

**U.S. Department of Education Chapter of Blacks In Government (BIG) Report:
the Status of the African American Workforce at the U.S. Department of
Education**

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By Wanda E. Gill, Ed.D.

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Acknowledgments

Setting the Tone for Inclusion

A special thanks to U.S. Department of Education Secretary, Arne Duncan, who has represented the Obama Administration well in its goals of equity and inclusion in the federal workforce at ED. Secretary Duncan has championed these tenants through his appointments. He is the first U.S. Secretary of Education to meet with the President of the ED Chapter of Blacks In Government. We also commend Mr. Tony Miller, Deputy Secretary for Communications and Outreach, for his pioneered efforts to examine the hiring selection processes and for including more African Americans on interviewing panels. This administration has also influenced more open processes for awards, employee tuition reimbursement and leadership development programs.

Data Sources for the Status of African American Workforce at the U.S. Department of Education Prepared by the U.S. Department of Education Chapter of Blacks In Government (BIG)

Mr. David Tsuneishi, Head Librarian, National Library of Education, has researched various topics in support of this report. Mr. Steven Jefferson, EEOS Office Liaison for Black Affairs, pulled together data from past reports and timesheets for original source materials for analysis and inclusion in this document. Steven also interpreted existing data for demographic shortages by race and gender. Steven provided the Annual EEO Program Status for Fiscal Year 2011. Melissa Hatfield provided the termination/separation from service data from 10/10/2006 – 4/2/2010 for this report. Although racial data on termination/separation from service is not currently tracked, the data was the source for the recommendation that it should be. Karen Senkel provided the leadership program graduate data. Again, although racial data is not currently tracked, the report became a source for a recommendation that it should be. Danny Harris and his team provided the website and information on small business contractors who represented themselves as African American doing business with ED through the 2011 year. Helen Chang, through Danny Harris, helped with conversations on ED's federal contracting goals which parallel national goals of 5% for women- owned businesses, 5% for small disadvantaged business owners, 3% for businesses owned by disabled veterans. Contracting data is somewhat limited in scope because race was self –selected by small business contractors and racial data was not available on larger contractors.

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Special thanks to Gary Jones and selected members of the Executive Committee, U.S. Department of Education Chapter of Blacks In Government (BIG) for editing this document. Special thanks to Jim Richards, contractor in the Training and Development Center for assistance with formatting.

Wanda E. Gill, Ed.D, President of Blacks In Government, December 26, 2012

Racial and Gender Demographics at the U.S. Department of Education for Pay Period 11 in 2012

There were a total of 4,018 employees at the U.S. Department of Education for the pay period 201211. Of these, 1,495 (37.2%) were male and 2,523 (62.8%) were female.

White males represent 923 out of 1,495 male employees or 61.74% of all male employees and white females represent 1,129 out of 2,523 female employees or 44.75% of all female employees. When genders are combined, white employees make up 2,052 of 4,018 employees or 51.07% of all employees.

Black males represent 383 out of 1,495 male employees or 25.62% of all male employees and Black females represent 1,089 or 43.15% of 2,523 female employees. When genders are combined, Black employees make up 1,472 of 4,018 employees or 36.63 % of all employees.

Hispanic males represent 89 out of 1,495 male employees or .06 % of all male employees and Hispanic females represent 119 or .047 % of 2,523 female employees. When genders are combined, Hispanic employees make up 208 of 4,018 employees or .052% of all employees.

Asian males represent 77 out of 1,495 male employees or .052 % of all male employees and Asian females represent 138 of 2,523 female employees or .0546% of female employees. When genders are combined, Asian employees represent 213 of 4,018 employees or .053% of the workforce.

There were two female Native Hawaiians or Other Pacific Islanders or incalculable % of the total workforce of 4,018 employees; 10 male and 13 female American Indian or Alaska Natives or .00572 % of the total workforce of 4018 employees; and, 13 males and 23 females or .008959 % of the total workforce of 4,018 describing themselves as two or more races.

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African American employees at each grade at the U.S. Department of Education: Raw Data Comparisons for the 11th Pay Period in 2012¹

Senior Executive Service

There are 79 members making up 100% of the Senior Executive Service, of whom 43 or 54.43% are male and 36 or 45.57% are female or 100 % of the SES corps. Of these, 36 or 45.57% are White males, 24 or 30.38% are White females or 75.94% of the SES corps is White; 4 or .05% are Black males and 9 or 11.39% are Black females or 16.45% of the SES corps is Black; 2 or .025% are Hispanic males and 1 or .0126% is an Hispanic female or .038% of the SES corps is Hispanic; 1 or .0126% is an Asian male and 2 or .025% are Asian females or .038% of the SES corps are Asians.

Grade 15

At the Grade 15 level, there are 498 employees making up 100% of the Grade 15 workforce, of whom 232 or 46.59% are male and 266 or 53.41% are female. There are 186 White males and 175 White females representing 72.49% of the Grade 15 workforce. There are 32 Black males and 72 Black females representing 20.88% of the Grade 15 workforce. There are 6 Hispanic males and 8 Hispanic females representing .028% of the Grade 15 workforce. There are 5 Asian males and 6 Asian females representing .02% of the Grade 15 workforce. There is 1 male American Indian and 4 female American Indians or Alaskan Natives representing .01% of the Grade 15 workforce. There are 2 males and 1 female describing themselves as 2 or more races that represent .006% of the Grade 15 workforce.

¹ Data Source: U.S. Department of Education Permanent Workforce Racial Participation Rates for Pay Period 201211; In reporting demographic data, the agency gives numbers and percentages against the whole which sometimes camouflages real differences in the numbers and percentages of minorities in any given group. For instance, although there are 79 members of the Senior Executive Service, they are reported as 1.97% of the entire full time permanent workforce in this pay period. However, in examining workforce inclusion and workforce diversity, it is more accurate to determine the racial composition of the SES corps among its members. This is the same treatment of the data that will follow for all grade levels in the narrative of this report. The data used for this report is taken from Table A4-2: Participation Rates for General Schedule Grades – Distribution by Race/Ethnicity and Sex – Permanent Workforce and re-labeled Table 1 in this section.

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Grade 14

At the Grade 14 level, there are 902 employees representing 100% of the Grade 14 workforce, of whom 349 are male and 553 are female. Of these, 235 are White male and 219 are White females who make up 50.33% of the Grade 14 workforce. There are 68 Black males and 187 Black females making up 28.27% of the Grade 14 workforce. There are 19 Hispanic males and 19 Hispanic females making up .042% of the Grade 14 workforce. There are 23 Asian males and 33 Asian females making up .062 of the Grade 14 workforce. There are 2 Native American or Alaskan Native males and two females making up .004% of the Grade 14 workforce. There are also 2 males and 2 females who make up .004% of the Grade 14 workforce who describe themselves as 2 or more races.

Grade 13

At the Grade 13 level, there are a total of 1,017 employees of whom 374 are males and 643 are females who compose 100% of the Grade 13 workforce. There are 216 White males and 272 White Females who make up 47.98% of the Grade 13 level workforce. There are 103 Black males and 275 Black females who make up 37.17% of the workforce at the Grade 13 level. There are 25 Hispanic males and 45 Hispanic females who make up, .0688% of the Grade 13 workforce. There are 24 Asian males and 38 Asian females who comprise .06% of the workforce. There are 2 female Native Hawaiian or Pacific Islanders who make up .001% of the workforce. There are 5 American Indian males and 4 American Indian females who make up .0088% of the Grade 13 workforce. 1 male and 7 females reported being derived from 2 or more races and make up .00876% of the Grade 13 workforce.

Grade 12

At the Grade 12 level, there are 672 employees, of whom 216 are male and 456 are female and make up 100% of the Grade 12 workforce. There are 109 White males and 150 White females who make up 38.54% of the Grade 12 workforce. There are 73 Black males and 265 Black females who comprise 50.30% of the Grade 12 workforce. There are 21 Hispanic males and 15 Hispanic females who comprise .054% of the Grade 12 workforce. There are 8 Asian males and 22 Asian females who comprise .045% of the Grade 12 workforce. There is 1 American Indian male and 1 American Indian female who comprise .0030% of the Grade 12 workforce. There are 4 males and 3 females who identified themselves as 2 or more races and comprise .0104% of the Grade 12 workforce.

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Grade 11

There are 313 employees who are at Grade 11, of whom 96 are male and 217 are female who make up 100 % of the Grade 11 workforce. There are 50 White females and 77 White males who make up 40.58% of the Grade 11 workforce. There are 25 Black males and 102 Black females who make up 40.58% of the workforce. There are 10 Hispanic males and 14 Hispanic females who make up .0767% of the Grade 11 workforce. There are 8 Asian males and 20 Asian females who make up .089% of the Grade 11 workforce. There is one male American Indian who makes up .003 of the Grade 11 workforce. There are 2 males and 4 females who identify as 2 or more races and make up .019% of the Grade 11 workforce.

Grade 10

There is one employee who is a Hispanic female at the Grade 10 level who makes up 100% of the Grade 10 workforce.

Grade 9

At the Grade 9 level, there are 163 employees who make up 100% of the Grade 9 workforce, of whom 41 are male and 12 are female. There are 19 White males and 33 White females who make up 31.9 % of the Grade 9 workforce. There are 18 Black males and 77 Black females who make up 58.28% of the Grade 9 workforce. There are 2 Hispanic females and 3 Hispanic males who make up .03 % of the Grade 9 workforce. There are 2 Asian males and 6 Asian females who comprise .049% of the Grade 9 workforce. There are 3 females who describe themselves as 2 or more races and who make up .0184 % of the Grade 9 workforce.

Grade 8

At the Grade 8 level, there are 47 employees of whom 6 are male and 41 are female and make up 100% of the Grade 8 workforce. There are 3 White Males and 5 White females who make up 17% of the Grade 8 workforce. There are 3 Black males and 31 Black females who make up 72.34% of the Grade 8 workforce. There are 3 Hispanic females that represent .0638% of the Grade 8 workforce. There are 2 Asian females that represent .043% of the Grade 8 workforce.

Grade 7

There are 97 employees at the Grade 7 level that made up 100% of the Grade 7 workforce, of whom 26 are male and 71 are female. There are 9 White males and 21 White females that make up 30.93% of the Grade 7 workforce. There are 15 Black males and 40 Black females who

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comprise 56.70 % of the Grade 7 workforce. There are 2 Hispanic males and 5 Hispanic females that make up .072 % of the grade 7 workforce. There is one Asian female that makes up .010 % of the Grade 7 workforce. There are 2 American Indian females who make up .020% % of the Grade 7 work force and 2 females who describe themselves as 2 or more races and make up, 030% of the Grade 7 workforce.

Grade 6

At the Grade 6 level, there are 15 employees, 6 males and 9 females who make up 100% of the grade 6 workforce. Of these, 2 are white females who make up .13% of the Grade 6 workforce. There are 6 Black males and 6 Black females that make up 80% of the Grade 6 workforce. There is 1 Asian female who makes up .067% of the Grade 6 workforce.

Grade 5

There are 15 employees at the Grade 5 level, of whom 6 are male and 9 are female and make up 100% of the Grade 5 employees. Of these, there are 3 White males and 3 White females who comprise 40 % of the Grade 5 workforce; 3 Black males and 5 Black females who comprise 53.33% of the grade 5 workforce; and, 1 Hispanic female who comprises .067% of the Grade 5 workforce.

Grade 4

At the Grade 4 level, there are 11 employees, 7 males and 4 females who represent 100% of the Grade 4 workforce. Of these, 4 are white males and 1 is a White female or 45.45% of the Grade 4 workforce. There are 3 Black males and 2 Black females who make up 45.45% of the Grade 4 workforce. There is 1 Asian female who makes up .09% of the Grade 4 workforce.

Grade 3

At the Grade 3 level, there is one employee, a white female who makes up 100% of the Grade 3 workforce.

Grade 2

At the Grade 2 level, there are 3 employees, 2 males and 1 female making up 100% of the Grade 2 level employees. Of these, 1 is a White male, 1 is a White female who make up 67% of the Grade 2 workforce and 1 is a Black male who makes up 33% of the Grade 2 workforce.

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Grade 1

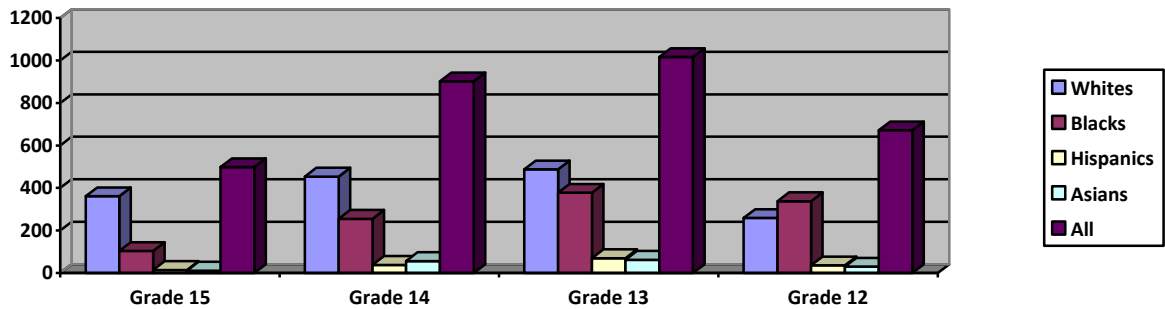
There are no employees at the Grade 1 level.

Starting at the Grade 9 level and moving downward, Blacks make up a disproportionate number of the workforce at the lower grade levels at ED. Within the Grade 9 level, the Black workforce is 58.28%. Within the Grade 8 level, the Black workforce is 72.34%. Within the Grade 7 level, Blacks comprise 72.34% of the workforce at ED. Within Grade 6, Blacks comprise 80% of the workforce. Within Grade 5, Blacks make up 53.33% of the workforce. Within Grade 4, Blacks are 45.45% of the workforce. Within Grade 3, Blacks account for 33% of the Grade 2 workforce. There are no Black employees in Grades 1 and 3.

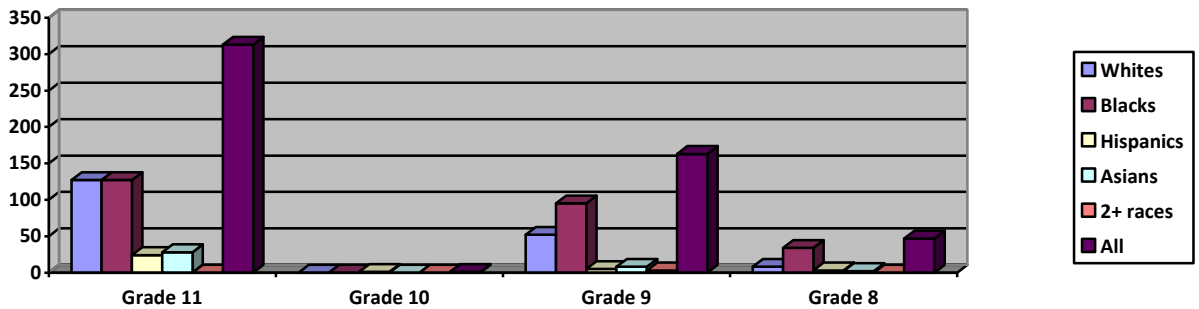
Charts 1, 2 and 3 are based on the data from 201211.

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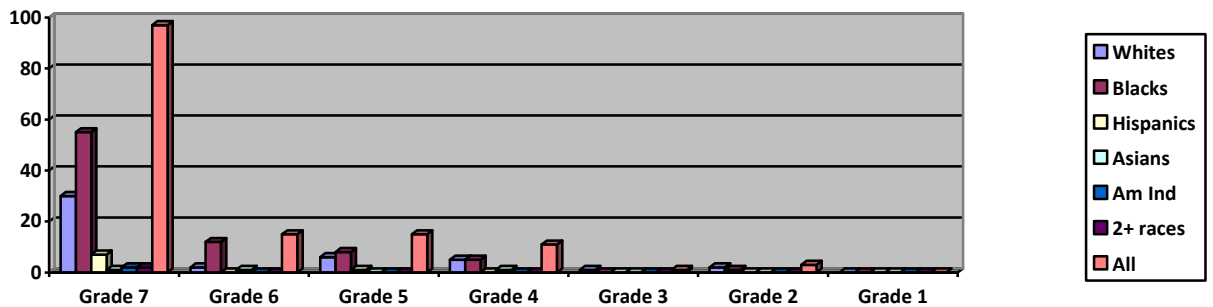
**Chart 1 of Numbers of Employees by Race at the U. S. Department of Education in
Grades 12-15**



**Chart 2: Number of Employees by Race at the U.S. Department of Education
in Grades 7-11**



**Chart 3: Number of Employees by Race at the U.S. Department of Education
in Grades 1-7**



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The large percentage of Blacks in the lower grade levels relative to other racial groups does suggest a need for promotions to higher grade levels. Similarly, the percentages of Blacks at ED, given their numbers in Washington, D.C. and surrounding Prince George's County suggest the U.S. Department of Education data may better represent the true picture if data were compiled at a regional level to reflect higher geographical numbers of Black employees in D.C. and the surrounding communities.

The already documented 2.1% drop in the number of Black employees at the U.S. Department of Education since 2000 (Clinton administration) is troubling, particularly in light of President Obama's initiatives. One would expect a substantial increase in the size of the Black workforce at ED rather than a drop.

Evidence of Shortages of Blacks by Gender in Selected Grades from the U.S. Department of Education Fiscal Year 2011 Report: Annual EEO Program Status Report from the Office of Management, Equal Employment Opportunity Services

ED includes "Key Points" from the Annual Self - Assessment of a Model EEO Program on page 7 of the report that indicate the agency conducted an agency wide "barrier analysis" based on guidance from the EEOC MD 715 report that included "... dialogues and meetings with employee groups, affinity groups...". As a result of this work, the agency identified the following trigger for FY 2011 barrier analysis:

- Participation rate of Black females in mid-grade and senior grade levels (15.76% and 13.62%, respectively)

The low rate of participation of Black females in mid- and senior grade levels relative to their numbers in government indicate a need to increase promotional opportunities for Black females to these grades. While it has long been suspected that the participation rates were low relative to the number of Black females in these positions, the FY 2011 barrier analysis provides the data to substantiate this belief. Past Clinton and Bush administrations clumped the numbers of employees by race into the component category of Grades 13-15. This record keeping device made it impossible to accurately determine the number of employees by race and gender in each of these grade levels making it impossible to determine specific grade level shortages by race and gender.

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Agency Implementation of Executive Order

In July 2012, BIG National President, M. David Reeves sent a letter to agency heads and presidents of BIG chapters apprising them of the failure of the Obama administration to deliver on the promises equal access and inclusion of Executive Order 13583 (see Executive Order 13583 in the Appendix). As a result, BIG chapters took various steps. At ED, we submitted our concerns to the Secretary and asked for a response. The agency official charged with a response, Melissa Hatfield, did not directly answer our inquiries on M. David Reeves' letter. She did, however, respond to our request for information on adverse actions.

In an article "[Federal Employees Face Uphill Battle to Improve the Worst Agencies](#)," Matthew Tully, identified the 10 worst federal agencies to work for per the employee viewpoint survey for 2011/2010. ED was the 6th worst with a very small improvement in rating from 57.8 to 57.3.

1. Department of Labor (DOL, 60.0/62.3)
2. Department of Energy (DOE, 59.6/62.9)
3. Department of Transportation (DOT, 59.5/60.4)
4. Securities and Exchange Commission (SEC, 58.3/62.0)
5. Small Business Administration (SBA, 57.9/57.7)
6. Department of Education (57.8/57.3)
7. U.S. Agency of International Development (USAID, 57.7/59.8)
8. Department of Homeland Security (DHS, 56.6/58.6)
9. Department of Housing and Urban Development (HUD, 55.7/57.1)
10. National Archives and Records Administration (NARA, 53.0/57.1)

The author indicated the only way improvement would be made was if employees took the following steps to improve their workplaces:

- Filing an Equal Employment Opportunity (EEO) charge if they've been subjected to discrimination, harassment, or a hostile work environment;
- Challenging an unsatisfactory performance rating through an agency's internal grievance process or filing a complaint with the applicable body if the appraisal is based on discrimination or another prohibited personnel action;

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- Appealing an adverse personnel action, such as removal, suspension, reprimand or demotion, to the U.S. Merit Systems Protection Board (MSPB);
- Reporting violations of law, rule or regulation, gross mismanagement, gross waste of funds, and/or abuses of authority to the Office of Special Counsel (OSC) or other entity;
or
- Challenging personnel actions based on illegal reasons.

The Status of the ED Workforce by Race during the Bush Administration Compared to First Term Mid-Term Obama Data

There were a total of 4,302 employees in the Bush administration for the pay period in this report compared to a total of 4,018 employees at the U.S. Department of Education for pay period 11 in 2012 in the Obama administration. If there was any question of the status of the Black workforce at the end of the second George W. Bush administration towards the end of 2008, reviewers should examine the data. There were 1,147 Black females and 352 Black males in the Bush administration compared to 1,089 Black females and 383 Black males in the Obama administration reported on p.2 of this document. The numbers of Black males increased in the Obama administration while the number of Black females dropped compared to the numbers reported in the Bush administration. Similarly, there were 113 Hispanic females and 83 Hispanic males in the George W. Bush administration compared to 119 Hispanic females and 89 Hispanic male employees in the Obama administration, representing increases in the Obama administration, consistent with initiatives to increase the number of Hispanics in the federal government. In terms of Asians, there were 119 females and 71 males in the Bush administration compared to 138 females and 77 Asian males in the Obama administration, representing increases in both males and females. In terms of whites, there were 1,274 white females and 1,077 white males in the Bush administration compared to 1,129 white females and 1,495 white males in the Obama administration, representing an increase in white males and a decrease in white women. There were three Native Hawaiian females in the Bush administration compared to two Native Hawaiian females in the Obama administration. There were 27 females and 14 males who identified as American Indian or Native Alaskan in the Bush administration compared to 13 females and 10 males in the Obama administration. There were 18 females and 4 males who identified themselves as 2 or more races in the Bush administration compared to 23 females and 13 males in the Obama administration, representing increases in both genders.

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BIG Recommendations Specific to ED

Manager Training Across ED

It should be noted that late in the first Obama term, Secretary Duncan announced required manager training on diversity. While the U.S. Department of Education Chapter of Blacks In Government (BIG) applauds those efforts, past efforts have not been successful. Indeed, although manager training is offered at ED, many choose not to take it. Further, the managers' training, as described, is so general that it is not clear that managers would know, as a result of training, how to supervise African American, Hispanic, disabled people or gay, lesbian and transgender employees. Nor is it clear that managers would be advised to make opportunities for training and advancement available to all employees, irrespective of race, creed, color, gender, or national origin. BIG believes management training must be specific to include cultural differences in work experiences because of the exceptionally intrinsic high level of favoritism based on racial groups at the U.S. Department of Education that, while changing, is still prevalent. BIG believes there is still a culture of "white entitlement" and "white superiority" in choice assignments and exposure that permeates the agency.

While the Obama Administration under the leadership of Secretary Arne Duncan has done much to increase the visibility of minorities across the agency, the vestiges of racial preferences continue due to SES and Grade 15 level managers with 20 or more years of experience at ED who still take more adverse actions against African Americans compared to whites, given their respective numbers in the workforce. Some of these managers, many with pending EEO complaints, have been rewarded, even in the Obama administration, with bonuses, sending the message to them that it is all right to discriminate. The really difficult issue is the continuing acceptance and expectations these managers give younger employees who are being trained under them, to discriminate in the same ways, often with the full protection of the agency. Indeed, there is no absolute training authority and requirement for managers and most managers choose not to participate in the training that is offered. Nor are they directed to training as a result of EEO grievances, real or perceived, proven or not, against them.

Of course, to be beneficial, the manager training diversity curriculum should be very specific on the "how to manage" perspective and should demonstrate examples of managers' behaviors that indicate favoritism. For instance, if, as a manager, you send a White employee for a site visit so that employee can go to the homecoming week-end events, you are demonstrating favoritism. If you allow a White employee who is a stroke victim to stay at home for years, supposedly teleworking and supervising as a 100% time teleworking employee while not allowing other

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workers to telework, you are demonstrating favoritism. As of now, most African American employees see evidence of “cliques” and “favorites” getting special treatment by many managers, even those in primary offices that have received awards for performance. They rarely see evidence that assignments, promotions, bonuses and step increases are done by merit. Despite the attainment of relevant degrees, African Americans have been denied opportunities at ED. In OII, the first African American went to a one week SES training opportunity paid for by ED for the first time in the history of the office. While this is commendable and promising, the individual may have profited from a more robust and longer term curriculum.

ED Data Analysis Corrections Needed

Data analysis in the Washington, D.C. federal agencies would be more accurate if the agency analyzed its actual employee population against statistics in the counties and states in which current employees actually live. Clearly, a large number of Black employees at ED live in Prince George’s County, Washington, D.C. and surrounding counties with larger numbers of Blacks in the population. To compare and contrast these employees against national data is inaccurate when projecting expectations of employee populations. To do so, as is currently done, is to minimize the need for Black males and females locally due to comparison with national demographic data. Just as you would not expect large numbers of Black employees in South Dakota because of low numbers of Blacks living in South Dakota, you would expect large numbers of Black employees in the workforce given their residency in the Washington, D.C. metropolitan area. Of course, the same can be true for other minorities as well. Many minorities are similarly under estimated due to national comparisons with their census numbers in the overall population in the USA rather than local comparative data.

Additionally, data on leadership courses, tuition remission programs, ratings and awards, adverse actions and other collected data reviewed for this report would more effectively facilitate agency understanding of the role of race and gender in equity at ED if collected to include demographic data. When race is excluded, it is difficult to tell how many Blacks relative to other races are terminated during their probationary period or for adverse actions. Demographic data that contributes towards decision- making can only enhance our understanding of the complex nature of race and gender in terms of real and perceived discrimination and bias at the U.S. Department of Education.

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ED Leadership Program Promotional Opportunities

While ED may be doing a better job of inclusion for leadership as a result of a myriad of programs, it is less clear that these training programs are leading to supervisory roles and grade level promotions. Here again, data is needed on the race of those completing leadership training and the promotional and supervisory opportunities this training affords completers. ED could benefit from a mechanism to track and monitor the graduates of leadership programs by race and gender.

Other Data Reports and Indicators of the Status of the African American Federal Workforce

The online [Gateway Pundit](#) reports “*An Office of Personnel Management report says that in fiscal year 2010, the federal workforce was 66.2 percent white, 17.7 percent black, 8 percent Hispanic, 5.6 percent Asian/Pacific Islander and 1.8 percent Native American. It was 56.1 percent male.*” As a result, on Thursday, August 18, 2011, President Obama ordered a new plan to diversity the Federal Workforce. Executive Order 13583-- Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce. The initiative was intended to increase the participation of Hispanics, Veterans and the Disabled (See Appendix A). The order doesn't address low percentages of Asian/Pacific Islanders or Native Americans. Nor does the order indicate the number of Black veterans currently in the Federal Workforce.

Although African Americans made up 17.7% of the Federal Workforce in fiscal year 2010, they only represented 10.1% of the civilian workforce, according to online [GovCentral at 7](#). The difference in federal and civilian workforce employment suggests very liberal government hiring practices until you include geography with so much of the federal workforce based in the Washington, D.C. metropolitan area. The report goes on to cite the following statistics, summarized from the Federal Equal Opportunity Recruitment Program report (FEORP) for fiscal year 2004 that was released to Congress in May 2005 under the George W. Bush administration. At the time, African Americans made up 17.4 percent of the federal workforce, as compared to 10.1 percent of the civilian labor force. But the percentage of African Americans dropped dramatically with each rise in job grade. At the time, they held 27.6 percent of the lowest positions (GS 1-4), 25.8 percent of GS 5-8, 15.7 percent of GS 9-12, 10.9 percent of GS 13-15 and just 6.9 percent of Senior Pay levels.

It should be noted that agencies like ED, long kept clumping the numbers of Grade 13 with Grade 14 and Grade 15 employees to mask their underrepresentation at the Grade 14 and Grade 15 levels. The report goes on to say “Asian Americans and Pacific Islanders represent 4.9 percent of federal employees and 4 percent of the civilian workforce. They too are

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underrepresented at Senior Pay levels, representing 5.9 percent of GS 1-4 pay grades but just 2.6 percent at the Senior Pay grade. American Indians form 1.9 percent of the federal workforce but make up 0.8 percent of the civilian labor force. Job grade participation ranges from 5 percent at GS 1-4 to 2.9 percent at GS 5-8 to only 0.8 percent at the Senior Pay level. Hispanics make up just 7.3 percent of the federal workforce versus 12.6 percent of the civilian labor force. They hold about 9 percent of the GS 1-4 and 5-8 job grade positions and 3.4 percent of Senior Pay-level jobs.”

The report goes on to say under **Representation Among Agencies and Departments**, “Minority hiring patterns also vary by government agency and department when representation is compared to that in relevant civilian job roles. According to the 2004 FEORP report, African Americans are well represented at the departments of Education, Housing and Urban Development, Veterans Affairs and Treasury.” The available data indicates more African Americans at the lower grade levels at ED and a shortage of African American women at the SES level. The report goes on to quote an African American male, then chair of the National Organization of Blacks In Government (BIG), Farrell Chiles as saying “For African Americans in government, it can be hard to move up the ladder, especially into SES [Senior Executive Service] positions, if you don’t have a mentor. A lot of African Americans leave government for better opportunities in corporate America, where the only thing that matters is what you can add to the bottom line. Chiles notes that while many agencies encourage African Americans to take tests and advance in grade, Blacks are often competing against other minorities, or veterans.”

According to the [AllGov website, in a July 28, 2010 article](#), by David Wallechinsky and Noel Brinkerhoff, “White women make up 33.7% of the civilian labor force, but only 26.6% of the federal work force. African-American women, on the other hand, are only 5.7% of the civilian labor force, but 10.3% of the federal work force. White males account for 39% of both the civilian and federal work forces. “These disparities suggest more liberal hiring practices across federal agencies. The data can and has been used by conservative groups to attempt to curb minority participation in government.

The same report indicates: “... that among General Schedule salaried federal employees, men earn an average of \$6,000 a year more than women.” Discrepancies also showed up by race. “The average salary for Asian federal General Schedule employees was \$49,604; whites \$46,598; Latinos \$45,044; African-Americans \$40,949; and Native Americans \$40,783.” These findings demonstrate how data can be interpreted differently, depending on who is doing the interpretation.

While we are optimistic with the Presidential Executive Orders that have supported underrepresented groups in and outside of government, we are advocating enforcement across ED to make sure the privileges of a few are not at the expense of others. Whenever hiring laws

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are violated with agency officials not only winking as friends and relatives are hired but are rewarding senior level managers for these and other similar actions, the entire agency suffers. Sometimes the result is low scores on employee viewpoint surveys and other times there are law suits, EEO complaints and civil court actions. The ED Chapter of Blacks In Government (BIG) is committed to joining forces with the administration in promoting and seeing that federal rules and regulations are enforced to bring equity to all employees, irrespective of race, creed, sexual orientation, religion or gender.

Selected White House Initiatives that impact the federal work force and African Americans during the first term of President Obama, along with U.S. Department of Education Blacks In Government (BIG) responses to selected initiatives and proposals are recounted in the Appendix of this document for reference. Data from leadership courses, terminations and other confidential data sources are intentionally excluded from this document but were reviewed for the purpose of recommendations.

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APPENDICES

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Appendix A

**Appendix A: ED Employee Ethnicity by Gender Data from the Bush
Administration**

Ethnicity	Gender	Total	Percentage
1) HISPANIC or LATINO	F	113	2.63%
1) HISPANIC or LATINO	M	83	1.93%
2) WHITE	F	1,274	29.61%
2) WHITE	M	1,077	25.03%
3) BLACK or AFRICAN AMERICAN	F	1,147	26.66%
3) BLACK or AFRICAN AMERICAN	M	352	8.18%
4) ASIAN	F	119	2.77%
4) ASIAN	M	71	1.65%
5) NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	F	3	0.07%
6) AMERICAN INDIAN or ALASKA NATIVE	F	27	0.63%
6) AMERICAN INDIAN or ALASKA NATIVE	M	14	0.33%
7) TWO OR MORE RACES	F	18	0.42%
7) TWO OR MORE RACES	M	4	0.09%
Total		4302	

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Appendix B

Appendix B: Executive Order 13583

**Executive Order 13583-- Establishing a Coordinated Government-wide Initiative to
Promote Diversity and Inclusion in the Federal Workforce**

EXECUTIVE ORDER

ESTABLISHING A COORDINATED GOVERNMENT-WIDE INITIATIVE TO PROMOTE
DIVERSITY AND INCLUSION IN THE FEDERAL WORKFORCE

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote the Federal workplace as a model of equal opportunity, diversity, and inclusion, it is hereby ordered as follows:

Section 1. Policy. Our Nation derives strength from the diversity of its population and from its commitment to equal opportunity for all. We are at our best when we draw on the talents of all parts of our society, and our greatest accomplishments are achieved when diverse perspectives are brought to bear to overcome our greatest challenges.

A commitment to equal opportunity, diversity, and inclusion is critical for the Federal Government as an employer. By law, the Federal Government's recruitment policies should "endeavor to achieve a work force from all segments of society." (5 U.S.C. 2301(b)(1)). As the Nation's largest employer, the Federal Government has a special obligation to lead by example. Attaining a diverse, qualified workforce is one of the cornerstones of the merit-based civil service.

Prior Executive Orders, including but not limited to those listed below, have taken a number of steps to address the leadership role and obligations of the Federal Government as an employer. For example, Executive Order 13171 of October 12, 2000 (Hispanic Employment in the Federal Government), directed executive departments and agencies to implement programs for recruitment and career development of Hispanic employees and established a mechanism for identifying best practices in doing so. Executive Order 13518 of November 9, 2009 (Employment of Veterans in the Federal Government), required the establishment of a Veterans Employment Initiative. Executive Order 13548 of July 26, 2010 (Increasing Federal Employment of Individuals with Disabilities), and its related predecessors, Executive Order 13163 of July 26, 2000 (Increasing the Opportunity for Individuals With Disabilities to be

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Employed in the Federal Government), and Executive Order 13078 of March 13, 1998 (Increasing Employment of Adults With Disabilities), sought to tap the skills of the millions of Americans living with disabilities.

To realize more fully the goal of using the talents of all segments of society, the Federal Government must continue to challenge itself to enhance its ability to recruit, hire, promote, and retain a more diverse workforce. Further, the Federal Government must create a culture that encourages collaboration, flexibility, and fairness to enable individuals to participate to their full potential.

Wherever possible, the Federal Government must also seek to consolidate compliance efforts established through related or overlapping statutory mandates, directions from Executive Orders, and regulatory requirements. By this order, I am directing executive departments and agencies (agencies) to develop and implement a more comprehensive, integrated, and strategic focus on diversity and inclusion as a key component of their human resources strategies. This approach should include a continuing effort to identify and adopt best practices, implemented in an integrated manner, to promote diversity and remove barriers to equal employment opportunity, consistent with merit system principles and applicable law.

Sec. 2. Government-Wide Diversity and Inclusion Initiative and Strategic Plan. The Director of the Office of Personnel Management (OPM) and the Deputy Director for Management of the Office of Management and Budget (OMB), in coordination with the President's Management Council (PMC) and the Chair of the Equal Employment Opportunity Commission (EEOC), shall:

(a) establish a coordinated Government-wide initiative to promote diversity and inclusion in the Federal workforce;

(b) within 90 days of the date of this order:

(i) develop and issue a Government-wide Diversity and Inclusion Strategic Plan (Government-wide Plan), to be updated as appropriate and at a minimum every 4 years, focusing on workforce diversity, workplace inclusion, and agency accountability and leadership. The Government-wide Plan shall highlight comprehensive strategies for agencies to identify and remove barriers to equal employment opportunity that may exist in the Federal Government's recruitment, hiring, promotion, retention, professional development, and training policies and practices;

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- (ii) review applicable directives to agencies related to the development or submission of agency human capital and other workforce plans and reports in connection with recruitment, hiring, promotion, retention, professional development, and training policies and practices, and develop a strategy for consolidating such agency plans and reports where appropriate and permitted by law; and
 - (iii) provide guidance to agencies concerning formulation of agency-specific Diversity and Inclusion Strategic Plans prepared pursuant to section 3(b) of this order;
- (c) identify appropriate practices to improve the effectiveness of each agency's efforts to recruit, hire, promote, retain, develop, and train a diverse and inclusive workforce, consistent with merit system principles and applicable law; and
- (d) establish a system for reporting regularly on agencies' progress in implementing their agency-specific Diversity and Inclusion Strategic Plans and in meeting the objectives of this order.

Sec. 3. Responsibilities of Executive Departments and Agencies. All agencies shall implement the Government-wide Plan prepared pursuant to section 2 of this order, and such other related guidance as issued from time to time by the Director of OPM and Deputy Director for Management of OMB. In addition, the head of each executive department and agency referred to under subsections (1) and (2) of section 901(b) of title 31, United States Code, shall:

- (a) designate the agency's Chief Human Capital Officer to be responsible for enhancing employment and promotion opportunities within the agency, in collaboration with the agency's Director of Equal Employment Opportunity and Director of Diversity and Inclusion, if any, and consistent with law and merit system principles, including development and implementation of the agency-specific Diversity and Inclusion Strategic Plan;
- (b) within 120 days of the issuance of the Government-wide Plan or its update under section 2(b)(i) of this order, develop and submit for review to the Director of OPM and the Deputy Director for Management of OMB an agency-specific Diversity and Inclusion Strategic Plan for recruiting, hiring, training, developing, advancing, promoting, and retaining a diverse workforce consistent with applicable law, the Government-wide Plan, merit system principles, the agency's overall strategic plan, its human capital plan prepared pursuant to Part 250 of title 5 of the Code of Federal Regulations, and other applicable workforce planning strategies and initiatives;
- (c) implement the agency-specific Diversity and Inclusion Strategic Plan after incorporating it into the agency's human capital plan; and

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(d) provide information as specified in the reporting requirements developed under section 2(d).

Sec. 4. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted to a department or agency or the head thereof, including the authority granted to EEOC by other Executive Orders (including Executive Order 12067) or any agency's authority to establish an independent Diversity and Inclusion Office; or

(ii) functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

THE WHITE HOUSE,
August 18, 2011

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Appendix C

**Appendix C: Executive Order –White House Initiative on
Educational Excellence for African Americans**

EXECUTIVE ORDER

WHITE HOUSE INITIATIVE ON EDUCATIONAL EXCELLENCE
FOR AFRICAN AMERICANS

By the authority vested in me as President by the Constitution and the laws of the United States of America, to restore the country to its role as the global leader in education, to strengthen the Nation by improving educational outcomes for African Americans of all ages, and to help ensure that all African Americans receive an education that properly prepares them for college, productive careers, and satisfying lives, it is hereby ordered as follows:

Section 1. Policy. Over the course of America's history, African American men and women have strengthened our Nation, including by leading reforms, overcoming obstacles, and breaking down barriers. In the less than 60 years since the *Brown v. Board of Education* decision put America on a path toward equal educational opportunity, America's educational system has undergone a remarkable transformation, and many African American children who attended the substandard segregated schools of the 1950s have grown up to see their children attend integrated elementary and secondary schools, colleges, and universities.

However, substantial obstacles to equal educational opportunity still remain in America's educational system. African Americans lack equal access to highly effective teachers and principals, safe schools, and challenging college-preparatory classes, and they disproportionately experience school discipline and referrals to special education. African American student achievement not only lags behind that of their domestic peers by an average of two grade levels, but also behind students in almost every other developed nation. Over a third of African American students do not graduate from high school on time with a regular high school diploma, and only four percent of African American high school graduates interested in college are college-ready across a range of subjects. An even greater number of African American males do not graduate with a regular high school diploma, and African American males also experience disparate rates of incarceration.

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Significantly improving the educational outcomes of African Americans will provide substantial benefits for our country by, among other things, increasing college completion rates, productivity, employment rates, and the number of African American teachers. Enhanced educational outcomes lead to more productive careers, improved economic opportunity, and greater social well-being for all Americans. Complementing the role of Historically Black Colleges and Universities (HBCUs) in preparing generations of African American students for

successful careers, and the work of my Administration's separate White House Initiative on Historically Black Colleges and Universities, this new Initiative's focus on improving all the sequential levels of education will produce a more effective educational continuum for all African American students.

To reach the ambitious education goals we have set for our Nation, as well as to ensure equality of access and opportunity for all, we must provide the support that will enable African American students to improve their level of educational achievement through rigorous and well-rounded academic and support services that will prepare them for college, a career, and a lifetime of learning.

Sec. 2. White House Initiative on Educational Excellence for African Americans.

(a) Establishment. There is hereby established the White House Initiative on Educational Excellence for African Americans (Initiative), to be housed in the Department of Education (Department). There shall be an Executive Director of the Initiative, to be appointed by the Secretary of Education (Secretary). The Initiative shall be supported by the Interagency Working Group established under subsection (c) of this section and advised by the Commission established under section 3 of this order.

(b) Mission and Functions.

(1) The Initiative will help to restore the United States to its role as the global leader in education; strengthen the Nation by improving educational outcomes for African Americans of all ages; and help ensure that African Americans receive a complete and competitive education that prepares them for college, a satisfying career, and productive citizenship.

(2) The Initiative will complement and reinforce the Historically Black Colleges and Universities Initiative established by Executive Order 13532 of February 26, 2010, and together, they both will support enhanced educational outcomes for African Americans at every level of the American education system, including early childhood education; elementary, secondary, and postsecondary education; career and technical education; and adult education.

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(3) To help expand educational opportunities, improve educational outcomes, and deliver a complete and competitive education for all African Americans, the Initiative shall, consistent with applicable law, promote, encourage, and undertake efforts designed to meet the following objectives:

(i) increasing general understanding of the causes of the educational challenges faced by African American students, whether they are in urban, suburban, or rural learning environments;

(ii) increasing the percentage of African American children who enter kindergarten ready for success by improving their access to high-quality programs and services that enable early learning and development of children from birth through age 5;

(iii) decreasing the disproportionate number of referrals of African American children from general education to special education by addressing the root causes of the referrals and eradicating discriminatory referrals;

(iv) implementing successful and innovative education reform strategies and practices in America's public schools to ensure that African American students receive a rigorous and well-rounded education in safe and healthy environments, and have access to high-level, rigorous course work and support services that will prepare them for college, a career, and civic participation;

(v) ensuring that all African American students have comparable access to the resources necessary to obtain a high-quality education, including effective teachers and school leaders, in part by supporting efforts to improve the recruitment, preparation, development, and retention of successful African American teachers and school leaders and other effective teachers and school leaders responsible for the education of African American students;

(vi) reducing the dropout rate of African American students and helping African American students graduate from high school prepared for college and a career, in part by promoting a positive school climate that does not rely on methods that result in disparate use of disciplinary tools, and by supporting successful and innovative dropout prevention and recovery strategies that better engage African American youths in their learning, help them catch up academically, and provide those who have left the educational system with pathways to reentry;

(vii) increasing college access and success for African American students and providing support to help ensure that a greater percentage of African Americans complete college and contribute to the goal of having America again lead the world in the proportion of adults who are college graduates by 2020, in part through strategies to strengthen the capacity of institutions of higher

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education that serve large numbers of African American students, including community colleges, HBCUs, Predominantly Black Institutions (PBIs), and other institutions; and

(viii) enhancing the educational and life opportunities of African Americans by fostering positive family and community engagement in education; reducing racial isolation and resegregation of elementary and secondary schools to promote understanding and tolerance among all Americans; improving the quality of, and expanding access to, adult education, literacy, and career and technical education; and increasing opportunities for education and career advancement in the fields of science, technology, engineering, and mathematics.

(4) In working to fulfill its mission and objectives, the Initiative shall, consistent with applicable law:

(i) identify evidence-based best practices that can provide African American students a rigorous and well-rounded education in safe and healthy environments, as well as access to support services, which will prepare them for college, a career, and civic participation;

(ii) develop a national network of individuals, organizations, and communities to share and implement best practices related to the education of African Americans, including those identified as most at risk;

(iii) help ensure that Federal programs and initiatives administered by the Department and other agencies are serving and meeting the educational needs of African Americans, including by encouraging agencies to incorporate best practices into appropriate discretionary programs where permitted by law;

(iv) work closely with the Executive Office of the President on key Administration priorities related to the education of African Americans;

(v) increase the participation of the African American community, including institutions that serve that community, in the Department's programs and in education-related programs at other agencies;

(vi) advise the officials of the Department and other agencies on issues related to the educational attainment of African Americans;

(vii) advise the Secretary on the development, implementation, and coordination of educational programs and initiatives at the Department and other agencies that are designed to improve educational opportunities and outcomes for African Americans of all ages; and

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(viii) encourage and develop partnerships with public, private, philanthropic, and nonprofit stakeholders to improve African Americans' readiness for school, college, and career, as well as their college persistence and completion.

(5) The Initiative shall periodically publish reports on its activities. The Secretary and the Executive Director of the Initiative, in consultation with the Working Group and the Chair of the Commission established under subsection (c) of this section and section 3 of this order, respectively, may develop and submit to the President recommendations designed to advance and promote educational opportunities and attainment for African Americans.

(c) Interagency Working Group.

(1) There is established the Federal Interagency Working Group on Educational Excellence for African Americans (Working Group), which shall be convened and chaired by the Initiative's Executive Director and that shall support the efforts of the Initiative described in subsection (b) of this section.

(2) The Working Group shall consist of senior officials from the Department, the White House Domestic Policy Council, the Department of Justice, the Department of Labor, the Department of Health and Human Services, the National Science Foundation, the Department of Defense, and such additional agencies and offices as the President may subsequently designate. Senior officials shall be designated by the heads of their respective agencies and offices.

(3) The Initiative's Executive Director may establish subgroups of the Working Group to focus on different aspects of the educational system (such as early childhood education, K-12 education, higher education (including HBCUs and PBIs), career and technical education, adult education, or correctional education and reengagement) or educational challenges facing particular populations of African Americans (such as young men, disconnected or out-of-school youth, individuals with disabilities, children identified as gifted and talented, single-parent households, or adults already in the workforce).

(d) Administration. The Department shall provide funding and administrative support for the Initiative and the Working Group, to the extent permitted by law and within existing appropriations. To the extent permitted by law, other agencies and offices represented on the Working Group may detail personnel to the Initiative, to assist the Department in meeting the objectives of this order.

(e) Collaboration Among White House Initiatives. The Initiative may collaborate with the White House Initiatives on American Indian and Alaska Native Education, Educational Excellence for Hispanics, Asian-American and Pacific Islanders, and (consistent with section 3(c) of this order)

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Historically Black Colleges and Universities, whenever appropriate in light of their shared objectives.

Sec. 3. President's Advisory Commission on Educational Excellence for African Americans.

(a) Establishment. There is established in the Department the President's Advisory Commission on Educational Excellence for African Americans (Commission).

(b) Commission Mission and Scope. The Commission shall advise the President and the Secretary on matters pertaining to the educational attainment of the African American community, including:

(1) the development, implementation, and coordination of educational programs and initiatives at the Department and other agencies to improve educational opportunities and outcomes for African Americans of all ages;

(2) efforts to increase the participation of the African American community and institutions that serve the African American community in the Department's programs and in education programs at other agencies;

(3) efforts to engage the philanthropic, business, nonprofit, and education communities in a national dialogue on the mission and objectives of this order; and

(4) the establishment of partnerships with public, private, philanthropic, and nonprofit stakeholders to meet the mission and policy objectives of this order.

The Commission shall meet periodically, but at least twice a year.

(c) Commission Membership and Chair.

(1) The Commission shall consist of not more than 25 members appointed by the President. The President shall designate one member of the Commission to serve as Chair. The Executive Director of the Initiative shall also serve as the Executive Director of the Commission and administer the work of the Commission. The Chair of the Commission shall work with the Executive Director to convene regular meetings of the Commission, determine its agenda, and direct its work, consistent with this order.

(2) The Commission may include individuals with relevant experience or subject-matter expertise that the President deems appropriate, as well as individuals who may serve as representatives of a variety of sectors, including the education sector (early childhood education,

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elementary and secondary education, higher education (including HBCUs and PBIs), career and technical education, and adult education), labor organizations, research

institutions, the military, corporate and financial institutions, public and private philanthropic organizations, and nonprofit and community-based organizations at the national, State, regional, or local levels.

(3) In addition to the 25 members appointed by the President, the Commission shall also include two members from the President's Board of Advisors on Historically Black Colleges and Universities (Board), designated by the President. In turn, the Board will henceforth include two members from the Commission, designated by the President. This reciprocal arrangement will foster direct communication and vital consultations that will benefit both bodies.

(4) The Executive Director of the Commission and the Executive Director of the Board shall convene at least one annual joint meeting between the Commission and the Board for the purpose of sharing information and forging collaborative courses of action designed to fulfill their respective missions. Such meetings shall be in addition to other prescribed meetings of the Commission or Board.

(5) The Executive Director of the Commission shall be a non-voting, ex officio member of the Board and shall be the Commission's liaison to the Board; and the Executive Director of the Board shall be a non-voting, ex officio member of the Commission and shall be the Board's liaison to the Commission.

(d) Commission Administration. The Department shall provide funding and administrative support for the Commission, to the extent permitted by law and within existing appropriations. Members of the Commission shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701-5707). Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (the "Act"), may apply to the administration of the Commission, any functions of the President under the Act, except that of reporting to the Congress, shall be performed by the Secretary, in accordance with the guidelines issued by the Administrator of General Services.

Sec. 4. General Provisions. (a) The heads of agencies shall assist and provide information to the Initiative as may be necessary to carry out the functions of the Initiative, consistent with applicable law.

(b) Nothing in this order shall be construed to impair or otherwise affect:

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- (1) the authority granted by law to an executive department, agency, or the head thereof; or
- (2) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- (c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
- (d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

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Appendix D

**Appendix D: ED BIG Submitted Justification for a Diversity &
Inclusion Office**

Submitted in 2012

**U.S. Department of Education Chapter of Blacks In Government
(BIG) Justification for a Diversity & Inclusion Office at the
U.S. Department of Education**

The U.S. Department of Education Chapter of Blacks In Government (BIG) respectfully requests the agency's Diversity and Inclusion Strategic Plan include the formation of a separate Diversity & Inclusion Office reporting directly to the Secretary of the U.S. Department of Education as the best organizational restructuring remedy for past barriers in meeting the three key goals of the Government-Wide Diversity and Inclusion Strategic Plan 2011 posted on the OPM website. We further believe the three goals; workforce diversity, workforce inclusion and sustainability, are extremely important in the evolution of the agency in its quest for creating a better workforce environment for all employees.

The U. S. Department of Education Chapter of Blacks In Government (BIG) believes a separate Diversity & Inclusion Office, reporting directly to the Secretary of the U.S. Department of Education, will avoid any confusion of issues and strategies for improvement, as current lenses may be colored by turf protection, turf policy implementation interpretations in each POC and management protectionism issues. The past well documented agency efforts to contain the Black employee workforce at ED to lower grade levels which resulted in the discrimination case settlement in 1999-2000, was settled when a number of Black employees were finally awarded the grades they worked for and should have attained had the agency been discrimination free. The former President of the U.S. Department of Education Chapter of Blacks In Government was in this category and despite promotion to a Grade 15, he was never assigned work commensurate with that grade.

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It is against this historical backdrop that the need for a separate Diversity and Inclusion Office reporting to the Secretary of Education is strongly recommended. Needless to say, although some of the managers and senior administrators have retired since the court case settlement, many are still here. We hope that all POC Executive Officers will be encouraged to develop and identify strategies they use now or have used in the past to both facilitate and block the hiring and promotion of Black and other minority group employees. As they develop this list, their strategies against those identified in the 1999-2000 court case findings may be helpful as a starting point of what not to do.

While the Government-Wide Diversity and Inclusion Strategic Plan 2011 provides an historical overview, vision and mission statements, operative definitions of terms and discussions of the three goals, the current Diversity Program Manager who sent out notices for this meeting and is also the President of the Lesbian, Gay, Bisexual, Transgender (LGBT) and Allied Employees affinity group, has identified the Office of Personnel Management and the Veteran Affairs Office as having Diversity & Inclusion offices headed by directors. The ED Chapter of Blacks in Government (BIG) believes the formation of a Diversity & Inclusion Office at ED will signal its independence of the EEOS office, the EEO Director and the HR Director while giving the Secretary of Education much needed unbiased information on the status of minority groups at ED from the perspective of those groups. We recommend the formation of the Diversity and Inclusion Office no later than October 1, 2012. The U.S. Department of Education Chapter of BIG is amazed at the slowness of this implementation at ED, given the 2011 Government-Wide Diversity and Inclusion Strategic Plan 2011 on the OPM website.

The U.S. Department of Education Chapter of Blacks In Government (BIG) further believes the organizational structure we propose will take care of the problems with the current organizational structure, described by AFGE/Local 2607 President Sharon Harris in an email to the U.S. Department of Education Chapter of BIG President, that highlights problems with the overlapping responsibilities of administrative offices at ED; specifically noted by a union attorney, “...a primary delegation of authority for administering the Agency’s EEO Programs (is assigned) to the Assistant Secretary for Management (ASM)..... The Order of Succession for OM delegates the functions and duties of the ASM to the Principal Deputy (OM). As a result, the Principal Deputy (OM) is delegated the authority to administer the Agency’s EEO programs, the Office of the ASM, as with all delegations, retains the authority delegated.” Unfortunately, the current organizational structure illustrates that OM (ASM/PD) has oversight over attributes of the legal defense arm as well as offices that pose competing and conflicting interests. The current organizational structure is as follows:

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- *OM Executive Office*
- *Alternative Dispute Resolution Center*
- *Security Services*
- *Human Capital and Client Services*
- *Management Services*
- *Office of Hearings and Appeals*
- *Privacy, Information and Records Management Services; and*
- *Equal Employment Opportunity Services”*

President Harris’ email further states union lawyer concerns that “...Although 29 CFR 1614.607 provides authority for the delegation of these functions to the agency head I am sure that those who developed this language did not intend it to be a contributing factor in the development of a EEOS program that nestles on conflict of interest, impartiality, and/or an infringement of “due process”.

Furthermore, 29 CFR 1614 guides the agency to make reasonable accommodations to the known physical or mental limitations of qualified applicants and employees with handicaps unless the accommodation would impose an undue hardship on the operation of the agency’s program. Unfortunately, the timeline for agency response to employees requesting reasonable accommodations is **unreasonable**. Oftentimes a response takes weeks, months, and in some cases has taken years. The very disturbing factor in most of these cases is the voluminous request for medical documentation by the agency which is no longer required under the ADA amendments. It would serve the agency well to move expeditiously in revising current internal policy to accurately reflect all the new requirements under ADAA.”

The U.S. Department of Education Chapter of Blacks In Government (BIG) believes that a new Diversity & Inclusion Office could effectively be led by a Senior Executive Service Corps professional recruited from the outside who could interview and hire or have re-assigned staff to complete the work of the office, given the agency’s current ability to fill positions after people retire, as publicly stated and in print as a quotation from former HR Director Robert Buggs (i.e. there is no hiring freeze).

The U.S. Department of Education Chapter of BIG believes the EEOS office as conveners, their development of the invitation lists and agenda items, including a Charter, without explanation, among many other issues, is presumptive without this affinity group’s input on the agenda or the charter. Nonetheless, we support and will work for workforce diversity, workforce inclusion and sustainability and hope these management conveners will do the same by starting to demonstrate

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more respect for all of the concerns of the affinity groups, as we move forward and start to think of an independent Diversity and Inclusion Office as a positive influence in support of the workforce. We believe management is already very well represented by the invitees and minority groups or affinity groups have less representation, depending on the group; for instance the very recently formed Parents Group that is already supported with workforce policies although the ones they have identified are very much needed. The application of the definition of affinity group appears to be very broad.

We wish to note that our concerns are very real and very serious. The Black workforce has dropped 2.1% from 2000 to now. We are in the process of locating and analyzing 2008 data to determine the impact of the Obama administration on the Black workforce at ED and anticipate the release of a more comprehensive report on the Black Workforce at ED no later than the end of the year. However, early indications suggest low numbers of Blacks in top level positions and high numbers of Blacks in lower level positions relative to currently available national workforce data.

As President Barack Obama said in issuing Executive Order 13583 and as he is quoted in the Government –Wide Diversity and Inclusion Strategic Plan, “Our nation derives strength from the diversity of its population and from its commitment to equal opportunity for all. We are at our best when we draw on the talents of all parts of our society, and our greatest accomplishments are achieved when diverse perspectives are brought to bear to overcome our greatest challenges.”

We agree and hope to be included as an active partner rather than simply a “yes to ED management organization”, as the agency proceeds with the development of a U.S. Department of Education-Wide Diversity and Inclusion Strategic Plan 2013. We believe the inclusion of a separate Diversity and Inclusion Office reporting directly to the Secretary of Education in the Strategic Plan will go a long way towards restoring credibility in the process while producing more accountability for this plan’s implementation among primary offices. The ultimate sustainability and usefulness of the U.S. Department of Education Diversity and Inclusion Strategic Plan 2013 will depend on its use and adherence of all offices to its principles, policies and implementation strategies. We are prepared to work on and have input into the development of the U.S. Department of Education-Wide Diversity and Inclusion Strategic Plan 2013.

Respectfully submitted by:

**U.S. Department of Education Chapter of Blacks In Government (BIG) Report:
the Status of the African American Workforce at the U.S. Department of
Education**

Wanda E. Gill, Ed.D., President, U.S. Department of Education Chapter of Blacks In Government (BIG) Date

Appendix E

**Appendix E: ED Reaction Plan for White House Initiative on
African Americans**

**The U.S. Department of Education Chapter of Blacks In
Government’s Reaction and Plan for the July 26, 2012 White House
Initiative on African Americans**

The U.S. Department of Education Chapter of Blacks In Government (BIG) applauds President Barack Obama for issuing the July 26, 2012 White House Initiative on Educational Excellence for African Americans. We are especially pleased that the policy that undergirds the initiative is based on the indisputable historical facts including the devastating and long lasting effects of segregation that wore away at the psyche of our children who were reminded, each day, of “their place” in schools with interior resources. We also applaud the president for recognizing the substantial equal access and treatment issues that remain. We wish to publicly thank former president George W. Bush for enacting the *No Child Left Behind* legislation that made clear the intend of the law, through funding formulas and other remedies, to press states to provide every child in America with skills and strategies through which they could improve their lives, irrespective of their race, color, creed or national origin. As Black employees in a federal agency that is still growing in its enforcement of equal opportunity as we seek higher level positions and protection from retaliatory actions by managers and supervisors, we are especially sensitive to educational outcomes in determining long term success. Even those of us with multiple degrees have felt retaliatory actions at all levels of government in most agencies, as has been indicated by our national president, David Reeves, in his call for agency enactment of other presidential executive orders. Therefore, we welcome and embrace efforts to improve and sustain educational and career options for our children.

The establishment of the White House Initiative on Educational Excellence for African Americans at the U.S. Department of Education, with the pre-school through college pipeline, will serve as a repository for research, best practices, action plans, standards, appropriate and relevant assessments, solutions to

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placements in both gifted and special educational programs. We are particularly encouraged by the close working relationship with the White House and see this mechanism as means to use the bully pulpit to encourage each state to remove barriers to the educational attainment of Black students and develop and disseminate their best practices so that others might learn.

We applaud the clearly stated mission and functions and offer the following plan of action to accomplish the work, to be adapted and used in whole or in part, in the implementation of the initiative.

1. Collect data and scholarly research articles on African American students' educational attainment including drop -out rates, enrollment in special education and gifted education classes relative to school district populations from pre-K through college.

THE BIG IDEA

- Partner with teachers, principals and guidance counselors and Parent Teachers Associations to help build effective tools for the Teachers' Toolkit.
- Conduct student viewpoint surveys and student experience surveys to give students an opportunity to provide feedback. Then develop a Toolkit for students.
- After the surveys are collected and analyzed, implement strategies the President's Initiative to determine what are some of the barriers. Feedback will differ geographically from city, state, county, urban and rural areas.
- Gather and utilize student and school performance data on barriers to new legislation, as well as successful achievement.
- Oversee a committee to design a new "No Child Left Behind" ED Pubs booklet. This impacts President Obama's new Executive Order as well as Closing the Achievement Gap and Brown vs. . Highlight 21st Century barriers to African American student progress. Disseminate to schools and the public.
- Strategize BIG IDEA Work Groups from all chapters, to implement dissolving the barriers and challenges to Closing the Achievement Gap, which impacts the new Executive Order. Disseminate to public. Develop Next Steps. Reward schools, teachers, innovators that contribute toward progress.

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- Invite students and teachers to share their experiences with dissolving barriers to and educational achievement for African American students.
- Facilitate and foundation for the “BIG Idea” knowledge base of What Works to support the new Executive Order. Highlight in BIG Newsletters.
- A Department-wide hyperlink for a designated webmail can be created by IT division to generate email feedback blog for members not belonging to BIG.
- Schedule Town Hall meetings via webcast and podcast, captioned, welcoming change from school leaders, academia, community leaders, lawmakers, stakeholders, advocates and mentors. Invite them to weigh in on brain storming ideas to implement Best Practices for the President’s Executive Order.
- Solicit fund-raising galas, and activities to support investments in this new initiative, from public, lawmakers, media, educational leaders, celebrities, and private entities and corporations. Get the word out and solicit support.
- Standards are a first step – a key building block – in providing African American students with a high-quality education. The Department has already established a Common Core Standards warehouse. Not just words on paper, or a vision, standards provide a reliable, accessible roadmap for our teachers, parents, and students and the community. They set clear realistic goals for success. Measuring these standards against achievement will help ensure students are excelling in their goals to transition to the workplace.
- Accountability to the Executive Order is an important second step to help African American students achieve. ED’s National Center for Education Statistics, (NCES), must gather and document data and reveal education statistics from K-12 to college. Besides statistics, this revelation should ensure the reality, that African American students, across the nation, are really being taught, nurtured and prepared to achieve success in the 21st century competitive workforce. History past and present, reveals the barriers to closing the Achievement Gap, which is a challenge and a quagmire of past and present generations.
- Developing a “ToolKit” is a key third step for Monitoring, Accountability and documenting data, surrounding this complex phenomenon. Monitoring this new Presidential Initiative in the classroom will help ensure that students are *consistently* receiving a high quality education nationwide, in every school that enrolls African American students. It will attest to the fact that barriers to closing the Achievement Gap in the classroom, are truly being torn down, swallowed up and eradicated. Monitoring should also provide greater opportunities to observe teachers’ best practices in every classroom and to provide technical assistance where needed will help bolster the Departments’ initiative to best serve the needs of African American students.

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- Finally, it takes a village to build bridges: ED's offices, in partnership with the Departments of Labor, Justice, Energy, NASA, NSF and many others, are building bridges as well as making inroads to elevate student success. Teachers, parents, relatives, communities, government, public and private entities are joining hands to form partnerships. Congress, the White House, advocates are mentoring to bolster and widen the opportunity pipeline. A composite entity ... all lending support to embolden this New Initiative to Improve Educational Outcomes for African Americans students. This Executive Order is a bright hope for their future and could prove to be a historical success when all weigh in. President Obama said "*In the unlikely story that is America, there's never been anything false about hope.*"

We are, however, concerned about the funding for the office and the work of the office being left to existing appropriations and strongly recommend a line item in the budget for this and the other White House Initiatives at ED in the White House budget, to be administered by ED somewhat like the pass through program the Department of Defense has with the Troops to Teacher Program at ED. We also recommend a line item budget of 1% of the budget for every other federal agency be allocated directly in support of this office. We believe the costs are well justified because of past resource discrimination and current resource restrictions with very few Black owned companies and contractors benefitting from government contractual services.

We also believe the Commission needs to meet monthly, at a minimum, given the scope of the work.

While public schools may be the initial focus of this initiative, we encourage the inclusion of incarcerated children in the model for educational access, high school, career and college attainment. In order to accomplish this, we advise an examination of the existing data and research on the educational attainment of incarcerated children with plans to increase their options while imprisoned.

Special thanks to the U.S. Department of Education Chapter of Blacks In Government (BIG) Executive Board and members for responding to this administrative initiative in a very short turn around time. A special thank you to Catherine Means for her thoughtful recommendations and input.