

Equal Employment Opportunity Data Posted Pursuant to the No Fear Act: Appeals

Pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the No Fear Act), Pub. L. 107-174, the Commission is posting the statistical data pertaining to appeals of complaints of employment discrimination filed by employees, former employees, and applicants for employment under 29 CFR Part 1614.

The following table contains the data required by Sections 1614.706(b)(1), (b)(2), and (b)(3) concerning: the number of appeals filed in such fiscal year; the number of individuals filing those appeals; and, the number of individuals who filed two or more of those appeals.

No Fear regulation citation	Data Element	FISCAL YEAR					
		FY 2004 3rd Quarter	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
706(b)(1)	No. of Appeals filed in FY	5711	7035	6725	6894	7575	8690
706(b)(2)	No. of Individuals filing appeals	5064	5946	5632	5762	6346	6902
706(b)(3)	No. of individuals filing multiple appeals	528	856	751	828	957	1029

The following table contains the data required by Section 1614.706(b)(4) concerning the number of those appeals raising each of the various bases of alleged discrimination. Because appeals may contain multiple bases, the total number of bases in any fiscal year may exceed the total number of appeals received in that year. In addition, for FY 2004, because of the lag time between the filing of an appeal and the receipt of the complaint file from the agency, the Commission has insufficient information to identify all issues and bases contained in appeals at this time. This information will be updated next quarter as the complaint files are received from agencies. In addition, we identified certain errors in the 2nd quarter posted data which have been corrected and we are now providing the corrected cumulative data.

No Fear regulation citation	Data Element	FISCAL YEAR					
		FY 2004 3rd Quarter	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
706(b)(4)	No. of appeals raising various bases						
	Race	1055	2099	2529	2544	2763	3026
	Color	22	30	45	90	152	659
	Religion	124	239	311	288	353	335
	Sex	1024	1982	2300	2393	2682	2834
	National Origin	347	671	759	819	884	786
	Age	813	1395	1658	1657	1844	1888
	Disability	833	1592	1915	1858	1965	2185
Reprisal	1189	2280	2709	2748	3155	3584	

The following table contains the data required by Section 1614.706(b)(5) concerning the number of those appeals raising each of the various issues of alleged discrimination. Because appeals may contain multiple bases and issues, the total number of issues or bases in any fiscal year may exceed the total number of appeals received in that year. In addition, for FY 2004, because of the lag time between the filing of an appeal and the receipt of the complaint file from the agency, the Commission has insufficient information to identify all issues and bases contained in appeals at this time. This information will be updated next quarter as the complaint files are received from agencies. In addition, we identified certain errors in the 2nd quarter posted data which have been corrected and we are now providing the corrected cumulative data.

No FEAR regulation citation	Data Element	FISCAL YEAR					
		FY 2004 3rd Quarter	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
706(b)(5)	No. of appeals raising various issues						
	Appointment/ Hire	56	113	168	215	236	378
	Assignment of Duties	185	367	495	566	678	880
	Awards	42	90	118	116	110	119
	Conversion to Full-time	n/a	n/a	n/a	n/a	n/a	n/a
	Discipline / Demotion	18	44	36	58	61	74
	Discipline / Reprimand	46	84	119	78	93	16
	Discipline / Suspension	92	219	262	232	244	45

Discipline / Removal	374	671	729	803	803	794
Duty Hours	57	78	100	117	117	30
Evaluation / Appraisal	98	226	351	333	414	481
Examination / Test	4	10	14	17	13	3
Harassment / Non-sexual	1054	2137	2275	2154	2096	2752
Harassment / Sexual	69	188	206	219	246	246
Medical Exam	11	28	34	37	28	12
Pay / Overtime	154	250	266	298	288	288
Promotion / Non-selection	501	953	1271	1105	1164	871
Reassignment / Denied	70	172	194	163	144	28
Reassignment / Directed	n/a	n/a	n/a	n/a	n/a	n/a
Reasonable Accommodation	188	353	417	414	361	334
Reinstatement	9	36	37	47	44	13
Retirement	18	31	43	45	33	5
Termination	n/a	n/a	n/a	n/a	n/a	n/a
Terms / condition of employment	229	448	512	566	608	1019
Time / attendance	171	350	428	411	463	414
Training	55	132	174	189	207	239
Other	378	895	1332	1339	1629	2125

The following table contains the data required by Section 1614.706(b)(6) concerning the average length of time it has taken EEOC to issue appellate decisions for all appeals pending for any length of time during such fiscal year; all appeals pending for any length of time during such fiscal year in which a hearing was not requested; and, appeals pending for any length of time during such fiscal year in which a hearing was requested.

No FEAR regulation citation		FISCAL YEAR					
		FY 2004 3rd Quarter	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
706(b)(6)	Average Processing Time for Appeals						
	All Appeals	219	285	467	447	420	461
	Appeals without Hearing	202	261	427	441	406	425
	Appeals with Hearing	256	334	563	470	481	612

The following table contains the data required by Sections 1614.706(b)(7)(i), (ii), and (iii), concerning the total number of appellate decisions issued during the fiscal year involving a finding of discrimination; the number and percentage that involved a final action by an agency rendered without a hearing; and, the number and percentage that involved a final action by an agency after a hearing.

No FEAR regulation citation	Data Element	FISCAL YEAR											
		FY 2004 3rd Quarter		FY 2003		FY 2002		FY 2001		FY 2000		FY 1999	
		#	%	#	%	#	%	#	%	#	%	#	%
706(b)(7)(i)	Findings of discrimination -Total	154		218		228		199		150		214	
706(b)(7)(ii)	Findings of discrimination - agency action without hearing	39	25%	57	26%	80	35%	86	43%	64	43%	37	17%
706(b)(7)(iii)	Findings of discrimination - agency action after hearing	115	75%	161	74%	148	65%	113	57%	86	57%	177	83%

The following three tables contain the data required by Sections 1614.706(b)(8)(i), (ii), and (iii), concerning the number and percentage of the findings of discrimination based on each respective basis of discrimination; the number and percentage for each respective basis that involved a final action rendered by an agency without a hearing; and, the number and percentage for each respective basis that involved a final action rendered by an agency after a hearing.

No FEAR regulation citation	Data Element	FISCAL YEAR											
		FY 2004 3rd Quarter		FY 2003		FY 2002		FY 2001		FY 2000		FY 1999	
		#	%	#	%	#	%	#	%	#	%	#	%
706(b)(8)(i)	Total findings of discrimination	154		218		228		199		150		214	
	Race	38	24%	40	18%	51	22%	30	15%	45	30%	62	29%
	Color	0	0	2	1%	3	1%	0	0	5	3%	9	4%
	Religion	3	2%	2	1%	7	3%	10	5%	8	5%	4	2%
	Sex	28	18%	48	22%	63	28%	46	23%	58	39%	52	24%
	National Origin	11	7%	12	6%	18	8%	8	4%	21	14%	13	6%
	Age	16	10%	21	10%	16	7%	15	8%	31	21%	19	9%
	Disability	37	24%	70	32%	63	28%	79	40%	43	29%	67	31%
	Reprisal	55	36%	77	35%	85	37%	52	26%	63	42%	60	28%

* Because the EEOC frequently finds discrimination on multiple bases, the percentage of bases to total findings is greater than 100%.

No FEAR regulation citation	Data Element	FISCAL YEAR											
		FY 2004 3rd Quarter		FY 2003		FY 2002		FY 2001		FY 2000		FY 1999	
		#	%	#	%	#	%	#	%	#	%	#	%
706(b)(8)(ii)	Total findings of discrimination-agency final action without a Hearing	39		57		80		86		64		37	
	Race	9	23%	8	14%	10	13%	8	9%	20	31%	11	30%
	Color	0	0	0	0	1	1%	0	0	3	5%	0	0
	Religion	2	5%	1	2%	3	4%	1	1%	7	11%	0	0
	Sex	7	18%	14	25%	23	29%	15	17%	21	33%	11	30%
	National Origin	4	10%	3	5%	7	9%	3	4%	12	19%	1	3%
	Age	4	10%	5	9%	6	8%	6	7%	13	20%	4	11%
	Disability	14	36%	20	35%	22	27%	38	44%	20	31%	8	22%
	Reprisal	10	26%	14	24%	24	30%	26	30%	34	53%	10	27%

* Because the EEOC frequently finds discrimination on multiple bases, the percentage of bases to total findings is greater than 100%.

No FEAR regulation citation	Data Element	FISCAL YEAR											
		FY 2004 3rd Quarter		FY 2003		FY 2002		FY 2001		FY 2000		FY 1999	
		#	%	#	%	#	%	#	%	#	%	#	%
706(b)(8)(iii)	Total findings of discrimination-Agency final action after a Hearing	115		161		148		113		86		177	
	Race	29	25%	32	20%	38	26%	22	19%	25	29%	51	29%
	Color	0	0	2	1%	2	1%	0	0	2	2%	9	5%
	Religion	1	1%	1	1%	4	3%	9	8%	1	1%	4	2%
	Sex	21	18%	34	21%	40	27%	31	27%	37	43%	41	23%
	National Origin	7	6%	9	6%	11	7%	5	4%	9	10%	12	7%
	Age	12	10%	16	10%	10	7%	9	8%	18	21%	15	8%
	Disability	23	20%	50	31%	41	28%	41	36%	23	27%	59	33%
	Reprisal	45	40%	63	39%	61	41%	26	23%	29	34%	50	28%

* Because the EEOC frequently finds discrimination on multiple bases, the percentage of bases to total findings is greater than 100%.

The following tables contain the data required by Sections 1614.706(b)(9)(i), (ii), and (iii), concerning the number and percentage of the findings of discrimination for each respective issue of discrimination; the number and percentage for each respective issue that involved a final action rendered by an agency without a hearing; and, the number and percentage for each respective issue that involved a final action rendered by an agency after a hearing.

No FEAR regulation citation	Data Element	FISCAL YEAR											
		FY 2004 3rd Quarter		FY 2003		FY 2002		FY 2001		FY 2000		FY 1999	
		#	%	#	%	#	%	#	%	#	%	#	%
706(b)(9)(i)	Total appellate findings of discrimination	154		218		228		199		150		214	
	Appointment/ Hire	4	3%	9	4%	14	6%	6	3%	8	5%	27	13%
	Assignment of Duties	11	7%	12	6%	24	11%	17	9%	15	10%	39	18%

Awards	4	3%	5	2%	4	2%	1	0.5%	1	0.6%	4	2%
Conversion to Full-time	n/a		n/a		n/a		n/a		n/a		n/a	
Discipline/ Demotion	1	1%	3	1%	1	0.4%	1	0.5%	1	0.6%	5	2%
Discipline/ Reprimand	2	1%	2	1%	4	2%	0	0%	0	0%	0	0%
Discipline/ Suspension	3	2%	6	3%	4	2%	1	0.5%	1	0.6%	0	0%
Discipline/ Removal	18	12%	24	11%	16	7%	23	12%	23	15%	27	13%
Duty Hours	4	3%	2	1%	1	0.4%	0	0%	0	0%	0	0%
Evaluation/ Appraisal	7	5%	8	4%	18	8%	5	3%	10	7%	17	8%
Examination/ Test	0	0%	0	0%	0	0	0	0%	0	0%	0	0%
Harassment/ Non-sexual	57	37%	53	24%	48	21%	51	26%	33	22%	61	29%
Harassment/ Sexual	11	7%	13	6%	18	8%	12	6%	16	11%	10	5%
Medical Exam	1	1%	4	2%	3	1%	1	0.5%	1	0.6%	0	0%
Pay/Overtime	7	5%	6	3%	6	3%	12	6%	8	5%	6	3%
Promotion/ Non-selection	63	41%	51	23%	38	17%	31	16%	25	17%	40	19%
Reassignment/ Denied	9	6%	6	3%	6	3%	0	0%	0	0%	0	0%
Reassignment/ Directed	n/a		n/a		n/a		n/a		n/a		n/a	
Reasonable Accommodation	28	18%	29	13%	33	15%	43	22%	27	18%	21	10%
Reinstatement	0	0%	4	2%	0	0	1	0.5%	1	0.6%	0	0%
Retirement	0	0%	0	0%	1	0.4%	0	0%	0	0%	0	0%
Termination	n/a		n/a		n/a		n/a		n/a		n/a	
Terms/condition of employment	7	5%	8	7%	14	6%	7	4%	14	9%	30	14%
Time/attendance	9	6%	6	3%	13	6%	8	4%	5	3%	4	2%

Training	3	2%	3	1%	1	0.4%	2	1%	2	1%	6	3%
Other	45	31%	85	39%	43	19%	20	10%	28	19%	66	31%

* Because the EEOC frequently finds discrimination on multiple bases and issues, the percentage of bases and issues to total findings is greater than 100%.

No FEAR regulation citation	Data Element	FISCAL YEAR											
		FY 2004 3rd Quarter		FY 2003		FY 2002		FY 2001		FY 2000		FY 1999	
		#	%	#	%	#	%	#	%	#	%	#	%
706(b)(9)(ii)	Total appellate findings of discrimination - agency final action without a hearing	39		57		80		86		64		37	
	Appointment/ Hire	1	3%	3	5%	2	3%	2	2%	5	8%	8	22%
	Assignment of Duties	5	13%	2	4%	7	9%	6	7%	10	16%	18	49%
	Awards	1	3%	2	4%	2	3%	1	1%	1	2%	1	3%
	Conversion to Full-time	n/a		n/a		n/a		n/a		n/a		n/a	
	Discipline/ Demotion	0	0%	1	2%	1	1%	1	1%	1	2%	4	11%
	Discipline/ Reprimand	0	0%	0	0%	1	1%	0	0%	0	0%	0	0%
	Discipline/ Suspension	0	0%	0	0%	1	1%	1	1%	0	0%	0	0%
	Discipline/ Removal	4	10%	4	7%	1	1%	5	6%	8	13%	4	11%
	Duty Hours	3	8%	0	0%	0	0%	0	0%	0	0%	0	0%
	Evaluation/ Appraisal	0	0%	1	2%	6	8%	0	0%	5	8%	8	22%
	Examination/ Test	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
	Harassment/ Non-sexual	18	46%	16	28%	13	16%	25	29%	13	20%	36	97%
	Harassment/ Sexual	2	5%	7	12%	9	11%	4	5%	3	5%	5	14%
	Medical Exam	1	3%	1	2%	1	1%	0	0%	1	2%	0	0%
	Pay/Overtime	4	10%	1	2%	2	2%	9	10%	0	0%	3	8%
	Promotion/	15	38%	10	18%	13	16%	13	15%	8	13%	4	11%

Non-selection												
Reassignment/ Denied	1	3%	2	4%	3	4%	0	0%	0	0%	0	0%
Reassignment/ Directed	n/a		n/a		n/a		n/a		n/a		n/a	
Reasonable Accommodation	9	23%	8	14%	9	11%	16	19%	12	19%	1	3%
Reinstatement	0	0%	1	2%	0	0%	0	0%	0	0%	0	0%
Retirement	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Termination	n/a		n/a		n/a		n/a		n/a		n/a	
Terms/condition of employment	2	5%	1	2%	7	9%	1	1%	3	5%	20	54%
Time/attendance	2	5%	3	5%	0	0%	3	3%	2	3%	0	0%
Training	1	3%	0	0%	1	1%	0	0%	1	2%	5	14%
Other	6	15%	14	25%	15	19%	9	11%	20	31%	12	32%

* Because the EEOC frequently finds discrimination on multiple bases and issues, the percentage of bases and issues to total findings is greater than 100%.

No FEAR regulation citation	Data Element	FISCAL YEAR											
		FY 2004 3rd Quarter		FY 2003		FY 2002		FY 2001		FY 2000		FY 1999	
		#	%	#	%	#	%	#	%	#	%	#	%
706(b)(9)(iii)	Total appellate findings of discrimination - agency final action after a hearing	115		161		148		113		86		177	
	Appointment/ Hire	3	3%	6	4%	12	8%	4	4%	3	3%	19	11%
	Assignment of Duties	6	4%	10	6%	17	11%	11	10%	5	6%	21	12%
	Awards	3	3%	3	2%	2	1%	0	0%	0	0%	3	2%
	Conversion to Full-time	n/a		n/a		n/a		n/a		n/a		n/a	
	Discipline/ Demotion	1	1%	2	1%	0	0%	0	0%	0	0%	1	.6%
	Discipline/	2	2%	2	1%	3	2%	0	0%	0	0%	0	0%

Reprimand												
Discipline/ Suspension	3	3%	6	4%	3	2%	0	0%	1	1%	0	0%
Discipline/ Removal	14	12%	20	12%	15	10%	18	16%	15	17%	23	13%
Duty Hours	1	1%	2	1%	1	0.7%	0	0%	0	0%	0	0%
Evaluation/ Appraisal	7	6%	7	4%	12	8%	5	4%	5	6%	9	5%
Examination/ Test	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Harassment/ Non-sexual	39	34%	37	23%	35	24%	26	23%	20	23%	25	14%
Harassment/ Sexual	9	8%	6	4%	9	6%	8	7%	13	15%	5	3%
Medical Exam	0	0%	3	2%	2	1%	1	0.8%	0	0%	0	0%
Pay/Overtime	3	3%	5	3%	4	3%	3	3%	8	9%	3	2%
Promotion/ Non-selection	48	42%	41	25%	25	17%	18	16%	17	20%	36	20%
Reassignment/ Denied	8	7%	4	2%	3	2%	0	0%	0	0%	0	0%
Reassignment/ Directed	n/a	n/a	n/a		n/a		n/a		n/a		n/a	
Reasonable Accommodation	19	17%	21	13%	24	16%	27	24%	15	17%	20	11%
Reinstatement	0	0%	3	2%	0	0%	1	0.8%	1	1%	0	0%
Retirement	0	0%	0	0%	1	.7%	0	0%	0	0%	0	0%
Termination	n/a		n/a		n/a		n/a		n/a		n/a	
Terms/condition of employment	5	4%	7	4%	7	5%	6	5%	11	13%	10	6%
Time/attendance	7	6%	3	2%	13	9%	5	4%	3	3%	4	2%
Training	2	2%	3	2%	0	0%	2	1%	1	1%	1	0.6%
Other	39	34%	71	44%	28	19%	11	10%	8	9%	54	31%

* Because the EEOC frequently finds discrimination on multiple bases and issues, the percentage of bases and issues to total findings is greater than 100%.

The following table contains the data required by Sections 1614.706(b)(10) (i) and (ii) concerning the total

number of appeals pending in the fiscal year that were first filed before the start of the then current fiscal year; and, the number of individuals who filed those appeals in earlier years.

No FEAR regulation citation	Data Element	FISCAL YEAR					
		FY 2004 3rd Quarter	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
706(b)(10)	Total appeals pending	3847	3831	4809	7536	9975	11548
706(b)(10)(i)	Pre-FY 2004 pending appeals	710	429	1083	3768	5609	4046
706(b)(10)(ii)	No. of individuals with pre-FY 2004 pending appeals	694	423	1028	3396	4976	not available