



Highlights of [GAO-03-462](#), a report to congressional requesters

## ENVIRONMENTAL PROTECTION AGENCY

# Continued Improvement Needed in Assessing Equal Employment Opportunity

### Why GAO Did This Study

Minority employees at the EPA reported for a number of years that the agency had discriminated against them based on their race and retaliated against them for filing complaints. These issues were aired at hearings held by the House Committee on Science at which EPA said it would take actions to ensure a fair and discrimination free workplace. GAO was asked to review (1) the accuracy of EPA's EEO data, (2) various issues about the processes used to resolve discrimination complaints, and (3) the disciplinary actions taken for managers who discriminate.

### What GAO Recommends

GAO recommends that EPA

- evaluate its new EEO software system to ensure it results in a reliable system for tracking cases and accumulating accountability data,
- finalize standard operating procedures for EEO complaint processing, and
- develop a process to assess all cases in which discrimination is found or allegations of discrimination are settled to determine whether managers, or other employees, should be disciplined.

In commenting on the report, EPA said it would develop policies for disciplining managers found to discriminate but did not comment on the other recommendations.

[www.gao.gov/cgi-bin/getrpt?GAO-03-462](http://www.gao.gov/cgi-bin/getrpt?GAO-03-462).

To view the full report, including the scope and methodology, click on the link above. For more information, contact Victor S. Rezendez at (202)-512-6806 or [rezendezv@gao.gov](mailto:rezendezv@gao.gov)

### What GAO Found

EPA had difficulty providing accurate EEO data because of a data system that the agency believes was unreliable and was further compromised by data entry problems. When GAO identified problems with the information EPA provided, the agency manually reconstructed data for fiscal years 1995 through 2002. The reconstructed data indicate that during this period 548 EPA employees filed 679 discrimination complaints, and the agency closed 588 complaints. Complaints were closed with 125 dismissals, 48 withdrawals, 178 settlements, 5 remands, and 222 agency decisions not supporting the claimant. GAO cannot attest to the accuracy of these numbers but believes they are indicative of the situation at EPA. EPA recently procured new software to facilitate accurate tracking and reporting of EEO information and believes the software will rectify data problems.

EPA has never had official standard operating procedures for complaint processing, which are required by regulation. Rather, EPA said that complaints were processed under general guidance provided by the Equal Employment Opportunity Commission (EEOC) until draft procedures, prepared in July 2001, were put into use.

EPA has taken a long time to process discrimination complaints with cases averaging 650 days from filing to closing over fiscal years 1995-2002. A major contributing factor was that investigations, which are supposed to be done in 180 days, averaged a total of 465 days. The firms used by EPA failed to conduct thorough investigations and their reports did not provide complete or factual accounts of the incidents leading to the complaints. As a result, investigations often had to be redone, adding to the amount of time needed to complete them. Over the last year, EPA has discontinued the use of these firms and contracted with new ones that it believes are doing a much better job. EPA has also increased its own staffing for EEO matters to try to reduce processing times.

EPA does not have a specific process for determining whether managers involved in discrimination complaints did in fact discriminate and if so whether managers should be disciplined. EPA officials told us that they have relied on training to rectify and prevent discriminatory conduct. Other agencies have formal processes to evaluate each case in which discrimination is found or a complaint is settled to determine whether discipline is warranted. EPA will be required to collect and report the number of agency employees disciplined for discrimination or harassment under the provisions of the Notification and Federal Employee Anti-Discrimination and Retaliation Act, effective in October 2003. A process like those in place at other agencies should also help EPA meet this requirement.