

Surface Transportation Board

For period covering October 1, 2017 to September 30, 2018

PART A Department or Agency Identifying Information	1. Agency	1. Surface Transportation Board		
	1.a 2nd level reporting component			
	2. Address	2. 395 E Street, SW		
	3. City, State, Zip Code	3. Washington, DC 20423		
	4. Agency Code 5. FIPS code(s)	4. TD15	5. 11001	

PART B Total Employment	1. Enter total number of permanent full-time and part-time employees	1. 110
	2. Enter total number of temporary employees	2. 3
	3. TOTAL EMPLOYMENT [add lines B 1 through 2]	4. 113

PART C	Title Type	Name	Title
Agency Official(s) Responsible For Oversight of EEO Program(s)	Head of Agency	Ann Begeman	Chairman
	Head of Agency Designee	Ann Begeman	Chairman
	Principal EEO Director/Official	Ebony R. Jarrett	EEO Director
	Affirmative Employment Program Manager	Ebony R. Jarrett	EEO Director
	Complaint Processing Program Manager	Ebony R. Jarrett	EEO Director
	Diversity & Inclusion Officer	Ebony R. Jarrett	EEO Director
	Hispanic Program Manager (SEPM)	Ebony R. Jarrett	EEO Director
	Women's Program Manager (SEPM)	Ebony R. Jarrett	EEO Director
	Disability Program Manager (SEPM)	Ebony R. Jarrett	EEO Director
	Special Placement Program Coordinator (Individuals with Disabilities)	Nilsa Grange	Human Resources Specialist
	Reasonable Accommodation Program Manager	Ebony R. Jarrett	EEO Director
	Anti-Harassment Program Manager	Ebony R. Jarrett	EEO Director
	ADR Program Manager	Ebony R. Jarrett	EEO Director
	Compliance Manager	Ebony R. Jarrett	EEO Director
Principal MD-715 Preparer	Ebony R. Jarrett	EEO Director	

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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	
Anti-Harassment Policy and Procedures	Y	Y	
EEO Policy Statement	Y	Y	
Organization Chart	Y	Y	
Reasonable Accommodation Procedure	Y	Y	
Personal Assistance Services Procedures	Y	Y	
Alternative Dispute Resolution Procedures	Y	Y	
Agency Strategic Plan	Y	Y	
Disabled Veterans Affirmative Action Program (DVAAP) Report	N	N	
Diversity Policy Statement	N	N	
Results from most recent Federal Employee Viewpoint Survey or Annual Employee Survey	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 Surface Transportation Board (Board, STB, or agency) is an independent adjudicatory and economic regulatory agency charged by Congress with resolving railroad rate and service disputes and reviewing proposed railroad mergers.

The STB is primarily charged with the economic oversight of the nation's freight rail system. The economics of freight rail regulation impact the national transportation network and are important to our nation's economy. For this reason, Congress gave the STB sole jurisdiction over rail mergers and consolidations, exempting STB-approved transactions from federal antitrust laws and state and municipal laws. The Board also has exclusive authority to determine whether certain railroad rates and practices are reasonable. While a majority of the Board's work involves freight railroads, the STB also performs certain oversight of passenger rail matters, the intercity bus industry, non-energy pipelines, household goods carriers' tariffs, and rate regulation of non-contiguous domestic water transportation (marine freight shipping involving the mainland United States, Hawaii, Alaska, Puerto Rico, and other U.S. territories and possessions).

The Board was established on January 1, 1996, to assume some of the regulatory functions formerly administered by the Interstate Commerce Commission (ICC) after the ICC was abolished. The bipartisan Board, while decisionally independent, was administratively aligned with the Department of Transportation until enactment of the Surface Transportation Board Reauthorization Act of 2015 (STB Reauthorization Act), Pub. L. No. 114-110, which established the Board as a fully independent agency on December 18, 2015.

EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F

STB'S ANNUAL SELF-ASSESSMENT AGAINST MD-715 ESSENTIAL ELEMENTS

Essential Element A: Demonstrated Commitment from STB Leadership

The STB's commitment to equal employment opportunity (EEO) is evident in the Board's Equal Employment Opportunity Policy, dated August 2, 2018, which reads, in part:

"The Surface Transportation Board (STB) is committed to equal opportunity in employment regardless of race, color, sex (including pregnancy, sexual orientation and gender stereotyping), national origin, religion, age (40 years and older), disability (physical and/or mental), genetic information, and/or for opposing discrimination or participating in the EEO process. The STB will continue to provide a workplace that is free from all forms of discrimination, harassment, and retaliation and that provides equal opportunity in all human capital and employment programs, management practices, and employment-based decisions."

The EEO Program contact information was posted on the STB's public webpage and throughout the STB's offices.

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

The STB's Strategic Plan for Fiscal Years (FY) 2018-2022 underscores the Board's commitment to attract and retain a highly effective and diverse workforce. The plan includes the following language:

Strategic Goal 4: Ensure Proper Agency Structure: "Recruit, retain, and train staff with a focus on critical needs, skills shortages, and diversity." To accomplish those goals, the STB undertook initiatives to ensure a diverse workforce that maximizes effective utilization of human capital.

Essential Element C: Management and Program Accountability

During FY 2018, the STB engaged in numerous actions to promote accountability of its EEO program, including, but not limited to, the following:

- Posted its FY 2017 Annual EEO Program Report on its public website in a Section 508-compliant format;
- Delivered its FY 2017 Annual EEO Program Report to the agency's senior leadership and the Chairman;
- Posted EEO complaint processing data on its public website. (Consistent with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act));
- Hired a new EEO Director with over 10 years of EEO-related experience, who is under the direct supervision of the Chairman;
- The EEO Director met with senior leaders quarterly to discuss the EEO program and any new initiatives;
- Offered exit interviews to all separating employees which included questions about diversity and improving the hiring/retention for persons with disabilities; and
- Held podium training to supervisors on Schedule A hiring of persons with disabilities.

Essential Element D: Proactive Prevention of Unlawful Discrimination

As part of its proactive prevention efforts, the STB disseminates EEO policies covering harassment prevention and personal assistance services to all personnel. The STB also published information on the EEO complaint process, EEO policies, and the roles and responsibilities of the EEO office on its public website. EEO posters are placed in the Human Resources Office to provide employees and applicants for employment with notice of their EEO rights and to highlight the 45-day time limit for contacting an EEO Counselor or the EEO Director.

The STB's offices are accessible to persons with physical disabilities in compliance with the Architectural Barriers Act.

The policy and procedures for reasonable accommodations were submitted to the Equal Employment Opportunity Commission (EEOC) in September 2018. Also, Personal Assistance Services (PAS) procedures were posted to the internal and external website.

The EEO Director analyzed applicant flow data, which is discussed in the Workforce Analysis below.

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EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F

Essential Element E: Efficiency

In FY 2018, there were zero counseling matters initiated.

Essential Element F: Responsiveness and Legal Compliance

The STB has conducted an annual self-assessment against the essential elements prescribed by the EEOC's Management Directive 715 (MD-715). Where the Board found non-compliance with the MD-715 requirements, the STB developed and implemented a plan for addressing the gaps with input from senior leaders.

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

ANALYSIS OF WORKFORCE PROFILES

The STB analyzed its workforce profiles to identify any triggers that may require further inquiry as to the existence of barriers to equal employment opportunities for any employee group based on race, sex, or disability. The STB's plans to complete barrier analyses in FY 2019.

STB Workforce

At the end of FY 2018, the STB had 113 employees, 110 permanent and 3 temporary employees. Of the 110 permanent employees, there were 56 (50.9%) males, 54 (49.1%) females, 8 (7.1%) self-identified as have a disability and 1 (0.9%) self-identified as having a targeted disability. See *Tables A1/B1*.

Applicant Data

Applicant flow data is provided to the STB by the U.S. Office of Personnel Management (OPM). This data is available through OPM's USA Staffing tool only for STB jobs that were posted on USAJobs. The STB used OPM recruitment services to post 90% of STB hiring actions. In FY 2018, the STB did not have a tool to capture and report on applicant flow data for the remaining 10% of its hiring actions, specifically, those hired for excepted positions or under other hiring flexibilities. USA Staffing only provides applicant flow data when certificates are generated. However, certificates may not be generated in all cases.

A few important notes about applicant flow data help to facilitate interpretation. First, the USA Staffing tool captures and provides information only through the point at which a selection decision is made. Various hiring process steps beyond a selection decision may impact success in onboarding a new hire (e.g., suitability assessment, or the selectee subsequently declines, deciding to remain with their current employer or take another offer), but the data only shows applicant flow data through to *selected* applicants. Differences are observed in the demographic statistics of those selected versus those hired.

Second, applicant flow data for the STB combines applications submitted for permanent and temporary positions with the STB. Thus, the data tables provided in the supporting documents reflect the pool of applications submitted for permanent and/or temporary employment.

The certificate applicant flow data provided by OPM was analyzed for two major occupations at the STB: paralegal specialist and transportation industry analyst. Please see *FY 2018 Workforce Analysis Data Charts* in the supporting documents section for highlights of this analysis.

Paralegal Specialist (0950): 113 Total Applicants

In FY 2018, the STB received 113 total applications for paralegal specialist positions; of these, 94 were rated as qualified; one selection was made. Of the 94 applicants who were qualified, 71 voluntarily self-identified their demographics.

Transportation Industry Analyst (2110): 161 Total Applicants

The STB received 161 applications, 45 applicants were rated as qualified and no selections were made for 2110 positions. Of the 45 qualified applicants, 38 self-identified.

Applicant flow data for individuals with disabilities shows the STB received a total of 416 applications in FY 2018. Of the 416 applications, only 210 (50.9%) applicants self-identified their disability status; 13 (3%) self-identified as a PWD, and 17 (4.1%) self-identified as PWTD.

In FY 2018, the STB hired seven (7) permanent employees, 5 (71.4%) males and 2 (28.6%) females. One temporary hire was identified as a White female. Please see *FY 2018 Workforce Analysis Data Charts* in the supporting documents section for highlights of this analysis on new hires.

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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

In FY 2018, the STB hired 7 permanent employees, none of whom reported having a disability.

Participation Rates for STB Major Occupations

There are five mission critical occupations (MCOs) within the STB: attorneys, transportation industry analysts, paralegal specialists, economists, and environmental protection specialists. Of the 110 permanent employees, there were 46 attorneys, 11 transportation industry analysts, 9 paralegal specialist, 6 economists, and 5 environmental protection specialists. These positions comprised 70% of the STB's FY 2018 permanent employees.

Please see *FY 2018 Workforce Analysis Data Charts* in the supporting documents section for highlights of the demographic breakdown as it compares to the Occupational CLF.

Within the attorney group, the participation rates of Hispanic female and White/Black male attorneys are more than 2% below their Occupational CLF. There were five attorneys hired in FY 2018 using Schedule A hiring authority (excepted service), which differs from the Schedule A hiring authority used for hiring PWD. That authority allows for agencies to hire attorneys without competitively advertising the position to the public. While the agency is not required to post attorney positions, most of the attorney positions were posted in USAJobs. Applicant flow data in USAStaffing shows one attorney position, which was advertised for internal candidates only. Without adequate applicant data, it is difficult to determine why participation rates are below the Occupational CLF. The demographics for the five hired attorneys are below:

1 Hispanic male

2 White males

1 White female

1 Black female

For transportation industry analyst, Hispanic males/females, White females, Black males/females and Asian females participate lower than 2% below the Occupational CLF. In FY 2018, 2 Transportation Industry Analysts were selected, 1 Hispanic female and 1 Asian male.

For paralegal specialists, outside of White males and Black males/females, all other demographic groups participate at a rate below the Occupational CLF. In FY 2018, 1 Paralegal Specialist was selected; the employee identified as a Black female.

For economists, outside of White males, all other demographic groups participate at a rate below the Occupational CLF. No economist were advertised in FY 2018; therefore, no applicant data exists to determine if there is a barrier in the application process.

For environmental protection specialists, outside of White males, all other demographic groups participate at a rate below the Occupational CLF. No environmental protection specialist was selected in FY 2018, although a position was advertised. The applicant data was analyzed to determine if there is a barrier in the application process.

Career Ladder Promotions

A review of the STB's non-competitive promotions reflects that of the three individuals eligible for career ladder promotions, two (66.7%) were male and one (33.3%) was female. No individuals with targeted disabilities exceeded minimum time in grade for a career ladder promotion.

Employee Recognition and Awards

A review of employee recognition and awards reflects that males and females received similar time-off awards in FY 2018. For cash awards in the amount of \$100 - \$500, males and females received 50% of these awards respectively, but females had a higher average amount of \$466 compared to the average amount for males of \$434.

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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

For cash awards of \$501 and more, males and females received 50% of these awards, respectively. The average award amount for males was \$2,130, while females received an average award of \$1,940. Cash awards of \$501 or more averaged \$1,941 for individuals with disabilities (below the average amount of \$2,053 for those with no disability) and \$1,836 for individuals who did not identify a disability.

Separations

A review of separation data shows in FY 2018, the STB had a separation rate of almost 11 percent (10.9%) of its total workforce. Of the 12 voluntary separations, seven were White and five were Black or African American.

In FY 2018, one employee who self-identified as having a disability separated from the STB.

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EXECUTIVE SUMMARY: ACCOMPLISHMENTS

Accomplishments

In FY 2018, the STB achieved a number of accomplishments in the areas of EEO and Diversity and Inclusion, including the accomplishments listed below:

Periodic Training for Supervisors and Hiring Officials Related to the Hiring, Promotion, and Reasonable Accommodation of Individuals with Disabilities

The STB provided in-house podium training on Schedule A to managers and supervisors. Participants were trained on Schedule A hiring authority and the process to hire someone using that authority.

The STB will continue to provide training to supervisors and hiring officials to ensure that they are aware of their responsibilities with regard to hiring and supervising employees with disabilities. The training will cover Schedule A hiring authorities, and the STB's reasonable accommodation procedures.

Hiring and Accommodating Individuals with Disabilities

In FY 2018, the STB completed the following activities:

- Adopted the EEOC PWD/PWTD goals;
- Processed zero RA requests, as no requests were received;
- Posted Personal Assistance Services procedures to the public facing website;
- Submitted Reasonable Accommodation procedures to the EEOC; and
- Created relationship with disability serving organizations and joined the Federal Exchange on Employment and Disability.

Outreach and Recruitment of Diverse Talent

In 2018, STB partnered with six professional associations, educational organizations, and/or institutions to inform diverse professionals and students about STB career opportunities; and disseminated five presentations to enhance workforce diversity and inclusion at the STB.

Federal Employee Viewpoint Survey

The Federal Employee Viewpoint Survey (FEVS) measures employees' perceptions in a number of important areas, including drivers of employee engagement and diversity and inclusion. With respect to FEVS rankings published by OPM, the STB ranked 19th in their Employee Engagement Index among small agencies and 23rd in OPM's Global Satisfaction Index. Within these indices, the STB scored on par or higher than the government-wide average among employees representing different demographic groups (e.g., gender, race, ethnicity, age groups, and disability status).

The Partnership for Public Service publishes annually the Best Places to Work (BPTW) in the Federal Government rankings. In FY 2018, the STB ranked 15th in Support for Diversity and 19th out of 29 small-sized agencies.

Additional Accomplishments

The STB also implemented Exit Interviews; updated EEO policy to ensure all protected classes are covered; appointed an EEO Director; and began gathering data to conduct a barrier analysis for PWD/PWTD and low participation rates for MCOs.

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EXECUTIVE SUMMARY: PLANNED ACTIVITIES

During FY 2019, EEO office will complete the following to correct program deficiencies:

- Resurvey the workforce;
- Draft and implement an Anti-Harassment policy and training program;
- Ensure reasonable accommodation procedures are approved by the EEOC;
- Facilitate EEO training;
- Finalize a Diversity Strategic Plan;
- Add the EEO standard to all supervisors' performance plans; and
- Conduct a barrier analysis for demographics with low participation.

The STB continues to lead initiatives to address diversity and inclusion efforts to impact recruitment, development and retention through means of behavioral and social science research, benchmarking promising practices, and a commitment to recruit and retain a workforce reflective of the Nation's diversity.

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

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

Principal EEO Director/Official for

[Redacted]
(Insert Agency/Component Name above)

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

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

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

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

[Redacted]
Date

[Redacted]
Signature of Agency Head or Agency Head Designee

[Redacted]
Date

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Agency Self-Assessment Checklist

Essential Element: A Demonstrated Commitment From agency Leadership

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	A.1. The agency issues an effective, up-to-date EEO policy statement.				
	A.1.a. Does the agency annually issue a signed and dated EEO policy statement on agency letterhead that clearly communicates the agency's commitment to EEO for all employees and applicants? If "Yes", please provide the annual issuance date in the comments column. [see MD-715, II(A)]	X			Statement was issued, posted, and emailed on August 2, 2018. 8/2/2018
	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			

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Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	A.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		The policy and procedures are currently in draft and routed for signature.
A.2.a.2. Reasonable accommodation procedures? [see 29 CFR § 1614.203(d)(3)]					
		X			
A.2.b. Does the agency prominently post the following information throughout the workplace and on its public website:					
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			
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			
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			https://www.stb.gov/stb/docs/EEO/Reasonable_Accor
A.2.c. Does the agency inform its employees about the following topics:					
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			Annually
A.2.c.2. ADR process? [see MD-110, Ch. 3(II)(C)] If "yes", please provide how often.					
		X			Annually
A.2.c.3. Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If "yes", please provide how often.					
		X			Annually
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		Policy in draft; to be updated annually.
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			Annually

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	A.3. The agency assesses and ensures EEO principles are part of its culture.			N/A	
	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		This is a new requirement.
	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			

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Agency Self-Assessment Checklist

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

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.1. The reporting structure for the EEO program provides the principal EEO official with appropriate authority and resources to effectively carry out a successful EEO program.				
	B.1.a. Is the agency head the immediate supervisor of the person ("EEO Director") who has day-to-day control over the EEO office? [see 29 CFR §1614.102(b)(4)]	X			Allison Wise, Adviser to the Chairman.
	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	EEO Director reports to the agency head,
	B.1.a.2. Does the agency's organizational chart clearly define the reporting structure for the EEO office? [see 29 CFR §1614.102(b)(4)]	X			
	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			
	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			June 21, 2018 with the Chairman and Aug 26, 2018 with senior management.
	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			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.2. The EEO Director controls all aspects of the EEO program.				
	B.2.a. Is the EEO Director responsible for the implementation of a continuing affirmative employment program to promote EEO and to identify and eliminate discriminatory policies, procedures, and practices? [see MD-110, Ch. 1(III)(A); 29 CFR §1614.102(c)] If not, identify the office with this authority in the comments column.	X			
	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	No subordinate level components.
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	B.3. The EEO Director and other EEO professional staff are involved in, and consulted on, management/personnel actions.	Yes	No	N/A	
	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			
	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			Diversity

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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	
	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			
	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	No subordinate components or field offices.
	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			
	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			
	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			
	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			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.5. The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills				
	B.5.a. Pursuant to 29 CFR §1614.102(a)(5), have all managers and supervisors received orientation, training, and advice on their responsibilities under the following areas under the agency EEO program:				
	B.5.a.1. EEO complaint process? [see MD-715(II)(B)]	X			
	B.5.a.2. Reasonable Accommodation Procedures? [see 29 CFR § 1614.102(d)(3)]		X		Training is received on an ad-hoc basis.
	B.5.a.3. Anti-harassment policy? [see MD-715(II)(B)]		X		In FY18, there was no anti-harassment policy.
	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			
	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			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	B.6. The agency involves managers in the implementation of its EEO program.	Yes	No	N/A	
	B.6.a. Are senior managers involved in the implementation of Special Emphasis Programs? [see MD-715 Instructions, Sec. I]		X		Not all senior managers are involved.
	B.6.b. Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]	X			
	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			
	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			

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Essential Element: C Management and Program Accountability

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.1. The agency conducts regular internal audits of its component and field offices.				
	C.1.a. Does the agency regularly assess its component and field offices for possible EEO program deficiencies? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.		X		No sub-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	No sub-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	No sub-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		Policy and procedures are in draft.
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		Policy and procedures are in draft.
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		Policy and procedures are in draft.
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		Policy and procedures are in draft.
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		Policy and procedures are in draft.
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	There were no allegations of harassment in FY18.
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		FY 19 training will include disability-related example.
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		RA procedures were submitted for approval in September 2018, but not approved until FY19.
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			
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			
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		There was no timeline established in the previous reasonable accommodation procedures.

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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	No requests received in FY18.
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			https://www.stb.gov/stb/docs/EEO/Personal_Assistance

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.3. The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity.				
	C.3.a. Pursuant to 29 CFR §1614.102(a)(5), do all managers and supervisors have an element in their performance appraisal that evaluates their commitment to agency EEO policies and principles and their participation in the EEO program?	X			
	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			
	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	Not applicable for FY18, as there were no incidents
	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	Not applicable for FY18, as there were no incidents

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.4. The agency ensures effective coordination between its EEO program and Human Resources (HR) program.				

C.4.a. Do the HR Director and the EEO Director meet regularly to assess whether personnel programs, policies, and procedures conform to EEOC laws, instructions, and management directives? [see 29 CFR §1614.102(a)(2)]	X			
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			
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			
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			

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.5. Following a finding of discrimination, the agency explores whether it should take a disciplinary action.				

C.5.a. Does the agency have a disciplinary policy and/or table of penalties that covers discriminatory conduct? [see 29 CFR §1614.102(a)(6); see also Douglas v. Veterans Administration, 5 MSPR 280 (1981)]	X			
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 instances of discriminatory conduct in FY18.
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 instances of discriminatory conduct in FY18.

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 Compliance Indicator		Measure Has Been Met			
 Measures		Yes	No	N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
	C.6. The EEO office advises managers/supervisors on EEO matters.				
	C.6.a. Does the EEO office provide management/supervisory officials with regular EEO updates on at least an annual basis, including EEO complaints, workforce demographics and data summaries, legal updates, barrier analysis plans, and special emphasis updates? [see MD-715 Instructions, Sec. I] If "yes", please identify the frequency of the EEO updates in the comments column.	X			Annually
	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		Measure Has Been Met			
 Measures		Yes	No	N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
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			
 Compliance Indicator		Measure Has Been Met			
 Measures		Yes	No	N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
D.2.a. Does the agency have a process for analyzing the identified triggers to find possible barriers? [see MD-715, (II)(B)]	D.2. The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)	X			
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			
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			
D.2.d. Does the agency regularly review the following sources of information to find barriers: complaint/grievance data, exit surveys, employee climate surveys, focus groups, affinity groups, union, program evaluations, anti-harassment program, special emphasis programs, and/or external special interest groups? [see MD-715 Instructions, Sec. I] If "yes", please identify the data sources in the comments column.		X			Federal Viewpoint Survey and special emphasis programs.

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	D.3. The agency establishes appropriate action plans to remove identified barriers.	Yes	No	N/A	
	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	None identified.
	D.3.c. Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	D.4. The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities.	Yes	No	N/A	
	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			https://www.stb.gov/stb/docs/EEO/MD-715_Report_(%202017).pdf
	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			
	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			
	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			

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Essential Element: E Efficiency

 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.				X	There were no EEO complaints filed in FY18.
E.1.a. Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105?				X	There were no EEO complaints filed in FY18.
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	There were no EEO complaints filed in FY18.
E.1.c. Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch. 5(I)?				X	There were no EEO complaints filed in FY18.
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	There were no EEO complaints filed in FY18.
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	There were no EEO complaints filed in FY18.
E.1.f. Does the agency timely complete investigations, pursuant to 29 CFR §1614.108?				X	There were no EEO complaints filed in FY18.
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	There were no EEO complaints filed in FY18.
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	There were no EEO complaints filed in FY18.
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	There were no EEO complaints filed in FY18.
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	There were no EEO complaints filed in FY18.
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	There were no EEO complaints filed in FY18.
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	There were no EEO complaints filed in FY18.

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.2. The agency has a neutral EEO process.			N/A	
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			The EEO program is separate from the Office of General Counsel, the Agency's defensive function.
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		Due to the low number of complaints filed and the size of the agency, a separate legal resource is not needed. STB employees 48 attorneys, with 15 residing in the Office of General Counsel (OGC). If a legal sufficiency review is needed, an attorney outside of OGC will be able to conduct the review.
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	There were no EEO complaints filed in FY18.
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	There were no EEO complaints filed in FY18.

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.3. The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program.				
	E.3.a. Has the agency established an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process? [see 29 CFR §1614.102(b)(2)]	X			
	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			
	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			
	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			
	E.3.f. Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		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		The Anti-Harassment Policy and Procedures are currently in draft.
	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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Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			
 Measures		Yes	No	N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
E.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.	E.5. The agency identifies and disseminates significant trends and best practices in its EEO program.	X			Ensuring all reports are submitted on time.
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			Developing a diversity and inclusion plan.
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			

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Agency Self-Assessment Checklist

Essential Element: F Responsiveness and Legal Compliance

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	F.1. The agency has processes in place to ensure timely and full compliance with EEOC orders and settlement agreements.				
	F.1.a. Does the agency have a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions? [see 29 CFR §1614.102(e); MD-715, II(F)]	X			
	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			
	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			
	F.1.d. Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]	X			
	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	No EEOC orders issued in FY18.
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	F.2. The agency complies with the law, including EEOC regulations, management directives, orders, and other written instructions.				
	F.2.a. Does the agency timely respond and fully comply with EEOC orders? [see 29 CFR §1614.502; MD-715, II(E)]			X	No EEOC orders issued in FY18.
	F.2.a.1. When a complainant requests a hearing, does the agency timely forward the investigative file to the appropriate EEOC hearing office? [see 29 CFR §1614.108(g)]			X	No EEOC orders issued in FY18.
	F.2.a.2. When there is a finding of discrimination that is not the subject of an appeal by the agency, does the agency ensure timely compliance with the orders of relief? [see 29 CFR §1614.501]			X	No EEOC orders issued in FY18.
	F.2.a.3. When a complainant files an appeal, does the agency timely forward the investigative file to EEOC's Office of Federal Operations? [see 29 CFR §1614.403(e)]			X	No EEOC orders issued in FY18.
	F.2.a.4. Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance?			X	No EEOC orders issued in FY18.

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Agency Self-Assessment Checklist

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