

# ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS

(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

**AGENCY OR DEPARTMENT:**

**REPORTING PERIOD: FY**

## PART I - PRE-COMPLAINT COUNSELING

EEO COUNSELOR		
	COUNSELINGS	INDIVIDUALS
<b>A. TOTAL COUNSELED</b>		
1. COUNSELED WITHIN 30 DAYS		
2. COUNSELED WITHIN 31 TO 90 DAYS		
3. COUNSELED BEYOND 90 DAYS		
4. COUNSELED DUE TO REMANDS		

ADR INTAKE OFFICER		
	COUNSELINGS	INDIVIDUALS
<b>B. TOTAL COUNSELED</b>		
1. COUNSELED WITHIN 30 DAYS		
2. COUNSELED WITHIN 31 TO 90 DAYS		
3. COUNSELED BEYOND 90 DAYS		

COMBINED TOTAL		
	COUNSELINGS	INDIVIDUALS
<b>C. TOTAL COUNSELED</b>		
1. COUNSELED WITHIN 30 DAYS		
2. COUNSELED WITHIN 31 TO 90 DAYS		
3. COUNSELED BEYOND 90 DAYS		
4. COUNSELED DUE TO REMANDS		

D. COUNSELING THAT DID NOT RESULT IN FILING OF COMPLAINT		
	COUNSELINGS	INDIVIDUALS
<b>TOTAL</b>		
1. EEO COUNSELOR		
2. ADR INTAKE OFFICER		

E. NON-ADR SETTLEMENTS WITH MONETARY BENEFITS			
	COUNSELINGS	INDIVIDUALS	AMOUNT
<b>TOTAL</b>			\$
1. COMPENSATORY DAMAGES			\$
2. BACKPAY/FRONTPAY			\$
3. LUMP SUM PAYMENT			\$
4. ATTORNEYS FEES AND COSTS			\$
5.			\$
6.			\$
7.			\$

F. NON-ADR SETTLEMENTS WITH NON-MONETARY BENEFITS			
	COUNSELINGS	INDIVIDUALS	
<b>TOTAL</b>			
1. NEW HIRES			
2. PROMOTIONS			
3. REINSTATEMENTS			
4. EXPUNGEMENTS			
5. TRANSFERS			
6. REMOVALS RESCINDED AND VOLUNTARY RESIGNATIONS			
7. REASONABLE ACCOMMODATIONS			
8. TRAINING			
9. APOLOGY			
10.			
11.			
12.			

G. ADR SETTLEMENTS WITH MONETARY BENEFITS			
	COUNSELINGS	INDIVIDUALS	AMOUNT
<b>TOTAL</b>			\$
1. COMPENSATORY DAMAGES			\$
2. BACKPAY/FRONTPAY			\$
3. LUMP SUM PAYMENT			\$
4. ATTORNEYS FEES AND COSTS			\$
5.			\$
6.			\$
7.			\$

H. ADR SETTLEMENTS WITH NON-MONETARY BENEFITS			
	COUNSELINGS	INDIVIDUALS	
<b>TOTAL</b>			
1. NEW HIRES			
2. PROMOTIONS			
3. REINSTATEMENTS			
4. EXPUNGEMENTS			
5. TRANSFERS			
6. REMOVALS RESCINDED AND VOLUNTARY RESIGNATIONS			
7. REASONABLE ACCOMMODATIONS			
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**PART II FORMAL COMPLAINT ACTIVITIES**

A. COMPLAINTS ON HAND AT THE BEGINNING OF THE REPORTING PERIOD

B. COMPLAINTS FILED

C. REMANDS

D. TOTAL COMPLAINTS (sum of lines A+B+C)

E. COMPLAINTS IN LINE D THAT WERE **NOT** CONSOLIDATED

F. COMPLAINTS IN LINE E CLOSED DURING REPORT PERIOD

G. COMPLAINTS IN LINE D THAT **WERE** CONSOLIDATED

H. COMPLAINTS IN LINE G CLOSED DURING REPORT PERIOD

I. COMPLAINTS ON HAND AT THE END OF THE REPORTING PERIOD (Line D - (sum of Lines F+H))

J. INDIVIDUALS FILING COMPLAINTS

K. NUMBER OF JOINT PROCESSING UNITS FROM CONSOLIDATION OF COMPLAINTS

**PART III AGENCY RESOURCES, TRAINING, REPORTING LINE**

**A. AGENCY RESOURCES**

	NUMBER	PERCENT
<b>1. WORK FORCE</b>		
a. TOTAL WORK FORCE		
b. PERMANENT EMPLOYEES		
<b>2. COUNSELOR</b>		
a. FULL-TIME		
b. PART-TIME		
c. COLLATERAL DUTY		
<b>3. INVESTIGATOR</b>		
a. FULL-TIME		
b. PART-TIME		
c. COLLATERAL DUTY		
<b>4. COUNSELOR/INVESTIGATOR</b>		
a. FULL-TIME		
b. PART-TIME		
c. COLLATERAL DUTY		

**B. STAFF TRAINING**

	COUNSELORS		INVESTIGATORS		COUNS/INVESTIG	
	AGENCY	CONTRACT	AGENCY	CONTRACT	AGENCY	CONTRACT
<b>1. NEW STAFF - TOTAL</b>						
a. STAFF RECEIVING REQUIRED 32 OR MORE HOURS						
b. STAFF RECEIVING 8 OR MORE HOURS, USUALLY GIVEN TO EXPERIENCED STAFF						
c. STAFF RECEIVING NO TRAINING AT ALL						
<b>2. EXPERIENCED STAFF - TOTAL</b>						
a. STAFF RECEIVING REQUIRED 8 OR MORE HOURS						
b. STAFF RECEIVING 32 OR MORE HOURS, GENERALLY GIVEN TO NEW STAFF						
c. STAFF RECEIVING NO TRAINING AT ALL						

**C. REPORTING LINE**

1. DOES THE EEO DIRECTOR REPORT TO THE AGENCY HEAD? YES    NO

2. IF NO, WHO DOES THE EEO DIRECTOR REPORT TO?

PERSON:            Joanne Simms

TITLE:             Deputy Assistant Attorney General for Human Resources and Administration

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## PART IV. BASES AND ISSUES ALLEGED IN COMPLAINTS FILED

ISSUES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION															TOTAL BASES BY ISSUE	TOTAL COMPLAINTS BY ISSUE	TOTAL COMPLAINANTS BY ISSUE	
	RACE				COLOR	RELIGION	REPRISAL	SEX		NATIONAL ORIGIN		EQUAL PAY ACT		AGE	DISABILITY				
	AMER. INDIAN/ ALASKAN NATIVE	ASIAN PACIFIC ISLANDER	BLACK	WHITE				MALE	FEMALE	HISPANIC	OTHER	MALE	FEMALE		MENTAL				PHYSICAL
A. APPOINTMENT/HIRE																			
B. ASSIGNMENT OF DUTIES																			
C. AWARDS																			
D. CONVERSION TO FULL TIME																			
E. DISCIPLINARY ACTION																			
1. DEMOTION																			
2. REPRIMAND																			
3. SUSPENSION																			
4. REMOVAL																			
5.																			
6.																			
7.																			
F. DUTY HOURS																			
G. EVALUATION/APPRaisal																			
H. EXAMINATION/TEST																			
I. HARASSMENT																			
1. NON-SEXUAL																			
2. SEXUAL																			
J. MEDICAL EXAMINATION																			
K. PAY INCLUDING OVERTIME																			
L. PROMOTION/NON-SELECTION																			
M. REASSIGNMENT																			
1. DENIED																			
2. DIRECTED																			
N. REASONABLE ACCOMMODATION																			
O. REINSTATEMENT																			
P. RETIREMENT																			
Q. TERMINATION																			
R. TERMS/CONDITIONS OF EMPLOYMENT																			
S. TIME AND ATTENDANCE																			
T. TRAINING																			
U. OTHER (Please specify below)																			
1.																			
2.																			
3.																			
4.																			
5.																			
TOTAL ISSUES BY BASES																			
TOTAL COMPLAINTS FILED BY BASES																			
TOTAL COMPLAINANTS BY BASES																			

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## PART V - SUMMARY OF CLOSURES BY STATUTE

**A. STATUTE** (IF A SINGLE COMPLAINT HAS MULTIPLE STATUTES RECORD EACH ON THE APPROPRIATE LINE.)

- \_\_\_\_\_ 1. TITLE VII
- \_\_\_\_\_ 2. AGE DISRIMINATION IN EMPLOYMENT ACT (ADEA)
- \_\_\_\_\_ 3. REHABILITATION ACT
- \_\_\_\_\_ 4. EQUAL PAY ACT (EPA)

**B. TOTAL BY STATUTES**

THIS NUMBER MAY BE LARGER THAN THE TOTAL NUMBER OF COMPLAINTS CLOSED.

(A1+A2+A3+A4)

## PART VI SUMMARY OF CLOSURES BY CATEGORY

	TOTAL NUMBER	TOTAL DAYS	AVERAGE DAYS
A. TOTAL NUMBER OF CLOSURES (1+ 2+ 3)			
1. WITHDRAWALS			
2. SETTLEMENTS			
3. FINAL AGENCY DECISIONS ( B+ C )			
B. FINAL AGENCY DECISIONS <i>WITHOUT</i> AN ADMINISTRATIVE JUDGE DECISION (1+2+3)			
1. FINDING DISCRIMINATION			
2. FINDING NO DISCRIMINATION			
3. DISMISSAL OF COMPLAINTS			
C. FINAL AGENCY ACTIONS <i>WITH</i> AN ADMINISTRATIVE JUDGE (AJ) DECISION (1+2+3)			
1. AJ DECISION FULLY IMPLEMENTED (a+b)			
(a) FINDING DISCRIMINATION			
(b) FINDING NO DISCRIMINATION			
2. AJ DECISION NOT FULLY IMPLEMENTED (a+b)			
(a) FINDING DISCRIMINATION (i+ii+iii)			
i. AGENCY APPEALED FINDING BUT NOT REMEDY			
ii. AGENCY APPEALED REMEDY BUT NOT FINDING			
iii. AGENCY APPEALED BOTH FINDING AND REMEDY			
(b) FINDING NO DISCRIMINATION			
3. DISMISSAL OF COMPLAINTS			

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**AGENCY OR DEPARTMENT:**

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**PART VII SUMMARY OF COMPLAINTS CLOSED WITH CORRECTIVE ACTION  
DURING FORMAL COMPLAINT STAGE**

	NUMBER	AMOUNT
<b>A. TOTAL COMPLAINTS CLOSED WITH CORRECTIVE ACTION</b>		
<b>B. CLOSURES WITH MONETARY BENEFITS</b>		\$
1. BACK PAY/FRONT PAY		\$
2. LUMP SUM PAYMENT		\$
<b>C. CLOSURES WITH NON-MONETARY BENEFITS</b>		
<b>D. CLOSURES WITH COMPENSATORY DAMAGES</b>		\$
<b>E. CLOSURES WITH ATTORNEY'S FEES AND COSTS</b>		\$
<b>F. TYPES OF CORRECTIVE ACTION</b>	NUMBER WITH MONETARY BENEFITS	NUMBER WITH NON-MONETARY BENEFITS
1. HIRE		
a. RETROACTIVE		
b. NON-RETROACTIVE		
2. PROMOTION		
a. RETROACTIVE		
b. NON-RETROACTIVE		
3. DISCIPLINARY ACTION		
a. RESCINDED		
b. MODIFIED		
4. REINSTATEMENT		
5. REASSIGNMENT		
6. PERFORMANCE EVALUATION MODIFIED		
7. PERSONNEL FILE PURGED OF ADVERSE MATERIAL		
8. ACCOMMODATION		
9. TRAINING/TUITION/ETC.		
10. LEAVE RESTORED		
11.		
12.		
13.		

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**PART VIII SUMMARY OF PENDING COMPLAINTS BY CATEGORY**

	NUMBER PENDING	NUMBER OF DAYS	AVERAGE DAYS	NUMBER OF DAYS PENDING FOR OLDEST CASE
A. TOTAL COMPLAINTS PENDING (SAME AS PART II Line I) (1+2+3+4)				
1. COMPLAINTS PENDING WRITTEN NOTIFICATION				
2. COMPLAINTS PENDING IN INVESTIGATION				
3. COMPLAINTS PENDING IN HEARINGS				
4. COMPLAINTS PENDING A FINAL AGENCY DECISION				

**PART IX SUMMARY OF INVESTIGATIONS COMPLETED**

	TOTAL	TOTAL DAYS	AVERAGE DAYS
A. INVESTIGATIONS COMPLETED DURING REPORTING PERIOD (1+3)			
1. INVESTIGATIONS COMPLETED BY <b>AGENCY PERSONNEL</b> (a+b+c)			
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS			
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS			
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS			
2. COST OF AGENCY INVESTIGATIONS	\$		
3. INVESTIGATIONS COMPLETED BY <b>CONTRACTORS</b> (a+b+c)			
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS			
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS			
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS			
4. COST OF CONTRACTOR INVESTIGATIONS	\$		

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**AGENCY OR DEPARTMENT:**

**REPORTING PERIOD: FY**

**PART X SUMMARY OF ADR PROGRAM ACTIVITIES**

**INFORMAL PHASE (PRE-COMPLAINT)**

	COUNSELINGS	INDIVIDUALS	DAYS	AVERAGE DAYS
<b>A. ADR PENDING FROM PREVIOUS REPORTING PERIOD</b>				
<b>B. ADR ACTIONS FOR CURRENT REPORTING PERIOD</b>				
1. ADR OFFERED				
2. REJECTED BY INDIVIDUAL				
3. REJECTED BY AGENCY				
4. TOTAL ACCEPTED INTO ADR				
<b>C. RESOURCES USED (1+2+3+4+5+6+7)</b>				
1. INHOUSE				
2. ANOTHER FEDERAL AGENCY				
3. PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS, BAR ASSOCIATIONS, INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY PERSONNEL)				
4. MULTIPLE RESOURCES USED (Please specify)				
5.				
6.				
7.				
<b>D. ADR ATTEMPTS (1+2+3+4+5+6+7+8+9+10+11+12)</b>				
1. MEDIATION				
2. SETTLEMENT CONFERENCES				
3. EARLY NEUTRAL EVALUATIONS				
4. FACTFINDING				
5. FACILITATION				
6. OMBUDSMAN				
7. PEER REVIEW				
8. MULTIPLE TECHNIQUES USED (Please specify)				
9.				
10.				
11.				
<b>E. STATUS OF CASES</b>	<b>COUNSELINGS</b>	<b>INDIVIDUALS</b>	<b>DAYS</b>	<b>AVERAGE DAYS</b>
1. TOTAL CLOSED (a+b+c+d+e+f)				
a. SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)				
b. NO FORMAL COMPLAINT FILED				
c. NO RESOLUTION				
d. NO ADR ATTEMPT				
e.				
f.				
2. OPEN INVENTORY - ADR PENDING				

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**PART XI SUMMARY OF ADR PROGRAM ACTIVITIES**

**FORMAL PHASE**

	COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
<b>A. ADR PENDING FROM PREVIOUS REPORTING PERIOD</b>				
<b>B. ADR ACTIONS FOR CURRENT REPORTING PERIOD</b>				
1. ADR OFFERED				
2. REJECTED BY COMPLAINANT				
3. REJECTED BY AGENCY				
4. TOTAL ACCEPTED INTO ADR				
<b>C. RESOURCES USED (1+2+3+4+5+6+7)</b>				
1. INHOUSE				
2. ANOTHER FEDERAL AGENCY				
3. PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS, BAR ASSOCIATIONS, INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY PERSONNEL)				
4. MULTIPLE RESOURCES USED (Please specify)				
5.				
6.				
7.				
<b>D. ADR ATTEMPTS (1+2+3+4+5+6+7+8+9+10+11+12)</b>				
1. MEDIATION				
2. SETTLEMENT CONFERENCES				
3. EARLY NEUTRAL EVALUATIONS				
4. FACTFINDING				
5. FACILITATION				
6. OMBUDSMAN				
7. MINI-TRIALS				
8. PEER REVIEW				
9. MULTIPLE TECHNIQUES USED (Please specify)				
10.				
11.				
12.				
<b>E. STATUS OF CASES</b>	COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
1. TOTAL CLOSED (a+b+c+d+e+f)				
a. SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)				
b. WITHDRAWAL FROM EEO PROCESS				
c. NO RESOLUTION				
d.				
e.				
f.				
2. OPEN INVENTORY - ADR PENDING				
<b>F. BENEFITS RECEIVED</b>	COMPLAINTS	COMPLAINANTS	AMOUNT	
1. MONETARY (INSERT TOTAL)			\$	
a. COMPENSATORY DAMAGES			\$	
b. BACKPAY/FRONTPAY			\$	
c. LUMP SUM			\$	
d. ATTORNEY'S FEES AND COSTS			\$	
e.			\$	
f.			\$	
g.			\$	
2. NON-MONETARY (INSERT TOTAL)				
a. NEW HIRES				
b. PROMOTIONS				
c. REINSTATEMENTS				
d. EXPUNGEMENTS				
e. TRANSFERS				
f. REMOVALS RESCINDED AND VOLUNTARY RESIGNATIONS				
g. REASONABLE ACCOMMODATIONS				
h. TRAINING				
i. APOLOGY				
j.				
k.				
l.				



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<b>PART XII SUMMARY OF ADR PROGRAM ACTIVITIES</b>			
<b>TRAINING AND RESOURCES</b>			
<b>A. BASIC ADR ORIENTATION TRAINING</b>		<b>NUMBER</b>	<b>TRAINED</b>
1. MANAGERS			
2. EMPLOYEES			
		<b>NUMBER</b>	
<b>B. EMPLOYEES THAT CAN PARTICIPATE IN ADR</b>			
		<b>NUMBER</b>	
<b>C. IN HOUSE STAFF RESOURCES AVAILABLE FOR ADR</b>			
1. FULL TIME			
2. PART TIME			
3. COLLATERAL DUTY			
<b>D. ADR FUNDING SPENT</b>		<b>AMOUNT</b>	
		\$	

**CERTIFICATION AND CONTACT INFORMATION**

I certify that the EEO complaint data contained on this report, EEOC Form 462, Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints, for the reporting period are accurate and complete.

TYPED NAME AND TITLE OF CERTIFYING OFFICIAL:

SIGNATURE OF CERTIFYING OFFICIAL:

TYPED NAME AND TITLE OF PREPARER:

SIGNATURE OF PREPARER:

DATE:                                      TELEPHONE NUMBER:                                      E-MAIL:

This report is due to the following address on or before October 31st:

*U.S. Equal Employment Opportunity Commission  
Office of Federal Operations  
Federal Sector Programs  
1801 L Street, NW  
Washington, DC 20507*

## Appendix A - Comments

### Part 1

Part I.D. There were 14 Counselings that began in FY 2002 that did not result in the filing of a formal complaint until FY 2003.

Part I. H. One individual was counseled 2 times (Training and ALL OTHER).

### Part 2

A. Two complaints reported in FY 2002 as pending, were actually closed; 1,185 complaints were transferred to the Department of Homeland Security (formerly Immigration and Naturalization Service); and 63 complaints were added to DOJ's inventory by a new organization (Bureau of Alcohol, Tobacco, Firearms and Explosives).

### Part 3

A. Twenty-one new staff were sent to EEOC for New Counselor training the week of September 15, 2003; however, they were unable to complete the 32-hour course due to the Federal Government being shut down due to Hurricane Isabel in the Washington, D.C. area. They only received 16 hours of training.

1.a. The total workforce figure is lower than the previous year because over 35,000 employees were transferred to the DHS. The Department also gained approximately 5,000 employees (ATF).

### Part 8

A.2. In doing an audit of cases, it was discovered that nothing had been done regarding the case in question. Complainant was contacted and wishes to pursue the case. Investigation of case should be completed within a month.

A.3. Case # - M94-6385 (Complainant elected a hearing on 3/8/2001).

A.4. Case File was sent to the Department's Complaint Adjudication Office on 6/26/2000. Case was held in order that it may be consolidated with subsequent cases.

### Part 9

IX. A. 2. and 4. Data is correct.