

NIH POLICY MANUAL

2203 - FEDERAL EQUAL OPPORTUNITY RECRUITMENT PROGRAM (FEORP)

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1. **Explanation of Material Transmitted:** This chapter contains new policy and procedures for the NIH Federal Equal Opportunity Recruitment Program (FEORP).

2. **Filing Instructions:**

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3. **Distribution:** NIH Manual Mailing Keys F-401 & F-402

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A. Purpose and Scope:

The purpose of this issuance is to provide instructions for developing, implementing, and reporting the Federal Equal Opportunity Recruitment Program (FEORP) at the NIH. The NIH FEORP is a component of the NIH Affirmative Employment Program (AEP). This issuance is prepared and submitted in accordance with Section 310 of the Civil Service Reform Act of 1978, Public Law 95-454, 5 U.S.C. 7201, and 5 CFR 720 Subpart B.

The objective of the FEORP is to ensure that the Federal work force reflects the diversity of the population which exists in the Nation as a whole. Accordingly, Federal agencies must conduct an on-going recruitment program designed to eliminate underrepresentation in the various categories of civil service employment, and be

consistent with the framework of affirmative action programs.

B. Background:

In 1964 the Congress adopted a basic anti-discrimination policy for Federal employment to provide equal employment opportunity for all employees and prohibit discrimination because of race, color, religion, sex, or national origin (5 U.S.C. 7171). This policy was redesignated as Section 7201, giving the President authority for implementation of Executive Order 11478. This policy required Federal agencies to develop affirmative action programs designed to eliminate discrimination and assure equal employment opportunity.

In 1978, Congress reaffirmed and amended this policy as part of the Civil Service Reform Act (CSRA) {Sec.310 of P.L. 95-454, 5 U.S.C. 7201} requiring immediate development of a recruitment program designed to eliminate underrepresentation of minority groups and women in the Federal work force. The CSRA and its directive for a special recruitment program clearly merge the requirement for basic personnel policy with requirements for Federal equal employment opportunity policy. The Act established in law as the first merit principle that recruitment should be designed to achieve a Federal work force representative of "all segments of society."

To accomplish this, the act required implementation of a recruitment program to eliminate underrepresentation of minorities and women at all levels and occupations equal to the percentage of the minorities and women in the Civilian Labor Force (CLF). The agency document that sets forth these hiring goals is the AEP. Thus the FEORP is a part of the AEP mandated by the CSRA.

C. References:

1. Title VII of the 1964 Civil Rights Act prohibited discrimination in employment on the basis of race, color, religion or national origin.
2. Section 717 of the Equal Employment Opportunity Act of 1972 states that all personnel actions involving employees of the Federal Government shall be free from discrimination based on race, color, sex, religion, or national origin.
3. The CSRA of 1978, 5 U.S.C. 7201 states that recruitment should be designed to achieve a Federal work force representative of all segments of society.
4. FPM Letter 720-2 provides the regulation and guidance for FEORP.
5. Privacy Act System of Records: Office of Personnel Management/Government-7 (OPM/Govt.-7), "Applicant Race, Sex, and National Origin Status Records", contains the data concerning race, sex, and national origin system of applicants.

D. NIH Comprehensive FEORP Management Responsibilities:

The development, coordination, and successful implementation of the FEORP necessitates management involvement at several levels. In addition to the leadership and oversight roles assumed by the Director, Office of Equal Opportunity (OEO), and the Director, Division of Personnel Management (DPM), program achievement rests upon cooperation and interaction among the officials within the Institutes, Centers, and Divisions (ICDs). The following outlines the responsibilities of management officials at all levels for the implementation of FEORP.

1. The Director, NIH, is responsible for establishing policy on affirmative employment and FEORP, and providing leadership to ensure successful implementation of this program.

2. The Office of Equal Opportunity (OEO)

- a) The Director, OEO, is responsible for developing the NIH FEORP, making determinations of under-representation, reviewing and monitoring the implementation of the NIH FEORP, reviewing and approving ICD FEORP Plans for compliance with Federal regulations.

- b) The NIH Federal Equal Opportunity Recruitment Program (FEORP) Manager is a member of the OEO staff and is responsible for: evaluating, monitoring and assisting the ICDs in implementing the NIH FEORP; preparing the annual NIH FEORP Accomplishment Report and Plan Update; and providing advice and technical assistance to the Director, OEO, and ICD management officials.

- c) Special Emphasis Program Managers (SEPMs) are members of the OEO staff with specific responsibilities to improve the effectiveness of the NIH programs relating to minorities, women and persons with disabilities. SEPMs are responsible for assisting DPM and the ICDs in their efforts to recruit minorities and women.

3. The Division of Personnel Management

The Director, DPM, is responsible for providing consultant services to ICDs in developing recruitment and employment strategies to achieve NIH FEORP objectives; assisting ICDs in developing FEORP training programs; and collaborating with the Director, OEO, in conducting barrier analyses and implementing strategies to eliminate systemic barriers.

4. Institutes, Centers, and Divisions (ICDs)

- a) The ICD Director is responsible for the overall development and direction of the ICD's FEORP effort. He/She must appoint one or more

FEORP Target Manager(s) and other officials to:

- oversee the functional implementation of the ICD FEORP in conjunction with the hiring goals established in the ICD Affirmative Employment Program Plan for Minorities and Women;
- integrate FEORP into the ICD management system, to ensure effective collaboration of the Personnel Officer, EEO Officer and FEORP Target Manager(s);
- ensure appropriate recruitment activity to attract a representative applicant pool for FEORP targeted series vacancies;
- develop recruitment strategies to increase the pool of highly qualified candidates; and
- prepare the periodic FEORP accomplishment reports and plans.

The Director also provides the focus and leadership for the entire ICD FEORP activity by ensuring that a team approach is utilized in the implementation of the ICD FEORP Plan. Such a team may include the Executive Officer, FEORP Target Manager, EEO Officer, Personnel Officer, and the Selecting Official.

b) The ICD Scientific Directors are responsible for reviewing and monitoring all FEORP efforts in the intramural program. The review process should focus on the level of outreach efforts made to attract minority and women candidates as well as the actual work force profile.

c) The ICD Executive Officers in conjunction with the EEO Officer are usually responsible for: the functional implementation of the ICD FEORP; ensuring that FEORP implementation processes are integrated into the ICD management system; and that recruitment activity is appropriate to attract a representative applicant pool for FEORP targeted series vacancies.

d) FEORP Target Managers (FTM) should be high level management officials who, in conjunction with the EEO Officer are responsible for: functionally overseeing all personnel actions relating to FEORP targeted occupations; reviewing and assisting with developing recruitment strategies and alternative means of filling FEORP vacancies; and monitoring personnel actions that involve FEORP external and internal opportunities.

e) The ICD EEO Officers are usually responsible for: monitoring and

evaluating FEORP in conjunction with the hiring goals established in the ICD AEP Plan for Minorities and Women; assisting in the formulation of recruitment strategies, mechanisms and hiring authorities working with the FTM, Personnel Officer and selecting manager; reviewing crediting plans for FEORP vacancies; reviewing FEORP selections; periodically analyzing and disseminating information on progress in achieving ICD FEORP goals and barriers; and preparing the FEORP Accomplishment Reports and Plan Updates together with the Personnel Officer.

f) The ICD Personnel Officers in conjunction with the EEO Officers are usually responsible for: participating in the development of FEORP implementation procedures; identifying vacancies as FEORP positions to initiate targeted recruitment activities and alternative hiring mechanisms; discussing cases with the FTM to determine recruitment strategies to increase the pool of highly qualified candidates; utilizing the resources of the SEPMs in recruitment efforts; and preparing the annual FEORP Accomplishment Reports and Plan Updates together with the EEO Officer.

g) The Selecting Managers and Supervisors are responsible for: defining staffing needs and working with the Personnel Officer, FTM and EEO Officer in utilizing various recruitment strategies to attract a representative pool of candidates for vacancies; and making a reasonable effort to select minorities and women for FEORP targeted vacancies from the pools of highly qualified candidates, particularly when underrepresentation has been identified.

E. Mandatory FEORP Principles:

1. Strategies for Internal Recruitment

a) In developing internal recruitment strategies, the ICD must analyze its recruitment and selection practices to determine if any phase of the process hinders efforts to eliminate the underrepresentation of target group members. Targeted recruitment activities are necessary for all FEORP underrepresented positions.

b) The FTM, EEO Officer, and Personnel Officer should discuss FEORP target occupations with ICD program managers and selecting officials to ensure their understanding that all FEORP target positions require special recruitment efforts.

c) Staffing mechanisms should be fully utilized to alleviate underrepresentation of minorities and women in the NIH work force. Efforts should be made to recruit from the Grants Associates,

Management Intern, Apprenticeship, STRIDE Cooperative Education, and other career development programs. Additionally, employees serving as Service Fellows, or under Expert appointments should be considered for permanent employment.

d) Each time a vacancy occurs for a FEORP targeted series position, the appropriate ICD officials will review the position to determine if an adequate pool of internal candidates is available, if it can be restructured and filled internally at a lower grade level as an upward mobility position, or if external recruitment is necessary.

e) The selecting officials will contact the Personnel Officer and inform him/her of the recruitment need so that collective efforts can be made to implement FEORP principles.

2. Announcing a FEORP Target Occupation Vacancy

When it is determined that an adequate pool of internal candidates is not available, external recruitment will be undertaken. The following activities shall be included in the recruitment process:

a) The Personnel Officer, FTM and EEO Officer will ensure that the selecting official is aware of his/her responsibilities under FEORP and understands the NIH and ICD FEORP objectives for the target occupation.

The Personnel Officer, in conjunction with the selecting official and other individuals who serve as subject matter experts in the development of the crediting plan (rating schedule) for the position, will ensure that the screening criteria and selective factors are job related, and represent only those factors essential for successful job performance.

b) A vacancy announcement must be prepared. All vacancy announcements will identify the position as a FEORP target position to encourage underrepresented group members to apply. Relocation expenses may be paid for authorized target group candidates selected from outside the commuting area.

In preparing the vacancy announcement, NIH ICDs should clearly define the job under consideration, specify the job requirements, qualifications, indicate the work location, and state any special requirements or conditions (e.g., shift changes or bilingual ability). Known promotional opportunities, special requirements pertaining to the application forms and their use, as well as the area of consideration must be included in the announcement.

3. Length of Time for Advertising Vacancies

To obtain a representative pool of candidates for targeted FEORP occupational series, vacancies should be advertised using targeted recruitment strategies (including nation-wide advertising when appropriate). Vacancies should be advertised for a minimum of 4 weeks for GS 5-12, 5 weeks for GS/GM 13-15 and a minimum of 30 days, with 45 days preferred, for Senior Executive Service and Senior Scientific Service positions, unless advertising for a shorter time frame is expected to yield highly qualified candidates from targeted EEO populations. Applications post marked as of the closing date will be accepted.

4. Selective Factors

a) The ICDs will ensure that objective job-related criteria are developed and used for evaluating, rating, and interviewing applicants. Major emphasis in the rating process will be on knowledge, skills, and abilities (KSAs) which are a representative sample of the criteria required to demonstrate critical or important work tasks of the position being filled.

b) ICDs will ensure that members of the targeted groups are included in the development of crediting plans and rating panels. The EEO Officer will review all crediting plans for any potential barriers to equal employment opportunity.

5. NIH FEORP Selection Procedures

a) The Personnel Management Specialist, through referral of candidates, identification of and contact with recruitment sources, and development of job related criteria, will make every effort to refer minorities and women to selecting officials.

b) The EEO Officer will be informed of all FEORP recruitment actions, answer questions relating to affirmative employment, and provide assistance with the recruitment efforts. All management officials involved in the recruitment effort for FEORP target occupations will make every effort to ensure that "highly qualified" candidates from underrepresented groups are identified for consideration.

c) All highly qualified candidates referred on a merit promotion certificate for FEORP targeted positions must be interviewed. A waiver of this requirement may be made by the EEO Officer in extraordinary circumstances. There must be written documentation of the need for the waiver as well as why the waiver was granted. Selecting officials should document the race/national origin and gender of all interviewees and forward this information to the EEO Officer. Selections will be based on merit factors including KSAs, interviews, and reference checks. Written justification of all selections is required, along with concurrence

by the FTM, EEO Officer, and final approval by the ICD Director or his/her designee, prior to a formal job offer. Justification should include a comparative analysis of the qualifications of all highly qualified candidates.

d) Appendix I, NIH FEORP Tracking System, may be used to track FEORP selections for evaluation purposes by the ICD, DPM and OEO.

e) ICDs will conduct periodic reviews to determine the success of FEORP efforts, and whether modifications or improvements are needed to improve the opportunity for success in future vacancies. The ICDs will use a candidate flow data system as a means of tracking success or failure.

6. Internal Candidate Flow Data System

In using the Candidate Flow Data System to effectively monitor and evaluate the success of internal recruitment efforts under FEORP, ICDs must maintain data on candidates throughout the selection process. The data must be collected by vacancy number, race, sex and national origin, utilizing internal employee data.

For documentation purposes, the data should include the vacancy announcement and the composition of:

- a) the potential applicant pool (e.g., any data on the race/national origin and gender of employees collected during the pre-analysis process or during the analysis to determine the appropriate area of consideration);
- b) actual candidates;
- c) the list of eligibles (this should include any candidate found to be eligible based on meeting minimum eligibility requirements);
- d) the highly qualified list; and
- e) the final selection.

This information is made part of the Privacy Act System of Records: Office OPM/Govt-7, "Applicant Race, Sex and National Origin Status Records", and must be maintained in accordance with the provisions of the Privacy Act.

F. ICD FEORP Implementation Plan:

To ensure uniformity in implementation and reporting efforts, each ICD is required to:

1. Select goals for correcting FEORP underrepresentation that are consistent

with the NIH Affirmative Employment Program occupational series goals established by the Director, OEO.

2. Maintain information on applicant flow, recruitment sources, and recruitment techniques.

3. Prepare a summary of the results of the ICD's efforts regarding recruitment, selection, and staffing for FEORP positions.

4. Develop a FEORP strategy analysis that includes at least the following: assessment of FEORP target occupations to be filled (projected opportunities) for the next fiscal year; identification of FEORP target occupations suitable for external recruitment; and descriptions of special efforts to locate and recruit minority and women candidates, recruitment priorities, and allocation of resources.

G. Reporting Procedures:

Each ICD will submit an annual FEORP Implementation Plan to the Director, OEO. Emphasis should be placed on developing and utilizing successful recruitment and hiring strategies based upon the mandatory FEORP principles.

Each ICD will submit semiannual and annual FEORP Accomplishment Reports to the Director, OEO. The report will document the ICD's implementation efforts, accomplishments, and problems in achieving FEORP goals.

H. Records Retention and Disposal:

For this chapter, records pertaining to the NIH Manual Chapters are retained and disposed of under the authority of NIH Manual [1743](#) "Keeping and Destroying Records," Appendix 1," NIH Records Control Schedule, Item 2200-A-2. See manual for specific disposal instructions.

ICD:

DATE:

Position Identification:

Vacancy Announcement Number:

The above referenced personnel action affects a target occupational series subject to the PHS/NIH guidelines for implementing the Federal Equal Opportunity Recruitment Program

(FEORP). The _____ highly qualified applicants appeared to include _____ women and _____ minorities. The candidate for selection is _____/is not _____ a member of an underrepresented group.

Concurrence:

ICD FEORP Target Manager (Signature)

Date_____

Concurrence:

ICD EEO Officer (Signature)

Date_____

Approved _____Disapproved _____

ICD Director (Signature)

Date _____

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