

Diversity in the Senior Executive Service

**A 2009 Excel
Workshop**



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The Problem

2003 GAO Report:

	Women	Minorities
SES	23.2%	13.9%
SES Potential	28.0%	17.0%

(as of October 2000)

- Percentages of women and minorities in the SES have increased since 2003
- Percentages are still less than the GS – 14/15 feeder groups

2008 GAO Report

	Women	Minorities
SES	29.1%	15.8%
SES Potential	34.3%	22.5%

(as of September 2007)

- Overall slight increase
- African American males decreased one-half percent between October 2000 and September 2007



2008 Stats & Trends

- GAO reports increase in diversity greater than predicted in 2003, except for African-American males
- The feeder groups for all minorities and women have increased or stayed about the same
- The feeder group for African-American males remains underrepresented

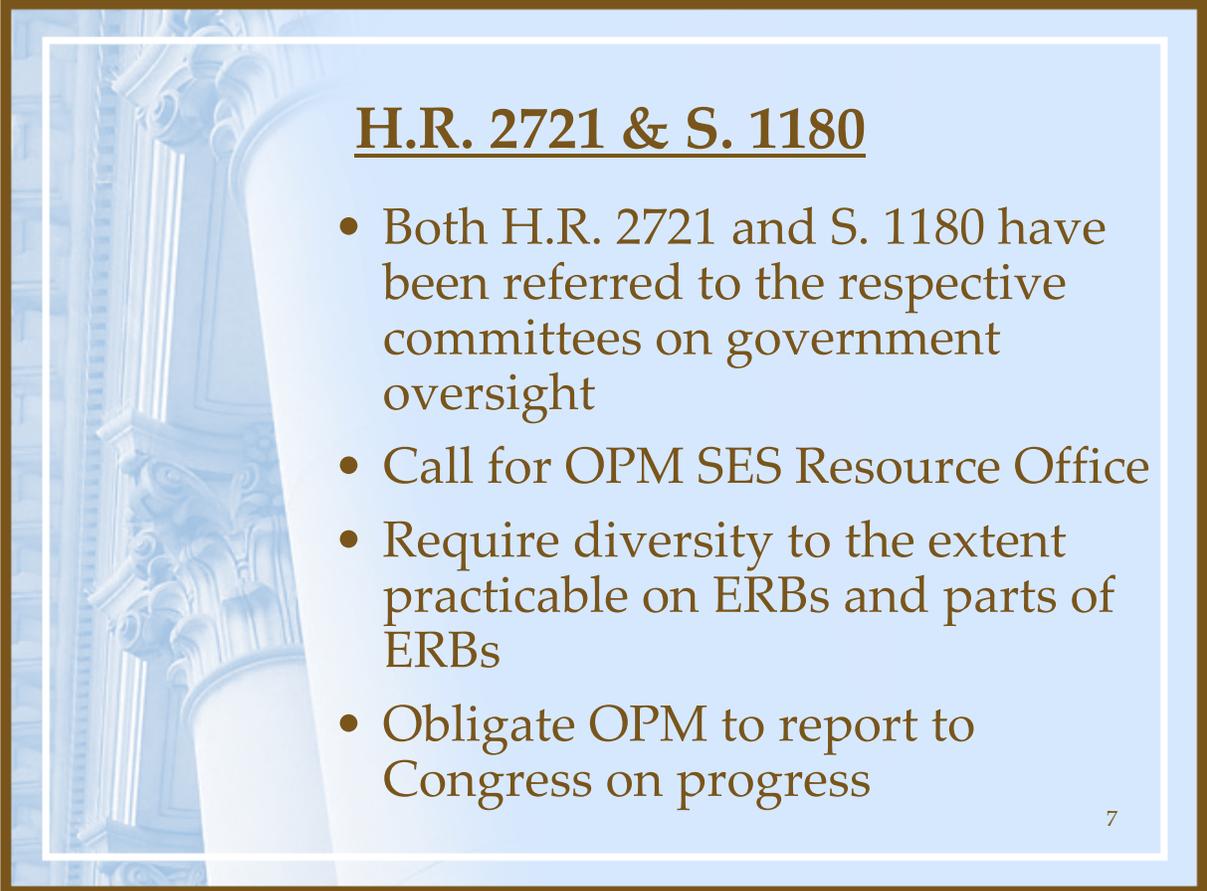
SES Diversity Government wide

	October 2000			September 2007		
	No.	Percent		No.	Percent	
		Women	Minorities		Women	Minorities
SES	6,296	23.2	13.9	6,555	29.1	15.8
SES Development Pool	137,785	28.0	17.0	149,149	34.3	22.5



The Retirement Tsunami

- 90% of the SES will be replaced during the next 7 years
- Now is the time to assure the SES becomes more diverse.



H.R. 2721 & S. 1180

- Both H.R. 2721 and S. 1180 have been referred to the respective committees on government oversight
- Call for OPM SES Resource Office
- Require diversity to the extent practicable on ERBs and parts of ERBs
- Obligate OPM to report to Congress on progress

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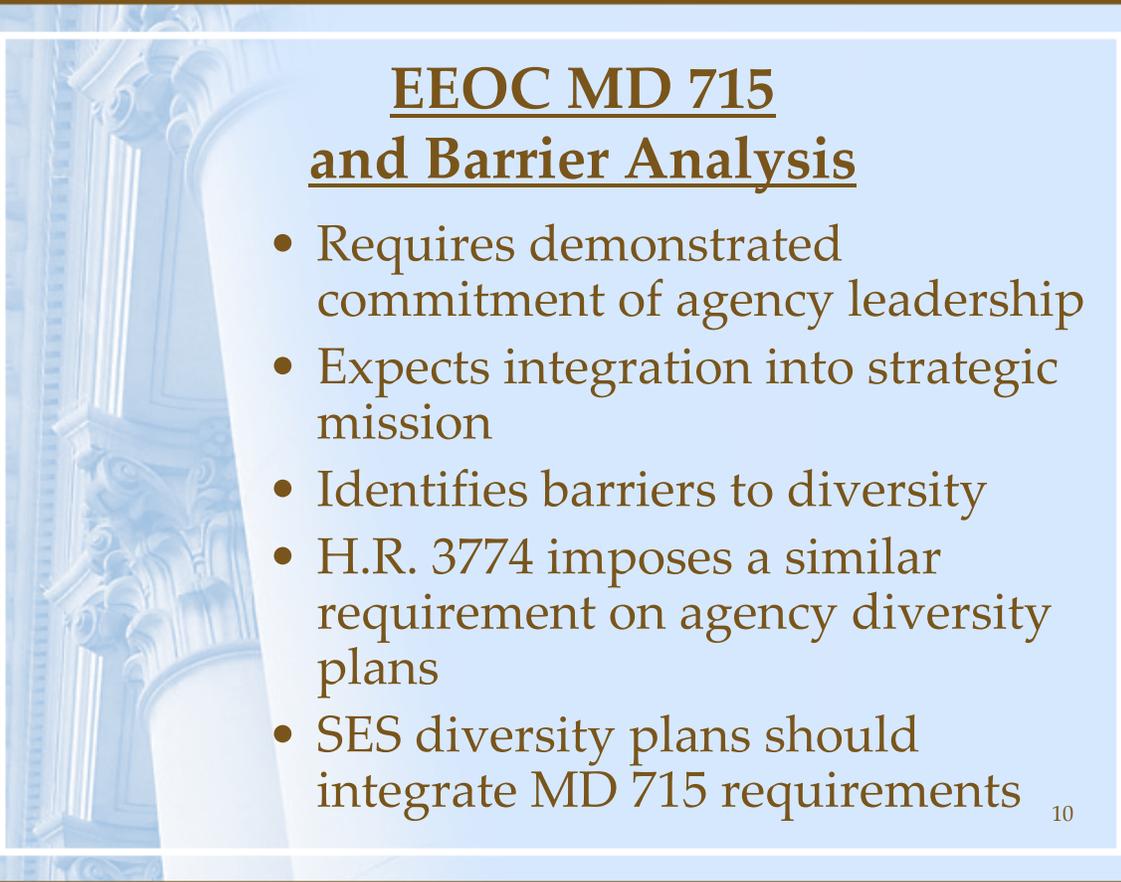
OPM Current Focus

- Outreach
- Career Development
- Leadership succession plans
- Human Capital Scorecard
(includes promoting diversity)
- Federal Candidate
Development Program

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OPM Resource Office

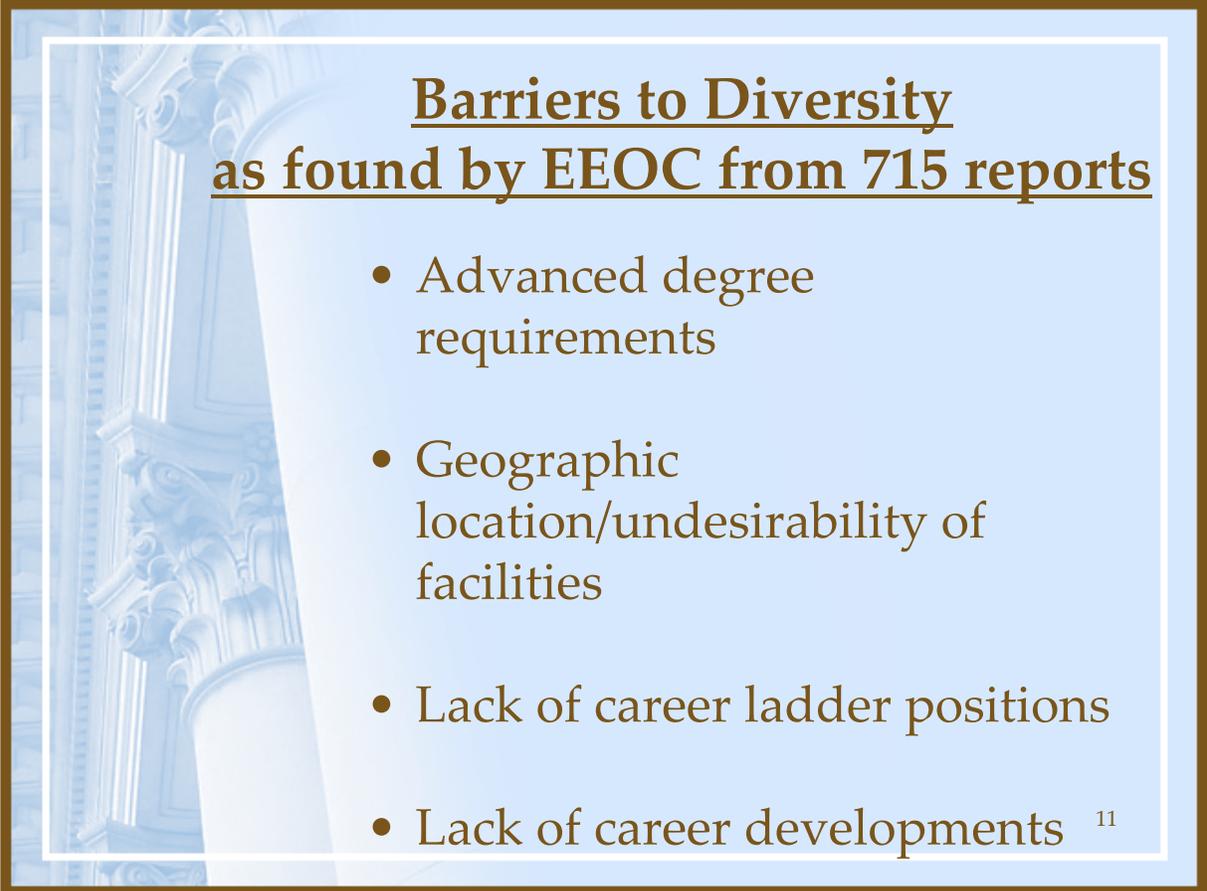
- Overall SES Management
- Develops SES pay policy and administers pay system, including certification to pay out higher levels
- Mentoring and career development
- Monitors statistics & data for SES and diversity in the SES
- Approval of Agency Diversity Plan



EEOC MD 715 and Barrier Analysis

- Requires demonstrated commitment of agency leadership
- Expects integration into strategic mission
- Identifies barriers to diversity
- H.R. 3774 imposes a similar requirement on agency diversity plans
- SES diversity plans should integrate MD 715 requirements

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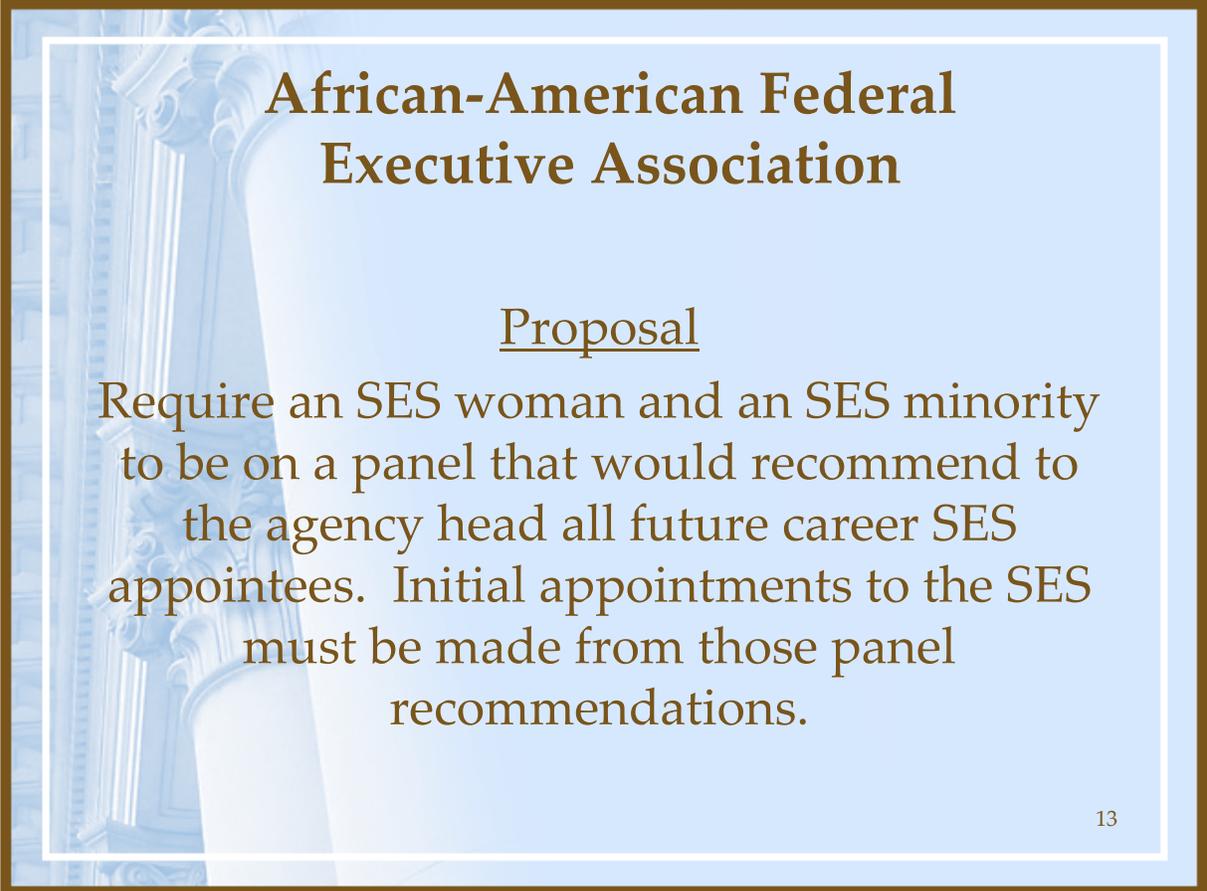


Barriers to Diversity
as found by EEOC from 715 reports

- Advanced degree requirements
- Geographic location/undesirability of facilities
- Lack of career ladder positions
- Lack of career developments ¹¹

SEA Position on Diversity in the SES

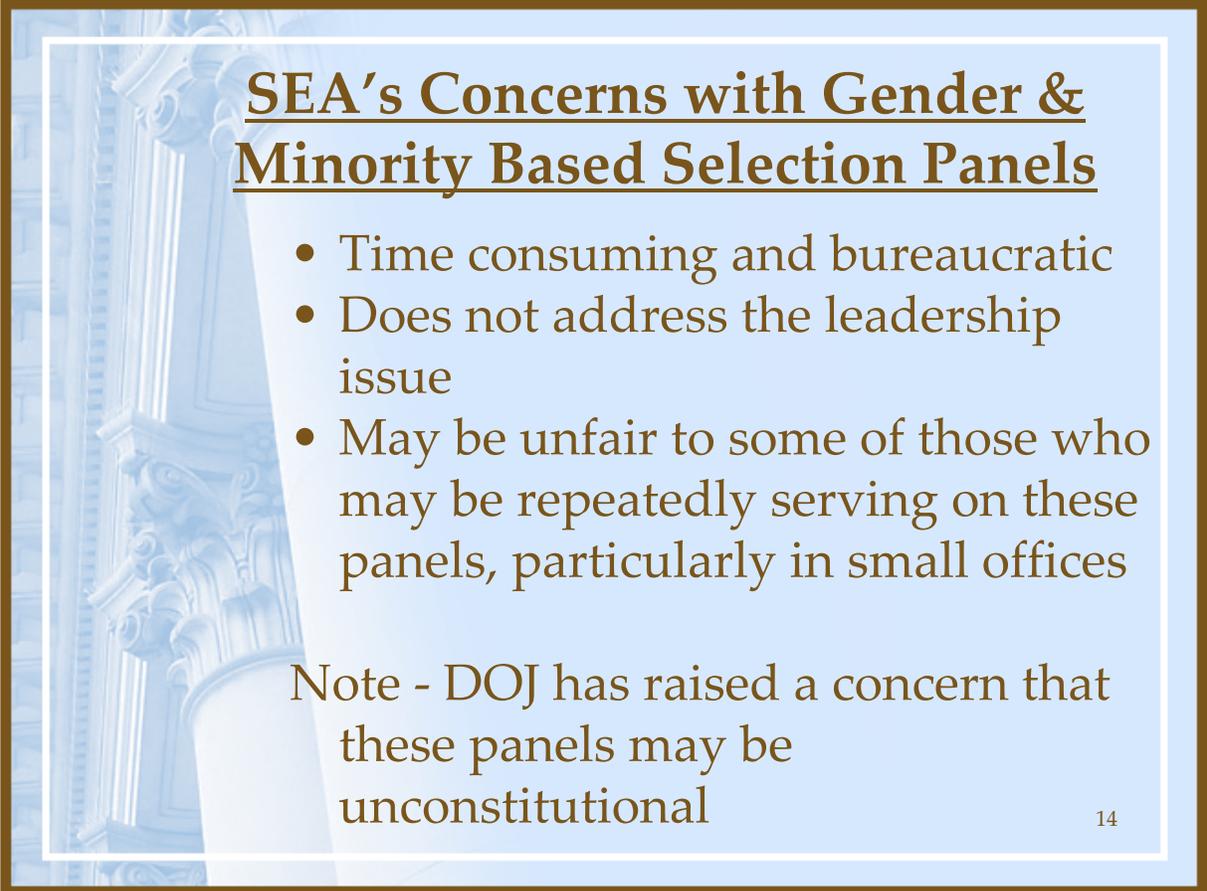
1. Better Data Needed
2. Pipelines must to be identified & developed
3. The Merit System has to be respected
4. A culture of leadership needs to be developed that every day respects inclusion and diversity.
5. SEA fully supports H.R. 2721/S. 1180 as amended
6. If enacted, H.R. 2721's and S. 1180's requirement for an OPM oversight office will assist with the first three items above, and the diversity plans will help item four.¹²



African-American Federal Executive Association

Proposal

Require an SES woman and an SES minority to be on a panel that would recommend to the agency head all future career SES appointees. Initial appointments to the SES must be made from those panel recommendations.



SEA's Concerns with Gender & Minority Based Selection Panels

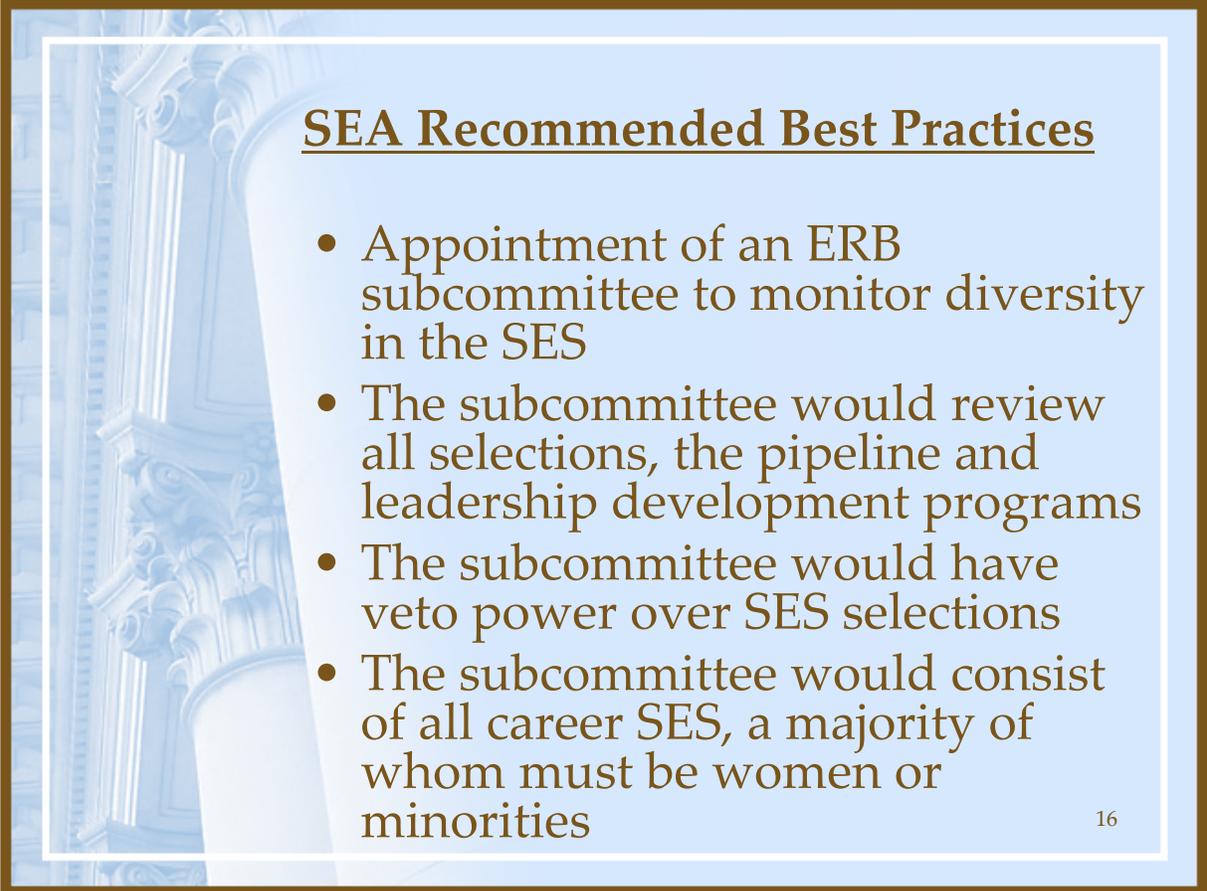
- Time consuming and bureaucratic
- Does not address the leadership issue
- May be unfair to some of those who may be repeatedly serving on these panels, particularly in small offices

Note - DOJ has raised a concern that these panels may be unconstitutional

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Identify Best Practices

- GSA
- SSA
- DNI

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SEA Recommended Best Practices

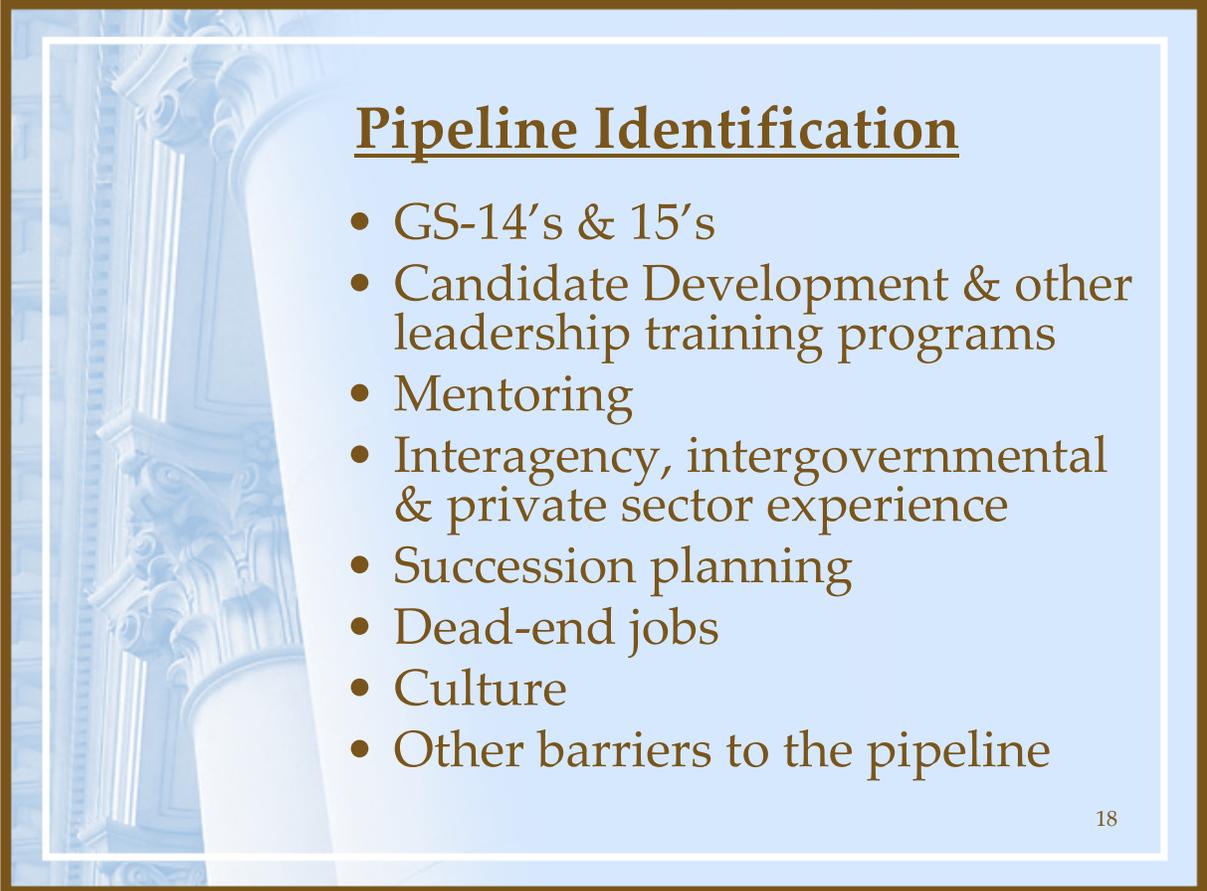
- Appointment of an ERB subcommittee to monitor diversity in the SES
- The subcommittee would review all selections, the pipeline and leadership development programs
- The subcommittee would have veto power over SES selections
- The subcommittee would consist of all career SES, a majority of whom must be women or minorities



Engagement of Stakeholders – Who Does the Engaging?

- BIG
- SEA
- AAFFA
- AAGEN
- FEW
- NAHFE
- FMA
- Partnership for Public Service
- Other employee organizations and labor unions

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Pipeline Identification

- GS-14's & 15's
- Candidate Development & other leadership training programs
- Mentoring
- Interagency, intergovernmental & private sector experience
- Succession planning
- Dead-end jobs
- Culture
- Other barriers to the pipeline

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The Merit System

- Quotas vs. goals and does that distinction matter anymore?
- Overcoming the perception that career development opportunities encourage a lack of diversity.
- The EEO complaint & career development – Is it a barrier?
- Is there more value in a leader's avoidance of complaints than in a leader's encouragement of diversity?



Fostering a Culture of Leadership that Values Diversity

- Everyday occurrence
- Techniques to assure that valuing diversity trickles down to subordinate managers
- Oversight to assure top paying agency leaders promote a culture of diversity

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B I G Blacks in Government

- Improvements to the process by which the pool of applicants is chosen
- Development of better SES training and development programs
- Elimination of QRB's (because BIG believes it's a redundancy)
- Better accountability



National Association of Hispanic Federal Executives

- Under representation of Hispanics is larger than any other group, both in the SES and in the feeder groups
- More accountability for adherence to rules and executive order promoting diversity
- Better training for federal groups



F E W
Federally Employed Women

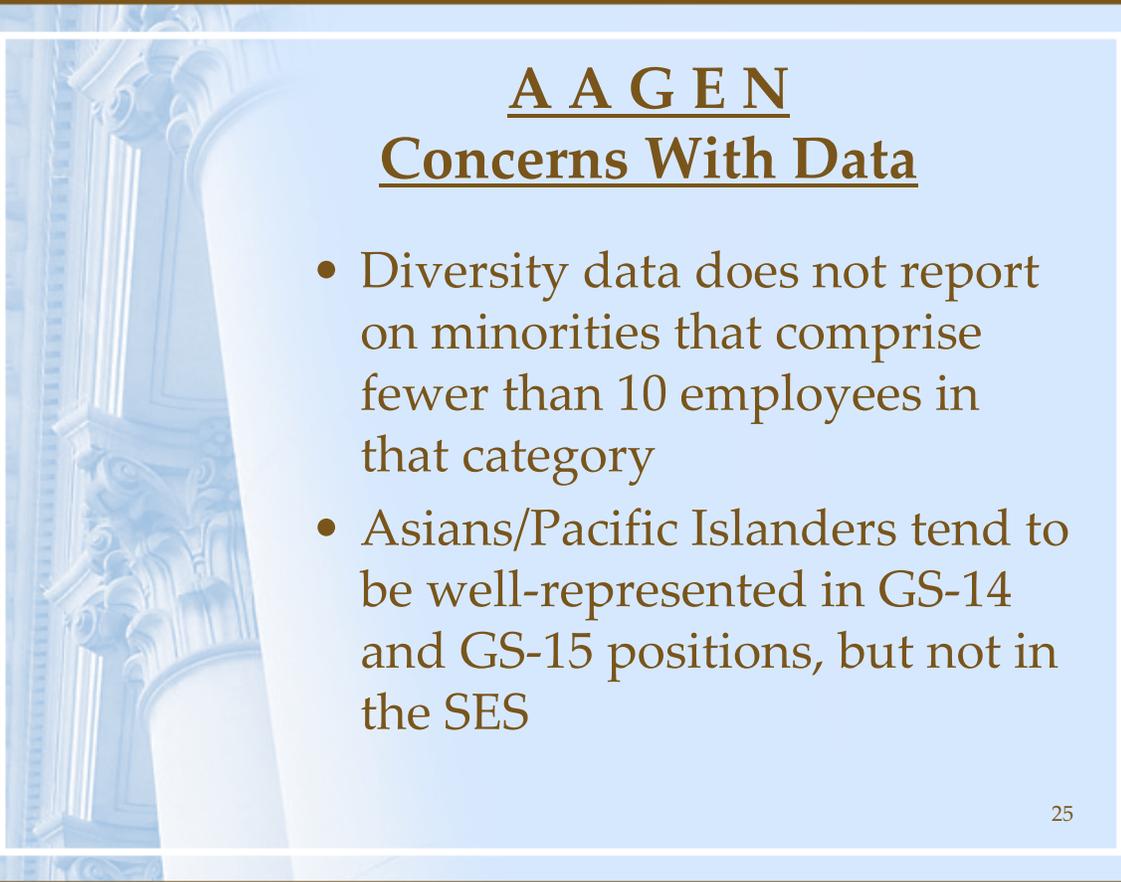
- Reinstatement of a program to allow transfer from the clerical to the professional field
- Mentoring
- Improvement of OPM's Federal Candidate Development Program

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A A G E N

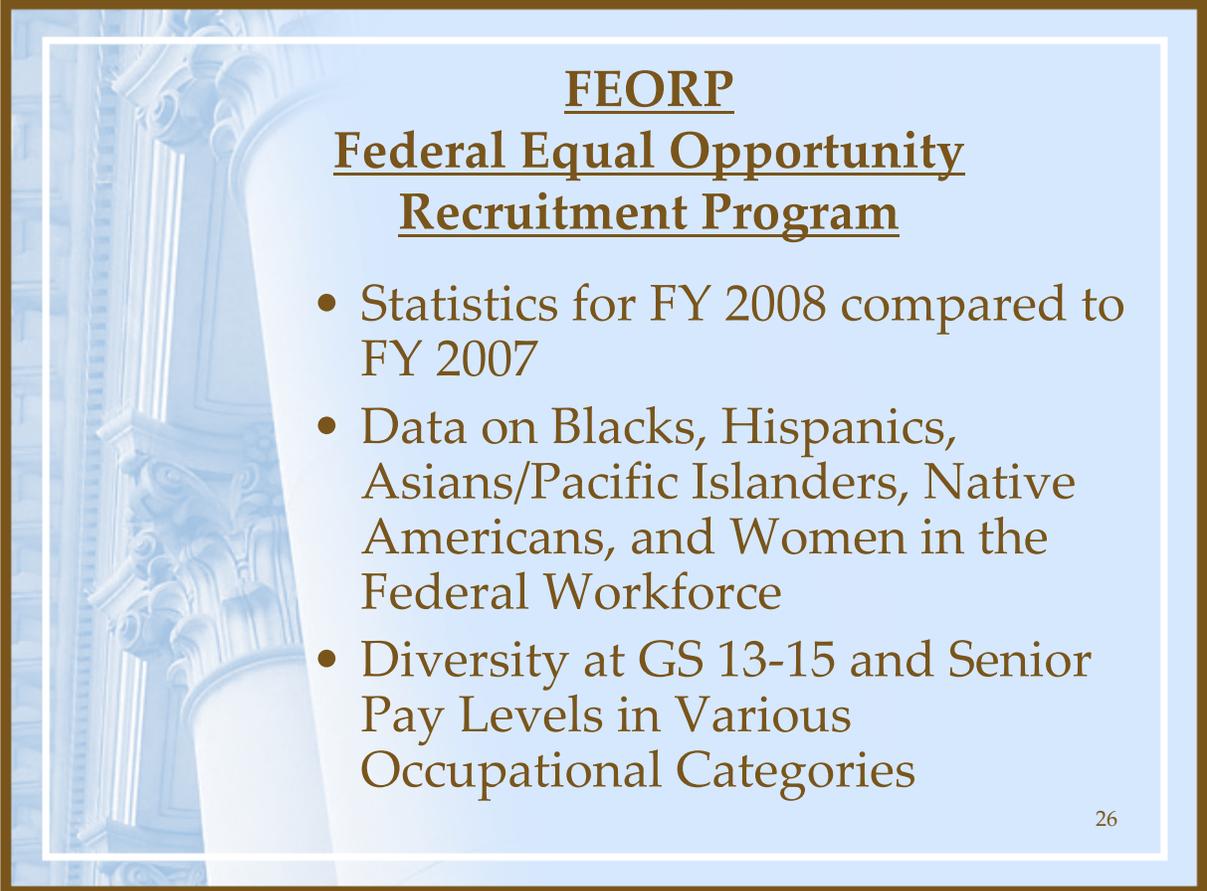
Asian American Government Executive Network

- Better Data
- Identify barriers for Asian Americans
- Targeted Recruitment
- Identify Best Practices
- Specially designed internal and external developmental assignments



A A G E N Concerns With Data

- Diversity data does not report on minorities that comprise fewer than 10 employees in that category
- Asians/Pacific Islanders tend to be well-represented in GS-14 and GS-15 positions, but not in the SES

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FEORP
Federal Equal Opportunity
Recruitment Program

- Statistics for FY 2008 compared to FY 2007
- Data on Blacks, Hispanics, Asians/Pacific Islanders, Native Americans, and Women in the Federal Workforce
- Diversity at GS 13-15 and Senior Pay Levels in Various Occupational Categories

Current OPM FEORP Data

Blacks in the Federal Workforce

Occupational Category/Grade Groups	2008	2007	2007 to 2008 Difference
Professional			
GSR 13-15	11,642	11,648	-6
Senior Pay	670	619	51
Administrative			
GSR 13-15	29,419	28,630	789
Senior Pay	578	559	19
Technical			
GSR 13-15	179	189	-10
Senior Pay	1	1	0
Other			
GSR 13-15	29	29	0
Senior Pay	0	0	0
Total GSR 13-15	41,269 (12.7%)	40,496	773
Total Senior Pay	1,249 (6.1%)	1,179	70

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Current OPM FEORP Data

Hispanics in the Federal Workforce

Occupational Category/Grade Groups	2008	2007	2007 to 2008 Difference
Professional			
GSR 13-15	6,085	6,237	-152
Senior Pay	573	530	43
Administrative			
GSR 13-15	10,392	10,107	285
Senior Pay	241	239	2
Technical			
GSR 13-15	130	135	-5
Senior Pay	1	1	0
Other			
GSR 13-15	407	336	71
Senior Pay	4	3	1
Total GSR 13-15	17,014 (5.2%)	16,815	199
Total Senior Pay	819 (4%)	773	46

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Current OPM FEORP Data

Asians/Pacific Islanders in the Federal Workforce

Occupational Category/Grade Groups	2008	2007	2007 to 2008 Difference
Professional			
GSR 13-15	13,724	13,467	257
Senior Pay	1,019	958	61
Administrative			
GSR 13-15	6,540	6,325	215
Senior Pay	153	139	14
Technical			
GSR 13-15	49	60	-11
Senior Pay	0	0	0
Other			
GSR 13-15	11	12	-1
Senior Pay	0	0	0
Total GSR 13-15	20,324 (6.2%)	19,864	460
Total Senior Pay	1,172 (5.8%)	1,097	75

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Current OPM FEORP Data

Native Americans in the Federal Workforce

Occupational Category/Grade Groups	2008	2007	2007 to 2008 Difference
Professional			
GSR 13-15	1,186	1,174	12
Senior Pay	110	87	23
Administrative			
GSR 13-15	2,088	2,120	-32
Senior Pay	79	82	-3
Technical			
GSR 13-15	38	38	0
Senior Pay	0	0	0
Other			
GSR 13-15	6	5	1
Senior Pay	0	0	0
Total GSR 13-15	3,318 (1.0%)	3,337	-19
Total Senior Pay	189 (0.9%)	169	20

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Current OPM FEORP Data

Women in the Federal Workforce

Occupational Category/Grade Groups	2008	2007	2007 to 2008 Difference
Professional			
GSR 13-15	47,546	47,342	204
Senior Pay	4,047	3,721	326
Administrative			
GSR 13-15	73,147	72,842	305
Senior Pay	1,880	1,789	91
Technical			
GSR 13-15	356	357	-1
Senior Pay	3	2	1
Other			
GSR 13-15	75	64	11
Senior Pay	0	1	-1
Total GSR 13-15	121,124 (37.2%)	120,605	519
Total Senior Pay	5,930 (29.1%)	5,513	417

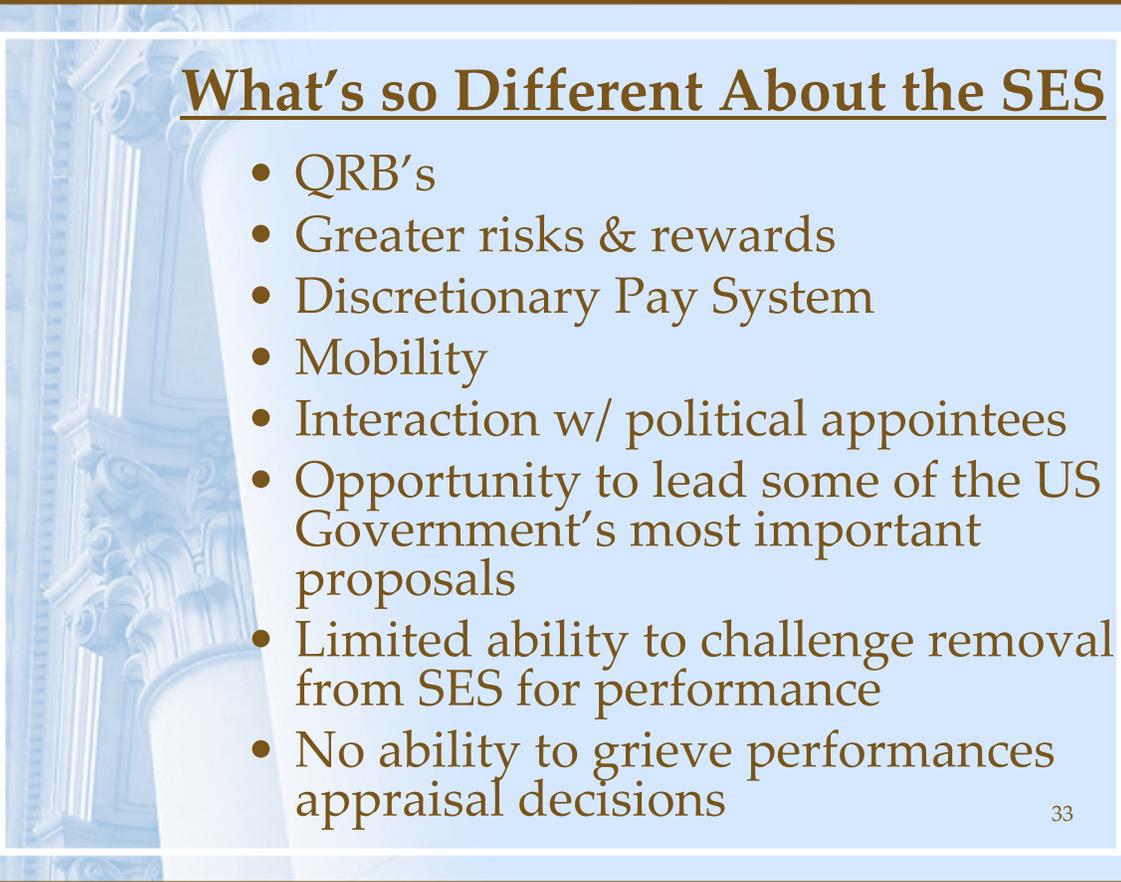
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Current OPM FEORP Data

Non-Hispanic Multiracial Federal Workers

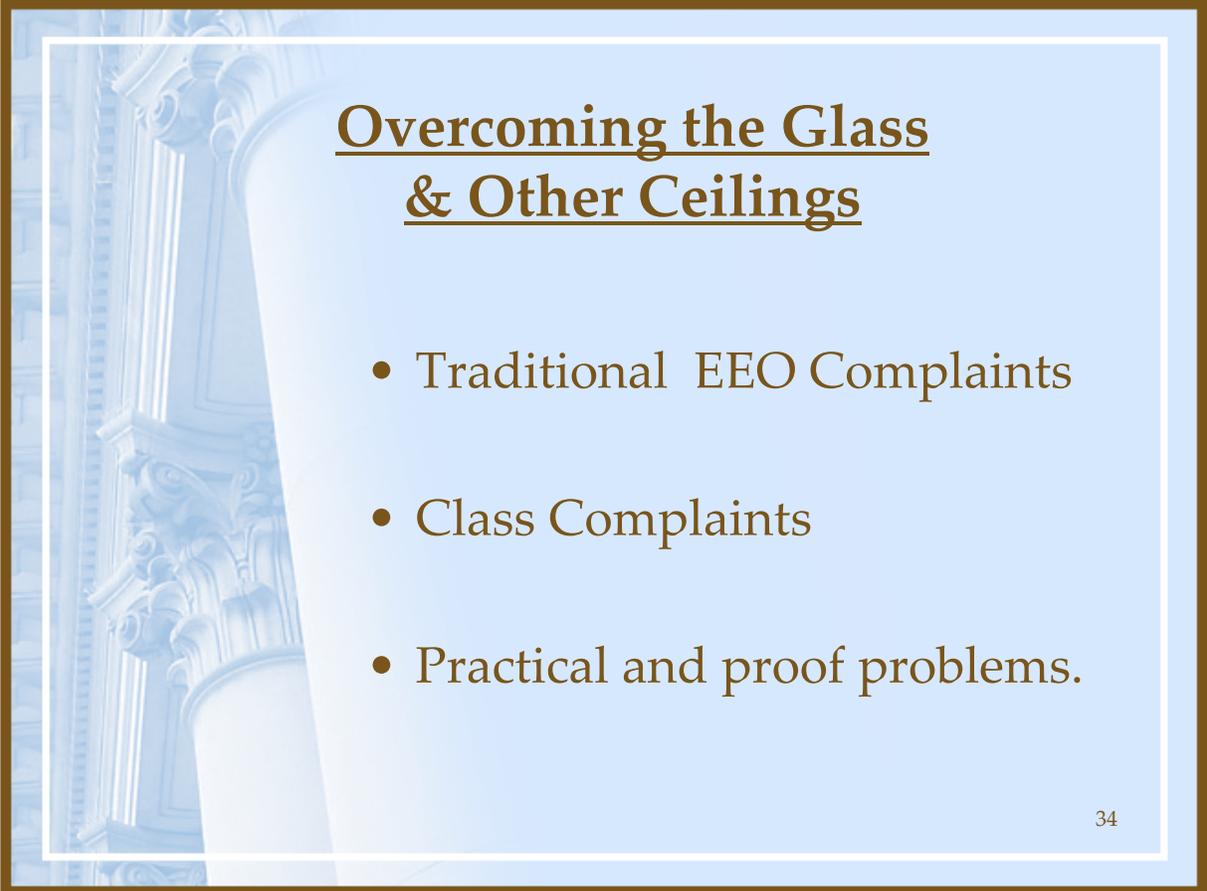
Occupational Category/Grade Groups	2008
Professional	
GSR 13-15	223
Senior Pay	18
Administrative	
GSR 13-15	356
Senior Pay	14
Technical	
GSR 13-15	7
Senior Pay	0
Other	
GSR 13-15	0
Senior Pay	0
Total GSR 13-15	586 (0.2%)
Total Senior Pay	32 (0.2%)

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What's so Different About the SES

- QRB's
- Greater risks & rewards
- Discretionary Pay System
- Mobility
- Interaction w/ political appointees
- Opportunity to lead some of the US Government's most important proposals
- Limited ability to challenge removal from SES for performance
- No ability to grieve performances appraisal decisions

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Overcoming the Glass & Other Ceilings

- Traditional EEO Complaints
- Class Complaints
- Practical and proof problems.

November 2008

HUMAN CAPITAL

Diversity in the Federal SES and Processes for Selecting New Executives



GAO

Accountability * Integrity * Reliability



Highlights of GAO-09-110, a report to congressional requesters

Why GAO Did This Study

A diverse Senior Executive Service (SES), which generally represents the most experienced segment of the federal workforce, can be an organizational strength by bringing a wider variety of perspectives and approaches to policy development and implementation, strategic planning, problem solving, and decision making. In a January 2003 report (GAO-03-34), GAO provided data on career SES members by race, ethnicity, and gender as of October 2000 and a statistically estimated projection of what the profile of the SES would be in October 2007 if appointment and separation trends did not change.

In response to a request for updated information on the diversity in the SES, GAO is providing information from the Office of Personnel Management's (OPM) Central Personnel Data File (1) on the representation of women and minorities in the SES and the SES developmental pool (i.e., GS-15 and GS-14 positions) for the executive branch as of fiscal year 2007 and comparing this representation to fiscal year 2000 levels and to levels GAO projected for October 2007 in its 2003 report; (2) for fiscal years 2000 and 2007, the average age at which women and minorities were appointed to and retired from the SES as well as information on those in the SES reporting targeted disabilities; and (3) on the overall processes used in executive branch agencies for selecting and certifying members into the SES.

GAO is making no recommendations in this report.

To view the full product, including the scope and methodology, click on GAO-09-110. For more information, contact George H. Stalcup at (202) 512-6806 or stalcupg@gao.gov.

HUMAN CAPITAL

Diversity in the Federal SES and Processes for Selecting New Executives

What GAO Found

The representation of women and minorities in the SES and the SES developmental pool increased governmentwide from October 2000 through September 2007, but increases did not occur in all agencies. Over these 7 years, increases occurred in more than half of the 24 major executive branch agencies, but in both 2000 and 2007 the representation of women and minorities continued to vary significantly at those agencies. In 2003, we projected that increases would occur in the representation of women and minorities in the SES and SES developmental pool by 2007. These increases generally did occur.

Governmentwide	October 2000			September 2007		
	Number	Percent		Number	Percent	
		Women	Minorities		Women	Minorities
SES	6,296	23.2	13.9	6,555	29.1	15.8
SES developmental pool (GS-15s and GS-14s)	137,785	28.0	17.0	149,149	34.3	22.5

Source: GAO analysis of OPM's Central Personnel Data File.

Looking beyond racial, ethnic, and gender profiles, GAO also reviewed the average age at appointment to and retirement from the career SES as well as the disability status reported by career SES employees for fiscal years 2000 and 2007. For the most part, career SES members were, on average, about age 50 at the time of their appointment to the SES and about age 60 at the time of their retirement. The average age at appointment to and retirement from the career SES generally did not vary much by race, ethnicity, or gender. GAO also calculated how long, on average, individuals served in the SES, and found that the length of their stay in the SES did vary. For example, women stayed in the SES longer than men; women who voluntarily retired stayed, on average, for 11.4 years, and men who voluntarily retired stayed, on average, for 8.8 years. The average length of service among minorities ranged from 4.1 years for Asian/Pacific Islander women to 12 years for American Indian/Alaska Native men. Governmentwide less than 1 percent of the career SES in 2000 and 2007 had self-reported targeted disabilities, and their representation declined slightly over this time.

Executive branch agencies have established processes for selecting members into the SES and have developmental programs that are designed to create pools of candidates from which new members can be selected. These agencies use Executive Resources Boards to review the executive and technical qualifications of eligible candidates for initial SES career appointments and make recommendations based on the best qualified. An OPM-administered board reviews candidates' qualifications before appointment to the SES.

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Abbreviations

AID	Agency for International Development
CFO	Chief Financial Officer
CPDF	Central Personnel Data File
DHS	Department of Homeland Security
EEO	equal employment opportunity
EEOC	Equal Employment Opportunity Commission
EPA	Environmental Protection Agency
ERB	Executive Resources Board
FEMA	Federal Emergency Management Agency
FEORP	Federal Equal Opportunity Recruitment Program
GS	General Schedule
GSA	General Services Administration
HHS	Department of Health and Human Services
HUD	Department of Housing and Urban Development
NASA	National Aeronautics and Space Administration
NRC	Nuclear Regulatory Commission
NSF	National Science Foundation
OPM	Office of Personnel Management
QRB	Qualifications Review Board
SBA	Small Business Administration
SES	Senior Executive Service
SSA	Social Security Administration
VA	Department of Veterans Affairs

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United States Government Accountability Office
Washington, DC 20548

November 26, 2008

The Honorable Danny K. Davis
Chairman
Subcommittee on Federal Workforce, Postal Service,
and the District of Columbia
Committee on Oversight and Government Reform
House of Representatives

The Honorable Daniel K. Akaka
Chairman
Subcommittee on Oversight of Government Management,
the Federal Workforce and the District of Columbia
Committee on Homeland Security and Governmental Affairs
United States Senate

The federal government continues to face new and more complex challenges in the 21st century resulting from long-term fiscal constraints, changing demographics, and other factors. Leadership in agencies across the federal government, especially at senior executive levels, is essential to providing accountable, committed, consistent, and sustained attention to human capital and related organizational transformation issues. The federal government's senior corps generally represents the most experienced segment of the federal career workforce. Having a diverse senior corps can be an organizational strength that can bring a wider variety of perspectives and approaches to bear on policy development and implementation, strategic planning, problem solving, and decision making.

Over the past several years, we have reported on the diversity of the Senior Executive Service (SES). For example, we issued a January 2003 report that included both a comprehensive review of career SES¹ by race, ethnicity, and gender governmentwide as of October 2000 and a statistically estimated projection of what the profile of the SES would be

¹Career SES members are those with civil service status who are appointed competitively to SES positions and serve in positions below the top political appointees in the executive branch of government. These individuals are in executive positions classified above GS-15 or equivalent. We excluded those in SES-type positions authorized by law, such as in the Foreign Service, and some law enforcement and intelligence programs as well as positions in the Senior Level and Science and Professional systems.

in October 2007 if appointment and separation trends did not change.² Earlier this year, we testified on the diversity of the SES again by race, ethnicity, and gender governmentwide, comparing the results of our 2003 report with the representation of the SES in September 2007.³ This report goes beyond the representation of the SES in 2007 to include other characteristics of the diversity of the SES, specifically age of SES members and disability status.

As requested, this report updates our January 2003 report and provides information (1) on the representation of women and minorities⁴ in the SES and the SES developmental pool (i.e., GS-15 and GS-14 positions)⁵ for the executive branch as of fiscal year 2007 and compares this representation to fiscal year 2000 levels and to levels we projected for the end of fiscal year 2007 in our 2003 report; (2) for fiscal years 2000 and 2007, the average age at which women and minorities were appointed to and retired from the SES, the average length of service among those appointed to the SES in fiscal year 1990, as well as information for 2000 and 2007 on the representation of individuals with targeted disabilities among the SES;⁶ and (3) on the overall processes used in executive branch agencies for selecting and certifying members into the SES. The information provided for objectives (1) and (3) was reported earlier this year in testimony.⁷

²GAO, *Senior Executive Service: Enhanced Agency Efforts Needed to Improve Diversity as the Senior Corps Turns Over*, GAO-03-34 (Washington, D.C.: Jan. 17, 2003).

³GAO, *Human Capital: Diversity in the Federal SES and Senior Levels of the U.S. Postal Service and Processes for Selecting New Executives*, GAO-08-609T (Washington, D.C.: Apr. 3, 2008).

⁴By minorities, we are referring to people in the following racial and ethnic groups: African American, American Indian/Alaska Native, Asian/Pacific Islander, and Hispanic.

⁵The vast majority of potential successors for career SES positions come from the general schedule (GS) pay plan for grades GS-15 and GS-14. We included GS-15, GS-14, and equivalent employees. GS-equivalent employees are those in equivalent grades under other pay plans that follow the GS grade structure and job evaluation methodology or are equivalent by statute.

⁶Targeted disabilities are those disabilities the federal government, as a matter of policy, has identified for special emphasis. The targeted disabilities are deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, mental retardation, mental illness, and distortion of limbs and/or spine.

⁷GAO-08-609T.

For this report, we extracted representation data for the SES and the SES developmental pool governmentwide⁸ and by Chief Financial Officers Act (CFO)⁹ agencies for October 2000 and September 2007 from the Office of Personnel Management's (OPM) Central Personnel Data File (CPDF). We also extracted data from the CPDF to identify average age at appointment and retirement and using those data calculated the mean and median ages of those appointed to or retired from the SES in fiscal years 2000 and 2007. We also calculated how long individuals, on average, served in the SES. To do so, we analyzed data from the CPDF on those appointed to the SES in fiscal year 1990 and followed those individuals through fiscal year 2007 to determine how many were still in the SES. Finally, we identified from the CPDF the representation of individuals in the SES who reported that they had targeted disabilities. We believe the CPDF is sufficiently reliable for the informational purpose of this report because we previously reported that governmentwide data from the CPDF for the key variables in this report—agency, gender, race or national origin, pay plan or grade, and disability status—were 96 percent or more accurate.¹⁰ Some data on the SES and the SES developmental pool for 2000 in this report differ from data in our prior products.¹¹

We conducted this performance audit from January 2008 through November 2008 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the

⁸Governmentwide includes civilian employees of all cabinet-level departments, independent agencies, commissions, councils, and boards in the executive branch except the intelligence agencies, the Postal Service, and the Foreign Service (as of 2007).

⁹The CFO Act agencies are 24 major executive agencies that are subject to the CFO Act. In 2007, the CFO Act agencies employed 98 percent of federal employees. See 31 U.S.C. § 901.

¹⁰GAO, *OPM's Central Personnel Data File: Data Appear Sufficiently Reliable to Meet Most Customer Needs*, GAO/GGD-98-199 (Washington, D.C.: Sept. 30, 1998). Also, in a document dated February 28, 2008, an OPM official confirmed that OPM continues to follow the CPDF data quality standards and procedures contained in our 1998 report.

¹¹We first identified SES and SES developmental pool data for 2000 in our 2003 report (GAO-03-34), in which we excluded the Federal Bureau of Investigation (FBI) from the SES and the SES developmental pool because that report contained projected SES and the SES developmental pool levels for the end of fiscal year 2007 based on separation and appointment data, and the FBI did not submit separation and appointment data to the CPDF for 2000. We subsequently cited data on the SES and SES developmental pool for 2000 from our 2003 report in four additional products (GAO-04-123T, GAO-07-838T, GAO-08-609T, and GAO-08-725T). The FBI began submitting such data to the CPDF in fiscal year 2005; therefore data in this report on the SES and the SES developmental pool governmentwide include data on the FBI.

audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Results in Brief

The representation of women and minorities in the SES and the SES developmental pool increased governmentwide from October 2000 through September 2007, but increases did not occur in all agencies. Over these 7 years, increases occurred in more than half of the 24 major executive branch agencies, but in both 2000 and 2007 the representation of women and minorities continued to vary significantly at the 24 major executive branch agencies. In 2003, we projected that increases would occur in the representation of minorities and women in the SES and SES developmental pool by 2007. These increases generally did occur.

Looking beyond racial, ethnic, and gender profiles and as requested, we reviewed the average age at appointment to and retirement from the career SES as well as the disability status of career SES employees for fiscal years 2000 and 2007. We found that for the most part, career SES members were, on average, about age 50 at the time of their appointment to the SES and about age 60 at the time of their retirement. The average age at appointment to and retirement from the career SES generally did not vary much by race, ethnicity, or gender. We also calculated how long individuals, on average, served in the SES by analyzing data on those appointed to the SES in fiscal year 1990 and following those individuals through fiscal year 2007 to determine how many were still in the SES. We found that women stayed in the SES longer than men; women who voluntarily retired (as opposed to taking some other form of retirement, such as mandatory or disability retirement) stayed, on average, for 11.4 years, and men who voluntarily retired stayed, on average, for 8.8 years. The average length of service among minorities ranged from 4.1 years for Asian/Pacific Islander women to 12 years for American Indian men. As for disability status, governmentwide less than 1 percent of the career SES in 2000 and 2007 had self-reported targeted disabilities, and the representation of individuals with these reported disabilities declined slightly between 2000 and 2007.

Executive branch agencies have established processes for selecting members into the SES and have developmental programs that are designed to create pools of candidates from which new members can be selected. These agencies are required by OPM regulations to follow competitive merit staffing requirements when making initial appointments

to the career SES or to the formal candidate development programs, which are competitive programs that are designed to create pools of candidates for SES positions.

We provided the Acting Director of OPM and the Chair of EEOC with a draft of this report for their review and comment. OPM provided technical comments, which we incorporated as appropriate, but did not otherwise comment on the report. EEOC had no comments.

Background

OPM and the Equal Employment Opportunity Commission (EEOC) each play important roles in ensuring equal employment opportunity (EEO) in the federal workplace through their leadership and oversight of federal agencies. In their oversight roles, OPM and EEOC require federal agencies to analyze their workforces, and both agencies also report on governmentwide representation levels.¹² Under OPM's regulations implementing the Federal Equal Opportunity Recruitment Program (FEORP),¹³ agencies are required to determine where representation levels for covered groups are lower than in the civilian labor force and take steps to address those differences.¹⁴ Agencies are also required to submit annual FEORP reports to OPM in the form prescribed by OPM. EEOC's Management Directive 715 (MD-715) provides guidance and standards to federal agencies for establishing and maintaining effective equal employment opportunity programs,¹⁵ including a framework for executive branch agencies to help ensure effective management, accountability, and self-analysis to determine whether barriers to equal employment opportunity exist and to identify and develop strategies to mitigate or eliminate the barriers to participation.¹⁶ Specifically, EEOC's MD-715 states that agency personnel programs and policies should be evaluated

¹²OPM's most recent report is its January 2007 *Annual Report to the Congress: Federal Equal Opportunity Recruitment Program, Fiscal Year 2006*, and EEOC's most recent report is its *Fiscal Year 2007 Annual Report on the Federal Work Force*.

¹³5 U.S.C. §7201 and 5 C.F.R. Part 720, Subpart B.

¹⁴The civilian labor force is composed of those 16 and older who are employed or looking for work and not in the military or institutionalized.

¹⁵See section 717 of the Civil Rights Act of 1964 and section 501 of the Rehabilitation Act of 1973, codified as amended at 42 U.S.C. § 2000e-16 and 29 U.S.C. § 791, respectively.

¹⁶EEOC defines barriers as agency policies, principles, or practices that limit or tend to limit employment opportunities for members of a particular gender, race, or ethnic background or based on an individual's disability status.

regularly to ascertain whether such programs have any barriers that tend to limit or restrict equitable opportunities for open competition in the workplace. The initial step is for agencies to analyze their workforce data with designated benchmarks, including the civilian labor force. If analyses of their workforce profiles identify potential barriers, agencies are to examine all related policies, procedures, and practices to determine whether an actual barrier exists. EEOC requires agencies to report the results of their analyses annually. In addition, EEOC recently issued a report on the participation of individuals who reported targeted disabilities in the federal workforce.¹⁷ Targeted disabilities are those disabilities that the federal government, as a matter of policy, has identified for special emphasis. The targeted disabilities are deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, mental retardation, mental illness, and distortion of limb and/or spine.

Women and Minorities in the Career SES and the SES Developmental Pool Increased Governmentwide between 2000 and 2007, and Their Representation in the SES Increased in More Than Half of the Agencies

The data that we are reporting provide a demographic snapshot of the career SES as well as the levels that serve as the SES developmental pool for October 2000 and September 2007. Table 1 shows that governmentwide, the number and percentage of women and minorities in the career SES and SES developmental pool increased between October 2000 and September 2007.

¹⁷EEOC, *Improving the Participation Rate of People with Targeted Disabilities in the Federal Workforce* (Washington, D.C.: Jan. 2008). Federal employees or applicants for federal employment use OPM Form SF-256 to identify physical or mental impairments. According to EEOC, the information collected from this form is used to produce reports and to ensure that individuals with disabilities are not discriminated against.

Table 1: Career SES and the SES Developmental Pool Governmentwide for October 2000 and September 2007

Governmentwide	October 2000			September 2007		
	Number	Percent		Number	Percent	
		Women	Minorities		Women	Minorities
SES	6,296	23.2	13.9	6,555	29.1	15.8
SES developmental pool (GS-15s and GS-14s)	137,785	28.0	17.0	149,149	34.3	22.5

Source: GAO analysis of OPM's CPDF.

Note: Governmentwide includes civilian employees of all cabinet-level departments, independent agencies, commissions, councils, and boards in the executive branch except the intelligence agencies, the Postal Service, and the Foreign Service (as of 2007).

As shown in table 2, the percentage of both women and minorities in the SES increased in 15 of the 24 CFO Act agencies by 2007. For the remaining CFO Act agencies, most experienced an increase in either the percentage of women or minorities between October 2000 and September 2007.

Table 2: Career SES Members by CFO Act Agency for October 2000 and September 2007

CFO Act agency	October 2000			September 2007		
	Number of SES	Percent		Number of SES	Percent	
		Women	Minorities		Women	Minorities
Agriculture	283	25.4	20.1	318	28.3	18.9
AID	25	20.0	20.0	22	45.5	36.4
Commerce	296	23.3	12.5	317	28.4	14.5
Defense	1,143	16.3	6.1	1,123	22.6	8.3
Education	60	28.3	21.7	66	36.4	15.2
Energy	391	18.9	10.7	421	22.8	14.3
EPA	255	29.8	15.3	261	37.5	17.2
FEMA	32	21.9	3.1	^a	^a	^a
GSA	84	28.6	14.3	80	28.8	15.0
HHS	399	36.1	21.3	356	44.1	20.5
DHS	^b	^b	^b	325	26.2	13.2
HUD	73	28.8	35.6	89	38.2	43.8
Interior	191	31.9	22.0	221	31.7	25.8
Justice	594	18.4	15.2	645	22.2	17.8
Labor	132	28.0	21.2	133	33.1	21.1
NASA	394	19.5	13.2	431	23.4	14.6
NRC	139	13.7	11.5	146	19.9	13.7

CFO Act agency	October 2000			September 2007		
	Number of SES	Percent		Number of SES	Percent	
		Women	Minorities		Women	Minorities
NSF	79	30.4	13.9	79	44.3	16.5
OPM	36	41.7	19.4	42	38.1	16.7
SBA	39	33.3	33.3	36	27.8	38.9
SSA	118	35.6	33.1	134	41.8	27.6
State	101	28.7	5.0	114	32.5	6.1
Transportation	178	27.0	14.6	188	36.2	16.0
Treasury	537	23.3	12.8	386	36.8	18.4
VA	247	14.6	9.7	236	30.9	14.8

Source: GAO analysis of OPM's CPDF.

Note: AID is the Agency for International Development; EPA is the Environmental Protection Agency; GSA is the General Services Administration; HHS is the Department of Health and Human Services; HUD is the Department of Housing and Urban Development; NASA is the National Aeronautics and Space Administration; NRC is the Nuclear Regulatory Commission; NSF is the National Science Foundation; SBA is the Small Business Administration; SSA is the Social Security Administration; and VA is the Department of Veterans Affairs.

*The Federal Emergency Management Agency (FEMA) was an independent agency and 1 of the 24 CFO Act agencies until the formation of the Department of Homeland Security (DHS) in 2003.

^bDHS did not exist before March 2003. It was created from 22 agencies or parts of agencies, including the U.S. Customs Service, which was formerly located in the Department of the Treasury; FEMA; and the Coast Guard.

As we reported in 2003, the gender, racial, and ethnic profiles of the career SES at the 24 CFO Act agencies varied significantly in October 2000. The representation of women ranged from 13.7 percent to 41.7 percent, with half of the agencies having 27 percent or fewer women in the career SES. For minority representation, rates varied even more and ranged from 3.1 percent to 35.6 percent, with half of the agencies having less than 15 percent minorities in the career SES. In 2007, the representation of women and minorities, both overall and in more than half of the individual agencies, was higher than it was in October 2000. The representation of women ranged from 19.9 percent to 45.5 percent with more than half of the agencies having 30 percent or more women. For minority representation, rates ranged from 6.1 percent to 43.8 percent, with more than half of the agencies having over 16 percent minority representation, and more than 90 percent of the agencies having more than 13 percent minority representation in the career SES.

For this report, we did not analyze the factors that contributed to the changes in representation from October 2000 through September 2007. As we said previously, OPM and EEOC, in their oversight roles, require

federal agencies to analyze their workforces and both agencies also report on governmentwide representation levels.

In our 2003 report, we (1) reviewed actual appointment trends from fiscal years 1995 to 2000 and actual separation experience from fiscal years 1996 to 2000; (2) estimated by race, ethnicity, and gender the number of career SES who would leave government service from October 1, 2000, through October 1, 2007; and (3) projected what the profile of the SES would be if appointment and separation trends did not change. We estimated that more than half of the career SES members employed on October 1, 2000, will have left service by October 1, 2007. Assuming then-current career SES appointment trends, we projected that (1) the only significant changes in diversity would be an increase in the number of white women with an essentially equal decrease in white men and (2) the proportions of minority women and men would remain virtually unchanged in the SES corps, although we projected slight increases among most racial and ethnic minorities.

Table 3 shows career SES representation as of October 1, 2000, our 2003 projections of what representation would be at the end of fiscal year 2007, and actual fiscal year 2007 data. We projected increases in representation among both minorities and women. Fiscal year 2007 data show that increases did take place among those groups and that those increases generally exceeded the increases we projected. The only decrease among minorities occurred in African American men, whose representation declined from 5.5 percent in 2000 to 5.0 percent at the end of fiscal year 2007.

Table 3: Fiscal Year 2007 Projections We Reported in 2003 Compared with Actual Fiscal Year 2007 Data for Career SES Governmentwide and Baseline 2000 Data

(Numbers in percent)

SES profile	October 1, 2000	October 2003 projections for October 1, 2007	Actual September 2007
African American men	5.5	5.7	5.0
African American women	2.9	3.4	3.5
American Indian/Alaska Native men	0.9	0.8	0.9
American Indian/Alaska Native women	0.3	0.3	0.4
Asian/Pacific Islander men	1.1	1.1	1.5
Asian/Pacific Islander women	0.5	0.6	0.9
Hispanic men	2.0	2.0	2.7
Hispanic women	0.7	0.7	0.9
White men	67.3	62.1	60.7
White women	18.7	23.1	23.3
Unspecified/other	0.1	0.4	0.2
Total*	100.0	100.0	100.0
Minorities	13.9	14.5	15.8
Men	76.8	71.6	70.9
Minority men	9.5	9.5	10.1
Women	23.2	28.1	29.1
Minority women	4.4	5.0	5.8

Source: GAO analysis of CPDF.

Note: Projections include replacements for departing SES members at appointment trends for fiscal years 1995 to 2000 (See GAO-03-34).

*Percentages may not add to 100 because of rounding.

Table 4 shows SES developmental pool representation as of October 1, 2000, our 2003 projections of what representation would be at the end of fiscal year 2007, and actual fiscal year 2007 data. We projected increases in representation among both minorities and women. Fiscal year 2007 data show that increases did generally take place among those groups. The representation of American Indian/Alaska Native men remained unchanged from the October 2000 baseline.

Table 4: Fiscal Year 2007 Projections We Reported in 2003 Compared with Actual Fiscal Year 2007 Data for the SES Developmental Pool Governmentwide and Baseline 2000 Data

(Numbers in percent)

Profile of developmental pool (GS-15s and GS-14s)	October 1, 2000	October 2003 projections for October 1, 2007	Actual September 2007
African American men	3.8	4.1	4.3
African American women	4.1	4.5	6.1
American Indian/Alaska Native men	0.6	0.7	0.6
American Indian/Alaska Native women	0.3	0.3	0.4
Asian/Pacific Islander men	3.3	3.1	4.2
Asian/Pacific Islander women	1.4	1.5	2.3
Hispanic men	2.5	2.8	3.0
Hispanic women	1.0	1.2	1.5
White men	61.7	58.6	53.4
White women	21.3	22.9	23.9
Unspecified/other	0.1	0.2	0.2
Total*	100.0	100.0	100.0
Minorities	17.0	18.2	22.5
Men	72.0	69.4	65.7
Minority men	10.2	10.7	12.1
Women	28.0	30.4	34.3
Minority women	6.7	7.5	10.3

Source: GAO analysis of CPDF.

Notes: We included GS-15, GS-14, and equivalent employees. GS-equivalent employees are those in equivalent grades under other pay plans that follow the GS grade structure and job evaluation methodology or are equivalent by statute.

Projections include replacements for departing GS-15, GS-14, and equivalent employees at appointment trends for fiscal years 1995-2000 (See GAO-03-34).

*Percentages may not add to 100 because of rounding.

As stated previously, we have not analyzed the factors contributing to changes in representation; therefore, care must be taken when comparing changes in demographic data since fiscal year 2000 to the projections we made in 2003, and to the 2007 actual data we present in both tables 3 and 4. For example, we have not determined whether estimated retirement trends materialized or appointment and separation trends used in our projections continued and the impact these factors may have had on the diversity of the SES and its developmental pool.

Considering retirement eligibility and actual retirement rates of the SES is important because individuals normally do not enter the SES until well into their careers; thus, SES retirement eligibility is much higher than the workforce in general. As we have said in previous reports, as part of a strategic human capital planning approach, agencies need to develop long-term strategies for acquiring, developing, motivating, and retaining staff.¹⁸ An agency's human capital plan should address the demographic trends that the agency faces with its workforce, especially retirements. In 2006, OPM reported that approximately 60 percent of the executive branch's 1.6 million white-collar employees and 90 percent of about 6,000 federal executives will be eligible for retirement over the next 10 years. If a significant number of SES members were to retire, it could result in a loss of leadership continuity, institutional knowledge, and expertise among the SES corps, with the degree of loss varying among agencies and occupations. This has important implications for government management and emphasizes the need for good succession planning for this leadership group. Rather than simply recreating the existing organization, effective succession planning and management, linked to the strategic human capital plan, can help an organization become what it needs to be. Leading organizations go beyond a "replacement" approach that focuses on identifying particular individuals as possible successors for specific top-ranking positions. Rather, they typically engage in broad, integrated succession planning and management efforts that focus on strengthening both current and future capacity, anticipating the need for leaders and other key employees with the necessary competencies to successfully meet the complex challenges of the 21st century.

Succession planning also is tied to the federal government's opportunity to affect the diversity of the executive corps through new appointments. In September 2003,¹⁹ we reported that agencies in other countries use succession planning and management to achieve a more diverse workforce, maintain their leadership capacity, and increase the retention of high-potential staff. Racial, ethnic, and gender diversity in the SES is an important component for the effective operation of the government.

¹⁸GAO, *Human Capital: Federal Workforce Challenges in the 21st Century*, GAO-07-556T (Washington, D.C.: Mar. 6, 2007).

¹⁹GAO, *Human Capital: Insights for U.S. Agencies from Other Countries' Succession Planning and Management Initiatives*, GAO-03-914 (Washington, D.C.: Sept. 15, 2003).

Minimal Changes Occurred in the Average Age at Appointment to and Retirement from the Career SES and in Targeted Disabilities among the Career SES between 2000 and 2007

Individuals do not typically enter the career SES until well into their careers. As of the end of fiscal years 2000 and 2007, the average age of women and minorities at the time of their appointment to the SES was about age 50 and did not change dramatically over this 7-year period except for certain groups, as shown in table 5. The average age at appointment for American Indian/Alaska Native women declined from age 48 in 2000 to age 42 in 2007 and increased during this time for both American Indian/Alaska Native men (from age 50 in 2000 to 53 in 2007) and white women (from age 47 in 2000 to 49 in 2007).

Table 5: Average Age at Appointment to the Career SES for 2000 and 2007

SES profile	Average age at appointment in	
	Fiscal year 2000	Fiscal year 2007
African American men	51	50
African American women	48	49
American Indian/Alaska Native men	50	53
American Indian/Alaska Native women	48 ^a	42 ^a
Asian/Pacific Islander men	52	48
Asian/Pacific Islander women	48 ^a	47
Hispanic men	48	49
Hispanic women	50	49
White men	50	50
White women	47	49
Unspecified/other	^b	52 ^a
Governmentwide	49	50
Men	50	50
Minority men	50	49
Women	47	49
Minority women	48	49

Source: GAO analysis of OPM's CPDF.

Note: The average age is the statistical mean. We compared the average age to the median age for both fiscal years' data and found that the differences between the two were usually minimal and that the median age was less than the mean age in most instances.

^aAges of two to five individuals formed the basis for this average.

^bOne or no individuals were appointed in this year.

Similarly, the average age of women and minorities at the time of retirement from the career SES did not change much between 2000 and 2007. As shown in table 6, all of those who retired did so, on average, at

around age 60, with the exception of Asian/Pacific Islander men, whose average retirement age in 2007 was 64; Hispanic men, whose average retirement age in 2000 was 57 and in 2007 was 58; and African American men, whose average retirement age in 2000 was 62 and 59 in 2007.

Table 6: Average Age at Retirement from the Career SES in 2000 and 2007

SES profile	Average age at retirement	
	Fiscal year 2000	Fiscal year 2007
African American men	62	59
African American women	58 ^a	61
American Indian/Alaska Native men	56 ^a	59 ^a
American Indian/Alaska Native women	^b	60 ^a
Asian/Pacific Islander men	60 ^a	64
Asian/Pacific Islander women	^b	56 ^a
Hispanic men	57	58
Hispanic women	^b	60
White men	60	60
White women	59	58
Unspecified/other	^b	^b
Governmentwide	60	59
Men	60	60
Minority men	60	60
Women	59	58
Minority women	59 ^a	60

Source: GAO analysis of OPM's CPDF.

Note: The average age is the statistical mean. We compared the average age to the median age for both fiscal years' data and found that the differences between the two were usually minimal and that the median age was less than the mean age in most instances.

^aAges of two to five individuals formed the basis for this average.

^bOne or no individuals retired in this year.

In addition to examining the average age of individuals at the time of their appointment to and retirement from the career SES, we analyzed the length of time that a cohort of individuals served in the SES and differences in length of service. We reviewed data on the 625 individuals appointed to the career SES in fiscal year 1990. Because of questions with the records of 11 individuals, we excluded them from our analysis and analyzed the records of the remaining 614 individuals appointed to the SES in fiscal year 1990 and followed them through September 2007. We found

that 432 of the 614 had left the SES by that date—338 had retired voluntarily, 66 had resigned, and 28 had left for other reasons, such as disability or mandatory retirement. Those individuals who had voluntarily retired served in the SES an average of 9.2 years, as shown in table 7. Table 7 also shows that women stayed in the SES longer than men; women who voluntarily retired stayed, on average, for 11.4 years, and men who voluntarily retired stayed, on average, for 8.8 years. The average length of service among minorities ranged from 4.1 years for Asian/Pacific Islander women to 12 years for American Indian/Alaska Native men.

Table 7: Average Length of Stay of Career SES of Individuals Appointed to the Career SES in 1990 Who Retired or Resigned

SES profile	Number of SES appointed in fiscal year 1990	As of September 30, 2007, average length in SES (in years) among individuals appointed in 1990			
		Voluntary retirements		Resignations	
		Number	Years	Number	Years
African American men	32	22	9.5	0	0.0
African American women	9	5	10.3	0	0.0
American Indian/Alaska Native men	7	3	12.0	2	4.6
American Indian/Alaska Native women	1	0		0	0.0
Asian/Pacific Islander men	1	0	0.0	0	0.0
Asian/Pacific Islander women	2	1	4.1	0	0.0
Hispanic men	5	2	8.7	1	4.6
Hispanic women	1	0	0.0	1	5.6
White men	467	267	8.7	49	4.9
White women	88	38	11.7	13	5.9
Unspecified/other	1	0	0.0	0	0.0
Governmentwide	614	338	9.2	66	5.1
Men	512	294	8.8	52	4.9
Minority men	45	27	9.8	3	4.6
Women	101	44	11.4	14	5.9
Minority women	13	6	9.3	1	5.6

Source: GAO analysis of OPM's CPDF.

Note: The average number of years in the SES at retirement will increase as those who remained in the SES as of September 30, 2007, retire in the future. We also calculated the median length of service, which showed the same patterns.

The average number of years in the SES does not include those appointed to the SES in 1990 who, as of September 30, 2007, died (10); took other types of retirement, such as disability or mandatory retirement (17); or were terminated (1).

As shown in table 8, as of September 2007, about one-third of the 614 individuals we identified who were appointed to the career SES in 1990 remained in the SES. More women from the original cohort remained than men.

Table 8: Number and Percentage of Individuals Appointed to the Career SES in 1990 Remaining in the SES as of September 2007

SES profile	Number of SES appointed in fiscal year 1990	Those appointed to the SES in fiscal year 1990 remaining, as of September 30, 2007	
		Number	Percent
African American men	32	10	31.3
African American women	9	4	44.4
American Indian/Alaska Native men	7	1	14.3
American Indian/Alaska Native women	1	1	100.0
Asian/Pacific Islander men	1	1	100.0
Asian/Pacific Islander women	2	1	50.0
Hispanic men	5	1	20.0
Hispanic women	1	0	0.0
White men	467	134	28.7
White women	88	28	31.8
Unspecified/other	1	1	100.0
Governmentwide	614	182	29.6
Men	512	147	28.7
Minority men	45	13	28.9
Women	101	34	33.7
Minority women	13	6	46.2

Source: GAO analysis of OPM's CPDF.

We also reviewed the representation of career SES members who reported having targeted disabilities. EEOC reported that it first officially recognized the term targeted disabilities in its Management Directive 703,

which was approved on December 6, 1979.²⁰ In its report, EEOC stated that some individuals with disabilities are reluctant to self-identify their disability status because they are concerned that (1) such disclosure will preclude them from employment or advancement or subject them to discrimination and (2) their disability status will not remain confidential. It is not clear the extent to which individuals with disabilities do not identify or report them.

Governmentwide, the representation of career SES members reporting targeted disabilities declined from 0.52 in fiscal year 2000 to 0.44 in fiscal year 2007. Table 9 shows the representation of SES members with targeted disabilities governmentwide and within the CFO Act agencies.²¹

Table 9: Career SES Members with Targeted Disabilities Governmentwide and at CFO Act Agencies for 2000 and 2007

	September 2000			September 2007		
	Number of SES	SES with targeted disabilities		Number of SES	SES with targeted disabilities	
		Number	Percent		Number	Percent
Governmentwide	6,296	33	0.52	6,555	29	0.44
CFO Act agencies	5,826	30	0.51	6,169	26	0.42

Source: GAO analysis of OPM's CPDF.

In both 2000 and 2007, half of the CFO Act agencies (12) did not employ any SES members with targeted disabilities.

²⁰EEOC recognizes that there are disabilities that are not designated as a "targeted disability," but may nevertheless be just as severe, or more severe, than some targeted disabilities. Nonetheless, EEOC only collects and maintains employment statistics for the nine individual targeted disabilities. EEOC states that the purpose of focusing on targeted disabilities is to encourage the hiring, placement, and advancement of selected individuals with disabilities in affirmative action planning. The criteria EEOC used to select the nine disabilities that make up the group of targeted disabilities included the severity of the disability, the feasibility of recruitment, and the availability of workforce data for individuals with targeted disabilities.

²¹Data on targeted disabilities were not separated out by disability type for this analysis but were rolled into an overall targeted disabilities category.

Processes Used for Selecting Career SES Members Are to Follow Competitive Merit Staffing Requirements

Executive branch agencies have processes for selecting members into the career SES and developmental programs that are designed to create pools of candidates for senior positions. Federal executive agencies are to follow competitive merit staffing requirements for initial career appointments to the SES or for appointment to formal SES candidate development programs, which are competitive programs designed to create pools of candidates for SES positions.²² Each agency head is to appoint one or more Executive Resources Boards (ERB) to conduct the merit staffing process for initial SES career appointments. ERBs review the executive and technical qualifications of each eligible candidate and make written recommendations to the appointing official concerning the candidates. The appointing official selects from among those candidates identified by the ERB as best qualified and certifies the executive and technical qualifications of those candidates selected.²³ Candidates who are selected must have their executive qualifications certified by an OPM-administered Qualifications Review Board (QRB) before being appointed to the SES.²⁴

According to OPM, it convenes weekly QRBs to review the applications of candidates for initial career appointment to the SES. QRBs are independent boards of three senior executives that assess the executive qualifications of all new SES candidates. At least two of the three QRB members must be career appointees.²⁵ In addition, OPM guidance states that QRB members cannot review candidates from their own agencies. An OPM official stated that an OPM official acts as administrator, attending each QRB to answer questions, moderate, and offer technical guidance but does not vote or influence voting. OPM guidance states that the QRB does not rate, rank, or compare a candidate's qualifications against those of other candidates. Instead, QRB members judge the overall scope, quality, and depth of a candidate's executive qualifications within the context of five executive core qualifications—leading change, leading people, results driven, business acumen, and building coalitions—to certify that the candidate's demonstrated experience meets the executive core qualifications.

²²See 5 C.F.R. § 317.501(c) and 412.104(c).

²³See 5 C.F.R. § 317.501 and 5 U.S.C. § 3393(b).

²⁴See 5 C.F.R. § 317.502 and 5 U.S.C. § 3393(c).

²⁵Statute and OPM regulations provide that more than half of the members of the QRB must be SES career appointees. 5 U.S.C. § 3393(c) and 5 C.F.R. § 317.502(a).

To staff QRBs, an OPM official said that OPM sends a quarterly letter to the heads of agencies' human capital offices seeking volunteers for specific QRBs and encourages agencies to identify women and minority participants. Agencies then inform OPM of scheduled QRB participants, without a stipulation as to the profession of the participants. OPM solicits agencies once a year for an assigned quarter and requests QRB members on a proportional basis. The OPM official said that OPM uses a rotating schedule, so that the same agencies are not contacted each quarter. Although QRBs generally meet weekly, an OPM official said that QRBs can meet more than once a week, depending on case loads. The official said that because of the case load of recruitment for SES positions recently, OPM had been convening a second "ad hoc" QRB. According to another OPM official, after QRB certification, candidates are officially approved and can be placed.

In addition to certification based on demonstrated executive experience and another form of certification based on special or unique qualities,²⁶ OPM regulations permit the certification of the executive qualifications of graduates of candidate development programs by a QRB and selection for the SES without further competition.²⁷ OPM regulations state that for agency candidate development programs, agencies must have a written policy describing how their programs will operate and must have OPM approval before conducting them. According to OPM, candidate development programs typically run from 18 to 24 months and are open to GS-15s and GS-14s or employees at equivalent levels from within or outside the federal government. Agencies are to use merit staffing procedures to select participants for their programs, and most program vacancies are announced governmentwide or to all sources. OPM regulations provide that candidates who compete governmentwide for participation in a candidate development program, successfully complete the program, and obtain QRB certification are eligible for noncompetitive

²⁶ 5 C.F.R. § 317.502(c). According to OPM, in very rare cases when exceptional candidates with demonstrated experience are not available, a QRB may certify a candidate whose professional/technical background makes him or her particularly well-suited for an SES vacancy although the candidate lacks demonstrated experience in one or more of the executive core qualifications. The candidate must have the potential for quickly acquiring full competence in all of the core qualifications.

²⁷ 5 C.F.R. § 412.104. See also 5 U.S.C. § 3393(c)(2).

appointment to the SES.²⁸ OPM guidance states that candidate development program graduates are not guaranteed placement in the SES. Agencies' ERB chairs must certify that candidates have successfully completed all program activities, and OPM staff review candidate packages to verify that regulatory requirements have been met. An "ad hoc" QRB then reviews the candidates' training and development and work experiences to ensure he or she possesses the required executive qualifications.

OPM also periodically sponsors a centrally administered federal candidate development program. According to an OPM official, the OPM-sponsored federal candidate development program can be attractive to smaller agencies that may not have their own candidate development program, and OPM administers the federal program for them. According to OPM officials, from the first OPM-sponsored federal candidate development program, 12 graduated in September 2006. Of those, 9 individuals were placed in SES positions within 1 year of graduating from the program. In January 2008, OPM advertised the second OPM-sponsored federal candidate development program but subsequently suspended the program. In June 2008, OPM re-advertised the second OPM-sponsored federal candidate development program, and 18 candidates were selected for the program and have started their 12-month training and development program.

Agency Comments and Our Evaluation

We provided the Acting Director of OPM and the Chair of EEOC with a draft of this report for their review and comment. OPM provided technical comments via e-mail, which we incorporated as appropriate, but did not otherwise comment on the report. In an e-mail, EEOC said it had no comments.

We are sending copies of this report to the Acting Director of OPM, the Chair of EEOC, and other interested congressional parties. We also make copies available to others upon request. In addition, the report will be available at no charge on GAO's Web site at <http://www.gao.gov>.

²⁸In some cases, candidate development program openings are announced only to an agency's employees rather than governmentwide; graduates from such programs must compete for SES positions. 5 C.F.R. § 412.104.

If you or your staffs have questions about this report, please contact me at (202) 512-9490 or stalcupg@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in appendix II.



George H. Stalcup
Director, Strategic Issues

Senior Executive Service Diversity Assurance Act (Introduced in House)

HR 2721 IH

111th CONGRESS

1st Session

H. R. 2721

To provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service.

IN THE HOUSE OF REPRESENTATIVES**June 4, 2009**

Mr. DAVIS of Illinois (for himself, Mr. CUMMINGS, Ms. NORTON, Mr. GONZALEZ, Mr. JOHNSON of Georgia, and Mr. CLAY) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Senior Executive Service Diversity Assurance Act'.

SEC. 2. FINDINGS.

Congress finds that--

(1) according to the Government Accountability Office--

(A) minorities made up 22.5 percent of the individuals serving at the GS-15 and GS-14 levels and 15.8 percent of the Senior Executive Service in 2007;

(B) women made up 34.3 percent of the individuals serving at the GS-15 and GS-14 levels and 29.1 percent of the Senior Executive Service in 2007; and

(C) although the number of career Senior Executive Service members increased from 6,110 in 2,000 to 6,555 in 2007, the representation of African-American men in the career Senior Executive Service declined during that same period from 5.5 percent to 5.0 percent; and

(2) according to the Office of Personnel Management--

(A) black employees represented 6.1 percent of employees at the Senior Pay levels and 17.8 percent of the permanent Federal workforce compared to 10.1 percent in the civilian labor force in 2007;

(B) Hispanic employees represented 4.0 percent of employees at the Senior Pay levels and 7.8 percent of the permanent Federal workforce compared to 13.3 percent of the civilian labor force in 2007; and

(C) women represented 28.2 percent of employees at the Senior Pay levels and 43.9 percent of the permanent Federal workforce compared to 45.7 percent of the civilian labor force in 2007.

SEC. 3. DEFINITIONS.

For purposes of this Act--

(1) the term `Director' means the Director of the Office of Personnel Management;

(2) the term `Senior Executive Service' has the meaning given such term by section 2101a of title 5, United States Code;

(3) the terms `agency', `career appointee', and `career reserved position' have the meanings given them by section 3132 of title 5, United States Code; and

(4) the term `SES Resource Office' means the Senior Executive Service Resource Office, established under section 4.

SEC. 4. SENIOR EXECUTIVE SERVICE RESOURCE OFFICE.

(a) Establishment- Not later than 180 days after the date of the enactment of this Act, the Director shall establish within the Office of Personnel Management an office to be known as the Senior Executive Service Resource Office. The mission of the SES Resource Office shall be--

(1) to improve the efficiency, effectiveness, and productivity of the Senior Executive Service through policy formulation and oversight;

(2) to advance the professionalism of the Senior Executive Service; and

(3) to ensure that, in seeking to achieve a Senior Executive Service reflective of the Nation's diversity, recruitment is from qualified individuals from appropriate sources.

(b) Functions- It shall be the function of the SES Resource Office to make recommendations to the Director with respect to regulations, and to provide guidance to agencies, concerning the structure, management, and diverse composition of the Senior Executive Service. In order to carry out the purposes of this section, the SES Resource Office shall--

(1) take such actions as the SES Resource Office considers necessary to manage and promote an efficient, elite, and diverse corps of senior executives by--

(A) creating policies for the management and improvement of the Senior Executive Service;

(B) providing oversight of the performance, structure, and composition of the Senior Executive Service; and

(C) providing guidance and oversight to agencies in the management of senior executives and candidates for the Senior Executive Service;

(2) be responsible for the policy development, management, and oversight of the Senior Executive Service pay system;

- (3) develop standards for certification of each agency's Senior Executive Service performance management system and evaluate all agency applications for certification;
 - (4) be responsible for developing and monitoring programs for the advancement and training of senior executives, including the Senior Executive Service Federal Candidate Development Program;
 - (5) provide oversight of, and guidance to, agency executive resources boards;
 - (6) be responsible for the administration of the qualifications review board;
 - (7) establish and maintain annual statistics (in a form that renders them useful to appointing authorities and candidates) on--
 - (A) the total number of career reserved positions at each agency;
 - (B) the total number of vacant career reserved positions at each agency;
 - (C) of the positions under subparagraph (B), the number for which candidates are being sought;
 - (D) the number of individuals who have been certified in accordance with section 3393 (c) of title 5, United States Code, and the composition of that group of individuals with regard to race, ethnicity, sex, age, and individuals with disabilities;
 - (E) the composition of the Senior Executive Service with regard to race, ethnicity, sex, age, and individuals with disabilities;
 - (F) the composition of executive resources boards with regard to race, ethnicity, sex, and individuals with disabilities; and
 - (G) the composition of qualifications review boards with regard to race, ethnicity, sex, and individuals with disabilities;
 - (8) make available to the public through the official public internet site of the Office of Personnel Management, the data collected under paragraph (7);
 - (9) establish mentoring programs for potential candidates for the Senior Executive Service, including candidates who have been certified as having the executive qualifications necessary for initial appointment as a career appointee under a program established pursuant to section 3396(a) of title 5, United States Code;
 - (10) conduct a continuing program for the recruitment of women, members of racial and ethnic minority groups, and individuals with disabilities for Senior Executive Service positions, with special efforts directed at recruiting from educational institutions, professional associations, and other sources;
 - (11) advise agencies on the best practices for an agency in utilizing or consulting with an agency's equal employment or diversity office or official (if the agency has such an office or official) with regard to the agency's Senior Executive Service appointments process; and
 - (12) evaluate and implement strategies to ensure that agencies conduct appropriate outreach to other agencies to identify candidates for Senior Executive Service positions.
- (c) Protection of Individually Identifiable Information- For purposes of subsection (b)(8), the SES Resource Office may combine data for any agency that is not named in section 901(b) of chapter 31, United States Code, to protect individually identifiable information.

(d) Cooperation of Agencies- The head of each agency shall provide the Office of Personnel Management with such information as the SES Resource Office may require in order to carry out subsection (b)(7).

SEC. 5. CAREER APPOINTMENTS.

(a) Promoting Diversity in the Career Appointments Process- Section 3393 of title 5, United States Code, is amended--

(1) in subsection (b), by inserting after the first sentence the following: ` In establishing an executive resources board, the head of the agency shall, to the extent practicable, ensure diversity of the board and of any subgroup thereof or other evaluation panel related to the merit staffing process for career appointees, by including members of racial and ethnic minority groups, women, and individuals with disabilities.'; and

(2) in subsection (c)(1), by adding after the last sentence the following: ` Notwithstanding the preceding sentence, consideration should also be given to improving diversity by including members of racial and ethnic minority groups, women, and individuals with disabilities on such boards.'.

(b) Regulations- Within 1 year after the date of the enactment of this Act, the Director shall promulgate regulations to implement the amendments made by subsection (a) and to improve diversity in executive resources boards and qualifications review boards.

(c) Report- Within 1 year after the date of the enactment of this Act, the Director shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report evaluating agency efforts to improve diversity in executive resources boards and of the members designated by agencies to serve on qualifications review boards, based on the information collected by the SES Resource Office under subparagraphs (F) and (G) of section 4(b)(7).

SEC. 6. ENCOURAGING A MORE DIVERSE SENIOR EXECUTIVE SERVICE.

(a) Senior Executive Service Diversity Plans- Within 1 year after the date of the enactment of this Act, each agency, in consultation with the Office of Personnel Management, shall submit to the Office of Personnel Management a plan to enhance and maximize opportunities for the advancement and appointment of minorities, women, and individuals with disabilities in the agency to the Senior Executive Service. Agency plans shall address how the agency is identifying and eliminating barriers that impair the ability of minorities, women, and individuals with disabilities to obtain appointments to the Senior Executive Service and any actions the agency is taking to provide advancement opportunities, including--

(1) conducting outreach to minorities, women, and individuals within the agency and outside the agency;

(2) establishing and maintaining training and education programs to foster leadership development;

(3) identifying career enhancing opportunities for agency employees;

(4) assessing internal availability of candidates for Senior Executive Service positions; and

(5) conducting an inventory of employee skills and addressing current and potential gaps in skills and the distribution of skills.

Agency plans shall be updated at least every 2 years during the 10 years following enactment of this Act. An agency plan shall be reviewed by the Office of Personnel Management and, if determined to provide sufficient assurances, procedures, and commitments to provide adequate

opportunities for the advancement and appointment of minorities, women, and individuals with disabilities to the Senior Executive Service, shall be approved by such Office. An agency may, in updating its plan, submit to the Office of Personnel Management an assessment of the impacts of the plan.

(b) Summary and Evaluation- Within 180 days after the deadline for the submission of any report or update under subsection (a), the Director shall transmit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report summarizing and evaluating the agency plans or updates (as the case may be) so submitted.

(c) Coordination- The Office of Personnel Management shall, in carrying out subsection (a), evaluate existing requirements under section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) and section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and determine how agency reporting can be performed so as to be consistent with, but not duplicative of, such sections and any other similar requirements.

Senior Executive Service Diversity Assurance Act of 2009 (Introduced in Senate)

S 1180 IS

111th CONGRESS

1st Session

S. 1180

To provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service.

IN THE SENATE OF THE UNITED STATES**June 4, 2009**

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Senior Executive Service Diversity Assurance Act of 2009'.

SEC. 2. FINDINGS.

Congress finds that--

(1) according to the most recent findings from the Government Accountability Office--

(A) minorities made up 22.5 percent of the individuals serving at the GS-15 and GS-14 levels and 15.8 percent of the Senior Executive Service in 2007;

(B) women made up 34.3 percent of the individuals serving at the GS-15 and GS-14 levels and 29.1 percent of the Senior Executive Service in 2007; and

(C) although the number of career Senior Executive Service members increased from 6,110 in 2,000 to 6,555 in 2007, the representation of African-American men in the career Senior Executive Service declined during that same period from 5.5 percent to 5.0 percent; and

(2) according to the Office of Personnel Management--

(A) Black employees represented 6.1 percent of employees at the Senior Pay levels and 17.9 percent of the permanent Federal workforce compared to 10 percent in the civilian labor force in 2008;

(B) Hispanic employees represented 4.0 percent of employees at the Senior Pay levels and 7.9 percent of the permanent Federal workforce compared to 13.2 percent of the civilian labor force in 2008; and

(C) women represented 29.1 percent of employees at the Senior Pay levels and 44.2 percent of the permanent Federal workforce compared to 45.6 percent of the civilian labor force in 2008.

SEC. 3. DEFINITIONS.

In this Act--

- (1) the term `Director' means the Director of the Office of Personnel Management;
- (2) the term `Senior Executive Service' has the meaning given under section 2101a of title 5, United States Code;
- (3) the terms `agency', `career appointee', and `career reserved position' have the meanings given under section 3132 of title 5, United States Code; and
- (4) the term `SES Resource Office' means the Senior Executive Service Resource Office established under section 4.

SEC. 4. SENIOR EXECUTIVE SERVICE RESOURCE OFFICE.

(a) Establishment- Not later than 180 days after the date of the enactment of this Act, the Director shall establish within the Office of Personnel Management an office to be known as the Senior Executive Service Resource Office.

(b) Mission- The mission of the SES Resource Office shall be to--

- (1) improve the efficiency, effectiveness, and productivity of the Senior Executive Service through policy formulation and oversight;
- (2) advance the professionalism of the Senior Executive Service; and
- (3) ensure that, in seeking to achieve a Senior Executive Service reflective of the Nation's diversity, recruitment is from qualified individuals from appropriate sources.

(c) Functions-

(1) IN GENERAL- The functions of the SES Resource Office are to--

- (A) make recommendations to the Director with respect to regulations; and
- (B) provide guidance to agencies, concerning the structure, management, and diverse composition of the Senior Executive Service.

(2) SPECIFIC FUNCTIONS- In order to carry out the purposes of this section, the SES Resource Office shall--

- (A) take such actions as the SES Resource Office considers necessary to manage and promote an efficient, elite, and diverse corps of senior executives by--
 - (i) creating policies for the management and improvement of the Senior Executive Service;

(ii) providing oversight of the performance, structure, and composition of the Senior Executive Service; and

(iii) providing guidance and oversight to agencies in the management of senior executives and candidates for the Senior Executive Service;

(B) be responsible for the policy development, management, and oversight of the Senior Executive Service pay and performance management system;

(C) develop standards for certification of each agency's Senior Executive Service performance management system and evaluate all agency applications for certification;

(D) be responsible for coordinating, promoting, and monitoring programs for the advancement and training of senior executives, including the Senior Executive Service Federal Candidate Development Program;

(E) provide oversight of, and guidance to, agency executive resources boards;

(F) be responsible for the administration of the qualifications review board;

(G) establish and maintain annual statistics (in a form that renders such statistics useful to appointing authorities and candidates) on--

(i) the total number of career reserved positions at each agency;

(ii) the total number of vacant career reserved positions at each agency;

(iii) of the positions under clause (ii), the number for which candidates are being sought;

(iv) the amount of time a career reserved position is vacant;

(v) the amount of time it takes to hire a candidate into a career reserved position;

(vi) the number of individuals who have been certified in accordance with section 3393(c) of title 5, United States Code, and the composition of that group of individuals with regard to race, ethnicity, sex, age, and individuals with disabilities;

(vii) the composition of the Senior Executive Service with regard to race, ethnicity, sex, age, and individuals with disabilities;

(viii) the composition of executive resources boards with regard to race, ethnicity, sex, and individuals with disabilities; and

(ix) the composition of qualifications review boards with regard to race, ethnicity, sex, and individuals with disabilities;

(H) make available to the public through the official public Internet site of the Office of Personnel Management, the data collected under subparagraph (G);

(I) establish and promote mentoring programs for potential candidates for the Senior Executive Service, including candidates who have been certified as having the executive qualifications necessary for initial appointment as a career appointee under a program established under to section 3396(a) of title 5, United States Code;

(J) conduct a continuing program for the recruitment of women, members of racial and ethnic minority groups, and individuals with disabilities for Senior Executive Service positions, with special efforts directed at recruiting from educational institutions, professional associations, and other sources;

(K) advise agencies on the best practices for an agency in utilizing or consulting with an agency's equal employment or diversity office or official (if the agency has such an office or official) with regard to the agency's Senior Executive Service appointments process; and

(L) evaluate and implement strategies to ensure that agencies conduct appropriate outreach to other agencies to identify candidates for Senior Executive Service positions.

(d) Protection of Individually Identifiable Information- For purposes of subsection (c)(2)(H), the SES Resource Office shall combine data for any agency that is not named in section 901(b) of chapter 31, United States Code, to protect individually identifiable information.

(e) Cooperation of Agencies- The head of each agency shall provide the Office of Personnel Management with such information as the SES Resource Office may require in order to carry out subsection (c)(2)(G).

(f) Staffing- The Director of the Office of Personnel Management shall make such appointments as necessary to staff the SES Resource Office.

SEC. 5. CAREER APPOINTMENTS.

(a) Promoting Diversity in the Career Appointments Process- Section 3393(b) of title 5, United States Code, is amended by inserting after the first sentence the following: `In establishing an executive resources board, the head of the agency shall, to the extent practicable, ensure diversity of the board and of any subgroup thereof or other evaluation panel related to the merit staffing process for career appointees, by including members of racial and ethnic minority groups, women, and individuals with disabilities.'.

(b) Regulations- Not later than 1 year after the date of the enactment of this Act, the Director shall promulgate regulations to implement subsection (a).

(c) Report- Not later than 1 year after the date of the enactment of this Act, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report evaluating agency efforts to improve diversity in executive resources boards based on the information collected by the SES Resource Office under section 4(c)(2)(G) (viii) and (ix).

SEC. 6. ENCOURAGING A MORE DIVERSE SENIOR EXECUTIVE SERVICE.

(a) Senior Executive Service Diversity Plans-

(1) IN GENERAL- Not later than 1 year after the date of the enactment of this Act, each agency, in consultation with the Office of Personnel Management and the Chief Human Capital Officers Council, shall submit to the Office of Personnel Management a plan to enhance and maximize opportunities for the advancement and appointment of minorities, women, and individuals with disabilities in the agency to the Senior Executive Service. Agency plans shall be reflected in the strategic human capital plan.

(2) CONTENTS- Agency plans shall address how the agency is identifying and eliminating barriers that impair the ability of minorities, women, and individuals with disabilities to obtain appointments to the Senior Executive Service and any actions the agency is taking to provide advancement opportunities, including--

(A) conducting outreach to minorities, women, and individuals within the agency and outside the agency;

(B) establishing and maintaining training and education programs to foster leadership development;

(C) identifying career enhancing opportunities for agency employees;

(D) assessing internal availability of candidates for Senior Executive Service positions; and

(E) conducting an inventory of employee skills and addressing current and potential gaps in skills and the distribution of skills.

(3) UPDATE OF AGENCY PLANS- Agency plans shall be updated at least every 2 years during the 10 years following enactment of this Act. An agency plan shall be reviewed by the Office of Personnel Management and, if determined to provide sufficient assurances, procedures, and commitments to provide adequate opportunities for the advancement and appointment of minorities, women, and individuals with disabilities to the Senior Executive Service, shall be approved by such Office. An agency may, in updating its plan, submit to the Office of Personnel Management an assessment of the impacts of the plan.

(b) Summary and Evaluation- Not later than 180 days after the deadline for the submission of any report or update under subsection (a), the Director shall transmit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report summarizing and evaluating the agency plans or updates (as the case may be) so submitted.

(c) Coordination- The Office of Personnel Management shall, in carrying out subsection (a), evaluate existing requirements under section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) and section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and determine how agency reporting can be performed so as to be consistent with, but not duplicative of, such sections and any other similar requirements.