## ATTORNEY WORKFORCE

Attorneys accounted for 59% of the FTC's permanent workforce at the end of FY 2019, compared to 58.9% at the end of FY 2020.<sup>1</sup> The number of employees in the attorney workforce increased from 615 in FY 2019 to 624 in FY 2020. (See Table A6P). A review of the attorney workforce shows:

- ***Women in the attorney workforce remained constant at 300.*** Their portion of the FTC's attorney workforce decreased from 48.8% to 48.1%, which is above their RCLF of 32.8%. The number of men in the attorney workforce increased from 315 to 324. Their portion of the FTC's attorney workforce increased from 51.2% to 51.9%, which is below their RCLF of 67.2%.
- ***Racial minorities in the attorney workforce increased 3.2% from 124 to 128.*** Racial minorities' portion of the FTC's attorney workforce increased from 20.2% to 20.5%, which is above their RCLF of 13.1%.
- ***Hispanic employees in the attorney workforce increased 16.7% from 24 to 28.*** Their portion of the attorney workforce increased from 3.9% to 4.5%, which is above their RCLF of 4.3%. The number of Hispanic women increased from 14 to 15. Their portion of the attorney workforce increased from 2.3% to 2.4%, which is above their RCLF of 1.8%. The number of Hispanic men increased from 10 to 13. Their portion of the attorney workforce increased from 1.6% to 2.1%, which is below their RCLF of 2.5%.
- ***White employees in the attorney workforce increased 1.8% from 487 to 496.*** Their portion of the attorney workforce increased from 79.2% to 79.5%, which is below their RCLF of 86.7%. The number of White women decreased from 221 to 219. Their portion of the attorney workforce decreased from 35.9% to 35.1%, which is above their RCLF of 26.4%. The number of White men increased from 266 to 277. Their portion of the attorney workforce increased from 43.3% to 44.4%, which is below their RCLF of 60.3%.
- ***Black employees in the attorney workforce decreased 10% from 40 to 36.*** Their portion of the attorney workforce decreased from 6.5% to 5.8%, which is above their RCLF of 4.7%. The number of Black women increased from 24 to 25. Their portion of the attorney workforce increased from 3.9% to 4%, which is above their RCLF of 2.6%. The number of Black men decreased from 16 to 11. Their portion of the attorney workforce decreased from 2.6% to 1.8%, which is below their RCLF of 2.1%.

---

<sup>1</sup> MD-715 requires analysis of occupations having 100 or more employees. The FTC's attorney workforce is the only occupation that has 100 or more employees.

- ***Asian employees in the attorney workforce increased 1.7% from 60 to 61.*** Their portion of the attorney workforce increased from 9.7% to 9.8%, which is above their RCLF of 3.5%. The number of Asian women increased from 39 to 40. Their portion of the attorney workforce increased from 6.3% to 6.4%, which is significantly above their RCLF of 1.7%. The number of Asian men remained constant at 21. Their portion of the attorney workforce remained constant at 3.4%, which is above their RCLF of 1.8%.
- ***Native Hawaiians or Other Pacific Islanders in the attorney workforce remained constant at 1.*** Their portion of the attorney workforce remained constant at 0.2%, which is above their RCLF of 0.03%. Native Hawaiians or Other Pacific Islanders women were not represented in the attorney population at the end of FY 2020. The number of Native Hawaiians or Other Pacific Islanders men remained constant at 1. Their portion of the attorney workforce remained constant at 0.2%, which is above their RCLF of 0.02%.
- ***American Indian or Alaska Natives in the attorney workforce decreased 50% from 2 to 1.*** Their portion of the attorney workforce decreased from 0.4% to 0.2%, which matches their RCLF of 0.2%. The number of American Indian or Alaska Native women decreased from 1 to 0. Their portion of the attorney workforce decreased from 0.2% to 0.0%, which is below their RCLF of 0.1%. American Indian or Alaska Native men remained constant at 1. Their portion of the attorney workforce remained constant at 0.2%, which is above their RCLF of 0.1%.
- ***Persons of two or more races in the attorney workforce remained constant at 1.*** Their portion of the attorney workforce remained constant at 0.2%, which is below their RCLF of 0.4%. Women of two or more races remained constant at 1. Their portion of the attorney workforce remained constant at 0.2%, which matches their RCLF of 0.2%. Men of two or more races were not represented in the attorney population at the end of FY 2020.
- ***Attorneys with targeted disabilities remained constant at 4.*** Their representation decreased from 0.7% to 0.6% of the attorney workforce. There is no RCLF for persons with targeted disabilities.

## ATTORNEY WORKFORCE IN GRADES 13-15

Attorneys in grades 13-15 accounted for 54.9% of the FTC's permanent workforce at the end of FY 2019, compared to 56.2% at the end of FY 2020. The number of attorneys in grades 13-15 increased 4.2% from 572 to 596.

### Grade 15

***Attorneys in grade 15 increased 2.3% from 469 to 480.*** These attorneys accounted for 76.3% of the FTC's attorney workforce at the end of FY 2019, compared to 76.9% at the end of FY 2020. (See Table A6P).

***Women in the grade 15 attorney workforce increased 0.9% from 234 to 236.*** Their representation in the grade 15 attorney workforce decreased from 49.9% to 49.2%, which is above their representation of 48.1% of the FTC's attorney workforce at the end of FY 2020. The number of men in the grade 15 attorney workforce increased from 50.1% to 50.8%, which is below their representation of 51.9% of the FTC's attorney workforce at the end of FY 2020.

***Hispanic employees in the grade 15 attorney workforce increased 17.6% from 17 to 20.*** Their representation in the grade 15 attorney workforce increased from 3.8% to 4.3%, which is below their representation of 4.5% of the FTC's attorney workforce at the end of FY 2020. Hispanic women's representation in the grade 15 attorney workforce increased from 2.5% to 2.8%, which is above their representation of 2.4% of the FTC's attorney workforce at the end of FY 2020. Hispanic men's representation in the grade 15 attorney workforce increased from 1.3% to 1.5%, which is below their representation of 2.1% of the FTC's attorney workforce at the end of FY 2020.

***White employees in the grade 15 attorney workforce increased 2.6% from 382 to 392.*** Their representation in the grade 15 attorney workforce increased from 81.4% to 81.7%, which is above their representation of 79.5% of the FTC's attorney workforce at the end of FY 2020. White women's representation in the grade 15 attorney workforce remained constant at 37.1%, which is above their representation of 35.1% of the FTC's attorney workforce at the end of FY 2020. White men's representation in the grade 15 attorney workforce increased from 43.4% to 44.6%, which is above their representation of 44.4% of the FTC's attorney workforce at the end of FY 2020.

***Black employees in the grade 15 attorney workforce decreased 7.4% from 27 to 25.*** Their representation in the grade 15 attorney workforce decreased from 6.1% to 5.5%, which is below their representation of 5.8% of the FTC's attorney workforce at the end of FY 2020. Black women's representation in the grade 15 attorney workforce decreased from 3.6% to 3.5%, which is below their representation of 4% of the FTC's attorney workforce at the end of FY 2020. Black men's representation in the grade 15 attorney workforce decreased from 2.5% to 2%, which is above their representation of 1.8% of the FTC's attorney workforce at the end of FY 2020.

***Asian employees in the grade 15 attorney workforce increased 2.4% from 41 to 42.*** Their representation in the grade 15 attorney workforce decreased from 9.2% to 9.1%, which is below their representation of 9.8% of the FTC's attorney workforce at the end of FY 2020. Asian women's representation in the grade 15 attorney workforce decreased from 6.5% to 6.3%, which is below their representation of 6.4% of the FTC's attorney workforce at the end of FY 2020. Asian men's representation in the grade 15 attorney workforce increased from 2.7% to 2.8%, which is below their representation of 3.4% of the FTC's attorney workforce at the end of FY 2020.

***Native Hawaiians or Other Pacific Islanders in the grade 15 attorney workforce remained constant at one.*** Their representation in the grade 15 attorney workforce remained constant at 0.2%. Native Hawaiians or Other Pacific Islanders women were not represented in the grade 15 attorney workforce at the end of FY 2020. The number of Native Hawaiians or Other Pacific Islanders men remained constant at 1. Their representation in the grade 15 attorney workforce remained constant at 0.2%, which matches their representation of 0.2% of the FTC's attorney workforce at the end of FY 2020. American Indians or Alaskan Natives in the grade 15 attorney workforce were not represented in the grade 15 attorney workforce at the end of FY 2020.

***Persons of two or more races were not represented in the grade 15 attorney workforce at the end of FY 2020.***

***Persons with targeted disabilities in the grade 15 attorney workforce decreased 33.3% from 3 to 2.*** Their representation remained less than 1% of the attorney workforce at the end of FY 2020.

## **Grade 14**

***Attorneys in grade 14 increased 12.2% from 74 to 83.*** These attorneys accounted for 13.3% at the end of FY 2020.

***Women in the grade 14 attorney workforce increased 5.3% from 38 to 40.*** Their representation in the grade 14 attorney workforce decreased from 51.4% to 48.2%, which is above their representation of 48.1% of the FTC's attorney workforce at the end of FY 2020. The number of men in the grade 14 attorney workforce increased from 36 to 43. Their representation in the grade 14 attorney workforce increased from 48.7% to 51.8%, which is below their representation of 51.9% of the FTC's attorney workforce at the end of FY 2020.

***Hispanic employees in the grade 14 attorney workforce decreased 25% from 4 to 3.*** Their representation in the grade 14 attorney workforce decreased from 5.4% to 3.6%, which is below their representation of 4.5% of the FTC's attorney workforce at the end of FY 2020. Hispanic women's representation in the grade 14 attorney workforce decreased from 2.7% to 1.2%, which is below their representation of 2.4% of the FTC's attorney workforce at the end of FY 2020. Hispanic men's representation in the grade 14 attorney workforce decreased from 2.7% to 2.4%,

which is above their representation of 2.1% of the FTC's attorney workforce at the end of FY 2020.

***White employees in the grade 14 attorney workforce increased 17.3% from 52 to 61.*** Their representation in the grade 14 attorney workforce increased from 70.2% to 73.5%, which is below their representation of 79.5% of the FTC's attorney workforce at the end of FY 2020. White women's representation in the grade 14 attorney workforce decreased from 35.1% to 33.7%, which is below their representation of 35.1% of the FTC's attorney workforce at the end of FY 2020. White men's representation in the grade 14 attorney workforce increased from 35.1% to 39.8%, which is below their representation of 44.4% of the FTC's attorney workforce at the end of FY 2020.

***Black employees in the grade 14 attorney workforce remained constant at 4.*** Their representation in the grade 14 attorney workforce decreased from 5.4% to 4.8%, which is below their representation of 5.8% of the FTC's attorney workforce at the end of FY 2020. Black women's representation in the grade 14 attorney workforce decreased from 2.7% to 2.4%, which is below their representation of 4% of the FTC's attorney workforce at the end of FY 2020. Black men's representation in the grade 14 attorney workforce decreased from 2.7% to 2.4%, which is above their representation of 1.8% of the FTC's attorney workforce at the end of FY 2020.

***Asian employees in the grade 14 attorney workforce increased 7.7% from 13 to 14.*** Their representation in the grade 14 attorney workforce decreased from 17.6% to 16.8%, which is significantly above their representation of 9.8% of the FTC's attorney workforce at the end of FY 2020. Asian women's representation in the grade 14 attorney workforce increased from 9.5% to 9.6%, which is above their representation of 6.4% of the FTC's attorney workforce at the end of FY 2020. Asian men's representation in the grade 14 attorney workforce decreased from 8.1% to 7.2%, which is above their representation of 3.4% of the FTC's attorney workforce at the end of FY 2020.

***Native Hawaiians or Other Pacific Islanders were not represented in the grade 14 attorney workforce at the end of FY 2020.***

***American Indians or Alaskan Natives were not represented in the grade 14 attorney workforce at the end of FY 2020.***

***Persons of two or more races remained constant at 1.*** Their portion of the attorney workforce decreased from 1.4% to 1.2%. Women of two or more races remained constant at 1. Their portion of the attorney workforce decreased from 1.4% to 1.2%. Men of two or more races were not represented in the attorney population at the end of FY 2020.

***Persons with targeted disabilities were not represented in the grade 14 attorney workforce at the end of FY 2020.***

## Grade 13

***Attorneys in grade 13 increased 13.8% from 29 to 33.*** These attorneys accounted for 4.7% of the FTC's attorney workforce at the end of FY 2019, compared to 5.3% at the end of FY 2020.

***Women in the grade 13 attorney workforce increased 16.7% from 12 to 14.*** Their representation in the grade 13 attorney workforce increased from 41.4% to 42.4%, which is below their representation of 48.1% of the FTC's attorney workforce at the end of FY 2020. The number of men in the grade 13 attorney workforce increased 11.8% from 17 to 19. Their representation in the grade 13 attorney workforce decreased from 58.6% to 57.6%, which is above their representation of 51.9% of the FTC's attorney workforce at the end of FY 2020.

***Hispanic employees in the grade 13 attorney workforce increased from 0 to 2.*** Their portion of the attorney workforce increased from 0% to 6.1%, which is above their representation of 4.5% of the FTC's attorney workforce at the end of FY 2020. Hispanic women were not represented in the attorney workforce at the end of FY 2020. Hispanic men increased from 0 to 2. Their portion of the attorney workforce increased from 0% to 6.1%, which is above their representation of 2.1% of the FTC's attorney workforce at the end of FY 2020.

***White employees in the grade 13 attorney workforce increased 9.5% from 21 to 23.*** Their representation in the grade 13 attorney workforce decreased from 72.4% to 69.7%, which is below their representation of 79.5% of the FTC's attorney workforce at the end of FY 2020. White women's representation in the grade 13 attorney workforce increased from 24.1% to 24.2%, which is below their representation of 35.1% of the FTC's attorney workforce at the end of FY 2020. White men's representation in the grade 13 attorney workforce decreased from 48.3% to 45.5%, which is above their representation of 44.4% of the FTC's attorney workforce at the end of FY 2020.

***Black employees in the grade 13 attorney workforce remained constant at 5.*** Their representation in the grade 13 attorney workforce decreased from 17.3% to 15.2%, which is above their representation of 5.8% of the FTC's attorney workforce at the end of FY 2020. Black women's representation in the grade 13 attorney workforce increased from 13.8% to 15.2%, which is significantly above their representation of 4% of the FTC's attorney workforce at the end of FY 2020. Black men were not represented in the attorney workforce at the end of FY 2020.

***Asian employees in the grade 13 attorney workforce remained constant at 3.*** Their representation in the grade 13 attorney workforce decreased from 10.4% to 9.1%, which is below their representation of 9.8% of the FTC's attorney workforce at the end of FY 2020. Asian women's representation in the grade 13 attorney workforce decreased from 3.5% to 3%, which is below their representation of 6.4% of the FTC's attorney workforce at the end of FY 2020. Asian men's representation decreased from 6.9% to 6.1%, which is above their representation of 3.4% of the FTC's attorney workforce at the end of FY 2020.

*Native Hawaiians or Other Pacific Islanders were not represented in the grade 13 attorney workforce at the end of FY 2020.*

*American Indians or Alaskan Natives were not represented in the grade 13 attorney workforce at the end of FY 2020.*

*Persons of two or more races were not represented in the grade 13 attorney workforce at the end of FY 2020.*

*Persons with targeted disabilities in the grade 13 attorney workforce remained constant at 1.* Their representation in the grade 13 attorney workforce decreased from 3.5% in FY 2019 to 3% of the FTC's grade 13 attorney workforce at the end of FY 2020. Their representation remained less than 1% of the FTC's attorney workforce at the end of the FY 2020.

## MANAGEMENT<sup>2</sup>

Management level employees accounted for 16.6% of the FTC's permanent workforce at the end of FY 2020. (See Table A3). The number of management employees decreased from 180 to 176. There are three occupational categories in the management workforce: Executives; Managers (Grades 13-14); and Supervisors (Grades 12 and below). The Executive/Senior Level managers and officials include employees in pay plans GS/GM Grade 15, SES, EX, and AJ with supervisory codes 2, 4, and 5. The Other Management Officials occupational category includes employees in selected series with supervisory codes 7 and 8.

---

<sup>2</sup> According to the EEOC's *Instructions to Federal Agencies for MD-715*, Section IV: Interpretation and Completion of Workforce Data Tables, Part I, Element I, the officials and managers occupational category has been changed to management. The management category contains new subcategories, including executives, managers, and supervisors, to more accurately describe the level of responsibility and influence of the management officials in the organizational hierarchy.

The following statistical snapshot shows the percent of representation in the Executive/Senior level.

**Percent of Executive/Senior level (GS-15 and above) Workforce  
by Race/Ethnicity and Gender**

	Hispanic or Latino		White		Black/ African American		Asian		Native Hawaiian or Other Pacific Islander		American Indian or Alaskan Native		Two or more races	
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
% of ESL 2019	1.7	2.2	46.1	33.9	2.8	5.6	1.7	5.0	0.6	0.6	0.0	0.0	0.0	0.0
<b>% of FTC 2019</b>	<b>1.8</b>	<b>2.5</b>	<b>39.3</b>	<b>28.7</b>	<b>6.4</b>	<b>11.2</b>	<b>3.6</b>	<b>5.3</b>	<b>0.2</b>	<b>0.1</b>	<b>0.2</b>	<b>0.1</b>	<b>0.3</b>	<b>0.4</b>
% of ESL 2020	1.7	2.8	46.6	31.8	2.8	6.3	1.1	6.3	0.0	0.6	0.0	0.0	0.0	0.0
<b>% of FTC 2020</b>	<b>2.2</b>	<b>2.7</b>	<b>40.1</b>	<b>27.8</b>	<b>6.2</b>	<b>11.4</b>	<b>3.5</b>	<b>5.2</b>	<b>0.1</b>	<b>0.1</b>	<b>0.2</b>	<b>0.0</b>	<b>0.1</b>	<b>0.4</b>

This snapshot of Executive/Senior Level (ESL) positions reflects that in FY 2019, all groups were represented in the ESL workforce except American Indian or Alaskan Native men and women, and men and women of two or more races. The percentage of White men and women, and Native Hawaiian or Other Pacific Islander men and women in the ESL workforce were higher than their percentage of the FTC workforce. Hispanic men and women, Black men and women, and Asian men and women in the ESL workforce were lower than their percentage of the FTC workforce.

In FY 2020, all groups were represented in the ESL workforce except Native Hawaiian or Other Pacific Islander men, American Indian or Alaskan Native men and women, and men and women of two or more races. The percentage of Hispanic women, White men and women, Asian women, and Native Hawaiian or Other Pacific Islander women in the ESL workforce were higher than their percentage of the FTC workforce. Hispanic men, Black men and women, and Asian men in the ESL workforce were lower than their percentage of the FTC workforce.

## PROFESSIONAL WORKFORCE

Professional employees accounted for 641 or 61.5% of the FTC’s workforce at the end of FY 2019, compared to 664 or 62.6% at the end of FY 2020. The chart below shows the percent of representation of the FTC’s permanent, professional workforce at the end of FY 2019 and FY 2020.

### Percent of Professional Employees by Race/Ethnicity and Gender Groups

	Hispanic and Latino		White		Black/ African American		Asian		Native Hawaiian or Other Pacific Islander		American Indian or Alaskan Native		Two or more races	
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
% of Professional 2019	1.9	1.9	44.9	30.7	3.9	4.8	4.8	6.1	0.2	0.0	0.3	0.2	0.0	0.2
<b>% of FTC 2019</b>	<b>1.8</b>	<b>2.5</b>	<b>39.3</b>	<b>28.7</b>	<b>6.4</b>	<b>11.2</b>	<b>3.6</b>	<b>5.3</b>	<b>0.2</b>	<b>0.1</b>	<b>0.2</b>	<b>0.1</b>	<b>0.3</b>	<b>0.4</b>
% of Professional 2020	2.6	2.1	45.5	30.6	3.3	4.8	4.7	5.9	0.2	0.0	0.3	0.0	0.0	0.2
<b>% of FTC 2020</b>	<b>2.2</b>	<b>2.7</b>	<b>40.1</b>	<b>27.8</b>	<b>6.2</b>	<b>11.4</b>	<b>3.5</b>	<b>5.2</b>	<b>0.1</b>	<b>0.1</b>	<b>0.2</b>	<b>0.0</b>	<b>0.1</b>	<b>0.4</b>

In FY 2019, all groups were represented in the professional workforce except Native Hawaiian or Other Pacific Islander women and men of two or more races. Hispanic men, White men and women, Asian men and women, and American Indian/Alaskan Native men and women in the professional workforce exceeded their representation in the FTC workforce. Hispanic women, Black men and women, and women of two or more races in the professional workforce had a lower representation than their percentage of the FTC workforce at the end of FY 2019.

In FY 2020, all groups were represented in the professional workforce except Native Hawaiian or Other Pacific Islander women, American Indian or Alaskan Native women, and men of two or more races. Hispanic men, White men and women, Asian men and women, and American Indian/Alaskan Native men, and Native Hawaiian or Other Pacific Islander men in the professional workforce exceeded their representation in the FTC workforce. Hispanic women, Black men and women, and women of two or more races in the professional workforce had a lower representation than their percentage of the FTC workforce at the end of FY 2020.

## Administrative/Technical Support Workforce

Administrative/Technical Support (ATS) employees accounted for 22 or 2.1% of the FTC’s workforce at the end of FY 2019, compared to 21, or 2% at the end of FY 2020. The chart below shows the percent of representation of the FTC’s permanent administrative/technical support workforce at the end of FY 2019 and FY 2020.

### Percent of Administrative/Technical Support Workforce by Race/Ethnicity and Gender Groups

	Hispanic or Latino		White		Black/ African American		Asian		Native Hawaiian or Other Pacific Islander		American Indian or Alaskan Native		Two or more races	
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
% of ATS 2019	0.0	15.0	9.1	10.0	15.0	50.0	0.0	5.0	0.0	0.0	0.0	0.0	4.5	0.0
<b>% of FTC 2019</b>	<b>1.8</b>	<b>2.5</b>	<b>39.3</b>	<b>28.7</b>	<b>6.4</b>	<b>11.2</b>	<b>3.6</b>	<b>5.3</b>	<b>0.2</b>	<b>0.1</b>	<b>0.2</b>	<b>0.1</b>	<b>0.3</b>	<b>0.4</b>
% of ATS 2020	0.0	15.0	10.0	10.0	15.0	45.0	0.0	5.0	0.0	0.0	0.0	0.0	4.8	0.0
<b>% of FTC 2020</b>	<b>2.2</b>	<b>2.7</b>	<b>40.1</b>	<b>27.8</b>	<b>6.2</b>	<b>11.4</b>	<b>3.5</b>	<b>5.2</b>	<b>0.1</b>	<b>0.1</b>	<b>0.2</b>	<b>0.0</b>	<b>0.1</b>	<b>0.4</b>

At the end of FY 2019, all groups were represented in the administrative/technical support workforce except Hispanic men, Asian men, Native Hawaiian or Other Pacific Islander men and women, American Indian or Alaskan Native men and women, and women of two or more races. Hispanic women, Black men and women, and men of two or more races in the administrative/technical support workforce exceeded their percentage of the FTC workforce at the end of FY 2019. White men and women, and Asian women in the administrative/technical support workforce had a lower representation than their percentage of the FTC workforce at the end of FY 2019.

At the end of FY 2020, all groups were represented in the administrative/technical support workforce except Hispanic men, Asian men, Native Hawaiian or Other Pacific Islander men and women, American Indian or Alaskan Native men and women, and women of two or more races. Hispanic women, Black men and women, and men of two or more races in the administrative/technical support workforce exceeded their percentage of the FTC workforce at the end of FY 2020. White men and women, and Asian women in the administrative/technical support workforce had a lower representation than their percentage of the FTC workforce at the end of FY 2020.

**APPLICANTS**  
**Applicant Flow Data Summary**

		Hispanic or Latino		White		Black/		Asian		Native Hawaiian or Other Pacific Islander		American Indian or Alaskan Native		Two or more races	
		Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
<b>Attorney Series 0905</b>															
Voluntarily Identified	%	3.8	2.4	20.4	11.6	6.6	8.4	2.8	4.5	0.0	0.0	0.3	0.2	0.2	0.3
Qualified of those Identified	%	3.5	2.5	20.2	11.8	6.4	8.4	2.9	4.3	0.0	0.0	0.3	0.2	0.2	0.3
Selected of those Identified	%	0.0	0.0	11.1	11.1	0.0	5.6	0.0	16.7	0.0	0.0	0.0	0.0	0.0	0.0
<b>RCLF</b>	<b>%</b>	<b>2.5</b>	<b>1.8</b>	<b>60.3</b>	<b>26.4</b>	<b>2.1</b>	<b>2.6</b>	<b>1.8</b>	<b>1.7</b>	<b>0.02</b>	<b>0.01</b>	<b>0.1</b>	<b>0.1</b>	<b>0.2</b>	<b>0.2</b>

The FTC collected applicant flow data through USA Staffing. The data is limited to the applicants who responded to the voluntary electronic survey. The FTC received 2,843 attorney applications for all vacancies that closed in FY 2020. Separately, USA Staffing captured applicants' voluntary responses on race, ethnicity, and gender. Therefore, the data does not reflect how many individuals of a particular race, ethnicity, or gender applied for a position. The race, ethnicity, or gender of an individual selected for a position may not be reflected, if the individual did not respond to the voluntary electronic survey. The applicant flow data shows that 1,521 of all applicants responded to the RNO form. Approximately 6.2% self-identified as Hispanic or Latino, 32% self-identified as White, 15% self-identified as Black, 7.3% self-identified as Asian, 0.5% self-identified as American Indian or Alaskan Native, and 0.5% self-identified as two or more races. Native Hawaiian or Other Pacific Islanders were not represented. (See Table A7).

**NEW HIRES**  
**Percent of New Hires by Race/Ethnicity and Gender Groups**

	Hispanic or Latino		White		Black/ African American		Asian		Native Hawaiian or Other Pacific Islander		American Indian or Alaskan Native		Two or more races	
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
FY 2019	4.2	4.2	37.9	23.2	5.3	13.7	3.2	7.4	0.0	0.0	0.0	0.0	1.1	0.0
FY 2020	4.5	3.0	37.3	26.9	9.0	11.9	3.0	4.5	0.0	0.0	0.0	0.0	0.0	0.0
<b>CLF 2010</b>	<b>5.2</b>	<b>4.8</b>	<b>38.3</b>	<b>34.0</b>	<b>5.5</b>	<b>6.5</b>	<b>2.0</b>	<b>1.9</b>	<b>0.1</b>	<b>0.1</b>	<b>0.6</b>	<b>0.5</b>	<b>0.3</b>	<b>0.3</b>

In FY 2019, there were 95 permanent new hires. (See Table A1). This snapshot shows that Black women, and Asian men and women, and men of two or more races were hired at a percentage higher than their availability in the CLF. Hispanic men and women, White men and women, and Black men were hired at a rate lower than their availability in the CLF at the end of FY 2019. No new hires identified as Native Hawaiian or Other Pacific Islander men and women, American Indian or Alaskan Native men and women, and women of two or more races at the end of FY 2019.

In FY 2020, there were 67 permanent new hires. (See Table A1). This snapshot shows that Black men and women, and Asian men and women were hired at a percentage higher than their availability in the CLF. Hispanic men and women, and White men and women were hired at a rate lower than their availability in the CLF at the end of FY 2020. No new hires identified as Native Hawaiian or Other Pacific Islander men and women, American Indian or Alaskan Native men and women, and men and women of two or more races at the end of FY 2020.

**Percent of Attorney New Hires by Race/Ethnicity and Gender Group**

	Hispanic or Latino		White		Black/ African American		Asian		Native Hawaiian or Other Pacific Islander		American Indian or Alaskan Native		Two or more races	
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
FY 2019	2.1	2.1	43.8	37.5	2.1	0.0	4.2	8.3	0.0	0.0	0.0	0.0	0.0	0.0
FY 2020	2.4	0.0	46.3	34.1	0.0	4.9	2.4	9.8	0.0	0.0	0.0	0.0	0.0	0.0
<b>RCLF</b>	<b>2.5</b>	<b>1.8</b>	<b>60.3</b>	<b>26.4</b>	<b>2.1</b>	<b>2.6</b>	<b>1.8</b>	<b>1.7</b>	<b>0.02</b>	<b>0.01</b>	<b>0.1</b>	<b>0.1</b>	<b>0.2</b>	<b>0.2</b>

Of total new hires, 41 or 61.2% were attorneys. White women, Black women, and Asian men and women were hired at a percentage higher than their percent of the RCLF in FY 2020. Hispanic men and White men were hired at a percentage lower than their percent of the RCLF in FY 2020. Hispanic women, Black men, Native Hawaiian or Other Pacific Islander men and women, American Indian or Alaskan Native men and women, and men and women of two or more races were not represented in the newly hired attorney pool in FY 2020.

**Percent of Permanent New Hires into Grade 13-15 by  
Race/Ethnicity and Gender Groups**

	Hispanic or Latino		White		Black/ African American		Asian		Native Hawaiian or Other Pacific Islander		American Indian or Alaskan Native		Two or more races	
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
<b>Grade 13</b>														
% of New Hires FY 2019	0.0	13.3	53.3	13.3	6.7	6.7	0.0	6.7	0.0	0.0	0.0	0.0	0.0	0.0
% of New Hires FY 2020	0.0	0.0	29.4	29.4	11.8	11.8	5.9	5.9	0.0	0.0	0.0	0.0	0.0	5.9
<b>Grade 14</b>														
% of New Hires FY 2019	3.7	0.0	44.4	22.2	7.4	7.4	7.4	3.7	0.0	0.0	0.0	0.0	0.0	0.0
% of New Hires FY 2020	0.0	0.0	42.8	21.4	0.0	14.3	0.0	14.3	0.0	0.0	0.0	0.0	7.1	0.0
<b>Grade 15</b>														
% of New Hires FY 2019	0.0	4.3	39.1	30.4	4.3	13.0	0.0	8.7	0.0	0.0	0.0	0.0	0.0	0.0
% of New Hires FY 2020	0.0	4.2	45.8	33.3	0.0	4.2	4.2	4.2	0.0	0.0	0.0	0.0	4.2	0.0
<b>CLF</b>	<b>5.2</b>	<b>4.8</b>	<b>38.3</b>	<b>34.0</b>	<b>5.5</b>	<b>6.5</b>	<b>2.0</b>	<b>1.9</b>	<b>0.1</b>	<b>0.1</b>	<b>0.6</b>	<b>0.5</b>	<b>0.3</b>	<b>0.3</b>

In FY 2020, there were 55 new hires at the 13-15 grade levels. Hispanic women accounted for 1.8%, White men accounted for 40%, White women accounted for 29.1%, Black men accounted for 3.6%, Black women accounted for 9.1%, Asian men accounted for 3.6%, Asian women accounted for 9.1%, men of two or more races accounted for 1.8%, and women of two or more races accounted for 3.6% of new hires at the 13-15 grade levels. Hispanic men, Native Hawaiian or Other Pacific Islander men and women, and American Indian or Alaskan Native men and women were not represented in the new hires at the 13-15 grade levels in FY 2020.

Table A-11 includes the FTC’s internal selections for senior-level positions (GS 13-15 and SES) for FY 2020.

## SEPARATIONS

The separation snapshot below reflects the total permanent workforce. The separations are divided between voluntary and involuntary separations. Each group's representation in the permanent FTC workforce is the benchmark against which the separations are measured to analyze the data.

### Percent of Separations by Race/Ethnicity and Gender Groups

	Hispanic or Latino		White		Black/ African American		Asian		Native Hawaiian or Other Pacific Islander		American Indian or Alaskan Native		Two or more races	
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
<b>Voluntary</b>														
% of Separations 2019	1.1	3.3	35.2	26.4	9.9	18.7	1.1	4.4	0.0	0.0	0.0	0.0	0.0	0.0
<b>% of FTC 2019</b>	<b>1.8</b>	<b>2.5</b>	<b>39.3</b>	<b>28.7</b>	<b>6.4</b>	<b>11.2</b>	<b>3.6</b>	<b>5.3</b>	<b>0.2</b>	<b>0.1</b>	<b>0.2</b>	<b>0.1</b>	<b>0.3</b>	<b>0.4</b>
% of Separations 2020	1.7	1.7	23.7	33.9	13.6	13.6	3.4	6.8	1.7	0.0	0.0	0.0	0.0	0.0
<b>% of FTC 2020</b>	<b>2.2</b>	<b>2.7</b>	<b>40.1</b>	<b>27.8</b>	<b>6.2</b>	<b>11.4</b>	<b>3.5</b>	<b>5.2</b>	<b>0.1</b>	<b>0.1</b>	<b>0.2</b>	<b>0.0</b>	<b>0.1</b>	<b>0.4</b>
<b>Involuntary</b>														
% of Separations 2019	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>% of FTC 2019</b>	<b>1.8</b>	<b>2.5</b>	<b>39.3</b>	<b>28.7</b>	<b>6.4</b>	<b>11.2</b>	<b>3.6</b>	<b>5.3</b>	<b>0.2</b>	<b>0.1</b>	<b>0.2</b>	<b>0.1</b>	<b>0.1</b>	<b>0.4</b>
% of Separations 2020	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>% of FTC 2020</b>	<b>2.2</b>	<b>2.7</b>	<b>40.1</b>	<b>27.8</b>	<b>6.2</b>	<b>11.4</b>	<b>3.5</b>	<b>5.2</b>	<b>0.1</b>	<b>0.1</b>	<b>0.2</b>	<b>0.0</b>	<b>0.1</b>	<b>0.4</b>

In FY 2019, the number of voluntary separations totaled 152. Hispanic women, and Black men and women separated at a percentage higher than their representation in the FTC workforce. Hispanic men, White men and women, and Asian men and women separated at a percentage lower than their representation in the FTC workforce. Native Hawaiian or Other Pacific Islander men and women, American Indian or Alaskan Native men and women, and men and women of two or more races were not represented in the voluntary separations at the end of FY 2019.

In FY 2020, the number of voluntary separations totaled 97. (See Table A1). White women, Black men and women, Asian women, and Native Hawaiian or Other Pacific Islander men

separated at a percentage higher than their representation in the FTC workforce. Hispanic men and women, White men, and Asian men separated at a percentage lower than their representation in the FTC workforce. Native Hawaiian or Other Pacific Islander women, American Indian or Alaskan Native men and women, and men and women of two or more races were not represented in the voluntary separations at the end of FY 2020.

**PROMOTIONS, TRAINING OPPORTUNITIES,  
AND PERFORMANCE INCENTIVES**

The tables below reflect promotion data, training opportunities, and performance incentives. The benchmark used to analyze the distribution and progress is the total permanent workforce.

**Percent of Promotions by Race/Ethnicity and Gender Groups**

	Hispanic or Latino		White		Black/ African American		Asian		Native Hawaiian or Other Pacific Islander		American Indian or Alaskan Native		Two or more races	
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
Promotions FY 2019	1	2	37	30	12	13	7	2	0	0	0	0	6	6
%	0.9	1.7	31.9	25.9	10.3	11.2	6.0	1.7	0.0	0.0	0.0	0.0	5.2	5.2
<b>% of FTC 2019</b>	<b>1.8</b>	<b>2.5</b>	<b>39.3</b>	<b>28.7</b>	<b>6.4</b>	<b>11.2</b>	<b>3.6</b>	<b>5.3</b>	<b>0.2</b>	<b>0.1</b>	<b>0.2</b>	<b>0.1</b>	<b>0.3</b>	<b>0.4</b>
Promotions FY 2020	9	1	69	43	11	29	8	11	0	0	1	0	1	2
%	4.9	0.5	37.3	23.2	6.0	15.7	4.3	6.0	0	0	0.5	0.0	0.5	1.1
<b>% of FTC 2020</b>	<b>2.2</b>	<b>2.7</b>	<b>40.1</b>	<b>27.8</b>	<b>6.2</b>	<b>11.4</b>	<b>3.5</b>	<b>5.2</b>	<b>0.1</b>	<b>0.1</b>	<b>0.2</b>	<b>0.0</b>	<b>0.1</b>	<b>0.4</b>

In FY 2019, all groups, except Native Hawaiian or Other Pacific Islander men and women, and American Indian or Alaskan Native men and women received promotions. Black men, Asian men, and men and women of two or more races received promotions at a rate that exceeded their percent of representation in the FTC workforce at the end of FY 2019. Black women matched their percent of representation in the FTC workforce at the end of FY 2019.

In FY 2020, all groups, except Native Hawaiian or Other Pacific Islander men and women, and American Indian or Alaskan Native women received promotions. Hispanic men, Black women, Asian men and women, American Indian or Alaskan Native men, and men and women of two or more races received promotions at a rate that exceeded their percent of representation in the FTC workforce at the end of FY 2020.

### Average Grade by Race/Ethnicity and Gender Groups

Fiscal Year	All Employees	Hispanic or Latino		White		Black/ African American		Asian		Native Hawaiian or Other Pacific Islander		American Indian or Alaskan Native		Two or more races	
		Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
<b>All GS Employees</b>															
2016	13.8	13.9	12.8	14.3	14.2	12.5	11.9	14.1	14.1	15.0	14.0	13.0	12.0	12.0	9.0
2017	13.9	14.2	13.1	14.4	14.2	12.8	12.1	14.1	14.1	15.0	14.0	13.0	11.7	13.0	9.0
2018	14.0	14.3	12.9	14.4	14.3	12.7	12.3	14.0	14.0	15.0	14.0	12.0	15.0	13.0	11.8
2019	13.9	13.9	13.4	14.4	14.3	12.9	12.1	14.2	14.1	15.0	14.0	12.0	15.0	13.3	12.0
2020	14.0	13.5	13.4	14.3	14.4	12.9	12.3	14.3	14.2	15.0	14.0	12.0	0.0	13.0	12.3

In FY 2020, the number of permanent General Schedule employees was 1,060. (See Table A4P). The largest percentage of the FTC workforce is concentrated in grades 13-15. All EEO groups have the largest percentages of their workforces in this grouping except American Indian or Alaskan Native men, and women of two or more races. Of the permanent employees, 10 (1%) were in grades 4-8, 140 (15.2%) were in grades 9-12, and 872 (82.3%) were in grades 13-15 at the end of FY 2020. At the end of FY 2020, the average grade of Hispanic men and women, Black men and women, American Indian or Alaskan Native men, and men and women of two or more races was below the overall average grade of permanent FTC employees.

### Percent of Awards by Race/Ethnicity and Gender Groups

	Hispanic or Latino		White		Black/ African American		Asian		Native Hawaiian or Other Pacific Islander		American Indian or Alaskan Native		Two or more races	
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
<b>FY 2020</b>														
Time-Off 1-10 hrs.	2.2	2.8	36.2	28.8	7.1	12.9	2.8	5.8	0.6	0.0	0.3	0.0	0.0	0.6
Time-Off 11-20 hrs.	2.9	1.9	29.8	35.6	6.7	8.7	2.9	9.6	0.0	1.0	0.0	0.0	0.0	1.0
Time-Off 21-30 hrs.	5.3	0.0	26.3	39.5	5.3	7.9	2.6	10.5	0.0	0.0	0.0	0.0	2.6	0.0
Time-Off 31-40 hrs.	3.0	9.1	30.3	33.3	6.1	9.1	0.0	9.1	0.0	0.0	0.0	0.0	0.0	0.0
Time-Off 41 or more hrs.	0.0	0.0	33.3	66.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
% Cash \$500 & Under	2.2	2.1	33.9	26.1	9.9	15.2	5.4	4.1	0.3	0.1	0.1	0.0	0.2	0.3
% Cash \$501-\$999	3.7	0.0	24.1	13.0	16.7	35.2	3.7	1.9	0.0	0.0	1.9	0.0	0.0	0.0
% Cash \$1000-\$1999	3.2	1.2	34.7	24.7	7.6	16.7	5.2	5.6	0.0	0.0	0.0	0.0	0.4	0.8
% Cash \$2000-\$2999	2.3	2.6	41.4	36.1	3.8	6.0	1.5	5.3	0.4	0.0	0.4	0.0	0.0	0.4
% Cash \$3000-\$3999	0.7	0.7	49.3	34.8	2.2	4.4	2.2	4.4	0.7	0.7	0.0	0.0	0.0	0.0
% Cash \$4000-\$4999	0.0	2.6	64.1	12.8	5.1	2.6	2.6	10.3	0.0	0.0	0.0	0.0	0.0	0.0
% Cash \$5000 or more	0.0	3.0	50.0	32.0	0.0	4.0	5.0	6.0	0.0	0.0	0.0	0.0	0.0	0.0

## **RECOGNITION AND AWARDS**

### **Time-Off Awards**

In FY 2020, 504 employees received time-off awards. The FTC awarded a total of total of 6,367 hours. (See Table A9).

#### **Time-Off Awards Between 1-10 Hours**

In FY 2020, 326 time-off awards were awarded to employees in this category. The total number of hours awarded in FY 2020 was 2,369. The average number of hours awarded for men and women was 7 hours. (See Table A9). The participation rate for Hispanic employees was 5%, White employees was 65%, Black employees was 20%, Asian employees was 8.6%, Native Hawaiian or Other Pacific Islander employees was 0.6%, American Indian or Alaskan Native employees was 0.3%, and women of two or more races was 0.6%. Native Hawaiian or Other Pacific Islander females, American Indian or Alaskan Native females, and men of two or more races were not represented in the time-off awards for 1-10 hours.

#### **Time-Off Awards Between 11-20 Hours**

In FY 2020, 104 time-off awards were awarded to employees in this category. The total number of hours awarded was 1,665. The average number of hours awarded was 16 hours for men and 15 hours for women. The participation rate for Hispanic employees was 4.8%, White employees was 65.4%, Black employees was 15.4%, Asian employees was 12.5%, Native Hawaiian or Other Pacific Islander employees was 1%, and men and women of two or more races was 1%. Native Hawaiian or Other Pacific Islander males, American Indian or Alaskan Native employees, and men of two or more races were not represented in the time-off awards for 11-20 hours.

#### **Time-Off Awards Between 21-30 Hours**

In FY 2020, 38 time-off awards were awarded to employees in this category. The total number of hours awarded was 934. The average number of hours awarded for men and women was 24 hours. The participation rate for Hispanic employees was 5.3%, White employees was 65.8%, Black employees was 13.2%, Asian employees was 13.1%, and men of two or more races was 2.6%. Native Hawaiian or Other Pacific Islander employees, American Indian or Alaskan Native employees, and women of two or more races were not represented in the time-off awards for 21-30 hours.

#### **Time-Off Awards Between 31-40 Hours**

In FY 2020, 33 time-off awards were awarded to employees in this category. The total number of hours awarded was 1,228. The average number of hours awarded was 36 for men and 37 for women. The participation rate for Hispanic employees was 12.1%, White employees was 63.6%, Black employees was 15.2%, and Asian employees was 9.1%. Asian males, Native Hawaiian or Other Pacific Islander employees, American Indian or Alaskan Native employees,

and men and women of two or more races were not represented in the time-off awards for 31-40 hours.

### **Time-Off Awards Between 41 or more Hours**

In FY 2020, 3 time-off awards were awarded to employees in this category. The total number of hours awarded was 171. The average number of hours awarded was 80 hours for men and 45 for women. The participation rate for White employees was 100%. Hispanic employees, Black employees, Asian employees, Native Hawaiian or Other Pacific Islander employees, American Indian or Alaskan Native employees, and men and women of two or more races were not represented in the time-off awards for 41 or more hours.

### **Cash Awards**

There were 1,724 cash awards given in FY 2020. The total amount of cash awards given in FY 2020 was \$2,674,568.00.

#### **Cash Awards (\$500 and Under)**

There were 876 cash awards given in FY 2020 that totaled \$116,505.00. The total average award was \$133.00 – with men averaging \$132.29 and women averaging \$133.77. Award averages for women ranged from \$53.33 (women of two or more races) to \$151.43 (Black women). Award averages for men ranged from \$83.33 (Native Hawaiian or Other Pacific Islander men) to \$255.00 (Men of two or more races).

#### **Cash Awards (\$501 - \$999)**

There were 54 cash awards given in FY 2020 that totaled \$37,123.00. The total average award was \$687.00 - with men averaging \$679.00 and women averaging \$695.00. Award averages for women ranged from \$669.00 (Black women) to \$800.00 (Asian women). Award averages for men ranged from \$663.00 (Black men) to \$750.00 (American Indian or Alaskan Native men).

#### **Cash Awards (\$1000 - \$1999)**

There were 251 cash awards given in FY 2020 that totaled \$336,243.00. The total average award was \$1,339.00 - with men averaging \$1,301.00 and women averaging \$1,379.00. Award averages for women ranged from \$1,341.00 (White women) to \$1,559.00 (Asian women). Award averages for men ranged from \$1,278.00 (Black men) to \$1,600.00 (Men of two or more races).

#### **Cash Awards (\$2000 - \$2999)**

There were 266 cash awards given in FY 2020 that totaled \$667,053.00. The average award was \$2,507.00 – with men averaging \$2,496.00 and women averaging \$2,519.00. Award averages for women ranged from \$2,495.00 (Black women) to \$2,647.00 (Asian women). Award

averages for men ranged from \$2,100.00 (American Indian or Alaskan Native men) to \$2,567.00 (Asian men).

### **Cash Awards (\$3000 - \$3900)**

There were 138 cash awards given in FY 2020 that totaled \$440,168.00. The average award was \$3,189.00 - with men averaging \$3,181.00 and women averaging \$3,199.00. Award averages for women ranged from \$3,000.00 (Hispanic women) to \$3,524.00 (Native Hawaiian or Other Pacific Islander women). Award averages for men ranged from \$3,000.00 (Hispanic men) to \$3,330.00 (Native Hawaiian or Other Pacific Islander men).

### **Cash Awards (\$4000 - \$4999)**

There were 39 cash awards given in FY 2020 that totaled \$160,385.00. The average award was \$4,112.00 - with men averaging \$4,106.00 and women averaging \$4,128.00. Award averages for women ranged from \$4,000.00 (Black women, Asian women) to \$4,350.00 (Hispanic women). Award averages for men ranged from \$4,000.00 (Asian men) to \$4,144.00 (Black men).

### **Cash Awards (\$5000 and more)**

There were 100 cash awards given in FY 2020 that totaled \$917,091.00. The average award was \$9,170.00 - with men averaging \$9,125.00 and women averaging \$9,227.00. Award averages for women ranged from \$8,077.00 (Hispanic women) to \$11,050.00 (Black women). Award averages for men ranged from \$6,320.00 (Asian men) to \$9,405.00 (White men).

### **Quality Step Increases**

A quality step increase (QSI) is intended to recognize outstanding FTC employees by providing rapid advancement within an employee's grade of pay, and to provide an incentive for remaining in a position. Out of 330 QSIs awarded for "outstanding" performance during FY 2020, Hispanic employees received 16 (4.8%), White employees received 197 (59.7%), Black employees received 75 (22.7%), Asians received 38 (11.6%), Native Hawaiian or Other Pacific Islanders received 2 (0.6%), men and women of two or more races received 2 (0.6%). American Indian or Alaskan Natives were not represented. (*See Table A9*).

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

**EXECUTIVE SUMMARY: ACCOMPLISHMENTS**

Highlights of the FY 2020 Accomplishments are found in Part E-2-Executive Summary: Essential Elements A-F.

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

**EXECUTIVE SUMMARY: PLANNED ACTIVITIES**

Planned Activities are found in Part E-2-Executive Summary: Essential Elements A-F.

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

**CERTIFICATION of ESTABLISHMENT of CONTINUING  
EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS**

Namon C. Friends, Acting Director, Office of EEO and Workplace Inclusion, GS-0905-15-5 am the

(Insert Name Above)

(Insert official  
title/series/grade above)

Principal EEO Director/Official for

United States Federal Trade Commission

(Insert Agency/Component Name above)

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 work force 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.

NAMON FRIENDS

Digitally signed by NAMON FRIENDS  
Date: 2021.09.27 17:31:20 -04'00'

09-27-2021

Signature of Principal EEO Director/Official

Date

Certifies that this Federal Agency Annual EEO Program Status Report is in compliance with EEO MD-715.

Jen Howard

Digitally signed by Jen Howard  
Date: 2021.09.30 16:48:23 -04'00'

9/30/2021

Signature of Agency Head or Agency Head Designee

Date

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

Essential Element: A Demonstrated Commitment From agency Leadership

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	A.1. The agency issues an effective, up-to-date EEO policy statement.				
	A.1.a. 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)]	X			The FTC Chair issues the EEO policy statement on an annual basis in the form of a memorandum to all FTC staff, typically every January. 1/17/2020
	A.1.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)] If the EEO policy statement covers any additional bases (e.g., marital status, veteran status and political affiliation), please list them in the comments column.	X			

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	A.2. The agency has communicated EEO policies and procedures to all employees.				
A.2.a. Does the agency disseminate the following policies and procedures to all employees:					
A.2.a.1. Anti-harassment policy? [see MD 715, 11(A)]		X			
A.2.a.2. Reasonable accommodation procedures? [see 29 CFR § 1614.203(d)(3)]		X			
A.2.b. Does the agency prominently post the following information throughout the workplace and on its public website:					
A.2.b.1. 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)]		X			
A.2.b.2. Written materials concerning the EEO program, laws, policy statements, and the operation of the EEO complaint process? [see 29 CFR §1614.102(b)(5)]		X			
A.2.b.3. Reasonable accommodation procedures? [see 29 CFR § 1614.203(d)(3)(i)] If so, please provide the internet address in the comments column.		X			The reasonable accommodation procedures are located on the FTC intranet site: FTC Administrative Manual, Chapter 3, Section 300, and the Office of EEO and Workplace Inclusion intranet homepage. The procedures are also located at the FTC's internet page at <a href="https://www.ftc.gov/about-ftc/bureaus-offices/office-equal-employment-opportunity-workplace-inclusion">https://www.ftc.gov/about-ftc/bureaus-offices/office-equal-employment-opportunity-workplace-inclusion</a>
A.2.c. Does the agency inform its employees about the following topics:					

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

A.2.c.1. EEO complaint process? [see 29 CFR §§ 1614.102(a)(12) and 1614.102(b)(5)] If “yes”, please provide how often and the means by which such training is delivered.

X

The Office of EEO and Workplace Inclusion (Office of EEOWI) trains new employees on a biweekly basis on the complaint process during the Agency's orientation program for new employees. In addition, the Office of EEOWI conducts training, when requested, to FTC's regional offices and its offices located in D.C. These trainings frequently cover other topics, including diversity and inclusion.

A.2.c.2. ADR process? [see MD-110, Ch. 3(II)(C)] If “yes”, please provide how often.

X

The Office of EEOWI provides information about the EEO ADR process to FTC employees, managers, and supervisors through the Office of EEOWI's Intranet page. The Office of EEOWI also includes information about the EEO ADR process in its overview of the EEO complaint process in the EEO training to FTC employees, managers, and supervisors. These trainings occur on a frequent basis.

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

<p>A.2.c.3. Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If “yes”, please provide how often.</p>	<p>X</p>		<p>The FTC’s Human Capital Management Office (HCMO) provides training to new FTC employees during the virtual new employee orientation on disability awareness/ reasonable accommodations. The FTC’s Reasonable Accommodation Program Manager provides virtual supervisory development training and refresher sessions to FTC managers and supervisors.</p>
<p>A.2.c.4. 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.</p>	<p>X</p>		<p>Experienced FTC managers and supervisors receive virtual refresher training on the FTC’s Anti-harassment Program on a rotational basis. All new FTC supervisors also receive the training within six months to a year after their arrival, and thereafter their training is on a rotational basis. FTC employees receive information about the program as part of an overview of the Office of EEOWI.</p>

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

A.2.c.5. Behaviors that are inappropriate in the workplace and could result in disciplinary action? [5 CFR §2635.101(b)] If "yes", please provide how often.

X

The FTC's Employee Relations and Training Office provides training to new FTC employees during orientation on inappropriate conduct in the workplace and prohibited personnel practices. Experienced FTC managers and supervisors receive virtual refresher training on this topic on a rotational basis. All new FTC supervisors also receive training within their first year, and then on a rotational basis.

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	A.3. The agency assesses and ensures EEO principles are part of its culture.				
A.3.a. 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. .		X			The A. Leon Higginbotham Jr., Award is named for A. Leon Higginbotham Jr., who served as an FTC Commissioner from 1962 to 1964. Commissioner Higginbotham was the first African American appointed as a commissioner on any U.S. regulatory commission. This award recognizes FTC supervisors, an employee, or groups who have made outstanding contributions toward fostering equal employment opportunity.

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

A.3.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]

X

The FTC uses the FEVS results to improve processes, products, services, and organizational outcomes through the recruitment and retention of a high-performing, diverse workforce. FTC employees' feedback is used to creative positive changes. These changes may include formulating and implementing action plans to address organizational areas of improvement and launching new or enhanced programs.

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

Essential Element: B Integration of EEO into the agency's Strategic Mission

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	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.1.a. 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)]	X			The Director of EEOWI reports directly to FTC Chairman, Joseph Simons.
	B.1.a.1. 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.			X	The Director of EEOWI reports to the FTC Chairman.
	B.1.a.2. Does the agency's organizational chart clearly define the reporting structure for the EEO office? [see 29 CFR §1614.102(b)(4)]	X			
	B.1.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]	X			
	B.1.c. 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.	X			The Director of EEOWI presented the FTC Chairman and the Executive Director the state of the FTC on a monthly basis during FY 2020.
	B.1.d. Does the EEO Director regularly participate in senior-level staff meetings concerning personnel, budget, technology, and other workforce issues? [see MD-715, II(B)]	X			

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.2. The EEO Director controls all aspects of the EEO program.				
	B.2.a. 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)] If not, identify the office with this authority in the comments column.	X			
	B.2.b. Is the EEO Director responsible for overseeing the completion of EEO counseling? [see 29 CFR §1614.102(c)(4)]	X			
	B.2.c. 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.]	X			
	B.2.d. 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.]	X			
	B.2.e. Is the EEO Director responsible for ensuring compliance with EEOC orders? [see 29 CFR §§ 1614.102(e); 1614.502]	X			
	B.2.f. 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)]	X			
	B.2.g. 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); (c)(3)]	X			

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.3. The EEO Director and other EEO professional staff are involved in, and consulted on, management/personnel actions.				
	B.3.a. 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)]	X			
	B.3.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.	X			The FTC's Strategic Plan for FY 2018-2022, Objective 3.2, "Cultivate a high performing, diverse, and engaged workforce" states that the MD-715 is a tool that the FTC uses to ensure that all workers are competing on a fair and level playing field and have the opportunity to achieve their fullest potential. Strategies and goals are located: <a href="https://www.ftc.gov/system/files/documents/reports/20">https://www.ftc.gov/system/files/documents/reports/20</a> .

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

 Compliance Indicator	 Measures	Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
	B.4. The agency has sufficient budget and staffing to support the success of its EEO program.				
	B.4.a. 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.4.a.1. to conduct a self-assessment of the agency for possible program deficiencies? [see MD-715, II(D)]	X			
	B.4.a.10. to effectively manage its reasonable accommodation program? [see 29 CFR §1614.203(d)(4)(ii)]	X			
	B.4.a.11. to ensure timely and complete compliance with EEOC orders? [see MD-715, II(E)]	X			
	B.4.a.2. to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)]	X			
	B.4.a.3. 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)]	X			
	B.4.a.4. 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.	X			
	B.4.a.5. 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)]	X			
	B.4.a.6. to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures)? [see MD-715, II(B)]	X			
	B.4.a.7. 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.	X			
	B.4.a.8. 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]	X			
	B.4.a.9. 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]	X			
	B.4.b. Does the EEO office have a budget that is separate from other offices within the agency? [see 29 CFR § 1614.102(a)(1)]	X			
	B.4.c. Are the duties and responsibilities of EEO officials clearly defined? [see MD-110, Ch. 1(III)(A), 2(III), & 6(III)]	X			
	B.4.d. 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?	X			
	B.4.e. 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?	X			

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.5. The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills				
	B.5.a. Pursuant to 29 CFR §1614.102(a)(5), have all managers and supervisors received orientation, training, and advice on their responsibilities under the following areas under the agency EEO program:				
	B.5.a.1. EEO complaint process? [see MD-715(II)(B)]	X			
	B.5.a.2. Reasonable Accommodation Procedures? [see 29 CFR § 1614.102(d)(3)]	X			
	B.5.a.3. Anti-harassment policy? [see MD-715(II)(B)]	X			
	B.5.a.4. 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)]	X			
	B.5.a.5. 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)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	B.6. The agency involves managers in the implementation of its EEO program.				
	B.6.a. Are senior managers involved in the implementation of Special Emphasis Programs? [see MD-715 Instructions, Sec. I]	X			
	B.6.b. Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]	X			
	B.6.c. 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]	X			
	B.6.d. 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)]	X			

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

Essential Element: C Management and Program Accountability

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.1. The agency conducts regular internal audits of its component and field offices.				
C.1.a. 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.		X			The FTC does not have components and our regional offices' permanent population is twenty employees or less. Each regional office has one on-site, collateral-duty EEO counselor.
C.1.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.		X			The FTC does not have components and our regional offices' permanent population is twenty employees or less. The Director of EEOVI has conducted an in-person site visit to each of the FTC's regional offices between 2018 to 2020, with the exception of the regional office in New York City. Due to the onset of the pandemic, in-person visits to the regional offices have shifted to virtual meetings.
C.1.c. Do the component and field offices make reasonable efforts to comply with the recommendations of the field audit? [see MD-715, II(C)]		X			

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

 Compliance Indicator	 Measures	Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
	C.2. The agency has established procedures to prevent all forms of EEO discrimination.				
	C.2.a. 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)]	X			
	C.2.a.1. 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]	X			
	C.2.a.2. 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)]	X			
	C.2.a.3. 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)]	X			
	C.2.a.4. 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.]	X			
	C.2.a.5. 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 Complainant v. Dep't of Veterans Affairs, EEOC Appeal No. 0120123232 (May 21, 2015); Complainant v. Dep't of Defense (Defense Commissary Agency), EEOC Appeal No. 0120130331 (May 29, 2015)] If "no", please provide the percentage of timely-processed inquiries in the comments column.	X			
	C.2.a.6. Do the agency's training materials on its anti-harassment policy include examples of disability-based harassment? [see 29 CFR §1614.203(d)(2)]	X			
	C.2.b. Has the agency established disability reasonable accommodation procedures that comply with EEOC's regulations and guidance? [see 29 CFR §1614.203(d)(3)]	X			
	C.2.b.1. 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)]	X			
	C.2.b.2. Has the agency established a firewall between the Reasonable Accommodation Program Manager and the EEO Director? [see MD-110, Ch. 1(IV)(A)]	X			
	C.2.b.3. 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)]	X			
	C.2.b.4. 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)]	X			
	C.2.b.5. Does the agency process all initial accommodation requests, excluding ongoing interpretative services, 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, excluding ongoing interpretative services, in the comments column.	X			
	C.2.c. 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)]	X			

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

C.2.c.1. 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.

X

The Personal Assistance Services policy and procedures were posted on the FTC's intranet site in December 2019. The Personal Assistance Services policy and procedures are located: [https://ftcintranet.ftc.gov/cfportal/adminmanual/page.cfm?page\\_id=21219](https://ftcintranet.ftc.gov/cfportal/adminmanual/page.cfm?page_id=21219)

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.3. The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity.				
	C.3.a. 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?	X			
	C.3.b. Does the agency require rating officials to evaluate the performance of managers and supervisors based on the following activities:				
	C.3.b.1. Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see MD-110, Ch. 3.I]	X			
	C.3.b.2. Ensure full cooperation of employees under his/her supervision with EEO officials, such as counselors and investigators? [see 29 CFR §1614.102(b)(6)]	X			
	C.3.b.3. Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see MD-715, II(C)]	X			
	C.3.b.4. 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]	X			
	C.3.b.5. Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]	X			
	C.3.b.6. Provide disability accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(8)]	X			
	C.3.b.7. Support the EEO program in identifying and removing barriers to equal opportunity?. [see MD-715, II(C)]	X			
	C.3.b.8. Support the anti-harassment program in investigating and correcting harassing conduct?. [see Enforcement Guidance, V.C.2]	X			
	C.3.b.9. 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)]	X			
	C.3.c. 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)]	X			
	C.3.d. When the EEO Director recommends remedial or disciplinary actions, are the recommendations regularly implemented by the agency? [see 29 CFR §1614.102(c)(2)]	X			

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.4. The agency ensures effective coordination between its EEO program and Human Resources (HR) program.				
	C.4.a. 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)]	X			
	C.4.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]	X			
	C.4.c. Does the EEO office have timely access to accurate and complete data (e.g., demographic data for the workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables? [see 29 CFR §1614.601(a)]	X			
	C.4.d. 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, II(C)]	X			
	C.4.e. Pursuant to Section II(C) of MD-715, does the EEO office collaborate with the HR office to:				
	C.4.e.1. Implement the Affirmative Action Plan for Individuals with Disabilities? [see 29 CFR §1614.203(d); MD-715, II(C)]	X			
	C.4.e.2. Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]	X			
	C.4.e.3. Develop and/or provide training for managers and employees? [see MD-715, II(C)]	X			
	C.4.e.4. Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]	X			
	C.4.e.5. Assist in preparing the MD-715 report? [see MD-715, II(C)]	X			

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.5. Following a finding of discrimination, the agency explores whether it should take a disciplinary action.				
	C.5.a. 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 Douglas v. Veterans Administration, 5 MSPR 280 (1981)]	X			
	C.5.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.	X			In FY 2020, there were no disciplinary actions taken against employees and management-level employees that fell within the Office of Personnel Management's definition of the term discipline for conduct inconsistent with federal antidiscrimination or whistleblower protection laws.
	C.5.c. 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 (e.g., post mortem to discuss lessons learned)? [see MD-715, II(C)]	X			

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			
 Measures		Yes	No	N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
C.6.a. 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.	C.6. The EEO office advises managers/supervisors on EEO matters.	X			FTC managers and hiring officials received updates on the benefits of using Schedule A hiring authority to hire qualified applicants with disabilities. The Office of EEOVI also presented at virtual programs discussing employees' rights, various scenarios that occur in the workplace and how to respond in a manner that does not conflict with EEO laws.
C.6.b. Are EEO officials readily available to answer managers' and supervisors' questions or concerns? [see MD-715 Instructions, Sec. I]		X			

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

Essential Element: D Proactive Prevention

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	D.1. The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year.				
D.1.a. Does the agency have a process for identifying triggers in the workplace? [see MD-715 Instructions, Sec. I]		X			
D.1.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; and/or external special interest groups? [see MD-715 Instructions, Sec. I]		X			
D.1.c. 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)]		X			

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	D.2. The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)				
	D.2.a. Does the agency have a process for analyzing the identified triggers to find possible barriers? [see MD-715, (II)(B)]	X			
	D.2.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)]	X			
	D.2.c. 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)]	X			
	D.2.d. 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, and/or external special interest groups? [see MD-715 Instructions, Sec. I] If "yes", please identify the data sources in the comments column.	X			The Office of EEO/IEE regularly reviews information reflected in complaint data, employee exit interview surveys, employee climate surveys, harassment inquiry reports, FTC employee resource groups (i.e., affinity groups), and conducts meetings with employees, the FTC Diversity Council, and management officials.

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	D.3. The agency establishes appropriate action plans to remove identified barriers.			N/A	
	D.3.a. 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)]	X			
	D.3.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)]	X			
	D.3.c. Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	D.4. The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities.	Yes	No	N/A	
	D.4.a. Does the agency post its affirmative action plan on its public website? [see 29 CFR §1614.203(d)(4)] If yes, please provide the internet address in the comments.	X			The FTC's Affirmative Action Plan for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities is found on the FTC's public website at <a href="https://www.ftc.gov/system/files/attachments/md-715-reports/ftc_md-715_report">https://www.ftc.gov/system/files/attachments/md-715-reports/ftc_md-715_report</a>
	D.4.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)]	X			
	D.4.c. 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)]	X			
	D.4.d. 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)]	X			

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

Essential Element: E Efficiency

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.1. The agency maintains an efficient, fair, and impartial complaint resolution process.				
E.1.a. Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105?		X			
E.1.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)?		X			
E.1.c. Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch. 5(I)?		X			
E.1.d. 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.		X			The FTC issues acceptance letters/dismissal decisions within a reasonable time after receipt of the written EEO Counselor report. Typically, this is within 20 days after receipt of the written EEO Counselor report.
E.1.e. Does the agency ensure that 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)?		X			
E.1.f. Does the agency timely complete investigations, pursuant to 29 CFR §1614.108?		X			
E.1.g. 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)?		X			
E.1.h. When the complainant did not request a hearing, does the agency timely issue the final agency decision, pursuant to 29 CFR §1614.110(b)?		X			
E.1.i. 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)?		X			
E.1.j. 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.				X	The FTC does not use contractors to implement any stage of the EEO complaint process.
E.1.k. 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)]		X			
E.1.l. 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)]		X			

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.2. The agency has a neutral EEO process.				
E.2.a. Has the agency established a clear separation between its EEO complaint program and its defensive function? [see MD-110, Ch. 1(IV)(D)] If "yes", please explain.		X			The FTC's Office of the General Counsel (OGC) does not provide oversight of the Office of EEOWI. It also does not review any of the Office of EEOWI's documents or reports.
E.2.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.		X			The Office of EEOWI's Director is an attorney and there is an Attorney Advisor on the Office of EEOWI's staff.
E.2.c. 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)]				X	The Office of EEOWI does not rely on the FTC's defensive function (i.e., the FTC's OGC) to conduct the legal sufficiency reviews.
E.2.d. 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)]		X			
E.2.e. If applicable, are processing time frames incorporated for the legal counsel's sufficiency review for timely processing of complaints? [see EEOC Report, Attaining a Model Agency Program: Efficiency (Dec. 1, 2004)]				X	The Office of EEOWI does not rely on the FTC's legal counsel (i.e., the FTC's OGC) to conduct the legal sufficiency reviews for timely processing of complaints.

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.3. The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program.				
	E.3.a. 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)]	X			
	E.3.b. Does the agency require managers and supervisors to participate in ADR once it has been offered? [see MD-715, II(A)(1)]	X			
	E.3.c. Does the Agency encourage all employees to use ADR, where ADR is appropriate? [See MD-110, Ch. 3(IV)(C)]	X			
	E.3.d. 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)]	X			
	E.3.e. Does the agency prohibit the responsible management official named in the dispute from having settlement authority? [see MD-110, Ch. 3(I)]	X			
	E.3.f. Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	E.4. The agency has effective and accurate data collection systems in place to evaluate its EEO program.	Yes	No	N/A	
	E.4.a. Does the agency have systems in place to accurately collect, monitor, and analyze the following data:				
	E.4.a.1. Complaint activity, including the issues and bases of the complaints, the aggrieved individuals/complainants, and the involved management official? [see MD-715, II(E)]	X			
	E.4.a.2. The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)]	X			
	E.4.a.3. Recruitment activities? [see MD-715, II(E)]	X			
	E.4.a.4. External and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status? [see MD-715, II(E)]	X			
	E.4.a.5. The processing of requests for reasonable accommodation? [29 CFR §1614.203(d)(4)]	X			
	E.4.a.6. 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]	X			
	E.4.b. Does the agency have a system in place to re-survey the workforce on a regular basis? [MD-715 Instructions, Sec. I]	X			

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.5. The agency identifies and disseminates significant trends and best practices in its EEO program.				
E.5.a. 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.		X			There has been increased interest at the FTC for information on LGBTQ+ employment rights. In response, the Office of EEOWI incorporated into several of its EEO trainings updates on LGBTQ+ protections, and how those protections fall under Title VII's prohibition against discrimination based on sex. The Office of EEOWI also included various other topics in its FY 2020 trainings.
E.5.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.		X			As an example, the Office of EEOWI maintains a robust employee exit interview survey process that was inspired by the employee exit interview survey process at EEOC.
E.5.c. Does the agency compare its performance in the EEO process to other federal agencies of similar size? [see MD-715, II(E)]		X			

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

Essential Element: F Responsiveness and Legal Compliance

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	F.1. The agency has processes in place to ensure timely and full compliance with EEOC orders and settlement agreements.				
	F.1.a. 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)]	X			
	F.1.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)]	X			
	F.1.c. Are there procedures in place to ensure the timely and predictable processing of ordered monetary relief? [see MD-715, II(F)]	X			
	F.1.d. Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]	X			
	F.1.e. 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)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	F.2. The agency complies with the law, including EEOC regulations, management directives, orders, and other written instructions.	Yes	No	N/A	
	F.2.a. Does the agency timely respond and fully comply with EEOC orders? [see 29 CFR §1614.502; MD-715, II(E)]	X			
	F.2.a.1. 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)]	X			
	F.2.a.2. 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 29 CFR §1614.501]	X			
	F.2.a.3. 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)]	X			
	F.2.a.4. Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance?	X			

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	F.3. The agency reports to EEOC its program efforts and accomplishments.				
F.3.a. Does the agency timely submit to EEOC an accurate and complete No FEAR Act report? [Public Law 107-174 (May 15, 2002), §203(a)]		X			
F.3.b. Does the agency timely post on its public webpage its quarterly No FEAR Act data? [see 29 CFR §1614.703(d)]		X			

Essential Element:  Other

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Plan to Attain Essential Elements

PART H.1

Brief Description of Program Deficiency: OTHER. OTHER

As a persistent issue, there is a low participation rate of non-white employees in the Senior Executive Service (SES). Specifically, in FY 2020, the FTC had thirty-four employees in its SES. Twenty of these SES employees are males and fourteen are females. Five SES employees in FY 2020 are non-white. Of the non-white SES employees, all of them are females. In FY 2020 there were two black SES employees, two Asian SES employees, and one Hispanic/Latino SES employee. Two SES employees identified as individuals with disabilities, but there were no SES employees who identified as individuals with targeted disabilities.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
09/30/2017	09/30/2019	09/30/2023		Increase the percentage of non-white employees in the Senior Executive Service.  Additionally, increase in the Senior Executive Service the percentage of employees who identify as a person with a disability.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting EEOWI Director	Namon C. Friends	No
SES Hiring Officials	Various	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2018	Deliver training to the FTC Hiring Team to ensure targeted outreach and recruitment occurs in advance of hiring for vacancies in the SES.	Yes		09/30/2018
09/30/2018	Deliver training to the FTC Hiring Team to address implicit bias.	Yes		09/30/2018
09/30/2019	Deliver unconscious/bias training to organizations at the FTC.	Yes		09/30/2020
09/30/2019	Deliver training to FTC Hiring Teams to ensure targeted outreach and recruitment occurs in advance of hiring for vacancies in the SES.	Yes		
09/30/2021	Deliver unconscious/bias training to more organizations at the FTC, and highlight examples of how bias can influence which applicants to interview, how to rate their interview responses, and which applicants are hired (or promoted).	Yes		

Accomplishments

Fiscal Year	Accomplishment
2018	The Office of EEOWI delivered several trainings on unconscious/implicit bias to the hiring teams in the Bureau of Competition.
2020	The Office of EEOWI delivered several trainings on unconscious/implicit bias to the job interview teams in the Bureau of Competition.

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Plan to Attain Essential Elements

PART H.2

Brief Description of Program Deficiency:

OTHER. OTHER

The FTC does not have a cohesive, uniform strategy to ensure that it advertises its job openings to diverse populations across the demographic spectrum to address various underrepresentations in its workforce. This lack of cohesion and uniformity hinders the FTC's ability to maximize targeted recruitment efforts.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
04/08/2021	09/30/2022			Forming an FTC-wide committee to be a centralized resource for managers regarding targeted recruitment and employment outreach. This group could generate guidance, tips, and discuss with each other recruiting and outreach approaches that have worked in the past or did not work. The group could have one representative from each FTC office/bureau (at least), including an employee from each regional office. The group would have a leadership tier, which would include HCMO, EEOWI, and others.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting EEO Director	Namon C. Friends	Yes
Chief Human Capital Officer	Vicki Barber	Yes
Various	FTC Officials	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date

Accomplishments

Fiscal Year	Accomplishment

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Plan to Attain Essential Elements

PART H.3

Brief Description of Program Deficiency: OTHER. OTHER

Not collecting attorney applicant flow data from more applicants, which identifies applicants on the bases of race, national origin, sex, and disability status, and the disposition of all applications. Because attorneys are excepted employees, at times they are selected outside the USAJobs framework.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/01/2016	09/30/2022	09/20/2021		Continue to search for a process whereby the agency can increase the amount of applicant flow data received during the agency's on-campus recruitment activities.  Additionally, contact other federal agencies who might hire individuals for attorney positions outside of the USAJobs framework to learn how (or if) these agencies obtain applicant flow data in those specific situations. These agencies could include the U.S. Department of Justice and the U.S. Department of Labor.

Responsible Officials

Title	Name	Standards Address the Plan?
Hiring Officials	Various	Yes
Acting EEOWI Director	Namon C. Friends	Yes
Chief Human Capital Officer	Vicki Barber	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2022	Conduct more focus group meetings with hiring officials to determine whether it is feasible to collect RNO data during on-campus recruitment activities.	Yes	09/20/2021	

Accomplishments

Fiscal Year	Accomplishment
2019	The EEOWI Director convened several meetings with officials connected to the hiring process to discuss strategies to collect RNO data during on-campus recruitment activities involving law students. This issue extends to attorneys who, because they are in the Excepted Service, can be hired noncompetitively and outside the USAJobs tool.

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Plan to Eliminate Identified Barriers

PART I.1

<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)	
<b>Specific Workforce Data Table:</b>	Workforce Data Table - A4	
<b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b>  Provide a brief narrative describing the condition at issue.  How was the condition recognized as a potential barrier?	Hispanics/Latinos' participation rate in the FTC workforce is lower than their CLF and RCLF.	
<b>STATEMENT OF BARRIER GROUPS:</b>	<i>Barrier Group</i> Hispanic or Latino Males Hispanic or Latino Females	
<b>Barrier Analysis Process Completed?:</b>	Y	
<b>Barrier(s) Identified?:</b>	Y	
<b>STATEMENT OF IDENTIFIED BARRIER:</b>  Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	<b>Barrier Name</b> Hispanics or Latinos Participation Rate in the FTC Workforce	<b>Description of Policy, Procedure, or Practice</b> Historically, the FTC has had a low participation rate of Hispanic/Latino employees generally, which includes attorneys. Although the FTC recruits nationwide, at all national law schools, Hispanic/Latino bar conventions, and other events, there continues to be minimal improvement in the percentage of Hispanic/Latino employees.

Objective(s) and Dates for EEO Plan

Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description
10/01/2017	09/30/2022	Yes	09/30/2019		Increase the participation rate of Hispanic/Latino employees, including attorneys, at all levels of the FTC workforce through targeted outreach, recruitment, and innovative retention plans.

Responsible Official(s)

Title	Name	Standards Address The Plan?
Acting Director, Equal Employment Opportunity and Workplace Inclusion	Namon C. Friends	Yes
Hispanic Heritage Month	Planning Committee	No
Chair, FTC Diversity Council	Daria Kun	No

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020

Plan to Eliminate Identified Barriers

Planned Activities Toward Completion of Objective

Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2020	Develop relationships with Hispanic/Latino Student Associations at Washington, D.C., area law schools/colleges/universities, and in the regions of the U.S. whether the FTC has offices.	Yes	09/30/2019	
09/30/2020	Sponsor FTC attorneys to attend the National Hispanic Bar Association Annual Convention	Yes	09/30/2019	
09/30/2020	Meet with FTC Diversity Council leaders.	Yes	09/30/2019	
09/30/2020	Review Employee Exit Interviews	Yes	09/30/2019	

Report of Accomplishments

Fiscal Year	Accomplishments
2020	During Fiscal Year 2020, the Office of EEOWI met with Hispanic/Latino employees to discuss additional strategies to build relationships with prospective Hispanic/Latino individuals in order to increase the applicant pool for FTC jobs. In addition, the Office of EEOWI continued to sponsor employees' attendance at the National Hispanic Bar Association. The Office of EEOWI reviewed Employee Exit Interview surveys to determine whether there were any suggestions that barriers to equality of opportunity exist at the FTC.

**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 affirmative action plan will improve the recruitment, hiring, advancement, and retention of applicants and employees with disabilities.

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

EEOC regulations (29 CFR §1614.203(d)(7)) require agencies to establish specific numerical goals for increasing the participation of persons with disabilities and persons with targeted disabilities in the federal government

1. Using the goal of 12% as the benchmark, does your agency have a trigger involving PWD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.

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

The participation rate of PWDs in the GS-1 to GS-10 cluster is 9.3%, as compared to the federal goal of 12%.

\*For GS employees, please use two clusters: GS-1 to GS-10 and GS-11 to SES, as set forth in 29 C.F.R. § 1614.203(d) (7). For all other pay plans, please use the approximate grade clusters that are above or below GS-11 Step 1 in the Washington, DC metropolitan region.

2. Using the goal of 2% as the benchmark, does your agency have a trigger involving PWTD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.

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

The participation rate of PWTDs in the GS-1 to GS-10 cluster is 5%, as compared to the federal goal of 2%. The participation rate of PWTDs in the GS-11 to SES cluster is 1%, as compared to the federal goal of 2%.

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

FTC Human Capital Management Office (HCMO) staff were notified of the numerical goals through the FTC's Disability Program Manager (DPM). The DPM also communicated the numerical goals to the FTC's Diversity Council and to hiring managers during the annual Supervisory Development Program training.

**Section II: Model Disability Program**

Pursuant to 29 C.F.R. § 1614.203(d)(1), agencies must ensure sufficient staff, training and resources to recruit and hire persons with disabilities and persons with targeted disabilities, administer the reasonable accommodation program and special emphasis program, and oversee any other disability hiring and advancement program the agency has in place.

**A. PLAN TO PROVIDE SUFFICIENT & COMPETENT STAFFING FOR THE DISABILITY PROGRAM**

1. Has the agency designated sufficient qualified personnel to implement its disability program during the reporting period? If "no", describe the agency's plan to improve the staffing for the upcoming year.

Answer Yes

The FTC has a DPM dedicated to implementing a model disability program. The DPM is responsible for: (1) Implementing the FTC's reasonable accommodation procedures consistent with RA policy, governing laws and regulations, executive orders, and EEOC directives. (2) Providing guidance and delivering training to employees and management officials concerning the agency's reasonable accommodation procedures and disability hiring matters, and serving as a resource for information on disability issues that affect the agency. (3) Establishing effective tracking systems to monitor the processing of reasonable accommodation requests and affirmative employment initiatives for individuals with disabilities to include complying with all reporting and record retention requirements. (4) Regularly reviewing and analyzing the FTC's reasonable accommodation process and progress in the recruitment and retention of individuals with disabilities. (5) Regularly reviewing agency procedures to ensure that vacancy announcements and hiring and promotion procedures include information describing how applicants may submit reasonable accommodation requests. (6) Managing the FTC's reasonable accommodation procedures, to include providing necessary guidance and technical assistance to managers, supervisors, employees, and applicants regarding requests for reasonable accommodation, and consulting with other agency offices and officials as necessary. (7) Assisting FTC management officials in evaluating accommodations that have been provided to ensure their continued effectiveness. (8) Requesting and reviewing medical information if an impairment or need for accommodation is not obvious to include having medical information reviewed by an external Medical Review Official (MRO) of the agency's choosing and at the agency's request and expense. (9) Serving as the deciding official for reasonable accommodation requests from applicants. (10) Participating in annual training relating to disability laws and regulations, to include training related to the provision of reasonable accommodation.

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	2	0	0	HR Benefits Specialists, Human Capital Management Office
Answering questions from the public about hiring authorities that take disability into account	1	0	0	Cindee Smith, Acting Disability Program Manager
Processing reasonable accommodation requests from applicants and employees	1	0	0	Cindee Smith, Acting Disability Program Manager
Section 508 Compliance	1	0	0	Trevor Beierschmitt, Honors Paralegal, TBeierschmitt@ftc.gov
Architectural Barriers Act Compliance	2	0	0	Jack Sheckells, Space Management Specialist JSheckells@ftc.gov AScott@ftc.gov
Special Emphasis Program for PWD and PWTD	1	0	0	Cindee Smith, Acting Disability Program Manager

3. Has the agency provided disability program staff with sufficient training to carry out their responsibilities during the reporting period? If "yes", describe the training that disability program staff have received. If "no", describe the training planned for the upcoming year.

Answer Yes

During FY 20, the DPM completed the following trainings: Job Accommodation Network's (JAN) Monthly Training Series , including Ergonomics for Teleworkers and Accommodations for Respiratory Impairments; FTC's Diversity Council Panel Discussion: Ensuring an Inclusive Workplace During the Pandemic; and U.S. Equal Employment Opportunity Commission's (EEOC) Covid-19 Pandemic and Antidiscrimination Law Webinar.

## **B. PLAN TO ENSURE SUFFICIENT FUNDING FOR THE DISABILITY PROGRAM**

Has the agency provided sufficient funding and other resources to successfully implement the disability program during the reporting period? If "no", describe the agency's plan to ensure all aspects of the disability program have sufficient funding and other resources

Answer Yes

Funding was not an issue in providing reasonable accommodations during FY 20. Adaptive technology requests were fulfilled using the FTC Office of the Chief Information Officer's budget. Furniture requests were fulfilled from the FTC Office of the Chief Administrative Services Officer's budget. Funding to address requests that are outside the scope of Information Technology equipment or furniture were fulfilled from the budget of the bureau or office where the requesting individual is employed.

## **Section III: Plan to Recruit and Hire Individuals with Disabilities**

Pursuant to 29 C.F.R. §1614.203(d)(1)(i) and (ii), agencies must establish a plan to increase the recruitment and hiring of individuals with disabilities. The questions below are designed to identify outcomes of the agency's recruitment program plan for PWD and PWTD

### **A. PLAN TO IDENTIFY JOB APPLICATIONS WITH DISABILITIES**

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

The FTC's DPM serves as the Selective Placement Coordinator (SPPC) and actively communicates with Schedule A candidates. In FY 20, the DPM advised seventy-four Schedule A eligibles on the federal job application process and Schedule A hiring. The DPM has also used the FTC account for the Workforce Recruitment Program (WRP), a recruitment and referral program that connects federal sector employers nationwide with highly motivated college students and recent graduates with disabilities who are eager to prove their abilities in the workplace through summer or permanent jobs.

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 FTC's DPM/SPPC regularly communicates with and encourages Schedule A eligible individuals to apply for FTC vacancies that match their educational and employment backgrounds. When a PWD or PWTD contacts the DPM to express interest in employment at the FTC, the DPM requests a copy of the individual's resume to save in the FTC's Schedule A Eligible Resume Database. The DPM also sends FTC vacancy links posted on USAJOBS that match the PWD or PWTD's interests and skill set, when applicable. Individuals are encouraged to apply to FTC vacancies and to email the job posting ID they applied for so the DPM can communicate with the Human Resources Specialist and the Hiring Manager regarding the individual's Schedule A preference and any accommodation needs if the individual is called in for an interview. Additionally, the DPM encourages hiring managers and HR Specialists to reach out and review resumes of Schedule A eligibles prior to posting a vacancy announcement on USAJOBS. The DPM is currently conducting a Schedule A Barrier Analysis to identify barriers to employment for PWD and PWTD's at the FTC. During FY 21, a plan will be implemented to address barriers identified and ultimately increase employment opportunities for PWD and PWTD's at the FTC. The FTC also uses authorities such as Veterans' Recruitment Appointments (VRA), Appointment of 30% or More Disabled Veterans, and Veterans Employment Opportunities (VEOA) Appointments for hiring veterans with disabilities as ways to address critical hiring needs while continuing to ensure that it is recruiting and retaining a diverse group of candidates. The agency's primary recruitment efforts are therefore focused on students and graduates of law and economic schools and programs. Where practicable and likely to broaden the applicant pool to include PWD or PWTD's, internal recruitment methods are used to reach status employees in all federal agencies. The HCMO staff attends training to maintain and upgrade the ability to provide tools to better target the agency's recruitment efforts and improve results in attracting veterans in general, and veterans with disabilities in particular.

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.

In cases where the individual is applying for a position with assistance from the DPM/SPPC, the DPM will review the Schedule A letter presented by the PWD or PWTD to verify disability status and Schedule A eligibility. In cases where an individual applies via USAJOBS directly without reaching out to the DPM/SPPC, the HR Specialist overseeing the posting will review all documents submitted by the applicant with a PWD or PWTD, to include their Schedule A letter. When a Schedule A eligible applies with assistance from the DPM/SPPC, the DPM/SPPC will notify the HR Specialist of the individual's Schedule A status and advise the HR Specialist to notify the Hiring Manager of the individual's hiring preference. In some cases, the DPM/SPPC will work with the Hiring Manager to coordinate accommodations for the interview and advise on etiquette when interviewing an individual with a PWD or PWTD.

4. Has the agency provided training to all hiring managers on the use of hiring authorities that take disability into account (e.g., Schedule A)? If "yes", describe the type(s) of training and frequency. If "no", describe the agency's plan to provide this training.

Answer Yes

All FTC managers who attended both new and refresher Supervisory Development Program (SDP) sessions in FY 20 were briefed on the Schedule A Hiring Process. During each training session, managers were reminded of the federal targets of 12% for PWD and 2% for PWTD and encouraged to use Schedule A or veterans hiring authorities when filling a vacancy.

**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.

Contacts have been established with local Division of Rehabilitation Services (DORS) Offices, Disability Support Services offices at Georgetown University, the University of Maryland, the University of the District of Columbia, and George Washington University. The FTC has an ongoing relationship with the Department of Veterans Affairs Vocational Rehabilitation and Employment Program (VR&E) to develop a pipeline of qualified students, recent graduates, and veterans with disabilities. Continued outreach to local schools, veteran's organizations, and disability support services offices will be forged in the upcoming fiscal year.

**C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)**

1. Using the goals of 12% for PWD and 2% for PWTD as the benchmarks, do triggers exist for PWD and/or PWTD among the new hires in the permanent workforce? If "yes", please describe the triggers below.

- a. New Hires for Permanent Workforce (PWD) Answer Yes
- b. New Hires for Permanent Workforce (PWTD) Answer Yes

5.4% of new hires identified as a PWD. 1% of new hires self-identified as a PWTD.

2. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the new hires for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. New Hires for MCO (PWD) Answer Yes
- b. New Hires for MCO (PWTD) Answer Yes

In terms of new hires, there were no new hires for Law Clerks who self-identified as PWD or PWTD. No newly hired General Attorneys identified as a PWD or a PWTD.

3. Using the relevant applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the qualified internal applicants for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Qualified Applicants for MCO (PWD) Answer N/A
- b. Qualified Applicants for MCO (PWTD) Answer N/A

N/A

4. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among employees promoted to any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Promotions for MCO (PWD) Answer N/A
- b. Promotions for MCO (PWTD) Answer N/A

N/A

**Section IV: 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 FTC continues to ensure vacancy announcements include a statement that all applicants will receive consideration without regard to non-disqualifying disabilities. The FTC also provides employment opportunities to students, including those who are disabled, in a professional work environment that focuses on career-related fields. The FTC continues to provide training programs intended to enhance employee skills. Enhanced skills can better position employees to deal more effectively with the agency's skills requirements and to successfully compete for internal promotion opportunities. While some of the agency's developmental activities are implemented by and for a particular bureau, the FTC has an agency-wide Training Council composed of front line staff and leadership with an appreciation for the skills needed in accomplishing all mission-critical work. Although areas of emphasis vary from year to year, the FTC's experience is that professional skill requirements for the majority of the staff are relatively stable, and thus are best accomplished on an agency-wide and cyclical basis. Information technology skills for all staff, especially support staff, tend to change over time with successive advances in technology. To address this need, the Training Council supports an agency-wide development program in computer application skills, safety, and leadership. The agency-wide development program approach, including input from the FTC Training Council, defines competency standards for mission-specific and other core work requirements. Linking competency standards and employee development planning with the centralized training budget planning process permits targeting, expanding, and refocusing of the core curricula to occur at a measured pace and with relatively accurate forecasting.

## **B. CAREER DEVELOPMENT OPPORTUNITIES**

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

The FTC's Learning Management System (LMS) continues to give all FTC employees access to on-line training on demand. Employees have the ability to look up and register for online, and on-site, training classes, and to access thousands of e-books. Agency attorneys have subscription access to more than 7000 on-line continuing legal education (CLE) programs that are available from any location with an internet connection. Completions of external (at-cost) training courses are also tracked via the LMS. The FTC's agency-wide Individual Development Plan (IDP) program and guide provides a tool for managers and supervisors to assess the training needs of both employees and the organization. The IDP planning process provides both the supervisor and the employee with the opportunity to identify training and development needs together to ensure job and organizational success. Additionally, each bureau in the FTC has a mentoring program that provides FTC employees with an opportunity to further their professional development and growth, hone their expertise, expand their network of contacts, and improve job satisfaction. The Office of the Executive Director (OED) offers its Mentoring Program to employees from all offices and bureaus in the agency. This expanded program provides a rich developmental opportunity for all FTC staff looking to accelerate learning about the Commission's culture and processes, establish professional links for ongoing career development, develop an organizational rather than departmental perspective, and more fully develop talent and potential. Staff are also encouraged to participate in the FTC's agency-wide Diversity Council, a group dedicated to recruiting diverse talent, cultivating an inclusive workplace, and collaborating with agency leaders to deepen their commitment to diversity. Additionally, the FTC offers a Toastmasters Club, a group of FTC employees who are part of Toastmasters International. The club provides a positive learning environment in which members are empowered to develop communication and leadership skills. The FTC Toastmasters Club provides a supportive and positive learning experience in which members are empowered to develop communication and leadership skills, resulting in greater self-confidence and personal growth. The DPM encourages employees with disabilities who indicate communication as a developmental area to consider participating in the club.

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 (#)
Coaching Programs	0	0	0	0	0	0
Internship Programs	0	0	0	0	0	0
Fellowship Programs	0	0	0	0	0	0
Mentoring Programs	0	0	0	0	0	0
Training Programs	0	0	0	0	0	0
Detail Programs	0	0	0	0	0	0
Other Career Development Programs	48	42	1	1	0	0

3. Do triggers exist for PWD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Applicants (PWD) Answer N/A  
 b. Selections (PWD) Answer N/A

While Table B-12 highlights no representation of PWD in career development opportunities at the FTC, it also reflects no participation rate with FTC employees in general, suggesting issues beyond a disability-related barrier to participation in such programs.

4. Do triggers exist for PWTD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Applicants (PWTD) Answer N/A  
 b. Selections (PWTD) Answer N/A

While Table B-12 highlights no representation of PWTD in career development opportunities at the FTC, it also reflects no participation rate with FTC employees in general, suggesting issues beyond a disability-related barrier to participation in such programs.

### C. AWARDS

1. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for any level of the time-off awards, bonuses, or other incentives? If “yes”, please describe the trigger(s) in the text box.

- a. Awards, Bonuses, & Incentives (PWD) Answer Yes  
 b. Awards, Bonuses, & Incentives (PWTD) Answer Yes

In FY 20, triggers exist for PWD and PWTD involving time-off awards.

2. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for quality step increases or performance-based pay increases? If “yes”, please describe the trigger(s) in the text box.

- a. Pay Increases (PWD) Answer Yes  
 b. Pay Increases (PWTD) Answer Yes

In FY 20, triggers exist for PWD and PWTD involving performance-based pay increases.

3. If the agency has other types of employee recognition programs, are PWD and/or PWTD recognized disproportionately less than employees without disabilities? (The appropriate benchmark is the inclusion rate.) If “yes”, describe the employee recognition program and relevant data in the text box.

- a. Other Types of Recognition (PWD) Answer N/A  
 b. Other Types of Recognition (PWTD) Answer N/A

N/A

### D. PROMOTIONS

1. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. SES

i. Qualified Internal Applicants (PWD) Answer N/A

ii. Internal Selections (PWD) Answer N/A

b. Grade GS-15

i. Qualified Internal Applicants (PWD) Answer N/A

ii. Internal Selections (PWD) Answer N/A

c. Grade GS-14

i. Qualified Internal Applicants (PWD) Answer Yes

ii. Internal Selections (PWD) Answer Yes

d. Grade GS-13

i. Qualified Internal Applicants (PWD) Answer Yes

ii. Internal Selections (PWD) Answer N/A

In FY 20, triggers exist for PWD involving qualified grade levels 13 and 15 internal applicants and selectees for promotions.

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. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. SES

i. Qualified Internal Applicants (PWTD) Answer N/A

ii. Internal Selections (PWTD) Answer N/A

b. Grade GS-15

i. Qualified Internal Applicants (PWTD) Answer N/A

ii. Internal Selections (PWTD) Answer N/A

c. Grade GS-14

i. Qualified Internal Applicants (PWTD) Answer N/A

ii. Internal Selections (PWTD) Answer N/A

d. Grade GS-13

i. Qualified Internal Applicants (PWTD) Answer N/A

ii. Internal Selections (PWTD) Answer N/A

In FY 20, triggers exist for PWTD involving qualified internal applicants and selectees for promotions to the senior grade levels.

3. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires to SES (PWD) Answer N/A

b. New Hires to GS-15 (PWD) Answer Yes

c. New Hires to GS-14 (PWD) Answer Yes

d. New Hires to GS-13 (PWD) Answer Yes

Yes, there are low representation rates of PWDs in each category of senior grade levels.

4. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires to SES (PWTD) Answer N/A

b. New Hires to GS-15 (PWTD) Answer Yes

c. New Hires to GS-14 (PWTD) Answer Yes

d. New Hires to GS-13 (PWTD) Answer Yes

Yes, there are low representation rates of PWTDs in each category of senior grade levels.

5. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Executives

i. Qualified Internal Applicants (PWD) Answer N/A

ii. Internal Selections (PWD) Answer N/A

b. Managers

i. Qualified Internal Applicants (PWD) Answer Yes

ii. Internal Selections (PWD) Answer Yes

c. Supervisors

i. Qualified Internal Applicants (PWD) Answer Yes

ii. Internal Selections (PWD) Answer Yes

There is a lower than expected participation rate for PWD in the Executive ranks.

6. Does your agency have a trigger involving PWTD among the qualified internal applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Executives

i. Qualified Internal Applicants (PWTD) Answer N/A

ii. Internal Selections (PWTD) Answer N/A

b. Managers

i. Qualified Internal Applicants (PWTD) Answer Yes

ii. Internal Selections (PWTD) Answer Yes

c. Supervisors

i. Qualified Internal Applicants (PWTD) Answer Yes

ii. Internal Selections (PWTD) Answer Yes

There is a lower than expected participation rate for PWTD in the Executive ranks.

7. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires for Executives (PWD) Answer N/A

b. New Hires for Managers (PWD) Answer Yes

c. New Hires for Supervisors (PWD) Answer Yes

There is a lower than expected participation rate for PWD among the selectees for new hires to supervisory positions.

8. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires for Executives (PWTD) Answer N/A

b. New Hires for Managers (PWTD) Answer Yes

c. New Hires for Supervisors (PWTD) Answer Yes

There is a lower than expected participation rate for PWTD among the selectees for new hires to supervisory positions.

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

To be model employer for persons with disabilities, agencies must have policies and programs in place to retain employees with disabilities. In this section, agencies should: (1) analyze workforce separation data to identify barriers retaining employees with disabilities; (2) describe efforts to ensure accessibility of technology and facilities; and (3) provide information on the reasonable accommodation program and workplace assistance services.

### A. VOLUNTARY AND INVOLUNTARY SEPARATIONS

1. In this reporting period, did the agency convert all eligible Schedule A employees with a disability into the competitive service after two years of satisfactory service (5 CFR § 213.3102(u)(6)(i))? If "no", please explain why the agency did not convert all eligible Schedule A employees.

Answer Yes

In cases where the employee is approaching the end of their 2-year probationary period, the HR Specialist overseeing the initial posting will contact the manager and inquire if the employee has passed their probationary period. In cases where the employee successfully completes their term, the manager is encouraged to approve converting the employee from career-conditional to competitive status.

2. Using the inclusion rate as the benchmark, did the percentage of PWD among voluntary and involuntary separations exceed that of persons without disabilities? If "yes", describe the trigger below.

a. Voluntary Separations (PWD)

Answer No

b. Involuntary Separations (PWD)

Answer No

N/A

3. Using the inclusion rate as the benchmark, did the percentage of PWTID among voluntary and involuntary separations exceed that of persons without targeted disabilities? If "yes", describe the trigger below.

a. Voluntary Separations (PWTID)

Answer Yes

b. Involuntary Separations (PWTID)

Answer No

The percentage of PWTID among voluntary separations is 13.3%, which exceeds the percentage of PWD of 8.6%.

4. If a trigger exists involving the separation rate of PWD and/or PWTID, please explain why they left the agency using exit interview results and other data sources.

N/A

### B. ACCESSIBILITY OF TECHNOLOGY AND FACILITIES

Pursuant to 29 CFR §1614.203(d)(4), federal agencies are required to inform applicants and employees of their rights under Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794(b), concerning the accessibility of agency technology, and the Architectural Barriers Act of 1968 (42 U.S.C. § 4151-4157), concerning the accessibility of agency facilities. In addition, agencies are required to inform individuals where to file complaints if other agencies are responsible for a violation.

1. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under Section 508 of the Rehabilitation Act, including a description of how to file a complaint.

<https://www.ftc.gov/site-information/accessibility> How to file a complaint: The FTC is committed to making the information it delivers through its Internet site accessible for all members of the public, including individuals with disabilities. In the spirit of this commitment, the FTC strives to provide electronic and information technology that meets or exceeds the compliance requirements of Section 508 of the Rehabilitation Act of 1973, as amended. If an individual has feedback, concerns or complaints related to the accessibility of electronic and information technology provided by the FTC, including content on the web site, they may contact the FTC Section 508 Coordinator via email at [Section508compliance@FTC.gov](mailto:Section508compliance@FTC.gov) (link sends e-mail). Individuals may also send complaints regarding Section 508 to the following address: Room HQ-683 Information Assurance ATTN: Section 508 Compliance Federal Trade Commission 600 Pennsylvania Ave., NW Washington, DC 20580

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.

The Architectural Barriers Act of 1968 (ABA), as amended, (42 U.S.C. §§ 4151-4157) is cited in Chapter 3, Section 300, Disability Anti-Discrimination Policy and Reasonable Accommodation Procedures Policy, and on the reasonable accommodation request form (FTC Form 641) on the FTC's intranet page. The FTC's public facing website has been updated to include this information for employees and applicants. <https://www.ftc.gov/about-ftc/bureaus-offices/office-equal-employment-opportunity/reasonable-accommodation-procedures>

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.

Currently the DPM serves as a contact for employees who encounter barriers to accessibility of agency facilities and/or technology. In cases where a barrier is identified, the DPM partners with the FTC's Office of the Chief Administrative Services Officer (OCASO) and/or the Office of the Chief Information Officer (OCIO) when necessary to ensure the barrier is identified and an effective accommodation is implemented to accord the employee equal access to agency facilities and/or technology. As the FTC Headquarters Office is a historical building, which can present some barriers to individuals with mobility impairments, the agency is open to and has historically been able to accommodate employees with more significant physical impairments with office assignments in its Constitution Center location when necessary, as this facility is more accessible. In FY 21, the DPM will participate in available Americans with Disabilities Act training.

### 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.)

In FY 20, 98% of reasonable accommodation requests were processed within the timeframe set forth in its reasonable accommodation procedures. The FTC processed forty reasonable accommodation requests in FY 20. The average time to process a request was 4 business days, which falls under the 10-business day processing policy.

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.

The FTC remains committed to overseeing a model reasonable accommodation program. To support its efforts, the agency continues to conduct reasonable accommodation related training to managers in order to keep their knowledge up to date. During FY 20, managers received virtual Supervisory Development Training and Refresher Training. Additionally, the DPM actively engaged in the interactive process with all accommodation requests to help facilitate timely processing of all requests received by FTC management.

### D. PERSONAL ASSISTANCE SERVICES ALLOWING EMPLOYEES TO PARTICIPATE IN THE WORKPLACE

Pursuant to 29 CFR §1614.203(d)(5), federal agencies, as an aspect of affirmative action, are required to provide personal assistance services (PAS) to employees who need them because of a targeted disability, unless doing so would impose an undue hardship on the agency.

Describe the effectiveness of the policies, procedures, or practices to implement the PAS requirement. Some examples of an effective program include timely processing requests for PAS, timely providing approved services, conducting training for managers and supervisors, and monitoring PAS requests for trends.

In an effort to meet the requirements outlined in 29 C.F.R. § 1614.203(d) (5), the EEOVI in partnership with OGC, and HCMO, established a policy and procedures for the provision of Personal Assistance Services for FTC employees. The FTC did not receive any requests for PAS from applicants or employees in FY 20, but is prepared to approve and implement requests for PAS where a need is demonstrated. The PAS policy is posted on FTC's public-facing website at: <https://www.ftc.gov/about-ftc/bureaus-offices/office-equal-employment-opportunity-workplace-inclusion/personal>

## Section VI: 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?

Answer N/A

2. During the last fiscal year, did any complaints alleging harassment based on disability status result in a finding of discrimination or a settlement agreement?

Answer N/A

3. If the agency had one or more findings of discrimination alleging harassment based on disability status during the last fiscal year, please describe the corrective measures taken by the agency.

N/A

### B. EEO COMPLAINT DATA INVOLVING REASONABLE ACCOMMODATION

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging failure to provide a reasonable accommodation, as compared to the government-wide average?

Answer 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?

Answer Yes

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.

A formal EEO complaint alleging a failure to provide a reasonable accommodation settled during FY 20 while pending an EEOC administrative hearing. There were no findings of discrimination involving the agency's failure to provide a reasonable accommodation during FY 20.

## Section VII: Identification and Removal of Barriers

Element D of MD-715 requires agencies to conduct a barrier analysis when a trigger suggests that a policy, procedure, or practice may be impeding the employment opportunities of a protected EEO group.

1. Has the agency identified any barriers (policies, procedures, and/or practices) that affect employment opportunities for PWD and/or PWTD?

Answer Yes

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

Answer Yes

3. Identify each trigger and plan to remove the barrier(s), including the identified barrier(s), objective(s), responsible official(s), planned activities, and, where applicable, accomplishments

<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)					
<b>Specific Workforce Data Table:</b>	Workforce Data Table - B1					
<b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b>  Provide a brief narrative describing the condition at issue.  How was the condition recognized as a potential barrier?	The lower than expected participation rates of persons with disabilities and persons with targeted disabilities in the agency's total workforce, as compared to the goals of 12% and 2% respectively.					
<b>STATEMENT OF BARRIER GROUPS:</b>	<i>Barrier Group</i> People with Disabilities					
<b>Barrier Analysis Process Completed?:</b>	Y					
<b>Barrier(s) Identified?:</b>	Y					
<b>STATEMENT OF IDENTIFIED BARRIER:</b>  Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	<b>Barrier Name</b>  Trigger 1	<b>Description of Policy, Procedure, or Practice</b>  Managers require additional training both in regards to recruiting individuals with disabilities and creating an inclusive work environment for differently abled individuals. The FTC must use more aggressive avenues to add qualified individuals with disabilities to the FTC's various employment pipelines (e.g., through internships, and partnerships with federal agencies and bar associations).  Additionally, the FTC needs to continue educating employees about the purpose of collecting disability information to ensure current, accurate data. FTC employees are especially focused on data security and the perception that the federal government cannot keep this information private and secure has been voiced as a concern from managers.				
<b>Objective(s) and Dates for EEO Plan</b>						
<b>Date Initiated</b>	<b>Target Date</b>	<b>Sufficient Funding / Staffing?</b>	<b>Date Modified</b>	<b>Date Completed</b>	<b>Objective Description</b>	
09/30/2021	09/30/2021	Yes	09/30/2022		Increase trainings for managers on the Schedule A hiring authority and highlight this hiring authority in other settings. Increase awareness among FTC hiring managers on available Federal programs to integrate qualified individuals with disabilities into the federal workforce. The FTC will re-survey employees in FY 22 and encourage employees to verify disability information in the Employee Express portal.	
<b>Responsible Official(s)</b>						
<b>Title</b>		<b>Name</b>		<b>Standards Address The Plan?</b>		
Acting DPM		Cindee Smith		Yes		
Acting EEOWI Director		Namon C. Friends		Yes		
<b>Planned Activities Toward Completion of Objective</b>						
<b>Target Date</b>	<b>Planned Activities</b>			<b>Sufficient Staffing &amp; Funding?</b>	<b>Modified Date</b>	<b>Completion Date</b>
09/30/2021	Provide Schedule A training to new managers during the Supervisory Development Program training in FY 21			Yes	09/30/2022	

**Planned Activities Toward Completion of Objective**

Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2021	Resurvey FTC population after educational memorandum is issued to outline the purpose of collecting the data	Yes	09/30/2022	
09/30/2021	Train not just managers, but also employees on topics to include disability awareness and inclusion, the reasonable accommodation process, etc.	Yes	09/30/2022	
09/30/2021	Maintain existing partnerships with disability rights groups, disability groups at colleges and universities, and other federal agencies to enhance employment opportunity pipelines at the FTC for qualified applicants with disabilities.  Create and foster new partnerships with disability rights groups, disability groups at colleges and universities, and other federal agencies to build employment opportunity pipelines at the FTC for qualified applicants with disabilities.	Yes	09/30/2022	

**Report of Accomplishments**

Fiscal Year	Accomplishments
2020	Trainings available to all employees will be provided Q1.
2020	Seasoned managers were trained Q3
2020	During FY 20, information regarding the Schedule A hiring authority for job applicants with disabilities and reasonable accommodation was provided to new managers via the new manager training program, and to seasoned managers who were due to participate in the FTC's annual management training program. The annual program for season managers is a means to provide managers a refresher many topics, including Schedule A and other EEO and non-EEO topics.
2020	Resurvey memo was issued by Chief Human Capital Officer 09/17/18. Follow up resurvey will be conducted FY 21 or FY 22.

4. Please explain the factor(s) that prevented the agency from timely completing any of the planned activities.

For Activity 3, employees have not yet received training beyond 1:1 counseling during meetings with the DPM; however, employee training will be offered in FY 21 and beyond.

5. For the planned activities that were completed, please describe the actual impact of those activities toward eliminating the barrier(s).

During FY 20, training on Schedule A hiring authority regarding job applicants with disabilities and training on the reasonable accommodation process was provided to managers. Additional sessions will be provided in FY 21 and beyond, and employees will be offered disability related trainings and encouraged to ensure accuracy of their self-identification data.

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.

Continue to offer training to both managers and employees and increase/enhance outreach efforts to attract qualified talent with disabilities for mission critical needs.

## Affirmative Action Plan for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities

To capture agencies' affirmative action plan for persons with disabilities (PWD) and persons with targeted disabilities (PWTD), EEOC regulations (29 C.F.R. § 1614.203(e)) and MD-715 require agencies to describe how their affirmative action plan will improve the recruitment, hiring, advancement, and retention of applicants and employees with disabilities.

### Section I: Efforts to Reach Regulatory Goals

*EEOC regulations (29 CFR §1614.203(d)(7)) require agencies to establish specific numerical goals for increasing the participation of persons with disabilities and persons with targeted disabilities in the federal government*

1. Using the goal of 12% as the benchmark, does your agency have a trigger involving PWD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.
  - a. Cluster GS-1 to GS-10 (PWD) Answer Yes
  - b. Cluster GS-11 to SES (PWD) Answer No

The participation rate of PWDs in the GS-1 to GS-10 cluster is 9.3%, as compared to the federal goal of 12%.

\*For GS employees, please use two clusters: GS-1 to GS-10 and GS-11 to SES, as set forth in 29 C.F.R. § 1614.203(d)(7). For all other pay plans, please use the approximate grade clusters that are above or below GS-11 Step 1 in the Washington, DC metropolitan region.

2. Using the goal of 2% as the benchmark, does your agency have a trigger involving PWTD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.
  - a. Cluster GS-1 to GS-10 (PWTD) Answer No
  - b. Cluster GS-11 to SES (PWTD) Answer Yes

The participation rate of PWTDs in the GS-1 to GS-10 cluster is 5%, as compared to the federal goal of 2%. The participation rate of PWTDs in the GS-11 to SES cluster is 1%, as compared to the federal goal of 2%.

Grade Level Cluster(GS or Alternate Pay Planb)	Total	Reportable Disability		Targeted Disability	
	#	#	%	#	%
Numerical Goal	--	12%		2%	
Grades GS-1 to GS-10	38	8	21.05	4	10.53
Grades GS-11 to SES	1022	81	7.93	11	1.08

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

FTC Human Capital Management Office (HCMO) staff were notified of the numerical goals through the FTC's Disability Program Manager (DPM). The DPM also communicated the numerical goals to the FTC's Diversity Council and to hiring managers during the annual Supervisory Development Program training.

### Section II: Model Disability Program

Pursuant to 29 C.F.R. § 1614.203(d)(1), agencies must ensure sufficient staff, training and resources to recruit and hire persons with disabilities and persons with targeted disabilities, administer the reasonable accommodation program and special emphasis program, and oversee any other disability hiring and advancement program the agency has in place.

**A. PLAN TO PROVIDE SUFFICIENT & COMPETENT STAFFING FOR THE DISABILITY PROGRAM**

1. Has the agency designated sufficient qualified personnel to implement its disability program during the reporting period? If “no”, describe the agency’s plan to improve the staffing for the upcoming year.

Answer Yes

The FTC has a DPM dedicated to implementing a model disability program. The DPM is responsible for: (1) Implementing the FTC’s reasonable accommodation procedures consistent with RA policy, governing laws and regulations, executive orders, and EEOC directives. (2) Providing guidance and delivering training to employees and management officials concerning the agency’s reasonable accommodation procedures and disability hiring matters, and serving as a resource for information on disability issues that affect the agency. (3) Establishing effective tracking systems to monitor the processing of reasonable accommodation requests and affirmative employment initiatives for individuals with disabilities to include complying with all reporting and record retention requirements. (4) Regularly reviewing and analyzing the FTC’s reasonable accommodation process and progress in the recruitment and retention of individuals with disabilities. (5) Regularly reviewing agency procedures to ensure that vacancy announcements and hiring and promotion procedures include information describing how applicants may submit reasonable accommodation requests. (6) Managing the FTC’s reasonable accommodation procedures, to include providing necessary guidance and technical assistance to managers, supervisors, employees, and applicants regarding requests for reasonable accommodation, and consulting with other agency offices and officials as necessary. (7) Assisting FTC management officials in evaluating accommodations that have been provided to ensure their continued effectiveness. (8) Requesting and reviewing medical information if an impairment or need for accommodation is not obvious to include having medical information reviewed by an external Medical Review Official (MRO) of the agency’s choosing and at the agency’s request and expense. (9) Serving as the deciding official for reasonable accommodation requests from applicants. (10) Participating in annual training relating to disability laws and regulations, to include training related to the provision of reasonable accommodation.

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	2	0	0	HR Benefits Specialists, Human Capital Management Office
Answering questions from the public about hiring authorities that take disability into account	1	0	0	Cindee Smith, Acting Disability Program Manager
Processing reasonable accommodation requests from applicants and employees	1	0	0	Cindee Smith, Acting Disability Program Manager
Section 508 Compliance	1	0	0	Paralegal, TBeierschmitt@ftc.gov
Architectural Barriers Act Compliance	2	0	0	Jack Sheckells, Space Management Specialist JScheckells@ftc.gov AScott@ftc.gov
Special Emphasis Program for PWD and PWTD	1	0	0	Cindee Smith, Acting Disability Program Manager

- Has the agency provided disability program staff with sufficient training to carry out their responsibilities during the reporting period? If “yes”, describe the training that disability program staff have received. If “no”, describe the training planned for the upcoming year.

Answer Yes

During FY 20, the DPM completed the following trainings: Job Accommodation Network’s (JAN) Monthly Training Series , including Ergonomics for Teleworkers and Accommodations for Respiratory Impairments; FTC’s Diversity Council Panel Discussion: Ensuring an Inclusive Workplace During the Pandemic; and U.S. Equal Employment Opportunity Commission’s (EEOC) Covid-19 Pandemic and Antidiscrimination Law Webinar.

## B. PLAN TO ENSURE SUFFICIENT FUNDING FOR THE DISABILITY PROGRAM

Has the agency provided sufficient funding and other resources to successfully implement the disability program during the reporting period? If “no”, describe the agency’s plan to ensure all aspects of the disability program have sufficient funding and other resources.

Answer Yes

Funding was not an issue in providing reasonable accommodations during FY 20. Adaptive technology requests were fulfilled using the FTC Office of the Chief Information Officer’s budget. Furniture requests were fulfilled from the FTC Office of the Chief Administrative Services Officer’s budget. Funding to address requests that are outside the scope of Information Technology equipment or furniture were fulfilled from the budget of the bureau or office where the requesting individual is employed.

## Section III: Program Deficiencies In The Disability Program

## Section IV: Plan to Recruit and Hire Individuals with Disabilities

Pursuant to 29 C.F.R. §1614.203(d)(1)(i) and (ii), agencies must establish a plan to increase the recruitment and hiring of individuals with disabilities. The questions below are designed to identify outcomes of the agency’s recruitment program plan for PWD and PWTD

### A. PLAN TO IDENTIFY JOB APPLICATIONS WITH DISABILITIES

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

The FTC’s DPM serves as the Selective Placement Coordinator (SPPC) and actively communicates with Schedule A candidates. In FY 20, the DPM advised seventy-four Schedule A eligibles on the federal job application process and Schedule A hiring. The DPM has also used the FTC account for the Workforce Recruitment Program (WRP), a recruitment and referral program that connects federal sector employers nationwide with highly motivated college students and recent graduates with disabilities who are eager to prove their abilities in the workplace through summer or permanent jobs.

- 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 FTC’s DPM/SPPC regularly communicates with and encourages Schedule A eligible individuals to apply for FTC vacancies that match their educational and employment backgrounds. When a PWD or PWTD contacts the DPM to express interest in employment at the FTC, the DPM requests a copy of the individual’s resume to save in the FTC’s Schedule A Eligible Resume Database. The DPM also sends FTC vacancy links posted on USAJOBS that match the PWD or PWTD’s interests and skill set, when applicable. Individuals are encouraged to apply to FTC vacancies and to email the job posting ID they applied for so the DPM can communicate with the Human Resources Specialist and the Hiring Manager regarding the individual’s Schedule A preference and any accommodation needs if the individual is called in for an interview. Additionally, the DPM encourages hiring managers and

HR Specialists to reach out and review resumes of Schedule A eligibles prior to posting a vacancy announcement on USAJOBS. The DPM is currently conducting a Schedule A Barrier Analysis to identify barriers to employment for PWD and PWTD’s at the FTC. During FY 21, a plan will be implemented to address barriers identified and ultimately increase employment opportunities for PWD and PWTD’s at the FTC. The FTC also uses authorities such as Veterans' Recruitment Appointments (VRA), Appointment of 30% or More Disabled Veterans, and Veterans Employment Opportunities (VEOA) Appointments for hiring veterans with disabilities as ways to address critical hiring needs while continuing to ensure that it is recruiting and retaining a diverse group of candidates. The agency's primary recruitment efforts are therefore focused on students and graduates of law and economic schools and programs. Where practicable and likely to broaden the applicant pool to include PWD or PWTD’s, internal recruitment methods are used to reach status employees in all federal agencies. The HCMO staff attends training to maintain and upgrade the ability to provide tools to better target the agency's recruitment efforts and improve results in attracting veterans in general, and veterans with disabilities in particular.

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.

In cases where the individual is applying for a position with assistance from the DPM/SPPC, the DPM will review the Schedule A letter presented by the PWD or PWTD to verify disability status and Schedule A eligibility. In cases where an individual applies via USAJOBS directly without reaching out to the DPM/SPPC, the HR Specialist overseeing the posting will review all documents submitted by the applicant with a PWD or PWTD, to include their Schedule A letter. When a Schedule A eligible applies with assistance from the DPM/SPPC, the DPM/SPPC will notify the HR Specialist of the individual’s Schedule A status and advise the HR Specialist to notify the Hiring Manager of the individual’s hiring preference. In some cases, the DPM/SPPC will work with the Hiring Manager to coordinate accommodations for the interview and advise on etiquette when interviewing an individual with a PWD or PWTD.

4. Has the agency provided training to all hiring managers on the use of hiring authorities that take disability into account (e.g., Schedule A)? If “yes”, describe the type(s) of training and frequency. If “no”, describe the agency’s plan to provide this training.

Answer Yes

All FTC managers who attended both new and refresher Supervisory Development Program (SDP) sessions in FY 20 were briefed on the Schedule A Hiring Process. During each training session, managers were reminded of the federal targets of 12% for PWD and 2% for PWTD and encouraged to use Schedule A or veterans hiring authorities when filling a vacancy.

**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.

Contacts have been established with local Division of Rehabilitation Services (DORS) Offices, Disability Support Services offices at Georgetown University, the University of Maryland, the University of the District of Columbia, and George Washington University. The FTC has an ongoing relationship with the Department of Veterans Affairs Vocational Rehabilitation and Employment Program (VR&E) to develop a pipeline of qualified students, recent graduates, and veterans with disabilities. Continued outreach to local schools, veteran’s organizations, and disability support services offices will be forged in the upcoming fiscal year.

**C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)**

1. Using the goals of 12% for PWD and 2% for PWTD as the benchmarks, do triggers exist for PWD and/or PWTD among the new hires in the permanent workforce? If “yes”, please describe the triggers below.

a. New Hires for Permanent Workforce (PWD) Answer Yes

b. New Hires for Permanent Workforce (PWTD)

Answer Yes

5.4% of new hires identified as a PWD. 1% of new hires self-identified as a PWTD.

New Hires	Total (#)	Reportable Disability		Targeted Disability	
		Permanent Workforce (%)	Temporary Workforce (%)	Permanent Workforce (%)	Temporary Workforce (%)
% of Total Applicants					
% of Qualified Applicants					
% of New Hires					

2. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the new hires for any of the mission- critical occupations (MCO)? If “yes”, please describe the triggers below. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires for MCO (PWD)

Answer Yes

b. New Hires for MCO (PWTD)

Answer Yes

In terms of new hires, there were no new hires for Law Clerks who self-identified as PWD or PWTD. No newly hired General Attorneys identified as a PWD or a PWTD.

New Hires to Mission-Critical Occupations	Total (#)	Reportable Disability	Targetable Disability
		New Hires (%)	New Hires (%)
Numerical Goal	--	12%	2%

3. Using the relevant applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the qualified internal applicants for any of the mission-critical occupations (MCO)? If “yes”, please describe the triggers below. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Qualified Applicants for MCO (PWD)

Answer N/A

b. Qualified Applicants for MCO (PWTD)

Answer N/A

N/A

4. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among employees promoted to any of the mission- critical occupations (MCO)? If “yes”, please describe the triggers below. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Promotions for MCO (PWD)

Answer N/A

b. Promotions for MCO (PWTD)

Answer N/A

N/A

## 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 FTC continues to ensure vacancy announcements include a statement that all applicants will receive consideration without regard to non-disqualifying disabilities. The FTC also provides employment opportunities to students, including those who are disabled, in a professional work environment that focuses on career-related fields. The FTC continues to provide training programs intended to enhance employee skills. Enhanced skills can better position employees to deal more effectively with the agency's skills requirements and to successfully compete for internal promotion opportunities. While some of the agency's developmental activities are implemented by and for a particular bureau, the FTC has an agency-wide Training Council composed of front line staff and leadership with an appreciation for the skills needed in accomplishing all mission-critical work. Although areas of emphasis vary from year to year, the FTC's experience is that professional skill requirements for the majority of the staff are relatively stable, and thus are best accomplished on an agency-wide and cyclical basis. Information technology skills for all staff, especially support staff, tend to change over time with successive advances in technology. To address this need, the Training Council supports an agency-wide development program in computer application skills, safety, and leadership. The agency-wide development program approach, including input from the FTC Training Council, defines competency standards for mission-specific and other core work requirements. Linking competency standards and employee development planning with the centralized training budget planning process permits targeting, expanding, and refocusing of the core curricula to occur at a measured pace and with relatively accurate forecasting.

### B. CAREER DEVELOPMENT OPPORTUNITES

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

The FTC's Learning Management System (LMS) continues to give all FTC employees access to on-line training on demand. Employees have the ability to look up and register for online, and on-site, training classes, and to access thousands of e-books. Agency attorneys have subscription access to more than 7000 on-line continuing legal education (CLE) programs that are available from any location with an internet connection. Completions of external (at-cost) training courses are also tracked via the LMS. The FTC's agency-wide Individual Development Plan (IDP) program and guide provides a tool for managers and supervisors to assess the training needs of both employees and the organization. The IDP planning process provides both the supervisor and the employee with the opportunity to identify training and development needs together to ensure job and organizational success. Additionally, each bureau in the FTC has a mentoring program that provides FTC employees with an opportunity to further their professional development and growth, hone their expertise, expand their network of contacts, and improve job satisfaction. The Office of the Executive Director (OED) offers its Mentoring Program to employees from all offices and bureaus in the agency. This expanded program provides a rich developmental opportunity for all FTC staff looking to accelerate learning about the Commission's culture and processes, establish professional links for ongoing career development, develop an organizational rather than departmental perspective, and more fully develop talent and potential. Staff are also encouraged to participate in the FTC's agency-wide Diversity Council, a group dedicated to recruiting diverse talent, cultivating an inclusive workplace, and collaborating with agency leaders to deepen their commitment to diversity. Additionally, the FTC offers a Toastmasters Club, a group of FTC employees who are part of Toastmasters International. The club provides a positive learning environment in which members are empowered to develop communication and leadership skills. The FTC Toastmasters Club provides a supportive and positive learning experience in which members are empowered to develop communication and leadership skills, resulting in greater self-confidence and personal growth. The DPM encourages employees with disabilities who indicate communication as a developmental area to consider participating in the club.

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 (%)
Coaching Programs	0	0	0	0	0	0
Internship Programs	0	0	0	0	0	0
Fellowship Programs	0	0	0	0	0	0
Mentoring Programs	0	0	0	0	0	0
Training Programs	0	0	0	0	0	0
Detail Programs	0	0	0	0	0	0
Other Career Development Programs	48	42	1	1	0	0

3. Do triggers exist for PWD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Applicants (PWD) Answer N/A

b. Selections (PWD) Answer N/A

While Table B-12 highlights no representation of PWD in career development opportunities at the FTC, it also reflects no participation rate with FTC employees in general, suggesting issues beyond a disability-related barrier to participation in such programs.

4. Do triggers exist for PWTD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Applicants (PWTD) Answer N/A

b. Selections (PWTD) Answer N/A

While Table B-12 highlights no representation of PWTD in career development opportunities at the FTC, it also reflects no participation rate with FTC employees in general, suggesting issues beyond a disability-related barrier to participation in such programs.

**C. AWARDS**

1. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for any level of the time-off awards, bonuses, or other incentives? If “yes”, please describe the trigger(s) in the text box.

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

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

In FY 20, triggers exist for PWD and PWTD involving time-off awards.

Time-Off Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
Time-Off Awards 1 - 10 hours: Awards Given	326	30.34	30.75	26.67	31.08

Time-Off Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
Time-Off Awards 1 - 10 Hours: Total Hours	2369	207.87	225.63	140.00	221.62
Time-Off Awards 1 - 10 Hours: Average Hours	7	6.74	0.76	33.33	1.35
Time-Off Awards 11 - 20 hours: Awards Given	104	10.11	9.60	6.67	10.81
Time-Off Awards 11 - 20 Hours: Total Hours	1665	149.44	155.29	80.00	163.51
Time-Off Awards 11 - 20 Hours: Average Hours	16	15.73	1.74	80.00	2.70
Time-Off Awards 21 - 30 hours: Awards Given	38	3.37	3.71	6.67	2.70
Time-Off Awards 21 - 30 Hours: Total Hours	934	88.76	90.62	166.67	72.97
Time-Off Awards 21 - 30 Hours: Average Hours	24	29.21	2.62	166.67	1.35
Time-Off Awards 31 - 40 hours: Awards Given	33	3.37	3.05	0.00	4.05
Time-Off Awards 31 - 40 Hours: Total Hours	1228	107.87	115.59	0.00	129.73
Time-Off Awards 31 - 40 Hours: Average Hours	37	35.96	4.03	0.00	43.24
Time-Off Awards 41 or more Hours: Awards Given	3	0.00	0.33	0.00	0.00
Time-Off Awards 41 or more Hours: Total Hours	171	0.00	18.65	0.00	0.00
Time-Off Awards 41 or more Hours: Average Hours	57	0.00	6.22	0.00	0.00

Cash Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
Cash Awards: \$501 - \$999: Awards Given	54	3.37	5.23	0.00	4.05
Cash Awards: \$501 - \$999: Total Amount	37123	2193.26	3628.24	0.00	2637.84
Cash Awards: \$501 - \$999: Average Amount	687	730.34	75.57	0.00	878.38
Cash Awards: \$1000 - \$1999: Awards Given	251	31.46	23.12	46.67	28.38
Cash Awards: \$1000 - \$1999: Total Amount	336243	43652.81	30751.58	66500.00	39021.62
Cash Awards: \$1000 - \$1999: Average Amount	1339	1558.43	145.04	9500.00	-51.35
Cash Awards: \$2000 - \$2999: Awards Given	266	15.73	25.95	20.00	14.86
Cash Awards: \$2000 - \$2999: Total Amount	667053	41226.97	65039.04	51533.33	39137.84
Cash Awards: \$2000 - \$2999: Average Amount	2507	2943.82	273.17	17173.33	59.46
Cash Awards: \$3000 - \$3999: Awards Given	138	8.99	13.85	0.00	10.81
Cash Awards: \$3000 - \$3999: Total Amount	440168	27760.67	44314.18	0.00	33387.84
Cash Awards: \$3000 - \$3999: Average Amount	3189	3469.66	348.85	0.00	4172.97
Cash Awards: \$4000 - \$4999: Awards Given	39	2.25	3.93	6.67	1.35

Cash Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
Cash Awards: \$4000 - \$4999: Total Amount	160385	9794.38	16048.85	31446.67	5405.41
Cash Awards: \$4000 - \$4999: Average Amount	4112	4896.63	445.80	31446.67	-485.14
Cash Awards: \$5000 or more: Awards Given	100	6.74	10.14	0.00	8.11
Cash Awards: \$5000 or more: Total Amount	917091	67191.01	92300.00	0.00	80810.81
Cash Awards: \$5000 or more: Average Amount	9170	11197.75	992.37	0.00	13467.57

2. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for quality step increases or performance-based pay increases? If “yes”, please describe the trigger(s) in the text box.

- a. Pay Increases (PWD) Answer Yes
- b. Pay Increases (PWTD) Answer Yes

In FY 20, triggers exist for PWD and PWTD involving performance-based pay increases.

Other Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
--------------	-----------	-------------------------	---------------------------------	-----------------------	-------------------------------

3. If the agency has other types of employee recognition programs, are PWD and/or PWTD recognized disproportionately less than employees without disabilities? (The appropriate benchmark is the inclusion rate.) If “yes”, describe the employee recognition program and relevant data in the text box.

- a. Other Types of Recognition (PWD) Answer N/A
- b. Other Types of Recognition (PWTD) Answer N/A

N/A

**D. PROMOTIONS**

1. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. SES
  - i. Qualified Internal Applicants (PWD) Answer N/A
  - ii. Internal Selections (PWD) Answer N/A
- b. Grade GS-15
  - i. Qualified Internal Applicants (PWD) Answer N/A
  - ii. Internal Selections (PWD) Answer N/A
- c. Grade GS-14
  - i. Qualified Internal Applicants (PWD) Answer Yes

ii. Internal Selections (PWD)	Answer	Yes
d. Grade GS-13		
i. Qualified Internal Applicants (PWD)	Answer	Yes
ii. Internal Selections (PWD)	Answer	N/A

In FY 20, triggers exist for PWD involving qualified grade levels 13 and 15 internal applicants and selectees for promotions.

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. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. SES		
i. Qualified Internal Applicants (PWTD)	Answer	N/A
ii. Internal Selections (PWTD)	Answer	N/A
b. Grade GS-15		
i. Qualified Internal Applicants (PWTD)	Answer	N/A
ii. Internal Selections (PWTD)	Answer	N/A
c. Grade GS-14		
i. Qualified Internal Applicants (PWTD)	Answer	N/A
ii. Internal Selections (PWTD)	Answer	N/A
d. Grade GS-13		
i. Qualified Internal Applicants (PWTD)	Answer	N/A
ii. Internal Selections (PWTD)	Answer	N/A

In FY 20, triggers exist for PWTD involving qualified internal applicants and selectees for promotions to the senior grade levels.

3. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires to SES (PWD)	Answer	N/A
b. New Hires to GS-15 (PWD)	Answer	Yes
c. New Hires to GS-14 (PWD)	Answer	Yes
d. New Hires to GS-13 (PWD)	Answer	Yes

Yes, there are low representation rates of PWDs in each category of senior grade levels.

4.

Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTB among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. New Hires to SES (PWTB) Answer N/A
- b. New Hires to GS-15 (PWTB) Answer Yes
- c. New Hires to GS-14 (PWTB) Answer Yes
- d. New Hires to GS-13 (PWTB) Answer Yes

Yes, there are low representation rates of PWTBs in each category of senior grade levels.

5. Does your agency have a trigger involving PWB among the qualified internal applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Executives
  - i. Qualified Internal Applicants (PWB) Answer N/A
  - ii. Internal Selections (PWB) Answer N/A
- b. Managers
  - i. Qualified Internal Applicants (PWB) Answer Yes
  - ii. Internal Selections (PWB) Answer Yes
- c. Supervisors
  - i. Qualified Internal Applicants (PWB) Answer Yes
  - ii. Internal Selections (PWB) Answer Yes

There is a lower than expected participation rate for PWB in the Executive ranks.

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.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Executives
  - i. Qualified Internal Applicants (PWTB) Answer N/A
  - ii. Internal Selections (PWTB) Answer N/A
- b. Managers
  - i. Qualified Internal Applicants (PWTB) Answer Yes
  - ii. Internal Selections (PWTB) Answer Yes
- c. Supervisors

- i. Qualified Internal Applicants (PWTD) Answer Yes
- ii. Internal Selections (PWTD) Answer Yes

There is a lower than expected participation rate for PWTD in the Executive ranks.

7. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the selectees for new hires to supervisory positions? If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.
- a. New Hires for Executives (PWD) Answer N/A
  - b. New Hires for Managers (PWD) Answer Yes
  - c. New Hires for Supervisors (PWD) Answer Yes

There is a lower than expected participation rate for PWD among the selectees for new hires to supervisory positions.

8. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the selectees for new hires to supervisory positions? If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.
- a. New Hires for Executives (PWTD) Answer N/A
  - b. New Hires for Managers (PWTD) Answer Yes
  - c. New Hires for Supervisors (PWTD) Answer Yes

There is a lower than expected participation rate for PWTD among the selectees for new hires to supervisory positions.

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

To be model employer for persons with disabilities, agencies must have policies and programs in place to retain employees with disabilities. In this section, agencies should: (1) analyze workforce separation data to identify barriers retaining employees with disabilities; (2) describe efforts to ensure accessibility of technology and facilities; and (3) provide information on the reasonable accommodation program and workplace assistance services.

### A. VOLUNTARY AND INVOLUNTARY SEPARATIONS

1. In this reporting period, did the agency convert all eligible Schedule A employees with a disability into the competitive service after two years of satisfactory service (5 C.F.R. § 213.3102(u)(6)(i))? If “no”, please explain why the agency did not convert all eligible Schedule A employees.

Answer Yes

In cases where the employee is approaching the end of their 2-year probationary period, the HR Specialist overseeing the initial posting will contact the manager and inquire if the employee has passed their probationary period. In cases where the employee successfully completes their term, the manager is encouraged to approve converting the employee from career-conditional to competitive status.

2. Using the inclusion rate as the benchmark, did the percentage of PWD among voluntary and involuntary separations exceed that of persons without disabilities? If “yes”, describe the trigger below.
- a. Voluntary Separations (PWD) Answer No
  - b. Involuntary Separations (PWD) Answer No

N/A

Seperations	Total #	Reportable Disabilities %	Without Reportable Disabilities %
Permanent Workforce: Reduction in Force	0	0.00	0.00
Permanent Workforce: Removal	0	0.00	0.00
Permanent Workforce: Resignation	21	2.17	1.79
Permanent Workforce: Retirement	12	2.17	0.94
Permanent Workforce: Other Separations	26	3.26	2.17
Permanent Workforce: Total Separations	59	7.61	4.91

3. Using the inclusion rate as the benchmark, did the percentage of PWTD among voluntary and involuntary separations exceed that of persons without targeted disabilities? If “yes”, describe the trigger below.

a.Voluntary Separations (PWTD) Answer Yes

b.Involuntary Separations (PWTD) Answer No

The percentage of PWTD among voluntary separations is 13.3%, which exceeds the percentage of PWD of 8.6%.

Seperations	Total #	Targeted Disabilities %	Without Targeted Disabilities %
Permanent Workforce: Reduction in Force	0	0.00	0.00
Permanent Workforce: Removal	0	0.00	0.00
Permanent Workforce: Resignation	21	6.67	1.76
Permanent Workforce: Retirement	12	0.00	1.06
Permanent Workforce: Other Separations	26	6.67	2.20
Permanent Workforce: Total Separations	59	13.33	5.02

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.

N/A

**B. ACCESSIBILITY OF TECHNOLOGY AND FACILITIES**

Pursuant to 29 CFR §1614.203(d)(4), federal agencies are required to inform applicants and employees of their rights under Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794(b), concerning the accessibility of agency technology, and the Architectural Barriers Act of 1968 (42 U.S.C. § 4151-4157), concerning the accessibility of agency facilities. In addition, agencies are required to inform individuals where to file complaints if other agencies are responsible for a violation.

1. Please provide the internet address on the agency’s public website for its notice explaining employees’ and applicants’ rights under Section 508 of the Rehabilitation Act, including a description of how to file a complaint.

<https://www.ftc.gov/site-information/accessibility> How to file a complaint: The FTC is committed to making the information it delivers through its Internet site accessible for all members of the public, including individuals with disabilities. In the spirit of this commitment, the FTC strives to provide electronic and information technology that meets or exceeds the compliance requirements of Section 508 of the Rehabilitation Act of 1973, as amended. If an individual has feedback, concerns or complaints related to the accessibility of electronic and information technology provided by the FTC, including content on the web site, they may contact the FTC Section 508 Coordinator via email at [Section508compliance@FTC.gov](mailto:Section508compliance@FTC.gov) (link sends e-mail). Individuals may also send complaints regarding Section 508 to the following address: Room HQ-683 Information Assurance ATTN: Section 508 Compliance Federal Trade Commission 600 Pennsylvania Ave., NW Washington, DC 20580

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.

The Architectural Barriers Act of 1968 (ABA), as amended, (42 U.S.C. §§ 4151-4157) is cited in Chapter 3, Section 300, Disability Anti-Discrimination Policy and Reasonable Accommodation Procedures Policy, and on the reasonable accommodation request form (FTC Form 641) on the FTC's intranet page. The FTC's public facing website has been updated to include this information for employees and applicants. <https://www.ftc.gov/about-ftc/bureaus-offices/office-equal-employment-opportunity/reasonable-accommodation-procedures>

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.

Currently the DPM serves as a contact for employees who encounter barriers to accessibility of agency facilities and/or technology. In cases where a barrier is identified, the DPM partners with the FTC's Office of the Chief Administrative Services Officer (OCASO) and/or the Office of the Chief Information Officer (OCIO) when necessary to ensure the barrier is identified and an effective accommodation is implemented to accord the employee equal access to agency facilities and/or technology. As the FTC Headquarters Office is a historical building, which can present some barriers to individuals with mobility impairments, the agency is open to and has historically been able to accommodate employees with more significant physical impairments with office assignments in its Constitution Center location when necessary, as this facility is more accessible. In FY 21, the DPM will participate in available Americans with Disabilities Act training.

### 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.)

In FY 20, 98% of reasonable accommodation requests were processed within the timeframe set forth in its reasonable accommodation procedures. The FTC processed forty reasonable accommodation requests in FY 20. The average time to process a request was 4 business days, which falls under the 10-business day processing policy.

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.

The FTC remains committed to overseeing a model reasonable accommodation program. To support its efforts, the agency continues to conduct reasonable accommodation related training to managers in order to keep their knowledge up to date. During FY 20, managers received virtual Supervisory Development Training and Refresher Training. Additionally, the DPM actively engaged in the interactive process with all accommodation requests to help facilitate timely processing of all requests received by FTC management.

### D. PERSONAL ASSISTANCE SERVICES ALLOWING EMPLOYEES TO PARTICIPATE IN THE WORKPLACE

*Pursuant to 29 CFR §1614.203(d)(5), federal agencies, as an aspect of affirmative action, are required to provide personal assistance services (PAS) to employees who need them because of a targeted disability, unless doing so would impose an undue hardship on the agency.*

Describe the effectiveness of the policies, procedures, or practices to implement the PAS requirement. Some examples of an effective program include timely processing requests for PAS, timely providing approved services, conducting training for managers and supervisors, and monitoring PAS requests for trends.

In an effort to meet the requirements outlined in 29 C.F.R. § 1614.203(d) (5), the EEOVI in partnership with OGC, and HCMO, established a policy and procedures for the provision of Personal Assistance Services for FTC employees. The FTC did not receive any requests for PAS from applicants or employees in FY 20, but is prepared to approve and implement requests for PAS where a need is demonstrated. The PAS policy is posted on FTC's public-facing website at: <https://www.ftc.gov/about-ftc/bureaus-offices/office-equal-employment-opportunity-workplace-inclusion/personal>

## Section VII: EEO Complaint and Findings Data

### A. EEO COMPLAINT DATA INVOLVING HARASSMENT

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging harassment, as compared to the governmentwide average?

Answer N/A

2. During the last fiscal year, did any complaints alleging harassment based on disability status result in a finding of discrimination or a settlement agreement?

Answer N/A

3. If the agency had one or more findings of discrimination alleging harassment based on disability status during the last fiscal year, please describe the corrective measures taken by the agency.

N/A

### B. EEO COMPLAINT DATA INVOLVING REASONABLE ACCOMMODATION

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging failure to provide a reasonable accommodation, as compared to the government-wide average?

Answer 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?

Answer Yes

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.

A formal EEO complaint alleging a failure to provide a reasonable accommodation settled during FY 20 while pending an EEOC administrative hearing. There were no findings of discrimination involving the agency's failure to provide a reasonable accommodation during FY 20.

## Section VIII: Identification and Removal of Barriers

*Element D of MD-715 requires agencies to conduct a barrier analysis when a trigger suggests that a policy, procedure, or practice may be impeding the employment opportunities of a protected EEO group.*

1. Has the agency identified any barriers (policies, procedures, and/or practices) that affect employment opportunities for PWD and/or PWTD?

Answer Yes

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

Answer Yes

3. Identify each trigger and plan to remove the barrier(s), including the identified barrier(s), objective(s), responsible official(s), planned activities, and, where applicable, accomplishments

<b>Source of the Trigger:</b>		Workforce Data (if so identify the table)			
<b>Specific Workforce Data Table:</b>		Workforce Data Table - B1			
<b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b>		The lower than expected participation rates of persons with disabilities and persons with targeted disabilities in the agency's total workforce, as compared to the goals of 12% and 2% respectively.			
Provide a brief narrative describing the condition at issue.					
How was the condition recognized as a potential barrier?					
<b>STATEMENT OF BARRIER GROUPS:</b>		<i>Barrier Group</i>			
		People with Disabilities			
<b>Barrier Analysis Process Completed?:</b>		Y			
<b>Barrier(s) Identified?:</b>		Y			
<b>STATEMENT OF IDENTIFIED BARRIER:</b>		<b>Barrier Name</b>		<b>Description of Policy, Procedure, or Practice</b>	
Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.		Trigger 1		Managers require additional training both in regards to recruiting individuals with disabilities and creating an inclusive work environment for differently abled individuals. The FTC must use more aggressive avenues to add qualified individuals with disabilities to the FTC's various employment pipelines (e.g., through internships, and partnerships with federal agencies and bar associations).  Additionally, the FTC needs to continue educating employees about the purpose of collecting disability information to ensure current, accurate data. FTC employees are especially focused on data security and the perception that the federal government cannot keep this information private and secure has been voiced as a concern from managers.	
<b>Objective(s) and Dates for EEO Plan</b>					
<b>Date Initiated</b>	<b>Target Date</b>	<b>Sufficient Funding / Staffing?</b>	<b>Date Modified</b>	<b>Date Completed</b>	<b>Objective Description</b>
09/30/2021	09/30/2021	Yes	09/30/2022		Increase trainings for managers on the Schedule A hiring authority and highlight this hiring authority in other settings. Increase awareness among FTC hiring managers on available Federal programs to integrate qualified individuals with disabilities into the federal workforce. The FTC will re-survey employees in FY 22 and encourage employees to verify disability information in the Employee Express portal.
<b>Responsible Official(s)</b>					
<b>Title</b>		<b>Name</b>		<b>Standards Address The Plan?</b>	
Acting DPM		Cindee Smith		Yes	
Acting EEO Director		Namon C. Friends		Yes	

Planned Activities Toward Completion of Objective				
Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2021	Provide Schedule A training to new managers during the Supervisory Development Program training in FY 21	Yes	09/30/2022	
09/30/2021	Resurvey FTC population after educational memorandum is issued to outline the purpose of collecting the data	Yes	09/30/2022	
09/30/2021	Train not just managers, but also employees on topics to include disability awareness and inclusion, the reasonable accommodation process, etc.	Yes	09/30/2022	
09/30/2021	Maintain existing partnerships with disability rights groups, disability groups at colleges and universities, and other federal agencies to enhance employment opportunity pipelines at the FTC for qualified applicants with disabilities.  Create and foster new partnerships with disability rights groups, disability groups at colleges and universities, and other federal agencies to build employment opportunity pipelines at the FTC for qualified applicants with disabilities.	Yes	09/30/2022	
Report of Accomplishments				
Fiscal Year	Accomplishment			
2020	Trainings available to all employees will be provided Q1.			
2020	Seasoned managers were trained Q3			
2020	During FY 20, information regarding the Schedule A hiring authority for job applicants with disabilities and reasonable accommodation was provided to new managers via the new manager training program, and to seasoned managers who were due to participate in the FTC's annual management training program. The annual program for season managers is a means to provide managers a refresher many topics, including Schedule A and other EEO and non-EEO topics.			
2020	Resurvey memo was issued by Chief Human Capital Officer 09/17/18. Follow up resurvey will be conducted FY 21 or FY 22.			

4. Please explain the factor(s) that prevented the agency from timely completing any of the planned activities.

For Activity 3, employees have not yet received training beyond 1:1 counseling during meetings with the DPM; however, employee training will be offered in FY 21 and beyond.

5. For the planned activities that were completed, please describe the actual impact of those activities toward eliminating the barrier(s).

During FY 20, training on Schedule A hiring authority regarding job applicants with disabilities and training on the reasonable accommodation process was provided to managers. Additional sessions will be provided in FY 21 and beyond, and employees will be offered disability related trainings and encouraged to ensure accuracy of their self-identification data.

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.

Continue to offer training to both managers and employees and increase/enhance outreach efforts to attract qualified talent with disabilities for mission critical needs.

# Appendix A

**Table A1: TOTAL WORKFORCE - Distribution by Race, Ethnicity, and Sex (Participation Rate)**

Employment Tenure	Total	Total Males	Total Females	Hispanic or Latino Male	Hispanic or Latino Female	White Male	White Female	Black or African American Male	Black or African American Female	Asian Male	Asian Female	Native Hawaiian or Other Pacific Islander Male	Native Hawaiian or Other Pacific Islander Female	American Indian or Alaska Native Male	American Indian or Alaska Native Female	Two or More Races Male	Two or More Races Female
CLF 2010 %	100	51.86	48.02	5.17	4.79	38.33	34.03	5.49	6.53	1.97	1.93	0.07	0.07	0.55	0.53	0.26	0.28
Alternative Benchmark %	100	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL WORKFORCE</b>																	
Total Workforce: Prior FY #	1126	576	550	23	26	436	332	69	126	41	60	2	1	2	1	3	4
Total Workforce: Prior FY %	100	51.15	48.85	2.04	2.31	38.72	29.48	6.13	11.19	3.64	5.33	0.18	0.09	0.18	0.09	0.27	0.36
Total Workforce: Current FY #	1151	592	559	24	31	454	333	68	126	42	64	1	1	2	0	1	4
Total Workforce: Current FY %	100	51.43	48.57	2.09	2.69	39.44	28.93	5.91	10.95	3.65	5.56	0.09	0.09	0.17	0.00	0.09	0.35
Total Workforce: Difference #	25	16	9	4	10	18	1	-1	0	1	4	-1	0	0	-1	0	0
Total Workforce: Ratio Change %	0.00	0.28	-0.28	0.31	0.82	0.72	-0.55	-0.22	-0.24	0.01	0.23	-0.09	0.00	-0.01	-0.09	0.00	-0.01
Total Workforce: Net Change %	2.22	2.78	1.64	20.00	47.62	4.13	0.30	-1.45	0.00	2.44	6.67	-50.00	0.00	0.00	-100.00	0.00	0.00
<b>EMPLOYEE GAINS</b>																	
Total Workforce: New Hires #	112	59	53	4	4	41	31	8	10	6	8	0	0	0	0	0	0
Total Workforce: New Hires %	100	52.68	47.32	3.57	3.57	36.61	27.68	7.14	8.93	5.36	7.14	0.00	0.00	0.00	0.00	0.00	0.00
<b>EMPLOYEE LOSSES</b>																	
Total Workforce: Reduction in Force #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Workforce: Reduction in Force %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Workforce: Removal #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Workforce: Removal %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Workforce: Resignation #	53	28	25	3	1	15	17	6	4	4	3	0	0	0	0	0	0
Total Workforce: Resignation %	100	52.83	47.17	5.66	1.89	28.30	32.08	11.32	7.55	7.55	5.66	0.00	0.00	0.00	0.00	0.00	0.00
Total Workforce: Retirement #	12	4	8	0	0	3	7	1	1	0	0	0	0	0	0	0	0
Total Workforce: Retirement %	100	33.33	66.67	0.00	0.00	25.00	58.33	8.33	8.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Workforce: Other Separations #	32	15	17	1	0	8	8	4	7	1	2	1	0	0	0	0	0
Total Workforce: Other Separations %	100	46.88	53.13	3.13	0.00	25.00	25.00	12.50	21.88	3.13	6.25	3.13	0.00	0.00	0.00	0.00	0.00
Total Workforce: Total Separations #	97	47	50	4	1	26	32	11	12	5	5	1	0	0	0	0	0
Total Workforce: Total Separations %	100	48.45	51.55	4.12	1.03	26.80	32.99	11.34	12.37	5.15	5.15	1.03	0.00	0.00	0.00	0.00	0.00
<b>PERMANENT WORKFORCE</b>																	
Permanent Workforce: Prior FY #	1042	539	503	19	26	409	299	67	117	37	55	2	1	2	1	3	4
Permanent Workforce: Prior FY %	100	51.73	48.27	1.82	2.50	39.25	28.69	6.43	11.23	3.55	5.28	0.19	0.10	0.19	0.10	0.29	0.38
Permanent Workforce: Current FY #	1060	555	505	23	29	425	295	66	121	37	55	1	1	2	0	1	4
Permanent Workforce: Current FY %	100	52.36	47.64	2.17	2.74	40.09	27.83	6.23	11.42	3.49	5.19	0.09	0.09	0.19	0.00	0.09	0.38
Permanent Workforce: Difference #	18	16	2	7	8	16	-4	-1	4	0	0	-1	0	0	-1	0	0
Permanent Workforce: Ratio Change %	0.00	0.63	-0.63	0.63	0.72	0.84	-0.86	-0.20	0.19	-0.06	-0.09	-0.10	-0.01	0.00	-0.10	-0.01	0.00
Permanent Workforce: Net Change %	1.73	2.97	0.40	43.75	38.10	3.91	-1.34	-1.49	3.42	0.00	0.00	-50.00	0.00	0.00	-100.00	0.00	0.00





**Table A2: PERMANENT WORKFORCE BY COMPONENT - Distribution by Race, Ethnicity, and Sex (Participation Rate)**

Employment Tenure for Sub-Components	Total	Total Males	Total Females	Hispanic or Latino Male	Hispanic or Latino Female	White Male	White Female	Black or African American Male	Black or African American Female	Asian Male	Asian Female	Native Hawaiian or Other Pacific Islander Male	Native Hawaiian or Other Pacific Islander Female	American Indian or Alaska Native Male	American Indian or Alaska Native Female	Two or More Races Male	Two or More Races Female
CLF 2010 %	100	51.86	48.02	5.17	4.79	38.33	34.03	5.49	6.53	1.97	1.93	0.07	0.07	0.55	0.53	0.26	0.28
Alternative Benchmark %	100	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Permanent Workforce #	1060	555	505	23	29	425	295	66	121	37	55	1	1	2	0	1	4
Permanent Workforce %	100	52.36	47.64	2.17	2.74	40.09	27.83	6.23	11.42	3.49	5.19	0.09	0.09	0.19	0.00	0.09	0.38
FT00 #	1060	555	505	23	29	425	295	66	121	37	55	1	1	2	0	1	4
FT00 %	100	52.36	47.64	2.17	2.74	40.09	27.83	6.23	11.42	3.49	5.19	0.09	0.09	0.19	0.00	0.09	0.38



**Table A4P: SENIOR PAY & GENERAL SCHEDULE (GS) GRADES - Distribution by Race, Ethnicity, and Sex (Participation Rate)**

GS/GM/GL GRADES	Total	Total Males	Total Females	Hispanic or Latino Male	Hispanic or Latino Female	White Male	White Female	Black or African American Male	Black or African American Female	Asian Male	Asian Female	Native Hawaiian or Other Pacific Islander Male	Native Hawaiian or Other Pacific Islander Female	American Indian or Alaska Native Male	American Indian or Alaska Native Female	Two or More Races Male	Two or More Races Female
Permanent Workforce #	1060	555	505	23	29	425	295	66	121	37	55	1	1	2	0	1	4
Permanent Workforce %	100	52.36	47.64	2.17	2.74	40.09	27.83	6.23	11.42	3.49	5.19	0.09	0.09	0.19	0.00	0.09	0.38
Alternative Benchmark	100	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GS-01 #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GS-01 %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GS-02 #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GS-02 %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GS-03 #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GS-03 %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GS-04 #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GS-04 %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GS-05 #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GS-05 %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GS-06 #	1	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0
GS-06 %	100	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00
GS-07 #	1	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0
GS-07 %	100	0.00	100.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GS-08 #	8	2	6	0	2	0	0	2	4	0	0	0	0	0	0	0	0
GS-08 %	100	25.00	75.00	0.00	25.00	0.00	0.00	25.00	50.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GS-09 #	28	12	16	2	1	7	2	3	12	0	1	0	0	0	0	0	0
GS-09 %	100	42.86	57.14	7.14	3.57	25.00	7.14	10.71	42.86	0.00	3.57	0.00	0.00	0.00	0.00	0.00	0.00
GS-10 #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GS-10 %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GS-11 #	43	11	32	0	2	4	5	6	23	1	1	0	0	0	0	0	1
GS-11 %	100	25.58	74.42	0.00	4.65	9.30	11.63	13.95	53.49	2.33	2.33	0.00	0.00	0.00	0.00	0.00	2.33
GS-12 #	69	32	37	3	2	15	15	12	17	0	1	0	0	2	0	0	2
GS-12 %	100	46.38	53.62	4.35	2.90	21.74	21.74	17.39	24.64	0.00	1.45	0.00	0.00	2.90	0.00	0.00	2.90
GS-13 #	130	67	63	5	3	40	28	17	28	4	4	0	0	0	0	1	0
GS-13 %	100	51.54	48.46	3.85	2.31	30.77	21.54	13.08	21.54	3.08	3.08	0.00	0.00	0.00	0.00	0.77	0.00
GS-14 #	158	91	67	3	4	61	40	14	11	13	10	0	1	0	0	0	1
GS-14 %	100	57.59	42.41	1.90	2.53	38.61	25.32	8.86	6.96	8.23	6.33	0.00	0.63	0.00	0.00	0.00	0.63







**Table A5P: SALARY - Distribution by Race, Ethnicity, and Sex (Participation Rate)**

Salary Range	Total	Total Males	Total Females	Hispanic or Latino Male	Hispanic or Latino Female	White Male	White Female	Black or African American Male	Black or African American Female	Asian Male	Asian Female	Native Hawaiian or Other Pacific Islander Male	Native Hawaiian or Other Pacific Islander Female	American Indian or Alaska Native Male	American Indian or Alaska Native Female	Two or More Races Male	Two or More Races Female
Permanent Workforce #	1060	555	505	23	29	425	295	66	121	37	55	1	1	2	0	1	4
Permanent Workforce %	100	52.36	47.64	2.17	2.74	40.09	27.83	6.23	11.42	3.49	5.19	0.09	0.09	0.19	0.00	0.09	0.38
Alternative Benchmark	100	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Up to \$20,000 #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Up to \$20,000 %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
\$20,001-\$30,000 #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
\$20,001-\$30,000 %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
\$30,001-\$40,000 #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
\$30,001-\$40,000 %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
\$40,001-\$50,000 #	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
\$40,001-\$50,000 %	100	0.00	100.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
\$50,001-\$60,000 #	10	7	3	2	0	4	0	1	3	0	0	0	0	0	0	0	0
\$50,001-\$60,000 %	100	70.00	30.00	20.00	0.00	40.00	0.00	10.00	30.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
\$60,001-\$70,000 #	16	5	11	0	2	2	0	3	7	0	2	0	0	0	0	0	0
\$60,001-\$70,000 %	100	31.25	68.75	0.00	12.50	12.50	0.00	18.75	43.75	0.00	12.50	0.00	0.00	0.00	0.00	0.00	0.00
\$70,001-\$80,000 #	30	9	21	0	0	4	6	4	14	1	0	0	0	0	0	0	1
\$70,001-\$80,000 %	100	30.00	70.00	0.00	0.00	13.33	20.00	13.33	46.67	3.33	0.00	0.00	0.00	0.00	0.00	0.00	3.33
\$80,001-\$90,000 #	26	8	18	2	1	2	4	3	12	0	0	0	0	1	0	0	1
\$80,001-\$90,000 %	100	30.77	69.23	7.69	3.85	7.69	15.38	11.54	46.15	0.00	0.00	0.00	0.00	3.85	0.00	0.00	3.85
\$90,001-\$100,000 #	36	15	21	1	2	6	4	8	13	0	2	0	0	0	0	0	0
\$90,001-\$100,000 %	100	41.67	58.33	2.78	5.56	16.67	11.11	22.22	36.11	0.00	5.56	0.00	0.00	0.00	0.00	0.00	0.00
\$100,001-\$110,000 #	52	28	24	2	0	17	11	6	12	2	1	0	0	1	0	0	0
\$100,001-\$110,000 %	100	53.85	46.15	3.85	0.00	32.69	21.15	11.54	23.08	3.85	1.92	0.00	0.00	1.92	0.00	0.00	0.00
\$110,001-\$120,000 #	55	22	33	0	4	14	12	7	15	0	1	0	0	0	0	1	1
\$110,001-\$120,000 %	100	40.00	60.00	0.00	7.27	25.45	21.82	12.73	27.27	0.00	1.82	0.00	0.00	0.00	0.00	1.82	1.82
\$120,001-\$130,000 #	51	28	23	2	0	17	14	6	6	3	2	0	0	0	0	0	1
\$120,001-\$130,000 %	100	54.90	45.10	3.92	0.00	33.33	27.45	11.76	11.76	5.88	3.92	0.00	0.00	0.00	0.00	0.00	1.96
\$130,001-\$140,000 #	63	35	28	1	0	20	14	8	8	6	6	0	0	0	0	0	0
\$130,001-\$140,000 %	100	55.56	44.44	1.59	0.00	31.75	22.22	12.70	12.70	9.52	9.52	0.00	0.00	0.00	0.00	0.00	0.00
\$140,001-\$150,000 #	65	38	27	2	3	30	15	3	6	3	3	0	0	0	0	0	0
\$140,001-\$150,000 %	100	58.46	41.54	3.08	4.62	46.15	23.08	4.62	9.23	4.62	4.62	0.00	0.00	0.00	0.00	0.00	0.00
\$150,001-\$160,000 #	77	40	37	1	3	27	29	6	3	6	1	0	1	0	0	0	0



**Table A5T: SALARY - Distribution by Race, Ethnicity, and Sex (Participation Rate)**

Salary Range	Total	Total Males	Total Females	Hispanic or Latino Male	Hispanic or Latino Female	White Male	White Female	Black or African American Male	Black or African American Female	Asian Male	Asian Female	Native Hawaiian or Other Pacific Islander Male	Native Hawaiian or Other Pacific Islander Female	American Indian or Alaska Native Male	American Indian or Alaska Native Female	Two or More Races Male	Two or More Races Female
Temporary Workforce #	91	37	54	1	2	29	38	2	5	5	9	0	0	0	0	0	0
Temporary Workforce %	100	40.66	59.34	1.10	2.20	31.87	41.76	2.20	5.49	5.49	9.89	0.00	0.00	0.00	0.00	0.00	0.00
Alternative Benchmark	100	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Up to \$20,000 #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Up to \$20,000 %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
\$20,001-\$30,000 #	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
\$20,001-\$30,000 %	100	0.00	100.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
\$30,001-\$40,000 #	4	2	2	0	0	1	0	1	1	0	1	0	0	0	0	0	0
\$30,001-\$40,000 %	100	50.00	50.00	0.00	0.00	25.00	0.00	25.00	25.00	0.00	25.00	0.00	0.00	0.00	0.00	0.00	0.00
\$40,001-\$50,000 #	18	5	13	0	1	4	11	0	0	1	1	0	0	0	0	0	0
\$40,001-\$50,000 %	100	27.78	72.22	0.00	5.56	22.22	61.11	0.00	0.00	5.56	5.56	0.00	0.00	0.00	0.00	0.00	0.00
\$50,001-\$60,000 #	12	3	9	1	0	1	7	0	0	1	2	0	0	0	0	0	0
\$50,001-\$60,000 %	100	25.00	75.00	8.33	0.00	8.33	58.33	0.00	0.00	8.33	16.67	0.00	0.00	0.00	0.00	0.00	0.00
\$60,001-\$70,000 #	16	6	10	0	0	5	7	0	2	1	1	0	0	0	0	0	0
\$60,001-\$70,000 %	100	37.50	62.50	0.00	0.00	31.25	43.75	0.00	12.50	6.25	6.25	0.00	0.00	0.00	0.00	0.00	0.00
\$70,001-\$80,000 #	5	3	2	0	0	3	1	0	0	0	1	0	0	0	0	0	0
\$70,001-\$80,000 %	100	60.00	40.00	0.00	0.00	60.00	20.00	0.00	0.00	0.00	20.00	0.00	0.00	0.00	0.00	0.00	0.00
\$80,001-\$90,000 #	6	1	5	0	0	1	3	0	1	0	1	0	0	0	0	0	0
\$80,001-\$90,000 %	100	16.67	83.33	0.00	0.00	16.67	50.00	0.00	16.67	0.00	16.67	0.00	0.00	0.00	0.00	0.00	0.00
\$90,001-\$100,000 #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
\$90,001-\$100,000 %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
\$100,001-\$110,000 #	3	1	2	0	0	1	0	0	1	0	1	0	0	0	0	0	0
\$100,001-\$110,000 %	100	33.33	66.67	0.00	0.00	33.33	0.00	0.00	33.33	0.00	33.33	0.00	0.00	0.00	0.00	0.00	0.00
\$110,001-\$120,000 #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
\$110,001-\$120,000 %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
\$120,001-\$130,000 #	2	2	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0
\$120,001-\$130,000 %	100	100.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
\$130,001-\$140,000 #	1	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
\$130,001-\$140,000 %	100	100.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
\$140,001-\$150,000 #	1	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
\$140,001-\$150,000 %	100	100.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
\$150,001-\$160,000 #	9	6	3	0	0	4	3	0	0	2	0	0	0	0	0	0	0



**Table A6P: MISSION-CRITICAL OCCUPATIONS - Distribution by Race, Ethnicity, and Sex (Participation Rate)**

Mission-Critical Occupations	Total	Total Males	Total Females	Hispanic or Latino Male	Hispanic or Latino Female	White Male	White Female	Black or African American Male	Black or African American Female	Asian Male	Asian Female	Native Hawaiian or Other Pacific Islander Male	Native Hawaiian or Other Pacific Islander Female	American Indian or Alaska Native Male	American Indian or Alaska Native Female	Two or More Races Male	Two or More Races Female
LAW CLERK (0904) #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LAW CLERK (0904) %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GS-11 #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GS-11 %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Occupational CLF %	100	67.23	32.77	2.51	1.78	60.25	26.4	2.13	2.55	1.82	1.67	0.02	0.01	0.12	0.12	0.2	0.15
GENERAL ATTORNEY (0905) #	624	324	300	13	15	277	219	11	25	21	40	1	0	1	0	0	1
GENERAL ATTORNEY (0905) %	100	51.92	48.08	2.08	2.40	44.39	35.10	1.76	4.01	3.37	6.41	0.16	0.00	0.16	0.00	0.00	0.16
ES-00 #	21	13	8	0	1	13	4	0	1	0	2	0	0	0	0	0	0
ES-00 %	100	61.90	38.10	0.00	4.76	61.90	19.05	0.00	4.76	0.00	9.52	0.00	0.00	0.00	0.00	0.00	0.00
EX-03 #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EX-03 %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
EX-04 #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EX-04 %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GM-15 #	22	11	11	0	0	11	11	0	0	0	0	0	0	0	0	0	0
GM-15 %	100	50.00	50.00	0.00	0.00	50.00	50.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GS-11 #	2	1	1	0	0	1	1	0	0	0	0	0	0	0	0	0	0
GS-11 %	100	50.00	50.00	0.00	0.00	50.00	50.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GS-12 #	4	4	0	2	0	1	0	0	0	0	0	0	0	1	0	0	0
GS-12 %	100	100.00	0.00	50.00	0.00	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25.00	0.00	0.00	0.00
GS-13 #	33	19	14	2	0	15	8	0	5	2	1	0	0	0	0	0	0
GS-13 %	100	57.58	42.42	6.06	0.00	45.45	24.24	0.00	15.15	6.06	3.03	0.00	0.00	0.00	0.00	0.00	0.00
GS-14 #	83	43	40	2	1	33	28	2	2	6	8	0	0	0	0	0	1
GS-14 %	100	51.81	48.19	2.41	1.20	39.76	33.73	2.41	2.41	7.23	9.64	0.00	0.00	0.00	0.00	0.00	1.20
GS-15 #	458	233	225	7	13	203	167	9	16	13	29	1	0	0	0	0	0
GS-15 %	100	50.87	49.13	1.53	2.84	44.32	36.46	1.97	3.49	2.84	6.33	0.22	0.00	0.00	0.00	0.00	0.00
SL-00 #	1	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0
SL-00 %	100	0.00	100.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Occupational CLF %	100	67.23	32.77	2.51	1.78	60.25	26.4	2.13	2.55	1.82	1.67	0.02	0.01	0.12	0.12	0.2	0.15

**Table A6T: MISSION-CRITICAL OCCUPATIONS - Distribution by Race, Ethnicity, and Sex (Participation Rate)**

Mission-Critical Occupations	Total	Total Males	Total Females	Hispanic or Latino Male	Hispanic or Latino Female	White Male	White Female	Black or African American Male	Black or African American Female	Asian Male	Asian Female	Native Hawaiian or Other Pacific Islander Male	Native Hawaiian or Other Pacific Islander Female	American Indian or Alaska Native Male	American Indian or Alaska Native Female	Two or More Races Male	Two or More Races Female
LAW CLERK (0904) #	3	2	1	0	0	2	0	0	0	0	1	0	0	0	0	0	0
LAW CLERK (0904) %	100	66.67	33.33	0.00	0.00	66.67	0.00	0.00	0.00	0.00	33.33	0.00	0.00	0.00	0.00	0.00	0.00
GS-11 #	3	2	1	0	0	2	0	0	0	0	1	0	0	0	0	0	0
GS-11 %	100	66.67	33.33	0.00	0.00	66.67	0.00	0.00	0.00	0.00	33.33	0.00	0.00	0.00	0.00	0.00	0.00
Occupational CLF %	100	67.23	32.77	2.51	1.78	60.25	26.4	2.13	2.55	1.82	1.67	0.02	0.01	0.12	0.12	0.2	0.15
GENERAL ATTORNEY (0905) #	29	16	13	0	0	13	9	1	1	2	3	0	0	0	0	0	0
GENERAL ATTORNEY (0905) %	100	55.17	44.83	0.00	0.00	44.83	31.03	3.45	3.45	6.90	10.34	0.00	0.00	0.00	0.00	0.00	0.00
ES-00 #	2	0	2	0	0	0	2	0	0	0	0	0	0	0	0	0	0
ES-00 %	100	0.00	100.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
EX-03 #	1	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
EX-03 %	100	100.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
EX-04 #	4	2	2	0	0	1	2	0	0	1	0	0	0	0	0	0	0
EX-04 %	100	50.00	50.00	0.00	0.00	25.00	50.00	0.00	0.00	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GM-15 #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GM-15 %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GS-11 #	1	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
GS-11 %	100	100.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GS-12 #	6	1	5	0	0	1	3	0	1	0	1	0	0	0	0	0	0
GS-12 %	100	16.67	83.33	0.00	0.00	16.67	50.00	0.00	16.67	0.00	16.67	0.00	0.00	0.00	0.00	0.00	0.00
GS-13 #	2	1	1	0	0	1	0	0	0	0	1	0	0	0	0	0	0
GS-13 %	100	50.00	50.00	0.00	0.00	50.00	0.00	0.00	0.00	0.00	50.00	0.00	0.00	0.00	0.00	0.00	0.00
GS-14 #	2	2	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0
GS-14 %	100	100.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GS-15 #	11	8	3	0	0	6	2	1	0	1	1	0	0	0	0	0	0
GS-15 %	100	72.73	27.27	0.00	0.00	54.55	18.18	9.09	0.00	9.09	9.09	0.00	0.00	0.00	0.00	0.00	0.00
SL-00 #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SL-00 %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Occupational CLF %	100	67.23	32.77	2.51	1.78	60.25	26.4	2.13	2.55	1.82	1.67	0.02	0.01	0.12	0.12	0.2	0.15

**Table A9: EMPLOYEE RECOGNITION AND AWARDS - Distribution by Race, Ethnicity, and Sex (Participation Rate)**

Awards	Total	Total Males	Total Females	Hispanic or Latino Male	Hispanic or Latino Female	White Male	White Female	Black or African American Male	Black or African American Female	Asian Male	Asian Female	Native Hawaiian or Other Pacific Islander Male	Native Hawaiian or Other Pacific Islander Female	American Indian or Alaska Native Male	American Indian or Alaska Native Female	Two or More Races Male	Two or More Races Female
Permanent Workforce #	1060	555	505	23	29	425	295	66	121	37	55	1	1	2	0	1	4
Permanent Workforce %	100	52.36	47.64	2.17	2.74	40.09	27.83	6.23	11.42	3.49	5.19	0.09	0.09	0.19	0.00	0.09	0.38
<b>TIME OFF AWARDS</b>																	
Time-Off Awards 1 - 10 Hours: Total Hours #	2369	1176	1193	53	65	859	684	165	293	75	138	16	0	8	0	0	13
Time-Off Awards 1 - 10 hours: Awards Given #	326	160	166	7	9	118	94	23	42	9	19	2	0	1	0	0	2
Time-Off Awards 1 - 10 hours: Awards Given %	100	49.08	50.92	2.15	2.76	36.20	28.83	7.06	12.88	2.76	5.83	0.61	0.00	0.31	0.00	0.00	0.61
Time-Off Awards 1 - 10 Hours: Average Hours #	7	7	7	7	7	7	7	7	6	8	7	8	0	8	0	0	6
Time-Off Awards 11 - 20 hours: Awards Given #	104	44	60	3	2	31	37	7	9	3	10	0	1	0	0	0	1
Time-Off Awards 11 - 20 hours: Awards Given %	100	42.31	57.69	2.88	1.92	29.81	35.58	6.73	8.65	2.88	9.62	0.00	0.96	0.00	0.00	0.00	0.96
Time-Off Awards 11 - 20 Hours: Total Hours #	1665	726	939	47	32	522	579	113	142	44	154	0	16	0	0	0	16
Time-Off Awards 11 - 20 Hours: Average Hours #	16	16	15	15	16	16	15	16	15	14	15	0	16	0	0	0	16
Time-Off Awards 21 - 30 hours: Awards Given #	38	16	22	2	0	10	15	2	3	1	4	0	0	0	0	1	0
Time-Off Awards 21 - 30 hours: Awards Given %	100	42.11	57.89	5.26	0.00	26.32	39.47	5.26	7.89	2.63	10.53	0.00	0.00	0.00	0.00	2.63	0.00
Time-Off Awards 21 - 30 Hours: Total Hours #	934	393	541	54	0	242	372	48	72	25	97	0	0	0	0	24	0
Time-Off Awards 21 - 30 Hours: Average Hours #	24	24	24	27	0	24	24	24	24	25	24	0	0	0	0	24	0
Time-Off Awards 31 - 40 hours: Awards Given #	33	13	20	1	3	10	11	2	3	0	3	0	0	0	0	0	0
Time-Off Awards 31 - 40 hours: Awards Given %	100	39.39	60.61	3.03	9.09	30.30	33.33	6.06	9.09	0.00	9.09	0.00	0.00	0.00	0.00	0.00	0.00
Time-Off Awards 31 - 40 Hours: Total Hours #	1228	472	756	32	120	376	412	64	112	0	112	0	0	0	0	0	0
Time-Off Awards 31 - 40 Hours: Average Hours #	37	36	37	32	40	37	37	32	37	0	37	0	0	0	0	0	0
Time-Off Awards 41 or more Hours: Awards Given #	3	1	2	0	0	1	2	0	0	0	0	0	0	0	0	0	0
Time-Off Awards 41 or more Hours: Awards Given %	100	33.33	66.67	0.00	0.00	33.33	66.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Time-Off Awards 41 or more Hours: Total Hours #	171	80	91	0	0	80	91	0	0	0	0	0	0	0	0	0	0
Time-Off Awards 41 or more Hours: Average Hours #	57	80	45	0	0	80	45	0	0	0	0	0	0	0	0	0	0
<b>CASH AWARDS</b>																	
Cash Awards \$500 and Under: Awards Given #	876	456	420	19	18	297	229	87	133	47	36	3	1	1	0	2	3
Cash Awards \$500 and Under: Awards Given %	100	52.05	47.95	2.17	2.05	33.90	26.14	9.93	15.18	5.37	4.11	0.34	0.11	0.11	0.00	0.23	0.34
Cash Awards \$500 and Under: Total Amount \$	116505	60322	56183	3100	1940	39495	29583	11307	20140	5500	4200	250	160	160	0	510	160
Cash Awards \$500 and Under: Average Amount \$	133	132.29	133.77	163.16	107.78	132.98	129.18	129.97	151.43	117.02	116.67	83.33	160	160	0	255	53.33
Cash Awards: \$501 - \$999: Awards Given #	54	27	27	2	0	13	7	9	19	2	1	0	0	1	0	0	0
Cash Awards: \$501 - \$999: Awards Given %	100	50.00	50.00	3.70	0.00	24.07	12.96	16.67	35.19	3.70	1.85	0.00	0.00	1.85	0.00	0.00	0.00
Cash Awards: \$501 - \$999: Total Amount \$	37123	18353	18770	1350	0	8934	5250	5969	12720	1350	800	0	0	750	0	0	0
Cash Awards: \$501 - \$999: Average Amount \$	687	679	695	675	0	687	750	663	669	675	800	0	0	750	0	0	0
Cash Awards: \$1000 - \$1999: Awards Given #	251	128	123	8	3	87	62	19	42	13	14	0	0	0	0	1	2
Cash Awards: \$1000 - \$1999: Awards Given %	100	51.00	49.00	3.19	1.20	34.66	24.70	7.57	16.73	5.18	5.58	0.00	0.00	0.00	0.00	0.40	0.80
Cash Awards: \$1000 - \$1999: Total Amount \$	336243	166602	169641	10650	4600	111346	83158	24288	57099	18718	21834	0	0	0	0	1600	2950
Cash Awards: \$1000 - \$1999: Average Amount \$	1339	1301	1379	1331	1533	1279	1341	1278	1359	1439	1559	0	0	0	0	1600	1475

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020.

File Process Date and Time: 05/20/2021 03:22 PM

Awards	Total	Total Males	Total Females	Hispanic or Latino Male	Hispanic or Latino Female	White Male	White Female	Black or African American Male	Black or African American Female	Asian Male	Asian Female	Native Hawaiian or Other Pacific Islander Male	Native Hawaiian or Other Pacific Islander Female	American Indian or Alaska Native Male	American Indian or Alaska Native Female	Two or More Races Male	Two or More Races Female
Cash Awards: \$2000 - \$2999: Awards Given #	266	132	134	6	7	110	96	10	16	4	14	1	0	1	0	0	1
Cash Awards: \$2000 - \$2999: Awards Given %	100	49.62	50.38	2.26	2.63	41.35	36.09	3.76	6.02	1.50	5.26	0.38	0.00	0.38	0.00	0.00	0.38
Cash Awards: \$2000 - \$2999: Total Amount \$	667053	329498	337555	15358	17560	276044	240514	23227	39922	10269	37059	2500	0	2100	0	0	2500
Cash Awards: \$2000 - \$2999: Average Amount \$	2507	2496	2519	2559	2508	2509	2505	2322	2495	2567	2647	2500	0	2100	0	0	2500
Cash Awards: \$3000 - \$3999: Awards Given #	138	76	62	1	1	68	48	3	6	3	6	1	1	0	0	0	0
Cash Awards: \$3000 - \$3999: Awards Given %	100	55.07	44.93	0.72	0.72	49.28	34.78	2.17	4.35	2.17	4.35	0.72	0.72	0.00	0.00	0.00	0.00
Cash Awards: \$3000 - \$3999: Total Amount \$	440168	241779	198389	3000	3000	216372	153955	9830	18830	9247	19080	3330	3524	0	0	0	0
Cash Awards: \$3000 - \$3999: Average Amount \$	3189	3181	3199	3000	3000	3181	3207	3276	3138	3082	3180	3330	3524	0	0	0	0
Cash Awards: \$4000 - \$4999: Awards Given #	39	28	11	0	1	25	5	2	1	1	4	0	0	0	0	0	0
Cash Awards: \$4000 - \$4999: Awards Given %	100	71.79	28.21	0.00	2.56	64.10	12.82	5.13	2.56	2.56	10.26	0.00	0.00	0.00	0.00	0.00	0.00
Cash Awards: \$4000 - \$4999: Total Amount \$	160385	114970	45415	0	4350	102681	21065	8289	4000	4000	16000	0	0	0	0	0	0
Cash Awards: \$4000 - \$4999: Average Amount \$	4112	4106	4128	0	4350	4107	4213	4144	4000	4000	4000	0	0	0	0	0	0
Cash Awards: \$5000 or more: Awards Given #	100	55	45	0	3	50	32	0	4	5	6	0	0	0	0	0	0
Cash Awards: \$5000 or more: Awards Given %	100	55.00	45.00	0.00	3.00	50.00	32.00	0.00	4.00	5.00	6.00	0.00	0.00	0.00	0.00	0.00	0.00
Cash Awards: \$5000 or more: Total Amount \$	917091	501876	415215	0	24232	470276	293073	0	44200	31600	53710	0	0	0	0	0	0
Cash Awards: \$5000 or more: Average Amount \$	9170	9125	9227	0	8077	9405	9158	0	11050	6320	8951	0	0	0	0	0	0
<b>OTHER AWARDS</b>																	
Total QSIs Awarded #	330	178	152	8	8	112	85	33	42	23	15	2	0	0	0	0	2
Total QSIs Awarded %	100	53.94	46.06	2.42	2.42	33.94	25.76	10.00	12.73	6.97	4.55	0.61	0.00	0.00	0.00	0.00	0.61

**Table B1-1: TOTAL WORKFORCE - Distribution by Disability Status (Participation Rate)**

Employment Tenure	Total	No Disability [05]	Not Identified [01]	Disability [02-03, 06-99]	Targeted Disability	Developmental Disability [02]	Traumatic Brain Injury [03]	Deaf or Serious Difficulty Hearing [19]	Blind or Serious Difficulty Seeing [20]	Missing Extremities [31]	Significant Mobility Impairment [40]	Partial or Complete Paralysis [60]	Epilepsy or Other Seizure Disorders [82]	Intellectual Disability [90]	Significant Psychiatric Disorder [91]	Dwarfism [92]	Significant Disfigurer [93]
<b>TOTAL WORKFORCE</b>																	
Total Workforce: Prior FY #	1126	985	50	91	16	0	0	4	4	1	0	1	4	0	2	0	0
Total Workforce: Prior FY %	100	87.48	4.44	8.08	1.42	0.00	0.00	0.36	0.36	0.09	0.00	0.09	0.36	0.00	0.18	0.00	0.00
Total Workforce: Current FY #	1151	1000	59	92	15	0	0	4	4	0	0	1	4	0	2	0	0
Total Workforce: Current FY %	100	86.88	5.13	7.99	1.30	0.00	0.00	0.35	0.35	0.00	0.00	0.09	0.35	0.00	0.17	0.00	0.00
Total Workforce: 501 Goal %				12.00	2.00												
Total Workforce: Difference #	25	15	9	1	-1	0	0	0	0	-1	0	0	0	0	0	0	0
Total Workforce: Ratio Change %	0.00	-0.60	0.69	-0.09	-0.12	0.00	0.00	-0.01	-0.01	-0.09	0.00	0.00	-0.01	0.00	-0.01	0.00	0.00
Total Workforce: Net Change %	2.22	1.52	18.00	1.10	-6.25	0.00	0.00	0.00	0.00	-100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>EMPLOYEE GAINS</b>																	
Total Workforce: New Hires #	112	93	13	6	1	0	0	0	0	0	0	0	1	0	0	0	0
Total Workforce: New Hires %	100	83.04	11.61	5.36	0.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.89	0.00	0.00	0.00	0.00
<b>EMPLOYEE LOSSES</b>																	
Total Workforce: Reduction in Force #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Workforce: Reduction in Force %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Workforce: Removal #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Workforce: Removal %	100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Workforce: Resignation #	53	50	1	2	1	0	0	0	0	0	0	0	1	0	0	0	0
Total Workforce: Resignation %	100	94.34	1.89	3.77	1.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.89	0.00	0.00	0.00	0.00
Total Workforce: Retirement #	12	10	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Workforce: Retirement %	100	83.33	0.00	16.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Workforce: Other Separations #	32	26	3	3	1	0	0	0	0	1	0	0	0	0	0	0	0
Total Workforce: Other Separations %	100	81.25	9.38	9.38	3.13	0.00	0.00	0.00	0.00	3.13	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Workforce: Total Separations #	97	86	4	7	2	0	0	0	0	1	0	0	1	0	0	0	0
Total Workforce: Total Separations %	100	88.66	4.12	7.22	2.06	0.00	0.00	0.00	0.00	1.03	0.00	0.00	1.03	0.00	0.00	0.00	0.00
<b>PERMANENT WORKFORCE</b>																	
Permanent Workforce: Prior FY #	1042	904	49	89	16	0	0	4	4	1	0	1	4	0	2	0	0
Permanent Workforce: Prior FY %	100	86.76	4.70	8.54	1.54	0.00	0.00	0.38	0.38	0.10	0.00	0.10	0.38	0.00	0.19	0.00	0.00
Permanent Workforce: Current FY #	1060	917	54	89	15	0	0	4	4	0	0	1	4	0	2	0	0
Permanent Workforce: Current FY %	100	86.51	5.09	8.40	1.42	0.00	0.00	0.38	0.38	0.00	0.00	0.09	0.38	0.00	0.19	0.00	0.00
Permanent Workforce: Difference #	18	13	5	0	-1	0	0	0	0	-1	0	0	0	0	0	0	0
Permanent Workforce: Ratio Change %	0.00	-0.25	0.39	-0.14	-0.12	0.00	0.00	0.00	0.00	-0.10	0.00	-0.01	0.00	0.00	0.00	0.00	0.00
Permanent Workforce: Net Change %	1.73	1.44	10.20	0.00	-6.25	0.00	0.00	0.00	0.00	-100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>EMPLOYEE GAINS</b>																	



<b>Employment Tenure</b>	Total	No Disability [05]	Not Identified [01]	Disability [02-03, 06-99]	Targeted Disability	Developmental Disability [02]	Traumatic Brain Injury [03]	Deaf or Serious Difficulty Hearing [19]	Blind or Serious Difficulty Seeing [20]	Missing Extremities [31]	Significant Mobility Impairment [40]	Partial or Complete Paralysis [60]	Epilepsy or Other Seizure Disorders [82]	Intellectual Disability [90]	Significant Psychiatric Disorder [91]	Dwarfism [92]	Significant Disfigurer [93]
Temporary Workforce: Other Separations #	6	5	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Temporary Workforce: Other Separations %	100	83.33	16.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Temporary Workforce: Total Separations #	38	36	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Temporary Workforce: Total Separations %	100	94.74	5.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>SCHEDULE A EMPLOYEES IN PERMANENT WORKFORCE</b>																	
<b>EMPLOYEE GAINS</b>																	
<b>EMPLOYEE LOSSES</b>																	

**Table B1-2: TOTAL WORKFORCE - Distribution by Disability Status (Inclusion Rate)**

Employment Tenure	Total	Persons Without Disability	No Disability [05]	Not Identified [01]	Disability [02-03, 06-99]	Targeted Disability	Developmental Disability [02]	Traumatic Brain Injury [03]	Deaf or Serious Difficulty Hearing [19]	Blind or Serious Difficulty Seeing [20]	Missing Extremities [31]	Significant Mobility Impairment [40]	Partial or Complete Paralysis [60]	Epilepsy or Other Seizure Disorders [82]	Intellectual Disability [90]	Significant Psychiatric Disorder [91]	Dwarfism [92]	Significant Disfigurement [93]	
<b>TOTAL WORKFORCE (Participation Rate)</b>																			
Total Workforce: Prior FY #	1126	1035	985	50	91	16	0	0	4	4	1	0	1	4	0	2	0	0	
Total Workforce: Prior FY %	100	91.92	87.48	4.44	8.08	1.42	0.00	0.00	0.36	0.36	0.09	0.00	0.09	0.36	0.00	0.18	0.00	0.00	
Total Workforce: Current FY #	1151	1059	1000	59	92	15	0	0	4	4	0	0	1	4	0	2	0	0	
Total Workforce: Current FY %	100	92.01	86.88	5.13	7.99	1.30	0.00	0.00	0.35	0.35	0.00	0.00	0.09	0.35	0.00	0.17	0.00	0.00	
Total Workforce: 501 Goal %					12.00	2.00													
Total Workforce: Difference #	25	24	15	9	1	-1	0	0	0	0	-1	0	0	0	0	0	0	0	
Total Workforce: Ratio Change %	0.00	0.09	-0.60	0.69	-0.09	-0.12	0.00	0.00	-0.01	-0.01	-0.09	0.00	0.00	-0.01	0.00	-0.01	0.00	0.00	
Total Workforce: Net Change %	2.22	2.32	1.52	18.00	1.10	-6.25	0.00	0.00	0.00	0.00	-100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
<b>EMPLOYEE GAINS (Participation Rate)</b>																			
Total Workforce: New Hires #	112	106	93	13	6	1	0	0	0	0	0	0	0	1	0	0	0	0	
Total Workforce: New Hires %	100	94.64	83.04	11.61	5.36	0.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.89	0.00	0.00	0.00	0.00	
<b>EMPLOYEE LOSSES (Inclusion Rate)</b>																			
Total Workforce: Reduction in Force #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total Workforce: Reduction in Force %	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Total Workforce: Removal #	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total Workforce: Removal %	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Total Workforce: Resignation #	53	51	50	1	2	1	0	0	0	0	0	0	0	1	0	0	0	0	
Total Workforce: Resignation %	4.60	4.82	5.00	1.69	2.17	6.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25.00	0.00	0.00	0.00	0.00	
Total Workforce: Retirement #	12	10	10	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total Workforce: Retirement %	1.04	0.94	1.00	0.00	2.17	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Total Workforce: Other Separations #	32	29	26	3	3	1	0	0	0	0	1	0	0	0	0	0	0	0	
Total Workforce: Other Separations %	2.78	2.74	2.60	5.08	3.26	6.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Total Workforce: Total Separations #	97	90	86	4	7	2	0	0	0	0	1	0	0	1	0	0	0	0	
Total Workforce: Total Separations %	8.43	8.50	8.60	6.78	7.61	13.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25.00	0.00	0.00	0.00	0.00	
<b>PERMANENT WORKFORCE (Participation Rate)</b>																			
Permanent Workforce: Prior FY #	1042	953	904	49	89	16	0	0	4	4	1	0	1	4	0	2	0	0	
Permanent Workforce: Prior FY %	100	91.46	86.76	4.70	8.54	1.54	0.00	0.00	0.38	0.38	0.10	0.00	0.10	0.38	0.00	0.19	0.00	0.00	
Permanent Workforce: Current FY #	1060	971	917	54	89	15	0	0	4	4	0	0	1	4	0	2	0	0	
Permanent Workforce: Current FY %	100	91.60	86.51	5.09	8.40	1.42	0.00	0.00	0.38	0.38	0.00	0.00	0.09	0.38	0.00	0.19	0.00	0.00	
Permanent Workforce: Difference #	18	18	13	5	0	-1	0	0	0	0	-1	0	0	0	0	0	0	0	
Permanent Workforce: Ratio Change %	0.00	0.14	-0.25	0.39	-0.14	-0.12	0.00	0.00	0.00	0.00	-0.10	0.00	-0.01	0.00	0.00	0.00	0.00	0.00	
Permanent Workforce: Net Change %	1.73	1.89	1.44	10.20	0.00	-6.25	0.00	0.00	0.00	0.00	-100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
<b>EMPLOYEE GAINS (Participation Rate)</b>																			



<b>Employment Tenure</b>	Total	Persons Without Disability	No Disability [05]	Not Identified [01]	Disability [02-03, 06-99]	Targeted Disability	Developmental Disability [02]	Traumatic Brain Injury [03]	Deaf or Serious Difficulty Hearing [19]	Blind or Serious Difficulty Seeing [20]	Missing Extremities [31]	Significant Mobility Impairment [40]	Partial or Complete Paralysis [60]	Epilepsy or Other Seizure Disorders [82]	Intellectual Disability [90]	Significant Psychiatric Disorder [91]	Dwarfism [92]	Significant Disfigurement [93]
Temporary Workforce: Other Separations #	6	6	5	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Temporary Workforce: Other Separations %	6.59	6.82	6.02	20.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Temporary Workforce: Total Separations #	38	38	36	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Temporary Workforce: Total Separations %	3.30	3.59	3.60	3.39	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>SCHEDULE A EMPLOYEES IN PERMANENT WORKFORCE (Participation Rate)</b>																		
<b>EMPLOYEE GAINS (Participation Rate)</b>																		
<b>EMPLOYEE LOSSES (Inclusion Rate)</b>																		

**Table B2: PERMANENT WORKFORCE BY COMPONENT - Distribution by Disability Status (Participation Rate)**

Subordinate Component	Total	No Disability [05]	Not Identified [01]	Disability [02-03, 06-99]	Targeted Disability	Developmental Disability [02]	Traumatic Brain Injury [03]	Deaf or Serious Difficulty Hearing [19]	Blind or Serious Difficulty Seeing [20]	Missing Extremities [31]	Significant Mobility Impairment [40]	Partial or Complete Paralysis [60]	Epilepsy or Other Seizure Disorders [82]	Intellectual Disability [90]	Significant Psychiatric Disorder [91]	Dwarfism [92]	Significant Disfigurer [93]
501 Goal %				12.00	2.00												
FT00 #	1060	917	54	89	15	0	0	4	4	0	0	1	4	0	2	0	0
FT00 %	100	86.51	5.09	8.40	1.42	0.00	0.00	0.38	0.38	0.00	0.00	0.09	0.38	0.00	0.19	0.00	0.00























**Table B9-1: EMPLOYEE RECOGNITION AND AWARDS - Distribution by Disability (Participation Rate)**

Awards	Total	No Disability [05]	Not Identified [01]	Disability [02-03, 06-99]	Targeted Disability	Developmental Disability [02]	Traumatic Brain Injury [03]	Deaf or Serious Difficulty Hearing [19]	Blind or Serious Difficulty Seeing [20]	Missing Extremities [31]	Significant Mobility Impairment [40]	Partial or Complete Paralysis [60]	Epilepsy or Other Seizure Disorders [82]	Intellectual Disability [90]	Significant Psychiatric Disorder [91]	Dwarfism [92]	Significant Disfigurement [93]
<b>TIME OFF AWARDS</b>																	
Time-Off Awards 1 - 10 hours: Awards Given #	326	282	17	27	4	0	0	1	1	0	0	1	1	0	0	0	0
Time-Off Awards 1 - 10 hours: Awards Given %	100	86.50	5.21	8.28	1.23	0.00	0.00	0.31	0.31	0.00	0.00	0.31	0.31	0.00	0.00	0.00	0.00
Time-Off Awards 1 - 10 Hours: Total Hours #	2369	2069	115	185	21	0	0	7	4	0	0	4	6	0	0	0	0
Time-Off Awards 1 - 10 Hours: Average Hours #	7	7	6	6	5	0	0	7	4	0	0	4	6	0	0	0	0
Time-Off Awards 11 - 20 hours: Awards Given #	104	88	7	9	1	0	0	0	1	0	0	0	0	0	0	0	0
Time-Off Awards 11 - 20 hours: Awards Given %	100	84.62	6.73	8.65	0.96	0.00	0.00	0.00	0.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Time-Off Awards 11 - 20 Hours: Total Hours #	1665	1424	108	133	12	0	0	0	12	0	0	0	0	0	0	0	0
Time-Off Awards 11 - 20 Hours: Average Hours #	16	16	15	14	12	0	0	0	12	0	0	0	0	0	0	0	0
Time-Off Awards 21 - 30 hours: Awards Given #	38	34	1	3	1	0	0	1	0	0	0	0	0	0	0	0	0
Time-Off Awards 21 - 30 hours: Awards Given %	100	89.47	2.63	7.89	2.63	0.00	0.00	2.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Time-Off Awards 21 - 30 Hours: Total Hours #	934	831	24	79	25	0	0	25	0	0	0	0	0	0	0	0	0
Time-Off Awards 21 - 30 Hours: Average Hours #	24	24	24	26	25	0	0	25	0	0	0	0	0	0	0	0	0
Time-Off Awards 31 - 40 hours: Awards Given #	33	28	2	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Time-Off Awards 31 - 40 hours: Awards Given %	100	84.85	6.06	9.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Time-Off Awards 31 - 40 Hours: Total Hours #	1228	1060	72	96	0	0	0	0	0	0	0	0	0	0	0	0	0
Time-Off Awards 31 - 40 Hours: Average Hours #	37	37	36	32	0	0	0	0	0	0	0	0	0	0	0	0	0
Time-Off Awards 41 or more Hours: Awards Given #	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Time-Off Awards 41 or more Hours: Awards Given %	100	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Time-Off Awards 41 or more Hours: Total Hours #	171	171	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Time-Off Awards 41 or more Hours: Average Hours #	57	57	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>CASH AWARDS</b>																	
Cash Awards \$500 and Under: Awards Given #	876	750	39	87	7	0	0	1	1	0	0	1	2	0	2	0	0
Cash Awards \$500 and Under: Awards Given %	100	85.62	4.45	9.93	0.80	0.00	0.00	0.11	0.11	0.00	0.00	0.11	0.23	0.00	0.23	0.00	0.00
Cash Awards \$500 and Under: Total Amount \$	116505	99165	5530	11810	820	0	0	250	160	0	0	0	0	0	410	0	0
Cash Awards \$500 and Under: Average Amount \$	133	132.22	141.79	135.75	117.14	0	0	250	160	0	0	0	0	0	205	0	0
Cash Awards: \$501 - \$999: Awards Given #	54	48	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Awards: \$501 - \$999: Awards Given %	100	88.89	5.56	5.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Cash Awards: \$501 - \$999: Total Amount \$	37123	33271	1900	1952	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Awards: \$501 - \$999: Average Amount \$	687	693	633	650	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Awards: \$1000 - \$1999: Awards Given #	251	212	11	28	7	0	0	3	2	0	0	0	1	0	1	0	0
Cash Awards: \$1000 - \$1999: Awards Given %	100	84.46	4.38	11.16	2.79	0.00	0.00	1.20	0.80	0.00	0.00	0.00	0.40	0.00	0.40	0.00	0.00
Cash Awards: \$1000 - \$1999: Total Amount \$	336243	281992	15400	38851	9975	0	0	4539	2750	0	0	0	1000	0	1686	0	0
Cash Awards: \$1000 - \$1999: Average Amount \$	1339	1330	1400	1387	1425	0	0	1513	1375	0	0	0	1000	0	1686	0	0
Cash Awards: \$2000 - \$2999: Awards Given #	266	238	14	14	3	0	0	0	2	0	0	0	1	0	0	0	0
Cash Awards: \$2000 - \$2999: Awards Given %	100	89.47	5.26	5.26	1.13	0.00	0.00	0.00	0.75	0.00	0.00	0.00	0.38	0.00	0.00	0.00	0.00

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020.

File Process Date and Time: 05/20/2021 03:22 PM

<b>Awards</b>	Total	No Disability [05]	Not Identified [01]	Disability [02-03, 06-99]	Targeted Disability	Developmental Disability [02]	Traumatic Brain Injury [03]	Deaf or Serious Difficulty Hearing [19]	Blind or Serious Difficulty Seeing [20]	Missing Extremities [31]	Significant Mobility Impairment [40]	Partial or Complete Paralysis [60]	Epilepsy or Other Seizure Disorders [82]	Intellectual Disability [90]	Significant Psychiatric Disorder [91]	Dwarfism [92]	Significant Disfigurement [93]
Cash Awards: \$2000 - \$2999: Total Amount \$	667053	596408	33953	36692	7730	0	0	0	4980	0	0	0	2750	0	0	0	0
Cash Awards: \$2000 - \$2999: Average Amount \$	2507	2505	2425	2620	2576	0	0	0	2490	0	0	0	2750	0	0	0	0
Cash Awards: \$3000 - \$3999: Awards Given #	138	127	3	8	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Awards: \$3000 - \$3999: Awards Given %	100	92.03	2.17	5.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Cash Awards: \$3000 - \$3999: Total Amount \$	440168	406361	9100	24707	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Awards: \$3000 - \$3999: Average Amount \$	3189	3199	3033	3088	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Awards: \$4000 - \$4999: Awards Given #	39	36	1	2	1	0	0	0	0	0	0	0	1	0	0	0	0
Cash Awards: \$4000 - \$4999: Awards Given %	100	92.31	2.56	5.13	2.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.56	0.00	0.00	0.00	0.00
Cash Awards: \$4000 - \$4999: Total Amount \$	160385	147168	4500	8717	4717	0	0	0	0	0	0	0	4717	0	0	0	0
Cash Awards: \$4000 - \$4999: Average Amount \$	4112	4088	4500	4358	4717	0	0	0	0	0	0	0	4717	0	0	0	0
Cash Awards: \$5000 or more: Awards Given #	100	93	1	6	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Awards: \$5000 or more: Awards Given %	100	93.00	1.00	6.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Cash Awards: \$5000 or more: Total Amount \$	917091	846391	10900	59800	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Awards: \$5000 or more: Average Amount \$	9170	9100	10900	9966	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>OTHER AWARDS</b>																	
Total QSIs Awarded #	330	283	16	31	3	0	0	0	0	0	0	1	2	0	0	0	0
Total QSIs Awarded %	100	85.76	4.85	9.39	0.91	0.00	0.00	0.00	0.00	0.00	0.00	0.30	0.61	0.00	0.00	0.00	0.00

**Table B9-2: EMPLOYEE RECOGNITION AND AWARDS - Distribution by Disability (Inclusion Rate)**

Awards	Total	Persons Without Disability	No Disability [05]	Not Identified [01]	Disability [02-03, 06-99]	Targeted Disability	Developmental Disability [02]	Traumatic Brain Injury [03]	Deaf or Serious Difficulty Hearing [19]	Blind or Serious Difficulty Seeing [20]	Missing Extremities [31]	Significant Mobility Impairment [40]	Partial or Complete Paralysis [60]	Epilepsy or Other Seizure Disorders [82]	Intellectual Disability [90]	Significant Psychiatric Disorder [91]	Dwarfism [92]	Significant Disfigurement [93]
<b>TIME OFF AWARDS</b>																		
Time-Off Awards 1 - 10 hours: Awards Given #	326	299	282	17	27	4	0	0	1	1	0	0	1	1	0	0	0	0
Time-Off Awards 1 - 10 hours: Awards Given %	30.75	30.79	30.75	31.48	30.34	26.67	0.00	0.00	25.00	25.00	0.00	0.00	100.00	25.00	0.00	0.00	0.00	0.00
Time-Off Awards 1 - 10 Hours: Total Hours #	2369	2184	2069	115	185	21	0	0	7	4	0	0	4	6	0	0	0	0
Time-Off Awards 1 - 10 Hours: Average Hours #	7	1	7	6	6	5	0	0	7	4	0	0	4	6	0	0	0	0
Time-Off Awards 11 - 20 hours: Awards Given #	104	95	88	7	9	1	0	0	0	1	0	0	0	0	0	0	0	0
Time-Off Awards 11 - 20 hours: Awards Given %	9.81	9.78	9.60	12.96	10.11	6.67	0.00	0.00	0.00	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Time-Off Awards 11 - 20 Hours: Total Hours #	1665	1532	1424	108	133	12	0	0	0	12	0	0	0	0	0	0	0	0
Time-Off Awards 11 - 20 Hours: Average Hours #	16	2	16	15	14	12	0	0	0	12	0	0	0	0	0	0	0	0
Time-Off Awards 21 - 30 hours: Awards Given #	38	35	34	1	3	1	0	0	1	0	0	0	0	0	0	0	0	0
Time-Off Awards 21 - 30 hours: Awards Given %	3.58	3.60	3.71	1.85	3.37	6.67	0.00	0.00	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Time-Off Awards 21 - 30 Hours: Total Hours #	934	855	831	24	79	25	0	0	25	0	0	0	0	0	0	0	0	0
Time-Off Awards 21 - 30 Hours: Average Hours #	24	-2	24	24	26	25	0	0	25	0	0	0	0	0	0	0	0	0
Time-Off Awards 31 - 40 hours: Awards Given #	33	30	28	2	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Time-Off Awards 31 - 40 hours: Awards Given %	3.11	3.09	3.05	3.70	3.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Time-Off Awards 31 - 40 Hours: Total Hours #	1228	1132	1060	72	96	0	0	0	0	0	0	0	0	0	0	0	0	0
Time-Off Awards 31 - 40 Hours: Average Hours #	37	5	37	36	32	0	0	0	0	0	0	0	0	0	0	0	0	0
Time-Off Awards 41 or more Hours: Awards Given #	3	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Time-Off Awards 41 or more Hours: Awards Given %	0.28	0.31	0.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Time-Off Awards 41 or more Hours: Total Hours #	171	171	171	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Time-Off Awards 41 or more Hours: Average Hours #	57	57	57	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>CASH AWARDS</b>																		
Cash Awards \$500 and Under: Awards Given #	876	789	750	39	87	7	0	0	1	1	0	0	1	2	0	2	0	0
Cash Awards \$500 and Under: Awards Given %	82.64	81.26	81.79	72.22	97.75	46.67	0.00	0.00	25.00	25.00	0.00	0.00	100.00	50.00	0.00	100.00	0.00	0.00
Cash Awards \$500 and Under: Total Amount \$	116505	104695	99165	5530	11810	820	0	0	250	160	0	0	0	0	0	410	0	0
Cash Awards \$500 and Under: Average Amount \$	133	-2	132.22	141.79	135.75	117.14	0	0	250	160	0	0	0	0	0	205	0	0
Cash Awards: \$501 - \$999: Awards Given #	54	51	48	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Awards: \$501 - \$999: Awards Given %	5.09	5.25	5.23	5.56	3.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Cash Awards: \$501 - \$999: Total Amount \$	37123	35171	33271	1900	1952	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Awards: \$501 - \$999: Average Amount \$	687	37	693	633	650	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Awards: \$1000 - \$1999: Awards Given #	251	223	212	11	28	7	0	0	3	2	0	0	0	1	0	1	0	0
Cash Awards: \$1000 - \$1999: Awards Given %	23.68	22.97	23.12	20.37	31.46	46.67	0.00	0.00	75.00	50.00	0.00	0.00	0.00	25.00	0.00	50.00	0.00	0.00
Cash Awards: \$1000 - \$1999: Total Amount \$	336243	297392	281992	15400	38851	9975	0	0	4539	2750	0	0	0	1000	0	1686	0	0
Cash Awards: \$1000 - \$1999: Average Amount \$	1339	-48	1330	1400	1387	1425	0	0	1513	1375	0	0	0	1000	0	1686	0	0
Cash Awards: \$2000 - \$2999: Awards Given #	266	252	238	14	14	3	0	0	0	2	0	0	0	1	0	0	0	0
Cash Awards: \$2000 - \$2999: Awards Given %	25.09	25.95	25.95	25.93	15.73	20.00	0.00	0.00	0.00	50.00	0.00	0.00	0.00	25.00	0.00	0.00	0.00	0.00

Federal Trade Commission

For period covering October 1, 2019 to September 30, 2020.

File Process Date and Time: 05/20/2021 03:22 PM

Awards	Total	Persons Without Disability	No Disability [05]	Not Identified [01]	Disability [02-03, 06-99]	Targeted Disability	Developmental Disability [02]	Traumatic Brain Injury [03]	Deaf or Serious Difficulty Hearing [19]	Blind or Serious Difficulty Seeing [20]	Missing Extremities [31]	Significant Mobility Impairment [40]	Partial or Complete Paralysis [60]	Epilepsy or Other Seizure Disorders [82]	Intellectual Disability [90]	Significant Psychiatric Disorder [91]	Dwarfism [92]	Significant Disfigurement [93]
Cash Awards: \$2000 - \$2999: Total Amount \$	667053	630361	596408	33953	36692	7730	0	0	0	4980	0	0	0	2750	0	0	0	0
Cash Awards: \$2000 - \$2999: Average Amount \$	2507	-113	2505	2425	2620	2576	0	0	0	2490	0	0	0	2750	0	0	0	0
Cash Awards: \$3000 - \$3999: Awards Given #	138	130	127	3	8	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Awards: \$3000 - \$3999: Awards Given %	13.02	13.39	13.85	5.56	8.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Cash Awards: \$3000 - \$3999: Total Amount \$	440168	415461	406361	9100	24707	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Awards: \$3000 - \$3999: Average Amount \$	3189	101	3199	3033	3088	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Awards: \$4000 - \$4999: Awards Given #	39	37	36	1	2	1	0	0	0	0	0	0	0	1	0	0	0	0
Cash Awards: \$4000 - \$4999: Awards Given %	3.68	3.81	3.93	1.85	2.25	6.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25.00	0.00	0.00	0.00	0.00
Cash Awards: \$4000 - \$4999: Total Amount \$	160385	151668	147168	4500	8717	4717	0	0	0	0	0	0	0	4717	0	0	0	0
Cash Awards: \$4000 - \$4999: Average Amount \$	4112	-246	4088	4500	4358	4717	0	0	0	0	0	0	0	4717	0	0	0	0
Cash Awards: \$5000 or more: Awards Given #	100	94	93	1	6	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Awards: \$5000 or more: Awards Given %	9.43	9.68	10.14	1.85	6.74	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Cash Awards: \$5000 or more: Total Amount \$	917091	857291	846391	10900	59800	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Awards: \$5000 or more: Average Amount \$	9170	-796	9100	10900	9966	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>OTHER AWARDS</b>																		
Total QSIs Awarded #	330	299	283	16	31	3	0	0	0	0	0	0	1	2	0	0	0	0
Total QSIs Awarded %	31.13	30.79	30.86	29.63	34.83	20.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	50.00	0.00	0.00	0.00	0.00

# Appendix B



















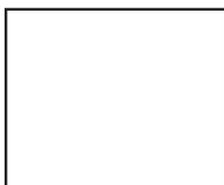
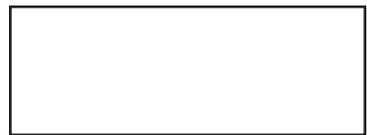
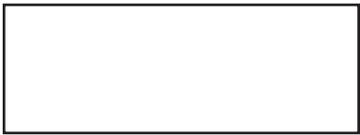
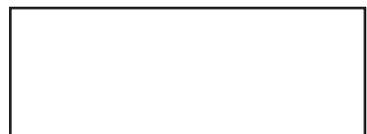








# Appendix C



# Appendix D



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Chairman

January 17, 2020

MEMORANDUM

FROM: Chairman Joseph Simons

TO: Commission Staff and Commissioners

SUBJECT: Celebrate the Dr. Martin Luther King, Jr., Day of Service and the Annual Equal Employment Opportunity Statement

*“Human progress is neither automatic nor inevitable . . . Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and dedicated concern of passionate individuals.”*

— Dr. Martin Luther King, Jr.

As we commemorate the 34th anniversary of Dr. Martin Luther King, Jr. Day, it is an appropriate time to reiterate the Federal Trade Commission’s commitment to equal employment opportunity in the workplace. The FTC has a zero tolerance policy for unlawful employment discrimination (including harassment) based on race, color, national origin, sex (including pregnancy and gender identity), age (40 years and over), disability, religion, genetic information, sexual orientation, or reprisal. Managers and supervisors must take swift and appropriate action to correct and reduce the recurrence of any incidents of unlawful employment discrimination.

Employees who believe that they have been discriminated against are encouraged to exercise their right to file an EEO complaint, or otherwise oppose unlawful employment discrimination, without fear of reprisal. Regarding the 45-day filing requirement and other important information, I urge all staff to read Chapter 3, Section 300 and Chapter 5, Sections 400-420, of the Administrative Manual. These EEO policies apply to applicants, employees, and former employees and they cover all agency practices, procedures, and programs. If you have any questions, please contact the Office of Equal Employment Opportunity and Workplace Inclusion.

As a federal agency, we strive toward a model EEO workplace. All FTC employees bear responsibility for implementing the agency’s EEO policies in our daily conduct, and in employment actions and decisions. As we reflect on the life and work of Dr. King this holiday weekend, let us remember that we all play a unique role in ensuring that the FTC moves toward the complete realization of Dr. King’s inimitable dream.

I encourage all employees to consider making the King Holiday a day of service in their communities. Information on volunteer service projects can be found at [www.mlkd.gov](http://www.mlkd.gov).

# Appendix E

# Federal Trade Commission

Strategic  
Plan for  
Fiscal Years  
2018 to 2022



## Message from the Acting Chairman

It is with pleasure that I present the Federal Trade Commission's Strategic Plan – the road map that will guide us over the next five years. The plan's goals and performance measures will enable us to gauge our success in protecting consumers, maintaining competition, and advancing our organizational performance.

We have revised our Strategic Plan in accordance with the GPRA Modernization Act (GPRMA) of 2010, which requires federal agencies to update their strategic plans every four years. This new plan will serve as the basis for reporting the agency's performance results.

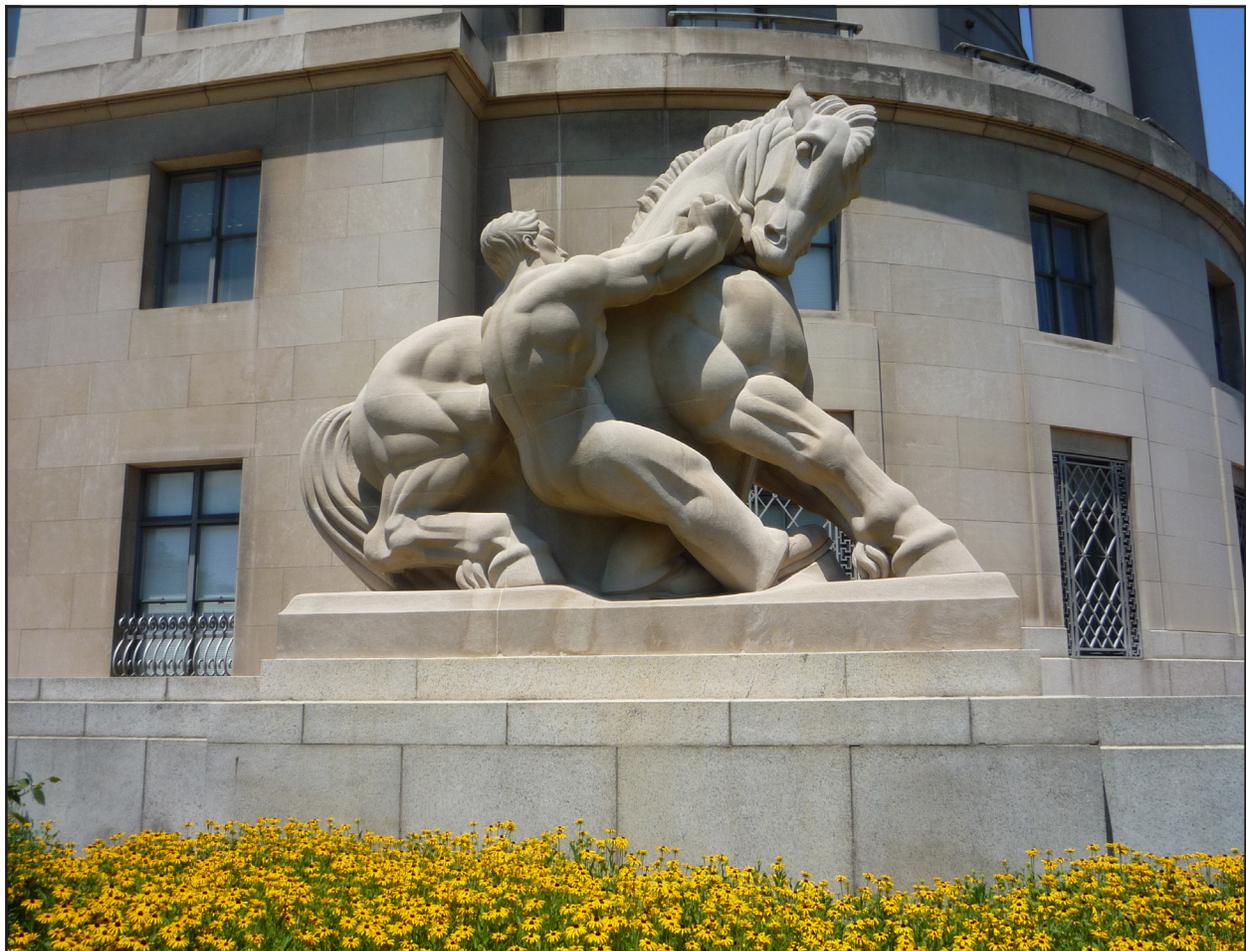
This plan includes several updates. We have updated our mission statement to reflect better the FTC's active role in consumer protection and competition law enforcement, advocacy, and education efforts on behalf of American consumers and businesses. We have expanded our management goal (Strategic Goal 3) to address further information and technology management as critical support functions at the FTC. We have also introduced several new measures in Goal 3 that reflect the importance of support functions in maintaining our ability to serve the public.

On behalf of the Commission and FTC staff, we look forward to working with Congress, consumers, businesses, and our federal, state, local, and international law enforcement partners and other stakeholders as we strive for excellence.

Acting FTC Chairman  
Maureen K. Ohlhausen

## Table of Contents

Overview .....	3
Strategic Goal 1 – Protect Consumers From Unfair and Deceptive Practices In The Marketplace.....	6
Strategic Goal 2 – Maintain Competition to Promote a Marketplace Free From Anticompetitive Mergers, Business Practices, or Public Policy Outcomes .....	12
Strategic Goal 3 – Advance the FTC’s Performance Through Excellence in Managing Resources, Human Capital, and Information Technology.....	17
Appendix of Performance Goals .....	23
Acknowledgements.....	26



## **The FTC's Mission:**

Protecting consumers and competition by preventing anticompetitive, deceptive, and unfair business practices through law enforcement, advocacy, and education without unduly burdening legitimate business activity.

## **The FTC's Vision:**

A vibrant economy characterized by vigorous competition and consumer access to accurate information.

---

---

### **Strategic Goal 1**

Protect consumers from unfair and deceptive practices in the marketplace

### **Strategic Goal 2**

Maintain competition to promote a marketplace free from anticompetitive mergers, business practices, or public policy outcomes

### **Strategic Goal 3**

Advance the FTC's performance through excellence in managing resources, human capital, and information technology



## Overview

### Our Organization

The FTC is an independent agency that reports to the President and to Congress on its actions. These actions include pursuing vigorous and effective law enforcement; advancing consumers' interests by sharing its expertise with Congress, state legislatures, and U.S. and international agencies; developing policy and research tools through hearings, workshops, and conferences; and creating practical and plain-language educational programs and materials for consumers and businesses in a global marketplace with constantly changing technologies.

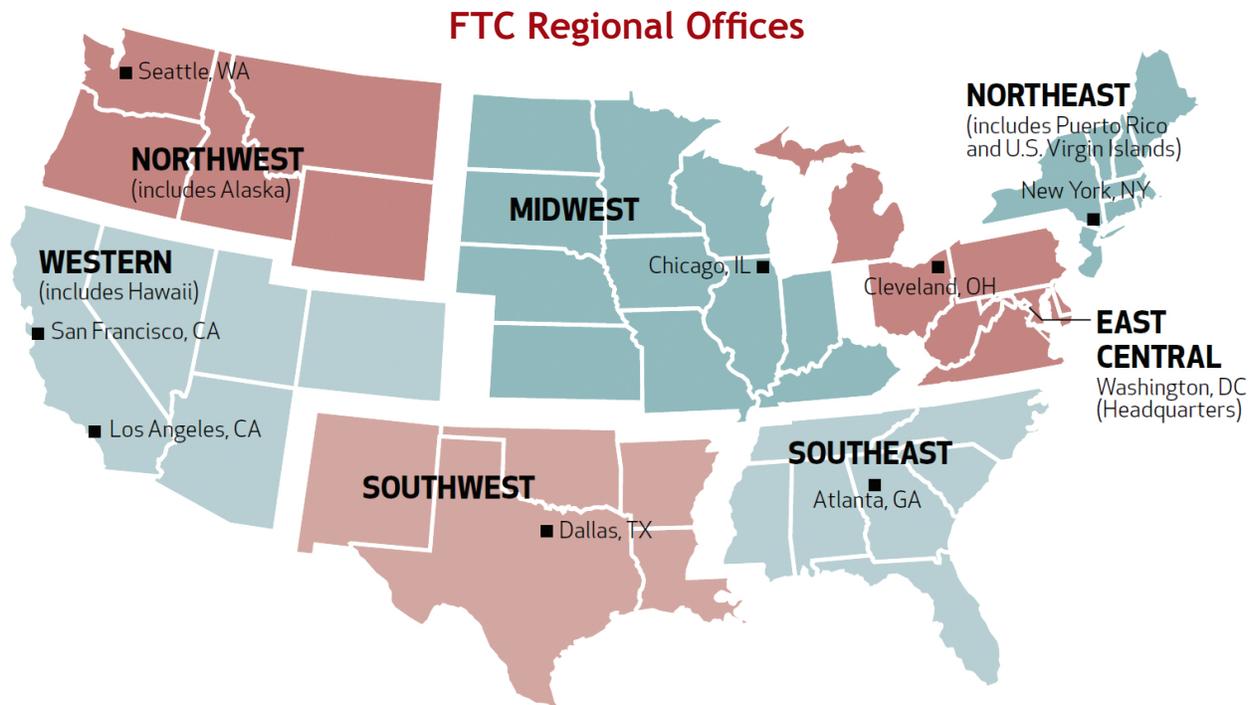
The FTC has a long tradition of maintaining a competitive marketplace for both consumers and businesses. In 1914, President Woodrow Wilson signed the Federal Trade Commission Act into law, creating the FTC, which then absorbed its predecessor organization, the Bureau of Corporations, in 1915. When the FTC was created in 1914, its purpose was to prevent unfair methods of competition in commerce as part of the battle to “bust the trusts.” Over the years, the Congress passed additional laws giving the agency greater authority over anticompetitive practices.

Recognizing that unfair and deceptive practices can distort a competitive marketplace as much as unfair methods of competition, in 1938 Congress amended the FTC Act and granted the FTC authority to stop “unfair or deceptive acts or practices in or affecting commerce.” Since then, the FTC also has been directed to enforce a wide variety of other consumer protection laws and regulations.

The FTC is headed by a five-member Commission, nominated by the President and confirmed by the Senate, each serving a staggered 7-year term. The President chooses one commissioner to act as Chair. No more than three commissioners may be from the same political party.

The FTC's mission is carried out by the Bureau of Consumer Protection (BCP), the Bureau of Competition (BC), and the Bureau of Economics (BE). Their work is supported by the Office of the General Counsel, the Office of International Affairs, the Office of Policy Planning, the Office of the Secretary, the Office of the Executive Director, the Office of Congressional Relations, the Office of Public Affairs, the Office of Administrative Law Judges, the Office of Equal Employment and Workplace Inclusion, the Office of Inspector General, and eight regional offices across the country.

The FTC's workforce is its greatest asset. The agency's workforce consists of 1141 civil service employees dedicated to carrying out the agency's mission.



## Scope of Responsibilities

The FTC is an independent law enforcement agency with both consumer protection and competition jurisdiction in broad sectors of the economy. The agency administers a wide variety of laws, such as the Federal Trade Commission Act (FTC Act), Fair Credit Reporting Act, and Clayton Act. In total, the Commission has enforcement or administrative responsibilities under more than 70 laws (see <https://www.ftc.gov/enforcement/statutes> for a listing). The FTC also enforces rules issued pursuant to the Federal Trade Commission Act or other laws, including the Business Opportunity Rule and the Telemarketing Sales Rule.

## The Planning Process

The Office of the Executive Director led the strategic plan update process by establishing a governance structure supported by two governing bodies whose membership is representative of the entire FTC. First, a Working Group comprised of senior subject matter experts and analysts who reviewed the current Strategic Plan and produced the updated Draft 2018-2022 Strategic Plan. Second, an Executive Steering Committee comprised of executive leadership from across the FTC evaluated the plan and provided input on the Acting Chairman's goals and policy initiatives. The performance results described in this plan enable the FTC to administer its programs, gauge programmatic success, and make adjustments necessary to improve program quality. Staff who are responsible for performance reporting are guided by a Data Quality Appendix that provides details on the data quality of each performance goal.

## **Stakeholder Engagement**

The FTC regularly reports to Congress, the President, and the public on its work to advance consumers' interests through its vigorous and effective law enforcement, sharing of expertise with domestic and international government agencies, conducting research, developing policy, and educating consumers and businesses.

The agency maintains a website at [www.ftc.gov](http://www.ftc.gov) that provides information for both consumers and businesses, as well as online forms through which consumers may file complaints. The website includes a Performance page that contains the agency's current and prior financial and performance reports, as well as information on performance goal definitions and data quality.

The FTC's Strategic Plan reflects consumer and business engagement through objectives and measures that align consumer protection actions with complaint data, consumer and business satisfaction with access and education, and actions taken to maintain competition in merger and nonmerger cases.

In drafting this plan, the FTC held a 30-day public comment period. Staff contacted over 165 stakeholder organizations, as well 12 congressional committees, to encourage stakeholders to provide comments on the plan.

## **Major Management Priorities and Objectives**

The FTC's management objectives are incorporated into Strategic Goal 3: Advance the FTC's performance through excellence in managing resources, human capital, and information technology. This Strategic Plan addresses priorities in areas of human capital management, information technology management and planning, financial and acquisition management, staff emergency preparedness, records management and ethics.

## Strategic Goal 1 - Protect Consumers From Unfair and Deceptive Practices In The Marketplace

The FTC protects consumers from unfair and deceptive practices in the marketplace. The FTC conducts investigations, sues companies and people that violate the law, develops rules to protect consumers, and educates consumers and businesses about their rights and responsibilities. The agency also collects complaints about a host of consumer issues, including fraud, identity theft, financial matters, and Do Not Call violations. The FTC makes these complaints available to law enforcement agencies worldwide.

Because the FTC has jurisdiction over a wide range of consumer protection issues in order to carry out its broad mission, it must make effective use of limited resources by targeting its law enforcement and education efforts to achieve maximum impact and by working closely with federal, state, international, and private sector partners in joint initiatives. In addition, the agency engages in dialogue with a variety of stakeholders to understand emerging issues. The FTC also conducts research on a variety of consumer protection topics.

The FTC focuses on investigating and litigating cases that cause or are likely to cause substantial injury to consumers. This includes not only monetary injury, but also, for example, unwarranted health and safety risks. By focusing on practices that are actually harming or likely to harm consumers, the FTC can best use its limited resources.

### Evaluations and Research

The FTC continuously evaluates the effectiveness of its efforts to protect consumers. The agency's research and analysis of important and emerging consumer protection issues enhances agency decision making and enables the agency to better protect consumers. This work is done through the Bureau of Consumer Protection and the Bureau of Economics. The FTC assesses the extent to which the consumer complaint and other information made available by the agency is used by FTC staff and our law enforcement partners. The agency evaluates whether enforcement activities are tracking the areas of greatest concern and whether there are new practices or technologies that require additional law enforcement.

- The agency reviews the focus of FTC consumer and business education efforts, determining whether the agency needs to reach new audiences in light of changes in demographics, advertising, and marketing practices, and identifying strategies or partnerships that will allow the FTC to reach those audiences.
- The FTC conducts independent studies and investigations on consumer protection issues associated with new technologies.
- The process for determining the success of our advocacy comments was re-evaluated in FY 2015. The refined process is meant to be more transparent, more consistently applied, and objective.

## Strategic Objectives

The FTC has established three objectives to guide work in this area:

- **Objective 1.1** Identify and take actions to address deceptive or unfair practices that harm consumers.
- **Objective 1.2** Provide consumers and businesses with knowledge and tools that provide guidance and prevent harm.
- **Objective 1.3** Collaborate with domestic and international partners to enhance consumer protection.

### Objective 1.1 Identify and take actions to address deceptive or unfair practices that harm consumers.

The FTC protects consumers by enforcing Section 5 of the FTC Act, which prohibits unfair or deceptive acts or practices in or affecting commerce, and by enforcing a number of statutes and rules proscribing specific unlawful practices. The FTC's Bureau of Consumer Protection, with the support of the Bureau of Economics, investigates cases and initiates civil enforcement actions, primarily by filing actions in federal court, when there is reason to believe that entities have violated these laws and rules. The FTC's enforcement actions seek injunctions and other relief. The FTC also brings enforcement actions via administrative proceedings.

To fulfill its goal of protecting consumers, the FTC must identify consumer protection issues and trends in the fast-changing, increasingly global marketplace. The agency strives to understand the issues affecting consumers, including any newly emerging methods of fraud, so that it can target its enforcement, education, and advocacy on those areas where consumers suffer the most harm. The FTC leverages its resources by sharing information with, and encouraging other law enforcement authorities to assist it in its efforts, by acting either independently or jointly.

To help ensure that its enforcement, education and advocacy efforts are well-targeted, the Bureau of Consumer Protection works with the Bureau of Economics in evaluating economic harm to consumers as cases and programs are developed.

The agency continues to collect consumer complaint information directly through four principal sources:

- a toll-free helpline (1-877-FTC- HELP)
- an identity theft hotline (1-877-ID-THEFT)
- the National Do Not Call Registry (1-888-382-1222)
- the online consumer complaint forms that support items 1-3, as well as online forms dedicated to complaints from members of the U.S. Armed Forces and to cross-border fraud complaints.

In addition, the FTC continues to gather consumer complaint information from other sources, including national surveys, state and federal law enforcement agencies, Better Business Bureaus, and private entities.

The Consumer Sentinel Network (CSN) is the FTC’s secure website that provides more than 2,300 law enforcement users worldwide with access to more than 30 million consumer fraud, identity theft, financial, and Do Not Call Registry complaints collected during the past five years. Every year the FTC publishes a report of the top consumer complaints received.

The FTC recognizes that consumers cannot always identify whether unfair or deceptive practices have occurred. For example, consumers cannot evaluate for themselves the truthfulness of an environmental marketing claim, such as “made with recycled content.” The agency, therefore, identifies targets by augmenting its complaint databases with other enforcement leads, such as ad monitoring, Internet “surfs” (monitoring the Internet for potentially false or deceptive advertising for a targeted product or service), evaluation of mobile practices, and direct referrals from government and private sector partners.

### Strategies

- The FTC targets law enforcement efforts on violations that cause the greatest amount of consumer harm by reviewing complaints, monitoring practices in the marketplace, and evaluating other information. The FTC and its law enforcement partners mine the CSN database to identify trends and targets, as well as to develop cases against existing targets.
- The FTC stops injury through law enforcement that focuses on preventing fraud and harm to consumers, protecting consumer privacy, monitoring national advertising and new technologies, and suing entities that violate federal court and administrative orders obtained by the FTC.

### External Factors

- Complaints are an integral component when determining the areas of greatest concern and injury to consumers. The FTC continually works to increase public awareness of the complaint process to encourage consumers to report fraud, identity theft, Do Not Call Registry violations, and other complaints. Identifying unlawful practices can be impacted by the number of complaints the agency receives. The volume of consumer complaints about marketplace experiences can influence the identification of law enforcement targets, broader trends, and policy concerns.
- The FTC’s effectiveness in taking action to protect consumers may be affected by Congressional legislation, budgetary constraints, and staffing needs.
- The increasing costs of litigation, including the costs associated with processing and storing increasingly large amounts of electronic data in investigations and cases, may also affect the number of enforcement actions brought.

### Performance Goals

**1.1.1** Percentage of the FTC’s consumer protection law enforcement actions that targeted the subject of consumer complaints to the FTC.

**1.1.2** Rate of customer satisfaction with the FTC’s Consumer Response Center.

**1.1.3** Total consumer savings compared to the amount of FTC resources allocated to consumer protection law enforcement.

**1.1.4** Amount of money returned to consumers or forwarded to the U.S. Treasury resulting from FTC enforcement action.

## **Objective 1.2 Provide consumers and businesses with knowledge and tools that provide guidance and prevent harm.**

Consumer and business education serves as the first line of defense against deception and unfair practices. Well-informed consumers are better able to protect themselves from bad actors in the marketplace and well-informed business owners are less likely to inadvertently violate the law. The agency strives to give consumers the tools they need to make informed decisions and to give business the tools they need to comply with the law. Most FTC law enforcement initiatives include a consumer and/or business education component aimed at preventing consumer injury and unlawful business practices, and mitigating financial losses. The agency also conducts consumer and business education campaigns to raise awareness of new or emerging marketplace issues that have the potential to cause harm.

The FTC has a unique mandate to undertake certain forms of research based on Section 6 of the FTC Act. Under this authority, the FTC gathers, analyzes, and makes public certain information that serves the public interest. The FTC also convenes conferences and workshops through which experts and other experienced and knowledgeable parties identify cutting-edge consumer protection issues and discuss ways to address those issues. The FTC recognizes that stakeholders other than government are at times better placed to address certain consumer protection issues. The agency, therefore, encourages self-regulatory efforts and partners with the private sector to disseminate consumer education content developed by the agency.

### **Strategies**

- The FTC focuses consumer and business education efforts on areas where deception, unfair practices, and information gaps cause the greatest injury. The FTC targets particular demographic groups with print and digital messages about marketplace issues that impact their health, safety, and economic well-being, both online and off. The agency also engages in education and outreach initiatives through multimedia and interactive content.
- The FTC creatively uses new technologies and private and public partnerships to reach new and underserved audiences, particularly those who may not seek information directly from the FTC.
- The FTC will continue to educate consumers about how to avoid identity theft and provide information to those who have become victims of identity theft.
- The FTC will continue to publicize its consumer complaint and identity theft websites and toll-free numbers in an ongoing effort to increase public awareness of its activities and inform the public of ways to contact the FTC to obtain information or file a complaint.
- The FTC will provide small businesses with more education resources to help them understand the law so they can comply with it.
- The FTC monitors the marketplace and technological developments to identify emerging consumer protection issues, holds workshops or conferences to examine these issues, and, where appropriate, issues reports analyzing the issues to provide the public with knowledge and tools to prevent consumer harm.

### External Factors

- The FTC faces challenges meeting the demand for educational materials available in print and works to mitigate these issues through judicious use of funding, publication revisions, streamlining the catalog of printed materials, and emphasizing the materials available on the website.
- The financial and staffing resources required for consumer and business education, conferences, workshops, and reports may impact the success of this objective. Budgetary limitations and the increasing costs of litigation may require the FTC to devote fewer resources to this objective.

### Performance Goals

**1.2.1** Rate of consumer satisfaction with FTC consumer education websites.

**1.2.2** Number of workshops and conferences the FTC convened that address consumer protection issues.

**1.2.3** Number of consumer protection reports the FTC released.

### Objective 1.3 Collaborate with domestic and international partners to enhance consumer protection.

Geographic location and other demographics may affect the types of deceptive and unfair conduct that consumers encounter. It is, therefore, important for governmental and non-governmental organizations to share information and resources to enhance consumer protection. The FTC works with partners in the United States and internationally to address consumer protection challenges, including new and emerging ones.

The FTC promotes consumer protection domestically by partnering with federal and state law enforcement in lawsuits that challenge and stop unlawful practices and seek redress for victims. It also promotes consumer protection through advocacy by filing comments with federal, state, and local government bodies and amicus briefs with the courts.

Because telemarketing and internet fraud, privacy violations, and data security breaches are increasingly cross-border in scope, the FTC routinely cooperates and collaborates with its foreign counterparts to implement broad-based international programs that combine cross-border law enforcement, policy, and technical assistance work.

### Strategies

- The FTC leverages resources by working with domestic and international partners in government and the private sector to share information about consumer protection issues.
- The FTC pursues the development of international consumer protection enforcement models or approaches that focus on protecting consumers while maximizing consumer choice and economic benefit.
- The FTC provides technical assistance to countries establishing consumer protection regimes, as well as providing selected foreign officials with an opportunity to work alongside FTC attorneys, investigators, and economists to learn about the FTC's approach to consumer protection enforcement and to promote further cooperation between the countries.
- The FTC actively participates in numerous multinational organizations that engage in enforcement cooperation activities against mass-marketing fraud.

- The FTC provides policy advice to foreign consumer protection agencies through substantive consultations and written comments.
- The FTC targets advocacy activities to encourage federal regulators to ensure proper consumer protections are in place. The FTC's amicus briefs seek to ensure consistent interpretation of the consumer protection statutes in the courts.

### External Factors

- When matters involve international targets, evidence, or assets, the FTC has limited control over a number of factors, including the extent to which foreign governments will provide information or cooperate with us on law enforcement matters. In addition, foreign legal rules often prohibit or limit foreign courts from recognizing or enforcing FTC judgments and orders, including asset preservation or collection orders. The FTC uses its US SAFE WEB Act authority to expand its international enforcement efforts and continues its outreach efforts to foreign governments to increase cooperation.
- Domestic advocacy, both to federal regulators and the courts, seeks to influence the decisions made by outside parties, but those decision makers have ultimate control over the outcome, and thus our success rate. The targets of our advocacies often receive pressure from other organizations, which may be making recommendations that are not in line with our own.

### Performance Goals

**1.3.1** Number of investigations or cases in which the FTC and other U.S. federal, state and local government agencies shared evidence or information that contributed to FTC law enforcement actions or enhanced consumer protection.

**1.3.2** Number of investigations or cases in which the FTC obtained foreign-based evidence or information or engaged in other mutual assistance that contributed to FTC law enforcement actions or in which the FTC cooperated with foreign agencies and/or multilateral organizations on enforcement matters.

**1.3.3** Number of instances of policy advice or technical assistance provided to foreign consumer protection and privacy agencies, directly and through international organizations.

**1.3.4** Percentage of consumer protection advocacy comments and amicus briefs filed with entities including federal and state legislatures, agencies, or courts that were successful, in whole or in part.

## Strategic Goal 2 - Maintain Competition to Promote a Marketplace Free From Anticompetitive Mergers, Business Practices, or Public Policy Outcomes

Vigorous competition results in lower prices, higher quality goods and services, and innovative and beneficial new products and services. By enforcing the antitrust laws, the FTC helps to ensure that consumers benefit from competition. The FTC's efforts to maintain competition focus primarily on preventing anticompetitive mergers and business practices. The FTC also engages in policy research and development, advocacy, and education to deter anticompetitive practices, reduce compliance costs, and encourage governmental actors at the federal, state, and local levels to evaluate the effects of their policies on competition and consumers. This work is critical to protect and strengthen free and open markets – the cornerstone of a vibrant economy.

### Evaluations and Research

The objectives supporting Strategic Goal 2 align with the FTC's statutory tools to ensure free and open competition in the U.S. marketplace. Accordingly, our objectives focus on our enforcement authority and our advisory responsibilities. To this end, the FTC continuously evaluates the effectiveness of its efforts to maintain and promote competition. After each major litigation effort, the FTC internally evaluates its litigation performance and provides training to staff on lessons learned and best practices for future litigations. The FTC also periodically convenes best practice task forces to streamline the investigative process and reduce the burden imposed by investigations when appropriate. Wherever possible, the FTC's Bureau of Economics conducts retrospective analyses of mergers and other competition issues to determine whether the actions taken enhanced consumer welfare.

Always looking forward, the FTC strives to adapt to the dynamic markets we protect by leveraging the research, advocacy, and education tools at its disposal to improve its understanding of significant antitrust issues and emerging trends in business practices, technology, and markets.

Specific evaluations that were done include:

- In FY 2017, FTC staff released a study examining Commission merger remedies between 2006 and 2012. Based on those findings, the FTC has developed best practices related to the merger remedy process.
- The process for determining the success of the FTC's advocacy comments was re-evaluated in FY 2015. The refined process is more transparent, more consistently applied, and objective.

### Strategic Objectives

The FTC has established three objectives to guide work in this area:

- **Objective 2.1** Identify and take actions to address anticompetitive mergers and practices.
- **Objective 2.2** Engage in effective research, advocacy, and stakeholder outreach to promote competition and advance its understanding.
- **Objective 2.3** Collaborate with domestic and international partners to preserve and promote competition.

## Objective 2.1 Identify and take actions to address anticompetitive mergers and practices.

Anticompetitive mergers and business practices harm consumers through higher prices and by reducing quality, choices, and innovation, or by thwarting competitors' entry into a market. Enforcement of the antitrust laws provides substantial benefits to consumers by helping to ensure that markets are competitive.

The FTC's Bureaus of Competition and Economics investigate proposed and consummated mergers, as well as business conduct and agreements that may be anticompetitive. The FTC takes enforcement action when it has reason to believe that mergers or conduct will likely harm consumers. The FTC's enforcement tools include federal court and administrative litigation and consent orders that require divestitures or contain cease and desist provisions. In rare cases, the FTC pursues other equitable remedies including the disgorgement of ill-gotten gains where appropriate. In each case, the FTC strives to efficiently address the competitive concerns raised by a proposed merger or business practice and works toward a solution that maintains competition in the marketplace without unduly burdening legitimate business activity.

The Hart-Scott-Rodino (HSR) Premerger Notification Act provides the FTC an opportunity to identify anticompetitive mergers and take action to block or remedy them before they are consummated. The FTC administers the HSR program both for itself and for the Antitrust Division of the Department of Justice (DOJ), which shares authority to challenge anticompetitive mergers. Both for mergers that do not meet the HSR notification requirements and for conduct matters, the FTC relies upon referrals, trade press articles, consumer and competitor complaints, and other means to identify harmful practices that threaten competition.

### Strategies

- Investigate potentially anticompetitive mergers and business conduct efficiently using rigorous, economically sound, and fact-based analyses that enhance enforcement outcomes and minimize burdens on business.
- Improve negotiation and litigation skills and refine investigative and decisional tools through continuous learning.
- Negotiate merger and nonmerger consent orders and win litigated orders that have significant remedial, precedential, and deterrent effects.
- Improve compliance with consent decrees and orders and with HSR reporting obligations.
- Provide transparency in the decision-making process, through comment periods, press releases, policy guidance, and analyses to aid public comment, and ensure existing guidance is up-to-date.
- Conduct market research, including evaluating the effectiveness of merger and conduct remedies, to inform future enforcement efforts.

### External Factors

- The dynamism of our economic, technological, and legislative environments plays a direct role in the Commission's ability to achieve success under this objective. Evolving technologies, automation, and intellectual property issues continue to increase the complexity of antitrust investigations and litigation. This complexity, coupled with fluctuations in merger activity and complaints of potentially harmful business conduct sometimes lead to financial and personnel

resource limitations. The Commission will continue its efforts to identify best practices and other investigatory efficiencies to alleviate these potential resource limitations.

- Additionally, the ever-evolving legislative landscape, both with respect to federal and state antitrust enforcement authority will likely directly impact the Commission's ability to challenge anticompetitive mergers and business conduct. The FTC will continue to use its advocacy and education tools to ensure that the Commission maintains the necessary tools for effective antitrust enforcement.

### **Performance Goals**

**2.1.1** Percentage of full merger and nonmerger investigations in which the FTC takes action to maintain competition.

**2.1.2** Consumer savings through merger actions taken to maintain competition.

**2.1.3** Total consumer savings compared to the amount of FTC resources allocated to the merger program.

**2.1.4** Consumer savings through nonmerger actions taken to maintain competition.

**2.1.5** Total consumer savings compared to the amount of FTC resources allocated to the nonmerger program.

### **Objective 2.2 Engage in effective research, advocacy, and stakeholder outreach to promote competition and advance its understanding.**

The FTC has a unique mandate to undertake certain forms of research using Section 6 of the FTC Act and the historical report-writing activity of its predecessor entity, the Bureau of Corporations. Under this authority, the FTC gathers, analyzes, and makes public certain information concerning the nature of competition as it affects U.S. commerce. The FTC uses this authority to enhance consumer welfare by holding public hearings, convening conferences and workshops, conducting economic studies on competition issues of significant public importance, and issuing reports of its findings. The agency also uses the information it collects to refine its theoretical economic framework for analyzing competition issues and understanding industry practices, and to help the FTC respond effectively to changing marketplace conditions. This information also contributes to a better understanding of business practices and their competitive and economic implications, providing guidance to the business sector, the legal community, other enforcement authorities, the judiciary, and governmental decision makers and policymakers at the federal, state, and local levels.

The FTC also promotes competition through advocacy and education. In its advocacy work, the FTC files comments and amicus briefs with federal, state, and local government bodies and encourages them to consider the effect their proposed actions will have on competition, and consequently consumers. The FTC also has a mandate to educate consumers and businesses about competition law and policy. Informing businesses and their legal advisers about potential antitrust violations deters anticompetitive mergers and anticompetitive business practices and reduces businesses' cost of compliance. Educating consumers about their rights and their ability to bring violations to the FTC's attention reduces the cost of identifying anticompetitive conduct. Providing consumers and businesses with information about how antitrust enforcement benefits

the common good can also encourage cooperation with FTC investigations and strengthen enforcement actions.

### Strategies

- Improve the agency's understanding of various practices and developments in the marketplace by conducting public hearings, conferences, and workshops that bring together interested parties and conducting economic research on these issues. Utilize the information gathered to inform the agency's enforcement agenda. Improve the dissemination of material gathered through hearings, conferences, and workshops.
- Target advocacy activities to encourage state and federal government policymakers to evaluate the competitive implications of their existing and proposed policies, emphasizing the impact on consumers of policies that unnecessarily restrict competition.
- Increase transparency of the agency's decision-making by ensuring that the content of complaints, press releases, and analyses to aid public comment explain in sufficient detail and with sufficient clarity the evidence and theory of a case, within the constraints of confidentiality requirements. Expand the use of other public statements to improve the public's understanding of the FTC's enforcement policies and the benefits of competition.

### External Factors

- Financial and personnel resource limitations, driven primarily by the costs of litigation, may reduce resources available for this objective.
- Domestic advocacy, whether to state legislators or regulators, federal regulators, or the courts, seeks to influence decisions made by outside parties. Those decision makers have ultimate control over the outcome, and thus our success rate. The targets of our advocacies often receive pressure from other organizations, which may be making recommendations that are not in line with our own.

### Performance Goals

**2.2.1** Number of workshops, seminars, conferences, and hearings convened or co-sponsored that involve significant competition related issues.

**2.2.2** Number of reports and studies the FTC issued on key competition related topics.

**2.2.3** Percentage of competition advocacy matters filed with entities including federal and state legislatures, agencies, or courts that were successful, in whole or in part.

## Objective 2.3 Collaborate with domestic and international partners to preserve and promote competition.

The FTC continues to build cooperative relationships with domestic and foreign antitrust agencies to ensure close collaboration on cases and convergence toward sound competition policies. On the domestic front, the FTC seeks to collaborate with other agencies and the state attorneys general to obtain the best results and maximize the use of limited resources in the enforcement of the U.S. antitrust laws.

Cooperation with competition agencies of other jurisdictions is a key component to an effective FTC competition enforcement program. With over 130 antitrust enforcers worldwide, it is critical that everyone work together to ensure that the international competition law system functions coherently and effectively. To accomplish this, the FTC builds strong bilateral relations

with foreign counterparts and takes a lead role in multilateral fora to promote case enforcement cooperation and convergence toward sound competition policies. This work helps protect U.S. interests by encouraging systems that apply standards to transactions and conduct affecting the global marketplace that are consistent with U.S. and worldwide best practices.

### Strategies

- Work more extensively within the U.S. government inter-agency process and with other domestic government entities to support the FTC's efforts to promote market-based competition and policy convergence.
- Broaden and deepen our cooperation with foreign competition agencies on antitrust matters that are subject to concurrent review to improve the effectiveness of investigations and promote consistent outcomes.
- Promote policy convergence toward sound and effective antitrust enforcement internationally by working with a greater number of foreign competition agencies, including bilaterally through substantive consultations, written comments, and the provision of technical advice, and, multilaterally, by taking leadership roles in multilateral and regional organizations.
- Provide technical assistance to countries that are establishing competition regimes. Provide selected foreign officials with an opportunity to work alongside FTC attorneys, economists, and investigators to enhance their capacity to develop and implement sound competition policy and enforcement.
- Provide policy advice to foreign competition agencies through substantive consultations and written comments.

### External Factors

- The development of competition policy involves numerous stakeholders, political considerations, and economic factors. Today, more than 130 governments enforce various sets of competition laws, and these different antitrust enforcement authorities increasingly overlap and intersect. Foreign policy and political considerations that are outside the scope of competition policy may also play a role. These factors can impact U.S. enforcement actions.
- The ability to conduct international technical assistance depends in part on the availability of external resources, support of U.S. embassies abroad, and the willingness of foreign governments to accept U.S. assistance.

### Performance Goals

**2.3.1** Percentage of FTC cases involving at least one substantive contact with a foreign antitrust authority in which the agencies followed consistent analytical approaches and reached compatible outcomes.

**2.3.2** Number of instances in which the FTC provided policy advice or technical assistance to foreign competition agencies or governments, directly and through international organizations.

## **Strategic Goal 3 - Advance the FTC's Performance Through Excellence in Managing Resources, Human Capital, and Information Technology**

The FTC believes that advancing organizational performance at all levels creates a strong foundation for overall mission success. The agency's work in Strategic Goal 3 highlights ongoing efforts to provide quality and timely services to the agency and enhances the agency's ability to focus on protecting consumers and maintaining competition.

Goal 3: Advance the FTC's performance through excellence in managing resources, human capital, and information technology, is inherently collaborative, and encompasses key management areas in the FTC: human capital, infrastructure and security, information technology resources, and financial management. A new objective has been added to Goal 3 to further address information and technology management as critical support functions at the FTC. Work in Goal 3 fosters leadership, transparency, and accountability across the agency and establishes a culture of customer service and effective planning, administration, and management. Employees at all levels are expected to show leadership in their areas of responsibility by exhibiting a willingness to develop and coach others, a commitment to teamwork, and a drive to find innovative and efficient solutions.

### **Evaluations and Research**

The FTC rigorously reviews its management functions. With respect to financial management, the FTC's financial statements are audited annually, which encompasses a thorough overview of the agency's financial position and various transactions throughout the fiscal year. With respect to cybersecurity, annual government-wide Federal Information Security Modernization Act (FISMA) reviews are conducted, and the agency reviews and acts on any areas that need improvement. With respect to human capital management, reviews are essential for hiring, managing, training and retaining talented and high performing employees. To that end, FTC regularly evaluates and acts on its human capital programs via Office of Personnel Management (OPM) audits and assessments, Equal Employment Opportunity Commission (EEOC) reviews, and internal pulse and customer satisfaction surveys. In addition, results from OPM's Federal Employee Viewpoint Survey, provide important data on employee engagement, sense of inclusion, dedication to the FTC mission, and commitment to personal accountability.

### **Specific evaluations that were done include:**

- In FY 2017, the FTC initiated an Enterprise Risk Management (ERM) program to assess risks systematically across major program areas. ERM assesses the full spectrum of the agency's risks related to achieving its strategic objectives using the agency Strategic Plan. The result of the assessment will be provided to agency leadership with a portfolio view of risk to help inform decision-making.
- In FY 2017, the OIG performed its most recent annual FISMA review, an evaluation of the FTC's information security program and practices. The evaluation found that FTC information security and privacy programs provided adequate and reasonable controls to protect FTC information assets. Four key areas for improvement were identified.

- In FY 2016, the OIG performed an evaluation of the FTC's information technology governance practices. The evaluation found that while the Governance Program is improving, there remain significant opportunities to accelerate maturation of the Program. The report makes 15 recommendations to this end. The FTC agreed with the recommendations and is implementing processes and procedures that will improve the areas of governance, acquisition planning, employee suitability determination, and information systems and network security.

### Strategic Objectives

The FTC has established three objectives to guide work in this area:

- **Objective 3.1** Optimize resource management and infrastructure.
- **Objective 3.2** Cultivate a high-performing, diverse, and engaged workforce.
- **Objective 3.3** Optimize technology and information management that supports the FTC mission.

### Objective 3.1 Optimize resource management and infrastructure.

The creation, modernization, and maintenance of physical and financial resources and infrastructure not only provides for a safe, secure, and efficient workplace but also helps the agency to achieve its mission and respond to, and anticipate, future agency needs. These efforts span several FTC offices and functions.

The FTC is committed to ensuring that processes and procedures are in place and tested so that, in the event of an emergency, people and property are protected and that the agency can continue to execute essential mission requirements.

The FTC believes in the importance of accountability and transparency, as shown through resource stewardship and financial oversight activities. The work in this area covers a wide range of administrative and operational efforts, such as formulating and executing the agency budget, managing acquisition activities, overseeing the internal control program, managing accounting operations, spearheading audit resolution, and ensuring compliance with financial management laws and regulations.

The FTC has launched an internal control and risk management office to establish, maintain, and monitor internal controls and assess risk. These measures have the purpose of ensuring: (1) obligations and costs are in compliance with applicable laws; (2) assets are safeguarded against waste, loss, unauthorized use, or misappropriation; (3) and agency revenues and expenditures are properly recorded and accounted to permit the preparation of reliable financial performance reports and to maintain accountability over the assets.

Procurement Action Lead Time (PALT) is a widely-used government measurement that estimates the number of days to award a procurement action, once a complete procurement package has been received. At the FTC, PALT will provide estimated processing timeframes for our customers as well as measure the Acquisitions Division's performance against those standards.

The FTC believes in the importance of accountability, transparency, and ensuring its employees meet all of their ethical obligations. Transparency is a critical part of government ethics, and Congress has determined that the citizens should know their leaders' financial interests. The Ethics in Government Act imposes detailed requirements for public financial disclosure by senior

United States Government officials. The purpose of these requirements is to assist employees and their agencies in avoiding conflicts between duties and private financial interests or affiliations.

### Strategies

- Continue to update its Continuity of Operations Plan (COOP), which defines the necessary planning and actions that are required to ensure the preservation and performance of FTC mission essential functions.
- Set up a training program for Emergency Preparedness that will include various training formats as well as the e-Train system. Training will be encouraged and emphasized through a robust communication plan that will include making sure that people know what they should do to be safe as well as informing them about how they can best prepare themselves for emergencies. Additionally, FTC will emphasize drills and activities that provide employees the opportunity to practice proper emergency response procedures.
- Improve the effectiveness and efficiency of the FTC's financial management operations, including critical procurement-related work. Building on the successful integration of the procurement and core financial systems, the FTC plans to automate how the agency receives and pays for services. This complete financial management system will strengthen the agency's internal controls, improve efficiency of the end-to-end procure-to-pay process, and provide agency staff with timely information regarding budget execution and the availability of funds.
- Improve our Procurement Action Lead Time (PALT), a widely-used government measurement that estimates the number of days to award a procurement action, once a complete procurement package has been received.
- Ensure timely filing of financial disclosure reports through improved tracking and communication.

### External Factors

- The FTC continues to partner with the Department of the Interior's Interior Business Center (IBC) to host the agency's core financial system and make payments. FTC is one of many IBC customers, and system upgrades or future mandatory requirements mean the agency must follow IBC's lead.
- Changes in government requirements, especially for financial management, may cause a shift in priorities or change how the FTC approaches the work.

### Performance Goals

- 3.1.1** The extent to which the FTC is prepared to protect people and property and to continue mission essential operations during emergencies.
- 3.1.2** Percentage of survey respondents who are satisfied or very satisfied with the timeliness of administrative operations.
- 3.1.3** Achieve a favorable (unmodified) audit opinion from the agency's independent financial statement auditors.
- 3.1.4** Percentage of new entrant, annual, and termination Public Financial Disclosure Reports that are filed within the required timeframe.
- 3.1.5** Percentage of contract actions awarded within FTC's established Procurement Action Lead Time.

### **Objective 3.2 Cultivate a high performing, diverse, and engaged workforce.**

The FTC's workforce is its greatest asset. The FTC works to ensure the presence of the right talent in the right positions at the right time to meet the challenges of the 21st century. This objective also captures efforts to tap into the rich resources of the global community and ensure fairness in the workplace. By attracting, developing, motivating, and retaining a high performing, diverse, inclusive, and engaged workforce, the FTC advances organizational performance. By having a workforce that looks like and draws from the consumers it protects, the FTC strengthens its ability to meet its mission.

The FTC uses the Federal Employee Viewpoint Survey administered by OPM to measure success in this objective. The survey focuses on employees' perceptions of critical areas of their work life and workforce management, and measures factors that influence whether employees want to join, stay, and help their agency meet its mission. The FTC uses an integrated approach to link human capital programs and policies to agency mission, goals, and strategies and to provide continuous improvement in efficiency and effectiveness.

In addition, the FTC uses Management Directive 715 (MD-715) submitted by the agency to the U.S. Equal Employment Opportunity Commission on an annual basis. MD-715 is a tool for agencies to use to ensure that all workers are competing on a fair and level playing field and have the opportunity to achieve their fullest potential.

#### **Strategies**

- Use integrated workforce planning to identify and fulfill current and future human capital needs to carry out the agency's mission and implementing programs and processes to enable us to recruit, develop, and retain a highly qualified and diverse workforce.
- Strive to create an agency-wide performance culture that focuses on individual and organizational accountability toward achieving the FTC's programmatic goals and priorities. The agency also seeks to achieve this objective by providing quality training and outreach to staff.

#### **External Factors**

- Funding levels in a constrained budget environment, as well as delays in annual appropriations, have the potential to adversely affect implementation of human capital strategies and programs.
- Changes in the economy have a direct impact on our agency's ability to attract and retain its workforce. Good job markets have led staff to seek higher-paying opportunities in other higher paying agencies or to jobs outside the Federal sector.
- Like many other high-performing agencies, FTC must continuously evaluate its human capital strategies and plans, and embrace the changes required to attract, develop, engage and retain a 21st century work force.

## Performance Goals

**3.2.1** The extent to which FTC employees consider their agency to be a best place to work.

**3.2.2** The extent to which employees believe the FTC encourages a culture that is open, diverse, and inclusive.

**3.2.3** The extent to which employees believe the FTC cultivates engagement throughout the agency.

**3.2.4** The extent to which employees believe FTC management promotes a results-oriented performance culture.

## Objective 3.3 Optimize technology and information management that supports the FTC mission.

Successful accomplishment of the FTC mission is increasingly dependent on IT systems and services. FTC staff relies on the agency's IT systems to manage the high volume of information gathered as part of the agency's mission, and to comply with mandates concerning the preservation and handling of agency records. The FTC must invest in IT services that will improve the user experience, allowing the agency to manage increasing data volumes effectively while meeting regulatory obligations.

An enterprise architecture-based approach will be used to modernize FTC's IT capabilities, eliminating outdated systems and utilizing cloud-based solutions when practicable. By properly assessing the future IT landscape, FTC can take advantage of emerging IT services while ensuring a clear focus on FTC mission objectives.

The FTC must continue to address the challenges of meeting the government-wide FISMA requirements. This legislation mandates that information and information systems must be protected from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide integrity, confidentiality and availability.

The FTC is also committed to effective and efficient management of information resources, and is transitioning to managing most information resources electronically. This transition will enable staff to perform their work more efficiently, facilitate public access, and protect sensitive information from inappropriate access.

### Strategies

- Execute a unified IT Modernization Program to ensure all IT initiatives are strategically aligned, and reduce cost of commodity IT services through cloud-based and shared solutions, redirecting savings to mission-focused litigation support solutions.
- Use government-wide acquisition contracts (GWAC) and secure cloud providers to reduce cost and speed implementation of modernization efforts.
- Focus on security, documentation, and process improvements necessary to advance the FISMA maturity of the FTC.
- Improve agency IT services by creating resilient and available services, consolidating the management, increasing utilization of IT resources, and investing in new technologies to advance the FTC's mission.

- Continue the transition to electronic information resource management and electronic record-keeping, and manage FTC records in accordance with the Managing Government Records Directive M-12-18.
- Implement an Enterprise Content Management (ECM) system to allow staff to do their work in a collaborative environment and to manage information throughout its lifecycle.

#### **External Factors**

- The ability to make significant technology investments, including investments in an ECM system, may be affected by resource constraints.
- Federal mandates and guidance may limit available information management solutions and delay cloud-based modernization efforts.
- Evolving information security threats will affect IT modernization efforts and FTC's overall risk posture. FTC will continue to mature its processes and documentation surrounding information security and risk management to monitor and mitigate risks associated with IT modernization efforts as part of a comprehensive IT risk management program. FTC will also continue to standardize security controls across systems to decrease complexity and risk.

#### **Performance Goals**

**3.3.1** Availability of information technology systems.

**3.3.2** Percentage of IT spend on provisioned IT services.

**3.3.3** Achieve a favorable FTC Cybersecurity Index score.

**3.3.4** Percentage of permanent records that are managed electronically.

## Appendix of Performance Goals

 indicates Key Performance Goal

### Goal 1 - Protect consumers from unfair and deceptive practices in the marketplace

**Objective 1.1** Identify and take actions to address deceptive or unfair practices that harm consumers.

<b>1.1.1</b>	Percentage of the FTC's consumer protection law enforcement actions that targeted the subject of consumer complaints to the FTC.
<b>1.1.2</b>	Rate of customer satisfaction with the FTC's Consumer Response Center.
 <b>1.1.3</b>	Total consumer savings compared to the amount of FTC resources allocated to consumer protection law enforcement.
 <b>1.1.4</b>	Amount of money returned to consumers or forwarded to the U.S. Treasury resulting from FTC enforcement action.

**Objective 1.2** Provide consumers and businesses with knowledge and tools that provide guidance and prevent harm.

 <b>1.2.1</b>	Rate of consumer satisfaction with FTC consumer education websites.
<b>1.2.2</b>	Number of workshops and conferences the FTC convened that address consumer protection issues.
<b>1.2.3</b>	Number of consumer protection reports the FTC released.

**Objective 1.3** Collaborate with domestic and international partners to enhance consumer protection.

<b>1.3.1</b>	Number of investigations or cases in which the FTC and other U.S. federal, state and local government agencies shared evidence or information that contributed to FTC law enforcement actions or enhanced consumer protection.
 <b>1.3.2</b>	Number of investigations or cases in which the FTC obtained foreign-based evidence or information or engaged in other mutual assistance that contributed to FTC law enforcement actions, or in which the FTC cooperated with foreign agencies and/or multilateral organizations on enforcement matters.
<b>1.3.3</b>	Number of instances of policy advice or technical assistance provided to foreign consumer protection and privacy agencies, directly and through international organizations.
<b>1.3.4</b>	Percentage of consumer protection advocacy comments and amicus briefs filed with entities including federal and state legislatures, agencies, or courts that were successful in whole or in part.

## Goal 2 - Maintain competition to promote a marketplace free from anticompetitive mergers, business practices, or public policy outcomes

**Objective 2.1** Identify and take actions to address anticompetitive mergers and practices.

 <b>2.1.1</b>	Percentage of full merger and nonmerger investigations in which the FTC takes action to maintain competition.
<b>2.1.2</b>	Consumer savings through merger actions taken to maintain competition.
 <b>2.1.3</b>	Total consumer savings compared to the amount of FTC resources allocated to the merger program.
<b>2.1.4</b>	Consumer savings through nonmerger actions taken to maintain competition.
 <b>2.1.5</b>	Total consumer savings compared to the amount of FTC resources allocated to the nonmerger program.

**Objective 2.2** Engage in effective research, advocacy, and stakeholder outreach to promote competition and advance its understanding.

<b>2.2.1</b>	Number of workshops, seminars, conferences, and hearings convened or co-sponsored that involve significant competition-related issues.
<b>2.2.2</b>	Number of reports and studies the FTC issued on key competition-related topics.
<b>2.2.3</b>	Percentage of competition advocacy comments and advocacy briefs filed with entities including federal and state legislatures, agencies, or courts that were successful, in whole or in part.

**Objective 2.3** Collaborate with domestic and international partners to preserve and promote competition.

 <b>2.3.1</b>	Percentage of FTC cases involving at least one substantive contact with a foreign antitrust authority in which the agencies followed consistent analytical approaches and reached compatible outcomes.
<b>2.3.2</b>	Number of instances in which the FTC provided policy advice or technical assistance to foreign competition agencies or government, directly and through international organizations.

### Goal 3 - Advance the FTC's performance through excellence in managing resources, human capital, and information technology

#### Objective 3.1 Optimize resource management and infrastructure.

<b>3.1.1</b>	The extent to which the FTC is prepared to protect people and property and to continue mission essential operations during emergencies.
<b>3.1.2</b>	Percentage of survey respondents who are satisfied or very satisfied with the timeliness of administrative operations.
<b>3.1.3</b>	Achieve a favorable (unmodified) audit opinion from the agency's independent financial statement auditors.
<b>3.1.4</b>	Percentage of new entrant, annual, and termination Public Financial Disclosure Reports that are filed within the required timeframe.
<b>3.1.5</b>	Percentage of contract actions awarded within FTC's established Procurement Action Lead Time.

#### Objective 3.2 Cultivate a high-performing, diverse, and engaged workforce.

<b>3.2.1</b>	The extent to which FTC employees consider their agency to be a best place to work.
<b>3.2.2</b>	The extent to which employees believe the FTC encourages a culture that is open, diverse, and inclusive.
 <b>3.2.3</b>	The extent to which employees believe the FTC cultivates engagement throughout the agency.
<b>3.2.4</b>	The extent to which employees believe FTC management promotes a results-oriented performance culture.

#### Objective 3.3 Optimize technology and information management that supports the FTC mission.

<b>3.3.1</b>	Availability of information technology systems.
<b>3.3.2</b>	Percentage of IT spend on Provisioned IT Services.
<b>3.3.3</b>	Achieve a favorable FTC Cybersecurity Index score.
<b>3.3.4</b>	Percentage of permanent records that are managed electronically.

## Acknowledgements

### Federal Trade Commission

Maureen Ohlhausen, Acting Chairman

Terrell McSweeney, Commissioner

The Commission gratefully recognizes the significant contributions of the following individuals in the preparation of the plan:

#### Office of the Chairman

Svetlana Gans

#### Bureau of Competition

Marian Bruno  
Jeanine Balbach  
Nathan Hawthorne  
Andrea Jones  
Kelly Signs

#### Bureau of Consumer Protection

Daniel Kaufman  
Kathleen Benway  
Aaron Hutchinson  
Jenny Kellogg

#### Bureau of Economics

Michael Vita  
J. Elizabeth Callison  
Andrew Stivers

#### Office of International Affairs

Russell Damtoft  
Kristian Katona  
Priscilla Jamison

#### Office of the Secretary

April Tabor

#### Office of Congressional Relations

Jeanne Bumpus  
Philip Runco

#### Office of the Executive Director

David Robbins  
Pat Bak  
Monique Fortenberry

#### Administrative Services Office

Mark Oemler

#### Financial Management Office

David Rebich  
Valerie Green  
Katie Wurtz-Brodfehrer  
Chris Bryan  
Tonia Hill  
Lori Walsh-Van Wey  
Gabrielle Tharkur (Intern)

#### Human Capital Management Office

Vicki Barber  
Paula Chandler  
Priya Shanker

#### Office of the Chief Information Officer

William Merkle  
Meghan Baburek  
Chloe Collins

#### Records and Filing Office

Jeff Nakrin  
Yvonne Wilson

#### Office of the General Counsel

David Shonka  
Sarah Mackey

#### Office of Policy Planning

Suzanne Munck  
Chris Bryan

#### Office of Equal Employment Opportunity and Workplace Inclusion

Namon Friends  
Yvette Delgado

#### Regional Representative

Chris Couillou (Southeast Region)

# Appendix F

**CAUTION:** The Intranet contains **NON-PUBLIC** information.

## Chapter 5: Section 330 - Alternative Dispute Resolution Policy and Procedures

---

1. Purpose	8. Use of ADR for Non-EEO Workplace Disputes
2. Policy	9. Use of ADR Processes in Employment Matters
3. Authority	10. Records Management
4. Coverage	
5. Responsibilities	<b>Appendices</b>
6. General Discussions Governing Use of ADR	
7. Use of ADR for EEO Matters	

---

### 1. Purpose

This section establishes the Federal Trade Commission's (FTC) policy concerning alternative dispute resolution (ADR) to address disputes in a mutually acceptable and cost-effective manner. As most commonly used at the FTC, ADR is a collaborative, consensual approach to dispute resolution, which is usually, but not necessarily, conducted under the auspices of a neutral person. It is typically used as an alternative to litigation or other formal, adversarial proceedings. Although ADR encompasses a variety of processes, including mediation, facilitation, fact-finding, early neutral evaluation, use of ombuds, minitrials, settlement conferences, peer review, and other dispute resolution techniques, as used in this Section it does not apply to the FTC's consent order procedure under Part II of its Rules of Practice, 16 C.F.R. Part II, or to its internal peer review process for written materials.

### 2. Policy

The FTC supports the use of non-binding ADR to assist in preventing and resolving internal workplace disputes, including Equal Employment Opportunity (EEO) complaints and grievances. The agency also believes ADR can be appropriate to resolve disputes with external parties concerning contract disputes and other matters affecting the public or regulated community. In cases suitable for ADR, the FTC is committed to providing access to effective and efficient ADR methods to resolve conflicts as soon as possible. All aspects of ADR utilized at the FTC are voluntary, including the decision to participate, the ADR method to be used, and the content of any final agreement or decision.

The objectives of this policy are to:

- A. Help interested parties define and clarify issues, understand different perspectives, identify interests, and explore options for resolving conflict by impartial and confidential means;
- B. Resolve conflicts and minimize resorts to formal legal complaints or grievances;
- C. Provide a wholly voluntary, fair, equitable, effective, and low cost means for resolving disputes to the mutual satisfaction of all parties at the earliest opportunity;
- D. Use ADR techniques to facilitate communication and improve relationships between the parties involved in a dispute; and
- E. Guide participants in reaching agreements that address their concerns, lead to lasting resolution of problems, and provide a foundation for future relationships.

This policy does not supersede any collective bargaining agreement or statutory, regulatory, or other mandatory procedure.

### 3. Authority

This section is authorized pursuant to:

- A. Administrative Dispute Resolution Act (ADRA) of 1996, 5 U.S.C. §§ 571-584
- B. ADRA of 1998, 28 U.S.C. §§ 651-658
- C. Negotiated Rulemaking Act, 5 U.S.C. §§ 561-570
- D. EEOC Regulation 29 C.F.R. Part 1614.102(b)(2)

E. EEOC Management Directive (MD) 110 and MD-715

F. Executive Order 12979

#### 4. Coverage

A. *Persons Who May Participate in ADR.* All persons involved in a dispute with the FTC or its managers, supervisors, or employees may potentially participate in ADR.

B. *Matters Subject to ADR.* Many types of workplace disputes involving EEO and non-EEO issues, labor-management matters raised under a negotiated grievance procedure, matters presented pursuant to the agency's administrative grievance process (see [Administrative Manual Chapter 3, Section 800](#)), or disability access complaints raised under Section 508 of the Rehabilitation Act of 1973 (see [Administrative Manual Chapter 3, Section 300, Employment of Persons with Disabilities, Part VII](#)) may be amenable to resolution through ADR; however, ADR may not be appropriate or feasible for all types of disputes. Certain matters including, but not limited to, conduct involving fraud, waste, or abuse against the Federal Government or criminal activity, and many types of enforcement or compliance related issues before the Commission are not suitable for resolution through ADR processes. While the FTC will consider any suggestion to engage in ADR, the agency will determine whether a particular dispute is appropriate for ADR on a case-by-case basis.

C. *Preferred ADR Method.* Mediation, the process whereby a neutral third party helps participants achieve a resolution of their dispute, is the preferred method of ADR at the FTC for most types of employment disputes. The agency may utilize other ADR methods depending on the circumstances.

#### 5. Responsibilities

A. *Executive Director.* The Executive Director, alone or through his or her designee, is responsible for:

- (1) Allocating adequate resources to develop, maintain, and provide a fair, effective, and efficient ADR program;
- (2) Ensuring the implementation of an ADR program to provide for mediation and other types of ADR for EEO, non-EEO, and other types of workplace disputes;
- (3) Supporting ADR by publicizing the program and encouraging managers and supervisors to support it;
- (4) Reviewing proposed settlements reached through mediation or other forms of ADR in matters that are within the Executive Director's areas of authority to ensure that the terms of the agreement are technically correct and consistent with applicable laws, regulations, rules, or policies, and determining whether the proposed agreement is in the best interest of the agency. This function will be carried out, as appropriate, in coordination with the Director of EEO, the Human Resources Management Office (HRMO), the Office of the General Counsel (OGC), and other relevant offices;
- (5) Approving satisfactory settlement agreements reached through ADR in matters that are within the scope of the Executive Director's authority.

B. *Director of HRMO.* The Director of HRMO, alone or through his or her designee, is responsible for:

- (1) Determining which non-EEO employment disputes are appropriate for mediation or other forms of ADR;
- (2) Monitoring non-EEO employment disputes that are referred to mediation or other forms of ADR and coordinating all logistical needs associated with ADR;
- (3) Providing guidance and technical advice to the neutral as needed;
- (4) Providing advice to the Executive Director regarding settlement agreements of non-EEO employment disputes;
- (5) Providing information and training regarding ADR processes to HRMO specialists;
- (6) Providing training for managers, supervisors, and employees regarding the agency's ADR program and procedures for workplace conflicts in conjunction with the Director of EEO.

C. *Director of EEO.* The Director of EEO, alone or through his or her designee, is responsible for:

- 1) Developing and implementing the FTC ADR program as it relates to the use of ADR to resolve EEO matters;
- (2) Monitoring EEO matters referred to ADR, including coordinating all logistical requirements associated with ADR;
- (3) Providing guidance and technical advice to the assigned neutral regarding EEO matters, as needed;
- (4) Providing advice to the Executive Director regarding settlements of EEO matters reached through ADR;

- (5) Providing information and training concerning ADR processes to EEO staff and agency counselors;
- (6) Working in collaboration with the Director of HRMO or his or her designee to optimize the use of ADR techniques and to train managers, supervisors and employees regarding the use of ADR for EEO matters;
- (7) Ensuring that ADR of all EEO matters is consistent with applicable EEO laws, regulations, and guidance.

D. *General Counsel*. The General Counsel shall appoint an ADR Specialist from the OGC staff who is responsible for:

- (1) Serving as the agency's point of contact for information, support, and advice regarding ADR policy, procedures, methods and requirements;
- (2) Exploring and facilitating options for expanding the use of ADR within the agency;
- (3) Advising and assisting in the identification and selection of appropriate neutrals, as needed.

E. *Office Heads*. The Bureau Directors and heads of various offices are responsible for:

- (1) Supporting the agency's ADR policy by suggesting or using ADR methods in appropriate situations;
- (2) Receiving and reviewing requests for ADR in non-employment matters;
- (3) Evaluating the suitability for ADR of such requests, and, assuming suitability, the means of ADR most appropriate for the particular matter.

F. *Managers and Supervisors*. Managers and supervisors are responsible for:

- (1) Supporting the agency's ADR policy by utilizing mediation or other ADR methods within their work unit to help resolve disputes, as appropriate;
- (2) Actively seeking resolution of conflict, in particular EEO and non-EEO employment disputes, at the earliest appropriate opportunity;
- (3) Participating in good faith in mediation or other ADR processes once the agency has determined that a matter is appropriate for ADR;
- (4) If the agency approves a settlement agreement through ADR, ensuring implementation of such agreement in a prompt and timely manner and complying with its terms;
- (5) Protecting the confidentiality of ADR proceedings in a manner consistent with all applicable statutes, regulations, and agency policies and practices.

G. *Employees*. Employees are responsible for:

- (1) Where applicable, making a timely and well-informed election among ADR, traditional EEO counseling, complaint procedures, the negotiated grievance process, the administrative grievance process, or other adversarial proceeding to resolve employment disputes;
- (2) When ADR is selected for addressing an employment dispute, cooperating in the ADR process by identifying the issues, concerns, or claims related to the dispute;
- (3) Participating in good faith in mediation and other ADR processes;
- (4) If a resolution of the dispute is reached through a settlement agreement, signing the agreement and complying with applicable terms in good faith and in a prompt and timely manner;
- (5) Protecting the confidentiality of ADR proceedings in a manner consistent with all applicable statutes, regulations, and agency policies and practices.

H. *Neutral*. The neutral, typically a mediator, is responsible for:

- (1) Ensuring that ADR is conducted in a fair and diligent manner and that the parties have ample opportunity to discuss their views;
- (2) Agreeing to provide ADR services only when he or she is prepared to commit the attention essential to an effective ADR proceeding;
- (3) Accepting cases only when he or she can satisfy the reasonable expectation of the parties concerning the timing of the ADR process;

- (4) Encouraging and facilitating the parties' exploration of acceptable settlement options;
- (5) Maintaining professional training, education, and experience in ADR techniques;
- (6) Only providing ADR services when he or she has the necessary competence in the area of dispute to conduct the mediation or other ADR process;
- (7) Maintaining the confidentiality of the ADR process and communications made in connection with the process in a manner consistent with all applicable statutes, regulations, and agency policies and practices;
- (8) Conducting ADR proceedings in a manner that is consistent with law, regulations, policies and practices, including, in the case of EEO matters, applicable EEO law, regulations, and guidance;
- (9) Remaining impartial and avoiding any conflict of interest or appearance of such conflict during the ADR proceedings;
- (10) Discussing with the parties and taking appropriate steps to address the situation, including, but not limited to, withdrawing or requesting appropriate assistance if he or she determines at any time that he or she is unable for any reason to complete the proceeding competently.

## **6. General Procedures Governing Use of ADR**

This part discusses the general procedures the FTC follows in offering mediation or other forms of ADR. These procedures do not supplant any procedures established by a collective bargaining agreement, or by any statutory, regulatory, or other mandatory procedure.

*A. Requests for ADR.* Requests for ADR may be initiated by any party to a dispute. For example, in the case of an employment conflict, any party to the dispute, including supervisors and managers, may initiate a request for ADR by contacting the EEO Office in a matter involving allegations of discrimination or by contacting HRMO for a non-EEO matter. For non-employment matters, the request to participate in ADR may be initiated by contacting the appropriate bureau, office, or division.

(1) In employment matters, the party requesting ADR must complete and submit an ADR request form to the EEO Office or HRMO (see [Appendix A](#)). In non-employment matters, a written request for ADR should be submitted to the head of the involved bureau, office, or division. This request will be reviewed by agency officials to determine whether the matter is appropriate for ADR, as well as the ADR process in which the agency is willing to participate.

(2) If agency officials find a matter to be suitable for ADR, and both parties agree to the process, ADR should begin as soon as practicable, consistent with the agency's policy to resolve disputes as expeditiously and fairly as possible.

(3) If agency officials determine that a matter is not suitable for ADR, the person to whom the request was submitted will inform the requesting party.

(4) If agency officials determine that a matter is suitable for ADR, but not for the specific process proposed, they may suggest a different form of ADR.

*B. Agreement to Engage in ADR.* All parties to ADR must sign an agreement to participate prior to the initial ADR session (see [Appendix B](#) for terms that should be included, unless not appropriate for the case, in all agreements to participate in ADR). The ADR agreement: defines the nature of the proceeding; describes the procedures to be followed during the ADR process; and specifies that the parties have the responsibility to negotiate in good faith, must be prepared to discuss proposals for settlement, and must maintain the confidentiality of the process. The agreement also should provide that the parties do not waive their respective right to pursue claims or defenses in a timely manner if ADR does not succeed.

*C. Selecting a Neutral.* In most instances the FTC will use the services of a neutral, typically a trained, experienced mediator, to assist the parties in resolving the controversy. In employment matters, the Director of EEO or HRMO, as appropriate, will select the neutral to be assigned to the matter. Any party to the dispute may object to the neutral by notifying either the Director of EEO or HRMO, who will review the objections and attempt to resolve any concerns or arrange for another neutral. If the parties do not agree to a neutral within a reasonable period of time, the ADR process may be terminated.

*D. Role of the Neutral.* Once the parties select the neutral, the specific responsibilities of the neutral during the ADR process will vary depending on the type of ADR method used, the issue(s) in dispute, the needs and expectations of the parties, and other relevant circumstances. The ADR proceeding may involve joint discussions with all parties and caucuses with individual parties to the dispute; however, in all circumstances, the neutral will manage the ADR proceeding, allow each party to explain his or her views about the matter in dispute, and discuss potential ways the matter might be resolved (see also [Part 5, paragraph G](#) above).

**E. Confidentiality of ADR.** The ADR process is confidential. Under the ADRA, neutrals and parties are prohibited from disclosing dispute resolution communications (e.g., memoranda, notes or work product of the neutral, parties or nonparty participants, etc.) except as specifically provided for under that Act (5 U.S.C. §§ 571, 574).

(1) The neutral must understand and be capable of carrying out the nondisclosure requirements of the ADRA and relevant agency policy to protect confidential communications and help define reasonable confidentiality expectations of the parties. The neutral may not serve as a witness, consultant, or expert in any investigation, action, or proceeding relating to the subject matter of the ADR. Before disclosing any communications that may be confidential, the neutral must contact the Agency's ADR Specialist or the Principal Deputy General Counsel for guidance.

(2) The parties and their representatives will be required as part of the ADR agreement to acknowledge in writing their confidentiality obligations, as well as the obligations of the neutral (see [Appendix B](#)). With approval of the Agency's ADR Specialist or the Principal Deputy General Counsel, the parties may modify their specific confidentiality obligations during the course of the ADR proceeding.

(3) Other relevant statutes, rules and polices, including the Privacy Act, Section 6(f) and 21 of the FTC ACT, Section 7A(h) of the Clayton Act, Part IV of the agency's Rules of Practice, and the agency's policies, including its policy regarding Personally Identifiable Information and Sensitive Health Information (see [Administrative Manual Chapter 5, Section 220, Safeguarding Sensitive Personally Identifiable Information and Sensitive Health Information](#)) also may render confidential certain information presented in the course of an ADR proceeding.

(4) The neutral, the parties' representatives, and all non-party participants in the ADR process shall be advised of the confidential nature of any ADR proceeding. These individuals ordinarily will be expected to sign a separate confidentiality agreement restricting disclosure (see [Appendices B and E](#)). For additional guidance on this requirement and other measures that may protect the confidentiality of ADR communications when non-party participants are present at ADR sessions, the Agency's ADR Specialist or another senior member of the OGC should be contacted.

**F. Representatives and Other Participants in ADR.** All parties to an ADR proceeding have a right to a representative of their choice to advise and accompany them in the process, unless such representation presents a conflict of position or interest, or causes unreasonable cost to the Government.

(1) In employment matters, a designation of a representative must be made in writing to the Director of EEO or HRMO, as appropriate. In nonemployment matters, if a party plans to engage an attorney or other representative, he or she must inform the relevant bureau, office, or division prior to the start of the ADR session.

(2) In all types of matters in ADR, the neutral will determine the specific role that the representative will play at the ADR proceeding itself and may limit the number of participants, including representatives, in an ADR session at any time to ensure confidentiality and an orderly process.

(3) Absent specific statutory authority or an agreement of the parties, each participant is responsible for his or her attorney fees and other costs of representation in ADR proceedings.

(4) In employment disputes, union representatives may be present at ADR sessions between one or more representatives of management and a bargaining unit employee. An ADR session involving a bargaining unit employee is considered a "formal discussion;" therefore, the union must be notified of the ADR session and provided an opportunity to be present, whether selected by the bargaining unit employee as a representative or not. If serving as a participant in the session, the union also will be bound by the same confidentiality requirements as other participants in the process.

(5) The agency will select its ADR representative on a case-by-case basis. For most employment disputes, the agency will be represented by the immediate supervisor of the employee who has requested ADR; however, the agency also may select other or additional people to attend an ADR session. Regardless of who represents the agency at the session, that person must be granted sufficient authority to negotiate on behalf of the agency or ensure that an official with such authority is readily available by phone or in person.

**G. Use of Official Time.** In employment disputes, an employee and his or her representative, if also an FTC employee in a duty status, are entitled to a reasonable amount of official time to prepare and present a matter in an ADR proceeding. Travel, if required, also may be allowed without charge to leave or loss of pay in accordance with pertinent laws and regulations. Official time must be requested and approved in advance by the appropriate manager or supervisor.

**H. Concluding ADR.** ADR can be concluded by settlement, without a settlement, or by termination of the process by either party or the neutral.

(1) **Settlement.** Settlement can be achieved through many means, including, but not limited to: memoranda of understanding (MOU); formal settlement agreements in internal, procurement, or contract matters; and stipulated orders in court cases. If the parties reach a formal settlement agreement, the neutral or parties will prepare a draft

agreement incorporating the agreed-upon terms. The terms of the draft settlement agreement must be reduced to writing and signed by both parties. For EEO-related issues, the parties should use the standard provisions for settlement of employment issues found at [Appendix D](#) of this section, and include appropriate and necessary provisions regarding compliance (see Part 7, paragraphs [A\(4\)](#) and [B\(5\)](#)). All draft settlement agreements must be coordinated with, and reviewed by, appropriate agency officials from OGC, EEO, and HRMO in employment cases, and the head of the involved bureau, office, or division, or relevant deputies in non-employment matters, prior to signature and final agency approval.

(a) *Employment Matters.*

(i) No party involved in the ADR process will be coerced into signing a settlement agreement (see [Part 7](#)).

(ii) The draft agreement will be signed by both parties and forwarded to the Executive Director or his or her designee for final approval and signature. *No settlement agreement shall be final or binding until it is signed by the Executive Director or his or her designee, at which point it will be binding on all parties.*

(iii) *Once a settlement agreement is signed by the Executive Director, a copy will be provided to the neutral who must notify the parties and provide copies of the agreement to them. The Director of EEO or HRMO, as appropriate, will also retain a copy of the agreement.*

(b) *Non-employment Matters. In most circumstances, the Commission's designated representative will negotiate a settlement agreement and forward the proposed agreement to the head of the bureau, office, or division, as appropriate, for signature and approval. In matters requiring final Commission approval, once the bureau, office or division head approves the proposed agreement, he or she will forward it to the Commission, who in turn, will decide whether to accept the agreement. In matters that do not require approval by the Commission, the agreement will become final after it is signed by the head of the appropriate bureau, office or division.*

(2) *Settlement is not Reached.*

(a) *If, after reasonable good faith efforts, the parties are unable to settle some or all of the disputed issues, the neutral should end the ADR process. Once the process is terminated, the parties may pursue their respective claims to the extent that they have not expressly waived them. All required time frames for initiating a complaint, grievance, appeal or other like challenge must be strictly adhered to in accordance with the applicable laws, regulations or, in the case of a union grievance, the collective bargaining agreement.*

(b) *Any party may terminate the ADR process at any time by written notice to the neutral and the other party. If either or both parties request that ADR cease, a written request must be proposed by the requesting party or parties (see [Appendix C, Request to Discontinue ADR](#)). Copies of the signed request will be provided to the parties, the neutral, and the original signed copy will be forwarded to the head of the relevant bureau, office, or division, or the Directors of EEO or HRMO, as appropriate.*

(c) *The neutral also may terminate ADR at any time if he or she believes that a party is not acting in good faith, concludes that further dispute resolution efforts would not be useful, or for personal reasons. The neutral must consult with the head of the relevant bureau, office, or division, or the Directors of EEO or HRMO, as appropriate, prior to termination of ADR and provide all parties with written notice of the discontinuance.*

*1. Exception to Agency ADR Procedures. In those instances where the agency participates in ADR pursuant to a court order or as part of a court-sponsored proceeding, the ADR process shall be governed by the applicable court rules.*

## **7. Use of ADR for EEO Matters**

*The agency is committed to the use of ADR to resolve disputes that arise under the statutes, regulations and guidance enforced by the EEOC. In addition to the general ADR procedures in Part 6 of this section, the procedures established in this part must be followed in using ADR for any EEO issue. Mediation is the preferred method of ADR for all EEO matters.*

### **A. Precomplaint ADR.**

(1) *Before filing a formal complaint of discrimination, any employee or applicant who believes that he or she was subjected to discrimination must contact an FTC EEO Counselor within 45 calendar days of the alleged discriminatory incident. If the incident is related to an agency personnel action, the complainant must contact the EEO Counselor within 45 calendar days of the effective date of the action or the date the complainant knew or reasonably should have known of the alleged discriminatory action.*

(2) *If the complainant timely contacts the EEO counselor concerning alleged discrimination, pursuant to 29 C.F.R. § 1614.105 and [Administrative Manual Chapter 5, Section 400, Equal Employment Opportunity](#), the EEO Counselor will:*

(a) Provide the complainant with a description of the precomplaint EEO counseling and the ADR processes and advise him or her of the option to choose between them.

(b) If the complainant elects ADR, the EEO Counselor will:

(i) Advise the complainant of his or her rights and responsibilities in the EEO complaint process;

(ii) Advise the complainant of all relevant deadlines and inform him or her that by participating in ADR, the precomplaint EEO counseling process will be extended from 30 to 90 calendar days. If the complainant does not elect ADR (or if the agency does not offer it), the EEO Counselor will begin traditional EEO counseling;

(iii) Explain the complainant's responsibility for assisting the EEO Counselor in framing and clarifying the issues and bases involved in ADR; and

(iv) Request that the complainant sign and submit an election of ADR form.

(3) If the complainant elects ADR, and the Director of EEO approves this process, the EEO Counselor will:

(a) Coordinate all ADR activities;

(b) Brief the assigned neutral on the issues and bases presented in the precomplaint process and provide support to ADR participants in coordinating all logistical needs; and

(c) Contact appropriate management official(s) to inform them of the election to use ADR, explain the ADR process and issues to be resolved, and arrange for the management official(s) to participate in the ADR session(s).

(4) If ADR is successful and the parties agree to a formal settlement agreement, the parties will sign a settlement agreement that is prepared in accordance with EEO and agency settlement procedures and includes all necessary provisions regarding compliance (see 29 C.F.R. § 1614.504; see also [Administrative Manual Chapter 5, Section 400, Equal Employment Opportunity, Part VIII, paragraph 1E](#)).

(5) If ADR is not successful or if some issues remain unresolved within 90 calendar days from the date that precomplaint EEO counseling was initiated, the EEO Counselor will:

(a) Conduct a final interview with the complainant and issue a notice of the right to file a formal complaint of discrimination; and

(b) Provide the complainant with the EEO counselor's report that includes, among other things, a statement that ADR was unsuccessful. Because all information disclosed in ADR is confidential, no other information regarding the ADR session(s) will be reported.

#### B. Formal Complaint ADR.

(1) At the formal stage of the EEO complaint process, the complainant will be advised that he or she may elect ADR at any time after filing a formal complaint, at the end of the investigation of the complaint, or prior to a hearing.

(2) If the complainant elects ADR, he or she must sign an election form to use ADR and provide it to the Director of EEO, who will determine whether the matter is appropriate for ADR.

(3) The 180-day processing period for a formal complaint may be extended by 90 days to conduct ADR, if the parties so agree in writing.

(4) All arrangements for ADR will be undertaken by the Director of EEO or an EEO Counselor.

(5) If ADR is successful and the parties agree to a formal settlement agreement, the parties will sign a settlement agreement prepared in accordance with EEO and agency settlement procedures and includes all necessary provisions regarding compliance (see 29 C.F.R. § 1614.504; see also [Administrative Manual Chapter 5, Section 400, Equal Employment Opportunity, Part VIII, paragraph 1E](#)).

(6) If ADR is unsuccessful, the complainant will be advised of his or her rights to pursue a complaint.

C. Qualifications for EEO Neutral. Any person who serves as a neutral of an EEO dispute should have ample knowledge of the following: EEO laws; the Federal sector EEO complaint process, including time limits; the Civil Service Reform Act and the statutes that the EEO enforces; the theories of discrimination; and remedies available, such as compensatory damages, costs and attorney's fees.

*D. Role of Neutrals. The EEOC imposes on neutrals the obligation to act consistently with the requirements of the ADRA, to ensure confidentiality, and to destroy all written notes taken during the ADR proceeding or in preparation for the proceeding.*

*E. Dealing with Non-EEO Issues in EEO ADR. Issues raised during the informal or formal EEO complaint processes may include non-EEO issues. The parties may raise and address both EEO and non-EEO issues in the ADR process described in this subpart; however, if ADR is unsuccessful, non-EEO issues and issues not brought to the attention of the EEO Counselor cannot be included in any formal EEO complaint unless the issues are like or related to issues raised during EEO counseling.*

*F. Options for Bargaining Unit Employees. Bargaining unit employees covered by a collective bargaining agreement that permits allegations of discrimination to be raised through the negotiated grievance procedure who wish to file a discrimination complaint must elect to raise the discrimination allegations under the EEO procedures at 29 C.F.R. Part 1614 or through the negotiated grievance procedure, but not both.*

*G. Nothing said or done during attempts to resolve an EEO matter or complaint through ADR can be made the subject of an EEO complaint.*

### **8. Use of ADR for Non-EEO Workplace Disputes**

*ADR is available to resolve a variety of non-EEO workplace disputes, including labor management conflicts that arise under the collective bargaining agreement and issues that arise under the agency's administrative grievance procedure. Other workplace disputes also may be amenable to ADR. ADR techniques may be used to resolve disputes in the workplace at any phase, even if the employee does not intend to file a union or administrative grievance. Although the agency's preferred method of ADR for non-EEO workplace disputes is mediation, other forms of ADR may be suitable. The required procedures for engaging in ADR in non-EEO employment disputes are outlined below:*

*A. Time Limits. To ensure that no rights are forfeited, if an employee chooses to engage in ADR, the internal time limit for an employee to file a grievance under the negotiated grievance procedure, the administrative grievance procedure, or advancement to the next stage of the applicable grievance process will be automatically extended for 30 days from the date the employee submits the request for ADR. That date may be extended by mutual agreement of the parties or as provided in the collective bargaining agreement.*

*B. If issues remain unresolved when ADR has ended and the employee wishes to pursue his or her grievance rights with respect to those matters, the employee must file such grievance within seven days of the date on which he or she is notified that the ADR process is ended or the date specified in a pertinent collective bargaining agreement.*

*C. With respect to matters that are appealable to the Merit Systems Protection Board (MSPB) (e.g., removal, suspension of more than 14 days, or reduction in grade or pay, etc.), the parties may engage in ADR prior to the expiration of the 30-day time limit for filing an appeal of such action with the MSPB. If the parties wish to continue with their ADR efforts beyond the 30-day time limit, they must mutually submit a written notice to the MSPB prior to the expiration of the 30-day time limit, explaining that the parties are engaged in ADR. Under such circumstances, the MSPB may extend the time limit for filing an appeal by an additional 30 days – for a total of 60 days – to permit ADR to continue (see 5 C.F.R. § 1201.22(b)).*

### **9. Evaluation of ADR Processes in Employment Matters**

*A. The Directors of EEO and HRMO are responsible for monitoring and evaluating the agency's ADR efforts as they relate to employment matters. Evaluation forms relating to the processing of disputes and not the substance of disputes will be distributed to the participating parties (see [Appendix F](#)).*

*B. The HRMO and the EEO Office will jointly prepare an annual report evaluating the agency's ADR program in meeting its goals and objectives. The report shall include:*

- (1) The number of ADR sessions conducted;*
- (2) The types of ADR methods used;*
- (3) The number of issues presented in each type of ADR session;*
- (4) The number of employment matters resolved, partially resolved, and unresolved;*
- (5) The number of requests for ADR initiated by a supervisor or manager;*
- (6) The number of requests initiated by an employee;*
- (7) The number of requests initiated by someone other than an employee or supervisor;*

(8) *The types of issues submitted for ADR;*

(9) *All training efforts in ADR undertaken by the agency; and*

(10) *Any other information that may be pertinent.*

*The report will be submitted through the Executive Director to the Chairman no later than the end of each fiscal year. The report shall not contain confidential information relating to any identifiable dispute.*

#### **10. Records Management**

*The following ADR records must be maintained for three years after a settlement is fully implemented or the matter is closed in accordance with the General Records Schedule 1, under the Federal Records Act:*

*A. Agreement to Participate in ADR;*

*B. Participant Evaluation Form;*

*C. Original copy of written settlement agreements;*

*D. Records pertaining to non-EEO employment related ADR will be maintained in the HRMO. Records pertaining to EEO related ADR will be maintained in the EEO Office. Records pertaining to non-employment matters will be maintained in the official agency file of the matter in question.*

---

#### **Attachments :**

- [Appendix A: FTC Intake Form to Participate in ADR](#)
- [Appendix B: FTC Sample Agreement to Participate in ADR \(Parties and Representatives\)](#)
- [Appendix C: Request to Discontinue ADR](#)
- [Appendix D: Standard Provisions for Settlement Agreements Involving Employment Issues](#)
- [Appendix E: FTC Sample Confidentiality Agreement \(Non-Party Participants\)](#)
- [Appendix F: ADR Program Evaluation](#)

# Appendix G

**CAUTION:** The Intranet contains **NON-PUBLIC** information.

## Chapter 5: Section 420 - Anti-Harassment Policy and Procedures (Updated March 2012)

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. Policy</li> <li>2. Purpose</li> <li>3. Relationship to Other Processes</li> <li>4. Definitions</li> <li>5. Responsibilities</li> <li>6. Reporting Harassment or Hostile or Abusive Conduct</li> <li>7. Responding to Harassment Allegations</li> </ol> | <ol style="list-style-type: none"> <li>8. Conducting the Harassment Inquiry</li> <li>9. Preparing the Report of Inquiry</li> <li>10. Corrective Action</li> <li>11. Prohibition Against Retaliation</li> <li>12. Maintaining Confidentiality</li> <li>13. Conflicts of Position or Interest</li> <li>14. Records and Reports</li> </ol> |
|--|---|

### 1. Policy

The Federal Trade Commission's (FTC) policy is to maintain a work environment free from unlawful harassment. Under this anti-harassment policy, harassment includes, but is not limited to, unwelcome intimidation, insult, comments or offensive physical conduct based on race, color, religion, sex, national origin, age, disability, retaliation, genetic information, or sexual orientation. This section outlines the responsibilities for compliance with this policy and establishes procedures for ensuring that appropriate FTC officials are notified of harassment in the workplace and have the opportunity to correct such conduct before it rises to the level of illegality. The FTC cannot address harassment if the conduct is not known. Therefore, when an employee unreasonably fails to take advantage of this policy or refuses to follow its procedures, the FTC has the right to raise such failure as a defense against a complaint of harassment.

This policy is part of the agency's ongoing effort to provide a model workplace for its employees. Further, under this policy, retaliation against any employee who reports an incident of harassment or assists in any inquiry of such reported conduct will not be tolerated.

### 2. Purpose

The conduct covered by this anti-harassment policy is broader than the legal definition of unlawful harassment and includes hostile or abusive conduct based on race, color, religion, sex, national origin, age, disability, retaliation, or genetic information even if such conduct does not rise to the level of illegality. This policy is also applicable to instances of harassment or hostile or abusive conduct based on sexual orientation which is prohibited under the agency's sexual orientation antidiscrimination policy. See Administrative Manual, Chapter 5, [Section 410, \*Sexual Orientation Antidiscrimination Policy and Complaint Procedures for Processing Allegations of Discrimination Based on Sexual Orientation\*](#). The purpose of this policy is to prevent and eliminate harassment in the workplace and to take all necessary steps to avoid harm to an employee who is subjected to unwelcome conduct based on any of the abovementioned protected characteristics.

### 3. Relationship to Other Processes

This anti-harassment policy is intended to supplement, not replace or supersede, other complaint processes that permit employees to pursue complaints of alleged harassment. As such, the procedures in this policy are separate and apart from the Equal Employment Opportunity (EEO) complaint process (see Administrative Manual, Chapter 5, [Section 400, \*Equal Employment Opportunity, Parts III-V\*](#), the negotiated grievance process, the Merit Systems Protection Board (MSPB) appeal process, or any other statutory complaint process that seeks to provide remedial relief for allegations of harassment that violate federal law. Further, because the purpose of this policy is to correct and prevent unwelcome conduct before it becomes severe or pervasive, any management official who receives an allegation of harassment must follow the procedures set forth in this chapter even if the complaining employee also files an EEO complaint, a union grievance, an MSPB appeal, or other like charge regarding the alleged incident.

It should be noted, however, that reporting harassment under this policy does not satisfy or delay the applicable time limits for initiating an EEO complaint, a union grievance, or an MSPB appeal. In the case of an EEO complaint, an employee who has made a report of harassment under this policy, but also wishes to pursue a claim of discriminatory harassment through the EEO process, must additionally contact an EEO counselor within 45 days of the most recent incident of alleged harassment. Administrative Manual, Chapter 5, [Section 400, Equal Employment Opportunity, Part III.2](#).

#### 4. Definitions

A. *Harassment* is unwelcome verbal or physical conduct that demeans or shows hostility toward another person based on race, color, religion, sex, national origin, age, disability, retaliation, genetic information, or sexual orientation. Such conduct may be found unlawful where:

- (1) an employee's acceptance or rejection of such conduct results in a tangible employment action that adversely affects the person's employment status; or
- (2) the conduct is sufficiently severe or pervasive to alter the terms, conditions, or privileges of employment, or otherwise create a hostile or abusive work environment.

B. *Sexual Harassment* is an unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature.

*Examples:* Unwelcome conduct of a sexual nature that may constitute sexual harassment includes, but is not limited to:

- (1) Physical assault, unnecessary touching, patting, hugging, or brushing against a person's body or other inappropriate touching of a person's body;
- (2) Requesting sexual favors in exchange for benefits, such as favorable evaluations, promotions, continued employment, or favorable assignments;
- (3) Making sexually explicit statements, comments, questions, jokes, innuendos, anecdotes, or gestures;
- (4) Disseminating material of a sexual nature through the use of electronic mail or other systems;
- (5) Displaying sexually suggestive objects, pictures, magazines, cartoons, or screen savers.

C. *Nonsexual Harassment* is unwelcome verbal or physical conduct that denigrates or shows hostility or aversion toward an employee based on a protected characteristic (i.e., race, color, religion, sex, national origin, age, disability, retaliation, genetic information, or sexual orientation).

*Examples:* Unwelcome conduct that may constitute non-sexual harassment includes, but is not limited to:

- (1) Disseminating offensive or demeaning material from the Internet or other sources;
- (2) Engaging in offensive or demeaning bantering, teasing, jokes, questions, gestures, innuendos, or other abusive or demeaning verbal behavior or physical conduct.

D. *Hostile or Abusive Conduct* is unwelcome verbal or physical conduct based on a protected characteristic under the law or agency policy (i.e., based on sex or sexual orientation) that does not reach the level of actionable harm. The meaning of hostile or abusive conduct is broader than unlawful harassment and includes actions of both a sexual and non-sexual nature that are not sufficiently severe or pervasive to rise to the level of illegality but nonetheless constitute improper workplace behavior.

#### 5. Responsibilities

A. *Chairman*. The Chairman is responsible for enforcing this policy by providing necessary support to management officials and ensuring management accountability for taking appropriate action to prevent and eliminate harassment in the workplace.

B. *The Director of EEO*. The Director of EEO, through his or her staff, is responsible for:

(1) Developing this anti-harassment policy and procedures, related forms, and guidance or informational materials; distributing information concerning prohibited harassment and compliance with this policy to agency bureaus, divisions and offices; and ensuring implementation of this policy to prevent and eliminate harassment and hostile or abusive conduct.

(2) Providing advice, technical assistance, and support to managers, supervisors, employees, and others, as needed, to achieve and maintain compliance with this policy.

(3) Ensuring that all employees receive periodic training concerning prevention of harassment, and that managers are trained in the requirements for addressing complaints of alleged harassment and, as appropriate, the procedures for conducting harassment inquiries.

(4) Developing and implementing guidelines for evaluating and monitoring trends in allegations raised and inquiries conducted under this policy, to include plans for assessing the overall effectiveness of this policy and implementing best practices to help provide a workplace free of harassment and hostile or abusive conduct.

C. *The Chief Human Capital Officer (CHCO)*. The CHCO, through his or her staff in the Human Capital Management Office (HCMO), is responsible for:

(1) Receiving complaints of harassment, notifying employees in writing that inquiries of reported incidents of harassment will be undertaken, making arrangements for harassment inquiries to be conducted, and advising agency management concerning interim relief.

(2) Maintaining a list of qualified management officials to carry out harassment inquiries, assigning such officials to perform harassment inquiries as needed, and participating in periodic training of employees with responsibilities under this policy. If circumstances warrant, a non-management official or external investigator may be assigned to perform a harassment inquiry.

(3) Providing assistance to managers and supervisors in taking appropriate corrective action, including disciplinary action, for conduct found to be in violation of this policy pursuant to Administrative Manual, Chapter 3, [Section 752, Disciplinary and Adverse Action Policy](#). This responsibility also includes monitoring implementation of recommended corrective action, to include notifying management of the need to take such action when harassing or hostile or abusive conduct is found.

(4) Establishing a secure system for maintaining records regarding harassment inquiries, reports, findings, actions taken, and any other pertinent documents or information prepared or obtained in accordance with this policy.

(5) Reporting to the Director of EEO regarding actions taken pursuant to this policy, including corrective actions, and providing copies of harassment reports, findings, and other related documentation so the Director can determine compliance with EEO requirements.

D. *Office of the General Counsel (OGC)*. OGC is responsible for:

(1) Providing legal counsel to managers and supervisors and other persons who have a need to know regarding implementation and interpretation of this policy, including the proper scope and procedures for carrying out harassment inquiries, the circumstances in which interim relief is required to insulate the alleged victim of harassment from further misconduct while a harassment inquiry is pending, the circumstances in which corrective action is appropriate, and recommended processes for preparing harassment reports.

(2) Providing legal counsel to management officials concerning actual or potential conflicts of interest or position that may affect their responsibilities under this policy.

(3) Participating in periodic training of employees with responsibilities under this policy.

E. *Bureau Directors and Heads of Offices.* The Bureau directors and heads of offices are responsible for:

(1) Helping establish and maintain a workplace that is free of harassment.

(2) Ensuring that subordinate supervisors and managers are aware of the requirements of this policy and that such officials are appropriately evaluated with respect to their performance in complying with these requirements.

(3) In collaboration with the Assistant Director of Employee and Labor Relations, HCMO, cooperating in selecting managers and supervisors to conduct harassment inquiries and ensuring that these designees have sufficient time to receive anti-harassment training and carry out their fact-finding responsibilities.

F. *Managers and Supervisors.* Managers and supervisors are responsible for:

(1) Complying with the requirements of the agency's anti-harassment policy, maintaining a work environment free of harassment, encouraging employees to report such conduct, preventing retaliation against any employee who complains of harassment or is involved in any harassment inquiry, and participating in anti-harassment training.

(2) Appropriately evaluating subordinate managers and supervisors on their performance in complying with this policy.

(3) Acting promptly to prevent and correct harassment or hostile or abusive conduct when it is observed or reported.

(4) Promptly notifying the Assistant Director of Employee and Labor Relations, HCMO, of incidents of harassment or hostile or abusive conduct.

(5) If assigned to perform a harassment inquiry, seeking the assistance and counsel of other offices with responsibilities under this policy, and utilizing the procedures in this policy, including, when appropriate, providing interim relief to alleged victims of harassment pending the outcome of an inquiry.

(6) Taking prompt and appropriate corrective action, to include disciplinary action if warranted, against employees who have engaged in harassment or hostile or abusive conduct, or who have failed to carry out their responsibilities under this policy.

G. *FTC Employees.* All FTC employees are responsible for:

(1) Refraining from harassment that could have the effect of interfering with another co-worker's rights or ability to perform his or her job.

(2) Participating in anti-harassment training.

(3) Becoming familiar with the requirements of this policy and complying with them.

(4) Promptly reporting harassment or hostile or abusive conduct.

## **6. Reporting Harassment or Hostile or Abusive Conduct**

A. An employee who believes he or she has been subjected to or witnessed harassment or hostile or abusive behavior based on any of the protected characteristics covered under this policy such as age

race, gender, or disability, should immediately report the incident to his or her manager or supervisor, or to the manager or supervisor of the employee who engaged in the conduct. Employees should report harassment as soon as it happens, and are encouraged to do so as promptly as possible, and generally no later than 60 days from the date of the incident.

B. If the employee believes that his or her manager or supervisor is the source of the harassment or is otherwise reluctant to speak with that official, the employee should promptly report the conduct to another manager or supervisor who is outside of his or her supervisory chain.

C. The employee may also report harassment or hostile or abusive conduct to the Assistant Director of Employee and Labor Relations, HCMO, by telephone, email, or other means.

D. The employee's initial report of harassment or hostile or abusive conduct may be written or oral and provide pertinent facts about the conduct.

## 7. Responding to Harassment Allegations

A. When an employee complains about harassment or hostile or abusive conduct, the agency has a duty to exercise reasonable care to prevent and promptly correct such conduct. If the conduct is covered under this policy, the agency must also respond by launching a prompt, thorough, and impartial inquiry of the alleged harassment, as described in Paragraph 8 below. Even if there is also a pending EEO complaint regarding the same reported conduct, the agency must undertake an appropriate harassment inquiry.

B. A manager or supervisor who receives a report or observes harassment or hostile or abusive conduct should immediately, (*i.e., generally in no more than one-business day*), notify the Assistant Director of Employee and Labor Relations, HCMO.

C. Upon receiving the report, the Assistant Director of Employee and Labor Relations should also immediately, (*i.e., generally in no more than one business day*), issue a written acknowledgment of the allegation to the complaining employee. This acknowledgement should:

(1) Indicate the name of the management official or other designee assigned to perform the harassment inquiry and state that this person will directly communicate with the complaining employee.

(2) Direct the employee to provide a written description of the alleged harassment or hostile and abusive behavior (*i.e., whether the conduct was sexual or non-sexual in nature*), the identity of the person(s) engaging in harassment or hostile and abusive conduct, the frequency of such conduct, and the identity of any witnesses by completing [FTC Form 113, Anti-Harassment Intake Form](#). If the complaining employee has not previously identified the protected basis(es) upon which the unlawful harassment is based, this form will provide him or her with an opportunity to do so to determine whether the conduct at issue can be addressed under this policy. The complaining employee should submit the completed form to the Assistant Director of Employee and Labor Relations, HCMO, or the official conducting the harassment inquiry, if one has been assigned.

(3) Specify that the employee may provide relevant documents or other information regarding the allegations along with the written description required in Paragraph (2) above.

(4) Advise the employee that failure to timely cooperate in the inquiry will not stop it from proceeding, but will limit the information upon which a determination whether the employee was subject to harassment or hostile or abusive conduct is made, and may affect the corrective action, if any, taken.

(5) Notify the employee that information obtained during the inquiry will be used for official purposes and maintained on a confidential basis to the greatest extent practicable. See [Paragraph 12](#).

(6) Inform the employee that the agency will not tolerate retaliation against any employee who makes an allegation of harassment or hostile or abusive conduct or participates in any inquiry regarding such allegation.

(7) Advise the employee of his or her right to also contact an EEO counselor to begin the EEO complaint process and that he or she must initiate such contact within 45 days of the harassing incident in order to file a timely complaint.

(8) Inform the employee of the entitlement to a reasonable amount of official time.

D. The Assistant Director for Employee and Labor Relations will also notify OGC that an allegation of harassment has been received, and, in coordination with OGC and other relevant offices, promptly assign a qualified official to conduct an inquiry into the facts and circumstance of the reported incident.

E. All harassment inquiries must be initiated as soon as management becomes aware of the situation. Under most circumstances, this means that the inquiry should commence within *three business days* of the date of the assignment of the official to conduct the inquiry.

## 8. Conducting the Harassment Inquiry

A. The management official assigned to the harassment inquiry is responsible for carrying out a prompt, thorough, and impartial inquiry of the alleged conduct, which includes preparing a written harassment report. See [Paragraph 9](#). Because the purpose of this policy is to ensure that agency officials have the opportunity to immediately address and correct harassment or hostile or abusive conduct and thereby limit the harm suffered, it is essential that an inquiry be completed within as short a time frame as possible. Under most circumstances, this means that an inquiry should be completed *within thirty days* of the date of assignment.

(1) On occasion, additional time may be needed to finish an inquiry, (e.g., when the reported incident involves multiple allegations of harassment or numerous witnesses, or when travel is required). Under such circumstances, the assigned management official must notify the complaining employee in writing that additional time, not to exceed 15 days after the date of such notice, is necessary.

(2) An employee's failure to fully cooperate in any phase of the harassment inquiry, (e.g., failing to be interviewed by the official conducting the inquiry), will not, under most circumstances, be a basis for extending or delaying timely completion of the inquiry.

B. The scope and extent of any harassment inquiry will depend on the specific allegations at issue. In some instances, a limited inquiry may be appropriate, while other cases may warrant a more detailed inquiry depending on the facts and circumstances presented. Regardless of the specific nature of the allegations raised, the following procedures should be followed when conducting an inquiry under this policy:

(1) Contact the complaining employee and obtain his or her signed written description of the allegations, which he or she was directed to prepare using [FTC Form 113](#). Interview the complaining employee and ask him or her to provide any relevant documents or information, if not previously provided, to facilitate the inquiry. See [Paragraph 7C](#).

(2) Determine if there is a need to implement interim relief for the alleged victim of harassment while the inquiry is being conducted. The following are examples of interim relief measures that an official conducting a harassment inquiry has authority to implement with the approval of the Bureau Director or head of the office in which the alleged victim and the accused employee work:

(i) Making arrangements to avoid contact between the parties, such as directing the accused employee to have no contact with the employee who complained of harassment while the inquiry is pending;

(ii) Removing supervisory responsibilities from the person accused of harassment pending the outcome of the inquiry; or

(iii) Reassigning the employee who is accused of harassment to an alternative supervisor or

manager while the inquiry is pending. Any employee who alleges harassment should not be reassigned without his or her consent.

(3) Interview the employee alleged to have engaged in harassment or hostile or abusive conduct and any other relevant witnesses. If necessary, obtain a signed statement (email is acceptable) that provides responses to the allegations raised and other information about the claimed conduct. Obtain any documents or other information from persons interviewed that may be relevant to the allegations.

(4) Inform all persons interviewed about the prohibition against retaliation for participation in the procedures established by this anti-harassment policy. See [Paragraph 11](#).

(5) If an accused employee or witness refuses to answer questions raised in an inquiry or otherwise cooperate in the inquiry, document the refusal and inform the employee that his or her actions may result in disciplinary action. If the complaining employee refuses to cooperate, the individual conducting the inquiry should document the refusal and inform the employee that despite his or her lack of cooperation, the agency is required to proceed with its inquiry.

(6) Before conducting interviews with employees, consult with the Assistant Director of Employee and Labor Relations, HCMO, to ensure that all collective bargaining obligations are met.

(7) The inquiry should only address allegations of harassment or hostile or abusive conduct based on race, color, religion, sex, national origin, age, disability, retaliation, genetic information, or sexual orientation. If other types of allegations are raised during the inquiry, the person conducting the inquiry should seek advice from OGC to determine whether such matters should be referred elsewhere for any necessary action.

## 9. Preparing the Report of Inquiry

A. The official responsible for the inquiry should prepare and submit a report regarding the allegations of harassment or hostile or abusive conduct within 30 days of being assigned to the matter. The report of inquiry should contain the following:

(1) A statement that the inquiry was conducted pursuant to this anti-harassment policy and is consistent with its procedures.

(2) A description of the allegations raised, the alleged harasser's response if any, and any relevant information from witnesses. If signed statements or other relevant documents were obtained during the course of the inquiry, they may also be included with the report as attachments.

(3) A determination regarding whether the allegations of harassment or hostile or abusive conduct have merit and whether the conduct at issue violates the agency's anti-harassment policy.

(4) If appropriate, a recommendation to take corrective action, to include possible disciplinary action, or other necessary measures.

B. The report of inquiry must be reviewed by OGC for legal sufficiency. Once the report of inquiry is final, the official who conducted the inquiry will submit it to an appropriate manager or supervisor for further action, which may include taking corrective or disciplinary action. See [Paragraph 10](#). In most circumstances, the official receiving the final report will be the immediate manager or supervisor of the employee alleged to have engaged in harassment or hostile or abusive conduct, unless there is an actual or potential conflict of interest, in which case the next most senior management official will be designated to receive the report. A copy of the final report will also be provided to HCMO, which will retain the document and other related records in accordance with Paragraph 14 of this policy. Copies of the final report will also be distributed to the affected Bureau or Office Director and the Director of EEO.

C. When the inquiry is complete, the official who conducted it will prepare a memorandum to the complaining employee notifying him or her of the results of the inquiry and, depending on the outcome, whether corrective action has been recommended.

## 10. Corrective Action

A. The manager or supervisor who receives the report of inquiry will review the results. If there is a determination that an employee has engaged in harassment or hostile or abusive conduct, the official must implement corrective action, including but not limited to disciplinary action, to stop the conduct and prevent its recurrence. The responsibility for taking corrective action normally rests with the immediate manager or supervisor of the employee alleged to have engaged in such behavior, unless there is a conflict of interest or other basis for reassigning this responsibility. To determine the nature and type of corrective action that is appropriate, the manager or supervisor must consult with Assistant Director of Employee and Labor Relations, HCMO.

(1) If harassment or hostile or abusive conduct is found, the specific type of corrective action required will depend on the severity or pervasiveness of the conduct and must be proportional to the seriousness of the offense.

(i) If an employee engaged in hostile, abusive, or other inappropriate but not severe or frequent misconduct, possible corrective action may include, but is not limited to, requiring training, or imposing non-disciplinary measures, such as counseling or issuing a letter of warning. Corrective action may also include, restoring leave taken by the complaining employee or expunging negative evaluations in that employee's performance file that are attributable to the harassment.

(ii) If an employee engaged in more severe and frequent harassment, disciplinary action will be warranted and may include, but is not limited to, a reprimand, demotion, suspension, or removal of the employee in accordance with the disciplinary procedures in the Administrative Manual, Chapter 3, [Section 752, Discipline and Adverse Action](#).

(2) A manager or supervisor who fails to properly carry out his or her responsibilities as provided for in this policy, including taking the necessary steps to prevent and promptly correct harassment in the workplace, may also be subject to corrective measures under this policy, which may include any appropriate disciplinary or performance-based measures.

B. If it is determined that harassment or hostile or abusive conduct has occurred, but that corrective action has not been taken by the management official responsible for addressing the situation within a reasonable period of time, the CHCO will send a memorandum to the appropriate Bureau or office head notifying that individual of the need for corrective action, including possible disciplinary action, and detail the steps that should be taken to comply with this policy.

C. When an inquiry does not result in a finding of harassment or hostile or abusive conduct, but does reveal that improper workplace behavior took place, the responsible management official receiving the report may opt to take corrective action to address the situation. For example, if the conduct under investigation is shown to be improper rather than harassing conduct, the accused employee may nonetheless be directed to take training to improve his or her interpersonal, management, or other related skills. Further, even if the inquiry does not result in a finding of harassment or hostile or abusive conduct, it is important for a management official to evaluate the results of the report to determine if there is another appropriate avenue for resolution of the allegations, such as alternative dispute resolution (see Administrative Manual, Chapter 5, [Section 330, Alternative Dispute Resolution Policy and Procedures](#)), or whether any further inquiry into the alleged harassing conduct is warranted. Requests for further inquiry should be referred to the Assistant Director of Employee and Labor Relations, HCMO.

## 11. Prohibition Against Retaliation

Retaliation is prohibited against any employee based on his or her report of harassment or hostile or abusive conduct under this policy, or assisting in any inquiry about such report. An employee who has engaged in retaliation may be subject to disciplinary action, up to and including removal.

## 12. Maintaining Confidentiality

A. Information relating to reports of harassment or hostile or abusive conduct will be maintained on a confidential basis to the greatest extent possible. The maintenance of such records and any disclosure of information from these records, such as the report of inquiry or other documentation prepared under this policy, must be in compliance with the Privacy Act, 5 U.S.C. § 552a. Such information may be disclosed if needed to conduct an effective harassment inquiry, or to defend the agency in any litigation to which the information may be relevant and necessary. For example, certain information may need to be disclosed to those officials and employees within the agency who have a need to know in order to carry out the purpose of this policy.

B. A conflict between an employee's desire for confidentiality and the agency's duty to address harassment may arise if an employee informs a supervisor or manager about the alleged harassment or hostile or abusive conduct and asks him or her to keep the matter confidential and take no action. Inaction by the management official in such circumstances could lead to liability on the part of the agency. Failure to act may also result in the supervisor or manager being disciplined. While it may seem reasonable to let the employee determine whether or not to pursue a complaint of workplace harassment, agency management must carry out its duty to prevent and correct harassment or hostile or abusive behavior.

### **13. Conflicts of Position or Interest**

Conflicts of position or interest, or the appearance of such conflicts, must be avoided to maintain the integrity of this policy. This prohibition applies not only to the official assigned to conduct the harassment inquiry, but also to the management official responsible for taking corrective action. If such official believes or becomes aware that he or she has an actual or potential conflict of interest or position, that official must take action as soon as possible to resolve the issue. Any questions arising under this paragraph should be referred immediately to OGC.

### **14. Records and Reports**

A. HCMO will maintain records relating to allegations of harassment or hostile or abusive conduct handled by agency management officials or others under this policy in accordance with applicable document retention requirements. HCMO will also retain the inquiry reports to determine whether management officials have taken prompt measures to address unwelcome conduct that has occurred. This requirement further extends to records regarding corrective actions, including disciplinary measures, taken pursuant to this policy.

B. To ensure that these procedures are properly implemented and that managers and supervisors are taking all necessary steps to prevent and correct harassment and hostile or abusive conduct, the CHCO and the Director of EEO will periodically review records and reports collected or created relating to this policy. This information will be evaluated to determine the effectiveness of the agency's policy and procedures and whether modifications should be implemented.

# Appendix H

**CAUTION:** The Intranet contains **NON-PUBLIC** information.

## Chapter 3: Section 305 – Personal Assistance Services <sup>1</sup> (Created December 2019)

### Part I – General Provisions

1. Purpose
2. Policy
3. Authority
4. Coverage
5. Responsibilities
6. Definitions

### Part II – Procedures for Providing PAS

1. Requests for PAS
2. Processing a PAS Request
3. The Interactive Process
4. Medical Documentation
5. Confidentiality Requirements
6. Time Limits
7. Resolution of a Request for PAS Request

<sup>1</sup> The Personal Assistance Services procedures are currently under review at the Equal Employment Opportunity Commission

### Part III – Reporting Requirements, Information Tracking, and Recordkeeping Systems

### Appendix – Reasonable Accommodation Forms

## Part I – General Provisions

### 1. Purpose

This section fulfills the Federal Trade Commission’s (FTC)’s affirmative employment obligations that Section 501 of the Rehabilitation Act of 1973 imposes on Federal employers for the hiring, placement, and advancement of individuals with disabilities and providing Personal Assistance Services (PAS) to individuals with targeted disabilities, who need them during work hours. PAS refers to assistance performing the activities of daily living that an individual would typically perform if he or she did not have a targeted disability, and that is not otherwise required as a reasonable accommodation, including, but not limited to, assistance with removing and putting on clothing, eating, and using the restroom (see also FTC Policy at Chapter 3, Section 300 – Disability Antidiscrimination Policy and Reasonable Accommodation Procedures). Provision of such assistance are intended to enable FTC employees with targeted disabilities to participate in the workplace.

### 2. Policy

The FTC’s policy is to ensure that its employees will not be subjected to unlawful employment discrimination based on a targeted disability. Accordingly, the FTC takes affirmative action to recruit, hire, develop, and promote employees with targeted disabilities, to the fullest extent possible and ensures that all individuals with targeted disabilities are accorded equal employment opportunities.

### 3. Authority

Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.);

Section 501 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. § 791);

Equal Employment Opportunity Commission’s Federal Sector Regulations (29 C.F.R. Parts 1614 and 1630); and

EEOC’s Management Directive 715 (October 2003).

### 4. Coverage

This policy applies to FTC employees with targeted disabilities. Agency employees include all employees, regardless of appointment type, career status, occupation, or work schedule (full-time, part-time, or temporary). In the case of PAS, coverage of this policy is limited to individuals who require such services because of a targeted disability.

### 5. Responsibilities

A. *The Chairman.* The Chairman is responsible for EEO programs at the FTC to include:

- (1) Ensuring that all FTC management officials are held accountable for achieving the purpose of this policy to provide PAS to certain employees who have targeted disabilities and fulfilling EEO requirements to increase the

number of individuals with disabilities, including targeted disabilities, employed at the FTC.

(2) Ensuring that agency operations adhere to EEO requirements in the employment, development, advancement, and treatment of FTC employees with targeted disabilities.

**B. Director of Equal Employment Opportunity and Workplace Inclusion (EEOWI).** The Director of EEOWI is responsible for the development and implementation of the FTC's plan for affirmative action and provision of PAS to employees with targeted disabilities consistent with relevant statutory and regulatory provisions, along with any applicable sub-regulatory guidance produced by the EEOC. Specific responsibilities include:

(1) Advising and reporting findings to the Chairman on targeted disability hiring and advancement, and providing PAS to employees with targeted disabilities, and other matters arising from this policy's implementation;

(2) Providing guidance and advice concerning equality of opportunity for persons with targeted disabilities in all aspects of employment, including information about new requirements and changes in disability laws, regulations, and guidance;

(3) Proposing, developing, and reviewing FTC policies for increasing the number of employees with targeted disabilities and procedures to provide PAS, including generating reports to track the agency's compliance with legal requirements;

(4) Collaborating with the Human Capital Management Office (HCMO) to ensure guidance and training is provided to employees and management officials concerning the agency's PAS procedures, and hiring programs and other resources available for recruiting, promoting, and retaining persons with targeted disabilities; and

(5) Collaborating with HCMO to address barriers that affect recruitment, hiring, retention, and promotion of individuals with targeted disabilities and recommending specific remedies to remove such barriers.

**C. The Chief Human Capital Officer (CHCO).** The CHCO is responsible for supervising the administration of the agency's PAS procedures, coordinating the affirmative employment of persons with targeted disabilities, and providing advice as it relates to the employment of individuals with targeted disabilities. Specific responsibilities include:

(1) Reviewing and updating the agency's plan for increasing employment and retention of individuals with targeted disabilities, and monitoring implementation of the plan;

(2) Taking affirmative employment actions to promote equality of opportunity for individuals with targeted disabilities in all stages of employment including recruitment, hiring, placement, training, and career development (e.g., providing written material in an accessible format);

(3) Collaborating with the Director of EEOWI to ensure that guidance and training are provided to agency personnel regarding matters covered under this policy; and

(4) Delegating responsibilities to the Disability Program Manager for the operation of the agency's PAS procedures.

**D. Disability Program Manager (DPM).** The DPM is responsible for providing assistance and guidance on implementing the requirements of this policy. Specific responsibilities include:

(1) Implementing the FTC's PAS procedures;

(2) Providing guidance and delivering training to employees and management officials concerning the FTC's PAS procedures and serving as a resource on targeted disability issues that affect the agency;

(3) Establishing an effective tracking systems to monitor the processing of PAS requests and complying with all reporting and record retention requirements as provided for in Part IV of this policy;

(4) Regularly reviewing and analyzing the FTC's PAS procedures and reporting such results through the CHCO to the Director of EEOWI on an annual basis;

(5) Managing the FTC's PAS procedures, to include assisting in the timely processing of PAS requests, providing necessary guidance and technical assistance to managers, supervisors, and employees regarding PAS requests, and consulting with other agency offices and officials (i.e., the CHCO, EEOWI Director, and Office of the General Counsel), as necessary;

(6) Assisting FTC management officials in evaluating PAS that have been provided to ensure their continued effectiveness;

(7) Requesting and reviewing medical information if an impairment or need for PAS is not obvious. Requesting an external Medical Review Official (MRO) of the agency's choosing to review medical information at the agency's request and expense;

(8) Assisting management officials with the proper handling of sensitive medical information and documents that may be submitted by employees in connection with a PAS request; and

(9) Participating in and conducting training related to the provision of PAS.

E. *Managers and Supervisors.* All managers and supervisors are responsible for ensuring equality of opportunity in the workplace for individuals with targeted disabilities. Specific responsibilities include:

(1) Consulting with the DPM in connection with all PAS requests, including options for an employee whose limitations or need for PAS is obvious, even when the employee has not submitted a PAS request;

(2) Receiving and promptly responding to employee PAS requests, including contacting the DPM when a PAS request is received, engaging in the interactive process, identifying potential PAS, and maintaining confidentiality;

(3) Serving as the deciding officials for PAS requests from employees;

(4) Providing approved PAS and regularly evaluating the effectiveness of such PAS in consultation with the DPM;

(5) Consulting with the DPM to ensure the confidential handling of medical information, in the event that this information is provided to a manager or supervisor by an employee who makes a PAS request;

(6) Adhering to the policies and procedures in this policy when recruiting, interviewing, selecting, hiring, and supervising employees who have targeted disabilities; and

(7) Ensuring there is no retaliation or adverse action taken against any employee based on need or perceived need for a PAS.

F. *Employees.* Employees are responsible for:

(1) Keeping informed of their rights and obligations as outlined in this policy;

(2) Informing FTC management officials of the need for PAS when an employee's targeted disability and need for such service is not obvious;

(3) Providing FTC's management officials, or the DPM, with specific information, and providing appropriate medical information, when requested, related to a need for a PAS for a targeted disability and identifying PAS when the limitations or need for PAS is not obvious;

(4) Cooperating with the DPM's requests for medical documents when the limitations or need for PAS is not obvious; and

(5) Cooperating and communicating with FTC management officials during the PAS interactive process.

G. *Office of the General Counsel (OGC).* OGC is responsible for providing legal advice to the DPM and other agency management officials regarding PAS requests and affirmative employment obligations under the Rehabilitation Act. OGC also serves as the agency's legal representative in discrimination complaints against the FTC regarding PAS requests or the PAS process.

H. *Administrative Services Office (ASO).* In response to requests from management officials, ASO is responsible for coordinating with the DPM, management officials, and employees to identify and help provide services in connection with PAS requests.

## 6. Definitions

A. *Disability.* The term "disability" means, with respect to an individual:

(1) a physical or mental impairment that substantially limits one or more major life activities of such individual;

(2) a record of such an impairment; or

(3) being regarded as having such an impairment.

A person must satisfy at least one of these three parts of the definition to be considered a person with a disability.

**B. Essential Functions.** This term refers to job duties that are so fundamental to a position that the employee holds or seeks to hold that he or she cannot do the job without performing them. A function can be essential if, among other things: the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or if the function is specialized and the person is hired based on his or her ability to perform it. As it relates to this policy, provision of PAS services, together with any reasonable accommodation required, should enable the employee to perform the essential functions of his or her job. Determination of the essential functions of a position must be done on a position-by-position basis so that it reflects the job as it must actually be performed, and not simply the components of a generic position description.

**C. Interactive Process.** The procedure in which the supervisor, manager, or DPM works collaboratively with the employee requesting a PAS because of a targeted disability.

**D. Personal Assistant Services.** The services that help individuals who, because of targeted disabilities, require assistance to perform basic activities of daily living, like eating and using the restroom.

**E. Targeted Disabilities.** A subset of disabilities that includes, but is not limited to, deafness, blindness, missing extremities, partial paralysis, complete paralysis, compulsive disorders, intellectual disabilities, developmental disability, traumatic brain injury, significant psychiatric disorder, and genetic or physical conditions affecting the limbs or spine. **Note:** Not every employee with a targeted disability will be entitled to PAS, because only some individuals with targeted disabilities require assistance with basic activities like eating and using the restroom.

**F. Undue Hardship.** A determination made on a case-by-case basis that a specific PAS would cause significant difficulty or expense for the agency to provide when taking into account the resources available to the agency. In such instances, the agency does not have to provide the service. The factors considered in assessing undue hardship include but are not limited to: the nature and cost of the PAS requested or service needed; the overall financial resources of the agency offering the PAS; and the effect of the PAS on the operation of the agency. Because the typical cost of PAS is often minimal, undue hardship based on cost should rarely be an issue.

## Part II – Procedures for Providing PAS

### 1. Requests for PAS

A requester is an employee, or someone acting on the employee's behalf, who is seeking a workplace-related PAS based on a targeted disability. The following procedures are applicable to PAS requests from such persons.

(1) An employee must advise a management official that he or she needs assistance to perform basic activities of daily living at work due to a targeted disability, unless the employee's limitations or need for PAS is obvious. Alternatively, the employee may request PAS through the agency's DPM, who will then notify the appropriate supervisory or management official(s) of the request. A PAS request does not have to include any special words, such as "personal assistance services," "targeted disability," or "Rehabilitation Act."

(2) An employee may submit a PAS request at any time, orally, or in writing. The employee must also complete FTC Form 645?, "Request for Personal Assistance Services," and submit it to his or her supervisor, manager, or the DPM, confirming the request. A PAS request submitted directly to the DPM will be forwarded to the employee's supervisor.

(3) An employee needing PAS on an intermittent basis should submit FTC Form 645, "Request for Personal Assistance Services," only for the first request. However, the employee must give appropriate and sufficient advance notice each subsequent time PAS are needed. If PAS are needed on a regular basis (e.g., a weekly staff meeting), the employee's supervisor or manager should ensure that the appropriate arrangements are made without requiring a request for each occasion.

### 2. Processing a PAS Request

A. When receiving a PAS request, the recipient must process the request swiftly and appropriately, in consultation with the DPM.

B. The PAS request process begins as soon as the employee makes an oral or written request for a PAS. If an employee makes an oral PAS request, the official receiving the request must inform the requester to complete FTC Form 645, "Request for Personal Assistance Services," and subsequently, initiate the interactive process described below.

### 3. The Interactive Process

*Generally.* After an employee submits a PAS request, the official responsible for making the decision regarding the request must engage in a discussion with the requester. Specifically, the discussion should include: the basic activities of daily living that are limited by the targeted disability; how those limitations could be overcome with PAS; and potential PAS that is being sought. Often such discussion will occur in the context of considering provision of a reasonable accommodation as required under the FTC's

Disability Antidiscrimination Policy and Reasonable Accommodation Procedures, *Administrative Manual*, Chapter 3, Section 300.

(1) The manager or supervisor must begin this discussion by contacting the employee within **three (3) business days** after the PAS request is received.

(2) Ongoing communication via the interactive process is particularly critical when the targeted disability, need for PAS, or type of PAS needed, is not obvious or management is considering alternatives to the requested PAS. However, even cases where such information is clear and the need obvious, the management official and the requesting employee should still thoroughly discuss all relevant information.

(3) Managers and supervisors must consider the PAS request submitted by the employee. Managers and supervisors must consult with the DPM and, if appropriate OGC, or other resources (e.g., EEOWI) for guidance.

(4) As part of the interactive process, managers and supervisors may offer alternative PAS and discuss their effectiveness with the employee. The FTC is not required to provide the exact PAS requested by the employee. If more than one PAS would be effective, the agency may provide a PAS that is different from the one requested.

(5) If the FTC is hiring a PAS provider who will be assigned to a single individual, and that individual prefers a particular provider, the agency must give primary consideration to the employee's preference to the extent permitted by law. The FTC retains the right to choose a different provider if, for example, the individual's preferred provider is not qualified or less qualified than another provider, if the agency decides to utilize a pool of shared providers instead of dedicated providers, for reasons of cost or convenience, or if the agency decides to have appropriate, existing employees provide PAS.

(6) The FTC retains the right to deny PAS when provision of the services would pose an undue hardship. The undue hardship standard for denying PAS is the same as for reasonable accommodations, which considers the nature, extent, and cost of the service in relation to the FTC's overall resources and the impact of the PAS on the operation of the agency's business.

#### 4. Medical Documentation

A. If an employee's targeted disability or need for PAS is not obvious or already known, the FTC may ask for medical documentation to establish that the requester has a targeted disability and needs PAS.

B. The DPM is the only FTC official authorized to request medical documentation secondary to a PAS request. In determining whether medical documentation is necessary, the DPM should be guided by the principles set forth in the ADA, as amended, the Rehabilitation Act, the EEOC's associated rules and guidance, and relevant legal precedent. In addition, the DPM may seek advice from OGC.

C. The DPM may only request medical documentation related to the impairment at issue in the PAS request and may not ask for unrelated or general medical information (e.g., access to the requester's medical records). Typically, medical documentation sought will include information regarding the employee's targeted disability, the extent to which the targeted disability limits the employee's ability to perform activities of daily living that an individual would typically perform if he or she did not have a disability; and whether there are specific PAS that would be effective.

D. Pursuant to the Genetic Information Nondiscrimination Act of 2008 (GINA), the FTC may not request or require genetic information of an individual or family member of the individual, except as specifically allowed by this law. Employees may not be asked to provide genetic information in response to a request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services or participated in genetic research, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

E. In most instances, the employee will be able to furnish medical information sufficient to substantiate the existence of a targeted disability or need for PAS as part of the interactive process. If the information furnished by the employee is insufficient to make a determination, the DPM may require additional information from a healthcare provider. When necessary, the DPM may also prepare a list of questions for the healthcare provider to answer, or ask the employee to sign a limited release permitting the DPM to contact the healthcare provider directly. In some cases, the DPM may arrange for an external MRO to review medical documentation and provide a medical opinion related to a PAS request. If the employee has signed a limited release as described above, the DPM may authorize the MRO to contact the employee's healthcare provider directly for any required information.

F. The DPM will review the requested medical documentation upon receipt. The documentation may also be evaluated by the MRO and reviewed by OGC and other appropriate agency officials as necessary, subject to the confidentiality requirements below.

G. If the employee does not want to share his or her medical documentation with their manager or supervisor, the employee must submit it directly to the DPM. The DPM will advise the supervisor or manager whether the medical documentation received demonstrates that the employee has a targeted disability and whether PAS is appropriate. The DPM will provide any relevant information about the employee's disability to the management official to permit processing of the PAS request.

H. The ultimate responsibility for providing medical documentation rests with the employee. If the employee requesting PAS fails to provide sufficient medical documentation or cooperate in the FTC's efforts to obtain such documentation, the agency may deny the request.

I. In cases where the targeted disability is obvious or otherwise already known to the manager or supervisor, and the need for PAS continues, the FTC will not seek any further medical documentation. **Note:** In limited instances, the FTC may require updated medical documentation to ensure that PAS remains effective or is still needed.

## 5. Confidentiality Requirements

A. Medical documentation must be kept confidential.

(1) All medical documentation related to the PAS process must be kept confidential and in a file separate from the employee's official personnel file.

(2) The following information must also be kept confidential: the employee's decision to request PAS, that PAS was approved or denied, and information about functional limitations of the employee.

(3) Any FTC employee who obtains or receives medical information associated with a PAS request is strictly bound by these confidentiality requirements.

B. The DPM will maintain custody of records obtained or created during the processing of a PAS request, including medical records, in accordance with the Privacy Act, 5 U.S.C. § 552a, *et. seq.*, and 29 C.F.R. §§ 1611 and 1630.14.

C. Certain information may be shared with appropriate officials to enable them to make a determination concerning a PAS request. However, only specific information required to process the PAS request should be disclosed to agency officials who are subject to the confidentiality requirements related to the PAS process.

## 6. Time Limits

A. Within **20 business days** after receiving a PAS request, the responsible management official must make a decision and provide PAS, if granted.

(1) The responsible management official must grant the PAS within **10 business days** of receiving it under the following circumstances: if the targeted disability is obvious or already known to the responsible official; if the need for PAS is obvious; if medical documentation is not required to evaluate a PAS request; or if PAS can be provided quickly.

(2) If medical documentation is requested, the 20-day period will be extended by the amount of time necessary to request, receive, and evaluate such documentation.

B. *Expedited Processing.* In certain situations, the processing of a PAS request must be expedited. This may be necessary, for example, where the agency's assignment of work-related travel results in an employee's inability to rely on his or her usual source of PAS during work hours.

C. *Extenuating Circumstances.* The requisite time for processing a PAS request may be extended due to circumstances that could not reasonably have been anticipated or avoided, or that are beyond FTC's ability to control. Extenuating circumstances include, but are not limited to, the need to obtain and evaluate medical information. The manager or supervisor must consult with the DPM prior to taking any of the actions described in this section.

(1) The supervisor or manager should notify the employee in writing of the reason for any delay and the approximate timeframe in which a decision should be expected or when the FTC will provide PAS.

(2) If there is a delay in deciding or providing PAS, the supervisor or manager should consider whether there are any temporary measures that could be taken. A temporary PAS can be provided if: (1) they do not interfere with the operations of the FTC; and (2) the employee is informed that they are being provided only on a temporary basis.

## 7. Resolution of a Request for PAS Request

A. Approving a Request for PAS

(q) All decisions regarding requests for PAS will be communicated to the employee in writing. A decision to approve a request for PAS will be communicated to an employee using FTC Form 645, "Request for Personal Assistance Services." The responsible official will complete this form, return it to the employee, and discuss implementation of the approved PAS. A copy of this completed form must be provided to the DPM.

(2) Managers and supervisors should follow-up with the employee after a request for PAS has been approved to ensure that it meets the employee's needs. In addition, managers and supervisors must evaluate PAS that have been provided, in consultation with the DPM, to ensure that they continue to be effective and necessary.

(3) A decision to provide PAS that are different from what has been requested must be made in consultation with the DPM and based on legal advice provided by OGC. FTC Form 646, "Denial of Request for Personal Assistance Services," will explain the specific reason(s) for declining the requested PAS and the reason(s) the management official selected the chosen PAS.

#### B. Denying a Request for PAS

(1) A decision to deny a request for PAS is a final action and must be made in consultation with the DPM and based on legal advice provided by OGC.

(2) The manager or supervisor will complete FTC Form 646, "Denial of Request for Personal Assistance Services," which provides the employee with the specific reason(s) for any denial and applicable appeal rights. A copy of this completed form must be provided to the DPM.

(3) The FTC may deny a request if: the requestor is not an employee; the requestor does not have a targeted disability; the targeted disability does not create a need for PAS; the requestor is not able to perform the essential functions of the job, even with PAS and any reasonable accommodation; the requestor would create a direct threat to safety on the job, even with PAS and any reasonable accommodation; or providing PAS would impose undue hardship on the agency.

(4) If the manager or supervisor chooses a PAS provider that is different than the one requested by the employee and the employee refuses to accept it, the FTC will record the refusal using FTC Form 646, "Denial of Request for Personal Assistance Services," and the decision will be recorded as a PAS denial. The denial document will explain why the PAS provider requested was not chosen.

### Part III – Reporting Requirements, Information Tracking, and Recordkeeping Systems

A. To ensure compliance with this policy and its procedures as well as the Rehabilitation Act and EEOC policy guidance, the DPM will collect and maintain the following information:

(1) The number and types of PAS requests that the FTC receives and whether those PAS requests have been granted or denied;

(2) The jobs (occupational series, grade level, and agency component) for which PAS requests have been received;

(3) The types of PAS requests for each of those jobs;

(4) The number and types of PAS requests for each job, by agency component, that have been approved, and the number and types that have been denied;

(5) The reasons for denial of PAS requests;

(6) The amount of time taken to process each PAS request; and

(7) The sources of technical assistance that have been consulted in trying to provide PAS.

B. The DPM will provide copies of all FTC Forms involving PAS requests (*i.e.*, FTC Forms 645 and 646) to the CHCO and the Director of EEOWI on a quarterly basis. Upon request, the DPM will also provide other relevant materials to the CHCO and the Director of EEOWI.

C. The DPM, through the CHCO, will provide a written assessment of the agency's PAS procedures to the Director of EEOWI on a quarterly basis. This report must include the number and types of PAS requests approved or denied, the amount of time to process the requests, reasons for denials, other relevant tracking information, and any recommendations for improving the agency's procedures.

D. Because it is imperative that the FTC evaluate the effectiveness of its PAS program, the Director of EEOWI, in consultation and collaboration with the CHCO and the DPM, will periodically review the program and issue written reports regarding the status of the agency's PAS procedures, including recommendations for improvement. The EEOWI Director will disseminate all written reports to the FTC Chairman, the CHCO, the DPM, and other appropriate agency officials. The reports must not contain confidential information about specific PAS requests, but will include general information sufficient to provide a qualitative assessment of the agency's targeted disability program.

E. The DPM will keep appropriate records and documentation to substantiate an employee's targeted disability in the event that there is a new manager or supervisor, and will take the necessary steps to apprise the new manager or supervisor of direct reports who have been provided with a PAS.

F. Recordkeeping Systems

(1) The DPM, and not the supervisor or manager, will keep all medical records related to a particular employee who has submitted a PAS request for the duration of his or her employment with the FTC. These records include any documentation of the employee's targeted disability, as well as information about the disposition of the employee's PAS request(s).

(2) The DPM will keep any information or cumulative records used to track the FTC's performance with regard to providing PAS for at least three years. The DPM will use this tracking information to evaluate whether and where the FTC needs to improve its handling of PAS requests. Upon request or in the fulfillment of EEOC requirements, the EEOI Director will assess the FTC's targeted disability program.

**Appendix – Personal Assistance Services Forms**

FTC Form 645 – Request for Personal Assistance Services

FTC Form 646 – Denial of Request for Personal Assistance Services

# Appendix I

## Chapter 3: Section 300 - Disability Anti-Discrimination Policy and Reasonable Accommodation Procedures (Reviewed September 2019/Updated September 2019)

### Part I – General Provisions

1. Purpose
2. Policy
3. Authority
4. Coverage
5. Responsibilities
6. Definitions

### Part II – Reasonable Accommodation Procedures

1. Requests for Reasonable Accommodation
2. Processing a Request for Reasonable Accommodation
3. The Interactive Process
4. Medical Documentation
5. Confidentiality Requirements
6. Time Limits
7. Resolution of Request for Reasonable Accommodation

### Part III – Accommodations for Applicants for Employment

### Part IV – Reporting Requirements, Information Tracking, and Recordkeeping Systems

### Part V – Ensuring Disability Access to Electronic or Information Technology for FTC Employees and Applicants for Employment

### Appendix – Reasonable Accommodation Forms

## Part I – General Provisions

### 1. Purpose

This section establishes the Federal Trade Commission's (FTC) policy and procedures for the employment of persons with disabilities. The primary objectives of this policy are to ensure equal employment opportunity (EEO) for employees and applicants for employment without regard to disability, define the roles and responsibilities regarding the employment of persons with disabilities, and provide procedures for processing requests for reasonable accommodation.

### 2. Policy

The FTC's policy is to ensure that applicants for employment and employees alike will not be discriminated or retaliated against on the basis of any disability. Accordingly, the FTC takes effective action to recruit, hire, develop and advance employees with disabilities, including targeted disabilities, to the fullest extent possible and ensures that all individuals with disabilities are accorded equal employment opportunities. Further, the FTC is fully committed to making agency facilities accessible, and reasonably accommodating the known physical or mental limitations of individuals by providing an accommodation that does not impose an undue hardship on FTC operations.

### 3. Authority

Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.);

Rehabilitation Act of 1973, as amended, (29 U.S.C. § 791);

Executive Order 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation (July 26, 2000);

Equal Employment Opportunity Commission's Federal Sector Regulations (29 C.F.R. Parts 1614 and 1630); EEOC's Management Directive 715 (October 2003);

Architectural Barriers Act of 1968, as amended, (42 U.S.C. §§ 4151-4157);

EEOC's Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (October 20, 2000); and

EEOC's Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the ADA (October 17, 2002).

#### 4. Coverage

This policy applies to an employee or a job applicant with a disability. Agency employees include all employees, regardless of appointment type (competitive or excepted), career status (temporary, career-conditional, or career), occupation, or work schedule (full-time, part-time, or temporary).

#### 5. Responsibilities

A. The Chairman. The Chairman is responsible for EEO programs at the FTC to include:

- (1) Ensuring that all FTC management officials are held accountable for achieving the objectives of this policy and fulfilling EEO requirements to prevent discrimination against employees or applicants based on disability.
- (2) Ensuring that agency operations adhere to EEO principles in its human capital policies and practices relating to the employment, development, advancement, and treatment of FTC employees or applicants regardless of disability.

B. Director of EEO. The Director of EEO is responsible for the development and implementation of the FTC's disability anti-discrimination program consistent with the requirements of 29 C.F.R. § 1614.102(c) and other relevant statutory and regulatory provisions. Specific responsibilities include:

- (1) Advising and reporting findings to the Chairman on disability discrimination cases and other matters arising from this policy's implementation.
- (2) Providing guidance and advice concerning equality of opportunity for persons with disabilities in all aspects of employment, including information about new requirements and changes in disability laws.
- (3) Proposing, developing, and reviewing FTC policies and procedures to promote equality of opportunity for individuals with disabilities, including examining agency efforts to provide reasonable accommodations and making facilities accessible, and generating reports to track the agency's compliance with disability laws and regulatory requirements.
- (4) Managing the EEO discrimination complaint process, including claims involving denials of requests for reasonable accommodation.
- (5) Collaborating with the Human Capital Management Office (HCMO) to ensure regular and appropriate guidance and training is provided to employees and management officials concerning the agency's reasonable accommodation process and the various hiring programs and other resources available for recruiting, promoting, and retaining persons with disabilities.
- (6) Collaborating with HCMO to address barriers that affect recruitment, hiring, retention, and promotion of individuals with disabilities and recommending specific remedies to remove such barriers.

C. The Chief Human Capital Officer (CHCO). The CHCO is responsible for supervising the administration of the agency's reasonable accommodation procedures, coordinating the employment of persons with disabilities, and providing human capital advice as it relates to disability employment. Specific responsibilities include:

- (1) Reviewing and updating the agency's plan for increasing employment and retention of individuals with disabilities and monitoring implementation of the plan.
- (2) Taking affirmative employment actions to promote equality of opportunity for individuals with disabilities and targeted disabilities in all stages of employment including recruitment, hiring, placement, training, and career development (e.g., providing written material in an accessible format).
- (3) Collaborating with the Director of EEO to ensure that guidance and training are provided to agency personnel regarding all matters under this policy.
- (4) Delegating responsibilities for the operation of the agency's reasonable accommodation procedures and activities to enhance the affirmative employment of individuals with disabilities to a designated Disability Program Manager within HCMO, see below.

D. Disability Program Manager (DPM). The DPM is responsible for providing assistance and guidance on the requirements of this policy and ensuring that management officials and employees are informed of any new requirements and changes in disability laws. Specific responsibilities include:

- (1) Implementing the FTC's reasonable accommodation procedures consistent with this policy, governing laws and regulations, executive orders, and EEOC directives.
- (2) Providing guidance and delivering training to employees and management officials concerning the agency's reasonable accommodation procedures and disability hiring matters, and serving as a resource for information on disability issues that affect the agency.
- (3) Establishing effective tracking systems to monitor the processing of reasonable accommodation requests and affirmative employment initiatives for individuals with disabilities to include complying with all reporting and record retention requirements as provided for in [Part IV](#) of this policy.
- (4) Regularly reviewing and analyzing the FTC's reasonable accommodation process and progress in the recruitment and retention of individuals with disabilities and reporting such results through the CHCO to the Director of EEO on an annual basis.
- (5) Regularly reviewing agency procedures to ensure that vacancy announcements and hiring and promotion procedures include information describing how applicants may submit reasonable accommodation requests.
- (6) Managing the FTC's reasonable accommodation procedures, to include providing necessary guidance and technical assistance to managers, supervisors, employees, and applicants regarding requests for reasonable accommodation, and consulting with other agency offices and officials (i.e., the CHCO, EEO Director, and General Counsel) as necessary.
- (7) Assisting FTC management officials in evaluating accommodations that have been provided to ensure their continued effectiveness.
- (8) Requesting and reviewing medical information if an impairment or need for accommodation is not obvious to include having medical information reviewed by an external Medical Review Official (MRO) of the agency's choosing and at the agency's request and expense.
- (9) Serving as the deciding official for reasonable accommodation requests from applicants.
- (10) Participating in annual training relating to disability laws and regulations, to include training related to the provision of reasonable accommodation.
- (11) Providing information to employees and applicants on how to access additional information on reasonable accommodation, including EEOC guidance and technical assistance documents, and other relevant resources.

E. Managers and Supervisors. All managers and supervisors are responsible for ensuring equality of opportunity in the workplace for individuals with disabilities. Specific responsibilities relating to reasonable accommodation and nondiscrimination based on disability include:

- (1) Consulting with the DPM in connection with all requests for reasonable accommodation.
- (2) Consulting with the DPM in assessing reasonable accommodation options for an employee whose limitations or need for accommodation is obvious, even when the employee has not requested an accommodation.
- (3) Receiving and promptly responding to employee requests for accommodation, including contacting the DPM when a request for accommodation is initially received, engaging in the interactive process, identifying essential job functions and potential accommodations, and maintaining the confidentiality of accommodation information.
- (4) Serving as the deciding official for reasonable accommodation requests from employees.
- (5) Providing approved accommodations and regularly evaluating the effectiveness of such accommodations in consultation with the DPM.

(6) Ensuring there is no retaliation against any employee who requests a reasonable accommodation.

F. Employees. Employees are responsible for:

(1) Keeping informed of their rights and obligations as outlined in this policy.

(2) Informing FTC management officials of the need for reasonable accommodation when an employee's limitations or need for accommodation is not obvious.

(3) Providing FTC management officials with specific information, including appropriate medical information, when requested, related to limitations resulting from a disability and identifying accommodations when the limitations or need for accommodations is not obvious.

(4) Cooperating with FTC management officials throughout the reasonable accommodation process, including communicating during the interactive process.

G. The General Counsel ("OGC"). OGC is responsible for providing legal advice to the DPM and other agency management officials regarding reasonable accommodation requests, policies, and procedures. OGC also serves as the agency's legal representative in disability discrimination complaints involving the FTC.

H. Office of the Chief Information Officer (OCIO). OCIO is responsible for coordinating with the DPM, management officials, employees, and applicants to identify and help provide appropriate assistive technology and services in connection with accommodation requests.

J. Office of the Chief Administrative Services Officer (OCASO). OCASO is responsible for coordinating with the DPM, management officials, employees, and applicants to identify and help provide office needs and services in connection with accommodation requests.

## 6. Definitions

A. Disability. The term "disability" means, with respect to an individual:

(1) a physical or mental impairment that substantially limits one or more major life activities of such individual;

(2) a record of such an impairment; or

(3) being regarded as having such an impairment

A person must satisfy at least one of these three parts of the definition to be considered a person with a disability. Note: A person regarded as having a disability, but who in fact does not have an actual disability, is not entitled to a reasonable accommodation.

B. Essential Functions. Those job duties that are so fundamental to a position that the employee or applicant holds or seeks to hold that he or she cannot do the job without performing them. A function can be "essential" if, among other things: the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or if the function is specialized and the person is hired based on his or her ability to perform it. Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of a generic position description.

C. Impairment. A physiological disorder affecting one or more of a number of body systems or a mental or psychological disorder. The following conditions are not impairments: environmental, cultural and economic disadvantages; homosexuality and bisexuality; pregnancy; physical characteristics; common personality traits; or normal deviations in height, weight, eyesight, or strength.

D. Interactive Process. The procedure in which the supervisor, manager, or DPM works collaboratively with the person requesting an accommodation to determine the disability at issue and whether there is an effective accommodation.

E. Major Life Activities. Activities that are of central importance to daily life. Major life activities include, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, working, and the operation of a major bodily function.

F. **Qualified Employee/Applicant with a Disability.** An individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

G. **Reasonable Accommodations.** Any changes in the work environment or in the way things are customarily done that would enable a person with a disability to enjoy equal employment opportunities. Common types of reasonable accommodations include:

- moving to different office space
- modifying work schedules
- granting breaks or providing leave
- removing or substituting a marginal function
- altering how or when job duties are performed
- providing telework
- removing an architectural barrier, including reconfiguring work space
- providing a reader or sign language interpreter, or other assistant
- providing accessible parking
- providing materials in alternative format (i.e., Braille, large print)

H. **Targeted Disabilities.** A subset of disabilities that includes deafness, blindness, missing extremities, partial paralysis, complete paralysis, compulsive disorders, intellectual disabilities, developmental disabilities, significant psychiatric disorders, traumatic brain injuries, dwarfism, and significant disfigurement.

I. **Undue Hardship.** A determination made on a case-by-case basis that a specific accommodation would cause significant difficulty or expense for the agency to provide. In such instances, the agency does not have to provide the accommodation. The factors considered in assessing undue hardship include but are not limited to: the nature and cost of the accommodation needed; the overall financial resources of the agency making the accommodation; and the effect of the accommodation on the operation of the agency. Note: The potential cost of a reasonable accommodation is normally an insufficient basis to deny a request for reasonable accommodation. All resources available to the agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation must be considered when determining whether a denial of reasonable accommodation based on cost is lawful.

## **Part II – Reasonable Accommodation Procedures**

### **1. Requests for Reasonable Accommodation**

A. A requester is an employee, applicant, or someone acting on the requester's behalf, who is seeking a reasonable accommodation based on a disability. The following procedures are applicable to reasonable accommodation requests from employees. The procedures for handling reasonable accommodation requests from applicants for employment are in Part III of this policy.

(1) An employee must advise a management official, the DPM, or any agency employee connected with the reasonable accommodation application process that he or she needs an adjustment or change at work for a reason related to an impairment or medical condition, unless the employee's limitations or need for accommodation is obvious. A request does not have to include any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act" and does not have to specify a particular type of accommodation that may be needed.

(2) An employee may request a reasonable accommodation at any time, orally, or in writing. The employee should also complete [FTC Form 641, "Request for Reasonable Accommodation,"](#) and submit it to his or her supervisor, manager, or the DPM, confirming the request. A request submitted directly to the DPM will be forwarded to the employee's supervisor.

(3) A family member, health professional, or other representative may, with proper authorization, request an accommodation on behalf of an employee. For example, submission of a doctor's note outlining medical restrictions for an employee may constitute a request for reasonable accommodation.

(4) An employee needing a reasonable accommodation on an irregular but recurring basis, such as the assistance of a sign language interpreter should submit FTC Form 641, "Request for Reasonable Accommodation," only for the first request. However, the employee must give appropriate and sufficient advance notice each subsequent time the accommodation is needed. If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), the employee's supervisor or manager should ensure that the appropriate arrangements are made without requiring a request for each occasion.

## 2. Processing a Request for Reasonable Accommodation

A. When an employee (or a third party on the employee's behalf) requests a reasonable accommodation, the supervisor or manager must contact the DPM to ensure that the request is processed swiftly and appropriately in accordance with this policy.

B. The reasonable accommodation process begins as soon as the employee makes an oral or written request for accommodation to an appropriate management official or the DPM. If an employee makes an oral request for accommodation, the official receiving the accommodation request must inform the employee to complete [FTC Form 641](#).

## 3. The Interactive Process

A. Generally. After an employee requests an accommodation, the manager or supervisor responsible for making the decision regarding the request must discuss the request with the employee. Specifically, they must discuss the employee's current job to determine its essential functions, the job-related limitations imposed by the individual's impairment, how those limitations could be overcome with an accommodation, potential accommodations, including the accommodation the employee prefers, and implementation of the accommodation that is effective and does not create an undue hardship for the agency. An employee does not have to submit [FTC Form 641](#) in order for the interactive process to begin.

(1) The manager or supervisor must begin this discussion by contacting the employee within three (3) business days after the request is first received.

(2) If a third party requests an accommodation on behalf of an employee, the appropriate agency official must confirm with the employee that he or she wants the requested accommodation before proceeding. The employee must provide written documentation to designate the third party to act on his or her behalf.

(3) Early and ongoing communication via the interactive process is particularly critical when the disability, need for accommodation, or type of accommodation needed, is not obvious or management is considering alternatives to the requested accommodation. However, even cases where such information is clear and the need obvious, the management official and the requesting employee should still engage in a full exchange of relevant information.

(4) Managers and supervisors should consider the employee's requested or healthcare provider's recommended accommodation. Managers and supervisors should consult with the DPM regarding processing the accommodation and, if appropriate OGC, or other resources (e.g., EEOC, the Computer/Electronic Accommodations Program (CAP), or the Job Accommodation Network) for guidance.

(5) As part of the interactive process, managers and supervisors may offer alternative accommodations and discuss their effectiveness with the employee. The FTC does not have to provide the exact accommodation the employee requests. If more than one accommodation would be effective in allowing the employee to perform the essential functions of the position, the agency may offer an alternative accommodation than the one requested.

B. Reassignment to a Vacant Position. The following procedures apply when an employee requests reassignment as a reasonable accommodation:

(1) Reassignment must be considered if no other accommodations are available to enable the employee to perform the essential functions of his or her current job, or if the only effective accommodation would cause undue hardship. Reassignment is the accommodation of last resort. The FTC is not required to create a new position as a reasonable accommodation for an employee.

(2) In considering whether there are positions available for reassignment, the manager or supervisor must work with the employee requesting reassignment, the DPM, and a designated HCMO Specialist to identify: (a) vacant funded positions within the agency for which the employee is qualified to be reassigned, with or without reasonable accommodation; and (b) positions which HCMO has reason to believe will become vacant within 60 days from the date the search is initiated and for which the employee may be qualified.

(3) The focus of the reassignment search should be positions that are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If the agency does not know whether the employee is qualified for a specific position, the agency can discuss with the employee his or her qualifications. If there is no vacant equivalent position, the FTC may consider vacant lower level positions for which the employee is qualified.

(4) If the employee requests reassignment to a vacant position outside of his or her commuting area and the employee can be accommodated within the local commuting area, the FTC may, but is not required to grant the request.

(5) Although an employee should assist the FTC in identifying appropriate vacancies to the extent that the employee has access to information about them, it is the agency's responsibility to proceed as expeditiously as possible in determining whether there are appropriate vacancies. When the FTC has completed its search, identified whether there are any vacancies (including any positions that will become vacant in a reasonable amount of time), notified the employee of the results, and either offered an appropriate vacancy to the employee or informed him or her that no appropriate vacancies are available, the FTC would have fulfilled its obligation.

#### **4. Medical Documentation**

A. If an employee's disability or need for accommodation is not obvious or already known, the FTC may ask for sufficient medical documentation to establish that the requester has a disability and needs an accommodation.

B. The DPM is the only FTC official authorized to request medical documentation in relation to reasonable accommodation requests. In determining whether medical documentation is necessary, the DPM should be guided by the principles set forth in the ADA, as amended, the Rehabilitation Act, the EEOC's associated rules and guidance, and relevant legal precedent and seek advice from OGC.

C. The DPM may only request medical documentation related to the impairment at issue in the accommodation request and may not ask for unrelated or general medical information (e.g., access to the requester's medical record). Typically, medical documentation sought will include information regarding: the nature, severity, and duration of the employee's medical impairment; the activity or activities that the impairment limits; the extent to which the impairment limits the employee's ability to perform the essential job function(s); how the reasonable accommodation requested will assist the employee in performing the essential functions of the job or enjoying a benefit of the workplace; and whether there are alternative accommodations that would be effective.

D. Pursuant to the Genetic Information Nondiscrimination Act of 2008 (GINA), the FTC may not request or require genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, employees and applicants for employment may not be asked to provide genetic information in response to a request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services or participated in genetic research, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

E. In most instances, the employee or applicant will be able to furnish medical information sufficient to substantiate the existence of a disability or need for accommodation as part of the interactive process. If the information furnished by the employee or applicant is insufficient to make a determination, the DPM may require additional information from a healthcare provider. When necessary, the DPM may also prepare a list of questions for the healthcare provider to answer, or ask the employee or applicant to sign a limited release permitting the DPM to contact the healthcare provider directly. In some cases, the DPM may arrange for a Medical Review Officer (MRO), a medical professional outside of the agency, who is designated to review medical documentation and provide a medical opinion related to a reasonable accommodation request. If the employee has signed a limited release as described above, the DPM may authorize the MRO to contact the employee's healthcare provider directly for any required information.

F. Upon receipt, the DPM will review the requested medical documentation. The documentation may also be evaluated by the MRO and reviewed by OGC and other appropriate agency officials as necessary, subject to the confidentiality requirements below.

G. If the employee does not want to share their medical documentation with their manager or supervisor, the DPM will advise the supervisor or manager whether the medical documentation received demonstrates that the employee has a disability and whether a reasonable accommodation is appropriate. The DPM will provide any relevant information about the employee's functional limitations to permit further processing of the accommodation request.

H. The ultimate responsibility for providing medical documentation rests with the employee. If the employee requesting an accommodation fails to provide sufficient medical documentation or cooperate in the FTC's efforts to

obtain such documentation, the agency may deny the request.

I. In cases where an employee has been provided reasonable accommodation, the agency may periodically require additional medical documentation for purposes of ensuring that the accommodation remains effective or is still needed.

J. In cases where the disability is obvious or otherwise already known to the manager or supervisor, and the need for that particular accommodation continues, the FTC will not seek any further medical documentation with regard to that specific accommodation.

## 5. Confidentiality Requirements

A. Medical documentation must be kept confidential.

(1) All medical documentation related to the accommodation process must be kept confidential and in a file separate from the employee's official personnel file.

(2) The confidentiality requirement extends to the fact that an employee requested an accommodation, that an accommodation was approved or denied, and information about functional limitations.

(3) Any FTC employee who obtains or receives medical information associated with an accommodation request is strictly bound by these confidentiality requirements.

B. The DPM will maintain custody of records obtained or created during the processing of a request for reasonable accommodation, including medical records, in accordance with the Privacy Act, 5 U.S.C. § 552a, et. seq., and 29 C.F.R. §§ 1611 and 1630.14.

C. Certain information may be shared with appropriate officials on a "need to know" basis to make a determination concerning a reasonable accommodation request. The only information that will be disclosed is the amount of information necessary to process the request. These officials will be informed about the confidentiality requirements in the reasonable accommodation process.

## 6. Time Limits

A. A manager or supervisor must make a final decision on a reasonable accommodation request and provide the accommodation, if granted, within 20 business days after the initial request is made.

(1) If the disability is obvious or already known to the supervisor or manager, if it is clear the reasonable accommodation requested is needed and will enable the employee to complete their essential job functions, if medical documentation is not required to evaluate a request, or if an accommodation can be provided quickly, the manager or supervisor must grant the request within 10 business days after the initial request is made. Note: Failure to provide the accommodation within this 10 business day period may result in a violation of the Rehabilitation Act.

(2) If medical documentation is requested, the 20-day period will be extended by the amount of time necessary to request, receive, and evaluate such documentation. Note: If the individual's health professional fails to provide needed documentation in a timely manner, the agency will not be expected to adhere to its usual time limits for processing a reasonable accommodation request.

(3) If, after an appropriate amount of time has passed without the reasonable accommodation being provided, the employee may contact the management official to whom he or she submitted the request to inquire about its status. The same process applies if the employee submitted the request for reasonable accommodation to the DPM.

B. Expedited Processing. In certain situations, the processing of a request must be expedited. This may be necessary, for example, to allow an employee who needs a sign language interpreter to attend a recently scheduled meeting.

C. Extenuating Circumstances. These are circumstances that could not reasonably have been anticipated or avoided or that are beyond FTC's ability to control. Extenuating circumstances include, but are not limited to, the need to obtain and evaluate medical information, the purchase of equipment, and the removal of architectural barriers. When extenuating circumstances are present, the time for processing a request will be extended as necessary. The manager or supervisor must consult with the DPM prior to taking any of the actions described in this section.

(1) The supervisor or manager should notify the employee in writing of the reason for any delay and the approximate timeframe in which a decision or provision of the reasonable accommodation should be expected.

(2) If there is a delay in deciding or providing an approved accommodation, the supervisor or manager should consider whether there are any interim measures that can be taken. This may include providing interim measures that are not reasonable accommodations within the meaning of the law if: (1) they do not impose an undue hardship on the operations of the FTC; and (2) the employee is informed that they are being provided only on a temporary basis, to allow the individual to perform some or all of the essential functions of his or her job. The agency may not offer an interim accommodation as an alternative to a permanent accommodation when the individual with a disability requires a permanent accommodation.

## 7. Resolution of Request for Reasonable Accommodation

### A. Approving a Request

(1) All decisions regarding requests for reasonable accommodation will be communicated to the employee in writing. A decision to approve a reasonable accommodation request will be communicated to an employee using [FTC Form 641, "Request for Reasonable Accommodation,"](#) in an accessible format, if requested. The manager or supervisor will complete this form, return it to the employee, and discuss implementation of the approved accommodation. A copy of this completed form must be provided to the DPM.

(2) Managers and supervisors should follow-up with the employee after the accommodation has been provided to ensure that it meets the employee's needs and periodically evaluate the accommodation, in consultation with the DPM, to ensure that it continues to be effective and necessary.

(3) A decision to provide an accommodation other than the one specifically requested must be made in consultation with the DPM and based on legal advice provided by OGC. [FTC Form 642, "Denial of Request for Reasonable Accommodation,"](#) will explain the specific reason(s) for declining the requested accommodation and the reason(s) the management official selected the chosen accommodation as an effective alternative.

### B. Denying a Request

(1) A decision to deny an accommodation is a final action and must be made in consultation with the DPM and based on legal advice provided by OGC.

(2) The manager or supervisor will complete [FTC Form 642, "Denial of Request for Reasonable Accommodation,"](#) notifying the employee of the specific reason(s) for any denial and applicable appeal rights. A copy of this completed form must be provided to the DPM.

(3) Common bases for denial are that the requested accommodation would not be effective, the medical documentation is inadequate to establish that the individual has a disability or needs a reasonable accommodation, the requested accommodation would require removal of an essential function or require the lowering of a performance standard, or that the accommodation would result in an undue hardship.

(4) If the manager or supervisor offers an accommodation other than the one requested and the employee refuses to accept it, the FTC will record the refusal using [FTC Form 642, "Denial of Request for Reasonable Accommodation,"](#) and the decision will be recorded as a denial of the accommodation request and will explain why the chosen accommodation would have been effective.

(5) In the case where a request for reasonable accommodation has been denied, the FTC encourages voluntary informal dispute resolution processes that individuals may use to obtain prompt reconsideration. Individuals should contact the Office of EEOI to request voluntary informal dispute resolution.

(6) If a request for reasonable accommodation has been denied, the FTC encourages the use of voluntary, informal dispute resolution processes to obtain prompt reconsideration. Individuals should contact the Office of EEOI to request voluntary, informal dispute resolution.

(7) If the employee wants to file an EEO complaint based on the agency's denial of his or her request for reasonable accommodation, he or she must contact the Office of EEOI within 45 calendar days of the denial, regardless of whether the employee participates in an informal dispute resolution process.

### Part III – Reasonable Accommodations for Applicants for Employment

A. The procedures governing the provision of reasonable accommodations to applicants for employment with the FTC are generally the same as those that apply to FTC employees, with the following exceptions:

(1) Applicants requesting reasonable accommodations must submit requests to the DPM. Information regarding how to contact the DPM will be included in FTC vacancy announcements.

(2) The DPM will contact the applicant within 2 business days after the request for reasonable accommodation is received to request that the applicant complete and submit [FTC Form 641](#), “[Request for Reasonable Accommodation](#),” explain the agency’s procedures for processing the request, and obtain any additional information from the requester that may be necessary to process the requested accommodation.

(3) The DPM will grant or deny the requested accommodation. Depending on the timetable for receiving applications, conducting interviews, and making hiring decisions, there may be a need to expedite the request to ensure the applicant has an equal opportunity to apply for a job. Absent extenuating circumstances, the DPM will make a determination and grant or deny the accommodation swiftly, within a matter of days after the request is initially made or before the situation necessitating the provision of the accommodation (i.e., the interview) takes place.

B. An applicant for employment can contact the DPM to track the processing of his or her request for reasonable accommodation.

C. The DPM should complete [FTC Form 641](#) or [642](#) to communicate his or her decision on the request to the applicant and discuss with the applicant implementation of the accommodation, if approved.

D. If a request for reasonable accommodation has been denied, the FTC encourages voluntary informal dispute resolution processes that applicants may use to obtain prompt reconsideration. Applicants should contact the Office of EEOWI to request voluntary informal dispute resolution. Note: The denial of a request for reasonable accommodation must also inform the applicant of his or her right to file an EEO complaint pursuant to 29 C.F.R. § 1614.106.

E. If the applicant for employment wants to file an EEO complaint based on the agency’s denial of his or her request for reasonable accommodation, he or she must contact the Office of EEOWI within 45 calendar days of the denial, regardless of whether he or she participates in an informal dispute resolution process.

### Part IV – Reporting Requirements, Information Tracking, and Recordkeeping Systems

A. To ensure compliance with this policy and its procedures as well as the Rehabilitation Act and EEOC policy guidance, the DPM will collect and maintain the following information:

(1) The number and types of reasonable accommodations that have been requested in the application process and whether those requests have been granted or denied;

(2) The jobs (occupational series, grade level, and agency component) for which reasonable accommodations have been requested;

(3) The types of reasonable accommodations that have been requested for each of those jobs;

(4) The number and types of reasonable accommodations for each job, by agency component, that have been approved, and the number and types that have been denied;

(5) The number and types of requests for reasonable accommodations that relate to the benefits or privileges of employment, and whether those requests have been granted or denied;

(6) The reasons for denial of requests for reasonable accommodation;

(7) The amount of time taken to process each request for reasonable accommodation; and

(8) The sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.

B. The DPM will provide copies of all FTC Forms involving reasonable accommodation (i.e., FTC Forms 641 and 642) to the CHCO and the Director of EEO on a quarterly basis. The DPM, upon request, will also provide other relevant materials to the Director of EEO through the CHCO.

C. The DPM, through the CHCO, will provide a written assessment of the agency's reasonable accommodation process to the Director of EEO on a quarterly basis, which includes the number and types of accommodations requested and approved, the amount of time taken to process such requests, reasons for denials, and other relevant tracking information. This report should also include any recommendations for improving the agency's reasonable accommodation policy and procedures.

D. Because it is imperative that the FTC evaluate the effectiveness of its reasonable accommodation program, the Director of EEO, in consultation and collaboration with the CHCO and the DPM, will periodically review the program and issue written reports regarding the status of the agency's reasonable accommodation procedures, including recommendations for improvement. The EEO Director will disseminate all written reports to the agency Chairman, the CHCO, the DPM, and other appropriate agency officials. The reports may not contain confidential information about specific requests for reasonable accommodation, but will include general information sufficient to provide a qualitative assessment of the agency's disability program.

E. The DPM will keep appropriate records and documentation to substantiate an employee's disability in the event that there is a new manager or supervisor, and will take the necessary steps to apprise the new manager or supervisor of existing accommodations.

#### F. Recordkeeping Systems

(1) The DPM will keep records related to a particular employee who has requested a reasonable accommodation for the duration of his or her employment. These records include any documentation of the employee's disability or need for reasonable accommodation, as well as information about the disposition of the employee's accommodation request.

(2) The DPM will keep any information or cumulative records used to track the FTC's performance with regard to reasonable accommodation for at least three years. The DPM will use this tracking information to evaluate whether and where the FTC needs to improve its handling of reasonable accommodation requests. Upon request or in the fulfillment of EEOC requirements, the EEO Director will assess the FTC's disability program.

### **Part V – Ensuring Disability Access to Electronic or Information Technology for FTC Employees and Applicants for Employment**

A. **Accessibility.** In accordance with Section 508 of the Rehabilitation Act, as amended, the FTC, when developing, procuring, maintaining, or using electronic and information technology (e.g., computers, databases, software, telephones or other telecommunications systems, photocopiers, agency web sites), is committed to ensuring that such technology allows persons with disabilities to have access to and use of information and data. Section 508 requires that alternative means of access be provided to persons with disabilities. Section 508 applies to agency technology used by employees as well as technology that may be used by members of the public to obtain information or services from the agency.

B. **Complaint Procedures.** A person with a disability who alleges that the agency has failed to comply with Section 508 in providing electronic and information technology may file an administrative complaint with the agency within 45 calendar days of the alleged discriminatory incident. (See 29 U.S.C. § 794d(f)).

An employee or applicant for employment with a disability who alleges that the agency has failed to provide accessible electronic or information technology may file a complaint under the procedures outlined in the FTC's Administrative Manual, Chapter 5-400 (Equal Employment Opportunity) for filing a complaint of disability discrimination. Complaints by members of the public who are disabled must be raised under the procedures outlined in 16 C.F.R. Part 6. (See also, 29 U.S.C. § 794d(f)(2)).

### **Appendix – Reasonable Accommodation Forms and Resources**

FTC Form 641 – [Request for Reasonable Accommodation\\*](#)

FTC Form 642 – [Denial of Request for Reasonable Accommodation\\*](#)

EEOC Enforcement Guidance – <https://www.eeoc.gov/policy/docs/accommodation.html>

\* Forms are available in alternative formats that are accessible to people with disabilities