

December 2011

# COAST GUARD

## Continued Improvements Needed to Address Potential Barriers to Equal Employment Opportunity

U.S. Government Accountability Office



YEARS

1921-2011

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## Why GAO Did This Study

In the past, allegations of management weakness and inadequate provision of civil rights services were made against the U.S. Coast Guard's (USCG) Civil Rights Directorate (CRD). To address these allegations, in 2008, the Director of CRD commissioned an external review of CRD's operations. As a result of recommendations made in that review, CRD has developed steps, such as reorganizing its operations, with the intent of program improvement. As requested, GAO examined (1) how the USCG's equal employment opportunity (EEO) program compares to the Equal Employment Opportunity Commission's (EEOC) Management Directive 715 (MD-715) reporting standards for a model program, and (2) the extent to which CRD has defined performance goals and measures that are useful in assessing program improvements. To conduct this work, GAO reviewed documentation from the USCG and EEOC, and literature on performance measurement. GAO also interviewed USCG, EEOC and other relevant agency officials.

## What GAO Recommends

GAO recommends that the USCG (1) take a systematic approach in conducting barrier analyses and reporting its progress toward becoming a model EEO program and (2) refine its performance measurement plan to address gaps in key areas. DHS concurred with both GAO recommendations.

## COAST GUARD

### Continued Improvements Needed to Address Potential Barriers to Equal Employment Opportunity

## What GAO Found

The USCG is making progress toward becoming a model equal employment opportunity (EEO) program, as defined by EEOC. In fiscal year 2008, the USCG established a cross-functional task force, including many divisions of Coast Guard and co-led by the Civil Rights Director and the Assistant Commandant for Human Resources, to identify EEO problems, review data, as well as develop and implement plans to address barriers to EEO. EEOC officials commended the USCG's cross-functional approach, noting that it could strengthen the USCG's ability to bring together different divisions of the USCG toward a common goal of identifying and eliminating barriers to EEO. According to EEOC, progress has been most noticeable with the commitment of USCG's leadership to equality for all employees and applicants and its focus on resolving complaints in a quick and cost effective manner. However, EEOC noted that USCG could improve the way it conducts analyses of its barriers to equal employment. To attract and retain top talent, EEOC's MD-715 states that federal agencies are to identify barriers to EEO in the workplace, execute plans to eliminate barriers, and report annually to EEOC. USCG has several initiatives to improve how it identifies and addresses possible barriers. Still, based on its MD-715 reporting, there is no evidence that the USCG is taking a structured and consistent, or systematic approach to identifying and eliminating barriers in the workplace. For example, USCG has not documented any assumptions or reasoning to support the rationale for its improvement initiatives, and it is not apparent that the initiatives are part of a larger strategy. By clearly demonstrating its efforts to identify and eliminate barriers, the USCG could improve its program, and the ability of EEOC and others to assess USCG's progress towards becoming a model EEO program.

In response to a prior GAO recommendation, CRD developed a performance measurement plan in July 2011 to help it assess the actions it has taken to improve its provision of EEO services, including counseling and training, to USCG personnel. The plan incorporated some common practices of performance plans, such as establishing annual goals, objectives, quantifiable measures, and targets that could help CRD maintain accountability for the changes it has made to improve services. However, there are weaknesses in key areas of CRD's performance plan, such as measures that do not consistently provide a valid representation of the performance goals. Additionally, while nearly all CRD's measures have targets, CRD has not included baselines against which to compare goals and future performance. Further, CRD's plan does not include credible procedures to verify and validate performance information. Refining its performance measurement plan would help address these gaps and provide reasonable assurance that CRD is achieving its intended objectives for program improvements.

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## Abbreviations

|        |   |
|--------|---|
| BAH    | Booz Allen Hamilton                     |
| CRCL   | Civil Rights and Civil Liberties        |
| CRD    | Civil Rights Directorate                |
| CRSP   | Civil Rights Service Provider           |
| DHS    | Department of Homeland Security         |
| EO     | Equal Opportunity                       |
| EEO    | Equal Employment Opportunity            |
| EEOC   | Equal Employment Opportunity Commission |
| MD-715 | Management Directive 715                |
| USCG   | United States Coast Guard               |

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United States Government Accountability Office  
Washington, DC 20548

December 6, 2011

## Congressional Requesters

In response to concerns from its workforce about inadequate provision of civil rights services, the United States Coast Guard (USCG) has undertaken efforts during the past several years to improve these services. At USCG, civil rights services include equal employment opportunity (EEO) services that are provided to civilian employees, and equal opportunity (EO) services, which are provided to active duty military. Providing these services is the responsibility of USCG's Civil Rights Directorate (CRD). As part of USCG's efforts to improve civil rights services, it continues to take actions to be a model EEO program, as defined by the Equal Employment Opportunity Commission's (EEOC) Management Directive 715 (MD-715). Federal agencies are required to submit MD-715 reports annually to EEOC on such topics as 'demonstrated leadership commitment' and 'proactive prevention of discrimination', among others. EEOC then uses the information to assess how an agency's EEO program compares to its standards for a model EEO program.

Additionally, in April 2010, we reported that CRD had taken actions to improve its provision of civil rights services, such as revamping its organizational structure, and replacing part-time civil rights service providers or counseling staff with full-time staff, with the intent to improve its program.<sup>1</sup> In the same report, we made recommendations to help CRD improve its civil rights program; one of them being that the agency establish measurable performance goals and measures to determine the results of actions taken to improve its program. The Department of Homeland Security (DHS), of which USCG is a component agency, concurred with our recommendations and is taking steps to address them.

As requested, to determine CRD's status in continuing to improve the provision of civil rights services to USCG personnel, we examined: (1) how USCG's EEO program compares to EEOC's MD-715 standards for a

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<sup>1</sup> GAO, *Coast Guard: Civil Rights Directorate's Action Plans to Improve Its Operations Could Be Strengthened by Implementing Several Aspects of Project Planning and Implementation Practices*, [GAO-10-571T](#) (Washington, D.C.: Apr. 27, 2010).

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model program, and (2) the extent to which CRD has defined performance goals and measures that are useful in assessing program improvements.

This report is part of your larger request. In July 2011, we reported on the reorganization of CRD's workforce and how it contributed to the improvement of the provision of civil rights services. Specifically, we reviewed the reorganization of field operations, and the qualifications of staff that provide civil rights services to USCG personnel, and made recommendations for the purpose of further enhancing CRD's workforce restructuring efforts.<sup>2</sup> The agency concurred with our recommendations.

For this report, to assess USCG's program relative to EEOC's model program, we reviewed MD-715 and EEOC instructions and guidance for MD-715. We also reviewed USCG's MD-715 reports for fiscal years 2008 through 2010 and analyzed USCG's identified barriers and plans to address those barriers. Because it was beyond the scope of this engagement, we did not evaluate the accuracy of the data contained in the workforce data tables, the extent to which CRD identified all potential barriers, or the extent to which plans to eliminate barriers or activities would address identified barriers. In addition, we reviewed USCG's policies, guidance, and plans related to identifying and addressing barriers. We also interviewed officials from EEOC, CRD, USCG's MD-715 task force, and DHS' office of Civil Rights and Civil Liberties (CRCL).<sup>3</sup>

To assess CRD's efforts to develop and implement performance goals and measures against common practices, we reviewed the 2009 Booz

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<sup>2</sup> GAO, *Coast Guard: Civil Rights Directorate Can Enhance Workforce Restructuring Efforts*, [GAO-11-718](#) (Washington, D.C.: July 18, 2011). The recommendations in this report were: (1) to promote transparency in decision making, develop a disciplined and documented strategic approach that includes criteria for making geographic staffing allocation decisions, which would include helping identify the highest priorities for placing additional staff among its regions and zones; and (2) implement a centralized system for CRSP training records that provides design specifications with associated implementation milestones and that aligns with internal control standards for data tracking, monitoring, and reporting.

<sup>3</sup> DHS' Office of Civil Rights and Civil Liberties (CRCL) provides oversight of EEO programs of all DHS component agencies, including USCG.

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Allen Hamilton (BAH) study of the civil rights program.<sup>4</sup> We also reviewed CRD's action plans to address the recommendations in the BAH report for the improvement of USCG's civil rights operations. In addition to previous GAO work on common practices on developing performance goals and measures, we obtained and analyzed documentation from CRD on the guidance it used to develop its performance plan. We also obtained performance information from EEOC and DHS' CRCL on developing performance goals and measures. See appendix I for more information regarding our scope and methodology.

We conducted this performance audit from November 2010 through December 2011 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

The USCG CRD's principal function is to facilitate USCG's compliance with federal antidiscrimination laws, regulations, and policies consistent with MD-715 model program elements. In this role, CRD provides EO services to its approximately 50,000 active duty military and EEO services to its approximately 8,000 civilian personnel. Under the EEO program, CRD is responsible for ensuring USCG compliance with federal statutes prohibiting employment discrimination as well as EEOC's regulations and directives, including its MD-715, which provides the framework for a model EEO program.<sup>5</sup> Under the EO program, while military members are not covered by the antidiscrimination statutes and EEOC regulations and directives, USCG's policy provides that military equal opportunity policies are generally based upon principles set forth in civilian EEO policy,

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<sup>4</sup> In September 2008, CRD commissioned Booz Allen Hamilton to conduct a review that would help address historical issues of weaknesses in CRD's organizational structure, complaint processes, and program effectiveness. See Booz Allen Hamilton, *U.S. Coast Guard Office of Civil Rights Program Review* (2009)

<sup>5</sup> MD-715 provides policy guidance and standards for establishing and maintaining effective affirmative programs of equal employment opportunity under section 717 of Title VII of the Civil Rights Act of 1964 as amended, and effective affirmative action programs under section 501 of the Rehabilitation Act of 1973, as amended. See, 42 U.S.C. § 2000e-16 and 29 U.S.C. § 791.

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including affording military members with discrimination complaint procedures that mirror the EEO process. CRD's military and civilian Civil Rights Service Providers (CRSPs) provide these services in the form of EO/EEO counseling, complaint investigation/processing, and EO/EEO training. CRD is headed by a Director who reports to the Commandant of USCG and is responsible for all EEO/EO activities within USCG. CRD oversees and manages all CRSPs through three Civil Rights Regional offices.

Under a prior Director, two separate external reviews of the civil rights operations recommended improvements in CRD's organizational structure, complaint processes, and program effectiveness. In the past, allegations of management weaknesses, unsecured personal information, and employee dissatisfaction were made against CRD. The current CRD Director commissioned a third external review and evaluation in September 2008 to improve the operations of the civil rights program. In February 2009, Booz Allen Hamilton completed this commissioned review and made 53 recommendations, which were similar to those of the previous reports.<sup>6</sup> The Director of CRD subsequently developed action plans to address these recommendations.

In our April 2010 testimony, we noted that EEOC's MD-715 provides guidance to federal agencies to identify the basic elements necessary to create and maintain a model EEO program.<sup>7</sup> Under MD-715, federal agencies are to establish and maintain a model EEO program to provide the infrastructure necessary to achieve a discrimination-free work environment characterized by free and open competition for employment opportunities. EEOC guidance states that an agency should review its EEO and personnel programs, policies, and performance against standards defined by EEOC.<sup>8</sup>

Further, according to EEOC, agencies have an ongoing obligation to ensure that all employment decisions are free from discrimination by eliminating barriers that impede free and open competition in the workplace and prevent individuals from any racial or national origin group

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<sup>6</sup> Booz Allen Hamilton, *U.S. Coast Guard Office of Civil Rights Program Review* (2009).

<sup>7</sup> [GAO-10-571T](#).

<sup>8</sup> Additional details of the standards as defined by EEOC are in the body of the text.

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or of either sex from realizing their full potential. As part of this ongoing obligation, agencies must conduct a self-assessment on at least an annual basis to monitor progress and identify areas where barriers may exist to exclude certain groups.<sup>9</sup>

EEOC defines a barrier as an anomaly that affects employment opportunities of certain EEO groups in an agency's workforce. An analysis of such anomalies involves an investigation of workplace policies, procedures, practices, and conditions, with the goal of identifying the root cause of the anomaly, so that the barrier can be eliminated. Further, EEOC's MD-715 guidance states that agencies and their subcomponents have an "ongoing obligation to prevent discrimination on the basis of race, color, national origin, religion, sex, age, reprisal and disability, and eliminate barriers that impede free and open competition in the workplace."<sup>10</sup>

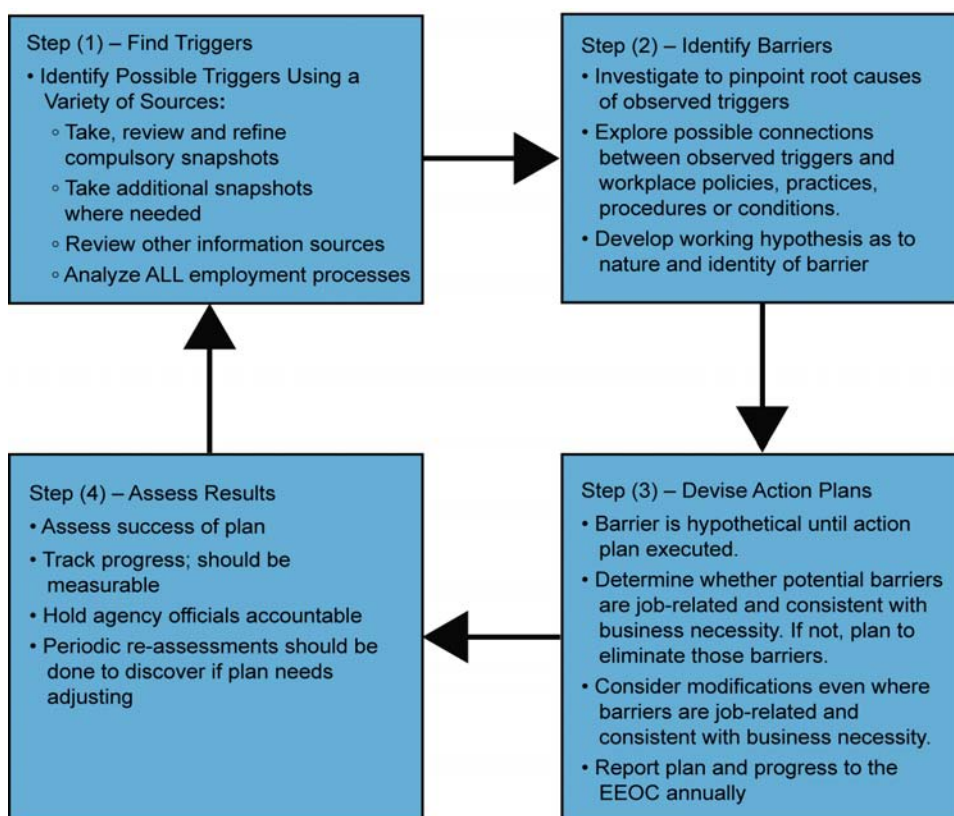
One of the first steps in identifying barriers is finding a "trigger", or "red flag" (e.g., a high number of women who leave an agency's workforce) that something is amiss, and therefore should be investigated. (See fig. 1 for more details.)

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<sup>9</sup> According to EEOC, consistent with Section 717 of Title VII of the Civil Rights Act, EEOC requires operating components and field installations with 500 or more employees to develop separate plans in accordance with these instructions. MD-715 reports are due by January 31 following the end of the fiscal year that is being reported. The heads of all covered departments and agencies are responsible for preparing and submitting annual fiscal year status reports.

<sup>10</sup> MD-715.

**Figure 1: EEOC's Barrier Analysis Process**



Source: EEOC guidance.

According to EEOC, agencies identify these triggers by comparing racial, national origin, and gender profiles of relevant occupational categories to an agency's workforce and workforce benchmarks.<sup>11</sup> This comparison can serve as a diagnostic tool to help agencies determine possible areas where differences and barriers may exist and that may require closer

<sup>11</sup> According to EEOC, agencies must conduct a workforce analysis comparing the internal representation of designated group members in an employer's workforce to the external labor pool of designated group members from which the employer can reasonably be expected to recruit. Agencies must also conduct analysis of hiring, promotion, and termination data, along with an analysis of whether designated group members are concentrated in the lower levels of occupational groups with underrepresentation. Typical benchmarks include the Civilian Labor Force (CLF), Total Workforce, Permanent Workforce, and Occupational CLF.

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attention. Where an agency's self-assessment indicates that a racial, national origin, or gender group may have been denied equal access to employment opportunities, the agency must take steps to identify the potential barrier. The process further requires each agency to develop action plans to eliminate or modify, where appropriate, any policy, practice, or procedure that creates a barrier to equality of opportunity.<sup>12</sup> Agencies must also assess whether the action plans were successful in eliminating barriers. According to EEOC, some indicators of success are increases in workforce participation rates, decreases in separation rates and complaints, and favorable responses in surveys and exit interviews.

EEOC guidance also indicates that agencies cannot meet the mandate of the EEO MD-715 by relying solely on workforce statistics to identify and eliminate barriers. Instead, EEOC guidance requires agencies to go beyond examining workforce statistics to taking a systematic approach, such as one where agencies methodically examine their employment policies and practices to identify and remove barriers to EEO in the workplace.<sup>13</sup> Further, within a systematic approach agencies would consider additional information to identify areas where barriers may exist to exclude certain groups. Surveys, for example, may reveal information on experiences, perceptions, or difficulties with a practice or policy with an agency. Following EEOC's guidance, this kind of systematic approach would require agencies, for example, to develop hypotheses about factors that create barriers. EEOC guidance also indicates that a thorough and systematic analysis may identify certain barriers that are interrelated and could, therefore, be addressed in a comprehensive manner that can be noted in the agencies' MD-715 report.

In our April 2010 testimony, we also noted that CRD had taken action to resolve certain management challenges such as dissatisfaction among USCG personnel and to improve its civil rights program.<sup>14</sup> In that testimony, however, we concluded that selected action plans consistently lacked evidence of how CRD defined program outcomes, and, therefore, we recommended that CRD establish measurable performance goals for

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<sup>12</sup> Barrier analyses and action plans must be updated each year in Part I of EEOC's MD-715.

<sup>13</sup> MD-715 instructions.

<sup>14</sup> [GAO-10-571T](#).

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each of the action plans, and create an evaluation strategy for each action plan.

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## USCG Is Taking Steps toward Becoming a Model EEO Program; Opportunities Exist for Continued Progress

EEOC's MD-715 provides policy guidance and standards for establishing and maintaining a model EEO program.<sup>15</sup> According to EEOC, a model EEO program should include effective management, accountability, and self-analysis that will ensure program success and compliance with MD-715. Agency personnel programs and policies should be evaluated regularly to ascertain whether such programs have any barriers that tend to limit or restrict equitable opportunities in the workplace. MD-715 guidance further refers to six elements that an agency's EEO program should encompass to create and maintain a model EEO program. Agencies are to consider these elements when identifying areas where their EEO program can become more effective.<sup>16</sup> Table 1 provides additional details about the six elements.

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<sup>15</sup> Both section 717 of Title VII and 29 U.S.C. § 791 et seq. require the establishment of federal affirmative action plans.

<sup>16</sup> We did not evaluate the extent to which CRD's action plans met the criteria for EEOC model elements.

**Table 1: EEOC's Six Elements of a Model EEO Program**

| Element   | Element description and requirement   | Recent USCG actions   |
|---|---|---|
| 1. Demonstrated Commitment from Agency Leadership         | <p>Agency leadership is to demonstrate strong commitment to equality for all employees and applicants.</p> <p>Requirement - Agency leadership is to be instrumental in translating equal opportunity into everyday practice so that EEO principals can be a fundamental part of agency culture.</p>   | <ul style="list-style-type: none"> <li>Increased collaboration with EEOC for workshops facilitation and leadership conferences</li> <li>Hired additional staff to support civil rights services for USCG personnel, and analyze MD-715 data and compile reports.</li> </ul>   |
| 2. Efficiency   | <p>Agencies are required to have an efficient and fair dispute resolution process and systems for evaluating the effectiveness of their EEO and Alternative Dispute Resolution programs.<sup>a</sup> Also, the agency is to demonstrate to complainants that it is committed to expeditious complaint resolution.</p> <p>Requirement - The benefit of ADR is instrumental in the early resolution of EEO complaints. EEOC's regulations provide that each agency assures that individual complaints are fairly and thoroughly investigated and that final action is taken in a timely manner.</p> | <ul style="list-style-type: none"> <li>For fiscal year 2010, increased percentage of formal complaints settled through ADR by 23 percent over 2009.</li> <li>For fiscal year 2010, increased timeliness of investigations to 98 percent, an increase of 2 percent over 2009.</li> <li>For fiscal year 2010, reduced the number of days an investigation took to 184 days, from 249 days in 2009, a 27 percent improvement.</li> </ul> |
| 3. Integration of EEO into the Agency's Strategic Mission | <p>The role of an EEO office is to serve as a resource for managers by providing direction, guidance, and monitoring of key activities to achieve a diverse workplace free of barriers to equal opportunity.</p> <p>Requirement - The EEO office is essential in attracting, developing, and retaining the most qualified workforce to support the agency's achievement of its strategic mission.</p>   | <ul style="list-style-type: none"> <li>Held Senior Executive Leadership Equal Opportunity seminars.</li> <li>Hosted a Diversity Leadership Summit in 2010.</li> </ul>   |
| 4. Management and Program Accountability                  | <p>Managers, supervisors, EEO officials, and personnel officers are to be held accountable for the effective implementation and management of the agency's EEO program. Agencies are also required to maintain defined and consistently applied personnel policies, selection and promotion procedures, and training systems, as well as implement reasonable accommodation procedures.</p> <p>Requirement - Accountability ensures effective coordination between the agency's EEO programs and related human resource programs.</p>   | <ul style="list-style-type: none"> <li>Convened a task force to identify and resolve potential barriers to equal employment opportunity, among other activities.</li> <li>Developed plans to evaluate hiring decisions to identify potential barriers to a diverse workforce.</li> <li>Developed plans to use a web-based application to validate and increase the timeliness of required training.</li> </ul>                        |
| 5. Responsiveness and Legal Compliance.                   | <p>Agency head or designee is to certify to the EEOC that the agency is in full compliance with EEO laws, regulations, policy guidance, and other written instructions. This annual certification is reported on EEOC form 715-01, Part F.</p> <p>Requirement - EEOC uses this element to assess if agencies meet submission requirements.</p>  | <ul style="list-style-type: none"> <li>For fiscal year 2010, USCG certified that 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.</li> </ul>  |

| Element  | Element description and requirement  | Recent USCG actions   |
|--|--|---|
| 6. Proactive Prevention of Unlawful Discrimination | <p>The MD-715 requires agencies to conduct a self-assessment annually to monitor progress, identify areas where barriers may operate to exclude certain groups, and develop strategic plans to eliminate identified barriers.</p> <p>Requirement - Agencies must exhibit their ongoing obligation to prevent discrimination on the bases of race, color, national origin, religion, sex, age, reprisal, and disability, and eliminate barriers that impede free and open competition in the workplace.</p> | <ul style="list-style-type: none"> <li>USCG included complaint, and other data in its 2010 MD-715 report that it uses to aid its efforts to identify and resolve barriers to equal employment opportunity.</li> <li>DHS' Civil Rights and Civil Liberties (CRCL) unit provided the USCG MD-715 task force team with barrier analysis training in March 2011.</li> </ul> |

Source: EEOC's MD-715 guidance, USCG, and GAO analysis.

<sup>a</sup>According to EEOC, Alternative Dispute Resolution (ADR) generally refers to a continuum of processes and approaches that are designed to resolve disputes in a manner which avoids the cost, delay, and unpredictability of more traditional adversarial and adjudicatory processes, such as, litigation, hearings, and appeals. Numerous types of ADR techniques exist, including mediation, facilitation, fact finding, early neutral evaluation, the use of an Ombudsman, settlement conferences, minitrials, and peer review.

Based on our review of USCG's 2008–2010 MD-715 reports and discussions with USCG officials, we determined that USCG has taken actions for each element, which is also summarized in table 1. Further, in our recent discussions with EEOC officials, they credited USCG for taking steps toward building a solid foundation for a model EEO program. EEOC officials noted that USCG has progressed in its efforts, particularly in two of the six elements—Demonstrated Commitment from Agency Leadership, and Efficiency. Even with the progress in efficiency, EEOC officials identified further improvements that could be made in this area as well as the area of Proactive Prevention of Unlawful Discrimination element, which we discuss in more detail later in this report.

## Demonstrated Commitment from Agency Leadership

The EEOC commended USCG for demonstrating leadership commitment through such actions as increased collaboration with EEOC for educating senior management on EEO issues, and for dedicating more resources towards addressing the EEO needs of USCG personnel. Further, according to USCG, an operations research specialist was hired to assist with the evaluation of workforce and other data to identify problems, such as potential barriers to EEO. Adding this analytical skill set helps address a concern expressed by BAH in its 2009 report that USCG did not have the requisite skills and knowledge to conduct barrier analysis. This action also further supports USCG's demonstration of leadership commitment.

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## Efficiency

EEOC noted that USCG made progress over the years in resolving complaints in a quick and cost effective manner. For fiscal year 2010, USCG reported conducting timely investigations for 98 percent of complaints, compared to 94 and 96 percent for fiscal years 2008 and 2009, respectively.<sup>17</sup> In our discussions with EEOC officials, they corroborated USCG's success in this area, stating that counseling and timely resolution of complaints was near 100 percent. Further, according to EEOC, USCG has improved in the Efficiency element by increasing its use of the ADR program, which is critical for resolving complaints before the formal complaint process is initiated. As stated in the fiscal year 2010 MD-715 report, USCG offered ADR to 100 percent of its workforce for pre-complaint resolution, whereas for fiscal 2006, USCG offered the program to only approximately 4 percent of its workforce, based on EEOC's review. Moreover, according to USCG's fiscal year 2010 MD-715 filing, the number of formal cases settled by ADR increased by 16 (23 percent) over fiscal year 2009. USCG attributed the improvement to such factors as better internal processes and increased management participation. According to EEOC, the increased use of ADR is important because ADR provides prompt resolution of complaints and saves USCG the time and expense involved with going through the formal complaint process. Although EEOC describes Efficiency as an area of progress for USCG, officials also noted that USCG complainants who accept the ADR participation offer and resolutions through ADR at USCG are below their respective governmentwide averages. EEOC said that USCG has not identified specific reasons as to why this is the case.

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## Integration of EEO into the Agency's Strategic Mission

For this element, USCG's fiscal year 2010 MD-715 states that the agency conducted activities such as hosting a Diversity Leadership Summit in 2010, in which over 200 USCG representatives participated in educational and multicultural awareness sessions, networked with national and international leaders in diversity management, and shared best practices and resources. Additionally, the fiscal year 2010 MD-715 report describes three 2-day Senior Executive Leadership Equal Opportunity Seminars held in fiscal year 2010 focusing on civil rights, equal employment opportunity, and diversity in the workplace. The overall completion rate among senior leadership, according to USCG, was 72

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<sup>17</sup> Timely resolution of investigation of complaints should be completed within 180 days for civilians, and military personnel. However, USCG-CRD must issue a final action for military personnel within 60 days after the 180 days allowed for investigation.

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percent. Coast Guard plans to continue holding this course to ensure 100 percent of senior leaders attend.

Additionally, the 2010 'Annual Report on the Coast Guard Workforce', presented to USCG's Senior Executive Leadership Conference, described USCG's workforce profile for targeted population groups and actions underway to address identified gaps.

These actions are consistent with the requirements necessary for an agency to integrate its EEO office and programs into the agency's mission and to regularly inform the agency head and other senior management officials of the status of EEO programs.

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## Management and Program Accountability

USCG officials also told us about actions they had taken that were consistent with the Management and Program Accountability element. In particular, USCG established a MD-715 Task Force in 2008, co-led by the Civil Rights Director and the Assistant Commandant for Human Resources that includes representatives from 10 divisions across USCG.<sup>18</sup> Officials said, and our document review indicated, that the task force meets quarterly to conduct activities such as reviewing workforce data, identifying recruitment strategies, developing plans to address barriers to equal opportunity employment, and developing recommendations for improving diversity recruitment and retention efforts. The MD-715 Task Force is also responsible for developing and compiling information for the agency's annual MD-715 report. EEOC officials commended USCG's approach of using this cross-functional team approach, which they believe, and we agree, helps improve USCG's MD-715 reporting and, perhaps more importantly, strengthens USCG's ability to bring together different divisions of USCG to eliminate barriers to equal opportunity employment.

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## Responsiveness and Legal Compliance

In addressing the element of Responsiveness and Legal Compliance, USCG states in its fiscal year 2009 and 2010 MD-715 reports that it is in full compliance with MD-715 model program standards. In a 2008 trend letter to USCG, EEOC gave credit for overall compliance with MD-715

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<sup>18</sup> These 10 divisions include representatives from CRD's three geographical regions, diversity, human resources, civil engineering, reserve and leadership, and community services, representing a cross-functional team.

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reporting requirements.<sup>19</sup> In general, these requirements are that USCG has submitted its MD-715 reports on a timely basis, reported on agency program efforts and accomplishments, and followed EEO instructions regarding EEOC orders, regulations, and directives. For example, EEOC credited USCG for posting Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR) of 2002 data, pertaining to EEO complaints filed with the agency, on its external website, and providing No FEAR Act data to EEOC.<sup>20</sup>

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## Proactive Prevention of Unlawful Discrimination

In reference to barrier analysis under the Proactive Prevention of Unlawful Discrimination element, our review of USCG's MD-715 reports for fiscal years 2008-2010 showed that USCG's fiscal year 2009 and fiscal year 2010 reports contained additional analysis of workforce data that was not provided in the fiscal year 2008 report. For instance, for fiscal years 2008-2010, USCG reported that a low workforce participation rate for persons with targeted disabilities was a recurring problem.<sup>21</sup> However, the 2010 report included more details about planned activities to monitor and track applicants with disabilities and target dates for activity completion than did the 2009 report, such as reviewing USCG and DHS employee survey data. Further, USCG augmented its analyses with additional workforce analysis of both hiring and separation rates for persons with targeted disabilities. USCG officials explained that the addition of these data elements could help them better understand if additional efforts should focus on, for example, recruitment and hiring, or development and retention.

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<sup>19</sup> EEOC reviews MD-715 reports when they are submitted annually. Every 3 years, EEOC issues trend letters to agencies that contain EEOC's assessment of the respective agency's EEO program in regards to MD-715 reporting.

<sup>20</sup> According to EEOC, Section 301 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the No Fear Act) requires each federal agency to post summary statistical data pertaining to complaints of employment discrimination filed against it by employees, former employees, and applicants for employment under 29 C.F.R. Part 1614. The specific data to be posted are described in section 301(b) of the act and 29 CFR 1614.704.

<sup>21</sup> According to MD-715 instructions, participation rates below a designated benchmark for a particular group are triggers or problems for additional analysis. EEOC defines a trigger as a "red flag"; i.e., conditions, disparities, or anomalies in the workplace warranting inquiry.

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EEOC officials stated that additional opportunities exist for improvements under this element, particularly in barrier analysis and elimination. We agree with EEOC's assessment based on our review of 2008-2010 MD-715 reports and discussions with USCG's MD-715 task force officials. At least since 2004, at one time or another, USCG has experienced low participation rates in its total workforce among: (1) women overall, Hispanics, and other racial and ethnic groups; (2) women overall, Hispanics, and other groups in the Senior Executive Service and within the feeder-pool positions for promotion to senior management; and (3) persons with targeted disabilities. In addition, there has been an unspecified impact of nonretirement separations on workforce diversity.

EEOC officials identified some key areas in which USCG could address these low participation rates by improving its efforts to conduct barrier analyses, eliminate barriers, and demonstrate the results to EEOC.<sup>22</sup>

- After a September 2011 meeting with USCG's MD-715 Task Force, EEOC officials stated in a written summary of the visit that USCG, like most agencies, has made efforts to conduct barrier analysis and identify triggers. They also stated in the summary that USCG provided them with a list of a number of planned activities and accomplishments that EEOC defined as proactive measures to enhance the diversity of its workforce, including outreach strategies aimed at particular groups, utilization of educational and internship programs, creation of agencywide mentoring opportunities, and development of relationships with organizations and institutions serving minority communities. However, EEOC officials stated that even with these initiatives planned or underway, the participation rate of these targeted groups has remained low, and that USCG had not actually identified barriers to equal employment opportunity for these groups.
- During discussions, EEOC officials told us that overall, they did not see evidence of a structured and systematic approach—an overall strategy to barrier analysis, which would include identifying the root causes of triggers that USCG identified in its fiscal year 2010 MD-715

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<sup>22</sup> Another area that EEOC stated that USCG could improve on was timeliness of final agency decisions (FADs) on case settlements. However, EEOC also commented that the responsibility for the issuance of FADs is directly under the purview of DHS. USCG officials told us that a change they would like to see take place is for DHS to allow USCG to be the final authority on FAD issuances for military staff.

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report; nor did they receive such information during their 2011 discussion with USCG officials.<sup>23</sup> EEOC officials said that during the technical visit with USCG, officials requested training from EEOC on properly conducting barrier analysis, which EEOC said it will provide during fiscal year 2012. As a way of providing support on a more immediate basis, EEOC officials said they walked USCG officials through a barrier analysis exercise, which involved a decision-tree methodology the National Oceanic Atmospheric Administration (NOAA) had developed through a contractor. NOAA refers to the methodology as a 'Root Cause Analysis Tool' that outlines steps to complete barrier analysis, including determining the root causes of why a particular group does not fully participate in an agency's workforce.<sup>24</sup> According to EEOC officials, it is important that USCG follows a systematic approach to barrier analyses and elimination.

EEOC believes that the NOAA approach is systematic, based on information in the NOAA report in that once workforce data indicate a demographic anomaly, the Root Cause Analysis Tool takes into account the agency's policies, practices, and conditions that affect all parts of the employment cycle, beginning at recruitment and hiring, and extending through employee separations. Then, through a series of questions about policies, procedures, and practices, the tool helps the agency identify barriers and if barriers are job-related, and then guides the agency in determining what the agency can do to resolve the problem. EEOC officials said in addition to USCG's use of the Root Cause Analysis tool, they would support other agencies' use of this model to accomplish barrier resolution in a timely manner.

- Another concern that EEOC officials stated about USGC's barrier analyses was that the agency had not submitted statistical data about its applicant pool in its previous MD-715 reports. These applicant flow data, as they are commonly referred to, are a valuable tool that can be instrumental for an agency in examining the fairness and inclusiveness of its recruitment efforts, which would help strengthen a planned approach to barrier analyses. According to EEOC, without

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<sup>23</sup> The triggers USCG identified in fiscal year 2010 were: (1) low participation rates of women overall, Hispanics, and other racial and ethnic groups in the total workforce; (2) low participation rates of women overall, Hispanics, and other groups in the Senior Executive Service and within the feeder-pool positions for promotion to senior management; (3) low participation rates of persons with targeted disabilities across the board; and (4) unspecified impact of nonretirement separations on workforce diversity.

<sup>24</sup> The model was created for NOAA in May 2010, and includes some consideration of the agency's policies, procedures, and practices.

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applicant flow data, there cannot be meaningful review of the effectiveness of an agency's recruitment efforts. Although USCG has not included these data in its MD-715 reports in past years, USCG officials said they plan to include them in the 2011 MD-715 report.

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## CRD Needs to Address Gaps in Its Performance Plan to Improve Effectiveness

As we reported in April 2010, CRD developed action plans in response to the 53 recommendations that BAH made as a result of the study that CRD commissioned.<sup>25</sup> At that time, we recommended that CRD establish measurable performance goals to aid in tracking progress and determining when each action plan had been completed, and whether or not the intended goal has been achieved. CRD concurred with this recommendation.

In July 2011, CRD provided us with its most recent performance measurement plan that included information about its performance goals and measures. CRD's performance measurement plan also included actions taken relative to each goal to address the 53 BAH recommendations. In the performance plan, CRD also aligned each goal to the original BAH recommendations.

In reviewing CRD's performance plan, our focus was on how useful its performance goals and measures would be in assessing CRD's actions towards program improvements. Building upon our previous review of CRD, we selected four goals and their respective measures that are related to key issues in the BAH review as well as the actions taken by CRD to address the BAH recommendations. These four goals we selected for further review encompass 21 measures that are related to the BAH 53 recommendations. (See table 2.)

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<sup>25</sup> [GAO-10-571T](#).

**Table 2: CRD Performance Goals and Descriptive Statements, as of July 2011**

| Goal  | Goal statement  | Measure  | Fiscal year 2012 target |
|---|---|--|-------------------------|
| 1. Enhanced CRD Management and Leadership Effectiveness | CRD leadership creates and fosters a collaborative, professional work environment for all Directorate staff | The percentage of new improvement in the satisfaction of the CRD workforce with the office climate as measured by the Defense Equal Opportunity Climate Survey (DEOCS) <sup>a</sup>        | +5%                     |
|   |   | The percentage of regional, zone, and headquarters CRD management and leadership who received at least “meets” ratings on the leadership competencies on their annual evaluations          | 100%                    |
|   |   | The percentage of CRD managers and leaders attending at least one professional development training  | 100%                    |
|   |   | Average staff rating of “teamwork” series of seminars  | Good                    |
| 2. Optimize Organizational Structure                    | The CRD’s organizational structure promotes accountability, privacy, and integrity                          | The rate, measured as a percentage of CRDs compliance with reporting structure questions in the MD-715 assessment  | 100%                    |
|   |   | The net change in percentage of positive responses by CRD staff on whether CRD’s structure supports accountability, privacy, and integrity, as measured through the DEOCS                  | +15%                    |
|   |   | The net change of formal and informal complaint processing times after fiscal year 2009 (when restructuring occurred)  | -10%                    |
|   |   | The number of discrimination inquiries received from the workforce in the form of official correspondence  | 10                      |
|   |   | The rate, measured as a percentage of CRD’s compliance with all MD-715 factors   | 100%                    |
|   |   |  |                         |
| 3. Civil Rights Manual Accessible to Workforce          | Provide an accessible, single resource for civil rights policy and doctrine to USCG’s workforce             | The number of communication channels utilized to offer the workforce access to the Civil Rights (CR) Manual (e.g., CRD public internet website, CRD internal Coast Guard internet website) | 5                       |
|   |   | The percentage of people completing Civil Rights Awareness Training evaluation forms who acknowledge they know how to access the CR Manual   | 50%                     |
|   |   | The average number of days between management direction to modify an existing policy and the submission of updates to the CR manual for internal USCG clearance                            | 60 days or less         |
|   |   | The percentage of staff members who have measurable performance goals for timely submission of policy updates  | 50%                     |
|   |   | The percentage of staff members who have measurable performance goals for ensuring the CR manual is revised and updated  | 25%                     |
|   |   | The average number of days required for CRD to develop a new policy and submit it for internal USCG clearance  | 120 days or less        |
|   |   | The percentage of USCG Districts submitting the EO Compliance Checklist by October 31  | 100%                    |
|   |   |  |                         |

| Goal   | Goal statement  | Measure  | Fiscal year 2012 target |
|--|---|--|-------------------------|
| 4. Secure Privacy and Appropriately Manage Records | CRD personnel handle and manage personally identifiable information and records in accordance with federal statutes and regulations and DHS policies and procedures | The percentage of Districts that comply with the Personally Identifiable Information (PII)/Records management portion of the Command Checklist   | 100%                    |
|  |   | The percentage of field and headquarters CRD personnel who received at least a "satisfactory" rating on the PII/Records management portion of their annual evaluations                                 | 100%                    |
|  |   | The percentage of files held by the Solutions and Complaints Division and the Regions, that were not accessed by an unauthorized user, as measured by the file management security system, iComplaints | 100%                    |
|  |   | The percentage of CRD Headquarters and Field personnel who complete the annual USCG Information System Security training test  | 100%                    |
|  |   | The number of policy violations officially detected and validated  | 0                       |

Source: GAO, based on information obtained from CRD.

<sup>a</sup>DEOCS is a survey for military organizations developed by the Defense Equal Opportunity Management Institute. It is used to assess problems in the area of equal opportunity.

Consistent with our previous work on assessing performance plans, we examined whether or not CRD's plan *generally* incorporates common practices in performance measurement planning.<sup>26</sup> In general, the more agencies incorporate these practices into their performance plans, the more useful the results can be to the agency officials for setting program performance goals and in assessing progress toward those goals.

Developing the performance plan is an important step because it helps CRD assess progress in its EEO program improvements. However, we found that the four selected goals and measures in CRD's performance plan were consistent with common practices to varying extents as described below.

- *Performance goals or their measures should be objective, measurable, and quantifiable:* In response to our April 2010 recommendation, CRD has made progress articulating performance goals and measures in its plan to help in determining if it is achieving

<sup>26</sup> GAO, *The Results Act: An Evaluator's Guide to Assessing Agency Performance Plans*, [GAO/IGD-10.1.20](#) (Washington, D.C.: April 1998).

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its intended objectives.<sup>27</sup> While the four CRD performance goals we selected for review were not quantifiable, we found that the measures included within each goal were quantifiable. For example, CRD's goal to enhance CRD management and leadership effectiveness included several measures that are quantifiable, including 'the percentage of new improvement in the satisfaction of the CRD workforce with the office climate as measured by DEOCS', and 'the percentage of CRD managers and leaders attending at least one professional development training.'

- *Measures should be valid representations of the performance goals:* Some of the measures CRD identified are not valid representations of the goals. For example, to assess progress under the goal of enhancing CRD management and leadership effectiveness, CRD cited the results from an Organizational Climate Survey, which measures the percentage of improvement in the job satisfaction of CRD's workforce.<sup>28</sup> We have previously reported that such survey data may reveal information on experience with, perceptions of, or difficulties with a practice or policy within the unit.<sup>29</sup> However, as noted above, the relationship between leadership effectiveness and job satisfaction is not clear. Consequently, in addition to the job satisfaction, CRD might include one or more other measures in the same survey, such as "perceived work group effectiveness," "leadership cohesion," "work group cohesion," or "organizational commitment," as indicators of improved management and leadership effectiveness, possibly even comparing results to other EO/EEO programs.

CRD is also assessing its management and leadership effectiveness with a measure of the "average staff rating of the 'teamwork' series of seminars." The fiscal year 2012 target for this measure is "good."

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<sup>27</sup> [GAO-10-571T](#).

<sup>28</sup> According to the Defense Equal Opportunity Management Institution, the Organizational Climate Survey measures climate factors associated with the military EO program, civilian EEO program, and organizational effectiveness (OE). The questionnaire contains 63 items for civilian personnel and 56 for military. It is designed to assess the "shared perceptions" of respondents about formal or informal policies, practices, and procedures likely to occur in the organization. The survey measures 14 climate factors: 8 EO/EEO and 6 OE factors, such as organizational commitment, work group cohesion, leadership cohesion, job satisfaction, and perceived work group effectiveness.

<sup>29</sup> [GAO-09-639](#), p. 9.

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While the seminars may enhance teamwork among CRD staff, it is unclear how ratings align with the effectiveness of CRD's management and leadership. Including a more direct assessment of management's effectiveness on specific aspects related to organizational performance, such as their effectiveness at preventing litigation as measured by the percentage of complaints resolved through the ADR process, might help CRD assess the results of improvements. Another measure for this goal is the percentage of CRD managers and leaders attending at least one professional development training per year. However, there is no indication that the training is directly related to effective management or leadership; consequently, the measure may be subject to interpretation and, therefore, lacks reliability. Rather than considering a generic professional development training, perhaps expanding the measure to reflect completion of a course or program of training that has been demonstrated to improve effectiveness with meaningful results could help CRD align its measures to the specific goal. CRD might also include a related measure that reflects the results of the content of the training, such as those noted above, to be more reflective of progress toward the specific goal.

Similar gaps exist for several of the measures for the goal of organizing CRD's structure to promote accountability, privacy, and integrity. For example, one measure, the net change of formal and informal complaint processing times, may be an appropriate measure to promote accountability. However, the quality of processing complaints may be equally, if not more important—yet there is no measure of quality for processing complaints for this goal.

- *Performance goals and measures should state a particular target level of performance, or improvement:* CRD provided fiscal year 2012 targets for nearly all measures, which is consistent with one of the common practices. These targets help CRD establish intended performance that can be used to assess progress towards goals.
- *Use baseline of benchmark data to assess progress towards goals:* Within the four goals we reviewed, only 1 of the 21 performance measures had baseline data, “the number of policy violations officially detected and validated.”<sup>30</sup> Additionally, none of the measures

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<sup>30</sup> Baseline data and measures are described as basic information gathered before a program begins. It is used later to provide a comparison for assessing program impact.

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included data from the previous period. It is important to establish baseline performance levels, or at least data from a previous period, to set goals and measure performance. Further, without baselines or data from the previous period, CRD cannot be assured that it has set realistic targets. For example, CRD set a target to increase the satisfaction of CRD's workforce with the office climate by 5 percent. But, it is unclear how CRD was able to set realistic targets absent performance data. CRD officials have stated they need to do additional work in this area, and noted they would use fiscal year 2011 performance levels as baselines for assessing changes in future years.

- *Performance measurement data should be verified and validated:* CRD did not provide documentation that it had credible procedures in place to verify and validate performance data for the four selected goals. According to CRD officials, they constructed performance measures using data that were readily available, but did not attempt to validate the data. As we have previously reported, errors can occur at various points in the collection, maintenance, processing, and reporting of data that can lead to inaccurate estimates of program performance.<sup>31</sup> Without procedures in place to verify and validate performance measurement data, CRD cannot ensure the accuracy and completeness of the data used to develop and assess its performance measures.

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## Conclusions

The USCG has undertaken a number of actions under each of EEOC's essential elements to be considered a model of EEO standards. However, while USCG is engaged in a number of initiatives to identify, address, and resolve barriers to an equal opportunity workplace, the same populations remain underrepresented in its workforce at one time or another in the past several years. Based on EEOC's MD-715 standards, it is important that USCG follows a systematic approach to barrier analyses and elimination. Further, it is important that USCG describe this systematic approach in its annual MD-715 report, because demonstrating a systematic approach would help EEOC, relevant units of DHS, and Congress more accurately determine if USCG has a structured, consistent and robust approach to identify and eliminate potential barriers to EEO. According to EEOC officials, this would also assist them in

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<sup>31</sup> [GAO/GGD-10.1.20](#).

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further assessing CRD's prospects of achieving model EEO program status. This approach would also help USCG further develop plans to eliminate or modify, where appropriate, policies, practices, or procedures that create barriers to equality of opportunity. The benefits of demonstrating this approach could serve as a model to other EEO programs within DHS and to external ones as well.

CRD has made progress addressing our prior recommendation that it develop measurable performance goals, by articulating performance goals and measures to help CRD determine if it is achieving its intended objectives. However, because CRD has faced previous charges in the past of alleged mismanagement and employee dissatisfaction, it is particularly important for CRD to ensure that it is taking a proven and sound approach to establishing goals and measures, including addressing the gaps that exist in its performance measurement plan. Such an approach will help CRD determine if changes in the provision of equal employment services to USCG personnel are effective. CRD's performance measurement plan is an important step in demonstrating that notable improvements in its program have been made in the past few years. However, refining its performance measurement plan is needed to address gaps in CRD's plan and help to improve the plan's effectiveness in providing reasonable assurance that CRD is achieving its intended objectives.

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## Recommendations for Executive Action

We recommend that the Secretary of Homeland Security direct the Commandant of the Coast Guard to take the following two actions:

- Develop and implement a systematic approach in conducting barrier analyses, including defining barriers, and demonstrate this approach in MD-715 reports so that EEOC, relevant units of DHS, and Congress can accurately assess USCG's status in achieving model program status.
- Refine its performance measurement plan, with implementation time frames, in the key areas to include:
  - ensuring measures are valid representations of performance goals,
  - including baseline measures, and
  - verifying and validating data used for the measures.

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## Agency Comments and Our Evaluation

We provided a draft of this report to the Secretary of Homeland Security for review and comment. In written comments, which are reprinted in appendix II, DHS concurred with our recommendations, and provided additional comments about USCG's accomplishments and program activities. Regarding the first recommendation, DHS concurred that USCG should develop and implement a systematic approach in conducting barrier analysis, including defining barriers and demonstrate the approach in MD-715 reports. However, DHS also noted that USCG believes that it has a systematic approach to barrier analysis, which it has demonstrated to the extent possible in past MD-715 reports. DHS added that USCG will continue to refine and codify its approach to barrier analysis and will document improvements in its annual MD-715 submissions. Still, based on EEOC's assessment, and our work, USCG did not provide sufficient information about its approach to barrier analysis to determine if it was systematic. Therefore, to the extent that USCG's improvements help it establish and demonstrate a systematic approach to barrier analysis, we encourage its efforts to address our recommendation.

DHS also concurred with our second recommendation for USCG to refine its performance measurement plan, with implementation time frames, in key areas. The Director noted additional efforts to be taken by USCG to improve its plan.

As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to the Secretary of Homeland Security and other interested parties. In addition, the report will be available at no charge on the GAO Web site at <http://www.gao.gov>.

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If you or your staff members have any questions concerning this report, please contact Yvonne D. Jones at (202) 512-6806 or [jonesy@gao.gov](mailto:jonesy@gao.gov). Contact points for our Office of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix III.

A handwritten signature in black ink that reads "Yvonne D. Jones". The signature is written in a cursive style with a large, stylized "Y" and "J".

Yvonne D. Jones  
Director, Strategic Issues

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*List of Requesters*

The Honorable John L. Mica  
Chairman  
The Honorable Nick J. Rahall, II  
Ranking Member  
Committee on Transportation and Infrastructure  
House of Representatives

The Honorable Bennie Thompson  
Ranking Member  
Committee on Homeland Security  
House of Representatives

The Honorable Frank A. LoBiondo  
Chairman  
The Honorable Rick Larsen  
Ranking Member  
Subcommittee on Coast Guard and Maritime Transportation  
Committee on Transportation and Infrastructure  
House of Representatives

The Honorable Elijah Cummings  
House of Representatives

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# Appendix I: Scope and Methodology

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To assess how the United States Coast Guard's (USCG) program compares to the Equal Employment Opportunity Commission's (EEOC) standards—as defined in EEOC's Management Directive 715 (MD-715)—for a model program, we reviewed EEOC's MD-715 instructions, guidance, and related information available to agencies for completing its annual assessments and reports, including how to identify and potentially eliminate barriers.

We reviewed and analyzed USCG's MD-715 reports for fiscal years 2008 through 2010 and, more specifically, compared and reviewed the triggers, potential barriers, as well as USCG's plans and activities to eliminate barriers. Because it was beyond the scope of this engagement, we did not evaluate the accuracy of the data contained in the workforce data tables, the extent to which USCG identified all potential barriers, or the extent to which plans to eliminate barriers or activities would address identified barriers. However, we interviewed agency officials about data collection efforts and databases used for establishing and monitoring progress. We determined the data to be sufficiently reliable for purposes of providing context about the USGC Civil Rights Directorate's (CRD) efforts in developing their plan.

We obtained and reviewed information about USCG's policies, guidance, and directives related to MD-715 reporting, including the identification and elimination of workforce barriers. We also interviewed USCG officials, including CRD officials and officials from the Office of Civilian Human Resources and other members of USCG's MD-715 Task Force, regarding policies related to MD-715 reporting. Further, we interviewed EEOC officials from its Office of Federal Operations and the Department of Homeland Security's (DHS) Office of Civil Rights and Civil Liberties (CRCL) officials regarding MD-715-related issues.

To assess CRD's efforts to develop and implement performance goals and measures against common practices, we examined the 2009 Booz Allen Hamilton (BAH) review of USCG's CRD program and CRD's action plans to address the 53 recommendations made by BAH for the improvement of Coast Guard's civil rights operations.<sup>1</sup> To provide

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<sup>1</sup> Booz Allen Hamilton, *U.S. Coast Guard Office of Civil Rights Program Review* (2009).

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additional context of CRD's actions to address the BAH recommendations, we reviewed our prior work on CRD.<sup>2</sup>

We obtained CRD's performance plan, including performance goal and measures to be used by CRD to assess program improvements, as well as supporting documentation. We interviewed CRD officials about CRD's plan, to better understand the process CRD took in developing its performance plan. We also interviewed CRD officials on their development of CRD's performance plan, including the steps taken and guidance used to develop CRD's performance plan.

To evaluate CRD's performance plan, we reviewed GAO work on common practices of performance goals and measures.<sup>3</sup> We determined that the performance data were sufficiently reliable for the purposes of this report. We also obtained performance information from EEOC and DHS's CRCL about their role and responsibilities in the development of agencywide performance measures to use for the evaluation of EEO programs.

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<sup>2</sup> GAO, *Coast Guard: Civil Rights Directorate Can Enhance Workforce Restructuring Efforts*, [GAO-11-718](#) (Washington, D.C.: July 2011) and GAO, *Coast Guard: Civil Rights Directorate's Action Plans to Improve Its Operations Could Be Strengthened by Implementing Several Aspects of Project Planning and Implementation Practices*, [GAO-10-571T](#) (Washington, D.C.: Apr. 24, 2010).

<sup>3</sup> GAO, *The Results Act: An Evaluator's Guide to Assessing Agency Annual Performance Plans*, [GAO/GGD-10.1.20](#) (Washington, D.C.: April 1998) and GAO, *Agency Performance Plans: Examples of Practices That Can Improve Usefulness to Decisionmakers*, [GAO/GGD/AIMD-99-69](#) (Washington, D.C.: February 1999).

# Appendix II: Comments from Department of Homeland Security

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

November 29, 2011

Yvonne D. Jones  
Director, Strategic Issues  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Re: Draft Report GAO-12-135, "COAST GUARD: Continued Improvements Needed to Address Potential Barriers to Equal Employment Opportunity"

Dear Ms. Jones:

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the U.S. Government Accountability Office's (GAO's) work in planning and conducting its review and issuing this report.

The Department is pleased to note GAO's acknowledgment that the U.S. Coast Guard's Civil Rights Directorate (CRD) continues to make progress toward becoming a model Equal Employment Opportunity (EEO) program as defined by the Equal Employment Opportunity Commission's (EEOC) Management Directive 715 (MD-715). The Department also appreciates GAO's recognition of the proactive steps the Coast Guard has taken to resolve past allegations of management weaknesses and to improve delivery of civil rights services to its workforce. The Coast Guard exceeds the federal benchmark in many performance categories that EEOC measures and has also achieved 100-percent proficiency in EEOC Model Program elements for the past three consecutive fiscal years (2009-2011).

The draft report contained two recommendations with which the Department concurs. Specifically, GAO recommended that the Secretary of Homeland Security direct the Commandant of the Coast Guard to:

**Recommendation 1:** Develop and implement a systematic approach in conducting barrier analyses, including defining barriers, and demonstrate this approach in MD-715 reports so that EEOC, relevant units of DHS, and the Congress can accurately assess USCG's status in achieving model program status.

**Response:** Concur. The Coast Guard believes that it has a systematic approach to barrier analysis, which it has demonstrated to the extent possible in past MD-715 reports. The Coast Guard will continue to refine and codify its barrier analysis approaches and will document new approaches in its annual MD-715 submissions. The agency will begin this process for FY 2012 once the appropriate amount of data becomes available for analysis.

**Recommendation 2:** Refine its performance measurement plan, with implementation timeframes, in the key areas to include:

- ensuring measures are valid representations of performance goals;
- including baseline measures; and
- verifying and validating data used for the measures.

**Response:** Concur. The key areas are addressed specifically as follows:


*Ensuring measures are valid representations of performance goals:* The CRD continues to achieve outcomes based on performance goals and measures required by the EEOC. CRD has added additional performance measures, which it will begin to track and validate for functionality.

*Including baseline measures:* In FY 2012, CRD will implement its performance measurement plan using FY 2011 performance as a baseline. Thereafter, CRD may expand or streamline as appropriate. Where both warranted and practicable, outcome-based performance measures will be used. However, CRD will continue to use activity-based measures as a potential meaningful gauge of performance to support outcome-based performance measures.

*Verifying and validating data used for the measures:* Execution and iterative refinements to the performance measurement plan are ongoing.

Again, thank you for the opportunity to review and comment on this draft report. Technical comments on this report were previously provided under separate cover. We look forward to working with you on future Homeland Security engagements.

Sincerely,



Jim H. Crumpacker  
Director  
Departmental GAO-OIG Liaison Office

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# Appendix III: Contact and Staff Acknowledgments

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## GAO Contact

Yvonne D. Jones, (202) 512-6806 or JonesY@gao.gov

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## Staff Acknowledgments

In addition to the contact named above, individuals making key contributions to this report included Neil A. Pinney, Assistant Director; Cheri Y. Truett, Analyst-In-Charge; Irina Carnevale; Robert Gebhart; Lois Hanshaw; Angela Leventis; and Terry Richardson.

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