



September 2023

# VA EQUAL EMPLOYMENT OPPORTUNITY

## Increased Attention Needed to Improve Program Effectiveness

# GAO Highlights

Highlights of [GAO-23-105429](#), a report to congressional requesters

## Why GAO Did This Study

Federal law prohibits employment discrimination against federal employees and discrimination in federal programs on the basis of race, among other things. GAO was asked to review VA's efforts to ensure equitable treatment of its employees and veterans receiving its services or participating in its programs.

This report examines (1) what disparities, if any, exist between VA employees from different racial and ethnic groups; (2) how VA tracks potential racial discrimination against its employees; (3) the extent to which VA has practices to prevent and address employment discrimination; and (4) how VA assesses and addresses issues related to the treatment of veterans based on race in VA programs. GAO reviewed relevant federal laws, and VA policies and documents; analyzed employee personnel data, survey data, and data on EEO complaints; held discussion groups with VA employees; and interviewed VA officials, representatives from VA's unions, employee affinity groups, and veterans service organizations.

## What GAO Recommends

GAO continues to believe its prior recommendations on the structure of VA's EEO program have merit. GAO is making eight new recommendations, including that VA plan for and analyze data on reported discrimination and harassment and establish a comprehensive policy for addressing veterans' complaints. VA agreed with 7 recommendations and neither agreed nor disagreed with 1 to regularly conduct barrier analyses, which GAO continues to believe is warranted.

View [GAO-23-105429](#). For more information, contact Thomas Costa at (202) 512-4769 or [costat@gao.gov](mailto:costat@gao.gov).

September 2023

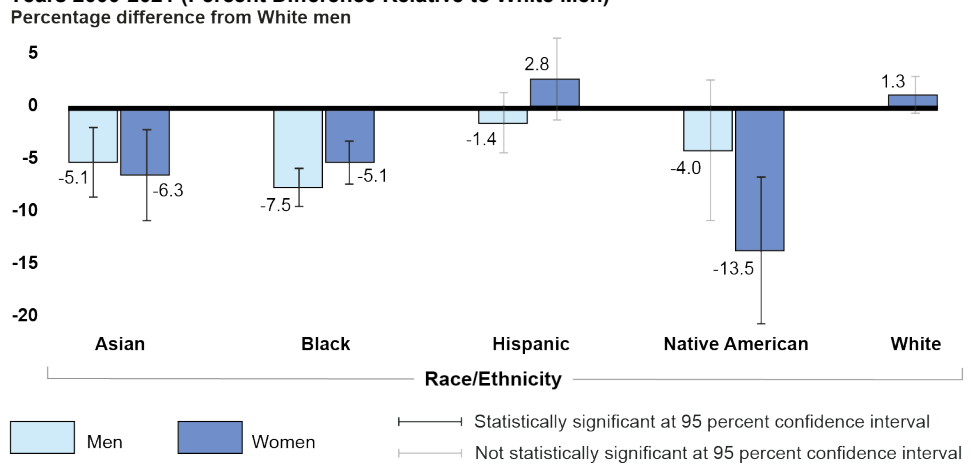
# VA EQUAL EMPLOYMENT OPPORTUNITY

## Increased Attention Needed to Improve Program Effectiveness

### What GAO Found

The Department of Veterans Affairs (VA) has a diverse workforce, but disparities exist in career outcomes. GAO found that VA had higher representation of certain historically underrepresented racial and ethnic groups from fiscal years 2017 to 2021 than the national civilian labor force from 2014 to 2018 (the most recent data available). However, within VA's workforce, GAO estimated that from 2000 to 2021, certain of these groups hired into similar occupations had lower pay and attained fewer promotions than White men, on average (see figure).

**Estimated Differences in Promotions of Department of Veterans Affairs (VA) workers Hired into Similar Jobs 10 years after Starting Employment, by Race, Ethnicity, and Gender, Fiscal Years 2000-2021 (Percent Difference Relative to White Men)**



Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

VA tracks complaints of alleged racial discrimination and harassment, but has not fully analyzed other data to understand potential prevalence. While VA has a goal to develop a dashboard to assess data on workplace climate, it has not planned for or conducted this analysis. Until doing so, VA is not best positioned to identify and address trends in potential discrimination and harassment.

The continued misalignment of its equal employment opportunity (EEO) program with a federal directive hinders VA's ability to prevent and address employment discrimination. In 2020, GAO recommended that VA address these misalignment issues by ensuring VA's EEO director is not responsible for personnel functions and completing VA's planned realignment of its EEO Program Managers. As of April 2023, VA has not taken action to fully implement these recommendations.

While VA has several programs that can receive complaints from veterans who feel they have been discriminated against in VA programs, it does not have a comprehensive policy to ensure complaints are addressed. This created several issues, such as (1) inconsistent processing of complaints; (2) lack of communication with veterans; (3) lack of coordination across the offices receiving complaints; and (4) lack of data on complaints. As a result, VA may not have visibility into whether veterans' complaints have been fully addressed, or the potential extent of discrimination against veterans in VA programs.

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### Abbreviations

ADR	alternative dispute resolution
DEIA	diversity, equity, inclusion and accessibility
EEO	equal employment opportunity
EEOC	Equal Employment Opportunity Commission
EHRI	Enterprise Human Resources Integration
FTE	full-time equivalent
I-DEA	Inclusion, Diversity, Equity, and Access
MD-715	Management Directive 715
MSPB	Merit Systems Protection Board
NCA	National Cemetery Administration
OCHCO	Office of the Chief Human Capital Officer
OEDCA	Office of Employment Discrimination Complaint Adjudication
OPM	Office of Personnel Management
ORMDI	Office of Resolution Management, Diversity & Inclusion
SES	Senior Executive Service
VA	Department of Veterans Affairs
VBA	Veterans Benefits Administration
VEO	Veterans Experience Office
VHA	Veterans Health Administration

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September 12, 2023

Congressional Requesters

Federal law prohibits employment discrimination against federal employees and discrimination against individuals participating in programs or activities that receive federal financial assistance on the basis of race, among other things. With respect to employment discrimination, federal agencies operate equal employment opportunity programs to help ensure a fair workplace and proactively prevent unlawful employment discrimination.

Prior GAO work on agencies' efforts to build a more diverse workforce found that some federal agencies have struggled with equal opportunity in hiring and promotion.<sup>1</sup> At the same time, we previously reported that a diverse workforce can help managers understand and address the needs of a demographically diverse customer base. Also, diversity can be beneficial in solving complex problems and lead to better performance.<sup>2</sup>

The Department of Veterans Affairs (VA)—the federal government's second-largest agency with over 400,000 employees—has expressed a commitment to ensuring its employees and veterans who seek care and services at its facilities experience a welcoming environment free of harassment and discrimination.

You asked us to review VA's efforts to ensure equitable treatment of its employees and of veterans using VA services. In this report, we examine: (1) what disparities, if any, exist between racial and ethnic groups in how they are employed throughout the VA, and in their long-term pay, promotion and retention outcomes; (2) how VA tracks potential racial discrimination against VA employees; (3) the extent to which VA has practices to prevent and address employment discrimination; and (4) how VA assesses and addresses potential organizational climate and

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<sup>1</sup>See, for example, GAO, *State Department: Additional Steps Are Needed to Identify Potential Barriers to Diversity*, [GAO-20-237](#) (Washington, D.C.: Jan. 27, 2020) and GAO, *USAID: Mixed Progress in Increasing Diversity, and Actions Needed to Consistently Meet EEO Requirements*, [GAO-20-477](#) (Washington, D.C.: June 23, 2020).

<sup>2</sup>For example, see GAO, *Financial Services Industry: Overview of Representation of Minorities and Women and Practices to Promote Diversity*, [GAO-23-106427](#) (Washington, D.C.: Dec. 6, 2022).

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discrimination issues related to the treatment of veterans based on race receiving its services or participating in its programs.

To address all objectives, we reviewed relevant federal laws, regulations, and VA policies and processes documents; and interviewed VA and Equal Employment Opportunity Commission (EEOC) officials. We also reviewed related past GAO reports, such as prior reports on sexual harassment at VA and reports on workforce diversity at other federal agencies.<sup>3</sup>

To address our first objective, we analyzed VA personnel data, maintained in the Office of Personnel Management's (OPM) Enterprise Human Resources Integration (EHRI) database, for years 2000 through 2021.<sup>4</sup> We used the EHRI data to draw comparisons between the racial and ethnic composition of the VA workforce and other federal agencies, and we used demographic data from Census Bureau's equal employment opportunity (EEO) Tabulation to draw comparisons with the broader national civilian labor force.<sup>5</sup> We also used statistical models to measure employment outcomes for employees from different racial and ethnic groups after adjusting for differences in the occupations they held when

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<sup>3</sup>GAO has previously reviewed VA's efforts to prevent and address sexual harassment; see *GAO, Sexual Harassment: Inconsistent and Incomplete Policies and Information Hinder VA's Efforts to Protect Employees*, [GAO-20-387](#) (Washington, D.C.: June 15, 2020). We made several recommendations, two of which were designated priority recommendations. Priority open recommendations are the GAO recommendations that warrant priority attention from heads of key departments or agencies because their implementation could save large amounts of money; improve congressional and/or executive branch decision-making on major issues; eliminate mismanagement, fraud, and abuse; or ensure that programs comply with laws and funds are legally spent, among other benefits. Several of the recommendations from that report remain open. Specifically, VA has not fully implemented the priority recommendations regarding the realignment of the EEO Director position and the EEO Program Managers. VA also has yet to fully implement our recommendations to use available information on prevalence of sexual harassment to improve its efforts to prevent and address sexual harassment, and to ensure corrective actions decided on for sexual harassment complaints addressed through the management process are implemented and documented.

<sup>4</sup>According to OPM, the EHRI contains personnel data on about 96 percent of all federal civilian non-Postal executive branch employees and includes most executive branch agencies and several legislative branch commissions.

<sup>5</sup>We compared the VA workforce and other federal agencies using pooled EHRI data from 2017 to 2021 to examine recent trends over a 5-year window that included years before and after the onset of the COVID-19 Pandemic. We used the most recent version of the Census EEO Tabulation available, which is based on labor force data from 2014 through 2018.

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they first began working at the agency, and other factors. These models allowed us to estimate the extent to which there have been differences between groups who were hired into the VA in similar occupations in their employment outcomes over the first decade of their career.<sup>6</sup> To determine whether these data were sufficiently reliable for our purposes, we conducted electronic testing, reviewed documentation, and interviewed knowledgeable officials from VA and OPM regarding data collection and relevant personnel policies. We determined these data were sufficiently reliable for our purposes of describing trends in VA's workforce and analyzing differences in employment outcomes. Our analyses to identify potential differences cannot determine whether or not discrimination has occurred. Discrimination is a legal determination. Our analyses do not explain the reasons for differences in employment outcomes, which may result from various unobservable factors, such as qualifications that were not measurable in the data or, in the case of promotions, prerequisites for advancement.

To address our second objective, we analyzed VA EEO complaint data on alleged discrimination for fiscal years 2016 through 2021.<sup>7</sup> To assess the reliability of these data, we reviewed available documentation, conducted electronic testing, and interviewed knowledgeable officials. We determined that these data were sufficiently reliable for our purposes of describing trends in EEO complaints and types of complaints by basis.<sup>8</sup> We also reviewed summary reports of allegations submitted to VA's Harassment Prevention Program for the same time period and interviewed officials knowledgeable about this program. Our analysis also included review of data from two surveys which collected information from VA employees on their reported experiences with discriminatory

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<sup>6</sup>We express our confidence in the precision of our estimates as statistically significant differences. We consider differences in our estimates to be statistically significant if they were statistically significant at the 95 percent confidence level. "Statistical significance" refers to the likelihood of an observed difference being due to chance. In contrast, "practical significance" refers to the magnitude of an observed difference.

<sup>7</sup>This span of years allowed us to match the time period during which the Harassment Prevention Program—VA's anti-harassment program—was operating. We stopped our review of data in fiscal year 2021 because it was the last complete year of data in VA's complaint data system before it began transitioning to a new system.

<sup>8</sup>Basis refers to the classes of persons protected by applicable federal civil rights laws. Federal law protects federal employees against employment discrimination on the basis of race, color, religion, sex (includes pregnancy, gender identity, and sexual orientation), national origin, age (40 and over), disability, genetic information, or in retaliation for having participated in activity protected by the various civil rights statutes.

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behaviors: (1) VA's 2022 All Employee Survey and (2) the Merit Systems Protection Board 2021 Merit Principles Survey. For each of these surveys, we interviewed relevant agency officials about the design and data collection for the survey and conducted electronic testing. We found the data we use for both surveys to be sufficiently reliable for describing employees' reported experiences.

We conducted interviews with representatives from VA's five national unions about their perspectives on VA's workplace climate with respect to race, and agency efforts to address climate and potential discrimination issues.<sup>9</sup> We also interviewed VA officials on efforts to assess the prevalence of potential discrimination at VA and the use of these data. We considered federal internal controls standards for information and communication during our review.<sup>10</sup>

To address our third objective, we reviewed VA's agency-wide policies relating to employment discrimination as well as administration-specific policies for the Veterans Benefits Administration (VBA) and the Veterans Health Administration (VHA).<sup>11</sup> We reviewed VA directives and handbooks on the EEO complaint process and other efforts to address discrimination and harassment, such as the Harassment Prevention Program. We reviewed organizational structures for the EEO and anti-harassment programs for VA and its administrations, and compared these structures to EEOC directives, VA policy, and federal law.<sup>12</sup> We reviewed relevant reports, such as VA's reports to the EEOC and EEOC's feedback, to identify any gaps or deficiencies.

We interviewed VA officials in offices including the Office of Resolution Management, Diversity & Inclusion (ORMDI), the Office of the Chief

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<sup>9</sup>We interviewed officers from American Federation of Government Employees (AFGE); National Association of Government Employees (NAGE); National Nurses United (NNU); National Federation of Federal Employees; and Service Employees International Union (SEIU).

<sup>10</sup>See GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

<sup>11</sup>VA's employment discrimination policy covers all employment discrimination, regardless of protected class or basis. As a result, our third objective examines practices to prevent and address all employment discrimination, which includes discrimination based on race. According to VA officials, the National Cemetery Administration (NCA) shares policies distributed by VA, but does not issue its own EEO policies.

<sup>12</sup>For example, Department of Veterans Affairs, *VA Directive 5979, Harassment Prevention Policy*. (Dec. 8, 2020).

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Human Capital Officer (OCHCO), and relevant officials in each VA administration to understand how they implement agency policies to prevent and address racial discrimination. We gathered perspectives on and experiences with the EEO and Harassment Prevention Program processes and relevant training by conducting eight discussion groups with EEO Program Managers and first-line supervisors from 30 VA facilities and staff offices that were judgmentally selected for variation in VA administration, geography, and to reflect facilities with experience with the EEO and harassment complaint processes, as indicated by high complaint volume. We also interviewed representatives from three agency-wide employee affinity groups about their perceptions of VA's climate for employees and veterans with respect to race and ethnicity, and perceptions of VA's EEO and Harassment Prevention Program processes.<sup>13</sup> We compared our findings to EEOC directives, VA policy, and relevant federal internal control standards. We also considered federal internal control standards for the control environment and control activities during our review.<sup>14</sup>

To address our fourth objective, we reviewed VA directives, handbooks, and reports on VA's programs through which veterans can submit complaints about their treatment under any VA program or activity receiving federal financial assistance, including the External Complaints Program, Patient Advocate Program, and Harassment Prevention Program. We interviewed VA officials from these programs as well as internal and external stakeholders, including the VA Center for Minority Veterans and representatives from four Veterans Service Organizations (VSO).<sup>15</sup> We compared our findings to VA policies and relevant federal internal control standards.<sup>16</sup> For additional information on the methodology used in this report, see appendix I.

We conducted this performance audit from September 2021 to September 2023 in accordance with generally accepted government

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<sup>13</sup>To identify all affinity groups in VA, we obtained a list from VA officials. We then interviewed the heads of all affinity groups with active chapters at VA, as of April 2022.

<sup>14</sup>[GAO-14-704G](#), Principles 3 and 12.

<sup>15</sup>We selected VSOs representing (1) the two largest veteran populations, by conflict, to gain perspectives from organizations that represent a large share of the overall veteran population; and (2) veterans of different racial and ethnic groups to gain diverse perspectives on the climate at VA with respect to race and racial discrimination against veterans at VA.

<sup>16</sup>[GAO-14-704G](#), Principles 10 and 12.

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auditing standards. Those standards require that we plan and perform the 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.

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## Background

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### Requirements and Guidance Related to Federal Workforce Equal Employment Opportunity

Title VII of the Civil Rights Act of 1964 requires that all federal personnel decisions be made without discrimination on the basis of race, color, religion, sex (including pregnancy), national origin, and reprisal.<sup>17</sup> Other laws prohibit federal employment discrimination on the basis of age, disability, and genetic information. Federal law also requires that agencies establish a program of equal employment opportunity for federal employees and applicants.<sup>18</sup> In support of those programs, agencies are to, among other things, conduct ongoing efforts to eradicate discrimination from the agency's personnel policies, practices, and working conditions.

EEOC provides leadership, coordination, and guidance to federal agencies on all aspects of the federal government's EEO efforts.<sup>19</sup> EEOC has issued regulations to implement federal EEO requirements in the federal sector. EEOC works to ensure federal agency compliance with federal anti-discrimination laws and EEOC regulations through reviews of agencies' EEO policies and by providing technical assistance to identify and address deficiencies. EEOC also monitors and evaluates agencies' affirmative EEO programs. As part of such programs, EEOC expects federal agencies to have an effective anti-harassment program—in addition to a formal EEO complaint process—to prevent and promptly correct harassment on all protected bases, including race.

EEOC has issued directives and guidance to help federal agencies implement and comply with its regulations. For example, EEOC's

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<sup>17</sup>42 U.S.C. § 2000e-16(a). Under the U.S. Supreme Court's decision in *Bostock v. Clayton County*, sex discrimination under Title VII includes discrimination based on sexual orientation or gender identity. 140 S. Ct. 1731 (2020).

<sup>18</sup>42 U.S.C. § 2000e-16(b); 29 U.S.C. § 791(b).

<sup>19</sup>Under Executive Order 12067, EEOC is responsible for leading and coordinating the efforts of federal departments and agencies to enforce all federal statutes, Executive Orders, regulations, and policies which require equal employment opportunity without regard to race, color, religion, sex, national origin, age or disability.

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Management Directive 110 provides federal agencies with policies, procedures and guidance on the processing of employment discrimination complaints governed by EEOC regulations.<sup>20</sup> EEOC's Management Directive 715 (MD-715) provides policy guidance and standards for establishing and maintaining effective affirmative programs of equal employment opportunity.<sup>21</sup> Through MD-715, EEOC provides that, as a part of a model EEO program to prevent unlawful discrimination, federal agencies are to regularly evaluate their employment practices to identify barriers to EEO in the workplace, take measures to eliminate identified barriers, and report annually on these efforts to EEOC.

Other agencies collect and assess data, and provide guidance on the federal workforce and agencies' efforts to ensure a fair workplace:

- **The Merit Systems Protection Board (MSPB)** studies federal merit systems and surveys federal employees on issues related to prohibited personnel practices.<sup>22</sup> Its most recent government-wide survey was conducted in 2021.
- **The Office of Personnel Management (OPM)** is responsible for guidance and support to federal agencies on personnel policies and programs, including managing federal personnel data and systems. For example, it manages USAJOBS and USA Staffing, which are used by VA and other federal agencies to post open positions and track applicants. OPM, along with members of other agencies, was tasked with providing guidance to assisted agencies on developing plans to increase diversity, equity, inclusion, and accessibility.

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<sup>20</sup>EEOC, *EEO Management Directive for 29 C.F.R. Part 1614 (EEO-MD-110)* (Washington, D.C.: Aug. 5, 2015).

<sup>21</sup>EEOC, *EEO Management Directive 715 (EEO-MD-715)* (Washington, D.C.: Oct. 1, 2003).

<sup>22</sup>Prohibited personnel practices are employment-related activities that are banned in the federal workforce, including employment discrimination, retaliation, or improper hiring practices. MSPB also has a direct role in addressing allegations; it hears and decides appeals where federal employees have alleged specific prohibited personnel practices.

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## Recent Federal Laws and Initiatives Concerning Diversity Efforts and Employment Discrimination

In recent years, several federal laws and initiatives were established that further address workforce discrimination and are intended to further increase diversity, equity, inclusion, and accessibility in the federal workforce.

- The Consolidated Appropriations Act, 2023, enacted in December 2022, includes requirements related to the structure of VA's EEO program.<sup>23</sup> It requires that no later than 90 days after enactment, the Secretary of VA is to ensure that the official who serves as the department's EEO Director reports directly to the Deputy Secretary and does not also serve in a position that has responsibility over personnel functions of the department. It also requires that no later than 1 year after enactment, the Secretary of VA shall ensure that each EEO program manager at the facility level reports to the head of the Office of Resolution Management, or such successor office established, with respect to the equal employment functions of the program manager. ORMDI, the successor office to the Office of Resolution Management, manages VA's EEO and anti-harassment programs.
- The Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, enacted in January 2021, includes a requirement that the head of each federal agency's Equal Employment Opportunity Program shall report directly to the head of the agency.<sup>24</sup>
- Executive Order 14035, *Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce* called for creation of a government-wide initiative and plan to increase diversity, equity, inclusion, and accessibility (DEIA) in the federal workforce.<sup>25</sup> Each agency was to submit an agency DEIA Strategic Plan, following an assessment of their DEIA policies, and address barriers faced by underserved communities in accessing agency professional development programs.<sup>26</sup>

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<sup>23</sup>Pub. L. No. 117-328, div. U, 136 Stat. 4459, 5404-97.

<sup>24</sup>Pub. L. No. 116-283, tit. XI, subtit. B, § 1137(b), 134 Stat. 3388, 3903-04.

<sup>25</sup>Exec. Order No. 14035, 86 Fed. Reg. 34,593 (June 25, 2021).

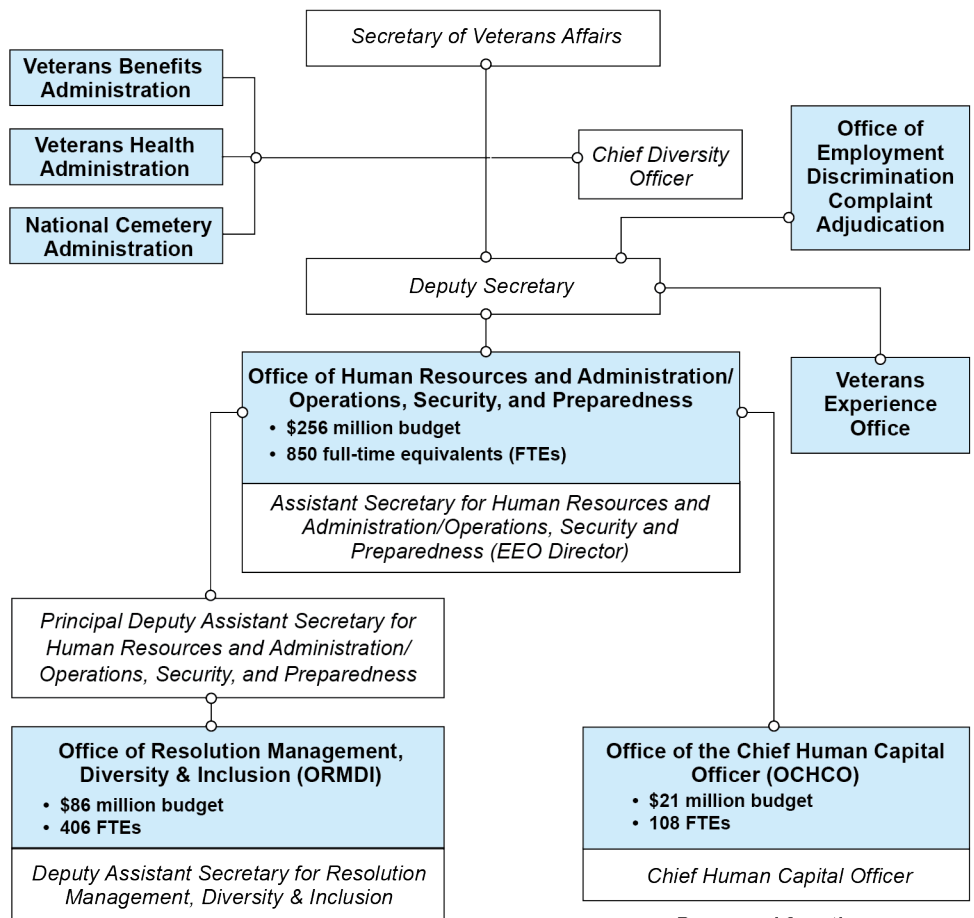
<sup>26</sup>VA established its Inclusion, Diversity, Equity and Access (I-DEA) Task Force to lead the agency's assessment and planning process. VA issued its agency DEIA plan in March 2022, according to officials.



VA's Organizational Structure for EEO Activities, 2023

Within VA, several offices help to implement and oversee the agency's EEO program and enhance the agency's workforce diversity and climate (see fig. 1):

**Figure 1: Department of Veterans Affairs (VA) Offices Involved in Overseeing Equal Employment Opportunity (EEO) Program and Workplace Diversity**



**EEO functions**

Process EEO complaints from VA employees, including counseling and investigating allegations of employment discrimination, including harassment, among other things.

**Personnel functions**

Handle performance management, recruiting, hiring, compensation, benefits, and labor union relations, among other things.

Source: GAO analysis of VA information. | GAO-23-105429

Note: ORMDI is the largest office within the Office of Human Resources and Administration/Operations, Security, and Preparedness, comprising approximately a third of its total budget and half of its full-time equivalent (FTE) staff. The Office of Human Resources and Administration/Operations, Security, and Preparedness moved VA's Alternative Dispute Resolution program from ORMDI to OCHCO in fiscal year 2022, and reallocated \$3.8 million from ORMDI to OCHCO to administer the Alternative Dispute Resolution program. The budgetary resources and full-

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time equivalent figures are fiscal year 2023 enacted amounts, as reported in VA's fiscal year 2024 budget submission.

- VA's **Office of Resolution Management, Diversity and Inclusion (ORMDI)** oversees VA's EEO programs, harassment prevention, and diversity and inclusion efforts. The office also oversees the External Complaints Program for civil rights complaints, such as those from veterans using VA facilities and programs. ORMDI includes liaison offices for NCA and VBA, which oversee the EEO programs and provide related guidance and training in their respective administration. Employees in VA's Central Office have a District Manager who oversees EEO processes.<sup>27</sup>
- Within VHA, the **VHA Equal Employment Opportunity/Affirmative Employment Office** has responsibility for overseeing and monitoring VHA's EEO program and providing guidance and training.
- VA's **Office of Employment Discrimination Complaint Adjudication (OEDCA)** is an office established by federal law to make final agency decisions on VA employment discrimination claims in an objective, impartial manner.
- VA's **Office of the Chief Human Capital Officer (OCHCO)** is the agency's human resource office and handles personnel issues, including recruitment, hiring, and performance management. This office also manages the Alternative Dispute Resolution program, used to mediate EEO and other workplace disputes.
- The **Veterans Experience Office (VEO)** is responsible for measuring customer experience at VA and integrating and coordinating VA resources to improve service delivery to veterans and their families. The office also includes the Employee Experience and Organizational Management group, which is responsible for applying customer experiences principles to understand the experiences of employees.
- VA's **Chief Diversity Officer** is responsible for implementing initiatives to promote inclusion, diversity, equity and access.<sup>28</sup>

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<sup>27</sup>VA is made up of Central Office (VACO), which is in Washington, D.C., and field facilities throughout the nation administered by its three major service line organizations: VHA, VBA, and NCA.

<sup>28</sup>VA announced in January 2023 that it had hired the agency's first Chief Diversity Officer.

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## VA's Methods to Address Employment Discrimination and Harassment

VA employees have two options within VA to address potential discrimination and harassment: (1) the EEO process and (2) the Harassment Prevention Program.

- **EEO Process:** The purpose of VA's EEO program is to promptly, fairly, and impartially process and investigate allegations of discrimination based on a protected class. Processing a complaint filed with the EEO program includes counseling by an EEO Counselor to attempt to resolve the issue, an investigation by the agency, and a final agency decision. Complainants may also request a hearing before an EEOC administrative judge. Each stage of the EEO process is generally bounded by time frames, as specified in EEOC regulations. For example, employees seeking to report allegations of discrimination must contact an EEO Counselor within 45 calendar days of the incident. EEO program staff in ORMDI process the case. The goal of the EEO process is to bring "full relief" to a prevailing complainant—placing them in the same position they would have been in had the discrimination not occurred.<sup>29</sup>
- **Harassment Prevention Program:** The purpose of the Harassment Prevention Program is to take immediate corrective action to eliminate harassing behavior regardless of whether it violated law or an employee pursues an EEO complaint. Employees can contact their immediate supervisor, the Harassment Prevention Coordinator in their facility, or ORMDI's Harassment Prevention Program office, among others. The program intends for cases that it is involved in to be completed within 30 days, with the end goal of any harassing behavior stopping and not reoccurring.

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## Requirements Related to Discrimination in Federal Programs and VA's Method for Addressing Such Discrimination

- Title VI of the Civil Rights Act of 1964 mandates that no person shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.<sup>30</sup> Federal law also prohibits discrimination on the basis of

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<sup>29</sup>Full relief may be provided through orders for the employer to provide remedies such as reinstatement, back pay, compensatory damages, and attorney fees to the complainant. For purposes of this report, we refer to findings from the EEO process, when there has been a determination that discrimination occurred, as "findings of discrimination."

<sup>30</sup>42 U.S.C. § 2000d-2000d-7.

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sex in various circumstances, and on the basis of disability and age in programs receiving federal assistance.<sup>31</sup>

- VA's ORMDI is responsible for ensuring that recipients of federal funding comply with these civil rights laws, as well as relevant federal regulations and executive orders.<sup>32</sup> ORMDI's External Complaints Program receives complaints from individuals, typically non-employees of VA, who believe they have been discriminated against on the basis of their race, color, national origin, age, sex, disability, or reprisal in federally conducted and federally assisted programs and activities, such as while receiving healthcare services at a VA medical center.<sup>33</sup> The External Complaints Program reviews complaints it receives for procedural sufficiency and refers them to the relevant VA administration—VHA, VBA, or NCA—for further processing, including investigation and final resolution.

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## VA Has a Diverse Workforce, but Disparities Exist in Pay, Promotions, and Removals

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### VA Has Higher Representation of Black, Asian, and Native American Employees Compared to the Civilian Labor Force

For fiscal years 2017 to 2021, VA employed a higher percentage of Black, Asian, and Native American employees than the national civilian labor force in the most recent Census Bureau Equal Employment Opportunity

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<sup>31</sup>See, e.g., 20 U.S.C. § 1681, 29 U.S.C. § 794, and 42 U.S.C. § 6102.

<sup>32</sup>U.S. Commission on Civil Rights, *Are Rights a Reality? Evaluating Federal Civil Rights Enforcement*, November 2019 Statutory Enforcement Report (Washington, D.C.: November 2019).

<sup>33</sup>Federally conducted programs are those that are directly administered by VA, such as healthcare and other VA benefits. Federally assisted programs are those programs that receive federal financial assistance.

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(EEO) Tabulation for calendar years 2014 through 2018.<sup>34</sup> For example, 25 percent of VA employees were Black, compared to an estimated 13 percent nationally.<sup>35</sup> Some other groups were less represented within VA. For example, VA employed a smaller percentage of Hispanic employees (6 percent versus an estimated 13 percent nationally). (See fig. 2.) In addition, VA employed a smaller percentage of White employees than the national civilian labor force.<sup>36</sup>

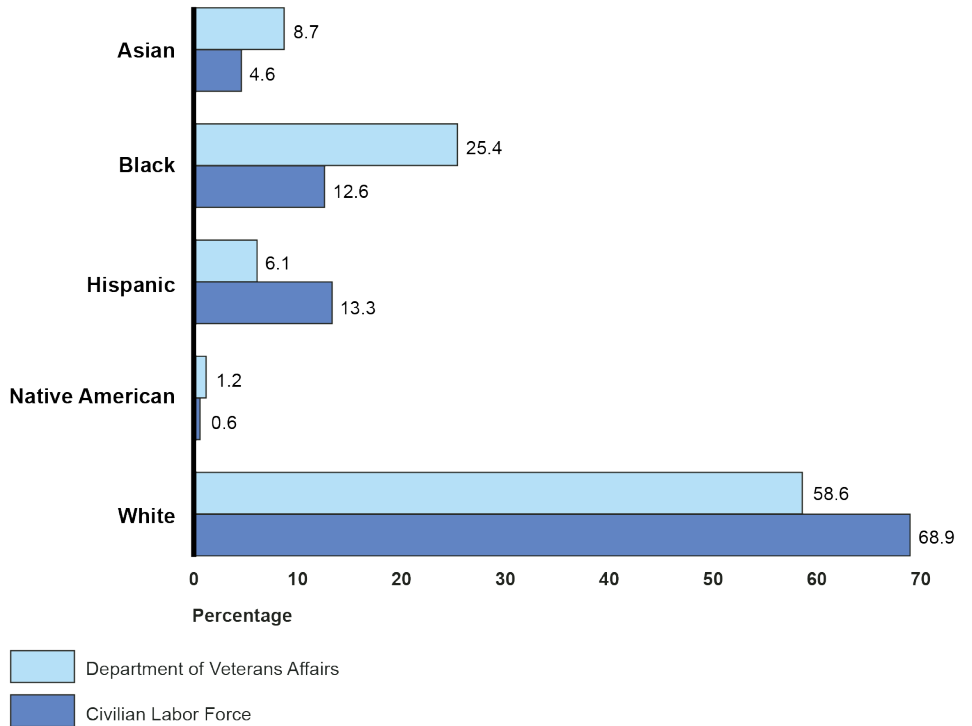
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<sup>34</sup>We analyzed five mutually exclusive categories of VA's workforce: Hispanic or Latino (Hispanic); non-Hispanic White (White); non-Hispanic Black or African American (Black); non-Hispanic American Indian or Alaska Native (Native American); and non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander (Asian). The OPM data we analyzed includes demographic information based on OPM's data standards, which defines sex as female and male and does not include additional information on gender identity. In this report, we use gender terms of "women" and "men" to describe female and male employees. We analyzed VA's workforce composition based on OPM EHRI data from September of each fiscal year. We obtained estimates of the racial and ethnic composition of the national civilian labor force from the Census Bureau EEO Tabulation for the period 2014 through 2018, the most recent period available at the time of our analysis. We also compared the population of VA employees to federal employees at other agencies in the OPM EHRI data set for fiscal years 2017 to 2021. These additional results can be found in app. II.

<sup>35</sup>All differences that we present between the VA workforce and the national civilian labor force were statistically significant at the 95 percent confidence level unless otherwise noted. Throughout our analyses we only included VA employees within the 50 states and the District of Columbia (D.C.), and excluded non-Hispanic employees who identified two or more races. We applied these restrictions for consistency with the Census EEO Tabulation data, which does not include workers outside the 50 states and D.C. in its national estimates, and does not separately report data for non-Hispanic multiracial workers.

<sup>36</sup>In particular, White men were 24 percent of VA employees versus an estimated 36 percent in the national civilian labor force. In comparison, White women were 35 percent of VA employees versus an estimated 33 percent in the national civilian labor force. For further details on the composition of VA's workforce by race, ethnicity and gender, see app. II.

**Figure 2: Percentage of Department of Veterans Affairs (VA) Employees by Race and Ethnicity in Fiscal Years 2017 to 2021 Compared to Percentages in the National Civilian Labor Force in 2014 through 2018**



Source: GAO analysis of Office of Personnel Management data and Census Bureau Equal Employment Opportunity Tabulation. | GAO-23-105429

Notes: We analyzed five mutually exclusive categories of VA’s workforce: Hispanic or Latino (Hispanic); non-Hispanic White (White); non-Hispanic Black or African American (Black); non-Hispanic American Indian or Alaska Native (Native American); and non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander (Asian). We obtained estimates of the racial and ethnic composition of the national civilian labor force from the Census Bureau Equal Employment Opportunity Tabulation for the period 2014 through 2018, the most recent period available at the time of our analysis. Estimates for the national civilian labor force have a margin of error no greater than plus or minus 0.15 percentage points. Estimated differences between the VA and national civilian labor force were statistically significant at the 95 percent confidence level.

The composition of VA’s labor force has gradually changed since fiscal year 2000. From fiscal year 2000 to fiscal year 2021, the percentage of White employees at VA has decreased by about 6.4 percentage points,

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while Black, Hispanic, Asian, and Native American employees have increased by 1.7, 1.2, 3.2, and 0.4 percentage points respectively.<sup>37</sup>

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### Some Racial and Ethnic Groups are Less Represented in VA's Senior Executive Service and Top Earners Compared to their Employment in the Overall VA Workforce

While VA has had a higher percent of Black, Asian, and Native American employees than the national civilian labor force, within VA, some racial and ethnic groups were less represented in Senior Executive Service (SES) positions and among the agency's top earners.

- **Senior Executive Service (SES).** For fiscal years 2017 to 2021, VA employed relatively fewer Black, and Hispanic workers in SES positions when compared to their employment in the overall VA workforce.<sup>38</sup> Additionally, VA employed relatively fewer Black and White women in these leadership positions compared to their number in the overall VA workforce.<sup>39</sup> We also found that these groups generally were less represented in SES positions than the civilian labor force. However, the percent of Black men in SES positions at the VA was greater than the estimated percent of Black men in the overall national civilian labor force.
- **Top Earners.** Black and Hispanic employees were less represented in the top decile of earners in the VA than in the overall VA workforce. To determine the top earners, we examined all VA employees by

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<sup>37</sup>These changes in representation may reflect changes in the labor force as a whole. Comparing the Census Bureau EEO Tabulations for 2006 through 2010 to the EEO Tabulations for 2014 through 2018, the percentage of White employees in the civilian labor force has decreased by an estimated 4.9 percentage points. Black, Hispanic, and Asian employees have increased by an estimated 0.5, 3.1, and 0.8 percentage points respectively. The percent of Native American employees in the civilian labor force was estimated to have not changed.

<sup>38</sup>Due to the small number of SES employees in the VA for fiscal years 2017 to 2021, we are not reporting the percentage of SES employees by racial group to avoid disclosure of information (either directly or indirectly) about specific employees such as Native American employees. According to officials, VA is considering targeted efforts to increase diversity in the SES, including developing a succession plan for SES to identify potential leaders, piloting a blind application process, requiring selection panel members to receive unconscious bias training, and including diversity questions in interviews.

<sup>39</sup>Due to the sample size issues previously discussed, we are unable to provide similar analysis of Hispanic women and Asian and Native American men and women in SES positions at the VA.

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annual pay and considered the top decile as top earners.<sup>40</sup> About 7 percent of the top decile of earners in the VA were Black, while Black employees made up about 25 percent of the total VA workforce. Further, about 4 percent of the top decile of earners in the VA were Hispanic, while Hispanics made up about 6 percent of the total VA workforce. VA employed relatively more Asian employees in the top 10 percent of earners (23 percent combined in the top decile, compared to about 9 percent overall).

The difference in representation of racial and ethnic groups among top earners at VA compared to their representation in VA overall may be explained, in part, by occupational differences for these groups. Specifically, racial and ethnic groups more represented in VA's top earners were also more likely to hold a higher paying occupation. For example, Asian VA employees are more represented in occupations with higher average pay such as physician or pharmacist.<sup>41</sup> Meanwhile, Black VA employees are more represented in occupations with lower average pay such as nursing and medical support assistants and custodial work.

Similar to what we found when examining representation across VA overall, Black, Asian, and Native American VA employees' representation within each occupation were generally comparable to—or exceeded—representation in the civilian labor force (including higher and lower paying jobs). Meanwhile, the VA generally employed lower percentages of Hispanic employees within each occupation than their counterparts in the civilian labor force.

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<sup>40</sup>We measured annual pay using adjusted basic income, which takes into account various differences in pay based on locality, special rates, and existing pay caps. This pay amount reflects what individuals would have earned had they worked a complete year and does not include overtime pay. We adjusted pay amounts for changes in the cost of living over time.

<sup>41</sup>To see the distribution of VA workers by race, ethnicity, and gender for the 20 occupations with the highest number of VA employees, see app. II.



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**Within Similar Jobs, White Men at VA Generally Have More Positive Outcomes, such as Higher Pay and More Promotions, than Men and Women of Some Other Racial and Ethnic Groups**

From fiscal years 2000 through 2021, on average, White men employed at VA tended to have more positive employment outcomes than other racial and ethnic groups hired into similar occupations.<sup>42</sup> For example, we estimate that White men at VA tended to earn higher pay, have similar or higher pay growth after 10 years, and obtain more promotions than other race, ethnicity, and gender groups. We also estimated that White men tended to receive similar or more awards and were less likely to be removed from the agency than three racial, ethnic, and gender groups.<sup>43</sup>

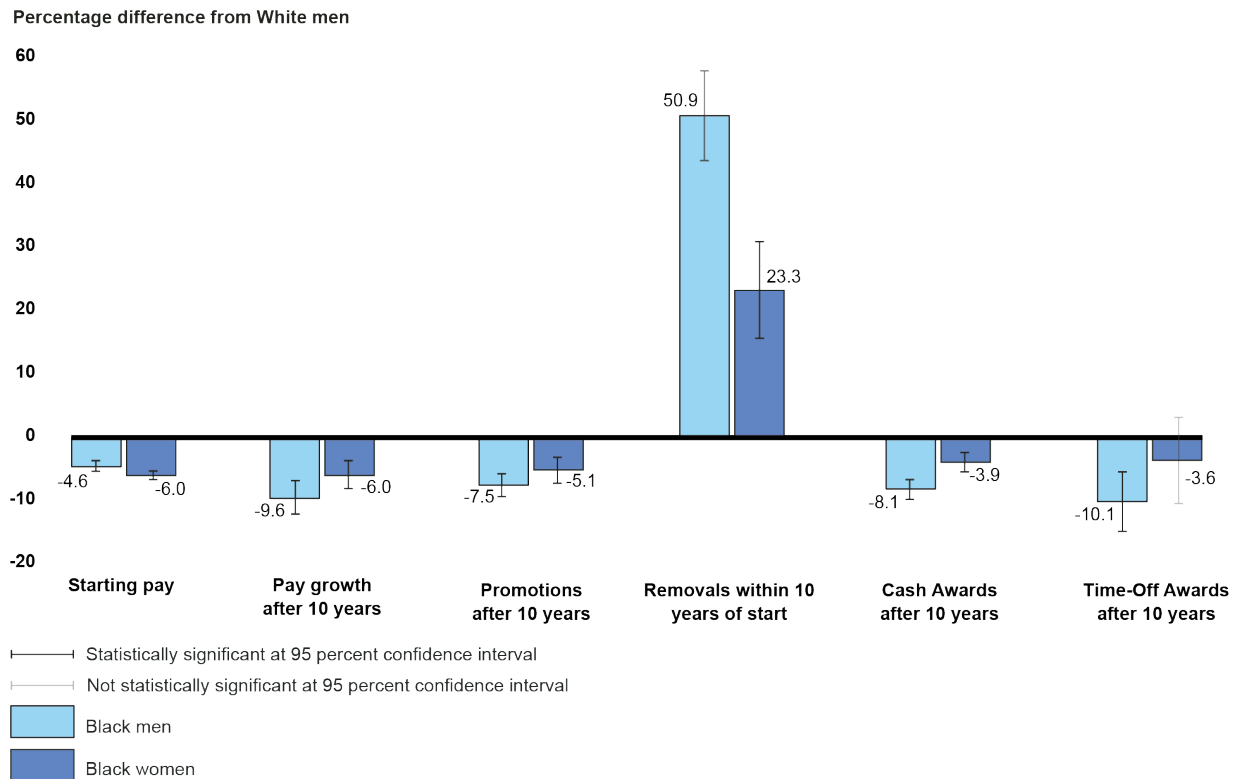
In particular, our analysis found that when compared to White men hired into similar occupations within VA, Black men and Black women started, on average, with lower pay and, after 10 years, had lower pay growth, fewer promotions, were more likely to be removed, and generally received fewer cash and time off awards. (See fig. 3.)

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<sup>42</sup>We conducted longitudinal analysis of new VA hires who started their employment at the agency from 2000 through 2016 and tracked each worker's outcomes over the subsequent 5 to 10 years. For additional details on our data collection, see app. I.

<sup>43</sup>Our analysis estimated that White men generally tended to receive similar or more cash and time-off awards than other groups. We also estimated that White men were less likely to be removed from the agency than Black men, Black women, and Native American men. The only racial, ethnic, and gender groups with statistically significant better outcomes on any of these measures were White women who received a higher number of cash and time-off awards, on average, and were less likely to be removed than White men that started in similar occupations. Our analysis did not distinguish between noncompetitive and competitive promotions. We did not analyze the applicant pool for promotions; see app. I for information on limitations in VA's hiring data.

**Figure 3: Estimated Employee Outcomes for Black Department of Veterans Affairs (VA) Employees as Percent Difference from White Men Employed in Similar Jobs at VA, Fiscal Years 2000–2021**



Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Notes: We calculated percentages for VA employees who started employment in fiscal years 2000 through 2016. Ten year outcomes are available for employees who started in fiscal years 2000 through 2011. The brackets around each estimate contain the 95 percent confidence intervals. Pay and pay growth are adjusted for changes in the cost of living over time. We estimated the relative difference between each group’s average outcome and that for White men using statistical models that adjusted for differences associated with characteristics of the worker’s occupation in the year they started employment, the VA administration in which they worked, the state, and the year employment started. All estimated differences except for time-off awards for Black women were statistically significant at the 95 percent confidence level. The existence of a statistically significant difference, or its absence, taken alone, does not establish whether unlawful discrimination has occurred. We analyzed five mutually exclusive racial and ethnic categories of VA’s workforce: Hispanic or Latino (Hispanic); non-Hispanic White (White); non-Hispanic Black or African American (Black); non-Hispanic American Indian or Alaska Native (Native American); and non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander (Asian). We further separated each of these racial and ethnic groups by gender.

To evaluate these differences in employment outcomes between groups hired into similar jobs, we conducted a longitudinal analysis that followed VA workers over their first 5 to 10 years at the agency. We estimated the differences between each demographic group (including gender

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differences within race and ethnic groups) compared to White men using statistical models. These models controlled for differences in the occupations they held during their first year and other factors.<sup>44</sup> Unless otherwise noted, our estimates were significant at the 95 percent confidence interval.<sup>45</sup> Our analyses to identify potential differences cannot determine whether or not discrimination has occurred. Discrimination is a legal determination. Our analyses do not explain the reasons for differences in employment outcomes, which may result from various unobservable factors, such as qualifications that were not measurable in the data or, in the case of promotions, prerequisites for advancement.

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<sup>44</sup>We conducted our analysis on VA employees who began their employment at the agency during fiscal years 2000 through 2016. In this report we generally present differences between employees based on their outcomes at the end of 10 years after starting at the agency. Since the analysis period of the OPM EHRI data files ended in fiscal year 2021, 10 year outcomes were available only for employees who started from fiscal years 2000 through 2011. We generally found similar differences when we examined 5 year outcomes using the full sample from fiscal years 2000 through 2016. While more than half of VA employees in fiscal year 2021 began their employment from fiscal years 2000 through 2016, our results may not be representative of cohorts who arrived in later years. The results that we present here are from our main model, which, in addition to the characteristics of each employee's initial occupation, controlled for the state and VA administration in which they were employed, and the year they began their employment. The existence of a difference, taken alone, does not establish whether unlawful discrimination has occurred. We developed our statistical model to identify differences between groups of workers hired into similar occupations, but we did not attempt to account for all potential factors that may have influenced the outcomes that we analyzed. To provide additional information on the patterns that we found, we also estimated models that did not control for any differences between the employees and those that included additional worker characteristics, such as educational attainment and age. See app. I for additional information on our methodology and its limitations, and app. III for additional results.

<sup>45</sup>We express our confidence in the precision of our estimates as statistically significant differences. We consider differences in our estimates to be statistically significant if they were statistically significant at the 95 percent confidence level. For each outcome that we examined, we also tested the joint significance of the differences across all race, ethnicity, and gender groups compared to non-Hispanic White men. For each outcome, we found these differences to be jointly significant at the 99 percent confidence level or higher. "Statistical significance" refers to the likelihood of an observed difference being due to chance. In contrast, "practical significance" refers to the magnitude of an observed difference.

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## Pay, Pay Growth, and Awards

We observed the following about pay, pay growth, and awards:<sup>46</sup>

- **Pay.** We estimated that VA employees from historically underrepresented racial and ethnic groups hired into similar occupations generally earned less than White men, on average.<sup>47</sup> Starting pay differences ranged from about 2.4 percent to about 7.3 percent less than White men.<sup>48</sup> For example, if a White man employed at VA had a starting pay of \$75,000, a Black woman in a similar occupation that started at the same time would be expected to earn approximately \$70,500. We also found that 10 years after starting at VA in similar occupations, White men had statistically higher annual pay than all racial, ethnic, and gender categories, except Native American men.<sup>49</sup> (See fig. 4.)

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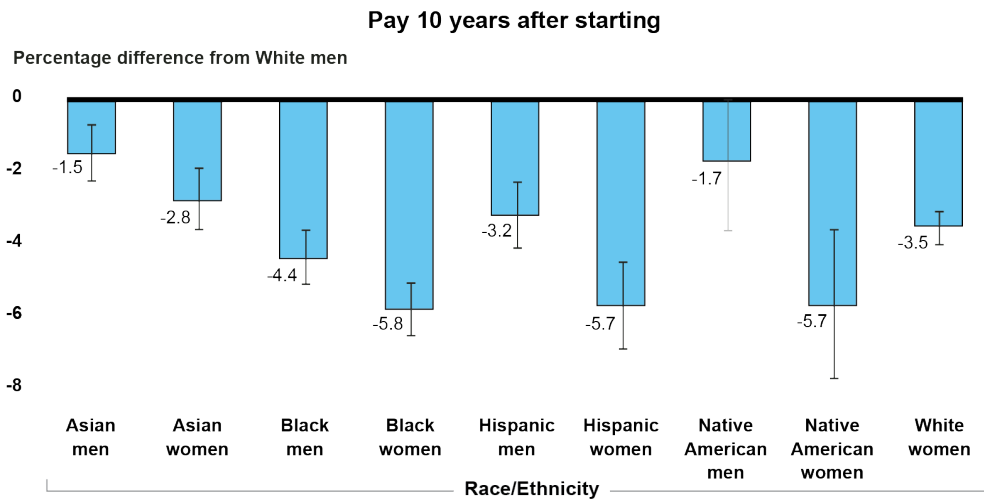
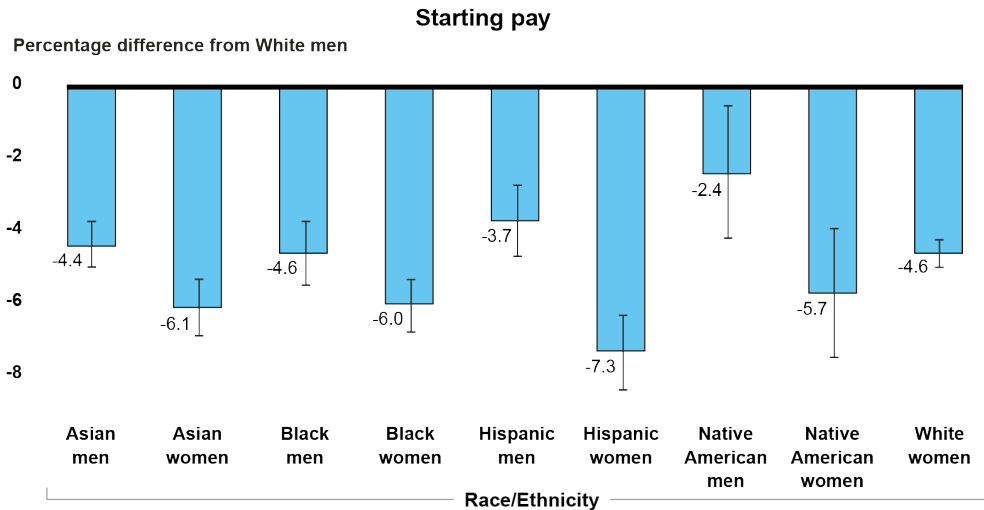
<sup>46</sup>We measured annual pay and pay growth using adjusted basic pay, which takes into account various differences in pay based on locality, special rates, and existing pay caps. This pay amount reflects what individuals would have earned had they worked a complete year and does not include overtime pay. We adjusted pay amounts for changes in the cost of living over time. We measured each employee's starting pay based on the amount reported at the end of the first fiscal year they were employed at the VA. See app. III for descriptive statistics and additional results from our statistical analyses.

<sup>47</sup>For the purposes of this report, historically underrepresented racial and ethnic groups means Black, Hispanic, Asian, and Native American employees. We also analyzed outcomes for White women due to historical pay disparities; see GAO, *GENDER PAY DIFFERENCES: The Pay Gap for Federal Workers Has Continued to Narrow, but Better Quality Data on Promotions Are Needed*, [GAO-21-67](#) (Washington, D.C.: Dec. 2020), p. 17-18.

<sup>48</sup>We estimated these differences to be statistically significant at the 95 percent confidence level for all racial and ethnic groups. In our analysis for this section, we only observe and report the differences of outcomes based on race, ethnicity and gender. Our analysis in this section does not cover underlying reasons to why these differences exist. Many factors can contribute to why these differences exist, including various unobservable factors, such as qualifications that are not measurable in the data, or in the case of promotions, prerequisites for advancement. Our analyses to identify potential differences cannot determine whether or not discrimination occurred. Discrimination is a legal determination. Later in this report, we discuss VA's policies and practices aimed at addressing and preventing employment discrimination.

<sup>49</sup>For data on 10-year pay outcomes, as well as 5-year pay growth outcomes, see app. III.

**Figure 4: Estimated Differences in Average Pay of Department of Veterans Affairs (VA) Workers Hired into Similar Jobs in Year of Hire, by Race, Ethnicity, and Gender, Fiscal Years 2000–2021 (Percent Difference Relative to White Men)**



Statistically significant at 95 percent confidence interval  
 Not statistically significant at the 95 percent confidence interval

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Notes: We calculated percentages for VA employees who started employment in fiscal years 2000 through 2016. Ten year outcomes were available for employees who started in fiscal years 2000 through 2011. The brackets around each estimate contain the 95 percent confidence intervals. Pay is adjusted for changes in the cost of living over time. We estimated the relative difference between each group's average outcome and that for White men using statistical models that adjusted for differences associated with characteristics of the worker's occupation in the year they started employment, the VA administration in which they worked, the state, and the year employment started. The existence of a statistically significant difference, or its absence, taken alone, does not establish whether unlawful discrimination has occurred. We analyzed five mutually exclusive categories of VA's

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workforce: Hispanic or Latino (Hispanic); non-Hispanic White (White); non-Hispanic Black or African American (Black); non-Hispanic American Indian or Alaska Native (Native American); and non-Hispanic Asian, Native Hawaiian or Other Pacific Islander (Asian). We further separated each of these racial and ethnic groups by gender.

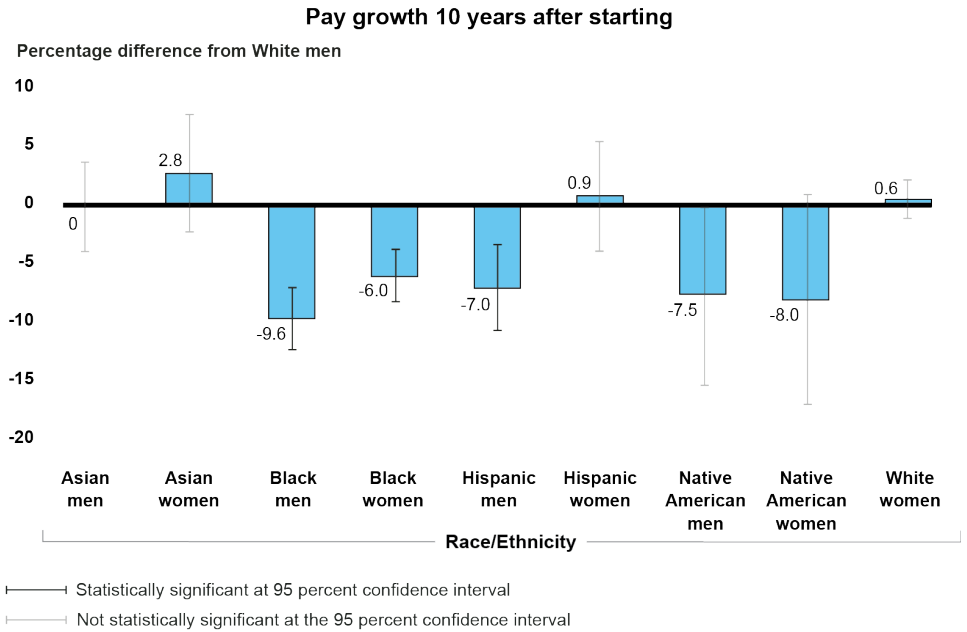
- **Pay Growth.** We found differences in pay growth after 10 years of employment at VA. Over a 10-year period, pay grew at a faster rate for White men than for Black men, Black women, and Hispanic men hired into similar occupations.<sup>50</sup> We estimated Black men's and women's pay grew about 10 and 6 percent less, on average, than White men's over the 10-year period. Over that same time span, we estimated that Hispanic men's pay at the VA grew about 7 percent less, on average, than White men's. We found that pay growth for White women, Hispanic women, Asian men and women, and Native American men and women did not differ significantly from White men.<sup>51</sup> (See fig. 5.)

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<sup>50</sup>Pay growth is adjusted for changes in the cost of living and measured by the cumulative percent change over the period in adjusted basic pay over time. It does not include any performance bonuses or awards.

<sup>51</sup>We considered the differences that we estimated to be statistically significant if they were significant at the 95 percent confidence level. Statistical significance refers to the likelihood of the estimated difference being due to chance. The absence of a statistically significant difference indicates that we could not conclude whether there was a difference between the demographic group and the White men employed at VA hired into similar occupations. Although estimates that are not statistically significant suggest there may have been no difference between the groups, on average, it is also possible there were differences that our statistical model could not detect, for example, due to the small number of employees in the demographic group in the VA.

**Figure 5: Estimated Differences in Average Pay Growth 10 Years After Starting Employment for Department of Veterans Affairs (VA) Workers Hired into Similar Jobs, by Race, Ethnicity, and Gender, Fiscal Years 2000–2021 (Percent Difference Relative to White Men)**



Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Notes: We calculated percentages for VA employees who started employment in fiscal years 2000 through 2016. Ten year outcomes were available for employees who started in fiscal years 2000 through 2011. The brackets around each estimate contain the 95 percent confidence intervals. Pay and pay growth are adjusted for changes in the cost-of-living over time. We estimated the relative difference between each group's average outcome and that for White men using statistical models that adjusted for differences associated with characteristics of the worker's occupation in the year they started employment, the VA administration in which they worked, the state, and the year employment started. The existence of a statistically significant difference, or its absence, taken alone, does not establish whether unlawful discrimination has occurred. We analyzed five mutually exclusive categories of VA's workforce: Hispanic (or Latino (Hispanic); non-Hispanic White (White); non-Hispanic Black or African American (Black); non-Hispanic American Indian or Alaska Native (Native American); and non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander (Asian). We further separated each of these racial and ethnic groups by gender.

- **Awards.** In addition to base pay, VA employees can receive recognitions such as cash and time off awards. We estimated that White women in VA received 4.6 percent more cash awards in the 10 years since their start than White men hired into similar jobs, on

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average.<sup>52</sup> However, we estimated Black men and women, Hispanic men, and Native American men all received fewer cash awards than White men.<sup>53</sup> For all other racial and ethnic categories, our estimates showed that they did not significantly differ from White men. (See fig. 6.)

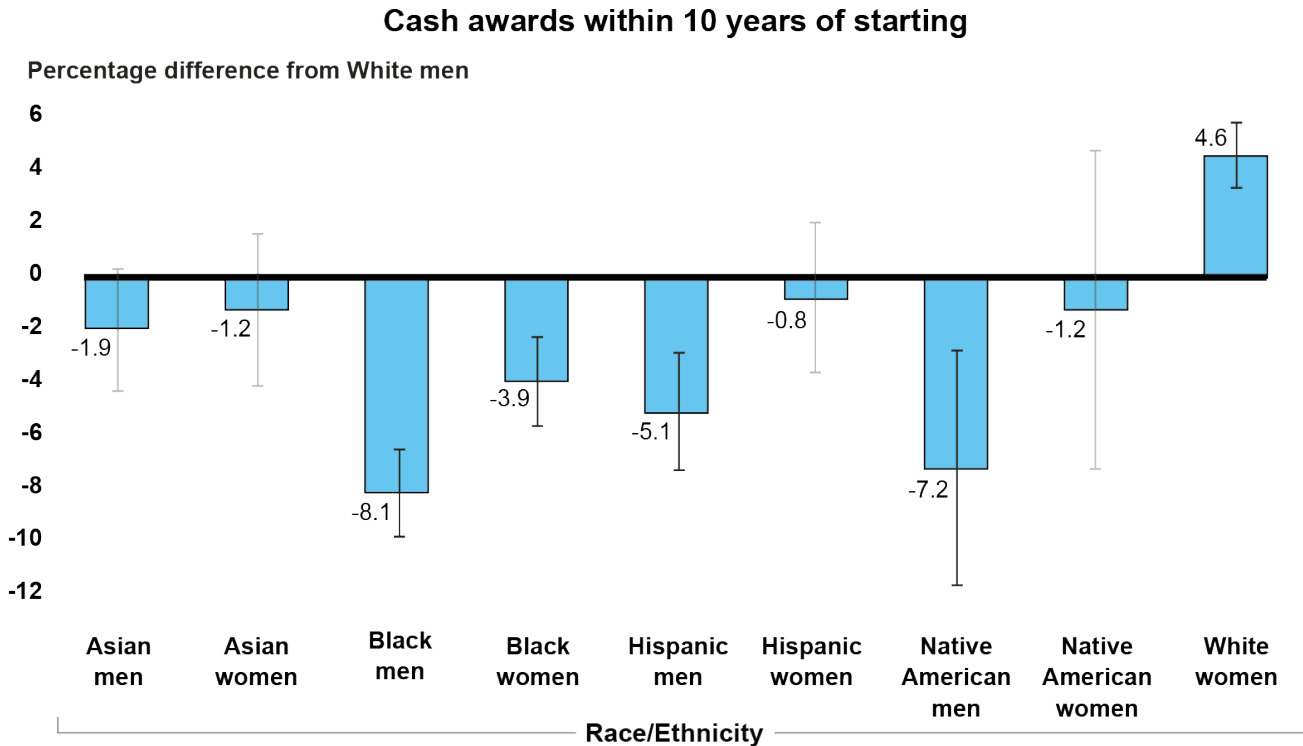
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<sup>52</sup>Our analysis reflects the number of cash awards received within 10 years of starting employment at VA. We did not analyze the likelihood of being nominated for a cash award. For 5-year outcomes regarding receipt of cash awards, see app. III.

<sup>53</sup>According to Office of Personnel Management (OPM) policy, the Secretary of Veterans Affairs can authorize any cash award up to \$10,000. Cash awards above \$10,000 are also possible but are rarer because they require additional authorization from the OPM Director (up to \$25,000) or the President (if above \$25,000). VA received additional authority to establish awards for various purposes, as part of the Honoring our PACT Act of 2022. Pub. L. No. 117-168, § 906(b), 136 Stat. 1759, 1812.



**Figure 6: Estimated Differences in Cash Awards 10 Years after Starting Employment for Department of Veterans Affairs (VA) Employees Hired into Similar Jobs, by Race, Ethnicity, and Gender, Fiscal Years 2000–2021 (Percent Difference Relative to White Men)**



Statistically significant at 95 percent confidence interval  
 Not statistically significant at 95 percent confidence interval

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Notes: We calculated percentages for VA employees who started employment in fiscal years 2000 through 2016. Ten year outcomes were available for employees who started in fiscal years 2000 through 2011. The brackets around each estimate contain the 95 percent confidence intervals. We estimated the relative difference between each group's average outcome and that for White men using statistical models that adjusted for differences associated with characteristics of the worker's occupation in the year they started employment, the Department of Veterans Affairs (VA) administration in which they worked, the state, and the year employment started. The existence of a statistically significant difference, or its absence, taken alone, does not establish whether unlawful discrimination has occurred. We analyzed five mutually exclusive categories of VA's workforce: Hispanic or Latino (Hispanic); non-Hispanic White (White); non-Hispanic Black or African American (Black); non-Hispanic American Indian or Alaska Native (Native American); and non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander (Asian). We further separated each of these racial and ethnic groups by gender.

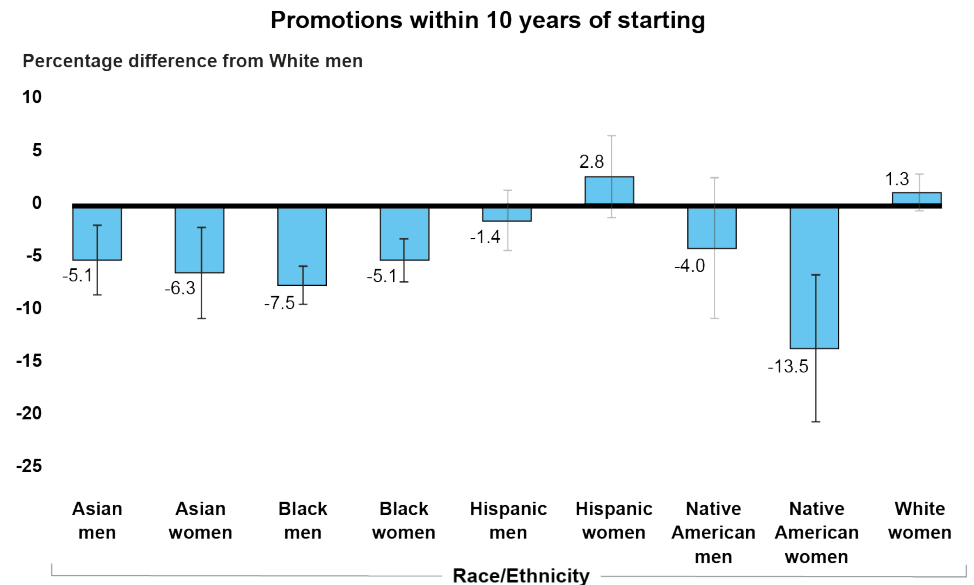
- Similar to their receipt of cash awards, we estimated White women received about 6 percent more time-off awards than White men in

similar jobs over the first 10 years of employment at VA. Black and Asian men both received about 10 percent or fewer time-off awards than White men, on average. For all other racial and ethnic categories, our estimates showed that they did not significantly differ from White men.<sup>54</sup>

## Promotions

We estimated that Black men and women, Asian men and women, and Native American women received fewer temporary and permanent promotions over 10 years at the VA, than White men, on average.<sup>55</sup> For all other racial and ethnic categories, our estimates showed that they did not significantly differ from White men. (See fig. 7.)

**Figure 7: Estimated Differences in Promotions of Department of Veterans Affairs (VA) workers Hired into Similar Jobs 10 years after Starting Employment, by Race, Ethnicity, and Gender, Fiscal Years 2000–2021 (Percent Difference Relative to White Men)**



— Statistically significant at 95 percent confidence interval

— Not statistically significant at 95 percent confidence interval

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

<sup>54</sup>For data on 5-year and 10-year time-off outcomes, see app. III.

<sup>55</sup>Our analysis did not distinguish between noncompetitive and competitive promotions. We did not analyze the applicant pool for promotions; see app. I for information on limitations in VA's hiring data. For the full table of results, including 5-year outcomes, see app. III.

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Notes: We calculated percentages for VA employees who started employment in fiscal years 2000 through 2016. Ten year outcomes were available for employees who started in fiscal years 2000 through 2011. The brackets around each estimate contain the 95 percent confidence intervals. We estimated the relative difference between each group's average outcome and that for White men using statistical models that adjusted for differences associated with characteristics of the worker's occupation in the year they started employment, the VA administration in which they worked, the state, and the year employment started. The existence of a statistically significant difference, or its absence, taken alone, does not establish whether unlawful discrimination has occurred. We analyzed five mutually exclusive categories of VA's workforce: Hispanic or Latino (Hispanic); non-Hispanic White (White); non-Hispanic Black or African American (Black); non-Hispanic American Indian or Alaska Native (Native American); and non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander (Asian). We further separated each of these racial and ethnic groups by gender.

## Separations and Removals

We observed the following about separations and removals at VA:<sup>56</sup>

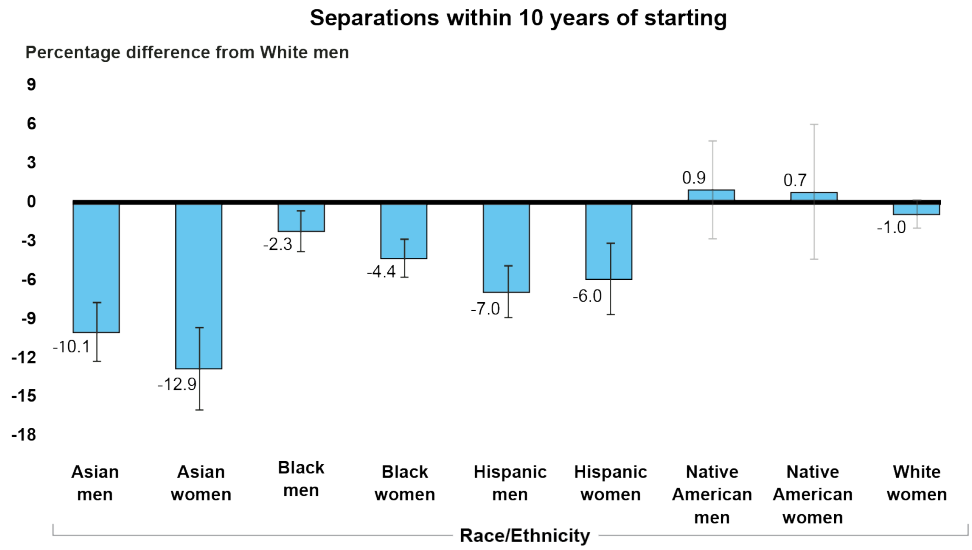
- **Separations.** We estimated that most historically underrepresented racial and ethnic groups hired into similar occupations as White men were significantly less likely to separate from VA 10 years later. (See fig. 8.) These estimates ranged from Asian women, who were about 13 percent less likely to separate from VA after 10 years compared to White men in similar occupations, to Black men, who were about 2 percent less likely. We also found that separations for Native American men and women and White women did not differ significantly from White men. Employees can separate from the VA for different reasons, including, but not limited to, resignations, retirements, and removals.<sup>57</sup>

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<sup>56</sup>Separations are actions that end employment with the agency. These can include removals, resignations, and retirements, among others. Removals represent separations based on misconduct, delinquency, suitability, unsatisfactory performance, or failure to qualify for a conversion to a career appointment. They include workers who resigned upon receiving notice of action based on performance or misconduct. We determined whether or not a separation was a removal based on the nature of action code associated with the separation, following guidance from EEOC's Instructions to Federal Agencies for completing the EEO MD-715 workforce tables. Under this definition, removals included retirements and resignations in lieu of an involuntary action, terminations, and terminations during a probationary or trial period.

<sup>57</sup>Analysis of the different reasons for separation, as well as 5-year separation outcomes, are presented in app. III.

**Figure 8: Employee Separations from the Department of Veterans Affairs (VA) after 10 Years of Employment, Fiscal Years 2000–2021 (Percent Difference Relative to White Men)**



Statistically significant at 95 percent confidence interval  
 Not statistically significant at 95 percent confidence interval

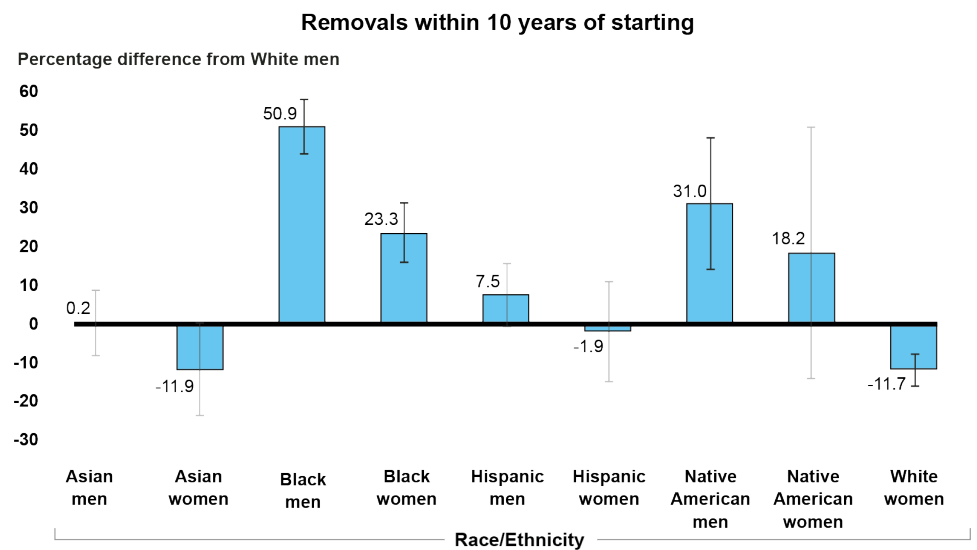
Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Notes: We calculated percentages for VA employees who started employment in fiscal years 2000 through 2016. Ten year outcomes were available for employees who started in fiscal years 2000 through 2011. The brackets around each estimate contain the 95 percent confidence intervals. We estimated the relative difference between each group's average outcome and that for White men using statistical models that adjusted for differences associated with characteristics of the worker's occupation in the year they started employment, the VA administration in which they worked, the state, and the year employment started. The existence of a statistically significant difference, or its absence, taken alone, does not establish whether unlawful discrimination has occurred. We analyzed five mutually exclusive categories of VA's workforce: Hispanic or Latino (Hispanic); non-Hispanic White (White); non-Hispanic Black or African American (Black); non-Hispanic American Indian or Alaska Native (Native American); and non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander (Asian). We further separated each of these racial and ethnic groups by gender.

- Removals.** We estimated that Black women employed at VA were about 23 percent, Black men employed at VA were about 51 percent, and Native American men were 31 percent more likely to be removed 10 years after starting than White men in similar occupations. Meanwhile, White women were about 12 percent less likely to be removed than White men in similar occupations. For example, if about 9 percent of White men were removed after 10 years of starting, then about 13.6 percent of Black men in similar occupations would be expected to be removed within this period. For all other racial and

ethnic categories, we estimated that they did not significantly differ from White men. (See fig. 9.)

**Figure 9: Estimated Differences in Removals 10 Years after Starting Employment for Department of Veterans Affairs (VA) Employees Hired into Similar Jobs, by Race, Ethnicity, and Gender, Fiscal Years 2000–2021 (Percent Difference Relative to White Men)**



—| Statistically significant at 95 percent confidence interval

- -| Not statistically significant at 95 percent confidence interval

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Notes: We calculated percentages for VA employees who started employment in fiscal years 2000 through 2016. Ten year outcomes were available for employees who started in fiscal years 2000 through 2011. The brackets around each estimate contain the 95 percent confidence intervals. We estimated the relative difference between each group's average outcome and that for White men using statistical models that adjusted for differences associated with characteristics of the worker's occupation in the year they started employment, the VA administration in which they worked, the state, and the year employment started. The existence of a statistically significant difference, or its absence, taken alone, does not establish whether unlawful discrimination has occurred. We analyzed five mutually exclusive categories of VA's workforce: Hispanic or Latino (Hispanic); non-Hispanic White (White); non-Hispanic Black or African American (Black); non-Hispanic American Indian or Alaska Native (Native American); and non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander (Asian). We further separated each of these racial and ethnic groups by gender.

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## VA Tracks Data on Allegations of Potential Racial Discrimination and Harassment, but Has Not Analyzed Other Information to Understand Prevalence

VA primarily tracks potential discrimination and harassment through use of data submitted to its EEO and anti-harassment programs. An average of about 75 to 80 percent of all informal and formal complaints between fiscal years 2016 and 2021 included a claim of discrimination based on race. While these data are helpful in assessing trends in reports of potential discrimination, other potential discriminatory and other negative workplace behaviors may go unreported. VA has other efforts underway to collect information on employee experiences with perceived discriminatory behaviors, including surveys and focus groups. Other entities, such as the Merit Systems Protection Board, also collect information on perceived experiences of discrimination and workplace climate. VA has a goal to assemble key diversity, equity, inclusion and accessibility data using a dashboard. However, it has not begun analyzing these data and does not have a documented plan for what data to analyze, what analyses to conduct, and timeframes for completion of the dashboard.

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## VA Uses Complaint Data to Track Alleged Discrimination and Harassment

VA uses data on complaints made through official channels—either VA’s EEO program or Harassment Prevention Program—to track alleged discrimination and harassment against VA employees. According to an EEOC report, in fiscal year 2020, the percentage of VA employees who filed a complaint (0.63 percent) was higher than the average across cabinet-level agencies who reported to EEOC (0.35 percent).<sup>58</sup> According to our analysis of VA’s complaint data, the number of EEO complaints filed at VA fluctuated from fiscal year 2016 to fiscal year 2021 and ranged from a low of about 4,800 in FY2017 to a high of about 5,600 in FY2018.<sup>59</sup> The most prevalent basis for complaints of discrimination at VA

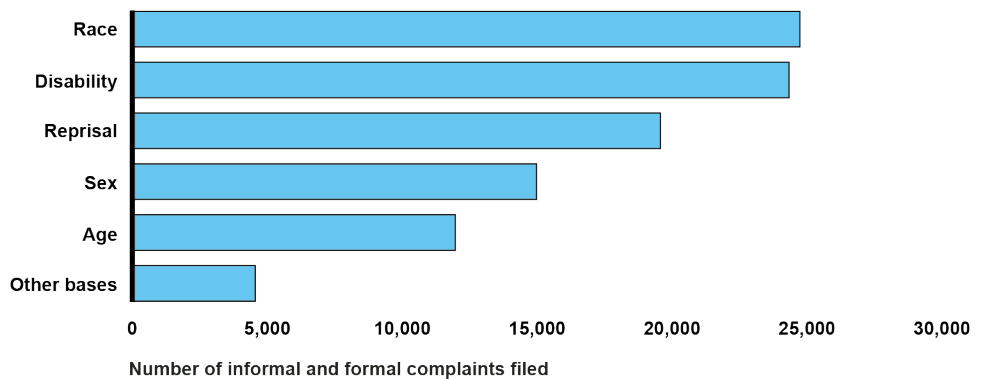
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<sup>58</sup>Fiscal Year 2020 is the most recently available annual report from EEOC. Equal Employment Opportunity Commission, *Annual Report on the Federal Workforce Fiscal Year 2020* (Washington, D.C.: 2023), app. Table B-1. One of the 15 cabinet-level agencies, the Department of Defense, did not file a report.

<sup>59</sup>These numbers include both informal and formal EEO complaints. We included informal complaints in our calculations to obtain a broad picture of employee experiences that they feel may be discriminatory. Formal complaints based on race also fluctuated between fiscal years 2016 and 2021, from a low of about 2,500 in fiscal year 2021 to a high of about 2,900 complaints in fiscal year 2020. The EEO complaint process consists of two stages: informal (the “pre-complaint processing stage”) and formal. When individuals believe that they have experienced discrimination, they first contact an EEO counselor, which begins the informal stage. The goal of the informal stage is to resolve disputes through EEO counseling or alternative dispute resolution. If no resolution is reached during the informal stage, the complainant may decide to proceed to the formal stage by filing a formal complaint. This data analysis does not indicate whether the EEO process resulted in a finding of discrimination.

during this same time period was that of race, followed closely by disability.<sup>60</sup> (See fig. 10.)

**Figure 10: Number of Informal and Formal Equal Employment Opportunity (EEO) Complaints Filed at the Department of Veterans Affairs (VA), Fiscal Years 2016–2021, by Basis**



Source: GAO analysis of VA EEO complaint data. | GAO-23-105429

Notes: This figure includes informal and formal complaints. We included within the “Race” category claims based on color and national origin because these are often related to race. The “Other Bases” category includes complaints based on genetic information, religion, and parental status and pregnancy. Complaints can be associated with multiple bases. Employees may file multiple complaints. This analysis does not indicate whether the EEO process resulted in a finding of discrimination.

Complaints may include a claim of discrimination based on more than one protected class or basis. Between fiscal years 2016 and 2021, our analysis found that an average of about 75 to 85 percent of VA informal and formal discrimination complaints each year included a basis of race. For each fiscal year, more complaints based on race asserted the discrimination occurred because the complainant was Black than any other racial category.<sup>61</sup> VA data indicate that between fiscal years 2016–2020, the proportion of complaints with a basis of race that resulted in a

<sup>60</sup>Federal law protects federal employees against employment discrimination on the basis of race, color, sex (includes pregnancy, gender identity, and sexual orientation), religion, national origin, age (40 and over), disability, genetic information, or in retaliation for having participated in activity protected by the various civil rights statutes.

<sup>61</sup>This percentage is comprised of complaints that include a basis of race and was not limited to the complaints whose only basis was that of race.

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finding of discrimination ranged from under 0.45 percent in 2020 to 1.2 percent in 2018.<sup>62</sup>

Employees may also report harassment, or unwelcome conduct from managers, co-workers and others based on race, among other things, using VA's Harassment Prevention Program.<sup>63</sup> From fiscal year 2016 to 2021, VA reports show that Harassment Prevention Program cases ranged from a low of about 220 in fiscal year 2016 to a high of over 840 in fiscal year 2018. VA data also indicates that between fiscal years 2016 and 2021, an average of about 13 percent (a total of 463 cases) filed with the Harassment Prevention Program alleged harassment on the basis of race. Over this same period, 53 of the cases alleging harassment with a basis of race (or about 11.4 percent) were substantiated, meaning that harassment was found to have occurred.<sup>64</sup>

VA made periodic efforts to use its complaint data to identify themes or high complaint activity by VA facility. Specifically, officials from all three VA administrations described informal efforts to review reports on EEO complaint data to determine trends in activity, including facilities which may be experiencing high volumes of activity. For example, a VBA official stated that as a rule of thumb, if a facility has three or more complaints per year, they would reach out to staff at the VBA district level to determine the cause. Officials have used information on trends in

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<sup>62</sup>The number of complaints with findings of discrimination were lower in 2021, which may be because complaint processing is ongoing for some cases.

<sup>63</sup>Under VA's Harassment Prevention Program policy, harassment includes unwelcome conduct that is based on race, color, religion, sex (including gender identity, transgender status, sexual orientation and pregnancy), national origin, age, disability or genetic information. According to the policy, harassment becomes unlawful when enduring the offensive conduct becomes a condition of continued employment or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive. Under the policy, offensive conduct may include offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures and interference with work performance. The policy states that the conduct it covers is broader than the legal definition of unlawful harassment. VA prohibits employees from engaging in harassing conduct for any reason regardless of whether the conduct was related to one or more of the legally protected bases. See VA Directive 5979, *Harassment Prevention Policy*, (Washington, D.C.: Dec. 8, 2020).

<sup>64</sup>VA officials explained that its data captures whether an allegation was substantiated but not the basis on which it was substantiated. As such, a case with allegations of harassment based on race may be substantiated on a basis other than race, such as gender or age.



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complaints to increase oversight or to guide training efforts, as needed. For example, VHA officials stated that when they observe a high volume of complaints at a facility, they will conduct training and other efforts with the facility to help prevent behavior that may lead to complaints.<sup>65</sup> Regarding complaints of harassment, Harassment Prevention Program officials stated they monitor trends within VA's administrations, such as whether facilities are experiencing an uptick in harassment complaints. Harassment Prevention Program staff work through the program's regional-level personnel to address trends, such as through training.

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### VA and Others Collect Information on Perceived Discriminatory Behaviors, but VA Has Not Analyzed Available Information

Although complaint data is helpful in understanding trends related to employee perceived experiences of discrimination, we found that these data may not provide a full sense of the potential magnitude of these experiences at VA. For example, complaints may not be a good estimate of perceived experiences of discrimination. Representatives from three of VA's five national unions said that due to concerns about retaliation, VA employees often do not feel comfortable coming forward with a complaint of discrimination.

VA has increased its data collection efforts to better understand the workplace climate as it relates to perceived discrimination. Such efforts include:

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<sup>65</sup>The threshold for what constitutes a high volume of complaints varies. For example, VHA may identify facilities with high complaint volume based on comparing facilities within a VISN (i.e., network of medical centers) or across VHA.

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**2022 VA All Employee Survey Items on Diversity and Inclusion**

- I have experienced discrimination in my workgroup in the past year.
- Diverse perspectives are included in decision making.
- I feel comfortable being myself at work (all aspects of your physical, cultural, spiritual or emotional self).
- I have the same opportunity to advance my career as my peers in similar roles.

Source: Department of Veterans Affairs (VA) 2022 All Employee Survey documents. | GAO-23-105429

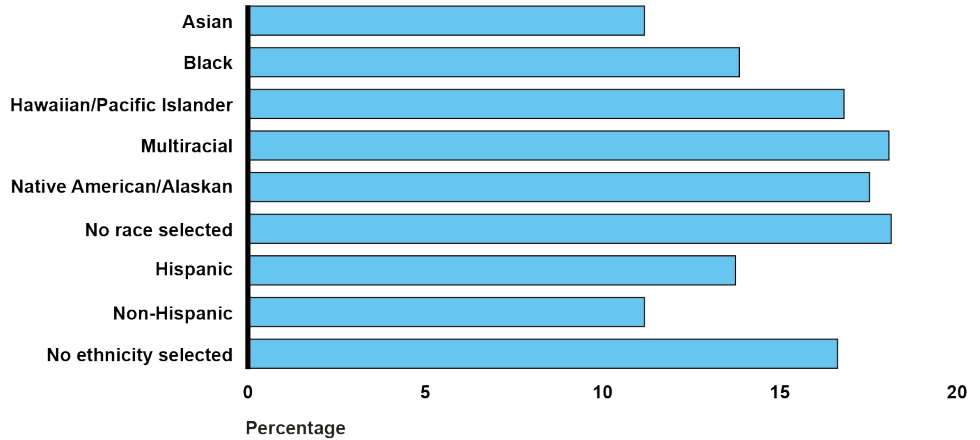
**VA All Employee Survey.** About 12 percent of VA respondents to the 2022 All Employee Survey indicated that they had experienced discrimination in their workgroup in the past year.<sup>66</sup> The proportion of employees varied by race and ethnic group. For example, more multiracial respondents (18.1 percent) reported they experienced discrimination than any other racial or ethnic group, followed by Native American/Alaskan (17.5 percent) and Hawaiian/Pacific Islander employees (16.8 percent). (See fig. 11.) About 13.9 percent of Black respondents reported experiencing discrimination, similar to Hispanic respondents (about 13.8 percent). White and Asian respondents reported experiencing discrimination less than the other racial groups (9.7 and 11.2 percent, respectively).<sup>67</sup>

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<sup>66</sup>The survey question asked for a yes or no response to the statement, “I have experienced discrimination in my workgroup in the past year.” The question did not provide a definition of discrimination. According to VA officials, this survey question does not distinguish between discrimination by other VA employees and discrimination by non-VA persons, such as patients or customers. We included employee responses to this question because it is informative about the workplace climate for VA employees regardless of the source of the alleged discrimination. Employee responses to this survey do not indicate whether unlawful discrimination has occurred. VA has a stated goal to have an inclusive work environment free from all discrimination, retribution and harassment, and all employees feel safe and empowered to be their authentic selves; see Department of Veterans Affairs, *Inclusion, Diversity, Equity and Access Strategic Plan* (Washington, D.C.: Mar. 2022), goal 1.

<sup>67</sup>These percentages are based solely on the recorded responses to the 2022 All Employee survey and some respondents left this question blank (0.01 percent). The reported response rate for the 2022 All Employee survey was 71.1 percent. No non-response adjustments were made or weights provided for use in analysis. As a result, while the responses represent a large portion of the VA employee population, the results are only representative of those that responded to the survey.

**Figure 11: Percentage of Department of Veterans Affairs (VA) Respondents to 2022 VA All Employee Survey Who Said That They Experienced Discrimination in Their Workgroup in the Past Year, by Race and Ethnicity**



Source: GAO analysis of 2022 VA All-Employee Survey data. | GAO-23-105429

Note: The figure presents the race and ethnicity category options respondents may select on the VA All Employee Survey. The survey question did not include a definition of discrimination. 71.1 percent of VA employees responded to the survey. These percentages are based solely on the recorded responses to the 2022 All Employee survey and some respondents left this question blank (0.01 percent). No non-response adjustments were made or weights provided for use in analysis. As a result, while the responses represent a large portion of the VA employee population, the results are only representative of those who responded to the survey.

**Employee Exit Surveys.** VA’s exit survey data shows employees who planned to voluntarily leave VA have also reported being affected by experiences of perceived discrimination. Specifically, in 2021, 3 percent of departing employees who participated in the survey indicated that discrimination or harassment based on a protected group and other related issues was a factor in their decision to leave VA.<sup>68</sup>

<sup>68</sup>Other issues are retaliation, sexual harassment, lack of reasonable accommodation, or unethical behavior. Respondents were asked about the most important reasons for leaving VA. One response option was “experienced or observed discrimination or harassment based on race, national origin, religion, color, gender, age, sexual orientation, disability, or other protected groups during your employment with VA.” The survey did not define discrimination or harassment. The survey’s response rate varied between 21 and 25 percent through fiscal year 2021, and VA reported that it is taking steps to increase participation in the exit survey, which is voluntary.

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**Other VA Data Collection.** The Veterans Experience Office has also conducted the Identity Insights project, in partnership with ORMDI.<sup>69</sup> This project included interviews and focus groups of employees of various demographic groups to help identify insights into pain points, needs, and challenges to creating a more inclusive employee experience. The data collected assessed how employees across a variety of racial, ethnic, generational, and other groups feel a sense of belonging throughout their career journey with VA, according to officials. Across all groups or identities in the focus groups, two themes were cited by five or more groups as a top concern or pain point attributed to that group: (1) feeling like an outsider due to identity; and (2) lack of representation in agency leadership. The study identified other pain points, including supervisor or superior making inappropriate comments about identity, and identity being explicitly perceived as an impediment to career advancement. In addition, in September 2021, VA's Veterans Experience Office established a group that will help assess the employee experience. The group conducted the first quarterly employee pulse survey in December 2022, according to a VA official. One indicator tracked through this survey is belonging, to assess inclusion in VA's workforce.

**Data Collection by Other Entities.** Other entities have relevant data that can shed light on VA's workplace climate. The 2021 Merit Principles Survey, conducted by the Merit Systems Protection Board (MSPB), indicates a higher proportion of employee-identified experiences of discrimination when compared with the EEO complaint activity observed within VA.<sup>70</sup> MSPB periodically surveys federal employees to assess how well agencies avoid prohibited personnel practices, including

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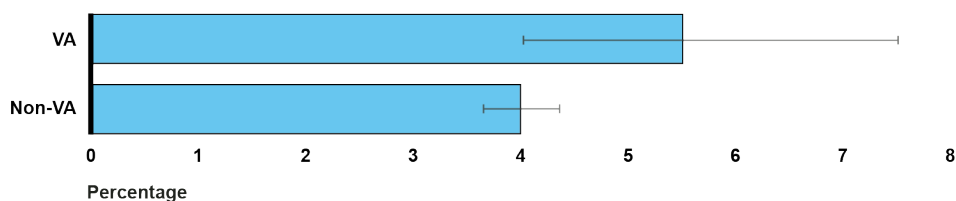
<sup>69</sup>VA's Identity Insights project defines identity as individuals from eight groups that have either been historically underrepresented and/or faced discrimination and bias in the workplace, specifically: American Indian and Alaska Native; Asian American and Pacific Islander; Black/African American; Hispanic; individuals born between 1946 and 1964; individuals with disabilities; lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ+); and women.

<sup>70</sup>MSPB is an agency that, among other activities, conducts special studies to assess whether the federal personnel system adequately ensures that the executive branch civil service is free from prohibited personnel practices. The MSPB survey included a question asking whether in the prior two years, federal employees had experienced discrimination based on race or other protected classes. The survey did not define discrimination; such behaviors may or may not be unlawful, depending on the circumstances. See app. I for additional information about the survey.

discrimination on the basis of race.<sup>71</sup> Our analysis of the MSPB 2021 Merit Principles Survey estimated that:

- The most frequent bases of discrimination employees reported were race (an estimated 5.5 percent), disabling condition (an estimated 4.9 percent), and age (an estimated 4.0 percent).<sup>72</sup>
- An estimated 4.0 percent of employees from all other agencies said they were personally affected by discrimination based on race in the past 2 years. But the difference between non-VA and VA employees was not statistically significant. (See fig. 12.)

**Figure 12: Estimated Percentage of Department of Veterans Affairs (VA) and Non-VA Federal Employees Responding to the 2021 Merit Principles Survey Who Said Discrimination Based on Race Occurred in Their Workgroup and They Were Personally Affected by It in the Last 2 Years**



Source: GAO analysis of Merit Systems Protection Board 2021 Merit Principles Survey. | GAO-23-105429

Note: Brackets contain 95 percent confidence intervals. The survey item did not define the term discrimination.

- Compared to their non-VA counterparts, White women employed at VA and men employed at VA of all other racial and ethnic groups combined were more likely to have said they were personally affected by a prohibited personnel practice.<sup>73</sup> White men employed at VA and

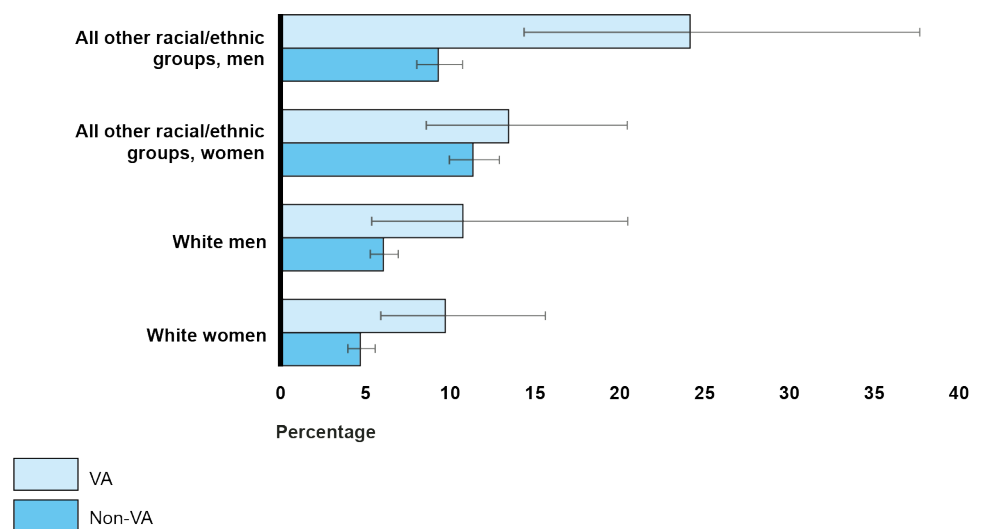
<sup>71</sup>Prohibited personnel practices are employment-related activities that are banned in the federal workforce and violate federal merit principles through some form of employment discrimination, retaliation, or improper hiring practices, for example.

<sup>72</sup>The 95 percent confidence interval for the 5.5 estimate is 4.0 to 7.5. The 95 percent confidence interval for the 4.9 estimate is 3.4 to 7.0. The 95 percent confidence interval for the 4.0 estimate is 2.7 to 5.9.

<sup>73</sup>“All other racial and ethnic groups” includes all employees who did not identify as White and/or identified as being Hispanic, American Indian, Asian, Black, or Native Hawaiian/Pacific Islander. Among VA employees, the estimated percentages of White employees who said they were personally affected by at least one prohibited personnel practice was not different statistically from the estimated percentage among all other racial and ethnic groups. The MSPB survey asked whether respondents had experienced or observed certain behaviors in the preceding 2 years. According to MSPB, the survey questions describe behaviors known as prohibited personnel practices.

women employed at VA of all other racial and ethnic groups did not differ significantly from their non-VA counterparts. (See fig. 13.)

**Figure 13: Estimated Percentage of Department of Veterans Affairs (VA) and Non-VA Federal Employees Responding to the 2021 Merit Principles Survey Who Said They Were Personally Affected by At Least One Prohibited Personnel Practice in the Last 2 Years**



Source: GAO analysis of Merit Systems Protection Board 2021 Merit Principles Survey. | GAO-23-105429

Note: Brackets contain 95 percent confidence intervals. “All other racial and ethnic groups” includes all employees who did not identify as White and/or identified as being Hispanic, American Indian, Asian, Black, or Native Hawaiian/Pacific Islander. The MSPB survey was most recently administered in 2021 and asked whether respondents had experienced or observed certain behaviors in the preceding 2 years. According to MSPB, the survey questions describe behaviors known as prohibited personnel practices, which specify that agency officials may not discriminate, obstruct an employment competition, engage in nepotism, or retaliate against an employee or applicant for whistleblowing, among other things.

Further, a recent study issued by MSPB assessed agency experiences with prohibited personnel practices. According to its analysis of 2021 survey data, VA had the third-highest proportion of respondents indicating they had experienced or witnessed a prohibited personnel practice at their workplace in the past two years.<sup>74</sup>

Stakeholders we spoke with described analyses that would be helpful for assessing and addressing workplace climate issues. For example,

<sup>74</sup>Merit Systems Protection Board, *Perceptions of Prohibited Personnel Practices: An Update* (Washington, D.C.: Feb. 2023). The MSPB survey asked whether respondents had experienced or observed certain behaviors in the preceding 2 years. According to MSPB, the survey questions describe behaviors known as prohibited personnel practices.

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representatives from two of VA's unions and participants in one discussion group told us that there are differences in representation of racial and ethnic groups at facilities and in facility leadership, which can affect workplace climate. The discussion group attendees and representatives from one union suggested that it would be helpful to review facility-level data to obtain a full picture of VA's representation and climate. In addition, VA officials from two offices as well as representatives from a VA union indicated that further analysis of trends in discrimination complaints, especially findings, would help to identify areas where VA could employ additional strategies to prevent discrimination.

VA has not fully analyzed available data for use in addressing the workplace climate with respect to race and discriminatory behaviors. For example, although the diversity and inclusion questions have been included in the All Employee Survey for 2 years, ORMDI officials did not identify any instances where it had analyzed this survey data to identify agency-wide trends.<sup>75</sup> VA's 2021 Inclusion, Diversity, Equity, and Access (I-DEA) Action Plan states that VA intends to develop a dashboard of key diversity, equity, inclusion, and accessibility measures.<sup>76</sup> According to the Action Plan, the dashboard is to increase senior leadership accountability. However, the agency has no documented plans on what data or measures will be tracked in this dashboard.

Further, VA has not determined whether the I-DEA dashboard will be used to analyze trends at the facility level. A VA official told us that several offices are working on compiling various data sources, such as complaint data and internal survey data, so that it is usable by managers throughout VA. However, VA reported that it does not have timeframes for when the I-DEA dashboard will be ready for use, and the agency has not determined how it will be used to analyze trends. EEOC guidance and VA policy call for the agency to use a variety of data sources, including

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<sup>75</sup>According to the program handbook, All Employee Survey (AES) results are used as part of its Technical Assistance Reviews, which are to be conducted annually at selected VA facilities. A total of 10 such reviews were conducted in fiscal year 2022. In addition, officials stated that VA makes AES results—including the results of the diversity and inclusion questions—available in data dashboards, such as one for VA Executives. Officials noted that employees have access to AES data and these and other AES measures through VA's open data site, <https://data.va.gov>.

<sup>76</sup>Department of Veterans Affairs, *Inclusion, Diversity, Equity, & Access (I-DEA) Action Plan* (Washington, D.C.: Sept. 2021).

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survey data, exit surveys, focus groups, and EEO complaint data in assessing its workplace and monitoring its progress toward equal employment opportunity.<sup>77</sup> Federal internal control standards state that agencies should implement control activities through policies, and use quality information to achieve objectives. Until VA finalizes the I-DEA dashboard, and plans how it will use internal and other data on perceived experiences of discrimination to analyze trends, the agency is not best positioned to identify and address trends in potential discrimination agency-wide or at facilities.

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## EEO Program Misalignment, Potential Risks to Independence, and a Lack of Strategic, Proactive Efforts Hinder VA's Actions to Prevent and Address Discrimination

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<sup>77</sup>VA's EEO handbook states that "VA Staff Offices and Staff Organizations and VA Administrations must also analyze complaints data, conversations with EEO and HR staffs, anecdotes from unions and affinity groups, employees and managers, results of surveys, focus groups, exit interviews, and reports by outside organizations to identify triggers. Reliance solely on workforce statistics will not suffice." See VA Handbook 5975.3, *EEO Planning and Barrier Analysis*, Washington, D.C.: October 21, 2014. Instructions for EEOC Management Directive 715 section 1 call for the agency to conduct a reasonable assessment to monitor progress toward achieving equal employment opportunity, including regularly using a variety of information to investigate whether triggers exist: workforce data, complaint/grievance data, exit surveys, employee climate surveys, focus groups, affinity groups, unions, program evaluations, special emphasis programs, and/or external special interest groups. Further, MSPB's 2023 report recommended that agencies' Chief Human Capital Officers review their Merit Principles Survey data to identify issues and use that knowledge to inform other data-gathering methods, such as questions to place on internal surveys or exit surveys, or which HR metrics to track. See Merit Systems Protection Board, *Perceptions of Prohibited Personnel Practices: An Update* (Washington, D.C.: Feb. 2023).



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## Misalignment of EEO Program, Potential Risks to Independence, and Challenges Overseeing Efforts to Address Findings of Discrimination Erode Employees' Trust in VA's Efforts

We found that VA's EEO program continues to be misaligned because VA's EEO Director oversees both its personnel and EEO functions. According to EEOC officials, this does not adhere to federal directives and laws, including the recently enacted Consolidated Appropriations Act, 2023. In addition, VA may not be best positioned to respond to the potential for risks to the independence of the agency's EEO program, such as having many of its EEO Program Managers report to facility leadership rather than the EEO office. Finally, VA faces challenges overseeing efforts to timely implement the terms of final decisions in cases with findings of discrimination, which may hinder the agency's ability to address discriminatory behaviors within its workforce.

**Misalignment of EEO Program.** VA has policies that govern how it handles employment discrimination and harassment complaints. However, the structure of VA's EEO program is misaligned, which presents challenges to maintaining the integrity of its EEO processes. As we previously reported, the VA EEO Director position does not adhere to EEOC's Management Directive 110.<sup>78</sup> This directive states that the agency official responsible for executing and advising on personnel actions may not also be responsible for managing, advising, or overseeing the EEO complaint process.<sup>79</sup> However, VA has designated the Assistant Secretary for Human Resources and Administration/Operations, Security, and Preparedness as its EEO Director.<sup>80</sup> The EEO Director oversees both VA's personnel and EEO functions.<sup>81</sup> (See fig. 14.)

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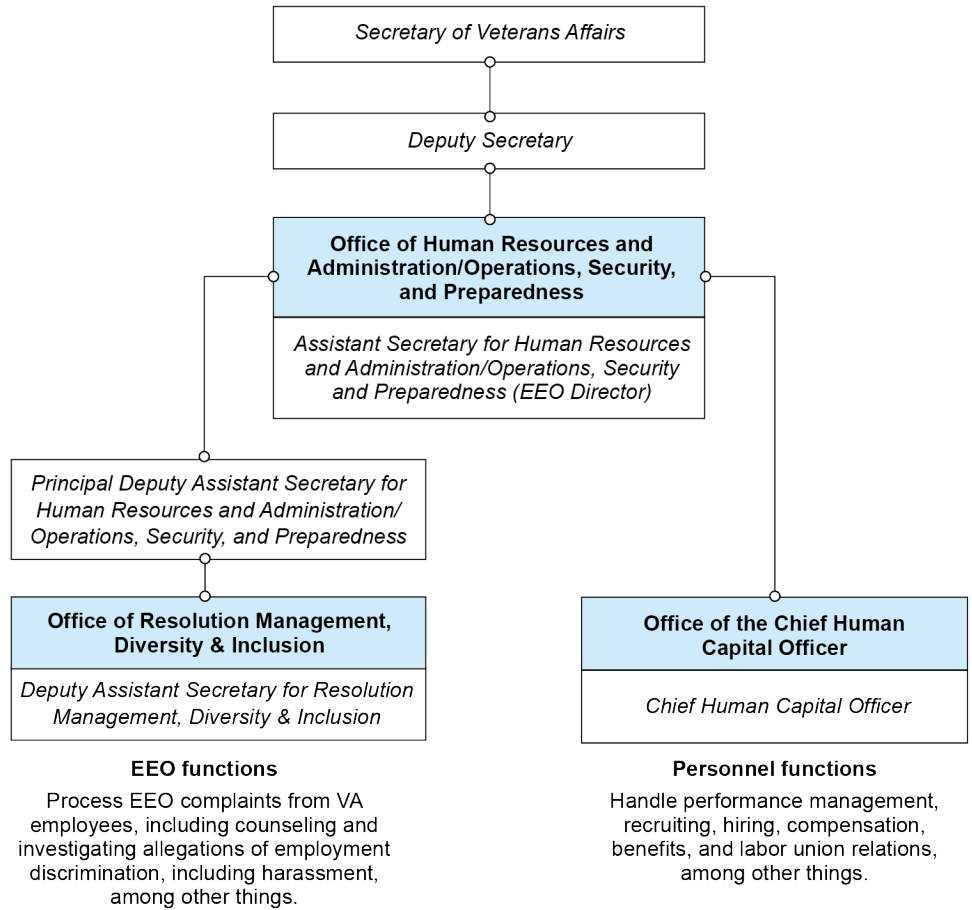
<sup>78</sup>GAO-20-387.

<sup>79</sup>EEOC Management Directive 110, Chapter 1(IV)(A).

<sup>80</sup>According to VA officials, the Assistant Secretary for Human Resources and Administration/Operations, Security, and Preparedness develops policy, guidance, oversight, and technical assistance in the areas of human capital management, workforce development and training, labor relations and bargaining, and workforce planning and position management, among others.

<sup>81</sup>VA's EEO Director, the Assistant Secretary for Human Resources and Administration/Operations, Security, and Preparedness, oversees ORMDI, which manages VA's EEO program and employment discrimination complaint process, and OCHCO, which deals with many different personnel functions, including performance management, recruiting, and compensation.

**Figure 14: Reporting Structure of Department of Veterans Affairs (VA) Equal Employment Opportunity (EEO) and Human Capital Programs**



Source: GAO analysis of VA information. | GAO-23-105429

According to Management Directive 110, because the EEO processes often scrutinize and challenge the motivations and impacts of personnel actions and decisions, they must be kept separate from personnel functions to maintain their integrity and ensure they are carried out in an impartial manner. Having an agency’s EEO Director be in charge of both general oversight of EEO complaint processes and personnel actions can create, at a minimum, the appearance of a conflict of interest and erode employees’ trust that EEO complaints will be handled appropriately.

In our 2020 report, we recommended that VA realign its EEO Director position to adhere to the applicable EEOC directive by ensuring the

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position is not responsible for personnel functions.<sup>82</sup> Further, in a July 2020 assessment of how VA's EEO program adheres to its directives, EEOC found that the structure of VA's EEO program is inconsistent with EEOC regulations and creates a conflict of interest by allowing the same official to oversee both the agency's EEO and personnel functions.<sup>83</sup> Because it views VA's EEO program structure as presenting a conflict of interest, EEOC raised concerns about how this structure could make VA employees less confident in and less likely to use the EEO complaint process.

VA has not taken any action to address our 2020 recommendation to realign its EEO Director position.<sup>84</sup> Since our 2020 report was issued, the Consolidated Appropriations Act, 2023 was enacted in December 2022. This law requires that within 90 days of enactment, the Secretary of VA is to ensure that the agency's EEO Director does not also serve in a position that has responsibility over personnel functions of the agency.<sup>85</sup> According to EEOC officials, VA's current EEO structure is embedded with its personnel functions, and they said that in order to comply with the Consolidated Appropriations Act, 2023, VA would need to untangle its EEO and personnel functions and create a self-contained EEO office. In

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<sup>82</sup>GAO-20-387. In May 2021, we added this recommendation to our list of priority open recommendations for VA, and it remains a priority in the May 2023 priority recommendation letter. GAO, *Priority Open Recommendations: Department of Veterans Affairs*, GAO-21-469PR (Washington, D.C.: May 10, 2021) and GAO, *Priority Open Recommendations: Department of Veterans Affairs*, GAO-23-106465 (Washington, D.C.: May 23, 2023).

<sup>83</sup>EEOC may conduct evaluations of federal agency EEO programs to ensure compliance with its Management Directive 715, other policy guidance issued by EEOC, and the statutes and regulations that EEOC enforces. In March 2020, EEOC met with VA to review the status of its compliance with federal EEO laws, regulations, and directives. In July 2020, EEOC sent a letter to VA summarizing its findings concerning VA's compliance with federal EEO laws, regulations, and directives.

<sup>84</sup>VA did not originally agree with our recommendation and reiterated that the EEO Director is not involved in the daily management, advising, or oversight of the EEO complaint process. Updates that VA provided to GAO on this recommendation have varied. For example, in August 2021, VA officials said that the agency concurred with our recommendation and described efforts to review the placement of ORMDI, whose head reports to the EEO Director, within VA's structure. In July 2022, VA officials said that while they had been exploring it, the agency no longer concurred with the recommendation, and no realignment was planned. We will continue to monitor VA's efforts to implement our recommendation.

<sup>85</sup>Pub. L. No. 117-328, div. U, tit. IV, § 402(a), 136 Stat. 4459, 5484. This requirement in the Consolidated Appropriations Act, 2023 pertains specifically to VA's EEO structure, not that of all federal agencies.

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July 2023, VA officials said that the agency is in the process of assessing what actions it needs to take to ensure full compliance with the Consolidated Appropriations Act, 2023.<sup>86</sup>

Until VA realigns its EEO Director position so that it is not responsible for personnel functions, as we recommended in 2020, VA's EEO organizational structure risks compromising the integrity of the agency's EEO processes and can dampen employees' confidence in the EEO complaint process to address their concerns in a fair and impartial manner. Thus, we continue to believe that VA should realign its EEO Director position to ensure it is not responsible for personnel functions.

**Potential Risks to the Independence of the EEO Program.** Several components of VA's EEO program are structured in a manner that can create risks to independence and hinder the agency's ability to prevent and address discrimination.<sup>87</sup> For example,

- **EEO Program Managers:** VHA's EEO Program Managers report to the medical center directors in charge of their local facilities, rather than ORMDI. Participants in two of our four EEO Program Manager discussion groups noted that it can be a challenge to maintain the appearance of neutrality with employees when the EEO Program Managers report to facility leadership.<sup>88</sup> Specifically, because VHA EEO officials report to facility medical center directors, employees may perceive them to be working with management. Participants in these two EEO Program Manager discussion groups also raised concerns that facility leadership may exert influence over EEO Program Managers, making it difficult for these EEO staff to remain

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<sup>86</sup>We will continue to monitor VA's efforts to implement the requirements in the Consolidated Appropriations Act, 2023 related to the structure of VA's EEO program.

<sup>87</sup>EEOC Management Directive 715 provides guidance and standards for federal agencies to maintain a model EEO program, which include issuing a policy statement expressing commitment to a workplace free of discriminatory harassment and establishing procedures to prevent all forms of discrimination, including harassment. According to an EEOC report on federal agencies' anti-harassment programs, agencies should establish an anti-harassment policy and complaint procedure in order to establish a model EEO program.

<sup>88</sup>The results from our discussion groups are not generalizable and represent the attitudes and experiences of those EEO Program Managers and first-line supervisors who participated in these discussions. We held these discussion groups to gather employee perspectives on aspects of the EEO program at their facilities and the EEO complaint process that work well and those that did not, among other things.

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independent. Additionally, representatives from four of VA's five national unions and one employee affinity organization expressed concerns that employees do not have confidence in the EEO program at their local facilities and do not trust their EEO Program Managers to act as neutral parties, given that they report to facility leadership.

In our 2020 report on sexual harassment at VA, we recommended that VA complete its EEO Program Manager realignment initiative at VBA and VHA in accordance with VA policy.<sup>89</sup> VA agreed with this recommendation, and has taken some steps to realign VBA's EEO Program Managers. As of February 2023, VA officials said that VBA had realigned its EEO Program Managers at facilities with more than 600 employees under ORMDI and planned to complete the realignment of its remaining EEO Program Managers. However, as of May 2023, VA has not yet realigned VHA's EEO Program Managers under ORMDI. According to VA officials in February 2023, the agency planned to realign VHA's EEO Program Managers in fiscal year 2024.<sup>90</sup>

The Consolidated Appropriations Act, 2023, included a requirement for the Secretary of VA to ensure that no later than one year after its enactment, each EEO Program Manager at the facility level reports to the head of the Office of Resolution Management, or such successor office, with respect to their EEO functions.<sup>91</sup> In February 2023, VA

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<sup>89</sup>[GAO-20-387](#). Prior to this report, NCA completed its EEO Program Manager realignment in fiscal year 2017, and, as of February 2023, VBA had realigned most of its EEO Program Managers to report to VA's EEO office. However, VA has been inconsistent in its responses to our inquiries on the agency's plans to realign VHA EEO Program Managers. VA initially stated, in 2020, that it would develop a plan for the realignment of the VHA EEO Program Managers that would be contingent upon the availability of funds. The agency also noted that the realignment of VHA EEO Program Managers would take longer than for the other two administrations, due to VHA's organizational complexity and size. VA indicated in January 2021 that a plan was being developed to address the realignment of VHA EEO Program Managers, but in April 2022, VA stated that the agency did not have plans for the realignment for VHA EEO Program Managers. In February 2023, VA stated that it plans to realign VHA EEO Program Managers under ORMDI in fiscal year 2024. As of May 2023, this recommendation remains open. In May 2021, we added this recommendation to our list of priority open recommendations for VA, and it remains a priority in the May 2023 priority recommendation letter. [GAO-21-469PR](#) and [GAO-23-106465](#).

<sup>90</sup>In February 2023, VA officials stated that this alignment could occur following the enactment of fiscal year 2024 appropriations.

<sup>91</sup>In 2019, the Office of Diversity and Inclusion was realigned under the Office of Resolution Management. After this realignment, the office was then renamed the Office of Resolution Management, Diversity & Inclusion (ORMDI).

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officials said that pending Congressional approval of the appropriations needed to facilitate this realignment, the agency plans to ensure that all EEO Program Managers at the facility level report to the ORMDI District Managers, two levels below the head of ORMDI, as soon as possible and no later than December 29, 2023.<sup>92</sup> Until the agency completes this realignment, VA's EEO Program Managers will continue to be misaligned and risk creating real or perceived conflicts of interest. We continue to believe that VA should realign its EEO Program Managers under ORMDI to prevent real or perceived risks to the independence of the agency's EEO program.

- **Harassment Prevention Program:** The Harassment Prevention Program has broad guidance for ensuring that bias is not introduced in fact-finding investigations. Participants in three of our discussion groups with EEO Program Managers and one discussion group with supervisors raised concerns about how the fact-finding investigations can play out at facilities. For example, a participant in one group noted that the employees selected to conduct fact-findings may be concerned about their own career advancement within the facility, and thus are more likely to avoid concluding that harassment occurred. Participants in another discussion group noted that some managers' processes for selecting fact-finders can raise concerns about the objectivity of the investigation. Additionally, participants in two of the EEO Program Manager discussion groups called for a process where fact-finders remain neutral and unbiased either by being selected from a cadre of independent fact-finders or from a department outside of the accused employee's. According to VA officials, the Harassment Prevention Program established a cadre of employees, which began operating in August 2022, who can conduct fact-findings for cases involving allegations of harassment.

The Harassment Prevention Program Handbook establishes the process for handling harassment allegations at VA. It notes that within three business days of receiving an allegation of harassment, the management official assigned to the allegation selects an employee to conduct a Harassment Prevention Program fact-finding investigation. Once the investigation is complete, the fact-finder will submit a final report to the management official, who reviews it and determines what, if any, corrective measures are warranted. The Harassment

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<sup>92</sup>VA has requested funding in its fiscal year 2024 appropriations request to realign VHA's full-time EEO Program Managers under ORMDI. Agency officials said that VA needs the requested funding before it can realign these positions under ORMDI.

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Prevention Program Handbook includes broad guidelines for which employees the management official may select to conduct fact-findings. The handbook does not lay out a process for how to select among these eligible employees to ensure they are able to conduct a fact-finding in an independent manner.<sup>93</sup>

EEOC guidance notes that, at a minimum, an anti-harassment complaint process should provide a prompt, thorough, and impartial investigation.<sup>94</sup> Additionally, an EEOC report on promising practices for preventing harassment in the federal sector outlines the components of an effective anti-harassment program, which includes agencies ensuring that investigations are not conducted by individuals who have a conflict of interest or bias in the matter. VA's guidance for selecting fact-finders may not ensure that employees without bias conduct these investigations, which can hinder the agency's ability to carry out independent investigations.

- **Alternative Dispute Resolution Program:** VA moved its Alternative Dispute Resolution (ADR) program from ORMDI to VA's OCHCO in 2022.<sup>95</sup> Some VA officials we interviewed raised concerns about how this realignment may threaten the neutrality of the EEO ADR process and discourage employees from seeking resolution to EEO complaints through ADR. ADR provides employees the opportunity for an early, informal resolution of disputes and is used in both EEO and non-EEO matters. Participants in all four of our EEO Program Manager discussion groups said that the ADR process is often

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<sup>93</sup>The Harassment Prevention Program Handbook states that the employee conducting the fact-finding can be any supervisor, employee relations or human resources staff, Quality Assurance staff, privacy staff, Compliance Officer, or other subject matter expert, as determined by the individual responsible for initiating and coordinating the fact-finding. The handbook also notes that fact-finders should not be the facility coordinator for the Harassment Prevention Program and can be in the accused employee's reporting chain, as long as they are at or above the same grade level. It further directs employees to VA's handbook on administrative investigation boards and fact-findings for additional guidance. This handbook states that the decision to initiate a fact-finding cannot be made by an official likely to be a subject of the fact-finding or who has or appears to have bias. It also designates the official who initiated the fact-finding as responsible for ensuring that the fact-finder is free of such conflicts of interest.

<sup>94</sup>*Equal Employment Opportunity Commission, Enforcement Guidance: Vicarious Liability for Unlawful Harassment by Supervisors, Notice 915.002 (June 18, 1999).*

<sup>95</sup>Federal regulation requires that all agencies establish an EEO ADR program that is available to employees during the EEO complaint process. 29 C.F.R. § 1614.102(b)(2). Employees can utilize the ADR program during both the informal and formal stages of the EEO complaint process.

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effective in resolving issues during the informal EEO complaint process and can avoid employees filing formal EEO complaints.

There is disagreement within VA about the possible impacts of realigning the ADR program under OCHCO. According to the Chief Human Capital Officer, this realignment allows for a faster, less expensive resolution to employee disputes. On the other hand, a 2019 ORMDI report evaluating the proposal to realign the ADR program under OCHCO indicated that this realignment would present a conflict of interest. The report raised concerns that this potential conflict may generate employee distrust and reticence to use the ADR program to resolve EEO complaints. Some VA officials we interviewed also said that this alignment may discourage employees from using ADR because human capital personnel rather than a neutral party is mediating the conflict.

EEOC Management Directive 110 states that, in order to be effective, an EEO ADR proceeding must be neutral both in perception and reality.<sup>96</sup> According to EEOC officials, by locating its ADR program under its human capital office, an agency may run the risk of employees believing that the ADR program favors management. EEOC Management Directive 110 states that the personnel function of an agency, which is carried out by OCHCO at VA, must be kept separate from the EEO complaint process in order to carry out this process in an impartial manner.<sup>97</sup>

Federal internal control standards state that management should design control activities to achieve objectives and respond to risks.<sup>98</sup> VA has designed and structured components of its EEO program, including the Harassment Prevention Program, in ways that allow for real or perceived risks to the independence. According to VA officials, several teams within ORMDI set their own policies and no one office looks at how all EEO components work together. According to the head of ORMDI, he regularly reviews VA's EEO structure to see if any adjustments need to be made with a focus on growing staff and program responsibilities. However, there is disagreement within VA about whether some of its processes adequately guard against risks to the independence of the agency's EEO program. Without comprehensively assessing and addressing any

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<sup>96</sup>EEOC Management Directive 110, Chapter 3(II)(A)(2).

<sup>97</sup>EEOC Management Directive 110, Chapter 1(IV)(A).

<sup>98</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).



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potential risks to the independence of the agency's EEO program, VA may not be best positioned to ensure the integrity of its EEO program. Further, employees may be hesitant to come forward with complaints of discrimination because they no longer view the EEO program as independent.

**Challenges Overseeing Efforts to Address Findings of Discrimination.** VA officials said that implementing final decisions in cases where discrimination is found can take years. ORMDI's Office of Policy and Compliance works with local facilities to ensure managers implement the terms of final EEO decisions where there are findings of discrimination.<sup>99</sup> The terms of these final decisions can outline various forms of relief, including back pay, compensatory damages, and required training, and the terms can also include agency consideration of disciplinary action.<sup>100</sup> According to January 2023 VA data, the Office of Policy and Compliance was working with facilities to implement 24 final decisions that were made between 1 and 2 years prior. Additionally, VA had yet to determine whether to take action against eight managers for whom there were findings of discrimination in fiscal year 2020 and 23 managers for whom there were findings in fiscal year 2021.

Officials in the Office of Policy and Compliance said that implementation of the terms of the final decision depends on the responsiveness and receptiveness of facility leadership. They noted that each EEO complaint is unique and complex, and final decisions can have many different terms that the Office of Policy and Compliance monitors. Additionally, they noted that the Office of Policy and Compliance has limited resources and authority over VA facilities to ensure these decisions are implemented. VA policy designates an employee's manager as responsible for analyzing facts concerning possible disciplinary actions, and initiating

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<sup>99</sup>VA policy states that all VA officials are required to comply with the final agency decisions issued by VA's Office of Employment Discrimination Complaint Adjudication (OEDCA) or the appeal decisions issued by EEOC, including the timely implementation of any corrective action ordered. ORMDI's Office of Policy and Compliance monitors agency compliance with OEDCA and EEOC final decisions.

<sup>100</sup>In its Management Directive 110, EEOC strongly urges that agencies include consideration of disciplinary action in all agency orders on findings of intentional discrimination. Final decisions can include orders for agencies to consider taking some form of disciplinary action against the officials involved in the discriminatory act, but this does not mean that disciplinary action must be taken. According to VA policy, if disciplinary action is taken, VA must identify the individual and action taken in a report to the Office of Policy and Compliance. If disciplinary action is not taken, VA must provide the reason for its decision not to impose discipline in a report to the Office of Policy and Compliance.

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appropriate and timely disciplinary actions. However, managers' processes for doing so may vary. For example, VA officials said that managers can say they considered disciplinary action to fulfill the terms of the final decision without having gone through a thorough process to determine if discipline is necessary. VA officials noted that leadership at some facilities who continue to disagree with findings of discrimination pose challenges to complying with terms of the final decisions. Participants in one of our discussion groups with EEO Program Managers also described an environment at some local facilities where leadership may continue to fight allegations of discrimination after they have been substantiated and resist providing relief to employees.

VA developed an EEO performance standard for managers that established EEO criteria against which to evaluate managers' performance, including a requirement for managers to comply with orders issued by the agency and EEOC. According to VA officials, VA incorporated this performance standard into all supervisors' and managers' appraisal plans beginning in fiscal year 2022.<sup>101</sup> Implementing the EEO performance standard for supervisors and managers is a positive step towards assessing managers' efforts to address findings of discrimination and maintaining the integrity of VA's EEO program. However, it will take time to see how this performance standard impacts VA's ability to ensure the terms of final decisions are implemented in a timely manner.

VA employees have raised concerns about a lack of accountability for discriminatory behaviors, which may lead to diminished trust in the agency's EEO process. Several employees in our EEO and supervisor discussion groups, as well as union and affinity organization officials, expressed concern about the lack of accountability for discriminatory behaviors at VA.<sup>102</sup> A VA report on employees' experiences with the EEO process found that a lack of engagement by facility management can

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<sup>101</sup>According to VA officials, VHA incorporated this performance standard into all supervisors' and managers' appraisal plans beginning in fiscal year 2021.

<sup>102</sup>We held these interviews and discussion groups during fiscal year 2022. VA employees in one EEO and two supervisor discussion groups as well as representatives from four of VA's five national unions and two affinity organizations expressed concerns about a lack of accountability, whether real or perceived, for discriminatory and harassing behaviors at VA.

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impact the resolution of EEO complaints.<sup>103</sup> This report found that engagement may be limited due to facility management struggling to practice staff accountability, which may create a culture of mistrust.

EEOC Management Directive 715 states that agencies must ensure that management fully and timely complies with final EEOC orders for corrective action and relief in EEO matters.<sup>104</sup> VA has not fully assessed factors that cause some final decisions to take years to implement and how it can reduce time to implement these decisions. A VA official noted that ORMDI does not prioritize using data to improve processes, such as examining the time it takes to implement the terms of final decisions in cases where there are findings of discrimination. Office of Policy and Compliance officials also noted that staffing constraints prevent them from consistently monitoring the implementation of final decisions, including those that result in disciplinary actions. In addition, the Office of Policy and Compliance said that it does not have an enforcement mechanism and faces challenges getting other offices within VA to heed its advice. Without understanding the factors that affect the time it takes to implement final decisions and developing a plan to address them, VA will continue to face challenges overseeing efforts to address findings of discrimination, including ensuring that these final decisions are implemented in a timely manner.

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**VA Has Not  
Comprehensively  
Assessed its EEO  
Workforce Needs to Meet  
Programmatic Functions  
and Goals**

Some EEO office functions have limited staff, and ORMDI has not comprehensively assessed what workforce needs exist to carry out program functions and meet goals. In addition to processing EEO complaints, ORMDI oversees VA's efforts intended to prevent and address discriminatory behaviors, including Technical Assistance Reviews and Special Emphasis Programs. We found that VA officials and the staff who manage and implement the components of the agency's EEO program within ORMDI are not best positioned to do their work as effectively and efficiently as they would like. For example, VA has been unable to complete its goal for Technical Assistance Reviews, which assess the local EEO and Diversity & Inclusion programs at VA facilities that exhibit high EEO complaint activity, among other factors. In fiscal year 2018, Technical Assistance Reviews were suspended due to lack of

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<sup>103</sup>Department of Veterans Affairs, Veterans Experience Office, *The ORMDI EEO Resolution Management Process Experience* (Washington, D.C.: October 2020).

<sup>104</sup>EEOC Management Directive 715(II)(F). The instructions for Management Directive 715 section I also state that when there is a finding of discrimination that is not the subject of an appeal, the agency should ensure timely compliance with the orders of relief.

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resources. Since then, VA has restarted its Technical Assistance Reviews, increasing the number of reviews it performed from six in fiscal year 2019 to ten in fiscal year 2022, according to VA officials. However, at a rate of ten reviews per year, this is a small fraction of the 155 VBA and VHA facilities at which ORMDI may conduct Technical Assistance Reviews.<sup>105</sup> Conducting 10 or fewer reviews annually may make it challenging for VA to ensure regular and comprehensive oversight of facility EEO programs.

According to VA officials, the agency would like to increase the number of staff who work on Technical Assistance Reviews so that it can continue to increase the number of reviews it performs each year. Agency officials said that currently, one staff member works on Technical Assistance Reviews, and it would be challenging to perform more than 10 reviews annually without additional staff. According to VA guidance for Technical Assistance Reviews, these reviews ensure that VA is making progress towards achieving a model EEO program.

VA has been unable to fulfill other EEO program functions due to a lack of staffing and resources, according to EEOC and VA. Federal EEO directives and regulations call for agencies to provide sufficient administrative support to carry out Special Emphasis Programs.<sup>106</sup> These programs are designed to take steps to identify and eliminate discriminatory practices and policies and to ensure that all VA employees and applicants for employment have equal opportunities to compete fairly in recruitment, hiring, promotions, and other career opportunities.<sup>107</sup> In its last six annual MD-715 reports, VA has noted that it experienced staffing shortages in ORMDI to administer the Special Emphasis Programs. The managers of ORMDI's Special Emphasis Programs all noted having other roles and responsibilities in addition to their roles running the Special

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<sup>105</sup>According to its most recent guidance, ORMDI selects VBA and VHA facilities for Technical Assistance Reviews if they have at least 500 FTE employees. ORMDI may also conduct a Technical Assistance Review at any of NCA's 155 national cemeteries when requested by NCA senior leadership.

<sup>106</sup>EEOC Management Directive 110, Chapter 1(VII) and 29 C.F.R. § 1614.102(b)(4).

<sup>107</sup>VA has eight Special Emphasis Programs: (1) the American Indian and Alaska Native Program; (2) the Asian American, Native Hawaiian and Pacific Islander Program; (3) the Black/African American Program; (4) the Federal Women's Program; (5) the Hispanic Employment Program; (6) the Individuals with Disabilities Employment Program; (7) the Lesbian, Gay, Bisexual, Transgender, Queer + (LGBTQ+) Program; and (8) the Veteran and Military Spouse Talent Engagement Program.

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Emphasis Programs.<sup>108</sup> For example, one manager runs two of the Special Emphasis Programs and provides subject matter expertise and assistance to two others. The Special Emphasis Program managers cited a lack of resources as a challenge to performing their duties. They also noted that leadership may not fully appreciate how they can proactively work to avoid EEO pitfalls, which may contribute to their programs' lack of resources and prioritization.

EEOC's instructions for Management Directive 715 section I identify the Special Emphasis Programs as a component of integrating EEO into agencies' strategic missions and agencies' proactive efforts to prevent discrimination. Additionally, VA stated in its fiscal year 2022 MD-715 report that ORMDI's Office of Policy and Compliance develops a report analyzing all findings of discrimination from the past fiscal year to help leadership better prevent unlawful discrimination. However, according to VA officials, the Office of Policy and Compliance has not been able to complete the report on findings of discrimination since fiscal year 2019 due to staffing constraints and competing priorities.

ORMDI officials indicated that leadership's staffing priorities do not fully account for ORMDI components' resource needs. Strategic workforce planning addresses the need to develop long-term strategies for acquiring, developing, and retaining staff to achieve programmatic goals. Such planning should involve top program and human capital leaders.<sup>109</sup> ORMDI has not performed a comprehensive assessment or developed a strategic workforce plan with input from internal stakeholders, such as those who implement the programs, to determine where it can allocate resources efficiently to achieve its goals. Instead, it has reallocated resources when needs arose to handle pressing issues. For example, according to VA officials, the Resolution Support Center, which used to handle veteran complaints of discrimination, was shut down in order to

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<sup>108</sup>VA facilities also have local Special Emphasis Program managers who oversee the programs at their facilities. These local Special Emphasis Program managers serve in these roles as a collateral duty and, according to VA officials, can only devote between 10 to 20 percent of their time to the Special Emphasis Programs. VA officials said that the amount of time local employees can spend on work related to the Special Emphasis Programs varies based on whether they receive supervisory approval of these activities. While some local Special Emphasis Program managers are interested in performing this role fulltime, VA officials noted that there is not sufficient funding to create fulltime positions at local facilities.

<sup>109</sup>GAO, *Human Capital: Key Principles for Effective Strategic Workforce Planning*, [GAO-04-39](#) (Washington, D.C.: Dec. 11, 2003).

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staff the Harassment Prevention Program when the need arose for VA to establish an anti-harassment program.<sup>110</sup> VA officials noted that ORMDI moved the Resolution Support Center's resources and staff to the Harassment Prevention Program and created an office of one employee—who also has a collateral duty managing a Special Emphasis Program—to handle veteran complaints.

After increasing ORMDI's FTE positions from around 300 in fiscal year 2022 to nearly 400 in fiscal year 2023, the head of ORMDI wants to grow the office's staff again to almost 800 employees in fiscal year 2024, including an estimated 360 staff to complete the realignment of VHA EEO Program Managers under ORMDI.<sup>111</sup> This proposed growth in ORMDI staffing further underscores the need to conduct a strategic workforce plan. Developing a strategic workforce plan will allow ORMDI to determine its staffing needs and where to allocate these resources to effectively meet its goals. Without such a plan, ORMDI will not be best positioned to carry out its mission to prevent and address discrimination, and key efforts may continue to face challenges in meeting their goals effectively.

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### VA Does Not Have a Strategy for Continually Assessing Barriers to Employment or Ensuring Consistency in Hiring and Promotion Selection Panels

We found that while VA has recognized the need to assess barriers to employment, it has not completed a comprehensive assessment of these barriers. In addition, VA does not collect and assess information about how local VA facilities conduct hiring and promotion selection panels, which may lead to these panels not being best equipped to make informed, equitable decisions.

*Barrier Analysis.* While VA has recognized the need to assess barriers to employment, it has not done a comprehensive assessment. After years of reporting a lack of funding for these analyses, VA has initiated efforts to identify barriers to career opportunities for certain groups within its

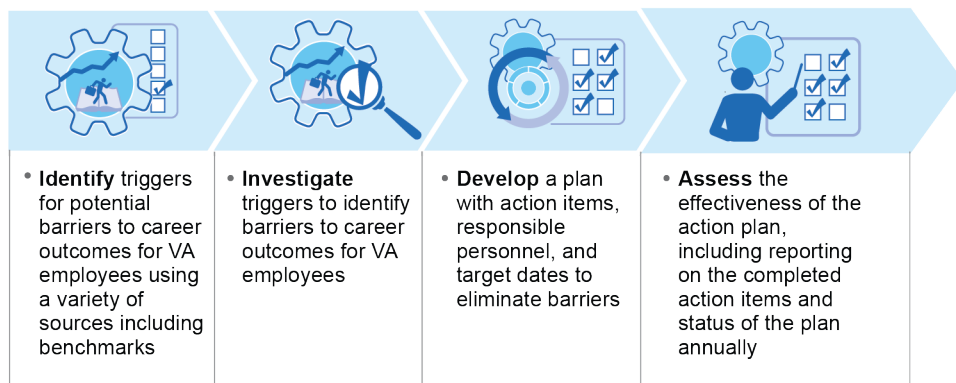
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<sup>110</sup>According to the Harassment Prevention Program Handbook, EEOC mandated that all federal agencies establish a stand-alone harassment prevention office in 2016. In response, ORMDI established the Anti-Harassment Prevention office, which was later changed to the Harassment Prevention Program office.

<sup>111</sup>ORMDI performs analyses of its staff involved in the EEO complaint process and overall complaint volume and shifts resources as needed, according to the head of ORMDI. The Office of Human Resources and Administration/Operations, Security, and Preparedness compiles a 2-year funding justification for ORMDI that it submits to offices throughout VA. The Office of Human Resources and Administration/Operations, Security, and Preparedness' annual budget request includes resource needs for ORMDI and the other offices under its purview, including OCHCO.

workforce, but has not completed steps in the barrier analysis process, according to VA officials. EEOC's Management Directive 715 states that agencies have an ongoing obligation to prevent discrimination, including identifying areas where barriers may operate to exclude certain groups and developing strategic plans to eliminate identified barriers.<sup>112</sup> Instructions for Management Directive 715 section II lay out the four steps in the barrier analysis process. (See fig. 15.)

**Figure 15: Steps in Equal Employment Opportunity Commission (EEOC) Barrier Analysis Process**



Sources: GAO analysis of EEOC documents; GAO (images). | GAO-23-105429

Note: EEOC defines a trigger as a trend, disparity, or anomaly that suggests the need for further inquiry into a particular policy, practice, procedure, or condition. EEOC defines a barrier as an agency policy, principle, or practice that limits employment opportunities for members of a particular group based on their sex, race, ethnic background, or disability status. Through the barrier analysis process, federal agencies identify and investigate triggers to pinpoint barriers to career opportunities for certain groups within their workforces.

From fiscal years 2018 through 2020, VA reported in its annual MD-715 report to EEOC that it did not conduct barrier analyses. In fiscal year 2021, VA began conducting barrier analyses, hiring additional staff and establishing a Barrier Analysis Workgroup, whose goal is to identify and eliminate barriers to career opportunities for VA employees.<sup>113</sup> In fiscal year 2022, VA completed analyses of agency workforce data to identify and investigate triggers to pinpoint barriers to career opportunities on two

<sup>112</sup>EEOC Management Directive 715(II)(D).

<sup>113</sup>VA's Barrier Analysis Workgroup consists of volunteer representatives from VA central offices and the three administrations with targeted skills in EEO, human resources, organizational health, and workforce analysis.

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topics: (1) less than expected representation for Hispanic employees, and (2) the lack of diversity in the Senior Executive Service (SES).<sup>114</sup> As early as fiscal year 2016, VA recognized these areas as issues within its workforce warranting further analysis. In both fiscal years 2016 and 2017, VA identified less than expected representation for Hispanic employees and less than expected representation for certain racial, ethnic, and gender groups among SES positions as areas where employees face barriers to career opportunities within VA's workforce needing further investigation.

In its analyses of less than expected representation for Hispanic employees and the lack of diversity in the SES, VA identified barriers to career opportunities for certain groups within its workforce. According to VA officials, the agency has completed action plans to address the barriers identified in these analyses. However, VA has not established timeframes or outlined the personnel responsible for completing these action plans. In fiscal year 2022, VA also partnered with a Federally Funded Research and Development Center to conduct a barrier analysis on less-than-favorable representation for people with disabilities, including targeted disabilities, in higher graded positions. VA plans to conduct this analysis in fiscal year 2023. The SES barrier analysis report recommended that VA conduct additional analyses of some of the root causes identified in the SES barrier analysis, though agency officials did not discuss plans to conduct these analyses. Additionally, according to VA officials, the three VA administrations plan to complete barrier analyses at the administration level.

Evidence from our data analysis, interviews, and discussion groups indicate there may be additional analyses that VA can perform to identify

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<sup>114</sup>ORMDI began working with a contractor in January 2022 to conduct barrier analysis to identify root causes of any disparities in equal employment opportunities in VA's SES positions. ORMDI issued a report with its findings in September 2022. This report found a lack of representation among women and Hispanic employees within the SES when compared to the overall federal workforce. It also found that Hispanic, Black, and Native American applicants were less likely to qualify for SES positions and Asian applicants were less likely to be selected for SES positions, when compared to White applicants, among other things. Our analysis of VA personnel data examined representation among SES positions, using different benchmarks than VA's SES barrier analysis. We found that VA employed relatively fewer Asian, Black, and Hispanic workers in SES positions compared to their representation in the overall VA workforce. Additionally, we found that VA employed relatively fewer Black and White women in SES positions compared to their employment in the overall VA workforce. When comparing to the overall national civilian labor force, we also found that the percent of Black men in SES positions at VA was greater than the estimated percent of Black men in the overall national civilian labor force.



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barriers to career opportunities for its workforce. For example, GAO's analysis of VA personnel data showed disparities in pay and promotions for certain racial, ethnic, and gender groups. In addition, VA employees also raised concerns about potential barriers to employment and challenges in the hiring and promotions processes. For example, in one EEO and three supervisor discussion groups and interviews with three unions and one affinity organization, employees expressed concerns about favoritism in hiring and promotions. Representatives from an affinity organization and supervisor discussion group also noted that employees can feel discouraged when they participate in leadership development activities, but do not see tangible results in promotions.

ORMDI officials pointed to the Identity Insights project as an effort to analyze barriers to career opportunities. According to the head of ORMDI, this project allows VA insight into employee perspectives on underrepresentation in its workforce. However, he acknowledged this effort is not a formal barrier analysis, but rather another way to examine underrepresentation among its workforce.

VA has not conducted other barrier analyses because agency officials said that they interpret the requirement to mean that they only have to perform one analysis each year. In its Management Directive 715, EEOC emphasizes that agencies have an ongoing obligation to eliminate racial and other barriers that impede employees from realizing their full potential. On at least an annual basis, agencies must conduct a self-assessment to monitor progress and identify areas where barriers may operate to exclude certain groups. When the self-assessments indicate that certain groups may have been denied equal access to employment opportunities, agencies must take steps to identify the potential barriers and when an identified barrier serves no legitimate purpose with respect to the operation of the agency, take immediate steps to eliminate it.<sup>115</sup>

Management Directive 715 also requires agencies to report annually on their efforts to conduct these self-assessments and identify and eliminate barriers. While VA has completed two barrier analyses in fiscal year 2022, it has not established specific actions, with timeframes and responsible

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<sup>115</sup>EEOC Management Directive 715, Part A (II-IV). EEOC guidance provides examples of possible actions agencies can take to eliminate barriers, such as establishing goals for the hiring and advancement of employees of a certain group.

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personnel, that the agency will take to eliminate barriers identified.<sup>116</sup> Without regularly conducting analyses of agency workforce data to identify barriers to employment in its workforce, developing detailed action plans to eliminate all identified barriers, and annually reporting on progress towards implementing those plans, VA is missing opportunities to identify and remove barriers to career opportunities for its workforce.

*Selection Panels.* VA does not collect and assess information on the approaches local facilities use to conduct selection panels for hiring and promotions.<sup>117</sup> In three of our four discussion groups with VA supervisors, participants described wide variation in facilities' hiring practices, including how facilities put together selection panels, the training employees receive before sitting on panels, and the types of questions asked during interviews. For example, one discussion group participant described concerted efforts to incorporate practices that promote diversity into their facility's hiring practices. These strategies included rotating employees assigned to selection panels for hiring and asking job candidates about their views on diversity in the workplace. Another participant recalled asking their facility to institute a practice of rotating employees assigned to selection panels, but stated that this request was denied by facility leadership.

VA policies on the hiring and promotion processes include broad guidelines for selection panels, but VA lacks insight into how local managers are conducting these panels. VA's policy on staffing includes broad guidance on the hiring and promotion processes.<sup>118</sup> With respect to how facilities put together selection panels for promotions, it states that these panels must include subject matter experts, one of whom must be

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<sup>116</sup>Part I of the MD-715 report asks agencies to provide details on their plans to eliminate identified barriers. In VA's fiscal year 2022 MD-715 report, it described plans to complete the barrier analysis process broadly but did not detail specific actions the agency will take to eliminate the barriers with responsible personnel and timeframes.

<sup>117</sup>VA officials noted that the agency collects information on the use of selection panels in the hiring process through USA Staffing. The USA Staffing data dictionary does not include an indicator specific to the use of selection panels. According to the USA Staffing data dictionary, the database collects information on the status of the application during the hiring process, including whether an application met the minimum requirements for a position, was referred to the hiring manager, and was selected by the hiring manager.

<sup>118</sup>According to VA officials, the agency's broad guidelines for selection panels are supplemented at the local level through merit promotion processes negotiated with labor unions. VA officials also noted that this guidance mirrors OPM guidance on delegated examining, merit promotion, direct hire, and other special hiring authorities.

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at least equal in grade to the position being filled.<sup>119</sup> According to the Chief Human Capital Officer, VA has instituted these broad requirements because the department prefers to allow managers discretion and not be too prescriptive in setting standards for selection panels.<sup>120</sup> She further stated that their goal is to ensure that selection panels include appropriate subject matter experts and grade level employees. The agency did not identify efforts to collect information on how selection panels are put together at local facilities or gain insights from these local practices. Additionally, the Chief Human Capital Officer said that it would be challenging to implement and monitor requirements for selection panels across the agency.

Within VA, VHA has made some efforts to establish administration best practices related to selection panels. VHA's National Center for Organization Development developed its Diversity, Equity, & Inclusion Informed Employee Hiring Toolkit in 2021. The toolkit includes best practices for ensuring that hiring committees are equipped with the tools and knowledge to help them make informed, equitable decisions that align with organization values and goals. These best practices include:

- creating a selection committee that is representative of organizational and job position interests while also including people from other areas of the office to offer diversity of thought;
- providing the selection committee with resources on reducing implicit bias in hiring; and
- meeting as a panel before the interview to determine the process and questions to be asked, including at least one question on diversity, equity, and inclusion in the interview.

VA officials also noted that VA's Executive Resources Board is considering best practices to increase diversity among SES positions, including piloting a blind application process, requiring selection panel members to receive unconscious bias training, and including diversity

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<sup>119</sup>According to VA officials, VA's master collective bargaining agreements with its unions may also include additional criteria for rating, ranking, and interviewing panels, and variation in panels for hiring and promotion may result from local supplemental agreements and memoranda of understanding between labor and management.

<sup>120</sup>VA officials have also noted that the agency has these broad requirements because of the wide-range of appointment and hiring authorities, some of which do not require the use of selection panels.

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questions in interviews.<sup>121</sup> Developing these best practices is a positive step towards embedding VA hiring selection panels with diversity, equity, and inclusion principles. Adopting these best practices more widely throughout VA may equip hiring selection panels with tools to make informed, equitable decisions.

VA's 2022 I-DEA Strategic Plan outlines a goal to build a diverse, high-performing workforce that is reflective of all segments of society and values all aspects of human diversity.<sup>122</sup> Without a better understanding of how selection panels work throughout the agency, VA is not best equipped to leverage best practices or combat recurring issues in working towards the goal outlined in its strategic plan. Additionally, according to a VA official, embedding diversity, equity, inclusion, and accessibility principles in VA's hiring practices will be particularly important as VA brings on many new employees due to authorities under the Honoring our PACT Act of 2022.<sup>123</sup> Without collecting and analyzing information on how selection panels operate across local facilities and addressing any findings from this analysis, VA lacks insight into what is working well and what challenges arise across facilities and the extent to which agency selection panels reflect diverse perspectives.

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<sup>121</sup>VA training for executives, managers, and supervisors on EEO, diversity, equity, and inclusion defines unconscious or implicit bias as the unconscious attitudes or stereotypes that affect an individual's understanding, actions, and decisions.

<sup>122</sup>Department of Veterans Affairs, *Inclusion, Diversity, Equity and Access (I-DEA) Strategic Plan 2022* (Washington, D.C), Goal 2.

<sup>123</sup>Pub. L. No. 117-168, 136 Stat. 1759. The Honoring our PACT Act of 2022, enacted in August 2022, expands VA health care and benefits for veterans exposed to burn pits, and other environmental exposures, among other things. VA is in the process of hiring thousands of employees to process claims and provide services to veterans eligible for new benefits and health care under the Honoring our PACT Act of 2022.

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## VA Does Not Have a Comprehensive Policy for Handling Veterans' Discrimination Complaints and Made Limited Efforts to Increase Awareness of its External Complaints Program

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### Veterans Can Make Discrimination Complaints to Several VA Offices, but VA Does Not Have a Comprehensive Policy to Address These Complaints

VA has a number of programs that can receive veteran discrimination complaints; however, it does not have a comprehensive policy that standardizes its process across programs. Veterans may file complaints if they feel they have been discriminated against when receiving VA services or participating in VA programs. We found that not having a comprehensive policy for addressing veterans' complaints created several issues that could affect how VA treats veterans' complaints.

*Lack of a standardized process for handling complaints made to the External Complaints Program from intake to final resolution.* The External Complaints Program, which is housed within ORM DI, is VA's formal intake office for veteran complaints of discrimination.<sup>124</sup> The External Complaints Program does not have a current standard operating procedure, and the three administrations use different processes to address complaints. VA officials noted that the External Complaints Program will need to be modernized and revamped to address veteran complaints of discrimination.

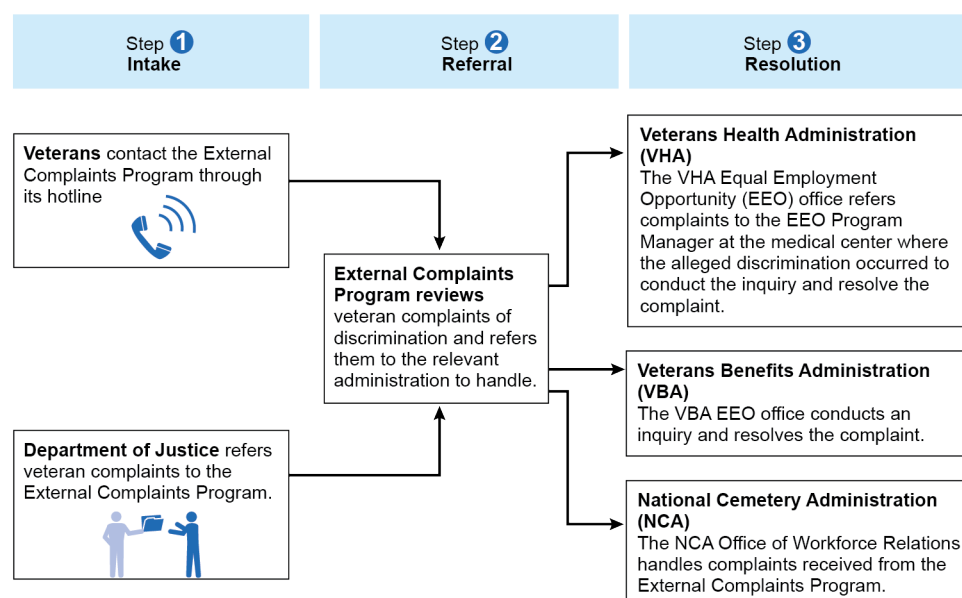
The External Complaints Program receives the majority of its complaints through referrals from the Department of Justice, according to a VA

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<sup>124</sup>The External Complaints Program receives complaints from individuals who believe they have been discriminated against on the basis of their race, color, national origin, age, sex, disability, or reprisal in federally conducted and federally assisted programs and activities. Federally conducted programs are those that are directly administered by VA, such as healthcare and other VA benefits. Federally assisted programs are those programs that receive federal assistance.

official. Veterans who believe they have experienced discrimination in VA programs can also contact the External Complaints Program directly through its ORMDI hotline. It reviews each complaint and refers them to the relevant administration—NCA, VBA or VHA—to handle. Each administration has a different process for addressing the veteran complaints they receive. (See fig. 16.)

**Figure 16: External Complaints Program Process for Handling Veteran Discrimination Complaints**



Sources: GAO analysis of Department of Veterans Affairs (VA) information and interviews with VA officials; GAO (images). | GAO-23-105429

However, the External Complaints Program may not be processing all allegations of discrimination veterans attempt to make through the ORMDI hotline. Between October 2021 and December 2022, ORMDI received 198 calls to its hotline, where veterans who believe they have experienced discrimination can contact the External Complaints Program, according to VA call data. VA call data indicates that approximately 60 percent of these calls were abandoned without being answered. The External Complaints Program does not have a process for comprehensively tracking these calls and thus, ensuring the concerns of veterans who call this hotline because they believe they have experienced discrimination are heard.

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*Potential lack of communication to veterans about the status of their complaints.* The External Complaints Program administratively closes the complaint once they refer it to the appropriate administration, according to a VA official. However, the External Complaints Program does not contact the veteran about the status of their complaint. For example, the External Complaints Program does not notify the veteran that their complaint was referred to the relevant administration, and that the administration may contact them directly, according to VA officials. Additionally, because each administration's process for handling these complaints is different, this may result in veterans receiving varying levels of communication throughout the process. As a result, a veteran may not know the status of their complaint after an initial acknowledgement of receipt.

*Lack of coordination across multiple offices and programs receiving and addressing complaints.* VA does not have a process for coordinating across the various programs that receive discrimination complaints from veterans, according to agency officials. In addition to the External Complaints Program, several other VA programs may also receive complaints from veterans about their treatment at VA facilities.<sup>125</sup> Veterans may contact staff from VHA's Patient Advocacy Program, the Harassment Prevention Program, or the Center for Minority Veterans to voice concerns about their treatment at VA facilities.<sup>126</sup> However, guidance for the various VA programs that may receive complaints does not consistently direct discrimination complaints to the External Complaints Program, which is the office responsible for processing these complaints. As such, each of these programs follows different practices for reporting veterans' complaints, sometimes including multiple handoffs.

The lack of coordination across the various programs that receive veteran complaints may result in complaints of discrimination not reaching the External Complaints Program. For example, officials with the Center for Minority Veterans told us that they refer complaints to one of the facility Minority Veteran Program Coordinators to handle locally, and the

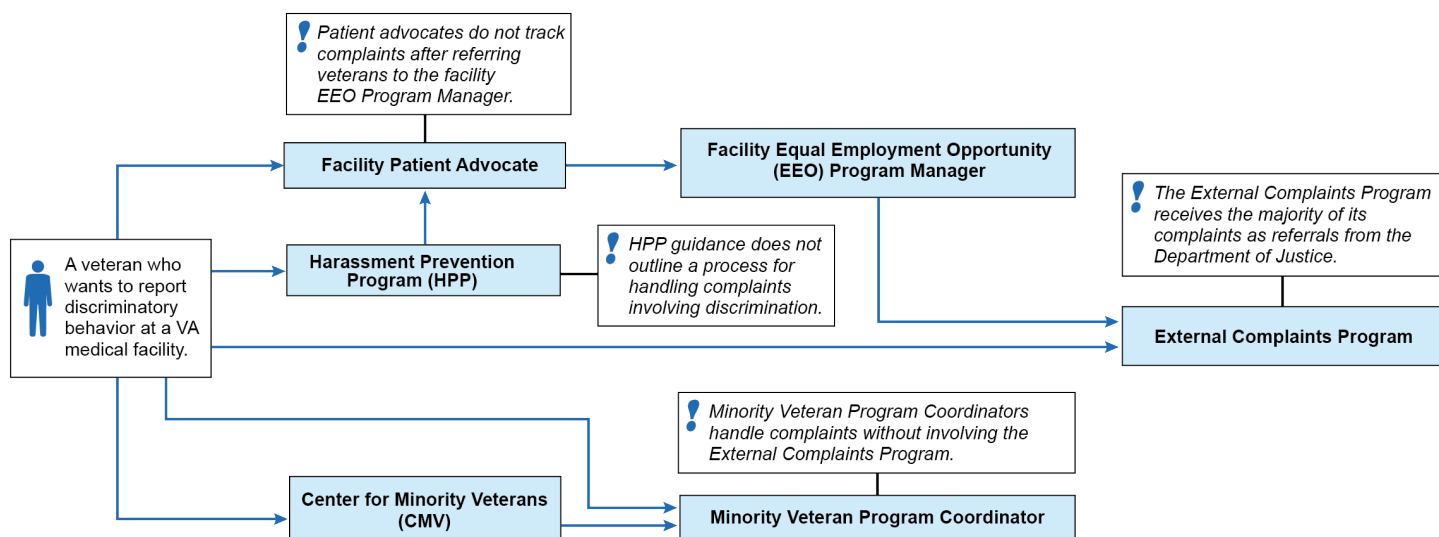
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<sup>125</sup>According to VA officials, VA has undertaken efforts to promote diversity in its service delivery to veterans through many offices within the agency, including the Center for Minority Veterans, Center for Women Veterans, Office of Health Equity, Office of Women's Health, and Office of LGBTQ+ Health.

<sup>126</sup>The Harassment Prevention Program Handbook states that its process for addressing allegations of harassment in all forms can be used by employees, contractors, veterans, and non-department individuals. According to VA officials, the Harassment Prevention Program is primarily focused on complaints of harassment made by VA employees and does not receive many allegations of harassment from veterans.

complaint information is not sent to the External Complaints Program. In contrast, VA officials described a process where a Patient Advocate in VHA's Patient Advocacy Program refers a veteran who believes they have been discriminated against at a VA medical center to the facility EEO Program Manager, who then provides the veteran with information on how to submit their complaint to the External Complaints Program. (See fig. 17.)

**Figure 17: Programs Through Which a Veteran May Try to Initiate a Discrimination Complaint at a Department of Veterans Affairs (VA) Medical Center**



Sources: GAO analysis of VA program guidance and documentation and interviews with VA officials; GAO (images). | GAO-23-105429

*Lack of data on complaints and actions taken to address them.* VA also lacks detailed data on the universe of veteran complaints of discrimination, the nature of these complaints, and whether and how they are resolved. This is, in part, because complaints are routed to different offices, and there is not a centralized or consistent process across programs to collect complaint data. The External Complaints Program also does not collect key information about veteran complaints of discrimination. According to VA officials, the External Complaints Program maintains data on veteran complaints using a spreadsheet and



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complaint files, but faces challenges efficiently and accurately tracking data on veteran complaints.<sup>127</sup>

Once it refers a complaint to the appropriate administration, the External Complaints Program does not track the actions taken by the administration or ultimate resolution of the complaint, according to agency officials. Because it lacks detailed data, the External Complaints Program does not have visibility into the universe of veteran complaints of discrimination or key trends in these complaints, such as recurring issues.

VA's strategic plan includes a goal to deliver timely, accessible, high-quality benefits, care and services to meet the unique needs of its veterans.<sup>128</sup> Under this goal, the plan includes strategies to ensure all veterans receive equal access and service regardless of race, national origin, religion, gender or sexual identity and address equitable access and the unique needs of veterans of historically underrepresented racial and ethnic groups. Without an agency-wide policy for addressing veteran complaints of discrimination, veterans may experience different processes for resolving their complaints and receive varying levels of communication about their complaints. Further, without such a policy that addresses how to coordinate efforts across VA, the External Complaint Program's role in collaborating with other VA programs, such as the VHA Patient Advocacy Program and Harassment Prevention Program, is unclear. As a result, VA may not have visibility into whether veterans' complaints have been fully addressed. Additionally, such a policy could outline a process and requirements for collecting key data points, such as how veteran complaints of discrimination are resolved. This would better position VA to have insight into the full scope of veteran complaints of discrimination and the potential pervasiveness of discrimination against veterans in VA programs.

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<sup>127</sup>According to VA officials, the External Complaints Program is working with ORMDI to create a platform to collect and track data on veteran complaints. The External Complaints Program plans to complete this project during the first quarter of fiscal year 2024, pending the availability of funding.

<sup>128</sup>Department of Veterans Affairs, *Fiscal Years 2022-2028 Strategic Plan* (Washington, D.C.: April 2022).

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## VA Has Undertaken Limited Efforts to Increase Veterans' Awareness of its External Complaints Program

We found that veterans and stakeholders may lack awareness of the External Complaints Program as an avenue for addressing alleged discrimination. Representatives from three of the four VSOs we interviewed told us that veterans they work with generally do not have experience with the External Complaints Program, and those that do have found it difficult to contact or receive clear communication from this program. Internal VA stakeholders may also lack awareness of the External Complaints Program and its role in addressing veteran complaints of discrimination. For example, according to a VA official, the Center for Minority Veterans is not aware of and does not work with the External Complaints Program.

VA has undertaken limited efforts to increase awareness of the External Complaints Program among veterans. According to VA officials, the External Complaints Program is advertised on ORMDI's website, and VA's primary website contains information about this program.<sup>129</sup> Additionally, reviews of VA's External Complaints Program have called for efforts to raise awareness about this program, but VA has not yet acted on these recommendations. For example, an ORMDI workgroup began meeting in January 2021 to examine issues related to the treatment of lesbian, gay, bisexual, and transgender veterans. One area of focus was determining the level of awareness of the External Complaints Program. The workgroup found that VA medical facilities lacked information about the External Complaints Program posted in noticeable public areas. The workgroup recommended efforts to raise awareness of the External Complaints Program's processes and disseminate posters at medical facilities.<sup>130</sup>

ORMDI partnered with a contractor to conduct equity assessments of select programs and policies affecting veterans who receive benefits and services from VA, issuing a report with its findings in April 2022. This report found that VA's process for addressing veteran complaints of

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<sup>129</sup>VA does not post information about how to file a discrimination complaint on its main home page or its "Resources and Support" page, which provides information on VA benefits and services and instructions for using its online tools. In order to access information on filing a discrimination complaint, a veteran would need to search for this topic within VA's "Resources and Support" webpage. Department of Veterans Affairs, "Resources and Support" (Washington, D.C.: March 29, 2022), accessed April 12, 2023, <https://www.va.gov/resources/>.

<sup>130</sup>According to the manager of the External Complaints Program, this workgroup was not directly associated with the External Complaints Program, and he was not aware of its recommendations.

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discrimination is limited and recommended that VA create an informational document to inform veterans of their rights and provide clarity about where they should go to address their concerns. While other recommendations in this report included a status update on whether the agency planned to implement them, the recommendations concerning the process for handling veteran discrimination complaints did not.

VA's strategic plan includes a goal to consistently communicate with veterans to maximize performance, evaluate needs, and build trust.<sup>131</sup> Under this goal, the plan includes strategies to proactively distribute information and resources to veterans and ensure that these resources are easily accessible. Without VA establishing a communications strategy to promote awareness of the External Complaints Program, veterans may not know that they can file complaints about the alleged discrimination they experienced at VA facilities through the External Complaints Program. As a result, VA may miss instances of discrimination or may not handle them in a way that promotes a positive environment for veterans at VA facilities.

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## Conclusions

VA has seen increases in the representation of various racial and ethnic groups in its workforce, and has had a higher representation of historically underrepresented racial and ethnic groups than the national civilian labor force during the years we reviewed. However, our analysis of workers hired into similar occupations found disparities in pay, promotion, and the likelihood of removal, which suggests that further analysis and efforts are needed. Further, VA has not analyzed all available data for use in addressing the workplace climate with respect to race, and could be missing opportunities to reduce potential discrimination. Consolidating internal data into the I-DEA dashboard and using these data to conduct analysis on perceived experiences of discrimination will better position VA to pinpoint problematic locations and recurring issues and guide its preventive efforts.

VA's ability to prevent and address discrimination is integral to establishing employee trust and promoting a diverse and inclusive workplace. As we have previously reported, VA's EEO Director position does not adhere to a relevant EEOC directive. Having this person be in charge of both EEO functions and personnel actions can create, at a minimum, the appearance of a conflict of interest and erode employee

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<sup>131</sup>Department of Veterans Affairs, *Fiscal Years 2022-2028 Strategic Plan* (Washington, D.C.: April 2022).

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trust that complaints will be handled appropriately. The potential risks to independence we identified in the EEO program may also contribute to diminished employee trust and reluctance to report alleged discrimination. Further, assessing the factors that increase the time it takes to implement final decisions in cases where discrimination is found—and developing a plan to address them—will better position VA to oversee efforts to address discriminatory behaviors within its workforce.

Moreover, VA has not adequately assessed its workforce needs for key EEO functions, which hinders VA's efforts to meet its mission of addressing and preventing discrimination. Developing a strategic workforce plan will allow ORMDI to determine its staffing needs and where to allocate these resources to effectively meet its goals. By not conducting preventive activities such as barrier analysis and assessing consistency in selection panels for hiring and promotion, VA is missing opportunities to foster a fairer and more inclusive workforce. Leadership commitment and strategic action help ensure that agency resources are appropriately targeted to help improve compliance and enhance diversity and inclusion at VA.

VA could also enhance its efforts to address veterans' discrimination complaints. The lack of coordinated attention to veterans' complaints, including the lack of data and information on the outcome of these complaints, also indicate VA is not best positioned to ensure these complaints are appropriately addressed. Establishing a comprehensive agency-wide policy will help ensure that no matter which avenue a veteran uses to file a complaint, it will be handled and resolved efficiently. Finally, veterans need to know where they can file a complaint and how the process works. A communications strategy to increase awareness of VA's discrimination complaint process will help ensure that veterans can reach the resources they need.

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## Recommendations for Executive Action

We are making the following eight recommendations to VA:

The Secretary of VA should finalize the I-DEA dashboard and use the data in the dashboard to regularly conduct trend analysis of internal and other data on perceived experiences of discrimination. Such analyses should pinpoint problematic locations, guide preventive efforts, and incorporate available data from VA's All Employee Survey; EEO and Harassment Prevention Program data; and information from other internal and external data collection efforts and assess trends down to the facility level. (Recommendation 1)

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The Secretary of VA should ensure that the Deputy Assistant Secretary for Resolution Management, Diversity and Inclusion assesses and addresses any potential risks to the independence of the agency's EEO program, including the Harassment Prevention Program. (Recommendation 2)

The Secretary of VA should ensure that the Deputy Assistant Secretary for Resolution Management, Diversity and Inclusion assesses the factors that increase the time it takes to implement the terms of final decisions in cases where discrimination is found and develops a plan to ensure these final decisions are implemented in a timely manner. (Recommendation 3)

The Secretary of VA should ensure that the Deputy Assistant Secretary for Resolution Management, Diversity and Inclusion develops a strategic workforce plan that incorporates internal stakeholder feedback in order to meet its programmatic functions and goals. (Recommendation 4)

The Secretary of VA should ensure that the Deputy Assistant Secretary for Resolution Management, Diversity and Inclusion regularly conducts analyses of VA workforce data to identify barriers to employment in the VA workforce; develop action plans for all identified barriers; and annually report on progress on implementing action plans. (Recommendation 5)

The Secretary of VA should ensure that the Assistant Secretary for Human Resources & Administration/Operations, Security and Preparedness collects and analyzes information on facilities' hiring and promotion selection panel processes and addresses any findings from this analysis. This should include action plans with timeframes to address any deficiencies identified and sharing best practices. (Recommendation 6)

The Secretary of VA should work with the relevant offices to establish a comprehensive policy for addressing veterans' complaints of discrimination while accessing VA services or participating in VA programs. This policy should include (a) a standardized process for handling veteran complaints of discrimination from intake to final resolution; (b) requirements for communicating with veterans about the status of their complaints; (c) a process for coordinating related efforts across the agency; and (d) a centralized process and requirements for collecting comprehensive data on veterans' complaints, including their resolution. (Recommendation 7)

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The Secretary of VA should establish a communication strategy to promote veteran awareness of the External Complaint Program and other avenues for filing discrimination complaints. (Recommendation 8)

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## Agency Comments and Our Evaluation

We provided a draft of this report to VA for review and comment. In its comments, reproduced in appendix IV, VA concurred with recommendations 1 through 4 and 6 through 8, and stated it has plans in place to implement them. It neither agreed nor disagreed with recommendation 5, as discussed below.

With regard to our recommendation on regularly conducting barrier analyses, VA stated that it already assesses workforce data, identifies barriers to employment and develops actions plans for those barriers, as part of the EEOC MD-715 requirement. We acknowledge VA's efforts to conduct barrier analyses, such as completing analyses of agency workforce data to identify barriers on two topics in fiscal year 2022: (1) less than expected representation for Hispanic employees, and (2) the lack of diversity in the SES.

VA's comments state that the culmination of its various analyses will result in findings and an action plan to improve any identified barriers to equal opportunity in the SES, Hispanic/Latino and disability hiring efforts at VA. However, VA did not provide documentation showing that it developed a detailed plan that includes specific actions, with timeframes and responsible personnel, the agency will take to eliminate the barriers identified in its analysis. VA also did not provide documentation of conducting a barrier analysis for employees with disabilities. Further, VA has lacked a consistent effort to analyze barriers within its workforce, having reported that it did not conduct barrier analyses from fiscal years 2018 through 2020.

Our report also acknowledges that VA has developed a Barrier Analysis Workgroup. However, VA did not provide clear plans on how to identify and prioritize additional barrier analyses or take the additional needed actions to eliminate identified barriers. Given this and findings from our own analysis, we continue to believe that our recommendation for VA to regularly conduct barrier analyses—including developing action plans and reporting on their implementation—will help ensure VA takes active and consistent steps to ensure equal access to employment opportunities.

In its technical comments, VA noted areas where the report could include more context on our analysis that examined whether or not any disparities existed between racial and ethnic groups in how they are employed

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throughout the VA. As appropriate, we incorporated additional context about our analysis. For example, we further defined data variables analyzed and identified potential factors that could contribute to the results of our analysis and any limitations. We also modified some wording to better align with our results, and we modified the draft report's title to better align it with the findings and recommendations.

VA provided other technical comments, which we incorporated as appropriate.

We also provided segments of a draft of this report to EEOC, MSPB, and OPM for technical comments. We incorporated their comments as appropriate.

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We are sending copies of this report to the appropriate congressional committees, the Secretary of Veterans Affairs, and other interested parties. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-4769 or [CostaT@gao.gov](mailto:CostaT@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix V.

A handwritten signature in black ink that reads "Thomas Costa". The signature is written in a cursive, flowing style.

Thomas Costa  
Director, Education, Workforce and Income Security

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*List of Requesters*

The Honorable Mariannette Miller-Meeks  
Chairwoman  
Subcommittee on Health  
Committee on Veterans' Affairs  
House of Representatives

The Honorable Jen Kiggans  
Chairwoman  
The Honorable Frank Mrvan  
Ranking Member  
Subcommittee on Oversight and Investigations  
Committee on Veterans' Affairs  
House of Representatives

The Honorable Tammy Duckworth  
United States Senate

The Honorable Brian Schatz  
United States Senate

The Honorable Elizabeth Warren  
United States Senate

The Honorable Tracey Mann  
House of Representatives

The Honorable Chris Pappas  
House of Representatives



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# Appendix I: Objectives, Scope, and Methodology

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The objectives of this review were to determine (1) what disparities, if any, exist between racial and ethnic groups in how they are employed throughout the Department of Veterans Affairs (VA), and in their long-term pay, promotion and retention outcomes; (2) how VA tracks racial discrimination against VA employees; (3) the extent to which VA has practices to prevent and address employment discrimination; and (4) how VA assesses and addresses potential organizational climate and discrimination issues related to the treatment of veterans based on race and ethnicity.

To address all objectives, we reviewed relevant federal laws, regulations, and VA policies and processes documents; and interviewed VA officials. We also reviewed related past GAO reports, such as prior reports on sexual harassment at VA and reports on workforce diversity at other federal agencies.<sup>1</sup>

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## Analysis of Office of Personnel Management's Enterprise Human Resources Integration Data

For our first objective, we analyzed VA personnel data maintained in the Office of Personnel Management's (OPM) Enterprise Human Resources Integration (EHRI) database, for fiscal years 2000 through 2021. EHRI consists of Status files and Dynamic files. The EHRI Status files consist of data elements describing workers who were present in the VA and other federal agencies at the end of September of each year (the end of the federal government fiscal year). The EHRI Dynamic files consist of personnel actions. We analyzed demographic variables from the Status files, including race, ethnicity, and gender, and employment variables such as occupation and pay.<sup>2</sup> We used the Dynamic files to derive additional employee outcomes including separations, promotions, and awards.

We assessed the reliability of these data by conducting electronic data tests for completeness and accuracy, reviewing documentation on the datasets, and interviewing knowledgeable officials about how the data were collected and maintained and their appropriate uses. Electronic testing included, but was not limited to, checks for missing data elements,

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<sup>1</sup>See, for example, GAO, *Sexual Harassment: Inconsistent and Incomplete Policies and Information Hinder VA's Efforts to Protect Employees*, [GAO-20-387](#) (Washington, D.C.: July 15, 2020) and GAO, *State Department Additional Steps Are Needed to Identify Potential Barriers to Diversity*, [GAO-20-237](#) (Washington, D.C.: Jan. 27, 2020).

<sup>2</sup>The OPM data we analyzed includes demographic information based on OPM's data standards, which defines sex as female and male and does not include additional information on gender identity. In this report, we use gender terms of "women" and "men" to describe female and male employees.

duplicative records, and values outside a designated range or valid time period. We determined that these data were sufficiently reliable for the purposes of describing VA's workforce and analyzing employee outcomes related to pay, promotions, separations, and awards.

During our assessment, we identified errors in the EHRI data that VA submitted to OPM that identifies whether an employee is a supervisor or manager. The EHRI variable undercounts the true number of supervisors and managers in the agency from 2017 to 2021. Since these data are inaccurate during these later years, we did not analyze the extent to which different groups differed in the likelihood they obtain supervisory or managerial positions in our outcomes analysis. However, we used the variable recorded in the EHRI in earlier years (when the data were reliable) to derive certain control variables in our statistical models, as we explain below.

#### Analysis of VA Workforce Composition by Race, Ethnicity, and Gender

To analyze the composition of the VA workforce by race, ethnicity, and gender, we used the EHRI Status files on workers who were employed at the agency at the end of September of each fiscal year. To report on the average composition in recent years, we pooled data from 2017 to 2021, a 5-year window that included years before and after the onset of the COVID-19 pandemic. We also analyzed annual data separately for each year from 2000 to 2021 to compare trends over time.

We used demographic data contained in the EHRI Status files to identify each worker's race, ethnicity, and gender. For workers employed in the VA in multiple years, we used the latest information available to account for potential changes in what was recorded over time. The race and ethnicity information that agencies submitted changed in the middle of our analysis period in 2006. The new standard allowed workers to identify with more than one race or ethnicity, and distinguished between Asian and Native Hawaiian or Other Pacific Islander racial backgrounds, among other changes. To facilitate analyses of workers whose race or ethnicity was recorded under the previous standard, we categorized each employee into six mutually exclusive racial-ethnicity groups: (1) Hispanic or Latino, (2) Non-Hispanic American Indian or Alaskan Native, (3) Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander, (4) Non-Hispanic Black or African American, (5) Non-Hispanic White, and (6) Non-

Hispanic employees of two or more races.<sup>3</sup> We further separated these groups by gender.

We used additional worker information contained in the EHRI Status files to measure the demographic composition of the VA workforce separately by administration (i.e., Veterans Health Administration, Veterans Benefits Administration, National Cemetery Administration, and other VA Central Office staff offices), and other characteristics. We measured occupation based on the worker's OPM occupation series.<sup>4</sup> We measured worker pay using adjusted basic pay, which takes into account various differences in pay based on locality, special rates, and existing pay caps. This pay amount reflects what individuals would have earned had they worked a complete year and does not include overtime pay. We adjusted pay amounts for inflation using the Consumer Price Index for All Urban Consumers (CPI-U) and reported amounts in constant 2021 dollars.

### **Comparisons to Federal and Civilian Workforce**

We also analyzed the EHRI Status files for workers employed in other federal agencies for years 2017 to 2021 to obtain the composition of the broader federal workforce over this period by race, ethnicity, and gender. According to OPM, the EHRI Status files contain data on about 96 percent of all federal civilian non-Postal executive branch employees and includes most executive branch agencies and several legislative branch commissions. We identified each federal worker's race, ethnicity, and gender using the same approach as in our analysis of the VA.

To draw comparisons between the VA workforce and the broader U.S. national civilian labor force, we used Census Bureau's Equal Employment

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<sup>3</sup>The sixth group, Non-Hispanic employees of two or more races, was not included in our analysis; see 'Study Population' section below. We analyzed 5 mutually exclusive categories of VA's workforce: Hispanic or Latino (Hispanic); non-Hispanic White (White); non-Hispanic Black or African American (Black); non-Hispanic American Indian or Alaska Native (Native American); and non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander (Asian).

<sup>4</sup>In consultation with VA officials, we grouped together workers originally recorded as either nurses (OPM series 0610) or nurse anesthetists (OPM series 0605) into a combined nurse group to maintain consistency over our analysis period after OPM discontinued the nurse anesthetist series in 2018. We also included in the combined nurse group about 1,000 VA employees in each year from 2018 to 2021 who we determined were likely nurse anesthetists based on their educational attainment but whose occupation was missing after OPM discontinued the series.

Opportunity (EEO) Tabulation to obtain estimated counts and percentages of the civilian labor force nationally and by occupation from 2014 through 2018, the latest period available at the time of our analysis.<sup>5</sup> We also estimated the overall percentage of the civilian labor force by race, ethnicity, and gender in similar occupations as the VA workforce to summarize how the VA workforce compared to the broader labor force in the occupations they employ, on average. We computed the percentage of the civilian labor force in similar occupations as a weighted average of the occupation-level percentages from the EEO Tabulation, using the share of the VA workforce in each occupation as weights.<sup>6</sup>

We assessed the reliability of the Census EEO Tabulation data by conducting electronic data tests for completeness and accuracy and reviewing documentation. We determined that these data were sufficiently reliable for the purposes of describing the civilian labor force nationally and by occupation.

### **Study Population**

We excluded from our analysis workers employed in a duty station located outside one of the 50 U.S. states or District of Columbia (D.C.). These workers comprised less than 2 percent of the VA workforce from 2000 through 2021. We also excluded non-Hispanic employees who identified with two or more races, about 0.9 percent of the remaining VA data. We applied these restrictions to our analysis of other federal agencies for consistency. We made these restrictions to facilitate comparisons with the Census EEO Tabulation data, which does not include data on workers outside of the 50 states or D.C. in its national estimates and does not report data separately for non-Hispanic multiracial employees. Consequently, our findings may not be representative of workers in these omitted groups. To assess the sensitivity of our

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<sup>5</sup>We used the latest version of the data available at the time of our analysis, based on American Community Survey data from 2014 through 2018. Although the Census EEO Tabulation provides an appropriate benchmark for constructing such comparisons, it covered an earlier period than what we presented regarding the VA workforce, 2017 to 2021. As a consequence, it is possible that some differences between the VA workforce and the civilian labor force may be associated with other changes over this period, including effects of the COVID-19 pandemic.

<sup>6</sup>We computed shares of the VA workforce in each occupation using our EHRI data on VA employees from 2017 to 2021. The Census EEO Tabulation reports occupation-level statistics by four digit Census occupation codes. We matched these data to OPM occupation series codes contained in the EHRI using the EEOC Federal Sector Occupation Cross-Classification table, last revised in February 2022.

Analysis of VA Workforce  
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conclusions regarding trends in the overall demographic composition of the VA workforce to excluding non-Hispanic multiracial employees, we replicated our analyses under an alternative methodology in which we assigned non-Hispanic multiracial employees to each racial group they had identified. Consistent with what we present in the body of the report, when we included non-Hispanic multiracial employees we found that VA had a higher representation of Black, Asian, and Native American employees compared to the civilian labor force.

To determine what disparities, if any, exist between racial and ethnic groups in their long-term pay, retention and promotion outcomes, we evaluated the extent to which different demographic groups, who were initially hired into the VA in similar occupations, tend to experience different employment outcomes over the first decade of their career. We conducted a longitudinal analysis of new VA hires who started their employment at the agency from 2000 through 2016 and tracked each worker's outcomes over the subsequent 5 to 10 years. Although our data included VA employees who started employment from 2000 through 2016, 10-year outcomes were available only for those who started in 2011 or earlier. Results based on 5-year outcomes using the full sample generally supported the same substantive conclusions. In addition, our analyses of pay, promotions, and awards were restricted to workers who were employed in September of the given year. While more than one-half of VA employees in 2021 began their employment from 2000 through 2016, our results may not be representative of cohorts who arrived in later years.

To compare workers who were hired into similar occupations, we first estimated statistical models using data on employees' outcomes at different points in time since they started at the agency. Each model controlled for characteristics of the occupation the worker held during their initial year, as well as the state and the VA administration in which they worked during this year, and the year their employment began.<sup>7</sup> We then used results from these models to measure the differences, on average, that VA workers of different demographic groups have experienced relative to non-Hispanic White men hired into similar

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<sup>7</sup>We did not control for the relevant pay system for each worker. Employment outcomes can differ by pay system. When asked about occupations that can employ workers under different systems, VA officials said that the agency does not anticipate certain demographic groups by race, ethnicity, and gender to be employed more under one appointing authority than another.

occupations. See appendix III for further details on this methodology and the outcomes we analyzed, and additional results.

We used statistical models to identify disparities in long-run employment outcomes between groups by race, ethnicity, and gender who started at the VA in similar occupations. This analysis was not intended to be used to determine whether or not discrimination exists in the VA, as the existence of a disparity, taken alone, does not establish whether unlawful discrimination has occurred. Any gaps we found may be caused by multiple interacting factors, some of which our analysis could not completely account for, such as qualifications that were not measurable in our data or, in the case of promotions, employee applications that may be a prerequisite for advancement. Such factors can result from potential systemic differences in access to higher education and work experiences that limit individuals' ability to obtain requisite qualifications or apply for promotion opportunities, and various forms of bias. In addition, differences in outcomes between groups may be attributable to worker characteristics that we did not account for that are not related to such systemic issues. (To provide additional insight into the extent to which the gaps that we identified were associated with certain worker characteristics that we could observe in the EHRI, we estimated additional specifications that included these characteristics as control variables, such as age, education, and civilian federal work experience. See appendix III for the results.)

Our models are appropriate for identifying differences between groups of workers who were hired into similar occupations at the agency. However, they cannot identify differences in employment outcomes due to potential systemic differences in occupational representation or segmentation across various groups. We could not analyze whether there were disparities in VA's job application and hiring processes that could influence how workers of different groups are represented throughout the

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agency due to data limitations in the VA's and the federal government's hiring data.<sup>8</sup>

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## VA's Assessment of Racial Discrimination and Its Prevalence

For our second objective, we analyzed VA EEO complaint data, and data from two surveys of VA employees: the 2022 VA All Employee Survey and the 2021 Merit Systems Protection Board's (MSPB) Merit Principles Survey. We also reviewed summary reports of allegations submitted to VA's Harassment Prevention Program for fiscal years 2016 through 2021 and interviewed officials knowledgeable about this program. We interviewed representatives from VA's five national unions about their perspectives on VA's workplace climate with respect to race, and agency efforts to address climate and potential discrimination issues.<sup>9</sup> We also interviewed VA officials on efforts to assess the prevalence of potential discrimination at VA and the use of available data.

## EEO Complaint Data

We obtained data from VA's Equal Employment Opportunity Complaint Automated Tracking System (EEO CATS) on EEO complaints filed in fiscal years 2016 through 2021. This was the most recent data available because VA began transitioning to a new data system early in fiscal year 2022. Employees, former employees and applicants for employment may file EEO complaints if they feel that they have been discriminated against on the basis of race, sex, religion, color, national origin, disability or due to retaliation from participating in the EEO process, among other bases. To assess the reliability of these data, we conducted electronic testing, reviewed documentation and interviewed officials knowledgeable about these data. We determined that the EEO CATS data were reliable for reporting on the number of EEO complaints by basis.

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<sup>8</sup>Applicant flow data is the demographic information voluntarily provided by applicants for federal job opportunities through the USAJOBS website. Approximately 30 percent of the race and ethnicity data for VA applicants are missing from the agency's applicant flow data for 2020. Such data may be missing because applicants elect not to self-report their race and ethnicity. Further, between fiscal years 2016 through 2021, VA reported that between 10 and 80 percent of VA hiring was done outside of the USA Jobs website, and so these applicants would not be included in applicant flow data. Based on this information, we determined that VA hiring data by race and ethnic group is incomplete and would not be sufficiently reliable to use to determine whether disparities exist in VA's hiring of people from certain racial and ethnic groups.

<sup>9</sup>We interviewed representatives from American Federation of Government Employees (AFGE); National Association of Government Employees (NAGE); National Nurses United (NNU); National Federation of Federal Employees; and Service Employees International Union (SEIU).

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Merit Systems Protection Board Merit Principles Survey

We obtained data from the MSPB 2021 Merit Principles Survey. MSPB administers a periodic Merit Principles Survey of federal employees that covers a variety of workforce issues, prohibited personnel practices, and selected aspects of employee work experiences and work environments. The survey is sent to a generalizable sample of federal employees and includes topics such as merit system principles, prohibited personnel practices, and employee engagement. The survey was most recently administered in 2021 and asked whether respondents experienced discrimination based on race or other factors in the preceding 2 years.<sup>10</sup> The survey questions on prohibited personnel practices, including discrimination based on race, were also used in the 2010 and 2016 Merit Principles Survey. Officials stated that the survey question wording is designed to adhere closely to the statutory language regarding the prohibited personnel practices.<sup>11</sup>

According to survey documentation, MSPB developed a sampling strategy, using a stratified random sample, to provide a reliable estimate of government-wide opinion among permanent, full-time civilian federal employees. MSPB drew the survey sample from rosters of full-time, permanent employees it requested from 27 federal agencies. These agencies participating in the 2021 survey represent 98 percent of the permanent full-time federal workforce covered by EHRI. The sample was stratified by federal agency (and agency bureau or component for selected agencies) and supervisory status (nonsupervisor, supervisor, or executive). In December 2020, MSPB drew the survey sample, which was comprised of just over 100,000 employees from the 27 agencies. Agency participation in the Merit Principles Survey was mandatory, but individual response to the survey was voluntary. The survey was launched in January 2021, with periodic reminders to complete the survey, and closed in April 2021. MSPB's reported response rate for the survey was 33.3 percent.<sup>12</sup> MSPB calculated response weights to produce results that are representative of the population surveyed. The

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<sup>10</sup>The MSPB survey included a question about whether in the past 2 years, an agency official in respondents' work unit had discriminated in favor or against someone in a personnel action based on race, religion, gender, national origin, age, disabling condition, marital status, political affiliation, sexual orientation, or status as a parent or caregiver.

<sup>11</sup>See 5 U.S.C. § 2302(b) for the prohibited personnel practices.

<sup>12</sup>There were 100,234 employees selected for the survey. Of those 99,369 were available and 33,138 responded. After the survey closed, MSPB reviewed the response records to determine whether they would be accepted. Acceptance was based on completing a minimum number (approximately 10 percent) of the non-demographic items asked of all respondents.



initial weights were based on the data elements used for sampling, and age group. It conducted a nonresponse bias analysis by comparing the proportion of respondents from a particular demographic group (based on survey responses) with the estimated proportion of employees in that group in the survey population (based on September 2020 records from EHRI). MSPB identified a difference based on respondent age; younger employees had, on average, a lower response rate than older employees. MSPB made an adjustment to the initial weights based on age group.

To assess the reliability of the Merit Principles Survey data, we interviewed MSPB officials about the survey design and data collection, reviewed survey documentation, including nonresponse bias and weighting methodology, and conducted electronic testing. In doing so, we determined that weighted estimates derived from the Merit Principles Survey data were sufficiently reliable for describing VA respondents' views on experiences with prohibited personnel practices and comparing responses from VA respondents against those from respondents at other agencies. Given the survey respondent population and need to protect confidentiality, we do not report out on responses for gender specific subpopulations. As such, our analysis grouped Native American, Asian, Black, and Hispanic respondents together for reporting purposes.

### Selected 2021 MSPB Survey Questions

**Table 1: Selected 2021 MSPB Survey Questions and Sub-Questions for Federal Agency Employees**

Survey Question/Prompt
In the past 2 years, an agency official (e.g., supervisor, manager, senior leader, etc.) in my work unit has discriminated in favor or against someone in a personnel action based upon ... <ul style="list-style-type: none"><li>• race</li><li>• national origin</li></ul>
In the past 2 years, an agency official (e.g., supervisor, manager, senior leader, etc.) in my work unit has... <ul style="list-style-type: none"><li>• discriminated in favor or against someone in a personnel action on the basis of off-duty conduct which was entirely unrelated to the job.</li><li>• knowingly violated a lawful form of veterans' preference or veterans' protection laws.</li><li>• Inappropriately favored a veteran.</li><li>• asked an employee to sign a non-disclosure agreement limiting the individual's ability to blow the whistle on wrongdoing.</li></ul>
In the past 2 years, an agency official (e.g., supervisor, manager, senior leader, etc.) in my work unit took or threatened to take a personnel action against an employee because the employee...

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**Survey Question/Prompt**

- disclosed a violation of law, rules, or regulations or reported fraud, waste, abuse, or a substantial and specific danger to public health or safety.
  - filed an appeal or grievance.
  - refused to violate a law, rule, or regulation.
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Source: GAO analysis of Merit Systems Protection Board (MSPB) information. | GAO-23-105429

Note: For all survey questions shown above, the responses options were: This has NOT occurred in my work unit; This has occurred in my work unit, but I was not personally affected by this; I was personally affected by this; Don't Know/Not Applicable.

## VA All Employee Survey

The VA All Employee Survey (AES) is administered annually to all VA employees to gather their perspectives on workplace issues. In 2018, VA merged the AES with the government-wide Federal Employee Viewpoint Survey (FEVS). Since 2018, VA has included the FEVS survey questions in its annual administration of the AES. AES survey data are used to determine employee perspectives on workplace issues, and for comparison to other federal agencies through the Partnership for Public Service Best Place to Work rankings. The Veterans Health Administration (VHA) National Center for Organizational Development (NCOD) administers the AES. The response rate for the 2022 AES was 71.1 percent.

We reviewed and assessed reliability for selected questions from the AES. Specifically, in 2020, the Office of Resolution Management, Diversity & Inclusion (ORMDI) worked with NCOD to add four questions to the AES designed to gather employee viewpoints on diversity, equity, and inclusion.<sup>13</sup> NCOD officials said they worked with ORMDI officials as content experts to make the questions succinct and clear, and also used other survey instruments to inform the development of the questions.

To assess these survey items, we interviewed relevant VA officials about the design, development and data collection for the survey, and reviewed relevant documentation. For example, we reviewed VA's efforts to assess nonresponse by comparing survey respondent demographics with the demographics of VA's onboard employee population, and the extent of missing responses for specific survey items. Tabulations provided by VA did not include weighting to adjust for nonresponse. As a result, while the

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<sup>13</sup>VA added the following questions to its survey: (1) I have experienced discrimination in my workgroup in the past year, (2) Diverse perspectives are included in decision making, (3) I feel comfortable being myself at work (all aspects of your physical, cultural, spiritual or emotional self), and (4) I have the same opportunity to advance my career as my peers in similar roles.

responses represent a large portion of the VA employee population, the results are only representative of those that responded to the survey. We found the AES data sufficiently reliable for describing respondents' views on VA's workplace climate at the VA administration level and by racial and ethnic group.

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Extent of VA's Practices to Prevent and Address Employment Discrimination

For our third objective, we reviewed VA's agency-wide policies as well as administration-specific policies for Veterans Benefits Administration (VBA) and Veterans Health Administration (VHA).<sup>14</sup> We reviewed VA directives and handbooks on the EEO complaint process and other efforts to address discrimination and harassment, such as the Harassment Prevention Program. We reviewed organizational structures for the EEO and anti-harassment programs for VA and its administrations, and compared these structures to Equal Employment Opportunity Commission (EEOC) directives, VA policy, and federal law. We interviewed VA officials in offices including the Office of Resolution Management, Diversity & Inclusion (ORMDI), the Office of the Chief Human Capital Officer (OCHCO), and relevant officials in each VA administration to understand how they implement agency policies to prevent and address employment discrimination. We gathered employee perspectives by conducting discussion groups with EEO Program Managers and first-line supervisors, and interviewed representatives from three agency-wide employee affinity groups and representatives from VA's five national unions.<sup>15</sup> We reviewed relevant reports, including VA's reports to the EEOC and EEOC's feedback to these reports, to identify any gaps or deficiencies.

Discussion Groups with EEO Program Managers and First Line Supervisors

We conducted discussion groups with first-line supervisors and facility-level EEO Program Managers. To select participants for all discussion groups, we first identified a judgmental sample of VA facilities and staff offices.<sup>16</sup> We obtained lists of VA facilities by administration and staff offices within VA Central Office. We selected eight facilities within each of VA's three administrations, and eight offices from Central Office using the following criteria: (1) number of informal and formal EEO complaints with a basis of race in fiscal year 2021, (2) number of full-time equivalent (FTE) positions, (3) number of Harassment Prevention Program

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<sup>14</sup>According to VA officials, the National Cemetery Administration (NCA) shares policies distributed by VA, but does not issue its own EEO policies.

<sup>15</sup>To identify all affinity groups in VA, we obtained a list from VA officials. We then interviewed the heads of all affinity groups with active chapters at VA, as of April 2022.

<sup>16</sup>Facilities include VA medical centers, benefits offices, and cemeteries.

complaints with a basis of race in fiscal year 2021, and (4) U.S. Census region. In applying these criteria, we selected offices with a higher proportion of EEO cases per employee and Harassment Prevention Program complaints with a basis of race, when possible, in order to conduct discussion groups with employees who would be more likely to have had experience with these systems and would be able to speak to their processes, as well as to obtain geographic diversity.

We requested lists of first-line supervisors from each of the facilities selected. We considered employees to be first-line supervisors if their facility determined that they: a) are responsible for employees' performance appraisals and/or leave approval; b) do not supervise other employees in supervisory positions (and would, therefore, be considered managers or senior leaders/executives); and c) are required to take VA's "EEO, Diversity, Equity, and Inclusion Training for Executives, Managers, and Supervisors" (VA 45049) training course. We randomly selected a first-line supervisor from the list provided by each facility. We conducted a total of five discussion groups: one with VBA supervisors, two with VHA supervisors, and one with VA Central Office supervisors.<sup>17</sup> Across all discussion groups, we spoke with 23 first-line supervisors from 22 different offices. We asked these supervisors about the steps they take when an employee comes forward with a complaint of racial discrimination or harassment, what works well and what challenges they identify in the EEO and Harassment Prevention Program complaint processes, their perceptions of the hiring and promotions processes at VA, and the efforts at their facilities to promote a positive workplace climate.

We also held discussion groups with EEO Program Managers from the selected facilities to understand how practices at their facilities align with stated VA and administration policies, and examples of what works well and what challenges they face in carrying out these policies. We held four discussion groups: two with VHA EEO Program Managers, and two with VBA EEO Program Managers. Across all discussion groups, we spoke with 20 EEO Program Managers from 20 different offices. We did not conduct a discussion group with NCA or VA Central Office because they each have one EEO program manager; we interviewed these program managers separately. We asked these EEO Program Managers about their duties, the steps they take when an employee comes forward with a complaint of racial discrimination or harassment, what works well and

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<sup>17</sup>Due to non-attendance, our discussion group for NCA supervisors had one participant.

what challenges they identify in the EEO and Harassment Prevention Program complaint processes, and the efforts at their facilities to promote a positive workplace climate.

For our fourth objective, we reviewed VA directives, handbooks, and reports on VA's programs through which veterans can submit complaints about their treatment at VA facilities, including the External Complaints Program, the VHA Patient Advocacy Program, and the Harassment Prevention Program. We interviewed VA officials from these programs as well as internal and external stakeholders, including the VA Center for Minority Veterans and representatives from four Veterans Service Organizations (VSO).

#### Interviews with Veterans Service Organizations

We selected VSOs representing (1) the two largest veteran populations, by military conflict, to gain perspectives from organizations that represent a large share of the overall veteran population, and VSOs representing (2) veterans of different racial and ethnic groups to gain diverse perspectives on the climate at VA with respect to race and racial discrimination against veterans at VA. We searched VA directories, witness lists from recent Congressional hearings focused on VSOs, and VA's Center for Minority Veterans' list of community and affiliate partnerships, and used internet keyword searches to identify VSOs in each of the following categories: Vietnam War veterans; veterans from the Post-9/11 conflicts in Iraq and Afghanistan; African American veterans; American Indian and Alaska Native veterans; Asian American, Native Hawaiian, and Pacific Islander veterans; and Hispanic or Latino veterans.<sup>18</sup> We selected seven VSOs; two said they did not have any insights on the topic and declined to speak with us for this review and one did not respond to our requests for an interview. We interviewed the American GI Forum, Japanese American Veterans Association, National Association of Minority Veterans of America, and Native American Veterans Association. We asked VSOs about their coordination with VA; their perceptions of the climate at VA for veterans with respect to race and ethnicity; their members' experiences filing complaints about their treatment at VA facilities; and feedback VA collects from veterans about their experiences. While not generalizable, the insights provided by VSOs helped identify themes and illustrative examples of veterans' experiences with VA.

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<sup>18</sup>The categories shown were taken from VA's Minority Veterans Report, which uses 1997 Office of Management and Budget standards on race and ethnicity.

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**Appendix I: Objectives, Scope, and  
Methodology**

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We conducted this performance audit from September 2021 to September 2023 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the 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.

# Appendix II: Demographic Data on the VA Workforce, Fiscal Years 2000—2021

This appendix provides descriptive statistics on the composition of the Department of Veterans Affairs’ (VA) workforce captured in the Enterprise Human Resources Integration (EHRI) data, by race, ethnicity, and gender.

Table 2 reports the percentages of the VA workforce, by race, ethnicity, and gender, from fiscal years 2017 to 2021. It also includes comparisons to the federal government over this period, and estimated percentages of national civilian labor force overall and in similar occupations as the VA from calendar years 2014 through 2018, the most recent data available in the Census Equal Employment Opportunity (EEO) Tabulation.

**Table 2: Percentage of Veterans Affairs (VA) Employees by Race, Ethnicity, and Gender in Fiscal Years (FY) 2017–2021 Compared to Percentages in the Civilian Labor Force (CLF) in Calendar Years 2014–2018 and Employees in Other Federal Agencies in FY 2017–2021**

Racial or ethnic group	Gender	VA,	CLF	CLF in similar	Other federal
		FY 2017–2021	overall, 2014–2018	occupations, 2014–2018	agencies, FY 2017–2021
		Percentage			
Hispanic or Latino	Men	2.70	6.97	3.58	5.88
	Women	3.37	6.29	7.29	3.85
	<b>Total</b>	<b>6.08</b>	<b>13.26</b>	<b>10.87</b>	<b>9.72</b>
Non-Hispanic American Indian or Alaska Native	Men	0.47	0.31	0.15	0.80
	Women	0.76	0.31	0.37	1.02
	<b>Total</b>	<b>1.23</b>	<b>0.62</b>	<b>0.52</b>	<b>1.82</b>
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	3.26	2.32	2.64	3.73
	Women	5.41	2.30	4.27	2.65
	<b>Total</b>	<b>8.67</b>	<b>4.62</b>	<b>6.92</b>	<b>6.38</b>
Non-Hispanic Black or African American	Men	9.10	5.82	3.40	7.39
	Women	16.29	6.76	9.31	9.82
	<b>Total</b>	<b>25.39</b>	<b>12.57</b>	<b>12.72</b>	<b>17.22</b>
Non-Hispanic White	Men	23.60	36.42	22.46	42.40
	Women	35.04	32.50	46.51	22.46
	<b>Total</b>	<b>58.64</b>	<b>68.92</b>	<b>68.98</b>	<b>64.85</b>

Source: GAO analysis of Office of Personnel Management and Census Equal Employment Opportunity (EEO) data. | GAO-23-105429

Notes: Percentages for the civilian labor force and in similar occupations are estimates based on Census EEO Tabulation data. Estimated percentages for the civilian labor force overall have a margin of error no greater than 0.15 percentage points. Estimated percentage for the civilian labor force in similar occupations have a margin of error no greater than 0.18 percentage points. To obtain the estimated percentages for the civilian labor force in similar occupations, we averaged the estimated occupation-level percentages provided in the Census data, weighting by the share of VA’s workforce from FY 2017 to 2021 in each occupation. Percentages may not sum to percentage totals due to rounding.

Appendix II: Demographic Data on the VA Workforce, Fiscal Years 2000–2021

Table 3 reports the percentages of the VA workforce, by race, ethnicity, and gender, separately by VA administration and the VA Central Office from fiscal years 2017 to 2021.

**Table 3: Percentage of Employees by Race, Ethnicity, and Gender in the National Cemetery Administration (NCA), Veterans Benefits Administration (VBA), Veterans Health Administration (VHA), and the VA Central Office, Fiscal Years (FY) 2017–2021**

Racial or ethnic group	Gender	NCA,	VBA,	VHA,	VA Central Office,
		FY 2017–2021	FY 2017–2021	FY 2017–2021	FY 2017–2021
		Percentage			
Hispanic or Latino	Men	6.14	3.24	2.59	4.17
	Women	1.58	2.68	3.48	2.08
	<b>Total</b>	<b>7.72</b>	<b>5.92</b>	<b>6.07</b>	<b>6.25</b>
Non-Hispanic American Indian or Alaska Native	Men	1.22	0.85	0.43	0.70
	Women	0.27	1.12	0.76	0.35
	<b>Total</b>	<b>1.49</b>	<b>1.97</b>	<b>1.19</b>	<b>1.06</b>
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	1.90	1.91	3.32	4.01
	Women	0.54	1.66	5.81	2.36
	<b>Total</b>	<b>2.44</b>	<b>3.57</b>	<b>9.13</b>	<b>6.36</b>
Non-Hispanic Black or African American	Men	11.65	13.03	8.70	12.16
	Women	6.61	18.70	16.35	12.27
	<b>Total</b>	<b>18.26</b>	<b>31.73</b>	<b>25.05</b>	<b>24.43</b>
Non-Hispanic White	Men	56.95	31.28	22.18	41.07
	Women	13.14	25.53	36.38	20.84
	<b>Total</b>	<b>70.09</b>	<b>56.81</b>	<b>58.56</b>	<b>61.91</b>

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Notes: Data for the VA Central Office includes employees working in all VA sub-agencies outside the NCA, VBA, and VHA. Percentages may not sum to percentage totals due to rounding.

Table 4 reports the percentages of the VA workforce, by race, ethnicity, and gender, in selected fiscal years.

**Table 4: Percentage of Veterans Affairs (VA) Employees by Race, Ethnicity, and Gender, in Selected Fiscal Years (FY)**

Racial or ethnic group	Gender	FY 2000	FY 2005	FY 2010	FY 2015	FY 2021
		Percentage				
Hispanic or Latino	Men	2.52	2.67	2.59	2.69	2.68
	Women	2.52	2.94	3.07	3.12	3.55
	<b>Total</b>	<b>5.04</b>	<b>5.61</b>	<b>5.66</b>	<b>5.82</b>	<b>6.23</b>
	Men	0.39	0.39	0.47	0.48	0.46



**Appendix II: Demographic Data on the VA Workforce, Fiscal Years 2000—2021**

Racial or ethnic group	Gender	FY 2000	FY 2005	FY 2010	FY 2015	FY 2021
		Percentage				
Non-Hispanic American Indian or Alaska Native	Women	0.49	0.53	0.70	0.74	0.80
	<b>Total</b>	<b>0.88</b>	<b>0.92</b>	<b>1.16</b>	<b>1.21</b>	<b>1.26</b>
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	2.46	2.70	2.72	2.98	3.42
	Women	3.58	4.17	4.35	4.72	5.80
	<b>Total</b>	<b>6.04</b>	<b>6.87</b>	<b>7.07</b>	<b>7.70</b>	<b>9.22</b>
Non-Hispanic Black or African American	Men	9.35	9.15	8.97	9.37	8.67
	Women	14.46	14.82	14.63	15.11	16.78
	<b>Total</b>	<b>23.81</b>	<b>23.97</b>	<b>23.60</b>	<b>24.48</b>	<b>25.45</b>
Non-Hispanic White	Men	28.10	26.32	25.48	25.06	22.79
	Women	36.13	36.31	37.03	35.73	35.05
	<b>Total</b>	<b>64.23</b>	<b>62.63</b>	<b>62.51</b>	<b>60.79</b>	<b>57.84</b>

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Note: Percentages may not sum to percentage totals due to rounding.

Tables 5 through 8 report the percentage of VA employees, by race, ethnicity, and gender, in selected VA occupations from fiscal years 2017 to 2021. They also report the average pay for each occupation over this period, adjusted for changes in the cost of living over time. The occupations reported in tables 5 through 8 together represent the 20 highest employing occupations in the VA over fiscal years 2017—2021 and account for about 71 percent of total employees over this period.

**Appendix II: Demographic Data on the VA Workforce, Fiscal Years 2000—2021**

**Table 5: Percentage of Veterans Affairs Employees by Race, Ethnicity, and Gender, and Average Pay in Selected Occupations, Fiscal Years 2017–2021**

Occupation (series code)		Physician (0602)	Pharmacy (0660)	Psychology (0180)	Information Technology Management (2210)	Management And Program Analysis (0343)
Average pay (2021 dollars in thousands)		270	136	103	103	100
		Percentage				
Racial or ethnic group	Gender					
Hispanic or Latino	Men	2.63	1.02	1.15	5.95	2.74
	Women	1.61	2.12	2.53	1.39	3.30
	<b>Total</b>	<b>4.24</b>	<b>3.14</b>	<b>3.67</b>	<b>7.34</b>	<b>6.03</b>
Non-Hispanic American Indian or Alaska Native	Men	0.68	0.29	0.14	1.01	0.44
	Women	0.58	0.64	0.37	0.18	0.59
	<b>Total</b>	<b>1.26</b>	<b>0.93</b>	<b>0.51</b>	<b>1.18</b>	<b>1.03</b>
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	14.11	5.33	1.12	5.49	2.59
	Women	12.24	12.95	4.36	1.79	2.85
	<b>Total</b>	<b>26.34</b>	<b>18.28</b>	<b>5.48</b>	<b>7.28</b>	<b>5.44</b>
Non-Hispanic Black or African American	Men	2.60	2.11	1.36	14.08	8.40
	Women	2.82	6.23	4.89	5.54	17.13
	<b>Total</b>	<b>5.42</b>	<b>8.34</b>	<b>6.25</b>	<b>19.62</b>	<b>25.53</b>
Non-Hispanic White	Men	40.47	24.98	28.74	51.38	27.69
	Women	22.26	44.33	55.35	13.20	34.28
	<b>Total</b>	<b>62.73</b>	<b>69.30</b>	<b>84.09</b>	<b>64.58</b>	<b>61.97</b>

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Notes: Average pay is measured using adjusted basic pay and reflects the amount individuals would have earned had they worked a complete year, adjusted for changes in the cost of living over time. Percentages may not sum to percentage totals due to rounding.

**Appendix II: Demographic Data on the VA Workforce, Fiscal Years 2000—2021**

**Table 6: Percentage of Veterans Affairs Employees by Race, Ethnicity, and Gender, and Average Pay in Selected Occupations, Fiscal Years 2017–2021**

Occupation (series code)		Nursing (0610, 0605 <sup>a</sup> )	Human Resources Management (0201)	General Medical And Healthcare (0601)	Social Work (0185)	Misc. Administration And Program (0301)
<b>Average pay (2021 dollars in thousands)</b>		<b>100</b>	<b>87</b>	<b>84</b>	<b>84</b>	<b>83</b>
		<b>Percentage</b>				
<b>Racial or ethnic group</b>	<b>Gender</b>					
Hispanic or Latino	Men	1.27	2.66	2.11	1.46	3.07
	Women	3.59	5.45	2.78	4.16	3.73
	<b>Total</b>	<b>4.86</b>	<b>8.10</b>	<b>4.89</b>	<b>5.62</b>	<b>6.80</b>
Non-Hispanic American Indian or Alaska Native	Men	0.22	0.34	0.45	0.20	0.36
	Women	0.95	0.80	0.59	0.72	0.80
	<b>Total</b>	<b>1.17</b>	<b>1.14</b>	<b>1.04</b>	<b>0.92</b>	<b>1.16</b>
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	2.70	1.20	5.12	0.81	1.79
	Women	10.86	2.39	5.39	2.29	2.22
	<b>Total</b>	<b>13.56</b>	<b>3.60</b>	<b>10.51</b>	<b>3.10</b>	<b>4.02</b>
Non-Hispanic Black or African American	Men	2.20	8.87	4.97	3.54	11.33
	Women	16.53	22.34	10.86	15.68	21.32
	<b>Total</b>	<b>18.73</b>	<b>31.21</b>	<b>15.83</b>	<b>19.23</b>	<b>32.66</b>
Non-Hispanic White	Men	12.16	20.68	27.79	17.24	23.69
	Women	49.52	35.27	39.94	53.89	31.68
	<b>Total</b>	<b>61.69</b>	<b>55.95</b>	<b>67.74</b>	<b>71.13</b>	<b>55.37</b>

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Notes: Average pay is measured using adjusted basic pay and reflects the amount individuals would have earned had they worked a complete year, adjusted for changes in the cost of living over time. Percentages may not sum to percentage totals due to rounding.

<sup>a</sup>Nursing includes employees in the OPM occupation series for nursing (series 0610) and nurse anesthetist (series 0605).

**Appendix II: Demographic Data on the VA Workforce, Fiscal Years 2000—2021**

**Table 7: Percentage of Veterans Affairs Employees by Race, Ethnicity, and Gender, and Average Pay in Selected Occupations, Fiscal Years 2017–2021**

Occupation (series code)		Clinical Laboratory Science (0644)	Veterans Claims Examining (0996)	Practical Nurse (0620)	Health Aid And Technician (0640)	Pharmacy Technician (0661)
<b>Average pay (2021 dollars in thousands)</b>		<b>80</b>	<b>78</b>	<b>56</b>	<b>50</b>	<b>49</b>
		<b>Percentage</b>				
<b>Racial or ethnic group</b>	<b>Gender</b>					
Hispanic or Latino	Men	2.61	3.48	1.49	4.08	2.87
	Women	5.73	2.52	4.18	5.07	6.13
	<b>Total</b>	<b>8.35</b>	<b>6.00</b>	<b>5.66</b>	<b>9.15</b>	<b>9.01</b>
Non-Hispanic American Indian or Alaska Native	Men	0.29	0.99	0.22	0.52	0.40
	Women	1.29	1.44	1.06	0.81	1.08
	<b>Total</b>	<b>1.58</b>	<b>2.43</b>	<b>1.28</b>	<b>1.34</b>	<b>1.47</b>
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	4.51	2.21	2.10	2.17	3.79
	Women	11.55	1.65	5.22	2.80	6.29
	<b>Total</b>	<b>16.06</b>	<b>3.85</b>	<b>7.32</b>	<b>4.98</b>	<b>10.09</b>
Non-Hispanic Black or African American	Men	4.33	12.07	4.02	12.56	5.59
	Women	10.16	16.77	26.54	22.88	17.95
	<b>Total</b>	<b>14.49</b>	<b>28.84</b>	<b>30.56</b>	<b>35.44</b>	<b>23.54</b>
Non-Hispanic White	Men	16.27	32.72	9.65	17.57	13.79
	Women	43.25	26.16	45.53	31.52	42.11
	<b>Total</b>	<b>59.52</b>	<b>58.88</b>	<b>55.18</b>	<b>49.09</b>	<b>55.90</b>

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Notes: Average pay is measured using adjusted basic pay and reflects the amount individuals would have earned had they worked a complete year, adjusted for changes in the cost of living over time. Percentages may not sum to percentage totals due to rounding.

**Appendix II: Demographic Data on the VA Workforce, Fiscal Years 2000—2021**

**Table 8: Percentage of Veterans Affairs (VA) Employees by Race, Ethnicity, and Gender, and Average Pay in Selected Occupations, Fiscal Years (FY) 2017–2021**

Occupation (series code)		Misc. Clerk And Assistant (0303)	Medical Support Assistance (0679)	Nursing Assistant (0621)	Food Service Working (7408)	Custodial Working (3566)
<b>Average pay (2021 dollars in thousands)</b>		<b>49</b>	<b>46</b>	<b>43</b>	<b>37</b>	<b>37</b>
		<b>Percentage</b>				
<b>Racial or ethnic group</b>	<b>Gender</b>					
Hispanic or Latino	Men	2.88	2.14	1.69	3.63	5.05
	Women	4.63	5.33	5.22	3.83	1.32
	<b>Total</b>	<b>7.51</b>	<b>7.47</b>	<b>6.91</b>	<b>7.46</b>	<b>6.38</b>
Non-Hispanic American Indian or Alaska Native	Men	0.44	0.28	0.26	0.64	1.01
	Women	0.91	0.98	0.99	0.56	0.28
	<b>Total</b>	<b>1.35</b>	<b>1.26</b>	<b>1.24</b>	<b>1.20</b>	<b>1.30</b>
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	1.48	1.00	2.11	1.61	1.17
	Women	2.53	2.64	5.84	2.54	0.39
	<b>Total</b>	<b>4.02</b>	<b>3.63</b>	<b>7.95</b>	<b>4.15</b>	<b>1.56</b>
Non-Hispanic Black or African American	Men	11.03	9.38	9.95	28.48	45.03
	Women	25.61	31.22	42.57	22.90	9.17
	<b>Total</b>	<b>36.64</b>	<b>40.61</b>	<b>52.52</b>	<b>51.38</b>	<b>54.20</b>
Non-Hispanic White	Men	17.75	11.37	6.78	18.55	31.69
	Women	32.74	35.65	24.60	17.27	4.88
	<b>Total</b>	<b>50.49</b>	<b>47.02</b>	<b>31.38</b>	<b>35.82</b>	<b>36.57</b>

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Notes: Average pay is measured using adjusted basic pay and reflects the amount individuals would have earned had they worked a complete year, adjusted for changes in the cost of living over time. Percentages may not sum to percentage totals due to rounding.

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# Appendix III: Description and Results of Statistical Methods to Estimate VA Workforce Outcomes

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This appendix describes the statistical methods we used to estimate workforce outcomes, and includes additional results of our analyses. As described in appendix I, the Office of Personnel Management's (OPM) Enterprise Human Resources Integration (EHRI) data is a central source of administrative information regarding the federal workforce.

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## Scope of Analysis

Our longitudinal analysis relied on the EHRI files for fiscal years 2000 through 2021 that we used to measure the composition of the Department of Veterans Affairs (VA) workforce by race and ethnicity. We restricted our sample to workers who started at the agency from 2000 through 2016 so that each worker would have at least 5 years of employment outcomes after their initial year. We measured each worker's initial year based on the earliest year in the EHRI Status files they appeared in pay status at the agency. The Status files provided data on whether the worker was employed at the VA in each year and their annual pay as well as various worker characteristics observed during their initial year. To obtain data on personnel actions the employee experienced over the subsequent 10 years of their career—including promotions, separations, and awards—we merged in additional information on these actions from the EHRI Dynamic files. To maintain consistency with our composition analysis, we excluded non-Hispanic workers who identified with two or more races and those who, in their initial year, were employed in a duty station located outside the 50 U.S. states or District of Columbia.

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## Methods to Estimate Workforce Outcomes

Using statistical models that we describe below, we analyzed multiple outcomes related to workers' pay, promotion, and retention to provide a comprehensive evaluation of VA workers' career trajectories and how they may differ, by race, ethnicity, and gender. Each worker entered our analysis and we analyzed their outcomes starting in their initial year at the agency. We then followed the worker for the subsequent 10 years, to the extent data was available.<sup>1</sup> We derived and analyzed the following annual outcomes over this 11 year period (including the worker's initial year at the agency), following guidance from the Equal Employment Opportunity Commission's (EEOC) instructions to federal agencies for completing the EEO Management Directive 715 (MD-715) workforce data tables:

- **Pay, adjusted for inflation.** We measured pay using adjusted basic pay. This amount takes into account various differences in pay based

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<sup>1</sup>As we explained earlier, since our EHRI analysis covered the period from 2000 to 2021, 10 year outcomes were available only for those who started at the VA in 2011 or earlier. In addition, our analyses of pay, promotions, and awards were restricted to workers who were employed in September of the given year.

on locality, special rates, and existing pay caps and reflects the amount individuals would have earned had they worked a complete year. It does not include overtime pay. We adjusted pay amounts for inflation using the Consumer Price Index for All Urban Consumers (CPI-U). We measured each employee's starting pay based on the observed amount in September of the employee's initial year at the VA.

- **Pay growth, adjusted for inflation.** We measured cumulative pay growth by computing the percent change in adjusted basic pay in the given year relative to the amount recorded in the worker's initial year at the VA, adjusting for inflation using the CPI-U.
- **Promotions.** We measured the cumulative number of promotions the worker received at the VA through the end of the fiscal year, including temporary and permanent promotions.
- **Separations.** We measured whether the worker had experienced a separation from the VA by the end of the fiscal year. Separations are actions that end employment with the agency. These can include removals, resignations, and retirements, among others.
- **Cash awards.** We measured the cumulative number of cash awards the worker received at the VA by the end of the fiscal year. Cash awards are a one-time cash payment, which is in addition to the worker's regular salary and granted as a form of incentive or recognition.<sup>2</sup>
- **Time-off awards.** We measured the cumulative number of time-off awards the worker received at the VA by the end of the fiscal year, including individual and group awards. Time-off awards provide time off from duty, without loss of pay or charge to leave, granted to a federal employee as a form of incentive or recognition.

To understand the channels through which different groups of workers may separate from the VA, we also analyzed the following types of separations:

- **Removals.** We measured whether the worker was removed from the VA by the end of the fiscal year. Removals included retirements and resignations in lieu of an involuntary action, terminations, and

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<sup>2</sup>We counted cash awards following guidance from the EEOC's Instructions to Federal Agencies for completing the EEO MD-715 workforce data tables, which includes individual and group cash awards, foreign language awards, travel savings incentives, referral bonuses, exemplary performance awards, and Senior Executive Service performance awards.

terminations during a probationary or trial period. Removals represent separations based on misconduct, delinquency, suitability, unsatisfactory performance, or failure to qualify for a conversion to a career appointment. They include workers who resigned upon receiving notice of action based on performance or misconduct.

- **Resignations.** We measured whether the worker had voluntarily resigned at the VA by the end of the fiscal year.
- **Retirements.** We measured whether the worker had retired from the VA by the end of the fiscal year. Retirements represent separations in which VA made the determination that the worker was entitled to immediate annuity, including mandatory and voluntary retirements, and those associated with disability or a special option.
- **Separations, other.** We measured whether the worker had experienced certain other types of separations from the VA by the end of the fiscal year, including separations due to death and those due to nonpermanent employee's expiration of appointment, work, or funds.<sup>3</sup>

Tables 9 through 15 report descriptive statistics of the pay, promotion, awards, and separation outcomes we analyzed. While these variables together supported a comprehensive evaluation of VA workers' employment outcomes, the variables individually have certain limitations. For example, we measured workers' pay and pay growth using adjusted basic pay. EEOC instructs agencies to use this variable in its instructions for completing the EEO MD-715 workforce data tables, and it has been used in prior analyses of federal workers' pay. Nevertheless, adjusted basic pay does not account for all sources of workers' earnings, such as overtime pay.<sup>4</sup> In addition, in our analysis of promotions, we did not distinguish between noncompetitive and competitive promotions. Such limitations could decrease or increase the differences that we estimated.

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<sup>3</sup>To maintain consistency with the EEOC's instructions to federal agencies for completing the EEO MD-715 workforce data tables, our measure of other types of separations do not include reductions in force, which are listed as a separate category in EEOC's instructions. Reductions in force are included in our overall measure of separations. We did not analyze reductions in force separately due to the small number of workers who experienced this type of separation during our analysis period.

<sup>4</sup>We also analyzed pay and pay growth using basic pay. The results from this analysis generally supported the same substantive conclusions that we found using adjusted basic pay.



**Appendix III: Description and Results of  
Statistical Methods to Estimate VA Workforce  
Outcomes**

**Table 9: Descriptive Statistics of Veterans Affairs (VA) Employee Pay, Fiscal Years 2000–2021, by Race, Ethnicity, and Gender**

Racial or ethnic group	Gender	Year since starting employment at VA					
		Initial year			Year 10		
		Mean pay (dollars in thousands)	Standard deviation (dollars in thousands)	VA employees (number)	Mean pay (dollars in thousands)	Standard deviation (dollars in thousands)	VA employees (number)
Hispanic or Latino	Men	59.4	47.6	12,807	85.9	56.2	3,768
	Women	54.9	34.5	14,365	79.8	38.4	4,637
Non-Hispanic American Indian or Alaska Native	Men	69.0	62.9	2,568	103.3	75.9	695
	Women	63.7	46.2	3,796	91.2	52.1	1,118
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	106.0	81.0	15,122	144.5	88.4	4,205
	Women	87.1	58.7	22,819	122.4	63.4	7,244
Non-Hispanic Black or African American	Men	46.3	30.7	45,245	68.6	38.5	12,399
	Women	51.8	28.9	65,926	74.3	33.7	20,865
Non-Hispanic White	Men	73.8	62.8	122,163	104.8	67.9	34,035
	Women	62.6	39.9	172,241	90.6	43.5	50,969
<b>Total</b>		<b>64.7</b>	<b>49.6</b>	<b>477,052</b>	<b>92.5</b>	<b>54.9</b>	<b>139,935</b>

Legend: VA employees = VA employees employed in the reported year since starting employment at VA.

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Note: Descriptive statistics were computed for VA employees who started employment at the agency from 2000 through 2016, at the reported years since they started their employment. Ten year outcomes were available only for VA employees who started from 2000 through 2011. Pay is adjusted for inflation and reported in constant 2021 dollars.

**Table 10: Descriptive Statistics of Veterans Affairs (VA) Employee Pay Growth Since Initial Year, Fiscal Years 2000–2021, by Race, Ethnicity, and Gender**

Racial or ethnic group	Gender	Year since starting employment at VA					
		Year 5			Year 10		
		Mean pay growth (percent change)	Standard deviation (percent change)	VA employees (number)	Mean pay growth (percent change)	Standard deviation (percent change)	VA employees (number)
Hispanic or Latino	Men	32.6	41.1	7,607	49.6	47.8	3,768
	Women	32.3	43.1	8,475	53.9	63.1	4,637
Non-Hispanic American Indian or Alaska Native	Men	31.2	44.0	1,410	47.3	45.2	695
	Women	29.5	43.5	2,122	48.5	54.2	1,118

**Appendix III: Description and Results of  
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		Year since starting employment at VA					
		Year 5			Year 10		
Racial or ethnic group	Gender	Mean pay growth (percent change)	Standard deviation (percent change)	VA employees (number)	Mean pay growth (percent change)	Standard deviation (percent change)	VA employees (number)
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	30.1	44.3	8,448	52.7	59.2	4,205
	Women	30.7	48.1	13,825	49.7	60.9	7,244
Non-Hispanic Black or African American	Men	30.4	30.5	26,270	47.1	42.0	12,399
	Women	28.9	34.6	39,942	47.2	46.0	20,865
Non-Hispanic White	Men	33.5	45.2	70,810	54.8	60.4	34,035
	Women	34.3	52.8	99,126	54.7	65.4	50,969
<b>Total</b>		<b>32.5</b>	<b>45.6</b>	<b>278,035</b>	<b>52.4</b>	<b>58.8</b>	<b>139,935</b>

Legend: VA employees = VA employees employed in the reported year since starting employment at VA.

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Note: Descriptive statistics were computed for VA employees who started employment at the agency from 2000 through 2016, at the reported years since they started their employment. Ten year outcomes were available only for VA employees who started from 2000 through 2011. Pay growth is adjusted for inflation.

**Table 11: Descriptive Statistics of Veterans Affairs (VA) Employee Total Promotions Received Since Initial Year, Fiscal Years 2000–2021, by Race, Ethnicity, and Gender**

		Year since starting employment at VA					
		Year 5			Year 10		
Racial or ethnic group	Gender	Mean promotions (number)	Standard deviation (number)	VA employees (number)	Mean promotions (number)	Standard deviation (number)	VA employees (number)
Hispanic or Latino	Men	1.1	1.2	7,607	1.6	1.7	3,768
	Women	1.0	1.1	8,475	1.6	1.5	4,637
Non-Hispanic American Indian or Alaska Native	Men	1.0	1.3	1,410	1.6	1.7	695
	Women	0.9	1.2	2,122	1.5	1.6	1,118
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	0.6	1.0	8,448	1.0	1.4	4,205
	Women	0.6	0.9	13,825	0.9	1.2	7,244
Non-Hispanic Black or African American	Men	1.1	1.2	26,270	1.8	1.7	12,399
	Women	0.9	1.1	39,942	1.5	1.5	20,865
Non-Hispanic White	Men	1.0	1.3	70,810	1.6	1.7	34,035
	Women	0.9	1.1	99,126	1.5	1.5	50,969

**Appendix III: Description and Results of  
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Racial or ethnic group	Gender	Year since starting employment at VA					
		Year 5			Year 10		
		Mean promotions (number)	Standard deviation (number)	VA employees (number)	Mean promotions (number)	Standard deviation (number)	VA employees (number)
<b>Total</b>		<b>1.0</b>	<b>1.2</b>	<b>278,035</b>	<b>1.5</b>	<b>1.6</b>	<b>139,935</b>

Legend: VA employees = VA employees employed in the reported year since starting employment at VA.

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Note: Descriptive statistics were computed for VA employees who started employment at the agency from 2000 through 2016, at the reported years since they started their employment. Ten year outcomes were available only for VA employees who started from 2000 through 2011.

**Table 12: Descriptive Statistics of Veterans Affairs (VA) Employee Total Cash Awards Received Since Initial Year, Fiscal Years 2000–2021, by Race, Ethnicity, and Gender**

Racial or ethnic group	Gender	Year since starting employment at VA					
		Year 5			Year 10		
		Mean cash awards (number)	Standard deviation (number)	VA employees (number)	Mean cash awards (number)	Standard deviation (number)	VA employees (number)
Hispanic or Latino	Men	3.6	3.0	7,607	7.8	5.2	3,768
	Women	3.6	3.0	8,475	7.8	5.1	4,637
Non-Hispanic American Indian or Alaska Native	Men	3.6	3.1	1,410	7.5	5.0	695
	Women	3.7	3.2	2,122	8.0	5.5	1,118
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	2.9	2.9	8,448	6.5	5.3	4,205
	Women	2.9	2.9	13,825	6.5	5.2	7,244
Non-Hispanic Black or African American	Men	3.6	2.9	26,270	7.8	5.0	12,399
	Women	3.5	2.9	39,942	7.7	5.1	20,865
Non-Hispanic White	Men	3.8	3.0	70,810	8.2	5.3	34,035
	Women	3.8	3.0	99,126	8.3	5.2	50,969
<b>Total</b>		<b>3.6</b>	<b>3.0</b>	<b>278,035</b>	<b>8.0</b>	<b>5.2</b>	<b>139,935</b>

Legend: VA employees = VA employees employed in the reported year since starting employment at VA.

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Note: Descriptive statistics were computed for VA employees who started employment at the agency from 2000 through 2016, at the reported years since they started their employment. Ten year outcomes were available only for VA employees who started from 2000 through 2011. We measured the cumulative number of cash awards the worker received at the VA by the end of the fiscal year. Cash awards are a one-time cash payment, which is in addition to the worker's regular salary and granted as a form of incentive or recognition. We counted cash awards following guidance from the EEOC's Instructions to Federal Agencies for completing the EEO MD-715 workforce data tables, which includes individual and group cash awards, foreign language awards, travel savings incentives,

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referral bonuses, exemplary performance awards, and Senior Executive Service performance awards.

**Table 13: Descriptive Statistics of Veterans Affairs (VA) Employee Total Time-off Awards Received Since Initial Year, Fiscal Years 2000–2021, by Race, Ethnicity, and Gender**

Racial or ethnic group	Gender	Year since starting employment at VA					
		Year 5			Year 10		
		Mean time-off awards (number)	Standard deviation (number)	VA employees (number)	Mean time-off awards (number)	Standard deviation (number)	VA employees (number)
Hispanic or Latino	Men	0.3	0.9	7,607	0.7	1.4	3,768
	Women	0.3	0.9	8,475	0.7	1.4	4,637
Non-Hispanic American Indian or Alaska Native	Men	0.5	1.1	1,410	0.8	1.7	695
	Women	0.5	1.3	2,122	1.0	2.3	1,118
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	0.2	0.7	8,448	0.5	1.1	4,205
	Women	0.3	0.8	13,825	0.6	1.4	7,244
Non-Hispanic Black or African American	Men	0.3	0.9	26,270	0.7	1.5	12,399
	Women	0.3	0.9	39,942	0.7	1.4	20,865
Non-Hispanic White	Men	0.4	1.2	70,810	0.9	1.9	34,035
	Women	0.4	1.2	99,126	0.9	2.0	50,969
<b>Total</b>		<b>0.4</b>	<b>1.1</b>	<b>278,035</b>	<b>0.8</b>	<b>1.8</b>	<b>139,935</b>

Legend: VA employees = VA employees employed in the reported year since starting employment at VA.

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Note: Descriptive statistics were computed for VA employees who started employment at the agency from 2000 through 2016, at the reported years since they started their employment. Ten year outcomes were available only for VA employees who started from 2000 through 2011. We measured the cumulative number of time-off awards the worker received at the VA by the end of the fiscal year, including individual and group awards. Time-off awards provide time off from duty, without loss of pay or charge to leave, granted to a federal employee as a form of incentive or recognition.

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**Table 14: Percentage of Employees Separated from Department of Veterans Affairs (VA) Within 5 Years of Starting Employment, by Race, Ethnicity, and Gender, and Type of Separation, Fiscal Years 2000–2021**

		Percentage of VA employees separated within 5 years of starting employment, overall and by type					
Racial or ethnic group	Gender	VA employees in initial year (number)	Separated from VA, Overall (percent)	Removed from VA (percent)	Resigned from VA (percent)	Retired from VA (percent)	Other separation from VA (percent)
Hispanic or Latino	Men	12,807	43.4	7.9	24.6	1.6	10.5
	Women	14,365	44.6	6.1	25.7	0.8	13.2
Non-Hispanic American Indian or Alaska Native	Men	2,568	47.2	9.7	24.4	2.3	12.3
	Women	3,796	46.8	7.1	26.5	1.1	13.6
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	15,122	46.4	8.7	25.3	1.0	12.5
	Women	22,819	43.4	5.7	24.0	0.5	14.4
Non-Hispanic Black or African American	Men	45,245	45.0	13.2	20.3	2.2	11.0
	Women	65,926	42.7	7.9	22.1	1.1	12.9
Non-Hispanic White	Men	122,163	44.8	7.0	24.0	2.5	12.5
	Women	172,241	46.3	5.1	26.7	1.6	14.2
<b>Total</b>		<b>477,052</b>	<b>45.0</b>	<b>7.0</b>	<b>24.5</b>	<b>1.7</b>	<b>13.1</b>

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Note: Descriptive statistics were computed for VA employees who started employment at the agency from 2000 through 2016. Removals represent separations based on misconduct, delinquency, suitability, unsatisfactory performance, or failure to qualify for a conversion to a career appointment. They include workers who resigned upon receiving notice of action based on performance or misconduct. Resignations represent voluntary resignations. Retirements represent separations in which VA made the determination that the worker was entitled to immediate annuity, including mandatory and voluntary retirements, and those associated with disability or a special option. Other types of separations include those due to death and those due to nonpermanent employee's expiration of appointment, work, or funds. Percentages for each type of separation may not sum to the percentage for separations overall when employees have multiple separations during the period we analyzed.

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**Table 15: Percentage of Employees Separated from Veterans Affairs (VA) within 10 Years of Starting Employment, by Race, Ethnicity, and Gender, and Type of Separation, Fiscal Years 2000–2021**

Racial or ethnic group	Gender	VA employees in initial year (number)	Percentage of VA employees separated within 10 years of starting employment, overall and by type				
			Separated from VA, Overall (percent)	Removed from VA (percent)	Resigned from VA (percent)	Retired from VA (percent)	Other separation from VA (percent)
Hispanic or Latino	Men	8,146	57.1	10.8	29.4	6.9	12.6
	Women	9,454	55.4	8.1	31.0	3.9	14.6
Non-Hispanic American Indian or Alaska Native	Men	1,700	61.7	12.2	30.1	7.9	13.8
	Women	2,479	58.9	9.0	31.5	4.9	15.9
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	9,530	59.4	12.6	31.3	4.5	13.3
	Women	14,138	54.4	8.3	29.9	2.8	15.9
Non-Hispanic Black or African American	Men	28,515	60.4	18.1	23.9	8.4	13.6
	Women	41,938	55.0	10.8	26.6	4.5	15.5
Non-Hispanic White	Men	78,119	59.8	9.0	28.8	10.3	14.2
	Women	113,017	59.5	6.8	33.1	7.1	15.0
<b>Total</b>		<b>307,036</b>	<b>58.6</b>	<b>9.4</b>	<b>29.9</b>	<b>7.3</b>	<b>14.7</b>

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Note: Descriptive statistics were computed for VA employees who started employment at the agency from 2000 through 2011. Removals represent separations based on misconduct, delinquency, suitability, unsatisfactory performance, or failure to qualify for a conversion to a career appointment. They include workers who resigned upon receiving notice of action based on performance or misconduct. Resignations represent voluntary resignations. Retirements represent separations in which VA made the determination that the worker was entitled to immediate annuity, including mandatory and voluntary retirements, and those associated with disability or a special option. Other types of separations include those due to death and those due to nonpermanent employee's expiration of appointment, work, or funds. Percentages for each type of separation may not sum to the percentage for separations overall when employees have multiple separations during the period we analyzed.

**Model Design**

We used statistical models to evaluate the extent to which different groups, by race, ethnicity, and gender, who were initially hired into the VA in similar occupations, tend to experience different employment outcomes. We estimated separate models for each outcome of interest at a given point in time relative to when the worker started their VA employment, pooling over cohorts who started in different years. For example, we estimated separate promotion models at two points using employees' observed promotion outcomes: (a) cumulative promotions by

the end of the fifth year following their initial year (e.g., fiscal year 2005 for those who started in 2000, 2010 for those who started in 2005), and (b) cumulative promotions by the end of the tenth year following their initial year (e.g., fiscal year 2010 for those who started in 2000, 2015 for those who started in 2005).

To compare workers who were hired into similar occupations, we assumed the mean of each outcome at a given point in time could be modeled as a combination of occupational and other factors that we observed during the worker's initial year. More specifically, let  $\mu_i(g, c, j, k, s)$  denote the mean of an outcome for worker  $i$  who is a member of race, ethnicity, and gender group  $g$ , who starts working at the VA in year  $c$ , in occupation  $j$ , in VA administration  $k$ , in state  $s$ . (For example,  $\mu_i(g, c, j, k, s)$  may represent the mean number of promotions by the end of the tenth year among those employed at the agency conditional on these factors.) We assumed this conditional mean takes the form:

$$\mu_i(g, c, j, k, s) = h(\theta_{gj} + \gamma_k + \phi_s + \delta_c)$$

where  $\theta_{gj}$  is an occupation-specific factor that accounts for differences in outcomes between different groups by race, ethnicity, and gender hired into the same occupation; and  $\gamma_k$ ,  $\phi_s$ , and  $\delta_c$  capture VA administration, state (including District of Columbia), and start year-specific factors, respectively, that we assume influence the outcome in a manner that is common across demographic groups. In addition,  $h(\cdot)$  is an appropriate function for modeling the outcome's conditional mean. In our main baseline specifications, we assumed the function  $h(\cdot)$  was linear when modeling workers' pay and pay growth; logistic when modeling the likelihood of each type of separation; and exponential when modeling counts of promotions and awards.<sup>5</sup>

Due to data limitations, we imposed an additional assumption on our model. In the formula above, the factors  $\theta_{gj}$  together summarize the differences between each group who were hired into the same

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<sup>5</sup>The exponential function is a common choice for modeling the conditional mean of count outcomes. In our baseline specifications, we estimated count models using Poisson regression, an appropriate estimation approach even in cases the distribution is not Poisson. See Wooldridge, Jeffrey M., *Econometric Analysis of Cross Section and Panel Data*, second edition (Cambridge, MA: The MIT Press, 2010), Chapter 18, "Count, Fractional, and Other Nonnegative Responses."

occupation. However, without further assumptions, we are only able to estimate these differences for occupations that hired at least one individual from each group.<sup>6</sup> While the vast majority of workers in our data were hired into such occupations, to avoid excluding those in occupations that did not, we assumed  $\theta_{gj}$  could be decomposed into occupation-specific characteristics that we could observe for all workers in the data. (As a check on our modeling assumptions, we also estimated versions of our models on restricted samples in which we could relax this assumption, as we discuss below.) Under this additional assumption, we modeled  $\theta_{gj}$  for each occupation  $j$  and group  $g$  as  $\theta_{gj} = X_j' \alpha_g + W_j' \beta$ , where  $X_j$  is a vector that includes certain occupations and multiple occupation characteristics that we interacted with each group,  $W_j$  is a vector of additional occupations assumed to have a common influence on our mean outcomes across groups, and  $\alpha_g$  and  $\beta$  are the corresponding regression coefficients. For the main results that we presented in the body of the report, we substituted this equation into our formula for the conditional mean, and estimated baseline models of the form:

$$\mu_i(g, c, j, k, s) = h(X_j' \alpha_g + W_j' \beta + \gamma_k + \phi_s + \delta_c)$$

In our main baseline specifications, we interacted each of the 10 race, ethnicity, and gender groups with: OPM occupation categories (i.e., professional, administrative, technical, clerical, other white collar, and blue collar), separate indicators for whether the occupation was a physician or nurse, and a set of variables for the mean characteristics of the workers hired into the occupation during their initial year at the VA. We included occupation-level means based on the following characteristics: educational attainment, work schedule, bargaining unit status, whether the worker was a permanent full-time non-seasonal employee, whether the worker was a supervisor or manager, age, federal

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<sup>6</sup>For example, in our analysis of employee's pay during their initial year at the VA, there are about 477,000 employees in our data, employed across 327 occupations. If we restrict these data only to employees in occupations that hired at least one individual from each race, ethnicity, and gender group, the sample drops to about 455,000 employees, employed across 98 occupations.



civilian work experience, and adjusted basic pay (inflation adjusted).<sup>7</sup> We also included, but did not interact, separate indicators for each occupation that employed 1,000 or more workers in their initial year. Together with the interacted indicators for physicians and nurses, our models directly controlled for occupations that accounted for about 92 percent of workers overall (22 percent of whom were either physicians or nurses in their initial year).<sup>8</sup>

## Outcomes Analysis

We used our statistical models to perform counterfactual exercises that quantified what workers in each group had experienced, on average, relative to non-Hispanic White men hired into similar occupations. To do so, we estimated marginal means, taking averages over the non-Hispanic White men in our data, and using the models to estimate what their outcomes would have been under an alternative race, ethnicity, and gender. We then compared the means that we obtained to estimate group differences. More specifically, for each outcome, we computed the percent difference of a given group relative to non-Hispanic White men using the expression:

$$\left( \frac{\bar{Y}^g - \bar{Y}^{WM}}{\bar{Y}^{WM}} \right) \times 100$$

where  $\bar{Y}^g$  denotes the estimated mean of an outcome that we computed by averaging over the non-Hispanic White men in our data under the assumption they were a member of group  $g$ . (For example,  $\bar{Y}^g$  may be the

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<sup>7</sup>We determined which mean worker characteristics to include in our main baseline model specification based on the results of a selected literature search of prior published studies of the VA and other federal agencies, including prior GAO reports. Although the vast majority of the 327 occupations in our data were associated with a single occupational category, there were some exceptions in which the category varies depending on the pay plan or grade. In these cases, we included in the model the category that was recorded for the worker. In addition, in our baseline specification, we relaxed the assumption that the VA administration-specific factor was common to all race, ethnicity, and gender groups by allowing for group-specific differences for workers hired into the Veterans Health Administration (VHA), which accounted for about 92 percent of the hires in our data. (In other words, we interacted the VHA variable with each of the 10 race, ethnicity, and gender groups.) We assumed the other VA administrations' factors were common across the demographic groups due to the relatively small number of workers in certain groups that were hired into these other administrations during our analysis period.

<sup>8</sup>As we explained earlier, we measured each employee's occupation using OPM occupation series codes. This standard does not distinguish between different physician specialties. Including physician specialty as an additional control variable in our models could decrease or increase the differences that we estimated.

average number of promotions that they would have been expected to obtain as a member of group  $g$  at the end of the tenth year.) In addition,  $\bar{Y}^{WM}$  denotes the observed mean of the outcome for non-Hispanic White men. We estimated the marginal means and percent differences using the “margins” routine in Stata version 16.<sup>9</sup>

We calculated the standard error of the relative difference in mean outcomes to assess uncertainty of our estimates as implied by the models, using standard formulas in Stata’s margins routine that were robust to certain forms of model misspecification. We examined 95 percent confidence intervals to identify statistically significant differences. In addition, for each outcome that we examined, we also tested the joint significance of the differences across all race, ethnicity, and gender groups compared to non-Hispanic White men.

Validation and robustness  
checks

We conducted several validation and robustness checks of the analyses reported in this report. These included the following:

- **Predictive fit of occupation-level outcomes:** We did not design our analysis to predict future outcomes but rather to make inferences about the differences in employment outcomes between groups by race, ethnicity, and gender hired into similar occupations at the VA from 2000 to 2016. However, to select our main baseline model specification and identify problems with model fit, we compared the observed mean outcomes by occupation and demographic group to the estimated means under alternative model specifications. For each outcome that we analyzed, we compared results using our main baseline specification to those from alternatives (e.g., specifications that controlled for fewer occupations directly, or excluded group-specific interactions with occupational characteristics). Since our counterfactual exercises did not rely directly on model estimates for non-Hispanic White men, we restricted our comparisons to those for the remaining groups defined by race, ethnicity, and gender, based on observed and estimated means by occupation and demographic

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<sup>9</sup>Each of the differences that we computed in our counterfactual exercise were based on averages over the non-Hispanic White men in our data. In our baseline models that we used to obtain our main results presented in the body of the report, these statistics estimate how these groups compared adjusting for occupational characteristics, state, start year, and VA administration, averaging over the distribution of these characteristics associated with the non-Hispanic White men in their initial year. In principle, we could have selected any of the 10 demographic groups to use as our reference population. We selected non-Hispanic White men for this purpose since historically they were the most likely to hold a supervisory or management position compared to other demographic groups and were among the highest earners, on average.

group. We summarized the overall fit of each model by computing the coefficient of determination (i.e., R-squared statistic) and the proportion of estimated means that were within the margin of error of the observed means, separately for each outcome. We found our main baseline specification performed better on these metrics than the alternatives on all outcomes that we analyzed, with baseline coefficients of determination across outcomes ranging from 0.679 to 0.998 (median 0.931), and proportions ranging from 64.5 to 97.6 percent (median 90.7 percent). These results indicated that the estimation errors were acceptably low relative to the overall variation in these mean outcomes across occupations and that our main baseline specification was appropriate for the purposes of comparing mean outcomes between groups.

- **Sensitivity to modeling assumptions:** As a check on our modeling assumptions, we also performed our counterfactual exercise under an alternative specification. Due to data limitations, in our main baseline models we assumed the occupation-specific factors associated with a given race, ethnicity, and gender group could be decomposed into a combination of observable occupation attributes. These models explained a large fraction of the differences in occupation-level outcomes and allowed us to include workers who started at the agency in occupations that did not employ workers in some groups during our analysis period. However, it is possible that an alternative approach could have yielded different results. To assess this possibility, we relaxed this assumption and estimated statistical models on restricted samples that allowed us to fully interact each of the occupations with each of the 10 demographic groups.<sup>10</sup> The results from these robustness checks generally supported the same substantive conclusions that we found using our main baseline specification. Nevertheless, as in any analysis, we acknowledge that models using a different set of characteristics could yield different results.

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## Additional results from our analysis

Tables 16 through 25 present data for the outcomes we analyzed. Each table reports the estimated percent differences between each group by race, ethnicity, and gender that we analyzed relative to non-Hispanic White men, as estimated under the main baseline statistical model that we presented in the body of the report and two alternative approaches:

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<sup>10</sup>We estimated these alternative models using linear regression to accommodate the large number of covariates in each specification.

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- 1. Alternative model: Including additional worker characteristics:** In addition to controlling for characteristics of each worker’s occupation, VA administration, and state (as observed during their initial year) and the year they started their employment, these models also control for additional worker characteristics including: age, civilian federal work experience, bargaining unit status, educational attainment, permanent full-time non-seasonal status, work schedule, and multiple indicators for whether the worker had a disability.<sup>11</sup> We also controlled for whether the worker was a supervisor or manager or a member of the Senior Executive Service. Each characteristic was based on what we observed during the worker’s initial year at the VA. The data from these models correspond to the estimated differences between each group and non-Hispanic White men, on average, who started the VA in similar occupations and who had certain qualifications and other characteristics in common at the start of their employment with the agency.
- 2. Not controlling for any worker or occupational characteristics:** We excluded all worker and occupational control variables from the models. These data correspond to the overall, unadjusted percent differences between each group and non-Hispanic White men, on average.

**Table 16: Estimated Differences in Pay Among Veterans Affairs (VA) Employees, By Race, Ethnicity, and Gender, Fiscal Years 2000–2021 (Percent Difference Relative to Non-Hispanic White men)**

Racial or ethnic group	Gender	Main model		Alternative model: Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Years since starting employment at VA					
		Initial year	Year 10	Initial year	Year 10	Initial year	Year 10
Hispanic or Latino	Men	-3.7 <sup>a</sup> (-4.7,-2.7)	-3.2 <sup>a</sup> (-4.1,-2.3)	-2.6 <sup>a</sup> (-3.4,-1.7)	-2.5 <sup>a</sup> (-3.4,-1.6)	-19.5 <sup>a</sup> (-20.7,-18.3)	-18.0 <sup>a</sup> (-19.8,-16.2)
	Women	-7.3 <sup>a</sup> (-8.4,-6.3)	-5.7 <sup>a</sup> (-6.8,-4.5)	-4.3 <sup>a</sup> (-5.3,-3.3)	-4.8 <sup>a</sup> (-5.9,-3.7)	-25.6 <sup>a</sup> (-26.4,-24.8)	-23.9 <sup>a</sup> (-25.1,-22.7)
Non-Hispanic American Indian or Alaska Native	Men	-2.4 <sup>a</sup> (-4.2,-0.5)	-1.7 (-3.5,0.2)	-0.6 (-2.3,1.1)	-1.1 (-2.9,0.7)	-6.5 <sup>a</sup> (-9.8,-3.2)	-1.5 (-6.9,4.0)
	Women	-5.7 <sup>a</sup> (-7.5,-3.9)	-5.7 <sup>a</sup> (-7.7,-3.6)	-2.8 <sup>a</sup> (-4.5,-1.2)	-5.2 <sup>a</sup> (-7.2,-3.3)	-13.7 <sup>a</sup> (-15.8,-11.7)	-13.0 <sup>a</sup> (-16.0,-10.0)

<sup>11</sup>We controlled separately for whether the worker reported having a disability, whether the worker held a Schedule A disability appointment, and whether the worker was entitled to a 10 point veterans preference for a service compensable disability.

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Racial or ethnic group	Gender	Years since starting employment at VA					
		Main model		Alternative model: Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Initial year	Year 10	Initial year	Year 10	Initial year	Year 10
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	-4.4 <sup>a</sup> (-5.0,-3.7)	-1.5 <sup>a</sup> (-2.2,-0.7)	-1.8 <sup>a</sup> (-2.4,-1.2)	-1.7 <sup>a</sup> (-2.4,-1.0)	43.7 <sup>a</sup> (41.8,45.5)	37.8 <sup>a</sup> (35.1,40.5)
	Women	-6.1 <sup>a</sup> (-6.9,-5.3)	-2.8 <sup>a</sup> (-3.6,-1.9)	-2.3 <sup>a</sup> (-3.0,-1.5)	-3.3 <sup>a</sup> (-4.2,-2.4)	18.0 <sup>a</sup> (16.8,19.2)	16.7 <sup>a</sup> (15.1,18.3)
Non-Hispanic Black or African American	Men	-4.6 <sup>a</sup> (-5.5,-3.7)	-4.4 <sup>a</sup> (-5.1,-3.6)	-4.5 <sup>a</sup> (-5.3,-3.8)	-3.5 <sup>a</sup> (-4.2,-2.8)	-37.3 <sup>a</sup> (-37.7,-36.8)	-34.6 <sup>a</sup> (-35.4,-33.8)
	Women	-6.0 <sup>a</sup> (-6.8,-5.3)	-5.8 <sup>a</sup> (-6.5,-5.1)	-4.1 <sup>a</sup> (-4.7,-3.4)	-5.4 <sup>a</sup> (-6.1,-4.7)	-29.7 <sup>a</sup> (-30.2,-29.3)	-29.1 <sup>a</sup> (-29.8,-28.5)
Non-Hispanic White	Women	-4.6 <sup>a</sup> (-5.0,-4.2)	-3.5 <sup>a</sup> (-4.0,-3.1)	-2.5 <sup>a</sup> (-2.9,-2.1)	-3.5 <sup>a</sup> (-3.9,-3.0)	-15.2 <sup>a</sup> (-15.7,-14.7)	-13.6 <sup>a</sup> (-14.2,-12.9)

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Note: Estimated differences were computed for VA employees who started employment at the agency from 2000 through 2016, at the reported years since they started their employment. Ten year outcomes were available only for VA employees who started from 2000 through 2011. We estimated these differences using statistical models. Pay is adjusted for changes in the cost of living over time. Ninety-five percent confidence intervals appear in parentheses. For each model presented in the table, the p-value of the joint hypothesis test of zero differences across all nine race, ethnicity, and gender groups is less than 0.001.

<sup>a</sup>The estimated difference between the group indicated and non-Hispanic White men is statistically different at the 5 percent level. The existence of a difference, taken alone, does not establish whether unlawful discrimination has occurred.

**Table 17: Estimated Differences in Pay Growth Among Veterans Affairs (VA) Employees, By Race, Ethnicity, and Gender, Fiscal Years 2000–2021 (Percent Difference Relative to Non-Hispanic White Men)**

Racial or ethnic group	Gender	Years since starting employment at VA					
		Main model		Alternative model: Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Year 5	Year 10	Year 5	Year 10	Year 5	Year 10
Hispanic or Latino	Men	-2.1 (-5.9,1.8)	-7.0 <sup>a</sup> (-10.7,-3.2)	-3.7 <sup>a</sup> (-7.2,-0.3)	-6.1 <sup>a</sup> (-9.3,-2.8)	-2.8 (-5.7,0.2)	-9.4 <sup>a</sup> (-12.4,-6.5)
	Women	-1.2 (-5.1,2.7)	0.9 (-3.9,5.6)	-8.0 <sup>a</sup> (-11.6,-4.4)	-3.7 (-8.1,0.6)	-3.4 <sup>a</sup> (-6.3,-0.5)	-1.7 (-5.2,1.8)
Non-Hispanic American Indian or Alaska Native	Men	3.3 (-5.2,11.9)	-7.5 (-15.2,0.2)	-1.0 (-8.7,6.8)	-9.1 <sup>a</sup> (-15.5,-2.6)	-6.8 (-13.7,0.1)	-13.6 <sup>a</sup> (-19.8,-7.4)
	Women	-3.4 (-10.3,3.6)	-8.0 (-17.0,1.1)	-10.6 <sup>a</sup> (-17.0,-4.2)	-10.7 <sup>a</sup> (-19.1,-2.2)	-11.9 <sup>a</sup> (-17.5,-6.3)	-11.5 <sup>a</sup> (-17.4,-5.6)
	Men	2.0 (-1.4,5.4)	0.0 (-3.8,3.9)	-3.4 <sup>a</sup> (-6.4,-0.5)	-4.2 <sup>a</sup> (-7.5,-0.9)	-10.0 <sup>a</sup> (-13.0,-7.0)	-3.8 <sup>a</sup> (-7.2,-0.3)

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Racial or ethnic group	Gender	Years since starting employment at VA					
		Main model		Alternative model: Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Year 5	Year 10	Year 5	Year 10	Year 5	Year 10
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Women	6.4 <sup>a</sup> (1.6,11.2)	2.8 (-2.3,7.9)	-4.9 <sup>a</sup> (-9.4,-0.5)	-5.2 <sup>a</sup> (-9.8,-0.6)	-8.3 <sup>a</sup> (-10.9,-5.8)	-9.3 <sup>a</sup> (-12.1,-6.5)
Non-Hispanic Black or African American	Men	-8.5 <sup>a</sup> (-10.8,-6.2)	-9.6 <sup>a</sup> (-12.3,-6.9)	-5.3 <sup>a</sup> (-7.4,-3.2)	-6.2 <sup>a</sup> (-8.6,-3.9)	-9.2 <sup>a</sup> (-10.6,-7.8)	-14.1 <sup>a</sup> (-15.8,-12.4)
	Women	-4.5 <sup>a</sup> (-6.6,-2.4)	-6.0 <sup>a</sup> (-8.3,-3.6)	-8.8 <sup>a</sup> (-10.8,-6.8)	-8.7 <sup>a</sup> (-10.9,-6.4)	-13.8 <sup>a</sup> (-15.1,-12.4)	-13.9 <sup>a</sup> (-15.4,-12.3)
Non-Hispanic White	Women	3.5 <sup>a</sup> (2.0,5.1)	0.6 (-1.1,2.3)	-2.1 <sup>a</sup> (-3.6,-0.6)	-3.5 <sup>a</sup> (-5.2,-1.8)	2.5 <sup>a</sup> (1.1,3.9)	-0.2 (-1.7,1.4)

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Note: Estimated differences were computed for VA employees who started employment at the agency from 2000 through 2016, at the reported years since they started their employment. Ten year outcomes were available only for VA employees who started from 2000 through 2011. We estimated these differences using statistical models. Pay growth was adjusted for changes in the cost of living over time. Ninety-five percent confidence intervals appear in parentheses. For each model presented in the table, the p-value of the joint hypothesis test of zero differences across all nine race, ethnicity, and gender groups is less than 0.001.

<sup>a</sup>The estimated difference between the group indicated and non-Hispanic White men is statistically different at the 5 percent level. The existence of a difference, taken alone, does not establish whether unlawful discrimination has occurred.

**Table 18: Estimated Differences in Promotions Among Veterans Affairs (VA) Employees, By Race, Ethnicity, and Gender, Fiscal Years 2000–2021 (Percent Difference Relative to Non-Hispanic White Men)**

Racial or ethnic group	Gender	Years since starting employment at VA					
		Main model		Alternative model: Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Year 5	Year 10	Year 5	Year 10	Year 5	Year 10
Hispanic or Latino	Men	0.2 (-2.2,2.5)	-1.4 (-4.3,1.6)	-4.0 <sup>a</sup> (-6.2,-1.8)	-4.1 <sup>a</sup> (-6.8,-1.4)	5.1 <sup>a</sup> (2.3,8.0)	1.7 (-1.8,5.1)
	Women	0.7 (-2.7,4.0)	2.8 (-1.2,6.8)	-5.6 <sup>a</sup> (-8.7,-2.6)	-1.6 (-5.3,2.1)	-4.3 <sup>a</sup> (-6.8,-1.8)	-3.2 <sup>a</sup> (-6.1,-0.3)
Non-Hispanic American Indian or Alaska Native	Men	-3.6 (-9.2,2.1)	-4.0 (-10.7,2.8)	-5.3 <sup>a</sup> (-10.6,0.0)	-4.7 (-11.1,1.7)	-0.4 (-6.9,6.2)	-3.8 (-11.7,4.2)
	Women	-6.8 <sup>a</sup> (-13.4,-0.2)	-13.5 <sup>a</sup> (-20.5,-6.4)	-9.5 <sup>a</sup> (-15.6,-3.4)	-13.3 <sup>a</sup> (-20.5,-6.0)	-9.5 <sup>a</sup> (-14.4,-4.7)	-9.2 <sup>a</sup> (-15.1,-3.3)

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Racial or ethnic group	Gender	Alternative model: Including additional worker characteristics					
		Main model		Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Year 5	Year 10	Year 5	Year 10	Year 5	Year 10
<b>Years since starting employment at VA</b>							
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	-4.7 <sup>a</sup> (-7.6,-1.8)	-5.1 <sup>a</sup> (-8.4,-1.7)	-8.8 <sup>a</sup> (-11.5,-6.1)	-7.5 <sup>a</sup> (-10.7,-4.4)	-39.1 <sup>a</sup> (-41.3,-37.0)	-38.7 <sup>a</sup> (-41.3,-36.0)
	Women	-4.8 <sup>a</sup> (-8.9,-0.6)	-6.3 <sup>a</sup> (-10.7,-1.9)	-8.5 <sup>a</sup> (-12.5,-4.4)	-8.0 <sup>a</sup> (-12.4,-3.6)	-45.4 <sup>a</sup> (-46.9,-43.9)	-45.2 <sup>a</sup> (-47.0,-43.3)
Non-Hispanic Black or African American	Men	-5.9 <sup>a</sup> (-7.4,-4.3)	-7.5 <sup>a</sup> (-9.4,-5.6)	-3.6 <sup>a</sup> (-5.2,-2.0)	-4.4 <sup>a</sup> (-6.3,-2.5)	10.4 <sup>a</sup> (8.7,12.2)	8.5 <sup>a</sup> (6.4,10.7)
	Women	-3.7 <sup>a</sup> (-5.5,-1.9)	-5.1 <sup>a</sup> (-7.3,-3.0)	-6.2 <sup>a</sup> (-7.9,-4.4)	-6.4 <sup>a</sup> (-8.4,-4.3)	-8.3 <sup>a</sup> (-9.6,-6.9)	-5.9 <sup>a</sup> (-7.6,-4.3)
Non-Hispanic White	Women	0.7 (-0.8,2.2)	1.3 (-0.5,3.2)	-0.4 (-1.9,1.1)	0.7 (-1.1,2.5)	-9.5 <sup>a</sup> (-10.6,-8.5)	-8.2 <sup>a</sup> (-9.5,-6.9)

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Note: Estimated differences were computed for VA employees who started employment at the agency from 2000 through 2016, at the reported years since they started their employment. Ten year outcomes were available only for VA employees who started from 2000 through 2011. We estimated these differences using statistical models. Ninety-five percent confidence intervals appear in parentheses. For each model presented in the table, the p-value of the joint hypothesis test of zero differences across all nine race, ethnicity, and gender groups is less than 0.001.

<sup>a</sup>The estimated difference between the group indicated and non-Hispanic White men is statistically different at the 5 percent level. The existence of a difference, taken alone, does not establish whether unlawful discrimination has occurred.

**Table 19: Estimated Differences in Cash Awards Among Veterans Affairs (VA) Employees, By Race, Ethnicity, and Gender, Fiscal Years 2000–2021 (Percent Difference Relative to Non-Hispanic White Men)**

Racial or ethnic group	Gender	Alternative model: Including additional worker characteristics					
		Main model		Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Year 5	Year 10	Year 5	Year 10	Year 5	Year 10
<b>Years since starting employment at VA</b>							
Hispanic or Latino	Men	-5.4 <sup>a</sup> (-7.3,-3.5)	-5.1 <sup>a</sup> (-7.3,-2.9)	-6.1 <sup>a</sup> (-7.9,-4.2)	-5.6 <sup>a</sup> (-7.8,-3.5)	-5.5 <sup>a</sup> (-7.3,-3.6)	-5.6 <sup>a</sup> (-7.8,-3.5)
	Women	-0.8 (-3.6,2.1)	-0.8 (-3.6,2.1)	-2.2 (-5.0,0.6)	-1.8 (-4.6,1.0)	-3.1 <sup>a</sup> (-4.9,-1.3)	-5.2 <sup>a</sup> (-7.1,-3.3)
Non-Hispanic American Indian or Alaska Native	Men	-5.1 <sup>a</sup> (-9.1,-1.1)	-7.2 <sup>a</sup> (-11.6,-2.7)	-4.7 <sup>a</sup> (-8.6,-0.7)	-6.6 <sup>a</sup> (-11.0,-2.2)	-4.3 (-8.6,0.1)	-8.5 <sup>a</sup> (-13.0,-3.9)
	Women	-0.6 (-6.2,5.1)	-1.2 (-7.2,4.8)	-1.1 (-6.7,4.4)	-0.9 (-6.9,5.2)	-1.9 (-5.5,1.8)	-2.4 (-6.4,1.6)
	Men	-2.5 <sup>a</sup> (-4.6,-0.3)	-1.9 (-4.2,0.4)	-3.5 <sup>a</sup> (-5.6,-1.4)	-2.6 <sup>a</sup> (-4.9,-0.3)	-22.8 <sup>a</sup> (-24.5,-21.0)	-21.1 <sup>a</sup> (-23.1,-19.1)

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Racial or ethnic group	Gender	Main model		Alternative model: Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Year 5	Year 10	Year 5	Year 10	Year 5	Year 10
<b>Years since starting employment at VA</b>							
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Women	-2.9 <sup>a</sup> (-5.7,0.0)	-1.2 (-4.1,1.7)	-3.9 <sup>a</sup> (-6.6,-1.1)	-1.7 (-4.6,1.1)	-22.2 <sup>a</sup> (-23.5,-20.8)	-21.0 <sup>a</sup> (-22.5,-19.4)
Non-Hispanic Black or African American	Men	-7.9 <sup>a</sup> (-9.5,-6.3)	-8.1 <sup>a</sup> (-9.8,-6.4)	-7.7 <sup>a</sup> (-9.2,-6.2)	-7.9 <sup>a</sup> (-9.6,-6.2)	-3.9 <sup>a</sup> (-5.0,-2.8)	-4.8 <sup>a</sup> (-6.0,-3.5)
	Women	-5.0 <sup>a</sup> (-6.6,-3.5)	-3.9 <sup>a</sup> (-5.6,-2.2)	-5.9 <sup>a</sup> (-7.4,-4.4)	-4.7 <sup>a</sup> (-6.4,-3.1)	-6.9 <sup>a</sup> (-7.8,-6.0)	-6.7 <sup>a</sup> (-7.7,-5.6)
Non-Hispanic White	Women	4.2 <sup>a</sup> (3.1,5.4)	4.6 <sup>a</sup> (3.4,5.9)	3.7 <sup>a</sup> (2.5,4.8)	4.1 <sup>a</sup> (2.9,5.4)	1.3 <sup>a</sup> (0.5,2.1)	1.5 <sup>a</sup> (0.6,2.4)

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Note: Estimated differences were computed for VA employees who started employment at the agency from 2000 through 2016, at the reported years since they started their employment. Ten year outcomes were available only for VA employees who started from 2000 through 2011. We estimated these differences using statistical models. Ninety-five percent confidence intervals appear in parentheses. For each model presented in the table, the p-value of the joint hypothesis test of zero differences across all nine race, ethnicity, and gender groups is less than 0.001.

<sup>a</sup>The estimated difference between the group indicated and non-Hispanic White men is statistically different at the 5 percent level. The existence of a difference, taken alone, does not establish whether unlawful discrimination has occurred.

**Table 20: Estimated Differences in Time-off Awards Among Veterans Affairs (VA) Employees, By Race, Ethnicity, and Gender, Fiscal Years 2000–2021 (Percent Difference Relative to Non-Hispanic White Men)**

Racial or ethnic group	Gender	Main model		Alternative model: Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Year 5	Year 10	Year 5	Year 10	Year 5	Year 10
<b>Years since starting employment at VA</b>							
Hispanic or Latino	Men	-0.8 (-7.3,5.8)	-2.3 (-9.5,5.0)	-0.9 (-7.4,5.6)	-2.0 (-9.2,5.2)	-21.2 <sup>a</sup> (-26.2,-16.2)	-24.7 <sup>a</sup> (-30.1,-19.4)
	Women	5.0 (-11.5,21.6)	2.3 (-7.8,12.3)	7.4 (-9.4,24.2)	3.2 (-6.9,13.2)	-25.1 <sup>a</sup> (-29.7,-20.4)	-24.7 <sup>a</sup> (-29.6,-19.9)
Non-Hispanic American Indian or Alaska Native	Men	2.9 (-10.3,16.2)	-5.0 (-21.0,11.0)	2.7 (-10.4,15.9)	-4.6 (-20.6,11.4)	3.4 (-10.3,17.0)	-6.9 (-21.7,7.8)
	Women	33.4 (-30.7,97.5)	27.5 (-32.6,87.5)	35.2 (-26.0,96.5)	26.9 (-26.7,80.6)	7.8 (-4.8,20.5)	15.9 <sup>a</sup> (0.5,31.3)
	Men	-13.5 <sup>a</sup> (-21.2,-5.8)	-13.7 <sup>a</sup> (-22.0,-5.4)	-13.0 <sup>a</sup> (-20.6,-5.3)	-13.4 <sup>a</sup> (-21.6,-5.1)	-46.6 <sup>a</sup> (-50.2,-42.9)	-46.8 <sup>a</sup> (-50.7,-42.8)



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Racial or ethnic group	Gender	Alternative model: Including additional worker characteristics					
		Main model		Alternative model: Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Year 5	Year 10	Year 5	Year 10	Year 5	Year 10
<b>Years since starting employment at VA</b>							
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Women	-11.9 <sup>a</sup> (-21.3,-2.5)	-5.0 (-18.3,8.3)	-9.0 (-18.9,0.8)	-4.1 (-17.4,9.3)	-42.6 <sup>a</sup> (-45.7,-39.5)	-35.0 <sup>a</sup> (-38.8,-31.1)
Non-Hispanic Black or African American	Men	-5.9 <sup>a</sup> (-10.2,-1.7)	-10.1 <sup>a</sup> (-14.9,-5.3)	-5.4 <sup>a</sup> (-9.7,-1.2)	-9.5 <sup>a</sup> (-14.2,-4.7)	-21.1 <sup>a</sup> (-24.1,-18.2)	-21.5 <sup>a</sup> (-25.0,-18.1)
	Women	-8.5 <sup>a</sup> (-14.3,-2.8)	-3.6 (-10.5,3.3)	-7.0 <sup>a</sup> (-12.9,-1.2)	-3.1 (-10.0,3.9)	-28.6 <sup>a</sup> (-31.0,-26.1)	-25.1 <sup>a</sup> (-27.9,-22.3)
Non-Hispanic White	Women	2.2 (-2.1,6.4)	6.0 <sup>a</sup> (0.9,11.1)	4.8 <sup>a</sup> (0.4,9.2)	7.1 <sup>a</sup> (2.0,12.3)	2.0 (-0.5,4.6)	4.3 <sup>a</sup> (1.2,7.4)

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Note: Estimated differences were computed for VA employees who started employment at the agency from 2000 through 2016, at the reported years since they started their employment. Ten year outcomes were available only for VA employees who started from 2000 through 2011. We estimated these differences using statistical models. Ninety-five percent confidence intervals appear in parentheses. For each model presented in the table, the p-value of the joint hypothesis test of zero differences across all nine race, ethnicity, and gender groups is 0.002 or lower.

<sup>a</sup>The estimated difference between the group indicated and non-Hispanic White men is statistically different at the 5 percent level. The existence of a difference, taken alone, does not establish whether unlawful discrimination has occurred.

**Table 21: Estimated Differences in Separations among Veterans Affairs (VA) Employees, By Race, Ethnicity, and Gender, Fiscal Years 2000–2021 (Percent Difference Relative to Non-Hispanic White Men)**

Racial or ethnic group	Gender	Alternative model: Including additional worker characteristics					
		Main model		Alternative model: Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Year 5	Year 10	Year 5	Year 10	Year 5	Year 10
<b>Years since starting employment at VA</b>							
Hispanic or Latino	Men	-4.5 <sup>a</sup> (-6.6,-2.3)	-7.0 <sup>a</sup> (-9.0,-4.9)	-3.6 <sup>a</sup> (-5.6,-1.6)	-3.4 <sup>a</sup> (-5.3,-1.5)	-3.1 <sup>a</sup> (-5.1,-1.1)	-4.5 <sup>a</sup> (-6.4,-2.6)
	Women	-0.8 (-3.7,2.2)	-6.0 <sup>a</sup> (-8.8,-3.2)	-0.1 (-3.0,2.7)	-0.2 (-2.9,2.4)	-0.5 (-2.4,1.5)	-7.4 <sup>a</sup> (-9.2,-5.7)
Non-Hispanic American Indian or Alaska Native	Men	4.6 <sup>a</sup> (0.4,8.9)	0.9 (-2.9,4.7)	3.4 (-0.8,7.6)	0.9 (-2.8,4.6)	5.5 <sup>a</sup> (1.1,9.9)	3.2 (-0.7,7.1)
	Women	9.8 <sup>a</sup> (3.9,15.6)	0.7 (-4.5,6.0)	10.5 <sup>a</sup> (4.7,16.3)	4.8 (0.0,9.7)	4.6 <sup>a</sup> (1.0,8.2)	-1.5 (-4.8,1.8)
	Men	-6.4 <sup>a</sup> (-8.7,-4.1)	-10.1 <sup>a</sup> (-12.4,-7.8)	-7.2 <sup>a</sup> (-9.4,-4.9)	-7.9 <sup>a</sup> (-10.0,-5.7)	3.7 <sup>a</sup> (1.8,5.6)	-0.6 (-2.4,1.1)

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Racial or ethnic group	Gender	Main model		Alternative model: Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Years since starting employment at VA					
		Year 5	Year 10	Year 5	Year 10	Year 5	Year 10
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Women	-5.9 <sup>a</sup> (-9.2,-2.6)	-12.9 <sup>a</sup> (-16.1,-9.7)	-7.0 <sup>a</sup> (-10.3,-3.8)	-8.8 <sup>a</sup> (-11.9,-5.7)	-3.0 <sup>a</sup> (-4.6,-1.5)	-9.1 <sup>a</sup> (-10.5,-7.6)
Non-Hispanic Black or African American	Men	0.5 (-1.1,2.1)	-2.3 <sup>a</sup> (-3.8,-0.8)	3.2 <sup>a</sup> (1.7,4.7)	1.0 (-0.4,2.4)	0.4 (-0.8,1.6)	1.0 (-0.1,2.2)
	Women	1.9 <sup>a</sup> (0.3,3.6)	-4.4 <sup>a</sup> (-5.9,-2.8)	4.0 <sup>a</sup> (2.4,5.7)	1.6 <sup>a</sup> (0.1,3.1)	-4.6 <sup>a</sup> (-5.7,-3.6)	-8.0 <sup>a</sup> (-9.0,-7.1)
Non-Hispanic White	Women	1.9 <sup>a</sup> (0.7,3.1)	-1.0 (-2.1,0.1)	2.6 <sup>a</sup> (1.4,3.8)	2.5 <sup>a</sup> (1.5,3.6)	3.3 <sup>a</sup> (2.5,4.2)	-0.5 (-1.2,0.3)

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Note: Separations are actions that end employment with the agency. These can include removals, resignations, and retirements, among others. Estimated differences were computed for VA employees who started employment at the agency from 2000 through 2016, at the reported years since they started their employment. Ten year outcomes were available only for VA employees who started from 2000 through 2011. We estimated these differences using statistical models. Ninety-five percent confidence intervals appear in parentheses. For each model presented in the table, the p-value of the joint hypothesis test of zero differences across all nine race, ethnicity, and gender groups is less than 0.001.

<sup>a</sup>The estimated difference between the group indicated and non-Hispanic White men is statistically different at the 5 percent level. The existence of a difference, taken alone, does not establish whether unlawful discrimination has occurred.

**Table 22: Estimated Differences in Removals among Veterans Affairs (VA) Employees, By Race, Ethnicity, and Gender, Fiscal Years 2000–2021 (Percent Difference Relative to Non-Hispanic White Men)**

Racial or ethnic group	Gender	Main model		Alternative model: Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Years since starting employment at VA					
		Year 5	Year 10	Year 5	Year 10	Year 5	Year 10
Hispanic or Latino	Men	3.2 (-3.8,10.2)	7.5 (-0.3,15.3)	4.2 (-2.7,11.1)	8.6 <sup>a</sup> (0.9,16.2)	13.3 <sup>a</sup> (6.2,20.4)	19.4 <sup>a</sup> (11.5,27.3)
	Women	-2.7 (-14.3,9.0)	-1.9 (-14.9,11.0)	-4.8 (-16.0,6.5)	-7.0 (-19.0,4.9)	-12.1 <sup>a</sup> (-18.0,-6.2)	-10.1 <sup>a</sup> (-16.5,-3.7)
Non-Hispanic American Indian or Alaska Native	Men	32.5 <sup>a</sup> (16.5,48.4)	31.0 <sup>a</sup> (14.1,47.9)	28.9 <sup>a</sup> (13.5,44.4)	27.0 <sup>a</sup> (10.7,43.3)	38.8 <sup>a</sup> (22.1,55.4)	34.8 <sup>a</sup> (17.3,52.2)
	Women	14.8 (-9.6,39.2)	18.2 (-14.3,50.7)	13.5 (-12.9,39.9)	9.6 (-20.9,40.1)	1.4 (-10.4,13.3)	-0.9 (-13.5,11.7)

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Racial or ethnic group	Gender	Main model		Alternative model: Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Year 5	Year 10	Year 5	Year 10	Year 5	Year 10
		Years since starting employment at VA					
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	-12.4 <sup>a</sup> (-19.6,-5.2)	0.2 (-8.4,8.8)	-14.1 <sup>a</sup> (-21.4,-6.8)	-1.9 (-10.7,6.9)	24.0 <sup>a</sup> (17.1,30.9)	39.5 <sup>a</sup> (31.5,47.5)
	Women	-22.0 <sup>a</sup> (-31.9,-12.0)	-11.9 (-24.2,0.5)	-25.7 <sup>a</sup> (-35.6,-15.7)	-18.5 <sup>a</sup> (-30.3,-6.7)	-18.9 <sup>a</sup> (-23.5,-14.3)	-8.3 <sup>a</sup> (-13.7,-2.8)
Non-Hispanic Black or African American	Men	41.3 <sup>a</sup> (35.1,47.6)	50.9 <sup>a</sup> (43.7,58.1)	42.3 <sup>a</sup> (36.1,48.5)	50.1 <sup>a</sup> (43.1,57.1)	88.4 <sup>a</sup> (82.5,94.3)	100.8 <sup>a</sup> (94.1,107.4)
	Women	19.4 <sup>a</sup> (12.4,26.3)	23.3 <sup>a</sup> (15.6,31.1)	20.3 <sup>a</sup> (13.3,27.2)	19.1 <sup>a</sup> (11.7,26.6)	12.5 <sup>a</sup> (8.8,16.3)	19.9 <sup>a</sup> (15.7,24.1)
Non-Hispanic White	Women	-15.5 <sup>a</sup> (-19.3,-11.7)	-11.7 <sup>a</sup> (-16.1,-7.4)	-17.0 <sup>a</sup> (-20.8,-13.1)	-15.6 <sup>a</sup> (-19.9,-11.4)	-27.4 <sup>a</sup> (-29.5,-25.3)	-24.7 <sup>a</sup> (-27.0,-22.3)

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Note: Removals represent separations based on misconduct, delinquency, suitability, unsatisfactory performance, or failure to qualify for a conversion to a career appointment. They include workers who resigned upon receiving notice of action based on performance or misconduct. Estimated differences were computed for VA employees who started employment at the agency from 2000 through 2016, at the reported years since they started their employment. Ten year outcomes were available only for VA employees who started from 2000 through 2011. We estimated these differences using statistical models. Ninety-five percent confidence intervals appear in parentheses. For each model presented in the table, the p-value of the joint hypothesis test of zero differences across all nine race, ethnicity, and gender groups is less than 0.001.

<sup>a</sup>The estimated difference between the group indicated and non-Hispanic White men is statistically different at the 5 percent level. The existence of a difference, taken alone, does not establish whether unlawful discrimination has occurred.

**Table 23: Estimated Differences in Resignations among Veterans Affairs (VA) Employees, By Race, Ethnicity, and Gender, Fiscal Years 2000–2021 (Percent Difference Relative to Non-Hispanic White Men)**

Racial or ethnic group	Gender	Main model		Alternative model: Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Year 5	Year 10	Year 5	Year 10	Year 5	Year 10
		Years since starting employment at VA					
Hispanic or Latino	Men	-2.7 (-6.1,0.7)	-1.8 (-5.6,2.0)	-4.6 <sup>a</sup> (-7.9,-1.2)	-4.5 <sup>a</sup> (-8.2,-0.7)	2.4 (-0.9,5.6)	2.1 (-1.5,5.7)
	Women	0.7 (-3.9,5.3)	2.5 (-2.7,7.6)	0.7 (-4.0,5.3)	0.0 (-5.1,5.0)	6.9 <sup>a</sup> (3.8,10.1)	7.8 <sup>a</sup> (4.3,11.2)
	Men	-6.7 <sup>a</sup> (-13.3,0.0)	-3.5 (-10.8,3.8)	-6.2 (-12.8,0.4)	-4.1 (-11.3,3.1)	1.7 (-5.3,8.7)	4.7 (-3.0,12.3)

**Appendix III: Description and Results of  
Statistical Methods to Estimate VA Workforce  
Outcomes**

Racial or ethnic group	Gender	Years since starting employment at VA					
		Main model		Alternative model: Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Year 5	Year 10	Year 5	Year 10	Year 5	Year 10
Non-Hispanic American Indian or Alaska Native	Women	12.1 <sup>a</sup> (1.9,22.3)	8.7 (-2.2,19.6)	16.2 <sup>a</sup> (5.8,26.5)	9.5 (-1.3,20.4)	10.4 <sup>a</sup> (4.4,16.3)	9.3 <sup>a</sup> (2.9,15.8)
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	-9.1 <sup>a</sup> (-12.7,-5.6)	-6.9 <sup>a</sup> (-11.0,-2.8)	-11.7 <sup>a</sup> (-15.1,-8.2)	-10.8 <sup>a</sup> (-14.8,-6.8)	5.2 <sup>a</sup> (2.1,8.2)	8.7 <sup>a</sup> (5.3,12.2)
	Women	-6.7 <sup>a</sup> (-11.8,-1.7)	-6.1 <sup>a</sup> (-11.2,-1.1)	-5.7 <sup>a</sup> (-10.9,-0.5)	-7.7 <sup>a</sup> (-13.0,-2.5)	-0.1 (-2.6,2.4)	4.1 <sup>a</sup> (1.2,6.9)
Non-Hispanic Black or African American	Men	-11.3 <sup>a</sup> (-13.8,-8.7)	-10.2 <sup>a</sup> (-13.1,-7.3)	-9.3 <sup>a</sup> (-11.8,-6.7)	-9.6 <sup>a</sup> (-12.4,-6.8)	-15.4 <sup>a</sup> (-17.2,-13.6)	-16.9 <sup>a</sup> (-18.8,-14.9)
	Women	-6.4 <sup>a</sup> (-9.0,-3.7)	-7.9 <sup>a</sup> (-10.9,-4.9)	-5.0 <sup>a</sup> (-7.6,-2.3)	-9.1 <sup>a</sup> (-12.1,-6.2)	-8.0 <sup>a</sup> (-9.6,-6.4)	-7.4 <sup>a</sup> (-9.2,-5.7)
Non-Hispanic White	Women	6.7 <sup>a</sup> (4.7,8.6)	8.1 <sup>a</sup> (6.0,10.2)	9.8 <sup>a</sup> (7.7,11.8)	9.2 <sup>a</sup> (7.0,11.4)	11.2 <sup>a</sup> (9.8,12.6)	14.9 <sup>a</sup> (13.3,16.5)

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Note: Resignations represent voluntary resignations. Estimated differences were computed for VA employees who started employment at the agency from 2000 through 2016, at the reported years since they started their employment. Ten year outcomes were available only for VA employees who started from 2000 through 2011. We estimated these differences using statistical models. Ninety-five percent confidence intervals appear in parentheses. For each model presented in the table, the p-value of the joint hypothesis test of zero differences across all nine race, ethnicity, and gender groups is less than 0.001.

<sup>a</sup>The estimated difference between the group indicated and non-Hispanic White men is statistically different at the 5 percent level. The existence of a difference, taken alone, does not establish whether unlawful discrimination has occurred.

**Table 24: Estimated Differences in Retirements among Veterans Affairs (VA) Employees, By Race, Ethnicity, and Gender, Fiscal Years 2000–2021 (Percent Difference Relative to Non-Hispanic White Men)**

Racial or ethnic group	Gender	Years since starting employment at VA					
		Main model		Alternative model: Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Year 5	Year 10	Year 5	Year 10	Year 5	Year 10
Hispanic or Latino	Men	-35.1 <sup>a</sup> (-45.0,-25.2)	-35.8 <sup>a</sup> (-41.6,-30.1)	-9.1 (-21.9,3.6)	-11.7 <sup>a</sup> (-18.4,-5.0)	-35.1 <sup>a</sup> (-44.2,-25.9)	-33.2 <sup>a</sup> (-38.7,-27.7)
	Women	-59.5 <sup>a</sup> (-72.3,-46.6)	-54.6 <sup>a</sup> (-63.7,-45.4)	-5.1 (-31.2,21.0)	4.5 (-10.2,19.2)	-65.5 <sup>a</sup> (-71.8,-59.3)	-61.8 <sup>a</sup> (-65.7,-57.9)
	Men	n/a <sup>b</sup>	-25.3 <sup>a</sup> (-38.0,-12.5)	n/a <sup>b</sup>	-15.9 <sup>a</sup> (-28.7,-3.2)	-8.4 (-31.9,15.2)	-22.9 <sup>a</sup> (-35.4,-10.3)

**Appendix III: Description and Results of  
Statistical Methods to Estimate VA Workforce  
Outcomes**

Racial or ethnic group	Gender	Years since starting employment at VA					
		Main model		Alternative model: Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Year 5	Year 10	Year 5	Year 10	Year 5	Year 10
Non-Hispanic American Indian or Alaska Native	Women	n/a <sup>b</sup>	n/a <sup>b</sup>	n/a <sup>b</sup>	n/a <sup>b</sup>	-56.2 <sup>a</sup> (-69.6,-42.7)	-52.6 <sup>a</sup> (-60.9,-44.3)
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	-53.7 <sup>a</sup> (-64.2,-43.3)	-40.8 <sup>a</sup> (-48.1,-33.6)	-27.2 <sup>a</sup> (-41.6,-12.7)	-10.2 <sup>a</sup> (-19.0,-1.4)	-60.0 <sup>a</sup> (-66.6,-53.5)	-56.2 <sup>a</sup> (-60.3,-52.0)
	Women	-64.3 <sup>a</sup> (-78.2,-50.4)	-61.3 <sup>a</sup> (-73.3,-49.2)	-12.9 (-41.8,16.0)	-14.9 (-31.2,1.4)	-78.1 <sup>a</sup> (-82.1,-74.2)	-72.7 <sup>a</sup> (-75.4,-70.0)
Non-Hispanic Black or African American	Men	-31.9 <sup>a</sup> (-38.6,-25.2)	-38.6 <sup>a</sup> (-42.3,-34.8)	-17.2 <sup>a</sup> (-25.6,-8.8)	-21.9 <sup>a</sup> (-26.3,-17.5)	-11.4 <sup>a</sup> (-17.7,-5.1)	-18.5 <sup>a</sup> (-22.0,-14.9)
	Women	-52.6 <sup>a</sup> (-59.0,-46.1)	-56.6 <sup>a</sup> (-60.7,-52.5)	0.6 (-13.3,14.6)	-0.6 (-8.5,7.2)	-54.2 <sup>a</sup> (-57.8,-50.5)	-56.4 <sup>a</sup> (-58.5,-54.3)
Non-Hispanic White	Women	-26.5 <sup>a</sup> (-32.8,-20.2)	-29.4 <sup>a</sup> (-33.0,-25.9)	21.7 <sup>a</sup> (10.8,32.7)	14.4 <sup>a</sup> (9.1,19.6)	-36.5 <sup>a</sup> (-39.8,-33.2)	-31.5 <sup>a</sup> (-33.5,-29.4)

Legend: n/a = Not available

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Note: Retirements represent separations in which VA made the determination that the worker was entitled to immediate annuity, including mandatory and voluntary retirements, and those associated with disability or a special option. Estimated differences were computed for VA employees who started employment at the agency from 2000 through 2016, at the reported years since they started their employment. Ten year outcomes were available only for VA employees who started from 2000 through 2011. We estimated these differences using statistical models. Ninety-five percent confidence intervals appear in parentheses. For each model presented in the table, the p-value of the joint hypothesis test of zero differences across all available race, ethnicity, and gender groups is less than 0.001.

<sup>a</sup>The estimated difference between the group indicated and non-Hispanic White men is statistically different at the 5 percent level. The existence of a difference, taken alone, does not establish whether unlawful discrimination has occurred.

<sup>b</sup>We were unable to estimate the percent difference using the statistical model due to the small number of retirements within the group during the period of analysis.

**Appendix III: Description and Results of  
Statistical Methods to Estimate VA Workforce  
Outcomes**

**Table 25: Estimated Differences in Other Types of Separations among Veterans Affairs (VA) Employees, By Race, Ethnicity, and Gender, Fiscal Years 2000–2021 (Percent Difference Relative to Non-Hispanic White Men)**

Racial or ethnic group	Gender	Main model		Alternative model: Including additional worker characteristics		Not controlling for any worker or occupational characteristics	
		Year 5	Year 10	Year 5	Year 10	Year 5	Year 10
<b>Years since starting employment at VA</b>							
Hispanic or Latino	Men	-6.9 <sup>a</sup> (-12.0,-1.7)	-5.4 (-11.3,0.6)	-5.0 <sup>a</sup> (-9.8,-0.2)	-3.0 (-8.7,2.7)	-16.3 <sup>a</sup> (-20.7,-11.9)	-11.3 <sup>a</sup> (-16.6,-6.0)
	Women	12.9 <sup>a</sup> (5.5,20.3)	16.0 <sup>a</sup> (6.8,25.2)	3.4 (-3.3,10.2)	7.4 (-1.0,15.9)	4.8 <sup>a</sup> (0.2,9.5)	2.3 (-3.0,7.6)
Non-Hispanic American Indian or Alaska Native	Men	18.3 <sup>a</sup> (7.1,29.5)	12.2 (-0.3,24.7)	11.8 <sup>a</sup> (1.4,22.2)	7.5 (-4.4,19.4)	-1.6 (-11.8,8.7)	-2.9 (-14.6,8.7)
	Women	27.0 <sup>a</sup> (12.1,42.0)	27.6 <sup>a</sup> (10.4,44.8)	12.2 (-0.9,25.3)	14.6 (-0.1,29.3)	8.2 (-0.7,17.0)	11.9 <sup>a</sup> (1.6,22.2)
Non-Hispanic Asian, Native Hawaiian, or Other Pacific Islander	Men	9.1 <sup>a</sup> (3.3,14.8)	0.0 (-6.5,6.4)	3.0 (-2.4,8.4)	-5.7 (-11.8,0.4)	-0.5 (-4.9,4.0)	-6.7 <sup>a</sup> (-11.8,-1.7)
	Women	18.5 <sup>a</sup> (10.2,26.9)	19.4 <sup>a</sup> (8.9,29.8)	0.7 (-6.4,7.8)	1.7 (-7.3,10.7)	15.2 <sup>a</sup> (11.2,19.2)	11.7 <sup>a</sup> (7.1,16.4)
Non-Hispanic Black or African American	Men	8.5 <sup>a</sup> (4.4,12.6)	11.8 <sup>a</sup> (7.0,16.7)	10.8 <sup>a</sup> (7.0,14.6)	12.0 <sup>a</sup> (7.5,16.5)	-12.2 <sup>a</sup> (-14.8,-9.6)	-4.6 <sup>a</sup> (-7.9,-1.4)
	Women	21.4 <sup>a</sup> (17.1,25.6)	27.3 <sup>a</sup> (22.2,32.4)	14.4 <sup>a</sup> (10.4,18.3)	18.9 <sup>a</sup> (14.0,23.7)	2.5 (-0.1,5.0)	9.1 <sup>a</sup> (6.1,12.2)
Non-Hispanic White	Women	6.3 <sup>a</sup> (3.4,9.3)	6.3 <sup>a</sup> (2.8,9.8)	-3.2 <sup>a</sup> (-5.8,-0.5)	-2.2 (-5.4,1.0)	13.1 <sup>a</sup> (10.9,15.2)	5.6 <sup>a</sup> (3.2,7.9)

Source: GAO analysis of Office of Personnel Management data. | GAO-23-105429

Note: Other types of separations include those due to death and those due to nonpermanent employee's expiration of appointment, work, or funds. Estimated differences were computed for VA employees who started employment at the agency from 2000 through 2016, at the reported years since they started their employment. Ten year outcomes were available only for VA employees who started from 2000 through 2011. We estimated these differences using statistical models. Ninety-five percent confidence intervals appear in parentheses. For each model presented in the table, the p-value of the joint hypothesis test of zero differences across all nine race, ethnicity, and gender groups is less than 0.001.

<sup>a</sup>The estimated difference between the group indicated and non-Hispanic White men is statistically different at the 5 percent level. The existence of a difference, taken alone, does not establish whether unlawful discrimination has occurred.

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# Appendix IV: Comments from the Department of Veterans Affairs

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DEPARTMENT OF VETERANS AFFAIRS  
WASHINGTON

July 28, 2023

Mr. Thomas Costa  
Director  
Education, Workforce and Income Security  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Costa:

The Department of Veterans Affairs (VA) has reviewed the Government Accountability Office (GAO) draft report: ***VA Equal Employment Opportunity: Increased Attention Needed to Address Disparities and Improve Program Effectiveness*** (GAO-23-105429).

The enclosure contains technical comments and the action plan to address the draft report recommendations. VA appreciates the opportunity to comment on your draft report.

Sincerely,

A handwritten signature in black ink, appearing to read "Tanya J. Bradsher".

Tanya J. Bradsher  
Chief of Staff

Enclosure

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**Appendix IV: Comments from the Department  
of Veterans Affairs**

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Enclosure

Department of Veterans Affairs (VA) Comments to  
Government Accountability Office (GAO) Draft Report  
***“VA EQUAL EMPLOYMENT OPPORTUNITY: Increased Attention  
Needed to Address Disparities and Improve Program Effectiveness”***  
(GAO-23-105429)

**Recommendation 1:** The Secretary of VA should finalize the I-DEA dashboard and use the data in the dashboard to regularly conduct trend analysis of internal and other data on perceived experiences of discrimination. Such analyses should pinpoint problematic locations, guide preventive efforts, and incorporate available data from VA’s All Employee Survey; EEO and HPP data; and information from other internal and external data collection efforts and assess trends down to the facility level.

**VA Response:** Concur. The Office of Personnel Management (OPM) developed Diversity, Equity, Inclusion and Access (DEIA) and Federal Employment Viewpoint Survey dashboards. VA will leverage and expand upon OPMs work to ensure alignment and opportunities for benchmarking and analysis Government-wide.

**Recommendation 2:** The Secretary of VA should ensure that the Deputy Assistant Secretary for Resolution Management, Diversity and Inclusion assesses and addresses any potential risks to the independence of the agency’s EEO program, including the Harassment Prevention Program.

**VA Response:** Concur. This assessment is on-going.

**Recommendation 3:** The Secretary of VA should ensure that the Deputy Assistant Secretary for Resolution Management, Diversity and Inclusion assesses the factors that increase the time it takes to implement the terms of final decisions in cases where discrimination is found and develops a plan to ensure these final decisions are implemented in a timely manner.

**VA Response:** Concur. The greatest factor impacting the timely completion of final agency decisions and final orders involve the Defense Finance and Accounting Service (DFAS), which is VA’s payroll service. All equitable remedies that include back pay, with interest and benefits, and the restoration of leave must be processed through DFAS. As DFAS is a separate Federal entity, VA has limited control over how quickly it responds. VA is working with VA’s Office of Employment Discrimination Complaint Adjudication to amend the language in the final agency actions, which could provide a more appropriate expectation for when agency compliance actions are undertaken, versus when the actual payment is made.

**Recommendation 4:** The Secretary of VA should ensure that the Deputy Assistant Secretary for Resolution Management, Diversity and Inclusion develops a strategic workforce plan that incorporates internal stakeholder feedback in order to meet its programmatic functions and goals.



**Appendix IV: Comments from the Department  
of Veterans Affairs**

Enclosure

Department of Veterans Affairs (VA) Comments to  
Government Accountability Office (GAO) Draft Report  
***“VA EQUAL EMPLOYMENT OPPORTUNITY: Increased Attention  
Needed to Address Disparities and Improve Program Effectiveness”***  
(GAO-23-105429)

**VA Response:** Concur. The Office of Resolution Management, Diversity & Inclusion (ORMDI) presently incorporates internal stakeholder feedback in its operations and future plans and will work with other offices on a strategic workforce plan.

**Recommendation 5:** The Secretary of VA should ensure that the Deputy Assistant Secretary for Resolution Management, Diversity and Inclusion regularly conducts analyses of VA workforce data to identify barriers to employment in the VA workforce; develop action plans for all identified barriers; and annually report on progress on implementing action plans.

**VA Response:** VA already assesses workforce data, identifies barriers to employment and develops actions plans for those barriers, as part of the MD-715 requirement. If GAO is recommending something different, VA requests that GAO provide more specifics to this recommendation that would distinguish it from the MD-715 reporting requirement; otherwise, GAO might consider deleting it.

Specifically, within the last year, ORMDI conducted an employee barrier analysis to assist VA in improving the diversity in the Senior Executive Service (SES) workforce, the Hispanic/Latino population and for employees with disabilities, in all three areas where VA is under-represented. The completed analysis included a rigorous quantitative data analysis, high-level policy and process analysis, benchmark analysis and qualitative data from employee interviews, focus groups and surveys. The culmination of these various analyses will result in findings and an action plan to improve any identified barriers to equal opportunity in the SES, Hispanic/Latino and disability hiring efforts at VA.

**Recommendation 6:** The Secretary of VA should ensure that the Assistant Secretary for Human Resources & Administration/Operations, Security and Preparedness collects and analyzes information on facilities’ hiring and promotion selection panel processes and addresses any findings from this analysis. This should include action plans with timeframes to address any deficiencies identified and sharing best practices.

**VA Response:** Concur. The Assistant Secretary for Human Resources and Administration/Operations, Security and Preparedness (HRA/OSP) will collect and analyze hiring and promotion selection processes. HRA/OSP will address any findings from the analysis. HRA/OSP will also conduct a barrier analysis of hiring and promotion practices and address barriers identified in the analysis.

**Recommendation 7:** The Secretary of VA should work with the relevant offices to establish a comprehensive policy for addressing veterans’ complaints of

Enclosure

Department of Veterans Affairs (VA) Comments to  
Government Accountability Office (GAO) Draft Report  
***“VA EQUAL EMPLOYMENT OPPORTUNITY: Increased Attention  
Needed to Address Disparities and Improve Program Effectiveness”***  
(GAO-23-105429)

**discrimination while accessing VA services or participating in VA programs. This policy should include (a) a standardized process for handling veteran complaints of discrimination from intake to final resolution; (b) requirements for communicating with veterans about the status of their complaints; (c) a process for coordinating related efforts across the agency; and (d) a centralized process and requirements for collecting comprehensive data on veterans’ complaints, including their resolution.**

**VA Response:** Concur. These processes and requirements are currently ongoing under a review by MITRE. ORMDI will review the findings and recommendations in MITRE’s final report and will implement the necessary strategies to improve the Agency’s external complaints program. ORMDI is coordinating its efforts with VA’s Veterans Health Administration (VHA), Veterans Benefits Administration (VBA) and National Cemetery Administration (NCA) in addressing those challenges. The goal is to improve the Veterans complaint processing operations and capture all relevant report data regarding the same. ORMDI is awaiting the final report and recommendations from the ongoing equity assessment, to further implement its intended goals and objectives moving forward.

**Recommendation 8: The Secretary of VA should establish a communication strategy to promote veteran awareness of the External Complaint Program and other avenues for filing discrimination complaints.**

**VA Response:** Concur. ORMDI’s External Complaints Program is presently undergoing an extensive equity assessment which identified similar and/or related challenges. ORMDI is eager to examine those findings/recommendations of MITRE’s final report, and after the final review and approval of senior leadership, move forward in implementing those changes.

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# Appendix V: GAO Contact and Staff Acknowledgments

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## GAO Contact

Thomas Costa at (202) 512-4769, or [costat@gao.gov](mailto:costat@gao.gov)

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## Staff Acknowledgements

In addition to the contact named above, Nyree Ryder Tee (Assistant Director), Dana Hopings (Analyst-in-Charge), Mary Edgerton, Suzanne Kaasa, Carl Nadler, and Michael Naretta made key contributions to this report. Also contributing to this report were Amy Anderson, Jim Ashley, Xiang Bi, Melinda Cordero, Caitlin Cusati, Swati Deo, Alex Galuten, Shilpa Grover, Kristina Hammon, Michael Kendix, Katherine Maxwell, Meredith Moles, Mimi Nguyen, Jessica Orr, David Perkins, Almeta Spencer, Curtia Taylor, Jeff Tessin, Adam Wendel, and Brennan Williams.

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