



The Library of Congress
Office of the Inspector General



Office of Support Operations

Office of Opportunity,
Inclusiveness and Compliance

*Verification & Validation of
FY 2011-2016 Multi-Year Affirmative
Employment Program Plan*

Special Report No. 2011-PA-106
August 2011

FOR PUBLIC RELEASE



UNITED STATES GOVERNMENT

LIBRARY OF CONGRESS

Memorandum

Office of the Inspector General

TO: James H. Billington
Librarian of Congress

August 9, 2011

FROM: Karl W. Schornagel
Inspector General

A handwritten signature in black ink, appearing to read "Karl Schornagel".

SUBJECT: *Verification & Validation of FY 2011-2016
Multi-Year Affirmative Employment Program Plan
Project No. 2011-PA-106*

This transmits our final report summarizing the results of the Office of the Inspector General's independent verification and validation of the data and conclusions contained in the Library's Multi-Year Affirmative Employment Program Plan (MYAEPP). The executive summary begins on page *i* and our recommendations appear on pages 5 to 9. Based on the written comments to the draft report, we consider all of the recommendations resolved. Please provide, within 30 calendar days, an action plan addressing implementation of the recommendations, including an implementation date, in accordance with LCR 2023-9, *Rights and Responsibilities of Library Employees to the Inspector General*, §6.A.

We appreciate the cooperation and courtesies extended by the Office of Opportunity, Inclusiveness and Compliance during this review.

cc: Chief of Staff
Chief Support Operations
General Counsel
Chief, Office of Opportunity, Inclusiveness, and Compliance
Director, Human Resources Services

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▶▶ EXECUTIVE SUMMARY

The Library's history of formalizing its affirmative action plan dates back to the 1970s. In response to evolving needs, the Library developed a Multi-Year Affirmative Employment Program Plan (MYAEPP) for fiscal years (FY) 2011-2016 to affirm its continuing commitment to merit-based hiring and promotion and agency-wide workforce diversity. The MYAEPP establishes outcomes, strategies, and performance measures to assist Library managers in acquiring and retaining a diverse workforce. It also provides the means to help managers monitor workforce statistics and objectively evaluate how well they are implementing the plan.

This report, prepared in response to a request by the Office of Opportunity, Inclusiveness and Compliance (OIC), provides the results of our review of the data and conclusions contained within the FY 2011-2016 MYAEPP. The objectives of our review were to 1) confirm the accuracy, completeness, and reliability of data included in the current plan and 2) determine whether the conclusions in the current plan were supported by an appropriate methodology. Summaries of significant issues we identified during our review follow.

The MYAEPP Contains Minor Errors—The data in the *Workforce Analysis* section of the current MYAEPP contains some minor inaccuracies. However, we concluded that the inaccuracies are not material and do not affect the conclusions and recommendations in the plan. We recommend that the OIC strengthen its quality controls for assembling MYAEPP data as necessary and ensure that those controls are effectively applied when updating data and analyses for future plans.

The OIC's Methodology is Consistent with EEOC Guidance—The methodology the OIC applied in preparing the MYAEPP is consistent with that used by executive branch agencies to meet reporting requirements related to the Equal Employment Opportunity Commission's Management Directive 715 (this directive describes federal agency standards for developing model Equal Employment Opportunity programs). Therefore, we believe that the methodology OIC used in developing the MYAEPP is an appropriate way to document the Library's EEO status.

HRS Needs to Ensure Personally Identifiable Information is Protected—Data retrieved from the National Finance Center database that was developed for the MYAEPP included social security numbers for some members of the Library’s workforce even though such information is not required for or included in the plan. We recommend that the Director of HRS ensure that appropriate controls are in place to adequately protect personally identifiable information, and ensure that social security numbers are excluded from data provided to service/support units outside of HRS, such as OIC, for performing MYAEPP-related analyses.

Management’s Response and Comments from the Office of the General Counsel—Management concurred with our recommendations. The Office of the General Counsel (OGC) responded that the methodology used in the MYAEPP did not strictly comply with MD-715 because it excluded data for White males and it did not necessarily use the relevant CLF statistics.

Concerning OGC’s commentary, we wish to make clear that the MYAEPP is the product and representation of Library management, which includes both the OIC and OGC. We assume that the OGC was provided an opportunity to review and comment on the October 2010 draft MYAEPP through the Library’s regular review process. We urge the OGC to address its comments directly to the OIC.

We are pleased to have been provided an opportunity to independently review and validate the data contained within the MYAEPP.

▶▶ BACKGROUND

The Library of Congress is recognized as the national library of the United States and provides its services for the benefit of all American people. Accordingly, it is important for the Library to maintain a workforce that reflects diversity and inclusiveness, and a workplace where decisions are made based on merit, without regard to race, color, religion, national origin, sex, age, sexual orientation, or disability.

The Library has implemented a written affirmative action plan since the 1970s. More recently, it developed a Multi-Year Affirmative Employment Program Plan (MYAEPP) to affirm the Library's continuing commitment to merit-based hiring and promotion, and agency-wide workforce diversity. The MYAEPP establishes outcomes, strategies, and performance measures to assist Library managers in acquiring and retaining a diverse workforce. It also provides the means to help managers monitor workforce statistics and objectively evaluate how well they are implementing the plan.

The current MYAEPP developed by the Library's Office of Opportunity, Inclusiveness and Compliance (OIC)¹, was released on December 1, 2010, and covers fiscal years (FY) 2011-2016. The Library's service and support units are responsible for incorporating the plan's elements into their respective annual priorities.

In the *Workforce Analysis* section, the current MYAEPP includes data and trend analyses for FY 1994-2009 on:

- the racial makeup and national origin of the Library's workforce including data for occupational job series with 100 or more employees;
- additions² to, separations from, and promotions within the workforce by sex, race, and national origin; and
- the representation of women and persons with disabilities within the Library's workforce.

¹ The Office of Opportunity, Inclusiveness and Compliance is an organizational component of the Library of Congress' Office of Support Operations.

² The MYAPP refers to additions to the workforce as "accessions."

Taking the workforce data and trend analyses into account, along with diversity statistics regarding the national Civilian Labor Force (CLF), the current MYAEPP's authors recommended six strategies to improve the diversification of the Library's workforce. The six strategies as detailed in the MYAEPP's Workforce Analysis section include:

1. "Identify and implement recruitment strategies for Hispanics and persons with disabilities;
2. Establish partnerships to recruit American Indians to the Administrative/Clerk, General Arts, Library Technician, and IT Specialist occupational categories;
3. Provide supervisory development training for women, Blacks, and Asians;
4. Conduct a separation study to identify retention strategies for Blacks;
5. Conduct an accessibility study to assess integration of persons with disabilities into Library work-life; and
6. Conduct ongoing equal employment opportunity (EEO) and diversity evaluation to ensure progress."³

OIC retrieved data to develop the current MYAEPP from the National Finance Center (NFC)⁴ employee database as of September 30, 1994, 1999, 2004, and 2009, and from decennial census data on the CLF maintained by the U.S. Census Bureau through the Census 2000 EEO Data tool database. In the MYAEPP, OIC compared the occupational categories of the Library's employees to CLF data according to guidance developed by the Equal Employment Opportunity Commission (EEOC), the Department of Justice, and the Census Bureau. Further, the OIC collected historical data to examine workforce distribution trends to determine whether the changes are relatively uniform or whether any group (race/ethnicity and sex) is not keeping pace compared to previous years.

³ FY 2011-2016 MYAEPP pages 9 to 11.

⁴ The data obtained from the NFC is input through the EmpowrHR system – Human Resources Services' (HRS) front-end interface for NFC. The system requires that data be supplied on a new hire's race; however, an employee's submission of that data is voluntary. For cases in which race is not identified by an employee, HRS records racial determinations in EmpowrHR based on visual observations made by HRS staff during New Employee Orientations.

The principal criterion OIC used to assess representation levels of Library workforce groups for the MYAEPP was 29 C.F.R. § 1607.4 D, *Adverse impact and the "four-fifths rule."* That paragraph states in part "[a] selection rate for any race, sex, or ethnic group which is less than four-fifths (4/5) (or eighty percent) of the rate for the group with the highest rate will generally be regarded by the Federal enforcement agencies as evidence of adverse impact, while a greater than four-fifths rate will generally not be regarded by Federal enforcement agencies as evidence of adverse impact..."

The "four-fifths rule" provides a valuable means to identify workforce groups which may be underrepresented. However, representation rates below the eighty percent threshold require thorough examination to determine whether they are statistically valid.

On March 30, 2011, the Special Assistant to the Director of OIC requested that the OIG validate the data and conclusions which are included in the FY 2011-2016 MYAEPP. Accordingly, we performed this review.

►► OBJECTIVES, SCOPE, AND METHODOLOGY

The objectives for our review were to 1) confirm the accuracy, completeness, and reliability of data included in the current plan, and 2) determine whether the conclusions in the current plan were yielded through application of appropriate methodology. Our scope was limited to the FY 2011-2016 MYAEPP.

To accomplish our objectives, we

- held interviews and discussions with OIC officials and staff to gain an understanding of the methodology and guidance they used to develop the current MYAEPP.
- compared the data on Library employees' sexes, races, and national origins that OIC used to develop for the MYAEPP's *Workforce Analysis* section to source data maintained in the NFC⁵ employee database. Our comparison included reviewing 100 percent of the plan's data for FY 2009 and judgmentally-selected data elements for the previous fiscal years presented in the plan. We also compared the statistical data represented in the MYAEPP's *Workforce Analysis* section as CLF data to source data on the CLF maintained by the Department of Labor, Bureau of Labor Statistics.
- reviewed the methodology that OIC used to document the Library's EEO status for consistency with the methodology that other federal agencies use for their EEO programs (i.e., *Instructions to Federal Agencies for EEO MD-715, Guidance for Completing the EEOC FORM 715-01 Workforce Data Tables* issued by the U.S. EEOC).

We conducted this review from March 2011 through May 2011 in accordance with generally accepted government auditing standards and LCR 211-6, *Functions, Authority, and Responsibility of the Inspector General*. We believe that the evidence we obtained provides a reasonable basis for our findings and conclusions based on our objectives.

⁵ The NFC is the payroll processing agent for the Library of Congress.

►► FINDINGS AND RECOMMENDATIONS

Our review of the MYAEPP for FY 2011-2016 found that the methodology OIC used in developing the plan is based on EEOC's best practices and yielded valid conclusions regarding the Library's EEO status. Although we found some minor inaccuracies in the data, they were not materially significant and do not affect the plan's conclusions and recommendations. Further details on the results of our review are provided in the following sections.

I. The MYAEPP Contains Minor Errors

The data in the *Workforce Analysis* section of the current MYAEPP contains some minor inaccuracies. For example, some data in the plan's chart on Copyright Specialists (GS-1210; FY 09) mistakenly presents Library data (developed from the NFC employee database information) that pertains to Program Specialists (GS-0301; FY 09). However, we concluded that the inaccuracies we found are not materially significant, and represent instances in which the OIC did not effectively apply quality controls when it assembled the plan. Moreover, we concluded that the inaccuracies we identified do not affect the conclusions and recommendations that are recorded in the plan.

We met with the OIC to discuss the errors found in the MYAEPP data. Additionally, we advised the OIC that for future analysis it should consider retaining the services of a professional statistician to assist with calculating standard deviations and any potential problems in accurately assessing areas in the workforce that have low representations.

Recommendation

We recommend that the OIC strengthen its quality controls for assembling MYAEPP data as necessary and ensure that those controls are effectively applied when updating data and analyses for future plans.

Management Response

Management concurred.

II. The OIC's Methodology is Consistent with EEOC Guidance

The OIC systematically analyzed the data it retrieved for the current MYAEPP to determine whether representation levels of specific Library workforce groups are in line with CLF statistics. The methodology the office applied in doing so is consistent with that used by executive branch agencies to meet reporting requirements related to the EEOC's Management Directive 715 (MD-715),⁶ (i.e., *Instructions to Federal Agencies for EEO MD-715, Guidance for Completing the EEOC FORM 715-01 Workforce Data Tables*). Therefore, we believe that the methodology OIC used in developing the MYAEPP is an appropriate way to document the Library's EEO status.

MD-715's reporting requirements call for an agency to:

- Analyze data concerning agency workforce, looking at participation rates of the employee population by race, national origin, gender, and disability to determine if any particular group is being underutilized by the agency in a particular occupation or at a particular grade or pay level;
- Compare overall workforce demographic profile with the CLF, which is composed of those 16 and older who are employed or looking for work and not in the military or are institutionalized;
- Analyze workforce broken out by nine major occupational categories comparing their workforce composition in each category with the equivalent category in the CLF;⁷
- Compare "major occupations" within the workforce (i.e., occupations that are mission-relevant and heavily populated) with relevant CLF data based on the

⁶ The EEOC's MD-715 describes federal agency standards for developing model EEO programs.

⁷ The EEOC's MD-715 describes the nine categories to include "officials and managers; professionals; technicians; sales; administrative support workers; craft workers; operatives; laborers; and service workers." The Library does not have a major occupational category in sales. The eight major occupational categories analyzed were 1) Social Science Analyst, GS-0101; 2) Program Specialists, GS-0301; 3) Administrative/Clerk Series, GS-0303; 4) Gen Arts, GS-1001; 5) Copyright Specialists, GS-1210; 6) Librarians GS-1410; 7) Library Technicians, GS-1411; 8) IT Specialists, GS-2210.

- occupation and the geographic location of the agency's area of recruitment;
- Compare the applicant pool with the relevant CLF appropriate for the occupation and demographic area being recruited;
 - Compare data on promotions, training opportunities, performance incentives, and separations with data for the total workforce (and, in the case of promotions, with data for the workforce in "feeder grades" below the level of the promoted positions).

Among other things, EEOC's *Instructions to Federal Agencies for EEO MD-715* indicate that examining workforce statistics is a useful first step an agency can take to uncover and eliminate barriers which tend to inhibit free and open workplace competition. In our view, the statistical analysis presented in the current MYAEPP provides excellent starting points that can be used to effectively identify and remove EEO barriers throughout the Library.

Recommendation

None.

Office of the General Counsel Response and OIG Comments

The OGC responded that the methodology used in the MYAEPP did not strictly comply with MD-715 because it excluded data for white males. Although white male representation data is not explicitly shown in the MYAEPP, the OIC did collect and analyze this data. We agree with the OGC that future MYAEPPs should present all racial categories.

The OGC also opined that although the CLF data may be the appropriate demographic to use for some of the Library's position series, it is not appropriate to use for all of the Library's position series. The OGC suggested that the OIC use relevant CLF statistics in future analyses. We agree that the OIC should ensure that it uses whichever CLF statistic is most relevant to each case.

Lastly, the OGC noted that Recommendation #3 in the MYAEPP calls for the Library to provide supervisory

development training for "women, Blacks, and Asian Americans." According to the OGC, "[w]ithout a specific finding of underrepresentation, this type of recommendation--which would advocate favoring these groups for a particular employment benefit--should be expanded to all racial groups and the disabled."

Concerning OGC's commentary however, we wish to make clear that the MYAEPP is the product and representation of Library management. We urge the OGC to address its comments directly to the OIC. Moreover, we assume that the OGC was provided an opportunity to review and comment on the October 2010 draft MYAEPP.

III. HRS Needs to Ensure Personally Identifiable Information is Protected

Personally identifiable information (PII) is any information that can be used to distinguish or trace an individual's identity, such as name, social security number, mother's maiden name, and/or any other piece of personal information which is linked or linkable to an individual. If compromised, PII has the potential to harm, embarrass, and/or inconvenience the person involved. Because it is entrusted with managing employee PII for official business purposes, the Library must ensure that effective controls are in place to appropriately protect that information at all times.

Data retrieved from the NFC database that was developed for the MYAEPP included social security numbers for some members of the Library's workforce even though such information is not required for or included in the plan. Accordingly, it is critical that appropriate controls are in place in Human Resources Services to ensure that records containing social security numbers are adequately protected and only maintained as long as necessary. As stated in our 2009 report titled, *Library Policies and Procedures Protecting Personally Identifiable Information Require Overhauling to Assure Adequate Security* (Audit Report No. 2008-PA-104 issued September 23, 2009), "... [t]he Library's current fragmented approach to PII protection is inconsistent with best practices that currently prevail in federal agencies...."

Recommendation

We recommend that the Director of HRS ensure that appropriate controls are in place to adequately protect personally identifiable information, and ensure that social security numbers are excluded from data provided to service/support units outside of HRS, such as OIC, for performing MYAEPP-related analyses.

Management Response

Management concurred.

» CONCLUSION

As we have stated in prior reports, we believe the requirements/regulations developed by the EEOC should be considered “best practices” that the Library should follow whenever practical. To its credit, the methodology OIG used to develop the MYAEPP is the standard way federal agencies document their EEO statuses. Although internal control weaknesses yielded minor data inaccuracies in the MYAEPP, we concluded that they are not materially significant and do not affect the conclusions and recommendations recorded in the plan.

While developing and examining workforce statistics are important steps to take to identify barriers inhibiting free and open employment competition, further, more in-depth assessment is required to confirm and eliminate barriers that may actually exist in the Library’s workplace. Accordingly, the Library must take steps to thoroughly examine EEO barriers indicated by the MYAEPP to ensure it is recognized as a leading agency for employment opportunities.

Major Contributors to This Report:

Nicholas Christopher, Assistant Inspector General for Audits

Patrick Cunningham, Senior Lead Auditor

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▶▶ APPENDIX A: MANAGEMENT RESPONSE

UNITED STATES GOVERNMENT

Memorandum*Office of the Chief of Support Operations**Library of Congress***TO:** Karl W. Schornagel
Inspector General**DATE:** July 11, 2011**FROM:** Lucy D. Suddren
Chief, Support Operations**SUBJECT:** Draft Special Report No. 2011-PA-106
June 27, 2011

Thank you for the opportunity to comment on Draft Special Report No. 2011-PA-106 dated June 27, 2011 regarding Verification & Validation of FY 2011-2016 Multi-Year Affirmative Employment Program Plan (MYAEPP). I am pleased that you acknowledged that the methodology the OIC applied in preparing the MYAEPP is based on best practices and yielded valid conclusions regarding the Library's EEO status. I am submitting OSO's responses to your recommendations for improvement.

I. The MYAEPP Contains Minor Errors

Recommend that the OIC strengthen its quality controls for assembling MYAEPP data as necessary and ensure that those controls are effectively applied when updating data and analyses for future plans.

Concur: OIC will establish quality controls to prevent future errors. OIC will identify and implement 'best practices' that will strengthen the controls for assembling MYAEPP data and analysis.

III. HRS Needs to Ensure Personally Identifiable Information is Protected

Recommend that the Director of HRS ensure that appropriate controls are in place to adequately protect personally identifiable information, and ensure that social security numbers are excluded from data provided to service/support units outside of HRS, such as OIC, for performing MYAEPP - related analyses.

Concur: HRS will continue to ensure that appropriate controls are in place to control personally identifiable information and will exclude such information from data provided to Library offices, such as OIC, responsible for performing MYAEPP-related analyses.

cc: Naomi Earp
Dennis Hanratty
Jim Duda

▶▶ APPENDIX B: OFFICE OF THE GENERAL COUNSEL RESPONSE

 LIBRARY OF CONGRESS
OFFICE OF THE GENERAL COUNSEL

MEMORANDUM

DATE August 1, 2011

TO Karl Schornagel, Inspector General
VIA Elizabeth Pugh, General Counsel
FROM Evelio Rubiella, Associate General Counsel 
SUBJECT Draft Special Report No. 2011-PA-106

Thank you for the opportunity to review and comment on the Office of Inspector General's (OIG) Draft Special Report, above, which includes findings and recommendations regarding the Library's recently issued Multi-Year Affirmative Employment Program Plan 2011-2016 (MYAEPP). The following are the Office of the General Counsel's (OGC) comments to the Draft Report's finding and recommendations.

OGC Comment 1: We concur with the Report's statement that Personally Identifiable Information (PII) must be protected. However, the Library's Chief Privacy Officer (CPO), who is also the Library's General Counsel (See, Library of Congress Regulation (LCR) 1921, Section 6.A), first learned about this matter when reviewing the draft of this Special Report (which was forwarded to the CPO by the Office of Support Operations). While the OGC is not aware as to when the OIG learned of the disclosure of the PII in this matter, it is imperative that in all instances of actual or suspected disclosure of PII that the CPO be notified immediately of such disclosure. Pursuant to LCR 1921, Section 7, "Any known or suspected instance of unauthorized access or improper disclosure of PII must be reported immediately to both the CPO and the Inspector General." Therefore, it is of the utmost importance that in future the OIG notify the CPO of any instance of actual or suspected disclosure of PII at the Library so as to ensure adherence with Library regulations.

With respect to the information that was disclosed in this matter, it is the CPO's understanding that HRS released this information to the Office of Opportunity, Inclusiveness and Compliance (OIC) because HRS believed that there was a legitimate business reason to do so. Specifically, the OIC had requested the information from HRS for use in the OIC's statistical analyses regarding the diversity of the Library's workforce. As such, it does not appear that LCR 1921 was violated at the time of disclosure by HRS (See, LCR 1921, Section 5.A.2). Moreover, the CPO has confirmed with the OIC that the OIC has removed the HRS-provided PII from the OIC's database, that no written reports were generated containing PII, and that no further distribution occurred. Additionally, HRS has confirmed that it has appropriate controls in place to adequately protect PII and shall no longer provide social security numbers to service and supports units outside HRS, such as OIC, for performing MYAEPP-related or other analyses.

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OGC Comment 2: The OGC does not agree that the OIC's methodology is entirely consistent with EEOC guidance. Although Equal Employment Opportunity Commission (EEOC) directives do not apply to the Library, we concur that EEOC's Management Directive 715 (MD-715) is instructive and provides an appropriate method for the Library to assess the diversity of its workforce. However, we do not concur that the methodology used in the MYAEP is strictly compliant with MD-715.

First, we believe that White males should be included in any future analyses. Specifically, Part A (II) of MD-715 requires that each agency evaluate the "total workforce distribution by race, national origin and sex..." for its workforce. MD-715 also notes that the agency should look at "the racial, national origin and gender profile of relevant occupational series. . ." in the agency's statistical self-assessment. Although the MYAEP does include snapshots of the total workforce and various occupational series, these snapshots are not complete because they do not look at all racial groups. Notably, White males are excluded from any of the statistical snapshots in the MYAEP. Pursuant to Section II (D) of MD-715, a model EEO program "must conduct a self-assessment on at least an annual basis to monitor progress and identify areas where barriers may operate to exclude certain groups." Part A (II) of MD-715 provides that "where an agency's self-assessment indicates that a racial, national origin, or gender group may have been denied equal access to employment opportunities, the agency must take steps to identify and eliminate the potential barrier." Thus, if the Library has not conducted an assessment that includes all racial groups (including White male employees), then the Library does not have the most accurate and complete information to know if it may be excluding that group in certain positions, or to know which steps it should take to eliminate potential barriers as a result of the exclusion.

Second, without a finding of underrepresentation, employment decisions may not be race based. In the Workforce Analysis section of the MYAEP it states that, "[t]he existing diversity within the Library provides the Library with an excellent opportunity to retain and develop women, minorities and persons with disabilities. Similarly, Recommendation #3 in the MYAEP calls for the Library to provide supervisory development training for "women, Blacks, and Asian Americans". As in the global recommendation above, it is unclear why these particular groups are being singled-out for supervisory development. Without a specific finding of underrepresentation, this type of recommendation--which would advocate favoring these groups for a particular employment benefit--should be expanded to all racial groups and the disabled.¹

¹ See, *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200 (1995) which requires a federal agency to satisfy a strict scrutiny test when using race categories to ensure that an employment decision favoring a particular racial group promotes a compelling government interest and that it is narrowly tailored to those interests. In a 1996 memo from the U.S. Department of Justice to agency General Counsels, *Post Adarand Guidance*

Lastly, the relevant Civilian Labor Force should be used in future analyses. Throughout its analysis, the MYAEPP uses the national civilian labor force (CLF) to compare the Library's workforce demographic. Although the national CLF may be the appropriate demographic to use for some of the Library's position series, we do not agree that it is appropriate to use for all of the Library's position series. Specifically, pursuant to Part A (II) of MD-715, agencies "shall compare their internal participation rates with corresponding participation rates in the relevant civilian labor force (CLF). **Geographic areas of recruitment** and hiring are integral factors in determining "relevant" civilian labor force participation rates." (emphasis added). Thus, in considering the relevant CLF for a given vacancy or position, the MYAEPP should in the future consider the geographic areas of recruitment for certain position series. As a general principle, the Library does not recruit nationally for positions at the GS-8 pay grade and below. Thus, the more appropriate CLF for comparison relevant to these positions is the local CLF, as opposed to the national CLF.²

The OIG commends the OIC for making the MYAEPP a top priority for this fiscal year. Because MD-715 mandates that agencies update their statistical information annually,³ the Library recommends that in its annual update of the MYAEPP, the OIC ensure that all racial categories are represented in the MYAEPP's statistical analyses, that the MYAEPP establish there is underrepresentation for a given racial group before recommending employment decisions that benefit the group, and that the OIC take into account the geographic areas of recruitment when determining the relevant CLF to use for analysis.

on *Affirmative Action in Federal Employment*, it was noted that "the kinds of employment decisions covered by *Adarand* also are very broad. *Adarand* applies to ... the use of race in decisions regarding ... promotion, training..."

² More Thorough Analyses of an Agency's Workforce is identified in the MD-715. It is also noted that the MYAEPP conducts only a partial analysis of the following analyses identified by MD-715: trend analysis of the workforce's grade-level distribution conducted by race, national origin, sex and disability and a trend analysis of the workforce's compensation and reward system conducted by race, national origin, sex and disability.

³ In addition, pursuant to 42 U.S.C. § 2000e-16 *et seq.*, ("Title VII") the Library is required to publish an EEO plan annually, and publish EEO Program progress reports semiannually. See 42 U.S.C. § 2000e-16(b).

cc: Lucy Suddreth
Bob Dizard
Dennis Hanratty
Vicki Magnus

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