

**NO FEAR ACT ANNUAL REPORT**  
**FISCAL YEAR 2013**



**U.S. Department of Agriculture**

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## **Executive Summary**

### **Annual Reporting Requirements**

This is the USDA's ninth 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) 2013. 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 slight increase of 8 Equal Employment Opportunity (EEO) complaints filed from FY 2012 to FY 2013, ending the EEO inventory at the end of FY 2013 with 956 complaints. The number of filers decreased by seven from FY 2012 to FY 2013, but the number of findings of discrimination increased by two from FY 2012 to FY 2013. Data illustrating this trend is found in the Appendix.

A review of disciplinary actions taken against employees who violated Federal anti-discrimination laws and whistleblower protection statutes shows that in FY 2013, 12 employees were disciplined; and 12 employees were also disciplined in FY 2012. This static level of disciplinary actions between FY 2012 and FY 2013 indicates a continual level of accountability within USDA and the Secretary'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 2013, USDA has implemented several initiatives that will further assist in its effort to reduce the number of EEO complaints. These initiatives are outlined below:

- In FY 2013, USDA finalized Department Regulation 4300-005, entitled “Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency in Programs and Activities Conducted by USDA.” This required Agencies to have a plan in place to regularly and consistently assess the Limited English Proficiency (LEP) status and language assistance needs of current and potential customers and applicants, as well as, a mechanism for monitoring its effectiveness.
- USDA is amending 7 C.F.R. 15d, “Nondiscrimination in Programs or Activities Conducted by USDA.” The changes proposed will clarify the roles and responsibilities of the Office of the Assistant Secretary for Civil Rights (OASCR) and USDA agencies in enforcing non-discrimination in programs or activities conducted by the Department. These changes will strengthen USDA’s civil rights compliance and complaint processing activities to better protect the rights of USDA customers. The proposed regulation outlines three specific changes to current activities. First, the proposed regulation includes a requirement that each agency shall, for civil rights compliance purposes, collect, maintain, and annually compile, by county and State, data on the race, ethnicity, and gender of all applicants and participants of programs and activities conducted by USDA. Second, the rule requires that OASCR offer Alternative Dispute Resolution (ADR) services to program complainants. Finally, USDA adds protection from discrimination in programs or activities conducted by the Department with respect to two new protected bases, political beliefs and gender identity.
- 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 14 percent of our reviews resulted in recommendations for changes prior to concurrence rather than an immediate concurrence.
- OASCR continues its process of reviewing and revising 16 USDA Civil Rights Departmental Regulations, C.F.R., and Departmental Manuals to be consistent with current civil rights laws, regulations, and USDA policy.
- OASCR has oversight responsibility for implementing the USDA EEO Program and provides overall leadership, coordination, and direction for compliance with all civil rights laws, regulations, policies and procedures regarding EEO. A strong compliance review program is an essential element in raising awareness of employment practices and policies that contribute to perceptions of bias, unfairness, harassment and/or disparate treatment. 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 two employment compliance reviews in FY 2013. 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 2013, OASCR conducted five TACRs.

- OASCR commenced processing all USDA federal sector EEO investigation, which were previously the responsibility of each individual USDA Agency. OASCR's goal for this initiative was to increase quality, increase timeliness and reduce costs of the Department's Report of Investigations (ROIs). The initiative resulted in the transfer of 12 employees from USDA Agencies. It also required OASCR to draft new position descriptions and performance standards for the transferred employees. In an effort to increase ROI quality, OASCR drafted a new vendor Statement of Work (SOW) and reduced the number of contract EEO vendors from 30 to 10. While much work remains, USDA has already increased timeliness, quality, and reduced the cost of the Department's ROIs.
- OASCR continues to evaluate USDA Agency Heads and Staff Office Directors on their civil rights performance and activities through its annual Agency Head Assessments. The process provides a detailed overview of the goals and objectives critical to achieving a model civil rights organization and is consistent with the Equal Employment Opportunity Commission's (EEOC) *Management Directive 715*, DR 4300-010, *Civil Rights Accountability Policy and Procedures*, and other relevant EEO statutes, regulations, policies and procedures. In FY 2013, OASCR evaluated and assessed 17 USDA Agencies and 6 Staff Offices.
- OASCR developed and maintained websites for all USDA agencies for the reporting of No FEAR data. In addition, it is responsible for the production of the Ad Hoc reports, which provides information on the processing time for the Office of Adjudication. This information enables users to analyze complaint processing time and develop performance measures that will assist in decreasing the average processing time. OASCR was also instrumental in developing the monthly reports which reflects program and employment complaint status and trends.
- OASCR established a bi-weekly, in-person, training session for personnel in the Washington DC area entitled, "A Brief Introduction to ADR." The small classes provided an introduction to the field of ADR and covered the key aspects of ADR dynamics, commonly used ADR techniques, and roles of participants.
- OASCR also provided personnel with training on conflict management techniques and coping strategies to utilize when they encounter conflict. These coordinated training workshops were offered via live audience, webinar, and webcast which covered the following topics: How to Deal with Workplace Bullying, Communication Strategies for Effective Working Relationships, and Preparing for Performance Appraisals. The training provided employees with the tools needed to resolve conflicts themselves, which ultimately improved employees' morale, working relationships, and communication. Feedback from the surveys reflected that the employees were very satisfied with all facets of the training. The feedback received resulted in additional trainings for employees in various field offices throughout USDA. Overall, in FY 2013, OASCR provided training to 5,627 USDA personnel.

- The Training and Cultural Transformation Divisions provided civil rights training to employees at all levels Department-wide. The purpose of the training was to create awareness, enhance skills, and encourage employee commitment to improving program delivery and making USDA a model employer. The training has resulted in a wider recognition that all USDA employees are protected by civil rights laws. Employees have a heightened awareness about civil rights laws, personal responsibilities and liabilities, complaints avoidance actions, and good customer service practices.
- OASCR helped to further ensure the efficient and successful running of the Department's EEO complaint processes by significantly broadening its metrics for contributing to OASCR's annual Agency Head Assessment. This has allowed OASCR to effectively identify areas for substantive improvement in how the reports are prepared, and necessarily, how informal EEO counseling is conducted throughout the Department. The quality goal indicator has also enabled OASCR staff to provide targeted feedback and training to agency partners.
- OASCR continued to aggressively identify opportunities for low or no cost EEO training, both for internal staff, as well as, for employees involved in the EEO process throughout the Department. Examples include coordinated training on sexual orientation and gender identity issues in EEO complaints, conducted by senior EEOC staff attorneys, and an advanced Procedural Dismissal training, conducted in collaboration with the U.S. Department of Justice's Civil Rights Office. In addition, extensive training was conducted on iComplaints, the Department's EEO complaint tracking database. Throughout the year, in-house training for OASCR and other Departmental employees, including, for example in-depth training on quality EEO counseling and the preparation of EEO Counselor's Reports and civil rights training for the Department's political appointees was also conducted.



**PART I**

**USDA Formal EEO Complaints**  
**for**  
**Fiscal Years 2012 – 2013**

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

### **Introduction**

This section contains comparative information regarding the number of formal EEO complaints filed and the number of filers for FYs 2012 and 2013.

### **Summary of Data**

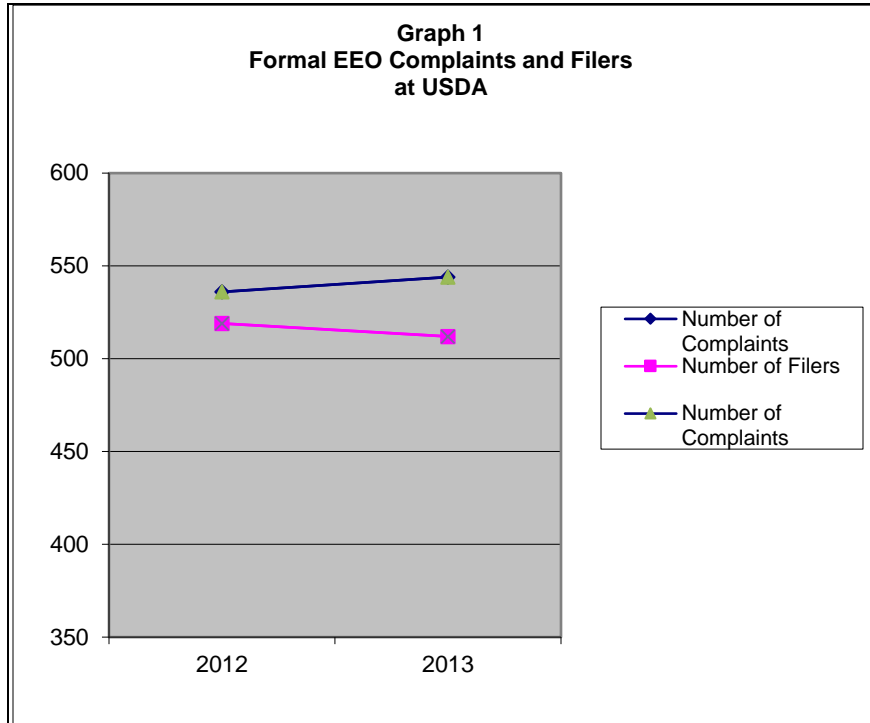
Table 1 below indicates the number of formal EEO complaints filed with USDA by fiscal year and the number of individuals who filed complaints. It shows an increase in the number of complaints filed over the prior year and a slight increase in the number of filers for the current year. (See Graph 1)

In FY 2013, the number of complaints filed was 544, whereas, in FY 2012, the number of complaints filed was 536. This represents a one percent increase in complaints filed. However, the number of filers in FY 2013 was 512, which is 7 less than the number of filers (519) in FY 2012.

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

<b>Fiscal Years</b>	<b>Number of Complaints</b>	<b>Number of Filers</b>
2012	536	519
2013	544	512

**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 2012 and 2013. 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**

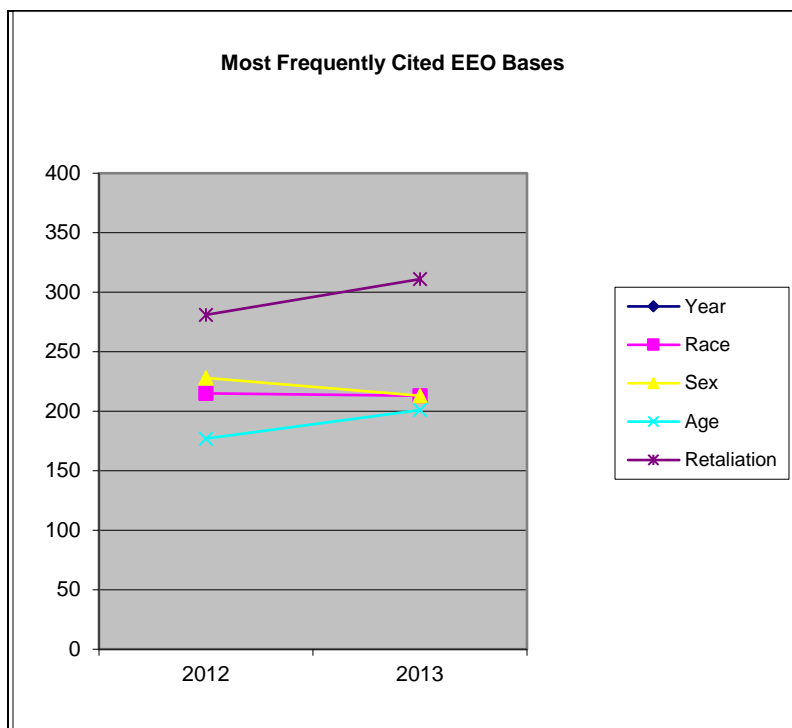
Table 2 provides data on all bases alleged in formal EEO complaints filed with USDA. Of all bases, the four most frequently cited in formal EEO complaints filed in FY 2013 are: (1) retaliation; (2) sex; (3) race; and (4) age. In FY 2012, the four most frequently cited bases were: (1) retaliation; (2) sex; (3) race; and (4) age. These four bases are illustrated in Graph 2, which shows the trend over the two-year reporting period.

**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>2012</b>	215	56	23	228	61	141	177	281	60
<b>2013</b>	213	64	19	213	59	150	201	311	55

\*Other USDA protected bases include marital status, parental status, and sexual orientation, political beliefs, genetic information and familial status. Additionally, the base of sex includes 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. This is true for both FYs 2013 and 2012. The basis of “Retaliation” was cited in 311 formal EEO complaints in FY 2013, compared to 281 complaints in FY 2012, an 11 percent (30 complaints) increase over a two-year period.

### Complaints Alleging Sex Discrimination

“Sex” was the second most frequently alleged basis in formal EEO cases at USDA in FY 2013. The basis of “Sex” was cited in 213 formal EEO complaints in FY 2013, compared to 228 complaints in FY 2012, a 7 percent decrease (15 complaints) over a two-year period.

### Complaints Alleging Race Discrimination

“Race” was the third most frequently alleged basis in formal EEO cases at USDA in FY 2013. The basis of “Race” was cited in 213 formal EEO complaints in FY 2013, compared to 215 complaints in FY 2012, a 1 percent decrease (2 complaints) over a two-year period.

### Complaints Alleging Age Discrimination

“Age” was the fourth most frequently alleged basis in formal EEO cases at USDA in FY 2013. The basis of “Age” was cited in 201 formal EEO complaints in FY 2013, compared to 177 complaints in FY 2012, a 7 percent (22 complaints) increase 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 2012 and 2013. 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 2013 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 2013, with 287 filings. In contrast, “Harassment” had 319 filings in FY 2012 indicating a 10 percent decrease (32 complaints) from FY 2012 to FY 2013.

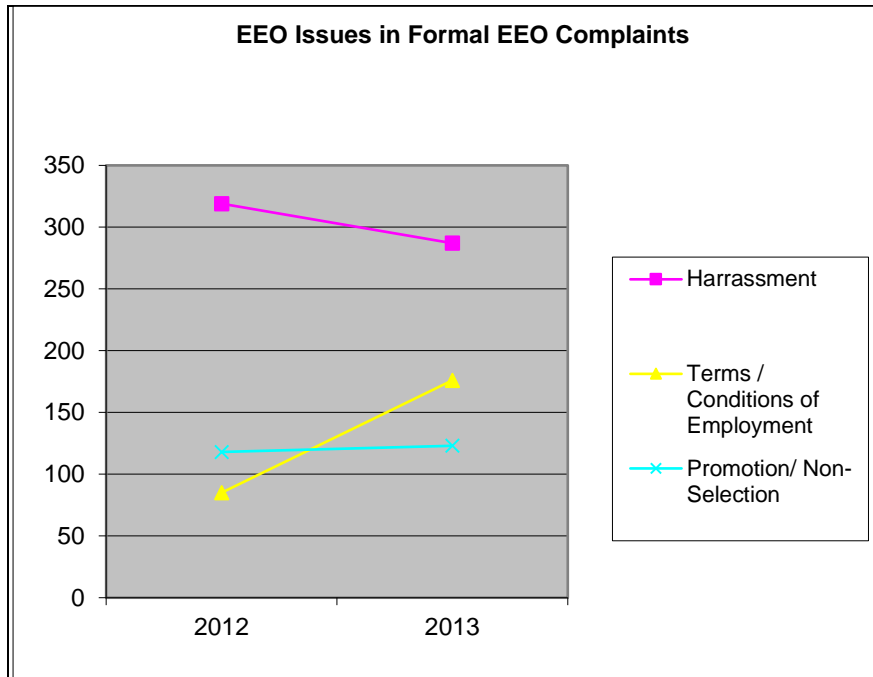
“Terms/Condition of Employment” was the second most frequently cited issue in formal EEO cases in FY 2013, with 176 filings. In contrast, “Terms/Condition of Employment” had only 85 filings in FY 2012 indicating an increase of 107 percent (91 complaints) from FY 2012 to FY 2013.

“Promotion/Non-selection” was the third most frequently cited issue in formal EEO cases in FY 2013, with 123 filings. In contrast, “Promotion/Non-Selection” had 118 filings in FY 2012. There was a four percent increase (5 complaints) from FY 2012 to FY 2013.

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

<b>EEO Issues in Formal EEO Complaints</b>																					
<b>Year</b>	<b>Appointment/Hire</b>	<b>Assignment of Duties</b>	<b>Awards</b>	<b>Conversions to Full Time</b>	<b>Disciplinary Action</b>	<b>Duty Hours</b>	<b>Evaluation/Appraisal</b>	<b>Examination/Test</b>	<b>Reassignment</b>	<b>Training</b>	<b>Time &amp; Attendance</b>	<b>Termination</b>	<b>Medical Examination</b>	<b>Pay/Overtime</b>	<b>Promotion /Non-Selection</b>	<b>Harassment</b>	<b>Reinstatement</b>	<b>Retirement</b>	<b>Terms and Conditions of Employment</b>	<b>Reasonable Accommodation</b>	<b>Other</b>
<b>2012</b>	23	100	22	1	127	15	60	4	46	49	58	35	4	14	118	319	2	2	85	58	61
<b>2013</b>	34	119	24	2	91	11	85	1	52	41	50	40	2	29	123	287	0	2	176	63	26

**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 and 2012. 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.

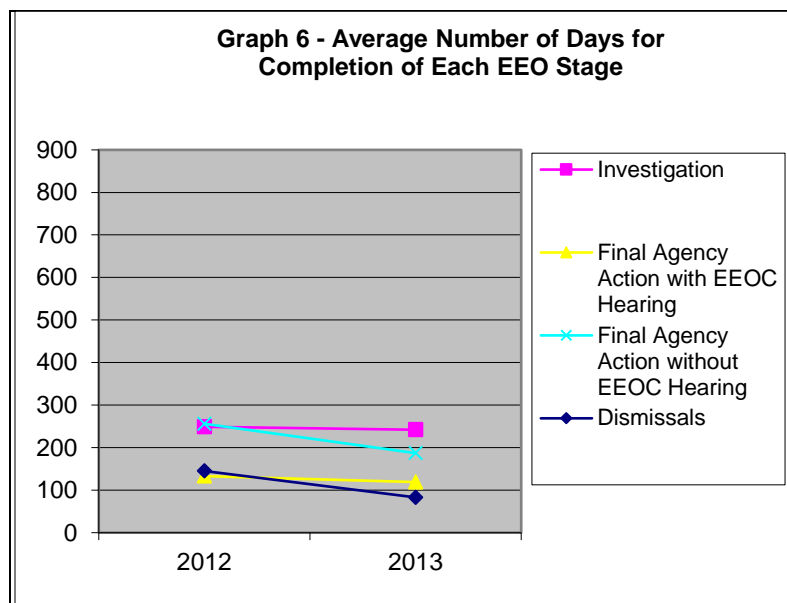
**(1) Average Number of Days for Completion of Selected EEO Stages**

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
2012	249	133	256	145
2013	242	119	187	83

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



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

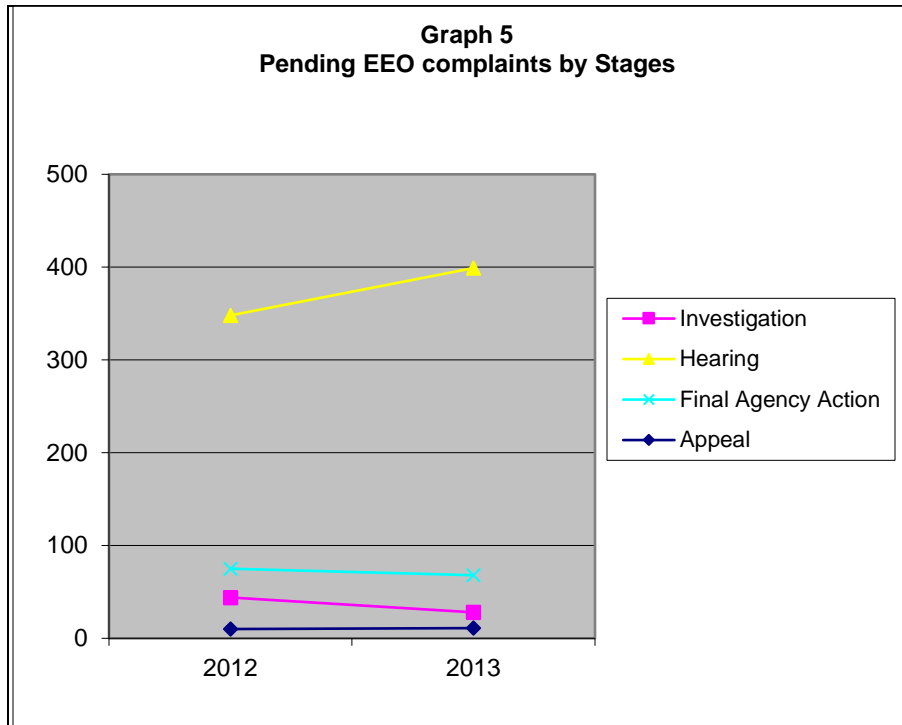
- Table 5 below illustrates the number of pending EEO complaints in FYs 2012 and 2013, at each EEO stage.
- Graph 5 shows a downward trend in pending complaints in Investigations and Final Agency Actions, and an upward trend in pending complaints for Hearings and Appeals.

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

Year	Investigation	Hearing	Final Agency Action	Appeal
2012	44	348	75	10
2013	28	399	68	11



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



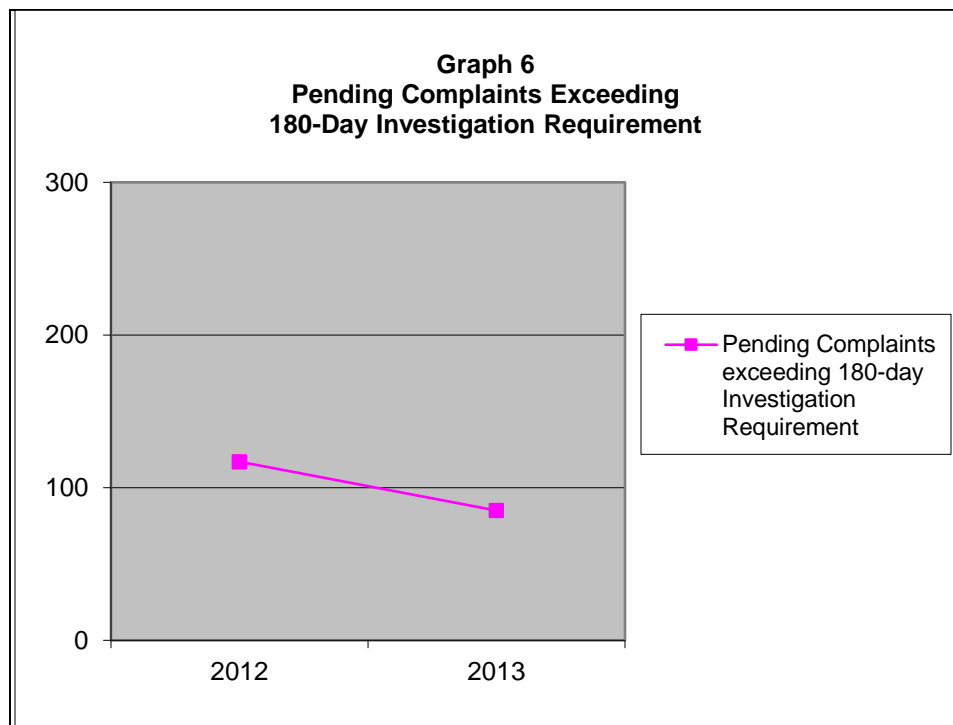
**(3) Pending Formal Complaints Exceeding the 180-Day Investigation Requirement**

Table 6 and Graph 6 show a 27 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>2012</b>	117
<b>2013</b>	85

**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.

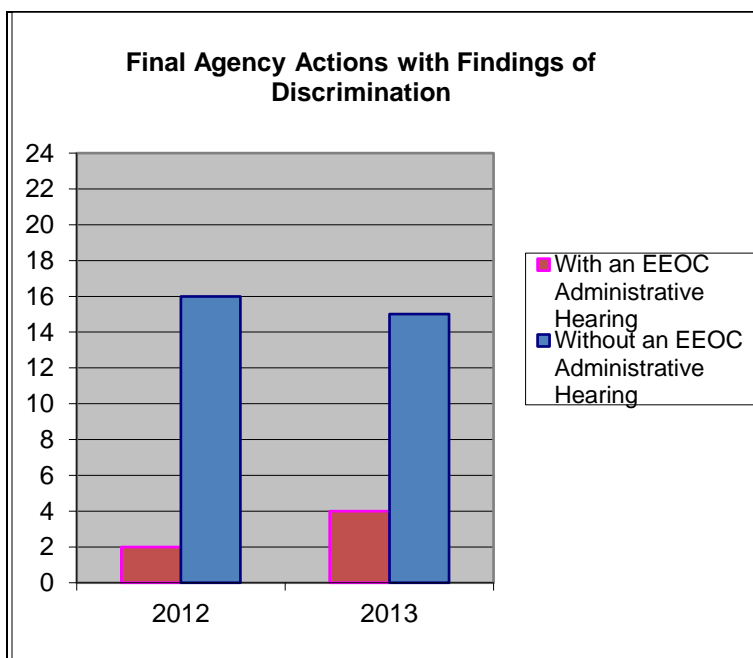
### **Summary of Data**

Table 7 and Graph 7 show that the number of findings of discrimination issued with an EEOC Administrative Hearing increased by two in FY 2013 from FY 2012, and without an EEOC Administrative Hearing decreased by one in FY 2013 from FY 2012.

**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>2012</b>	2	16
<b>2013</b>	4	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 eight in the number of formal complaints filed in FY 2013. Specifically, there were 13 formal complaints filed in FY 2013, as compared to 21 formal complaints filed in FY 2012. AMS attributes the decrease to the reduction in the number of office consolidations or closures, continued civil rights training, and the promotion of ADR to complainants.
2. The Animal and Plant Health Inspection Service (APHIS) reported a decrease by six in the number of complaints filed in FY 2013. Specifically, there were 41 formal complaints filed in FY 2013, as compared to 47 formal complaints filed in FY 2012. APHIS attributes this decrease to increased training of managers and supervisors; restructuring of the complaint process; holding counselors to 30-day deadlines without allowing automatic 90-day extensions; increased use of ADR; and increased involvement of upper management early in the resolution stage.
3. The Agricultural Research Service (ARS) reported a decrease by seven in the number of complaints filed in FY 2013. Specifically, there were 23 formal complaints filed in FY 2013, as compared to 30 formal complaints filed in FY 2012. ARS attributes this decrease to the Agency's on-line and face-to-face training, and updated EEO policies.
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 2013. Specifically, there were 57 formal complaints filed in FY 2013, as compared to 43 formal complaints filed in FY 2012.
5. The Economic Research Service (ERS) reported an increase by three in the number of complaints filed in FY 2013. Specifically, there were three formal complaints filed in FY 2013, as compared to no formal complaints filed in FY 2012. ERS attributes this increase directly to employees now having faith in the complaint process. They now believe that the EEO process will give them a chance to, at a minimum, air their concerns and problems.
6. The Foreign Agricultural Service (FAS) reported an increase by five in the number of complaints filed in FY 2013. Specifically, there were 5 formal complaints filed in FY 2013, as compared to 10 formal complaints filed in FY 2012. FAS attributes the increase to increased marketing and utilization of ADR.
7. The Food and Nutrition Service (FNS) reported a decrease by six in the number of complaints filed in FY 2013. Specifically, there were 13 formal complaints filed in FY 2013, as compared to 7 formal complaints filed in FY 2012. FNS attributes this decrease to substantial reorganization and restructuring within FNS. Over half of the complaints were based on promotion, hiring, or reorganization.

8. The Forest Service (FS) reported an increase by eight in the number of complaints filed in FY 2013. Specifically, there were 179 formal complaints filed in FY 2013, compared to 171 formal complaints filed in FY 2012. FS attributes the increase in formal complaints to a 70 percent increase in repeat filers and increases in complaint filings of reprisal, race, and disability claims.
9. The Farm Service Agency (FSA) reported a decrease by seven in the number of formal EEO complaints filed FY 2013. Specifically, there were 22 formal complaints filed in FY 2013, compared to 29 formal complaints filed in FY 2012. FSA attributes this decrease to employees' awareness about the Agency's EEO complaint processing and training.
10. The Food Safety and Inspection Service (FSIS) reported a decrease by 23 in the number of formal EEO complaints filed in FY 2013. Specifically, there were 45 complaints filed in FY 2013, as compared to 68 formal complaints filed in FY 2012. FSIS attributes this decrease to the Agency's proactive efforts in EEO and Civil Rights training; marketing ADR; promoting employee awareness of EEO issues; and hosting SEP observances geared towards educating its workforce.
11. The Grain Inspection, Packers and Stockyards Administration (GIPSA) reported a decrease by six in the number of formal EEO complaints filed in FY 2013. Specifically, there were three formal complaints filed in FY 2013, as compared to nine formal complaints filed in FY 2012. GIPSA attributes this decrease to an increase in the number of complainants choosing to participate in ADR during the informal process and limited hiring during the year.
12. The National Agricultural Statistics Service (NASS) reported no increase or decrease in the number complaints filed in FY 2013. Specifically, there was one formal complaint filed in FY 2013 and in FY 2012. NASS attributes its low filings to mandatory EEO training on the complaint process for managers, supervisors, and all employees.
13. The National Finance Center, Office of the Chief Financial Officer (NFC-OCFO) reported an increase by seven in the number of formal complaints filed FY 2013. Specifically, there were 29 formal complaints filed in FY 2013, as compared to 22 formal complaints filed in FY 2012. The NFC-OCFO attributed this increase to the fact that 57 percent of the complainants were repeat filers. Additionally, the Agency's employees' union president encouraged members to file complaints rather than use appropriate forums, such as, union grievance, administrative grievance process, and ADR.
14. The National Institute of Food and Agriculture (NIFA) reported no increase or decrease in the number of complaints filed in FY 2013. Specifically, there was one formal complaint filed in FY 2013 and in FY 2012. NIFA attributes the single complaints filing to re-organization and establishment of a new organization required by the Food, Conservation, Energy Act of 2008 (Farm Bill), resulting in reallocation of resources and reassignment of employees.

15. The Natural Resources Conservation Service (NRCS) reported an increase by 3 in the number of formal complaints filed in FY 2013. Specifically, there were 43 formal complaints filed in FY 2013, compared to 40 formal complaints filed in FY 2012. NRCS notes that allegations of workplace discrimination generally tend to rise during economic recessions.
16. The Rural Development (RD) reported an increase by 13 in the number of formal complaints filed in FY 2013. Specifically, there were 49 formal complaints filed in FY 2013, compared to 36 formal complaints in FY 2012. RD attributes this increase to multiple factors, including the reduction in the Agency's workforce as a result of Voluntary Early Retirement Authority and Voluntary Separation Incentive Program; strict budgetary constraints and a hiring freeze imposed upon the agency in FY 2013.
17. The Risk Management Agency (RMA) reported a decrease by one in the number of formal complaints filed in FY 2013. Specifically, there were four complaints filed in FY 2013, compared to five formal complaints filed in FY 2012. RMA attributes the decrease in complaints to changes at the Agency's senior management level, specifically, a new Administrator committed to civil rights.

## **(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:

- involving Deputy Administrators and Directors early in resolution discussions has proven beneficial in the resolution of complaints;
- coordinating with Human Resources and Agency Area offices to ensure consistency in the new employee orientation packages/Research Leader/Supervisory training;
- encouraging the Area Outreach, Diversity and Equal Opportunity Program Managers to be involved in training;
- encouraging supervisors and managers to actively communicate with employees during periods of reorganization and structural change may help reduce inherent anxiety in such situations;
- 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;
- training employees, supervisors, and managers on EEO laws and regulations so that they can make informed decisions;
- conducting on-going compliance reviews that identify EEO-related workplace issues and providing recommendations on how to address those issues before they evolve into EEO complaints;

- holding supervisors and managers accountable for engaging in discriminatory practices in order to deter such conduct in the future;
- collaborating with EEO Advisory Committee members and SEP managers to ensure relevant information is disseminated to their respective employees;
- enhancing the ADR program by adding a new ADR Coordinator and Mediator has contributed to a more confident managers and employees in the ADR process, a long term reduction in the number of EEO complaints filled, and a heightened ability by managers and employees to exercise ADR skills at its lowest levels;
- reducing travel to field offices due to budget constraints greatly hinders the most effective mediation processes;
- enhancing steps in the formal EEO investigation procedures, tracking performance and accountability in complaint processing procedures, conducting annual mandatory EEO and Civil Rights Training has not fixed challenges of management exhibiting alleged practices of discrimination that largely emerge from the non-federal arena (County Employees);
- providing further analysis at the local areas may be needed to identify trends and potential systemic issues; and
- implementing of an employee survey to provide all full time and part time employees with an opportunity to provide feedback has helped identify organizational strengths and areas for improvement.

### **(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:

- conducted staff training to provide managers and supervisors with the context, background, and competencies to execute everyday supervisory responsibilities, in accordance with legal and regulatory framework;
- required employees and staff to complete the Workplace Harassment training in addition to other mandatory training, including AgLearn;
- developed a Conflict Prevention Program expanding the principals of ADR to encompass all informal conflicts before they become EEO complaints;

- provided internal compliance reviews to evaluate their civil rights and equal opportunity policies, procedures and practices;
- started a cultural assessment that will lay the foundation for meaningful change in the current practices;
- conducted trends analysis of systemic bases, claims and barriers, and develop desired learning objectives for Civil Rights Training;
- requested from Senior Management the appropriate number of Full-Time Employees to conduct EEO Complaint processing, Informal/Formal ADR/Mediation/Settlements Agreements, EEOC Hearing Preparations, Special Emphasis Observances/Programs, and Quarterly/Annual Mandatory Civil Rights Reporting;
- requested Senior Management assistance in ensuring all units involved in EEO Complaint processing implement performance standards on all EEO practitioners to meet the standards as outlined in 29 C.F.R. 1614 and MD-110;
- refocused foundation for measuring “Real Performance” improvements;
- distributed Civil Rights information regularly to all employees via email messages to ensure the latest awareness of prohibited personnel practices and/or procedures;
- coordinated staff to improve effectiveness of partnership with OASCR staff members to ensure inventory of Formal EEO Complaint data is correct;
- determined the training needs of the workforce by conducting a training needs assessment, reviewing prior years’ reports (e.g., MD-715, 462, Compliance Reports, etc.), and complaint data;
- met with the local Union and discussed the importance of ADR to resolve workplace issues as they prepare to share dialog with management to proactively address the concern and issues of workforce change-over and departmental vision for workforce;
- ensured prompt and impartial complaint processing and hold managers, supervisors and employees for a workplace that is free from discrimination. NASS will continue to work towards developing a model EEO workplace where employees can work in an environment free from discrimination and harassment;
- ensured policy complies with current regulatory requirements and that those policies are clearly understood by all employees;
- encouraging the use of EEO ADR to help resolve complaints and workplace issues at the earliest stage possible;



- undergoing a redesign with a focus on building an organizational structure that will improve services and efficiencies by reshaping the Agency's outreach and recruitment, Reasonable Accommodations, ADR, national reporting, EEO and ER integration for optimal performance;
- will hold quarterly meetings with Agency Heads, Administrators, and State Directors to discuss complaint activity, in a continued effort to strengthen communications, identify trends, and continually evaluate the possibility of early resolution; and
- continuing to conduct Civil Rights Compliance Reviews for identifying strengths and/or weaknesses in the EEO program.

## **PART II**

# **USDA Reimbursement to Judgment Fund for Fiscal Year 2013**

## USDA Reimbursement to Judgment Fund for Fiscal Year 2013

### Introduction

Table 8 below provides information on reimbursements by USDA to the Department of Treasury's Judgment Fund for monies associated with FY 2013 judgments, awards, or settlements under the statutes addressed in the No FEAR Act.

**Table 8**  
**USDA Reimbursement to Judgment Fund for FY 2013 Settlements**

<b>USDA Reimbursement to Judgment Fund For FY 2013 Settlements</b>		
<b>Case</b>	<b>Total Amount</b>	<b>Attorney's Fees</b>
1	\$475,000.00	\$0
2	\$70,000.00	\$0
3	\$12,500.00	\$0
4	\$10,000.00	\$0
5		\$6,000.00
<b>Total</b>	<b>\$567,500.00</b>	<b>\$6,000.00</b>

### Summary

In FY 2013, USDA reimbursed the Judgment Fund \$567,500, of which \$6,000 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 2012 – 2013**

**USDA Disciplinary Actions and Reports for  
Fiscal Years 2012–2013**

**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 2012</b>						<b>FY 2013</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
<b>15 DAY OR MORE</b>							0	0	0	0	0	0
<b>14 DAY OR LESS</b>	2	2	4	1		9	0	0	0	0	0	0
<b>REDUCTION IN GRADE</b>							0	0	0	0	0	0
<b>REDUCTION IN PAY</b>							0	0	0	0	0	0
<b>LOR</b>	2		1			3	5	0	7	0	0	12
<b>TOTAL DISCIPLINE</b>	4	2	5	1		12	5	0	7	0	0	12

**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>CATEGORIES OF CASES</b>	<b>OFFICE OF SPECIAL COUNSEL CASES</b>		
	<b>FY 2012</b>	<b>FY 2013</b>	<b>TOTAL</b>
<b>OSC WHISTLEBLOWER CASE</b>	12	4	16
<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. There is a "Zero Tolerance" policy for acts of discrimination, harassment, or reprisal of any kind. It is USDA policy to pursue appropriate administrative action against anyone who is found to have engaged in such activities. 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. Civil Rights and Human Resources staffs 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 Office of Human Resources Management (OHRM) reviews the disciplinary or corrective actions taken by each agency in cases involving discrimination, harassment, or reprisal. 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.

In May 2010, USDA started an initiative to provide increased oversight of cases involving violation of anti-discrimination and whistleblower protection laws where liability was found against the Department. As part of that initiative, OHRM established the Equal Opportunity Accountability Unit (EOAU) with the primary mission of ensuring that USDA personnel are held accountable and responsible for their actions. The EOAU raises awareness and ensures that individuals in decision-making positions implement appropriate corrective actions when it is determined that a violation of this nature has occurred. The EOAU is also responsible for the implementation of program improvements to make certain that USDA continues to provide its services in a non-discriminatory manner. The initiative has been effective in ensuring that all USDA personnel are held accountable and responsible for their actions, to implement program improvements, to ensure that all services are available in a non-discriminatory manner, and in raising awareness of individuals in positions of authority to make responsible decisions. The initiative has resulted in an increase in the number of instances where individuals are now being held accountable for action or inaction that resulted in a finding of discrimination and/or significant liability to USDA.

In October 2007, OHRM updated Departmental Regulation (DR) 4070-735-001, Employee Responsibility and Conduct. The updated DR works in conjunction with government-wide ethics regulations and establishes guidelines and requirements for USDA employees. Specifically, it prohibits employees from engaging in workplace harassment, sexually inappropriate conduct, retaliation in response to protected activities, creating a hostile work environment, or illegal discrimination. The updated DR also requires that each employee receive a copy to ensure that they are fully aware of the responsibility and conduct standards for the Department.

In January 2006, the USDA Office of Civil Rights and OHRM issued DR-4300-010, Civil Rights Accountability Policy and Procedures. The purpose of this directive is to make certain that employees are held accountable for discriminatory or related misconduct and outlines management's obligation to take appropriate corrective action against those who have engaged in these prohibited acts. This policy also requires that all USDA employees be made aware of its contents.

In addition to Department-wide policies and initiatives, USDA Mission Areas have taken steps to improve the civil rights environment throughout their respective subordinate agencies. The most recent initiatives are: the Leadership Accountability Action Plan which was updated by the FS in 2011, and a newly established Policy on EEO which was implemented by the Office of the Chief Financial Officer in 2011. These initiatives complement the overall Departmental policy of increased accountability. The following is a list of other current policies by Agency:

Food, Nutrition and Consumer Services

FNS & CNPP Harassment Prevention Policy 2009-3

FNS & CNPP Civil Rights Policy 2009-2

Food Safety

Directive 4735.3; Employee Responsibilities and Conduct

Natural Resources and Environment

Forest Service Civil Rights Policy Statement

Forest Service Anti-Harassment Policy

Research, Education and Economics

Policy & Procedure 461.5; Misconduct, Discipline, and Adverse Actions

Rural Development

RD Instruction 2045-GG; Disciplinary and Adverse Actions, Performance-Based Actions, and Probationary Terminations

## **PART IV**

# **USDA Federal Court Litigation Statistics for Fiscal Year 2013**



The following tables provide composite data for cases in Federal Court pending or resolved in FY 2013 and arising under the anti-discrimination and whistleblower protection laws.

**Table 11  
Federal Cases Pending in FY 2013**

<b>Federal Cases Pending in FY 2013</b>	
Pending District Court Cases	52
Pending Appellate Court Cases	10
New Cases Filed in District Court	23
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 2013	0	0	4*	5*	16**
Still Pending at end of FY 2013	1	0	3*	12*	30***
* More than one basis alleged in 2 cases.					
** More than one basis alleged in 3 cases.					
*** More than one basis alleged in 8 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	0	3***
Withdrawals	0	0	0	0	0
Final Judgment for Complainant	0	0	1***	3	3
Final Judgment for Agency	0	0	0	0	0
*** More than one basis alleged in 1 case.					

# Appendix

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

USDA  
2013 for period ending September 30, 2013

Complaint Activity	Comparative Data				
	Previous Fiscal Year Data				
	2009	2010	2011	2012	2013
Number of Complaints Filed	528	473	525	536	544
Number of Complainants	394	461	509	519	512
Repeat Filers	21	7	12	12	26
Complaints by Basis	Comparative Data				
	Previous Fiscal Year Data				
	2009	2010	2011	2012	2013
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2009	2010	2011	2012	2013
Race	181	166	221	215	213
Color	44	23	32	56	64
Religion	13	16	21	23	19
Reprisal	248	181	242	281	311
Sex	178	159	207	228	213
PDA	0	0	0	0	2
National Origin	61	49	57	61	59
Equal Pay Act	3	1	4	3	8
Age	168	157	191	177	201
Disability	91	97	104	141	150
Genetics	0	0	0	2	3
Non-EEO	33	44	42	55	42

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>	2009	2010	2011	2012	2013
Appointment/Hire	20	23	38	23	34
Assignment of Duties	80	51	62	100	119
Awards	21	11	20	22	24
Conversion to Full-time	0	1	0	1	2
<b>Disciplinary Action</b>					
Demotion	4	5	3	7	3
Reprimand	25	13	24	42	28
Suspension	23	26	19	40	30
Removal	7	6	5	10	13
Other	11	8	10	28	17
Duty Hours	9	5	6	15	11
Evaluation Appraisal	66	59	64	60	85
Examination/Test	2	1	1	4	1
<b>Harassment</b>					
Non-Sexual	237	177	224	303	275
Sexual	15	13	23	16	12
Medical Examination	0	1	0	4	2
Pay (Including Overtime)	5	10	13	14	29
Promotion/Non-Selection	117	103	135	118	123
<b>Reassignment</b>					
Denied	10	5	8	13	19

Directed	35	20	20	33	33
Reasonable Accommodation	28	32	36	58	63
Reinstatement	1	2	1	2	0
Retirement	6	1	6	2	2
Termination	35	34	39	35	40
Terms/Conditions of Employment	49	38	52	85	176
Time and Attendance	31	22	28	58	50
Training	35	22	27	49	41
Other	57	64	60	61	26
<b>Processing Time</b>	<b>Comparative Data</b>				
	<b>Previous Fiscal Year Data</b>				
	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Complaints pending during fiscal year					
Average number of days in investigation	160.67	314.71	295.88	248.60	242.05
Average number of days in final action	677.81	626.85	360.54	214.93	165.94
Complaint pending during fiscal year where hearing was requested					
Average number of days in investigation	280.60	281.79	282.63	235.23	247.31
Average number of days in final action	176.76	189.78	182.83	133.49	119.33
Complaint pending during fiscal year where hearing was not requested					
Average number of days in investigation	256.26	335.43	304.05	273.79	233.21
Average number of days in final action	825.73	817.92	416.86	255.96	187.19

Complaints Dismissed by Agency	Comparative Data									
	Previous Fiscal Year Data									
	2009		2010		2011		2012		2013	
Total Complaints Dismissed by Agency	54		39		56		45		67	
Average days pending prior to dismissal	248		257		119		145		83	
Complaints Withdrawn by Complainants										
Total Complaints Withdrawn by Complainants	24		24		33		31		29	
Total Final Agency Actions Finding Discrimination	Comparative Data									
	Previous Fiscal Year Data									
	2009		2010		2011		2012		2013	
	#	%	#	%	#	%	#	%	#	%
Total Number Findings	15		27		32		17		19	
Without Hearing	13	87	22	81	29	91	16	94	15	79
With Hearing	2	13	5	19	3	9	2 <sup>1</sup>	6	4	21

Findings of Discrimination Rendered by Basis	Comparative Data									
	Previous Fiscal Year Data									
	2009		2010		2011		2012		2013	
<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>	15		27		32		17		19	
Race	4	27	7	26	2	6	6	35	2	11
Color	0	0	2	7	0	0	0	0	2	11
Religion	0	0	0	0	0	0	0	0	0	0

<sup>1</sup> This number has subsequently increased by one due to database reconciliation efforts.

Reprisal	4	27	12	44	11	34	6	35	6	32
Sex	6	40	5	19	5	16	2	12	5	26
PDA	0	0	0	0	0	0	0	0	0	0
National Origin	1	7	1	4	0	0	1	6	3	16
Equal Pay Act	0	0	0	0	0	0	0	0	0	0
Age	7	47	9	33	12	38	4	24	6	32
Disability	2	13	5	19	10	31	6	35	6	32
Genetics	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	1	4	0	0	0	0	3	16
<b>Findings After Hearing</b>										
	2		5		3		1		4	
Race	1	50	2	40	0	0	0	0	2	50
Color	0	0	0	0	0	0	0	0	2	50
Religion	0	0	0	0	0	0	0	0	0	0
Reprisal	1	50	3	60	2	67	1	100	0	0
Sex	1	50	2	40	0	0	0	0	1	25
PDA	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0
Age	0	0	3	60	0	0	0	0	3	75
Disability	0	0	1	20	1	33	0	0	1	25
Genetics	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	2	50
<b>Findings Without Hearing</b>										
	8		17		27		16		15	
Race	3	38	1	6	2	7	6	38	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	0	0	0	0	6	40
Sex	0	0	7	44	5	22	5	31	4	27
PDA	2	25	2	13	4	17	2	13	0	0
National Origin	0	0	0	0	0	0	0	0	3	20
Equal Pay Act	1	13	1	6	0	0	1	6	0	0
Age	0	0	0	0	0	0	0	0	3	20
Disability	6	75	5	31	11	48	4	25	5	33
Genetics	2	25	3	19	8	35	6	38	0	0
Non-EEO	0	0	0	0	0	0	0	0	1	7
<b>Findings of Discrimination Rendered by Issue</b>	<b>Comparative Data</b>									
	<b>Previous Fiscal Year Data</b>									
	<b>2009</b>		<b>2010</b>		<b>2011</b>		<b>2012</b>		<b>2013</b>	
	#	%	#	%	#	%	#	%	#	%
<b>Total Number Findings</b>	15		27		32		17		19	
Appointment/Hire	0	0	0	0	0	0	0	0	2	11
Assignment of Duties	0	0	2	7	4	13	2	12	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
<b>Disciplinary Action</b>										
Demotion	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0
Suspension	1	7	1	4	2	6	0	0	2	11
Removal	0	0	1	4	0	0	0	0	1	5
Other	0	0	0	0	0	0	1	6	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	1	7	0	0	3	9	3	18	0	0



Examination/Test	0	0	0	0	0	0	0	0	0	0
Harassment										
Non-Sexual	1	7	12	44	16	50	8	47	5	26
Sexual	0	0	0	0	0	0	1	6	1	5
Medical Examination	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	1	7	0	0	1	3	1	6	0	0
Promotion/Non-Selection	10	67	4	15	7	22	1	6	4	21
Reassignment										
Denied	0	0	0	0	2	6	1	6	0	0
Directed	1	7	1	4	6	19	1	6	1	5
Reasonable Accommodation	0	0	3	11	4	13	4	24	3	16
Reinstatement	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	1	4	1	3	0	0	0	0
Termination	1	7	1	4	2	6	1	6	3	16
Terms/Conditions of Employment	1	7	0	0	2	6	0	0	2	11
Time and Attendance	0	0	1	4	3	9	3	18	2	11
Training	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	3	11	0	0	1	6	2	11
<b>Findings After Hearing</b>	2		5		3		2		4	
Appointment/Hire	0	0	0	0	0	0	0	0	1	25
Assignment of Duties	0	0	0	0	2	67	0	0	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	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	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0
Harassment										
Non-Sexual	0	0	2	40	1	33	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	1	50	2	40	0	0	0	0	1	25
Reassignment										
Denied	0	0	0	0	0	0	0	0	0	0
Directed	1	50	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	1	25
Reinstatement	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	1	20	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	1	25
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	1	100	0	0
Training	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	0	0	0	0

<b>Findings Without Hearing</b>	13		22		29		16		<u>15</u>	
Appointment/Hire	0	0	0	0	0	0	0	0	<u>1</u>	<u>7</u>
Assignment of Duties	0	0	2	9	2	7	2	13	0	0
Awards	0	0	0	0	0	0	0	0	<u>0</u>	<u>0</u>
Conversion to Full-time	0	0	0	0	0	0	0	0	<u>0</u>	<u>0</u>
<b>Disciplinary Action</b>										
Demotion	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0
Suspension	1	8	1	5	2	7	0	0	2	13
Removal	0	0	1	5	0	0	0	0	1	7
Other	0	0	0	0	0	0	1	6	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	1	8	0	0	3	10	3	19	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0
<b>Harassment</b>										
Non-Sexual	1	8	10	45	15	52	8	50	5	33
Sexual	0	0	0	0	0	0	1	6	1	7
Medical Examination	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	1	8	0	0	1	3	1	6	0	0
Promotion/Non-Selection	9	69	2	9	7	24	1	6	3	20
<b>Reassignment</b>										
Denied	0	0	0	0	2	7	1	6	0	0
Directed	0	0	1	5	6	21	1	6	1	7
Reasonable Accommodation	0	0	3	14	4	14	4	25	2	13
Reinstatement	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	1	3	0	0	0	0

Termination	1	8	1	5	2	7	1	6	2	13
Terms/Conditions of Employment	1	8	0	0	2	7	0	0	2	13
Time and Attendance	0	0	1	5	3	10	2	13	2	13
Training	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	3	14	0	0	1	6	2	13

<b>Pending Complaints Filed in Previous Fiscal Years by Status</b>	<b>Comparative Data</b>				
	<b>Previous Fiscal Year Data</b>				
	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Total complaints from previous Fiscal Years	1210	939	837	884	956
Total Complainants	932	696	706	797	885
<b>Number complaints pending</b>					
Investigation	89	81	63	44	28
ROI issued, pending Complainant's action	1	7	12	5	1
Hearing	300	228	290	348	399
Final Agency Action	109	88	80	75	68
Appeal with EEOC Office of Federal Operations	24	28	30	10	11
<b>Complaint Investigations</b>	<b>Comparative Data</b>				
	<b>Previous Fiscal Year Data</b>				
	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Pending Complaints Where Investigations Exceed Required Time Frames	171	176	161	117	85