# Affirmative Action Plan
# for the Recruitment, Hiring, Advancement, and
# Retention of Persons with Disabilities

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

## Section I: Efforts to Reach Regulatory Goals

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

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

    a. Cluster GS-1 to GS-10 (PWD)                    Answer   No

    b. Cluster GS-11 to SES (PWD)                     Answer   Yes

> For the GS-01 through 10 cluster in FY 2022, the Agency's percentage of PWD was 17.69%, which exceeded the benchmark of 12.00%. However, for the GS-11 through Senior Executive Service (SES) cluster, the Agency's percentage of PWD was 8.69%, which was less than the 12.00% benchmark and which has indicated a trigger for the Agency.

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

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

    a. Cluster GS-1 to GS-10 (PWTD)                 Answer   No

    b. Cluster GS-11 to SES (PWTD)                  Answer   No

> For the GS-01 through 10 cluster in FY 2022, the Agency's percentage of PWTD was 5.00%, which was greater than the 2.00% benchmark and indicated that no trigger existed. Likewise, for the GS-11 through SES cluster, the Agency's percentage of PWTD was 2.65%, which was also greater than the benchmark of 2.00%.

| Grade Level Cluster (GS or Alternate Pay Plan) | Total | Reportable Disability | | Targeted Disability | |
|---|---|---|---|---|---|
| | # | # | % | # | % |
| Numarical Goal | -- | 12% | | 2% | |
| Grades GS-1 to GS-10 | 141 | 20 | 14.18 | 3 | 2.13 |
| Grades GS-11 to SES | 5859 | 470 | 8.02 | 69 | 1.18 |

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

> In the past, the Agency has relayed numerical goals to hiring managers and recruitment personnel through broadcast emails sent from the U.S. Department of Health and Human Services (HHS). However, HHS has ceased sharing this data in this manner. As a result, the Centers for Medicare & Medicaid Services (CMS) began sharing such data in FY 2018 through a series of monthly

meetings with the CMS recruitment and talent acquisition personnel within its Human Resources office, which has continued in the current reporting period. Additionally, CMS has had meetings with senior leadership where the PWD and PWTD goals were discussed, as well as the breakdown by demographic group as compared to the Civilian Labor Force (CLF) statistics. Finally, CMS has presented this data to employees through presentations to the CMS Disability Employee Resource Group (DERG). CMS has begun to work collaboratively with the DERG in identifying more specifically the barriers that exist and to brainstorm ways of eliminating those barriers.

# Section II: Model Disability Program

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

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

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

Answer    Yes

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

| Disability Program Task | # of FTE Staff By Employment Status | | | Responsible Official (Name, Title, Office Email) |
|---|---|---|---|---|
| | Full Time | Part Time | Collateral Duty | |
| Processing applications from PWD and PWTD | 4 | 0 | 0 | Leilonni.Giroux@cms.hhs.; |
| Architectural Barriers Act Compliance | 6 | 0 | 0 | Jodi Gram Director Jodi.Gram@cms.hhs.gov |
| Special Emphasis Program for PWD and PWTD | 1 | 0 | 4 | Craig Borne Director Craig.Borne@cms.hhs.gov |
| Answering questions from the public about hiring authorities that take disability into account | 46 | 0 | 0 | Leilonni.Giroux@cms.hhs.; |
| Processing reasonable accommodation requests from applicants and employees | 11 | 0 | 0 | Nicole Oke Director Nicole.Oke1@cms.hhs.gov |
| Section 508 Compliance | 13 | 0 | 144 | Rajiv Uppal Director Rajiv.Uppal@cms.hhs.gov |

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

Answer    Yes

In FY 2022, CMS primarily used LRP Publications and the Federal Employment Law Training Group's course and related materials to provide supplemental training to RA staff. Such training included, but was not limited to, RA; Disability and the Law; and Mental and Emotional Disabilities. RA staff also received supplemental training through a multi-day training session,

participation in weekly team meetings, and one-on-one mentoring from the Group and Office Director/Deputy Director

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

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

Answer    Yes

# Section III: Program Deficiencies In The Disability Program

| Brief Description of Program Deficiency | 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. |
|---|---|
| **Objective** | Obtain the resources to secure more effective tracking system and establish processes to ensure that all of accommodation request are processed within the time frame set forth in the Agency's procedures for RA. |
| **Target Date** | Oct 31, 2022 |
| **Completion Date** | Sep 30, 2022 |

| **Planned Activities** | *Target Date* | *Completion Date* | *Planned Activity* |
|---|---|---|---|

| **Accomplishments** | *Fiscal Year* | *Accomplishment* |
|---|---|---|
| | 2017 | On 12/01/2016, CMS determined whether efficiencies can be obtained by replacing the current use of multiple contracts and short-term contract vehicles with Blanket Agreement and/or longer-term contracts with more precise statement of work. |
| | 2017 | On 06/30/2017, CMS reviewed all steps and functions regarding the request and provision of RA and identified staff, training, contracts, process improvements and resources needed to meet the established timeframes. |
| | 2020 | On 01/31/2020, CMS established and launched a RA tracking database that incorporated all phases of the accommodation process. |
| | 2020 | On 06/30/2020, CMS continued formalizing RA standard operating policies, forms, templates, and documents. |
| | 2022 | By 09/30/2022, CMS reduced its average accommodation provision times to an average of 27 days, which is less than the 31 days allotted in the policy and procedures. |
| | 2021 | By 01/01/2021, CMS had incorporated all data into the new RA tracking software. |
| | 2021 | By 09/30/2021, CMS had reduced its average accommodation provision times to an average of 30 days, which is less than the 31 days allotted in the policy and procedures. |
| | 2017 | On 06/30/2017, CMS established an equipment inventory process to allow more timely deployment of equipment. |
| | 2017 | On 05/31/2017, CMS identified options for replacing the existing RA database to obtain continued support and maintenance and enhanced reporting functions. |

| **Objective** | To conduct a comprehensive closed case review to determine if additional efficiencies can be implemented to increase the number of cases processed within 30 days. All cases being processed within the timeframe may not be possible given the Agency has embarked on issuing accommodations that involve the requester's availability for delivery and assembly of furniture items often impacting the agency's ability to provide the accommodation in less than 30 days. |
|---|---|
| **Target Date** | Oct 31, 2023 |
| **Completion Date** | |

| **Planned Activities** | *Target Date* | *Completion Date* | *Planned Activity* |
|---|---|---|---|
| | Oct 31, 2023 | | The Reasonable Accommodation Program will conduct a comprehensive closed case review to determine if additional efficiencies can be implemented to increase the number of cases processed within 30 days. All cases being processed within the timeframe may not be possible given the Agency has embarked on issuing accommodations that involve the requester's availability for delivery and assembly of furniture items often impacting the agency's ability to provide the accommodation in less than 30 days. |

| **Accomplishments** | *Fiscal Year* | *Accomplishment* |
|---|---|---|

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

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

## A. PLAN TO IDENTIFY JOB APPLICATIONS WITH DISABILITIES

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

In FY 2021, HHS advised CMS of a department-wide policy that impacted the use of the Schedule A special hiring authority for individuals with disabilities (5 C.F.R. 213.2102 (u)). The policy significantly impacted the way in which CMS has historically used the Schedule A authority, requiring the application of Veterans' Preference to hire and the use of announcement to promote. For that reason, the Non-Competitive Resume Database where CMS previously housed non-competitive candidates is no longer in use. CMS continues to effectively communicate with different organizations and their representatives to ensure that the recruitment and hiring strategies are accomplished. In FY 2022, CMS participated in recruitment events (all virtual) sponsored by organizations serving individuals with disabilities. In particular, CMS participated in events such as the Careers & the disABLED Career Expo (five times) (Note: Careers & the disABLED is the nation's first and only career-guidance and recruitment magazine for people with disabilities who are at undergraduate, graduate, or professional levels.), the Bender Disability Virtual Job Fair (twice) hosted on CareerEco's virtual platform, and Gallaudet University's STAMP (Science, Technology, Accessibility, Mathematics, and Public Health) Virtual Career Fair. CMS also participated in several recruitment events targeting veterans and veteran with disabilities including two events hosted by Hiring our Heroes, two events sponsored by the Department of Veterans Affairs Veteran Readiness and Employment Program, and three Recruit Military recruitment events. During FY 2022, CMS also renewed our package with DiversityJobs, a social media tool that publishes CMS vacancies to a wider variety of sites supporting veterans and disabled applicants. In addition, CMS continued to work through a variety of strategies that focused on existing relationships and contacts, utilizing paid services through the Handshake and Symplicity platforms to enhance relationships and networks with college and university students and recent graduates, vocational rehabilitation organizations, diverse organizations, and other virtual platforms to enhance participation rates of individuals with targeted disabilities. Additionally, CMS uses the USA Jobs Agency Talent Portal to source for candidates, which includes a filter for individuals with disabilities.

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

CMS continued its modified strategic consultation process encouraging discussions directly with hiring managers about the vision for their vacant positions and to share information about the various hiring options to include non-competitive hiring authorities available to fill their positions. Some of those discussions resulted in posting announcements open only to Schedule A eligible applicants. Using these hiring authorities allows managers to reach eligible candidates and reduce the amount of time needed to fill positions. In FY 2022, CMS also continued its virtual training program for job candidates through bi-monthly webinars. "Hiring New in 2022" was open to all employees and external applicants for employment and featured sessions on Federal Resume Writing, Navigating USA Jobs, and CMS Culture to name only a few. For many of the webinars, CMS Employee Resource Groups were asked to provide volunteers to share testimonies or trainings.

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

Recruitment methods must be used to notify potential Schedule A applicants of vacancies within CMS so interested applicants have a reasonable opportunity to apply. CMS uses the traditional job opportunity announcement, on USAJOBS, to meet the notice requirement for hiring under the Schedule A authority." In FY22, CMS opened 224 job announcements where Schedule A candidates were included in the Area of Consideration. The below SOP is currently the process followed for Schedule A applicants. Step 1: Schedule A candidate considered as a name request. Notes: The manager identifies a Schedule A candidate who they would like to consider. The manager will inform the BOS of the action. The stand-alone PD will be required if hiring at a single grade. Step 2: Initiate HRITS Request. Notes: The BOS will initiate a recruitment request through HRITS and attach supporting

documentation to have the PD reviewed/classified (if applicable). Step 3: Vacancy Announcement. Notes: In collaboration with the HR Specialist, the manager will select the appropriate AOC. (See "Requirements" above for options of AOCs). Step 4: Review Eligibility Qualifications, Veteran's Preference Clearance. Notes: The HR Specialist will review the candidate's documentation and refer qualified Schedule A candidates on a Schedule A (only) certificate. If there is more than one eligible Schedule A candidate, veteran's preference will apply. After the application of veteran's preference, all candidates who meet basic qualifications requirements will be referred. Step 5: Certificate Issuance. Notes: Please refer to the USA Staffing Referral Job Aid #5 for issuing a separate certificate for Schedule A eligibles. Step 6: Return Selection. Notes: The manager will return the cert to HR with the annotated selection. Step 7: Confirm Schedule A Documentation. Notes: Once the selection has been returned to HR, the HR Specialist will confirm the candidate's eligibility for employment under Schedule A. The HR Specialist will contact the medical facility via telephone to verify the authenticity of the Schedule A documentation. The HR Specialist will then email a copy of the disability documentation to the medical facility for verification. Tentative offers can only be made after the medical facility has verified the documentation. Step 8: Extend Job Offers. Notes: All standard operating procedures will be followed to include extending tentative job offer, submitting security screening documents, extending final job offer, and establishing start dates. All Schedule A appointees will be notified about the conditions concerning their appointment before they report for duty. If the selectee is a current employee who is being converted to a new Schedule A appointment, then they will need to review and acknowledge the Conversion to Schedule A letter. Step 9: Verify Self Identification of Handicap Form (SF-256). Notes: The HRS must ensure that the appropriate disability code is selected prior to the new hire coming on board. If Option 01 is selected on the form, the HR Specialist must follow up with the new hire to request the code that is associated with the disability. All new hires under a Schedule A appointment must complete the Self Identification of Handicap Form (SF-256) and select the option associated with their disability. Option 01 is not an acceptable code for Schedule A appointments. Step 10: Initiate Action in EHCM. Notes: The HR Specialist will initiate the action in EHCM. Step 10a: Position Build. Notes: All standard operating procedures will be followed. Step 11: Code Schedule A Appointment. Notes: The HR Specialist will code the appointment using the appropriate NOAC and Legal Authority in compliance with the Guide to Processing Personnel Actions (GPPA).

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

Answer    Yes

During FY 2022, CMS presented new managers and supervisors training on non-competitive hiring authorities such as Schedule A and Veteran's Preference during Leadership In Context (LinC) training, required of managers. Additionally, CMS continued its modified strategic consultation process encouraging discussions directly with hiring managers about the vision for their vacant positions and to share information about the various hiring options to include non-competitive hiring authorities available to fill their positions. Using these hiring authorities allows managers to reach eligible candidates and reduce the amount of time needed to fill positions. Furthermore, CMS, in conjunction with the DERG, conducted several Lunch and Learn workshops for managers focusing on Schedule A hiring and reasonable accommodations (RA). CMS also provided Veteran Employment and USERRA Training to all managers, Executive Officers, and Human Resources staff on the benefits of hiring Veterans. This course defined Veterans' Preference and explained the uses of special appointing authorities. The course outlined methods for working as a team to cultivate a ready recruitment source of Veterans, especially disabled Veterans. The course outlined the rights of Federal employees under the law and provided details on how Veteran Employment and USERRA rights are to be implemented. The "Hiring New in 2022" webinar training series was open to all employees, including CMS Managers.

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

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

CMS continues to effectively communicate with different organizations and their constituents to ensure that the CMS recruitment and hiring strategies are accomplished. In FY 2022, CMS participated in several recruitment events (all virtual) sponsored by organizations serving individuals with disabilities. CMS also offered webinars open to the public which outlined special hiring authorities such as Schedule A. Further, CMS continued to work through a variety of strategies that focus on existing relationships and contacts, while building new relationships and networks with local colleges and universities, vocational rehabilitation organizations, diverse organizations, and connecting through virtual platforms to enhance participation rates of individuals with targeted disabilities.

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

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

     a. New Hires for Permanent Workforce (PWD)          Answer     Yes

     b. New Hires for Permanent Workforce (PWTD)          Answer     Yes

The CMS new PWD hires in the permanent workforce for FY 2022 was at a rate of 11.03%, which is less than the benchmark of 12.00%, and fell from the FY 2021 rate of 11.56%. Likewise, the CMS new PWTD hires in the permanent workforce for FY 2022 was at a rate of 1.81%, which is less than the benchmark of 2.00%, and up from the FY 2021 rate of 1.32%.

| New Hires | Total | Reportable Disability | | Targeted Disability | |
| | | Permanent Workforce | Temporary Workforce | Permanent Workforce | Temporary Workforce |
| | (#) | (%) | (%) | (%) | (%) |
|---|---|---|---|---|---|
| % of Total Applicants | | | | | |
| % of Qualified Applicants | | | | | |
| % of New Hires | | | | | |

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

     a. New Hires for MCO (PWD)          Answer     Yes

     b. New Hires for MCO (PWTD)          Answer     Yes

Health Insurance Specialist – 0107: In FY 2022, the total PWD qualified applicant pool for this MCO was 4.95%, which was less than the benchmark. PWD new hires for this MCO was at a rate of 9.48%, which exceeded the benchmark. No trigger exists with respect to the rate of PWDs newly hired to this MCO. In FY 2022, the total PWTD qualified applicant pool for this MCO was 2.15%, which exceeded the benchmark. PWTD new hires for this MCO was at a rate of 3.45%, which exceeded the benchmark. No trigger exists with respect to the rate of PWTDs newly hired to this MCO. Information Technology Specialist – 2210: In FY 2022, the total PWD qualified applicant pool for this MCO was 6.44%, which was less than the benchmark. PWD new hires for this MCO was at a rate of 12.82%, which exceeded the benchmark. No trigger exists with respect to the rate of PWDs newly hired to this MCO. In FY 2022, the total PWTD qualified applicant pool for this MCO was 3.36%, which exceeded the benchmark. PWTD new hires for this MCO was at a rate of 2.56%, which was exceeded the benchmark. Therefore, a trigger exists with respect to the rate of PWTDs newly hired to this MCO. Program Management – 0340: In FY 2022, the total PWD qualified applicant pool for this MCO was 2.94%, which was less than the benchmark. PWD new hires for this MCO was at a rate of 50.00%, which exceeded the benchmark. No trigger exists with respect to the rate of PWDs newly hired to this MCO. In FY 2022, the total PWTD qualified applicant pool for this MCO was 1.47%, which was less than the benchmark. There were no PWTD new hires for this MCO at a rate of 0.00%, which was less than the benchmark. Therefore, a trigger exists with respect to the rate of PWTDs newly hired to this MCO. Financial Management Specialist – 0501: In FY 2022, no PWD qualified applicant pool for this MCO at a rate of 0.00%, which was less than the benchmark. However, one PWD new hire for this MCO was at a rate of 10.00%, which was less than the benchmark. No trigger exists with respect to the rate of PWDs newly hired to this MCO. In FY 2022, no PWTD qualified applicant pool for this MCO at a rate 0.00%, which was less than the benchmark. PWTD new hires for this MCO was at a rate of 0.00%, which was less than the benchmark. Therefore, no trigger exists with respect to the rate of PWDs newly hired to this MCO. Medical Officer – 0602: In FY 2022, the total PWD qualified applicant pool for this MCO was 0.00%, which was less than the benchmark. PWD new hires for this MCO was at a rate of 40.00%, which exceeded the benchmark. Therefore, no trigger exists with respect to the rate of PWDs newly hired to this MCO. In FY 2022, the total PWTD qualified applicant pool for this MCO was 0.00%, which was less than the benchmark. PWTD new hires for this MCO was at a rate of 0.00%, which was less than the benchmark. No trigger exists with respect to the rate of PWTDs newly hired to this MCO. Actuary – 1510: In FY 2022, the total PWD qualified applicant

pool for this MCO was 5.99%, which was less than the benchmark. PWD new hires for this MCO was at a rate of 0.00%, which was less than the benchmark. Therefore, a trigger exists with respect to the rate of PWTDs newly hired to this MCO. In FY 2022, the total PWTD qualified applicant pool for this MCO was 4.15%, which exceeded the benchmark. PWTD new hires for this MCO was at a rate of 0.00%, which was less than the benchmark. Therefore, a trigger exists with respect to the rate of PWTDs newly hired to this MCO.

| New Hires to Mission-Critical Occupations | Total | Reportable Disability | Targetable Disability |
|---|---|---|---|
| | | New Hires | New Hires |
| | (#) | (%) | (%) |
| Numerical Goal | -- | 12% | 2% |

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

      a. Qualified Applicants for MCO (PWD)               Answer   Yes

      b. Qualified Applicants for MCO (PWTD)           Answer   Yes

Health Insurance Specialist – 0107: In FY 2022, the total PWD applicant pool for this MCO was 4.20%, which was less than the benchmark. PWD qualified for this MCO at a rate of 4.51%, which was less than the benchmark. No trigger exists with respect to the rate of PWDs qualified for this MCO. In FY 2022, the total PWTD applicant pool for this MCO was 1.78%, which was less than the benchmark. PWTD qualified for this MCO at a rate of 1.80%, which was less than the benchmark. No trigger exists with respect to the rate of PWTDs qualified for this MCO. Information Technology Specialist – 2210: In FY 2022, the total PWD applicant pool for this MCO was 5.39%, which was less than the benchmark. PWD qualified for this MCO at a rate of 7.12%, which was less than the benchmark. No trigger exists with respect to the rate of PWDs qualified for this MCO. In FY 2022, the total PWTD applicant pool for this MCO was 2.85%, which exceeded the benchmark. PWTD qualified for this MCO at a rate of 3.91%, which exceeded the benchmark. No trigger exists with respect to the rate of PWTDs qualified for this MCO. Program Management – 0340: In FY 2022, the total PWD applicant pool for this MCO was 4.32%, which was less than the benchmark. PWD qualified for this MCO at a rate of 2.94%, which was less than the benchmark. Therefore, a trigger exists with respect to the rate of PWDs qualified for this MCO. In FY 2022, the total PWTD applicant pool for this MCO was 2.02%, which constituted the benchmark. PWTD qualified for this MCO at a rate of 1.47%, which was less than the benchmark. Therefore, a trigger exists with respect to the rate of PWTDs qualified for this MCO. Financial Management Specialist – 0501: In FY 2022, the total PWD applicant pool for this MCO was 3.70%, which was less than the benchmark. PWD qualified for this MCO at a rate of 0.00%, which was less than the benchmark. Therefore, a trigger exists with respect to the rate of PWDs qualified for this MCO. In FY 2022, the total PWTD applicant pool for this MCO was 1.23%, which was less than the benchmark. PWTD qualified for this MCO at a rate of 0.00%, which was less than the benchmark. Therefore, a trigger exists with respect to the rate of PWTDs qualified for this MCO. Medical Officer – 0602: In FY 2022, CMS has no vacancy for the Medical Officer series, resulting in no internal applicants. Actuary - 1510: In FY 2022, the total PWD applicant pool for this MCO was 1.72%, which was less than the benchmark. PWD qualified for this MCO at a rate of 0.00%, which was less than the benchmark. Therefore, a trigger exists with respect to the rate of PWDs qualified for this MCO. Likewise, in FY 2022, the total PWTD applicant pool for this MCO was 0.00%, which was less than the benchmark. PWTD qualified for this MCO at a rate of 0.00%, which was the less than the benchmark. No trigger exists with respect to the rate of PWTDs qualified for this MCO.

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

      a. Promotions for MCO (PWD)                  Answer   Yes

      b. Promotions for MCO (PWTD)                Answer   Yes

Health Insurance Specialist – 0107: In FY 2022, the total PWD qualified applicant pool for this MCO was 4.51%, which represents the benchmark. PWDs promoted to this MCO was at a rate of 7.57%, which exceeded the benchmark. No trigger exists with respect

to the rate of PWDs promoted to this MCO. In FY 2022, the total PWTD qualified applicant pool for this MCO was 1.80%, which represents the benchmark. PWTDs promoted to this MCO was at a rate of 1.62%, which was less than the benchmark. Therefore, a trigger exists with respect to the rate of PWTDs promoted to this MCO. Information Technology Specialist – 2210: In FY 2022, the total PWD qualified applicant pool for this MCO was 5.39%, which represents the benchmark. PWDs promoted to this MCO was at a rate of 3.70%, which was less than the benchmark. Therefore, a trigger exists with respect to the rate of PWDs promoted to this MCO. In FY 2022, the total PWTD qualified applicant pool for this MCO was 2.85%, which represents the benchmark. PWTDs promoted to this MCO was at a rate of 0.00%, which was less than the benchmark. Therefore, a trigger exists with respect to the rate of PWTDs promoted to this MCO. Program Management – 0340: In FY 2022, the total PWD qualified applicant pool for this MCO was 2.94%, which represents the benchmark. PWDs promoted to this MCO was at a rate of 0.00%, which was less than the benchmark. Therefore, a trigger exists with respect to the rate of PWDs promoted to this MCO. In FY 2022, the total PWTD qualified applicant pool for this MCO was 1.47%, which represents the benchmark. PWTDs promoted to this MCO was at a rate of 0.00%, which was less than the benchmark. Therefore, a trigger exists with respect to the rate of PWTDs promoted to this MCO. Financial Management Specialist – 0501: In FY 2022, the total PWD qualified applicant pool for this MCO 0.00%, which represents the benchmark. PWDs promoted to this MCO was at a rate of 14.29%, which exceeded the benchmark. Therefore, no trigger exists with respect to the rate of PWDs promoted to this MCO. In FY 2022, the total PWTD qualified applicant pool for this MCO was 0.00%, which represents the benchmark. PWTDs promoted to this MCO was at a rate of 0.00%, which was same as the benchmark. Therefore, no trigger exists with respect to the rate of PWTDs promoted to this MCO. Medical Officer – 0602: In FY 2022, the total PWD qualified applicant pool for this MCO was 0.00%, which represents the benchmark. PWDs promoted to this MCO was at a rate of 0.00%, which was the same as the benchmark. No trigger exists with respect to the rate of PWDs promoted to this MCO. In FY 2022, the total PWTD qualified applicant pool for this MCO was 0.00%, which represents the benchmark. PWTDs promoted to this MCO was at a rate of 0.00%, which was the same as the benchmark. No trigger exists with respect to the rate of PWTDs promoted to this MCO. Actuary - 1510: In FY 2022, the total PWD qualified applicant pool for this MCO was 0.00%, which represents the benchmark. PWDs promoted to this MCO was at a rate of 0.00%, which was the same as the benchmark. No trigger exists with respect to the rate of PWDs promoted to this MCO. In FY 2022, the total PWTD qualified applicant pool for this MCO was 0.00%, which represents the benchmark. PWTDs promoted to this MCO was at a rate of 0.00%, which was the same as the benchmark. No trigger exists with respect to the rate of PWTDs promoted to this MCO.

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

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

## A. ADVANCEMENT PROGRAM PLAN

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

CMS follows Merit Systems Principals to ensure equal opportunity for all employees, including those with disabilities. To this end, CMS strives to assist all employees in career advancement whenever possible. Notwithstanding the action items included in this Part J, CMS has worked throughout the fiscal year to ensure that PWDs and PWTDs have sufficient opportunities for advancement within the Agency through a variety of ways, such as career coaching and participation in the Presidential Management Fellows and Intra-Agency Rotation Program. Written procedures regarding training and conference opportunities include a mandate that all locations be compliant with Section 504 and 508 of the Rehabilitation Act. As standard protocol, all training announcements should include contact information to request RAs. In addition, the General Services Administration assesses training facilities against the Architectural Barriers' Act, and as a result of the COVID-19 pandemic during the reporting period, all training courses were being offered virtually, which the Agency believes will continue even after employees return physically to the office. The net result from the Agency's response to a total virtual environment has resulted in expanded access for PWDs and PWTDs to programs, activities, and services. In FY 2021 and continuing through FY 2022, CMS introduced the Zoom platform as a tool for broadcasting meetings, conferences and training opportunities into regional offices across the country. The use of Zoom as a meeting and broadcasting tool provides PWDs and PWTDs enhanced accessibility as a host of a Zoom meeting. The use of Zoom as a virtual platform has tremendously increased employee engagement. Further, the CMS DERG has been instrumental in assisting Agency officials in brainstorming ways of eliminating physical barriers that exist with respect to the recruitment, hiring, promotion, and retention of PWDs and PWTDs within the Agency, such as the use of broadcast messaging regarding building construction zones and the timing of elevator door closures. Accomplishments for FY 2022 included expanded use of surveys to reach individual PWD and PWTD

employees for immediate feedback; focus groups designed to assist the Agency in pinpointing specific barriers identified through statistical analysis; RA training for managers and employees; specific training on the Schedule A Hiring Authority and a panel discussion on leveling the playing field with respect to telework; and "Lunch and Learn" sessions on the Architectural Barriers' Act, Sections 504 and 508 compliance, and peer mentorship. In accordance with the EEOC mandate, all job announcements have also included language informing applicants of the CMS commitment to providing personal assistant services.

# B. CAREER DEVELOPMENT OPPORTUNITES

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

CMS is committed to continuous learning and exploring innovative methods to develop and retain highly skilled employees to carry out its mission critical functions. A wide range of professional development opportunities are provided to all CMS employees, including PWD and PWTD employees, to support career satisfaction and development within the agency. In FY 2022, CMS conducted the following workshops, activities, and programs to assist employees with their careers and professional development goals. The Agency plans to continue such efforts in FY 2023: • The CMS Asian American, Native Hawaiian, and Pacific Islander (AANHPI) ERG sponsored a presentation discussing COVID-19 Public Health Heroes for the AAPI community, which was open to all employees. • The CMS Federal Women's Group sponsored several leadership Lunch and Learn workshops for all employees. Participants learned how to share knowledge and influence to help others, grow social capital, develop a networking strategy, and focus on making high-quality connections. • The CMS Veterans Assistance Committee continues to sponsor Veteran-related workshops and discussions, which is available to all CMS employees. During these monthly meetings, participants learned about several benefits available to veterans and their family members and shared tools on how to access these critical benefits. • The CMS DERG and the RAP Team hosted two separate workshops on the CMS RA process, one specific to managers and the other to employees. The purpose of these two one-hour workshops was to outline the procedures for requesting reasonable accommodations within CMS, as well as to tailor the question and answer segment specifically to managers and employees. • Latinx, the CMS Hispanic ERG, hosted a series of presentations for Hispanic Heritage Month. The presentations focused on the theme of "Equity" and was open to all CMS employees. Presenters discussed the educational gaps in the Hispanic community and how that gap translated in underrepresentation in the workforce. CMS will continue to offer the following career development programs in FY 2023 in addition to the multiple ERG opportunities presented above: • CMS Intra-Agency Rotation Program (Traditional Program) • CMS Intra-Agency Rotation Program (Direct Match Pilot) • Presidents Management Council (PMC) Program • White House Leadership Development Program (WHLDP) • Federal Executive Institute Leadership for a Democratic Society • Peterson Experienced Leadership Program • Aspiring Leaders Program

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

| Career Development Opportunities | Total Participants | | PWD | | PWTD | |
|---|---|---|---|---|---|---|
| | Applicants (#) | Selectees (#) | Applicants (%) | Selectees (%) | Applicants (%) | Selectees (%) |
| Mentoring Programs | | | | | | |
| Other Career Development Programs | 160 | 57 | 6.88% | 1.75% | 2.5% | 1.75% |
| Internship Programs | | | | | | |
| Training Programs | | | | | | |
| Fellowship Programs | | | | | | |
| Detail Programs | 49 | 49 | 8.16% | 8.16% | 6.12% | 6.12% |
| Coaching Programs | | | | | | |

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

     a. Applicants (PWD)                                           Answer    Yes

       b. Selections (PWD)                                    Answer    Yes

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CMS Intra Agency Rotation Program (IARP; GS-11 to SES) In FY 2022, 49 total employees (45 non-PWDs and 4 PWDs) out of 5,860 eligible individuals (5,351 non-PWDs and 509 PWDs) applied for the IARP. This constituted a participant rate of 8.16% of PWDs in the applicant pool, which is the benchmark. Of that total, 49 employees were selected (45 non-PWDs and 4 PWDs) for participation in the program, which constituted an 8.16% participation rate of PWDs among all selectees. Taking the relevant applicant pool and the participation rate of selectees in account, which was same as the benchmark. No trigger exists with respect to this program. White House Leadership Development Program (WHLDP; GS-15) In FY 2022, 7 total employees out of a pool of 827 eligible employees applied for the WHLDP. However, there were no PWD applicants for the program, therefore, a trigger may exist with respect to this program. President's Management Council Program (PMCP; GS-13 to 15) In FY 2022, 5 total employees out of a pool of 4,775 eligible employees applied for the WHLDP. However, there were no PWD applicants for the program, therefore, a trigger may exist with respect to this program. Federal Executive Institute Program (FEIP; GS-15 to SES) No selections were made last FY for the Federal Executive Institute given that courses were not being run due to COVID-19. Peterson Experienced Leaders Program (PELP; GS-14 to GS-15?) Note that Aspiring Leaders Program (ALP) was the only internal CMS competitive career development program conducted during this timeframe; The Office of Human Capital (OHC) did not have a PELP cohort during this period. Aspiring Leaders Program (ALP; GS-13 to GS-14) In FY 2022, 199 total employees (188 non-PWDs and 11 PWDs) out of 3,948 eligible individuals (3,621 non-PWDs and 327 PWDs) applied for the ALP. This constituted a participant rate of 5.53% of PWDs in the applicant pool, which is the benchmark. Of that total, 51 employees were selected (50 non-PWDs and 1 PWDs) for participation in the program, which constituted an 1.96% participation rate of all selectees. Taking the relevant applicant pool and the participation rate of selectees in account, a trigger exists with respect to this program.

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

       a. Applicants (PWTD)                                    Answer    Yes

       b. Selections (PWTD)                                    Answer    Yes

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CMS Intra Agency Rotation Program (IARP; GS-11 to SES) In FY 2022, there were 49 applicants out of 5,860 eligible were non-PWTDs and 3 out of 49 eligible were PWTDs. This constituted a participation rate of 6.12% of PWTDs in the applicant pool, which is the benchmark. Of that total, 49 employees were selected (46 non-PWTDs and 3 PWTDs) for participation in the program, which constituted a 6.12% participation rate of all selectees. Taking the relevant applicant pool and the participation rate of selectees in account, which was the same as the benchmark. No trigger exists with respect to this program. White House Leadership Development Program (WHLDP; GS-15) In FY 2022, 7 total employees out of a pool of 827 eligible employees applied for the WHLDP. However, there were no PWTD applicants for the program, therefore, a trigger may exist with respect to this program. President's Management Council Program (PMCP; GS-13 to 15) In FY 2022, 5 total employees out of a pool of 4,775 eligible employees applied for the WHLDP. However, there were no PWTD applicants for the program, therefore, a trigger may exist with respect to this program. Federal Executive Institute Program (FEIP; GS-15 to SES) No selections were made last FY for the Federal Executive Institute given that courses were not being run dud to COVID-19. Peterson Experienced Leaders Program (PELP; GS-14 to GS-15) Note that Aspiring Leaders Program (ALP) was the only internal CMS competitive career development program conducted during this timeframe; The Office of Human Capital (OHC) did not have a PELP cohort during this period. Aspiring Leaders Program (ALP; GS-13 to GS-14) In FY 2022, there were 148 total employees (144 non-PWDs and 4 PWTDs) out of 3,948 eligible individuals (3,848 non-PWDs and 100 PWTDs) applied for the ALP. This constituted a participation rate of 2.70% of PWDs in the applicant pool, which is the benchmark. Of that total, 51 employees were selected (50 non-PWDs and 1 PWTDs) for participation in the program, which constituted an 1.96% participation rate of all selectees. Taking the relevant applicant pool and the participation rate of selectees in account, a trigger exists with respect to this program.

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## C. AWARDS

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

       a. Awards, Bonuses, & Incentives (PWD)                     Answer    Yes

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

Performance-based, Non-discretionary Awards: CMS allows non-discretionary, performance-based awards to be provided either as a cash award or as a time-off award. Since the employee chooses the method by which to be compensated for a performance award, both cash-based and time-off awards will be discussed together. In FY 2022, PWDs accounted for 9.07% of the CMS workforce. During the reporting period, PWDs received a performance-based award at a rate of 7.99%, which was less than the participation rate of 9.07%, and less than the Federal benchmark of 12.00%. Therefore, a trigger exists with respect to PWDs receiving performance-based awards. In FY 2022, PWTDs accounted for 2.75% of the CMS workforce. During the reporting period, PWTDs received performance-based awards at a rate of 2.47%, which was less than the participation rate of 2.75%, but greater than the Federal benchmark of 2.00%. Therefore, no trigger exists with respect to PWTDs receiving performance-based awards. All Other Discretionary Awards All nonperformance-based awards are considered discretionary awards, which may be awarded as time-off or cash awards. Again, the Agency provides the option to employees to convert cash awards to time-off awards (not the opposite), so statistics related to time-off awards also include converted cash awards. As a result, all discretionary awards will be presented together. In FY 2022, PWDs accounted for 9.07% of the CMS workforce. During the reporting period, PWDs received discretionary awards at a rate of 6.55%, which was less than the participation rate of 8.98% and less than the Federal benchmark of 12.00%. Therefore, a trigger exists with respect to PWDs receiving discretionary awards. In FY 2022, PWTDs accounted for 2.75% of the CMS workforce. During the reporting period, PWTDs received discretionary awards at a rate of 2.16%, which was less than the participation rate of 2.75%, but greater than the Federal benchmark of 2.00%. Therefore, no trigger exists with respect to PWTDs receiving discretionary awards.

| Time-Off Awards | Total (#) | Reportable Disability % | Without Reportable Disability % | Targeted Disability % | Without Targeted Disability % |
|---|---|---|---|---|---|
| Time-Off Awards 1 - 10 hours: Awards Given | 1730 | 26.53 | 29.25 | 25.00 | 26.79 |
| Time-Off Awards 1 - 10 Hours: Total Hours | 14914 | 232.04 | 252.71 | 230.56 | 232.30 |
| Time-Off Awards 1 - 10 Hours: Average Hours | 8 | 1.63 | 0.16 | 12.50 | -0.24 |
| Time-Off Awards 11 - 20 hours: Awards Given | 1518 | 28.98 | 25.04 | 23.61 | 29.90 |
| Time-Off Awards 11 - 20 Hours: Total Hours | 28198 | 570.20 | 460.66 | 376.39 | 603.59 |
| Time-Off Awards 11 - 20 Hours: Average Hours | 18 | 3.88 | 0.36 | 20.83 | 0.96 |
| Time-Off Awards 21 - 30 hours: Awards Given | 831 | 14.90 | 13.66 | 5.56 | 16.51 |
| Time-Off Awards 21 - 30 Hours: Total Hours | 21753 | 396.73 | 357.68 | 137.50 | 441.39 |
| Time-Off Awards 21 - 30 Hours: Average Hours | 26 | 5.31 | 0.52 | 33.33 | 0.48 |
| Time-Off Awards 31 - 40 hours: Awards Given | 223 | 3.67 | 3.71 | 1.39 | 4.07 |
| Time-Off Awards 31 - 40 Hours: Total Hours | 8810 | 153.88 | 145.71 | 50.00 | 171.77 |
| Time-Off Awards 31 - 40 Hours: Average Hours | 39 | 8.37 | 0.77 | 50.00 | 1.20 |
| Time-Off Awards 41 or more Hours: Awards Given | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Time-Off Awards 41 or more Hours: Total Hours | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Time-Off Awards 41 or more Hours: Average Hours | 0 | 0.00 | 0.00 | 0.00 | 0.00 |

| Cash Awards | Total (#) | Reportable Disability % | Without Reportable Disability % | Targeted Disability % | Without Targeted Disability % |
|---|---|---|---|---|---|
| Cash Awards: $501 - $999: Awards Given | 1554 | 24.69 | 25.86 | 29.17 | 23.92 |
| Cash Awards: $501 - $999: Total Amount | 1193492 | 19331.43 | 19815.88 | 22287.50 | 18822.25 |

| Cash Awards | Total (#) | Reportable Disability % | Without Reportable Disability % | Targeted Disability % | Without Targeted Disability % |
|---|---|---|---|---|---|
| Cash Awards: $501 - $999: Average Amount | 768 | 159.59 | 15.19 | 1061.11 | 4.31 |
| Cash Awards: $1000 - $1999: Awards Given | 2848 | 38.57 | 49.89 | 36.11 | 39.00 |
| Cash Awards: $1000 - $1999: Total Amount | 3854847 | 52686.73 | 67670.59 | 47831.94 | 53522.97 |
| Cash Awards: $1000 - $1999: Average Amount | 1353 | 278.57 | 26.89 | 1838.89 | 9.81 |
| Cash Awards: $2000 - $2999: Awards Given | 427 | 6.33 | 7.50 | 8.33 | 5.98 |
| Cash Awards: $2000 - $2999: Total Amount | 1053163 | 16116.94 | 18486.10 | 21215.28 | 15238.76 |
| Cash Awards: $2000 - $2999: Average Amount | 2466 | 519.80 | 48.90 | 3534.72 | 0.48 |
| Cash Awards: $3000 - $3999: Awards Given | 322 | 1.63 | 5.99 | 0.00 | 1.91 |
| Cash Awards: $3000 - $3999: Total Amount | 1017164 | 5177.14 | 18912.33 | 0.00 | 6068.90 |
| Cash Awards: $3000 - $3999: Average Amount | 3158 | 647.14 | 62.62 | 0.00 | 758.61 |
| Cash Awards: $4000 - $4999: Awards Given | 4 | 0.00 | 0.08 | 0.00 | 0.00 |
| Cash Awards: $4000 - $4999: Total Amount | 17638 | 0.00 | 349.75 | 0.00 | 0.00 |
| Cash Awards: $4000 - $4999: Average Amount | 4409 | 0.00 | 87.43 | 0.00 | 0.00 |
| Cash Awards: $5000 or more: Awards Given | 76 | 1.43 | 1.35 | 1.39 | 1.44 |
| Cash Awards: $5000 or more: Total Amount | 1204046 | 22367.14 | 21279.44 | 14722.22 | 23683.97 |
| Cash Awards: $5000 or more: Average Amount | 15842 | 3195.31 | 312.93 | 14722.22 | 1209.81 |

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

   a. Pay Increases (PWD)                                                    Answer    Yes

   b. Pay Increases (PWTD)                                                   Answer    Yes

Quality Step Increase (QSI): In FY 2022, PWDs accounted for 9.07% of the CMS workforce. During the reporting period, PWDs received performance-based QSIs at a rate of 6.12%, which was less than the participation rate of 9.07% and less than the Federal benchmark of 12.00%. Therefore, a trigger exists with respect to PWDs receiving performance-based QSIs. In FY 2022, PWTDs accounted for 2.75% of the CMS workforce. During the reporting period, PWTDs received performance-based QSIs at a rate of 2.45%, which was less than the participation rate of 2.75%, but greater than the Federal benchmark of 2.00%. Therefore, a trigger exists with respect to PWTDs receiving performance-based QSIs.

| Other Awards | Total (#) | Reportable Disability % | Without Reportable Disability % | Targeted Disability % | Without Targeted Disability % |
|---|---|---|---|---|---|

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

   a. Other Types of Recognition (PWD)                                      Answer    N/A

      b. Other Types of Recognition (PWTD)          Answer    N/A

| |
|---|
| Not applicable. |

## D. PROMOTIONS

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

    a. SES

        i. Qualified Internal Applicants (PWD)         Answer   No

        ii. Internal Selections (PWD)         Answer   No

    b. Grade GS-15

        i. Qualified Internal Applicants (PWD)         Answer   No

        ii. Internal Selections (PWD)         Answer   Yes

    c. Grade GS-14

        i. Qualified Internal Applicants (PWD)         Answer   No

        ii. Internal Selections (PWD)         Answer   Yes

    d. Grade GS-13

        i. Qualified Internal Applicants (PWD)         Answer   No

        ii. Internal Selections (PWD)         Answer   Yes

| |
|---|
| Internal Selection for Senior Level Positions: SES: In FY 2022, there were no internal PWD applicants for this grade, constituting a benchmark of 0.00%. Likewise, there were no qualified PWD applicants, constituting a participation rate of 0.00%. Therefore, no trigger exists with respect to the qualified PWD applicant participation rate for this grade, since the participation rate was the same as the benchmark. Likewise, there were no internal qualified PWD applicants for this grade, constituting a benchmark of 0.00%. Likewise, there were no PWD selectees, constituting a participation rate of 0.00%. Therefore, no trigger exists with respect to the PWD selectee participation rate for this grade, since the participation rate was the same as the benchmark. GS 15: In FY 2022, there were 546 internal applicants for this grade. Of this total, PWDs accounted for 31 applicants, constituting a benchmark of 5.68%. Of the total qualified applicant pool of 185 individuals, there were 13 qualified PWD applicants, constituting a participation rate of 6.57%. Therefore, no trigger exists with respect to the qualified PWD applicant participation rate for this grade, since the participation rate exceeded the benchmark. Likewise, there were 198 internal qualified applicants for this grade. Of this total, PWDs accounted for 13 qualified applicants, constituting a benchmark of 6.57%. Of the 22 total selectees, PWDs did not account for any selectees, constituting a participation rate of 0.00%. Therefore, a trigger exists with respect to the PWD selectee participation rate for this grade, since the participation rate was less than the benchmark. GS 14: In FY 2022, there were 1,512 internal applicants for this grade. Of this total, PWDs accounted for 68 applicants, constituting a benchmark of 4.50%. Of the 446 qualified applicants, there were 23 qualified PWD applicants, constituting a participation rate of 5.16%. Therefore, no trigger exists with respect to the qualified PWD applicant participation rate for this grade, since the participation rate exceeded the benchmark. Likewise, there were 446 internal qualified applicants for this grade. Of that amount, there were 23 qualified PWD applicants, constituting a participation rate of 5.16%. Of the 56 total selectees, PWDs accounted for 1 selectee, constituting a participation rate of 1.79%. Therefore, a trigger exists with respect to the PWD selectee participation rate for this grade, since the participation rate was less than the benchmark. GS 13: In FY 2022, there were 2,286 internal applicants for this grade. Of this total, PWDs accounted for 178 applicants, constituting a benchmark of 7.75%. Of the 420 qualified applicants, there were 41 qualified PWD applicants constituted a participation rate of 9.76%. No trigger exists with respect to the qualified PWD applicant participation rate for this grade, since |

the participation rate exceeded the benchmark. Likewise, there were 420 internal qualified applicants for this grade. Of that amount, there were 41 qualified PWD applicants, constituting a participation rate of 9.76%. Of the 67 total selectees, PWDs accounted for 6 selectees, constituting a participation rate of 8.96%. Therefore, a trigger exists with respect to the PWD selectee participation rate for this grade, since the participation rate was less than the benchmark.

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

    a. SES

        i. Qualified Internal Applicants (PWTD)          Answer    No

        ii. Internal Selections (PWTD)                    Answer    No

    b. Grade GS-15

        i. Qualified Internal Applicants (PWTD)          Answer    No

        ii. Internal Selections (PWTD)                    Answer    Yes

    c. Grade GS-14

        i. Qualified Internal Applicants (PWTD)          Answer    No

        ii. Internal Selections (PWTD)                    Answer    Yes

    d. Grade GS-13

        i. Qualified Internal Applicants (PWTD)          Answer    Yes

        ii. Internal Selections (PWTD)                    Answer    Yes

SES: In FY 2022, there were no internal PWTD applicants for this grade, constituting a benchmark of 0.00%. Likewise, there were no qualified PWTD applicants, constituting a participation rate of 0.00%. Therefore, no trigger exists with respect to the qualified PWTD applicant participation rate for this grade, since the participation rate was the same as the benchmark. Likewise, there were no internal qualified PWTD applicants for this grade, constituting a benchmark of 0.00%. Additionally, there were no PWTD selectees, constituting a participation rate of 0.00%. Therefore, no trigger exists with respect to the PWTD selectee participation rate for this grade, since the participation rate was the same as the benchmark. GS 15: In FY 2022, there were 546 internal applicants for this grade. Of this total, PWTDs accounted for 15 applicants, constituting a benchmark of 2.75%. Of the total qualified applicant pool of 198 individuals, there were 8 qualified PWTD applicants, constituting a participation rate of 4.04%. Therefore, no trigger exists with respect to the qualified PWTD applicant participation rate for this grade, since the participation rate exceeded the benchmark. Likewise, there were 185 internal qualified applicants for this grade. Of this total, PWTDs accounted for 8 qualified applicants, constituting a benchmark of 4.35%. Of the 22 total selectees, PWTDs did not account for any selectees, constituting a participation rate of 0.00%. Therefore, a trigger exists with respect to the PWTD selectee participation rate for this grade, since the participation rate was less than the benchmark. GS 14: In FY 2022, there were 1,512 internal applicants for this grade. Of this total, PWTDs accounted for 30 applicants, constituting a benchmark of 1.98%. Of the 446 qualified applicants, there were 9 qualified PWTD applicants, constituting a participation rate of 2.02%. Therefore, no trigger exists with respect to the qualified PWTD applicant participation rate for this grade, since the participation rate exceeded the benchmark. Likewise, there were 446 internal qualified applicants for this grade. Of this total, PWTDs accounted for 9 qualified applicants, constituting a benchmark of 2.02%. Of the 56 total selectees, PWTDs did not account for any selectees, constituting a participation rate of 0.00%. Therefore, a trigger exists with respect to the PWTD selectee participation rate for this grade, since the participation rate was less than the benchmark. GS 13: In FY 2022, there were 2,286 internal applicants for this grade. Of this total, PWTDs accounted for 178 applicants, constituting a benchmark of 3.54%. Of the 420 qualified applicants, there were 12 qualified PWTD applicants, constituting a participation rate of 2.86%. Therefore, a trigger exists with respect to the qualified PWTD applicant participation rate for this grade, since the participation rate was less than the benchmark. Likewise, there were 420 internal qualified applicants for this grade. Of

this total, PWTDs accounted for 12 qualified applicants, constituting a benchmark of 2.86%. Of the 67 total selectees, PWTDs did not account for any selectees, constituting a participation rate of 0.00%. Therefore, a trigger exists with respect to the PWTD selectee participation rate for this grade, since the participation rate was less than the benchmark.

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

| | | | |
|---|---|---|---|
| a. New Hires to SES (PWD) | | Answer | No |
| b. New Hires to GS-15 (PWD) | | Answer | Yes |
| c. New Hires to GS-14 (PWD) | | Answer | No |
| d. New Hires to GS-13 (PWD) | | Answer | Yes |

Per HHS, the Business Intelligence Information System (BIIS) does not collect data regarding new hires for the senior grades. The below analysis is based on the "selected" category within the Office of Personnel Management (OPM) USA Staffing applicant flow data charts for FY 2021. SES: In FY 2022, there were 210 qualified applicants for this grade. Of this total, PWDs accounted for 12 qualified applicants, constituting a benchmark of 5.71%. There were 9 selectees, PWD accounted for one selectee, constituting a participation rate of 11.11%. Therefore, no trigger exists with respect to the PWD selectee participation rate for this grade, since the participation rate exceeded the benchmark. GS 15: In FY 2022, there were 382 qualified applicants for this grade. Of this total, PWDs accounted for 12 qualified applicants, constituting a benchmark of 3.14%. Of the 7 total selectees, PWDs did not account for any of the selectees, constituting a participation rate of 0.00%. Therefore, a trigger exists with respect to the PWD selectee participation rate for this grade, since the participation rate was less than the benchmark. GS 14: In FY 2022, there were 868 qualified applicants for this grade. Of this total, PWDs accounted for 36 qualified applicants, constituting a benchmark of 4.15%. Of the 5 total selectees, PWD accounted for one selectee, constituting a participation rate of 20.00%. Therefore, no trigger exists with respect to the PWD selectee participation rate for this grade, since the participation rate exceeded the benchmark. GS 13: In FY 2022, there were 2,036 qualified applicants for this grade. Of this total, PWDs accounted for 63 qualified applicants, constituting a benchmark of 3.09%. Of the 15 total selectees, PWDs did not account for any of the selectees, constituting a participation rate of 0.00%. Therefore, a trigger exists with respect to the PWD selectee participation rate for this grade, since the participation rate was less than the benchmark.

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

| | | | |
|---|---|---|---|
| a. New Hires to SES (PWTD) | | Answer | Yes |
| b. New Hires to GS-15 (PWTD) | | Answer | Yes |
| c. New Hires to GS-14 (PWTD) | | Answer | Yes |
| d. New Hires to GS-13 (PWTD) | | Answer | Yes |

Per HHS, the BIIS system does not collect data regarding new hires for the senior grades. The below analysis is based on the "selected" category within the OPM USA Staffing applicant flow data charts for FY 2021. SES: In FY 2022, there were 210 qualified applicants for this grade. Of this total, PWTDs accounted for 7 qualified applicants, constituting a benchmark of 3.33%. Of the 9 total selectees, PWTDs did not account for any of the selectees, constituting a participation rate of 0.00%. Therefore, a trigger exists with respect to the PWTD selectee participation rate for this grade, since the participation rate was less than the benchmark. GS 15: In FY 2022, there were 382 qualified applicants for this grade. Of this total, PWTDs accounted for 3 qualified applicants, constituting a benchmark of 0.79%. Of the 7 total selectees, PWTDs did not account for any of the selectees, constituting a participation rate of 0.00%. Therefore, a trigger exists with respect to the PWTD selectee participation rate for this grade, since the participation rate was less than the benchmark. GS 14: In FY 2022, there were 868 qualified applicants for this grade. Of this total,

PWTDs accounted for 12 qualified applicants, constituting a benchmark of 1.38%. Of the 5 total selectees, PWTDs did not account for any of the selectees, constituting a participation rate of 0.00%. Therefore, a trigger exists with respect to the PWTD selectee participation rate for this grade, since the participation rate was less than the benchmark. GS 13: In FY 2022, there were 2,036 qualified applicants for this grade. Of this total, PWTDs accounted for 33 qualified applicants, constituting a benchmark of 1.62%. Of the 15 total selectees, PWTDs did not account for any of the selectees, constituting a participation rate of 0.00%. Therefore, a trigger exists with respect to the PWTD selectee participation rate for this grade, since the participation rate was less than the benchmark.

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

    a. Executives

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

        ii. Internal Selections (PWD)               Answer   N/A

    b. Managers

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

        ii. Internal Selections (PWD)               Answer   N/A

    c. Supervisors

        i. Qualified Internal Applicants (PWD)            Answer   No

        ii. Internal Selections (PWD)               Answer   Yes

CMS does not differentiate between managers, supervisors, or executives (except for those in the SES). As such, the following information and analysis represents all three supervisory designations. In FY 2022, there were 1,004 internal applicants for supervisory positions. Of this total, PWDs accounted for 67 applicants, constituting a benchmark of 6.67%. Of the total qualified applicant pool of 389 individuals, there were 29 qualified PWD applicants, constituting a participation rate of 7.46%. Therefore, no trigger exists with respect to the qualified PWD applicant participation rate for supervisory positions, since the participation rate exceeded the benchmark. Likewise, there were 389 internal qualified applicants for supervisory positions. Of this total, PWDs accounted for 29 qualified applicants, constituting a benchmark of 7.46%. Of the 36 total selectees, PWDs did not account for any selectees, constituting a participation rate of 0.00%. Therefore, a trigger exists with respect to the PWD selectee participation rate for supervisory positions, since the participation rate was less than the benchmark.

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

    a. Executives

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

        ii. Internal Selections (PWTD)              Answer   N/A

    b. Managers

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

        ii. Internal Selections (PWTD)             Answer   N/A

    c. Supervisors

        i. Qualified Internal Applicants (PWTD)        Answer   No

        ii. Internal Selections (PWTD)        Answer   Yes

CMS does not differentiate between managers, supervisors, or executives (except for those in the SES). As such, the following information and analysis represents all three supervisory designations. In FY 2022, there were 1,004 internal applicants for supervisory positions. Of this total, PWTDs accounted for 31 applicants, constituting a benchmark of 3.09%. Of the total qualified applicant pool of 389 individuals, there were 13 qualified PWTD applicants, constituting a participation rate of 3.34%. Therefore, no trigger exists with respect to the qualified PWTD applicant participation rate for supervisory positions, since the participation rate exceeded the benchmark. Likewise, there were 389 internal qualified applicants for supervisory positions. Of this total, PWTDs accounted for 1 qualified applicant, constituting a benchmark of 3.34%. Of the 36 total selectees, PWTDs did not account for any selectees, constituting a participation rate of 0.00%. Therefore, a trigger exists with respect to the PWTD selectee participation rate for supervisory positions, since the participation rate was less than the benchmark.

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

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

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

        c. New Hires for Supervisors (PWD)        Answer   Yes

CMS does not differentiate between managers, supervisors, or executives (except for those in the SES). As such, the following information and analysis represents all three supervisory designations. In FY 2022, there were 516 qualified applicants for supervisory positions. Of this total, PWDs accounted for 21 qualified applicants, constituting a benchmark of 4.07%. Of the 9 total selectees, PWD account for one selectee, constituting a participation rate of 11.11%. No trigger exists with respect to the PWD selectee participation rate for supervisory positions, since the participation rate was less than the benchmark.

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

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

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

        c. New Hires for Supervisors (PWTD)        Answer   Yes

CMS does not differentiate between managers, supervisors, or executives (except for those in the SES). As such, the following information and analysis represents all three supervisory designations. In FY 2022, there were 516 qualified applicants for supervisory positions. Of this total, PWTDs accounted for 9 qualified applicants, constituting a benchmark of 1.74%. Of the 9 total selectees, PWTDs did not account for any selectees, constituting a participation rate of 0.00%. Therefore, a trigger exists with respect to the PWTD selectee participation rate for supervisory positions, since the participation rate was less than the benchmark.

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

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

## A. VOLUNTARY AND INVOLUNTARY SEPARATIONS

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

Answer   No

In FY 2022, CMS converted 14 of 37 Schedule A employees. Of the remaining employees, 18 were not converted due to administrative error; four separated ; and one was converted to the Accepted Service. The Office of Human Capital (OHC) is informing the employing office of the employees' conversion eligibility to ensure the appropriate steps are taken to convert these employees. CMS will institute a process in the future to better track and initiate conversions for Schedule A hires.

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

a.Voluntary Separations (PWD)   Answer   Yes

b.Involuntary Separations (PWD)   Answer   Yes

In FY 2022, there were 555 PWDs at CMS and 5,565 non-PWDs. During the reporting period, 43 PWDs voluntarily separated from CMS at a separation rate of 7.75 %. The voluntary separation rate for the 338 non-PWDs was 6.07%. Therefore, a trigger exists with respect to PWD voluntary separations, since the voluntary separation rate of PWDs exceeds that of non-PWD voluntary separations. During the same period, 3 PWDs involuntarily separated from CMS at a separation rate of 0.54%. The involuntary separation rate for the 3 non-PWDs was 0.05%. Therefore, a trigger exists with respect to PWD involuntary separations, since the involuntary separation rate of PWDs exceeds that of non-PWD involuntary separations.

| Seperations | Total # | Reportable Disabilities % | Without Reportable Disabilities % |
|---|---|---|---|
| Permanent Workforce: Reduction in Force | 0 | 0.00 | 0.00 |
| Permanent Workforce: Removal | 5 | 0.57 | 0.03 |
| Permanent Workforce: Resignation | 91 | 0.57 | 1.54 |
| Permanent Workforce: Retirement | 148 | 4.96 | 2.13 |
| Permanent Workforce: Other Separations | 66 | 1.34 | 1.03 |
| Permanent Workforce: Total Separations | 310 | 7.44 | 4.73 |

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

a.Voluntary Separations (PWTD)   Answer   Yes

b.Involuntary Separations (PWTD)   Answer   No

In FY 2022, there were 168 PWTDs at CMS and 5,952 non-PWTDs. During the reporting period, 12 PWTDs voluntarily separated from CMS at a separation rate of 7.14%. The voluntary separation rate for the 369 non-PWTDs was 6.20%. Therefore, a trigger exists with respect to PWTD voluntary separations, since the voluntary separation rate of PWTDs exceeds that of non-PWTD voluntary separations. During the same period, no PWTDs involuntarily separated from CMS at a separation rate of 0.00%. The involuntary separation rate for the 6 non-PWTDs was 0.10%. Therefore, no trigger exists with respect to PWTD involuntary separations, since the involuntary separation rate of PWTDs was less than that of non-PWTD involuntary separations.

| Seperations | Total # | Targeted Disabilities % | Without Targeted Disabilities % |
|---|---|---|---|
| Permanent Workforce: Reduction in Force | 0 | 0.00 | 0.00 |
| Permanent Workforce: Removal | 5 | 0.00 | 0.08 |
| Permanent Workforce: Resignation | 91 | 0.00 | 1.47 |
| Permanent Workforce: Retirement | 148 | 3.85 | 2.35 |

| Seperations | Total # | Targeted Disabilities % | Without Targeted Disabilities % |
|---|---|---|---|
| Permanent Workforce: Other Separations | 66 | 1.28 | 1.05 |
| Permanent Workforce: Total Separations | 310 | 5.13 | 4.95 |

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

CMS collected no exit interview data. An HHS contract was terminated in July 2019, and the Agency is currently in the process of establishing its own internal exit survey protocol.

# B. ACCESSIBILITY OF TECHNOLOGY AND FACILITIES

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

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

www.cms.gov/Research-Statistics-Data-and-Systems/CMS-Information-Technology/Section508/
Section_508_policies_procedures.html. To file a complaint, https://cmsintranet.share.cms.gov/OEOCR/Documents/
OEOCRCounselorsContact508.pdf

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

www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNMattersArticles/Downloads/MM9153.pdf

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

In January of 2020, CMS began using a cloud-based system to manage and track reasonable accommodation requests. During calendar year 2022, accommodations staff and managers reaped the benefits of having all processes and information for accommodation requests consolidated into one place. Employees, managers, and RA staff members remain informed on every step in the accommodation process through automated web-based workflows that were updated throughout the year. Real-time analytics and data help the RA staff to simplify accommodation case reporting and to provide better services to CMS employees. The updates to Reasonable Accommodation Management Tool (RAMT) enhance case processing which increases effectiveness and accessibility. The RAMT was further developed to assist the Agency with processing religious accommodation requests. Additionally, CMS is in the process of strengthening our reasonable accommodations program by conducting a gap analysis, developing proposals to address, increasing outreach and communication with stakeholders and improving our processes.

# C. REASONABLE ACCOMMODATION PROGRAM

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

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

The average timeframe for processing an initial request for reasonable accommodation was 27 calendar days in FY 2022, which

was down from 30 calendar days the previous fiscal year. In addition, 52% of all accommodations were processed in less than 31 days. This time period varies greatly depending on an employee's ability to provide the required medical documentation and if the physicians at Federal Occupation and Health are requested to conduct a review and provide a recommendation. The time period also depends greatly on the time needed to conduct market research and the delivery of items that are ultimately purchased.

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

OEOCR provides a variety of training for CMS supervisors and managers on the RA process. Throughout FY 2022, OEOCR presented EEO and RA-related training covering the RA process for CMS central office components, as well as two presentations presented at the All Managers' Meeting in 2022. CMS also provides information through the Agency's monthly newsletter, This Just In, on a variety of RA-related topics. The manager of an employee seeking a reasonable accommodation is provided an opportunity to ask questions and is generally required to participate in an interactive dialogue with a CMS Reasonable Accommodation Coordinator. In order to ensure effective processing of requests, OEOCR coordinates all requests with any relevant CMS component that will be involved in implementation. The CMS RA Program maintains a designated storage area in the CMS warehouse and maintains an inventory of certain frequently ordered items. OEOCR monitors accommodation requests for trends. Trending items or more frequently requested items may be ordered in bulk to help facilitate timely processing of reasonable accommodations. CMS maintains a list of the top accommodations requested and shares a "top 10" list with senior leadership.

## D. PERSONAL ASSISTANCE SERVICES ALLOWING EMPLOYEES TO PARTICIPATE IN THE WORKPLACE
*Pursuant to 29 CFR §1614.203(d)(5), federal agencies, as an aspect of affirmative action, are required to provide personal assistance services (PAS) to employees who need them because of a targeted disability, unless doing so would impose an undue hardship on the agency.*

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

At CMS, the Personal Assistance Service program required by 29 C.F.R. 1614.203(d)(5) is known as Daily Living Assistance at Work (DLAW) and is administered by OEOCR's Reasonable Accommodation Program. CMS drafted a policy consistent with the regulation, which was submitted to the EEOC for review and approval. The DLAW program has a dedicated CMS email mailbox to receive requests. All requests have been timely processed. Training was provided at a leadership meeting as well as to the OHC, and requests are monitored for trends.

# Section VII: EEO Complaint and Findings Data

## A. EEO COMPLAINT DATA INVOLVING HARASSMENT

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

Answer    No

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

Answer    Yes

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

In FY 2022, there were 20 totals formal EEO complaints, of which there were 4 formal EEO complaints where a disability-based complaint alleged a hostile work environment. This accounted for 20% of the total formal complaints. Based on 2019 data, the government-wide average was approximately 20.00%. Therefore, the Agency rate is equal than the government-wide average.

## B. EEO COMPLAINT DATA INVOLVING REASONABLE ACCOMMODATION

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

   Answer    No

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

   Answer    Yes

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

In FY 2022, there were 2 formal EEO complaints out of a total of 20 formal EEO complaints filed that alleged failure to provide a reasonable accommodation, accounting for 10% of the total. Based on 2019 data, the government-wide average was approximately 13.00%. Therefore, the Agency did not exceed the government-wide average.

# Section VIII: Identification and Removal of Barriers

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

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

   Answer    Yes

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

   Answer    Yes

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

| Source of the Trigger: | Workforce Data (if so identify the table) |
|---|---|
| **Specific Workforce Data Table:** | Workforce Data Table - B1 |

| **STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:**<br><br>Provide a brief narrative describing the condition at issue.<br><br>How was the condition recognized as a potential barrier? | Barrier analysis has identified that CMS has low participation rates for PWDs. |
|---|---|

| **STATEMENT OF BARRIER GROUPS:** | *Barrier Group* |
|---|---|
| | People with Disabilities |

| **Barrier Analysis Process Completed?:** | N |
|---|---|
| **Barrier(s) Identified?:** | Y |

| **STATEMENT OF IDENTIFIED BARRIER:**<br><br>Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition. | **Barrier Name** | **Description of Policy, Procedure, or Practice** |
|---|---|---|
| | CMS is not adding to its PWD workforce and is not sustaining its PWD and PWTD workforce. | A Low Entry/High Exit Barrier Analysis has identified that CMS has low participation rates for Persons With Disabilities (PWD) in permanent voluntary/involuntary separations. Analysis of the data revealed that the FY 2022 PWD separation rate was 8.29%, which was higher than the inclusion rate of all other separations percent of 6.31%, indicating that barriers exists with respect to the hiring and retention of PWDs at CMS.<br><br>Further analysis of the data related to Persons with Targeted Disabilities (PWTD) revealed that PWTD new permanent hires were underrepresented at a rate of 1.98% of the CMS new hires, as compared to the overall PWTD participation rate of 2.75%. Likewise, the FY 2022 PWTD separation rate was 7.14%, which was higher than the overall inclusion rate of 6.30%, indicating that a barrier exists. |

| **Objective(s) and Dates for EEO Plan** | | | | | |
|---|---|---|---|---|---|
| **Date Initiated** | **Target Date** | **Sufficient Funding / Staffing?** | **Date Modified** | **Date Completed** | **Objective Description** |
| 10/01/2017 | 10/31/2023 | Yes | | | To work with OHC to improve the current recruitment processes until the desired application rates are achieved. |
| 10/01/2017 | 10/31/2023 | Yes | | | To educate hiring officials that there is a low participation rate for this demographic group. |
| 10/01/2017 | 10/31/2023 | Yes | | | To conduct further analysis into reasons for separation of PWDs. |

| **Responsible Official(s)** | | |
|---|---|---|
| **Title** | **Name** | **Standards Address The Plan?** |
| Director, OEOCR | Anita Pinder | Yes |
| Director, OHC | Tia Butler | Yes |

| | | Planned Activities Toward Completion of Objective | | | |
|---|---|---|---|---|---|
| **Target Date** | **Planned Activities** | **Sufficient Staffing & Funding?** | **Modified Date** | **Completion Date** | |
| 10/01/2018 | OEOCR will develop a project schedule and standard operating procedure for conducting barrier analysis. | Yes | | 05/01/2018 | |
| 10/01/2018 | OEOCR and OHC will discuss possible reasons why hiring rates are low and separation rates are slightly high. This will assist in identifying resources and improved processes that may be utilized. | Yes | | 07/01/2018 | |
| 10/01/2021 | OEOCR and OHC will review all recruitment schedules and plans. Both will reach out to disability employee groups, including the CMS DERG, to obtain suggestions for improvement. OEOCR and OHC will discuss adding to the recruitment plans any additional sources provided. | Yes | | 07/01/2021 | |
| 07/01/2021 | OEOCR and OHC will discuss the practical use of exit surveys to gather additional information on retention. OEOCR will assist OHC in brainstorming ideas that will best work within the Agency and will gather best practices from other agencies. | Yes | | 06/01/2021 | |
| 09/30/2018 | OEOCR will continue to expand its data by gaining access to applicant flow data and by performing additional analysis to determine entry and exit data for targeted demographic groups. | Yes | | | |
| 01/31/2021 | OEOCR will set up a regular meeting with the Division of Global Hiring and Outreach to discuss applicant flow data. | Yes | | 12/01/2020 | |
| 07/01/2021 | The DERG will meet with recruiters to discuss alternative funnels of applicants with disabilities. | Yes | | 06/01/2021 | |
| 01/31/2022 | Through HHS, CMS will resurvey its workforce to include self-identification of disabilities. | Yes | | | |
| 10/31/2023 | CMS targets to have PWDs represent 10% of its workforce by the end of FY 2023. | Yes | | | |

| | Report of Accomplishments |
|---|---|
| **Fiscal Year** | **Accomplishment** |
| 2018 | During the reporting period, CMS developed a project schedule and a draft standard operating procedure for conducting barrier analysis. |
| 2018 | During the reporting period, OEOCR and OHC met to discuss possible reasons why hiring rates are low and separation rates are slightly high. |
| 2019 | During the reporting period, OEOCR continued its regular meeting with the Division of Global Hiring and Outreach to discuss applicant flow data. |
| 2021 | During the reporting period, OEOCR and OHC discussed the practical use of exit surveys to gather additional information on retention. OEOCR will assist OHC and OIT in brainstorming ideas that will best work within the Agency. |
| 2021 | During the reporting period, the DERG met with recruiters to discuss alternative funnels of applicants with disabilities. |
| 2018 | During the reporting period, OEOCR and OHC reviewed all recruitment schedules and plans. In addition, both reached out to disability employee groups, including the CMS DERG, to obtain suggestions for improvement. |

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

Not applicable. CMS initiated its objectives and goals for eliminating the above barrier in December of 2017 and is on target for an October 2023 completion date.

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

During the reporting period, CMS developed a project schedule and a draft standard operating procedure for conducting barrier analysis. This important step has helped the Agency prioritize its next steps in conducting overall barrier analysis. OEOCR and OHC continued to meet on a semi-monthly basis to discuss possible reasons why hiring rates are low and began to identify resources and improved processes that may be utilized in the future. By conducting these ongoing dialogues, the Agency can work in tandem between its Human Resources and EEO function, instead of debriefing at the end of each fiscal year. OEOCR and OHC continue to share information on all recruitment schedules and plans, and OEOCR provided recommendations on targeted recruitment based on applicant flow data provided through USA Staffing. Both will continue these efforts by reaching out to other disability employee groups, including the CMS DERG, to obtain suggestions. OEOCR and OHC discussed adding to the FY 2022 recruitment outreach plan all additional sources provided. Further, CMS expanded its data pool by gaining access to applicant flow data in July of 2018 through USA Staffing. In October of 2018, CMS was provided access to the upgraded USA Staffing system, which has allowed the Agency to pinpoint more accurately recruitment-related data. Using the capabilities of the upgraded information, CMS has performed additional analysis to determine entry data and has included this analysis in this report. Unfortunately, HHS owned the exit survey contract and allowed it to expire in July 2019 without providing an alternative, thereby losing all exit-related data between July 2019 to present. CMS concluded gathering best practices from other agencies with respect to exit surveys and launched its internal exit surveying process during the 3rd quarter of FY 2022.

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

Not applicable. CMS initiated its objectives and goals for eliminating the above barrier in December of 2017 and is on target for an October 2022 completion.