

DOD DNGB North Dakota National Guard

For period covering October 1, 2023 to September 30, 2024

PART ADepartment
or Agency
Identifying
Information

1. Agency	1. DOD DNGB North Dakota National Guard		
1.a 2nd level reporting component			
2. Address	2. P.O. Box 5511		
3. City, State, Zip Code	3. Bismarck, ND 58503		
4. Agency Code	5. FIPS code(s)	4. NGND	5. 38

PART BTotal
Employment

1. Enter total number of permanent full-time and part-time employees	1. 430
2. Enter total number of temporary employees	2. 48
3. TOTAL EMPLOYMENT [add lines B 1 through 2]	4. 478

PART CAgency Official(s) Responsible
For Oversight of EEO
Program(s)

Title	Type	Name	Title
Head of Agency		Mitchell Johnson	Adjutant General
Principal EEO Director/Official		Robert Roehrich	State Equal Employment Manager

For period covering October 1, 2023 to September 30, 2024

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

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EXECUTIVE SUMMARY: MISSION

The stated mission of the North Dakota National Guard (NDNG) is to provide ready units, individuals, and equipment supporting our communities, state, and nation. This mirrors the National Guard Bureau's dual mission of the National Guard to provide states with units which are trained and equipped to protect life and property, and provide the nation with units trained, equipped, and ready to defend the United States and its interests, all over the globe. The NDNG workforce is comprised of Army and Air National Guard military members and equipment with a federal workforce comprised of Title 32 Dual Status military technicians and Title 5 civilian employees. Our footprint is engrained into communities throughout the North Dakota with larger facilities in Fargo, Bismarck, Minot, Devils Lake, and Grand Forks. The NDNG strives to be a positive role model to youth and adult organizations and remains a relevant community partner that brings a sense of pride to those who reside within ND. Through merit based practices, and a focus on Mission, People, and Teams; the NDNG engages its force with the intent to inspire and empower all employees to improve their lives by serving within our organization, ultimately increasing the individual leadership and organizational skills of our force.

EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F

Essential Element A: Leadership has demonstrated a commitment to the Agency's EEO program: The Agency has a current EEO Policy Letter, which is distributed via electronic correspondence to all employees and is posted on the Agency's internal websites. The current EEO policy letter is posted on various bulletin boards throughout North Dakota National Guard facilities. Leadership allocates sufficient resources to carry out the EEO program compliance and requirements. There is a dedicated State Equal Employment Manager (SEEM) who oversees the EEO program as a primary duty. Funds are available to support EEO program initiatives and training through a variety of avenues including but not limited to; training of staff, print materials, media, education, and community outreach.

EEO information is available to all employees and is provided during New Employee Orientation (NEO), periodically during Professional Development, and in other Employee Development training. The SEEM's contact information is shared with new hires at NEO. Online and in-person EEO training is provided periodically. The Notification and Federal Employee Antidiscrimination and Retaliation Act (NO FEAR) training is conducted as required for all federal civilian employees and supervisors of those federal civilian employees. EEO/Human Relations/Special Observance educational information is sent to all employees routinely via electronic messaging, with additional information tying the message to a North Dakota theme which reinforces the education model.

The Head of Agency's priorities are Mission, People, Teams which aligns with a model EEO Program. Taking care of our people based on merit principles increases competencies and allows our team to accomplish any mission that is tasked.

Our Executive Leadership supports all staff participating in various community engagement activities. Events include but are not limited to; Community Military Engagement for Military, Community Military History events, Suicide Prevention "out of the darkness" 2k event, "Race to Zero" 5K/10k run, Veterans Honor Flight volunteering, other community participation as much as possible, parades, speaking engagements, and staff are allowed to take their own personal leave to attend various community cultural events, etc.

Essential Element B. Integration of EEO into the Agency's Strategic Mission.

EEO is part of the Agency Imperatives of "Leadership", which lend to the Line of Effort organizational goal of – "People and Innovation". The NDNG promotes merit-based principles and practices in the workforce aiming to make the organization a best place to work and a preferred employer over other federal and private agencies. Executive Leadership is diligently working to maximize mission readiness, anchor a culture of innovation, and integrate all employees through talent management merit-based principles. This model of success and effectiveness create value by sustaining an organizational culture that values education, leadership advancement, and ensures each member and employee has the ways and means to reach his or her full potential. By leveraging our talent through merit-based principles, via The Adjutant General's priorities, agency leadership will ensure a continued path towards organizational effectiveness, more importantly one that values all of our members throughout their employee lifecycle.

The SEEM is responsible for carrying out daily operations of EEO compliance and program management which include but are not limited to: training, point of contact resource distribution, providing program information to employees on EEO inquiries/complaints; completion and submission of compliance reports,

EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F

facilitation of the Alternative Dispute Resolution (ADR) program, overseeing EEO education and other professional development, and other duties as required by the position. The SEEM is involved in workplace decisions as it relates to EEO compliance, reasonable accommodation, conflict resolution, training, compliance, etc. and collaborates as needed with the Head of the Agency, Executive Staff, the Director of Human Resources, Labor Relations, Management, and Employees.

There are four trained internal mediators for purposes of training and ongoing education for staff. The National Guard Bureau has established a mediator program to share resources among the 54 and complement the internal mediator services. The SEEM's facilitates the overall ADR program and does not typically mediate directly to avoid conflict of interest should an EEO complaint rise to that level. There are three trained Equal Employment Opportunity Counselors within the North Dakota National Guard who receive annual 8-hour refresher training. The SEEM oversees the EEO program and generally does not conduct pre-complaint counseling of employees due to the levels of responsibility and the need to separate the roles (EEO counselor, EEO Investigator, EEO Manager/Director) throughout the process. The SEEM provides information on EEO, as requested. In addition to the EEO Counselors, the Military organization has four Military Equal Opportunity Advisors in the military complaints program, who all can provide direction and resource information to any employee who inquiries about the EEO processes.

The SEEM is positioned under the Head of the Agency and meets with the Director of HR weekly. Additional meetings are held with the Head of Agency, the Deputy Adjutant General, the Chief of Staff, and other key leadership as needed to discuss hot spots, areas of concern, other matters pertaining to EEO. The SEEM provides input and champions current initiatives, advises on concerns, and provides any needs assessment data to agency high-level officials.

In conjunction with the Integrated Primary Prevention Workforce, the military EO advisors for the NDNG review the annual Defense Organizational Climate Survey (DEOCS) to assess organizational health of the workforce. The SEEM meets monthly with the Head of the Agency via a command climate committee to discuss overall organizational health within the NDNG to include negative and positive feedback resulting from the surveys. Though MEO's are inherently a military function, the overall health of military workforce has a direct correlation to the overall health of the full-time working force.

Essential Element C. Management and Program Accountability: Senior Executives are rated against appropriate performance metrics to ensure accountability which includes two elements that address their commitment to EEO compliance and NO Fear. Managers and employees at all levels are encouraged to utilize ADR to resolve conflict amongst any team or individuals. HR data analysts provides monthly demographic data tables for the SEEM review current and historic trends in relation to program management.

Annually, this agency conducts a self-assessment to measure the effectiveness and efficiency of the EEO Program. The self-assessment evaluates the following: merit promotions; employee recognition; and employee development programs to identify systemic barriers that may be impeding a merit-based model. A model EEO program holds managers, supervisors, EEO officials and personnel officers accountable for effective implementation and management of its EEO program. Managers at all levels in the NDNG have a responsibility to support compliance and are rated via a mandatory EEO and NO Fear elements on their performance reviews.

EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F

Essential Element D. Proactive Prevention of Unlawful Discrimination: This agency is committed to the prevention of discrimination and works to eliminate behaviors or actions that are in direct violation of EEO policies. The NDNG conducts an annual self-assessment of its EEO program via Management Directive (MD) 715. This enables the agency to monitor progress of the EEO program, identify barriers that may operate to exclude merit based principles for all, and develop plans to eliminate or mitigate any identified barriers. Other reports such as the Disabled Veterans Affirmative Action Program (DVAAP) are omitted since our agency is Department of Defense which includes many veterans, and employs mostly Title 32 dual-status military technicians, so a majority of positions, cannot hire non-military members or Disabled Veterans who no longer serve in the military due to a condition of employment. 18% of the force is civilian Title 5 excepted service which eliminated a barrier to entry for People Disabilities/People with Targeted Disabilities.

Supervisors and managers are encouraged to attend ADR training to learn about conflict and utilize tools on mutual resolution of disputes. New supervisor, and/or ongoing supervisor training provides education on EEO law, reasonable accommodation, ADR, prevention of sexual harassment, NO Fear Act, harassment prevention, and the EEOC discrimination complaint process. Newly appointed supervisors and managers are scheduled an in-person session with the EEO manager as appropriate and other compliance offices as scheduled by the HRO.

The agency conducts barrier analysis on recruitment, retention, and promotion of their workforce to identify triggers and take appropriate proactive steps toward removing barriers (if found) which may be hindering a merit-based model from succeeding. All employees must be afforded equal opportunities if otherwise qualified for merit-based actions, or some benefit of employment.

The SEEM works with Labor Relations to facilitate team building, conflict resolution training, employee training/development, etc. as requested by supervisors, and/or the employees. The trainers engage and educate staff on negative conduct, provide insight about personality conflict, and troubleshoot how to reduce poor working relationships through open communication, accountability, and conversation.

Element E: Efficiency:

The NDNG has an effective ADR program, and resources were used in FY24 through informal means. The agency utilized ADR for general personality and workplace conflicts, and there were no EEO Complaints lodged where mediation would be recommended and/or offered. Mediation and other negotiation practices will continue to be utilized as a preferred means of solving workplace disputes, as appropriate, that fall outside of the purview of an EEO complaint.

Additional efforts taken to compliment low complaint numbers are as follows:

- Mediation is offered to resolve disputes in other forums: Negotiated grievances, agency grievances, MSPB, EEOC hearings, interpersonal conflicts, team dynamic issues, etc.
- The NDNG provided various professional development topics that touch a wide variety of issues that include but not limited to coping with stress, social media and ethics, financial wellness, suicide prevention and speaker on personalities and different styles of thought.

EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F

- Employees receive an EEO compliance brief at New Employee Orientation and through various professional development training sessions.
- Highlights and a general overview of the EEO Program are provided at HRO staff meetings, HR Supervisory Training sessions, Command Climate meetings, and with Senior Leadership as requested.
- MD-715 data is shared with Employees on the local SharePoint and via other email messages.

Steps taken by the organization through leadership and employee commitment and relevant partnerships with professional resulted in no EEO Complaints (informal or formal) in 2024. The agency remains successful resolving all concerns/complaints at the informal stage or before. Issues are handled at the lowest organizational level. Senior Leaders, Directorates, and our first line supervisors fulfilled the responsibilities of maintaining a model EEO Program and creating and sustaining a merit-based culture.

Element F: Responsiveness to Legal Compliance:

The NDNG is compliant with various EEO Laws, including regulations, orders, and other provisions specified in 42 U.S.C {2000e-16 (b)}. Annually the agency submits the MD-715 report and complies with EEOC's review and recommendations of its EEO program. Though there were no formal EEO Complaints in FY24, our agency will comply as ordered or negotiated, with any final EEOC orders for corrective actions and relief in EEO matters and will ensure that the terms set forth in the settlement agreements are met should one be agreed upon due to an EEO complaint.

The Office of Federal Operations, National Guard Bureau, Office of Human Resources, Military Equal Opportunity, and other regional networks and facilities all have responsibility for responsiveness and legal compliance in EEO matters. ADR sessions will be scheduled within 90 days, or as required and tracked internally for progress. NDNG SEEM provides all documents requested to the EEOC should a case be elevated outside of the State of ND to the EEOC. Compliance reports are timely submitted.

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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

NDNG FY24 Onboard representation.

Permanent and Temporary

Workforce Composition/Analysis:

Percent Onboard		
Race & Ethnicity	Federal Employee Onboard Percentage	RCLF (ND Census 2020 data)
*Men	75.11%	51.2%
*Women	24.90%	48.8%
(WM) White Men	72.60%	43.86%
(WW) White Women	23.85%	41.81%
(BM) Black Men	.84%	1.61%
(BW) Black Women	.42%	1.54%
(HM) Hispanic Men	.20%	2.03%
(HW) Hispanic Women	.79%	1.95%
(AM) Asian Men	.42%	.80%
(AW) Asian Women	.00%	.78%
(PM) Hawaiian or Pacific Islander Men	0%	.067%
(PW) Hawaiian or Pacific Islander Women	.00%	.063%
(IM) American Indian or Alaska Native Men	1.05%	2.63%
(IW) American Indian or Alaska Native Women	.0%	2.52%

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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

(OM) Other Men (2 or more races)	.00%	1.61%
(OW) Other Women (2 or more races)	0%	1.54%

**(0%) There are very few of state residents (less than 1000) that denote Native Hawaiian/Pacific Islander. NDNG has 2 who identify as Native Hawaiian/Pacific Islander Males and 1 female in that category. Air National Guard has one person who identifies in the PM and PW in each category.*

Note: *FY2020 NDNG Labor Force data is compared to the Relevant Civilian Labor Force (RCLF), 2020 North Dakota Census, to capture an accurate comparison to regional demographic statistical data for the North Dakota National Guard. State Population increased by over 100,000 people in the past decade.*

ND demographic data for all categories of Male and Female data is averaged per the 2020 overall Male and Female data.

By the numbers:

The NDNG compares data to the Relevant Civilian Labor Force (RCLF) which is better known as the ND Census data. The agency is underrepresented in all categories except for WM. The State of North Dakota (ND) continues to increase numbers in minority populations, however the demographic makeup of our region is still largely concentrated in White Male and White Female. ND does not have a large concentration of Asian, Black, American Indian/Alaska Native, Hawaiian/Pacific Islander or Hispanic males and females. Native Americans are the second largest demographic group at just over 5% of the ND population.

If the agency hired 4 or more employees (male or female respectively) through merit-based hiring principles, in a minority group of Asian, Black, Hispanic, Hawaiian/Pacific Islander they would significantly increase our representation, and outpace the RCLF numbers in most instances. American Indian/Alaska Native is the State's second largest demographic group and makes up 5.15% of the population (2020 Census data). Looking at an initial comparison to the RCLF there is a significant gap (23.90%), for women as a demographic group. The organization continues to follow data trends that this gap has reduced by more than 8.5% in the past four years due to increase in women applying and being hired by the agency. The RCLF data has 48.8% females as a demographic group, but only 23.90% (up from 21.15% in FY22) onboard at the NDNG. On its face, this may look like a concern, however the agency continues to monitor by further analysis by analyzing the pipeline to the organization from the NDNG military services.

The agency compares this data to the pipeline of potential applicants and compares the RCLF, MD715 tables, and the North Dakota National Guard (NDNG) service member demographics. The NDNG service member combined Army and Air National Guard demographics is 78.70% male, and 21.30% female. The NDNG has roughly 856 (20.70%) females in our military ranks which continue to trend higher since 2022, and these numbers do effect on our ability to increase numbers to be comparable to the RCLF.

The agency must compare this data because about 80% of Full-time employment positions are Title 32 dual-status military technician meaning the employee must be a member of the uniformed service as a condition of employment to hold the job within the agency. Comparing this data gives the NDNG a better picture of what the actual gender gap is because of the pipeline and comparison data to our demographics.

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

When comparing total force (military) female demographics to full-time employment demographics (federal employees), the full-time employment force outpaces the NDNG total force demographics regarding female participation. This analysis concludes there is no gender gap disparity by raw numbers, but it is something that the agency continues to analyze as we promote inclusionary practices to increase numbers of female diversity in our ranks.

Part E.3 Workforce analysis

Summary of Analysis of Work Force Profiles including net changes and comparison to the RCLF:

Analysis of Total Workforce by Race/Ethnicity/Sex (Tables A-1)

The total Workforce at the NDNG (including permanent and temporary employees) decreased by 24 employees in FY24, mostly due to the completion of temporary positions to backfill deployments of our FT staff members. The minority representation decreased from 3.81% to 3.57%, and female representation increased from 24.22% to 24.90%, however this number appears to have changed due to the change in total FTE and was not affected by adding or losing employees. In FY24 the agency lost 1 HF, 3 WF, 2 BM, 1 AF, 1 PF, and 1 IF. The agency gained 1 BF. Though this change appears to be concerning, the data pull has continued to change and the constant rotation of FT employees going on military deployments has fluctuated this number annually. When compared to the RCLF, all minority groups without regard to sex have representation except for PM and PF. Additionally, there is no representation AF and IF, and 2 or more race female. The organization showed a slight decrease in minority group representation. The drop in total employees had a direct effect on these numbers.

Analysis by Six Job Categories by Race/Ethnicity/Sex (Table A-3):

Data queries resulted in a movement in some positions to other categories which changed numbers significantly from management to the professional staff category.

1. **Total Management (executives, managers, supervisors, other)** –Females as a group make up 17.92% of this group which totals 67 employees. This includes management at all levels within the agency. BM represents 1.50% of this group.
2. **Professionals** – Out of the 203 total employees, 34% are WF. This is one of the agencies more diverse groups with HM, HF, BM, BF and AF representing 4.47% of the overall group.
3. **Admin Support Workers**– Out of the 30 total employees, WM and WF are 50% respectively.
4. **Craft Workers** – This is one of the larger groups totaling 120 employees. There is minority representation in WF, AM and IM. This makes up 7.51% of the overall Craft workers group.
5. **Operatives** - 6 WM make up this category.
6. **Service Workers** – 3WM and 1 WF make up this category.

In these 6 job Categories, WM (74.23%) and WF (22.03%) have a majority representation. Minorities make up 3.81% of these categories. This number increased by .39% in FY24, which has been an increase for 3 consecutive years. All minority groups have representation in at least the male or female category.

Analysis by Grade Groups by Race/Ethnicity/Sex (Tables A-4 thorough A-5):

General Schedule Grades: There are 274 General Schedule positions in the NDNG. 28 of these employees are in the “Leadership Pipeline” which includes GS 13-15 employees. The leadership pipeline in this agency is comprised of 82% WM, and 18% WF. There is no other minority representation in this current pipeline.

There are 220 employees occupying the GS 9-12 positions. This grade group represents 80% of the overall GS Grade group. Also, it represents 48% of the overall permanent workforce (454 employees). WM make up the majority at 65%, and WF are the second largest group at 31.81%. There is minority representation of 1 HF (.5%), 1 BF (.5%), and 4 BM (1.82%) which make up a 2.82% minority representation for this group.

There is currently only one part-time GS-4 position for the NDNG, and the rest are GS6 and higher. GS 4-8 have a total of 25 employees that make up that category. WM are the majority group (56%); however, the numbers align closer to what the state demographics would suggest the agency should be. WF are the only minority demographic in this group and are at the RCLF in terms of representation, showing a pipeline for higher positions.

The representation for women and minorities does trend down as employees move upwards to Senior Grade Levels.

Wage Grade (WG) analysis:

The agency conducted a select WG analysis for specific fields in the following Occupational Code series, 5801 and 8852, which are the largest WG fields for our agency.

8852 (Aircraft Mechanic): A total of 20 employees, with 95% White Male and 5% AM. This Occupation has historically been a Blue Collar and male dominated field. Though there was a drop in the percentage of participation in AM, the number did not change in total employees due to an increase in overall Aircraft mechanics. We are seeing positive trends in minority numbers, but the employee must maintain military membership and there are still a low number of females that take on the mechanic position in the NDNG.

5801 (General Mechanic): A total of 71 employees makes up this group with 68 Males and 3 Females (4.22%) which is a 3% increase from FY23. IM make up 7.04%. As is the case above, this occupation has historically been a Blue Collar and male dominated field. Employees must maintain military membership and there has historically been a lower number of females in the NDNG that take on the mechanic Military Occupational Skill. We are seeing a positive trend in hiring women and minorities in the organization, and this year has been a positive trend.

Summary of Progress/Needs in Hiring of Persons with Disabilities: The agency employees who identify with a Targeted Disability is .42%. This number slightly decreased in FY24, which historically is a difficult demographic group to hire, since most of the force structure is made up of dual-status military

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

technician or full-time military staff which by Army Regulation and Air Force Instruction require a serving member to meet uniform requirements (Physical Requirement). This condition of employment is comparable to that of a Police Officer, or Firefighter who have certain physical requirements as essential job functions. A disability does not necessarily create an inability to perform essential job functions for dual-status military technicians, however, it still may be a disability that would force an employee into a medical discharge, or medical retirement for not meeting the uniform standards. This stigma is something that our agency has difficulty overcoming due to regulation, and it is assumed that fear of being medically discharged on the military side does have some correlation to the reduction in the number that identify as having a disability. With the hiring of more Title 5 positions and training on Reasonable Accommodation, numbers show that the agency is making progress with those who identify as having a disability, and this is confirmed by our increasing numbers on monthly data reports. The SEEM will continue to monitor future reports. 10.64% of the overall workforce identified as having a disability which is a 3% trend upwards in FY24 getting us closer to the 12% goal.

Summary of Action Items Continued, Implemented, or accomplished in FY24

Through internal development programs, educational offerings, and informative mentoring the agency worked to improve the overall numbers and upward mobility for women and minorities.

- All employees regardless of pay grade are encouraged to attend “Leadership Everywhere” initiative and partnership with the State of ND Government.
- NDNG offers employee development or skillsets to anyone who requests it within reason. Examples could be Microsoft Office courses, Leadership Development offerings, Organization training, etc.
- The SEEM’s Office:
 - Reviewed Employee Survey data.
 - Served as the ADR Coordinator
 - Served on The Adjutant General’s Advisory Committee
 - Provided input to HRO staff on employee development topics and presents topics specific to the EEO program.
 - Served as the Reasonable Accommodation Coordinator for program oversight.
 - Participated as a member of the Command Climate Council
 - Holds a Certificate as an EEO Counselor through Rushford and Associates to provide training to other EEO Counselors.
- Individual Development Plans are available to management and/or employees to help develop skillsets within the organization.
- Professional Development topics are provided monthly on a variety of topics.
- TAG provides a town hall for all employees at a minimum yearly, or as needed.

The NDNG recruiting team attends various career fairs for recruiting purposes and promotes full time employment for our agency. The NDNG seeks to partner with various community organizations that include businesses, local colleges, and the State of ND Government. Mutual interest is desired for any community program the agency participates in.

EXECUTIVE SUMMARY: ACCOMPLISHMENTS

Part E.4 EXECUTIVE SUMMARY: Accomplishments.

The following significant accomplishments are reported for the NDNG in support of the employment, training, and career development opportunities for all employees.

Workforce Planning

- Recertified our EEO Counselors in their role. This aligns with the requirement to have a Model EEO Program that is tasked to the head of the agency.
- Agency Head continued his best practice of hosting a Command Climate council which brings identified program manager professionals together to give perspective on building a work environment that contributes to the well-being, satisfaction, employee engagement, and morale of employees.
- The SEEM continued cross collaborate with the MEO, and EO Advisor to coordinate activities for the facility, ND National Guard Force, and reports trend analysis.
- Worked with other HRO Professionals to track trends and forecasts for succession planning.
- Head of Agency conducted employee town halls for transparency and increased communication to the force and full-time employment.

EXECUTIVE SUMMARY: PLANNED ACTIVITIES

FY25 Initiatives (Objectives Planned to Eliminate Identified Barriers or Correct Program Deficiencies)

In performing barrier analysis for the NDNG in FY24, the agency was at or below the expected participation rates for all represented groups in relation to ND census and organizational pipeline data. Trend of a continued lower participation rate among female employees in most Critical Occupation fields. Lower than expected and in some cases no participation rates among minorities in all Critical Occupations fields. The NDNG is not required to complete a full analysis of all table data in FY24, but continues to compare census data demographics in the state of ND as well as the military member pipeline demographics. ND is predominately a White Caucasian state with increasing minority demographics in the past ten years according to the ND 2020 census data. The National Guard organization reflects a majority of white caucasian males and females with lower numbers in minority representation. The agency will continue efforts to recruit employees on merit-based principles and promote to a wide of the population. As trends continue with the state demographics becoming more diverse, that should reflect on the demographics for the NDNG.

The SEEM will continue to work with the Human Resource Office (HRO) to identify any barriers, propose recommendations, and evaluate the rate of change to make progress in the elimination of any identified barriers for any demographic group. Agency representatives and MD715 preparers will consult with HR in developing and implementing outreach strategies for hiring and explore any special hiring authority that the agency can legally utilize. The agency will continue to work with HR on issues relating to merit-based hiring practices within the agency.

HR will continue to train managers/supervisors on use of Veterans Preference, and any other special hiring authority that may be legally permissible. The agency will continue to utilize indefinite, and temporary positions, as funding allows, which produce another pipeline to full-time employment. The SEEM will monitor hiring trends in these categories to ensure merit based hiring is in place, and no barriers exist for any group.

The SEEM with HRO will continue to encourage attendance at job fairs, and other opportunities to reach a wider based audience that may not have considered working for the North Dakota National Guard. Word of mouth, social media, marketing campaigns, and in person interactions have proven to be effective drivers of our workforce, and those best practices will continue.

The military organization participates in the Partnership for Youth Success (PaYS) program designed to provide enlisted servicemembers and cadets the opportunity to build a skillset where other companies can draw from that talent. This partnership allows the North Dakota National Guard to help their servicemembers find companies who value the skills and discipline that comes with a military career. By serving as a community partner, it bolsters recruiting, and it increases the pipeline of potential employees by promoting the agency brand, and helps servicemembers get a guaranteed job interview with participating organizations. This can lead to increased talent in the military organization, and can build skills that may translate into participants seeking fulltime employment within the agency due to the relationship forged between the organization and the community.

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

(Insert Name Above)

(Insert official
title/series/grade above)

Principal EEO Director/Official for

(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

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Agency Self-Assessment Checklist

Essential Element: A Demonstrated Commitment From agency Leadership

Compliance Indicator	Measures	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	
	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			The EEO policy is reviewed annually by the State Equal Employment Manager (SEEM), Director of Human Resources, and General Counsel for any regulatory updates and/or appropriate changes. The Agency Head signed a new policy in 2020. The policy is provided to employees in a variety of ways to include, bulletin boards, professional development, intranet site, handouts etc. 11/25/2019
	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	Awaiting Language Updates

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Agency Self-Assessment Checklist

Compliance Indicator	Measures	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	
	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, II(A)]	X			Employees have received this at New Employee Orientation, via email correspondence, policy updates, and No Fear annual notice. All policies are distributed to all employees and supervisors. This policy also encompasses Workplace Violence.
	A.2.a.2. Reasonable accommodation procedures? [see 29 CFR § 1614.203(d)(3)]	X			Received at New Employee Orientation. Reasonable Accommodation information is available to all staff via SharePoint which includes POC information, should they have any questions. Supervisors/ Managers receive yearly training on the process, and what their responsibilities are. All policies are distributed to supervisors and staff via email and are housed on SharePoint.
A.2.b. Does the agency prominently post the following information throughout the workplace and on its public website:					

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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)]	X		Posted on Employee Bulletin Boards, and available to all staff on agency SharePoint site.
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)]	X		Employees can receive this information in a multitude of ways to include: Bulletin boards, SharePoint, NO Fear updates, policy updates, in person training, and Supervisor Training, and New Employee Orientation. This is posted and/or referenced on external and internal websites.
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.	X		Employees can receive this information in a multitude of ways to include bulletin boards, SharePoint, NO Fear updates, policy updates, in person training, and Supervisor Training, and New Employee Orientation. This is posted on our internal and external websites. https://www.ndguard.nd.gov/job-opportunities

A.2.c. Does the agency inform its employees about the following topics:

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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

Employees receive this information at New Employee Orientation. They also have the ability to come to Professional Development Sessions in which the EEO Manager will put on training throughout the year. Email notification is provided on an annual basis via NO Fear notification that explains reporting criteria for raising EEO Complaints

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

X

Employees receive this information at New Employee Orientation. They also have the ability to come to Professional Development Sessions in which the EEO Manager will put on training throughout the year. Supervisors receive additional training at Supervisor Training courses. Provided on an Annual basis.

A.2.c.3. Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If “yes”, please provide how often.

X

Employees receive this information at New Employee Orientation. Employees may attend professional development sessions when the EEO Manager conducts training specific to the EEO program. Supervisors receive additional training at Supervisor Training courses. Provided on an Annual basis.

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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.

X

Employees receive this information at New Employee Orientation. They also have the ability to come to Professional Development Sessions in which the EEO Manager will put on training throughout the year. Supervisors receive additional training at Supervisor Training courses. Provided on an Annual basis.

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.

X

Employees receive this information at New Employee Orientation. They also have the ability to come to Professional Development Sessions in which the EEO Manager will put on training throughout the year. Supervisors receive additional training at Supervisor Training courses. Provided on a quarterly basis.

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Compliance Indicator	Measures	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	
	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			Education provided to supervisors on treating employees on merit-based principles and ensuring fair treatment for performance. This type of recognition to the ensures employees are based solely on merit. Additionally, our staff can be recognized publicly by the head of agency, or through awards for superior work in our EEO programs.
	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			We utilize the DEOCS survey as our primary Climate Assessment tool per DoD regulation.

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

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Compliance Indicator	Measures	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	
	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			Agency Head supervises The State Equal Employment Manager (SEEM) with administrative oversight by the HRO Director. The SEEM is the EEO Director.
	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			Agency Head supervises the SEEM
	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			The SEEM is embedded in the Human Resources Office but is directly supervised by the Head of Agency.
	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]	X			The SEEM meets monthly and quarterly with the Agency Head through different venues. Has the ability to meet as needed should any issues arise that need immediate attention.
	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.	X			The SEEM reported out our metrics and areas of emphasis for the FY to key staff. This report is available internally to staff and the SEEM keeps this report on intranet site. Other public data reports required by the Elijah Cummings Act are on the outward facing site.

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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)]

X

The SEEM is involved in Senior level meetings. Responsible for NDARNG Equal Opportunity budget. Provides new employee orientation information, and Supervisor's course materials. The SEEM sits on the Command Climate meeting with Executive Leadership and provides updates to other key staff offices.

Compliance Indicator	Measures	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	
	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			
	B.2.b. Is the EEO Director responsible for overseeing the completion of EEO counseling? [see 29 CFR §1614.102(c)(4)]	X			
	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			
	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			
	B.2.e. Is the EEO Director responsible for ensuring compliance with EEOC orders? [see 29 CFR §§ 1614.102(e); 1614.502]'	X			
	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			
	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			

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Compliance Indicator	Measures	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	
	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 SEEM provides updates for the HR weekly meeting which may discuss all of these potential workforce changes. Work closely with Labor Relations and the Unions as needed to ensure compliance with EEO Law, Labor agreements, and Personnel Prohibited Practices.
	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	Awaiting language updates

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Compliance Indicator	Measures	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	
	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			
B.4.a.10. to effectively manage its reasonable accommodation program? [see 29 CFR §1614.203(d)(4)(ii)]	X			National Guard Bureau has additional funds should a request require a large cost commitment, and the individual meet the criteria set forth by the Rehabilitation Act, and ADAAA.
B.4.a.11. to ensure timely and complete compliance with EEOC orders? [see MD-715, II(E)]	X			
B.4.a.2. to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)]	X			
B.4.a.3. to timely, thoroughly, and fairly process EEO complaints, including EEO counseling, investigations, final agency decisions, and legal sufficiency reviews? [see 29 CFR §§ 1614.102(c)(5); 1614.105(b) – (f); MD-110, Ch. 1(IV)(D) & 5(IV); MD-715, II(E)]	X			
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.	X			
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)]			X	We do not have field offices that would collect EEO data. All files are kept at the NDNG level with the SEEM. The SEEM conducts site visits and ensures bulletin boards have the correct data on it.

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B.4.a.6. to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures)? [see MD-715, II(B)]	X			Distributed electronically and displayed on labor law bulletin boards at facilities throughout the state. National Guard Bureau provides funds for additional print materials.
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.	X			
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]	X			
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]	X			
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)]	X			National Guard Bureau has designated funds for NDARNG Equal Opportunity program that supports EEO. Additional funding can be requested through NGB to supplement shortfalls.
B.4.c. Are the duties and responsibilities of EEO officials clearly defined? [see MD-110, Ch. 1(III)(A), 2(III), & 6(III)]	X			National Guard Bureau Position Descriptions (0260 occupational series) are utilized for the EEO Director.
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?	X			
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?	X			All agency counselors received 8-hour refresher course, and 4 hours of agency specific training

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Compliance Indicator	Measures	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	
	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			Federal Civilian employee supervisors are required to be trained within one year of assignment and every three years thereafter per National Guard Bureau. The SEEM provides one-on-one training and advice as necessary.
	B.5.a.2. Reasonable Accommodation Procedures? [see 29 CFR § 1614.102(d)(3)]	X			Federal Civilian employee supervisors are required to be trained within one year of assignment and every three years thereafter per National Guard Bureau. The SEEM provides one-on-one training and advice as necessary.
	B.5.a.3. Anti-harassment policy? [see MD-715(II)(B)]	X			Federal Civilian employee supervisors are required to be trained within one year of assignment and every three years thereafter per National Guard Bureau. The SEEM provides one-on-one training and advice as necessary.

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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	Awaiting language updates
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		Federal Civilian employee supervisors are required to be trained within one year of assignment and every three years thereafter per National Guard Bureau. The SEEM provides one-on-one training and advice as necessary.

Compliance Indicator	Measures	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	
	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			
	B.6.b. Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]	X			The SEEM, Agency Head, Deputy Agency Head, Chief of Staff, and Director of Human Resources participate in barrier analysis.
	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			The SEEM will develop agency EEO action plans approved by the Agency head or designee.
	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			Action Plans approved by the Agency head are incorporated throughout the agency and into the review of the agency strategic plans.

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Essential Element: C Management and Program Accountability

Compliance Indicator	Measures	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	
	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	Agency does not have subordinate components or field offices
	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	Agency does not have subordinate components or field offices
	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	Agency does not have subordinate components or field offices

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Compliance Indicator	Measures	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	
	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			Anti-Harassment policy and procedures are part of the Agency Workplace Violence Policy that was developed by the agency general counsel office and signed by the Agency Head.
	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			Any employee who feels harassed should contact the EEO Director and/or Labor Relations Specialist. Union bargaining employees may utilize their negotiated grievance channels or seek advice from those respective offices.
	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		The agencies AHP remains in the EEO Office. The agency EEO Manager oversees AHP currently. In the event of a concern or complaint, the organization would default to HR for guidance on any actions taken to resolve the complaint as necessary.

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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)]	X			Any claims of harassment (non-EEO) that are brought up could result in a manager conducting a fact-finding inquiry. Managers can issue administrative actions for behavior/conduct policy violations based on the Douglas Factors, and/or the table of penalties. Agency Labor Relations office educates managers on their roles and responsibilities with addressing issues and complaints outside of EEO.
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.]	X			
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.	X			No harassment allegations made during this time period.
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)]	X			
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)]	X			
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)]	X			
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			

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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			Discussed at New Employee Orientation. Posted on USA Jobs (508 compliant) website, and HR staff can assist an applicant through the process should they ask. If a request for an accommodation is requested during the hiring and placement, they are otherwise qualified, and there is a nexus between the disability and the ability to perform essential job tasks, we will work through the RA process.
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			
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			
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			
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			Internal and External Websites. https://www.ndguard.nd.gov-job-opportunities

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Compliance Indicator	Measures	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	
	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			All supervisors of federal civilian employees have an element of EEO in their Performance Plan. Periodic emails are sent as a reminder to include in their performance appraisal elements.
	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			
	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)]	X			
	C.3.b.3. Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see MD-715, II(C)]	X			
	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]			X	Awaiting Language updates
	C.3.b.5. Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]	X			
	C.3.b.6. Provide disability accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(8)]	X			
	C.3.b.7. Support the EEO program in identifying and removing barriers to equal opportunity?. [see MD-715, II(C)]	X			
	C.3.b.8. Support the anti-harassment program in investigating and correcting harassing conduct?. [see Enforcement Guidance, V.C.2]	X			
	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			
	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			
	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			

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Compliance Indicator	Measures	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	
	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			
	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			Weekly meetings conducted with the Human Resources Office which cover various topics. Supervisor training topics are reviewed on a biannual basis.
	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			
	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			
	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			
	C.4.e.2. Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]	X			
	C.4.e.3. Develop and/or provide training for managers and employees? [see MD-715, II(C)]	X			Supervisor Training is conducted annually. Professional Development sessions for the agency are conducted on a monthly basis and the SEEM will provide training during this time to all employees.
	C.4.e.4. Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]	X			
	C.4.e.5. Assist in preparing the MD-715 report? [see MD-715, II(C)]	X			Systems, Labor Relations, HR Director, EEO Counselors.

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Compliance Indicator	Measures	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	
	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			National Guard Bureau regulations/ instructions are used, and this policy includes Douglas Factors as a guiding principle.
	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	No Formal cases in FY24.
	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	No formal cases in FY24.
Compliance Indicator	Measures	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	
	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			The SEEM meets with the Agency Head quarterly. Information is shared at Supervisors training. EEO Director conducts on an as needed basis.
	C.6.b. Are EEO officials readily available to answer managers' and supervisors' questions or concerns? [see MD-715 Instructions, Sec. I]	X			

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Essential Element: D Proactive Prevention

Compliance Indicator	Measures	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	
	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			
	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			
	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	Awaiting language updates

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Compliance Indicator	Measures	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	
	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			Annually via Barrier Analysis. MD-715 data tables are run monthly which gives the SEEM an opportunity to track trends in hiring/firing, turnover, retention, promotions, etc.
	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			Annually
	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			Should this type of barrier be identified, the agency would need use guidance from National Guard Bureau. No such barriers exist that the agency has control over.
	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. II] If "yes", please identify the data sources in the comments column.	X			Complaint/grievance data, exit surveys, climate surveys, and focus groups.
Compliance Indicator	Measures	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
	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			
	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			
	D.3.c. Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]	X			

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Compliance Indicator	Measures	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	
	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			Agency posts EEO, NO Fear, Workplace violence, RA and PAS information to their Job Opportunities public website.
	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			All Job announcements on USA Staffing meet the federal regulations. All staff have the ability to apply for a job as long as they meet the minimum qualifications. If there is an accommodation needed, the agency will work with the requestor to ensure it is applicable. Title 32 Dual Status employees must meet physical and medical requirements to wear the uniform.
	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			

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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

18% of federal positions are Title 5 Civilian. Before the conversion, all employees were dual status with military standard conditions of employment. Since the conversion, the agency monitors and updates data. The reportable disability numbers have shown incremental increases consistently.

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Agency Self-Assessment Checklist

Essential Element: E Efficiency

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Agency Self-Assessment Checklist

Compliance Indicator	Measures	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	
	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			
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			
E.1.c. Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch. 5(I)?		X			
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 in FY24.
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)?		X			No informal/formal complaints processed in FY24. ADR was utilized for non-EEO issues helping parties resolve differences.
E.1.f. Does the agency timely complete investigations, pursuant to 29 CFR §1614.108?		X			The North Dakota National Guard would promptly follow the agency complaint process. However, no specific instance has arisen to make this necessary in FY24.
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)?		X			The North Dakota National Guard would promptly follow the agency complaint process. However, no specific instance has arisen to make this necessary in FY24.
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)?		X			No formal complaints in FY24.
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)?		X			No cases went to FAD or AJ Decision in FY24.

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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.	X			The North Dakota National Guard would promptly follow our complaint process. In the event we contracted with another entity we would hold them to the same standards and hold them accountable for a good work product. No formal complaints in FY23.
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 in FY24.
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			The North Dakota National Guard would promptly follow our complaint process which would involve submitting complaint files through the FedSEP program. No formal complaints in FY24.

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Agency Self-Assessment Checklist

Compliance Indicator	Measures	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	
	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			No formal complaints in FY24 however there are two employees within General Counsel, which serves to separate the defense function from the legal sufficiency reviews.
	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	No formal complaints in FY24 however there are two employees with general counsel, which serves to separate the defense function from the legal sufficiency reviews.
	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			
	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			
	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			The North Dakota National Guard would promptly follow Management Directive 110 complaint process timelines. However, no specific instance has arisen to make this necessary in FY24.

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Compliance Indicator	Measures	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	
	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			ADR is always available to any employee who is going through the EEO process. We offer ADR at the lowest level possible and throughout the entire process. The NDNG will follow instructions from Management Directive 110 policy, and ADR policy via the local and national ADR coordinator. This program continues to be developed. The agency may opt to utilize outside ADR sources as needed.
	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			
	E.3.c. Does the Agency encourage all employees to use ADR, where ADR is appropriate? [See MD-110, Ch. 3(IV)(C)]	X			

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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)]	X			The appropriate official with the authority to settle the dispute via the ADR process will be made available. The head of the agency has delegated settlement authority to our Chief of Staff, and 119th Air Force Wing Commander. They reserve the authority to further delegate as appropriate should the complaint be at a much lower organizational level.
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)]	X			The agency would follow the guidelines set forth by the National Guard Bureau manual, however if the RMO named is the one the complaint was raised against, the settlement authority would be shifted to a higher-level supervisor.
E.3.f. Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]	X			

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Compliance Indicator	Measures	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	
	E.4. The agency has effective and accurate data collection systems in place to evaluate its EEO program.				

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			
E.4.a.2. The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)]	X			
E.4.a.3. Recruitment activities? [see MD-715, II(E)]	X			
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)]	X			
E.4.a.5. The processing of requests for reasonable accommodation? [29 CFR §1614.203(d)(4)]	X			
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]	X			
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]	X			

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Compliance Indicator	Measures	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	
	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			The SEEM keeps record of hot spot areas, EEO complaints trend data, or concerns to assess potential future issues. The NDNG had no instances that resulted in mandated responsive compliance to the EEOC other than our annual compliance reports.
	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			SEEM is the Region 6 Chair of Equal Employment Management Advisory Committee and participates in other Workforce Development calls and continue to collect best practices.
	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			Agency compares its data to similar sized national guard agencies in other states, and they share best practices on national level calls.

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Agency Self-Assessment Checklist

Essential Element: F Responsiveness and Legal Compliance

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Compliance Indicator	Measures	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	
	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			The SEEM is responsible for mandating compliance and works with management, NGB, and the OFO on any resolutions or settlement agreements that are derived from ADR. All timelines are adhered to. Signed contracts will be kept in the SEEM's office for future reference, should a violation take place. There was no instance in FY24 that resulted in a formal settlement agreement.
	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			The SEEM is responsible for mandating compliance and works with management, NGB, and the OFO on any resolutions or settlement agreements that are derived from ADR. All timelines are adhered to. Signed contracts will be kept in the SEEM's office for future reference, should a violation take place. There was no instance in FY24 that resulted in a formal settlement agreement.

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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			The SEEM will work with agency representatives to execute the relief judgement order, and process through the Property Fiscal Office for expedited payment, to comply with that judgment order and report documentation to the EEOC on the completion status.
F.1.d. Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]	X			The SEEM will ensure that any relief that is derived from a judgement order, mediation agreement, or any other federally mandated avenue will be completed within the recommended/ordered time. This includes monetary and non-monetary relief.
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			

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Compliance Indicator	Measures	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	
	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			In the event there was an order, this agency will comply with all EEOC orders. The EEO Manager is responsible for ensuring compliance with these orders.
	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	There were no instances that resulted in a request for a hearing. If one is made due to an EEO complaint, the EEO Manager will ensure that this information is forwarded appropriately.
	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			
	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			
	F.2.a.4. Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance?	X			

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Compliance Indicator	Measures	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	
	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			
	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			The Agency established an EEO page on the public website and begin posting data from FY24.

Essential Element: O Other

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Plan to Attain Essential Elements

PART H.1

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

No firewall established between the Anti-Harassment Coordinator and the Equal Employment Manager

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
10/01/2019	09/30/2027	09/30/2024		Establish a firewall between the Equal Employment Opportunity Manager and the Anti-Harassment Coordinator.

Responsible Officials

Title	Name	Standards Address the Plan?
State Equal Employment Manager	Robert Roehrich	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2022	Updating Anti-harassment procedures SOP to be drafted for implementation, which establishes the firewall between EEO Director and AHP Program manager.	Yes	09/30/2024	12/31/2022

Accomplishments

Fiscal Year	Accomplishment

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Plan to Attain Essential Elements

PART H.2

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

No questions specific to disability on exit interviews.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
10/01/2021	09/30/2022	09/30/2024	09/30/2024	No specific questions at this time. Reviewed the again in FY24

Responsible Officials

Title	Name	Standards Address the Plan?
State Equal Employment Manager	Robert Roehrich	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2020	Exit interview questions allow for the individual to let us know why they are leaving the organization. There are no questions that are directly related to disability, however open-ended responses provide an opportunity for the individual to tell us what they need to.	Yes	09/30/2021	

Accomplishments

Fiscal Year	Accomplishment
2023	Data questions for the exit interviews is sufficient. Open ended questions allow employees to identify issues or concerns surrounding disability and any disadvantage that the employee may have felt or experienced.

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Plan to Attain Essential Elements

PART H.3

Brief Description of Program Deficiency:	F.3.b. Does the agency timely post on its public webpage its quarterly No FEAR Act data? [see 29 CFR §1614.703(d)] Agency does not post quarterly No FEAR data. Site has been created to share public information.
--	---

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
10/01/2020	09/30/2025	09/30/2024		Post quarterly No FEAR and other compliance data. Policy information is on site, but data has not been posted yet.

Responsible Officials

Title	Name	Standards Address the Plan?
State Equal Employment Manager	Robert Roehrich	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
05/31/2023	Agency designed an Equal Opportunity drop down web option on public ND National Guard website. In FY23, the EEO Director will begin to post public data on this site.	Yes	05/06/2022	05/31/2023

Accomplishments

Fiscal Year	Accomplishment
2024	Reviewed the website in 2024 and will make updates to build quarterly No Fear data into a dropdown menu, alongside EEO policies, with points of contact to report any concerns.

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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

Disability data at a glance appears to be underrepresented. Currently about 10.66% of the overall agency that identifies with having a disability which slightly decreased this year which is close to the 12% goal. There are no barriers identified in the GS level as there are employees who have reportable disabilities at most levels. Our overall reportable disability numbers slightly decreased this year, which is a trend to monitor.

*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

The agency slightly decreased in employees who identify as having a Targeted Disability (TD) from .67% to .42% which is a trend experience due to a very small number of employees who report as having a targeted disability. The agency continues to provide transparency on TD reporting and hopefully that will lead to a reduction in stigma, and more will report, or we will be able to hire more employees with TD. Uniform requirements for service members continue to be an area where there is stigma to report due to the fear of losing military membership for not being able to meet a condition of employment. We continue to educate staff about the anonymity of reporting this data.

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

The agency communicated numerical goals in a few ways. First, we show this data via training on Reasonable Accommodation. The training highlights the importance of the Government's role in being a leader among all sectors in hiring and retaining PWD and PWT. Second, we send out email correspondence explaining reporting of disabilities and attempt to debunk the myth that the agency wants to know who has what disability in order to have cause for removal. There has been more education to staff regarding what a disability is and encouraging any employee who are a PWD or a PWT to report. The EEO Manager has contact with directorates, managers, and staff on disability matters and is charged with explaining disabilities and the agencies non-retaliatory stance if one identifies a disability. We do educate dual status individuals of a potential of separation that could result if a disability renders them incapable of performing their essential job functions that affect their military status ultimately rendering them incapable to wear the uniform. This education explains the condition of employment militarily and military disability could result in loss of military membership. Loss of military membership would mean they are no longer qualified to hold their job because it is a federal requirement. This would be a unique case, as there is no one size fits all with a disability. Primary means of communication are through Professional Development, educational emails, group training, and individual training.

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

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	
Architectural Barriers Act Compliance	1	0	0	Robert Roehrich, SEEM, robert.d.roehrich.civ@army.mil
Processing reasonable accommodation requests from applicants and employees	2	0	0	Robert Roehrich, SEEM, robert.d.roehrich.civ@army.mil Kevin Buck, Occupational Health Nurse, State Surgeon's Office, Kevin.k.buck.civ@army.mil
Processing applications from PWD and PWT	2	0	0	Katrina Mickelsen, HR Specialist, HRO, katrina.a.mickelsen.civ@army.mil Robert Roehrich, SEEM, robert.d.roehrich.civ@army.mil
Answering questions from the public about hiring authorities that take disability into account	2	0	0	Katrina Mickelsen, HR Specialist, HRO, katrina.a.mickelsen.civ@army.mil Robert Roehrich, SEEM, robert.d.roehrich.civ@army.mil
Section 508 Compliance	1	0	0	Robert Roehrich, SEEM, robert.d.roehrich.civ@army.mil
Special Emphasis Program for PWD and PWT	1	0	0	Robert Roehrich, SEEM, robert.d.roehrich.civ@army.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

Our Disability Program Manager has been in his role for over 8 years. He uses a variety of tools to include Job Accommodation Network, CAP, and other programs that can help the agency accommodate PWD should they request one and meet the criteria for Reasonable Accommodation.

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

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 PWT

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.

All jobs that applicants and qualifications are posted on USA Staffing. We utilize ND Job Services as a partner, and they are aware of our hiring process and can help applicants navigate the site to verify their eligibility. Over 84% of the jobs require dual status membership meaning they must be in the military and meet physical standards and other uniform requirements which is a barrier to individuals with targeted certain disabilities, however we cannot change Federal Law.

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 PWT for positions in the permanent workforce

We utilize Veteran's Preference for our Title 5 Excepted Service hiring process. All federal civilian positions are advertised utilizing USA Jobs to reach the largest audience of applicants. Job Services and other entities are aware of this requirement.

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.

We utilize Veteran's Preference for our Title 5 Excepted Service hiring process. Applicants must submit supporting documentation for their Veteran's Preference claim. Supervisors only receive those Veteran Preference candidates on the certificate. Those are the only applicants interviewed. Hiring manager must go through the Passover process to justify the reason(s) to non-select.

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 utilize Veteran's Preference for our Title 5 Excepted Service hiring process. All federal civilian positions are advertised utilizing USA Jobs to reach the largest audience of applicants. The Human Resources Office conducts one-on-one training with the hiring managers for the Title 5 Excepted Service positions on how to advertise in accordance with federal law. The Human Resources Office builds all the announcements for the manager and hiring authorities are discussed when they build them.

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 PWT, in securing and maintaining employment.

Job services is aware of our USA Jobs requirements and will help applicants navigate it if needed. We advertise primarily to USA Jobs, Indeed, and other local hiring platforms.

C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)

1. Using the goals of 12% for PWD and 2% for PWT as the benchmarks, do triggers exist for PWD and/or PWT 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 (PWT)

Answer No

PWD and PWT are afforded the same opportunities to apply for our agency positions. Many of the jobs require a physical aspect that can be accommodated if the position is a T5 Civilian job. Positions that require dual status, meaning military membership, can restrict a person with a Disability or a Targeted Disability from applying as they may not qualify for military membership. There are two, potentially three Targeted Disabilities that one could qualify per the uniform standards and be able to hold a T32 job. There are also numerous disabilities that an individual could have in which they still qualify for a T32 position. In any case the first requirement of T32 Federal Technician is to hold military membership. That requirement is not a barrier, and our agency has no control over it because it's a federal law and a condition of employment.

2. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWT 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 No

b. New Hires for MCO (PWT)

Answer No

PWD and PWTD are afforded the same opportunities to apply for our agency's positions. Many of the jobs require a physical aspect that can be accommodated if the position is a T5 civilian posting. Positions that require dual status, meaning military membership, can affect a person with a targeted disability from applying as they may not qualify the military membership condition of employment. There are two, potentially three targeted disabilities that one could qualify per the uniform standards and be able to hold a T32 job. In any case the first requirement is to hold military membership. That requirement is not a barrier that our agency has control over, because it is federal law.

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	No
b. Qualified Applicants for MCO (PWTD)	Answer	No

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	No
b. Promotions for MCO (PWTD)	Answer	No

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.

All employees are afforded the opportunity to attend career development courses that can be individually catered to their needs. For example, our agency could pay for an individual to attend Microsoft office classes in which they could become certified. There is also "Leadership Everywhere" training conducted by the State of ND that all staff are encouraged to attend. Accommodations are made available to any employee who requests it in either venue. Employees can work with their supervisors and HRO to identify career plans, and paths to attain their goals.

B. CAREER DEVELOPMENT OPPORTUNITES

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

Leadership Anywhere forums. Professional Development put on by local HRO. Continuing Education (Microsoft Office certification, professional certificates, etc.) - catered to the individual. Training conferences within an employee's current career path. Our agency is very receptive to any employee that wants to gain more experience in leadership/career development. We continue to develop plans individually due to the smaller size of our agency. We have found that to be the most cost effective, and many have taken advantage of the opportunities. We routinely remind managers/supervisors of this option and let staff know throughout the year as well.

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		PWT	
	Applicants (#)	Selectees (#)	Applicants (%)	Selectees (%)	Applicants (%)	Selectees (%)
Internship Programs	0	0	0	0	0	0
Coaching Programs	0	0	0	0	0	0
Detail Programs	0	0	0	0	0	0
Fellowship Programs	0	0	0	0	0	0
Other Career Development Programs	0	0	0	0	0	0
Training Programs	0	0	0	0	0	0
Mentoring Programs	0	0	0	0	0	0

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 No

b. Selections (PWD) Answer No

At this time, we don't have a tracking mechanism in place to track our career development individuals. There are no identified triggers, because the program is open to anyone who wants to individualize their own career development opportunities. There are numerous opportunities through local colleges and agency developed training.

4. Do triggers exist for PWT 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 (PWT) Answer No

b. Selections (PWT) Answer No

At this time, we don't have a tracking mechanism in place to track our career development individuals. There are no identified triggers, because the program is open to anyone who wants to individualize their own career development opportunities. There are numerous opportunities through local colleges and agency developed training.

C. AWARDS

1. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWT 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 (PWT) Answer No

2. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWT 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 (PWT) Answer No

3. If the agency has other types of employee recognition programs, are PWD and/or PWT 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 (PWT) Answer No

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	No
ii. Internal Selections (PWD)	Answer	No
d. Grade GS-13		
i. Qualified Internal Applicants (PWD)	Answer	No
ii. Internal Selections (PWD)	Answer	No

No triggers identified

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	No
ii. Internal Selections (PWTD)	Answer	No
d. Grade GS-13		
i. Qualified Internal Applicants (PWTD)	Answer	No
ii. Internal Selections (PWTD)	Answer	No

No triggers identified

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	No
d. New Hires to GS-13 (PWD)	Answer	No

No triggers identified

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	No
d. New Hires to GS-13 (PWTD)	Answer	No

No triggers identified

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	No
ii. Internal Selections (PWD)	Answer	No
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

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	No
ii. Internal Selections (PWTD)	Answer	No
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

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	No
b. New Hires for Managers (PWD)	Answer	No
c. New Hires for Supervisors (PWD)	Answer	No

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	No
b. New Hires for Managers (PWTD)	Answer	No
c. New Hires for Supervisors (PWTD)	Answer	No

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

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

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

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.

No triggers were identified

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://www.ndguard.nd.gov/job-opportunities>

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://www.ndguard.nd.gov/job-opportunities>

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.

Our facility and/or agency will seek out opportunities to improve access. For any accommodation for PWD/PWTD, we take them on a case-by-case basis. There is no one size fits all. We have opportunities for interactive software and other speech to text and vice versa equipment that can help people with audio and visual disabilities. It is not the agency's policy to buy equipment just in case someone applies, as that equipment and/or software can become obsolete before an individual ever gets on board. The SEEM does communicate with local technology providers, and other entities that provide products to PWD/PWTD. This will help with the accommodation process. There are currently no large-scale barriers that have been identified which require the agency to upgrade facilities and/or technology support.

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.)

There were no Reasonable Accommodation requests in FY24. The agency has a 45-day policy barring no major equipment/or technology purchase/upgrade. This guidance follows our local policy that follows Federal Law.

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.

No requests for Reasonable Accommodation. Training was the only thing provided to supervisors. The agency did not have a chance to evaluate the effectiveness of the program from an employee request standpoint.

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.

No PAS were requested in FY24. Effectiveness could not be measured.

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.

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.

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 PWT?

Answer No

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

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.

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

Providing Executive Leadership with MD-715 report out data helped further develop the local merit-based hiring which aligns with the people first strategy on the agency's strategic plan.

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.

No triggers were corrected, the agency is continuing to move forward in proactive planning to eliminate silos, barriers that may restrict or limit people of certain demographics from enjoying their employment as any other similarly situated demographic group.

