

**U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL
EEO PROGRAM STATUS REPORT**

Surface Transportation Board

For period covering October 1, 2021 to September 30, 2022

PART A Department or Agency Identifying Information	1. Agency		1. Surface Transportation Board	
	1.a 2 nd level reporting component		Not Applicable	
	2. Address		2. 395 E Street, SW	
	3. City, State, Zip Code		3. Washington, DC 20423	
	4. Agency Code	5. FIPS code(s)	4. TW00	5. 11001

PART B Total Employment	1. Enter total number of permanent full-time and part-time employees		1. 114
	2. Enter total number of temporary employees		2. 7
	3. TOTAL EMPLOYMENT [add line B1 through 2]		3. 121

PART C
Agency Official(s) Responsible for Oversight of EEO Program(s)

PART C.1
Head of Agency and Head of Agency Designee

Title Type	Name	Title
Head of Agency	Martin J. Oberman	Chairman
Principal EEO Director/Official	Camella M. Woodham	EEO Director

PART C.2
Agency Official(s) Responsible for Oversight of EEO Program(s)

EEO Program Staff	Name	Title	Job Series	Pay Plan	Phone Number	Email Address
Principal EEO Director/Official	Camella Woodham	EEO Director	0260	GS	202-360-9302	camella.woodham@stb.gov
Affirmative Employment Program Manager	Camella Woodham	EEO Director	0260	GS	202-360-9302	camella.woodham@stb.gov
Complaint Processing Program Manager	Camella Woodham	EEO Director	0260	GS	202-360-9302	camella.woodham@stb.gov
Diversity and Inclusion Officer	Camella Woodham	EEO Director	0260	GS	202-360-9302	camella.woodham@stb.gov
Hispanic Program Manager (SEPM)	Camella Woodham	EEO Director	0260	GS	202-360-9302	camella.woodham@stb.gov
Women's Program Manager (SEPM)	Camella Woodham	EEO Director	0260	GS	202-360-9302	camella.woodham@stb.gov
Disability Program Manager (SEPM)	Camella Woodham	EEO Director	0260	GS	202-360-9302	camella.woodham@stb.gov
Special Placement Program Coordinator (Individuals with Disabilities)	Jennifer Layne	HR Director	0201	GS	202-997-9718	jennifer.layne@stb.gov
Reasonable Accommodation Program Manager	RA Advisory Panel:					
	1) Chair Appointee: Matthew Bornstein 2) General Counsel Appointee: Lenye Franklin 3) Human Resources Appointee: Nilsa Grange (through 11/21), Jennifer Miles (12/21 to present)		--	--	--	RAAP@stb.gov
Anti-Harassment Program Manager	Jennifer Layne	HR Director (Employee Management Relations Point of Contact)	0201	GS	202-997-9718	jennifer.layne@stb.gov
ADR Program Manager	Camella Woodham	EEO Director	0260	GS	202-360-9302	camella.woodham@stb.gov
Compliance Manager	Camella Woodham	EEO Director	0260	GS	202-360-9302	camella.woodham@stb.gov
Principal MD-715 Preparer	Camella Woodham	EEO Director	0260	GS	202-360-9302	camella.woodham@stb.gov

PART D

PART D.1

List of Subordinate Components Covered in this Report

Subordinate Component	City	State	Country (Optional)	Agency Code	FIPS Codes
NONE					

PART D.2

Mandatory and Optional Documents for this Report

In the table below, the agency must submit these documents with its MD-715 report

Did the agency submit the following mandatory documents?	Please respond Yes or No	Comments
Organizational Chart	Yes	
EEO Policy Statement	Yes	
Strategic Plan	Yes	
Anti-Harassment Policy and Procedures	Yes	
Reasonable Accommodation Procedures	Yes	
Personal Assistance Services Procedures	Yes	
Alternative Dispute Resolution Procedures	Yes	

In the table below, the agency may decide whether to submit these documents with its MD-715 report

Did the agency submit the following optional documents?	Please respond Yes or No	Comments
Federal Equal Opportunity Recruitment Program (FEORP)	No	
Disabled Veterans Affirmative Action Program (DVAAP) Report	No	
Operational Plan for Increasing Employment of Individuals with Disabilities under Executive Order 13548	No	
Diversity Policy Statement	No	
Human Capital Strategic Plan	No	
EEO Strategic Plan	No	
Results from most recent Federal Employee Viewpoint Survey or Annual Employee Survey	No	

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Surface Transportation Board

For period covering October 1, 2021 to September 30, 2022

Part E: EXECUTIVE SUMMARY

**PART E.1
MISSION**

The Surface Transportation Board (Board, STB, or agency) is an independent adjudicatory and economic regulatory agency charged by Congress with resolving railroad rate and service disputes and reviewing proposed railroad mergers.

The STB is primarily charged with the economic oversight of the nation's freight rail system. The Board has regulatory jurisdiction over the reasonableness of railroad rates and practices, and over mergers, line acquisitions, new rail line construction, abandonments of existing rail lines, rail service issues, and certain matters regarding Amtrak. The Board is charged with providing an efficient and effective forum for the resolution of disputes and other matters within its jurisdiction. The Board promotes private-sector negotiations and resolutions where possible and appropriate and takes other actions in the public interest as necessary.

The STB is committed to equal employment opportunity and a discrimination-free and inclusive workplace where employees are supported and encouraged as they execute the agency's mission and provide equitable and inclusive service to the American public.

The bipartisan Board was established in 1996 as the successor to the Interstate Commerce Commission (ICC). The Board was administratively aligned with the Department of Transportation (DOT) until enactment of the Surface Transportation Board Reauthorization Act of 2015 (STB Reauthorization Act), Pub. L. No. 114-110, which established the Board as a fully independent agency on December 18, 2015. The STB Reauthorization Act also expanded the Board's membership from three to five Board members. The Board consists of five members nominated by the President and confirmed by the Senate.

The STB staff offices are comprised of attorneys, economists, and financial, transportation, and environmental analysts. Additionally, human resource specialists, paralegals, information technology specialists, facilities managers, and contractors provide support to ensure the STB is able to meet its statutory responsibilities.

The STB is located in Washington, D.C.

PART E.2
ESSENTIAL ELEMENTS A-F

STB'S ANNUAL SELF-ASSESSMENT AGAINST MD-715 ESSENTIAL ELEMENTS

Essential Element A: Demonstrated Commitment from STB Leadership

The STB's commitment to equal employment opportunity (EEO) is evident in the Board's Equal Employment Opportunity and Diversity Policy Statement which reads, in part:

As Chair of the Surface Transportation Board (STB), I reaffirm the agency's commitment to equal opportunity in employment regardless of race, color, sex (including pregnancy, sexual orientation, gender identity, and gender stereotyping), national origin, religion, age (40 years and older), disability (physical and/or mental), genetic information, and/or reprisal for an individual's opposition to discrimination or participation in the EEO process, as set forth in more detail below. The STB will continue to provide a workplace that is free from all forms of discrimination, harassment, and retaliation, ensuring equal opportunity in all human capital and employment programs, management practices, and employment-based decisions, including, but not limited to, recruitment, hiring, merit promotions, transfers, reassignments, training and career development, benefits, and separations.

The policy further commits to:

...continue to actively and consistently support and promote the principles of equal opportunity, diversity, inclusion, and accessibility in order to guarantee an environment in which employees are valued, treated with dignity and respect, and provided the freedom to compete on a fair and level playing field. The entire STB community—executive leadership, supervisors, managers, and staff—will always be held accountable to maintain an environment with the highest standards of diversity, inclusion, accessibility, and equal employment opportunity.

The EEO Program contact information is posted on the STB's public webpage and intranet site.

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

The STB's Strategic Plan for Fiscal Year (FY) 2022 through FY 2026 underscores the Board's commitment to "employ a skilled and diverse workforce, encourage innovative leadership at all levels of STB, and apply best practices in a collaborative and well-supported environment." This strategic goal further provides:

The STB needs a skilled and innovative workforce to carry out its regulatory goals. The civil service provisions of Title 5 of the U.S. Code, along with the regulations supporting them and principles of morality, equality, and good governance, mandate that all Federal agencies, including the STB, perform their duties professionally, fairly, and free of prejudice and discrimination. The STB selected this goal to affirmatively endorse the concept of operating professionally, fairly, inclusively, and respectfully of all persons. The STB also selected this goal

to place renewed emphasis on the role of data management and data-driven decision-making in STB operations, as described in the Objectives and Strategies below.

Recognizing that diversity of views results in stronger decision-making, the STB is making strategic decisions to create a workplace culture that is diverse, inclusive, accessible, and equitable. A workforce that is representative of people from diverse backgrounds and encourages learning from those differences will create a workplace culture that produces strong and innovative solutions.

Objective 4.1: Foster a workplace culture that is inclusive, equitable, and accessible by developing and employing a skilled workforce that is representative of people from diverse backgrounds at all levels of the agency.

Objective 4.2: Encourage innovative leadership at all levels of the STB that creates a culture of inclusion and, among other things, is attentive to our changing work environment.

Objective 4.3: Apply best practices in a collaborative and well-supported environment, incorporating data-driven decision-making.

Essential Element C: Management and Program Accountability

During FY 2022, the STB promote accountability of its EEO program by taking actions including the following:

- Posted EEO complaint processing data on its public website. (Consistent with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act);
- Ensured agency-wide compliance with No FEAR Act training requirements;
- The Office of Human Resources offered exit interviews to all separating employees which included questions about diversity and improving the hiring/retention for persons with disabilities;
- The Reasonable Accommodations program ensured all requests for reasonable accommodation were timely processed;
- All managers and supervisors complied with Reasonable Accommodation and Anti-harassment program procedures; and
- The agency is prepared to timely process allegations of harassment according to established agency policy and procedures.

Essential Element D: Proactive Prevention of Unlawful Discrimination

As part of its proactive prevention efforts, the STB disseminates EEO policies covering harassment prevention and personal assistance services to all personnel. The STB also published information on the EEO complaint process, EEO policies, and the roles and responsibilities of the EEO office on its public website. EEO posters are placed in the Human Resources Office to provide employees and applicants for employment with notice of their EEO rights and to highlight the 45-day time limit for contacting an EEO Counselor or the EEO Director.

The STB's offices are accessible to persons with physical disabilities in compliance with the Architectural Barriers Act. The EEO Director analyzed applicant flow data, which is discussed in the

Workforce Analysis below.

Essential Element E: Efficiency

In FY 2022, there were zero counseling matters initiated.

Essential Element F: Responsiveness and Legal Compliance

The STB has conducted an annual self-assessment against the essential elements prescribed by the EEOC's Management Directive 715 (MD-715). Where the Board found non-compliance with the MD-715 requirements, the STB developed and implemented a plan for addressing the gaps with input from senior leaders.

**PART E.3
WORKFORCE ANALYSIS**

STB Workforce

At the end of FY 2022, the STB had 121 full-time employees, 114 of the staff were permanent and 7 were temporary. Of the 114 full-time permanent employees, there were 58 (50.9%) males and 56 (49.1%) females.

Most Board staff are analytical professionals with strong academic records, advanced degrees, and specialized skills in law and transportation industries. These mission critical staff, along with other management and support staff support the accomplishment of the strategic goals set forth in the Board's Strategic Plan.

COLOR LEGEND	
	Civilian Labor Force (CLF)
	At or above the CLF
	Within 2% of the CLF
	More than 2% below the CLF or no participation

The U.S. Office of Personnel Management (OPM) has established a workforce participation rate goal of 12% for persons with disabilities (PWD) and 2% for persons with targeted disabilities (PWTD). There are twelve targeted disabilities: developmental, traumatic brain injury, deaf or serious difficulty hearing, blind or serious difficulty seeing, missing extremities, significant mobility impairment, partial or complete paralysis, epilepsy or other seizure disorders, intellectual, significant psychiatric disorder, dwarfism, and significant disfigurement. In addition, OPM's guidance, issued pursuant to Executive Order 13548, requires federal agencies to establish Disability Employment Plans consistent with the federal government goal of hiring 100,000 additional individuals with disabilities, including those with targeted disabilities.

The following provides a summary of representation within the STB's permanent workforce compared to the 2014-2018 Civilian Labor Force and OPM/EEOC's goals for PWD/PWTD:

Race/Ethnicity	2014-2018 CLF %	FY 2022 # (%)
Hispanic or Latino Male	6.82%	2 (1.65%)
Hispanic or Latino Female	6.16%	0 (0.00%)
White Male	35.65%	47 (48.84%)
White Female	31.82%	31 (28.10%)

Black or African American Male	5.7%	6 (4.96%)
Black or African American Female	6.61%	18 (14.88%)
Asian Male	2.19%	4 (3.31%)
Asian Female	2.18%	6 (4.96%)
Native Hawaiian/Other Pacific Islander Male	0.08%	0 (0.00%)
Native Hawaiian/Other Pacific Islander Female	0.08%	0 (0.00%)
American Indian/Alaska Native Male	0.31%	0 (0.00%)
American Indian/Alaska Native Female	0.31%	0 (0.00%)
Two or More Races Male	1.05%	3 (2.48%)
Two or More Races Female	1.05%	1 (0.83%)

EEO Group	OPM Goal %	FY 2022 # (%)
No Disability		101 (83.47%)
Not Identified		9 (7.44%)
Disability	12%	11 (9.09%)
Targeted Disability	2%	3 (2.48%)

Applicant Flow for New Hires

Applicant flow data is provided to the Board by the OPM. This data is available through the OPM's USA Staffing tool only for STB jobs that were posted on USAJOBS. The STB uses USAJOBS for all hiring actions.

A few important notes about applicant flow data help to facilitate interpretation. First, applicants are not required to provide demographic information when applying for a position.

Second, the USA Staffing tool captures and provides information only through the point at which an applicant is selected. Various hiring process steps beyond a selection decision may impact success in onboarding a new hire (e.g., suitability assessment). Applicant data only shows applicant flow data of selected applicants. In contrast, it does not show present data on new hires on-boarded during the year. Differences are observed in the demographic statistics of those selected versus those hired.

Third, applicant flow data for the STB combines applications submitted for permanent and temporary positions with the STB. Thus, the data tables below reflect the pool of applications submitted for permanent and/or temporary employment.

During FY 2022, STB issued five (5) vacancy announcements for three of its major occupations: Environmental Protection Specialists, Economists, and Transportation Industry Analysts. The applicant flow data provided by the OPM was analyzed for these three major occupational series at the STB. Applicant Flow is provided by USA Staffing. Applicants are categorized based on the hiring path noted in the vacancy announcement to which they applied ("Internal Competitive" or "New Hire").

"Internal Competitive" includes announcements that are open to current or former competitive service employees.

"New Hires" includes announcements that are open to applicants who are not current or former competitive service employees. Current or former federal employees can also apply to jobs that are open to the public.

Source: [Understanding the Federal Hiring Process | U.S. Department of Labor \(dol.gov\)](https://www.dol.gov/eis/understanding-the-federal-hiring-process)

The charts below highlight our analysis of mission critical vacancies announced in FY 2022:

Environmental Protection Specialist (0028)

The STB issued one (1) vacancy announcements for series 0028 Environmental Protection Specialist positions. The STB received 31 total applications for this position. Of the 31 applicants, 24 (77.4%) were listed as qualified and 0 (0%) selections were made from those deemed qualified. Below, see the demographics of the applicants who applied.

1 Vacancy Announcement	Internal Competitive	New Hires
<u>31</u> TOTAL APPLICATIONS	0	31
<u>24</u> TOTAL QUALIFIED	0	24
<u>19</u> TOTAL APPLICATIONS REFERRED	0	19
<u>0</u> TOTAL SELECTIONS	0	0

EEO Group	Qualified Applicants (24 Applicants)		Referred Applicants (19 Applicants)		Selected (0 Applicants)	
	#	%	#	%	#	%
Hispanic or Latino Male	1	4.16%	1	5.26%	0	0.0%
Hispanic or Latino Female	2	8.33%	2	10.53%	0	0.0%
White Male	2	8.33%	2	10.53%	0	0.0%
White Female	4	16.67%	4	21.10%	0	0.0%
Black or African American Male	1	4.16%	1	5.26%	0	0.0%
Black or African American Female	2	8.33%	1	5.26%	0	0.0%
Asian Male	4	16.67%	2	10.53%	0	0.0%
Asian Female	1	4.16%	0	0.0%	0	0.0%
Native Hawaiian or Other Pacific Islander Males	0	0.0%	0	0.0%	0	0.0%
Native Hawaiian or Other Pacific Islander Females	0	0.0%	0	0.0%	0	0.0%
American Indian or Alaska Native Male	0	0.0%	0	0.0%	0	0.0%
American Indian or Alaska Native Female	0	0.0%	0	0.0%	0	0.0%
Two or more Races Male	0	0.0%	0	0.0%	0	0.0%
Two or More Races Female	0	0.0%	0	0.0%	0	0.0%
Disability	1	4.16%	1	5.26%	0	0.0%
Targeted Disability	1	4.16%	1	5.26%	0	0.0%
No Disability	3	12.50%	3	15.80%	0	0.0%
Not Identified	20	83.33%	15	78.95%	0	0.0%

Economist (0110)

The STB issued two (2) vacancy announcements for series 0110 Economist positions. The STB received 42 total applications for these positions. Of the 42 applicants, 29 (69%) were listed as qualified and 0 (0%) selections were made from those deemed qualified. Below, see the demographics of the applicants who applied.

2 Vacancy Announcements	Internal Competitive	New Hires
<u>42</u> TOTAL APPLICATIONS	5	37
<u>29</u> TOTAL QUALIFIED	4	25
<u>28</u> TOTAL APPLICATIONS REFERRED	3	25
<u>0</u> TOTAL SELECTIONS	0	0

EEO Group	Qualified Applicants (29 Applicants)		Referred Applicants (28 Applicants)		Selected (0 Applicants)	
	#	%	#	%	#	%
Hispanic or Latino Male	2	6.89%	2	6.89%	0	0.0%
Hispanic or Latino Female	0	0.0%	0	0.0%	0	0.0%
White Male	7	24.14%	7	0.0%	0	0.0%
White Female	1	3.45%	1	0.0%	0	0.0%
Black or African American Male	3	10.34%	3	10.3%	0	0.0%
Black or African American Female	2	6.89%	2	7.14%	0	0.0%
Asian Male	6	16.2%	6	21.43%	0	0.0%
Asian Female	2	4.16%	1	3.57%	0	0.0%
Native Hawaiian or Other Pacific Islander Males	0	0.0%	0	0.0%	0	0.0%
Native Hawaiian or Other Pacific Islander Females	0	0.0%	0	0.0%	0	0.0%
American Indian or Alaska Native Male	1	3.44%	1	3.57%	0	0.0%
American Indian or Alaska Native Female	0	0.0%	0	0.0%	0	0.0%
Two or more Races Male	0	0.0%	0	0.0%	0	0.0%
Two or More Races Female	0	0.0%	0	0.0%	0	0.0%
Disability	2	6.89%	2	7.14%	0	0.0%
Targeted Disability	1	3.44%	1	3.57%	0	0.0%
No Disability	13	44.83%	13	46.43%	0	0.0%
Not Identified	14	48.28%	13	46.43%	0	0.0%

Transportation Industry Analyst (2110)

The STB issued two (2) vacancy announcements for series Transportation Industry Analyst positions. The STB received 95 total applications for these positions. Of the 95 applicants, 31 (32.6%) were listed as qualified and 0 (0%) selections were made from those deemed qualified. Below, see the demographics of the applicants who applied.

2 Vacancy Announcements	Internal Competitive	New Hires
<u>95</u> TOTAL APPLICATIONS	32	63
<u>31</u> TOTAL QUALIFIED	5	26
<u>6</u> TOTAL APPLICATIONS REFERRED	4	2
<u>0</u> TOTAL SELECTIONS	0	0

EEO Group	Qualified Applicants (31 Applicants)		Referred Applicants (6 Applicants)		Selected (0 Applicants)	
	#	%	#	%	#	%
Hispanic or Latino Male	1	3.22%	0	0.0%	0	0.0%
Hispanic or Latino Female	1	3.22%	1	16.67%	0	0.0%
White Male	10	32.26%	1	16.67%	0	0.0%
White Female	0	0.00%	0	0.0%	0	0.0%
Black or African American Male	7	22.58%	2	33.33%	0	0.0%
Black or African American Female	5	16.13%	1	16.67%	0	0.0%
Asian Male	0	0.0%	0	0.0%	0	0.0%
Asian Female	0	0.0%	0	0.0%	0	0.0%
Native Hawaiian or Other Pacific Islander Males	0	0.0%	0	0.0%	0	0.0%
Native Hawaiian or Other Pacific Islander Females	0	0.0%	0	0.0%	0	0.0%
American Indian or Alaska Native Male	0	0.0%	0	0.0%	0	0.0%
American Indian or Alaska Native Female	0	0.0%	0	0.0%	0	0.0%
Two or more Races Male	0	0.0%	0	0.0%	0	0.0%
Two or More Races Female	0	0.0%	0	0.0%	0	0.0%
Disability	0	0.00%	0	0.00%	0	0.0%
Targeted Disability	0	0.00%	0	0.00%	0	0.0%
No Disability	14	45.16%	1	16.67%	0	0.0%
Not Identified	17	54.83%	5	83.33%	0	0.0%

Applicant Flow Data for Persons with Disabilities/Targeted Disability

The STB received a total of 401 applications for all advertised positions in FY 2022. Of those applications, 27 (6.73%) applicants self-identified as having a disability. Of the three (3) selections, zero (0.0%) applicants self-identified as having a disability. In exploring this trigger, STB will review recruiting sources and continue to encourage hiring managers' use of Schedule A hiring authority. The Schedule A hiring authority and the STB's reasonable accommodation/personal assistance services policy were detailed in each vacancy announcement. Below is a breakdown of applicant data for PWD/PWTD.

EEO Group	Total (401 Applicants)	Qualified (270 Applicants)	Referred (234 Applicants)	Selected (3 Applicants)
No Disability	293	199	178	3
Not Identified	81	52	38	0
Disability	27	19	18	0
Targeted Disability	10	5	5	0

New Hires (Disabled)

In FY 2022, the STB hired zero (0) new permanent employees with disabilities.

Participation Rates for STB Major/Mission Critical Occupations

Major or Mission Critical Occupations (MCOs) at the STB include those occupations that have direct mission related responsibilities. This assessment does not include positions that provide primarily administrative support or clerical support for mission objectives. MCOs at STB include:

Economists (0110 Series) -- This series covers positions which require application of a professional knowledge of economics in the performance of duties that include: research into economic phenomena, analysis of economic data, and the preparation of interpretive reports; advice and consultation on economic matters to governmental officials and private organizations or citizens; and the performance of other professional work in economics including supervision and the direction of economists engaged in the various economics programs of the Federal Government. STB Economists provide economic, cost, financial, and engineering analyses for the Board. Economists also make available to the public a variety of statistical and financial analyses of the railroad industry. Economists manage the Board-prescribed Uniform System of Accounts and cost accounting systems. Economists also audit Class I carriers to ensure their compliance with these systems and use the data provided by

carriers to develop and disseminate the Uniform Railroad Costing System.

Attorneys (0905 Series) across the STB’s divisions and offices provide advice and recommendations to the Board on legal and policy matters related to the Board’s responsibilities; provide advice to the Chairman and Board Members on legal matters concerning adjudicatory and investigative proceedings; STB attorneys evaluate and advise on the defensibility of the agency’s decisions and defends those decisions when challenged in court. Attorneys advise the Board on various mission-related matters, including the Freedom of Information Act, the Paperwork Reduction Act, the Equal Employment Opportunity Act, NEPA, and records management. Finally, attorneys assist both the Department of Justice in ancillary litigation related to transportation matters and other matters of government-wide interest.

Transportation Industry Analysts (2110 Series) - This occupation includes positions that involve analytical, evaluative, advisory, or similar work pertaining to regulation of the transportation industry with regard to operations, economics, equity in industry practices, and protection of the public interest. The work requires a knowledge of transportation industry regulatory controls, of the customs and competitive practices of carriers, and of carrier operations, services, and facilities. It also requires a general knowledge of economics, statistics, law, business management and related subject-matter areas, but does not require full training and professional competence in any of those fields.

In FY 2022, STB issued two announcements (one internal competitive and one new hire) for Transportation Industry Analysts and two announcements (one internal competitive and one new hire) for Economists. No selections were made from these announcements.

Career Ladder Promotions

A review of the STB’s non-competitive promotions reflects that of the 114 permanent employees, 9 employees were eligible for promotion. 9 employees (100%) of the eligible permanent workforce were promoted. Of those 9 employees: 5 males (55%) and 4 females (45%) – received a career ladder promotion. As compared against the 9 eligible for promotion, the demographics for those promotions are:

Nine (9) Employees Eligible for Career Ladder Promotion and nine (9) Career Ladder Promotions Granted				
EEO Group	Eligible		Promoted	
	#	%	#	%
Hispanic or Latino Male	0	0	0	0
Hispanic or Latino Female	0	0	0	0
White Male	2	22.22%	2	22.22%
White Female	3	33.33%	3	33.33%

Black or African American Male	3	33.33%	3	33.33%
Black or African American Female	0	0	0	0
Asian Male	0	0	0	0
Asian Female	0	0	0	0
American Indian/Alaska Native Male	0	0	0	0
American Indian/Alaska Native Female	0	0	0	0
Two or More Races Male	0	0	0	0
Two or More Races Female	1	11.11%	1	11.11%
No Disability	8	88.89%	8	88.89%
Not Identified	0	0	0	0
Disability	1	11.11%	1	11.11%
Targeted Disability	0	0	0	0

Separations

The STB monitors separation rates to gain insights into management efficiency, training effectiveness and employee satisfaction. In FY 2022, the STB lost eight (8) employees from its permanent workforce. Of the eight (8) total permanent employee separations, all were voluntary. There were no removals in FY 2022. One African American male separated via resignation. One Asian female and one White male separated by retirement and five (5) employees separated by other (unspecified) means.

**PART E.4
ACCOMPLISHMENTS**

Action Plans Implemented

In FY 2022, the STB achieved several accomplishments in the areas of EEO, Diversity and Inclusion, and Leadership Development, including, but not limited to, the accomplishments listed below.

Leadership Commitment to EEO

All managers and supervisors are expected to adhere to EEO principles. By way of the Chairman's annual statement on EEO and Diversity Policy, the Board reiterates its commitment to equal opportunity in employment. This policy statement expresses the STB's continuing commitment to provide a workplace that is free from all forms of discrimination, harassment, and retaliation. The statement also states that STB leadership, managers, supervisors, and staff will be held accountable for maintaining a work environment that adheres to the highest standards of diversity, inclusion, and equal employment opportunity. Further, the statement promises to continue to strengthen the agency's efforts to attract, hire, and retain individuals with disabilities through the use of special hiring authorities and by providing reasonable accommodations to qualified individuals with disabilities and ensuring that applicants for employment and existing employees with disabilities are treated with respect and fairness.

Periodic Training for Supervisors and Hiring Officials Related to the Hiring, Promotion, and Reasonable Accommodation of Individuals with Disabilities

The STB provides training to all managers on Schedule A hiring authority and Reasonable Accommodation (RA) to ensure their awareness of their role in hiring and retaining employees with temporary or permanent disabilities.

The STB will continue to provide training to supervisors and hiring officials to ensure that they are aware of their responsibilities regarding hiring and supervising employees with disabilities. The training will cover restrictions on questions related to medical information, Schedule A hiring authorities, the STB's disability accommodation procedures/personal assistance services, overlap between the Family Medical Leave Act and the Rehabilitation Act of 1973, and confidentiality requirements.

In addition, the Office of Human Resources encouraged managers to take affirmative steps to recruit, hire, train, and promote employees from diverse backgrounds.

Accommodating Individuals with Disabilities

STB posts reasonable accommodation procedures on its intranet and internet sites. All employees are made aware of the procedures and their rights concerning reasonable accommodation requests. STB processes all accommodation requests within the time frame set forth in its reasonable accommodation procedures.

Outreach, Recruitment and Retention of Diverse Talent

In FY 2022, STB took several affirmative steps to seek diversity in the workforce by:

- Engaging STB staff from offices across the Board in workforce special observance efforts, and
- Partnering with professional associations, educational organizations, and institutions to inform diverse professionals and students about STB career and internship opportunities.

Employee Engagement

All employees are encouraged to participate in special observance events at the STB. The STB's special emphasis programs have been well received and have promoted engagement in the virtual environment.

Through investment in employee development, the STB has risen to new challenges brought on by the pandemic and other disruptions to the workplace, as well as to the transportation industry. To support our workforce during this challenging time, STB instituted several workplace initiatives, including telework scheduling flexibilities. These flexibilities have had a positive impact on the workforce on whole and have also resulted in increased inclusion for our disabled employees and employees with caregiving responsibilities.

Training and Leadership Development

The STB provided numerous opportunities for employees to acquire the skills and certifications needed to succeed in their positions and to progress in their careers. The STB provided virtual and e-Learning programs and offered an extensive array of learning opportunities in various areas (e.g., business writing) as well as in leadership development to STB senior leaders and non-supervisory staff.

Career Development Programs

In FY 2022, STB employees took job-related training programs and on-the job training and, as noted above, employees acquired skills and certifications needed to succeed in their positions and progress in their careers, however, the agency does not have an agency-wide career development program that is competed broadly.

PART E.5
BARRIER ANALYSIS & PLANNED ACTIVITIES

FY 2023 Planned Activities

- Review quarterly applicant flow data;
- Continue to encourage managers to take affirmative steps to recruit, hire, train, and promote employees from diverse backgrounds;
- Continue and establish additional partnerships with professional and educational partners; and
- Establish additional recruitment sources to expand outreach to underserved groups and groups with low participation in STB workforce and applicant data.

**U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL
EEO PROGRAM STATUS REPORT**

Surface Transportation Board

For period covering October 1, 2021 to September 30, 2022

**MD-715 – Part F
CERTIFICATION of ESTABLISHMENT of CONTINUING EQUAL EMPLOYMENT OPPORTUNITY
PROGRAMS**

I, Camella M. Woodham, am the Principal EEO Director/Official for the Surface Transportation Board.

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 workforce 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.

Camella Woodham

8/31/23

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

Date

Martin J. Oberman

8/31/23





Martin J. Oberman, Chairman, Surface Transportation Board

Date

**U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL
EEO PROGRAM STATUS REPORT**



Surface Transportation Board





For period covering October 1, 2021 to September 30, 2022

 Compliance Indicator  Measures		Measure Met? (Yes/No/NA)	Comments
	A.1 – The agency issues an effective, up-to-date EEO policy statement.		
A.1.a	Does the agency annually issue a signed and dated EEO policy statement on agency letterhead that clearly communicates the agency’s commitment to EEO for all employees and applicants? If “yes”, please provide the annual issuance date in the comments column. [see MD-715, II(A)]	Yes	Latest statement was signed May 18, 2023 and posted to the STB intranet.
A.1.b	Does the EEO policy statement address all protected bases (age, color, disability, sex (including pregnancy, sexual orientation and gender identity), genetic information, national origin, race, religion, and reprisal) contained in the laws EEOC enforces? [see 29 CFR § 1614.101(a)]	Yes	
 Compliance Indicator  Measures	A.2 – The agency has communicated EEO policies and procedures to all employees.	Measure Met? (Yes/No/NA)	Comments
A.2.a	Does the agency disseminate the following policies and procedures to all employees:		
A.2.a.1	Anti-harassment policy? [see MD 715, II(A)]	Yes	
A.2.a.2	Reasonable accommodation procedures? [see 29 C.F.R § 1614.203(d)(3)]	Yes	
A.2.b	Does the agency prominently post the following information throughout the workplace and on its public website:		
A.2.b.1	The business contact information for its EEO Counselors, EEO Officers, Special Emphasis Program Managers, and EEO Director? [see 29 C.F.R § 1614.102(b)(7)]	Yes	
A.2.b.2	Written materials concerning the EEO program, laws, policy statements, and the operation of the EEO complaint process? [see 29 C.F.R § 1614.102(b)(5)]	Yes	
A.2.b.3	Reasonable accommodation procedures? [see 29 C.F.R. § 1614.203(d)(3)(i)] If so, please provide the internet address in the comments column.	Yes	Reasonable Accommodation Issuance 2019.02.14.pdf (stb.gov)
A.2.c	Does the agency inform its employees about the following topics:		
A.2.c.1	EEO complaint process? [see 29 CFR §§ 1614.102(a)(12) and 1614.102(b)(5)] If “yes”, please provide how often.	Yes	Annual
A.2.c.2	ADR process? [see MD-110, Ch. 3(II)(C)] If “yes”, please provide how often.	Yes	Annual
A.2.c.3	Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If “yes”, please provide how often.	Yes	Annual



A.2.c.4	Anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1] If “yes”, please provide how often.	Yes	Annual
A.2.c.5	Behaviors that are inappropriate in the workplace and could result in disciplinary action? [5 CFR § 2635.101(b)] If “yes”, please provide how often.	Yes	Annual



Essential Element B: INTEGRATION OF EEO INTO THE AGENCY’S STRATEGIC MISSION
This element requires that the agency’s EEO programs are structured to maintain a workplace that is free from discrimination and support the agency’s strategic mission.

 Compliance Indicator 		Measure Met? (Yes/No/NA)	Comments
Measures			
B.1.a	B.1 - The reporting structure for the EEO program provides the principal EEO official with appropriate authority and resources to effectively carry out a successful EEO program. Is the agency head the immediate supervisor of the person (“EEO Director”) who has day-to-day control over the EEO office? [see 29 CFR §1614.102(b)(4)]	Yes	
B.1.a.1	If the EEO Director does not report to the agency head, does the EEO Director report to the same agency head designee as the mission-related programmatic offices? If “yes,” please provide the title of the agency head designee in the comments.	NA	
B.1.a.2	Does the agency’s organizational chart clearly define the reporting structure for the EEO office? [see 29 CFR §1614.102(b)(4)]	Yes	
B.1.b	Does the EEO Director have a regular and effective means of advising the agency head and other senior management officials of the effectiveness, efficiency and legal compliance of the agency’s EEO program? [see 29 CFR §1614.102(c)(1); MD-715 Instructions, Sec. I]	Yes	
B.1.c	During this reporting period, did the EEO Director present to the head of the agency, and other senior management officials, the "State of the agency" briefing covering the six essential elements of the model EEO program and the status of the barrier analysis process? [see MD-715 Instructions, Sec. I] If “yes”, please provide the date of the briefing in the comments column.	Yes	Annually
B.1.d	Does the EEO Director regularly participate in senior-level staff meetings concerning personnel, budget, technology, and other workforce issues? [see MD-715, II(B)].	Yes	OEEEO is consulted and provides input strategic planning, equity discussions and input into personnel, technology, and other workforce issues.



 Compliance Indicator 	B.2 – The EEO Director controls all aspects of the EEO program.	Measure Met? (Yes/No/NA)	Comments
B.2.a	Is the EEO Director responsible for the implementation of a continuing affirmative employment program to promote EEO and to identify and eliminate discriminatory policies, procedures, and practices? [see MD-110, Ch. 1(III)(A); 29 CFR §1614.102(c)]	Yes	
B.2.b	Is the EEO Director responsible for overseeing the completion of EEO counseling [see 29 CFR §1614.102(c)(4)]	Yes	
B.2.c	Is the EEO Director responsible for overseeing the fair and thorough investigation of EEO complaints? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]	Yes	
B.2.d	Is the EEO Director responsible for overseeing the timely issuance of final agency decisions? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]	Yes	
B.2.e	Is the EEO Director responsible for ensuring compliance with EEOC orders? [see 29 CFR §§ 1614.102(e); 1614.502]	Yes	
B.2.f	Is the EEO Director responsible for periodically evaluating the entire EEO program and providing recommendations for improvement to the agency head? [see 29 CFR §1614.102(c)(2)]	Yes	
B.2.g	If the agency has subordinate level components, does the EEO Director provide effective guidance and coordination for the components? [see 29 CFR §§ 1614.102(c)(2) and (c)(3)]	NA	STB does not have subordinate level components or field offices.
 Compliance Indicator 	B.3 - The EEO Director and other EEO professional staff are involved in, and consulted on, management/personnel actions.	Measure Met? (Yes/No/NA)	Comments
Measures			
B.3.a	Do EEO program officials participate in agency meetings regarding workforce changes that might impact EEO issues, including strategic planning, recruitment strategies, vacancy projections, succession planning, and selections for training/career development opportunities? [see MD-715, II(B)]	Yes	
B.3.b	Does the agency's current strategic plan reference EEO / diversity and inclusion principles? [see MD-715, II(B)] If "yes", please identify the EEO principles in the strategic plan in the comments column.	Yes	Per STB FY 2022-2026 Strategic Plan Goal #4:

		“Recognizing that diversity of views results in stronger decision-making, the STB is making strategic decisions to create a workplace culture that is diverse, inclusive, accessible, and equitable. A workforce that is representative of people from diverse backgrounds and encourages learning from those differences will create a workplace culture that produces strong and innovative solutions.”
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 Compliance Indicator 		Measure Met? (Yes/No/NA)	Comments
Measures			
B.4.a	Pursuant to 29 CFR §1614.102(a)(1), has the agency allocated sufficient funding and qualified staffing to successfully implement the EEO program, for the following areas:		
B.4.a.1	to conduct a self-assessment of the agency for possible program deficiencies? [see MD-715, II(D)]	Yes	
B.4.a.2	to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)]	Yes	
B.4.a.3	to timely, thoroughly, and fairly process EEO complaints, including EEO counseling, investigations, final agency decisions, and legal sufficiency reviews? [see 29 CFR § 1614.102(c)(5) & 1614.105(b) – (f); MD-110, Ch. 1(IV)(D) & 5(IV); MD-715, II(E)]	Yes	
B.4.a.4	to provide all supervisors and employees with training on the EEO program, including but not limited to retaliation, harassment, religious accommodations, disability accommodations, the EEO complaint process, and ADR? [see MD-715, II(B) and III(C)] If not, please identify the type(s) of training with insufficient funding in the comments column.	Yes	
B.4.a.5	to conduct thorough, accurate, and effective field audits of the EEO programs in components and the field offices, if applicable? [see 29 CFR §1614.102(c)(2)]	NA	STB does not have subordinate level components or field offices.
B.4.a.6	to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures)? [see MD-715, II(B)]	Yes	
B.4.a.7	to maintain accurate data collection and tracking systems for the following types of data: complaint tracking, workforce demographics, and applicant flow data? [see MD-715, II(E)]. If not, please identify the systems with insufficient funding in the comments section.	Yes	
B.4.a.8	to effectively administer its special emphasis programs (such as, Federal Women’s Program, Hispanic Employment Program, and People with Disabilities Program Manager)? [5 USC § 7201; 38 USC § 4214; 5 CFR § 720.204; 5 CFR § 213.3102(t) and (u); 5 CFR § 315.709]	Yes	



B.4.a.9	to effectively manage its anti-harassment program? [see MD-715 Instructions, Sec. I); EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]	Yes	
B.4.a.10	to effectively manage its reasonable accommodation program? [see 29 CFR § 1614.203(d)(4)(ii)]	Yes	
B.4.a.11	to ensure timely and complete compliance with EEOC orders? [see MD-715, II(E)]	Yes	
B.4.b	Does the EEO office have a budget that is separate from other offices within the agency? [see 29 CFR § 1614.102(a)(1)]	No	EEO program requirements are supplied through the Office of the Chairman. All resources needed for the office are approved as the need arises. STB shares an EEO officer with another agency. Per memorandum, certain budget items that impact both agencies are shared. STB does not have plans to reconstruct this structure.
B.4.c	Are the duties and responsibilities of EEO officials clearly defined? [see MD-110, Ch. 1(III)(A), 2(III), & 6(III)]	Yes	
B.4.d	Does the agency ensure that all new counselors and investigators, including contractors and collateral duty employees, receive the required 32 hours of training, pursuant to Ch. 2(II)(A) of MD-110?	Yes	
B.4.e	Does the agency ensure that all experienced counselors and investigators, including contractors and collateral duty employees, receive the required 8 hours of annual refresher training, pursuant to Ch. 2(II)(C) of MD-110?	Yes	
 Compliance Indicator	B.5 – The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills.	Measure Met? (Yes/No/NA)	Comments
 Measures			
B.5.a	Pursuant to 29 CFR § 1614.102(a)(5), have all managers and supervisors received training on their responsibilities under the following areas under the agency EEO program:		
B.5.a.1	EEO Complaint Process? [see MD-715(II)(B)]	Yes	
B.5.a.2	Reasonable Accommodation Procedures? [see 29 C.F.R. § 1614.102(d)(3)]	Yes	
B.5.a.3	Anti-Harassment Policy? [see MD-715(II)(B)]	Yes	



B.5.a.4	Supervisory, managerial, communication, and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications? [see MD-715, II(B)]	Yes	
B.5.a.5	ADR, with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR? [see MD-715(II)(E)]	Yes	

 Compliance Indicator		Measure Met? (Yes/No/NA)	Comments
 Measures			
	B.6 – The agency involves managers in the implementation of its EEO program.		
B.6.a	Are senior managers involved in the implementation of Special Emphasis Programs? [see MD-715 Instructions, Sec. I]	Yes	
B.6.b	Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]	Yes	
B.6.c	When barriers are identified, do senior managers assist in developing agency EEO action plans (Part I, Part J, or the Executive Summary)? [see MD-715 Instructions, Sec. I]	Yes	
B.6.d	Do senior managers successfully implement EEO Action Plans and incorporate the EEO Action Plan Objectives into agency strategic plans? [29 CFR § 1614.102(a)(5)]	Yes	



Essential Element C: MANAGEMENT AND PROGRAM ACCOUNTABILITY
This element requires the agency head to hold all managers, supervisors, and EEO officials responsible for the effective implementation of the agency's EEO Program and Plan.



 Compliance Indicator		Measure Met? (Yes/No/NA)	Comments
 Measures			
	C.1 – The agency conducts regular internal audits of its component and field offices.		
C.1.a	Does the agency regularly assess its component and field offices for possible EEO program deficiencies? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.	NA	STB does not have field offices. All STB offices are included as part of the overall agency annual EEO Program Status Report.
C.1.b	Does the agency regularly assess its component and field offices on their efforts to remove barriers from the workplace? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.	NA	STB does not have field offices. All STB offices are included as part of the overall agency annual EEO Program Status Report.
C.1.c	Do the component and field offices make reasonable efforts to comply with the recommendations of the field audit? [see MD-715, II(C)]	NA	STB does not have field offices. All STB offices are included as part of the overall agency annual EEO Program Status Report.

 Compliance Indicator  Measures	C.2 – The agency has established procedures to prevent all forms of EEO discrimination.	Measure Met? (Yes/No/NA)	Comments
C.2.a	Has the agency established comprehensive anti-harassment policy and procedures that comply with EEOC's enforcement guidance? [see MD-715, II(C); Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]	Yes	
C.2.a.1	Does the anti-harassment policy require corrective action to prevent or eliminate conduct before it rises to the level of unlawful harassment? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]	Yes	
C.2.a.2	Has the agency established a firewall between the Anti-Harassment Coordinator and the EEO Director? [see EEOC Report, Model EEO Program Must Have an Effective Anti-Harassment Program (2006)]	Yes	The Agency Anti-harassment Policy outlines the separate responsibilities of the Employee Management Relations Specialist and the EEO Director with respect to harassment complaints
C.2.a.3	Does the agency have a separate procedure (outside the EEO complaint process) to address harassment allegations? [see Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]	Yes	
C.2.a.4	Does the agency ensure that the EEO office informs the anti-harassment program of all EEO counseling activity alleging harassment? [see Enforcement Guidance, V.C.]	Yes	
C.2.a.5	Does the agency conduct a prompt inquiry (beginning within 10 days of notification) of all harassment allegations, including those initially raised in the EEO complaint process? [see <i>Complainant v. Dep't of Veterans Affairs</i> , EEOC Appeal No. 0120123232 (May 21, 2015); <i>Complainant v. Dep't of Defense (Defense Commissary Agency)</i> , EEOC Appeal No. 0120130331 (May 29, 2015)] If "no", please provide the percentage of timely-processed inquiries in the comments column.	Yes	
C.2.a.6	Do the agency's training materials on its anti-harassment policy include examples of disability-based harassment? [see 29 CFR 1614.203(d)(2)]	Yes	
C.2.b	Has the agency established disability reasonable accommodation procedures that comply with EEOC's regulations and guidance? [see 29 CFR 1614.203(d)(3)]	Yes	
C.2.b.1	Is there a designated agency official or other mechanism in place to coordinate or assist with processing requests for disability accommodations throughout the agency? [see 29 CFR 1614.203(d)(3)(D)]	Yes	
C.2.b.2	Has the agency established a firewall between the Reasonable Accommodation Program Manager and the EEO Director? [see MD-110, Ch. 1(IV)(A)]	Yes	



C.2.b.3	Does the agency ensure that job applicants can request and receive reasonable accommodations during the application and placement processes? [see 29 CFR 1614.203(d)(1)(ii)(B)]	Yes	
C.2.b.4	Do the reasonable accommodation procedures clearly state that the agency should process the request within a maximum amount of time (e.g., 20 business days), as established by the agency in its affirmative action plan? [see 29 CFR 1614.203(d)(3)(i)(M)]	Yes	
C.2.b.5	Does the agency process all accommodation requests within the time frame set forth in its reasonable accommodation procedures? [see MD-715, II(C)] If “no”, please provide the percentage of timely-processed requests in the comments column.	Yes	
C.2.c	Has the agency established procedures for processing requests for personal assistance services that comply with EEOC’s regulations, enforcement guidance, and other applicable executive orders, guidance, and standards? [see 29 CFR 1614.203(d)(6)]	Yes	
C.2.c.1	Does the agency post its procedures for processing requests for Personal Assistance Services on its public website? [see 29 CFR § 1614.203(d)(5)(v)] If “yes”, please provide the internet address in the comments column.	Yes	Reasonable Accommodation Issuance 2019.0 2.14.pdf (stb.gov)
 Compliance Indicator  Measures	C.3 - The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity.	Measure Met? (Yes/No/NA)	Comments
C.3.a	Pursuant to 29 CFR §1614.102(a)(5), do all managers and supervisors have an element in their performance appraisal that evaluates their commitment to agency EEO policies and principles and their participation in the EEO program?	Yes	
C.3.b	Does the agency require rating officials to evaluate the performance of managers and supervisors based on the following activities:		
C.3.b.1	Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see MD-110, Ch. 3.I]	Yes	
C.3.b.2	Ensure full cooperation of employees under his/her supervision with EEO officials, such as counselors and investigators? [see 29 CFR §1614.102(b)(6)]	Yes	
C.3.b.3	Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see MD-715, II(C)]	Yes	
C.3.b.4	Ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees? [see MD-715 Instructions, Sec. I]	Yes	
C.3.b.5	Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]	Yes	
C.3.b.6	Provide disability accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(8)]	Yes	
C.3.b.7	Support the EEO program in identifying and removing barriers to equal opportunity. [see MD-715, II(C)]	Yes	

C.3.b.8	Support the anti-harassment program in investigating and correcting harassing conduct. [see Enforcement Guidance, V.C.2]	Yes	
C.3.b.9	Comply with settlement agreements and orders issued by the agency, EEOC, and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority? [see MD-715, II(C)]	Yes	
C.3.c	Does the EEO Director recommend to the agency head improvements or corrections, including remedial or disciplinary actions, for managers and supervisors who have failed in their EEO responsibilities? [see 29 CFR §1614.102(c)(2)]	NA	No such incidents occurred in FY 2022
C.3.d	When the EEO Director recommends remedial or disciplinary actions, are the recommendations regularly implemented by the agency? [see 29 CFR §1614.102(c)(2)]	NA	No such incidents occurred in FY 2022

 Compliance Indicator	C.4 – The agency ensures effective coordination between its EEO programs and Human Resources (HR) program.	Measure Met? (Yes/No/NA)	Comments
 Measures			
C.4.a	Do the HR Director and the EEO Director meet regularly to assess whether personnel programs, policies, and procedures conform to EEOC laws, instructions, and management directives? [see 29 CFR §1614.102(a)(2)]	Yes	
C.4.b	Has the agency established timetables/schedules to review at regular intervals its merit promotion program, employee recognition awards program, employee development/training programs, and management/personnel policies, procedures, and practices for systemic barriers that may be impeding full participation in the program by all EEO groups? [see MD-715 Instructions, Sec. I]	Yes	
C.4.c	Does the EEO office have timely access to accurate and complete data (e.g., demographic data for workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables? [see 29 CFR §1614.601(a)]	Yes	
C.4.d	Does the HR office timely provide the EEO office with access to other data (e.g., exit interview data, climate assessment surveys, and grievance data), upon request? [see MD-715, Yes II(C)]	Yes	
C.4.e	Pursuant to Section II(C) of MD-715, does the EEO office collaborate with the HR office to:		
C.4.e.1	Implement the Affirmative Action Plan for Individuals with Disabilities? [see 29 CFR §1614.203(d); MD-715, II(C)]	Yes	
C.4.e.2	Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]	Yes	
C.4.e.3	Develop and/or provide training for managers and employees? [see MD-715, II(C)]	Yes	
C.4.e.4	Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]	Yes	
C.4.e.5	Assist in preparing the MD-715 report? [see MD-715, II(C)]	Yes	



 Compliance Indicator	C.5 – Following a finding of discrimination, the agency explores whether it should take a disciplinary action.	Measure Met? (Yes/No/NA)	Comments
 Measures			

C.5.a	Does the agency have a disciplinary policy and/or table of penalties that covers discriminatory conduct? [see 29 CFR § 1614.102(a)(6); see also <u>Douglas v. Veterans Administration</u> , 5 MSPR 280 (1981)]	Yes	
C.5.b	When appropriate, does the agency discipline or sanction managers and employees for discriminatory conduct? [see 29 CFR §1614.102(a)(6)] If “yes”, please state the number of disciplined/sanctioned individuals during this reporting period in the comments.	NA	No disciplinary actions were processed for the time period reported.
C.5.c	If the agency has a finding of discrimination (or settles cases in which a finding was likely), does the agency inform managers and supervisors about the discriminatory conduct? [see MD-715, II(C)]	NA	No findings of discrimination or settlements occurred in FY 2022



 Compliance Indicator  Measures	C.6 – The EEO office advises managers/supervisors on EEO matters.	Measure Met? (Yes/No/NA)	Comments
C.6.a	Does the EEO office provide management/supervisory officials with regular EEO updates on at least an annual basis, including EEO complaints, workforce demographics and data summaries, legal updates, barrier analysis plans, and special emphasis updates? [see MD-715 Instructions, Sec. I] If “yes”, please identify the frequency of the EEO updates in the comments column.	Yes	The EEO Director briefs senior leaders at least annually.
C.6.b	Are EEO officials readily available to answer managers’ and supervisors’ questions or concerns? [see MD-715 Instructions, Sec. I]	Yes	



Essential Element D: PROACTIVE PREVENTION



This element requires that the agency head make early efforts to prevent discrimination and to identify and eliminate barriers to equal employment opportunity.

 Compliance Indicator  Measures	D.1 – The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year.	Measure Met? (Yes/No/NA)	Comments
D.1.a	Does the agency have a process for identifying triggers in the workplace? [see MD-715 Instructions, Sec. I]	Yes	
D.1.b	Does the agency regularly use the following sources of information for trigger identification: workforce data; complaint/grievance data; exit surveys; employee climate surveys; focus groups; affinity groups; union; program evaluations; special emphasis programs; reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I]	Yes	The agency uses the available (limited) data sets for trigger identification

D.1.c	Does the agency conduct exit interviews or surveys that include questions on how the agency could improve the recruitment, hiring, inclusion, retention and advancement of individuals with disabilities? [see 29 CFR 1614.203(d)(1)(iii)(C)]	Yes	The HR Office conducts exit interviews focused on overall retention and employee satisfaction.
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 Compliance Indicator	D.2 – The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)	Measure Met? (Yes/No/NA)	Comments
 Measures			
D.2.a	Does the agency have a process for analyzing the identified triggers to find possible barriers? [see MD-715, (II)(B)]	Yes	
D.2.b	Does the agency regularly examine the impact of management/personnel policies, procedures, and practices by race, national origin, sex, and disability? [see 29 CFR §1614.102(a)(3)]	Yes	
D.2.c	Does the agency consider whether any group of employees or applicants might be negatively impacted prior to making human resource decisions, such as re-organizations and realignments? [see 29 CFR §1614.102(a)(3)]	Yes	
D.2.d	surveys, employee climate surveys, focus groups, affinity groups, union, program evaluations, anti-harassment program, special emphasis programs, reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I] If “yes”, please identify the data sources in the comments column.	Yes	Complaint/grievance data, exit surveys, employee climate surveys, affinity groups, program evaluations, anti-harassment program, special emphasis programs, reasonable accommodation program; anti-harassment program.

 Compliance Indicator	D.3 – The agency establishes appropriate action plans to remove identified barriers.	Measure Met? (Yes/No/NA)	Comments
 Measures			
D.3.a.	Does the agency effectively tailor action plans to address the identified barriers, in particular policies, procedures, or practices? [see 29 CFR §1614.102(a)(3)]	Yes	
D.3.b	If the agency identified one or more barriers during the reporting period, did the agency implement a plan in Part I, including meeting the target dates for the planned activities? [see MD-715, II(D)]	NA	



D.3.c	Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]	NA	
 Compliance Indicator  Measures	D.4 – The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities.	Measure Met? (Yes/No/NA)	Comments
D.4.a	Does the agency post its affirmative action plan on its public website? [see 29 CFR 1614.203(d)(4)] Please provide the internet address in the comments.	Yes	https://www.stb.gov/wp-content/uploads/FY-2019-Affirmative-Employment-for-Persons-with-Disabilities.pdf
D.4.b	Does the agency take specific steps to ensure qualified people with disabilities are aware of and encouraged to apply for job vacancies? [see 29 CFR 1614.203(d)(1)(i)]	Yes	
D.4.c	Does the agency ensure that disability-related questions from members of the public are answered promptly and correctly? [see 29 CFR 1614.203(d)(1)(ii)(A)]	Yes	
D.4.d	Has the agency taken specific steps that are reasonably designed to increase the number of persons with disabilities or targeted disabilities employed at the agency until it meets the goals? [see 29 CFR 1614.203(d)(7)(ii)]	Yes	



Essential Element E: EFFICIENCY





This element requires the agency head to ensure that there are effective systems for evaluating the impact and effectiveness of the agency’s EEO programs and an efficient and fair dispute resolution process.

 Compliance Indicator  Measures	E.1 - The agency maintains an efficient, fair, and impartial complaint resolution process.	Measure Met? (Yes/No/NA)	Comments
E.1.a	Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105?	NA	No EEO Complaints were filed in FY 2022
E.1.b	Does the agency provide written notification of rights and responsibilities in the EEO process during the initial counseling session, pursuant to 29 CFR §1614.105(b)(1)?	NA	No EEO Complaints were filed in FY 2022
E.1.c	Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch. 5(I)?	NA	No EEO Complaints were filed in FY 2022
E.1.d	Does the agency issue acceptance letters/dismissal decisions within a reasonable time (e.g., 60 days) after receipt of the written EEO Counselor report, pursuant to MD-110, Ch. 5(I)? If so, please provide the average processing time in the comments.	NA	No EEO Complaints were filed in FY 2022
E.1.e	Does the agency ensure all employees fully cooperate with EEO counselors and EEO personnel in the EEO process, including granting routine access to personnel records related to an investigation, pursuant to 29 CFR §1614.102(b)(6)?	NA	No EEO Complaints were filed in FY 2022
E.1.f	Does the agency timely complete investigations, pursuant to 29 CFR §1614.108?	NA	No EEO Complaints were filed in FY 2022

E.1.g	If the agency does not timely complete investigations, does the agency notify complainants of the date by which the investigation will be completed and of their right to request a hearing or file a lawsuit, pursuant to 29 CFR §1614.108(g)?	NA	No EEO Complaints were filed in FY 2022
E.1.h	When the complainant does not request a hearing, does the agency timely issue the final agency decision, pursuant to 29 CFR §1614.110(b)?	NA	No Final Agency Decisions were requested/issued in FY 2022
E.1.i	Does the agency timely issue final actions following receipt of the hearing file and the administrative judge's decision, pursuant to 29 CFR §1614.110(a)?	NA	There was no complaint activity in FY 2022
E.1.j	If the agency uses contractors to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays? [See MD-110, Ch. 5(V)(A)] If "yes", please describe how in the comments column.	NA	There was no complaint activity in FY 2022
E.1.k	If the agency uses employees to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays during performance review? [See MD-110, Ch. 5(V)(A)]	NA	There was no complaint activity in FY 2022
E.1.l	Does the agency submit complaint files and other documents in the proper format to EEOC through the Federal Sector EEO Portal (FedSEP)? [See 29 CFR § 1614.403(g)]	NA	There was no complaint activity in FY 2022

 Compliance Indicator	E.2 – The agency has a neutral EEO process.	Measure Met? (Yes/No/NA)	Comments
 Measures			
E.2.a	Has the agency established a clear separation between its EEO complaint program and its defensive function? [see MD-110, Ch. 1(IV)(D)]	Yes	
E.2.b	When seeking legal sufficiency reviews, does the EEO office have access to sufficient legal resources separate from the agency representative? [see MD-110, Ch. 1(IV)(D)] If "yes", please identify the source/location of the attorney who conducts the legal sufficiency review in the comments column.	Yes	
E.2.c	If the EEO office relies on the agency's defensive function to conduct the legal sufficiency review, is there a firewall between the reviewing attorney and the agency representative? [see MD-110, Ch. 1(IV)(D)]	Yes	
E.2.d	Does the agency ensure that its agency representative does not intrude upon EEO counseling, investigations, and final agency decisions? [see MD-110, Ch. 1(IV)(D)]	NA	There was no EEO complaint activity in FY 2022.
E.2.e	If applicable, are processing time frames incorporated for the legal counsel's sufficiency review for timely processing of complaints? [see EEOC Report, <i>Attaining a Model Agency Program: Efficiency</i> (Dec. 1, 2004)]	NA	There were no EEO complaints filed in FY 2022.



 Compliance Indicator	E.3 - The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program.	Measure Met? (Yes/No/NA)	Comments
 Measures			



E.3.a	Has the agency established an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process? [see 29 CFR §1614.102(b)(2)]	Yes	
E.3.b	Does the agency require managers and supervisors to participate in ADR once it has been offered? [see MD-715, II(A)(1)]	Yes	
E.3.c	Does the agency encourage all employees to use ADR, where ADR is appropriate? [see MD-110, Ch. 3(IV)(C)]	Yes	
E.3.d	Does the agency ensure a management official with settlement authority is accessible during the dispute resolution process? [see MD-110, Ch. 3(III)(A)(9)]	Yes	
E.3.e	Does the agency prohibit the responsible management official named in the dispute from having settlement authority? [see MD-110, Ch. 3(I)]	Yes	
E.3.f	Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]	Yes	
 Compliance Indicator  Measures	E.4 – The agency has effective and accurate data collection systems in place to evaluate its EEO program.	Measure Met? (Yes/No/NA)	Comments
E.4.a	Does the agency have systems in place to accurately collect, monitor, and analyze the following data:		
E.4.a.1	Complaint activity, including the issues and bases of the complaints, the aggrieved individuals/complainants, and the involved management official? [see MD-715, II(E)]	Yes	
E.4.a.2	The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)]	Yes	
E.4.a.3	Recruitment activities? [see MD-715, II(E)]	Yes	
E.4.a.4	External and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status? [see MD-715, II(E)]	Yes	
E.4.a.5	The processing of requests for reasonable accommodation? [29 CFR § 1614.203(d)(4)]	Yes	
E.4.a.6	The processing of complaints for the anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.2]	Yes	
E.4.b	Does the agency have a system in place to re-survey the workforce on a regular basis? [MD-715 Instructions, Sec. I]	Yes	
 Compliance Indicator  Measures	E.5 – The agency identifies and disseminates significant trends and best practices in its EEO program.	Measure Met? (Yes/No/NA)	Comments
E.5.a	Does the agency monitor trends in its EEO program to determine whether the agency is meeting its obligations under the statutes EEOC enforces? [see MD-715, II(E)] If "yes", provide an example in the comments.	Yes	The agency reviews data in complaint activity and exit interviews to search for trends.
E.5.b	Does the agency review other agencies' best practices and adopt them, where appropriate, to improve the effectiveness of its EEO program? [see MD-715, II(E)] If "yes", provide an example in the comments.	Yes	Yes, the agency attends small agency AE/EEO committee meetings where small agencies share best



			practices, resources, training and other information to improve the effectiveness of EEO programs.
E.5.c	Does the agency compare its performance in the EEO process to other federal agencies of similar size? [see MD-715, II(E)]	Yes	

Essential Element F: RESPONSIVENESS AND LEGAL COMPLIANCE

This element requires federal agencies to comply with EEO statutes and EEOC regulations, policy guidance, and other written instructions.

 Compliance Indicator		Measure Met? (Yes/No/NA)	Comments
 Measures			
	F.1 – The agency has processes in place to ensure timely and full compliance with EEOC Orders and settlement agreements.		
F.1.a	Does the agency have a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions? [see 29 CFR §1614.102(e); MD-715, II(F)]	Yes	
F.1.b	Does the agency have a system of management controls to ensure the timely, accurate, and complete compliance with resolutions/settlement agreements? [see MD-715, II(F)]	Yes	
F.1.c	Are there procedures in place to ensure the timely and predictable processing of ordered monetary relief? [see MD-715, II(F)]	Yes	
F.1.d	Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]	Yes	
F.1.e	When EEOC issues an order requiring compliance by the agency, does the agency hold its compliance officer(s) accountable for poor work product and/or delays during performance review? [see MD-110, Ch. 9(IX)(H)]	NA	There were no compliance orders issued against STB in FY 2022.

 Compliance Indicator		Measure Met? (Yes/No/NA)	Comments
 Measures			
	F.2 – The agency complies with the law, including EEOC regulations, management directives, orders, and other written instructions.		
F.2.a	Does the agency timely respond and fully comply with EEOC orders? [see 29 CFR §1614.502; MD-715, II(E)]	NA	There were no EEOC orders issued against STB in FY 2022.
F.2.a.1	When a complainant requests a hearing, does the agency timely forward the investigative file to the appropriate EEOC hearing office? [see 29 CFR §1614.108(g)]	NA	No hearings were requested in FY 2022
F.2.a.2	When there is a finding of discrimination that is not the subject of an appeal by the agency, does the agency ensure timely compliance with the orders of relief? [see 29 CFR §1614.501]	NA	There were no findings of discrimination against STB in FY 2022.
F.2.a.3	When a complainant files an appeal, does the agency timely forward the investigative file to EEOC's Office of Federal Operations? [see 29 CFR §1614.403(e)]	NA	There were no appeals filed by complainants in FY 2022.
F.2.a.4	Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance?	NA	There was no complaint activity requiring compliance in FY 2022.

 Compliance Indicator  Measures	F.3 - The agency reports to EEOC its program efforts and accomplishments.	Measure Met? (Yes/No/NA)	Comments
F.3.a	Does the agency timely submit to EEOC an accurate and complete No FEAR Act report? [Public Law 107-174 (May 15, 2002), §203(a)]	Yes	
F.3.b	Does the agency timely post on its public webpage its quarterly No FEAR Act data? [see 29 CFR §1614.703(d)]	Yes	