

Federal Election Commission



2022

EEOC Management
Directive 715 Report
(The Equal Employment Opportunity
Program Annual Status Report)



FEDERAL ELECTION COMMISSION
Washington, DC 20463

June 1, 2023

Mr. Carlton Hadden
Director
Office of Federal Operations
U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507

Dear Mr. Hadden:

Enclosed is the Federal Election Commission's (FEC or the Commission) annual submission of its Equal Employment Opportunity (EEO) Program status report pursuant to the Equal Employment Opportunity Commission's (EEOC) Management Directive 715 (MD-715). The FEC continues to work toward achieving a Model EEO Program.

Attached to the FY2022 MD-715 report itself, are supporting materials to document the Agency's efforts, organized by a Table of Contents. Should you or any member of your staff have any questions about the enclosed report, please do not hesitate to call me at (202) 694-1228.

Sincerely,

A handwritten signature in black ink that reads "Kevin R. Salley". The signature is written in a cursive, flowing style.

Kevin R. Salley, Director
Office of Equal Employment Opportunity

Enclosure: a/s

FEDERAL ELECTION COMMISSION

2022 MD-715 Report

Table of Contents

1. Management Directive 715

- 1.1 Parts A Through E – Federal Agency Annual EEO Program Status Report
- 1.2 Part F – Certification of Establishment of Continuing EEO Programs

2. FY 2022 Data

- 2.1 NFC Data: “A” Tables (A1-A6; A-9): Distribution by Race/Ethnicity
- 2.2 NFC Data: “B” Tables (B1-B6; B-9): Distribution by Race/Ethnicity
- 2.3 Workforce Barrier Analysis

3. Policy Statements

- 3.1 2022 EEO Policy Statement - Chairman Allen Dickerson
- 3.2 Anti-Harassment Policy & Procedures
- 3.3 Accommodation Policy
- 3.4 Alternative Dispute Resolution Policy & Procedures
- 3.5 Personal Assistance Services Policy & Procedures

4. FEC Organization Chart

5. Agency FY 2022–2026 Strategic Plan

TAB 1

Management Directive 715

TAB 1.1

Federal Agency Annual EEO Program
Status Report
Parts A Through E

FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

Fiscal Year 2022

MD-715

PARTS A THROUGH E

PART A: AGENCY

Federal Election Commission (there are no 2nd, 3rd, or 4th reporting components); agency consists of 293 employees located at 1050 1st Street, NE, Washington, DC 20463; CPDF code: LF00; FIPS code: 9506

PART B: TOTAL EMPLOYMENT

Total number of permanent full-time and part-time employees: 293

Permanent Workforce: 274

Temporary Workforce: 19

PART C.1: HEAD OF AGENCY AND HEAD OF AGENCY DESIGNEE

Head of Agency - Federal Election Commission Chair:

Shana M. Broussard, (October – December 2021)

Allen Dickerson (January – September 2022)

Head of Agency Designee – Alec Palmer, Staff Director

PART C.2: AGENCY OFFICIALS RESPONSIBLE FOR OVERSIGHT OF EEO PROGRAMS:

Kevin R. Salley, Director, Office of Equal Employment Opportunity, GS-15, (202) 694-1228; ksalley@fec.gov

PART D.1: LIST OF SUBORDINATE COMPONENTS COVERED BY THIS REPORT

There are no subordinate components at this agency.

PART D. 2: DOCUMENTS REQUIRED TO BE SUBMITTED WITH THIS REPORT

1. Accommodation Policy
2. Alternative Dispute Resolution Policy and Procedures
3. Anti-Harassment Policy and Procedures
4. EEO Policy Statement
5. Organizational Chart
6. Personal Assistance Services Policy and Procedures
7. Strategic Plan

PART E – EXECUTIVE SUMMARY:

PART E.1 – EXECUTIVE SUMMARY: Mission

Mission/Background:

The Federal Election Commission (FEC, Agency or the Commission) was established by Congress in 1975 as an independent regulatory agency responsible for administering and enforcing the Federal Election Campaign Act (FECA). Under the authority of this statute, which governs the financing of federal elections, the FEC is responsible for:

- disclosing federal campaign finance information to the public
- enforcing the provisions of the FECA such as contribution limits and prohibitions; and
- monitoring the public funding of Presidential elections.

The FEC is a small, excepted service agency, with approximately 293 employees and most of these positions are filled by individuals in permanent full-time positions. The Agency consists of five (5) major components: the Commissioner's Offices, the Office of General Counsel (OGC), the Office of the Staff Director, the Office of Inspector General (OIG) and the Office of the Chief Financial Officer (CFO).

The Commission recognizes that FEC employees are its most valuable assets and that a workplace environment free from discrimination is not only a legal requirement, but critical to sustaining an efficient and productive workforce. The FEC is striving to become a "Model EEO Employer" by practicing inclusion and cultivating an environment that encourages collaboration, learning and growth, flexibility, and fairness so that all individuals are empowered to participate and contribute to their full potential.

Responsibility for mission accomplishment is shared among six (6) Commissioners, appointed by the President and confirmed by the U.S. Senate. Responsibility for day-to-day staff operations and administrative functions are assigned to the FEC Staff Director who reports directly to the Commissioners. The Director position of the Commission's Equal Employment Opportunity Office (EEO Director) has dual direct reporting authority: to the Commissioners on all EEO matters and to the Staff Director for management and day-to-day administrative matters.

The EEO Office staff includes two EEO Specialists at the GS-13 level. The EEO Director, staff and the overall EEO program have enjoyed the support of both the Chair and Vice Chair, as well as the other Commissioners, the Staff Director, and the Commission's Division Directors. As a small independent agency, the FEC is subject to the requirements of Title 5 of the U.S. Code except for those provisions regarding competitive service appointments. *See* 52 U.S.C. §30106(f). Finally, the FEC has a labor/management agreement with the National Treasury Employees Union which is applicable to approximately 55% of FEC staff.

The EEO Director and staff, on behalf of the Agency, strive to make progress toward the implementation of an ongoing affirmative action program for recruiting, hiring, placing, and

assisting with developing the careers of individuals from underrepresented population groups. During FY 2022, the most notable disparities with the civilian labor force are Hispanics/Latinos, Native Hawaiians/Other Pacific Islanders, American Indians/Alaska Natives, and those who identify as “Two or more Races” (see below). The Human Resources (HR) Director has reported that the Office of Human Resources (OHR) will continue to cast as wide a net as possible in the Agency’s recruitment efforts to attract the best qualified applicants to the FEC, to include individuals with disabilities, disabled veterans, and the other aforementioned underrepresented population groups.

PART E.2 – EXECUTIVE SUMMARY: Essential Elements A – F

- **A. Demonstrated commitment from agency leadership** – the EEO program currently has support from agency leadership at the Commission level (the Commissioners serve as the Agency Head) and the Staff Director position. An EEO Policy Statement by the Commission Chair is circulated to all staff annually in accordance with EEOC guidance. Additionally, centralized funding for providing accommodations for eligible staff (who have documented health issues and request accommodation) has been placed in the EEO budget and is replenished as needed. FEC employees are made aware of the agency’s EEO program and policies (which are posted internally and online) and various training opportunities are offered to agency leadership and staff throughout each year.
- **B. Efficiency** – EEO staff work diligently to ensure the program’s neutrality while working with agency staff, specifically, that the office neither advocates for the employee nor management but focuses on the improvement and implementation of EEO programs and ensures that EEO policy and procedures are clearly communicated and understood. The EEO complaint resolution process is periodically evaluated to assess efficiency, fairness and impartiality as well as to verify that processing times do not exceed those provided for in 29 C.F.R. Part 1614. The agency’s complaint process must provide for neutral adjudication and consequently, the EEO Office is kept separate from the legal defense arm of the agency (*i.e.*, the Office of General Counsel) and other agency offices having conflicting or competing interests. The EEO office has established and makes available an ADR program that facilitates an early, effective, neutral, efficient and informal resolution of disputes. This enables disputants to potentially resolve disputes in a quick, amicable, and cost-effective manner.
- **C. Integration of EEO into the Agency’s Strategic Mission** – only with support from the highest levels, can EEO considerations become an integral part of agency operations. Agency managers constitute a vital part of the agency’s EEO program as they are the decision makers to which the EEO office serves as a resource -- by providing guidance, feedback, and collaborative engagement regarding key activities to achieve a diverse workplace free of barriers to equal opportunity. The EEO Director and staff have regular access to and engagement with senior level and other management staff.
- **D. Management and Program Accountability** – EEO leadership and staff inform managers and supervisors of how they can contribute to the Agency’s EEO program by emphasizing that equality of opportunity is essential to attracting, developing, and retaining the most qualified workforce, with such a workforce being essential to ensuring the Agency’s achievement of its strategic mission. Moreover, they make clear that all

managers and supervisors share responsibility for the successful implementation of EEO programs by working with EEO Office staff and Human Resources officials. Finally, they ensure that there is effective coordination between the Agency's EEO Office programs, related agency Human Resource programs, and proper collaboration with other divisions/offices to promote engagement via other management programs, as they are developed.

- E. Proactive Prevention of Unlawful Discrimination – As part of its ongoing obligation to prevent and eliminate barriers that impede free and open competition in the workplace, an annual agency self-assessment is conducted by the EEO Director and discussed with the Staff Director prior to submission of each year's report. The assessment details efforts to monitor progress and identify areas where barriers may operate to exclude certain groups. Action plans are developed to eliminate identified barriers, when applicable. The agency has developed and informed staff of its anti-discrimination policy that explains what protections are afforded by the civil rights laws, as well as how complaints of discrimination may be raised via the EEO process, and/or other agency processes.
- F. Responsiveness and Legal Compliance – The EEO Director and Staff Director (agency-head designee) certify annually to the EEOC that the required Agency self-assessment has been conducted to measure compliance with EEO laws and EEOC regulations, policy guidance, and other written instructions (see EEOC FORM 715-01 PART F). The EEO Office responds timely and completely to inquiries from the EEOC Office of Federal Operations, as applicable.

PART E.3 – EXECUTIVE SUMMARY: Workforce Analyses

The primary data reviewed in this report was based on personnel data obtained from the National Finance Center (NFC) covering the period of October 1, 2021, to September 30, 2022. The data was processed and formatted in accordance with the Equal Employment Opportunity Commission's (EEOC) Management Directive 715 (MD-715). The Office of Human Resources fulfilled a special data request by the EEO Office regarding detail and acting positions, time served by staff in those positions, and ERI/RNO data regarding select staff in the Reports Analysis Division, Office of General Counsel, and the Office of the Chief Information Officer. Select human resources policies were also reviewed. A comprehensive analysis of these items can be found in Section 2, 2.3: Workforce Barrier Analysis.

Federal Sector EEO Complaints

As in past years, the FEC filed its EEOC Form 462 (report of complaints activity) with the EEOC in a timely manner during FY2022.

During FY 2022, EEO counseling was requested by zero (0) employees for a total of zero counseling requests. There were zero counseling requests pending completion at the end of the reporting period. There were zero formal complaints on hand at the beginning of the reporting period and zero formal complaints filed against the agency during the reporting period.

Alternative Dispute Resolution (ADR)

ADR is available to all employees who participate in the complaint process. Managers and supervisors are encouraged to seek informal resolution of complaints proactively and must participate when this method for resolution has been selected.

Hearings

In FY 2022, there were zero (0) complainants who requested hearings before EEOC Administrative Judges.

Appeals

In FY 2022, there were zero (0) requests to appeal a final decision issued by the FEC.

PART E.4 – EXECUTIVE SUMMARY: Accomplishments

During FY 2022, the Commission continued to experience diverse representation of individuals at certain levels of employment throughout the Agency. However, please note that there continues to be no representation from the Native Hawaiian/Other Pacific Islander groups. There is only one (1) employee in the American Indian/Alaska Native groups, and only one (1) employee identifying as Two or more Races.¹ Historically, the Commission has attempted to identify and address perceived barriers to employment for members of underrepresented groups that join the FEC workforce and/or attempt to advance within it. Specifically, the EEO office staff make every effort to work with Agency management to identify, assess and eliminate any suspected employment barriers. Although the FEC's small size tends to limit resources and opportunities, existing EEO practices and policies continue to be offered and implemented, with new initiatives introduced as instructed by the EEOC or on an "as needed" basis.

Office of Human Resources (OHR)

During FY2022, the OHR experienced personnel turnover with the departure of a Human Resources Specialist and Human Resources Assistant. The assistant position has since been filled as a Human Resources Specialist position. However, OHR (like other offices/divisions) has experienced some challenges in recruiting and retaining staff, due in part to existing limits on telework in agency policies. Conversations and collaboration between the EEO and OHR offices have continued regarding quality of NFC source data, the speed of access and the analysis needed for completion of the MD-715 report. OHR has continued to resurvey the workforce on an annual basis to further encourage self-identification of PWD, PWTD and the race/ethnicity demographics of the workforce.

Overall staff satisfaction with OHR has continued to improve, agency hiring processes have become standardized and more efficient, outdated personnel policies and procedures are being

¹ Five (5) employees selected ERI codes indicating that they are "Two or More Races." Reports for the MD 715 provided by the Agency's payroll provider, NFC, re-categorizes employees who select certain combinations of races. For example, an employee who selected both "White" and "American Indian or Alaska Native" would be categorized as "American Indian or Alaska Native." Similarly, an employee who selected both "White" and "Black or African American" would be re-categorized as "Black or African American." This recategorization may result in variances observed between data in the tables and the corresponding narrative description for this ERI group.

reviewed and submitted for Commission approval, and relationships with partner offices (such as EEO) are being strengthened.

The OHR staff continue to work diligently to increase and improve their level of services utilizing existing resources; however, it is crucial that Agency support of this office remain consistent to ensure the occupational well-being of the workforce. The OHR plays a vital role in the work of the EEO Office, which not only relies on it as a primary data source but also as a strategic mission partner. During FY2022, the EEO Office staff continued to be successful in building productive relationships with staff in OHR, who have reciprocated efforts to collaborate and identify attainable goals.

Data Access, Analysis and Collaboration

The EEO Office has continued to contract professional barrier analysis services to ensure a more thorough consideration and disclosure of data than typically required by small agencies but recommended by the EEOC in prior technical assistance meetings. The EEO Office has continued to monitor available data to identify triggers, devise solutions and make appropriate recommendations to OHR and FEC management that address potential barriers to employment opportunities.

FEVS

The Partnership for Public Service released its 2022 rankings for the [Best Places to Work in the Federal Government](#) and awarded the FEC “Most Improved Small Agency” with a 4.8 point increase in its engagement score. However, the FEC is ranked 26 out of 30 small agencies for Best Places to Work in 2022.

In addition to the overall Engagement Score ranking, the Partnership creates rankings for many other topics in the FEVS. Of the 19 additional categories in the Partnership’s rankings, the FEC was in the top half of small agencies for ten (10) of the categories and ranked particularly well in the following categories:

- 6th in Performance: Work Unit,
- 6th in Performance: Transparency,
- 6th in DEIA: Accessibility
- 8th in Teamwork,
- 8th in Customer Service, and
- 9th in Effective Leadership: Supervisors

OPM’s Employee Engagement Index (EEI) measures employees’ perceptions of leadership, supervisors, and their intrinsic work experience, or feelings of motivation and competency relating to their role in the workplace. In this category, the FEC increased its score by two percentage points over last year. The FEC’s EEI score of 74% is three percentage points higher than the average government-wide score for 2022 (71%). On OPM’s Diversity, Equity, Inclusion and Accessibility (DEIA) Index the FEC scored 77%, which is higher than the average score for small agencies (76%) and the government-wide average (69%).

Specifically, this year's FEVS results identified sixty-four items as agency "strengths" (ratings of 65% positive or higher), and only two (2) items were identified as challenges (ratings of 35 percent negative or higher). FEC supervisors continued to score very highly on survey items such as, "my supervisor treats me with respect" (92% positive); "my supervisor supports my need to balance work and other life issues" (93% positive); and "my supervisor holds me accountable for achieving results" (94% positive). The agency also scored well on questions related to its pandemic response, such as "my supervisor supports my efforts to stay healthy and safe while working" (95% positive) and "my supervisor creates an environment where I can voice my concerns about staying healthy and safe" (93% positive).

A major positive takeaway from the 2022 FEVS may be that, despite the overwhelming challenges of the pandemic, agency employees remained determined to support each other while continuing to carry out the agency's mission. Senior management has pledged to analyze this year's FEVS data to identify specific areas where management can continue to grow the agency's strengths, address challenges, and improve employee engagement. Employees have been encouraged to reach out to their supervisors and members of senior leadership team with their ideas or suggestions and coordinate with the agency's Employee Engagement Steering Committee.

During FY22, the Agency continued to be consistent in its actions regarding the following EEO-related initiatives or activities:

- Coordinating with the Commission Chair to ensure that the EEO Policy Statement was issued to all employees timely,
- Briefing new employees about the agency's EEO program, policies, and practices as part of the agency's New Employee Orientation
- Coordinating with the Staff Director to ensure that the Annual Notice of the FEC's Anti-Harassment Policy statement was issued to all employees timely,
- Issuing the Annual No FEAR Act Notice to all employees (EEO Director)
- Posting No FEAR data on the agency's website quarterly
- Providing updates of Formal EEO Complaint activity to senior staff quarterly
- Providing individualized and on-demand training to employees and management regarding the agency's Accommodation Policy
- Maintaining personal contacts with counterparts at other Federal agencies and utilizing those resources to focus on efforts that increase representation of underrepresented groups,
- Developing informational articles for Agency staff to increase awareness and appreciation for PWD and PWTD
- Administering the agency's Accommodation program effectively and efficiently, which involves:
 - ❖ responding to employee requests for accommodation promptly
 - ❖ evaluating medical data received
 - ❖ requesting additional information when indicated
 - ❖ arranging for ergonomic evaluations when indicated
 - ❖ initiating the interactive process; and

- ❖ conferring with Agency's medical consultant and other Agency offices (when appropriate).
- Initiating discussions with management & staff regarding the projected need for health-related accommodations for members of the agency's aging workforce population
- Attending accommodation-related training programs and seminars to ensure staff knowledge and understanding in this area remains current,
- Maintaining accurate and detailed accommodation records
- Maintaining accurate and detailed complaint records
- Completing (timely) the Agency's MD-715 Annual Report
- Disseminating the Agency's MD-715 Annual Report to agency leadership and publicly via the agency website
- Utilizing the agency's intranet site ("FECnet"), internal digital signage, email and/or other forms of technology to communicate EEO-related information to agency staff on a regular basis,
- Conducting, organizing and/or developing training, events, or commemorative activities for FEC staff during the agency's recognized Special Emphasis Months: Black/African American History (February), Women's History (March), Asian American Heritage (May), Hispanic Heritage (September/October), Disability Employment Awareness (October) and American Indian Heritage (November)
- Providing interpretive services to PWTD at the agency; and
- Updating senior management on EEO program initiatives.

Towards the end of FY2020, FEC Senior Management agreed to support the establishment of the following two entities to improve fairness, communication and transparency between leadership and staff. These entities have begun to thrive and continued to develop during FY2022:

- The **Employee Engagement Steering Committee** – whose goal is to assess and improve levels of engagement at the FEC and serve as a resource for all employees. This group of employees has worked behind the scenes with management to pull staff development training and events together in response to feedback received from customized surveys and/or other agency staff interactions. One of its recent major actions has been to sponsor events at the FEC to recognize agency employees during Public Service Recognition Week, a highly successful annual event that promotes peer-to-peer staff appreciation in addition to general agency recognition.
- The Diversity, Equity, and Inclusion Council was renamed the “**Diversity, Equity, Inclusion and Accessibility**” (**DEIA**) **Council**, to promote greater inclusiveness. The mission of the DEIA Council is to create a more inclusive work environment and to ensure equitable outcomes for all employees. In one of its major actions this fiscal year, the Council planned a “Fall into Diversity Week” from September 19 – 23, 2022. This week-long event offered activities each day for all staff that included collaborative creation of a Staff Cookbook, Family Tree Map, a comprehensive DEIA Calendar (listing many more holidays and

observances than just the Federal Holidays), short diversity related film viewings and much more. Many of these activities were very well attended by all staffing levels. The Council sub-committees are continuing to work in a variety of ways towards- increasing knowledge and awareness of DEIA.

PART E.5 – EXECUTIVE SUMMARY: Planned Activities

1. Continue to work collaboratively with Office of Human Resources (OHR) staff in support of their programs.
2. Increase senior staff engagement in EEO programs and implementation of EEOC mandated goals by:
 - enhancing current barrier analysis efforts and staff collaboration to identify comprehensively any deficiencies or potential deficiencies that may exist in agency programs,
 - supporting the Diversity Equity, Inclusion and Accessibility (DEIA) Council to increase employee engagement and facilitate better communication regarding the impact of agency policies/procedures on members of underrepresented groups,
 - supporting interest in Employee Resource Groups (ERGs), which may form organically from the development of the DEIA Council, as a further staff support system
 - assisting in development of agency recruitment strategies, vacancy projections, succession planning and selection recommendations for training/career development opportunities
 - ensuring proper consideration of the possible impact(s) on minorities, women, and individuals with disabilities prior to agency decision-making on reorganizations and/or realignments
 - coordinating with the Office of Human Resources to review the agency's Merit Promotion Program Policy and Procedures for any systematic barriers that may be impeding full participation in the program by all groups,
 - reviewing the agency's employee development/training programs for systemic barriers that may be impeding full participation in training opportunities by all groups; and
 - developing the framework for an agency-wide mentoring program or other staff development program, using any workforce analysis and succession planning efforts that have been completed, are underway or are in the process of being implemented.
2. Ensure that the agency's hiring practices and procedures address the diversity goals previously set forth by EEOC guidance -- and that senior management engages in proactive activities to address DEIA concerns within our workforce population.
3. Ensure that the agency's Accommodation, ADR, Anti-Harassment and Complaint policies remain compliant with EEOC guidance and are readily available and accessible to all staff.
4. Maintain collaboration with the Finance Office regarding the use of centralized agency funds and processes for accommodating staff for health-related reasons.

5. Increase integration of EEO principles into agency mission and decision making.
 6. Continue collateral duty partnership with the FEC's Office of Alternative Dispute Resolution to sustain and develop the agency's "Conflict Coaching" program, a voluntary, self-directed resolution program made available to all FEC staff.
 7. Encourage senior managers to become perennial partners in the barrier analysis process by:
 - assisting EEO staff in identifying triggers/barriers that may be impeding the realization of equal employment opportunity,
 - collaborating with the EEO Office when barriers are identified, to develop and implement appropriate action plans to eliminate said barriers; and,
 - ensuring that necessary action plans are developed and successfully implemented.
 8. Continue utilization of FEC website, intranet, hallway, and internal digital signage posting, virtual meeting/training as well as any other available forms of technology to disseminate EEO updates and related information to all employees.
 9. Support OHR in their efforts to implement hiring goals approved by the Commission. These goals include actively recruit individuals from a diverse pool of candidates, including those with disabilities (e.g., disabled veterans), targeted disabilities and other underrepresented groups by:
 - re-examining recruitment sources
 - expanding recruitment sources
 10. Expand outreach and recruitment efforts to reach qualified applicants from the agency's underrepresented groups-- most urgently, Hispanics/Latinos, Native Hawaiians/Other Pacific Islanders, American Indians/Alaska Natives and Persons with Disabilities (PWD) and Targeted Disabilities (PWTD).
-

TAB 1.2

Certification of Establishment of Continuing
Equal Employment Opportunity Programs
Part F

FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT

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

I, **Kevin R. Salley** Director, Office of Equal Employment Opportunity, GS-0206-15 am the
(Insert name above) (Insert official title/series/grade above)

Principal EEO Director/Official for **Federal Election 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.

Kevin R. Salley Digitally signed by Kevin R. Salley
Date: 2023.06.01 13:16:26 -04'00'

Signature of Principal EEO Director/Official

Date

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

David Palmer Digitally signed by David Palmer
Date: 2023.06.01 16:14:25 -04'00'

Signature of Agency Head or Agency Head Designee

Date

TAB 2

FY 2022 Data Tables

TAB 2.1

“A” Tables 1 – 6; 9
Distribution by Race/Ethnicity

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

Awards		All	Total Males	Total Females	Hispanic or Latino Males	Hispanic or Latino Females	White Males	White Females	Black or African American Males	Black or African American Females	Asian Males	Asian Females	Native Hawaiian or Other Pacific Islander Males	Native Hawaiian or Other Pacific Islander Females	American Indian or Alaska Native Males	American Indian or Alaska Native Females	Two or more races Males	Two or more races Females
Time Off Awards																		
Time-Off Awards: 1-10 hours	#	43	19	24	0	0	17	15	1	9	1	0	0	0	0	0	0	0
	%	100%	44.19%	55.81%	0.00%	0.00%	39.53%	34.88%	2.33%	20.93%	2.33%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Total Hours	#	314	144	170	0	0	136	110	4	60	4	0	0	0	0	0	0	0
Average Hours	#	7	8	7	0	0	8	7	4	7	4	0	0	0	0	0	0	0
Time-Off Awards: 11-20 hours	#	9	4	5	0	0	4	3	0	2	0	0	0	0	0	0	0	0
	%	100%	44.44%	55.56%	0.00%	0.00%	44.44%	33.33%	0.00%	22.22%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Total Hours	#	144	64	80	0	0	64	48	0	32	0	0	0	0	0	0	0	0
Average Hours	#	16	16	16	0	0	16	16	0	16	0	0	0	0	0	0	0	0
Time-Off Awards: 21-30 hours	#	5	3	2	0	0	2	1	1	1	0	0	0	0	0	0	0	0
	%	100%	60.00%	40.00%	0.00%	0.00%	40.00%	20.00%	20.00%	20.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Total Hours	#	120	72	48	0	0	48	24	24	24	0	0	0	0	0	0	0	0
Average Hours	#	24	24	24	0	0	24	24	24	24	0	0	0	0	0	0	0	0
Time-Off Awards: 31-40 hours	#	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	%	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 Hours	#	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Average Hours	#	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Time-Off Awards: 41 or more hours	#	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	%	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 Hours	#	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Average Hours	#	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Awards																		
Cash Awards: \$500 and Under	#	243	104	139	0	5	66	66	26	58	11	10	0	0	0	0	1	0
	%	100%	42.80%	57.20%	0.00%	2.06%	27.16%	27.16%	10.70%	23.87%	4.53%	4.12%	0.00%	0.00%	0.00%	0.00%	0.41%	0.00%
Total Amount	#	\$65,308.80	\$28,294.21	\$37,014.59	\$0.00	\$1,122.57	\$18,932.62	\$18,239.66	\$5,933.53	\$13,866.76	\$3,078.48	\$3,785.60	\$0.00	\$0.00	\$0.00	\$0.00	\$349.58	\$0.00
Average Amount	#	\$269	\$272	\$266	\$0	\$225	\$287	\$276	\$228	\$239	\$280	\$379	\$0	\$0	\$0	\$0	\$350	\$0
Cash Awards: \$501 - \$999	#	40	20	20	0	1	11	7	5	12	4	0	0	0	0	0	0	0
	%	100%	50.00%	50.00%	0.00%	2.50%	27.50%	17.50%	12.50%	30.00%	10.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Total Amount	#	\$65,308.80	\$28,294.21	\$37,014.59	\$0.00	\$1,122.57	\$18,932.62	\$18,239.66	\$5,933.53	\$13,866.76	\$3,078.48	\$3,785.60	\$0.00	\$0.00	\$0.00	\$0.00	\$349.58	\$0.00
Average Amount	#	\$1,633	\$1,415	\$1,851	\$0	\$1,123	\$1,721	\$2,606	\$1,187	\$1,156	\$770	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Cash Awards: \$1000 - \$1999	#	95	34	61	0	3	21	30	12	27	1	1	0	0	0	0	0	0
	%	100%	35.79%	64.21%	0.00%	3.16%	22.11%	31.58%	12.63%	28.42%	1.05%	1.05%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Total Amount	#	\$146,836.11	\$54,187.36	\$92,648.75	\$0.00	\$3,916.26	\$36,116.94	\$47,398.59	\$16,394.58	\$39,658.06	\$1,675.84	\$1,675.84	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Average Amount	#	\$1,546	\$1,594	\$1,519	\$0	\$1,305	\$1,720	\$1,580	\$1,366	\$1,469	\$1,676	\$1,676	\$0	\$0	\$0	\$0	\$0	\$0
Cash Awards: \$2000 - \$2999	#	46	24	22	0	0	18	7	3	10	2	5	0	0	0	0	1	0
	%	100%	52.17%	47.83%	0.00%	0.00%	39.13%	15.22%	6.52%	21.74%	4.35%	10.87%	0.00%	0.00%	0.00%	0.00%	2.17%	0.00%
Total Amount	#	\$114,249.86	\$59,549.01	\$54,700.85	\$0.00	\$0.00	\$44,166.97	\$18,130.26	\$7,481.63	\$23,822.02	\$5,266.94	\$12,748.57	\$0.00	\$0.00	\$0.00	\$0.00	\$2,633.47	\$0.00
Average Amount	#	\$2,484	\$2,481	\$2,486	\$0	\$0	\$2,454	\$2,590	\$2,494	\$2,382	\$2,633	\$2,550	\$0	\$0	\$0	\$0	\$2,633	\$0
Cash Awards: \$3000 - \$3999	#	57	24	33	0	1	16	19	4	9	4	4	0	0	0	0	0	0
	%	100%	42.11%	57.89%	0.00%	1.75%	28.07%	33.33%	7.02%	15.79%	7.02%	7.02%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Total Amount	#	\$190,549.20	\$80,722.05	\$109,827.15	\$0.00	\$3,660.55	\$54,728.95	\$62,419.30	\$12,996.55	\$29,653.65	\$12,996.55	\$14,093.65	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Average Amount	#	\$3,343	\$3,363	\$3,328	\$0	\$3,661	\$3,421	\$3,285	\$3,249	\$3,295	\$3,249	\$3,523	\$0	\$0	\$0	\$0	\$0	\$0

TAB 2.2

“B” Tables 1 – 6; 9
Distribution by Disability

TAB 2.3

Workforce Barrier Analysis

THE FEDERAL ELECTION
COMMISSION

BARRIER
ANALYSIS
FY2022

Federal Election Commission
Barrier Analysis FY 2022

I. INTRODUCTION

The Federal Election Commission (FEC) is the independent regulatory agency charged with administering and enforcing the federal campaign finance law. The FEC has jurisdiction over the financing of campaigns for the U.S. House, Senate, and President.

The mission of the Federal Election Commission is to protect the integrity of the federal campaign finance process by providing transparency and fairly enforcing and administering federal campaign finance laws.

The primary data reviewed in this report is based on personnel data obtained from the National Finance Center (NFC) covering the period of October 1, 2021, to September 30, 2022. The data was processed and formatted in accordance with the Equal Employment Opportunity Commission's (EEOC) Management Directive 715 (MD-715). The Office of Human Resources compiled data and provided information regarding the agency's detail and acting positions during this time as well.

Summary of Workforce Profiles

At the close of FY2022, the Federal Election Commission had a total workforce of 293 employees. There were 274 permanent and 19 temporary employees. There was a net decrease of ten (-10) employees during FY2022. Males (130) comprised 44.37% of the total FEC workforce as compared to 53.20% in the National Civilian Labor Force (CLF). Females (163) comprised 55.63% of the FEC workforce as compared to 46.80% in the CLF. The data chart in Table A-1 shows the workforce profile for permanent employees:

- White males (85) comprised 29.01% of the FEC workforce as compared to 39.00% of the CLF.
- White females (78) comprised 26.62% of the FEC workforce as compared to 33.70% of the CLF.
- Black/African American males (29) comprised 9.90% of the FEC workforce as compared to 4.8% in the CLF.
- Black/African American females (64) comprised 21.84% of the FEC workforce as compared to 5.7% in the CLF.
- Hispanic/Latino males (1) comprised 0.34% of the FEC workforce as compared to 6.2% of the CLF.
- Hispanic/Latino females (7) comprised 2.39% of the FEC workforce as compared to 4.50% in the CLF.
- Asian males thirteen (13) comprised 4.44% of the FEC workforce as compared to 1.90% in the CLF.

Federal Election Commission - Barrier Analysis FY 2022

- Asian females fourteen (14) comprised 4.78% of the FEC workforce as compared to 1.70% in the CLF.
- Native Hawaiian/Other Pacific Islander males (zero [0]) comprised 0.0% of the FEC workforce as compared to 0.10% of the CLF.
- Native Hawaiian/Other Pacific Islander females (zero [0]) comprised 0.0% of the FEC workforce as compared to 0.10% in the CLF.
- American Indian/Alaska Native males (1) comprised 0.34% of the FEC workforce as compared to 0.30% in the CLF; and
- American Indian/Alaska Native females (zero [0]) comprised 0.00% of the FEC workforce as compared to 0.30% in the CLF.
- Males who identified as Two or More Races (1) comprised 0.34% of the FEC workforce as compared to 0.80% in the CLF.
- Females who identified as Two or More Races (zero [0]) comprised 0.00% of the FEC workforce as compared to 0.80% in the CLF.

Table A1: TOTAL WORKFORCE - Distribution by Race, Ethnicity, and Sex (Across)																		
Employment Tenure	All	Total Males	Total Females	Hispanic or Latino Males	Hispanic or Latino Females	White Males	White Females	Black or African American Males	Black or African American Females	Asian Males	Asian Females	Native Hawaiian or Other Pacific Islander Males	Native Hawaiian or Other Pacific Islander Females	American Indian or Alaska Native Males	American Indian or Alaska Native Females	Two or More Races Males	Two or More Races Females	
CLF (2010)	%	100%	53.20%	46.80%	6.20%	4.50%	39.00%	33.70%	4.80%	5.70%	1.90%	1.70%	0.10%	0.10%	0.30%	0.30%	0.80%	0.80%
Alternative Benchmark	%																	
TOTAL WORKFORCE																		
Prior FY	#	303	137	166	1	6	94	84	28	63	12	13	0	0	1	0	1	0
	%	100%	45.21%	54.79%	0.33%	1.98%	31.02%	27.72%	9.24%	20.79%	3.96%	4.29%	0.00%	0.00%	0.33%	0.00%	0.33%	0.00%
Current FY	#	293	130	163	1	7	85	78	29	64	13	14	0	0	1	0	1	0
	%	100%	44.37%	55.63%	0.34%	2.39%	29.01%	26.62%	9.90%	21.84%	4.44%	4.78%	0.00%	0.00%	0.34%	0.00%	0.34%	0.00%
Difference	#	-10	-7	-3	0	1	-9	-6	1	1	1	1	0	0	0	0	0	0
Ratio Change	%	0.00%	-0.83%	0.83%	0.01%	0.41%	-2.01%	-1.10%	0.68%	1.05%	0.48%	0.48%	0.00%	0.00%	0.01%	0.00%	0.01%	0.00%
Net Change	%	-3.30%	-5.11%	-1.81%	0.00%	16.67%	-9.57%	-7.14%	3.57%	1.59%	8.33%	7.69%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
EMPLOYEE GAINS																		
New Hires	#	18	9	9	0	0	4	4	3	3	2	2	0	0	0	0	0	0
	%	100%	50.00%	50.00%	0.00%	0.00%	22.22%	22.22%	16.67%	16.67%	11.11%	11.11%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
EMPLOYEE LOSSES																		
Reduction in Force	#	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	%	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%
Removal	#	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	%	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%
Resignation	#	10	7	3	0	0	6	2	0	1	1	0	0	0	0	0	0	0
	%	100%	70.00%	30.00%	0.00%	0.00%	60.00%	20.00%	0.00%	10.00%	10.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Retirement	#	7	5	2	0	1	4	1	1	0	0	0	0	0	0	0	0	0
	%	100%	71.43%	28.57%	0.00%	14.29%	57.14%	14.29%	14.29%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Other Separations	#	12	5	7	0	0	3	4	2	2	0	1	0	0	0	0	0	0
	%	100%	41.67%	58.33%	0.00%	0.00%	25.00%	33.33%	16.67%	16.67%	0.00%	8.33%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Total Separation	#	29	17	12	0	1	13	7	3	3	1	1	0	0	0	0	0	0
	%	100%	58.62%	41.38%	0.00%	3.45%	44.83%	24.14%	10.34%	10.34%	3.45%	3.45%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

Table A-1: Total Workforce Net Change

Total Workforce Net Change

The Federal Election Commission had a total workforce (permanent and temporary employees) of 293 employees in FY22. In FY21, there were 303 employees in the total workforce. This represents a decrease of ten (-10) employees, or a net change of -3.30%. There were 130 male employees in the workforce in FY22 (44.37%); in FY21, there were 137 male employees (45.21%). This represents a change of seven (-7) employees, or a net change of -5.11%. There were 163 female employees in the workforce in FY22 (55.63%); in FY21, there were 166 female employees (54.79%). This represents a decrease of three (-3) employees, or a net change of -1.81%.

In FY22, there were 85 White males (29.01%) as compared to 94 in FY21 (31.02%). This represents a decrease of nine (-9) employees, or a net change of -9.57%. In FY22, there were 78 White females (26.62%) as compared to 84 in FY21 (27.72%). This represents a decrease of six (-6) employees or a net change of -7.14%. In FY22, there were 29 Black African/American Males (9.90%); in FY21, there were 28 Black/African American Male employees (9.24%), this represents an increase of one (1) employee or a net change of 3.57%. In FY22, there were 64 Black/African American female employees (21.84%); in FY21, there were 63 Black/African American females (20.79%); this represents an increase of one (1) employee or a net change of 1.59%. In FY22, there were thirteen (13) Asian males (4.44%); in FY21, there were twelve (12) Asian males (3.96%). This represents an increase of one (1) employee or a net change of 8.33%. In FY22 there were 14 Asian females (4.78%); in FY21, there were 13 Asian females (4.29%), which represents an increase of one (1) employee or a net change of 7.69%. In FY22 and FY21, there were zero (0) Native Hawaiians/Other Pacific Islanders, which represents no change. In FY22 and FY21, there was one (1) American Indian/Alaskan Native employee (0.34%) which represents no change. In FY22 and FY21, there was one (1) male employee that identified as Two or More Races (0.34%), which represents zero (0) net change. In FY22 and FY21, there were zero (0) female employees who identified as Two or More Races (0.00%); therefore, there was no change.

II. WORKFORCE ANALYSIS

A. Total Workforce Distribution – Three-Year Trend Analysis

The total workforce distribution, three-year trend Analysis of employees by Race/Ethnicity and Sex is shown in **Figure 1** with details following the figure.

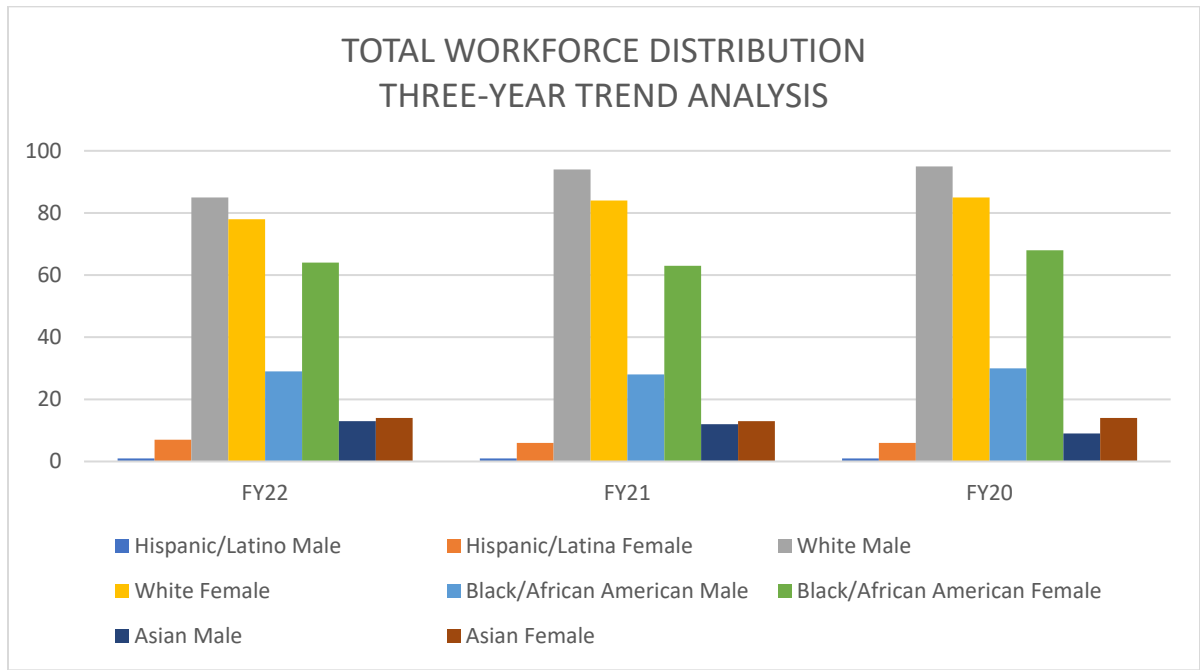


Figure 1: Total Workforce Distribution – Three-Year Analysis

FY22

The total workforce distribution for FY22 can be found on data Table A-1. Of the 293 employees in the total workforce, 130 were male (44.37%) and 163 were female (55.63%). Regarding race/ethnicity, there were eight (8) Hispanic/Latino employees (2.73%), of whom one (1) was male (0.34%) and seven (7) were female (2.39%). There were 163 White employees (55.63%), of whom 85 were male (29.01%) and 78 were female (26.62%). There were 93 Black/African American employees (31.74%), of whom 29 were male (9.90%) and 64 were female (21.84%). There were 27 Asian employees (9.22%), of whom thirteen (13) were male (4.44%) and 14 were female (4.78%). There were zero (0) Native Hawaiian/Other Pacific Islander employees. There was one (1) male employee (0.34%) who identified as an American Indian/Alaskan Native. There was one (1) male employee (0.34%) who identified as Two or More Races.

FY21

The total workforce distribution in FY21 was 303 employees. Of the 303 employees in the total workforce, 137 were male (45.21%) and 166 were female (54.79%). Regarding race/ethnicity, there were seven (7) Hispanic/Latino employees (2.31%), of whom one (1) was male (0.33%) and six (6) were female (1.98%). There were 178 White employees (58.74%), of whom 94 were male (31.02%) and 84 were female (27.72%). There were 91 Black/African American employees (30.03%), of whom 28 were male (9.24%) and 63 were female (20.79%). There were 25 Asian employees (8.25%), of whom 12 were male (3.96%) and 13 were female (4.29%). There were zero (0) Native Hawaiian/Other Pacific Islander employees. There was one (1) male employee (0.33%) who identified as an American Indian/Alaskan Native. There was one (1) male employee (0.33%) who identified as Two or More Races.

FY20

The total workforce distribution for FY20 was 311 employees. Of the 311 employees in the total workforce, 137 were male (44.05%) and 174 were female (55.95%). Regarding race/ethnicity, there were seven (7) Hispanic/Latino employees (2.25%), of whom one (1) was male (0.32%) and six (6) were female (1.93%). There were 180 White employees (57.88%), of whom 95 were male (30.55%) and 85 were female (27.33%). There were 98 Black/African American employees (31.51%), of whom 30 were male (9.65%) and 68 were female (21.86%). There were 23 Asian employees (7.39%), of whom nine (9) were male (2.89%) and 14 were female (4.50%). There were zero (0) Native Hawaiian/Other Pacific Islander employees. There was one (1) male employee (0.32%) who identified as an American Indian/Alaskan Native. There were two (2) employees (0.64%) who identified as Two or More Races, of whom one (1) was male (0.32%) and one (1) was female (0.32%).

Three -Year Trend Analysis:

The three-year trend analysis was based on workforce data from FY20, FY21, FY22. Overall, the total workforce at the FEC decreased from 311 employees in FY20 to 293 employees in FY22. Regarding race/ethnicity, representation of Hispanic Males remained unchanged at one (1) Hispanic Male in FY 20, FY21 and FY22 (0.34%). Hispanic Females increased by one (1) employee between FY20-FY22 with an increase of (0.75%). Representation of White male employees decreased by ten (10) employees from 95 employees in FY20 to 85 employees in FY22, which represents a decrease of (-2.01%). White female employees decreased from 85 to 78 employees from FY20-FY22, which represents a decrease of seven (-7) employees (-1.01%). Black/African American male representation showed an increase of one (1) employee which represents an increase from 9.65% to 9.90%. Black/African American female representation remained consistent at approximately 22% from FY20-FY22. The biggest increase in representation was with Asian male employees. In FY20, Asian male representation was 2.89% and in FY22 was 4.44%, which is an increase of two (2) employees in FY21 and two (2) additional employees in FY22. Asian female representation showed modest increase from 4.50% in FY20 to 4.78% in FY22, which is an increase of one (1) employee. There remained zero (0) representation

of Native Hawaiian/Pacific Islander employees. From FY20-FY22, there was one (1) employee who identified as American Indian/Alaskan Native and one (1) employee who identified as Two or More races.

C. WORKFORCE DISTRIBUTION OF EMPLOYEES FY22 (GS-04 – Senior-Level)

The workforce distribution of permanent employees for FY22 by General Schedule grades can be found on Table A4. The FEC permanent workforce consisted of 274 employees. In FY22, there were 121 (44.16%) males and 153 (55.84%) females. Regarding race/ethnicity, there was one (1) Hispanic/Latino male (0.36%) and six (6) Hispanic/Latina females (2.19%); 78 White males (28.74%) and 70 White females (25.55%); 29 Black/African American males (10.58%) and 63 Black/African American females (22.99%); eleven (11) Asian males (4.01%) and 14 Asian females (5.11%). There were zero (0) Native Hawaiians/Other Pacific Islanders and one (1) American Indian/Alaskan Native male (0.36%). There was one (1) male employee who identified as Two or More Races (0.36%).

The workforce distribution for General Schedule Grades GS-04 – Senior-Level employees by Race/Ethnicity and Sex is detailed as follows:

i. GS-04 Workforce Distribution by Race/Ethnicity and Sex

The workforce distribution for General Schedule Grades GS-04 employees by Race/Ethnicity and Sex is shown in **Figure 2** with details following the figure.

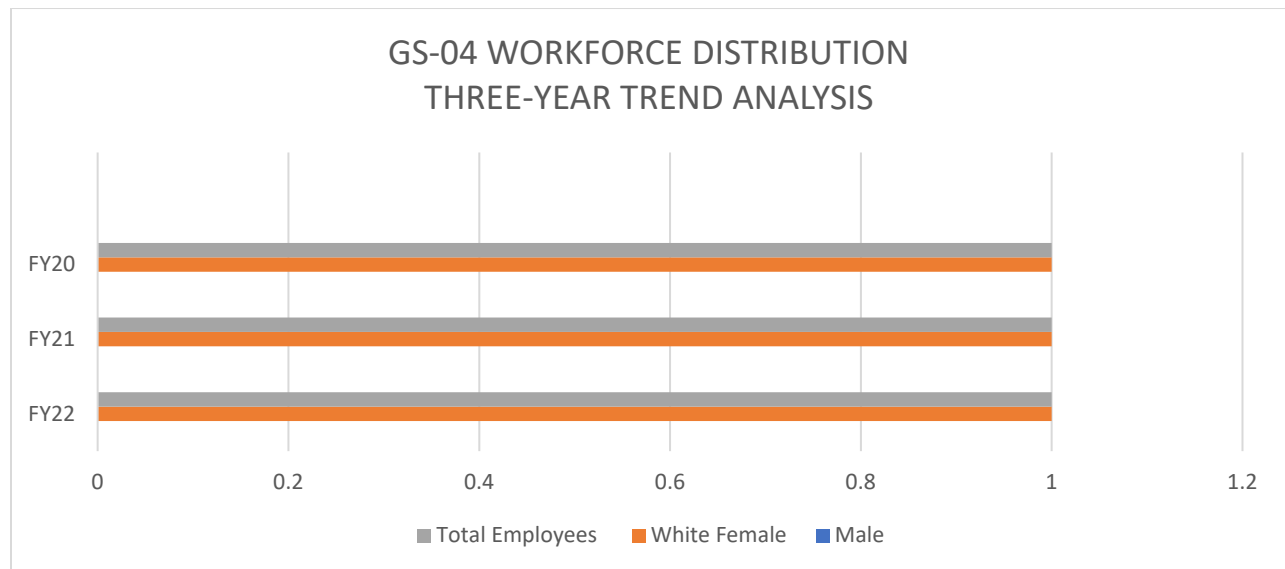


Figure 1: GS-04 Workforce Distribution by Race/Ethnicity and Sex

FY22

Workforce distribution GS-04 level: In FY22, there were 274 permanent employees at the FEC; there was one (1) employee at the GS-04 level (0.36%). Of this employee, one (1) was female (100%). Regarding race/ethnicity, the employee was White. There were zero (0) Black/African

American, Hispanic, or Latino, Asian, Native Hawaiian/ Pacific Islander, American Indian/ Alaskan Native or employees who identified as Two or More Races (0%).

FY21

Workforce distribution GS-04 level: In FY21, there were 284 permanent employees at the FEC; there was one (1) employee at the GS-04 level (0.35%). Of these employees, one (1) was female (100%). Regarding race/ethnicity, the employee was White. There were zero (0) Black/African American, Hispanic, or Latino, Asian, Native Hawaiian/Pacific Islander, American Indian/Alaskan Native, or employees who identified as Two or More Races (0%).

FY20

Workforce distribution GS-04 level: In FY20 there were 300 permanent employees at the FEC; there was one (1) employee at the GS-04 level (0.33%). Of these employees, one (1) was female (100%). Regarding race/ethnicity, the employee was White. There were zero (0) Black African American, Hispanic, or Latino, Asian, Native Hawaiian/ Pacific Islander, American Indian/ Alaskan Native or employees who identified as Two or More Races (0%).

Three-Year Trend Analysis

A three-year trend analysis revealed that regarding race/ethnicity, the gender and race/ethnicity of the employee at the GS-4 level has been unchanged. There has been one (1) White female employee at the GS-04 level for three years. There has been zero (0) 0% representation of Hispanic, Black/African American, Asian, Native Hawaiian, American Indian/Alaskan Native employees at the GS-04 level during the three-year period from FY20-FY22.

ii. GS-05 Workforce Distribution by Race/Ethnicity and Sex

The workforce distribution for GS Grades GS-05 employees by race/ethnicity and sex is shown in **Figure 3** with details following the figure.

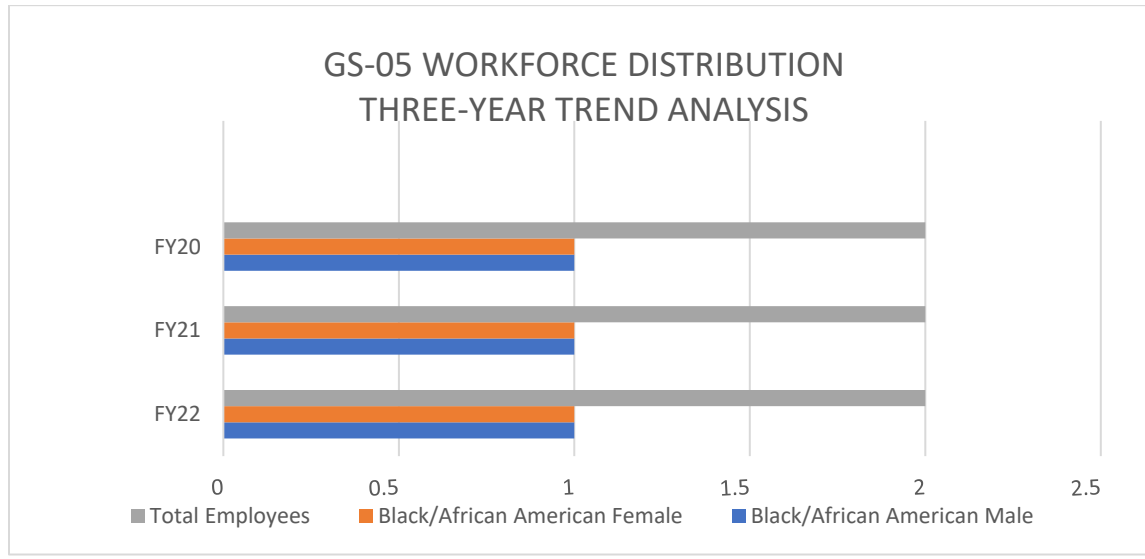


Figure 2: GS-05 Workforce Distribution by Race/Ethnicity and Sex

FY22

Workforce distribution GS-05 level: During FY22, the FEC’s permanent workforce consisted of 274 permanent employees. There were two (2) employees at the GS-05 level (0.72%). Of these employees, one (1) was male (50%) and one (1) was female (50%). Regarding race/ethnicity, both were Black/African American (100%); one (1) was male (50%) and one (1) was female (50%). There were zero (0) White, Hispanic or Latino, Asian, Native Hawaiian/ Pacific Islander, American Indian/ Alaskan Native or employees who identified as Two or More Races (0%).

FY21

Workforce distribution GS-05 level: There were 284 permanent employees in FY21, and there were two (2) employees at the GS-05 level (0.70%). Of these employees, one (1) was male (50%) and one (1) was female (50%). Regarding race/ethnicity, both were Black/African American (100%); one (1) was male (50%) and one (1) was female (50%). There were zero (0) White, Hispanic or Latino, Asian, Native Hawaiian/Pacific Islander, American Indian/Alaskan Native, or employees who identified as Two or More Races (0%).

FY20

Workforce distribution GS-05 level: There were 294 permanent employees in FY20, and there were two (2) employees at the GS-05 level (0.67%). Of these employees, one (1) was

male (50%) and one (1) was female (50%). Regarding race/ethnicity, both were Black/African American (100%); one (1) was male (50%) and one (1) was female (50%). There were zero (0) White, Hispanic or Latino, Asian, Native Hawaiian/ Pacific Islander, American Indian/ Alaskan Native or employees who identified as Two or More Races (0%).

Three-Year Trend Analysis

A three-year trend analysis from FY20-FY22 revealed that regarding race/ethnicity, the gender and race/ethnicity of the employees at the GS-5 level has been unchanged. There have been two (2) Black/African American employees at the GS-05 level for three years, one (1) male and one (1) female. There has been zero (0) 0% representation of Hispanic, White, Asian, Native Hawaiian, American Indian/Alaskan Native employees at the GS-05 level during the three-year period from FY20-FY22.

iii. GS-06 Workforce Distribution by Race/Ethnicity and Sex

Workforce distribution GS-06 level: There were no employees at the GS-06 level.

iv. GS-07 Workforce Distribution by Race/Ethnicity and Sex

The workforce distribution for General Schedule Grades GS-07 employees by race/ethnicity and sex is shown in **Figure 4** with details following the figure.

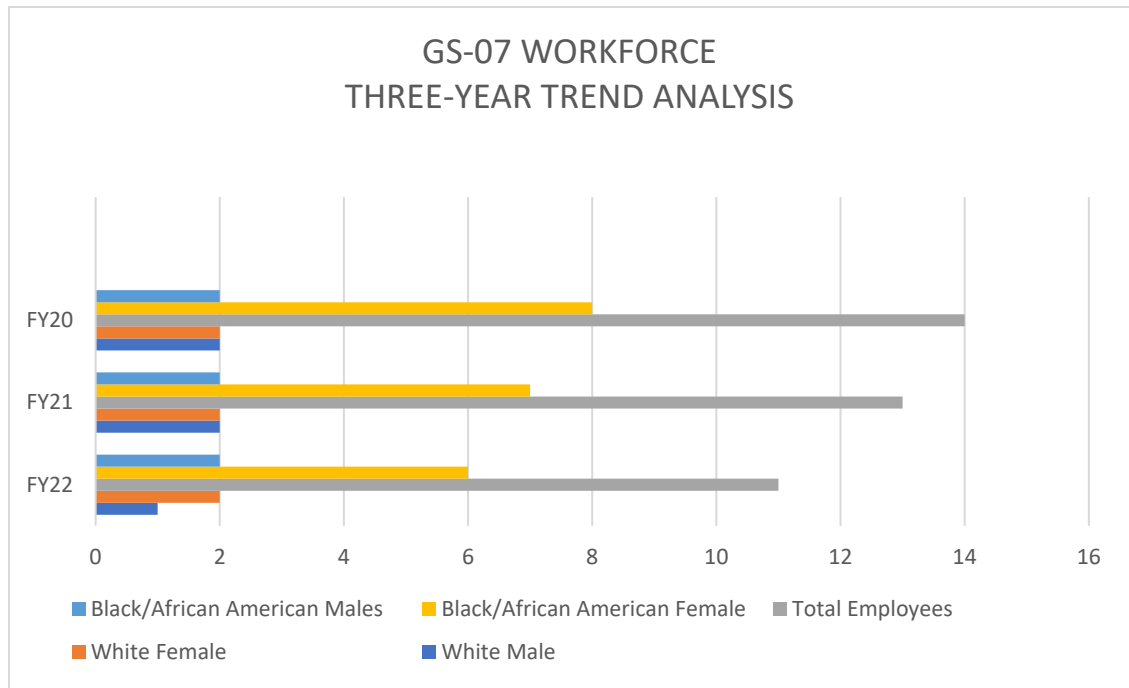


Figure 3: GS-07 Workforce Distribution by Race/Ethnicity and Sex

FY22

Workforce distribution GS-07 level: There were 274 permanent employees at the FEC in FY22, and there were 11 employees at this GS level (4.01%). Of the 11 employees, three (3) were male (27.27%); eight (8) were female (72.73%). Regarding race/ethnicity, there was one (1) White male (9.09%) and two (2) White females (18.18%). There were two (2) Black/African American males (18.18%) and six (6) Black/African American females (54.55%). There were zero (0) Hispanic or Latino, Asian, Native Hawaiian/ Pacific Islander, American Indian/ Alaskan Native or employees who identified as Two or More Races (0%).

FY21

Workforce distribution GS-07 level: There were 284 permanent employees at the FEC in FY21, and there were 13 employees at this GS level (4.58%). Of these employees, four (4) were male (30.77%); nine (9) were female (69.23%). Regarding race/ethnicity, there were two (2) White males (15.38%) and two (2) White females (15.38%). There were two (2) Black/African American males (15.38%) and seven (7) Black/African American females (53.85%). There were zero (0) Hispanic or Latino, Asian, Native Hawaiian/Pacific Islander, American Indian/Alaskan Native, or employees who identified as Two or More Races (0%).

FY20

Workforce distribution GS-07 level: There were 300 permanent employees at the FEC in FY20; there were 14 employees at this GS level (4.67%). Of these employees, four (4) were male (28.57%); ten (10) were female (71.42%). Regarding race/ethnicity, there were two (2) White males (14.28%) and two (2) White females (14.28%); two (2) Black/African American males (14.28%) and eight (8) Black/African American females (57.14%). There were zero (0) Hispanic or Latino, Asian, Native Hawaiian/ Pacific Islander, American Indian/ Alaskan Native or employees who identified as Two or More Races (0%).

Three-Year Trend Analysis

A three-year trend analysis of workforce distribution at the GS-07 level revealed consistent representation of White male, White female, Black/African American male, and Black/American female employees. White male representation realized a loss of one (-1) employee from FY20-FY22 (-9.09%). There were eight (8) Black/African American employees in FY20 (57.14%) and six (6) in FY22 (54.55%) which represents a decrease of (2.59%). Representation of Black/African American males remained consistent from FY20-FY22 with no loses or gains. There was a decline of one Black/African American female employee per year from FY20-FY22.

v. GS-08 Workforce Distribution by Race/Ethnicity and Sex

The workforce distribution for General Schedule Grades GS-08 employees by race/ethnicity and sex is shown in **Figure 5** with details following the figure.

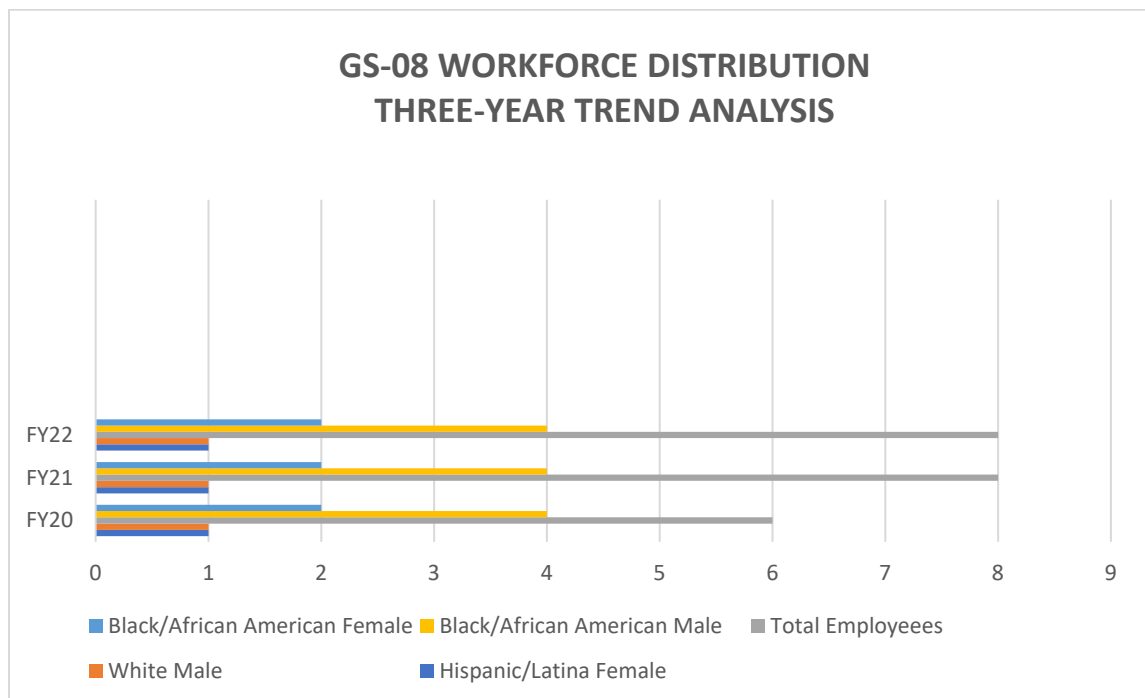


Figure 4: GS-08 Workforce Distribution by Race/Ethnicity and Sex

FY22

Workforce distribution GS-08 level: There were 274 permanent employees at the FEC in FY22, and there were eight (8) employees at the GS-08 level (2.92%). Of these employees, five (5) were male (62.50%) and three (3) were female (37.50%). Regarding race/ethnicity, there was one (1) Hispanic/Latina employee, who was female (12.50%). There was one (1) White employee, who was male (12.50%). There were six (6) Black/African America employees of whom four (4) were male (66.67%) and two (2) were females (33.33%). There were zero (0) Asian, Native Hawaiian/Pacific Islander, American Indian/ Alaskan Native or employees who identified as Two or More Races (0%).

FY21

Workforce distribution GS-08 level: There were 284 permanent employees at the FEC in FY21, and there were eight (8) employees at the GS-08 level (2.82%). Of these employees, five (5) were male (62.50%) and three (3) were female (37.50%). Regarding race/ethnicity, there was one (1) Hispanic employee, who was a female (12.50%). There was one (1) White employee, who was a male (12.50%). There were six (6) Black/African America employees (75%) of whom four (4) were male (50.00%) and two (2) were females (25.00%). There were zero (0) (0%) Asian, Native Hawaiian/Pacific Islander, American Indian/Alaskan Native, or employees who identified as Two or More Races (0%).

FY20

Workforce distribution GS-08 level: There were 300 permanent employees at the FEC in FY20, there were six (6) employees at the GS-08 level (2.00%) Of these employees, four (4) were male (66.67%) and two (2) were female (33.33%). Regarding race/ethnicity, there was one (1) Hispanic employee who was Female (16.67%). There were five (5) Black/African American employees (83.33%) of whom four (4) were males (80%) and one (1) was female (20%). There were zero (0) White, Asian, Native Hawaiian/ Pacific Islander, American Indian/ Alaskan Native or employees who identified as Two or More Races (0%).

Three-Year Trend Analysis

A three-year trend analysis from FY20-FY22 revealed that regarding race/ethnicity, the gender and race/ethnicity of the employees at the GS-8 level has been unchanged. There has been one (1) Hispanic/Latina female; one (1) White male; four (4) Black/African American males; two (2) Black/African American female employees at the GS-08 level for three years. There have been zero (0) or 0% Asian, Native Hawaiian, American Indian/Alaskan Native representation at the GS-08 level during the three-year period of FY20-FY22.

vi. GS-09 Workforce Distribution by Race/Ethnicity and Sex

The workforce distribution for General Schedule Grades GS-09 employees by race/ethnicity and sex is shown in **Figure 6** with details following the figure.

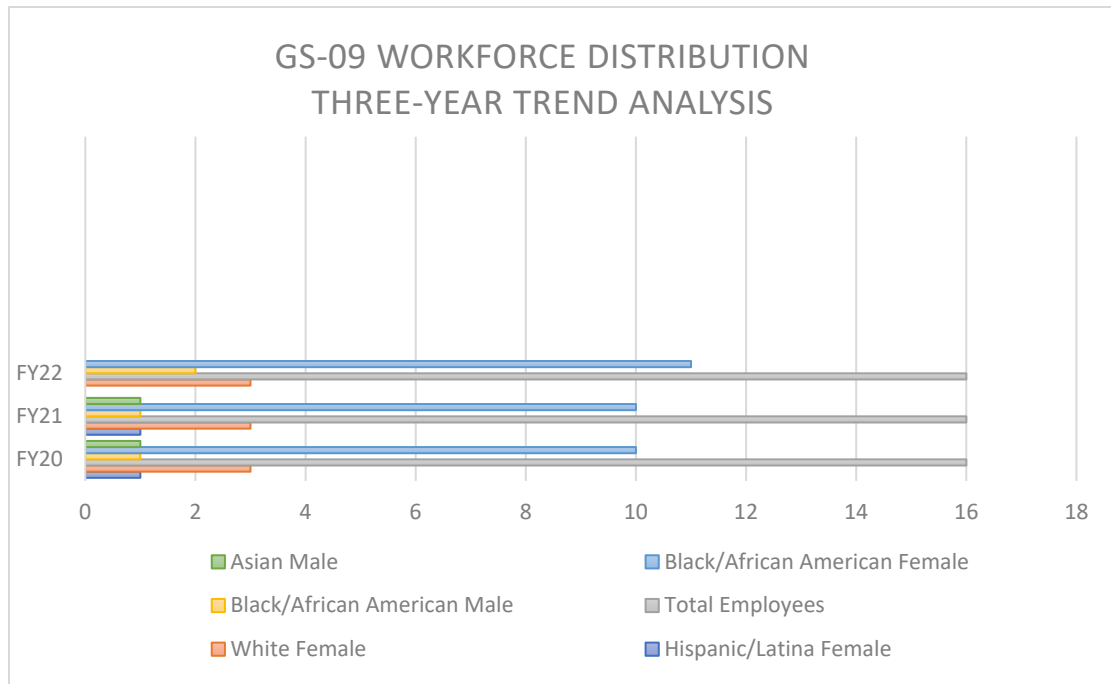


Figure 5: GS-09 Workforce Distribution by Race/Ethnicity and Sex

FY22

Workforce distribution GS-09 level: There were 274 permanent employees at the FEC in FY22, and there were 16 employees at the GS-09 level (5.83%). Of these employees, two (2) were male or (12.50%) and 14 were female (87.50%). Regarding race/ethnicity, there were zero (0) Hispanic or Latina employees (0%). There were three (3) White employees, whom all were female (18.75%). There were 13 Black African American employees, of whom two (2) were male (12.50%) and 11 females (68.75%). There were zero (0) Asian, Native Hawaiian /Pacific Islander, American Indian/Alaskan Native or employees who identified as Two or More Races (0%).

FY21

Workforce distribution GS-09 level: There were 284 permanent employees at the FEC in FY21, and there were 16 employees at the GS-09 level (5.63%). Of these employees, two (2) were male or (12.50%) and 14 were female (87.50%). Regarding race/ethnicity, there was one (1) Hispanic or Latina employee, who was female (6.25%). There were three (3) White employees; all of whom were female (18.75%). There were 11 Black African American employees, of whom one (1) was male (5.50%) and 10 were females (62.50%). There was one (1) Asian male (6.25%). There were zero (0) Asian females, Native Hawaiian/Pacific Islanders, American Indian/Alaskan Natives, or employees who identified as Two or More Races (0%).

FY20

Workforce distribution GS-09 level: There were 300 permanent employees at the FEC in FY20, there were 16 employees at the GS-09 level (9.00%). Of these employees, two (2) were male or (33.33%) and 14 were female (66.67%). Regarding race/ethnicity, there was one (1) Hispanic or Latina employee who was female (7.41%). There were four (4) White employees, of whom zero (0) were males (0%), and three (3) were females (18.52%). There were 11 Black/African American employees, of whom one (1) was male (11.11%) and 10 were females (40.74%). There was one (1) Asian male employee. There were zero (0) 0% Asian, Native Hawaiian /Pacific Islander, American Indian/Alaskan Native or employees who identified as Two or More Races (0%).

Three-Year Trend Analysis

A three-year trend analysis of FY20-FY22 based on workforce data from FY20-FY22 revealed that the number of employees at the GS-09 level has remained unchanged for three years. During the three-year period from FY20-FY22, there was a loss of one (1) Hispanic/Latina and one (1) Asian male employee resulting in zero (0) representation of Hispanic and Asian employees at the G09 level. There was an increase of one (1) Black/African American male and one (1) Black/African American female employees in FY22. Representation of White female employees remained unchanged from FY20-FY22.

vii. GS-10 Workforce Distribution by Race/Ethnicity and Sex

Workforce distribution GS-10 level: There were no employees at the GS-10 level.

viii. GS-11 Workforce Distribution by Race/Ethnicity and Sex

The workforce distribution for General Schedule Grades GS-11 employees by race/ethnicity and sex is shown in **Figure 7** with details following the figure.

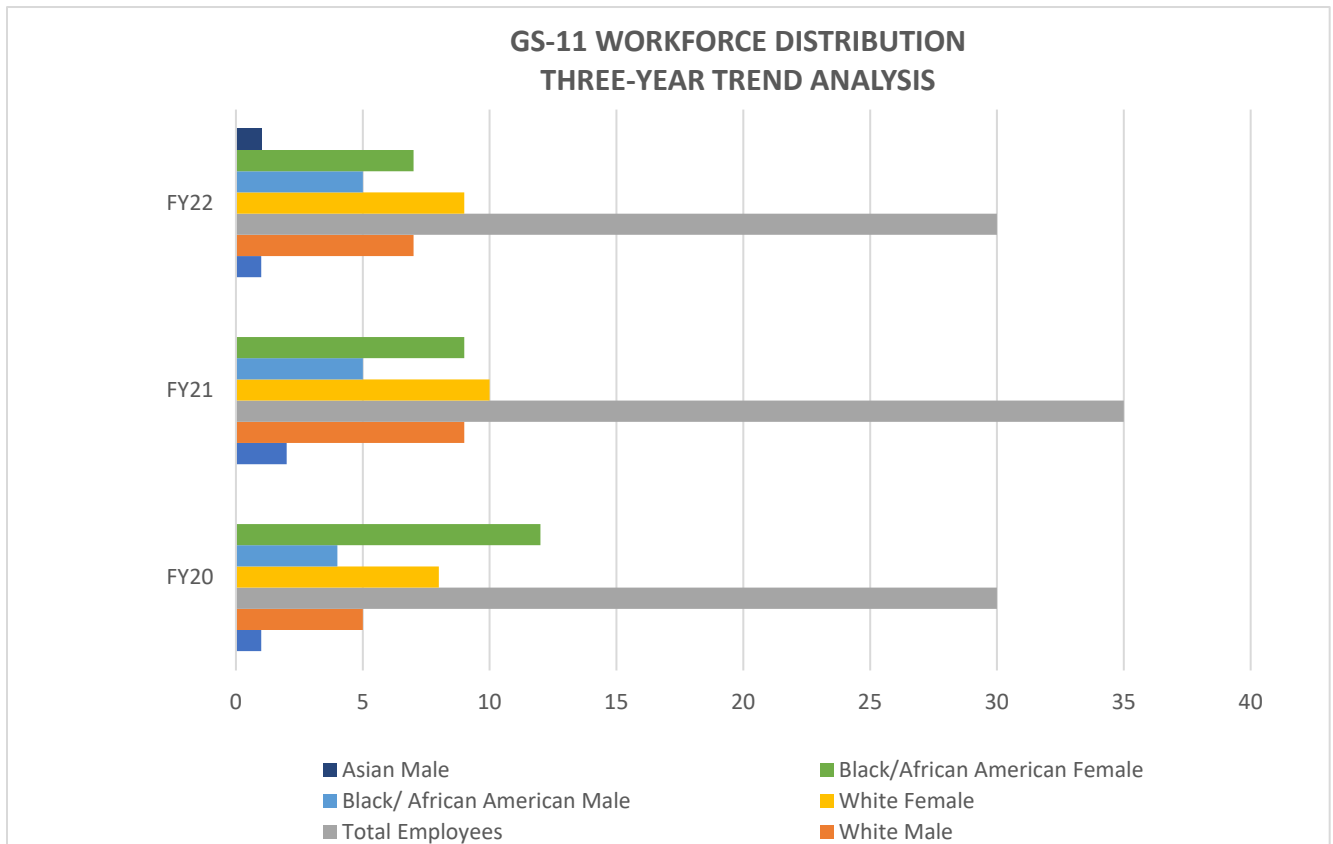


Figure 6: GS-11 Workforce Distribution by Race/Ethnicity and Sex

FY22

Workforce distribution GS-11. There were 274 permanent employees at the FEC in FY22, there were 30 employees at the GS-11 level (10.94%). Of these employees, thirteen (13) were male (43.33%) and 17 were female (56.67%). Regarding race/ethnicity, there was one (1) female Hispanic/Latina employee (3.33%). There were 16 White employees (53.33%), of whom seven (7) were male (43.75%) and nine (9) were female (56.25%). There were twelve (12) Black/African American employees (40.00%), of whom five (5) were male (41.67%) and seven (7) were female (58.33%). There was one (1) Asian male employee (3.33%). There were zero (0) Native Hawaiian/Other Pacific Islander or American Indian/Alaska Native employees (0%). There were also zero (0) employees who identified as Two or More Races (0%).

FY21

Workforce distribution GS-11. There were 284 permanent employees at the FEC in FY21; there were 35 employees at the GS-11 level (12.32%). Of these employees, 14 were male (40.00%) and

21 were female (60.00%). Regarding race/ethnicity, there were two (2) female Hispanic/Latina employees (5.71%). There were 19 White employees (54.28%), of whom nine (9) were male (47.37%) and 10 were female (52.63%). There were 14 Black/African American employees (40.00%), of whom five (5) were male (35.71%) and nine (9) were female (64.29%). There were zero (0) Asian, Native Hawaiian/Other Pacific Islander or American Indian/Alaska Native employees (0%). There were also zero (0) employees who identified as Two or More Races (0%).

FY20

Workforce distribution GS-11. There were 300 permanent employees at the FEC in FY20, there were 30 employees at the GS-11 level (10.00%). Of these employees, nine (9) were male (30.00%) and 21 were female (70.00%). Regarding race/ethnicity, there was one (1) female Hispanic/Latina employee (3.33%). There were 13 White employees (43.33%), of whom five (5) were male (38.46%) and eight (8) were female (61.54%). There were 16 Black/African American employees (53.33%), of whom four (4) were male (25.00%) and 12 were female (75.00%). There were zero (0) Asian, Native Hawaiian/Other Pacific Islander or American Indian/Alaska Native employees (0%). There were also zero (0) employees who identified as Two or More Races (0%).

Three-Year Trend Analysis

A three-year trend analysis based on workforce data from FY20-FY22 revealed consistent Hispanic/Latina female representation from FY20-FY22 with a loss of one (-1) employee from FY20-FY21 followed by the gain of one (1) employee from FY21-FY22. Representation of White male employees between FY20-FY21 increased from five (5) in FY20 to nine (9) in FY21 before dropping to seven (7) in FY22. Representation of Black/African American male employees increased by one (1) employee from FY-FY21 and remained at five (5) employees in FY22. Black/African American females steadily decreased from twelve (12) employees in FY20 to seven (7) employees in FY22. Asian male employees increased from zero (0) to one (1) over the three-year period.

GS-12 Workforce Distribution by Race/Ethnicity and Sex

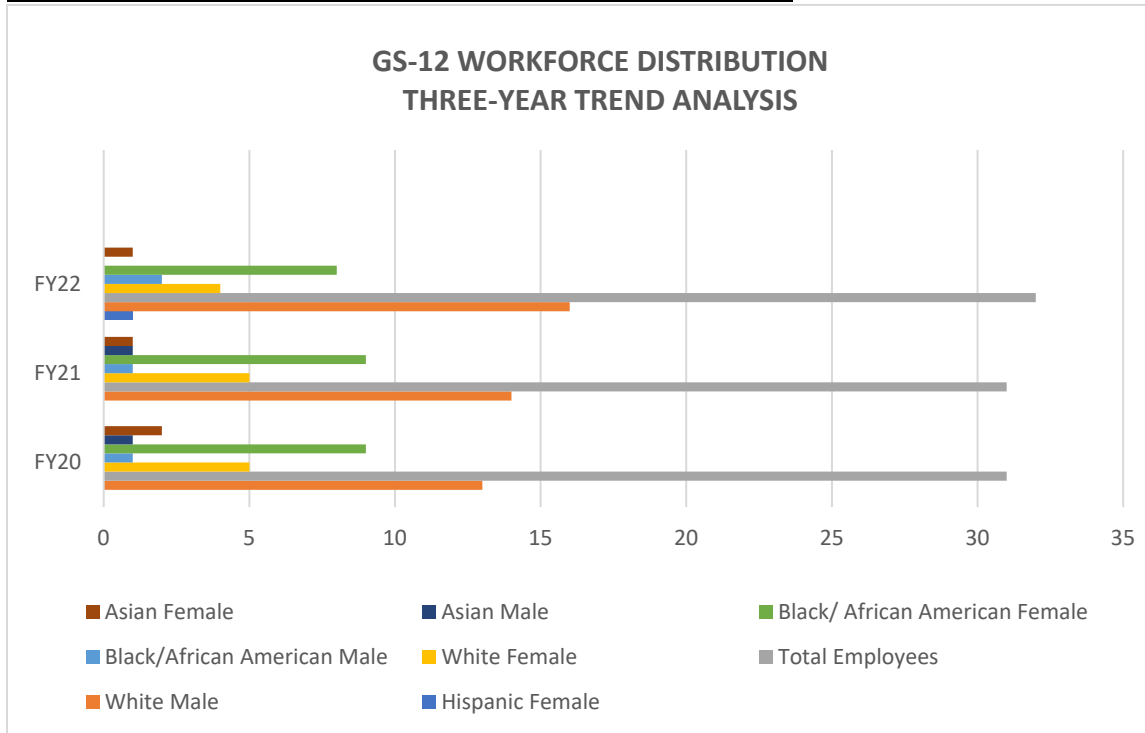


Figure 7: GS-12 Workforce Distribution by Race/Ethnicity and Sex

FY22

Workforce distribution GS-12. In FY22, there were 274 permanent employees at the FEC. There were 32 employees at the GS-12 level (11.67%). Of the 32 employees at the GS-12 level, 18 were male (56.25%) and 14 were female (43.75%). Regarding race/ethnicity, there was one (1) Hispanic/Latina female employee (3.13%). There were 20 White employees (62.50%) of whom 16 were male (80%) and four (4) were female (20%). There were ten (10) Black/African American employees (31.25%), of whom two (2) were male (20%) and eight (8) were female (80%). There was one (1) Asian female employee (3.13%). There were zero (0) Native Hawaiian/ Pacific Islander, American Indian/ Alaskan Native employees. There are zero (0) employees who identified as Two or More Races (0%).

FY21

Workforce distribution GS-12. There were 284 permanent employees at the FEC in FY21, there were 31 employees at the GS-12 level (10.91%). Of those employees, 16 were male (51.61%) and 15 were female (48.39%). Regarding race/ethnicity, there were zero (0) Hispanic/Latino employees (0%). There were 19 White employees (61.29%), of whom 14 were male (73.68%) and five (5) were female (26.31%). There were 10 Black/African American employees (32.26%), of whom one (1) was male (10.00%) and nine (9) were female (90.00%). There were two (2) Asian employees (6.45%), of whom one (1) was male (50.00%) and one (1) was female (50.00%). There

were zero (0) Hispanic or Latinx, Native Hawaiian/Pacific Islander, or American Indian/Alaskan Native employees. There are zero (0) employees who identified as Two or More Races (0%).

FY20

Workforce distribution GS-12. There were 300 permanent employees at the FEC in FY20; there were 31 employees at the GS-12 level (10.33%). Of those employees, 15 were male (48.39%) and 16 were female (51.61%). Regarding race/ethnicity, there were zero (0) Hispanic/Latino employees (0%). There were 18 White employees (58.06%), of whom 13 were male (72.22%) and five (5) were female (27.78%). There were ten (10) Black/African American employees (32.26%), of whom one (1) was male (10.00%) and nine (9) were female (90.00%). There were three (3) Asian employees (9.68%), of whom one (1) was male (33.33%) and two (2) were female (66.67%). There were zero (0) Hispanic or Latino, Native Hawaiian/ Pacific Islander, American Indian/ Alaskan Native employees. There are zero (0) employees who identified as Two or More Races (0%).

Three-Year Trend Analysis

The three-year trend analysis is based on workforce data from FY20-FY22 revealed that representation of Hispanic Females increased from zero (0) to one (1) in FY22. Representation of White males increased from 13 employees in FY20 to 16 employees in FY22. Black/African American male employees increased to two (2) employees in FY22 from one (1) employee in FY20. Representation of Black/African American female employees increased by one (1) employee in FY22 after no change in FY20 and FY21. Asian male employees remained at one (1) employee in FY20 and FY21 but decreased to zero (0) in FY22. Asian female employee representation decreased from two (2) employees in FY20 to one (1) employee in FY21 and remained consistent with one (1) employee in FY22.

ix. GS-13 Workforce Distribution by Race/Ethnicity and Sex

The workforce distribution for General Schedule Grades GS-13 employees by race/ethnicity and sex is shown in **Figure 9** with details following the figure.

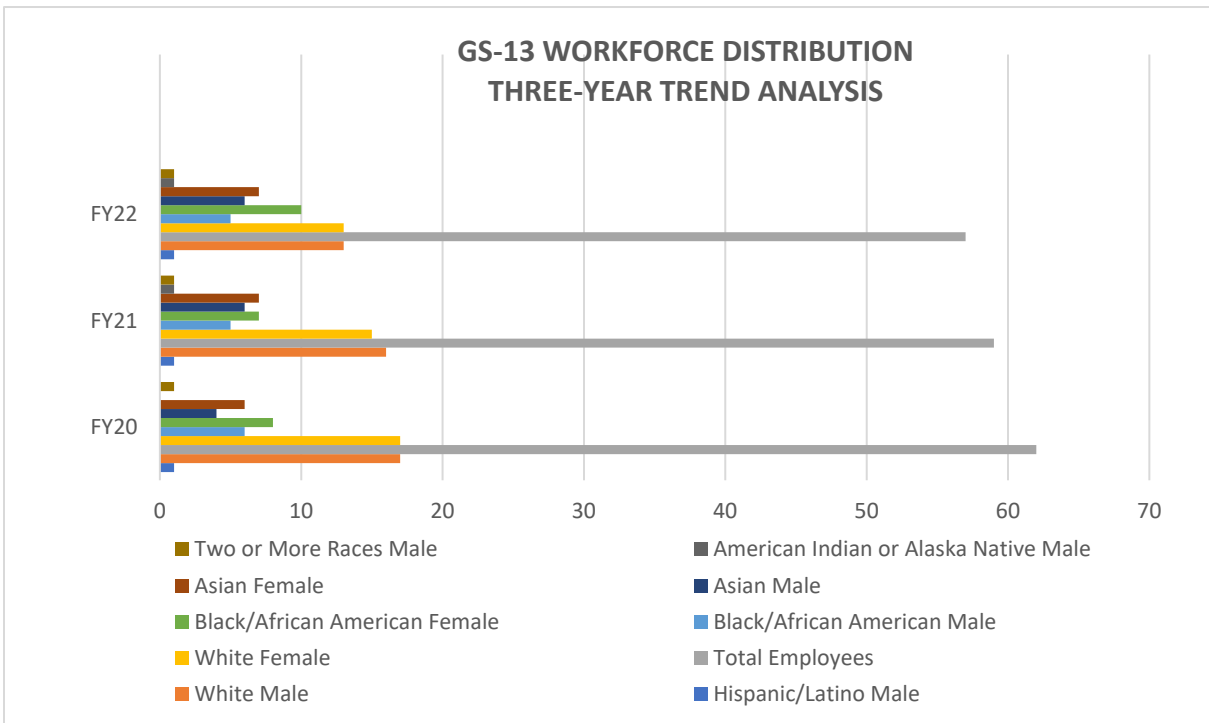


Figure 8: GS-13 Workforce Distribution by Race/Ethnicity and Sex

FY22

Workforce distribution GS-13. In FY22, there were 274 permanent employees. There were 57 employees at the GS-13 level (20.80%). Of those employees, 27 were male (47.37%) and 30 were female (52.63%). Regarding race/ethnicity, there was one (1) Hispanic/Latino male (1.75%) and zero (0) Hispanic/Latina females (0%). There were 26 White employees (45.61%), of whom 13 were male (50%) and 13 were female (50.00%). There were 15 Black/African American employees (26.31%), of whom five (5) were male (33.33%) and ten (10) were female (66.67%). There were thirteen (13) Asian employees (22.81%), of whom six (6) were male (46.15%) and seven (7) were female (53.85%). There were zero (0) Native Hawaiian/Other Pacific Islander employees (0%). There was one (1) American Indian/Alaska Native male (1.75%) and one (1) male employee who identified as Two or More Races (1.75%).

FY21

Workforce distribution GS-13. In FY21, there were 284 permanent employees at the FEC. There were 59 employees at the GS-13 level (20.77%). Of those employees, 30 were male (50.85%) and 29 were female (49.15%). Regarding race/ethnicity, there was one (1) Hispanic/Latino male (1.69%) and zero (0) Hispanic/Latina females (0%). There were 31 White employees (52.54%),

of whom 16 were male (51.61%) and 15 were female (48.39%). There were 12 Black/African American employees (20.34%), of whom five (5) were male (8.47%) and seven (7) were female (11.86%). There were 13 Asian employees (22.03%), of whom six (6) were male (10.17%) and seven (7) were female (11.86%). There were zero (0) Native Hawaiian/Other Pacific Islander employees (0%). There was one (1) American Indian/Alaska Native male (1.69%), and one (1) male employee who identified as Two or More Races (1.69%).

FY20

Workforce distribution GS-13. There were 300 permanent employees at the FEC in FY20; there were 62 employees at the GS-13 level (20.67%). Of those employees, 30 were male (48.39%) and 32 were female (51.61%). Regarding race/ethnicity, there was one (1) Hispanic/Latino male (1.61%) and zero (0) Hispanic/Latina females (0%). There were 34 White employees (54.84%), of whom 17 were male (50.00%) and 17 were female (50.00%). There were 14 Black/African American employees (22.58%), of whom six (6) were male (42.86%) and eight (8) were female (57.14%). There were ten (10) Asian employees (16.13%), of whom four (4) were male (40.00%) and six (6) were female (60.00%). There were zero (0) Native Hawaiian/Other Pacific Islander employees (0%). There was one (1) American Indian/Alaska Native male (1.61%). There were two (2) employees who identified as Two or More Races (3.23%), of whom one (1) was male (50.00%) and one (1) was female (50.00%).

Three-Year Trend Analysis

A three-year trend analysis is based on workforce data from FY20-FY22, revealed representation of Hispanic males has remained consistent at one (1) employee from FY20-FY22. There has been a steady decrease of White male and female employees between FY20 and FY22 with a loss of a total of four (4) employees from each group during the three-year period. Representation of Black male employees decreased modestly by one (1) employee from FY22 to FY21 but remained consistent thereafter at five (5) Black male employees. Representation of Black/African American female employees realized an increase of three (3) employees between FY21 and FY22. Both Asian male employees and female employees saw an increases in representation between FY20 and FY22.

x. GS-14 Workforce Distribution by Race/Ethnicity and Sex

The workforce distribution for General Schedule Grades GS-14 employees by race/ethnicity and sex is shown in **Figure 10** with details following the figure.

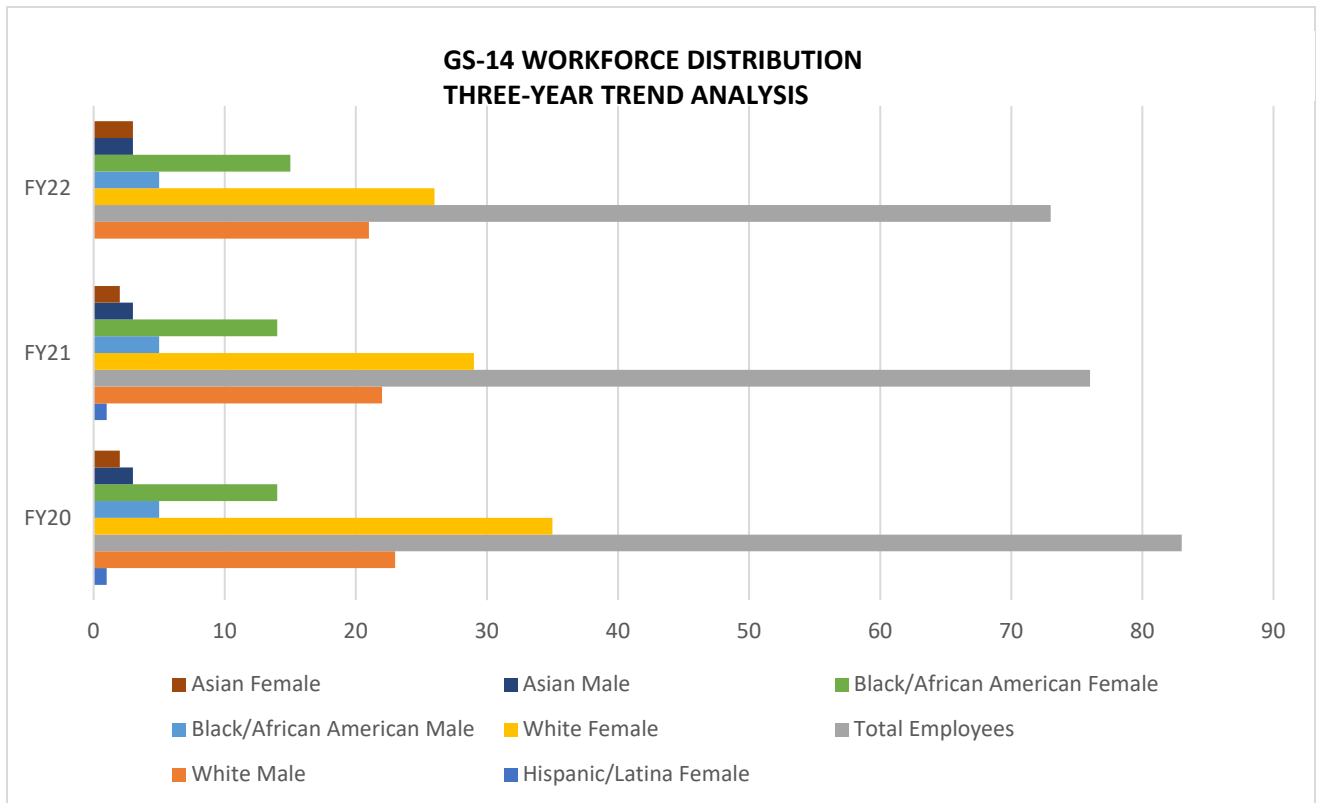


Figure 9: GS-14 Workforce Distribution by Race/Ethnicity and Sex

FY22

Workforce distribution GS-14. There were 274 permanent employees at the FEC in FY22; there were 73 employees at the GS-14 level (27.75%). Of these employees, 29 were male (39.73%) and 44 were female (60.27%). Regarding race/ethnicity, there were zero (0) Hispanic/Latinx employees. There were 47 White employees (64.39%), of whom 21 were male (44.68%) and 26 were female (55.32%). There were 20 Black/African American employees (27.40%), of whom five (5) were male (25.00%) and 15 were female (75.00%). There were six (6) Asian employees (8.22%), of whom three (3) were male (50.00%) and three (3) were female (50.00%). There were zero (0) American Indian/Other Pacific Islander or Native Hawaiian/Alaska Native employees (0%). There were zero (0) employees who identified as Two or More Races (0%).

FY21

Workforce distribution GS-14. There were 284 permanent employees at the FEC in FY21; there were 76 employees at the GS-14 level (26.76%). Of these employees, 30 were male (39.47%) and 46 were female (60.53%). Regarding race/ethnicity, there was one (1) female Hispanic/Latina

employee (1.31%). There were 51 White employees (67.11%), of whom 22 were male (43.14%) and 29 were female (56.86%). There were 19 Black/African American employees (25.00%), of whom five (5) were male (26.32%) and 14 were female (73.68%). There were five (5) Asian employees (6.58%), of whom three (3) were male (60.00%) and two (2) were female (40.00%). There were zero (0) American Indian/Other Pacific Islander or Native Hawaiian/Alaska Native employees (0%). There were zero (0) employees who identified as Two or More Races (0%).

FY20

Workforce distribution GS-14. In FY20, there were 300 permanent employees at the FEC; there were 83 employees at the GS-14 level (27.67%). Of these employees, 31 were male (37.35%) and 52 were female (62.65%). Regarding race/ethnicity, there was one (1) female Hispanic/Latina employee (1.20%). There were 58 White employees (69.88%), of whom 23 were male (39.66%) and 35 were female (60.34%). There were 19 Black/African American employees (22.89%), of whom five (5) were male (26.32%) and 14 were female (73.68%). There were five (5) Asian employees (6.02%), of whom three (3) were male (60.00%) and two (2) were female (40.00%). There were zero (0) American Indian/Other Pacific Islander or Native Hawaiian/Alaska Native employees (0%). There were zero (0) employees who identified as Two or More Races (0%).

Three-Year Trend Analysis

A three-year trend analysis is based on workforce data from FY20-FY22 revealed that Hispanic/Latino representation saw a decrease from one (1) employee in FY20-22 to zero (0) employees in FY22. White male employee remained steady at around 29%; White female representation saw a decrease of six (6) employees from FY20-FY21 and three (3) additional employees from FY21-FY22 and averaged 38.67% representation from FY20-FY22. Black/African American males remained at five (5) employees from FY20-FY22. Black/African American female representation remained steady at fourteen (14) employees in FY20 and FY21 and saw an increase of one (1) employee in FY22. Asian male employees remained consistent at three (3) employees from FY20-FY22. Asian female employees remained consistent with two (2) employees from FY20-FY21 and increased by one (1) employee in FY22 to three (3) employees.

xi. GS-15 Workforce Distribution by Race/Ethnicity and Sex

The workforce distribution for General Schedule Grades GS-15 employees by race/ethnicity and sex is shown in **Figure 11** with details following the figure.

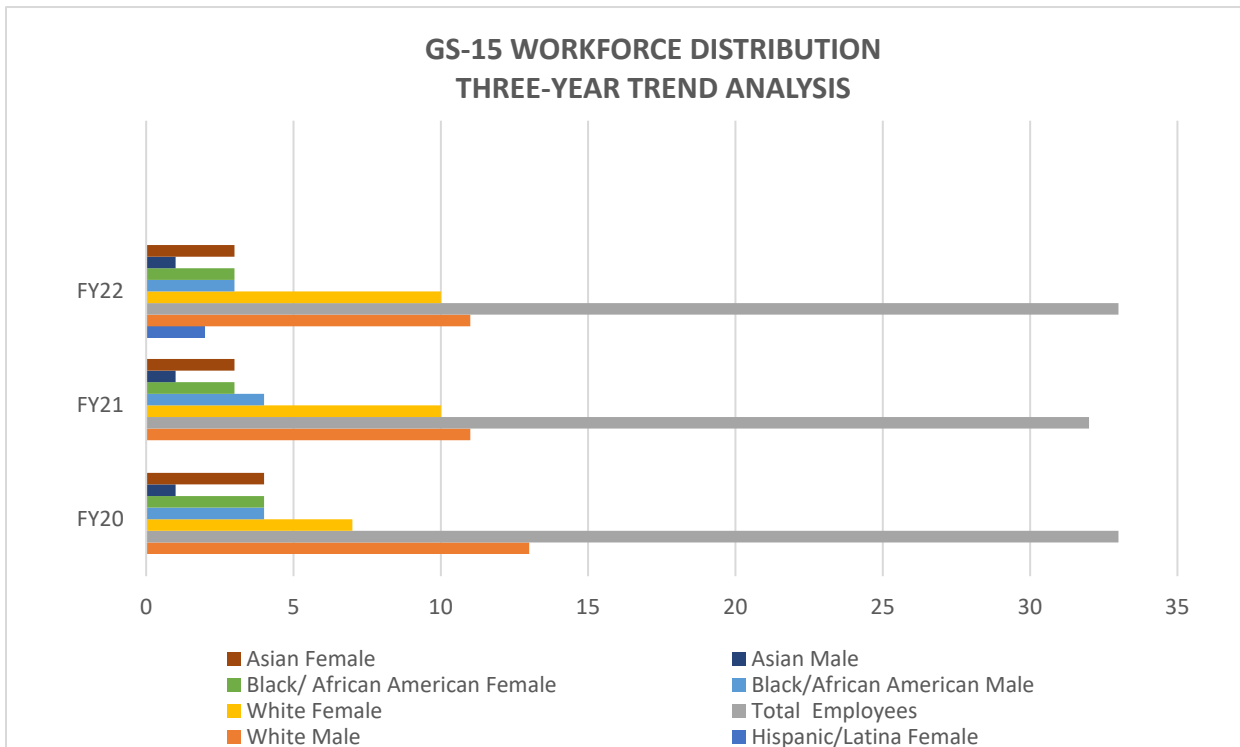


Figure 10: GS-15 Workforce Distribution by Race/Ethnicity and Sex

FY22

Workforce distribution GS-15. In FY22, there were 274 permanent employees at the FEC; there were 33 employees at the GS-15 level (12.04%). Of these employees, 15 were male (45.5%) and 18 were female employees (54.55%). Regarding race/ethnicity, there were two (2) Hispanic/Latino employees (6.06%); of whom, both were female (100%). There were 21 White employees (63.63%), of whom 11 were male (52.38%) and ten (10) were female (47.62%). There were six (6) Black/African American employees (18.18%), of whom three (3) were male (50.00%) and three (3) were female (50.00%). There were four (4) Asian employees (12.12%), of whom one (1) was male (25.00%) and three (3) were female (75.00%). There were zero (0) Native Hawaiian/Other Pacific Islander or American Indian/Alaska Native employees (0%). There were zero (0) employees who identified as Two or More Races (0%).

FY21

Workforce distribution GS-15. There were 284 permanent employees at the FEC in FY21; there were 32 employees at the GS-15 level (11.26%). Of those employees, 16 were male (50.00%) and 16 were female (50.00%). Regarding race/ethnicity, there were zero (0) Hispanic/Latino

employees. There were 21 White employees (65.62%), of whom 11 were male (52.38%) and 10 were female (47.62%). There were seven (7) Black/African American employees (21.88%), of whom four (4) were male (57.14%) and three (3) were female (42.86%). There were four (4) Asian employees (12.50%), of whom one (1) was male (25.00%) and three (3) were female (75.00%). There were zero (0) Native Hawaiian/Other Pacific Islander or American Indian/Alaska Native employees (0%). There were zero (0) employees who identified as Two or More Races (0%).

FY20

Workforce distribution GS-15. There were 300 permanent employees in FY20; there were 33 employees at the GS-15 level (11.00%). Of those employees, 18 were male (54.55%) and 15 were female (45.45%). Regarding race/ethnicity, there were zero (0) Hispanic/Latino employees. There were 20 White employees (60.61%), of whom 13 were male (65.00%) and seven (7) were female (35.00%). There were eight (8) Black/African American employees (24.24%), of whom four (4) were male (50.00%) and four (4) were female (50.00%). There were five (5) Asian employees (15.15%), of whom one (1) was male (20.00%) and four (4) were female (80.00%). There were zero (0) Hispanic Latino, Native Hawaiian/Other Pacific Islander or American Indian/Alaska Native employees (0%). There were zero (0) employees who identified as Two or More Races (0%).

Three-Year Trend Analysis

A three-year trend analysis, based on workforce data from FY20-FY22, revealed that Hispanic female employee increased by two (2) in FY22 after zero representation in FY20 and FY21. White male representation realized a loss of two (2) employees in FY21 but remained consistent with eleven (11) employees in FY21 and FY22. White female representation gained three (3) employees at the GS-15 level from FY20-FY21 and remained consistent in FY21 and FY22 with ten (10) employees. Black male employee representation saw a decrease of one (1) employee from FY20-FY21 and remained consistent at three (3) employees in FY21 and FY22. Black female representation saw a decrease of one (1) employee from FY20-FY21 and remained consistent with three (3) employees in FY21 and FY22. Asian male employees saw no change from FY20-FY22. Asian female employees saw a decrease of one (1) employee from FY20-FY21 but remained consistent with three (3) employees in FY21 and FY22.

xii. Senior-Level Employees Workforce Distribution by Race/Ethnicity and Sex

The workforce distribution for Senior-Level employees by race/ethnicity and sex is shown in **Figure 12** with details following the figure.

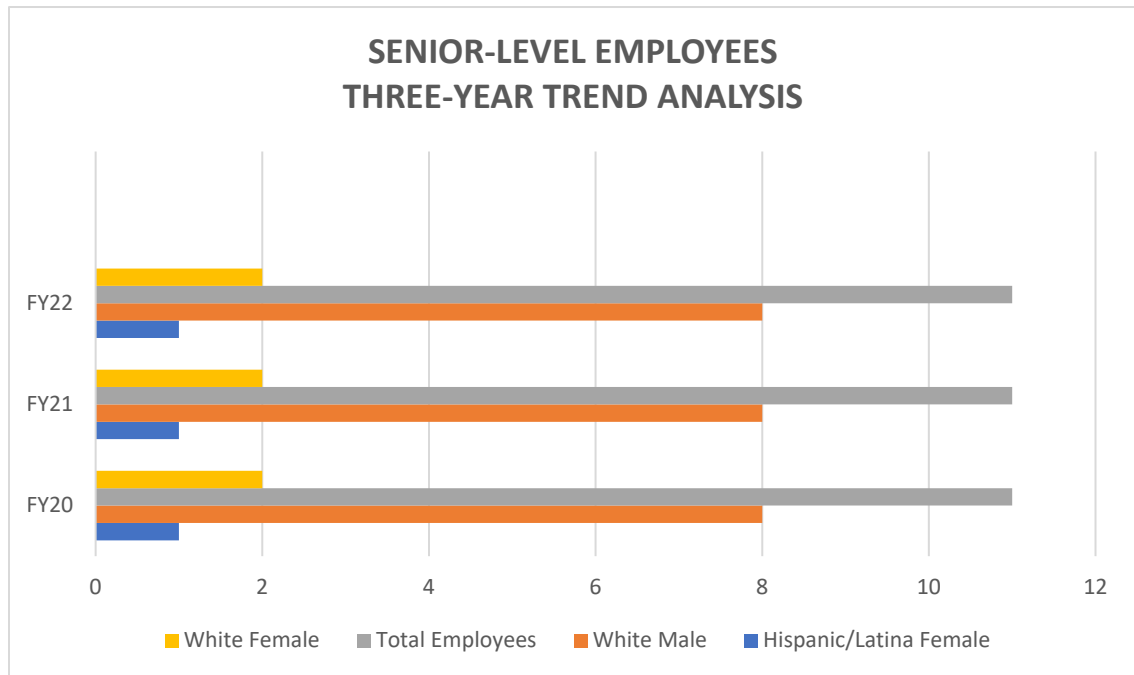


Figure 11: Senior-Level Workforce Distribution by Race/Ethnicity and Sex

FY22

Workforce Distribution Senior-Level Employees. In FY22, there were 274 permanent employees, there were 11 employees at the Senior-Level (4.01%). Of those employees, eight (8) were male (72.73%) and three (3) were female (27.27%). Regarding race/ethnicity, there were ten White employees (90.91%), of whom eight (8) were male (80.00%) and two (2) were female (20.00%). There was one (1) Hispanic Latina female employee (9.09%) and zero (0) Hispanic/Latino male employees at this level. There were zero (0) Black African American, Native Hawaiian/Other Pacific Islander or American Indian/Alaska Native employees (0%). There were zero (0) employees who identified as Two or More Races (0%).

FY21

Workforce distribution Senior-Level Employees. In FY21, there were 284 permanent employees; there were 11 employees at the Senior-Level (3.87%). Of those employees, eight (8) were male (72.73%) and three (3) were female (27.27%). Regarding race/ethnicity, there were 10 White employees (90.91%), of whom eight (8) were male (80.00%) and two (2) were female (20.00%). There was one (1) Hispanic Latina female employee (9.09%) and zero (0) Hispanic/Latino male employees at this level. There were zero (0) Black African American, Native

Hawaiian/Other Pacific Islander, or American Indian/Alaska Native employees (0%). There were zero (0) employees who identified as Two or More Races (0%).

FY20

Workforce Distribution Senior-Level Employees. In FY20, there were 300 permanent employees, there were 11 employees at the Senior-Level (3.67%). Of those employees, eight (8) were male (72.73%) and three (3) were female (27.27%). Regarding race/ethnicity, there were 10 White employees (90.91%), of whom eight (8) were male (80%) and two (2) were female (20%). There were zero (0) Hispanic/Latino male and one (1) Hispanic Latina Female (9.09%). There were zero (0) Black African American, Native Hawaiian/Other Pacific Islander or American Indian/Alaska Native employees (0%). There were zero (0) employees who identified as Two or More Races (0%).

Three-Year Trend Analysis

A three-year trend analysis, based on the workforce data from FY20-FY22 revealed that representation of White males remained at eight (8) employees from FY20-FY22. Representation of White females remained at two (2) employees and representation of Hispanic females remained at one (1) employee from FY20-FY22.

C. WORKFORCE DISTRIBUTION OF EMPLOYEES WITHIN SELECTED OFFICES

According to data provided by the Office of Human Resources, the distribution by race and ethnicity for selected occupational series roles within the Office of General Counsel (OGC), Reports and Analysis Division (RAD) and the Office of the Chief Information Officer (OCIO) is below.

i. Office of General Counsel Two-Year Trend Analysis

The workforce distribution for (OGC) employees in 0905 attorney-advisor occupational series by race/ethnicity and sex is shown in **Figure 13** with details following the figure.

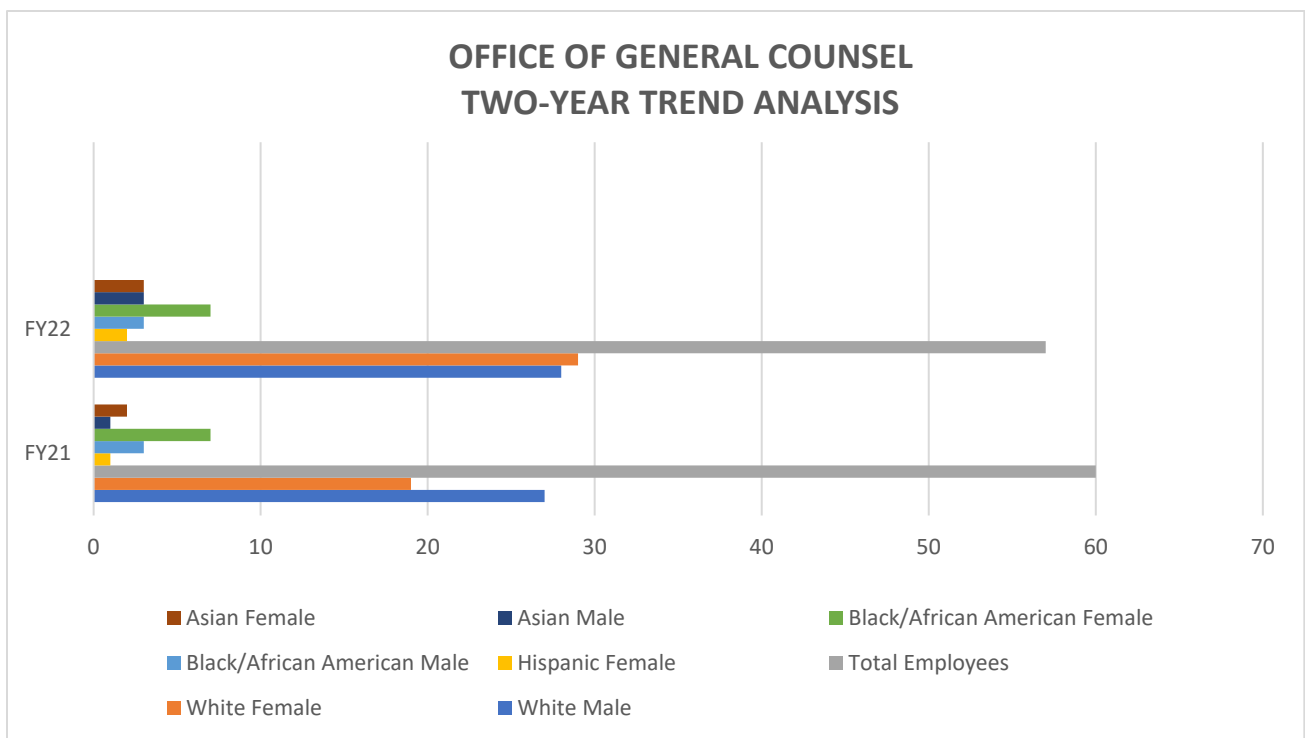


Figure 12: Office of General Counsel Two-Year Trend

OFFICE OF GENERAL COUNSEL (OGC)

FY22

In FY22, there were 57 attorneys in (OGC). Of those attorneys, 28 (49.12%) were male and 29 (50.88%) were female. Regarding race/ethnicity, there were 43 White attorneys (75.44%), of whom 28 were male (65.11%) and 29 were female (67.44%). There was one (1) Hispanic female attorney (1.75%). There were 10 Black/African American attorneys (17.54%), of whom three (3) were male (30%) and 7 were female (70%). There were three (3) Asian attorneys (5.26%), of whom three (3) were female (5.26%). There were zero (0) employees who identified as Two or

More Races (0%), Native Hawaiian/Other Pacific Islander or American Indian/Alaska Native (0%).

FY21

In FY21, there were 60 attorneys in (OGC). Of the 60 attorneys in OGC, 31 (51.66%) were male and 29 (48.33%) were female. Regarding race/ethnicity, there were 46 (76.67%) White attorneys in OGC, of whom 27 (58.69%) were male and 19 (41.30%) were female. There was one (1) Hispanic female attorney in OGC (1.66%). There were 10 Black/African American attorneys (16.66%), of whom three (3) were male (30%) and seven (7) were female (70%). There were three (3) Asian attorneys (5%), of whom one (1) was male (33.33%) and two (2) were female (66.67%). There were zero (0) employees who identified as Two or More Races (0%), Native Hawaiian/Other Pacific Islander, or American Indian/Alaska Native employees (0%).

Two-Year Trend Analysis:

The two-year trend analysis of the OGC's attorney, based on workforce data from FY21 and FY22 revealed that representation of White males decreased by two (2) employees from FY21 to FY22. White female attorneys increased by one (1) employee from FY21 to FY22. There was no change in representation of Black/African American male and female attorneys from FY21 to FY22. Representation in OGC's Asian male attorneys increased by two (2) employees and Asian female attorneys increased by one (1) employee.

ii. Reports Analysis Division (RAD) Two-Year Trend Analysis

The workforce distribution for the RAD analysts in Campaign Finance Analyst positions by race/ethnicity and sex is shown in **Figure 14** with details following the figure.

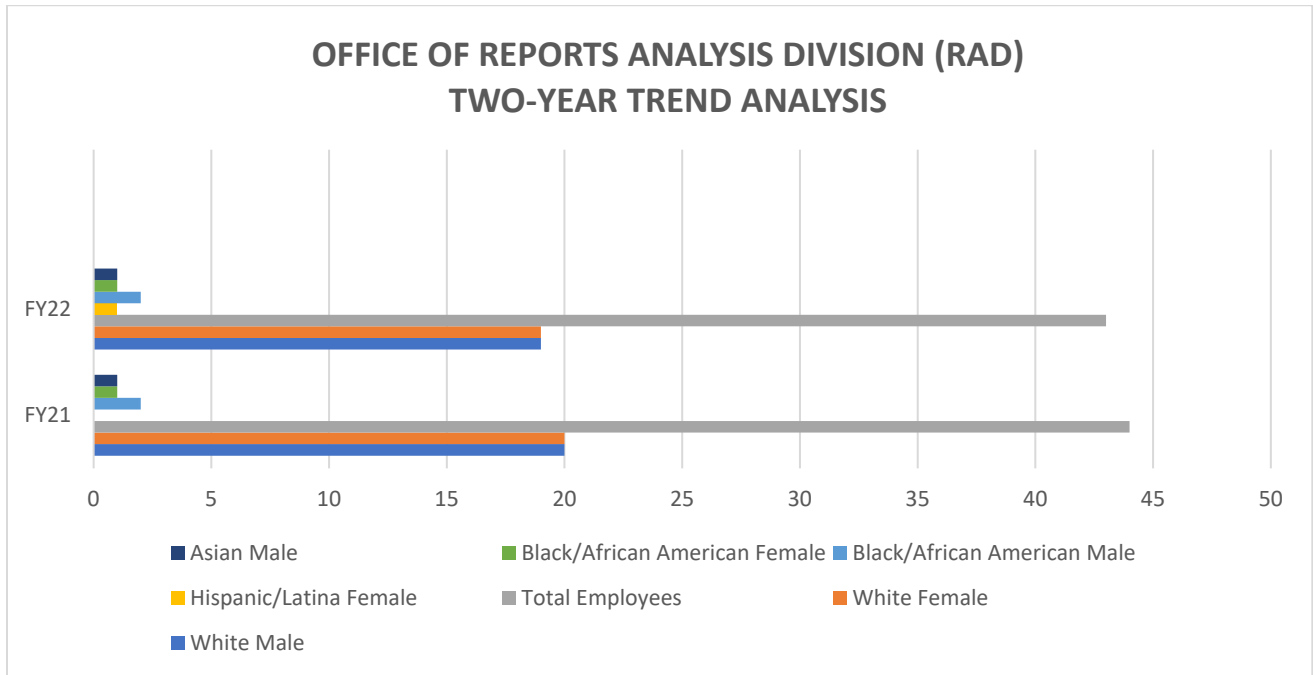


Figure 13: Reports Analysis Division Two-Year Trend Analysis

Reports Analysis Division (RAD)

FY22

There were 43 Campaign Finance Analysts in the (RAD). Of those employees, 22 were male (51.16%) and 21 were female (48.83%). Regarding race/ethnicity, there were 38 White analysts (88.37%), of whom 19 were male (50%) and 19 were female (50%). There were 3 Black/African American analysts (6.97%), of whom two (2) were male (66.67%) and one (1) was female (33.33%). There was one (1) Asian male analyst 2.32%. There was one (1) Hispanic female analyst (2.32%). There were zero (0) analysts who identified as Two or More Races, Native Hawaiian/Other Pacific Islander or American Indian/Alaska Native (0%).

FY21

In FY21, there were 44 analysts in RAD. Of those analysts, 23 were male (52.27%) and 21 were female (47.72%). Regarding race/ethnicity, there were 40 White analysts (90.90%), 20 were male (50%) and 20 were female (50%). There were three (3) Black/African American analysts (6.81%), of whom two (2) were male (66.67%) and one (1) was female (33.33%). There was one (1) Asian male analyst (2.27%). There were zero (0) employees who identified as Hispanic, Two or More Races (0%), Native Hawaiian/Other Pacific Islander, or American Indian/Alaska Native employees (0%).

Two-Year Trend Analysis:

The two-year trend analysis of RAD analysts’ positions, based on workforce data from FY21-FY22 revealed that there was an increase in representation of Hispanic/Latina female analysts from zero (0%) to one (1) analyst (1.72%). There was a decrease of two (2) White male analysts and a decrease of one (1) White female analyst. Representation of Black/African American and Asian analysts remained unchanged in FY21 and FY22.

iii. Office of the Chief Information Officer Two-Year Trend Analysis

The workforce distribution for OCIO Information Technology Specialists by race/ethnicity and sex is shown in **Figure 15** with details following the figure.

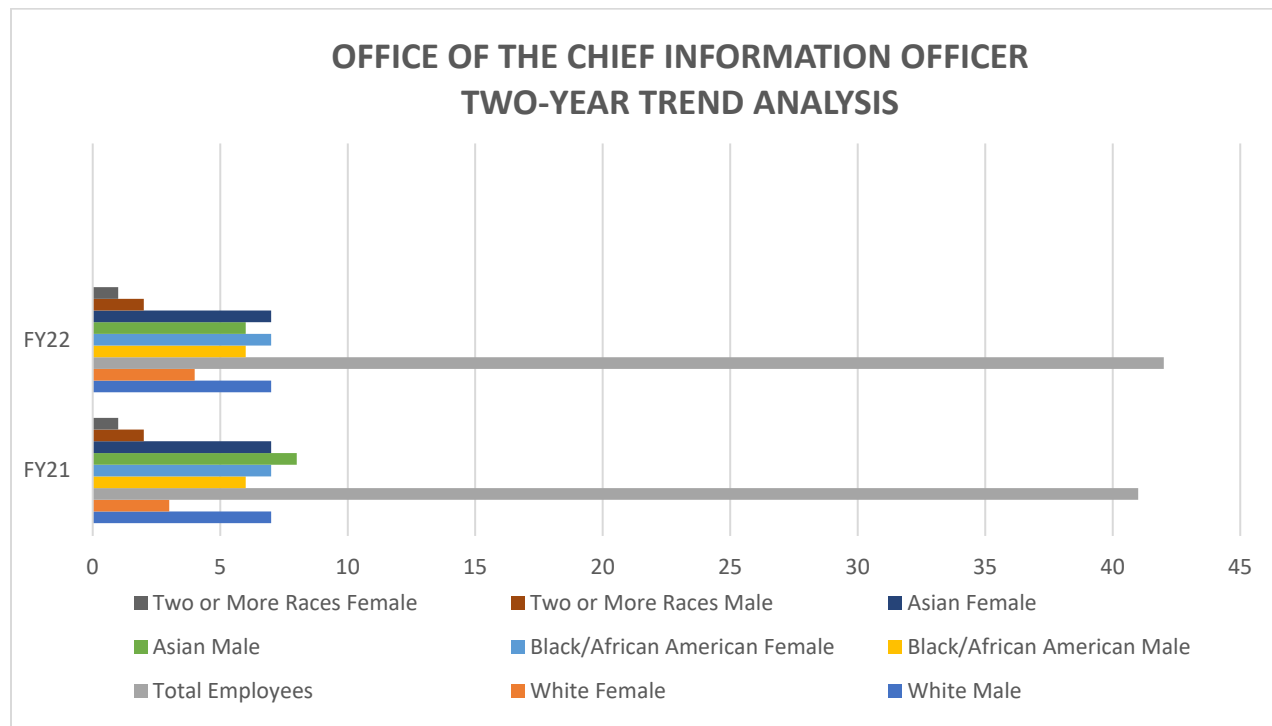


Figure 14: Office of the Chief Information Officer Two-Year Trend Analysis

OFFICE OF CHIEF INFORMATION OFFICER

FY22

There were 42 IT Specialists in OCIO. Of those employees 23 were male (54.76%) and 19 were female (45.24%). Regarding race/ethnicity, there were (11) White employees (26.19%), of whom seven (7) were male (63.63%) and four (4) were female (36.36%). There were no Hispanic employees in OCIO. There were 13 Black/African American employees in OCIO (30.95%), of whom six (6) were male (46.15%) and seven (7) were female (63.63%). There were 13 Asian employees (30.95%), of whom eight (8) were male (61.53%) and seven (7) were female (53.84%).

There was three (3) employee who identified as Two or More races (7.14%), two (2) were male (66.67%) and one (1) were female (33.33%). There were zero Hispanic employees and American Indian/Alaskan Native employees.

FY21

There were 41 employees in OCIO. Of those employees 23 were male (56.10%) and 18 were female (43.90%).

Regarding race/ethnicity, there were 10 White IT Specialists (24.39%), of whom seven (7) were male (70%) and three (3) were female (30%). There were 13 Black/African American IT Specialists in (31.70%), of whom six (6) were male (46.15%) and seven (7) were female (53.85%). There were 15 Asian IT Specialists (36.59%), of whom eight (8) were male (53.33%) and seven (7) were female (46.67%). There were three (3) employees who identified as Two or More races (7.31%), of whom two (2) were males (66.67%) and one (1) was female (33.33%). There were zero (0) Hispanic, Native Hawaiian/Other Pacific Islander and American Indian/Alaskan Native employees.

Two-Year Trend Analysis

The two-year trend analysis of the OCIO, based on workforce data from FY21 and FY22 revealed that representation of White IT Specialists increased by one (1) female in FY22. The representation of Black/African American IT Specialists stayed the same as there was no change in representation. The representation of Asian IT Specialists decreased by two (-2) Asian males in FY22. Representation of American Indian/Alaskan Native, Native Hawaiian/Other Pacific Islander and IT Specialists who identified as Two or More races remained unchanged between FY21 and FY22.¹

D. Applicants and Hires for Major Occupations- FY22

NEW HIRES BY TYPE OF APPOINTMENT-DISTRIBUTION BY RACE

The data for the FEC new hires by the type of appointment and distribution by race is shown in **Table 3** with details following the table.

¹ Five (5) employees selected ERI codes indicating that they are “Two or More Races.” Reports for the MD 715 provided by the Agency’s payroll provider, NFC, recategorizes employees who select certain combinations of races. For example, an employee who selected both “White” and “American Indian or Alaska Native” would be categorized as “American Indian or Alaska Native.” Similarly, an employee who selected both “White” and “Black or African American” would be re-categorized as “Black or African American.” This recategorization may result in variances observed between data in the tables and the corresponding narrative description for this ERI group.

Table A1: TOTAL WORKFORCE - Distribution by Race, Ethnicity, and Sex (Across)																		
Employment Tenure		All	Total Males	Total Females	Hispanic or Latino Males	Hispanic or Latino Females	White Males	White Females	Black or African American Males	Black or African American Females	Asian Males	Asian Females	Native Hawaiian or Other Pacific Islander Males	Native Hawaiian or Other Pacific Islander Females	American Indian or Alaska Native Males	American Indian or Alaska Native Females	Two or More Races Males	Two or More Races Females
CLF (2010)	%	100%	53.20%	46.80%	6.20%	4.50%	39.00%	33.70%	4.80%	5.70%	1.90%	1.70%	0.10%	0.10%	0.30%	0.30%	0.80%	0.80%
Alternative Benchmark	%																	
PERMANENT WORKFORCE																		
Prior FY	#	284	126	158	1	6	83	77	28	62	12	13	0	0	1	0	1	0
	%	100%	44.37%	55.63%	0.35%	2.11%	29.23%	27.11%	9.86%	21.83%	4.23%	4.58%	0.00%	0.00%	0.35%	0.00%	0.35%	0.00%
Current FY	#	274	121	153	1	6	78	70	29	63	11	14	0	0	1	0	1	0
	%	100%	44.16%	55.84%	0.36%	2.19%	28.47%	25.55%	10.58%	22.99%	4.01%	5.11%	0.00%	0.00%	0.36%	0.00%	0.36%	0.00%
Difference	#	-10	-5	-5	0	0	-5	-7	1	1	-1	1	0	0	0	0	0	0
Ratio Change	%	0.00%	-0.21%	0.21%	0.01%	0.08%	-0.76%	-1.57%	0.72%	1.16%	-0.21%	0.53%	0.00%	0.00%	0.01%	0.00%	0.01%	0.00%
Net Change	%	-3.52%	-3.97%	-3.16%	0.00%	0.00%	-6.02%	-9.09%	3.57%	1.61%	-8.33%	7.69%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
EMPLOYEE GAINS																		
New Hires	#	13	6	7	0	0	3	2	3	3	0	2	0	0	0	0	0	0
	%	100%	46.15%	53.85%	0.00%	0.00%	23.08%	15.38%	23.08%	23.08%	0.00%	15.38%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

Table 1: New Hires by Type of Appointment - Distribution by Race

FY22

During FY22, there were 13 permanent new hires at the FEC. Of those hired, six (6) were male (46.15%) and seven (7) were female (53.85%). Regarding race/ethnicity, there were zero (0) Hispanic employees who were hired. There were five (5) White employees hired (38.46%), of whom three (3) were male (50.00%) and two (2) were female (50.00%); There were six (6) Black/African American employees, of whom three (3) were male (44.44%), and three (3) were female. There were two (2) Asian females (33.33%). There were zero (0) Native Hawaiian/Other Pacific Islander, American Indian/Alaska Native employees (0%) or employees who identified as Two or More Races (0%) hired in this category.

FY21

During FY21, there were nine (9) permanent new hires at the FEC. Of those hired, four (4) were male (44.44%) and five (5) were female (55.55%). Regarding race/ethnicity, there were two (2) White employees hired (22.22%), of whom one (1) was male (50.00%) and one (1) was female (50.00%). There were four (4) Black/African American females (44.44%); and three (3) Asian males (33.33%). There were zero (0) Hispanic/Latino, Native Hawaiian/Other Pacific Islander, American Indian/Alaska Native employees (0%), or employees who identified as Two or More Races (0%) hired in this category.

FY20

During FY20, there were 24 permanent new hires at the FEC. Of those hired, eleven (11) were male (45.83%) and 13 were female (54.17%). Regarding race/ethnicity, there were 16 White employees hired (66.67%), of whom nine (9) were male (37.50%) and seven (7) were female (29.17%). There were six (6) Black/African American employees hired (25%), of whom one (1) was male (4.17%) and five (5) were female (20.83%). There were two (2) Asian employees hired (8.33%), of whom one (1) was male (4.17%) and one (1) was female (4.17%). There were zero (0) Hispanic/Latino, Native Hawaiian/Other Pacific Islander, American Indian/Alaska Native employees (0%) or employees who identified as Two or More Races (0%) hired in this category.

i. New Hires – Three-Year Trend Analysis

The three-year trend analysis for New Hires by race/ethnicity and sex is shown in **Figure 16** with details following the figure.

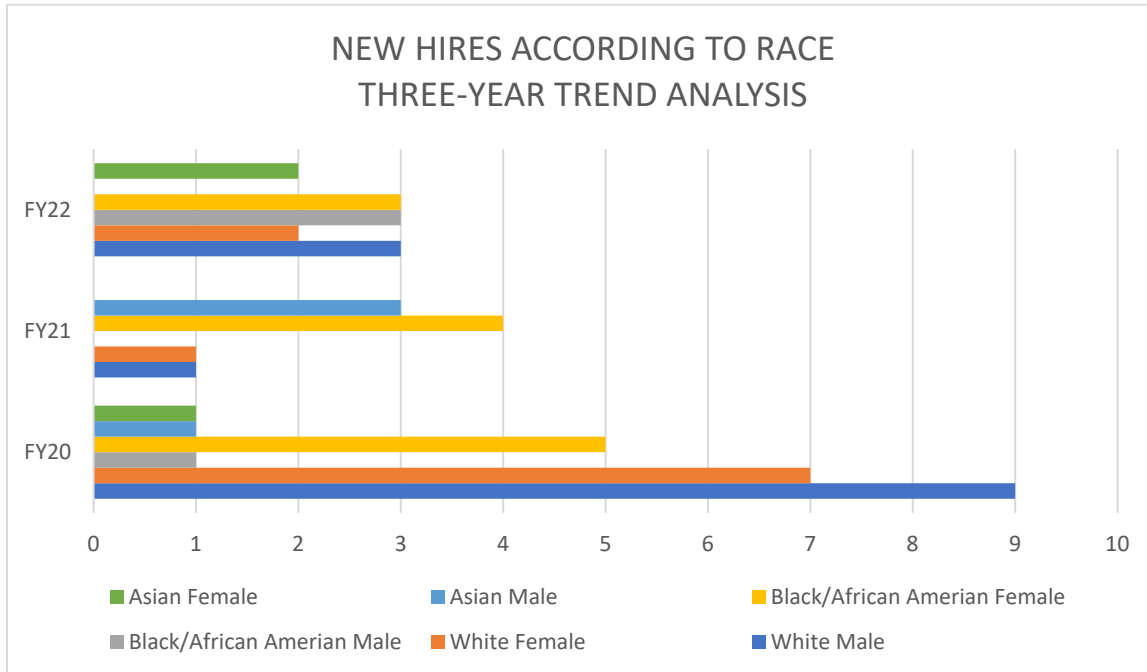


Figure 15: New Hires - Three-Year Trend Analysis

Three-Year Trend Analysis

The three-year trend analysis, based on workforce data from FY20, FY21 and FY22 revealed there were 46 new permanent hires between FY20 and FY22. Regarding race/ethnicity, White males represented 28.26%, White females represented 19.56%, Black/African American males represented 8.69%, Black females represented 26.09%, Asian males represented 8.69%, Asian females represented 6.53% of new hires between FY20 and FY22. Hispanic/Latino, Native Hawaiian/ Other Pacific Islander, American Indian/Alaskan Native and candidates identifying as Two or More races represented zero (0%) of new hires from FY20-FY22.

iii. New Hires According to Component by Race

New hires data according to component by race in FY22 is shown in **Figure 17** with details following the figure.

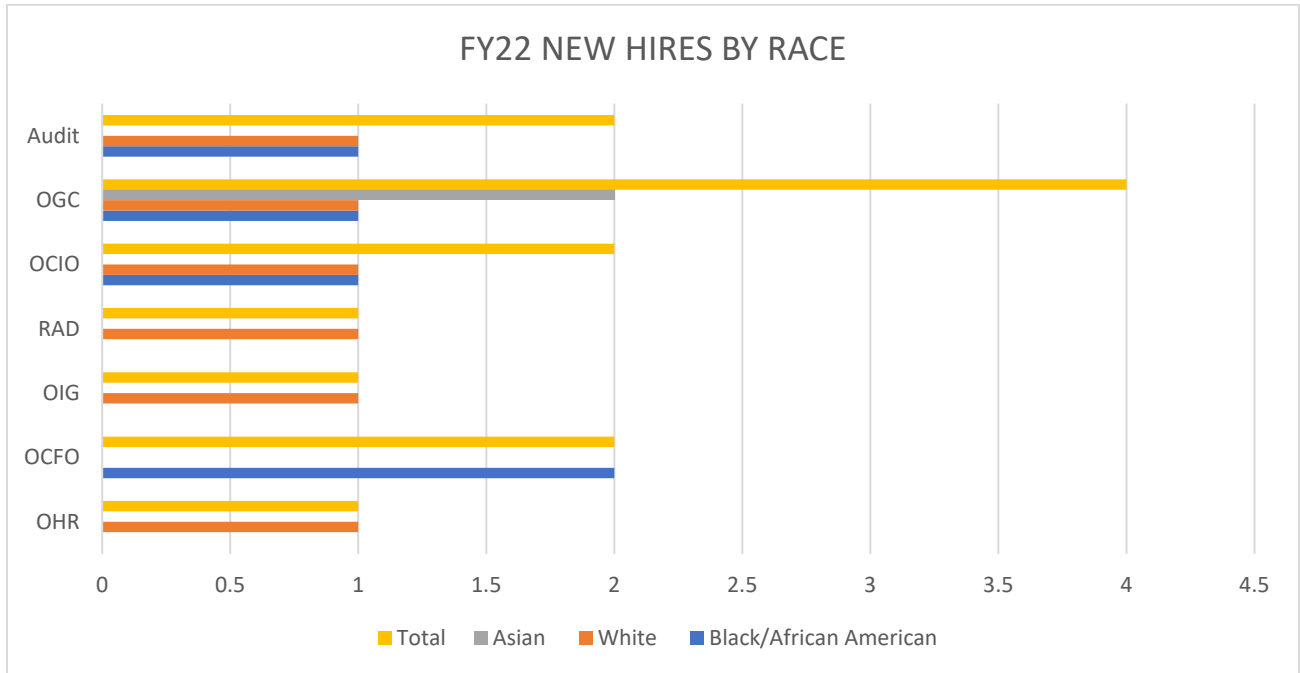


Figure 16: New Hires According to Component by Race

AUDIT

During FY22, there were two (2) new hires in the Audit Division. Regarding race/ethnicity, there was (1) Black/African American auditor and one (1) White auditor. There were zero (0) Hispanic, Native Hawaiian/Other Pacific Islander, American Indian/Alaska Native employees (0%) or employees who identified as Two or More Races (0%) hired in this category.

OGC

During FY22, there were four (4) new hires in the OGC. Regarding race/ethnicity, there were two (2) Asian attorneys, one (1) Black/African American attorney and one (1) White attorney. There were zero (0) Hispanic, Native Hawaiian/Other Pacific Islander, American Indian/Alaska Native employees (0%) or employees who identified as Two or More Races (0%) hired in this category.

OCIO

During FY22, there were two (2) new hires in the OCIO employee. There were zero (0) Hispanic, Asian, Native Hawaiian/Other Pacific Islander, American Indian/Alaska Native employees (0%) or employees who identified as Two or More Races (0%) hired in this category.

RAD

During FY22, there was one (1) new hire in RAD. Regarding race/ethnicity, the new employee was White. There were zero (0) Hispanic, African American, Asian Native Hawaiian/Other Pacific Islander, American Indian/Alaska Native employees (0%) or employees who identified as Two or More Races (0%) hired in this category.

OCFO

During FY22, there were two (2) new hires in OCFO. Regarding race/ethnicity, both employees were Black/African American. There were zero (0) Hispanic, White, Native Hawaiian/Other Pacific Islander, American Indian/Alaska Native employees (0%) or employees who identified as Two or More Races (0%) hired in this category.

OHR

During FY22, there was one (1) new hire in the OHR. Regarding race/ethnicity, the new hire was White. There were zero (0) Hispanic, Black/African American, Asian, Native Hawaiian/Other Pacific Islander, American Indian/Alaska Native employees (0%) or employees who identified as Two or More Races (0%) hired in this category.

OIG

During FY22, there was one (1) new hire in OIG. Regarding race/ethnicity, the employee was Black/African American. There were zero (0) Hispanic, White, Asian, Native Hawaiian/Other Pacific Islander, American Indian/Alaska Native employees (0%) or employees who identified as Two or More Races (0%) hired in this category.

D. DETAIL AND ACTING POSITIONS

OHR compiled data for detail and acting positions for FY2020 through FY2022. The three-year trend analysis for detail and acting selections distributed by race/ethnicity and sex is shown in **Figure 18** with details following the figure.

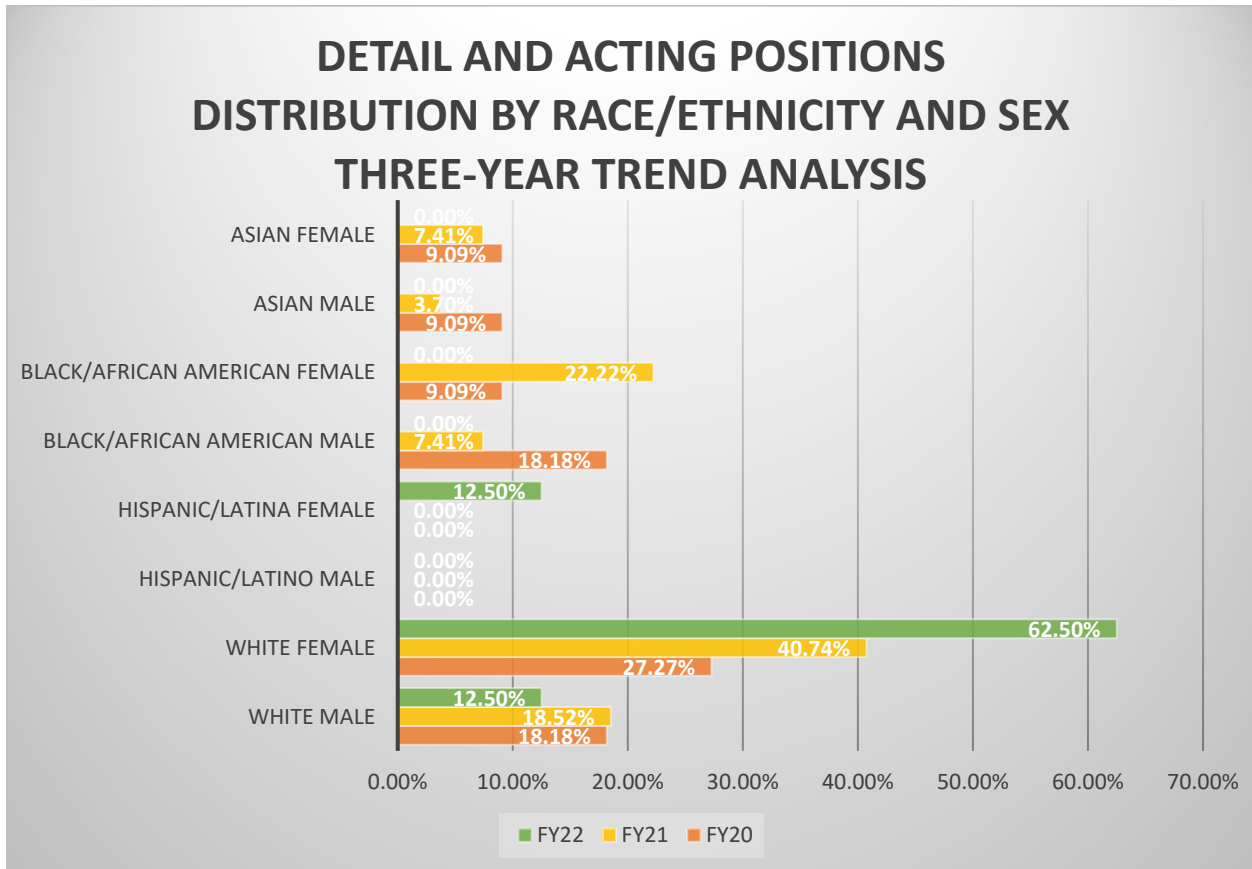


Figure 17: Detail and Acting Selections Distribution by Race/Ethnicity and Sex Three-Year Trend Analysis

FY22

In FY2022, there were 19 applicants for seven (7) newly advertised detail or acting positions. There were eight (8) employees serving in competitive Detail or Acting Positions. Of employees in this category, one (1) 12.5% was male and seven (7) 87.50% were female. Regarding ethnicity, one (1) 12.50% was a Hispanic female, one (1) 12.50% was a White male and six (6) 75.00% were White females. There were zero (0) Black/African American or Asian employees serving in acting or detail positions.

FY21

In FY2021, there were 27 newly advertised detail or acting positions. Of employees in this category, 29.63% were male and 70.37% were female. Regarding ethnicity, 18.52% were White

male and 40.74% White female; 7.41% were Black/African American male and 22.22% were Black/African American female; 3.70% were Asian male and 7.41% were Asian female.

FY20

In FY20 there were ten (10) newly advertised competitive detail or acting positions advertised by the agency. There were 26 internal applicants for these positions, of whom 10 were selected and 16 were not selected. Of the ten (10) people selected, five (5) were male (50.00%) and five (5) were female (50.00%). Regarding race/ethnicity, five (5) White (50.00%) candidates were selected, two (2) were male (20%), and three (3) were female (30%); three (3) Black/African American candidates were selected (30.00%), two (2) were male (20%) and one (1) was female (10%); and two (2) Asian (20.00%) employees were selected, one (1) was male (10%) and two (2) were female (20%). There were zero (0) selections from the following racial/ethnic groups: Hispanic/Latino, Native Hawaiian/Other Pacific Islander, American Indian/Alaska Native and employees identified as Two or More Races (0%).

Three-Year Trend Analysis

The three-year trend analysis, based on OHR data regarding employees appointed to newly advertised detail and acting positions from FY20-FY22 revealed that regarding race/ethnicity, there was a decline in representation of Black/African American, Asian and Hispanic/Latina female employees appointed to newly advertised acting positions and details between FY21 and FY22 with zero (0) representation of Black/African American, Asian and Hispanic/Latina employees.

DISTRIBUTION OF SALARY BY RACE/ETHNICITY

The three-year average for the distribution of salary by race/ethnicity is shown in **Figure 19** with details following the figure.

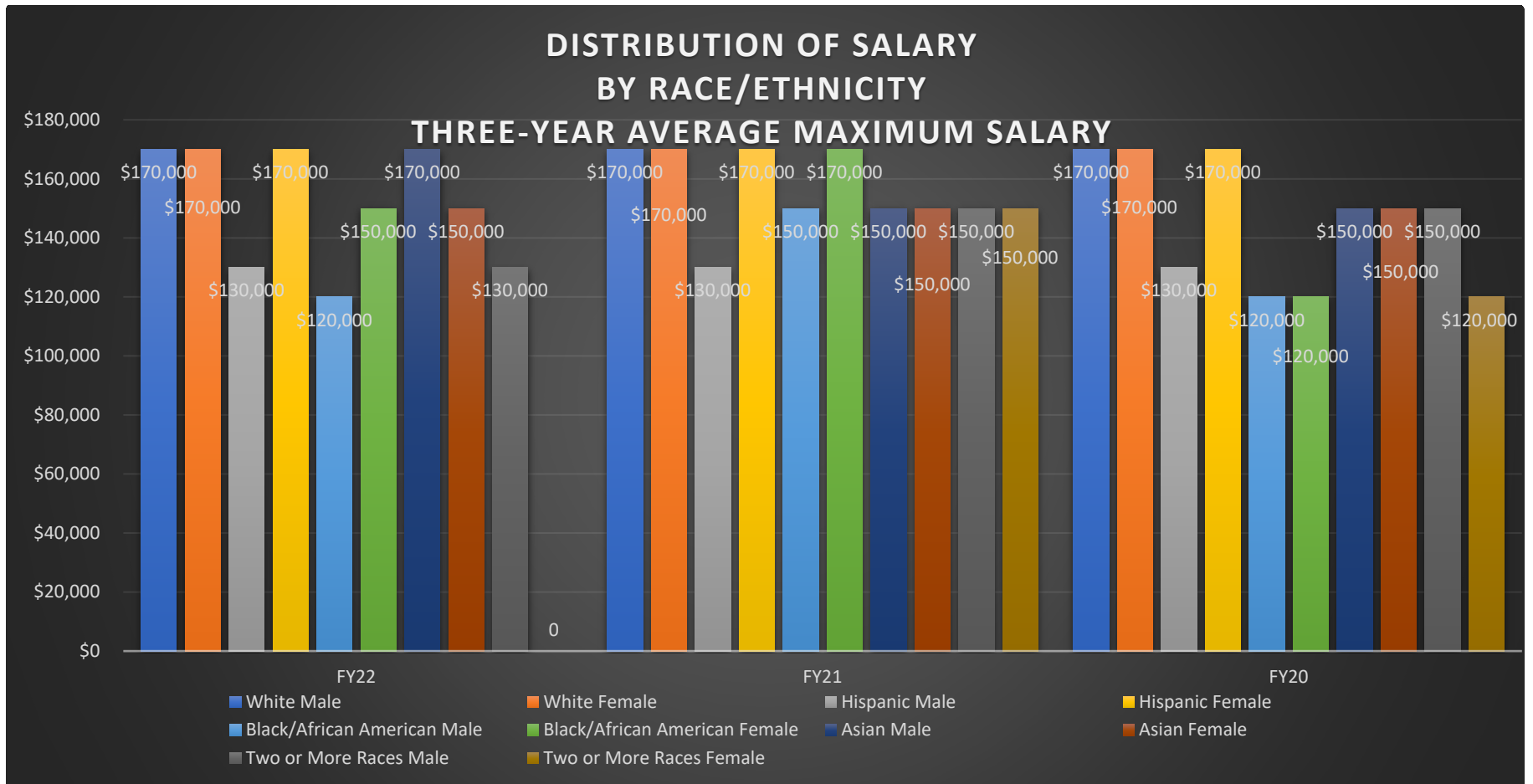


Figure 18: Distribution of Salary by Race/Ethnicity - Three-Year Average

² Workforce data table A5-1 provides data on employee's salary at FEC. A review of the data tables provides a salary range for employees according to demographics (race and gender). The average maximum salary is determined by the average maximum amount made by employees according to race/gender.

Salary Information

FY22

The total workforce of the FEC for FY 22 was 293 employees. Regarding race/ethnicity, **White employees**, comprised 55.63% of the workforce. The average salary of White employees during FY22 was over \$120,00.00. There were 85 White male employees (29.01%) who had an average salary range of \$120K-\$170K. There were 78 White female employees (26.62%) who had an average salary range of \$150K-\$170K.

There were eight (8) **Hispanic employees** who comprised 2.73% of the workforce. The average salary of Hispanic/Latino employees was over \$150K. There was one (1) Hispanic/Latino male employee who had a salary range of \$120K-\$130K; there were six (6) Hispanic/Latina female employees of whom half (50%) earned over \$170K.

There were 93 **Black/African American** employees who comprised 31.74% of the workforce. There were 29 Black/African American males, the majority of whom had a salary range of \$51K-\$120K. There were 64 Black/African American females, the majority of whom had a salary range of \$81K-\$150K.

There were 27 **Asian employees** who comprised 9.22% of the workforce. There were 13 Asian males with a majority earning over \$120K; there were 14 Asian female employees with a majority earning over \$150K.

Regarding race/ethnicity, there was one (1) male employee who identified as **Two or More Races**; that employee had a salary range of \$120-130K.

FY21

The total workforce of the FEC for FY 21 was 303 employees. Regarding race/ethnicity, 178 **White employees**, comprised 58.74% of the workforce. There were 94 White male employees (31.02%) who had an average salary range of \$150K-\$170K. There were 84 White female employees (27.72%) who had an average salary range of \$120K to \$170K.

There were seven (7) **Hispanic employees** there were seven (7) Hispanic employees who comprised 2.31% of the workforce. There was one (1) Hispanic/Latino male employee 0.34% who had an average salary range of \$120K-\$150K. There were six (6) Hispanic/Latina employees 1.98% of whom half (50%) had an average salary range of \$120K-\$170K.

There were 91 **Black/African American employees** who comprised 30.03% of the workforce. There were 28 males (9.24%) who had an average salary range of \$81K-\$150K. There were 63 Black/African American females (20.79%), a majority of whom had an average salary range of \$120-\$170K.

There were 26 **Asian male employees**, who comprised 8.25% of the workforce. There were 12 Asian male (3.96%) employees who had an average salary range of \$120k-\$150K. There were 13 Asian Females (4.29%) who had an average salary range of \$120K-\$150K.

There were two (2) employees identify who identify as **Two or More Races**, who comprise 0.66% of the workforce. There was one (1) male employee, who had an average salary range of \$121-150K; and one (1) female, who had an average salary range of \$121K-\$150k.

FY20

The total workforce of the FEC for FY 20 was 311 employees. Regarding race/ethnicity, **White employees**, comprised 180 employees (57.88%) of the workforce. There were 95 White male (30.26%) who made between \$130-\$170K. There were 85 White Females (27.33%) the majority of whom make an average of \$120K-\$150K.

There was a total of 98 employees **Black/African American employees** (31.51%), in the workforce. 30 employees were Black/African American males (9.65%) who earned an average between \$50K-\$120K; 68 employees were Black/African American females (21.86%), the majority earned between \$50K-\$120K.

There was a total of seven (7) **Hispanic/Latino employees** (2.25%), during FY20. Hispanic males totaled one (1) employee who earned between \$120K-\$130K. Hispanic Females totaled six (6) employees (1.93%), the majority of whom earned between \$80K-\$170K.

There were 23 **Asian employees** (7.39%) during FY20. There were nine (9) Asian male employees (2.89%) a majority of whom earned between \$120K-\$150K and the 14 Asian female employees (4.50%), the majority of whom earned \$120K-\$150K.

There were two (2) employees who identified as **Two or More Races**. There was one (1) male employee who identified as Two or More races, who earned \$120K-\$150k; and one (1) female employee who identified as Two or More races, who earned between \$80k-\$120K.

Three-Year Trend Analysis:

A three-year trend analysis, based on workforce data from FY20-FY22 revealed that average salaries of White female employees increased from a range of \$120k -\$150K to a range of \$150K-\$170K, and the bottom of the average salary range for White males decreased. Average salaries of Hispanic male and female employees remained consistent at over \$120k with half (50%) of Hispanic female employees in FY22 making over \$150K. Salaries of Black/African American males remained at \$80K-\$120K and Black/African American females at \$120K-\$150K. Asian male and female employees remained from FY20-FY22 at \$120K-\$150K. Salaries of employees identifying as Two or More races remained between \$80K-\$120K.

III. TOTAL WORKFORCE DISTRIBUTION BY DISABILITY

The data for the total workforce distribution by disability status is shown in **Table B-1** with details following the table.

Table B1: TOTAL WORKFORCE - Distribution by Disability Status																		
Employment Tenure	Total	No Disability [05]	Not Identified [01]	Disability [02-03, 06-99]	Persons With 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]	
TOTAL WORKFORCE																		
Prior FY	#	303	261	15	27	7	1	0	3	3	0	0	0	0	0	0	0	0
	%	100%	86.14%	4.95%	8.91%	2.31%	0.33%	0.00%	0.99%	0.99%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Current FY	#	293	246	21	26	6	1	0	3	2	0	0	0	0	0	0	0	0
	%	100%	83.96%	7.17%	8.87%	2.05%	0.34%	0%	1.02%	0.68%	0%	0%	0%	0%	0%	0.00%	0.00%	0.00%
501 Goal	%				12.00%	2.00%												
Difference	#	-10	-15	6	-1	-1	0	0	0	-1	0	0	0	0	0	0	0	0
Ratio Change	%	0.00%	-2.18%	2.22%	-0.04%	-0.26%	0.01%	0.00%	0.03%	-0.31%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Net Change	%	-3.30%	-5.75%	40.00%	-3.70%	-14.29%	0%	0%	0%	-33.33%	0%	0%	0%	0%	0%	0.00%	0.00%	0.00%
EMPLOYEE GAINS																		
New Hires	#	18	9	8	1	0	0	0	0	0	0	0	0	0	0	0	0	0
	%	100%	50.00%	44.44%	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%
EMPLOYEE LOSSES (Inclusion Rate)																		
Reduction in Force	#	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	%	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%
Removal	#	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	%	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%
Resignation	#	10	7	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
	%	100%	70.00%	0.00%	30.00%	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%
Retirement	#	7	6	0	1	1	0	0	0	1	0	0	0	0	0	0	0	0
	%	100%	85.71%	0.00%	14.29%	14.29%	0.00%	0.00%	0.00%	14.29%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Other Separations	#	12	10	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
	%	100%	83.33%	8.33%	8.33%	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%
Total Separations	#	29	23	1	5	1	0	0	0	1	0	0	0	0	0	0	0	0
	%	100%	79.31%	3.45%	17.24%	3.45%	0.00%	0.00%	0.00%	3.45%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
PERMANENT WORKFORCE																		
Prior FY	#	284	244	15	25	6	1	0	3	2	0	0	0	0	0	0	0	0
	%	100%	85.92%	5.28%	8.80%	2.11%	0.35%	0.00%	1.06%	0.70%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Current FY	#	274	231	18	25	5	1	0	3	1	0	0	0	0	0	0	0	0
	%	100%	84.31%	6.57%	9.12%	1.82%	0.36%	0.00%	1.09%	0.36%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Difference	#	-10	-13	3	0	-1	0	0	0	-1	0	0	0	0	0	0	0	0
Ratio Change	%	0.00%	-1.61%	1.29%	0.32%	-0.29%	0.01%	0.00%	0.04%	-0.34%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Net Change	%	-3.52%	-5.33%	20.00%	0.00%	-16.67%	0.00%	0.00%	0.00%	-50.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

Table 2: Total Workforce - Distribution by Disability Status

Identification Options from OPM SF-256 (revised October 2016)

- Targeted Disabilities or Serious Health Conditions = Persons with Targeted Disabilities (PWTD)
- Other Disabilities or Serious Health Conditions = Persons with Disabilities (PWD)
- I do not have a disability or serious health condition = (Having no Disability)
- I do not wish to identify my disability or serious health condition = (Preferred to not identify my disability)

The workforce distribution of employees by disability can be found at Table B-1. In FY2022, the total workforce consisted of 293 employees. Of those employees, 246 identified as having no disability (83.96%), 21 preferred to not identify their disability (7.17%); Of the 26 identified as PWD (8.87%) and six (6) identified as PWTD (2.05% of the total employees. The EEOC has set a goal for each agency to have at least 12% of its workforce consist of PWD and at least 2% consist of PWTD.³

³ When capturing data regarding the distribution of employees by disability, the numbers of PWTD are included with PWD. Data reflecting PWTD is specified for reporting purposes.

A. Total Workforce -Disability Three-Year Trend Analysis

A three-year comparison of the total workforce with disability is shown in **Figure 20** with details following the figure.

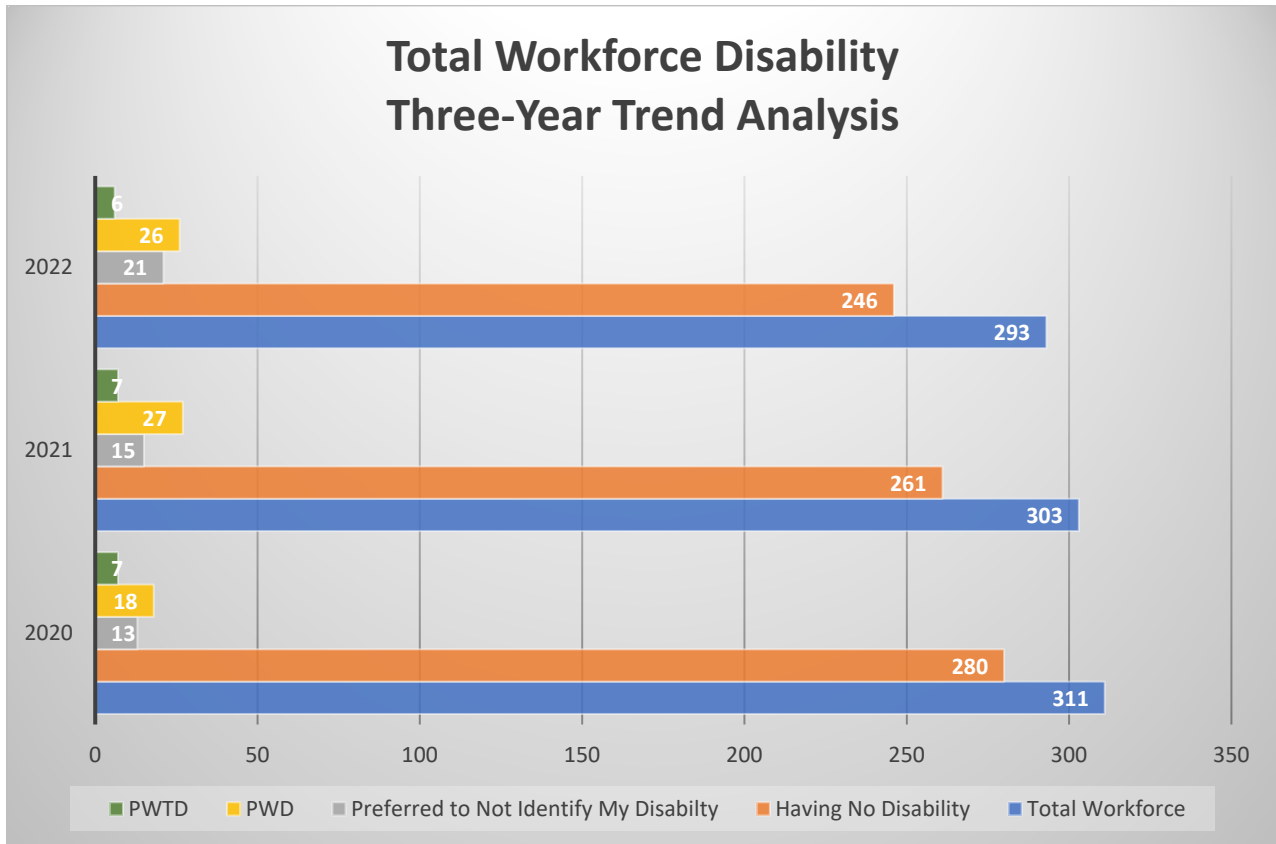


Figure 19: Total Workforce - Disability: Three-Year Trend Analysis

During FY2022, the **total** workforce consisted of 293 employees. Of those employees, 246 identified as having no disability (83.96%), 21 preferred to not identify their disability (7.17%), 26 identified as PWD (8.87%). Of the 26 employees who identified as PWD, six (6) identified as PWTD (2.05%) of total employees.

During FY2021, the **total** workforce consisted of 303 employees. Of those employees, 261 identified as having no disability (86.14%), 15 preferred to not identify their disability (4.95%), 27 identified as PWD (8.91%). Of the 27 employees who identified as PWD, seven (7) identified as PWTD (2.31%) of total employees.

In FY2020, the **total** workforce consisted of 311 employees. Of those employees, 280 identified as having no disability (93.33%), 13 preferred to not identify their disability (4.33%), 18 identified as PWD (6.00%). Of the 18 employees who identified as PWD, seven (7) identified as PWTD (2.33%) of total employees.

B. Permanent Workforce – Disability-Three Year Trend Analysis

A three-year trend analysis of the permanent workforce with disability is shown in **Figure 21** with details following the figure.

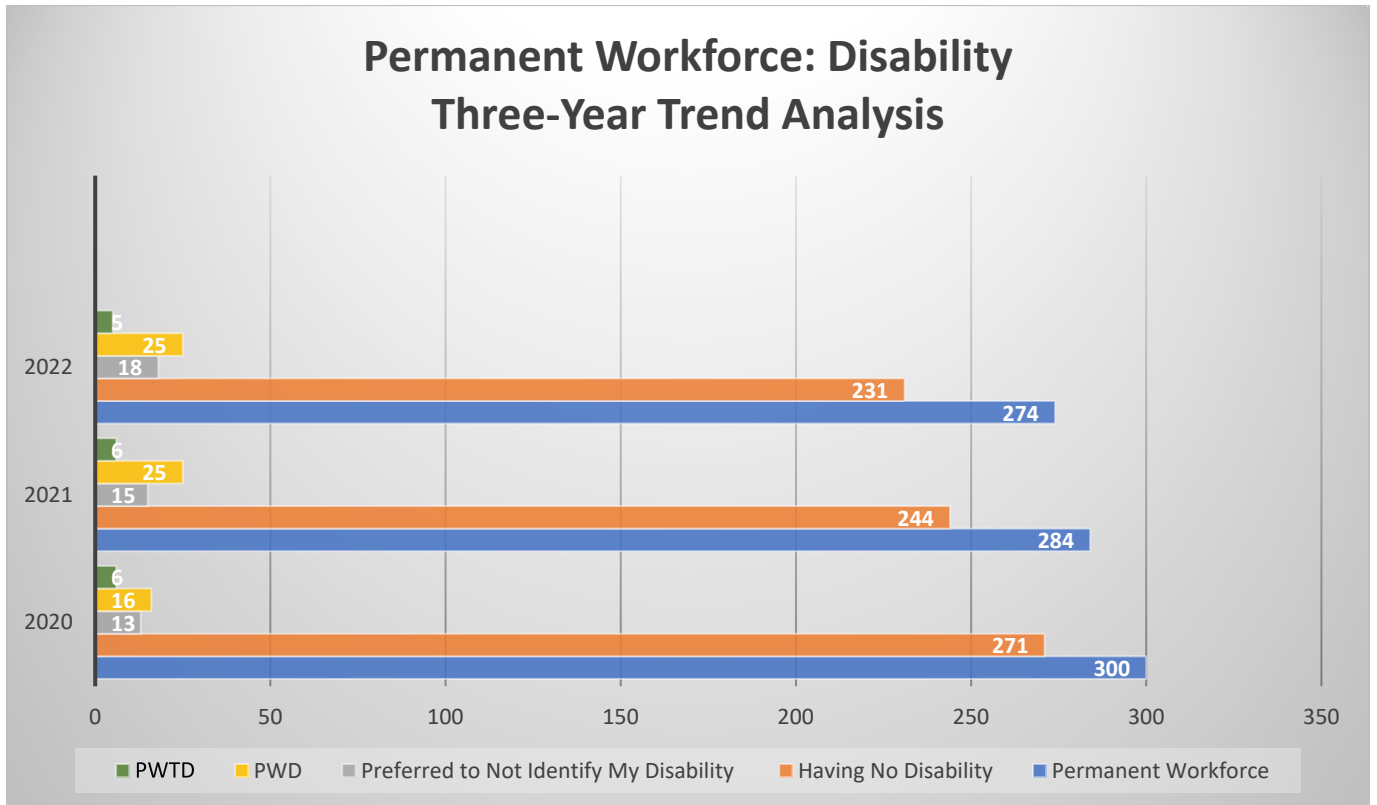


Figure 20: Permanent Workforce - Disability: Three-Year Trend Analysis

The **permanent** workforce for FY2022 consisted of 274 employees, of whom 231 identified as having no disability (84.31%), 18 preferred to not identify their disability (6.57%), 25 identified as PWD (9.12%). Of the 25 employees who identified as PWD six (6) identified as PWT (2.05% of total employees).

The **permanent** workforce for FY2021 consisted of 284 employees, of whom 244 identified as having no disability (85.92%), 15 preferred to not identify their disability (5.28%), 25 identified as PWD (8.80%). Of the 25 employees who identified as PWD, six (6) identified as PWT (2.11% of total employees).

The **permanent** workforce for FY2020 consisted of 300 employees, of whom 271 identified as having no disability (90.33%), 13 preferred to not identify their disability (4.33%), 16 identified as PWD (5.33%) Of the 16 employees who identified as PWD, six (6) identified as PWT (2.00% of total employees).

Three-Year Trend Analysis

A three-year trend analysis, based on workforce data from FY20-FY22 revealed a decrease in employees who identified as having no disability from 90.33% in FY20 to 84.31% in FY22. There was an increase in PWD from 5.33% in FY20 to 9.12% in FY22. When analyzing the number of employees who identify as PWD along with employees who preferred to not identify their disability, the federal goal of 12% PWD has exceeded 12% with a percentage of 16.04% for the total workforce and 15.69% for the permanent workforce in 2022. There was an increase of PWTD from 2.00% in FY20 to 2.11% in FY21; however, there was a decrease in PWTD in FY22 to 2.05%. The federal goal of 2% PWTD was met in both 2021 and 2022.

C. Occupational Category - Managers and Executives: Distribution by Disability

A three-year trend analysis by occupational category of managers and executives distributed by disability is shown in **Figure 22** with details following the figure.

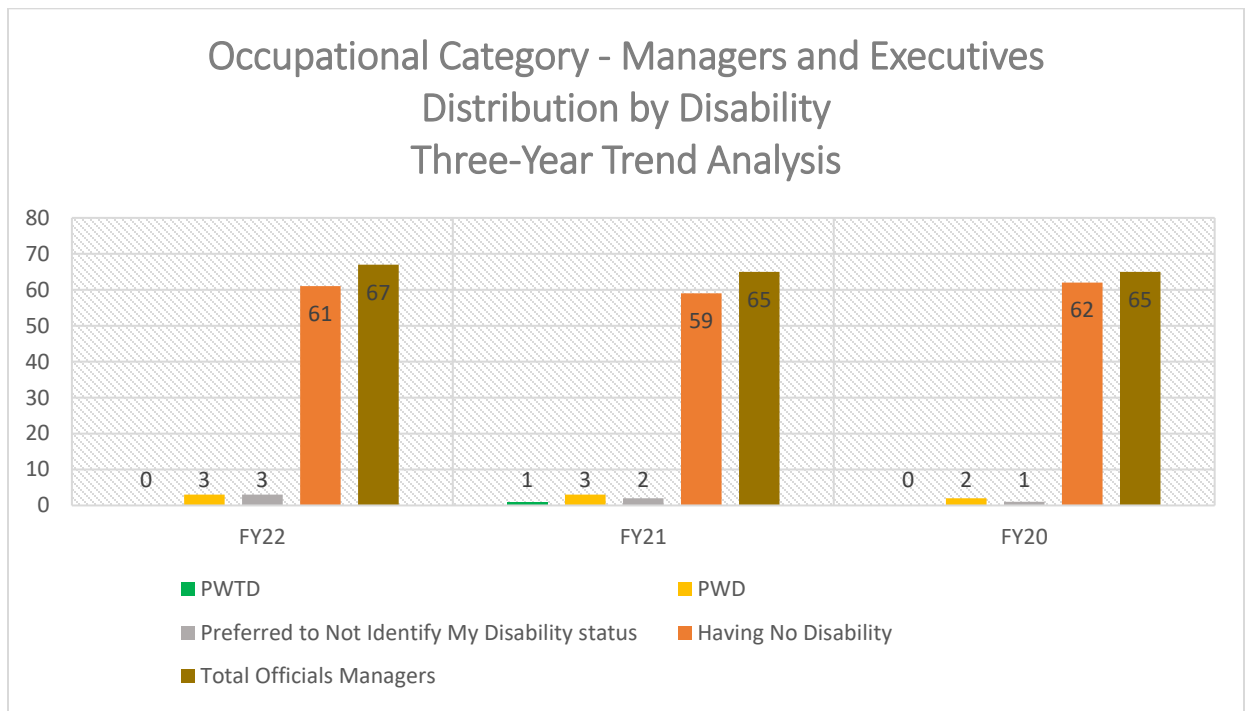


Figure 21: Occupational Categories - Managers & Executives Distribution by Disability Three-Year Trend Analysis

FY22

Table B3-1 provides information regarding the distribution of disability in the FEC workforce by Occupational Category. In 2022, the total permanent FEC workforce comprised 274 employees. There was a total of 67 employees who were classified as Executives and Managers. 61 identified as having no disability; three (3) preferred to not identify their disability; three (3) identified as PWD.

FY21

In 2021, the total permanent FEC workforce comprised 284 employees. There was a total of 65 employees who were classified as Executives and Managers. 59 identified as having no disability; two (2) preferred to not identify their disability; three (3) identified as PWD.

FY20

In 2020, the total permanent FEC workforce comprised 294 permanent employees. There was a total of 65 employees who were classified as Executives and Managers. 62 identified as having no disability; one (1) preferred to not identify their disability; two (2) identified as PWD.

Three-Year Trend Analysis:

A three-year trend analysis, based on workforce data from FY20-FY22 revealed that there was an increase of one employee who identified as PWD in FY21; PWD remained constant at three (3) employees from FY21 to FY22.

D. Occupational Category - Professionals: Distribution by Disability

Figure 23 provides information regarding the distribution by disability in the FEC workforce by the occupational category of Professional-level employees with details following the figure.

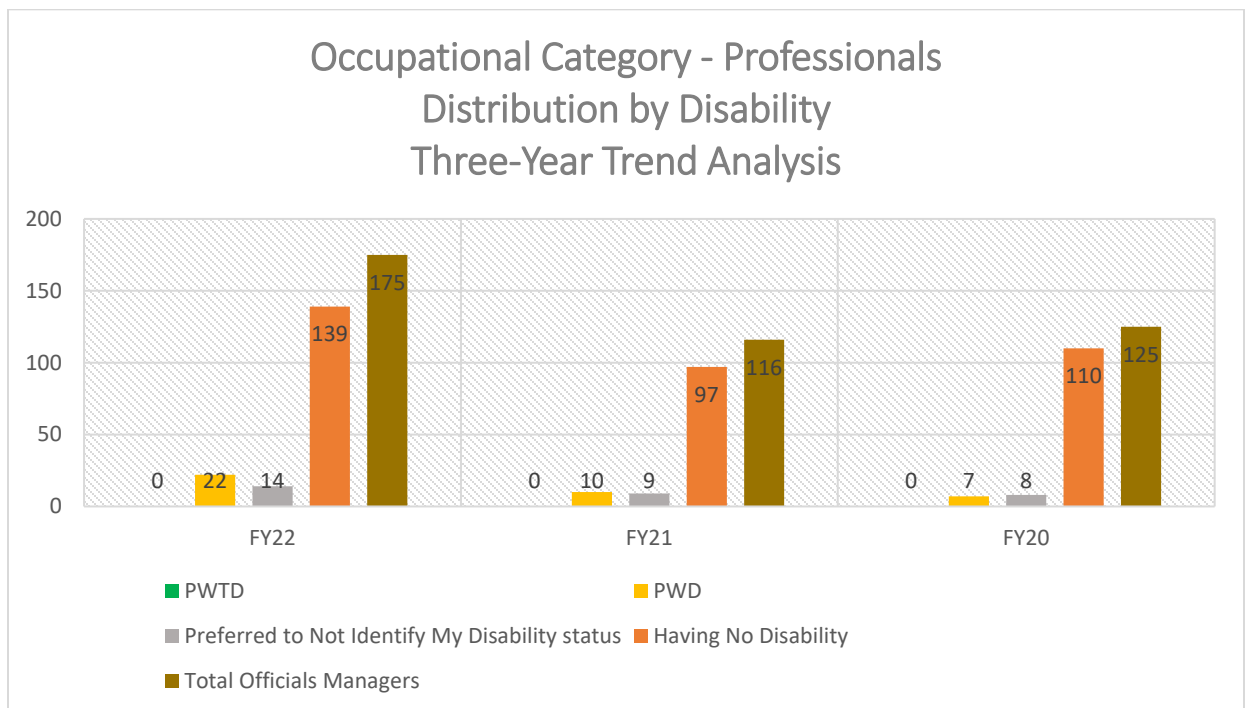


Figure 22: Occupational Category of Professionals Distributed by Disability

FY22

Table B3 provides information regarding the distribution of disability in the FEC workforce by Occupational Category. In 2022, the total permanent FEC workforce comprised 274 employees. There were 175 employees identified as Professional-level employees. 139 identified as having no disability; 14 preferred to not identify their disability; and 22 identified as PWD.

FY21

In 2021, the total permanent FEC workforce comprised 284 employees. There were 116 employees identified as Professional-level employees; 97 identified as having no disability; nine (9) preferred to not identify their disability; and ten (10) identified as PWD.

FY20

In 2020, the total permanent FEC workforce comprised 294 permanent employees. There were 125 employees identified as Professional-level employees. 110 identified as having no disability; eight (9) preferred to not identify their disability; and seven (7) identified as PWD.

Three-Year Trend Analysis:

A three-year trend analysis, based on workforce data from FY20-FY22 revealed that there was a consistent increase in employees identifying as PWD with seven (7) employees identifying as PWD in FY20 to 22 employees identifying as PWD in FY22.

E. Occupational Category - Senior-Level: Distribution by Disability

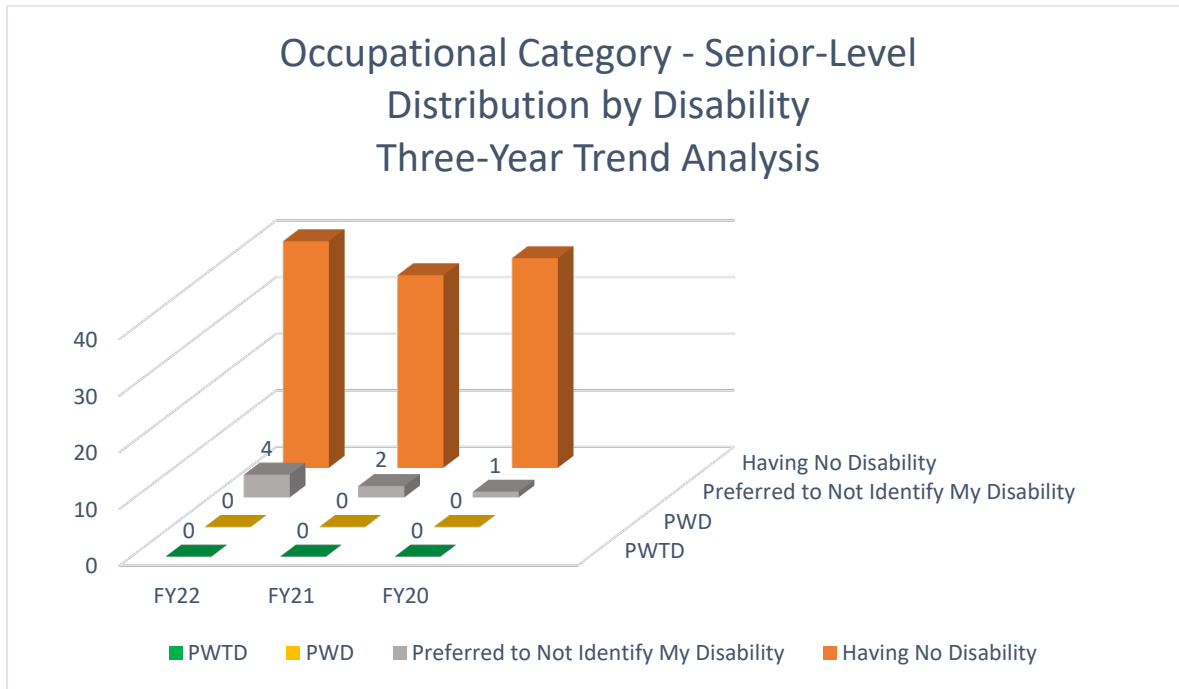


Figure 23: Occupational Category – Senior Level Distribution by Disability Three-Year Trend Analysis

FY22

In FY2022, there were 43 Senior-Level employees (Grade 15 and above), of whom 40 identified as having no disability (92.11%) and four (4) preferred to not identify their disability (7.89%).

FY21

In FY2021, there were 36 Senior-Level employees (Grade 15 and above), of whom 34 identified as having no disability (94.44%) and two (2) preferred to not identify their disability (5.56%).

FY20

In FY2020, there were 38 Senior-Level employees (Grade 15 and above), of whom 37 identified as having no disability (97.37%) and one (1) preferred to not identify their disability (2.63%).

Three-Year Trend Analysis

A three-year trend analysis, based on workforce data from FY20-FY22 revealed that there was no change in employees at the Executive level who identified as PWD. Zero (0) employees identified as PWD at the Executive level from FY20-FY22.

E. FEC WORKFORCE DISTRIBUTION BY DISABILITY - BY COMPONENT

The data for workforce distribution by disability and component is shown in **Figure 25** with details following the figure.

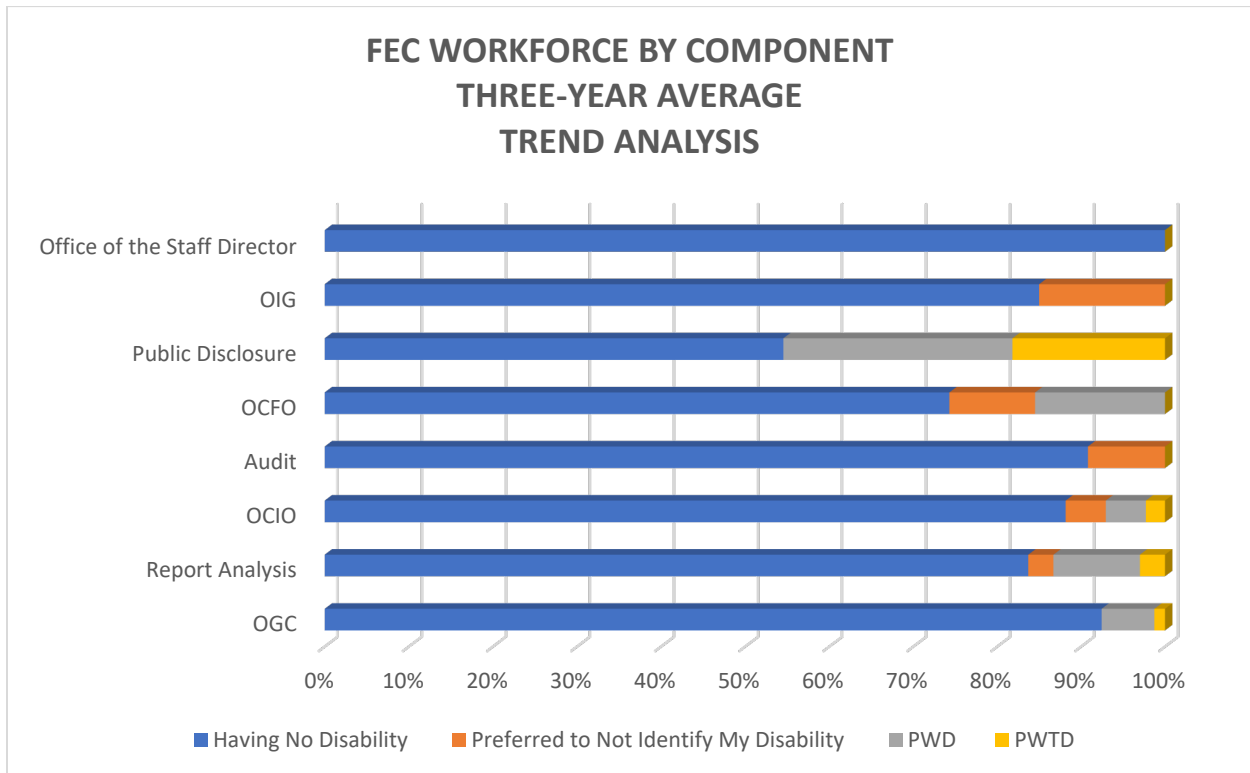


Figure 24: FEC Workforce Distribution by Disability - By Component - FY22

Office of the Staff Director (OSD)

FY22

In the **Office the Staff Director (OSD)**, there was one (1) employee, who identified as having no disability (100%).

FY21

In the **Office the Staff Director (OSD)**, there was one (1) employee, who identified as having no disability (100%).

FY20

In the **Office the Staff Director (OSD)**, there were two (2) employees, of whom two (2) identified as having no disability (100%).

Office of the Inspector General (OIG)

FY22

In the **Office of the Inspector General (OIG)**, there were eight (8) employees; of whom six (6) identified as having no disability (75.00%), and two (2) preferred to not identify their disability (25.00%).

FY21

In the **Office of the Inspector General (OIG)**, there were seven (7) employees, of whom six (6) identified as having no disability (85.71%), and one (1) preferred to not identify their disability (14.29%).

FY20

In the **Office of the Inspector General (OIG)**, there were six (6) employees; of whom five (5) identified as having no disability (83.33%), one (1) preferred to not identify their disability (16.67%).

Office of Public Disclosure and Media Relations

FY22

In the **Office of Public Disclosure and Media Relations**, there were nine (9) employees, of whom six (6) identified as having no disability (66.66%), three (3) identified as PWD (33.33%) and two (2) identified as PWTD (22.22%).

FY21

In the **Office of Public Disclosure and Media Relations**, there were nine (9) employees, of whom six (6) identified as having no disability (66.66%), three (3) identified as PWD (33.33%), and two (2) identified as PWTD (22.22%).

FY20

In the **Office of Public Disclosure**, there were nine (9) employees, of whom six (6) identified as having no disability (66.66%), three (3) identified as PWD (33.33%) and two (2) identified as PWTD (22.22%).

Office of the Chief Financial Officer

FY22

In the **Office of the Chief Financial Officer (OCFO)**, there were 11 employees, of whom seven (7) identified as having no disability (63.64%) two (2) preferred to not identify their disability (18.18%), and two (2) identified as PWD (18.18%).

FY21

In the **Office of the Chief Financial Officer (OCFO)**, there were 12 employees, of whom nine (9) identified as having no disability (75.00%), one (1) preferred to not identify their disability (8.33%), and two (2) identified as PWD (16.67%).

FY20

In the **Office of the Chief Financial Officer (OCFO)**, there were 13 employees, of whom 12 identified as having no disability (92.31%) and one (1) preferred to not identify their disability (7.69%).

Audit Division

FY22

In the **Audit Division**, there were 27 employees, of whom 22 identified as having no disability (81.48%), three (3) preferred to not identify their disability (11.11%) and two (2) identified as PWD (7.41%).

FY21

In the **Audit Division**, there were 27 employees, of whom 23 identified as having no disability (85.19%), two (2) preferred to not identify their disability (7.41%) and two (2) identified as PWD (7.41%).

FY20

In the **Audit Division**, there were 27 employees, of whom 23 identified as having no disability (85.19%), two (2) preferred to not identify their disability (7.41%) and two (2) identified as PWD (7.41%).

Office of the Chief Information Officer (OCIO)

FY22

In the **Office of the Chief Information Officer (OCIO)**, there were 43 employees, of whom 37 identified as having no disability (86.05%), two (2) preferred to not identify their disability (4.65%), and four (4) identified as PWD (9.30%).

FY21

In the **Office of the Chief Information Officer (OCIO)**, there were 41 employees, of whom 37 identified as having no disability (90.24%), two (2) preferred to not identify their disability (4.88%), two (2) identified as PWD (4.88%), and one (1) identified as PWTD (2.44%).

FY20

In the **Office of the Chief Information Officer (OCIO)**, there were 43 employees, of whom 40 identified as having no disability (93.02%), one (1) preferred to not identify their disability (2.33%), two (2) identified as PWD (4.65%) and one (1) identified as PWTD (2.33%).

Reports Analysis Division

FY22

In the **RAD**, there were 56 employees, of whom 48 identified as having no disability (85.71%), two (2) preferred to not identify their disability (3.57%), and six (6) identified as PWD (10.71%).

FY21

In the **RAD**, there were 58 employees, of whom 48 identified as having no disability (82.76%), two (2) preferred to not identify their disability (3.45%), eight (8) identified as PWD (13.79%), and two (2) identified as PWTD (3.45%).

FY20

In the **RAD**, there were 61 employees, of whom 54 identified as having no disability (88.52%), three (3) preferred to not identify their disability (4.92%), four (4) identified as PWD (6.56%) and two (2) identified as PWTD (3.28%).

Office of General Counsel

FY22

In the **OGC**, there were 75 employees, of whom 66 identified as having no disability (88.00%), five (5) preferred to not identify their disability (6.67%), and four (4) identified as PWD (5.33%).

FY21

In the **OGC**, there were 83 employees, of whom 71 identified as having no disability (85.54%), six (6) preferred to not identify their disability (7.23%), six (6) identified as PWD (7.23%), and one (1) identified as PWTD (1.20%).

FY20

In the **OGC**, there were 94 employees, of whom 84 identified as having no disability (89.36%), five (5) preferred to not identify their disability (5.32%), five (5) identified as PWD (5.32%) and one (1) identified as PWTD (1.06%).

G. SALARY DISTRIBUTION OF WORKFORCE BY DISABILITY

Three-year trend analysis of salary distribution by disability is shown in **Figure 26** with details following the figure.

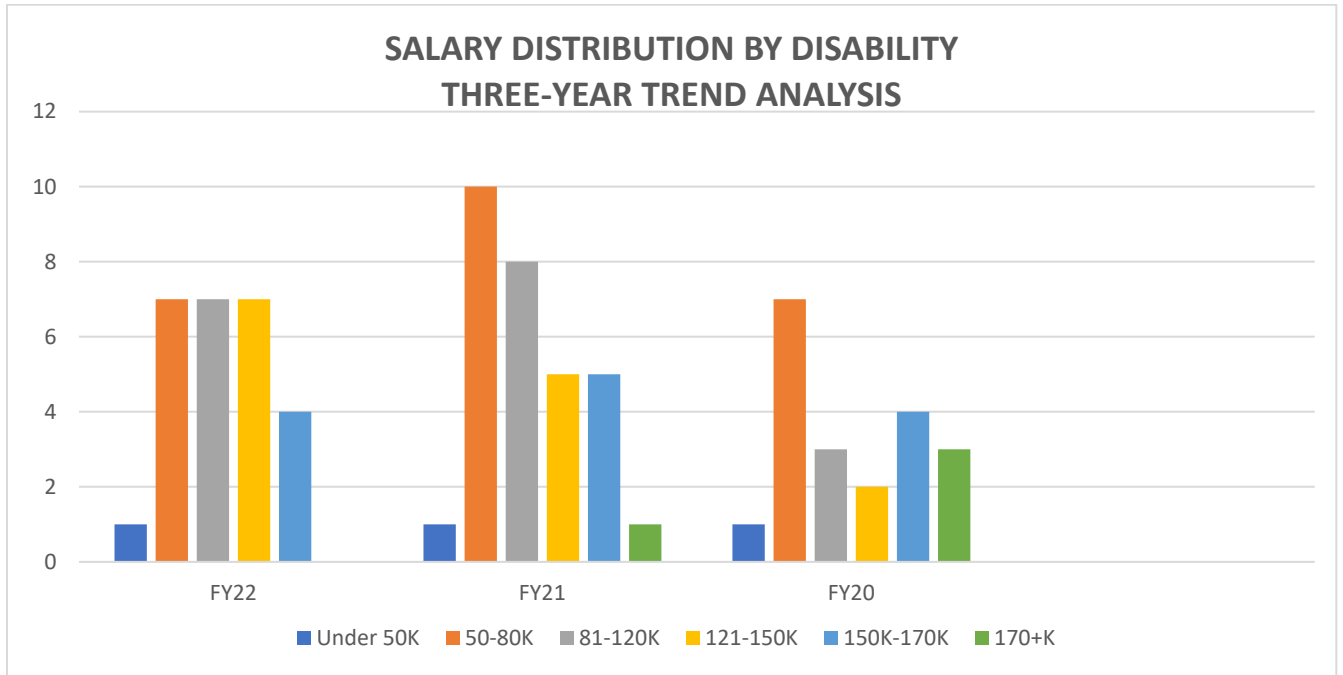


Figure 25: Salary Distribution of Workforce by Disability - Three-Year Trend Analysis

FY22

The salary distribution according to disability for FY2022 was as follows: one (1) employee who identified as PWD received a salary under \$50K; seven (7) employees who identified as PWD receive a salary between \$50K-\$80K; seven (7) employees who identified as PWD receive a salary between \$81K-\$120K; seven (7) employees who identified as PWD received a salary between \$121K-\$150K; four (4) employees who received a salary between \$150K-\$170K and zero (0) employees who identified as PWD received a salary over \$170K.

FY21

The salary distribution according to disability for FY2021 is as follows: one (1) employee who identified as PWD received a salary under \$50K; ten (10) employees who identified as PWD received a salary between \$50K-\$80K; eight (8) employees who identified as PWD received a salary of between \$81K-\$120K; five (5) employee who identified as PWD received a salary of between \$121K-\$150K; five (5) employees who identified as PWD receive a salary of between \$150K-\$170K; one (1) employee who identified as PWD received a salary of \$170 and above.

FY20

The salary distribution according to disability for FY2020 is as follows: one (1) employee who identified as PWD received a salary under \$50K; seven (7) employees who identified as PWD received a salary between \$50K-\$80K; three (3) employees who identified as PWD received a salary of \$81K-\$120K; two (2) employees who identified as PWD received a salary \$100K-\$120K; four (4) employee who identified as PWD received a salary between \$121K-\$150K; two (2) employees received a salary of between \$150K-\$170K; three (3) employees who identified as PWD received a salary of \$170 and above.

Three-Year Trend Analysis

The three-year trend analysis, based on workforce data from FY20-FY22 revealed a consistent decline in employees who identified as PWD as employee's salaries increased. Between FY20-FY22 there were between seven (7) and ten (10) employees who identified as PWD and earned a salary between \$50K-\$80K. There was a gradual decline to four (4) to five (5) employees who identified as PWD and earned between \$120K-\$150K, and a decline from three (3) employees to zero (0) employees who identified as PWD and earned over \$170K.

IV. Agency Policies

The Federal Election Commission has several policies that provide direction to agency personnel regarding personnel matters concerning employees. A non-exhaustive list of these policies has been briefly summarized below:

Labor Management Agreement Between the Federal Election Commission and the National Treasury Employees Union (2013 with 2015 Amendments): The labor-management agreement contains personnel policies and procedures that cover the Agency's bargaining unit employees, including promotions and appointments, details, performance management, awards, individual development plans, training, and other personnel-related topics.

Federal Election Commission Standard Operating Procedures: The procedures contained in this document reflect a partnership between the FEC and OPM's Human Resources Solutions for delivering staffing services to the FEC. Specifically, this document provides procedures for drafting job announcements and processing applications after they have been received from candidates. The Standard Operating Procedures enable utilization of USA Staffing for staffing related services as well as guidance on the staffing processes at the FEC. USA Staffing is the current platform that is used to streamline the hiring process at FEC. Specifically, guidance is provided regarding the following HR related functions: issuing vacancy announcements, developing assessments in Position Descriptions, issuing job announcements through USAJOBS, creating ranking lists, issuing and auditing certificates, onboarding selectees, applying veterans preferences and pass over requests, and applicant appeal procedures as well as outlining the order and timeframes for various procedures that comprise the hiring process.

Personnel Instruction 300.1: Appointments and Merit Promotions, dated September 22, 2005:

This instruction provides directions for filling all non-bargaining unit positions. Specifically, the instruction provides guidance regarding the following HR related tasks: Promotions/Selections of Priority Consideration Candidates; Selection of Reinstatement Eligible Candidates; Promotion of Deputy or Understudy to Target Position; Promotion resulting from a posting being declassified and Temporary Promotion limited to 120 days or less; Details of not more than 120 days to a higher graded; Permanent Promotions; Placement or Promotion; and Selection for an assignment to a position at same or lower promotion potential.

The instruction also includes procedural steps for Appointments and Promotions as well as actions requiring competitive procedures. Specifically, the instruction provides the following direction regarding HR related tasks: (1) posting vacancy announcements; (2) submission of applications; (3) rating for basic eligibility of applicants; (3) evaluation and ranking; (4) rating for basic eligibility of candidates, as well as referral of candidates and the evaluation method to be used. Additionally, the instruction provides guidance regarding actions by the Selection Officials, the Staff Director, and the Commission.

Personnel Instruction 300.1-A: Appointments and Merit Promotion, dated September 22, 2005: This instruction is superseded by the provisions of Article 13 in the current Labor Management Agreement Between the Federal Election Commission and the National Treasury Employees Union (LMA) [2013 Edition, amended 2015].

Personnel Instruction 300.2: Temporary Promotions, dated March 28, 1983 – The purpose of this instruction is to cover all temporary promotions to non-bargaining unit positions, apart from positions of statutory officers and positions within the offices of the Members of the Commission. This instruction identifies the responsibilities of the Originating office and the Personnel Office. Additionally, the instruction provides guidelines regarding personnel practices involving temporary positions.

Personnel Instruction 300.3: Details, dated March 28, 1983 – This instruction provides direction for non-bargaining positions. This instruction provides guidelines for meeting the need for details. Specifically, it details the responsibilities of managers and personnel in filling details and identifies the procedures for details that are 30 days or less and over 30 days.

Personnel Instruction 430.1: Performance Management System (PMS), dated September 17, 1986 – Part X: Time-Off Awards, dated May 17, 2021- This instruction provides direction to managers regarding performance management. Specifically, the instruction details the agency policy for rewarding high quality performance with performance awards and Quality Step Increases (QSI) and uses performance achievement as a basis for selections for promotions. The Instruction provides specific guidance regarding issuing Performance Ratings; Performance Awards; Incentive Awards; Within Grade Step Increases; Quality Step Increases and provides guidance on procedures with regards to Less than Fully Successful Performance matters. Additionally, the Instruction provides direction regarding the use of performance ratings for Reduction in Force (RIF) purposes.

V. TRIGGERS IDENTIFIED

A review of the data, select existing agency policies and other targeted data provided by the Office of Human Resources has identified the following triggers:

Representation of Hispanic/Latino, Black/African American, Asian, Native Hawaiian/Other Pacific Islander and American Indian/Alaska Native employees from GS-13 through the Senior Level, in comparison to the Civilian Labor Force (CLF) is as follows:

Employees are majority white at the GS-13 level (45.61%), GS-14 level (64.39%), and GS-15 level (63.63%) and majority female at the Senior Level (90.91%). Employees are majority female at the GS-13 level (52.63%) and majority female at the GS-14 level (60.27%). Employees are majority male at the Senior Level (72.73%).

A demographic breakdown of underrepresented populations is listed below according to Grade level:

GS-13:

- Hispanics/Latinos represented 1.75%
 - one (1) Hispanic/Latino male, compared to 6.2% of the CLF.
 - Zero (0) Hispanic/Latina females);
- Black/African Americans Males represented 8.77% five (5) compared to 12.02% of the CLF.

GS-14:

- Zero (0) Hispanic/Latino employees
- Zero (0) employees identified as Two or More Races

GS-15:

- Zero (0) representation of Hispanics Males 0%
- Zero (0) employees identified as Two or More Races

Senior Level:

- Zero (0) representation of Hispanic/Latino males
- One (1) Hispanic/Latina female
- Zero (0) representation of Black African Americans
- Zero (0) representation of Asians
- Zero (0) representation of Native Hawaiian/Other Pacific Islanders
- Zero (0) representation of American Indian/Alaska Natives
- Zero (0) employees identified as Two or More Races

In accordance with 26 C.F.R. § 1614.203 (d)(7)(A)-(D), the Federal Government is required to establish programs to facilitate recruitment, hiring, advancement and retention of individuals with disabilities. Effective January 2018, the Federal Government established a hiring goal of 12% for PWD and 2% for PWTD.

At the close of FY2022, the Federal Election Commission had a total workforce of 293 employees. There were 274 permanent and 19 temporary employees. The permanent workforce for 2022 consisted of 274 employees, of whom 231 identified as having no disability (84.31%), 18 preferred to not identify their disability (6.57%), 25 identified as PWD (9.12%) and six (6) identified as PWTD (2.05%).

The federal goal of 12% PWD has been exceeded with a percentage of 16.04% for the total workforce and 15.69% for the permanent workforce in 2022. The federal goal of 2% PWTD was met in both 2021 and 2022.

VI. RECOMMENDATIONS:

Based on the analysis of NFC data, select existing agency policies and other targeted data provided by the Office of Human Resources, the following recommendations are presented to address the triggers identified. This is not an exhaustive list.

1. Individual Career Development Plan for Historically Underrepresented Populations

It is recommended that the agency consider implementing an agency-wide individual development program to position employees from underrepresented groups toward upward mobility. Individual Development Plans are useful for interested employees because they can provide objectives, benchmarks, and milestones for professional development. For many employees, an individual development plan could provide a road map with small, achievable goals spread out over a defined period. The agency should consider revising performance appraisals of supervisors to include encouraging employees from underrepresented populations to develop individual development plans. Careful planning and focused commitment to short term goals can yield long term benefits for the participating employee(s) and for the agency.

2. It is recommended that the agency consider implementing a centralized recruitment plan that focuses attention on increasing opportunities for the agency's underrepresented groups: Hispanics/Latinos, Blacks/African Americans, Asians, Native Hawaiians/Other Pacific Islanders, American Indians/Alaska Natives.

Targeted recruitment of minority individuals in areas where offices can source diverse candidates can yield a multitude of qualified candidates. Recruitment efforts should engage with multicultural professional associations proactively to build relationships and identify groups that can provide an ongoing pool of qualified applicants. Examples of such organizations could include (but are not limited to): the National Bar Association, the National Asian Pacific American Bar Association, the Hispanic National Bar Association (HNBA), Association of Latino Professionals for America (ALPFA), Congressional Hispanic Caucus Institute (CHCI), the National Urban League and/or the Asian American Government Executives Network (AAGEN); each can assist with developing a

pool of qualified applicants to address the FEC's demographic underrepresentation. Building relationships with organizations that are centered on minority membership, through the strategic sponsorship of events, can enhance the diversity of interest to pursue employment with the FEC.

Targeted Recruitment for entry level opportunities at academic institutions with large diverse populations of students should also be developed further. Examples of this would include recruiting students from historically Black colleges and universities (HBCUs) as well as Hispanic/Latino Servicing Institutions (HSIs). Additionally, building a collaboration with the Hispanic Association of Colleges and Universities (which represents colleges where Hispanic students constitute at least 25 percent of the population) can provide a pool of qualified students. Development of FEC internship programs specifically targeted at recruiting underrepresented individuals can create a pipeline of potential candidates who have developed a working relationship with the FEC through that internship experience.

Currently, there is no representation of Native Hawaiians/Other Pacific Islanders in the FEC's workforce and scarce representation of American Indian/Alaska Native employees (1). Demographically, recruiting candidates from these two demographics can pose a challenge given that the pool of Native American candidates is generally found in areas of the Northwest or Southwest areas of our country and there are extremely low numbers of Native Hawaiian candidates in the DC Metropolitan area. Consideration should be given to FEC participation in virtual career fairs for such minority groups, adding remote work flexibility and targeting recruitment of others. This will allow the FEC to expand the opportunities offered to underrepresented members of these communities.

Develop an informal network to encourage minority employees to refer their personal connections. Encouraging employees from underrepresented groups to refer their friends to apply for positions within the FEC can be a great way to build their morale, demonstrate agency commitment regarding diversity initiatives and diversify the employee applicant pool.

Secure additional resources (staff, funding, etc.) needed to develop programs focused on outreach to candidates from underrepresented groups, including developing relationships with academic institutions, engaging with professional organizations, and creating internship programs.

Engage in outreach activities that support diversity, equity, inclusion, and accessibility. Celebrating diversity *awareness* is a great way to show employees that the agency embraces diversity and desires to recruit members of underrepresented populations to apply for positions at the FEC.

3. Expand Recruitment, Retention and Training for Persons with Disabilities

In 2011, the FEC crafted a comprehensive plan to increase the number of employees with disabilities in its workforce in response to Executive Order (EO) 13548. That plan detailed goals for recruitment, retention, training and required that agencies adopt goal setting procedures for future years regarding the hiring of individuals with disabilities.

Since that time, the EEOC has further clarified the hiring goals for all federal agencies; specifically, that Persons with Disabilities (PWD) should comprise at least 12% of the workforce

and Persons with Targeted Disabilities (PWTD) and should comprise at least 2% of the workforce. To ensure that EEOC goals are met by the agency, the FEC should continue to promote these numerical goals in its universal hiring procedure, develop new disability employment action plans and implement them, as applicable. The Office of Human Resources (OHR) has been recommended as the starting point for collaborative work in this area, as this office houses the agency's recruitment, hiring and occupational messaging functions. Additionally, it is expected that a current/future HR Specialist position will fulfill the duties and responsibilities of Selective Placement Coordinator for the agency. OHR has implemented the OPM recommended best practice of "resurveying the workforce" to enhance disability data integrity and verify goal attainment. This annual re-survey effort has resulted in the FEC meeting (and in some cases, exceeding) the EEOC's established goals of having Persons with Disabilities (PWD) at 12% and Persons with Targeted Disabilities (PWTD) at 2.0% of the agency's total workforce. Additionally, resurveying has also enhanced disability data for program use, which assists in disability employment plan development, administration of the agency's accommodation function and optimization of agency resources to better serve staff needs. The following ideas/initiatives from the agency's previous plan may also be revisited and/or updated to enhance future plan development:

Recruitment: OHR should continue its efforts to enhance hiring of persons with disabilities through the creation, approval and implementation of a Schedule A hiring policy. Once finished, OHR and EEO should partner to implement extensive efforts to recruit persons with disabilities, to include utilizing resources such as: OPM's Shared Register of Candidates with Disabilities; Employer Assistance and Recruiting Network (EARN); Workforce Recruitment Program (WRP); Student Programs and Local Vocational Rehabilitation offices. The FEC OHR has also developed detailed procedures to be followed to process resumes of candidates once received and to ensure that any necessary accommodations are met when the candidate is hired.

Retention: The hallmark of its retention program is for management to provide support by maintaining a "welcoming atmosphere" for employees with disabilities. FEC will maintain the goal of providing reasonable accommodation appropriately, fairly, and equitably throughout the agency.

Training: The ongoing plan includes the goals of training management regarding the requirements of employing Persons with Disabilities (PWD), the Accommodation policy and use of the updated Self-Identification of Disability Form (SF-256) or corresponding entry on EPP. Additional consideration should be given to providing specialized job-related training to employees with disabilities who need it, along with expanding workplace flexibility strategies. The agency should conduct exit surveys as well as implement succession planning that includes a long-term strategy to recruit and retain persons with disabilities for positions and career paths in which they are interested and add further value to the agency mission.

TAB 3

Policy Statements

TAB 3.1

2022 EEO Policy Statement



CHAIRMAN ALLEN DICKERSON
FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

2022 Federal Election Commission Policy Statement on Non-Discrimination and Equal Employment Opportunity

Federal Election Commission (FEC) employees and applicants for employment are protected by federal laws, Presidential Executive Orders, and state and local laws that bar discrimination on the bases of age (over 40), color, disability, sex (including pregnancy, sexual orientation, and gender identity), genetic information, national origin, race, religion, and reprisal. These protections extend to all personnel/employment programs, management practices, and decisions, including (but not limited to) recruitment and hiring practices, merit promotions, transfers, reassignments, training and career development, benefits, and separations. Additional information may be found here: <https://www.eeoc.gov/federal/otherprotections.cfm>.

The Commission is firmly committed to ensuring compliance with our nation's EEO and civil rights laws and maintaining a work environment where discrimination, retaliation, and harassment are not tolerated. Further, the Commission will act to correct any harassing conduct before it becomes severe or pervasive. Managers and supervisors will be held accountable for identifying and correcting discriminatory policies, practices, and behaviors and for taking prompt and appropriate action to ensure that the work environment remains free of unlawful discrimination, intimidation, reprisals, and harassment.

In order to enforce these protections and ensure that all employees compete on a fair and level playing field, all FEC employees and applicants are expected – and encouraged – to promptly bring any concerns about discrimination, in any form, to the attention of management. Anyone who believes that she or he has been subjected to discrimination or retaliation should contact the FEC's Office of Equal Employment Opportunity at (202) 694-1228 (or at eeo@fec.gov) within 45 calendar days of the alleged discriminatory action (or in the case of a personnel action, within 45 calendar days of the effective date of the action). Employees may also wish to contact the Office of Special Counsel at (202) 254-3600 or the Merit Systems Protection Board at (202) 653-7200, as appropriate. Additionally, job applicants should visit the Office of Equal Employment Opportunity's page on the FEC's external website, under the "Career" link.

Further, anyone who files a complaint or participates in an investigation of an EEO complaint, or who opposes an employment practice made illegal under the statutes enforced by the Equal Employment Opportunity Commission (EEOC), is protected from reprisal or retaliation. Such acts against an employee who engages in protected activity, whistleblowing, or the exercise of any appeal or grievance right provided by law, will not be tolerated in our workplace. The agency supports the rights of all employees to exercise their rights under the civil rights statutes. If any staff member feels that communication of any concerns to his or her immediate supervisor could possibly bring retaliation or negative consequences, the concerned staff member should contact another manager in his or her supervisory chain, an EEO Counselor or the EEO Director, the Inspector General (IG), or make a report through the FEC OIG Hotline Portal.

A handwritten signature in blue ink, appearing to read "Allen Dickerson", written over a horizontal line.

January 5, 2022

Allen Dickerson, Chairman Date

TAB 3.2

Anti-Harassment Policy & Procedures

FEDERAL ELECTION COMMISSION		
MANUAL OF DIRECTIVES	COMMISSION DIRECTIVE	
	RESCINDS:	N0.32
	Directive 32 12/13/2006	EFFECTIVE DATE: September 11, 2015
SUBJECT: ANTI-HARASSMENT POLICY		

The Federal Election Commission (FEC or Commission) strives to create an environment in which all of its employees are valued and treated with dignity and respect. To that end, unlawful discrimination (which includes harassment) based on sex, race, color, religion, national origin, age, disability, sexual orientation, political affiliation, marital or parental status, as well as retaliation is prohibited by the FEC.¹ The FEC has the following procedures in place that should be utilized by an employee who believes that he/she is the victim of any type of unlawful harassment.²

For the purpose of this Policy, harassment is defined as any unwelcome verbal or physical conduct based on any of the above protected characteristics when:

- A. The behavior can reasonably be considered to adversely affect the work environment; or,
- B. An employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct.

Sexual harassment for the purpose of this Policy is defined as unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

¹ Parental status, marital status and political affiliation are not covered by Title VII of the Civil Rights Act, as amended, or other federal anti-discrimination laws. Complaints alleging harassment on these bases will be handled according to the Anti-Harassment Policy but complainants have no statutory appeal rights to the Equal Employment Opportunity Commission. Allegations of discrimination based on political affiliation and marital status may be brought to the Office of Special Counsel and the Merit System Protection Board under limited circumstances.

² Employees wishing to raise a harassment complaint in the Equal Employment Opportunity (EEO) process must contact an EEO counselor or the EEO Director within 45 calendar days of the alleged discrimination. The anti-harassment procedures under this policy are separate and distinct from the EEO complaint process and may take place simultaneously. Therefore, employees should not wait until an internal harassment inquiry is completed to begin the EEO complaint process if waiting will allow the 45-day time limit to expire.

- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, or other decisions affecting an individual's participation in Commission activities; or,
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or participation in a Commission-sponsored activity or creating an intimidating, hostile, or offensive work environment.

Policy Against Harassing Conduct

The FEC will strive to limit and address **any** harassing conduct by treating it as misconduct, even if it does not rise to the level of harassment actionable under Title VII of the Civil Rights Act of 1964, as amended. A hostile environment claim under Title VII usually requires showing a pattern of offensive conduct. The FEC will not wait for such a pattern to emerge. Rather the Commission will act before the harassing conduct is so pervasive and offensive as to constitute a hostile environment. In the usual case, a single utterance of a sexual, sex-based, ethnic or racial epithet that offends an employee would not be severe enough to constitute unlawful harassment in violation of Title VII; however, it is the Commission's view that such conduct is inappropriate and must be stopped.

The Commission also will not tolerate retaliation against any employee for making a good-faith report of harassing conduct under this or any other policy or procedure, or for assisting in any inquiry about such a report. Complaints of such retaliation shall be handled pursuant to the procedure in this policy.

Procedures and Responsibilities

Responsibilities of the Chairman

- I. The Chairman through the Staff Director shall be responsible for:
 - a. Disseminating this Policy statement annually to all employees;
 - b. Ensuring that employees are informed of this Policy and the procedures to follow in connection with reporting harassing conduct;
 - c. Taking appropriate action to enforce this Policy; and,
 - d. Working closely with the EEO Director to ensure that this Policy is properly implemented.

Responsibilities of Commission Employees

- I. Each Commission employee shall be responsible for:
 - a. Acting professionally and refraining from harassing conduct;
 - b. Becoming familiar with the provisions of this Policy, complying with all requirements of the Policy, and cooperating with any inquiry under this Policy; and
 - c. Promptly reporting any incident of harassing conduct that he or she experiences or observes before it becomes a pattern of misconduct as pervasive and offensive as to constitute a hostile environment. (The

Commission cannot correct harassing conduct if the conduct is not known. When an employee unreasonably fails to take advantage of this procedure and does not promptly report an incident of harassing conduct as set forth herein, the Commission reserves the right to raise this failure as a defense against a suit for harassment.)

Responsibilities of Supervisors and Managers

- I. All supervisors and managers shall be responsible for:
 - a. Acting promptly and appropriately to prevent harassment in the workplace, and retaliation against those who complain of harassment;
 - b. Reporting to the EEO Director any incident of harassing conduct that they witness or is otherwise brought to their attention;
 - c. Receiving and handling allegations of harassing conduct promptly and appropriately utilizing the procedures set forth in this Policy;
 - d. In consultation with the EEO Director, take action to stop any harassing conduct and prevent further harassment to ensure that further misconduct does not occur; and,
 - e. In consultation with the EEO Director, using the procedures set forth below to take prompt and appropriate corrective and disciplinary action, up to and including removal, against personnel who have engaged in harassing conduct or who have not carried out their responsibilities under this Policy.

Responsibilities of the EEO Director

- I. The EEO Director shall be responsible for:
 - a. Receiving allegations of harassing conduct;
 - b. Conducting or overseeing fair and impartial inquiries into allegations of harassing conduct. (The EEO Director will have the authority to decide who will conduct an inquiry into an allegation of harassment, provided that the person conducting the inquiry has had appropriate training in investigating allegations of workplace misconduct);
 - c. Advising supervisors and managers on actions to take to stop any harassing conduct and prevent further harassment to ensure further misconduct does not occur; and,
 - d. Advising the Staff Director or other persons who need to know of allegations of harassment and the resolution of those allegations under **this--Policy**.
 - e. Advising the Chairman or Vice Chairman of allegations of harassment which name the Staff Director, General Counsel or any Senior Level employee as the alleged harasser.

Reporting Harassment

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the FEC strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The FEC will make every

effort to stop alleged harassment before it becomes severe or pervasive, but can do so only with the cooperation of its employees.

The procedures for reporting incidents of harassing conduct are as follows:

- A. Any person who believes that he or she has been the subject of an incident of harassing conduct, including sexual harassment, in violation of this Policy should report this matter: (1) to anyone in their supervisory chain; (2) an EEO Counselor; (3) to the Inspector General (IG) or via the IG Hotline; or, (4) the EEO Director. All information will be maintained in a confidential manner to the greatest extent possible. The maintenance of records and any disclosure of information from these records shall be in complete compliance with the Privacy Act, 5 U.S.C. 552a. Such information, for example, may have to be disclosed to defend the Commission in any litigation to which the information may be relevant and necessary. Further, information may need to be disclosed to those officials and employees within the Commission with a need to know in order to carry out the purpose and intent of this Policy.
- B. While all employees are encouraged to report harassing conduct as defined by this policy, a supervisor or manager who receives an allegation or witnesses harassing conduct shall immediately:
 1. Inform the EEO Director and seek guidance as to further actions;
 2. In consultation with the EEO Director, take action to stop any harassing conduct and prevent further harassment while the allegations are being investigated, including granting of appropriate interim relief to the alleged victim of harassing conduct; and,
 3. In consultation with the EEO Director, document the allegation received and his or her efforts to address it.

Inquiries into Allegations of Harassing Conduct

- A. When the EEO Director receives an allegation of harassing conduct, either directly by the complainant or through a supervisor, manager or other sources, **within 60 days** he or she shall ensure that a prompt, thorough, impartial and appropriate investigation is conducted to include a written Summary of Findings, and shall recommend appropriate action both to stop any harassing conduct and prevent further harassment, while the allegations are being investigated.
- B. Where an investigation is necessary, a written summary of the investigation shall be prepared by the individual conducting the investigation. (The summary may be **brief,--dependi-ng--cn--the--complexity-a.11d--seriousness-of--tb.e .case.)-The--summa y** shall be prepared promptly after completion of the inquiry and shall be submitted to the EEO Director (if the EEO Director did not conduct the inquiry) and the supervisor who would be responsible for taking disciplinary action against the alleged harasser, if the allegations are determined to be true.
- C. The summary of the investigation or other documentation prepared under this procedure shall be kept confidential, to the extent possible. The maintenance of records and any disclosures of information from these records shall be in complete compliance with the Privacy Act, 5 U.S.C. 552a. Such information may, for example, have to be disclosed to defend the Commission in any litigation

to which the information may be relevant and necessary. Further, information may need to be disclosed to those officials and employees within the Commission with a need to know in order to carry out the purpose and intent of this Policy.

Action to be taken upon Completion of the Inquiry

- A. Upon completion of the inquiry, and in consultation with the EEO Director, Commission management shall promptly evaluate and determine the appropriate action to take. The EEO Director shall be informed of this decision, including a decision not to act. In cases of complex or egregious alleged harassing conduct, the supervisor and EEO Director should seek counsel of the Office of General Counsel.
- B. Where the inquiry establishes that a manager or supervisor did not properly carry out the responsibilities provided for under this Policy, he or she shall be subject to appropriate disciplinary action up to and including removal.

This Directive was revised and adopted on September 11, 2015.



Alec Palmer
Staff Director

TAB 3.3

Accommodation Policy for the FEC

**Accommodation Policy
for the
Federal Election Commission
(Approved by EEOC on April 17, 2020)**

Purpose

This policy is designed to describe the procedures to be followed when an accommodation is requested by an applicant to, or employee of, the Federal Election Commission. The policy has been formulated based on guidance from the Equal Employment Opportunity Commission (EEOC) and has been vetted through that agency, as it has primary authority for interpreting and enforcing the application of Sections 501 and 505 of the Rehabilitation Act of 1973.

I. Introduction

It is the policy of the Federal Election Commission (FEC or Commission or Agency) to provide equal employment opportunity to all employees and applicants for employment. In carrying out its goal to be a model employer of persons with disabilities, the Commission promotes full access, consideration, integration, promotion and retention of persons with disabilities across the broad range of its workforce. The Commission is committed to providing “reasonable” accommodation to employees and applicants (“requesting individuals”) with disabilities, consistent with all applicable laws, Executive Orders, regulations and EEOC guidelines. **Managers and supervisors must actively participate in achieving these goals.** This document describes the Agency’s Accommodation Program requirements, processes and procedures to guide the FEC workforce and applicants about how to make a request for accommodation and about how FEC managers are to respond to requests for accommodation.

II. Authorities

- A.** Section 501 of the Rehabilitation Act of 1973, as amended,
1. Protects Federal sector employees with disabilities against discrimination.
 2. Requires Federal employers to provide reasonable accommodation(s) to persons with disabilities where needed.
 3. Prohibits employers from making improper disability-related inquiries or requiring improper medical examinations.
 4. Requires that employers keep the medical information of all employees confidential.
 5. Requires that employers comply with anti-harassment standards.
 6. Prohibits retaliation by employers.
 7. Requires federal agencies to provide Personal Assistance Services (PAS) to individuals who need them due to certain disabilities (effective January 3, 2018)¹.

¹ On January 3, 2017, the EEOC amended the regulations implementing Section 501 of the Rehabilitation act of 1973 (Section 501).

- B. Executive Order 13164, dated July 26, 2000, “Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation,” requires all Federal agencies to establish written procedures for handling employee requests for accommodation due to a health issue.
- C. The Americans with Disabilities Act of 1990 (ADA) amended Section 501 of the Rehabilitation Act by applying the employment nondiscrimination standards of the ADA (Title I) to Federal government employees and applicants for employment. It also stated that it is the obligation of the Federal government to be the “model employer of individuals with disabilities.” The ADA Amendments Act of 2008 (ADAAA) was signed by the President on September 25, 2008, and became effective as of January 1, 2009. The ADAAA, as amended,
 - 1. Emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally shall not require extensive analysis.
 - 2. Emphasizes that the primary object of attention should not be on the definition of disability but rather on whether the individual can be accommodated absent undue hardship.
- D. The Commission will make available to job applicants & employees a copy of its Accommodation Program procedures in written and accessible formats to meet any individual’s need, including braille, large print, etc.

III. Definitions

- A. **Accommodation (i.e., “Reasonable Accommodation”)**: a change, modification or adjustment to a job in the workplace, or in the way things are customarily done that enables an individual with a qualifying disability to enjoy equal employment opportunities.
 - 1. Accommodations are available: a) for the application process; b) to enable an individual with a disability to better perform essential job functions; c) to provide equal **benefits and privileges** of employment.
 - 2. An effective accommodation is one that allows equal opportunity for the employee or applicant with a disability to be considered for positions and enjoy the benefits and privileges that are available to employees without disabilities.
 - 3. In general, an accommodation is “reasonable” if it seems, on its face, feasible or plausible. To be reasonable, an accommodation must also be effective in meeting the needs of the individual.
- B. **Disability Program Manager (DPM)**: an employee designated by the Staff Director that has primary responsibility for administering, coordinating and monitoring the agency’s accommodation program. The DPM serves as the agency’s primary liaison with supervisors, managers, applicants and employees regarding the requesting

individual's accommodation request.

- C. **Disabilities:** 1. “**physical or mental impairments**” that “**substantially limit**” one or more of an individual's “**major life activities**”; 2. when an individual has a record of such impairment; or 3. when an individual is “regarded as” having such an impairment.
- D. **Interactive Process:** the process of requesting and receiving information. Generally, the agency Disability Program Manager (DPM) will schedule an Interactive Process (IP) meeting after having been contacted by an employee who requests accommodation. In the initial meeting with the requesting employee, the DPM and employee engage in an informal discussion to clarify the employee's needs and to identify an appropriate accommodation. The DPM may request reasonable supporting documentation when the disability or need for accommodation is not obvious. Once the accommodation need (i.e., the functional limitations of the employee) and an appropriate accommodation have been clarified, the DPM schedules an IP meeting with the employee asking for accommodation and the employee's supervisor so that the parties can engage in transparent and open discussion about what the employee is requesting and the impact (if any) on the work environment where the employee and supervisor work.
- E. **Substantially limits:** this phrase describes a situation when an individual is (or has been) substantially limited in performing a major life activity as compared to most people in the general population. The term “substantially limits” should be construed broadly in favor of expansive coverage to the maximum extent permitted by the terms of the ADA. The law no longer requires that impairment to “severely” or “significantly” restrict a major life activity. While an individualized assessment is still required, comparison to most people in the general population usually should not demand scientific or medical evidence. Please note:
1. With the exception of “ordinary eyeglasses or contact lenses,” **the use of mitigating measures** (e.g., medications, assistive technology, etc.) should be disregarded when making the assessment.
 2. Impairments that are episodic or in remission may be disabilities if substantially limiting when active.
 3. Only one major life activity needs to be substantially limited.
 4. There is no durational minimum.
- F. **Major life activities: examples of these** are described in **two non-exhaustive lists** both in the ADA and the EEOC regulations. The first list consists of those activities that were previously recognized by the EEOC and most courts. The second list includes new categories that will make it easier for individuals with many different types of impairments to establish disability. The impairments listed below

include both physical disabilities as well as severe intellectual disabilities.²

1. The first list includes: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.
2. The second list includes: functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel and bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal and reproductive. This list also includes operations of an individual organ within a body system, such as the operation of kidney, liver or pancreas.
3. Impairments that should easily be found to be disabilities include deafness, blindness, mobility impairments requiring the use of a wheelchair, intellectual disability (mental retardation), partially or completely missing limbs, autism, cancer, cerebral palsy, diabetes, epilepsy, HIV infection, multiple sclerosis, and muscular dystrophy. Other mental impairments include major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive-compulsive disorder and schizophrenia.

F. Qualified individual: an individual with a one or more disabilities (as described above) who:

1. meets the basic skill, education, training, and other job-related requirements; and
2. is able to perform the essential (or fundamental) functions of a position with or without a reasonable accommodation.

(note: this term refers to job performance and not the disability)

G. Essential Functions: the fundamental job duties of the position that the individual with the disability holds or seeks. The term “essential functions” does not include marginal functions of the position. A job function may be considered essential for any of several reasons, including but not limited to the following:

1. The duties are so fundamental that removing the function would fundamentally change the job;
2. The job is highly specialized.
3. The position exists specifically to perform that function;
4. The function is specialized and the person is hired based on his or her specific ability to perform the particular function; or
5. There are only a limited number of employees who can perform the function.

H. Undue hardship: an individualized assessment of current circumstances that shows that a specific accommodation request is “unreasonable” that is, granting it for the

² However, the ADAAA emphasizes that “the primary object of attention should not be on the definition of disability but rather on whether the individual can be accommodated absent undue hardship” and not on the issue of whether the requesting employee is or is not determined to be a “qualified individual.”

employee would cause significant difficulty or expense on the entire agency. In general, federal agencies do not often assert that the cost of a requested accommodation imposes an undue hardship as the analysis is based on the entire financial resources available to the agency. Each accommodation request is evaluated individually and on its own merits, including whether there is any potential “undue hardship” impact if the accommodation request is approved. Other considerations in the analysis include the impact of the accommodation on the overall operation of the agency, safety, security, and the structure and composition of the affected workforce.

I. Health care professional: a person who has completed a course of study, is licensed to practice in a field of health care and is trained to diagnose, assess and make recommendations for the accommodation of a particular disability or disabilities under consideration.

J. Personal Assistance Services (PAS): On January 3, 2017, the Equal Employment Opportunity Commission (EEOC) amended the regulations implementing Section 501 of the Rehabilitation Act of 1973 (Section 501), the law that prohibits the federal government from discriminating in employment on the basis of disability and requires it to engage in affirmative action for people with disabilities.

As part of the FEC’s obligation to engage in affirmative employment, federal agencies are required by the new regulations to provide Personal Assistance Services (PAS) to individuals who, because of certain disabilities, require assistance to perform basic activities of daily living (e.g. eating, using the restroom).

The process for requesting personal assistance services, the process for determining whether such services are required, and the agency’s right to deny such requests when provision of such services would pose an undue hardship are the same as for reasonable accommodation.

IV. Requests for Reasonable Accommodation in General

A. What is a “Reasonable” Accommodation (RA)?

(See Section III. Definitions, A. above). Generally, the process starts when an individual with a disability requests an accommodation.

1. The process may also start if a supervisor or manager observes that an employee appears to be experiencing difficulties (i.e., frequent absences, or an employee appearing unwell or pre-occupied, for example), and the supervisor asks the employee how he/she is doing and then informs them about the agency’s Accommodation Program. As a general rule in the accommodation process, management is encouraged to be cognizant about certain observable behaviors that may indicate health problems and remind employees about the agency’s accommodation program. An accommodation request is a request for some change in the workplace or in the way things are

- done due to a medical condition.
2. Employees may make accommodation requests to management and/or may contact the Agency's DPM directly, who then (after conferring with the requesting employee) will begin the Interactive Process (IP) with management.
 3. An employee does not need to have identified or to have a particular accommodation in mind to make an accommodation request.
 4. Requests for accommodation can be made orally or in writing. (The FEC, however, does not use an intake form or other written document to begin the accommodation process.)
 5. The process begins when the initial contact is made and usually at the FEC this is when either the employee or the supervisor contacts the DPM. When an employee makes the initial contact to request or discuss requesting an accommodation to the supervisor, the supervisor should immediately contact the DPM who has the responsibility for ensuring that the accommodation processes are followed appropriately.
 6. In the IP process when an employee's request is being considered, **management** determines whether the request is reasonable and may determine that an alternative accommodation is reasonable.

“Reasonable” accommodations may include, but are not limited to:

1. Making facilities readily accessible to and usable by persons with disabilities;
2. Job restructuring;
3. Part-time or modified work schedules;
4. An increased number of telework days up to full time telework;
5. Acquiring or modifying equipment or devices such as Telecommunication Device for the Deaf (TDD);
6. Adjusting or modifying examinations by changing tests, training materials or policies;
7. Providing ongoing accommodations or those needed on a repeated basis;
8. Reassignments to a suitable, vacant position, and other similar actions.

B. What are the Agency Requirements?

When an employee or job applicant initiates a request for accommodation, Agency management will either refer the employee or job applicant to the DPM, contact the DPM personally, or both.

The FEC's Accommodation Program is located in the agency's Equal

³ Please note that individuals requiring sign-language interpreting or communication access real-time translation (CART) services need only give notice to the appropriate individual or office in order to obtain the accommodation. In situations where the agency has need to engage these individuals, the employee's supervisor will coordinate with the EEO Office or other relevant agency unit to ensure the appropriate accommodation is provided.

Employment Opportunity (EEO) Office and the DPM position may be reached at (202) 694-1646. As of the date of this document, the FEC's DPM is Cheryl H. Painter, who may also be reached at "cpainter@fec.gov". Once the DPM has spoken to the requesting individual, that is, with either the employee, the applicant or the concerned manager, the DPM will then schedule a meeting to allow those involved to engage in the "interactive process" (IP) to discuss all aspects of the requested accommodation. Generally, it is known before the conclusion of the IP meeting if the requested accommodation will be approved or denied, or if an alternative accommodation has been approved. The DPM informs all in attendance at the IP meeting that a written summary of the discussion and a detailed description of the approved accommodation will be prepared. The written summary will be distributed to IP meeting attendees as soon as possible after the meeting, for verification that details of the discussion have been recorded accurately. When the requested accommodation (or an effective alternative accommodation) has been approved, the summary will describe the parameters of the accommodation plan in detail including the time period, if appropriate, for the duration of the plan. If the requested accommodation (or a part of the requested accommodation) has been denied, the written summary will also include the requesting employee's appeal rights because denied accommodation requests may be appealed.

At some point in this process, the DPM may request medical documentation from the requesting individual to confirm the existence of the disability (particularly when the employee's health issue or disability is not obvious) and to learn the anticipated period of time that the accommodation is expected to be needed. Depending upon the sufficiency and clarity of the medical documentation provided by the requesting individual, the DPM may choose to have the medical information reviewed by the agency's medical consultant (however, due to the passage of the 2008 ADA, this is rarely necessary). The DPM evaluates the medical documentation and shares verbally (in very general terms) only information that may be relevant in assisting management with making informed decisions about the requested accommodation. In order to protect the employee's privacy, no medical documentation or statement from a medical provider is ever shared with management. IP meetings should focus on the employee's functional limitations and how the requested accommodation is an effective remedy. In addition to the agency-wide Accommodation Program training that the EEO Office provides to managers and employees periodically, the IP meetings are also an opportunity for the DPM to discuss the requirements of the statutes and regulations of the ADA and to provide the EEOC guidance and technical assistance information located at 29 CFR § 1614.203.

During the interactive process, the DPM will determine if the requesting employee is an "individual with a disability" and work with agency management to assist with their determination of whether the requesting employee is a "qualified individual"—that is, able to perform the essential functions of the position with or without reasonable accommodation. (See Footnote 2.) Employee requests for accommodation shall be approved when the need has been

substantiated by the DPM unless management presents a convincing argument that to approve the requested accommodation would create “an undue hardship on the entire agency”. The interactive process is a fluid process and may continue after the accommodation plan becomes effective, for example, when or if either the employee or management would like to discuss modifications to the plan.

When Commission management has provided an effective accommodation, the reasonable accommodation obligation is satisfied.

“Reasonable” accommodation will be provided to all requesting individuals with disabilities, including part-time, full-time and “probationary” employees and applicants for employment unless providing such an accommodation will place an undue hardship on the agency. In providing an accommodation to an individual with a disability, management considers the work-related needs of all employees.

Managers and supervisors are not required to eliminate essential functions of a position. Similarly, managers and supervisors are not required to lower production standards—whether qualitative or quantitative—that are applied uniformly to all employees. However, management may be required to provide a reasonable accommodation to enable an employee with a disability to meet the production standards.

Personal items, such as a wheelchair, eyeglasses or a hearing aid needed by the individual for daily activities both on and off the job, are not the responsibility of the agency.

C. What are the Time Limits?

Typically, accommodation requests received in the EEO Office are responded to within two (2) work days of receipt. *Notification of whether an accommodation request shall be granted or denied will occur within a maximum of twenty (20) work days, absent extenuating circumstances (i.e., “factors that could not reasonably have been anticipated or avoided in advance of the requested accommodation). A situation in which an effective accommodation can be provided in less than the maximum time frame but is not, may be considered failure to provide an accommodation in a prompt manner and could result in a violation of the Rehabilitation Act. **The time limit begins to run when the accommodation request is first made to a supervisor or management official, whether in person orally or in writing.*** The IP meetings are scheduled as soon as the parties (employee, supervisor/deciding official and DPM) are available to meet (usually within a day or two). If supporting medical documentation is indicated and pending, the IP meetings (and other processes, if any) go forward on good faith that the medical information will confirm the health issue and support the requested accommodation. The accommodation process is not

delayed for pending medical information.

On occasion when, the requested accommodation involves an ergonomic evaluation of a workstation and recommended items for purchase, it is not always possible to meet the twenty (20) work day deadline. When the requested accommodation is not immediately available, other interim arrangements are always explored, and one option, for example, could be to approve greater work schedule flexibilities for the employee until the work station items are received and installed. In situations like these, the agency will provide the employee with an interim accommodation that allows the employee to perform some or all of the essential functions of their job (absent undue hardship to the agency). Finally, this policy requires that every effort is made to provide the accommodation as expeditiously as possible. Whether the requested accommodation is immediately available, or is expected to be delayed, the requesting employee will always be kept informed about the status of the accommodation request including any extenuating circumstances that justify the delay when there is one.

Expedited processing is available for accommodation requests in situations where the requested accommodation is needed sooner than the maximum allowable number of work days. However, as most, if not all accommodation requests at the FEC are regularly responded to within a day or two, requests for “expedited processing” are very rare.

V. Roles and Responsibilities

A. Staff Director

The Staff Director of the FEC has agency-wide responsibility for implementing and administering the accommodation policy and other legal requirements set forth in this document. Specifically, the Staff Director is responsible for delegating authority to the EEO Director to maintain centralized control over the administration of this Policy to ensure that employee requests for accommodation are processed timely and appropriately. Additionally, the EEO Director’s responsibilities include overseeing that tracking records and other data collection is managed properly in order to satisfy the reporting requirements to the EEOC. The DPM, while technically appointed by the Staff Director, reports directly to the EEO Director and has primary responsibility for providing assistance and guidance to management to ensure compliance with the requirements of this Policy, the ADAAA and other related authorities described in Section II of this document.

B. EEO Director

The FEC EEO Director is responsible for assuring that the Agency fulfills the obligations set forth in this document by establishing and monitoring an effective process for addressing employee requests for accommodation due to a health

issue. Both the EEO Director and the Disability Program Manager positions are neutral in the interactive process. To avoid possible conflicts of interest, the DPM is assigned the responsibility of coordinating and monitoring the Agency's Accommodation program. This responsibility includes developing and conducting training as well as tracking employee requests for accommodation in a tracking system. In consultation with, the EEO Director, the DPM will prepare related agency policies and procedures, consulting with the EEOC for guidance and approval. When necessary, the EEO Director will support the DPM in his/her communications to Management regarding the obligations of the Agency in the accommodation process.

C. Office of Human Resources

The FEC's Office of Human Resources (HR) is responsible for accepting requests for accommodation made by applicants for employment. HR shall immediately forward all applicant requests for accommodation to the DPM for processing.

D. Disability Program Manager (DPM)

The DPM is designated by the Staff Director and has primary responsibility for administering, coordinating and monitoring the Agency's Accommodation program. Although the DPM serves as the agency's *primary* liaison with supervisors, managers, applicants and employees regarding the provision of accommodation, **the DPM position is neutral in the accommodation interactive process.** The DPM works with requesting applicants, employees and relevant supervisors and managers in seeking sufficient information about the functional limitations of the disability and the essential functions of the position. This process is to determine the feasibility of the request and, on occasion when a requested accommodation has been deemed to create an undue hardship on the Agency, to determine whether an alternative accommodation is possible. The DPM may consult with the EEO Director and/or the EEOC to seek guidance on the requirements of the law and whether alternatives are available. The DPM is also responsible for ensuring that sensitive and confidential employee health and medically-related information that comes to light in the accommodation process is collected, secured and maintained exclusively in the agency's EEO office in separate files (and never becomes a part of an employee's personnel records). (See 42 USC § 12112 (d) (3) (B), (4) (C); 29 CFR § 1630.14(c) (1).) The DPM will not share this information with supervisors, managers or others in the accommodation process unless asked by the requesting employee to do so. The DPM is responsible for maintaining, tracking and providing statistical information to the EEO Director, the EEOC or other lawful requester regarding employee requests for accommodation and the agency's response to such accommodation requests.

E. Managers and Supervisors (including Selecting Officials)

FEC managers and supervisors are responsible for providing accommodation to employees or job applicants with disabilities unless it can be shown the accommodation would impose an undue hardship on the Commission. Managers and supervisors should refer any request for accommodation that they receive to the DPM for processing; however they retain the responsibility of deciding whether an accommodation will be granted. Regardless of whether an employee request for accommodation due to a health issue is ultimately approved, or an alternate accommodation is approved or the request is denied, the employee will be informed who, specifically, is the Deciding Official in the process. This person could be any supervisor in the employee's chain of command (i.e., the immediate or second level supervisor or the Director of the Office in which the employee works). Managers and supervisors should consult with the DPM to seek guidance on the requirements of the law.⁴

F. Individual Requesting Accommodation

The employee may initiate a request for accommodation orally, in writing or via any other mode of communication to his/her supervisor, any supervisor or manager in his/her chain of command or to the DPM. A job applicant requiring accommodation in the application process must make a request orally, in writing or via any other mode of communication to HR (who then refers the request to the DPM) or directly to the DPM. The employee or applicant's request should include a description of an accommodation that would allow equal participation in the FEC workforce or application process.

Any FEC employee with a health issue who would like to make a request to management for accommodation may make that request directly to the DPM, the immediate supervisor, any supervisor in the chain of command or directly to the EEO Director. Once the DPM receives the accommodation request, generally, the DPM will schedule a meeting with the requesting employee. The purpose of the meeting is to engage in an informal discussion to clarify the employee's health needs and functional limitations and to identify an appropriate accommodation. Following this meeting, the DPM schedules an IP meeting with the employee's supervisor so that the parties can engage in transparent and open discussion about what the employee is requesting and the impact (if any) on the workplace in which both work.

⁴ Accommodation decisions will be handled on a case-by-case basis across supervisory chains. To expedite the process and to protect the privacy and confidentiality of the employee's health and medical condition, it is recommended that the IP meetings be limited to the direct (1st Level) supervisor, the employee and the DPM. Decision making will begin with the direct supervisor, but may also involve other higher level officials in the same supervisory chain (as appropriate), to ensure that the proper action is taken regarding an accommodation request.

VI. Accommodation Request Process

A. Making a Request

Employees

Employees who wish to request an accommodation shall initiate a request by making the request orally, in writing or by any other means of communication. The request may be made to a first or second line supervisor, any other supervisor in the individual's chain of command or directly to the DPM. Employee accommodation requests do not have to be in writing; they do not have to use the "magic words" reasonable or accommodation; and the request may come from a third party (e.g., an employee's family member or doctor). In making the request, the employee does not even need to have identified a specific accommodation to request. In the course of discussing the health issue and what might be helpful to the employee, an appropriate accommodation will likely be identified.

Applicant for employment

Requests for accommodation made by an applicant may be made orally, in writing or by any other means of communication to HR or the DPM. The request should identify the accommodation needed, if known. Although an applicant with a disability may request an accommodation at any time during the application process, the applicant should, to the greatest extent possible, make the request as soon as he/she is aware of a barrier in the process. When the HR office receives a request for accommodation from an applicant for employment, it shall be immediately forwarded to the DPM for processing. After evaluating the accommodation request, the DPM will make a recommendation to an appropriate deciding official in the Office of Human Resources chain of command (that is, to an HR Supervisor, HR Director or Deputy Staff Director for Management & Administration).

Third Party Request

A family member, health care professional or other representative may also initiate requests for accommodation. Before acting on a third party request, the DPM will consult with the employee or applicant for employment to confirm that the employee or applicant wishes the request to be acted upon.

B. Expedited processing

Certain requests require expedited processing, for example, to enable an applicant to apply for a job or to participate in a specific Commission activity that is scheduled to occur shortly. In those instances, the supervisor or DPM will strive to expedite the processing of the request before the deadline or activity.

C. Interactive Communication Process

1. When an employee has requested accommodation (as previously described), the DPM will attempt to confer first with the employee to clarify the employee's need and then with both the employee and Agency management in an IP meeting as soon as possible, usually within one or two working days of receiving the request.
2. The purpose of the IP meeting is to determine what, if any, accommodation should be provided. This process is necessary to clarify the requesting individual's needs, the impact of the disability on the employee's job performance, and to identify an effective accommodation that would assist the employee to perform the essential job functions.
3. If an applicant makes a request for accommodation to either HR or the selecting official, the request should be immediately referred to the DPM. The DPM, with the assistance of the selecting official, shall begin the review of the requested accommodation and initiate the interactive process with the requesting applicant.
4. Questions to be asked during the initial interactive process can include, but are not limited to the following:
 - Will the accommodation be effective, that is, give the person the opportunity to function, participate, or compete on an equal basis?
 - Is the accommodation necessary to perform the duties of the position?
 - What effect will the accommodation have on the agency's operations and on the employee's performance?
 - Are there other accommodations that would accomplish the same purpose?
5. The interactive process and interactive communication is a priority throughout the consideration of an employee's request for accommodation. The DPM, employee and the manager must actively exchange information in order to reach a resolution within the appropriate timeframes. However, the supervisor and/or manager are not provided with copies of the requesting individual's medical documentation (when medical documentation has been provided by the employee to the DPM) or to be advised of the nature of the disability. Rather, supervisors and managers need only to be advised verbally of the requesting individual's functional limitations, in general terms, to enable them to make informed decisions. Normally, the requested accommodation (or an effective alternative accommodation), shall be provided to the requesting employee within twenty (20) work days absent extenuating circumstances.
 - a. Extenuating circumstances are factors that could not be reasonably anticipated or avoided, for example, equipment that is on back order,

the company has gone out of business, or medical documentation has been delayed by the Health Care Provider.

D. Medical documentation

1. When an employee or applicant requests an accommodation, the individual may be asked to provide medical documentation that confirms the individual's health issue and that supports the requested accommodation. The medical information must be sufficient to explain the nature of the individual's disability and the functional limitations, his or her need for accommodation and how the requested accommodation will assist the individual to apply for a position, perform the essential functions of a position, or enjoy the benefits and privileges of the workplace. When appropriate, the expected duration (i.e., period of time) of the need for accommodation should be included in the medical documentation. Additionally, the Agency has the right to request supplemental medical information if the initial submission was insufficient. Moreover, the Agency also has the right, at the Agency's discretion, to have the submitted medical information reviewed by the Agency's Medical Consultant, at the Agency's expense.
2. The Agency will not request medical documentation when "the need for accommodation is obvious" (the disability is obvious) nor when the individual has already provided the Agency with sufficient information to document the existence of the disability and the individual's functional limitations.
3. When requested, the medical information assists the DPM and Agency management with making informed decisions in the development and approval of an appropriate accommodation plan. The suggestions and recommendations from the Health Care Providers are helpful to the process of developing an appropriate accommodation plan in response to the employee's request in addition to providing confirmation of the employee's disability.
4. The documents provided by the requesting individual that contain his/her medical information are secured and maintained by the DPM according to the provisions of the Federal laws and regulations governing confidentiality and are not shared with agency management; rather, the DPM shares [verbally] only enough of the individual's medical information with the management deciding official(s) so that they can make informed decisions when considering the employee's accommodation request. This verbal information is only shared with those management officials (usually the immediate supervisor, and possibly the Office Director) who have a need to know about any work restrictions.
6. The Agency will consider the requesting individual's failure or inability to submit the requested medical documentation in determining whether to approve the request. The DPM is responsible for explaining to the requesting individual

that the medical information is needed to verify the existence of an ADA disability (i.e., qualifying disabling condition) and the need for a reasonable accommodation. When an individual's disability is not obvious and he/she refuses to provide the requested documentation, the requesting individual is not entitled to reasonable accommodation.⁵ Failure to provide sufficient documentation or to cooperate in efforts to obtain reasonable documentation may result in a denial of the request.

7. If the employee or applicant provided insufficient documentation to substantiate the existence of a disability and the need for accommodation, the Agency may request that the employee or applicant undergo a job-related medical examination at Agency expense. Failure to comply with the Commission's request that the employee or applicant undergo a medical examination at Agency expense may result in the denial of the accommodation request.

E. Confidentiality Requirements Regarding Employee Medical Information in the Accommodation Process

Under the Rehabilitation Act, medical information obtained in connection with the accommodation process must be kept confidential. This means that all medical information, including information about functional limitations and accommodation needs, obtained by the Agency in connection with a request for accommodation, must be kept in files separated from the individual's Official Personnel File. It also means that any FEC employee who directly or indirectly receives such information is strictly bound by these confidentiality requirements. Confidentiality applies to all aspects of the accommodation process. At the FEC, all employee medical and health-related information that is received by the DPM or that is presented in the IP meetings is not to be discussed outside of the IP meetings, and is also to be secured in the confidential files located in the EEO Office.

Personal medical documentation provided in response to a request by the DPM is not shared with Agency management. The process requires Agency management to have enough information about the employee's health issues to be able to make informed decisions about the accommodation that is to be approved for the employee. This is accomplished in conversation between the DPM and Agency management without sharing the employee's medical documents.

Further, when Agency management is made aware of any aspect of a requesting employee's health and/or medical information (i.e., including when the employee shares health information in the Interactive Process meeting discussions, or in conversations between the employee and Agency management), that information must remain confidential; Agency

⁵ "Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act"
"Requesting Reasonable Accommodation, No.6"; "<https://www.eeoc.gov/policy/docs/accommodation.html#requesting>"

management may not mention or make reference to this information (either orally or in writing) in future communications to or about the employee, in accordance with the laws that protect confidential employee health and/or medical information.⁶

The DPM maintains custody of all medical records obtained or created while processing employee requests for accommodation. All records will be maintained and disclosed in accordance with the Rehabilitation and Privacy Acts.

F. Approval Process of Requests for Accommodation

The employee's immediate supervisor, in consultation with the DPM (and possibly the next level supervisor at management's discretion), is responsible for approving accommodation requests and determining whether the request results in an undue hardship.

Agency managers and senior leadership (again, in consultation with the DPM) are encouraged to approve accommodation requests that will not result in an undue hardship as defined in these procedures. Examples of typical requests for accommodation where "undue hardship" is not an issue include:

- Where no cost is involved; and,
- Where the supervisor and the employee are in agreement as to the accommodation (e.g., rearrangement of office furniture, approval of a schedule change, etc.).

When a supervisor or selecting official recommends approval of an accommodation and the approved accommodation involves cost (e.g., the procurement of an assistive device or item of furniture), the management official shall contact the DPM. The DPM will often work collaboratively with individuals in other offices in the accommodation process, like the Admin Services Division, the Office of the Chief Financial Officer, the Office of the Chief Information Officer and sometimes staff in the affected office in the determination of how an appropriate accommodation can be provided.

Whether the employee's accommodation is approved or denied, the employee must be and is notified in writing of the decision. If approved, the notice contains a description of the parameters of the accommodation to be provided. If denied, the notice advises the employee of the denial, the identity of the person who made the decision to deny, the reason(s) for the denial and provides information about the appeal rights and the option for engaging in the EEO Complaints process.

⁶ In an ADA violation of confidentiality case, the motive for making the disclosure is not relevant; . . . "Supervisor violated the ADA by disclosing complainant's medical condition to coworkers even though supervisor's intent was to explain to coworkers why complainant might act the way he did." *Campbell v Postmaster General*, EEOC Appeal No. 0120073829 (2010)

The Agency's accommodation records reflect when an employee's accommodation request has been received, when it has been either approved or denied, and by whom, and if an alternate accommodation has been provided, when and by whom. All of these records are maintained in the EEO Office by the DPM.

G. Funding for Employee Requests for Accommodation

Since Fiscal Year 2013, centralized funding for Agency employee requests for accommodation has been overseen by the DPM and the EEO Director with assistance from the Office of the Chief Financial Officer (OCFO). Centralized funding for employee requests for accommodation ensures consistency of the process throughout the Agency and consistency in the accommodations that are provided to requesting individuals. The DPM will, with the collaboration and oversight of the EEO Director, administer this aspect of the Agency's accommodation program.

H. Interim Measures

When a delay occurs or is anticipated during the interactive and evaluation process, the employee's supervisor or the selecting official must explore, in consultation with the DPM and the individual with a disability, whether temporary measures can be taken to assist the employee. These measures should be taken while waiting, for example, for necessary adaptive equipment or other necessary measures. Addressing an interim accommodation is often discussed in the interactive process when a delay is expected and has the additional benefit of keeping the employee informed about the delay and when the Agency expects to provide the requested accommodation.

I. Confidentiality

Information about an employee's accommodation must be kept strictly confidential. For example, when an accommodation has been established for an individual with a disability that results in some flexibility outside of established guidelines (use of leave, telework, flexible schedule, etc.), supervisors and/or managers may not discuss these arrangements with other staff. The exceptions to that general rule are that information may be disclosed as follows:

- to supervisors and managers for necessary work restrictions or who may, or whose work may, be affected by the employee's accommodations;
- to individuals involved in making decisions about reasonable accommodations;
- where necessary for emergency treatment;
- to officials investigating compliance with the Rehabilitation Act;
- for workers compensation and insurance claims.

The DPM ensures the confidentiality of the accommodation process. It is important that any other individuals that become involved in the review of an accommodation request (for the specific reasons noted above) not be involved in processing any EEO complaint related to the request.

J. Reassignment

The Agency must consider reassignment for a non-probationary employee if it determines that no other reasonable accommodation will permit the employee to perform the essential functions of his or her current position.

Reassignment is the “accommodation of last resort.” An employee must be considered for reassignment to a vacant position if such a position exists for which the employee is qualified, and not just afforded permission to compete for the position. The Agency must reassign the employee to such a vacant position as a reasonable accommodation when it determines that no other reasonable accommodation will permit an employee with a disability to perform the essential functions of his or her current position.

Managers and supervisors, and other relevant employees, must be informed about how to search for available vacancies when considering reassignment as a reasonable accommodation. 29 CFR § 1614.203(d) (3)(i)(C).

The Agency will consider providing reassignment to a vacant position as a reasonable accommodation, when it determines that no other reasonable accommodation will permit an employee with a disability to perform the essential functions of his or her current position. The position should be equal to the employee’s current position in terms of pay, status, etc., or as close as possible to being equal. Vacant means that the position is available or will become available within a reasonable time. The position need not be a promotion, nor is the Agency required to create a position. Additionally, the employee must be qualified for the new position (but does not have to be among the best qualified), and if qualified, must be reassigned to the position.

In the absence of a position at the same grade or level, an offer of reassignment to a vacant position, for which the individual is qualified, at the highest available grade or level below the employee’s current grade or level is required. The availability of such a position does not affect the employee’s entitlement, if any, to disability retirement.

Please note that a reassignment that would violate a collectively bargained seniority system is generally not considered to be reasonable.

K. Tracking System for Employee Requests for Accommodation

The Agency is required to track employee requests for accommodation. Agency procedures require accommodation records to be kept so that the agency may use them to determine whether it is complying with the nondiscrimination and affirmative action requirements imposed under Section 501, and to make such records available to the Equal Employment Opportunity Commission (EEOC or Commission) at the Commission's request. The DPM maintains a system of records to track the processing of each employee request for accommodation, from initial contact to the establishment of an accommodation plan or other result. Additionally, the Agency Tracking System includes the identity of each Deciding Official for each accommodation request.

Applicants and employees may contact the DPM at any time (see above Section IV.B for the DPM's contact information) to obtain tracking information about the status of their accommodation request.

The DPM maintains all reasonable accommodation case files and related documents to include the requesting employees' medical information if provided during the process. The confidential maintenance of the medical information received is in compliance with applicable laws and regulations. As previously stated, supporting documentation, specifically relating to medical information, must not become part of an Official Personnel File.

The tracking system will contain the following data:

1. The number of accommodations, by type, that were requested in the application process and whether those requests were granted or denied;
2. The jobs (occupational series, grade level, and Agency component) for which reasonable accommodations were requested;
3. The types of accommodations that were requested for each of those jobs;
4. The number of accommodations, by type, for each job, that were approved, and the number of accommodations, by type, that were denied;
5. The number of accommodations, by type, that related to the benefit or privileges of employment, and whether those requests were granted or denied;
6. The reasons for denial of requests for accommodation;
7. The identity of the deciding official for each request for accommodation;
8. The amount of time taken to process each request for accommodation; and,
9. The sources of technical assistance that have been consulted in trying to identify possible accommodations.

L. Denial of Request for Accommodation (Please see Section V. E. above.)

A denial of a request for accommodation from an applicant or employee must be provided to the individual in writing **at the time of the denial** and specifically explain the reason(s) the request was denied. Some examples of reasons for denied requests include (but are not limited to):

- That the medical documentation is inadequate to establish that the individual has a disability or needs accommodation;
- Why the requested accommodation would not be effective; or,
- Why the accommodation would pose an undue hardship.
- In the written denial notice (just as it is in a written approval notice), the requesting employee is informed who, specifically, is the Deciding Official in the process. A Deciding Official could be any supervisor in the employee's chain of command (i.e., the immediate or second level supervisor or the Director of the Office in which the employee works).

All denials of requests for accommodation must include information regarding appeal rights.

All materials related to an employee's accommodation request, including a copy of the accommodation request and response, and any related documents, must remain on file in the DPM's records of accommodation requests for the duration of the requestor's employment.

M. Appeal Rights

When an employee who has requested and been denied a request for reasonable accommodation at the FEC, the employee is entitled to appeal the denial. Bargaining unit employees have the option of using the negotiated Grievance Procedures (Article 27) in the Agency's Labor Management Agreement and non-bargaining unit employees have the option of using the Administrative Grievance Procedures, in FEC Personnel Instruction 771.1

In addition, employees may also contact the Agency's Alternate Dispute Resolution (ADR) Office for assistance in addressing issues via the resources offered by the Conflict Coaching program. Any employee or applicant may file an EEO complaint with the FEC's EEO Office if he or she is not satisfied with the accommodation decision or if the accommodation is not implemented. The contact must be made to the EEO Office within 45 days of when he/she becomes aware of the accommodation decision or the failure to implement the accommodation decision.

Voluntary, informal dispute resolution is encouraged to allow the parties to

resolve disagreements and to obtain prompt reconsideration of denials. Please see the EEO Office's brochure entitled "Complaint or Dispute Resolution Options for FEC Employees" for detailed information about appeal options for both bargaining unit and non-bargaining unit employees.

N. Resources

- a. www.eeoc.gov
- b. Management Directive 715 (October 1, 2003)
- c. The Americans with Disabilities Act of 1990 (ADA)
- d. The ADA Amendments Act of 2008 (ADAAA)
- e. The Rehabilitation Act (Section 501 applies the employment nondiscrimination standards of the ADA (Title I) to Federal government employees.)
- f. Revised Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act (October 17, 2002)
- g. EEOC Enforcement Guidance: Disability Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (July 27, 2000)
- h. Executive Order 13164 Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodations (July 26, 2000)
- i. EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (October 20, 2000)
- j. Job Accommodation Network (JAN) – askjan.org
- k. Computer/Electronics Accommodation Program (CAP) - <http://www.cap.mil/>



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of Federal Operations
P. O. Box 77960
Washington, D.C. 20013

April 17, 2020

Via Email: (ksalley@fec.gov)

Kevin R. Salley, Director
Office of Equal Employment Opportunity
Federal Election Commission
1050 First Street, N.E.
Washington, D.C. 20463

Dear Mr. Salley:

Thank you for submitting the Federal Election Commission's (FEC) reasonable accommodation procedures (*Accommodation Policy for the Federal Election Commission, revised March 2020*) to Equal Employment Opportunity Commission (EEOC) for review. We find that FEC's revised reasonable accommodation procedures comply with EEOC regulations implementing Section 501 of the Rehabilitation Act of 1973 (Section 501), as amended, 29 U.S.C. § 791(b); 29 C.F.R. § 1614.203, and Executive Order 13164, 65 Fed. Reg. 46565 (2000). Pursuant to 29 C.F.R. § 1614.203(d)(3)(i), FEC must finalize and post its reasonable accommodation procedures on its public website.

Should FEC make any changes to its procedures, Executive Order 13164, requires that each agency or agency component submit to EEOC any modifications to its reasonable accommodation procedures at the time they are adopted. Please forward any such submission to raprocedures@eeoc.gov.

We look forward to continuing our work together toward the shared goal of making the federal government a model employer. Please do not hesitate to contact Crystal Grant at crystal.grant@eeoc.gov, or 202-663-4749 if you have any questions regarding this letter or the promulgation of your agency's reasonable accommodation procedures.

Sincerely,

A handwritten signature in blue ink that reads "Lori Grant".

Lori Grant, Assistant Director
Agency Oversight Division

TAB 3.4

Alternative Dispute Resolution Policy &
Procedures

Equal Employment Opportunity Alternative Dispute Resolution Policy and Procedure for Employees of the FEC (approved by EEOC on 3/21/13)

It is the policy of the Federal Election Commission (FEC or Commission) to ensure that Alternative Dispute Resolution (ADR) is available to all employees and utilized to the maximum extent that is practicable and appropriate to resolve Equal Employment Opportunity (EEO) related employment disputes as quickly as possible and at the lowest possible level. The Commission is committed to ensuring that appropriate consideration is given to the use of ADR whenever it offers possibilities for reaching agreements which are fair, cost-effective, and supportive of the relationships needed for mission effectiveness.

The Commission is aware of the contributions which effective ADR programs can make to organizational efficiency and effectiveness. ADR will be implemented at the FEC using a mediation model. The collaborative resolutions created through this process often results in agreements and understandings which improve relationships and performance. The Commission's program is voluntary, efficient, expeditious, cost effective, while retaining the legal and administrative due process rights of the participants involved.

The Commission views mediation as a highly desirable alternative to the use of standard complaint procedures which may strain relationships and divert resources from the accomplishment of our important mission. The Commission has successfully implemented ADR techniques to informally resolve EEO disputes for many years. The effective use of ADR to resolve EEO disputes is seen as a major management goal for the FEC. This policy sets forth the authority, requirements and procedures for the implementation of the Commission's ADR Program. All managers, supervisors and employees are encouraged to support the accomplishment of this goal and fully participate in the ADR program and process.

Section 1: Purpose and Authorities:

- A. This policy implements the provisions of the United States Equal Employment Opportunity Commission (EEOC) Management Directive 715, Part II (E) which requires Federal agencies to establish and maintain ADR programs in a manner that will ensure appropriate use and obtain full participation of supervisors and managers in the ADR process.
- B. The policy sets forth specific goals/mission of the FEC EEO ADR program; the rights and responsibilities of the Commission and all participants of the ADR process; and the procedures for using the ADR process to resolve disputes involving allegations of discrimination subject to the EEO complaints procedures.
- C. This policy references the following regulatory authorities:

1. Public Law 104-320, Administrative Dispute Resolution Act of 1996 (110 Stat.3870).
2. Title 29, Code of Federal Regulations §1614.102 (b)(2), §1614.105 (f) and §1614.108 (b), EEOC Processing, current edition.
3. EEOC Management Directive 110, Chapter 3 (ADR) and Appendix H, (EEOC Notice- ADR) November 9, 1999.
4. EEOC Management Directive 715 Part II (E), October 1, 2003.

Section 2: Scope

The primary purpose of the FEC EEO ADR Program is to provide an alternative structure for resolving allegations/complaints of discrimination, employee and other employment related disputes and conflicts in a manner that is expedient, cost effective and collaborative. The focus of the process is upon resolution of the issues involved in the dispute as quickly as possible and at the lowest level in the organization at which the resolution can take place. The implementation of the ADR program which encourages the resolution of disputes and complaints is an FEC strategic management goal. The program makes ADR available at any and every stage of the EEO complaints procedure. **(See FEC EEO Complaints Policy)**

The goals of the program are to:

- a. Maximize possibilities for the collaborative informal resolution of disputes.
- b. Reduce the costs and time-frames associated with the standard procedures for processing allegations and complaints of discrimination.
- c. Prevent the escalation of disputes into multiple complaints of discrimination.
- d. Prevent the unnecessary escalation of disputes of entities outside of the FEC or to the courts.
- e. Create stronger relationships and enhance overall morale through the process of collaborative problem solving and decision making.
- f. Assist employees at all levels in developing the skills needed to prevent and manage disputes and conflicts in a constructive manner.
- g. Increase the confidence of employees and managers in the EEO process.

Section 3: Procedures

A. Selection of Dispute

The Commission's ADR Program will be managed by the EEO Director. The selection of disputes for processing under the ADR Program will be based primarily upon the extent to which the EEO Director believes that the dispute can be resolved through the ADR process and that it would be in the best interest of the agency to do so. The issues to be considered for ADR will be determined on a case-by-case basis taking into consideration such factors as

the nature of the case, the relationship of the participants, the size and complexity of the case and the relief sought. The following conditions are factors which weigh against acceptance of a dispute for ADR.

- (1) The employees or other individuals in the dispute are not willing to explore resolution possibilities, participate fully in the process or demonstrate a good faith effort in support of the resolution.
- (2) The FEC lacks the authority or the discretionary latitude to alter or expand upon decisions which have already been made.
- (3) It would not be in the best interest of the agency to explore additional resolution possibilities.
- (4) There is no reason to believe that ADR would be effective in bringing about resolution.
- (5) Class action complaints are involved.
- (6) ADR may not be appropriate for, and need not be accepted by the FEC, in every workplace dispute. Examples of instances in which ADR may not be appropriate include but are not limited to: if adjudication may be needed for precedential value; if the ADR process might not be safe for the parties (if the complainant alleges conduct that is violent in nature); or if the issues are subject to an ongoing criminal or similar investigation. However, an agency decision that ADR is not appropriate should be the exception, not the rule, and should be based on significant reason, such as in the examples above. A Commission decision not to engage in ADR, or not to make ADR available for a particular case, or failure to provide a neutral cannot be made the subject of an EEO complaint.

B. Participation

ADR is a voluntary process. The individuals who are participants to the dispute may opt in or out of participation of the process when offered the opportunity to do so by the EEO Office. When the offer is accepted, the managers and supervisors involved in the dispute will be held responsible for participating in the process in a manner that fully supports the accomplishments of the Commission's ADR program goals.

- (1) ADR can occur at any time and any stage in the EEO complaints process.
- (2) Employees and individuals who are participants to the dispute may refuse to participate in the process.
- (3) A participant may be represented by any person of his or her choosing throughout the process.
- (4) FEC managers, supervisors and officials involved in the disputes are required to participate in good faith once the dispute has been accepted for ADR.

- (5) The EEO Director may terminate the process if any of the employee participants to the dispute should fail to cooperate or demonstrate a good faith effort towards resolution of the dispute.
- (6) The employee participant(s) to the dispute may terminate the process at any time within the prescribed timeframes without a loss of rights.
- (7) Participants have 7 days to make a decision to select ADR after being advised of their rights during the initial EEO Counseling interview.

C. Selection of the Mediator

The EEO Director is responsible for the selection of the mediator. A range of considerations which include the complexity and sensitivity of the issues in the dispute, the impact of the dispute upon the organization and relationships among the individuals involved will be applied in making the selection. The mediator should possess knowledge of basic EEO and human resources concepts, as well as skills and abilities in mediation techniques. All mediators will be selected from among certified mediators participating in the federal government shared neutral program. All mediators will be selected from outside the agency to prevent any type of conflict of interest from occurring.

D. Confidentiality

- (1) Confidentiality in ADR sessions is intended to allow parties to candidly discuss their interest in order to reach the best possible resolution, without fear that statements made during ADR will later be used against them. Confidentiality provides protection from disclosure to individuals outside of an ADR session of information discussed or presented during an ADR session. Confidentiality also provides the assurance that the mediator will not disclose to one party of the ADR session, information shared in confidence by another participant, unless the disclosing participant specifically authorizes disclosure during the mediation.
- (2) Because of confidentiality in mediation, no documentation or record of deliberations during the proceedings will be maintained. Information, including resolution options, discussed during or specifically prepared for ADR proceedings may not be introduced as evidence in subsequent hearings or other legal proceedings, except as permitted under the ADR Act. In no event will a mediator serve as a witness in subsequent administrative or court actions involving their assigned complaint. Prior to the beginning of any ADR proceedings, the parties will agree not to call the mediator as a witness.
- (3) Nothing said or done during the attempts to resolve the dispute through ADR can be made the subject of subsequent EEO complaints including the decision not to participate in or to withdraw from ADR. Exemptions to this confidentiality clause

- may apply in instances by either participant for threats or imminent physical harm or incidents of actual violence that may occur during the mediation.
- (4) There is no requirement that a settlement must be confidential.

E. Resolution

ADR supports the discrimination complaints process. Resolutions agreed to by the participants during the process are fully enforceable.

- (1) The Commission will make available a management official with settlement authority during the ADR process
- (2) The terms of a resolution must be in writing and signed by both participants. The agreement must state the terms of the resolution and the procedures available in the event that the agency fails to comply with the terms of the resolution.
- (3) Written agreements must comply with EEOC's Enforcement Guidance on non-waivable employee rights under the EEOC enforced statutes.
- (4) If either participant alleges breach of the agreement, the EEO Director will make appropriate inquiries and will determine whether opening of the EEO complaint is appropriate or if any administrative resolution of the alleged breach is feasible. The complainant must notify the EEO Director, in writing, of the alleged noncompliance with the settlement agreement or final decision within 30 days of when the complainant know or should have known of the alleged noncompliance. The agency will then make a determination on the breach claim. If the agency fails to do so before the 35-day period has expired, then the complainant may appeal to the EEOC. 29 C.F.R. § 1614.504(b), if the complainant is not satisfied with the agency's attempt to resolve the matter, the complainant may appeal to the EEOC for a determination. The complainant may file an appeal 35 days after serving the agency with the allegations of noncompliance, but must file an appeal within 30 days of receiving the agency's determination. Note: These procedures do not limit the right of either party to initiate a breach of contract action for violation of a signed settlement agreement that has been ratified by the Commission.
- (5) If the complaint is based upon age, then the settlement agreement must conform to the Older Workers Benefit Protection Act of 1990 (OWBPA). The agency reserves the right to ask an employee to waive his or her rights or claims under the Age Discrimination in Employment Act (ADEA) in the settlement of an ADEA mediation. However, the ADEA, as amended by OWBPA, sets out specific minimum standards that must be met in order for a waiver to be considered knowing and voluntary and, therefore, valid. Among other requirements, a valid ADEA waiver must:
 - Be in writing and be understandable

- Specifically refer to ADEA rights or claims
- Not waive rights or claims that may arise in the future
- Be in exchange for valuable consideration
- Advise the individual in writing to consult an attorney before signing the waiver, and
- Provide the individual at least 21 days to consider the agreement and at least seven days to revoke the agreement after signing it.

F. Responsibilities

(1) Commission

The FEC is committed to meeting the criteria for Model Agencies set forth in MD-715 which requires agencies to:

- a. Establish and encourage the widespread use of a fair ADR program that facilitates the early, effective, and efficient informal resolution of disputes;
- b. Appoint a senior level official to implement a comprehensive ADR program that will include an appropriate range of employment-related disputes;
- c. Ensure that managers and supervisors at all appropriate levels will participate in the ADR process;
- d. Evaluate managers and supervisors on their efforts to meet these requirements;
- e. Provide training and assistance needed to enable managers and supervisors to meet their responsibilities under these requirements.

(2) ADR Manager

The FEC designates the EEO Director as its ADR Manager, responsible for overseeing the process and ensuring that the requirements of the ADR program are met and that managers, supervisors and employees are provided with any needed training or assistance. The EEO Director is responsible for:

- a. Developing and issuing policy and FEC guidance on use of ADR and evaluating agency ADR efforts;
- b. Coordinating ADR activities, including maintaining a list of mediator resources;
- c. Ensuring that all employees are aware of, have access to, and are encouraged to use ADR programs; and
- d. Reporting annually on the ADR program and usage.

(3) The Management Designee

The Management Designee is the FEC management official appointed to participate on the Commission's behalf during the ADR proceedings. The Management Designee has the authority to resolve the dispute by entering into a settlement agreement. The Responsible Management Official (RMO) or the agency official directly involved in the case will not in any manner serve as the management official with settlement authority. The RMO may

negotiate on behalf of the agency at ADR proceedings, however, any settlement agreement reached at such proceedings are subject to approval by another agency official with final settlement authority.

(4) The EEO Counselor

The EEO Counselor has the responsibility to provide information and assistance in the EEO complaints process, including notifying aggrieved individuals of their rights and offering the choice between ADR and EEO counseling.

(5) The Mediator

The Mediator is the independent 3rd party who established ground rules for the ADR proceeding and conducts the process consistent with EEOC core principles and legal requirements. The Mediator prepares any settlement agreement and obtains the signatures of the parties.

(6) The Representative

Any party may have a Representative who serves their interests in the ADR process and cooperates in developing and presenting information relevant to the allegation, recommendations, and solutions. There is no requirement for representation.

G. Definitions

- (1) Alternative Dispute Resolution (ADR) is the process of bringing the participants in a dispute involving the FEC together under the guidance of a neutral “third party” who will use a combination of fact gathering, facilitation and mediation techniques to mediate a resolution of the dispute.
- (2) Dispute is a conflict between one or more individuals and the FEC involving issues which are within the decision making authority of the FEC.
- (3) Participants are the individuals who are in conflict.
- (4) Conflict is any disagreement, discord, argument, complaint, or legal action, as well as the circumstances leading up to it.
- (5) Disputed issue is the specific decision, action, practice, policy or interaction upon which the dispute is based.
- (6) Mediator is the neutral individual assigned by the FEC to mediate resolution of the dispute. The neutral has not personal interest in the outcome of the conflict, and performs the neutral duties impartially and without bias.
- (7) Mediation is an interest based ADR process in which a third party neutral (the mediator) meets with two or more participants who have a conflict, facilitates discussions, and assists the parties in reaching a mutual resolution of their differences. The mediator does not have decision-making authority; resolution rests with the parties.
- (8) Resolution is an enforceable agreement between the FEC and the individuals involved in the dispute which effectively resolves the matter in a manner that satisfies

all applicable legal and regulatory requirements. Resolution consists of the terms of which participants in conflict agree that results in the total or partial end or closure of a conflict, complaint, grievance, appeal, or litigation.

H. Processing Steps

The offer of ADR may come at any time and at any stage in the EEO discrimination complaints procedure. Either the individual or the Commission may request ADR. The EEO Director will review the request and determine whether or not ADR would be appropriate. If both parties agree to participate, a mediator is assigned and the matter will be handled in general conformance with the following steps.

Step 1: Upon receiving the ADR request, the EEO Director will acknowledge receipt to the requestor, review the case for appropriateness, consult the other party regarding willingness to participate and determine whether to proceed with ADR.

Step 2: If appropriate and all participants agree to participate, the EEO Director will secure the services of a mediator to conduct the ADR effort.

Step 3: The mediator will review the file and plan an approach to conducting the mediation. Because each case is unique and may arrive at the mediation process at any time the history of the dispute, the mediator will individualize the process to provide the maximum opportunity for effective and timely resolution.

Step 4: The EEO Director will notify all parties to the dispute of the name of the mediator and the requirements for their good faith participation in the process. The EEO Director will coordinate with the parties and the mediator to schedule a time and place for the mediation.

Step 5: The mediator will conduct the ADR process. The EEO Director will provide support and assistance to the mediator with respect to scheduling, document production and the preparation and finalization of resolution agreements.

Step 6: When ADR is success and an agreement is reached, the terms of the agreement will be reduced to writing by the mediator and signed by the participants, including the Management Representative. If no agreement is reached, the individual will be notified in writing of their rights and responsibilities under EEO complaint process.

Section 4: ADR Rights and Responsibilities

- (a) Decisions to use ADR may be made at any point during the EEO complaints process. When such decisions are made, the complaints procedure will be suspended until the ADR process has been completed.
- (b) Resolution through the ADR process will satisfy the conditions for informal resolution under the discrimination complaints procedure.

- (c) A failure to achieve resolution through the ADR process allows the complaining party to return to that point in the discrimination complaints process where the complaint was suspended in order to begin the ADR process. Time expended during the ADR effort will not be applied to the mandatory time frames for processing EEO complaints. Efforts at mediation should be completed within a 90 day time frame.
- (d) An individual with authority to fully resolve the matter on behalf of the Commission should be in attendance at the mediation. If that is not possible, an individual with authority to negotiate on behalf of the agency should attend the ADR proceeding, and should have access to an individual with authority to fully resolve the matter on behalf of the Commission.
- (e) Agreement to resolve a dispute will be voluntary for all participants of ADR. Participants involved with ADR are expected to participate in good faith. Once the EEO Director offers ADR, management officials are expected to approach the matter in a thoughtful manner and in a cooperative spirit as part of their management role and responsibilities.
- (f) Participants are entitled to be accompanied, represented, and advised by a personally chosen representative in ADR proceedings.
- (g) The use of ADR shall not adversely affect the rights of individuals to seek resolution of their issues through the established complaint, grievance, and appeal system, provided established time frames in each system are otherwise met.
- (h) No employee shall commit, authorize, or condone any retaliation against any employee or customer because of the pursuit of or participation in ADR.
- (i) The Commission will make available training and educational services designed to promote effective conflict management. These shall include explanations of available ADR services and employees' responsibilities relating to ADR participation.
- (j) Although the EEO ADR program is designed to address disputes arising under statutes enforced by the EEOC, the program has sufficient latitude for the parties to raise and address both EEO and non-EEO issues in the resolution of disputes. However, if the resolution of the matter is unsuccessful in ADR, non-EEO issues and issues not brought to the attention of the EEO Counselor cannot be included in the formal complaint unless the issue is like or related to issues discussed in EEO Counseling.

Section 5: Administration

- (a) Program Costs, The FEC is responsible for the ADR program costs. Mediators will be obtained through agency resources. The costs associated with conducting ADR proceedings and settlement agreements will be paid out of agency funds, subject to the limitations of law.
- (b) Record keeping, The EEO Director will collect Federal complaints processing data pursuant to the agency's obligation to report EEO activity to the EEOC. The

Commission will maintain a record of ADR activity for annual reporting to the EEOC on Form 462 no later than October 31st of each year.

- (c) Confidentiality, Mediators shall ensure confidentiality of all ADR proceedings, including destroying all written notes taken during the ADR proceedings or in preparation for the proceedings.
- (d) ADR files, written notification of rights and responsibilities, reports of the mediator and other records of the process will be stored in files separate from those in a formal complaint. No information obtained during the ADR proceedings will be available for use in formal complaint proceedings, except for information obtained through legitimate discovery procedures or other compulsory processes; the written resolution agreement, if any; a statement that ADR was attempted and failed, when appropriate, and a chronological record of the actions taken by the EEO Director.

Section 6: Program Training

The Commission will provide appropriate training and education on ADR to its employees, managers and supervisors, neutral and other persons protected under applicable laws. ADR training will include:

1. ADR Act and its amendments, with emphasis on the government's commitment to ADR.
2. EEOC regulations and policy guidance,
3. Commission's ADR policy and procedure,
4. ADR core principles, including methods and techniques of mediation; and
5. Drafting the settlement agreement.

Section 7: Program Evaluation

The evaluation component will assist in determining whether the ADR program has achieved its goals and will provide feedback on how the program might be made more efficient and achieve better results. The program shall be evaluated at least once per year to ensure that the agency is in compliance with MD-110, Chapter 3, Section VII(C).

The EEO Director will use appropriate data collection and analysis tools (e.g. interviews, questionnaires, survey feedback, focus groups, etc.) as well as ADR results, in order to determine the overall efficiency and effectiveness of ADR as a method of facilitating EEO complaint processing based upon:

1. Participation/Satisfaction
2. Employee and management awareness
3. Compliance with settlement agreements
4. Efficiency measures (speed, cost, reduced complaints inventory)

5. Improvements in post-complaints climate and employee morale

Questions regarding this policy should be directed to the FEC EEO Director at (202) 694-1228. Agency informal ADR (Conflict Coaching) in addition to any other attempt at resolution may not modify/replace LMA/EEOC/MSPB complaints process.

TAB 3.5

Personal Assistance Services Policy &
Procedures



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Procedures for Providing Personal Assistance Services (PAS) for Employees with Targeted Disabilities

This notice prescribes the process for employees with targeted disabilities to obtain Personal Assistance Services (PAS) at the Federal Election Commission (FEC). On September 18, 2017, the Equal Employment Opportunity Commission (EEOC) issued the following statement:

“As part of the agencies' obligation to engage in affirmative action, federal agencies are required by the new regulations to provide [PAS] to individuals who need them because of certain disabilities. PAS are services that help individuals who, because of targeted disabilities, require assistance to perform basic activities of daily living, like removing and putting on clothing, eating and using the restroom.”

<https://www.eeoc.gov/federal/directives/personal-assistance-services.cfm>

Pursuant to EEOC directives, beginning on January 3, 2018, the FEC will provide PAS to an individual if:

- The individual is an employee of the Agency;
- The individual has a targeted disability;
- The individual requires the services because of their targeted disability;
- The individual will be able to perform the essential functions of the job, without posing a direct threat to safety, once PAS and any required reasonable accommodations have been provided; and
- Providing PAS will not impose undue hardship on the agency.

Although distinguishable from requests for accommodation, requests for PAS will be initiated, processed and otherwise addressed in the same manner.

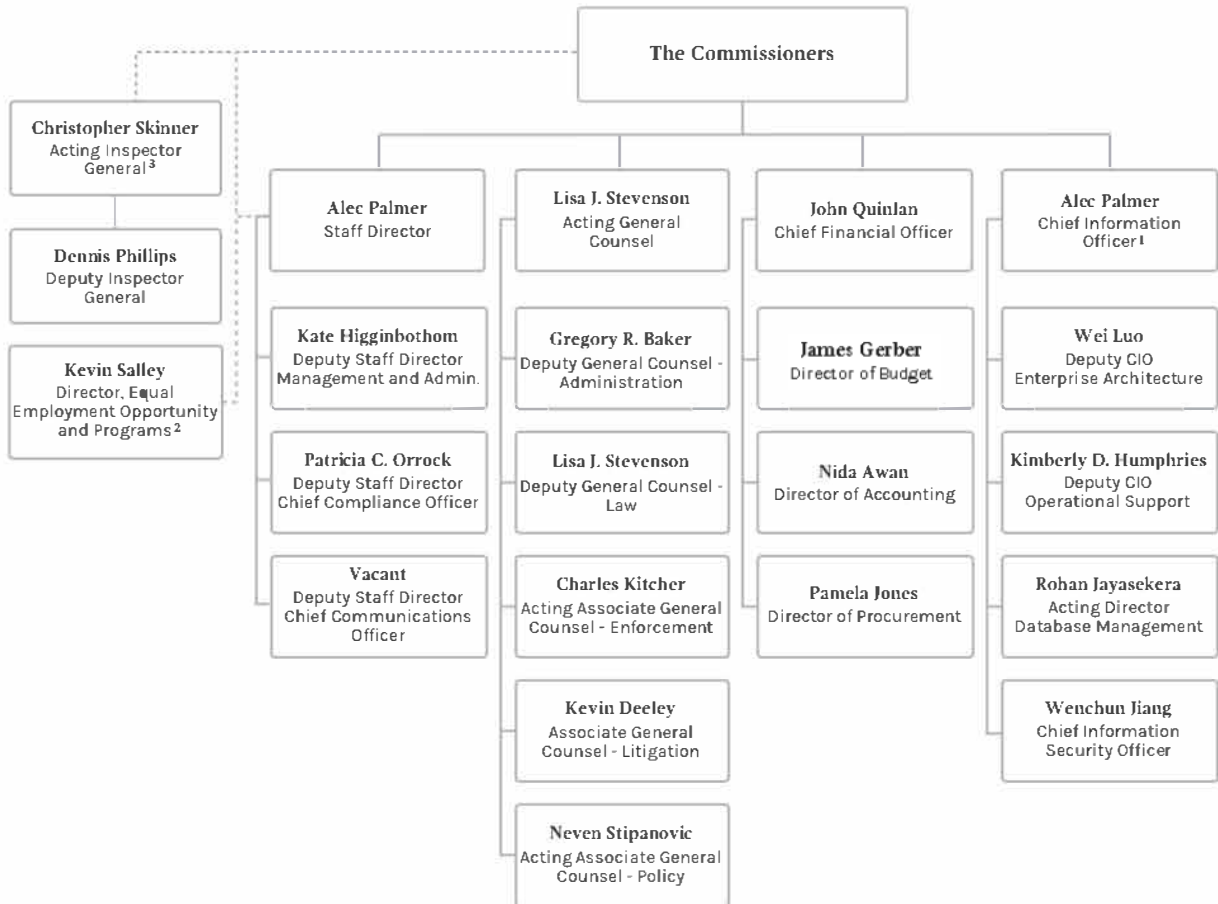
Please address any questions concerning this notice directly to: Cheryl Painter, Disability Program Manager, (202) 694-1646, or at: cpainter@fec.gov

TAB 4

FEC Organization Chart

FEC offices

(Expanded View)



FOOTNOTES:

[1] The position of Chief Information Officer normally reports directly to the Staff Director who, in turn, reports to the Commission itself. At present, however, the same individual is serving in both the position of the Staff Director and the position of the Chief Information Officer, pursuant to an authorization by the Commission and based, in part, on an advance decision from the Comptroller General. Accordingly, the organizational chart reflects both positions—the Staff Director and the Chief Information Officer—as reporting directly to the Commission.

[2] The Director for Equal Employment Opportunity reports to the Staff Director on administrative issues but has direct reporting authority to the Commission on all EEO matters. See 29 CFR 1614.102(b)(4).

[3] The Office of the Inspector General (OIG) independently conducts audits, evaluations, and investigations. OIG keeps the Commission and Congress informed regarding major developments associated with their work.

TAB 5

FEC FY 2022—2026 Strategic Plan



Federal Election Commission

FY 2022-2026 Strategic Plan

EXECUTIVE SUMMARY

The Federal Election Commission's (FEC) Strategic Plan for Fiscal Years (FYs) 2022-2026 identifies the Commission's strategic objectives and provides a road map for meeting those objectives. It also describes current challenges facing the FEC and addresses future trends that may affect the achievement of the agency's goal.

The mission of the FEC is to protect the integrity of the federal campaign finance process by providing transparency and fairly enforcing and administering federal campaign finance laws. *The Federal Election Campaign Act* (FECA/the Act) reflects a belief that democracy works best when voters can make informed decisions in the political process—decisions based in part on knowing the sources of financial support for federal candidates, political party committees and other political committees. As a result, the FEC's first strategic objective is to inform the public about how federal campaigns and committees are financed. Public confidence in the political process also depends on the knowledge that participants in federal elections follow clear and well-defined rules and face consequences for non-compliance. Thus, the FEC's second strategic objective focuses on the Commission's efforts to promote voluntary compliance through educational outreach and to enforce campaign finance laws effectively and fairly. The third strategic objective is to interpret the *FECA* and related statutes, providing timely guidance to the public regarding the requirements of the law. The Commission also understands that organizational performance is driven by employee performance and that the agency cannot successfully achieve its mission without a high-performing workforce that understands expectations and delivers results. Consequently, the FEC's fourth strategic objective is to foster a culture of high performance in order to ensure that the agency accomplishes its mission efficiently and effectively.

In an average fiscal year, the FEC receives campaign finance reports, statements and other disclosure documents from more than 16,000 political committees and other filers. In FY 2020, the FEC received 90,605 campaign finance disclosure documents filed disclosing nearly 244 million transactions, which were included in the FEC's campaign finance database. Campaign finance reports and statements filed electronically are made available on the FEC website upon filing, and reports and statements filed on paper with the FEC are placed on the FEC website within 48 hours of receipt. The Commission facilitates transparency in the federal campaign finance process through a state-of-the-art web-based disclosure system for all campaign finance activity, ensuring that the vast quantity of campaign finance data reported to the FEC is available to the public quickly and in a manner that is easy for the general public to sort, search and comprehend. The agency is committed to continuously improving its campaign finance disclosure database and the information and resources available to the public at www.fec.gov.

Besides making campaign finance reports available to the public, the FEC works to ensure that the information disclosed is accurate and complete. The Office of Compliance's Reports Analysis Division (RAD) reviews an ever-increasing volume of information to track compliance with the law and to ensure that the public record provides a full and accurate representation of reported campaign finance activity. If RAD's review identifies an apparent violation or raises questions about the information disclosed on a report, RAD sends a Request for Additional Information (RAFI) to the committee, affording the committee an opportunity to take remedial action or correct the public record, if

necessary. If the committee is able to adequately respond to the items noted in the RFAI, it may avoid an enforcement action. If not, and the issue meets RAD's thresholds (as approved by the Commission) for further Commission action, the agency has several tools available to it, such as the Administrative Fine Program, the Audit Program, the Alternative Dispute Resolution Program and the Office of General Counsel's traditional enforcement program.

Commission initiatives, congressional action, judicial decisions, petitions for rulemaking or other changes in campaign finance law may necessitate that the Commission update or adopt new regulations. Consequently, the FEC undertakes rulemakings either to write new Commission regulations or revise existing regulations. The Commission also provides guidance on how the *Act* applies to specific situations through the advisory opinion process and represents itself in most litigation before the federal district and appellate courts.

The FEC has exclusive jurisdiction over the civil enforcement of the federal campaign finance law. Following procedures set forth in the *FECA*, the Office of General Counsel's Enforcement Division investigates alleged violations of the law, recommends to the Commission appropriate action to take with respect to apparent violations and negotiates conciliation agreements, which may include civil penalties and other remedies, with respondents or their counsel to resolve the matter. If an enforcement matter does not resolve through conciliation during the administrative process, the Commission may authorize suit in district court, at which point the matter is transferred to the Litigation Division.

In order to promote compliance with the *Act*, the Commission devotes significant resources to the widespread dissemination of educational materials. The Commission has redoubled its efforts to ensure that it uses the most effective and current communication techniques and technologies to disseminate its educational and compliance information.

In order to meet these challenges, the FEC must maintain a workforce that is highly qualified to deliver the agency's mission effectively and efficiently. Managing effective human capital requires a strategic approach. Therefore, this strategic plan addresses the operational processes, skills and technology, and the human capital, information and other resources required to achieve the agency's objectives.

Administering and enforcing the *FECA* includes promoting public disclosure of campaign finance activity; providing information and policy guidance on the law and Commission regulations; encouraging voluntary compliance with *FECA* requirements; and fairly and vigorously enforcing the statute through audits, investigations and civil litigation. The Commission believes that this Strategic Plan, 2022-2026, provides a robust plan for the agency to meet the challenges ahead in all areas of its operations and to succeed in performing its mission.

1.0 MISSION STATEMENT

1.1 FY 2022 – 2026 FEC Mission

The mission of the Federal Election Commission is to protect the integrity of the federal campaign finance process by providing transparency and fairly enforcing and administering federal campaign finance laws.

1.2 Scope of Responsibilities

The FEC is an independent regulatory agency responsible for administering, enforcing, defending and interpreting the *Federal Election Campaign Act of 1971*.¹ The Commission is also responsible for administering the federal public funding programs for presidential campaigns. This responsibility includes certifying and auditing all participating candidates and committees and enforcing the public funding laws.

To accomplish its legislative mandate, the FEC is directed by six Commissioners, who are appointed by the President with the advice and consent of the Senate. By law, no more than three Commissioners may be members of the same political party. Each member serves a six-year term, and two seats are subject to appointment every two years. Commissioners may serve beyond their six-year terms until new Commissioners are confirmed. The position of the Commission Chair rotates among the members. The Commissioners are responsible for administering and enforcing the *Act* and meet regularly to formulate policy and to vote on significant legal and administrative matters. The *Act* requires at least four votes for the Commission to approve certain official actions, thus requiring bipartisan decision-making. The FEC has its headquarters in Washington, D.C. and does not have any regional offices.

Under the *Act*, all federal political committees, including the committees of presidential, Senate and House candidates, must file reports of receipts and disbursements. In an average fiscal year, the FEC makes disclosure reports filed by more than 16,000 political committees and other filers, and the data contained in them, available to the public through the Commission's Internet-based public disclosure system, as well as in a public records office at the Commission's Washington, D.C. headquarters. The FEC also has exclusive responsibility for civil enforcement of the *Act*, and has litigating authority independent of the Department of Justice in U.S. district court and the courts of appeals. Additionally, the Commission promulgates regulations implementing the *Act* and issues advisory opinions responding to inquiries.

¹The Commission's primary responsibilities pertain to the *Federal Election Campaign Act of 1971*, Public Law 92-225, 86 Stat. 3 (1972) as amended (*codified at* 52 U.S.C. §§ 30101-30145) (the *Act* or the *FECA*). The Commission's responsibilities for the Federal public funding programs are contained in the *Presidential Election Campaign Fund Act*, Public Law 92-178, 85 Stat. 562 (1971) (*codified at* 26 U.S.C. §§ 9001-13) and the *Presidential Primary Matching Payment Account Act*, Public Law 93-443, 88 Stat. 1297 (1974) (*codified at* 26 U.S.C. §§ 9031-42).

2.0 STRATEGIC GOAL

2.1 FY 2022 – 2026 FEC Strategic Goal

To fairly, efficiently and effectively administer and enforce the *Federal Election Campaign Act*, promote compliance and engage and inform the public about campaign finance data and rules, while maintaining a workforce that delivers results.

2.2 Strategic Goal Context

Congress created the FEC to administer and enforce the *FECA*. The *Act* reflects Congress's efforts to ensure that voters are fully informed of the sources of candidates' financial support. Public confidence in the political process depends not only on laws and regulations to ensure transparency, but also on the knowledge that those who disregard the campaign finance laws will face consequences.

Disclosing the sources and amounts of funds used to finance federal elections is one of the most important duties of the FEC. The FEC provides the public with data concerning where candidates for federal office derive their financial support. Effective disclosure enables the Commission to fulfill its other responsibilities. The FEC relies on a robust IT infrastructure to fulfill the agency's responsibilities, and this infrastructure serves not only the FEC staff, but also the public. While the demands on the IT infrastructure peak around federal elections, the demands continue throughout the election cycle, just as the filing schedules continue throughout the election cycle. The agency is committed to providing accessible and user-friendly information to the public.

Voluntary compliance with the requirements of the *FECA* is also a focus of the Commission's efforts, and its educational outreach and enforcement programs are both designed to ensure compliance with the *Act's* limits, prohibitions and disclosure provisions. The FEC maintains a robust enforcement program to ensure that the campaign finance laws are swiftly and fairly enforced. Because of the large number of political committees and the growing number of financial disclosure reports filed with the FEC, voluntary compliance is essential to enforcing the requirements of the *Act*. Accordingly, the Commission devotes considerable resources to encouraging voluntary compliance through educational outreach programs directed to the public, the press, political committees and state election officials.

2.3 Consultation with Congress / Other Stakeholders

As a first step in drafting the FY 2022-2026 Strategic Plan, the FEC conducted a comprehensive review of its past strategic planning activities and researched sources that could provide insight into ways the agency could improve upon these efforts. The Draft Strategic Plan was made available to the public for comment on the FEC website, and the FEC provided staff from the agency's House and Senate authorizing committees and Appropriations Subcommittees with the draft and solicited their feedback on the agency's proposed goal, objectives and strategies. One response was received from the public commenting on the effectiveness of performance metrics under Objective 2,

Promote Compliance with the FECA and Related Statutes, and Objective 3, Interpret the FECA and Related Statutes, in helping the agency meet its statutory mission.

3.0 STRATEGIC OBJECTIVES

3.1 FY 2022 – 2026 FEC Strategic Objectives

Objective 1: Engage and Inform the Public about Campaign Finance Data	Objective 2: Promote Compliance with the FECA and Related Statutes
Objective 3: Interpret the FECA and Related Statutes	Objective 4: Foster a Culture of High Performance

3.2 Strategic Objective Context

Objective 1: Engage and Inform the Public about Campaign Finance Data	<p>The <i>Federal Election Campaign Act</i> requires accurate and comprehensive public disclosure by federal candidates and political committees of all contributions and expenditures. In an average fiscal year, the FEC receives campaign finance reports, statements and other disclosure documents from more than 16,000 political committees and other filers. In FY 2020, the FEC received 90,605 campaign finance filings. Campaign finance reports filed during the year disclosed nearly 244 million financial transactions, which were included in the FEC’s campaign finance database.</p> <p>During FY 2022-2026 the Commission will facilitate transparency in the federal campaign finance system through a state-of-the-art, web-based public disclosure system for all campaign finance activity, ensuring that this vast quantity of campaign finance data is available to the public quickly and in a manner that is easy for the general public to sort and search. In addition to ensuring greater access to a larger quantity of campaign finance data, the FEC will also promote public engagement, usability and greater understanding of campaign finance data through targeted educational and communication initiatives.</p>
---	---

Objective 2:

Promote Compliance with the FECA and Related Statutes

The Commission's statutory obligation is to administer, interpret and enforce the *FECA*, which serves the compelling governmental interest in deterring corruption and the appearance of corruption in financing elections. In doing so, the Commission must remain mindful of the First Amendment's guarantees of freedom of speech and association, and the practical implication of its actions on the political process.

Public confidence in the political process depends not only on laws and regulations to assure transparency and limits and prohibitions on the amounts and sources of contributions, but also on the knowledge that those who disregard campaign finance regulations will face consequences for non-compliance. In FY 2022-2026, the FEC will focus on administering fair, effective and timely enforcement and compliance programs.

Complementing the FEC's vigorous enforcement and compliance programs are the FEC's increased efforts to promote voluntary compliance. Because of the large and rising number of political committees and the ever-growing number of financial disclosure reports filed with the FEC, voluntary compliance is essential. Accordingly, the Commission will devote significant resources in FY 2022-2026 to encourage voluntary compliance through the widespread dissemination of educational materials related to campaign finance laws to the public, the press, political committees and to state election officials.

Objective 3:

Interpret the FECA and Related Statutes

The Commission responds to questions about how the *Act* applies to specific situations by issuing advisory opinions (AOs). In addition, Commission initiatives, Congressional action, judicial decisions, petitions for rulemaking or other changes in campaign finance law often necessitate that the Commission update or adopt new regulations.

Consequently, the FEC undertakes rulemakings either to write new Commission regulations or revise existing regulations.

The Commission represents itself in litigation before the federal district and circuit courts and before the Supreme Court with respect to cases involving publicly financed Presidential candidates. It also has primary responsibility for defending the *Act* and Commission regulations against court challenges. In addition, the *FECA* authorizes the Commission to institute a civil action in enforcement matters that cannot be resolved through voluntary conciliation.

Objective 4:

Foster a Culture of High Performance

The Commission understands that its greatest resource is its employees. Organizational performance is also significantly improved when internal management processes are efficient and effective. The Commission will take steps outlined in this plan to ensure that the agency's working environment promotes and supports the best efforts of its staff.

3.3 Strategies for Achieving Strategic Objectives

The strategic objectives described in Section 3.2 represent the FEC’s high-level performance commitments for FY 2022-2026. To distill those objectives into actionable next steps, the FEC has further enumerated strategic activities to be accomplished by FY 2026.

The FEC is committed to the successful completion of each strategic activity. The agency identified a leader for each activity, and heavily involved those leaders in defining and finalizing the strategic activities. Leaders will be required to provide the Commission with a brief on staff’s progress on the strategic activities on a quarterly basis.

Objective 1: Engage and Inform the Public about Campaign Finance Data

Strategic Activity 1: Evaluate and improve existing procedures to ensure the timely processing of reports and disclosure data made available to the public.

Activity Description:

The FEC will continue to review its procedures for processing and coding data received in campaign finance filings to improve the speed of data processing while maintaining its current high level of data accuracy.

Strategic Activity 2: Make improvements to ensure the continued stability and resiliency of the campaign finance disclosure database and campaign finance API.

Activity Description:

The number of financial transactions reported to the FEC has nearly doubled each election cycle for the past several election cycles, resulting in a steep rise in the number of transactions that must be received, processed and made available to the public. This increase in reported activity places a strain on staff, systems and databases. For example, the number of financial transactions received during October 2020 alone was more than what was received during the entire 2016 election cycle. The FEC will take steps to ensure it can continue to meet the agency’s disclosure mission in future years even as the amount of reported activity continues to rise.

Objective 2: Promote Compliance with the FECA and Related Statutes

Strategic Activity 1: Hold instructional conferences, workshops and webinars.

Activity Description:

One of the greatest strengths of the FEC's educational outreach program is that it gives the public the opportunity to speak directly with FEC Commissioners and senior staff members who set policy for the agency. The FEC will provide conferences and workshops that are comprehensive and cost effective for the public.

Strategic Activity 2: Continually engage with FEC customers to identify opportunities to improve their experience when interacting with FEC staff, systems and information.

Activity Description:

Track and measure customer engagement through feedback to identify opportunities for the agency to improve customer experience. Tracking feedback on an ongoing basis will help the agency to identify trends, draw conclusions and improve customer satisfaction over time.

Strategic Activity 3: Process cases in an efficient and accurate manner through each stage of the enforcement and compliance processes.

Activity Description:

The Commission's statutory obligation is to administer, interpret and enforce the FECA, which serves the compelling governmental interest in deterring corruption and the appearance of corruption in financing elections. In doing so, the Commission must remain mindful of the First Amendment's guarantees of freedom of speech and association, and the practical implication of its actions on the political process. To meet its statutory obligation, the FEC strives to process cases timely and accurately, while making the best use of the Commission's limited resources.

Strategic Activity 4: Timely inform committees of potential violations found in reviews of reports, providing consistent guidance for corrective actions.

Activity Description:

The FEC works to ensure that the campaign finance information disclosed is accurate and complete. The Reports Analysis Division (RAD) reviews all reports to track compliance with the law and to ensure that the public record provides a full and accurate representation of campaign finance activity. If RAD's review identifies an apparent violation or raises questions about the information disclosed on a report, RAD sends a Request for Additional Information (RFAI) to the committee, affording the committee an opportunity to take remedial action or correct the public record, if necessary. If the committee is able to adequately respond to the items noted in the RFAI, it may avoid an enforcement action. If not, and the issue meets RAD's thresholds (as approved by the Commission) for further Commission action, the agency has several tools available to it, such as the Audit Program, the Alternative Dispute Resolution Program and the traditional enforcement program.

Objective 3: Interpret the FECA and Related Statutes

Strategic Activity 1: Give timely and well-written advice to the Commission so that it can conduct and complete rulemakings and advisory opinions necessary to clarify the requirements of campaign finance laws.

Activity Description:

The Policy Division of the Office of General Counsel (OGC) works with Commissioners and staff from other divisions throughout the agency to draft various rulemaking documents for Commission consideration, such as Notifications of Availability of Petitions for Rulemaking, Notices of Proposed Rulemakings (NPRMs) and Final Rules and Explanations and Justifications. NPRMs provide an opportunity for members of the public to review proposed regulations, submit written comments to the Commission and testify at public hearings, which are conducted at the FEC when appropriate. The Commission considers the comments and testimony and deliberates publicly regarding the adoption of the Final Rules and the corresponding Explanations and Justifications, which provide the rationale and basis for the new or revised regulations. Advisory opinions (AOs) are official Commission responses to questions regarding the application of federal campaign finance laws to specific factual situations. The *Act* generally provides the Commission with 60 days to respond to an AO request. For AO requests from candidates in the two months leading up to an election, the *Act* provides the Commission with 20 days to respond to the request if the proposed transaction or activity is connected to the candidate's upcoming election.

Strategic Activity 2: Defend the campaign finance laws and the Commission's regulations against legal challenges.

Activity Description:

The Commission has primary responsibility for defending the *Act* and Commission regulations against court challenges. In addition, the *FECA* authorizes the Commission to institute a civil action in enforcement matters that cannot be resolved through voluntary conciliation. The Litigation Division of OGC represents the Commission in litigation before the federal district and circuit courts and before the Supreme Court with respect to cases involving publicly financed Presidential candidates. The Solicitor General represents the Commission before the Supreme Court in other cases.

Objective 4: Foster a Culture of High Performance

Strategic Activity 1: Increase recruitment efforts and ensure fair, impartial and inclusive hiring, training and promotion opportunities at all levels to attract and maintain a diverse and high-performing workforce.

Activity Description:

The FEC's greatest resource is a well-trained and knowledgeable staff. By increasing our outreach and recruitment efforts and providing a fair, impartial, inclusive and accessible work environment, the FEC can strengthen its diverse workforce of highly performing individuals who offer unique perspectives that will improve the organization's performance.

Strategic Activity 2: Modernize IT systems and applications

Activity Description:

The FEC is undertaking a multi-year IT modernization project to reduce overall costs to maintain the FEC's systems and data, improve services provided to the public and better ensure the security of the FEC's networks, systems and data. Ongoing improvements to the eFiling system will provide an opportunity to migrate the eFiling data center to a cloud environment, reducing costs for the support and maintenance of the legacy eFiling physical data center. Migrating additional assets, including legacy applications used by FEC staff to perform their mission, to a cloud environment will result in improved efficiency and effectiveness of these systems and applications and help control the long-term costs of maintaining these systems and applications.

Strategic Activity 3: Develop a records management program in compliance with Presidential Directive requirements.

Activity Description:

The FEC will further develop a records management program in compliance with federal records management requirements. The program to preserve and disclose agency activities and decisions will increase efficiency and improve performance by eliminating paper and using electronic recordkeeping to the fullest extent possible.

Strategic Activity 4: Implement strategic activities on time and within budget.

Activity Description:

The FEC's focus on disclosure, voluntary compliance and education requires the agency to engage in new technological initiatives to increase data access and availability. As these initiatives represent a large allocation of the FEC's financial and human resources, the agency will closely monitor project schedules and budgets.

3.4 Contributing Programs for Strategic Objectives

The Commission's statutory obligation is to administer, interpret and enforce the *Federal Election Campaign Act*, which serves the compelling governmental interest in deterring corruption and the appearance of corruption in financing elections. In doing so, the Commission remains mindful of the First Amendment's guarantees of freedom of speech and association, and the practical implication of its actions on the political process.

The Commission also administers the public funding of Presidential elections, as provided in the *Presidential Election Campaign Fund Act* and the *Presidential Primary Matching Account Act*. Through the public funding program, the Federal Government provides from the Presidential Election Campaign Fund: 1) matching funds to candidates seeking their party's Presidential nomination and 2) grants to Presidential nominees for their general election campaigns. The Presidential Election Campaign Fund is funded by taxpayers who voluntarily check off the \$3 designation for the Fund on their income tax returns.

Under the Presidential public funding program, the Commission 1) determines a candidate's eligibility to participate in the program, 2) certifies the amount of public funds to which the candidate committee is entitled and 3) conducts a thorough examination and audit of the qualified campaign expenses of every recipient of payments under the program.

The FEC's programs support the Strategic Objectives outlined in this plan, as described below.

➤ **Objective 1: Engage and Inform the Public About Campaign Finance Data**

Providing a transparent system that timely and accurately discloses the reported sources and amounts of funds used to finance federal elections is one of the most important responsibilities assigned to the FEC by the *FECA*. The Commission relies heavily on its information technology systems to make financial reports filed by federal political committees easily and readily accessible to the general public, the media and academics. The Office of the Chief Information Officer is responsible for creating and maintaining a state-of-the-art electronic filing system to collect financial disclosure reports from federal candidates and political committees, as well as a campaign finance disclosure system that presents disclosure data that are easily searched, retrieved and understood.

The FEC is also committed to providing support and aid to the public in finding and understanding the vast store of data available on the FEC website. The Reports Analysis Division makes financial disclosure reports available to the public in a timely, efficient and useful manner, and processes and codes the data contained in campaign finance reports so that the information can be accurately organized, categorized and searched in the agency's databases. The FEC's Public Disclosure and Media Relations Division helps the public find and understand the campaign finance disclosure information available on the FEC website, answers media inquiries about campaign finance information and provides press releases that compile and disclose political fundraising and spending during each election cycle.

➤ **Objective 2: Promote Compliance with the FECA and Related Statutes**

The FEC has developed and implemented a number of programs intended to foster and maintain a high level of voluntary compliance. The agency strives to reduce the number of inadvertent violations by issuing clear guidance to the public through information and outreach activities, such as conferences and webinars, and compliance information available on the FEC website. The FEC hosts instructional conferences and webinars where Commissioners and staff explain the *Act's* requirements to candidates and political committees. These outreach activities specifically address recent changes in the campaign finance law and focus on fundraising, methods of candidate support and reporting requirements. The agency also maintains online resources to detail developments in the campaign finance law and Commission decisions and publishes a series of Campaign Guides written in plain language to help political committee representatives comply with the campaign finance laws. See <https://www.fec.gov/help-candidates-and-committees/>. The agency also maintains its own YouTube channel, which can be found at <https://www.youtube.com/FECTube>. The FEC's online instructional offerings include specific support for filers and general information for members of the public interested in learning more about the campaign finance process. Staff in the Information Division, Public Disclosure and Media Relations Division, Office of Legislative and Intergovernmental Affairs and Reports Analysis Division (RAD) are also available by phone or via email to answer general questions about campaign finance requirements, questions about campaign finance data and inquiries about filing requirements and procedures. Filers can obtain the name and contact information of their assigned Campaign Finance Analyst through the "Campaign Finance Analyst look up" feature on the FEC website.

In addition to its programs designed to encourage voluntary compliance, the FEC maintains a robust program to ensure that the campaign finance laws are swiftly and fairly enforced. The FEC has exclusive jurisdiction over the civil enforcement of federal campaign finance laws. In exercising that authority, the Commission uses a variety of methods to uncover possible campaign finance violations. RAD reviews campaign finance reports to track compliance with the law and to ensure that the public record provides a full and accurate representation of campaign finance activity. If RAD's review identifies an apparent violation or raises questions about the information disclosed on a report, RAD sends a Request for Additional Information (RAI) to the committee, affording the committee an opportunity to take remedial action or correct the public record, if necessary. The FEC's Audit Division conducts audits of any committees that, according to internal thresholds approved by the Commission, have not substantially complied with the law. As required by the public funding statutes, the FEC also audits all Presidential campaigns that receive public funds. Audit Reports and related documents are located at <https://www.fec.gov/legal-resources/enforcement/audit-reports/>.

Instances of noncompliance may lead to an FEC enforcement case, or Matter Under Review (MUR). The Enforcement Division of the Office of General Counsel (OGC) handle MURs through the FEC's traditional enforcement program pursuant to the procedures set forth in the *FECA*. In some cases, respondents may be given the opportunity to participate in the Commission's Alternative Dispute Resolution Program, which seeks to resolve less complex matters more swiftly by encouraging settlement using a streamlined process that focuses on remedial measures for candidates, political committees and other entities. Normally, violations involving the late submission of FEC reports or failure to file reports are subject to the Administrative Fine Program.

➤ **Objective 3: Interpret the FECA and Related Statutes**

Commission initiatives, Congressional action, judicial decisions, petitions for rulemaking or other changes in campaign finance law may necessitate that the Commission update or adopt new regulations or provide other guidance.

The FEC undertakes rulemakings either to write new regulations or revise existing regulations. The Policy Division of OGC drafts various rulemaking documents for Commission consideration, such as Notifications of Availability of Petitions for Rulemaking, Notices of Proposed Rulemakings (NPRMs), and Final Rules and Explanations and Justifications. NPRMs provide an opportunity for members of the public to review proposed regulations, submit written comments to the Commission and testify at public hearings, which are conducted at the FEC, when appropriate. The Commission considers the comments and testimony and deliberates publicly regarding the adoption of the Final Rules and the corresponding Explanations and Justifications, which provide the rationale and basis for the new or revised regulations. The Policy Division also drafts for Commission approval advisory opinions (AOs), which are official Commission responses to questions regarding the application of federal campaign finance law to specific factual situations. The *Act* generally provides the Commission with 60 days to respond to an AO request. For AO requests from candidates in the two months leading up to an election, the *Act* provides the Commission with 20 days to respond to the request if the proposed transaction or activity is connected to the candidate's upcoming election.

Through OGC's Litigation Division, the Commission represents itself in litigation before the federal district and circuit courts and before the Supreme Court with respect to cases involving publicly financed Presidential candidates. At the direction of the Commission, staff from the Litigation Division also defend the *Act* and Commission regulations against court challenges. In addition, the *FECA* authorizes the Commission to institute civil actions in enforcement matters that cannot be resolved through voluntary conciliation.

➤ **Objective 4: Foster a Culture of High Performance**

The Commission recognizes that its greatest asset is a diverse, inclusive and engaged workforce that supports the accomplishment of its mission. All FEC staff members must collaborate across offices and divisions in order to deliver mission results and ensure the agency maintains the most efficient and effective management processes.

The Office of Human Resources (OHR) plays a critical role in helping the Commission meet its mission and strategic performance goals by providing HR programs and systems that must succeed in identifying, attracting, developing, managing and retaining a high-quality and diverse workforce capable of accomplishing the agency's mission. OHR is responsible for implementing the FEC's performance appraisal system.

The Office of Equal Employment Opportunity (EEO) promotes the establishment of a workplace environment free from harassment and discrimination by monitoring and analyzing the Commission's personnel policies, practices and procedures; identifying barriers to the recruitment and advancement of special emphasis group members; offering EEO Counseling or ADR services; processing informal and formal allegations of discrimination; and providing staff education and targeted training programs.

The Administrative Services Division (ASD) has overall responsibility for physical security and safety, facility management and maintenance, property and inventory management, fleet vehicle management and mail center services. In addition, the ASD provides centralized services integral to ensuring that the FEC functions efficiently, including copy services, facsimile and duplication equipment, courier and transportation services and furniture and conference room management. The ASD assists with government travel cards, records management and document reproduction.

The Office of the Chief Financial Officer produces timely, accurate and useful financial information, essential for making day-to-day decisions and managing the agency's operations more efficiently and effectively. This office is responsible for fully complying with all financial management laws and standards, and all aspects of budget formulation, execution and procurement.

The Office of the Chief Information Officer (OCIO) plans for, develops and maintains an integrated system of hardware and software, including its cloud infrastructure. It helps support the Commission's responsibility for providing public disclosure by aiding in the data analysis of all campaign finance reports. It maintains the agency's databases and IT systems in direct support of the FEC's transparency objective, other aspects of the FEC mission and non-mission related data.

The OCIO secures the Commission's IT infrastructure against the ever-present threats of data misuse, destruction or inappropriate disclosures, while ensuring continuity of operations in the event of a disaster. The Commission continually takes aggressive actions to secure its IT infrastructure, including implementing cybersecurity directives from the Department of Homeland Security as well as holding a mandatory security awareness training program for its employees and contractors. In addition, the FEC must continue to develop strategies and initiatives relating to risk assessments of operations, disaster recovery and continuity of operations in the event of a disaster.

The Office of the Commission Secretary (OCS) is responsible for a broad range of functions that relate to the official operations of the Commission. The OCS serves as the central repository and official custodian for all Commission documents and as a distribution point for the circulation of materials to the Commission. The OCS prepares certifications for all Commission votes. The OCS handles all administrative matters for Commission meetings and hearings. As such, OCS coordinates closely with other Commission staff to ensure that material is distributed timely and accurately. The Commission's Secretary and Clerk is the official archival and reference authority and manager of the FEC's Records Management Program.

3.5 External Factors Affecting Strategic Objectives

This Strategic Plan includes an assessment of significant external factors that may influence the agency's success in achieving its goal and objectives. Despite these political, economic, technological and legal factors, the FEC is committed to successfully administering the *FECA*.

In this examination of external factors, the agency considered a broad range of possible events, including the possibility for significant or substantial changes to the *FECA* that could change the nature of the FEC's work; continued and accelerated changes in technology that could require additional skills, training and expertise among FEC staff; and information technology developments that could require the FEC to significantly change the methods it uses to make campaign finance information available to the public.

FEC operations are influenced by a variety of external factors. Some of the most critical of these are:

- Significant and substantive amendments to the *FECA* and significant judicial opinions construing the *FECA*, the Commission's regulations or other final actions taken by the Commission.
- The nomination and Senate confirmation of FEC Commissioners.
- Significant changes in the level of competition in federal election campaigns, the volume and intensity of fundraising and technological developments that significantly alter the way campaign funds are raised and spent, as well as increased public demand for the data.
- The number of candidates who run for federal office, the number of filers involved in the election cycle, the amount of activity reported to the Commission and the number of presidential candidates who participate in the presidential public funding program, and their level of financial activity. (Although the number of elections for federal office held in any election cycle is fixed, various factors, such as the number of open-seat races, can affect the number of candidates running for those seats.)
- Technological developments related to communications and data storage and retrieval that require the FEC to significantly change or upgrade its disclosure systems.
- Unfunded mandates and insufficient resources affecting core mission activities.
- Changes to government-wide human capital requirements or other operating requirements that could require significant changes by the FEC.
- New financial reporting standards and information technology requirements.

These and other unanticipated events can influence the amount of money and specific types of activity to be regulated by the FEC each election cycle. FEC workloads are driven by such factors as the number of reports filed and transactions to be processed, the volume of requests for information, data and assistance, the number of advisory opinion requests submitted and the number of complaints filed with the Commission.

4.0 PERFORMANCE GOALS

4.1 FY 2022 – 2026 FEC Performance Goals

Objective 1: Engage and Inform the Public about Campaign Finance Data

Performance Goal	Description
Improve the public’s access to information about how campaign funds are raised and spent.	After campaign finance disclosure reports are imaged for disclosure purposes, the information is coded and entered into the FEC’s database for review to assess accuracy and ensure complete disclosure of campaign finance information. This metric evaluates the timeliness of the coding and entry process.

Objective 2: Promote Compliance with FECA and Related Statutes

Performance Goal 1	Description
Encourage voluntary compliance with <i>FECA</i> requirements through educational outreach and information.	The FEC hosts conferences and webinars where Commissioners and staff explain how the <i>FECA</i> applies to candidates, parties and political action committees. These outreach programs address recent changes in the law and focus on fundraising, methods of candidate support and reporting requirements. This metric evaluates customer satisfaction with these efforts.
Performance Goal 2	Description
Seek adherence to <i>FECA</i> requirements through fair, effective and timely enforcement and compliance programs.	The FEC has formed strategies for ensuring that its enforcement and compliance programs are fair, effective and timely. This metric evaluates the timeliness of the resolution of enforcement matters.

Objective 3: Interpret the FECA and Related Statutes

Performance Goal	Description
Provide timely legal guidance to the public.	The FEC undertakes rulemakings either to write new Commission regulations or revise existing regulations. The Commission also provides guidance on how the <i>FECA</i> applies to specific situations through the advisory opinion process and represents itself in most litigation before the Federal district and appellate courts. This metric evaluates the FEC's success in meeting statutory and court-ordered deadlines.

Objective 4: Foster a Culture of High Performance

Performance Goal	Description
Foster a workforce that delivers results.	The Commission sets quarterly performance goals across a range of mission-critical activities. This metric evaluates staffs' success in meeting internal performance goals.