

**No FEAR Act**  
**ANNUAL REPORT**  
**FISCAL YEAR 2014**



**U.S. Department of Agriculture**

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## **Executive Summary**

### **Annual Reporting Requirements**

This is the USDA's tenth 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) 2014. 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 a decrease of 63 EEO complaints filed from FY 2013 to FY 2014, ending the EEO inventory at the end of FY 2014 with 890 complaints. The number of filers decreased by 47 from FY 2013 to FY 2014, but there was an increase in the number of findings of discrimination from FY 2013 to FY 2014. Data illustrating this trend is 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 2014, three employees were disciplined; while 12 employees were disciplined in FY 2013. This decrease in disciplinary actions between FY 2013 and FY 2014 indicates a continual 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 2014, USDA has implemented several initiatives that will further assist in its effort 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 that 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 4300-003, “Equal Opportunity Public Notification.” This regulation establishes the policy for ensuring positive and 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.
- 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 a review and civil rights impact analysis of highly sensitive policies, actions, and decisions that could affect USDA employment, programs, and activities. These reviews facilitate the identification of potential disparate impacts by proposed policies or practices. Over 20 percent of our reviews resulted in recommendations for changes prior to concurrence.
- OASCR continues its process of reviewing and revising four USDA Civil Rights Departmental Regulations and Departmental Manuals to be consistent with current civil rights laws, regulations and USDA policy.
- OASCR helped to further ensure the efficient and successful running of the Department’s EEO complaint processes in several respects. For instance, OASCR embarked on a project to harmonize the formal EEO complaint filing process throughout the Department by developing a universal formal complaint form. In prior years, each of the Department’s sub-agencies and/or mission areas was responsible for creating its own formal complaint form, leading to wide and often confusing or inadequate variations. The variations negatively impacted the formal complaint acceptance process, as the OASCR staff was often required to expend time gathering information that might have been captured on a more thoughtfully designed complaint form. OASCR worked with civil rights staff Department-wide, to create a single, comprehensive form, which: captures the essential information necessary for conducting the complaint acceptance analysis; provides complainants with clear guidance on completing the form and additional information about the EEO administrative process; and is 508<sup>1</sup> compliant.

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<sup>1</sup> Section 508 of the Rehabilitation Act of 1973, requires that Federal agencies make their electronic and information technology accessible to people with disabilities.

- OASCR conducted several Partnership Meetings on such topics as: Conflicts of Interest and Non-compliance Matters in EEO Complaint Processing (September 2014); Lesbian, Gay, Bisexual, and Transgender Discrimination in the Federal Workplace (June 2014); and Amendments, Referrals to Counseling, Reports of Investigation, and Other EEO Complaint Processing Matters (February 2014). Moreover, the OASCR staff, using an objective scoring system, evaluated the quality and timely submission of every EEO Counselor's Report prepared by a sub-agency or mission area's civil rights staff in connection with a formal EEO complaint. This enabled OASCR to provide precise feedback to each sub-agency or mission area about its respective informal counseling program, as well as, additional guidance and training when needed. In turn, the quality and timely availability of the reports has steadily improved, enhancing the accuracy and efficiency of the formal complaint acceptance process, which depends heavily on the contents of the reports.
- OASCR has oversight responsibility for implementation of the USDA EEO Program and provides overall leadership, coordination, and direction for compliance with all civil rights laws, regulations, policies and procedures regarding EEO. In order to carry out these responsibilities and ensure that all Agencies are in compliance and maintain accountability for equal opportunity and accessibility, OASCR conducted one programmatic compliance review in FY 2014. Also, OASCR began an initiative in collaborating with the Agencies to conduct Technical Assistance Compliance Reviews (TACR) for consistency, uniformity, and cost savings. In FY 2014, OASCR conducted 10 TACRs. A strong compliance review program is an essential element of raising awareness of employment practices and policies that contribute to perceptions of bias, unfairness, harassment, and/or disparate treatment. The mandated practice of conducting compliance reviews of USDA Agencies reduces employment discrimination complaints.
- Through its annual Agency Head Assessment (AHA) Civil Rights Performance and Accomplishments Reports, OASCR continues to evaluate all Agency Heads and Staff Office Directors on their civil rights performance and activities. The process addresses and outlines the goals and objectives critical to achieving a model civil rights organization and is consistent with the Equal Employment Opportunity Commission's Management Directive (MD) 715, 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. Therefore, this comprehensive evaluation and assessment of the Agencies' senior executives ensures civil rights compliance and accountability throughout USDA. In FY 2013, OASCR evaluated and assessed 17 USDA Agencies and four Staff Offices. During the fiscal year, OASCR conducted a major back briefing of the AHA for the Agency Administrators and senior managers, civil rights and EEO practitioners, and program analysts in order to provide an overview of the Performance Plan requirements and procedures. To enhance the Agencies and Staff Offices' development of their Performance Plan, OASCR conducted more than 10 individual technical assistance briefings to review the AHA requirements.

- OASCR commenced processing all USDA federal sector EEO investigations, which were previously the responsibility of each individual USDA Agency. At that time, 10 vendors along with the U.S. Postal Service conducted the EEO investigations. In FY 2014, the U.S. Postal Service ceased conducting the EEO Investigations and the vendors served as the sole investigators. During FY 2014, the Government shutdown impacted the investigations completed. Although the shutdown lasted 16 days for Federal employees. The vendors stop work order lasted for 21 days. While the shutdown impacted the investigations, 74 additional investigations were completed in FY 2014 in comparison to FY 2013.
- OASCR has maintained the integrity of the CRES database and ensure that the system is certified and accredited by the USDA's Chief Information Officer, who grants OASCR the authority to operate. By constantly working with stakeholders and by driving into staff consciousness, the need for prompt and accurate data entries, faulty reports, and data integrity issues are prevented. Additionally by limiting and monitoring access to sensitive and personally identifiable information (PII) to authorized personnel only, the potential for abuse and misuse, as well as, future complaints is minimized.
- OASCR conducted bi-weekly, in-person training sessions for personnel in the Washington, D.C. area entitled, "A Brief Introduction to ADR." The classes provided an overview of Alternative Dispute Resolution (ADR) and covered the key aspects of ADR dynamics, commonly used ADR techniques, and the roles and responsibilities of ADR participants.
- OASCR provided personnel with training on conflict management techniques and coping strategies to utilize when they encounter conflict. OASCR coordinated training workshops that were offered 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. As a result, these trainings led to managers requesting additional training for their respective staff.
- OASCR places a high priority and is actively engaged in educating and training all USDA employees (including supervisors, managers, and political appointees) at all USDA locations. Training addresses civil rights laws, including No FEAR, problematic and systemic trends, appropriate behavior, and customer service requirements. In addition, OASCR collaborated with the Office of Human Resources Management in developing and recording the webinar entitled, "Disability Legislation and Reasonable Accommodation – A Practical Guide for All Employees."
- OASCR's cultural transformation initiative continues to create a workplace culture in which all employees can contribute and achieve their full potential while helping to achieve its mission. This is done by a continuum of promoting cross-cultural understanding, communication, and cultural competence among employees; fashioning an organizational culture that respects and values diversity and inclusion within OASCR; monitoring diversity and inclusion achievements to ensure accountability for positive change; and achieving organizational goals which ensure employees and clientele are always treated fairly and equitably with dignity and respect.



**PART I**

**USDA Formal EEO Complaints**  
**for**  
**Fiscal Years 2013 – 2014**

## 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 2013-14.

### Summary of Data

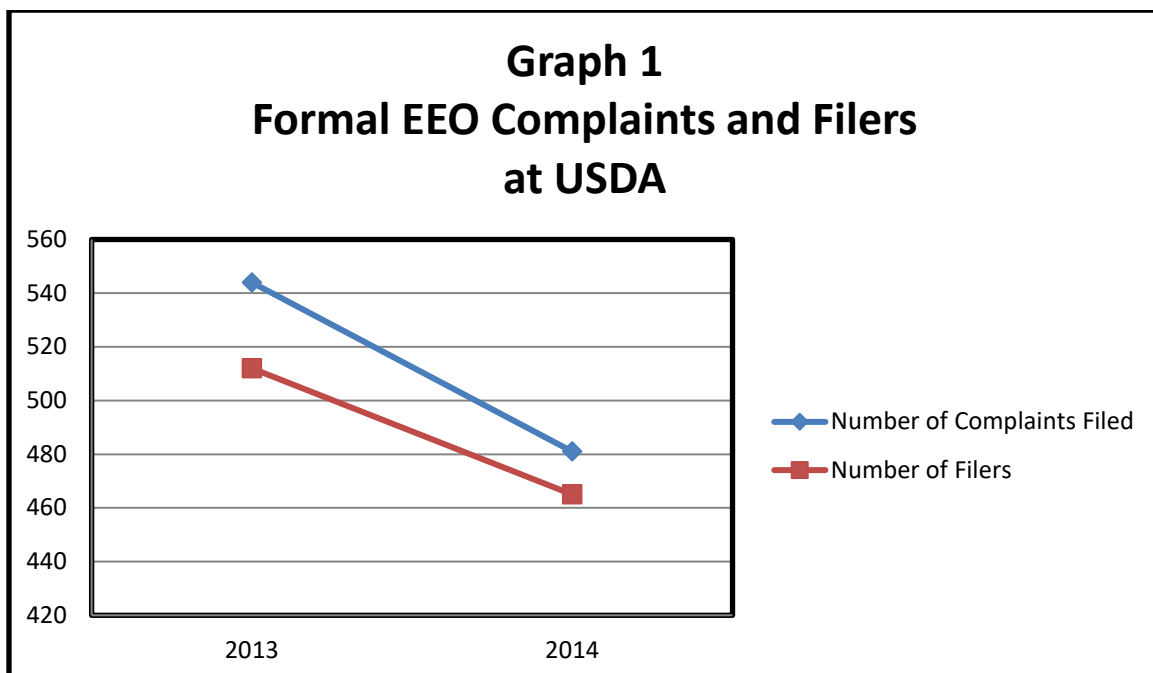
Table 1 below indicates the number of formal EEO complaints filed with USDA by fiscal year and the number of individuals who filed complaints. It shows a decrease in the number of complaints filed over the prior year and the number of filers for the current year. (See Graph 1)

In FY 2014, the number of complaints filed was 481, whereas, in FY 2013, the number of complaints filed was 544. This represents a 12 percent decrease in complaints filed. Additionally, the number of filers in FY 2014 was 465, which is 47 less than the number of filers (512) in FY 2013.

**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>
2013	544	512
2014	481	465

**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 2013-14. The basis of the complaint is the protected characteristic that 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 2014 are: (1) retaliation; (2) race; (3) sex; and (4) age. In FY 2013, the four most frequently cited bases were: (1) retaliation; (2) sex; (2) race; and (4) age.<sup>2</sup> These four bases are illustrated in Graph 2, which shows the trend over the two-year reporting period.

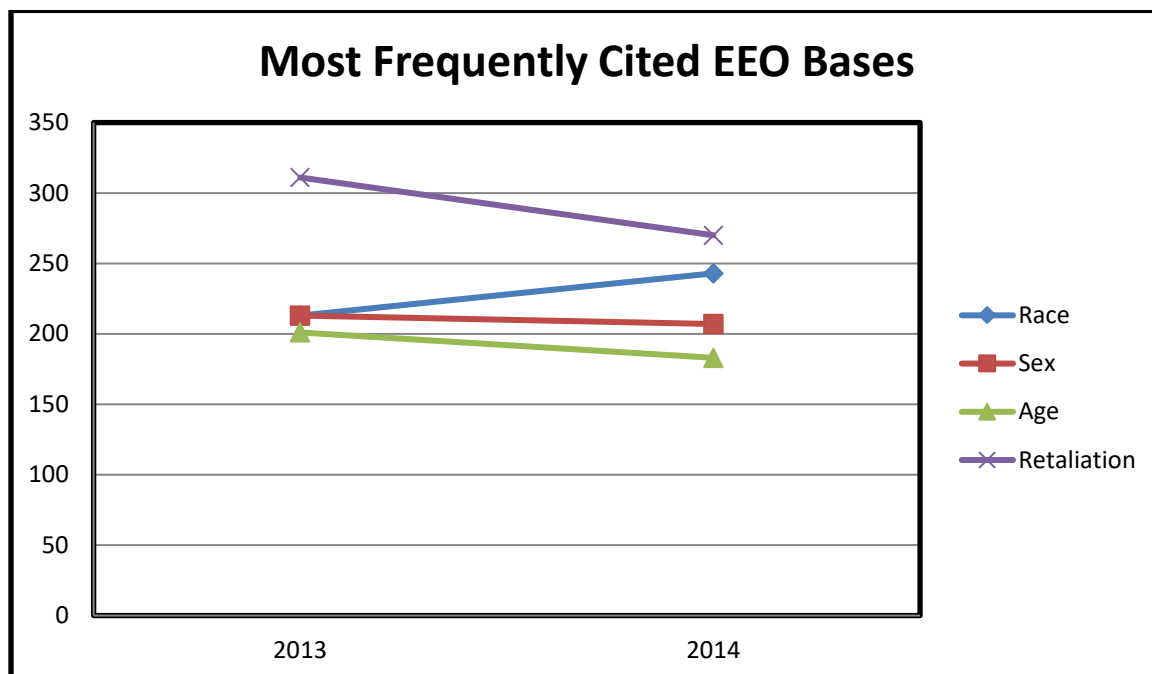
**Table 2**  
**Most Frequently Cited EEO Bases in Formal EEO Complaints at USDA**

<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>2013</b>	213	64	19	213	59	150	201	311	55
<b>2014</b>	243	73	19	207	74	130	183	270	64

\*Other USDA protected bases include PDA, Equal Pay Act, Genetics, and Non-EEO. Additionally, the base of sex includes gender identity and gender expression.

<sup>2</sup> Both race and sex had a total of 213.

**Graph 2  
Most Frequently Cited Bases**



Complaints Alleging Retaliation

“Retaliation” is the most frequently alleged basis in formal EEO complaints at USDA in FY 2014. This is true for both FYs 2014 and 2013. The basis of “Retaliation” was cited in 270 formal EEO complaints in FY 2014, compared to 311 complaints in FY 2013, a 13 percent (41 complaints) decrease 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 2014. The basis of “Race” was cited in 243 formal EEO complaints in FY 2014, compared to 213 complaints in FY 2013, a 14 percent increase (30 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 2014. The basis of “Sex” was cited in 207 formal EEO complaints in FY 2014, compared to 213 complaints in FY 2013, a three percent decrease (six 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 2014. The basis of “Age” was cited in 183 formal EEO complaints in FY 2014, compared to 201 complaints in FY 2013, a nine percent (18 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 2013-14. 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 2014 were: (1) Harassment; (2) Terms/Condition of Employment; and (3) Assignment of Duties. 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 2014, with 284 filings. In contrast, “Harassment” had 287 filings in FY 2013, indicating a one percent decrease (three complaints) from FY 2013 to FY 2014.

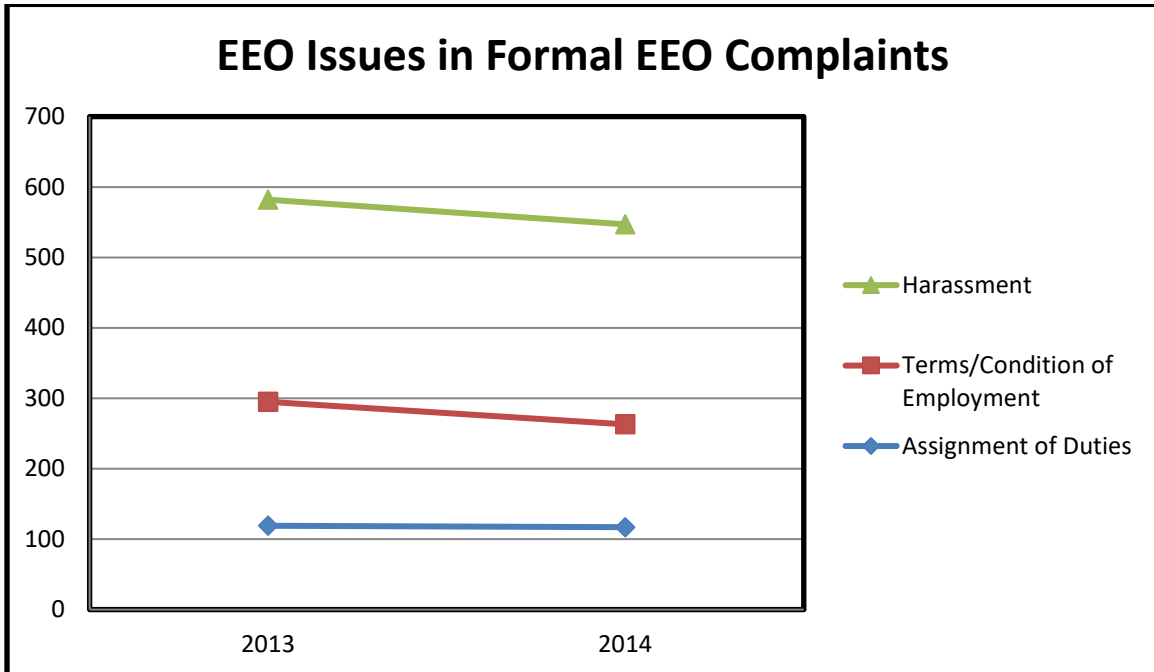
“Terms/Condition of Employment” was the second most frequently cited issue in formal EEO cases in FY 2014, with 146 filings. In contrast, “Terms/Condition of Employment” had 176 filings in FY 2013, indicating a decrease of 17 percent (30 complaints) from FY 2013 to FY 2014.

“Assignment of Duties” was the third most frequently cited issue in formal EEO cases in FY 2014, with 117 filings. In contrast, “Assignment of Duties” had 119 filings in FY 2013. There was a two percent decrease (two complaints) from FY 2013 to FY 2014.

**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
<b>2013</b>	34	119	24	2	91	11	85	1	52	41	50	40	2	29	123	287	0	2	176	63	26
<b>2014</b>	25	117	9	1	93	11	73	1	70	33	32	34	4	39	111	284	0	1	146	48	23

**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 2013-14. 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.

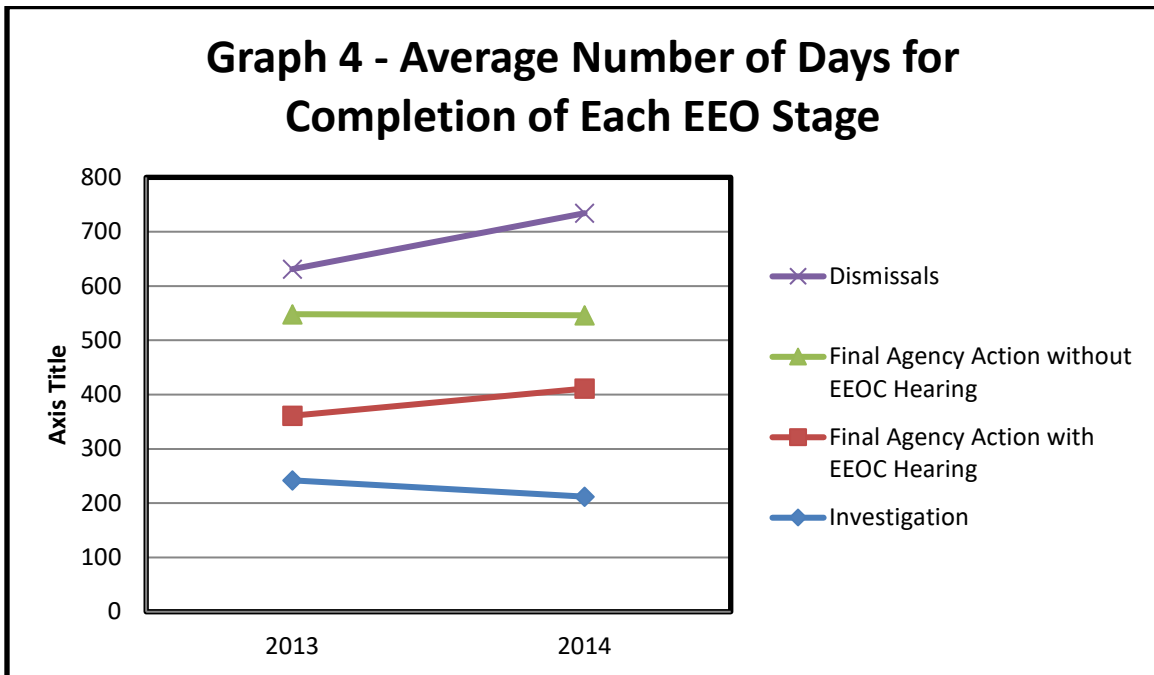
**(1) Average Number of Days for Completion of Selected EEO Stages**

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 and in the Final Agency Action without an EEOC hearing while the data showed an upward trend 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
2013	242	119	187	83
2014	212	199	135	188

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



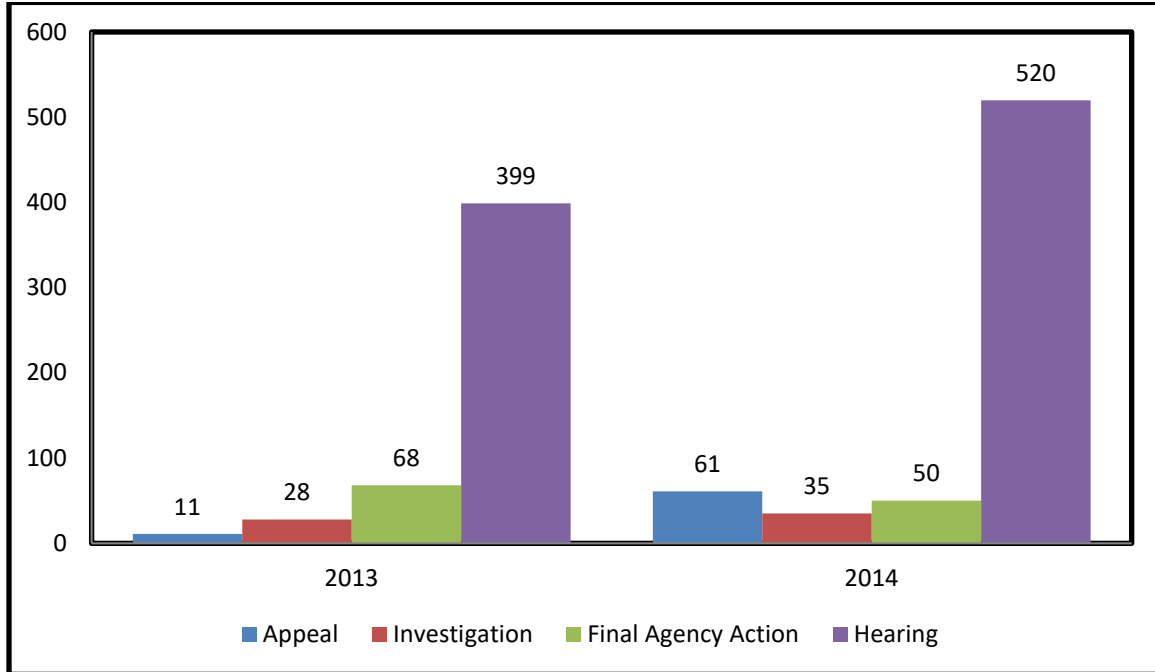
**(2) Pending Complaints at Various Stages**

- Table 5 below illustrates the number of pending EEO complaints in FYs 2013-14, at each EEO stage.
- Graph 5 shows a downward trend in pending complaints in Final Agency Actions and an upward trend in pending complaints for Hearings, Investigations, and Appeals.

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

Year	Investigation	Hearing	Final Agency Action	Appeal
2013	28	399	68	11
2014	35	520	50	61

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



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

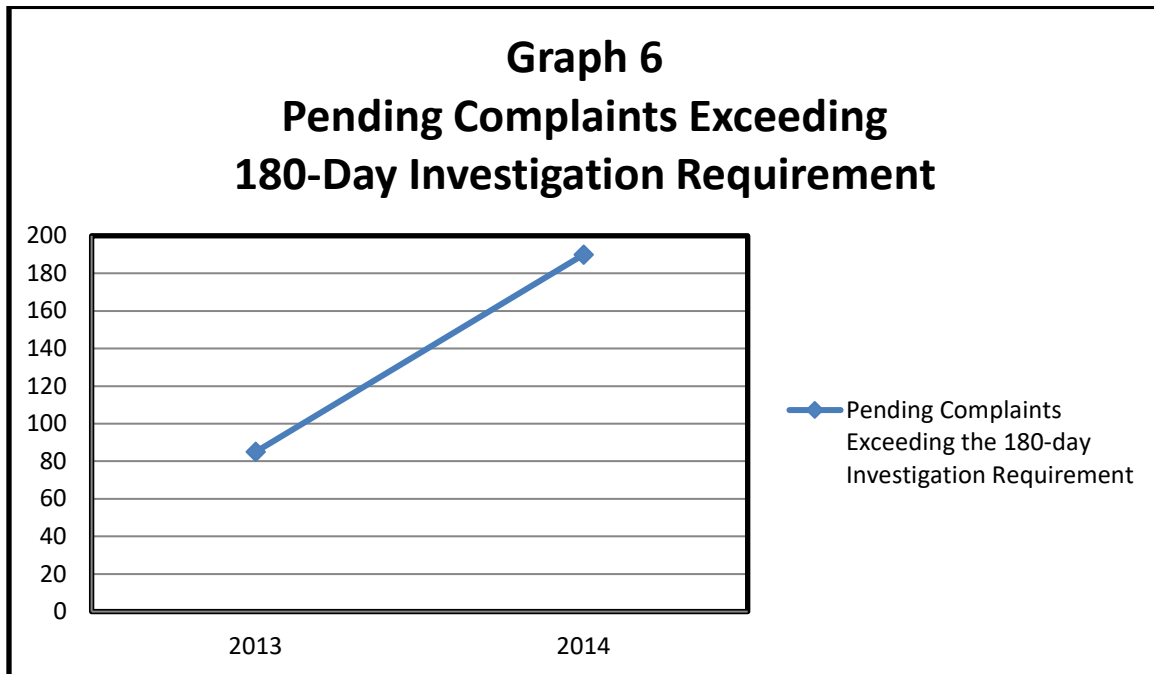
Table 6 and Graph 6 show a 54 percent decrease for pending formal complaints that exceed the 180-day investigation requirement over the two-year reporting period.

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

<b>Pending Complaints Exceeding the 180-day Investigation Requirement</b>	
<b>2013</b>	85
<b>2014</b>	190



**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.

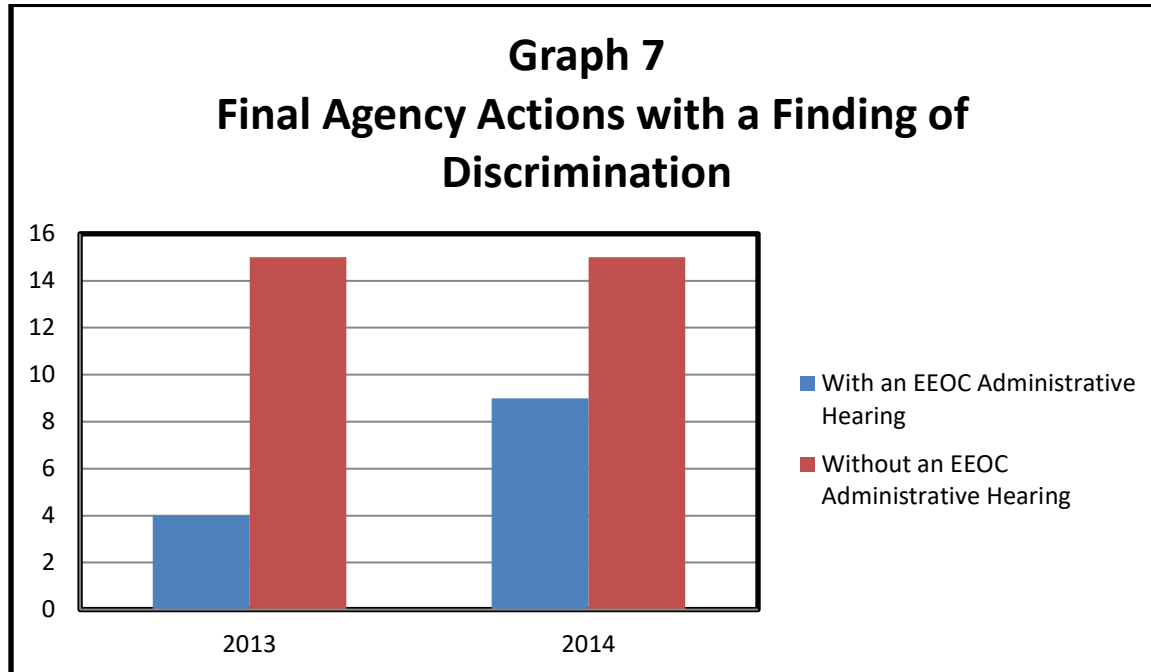
**Summary of Data**

Table 7 and Graph 7 show that the number of findings of discrimination issued with an EEOC Administrative Hearing increased by five in FY 2014 from FY 2013, and without an EEOC Administrative Hearing remained the same in FY 2014 from FY 2013.

**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>2013</b>	4	15
<b>2014</b>	9	15

**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:

1. The Agricultural Marketing Service (AMS) reported a decrease by four in the number of formal complaints filed in FY 2014. Specifically, there were nine formal complaints filed in FY 2014, as compared to 13 formal complaints filed in FY 2013. AMS attributes the decrease to the increased number of civil rights trainings that were conducted during FY 2014.
2. The Animal and Plant Health Inspection Service (APHIS) reported a decrease by one in the number of complaints filed in FY 2014. Specifically, there were 41 formal complaints filed in FY 2014, as compared to 42<sup>3</sup> formal complaints filed in FY 2013. APHIS noted that numbers for FY 2014 remain on par with those indicated for FY 2013 and no definitive reason can be identified why they decreased.

<sup>3</sup> The agency originally reported 41 formal complaints were filed in FY 2013; however, the Department identified one additional complaint filed at the end of the fiscal year, thereby, raising the actual number to 42.

3. The Agricultural Research Service (ARS) reported a decrease by 14 in the number of complaints filed in FY 2014. Specifically, there were nine formal complaints filed in FY 2014, as compared to 23 formal complaints filed in FY 2013. ARS attributes this decrease to on-line and face to face training, and updated EEO policies to include sexual harassment and anti-harassment.
4. The Corporate Services Division (CSD) which processes conflict or staff office cases reported an increase by 14 in the number of complaints filed in FY 2014. Specifically, there were 69 formal complaints filed in FY 2014, as compared to 57 formal complaints filed in FY 2013. 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.
5. The Economic Research Service (ERS) reported a decrease by one in the number of complaints filed in FY 2014. Specifically, there were two formal complaints filed in FY 2014, as compared to three formal complaints filed in FY 2013. ERS attributes the decrease directly 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.
6. The Foreign Agricultural Service (FAS) reported no increase or decrease in the number of complaints filed in FY 2014. Specifically, there were five formal complaints filed in FY 2014, as compared to five formal complaints filed in FY 2013. FAS attribute the static level of complaints to the increased marketing of ADR resources and FAS employees increased participation in ADR and mediation services.
7. The Food and Nutrition Service (FNS) reported a decrease by three in the number of complaints filed in FY 2014. Specifically, there were 10 formal complaints filed in FY 2014, as compared to 13 formal complaints filed in FY 2013. FNS attributes this decrease to FNS going through a substantial reorganization and restructuring.
8. The Forest Service (FS) reported a decrease in the number of complaints filed by 30 in FY 2014. Specifically, there were 150 formal complaints filed in FY 2014, compared to 180 formal complaints filed in FY 2013. FS attributes the decrease to new operating roles and positions being filled to address workload needs.
9. The Farm Service Agency (FSA) reported a decrease by seven in the number of formal EEO complaints filed FY 2014. Specifically, there were 15 formal complaints filed in FY 2014, compared to 22 formal complaints filed in FY 2013. FSA attributes this decrease to the Agency's efforts to ensure participation in mandatory Civil Rights Training, as well as, ensuring that FSA employees receive EEO Policy Letters, EEO Notices, and other EEO publications.

10. The Food Safety and Inspection Service (FSIS) reported an increase by 14 in the number of formal EEO complaints filed in FY 2014. Specifically, there were 60 complaints filed in FY 2014, as compared to 46 formal complaints filed in FY 2013. FSIS attributes this increase to employees failing to utilize appropriate forums such as the negotiated grievance process; unannounced or unexplained changes in policies or practices; a lack of information or misunderstanding on the part of one or more parties; interpersonal conflict; and perceptions of inequitable treatment, bias, or stereotyping.
11. The Grain Inspection, Packers and Stockyards Administration (GIPSA) reported an increase by six in the number of formal EEO complaints filed in FY 2014. Specifically, there were nine formal complaints filed in FY 2014, as compared to three formal complaints filed in FY 2013. GIPSA attributes this increase to an allegation of workplace harassment (non-sexual) and bullying.
12. The National Agricultural Statistics Service (NASS) reported no increase or decrease in the number complaints filed in FY 2014. Specifically, there was one formal complaint filed in FY 2014 and in FY 2013. NASS attributes its low filings to its proactiveness in resolving complaints at the earliest stage.
13. The National Finance Center, Office of the Chief Financial Officer (NFC-OCFO) reported a decrease by eleven in the number of formal complaints filed FY 2014. Specifically, there were 17 formal complaints filed in FY 2014, as compared to 28 formal complaints filed in FY 2013. The NFC-OCFO attributed this decrease to the counseling of all employees and working with the union president and his members to resolve matters at the lowest levels.
14. The National Institute of Food and Agriculture (NIFA) reported an increase of two in the number of complaints filed in FY 2014. Specifically, there were three formal complaint filed in FY 2014, as compared to one in FY 2013. NIFA attributes the increase in complaints to the renaming and restructuring of the Agency, reassignment of employees, and other administrative or policy changes.
15. The Natural Resources Conservation Service (NRCS) reported a decrease by one in the number of formal complaints filed in FY 2014. Specifically, there were 42 formal complaints filed in FY 2014, compared to 43 formal complaints filed in FY 2013. NRCS attributes decrease in complaints to maximizing early resolution in the informal stage.
16. The Rural Development (RD) reported a decrease by 21 in the number of formal complaints filed in FY 2014. Specifically, there were 28 formal complaints filed in FY 2014, compared to 49 formal complaints in FY 2013. RD attributes the decrease to multiple factors, to include an emphasis on cultural transformation, improved communication among staff, and increased focus on EEO.
17. The Risk Management Agency (RMA) reported an increase by one in the number of formal complaints filed in FY 2014. Specifically, there were five complaints filed in FY 2014, compared to four formal complaints filed in FY 2013. RMA attributes the increase in complaints to a lack of information and understanding of Anti-Discrimination laws and workplace disputes.

## **(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:

- increasing EEO training by the Agency's Civil Rights Program improves awareness of prohibited discriminatory practices, and thus, reduces the number of pre-complaints that progress to the formal complaints stage;
- increasing ADR awareness as set forth in the Strategic Plan was effective in reducing the number of complaints filed;
- encouraging the Area Outreach, Diversity and Equal Opportunity Program Managers to be involved in training;
- remaining proactive in our attempts to identify and address EEO (and non-EEO) employment related issues and concerns; and, continuing to utilize ADR/mediation early in the process there is a greater likelihood for the early resolution of complaints;
- educating aggrieved parties, managers, and supervisors about the EEO process (to include the availability of ADR) and working aggressively with these individuals and other Agency officials will help to reach resolution at the lowest level possible;
- agency actions affecting employees, result in an influx of complaints;
- increasing the number of civil rights trainings may have contributed to the decrease in the number of formal complaints filed;
- increasing vacancy rates together with directed reassignments because of a reorganization caused a lot of angst;
- incorporating a structure for effective management, accountability and self-analysis will ensure program success and compliance;
- utilizing extensive employee surveys as a part of its employment compliance reviews is useful in gaining feedback in identifying common employee concerns;
- recognizing that EEO and civil rights training is important so that the workforce understands how to recognize, evaluate, and deal with delicate situations;
- quarterly Cultural Transformation Listening Sessions allows employees to ask questions and make suggestions on any topic;
- improving final agency decision backlog enhanced the average length of time; and
- continuing to build the capacity to enforce the EEO regulations and Executive Orders ensure that workplaces are free of inequity.

### **(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:

- conducting Resolving Official training for senior-level management in Grades 14 and above. This training greatly increased the number of complaints that were resolved in not only at the informal stage but also at the formal stage;
- continuing to heighten awareness throughout the Agency by incorporating conflict management and harassment training within the Civil Rights/EEO and ADR training modules;
- continuing to conduct the annual Administrator's Civil Rights Training for all employees locally and in our field offices;
- continuing to decrease its formal complaints by informing all managers, supervisors, and employees about early resolution and conflict prevention resources;
- continuing developing and implementing a Conflict Prevention Program which helped to expand the principals of ADR;
- increasing EEO training through the Agency's Civil Rights Program;
- creating the Action-Engagement Strategy to respond to trends and concerns raised in the Federal Employment Viewpoint Survey;
- implementing new national standards for procedures to ensure consistent, rapid response to--and accountability for--reports of sexual harassment and assault;
- creating new Misconduct Investigation Unit to ensure that complaints of inappropriate behavior are addressed quickly, and that corrective actions are taken in a timely way;
- evaluating civil rights and equal employment opportunity policies, procedures and practices through Internal compliance reviews;
- continuing to utilize its in-house mediators to conduct proactive non-EEO related ADR activities to address workplace disputes before they evolve into complaints;
- executing of telephonic mediation and conducting ADR training through video conferencing, facilitation, and settlement conferences;
- instituting diverse panels to make a recommendation based on rankings to selecting officials;
- continuing to hold management and employees accountable for ensuring the agency has a zero tolerance policy for any form of discrimination and/or retaliation within the workplace;

- continuing to reaffirm and disseminate the Agency's EEO policy in writing to all supervisory personnel to ensure their understanding, cooperation, and compliance;
- continuing to 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 training offerings; 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 2014**



## USDA Reimbursement to Judgment Fund for Fiscal Year 2014

### Introduction

Table 8 below provides information on reimbursements by USDA to the Department of Treasury's Judgment Fund for monies associated with FY 2014 judgments, awards, or settlements under the statutes addressed in the No FEAR Act.

**Table 8**  
**USDA Reimbursement to Judgment Fund for FY 2014 Settlements**

<b>USDA Reimbursement to Judgment Fund For FY 2014 Settlements</b>		
<b>Case</b>	<b>Total Amount</b>	<b>Attorney's Fees</b>
1	\$113,900.00	\$0
2	\$79,950.00	\$20,000.00
3	\$76,050.00	\$0
4	\$49,000.00	\$0
5	\$30,000.00	\$0
<b>Total</b>	<b>\$348,900.00</b>	<b>\$20,000.00</b>

### Summary

In FY 2014, USDA reimbursed the Judgment Fund \$348,900, of which \$20,000 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 2013–14**

**USDA Disciplinary Actions and Reports for  
Fiscal Years 2013–2014**

**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 2013</b>						<b>FY 2014</b>					
	<b>DISC.</b>	<b>RETAIL</b>	<b>HAR</b>	<b>PPP</b>	<b>WBP</b>	<b>TOTAL</b>	<b>DISC</b>	<b>RET.</b>	<b>HAR</b>	<b>PPP</b>	<b>WBP</b>	<b>TOTAL</b>
<b>REMOVAL</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>15 DAY OR MORE</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>14 DAY OR LESS</b>	0	0	0	0	0	0	1	1	0	0	0	2
<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>	5	0	7	0	0	12	1	0	0	0	0	1
<b>TOTAL DISCIPLINE</b>	5	0	7	0	0	12	2	1	0	0	0	3

**Table Abbreviations: Disc. = Discrimination; Retail. = 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 2013</b>	<b>FY 2014</b>	<b>TOTAL</b>
<b>OSC WHISTLEBLOWER CASE</b>	4	0	4
<b>OSC WHISTLEBLOWER CASE CLOSED</b>	0	0	0
<b>OSC WHISTLEBLOWER DISCIPLINE TAKEN</b>	0	0	0

**Disciplinary Policy**

Improving the civil rights environment throughout the Department continues to be a priority for USDA. USDA continues to apply its accountability policy and employee awareness activities in its effort to prevent illegal discriminatory actions and to discipline those who commit such offenses. OASCR and the OHRM staff work in close cooperation, using proven tracking and reporting systems, to monitor compliance activities and readily identify emerging trends.

In cases involving discrimination, harassment, or reprisal, subordinate components of USDA effect disciplinary or corrective action in accordance with applicable laws, rules, regulations, and policies. The type and severity of disciplinary action is based on the USDA Guide for Disciplinary Penalties, Appendix A, Department Personnel Manual 751. This guide contains specific sections on discrimination and retaliation, sexual misconduct, and prohibited personnel practices.

USDA Agencies and Staff Offices encourage initiatives to improve the civil rights environment. Four agencies of note are RMA, Food, Nutrition, and Consumer Services (FNCS); NRCS, and the Office of the Chief Financial Officer (OCFO). Their successes are described in the subsequent paragraphs:

RMA continues to issue and update policies regarding Reprisal and Retaliation, Civil Rights, Anti-Harassment, Sexual Harassment, and Accountability and Procedures annually. In May 2014, RMA developed and issued a poster entitled “RMA — EEO Is the Law,” which was sent to all field and headquarter offices. This poster includes information on establishing a basis for filing a complaint and identifies the contact information to initiate EEO counseling.

Building on the realignment of their Civil Rights Division, FNCS incorporated a civil rights performance element into employees’ performance plans. The FNCS Civil Rights Division also began to provide civil rights training. FNCS now requires that new employees reporting at the headquarters office visit the EEO Counselor’s office as part of their new employee orientation.

NRCS recently increased its Employee and Labor Relations staff and is working directly with supervisors and State Human Resources (HR) staff to help produce decisions and actions that are based on sound guidance, including documentary evidence and thorough review of the facts. NRCS continues to train and educate their employees on the prohibition of making decisions based on protected categories and prohibited reasons. NRCS has also begun providing informal and formal training to supervisors on a continuous basis in order to keep them informed on regulations, agency policies and procedures, and advising them on the importance of ensuring a consistent and fair approach to all employment decisions.

In addition to sending an annual reminder regarding the policy on EEO to all employees, OCFO has conducted the following:

- Introduction to Civil Rights and Conflict Management (July 15, 2014);
- EEO Survival Skills for Supervisors (July 24, 2014);
- Micro-inequities “Unconscious Bias Training” (August 20, 2014);
- EEO Survival Skills for Employees (Sept 18, 2014);
- USDA mandatory Civil Rights training for employees “Disabilities and Reasonable Accommodations” (August 7, 2014 - September 30, 2014);
- Annual Cultural Diversity Celebration (August 5, 2014 - August 6, 2014);and
- Hispanic Heritage Month observance “Latino Americans” (September 30, 2014).

## **PART IV**

# **USDA Federal Court Litigation Statistics for FY 2014**

The following tables provide composite data for cases in Federal Court pending or resolved in FY 2014, and arising under the anti-discrimination and whistleblower protection laws.

**Table 11  
Federal Cases Pending in FY 2014**

<b>Federal Cases Pending in FY 2014</b>	
Pending District Court Cases	39
Pending Appellate Court Cases	6
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 2014	0	0	2	3*	15**
Still Pending at End of FY 2014	1	0	1	1*	17***
* Age also alleged in 1 case ** Age also alleged in 3 cases ** Age and Disability also alleged in 2 cases ** Disability also alleged in 2 cases *** Age also alleged in 2 cases *** Age and Disability also alleged in 4 cases					

**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	1	1	4^
Withdrawals	0	0	0	0	0
Final Judgment for Complainant	0	0	0	0	0
Final Judgment for Agency	0	0	1	4^^	11#
^ Age also alleged in 1 case ^ Disability also alleged in 1 case ^ Age and Disability also alleged in 1 case ^^ Age also alleged in 1 case # Age also alleged in 2 cases # Disability also alleged in 1 case # Age and Disability also alleged in 1 case					

# Appendix A

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

USDA  
FY 2014 for period ending September 30, 2014

Complaint Activity	Comparative Data				
	Previous Fiscal Year Data				
	2010	2011	2012	2013	2014
Number of Complaints Filed	473	525	536	544	481
Number of Complainants	461	509	519	512	465
Repeat Filers	7	12	12	26	17
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>	2010	2011	2012	2013	2014
Race	166	221	215	213	243
Color	23	32	56	64	73
Religion	16	21	23	19	19
Reprisal	181	242	281	311	270
Sex	159	207	228	213	207
PDA	0	0	0	2	3
National Origin	49	57	61	59	74
Equal Pay Act	1	4	3	8	4
Age	157	191	177	201	183
Disability	97	104	141	150	130
Genetics	0	0	2	3	2
Non-EEO	44	42	55	42	55



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>	2010	2011	2012	2013	2014
Appointment/Hire	23	38	23	34	25
Assignment of Duties	51	62	100	119	117
Awards	11	20	22	24	9
Conversion to Full-time	1	0	1	2	1
<b>Disciplinary Action</b>					
Demotion	5	3	7	3	5
Reprimand	13	24	42	28	23
Suspension	26	19	40	30	27
Removal	6	5	10	13	7
Other	8	10	28	17	31
Duty Hours	5	6	15	11	11
Evaluation Appraisal	59	64	60	85	73
Examination/Test	1	1	4	1	1
<b>Harassment</b>					
Non-Sexual	177	224	303	275	264
Sexual	13	23	16	12	20
Medical Examination	1	0	4	2	4
Pay (Including Overtime)	10	13	14	29	39
Promotion/Non-Selection	103	135	118	123	111
<b>Reassignment</b>					
Denied	5	8	13	19	27

Directed	20	20	33	33	43
Reasonable Accommodation	32	36	58	63	48
Reinstatement	2	1	2	0	0
Retirement	1	6	2	2	1
Termination	34	39	35	40	34
Terms/Conditions of Employment	38	52	85	176	146
Time and Attendance	22	28	58	50	32
Training	22	27	49	41	33
Other	64	60	61	26	23
<b>Processing Time</b>	<b>Comparative Data</b>				
	<b>Previous Fiscal Year Data</b>				
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Complaints pending during fiscal year					
Average number of days in investigation	314.71	295.88	248.60	242.05	212.08
Average number of days in final action	626.85	360.54	214.93	165.94	169.31
Complaint pending during fiscal year where hearing was requested					
Average number of days in investigation	281.79	282.63	235.23	247.31	217.23
Average number of days in final action	189.78	182.83	133.49	119.33	199.47
Complaint pending during fiscal year where hearing was not requested					
Average number of days in investigation	335.43	304.05	273.79	233.21	204.07
Average number of days in final action	817.92	416.86	255.96	187.19	134.58

Complaints Dismissed by Agency	Comparative Data									
	Previous Fiscal Year Data									
	2010		2011		2012		2013		2014	
Total Complaints Dismissed by Agency	39		56		45		67		64	
Average days pending prior to dismissal	257		119		145		83		188	
Complaints Withdrawn by Complainants										
Total Complaints Withdrawn by Complainants	24		33		31		29		32	
Total Final Agency Actions Finding Discrimination	Comparative Data									
	Previous Fiscal Year Data									
	2010		2011		2012		2013		2014	
	#	%	#	%	#	%	#	%	#	%
Total Number Findings	27		32		17		19		24	
Without Hearing	22	81	29	91	16	94	15	79	15	63
With Hearing	5	19	3	9	1	6	4	21	9	38

Findings of Discrimination Rendered by Basis	Comparative Data									
	Previous Fiscal Year Data									
	2010		2011		2012		2013		2014	
<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>	27		32		27		32		24	
Race	7	26	2	6	6	35	2	11	6	25
Color	2	7	0	0	0	0	2	11	1	4
Religion	0	0	0	0	0	0	0	0	2	8
Reprisal	12	44	11	34	6	35	6	32	7	29
Sex	5	19	5	16	2	12	5	26	2	8

PDA	0	0	0	0	0	0	0	0	0	0
National Origin	1	4	0	0	1	6	3	16	5	21
Equal Pay Act	0	0	0	0	0	0	0	0	1	4
Age	9	33	12	38	4	24	6	32	2	8
Disability	5	19	10	31	6	35	6	32	8	33
Genetics	0	0	0	0	0	0	0	0	0	0
Non-EEO	1	4	0	0	0	0	3	16	2	8
<b>Findings After Hearing</b>										
	5		3		1		4		9	
Race	2	40	0	0	0	0	2	50	4	44
Color	0	0	0	0	0	0	2	50	1	11
Religion	0	0	0	0	0	0	0	0	2	22
Reprisal	3	60	2	67	1	10 0	0	0	4	44
Sex	2	40	0	0	0	0	1	25	2	22
PDA	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	2	22
Equal Pay Act	0	0	0	0	0	0	0	0	1	11
Age	3	60	0	0	0	0	3	75	1	11
Disability	1	20	1	33	0	0	1	25	0	0
Genetics	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	2	50	1	11
<b>Findings Without Hearing</b>										
	17		27		16		15		15	
Race	1	6	2	7	6	38	0	0	2	13
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	0	0	6	40	3	20

Sex	7	44	5	22	5	31	4	27	0	0
PDA	2	13	4	17	2	13	0	0	0	0
National Origin	0	0	0	0	0	0	3	20	3	20
Equal Pay Act	1	6	0	0	1	6	0	0	0	0
Age	0	0	0	0	0	0	3	20	1	7
Disability	5	31	11	48	4	25	5	33	8	53
Genetics	3	19	8	35	6	38	0	0	0	0
Non-EEO	0	0	0	0	0	0	1	7	1	7
<b>Findings of Discrimination Rendered by Issue</b>	<b>Comparative Data</b>									
	<b>Previous Fiscal Year Data</b>									
	<b>2010</b>		<b>2011</b>		<b>2012</b>		<b>2013</b>		<b>2014</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>	27		32		17		19		24	
Appointment/Hire	0	0	0	0	0	0	2	11	0	0
Assignment of Duties	2	7	4	13	2	12	0	0	3	13
Awards	0	0	0	0	0	0	0	0	1	4
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	1	4
Reprimand	0	0	0	0	0	0	0	0	0	0
Suspension	1	4	2	6	0	0	2	11	1	4
Removal	1	4	0	0	0	0	1	5	0	0
Other	0	0	0	0	1	6	0	0	1	4
Duty Hours	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	3	9	3	18	0	0	1	4
Examination/Test	0	0	0	0	0	0	0	0	0	0
Harassment										

Non-Sexual	12	44	16	50	8	47	5	26	8	33
Sexual	0	0	0	0	1	6	1	5	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	1	3	1	6	0	0	1	4
Promotion/Non-Selection	4	15	7	22	1	6	4	21	5	21
Reassignment										
Denied	0	0	2	6	1	6	0	0	0	0
Directed	1	4	6	19	1	6	1	5	2	8
Reasonable Accommodation	3	11	4	13	4	24	3	16	5	21
Reinstatement	0	0	0	0	0	0	0	0	0	0
Retirement	1	4	1	3	0	0	0	0	0	0
Termination	1	4	2	6	1	6	3	16	6	25
Terms/Conditions of Employment	0	0	2	6	0	0	2	11	3	13
Time and Attendance	1	4	3	9	3	18	2	11	0	0
Training	0	0	0	0	0	0	0	0	1	4
Other - User Defined	3	11	0	0	1	6	2	11	1	4
<b>Findings After Hearing</b>	5		3		2		4		9	
Appointment/Hire	0	0	0	0	0	0	1	25	0	0
Assignment of Duties	0	0	2	67	0	0	0	0	2	22
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	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
Evaluation Appraisal	0	0	0	0	0	0	0	0	1	11
Examination/Test	0	0	0	0	0	0	0	0	0	0
Harassment										
Non-Sexual	2	40	1	33	0	0	0	0	3	33
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	2	40	0	0	0	0	1	25	4	44
Reassignment										
Denied	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	2	22
Reasonable Accommodation	0	0	0	0	0	0	1	25	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0
Retirement	1	20	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	1	25	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	1	10	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	0	0	1	11
<b>Findings Without Hearing</b>	22		29		16		15		15	
Appointment/Hire	0	0	0	0	0	0	1	7	0	0
Assignment of Duties	2	9	2	7	2	13	0	0	1	7

Awards	0	0	0	0	0	0	0	0	0	1	7
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action											
Demotion	0	0	0	0	0	0	0	0	0	1	7
Reprimand	0	0	0	0	0	0	0	0	0	0	0
Suspension	1	5	2	7	0	0	2	13	1	7	7
Removal	1	5	0	0	0	0	1	7	0	0	0
Other	0	0	0	0	1	6	0	0	1	7	7
Duty Hours	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	3	10	3	19	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0
Harassment											
Non-Sexual	10	45	15	52	8	50	5	33	5	33	33
Sexual	0	0	0	0	1	6	1	7	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	1	3	1	6	0	0	1	7	7
Promotion/Non-Selection	2	9	7	24	1	6	3	20	1	7	7
Reassignment											
Denied	0	0	2	7	1	6	0	0	0	0	0
Directed	1	5	6	21	1	6	1	7	0	0	0
Reasonable Accommodation	3	14	4	14	4	25	2	13	5	33	33
Reinstatement	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	1	3	0	0	0	0	0	0	0
Termination	1	5	2	7	1	6	2	13	6	40	40
Terms/Conditions of Employment	0	0	2	7	0	0	2	13	3	20	20
Time and Attendance	1	5	3	10	2	13	2	13	0	0	0



Training	0	0	0	0	0	0	0	0	1	7
Other - User Defined	3	14	0	0	1	6	2	13	0	0

<b>Pending Complaints Filed in Previous Fiscal Years by Status</b>	<b>Comparative Data</b>				
	<b>Previous Fiscal Year Data</b>				
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Total complaints from previous Fiscal Years	939	837	884	956	938
Total Complainants	696	706	797	885	482
<b>Number complaints pending</b>					
Investigation	81	63	44	28	35
ROI issued, pending Complainant's action	7	12	5	1	3
Hearing	228	290	348	399	520
Final Agency Action	88	80	75	68	50
Appeal with EEOC Office of Federal Operations	28	30	10	11	61
<b>Complaint Investigations</b>	<b>Comparative Data</b>				
	<b>Previous Fiscal Year Data</b>				
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Pending Complaints Where Investigations Exceed Required Time Frames	176	161	117	85	190