



# The Importance of Being Counted: Collecting Sexual Orientation and Gender Identity (SOGI) Data in Federal Government

MAHRI MONSON & KEVIN MINOLI

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

# Outline

- ▶ Background
- ▶ EPA's pilot
- ▶ Next steps
- ▶ Questions and discussion

# Introductions



# Background

- FEDERAL DEMOGRAPHIC DATA COLLECTION
- THE NEED FOR SOGI WORKFORCE DATA

# Federal SOGI Data Collection

Federal agencies routinely collect demographic data

- ▶ Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys
  - ▶ Current Measures
  - ▶ Evaluation to Date
- ▶ LGBT Data Inclusion Act
  - ▶ Laverne Cox

# Why SOGI Data Collection is Necessary

- ▶ If you are not counted, you are often **DIS**counted
- ▶ Data collection is another way to tell stories about who LGBT people are
- ▶ Make it safer for people to **proudly** declare that they are LGBT
- ▶ Counting us is a very basic way to affirm that [LGBT] lives matter

# Federal Workforce Data Collection

All federal agencies with 500 or more employees:

- ▶ Collect employee and applicant data on race, national origin, sex and disability
- ▶ Use data to assess equal employment opportunity
- ▶ Submit an annual report to the Equal Employment Opportunity Commission (EEOC) (Management Directive 715)

# Elements of Equal Employment Opportunity Programs

1. Demonstrated commitment from agency leadership
2. Integration of equal employment opportunity into the agency's strategic mission
3. Management and program accountability
4. Proactive prevention of unlawful discrimination
5. Efficiency
6. Responsiveness and legal compliance



# Equal Employment Opportunity Analysis

**Identify triggers** → **Investigate barriers** → **Devise action plans** → **Assess results**

- ▶ Trigger: trends, conditions, disparities, or anomalies warranting further inquiry
- ▶ Barrier: policy, procedure, practice, or condition that limits employment opportunities for individuals of any race, national origin, sex, or disability status.
- ▶ Action plan: designed to address a barrier, e.g. diverse hiring panels, targeted outreach, unconscious bias training

# Why EPA is Leading this Effort

- ▶ LGBT Advisory Council and Equality EPA
- ▶ Executive Potential Program
- ▶ Senior EPA leadership support
- ▶ Partnership with other federal agencies

# Why We Need SOGI Workforce Data

- ▶ Federal LGBT employees responded less positively on the 2012 Federal Employee Viewpoint Survey—on 47 of 47 questions<sup>1</sup>
- ▶ 53% of LGBT employees hide who they are at work<sup>2</sup>
- ▶ Employee engagement suffers by up to 30% due to unwelcoming environments<sup>2</sup>
- ▶ Title VII of the Civil Rights Act prohibits sex discrimination, and the EEOC has found that sex discrimination includes discrimination on the basis of sexual orientation and gender identity

<sup>1</sup> <http://www.mspb.gov/netsearch/viewdocs.aspx?docnumber=1026379&version=1030388&application=ACROBAT>

<sup>2</sup> [http://hrc-assets.s3-website-us-east-1.amazonaws.com//files/assets/resources/Cost\\_of\\_the\\_Closet\\_May2014.pdf](http://hrc-assets.s3-website-us-east-1.amazonaws.com//files/assets/resources/Cost_of_the_Closet_May2014.pdf)

# Why We Need SOGI Workforce Data

*Aren't we past LGBTQ+ discrimination? Is it really still an issue?*

FY15: EEOC received 1,412 charges including SOGI discrimination allegations, providing \$3.3 million in relief for workers<sup>1</sup>

*We already collect LGBT data in the Federal Employee Viewpoint Survey; isn't this enough?*

EVS data does not allow complete barrier analysis for equal employment opportunity; SOGI workforce data will

1. [https://www.eeoc.gov/eeoc/newsroom/wysk/enforcement\\_protections\\_lgbt\\_workers.cfm](https://www.eeoc.gov/eeoc/newsroom/wysk/enforcement_protections_lgbt_workers.cfm)

# Willingness to Respond

- ▶ Scientific studies demonstrate respondents answer SOGI data questions
  - ▶ Response rates same as for other demographic questions
  - ▶ No impact on unit non-response
- ▶ 2015 Employee Viewpoint Survey
  - ▶ EPA: 4.6% LGBT (compared to Gallup estimate for U.S. population: 3.8% LGBT)

# Willingness to Respond

April 2016 survey of EPA LGBTQ+ employee groups

- ▶ 58.8% would self-disclose
- ▶ 21.6 % did not know
- ▶ 19.6% would not self-disclose
- ▶ 83.7% not opposed

# EPA's Pilot

- SUMMARY & GOALS
- PREPARING TO LAUNCH

# Pilot Summary

- ▶ Voluntary, self-disclosed SOGI data from EPA employees and applicants
- ▶ Utilize existing process for collecting, managing, and using data on race, national origin, sex, and disability
  - ▶ Questions added to existing forms and data systems
  - ▶ Data stored in existing controlled-access, Privacy Act-compliant systems
  - ▶ Data analyzed in the Management Directive 715 process



# Pilot Summary

## Phased approach

- ▶ Phase 1: Two offices within EPA (~1,300)
- ▶ Phase 2: All EPA employees (~15,000)
- ▶ Phase 3: EPA job applicants (~50,000 +)

# Pilot Goals

Increase and improve tools for assessing equal employment opportunity and diversity and inclusion efforts

- ▶ Management Directive 715 reports
- ▶ EPA Diversity and Inclusion Plan
- ▶ EPA Diversity Dashboard
- ▶ Training and education

# Pilot Goals

Test effectiveness of collecting federal SOGI workforce data

- ▶ Assistance from National Center for Health Statistics survey methodologists
- ▶ Inform efforts at other agencies and the government-wide solution

# Outreach and Collaboration

## EPA

- ▶ Administrator and Chief of Staff
- ▶ Office of Human Resources
- ▶ Office of Civil Rights
- ▶ Deputy Civil Rights Officials
- ▶ Unions
- ▶ LGBT Advisory Council
- ▶ Equality EPA

## External

- ▶ Equal Employment Opportunity Commission
- ▶ Office of Management and Budget
- ▶ Office of Personnel Management
- ▶ National Center for Health Statistics
- ▶ White House
- ▶ Diversity and Inclusion in Government Council
- ▶ Department of Education
- ▶ Department of Justice

# Implementation Considerations

- ▶ Process for changing HR data systems
  - ▶ Employee Express
  - ▶ Interior Business Center Federal Personnel/Payroll System
- ▶ Ensuring a scientifically valid approach
  - ▶ OMB SOGI Data Workgroup
  - ▶ National Center for Health Statistics survey scientists

# Sexual Orientation Question

Which of the following best represents how you think of yourself?

- Lesbian or gay
- Straight, that is, not lesbian or gay
- Bisexual
- Something else
- I don't know the answer

# Gender Identity Questions

What sex were you assigned at birth?

- Male
- Female

Do you currently describe yourself as male, female, or transgender?

- Male
- Female
- Transgender
- None of these

# Next Steps

- CONTINUATION OF EPA'S PILOT
- GOVERNMENT-WIDE EFFORTS



# Phases 2 and 3

- ▶ Phase 2: All EPA employees (~15,000) December 2016/January 2017
- ▶ Phase 3: EPA job applicants (~50,000 +) Spring 2017

# Government-Wide Efforts

- ▶ Diversity and Inclusion in Government Council Critical Issues Workgroup
- ▶ Unified Shared Services Management/Shared Services Governance Board
- ▶ Equal Employment Opportunity Commission applicant data form
- ▶ Bureau of Labor Statistics addition of SOGI
- ▶ LGBT Data Inclusion Act

# Questions and Discussion



**MAHRI MONSON**

(202) 564-2657

MONSON.MAHRI@EPA.GOV



**KEVIN MINOLI**

(202) 564-5551

MINOLI.KEVIN@EPA.GOV