

Promotions Barrier Analysis - Frequently Asked Questions (FAQs)

1. What is a barrier?

A barrier is an agency policy, practice, procedure or condition that limits or tends to limit employment opportunities for members of a particular sex, age, race, ethnicity, or based on an individual's disability status.

2. What is a barrier analysis?

A barrier analysis is the process by which agencies uncover, examine and remove barriers to equal participation at all levels of the workforce. A barrier analysis requires an extensive search for "connections" between anomalies identified in the quantitative data and specific agency policies, practices, procedures, or conditions.

3. What is the Promotions Barrier Analysis?

In this instance, the focus of the Promotions Barrier Analysis was to analyze internal promotions at the SEC to examine whether barriers to equality of opportunity in promotions existed based on age, gender, or race/ethnicity during FY2011 – FY2014.

4. Why did the SEC commission this report?

In 2009, the SEC entered into a Memorandum of Understanding (MOU) with the National Treasury Employees Union (NTEU) that provided, in part, that the SEC would hire an independent, third-party vendor to identify any barriers to promotions at the SEC based on age, gender, race, or ethnicity.

5. Why did it take so long?

Although it took the SEC longer than expected to hire a vendor to conduct this complex analysis, we ultimately contracted with Canvas Management Associates (CMA) in 2014 to undertake this project. CMA, among other things, reviewed available workforce data on promotions, reviewed the SEC's promotions policy and procedures, conducted a survey of all SEC employees and managers (54% of our colleagues responded to this survey), and interviewed SEC colleagues with information about the hiring/promotions processes and procedures.

6. What were the results of CMA's analysis?

Although CMA did not identify actual barriers, they did identify two potential barriers. The reason for identifying them as "potential barriers" at this time is because, according to the Equal Employment Opportunity Commission, "[a]lmost all the barriers identified are potential barriers really because one does not know if the barrier is in fact what is causing the disparity until the results of the plan to eliminate it are reviewed and assessed."

The two potential barriers identified are:

- A. Due to employee perceptions regarding how management fills positions, employees from certain demographic groups applied for promotions at lower rates than their comparator group (e.g., in the report, CMA highlights that "Female Accountants applied at a lower rate [for the SK-15 Accountant position] than Male Accountants"); and
- B. Managers were not completely adhering to the Office of Personnel Management's uniform personnel practices and guidelines, potentially resulting in unequal treatment of individuals competing for promotions (e.g., CMA found that "Attorneys 40 and older were selected for promotions [to SK-15 Attorney position] at a lower rate than Attorneys under 40").

To address these two potential barriers, CMA made seven recommendations.

7. What are the seven recommendations?

CMA recommends that the SEC:

- A. Institute workshops for supervisors and selecting officials on diversity and inclusion and ways to communicate promotional opportunities within the SEC.
- B. Identify promotional opportunities and actively engage employees who have demonstrated skills and aspirations outside of the Area of Consideration when promotional opportunities arise within the SEC.
- C. Continue to develop, utilize, implement, and monitor policies for recommending training and offering

career development opportunities to non-selected and/or interested employees to increase competitiveness for promotions.

- D.** Implement guidelines for processing promotional actions that ensure principles and practices are applied in a uniform and consistent manner to promote transparency and avoid the appearance of pre-selection.
- E.** Develop cohesive working relationships among the Divisions and Offices to promote and underscore the importance of following uniform procedures and guidelines to create an atmosphere that is as free of negative perceptions as possible, regarding conduct of agency business. Monitor for implementation and feedback.
- F.** Publish a set of stand-alone Standard Operating Procedures for promotions protocol and disseminate when upcoming promotional opportunities become available.
- G.** Improve the transparency of promotion procedures by taking steps to address employees' perceptions that promotions are based on favoritism or other non-merit factors.

8. What does the Promotions Barrier Analysis mean for us?

We all need to work together to eliminate the practices and procedures that have resulted in these two potential barriers. This effort will require the support and active engagement of our managers, employees, the NTEU, the Diversity Council, and each of our Employee Resource Groups. By working together, we can all identify and implement practices that are consistent with our nation's EEO laws and that provide for fair, open and transparent promotions processes. In the months ahead, we will provide updates on what we are doing to eliminate these potential barriers and how you can lend support to these efforts. So, stay tuned for additional communications regarding the Promotions Barrier Analysis.

9. What actions is the SEC taking to address the vendor's recommendations?

The SEC's Offices of Human Resources, Equal Employment Opportunity, and Minority and Women Inclusion have already taken several proactive steps toward addressing the vendor's recommendations, including:

- A.** Annual mandatory training for all management on Merit Promotion Principles as well as EEO and Diversity and Inclusion topics.
- B.** Formation of the Diversity Council – with representatives from across the SEC, including Commissioners' and Chair's office, OHR, OMWI and OEOO.
- C.** Incorporation of a diversity and inclusion standard in all management's performance work plans.
- D.** Regular and recurring meetings between Divisions/Offices and OHR/OMWI/EEO to identify and address any diversity and EEO issues at the Commission.
- E.** Standardized the selection process for key mission critical positions (i.e., Enforcement Attorneys, NEP Examiners, and Senior Officers).
- F.** Launch of the Hiring Toolkit – a guide to best practices for selecting candidates at the SEC, for all SEC positions.
- G.** Launch of the Career Horizons Employee Development Center nationwide.
- H.** Establishment of the enhanced Upward Mobility program, in collaboration with NTEU.
- I.** Creation of three key programs to further develop employees: Aspiring Leaders, Excellence in Government Fellows and the Women in Leadership programs.
- J.** Through the auspices of the Employee Resource Groups (e.g., the Women's Committee, the Asian Pacific American Committee, the African American Council, etc.), delivered various workshops/programs focused on career development.
- K.** Complete review of the hiring practices at the SEC and implementation of all recommended enhancements to the process (i.e., hiring checklist, accountability program, peer audit and service level agreements).

The SEC will continue to build on these efforts over the next year by:

- A.** Developing an enhanced communication plan, in coordination with the Employee Resource Groups, to further educate employees on available promotion opportunities and resources available to assist them with

the process.

- B.** Continuing to establish standardized selection tools for key mission critical positions.
- C.** Establishing additional training opportunities for management on the hiring process.
- D.** Requiring additional information from hiring managers on the selection process.
- E.** Enhancing OHR recordkeeping by completing the transition to electronic case files.
- F.** Continuing to evaluate applicant data flow to determine progress towards removing the potential barriers.
- G.** Creating the MyCareer@SEC career pathing website to assist employees with opportunities for promotion.
- H.** Increasing the usage of the Hiring Toolkit by management to utilize selection best practices.
- I.** Enhancing the use of the Individual Development Plan to assist employees with potential development opportunities.
- J.** Expanding the area of consideration on appropriate hiring announcements to allow for the broadest applicant pool.
- K.** The active participation of OEEO and OMWI in the development and implementation of our agency's Human Capital Strategy.
- L.** Working with NTEU, the Diversity Council, our employees and our managers in support of these efforts to promote equality of opportunity and diversity at the agency.