

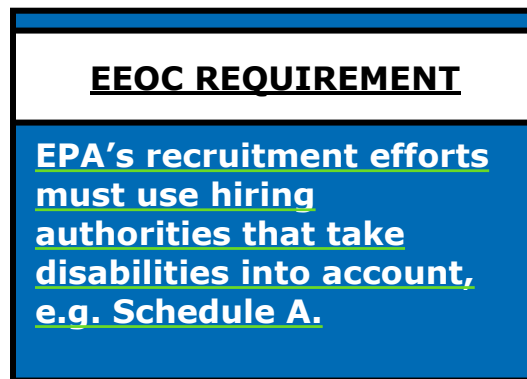


BARRIER ANALYSIS REPORT: INCREASING THE USE OF THE SCHEDULE A (DISABILITY) HIRING AUTHORITY

MARCH 22, 2021

Introduction

As the Nation's largest employer, the Federal Government is working to become a model organization with respect to the employment of individuals with disabilities. As an agency, EPA continues to strive to build and sustain a model EEO program including for people with disabilities. The Equal Employment Opportunity Commission (EEOC) has established federal sector goals related to increasing the employment of individuals with disabilities. EPA is committed to work diligently towards meeting these targets.



The Federal Government-wide goal established by EEOC states that the Federal Government shall be a “model employer of individuals with disabilities,” and that “agencies shall give full consideration to the hiring, placement, and advancement of qualified individuals with disabilities.”¹ In addition, the law requires that, “Agencies shall take affirmative action to promote the recruitment, hiring, and advancement of qualified individuals with disabilities, with the goal of eliminating under-representation of individuals with disabilities in the federal workforce.”²

EEOC's Management Directive 715 (“MD 715”) provides policy guidance and instructions to federal agencies for establishing and maintaining effective affirmative programs of equal opportunity under Section 717 of Title VII of the Civil Rights Act of 1964 and the Rehabilitation Act.³ As one of its requirements, MD 715 directs federal agencies to complete an internal review and analysis of its current and proposed policies, practices, procedures, and conditions that, directly or indirectly, relate to the employment of individuals with disabilities on an annual basis.⁴

¹ See 29 CFR 1614.203 (c), <https://www.law.cornell.edu/cfr/text/29/1614.203>

² See 29 CFR 1614.203 (c), <https://www.law.cornell.edu/cfr/text/29/1614.203>

³ See Section 717 of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-16; Section 501 of the Rehabilitation Act of 1973, as amended by Pub. L. 99-506, 100 Stat. 1807, October 21, 1986.

⁴ See *Instructions to Federal Agencies for EEO MD-715*, <https://www.eeoc.gov/federal-sector/management-directive/instructions-federal-agencies-eeo-md-715-1>

According to the *FY 2019 EPA MD 715 Report*, EPA's workforce has a representation of people with disabilities of **8.3%** compared to **9.7%** for the entire federal government and the federal sector goal of **12%** established by EEOC's *Final Rule on Affirmative Action for People with Disabilities in Federal Employment* applicable January 3, 2018.⁵

The Agency's workforce has become more diverse in many ways, including in increasing the number of employees that work at EPA who have a disability; however, the Agency still has work to do on this issue. One tool for hiring new candidates with certain recognized disabilities is through the Schedule A Hiring Authority ("Schedule A").⁶ This is an Appointing Authority that allows federal agencies to non-competitively hire individuals with "severe physical disabilities, psychiatric disabilities, and intellectual disabilities."⁷

Furthermore, federal regulations require that federal disability program recruitment efforts are to include, at a minimum, "[u]se of programs and resources that identify job applicants with disabilities ... who are eligible to be appointed under a hiring authority that takes disability into account [Schedule A]...."⁸ Three principle ways EPA can help meet this goal are as follows: 1) provide guidance to managers on EPA's affirmative action obligations related to people with disabilities; 2) educate senior leaders and managers about the benefits of Schedule A; and, 3) facilitate and promote the active utilization of the authority.

Building a stronger Disability Recruitment Program is also consistent with the spirit of *Executive Order 13985 Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.⁹ This action plan helps ensure EPA meets the Executive Order's instruction that, "It is therefore the policy of my Administration that the Federal Government should pursue a comprehensive approach to advancing equity for all, including people who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality." Section 2 of the Order makes it clear that the Order covers persons with disabilities.¹⁰

⁵ See 82 FR 654 (2017), available at <http://www.federalregister.gov/documents/2017/01/03/2016-31397/affirmative-action-for-individuals-with-disabilities-in-federal-employment>; 29 CFR 1614.203(d)(4) at <https://www.law.cornell.edu/cfr/text/29/1614.203>; and *Report on the Employment of Individuals with Disabilities in the Federal Executive Branch* for FY 2016 at <https://community.max.gov/display/OPMExternal/Disability+Employment+Reports+and+Data+Resources> (MAX.GOV login required). FY 2016 is the last year data was released as reconfirmed to EPA by the Office of Personnel Management's Disability Employment Branch on March 11, 2021.

⁶ Please note that, while there are other types of Schedule A Appointments, in this document "Schedule A" refers to the "Schedule A Disability" Appointment Authority under 5 CFR 213.3102(u), for hiring people with severe physical disabilities, psychiatric disabilities, and intellectual disabilities.

⁷ See: 5 CFR §213.3102(u), <https://www.law.cornell.edu/cfr/text/5/213.3102>

⁸ See: 29 CFR 1614.203(d)(1)(i)(A), <https://www.law.cornell.edu/cfr/text/29/1614.203>

⁹ See <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>

¹⁰ See <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>

It is also consistent with the EPA's EEO Policy Statement, which articulates the expectation that, "Our EPA management team is expected to continue to provide first-class leadership in supporting the Agency's EEO program by taking steps to promote EEO in all facets of employment, including recruitment, hiring, promotion, performance assessment, awards or career-development opportunities."¹¹

Since 2011, EPA MD 715 Reports to EEOC show that it has not met the federal sector goals for people with disabilities established by 29 CFR 1614.203(d)(7). The agency has worked to improve its program, but during this eight-year period, progress has been limited. The percentage representation of people with disabilities went from 6.4% in 2011 to 8.4% in 2019 – still below the 12% EEOC goal.

In 2018, the Office of Civil Rights (OCR) developed national priorities to address lower than anticipated employment rates (also called participation rates) of people with disabilities within the EPA workforce based on trend analysis and feedback from EEOC to EPA.¹² In 2019, EPA identified the "Increased Use of the Schedule A Hiring Authority" as one of its National Priorities and continued to explore the root cause analysis.

To address this National Priority, OCR launched the agency's most comprehensive formal barrier analysis on a national level. The analysis focused on: 1) identifying the root causes for EPA's low utilization of Schedule A; 2) analyzing whether those factors identified contributed to the agency's less than anticipated numbers of persons with disabilities in the workforce; and, 3) making recommendations based on the data gathered to improve the use of Schedule A throughout the agency.

<u>EPA MD 715 GOALS</u>
Since 2011, EPA has identified its representation of people with disabilities as a challenge.

¹¹ See <https://www.epa.gov/ocr/eeo-policy>

¹² From 2011-2019, because EPA had less than anticipated representation of individuals with disabilities or with targeted disabilities in the workforce and/or did not meet EEOC's goals established under 29 CFR 1614.203(d)(7), EPA consistently identified lower than anticipated participation rates and areas to be improved in its Schedule A Program. See https://intranet.epa.gov/civilrights/ae_reports.htm, including EPA's 2011 MD 715 pp 76-81; 2012 MD 715 pp 76-84; 2013 MD 715 pp 77-86; 2014 MD 715 pp 70-74; 2015 MD 715 pp 77-85; 2016 MD 715 pp 69-78; 2017 MD 715 pp 87-117; 2018 MD 715 pp 68-91, and 2019 MD 715 pp 59-84. Please note that for this and other EPA-specific footnotes that follow, LAN access or a Pulse Secure Connection is required.

The reason EPA has identified the increased use of Schedule A is because active utilization of Schedule A can assist EPA in hiring more individuals with disabilities in the workforce quickly and efficiently. Notably, it allows hiring managers to select qualified candidates with disabilities directly.

Hiring managers and the Shared Service Centers (SSCs) are not required to work through a multi-step administrative process associated with the traditional hiring process: there is no need to announce the vacancy on USAJobs, wait for candidate lists, or review multiple certifications. In addition, hiring more individuals with disabilities is a critical way to diversify the workforce and to include people with varied perspectives who can enhance the way we accomplish our mission.

Schedule A candidates are typically hired for two-year excepted service appointments. Therefore, there is an evaluation period in which the manager can assess the candidate's performance before determining whether to convert the person to the competitive civil service. If after that two-year excepted service appointment the manager wants to convert the individual, the manager takes the simple, appropriate steps to complete the conversion from excepted to competitive civil service.

Schedule A can be valuable in helping EPA address the lower than anticipated participation rate of employees with disabilities in our workforce in major occupations, which was identified as a trigger in the 2018 and 2019 MD 715 Reports. These include the following occupational series: Environmental Protection Specialist (0028), Miscellaneous Administrative Program Specialist (0301), Management and Program Analyst (0343), General Biological Scientist (0401), Environmental Engineer (0819), Physical Scientist (13010), and Attorney (0905). The MD 715 identifies these major occupations as a critical focus area because that is where the agency does the most hiring.

This report is the culmination of analysis, dialogue, and engagement with senior management and staff related to improving our disability recruitment efforts. OCR, consistent with guidance from EEOC, provides this report to summarize the findings of the barrier analysis and to provide recommendations to senior leadership. This report contains analysis and related recommendations that are intended to serve as a starting point for building and enhancing the use of Schedule A in our continued effort to work towards a model EEO program.

Executive Summary

People with disabilities have made extraordinary contributions to our understanding of science and the world. It is noteworthy that some of the world's greatest scientists have been people with disabilities, including Albert Einstein, Wanda Díaz-Merced, Stephen Hawking, Temple Grandin, Edwin Krebs, Florence Seibert, and

Leonardo Da Vinci. People with disabilities make valuable contributions as public servants across government, including here at EPA.

NATIONAL PRIORITY

EPA has identified increasing the use of Schedule A as a National Civil Rights Priority.

Yet, Congress found that historically, people with disabilities have been subjected to discrimination by society because they were precluded from fully participating in all aspects of society, and “because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers.”¹³ To correct these wrongs and ensure that persons with disabilities can contribute equally, the federal government has implemented regulations specifically “to enhance the employment, retention, and promotion of qualified individuals with disabilities in the federal government.”¹⁴

The Office of Personnel Management notes that, “As the Nation's largest employer, the Federal Government has a special responsibility to lead by example in including people with disabilities in the workforce.”¹⁵ According to the US Bureau of Labor Statistics (BLS), in 2018 there were approximately 20.2 million civilians of working age who had disabilities in the United States; nearly 12.6 million of those individuals were unemployed.¹⁶

More recently, data shows that the Covid-19 Virus Pandemic has negatively impacted people with disabilities.¹⁷ According to the BLS as cited by the Society of Human Resource Management, between March and August 2020, “1 in 5 workers with disabilities have been dismissed from employment, compared with 1 in 7 in the general population.”¹⁸

Since the passage of the Rehabilitation Act in 1973, the Federal Government has worked to meet the requirement that “employers take affirmative action to recruit, hire,

¹³ See: 42 U.S.C. 12101, <https://www.ada.gov/pubs/adastatute08.htm#12101a>

¹⁴ See: <https://www.eeoc.gov/laws/guidance/questions-answers-eeocs-final-rule-affirmative-action-people-disabilities-federal#:~:text=Affirmative%20action%20for%20people%20with%20disabilities%20is%20not%20illegal,.d oes%20not%20have%20a%20disability.>

¹⁵ See: <https://www.opm.gov/policy-data-oversight/disability-employment/>

¹⁶ Data from US Census Bureau Tool at (you must add your desired data variables to the web page): <https://data.census.gov/>

¹⁷ See: <https://www.dol.gov/agencies/oasp/evaluation/completedstudies/Employment-for-Persons-with-Disability-Analysis-of-Trends-During-COVID-19-Pandemic.>

¹⁸ See: <https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-unemployment-people-with-disabilities.aspx>

promote, and retain individuals [with disabilities].”¹⁹ Executive Order 13548 on *Increasing Federal Employment of Individuals with Disabilities* also noted that, “The Federal Government has an important interest in reducing discrimination against Americans living with a disability, in eliminating the stigma associated with disability, and in encouraging Americans with disabilities to seek employment in the Federal workforce. Yet Americans with disabilities have an employment rate far lower than that of Americans without disabilities, and they are underrepresented in the Federal workforce.”²⁰

<u>BARRIER IDENTIFIED</u>
The inadequate use of Schedule A Authority by hiring officials is a barrier to EPA achieving the 12% hiring goal for people with disabilities required by law.

EEOC similarly notes that, “Unfortunately, the vast majority of working age adults with disabilities still face structural and attitudinal barriers that block their access to steady employment and economic security.”²¹ EEOC requires that agencies assess their workforce and conduct a barrier analysis consistent with the requirements of MD 715. EPA is committed to meeting its obligations under the law related to people with disabilities to include an appropriate analysis to identify and address barriers.

EPA has not reached the targets required by EEOC in 29 CFR 1614.203(d)(7) and has identified its less than anticipated representation of individuals with disabilities as a trigger and challenge area for corrective action in its MD 715 Report for eight straight years.²²

¹⁹ See: <https://www.dol.gov/agencies/ofccp/section-503#:~:text=Section%20503%20of%20the%20Rehabilitation,promote%2C%20and%20retain%20these%20individuals>.

²⁰ See Executive Order 13548 (July 26, 2010): <https://www.govinfo.gov/content/pkg/FR-2010-07-30/pdf/2010-18988.pdf>

²¹ See EEOC’s *Recruiting, Hiring, Retaining, and Promoting People with Disabilities* on page 5 at: https://www.eeoc.gov/sites/default/files/migrated_files/eeoc/interagency/employing_people_with_disabilities_toolkit_february_3_2015_v4-2.pdf

²² From 2011-2019, because EPA had less than anticipated representation of individuals with disabilities and/or targeted disabilities in the workforce and/or did not meet EEOC’s goals established under 29 CFR 1614.203(d)(7), EPA consistently identified deficiencies and areas to be improved in its Schedule A Program. See: https://intranet.epa.gov/civilrights/ae_reports.htm including EPA’s 2011 MD 715 pp 76-81; 2012 MD 715 pp 76-84; 2013 MD 715 pp 77-86; 2014 MD 715 pp 70-74; 2015 MD 715 pp 77-85; 2016 MD 715 pp 69-78; 2017 MD 715 pp 87-117; 2018 MD 715 pp 68-91, and 2019 MD 715 p 59-84. In the MD-715 reports for 2011-15, the statement of condition that was a trigger focused on People with Targeted Disabilities also, but the Agency has subsequently met the 2.0% goal.

In 2019, OCR identified the increased use of Schedule A as a **National Civil Rights Priority**. This report reflects on the current state of the program and puts forth recommendations on diversifying the hiring authorities used by the agency as a means of improving the participation rate of persons with disabilities in our workforce.

By using both quantitative and qualitative data as well as documentary analysis, this report found that hiring officials rarely use this non-competitive disability Hiring Authority (1 in every 42 hires for FY 2019). It is not a substantive part of the recruitment programs for most Regions and Assistant Administratorships (AAships), even though it can be a timely and effective way to bring candidates on board. Based on multiple interviews, most managers indicated they would be open to consider the use of Schedule A if they had better knowledge of how it worked and accompanying resources to identify and potentially hire qualified candidates.

As a result of this analysis, EPA has identified that the inadequate use of Schedule A by hiring officials is a barrier to EPA achieving the 12% hiring goal for people with disabilities established in 29 CFR 1614.203(c).²³

Once approved by Senior Leadership, the Office of the Administrator, OCR, and Office of Mission Support (OMS) should be the proponent offices to track progress on the implementation of the following recommendations consistent with their responsibilities under Section 717 of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e *et seq.*, and Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. § 791 *et seq.* A summary of recommendations to remedy this are as follows:

Recommendations (To Be Initiated in 2021-2022)

- ✚ The SSCs should begin gathering and publishing data specific to the use of Schedule A, including providing data quarterly to Regions and AAships so that organizations can track their progress.
- ✚ Senior Leaders, in consultation with OCR, Office of Human Resources (OHR), and Mission Support Directors should clarify and communicate specific program roles and responsibilities to the Deputy Civil Rights Officials (DCROs) regarding disability hiring and the EPA target. This should include numerical goal setting (either specific targets or a percentage of overall hires), active utilization of the Workforce Recruitment Program, and aggressive efforts to find and hire qualified disabled candidates.

²³ This barrier analysis was not yet finalized in FY 2020, and therefore its findings are not included in EPA's 2020 MD 715 Report.

- ✚ Consistent communication from the Administrator, OMS, and OCR to supervisors and the workforce to further publicize Schedule A. The communication must contain updated information, training, and success stories.
- ✚ DCROs should designate a certain number of entry-level positions specifically for Schedule A hiring.
- ✚ The agency should develop, consistent with all legal requirements, including the Privacy Act, a way to accept resumes directly from qualified Schedule A candidates with disabilities and create a database or other mechanism to share information about Schedule A candidates.
- ✚ EPA must empower its National Disability Selective Placement Program Coordinators to assist with recruitment.
- ✚ EEO Officers, Project Management Officers (PMOs), HR Officers, and Disability Employment Program Managers should be tasked to engage in proactive recruitment efforts to help find Schedule A candidates on behalf of managers. This includes searching relevant databases (e.g. www.wrp.gov) and contacting college disability centers.
- ✚ OHR should update EPA's *HR Bulletin 10-009B, Procedures Schedule A Appointments of a Person with Mental Retardation, Severe Physical Disabilities, or Psychiatric Disabilities*.
- ✚ Senior Leaders should help publicize this National Civil Rights Priority to their respective management teams and support the effort.
- ✚ OHR should host an annual Disability Career Fair for Schedule A candidates at EPA HQ and other locations where it is practical and many selections (10 or more) are anticipated. This should include a virtual option.

EPA strives to build a culture that is supportive of diversity and inclusion, which includes for people with disabilities. Incorporating these recommendations should encourage leaders and relevant staff to increase the use of Schedule A, which should assist to correct the under-representation of people with disabilities within EPA's workforce.

Purpose

This report aims to: 1) analyze EPA policies, practices, and procedures related to disability recruitment using the methodology outlined below to identify any barriers; 2) assemble key findings as a result of that analysis; and, 3) construct sensible recommendations for the consideration of senior leaders that will have a meaningful impact on the hiring of people with disabilities.

Methodology and Approach

The primary research methodologies utilized to complete this report include the observation and analysis of quantitative employment statistical data and qualitative data, including interviews, as well as documentary analysis.

Quantitative data included information from EPA's central personnel database housed at the Department of Interior Business Center and accessed via the Oracle Business Intelligence Enterprise Edition (OBIEE) on: 1) the overall representation of individuals both with disabilities and targeted disabilities in the EPA workforce; 2) the use of Schedule A for individuals with disabilities by Region and AAship; and, 3) the use of Schedule A for individuals with disabilities by major occupation.

Qualitative data sources included more than 90 interviews with agency EEO Officials, HR Officials, Representatives from the EPA First-Line Managers Group, OCR, OMS, SSCs, OHR, and Senior Managers. These interviews included 7 interviews with Disability Employment Program Managers, 19 with EEO Officials, 5 with National Disability Managers and Staff, 16 with Senior Leaders, and 45 with Managers (including representatives of OMS, SSCs, OHR, and the First-Line Managers Group). The data also includes information from benchmarking conducted with other federal agencies about their best practices, as the basis for the report, *Enhancing EPA's Office of Civil Rights: A Benchmarking Analysis of Mid-Sized Federal Agency Civil Rights Programs with Recommendations* in July 2019.²⁴

Documentary analysis focused on reviewing existing agency and federal guidance documents including a review of the Agency's 2011-2019 MD 715 Reports, 29 CFR 1614 - *Federal Sector Equal Employment Opportunity*, EEOC's corresponding *Final Rule on Affirmative Action for People with Disabilities in Federal Employment* effective January 3, 2017, EPA HR Bulletin 10-009B *Schedule A Appointments of a Person with Mental Retardation, Severe Physical Disabilities, or Psychiatric Disabilities*, and other documentation of federal best practices related to the use of Schedule A.

OCR established the increased use of Schedule A as one of its National Priorities. As part of this process, EEO Officer (Region 7) Michael Butkovich served as the National Project Lead, and Deputy Regional Administrators David Gray (Region 6) and Ed Chu (Region 7) offered to serve as Executive Champions to help oversee and champion the implementation of recommendations. This report is EPA's most comprehensive, agency-approved barrier analysis plan.

EPA launched this effort to gather data and study existing policies, practices, and procedures related to the use of Schedule A to identify any barriers to employment for persons with disabilities. The plan was to: 1) gather data on the use of Schedule A

²⁴ This analysis included benchmarking and personal one-on-one interviews with the EEO, Diversity, and/or Civil Rights Directors or Designees of thirteen federal agencies. The EPA appreciates their thoughtful insights and perspectives.

throughout the agency; 2) address any barriers identified in the completed barrier analysis to the increased use of Schedule A; and, 3) develop recommendations for the Agency to consider adopting to enhance the program and bolster EPA's progress towards meeting the federal-sector 12% hiring goal for people with disabilities.

Key Findings

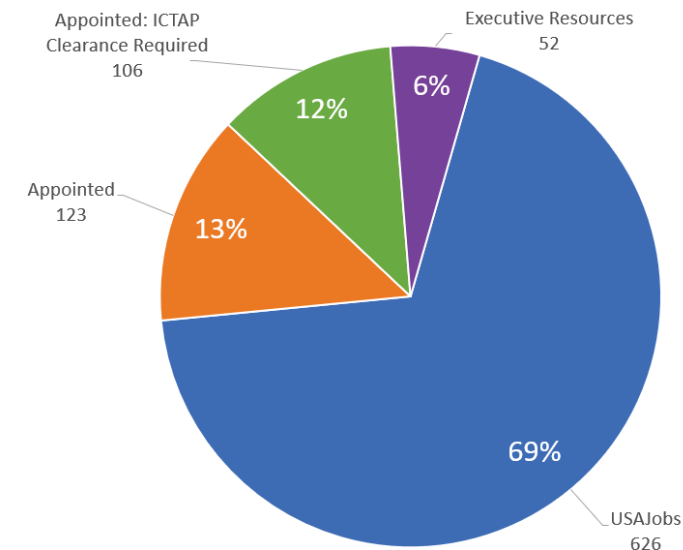
1. Hiring officials do not regularly or consistently utilize Schedule A to hire persons with disabilities.

Overall, Schedule A was not a significant source of new hires. In any given year, between FY 2017-2019, about half of EPA Regions and AAships did not utilize Schedule A for a single hire.²⁵ Between FY 2017-2019, data shows that each year, the Agency hired approximately 2% to 2.5% of new hires using Schedule A. In FY 2019, for example, EPA used Schedule A for 22 of the agency's 907 external hires, or 2.4% of the time (about 1 in 42).

Non-competitive appointments comprised about one in every four hires (25%). These non-competitive appointments included 106 that required Interagency Career Transition Assistance Plan (ICTAP) Clearance and 123 that did not. The following charts are based on data from the Research Triangle Park (RTP) SSC. In FY 2019, the 907 external candidates that EPA selected joined EPA as follows:²⁶

²⁵ This is based on workforce data provided by the Research Triangle Park Shared Service Center based on data from the agency's central personnel database.

²⁶ For purposes of this graph, the "Appointed" category includes Attorney/Law Clerk, Veterans under the Veterans Recruitment Authority (VRA) and the Veteran's Employment Opportunities Act, Schedule A Disability, Post Doc, and Public Health Service. The "Appointed: ICTAP Clearance Required" includes Peace Corps/VISTA and Reinstatement Eligibles. "Executive Resources" includes Schedule C, Safe Drinking Water Act, SES-Non Career, and SES Career hires. Finally, the "USAJobs" category includes Delegated Examining, Pathways, Transfers, Direct Hire, Title 42, and Innovation Fellows.



FY19 AGENCY

External Hiring by Method

USAJobs

A posting to USAJobs satisfies OPM's requirement for "public notice" of all Delegated Examining, Pathways, Transfers, Direct Hire, and Authorities unique-to-EPA: Title 42 and Innovation Fellows.

Appointed

Certain qualified candidates may be appointed without competition: Attorneys and Law Clerks, Veterans, persons with qualifying disabilities (Schedule A), Post-Doctoral Students and PHS officers. Peace Corps/Vista and Reinstatement Eligibles may also be appointed but OPM requires that the agency must first "Clear ICTAP".

Executive Resources

Political appointments, AD appointments, and SES Career and Non-Career appointments comprise the authorities for the Executive Resources service.

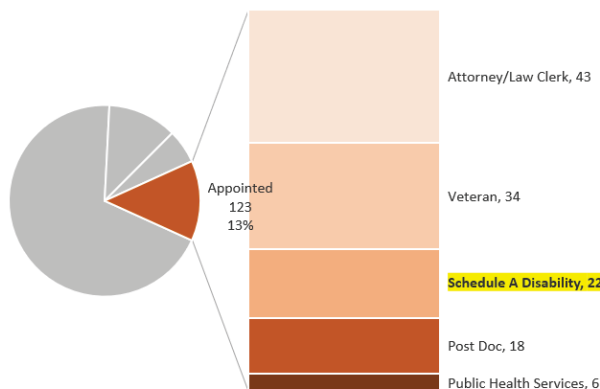
Of the 229 total individuals appointed non-competitively, only 22 (less than 10%) were hired through the Disability Recruitment Program (Schedule A). A breakdown by appointment method follows:

HIRING METHOD

Appointed

PERCENTAGE OF AGENCY'S EXTERNAL HIRES

5%	4%	2%	2%	<1%
Attorney/ Law Clerk	Veteran	Schedule A Disability	Post Doc	PHS



- **Attorney/Law Clerk** – For attorneys with active memberships in good standing of a state bar association and law clerks who become eligible for conversion upon passing state bar.
- **Veteran** – OPM governs authorities to allow appointments of qualified veterans. Includes Veterans Recruitment Authority (VRA) and The Veteran's Employment Opportunities Act.
- **Schedule A Disability** – Allows the Agency to appoint a person with an intellectual, severe physical, or psychiatric disability. Employee may qualify for conversion to the competitive service after two years.
- **Post Doc:** Excepted service appointment of a postdoctoral scientist or engineer to fill up to a four-year research position focused on a specific project. This authority is only used by ORD.
- **Public Health Service:** PHS officers from the Commissioned Corps of the U.S. Public Health Service.

• *Experts and Consultants are not included in this data because they do not count against Agency FTE. In FY19, 67 were appointed to the agency's rolls.*

Many Regions and AAships did not regularly utilize Schedule A. About half of EPA Regions and AAships used Schedule A at least once in FY 2019. Although a majority have used Scheduled A between FY 2017-2019, several have not.

Many Regions and AAships are not aware of their current Schedule A usage or disability federal sector goals. Many senior leaders and responsible staff including DCROs, Senior Managers, First-Line Managers, EEO Officers, PMOs, HR Officers, OCR Staff, Disability Special Emphasis Program Managers, and others report that they are not aware of data related to Schedule A and many were unaware of the 12% federal sector goal for people with disabilities. Having data available more regularly can help inform decision making and strategies in support of utilizing Schedule A.

2. Managers and Supervisors receive limited support to implement and understand disability recruitment (Schedule A) initiatives.

There are few resources to help managers identify qualified Schedule A candidates on a consistent and easily accessible basis. Interviews with a sample of 45 managers suggest that managers would benefit from assistance in finding highly qualified candidates. There are qualified Schedule A candidates that potentially could help meet the agency's hiring needs, but agency managers and recruitment teams often must put in a sustained effort to identify and recruit such candidates. Typically, EEO Officers, PMOs, Disability Employment Program Managers, national program offices, and the SSCs staff are not directly involved in recruitment activities for individuals with disabilities.

The agency's Disability Selective Placement Program Coordinators and Disability Special Emphasis Program Managers are unable to collect and efficiently distribute resumes from qualified applicants because they are not made aware of agency hiring needs and vacancy announcements. Further, there is no centralized manner with which to solicit, collect, and distribute resumes to hiring officials. There is no systematic way managers can find and interview Schedule A candidates.

Consequently, most managers and other responsible staff do not regularly collect Schedule A resumes from potential candidates, independently access the Workforce Recruitment Program (WRP) database, or contact local college disability career centers to find resumes. Managers could use additional tools to help them identify individuals with disabilities.

Many EPA managers do not understand how to effectively utilize Schedule A and its benefits. Although SSCs include information about Schedule A in their training presentations for managers, it is not regularly emphasized, and it is presented as one of a multitude of hiring options instead of as a major focus area. Based on the sample of 45 interviewees, many managers do not receive regular training on why hiring people with disabilities matters, how it can help their organization, and specifically how they can identify and potentially hire these candidates.

VALUE OF A DATABASE

EPA's Peace Corps non-competitive program has a dedicated database, but the Disability Program does not. In 2019, about 4 times more Peace Corps candidates were appointed than Schedule A candidates.

EPA has a database for other non-competitive programs, but not for disability recruitment. The agency's Peace Corps Program is a similar appointment authority in that it can be non-competitive (although Schedule A is easier – for example, it does not require a USAJobs announcement to clear ICTAP eligibles). In FY 2019, the agency, with the help of senior leadership and the SSCs, took steps to aggressively promote the Peace Corps Program, which included agency-wide messaging and the establishment of an EPA database of Peace Corps interns on an Agency-wide SharePoint site that could be accessed easily by agency managers.

There are similar databases in other agencies that are specifically for disabled candidates eligible for Schedule A.²⁷ Unfortunately, no similar database exists at EPA for candidates with disabilities eligible for Schedule A appointments. EPA's *Diversity and Inclusion Strategic Plan, Fiscal Year 2019 Roadmap and Action Plan*, completed by OHR states that, "EPA is currently exploring options to develop an in-house database with Schedule A applicants using current platforms."²⁸ Having such a database would be very helpful.

It is noteworthy that in FY 2019, due in part to the agency's database for Peace Corps candidates, there were about four times as many hires brought on board through the Peace Corps Authority (81) than through the Schedule A Authority (22). When creating such a database, the Agency will need to ensure all appropriate privacy safeguards are in place and followed.

There is a lack of communication between hiring officials and those with access to disability recruitment resources. Agency officials with access to the WRP databases and disability resources may not know about specific recruiting actions and

²⁷ Several federal agencies have Schedule A databases and allow candidates to directly contact and send in their information. For Department of State, see: https://careers.state.gov/wp-content/uploads/2018/09/DisabilityEmployment_EligibleCandidates_508-2.pdf; and for Health Resources and Services Administration, as one of several HHS examples, see: <https://www.hrsa.gov/eo/disabilities/employment-resources>.

²⁸ See: https://intranet.epa.gov/ohr/diversity_and_inclusion/pdf/DISP-ROADMAP-FY-2019.pdf, p 12.

hiring needs because organizations usually work directly with the SSCs on hiring matters. The WRP Program is a recruitment and referral program that connects federal employers with college students and recent graduates with disabilities who are interested in summer and/or permanent jobs.²⁹

Candidates apply to the WRP each fall through participating campuses managed by a School Coordinator and are interviewed by federal employees who serve as volunteer recruiters for the WRP database. Candidates represent all majors and range from college freshmen to graduate and law-school students. Information from candidates is compiled in a searchable database that is available through this website to employers. The SSC must still find such a candidate qualified for a respective position before the Agency can extend an offer of employment.

The SSCs do not have the tools to easily obtain resumes from qualified Schedule A candidates to give to managers. The SSCs do not search the WRP program database for qualified candidates. Although EEO Officers, OCR, and the Diversity, Outreach and Employee Services Division (DOES) conduct trainings about Schedule A, they too are usually not directly involved in the hiring processes and often do not know about specific current or upcoming vacancies.

When Schedule A was utilized effectively, multiple interviews and analysis suggest it was almost always because a manager specifically intended to hire a person with a disability due to personal initiative, commitment to finding qualified people with disabilities for their team, and awareness of the Schedule A program. They then asked the SSCs or EEO Office for assistance.

Disability recruitment efforts are mostly limited to disabled candidates finding vacancies on USAJobs; those announcements and the related USAJobs posting templates and instructions should be enhanced and updated to be more disability friendly. DOES provides training and information on Schedule A. They attend recruitment events and activities but are currently unable to gather resumes. Potential candidates are told instead to go the USAJobs site to learn about vacancies. On USAJobs, not all jobs list the Schedule A appointment option as one that is being considered, and there is no agency-wide guidance that urges managers to do so. Currently there is no EPA statement on USAJobs job vacancy announcements that specifically encourages individuals with disabilities to apply for the positions.

²⁹ See: <http://www.wrp.gov>

UPDATE HR BULLETIN

EPA should update its HR Bulletin on appointing people with disabilities; it was last updated in 2010.

In addition, EPA's *HR Bulletin 10-009B, Procedures Schedule A Appointments of a Person with Mental Retardation, Severe Physical Disabilities, or Psychiatric Disabilities* from 2010 is outdated and not consistent with EEOC's *Final Rule on Affirmative Action for People with Disabilities in Federal Employment* effective January 3, 2017. This guidance is the "go to" document used by the SSCs and local human resource offices throughout the agency. It very narrowly interprets the regulations and Executive Orders and provides stale information. Several authorities and references are outdated and, in some case, no longer applicable. For example, it addresses certification of job readiness, which is no longer required. In its current form, the guidance is of limited use to managers.

3. Attitudinal barriers and the lack of dedicated commitment to hire people with disabilities may inhibit broad participation.

GARNERING MANAGER SUPPORT

When it comes to hiring people with disabilities, EPA needs to ensure its managers clearly understand both "why" and "how."

There may be attitudinal barriers that exist about hiring people with disabilities and unconscious biases or perceptions that they may not be as qualified as candidates without disabilities. EEOC notes that, "Unfortunately, the vast majority of working age adults with disabilities still face structural and attitudinal barriers that block their access to steady employment and economic security."³⁰

³⁰ See EEOC's *Recruiting, Hiring, Retaining, and Promoting People with Disabilities* at p. 5: https://www.eeoc.gov/sites/default/files/migrated_files/eeoc/interagency/employing_people_with_disabilities_toolkit_february_3_2015_v4-2.pdf

The agency interviewed Disability Employment Program Managers, EEO Officials, National Disability Managers and Staff, Senior Executives and Leaders, Managers (including representatives of the First-Line Managers Group). Statements these interviewees made strongly suggest that there are attitudinal barriers among some managers and staff.³¹ For example, some managers had questions about whether disabled candidates would be lacking in specific skills or educational requirements for a job due to their disability, particularly for positions with a positive degree requirement (such as science or engineering jobs) or that extra supervision and time might be required to manage a person with a disability.

Some first-line managers may be averse to consider/try non-competitive appointments. Using Schedule A is new and unfamiliar for most managers. As such, based on more than 90 interviews with managers and other staff, there may be an assumption that to find the “best candidate,” there should be a USAJobs competitive announcement. The assumption that the “norm” of using USAJobs is always the most appropriate way to obtain qualified candidates should be questioned and carefully examined depending on agency needs. This is particularly important since, as noted in a 2019 OPM Memo on *Improving Federal Hiring through the Use of Effective Assessment Strategies to Advance Mission Outcomes*, “The U.S. Office of Personnel Management (OPM) has also found that across government more than half of all competitive examining certificates do not have a hire made from them.”³²

To the extent that the Agency utilized Schedule A effectively, it was typically by individuals who specifically made Schedule A hiring a priority. Data on the use of Schedule A from the agency’s personnel database, a review of MD 715 submissions, and interviews suggests that those organizations that were successful pursued this as a priority from senior leadership. There was often a committed senior leader or staff member with previous experience with or knowledge about Schedule A hiring, and typically, it did not “just happen” as a normal course of business.

Between FY 2017–FY 2019, the following organizations made about 50% of all Schedule A hires: OMS, Office of Chemical Safety and Pollution Prevention, Office of Research and Development, and Region 6. These organizations all made Schedule A hiring a priority, provided appropriate training to managers, and, perhaps most importantly, their senior leaders advocated and promoted the program throughout their organizations as part of their overall diversity and human resources strategy.

Similarly, over the last ten years, Region 7 has had the highest representation of individuals with disabilities, because it has aggressively utilized

³¹ Interviews and discussions were conducted with approximately 90 EPA staff members and federal officials about this analysis. These interviews included 7 interviews with Disability Employment Program Managers, 19 with EEO Officials, 5 with National Disability Managers or Staff, 16 with Senior Leaders, and 45 with Managers (including representatives of the First-Line Managers Group).

³² See: <https://www.chcoc.gov/content/improving-federal-hiring-through-use-effective-assessment-strategies-advance-mission>

Schedule A. This was part of their effort to foster a diverse and inclusive workplace, and they now exceed EEOC federal-sector goal of 12% with almost 14% of the workforce comprising people with disabilities. The same is true for other federal agencies who meet the federal-sector goal, such as the Department of Housing and Urban Development.

4. EPA has organizationally specific hiring challenges with respect to utilizing Schedule A.

EPA recruitment is driven on a decentralized, local level by individual hiring managers and division directors. Any change to existing recruitment and hiring policies will require their full buy-in and support to sustain success in using Schedule A.

Based on these findings, OCR proposes that the Agency consider the following recommendations when moving forward with the next stage of the project:

Recommendations

1. Obtain, Track, and Utilize New Available Data. (Addresses Findings 1 and 4)

The Research Triangle Park (RTP) SSC should provide OCR automated reports related to the use of Schedule A. It is critical to have reliable, timely data to gauge the effectiveness of EPA's recruitment efforts. Efforts are currently underway by the SSC to develop this capacity through OBIEE using the Department of Interior personnel processing center. The SSCs should send automated reports with aggregated data monthly to OCR and DCROs via e-mail (this does not require a separate log-in to OBIEE).

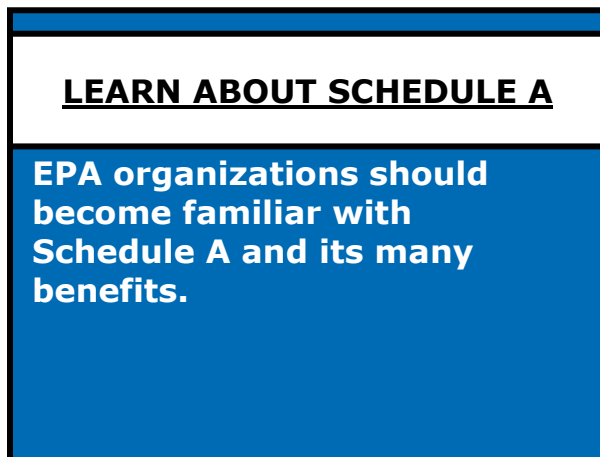
The e-mail to OCR should include the following: new Schedule A appointments by Region/AAship; all new hire appointments by Region/AAship; Schedule A appointments by major occupation; all appointments for major occupations; and conversions. Regarding conversions, after an agency appoints a Schedule A candidate into a position in the excepted service, it is generally for a two-year probationary period. Afterward, with satisfactory performance, the agency can convert the service from excepted service to competitive service. Tracking these conversions helps to identify the success of Schedule A appointments and whether there are triggers. Therefore, tracking conversions is essential. Tracking conversions is consistent with guidance from EEOC and MD 715.

OCR should request the report include updated numbers related to the overall representation of individuals with disabilities in the workforce and for new

hires (in addition to new hires under Schedule A). OCR should track Schedule A usage in FY 2018-2019 as a baseline comparator for 2020 and beyond. OCR should share the data quarterly with DCROs, HR Officers, PMOs, and EEO Officers.

Data collected on Schedule A can serve as the basis for numerical goal setting, potential performance metrics, and discussions with DCROs. OCR should address Schedule A during technical assistance discussions and in management meetings. The Agency should encourage DCROs to set numerical goals (either as a percentage of total hires or as a specific number) and encourage hiring managers to work to help meet those goals. This affirmative employment practice is specifically identified by EEOC and is consistent with regulatory text directing each federal agency to establish a plan with such goals.³³ These data points will provide important information and can fit into existing process improvement and tracking efforts.

Further, OCR should encourage managers to set their own hiring goals for persons with disabilities based on that data. For example, DCROs, at their discretion based on available vacancies and the needs of the agency to fulfill its mission, could develop related performance metrics and highlight support for Schedule A as one way to meet the EEO and diversity management performance standards in all management performance agreements.



LEARN ABOUT SCHEDULE A

EPA organizations should become familiar with Schedule A and its many benefits.

All organizations must become familiar with and use Schedule A. A reasonable initial goal for many organizations – particularly those who have never or very rarely used Schedule A – might be to have them successfully begin to use Schedule A in FY 2021 to become familiar with the expedited process. For organizations that are more familiar with the process, they should work to institutionalize the process of Schedule A hiring. Data on the use of the program should be published quarterly and discussed at least twice per year so that organizations can track progress.

³³ See <https://www.eeoc.gov/laws/guidance/questions-answers-eeocs-final-rule-affirmative-action-people-disabilities-federal> and 29 CFR 1614.203(d)(7) at <https://www.law.cornell.edu/cfr/text/29/1614.203>.

2. Communicate Leadership and Program Responsibilities to Increase Capacity Building. (Addresses Findings 1, 2, 3, and 4)

DISABILITY RECRUITMENT STRATEGY

EPA should develop a National Disability Recruitment Strategy which includes a focus on the Schedule A National Priority.

OCR should work with senior management to identify a National Schedule A Champion who can promote and advocate for the program at the most senior level. This individual should be a member of the SES who has knowledge of the organizations involved in the Schedule A hiring process, particularly the SSCs, OHR, and OCR communities. Similarly, at the Regional and AAship level, DCROs should advocate the use of Schedule A.

The responsibility for disability recruitment should be with an organization's leadership team. DCROs and other responsible staff should ensure that all managers and supervisors know about EPA's disability representation goals and their respective responsibilities for helping to meet them.

OMS (including the SSCs), OHR, DCROs, and the Office of the Administrator (including OCR) should develop a unified disability recruitment strategy that incorporates the agency's Disability Program Managers. In many programs, there is little infrastructure to support management's efforts to find qualified Schedule A candidates. Throughout the agency, there is no clear office, liaison, or individual responsible for the Schedule A program, and existing trainings have not always presented a unified, simple message about the program's benefits or exactly how to use the authority to find qualified candidates practically.

The offices that advocate for the program, including OCR and OHR, are often not aware of specific recruiting needs for individual Regions and AAships and are not involved when first-line managers and division directors make decisions together with the SSCs about how to begin the recruitment process. Although OCR and OHR have developed trainings, unless managers know about or advocate for the use of Schedule A, it is unlikely they will use the authority.

The SSCs focus on processing the personnel actions; SSCs are not responsible currently for helping to recruit or find appropriate Schedule A candidates. Nonetheless,

they can assist in the process by ensuring managers know that Schedule A is an option. This is where the agency's Special Emphasis Program Managers for Disability or Disability Program Managers (DPMs) can play a critical role. For example, they can serve as recruiters and reach out to local college disability centers, vocational rehabilitation facilities, and other disability-centric organizations on behalf of interested hiring managers.

OHR should ensure the Selective Placement Program Coordinators (SPPCs) can accept resumes from qualified disabled candidates to be considered non-competitively. Although EPA has designated SPPCs, they are not allowed to collect resumes from members of the public at this time based on guidance from the SSCs; SPPCs only refer candidates to USAJobs.

According to the Office of Personnel Management, one of the purposes of having the SPPCs is so that they may "Advise managers about candidates available for placement in jobs under special hiring authorities,"³⁴ that is, non-competitive hiring authorities. However, the SPPCs are not informed by OHR or managers about agency recruitment and hiring needs. One way to help address this problem is to ensure that there is communication between DCROs (or organizational designees) and SPPCs to work to help identify potential recruitment sources.

OHR should meaningfully involve and regularly consult SPPC and DPMs when recruiting to fill vacancies. If necessary, that function should reside in OHR or with the SSCs, which are responsible for on-the-ground recruitment actions. EEO Officers and PMOs help promote the program but also need to be more involved in the process, specifically by leading efforts to find qualified resumes.

EPA leadership should issue a separate policy statement specifically to emphasize its commitment to hiring individuals with disabilities. Such a statement, which is supported by EEOC's MD 715, would help ensure support for the program and could include language about EPA's commitment to hiring individuals with disabilities in general. The EEO Office should make a copy of that document available to the public on EPA's main website consistent with the requirements of MD 715 to issue and publish non-discrimination policies.

EPA should clarify that hiring managers may use Schedule A to appoint Attorneys, in the GS-905 series. On May 7, 2020, EPA's Office of Enforcement and Compliance Assurance and Office of General Counsel (OGC) issued a joint Memorandum on *Use of USAJOBS for Attorney Hiring*. That memo specified, in part, that, "...effective June 1, 2020, all Headquarters and Regional legal offices will use USAJOBS to post attorney vacancies...." Attorneys in Series 0905 are one of the Major Occupations, and there is a less than expected participation rate of people with

³⁴ See: <https://www.opm.gov/policy-data-oversight/disability-employment/selective-placement-program-coordinator/>

disabilities in this career series.

It should be made clear that, consistent with applicable regulations and this National Priority, using Schedule A is an appropriate exception to this policy. If Schedule A is utilized, the Agency should request that such applicants complete an applicable Race/Sex/National Origin Form, so that the Agency captures this data appropriately. Such information should be separated from the applications that selecting officials and SSC staff will review to determine the applicants' qualifications for positions.

3. Improve Recruitment Efforts. (Addresses Finding 2, 3, and 4)

EPA should encourage the consistent use of Schedule A. As a general rule, EPA's policy should be to encourage hiring managers to consider using Schedule A consistent with hiring needs. Regional and AAship leaders, namely the DCROs, should establish work teams that could include the EEO Officer, HR Officer, Disability SEPM, or Management Deputy with broad knowledge: 1) to help decide what would work best locally with respect to using Schedule A; and, 2) to facilitate managers in considering qualified individuals with disabilities for vacancies.

HR Officers, EEO Officers, and PMOs must be more involved in the disability recruitment efforts as agents for hiring managers. Local HR Officers, EEO Officers, and PMOs play a critical role in building and sustaining a model program. This includes advocating for the use of Schedule A, signing up to serve as WRP recruiters (EEO Officers, PMOs, and SEPMs), and, most importantly, helping to lead the effort to find and connect qualified Schedule A candidates with hiring managers.

EEO, HROs/PMOs, and SEPM staff should meet with managers to determine their specific needs and connect them to qualified candidates. This could include searching the WRP database, reaching out to local college disability centers, and contacting disability advocacy organizations to help find qualified candidates. They could then present those potential resumes directly to the hiring manager to see if there are qualified potential candidates. There is no need for an announcement. DCROs, EEO Officers, PMOs, and DPMs should also continue to educate the workforce about people with disabilities including addressing unconscious biases to build an inclusive, respectful workplace for all.

EEOC GUIDANCE ON SCHEDULE A APPOINTMENTS

“Can an agency hire a Schedule A candidate without posting a job announcement? Yes. One of the benefits of using the Schedule A hiring authority is that agencies can make an appointment without going through the typical competitive process.” - EEOC ³⁶

The agency should work with the SSCs taking the lead to establish a process for managers to collect and review resumes from qualified Schedule A candidates without advertising on USAJobs. It is inefficient and counterproductive to advertise the use of a non-competitive authority by informing qualified candidates that they must go on USAJobs to locate, review, and apply for competitively advertised vacancies. The benefit and value of Schedule A is that the vacancy does not have to be advertised. EPA should follow the example of many other federal agencies (including the Social Security Administration, Department of State, and Department of Health and Human Services) and maintain a dedicated e-mail address where people with Schedule A disabilities can send their resumes. Such a database could be modeled on the Peace Corps Program.³⁵

DCROs should ensure their direct reports and other managers strategize on identifying how to find qualified candidates in the local area based on the specific needs of the organization. EEO Officers and PMOs should be tasked with helping to serve as liaisons with local college disability centers and, with the help of Special Emphasis Program Managers, in identifying qualified candidates through the WRP and similar databases.

Schedule A candidates should be considered in each hiring action for which they are qualified. Once a Region or Program is maintaining a list of Schedule A candidates that qualify for the types of positions it fills, each hiring manager should

³⁵ See Donna Vizian e-mail to EPA Managers, *Subject: May 4, 2020 Administrative Update for Supervisors*. It provided all EPA Managers with a Returning Peace Corps Volunteers' (RPCV) Resume Link, noted that EPA had received 430 applications, and stated that “Applicants not picked up by one program are being shared centrally so they may be considered by other programs across the agency.” It noted that “Programs can access applicant resumes on the HR SSC Customer Information SharePoint Site.” In addition, EPA conducted a special presentation for Returned Peace Corps Volunteers on April 8, 2020 that “was attended by nearly 350 recently evacuated Peace Corps volunteers.”

consider those qualified for their vacant positions. Local HR Officers should work with their respective hiring managers to ensure this consideration is consistently part of the hiring process.

OCR should create a National Schedule A Program Liaison. This liaison would work with the DCROs and local coordinators to provide updates, share best practices, and monitor national-level policies for relevance and consistent implementation throughout the agency.

EPA should especially focus on the use of Schedule A for entry-level positions. Although Schedule A can be used for higher grades, it is typically used for entry-level positions. For example, the largest and most utilized database (the WRP database) focuses on college students and recent graduates who would typically be eligible for entry-level grade levels. It is important to plan on this point because PDs for Pathways Internship, Recent Graduate, and Presidential Management Fellows are not eligible for Schedule A hiring. The SSCs should, therefore, work with managers to ensure that general PDs that are eligible for Schedule A are available and ready to utilize. Related informational and recruitment materials, such as the “Hiring Solutions Fact Sheet” on Schedule A dated 2016, should be updated and enhanced.³⁶

SSCs in consultation with OHR should study the application of Schedule A at EPA and make internal recommendations for improvement. For example, the SSCs should analyze how to better publicize the use of Schedule A and its benefits to their customers.

EPA should continue to host or participate in disability career fairs and take advantage of “on-the-spot” non-competitive flexibilities offered by Schedule A. According to EEOC, the use of Schedule A without an announcement is allowed.³⁷ In their guidance document *The ABCs of Schedule A: Tips for Human Resource Professionals on Using the Schedule A Appointing Authority*, EEOC specifically states:³⁸

³⁶ See: https://intranet.epa.gov/ohr/diversity_and_inclusion/pdf/Schedule-A-Hiring-Solutions-Factsheet-Hiring-Individuals-with-Disabilities-12072016.pdf

³⁷ See: https://www.eeoc.gov/publications/abcs-schedule-tips-human-resource-professionals-using-schedule-appointing-authority#_Toc425081243

³⁸ See: [https://www.eeoc.gov/publications/abcs-schedule-tips-human-resource-professionals-using-schedule-appointing-authority#:~:text=Schedule%20A%20is%20an%20appointing,of%20Federal%20Regulations%20\(CFR\).](https://www.eeoc.gov/publications/abcs-schedule-tips-human-resource-professionals-using-schedule-appointing-authority#:~:text=Schedule%20A%20is%20an%20appointing,of%20Federal%20Regulations%20(CFR).)

Can an agency hire a Schedule A candidate without posting a job announcement?

Yes. One of the benefits of using the Schedule A hiring authority is that agencies can make an appointment without going through the typical competitive process. As Schedule A is an excepted service hiring authority, individuals are hired non-competitively. Managers may hire qualified Schedule A candidates for a funded vacancy without issuing a public notice of the job announcement. –EEOC³⁹

“Non-Competitive” specifically means that “Agencies use a special hiring authority (Schedule A) to hire persons with disabilities without requiring them to compete for the job.”³⁹ This specific point should be made clear to HR, SSCs, and managers across the agency. Other agencies utilize the Schedule A flexibility to screen candidates, review resumes immediately, and pass that information on to managers to set up interviews as appropriate. This expedited process is one of the management benefits to using Schedule A.

EPA should develop a way to collect and share Schedule A resumes for its major occupations. This would allow interested hiring managers to have access to an ongoing database of qualified Schedule A candidates for consideration. Such a database could be modeled on EPA’s Peace Corps database of possible candidates. The Office of Personnel Management has stated that “Agencies can use this [Schedule A] authority, at their discretion, to appoint you at any grade level and for any job (time-limited or permanent) for which you qualify.”

Appointments filled under 5 CFR 213.3102(u) are considered to be exempt from the normal veterans’ preference procedures of 5 CFR part 302.” However, OPM also notes that the principle of veterans’ preference still applies, and agencies must consider veterans’ status as a “positive factor” when making hiring decisions regarding excepted service appointments. As such, the Agency should work with the appropriate program offices (such as OGC) to develop a database that complies with veterans’ preference as it applies to Schedule A positions.”⁴⁰

In addition, other agencies have such databases of Schedule A candidates, most notably, the Department of Defense and Department of Labor’s Workforce Recruitment Program Database, which is a federal database of potential Schedule A candidates that EEOC considers a model program. EPA should work with OGC and OHR to analyze whether and how a Schedule A database could be appropriately stood up in a legal and effective manner. EPA HR Bulletin 10-009B *Schedule A Appointments of a Person with Mental Retardation, Severe Physical Disabilities, or Psychiatric Disabilities* and HR Bulletin 12-003B *Objecting to or Passing Over a Preference Eligible* should both be

³⁹ See: <https://www.opm.gov/policy-data-oversight/disability-employment/hiring/>

⁴⁰ See the OPM-sponsored site: <https://www.fedshirevets.gov/job-seekers/special-hiring-authorities/> as well as <https://www.wrp.gov>

updated specifically to address this question.

Such a database could be extremely valuable. Many managers indicated they would consider using an existing list of qualified candidates to review, especially if it could save time and resources. The database would serve as a centralized location for the agency's designated Disability Selective Placement Program Coordinator to store resumes from qualified applicants in line with OPM's guidance that the Coordinator should be "Advising managers about candidates available for placement in jobs under special hiring authorities...."⁴¹ The resumes could be viewed by interested hiring managers across the agency. Further, applicants could be asked to identify geographic and job preferences.

4. Publicize Program and Benefits. (Addresses Findings 1, 3, and 4)

OMS and OCR should publicize EPA success stories related to Schedule A. Ideas for publicizing successes related to utilizing Schedule A could be solicited from DCROs and specifically from the organizations listed above who were successful with the program.⁴² There are many such successes, and it would be beneficial to highlight employees hired through Schedule A (if they specifically would like to do so and understand the privacy implications) and their managers to help get the word out about the benefits of the program.

The relevant information could include written materials, a practical "how to" guide, and/or a short video focusing on Schedule A success stories. Perhaps the Administrator or designee would consider making a brief introductory statement supporting the use of Schedule A. Another way to communicate this information is promote disability recruitment and Schedule A to managers through brown bags, for example, during National Disability Employment Awareness Month in October. These efforts also can help address potential unconscious biases that may exist about both individuals with disabilities and Schedule A.

⁴¹ See: <https://www.opm.gov/policy-data-oversight/disability-employment/selective-placement-program-coordinator/>

⁴² The Office of Mission Support, Office of Chemical Safety and Pollution Prevention, Office of Research and Development, Region 6, and Region 7.

Conclusion

Since 2011, EPA has identified its lower than anticipated representation of individuals with disabilities as a focus area in its MD 715 Reports and discussed its Schedule A program as a target for improvement. In 2019, EPA designated enhancing the use of Schedule A as a **National Civil Rights Priority**, which was the impetus for this report. This analysis has examined a variety of workforce information, including quantitative workforce data, interviews with a wide variety of responsible stakeholders, best practices at other agencies, and relevant policies, practices, and procedures in setting forth its principle findings and related recommendations.

Based on interviews and discussions with more than 90 stakeholders in EPA, this report's key findings include that there is a lack of knowledge of the benefits of using Schedule A, limited communication between respective stakeholders, outdated procedures, potential unconscious biases influencing the appointment authorities used, and decentralized hiring practices that impact the use of Schedule A. These factors impact the agency's ability to satisfy the 12% participation rate for persons with disabilities in the workforce established by EEOC regulation.

**SCHEDULE A IS A TOOL TO HELP
EPA MEET ITS GOALS**

Using Schedule A can help EPA meet its 12% goal established by 29 CFR 1614.203(d)(7).

Encouraging EPA managers to use Schedule A for new hires has great potential to improve the numbers of individuals with disabilities in the agency. Importantly, this tool can help EPA achieve the 12% hiring goal for people with disabilities established in 29 CFR 1614.203(c), a goal the agency has not met since the goal was established by EEOC in 2018. In FY 2019, data showed that this authority was used for 22 out of 907 external hires, or 2.4% of the time, and only half of EPA Regions and AAships used the authority at least once during the year.

The recommendations in this report are designed to promote more effective utilization of Schedule A. The recommendations, if adopted, can be developed into an action plan and implemented through a phased approach. With continued partnership and agency leadership, we can work to meet the 12% hiring goal identified by EEOC as we continue to build and sustain a strong, capable, and diverse workforce that is well-

prepared to accomplish the agency's mission of protecting human health and the environment.

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