



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

DIVERSITY, EQUITY, INCLUSION & ACCESSIBILITY STRATEGIC PLAN

2023

Authority

- Executive Order 14035, Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce
- Executive Order 13583, Establishing Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce

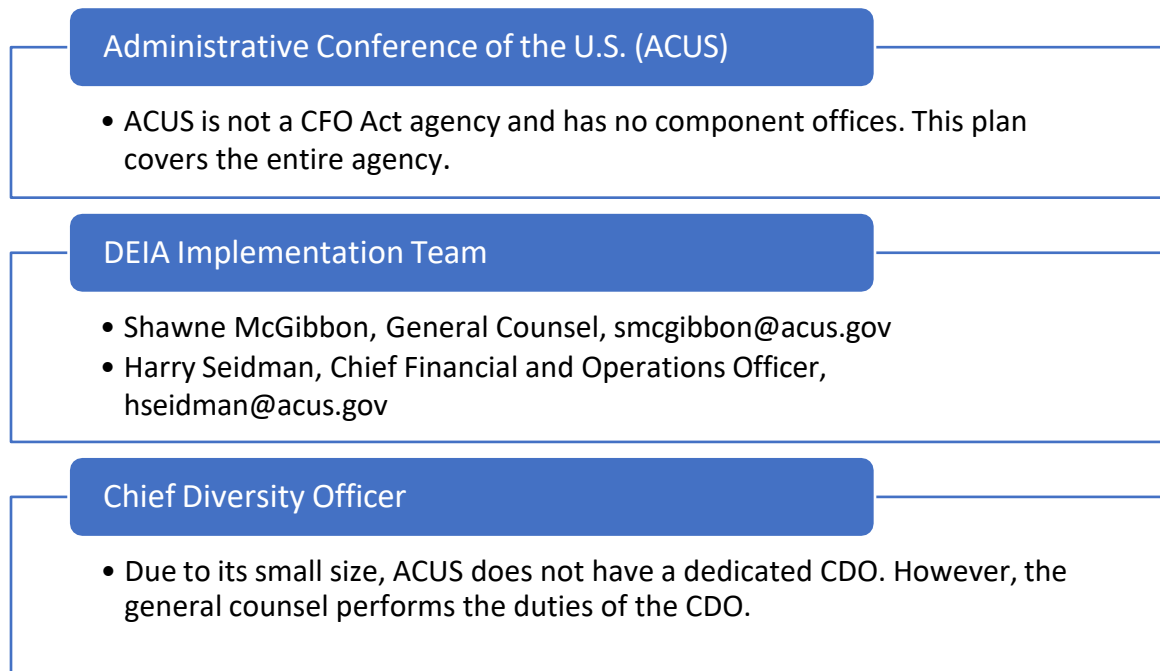
Last Updated
August 31, 2023

As the nation’s largest employer, the Federal Government must be a model for diversity, equity, inclusion, and accessibility (DEIA), where all employees are treated with dignity and respect. [Executive Order 14035](#), *Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce* (and its predecessor, EO 13583, *Establishing a Coordinated Government-wide Initiative to Promote diversity and Inclusion in the Federal Workforce*), requires agencies to, among other things, develop and submit an annual strategic plan that explains and documents agencies’ goals to advance DEIA initiatives in their workforce and culture. This plan is being implemented in coordination with the requirements of [Executive Order 13985](#), *Advancing Racial Equity and Support for Underserved Communities through the Federal Government*.

The overarching principles of EO 14035:

1. To cultivate a workforce that draws from and reflects the full diversity of the Nation.
2. The federal government should be a model with respect to DEIA principles and their implementation through data driven policies and procedures, and dedication of adequate resources.
3. Accountability, sustainability, and continuous improvement are important drivers in innovation and organizational outcomes.

This DEIA strategic plan for the Administrative Conference of the U.S. closely tracks that of the [Government-wide Strategic Plan](#) issued by OMB on November 23, 2021, and this plan supplements the agency’s broader strategic plan. Since ACUS is a micro-agency with fewer than 15 full-time employees, quarterly progress reports are not required.



ACUS DEIA Vision

- ACUS's workforce is talented, diverse, and committed to fostering a safe, fair, and inclusive environment and culture for its employees, members, and other stakeholders.

ACUS DEIA Mission

- To foster a culture that exemplifies teamwork, embraces innovation, and values diversity, equity, inclusion, and accessibility to achieve mission excellence.

Definitions*

- The term "underserved communities" refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life.
- The term "diversity" means the practice of including the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people, including underserved communities.
- The term "equity" means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.
- The term "inclusion" means the recognition, appreciation, and use of the talents and skills of employees of all backgrounds.
- The term "accessibility" means the design, construction, development, and maintenance of facilities, information, and communications technology, programs, and services so that all people, including people with disabilities, can fully and independently use them. [Note: ACUS occupies a GSA-leased facility.] Accessibility includes the provision of reasonable accommodations and modifications to ensure equal access to employment and participation for people with disabilities.

* See Section 2 of EO 14035 for full definitions.



I. State of the Agency

This section will highlight a few of ACUS's accomplishments and best practices in the DEIA space and summarize ongoing challenges.

- *The agency has maintained a diverse and inclusive workforce appropriate for its size and unique statutory mission.*
- The agency has continuously reevaluated and broadened its outreach to groups representing underserved communities to ensure diverse applicant pools.

- In support of ACUS’s legal internship program, the agency participates in law school recruiting events that include diverse candidates and engages in direct outreach to affinity groups such as Black Law Student Associations.
 - The COVID-19 pandemic demonstrated that ACUS’s legal interns can work effectively in a remote environment; therefore, remote internship options have become a permanent recruitment tool to ensure that all interested interns will have an opportunity to gain legal experience without having to bear the cost of relocating temporarily to Washington, DC.
 - ACUS offers a paid fellowship program for recent law school graduates and experts (with the option to work remotely).
 - ACUS utilizes diverse interview panels (that include leadership and non-leadership employees) for job candidates.
 - ACUS has a record of offering and providing accommodations to employees with disabilities in a fair and transparent manner.
 - ACUS has been a leader in broader federal government efforts to ensure access to justice through fulfilling its responsibilities under the Equal Access to Justice Act and active participation in the Legal Aid Interagency Roundtable.
- *Agency leadership is committed to DEIA principles and has fostered an inclusive workplace culture. Outcomes are validated through data-driven analytics.*
- ACUS’s DEIA culture is manifested in EEOC Form 462 data which reflects a de minimis level of EEO activity and claims.
- *The challenges associated with implementation of an effective DEIA program primarily relate to the agency’s size and unique statutory mission.*
- ACUS is a micro agency with fewer than 15 FTEs. This means that the departure of a single employee can completely shift the diversity profile of the agency. A snapshot taken at any moment in time might not accurately portray the success of the agency’s DEIA program or its culture.
 - The vast majority of ACUS FTE positions (all but two) require legal expertise. Low minority enrollment numbers at law schools contribute to barriers in finding diverse applicant pools.
 - USAJobs is an excellent resource for some agencies and for filling certain types of positions; however, it is an expensive and lengthy process for a small agency like ACUS. Historically, the USAJobs process has yielded inconsistent results in finding suitable candidates. While ACUS will continue to consider the platform as an option for posting vacancies, the agency’s own outreach efforts and use of Schedule A hiring authority for lawyers are important tools for finding diverse candidate pools.

II. Agency DEIA Strategic Plan Governance Structure and Team

DEIA oversight and leadership commitment operate in tandem at ACUS. This is because the ACUS DEIA Team is composed of two members of the agency's leadership team at the SES level. These individuals report directly to the agency head (as shown in the agency's [organization chart](#)), which ensures constant, real-time communication and ongoing feedback at the highest level. Despite the heavy involvement of top agency officials, the program is designed around a whole-of-agency approach focused on continuous improvement, collaboration, and communication.

ACUS's general counsel, who performs the duties of the Chief Diversity Officer, serves as the DEIA team lead.

III. DEIA Budget

As a micro agency, roughly 80% of ACUS's ~\$3.5 million annual budget is dedicated to fixed overhead costs (including staff salaries and benefits). There are no dedicated resources for DEIA implementation other than the salaries and benefits of staff members who implement the program. Indeed, there are relatively few dedicated line items in ACUS's annual budget, which is consistent with its micro agency status. This budgeting strategy better ensures flexibility and sustainability of, not only the DEIA program, but other vital agency programs, as well.

The agency intends to make effective use of the now permanent remote internship option to help ensure that individuals from underserved communities or those with disabilities have access to internships at ACUS.

ACUS's Chief Financial and Operations Officer, who is a member of ACUS's DEIA Team, ensures adequate resources for the DEIA and other programs.

IV. DEIA and Interagency Initiatives

ACUS, through its mission, practices, and policies, fully embraces the principles set forth in the PMA, such as committing to a strong, empowered, and well-equipped workforce by becoming a model employer. And, although ACUS does not provide direct services to the public through the administration of grants or assistance, the agency's recommendations and other outputs serve to improve all federal procedures—from improving the attorney hiring process in the federal government, to making adjudication materials more accessible to the public on federal agency websites, to developing procedures to enhance video hearings that ensure equity and access to all types of claimants. To the extent that ACUS's recommendations are adopted, they contribute to an overall equitable, effective, and accountable federal government that benefits the Nation.

A full library of ACUS recommendations, scholarly research reports, sourcebooks, *Information Exchange Bulletins*, and other resources, is available at www.acus.gov. Each ACUS output is developed with principles of equity, access, fairness, inclusion, etc. at its core.

As part of its statutory mandate, ACUS serves an important convening function that brings together government agencies to share information and best practices. ACUS convenes several [groups](#) that meet periodically to discuss topics of interest governmentwide, including the Interagency Roundtable, Council of Independent Regulatory Agencies, Council on Federal Agency Adjudication, Alternative Dispute Resolution Advisory Group, and Roundtable on Artificial Intelligence in Federal Agencies. These groups meet to exchange ideas and discuss ways to improve public access to information, minimize inequitable treatment in the regulatory process, etc.

Moreover, ACUS continues its interagency collaboration with the Legal Aid Interagency Roundtable, convened by the White House and U.S. Department of Justice.

V. Identification and Advancement of DEIA Priorities (Roadmap for Action)

The strategies and activities identified below reflect current agency practices and will be continued under this DEIA framework. **All goals and stated outcomes were met or exceeded for the current year.**

• Diversity Roadmap	
Priority/Goal	Hire and promote a diverse and representative workforce through an open and fair process consistent with merit systems principles. And, promote diversity in the public membership of the ACUS Assembly consistent with 5 USC 593(b)(6)
Strategies	<ul style="list-style-type: none"> • Increase outreach to diverse pools of job applicants (including internship applicants) • Maximize the use of Schedule A hiring authority to speed the hiring process and attract the best talent • Offer a legal fellowship program to support a pipeline of potential future employees and promote professional growth opportunities for individual interested in the field of administrative law and related disciplines • Ensure that selection panels and hiring officials adhere to merit system principles throughout the hiring process • Ensure that a broad and diverse pool of candidates is considered when selecting non-government members of the ACUS Assembly • Ensure diverse expertise and viewpoints at ACUS events
Actions	<ul style="list-style-type: none"> • Review workforce data from the MD-715 and 462 reports to monitor employee diversity levels and trends • Participate in internship job fairs that include HBCUs and state schools that serve diverse populations • Announce vacancies using distribution lists that are reflective of the diversity of the Nation • Hire attorney advisors, fellows, and law clerks using Schedule A hiring authority to avoid a protracted hiring process that might

	<p>affect the ability or willingness of certain individuals to apply in the first instance</p> <ul style="list-style-type: none"> • Expand fellowship opportunities to include more law schools with a diverse student population • Evaluate hiring procedures to ensure that they mitigate potential bias • Train DEIA Team members and staff on the importance of diversity • Include in the candidate pool for public membership individuals from diverse backgrounds and historically underrepresented populations • Recruit diverse speakers and experts to participate in ACUS events
Operational activities to measure progress	<ul style="list-style-type: none"> • Prompt agency action to address each item above • Adoption of new policies, procedures, and training when necessary to achieve program goals
Outcome measures to assess progress (annual measures)	<ul style="list-style-type: none"> • Number or percentage of diverse institutions or organizations included in recruiting and outreach (for interns and regular federal employees) • Number or percentage of attorneys, law clerks, or fellows hired using Schedule A hiring authority • Revised policies and procedures in response to deficiencies identified during reviews of agency policies and procedures (Y/N) • Number or percentage of DEIA Team members and staff that received training or information regarding the agency's diversity policies • Number or percentage of new members selected based on diversity requirements contained in 5 USC 593(b)(6)
Responsible individuals or teams	DEIA Team and other relevant staff
Dedicated Resources, such as funding	Percentage of salaries, benefits, and overhead costs of responsible individuals based on the actual time needed to fulfill the agency's stated priority/goal

• Equity Roadmap	
Priority/Goal	Ensure equal opportunity in all aspects of pay and compensation, recruiting, hiring, promotion, retention, and outside activities
Strategies	<ul style="list-style-type: none"> • Create new opportunities for advancement or recognition that focus on employee capabilities

	<ul style="list-style-type: none"> • Promote internship options that increase opportunities for students outside of the Washington, DC area and those who might otherwise be unable to access federal internships for financial or other reasons • Promote paid fellowship opportunities • Evaluate and Promote all eligible employees on an equitable basis • Maintain a fair system of determining starting salaries • Raise awareness of the costs associated with defending against improper/unfair government litigation • Promote access to justice for the public, regardless of wealth or status.
Actions	<ul style="list-style-type: none"> • Review agency’s personnel policies and procedures to identify and address potential barriers to full participation in the workplace • Identify and evaluate promotion or other opportunities for all staff using employees’ unique capabilities as a factor • Offer an option for interns to work remotely rather than in person • Continue paid fellowship opportunities and seek additional resources to fund paid internships. • Promote or give step increases, when appropriate (i.e., consistent with policy, legal, and budget authority), to all eligible employees in a timely manner and consistent with agency personnel policies • Base starting salaries on standard metrics to avoid introducing unfair bias when establishing salaries for new hires • Collect and publish data from federal courts and agencies on the award of certain litigation costs and fees against the U.S. under the Equal Access to Justice Act (EAJA) • Participate in interagency efforts to promote coordination among federal programs and increase access to justice for all
Operational activities to measure progress	<ul style="list-style-type: none"> • Prompt agency action to address each item above • Adoption of new policies, procedures, and training when necessary to achieve program goals
Outcome measures to assess progress (annual measures)	<ul style="list-style-type: none"> • Annual review of agency procedures(Y/N) • Number or percentage of remote internships • Number or percentage of paid internships and fellowships • Number or percentage of performance-based promotions/step increases within 6 months of employee eligibility

	<ul style="list-style-type: none"> • Number or percentage of new hire salaries that were based on established procedures • Timely publication of an annual report to Congress on EAJA awards (Y/N) • Number of engagements with the White House Legal Aid Interagency Roundtable
Responsible individuals or teams	DEIA Team and other relevant staff
Dedicated Resources, such as funding	Percentage of salaries, benefits, and overhead costs of responsible individuals based on the actual time needed to fulfill agency's stated priority/goal.

• Inclusion Roadmap: Professional development, DEIA training, and inclusive workplace culture	
Priority/Goal	Ensure that all employees are valued and supported through training opportunities, an inclusive workplace culture, and pay and compensation policies
Strategies	<ul style="list-style-type: none"> • Promote an inclusive workplace culture by encouraging staff-level involvement in the design and implementation of various activities • Use appropriated funds to support staff training
Actions	<ul style="list-style-type: none"> • Encourage/solicit staff-initiated activities that enhance skills, professional development, and team building (e.g., staff-directed book clubs, training on tools to enhance organization and productivity, etc.) • Pay for employee training at bar association and other training events to promote professional growth and development
Operational activities to measure progress	<ul style="list-style-type: none"> • Prompt agency action to address each item above • Adoption of new policies, procedures, and training when necessary to achieve program goals
Outcome measures to assess progress (annual measures)	<ul style="list-style-type: none"> • Number or percentage of staff-initiated activities approved • Number or percentage of staff that received training paid by the agency
Responsible individuals or teams	DEIA Team and other relevant staff

Dedicated Resources, such as funding	Percentage of salaries, benefits, and overhead costs of responsible individuals based on the actual time needed to fulfill the agency’s stated priority/goal
---	--

<ul style="list-style-type: none"> • Accessibility Roadmap: Reasonable Accommodation (disability & religion), culture of accessibility, safe workplaces, and sexual harassment [Note: ACUS is located in GSA-leased space in a privately owned and managed building, and does not control aspects of building accessibility]. 	
Priority/Goal	Ensure a culture of accessibility (including a safe workplace) for all employees, job applicants, members, and external stakeholders
Strategies	<ul style="list-style-type: none"> • Ensure an accurate inventory of barriers to accessibility • Ensure that employees and job applicants with disabilities and sincerely held religious beliefs can request accommodation through a fair process • Ensure that the workplace is free of sexual or other harassment • Ensure a safe workplace
Actions	<ul style="list-style-type: none"> • Identify internal and external barriers to accessibility through self assessments or other tools (e.g., informal employee complaints) • Ensure that policies and procedures governing reasonable accommodation, health and safety protocols, Section 508, and anti-harassment (including sexual harassment) are up-to-date, written in plain English, comply with the latest federal government guidance, and are easily accessible to all (including, where appropriate, all staff, job applicants, members, contractors, and visitors) • Provide training and guidance to all new employees on office accessibility policies and how to access them • Comply with the requirements of Section 508 of the Rehabilitation Act and the Architectural Barriers Act to the maximum extent practicable
Operational activities to measure progress	<ul style="list-style-type: none"> • Prompt agency action to address each item above • Adoption of new policies, procedures, and training when necessary to achieve program goals
Outcome measures to assess progress (annual measures)	<ul style="list-style-type: none"> • Completed self-assessment(s) (Y/N) • Number or percentage of reasonable accommodation determinations that exceed 30 days • Annual statement from the agency head reaffirming policies regarding diversity, anti-harassment, and No FEAR Act issued before October 15 (Y/N)

	<ul style="list-style-type: none">• Number or percentage of policies on reasonable accommodation, anti-harassment, No FEAR Act, Section 508, and required EEO documents accessible on agency's website• Number or percentage of workplace injuries or illnesses• Timely filed MD-715 and 462 (Y/N)• Number or percentage of new employees trained on office policies/guidance and how to access them
Responsible individuals or teams	DEIA Team and other relevant staff
Dedicated Resources, such as funding	Percentage of salaries, benefits, and overhead costs of responsible individuals based on the actual time needed to fulfill agency's stated priority/goal.

