

DOD DNGB South Dakota National Guard

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

<b>PART A</b> Department or Agency Identifying Information	<b>1. Agency</b>	1. DOD DNGB South Dakota National Guard		
	<b>1.a</b> 2nd level reporting component			
	<b>2. Address</b>	2. 2823 West Main Street		
	<b>3. City, State, Zip Code</b>	3. Rapid City, SD 57702		
	<b>4. Agency Code</b>   <b>5. FIPS code(s)</b>	<b>4. NGSD</b>	<b>5. NGSD</b>	

<b>PART B</b> Total Employment	<b>1.</b> Enter total number of permanent full-time and part-time employees	<b>1.</b> 404
	<b>2.</b> Enter total number of temporary employees	<b>2.</b> 7
	<b>3. TOTAL EMPLOYMENT [add lines B 1 through 2]</b>	<b>4.</b> 411

<b>PART C</b> Agency Official(s) Responsible For Oversight of EEO Program(s)	<b>Title Type</b>	<b>Name</b>	<b>Title</b>
		Head of Agency	Major General Jeffrey P. Marlette
	Head of Agency Designee	Colonel Corey Norris	Human Resource Officer
	Principal EEO Director/Official	Mrs. Carstin K. Jerzak	South Dakota National Guard Equal Employment Manager
	Complaint Processing Program Manager	Mrs. Carstin K. Jerzak	South Dakota National Guard Equal Employment Manager
	Diversity & Inclusion Officer	Mrs. Carstin K. Jerzak	South Dakota National Guard Equal Employment Manager
	Women's Program Manager (SEPM)	Kristen Soukup	Collateral Assignment as SEPM) First Sergeant
	Disability Program Manager (SEPM)	Mrs. Carstin K. Jerzak	South Dakota National Guard Equal Employment Manager
	Reasonable Accommodation Program Manager	Mrs. Carstin K. Jerzak	South Dakota National Guard Equal Employment Manager
	Anti-Harassment Program Manager	LTC Jason Thomson	Deputy - Human Resource Officer
	ADR Program Manager	Mr. Andre Hampton	NGB ADR Specialist/Mediator
	Principal MD-715 Preparer	Mrs. Carstin K. Jerzak	South Dakota National Guard Equal Employment Manager
	Other EEO Staff	SFC Cory Cody	Innovative Readiness Coordinator/ Native Am Engagement Program
	Other EEO Staff	Mr. Chad Vickers	Collateral EEO Counselor
	Other EEO Staff	LTC Kathleen Dirk	Collateral Mediator
	Other EEO Staff	Tamra M. Sime	Collateral mediator
	Other EEO Staff	MSgt Matt Sly	Collateral EEO Counselor
	Other EEO Staff	Mr. Rick Wagner	Collateral EEO Counselor
	Other EEO Staff	Mrs. Nicole Franklin	Collateral EEO Counselor
	Other EEO Staff	Ms. Charlyn Estus	Collateral EEO Counselor
	Other EEO Staff	LTC Scott Linqvist	Public Affairs Officer
	Other EEO Staff	LTC Dana Limbo	Chief, Facility Management Office

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

<b>PART D</b> List of Subordinate Components Covered in This Report	<b>Subordinate Component and Location</b> (City/State)	<b>Country</b>	<b>Agency Code</b>
<b>EEOC FORMS and Documents</b>	<b>Required</b>	<b>Uploaded</b>	
Reasonable Accommodation Procedure	Y	Y	
Organization Chart	Y	Y	
EEO Policy Statement	Y	Y	
Anti-Harassment Policy and Procedures	Y	Y	
Agency Strategic Plan	Y	Y	
Personal Assistance Services Procedures	Y	Y	
Alternative Dispute Resolution Procedures	Y	Y	
Disabled Veterans Affirmative Action Program (DVAAP) Report	N	N	
Human Capital Strategic Plan	N	N	
EEO Strategic Plan	N	N	
Federal Equal Opportunity Recruitment Program (FEORP) Report	N	N	
Results from most recent Federal Employee Viewpoint Survey or Annual Employee Survey	N	N	
Diversity Policy Statement	N	N	

DOD DNGB South Dakota National Guard

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

**EXECUTIVE SUMMARY: MISSION**

**Description of the South Dakota National Guard Mission, Vision and Mission-Related Functions:**

**Mission:***The South Dakota National Guard (SDNG) is a state organization, under the command of the Governor of South Dakota. At the same time, the women and men of the South Dakota Air and Army National Guard are reserve members of the U.S. Air Force and U.S. Army. The members of the SDNG may be called into active federal service by the President of the United States. The overall mission of the SDNG is to provide ready forces to support global and domestic requirements under the direction of civil authority.*

**Vision:***The most professional, competent and reliable National Guard organization in the United States of America. Our values of loyalty, duty, respect, selfless service, honor, integrity, personal courage and excellence in all we do are reflective of our affiliation with the U.S. Army and Air Force and the state we live and work.*

**Core Competencies:***The South Dakota National Guard adapted four core competencies we view as critical in our ability to meet our mission requirements to federal, state or local agencies seeking our services. The competencies are adaptability, personnel readiness, training readiness and logistics readiness. Our forces must be adaptable or able to adjust and operate in varying environments. Our personnel must be ready and physically, medically, administratively fit to meet the needs of our customers. Our force must be technically and tactically proficient to execute the mission. And lastly, our equipment must be available and maintained to sustain operations when the mission arises.*

EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F

**Status of Policies:** The Command policies on the Prevention of Sexual Harassment, Military Equal Opportunity, Reasonable Accommodation and Personal Assistance Services and Equal Employment Opportunity were all updated in calendar year 2022.

Each employee is provided instructions on how to access the internal SharePoint for all agency policy memorandums during new employee orientation. The policies are posted on the agency internal and external websites and also on bulletin boards in all facilities. These policies are inspectable IAW the Command Inspection Program (CIP). Likewise, supervisors are required to have a performance measure in their Annual Performance Plan demonstrating their commitment to equality and anti-harassment policies, principles, and programs. As such, supervisors are to be evaluated on this performance measure during their annual performance appraisal. New and/or updated policies and procedures are distributed agency wide by the Human Resource Office upon publication and posted accordingly on the internal and external (public) websites to ensure all employees have 24/7 access.

My number one priority is "Taking excellent care of Soldiers, Airmen and their Families." This, along with the other top priorities, is published in a handout provided to all personnel and available on our internal and external websites. In addition to my priorities, diversity and inclusion are a specific line of effort incorporated in all three lines of effort on the agencies strategic plan with measurable objectives being tracked and briefed at a minimum quarterly during the Joint Executive Diversity Council (JDEC) meetings.

The office of Equality, Diversity and Inclusion (EDI) publishes the JDEC quarterly minutes and program material which includes information on diversity, equality and inclusion program updates, training and other initiatives. Special Emphasis/Observance information is provided to all employees via email distribution and posting in all facilities as well as posted to the internal website for all EO practitioners, commanders, employees and units to access. The Equal Employment Manager, distributes the DEOMI approved and published observance posters and informational Power Point files to all employee's and EO practitioners so they can further post/publish in their respective facilities and websites. When supervisor training (initial or refresher) is provided, supervisors are presented training on EEO/EO, Diversity and Inclusion programs and complaint processes, Merit Promotion Program updates, Employee Development/Training updates, Alternative Dispute Resolution (ADR) and Federal Employee Assistance Program (FEAP) updates. In addition to these training opportunities we conduct annual No FEAR training either in a classroom setting or via online training for all civilian employee's, their supervisors and new employee's. Our military personnel are required to take the training biennially and this training is tracked in the EDI office. We currently post quarterly No FEAR information on our external or public website and ensure the data is reported to the EEOC through the quarterly reporting requirement and the annual 462 report. Additionally, we conduct the required Defense Equal Opportunity Climate Survey's (DEOCS) in all of our units, which covers the majority of our full-time employees. We utilize exit surveys for all full-time employees retiring or leaving our organization and the Human Resource Office conducts employee engagement surveys.

The SDNG was the first National Guard organization in the nation to utilize a Labor Management Partnership Council (LMPC). This council brings labor and management together to identify any practices or policies creating barriers for our employees or applicants. Chief, National Guard Bureau Instruction/Manual 1400.25, Vol. 752, National Guard Technician and Civilian Personnel Discipline and Adverse Action Program, provides guidance concerning disciplinary penalties for employees who have been found in violation of policies. Any disciplinary action proposed and/or taken is staffed with the appropriate functional specialist/office/agency (i.e. Labor Relations Specialist, Staff Judge Advocate, Inspector General, Bargaining Unit) prior to implementation. Employees are encouraged to use the Alternative Dispute Resolution (ADR) process for conflict and/or complaint resolution. Supervisors and managers will participate in requested ADR. National Guard Bureau provides ADR assistance upon request, however we have several trained collateral mediators in our work force. Complaints received by this agency are tracked on a locally produced spreadsheet by the EEM. This agency uses collateral EEO counselors for pre-

DOD DNGB South Dakota National Guard

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

**EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F**

complaint processing and counseling complaints. The Adjutant General, as the Agency Head, has final settlement authority. The state Staff Judge Advocate (SJA) handles all EEO legal reviews and is also the agency representative in complaints. However, alternate Judge Advocate General (lawyers) officers from the Air Guard, NGB or neighboring Federal or Active Duty agencies are available. This agency has not, during this reporting period, processed any formal EEO complaints, been issued an Equal Employment Opportunity Commission (EEOC) orders or administrative decision, nor had to issue any orders. If an order is issued, the agency will take all necessary steps to comply. Final agency decision (FAD) authority is held by the head of the agency or the Adjutant General for the SDNG. We no longer fall under NGB authority or coordination for EEO programs, procedures or complaints.

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

Barrier Analysis: Due to limited staffing and turn over in the HRO leadership, the only barrier analysis conducted was by the HRO office on employee losses.

**2022:** The primary challenge in FY2022 for the SD National Guard was recruiting to the military labor force. The turn-over of military and full-time employee's related to COVID policies proved to be a challenge for strength and manpower/human capital managers. The Human Resource Office took a hard look at the personnel loss numbers in FY22. Reference Table A-1 Permanent Workforce Categories and the section labeled Employee Losses:

The total number of permanent employee separations for TY22 were as follows: Male - 72; Female - 10. Most losses came from resignations throughout TY22 (56) due to several situations such as; a highly competitive civilian and federal job market creating upward movement in other agencies, increased salaries in the civilian market, and several employee's in the Air Guard were converted from federal technician status to an Active Guard/Reserve (AGR) military tour status. The agency did see 10 losses categories as other separations, 11 removals, and 5 retirements. The agency did see a constant number of military deployments throughout TY22 as well. The overall analysis shows we did have slight increases in several areas, but outside of the conversions in the Air Guard from technician to AGR status, the numbers are within normal ranges. We are offering recruitment incentives, working closely with our military recruiting force, and reviewing grade levels of our positions and potential vacancies to see if we can improve competitiveness with the civilian market to increase competition for our vacancies. Other than increasing our competitiveness in the labor market, we do not consider the slight increases in the separation data as a trigger.

B Tables for Title 5 Civilian Workforce data regarding Persons w/a Disability and Persons w/a Targeted Disability:

Our total workforce number is 411 employees'. Of this total number, 324 employees are T32 Dual Status Excepted Service Military Technicians/Federal Employees and military membership in the National Guard is a condition of their employment. This means they are subject to military fitness and medical standards of service.

We have 87 T5 Excepted Service Civilian Technicians/Federal Employees. These employees are not mandated to service in the military as a condition of employment, and thus not required to meet the statutory medical or fitness standards. Based on these criteria we conducted an evaluate the T5 employee information as it applies to the B Tables. The majority of information is available in Part J of this report, however the overall percentage of PWD in this group of employees is currently at 11.49% and just under the 12% federal mandate. The PWTD percentage is currently at 1.15% and just under the 2% federal mandate. What is encouraging is the numbers for the category of GS 1-10 employees for the Title 5 group which are currently at 13.89% for PWD and 2.78% for PWTD. Both percentages are above the federal mandates, and with the re-survey in process going on right now in FY23, we feel these percentages will go up and hopefully in all categories applicable to the T5 Civilian workforce.

The EEM continues to research strategic planning for EEO programs. The EEM also continues to refine the EEO formal complaint processing guide to include acceptance, dismissal actions, final agency decisions, and all subsequent federal appeal processes. The EEM, continually refines the Reasonable Accommodation and Personal Assistant Services request and operating policy and procedures and strives to maintain firewalls between the Disability Program/Reasonable Accommodation Request processes, legal reviews of complaints, and establish training programs to ensure supervisors and employees understand and can identify when a reasonable accommodation is being requested.

DOD DNGB South Dakota National Guard

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

EXECUTIVE SUMMARY: ACCOMPLISHMENTS

**Other agency initiatives and information:** The South Dakota National Guard honored all required DoD special observances & celebrations in FY22 with a focus on the Military Women's Program (similar to the Federal Women's Program). This is the main affinity group working on increasing diversity and inclusion through our SDNG Joint, Army and Air Diversity councils. The South Dakota National Guard is a member and active participant in the Combined Federal Campaign, supports Scouts of America, and conducted wood haul missions to the Native American reservations to provide fuel to families during the winter months.

The South Dakota National Guard maintains a state partnership program with the country of Suriname since June of 2006. Through our partnership we exchange programs, best practices, and culture towards building an enduring relationship, force readiness, human relations and treatment, and military professional development. We generally conducted military related engagements with our partnership country 12 to 16 times a year and maintain a full-time liaison working in the country of Suriname to facilitate the partnership, the engagements and continuity of the official relationship. We conducted 15 exchange events during FY22. This doubles the engagements from FY21. The focus of the exchange engagements range from leadership, military discipline and traditions, response to sexual harassment/assault, gender integration of women in the military to cultural and diversity education. Resiliency was added to the engagements as a new topic in FY22 and in FY23 we will also add the Women, Peace and Security initiative.

In 2017 we created an innovation and advisory committee called TAGVISE. This committee acts as an advisory committee to the Adjutant General and the Coordinating Staff regarding opportunities for improvement and innovation focused on improving the efficiency and effectiveness of the South Dakota National Guard. The committee's vision is to drive change through innovation, continuous process improvement and strategic planning integrated across the force. Committee members apply for membership on the committee and serve a two-year term upon appointment.

South Dakota continues to focus on recruiting quality service members, retaining our current force, increasing our diversity in under-represented groups such as women, Native Americans and Hispanic population groups and managing the overall attrition within its ranks. In South Dakota the mission and success of our Recruiting and Retention teams (Air and Army) greatly impacts our military labor force; again, upon which we draw the majority of our full-time workforce. Our leadership continues to engage with the superintendent of the Sioux Falls School District to open communication and avenues into the schools for recruiting personnel to service in the Air and Army National Guard. The schools within the Sioux Falls district are some of the most diverse in the state of South Dakota and is a top priority in order to facilitate and broaden the diversity of our military labor force. We offer and encourage all personnel to attend development type training such as the Tiered Leadership (levels 1 thru 3) training or other workshops like "4 Lenses", Crucial Conversations, Unconscious Bias and Generational Diversity Programs. We were able to complete our annual No FEAR Act training requirements in FY22 as reported on the quarterly and annual 462 reports.

The agency updates and maintains safe and accessible facilities across the state. We utilize a cell phone text or agency wide alert system for weather and other emergency related information. Federal Law requires agencies to provide annual Information Security Awareness Training to employees and contractors who have access to government computer systems. This is provided during new employee orientation and there is an annual refresher training requirement. The agency provides reasonable accommodations per the accommodation policy. This included utilization of the Computer/Electronic Accommodation Program (CAP) as much as possible in order to be responsive to requests and defer costs even in light of CAP removing the sit-to-stand stations as part of their program. No complaints were filed against the agency regarding reasonable accommodation in FY22.

DOD DNGB South Dakota National Guard

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

**EXECUTIVE SUMMARY: PLANNED ACTIVITIES**

As the Adjutant General, my vision is to have "The most professional, competent, and reliable state National Guard organization in the United States of America." We will continue to enhance our organization by continuing to value our personnel and diversifying our military and full-time work force through retention and recruiting efforts to reflect our state's population. Each team member of our full-time force has been tasked to strive for a balanced and diverse work force mirroring the demographics of the great State of South Dakota. The South Dakota National Guard is an equal opportunity employer, and we support and challenge all of our employees to rise to their fullest potential. This is not just based on regulatory requirements but imbedded and aligned within our organizational values as well as my priorities and vision.



DOD DNGB South Dakota National Guard

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

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

[Redacted] am the  
(Insert Name Above) (Insert official title/series/grade above)

Principal EEO Director/Official for

[Redacted]  
(Insert Agency/Component Name above)

The agency has conducted an annual self-assessment of Section 717 and Section 501 programs against the essential elements as prescribed by EEO MD-715. If an essential element was not fully compliant with the standards of EEO MD-715, a further evaluation was conducted and, as appropriate, EEO Plans for Attaining the Essential Elements of a Model EEO Program, are included with this Federal Agency Annual EEO Program Status Report.

The agency has also analyzed its work force profiles and conducted barrier analyses aimed at detecting whether any management or personnel policy, procedure or practice is operating to disadvantage any group based on race, national origin, gender or disability. EEO Plans to Eliminate Identified Barriers, as appropriate, are included with this Federal Agency Annual EEO Program Status Report.

I certify that proper documentation of this assessment is in place and is being maintained for EEOC review upon request.

\_\_\_\_\_  
Signature of Principal EEO Director/Official  
Certifies that this Federal Agency Annual EEO Program Status Report is in compliance with EEO MD-715.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Agency Head or Agency Head Designee



\_\_\_\_\_  
Date

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist



Essential Element: A Demonstrated Commitment From agency Leadership

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	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)]	X			This policy is uploaded in the supporting documents section. See substantiated documents. 10/20/2022
	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)] If the EEO policy statement covers any additional bases (e.g., marital status, veteran status and political affiliation), please list them in the comments column.	X			This policy is uploaded in the supporting documents section. Additional bases covered: parental/ marital status. Title VII Prohibited Personnel Practices cover political affiliation and veterans' preference laws.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			
 Measures		Yes	No	N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
	A.2. The agency has communicated EEO policies and procedures to all employees.				

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, 11(A)]

X

The official publication of the policy was on 01DEC2019. A copy of the policy is uploaded in the substantiated documents section.

A.2.a.2. Reasonable accommodation procedures? [see 29 CFR § 1614.203(d)(3)]

X

The policy/procedures are provided to new employees during orientation, annual supervisors course, refresher courses, hiring workshops we conduct and it was published and distributed through the agency wide employee email distribution process. It is also available by hardcopy upon request and on our internal and external websites. Policy & request procedures were updated/published on 9NOV2022.

A.2.b. Does the agency prominently post the following information throughout the workplace and on its public website:

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

<p>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)]</p>	<p>X</p>		<p>The EEO Counselors and EEO Director are listed in the EEO policy which is published on the internal and external websites, posted on employee bulletin boards and available by hardcopy upon request. Diversity/Special Emphasis contacts are appointed on memorandum by the agency head and published within the minutes - which are posted on the external website and is available in hardcopy upon request.</p>
<p>A.2.b.2. Written materials concerning the EEO program, laws, policy statements, and the operation of the EEO complaint process? [see 29 CFR §1614.102(b)(5)]</p>	<p>X</p>		<p>The SDNG Joint Complaints Guide is published and distributed through an employee wide distribution network, posted on the our internal and external websites and is available in hardcopy on facility bulletin boards and upon request. We also provide extra program materials at events and during training such as new employee orientations.</p>
<p>A.2.b.3. Reasonable accommodation procedures? [see 29 CFR § 1614.203(d)(3)(i)] If so, please provide the internet address in the comments column.</p>	<p>X</p>		<p><a href="https://sd.ng.mil/NoFEAR/Pages/default.aspx">https://sd.ng.mil/NoFEAR/Pages/default.aspx</a> This website will be taken down sometime during FY23 and will stand up a new external/public website. The link and website address is TBD</p>
<p>A.2.c. Does the agency inform its employees about the following topics:</p>			

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

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 and the means by which such training is delivered.

X

New employee orientation, annual supervisors & refresher courses, hiring workshops we conduct and it is published and distributed through the agency wide employee email distribution process. The guide is also posted on the internal and external websites, facility bulletin boards and available hard copy upon request. The annual/biennial No FEAR training also covers this topic.

A.2.c.2. ADR process? [see MD-110, Ch. 3(II)(C)] If “yes”, please provide how often.

X

ADR is incorporated within the EEO Complaint process guide & provided to new employee orientation, annual supervisors/ refresher courses, hiring workshops we conduct and No FEAR training. It is also published and distributed through the agency wide employee email distribution process. The guide is also posted on the internal and external websites and available hardcopy upon request.

DOD DNGB South Dakota National Guard

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



Agency Self-Assessment Checklist

<p>A.2.c.3. Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If “yes”, please provide how often.</p>	<p>X</p>		<p>The policy/ procedures are provided during new employee orientation, annual supervisors/ refresher courses, hiring workshops we conduct and No FEAR training. They are published and distributed through the agency wide employee email distribution process. The information is also posted on the internal and external websites and available hardcopy upon request.</p>
<p>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.</p>	<p>X</p>		<p>The policy is provided at new employee orientation and the annual supervisors/ refresher training.</p>
<p>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.</p>	<p>X</p>		<p>Reference Anti-Harassment policy and reporting procedures, prevention of workplace violence policy, and the CNGBI 1400.25 Vol. 752 &amp; the Douglas Factors to determine actions available to mitigate inappropriate behaviors. All documents are provided during new employee orientation, supervisors/ refresher training, hardcopy and the internal website.</p>

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	A.3. The agency assesses and ensures EEO principles are part of its culture.				
	A.3.a. Does the agency provide recognition to employees, supervisors, managers and units demonstrating superior accomplishment in equal employment opportunity? [see 29 CFR § 1614.102(a)(9)] If "yes", provide one or two examples in the comments section. .	X			The SDNG has a liberal incentive program with time off, on the spot/cash, performance based cash, quality step increases and an employee of the year cash award. This is an all encompassing incentive program where EEO/EO and Diversity & Inclusion programs can be and have been considered. Military related awards are also a consideration. NGB & national awards are routinely considered.
	A.3.b. Does the agency utilize the Federal Employee Viewpoint Survey or other climate assessment tools to monitor the perception of EEO principles within the workforce? [see 5 CFR Part 250]'	X			The majority of the workforce is Title 32 dual status (required to hold military status with the national guard). based on this status, a unit climate survey was offered to all applicable units during FY22. The EDI office conducts exit surveys and the HRO office conducts training needs and employee engagement surveys.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist



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



DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	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.				
	B.1.a. 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)]	X			The EEO Director or SDNG Equal Employment Manager, whom is the senior EEO professional in the organization, works for the Adjutant General and is located within the Adjutant Generals Office suite. The SDNG EEM has been on the Adjutant Generals Staff since 2017.
	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.			X	The EEM reports to the agency head.
	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)]	X			See the organizational chart in the supporting documents section.

DOD DNGB South Dakota National Guard

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



Agency Self-Assessment Checklist

<p>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]</p>	<p>X</p>		<p>The annual MD-715 report review. The EEM meets occasionally with the Adjutant General/Agency Head. The EEM provides program updates in a quarterly coordinating staff meeting, which does include senior management officials and several additional staff. The EEM can meeting with the General as needed for case updates. Updates to the ANG is limited.</p>
<p>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.</p>	<p>X</p>		<p>The state of the agency is briefed to the Adjutant General, Director of Joint Staff and the Human Resource Officer prior to final submission.</p>
<p>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)]</p>		<p>X</p>	<p>Outside of the program updates provided in the coordinating staff meetings and occasional meetings with the agency head, the EEM is not invited to attend in senior-level staff meetings with the mentioned concerns. The EEM is invited to labor/management semi-annual meetings.</p>

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.2. The EEO Director controls all aspects of the EEO program.				
	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)] If not, identify the office with this authority in the comments column.		X		The EEM facilitates EEO/EO and diversity training, policy and complaint procedures, prepares the MD-715 and may conduct a limited barrier analysis. The EEM manages the EEO Complaint process for the agency, and reviews policies in draft/staffing or after publication. The affirmative employment program is executed by the Human Resource Office thru the Staffing Section.
	B.2.b. Is the EEO Director responsible for overseeing the completion of EEO counseling? [see 29 CFR §1614.102(c)(4)]	X			Per the Joint Civilian and Technician Discrimination Complaint Instruction guide DTD 08JUN2019 the SDNG EEM maintains oversight on EEO Counseling process as appointed by the agency head.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

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.]

X

Per the Joint Civilian and Technician Discrimination Complaint Instruction guide DTD 08JUN2019 the SDNG EEM maintains oversight on EEO investigation process as appointed by the agency head.

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.]

X

Per the Joint Civilian and Technician Discrimination Complaint Instruction guide DTD 08JUN2019 the SDNG EEM is responsible for the timely issuance of final agency decision, along with other applicable agency leadership/directors/staff as needed, as appointed by the agency head. This is dependent on legal support provided by our agency legal staff or contracted legal counsel.

B.2.e. Is the EEO Director responsible for ensuring compliance with EEOC orders? [see 29 CFR §§ 1614.102(e); 1614.502]

X

Per the Joint Civilian and Technician Discrimination Complaint Instruction guide DTD 08JUN2019 the SDNG EEM is responsible for the managing this process, along with other applicable agency leadership/directors/staff as needed, as appointed by the agency head.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

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)]

X

The EEO program is reviewed annually, along with the program/ policy updates, and on an as needed basis per program updates from the EEOC Excel/ Refresher/ or initial 32 Hour counselors training programs provide and as any updates or changes to the 29 C.F.R section 1614 or law.

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); (c)(3)]



X

We do not have subordinate level components.

DOD DNGB South Dakota National Guard

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



Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.3. The EEO Director and other EEO professional staff are involved in, and consulted on, management/personnel actions.				
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)]			X		The SDNG EEM participates in limited coordinating staff meetings, limited participation in the agencies strategic planning and the labor/management union meetings. The EEM sits on the diversity and inclusion councils, which works with recruiting and recruiting strategies - but does not have any participation in full time workforce succession planning or selections for career development
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.			X		The current agency strategic plan reduced its goals/line of efforts to 3, with the concept diversity/inclusion are to be imbedded within the 3 under the objectives. EEO is not specifically addressed the strategic plan.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.4. The agency has sufficient budget and staffing to support the success of its EEO program.				

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)]		X		The primary effort for the EEO program comes from the EEM - an office of one, and limited support/time from the Deputy HRO. The funding for the training needs is basic. However, agency funding allows for the one position. Additional staff would be needed to maintain all programs like training, especially during high case/complaint processing periods.
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B.4.a.10. to effectively manage its reasonable accommodation program? [see 29 CFR §1614.203(d)(4)(ii)]	X			We published a new policy on 9NOV2022 and use the standard operating procedures published on 1APR2020 for requesting reasonable accommodations and personal assistance services. Currently, this program is resourced as needed, however it resides in the EDI office and is facilitated thru the HRO Director.
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DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

<p>B.4.a.11. to ensure timely and complete compliance with EEOC orders? [see MD-715, II(E)]</p>	<p>X</p>		<p>Per the Joint Civilian and Technician Discrimination Complaint Instruction guide DTD 8JUN2019 the EEM manages this process along with applicable agency leadership/directors/staff as needed.</p>
<p>B.4.a.2. to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)]</p>		<p>X</p>	<p>The primary effort for the barrier analysis comes from the SDNG EEM with participation by the Deputy HRO. Additional staff is needed to conduct anything more than a basic barrier analysis and See part H. We only reviewed the employee losses data for FY22</p>
<p>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) &amp; 5(IV); MD-715, II(E)]</p>	<p>X</p>		<p>The primary effort for EEO complaints is collateral EEO Counselors/ Mediators for pre-complaint proc. with oversight provided by the EEM. Formal complaints are processed by the EEM. The EEM may utilize DOD IRD or contract for investigators, FAD writing and legal reviews, if they are not processed internally by the EEM and the agency legal team. More staff is needed to keep other programs going.</p>



DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

<p>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.</p>	<p>X</p>		<p>The EEM provides training to the agency thru new employee orientations and annual/refresher supervisors training. We also conduct quarterly EEO training on various topics, No FEAR training with new employees, annual for civilians &amp; their supervisors and biennial for all military personnel. We also provide training for section teams as requested. Training is limited based on a 1 person staff.</p>
<p>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)]</p>		<p>X</p>	<p>We do not have subordinate components or field offices but we do have other facilities around the state and we conduct annual visits to each one.</p>
<p>B.4.a.6. to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures)? [see MD-715, II(B)]</p>	<p>X</p>		<p>We have a limited budget to support all printing/publication requirements. Most materials are distributed digitally via email or website portals/access.</p>

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

<p>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.</p>	<p>X</p>		<p>We have adequate tracking of all complaints and basic demographics. We now have limited applicant flow data provided by National Guard Bureau for those vacancies advertised within - manual vacancy advertisements are off line. The DCPDS data is still a struggle in order to get data to corresponded to the EEOC 2.0 tables in an understandable and comprehensive manner.</p>
<p>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]</p>	<p>X</p>		<p>The SEPM programs are voluntary and collateral. Through the agencies diversity and inclusion councils we have a Military Women's Program . The EEM is dual hatted as the RA Coordinator and DPM. We have a limited program for Native American Engagement. Additional SEPM programs are being considered by the diversity councils, especially with the growing Hispanic population in SD.</p>
<p>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]</p>	<p>X</p>		<p>Initial Anti-Harassment training is ongoing in FY22.</p>

DOD DNGB South Dakota National Guard

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



Agency Self-Assessment Checklist

<p>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)]</p>	<p>X</p>		<p>The EEO budget is a single line item budget that also incorporates the Diversity &amp; Inclusion programs. This budget resides in the EDI office and is managed by the EEM. This budget has been cut/reduced in the last 2 years and limited some training to basic or minimum statutory standards.</p>
<p>B.4.c. Are the duties and responsibilities of EEO officials clearly defined? [see MD-110, Ch. 1(III)(A), 2(III), &amp; 6(III)]</p>	<p>X</p>		<p>Per Position Description T5047000-707234 Equal Employment Manager and the PD addendums for counselors and mediators.</p>
<p>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?</p>	<p>X</p>		<p>Per the Joint Civilian and Technician Discrimination Complaint Instruction guide DTD 8JUN2019 the EEM manages this process.</p>
<p>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?</p>	<p>X</p>		<p>Per the Joint Civilian and Technician Discrimination Complaint Instruction guide DTD 8JUN2019 the EEM manages this process.</p>

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.5. The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills				

B.5.a. Pursuant to 29 CFR §1614.102(a)(5), have all managers and supervisors received orientation, training, and advice on their responsibilities under the following areas under the agency EEO program:

B.5.a.1. EEO complaint process? [see MD-715(II)(B)]	X			During initial and refresher supervisor training or the tiered leadership training we conduct. During annual/biennial No Fear training and quarterly EEO or HRO monthly training opportunities.
B.5.a.2. Reasonable Accommodation Procedures? [see 29 CFR § 1614.102(d)(3)]	X			During initial and refresher supervisor training or the tiered leadership training we conduct. During annual/biennial No Fear training and quarterly EEO or HRO monthly training opportunities.
B.5.a.3. Anti-harassment policy? [see MD-715(II)(B)]	X			The agency has identified a position specifically to work leadership development to coach and mentor supervisors. This position will complete work environment checks at all locations throughout the organization. This program resides in the HRO office at the direction of the Deputy HRO.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

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)]

X

We offer several training opportunities in all of these topics through our HRO/ Training Section, our Labor/ Management Partnership and strategic planning programs throughout the year. We established a new Tiered Leadership Training and recently started offering Crucial Conversation workshops.

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)]



X

During initial and refresher supervisor training or the tiered leadership training we conduct. During annual/biennial No Fear training and quarterly EEO or HRO monthly training opportunities.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 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]		X			Through our diversity and inclusion councils we have the top three key leaders and several directors directly involved in diversity and inclusion initiatives to include the Military Women's Programs. The HRO Director participates in RA/PAS case reviews and the diversity and inclusion councils.
B.6.b. Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]			X		The 3 key leaders are provided copies of the work force data , review the executive summary with the part g/j data analysis. The diversity councils, and Military Women's program, see additional data reflective of these under-represented groups in our Military Labor (ML) force to include accessions, attrition and retention which are used to identify potential triggers and barriers.
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]				X	see B.6.b

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

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)]

X

EEO action plans are primarily implemented by the EEM. Diversity and Inclusion is included in the SDNG Strategic Plan.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist



Essential Element: C Management and Program Accountability



DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 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.				X	The EEO program is managed from a single office location and one full time position. The HRO office has two locations - both are directly aligned under the Director of HR. The EEM conducts regular assistance visits to all facilities and reviews the work area and bulletin boards for compliance with EEO & Diversity/ Inclusion programs/ postings. All workforce data is centrally managed.
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.				X	The EEO program is managed from a single office location and one full time position. The HRO office has two locations - both are directly aligned under the Director of HR. The EEM conducts regular assistance visits to all facilities and reviews the work area and bulletin boards for compliance with EEO & Diversity/ Inclusion programs/ postings. All workforce data is centrally managed.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

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)]



X

The EEO program is managed from a single office location and one full time position. The HRO office has two locations - both are directly aligned under the Director of HR. The EEM conducts regular assistance visits to all facilities and reviews the work area and bulletin boards for compliance with EEO & Diversity/ Inclusion programs/postings. All workforce data is centrally managed.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.2. The agency has established procedures to prevent all forms of EEO discrimination.				
	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)]	X			The published policy specifically references applicable law and complies with EEOC Enforcement Guidance. This program resides in the HRO office at the direction of the Deputy HRO.
	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]	X			The policy addresses immediate actions be taken to address problems and correct actions to prevent issues from becoming unlawful harassment. This program resides in the HRO office at the direction of the Deputy HRO.
	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)]	X			New policy published 1DEC2019 - program coordination is under the HRO office and not within the EEO office. EEO will not be informed of any potential complaint unless it is validated to fall under EEO. This program resides in the HRO office at the direction of the Deputy HRO.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

<p>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)]</p>	<p>X</p>		<p>Per policy, any complainant will be advised of EEO complaint potential, however it would first be investigated under one of several other avenues, including the Anti-Harassment policy, the Administrative Grievance Process, Agency Grievance process through Labor Management or Inspector General channels, prior to EEO involvement.</p>
<p>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.]</p>	<p>X</p>		<p>Guidance is outlined in the policy.</p>
<p>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 Complainant v. Dep't of Veterans Affairs, EEOC Appeal No. 0120123232 (May 21, 2015); Complainant v. Dep't of Defense (Defense Commissary Agency), EEOC Appeal No. 0120130331 (May 29, 2015)] If "no", please provide the percentage of timely-processed inquiries in the comments column.</p>	<p>X</p>		<p>Per policy, investigations will be initiated within 5 days of the complaint and completed NLT 30 days from the complaint. This program resides in the HRO office at the direction of the Deputy HRO.</p>
<p>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)]</p>	<p>X</p>		<p>Disability based harassment is covered in the policy and during training. This program resides in the HRO office at the direction of the Deputy HRO.</p>
<p>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)]</p>	<p>X</p>		<p>See the supporting documentation section for the policy and operating procedures.</p>
<p>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)]</p>	<p>X</p>		<p>See the supporting documentation section for the policy and operating procedures. The EEM Manager is the RA Coordinator.</p>

DOD DNGB South Dakota National Guard

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



Agency Self-Assessment Checklist

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)]		X	The EEM Manager is the DPM/RA Coordinator.
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)]	X		See the supporting documentation section for the policy and operating procedures. All vacancy announcements have the contact information to request a RA/PAS. The information is also posted on our public website at <a href="https://sd.ng.mil/NoFEAR/Pages/default.aspx">https://sd.ng.mil/NoFEAR/Pages/default.aspx</a>
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)]	X		See the policy memo and paragraph 4.
C.2.b.5. Does the agency process all initial accommodation requests, excluding ongoing interpretative services, 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, excluding ongoing interpretative services, in the comments column.	X		Paragraph 6.2.2 in the SDNG Standard Operating Procedures for processing RA/PAS states the time line for determination is 30 days. Per our Installation Status Report and the local files for FY22 we process 0 requests.
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)]	X		These requests are incorporated with the SDNG Requests for RA Standard Operating Procedures and agency policy.
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.	X		<a href="https://sd.ng.mil/NoFEAR/Pages/default.aspx">https://sd.ng.mil/NoFEAR/Pages/default.aspx</a> This website will be taken down sometime during FY23 and will stand up a new external/public website. The link and website address is TBD

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.3. The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity.				
	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?	X			References: SDNG Pam 600-431, Appendix C: Performance Management Program established this requirement as part of our supervisor/manager appraisal processes.
	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]	X			The SDNG Joint Technician and Civilian complaint processing guide sets forth the ADR option available for managers, supervisors and complainants to participate in. References: SDNG Pam 600-431: National Guard Performance Management Program established this requirement as part of our supervisor/manager appraisal processes.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

<p>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)]</p>	<p>X</p>		<p>Reference: CNGBI 1400.25 Vol 752 and the SDNG Joint Technician and Civilian complaint processing guide addresses full cooperation in complaint proceedings.</p>
<p>C.3.b.3. Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see MD-715, II(C)]</p>	<p>X</p>		<p>Per current policies on the prevention of sexual harassment, discrimination (EO/EEO), anti-harassment and the prevention of workplace violence. See the supporting documentation section for copies of these policies.</p>
<p>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]</p>	<p>X</p>		<p>We conduct an initial and refresher supervisor training courses, a tiered leadership course and various communication, team building and perspective training opportunities throughout the fiscal year for all employees to attend. Annual/biennial No FEAR training and various training opportunities through out the year are hosted by our HRO.</p>

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

<p>C.3.b.5. Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]</p>	<p>X</p>		<p>We have a full time Chaplain available for advice/guidance in an interactive process when considering religious accommodation requests. the EEO policy and complaint processing guides are available to address the protected basis as needed.</p>
<p>C.3.b.6. Provide disability accommodations when such accommodations do not cause an undue hardship? [ see 29 CFR §1614.102(a)(8)]</p>	<p>X</p>		<p>See the EEO policy and the RA/ PAS policy and request processing SOP in the supporting documentation section.</p>
<p>C.3.b.7. Support the EEO program in identifying and removing barriers to equal opportunity?. [see MD-715, II(C)]</p>	<p>X</p>		<p>The barrier analysis process is primarily facilitated through the EDI office. However the Diversity and Inclusion Councils review demographic data on a quarterly basis and review the military labor force for triggers/ barriers. The barrier analysis is very limited due to manpower constraints in the EDI office.</p>



DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

C.3.b.8. Support the anti-harassment program in investigating and correcting harassing conduct?. [see Enforcement Guidance, V.C.2]

X

There is no formal requirement within our policy to evaluate supervisors based on anti-harassment compliance, however there is specific requirements in SDNG Pam 600-431 for safety and EEO. This program resides in the HRO office under the direction of the Deputy HRO.

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)]

X

Per the processes in the SDNG Joint Technician and Civilian complaint processing guide and/or any certified/signed settlement agreements.

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)]

X

IAW CNGBI 1400.25 Vol 715/752, settlement agreements or substantiated allegations per informal/formal investigations. We execute the Douglas Factors and consider the table of penalties incorporated in the CNGBI 1400.25 Vol 752.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

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)]

X

IAW CNGBI 1400.25 Vol 715/752, settlement agreements or substantiated allegations per informal/formal investigations. We execute the Douglas Factors and consider the table of penalties incorporated in the CNGBI 1400.25 Vol 752. The input is generally implemented.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.4. The agency ensures effective coordination between its EEO program and Human Resources (HR) program.				
	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)]	X			The EEM and the HRO have routine dialogue over EEO topic's to include, complaint reporting, reasonable accommodation and telework requests, vacancy announcement issues, hiring board composition, employee assistance and all policies/ procedures are staffed through each office as needed.
	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]	X			Each program has a review processed generally defined with the guidance or an annual basis for needs/training seats, availability of funding, policy updates and triggers. To include data in A/ B table 9 regarding Employee Recognition/ Awards and also loss/separation data. Exit Survey data is reviewed annually or every 6 months if trends are noticed.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

C.4.c. Does the EEO office have timely access to accurate and complete data (e.g., demographic data for the workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables? [see 29 CFR §1614.601(a)]

X

We utilize the workforce data from the DCPDS data base utilized in our HRO for monthly/quarterly and annual data requirements. In addition we have access to the demographic data provided by the Air/Army military services to assess the military labor force potential when considering avenues for vacancy competition of the dual-status vacancies. Applicant flow data comes from NGB annually.

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, II(C)]

X

The EEM is the survey manager for DEOCS and exit survey administration as well as all complaint data. The HRO manages employee engagement survey data and the results are shared between the two offices. HRO will provide data regarding grievances or lawsuits as requested.

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)]

X

Our T5 PWD percentage for our permanent labor force is at 11.49% and just below the 12% federal requirement. We have 1 employee/ T5 PWD. We plan to resurvey our workforce in the fall of 2022/2023. HRO cannot validated the use of Schedule A hiring authority for our agency.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

C.4.e.2. Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]

X

The majority of our outreach and recruiting is thru the military labor force, based on the majority of our full time positions are T32 and require military membership in order to apply. We utilize USAJobs for advertising the majority of our vacancies for T32/T5 positions. Thru USAJobs the T5 vacancies are advertised as broadly as our authority will allow.

C.4.e.3. Develop and/or provide training for managers and employees? [see MD-715, II(C)]

X

The EDI Office provides training during annual supervisor, refresher training, tiered leadership and new employee orientation. During annual/biennial No Fear training and quarterly EEO training opportunities.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

C.4.e.4. Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]

X

The EEM and the HRO have an general dialogue over EEO topic's to include, reporting, reasonable accommodation and telework requests, vacancy announcement issues, hiring board composition and all policies/ procedures are staffed through each office as needed. the SDNG Hiring guide was specifically developed to address hiring board composition, diversity and how to properly conduct a hiring board.

C.4.e.5. Assist in preparing the MD-715 report? [see MD-715, II(C)]



X

The HRO is provided several opportunities to provided input to the self assessment and we have met at least twice to draft the final report. The HRO/ HRIS provides data for the MD-715 report thru monthly/ annual reporting requirements.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.5. Following a finding of discrimination, the agency explores whether it should take a disciplinary action.				
	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 Douglas v. Veterans Administration, 5 MSPR 280 (1981)]	X			IAW CNGBI 1400.25 Vol 715/752. We execute the Douglas Factors and consider the table of penalties incorporated in the CNGBI 1400.25 Vol 752.
	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.	X			As required by the out come of the case and/or per SDNG Joint Technician and Civilian complaint processing guide. IAW CNGBI 1400.25 Vol 715/752, settlement agreements or substantiated allegations per informal/formal investigations. We execute the Douglas Factors and consider the table of penalties incorporated in the CNGBI 1400.25 Vol 752. We didn't have any formal cases during FY22.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

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 (e.g., post mortem to discuss lessons learned)? [see MD-715, II(C)]

X

As required by the out come of the case and/or SDNG Joint Technician and Civilian complaint processing guide. We also conduct routine coordinating staff meetings where this topic may be discussed. We also incorporate trends in complaints into the supervisor courses and hiring workshops, commanders courses and the Diversity/ Inclusion council meetings - specifically trends over 5 years.



DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.6. The EEO office advises managers/supervisors on EEO matters.				
	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.	X			Annually at a minimum and often quarterly at the coordinating staff meetings. Some of the quarterly or monthly meetings/training may highlight special emphasis, data summaries/demographics or complaint basis. The Quarterly diversity councils get regular updates and limited training.
	C.6.b. Are EEO officials readily available to answer managers' and supervisors' questions or concerns? [see MD-715 Instructions, Sec. I]	X			The Equality, Diversity and Inclusion office is open Monday thru Friday from 7am to 4pm. The EEM is available through cell/email and on an on-call \basis as needed. In addition we have 5 to 6 collateral EEO counselors available throughout the agency in various offices and alternate work schedules. The program information is on our internal and external websites as well as posted in each facility

DOD DNGB South Dakota National Guard

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



Agency Self-Assessment Checklist

Essential Element: D Proactive Prevention

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	D.1. The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year.				
D.1.a. Does the agency have a process for identifying triggers in the workplace? [see MD-715 Instructions, Sec. I]		X			We conduct a basic barrier analysis of the workforce data, quarterly review of demographic data of military labor force to include accession/recruiting, retention/attrition numbers and marketing/branding strategies. The Joint Diversity Executive Council & Military Women's program meets quarterly. We have exit/engagement survey and complaint data to consider. Policy reviews. Complaint trends.
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; and/or external special interest groups? [see MD-715 Instructions, Sec. I]		X			We utilize all of these types of sources to identify triggers in our workforce/agency and determine barriers. We are published a Hiring Guide and Board Composition to ensure diversity and inclusion is facilitated through the hiring process and the diversity of hiring boards facilitates an inclusive environment. see above answer

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

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)]



X

The exit survey is posted on our external website at: <https://ice.disa.mil/index.cfm?fa=card&sp=1360>. We have conducted exit surveys on select demographics to determine if triggers exist and subsequently develop course(s) of action as needed to eliminate any barriers identified in the process. The SEPM groups conduct additional surveys and research as needed.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	D.2. The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)				
D.2.a. Does the agency have a process for analyzing the identified triggers to find possible barriers? [see MD-715, (II)(B)]		X			Generally we use the root cause analysis or process mapping to determine/ validate a trigger and define the barrier for subsequent course of action development to remove the barrier. Example: the military labor force has statutory requirements for military membership - the major labor source for the Title 32 dual status technicians - a institutional barrier to hiring. Working groups are used.
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)]		X			At a minimum during the MD-715 Reporting process/ barrier analysis. However policies/ procedures are staffed through out the year thru the EEO office and the SEEM provides the primary review. We also use monthly demographic data and trends in recruiting/ retention, complaints and survey data.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

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)]

X

This is considered in our staffing processes, in the event of a RIF, furlough and in any military re-alignment or transformation the HRO office will conduct a person-by-person review of the impact of the changes. This impact is briefed to management for course of action development based on recommendations by HRO, our military personnel departments and our force structure section.

D.2.d. Does the agency regularly review the following sources of information to find barriers: complaint/grievance data, exit surveys, employee climate surveys, focus groups, affinity groups, union, program evaluations, anti-harassment program, special emphasis programs, and/or external special interest groups? [see MD-715 Instructions, Sec. I] If "yes", please identify the data sources in the comments column.



X

The annual 462 report Quarterly No FEAR reports DEOCS, focus groups, exit survey and employee engagement surveys workforce data tables/DCPDS data internal studies/demographic reports/various personnel reports budget data/metric reports external reports from DOD, OPM, EEOC and other federal agencies Quarterly diversity assessments Annual workforce data tables. Complaint trends.

DOD DNGB South Dakota National Guard

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



Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	D.3. The agency establishes appropriate action plans to remove identified barriers.				
	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)]	X			We continually update the recruiting strategies. Review/ assess the diversity goals and objectives & state lines of effort adding new diversity events/ focus (monthly observances and revising EEO training to add in unconscious bias training based on survey trends. Published the Hiring Guide for all full time vacancy accessions. We are a part of the policy/SOP staffing process.
	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)]	X			Generally we would create a plan in part I, however we did not conduct a barrier analysis for FY22 w/the exception of analyzing the losses data by HRO. This is addressed in the executive summary.
	D.3.c. Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]	X			When barrier analysis is accomplished the plans are reviewed annually during the MD-715 preparation/ update.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	D.4. The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities.				
	D.4.a. Does the agency post its affirmative action plan on its public website? [see 29 CFR §1614.203(d)(4)] If yes, please provide the internet address in the comments.	X			<a href="https://sd.ng.mil/NoFEAR/Pages/default.aspx">https://sd.ng.mil/NoFEAR/Pages/default.aspx</a> This website will be taken down sometime during FY23 and will stand up a new external/public website. The link and website address is TBD
	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)]	X			Through USAjobs/staffing the applicable vacancy announcements may be advertised/open for PWD/PWTD. We also post our vacancies on our public website and offer optional ways employee's can request the information, such as larger font. We are currently trying to validate the use of schedule A hiring authority.



DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

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)]

X

The contact information is provided in the vacancy announcements and on our public websites at: <https://sd.ng.mil/NoFEAR/Pages/default.aspx> This website will be taken down sometime during FY23 and will stand up a new external/public website. The link and website address is TBD. The information is also available within the vacancy announcement.

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)]

X

We plan to re-survey our labor force for voluntary identification of PWD/PWTD in 2023. We advertise our vacancies open to veterans/disabled veterans and are currently working to validate the use of schedule A authority.

DOD DNGB South Dakota National Guard

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



Agency Self-Assessment Checklist

Essential Element: E Efficiency

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.1. The agency maintains an efficient, fair, and impartial complaint resolution process.				
E.1.a. Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105?		X			The SDNG Joint Technician and Civilian complaint processing guide sets forth the internal standard for this process. All complaint processes in FY21 were timely.
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)?		X			The SDNG Joint Technician and Civilian complaint processing guide - see paragraph 4.a. (7), page 5.
E.1.c. Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch. 5(I)?		X			The SDNG Joint Technician and Civilian complaint processing guide - see paragraph 6.b. (1), page 8.
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.		X			No formal complaints were filed in FY22 or carried over from FY21 for final processing. However, per The SDNG Joint Technician and Civilian complaint processing guide - see paragraph 6.c. (3), page 9

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

<p>E.1.e. Does the agency ensure that 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)?</p>	<p>X</p>		<p>The SDNG Joint Technician and Civilian complaint processing guide initiates this process and access/ information can be facilitated through the EEM as needed to verify the requirement or provide the information. The requirement to support the EEO program and complaint process are also a part of CNGBI 1400.25 Vol 752 NG Tech &amp; Civilian Personnel Discipline &amp; Adverse Action Program.</p>
<p>E.1.f. Does the agency timely complete investigations, pursuant to 29 CFR §1614.108?</p>	<p>X</p>		<p>No formal complaints were filed in FY22 or carried over from FY21 for final processing. However, per The SDNG Joint Technician and Civilian complaint processing guide - see paragraph 6.d. (3), page 11</p>
<p>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)?</p>	<p>X</p>		<p>No formal complaints were filed in FY22 or carried over from FY21 for final processing. However, per The SDNG Joint Technician and Civilian complaint processing guide - see paragraph 6.d. (4), page 11</p>

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

<p>E.1.h. When the complainant did not request a hearing, does the agency timely issue the final agency decision, pursuant to 29 CFR §1614.110(b)?</p>	<p>X</p>		<p>No formal complaints were filed in FY22 or carried over from FY21 for final processing. However, per The SDNG Joint Technician and Civilian complaint processing guide - see paragraph 6.d. (5), page 11</p>
<p>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)?</p>	<p>X</p>		<p>No formal complaints were filed in FY22 or carried over from FY21 for final processing. However, per The SDNG Joint Technician and Civilian complaint processing guide - see paragraph 6.e. (4), page 12</p>
<p>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.</p>	<p>X</p>		<p>No formal complaints were filed in FY22 or carried over from FY21 for final processing. Through our contract agreement, scope of work/statement of work, we would utilize the contracting regulations to ensure all contractors are held accountable for the quality or lack of quality of work provided.</p>

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

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)]

X

No formal complaints were filed in FY22 or carried over from FY21. We utilize collateral EEO counselors and mediators. After initial training requirements, we initiate a position description addendum through our HRO office, the employees supervisor and the EEM. This addendum, with the expectations, sets the foundation for the employee annual appraisals & input by the EEM as needed.

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)]



X

No formal complaints were filed in FY22 or carried over from FY21 for final processing. However, The SDNG Joint Technician and Civilian complaint processing guide stipulates these processes through out depending on the required actions - see paragraph 6.e.(6) - page 12.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.2. The agency has a neutral EEO process.				
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)] If "yes", please explain.		X			We have two sections of legal support available as well as the option to contract legal support in the event of a defensive requirement. The capacity is limited. The SDNG Joint Technician and Civilian complaint processing guide - see page 10
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.		X			We have two sections of legal support available as well as the option to contract legal support in the event of a defensive requirement. The capacity is limited. The SDNG Joint Technician and Civilian complaint processing guide - see page 10
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)]		X			We have two sections of legal support available as well as the option to contract legal support in the event of a defensive requirement. The capacity is limited. The SDNG Joint Technician and Civilian complaint processing guide - see page 10

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

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)]

X

We have two sections of legal support available as well as the option to contract legal support in the event of a defensive requirement. The capacity is limited. The SDNG Joint Technician and Civilian complaint processing guide - see page 10

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, Attaining a Model Agency Program: Efficiency (Dec. 1, 2004)]

X



See the three files uploaded in the substantiated documents sections labeled addendum 4 EEO Internal Checklist for Pre-Complaint/ Formal/Class complaints - these checklist identify the time lines for various processes to include the legal counsels sufficiency reviews.



DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.3. The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program.				
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)]		X			The SDNG Joint Technician and Civilian complaint processing guide - page 5. We have local mediators available and can also utilize the ADR program provided by National Guard Bureau/Mr. Andre Hampton
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)]		X			The SDNG Joint Technician and Civilian complaint processing guide - on page 5 identifies the required participation.
E.3.c. Does the Agency encourage all employees to use ADR, where ADR is appropriate? [See MD-110, Ch. 3(IV)(C)]		X			The SDNG Joint Technician and Civilian complaint processing guide - page 5. We encourage consideration of ADR/conflict resolution options prior to filing if the employee is willing and this has been fairly successful in bringing resolution in some situations. We have a strong labor/ management partnership & experience in interest based bargaining techniques which have served in conflict resolution.

DOD DNGB South Dakota National Guard

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



Agency Self-Assessment Checklist

<p>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)]</p>	<p>X</p>		<p>The SDNG Joint Technician and Civilian complaint processing guide - page 12. This is always available in ADR as well as the option to go to the agency head as needed based on the type of resolution negotiated.</p>
<p>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)]</p>	<p>X</p>		<p>We exercise this as a general practice to insure there isn't a conflict of interest in the settlement process and we have various levels of leadership/ management with overlapping authority as well as the option to go to the agency head for final authority as needed based on the resolution negotiated. See pages 12 and 13 of the SDNG Joint Technician and Civilian complaint processing guide.</p>
<p>E.3.f. Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]</p>	<p>X</p>		<p>Through the annual review of policy/procedures we evaluate the effectiveness of the ADR program when we look at the SDNG Joint Technician and Civilian complaint processing guide.</p>

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			
 Measures		Yes	No	N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report

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)]	X			The quarterly No FEAR report and Installation Status report, the annual EEOC 462 report and case records maintained in the EDI office. The EEM also utilizes a informal tracking ledger to track the status of all complaints processed.
E.4.a.2. The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)]	X			Quarterly demographic reports are available of the military and civilian labor forces. The HRO office generates and maintains monthly, quarterly and annual reports to include the workforce data for the MD-715 workforce data tables. The military administrative offices all maintain the demographic data for the military labor force.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

<p>E.4.a.3. Recruitment activities? [see MD-715, II(E)]</p>	<p>X</p>		<p>Recruitment tracking is primarily for the military labor force is tracked through our quarterly diversity council reporting along with any special emphasis program focused efforts. We rely on National Guard Bureau to provide annual applicant flow data for the full time workforce and this data needs to more comprehensive in order to be meaningful - we are working it.</p>
<p>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)]</p>	<p>X</p>		<p>We rely on National Guard Bureau to provide annual applicant flow data for the full time workforce and this data needs to more comprehensive in order to be meaningful. The information only captures data in the USAJobs/ Staffing programs and is limited in what it collects regarding internal vacancies. Internal applicant data is managed manually for key staff vacancies.</p>
<p>E.4.a.5. The processing of requests for reasonable accommodation? [29 CFR §1614.203(d)(4)]</p>	<p>X</p>		<p>The EEM/ Disability Program Manager tracks all reasonable accommodation requests. Installation Status Reports also captures the data.</p>

DOD DNGB South Dakota National Guard

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



Agency Self-Assessment Checklist

<p>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]</p>	<p>X</p>		<p>There is a process identified in the policy on how to process, track and monitor any complaint received. The program is administered by the HRO office.</p>
<p>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]</p>	<p>X</p>		<p>The DEOCS and Employee engagement surveys are conducted at a minimum every 2 years or upon request as needed. We plan to re-surveyed our workforce for disability data in 2023. The HRO generally administers an employee engagement survey every 2 years. We have also conducted "Hear the Force" sensing sessions, full time employee meetings every 6 months, and town hall sessions as needed.</p>

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.5. The agency identifies and disseminates significant trends and best practices in its EEO program.				
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.		X			This review is conducted during the annual MD-715 self assessment, through EEOC feedback letters, Excel/FDR conferences, and sometimes during any National Guard Bureau National Training. The NGB Equal Employment Management Advisory Council is composed of EEO professionals from the states. This council works with National Guard Bureau on national EEO trends within the NG.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

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.

X

We review programs thru our strategic planning process, coordinating staff meetings, TAG Vice - an advisory group working initiatives and also in reviewing how other federal agencies and states conduct business such as the Dept of Health & Human Services and the National Health Institute and the Dept of Labor for best practices/ MD715 reporting, D&I initiatives, etc.

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)]

X

We work with several states within our region and comparable in size for best practices and program improvements/ training. States we work with are Idaho, North Dakota, Nevada, Washington, Wyoming and Montana. We also look at how larger federal agencies, such as Dept of Health & Human Services, the National Health Institute and the Dept of Labor for best practices/ MD715 reporting, D&I initiatives

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist



Essential Element: F Responsiveness and Legal Compliance



DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 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)]		X			Enclosure C of the SDNG Joint Complaint Processing Guide provides guidance/ procedures along with the responsible agency officials to ensure we are compliant in this area.
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)]		X			Enclosure B of the SDNG Joint Complaint Processing Guide provides guidance/ procedures along with the responsible agency officials to ensure we are compliant in this area.
F.1.c. Are there procedures in place to ensure the timely and predictable processing of ordered monetary relief? [see MD-715, II(F)]		X			Enclosure B and C of the SDNG Joint Complaint Processing Guide provides guidance/ procedures along with the responsible agency officials to ensure we are compliant in this area.
F.1.d. Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]		X			Enclosure B and C of the SDNG Joint Complaint Processing Guide provides guidance/ procedures along with the responsible agency officials to ensure we are compliant in this area.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

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)]



X

Enclosure B and C of the SDNG Joint Complaint Processing Guide provides guidance/procedures along with the responsible agency officials to ensure we are compliant in this area. The employee's performance plan and appraisal would be used to ensure employees are accountable for their duties and responsibilities.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 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)]				X	No formal complaints were filed in FY22 or carried over from previous years for final processing. Enclosure B and C of the SDNG Joint Complaint Processing Guide provides guidance/ procedures along with the responsible agency officials to ensure we are compliant in this area.
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)]				X	No formal complaints were filed in FY22 or carried over from previous years for final processing. Enclosure B and C of the SDNG Joint Complaint Processing Guide provides guidance/ procedures along with the responsible agency officials to ensure we are compliant in this area.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

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]

X

No formal complaints were filed in FY22 or carried over from previous years for final processing. Enclosure B and C of the SDNG Joint Complaint Processing Guide provides guidance/ procedures along with the responsible agency officials to ensure we are compliant in this area.

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)]

X

No formal complaints were filed in FY22 or carried over from previous years for final processing. Enclosure B and C of the SDNG Joint Complaint Processing Guide provides guidance/ procedures along with the responsible agency officials to ensure we are compliant in this area.

F.2.a.4. Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance?



X

No formal complaints were filed in FY22 or carried over from previous years for final processing. Enclosure B and C of the SDNG Joint Complaint Processing Guide provides guidance/ procedures along with the responsible agency officials to ensure we are compliant in this area. This agency has provided the EEOC documentation and responses to all official requests regarding compliance requirements.

DOD DNGB South Dakota National Guard

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

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	F.3. The agency reports to EEOC its program efforts and accomplishments.				
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)]		X			Through the annual 462 report and through email correspondence to: DOJExecSec@usd and OFONOFEAR@e
F.3.b. Does the agency timely post on its public webpage its quarterly No FEAR Act data? [see 29 CFR §1614.703(d)]		X			<a href="https://sd.ng.mil/NoFEAR/Pages/default.aspx">https://sd.ng.mil/NoFEAR/Pages/default.aspx</a> This website will be taken down sometime during FY23 and will stand up a new external/public website. The link and website address is TBD

Essential Element:  Other

DOD DNGB South Dakota National Guard

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

Plan to Attain Essential Elements

PART H.1

Brief Description of Program Deficiency:

B.4.a.2. to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)]

The EEO Director/EEM conducts a basic barrier analysis based on the agency size of less the 500 permanent workforce. The processes are somewhat stove-piped with the EEM primarily seeing the analysis and little participation by HRO or other agency SME's input or visibility of potential triggers/barriers within the purview of the analysis. The EEM conducts the basic analysis primarily due to limited manpower and time available in the EEO office.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/01/2020	10/01/2023	10/01/2024		Continue to work with HRO for data, participation and additional manning for the EDI office and the barrier analysis process. Limited staff available. Monitor transition from DCPDS (application/data base of record for all technician workforce data) to DCHRMS with NGB-TN and conversion to 2.0 tables. Work with applicant flow data provided by NGB and analyze how SDNG is advertising vacancies through USA Staffing/ Jobs for competition and hiring.

Responsible Officials

Title	Name	Standards Address the Plan?
SDNG Human Resouce Officer, DCPDS Manager, EEM	COL Cory Norris, Mr. Dave Frock, Mrs. Jerzak	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
10/01/2020	Work with the DJS to determine best course of action for the reassignment of the RA/PAS Request Coordinator and DPM program.	Yes	10/01/2022	
10/01/2020	Work with the HRO to create a working group to review/conduct barrier analysis data.	No		
10/01/2020	Work with HRO on EEO manpower taskings and a study to determine the appropriate number of personnel needed in the EEO Office to perform the essential functions of the EEO/EO programs, complaint process, MD-715 reporting requirements and barrier analysis. Pending manpower study and approval of new PD's by NGB-TCP	No	10/01/2022	

Accomplishments

Fiscal Year	Accomplishment
2019	NGB provided applicant flow data and modified DCPDS data for the new reporting requirements for the MD-715 report. The data was better but we still have issues with inputting relevant and accurate data to ensure we are getting accurate reports for analysis. Some of the internal/external vacancy announcements have returned to offline/manual process for advertisement and processing out of HRO - this will change the process for the collection of applicant flow date for those applicable vacancies.
2021	pending a manpower study from NGB. PD's were re-written and pending approval by TCP at NGB

DOD DNGB South Dakota National Guard

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

Plan to Attain Essential Elements

PART H.2

Brief Description of Program Deficiency:	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)] If not, identify the office with this authority in the comments column.
--	--

The EEO Director is not the primary management official responsible for implementing the affirmative employment program - this falls to the HRO. The EEM does conduct a limited barrier analysis to identify triggers and barriers/discrimination in various personnel processes, but the HRO, with delegated authority by the Adjutant General, carries the authority and responsibility for those processes where full time manning/hiring/firing/recruiting, etc are concerned.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
07/01/2020	08/01/2020	10/01/2024		The HRO and EEM will routine meetings regarding personnel and workforce issues/concerns.

Responsible Officials

Title	Name	Standards Address the Plan?
HRO and EEM	Col Cory Norris and Mrs. Jerzak	No

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
11/01/2021	send out invitations for review of the report for updates/changes.	Yes	10/01/2022	

Accomplishments

Fiscal Year	Accomplishment
2021	during 2020 conducted monthly meetings with HRO. Transition to a new HRO and we've conducted some meetings for MD715 preparation but need to set up a monthly/routine meetings to address other program areas.
2021	Transitioned to new HRO and had a few meetings going - not routine schedule was established due to various reasons.

DOD DNGB South Dakota National Guard

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

Plan to Attain Essential Elements

PART H.3

Brief Description of Program Deficiency:	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)]
--	--

The EEO Director/EEM participated in past agency strategic planning on a limited basis. Currently, the agency strategic plan does not incorporate the EEO program specifically nor is the EEM included in the strategic planning sections regarding recruitment strategies, vacancy projections, succession planning or training seat selections and development opportunities. In 2020 LOE was removed and embedding D&I in LOE 1-3 was required to ensure D&I was inherit to the agencies strategic plan. The EEM was not a part of any agency strategic planning in FY2021

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
10/01/2018	10/01/2020	10/01/2024		Include the EEM in meetings regarding workforce changes, all levels of strategic planning, recruitment strategies, vacancy projections, succession planning and training/career selection and development opportunities. Continue to work with senior leaders and the head of the agency to consider this. This area incorporates questions: B.3.b and B.6.d

Responsible Officials

Title	Name	Standards Address the Plan?
The Adjutant General	MG Marlette	No

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
07/01/2020	Include the EEM in the process/planning/meetings regarding agency strategic planning. Need to address specific EEO type concerns in the agency strategic plan.	Yes	10/01/2022	

Accomplishments

Fiscal Year	Accomplishment
2020	EEM was a part of the agency strategic planning in July of 2020. Participated in alignment of embedding D&I into the 3 main lines of effort of the agency strategic plan. EEO still needs to be specifically addressed for incorporation into the agency strategic plan.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
07/01/2022	09/30/2024			A specific Line of Effort (LOE) was create in FY22 for equality, diversity and inclusion. The LOE objectives and goals need to be defined once the strategic plan for FY23-25 is approved and published.

Responsible Officials

Title	Name	Standards Address the Plan?

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date

Accomplishments

Fiscal Year	Accomplishment



DOD DNGB South Dakota National Guard

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

Plan to Attain Essential Elements

PART H.4

Brief Description of Program Deficiency:

B.6.b. Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]

The EEM conducts the barrier analysis primarily with very limited participation by the deputy HRO. The HRO and the head of the agency see the workforce data and the MD715 self assessment during the final draft review and certification meeting, but in general they are the only personnel involved unless the diversity councils look at specific data regarding an under-represented groups in the military labor force. The Joint Diversity Executive Council does monitor the overall metric rating for the 6 essential elements.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
07/20/2021	10/01/2021			assess and determine if broadening of the personnel for participation in barrier analysis is needed and who should be considered.

Responsible Officials

Title	Name	Standards Address the Plan?
TAG, HRO, EEM	MG Marlette, Col Cory Norris, Mrs. Jerzak	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/01/2021	include this topic in the upcoming HRO meetings between the EEM and HRO	Yes		

Accomplishments

Fiscal Year	Accomplishment

DOD DNGB South Dakota National Guard

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

Plan to Attain Essential Elements

PART H.5

Brief Description of Program Deficiency: 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.

The EEO Director/EEM is included in the agency strategic planning every 2 years during the updating of the lines of effort (LOE). The organization had 3 LOE's and each LOE was to incorporate equality, diversity and inclusion as it applies to each area. However, this didn't evolve, so in the FY22 update a separate LOE was drafted to incorporate EDI efforts specifically. The draft is pending final approval for implementation in FY23-25.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
07/01/2020	10/01/2021	10/01/2022		See Part H and B.3.a: SDNG Strategic plan - specially areas identified in MD-715, part H and potentially I that need improvement as objectives/goals under LOE 4. Goal #1 would be to create inclusion initiatives for increasing the number of women in GS12/13 & 14 positions. Goal #2 create a competitive process for all commander/Deputy & S3/Operation Officer positions. Goal #3 Require all board proceeding full time and/or military to follow the Full-Time Hiring/Board guide.

Responsible Officials

Title	Name	Standards Address the Plan?
The Adjutant General, Director Joint Staff, J5	MG Marlette, BG Michels, Col Norris	No

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
07/01/2020	The J5 will add the EEM to the strategic planning processes/meetings/training.	Yes		

Accomplishments

Fiscal Year	Accomplishment
2020	The EEM was added to the agency strategic planning in 2020.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
07/01/2022	09/30/2024			Continue to work with the new LOE to determine objectives and goals for EDI.

Responsible Officials

Title	Name	Standards Address the Plan?

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date

Accomplishments

Fiscal Year	Accomplishment
2022	Created a specific Line of Effort (LOE) within the state strategic plan incorporating equality, diversity & inclusion. Need to continue development of the goals and objectives for the LOE.

DOD DNGB South Dakota National Guard

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

Plan to Attain Essential Elements

PART H.6

Brief Description of Program Deficiency:	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)]
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The EEM primarily implements EEO action plans developed/created within the scope of the EEO program. Sometimes, with the assistance of the HRO, EEO action plans may be create/implemented in any of the HRO areas regarding vacancies, hiring, interviews, etc. The senior manages generally do not participate in EEO action plans outside of training and or policy requirements.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
10/01/2020	10/01/2023			develop a EEO strategic plan

Responsible Officials

Title	Name	Standards Address the Plan?
EEM and TAG	Mrs. Jerzak	No

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
12/01/2021	draft a EEO strategic plan	Yes		

Accomplishments

Fiscal Year	Accomplishment
2021	the strategic plan is drafted but keeps getting pushed based on workload/cases/reports. The office only has one full time employee to manage all programs.

DOD DNGB South Dakota National Guard

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

Plan to Attain Essential Elements

PART H.7

Brief Description of Program Deficiency:

B.4.a.1. to conduct a self-assessment of the agency for possible program deficiencies? [see MD-715, II(D)]

The primary effort for the self-assessment comes from the EEM manager in an office staffed with just the one full time employee. The barrier analysis and self-assessment are essentially conducted in a vacuum at the purview of the EEM. The reports are provided to HRO, but very little if any input is returned. In the event the EEM is pulled to process cases - all programs, to include the self-assessment, are not being actioned. There is little to no input provided regarding section 501 accessibility from CIO/FMO or PAO.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
10/01/2021	10/01/2022			provide several opportunities for HRO to participate in the self assessment process

Responsible Officials

Title	Name	Standards Address the Plan?
Equal Employment Manager	Carstin K. Jerzak	Yes
Human Resource Manager/Director	Col Deb Bartunek	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
11/01/2021	send email invites to meet on the self assessment for FY21 report	Yes		

Accomplishments

Fiscal Year	Accomplishment
2021	The EEM and the HRO met at least twice regarding the self assessment of the MD715. Both occasions the personnel were very unfamiliar with the report and belonged to subordinate sections within HRO. They were the SME's from their areas such as staffing. None of the leadership from the HRO made the meetings or were only in the meetings for a few minutes.

DOD DNGB South Dakota National Guard

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

Plan to Attain Essential Elements

PART H.8

Brief Description of Program Deficiency:	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)]
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The EEO Director/EEM currently participates in a quarterly Adjutant General update briefing and occasionally the Labor/Management Partnership (Union) meetings. Budget meetings are facilitated through our Budget Analyst and program managers. Technology issues/concerns generally come through the quarterly briefings. The EEM does not have a mechanism for regular coordination regarding personnel or other workforce issues.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
10/01/2019	10/01/2021	10/01/2023		Include the EEM in the directors huddle, HRO and Staffing meetings regarding full time manning, the council of colonels/lieutenant colonels, policy, and all meetings where the shaping of the full time force is affected or concerned.

Responsible Officials

Title	Name	Standards Address the Plan?
The Adjutant General, DJS and HRO	MG Marlette, Brig Gen Vanderwolde and Col Bartunek	No

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
07/01/2020	The HRO and EEM will create a monthly meeting to discuss personnel and workforce issues starting in July 2020	Yes	09/30/2021	
10/01/2020	The HRO/LRS will officially add/invite the EEM to all future LMPC meetings and any special meetings called regarding personnel or workforce issues going forward.	Yes		01/01/2021

Accomplishments

Fiscal Year	Accomplishment
2020	EEM added to Union/Labor management meetings at the SDNG and Army levels.
2020	Initiated a monthly meeting with the former HRO. Conducted some meetings with new HRO on MD715 prep but no routine meetings have been established based on schedules.

DOD DNGB South Dakota National Guard

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

Plan to Attain Essential Elements

PART H.9

Brief Description of Program Deficiency:	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)]
--	--

The EEO Director/EEM is the Disability Program Manager/Reasonable Accommodations Request Coordinator and facilitates all requests for RA/PAS for the agency between the employee requesting the RA/PAS to management for final approval. Outside of the approval process, the EEM is involved in the RA/PAS request process and thus it creates a conflict of interest with the EEM being involved in these processes in the event of a complaint based on disability/denial of a reasonable accommodation. There are very few personnel aware of how the RA/PAS programs work, so there is really no way to EEM can sufficiently maintain a firewall.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
05/01/2019	10/01/2020	10/01/2023		Re-assign the disability program and reasonable accommodation coordination process out of the EDI office and assign it where there isn't a conflict of interest or firewall concern in the management of the program and requests. HRO Deputy, HRO Benefits/Workers Comp, or Occupational Health Provider are optional positions without any general conflict of interest or firewall consideration.

Responsible Officials

Title	Name	Standards Address the Plan?
TAG, DJS, HRO, EEM	MG Marlette, Brig Gen Vanderwold, Col Bartunek, Mrs. Jerzak	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
10/01/2020	Work with the DJA to determine the best course of action for the re-assignment of the DPM and RA/PAS Request Coordinator duties/responsibilities.	Yes		

Accomplishments

Fiscal Year	Accomplishment
2021	no progress was made on this issue. COVID and additional RA/exemption processes overshadowed several initiatives in FY21

DOD DNGB South Dakota National Guard

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

Plan to Eliminate Identified Barriers

**MD-715 – Part J**  
**Special Program Plan**  
**for the Recruitment, Hiring, Advancement, and**  
**Retention of Persons with Disabilities**

To capture agencies' affirmative action plan for persons with disabilities (PWD) and persons with targeted disabilities (PWTD), EEOC regulations (29 C.F.R. § 1614.203(e)) and MD-715 require agencies to describe how their affirmative action plan will improve the recruitment, hiring, advancement, and retention of applicants and employees with disabilities.

**Section I: Efforts to Reach Regulatory Goals**

EEOC regulations (29 CFR § 1614.203(d)(7)) require agencies to establish specific numerical goals for increasing the participation of persons with disabilities and persons with targeted disabilities in the federal government

1. Using the goal of 12% as the benchmark, does your agency have a trigger involving PWD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.

- |                               |        |    |
|-------------------------------|--------|----|
| a.Cluster GS-1 to GS-10 (PWD) | Answer | No |
| b.Cluster GS-11 to SES (PWD)  | Answer | No |

Our agency is comprised of 332 Title 32/Excepted Service Dual status federal employees and 87 Title 5/Excepted Service civilian employees: T32 employees are required to be in the NG as a condition of their employment. This part J is only reflective of the 87 Title 5 civilian workforce. The overall agency PWD percentage of our current Title 5/Civilian workforce is 11.76% and just below the 12% mandate. The breakout between the two categories of employees is almost even per number of individuals with 5 PWD identifying in both categories. The GS 1-10 category is at 13.89% and the GS 11-SES is at 10.20%. We have 1 person in the GS1-10 category identifying as a PWTD or 2.78%. We do not have any SES employees. Title 32/Excepted Service Dual Status Military Technicians: The majority of our workforce is T32/Military Excepted Service Technicians and are required to serve in the SD National Guard as a condition of their military technician employment and are subject to military fitness and medical standards and not considered in this section of the MD715 report.

\*For GS employees, please use two clusters: GS-1 to GS-10 and GS-11 to SES, as set forth in 29 C.F.R. § 1614.203(d) (7). For all other pay plans, please use the approximate grade clusters that are above or below GS-11 Step 1 in the Washington, DC metropolitan region.

2. Using the goal of 2% as the benchmark, does your agency have a trigger involving PWTD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.

- |                                |        |    |
|--------------------------------|--------|----|
| a.Cluster GS-1 to GS-10 (PWTD) | Answer | No |
| b.Cluster GS-11 to SES (PWTD)  | Answer | No |

Title 5 Civilian Employees: The overall agency PWTD percentage of our current Title 5/Civilian workforce is 1.18% and below the 2% mandate. We have one PWTD. We are in the process of a resurvey of our workforce in FY23 for voluntary identification of disabilities and hope to gain some ground in this area. We are currently working with National Guard Bureau to determine final authority for the use of Schedule A in excepted service. Title 32/Excepted Service Dual Status Military Technicians: The majority of our workforce is T32/Military Excepted Service Technicians and are required to serve in the SD National Guard as a condition of their military technician employment and are subject to military fitness and medical standards and not considered in this section of the MD715 report.

3. Describe how the agency has communicated the numerical goals to the hiring managers and/or recruiters.



During the annual MD-715 briefing to the Agency Head and Senior Leaders/ Directors, at a minimum, is where the numerical goals are communicated. The Human Resource Officer is aware of the numeric goals and the exceptions to competition for hiring PWD/PWTD through Schedule A. We do not have full time recruiters on our staff outside of the standard staffing specialist/collateral recruiter. We also communicate the numeric goals to our supervisors/ nominating and hiring officials through the annual and refresher supervisors' courses and hiring workshops.

**Section II: Model Disability Program**

Pursuant to 29 C.F.R. § 1614.203(d)(1), agencies must ensure sufficient staff, training and resources to recruit and hire persons with disabilities and persons with targeted disabilities, administer the reasonable accommodation program and special emphasis program, and oversee any other disability hiring and advancement program the agency has in place.

**A. PLAN TO PROVIDE SUFFICIENT & COMPETENT STAFFING FOR THE DISABILITY PROGRAM**

1. Has the agency designated sufficient qualified personnel to implement its disability program during the reporting period? If “no”, describe the agency’s plan to improve the staffing for the upcoming year.

Answer Yes

The Equal Employment Manager (EEM) is currently the only trained Disability Program Manager for the agency. The EEM also serves as the Reasonable Accommodations Coordinator for all RA/PAS requests. The EEM attended the Disability Program Managers course at DEOMI. The agency will continue to analyze these programs for the need of additional personnel to support the processes. There is no firewall in place between the EEM/EEO program functions and the DPM/RA/PAS program - the creates a liability and concern for the agency.

2. Identify all staff responsible for implementing the agency's disability employment program by the office, staff employment status, and responsible official.

Disability Program Task	# of FTE Staff By Employment Status			Responsible Official (Name, Title, Office Email)
	Full Time	Part Time	Collateral Duty	
Special Emphasis Program for PWD and PWTD	0	0	1	Carstin K. Jerzak EEM carstin.k.jerzak.civ@army.mil
Answering questions from the public about hiring authorities that take disability into account	0	0	2	Angela Sharpe Staffing Specialist angela.j.sharpe.mil@army.mil
Processing applications from PWD and PWTD	0	0	1	Angela Sharpe Staffing Specialist angela.j.sharpe.mil@army.mil
Architectural Barriers Act Compliance	0	0	1	Dana Limbo Chief - Facility Management Office dana.i.limbo.mil@mail.mil
Processing reasonable accommodation requests from applicants and employees	0	0	1	Carstin Jerzak Equal Employment Manager carstin.k.jerzak.civ@army.mil
Section 508 Compliance	0	0	1	Steward Muzzy Director - Information Management stuart.j.muzzy.mil@mail.mil

3. Has the agency provided disability program staff with sufficient training to carry out their responsibilities during the reporting period? If “yes”, describe the training that disability program staff have received. If “no”, describe the training planned for the upcoming year.

Answer Yes

The SEEM/DPM attended the Disability Program Managers course at DEOMI, receives updated information at the annual EEOC Excel or FDR Workshops. Training over the new RA/PAS policy and request procedures will continue in FY22 & FY23 with the current policy/ procedures and continue to be conducted in future FY's for managers and employees during the supervisor's annual course and refresher training and new employee orientations. Training for other personnel involved in processing RA/PAS is ongoing, as requests are processed, and as training needs are determined.

## B. PLAN TO ENSURE SUFFICIENT FUNDING FOR THE DISABILITY PROGRAM

Has the agency provided sufficient funding and other resources to successfully implement the disability program during the reporting period? If "no", describe the agency's plan to ensure all aspects of the disability program have sufficient funding and other resources

Answer Yes

The agency supports the program with printing materials, website space and training time as needed. As RA/PAS requests are brought forward, the agency funds any requirements from the appropriate statutory funded account or re-programs funding to meet the requirement.

## Section III: Plan to Recruit and Hire Individuals with Disabilities

Pursuant to 29 C.F.R. §1614.203(d)(1)(i) and (ii), agencies must establish a plan to increase the recruitment and hiring of individuals with disabilities. The questions below are designed to identify outcomes of the agency's recruitment program plan for PWD and PWTD

### A. PLAN TO IDENTIFY JOB APPLICATIONS WITH DISABILITIES

1. Describe the programs and resources the agency uses to identify job applicants with disabilities, including individuals with targeted disabilities.

USAjobs affords us the option to utilize schedule A and applicable Veteran status as well as open vacancy eligible for PWD/PWTD applicants to apply. Applicants voluntarily identifying as a PWD/PWTD or as a disabled Veteran are visible to us as well as on board employee's voluntarily identifying through their records is another way for the agency to identify personnel within our organization with disabilities. Contact information is provided on the vacancy announcements and public websites for applicants needing accommodations in the applicant processes.

2. Pursuant to 29 C.F.R. §1614.203(a)(3), describe the agency's use of hiring authorities that take disability into account (e.g., Schedule A) to recruit PWD and PWTD for positions in the permanent workforce

Our HRO officer continues to work with National Guard Bureau to obtain the official authority to utilize schedule A for Title 5/civilian vacancies. The option is available on USAStaffing. We also consider Veteran status to include Veteran's with a disability in the hiring process. This option is also available in USAStaffing.

3. When individuals apply for a position under a hiring authority that takes disability into account (e.g., Schedule A), explain how the agency (1) determines if the individual is eligible for appointment under such authority; and, (2) forwards the individual's application to the relevant hiring officials with an explanation of how and when the individual may be appointed.

All applicant packets are forward to agency selection officials through the USAStaffing portal for both internal and external vacancies. Applicants currently meeting Veterans preference or a disability status are identified on the selection certificate and must be considered under their preference category first. Once the staffing section determines the applicant meets qualification standards, and preference eligibility, the applicant is added to the certificate for further consideration. Supervisors are required to consider preferred applicants first and also provide significant justification for non-selection. Until our HRO validates the authority for using Schedule A, we do not have any exception to competition procedures for hiring under Schedule A at this time.

4. Has the agency provided training to all hiring managers on the use of hiring authorities that take disability into account (e.g., Schedule A)? If "yes", describe the type(s) of training and frequency. If "no", describe the agency's plan to provide this training.

Answer Yes

We conduct an annual supervisors training course, refresher courses and hiring workshops where hiring authorities, such as Veterans preference are discussed as well as the RA/PAS policy/operating procedures. We also conduct quarterly EEO training on various topics, to include RA/PAS and we have monthly staff meetings where the current status of RA/PAS requests are updated and discussed. RA/PAS and other areas of concern are always considered when setting up/conducting employee/supervisor training.

## B. PLAN TO ESTABLISH CONTACTS WITH DISABILITY EMPLOYMENT ORGANIZATIONS

Describe the agency's efforts to establish and maintain contacts with organizations that assist PWD, including PWTD, in securing and maintaining employment.

There are currently no universities in SD offering Workforce Recruitment Opportunities for agencies to utilize intern programs for hiring PWD/PWTD students. There isn't a recruiter in SD that works the WRP program to assist the universities in building the applicant process with the students in order to create a pool for consideration of these internships. We will continue to pursue this option but until a local recruiter for WRP is established, the applicant pool for our agency isn't available at this time in this program. We will continue to pursue contacts to find alternate or appropriate resources for requests and applicant pools as this program developed more in the future.

## C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)

1. Using the goals of 12% for PWD and 2% for PWTD as the benchmarks, do triggers exist for PWD and/or PWTD among the new hires in the permanent workforce? If "yes", please describe the triggers below.

- |   |        |    |
|---|--------|----|
| a. New Hires for Permanent Workforce (PWD)  | Answer | No |
| b. New Hires for Permanent Workforce (PWTD) | Answer | No |

The majority of our positions were not eligible for consideration or the hiring of PWD/ PWTD - these are the Title 32 dual status technicians and employees/ applicants are required to be in the National Guard and meet military fitness/ medical standards for serving. The majority of our vacancies were hired from internal and/or onboard workforce pools, also subject to military fitness/medical standards as a condition of employment. Out of all new hires none identified as a PWD/PWTD.

2. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the new hires for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- |                             |        |     |
|-----------------------------|--------|-----|
| a. New Hires for MCO (PWD)  | Answer | N/A |
| b. New Hires for MCO (PWTD) | Answer | N/A |

See the response for C.1. above. We do not see this as a trigger at this time.

3. Using the relevant applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the qualified internal applicants for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- |  |        |     |
|--|--------|-----|
| a. Qualified Applicants for MCO (PWD)  | Answer | N/A |
| b. Qualified Applicants for MCO (PWTD) | Answer | N/A |

See the response for C.1. above. We do not see this as a trigger at this time.

4. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among employees promoted to any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- |                              |        |     |
|------------------------------|--------|-----|
| a. Promotions for MCO (PWD)  | Answer | N/A |
| b. Promotions for MCO (PWTD) | Answer | N/A |

See the response for C.1. above. We do not see this as a trigger at this time.

## Section IV: Plan to Ensure Advancement Opportunities for Employees with Disabilities

Pursuant to 29 C.F.R. §1614.203(d)(1)(iii), agencies are required to provide sufficient advancement opportunities for employees with disabilities. Such activities might include specialized training and mentoring programs, career development opportunities, awards programs, promotions, and similar programs that address advancement. In this section, agencies should identify, and provide data on programs designed to ensure advancement opportunities for employees with disabilities.

**A. ADVANCEMENT PROGRAM PLAN**

Describe the agency’s plan to ensure PWD, including PWTD, have sufficient opportunities for advancement.

This is currently under consideration in our SDNG Merit Placement program. The fact that the majority of our upper level positions are currently Title 32 dual status military technicians or Active Guard/Reserve (AGR) (similar to active duty) positions only offers the potential for advancement of PWD/PWTD to the GS12 level in the 200/300 occupation series. These select positions may provide potential upward mobility if/when they come open through our current SDNG Merit Placement program/union agreements and under the current merit placement program, PWD, PWTD would be afforded an equal opportunity to compete for them along side any other qualifying employee.

**B. CAREER DEVELOPMENT OPPORTUNITES**

1. Please describe the career development opportunities that the agency provides to its employees.

Career and Development Opportunities are per our SDNG Merit Placement program. The majority of our upper level positions are currently Title 32 dual status military technicians or Active Guard/Reserve (AGR) (similar to active duty) positions so advancement generally aligns with military rank progression and education. However, the basic rules of competition apply through our SDNG Merit Placement program/union agreements based on how the agency backfills the vacancy.

2. In the table below, please provide the data for career development opportunities that require competition and/or supervisory recommendation/approval to participate.

Career Development Opportunities	Total Participants		PWD		PWTD	
	Applicants (#)	Selectees (#)	Applicants (#)	Selectees (#)	Applicants (#)	Selectees (#)
Detail Programs						
Fellowship Programs						
Internship Programs						
Other Career Development Programs						
Coaching Programs						
Mentoring Programs						
Training Programs						

3. Do triggers exist for PWD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Applicants (PWD) Answer N/A
- b. Selections (PWD) Answer N/A

We currently do not have any of these programs.

4. Do triggers exist for PWTD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Applicants (PWTD) Answer N/A
- b. Selections (PWTD) Answer N/A

We currently do not have any of these programs.

**C. AWARDS**

1. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for any level of the time-off awards, bonuses, or other incentives? If “yes”, please describe the trigger(s) in the text box.

- a. Awards, Bonuses, & Incentives (PWD) Answer No
- b. Awards, Bonuses, & Incentives (PWTD) Answer No

We did not conduct barrier analysis with the FY22 data. We will re-evaluate in with the FY23 data and after our survey is completed.

2. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for quality step increases or performance-based pay increases? If “yes”, please describe the trigger(s) in the text box.

- a. Pay Increases (PWD) Answer No
- b. Pay Increases (PWTD) Answer No

Both the PWD/PWTD are included across all incentive categories except the Quality Step Increase. Standard time-based step increases are applied fairly across all groups of employees.

3. If the agency has other types of employee recognition programs, are PWD and/or PWTD recognized disproportionately less than employees without disabilities? (The appropriate benchmark is the inclusion rate.) If “yes”, describe the employee recognition program and relevant data in the text box.

- a. Other Types of Recognition (PWD) Answer No
- b. Other Types of Recognition (PWTD) Answer No

The incentive programs are open to all employees and include the time off, on-the-spot cash awards, performance based cash awards and employee of the year cash awards. Diversity awards are available at the national level for nominations/consideration.

#### D. PROMOTIONS

1. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. SES
  - i. Qualified Internal Applicants (PWD) Answer N/A
  - ii. Internal Selections (PWD) Answer N/A
- b. Grade GS-15
  - i. Qualified Internal Applicants (PWD) Answer N/A
  - ii. Internal Selections (PWD) Answer N/A
- c. Grade GS-14
  - i. Qualified Internal Applicants (PWD) Answer N/A
  - ii. Internal Selections (PWD) Answer N/A
- d. Grade GS-13
  - i. Qualified Internal Applicants (PWD) Answer N/A
  - ii. Internal Selections (PWD) Answer N/A

All senior grade level positions require military membership in order to apply/ compete/qualify for.

2. Does your agency have a trigger involving PWTD among the qualified internal applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. SES
  - i. Qualified Internal Applicants (PWTD) Answer N/A
  - ii. Internal Selections (PWTD) Answer N/A
- b. Grade GS-15
  - i. Qualified Internal Applicants (PWTD) Answer N/A
  - ii. Internal Selections (PWTD) Answer N/A
- c. Grade GS-14

i. Qualified Internal Applicants (PWTD)	Answer	N/A
ii. Internal Selections (PWTD)	Answer	N/A
d. Grade GS-13		
i. Qualified Internal Applicants (PWTD)	Answer	N/A
ii. Internal Selections (PWTD)	Answer	N/A

All senior grade level positions require military membership in order to apply/ compete/qualify for.

3. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires to SES (PWD)	Answer	N/A
b. New Hires to GS-15 (PWD)	Answer	N/A
c. New Hires to GS-14 (PWD)	Answer	N/A
d. New Hires to GS-13 (PWD)	Answer	N/A

All senior grade level positions require military membership in order to apply/ compete/qualify for.

4. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires to SES (PWTD)	Answer	N/A
b. New Hires to GS-15 (PWTD)	Answer	N/A
c. New Hires to GS-14 (PWTD)	Answer	N/A
d. New Hires to GS-13 (PWTD)	Answer	N/A

All senior grade level positions require military membership in order to apply/ compete/qualify for.

5. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Executives		
i. Qualified Internal Applicants (PWD)	Answer	N/A
ii. Internal Selections (PWD)	Answer	N/A
b. Managers		
i. Qualified Internal Applicants (PWD)	Answer	No
ii. Internal Selections (PWD)	Answer	No
c. Supervisors		
i. Qualified Internal Applicants (PWD)	Answer	No
ii. Internal Selections (PWD)	Answer	No

The majority of the career development opportunities come from the military sector based on rank, branch, military occupation, education and leadership background. Merit placement is currently under consideration based on the potential for advancement of PWD/PWTD to the GS12 level in the 200/300 occupation series. These select positions may provide potential upward mobility if/when they come open through our current SDNG Merit Placement program/union agreements just based how the agency backfills the vacancy. Veterans' preference/disability are incorporated in our current SDNG Merit Placement program. Schedule A is under consideration for incorporation into our Merit Placement program. Based on separate table T5/B3 tables created by exception, our PWD percentages in our total labor force for Total Managers is at 12.50% - which indicate we are just exceeding the 12% requirement among the positions eligible for consideration. No trigger exist at this time.

6. Does your agency have a trigger involving PWTD among the qualified internal applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Executives

i. Qualified Internal Applicants (PWTD) Answer N/A

ii. Internal Selections (PWTD) Answer N/A

b. Managers

i. Qualified Internal Applicants (PWTD) Answer No

ii. Internal Selections (PWTD) Answer No

c. Supervisors

i. Qualified Internal Applicants (PWTD) Answer No

ii. Internal Selections (PWTD) Answer No

The majority of the career development opportunities come from the military sector based on rank, branch, military occupation, education and leadership background and PWD/PWTD were not a consideration for the internal vacancies.

7. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the selectees for new hires to supervisory positions? If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires for Executives (PWD) Answer N/A

b. New Hires for Managers (PWD) Answer N/A

c. New Hires for Supervisors (PWD) Answer N/A

The majority of the career development opportunities come from the military sector based on rank, branch, military occupation, education and leadership background and PWD/PWTD were not a consideration for the majority of new hires. Where we did open a T5/Civilian vacancy, and PWD and PWTD were eligible to complete we did not have anyone voluntarily identify in any category. However, our current PWD and PWTD percentages within our workforce are steady or even higher than last FY, so we do not consider this a trigger.

8. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the selectees for new hires to supervisory positions? If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires for Executives (PWTD) Answer N/A

b. New Hires for Managers (PWTD) Answer N/A

c. New Hires for Supervisors (PWTD) Answer N/A

The majority of the career development opportunities come from the military sector based on rank, branch, military occupation, education and leadership background and PWD/PWTD were not a consideration for the external vacancies or new hires.

## Section V: Plan to Improve Retention of Persons with Disabilities

To be model employer for persons with disabilities, agencies must have policies and programs in place to retain employees with disabilities. In this section, agencies should: (1) analyze workforce separation data to identify barriers retaining employees with disabilities; (2) describe efforts to ensure accessibility of technology and facilities; and (3) provide information on the reasonable accommodation program and workplace assistance services.

### A. VOLUNTARY AND INVOLUNTARY SEPARATIONS

1. In this reporting period, did the agency convert all eligible Schedule A employees with a disability into the competitive service after two years of satisfactory service (5 CFR § 213.3102(u)(6)(i))? If “no”, please explain why the agency did not convert all eligible Schedule A employees.

Answer N/A

We currently do not have any employees appointed under Schedule A.

2. Using the inclusion rate as the benchmark, did the percentage of PWD among voluntary and involuntary separations exceed that of persons without disabilities? If “yes”, describe the trigger below.

a.Voluntary Separations (PWD) Answer No

b.Involuntary Separations (PWD) Answer No

T5: There were a total of 15 separations in the T5 employee group, which is more than half of the 36 from FY21. Of the 15 - only 1 employee identified as PWD and we had zero losses of PWTD. Exit survey data was reviewed. We do not feel, based on the numbers involved and no specific issues regarding PWD identified on the exit survey data, there is a trigger.

3. Using the inclusion rate as the benchmark, did the percentage of PWTD among voluntary and involuntary separations exceed that of persons without targeted disabilities? If "yes", describe the trigger below.

a.Voluntary Separations (PWTD) Answer No

b.Involuntary Separations (PWTD) Answer No

See question 2 above. N/A

4. If a trigger exists involving the separation rate of PWD and/or PWTD, please explain why they left the agency using exit interview results and other data sources.

See question 2 above. N/A

## B. ACCESSIBILITY OF TECHNOLOGY AND FACILITIES

Pursuant to 29 CFR § 1614.203(d)(4), federal agencies are required to inform applicants and employees of their rights under Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794(b), concerning the accessibility of agency technology, and the Architectural Barriers Act of 1968 (42 U.S.C. § 4151-4157), concerning the accessibility of agency facilities. In addition, agencies are required to inform individuals where to file complaints if other agencies are responsible for a violation.

1. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under Section 508 of the Rehabilitation Act, including a description of how to file a complaint.

<https://sd.ng.mil/NoFEAR/Pages/default.aspx> This website will be taken down sometime during FY23 and will stand up a new external/public website. The link and website address is TBD

2. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under the Architectural Barriers Act, including a description of how to file a complaint.

<https://sd.ng.mil/NoFEAR/Pages/default.aspx> This website will be taken down sometime during FY23 and will stand up a new external/public website. The link and website address is TBD

3. Describe any programs, policies, or practices that the agency has undertaken, or plans on undertaking over the next fiscal year, designed to improve accessibility of agency facilities and/or technology.

We are maintaining and eventually will launch a new public/external website with the appropriate 508 compliance requirements. We updated and re-posted our RA/PAS policy/ request procedures on the public/external website and update all contact information for personnel to contact us for other options available to provide the agency information to them. We also include agency contact information and the option for applicants to request RA/PAS on all vacancy announcements. The majority of our facilities were designed for military use; however, we are taking a systematic approach to installing automatic doors for accessibility in any facility where our Title 5 civilian personnel may be required to conduct facility or unit assistance visits for their respective programs. Updates to ADA compliance is always considered in new construction.

## C. REASONABLE ACCOMMODATION PROGRAM

Pursuant to 29 C.F.R. § 1614.203(d)(3), agencies must adopt, post on their public website, and make available to all job applicants and employees, reasonable accommodation procedures.

1. Please provide the average time frame for processing initial requests for reasonable accommodations during the reporting period. (Please do not include previously approved requests with repetitive accommodations, such as interpreting services.)

In FY22 we didn't receive any request for RA/PAS. We also didn't have any EEO complaints filed for denial of reasonable accommodation/disability.



2. Describe the effectiveness of the policies, procedures, or practices to implement the agency's reasonable accommodation program. Some examples of an effective program include timely processing requests, timely providing approved accommodations, conducting training for managers and supervisors, and monitoring accommodation requests for trends.

The average days to process our RA/PAS requests fall well within the 30 day requirement from past fiscal years - per our RA/PAS policy and Standard Operating Procedures. No EEO complaints were filed in FY22 based on denial of reasonable accommodation or personal assistant services or disability. Training is provided in the annual and refresher supervisors courses as well as any hiring workshops and in all new employee orientation presentations as well as a copy of the policy and SOP are on all internal and external websites. Also, cases are worked through an interactive process with the employee, supervisor and applicable subject matter experts in order to provide a recommendation/certification of the request to management for a final decision and pending approval/subsequent resourcing. The RA/PAS Coordinator facilitates this process upon receipt of a RA/PAS Request.

## **D. PERSONAL ASSISTANCE SERVICES ALLOWING EMPLOYEES TO PARTICIPATE IN THE WORKPLACE**

Pursuant to 29 CFR §1614.203(d)(5), federal agencies, as an aspect of affirmative action, are required to provide personal assistance services (PAS) to employees who need them because of a targeted disability, unless doing so would impose an undue hardship on the agency.

Describe the effectiveness of the policies, procedures, or practices to implement the PAS requirement. Some examples of an effective program include timely processing requests for PAS, timely providing approved services, conducting training for managers and supervisors, and monitoring PAS requests for trends.

Our PAS is combined with the RA policy and SOP. The average days to process our RA/PAS requests fall well within the 30 day requirement from past fiscal years - per our RA/PAS policy and Standard Operating Procedures. No EEO complaints were filed in FY22 based on denial of reasonable accommodation or personal assistant services or disability. Training is provided in the annual and refresher supervisors courses as well as any hiring workshops and in all new employee orientation presentations as well as a copy of the policy and SOP are on all internal and external websites. The SOP requires us to utilize the interactive process with the employee, supervisor and applicable subject matter experts in order to provide a recommendation/certification of the request to management for a final decision and pending approval/subsequent resourcing. The RA/PAS Coordinator facilitates this process upon receipt of a RA/PAS Request.

## **Section VI: EEO Complaint and Findings Data**

### **A. EEO COMPLAINT DATA INVOLVING HARASSMENT**

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging harassment, as compared to the government-wide average?

Answer N/A

2. During the last fiscal year, did any complaints alleging harassment based on disability status result in a finding of discrimination or a settlement agreement?

Answer N/A

3. If the agency had one or more findings of discrimination alleging harassment based on disability status during the last fiscal year, please describe the corrective measures taken by the agency.

N/A - no formal EEO complaints were filed in FY22

### **B. EEO COMPLAINT DATA INVOLVING REASONABLE ACCOMMODATION**

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging failure to provide a reasonable accommodation, as compared to the government-wide average?

Answer N/A

2. During the last fiscal year, did any complaints alleging failure to provide reasonable accommodation result in a finding of discrimination or a settlement agreement?

Answer N/A

3. If the agency had one or more findings of discrimination involving the failure to provide a reasonable accommodation during the last fiscal year, please describe the corrective measures taken by the agency.

N/A - no formal EEO complaints were filed in FY22

## Section VII: Identification and Removal of Barriers

Element D of MD-715 requires agencies to conduct a barrier analysis when a trigger suggests that a policy, procedure, or practice may be impeding the employment opportunities of a protected EEO group.

1. Has the agency identified any barriers (policies, procedures, and/or practices) that affect employment opportunities for PWD and/or PWTD?

Answer Yes

2. Has the agency established a plan to correct the barrier(s) involving PWD and/or PWTD?

Answer N/A

3. Identify each trigger and plan to remove the barrier(s), including the identified barrier(s), objective(s), responsible official(s), planned activities, and, where applicable, accomplishments

4. Please explain the factor(s) that prevented the agency from timely completing any of the planned activities.

We continue to work on accurate applicant flow data and workforce data for barrier analysis. Training for our HRO/Staffing Section on utilization of Schedule A preference and hiring opportunities would be beneficial. Lastly, an active recruiter for the WRP program in our state/local area to help in the recruitment of PWD/PWTD would be a major step in creating an applicant pool and awareness of the internship and employment opportunities.

5. For the planned activities that were completed, please describe the actual impact of those activities toward eliminating the barrier(s).

The implementation of the RA/PAS policy and SOP has impacted employees needing accommodations in a positive manner in past fiscal years, as well as helped management and supervisors with alternate courses of action to support employees and continue to get work accomplished. We are conducting a re-survey of our workforce for the voluntary identification of PWD/PWTD.

6. If the planned activities did not correct the trigger(s) and/or barrier(s), please describe how the agency intends to improve the plan for the next fiscal year.

We will continue to pursue better applicant flow data and accountability in USA Staffing/Jobs for the tracking of applicant information. Continually evaluate our policies and procedures for improvements and compliance. Continue to train on RA/PAS in the applicable training courses. Initiate routine case reviews of RA/PAS requests to ensure timely processing and track trends for identification of triggers or courses of action where management can take proactive measures to improve the workplace for PWD/PWTD and all employees. Determine the feasibility of establishing a specific line item budget to support RA/PAS request resourcing needs.