

# OFFICE OF THE STATE AUDITOR

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# DIANA DIZOGLIO

Official Audit Report – Issued July 5, 2024

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## Human Resources Division

For the period July 1, 2020 through June 30, 2022



OFFICE OF THE STATE AUDITOR

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**DIANA DIZOGLIO**

July 5, 2024

Melissa J Pullin, Interim Chief Human Resources Officer  
Human Resources Division  
100 Cambridge Street, Suite 600  
Boston, MA 02114

Dear Ms. Pullin:

I am pleased to provide to you the results of the enclosed performance audit of the Human Resources Division. As is typically the case, this report details the audit objectives, scope, methodology, findings, and recommendations for the audit period, July 1, 2020 through June 30, 2022. As you know, my audit team discussed the contents of this report with agency managers. This report reflects those comments.

I appreciate you and all your efforts at the Human Resources Division. The cooperation and assistance provided to my staff during the audit went a long way toward a smooth process. Thank you for encouraging and making available your team. I am available to discuss this audit if you or your team have any questions.

Best regards,



Diana DiZoglio  
Auditor of the Commonwealth

cc: Matthew Gorzkowicz, Secretary of the Executive Office for Administration and Finance

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## EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of the Human Resources Division (HRD) for the period July 1, 2020 through June 30, 2022. When designing the audit plan for affirmative action and diversity plan annual progress reports, we extended the audit period to December 31, 2022 to include the annual progress reports due in August 2022.

The purpose of our audit was to determine the following:

- whether HRD ensured that state agencies submitted an affirmative action plan, in accordance with Section 3.1(A) and bullet points 6 and 10 of Section 7 of HRD's *Guidelines for Implementing Executive Order 592*;
- whether HRD ensured that state agencies submitted a diversity plan, in accordance with Section 3.1(B) and bullet points 6 and 10 of Section 7 of HRD's *Guidelines for Implementing Executive Order 592*; and
- whether HRD ensured that state agencies submitted an annual progress report that detailed actions these state agencies took and progress these state agencies made toward meeting their affirmative action and diversity goals, in accordance with Section 3.2 of HRD's *Guidelines for Implementing Executive Order 592*.

Below is a summary of our findings and recommendations, with links to each page listed.

<b>Finding 1</b> <b>Page <a href="#">17</a></b>	HRD did not ensure that each state agency submitted an affirmative action plan and a diversity plan in a timely manner, nor did it implement any remedial courses of action.
<b>Recommendations</b> <b>Page <a href="#">19</a></b>	<ol style="list-style-type: none"><li>1. HRD should develop, document, and implement monitoring controls to ensure that HRD sends follow-up communications to state agencies within the timeframe established for noncompliant state agencies that have not submitted affirmative action plans and/or diversity plans.</li><li>2. HRD should develop, document, and implement monitoring controls to ensure that HRD notifies the chief human resources officer with a recommendation for remedial courses of action until a state agency is compliant.</li></ol>

<b>Finding 2</b> <b>Page <u>20</u></b>	HRD did not ensure that each state agency submitted annual progress reports in a timely manner.
<b>Recommendations</b> <b>Page <u>22</u></b>	<ol style="list-style-type: none"><li>1. HRD should ensure that the Office of Diversity and Equal Opportunity updates its “Accountability Policy for Affirmative Action Plans for Executive Branch Agencies” to include procedures for missed deadlines for annual progress reports, how HRD should send follow-up communications for late submissions, and how HRD should retain documentation regarding these follow-up communications.</li><li>2. HRD should establish the conditions under which HRD takes remedial courses of action against noncompliant state agencies and how HRD should retain documentation regarding these actions.</li><li>3. HRD should ensure that it retains each state agency’s annual progress report.</li></ol>
<b>Finding 3</b> <b>Page <u>24</u></b>	HRD did not ensure that one state agency identified and detailed the actions it took to meet its affirmative action goals.
<b>Recommendation</b> <b>Page <u>25</u></b>	HRD should develop, document, and implement monitoring controls related to its annual progress report review. These monitoring controls should include guidance and procedures regarding (1) when HRD should either return for amendment or reject progress reports that are missing crucial information (such as the good faith efforts state agencies made toward achieving their goals) and (2) how HRD ensures that state agencies document any good faith efforts they made toward achieving their goals.

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## OVERVIEW OF AUDITED ENTITY

The Human Resources Division (HRD) was established under Section 4A of Chapter 7 of the Massachusetts General Laws, as amended by Section 23 of Chapter 46 of the Acts of 2015. HRD is a division of the Executive Office for Administration and Finance and is headed by the chief human resources officer. The Secretary of the Executive Office for Administration and Finance, with the approval of the Governor, appoints HRD's chief human resources officer. HRD provides human resource services to the Commonwealth's executive branch and is its central personnel department. In addition, HRD administers the Commonwealth's civil service system for all state agencies and many local governments.

According to HRD's website,

*The mission of the Human Resources Division (HRD) is to attract, engage, educate, develop and retain a high performing and diverse workforce.*

*Our programs and services include:*

- *Recruiting new employees*
- *Delivering learning and development opportunities for existing employees*
- *Administering [human resources] policy, employee benefits, and compensation*
- *Offering employee self-service [human resources] related support*
- *Administration of collective bargaining agreements and contracts*
- *Ensuring an inclusive, safe and productive workplace*
- *Administering examinations for public safety and promotional opportunities*

As of June 30, 2022, HRD had 156 full-time employees. In fiscal years 2021 and 2022, HRD received state appropriations of \$44,208,471 and \$44,483,701, respectively.

### Office of Diversity and Equal Opportunity

On June 17, 2003, the Governor signed Executive Order (EO) 452, which, among other things, established the Office of Diversity and Equal Opportunity (ODEO) within HRD and provided for a director of ODEO to be selected and supervised by HRD's chief human resources officer. During the audit period, there were four employees in ODEO: a chief diversity officer (a role also known as the ODEO director), a diversity

compliance manager, an equal employment opportunity diversity coordinator, and a diversity and inclusion program manager.

According to Section 6 of EO 452,

*The primary purpose of the Office of Diversity and Equal Opportunity shall be to encourage the recruitment and retention of talented individuals from all backgrounds at every level of government. In addition, the overall goals of the Office of Diversity and Equal Opportunity shall include:*

- *Creating a State workplace that welcomes, respects and values people of all abilities, cultures, nationalities, religions, races, genders, sexual orientations, ethnic backgrounds and veteran's status;*
- *Ensuring that diversity is reflected in all state government activities, including planning, decision-making and design and delivery of services to customers;*
- *Identifying and removing barriers to making programs and services accessible to all the citizens of Massachusetts;*
- *Developing partnerships with public and private organizations to share best practices for enhancing diversity;*
- *Planning and implementing community outreach and diversity recruitment programs to increase the diversity of job applicants;*
- *Establishing guidelines for Secretariat diversity plans and ensuring the compliance of each Secretariat with its diversity plan;*
- *Complying with all federal and state reporting requirements. Ensuring that all activities are in compliance with applicable state and federal laws.*

ODEO is also responsible for ensuring that state agencies comply with EO 452. One measure ODEO takes to meet this responsibility is to publish an annual calendar that informs state agencies of specific due dates for affirmative action plans, diversity plans, and the annual progress reports related to those plans. Below are the due dates that were related to the audit period.

- Due dates for affirmative action plans and diversity plans were as follows:
  - September 10, 2019 for state agencies and September 30, 2019 specifically for secretariats (for plans effective for the period October 1, 2019 through September 30, 2021) and
  - September 10, 2021 for state agencies and September 30, 2021 specifically for secretariats (for plans effective for the period October 1, 2021 through September 30, 2023).

- Due dates for annual progress reports for affirmative action plans and diversity plans were as follows:
  - August 30, 2020 (for plans effective for the period October 1, 2019 through September 30, 2021; this is for the progress state agencies made toward their goals during year 1 of this period's plan);
  - August 30, 2021 (for plans effective for the period October 1, 2019 through September 30, 2021; this is for the progress state agencies made toward their goals during year 2 of this period's plan); and
  - August 30, 2022 (for plans effective for the period October 1, 2021 through September 30, 2023; this is for the progress state agencies made toward their goals during year 1 of this period's plan).

Additionally, ODEO is responsible for following up with state agencies that are noncompliant with these plans and reports (e.g., plans or reports that state agencies submitted late or that are missing information).

## EO 592

Since the Governor signed EO 452, there have been three superseding EOs, as follows:

- The Governor signed EO 478 on January 30, 2007. EO 478 stated that the Commonwealth reaffirmed its commitment, outlined in EO 452, "to ensure that non-discrimination, diversity and equal opportunity are safeguarded, promoted, and reflected in state workplaces, decisions, programs, activities, services, and contracts."
- The Governor signed EO 526 on February 17, 2011. This EO reaffirmed the Commonwealth's commitment to protect civil rights, as outlined in EO 478. It also stated that gender identity or expression would be added to the list of protected classes.
- The Governor signed EO 592 on October 22, 2020. This EO reaffirms the Commonwealth's commitment, outlined in EO 526, to advance workforce diversity, inclusion, equal opportunity, nondiscrimination, and affirmative action. EO 592 eliminated the Governor's Non-discrimination, Diversity and Equal Opportunity Advisory Council.

According to Section 3 of EO 592,<sup>1</sup>

*All state agencies shall develop and implement affirmative action and diversity plans to identify and eliminate barriers in the workplace which are discriminatory in intent or effect; remedy the effects of past discriminatory practices; identify, recruit, hire, develop, promote, and retain*

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1. Section 1 of EO 592 states, "This Executive Order shall apply to all state agencies in the Executive Branch." This section goes on to say that the term state agency refers to "all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established." For the purposes of this audit report, we use the term state agency to refer to state agencies in the executive branch (unless stated otherwise).



*employees who are members of under-represented groups; and ensure diversity and equal opportunity in all facets, terms, and conditions of state employment. Such plans shall set forth specific goals and timetables for achievement of these goals, shall comply with all applicable state and federal laws, and shall be updated, at a minimum, every two years.*

Section 7 of HRD's *Guidelines for Implementing Executive Order 592* quotes EO 592 directly regarding the ODEO chief diversity officer's authority to do the following:

- *Establish guidelines for agency affirmative action and diversity plans ("plans");*
- *Review all such plans and either approve, return for amendment, or reject them;*
- *Establish periodic reporting requirements for agencies concerning the implementation of their plans and all actions taken to ensure compliance . . . ;*
- *Provide assistance to agencies in achieving compliance with their plans and with applicable state and federal laws;*
- *Monitor and assess the status of agency compliance and receive such information deemed appropriate for purposes of monitoring compliance;*
- *Investigate instances of non-compliance with plan submission and reporting requirements and, where appropriate, determine and impose remedial courses of action.*

## **Affirmative Action Plans**

HRD's *Guidelines for Implementing Executive Order 592* define affirmative action as the following:

*A policy or program that seeks to redress past discrimination by increasing opportunities for under-represented groups.*

*For example, in the area of employment, affirmative action is accomplished by taking specific steps to identify, recruit, hire and/or develop for advancement persons who are identified as part of a specific protected class.*

As expressed in these guidelines, state agencies establish affirmative action plans to address and remove obstacles that are purposefully discriminatory or that result in discrimination. In an effort to standardize its information collection, HRD provides state agencies with an affirmative action plan template.

Affirmative action plans must not only comply with relevant state and federal laws, but must also include specific goals and a timeframe for accomplishing these goals. As explained in Section 5.1 of HRD's affirmative action plan template, "Where there is an underutilization of [people of color], women, persons with disabilities, or veterans in any job category, vigorous recruitment efforts shall take place to locate

qualified candidates to achieve the diversity objective.”<sup>2</sup> In the event that a state agency does not meet its affirmative action plan goals, it must document the good faith efforts<sup>3</sup> it made in its attempt to meet these goals in its annual progress report.

According to HRD’s *Guidelines for Implementing Executive Order 592*, affirmative action plans must include the following:

- (1) Introduction and Policy Statement;*
- (2) Designation of Affirmative Action and Equal Opportunity Designations and responsibilities;*
- (3) Organizational Profile;*
- (4) Identification of Problem areas;*
- (5) Action-Oriented Programs;*
- (6) Internal Audit and Reporting Systems; and*
- (7) Dissemination and Communication.*

## Diversity Plans

HRD’s *Guidelines for Implementing Executive Order 592* define diversity as the following:

*A policy or program that values differences among the Commonwealth’s employees and all those with whom it does business.*

*These differences include but are not limited to race, gender, gender identity or expression, color, national origin and ancestry, religion, age, mental/physical disabilities, sexual orientation, veteran’s status, organizational level, economic status, geographical origin, marital status, communication and learning styles, and the other characteristics and traits. The goal of this policy is to develop an inclusive environment that capitalizes on each individual’s talents, skills, and perspectives to increase organizational productivity and effectiveness.*

These guidelines further state that diversity plans must contain “an agency vision, agency mission statement, and diversity and inclusion goals with written strategy and measures.”

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- 2. HRD’s Office of Diversity and Equal Opportunity Annual Report 2021 lists the following eight job categories, which are referenced in the excerpt from HRD’s affirmative action plan template: officials and administrators, professionals, technicians, protective service: sworn, protective service: non-sworn, office/clerical, skilled craft, and service maintenance. These job categories come from the Equal Employment Opportunity Commission.
  - 3. According to an email HRD officials sent to us on November 10, 2023, HRD defines “‘Good Faith Efforts’ as documented, honest attempts to reach affirmative action goals.”

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According to Section 8.2 of HRD's *Guidelines for Implementing Executive Order 592*, diversity and inclusion planning includes taking the following steps:

- *Drafting, implementing, and monitoring policies and procedures that support the administration's diversity and Inclusion vision and programs.*
- *Developing programs that encourage recruiting and retaining highly skilled and diverse talent.*
- *Promoting a workplace culture that values, respects, and supports diversity, equity, and Inclusion.*
- *Implementing accountability systems to support diversity throughout the talent life cycle.*
- *Modeling a commitment to diverse and inclusive workplace culture.*
- *Encouraging a culture of continuous learning through any of the following:*
  - *Legal updates (i.e., [the Equal Employment Opportunity Commission], Executive Order or State/Federal Law changes as they pertain to [affirmative action]/Diversity)*
  - *Affirmative Action updates (i.e., [Office of Federal Contract Compliance Programs] changes as they pertain to [affirmative action] planning)*
  - *Monthly newsletters*
  - *Seminars/Workshops*
  - *Heritage Celebrations and Diversity events*
  - *Diversity Training*
  - *Establish a diversity council and/or [employee resource groups]*
  - *Panel Presentations*
  - *Book Clubs*
  - *Listening Sessions*

## **Annual Progress Reports for Affirmative Action Plans and Diversity Plans**

Annual progress reports allow ODEO to evaluate the progress a state agency has made toward the goals outlined in its affirmative action plans and diversity plans. These annual progress reports include the state agency's self-assessment of whether it met its goals and what steps it took toward meeting its goals. If a state agency did not meet its goals during a plan's two-year cycle, then that state agency can carry those

goals forward, but the state agency must change its strategy for how it will achieve these goals and its measures to track its success in whether it achieved its goals. State agencies must submit these annual progress reports to ODEO by August 30. For the status of goals as of June 30, 2021 for the state agencies that comprised our sample, see the [Appendix](#).

The following are some of the most common reasons reported by state agencies to HRD as to why they were unable to meet their goals:

- The COVID-19 pandemic prevented state agencies from hosting job fairs.
- Because self-identification for some protected classes (i.e., people with disabilities and veterans) is voluntary, historical stigmas associated with these protected classes hindered some people from self-identifying themselves as such.
- State agencies had a small number of staff members with little to no turnover, which means that the impact on percentages of protected classes is much greater when just one staff member leaves state agency employment or is newly hired.
- Available positions did not attract many competitive candidates who fall under the protected classes of women, people of color, veterans, and people with disabilities.

## **ODEO's Web-Based Workflow Tracking Tool**

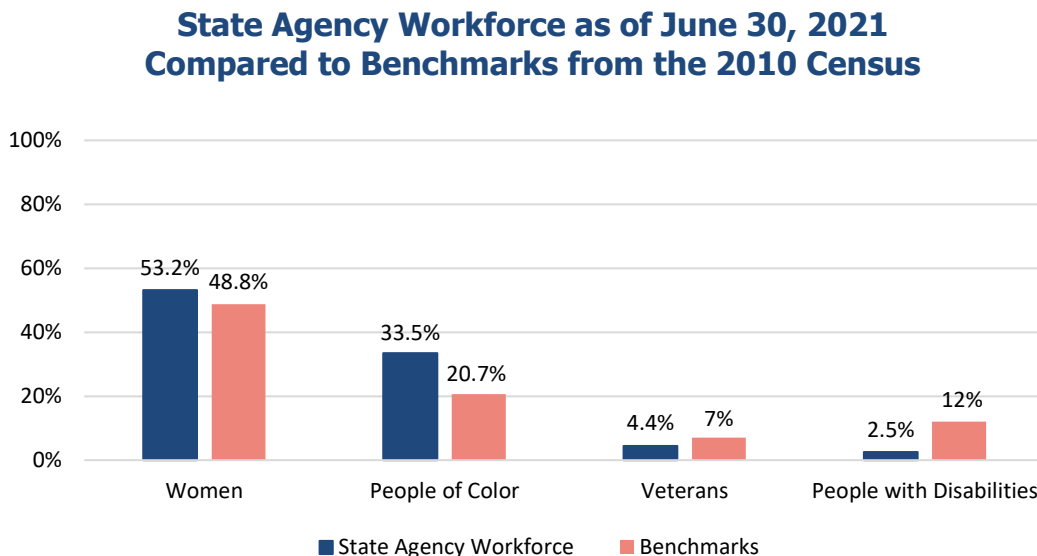
On October 5, 2020, ODEO implemented a web-based workflow tracking tool that lets each diversity director and diversity officer monitor the full lifecycle of their state agency's affirmative action plans, diversity plans, and annual progress reports. During the first year that ODEO used the web-based tracking system, state agencies submitted hard copies of their fiscal year 2020 plans and annual progress reports to HRD, then HRD would scan these plans and annual progress reports into the web-based workflow tracking tool. After that first year, all parties began executing this process electronically.

When ODEO assigns a plan or annual progress report to the corresponding state agency's diversity director or diversity officer, that diversity director or diversity officer receives an email notification that contains a link to the plan or annual progress report and the due date for submitting it. The web-based workflow tracking tool helps each diversity director or diversity officer enter the required data in the correct format. Once the diversity director or diversity officer submits a plan or annual progress report for approval, these plans and annual progress reports start going through the approval chain and the web-based workflow tracking tool will assign approval tasks to the relevant approvers (i.e., each state agency's top administrator and secretary, as well as ODEO employees). The plans and annual progress reports stay

in the web-based workflow tracking tool (which requires a password for access) and remain visible only to the authorized users from ODEO and the corresponding state agencies.

## State Agency Workforce Demographics

The graph below shows the demographics of the state agency workforce as of June 30, 2021 compared to benchmarks<sup>4</sup> based on the US Census Bureau's 2010 American Community Survey's census data for Massachusetts, which HRD used in its Office of Diversity and Equal Opportunity Annual Report 2021. According to this report, self-identifying as either a veteran or a person with a disability(ies) is voluntary, meaning that employees who belong to these groups but who do not self-identify themselves as such to their state agency employer are not included in the state agency workforce count. Therefore, the exact representation of these two groups is likely to be higher than the statistics reported in the graph below.



The workforce exceeded benchmarks for representation of women and people of color but did not reach benchmarks for veterans and people with disabilities for the reasons stated above. This means that a higher percentage of the state employee population was female, as an example, than the population of Massachusetts as a whole (as of the 2010 census).

4. According to the US Census Bureau's website, the Census Bureau calculates and publicly reports the diversity of America's labor pool using "a comprehensive set of tables of the civilian workforce showing the demographic characteristics of sex, race, and ethnicity, by detailed occupation, for the nation, states, metro areas, counties, and places. This immense tabulation serves as the primary benchmark for organizations wishing to compare the diversity of their labor force with the diversity of the areas from which they draw their workers, and for the federal government to monitor and enforce compliance with civil rights laws."

## AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of certain activities of the Human Resources Division (HRD) for the period July 1, 2020 through June 30, 2022. When designing the audit plan for affirmative action and diversity plan annual progress reports, we extended the audit period to December 31, 2022 to include the annual progress reports due in August 2022.

We conducted this performance audit 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.

Below is a list of our audit objectives, indicating each question we intended our audit to answer; the conclusion we reached regarding each objective; and, if applicable, where each objective is discussed in the audit findings.

Objective	Conclusion
1. Did HRD ensure that state agencies submitted an affirmative action plan, in accordance with Section 3.1(A) and bullet points 6 and 10 of Section 7 of HRD's <i>Guidelines for Implementing Executive Order 592</i> ?	No; see Finding <u>1</u>
2. Did HRD ensure that state agencies submitted a diversity plan, in accordance with Section 3.1(B) and bullet points 6 and 10 of Section 7 of HRD's <i>Guidelines for Implementing Executive Order 592</i> ?	No; see Finding <u>1</u>
3. Did HRD ensure that state agencies submitted an annual progress report that detailed actions these state agencies took and progress these state agencies made toward meeting their affirmative action and diversity goals, in accordance with Section 3.2 of HRD's <i>Guidelines for Implementing Executive Order 592</i> ?	No; see Findings <u>2</u> and <u>3</u>

To accomplish our audit objectives, we gained an understanding of the aspects of HRD's internal control environment relevant to our objectives by reviewing applicable policies and procedures and by interviewing HRD management. We evaluated the design of controls over HRD management's review and approval of affirmative action plans, diversity plans, and the annual progress reports for each plan.

To obtain sufficient, appropriate evidence to address our audit objectives, we performed the following procedures.

## Affirmative Action Plans

To determine whether HRD ensured that state agencies submitted an affirmative action plan, in accordance with Section 3.1(A) and bullet points 6 and 10 of Section 7 of HRD's *Guidelines for Implementing Executive Order 592*, we took the following actions.

- We selected a sample of 20 state agencies by taking the following actions.
  - From the population of 62 state agencies that were operating during the audit period, we selected a targeted, nonstatistical sample of 13 state agencies that submitted affirmative action plans after December 31, 2021. (We chose this target date to capture any plans that were submitted three or more months late.)
  - From the remaining population of 49 state agencies that were operating during the audit period, we selected a judgmental,<sup>5</sup> nonstatistical sample of 7 state agencies that submitted affirmative action plans before our chosen target date of December 31, 2021.
- We inspected each of the 20 affirmative action plans corresponding to the state agencies in our sample to determine whether each state agency developed and submitted its plan on time, in accordance with Section 3 of HRD's *Guidelines for Implementing Executive Order 592*.
- We inspected each of the 20 affirmative action plans corresponding to the state agencies in our sample to determine whether each plan included the following required information, in accordance with Section 3.1(A) of HRD's *Guidelines for Implementing Executive Order 592*:

*(1) Introduction and Policy Statement;*

*(2) Designation of Affirmative Action and Equal Opportunity Designations and responsibilities;*

*(3) Organizational Profile;*

*(4) Identification of Problem areas;*

*(5) Action-Oriented Programs;*

*(6) Internal Audit and Reporting Systems; and*

*(7) Dissemination and Communication.*

- We inspected each of the 20 affirmative action plans corresponding to the state agencies in our sample to determine whether HRD's Office of Diversity and Equal Opportunity (ODEO) reviewed

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5. Auditors use judgmental sampling to select items for audit testing when a population is very small, the population items are not similar enough, or there are specific items in the population that the auditors want to review. Auditors use their knowledge and judgment to select the most appropriate sample. For example, an auditor might select items from areas of high risk. The results of testing using judgmental sampling cannot be used to make conclusions or projections about entire populations; however, they can be used to identify specific issues, risks, or weaknesses.

each plan and either approved it, returned it for amendment, or rejected it, in accordance with bullet point 6 of Section 7 of HRD's *Guidelines for Implementing Executive Order 592*.

- We inspected follow-up emails that ODEO sent to state agencies that were noncompliant in terms of meeting their affirmative action plan submission deadline to determine whether ODEO sent follow-up communications, in accordance with ODEO's "Accountability Policy for Affirmative Action Plans for Executive Branch Agencies," and whether ODEO implemented any remedial courses of action, in accordance with bullet point 10 of Section 7 of HRD's *Guidelines for Implementing Executive Order 592*.
- We interviewed HRD management about what remedial courses of action HRD had taken with noncompliant state agencies, if any.

See Finding 1 for more information regarding the results of our testing of affirmative action plans.

## Diversity Plans

To determine whether HRD ensured that state agencies submitted a diversity plan, in accordance with Section 3.1(B) and bullet points 6 and 10 of Section 7 of HRD's *Guidelines for Implementing Executive Order 592*, we took the following actions.

- We selected a sample of 20 state agencies by taking the following actions. (Note that this sample is different from that discussed in "[Affirmative Action Plans](#)" in the Audit Objectives, Scope, and Methodology section of this report.)
  - From the population of 62 state agencies that were operating during the audit period, we selected a targeted, nonstatistical sample of 12 state agencies that submitted diversity plans after December 1, 2021. (We chose this target date to capture any plans that were submitted two or more months late.)
  - From the remaining population of 48 state agencies that were operating during the audit period, we selected a judgmental, nonstatistical sample of 8 state agencies that submitted diversity plans before our chosen target date of December 1, 2021.
- We inspected each of the 20 diversity plans corresponding to the state agencies in our sample to determine whether each state agency developed and submitted its plan on time, in accordance with Section 3 of HRD's *Guidelines for Implementing Executive Order 592*.
- We inspected each of the 20 diversity plans corresponding to the state agencies in our sample to determine whether each plan included the following required information, in accordance with Section 3.1(B) of HRD's *Guidelines for Implementing Executive Order 592*: "an agency vision, agency mission statement, and diversity and inclusion goals with written strategy and measures."
- We inspected each of the 20 diversity plans corresponding to the state agencies in our sample to determine whether ODEO reviewed each plan and either approved it, returned it for amendment,



or rejected it, in accordance with bullet point 6 of Section 7 of HRD's *Guidelines for Implementing Executive Order 592*.

- We inspected follow-up emails that ODEO sent to state agencies that were noncompliant in terms of meeting their diversity plan submission deadline to determine whether ODEO sent follow-up communications, in accordance with ODEO's "Accountability Policy for Affirmative Action Plans for Executive Branch Agencies," and whether ODEO implemented any remedial courses of action, in accordance with bullet point 10 of Section 7 of HRD's *Guidelines for Implementing Executive Order 592*.
- We asked HRD management about what remedial courses of action HRD had taken with noncompliant state agencies, if any.

See Finding 1 for more information regarding the results of our testing of diversity plans.

## Annual Progress Reports

To determine whether HRD ensured that state agencies submitted an annual progress report that detailed actions these state agencies took and progress these state agencies made toward meeting their affirmative action and diversity goals, in accordance with Section 3.2 of HRD's *Guidelines for Implementing Executive Order 592*, we took the following actions.

### Annual Progress Reports for Affirmative Action Plans

- We extended the audit period to December 31, 2022 to include the annual progress reports due on August 30, 2022, because the annual progress reports that included fiscal year 2022 affirmative action and diversity plan goals (which were submitted during the audit period) were due on this date.
- From the population of 62 state agencies that were operating during the audit period, we tested the same 20 state agencies that submitted affirmative action plans from our sample discussed in "[Affirmative Action Plans](#)" in the Audit Objectives, Scope, and Methodology section of this report. For these 20 state agencies, we reviewed their annual progress reports for their affirmative action plans from each of the fiscal years in the audit period (2020, 2021, and 2022), resulting in our review of 60 annual progress reports for affirmative action plans.
- We inspected each of the 60 annual progress reports for affirmative action plans from our sample to determine whether each state agency submitted its annual progress report on or before August 30 for each respective fiscal year.
- Additionally, we inspected the 20 annual progress reports for affirmative action plans for fiscal year 2022 to determine whether each state agency developed goals to address any areas of concern that each state agency self-identified in its affirmative action plans.

See Findings 2 and 3 for more information regarding the results of our testing of annual progress reports for affirmative action plans.

## Annual Progress Reports for Diversity Plans

- We extended the audit period to December 31, 2022 to include the annual progress reports due on August 30, 2022, because the annual progress reports that included fiscal year 2022 affirmative action and diversity plan goals (which were submitted during the audit period) were due on this date.
- From the population of 62 state agencies that were operating during the audit period, we tested the same 20 state agencies that submitted diversity plans from our sample discussed in “[Diversity Plans](#)” in the Audit Objectives, Scope, and Methodology section of this report. For these 20 state agencies, we reviewed their annual progress reports for their diversity plans from each of the fiscal years in the audit period (2020, 2021, and 2022), resulting in our review of 60 annual progress reports for diversity plans.
- We inspected each of the 60 annual progress reports for diversity plans from our sample to determine whether each state agency submitted its annual progress report on or before August 30 for each respective fiscal year.
- Additionally, we inspected the 20 annual progress reports for diversity plans for fiscal year 2022 to determine whether each state agency developed goals to address any areas of concern that each state agency self-identified in its diversity plan.

See Finding 2 for more information regarding the results of our testing of annual progress reports for diversity plans.

We used nonstatistical sampling methods for testing and therefore did not project the results of our testing to any population.

## Data Reliability Assessment

### Affirmative Action Plans and Diversity Plans

To determine the reliability of the Microsoft Excel spreadsheet that ODEO used to track each of the affirmative action plans and the diversity plans for fiscal years 2022 and 2023 (which ODEO received during the audit period), we analyzed the spreadsheet for hidden information (i.e., data, columns, rows, worksheets, and other hidden information resulting from active filters). We assessed the reliability of the data obtained from ODEO’s web-based workflow tracking tool (i.e., the submission and approval dates for the affirmative action plans, diversity plans, and annual progress reports) by conducting interviews with ODEO staff members who were knowledgeable about the data and we tested certain general information system controls (e.g., access controls) related to this data. To confirm that the spreadsheet had a complete list of the state agencies that were required to complete affirmative action plans and diversity plans, we compared the state agencies from the spreadsheet to

a list of state agencies found on the Massachusetts State Government Organizational Chart as of July 2021, which is available publicly on the Mass.gov website. To ensure the accuracy of the spreadsheet, we traced a random sample of 10 affirmative action plans and 10 diversity plans from the spreadsheet back to the source documents (i.e., the affirmative action plans and diversity plans).

### **Annual Progress Reports**

To determine the reliability of the Microsoft Excel spreadsheets that ODEO used to track each annual progress report for affirmative action plans and diversity plans for fiscal years 2020, 2021, and 2022 (which ODEO received during the audit period and the extended period through December 31, 2022), we analyzed the spreadsheets for hidden information (i.e., data, columns, rows, worksheets, and other hidden information resulting from active filters). To confirm that each spreadsheet had a complete list of the state agencies that were required to complete annual progress reports for affirmative action plans and diversity plans, we compared the state agencies from the spreadsheets to a list of state agencies found on the Massachusetts State Government Organizational Chart as of July 2021, which is available publicly on the Mass.gov website. To ensure the accuracy of the spreadsheets, we traced a random sample of 10 annual progress reports for each fiscal year of the audit period from the spreadsheets back to the source documents (i.e., the annual progress reports for the affirmative action plans and diversity plans).

Based on the results the data reliability assessment procedures described above, we determined that the information obtained was sufficiently reliable for the purposes of our audit.

## DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE

### **1. The Human Resources Division did not ensure that each state agency submitted an affirmative action plan and a diversity plan in a timely manner, nor did it implement any remedial courses of action.**

The Human Resources Division (HRD) did not ensure that each state agency that was operating during the audit period submitted an affirmative action plan and a diversity plan in a timely manner, nor did it implement any remedial courses of action for those state agencies that submitted these plans late. Of the 62 state agencies that were required to submit affirmative action plans and diversity plans during the audit period, we found the following.

- Out of 20 state agencies, 14 submitted their affirmative action plans late, ranging from 13 to 351 days past the due date.
- Out of 20 state agencies, 12 submitted their diversity plans late, ranging from 95 to 304 days past the due date.
- Additionally, for the 26 affirmative action plans and diversity plans in our sample that state agencies submitted late, HRD's Office of Diversity and Equal Opportunity (ODEO) did not send any follow-up communications to any state agencies, nor did HRD take any remedial courses of action.

If HRD does not ensure that each state agency submits the required affirmative action plans and diversity plans in a timely manner, then residents of the Commonwealth cannot be sure of the following:

- whether state agency employees represent the demographics of the Commonwealth and
- whether state agencies take necessary measures to implement Executive Order (EO) 592 "to ensure that," as EO 592 states, "non-discrimination, diversity, and equal opportunity are safeguarded, promoted, and reflected in state workplaces."

### **Authoritative Guidance**

Bullet point 10 of Section 7 of HRD's *Guidelines for Implementing Executive Order 592* states,

*Investigate instances of non-compliance with plan submission and reporting requirements and, where appropriate, determine and impose remedial courses of action, including the suspension of a non-compliant agency's authority to post a new position or the imposition of a freeze on all personnel requisitions and appointment forms submitted by any non-compliant agency to the Chief Human Resources Officer.*

ODEO's "Accountability Policy for Affirmative Action Plans for Executive Branch Agencies," dated March 2021, states,

*ODEO also publishes an annual calendar of specific due dates for Affirmative Action, Diversity Plans and Progress reports. Affirmative Action and Diversity Plans are developed every two years. . . .*

*The Office of Diversity and Equal Opportunity shall initiate a review process after the stated due date for submission of Affirmative Action and Diversity Plans to determine compliance. Agencies that did not comply with established due dates will be deemed non-compliant and will trigger ODEO's escalation process. In our efforts to assist you in being compliant as standard practices our communications around missed deadlines will be as follows:*

<b>Plan Overdue</b>	<b>ODEO Action</b>
3 days	Reminder to Agency Diversity Director with copy to Secretariat Diversity Director
One week	Reminder to Agency Diversity Officer with copy to Secretariat Diversity Director. Notice of late submission made to [the chief human resources officer] with recommendation for hiring freeze until agency is compliant.
Two weeks	Hiring Freeze on all personnel transactions until compliant.

## Reasons for Noncompliance

HRD officials told us that HRD followed up with the noncompliant state agencies that were late using phone calls and emails. HRD was unable to provide us with evidence of phone calls made, but HRD did provide us with examples of some of the email communications. However, we determined that these email communications did not take place within the required timeframes. Additionally, HRD did not have monitoring controls to ensure that HRD sent follow-up communications within the required timeframes.

HRD management further explained that during the audit period, the Governor issued EO 595, which required state agency employees to demonstrate that they received a COVID-19 vaccination, unless they were approved for either a medical or a religious exemption. EO 595 also required HRD to establish and issue a written policy, within 60 days of EO 595's issuance, for state agencies to follow in order for both HRD and the state agencies to be in compliance with EO 595's vaccination mandate. This caused ODEO employees and state agency diversity directors and diversity officers to shift priorities in order to process over 2,500 requests for religious and medical exemptions for those state agency employees seeking to retain employment under EO 595 by the deadline of October 17, 2021. Furthermore, ODEO did not execute a hiring freeze because of the significant loss of employees (resulting from noncompliance of employees regarding EO 595's vaccine mandate, as well as retirements, resignations, or terminations), and difficulty in filling vacant positions. Moreover, in an email HRD management sent to us on August 28, 2023, HRD stated,

*To execute a hiring freeze in the midst of staff losses and difficulty in filling vacant positions seemed counterproductive and further contribute to the crisis as staff losses were especially high in the healthcare and public safety agencies.*

We requested evidence that HRD notified the Office of the Governor about the noncompliance and whether the Office of the Governor was aware of and approved HRD's decision not to impose any remedial courses of action. However, HRD did not have any evidence to provide to us.

## Recommendations

1. HRD should develop, document, and implement monitoring controls to ensure that HRD sends follow-up communications to state agencies within the timeframe established for noncompliant state agencies that have not submitted affirmative action plans and/or diversity plans.
2. HRD should develop, document, and implement monitoring controls to ensure that HRD notifies the chief human resources officer with a recommendation for remedial courses of action until a state agency is compliant.

## Auditee's Response

*HRD/ODEO acknowledges there is an opportunity for improvement in our current process. HRD followed the 2019 recommendations of the Audit team and implemented tighter controls aimed at ensuring more timely submissions of affirmative action and diversity plans. We also developed an accountability policy to enhance these processes further. However, the fact remains that [affirmative action] and [diversity] plans were not submitted in a timely manner.*

*HRD/ODEO provided an explanation of the re-prioritization of priorities during the implementation of EO595. It appears no consideration was given to this document in your final review. I am including the full statement below as an abbreviated version appears in the draft audit report: "To execute a hiring freeze in the midst of staff losses and difficulty in filling vacant positions seemed counterproductive and further contribute to the crisis as staff losses were especially high in the healthcare and public safety agencies. Therefore, during these unprecedented times, we concentrated our energies to continuing to work with the agencies to assist them in the submission of their plans."*

***We will make further enhancements to our processes and documentation.***

## Auditor's Reply

We commend HRD for its efforts to implement tighter controls and develop an accountability policy to ensure the timely submission of affirmative action and diversity plans. We understand the need for HRD to reprioritize its responsibilities during the audit period due to the implementation of EO 595. However, HRD did not provide us with evidence to support that a determination was made by HRD and approved by the Office of the Governor to pause HRD's remedial course of action process (i.e., HRD would not

impose any remedial courses of action for noncompliant state agencies) during the audit period. Furthermore, HRD did not provide us with evidence that it followed its remedial course of action process and sent communications regarding missed deadlines within the required timeframes.

HRD implemented some of the recommendations from our prior audits, and we strongly encourage it to implement our recommendations from this audit.

## **2. The Human Resources Division did not ensure that each state agency submitted annual progress reports in a timely manner.**

HRD did not always ensure that each state agency submitted annual progress reports for affirmative action plans and diversity plans by the due date. Specifically, we noted the following issues with the annual progress reports from the audit period.

### **Annual Progress Reports for Affirmative Action Plans**

We noted the following issues with fiscal year 2020 annual progress reports:

- Out of 20 annual progress reports, 1 was submitted 11 days late.
- Out of 20 annual progress reports, HRD could not locate 5. The state agencies submitted these annual progress reports to HRD as hard copies.

We noted the following issues with fiscal year 2021 annual progress reports:

- Out of 20 annual progress reports, 9 were submitted late, ranging from 4 to 316 days past the due date.

We noted the following issues with fiscal year 2022 annual progress reports:

- Out of 20 annual progress reports, 11 were submitted late, ranging from 13 to 129 days past the due date.

### **Annual Progress Reports for Diversity Plans**

We noted the following issues with fiscal year 2020 annual progress reports:

- Out of 20 annual progress reports, 1 was submitted 16 days late.
- Out of 20 annual progress reports, HRD could not locate 6. The state agencies submitted these annual progress reports to HRD as hard copies.

We noted the following issues with fiscal year 2021 annual progress reports:

- Out of 20 annual progress reports, 4 were submitted late, ranging from 11 to 317 days past the due date.

We noted the following issues with fiscal year 2022 annual progress reports:

- Out of 20 annual progress reports, 7 were submitted late, ranging from 13 to 106 days past the due date.

If HRD does not ensure that each state agency submits its annual progress reports for affirmative action plans and diversity plans in a timely manner, then HRD cannot determine to what extent each state agency met its placement goals.<sup>6</sup> Furthermore, if HRD cannot locate files sent to it, it cannot use these files to hold state agencies accountable for the contents of these files as required by state law or executive order, and its failure to retain these records may violate state laws regarding records retention. Meeting placement goals helps state agencies provide for and protect diversity and equal opportunity in all facets of state employment.

## Authoritative Guidance

Section 3 of HRD's *Guidelines for Implementing Executive Order 592* states, "The plans shall set forth specific goals and timetables for the achievement of these goals and shall comply with all applicable state and federal laws." Furthermore, Section 3.2 states,

*The secretariats and agencies shall annually submit progress updates on their Affirmative Action and Diversity Plans. These Progress Reports should be submitted sixty days after the close of the fiscal year or August 30th.*

The "Massachusetts Statewide Records Retention Schedule" states,

*E03-04: Affirmative Action Plans and Reports Records. . . .*

*Documents reports and plans submitted to the State Office of Affirmative Action (SOAA). Includes plans, reports, statistics, goals, and related correspondence.*

*E03-04 (a): Agency's primary copy of final plans and substantive support materials*

*Permanent*

*E03-04 (b): All other records*

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6. According to Section 3.4 of HRD's affirmative action plan template, "a Placement Goal is intended to be a technical targeting term used by the agency's affirmative action planner who seeks to apply good faith efforts to increase in the future the percentage employment of [people of color], women, veterans and persons with disabilities in the workforce."



*Retain until administrative use ceases. Permission from [the Records Conservation Board] not required for destruction.*

*E03-05: Affirmative Action Monitoring/Compliance Records. . . .*

*Documents the monitoring of programs and activities relating to the functions of affirmative action requiring oversight, review, opinion, or input. Includes information on the monitoring of contract bids for [Equal Employment Opportunity] requirements, [people of color] and women proposals, grants and contracts, facilities handicapped access, hiring, purchasing, and related correspondence.*

*E03-05 (a): Contract related documentation*

*Retain 3 years after close of bid process.*

*E03-05 (b): All other records*

*Retain 3 years or until administrative use ceases, whichever is longer.*

## **Reasons for Noncompliance**

HRD officials told us that HRD followed up with the noncompliant state agencies that submitted their annual progress reports late using phone calls and emails. HRD was unable to provide us with evidence of phone calls made, but HRD did provide us with examples of some of the email communications. However, HRD's records did not indicate to what extent HRD followed up with noncompliant state agencies regarding their missing annual progress reports.

Additionally, HRD did not have a policy that includes monitoring controls to ensure that it sends follow-up communications to noncompliant state agencies regarding missed deadlines for annual progress reports.

## **Recommendations**

1. HRD should ensure that ODEO updates its "Accountability Policy for Affirmative Action Plans for Executive Branch Agencies" to include procedures for missed deadlines for annual progress reports, how HRD should send follow-up communications for late submissions, and how HRD should retain documentation regarding these follow-up communications.
2. HRD should establish the conditions under which HRD takes remedial courses of action against noncompliant state agencies and how HRD should retain documentation regarding these actions.
3. HRD should ensure that it retains each state agency's annual progress report.

## **Auditee's Response**

*HRD/ODEO acknowledges there is an opportunity for improvement in our current process. HRD followed the 2019 recommendations of the Audit team and implemented tighter controls aimed at*

*ensuring more timely submissions of affirmative action and diversity plans. We also developed an accountability policy to enhance these processes further. However, the fact remains that [affirmative action] and [diversity plan] progress reports were not submitted in a timely manner.*

*HRD/ODEO provided an explanation of the re-prioritization of priorities during the implementation of EO595. It appears no consideration was given to this document in your final review. I am including the full statement below as an abbreviated version appears in the draft audit report: "To execute a hiring freeze in the midst of staff losses and difficulty in filling vacant positions seemed counterproductive and further contribute to the crisis as staff losses were especially high in the healthcare and public safety agencies. Therefore, during these unprecedented times, we concentrated our energies to continuing to work with the agencies to assist them in the submission of their plans." . . .*

***We will make further enhancements to our processes and documentation. . . .***

*HRD consolidated its offices and underwent construction and a remodel during the period of time at issue. While certain progress reports could not be located to produce to the auditors as they were misplaced when the contractor was packing and moving our records, it is unfair to reach the conclusion that the records were permanently destroyed.*

## **Auditor's Reply**

We commend HRD for its efforts to implement stronger controls and develop an accountability policy to ensure the on-time submission of affirmative action and diversity plans. We understand the need for HRD to reprioritize its responsibilities during the audit period due to the implementation of EO 595. We also commend HRD/ODEO for its efforts to assist state agencies with the submission of their annual affirmative action and diversity plan progress reports during the COVID-19 pandemic.

As noted in this report, HRD could not locate some affirmative action and diversity plan progress reports. We recognize HRD's contention that these progress reports were misplaced and not permanently destroyed, so we will follow up with HRD in our post-audit review to inquire if these records have been located. Of note, we did not reach the conclusion, or state at any point in the audit report, that these progress reports were permanently destroyed. We, therefore, encourage HRD to reconsider the last sentence of its response to the Office of the State Auditor. The record retention criteria we cited in this report, however, does indeed require that HRD permanently retain the progress reports. Since the progress reports we requested were not available for us to review, we will revisit this issue during our post-audit review and encourage HRD to make them available at or before that time. Additionally, as noted above, state agency affirmative action and diversity plan progress reports were not submitted in a

timely manner during the audit period. HRD records did not indicate to what extent HRD followed up with noncompliant state agencies regarding their late or missing annual progress reports.

HRD implemented some of the recommendations from our prior audits. We strongly encourage it to implement our recommendations from this audit.

### **3. The Human Resources Division did not ensure that one state agency identified and detailed the actions it took to meet its affirmative action goals.**

HRD approved one state agency's fiscal year 2022 annual progress report for its affirmative action plan. However, this state agency did not identify and detail the actions it took in order to meet one out of four of its affirmative action goals. This state agency identified a need to increase representation of veterans in the Equal Employment Opportunity Commission's office/clerical job category. This state agency had reported 0% representation of veterans in the office/clerical job category in its annual progress report for its affirmative action plan. However, this state agency did not document the good faith efforts it made in attempting to meet its goal, and HRD did not follow up with this state agency regarding this missing information before approving the annual progress report.

If HRD does not ensure that state agencies include all required information in these annual progress reports, then residents of the Commonwealth cannot be sure that these state agencies are creating and sustaining a diverse and inclusive workforce that reflects the Commonwealth's demographics.

### **Authoritative Guidance**

Section 3 of HRD's *Guidelines for Implementing Executive Order 592* states, "The plans shall set forth specific goals and timetables for the achievement of these goals and shall comply with all applicable state and federal laws." Furthermore, Section 3.2 states, "The secretariats and agencies shall annually submit progress updates on their Affirmative Action and Diversity Plans."

ODEO's responsibility to follow up with noncompliant state agencies is outlined in bullet points 6 and 10 of Section 7 of HRD's *Guidelines for Implementing Executive Order 592*, as follows:

- *Either approve, return for amendment, or reject [affirmative action and diversity plans]; . . .*
- *Investigate instances of non-compliance with plan submission and reporting requirements and, where appropriate, determine and impose remedial courses of action, including the*

*suspension of a non-compliant agency's authority to post a new position or the imposition of a freeze on all personnel requisitions and appointment forms submitted by any non-compliant agency to the Chief Human Resources Officer.*

According to Section 3.4 of HRD's affirmative action plan template, "The agency's obligation is to demonstrate 'good faith efforts' to select [people of color], women, veterans and persons with disabilities" to meet its affirmative action goals.

## Reasons for Noncompliance

HRD officials told us that for affirmative action goals, it is the state agency's responsibility to create goals and report on its progress toward meeting those goals.

Furthermore, HRD officials told us that this state agency did create a goal regarding its veteran population in its annual progress report. However, as previously stated, this state agency did not document any good faith efforts it made toward meeting that goal in its fiscal year 2022 annual progress report. HRD management did not know the reason why this state agency did not document these.

## Recommendation

HRD should develop, document, and implement monitoring controls related to its annual progress report review. These monitoring controls should include guidance and procedures regarding (1) when HRD should either return for amendment or reject progress reports that are missing crucial information (such as the good faith efforts state agencies made toward achieving their goals) and (2) how HRD ensures that state agencies document any good faith efforts they made toward achieving their goals.

## Auditee's Response

*Office and clerical positions do not turn-over as fast as some other positions, making it difficult to expand representation. In addition, with all the new technology encouraging electronic submissions, some office and clerical positions are being upskilled.*

*The state agency referenced here had two hires in the Office/Clerical category during the audit period ([fiscal year 2020–fiscal year 2021]); however, none of the hires self-identified as veterans. As you are aware, self-identification as a Veteran is a voluntary process. Therefore, if employees do not self-identify, we cannot designate them as veterans. We rely on the employees to self-identify as veterans.*

***In response to residents not knowing:***

- ***whether state agency employees represent the demographics of the Commonwealth and***
- ***whether state agencies take necessary measures to implement EO 592 "to ensure that," as EO 592 states, "non-discrimination, diversity, and equal opportunity are safeguarded, promoted, and reflected in state workplaces."***

*Residents and employees can access workforce data through the Public Diversity Dashboard on Mass.Gov. This dashboard provides transparency around the Commonwealth's workforce and is updated quarterly. It has data on hires, promotions, and separations. The Diversity Dashboard provides a 12-quarter lookback at changing workforce data. This information can be viewed by the overall workforce, secretariat, and agency levels.*

***HRD will further enhance monitoring controls related to its annual progress report reviews.***

### **Auditor's Reply**

We understand HRD's explanation regarding why it is difficult to expand representation of veterans in the office and clerical positions. We also acknowledge that the people of the Commonwealth and state employees can access workforce data through the State Employee Diversity Dashboard on Mass.gov. However, HRD reviewed and approved an annual progress report that was missing crucial information. HRD should have returned this report to the state agency to fix before HRD approved it.

We strongly encourage HRD to implement our recommendation.

## APPENDIX

### Status of Affirmative Action Plan Goals for State Agencies in Our Sample, as of June 30, 2021<sup>\*</sup>

State Agency	Total Number of Goals Set	Number of Goals Fully Met	Percent of Goals Fully Met	Did Agency Make Good Faith Efforts? <sup>‡</sup>
Executive Office of Energy and Environmental Affairs	4	0	0%	Yes
Massachusetts Department of Transportation	4	0	0%	Yes
Executive Office of Health and Human Services	7	0	0%	Yes
Executive Office of Housing and Economic Development	4	0	0%	Yes
Executive Office for Administration and Finance <sup>**</sup>	2	0	0%	Yes
Department of Conservation and Recreation	4	0	0%	Yes
Department of Fish and Game	4	0	0%	Yes
Department of Public Utilities	3	0	0%	Yes
Department of Mental Health	3	0	0%	Yes
Department of Housing and Community Development	2	0	0%	Yes
Department of Children and Families	3	0	0%	Yes
Office of Consumer Affairs and Business Regulation <sup>†</sup>	4	0	0%	Yes
Office for Refugees and Immigrants	2	0	0%	Yes
Department of Revenue	4	0	0%	Yes
Department of Energy Resources	3	1	33%	Yes
Department of Environmental Protection	4	0	0%	Yes
Department of Developmental Services	2	0	0%	Yes
Department of Criminal Justice Information Services	1	0	0%	Yes
Massachusetts National Guard	3	0	0%	Yes
Department of Veterans' Services	4	0	0%	Partially <sup>§</sup>

<sup>\*</sup> Over the two-year period of fiscal years 2020 and 2021, the Human Resources Division (HRD) tracked annual progress reports for affirmative action plans, which were due each year.

<sup>\*\*</sup> The information populating the entries for the Executive Office for Administration and Finance includes the annual progress reports for affirmative action plans for the following state agencies: the Massachusetts Developmental Disabilities Council, the Appellate Tax Board, the Civil Service Commission, the Division of Administrative Law Appeals, the State Library of Massachusetts, the Massachusetts Office on Disability, and the Supplier Diversity Office.

<sup>†</sup> The information populating the entries for the Office of Consumer Affairs and Business Regulation includes the annual progress reports for affirmative action plans for the following state agencies: the Department of Telecommunications and Cable, the Division of Banks, the Division of Insurance, the Division of Professional Licensure, and the Division of Standards.

<sup>‡</sup> HRD determines that a state agency has made a good faith effort when that state agency has exhausted all reasonable means to comply with its affirmative action hiring goals.

<sup>§</sup> The Department of Veterans' Services documented the good faith efforts it made toward three out of four of its goals. (See Finding 3.)

### Status of Diversity Plan Goals for State Agencies in Our Sample, as of June 30, 2021\*

State Agency	Total Number of Goals Set	Number of Goals Fully Met	Number of Goals Partially Met	Percent of Goals Fully and Partially Met
Executive Office for Administration and Finance	2	0	2	100.0%
Executive Office of Energy and Environmental Affairs	4	1	2	75.0%
Massachusetts Department of Transportation**	3	3	0	100.0%
Department of Conservation and Recreation	2	1	0	50.0%
Department of Fish and Game	2	0	0	0.0%
Department of Public Utilities	2	0	2	100.0%
Department of Children and Families	4	1	3	100.0%
Massachusetts Commission for the Deaf and Hard of Hearing	4	0	4	100.0%
Department of Mental Health	3	0	3	100.0%
Massachusetts National Guard	3	0	2	66.7%
Department of Youth Services	2	2	0	100.0%
Massachusetts Parole Board	3	0	3	100.0%
Municipal Police Training Committee	3	2	1	100.0%
Department of Elementary and Secondary Education	4	3	1	100.0%
Department of Revenue	3	1	1	66.7%
Massachusetts Developmental Disabilities Council	2	1	1	100.0%
Massachusetts Office on Disability	3	2	1	100.0%
Massachusetts Rehabilitation Commission	3	0	3	100.0%
Appellate Tax Board	unknown <sup>†</sup>	unknown <sup>†</sup>	unknown <sup>†</sup>	unknown <sup>†</sup>
Department of Environmental Protection	unknown <sup>†</sup>	unknown <sup>†</sup>	unknown <sup>†</sup>	unknown <sup>†</sup>

\* Over the two-year period of fiscal years 2020 and 2021, HRD tracked annual progress reports for diversity plans, which were due each year.

\*\* HRD provided us with the Massachusetts Department of Transportation's fiscal year 2021 annual progress report for its diversity plan (for the progress this state agency made toward its goals during year 2 of the plan for the period October 1, 2019 through September 30, 2021), but the report was incomplete. Therefore, we used the information from this state agency's fiscal year 2020 annual progress report for its diversity plan (for the progress this state agency made toward its goals during year 1 of the plan for the period October 1, 2019 through September 30, 2021) to populate this state agency's table entries.

† HRD originally provided us with documentation that indicated that HRD reviewed the state agency's annual progress report. However, the annual progress report provided to us was blank. In an email dated November 3, 2023, HRD officials explained that this was because of a temporary malfunction in the web-based workflow tracking tool that deleted the data from the state agency's annual progress report. HRD did not ask the state agency to resubmit its report.