



Federally Employed Women  
Presents

*Compliance Focus Program:  
“Understanding Management Directive  
(MD) 715 and Barrier Analysis”*

Thursday, March 29, 2018  
12:00 pm – 1:00 pm

Presented by: Cynthia D. Dunn, Director  
Internal Revenue Service (IRS)  
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FEW – Working for the Advancement of Women in Government



# About Me

- ✦ Cynthia “Cin-dee” D. Dunn, Director, Internal Revenue Service (IRS), Tax Exempt and Government Entities (TE/GE), Equity, Diversity and Inclusion (EDI)
- ✦ Direct Report to the TE/GE Commissioner’s Office
- ✦ Longest serving EEO/EDI Director for IRS (2004)
- ✦ 38+ Years of Federal Government Service
- ✦ EEO/EDI/Diversity/Civil Rights Field since 1992
- ✦ National EEO Life Memberships: Federally Employed Women, Blacks In Government, Federal Asian Pacific American Council, Society of American Indian Government Employees, Deaf in Government
- ✦ Member of the FEW, Federal Triangle Chapter
- ✦ Member of IRS Internal Employee Organizations & Chapters (FEW, AIM, ASPIRE, BIG, SAIGE, NextGEN)
- ✦ Proud Mother and Grandmother



# What is Management Directive (MD)-715?

Management Directive 715 (MD-715) is the policy guidance which the Equal Employment Opportunity Commission (EEOC) released in 2003. MD-715 replaced MD-712, 713, 714 (the old Affirmative Employment Plans).

- ★ The MD-715 Report still requires agencies to report participation rate; however it is all inclusive – leaves no one out.
- ★ It helps agencies identifies possible “triggers” and barriers.
- ★ MD-715 should be posted to an agency’s website or where employees can have access.



# Components of MD-715

- ★ PARTS A – D: General Info about Agency
- ★ PART E: Executive Summary
- ★ PART F: Certification by Agency Head
- ★ PART G: Self-Assessment Checklist
- ★ PART H: Plans to Correct Program Deficiencies
- ★ PART I: Plans to Remove Barriers
- ★ PART J: Plan for People with Targeted Disabilities
- ★ Appendix: Workforce Data Tables



# What are the two Goals of MD-715?

## I. Model EEO Program

Design structure for effective management, accountability, self-analysis

## II. Equal Opportunity (Barrier-Free Workplace)

Evaluate policies and procedures regularly for any barriers that tend to limit or restrict equitable opportunities for open competition in the workplace



# The Model EEO Program

- ✦ EEOC divides the essential elements of model agency EEO programs into six broad categories.
- ✦ An Agency should review its EEO and personnel programs, policies, and performance standards against all six elements to identify where their EEO program can become more effective.
- ✦ Agency reviews its programs to ensure that their EEO program meets requirements set forth by law, regulation and policy.



# What are the Six Elements of a Model EEO Program?



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
6. Responsiveness and Legal Compliance



# Identifying Deficiencies in an EEO Program

- ✦ A Program Deficiency is a problem that inhibits an agency's efforts to develop a model EEO program, but does not impact directly upon individuals.
- ✦ Agencies identify strengths and weaknesses in their EEO program through the Self-Assessment Checklist in PART G.





# What is a Barrier?

- ▶ A **barrier** is a policy, practice, procedure, or condition that limits employment opportunities for members of a particular race, ethnic background, gender or because of a disability.



# Program Deficiencies versus Barriers to EEO

A **program deficiency** affects the agency's EEO program.

*Example:* The agency does not have reasonable accommodation procedures.

A **barrier** affects the employment opportunities of certain EEO groups in the agency's workforce.

*Example:* Females have lower participation in senior grade levels and they enter the agency at low grade levels and/or at entry levels.



# Types of Barriers

Will you know one when you see it?

## **Institutional**

Example: An agency primarily recruits from a local 4-year college/university or from the military.

## **Attitudinal**

Example: Women will not return to work after birth of a child.

## **Physical**

Example: Building is not accessible for persons with disabilities.



# Steps in Barrier Analysis

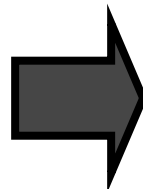
- Step 1 – Find triggers by comparing workforce snapshots to benchmarks and noting “irregularities” in other sources of information
- Step 2 – Investigate the causes of the triggers to identify potential barriers
- Step 3 – Develop and implement a plan to remove identified barriers
- Step 4 – Assess success of the plan



# Barrier Analysis Flow Chart

## ▶ Step (1) – Find Triggers

- Identify Possible Triggers Using a Variety of Sources:
- Take, review and refine compulsory snapshots
- Take additional snapshots where needed
- Review other information sources
- Analyze ALL employment processes



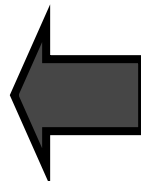
## ▶ Step (2) – Identify Barriers

- Investigate to Pinpoint Actual Barriers and Causes:
- With workforce data, complaints data, and other information, determine appropriate benchmarks, compare rates, and note net changes
- Heed triggers from other sources



## ▶ Step (3) – Devise Action Plans

- Devise a plan to address barrier causes
- Determine whether barriers are job-related and consistent with business necessity. If not, plan to eliminate those barriers.
- Consider modifications even where barriers are job-related and consistent with business necessity.
- Report plan and progress to the EEOC annually



## ▶ Step (4) – Assess Results

- Assess Success of Plan
- Track Progress; should be measurable
- Hold agency officials accountable
- Periodic re-assessments should be done to discover if plan needs adjusting



# Proactive Prevention



Prevent unlawful discrimination by eliminating potential causes

- ✦ Annual self-assessment, including trend analysis
- ✦ Barrier identification and elimination
- ✦ Alternative Dispute Resolution

Disparate Impact Analysis/Identifying Possible Triggers – Exercise

Typing skill of 60 wpm or more

- ✦ Bachelor's degree in engineering
- ✦ Must be able to pass physical fitness exam
- ✦ Graduates of Catholic University

# Workforce Data Tables



- ★ Total workforce
- ★ Occupational categories
- ★ Grade level
- ★ Major occupations
- ★ Applicants for employment, career development, internal promotion, and senior level positions
- ★ Awards
- ★ New hires and separations

# Triggers



- ✦ A **trigger** is a "red flag."
- ✦ Triggers are conditions, disparities, or anomalies warranting further inquiry.
- ✦ Agencies must investigate triggers to determine whether actual barriers exist.
- ✦ Remember, triggers can lead to barriers. Every trigger may not lead to a barrier. Every barrier may not have a trigger.





# Triggers versus Barriers

- ✦ A **trigger** is a symptom that indicates something may be wrong, *i.e.*, that a barrier to equal opportunity may exist.
- ✦ A **barrier** is the cause of the trigger, *i.e.*, the policy, practice, procedure, or condition that limits employment opportunities for members of a particular EEO group.



# Examples of Triggers

- ✦ The participation rate of American Indian/Alaskan Natives (AI/AN) in the total workforce is 0.5%, as compared to the 1.08% availability of AI/AN in CLF.
- ✦ The participation rate of individuals with targeted disabilities (0.9%) is lower than the Federal Goal (2%).
- ✦ High separation rate of women in the workforce.
- ✦ Lack of promotions of Hispanics to senior level positions.
- ✦ Surge in EEO complaints involving gender-based harassment.
- ✦ “I won’t hire Blind Administrative Assistants.”



# Assess Success of Plan

- ✦ Barrier analyses and action plans must be updated each year in Part I of the MD-715 report.
- ✦ Set forth accomplishments and revisions to the plan, including achieved and/or revised due dates.
- ✦ Report if action taken has inadvertently created a new trigger.
- ✦ Progress should be measurable and agency officials held accountable.



# Develop An Effective Action Plan

Assess whether action plan was successful in eliminating the barrier.

Indicators of success:

- ◆ Participation rates up
- ◆ Separation rates down
- ◆ Drop in EEO complaints
- ◆ Favorable responses in surveys, exit interviews, etc.

If plan did not work, then either:

- ◆ Wrong barrier identified.
- ◆ Action plan gave rise to new barrier.



# Effective Barrier Analysis

- ✦ Establish processes to accurately analyze all aspects of employment policies, practices, and procedures.
- ✦ Involve trained personnel and key managers in the barrier analysis process.
- ✦ Creative problem-solving – outside the box.
- ✦ Assign responsibility for barrier removal.
- ✦ Remember – the process is an ongoing one.

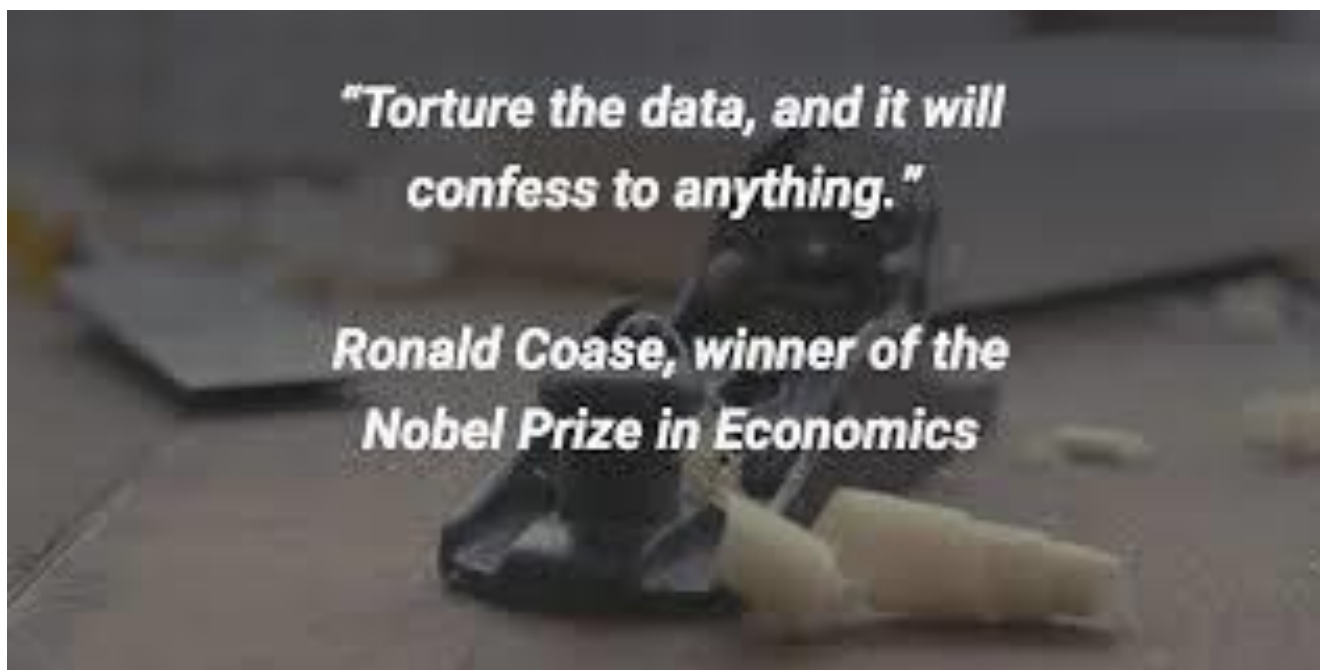
# Resources



- ★ A copy of your Agency's MD-715 should be found on your agency's EEO/EDI/CR website.
- ★ A copy of MD-715 and the instructions are available on the EEOC's website:  
<http://www.eeoc.gov/federal/directives/index.cfm>



In closing, I leave you with this quote...



# Contact Information



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# Any Questions?

