

**No FEAR Act**  
**ANNUAL REPORT**  
**FISCAL YEAR 2015**



**U.S. Department of Agriculture**

## NONDISCRIMINATION STATEMENT

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Persons with disabilities, who wish to file a program complaint, please see the information above on how to contact us by mail or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Suggested Citation:

The No FEAR Act Annual Report for Fiscal Year 2015, Washington, D.C., USDA, Director, Office of Adjudication, Office of the Assistant Secretary for Civil Rights.

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## **Executive Summary**

### **Annual Reporting Requirements**

This is the USDA's eleventh 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) 2015. 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; and
- number of cases in Federal Court arising under the anti-discrimination and whistleblower protection laws.

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 providing 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 and nutrition education and promotion; and
- protect and manage America's public and private lands 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 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 28 EEO complaints filed from FY 2014 to FY 2015, ending the EEO inventory at the end of FY 2015 with 878 complaints. The number of filers increased by 31 from FY 2014 to FY 2015. Also, there was a decrease in the number of findings of discrimination from FY 2014 to FY 2015. Data illustrating this trend can be found in the Appendix A.

A review of disciplinary actions taken against employees who violated Federal anti-discrimination laws and whistleblower protection statutes shows that in FY 2015, there were 38 disciplinary actions taken against employees as compared to three disciplinary actions taken against employees in FY 2014. This increase in disciplinary actions between FY 2014 and FY 2015 indicates a continued level of accountability within USDA and the Secretary of Agriculture's enforcement of a zero tolerance of any form of discrimination. 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 2015, USDA implemented several initiatives to further assist in efforts to reduce the number of EEO complaints. These initiatives are outlined below:

- USDA is amending Departmental Regulation (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 include: 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.
- USDA is amending DR 4300-010, “Civil Rights Accountability Policy and Procedures.” The 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 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.
- The Office of the Assistant Secretary for Civil Rights (OASCR) conducted the civil rights review of all USDA agencies’ policies, rules, regulations, advisory committees, and reorganizations submitted for Departmental clearance. This involved an analysis and civil rights review of highly sensitive policies, actions, and decisions that could potentially adversely impact USDA employment, programs, and activities.
- OASCR continued the review and revision of four civil rights Departmental Regulations, Compliance DR for EEO, Compliance DR for Conducted Programs, Compliance programs, Compliance DR for Assisted programs and DR-4300-04 CRIA’s to ensure consistency with current civil rights laws, regulations and USDA policy.
- USDA revised its DR 4120-001, “Annual Departmental Civil Rights Training.” The regulation establishes the training policy for USDA civil rights programs and EEO. It also establishes oversight and accountability responsibilities for Federal employees and Agencies delivering federally assisted and federally conducted programs for the USDA.
- USDA amended DR 4300-003, “Equal Opportunity Public Notification.” This regulation established the policy for ensuring positive, continuing notification of the USDA equal opportunity policy to the public and USDA employees. The amendment to the regulation also includes specific details about the “And Justice for All” Posters and requires that notices of the USDA Nondiscrimination Statement are prominently posted in USDA, its agencies and staff offices.

- OASCR helped to further ensure the efficient and successful administration of the Department's EEO complaint processes by conducting several Partnership Meetings. Topics included: upcoming changes to the management directive (January 2015); successful ADR sessions (June 2015); and updates on recent EEO Case Law (August 2015). Further, OASCR evaluated the quality and timely submission of every EEO Counselor's Report prepared by a sub-agency or mission area civil rights office. This allows OASCR to provide constructive feedback to the sub-agencies on the quality and timely submission of their counselor's reports developed during the informal stage of the process. In FY 2016, OASCR will be adding new criteria to the quality requirement in an effort to improve the reports and in turn assist the efficiency of the formal complaints process, which heavily depend on the contents of these reports.
- OASCR conducted one program compliance review and three employment compliance reviews in FY 2015 to ensure USDA is in compliance with civil rights laws, regulations, policies and procedures. With each conducted compliance review, agencies were provided with specific corrective actions. Additionally, OASCR began Technical Assistance Compliance Reviews (TACR), a collaborative Agency initiative. In FY 2015, OASCR conducted five TACRs, resulting in consistency and uniformity throughout USDA.
- In FY 2015, OASCR monitored Final Agency Decisions (FAD) as it relates to programs to ensure compliance to the respective Order of Relief terms. Once completed, OASCR worked with each Agency to recommend any training and/or corrective action based on the findings of each compliance review.
- OASCR continued processing all USDA Federal sector EEO investigations, which were previously the responsibility of each individual USDA Agency. The cost of investigations have decrease by less than 50%, in comparison to when the Agencies previously conducted investigations. OASCR exceeded the number of closed investigations in comparison to previous years. In FY 2015, 426 investigations were closed, in comparison to 396 investigations closed in FY 2014 and 140 investigations closed in FY 2013.
- OASCR maintained a full service Customer Service Unit (CSU) for Employment and Program 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, Infants, and Children, school lunches, and housing. Over 8000 phone calls were handled in FY 2015.
- OASCR provided USDA employees with training on conflict management techniques and coping strategies to utilize during conflict encounters. During FY 2015, OASCR coordinated training workshops via live audience and webinar. The training provided employees with the tools needed to resolve conflicts themselves, which ultimately improved the employees' morale, working relationships, and communication amongst co-workers and management. These trainings have resulted in managers requesting additional training sessions.

- OASCR partnered with several agencies and provided field-based training on conflict management, team building, and leadership training for USDA personnel in Nevada, Missouri, Louisiana, and Florida. OASCR has broadened its training capability to meet the needs of workplace concerns.
- OASCR trained USDA employees on civil rights statutes, including but not limited to current legal interpretations and case law principals. Training was delivered throughout the Department to help employees understand the application of equal opportunity, civil rights, and diversity and inclusion
- OASCR conducted 40 training sessions, reaching 1,356 employees, at 12 USDA agencies and offices. Those sessions included two sessions specifically designed for political appointees. In addition, OASCR conducted training sessions at two national conferences (Out and Equal and the Federal Asian Pacific American Council). The majority of FY 2015 training sessions addressed Lesbian, Gay, Bisexual and Transgender Nondiscrimination in the Federal Workplace. This was in response to recent decisions by the U.S. Equal Employment Opportunity Commission which expanded Title VII's definition of sex discrimination to include gender identity and sexual orientation. Other training topics addressed in FY 2015 included: Unconscious Biases, Generational/Cultural Differences, Religious Expression in the Federal Workplace, and Alternative Dispute Resolution. In addition, OASCR provides No FEAR Act and No Fear Act Refresher Training to USDA employees.



**PART I**

**USDA Formal EEO Complaints**  
**for**  
**Fiscal Years 2014 – 2015**

## 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 2014 and 2015.

### Summary of Data

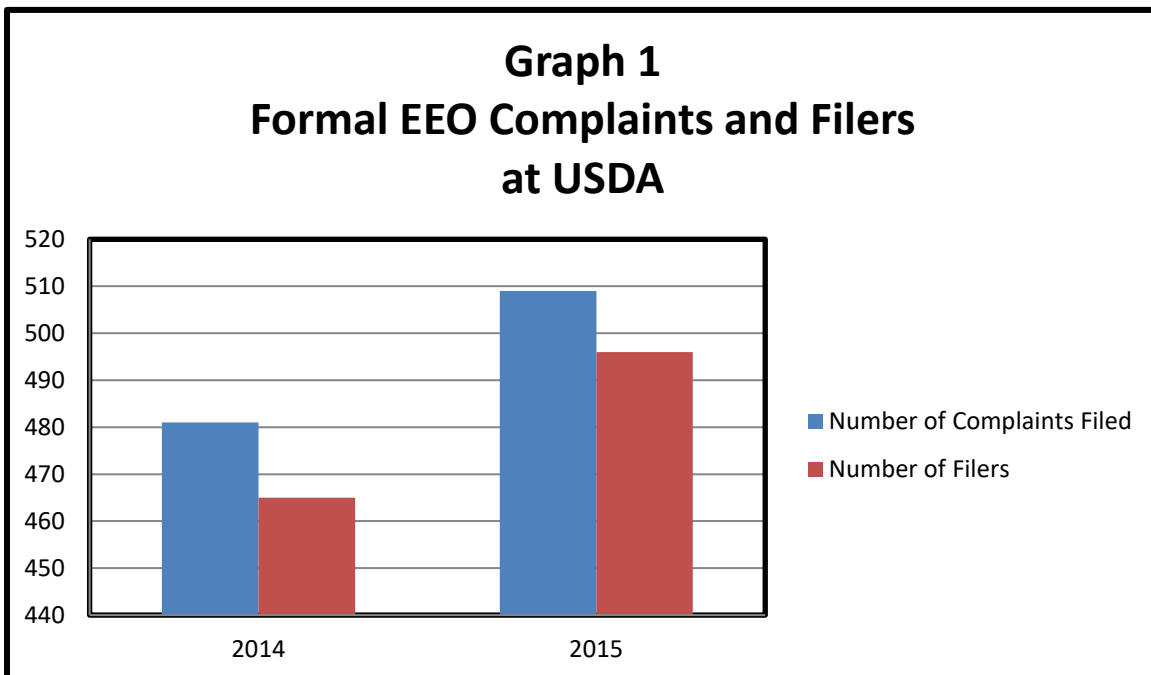
Table 1 below indicates the number of formal EEO complaints filed with USDA by fiscal year and the number of individuals who filed complaints. It shows an increase in the number of complaints filed and the number of filers over the prior year. (See Graph 1)

In FY 2015, the number of complaints filed was 509; whereas, in FY 2014, the number of complaints filed was 481. This represents a six (6) percent increase in complaints filed. Additionally, the number of filers in FY 2015 was 496; whereas, in FY 2014, the number of filers was 465. This represents an increase of 31 filers.

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

<b>Fiscal Years</b>	<b>Number of Complaints Filed</b>	<b>Number of Filers</b>
2014	481	465
2015	509	496

**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 2014 and 2015. 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

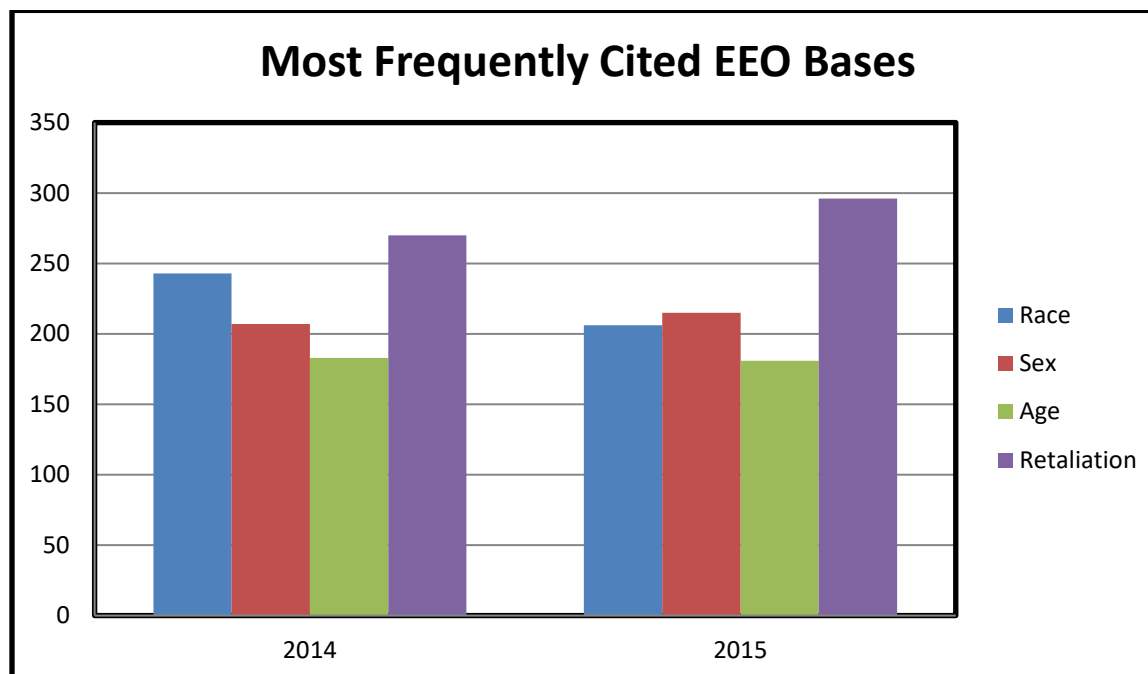
Table 2 provides data on all bases alleged in formal EEO complaints filed with USDA. Of all bases, the four most frequently cited in formal EEO complaints filed in FY 2015 are: (1) retaliation; (2) sex; (3) race; and (4) age. In FY 2014, the four most frequently cited bases were: (1) retaliation; (2) race; (3) sex; and (4) age. These four bases are illustrated in Graph 2, which shows the trend over the two-year reporting period.

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

<b>EEO Bases in Formal EEO Complaints</b>									
<b>Year</b>	<b>Race</b>	<b>Color</b>	<b>Religion</b>	<b>Sex</b>	<b>National Origin</b>	<b>Disability</b>	<b>Age</b>	<b>Retaliation</b>	<b>Other*</b>
<b>2014</b>	243	73	19	207	74	130	183	270	64
<b>2015</b>	206	71	24	215	69	165	181	296	64

\*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.

**Graph 2**  
**Most Frequently Cited Bases**



#### Complaints Alleging Retaliation

“Retaliation” is the most frequently alleged basis in formal EEO complaints at USDA in FY 2015. This is true for both FYs 2015 and 2014. The basis of “Retaliation” was cited in 296 formal EEO complaints in FY 2015, compared to 270 complaints in FY 2014, a 10 percent (26 complaints) increase over a two-year period.

#### Complaints Alleging Sex Discrimination

“Sex” was the second most frequently alleged basis in formal EEO complaints at USDA in FY 2015. The basis of “Sex” was cited in 215 formal EEO complaints in FY 2015, compared to 207 complaints in FY 2014, a four percent increase (eight complaints) over a two-year period.

#### Complaints Alleging Race Discrimination

“Race” was the third most frequently alleged basis in formal EEO complaints at USDA in FY 2015. The basis of “Sex” was cited in 206 formal EEO complaints in FY 2015, compared to 243 complaints in FY 2014, a 15 percent decrease (37 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 2015. The basis of “Age” was cited in 181 formal EEO complaints in FY 2015, compared to 183 complaints in FY 2014, a one percent (two complaints) decrease over a two-year period.

## 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 2014 and 2015. 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 2015 were: (1) Harassment; (2) Terms/Condition of Employment; and (3) Promotion\Non-selection. 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 2015, with 319 filings. In contrast, “Harassment” had 284 filings in FY 2014, indicating a 12 percent increase (35 complaints) from FY 2014 to FY 2015.

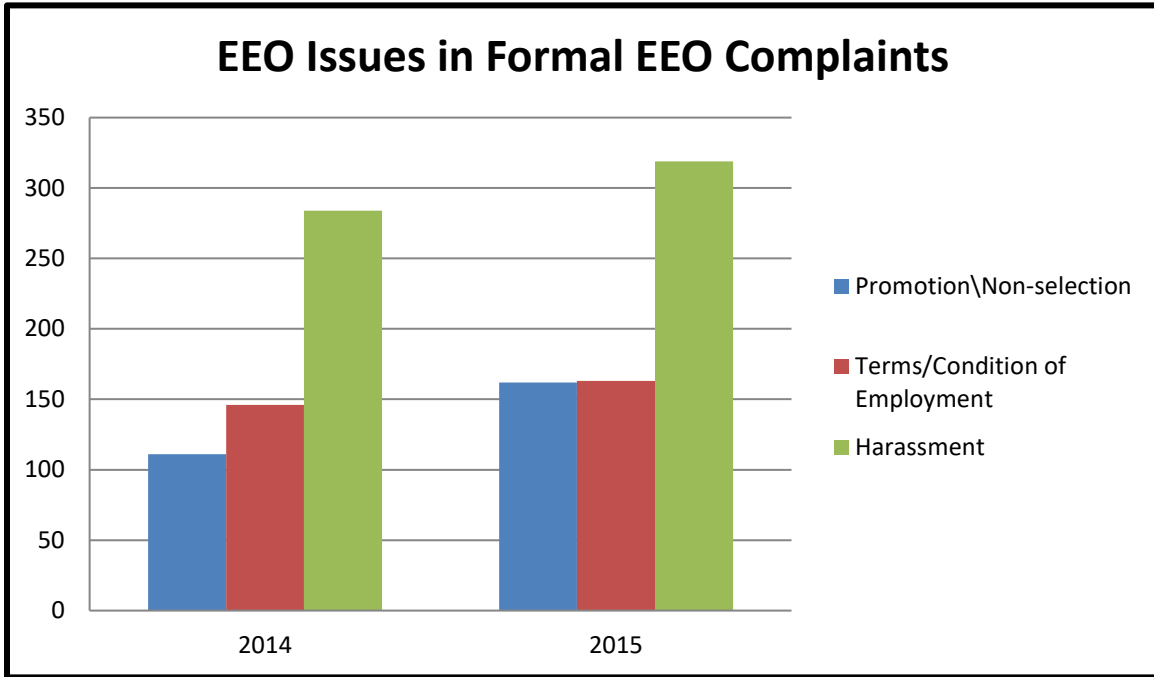
“Terms/Condition of Employment” was the second most frequently cited issue in formal EEO cases in FY 2015, with 163 filings. In contrast, “Terms/Condition of Employment” had 146 filings in FY 2014, indicating a 12 percent increase (17 complaints) from FY 2014 to FY 2015.

“Promotion\Non-selection” was the third most frequently cited issue in formal EEO cases in FY 2015, with 162 filings. In contrast, “Promotion\Non-selection” had 111 filings in FY 2014, indicating a 46 percent increase (51 complaints) from FY 2014 to FY 2015.

**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	Evaluation/Appraisal	Examination/Test	Reassignment	Training	Time & Attendance	Termination	Medical Examination	Pay/Overtime	Promotion /Non-Selection	Harassment	Reinstatement	Retirement	Terms and Conditions of Employment	Reasonable Accommodation	Other
2014	25	117	9	1	93	11	73	1	70	33	32	34	4	39	111	284	0	1	146	48	23
2015	35	115	19	0	128	23	90	1	65	49	78	40	8	42	162	319	1	1	163	83	28

**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 2014 and 2015. 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.

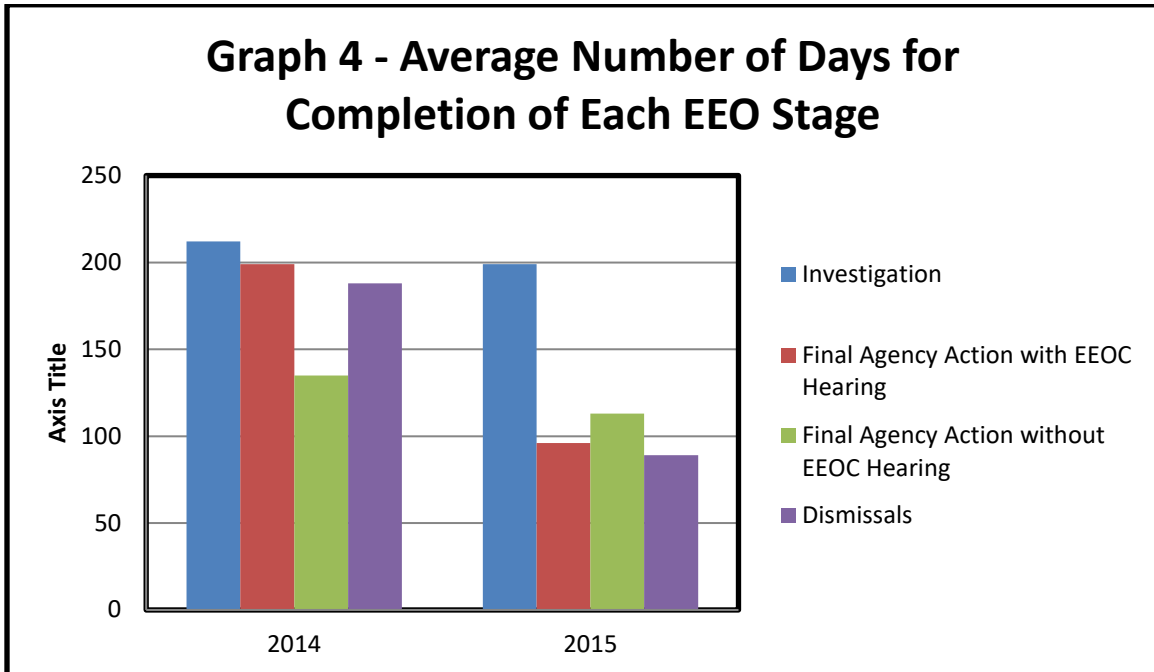
#### **(1) Average Number of Days for Completion of Selected EEO Stages**

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

**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
2014	212	199	135	188
2015	199	96	113	89

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



**(2) Pending Complaints at Various Stages**

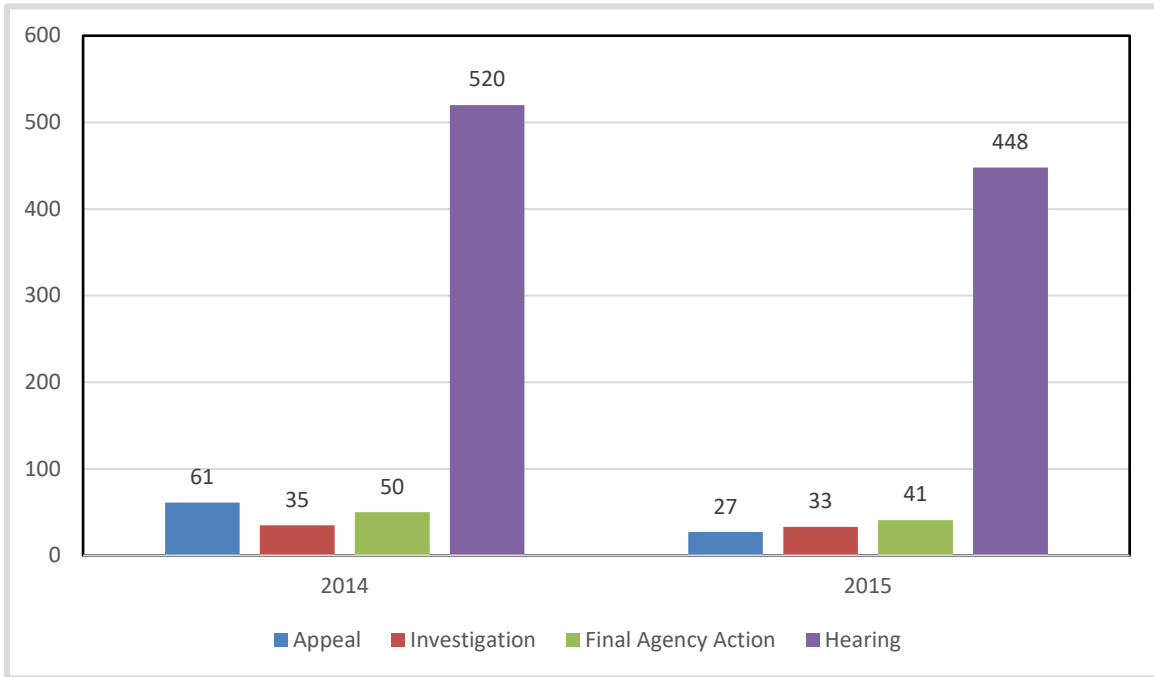
Table 5 below illustrates the number of pending EEO complaints in FYs 2014 and 2015, at each EEO stage.

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
2014	35	520	50	61
2015	33	448	41	27

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



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

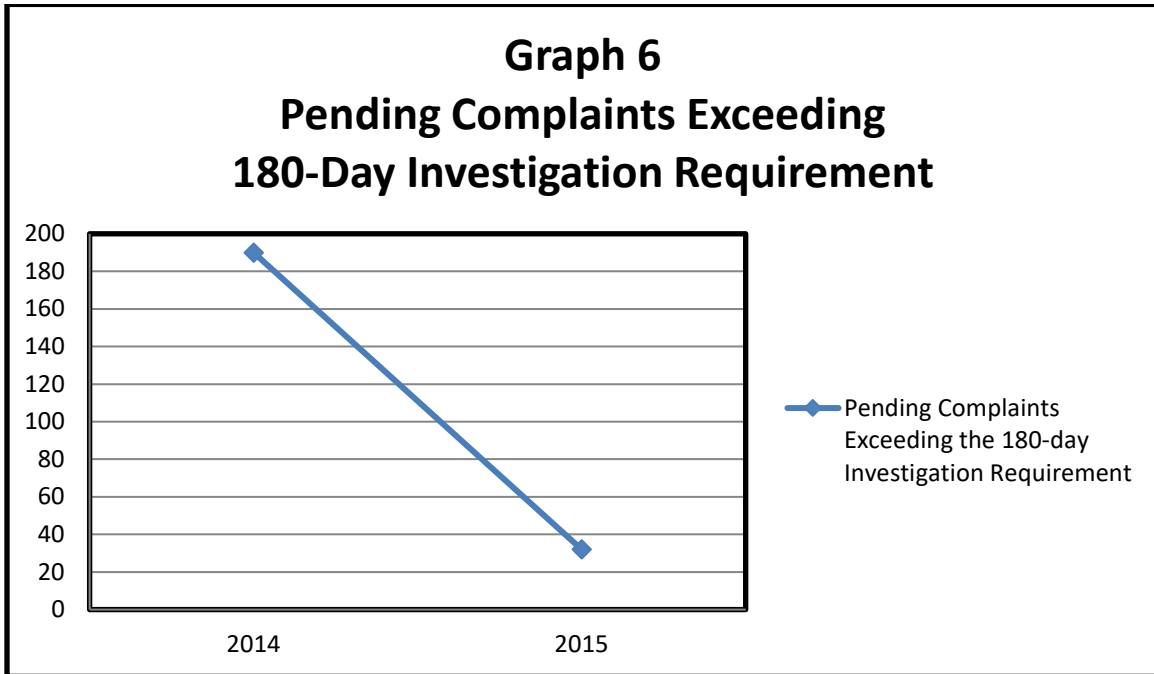
Table 6 and Graph 6 show an 83 percent decrease for pending formal complaints that exceed the 180-day investigation requirement over the two-year reporting period.

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

<b>Pending Complaints Exceeding the 180-day Investigation Requirement</b>	
<b>2014</b>	190
<b>2015</b>	32



**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.

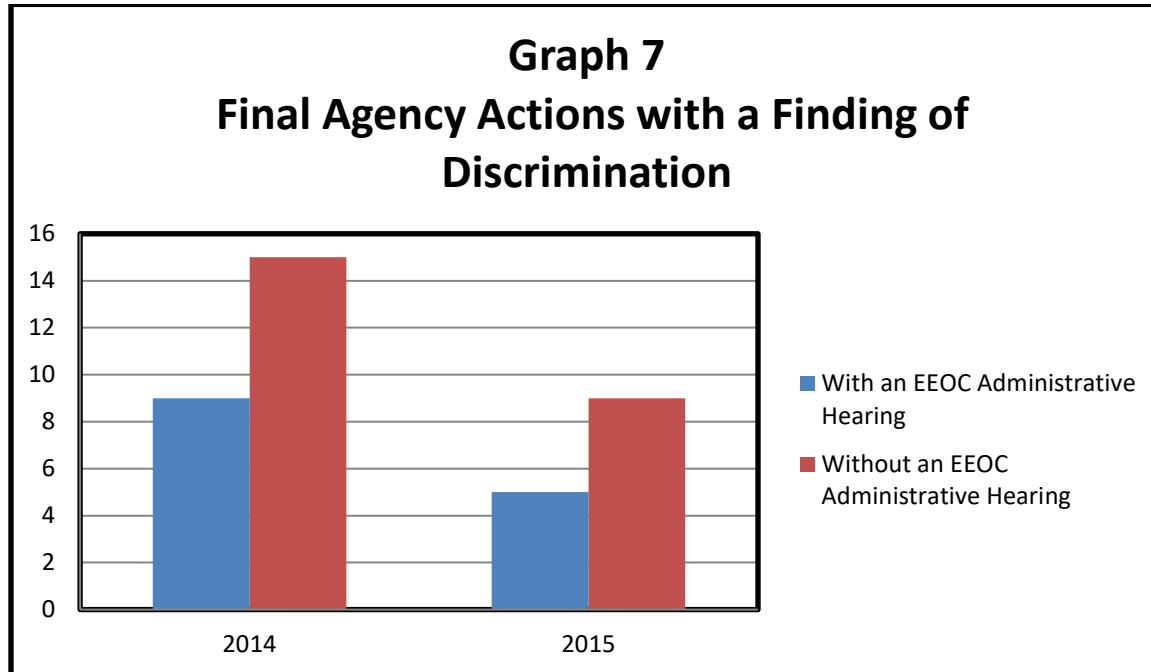
**Summary of Data**

Table 7 and Graph 7 show the number of findings of discrimination issued with an EEOC Administrative Hearing decreased by four in FY 2015 from FY 2014, and the number of findings without an EEOC Administrative Hearing decreased by six in FY 2015 from FY 2014.

**Table 7  
Final Agency Actions with a Finding of Discrimination**

<b>Year</b>	<b>With an EEOC Administrative Hearing</b>	<b>Without an EEOC Administrative Hearing</b>
<b>2014</b>	9	15
<b>2015</b>	5	9

**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:

- The Agricultural Marketing Service (AMS) reported no increase or decrease in the number of complaints filed in FY 2015. Specifically, there were nine formal complaints filed in FY 2015, as compared to nine formal complaints filed in FY 2014. AMS attributes the static level of complaints to training sessions conducted on the complaint process and harassment during FY 2015.
- The Animal and Plant Health Inspection Service (APHIS) reported an increase by 24 in the number of complaints filed in FY 2015. Specifically, there were 65 formal complaints filed in FY 2015, as compared to 41 formal complaints filed in FY 2014. APHIS noted that numbers for FY 2015 can be attributed to the Agency going through a reorganization.

- The Agricultural Research Service (ARS) reported an increase by six in the number of complaints filed in FY 2014. Specifically, there were 15 formal complaints filed in FY 2015, as compared to nine formal complaints filed in FY 2014. ARS attributes this to the increase in on-line and face-to-face training, and updated EEO policies to include sexual harassment and anti-harassment.
- The Corporate Services Division (CSD) which processes conflict or staff office cases<sup>1</sup> reported a decrease by 15 in the number of complaints filed in FY 2015. Specifically, there were 54 formal complaints filed in FY 2015, as compared to 69 formal complaints filed in FY 2014. A conflict case occurs when an EEO complaint involving facts and/or allegations poses an actual, perceived or potential conflict between a responsible management official or complainant's position or personal interest, and USDA's responsibility to administer a fair, impartial investigative process and resolution of complaints.
- The Economic Research Service (ERS) reported no increase or decrease in the number of complaints filed in FY 2015. Specifically, there were two formal complaints filed in FY 2015, as compared to two formal complaints filed in FY 2014. ERS attributes the static level of complaints to the early intervention of the Office of Civil Rights and more importantly managers at ERS. Through training, managers have been taught that the vast majority of EEO complaints are avoidable if they take time to listen to employee's concerns and engage with their employees by conducting a daily walk through of the workplace.
- The Foreign Agricultural Service (FAS) reported a decrease in the number of complaints filed in FY 2015. Specifically, there were four formal complaints filed in FY 2015, as compared to five formal complaints filed in FY 2014. FAS attributes the decrease of complaints to continued dialogue with managers and supervisors with regards to their roles and responsibilities when traversing the EEO complaint process.
- The Food and Nutrition Service (FNS) reported no increase or decrease in the number of complaints filed in FY 2015. Specifically, there were 10 formal complaints filed in FY 2015, as compared to 10 formal complaints filed in FY 2014. FNS attributes the static level of complaints to the continued effort to promote a respect for diversity and provide EEO training to newly-hired employees.
- The Forest Service (FS) reported an increase by three in the number of complaints filed in FY 2015. Specifically, there were 153 formal complaints filed in FY 2015, compared to 150 formal complaints filed in FY 2014. 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.

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<sup>1</sup> Conflict case(s) is an EEO complaint involving facts and/or allegations that are determined to pose an actual or perceived conflict between a responsible management official or complainant's position or personal interest, and USDA's responsibility to administer a fair, impartial investigative process and resolution of complaints.

- The Farm Service Agency (FSA) reported an increase by seven in the number of formal EEO complaints filed FY 2015. Specifically, there were 22 formal complaints filed in FY 2015, compared to 15 formal complaints filed in FY 2014. FSA attributes this increase to the percentage of personnel who failed or could not participate in training coupled with a lack of funding to support training in the field.
- The Food Safety and Inspection Service (FSIS) reported an increase by two in the number of formal EEO complaints filed in FY 2015. Specifically, there were 62 complaints filed in FY 2015, as compared to 60 formal complaints filed in FY 2014. FSIS attributes this increase to the implementation of a New Poultry Slaughter System (NPIS). Since FY 2013, the Agency hired temporary food inspectors until implementation of the NPIS was complete. During FY 2015, a number of those temporary appointments expired and as a result, employees were terminated. Several of the employees who were terminated at the expiration of their temporary appointments filed EEO complaints, which resulted in an increase in complaints relating to disciplinary actions.
- The Grain Inspection, Packers and Stockyards Administration (GIPSA) reported an increase by five in the number of formal EEO complaints filed in FY 2015. Specifically, there were 14 formal complaints filed in FY 2015, as compared to nine formal complaints filed in FY 2014. GIPSA attributes this increase to generating more opportunities to gather and act upon employees concerns and ideas.
- The National Agricultural Statistics Service (NASS) reported an increase by one in the number of formal EEO complaints filed in FY 2015. Specifically, there were two formal complaints filed in FY 2015 and one formal complaint filed in FY 2014. NASS attributes its low filings to training managers, supervisors and employees annually on the EEO Complaint process.
- The National Finance Center, Office of the Chief Financial Officer (NFC-OCFO) reported an increase by 12 in the number of formal complaints filed FY 2015. Specifically, there were 29 formal complaints filed in FY 2015, as compared to 17 formal complaints filed in FY 2014. The NFC-OCFO attributes the increase in complaints to the loss of the Director of Strategic Planning that created avenues of redress outside of the EEO office.
- The National Institute of Food and Agriculture (NIFA) reported a decrease of three in the number of complaints filed in FY 2015. Specifically, there were no formal complaints filed in FY 2015, as compared to three in FY 2014. NIFA attributes the reduction in complaints to the consistent number of civil rights/diversity trainings provided and an increase of staff participation in these trainings.
- The Natural Resources Conservation Service (NRCS) reported a decrease by 10 in the number of formal complaints filed in FY 2015. Specifically, there were 32 formal complaints filed in FY 2015, compared to 42 formal complaints filed in FY 2014. NRCS attributes the decrease in complaints to the ongoing effort to providing training and marketing the use of ADR.

- The Rural Development (RD) reported an increase by two in the number of formal complaints filed in FY 2015. Specifically, there were 30 formal complaints filed in FY 2015, compared to 28 formal complaints in FY 2014. RD attributes the increase of complaints to an emphasis on cultural transformation, improved communication among staff, and an increased focus on equal opportunity.
- The Risk Management Agency (RMA) reported a decrease by one in the number of formal complaints filed in FY 2015. Specifically, there were four complaints filed in FY 2015, compared to five formal complaints filed in FY 2014. RMA attributes the decrease in complaints to continual cultural transformation efforts and ongoing training and education on the EEO processes.

## **(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:

- utilizing an efficient complaint management program is essential to resolving complaints;
- continuing to have EEO Counselors/Mediators interact with and actively engage managers and supervisors in all EEO complaint processing stages helps to address and resolve employment concerns at the earliest stage possible;
- some problems stem from miscommunication, lack of communication, cultural and generational perceptions;
- continuing the focus on addressing workplace issues by distributing quarterly data trends to all employees helps leaders to monitor their employee relations cases and focus attention on areas of improvement, and employees to be aware of Agency efforts to hold employees accountable for inappropriate behavior and misconduct;
- constant training and refresher courses benefits the agency as a whole;
- there is a continuous need to educate management and employees on EEO procedures;
- the availability of ADR raises awareness of prohibited discrimination and reduces the frequency of complaint filings;
- continuing its engagement at all levels to ensure the specific cultural transformation requirements are met and that there truly is a shift within the Agency to create a culture of inclusion;
- reaching resolutions early in the EEO process is integral to the success of its Civil Rights Program, and as such demonstrates support of the Agency's Conflict Management Prevention Program;
- the absence of travel to field offices due to budget constraints greatly hinders the most effective mediation processes within the state and county offices;

- utilizing the Federal Employment Viewpoint Survey and its Title VII compliance review surveys enables the agency to gain useful information relating to employee concerns;
- enforcing zero-tolerance reprisal and disciplinary policies helps to ensure accountability, discipline, and corrective actions taken place when discriminatory conduct related to civil rights violations occurs;
- continuing to provide sufficient human, financial and organizational resources helps to support an effective civil rights program;
- enforcing management transparency and early dispute resolution techniques can assist in resolving and decreasing complaint activity;
- complying with legislation, policies, and civil rights training creates an environment where employees look forward to coming to work each day;
- implementing a proactive process was instrumental in resolving different types of conflicts; 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:

- increasing training efforts to improve awareness of prohibited discriminatory practices which cause a reduction in the number of complaints;
- encouraging the use of EEO Alternative Dispute Resolution to help resolve complaints and workplace issues at the earliest stage possible;
- working with Human Resources (HR) to develop and present a Civil Rights module that is mandatory to all new APHIS managers and supervisors;
- conducting the annual Administrator's Civil Rights Training, as well as specialized training on EEO-related topics for all APHIS employees locally and in our field offices throughout the fiscal year;
- requiring that all policy statements be posted in all work areas visible to employees and contractors;
- requiring all new employees to complete the No FEAR Comprehensive training and No FEAR Refresher training;
- providing Reasonable Accommodation training on an ongoing basis for managers, supervisors and employees;

- ensuring prompt and impartial complaint processing and holding managers, supervisors and employees accountable for a workplace that is free from discrimination;
- creating and distributing a brochure entitled, “EEO Complaint Process,” describing employee rights and responsibilities under EEO laws;
- increasing staff to demonstrate commitment to workplace fairness, and an objective and reliable EEO process to address concerns;
- training and certifying multiple Agency civil rights employees to serve as mediators, as well as, conducted EEO Counselors Refresher training to all Agency EEO Counselors;
- responding to trends and concerns raised in the Federal Employment Viewpoint Survey;
- implementing internal compliance reviews to evaluate their civil rights and equal employment opportunity policies, procedures and practices;
- utilizing in-house mediators to conduct non-EEO ADR activities to address workplace disputes before they evolved into complaints;
- holding quarterly “Real Talk” sessions determine what areas or issues exists that hinder or impede the work environment;
- holding 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; and
- conducting compliance reviews within the Agency to determine specific EEO trends and potential civil rights violations.

## **PART II**

# **USDA Reimbursement to Judgment Fund for Fiscal Year 2015**



## USDA Reimbursement to Judgment Fund for Fiscal Year 2015

### Introduction

Table 8 below provides information on reimbursements by USDA to the U.S. Department of Treasury's Judgment Fund for monies associated with FY 2015 judgments, awards, or settlements under the statutes addressed in the No FEAR Act.

**Table 8**  
**USDA Reimbursement to Judgment Fund for FY 2015 Settlements**

<b>USDA Reimbursement to Judgment Fund For FY 2015 Settlements</b>		
<b>Case</b>	<b>Total Amount</b>	<b>Attorney's Fees</b>
1	\$250,000	\$100,000
2	\$130,000	\$0
3	\$120,000	\$0
4	\$50,000	\$0
5	\$20,000	\$70,000
6	\$16,000	\$0
7	\$10,000	\$0
<b>Total</b>	<b>\$596,000</b>	<b>\$170,000</b>

### Summary

In FY 2015, USDA reimbursed the Judgment Fund \$596,000, of which \$170,000 was identified as payment of attorney's fees. No monies were paid for judgments or awards.

**PART III**

**USDA Disciplinary Actions and Reports  
for Fiscal Years 2014 – 2015**

**USDA Disciplinary Actions and Reports for  
Fiscal Years 2014–2015**

**Summary of Data**

**PART 1:** Table 9 below 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**

<b>ADMINISTRATIVE DISCIPLINARY ACTIONS</b>												
<b>TYPE OF ACTION</b>	<b>FY 2014</b>						<b>FY 2015</b>					
	<b>DISC.</b>	<b>RET.</b>	<b>HAR.</b>	<b>PPP</b>	<b>WBP</b>	<b>TOTAL</b>	<b>DISC.</b>	<b>RET.</b>	<b>HAR.<sup>2</sup></b>	<b>PPP</b>	<b>WBP</b>	<b>TOTAL</b>
<b>REMOVAL</b>	0	0	0	0	0	0	0	0	3	0	0	3
<b>15 DAY OR MORE</b>	0	0	0	0	0	0	0	0	0	3	0	3
<b>14 DAY OR LESS</b>	1	1	0	0	0	2	0	0	19	2	0	21
<b>REDUCTION IN GRADE</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>REDUCTION IN PAY</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>LOR</b>	1	0	0	0	0	1	0	0	11	0	0	11
<b>TOTAL DISCIPLINE</b>	2	1	0	0	0	3	0	0	33	5	0	38

**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 below illustrates the number of Office of Special Counsel Whistleblower cases and the numbers of employees disciplined under the Department’s disciplinary policies related to whistle-blowing and discrimination.

**Table 10**

<b>OFFICE OF SPECIAL COUNSEL CASES</b>			
<b>CATEGORIES OF CASES</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>TOTAL</b>
<b>OSC WHISTLEBLOWER CASE</b>	0	0	0
<b>OSC WHISTLEBLOWER CASE CLOSED</b>	0	0	0
<b>OSC WHISTLEBLOWER DISCIPLINE TAKEN</b>	0	0	0

<sup>2</sup> In FY 2015 there were five findings of discrimination; one of the five findings is currently pending a disciplinary action determination. As a result of the four findings, there was one suspension (Less than 14 days) and three Letters of Reprimand. However, the Office of Human Resources Management did not ultimately classify the actions as discrimination (for disciplinary purposes) and therefore, the four disciplinary actions are not represented in the chart under the Discrimination column but instead are reflected as part of the 33 disciplinary actions under the Harassment column.

## **PART IV**

# **USDA Federal Court Litigation Statistics for FY 2015**

The following tables provide composite data for cases in Federal Court pending or resolved in FY 2015 and arising under the anti-discrimination and whistleblower protection laws.

**Table 11  
Federal Cases Pending in FY 2015**

<b>Federal Cases Pending in FY 2015</b>	
Pending District Court Cases	49
Pending Appellate Court Cases	4
New Cases Filed in District Court	12
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**

<b>Pending Cases</b>					
	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	0	0	7	3	6
Still Pending at End of FY 2015	1	0	7	10	16

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

<b>Disposition of Cases (Including Dismissals)</b>					
	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	2	1	3
Withdrawals	0	0	0	0	1
Final Judgment for Complainant	0	0	0	0	0
Final Judgment for Agency	0	0	4	2	5

**Cases disposed of during FY 2015**

Four § 633a cases also had Title VII claims  
 One § 633a case also had § 791 claim  
 Four § 633a cases also had § 791 and Title VII claims

**Cases Still Pending at End of FY 2015**

One § 206(d) case also based upon § 633a and Title VII  
 Five § 633a cases also had Title VII claims  
 Three § 633a cases also had § 791 claims  
 Three § 633a cases also had § 791 and Title VII claims  
 One § 791 case also had § Title VII claims

**Disposition of Cases (including dismissals)**

**Settlements**

Three § 633a cases also had Title VII claims  
 One § 791 cases also had Title VII claims

**Final Judgment for Agency**

One § 633a case also had Title VII claims  
 One § 633a case also had §791 claim  
 Three § 633a cases also had § 791 and Title VII claims

# **Appendix A**

# Equal Employment Opportunity Data Posted Pursuant to the No Fear Act

**USDA**  
**FY 2015 for period ending September 30, 2015**

<b>Complaint Activity</b>	<b>Comparative Data</b>				
	<b>Previous Fiscal Year Data</b>				
	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Number of Complaints Filed	525	536	544	481	509
Number of Complainants	509	519	512	465	496
Repeat Filers	12	12	26	17	14
<b>Complaints by Basis</b>	<b>Comparative Data</b>				
	<b>Previous Fiscal Year Data</b>				
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Race	221	215	213	243	206
Color	32	56	64	73	71
Religion	21	23	19	19	24
Reprisal	242	281	311	270	296
Sex	207	228	213	207	215
PDA	0	0	2	3	1
National Origin	57	61	59	74	69
Equal Pay Act	4	3	8	4	2
Age	191	177	201	183	181
Disability	104	141	150	130	165
Genetics	0	2	3	2	2
Non-EEO	42	55	42	55	59

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>	2011	2012	2013	2014	2015
Appointment/Hire	38	23	34	25	35
Assignment of Duties	62	100	119	117	115
Awards	20	22	24	9	19
Conversion to Full-time	0	1	2	1	0
<b>Disciplinary Action</b>					
Demotion	3	7	3	5	3
Reprimand	24	42	28	23	55
Suspension	19	40	30	27	49
Removal	5	10	13	7	10
Other	10	28	17	31	11
Duty Hours	6	15	11	11	23
Evaluation Appraisal	64	60	85	73	90
Examination/Test	1	4	1	1	1
<b>Harassment</b>					
Non-Sexual	224	303	275	264	303
Sexual	23	16	12	20	16
Medical Examination	0	4	2	4	8
Pay (Including Overtime)	13	14	29	39	42
Promotion/Non-Selection	135	118	123	111	162
<b>Reassignment</b>					
Denied	8	13	19	27	25



Directed	20	33	33	43	40
Reasonable Accommodation	36	58	63	48	83
Reinstatement	1	2	0	0	1
Retirement	6	2	2	1	1
Termination	39	35	40	34	40
Terms/Conditions of Employment	52	85	176	146	163
Time and Attendance	28	58	50	32	78
Training	27	49	41	33	49
Other	60	61	26	23	28
<b>Processing Time</b>	<b>Comparative Data</b>				
	<b>Previous Fiscal Year Data</b>				
	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Complaints pending during fiscal year					
Average number of days in investigation	295.88	248.60	242.05	212.08	198.94
Average number of days in final action	360.54	214.93	165.94	169.31	106.7
Complaint pending during fiscal year where hearing was requested					
Average number of days in investigation	282.63	235.23	247.31	217.23	203.6
Average number of days in final action	182.83	133.49	119.33	199.47	96.48
Complaint pending during fiscal year where hearing was not requested					
Average number of days in investigation	304.05	273.79	233.21	204.07	192.73
Average number of days in final action	416.86	255.96	187.19	134.58	112.82

Complaints Dismissed by Agency	Comparative Data									
	Previous Fiscal Year Data									
	2011		2012		2013		2014		2015	
Total Complaints Dismissed by Agency	56		45		67		64		55	
Average days pending prior to dismissal	119		145		83		188		89	
Complaints Withdrawn by Complainants										
Total Complaints Withdrawn by Complainants	33		31		29		32		29	
Total Final Agency Actions Finding Discrimination	Comparative Data									
	Previous Fiscal Year Data									
	2011		2012		2013		2014		2015	
	#	%	#	%	#	%	#	%	#	%
Total Number Findings	32		17		19		24		5	
Without Hearing	3	9	1	6	4	21	15	63	0	0
With Hearing	3	9	1	6	4	21	9	38	5	100

Findings of Discrimination Rendered by Basis	Comparative Data									
	Previous Fiscal Year Data									
	2011		2012		2013		2014		2015	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%
<b>Total Number Findings</b>	32		27		32		24		5	
Race	2	6	6	35	2	11	6	25	1	20
Color	0	0	0	0	2	11	1	4	0	0
Religion	0	0	0	0	0	0	2	8	0	0
Reprisal	11	34	6	35	6	32	7	29	2	40
Sex	5	16	2	12	5	26	2	8	0	0

PDA	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	1	6	3	16	5	21	0	0
Equal Pay Act	0	0	0	0	0	0	1	4	0	0
Age	12	38	4	24	6	32	2	8	1	20
Disability	10	31	6	35	6	32	8	33	4	80
Genetics	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	3	16	2	8	0	0
<b>Findings After Hearing</b>	3		1		4		9		5	
Race	0	0	0	0	2	50	4	44	1	20
Color	0	0	0	0	2	50	1	11	0	0
Religion	0	0	0	0	0	0	2	22	0	0
Reprisal	2	67	1	10 0	0	0	4	44	2	40
Sex	0	0	0	0	1	25	2	22	0	0
PDA	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	2	22	0	0
Equal Pay Act	0	0	0	0	0	0	1	11	0	0
Age	0	0	0	0	3	75	1	11	1	20
Disability	1	33	0	0	1	25	0	0	4	80
Genetics	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	2	50	1	11	0	0
<b>Findings Without Hearing</b>	27		16		15		15		0	
Race	2	7	6	38	0	0	2	13	0	0
Color	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	6	40	3	20	0	0

Sex	5	22	5	31	4	27	0	0	0	0
PDA	4	17	2	13	0	0	0	0	0	0
National Origin	0	0	0	0	3	20	3	20	0	0
Equal Pay Act	0	0	1	6	0	0	0	0	0	0
Age	0	0	0	0	3	20	1	7	0	0
Disability	11	48	4	25	5	33	8	53	0	0
Genetics	8	35	6	38	0	0	0	0	0	0
Non-EEO	0	0	0	0	1	7	1	7	0	0
<b>Findings of Discrimination Rendered by Issue</b>	<b>Comparative Data</b>									
	<b>Previous Fiscal Year Data</b>									
	<b>2011</b>		<b>2012</b>		<b>2013</b>		<b>2014</b>		<b>2015</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
<b>Total Number Findings</b>	32		17		19		24		5	
Appointment/Hire	0	0	0	0	2	11	0	0	0	0
Assignment of Duties	4	13	2	12	0	0	3	13	0	0
Awards	0	0	0	0	0	0	1	4	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0
Disciplinary Action										
Demotion	0	0	0	0	0	0	1	4	0	0
Reprimand	0	0	0	0	0	0	0	0	1	20
Suspension	2	6	0	0	2	11	1	4	0	0
Removal	0	0	0	0	1	5	0	0	0	0
Other	0	0	1	6	0	0	1	4	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	3	9	3	18	0	0	1	4	1	20
Examination/Test	0	0	0	0	0	0	0	0	0	0
Harassment										

Non-Sexual	16	50	8	47	5	26	8	33	2	40
Sexual	0	0	1	6	1	5	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	1	3	1	6	0	0	1	4	0	0
Promotion/Non-Selection	7	22	1	6	4	21	5	21	0	0
Reassignment										
Denied	2	6	1	6	0	0	0	0	0	0
Directed	6	19	1	6	1	5	2	8	0	0
Reasonable Accommodation	4	13	4	24	3	16	5	21	2	40
Reinstatement	0	0	0	0	0	0	0	0	0	0
Retirement	1	3	0	0	0	0	0	0	0	0
Termination	2	6	1	6	3	16	6	25	0	0
Terms/Conditions of Employment	2	6	0	0	2	11	3	13	0	0
Time and Attendance	3	9	3	18	2	11	0	0	0	0
Training	0	0	0	0	0	0	1	4	0	0
Other - User Defined	0	0	1	6	2	11	1	4	0	0
<b>Findings After Hearing</b>	3		2		4		9		5	
Appointment/Hire	0	0	0	0	1	25	0	0	0	0
Assignment of Duties	2	67	0	0	0	0	2	22	0	0
Awards	0	0	0	0	0	0	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	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	1	20
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
Evaluation Appraisal	0	0	0	0	0	0	1	11	1	20
Examination/Test	0	0	0	0	0	0	0	0	0	0
Harassment										
Non-Sexual	1	33	0	0	0	0	3	33	2	40
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	0	0	1	25	4	44	0	0
Reassignment										
Denied	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	2	22	0	0
Reasonable Accommodation	0	0	0	0	1	25	0	0	2	40
Reinstatement	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	1	25	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	1	10	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	1	11	0	0
<b>Findings Without Hearing</b>	29		16		15		15		0	
Appointment/Hire	0	0	0	0	1	7	0	0	0	0
Assignment of Duties	2	7	2	13	0	0	1	7	0	0

Awards	0	0	0	0	0	0	1	7	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0
Disciplinary Action										
Demotion	0	0	0	0	0	0	1	7	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0
Suspension	2	7	0	0	2	13	1	7	0	0
Removal	0	0	0	0	1	7	0	0	0	0
Other	0	0	1	6	0	0	1	7	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	3	10	3	19	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0
Harassment										
Non-Sexual	15	52	8	50	5	33	5	33	0	0
Sexual	0	0	1	6	1	7	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	1	3	1	6	0	0	1	7	0	0
Promotion/Non-Selection	7	24	1	6	3	20	1	7	0	0
Reassignment										
Denied	2	7	1	6	0	0	0	0	0	0
Directed	6	21	1	6	1	7	0	0	0	0
Reasonable Accommodation	4	14	4	25	2	13	5	33	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0
Retirement	1	3	0	0	0	0	0	0	0	0
Termination	2	7	1	6	2	13	6	40	0	0
Terms/Conditions of Employment	2	7	0	0	2	13	3	20	0	0
Time and Attendance	3	10	2	13	2	13	0	0	0	0

Training	0	0	0	0	0	0	1	7	0	0
Other - User Defined	0	0	1	6	2	13	0	0	0	0

<b>Pending Complaints Filed in Previous Fiscal Years by Status</b>	<b>Comparative Data</b>				
	<b>Previous Fiscal Year Data</b>				
	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Total complaints from previous Fiscal Years	837	884	956	938	878
Total Complainants	706	797	885	482	482
<b>Number complaints pending</b>					
Investigation	63	44	28	35	33
ROI issued, pending Complainant's action	12	5	1	3	1
Hearing	290	348	399	520	448
Final Agency Action	80	75	68	50	41
Appeal with EEOC Office of Federal Operations	30	10	11	61	27
<b>Complaint Investigations</b>	<b>Comparative Data</b>				
	<b>Previous Fiscal Year Data</b>				
	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Pending Complaints Where Investigations Exceed Required Time Frames	161	117	85	190	32