

USPACFLT EEO FACT SHEET

Reviewing Personnel Policies, Procedures and Practices for Barrier Identification and Elimination

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This Fact Sheet:

- Identifies requirements to eliminate discrimination in employment decisions
- Defines Barrier Analysis (BA) and explains the process to identify and eliminate barriers to EEO
- Identifies three types of barriers: institutional, attitudinal and physical
- Explains that various stakeholders should be involved in the BA process
- Provides resources for BA efforts

Contact your servicing EEO office for more information:

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Background

The Equal Employment Opportunity Commission's (EEOC) Management Directive (MD) 715 provides guidance on the elements of a legally compliant EEO program and requires agencies to take appropriate steps to ensure that all employment decisions are free from discrimination.

The Department of Navy has long recognized **that equal opportunity is an essential element of readiness** and fully supports MD 715. Towards that end, the Navy requires organizations of 500 or more employees to conduct barrier analysis to identify and eliminate root causes of disparities in equal employment opportunities. Barrier Analysis Teams (BATs) are often established to do this important analytical work. The remaining activities are not required to do a full barrier analysis but are to comply with the requirements outlined in the Command's annual EEO plans

What is Barrier Analysis?

In its simplest terms, barrier analysis is a model used to understand both why a problem happened and how it can be prevented. EEOC calls for four steps in its barrier analysis process:

1. Identification of triggers
2. Investigation of potential barriers
3. Devising an action plan to eliminate barriers
4. Assessing results of action plan

What is a Barrier?

With respect to the MD 715, a barrier is any employment policy, procedure, and practice that effectively limits employment opportunities for individuals of a protected group; e.g., race, ethnic background, sex, or individuals with disabilities.

EEOC has identified three types of barriers:

1. Institutional or Structural

Example: Agency will hire only at higher grades, as opposed to hiring at the entry level.

2. Attitudinal

Example: Belief on the part of senior leaders that women will not be as committed to the agency's mission after having a child.

3. Physical

Example: Bathroom doors only open half-way, making restrooms inaccessible to employees who use wheelchairs.

What is a Trigger?

A trigger is a trend, disparity, or anomaly that suggests the need for an inquiry into an employment policy, practice, procedure, or condition. This trigger or "red flag" indicates the possible existence of a barrier to equal opportunity. An example of a trigger could be a low percentage of women employed at the GS-14 and GS-15 levels.

What are some ways to identify triggers? It's important to use a variety of sources, such as: Workforce statistics; trends in complaints; conversations with EEO and HR staffs; observations and anecdotes from employees, groups, and leadership; results of surveys, focus groups, and exit interviews; and reports from outside organizations.

How are policies, procedures and practices (“PPPs”) defined by EEOC?

Policies, procedures, and practices are not synonymous. They refer to distinct, but related elements, and being able to distinguish between them is vitally important in conducting a barrier analysis. EEOC defines them as follows:

- *Policies* - Policies refer to guidance, usually written, setting forth the agency's position on a particular issue. For example, an agency's flexible workplace policy. Such a policy would express the commitment of the agency head to allow employees to work at remote sites, so long as doing so would not impair the agency's ability to carry out its mission. By itself, the policy is non-operative, meaning that it cannot be implemented without specific procedures.
- *Procedures* - Procedures are the means by which the policy is actually implemented. For example, if the policy mandates that the agency provide a reasonable accommodation to individuals with disabilities, the procedures would specify how those accommodations would be provided.
- *Practices* - Practices refer to the means and manner through which the procedures that implement the policies are actually carried out. For example, with the intent to hire the best, agency managers only recruit from Ivy League schools.

What if the barrier is job-related and consistent with business necessity?

When conducting an investigation into a barrier, one of the first determinations to be made is whether an uncovered barrier is job-related, because if it is, that ends the inquiry. In other words, it's a permissible barrier. For example, a medical degree and license are examples of job-related qualifications for a physician position; whereas the ability to proficiently use a firearm for administrative employees of a law enforcement agency may be an example of an unnecessary barrier. However, even if an agency determines that a test, job qualification, or selection criterion is job-related and consistent with business necessity, the agency should nonetheless determine whether there are alternatives that would reduce the impact on a particular group.

Who should be involved in the barrier analysis process?

EEOC emphasizes that various stakeholders, i.e., managers, supervisors, employee groups, etc., should be involved in the analysis process and not just HR or EEO staffs since they may not know the actual internal operations of an organization.

Where should we focus our barrier analysis efforts?

EEOC has identified various employment topics where barriers may reside, such as, recruitment, hiring/placement, awards and discipline. As to where to focus your efforts, look at the annual PACFLT EEO plans for any mandated direction and any EEO deficiencies your organization has identified. Depending on the complexity of the issues, prioritize your analysis to no more than three areas a year. A cautionary note: Effective barrier analysis can require extensive efforts, so don't over commit your resources!

What does success look like following barrier analysis efforts?

Indicators of successful efforts may mirror identified triggers: Participation rates up; separation rates down; less EEO complaints; survey results indicating improved employee morale; favorable responses in exit interviews; and increased productivity.

Improvements may take time and a concerted effort by an inclusive team is essential. Those with an opportunity to get involved should know that their efforts are helping to improve Navy's readiness and eliminate barriers so that the full potential of employees and applicants are realized. It may also help an agency minimize EEO complaints, which can be costly and disruptive. Barrier identification and elimination is an agency's proactive opportunity to limit workplace conflict and improve trust in the organization!

Where do I go for help/guidance?

You may reach out to your servicing EEO office for help; their contact information is found on the first page of this fact sheet. EEOC has extensive barrier analysis guidance on their website. Two good resources are found in the following web links: <https://www.eeoc.gov/federal/directives/md715/section2.cfm> and <https://www.eeoc.gov/federal/directives/barrier-analysis.cfm>. Additionally, the EEOC has created a barrier analysis tool to help guide the process. Your servicing EEO office can provide with you with a copy and walk you through how to use it.