

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

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 hearings of complaints of employment discrimination filed by employees, former employees, and applicants for employment under 29 CFR Part 1614.

EQUAL EMPLOYMENT OPPORTUNITY DATA POSTED PURSUANT TO THE NO FEAR ACT - HEARINGS							
No FEAR regulation citation	Data Element	Fiscal Year					
		FY 2004 3rd Quarter	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
706(a)(1)	No. of Hearings requested in FY	6,346	9,944	9,639	9,835	10,515	12,637
706(a)(2)	No. of individuals request hearings	5,923	9,213	9,339	8,973	9,332	9,933
706(a)(3)	No. of individuals multiple hearings requests	395	1,016	971	1,013	1,279	1,604
706(a)(4)	No. of hearings raising various bases						
	Race	2,560	4,644	4,638	4,618	5,075	5,301
	Color	509	883	951	795	859	1,191
	Relig	231	372	359	391	420	458
	Sex	2,404	4,203	4,214	4,317	4,620	5,257
	Nat.	560	1,049	1,248	1,094	1,247	1,529
	Age	1,479	2,732	2,883	2,860	3,051	3,395
	Disab	1,257	2,802	2,707	2,617	2,900	3,156
Repri	2,310	3,887	4,016	3,995	4,329	4,872	
EQUAL EMPLOYMENT OPPORTUNITY DATA POSTED PURSUANT TO THE NO FEAR ACT - HEARINGS							
No FEAR regulation citation	Data Element	Fiscal Year					
		FY 2004 3rd Quarter	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
706(a)(5)	No. of hearings raising various issues						
	Appointment/ Hire	260	189	261	168	329	231
	Assignment of Duties	516	484	357	362	292	180
	Awards	1	0	0	0	0	0
	Conversion to Full-time	0	0	0	0	0	0
	Discipline/ Demotion	54	52	98	90	75	105
	Discipline/ Reprimand	699	599	545	694	657	643
	Discipline/ Suspension	467	338	269	326	342	501
	Discipline/ Removal	SEE TERMINATION					

EQUAL EMPLOYMENT OPPORTUNITY DATA POSTED PURSUANT TO THE NO FEAR ACT - HEARINGS

No FEAR regulation citation	Data Element	Fiscal Year					
		FY 2004 3rd Quarter	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
	Duty Hours	0	0	0	0	0	0
	Evaluation/ Appraisal	1	0	0	0	0	0
	Examination/ Test	17	79	15	11	22	12
	Harassment/ Non-sexual	2,214	1,764	1,768	1,688	1,790	1,687
	Harasst/Sexual	215	264	298	334	329	390
	Medical Exam	2	12	7	8	8	4
	Pay/Overtime	161	220	175	122	109	176
	Promotion/ Non-selection	1,891	1,853	2,136	2,244	2,234	1,894
	Reassignment/ Denied	5	0	0	0	0	0
	Reassignment/ Directed	1	0	0	0	0	0
	Reasonable Accommodation	347	398	352	296	261	180
	Reinstatement	73	80	89	42	40	70
	Retirement	20	19	14	23	14	19
	Termination	924	762	864	915	857	926
	Terms/condition of employment	3,467	3,598	3,955	3,646	3,819	5,209
	Time/attendance	2	0	0	0	0	0
	Training	218	264	220	226	284	321
	Other	1	0	0	0	0	0

EQUAL EMPLOYMENT OPPORTUNITY DATA POSTED PURSUANT TO THE NO FEAR ACT - HEARINGS

No FEAR regulation citation	Data Element	Fiscal Year					
		FY 2004 3rd Quarter	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
706(a)(6)	Average Processing Time for Hearings	370	411	410	336	372	350

No FEAR regulation citation	Data Element	Fiscal Year											
		FY 2004 3rd Quarter		FY 2003		FY 2002		FY 2001		FY 2000		FY 1999	
		#	%	#	%	#	%	#	%	#	%	#	%
706(a)(7)(i)	Findings of discrimination - Total	191		341		364		340		275		387	
706(a)(7)(ii)	Findings of discrimination - No. & percent without hearing	13	6.8%	54	15.8%	33	9.1%	26	7.6%	45	16.4%	39	10.1%
706(a)(7)(iii)	Findings of discrimination - No. & percent after hearing	178	93.2%	287	84.2%	331	90.9%	314	92.4%	230	83.6%	348	89.9%

No FEAR	Data Element	Fiscal Year											
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regulation citation		FY 2004 3rd Quarter		FY 2003		FY 2002		FY 2001		FY 2000		FY 1999	
		#	%	#	%	#	%	#	%	#	%	#	%
		706(a)(8)(i)	No. & percentage of all findings of discrimination - by basis										
	Race	112	58.6%	117	34.3%	93	25.5%	92	27.1%	44	16%	91	23.5%
	Color	8	4.2%	18	5.3%	14	3.8%	38	11.2%	8	2.9%	12	3.1%
	Religion	8	4.2%	7	2.1%	6	1.6%	8	2.4%	3	1.1%	8	2.1%
	Sex	128	67.0%	110	32.3%	105	28.8%	107	31.5%	61	22.2%	101	26.1%
	National Origin	33	17.3%	42	12.3%	14	3.8%	27	7.9%	8	2.9%	22	5.7%
	Age	71	37.2%	43	12.6%	54	14.8%	77	22.7%	15	5.5%	43	11.1%
	Disability	115	60.2%	80	23.5%	68	18.7%	79	23.2%	24	8.7%	67	17.3%
	Reprisal	182	95.3%	191	56%	179	49.2%	130	38.2%	80	29.1%	203	52.6%
706(a)(8)(ii)	No. & percentage of NO hearing findings of discrim - by basis												
	Race	13	6.8%	16	13.7%	12	12.9%	26	28.3%	9	20.6%	17	18.7%
	Color	0	0%	1	5.5%	3	21.4%	9	23.7%	1	12.5%	1	8.3%
	Religion	1	0.5%	0		1	16.7%	4	50%	0		3	37.5%
	Sex	6	6.2%	7	6.4%	13	12.4%	16	15%	22	36.6%	13	12.9%
	National Origin	3	2.0%	3	7.1%	0		5	18.5%	2	25%	5	22.7%
	Age	12	6.2%	6	14%	8	14.8%	6	7.8%	2	13.3%	4	9.3%
	Disability	8	4.2%	8	10%	2	1.5%	18	22.8%	2	8.3%	16	23.9%
	Reprisal	13	6.8%	14	7.3%	25	14%	24	18.5%	8	10%	30	14.8%
706(a)(8)(iii)	No. & percentage of AFTER hearing findings of discrim - by basis												
	Race	99	51.8%	101	86.3%	81	87.1%	66	71.7%	35	79.5%	74	81.3%
	Color	8	4.2%	17	94.4%	11	78.6%	29	76.3%	7	87.5%	11	91.7%
	Religion	7	3.7%	7	100%	5	83.3%	4	50%	3	100%	5	62.5%
	Sex	116	60.7%	103	93.6%	92	87.6%	91	85%	39	63.9%	88	87.1%
	National Origin	30	15.7%	39	92.9%	14	100%	22	81.5%	6	75%	17	77.3%
	Age	59	30.9%	37	86%	46	85.2%	71	92.2%	13	86.7%	39	91%
	Disability	107	56.0%	72	90%	66	97.1%	61	77.2%	7	29.2%	51	76.1%
	Reprisal	154	80.6%	177	92.7%	154	86%	106	81.5%	72	90%	173	85.2%

EQUAL EMPLOYMENT OPPORTUNITY DATA POSTED PURSUANT TO THE NO FEAR ACT - HEARING

No FEAR regulation citation	Data Element	Fiscal Year				
		FY 2004 3rd Quarter	FY 2003	FY 2002	FY 2001	FY 2000

		All	No Hrg	Hrg	All	No Hrg	Hrg	All	No Hrg	Hrg	All	No Hrg	Hrg	All	No Hrg	Hrg
706(a)(9)	Total Hearings Findings of Discrimination - ISSUES															
	Appointment/ Hire	7	0	7	9	0	9	51	10	41	21	0	21	19	1	18
	Assignment of Duties	20	2	18	37	0	37	50	4	46	25	5	20	6	0	6
	Award	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Convert to fulltime	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Discipline/ Demotion	4	2	2	12	0	12	15	0	15	17	3	14	15	0	15
	Discipline/ Reprimand	28	0	28	70	1	69	49	0	49	33	2	31	14	0	14
	Discipline/ Suspension	12	0	12	35	0	35	21	2	19	32	5	27	26	1	25
	Discipline/ Removal	See Termination														
	Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Evaluation/ Appraisal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Examination/Test	0	0	0	0	0	0	0	7	0	7	0	0	0	0	0
	Harassment/ Non-sexual	92	16	76	208	5	203	247	11	263	116	0	116	149	6	143
	Harassment/ Sexual	17	2	15	33	1	32	38	1	37	15	2	13	35	4	31
	Medical Exam	2	0	2	1	0	1	0	0	0	0	0	0	0	0	0
	Pay/Overtime	8	1	7	6	0	6	14	0	14	19	5	14	14	2	12
	Promotion/ Non-selection	99	15	84	199	27	172	233	11	22	180	8	172	143	26	117
	Reassignment/Denied	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Reassignment/Directed	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Reasonable accommodation	12	4	8	24	0	24	30	1	29	28	3	25	7	1	6
	Reinstatement	1	0	1	0	0	0	4	0	4	6	0	6	5	2	3
	Retirement	0	0	0	0	0	0	5	0	5	6	6	0	0	0	0
	Termination	42	0	42	55	3	52	69	5	64	63	11	52	48	6	42
	Terms/Condition of employment	166	20	146	345	40	305	385	41	344	349	30	319	265	52	215
	Time/ Attendance	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Training	12	2	10	21	0	21	26	1	25	21	0	21	8	1	7
	Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
706(a)(10)(i)	Total hearings pend - No. first requested before start of FY	8,726			11,723			14,597			13,983			12,494		
706(a)(10)(ii)	Total hearings pend - No. of individuals first requested before start of FY	8,241			7,668			12,128			11,337			10,446		
706(a)(11)	No. of hearing requests	4,972			1,400			1,630			1,303			1,033		
