

No FEAR Act
ANNUAL REPORT
FISCAL YEAR 2016



U.S. Department of Agriculture

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Executive Summary

Annual Reporting Requirements

This is the USDA's twelfth annual report submitted pursuant to the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act), Public Law No. 107-174, Section 203.

The No FEAR Act mandates that Federal Agencies report certain information for Fiscal Year (FY) 2016. This report contains the:

- number of complaints filed with USDA alleging discrimination based on race, sex (including gender identity), sexual orientation, color, religion, national origin, disability, age, reprisal, and violations of whistleblower protection laws;
- amount of money USDA has reimbursed to the Judgment Fund in accordance with the No FEAR Act;
- aggregate amount USDA has reimbursed to the Judgment Fund that is attributable to the payment of attorney's fees;
- USDA policies relating to disciplinary actions to be taken against employees who have violated anti-discrimination or whistleblower laws or engaged in prohibited personnel practices;
- number of employees USDA has disciplined for discrimination, retaliation, harassment, or prohibited personnel practices;
- number of cases in Federal Court arising under the anti-discrimination and whistleblower protection laws; and
- statistical data USDA is required to post on its public Web site.

In addition, the No FEAR Act requires that USDA provide an analysis of the information submitted in the report, including: (1) an examination of trends; (2) causal analysis; (3) practical knowledge gained through experience; and (4) any actions planned or taken to improve its complaint or civil rights programs and procedures. USDA is also required to report any ascertainable adjustments made in its budget as a result of its compliance with the reimbursement requirement.

USDA's Mission and Mission-Related Functions

The mission of USDA is to provide leadership on food, agriculture, natural resources, and related issues based on sound public policy, the best available science, and efficient management.

USDA strives to:

- expand international trade for agricultural products and support international economic development;
- expand domestic marketing opportunities for agricultural products;
- strengthen risk management, through the use of financial tools, and provide sound information to help farmers and ranchers in their decision-making process;
- develop alternative markets for agricultural products and activities;
- provide financing needed to help expand job opportunities and improve housing, utilities, and infrastructure in rural America;
- enhance food safety by taking steps to reduce the prevalence of food borne hazards from farm to table and safeguard agriculture from natural and intentional threats;
- improve nutrition by providing food assistance, nutrition education, and nutrition promotion; and
- protect and manage America's public and private lands by working cooperatively with other levels of government and the private sector.

Summary of the Report

Congress passed the No FEAR Act in May 2002, as a vehicle for reducing anti-discrimination and retaliation in Federal Agencies, increasing agency accountability, emphasizing training for managers in the management of a diverse workforce, and encouraging dispute resolution and employee communication skills. The annual report summarizes the efforts made by USDA to carry out the mandates of the No FEAR Act.

As demonstrated in greater detail below, USDA experienced an increase of 21 EEO complaints being filed from FY 2015 to FY 2016. The number of filers increased by 11 from FY 2015 to FY 2016. Also, there was an increase in the number of findings of discrimination from FY 2015 to FY 2016. Data illustrating this trend can be found in Appendix A.

A review of disciplinary actions taken against employees who violated Federal anti-discrimination laws and whistleblower protection statutes shows that in FY 2016, there were seven¹ disciplinary actions (See Part III: Table 9 Disciplinary Actions) taken against employees as compared to 38 disciplinary actions taken against employees in FY 2015. This decrease in disciplinary actions between FY 2015 and FY 2016 reinforce the Secretary of Agriculture's commitment to accountability and enforcement of a zero tolerance of any form of discrimination.

¹ Subsequent database reconciliation revealed that there are a total of eight findings of discrimination, resulting in one disciplinary action decision still pending with the Office of Human Resources Management.

The reimbursement provisions of the No FEAR Act continue to result in financial accountability for sub-Agencies and individual Staff Offices within USDA.

During FY 2016, USDA and the Office of the Assistant Secretary for Civil Rights (OASCR) implemented several initiatives to reduce the number of EEO complaints. These initiatives and accomplishments are outlined below:

- conducted a civil rights review of all USDA Agencies' policies, rules, regulations, advisory committees, and reorganizations submitted for Departmental clearance. This involved working diligently with USDA Agencies, Departmental Management (DM), and Staff Offices to ensure that their submissions do not adversely impact USDA employees. Throughout the year, OASCR made recommendations that resulted in Agencies modifying their decisions to mitigate and/or eliminate potential adverse impacts.
- revised Departmental Regulation (DR) 4120-001, "*Annual Departmental Civil Rights Training.*" This regulation establishes the training policy for USDA civil rights and equal employment opportunity programs. It also establishes oversight and accountability responsibilities for Federal employees and Agencies delivering federally assisted and federally conducted programs for USDA. Annual training plans must comply with the requirements of this DR, but nothing in the DR precludes Agencies, Staff Offices, National Appeals Division, or Office of the Inspector General (OIG) from conducting additional and supplemental civil rights training throughout the year.
- revised DR 4300-004, "*Civil Rights Impact Analysis.*" The regulation establishes the Civil Rights Impact Analysis (CRIA) policy and procedures for USDA employment, federally conducted, and federally assisted programs and activities. The regulation also provides guidance to USDA Agencies, Staff Offices, DM, National Appeals Division, and OIG on how to prepare and meet all CRIA obligations as set forth in this regulation. The revisions broaden and clarify the requirements for Agencies to easily determine the effects of their proposed actions.
- revised DR 4300-007, "*Processing Equal Employment Opportunity Complaints of Discrimination.*" The regulation establishes rules and guidelines for processing administrative complaints of employment discrimination at USDA, in accordance with 29 C.F.R. Part 1614. The proposed changes ensure the regulation is consistent with current Federal authorities, directives, regulations and Executive Orders governing the EEO complaint process. Changes to the proposed regulation such as: adding "gender identity" as a protected basis, adding certain definitions, emphasizing USDA's commitment to the utilization of Alternative Dispute Resolution (ADR) during the informal and formal complaint process, and clarifying the procedures for processing Conflict of Interest Complaints.
- revised DR 4300-010, "*Civil Rights Accountability Policy and Procedures.*" This regulation establishes the civil rights accountability policy and procedures for ensuring appropriate disciplinary or corrective actions are taken when discrimination, retaliation, civil rights violations, harassment, bullying, or related misconduct occurs. The regulation also strengthens procedures that measure and evaluate both organizational and individual accountability in providing fair and equitable treatment for all USDA customers and employees, while ensuring its delivery of programs and the enforcement of civil rights.

- established a contract from the Language Doctors, LLC for language interpretation, translation, and certification services for OASCR. As a result of this, all of OASCR's vital documents were translated into the top languages frequently encountered from our Limited English Proficiency (LEP) customers. In addition, Policy statements (such as the Civil Rights Policy Statement and ADR Statement) were posted on OASCR's webpage for the public in languages other than English.
- partnered with several Agencies and provided training for USDA civil rights managers, to broaden their awareness on topics such as: Management Directive 110, ADR, and Mixed Case Complaints.
- conducted bi-weekly training sessions (in-person) for personnel in the Washington DC area entitled, "A Brief Introduction to ADR." Each session provided an overview of ADR and covered the key aspects of ADR dynamics, commonly used ADR techniques, and the roles and responsibilities of ADR participants.
- monitored EEO Final Agency Decisions to ensure compliance with Order of Relief terms. Additionally, OASCR worked with each Agency to recommend training and/or corrective actions based on the findings in each compliance review.
- assumed the processing of all USDA Federal sector EEO investigations, which were previously the responsibility of each individual USDA Agency. As a result, the cost of investigation has decrease significantly and produced a total savings in FY 2016 of \$682,472.26.
- maintained the confidentiality, integrity, and availability of the Civil Rights Enterprise System, which is a database repository for ADR issues and employment discrimination complaints. By constantly working with stakeholders and emphasizing the need for prompt and accurate data entries, OASCR has prevented faulty reports and data integrity issues. Additionally, by monitoring and limiting access to sensitive and Personally Identifiable Information to authorized personnel only, the potential for abuse and misuse, as well as future complaints are minimized.
- maintained a full service Customer Service Unit (CSU) for employment discrimination complaint and inquiries. The CSU serves as the liaison between OASCR and its internal and external customers who regularly call to inquire about access to USDA programs such as, Women, Infant, and Children, school lunches, and housing. Over 14,000 phone calls were handled in 2016.
- conducted 26 training sessions, reaching 2,321 employees, at 12 USDA Agencies and Staff Offices in 7 states and the District of Columbia. Most of the training sessions addressed conflict resolution; conflict and cultural differences; workplace bullying; team building and communications; communication styles; stereotypes; and Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride history. Additionally, OASCR launched two online training courses on AgLearn that focused on LGBT Nondiscrimination in the Federal Workplace and Anti-Harassment. Over 40,000 USDA employees completed the online training in FY 2016.

- held training in Louisiana, Colorado, Maine, Missouri, and New Mexico for employees, managers, and supervisors of USDA Agencies. Training topics included: the EEO complaint process, reasonable accommodation, harassment, reprisal, ADR, program complaint process, LEP, unconscious bias, and LGBT issues.
- conducted 24 events to increase employee engagement and knowledge of the history of civil rights laws and policy and awareness of current civil rights and related events. Through the cultural transformation initiative, USDA has co-sponsored 13 heritage month and special emphasis observances, Inter-Agency Holocaust Remembrance Program; work-life balance forum, two documentary film screenings; weekly civil rights challenge games for OASCR's employees; team building activities designed to strengthen employees engagement; and inspirational messages from the Assistant Secretary for Civil Rights to OASCR employees recognizing civil rights aspects of Federal holidays and observances. The aforementioned activities resulted in improved internal communication, diversity, and inclusiveness.
- conducted comprehensive evaluation and assessment of the Agencies' Senior Executives, Agency Heads, and Staff Office Directors on their civil rights performance and activities. The process addressed and outlined the goals and objectives critical to achieving a model civil rights organization. The process was consistent with the Equal Employment Opportunity Commission's *Management Directive 715*, DR 4300-06, *Civil Rights Policy for Department of Agriculture*, DR 4300-010, *Civil Rights Accountability Policy and Procedures*, and other relevant EEO statutes, regulations, policies and procedures. In FY 2016, OASCR provided leadership and face to face meeting sessions to 24 USDA Agencies. This effort resulted in Agencies timely submitting accurate and complete reports in compliance with the above mentioned regulations.

**PART I:
USDA Formal EEO Complaints
for
Fiscal Years 2015 – 2016**

Section A-Number of Formal EEO Complaints and Filers at USDA

Introduction

This section contains comparative information regarding the number of formal EEO complaints filed and the number of filers for FYs 2015 and 2016.

Summary of Data

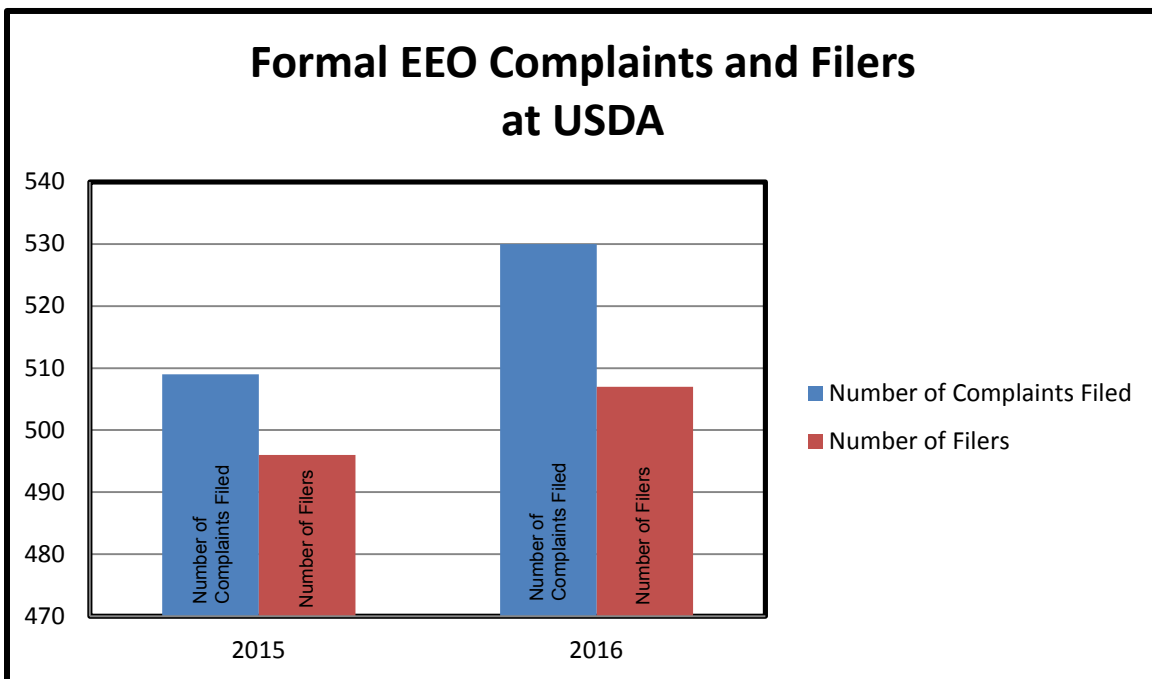
Table 1 below indicates the number of formal EEO complaints filed with USDA by fiscal year and the number of individuals who filed complaints. It shows an increase in the number of complaints filed and the number of filers over the prior year (See Graph 1).

In FY 2016, the number of complaints filed was 530; whereas, in FY 2015, the number of complaints filed was 509. This represents a four percent increase in complaints filed. Additionally, the number of filers in FY 2016 was 507; whereas, in FY 2015, the number of filers was 496. This represents an increase of 11 filers.

Table 1
Number of Formal EEO Complaints and Number of Filers at USDA

Fiscal Years	Number of Complaints Filed	Number of Filers
2015	509	496
2016	530	507

Graph 1
Formal EEO Complaints and Filers at USDA



Section B–Most Frequently Cited Bases in Formal EEO Complaints at USDA

Introduction

This section contains information regarding the most frequently cited bases in formal EEO complaints for FYs 2015 and 2016. The basis of the complaint is the protected characteristic the complainant alleges which forms the motivation for the discriminatory conduct. The bases protected by EEO statutes are race, color, religion, national origin, sex, disability, age and retaliation (for participating in the EEO complaint process or for opposing practices made illegal under the EEO laws). A complaint brought under the Equal Pay Act of 1963, as amended, is considered to be a complaint based on sex.

Summary of Data

Table 2 provides data on all bases alleged in formal EEO complaints filed with USDA. Of all bases, the four most frequently cited in formal EEO complaints filed in FY 2016 are: (1) retaliation; (2) race; (3) sex; and (4) age. In FY 2015, the four most frequently cited bases were: (1) retaliation; (2) sex; (3) race; and (4) age. These four bases are illustrated in Graph 2, which shows the trend over the two-year reporting period.

Complaints Alleging Retaliation

“Retaliation” is the most frequently alleged basis in formal EEO complaints at USDA in FY 2016. This is true for both FYs 2015 and 2016. The basis of “Retaliation” was cited in 270 formal EEO complaints in FY 2016, compared to 296 formal EEO complaints in FY 2015, a nine percent decrease (26 complaints) over a two-year period.

Complaints Alleging Race Discrimination

“Race” was the second most frequently alleged basis in formal EEO complaints at USDA in FY 2016. The basis of “Race” was cited in 222 formal EEO complaints in FY 2016, compared to 206 complaints in FY 2015, an eight percent increase (16 complaints) over a two-year period.

Complaints Alleging Sex Discrimination

“Sex” was the third most frequently alleged basis in formal EEO complaints at USDA in FY 2016. The basis of “Sex” was cited in 206 formal EEO complaints in FY 2016, compared to 215 complaints in FY 2015, a four percent decrease (nine complaints) over a two-year period.

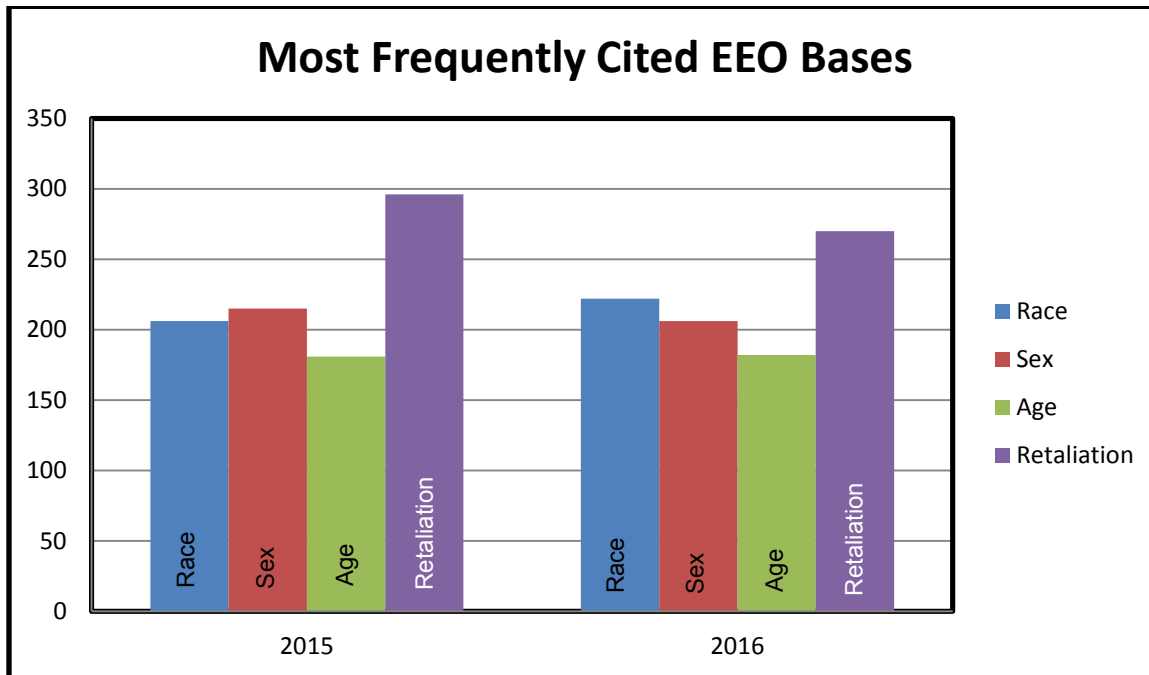
Complaints Alleging Age Discrimination

“Age” was the fourth most frequently alleged basis in formal EEO complaints at USDA in FY 2016. The basis of “Age” was cited in 182 formal EEO complaints in FY 2016, compared to 181 complaints in FY 2015, a half (.5) percent increase (1 complaint) over a two-year period.

Table 2
Most Frequently Cited EEO Bases in Formal EEO Complaints at USDA

EEO Bases in Formal EEO Complaints									
Year	Race	Color	Religion	Sex	National Origin	Disability	Age	Retaliation	Other²
2015	206	71	24	215	69	165	181	296	64
2016	222	63	35	206	47	157	182	270	41

Graph 2
Most Frequently Cited Bases



² Other USDA protected bases include Pregnancy Discrimination Act (PDA), Equal Pay Act, Genetics, and Non-EEO. Additionally, the bases of sex include gender identity and gender expression.

Section C-Most Frequently Cited Issues in Formal EEO Complaints at USDA

Introduction

This section contains information regarding the most frequently cited issues in formal EEO complaints for FYs 2015 and 2016. The No FEAR Act requires Federal Agencies to post data regarding the nature of the issues raised in EEO complaints. The issue of a complaint is the specific matter about which the individual is complaining or the alleged discriminatory incident for which the individual is seeking redress. Table 3 contains a list of issues most commonly raised in complaints. The “Other” category captures all issues not specifically listed.

Summary of Data

Table 3 provides the most frequently cited issues in formal EEO complaints filed with USDA. The three EEO issues most frequently cited in FY 2016 were: (1) Harassment; (2) Promotion/Non-selection; and (3) Terms/Condition of Employment. Graph 3 shows the trends for these three issues over the two-year reporting period.

“Harassment” was the most frequently cited issue in formal EEO cases in FY 2016, with 300 filings. In contrast, “Harassment” had 319 filings in FY 2015, indicating a six percent decrease (19 complaints) from FY 2015 to FY 2016.

“Promotion/Non-selection” was the second most frequently cited issue in formal EEO cases in FY 2016, with 149 filings. In contrast, “Promotion/Non-selection” had 162 filings in FY 2015, indicating an eight percent decrease (13 complaints) from FY 2015 to FY 2016.

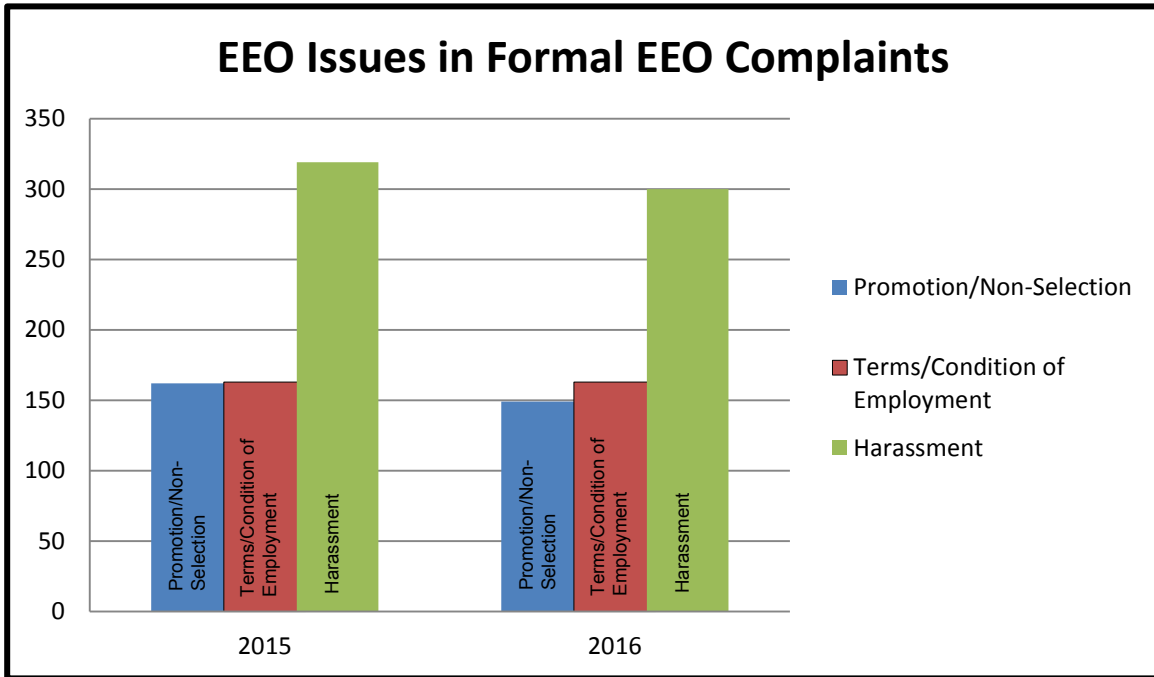
“Terms/Condition of Employment” was the third most frequently cited issue in formal EEO cases in FY 2016, with 102 filings. In contrast, “Terms/Condition of Employment” had 163 filings in FY 2015, indicating a 37 percent decrease (61 complaints) from FY 2015 to FY 2016.

**Table 3
EEO Issues in Formal EEO Complaints**

EEO Issues in Formal EEO Complaints																					
Year	Appointment/Hire	Assignment of Duties	Awards	Conversions to Full Time	Disciplinary Action	Duty Hours	Performance Evaluation/Appraisal	Examination/Test	Harassment	Medical Examination	Pay/Overtime	Promotion /Non-Selection	Reassignment	Reasonable Accommodation Disability	Reinstatement	Retirement	Termination	Terms and Conditions of Employment	Time and Attendance	Training	*Other
2015	35	115	19	0	128	23	90	1	319	8	42	162	65	83	1	1	40	163	78	49	28
2016	27	92	9	0	71	20	91	1	300	1	21	149	32	69	2	4	27	102	59	51	38

*Other USDA protected issues include Religious Accommodation, Sex-Stereotyping, Telework, and Other.

**Graph 3
EEO Issues in Formal EEO Complaints**



Section D-EEO Processing Stages

Introduction

This section contains data regarding selected stages and associated processing times for formal EEO complaints processed during FYs 2015 and 2016. The formal EEO complaint process has various stages. Not all formal complaints complete all stages. These stages are:

(1) Investigation (which includes Letter of Acceptance); (2) Final Agency Action with EEOC Hearing; (3) Final Agency Action without EEOC Hearing; and (4) Dismissal. Formal EEO complaints may be withdrawn or settled at any stage and may be dismissed at various stages.

Summary of Data

The following is an analysis of data for the four EEO stages. This section contains data on: (1) the average number of days for completion of selected stages; (2) pending complaints at various stages of the EEO process; and (3) pending formal complaints exceeding the 180-day investigation requirement.

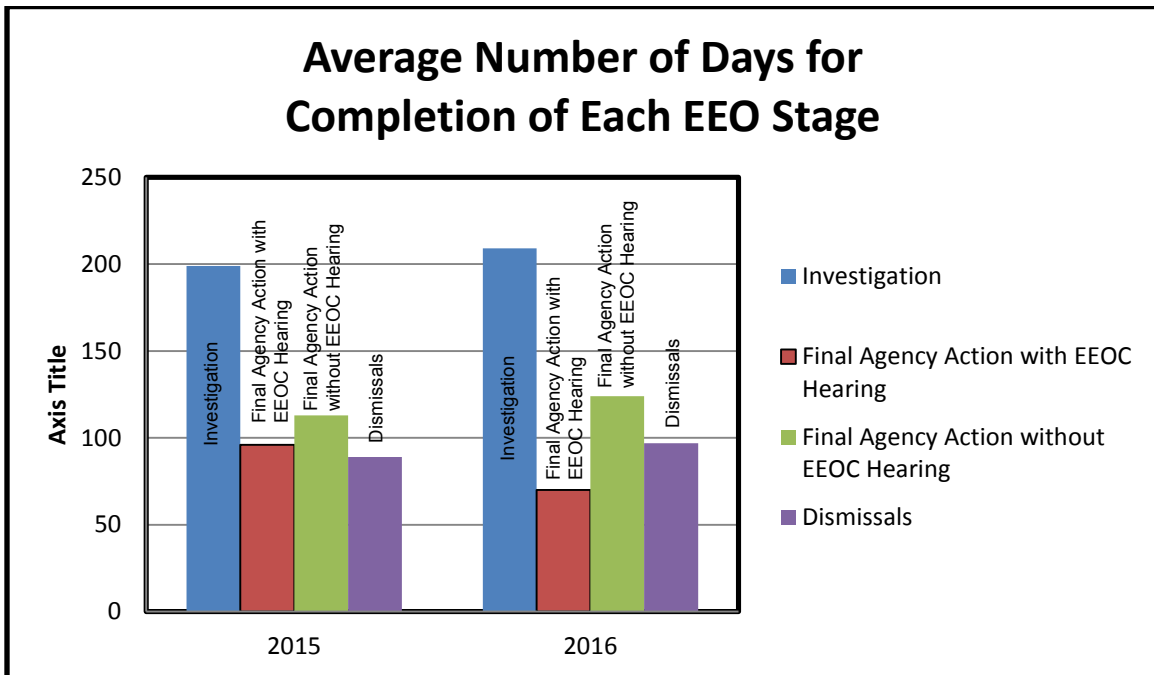
(1) Average Number of Days for Completion of Selected EEO Stages

Table 4 below provides the average number of days for completing a formal EEO complaint at each stage. The data revealed an upward trend (as shown in Graph 4) in the average number of days for an investigation, in the Final Agency Action without an EEOC hearing, and in dismissals. For all Final Agency Action with an EEOC hearing, there was a downward trend in the average number of days for processing.

Table 4
Average Number of Days for Completion of Each EEO Stage

Year	Investigation	Final Agency Action with EEOC Hearing	Final Agency Action without EEOC Hearing	Dismissals
2015	199	96	113	89
2016	209	70	124	97

Graph 4
Average Number of Days for Completion of Each EEO Stage



(2) Pending Complaints at Various Stages

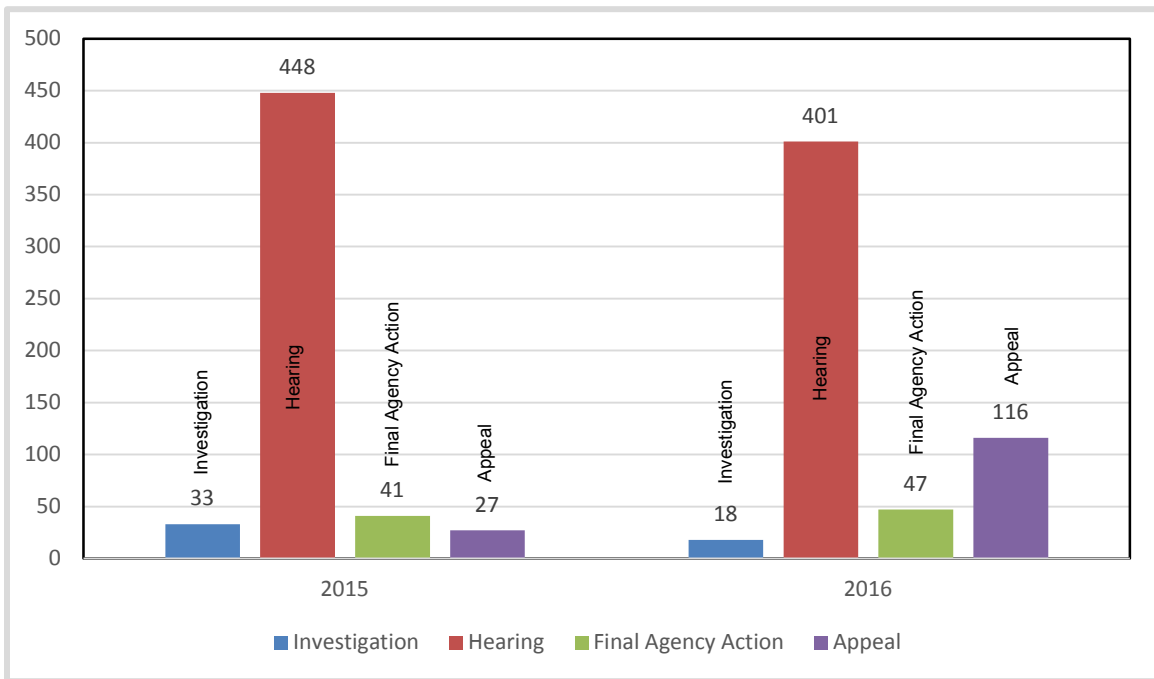
Table 5 below illustrates the number of pending EEO complaints in FYs 2015 and 2016, at each EEO stage.

Graph 5 shows a downward trend in pending complaints in Final Agency Actions, Hearings, Investigations, and Appeals.

Table 5
Pending EEO Formal Complaints by Stage

Year	Investigation	Hearing	Final Agency Action	Appeal
2015	33	448	41	27
2016	18	401	47	116

**Graph 5
Pending EEO Formal Complaints by Stage**



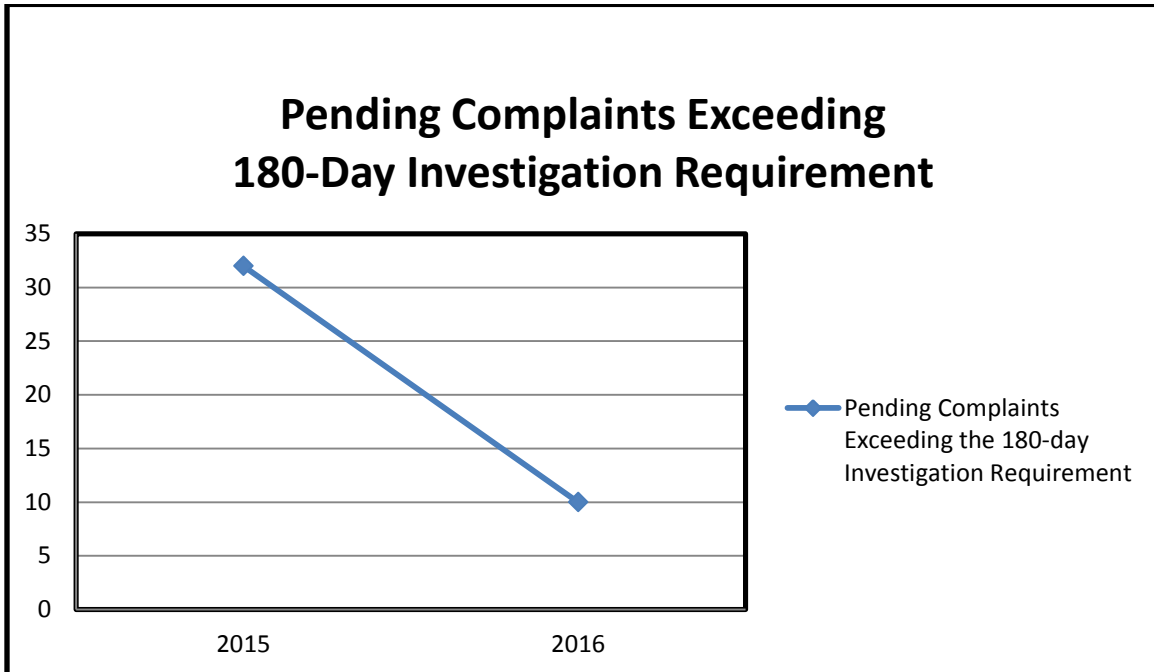
(3) Pending Formal Complaints Exceeding the 180-Day Investigation Requirement

Table 6 and Graph 6 show a 69 percent decrease for pending formal complaints that exceed the 180-day investigation requirement over the two-year reporting period.

**Table 6
Pending Formal EEO Complaints Exceeding the 180-Day Investigation Requirement**

Pending Complaints Exceeding the 180-day Investigation Requirement	
2015	32
2016	10

Graph 6
Pending Formal EEO Complaints Exceeding 180-Day Investigation Requirement



Section E-Final Agency Actions with a Finding of Discrimination

Introduction

Final Agency Actions involving a finding of discrimination may be issued on the record or following an EEOC Administrative Hearing. The final actions involving a finding of discrimination include complaints with a variety of bases and issues. The No FEAR Act requires Federal Agencies to post the total number of final actions involving a finding of discrimination, along with the issues and bases for those complaints.

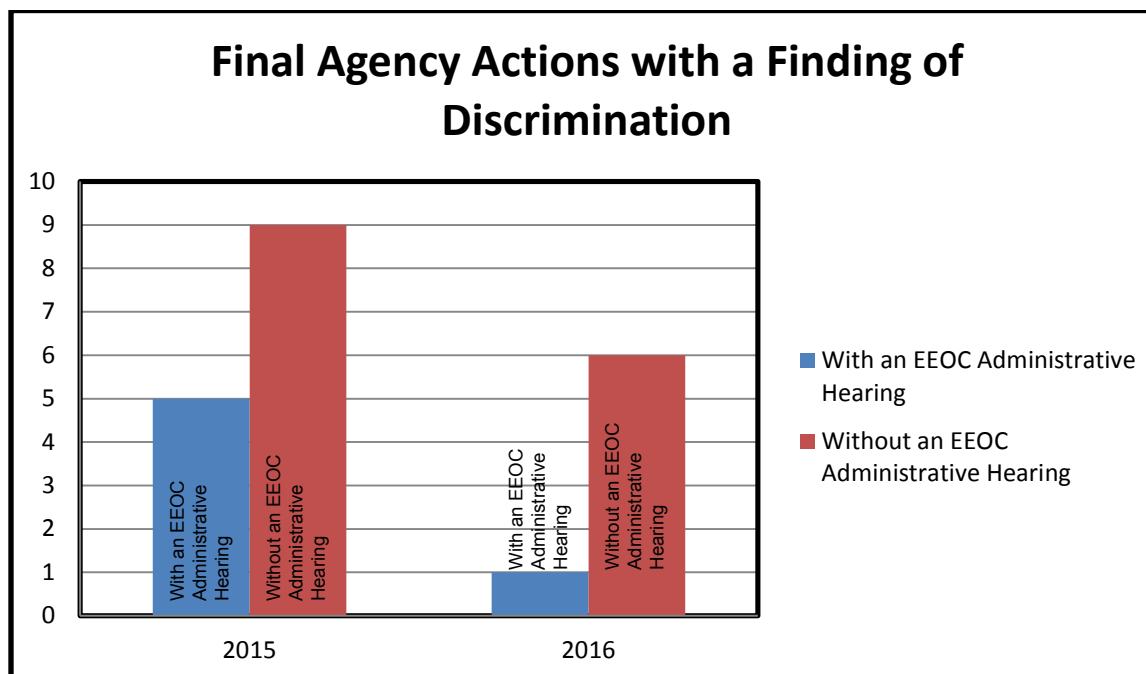
Summary of Data

Table 7 and Graph 7 show the number of findings of discrimination issued with an EEOC Administrative Hearing decreased by four, from FY 2015 to FY 2016, and the number of findings without an EEOC Administrative Hearing decreased by three from FY 2015 to FY 2016.

Table 7
Final Agency Actions with a Finding of Discrimination

Year	With an EEOC Administrative Hearing	Without an EEOC Administrative Hearing
2015	5	9
2016 ³	1	6

Graph 7
Final Agency Actions with a Finding of Discrimination



Section F-Analysis, Experience, and Actions

Introduction

The No FEAR Act requires: (1) an examination of trends; (2) a causal analysis; (3) practical knowledge gained through experience; and (4) any actions planned or taken to improve USDA’s complaint or civil rights programs. The prior sections (Sections A-E) provided an examination of trends. Described below are various observations related to the remaining three areas:

(1) Causal Analysis

USDA and its sub-component Agencies identified various factors impacting the filing of formal EEO complaints. Examples are as follows:

³ Subsequent database reconciliation revealed that there are a total of eight findings of discrimination, resulting in one disciplinary action decision pending with the Office of Human Resource Management.

- The Agricultural Marketing Service (AMS) reported an increase by one in the number of complaints filed in FY 2016. Specifically, there were 10 formal complaints filed in FY 2016, as compared to 9 formal complaints filed in FY 2015. AMS attributes the increase of complaints to the reduction of training sessions conducted in FY 2016 compared to FY 2015. Additionally, AMS attributes the increase to employees using the term harassment incorrectly to describe unfavorable work conditions or assignments, without any nexus to a protected basis.
- The Animal and Plant Health Inspection Service (APHIS) reported a decrease by 24 in the number of complaints filed in FY 2016. Specifically, there were 41 formal complaints filed in FY 2016, as compared to 65 formal complaints filed in FY 2015. APHIS attributes the decrease to a multitude of actions, including, but not limited to EEO education and training, use of ADR and early engagement of Agency manager, and supervisors in addressing employment concerns.
- The Agricultural Research Service (ARS) reported an increase by four in the number of complaints filed in FY 2016. Specifically, there were 19 formal complaints filed in FY 2016, as compared to 15 formal complaints filed in FY 2015. ARS attributes this to miscommunication or lack of communication between management and employees.
- The Conflict Complaints Division, which processes conflict cases⁴, reported a decrease by seven in the number of complaints filed in FY 2016. Specifically, there were 47 formal complaints filed in FY 2016 as compared to 54 formal complaints filed in FY 2015.
- The Economic Research Service (ERS) reported a decrease by one in the number of complaints filed in FY 2016. Specifically, there was one formal complaint filed in FY 2016, as compared to two formal complaints filed in FY 2015. ERS attributes the decrease in complaints to ERS' Director of Civil Rights practice of immediately engaging management when an employee raises a work related issue as well as management's willingness to create an environment free from discrimination and harassment. ERS also attributes this to the desire of ERS employees to understand their rights in responsibilities when provided training.
- The Foreign Agricultural Service (FAS) reported an increase by four in the number of complaints filed in FY 2016. Specifically, there were seven formal complaints filed in FY 2016, compared to three formal complaints filed in FY 2015. FAS attributes the increase of complaints to the interaction and education employees on EEO issues and concerns leading employees to believe in the neutrality of the being comfortable going to and discussing EEO issues with the OCR Staff and its EEO Counselors.

⁴ Conflict case(s) is an EEO complaint involving facts and/or allegations that are determined to pose an actual, perceived, and or potential conflict between a Responsible Management Official (RMO) or complainant's position or personal interest, and USDA's responsibility to administer a fair and impartial investigative process and resolution of complaints.

- The Food and Nutrition Service (FNS) reported an increase by eight in the number of complaints filed in FY 2016. Specifically, there were 18 formal complaints filed in FY 2016, compared to 10 formal complaints filed in FY 2015. FNS attributes the increase in complaints to improved understanding of employment discrimination and whistleblower protection laws through employee training during onsite Compliance Reviews, new employee onboarding, and Agency-wide training offered throughout the year.
- The Forest Service (FS) reported an increase by five in the number of complaints filed in FY 2016. Specifically, there were 158 formal complaints filed in FY 2016, compared to 153 formal complaints filed in FY 2015. FS attributes this increase to employees using the term harassment incorrectly to describe unfavorable work conditions or assignments, without any nexus to a protected basis. Many Agency harassment cases are non-sexual and involve general dissatisfaction with the work environment, work assignments, communication styles, and employee accountability.
- The Farm Service Agency (FSA) reported an increase by five in the number of formal EEO complaints filed FY 2016. Specifically, there were 27 formal complaints filed in FY 2016, compared to 22 formal complaints filed in FY 2015. FSA attributes this increase to the lack of employee EEO awareness.
- The Food Safety and Inspection Service (FSIS) reported an increase by six in the number of formal EEO complaints filed in FY 2016. Specifically, there were 68 complaints filed in FY 2016, compared to 62 formal complaints filed in FY 2015. FSIS attributes the increase in complaint activity to issues in telework and training. The increase in complaints related to telework may be attributed to increased agency marketing of work life programs, which may lead employees to perceive telework options as an entitlement rather than privilege. The increase in training related complaints may be the result of the Agency's recurring vacancy rate in the field inspection positions.
- The Grain Inspection, Packers and Stockyards Administration (GIPSA) reported a decrease by six in the number of formal EEO complaints filed in FY 2016. Specifically, there were 8 formal complaints filed in FY 2016, compared to 14 formal complaints filed in FY 2015. GIPSA attributes this decrease to focusing on resolving disputes at the lowest possible level through the use of ADR.
- The National Agricultural Statistics Service (NASS) reported an increase by one in the number of formal EEO complaints filed in FY 2016. Specifically, there were two formal complaints filed in FY 2016 and one formal complaint filed in FY 2015. NASS attributes the static level of complaints to being proactive in resolving all complaints at the earliest stage.
- The National Finance Center, Office of the Chief Financial Officer (NFC-OCFO) reported an increase by 19 in the number of formal complaints filed in FY 2016. Specifically, there were 48 formal complaints filed in FY 2016 compared to 29 formal complaints filed in FY 2015. The NFC-OCFO attributes the increase in complaints to an increase in the number of employees becoming aware of their EEO rights through EEO training conducting during the reporting period. These sessions with employees explained the avenues of redress outside of the EEO office and matters that are within the EEOC's jurisdiction.

- The National Institute of Food and Agriculture (NIFA) reported an increase of three in the number of complaints filed in FY 2016. Specifically, there were three formal complaints filed in FY 2016. No complaints were filed in FY 2015. NIFA attributes the increase in complaints to the restructuring of Agency offices, reassignment of employees, and administrative or policy changes.
- The Natural Resources Conservation Service (NRCS) reported a decrease by 12 in the number of formal complaints filed in FY 2016. Specifically, there were 20 formal complaints filed in FY 2016, compared to 32 formal complaints filed in FY 2015. NRCS attributes the decrease in complaints to increased efforts to educate employees on what constitutes harassment and how to address it.
- The Rural Development (RD) reported an increase by 15 in the number of formal complaints filed in FY 2016. Specifically, there were 45 formal complaints filed in FY 2016, compared to 30 formal complaints in FY 2015. RD attributes the increase of complaints to training and employees increased awareness of their rights and the procedures to file an EEO complaint.
- The Risk Management Agency (RMA) reported an increase of one in the number of formal complaints filed in FY 2016. Specifically, there were five complaints filed in FY 2016, compared to four formal complaints filed in FY 2015. RMA attributes the increase to one employee who filed an EEO complaint which was non-EEO related.

(2) Experience Gained by USDA in the Processing of Formal EEO Complaints

USDA has learned the following from its past experience in processing and addressing formal EEO complaints:

- a combination of civil rights training, ADR, and proactive actions minimizes any possible adverse effects on employees thereby preventing possible complaints;
- willingness of RMOs and aggrieved persons to work together resulted not only in their mutual interest, but also generated a positive work environment, and increased morale and productivity;
- providing relevant EEO information and guidance to all employees through dissemination of information in briefings and exchanges helps employees become more knowledgeable about their rights;
- implementing a new supervisory civil rights training module helped to address the importance of reasonable accommodations, employee relations, labor relations, performance, Human Resources, and employee development for all managers;
- coordinating EEO information with Human Resources and USDA regional offices helps ensure consistency in the new employee orientation packages;
- it is important for management to engage with employees as long as possible, before relinquishing the issue to the EEO process;

- offering ADR reduces the number of formal employment discrimination complaints filed at USDA;
- conducting compliance reviews of USDA regional offices helps to improve, strengthen, and promote USDA's Civil Rights Programs;
- the absence of travel to field offices due to budget constraints greatly hinders the most effective mediation processes within the state and county offices;
- enforcing zero-tolerance reprisal and disciplinary policies helps to ensure accountability, discipline, and corrective actions take place when discriminatory conduct related to civil rights violations occurs;
- the establishment of an employee engagement program has proven invaluable in assisting employees with adapting to a culture that is being transformed into one that promotes engagement and interaction, and values the success of all members of the organization;
- continuing to provide sufficient financial and organizational resources helps to support an effective civil rights program;
- ensuring expectations are clear and performance elements are established helps to hold employees and managers accountable for EEO;
- EEO and civil rights training is important so that USDA employees understand how to recognize, evaluate, and deal with delicate situations and difficult people; and
- proper accountability measures must be in place to address agency personnel that have been found to have participated in or exhibited discriminatory practices and inappropriate conduct.

(3) Past and Future Actions by USDA Relating to EEO Complaints Processing

USDA has taken several actions that have proven effective in improving its formal EEO complaint processing. USDA is also introducing new initiatives to reduce complaints in future years. These past and future actions include:

- issued an ADR policy statement emphasizing the use of mediation in the formal stage in an effort to resolve allegations of discrimination;
- collaborated with Human Resources to develop the Anti-Harassment policy for the agency;
- executed civil rights training on topics including Micro-Inequities, Discrimination Defined, and Women in Leadership;
- required offices to post all policy statements in designated work areas and Web sites;

- developed a new, engaging, and comprehensive employee training suite, entitled *Equal Employment Opportunity: Learning and Applying Skills for Workplace Success*, which brings together information in ADR reasonable accommodation and the EEO complaints process;
- informed national office employees of the grievance and complaint forums that are available to them;
- provide refresher training to its cadre of Resolving Officials to aid in accomplishing the Agency's goal of resolving complaints at the lowest level possible in both the informal and formal EEO complaint stages;
- hold quarterly meetings with Agency Heads, Administrators, and State Directors to discuss complaint activity, in a continued effort to strengthen communications, identify trends, and continually evaluate the possibility of early resolution;
- keep Administrators and Senior Managers apprised of EEO activity within their respective programs;
- train all counselors/mediators in processing EEO complaints from the initial intake and informal stage through formal filing through EEOC hearings and settlements;
- review of the ADR process and implementing additional or new measures to increase the success rate of the early resolution and conflict prevention process through ADR;
- increase employee awareness of the ADR program through notification, training, and counseling;
- conduct Civil Rights Exit Interviews with employees to assess their experience and reasons for departure;
- training to assist in determining the difference between workplace conflicts (grievances) and alleged discrimination;
- notify employees via email of the No FEAR Act and the Whistleblower Protection Act;
- implement a conflict resolution program which will expand the principles of ADR to encompass all informal workplace conflicts before they rise to the level of EEO complaints;
- make EEO counseling available via video-conferencing;
- maintain staff coordination to improve effectiveness of partnership with the OASCR Staff to ensure inventory of Formal EEO Complaint data is correct;
- require employees to re-certify their telework agreement and participate in telework training to assist in dispelling employee misconceptions about the program;
- have Civil Rights Mediators take proactive steps to conduct mediation by contacting the parties within five business days of the complainant contacting the Civil Rights Staff;

- work towards having exemplary EEO and diversity programs;
- develop and implement improvements in all areas of the EEO arena – including recruitment, hiring, retention, development and advancement for all employee;
- expand the use of technology in training programs to include web-based learning through AgLearn, WebEx, and Live Meeting, in an effort to increase and improve the availability and opportunity for employees nationwide to participate in trainings offered; and
- ensure that all new employees complete the Comprehensive No FEAR Act training within the first 30 days of their employment and require all employees to complete the Refresher No FEAR Act training through AgLearn.

PART II:
USDA Reimbursement to Judgment
Fund for
Fiscal Year 2016

USDA Reimbursement to Judgment Fund for Fiscal Year 2016

Introduction

Table 8 provides information on reimbursements by USDA to the U.S. Department of Treasury's Judgment Fund for monies associated with FY 2016 judgments, awards, or settlements under the statutes addressed in the No FEAR Act.

Table 8
USDA Reimbursement to Judgment Fund for FY 2016 Settlements

USDA Reimbursement to Judgment Fund For FY 2016 Settlements		
Case	Total Amount	Attorney's Fees
1	\$80,000.00	\$0.00
Total	\$80,000.00	\$0.00

Summary

In FY 2016, USDA reimbursed the Judgment Fund \$80,000, of which zero dollars were identified as payment of attorney's fees.

PART III:
USDA Disciplinary Actions and Reports
for Fiscal Years 2015 – 2016

**USDA Disciplinary Actions and Reports for
Fiscal Years 2015–2016**

Summary of Data

PART 1: Table 9 contains the number of disciplinary actions taken against employees who were found to have committed prohibited acts of discrimination, retaliation, harassment, or prohibited personnel practices (including those acts discovered in conjunction with investigations of whistleblower protection or civil rights complaints).

Table 9

ADMINISTRATIVE DISCIPLINARY ACTIONS												
TYPE OF ACTION	FY 2015						FY 2016					
	DISC.	RET.	HAR.	PPP.	WBP.	TOTAL	DISC.	RET.	HAR.	PPP.	WBP.	TOTAL
REMOVAL	0	0	3	0	0	3	0	3	0	0	0	0
15 DAY OR MORE	0	0	0	3	0	3	0	0	0	0	0	0
14 DAY OR LESS	0	0	19	2	0	21	0	1	0	0	0	0
REDUCTION IN GRADE	0	0	0	0	0	0	0	0	0	0	0	0
REDUCTION IN PAY	0	0	0	0	0	0	0	0	0	0	0	0
LOR	0	0	11	0	0	11	0	3	0	0	0	0
TOTAL DISCIPLINE	0	0	33	5	0	38	0	7	0	0	0	7

Table Abbreviations: Disc. = Discrimination; Ret. = Retaliation; Har. = Harassment; PPP = Prohibited Personnel Practice; WBP = Whistleblower Protection Act; and LOR = Letter of Reprimand.

PART 2: Table 10 illustrates the number of Office of Special Counsel (OSC) Whistleblower cases and the numbers of employees disciplined under the Department’s disciplinary policies related to whistle-blowing and discrimination.

Table 10

OFFICE OF SPECIAL COUNSEL CASES			
CATEGORIES OF CASES	FY 2015	FY 2016	TOTAL
OSC WHISTLEBLOWER CASE	0	5	5
OSC WHISTLEBLOWER CASE CLOSED	0	0	0
OSC WHISTLEBLOWER DISCIPLINE TAKEN	0	0	0

**PART IV:
USDA Federal Court Litigation Statistics
for FY 2016**

The following tables provide composite data for cases in Federal Court pending or resolved in FY 2016 and arising under the anti-discrimination and whistleblower protection laws.

**Table 11
Federal Cases Pending in FY 2016**

Federal Cases Pending in FY 2016	
Pending District Court Cases	37
Pending Appellate Court Cases	8
New Cases Filed in District Court	10
Note: Cases pending at any time during the year, including those filed during the year, and those disposed of during the year.	

**Table 12
Pending Cases**

Pending Cases					
	29 U.S.C. §206(d)	29 U.S.C. §631	29 U.S.C. §633a	29 U.S.C. §791	42 U.S.C. §2000e-16
Disposed of During FY 2015	1	0	5	3	11
Still Pending at End of FY 2015	0	0	3	5	13

**Table 13
Disposition of Cases
(Including Dismissals)**

Disposition of Cases (Including Dismissals)					
	29 U.S.C. §206(d)	29 U.S.C. §631	29 U.S.C. §633a	29 U.S.C. §791	42 U.S.C. §2000e-16
Settlements	0	0	0	1	3
Withdrawals	0	0	0	0	0
Final Judgment for Complainant	1	0	5	2	8
Final Judgment for Agency	1	0	5	3	11

NOTES ON CASES WITH MULTIPLE BASES ALLEGED

Case under 29 U.S.C. § 206(d):

One also had claims under both 29 U.S.C. § 633a and 42 U.S.C. § 2000e

Cases under 29 U.S.C. § 633a:

Four also had claims under 42 U.S.C. § 2000e; two also had claims under 29 U.S.C. § 791; one also had claims under both 42 U.S.C. § 2000e and 29 U.S.C. § 791

Cases under 29 U.S.C. § 791:

One also had claims under both 42 U.S.C. § 2000e and 29 U.S.C. § 633a

Cases under 42 U.S.C. § 2000e:

Three also had claims under 29 U.S.C. § 633a; four also had claims under 29 U.S.C. § 791; and one also had claims under both 29 U.S.C. § 633a and §791

Appendix A

Equal Employment Opportunity Data Posted Pursuant to the No FEAR Act

USDA
FY 2016 for period ending September 30, 2016

Complaint Activity	Comparative Data				
	Previous Fiscal Year Data				
	2012	2013	2014	2015	2016
Number of Complaints Filed	536	544	481	509	530
Number of Complainants	519	512	465	496	507
Repeat Filers	12	26	17	14	19
Complaints by Basis	Comparative Data				
	Previous Fiscal Year Data				
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2012	2013	2014	2015	2016
Race	215	213	243	206	222
Color	56	64	73	71	63
Religion	23	19	19	24	35
Reprisal	281	311	270	296	270
Sex	228	213	207	215	206
PDA	0	2	3	1	0
National Origin	61	59	74	69	47
Equal Pay Act	3	8	4	2	1
Age	177	201	183	181	182
Disability	141	150	130	165	157
Genetics	2	3	2	2	1
Non-EEO	55	42	55	59	39

Complaints by Issue	Comparative Data				
	Previous Fiscal Year Data				
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2012	2013	2014	2015	2016
Appointment/Hire	23	34	25	35	27
Assignment of Duties	100	119	117	115	92
Awards	22	24	9	19	9
Conversion to Full-time	1	2	1	0	0
Disciplinary Action					
Demotion	7	3	5	3	4
Reprimand	42	28	23	55	28
Suspension	40	30	27	49	26
Removal	10	13	7	10	6
Other	28	17	31	11	7
Duty Hours	15	11	11	23	20
Evaluation Appraisal	60	85	73	90	91
Examination/Test	4	1	1	1	1
Harassment					
Non-Sexual	303	275	264	303	282
Sexual	16	12	20	16	18
Medical Examination	4	2	4	8	1
Pay (Including Overtime)	14	29	39	42	21
Promotion/Non-Selection	118	123	111	162	149
Reassignment					
Denied	13	19	27	25	14

Directed	33	33	43	40	18
Reasonable Accommodation Disability	58	63	48	83	69
Reinstatement	2	0	0	1	2
Religious Accommodation*	0	0	0	0	3
Retirement	2	2	1	1	4
Sex-Stereotyping*	0	0	0	0	1
Telework*	0	0	0	0	29
Termination	35	40	34	40	27
Terms/Conditions of Employment	85	176	146	163	102
Time and Attendance	58	50	32	78	59
Training	49	41	33	49	51
Other	61	26	23	28	5
Processing Time	Comparative Data				
	Previous Fiscal Year Data				
	2012	2013	2014	2015	2016
Complaints Pending During Fiscal Year					
Average Number of Days in Investigation	248.60	242.05	212.08	198.94	208.93
Average Number of Days in Final Action	214.93	165.94	169.31	106.7	97.94
Complaint Pending During Fiscal Year Where Hearing was Requested					
Average Number of Days in Investigation	235.23	247.31	217.23	203.6	212.88
Average Number of Days in Final Action	133.49	119.33	199.47	96.48	69.94
Complaint Pending During Fiscal Year Where Hearing was not Requested					
Average Number of Days in Investigation	273.79	233.21	204.07	192.73	202.01

Average Number of Days in Final Action	255.96	187.19	134.58	112.82	124.03
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*Data was not collected prior to Fiscal year 2016

Complaints Dismissed by Agency	Comparative Data									
	Previous Fiscal Year Data									
	2012		2013		2014		2015		2016	
Total Complaints Dismissed by Agency	45		67		64		55		57	
Average Days Pending Prior to Dismissal	145		83		188		89		97	
Complaints Withdrawn by Complainants										
Total Complaints Withdrawn by Complainants	31		29		32		29		28	
Total Final Agency Actions Finding Discrimination	Comparative Data									
	Previous Fiscal Year Data									
	2012		2013		2014		2015		2016	
	#	%	#	%	#	%	#	%	#	%
Total Number Findings	17		19		24		5		7	
Without Hearing	1	6	4	21	15	63	0	0	6	86
With Hearing	1	6	4	21	9	38	5	100	1	14

Findings of Discrimination Rendered by Basis	Comparative Data									
	Previous Fiscal Year Data									
	2012		2013		2014		2015		2016	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%
Total Number Findings	27		32		24		5		7	
Race	6	35	2	11	6	25	1	20	3	43
Color	0	0	2	11	1	4	0	0	1	14

Religion	0	0	0	0	2	8	0	0	0	0
Reprisal	6	35	6	32	7	29	2	40	4	57
Sex	2	12	5	26	2	8	0	0	3	43
PDA	0	0	0	0	0	0	0	0	0	0
National Origin	1	6	3	16	5	21	0	0	0	0
Equal Pay Act	0	0	0	0	1	4	0	0	0	0
Age	4	24	6	32	2	8	1	20	0	0
Disability	6	35	6	32	8	33	4	80	2	29
Genetics	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	3	16	2	8	0	0	0	0
Findings After Hearing										
	1		4		9		5		1	
Race	0	0	2	50	4	44	1	20	1	100
Color	0	0	2	50	1	11	0	0	0	0
Religion	0	0	0	0	2	22	0	0	0	0
Reprisal	1	100	0	0	4	44	2	40	1	100
Sex	0	0	1	25	2	22	0	0	1	100
PDA	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	2	22	0	0	0	0
Equal Pay Act	0	0	0	0	1	11	0	0	0	0
Age	0	0	3	75	1	11	1	20	0	0
Disability	0	0	1	25	0	0	4	80	0	0
Genetics	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	2	50	1	11	0	0	0	0
Findings Without Hearing										
	16		15		15		0		6	
Race	6	38	0	0	2	13	0	0	2	33

Color	0	0	0	0	0	0	0	0	0	1	17
Religion	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	6	40	3	20	0	0	3	50	
Sex	5	31	4	27	0	0	0	0	2	33	
PDA	2	13	0	0	0	0	0	0	0	0	
National Origin	0	0	3	20	3	20	0	0	0	0	
Equal Pay Act	1	6	0	0	0	0	0	0	0	0	
Age	0	0	3	20	1	7	0	0	0	0	
Disability	4	25	5	33	8	53	0	0	2	33	
Genetics	6	38	0	0	0	0	0	0	0	0	
Non-EEO	0	0	1	7	1	7	0	0	0	0	
Findings of Discrimination Rendered by Issue	Comparative Data										
	Previous Fiscal Year Data										
	2012		2013		2014		2015		2016		
	#	%	#	%	#	%	#	%	#	%	#
Total Number Findings	17		19		24		5		7		
Appointment/Hire	0	0	2	11	0	0	0	0	0	0	0
Assignment of Duties	2	12	0	0	3	13	0	0	1	14	
Awards	0	0	0	0	1	4	0	0	0	0	
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	
Disciplinary Action											
Demotion	0	0	0	0	1	4	0	0	0	0	
Reprimand	0	0	0	0	0	0	1	20	2	29	
Suspension	0	0	2	11	1	4	0	0	1	14	
Removal	0	0	1	5	0	0	0	0	0	0	
Other	1	6	0	0	1	4	0	0	0	0	
Duty Hours	0	0	0	0	0	0	0	0	1	14	

Performance Evaluation/Appraisal	3	18	0	0	1	4	1	20	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0
Harassment										
Non-Sexual	8	47	5	26	8	33	2	40	2	29
Sexual	1	6	1	5	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	1	6	0	0	1	4	0	0	0	0
Promotion/Non-Selection	1	6	4	21	5	21	0	0	2	29
Reassignment										
Denied	1	6	0	0	0	0	0	0	0	0
Directed	1	6	1	5	2	8	0	0	0	0
Reasonable Accommodation Disability	4	24	3	16	5	21	2	40	1	14
Reinstatement	0	0	0	0	0	0	0	0	0	0
Religious Accommodation*	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0
Sex-Stereotyping*	0	0	0	0	0	0	0	0	0	0
Telework*	0	0	0	0	0	0	0	0	0	0
Termination	1	6	3	16	6	25	0	0	0	0
Terms/Conditions of Employment	0	0	2	11	3	13	0	0	2	29
Time and Attendance	3	18	2	11	0	0	0	0	0	0
Training	0	0	0	0	1	4	0	0	0	0
Other - User Defined	1	6	2	11	1	4	0	0	0	0
Findings After Hearing										
Appointment/Hire	0	0	1	25	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	2	22	0	0	1	100

Awards	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time/Perm Status	0	0	0	0	0	0	0	0	0	0
Disciplinary Action										
Demotion	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	1	20	0	0
Suspension	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0
Performance Evaluation/Appraisal	0	0	0	0	1	11	1	20	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0
Harassment										
Non-Sexual	0	0	0	0	3	33	2	40	0	0
Sexual	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	1	25	4	44	0	0	0	0
Reassignment										
Denied	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	2	22	0	0	0	0
Reasonable Accommodation	0	0	1	25	0	0	2	40	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0
Religious Accommodation*	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0
Sex-Stereotyping*	0	0	0	0	0	0	0	0	0	0
Telework*	0	0	0	0	0	0	0	0	0	0

Termination	0	0	1	25	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0
Time and Attendance	1	100	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	1	11	0	0	0	0
Findings Without Hearing	16		15		15		0		6	
Appointment/Hire	0	0	1	7	0	0	0	0	0	0
Assignment of Duties	2	13	0	0	1	7	0	0	0	0
Awards	0	0	0	0	1	7	0	0	0	0
Conversion to Full-time/Perm Status	0	0	0	0	0	0	0	0	0	0
Disciplinary Action										
Demotion	0	0	0	0	1	7	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	2	33
Suspension	0	0	2	13	1	7	0	0	1	17
Removal	0	0	1	7	0	0	0	0	0	0
Other	1	6	0	0	1	7	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	1	17
Performance Evaluation/Appraisal	3	19	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0
Harassment										
Non-Sexual	8	50	5	33	5	33	0	0	2	33
Sexual	1	6	1	7	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	1	6	0	0	1	7	0	0	0	0

Promotion/Non-Selection	1	6	3	20	1	7	0	0	2	33
Reassignment										
Denied	1	6	0	0	0	0	0	0	0	0
Directed	1	6	1	7	0	0	0	0	0	0
Reasonable Accommodation Disability	4	25	2	13	5	33	0	0	1	17
Reinstatement	0	0	0	0	0	0	0	0	0	0
Religious Accommodation*	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0
Sex-Stereotyping*	0	0	0	0	0	0	0	0	0	0
Telework*	0	0	0	0	0	0	0	0	0	0
Termination	1	6	2	13	6	40	0	0	0	0
Terms/Conditions of Employment	0	0	2	13	3	20	0	0	2	33
Time and Attendance	2	13	2	13	0	0	0	0	0	0
Training	0	0	0	0	1	7	0	0	0	0
Other - User Defined	1	6	2	13	0	0	0	0	0	0

*Data was not collected prior to Fiscal Year 2016

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data				
	Previous Fiscal Year Data				
	2012	2013	2014	2015	2016
Total Complaints from Previous Fiscal Years	884	956	938	878	472 ⁵
Total Complainants	797	885	482	482	446

⁵ Due to recommendations made by Federal Agencies (at Micro Pact's Annual No FEAR User Forum) to change the formula for calculating the number of "Total complaints from previous Fiscal Years," this field has experienced a significant decrease in complaints between FY 2015 and FY 2016.

Number Complaints Pending					
Investigation	44	28	35	33	18
ROI Issued, Pending Complainant's Action	5	1	3	1	2
Hearing	348	399	520	448	401
Final Agency Action	75	68	50	41	47
Appeal with EEOC Office of Federal Operations	10	11	61	27	116
Complaint Investigations	Comparative Data				
	Previous Fiscal Year Data				
	2012	2013	2014	2015	2016
Pending Complaints Where Investigations Exceed Required Time Frames	117	85	190	32	10