

**Equal Employment Opportunity Data Posted  
Pursuant to the No Fear Act:  
Department of Health and Human Services,  
National Institutes of Health**

FY 2008 – October 1, 2007 through September 30, 2008

**29 CFR §1614.704(a) - (c) / 29 CFR §1614.705 Comparative Data**

<b>Complaint Activity</b>	<b>FY2008</b>	<b>FY2007</b>	<b>FY2006</b>	<b>FY2005</b>	<b>FY2004</b>
Number of complaints filed in fiscal year 1614.704(a)	90	76	48	56	67
Number of complainants 1614.704(b)	86	71	39	55	62
Repeat filers 1614.704(c)	4	4	3	1	4

**29 CFR §1614.704(d) / 29 CFR §1614.705 Comparative Data**

<b>Complaints by Basis</b>	<b>FY2008</b>	<b>FY2007</b>	<b>FY2006</b>	<b>FY2005</b>	<b>FY2004</b>
Race/Color*	57	36	32	43	42
Religion	8	7	8	3	5
Natural Origin	19	15	11	12	9
Sex (including complaints filed under Equal Pay Act)	29	22	24	17	23
Disability	24	23	17	9	15
Age	55	27	18	13	23
Reprisal	43	45	30	30	32
Other	0	4	0	3	2

\* Data not collected by Color - Color included in basis "Race/Color"

**29 CFR §1614.704(e) / 29 CFR §1614.705 Comparative Data**

<b>Complaints by Issue</b>	<b>FY2008</b>	<b>FY2007</b>	<b>FY2006</b>	<b>FY2005</b>	<b>FY2004</b>
Appointment/Hire	7	4	4	4	5
Assignment of duties	30	25	12	9	14
Awards	13	8	3	2	7
Conversion to full-time	0	0	0	0	0

<b>Disciplinary Actions</b>	<b>FY2008</b>	<b>FY2007</b>	<b>FY2006</b>	<b>FY2005</b>	<b>FY2004</b>
Demotion	1	4	0	0	2
Reprimand	6	7	5	7	3
Suspension	7	3	6	2	2
Removal	5	5	2	0	7
Other	0	9	4	4	0
Duty hours	4	5	1	1	2
Evaluation appraisals	22	24	9	10	7
Examination/Test	0	0	1	2	0

<b>Harassment</b>	<b>FY2008</b>	<b>FY2007</b>	<b>FY2006</b>	<b>FY2005</b>	<b>FY2004</b>
Non-Sexual	33	29	13	25	21
Sexual	5	4	1	1	1
Medical Examination	2	1	0	0	0
Pay (Including Overtime)	13	6	1	6	3
Promotion/Non-Selection	22	18	7	12	19

<b>Reassignment</b>	<b>FY2008</b>	<b>FY2007</b>	<b>FY2006</b>	<b>FY2005</b>	<b>FY2004</b>
Denied	9	3	2	3	2
Directed	11	6	2	4	5
Reasonable Accommodation	10	3	1	2	7
Reinstatement	3	1	0	0	0
Retirement	0	3	1	0	1
Termination	6	2	6	7	0
Terms/Conditions of Employment	35	13	4	13	11
Time and Attendance	38	13	6	5	7
Training	18	7	2	6	5
Other	0	8	4	11	7

**29 CFR §1614.704(f) / FY 2008 Data**

<b>Processing Time "...post the average length of time it takes to complete each step of the process for every complaint that is pending during any time of the then fiscal year..."</b>	<b>Number</b>	<b>Average Days</b>
All complaints pending in investigative stage (initial or supplemental)*	39	115
All complaints awaiting any type of Final Agency Action*	9	356
All complaints pending in which EEOC hearing was not requested, hearing request was withdrawn, or complaint was withdrawn.**	4	301
Time to issue Final Agency Decision or confirmation of withdrawal.**	17	70
All complaints pending in which EEOC hearing was requested***	44	321
Time in Investigative stage***	41	201
Time to issue Final Agency Order after receipt of AJ decision.***	6	24

\* 1614.704(f)(1) - \*\* 1614.704(f)(2) - \*\*\* 1614.704(f)(3)

**29 CFR §1614.704(g) / 29 CFR §1614.705 Comparative Data**

<b>Complaints Dismissed by Agency pursuant to 1614.107(a)</b>	<b>FY2008</b>	<b>FY2007</b>	<b>FY2006</b>	<b>FY2005</b>	<b>FY2004</b>
Total complaints dismissed by Agency	17	18	15	19	8
Average days pending prior to dismissal	66	38	48	61	176

**29 CFR §1614.704(h) / 29 CFR §1614.705 Comparative Data**

<b>Total Final Agency Actions of Finding Discrimination</b>	<b>FY2008</b>	<b>FY2007</b>	<b>FY2006</b>	<b>FY2005</b>	<b>FY2004</b>
Total number of findings 704(h)(1)	0	2	0	2	0
Without Hearing 704(h)(2)	0	1	0	0	0
With Hearing 704(h)(3)	0	1	0	2	0

**29 CFR §1614.704(i) / 29 CFR §1614.705 Comparative Data**

<b>Findings of Discrimination Rendered by Basis</b>	<b>FY2008</b>	<b>FY2007</b>	<b>FY2006</b>	<b>FY2005</b>	<b>FY2004</b>
Total number of Findings 704(i)(1)	0	2	0	2	0
Number of Findings rendered without Hearing 704(i)(2)	0	1	0	0	0
Number Findings rendered after Hearing 704 (i)(3)	0	1	0	2	0

<b>Basis for Findings of Discrimination</b>	<b>FY2008</b>	<b>FY2007</b>	<b>FY2006</b>	<b>FY2005</b>	<b>FY2004</b>
Race/Color*	0	0	0	1	0
Religion	0	1	0	1	0
National Origin	0	0	0	1	0
Sex (include Equal Pay Act)	0	0	0	1	0
Disability	0	1	0	0	0
Age	0	0	0	0	0
Reprisal	0	1	0	1	0

\* Data not collected by Color - Color included in basis "Race/Color"

**29 CFR §1614.704(j) / 29 CFR §1614.705 Comparative Data**

<b>Findings of Discrimination Rendered by Issue</b>	<b>FY2008</b>	<b>FY2007</b>	<b>FY2006</b>	<b>FY2005</b>	<b>FY2004</b>
Total number Findings 704(j)(1)	0	2	0	2	0
Findings without Hearing 704(j)(2)	0	0	0	0	0
Findings after Hearing 704(j)(3)	0	1	0	2	0

<b>Findings of Discrimination Rendered by Issue</b>	<b>FY2008</b>	<b>FY2007</b>	<b>FY2006</b>	<b>FY2005</b>	<b>FY2004</b>
Appointment/Hire	0	0	0	0	0
Assignment of Duties	0	1	0	1	0
Awards	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0
Disciplinary Actions	0	0	0	0	0
Demotion	0	0	0	0	0
Reprimand	0	0	0	0	0
Suspension	0	1	0	0	0
Removal	0	1	0	0	0
Other	0	0	0	0	0
Duty Hours	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0
Examination/Test	0	0	0	0	0

<b>Harassment</b>	<b>FY2008</b>	<b>FY2007</b>	<b>FY2006</b>	<b>FY2005</b>	<b>FY2004</b>
Non-Sexual	0	0	0	1	0
Sexual	0	0	0	0	0
Medical Examination	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0

<b>Reassignment</b>	<b>FY2008</b>	<b>FY2007</b>	<b>FY2006</b>	<b>FY2005</b>	<b>FY2004</b>
Denied	0	0	0	0	0
Directed	0	1	0	1	0
Reasonable Accommodation	0	1	0	0	0
Reinstatement	0	0	0	0	0
Retirement	0	0	0	0	0
Termination	0	0	0	2	0
Time and Attendance	0	1	0	0	0
Training	0	0	0	0	0
Other	0	0	0	0	0

**29 CFR §1614.704(k) / 29 CFR §1614.705 Comparative Data**

<b>Complaints pending from previous Fiscal Years by status</b>	<b>FY2008</b>	<b>FY2007</b>	<b>FY2006</b>	<b>FY2005</b>	<b>FY2004</b>
Total complaints from previous Fiscal Years 704(k)(1)	95	57	59	60	64
Total complainants who filed these complainants 704(k)(2)	93	56	55	59	59

<b>Number complaints pending: 704(k)(3)</b>	<b>FY2008</b>	<b>FY2007</b>	<b>FY2006</b>	<b>FY2005</b>	<b>FY2004</b>
Investigation in progress	39	10	2	22	29
ROI issued; no further action yet	4	2	0	1	3
At EEOC for hearing and awaiting AJ Decision	44	19	19	25	25
Awaiting some type of Final Agency Action	9	1	3	12	7
On appeal to Office of Federal Operations	7	2	2	0	3

**29 CFR §1614.704(l) / 29 CFR §1614.705 Comparative Data**

<b>Complaint Investigations</b>	<b>FY2008</b>	<b>FY2007</b>	<b>FY2006</b>	<b>FY2005</b>	<b>FY2004</b>
Number pending completion of Investigation	44	27	16	22	29
Pending Investigations over required time frames	2	0	4	1	1