

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

OFFICE OF FEDERAL OPERATIONS



EEOC FORM 462

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF
DISCRIMINATION COMPLAINTS USER'S INSTRUCTION MANUAL

FISCAL YEAR 2012 REPORT
(OCTOBER 1, 2011 - SEPTEMBER 30, 2012)

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Introduction

EEOC Regulation 29 C.F.R. § 1614.602 requires federal agencies and departments covered by 29 C.F.R. § 1614.103(b), to report information concerning pre-complaint counseling and the status, processing and disposition of complaints under this part at such times and in such manner as the Commission prescribes. The EEOC Form 462 report, as shown in [Appendix F](#), is used to format the discrimination complaint data agencies provide through the web site. Web site data screens are linked to Form 462 sections electronically.

In this document, we provide information that agency Form 462 preparers and EEO Directors need to understand concerning the data that must be entered into the agency's Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints (EEOC Form 462) for Fiscal Year (FY) 2012 (October 1, 2011 - September 30, 2012).

Agency reports, with all data certified as accurate, will be due on or before Wednesday, October 31, 2012.

Detailed data descriptions are provided in this Instruction Manual for each part of the Form 462 report. Additional information is provided in the Appendices.

Agency Form 462 website users must enter data on EEOC's Form 462 website using Internet Explorer 5.0 or higher. Users will go to the website to register, click on the "register" link, and fill in the required information (indicated by an * mark) on the screen. Each user will choose their own user name and password and select their agency and if applicable their sub-component name from a drop down menu. When all required information has been entered, users should click on the "Register" link. Each user will receive an email when their registration is approved. Note subcomponent Users are approved by their Agency Administrators, not the EEOC administrator. The approved user may then log onto the Form 462 website, enter their user name and password, and click on the "Sign-in" link to reach the 462 website's home page screen. Additional information on how to use the Form 462 website is provided.

REPORTING REQUIREMENTS (Including Sub-component Reporting)

- EEOC Regulation 29 C.F.R. §1614.602(a) requires agencies to report to the EEOC information concerning pre-complaint counseling and the status, processing and disposition of complaints under this part at such times and in such manner as the Commission prescribes.
- The requirement to file an EEOC Form 462 Report applies to all federal agencies and departments covered by 29 C.F.R. Part 1614, as defined in 29 C.F.R. § 1614.103(b). This includes Executive agencies as defined in 5 U.S.C. 105, Military departments as defined in 5 U.S.C. 102, the Government Printing Office, the Postal Regulatory Commission, the Smithsonian Institution, the Tennessee Valley Authority, the United States Postal Service, and those units of the judicial branch of the federal government having positions in the competitive service.
- Since the Fiscal Year 2003 report filing, EEOC has required sub-components to enter separate report data.
- A sub-component for Form 462 reporting purposes is defined as any organizational sub-unit directly below the agency or department level which has 1000 or more employees.
- Agencies/departments with one or more sub-components of at least 1000 employees must complete the Form 462 report for those sub-component(s). The same agencies/departments may choose to report the data for sub-components with less than 1000 employees in one combined “other” sub-component report and/or in separate reports for the other sub-components.
- For prior year reports, many agencies voluntarily chose to input all agency/department Form 462 data in sub-components (designated by the agency). Because the data automatically rolls up into the agency/department report, such agencies/departments did not have to add the data manually for each cell of the report. This resulted in fewer errors in the agency reports that needed correction. These agencies may continue to report in this manner.

- The EEO Director/Certifying Officer's PIN must be entered on the web site not later than October 31st, 2012, to be considered timely filed, unless an extension was previously granted.

EEOC Form 462 Website - Website Navigation and Trouble Shooting Tips

- Preparers may access the EEOC Form 462 website using Internet Explorer 5.0 or higher. EEOC will provide website URL when notification is sent to agencies that website is now open for registration.
- Caution!!! Some sections of the EEOC Form 462 are formatted in such a way that data cannot be entered (Automatic calculations, the “Other” cells, Edit Checks, etc.) or saved without Internet Explorer. Using another browser negates these precautions and may result in entered data being ignored or eliminated.

System Timeout – If there is no activity after approximately 2 hours, the system will automatically log the user off the website. Saving data periodically will prevent loss of data inputted in the event that system logoff occurs as a result of inactivity.

Home Page

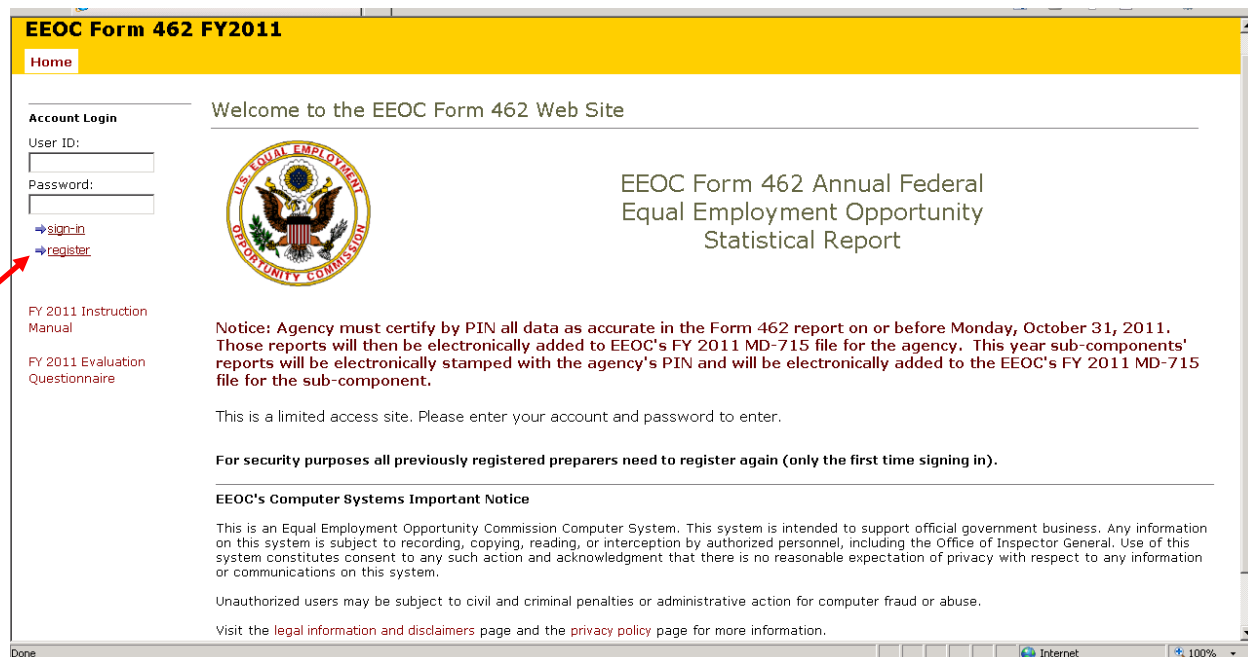
The Home Page enables access to EEOC Form 462. Users are informed that it is a limited access site. Access requires entering a valid User ID and Password. The Register link will take new users to the User Account registration page. Each User must register on the new web site each year. The Sign In link allows registered users into the site to access EEOC Form 462. Once a user is logged onto the site, the Quick Launch links provide users links to Form 462 Reporting process resources

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The web-site URL may take you to the following Security Alert screen:



After you click yes to proceed, the following FY 2012 screen appears:



Click the Register link the first time you access the site. After that you will be able to click "Sign-In."

USER ACCOUNT REGISTRATION

Gaining access to the EEOC Form 462 web site entails completing all required fields of the User Account page. The User Account page has required fields marked with an asterisk (*).

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User Account

* First name:

* Last name:

M.I.:

* Title:

* Address1:

Address2:

Address3:

* City:

State:

* Zip:

* Phone:

Ext:

* Email:

Country:

* Agency:

Sub-Component:

Geoloc:

* User ID:

Password must be at least 4 characters, no more than 8 characters, and must include at least one upper case letter, one lower case letter, and one numeric digit.

* Password:

* Confirm Password:

* EEO Director First name:

* EEO Director Last name:

EEO Director M.I.:

* EEO Director Title:

* EEO Director Email:

* EEO Director Phone:

[Register](#) [Cancel](#)

Below are the descriptions of the fields included on the User Account Registration page.

*First Name – Enter the first name of the user.

*Last Name – Enter the last name of the user.

M.I. – Enter the middle initial of the user. This is not a required field.

*Title – Enter the designated job title of the user.

*Address1, Address2, Address3, *City, *State, *Zip – Enter the complete mailing address of the agency or sub-component user. There are additional address boxes for long government addresses. The state box has a drop-down menu that lists an abbreviation of all the states and territories for the United States.

*Phone – Enter the direct line of the user or the main number of the agency (or sub-component) where the user can be reached.

Ext – Enter the extension for the user. This is not a required field.

*Email – Enter the email address of the agency or sub-component user. The email address as typed will be used to transmit system messages during the 462 data collection period.

Country – Enter the country of the agency or sub-component. Due to international areas that some agencies or sub-components represent, various countries can be selected in the drop-down menu. This is not a required field.

*Agency – Select the agency from the drop down menu to be represented by the user. The agency drop-down menu has a listing and code for each of the agencies that are required to report discrimination complaint processing data to EEOC.

*Sub-component – If the user selects an agency that has sub-components, the sub-component drop-down menu is displayed. The sub-component drop-down menu has a listing and code for each of the sub-components entered by the Agency Admin user. A person registering as a sub-component user must select the sub-component represented from this list. This is a required field for a sub-component user.

Geoloc – Enter the Geoloc code (an 11-digit code that represents a specific geographical location). This box should only be completed if the user knows his or her Geoloc. It is generally the code used for OPM/CPDF. This is not a required field.

*User ID – Create a unique user name for the User ID box. The User ID can be up to 15 characters in length.

*Password – Create a unique security password. The password can be up to 15 characters in length and is case sensitive.

*Confirm Password – Re-enter the password created in the previous box.

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*EEO Director First Name – Enter the first name of the agency EEO Director. If the sub-component does not have an EEO Director then enter the information for the department/agency EEO Director.

*EEO Director Last Name – Enter the last name of the agency EEO Director.

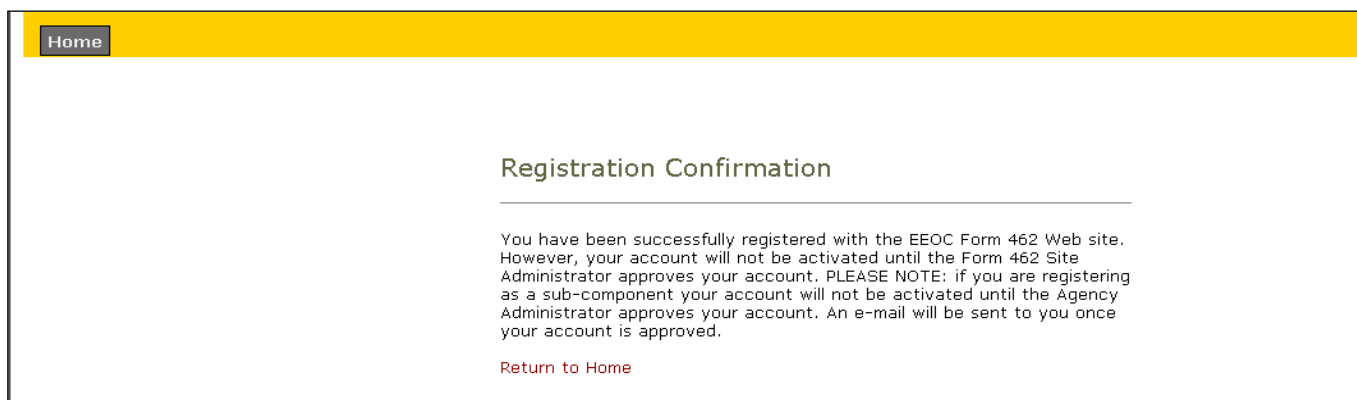
EEO Director M.I. – Enter the middle initial of the agency EEO Director. This is not a required field.

*EEO Director Title – Enter the title of the agency EEO Director.

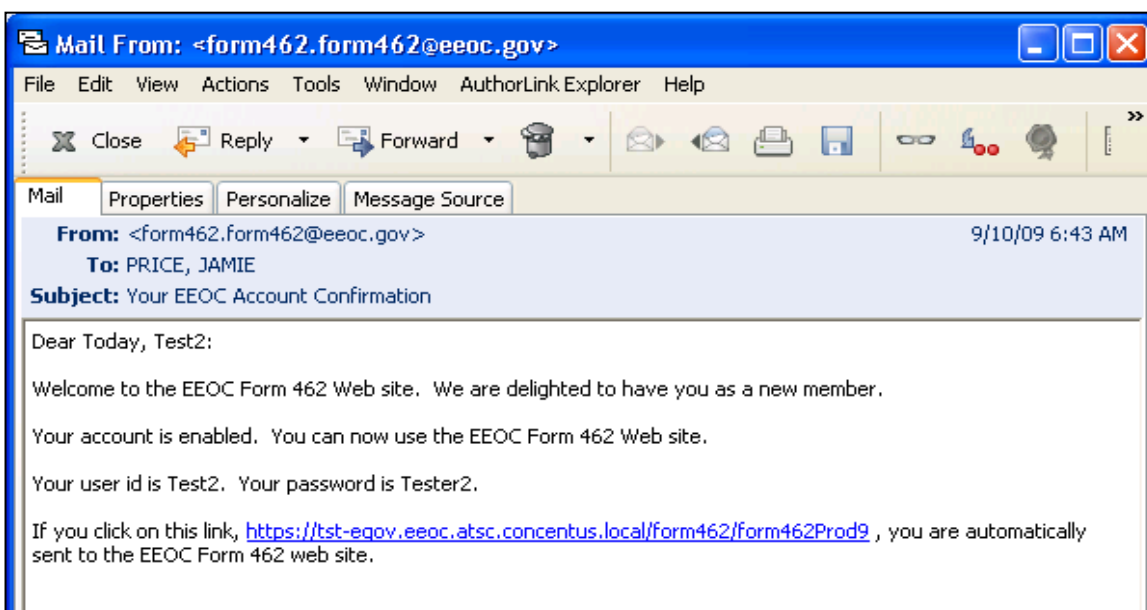
*EEO Director Email – Enter the email address of the agency EEO Director. This is needed to email the agency's PIN for certification and completion of the report. Sub-component reports will be stamped with the department/agency PIN after the department/agency certifies the agency report.

*EEO Director Phone – Enter the direct line phone number of the agency EEO Director.

When you click the Register link at the bottom of the Registration page you should see a registration conformation like the one below:



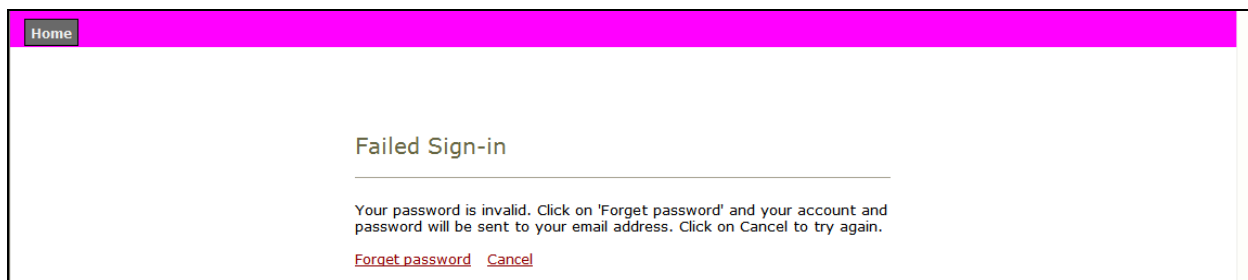
An email from the site administrator or agency administrator will confirm the user account was activated. The email message will include the User ID and Password requested by the user, as well as additional instructions for accessing the site. Note that this is a test registration email so it contains a test URL.



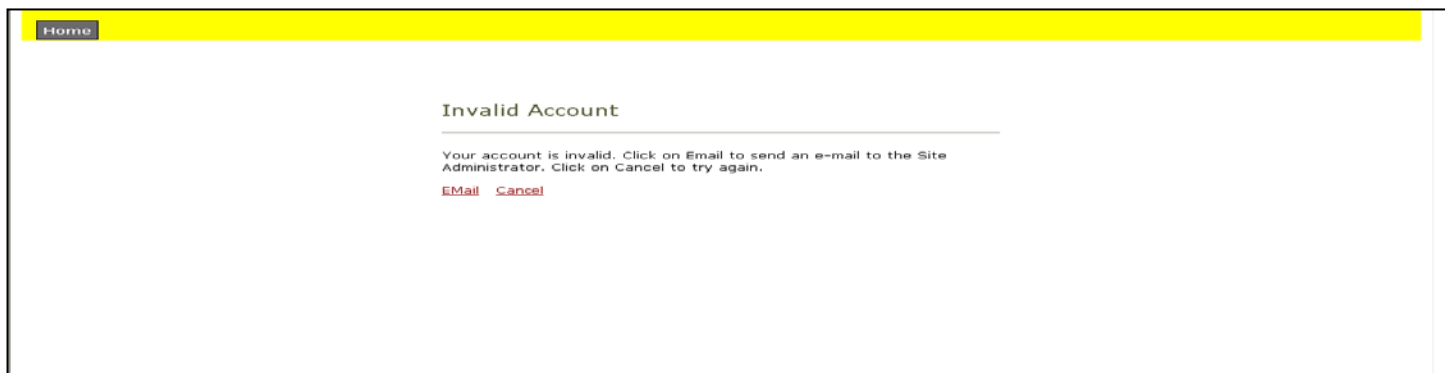
USER LOGIN

There are two different screens that appear when the user signs in to the EEOC Form 462 web site incorrectly: the Failed Login screen and the Invalid Account screen. Below is a description of what to do for each occurrence.

Failed Login screen – If the user enters the correct User ID, but the incorrect password, the Failed Login screen appears. The user may select “Forgot password” to have the User ID and Password emailed to him/herself, or select Cancel to return to the Home Page and enter the correct password.



Invalid Account screen – If the user enters an incorrect User ID, the Invalid Account screen appears. The user can select the Email link to send an email to the system administrator, or select Cancel to return to the Home Page and enter the correct information. Be sure to include your name, agency/sub-component name, email and phone number in the email and place “Invalid Account” in the subject line. Additionally, please include when you registered and received the email with user ID and password after registration.



NAVIGATION

Each page of the EEOC Form 462 web site has links for navigating the web site. It is important to navigate the site using the links provided. Do **NOT** use the **Back** or the **Forward** buttons in the browser to move through the site. **Using the Back and Forward buttons will result in lost information.** To ensure that the information entered into EEOC Form 462 is saved properly, please use the links provided on each page of the form. In the event you make changes but the system still indicates errors, select “Save with errors (stay on this part).” In doing so, the input data will be saved.

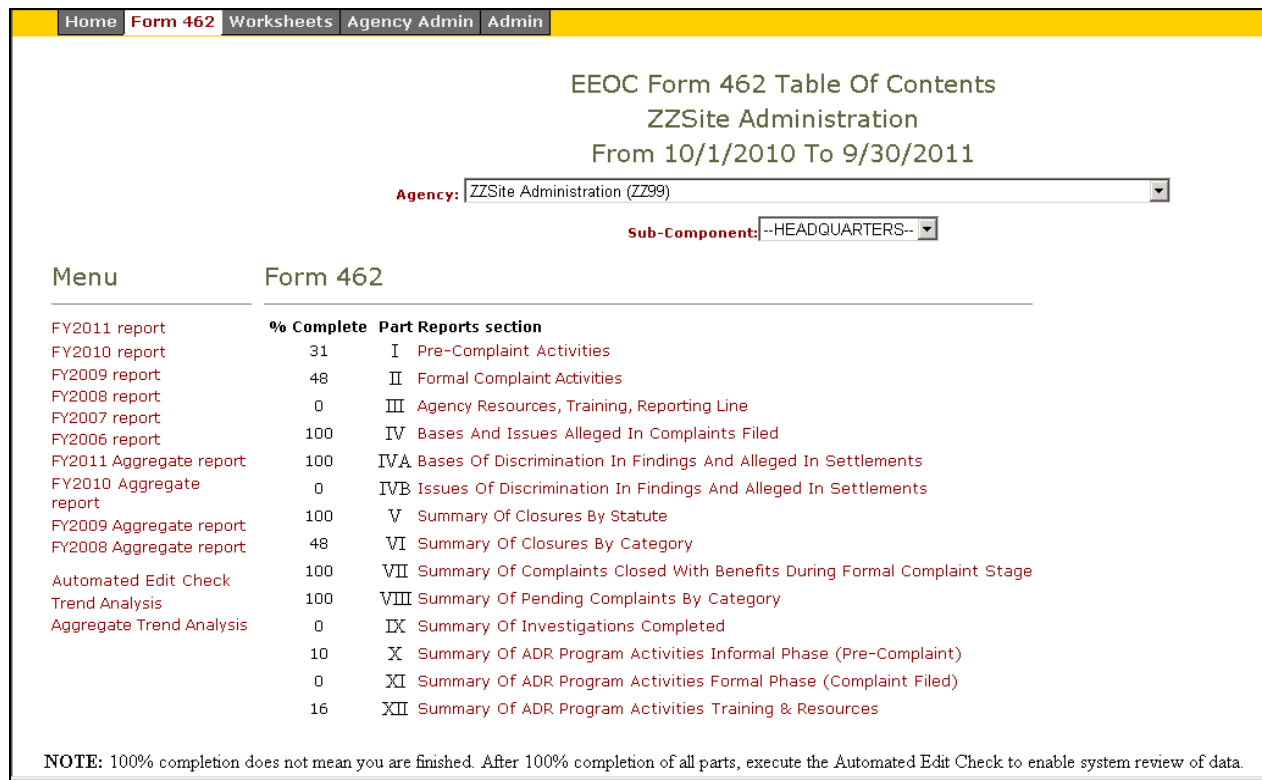
Consider inputting all data and use the Fill with zeros link to fill in all fields prior to responding to warnings and errors. Select “Save with errors (stay on this part)” to navigate through the various parts. Discover interrelationships of the parts and address warnings and errors accordingly.

The TABS

Once signed in the User will find Tabs along the top left side of the home page and a Quick Launch section to helpful resources on the left side of the page and some handy links at the top right of the screen.

Form 462 Tab – will take you to the Table of Contents for the Form 462 report of the

agency selected. The agency must be selected prior to data input. Sub-component preparers must select agency and sub-component prior to data entry. It is under this tab that the agency/sub-component enters its report data.



Menu	Form 462
FY2011 report	% Complete Part Reports section
FY2010 report	31 I Pre-Complaint Activities
FY2009 report	48 II Formal Complaint Activities
FY2008 report	0 III Agency Resources, Training, Reporting Line
FY2007 report	100 IV Bases And Issues Alleged In Complaints Filed
FY2006 report	100 IV A Bases Of Discrimination In Findings And Alleged In Settlements
FY2011 Aggregate report	100 IV B Issues Of Discrimination In Findings And Alleged In Settlements
FY2010 Aggregate report	0 V Summary Of Closures By Statute
FY2009 Aggregate report	100 VI Summary Of Closures By Category
FY2008 Aggregate report	48 VII Summary Of Complaints Closed With Benefits During Formal Complaint Stage
Automated Edit Check	100 VIII Summary Of Pending Complaints By Category
Trend Analysis	100 IX Summary Of Investigations Completed
Aggregate Trend Analysis	0 X Summary Of ADR Program Activities Informal Phase (Pre-Complaint)
	10 XI Summary Of ADR Program Activities Formal Phase (Complaint Filed)
	0 XII Summary Of ADR Program Activities Training & Resources
	16 XII

NOTE: 100% completion does not mean you are finished. After 100% completion of all parts, execute the Automated Edit Check to enable system review of data.

There are twelve reporting parts in the EEOC Form 462. The Table of Contents page under the Form 462 tab displays links to each of the fourteen parts of EEOC Form 462 as well as the percentage of completion for each part of EEOC Form 462. For agencies with sub-components, there is a sub-component drop-down menu. This box allows administrators to view the EEOC Form 462 for the agency’s sub-components.

The “--HEADQUARTERS—“ except in Part III Section C and Part XII Sections E and F where the agency administrator must provide additional information to complete the report, the remainder of the report must be filled with zeroes to reach 100% which enables aggregation of data for the entire agency.

Links to Navigate the EEOC Form 462 web site

Navigation on the site requires the use of links shown in the illustration and explained in more detail below:

The screenshot shows a web form with the following content:

c. Counseled done within 31-90 days that were UNTIMELY	<input type="text"/>	888
3. Counseled beyond 90 days	<input type="text"/>	888
4. Counseled due to remands	45	888

Errors or warnings were detected in validating this information. To save the information anyway press the "Save with errors" link below. Otherwise make your changes and press the "Save" link to revalidate and save the form information.

[Save \(stay on this part\)](#) [Save with errors \(stay on this part\)](#)
[Save \(go to next part\)](#) [Save with errors \(go to next part\)](#)
[Save \(go to table of contents\)](#) [Save with errors \(go to table of contents\)](#)
[Cancel](#)

Comments Add new comment

Date	Name	Field Name	Comment
------	------	------------	---------

The browser status bar at the bottom shows "Done" and "Internet".

Save (stay on this part) – the information will be saved for processing and the same page will be displayed.

Save (go to next part) – the information will be saved for processing and the next part or section of the form will be displayed.

Save (go to table of contents) – the information will be saved for processing and the Table of Contents will be displayed.

Save with errors (stay on this part) – this link is only displayed if there are errors or warnings on the page. It allows the information to be saved for processing. The same page will be displayed.

Save with errors (go to next part) – this link is only displayed if there are errors or warnings on the page. It allows the information to be saved for processing and the next part or section of the form will be displayed even though there are errors you may need to correct later.

Save with errors (go to table of contents) – this link is only displayed if there are errors or warnings on the page. It allows the information to be saved for processing and the Table of Contents will be displayed.

Return – will return to the Table of Contents.

Cancel – the information will be deleted and return to the Table of Contents.

Add new comment – The **Add new comment** link allows the user to post more specific information concerning a particular complaint or data field. By clicking on **Add new comment**, the user can enter information onto the Comment Details page. When the user adds a comment, he/she has to select a particular line number or data field that the comment is associated with (Comment for line number). Comments associated with a warning message will be accomplished in the same manner. The warning message(s) will remain but the agency will still be able to certify its report once a comment has been added. After entering the information, **Add** will post the comment to the bottom of the website screen and on the printed form it will associate the comment with the relevant section of the form.

Warning Messages

Important – If a WARNING message appears, check the data for accuracy. If the data is correct, you should enter an explanation in the box provided. This will allow you to continue to the next part of the form. Warning messages will not prevent certification but will remain as an Auto Edit Check message.

Error Messages

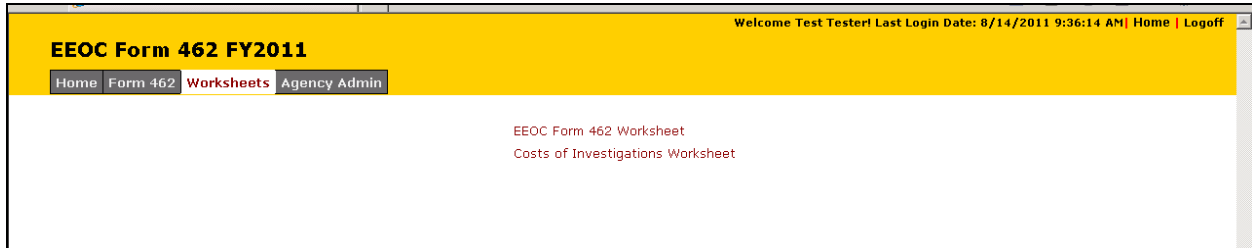
Error messages appear in red. User intervention is required. Usually, these messages provide detailed clues identifying the problem with proposed solutions. These error messages must be corrected prior to certification. Consult the related part of this instruction manual for additional assistance.

Date Entry

The website does not recognize commas (,) or dollar signs (\$). Values should be entered without commas or dollar signs.

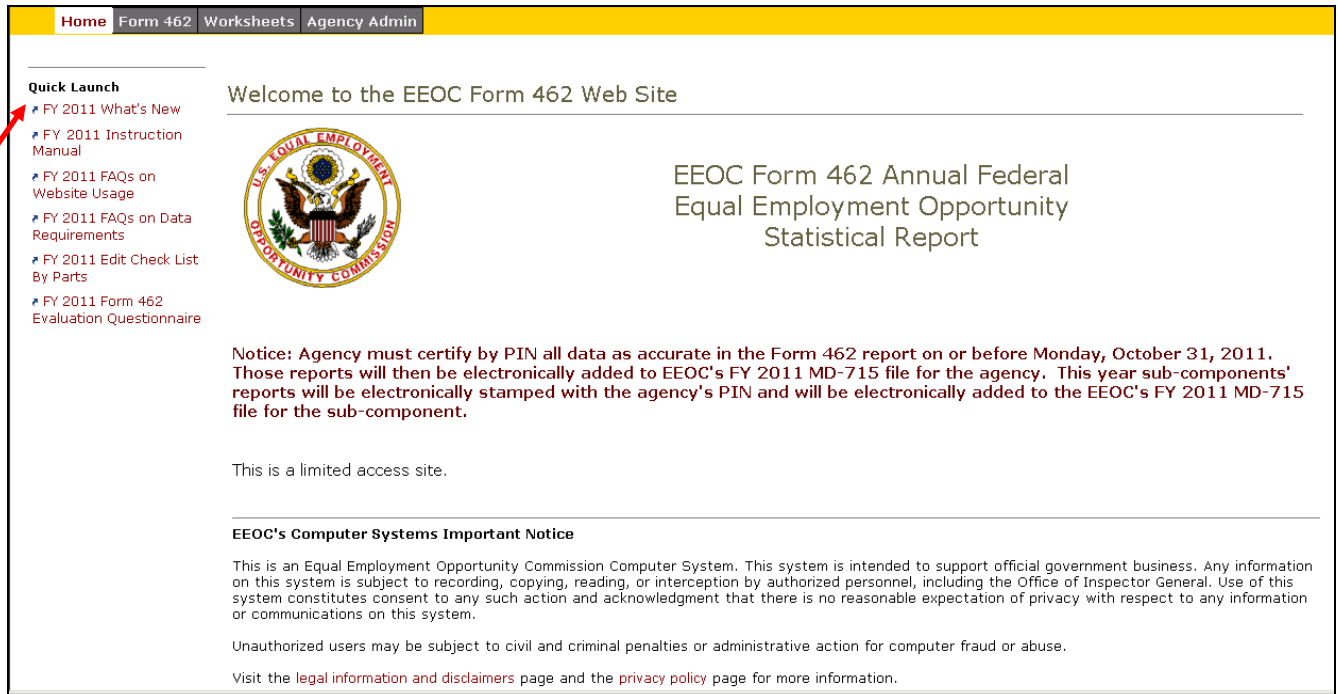
The TABS continued

Worksheets Tab – where a blank, printable version of the EEOC Form 462 form can be printed by clicking on the “EEOC Form 462 Worksheet link. There is also a link to the Investigation Costs worksheet. Agency and sub-components will have access to this tab.



Agency Admin Tab – is a special tab for Agency Administrator functions. Sub-components will not have access to this tab.

Quick Launch Section




Home Form 462 Worksheets Agency Admin

Quick Launch

- FY 2011 What's New
- FY 2011 Instruction Manual
- FY 2011 FAQs on Website Usage
- FY 2011 FAQs on Data Requirements
- FY 2011 Edit Check List By Parts
- FY 2011 Form 462 Evaluation Questionnaire

Welcome to the EEOC Form 462 Web Site



EEOC Form 462 Annual Federal Equal Employment Opportunity Statistical Report

Notice: Agency must certify by PIN all data as accurate in the Form 462 report on or before Monday, October 31, 2011. Those reports will then be electronically added to EEOC's FY 2011 MD-715 file for the agency. This year sub-components' reports will be electronically stamped with the agency's PIN and will be electronically added to the EEOC's FY 2011 MD-715 file for the sub-component.

This is a limited access site.

EEOC's Computer Systems Important Notice

This is an Equal Employment Opportunity Commission Computer System. This system is intended to support official government business. Any information on this system is subject to recording, copying, reading, or interception by authorized personnel, including the Office of Inspector General. Use of this system constitutes consent to any such action and acknowledgment that there is no reasonable expectation of privacy with respect to any information or communications on this system.

Unauthorized users may be subject to civil and criminal penalties or administrative action for computer fraud or abuse.

Visit the [legal information and disclaimers](#) page and the [privacy policy](#) page for more information.

Several resources are available within the EEOC Form 462 website to provide assistance. These resources can aid with interpretation and seeking solutions to inconsistencies and errors contained in the EEOC Form 462 report. The quick launch links include:

1. **What's New Document** - where you can find any new web enhancements or data collection requirements for the current fiscal year;
2. **The FY 2012 Form 462 User's Instruction Manual** – contains everything you need to know to navigate the web-site and complete the data entry in the form 462 report.
3. **FAQs on Website Usage** – provides some quick answers on website usage and navigation.
4. **FAQs on Data Requirements** – provides some answers to previously asked data reporting questions.
5. **FY 2012 Form 462 Report Edit Check List by Parts** – provides the edits performed by the edit check program.
6. **FY 2012 Form 462 Evaluation Questionnaire** – we would greatly appreciate your feedback on this year's reporting experience. The form is a fillable PDF.

Handy Links Section located on the top right of the web site page.



Home – will return you to the Home Page.

Logoff – will log you off the web site. When a session is complete, users must logoff of the web site. Clicking on the Logoff link, located on the top right hand corner of each page, logs the user off the site. After successfully logging off, users will be redirected to the Home Page.

Agency Administrator – Agency Admin Tab

The screenshot shows the 'Agency Admin' interface. On the left, the 'Agency Menu' includes options like 'Form 462 Status', 'Define 'Other'', '1-Week Ext. Request', 'Override Request', 'Auto EditCheck', 'Trend Analysis', 'Sub-Components', 'SC Users', and 'Validate Users'. The 'Form 462 Status' section features a 'Period' dropdown menu and a table with columns for 'Agency Code', 'Agency Name', and 'Completed'.

Agency Code	Agency Name	Completed
ZZ99	ZZSite Administration	<input type="checkbox"/>
zzz0	ZZSite Sub 1	<input type="checkbox"/>
ZZZ2	ZZSite Sub 2	<input type="checkbox"/>
ZZZ3	ZZZSite Sub3	<input type="checkbox"/>
ZZ4	ZZ4 site sub	<input type="checkbox"/>

Agency Menu

Agency administrator activities include user management and sub-component assignments. Agency administrators monitor the progress and status of the 462 forms. The functions performed on the Agency Menu are as follows:

- Form 462 Status
- Define 'Other'
- 1-Week Ext. Request
- Override Request
- Automated Edit Check
- Trend Analysis
- Sub-components
- Sub-component Users
- Validate Users

Form 462 Status

Form 462 Status, shown above, lists the agency and its sub-components. This list contains the agency/sub-component code, the agency/sub-component name, and whether the agency/sub-component has completed the EEOC Form 462 in its entirety. When EEOC Form 462 is 100 percent complete for the agency and its sub-components, a Request Review/PIN button/link is displayed below the list.

Define 'Other'

This section allows agency administrators to define the 'Other' fields in certain parts of EEOC Form 462. Parts I, IV, VII, X, and XI contain 'Other' fields that can be specified.

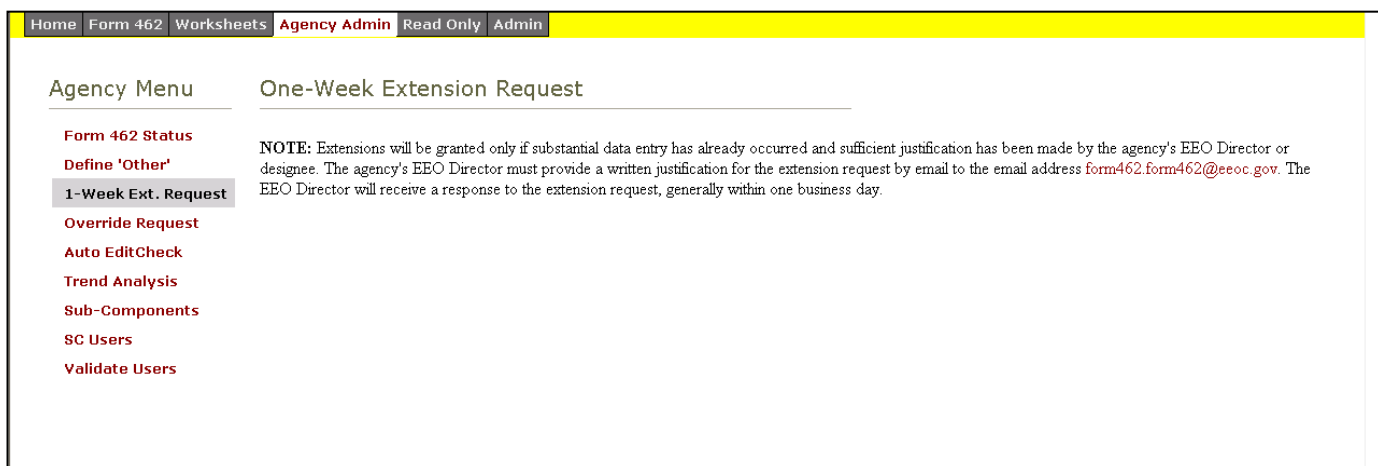
The screenshot shows a web interface with a yellow navigation bar at the top containing links for Home, Form 462, Worksheets, Agency Admin (highlighted), Read Only, and Admin. Below the navigation bar, there is a left sidebar titled 'Agency Menu' with several options: Form 462 Status, Define 'Other' (highlighted), 1-Week Ext. Request, Override Request, Auto EditCheck, Trend Analysis, Sub-Components, SC Users, and Validate Users. The main content area is titled 'Define 'Other' Categories' and contains a note and a warning. The note states that the 'Other' category must be defined by the agency Form 462 Administrator and added to the website prior to data entry, and that the administrator should review proposed 'other' entries to determine if they belong in one of the already defined categories. The warning states 'DO NOT ENTER "OTHER" - please be specific.' Below the warning are five red underlined links: Define Part I 'Other' Categories, Define Part IV 'Other' Categories, Define Part VII 'Other' Categories, Define Part X 'Other' Categories, and Define Part XI 'Other' Categories.

Only agency administrators may define the 'Other' fields for their agency. Please do not add fields labeled "OTHER" to the site, be more specific. Sub-component users, without the ability to define the 'Other' fields, must coordinate with the agency administrator to have those fields defined.

1-Week Extension Request

Agencies are encouraged to get started on report data entry as early in October as possible. Please note that extensions should only be requested when the agency can not meet the regulatory deadline of October 31 because of workload or emergency situations.

Extensions will be granted only if substantial data entry has been completed and sufficient justification is made by the agency's EEO Director or designee.



The screenshot shows a web application interface with a yellow navigation bar at the top containing links for Home, Form 462, Worksheets, Agency Admin, Read Only, and Admin. Below the navigation bar, there is a left-hand menu titled 'Agency Menu' with several items: Form 462 Status, Define 'Other', 1-Week Ext. Request (highlighted), Override Request, Auto EditCheck, Trend Analysis, Sub-Components, SC Users, and Validate Users. The main content area is titled 'One-Week Extension Request' and contains a note: 'NOTE: Extensions will be granted only if substantial data entry has already occurred and sufficient justification has been made by the agency's EEO Director or designee. The agency's EEO Director must provide a written justification for the extension request by email to the email address form462.form462@eeoc.gov. The EEO Director will receive a response to the extension request, generally within one business day.'

Specifically, the EEO Director is required to provide a written justification when requesting an extension. Requests are submitted to the form462.form462@eeoc.gov email address. The Director at EEOC will determine if the extension request will be granted and a response will be sent via email as soon as possible. Requests for extensions submitted by Agency Administrators will be DENIED.

Override Request

The Override Completion Request page allows the user to submit a request for an override of a problem that is preventing certification.

When requesting an override of a problem, it is important to include an explanation of why the data entered is correct and should be validated. The Director at EEOC will determine if an override will be granted and respond via email as soon as possible.

Home Form 462 Worksheets **Agency Admin**

Agency Menu

- Form 462 Status
- Define 'Other'
- 1-Week Ext. Request
- Override Request**
- Auto EditCheck
- Trend Analysis

Override Completion Request

Do you have an error or warning message preventing you from certifying your report? Request an override of the problem by including an explanation of why the entered data are correct and should be validated. The system administrator will determine if an override should be granted and respond as soon as possible.

From: jamie.price@eeoc.gov
To: form462.form462@eeoc.gov
CC: jamie.price@eeoc.gov,jamie.price@eeoc.gov
Subject: Override Completion Status Request From Court Services and Offender Supervision Agency for the District of Columbia

Please enter your explanation for requesting an override here

Automated Edit Check

Agency Administrators (as well as sub-component users) have the ability to perform Edit Checks on reports using a link called Auto Edit Check which can be accessed from several locations. EEOC recommends that you use this feature to make your agency's/sub-component's data as accurate as possible. Additional edits that the system does not do are performed by EEOC staff after the report is submitted.

Home Form 462 Worksheets **Agency Admin** Read Only Admin

Agency Menu

- Form 462 Status
- Define 'Other'
- 1-Week Ext. Request
- Override Request
- Auto EditCheck**
- Trend Analysis
- Sub-Components
- SC Users
- Validate Users

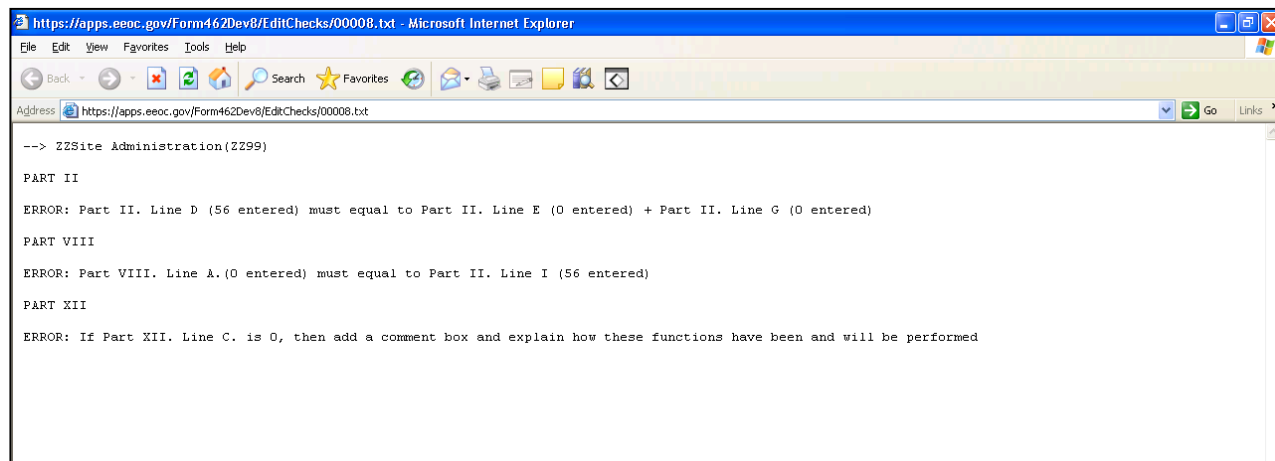
Automatic Edit Check

Agency: ZZSite Administration(ZZ99) ▼

Sub-Component: ZZSite Sub 1 (zzz0) ▼

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Upon executing the command to perform an Edit Check, the review will be completed and a report/email will be comprised containing a description of the inconsistencies and errors identified. These report/emails can be reviewed and customized, if required, and sent for review and action by an agency administrator or sub-component. After you show 100% completion, you must perform an Automated Edit Check before you can certify completion if a sub-component (from the 462 tab) and/or Request a Review/PIN if an agency administrator (from the Agency Admin tab).



Trend Analysis

The Trend Analysis report is generated by the website when the “generate report” link is selected. The report is a tool to provide the agency a look at key factors and if there was improvement over a five-year period.

Home	Form 462	Worksheets	Agency Admin	Read Only	Admin
------	----------	------------	---------------------	-----------	-------

Agency Menu	Trend Analysis
Form 462 Status	Agency: ZZSite Administration(ZZ99) ▼
Define 'Other'	Sub-Component: ZZSite Sub 2 (ZZZ) ▼
1-Week Ext. Request	<input type="button" value="Generate Report"/>
Override Request	
Auto EditCheck	
Trend Analysis	
Sub-Components	
SC Users	
Validate Users	

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The trend analysis report shows a five-year trend of timeliness factors and complaint/complainant data for the agency.

TREND ANALYSIS - ZZSite Administration					
TABLE I: AGENCY TIMELINESS					
	2006	2007	2008	2009	2010
A. All Counselings (minus remands)					
Total #			6	1913	0
# Timely			3	1511	0
% Timely			50.00%	78.99%	No counselings
B. All Investigations					
Total #			0	628	0
# Timely			0	314	0
% Timely			No Investigations	50.00%	No Investigations
Average Processing Days – Investigations			0.00	229.32	0.00
C. Merit Decisions(No AJ)					
Total #			0	336	0
# Timely			0	38	0
% Timely			No Merit Decisions	11.31%	No Merit Decisions
Average Processing Days – Merit FADs (No AJ)			0.00	178.11	0.00
D. Dismissals (No AJ)					
Total #			0	116	0
Average Processing Days – Dismissal FADs (No AJ)			0.00	179.31	0.00

TABLE II: AGENCY COMPLAINTS/COMPLAINANTS – TRENDS AND % COMPLAINANTS OF WORKFORCE					
Agency/Year	# of Complaints Filed	% Chg Complaints from Prior Year	# Complainants	Total Workforce	% Complainants are of Workforce
2010	0	-100.00%	0	0	0.00%
2009	974	0.00%	816	171556	0.48%
2008	0	0.00%	0	0	0.00%
2007					
2006					

Printed on 8/22/2010

Administering Agency Sub-components

The Sub-components page of the Agency Administrator tab displays a listing of the sub-components assigned to the agency. To the left of each listed sub-component is a pencil icon that allows the agency administrator to update required sub-component details or delete the sub-component.

Home Form 462 Worksheets Agency Admin Read Only Admin																	
Agency Menu Form 462 Status Define 'Other' 1-Week Ext. Request Override Request Auto EditCheck Trend Analysis Sub-Components SC Users Validate Users	Sub-Components Add Sub-Component <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 30%;">Agency Code</th> <th style="width: 30%;">Agency Size</th> <th style="width: 30%;">Agency Name</th> </tr> </thead> <tbody> <tr> <td></td> <td>zzz0</td> <td>< 100</td> <td>ZZSite Sub 1</td> </tr> <tr> <td></td> <td>ZZZ2</td> <td>< 100</td> <td>ZZSite Sub 2</td> </tr> <tr> <td></td> <td>ZZZ3</td> <td>< 100</td> <td>ZZZSite Sub3</td> </tr> </tbody> </table>		Agency Code	Agency Size	Agency Name		zzz0	< 100	ZZSite Sub 1		ZZZ2	< 100	ZZSite Sub 2		ZZZ3	< 100	ZZZSite Sub3
	Agency Code	Agency Size	Agency Name														
	zzz0	< 100	ZZSite Sub 1														
	ZZZ2	< 100	ZZSite Sub 2														
	ZZZ3	< 100	ZZZSite Sub3														

The sub-components page also allows the agency administrator to add additional sub-components by selecting the Add Sub-component button. In order to add a sub-component successfully, the user must complete all required fields marked with an asterisk on the Agency or Sub-component Details page.

Agency or Sub-Component Details:

* Agency Code:

* Agency Name:

* Agency Size: --SELECT--

Agency Acronym:

[Add](#) [Cancel](#)

- *Agency code – a four character alphanumeric code assigned and used to classify agencies and sub-components (generally used for OPM/CPDF data reporting)
- *Agency name – the official name of the agency
- *Agency size – select the proper category used to classify agency size: less than 100, Small, Mid-Size, and Cabinet Level (includes USPS): (Sub-components of cabinet agencies should be designated cabinet; sub-components of mid-size agencies should be designated mid-size).
- Agency acronym – is not a required field and can be completed if the information is known.

After filling in all required fields, the agency administrator may Add the sub-component or Cancel the transaction and return to the main Sub-components page.

Administering Sub-component Users

Agency administrators determine sub-component users. When a sub-component user requests access to the EEOC Form 462 web site, agency administrators determine whether or not to grant access to the site. The Sub-component Users page contains a drop down-listing of all sub-components assigned to the agency. Upon selecting an agency sub-component, a list of all users of that sub-component appears along with each user's account information. If the agency sub-component is not selected, a list of all users of that agency and its sub-components appears.

The screenshot shows the 'Sub-Component Users' page. On the left is an 'Agency Menu' with options like 'Form 462 Status', 'Define 'Other'', '1-Week Ext. Request', 'Override Request', 'Auto EditCheck', 'Trend Analysis', 'Sub-Components', 'SC Users', and 'Validate Users'. The 'SC Users' option is highlighted. On the right, the 'Sub-Component Users' section has a dropdown menu for 'Sub-Component' set to 'ZZZSite Sub3 (ZZ3)'. Below this is a table with columns: Name, Sub-Component, Email, Phone, Ext, City, and State. A 'Password' link with a pencil icon is next to the first user's name.

Name	Sub-Component	Email	Phone	Ext	City	State
Joe, Bobby	ZZZSite Sub3	jamie.price@eeoc.gov	222-222-2222		washington	DC

The list contains:

- Name
- Sub-component
- Email
- Telephone
- Extension number
- City
- State

The Password link enables agency administrators to change a password when requested by a user. This is helpful if someone has forgotten his/her password. By clicking on the pencil icon, the agency administrator can access the user account information of the sub-component user. From the User Account page, agency administrators can update and delete user information and accounts.

Validating Users

The Validate Users page allows the agency administrator to approve potential users requesting an account for their agency sub-component. The validation page displays a list of users who have requested an account, the names, agencies, sub-components, city, state, and the date of the request.

Agency Menu		Validate Users					
		Name	Agency	Sub-Component	City	State	Date Requested
Form 462 Status	Approve Disapprove	Joe, Bobby	ZZSite Administration	ZZSite Sub3	washington	DC	8/30/2009
Define 'Other'							
1-Week Ext. Request							
Override Request							
Auto EditCheck							
Trend Analysis							
Sub-Components							
SC Users							
Validate Users							

By clicking on the pencil icon, the agency administrator can access the User Account page of the user that requested an account. From the User Account page, the agency administrator can update or delete the requester. By selecting Update or Cancel, the agency administrator will return to the Validate Users page. If Approve is selected, the user is granted access to the EEOC Form 462 web site. The user will receive an email including a user name, password, and link to the EEOC Form 462 web site. If Disapprove is selected, the requestor receives a denial-of-access email from the web site.

EEOC Form 462 Website Printing

Users of the EEOC Form 462 website have multiple print options:

Page Print -Select File, and Print from the Internet menu.

Print Entire Report - Click on the Form 462 tab, select the desired agency and/or sub-component and click on the year of the report you want to print whether as the aggregate report for that year or as the sub component report for that year. The EEOC Form 462 report should appear on the screen and to print select File, and Print. If no data displays, select Edit, Preferences, Internet, and deselect Display PDF in browser. Contact your Information Technology office if you are unable to change settings in Adobe Acrobat. Each time you print a Form 462 report, the current date will appear.

Requesting Review/PIN and Certifying the Report

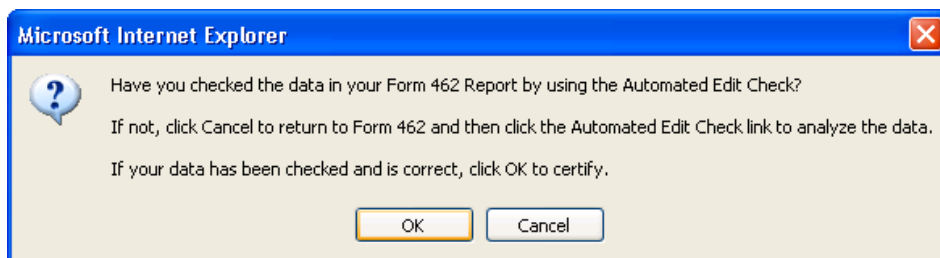
After completing the edit check process, the next step is to notify EEOC the agency believes the report is complete and ready for a review. To do that, click on the “Click here to certify that the data in this report is accurate and complete” link on the 462 tab.

Agency: ZZSite Administration (ZZ99)
Sub-Component: ZZ4 site sub (ZZ4)

Menu	Form 462	% Complete	Section Reports section
FY2010 report		100	I Pre-Complaint Counseling
FY2009 report		100	II Formal Complaint Activities
FY2010 Aggregate report		100	III Agency Resources, Training, Reporting Line
FY2009 Aggregate report		100	IV Bases And Issues Alleged In Complaints Filed
FY2008 Aggregate report		100	IVB Bases Of Discrimination In Findings And Alleged In Settlements
Automated Edit Check		100	IVB Issues Of Discrimination In Findings And Alleged In Settlements
Trend Analysis		100	V Summary Of Closures By Statute
Aggregate Trend Analysis		100	VI Summary Of Closures By Category
Click here to certify that the data in this report is accurate and complete		100	VII Summary Of Complaints Closed With Benefits During Formal Complaint Stage
		100	VIII Summary Of Pending Complaints By Category
		100	IX Summary Of Investigations Completed
		100	X Summary Of ADR Program Activities Informal Phase (Pre-Complaint)
		100	XI Summary Of ADR Program Activities Formal Phase
		100	XII Summary Of ADR Program Activities Training & Resources

NOTE: 100% completion does not mean you are finished. After 100% completion of all parts, execute the Automated Edit Check to enable system review of data.

That will bring up the following window:



If the auto edit check program was run click and all issues resolved then click “OK.” If you are the agency administrator then the following process takes place. (NOTE: the certification process for sub-components is slightly different and is set forth on [pages 33 – 35](#)).

When the “OK” is clicked you will be taken to the agency admin tab on the Form 462 Status Page. The Form 462 Status page lists the agency and its sub-components with a check beside each showing completion. This list contains the agency / sub-component code, the agency / sub-component name, and whether the agency / sub-component has completed the EEOC Form 462 in its entirety. Below that list you should find a button/link displayed that says, “Request a Review/PIN for Certification.”

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Home Form 462 Worksheets **Agency Admin**

Agency Menu

- Form 462 Status
- Define 'Other'
- 1-Week Ext. Request
- Override Request
- Auto EditCheck
- Trend Analysis

Form 462 Status

Period: From 2008/10/01 To 2009/09/30

Agency Code	Agency Name	Completed
DIA	Defense Intelligence Agency	<input checked="" type="checkbox"/>

Click on the Request Review/PIN For Certification button below to send an email to EEOC to request a review and PIN to certify your Form 462 online

Request Review/PIN For Certification

Clicking that button notifies EEOC by email that your report is ready for a review; you should see a screen like the one below. EEOC will audit the report to ensure there are no unexplained data inconsistencies or missing data and notify the agency with a feedback email if any inconsistencies are found.

Home Form 462 Worksheets **Agency Admin**

Agency Menu

- Form 462 Status
- Define 'Other'
- 1-Week Ext. Request
- Override Request
- Auto EditCheck
- Trend Analysis

Form 462 Status

Period: From 2008/10/01 To 2009/09/30

Email has been sent to EEOC.

If the feedback email notifies you of inconsistencies or missing data, you should make the appropriate updates in your report and upon completion of the actions/updates to your data you should once again click the “Click to certify the data is accurate and complete and then go to the agency admin tab and click the “Request Review/PIN for Certification” button/link which notifies EEOC that you have taken the requested actions and are again ready for a PIN to be issued.

When the reconciliation (EEOC notifies agency by email of inconsistencies/missing data etc., then agency edits data and 1) again clicks the certify report is complete from 462 tab, 2) goes to the Agency Admin tab and again clicks the “Request a Review/PIN for Certification” button/link) is complete EEOC will notify the agency administrator by email that all data inconsistencies were reconciled or that no inconsistencies or missing data was found and that a PIN is being sent to the EEO Director. The PIN will take the place

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of the EEO Director's signature on the form certifying the accuracy and completeness of the data submitted in the report.

The EEO Director/Certifying Official should login to the web site and go to the agency admin tab and click the "Click here to certify the data in this report is accurate and complete" link. See below.

Home Form 462 Worksheets Agency Admin

Agency Menu

Form 462 Status

Period: From 2008/10/01 To 2009/09/30

Define 'Other'

1-Week Ext. Request

Override Request

Auto EditCheck

Trend Analysis

Agency Code Agency Name Completed

AID Agency for International Development

Click here to certify that the data in this report is accurate and complete

The screen below will open and the PIN should be entered along with the EEO Director/Certifying Official's information. The preparer's information is prefilled with the information from the individual who certified the report was complete and ready for review. Once the information is completed click the "Certify" link in the bottom left corner of the screen.

Home Form 462 Worksheets Agency Admin Admin

You must enter a valid value in the following fields:

- PIN is required
- Certifying official first name is required
- Certifying official last name is required
- Certifying official title is required
- Certifying official phone number is required
- Certifying official email is required

PIN

Certifying Official

First MI Last Title

Phone Email

Preparer

First MI Last Title

Jamie Price Attorney

Phone Email Date

202-663-4484 jamie.price@eoc.gov 09-13-09

I certify that the EEOC complaint data contained in this report, *EEOC Form 462, Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints*, for the report period 10/1/2008 through 9/30/2009 are accurate and complete.

NOTE: Your EEOC Form 462 will be displayed when you click on the Certify link below. To print out your EEOC Form 462, from the Web Browser, select the File menu, and select the Print option. To Save the EEOC Form 462, from the Web Browser, select the File menu, and select the "Save As" option. Once the EEOC Form 462 form is displayed and you had printed or saved a copy of the Form 462, you must click the "Close Browser Window and Logout" to ensure your certified form is submitted. Your account will be set to read-only to allow you to print Form 462 reports. No data entry is allowed after the form is certified.

Certify Cancel Close Browser Window and Logout

When the “Certify” link is clicked you should see the “File Download” message from which you can generate your final report and print it or save it. If the agency has sub-components those reports will now be stamped with the agency’s PIN as complete.

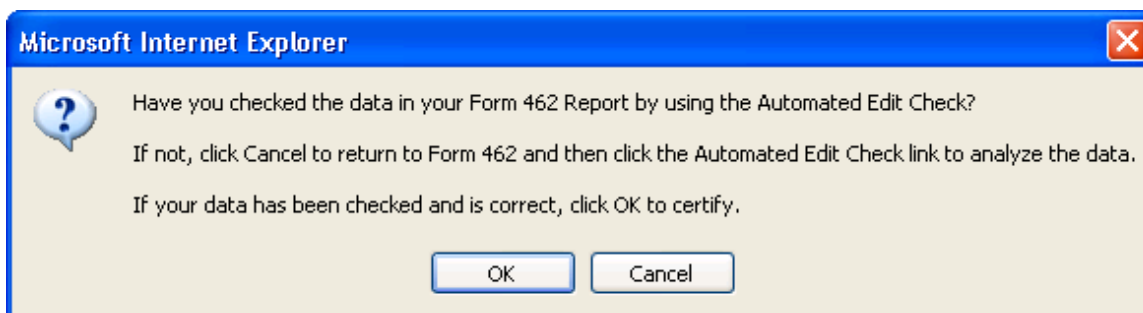
Once you have finished with the report window close it and click on the “Close Browser Window and log off” link so that your final report is submitted to EEOC. Note you must take this step to submit your report.

After logging off the web site, all agency users will be able to log back in and print the 462 reports and the trend analysis reports for so long as the site is open. At this time sub-components may also log back in and print their finalized reports which will contain the agency’s PIN and certification. All data entry functions will be disabled and the table of contents will appear in gray font.

Please note: Certified copies of the agency’s aggregate report will be electronically forwarded to the agency’s FY 2012 MD-715 report file at EEOC. The need to attach a copy of the 462 report to the MD-715 report is no longer necessary. Additionally, those sub components with over a 1000 employees, who must file an MD-715 report will no longer need to fax or mail a copy of their 462 report to EEOC. Their certified reports will also be electronically forwarded to the agency’s FY 2012 MD-715 report file at EEOC.

Sub-Component Certifications

When a sub-component user clicks on the “Click here to certify that the data in this report is accurate and complete” link on the 462 tab, the following screen will appear. The following notice appears:



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If the auto edit program has been run and completed then click “OK” at which time the following screen will appear:

PIN

Certifying Official

First MI Last Title

Phone Email

Preparer

First MI Last Title

Phone Email Date

202-663-4484 jamie.price@eeoc.gov 09-13-09

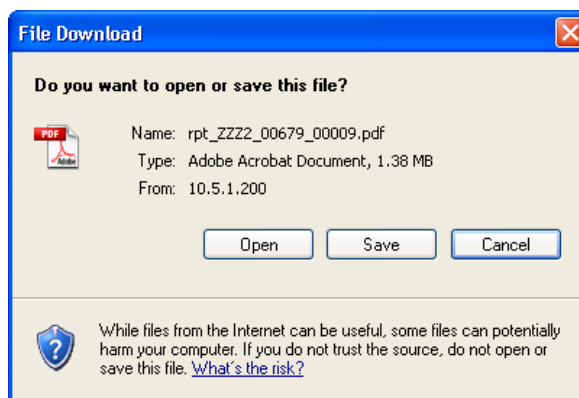
I certify that the EEOC complaint data contained in this report, *EEOC Form 462, Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints*, for the report period 10/1/2008 through 9/30/2009 are accurate and complete.

NOTE: Your EEOC Form 462 will be displayed when you click on the Certify link below. To print out your EEOC Form 462, from the Web Browser, select the File menu, and select the Print option. To Save the EEOC Form 462, from the Web Browser, select the File menu, and select the "Save As" option. Once the EEOC Form 462 form is displayed and you had printed or saved a copy of the Form 462, you must click the "Close Browser Window and Logoff" to ensure your certified form is submitted. Your account will be set to read-only to allow you to print Form 462 reports. No data entry is allowed after the form is certified.

[Certify](#) [Cancel](#) [Close Browser Window and Logoff](#)

The preparer should enter the sub-component's EEO Director information. You will not have a PIN to enter so leave it blank. Note: if you do not have an EEO Director at your sub-component, enter your parent agency's EEO Director's information in the screen and click “Certify.”

You will then receive the following message:



You may then generate a 462 report in a new window which you may print or save by clicking “Open” or “Save.” Note that this will not be your final report as you may have to make edits to your data if inconsistencies are later found in the parent agency's

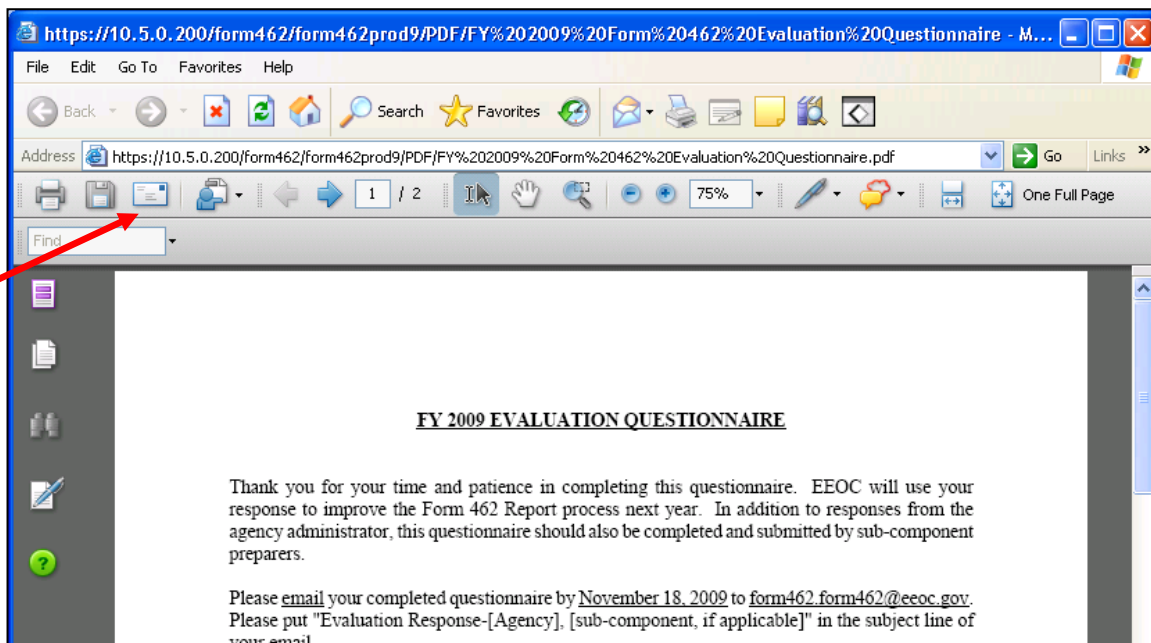
aggregate report. You should then click the “Close Browser Window and Logoff” link to submit your report to EEOC. NOTE you must take this step to submit your report to EEOC. If the sub-component is asked to make changes to its report, before the parent agency enters the PIN, upon completion of the data entry, the user should again click the “Click here to certify the report is accurate and complete” link on the 462 tab.

Also note that after your parent agency certifies its report you will be able to log back into the site and generate a final certified copy of your 462 report which will contain the PIN and which is what will be electronically transferred to your MD-715 file at EEOC as the final report. Remember the PIN is the EEO Director’s signature that the data is accurate and complete and must be entered by October 31st to be considered timely.

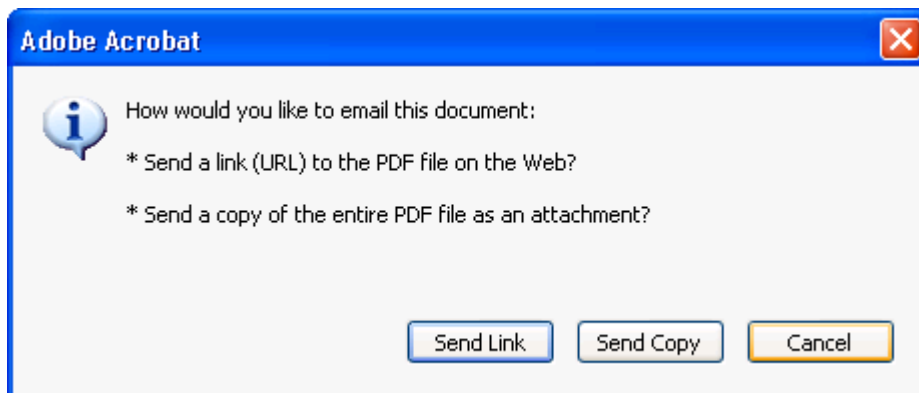
Please note: Certified copies of the agency’s aggregate report will be electronically forwarded to the agency’s FY 2012 MD-715 report file at EEOC. The need to attach a copy of the 462 report to the MD-715 report is no longer necessary. Additionally, those sub components with over a 1000 employees, who must file an MD-715 report will no longer need to fax or mail a copy of their 462 report to EEOC. Their certified reports will also be electronically forwarded to the agency’s FY 2012 MD-715 report file at EEOC.

Please take a moment to complete the questionnaire this year as your feedback is greatly appreciated. The questionnaire is in a PDF fillable format this year and we would like to receive it by November 18, 2012. So when you click the link on the home page the file opens and you can fill it out. You can then click the Envelope button, see screen arrow on the next page:

FY 2012 EEOC Form 462 Instruction Manual



This will bring up the following box:



Click on "Send Copy" and your email client should open with a new mail complete with a PDF attachment. Please send the email to Form462.Form462@eoc.gov and put your agency (sub-component) name in the subject line of the email.

Visual Aids

→ The **arrow icon** points to **definitions** in the Instruction Manual text. In addition, all definitions are provided in alphabetical order in [Appendix B](#) - Definitions.



This **icon** points to a **statutory, regulatory or management directive requirement**.



This **icon** points to a “caution” notice that explains data requirements and requires agencies to **choose the proper line** on which to include the data.



This **icon** points to **explanations for required comment boxes**.

To further assist the reader, needed information is displayed in **color-coded text boxes**: regulations in a yellow text box, examples in a green text box:

Regulations

Example

RELATIONSHIP BETWEEN PART 1614 REGULATIONS AND FORM 462 REPORT

Laws Enforced by EEOC

- Title VII prohibits employment discrimination based on race, color, religion, sex, and national origin.
- Title VII was amended to specify that pregnancy discrimination is discrimination based on sex. A complaint alleging pregnancy discrimination should be reported as alleging sex discrimination under the Pregnancy Discrimination Act.
- The ADEA prohibits employment discrimination based on age (40 years or older).
- The Rehabilitation Act prohibits discrimination based on physical and mental disability. It also requires agencies to provide reasonable accommodations needed by individuals with disabilities to perform the essential functions of their job.
- The Equal Pay Act prohibits sex-based wage discrimination between men and women in the same agency who are performing under similar working conditions.
- The Genetics Information Nondiscrimination Act prohibits discrimination based on genetic information. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder or condition of an individual's family members (i.e. an individual's family medical history).
- EEOC Regulation (29 C.F.R. §1614.101(b)) prohibits retaliation (reprisal) for opposing any practice made unlawful by the statutes listed above or for participating in any stage of the administrative or judicial proceedings resulting from the above listed statutes.
- Retaliation/reprisal claims should be reported in Part V on the line that describes the activity that led to the retaliation/reprisal, for example, retaliation for filing a complaint of age discrimination would be reported on the ADEA line.

Summary - All PARTS – I THROUGH XII

- **Key definitions** are included with the instructions for the Part where they are first needed. For example, a “counseling” is defined with the “Part I - Pre-complaint Activities” instructions. An “investigation” is defined with the “Part VIII - Summary of Pending Complaints By Category” instructions. All definitions, including some definitions for specific line entries, are included in alphabetical order in “[Appendix B - Definitions](#).”
- For purposes of the FY 2012 Form 462 Report, when these instructions refer to the “**prior reporting period**,” the instructions are referring to the FY 2011 reporting period, from October 1, 2010 through September 30, 2011.
- If there was no activity to report, a zero should be entered in the appropriate spaces. An automatic zero entry feature is described in the “Website Navigation and Trouble Shooting Tips” section of this manual. It is recommended that all actual data be entered before the “**Fill with zeros**” link is activated.

If you need to provide an explanation for any data field of the EEOC Form 462, click on the “**Add new comment**” link at the bottom of the data entry screen. A dialog box will appear where you can enter your comment. Drop-down menus have been added so that users need only select the line number and the sub-component name or acronym (as applicable) and the information will be added to the comment box and appear as a footnote on the final report. When the user completes the comment, they must click on the “**Add**” link to save the comment.



WARNING messages appear when the entered data falls outside a specified parameter. Agencies should verify that the data entered is correct. If the data is correct, the preparer must so state in a comment box and explain why the data differs from the regulatory time limits for complaint processing. The preparer must use the drop-down menus to insert the line number and, for agencies with sub-components, the sub-component acronym. The preparer then must click on “**Save**” and, if the warning reappears, then click on “**Save with errors**”.

PART I “PRE-COMPLAINT ACTIVITIES”

Part I of the 462 report collects information on the initial stage or pre-complaint phase of the EEO process. Specifically, the number of completed/ended counselings, individuals and timeliness data of the pre-complaint process is collected. The following definitions apply in section I.

“Counseling” is an instance where an EEO Counselor or an ADR Intake Officer performs the counseling duties described in Chapter 2 of MD 110 (provides information on the EEO process, the individual’s rights and responsibilities and the agency’s ADR Program; determines claims and bases; obtains information on timeliness and jurisdictional questions; seeks resolution of the dispute sought through the counseling or ADR process; and issues to the individual written notice of the right to file a formal complaint). It does not include brief responses to telephone inquiries or efforts to assist employees with non-EEO matters.

“Completed/Ended Counselings” are counseling which were **concluded/closed**, either by a written settlement agreement, a written withdrawal from the counseling process, the issuance of a written notice of the right to file a formal complaint, the forwarding of a counseling to an Administrative Judge when requested/ordered by the Administrative Judge, or the filing of a complaint after the regulatory counseling period has expired even though not all counseling duties were performed.

An **“individual”** is a person, usually an agency current or former employee or applicant for agency employment, but occasionally a contract employee who seeks counseling believing s/he is an agency "employee" or believing s/he is otherwise entitled to EEO counseling.

ADR stands for Alternative Dispute Resolution. It consists of those processes that individuals can use to resolve their disputes other than by using courts, trials, or administrative procedures, and in the federal EEO process, ADR is an alternative to Traditional Counseling. For purposes of Form 462 reporting, do not provide information concerning other ADR programs that your agency may use for resolving program disputes, contractor issues, suppliers concerns, or other non-EEO controversies. Other types of workplace disputes, administered through an agency’s early resolution/intervention programs or union grievances programs are likewise not reported on Form 462. Participated in ADR means the counselee chose to participate in the agency’s alternative dispute resolution program. Subsequently, not attending an ADR session with a neutral, e.g., a mediator, does not change the initial choice to participate in the ADR program.

Note: Part I collects data only on "completed/ended" counselings except in Part I D Lines 1, 2, and 4. More details are provided below.

Part I Section A and Section B are no longer collected separately – see Section C.

Part I Section C – Total Completed/Ended Counselings

Part I - Pre-Complaint Activities		
<i>Fill with zeros</i>		
TOTAL COMPLETED/ENDED COUNSELINGS		
	Counselings	Individuals
C. Total Completed/Ended Counselings	<input type="text"/>	<input type="text"/>
1. Counseled within 30 days	<input type="text"/>	<input type="text"/>
2. Counseled within 31 to 90 days	<input type="text"/>	<input type="text"/>
a. Counseled within written extension period no longer than 60 days	<input type="text"/>	<input type="text"/>
b. Counseled within 90 days where individual participated in ADR	<input type="text"/>	<input type="text"/>
c. Counseled within 31-90 days that were UNTIMELY	<input type="text"/>	<input type="text"/>
3. Counseled beyond 90 days	<input type="text"/>	<input type="text"/>
4. Counseled due to remands	<input type="text"/>	<input type="text"/>
Save (stay on this part) Save (go to next part) Save (go to table of contents) Cancel		
Comments	Add new comment	

In Part I Section C labeled Total Completed/Ended Counseling, counseling activity is reported along with the timeliness of completed/ended counselings on lines C.1, C.2, and C.3. Timeliness is calculated from the date the counseling was requested to date the counseling was completed (notice of right to file complaint issued) or ended (written settlement agreement, withdrawal from EEO process, formal complaint filed). Remanded counselings are reported on line 4. Only remanded counselings by an EEOC AJ or by an OFO appellate order are to be reported. Within agency remands are not reported on Form 462 and no times are tolled for agency remands.

Counselings completed/ended within 31 to 90 days are reported in Part I Section C Lines 2.a, 2.b, or 2.c depending on the event. These counselings may or may not be timely.

Regulations

☛ **29 C.F.R. §1614.105(e)** provides that prior to the end of the 30-day counseling period, an individual may agree in writing with the agency to extend the counseling period for an additional period of no more than 60 days, for a total of no more than 90 days.

☛ **29 C.F.R. §1614.105(f)** provides that where the agency and an individual agree to participate in an alternative dispute resolution (ADR) procedure, the pre-complaint period shall be 90 days.

- Part I Section C Line C “Counselings” - The total number of completed/ended counselings is automatically calculated by the web site.
- Part I Line C “Individuals” – report the total number of individuals with completed/ended counselings. Note that individuals with multiple completed/ended counselings should only be counted once.



(Please note: the number of individuals should be less than or equal to the number of counselings.)

- Part I Section C Line 1 – report the number of counselings and individuals with counselings completed/ended within 30 days (timely).
- Part I Section C Line 2 - report the number of individuals with counselings completed/ended within 31-90 days (may be timely or untimely). The number of counselings is auto calculated by the web site.
- Part I Section C Line 2.a – report the number of counselings and individuals with only counselings completed/ended within the extension period specified in writing and signed by counselee. For example, if there was a 10-day extension, counseling reported on Part I Section A Line 2.a would only be reported if the counseling were completed within 40 days (30 + 10). If the counseling was completed in 41 days or more it should be included on line 2.c.
- Part I Section C Line 2.b – report the number of counselings and individuals with only counselings completed/ended within 31-90 days where the individual chose to participate in the ADR program.
- Part I Section C Line 2.c – report the number of counselings and individuals with only counselings completed/ended within 31-90 days that were untimely. For example, if there was a 10-day extension and the counseling was completed in 41 days or more it should be reported on line 2.c. If the counseling were completed within 40 days (30 + 10) it should be reported on Part I Section A Line 2.a.
- Part I Section C Line 3 – report the number of counselings and individuals with counselings completed/ended beyond 90 days (untimely). See Example 1.

Example 1: Different Counseling Periods for One Individual

Mr. Smith received three counselings about unrelated matters. His January counseling was completed in 120 days; his May counseling was completed in 55 days (no written extension, no ADR participation); and his July counseling was completed in 25 days.

The agency reports 1 "individual" on Part I Section C Line C "Total completed/ended counselings." For the January counselings, 1 "counseling" and 1 "individual" on Part I Section C Line 3 "Counseled beyond 90 days." For the May counseling, 1 "counseling" and 1 "individual" and on Part I Section C Line 2.c "Counseled within 31 to 90 days that were untimely," and for the July counseling, 1 "counseling" and 1 "individual" and on Part I Section C Line 1 "Counseled within 30 days." The website automatically totals the number of counselings on Part I Line C "Total completed/ended counselings" and Part I Section C Line 2 "Counseled within 31 to 90 days," but the agency must enter the "Individuals" data for those two lines.

- Part I Section C Line 4 - report the number of counselings and individuals with counselings completed/ended due to remands from an EEOC AJ or in an OFO appellate order not from within the agency.

Please note: remanded counselings are not reported on the timeliness lines in Sections A, B, or C (lines 1, 2, 2.a, 2.b, 2.c or 3). All EEOC remanded counselings should be entered on line 4, no agency remands should be reported on line 4. Remands from within an agency must be reported in lines 1, 2, 2.a, 2.b, 2.c or 3 where appropriate.



When counseling has been extended due to ADR participation and the counseling is completed/ended within 31 to 90 days, agencies must record the counselings on Part I Section C Line 2.b "Counseled within 90 days where the individual participated in ADR," in other words where the counselee chose to participate in the ADR program. In such instances, the counseling is **not** reported on Part I Section C Line 2.a even if there has been a written agreement extending the counseling period.

Where counseling was extended for any reason other than ADR participation, it is reported in Part I Section C Line 2.a. See "Example 2: Extended Counseling Period."

Example 2: Extended Counseling Period

Mary Brown, an individual who sought EEO counselor counseling in the EEO office and not in an ADR Intake office, rejected ADR participation but agreed in writing to extend the 30-day counseling period for an additional 20 days.

If the agency completed counseling within 50 days (30-day counseling period +20 day written extension period), the agency reports 1 counseling and 1 "individual" on Part I Section C Line 2.a "Counseled within written extension period no longer than 60 days."

If the agency fails to complete counseling within 50 days, the agency reports the counseling on Part I Section C Line 2.c "Counseled within 31-90 days that were untimely," if counseling was done within 31-90 days period or otherwise on Part I Section C Line 3 "Counseled beyond 90 days," as appropriate.

Note: While most of Part I collects data on only “completed/ended” counselings, Part I Section D Lines 1, 2, and 4 collect data that is not confined to that rule.

Part I Section D – Pre-Complaint Activities

From 10/1/2009 To 9/30/2010
Part I - Pre-Complaint Activities

[Fill with zeros](#)

	Counselings	Individuals
D. Pre-Complaint Activities		
1. On hand at the beginning of the reporting period	<input type="text"/>	<input type="text"/>
2. Initiated during the reporting period	<input type="text"/>	<input type="text"/>
3. Completed/Ended Counselings	<input type="text"/>	<input type="text"/>
a. Settlements (Monetary and Non-Monetary)	<input type="text"/>	<input type="text"/>
b. Withdrawals/No complaint filed	<input type="text"/>	<input type="text"/>
c. Counselings completed/ended in reporting period that resulted in complaint filings in reporting period	<input type="text"/>	<input type="text"/>
d. Decisions to file complaint pending at the end of the reporting period.	<input type="text"/>	<input type="text"/>
4. Counselings pending at the end of the reporting period	<input type="text"/>	<input type="text"/>

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- Part I Line D.1 – report the number of counselings and individuals where counseling was requested during the prior reporting period but not completed/ended on or before the last day of the prior reporting period. Note that these numbers should be identical to the numbers reported in the previous year’s Form 462 report in Part I Section D Line 4. If they are not identical **provide a comment to explain the differences.**
- Part I Line D.2 – report the number of counselings and individuals where counseling was requested on the first day of the current reporting period, on the last day of the reporting period, or on any day between the first and last day of the reporting period. Part I Line D.2 may include both completed/ended counselings and counselings that had not been completed by the last day of the reporting period.
- On Part I Line D.3 - report the total number of individuals whose counselings were completed/ended during the reporting period. The total number of completed/ended counselings is automatically entered by the website and equals the sum of the number of completed/ended counselings reported on Part I Lines D.3.a, D.3.b, D.3.c, and D.3.d.

Note: For agencies that do not conclude counseling with a face-to-face meeting, the date counseling is concluded is generally the date the notice of right to file a formal complaint is issued.

- Part I Line D.3.a - report the number of counselings and individuals whose counselings were closed during the reporting period by a written settlement agreement (ADR and non-ADR) which provided for monetary benefit(s) or non-monetary benefit(s) or both. Agencies are also required to report the number of individuals that were a party to one or more settlement agreements that resolved counselings during the reporting period. Note counselings settled after the notice of right to file was issued but before the 15-day period to file a formal complaint has expired are reported here as a pre-complaint settlement. If the notice of right to file was issued timely it is also properly reported as such in Part I Section C.
- Part I Line D.3.b – report the number of counselings and individuals where the counseled individual was given a notice of right to file a formal complaint, where the 15-day period for filing a complaint expired in time for the agency to receive a complaint prior to the end of the reporting period, where no complaint was received, the agency is required to report the counseling and individual on Part I Line D.3.b “Withdrawal/No complaint filed.” Agencies also should report on Part I Line D.3.b the counselings and individuals who notified the agency in writing that they were withdrawing from counseling.
- Part I Line D.3.c - report the number of counselings and individuals whose counselings were completed in the reporting period that resulted in the filing of a complaint in the reporting period.

Example 3: Complaint Filed Before All Counseling Tasks Completed

Sue Kwasniewski requested counseling and was interviewed by the counselor. When counseling was not completed within 30 days, the counselor asked Ms. Kwasniewski to agree to extend the counseling period. Even though Ms. Kwasniewski did not agree to extend the counseling period, and the counselor did not provide Ms. Kwasniewski with a notice of right to file a complaint, Ms. Kwasniewski filed a complaint 45 days after her initial counseling request.

Although counseling was not completed by the issuance of the right to file a complaint notice, the counseling was ended by the filing of the complaint after the 30-day counseling period. The agency must treat the counseling as completed on the day of the complaint filing (date of complaint mailing, facsimile transmission, or hand delivery) for all Form 462 Part I reporting purposes. Therefore, the agency will report 1 “individual” on Part I Line C “Total Completed/ended Counselings; on Part I Section C Line 2 “Counseled within 31-90 days;” and on Part I Line D.3 “Completed/ended counselings”. The agency will report 1 “counseling” and 1 “individual” on Part I Section C Line 2.c, on Part I Line D.2 “Initiated during the Reporting period”, and on Part I Line D.3.c “Counselings completed in reporting period that resulted in complaint filings in reporting period.” The website will automatically calculate 1 completed/ended counseling in the “counseling” column on Part I Line C “Total Completed/ended Counselings, on Part I Section C Line 2 “Counseled within 31-90 days,” and on Part I Line D.3 “Completed counselings”.

- Part I Line D.3.d – report counselings and individuals wherein the individual was given a notice of right to file a formal complaint, but the agency had not yet received a complaint from the individual before the 15-day period for filing a complaint expired in time for the agency to receive a complaint prior to the end of the reporting period (or prior to the report data preparation of report date if the agency waits for a few days after the end of the reporting period to see if complaints were filed by mail during the reporting period).
- Part I Line D.4 - report a counseling that was requested during the current reporting period but not completed on or before the last day of the reporting period.



A counseling may be reported on Part I Line D.3.d “Decisions to file complaint pending at the end of the reporting period” **or** on Part I Line D.4 “Counselings pending at the end of the reporting period,” but **not on both** lines. The key question is whether the counseling was pending completion by the agency or whether the individual’s decision to file a complaint was pending at the end of the reporting year. If the counseling was completed during the reporting period, and if the 15-day period for filing a complaint did not end in time for the agency to receive a complaint filed by mail, the counseling must record the counseling on Part I Line D.3.d. If the counseling was not completed during the reporting period, the counseling must be reported on Part I Line D.4 because the counseling was pending completion. See Example 4 below.

Example 4: Part I Section D - Complaint not Filed or Decision to File Pending

Kevin Lincoln’s counseling was completed during the reporting period. The agency reports 1 “individual” on Part I Line D.3 “Completed Counselings.”

If Mr. Lincoln filed a complaint during the reporting period (which the agency received in the reporting year), the agency reports 1 “counseling” and 1 “individual” on Part I Line D.3.c “Counselings completed/ended in reporting period that resulted in complaint filings in reporting period.”

If the agency did not receive a complaint from Mr. Lincoln and if the 15-day period for filing a complaint (*i.e.*, submitting a complaint in person, by mail, or by facsimile transmission) ended in time for the agency to receive a complaint filed by mail during the reporting period, the agency reports 1 “counseling” and 1 “individual” on Part I Line D.3.b “Withdrawals/no complaint filed.”

If the agency did not receive a complaint from Mr. Lincoln, and if the 15-day period for filing a complaint did not expire in time for the agency to receive a complaint prior to the end of the reporting period, the agency reports 1 “counseling” and 1 “individual” on Part I Line D.3.d “Decision to file complaint pending at the end of the reporting year.”

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The total number of completed/ended counselings and total number of individuals with completed/ended counselings reported in Section C and in Section D.3 must be the same. If the numbers do not match, check the data.

Note also that the numbers reported in Section D Line 1 plus Line 2 should equal the numbers reported in Section D Line 3 plus Line 4. If the numbers do not match, check the data.

Part I Sections E and G - Pre-Complaint Monetary Benefits

FROM 10/1/2009 TO 9/30/2010
Part I - Pre-Complaint Activities

[Fill with zeros](#)

E. Non-ADR Settlements with Monetary Benefits

	Counselings	Individuals	Amount
TOTAL	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
1. Compensatory damages	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
2. Back pay / Front pay	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
3. Lump sum payment	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
4. Attorneys fees and costs	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
5. <input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
6. <input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
7. <input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>

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Part I - Pre-Complaint Activities

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G. ADR Settlements with Monetary Benefits

	Counselings	Individuals	Amount
TOTAL	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
1. Compensatory damages	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
2. Back pay / Front pay	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
3. Lump sum payment	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
4. Attorney fees and costs	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
5. <input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
6. <input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
7. <input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>

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A monetary benefit for Part I Pre-complaint reporting purposes is a payment that an agency agrees in a written settlement agreement to provide a counseled individual.

- Part I Section E and G – report the total number of completed/ended counselings and individuals that received each monetary benefit and the amount of that benefit in the appropriate columns.

Monetary benefits for Part I Form 462 reporting purposes include several categories of payments: “compensatory damages,” “backpay/frontpay,” “lump sum payment,” and/or “attorney fees and costs.” If needed, additional “other” monetary benefit categories may be added by the agency Administrator. See Examples 5 and 6 below.

Example 5: Properly Added “Other” Monetary Benefits Category

An example of an “other” monetary benefit category properly added to Part I E and/or Part I G would be “Voluntary Retirement Incentive Payment” if the counseled individual is promised a payment for same. It may be added as an “other” category because it would not fit into one of the monetary award categories listed on Form 462.

Example 6: Improperly Added “Other” Monetary Benefits Categories

Examples of “other” monetary benefit categories not properly added to Part I E and/or Part I G include “Quality Step Increase,” “Compensatory time award,” “Restored leave,” “Medical payments,” “Hostile Work Environment Award,” and “Other monetary amount.”

If a counseled individual is promised a payment for a retroactive “Quality Step Increase” or a retroactive “Compensatory time award,” the payment amount should be reported in the “Back pay/front pay category.”

Monetary payments for medical expenses and other harms due to alleged discriminatory treatment should be reported in the “Compensatory damages” category.

Monetary benefits are reported in Part I Section E or Part I Section G only where a payment is provided for in the written settlement agreement to the counseled individual.



Every counseling with monetary and/or non-monetary benefits provided for in a written settlement agreement must be reported on the total line and on as many of the specific benefit lines as apply.

Part I Sections F and H - Pre-Complaint Non-Monetary Benefits

FROM 10/1/2009 TO 9/30/2010
Part I - Pre-Complaint Activities

Fill with zeros

F. Non-ADR Settlements with Non-Monetary Benefits

	Counselings	Individuals
TOTAL	<input type="text"/>	<input type="text"/>
1. Hires	<input type="text"/>	<input type="text"/>
a. Retroactive	<input type="text"/>	<input type="text"/>
b. Non-retroactive	<input type="text"/>	<input type="text"/>
2. Promotions	<input type="text"/>	<input type="text"/>
a. Retroactive	<input type="text"/>	<input type="text"/>
b. Non-retroactive	<input type="text"/>	<input type="text"/>
3. Expungements	<input type="text"/>	<input type="text"/>
4. Reassignments	<input type="text"/>	<input type="text"/>
a. Reinstatement	<input type="text"/>	<input type="text"/>
b. Voluntary Resignation	<input type="text"/>	<input type="text"/>
6. Accommodations	<input type="text"/>	<input type="text"/>
7. Training	<input type="text"/>	<input type="text"/>
8. Apology	<input type="text"/>	<input type="text"/>
9. Disciplinary Actions	<input type="text"/>	<input type="text"/>
a. Rescinded	<input type="text"/>	<input type="text"/>
b. Modified	<input type="text"/>	<input type="text"/>
10. Performance Evaluation Modified	<input type="text"/>	<input type="text"/>
11. Leave Restored	<input type="text"/>	<input type="text"/>
12. ██████████	<input type="text"/>	<input type="text"/>
13. ██████████	<input type="text"/>	<input type="text"/>

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FY 2012 EEOC Form 462 Instruction Manual

FROM 10/1/2009 TO 9/30/2010

Part I - Pre-Complaint Activities

Fill with zeros

H. ADR Settlements with Non-Monetary Benefits

		Counselings	Individuals
TOTAL		<input type="text"/>	<input type="text"/>
1.	Hires	<input type="text"/>	<input type="text"/>
a.	Retroactive	<input type="text"/>	<input type="text"/>
b.	Non-retroactive	<input type="text"/>	<input type="text"/>
2.	Promotions	<input type="text"/>	<input type="text"/>
a.	Retroactive	<input type="text"/>	<input type="text"/>
b.	Non-retroactive	<input type="text"/>	<input type="text"/>
3.	Expungements	<input type="text"/>	<input type="text"/>
4.	Reassignments	<input type="text"/>	<input type="text"/>
5.	Removals Rescinded	<input type="text"/>	<input type="text"/>
a.	Reinstatement	<input type="text"/>	<input type="text"/>
b.	Voluntary Resignation	<input type="text"/>	<input type="text"/>
6.	Accommodations	<input type="text"/>	<input type="text"/>
7.	Training	<input type="text"/>	<input type="text"/>
8.	Apology	<input type="text"/>	<input type="text"/>
9.	Disciplinary Actions	<input type="text"/>	<input type="text"/>
a.	Rescinded	<input type="text"/>	<input type="text"/>
b.	Modified	<input type="text"/>	<input type="text"/>
10.	Performance Evaluation Modified	<input type="text"/>	<input type="text"/>
11.	Leave Restored	<input type="text"/>	<input type="text"/>
12.	████████████████████	<input type="text"/>	<input type="text"/>
13.	████████████████████	<input type="text"/>	<input type="text"/>

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A non-monetary benefit for Part I pre-complaint purposes, is an employment-related action that an agency agrees to provide a counseled individual in a written settlement agreement.

- Part I Section F and H – report the total number of completed/ended counselings and individuals that received each non-monetary benefit in the appropriate columns.

For Form 462, Part I Sections F. and H. pre-complaint reporting purposes, non-monetary benefits include “hires,” “promotions,” “expungements,” “reassignments,” “removals rescinded,” “accommodations,” “training,” “apology,” “disciplinary actions,” “performance evaluation modified,” and “leave restored.” If needed, additional “other” non-monetary benefit categories may be added by the agency Administrator.

Example 7: Properly Added “Other” Non-Monetary Benefits Categories

Examples of “Other” non-monetary benefit categories properly added to Part I F and/or Part I H include “Improved Terms/Conditions Employment,” and “Neutral/favorable reference.”

Example 8: Improperly Added “Other” Non-Monetary Benefits Categories

“Other” non-monetary benefit categories are not properly added to Part I F and/or Part I H if the non-monetary benefit could be included in a category that already is listed. For example, a voluntary resignation should be reported in the “Removals rescinded and voluntary resignations” category even if the written settlement agreement does not mention removal rescission. Similarly, a developmental assignment could be reported in the “Training” category.

When adding an “Other” category, agencies should avoid categories that do not identify a benefit. For example, a “Cease practices complained of” category is so lacking in specificity that it could include several of the listed non-monetary benefit categories. On the other hand, when adding an “Other” category, agencies should not choose overly specific labels since the number of “Other” categories is very limited.

Agencies should use a general category description that will encompass multiple situations. For example, an “Improved terms/conditions of employment” could include changes in work schedules, improved communications, altered performance requirements, opportunity to telework, provision of equipment, and reassignment of a supervisor in response to a sexual harassment allegation. Use the add a comment to list multiple other benefits.



Every counseling where a monetary and/or a non-monetary benefit is promised in a written settlement agreement must be reported on the total line and on as many of the specific benefit lines as apply.

Note: Some benefits categorized as “non-monetary” for Form 462 purposes have a monetary value, for example, leave restoration. However, leave restoration is categorized as a non-monetary benefit on Form 462 because the employee does not receive a monetary payment when leave is restored.

Example 9: Monetary and Non-Monetary Benefits

The agency resolved Ana Lee’s pre-complaint EEO Counselor counseling with a written settlement agreement. Therein, the agency agreed to provide Ms. Lee with an accommodation for her disability despite the disputed reasonableness of the accommodation, an apology for the delay in providing the accommodation, to rescind a three-day suspension and expunge all records of the suspension that Ms. Lee already had served, to provide three days back pay, and \$500 dollars in compensatory damages.

In Section I E “Non-ADR Settlements with Monetary Benefits” the agency reports 1 “counseling” and 1 “individual” on the “Total” line. On Part I Line E.1 Compensatory Damages, the agency reports 1 “counseling,” 1 “individual,” and the \$500 amount. On Part I Line E.2 “Back pay/front pay” the agency reports 1 “counseling,” 1 “individual,” and the three-day back pay amount.

In Section I F “Non-ADR Settlements with Non-Monetary Benefits” the agency reports 1 “counseling” and 1 “individual” on the “Total” line. The agency also reports 1 “counseling” and 1 “individual” on Part I Line F.3 Expungements, Part I Line F.6 “Accommodation,” and Part I Line F.8 “Apology.”

Finally, the agency would report 1 “counseling” and 1 “individual” on the Part I Line I “Total Non-ADR Settlements” line.

Part I Section I - "Non-ADR Settlements"

FROM 10/1/2009 TO 9/30/2010

Part I - Pre-Complaint Activities

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I. NON-ADR SETTLEMENTS

	Counselings	Individuals
Total	<input type="text"/>	<input type="text"/>

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In Part I Section I data is collected when a written settlement agreement is obtained by an EEO Counselor which provides the counseled individual with one or more monetary benefits or non-monetary benefits in exchange for the individual agreeing not to file a formal complaint on the counseled matters.

- Part I Line I - report the total number of counselings that were closed and the number of individuals who were parties to such settlements during the reporting period by a written non-ADR settlement agreement that provided the counseled individual with one or more monetary benefits, one or more non-monetary benefits, or both monetary and non-monetary benefits.

PART II - "FORMAL COMPLAINT ACTIVITIES"

Part II collects data on formal complaint activities.

Part II - Formal Complaint Activities

Fill with zeros

A. Complaints on hand at the beginning of the reporting period

B. Complaints filed

C. Remands (sum of lines C1+C2+C3)

NOTE: Remands that occurred during the current reporting period should be counted and included in this section in Part II.C., even if they are counted in Parts II.A or II.B. However, be sure to count them in the proper location in Part II.C. For example, if a remand is also included in Part II.A or II.B, be sure to include it in Part II.C.2 so EEOC knows it is a duplicate of a complaint found in Part II.A or II.B and if it is a remand that is not included in II.C.1 or II.C.2 then be sure to include it in Part II.C.3 so EEOC knows it is a case that has more than one remand in the same period.

C.1. Remands (not included in A or B)

C.2. Remands (included in A or B)

C.3. Number of additional remands in this reporting period that are not captured in C.1. or C.2. above

C.4. Additional closures in this reporting period not reflected in F or H that resulted from remands

D. Total Complaints (sum of lines A+B+C1)

NOTE: Line D (Total Complaints) will be the sum of lines A + B + C1. This will ensure that line D does not contain the duplicate count if the complaints on hand (Line A) or the complaints filed (Line B) were also remanded in this same/current reporting period.

NOTE: The sum of the complaints in Line E and Line G must equal the total complaints in Line D.

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 - (F + H) + (C.2. + C.3. - C.4.)


J. Individuals filing complaints (Complainants)


K. Number of joint processing units from consolidation of complaints

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● Part II Line A - report the number of complaints on hand at the beginning of the reporting period. Note this number should be identical to the number reported in the previous year's Form 462 report in Part II Line I. If the number is not identical, **provide a comment that explains the difference.** No complaints that are on appeal at OFO are to be reported as "On Hand."
- 

● Part II Line B - report the number of complaints filed during the reporting period. When this number does not match the number reported in Part I Section D Line 3c, **provide a comment to explain the difference.**
- Part II Line C - The number of complaints remanded by EEOC decision is auto totaled using the values of lines C1 plus C2 plus C3.
- Part II Line C.1 - report the remands not included in Part II Line A or Part II Line B.
- Part II Line C.2 - report the remands included in Part II Line A or Part II Line B.

- Part II Line C.3 - report the number of additional remands in the reporting period that are not captured in Part II Line C.1 or Part II Line C.2, in other words a remand of a previously remanded complaint.
- Part II Line C.4 - report additional closures in the reporting period not reflected in Part II F or Part II H that resulted from remands.
- Part II Line D - The total number of complaints is auto totaled using the values of lines A plus B plus C.1.

Regulations

☞ **29 C.F.R. §1614.606** requires agencies to consolidate for joint processing two or more complaints of discrimination filed by the same complainant.

☞ **29 C.F.R. §1614.606** authorizes agencies, to consolidate for joint processing complaints of discrimination filed by two or more complainants when the complaints consist of substantially similar allegations of discrimination or when the complaints relate to the same manner.

Complaints can also be consolidated by an EEOC Administrative Judge and by EEOC Appellate decision.

Consolidated complaints. When two or more complaints are filed by one individual these complaints must be consolidated for processing. Consolidations are permitted (not required) when a complaint with the same issue is filed by multiple individuals.

Joint processing unit. When two or more complaints are consolidated for processing as one unit, the new unit is called a joint processing unit. An agency reports the number of joint processing units that were created during the reporting period on Part II Line K. For example, a complainant may file three complaints which the agency consolidates for processing as one joint processing unit. The agency may also choose to consolidate complaints received from five different complainants, alleging discrimination in the same hiring decision, for processing as one joint processing unit. In this example, the agency would report eight complaints on line II B, six individuals who filed complaints on line II J, and two joint processing units on line II K. When those 8 complaints are closed, the status of each one should be reported in Part VI.

Note: If an Administrative Judge consolidates cases after an investigation at the hearings stage, the cases are consolidated and reported in Part II K.

Part II Line E, Line F, Line G, and Line H report data pertaining to consolidated & non-consolidated complaints and their associated closures. By definition, a consolidated complaint requires consolidations of one individual with multiple complaints or permitted consolidations with multiple individuals with the same issue.

- Part II Line E - report the number of complaints not consolidated.

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- Part II Line F - report the number of complaints not consolidated that were closed during reporting period.
- Part II Line G - report the number of consolidated complaints.
- Part II Line H - report the number of complaints consolidated that were closed during reporting period.
- Part II Line I - reports the automatic total of complaints on hand at end of reporting period by calculating (line D minus (F plus H) plus [(C.2 plus C.3) minus C.4]. This number must be the same as the number reported In Part VIII Line A.
- Part II Line J - report only the number of individuals who filed complaints during the reporting period. Do not include those complainants that filed complaints in a previous reporting year and that are on-hand at the beginning of the reporting period. When this number does not match the number reported in Part I Section D Line 3c, **provide a comment to explain the difference.**
- Part II Line K - report joint processing units, known as two or more complaints consolidated for processing as one unit referred to as a joint processing unit. For example 1 individual, 4 complaints becomes 1 complaint investigation or 1 joint processing unit.

Please note that Part II is the only time joint processing units are reported on EEOC Form 462 report. In all other parts of the EEOC Form 462 report complaints individually.



A complaint can only be counted and reported as closed when **all** the issues in the complaint have been resolved.

PART III - “AGENCY & CONTRACT RESOURCES, TRAINING, REPORTING LINES”

Part III Section A - “Agency & Contract Resources”

Part III - Agency Resources, Training, Reporting Line
A. Agency & Contract Resources

Fill with zeros

Agency & Contract Resources	Agency Number	Agency Percent	Contract Number	Contract Percent
1. Work Force				
a. Total Work Force	<input type="text"/>			
b. Permanent Employees	<input type="text"/>			
2. Counselor	<input type="text"/>		<input type="text"/>	
a. Full-Time	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. Part-Time	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
c. Collateral Duty	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
3. Investigator	<input type="text"/>		<input type="text"/>	
a. Full-Time	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. Part-Time	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
c. Collateral Duty	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
4. Counselor/Investigator	<input type="text"/>		<input type="text"/>	
a. Full-Time	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. Part-Time	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
c. Collateral Duty	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Save (stay on this part)
Save (go to next part)
Save (go to table of contents)
Cancel

Comments Add new comment

Date	Name	Field Name	Comment
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

- Part III Line A.1.a – report “Total Work Force” which includes all full-time, part-time, temporary, and intermittent employees employed by the agency on the last day of the reporting period. This number includes political appointees, board members, and commission members. Contractors would not be included in the total workforce reported in Part III Line 1.a.
- Part III Line A.1.b – report “Permanent Employees” which includes all permanent employees (full-time and part-time) employed by the agency on the last day of the reporting period. Contractors would not be included in the permanent workforce reported in Part III Line 1.b.

Contract staff resources along with agency staff resources are reported in Part III A (sections 2, 3, and 4).

The total number of counselors (Part III Line A.2), total number of investigators (Part III Line A.3), and the total number of counselor/investigators (Part III Line A.4) are automatically calculated by the website. The agency enters the total numbers of full-time (working 40 hours per week in performance of their duties), part-time (scheduled for fewer than 40 hours per week), and collateral duty (added to regular job duties unrelated to EEO) counselors, investigators, and counselor/investigators employed by the agency or provided by contract staff on the last day of the reporting period.

The percentages in Part III Section A (for example, the percentage of total number of agency investigators that were full-time investigators) is auto calculated by the web site.

- Part III Line A.1.a – report the total work force information for agency personnel.
- Part III Line A.1.b – report the number of permanent employees.
- Part III Line 2 – report Counselor information regarding total number of agency and contract staff.
- Part III Line 2.a – report the full-time staff resource data for both agency and contract staff.
- Part III Line 2.b – report part-time staff resource data for both agency and contract staff.
- Part III Line 2.c - report the collateral duty staff resource data for both agency and contract staff.
- Part III Line 3 – report Investigator information regarding total number of agency and contract staff.
- Part III Line 3.a – report the full-time staff resource data for both agency and contract staff.
- Part III Line 3.b – report part-time staff resource data for both agency and contract staff.
- Part III Line 3.c - report the collateral duty staff resource data for both agency and contract staff.
- Part III Line 4 – report Counselor/Investigator information regarding total number of agency and contract staff.
- Part III Line 4.a – report the full-time staff resource data for both agency and contract staff.
- Part III Line 4.b – report part-time staff resource data for both agency and contract staff.
- Part III Line 4.c – report the collateral duty staff resource data for both agency and contract staff.

Part III Section B - "Agency & Contract Staff Training"

EEO-MD-110

- ☞ EEOC's Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO-MD-110) at page 2-2 requires that new EEO counselors receive a minimum of thirty two (32) hours of specified EEO counseling training prior to assuming counseling duties.
- ☞ EEO-MD-110 at page 2-3 requires all EEO counselors to receive a minimum of eight (8) hours of continuing EEO counseling training every year.
- ☞ EEO-MD-110 at 3-6 requires that ADR contact persons who serve in lieu of an EEO counselor must meet all of the training requirements of an EEO counselor.
- ☞ EEO-MD-110 at page 6-1 requires that all new EEO investigators, including contract and collateral duty investigators, receive a minimum of thirty two (32) hours of specified EEO investigation training before conducting investigations.
- ☞ EEO-MD-110 at page 6-2 requires all EEO investigators to receive a minimum of eight (8) hours of continuing EEO investigation training every year.



Note: It is the agency's responsibility to know, ensure and report that agency and contract counselors and investigators have the required training every year. Please consider ensuring that the Statement of Work for contracting work includes training requirements and/or that the contractor is able to show proof that training has occurred.

New staff - any counselor, investigator, or counselor/investigator that was newly hired by the agency or contractor since the beginning of the reporting period.

Experienced staff – any counselor, investigator, or counselor/investigator that was a part of the EEO office/staff or contractor staff at the beginning of the reporting period.



NOTE: the Department of Defense agencies should not include staff numbers and staff training data for investigators in Part III A & B if all their investigations are done by IRD because this information will be captured on the Defense, Washington Headquarters Services' (formally named the Office of the Secretary of Defense) EEOC Form 462 report. If you have any questions or concerns regarding this matter, please contact DOD/WHS for a copy of the guidance memorandum. Information on number of investigations and processing time should however be counted in the appropriate parts of the Form 462.



If the agency has staff that did not receive the required training, the agency should **add a comment in Part III section B** to explain why staff did not receive the required training.

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Part III - Agency Resources, Training, Reporting Line
B. Agency & Contract Staff Training

Fill with zeros

Agency & Contract Staff Training	Counselors		Investigators		Couns/ Investig	
	Agency	Contract	Agency	Contract	Agency	Contract
1. New Staff - Total	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
a. Staff receiving required 32 or more hours	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. Staff receiving 8 or more hours, usually given to experienced staff	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
c. Staff receiving no training at all	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2. Experienced Staff - Total	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
a. Staff receiving required 8 or more hours	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. Staff receiving 32 or more hours, generally given to new staff	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
c. Staff receiving no training at all	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

NOTE: Please provide a comment detailing why staff did not receive the

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[Save \(go to table of contents\)](#)
[Cancel](#)

Comments Add new comment

Date	Name	Field Name	Comment

- Part III Section B.1 – report new staff total data for both agency & contract Counselors, Investigators, and Counselor Investigators.
- Part III Section B.1.a – report new staff receiving required 32 or more hours for both agency & contract Counselors, Investigators, and Counselor Investigators.
- Part III Section B.1.b – report new staff receiving 8 or more hours, usually given to experienced staff, for both agency & contract Counselors, Investigators, and Counselor Investigators.
- Part III Section B.1.c – report new staff receiving no training at all for both agency & contract Counselors, Investigators, and Counselor Investigators. **Add comment**
- Part III Section B.2 – report the experienced staff total data for both agency & contract Counselors, Investigators, and Counselor Investigators.
- Part III Section B.2.a – report staff receiving required 8 or more hours for both agency & contract Counselors, Investigators, and Counselor Investigators.
- Part III Section B.2.b – report staff receiving 32 or more hours, generally given to new staff for both agency & contract Counselors, Investigators, and Counselor Investigators.
- Part III Section B.2.c – report staff receiving no training at all for both agency & contract Counselors, Investigators, and Counselor Investigators. **Add comment.**

Part III Section C - "Reporting Line"

From 10/1/2008 to 9/30/2009

Part III - Agency Resources, Training, Reporting Line
C. Reporting Line

1. EEO Director's name:

1a. Does the EEO Director report to the agency head?
 YES NO

3. Who is responsible for the day-to-day operation of the EEO program for your Department/Agency/Organization?
Person:
Title:

4. Who does that person report to?
Person:
Title:

[Save \(stay on this part\)](#)
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[Save \(go to table of contents\)](#)
[Cancel](#)

Comments [Add new comment](#)

Date	Name	Field Name	Comment
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Done Internet

- Part III Line C.1 – enter the EEO Director’s Name.
- Part III Line C.1a – report whether the agency’s EEO Director reports to the agency head.
- Part III Line C.2 – enter the name and title of the person to whom the EEO Director reports if not the agency head.
- Part III Section C.3 - enter the name and title of the individual who is responsible for the day-to-day operation of the EEO program.
- Part III Section C.4 – enter the name and title of the individual who supervises the individual in Part III Section C.3.

PART IV - “BASES AND ISSUES ALLEGED IN COMPLAINTS FILED”

Part IV collects the data on the bases and issues in all formal complaints filed during the reporting period, including data on bases and issues added by amendment during the reporting period to those same complaints. NOTE: Do not report bases and issues alleged in pre-complaint counselings or in closed pre or formal complaints.

A complaint must contain at least one basis and at least one issue. For example, agencies must report the number of complaints alleging that the complainant was not promoted/selected for a position [issue] because of the complainant's race (Black) [basis].

To facilitate data entry on the website, Part IV is broken down into 19 subparts. A grid with 19 numbered boxes is displayed on each subpart. To move from one subpart to another simply click on the numbered box. The image below illustrates the 19 grids.

ZZSite Administration
From 10/1/2008 To 9/30/2009
Part IV - Bases and Issues Alleged In Complaints Filed

Bases Of Alleged Discrimination

Issues of alleged discrimination	Race						Color
	American Indian / Alaska Native	Asian	Native Hawaiian / Other Pacific Islander	Black / African American	White	Two Or More Races	
A. Appointment/Hire	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
B. Assignment of duties	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
C. Awards	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
D. Conversion to full time	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
E. Disciplinary action							
1. Demotion	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2. Reprimand	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
3. Suspension	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
4. Removal	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
5. [Redacted]	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
6. [Redacted]	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
7. [Redacted]	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

NOTE: Click on Agency Admin to define Other

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The table below describes the content of each of the 19 sections within Part IV that require data input.

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Grid	Bases Included in Section Noted	Issues Included in Section Noted
1	Race (American Indian/Alaska Native, Asian, Native Hawaiian/Other Pacific Islander, Black/African American, White, Two or More Races), Color	Appointment/Hire, Assignment of duties, Awards, Conversion to full-time, Disciplinary Action (Demotion, Reprimand, Suspension, Removal), Other
2	Religion, Reprisal, Sex (Male, Female), Pregnancy Discrimination Act	Appointment/Hire, Assignment of duties, Awards, Conversion to full-time, Disciplinary Action (Demotion, Reprimand, Suspension, Removal), Other
3	National Origin(Hispanic/Latino, Other), Equal Pay Act (Male, Female)	Appointment/Hire, Assignment of duties, Awards, Conversion to full-time, Disciplinary Action (Demotion, Reprimand, Suspension, Removal), Other
4	Age, Disability (Mental, Physical), GINA	Appointment/Hire, Assignment of duties, Awards, Conversion to full-time, Disciplinary Action (Demotion, Reprimand, Suspension, Removal), Other
5	Total Bases by Issue (auto calculated), Total Complaints by Issue Total Complainants by Issue	Appointment/Hire, Assignment of duties, Awards, Conversion to full-time, Disciplinary Action (Demotion, Reprimand, Suspension, Removal), Other
6	Race (American Indian/Alaska Native, Asian, Native Hawaiian/Other Pacific Islander Black/African American, White, Two or More Races), Color	Duty Hours, Evaluation/Appraisal, Examination/Test, Harassment (Nonsexual, Sexual), Medical examination, Pay including Overtime, Promotion/Non-selection, Reassignment (Denied, Directed)
7	Religion, Reprisal, Sex (Male, Female), Pregnancy Discrimination Act	Duty Hours, Evaluation/Appraisal, Examination/Test, Harassment (Nonsexual, Sexual), Medical examination, Pay including Overtime, Promotion/Non-selection, Reassignment (Denied, Directed)

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8	National Origin (Hispanic/Latino, Other), Equal Pay Act (Male, Female)	Duty Hours, Evaluation/Appraisal, Examination/Test, Harassment (Nonsexual, Sexual), Medical examination, Pay including Overtime, Promotion/Non- selection, Reassignment (Denied, Directed)
9	Age, Disability (Mental, Physical), GINA	Duty Hours, Evaluation/Appraisal, Examination/Test, Harassment (Nonsexual, Sexual), Medical examination, Pay including Overtime, Promotion/Non- selection, Reassignment (Denied, Directed)
10	Total Bases by Issue (auto calculated), Total Complaints by Issue, Total Complainants by Issue	Duty Hours, Evaluation/Appraisal, Examination/Test, Harassment (Nonsexual, Sexual), Medical examination, Pay including Overtime, Promotion/Non- selection, Reassignment (Denied, Directed)
11	Race (American Indian/Alaska Native, Asian, Native Hawaiian/Other Pacific Islander Black/African American, White, Two or More Races), Color	Reasonable Accommodation, Reinstatement, Retirement, Termination, Terms/Conditions of Employment, Time and Attendance, Training, Other.
12	Religion, Reprisal, Sex (Male, Female), Pregnancy Discrimination Act	Reasonable Accommodation, Reinstatement, Retirement, Termination, Terms/Conditions of Employment, Time and Attendance, Training, Other
13	National Origin (Hispanic/Latino, Other), Equal Pay Act (Male, Female)	Reasonable Accommodation, Reinstatement, Retirement, Termination, Terms/Conditions of Employment, Time and Attendance, Training, Other
14	Age, Disability (Mental, Physical), GINA	Reasonable Accommodation, Reinstatement, Retirement, Termination, Terms/Conditions of Employment, Time and Attendance, Training, Other
15	Total Bases by Issue (auto calculated), Total Complaints by Issue, Total Complainants by Issue	Reasonable Accommodation, Reinstatement, Retirement, Termination, Terms/Conditions of Employment, Time and Attendance, Training, Other

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16	Race (American Indian/Alaska Native, Asian, Native Hawaiian/Other Pacific Islander, Black/African American, White, Two or More Races), Color	Total Issues by Bases (auto calculated), Total Complaints filed by Bases, Total Complainants by Bases
17	Religion, Reprisal, Sex (Male, Female), Pregnancy Discrimination Act	Total Issues by Bases (auto calculated), Total Complaints filed by Bases, Total Complainants by Bases
18	National Origin (Hispanic/Latino, Other), Equal Pay Act (Male, Female)	Total Issues by Bases (auto calculated), Total Complaints filed by Bases, Total Complainants by Bases
19	Age, Disability (Mental, Physical), GINA	Total Issues by Bases, Total Complaints filed by Bases, Total Complainants by Bases

The horizontal header at the top identifies the bases of alleged discrimination which include Race (American Indian/Alaska Native, Asian, Native Hawaiian/Other Pacific Islander, Black/African American, White, and Two or More Races), Color, Religion, Reprisal, Sex (Male, Female), Pregnancy Discrimination Act, National Origin (Hispanic/Latino or Other), Equal Pay Act (Male, Female), Age, Disability (Mental, Physical), and GINA.

Please note that the last three columns in the header represent total numbers: Total number of Bases by Issue in complaints filed during the reporting period is an auto calculation of the numbers reported in Line A.



The agency must report the “Total Complaints by Issue” filed during the reporting period, and the number of complainants who filed the complaints containing the issues during the reporting period (Total Complainants by Issue).

The first left vertical column identifies the issues of Alleged Discrimination which include Appointment/Hire, Assignment of Duties, Awards, Conversion to Full-Time, Disciplinary Action (Demotion, Reprimand, Suspension, Removal), Duty Hours, Evaluation/Appraisal, Examination/Test, Harassment (Non-Sexual, Sexual), Medical Examination, Pay Including Overtime, Promotion/Non-Selection, Reassignment (Denied, Directed), Reasonable Accommodation, Reinstatement, Retirement, Termination, Terms/Conditions of Employment, Time and Attendance, Training, and Other.

Note: the “Other” categories must be defined by the Agency Administrator and added to the website prior to data entry. In Part IV, “Other” categories can be added under Line E which collects disciplinary action data or in Line U which is available to report data on issues that can not be reported under the listed issues in Lines A - T. Examples include “Details,” “Job classification,” “Job reference,” and Reduction-In-Force.”

Example 10: “Other” Categories Improperly Added to Part IV. Section U

Issues that can be reported under one of the existing issue categories should not be added as an “other” issue category in Part IV Section U. For example, an allegedly discriminatory forced resignation or constructive discharge should be reported under “termination.” A rescinded job offer should be reported as “Appointment/hire” or “Promotion/non-selection,” as appropriate. Proposed removals should be reported as “Removals.” Transfers should be reported as “Reassignment (either “denied” or “directed”). Hostile work environment claims should be reported as “Harassment (non-sexual or sexual). Compensatory time, credit time, and leave related issues should be reported under “Time and attendance.”

“Reprisal” should not be added as an “other” issue category in Part IV Section U because “reprisal” is a basis not an issue. Agencies should report the issues affected by the alleged reprisal discrimination, for example, “Harassment, non-sexual,” “Terms and conditions of Employment,” or “Time and Attendance.”

Similarly, a “continuing violation” is not an issue; the issues are the practices that allegedly are continuing such as allegedly discriminatory denial of promotional opportunities (report as “Promotion/non-selections”), discriminatory denial of training (report as “Training”), etc.

Non-compliance with the terms of a settlement agreement (alleged breach of the agreement) should not be added as an “other” category because such allegations are not processed as complaints under the Part 1614 process. They are processed as enforcement issues and are not at this time reported in Form 462.

Please note that the last three rows at the bottom are total columns: Total Issues by Bases in complaints filed during the reporting period is an auto calculation of the numbers reported in each column. The agency must report the “Total Complaints filed by Bases” filed during the reporting period, and the number of complainants who filed the complaints containing the bases during the reporting period (Total Complainants by Bases).

- Where two or more categories of bases and/or issues are included in a single complaint, the agency must record each category of basis and each category of issue alleged in the appropriate column(s).

Example 11: Reporting Bases and Issues

A complainant alleged discrimination based on religion (Catholic) regarding denial of one (1) training opportunity and three (3) non-selections for promotion. Additionally the complainant alleged one (1) involuntary separation on the basis of reprisal. In Part IV, the agency reports one (1) training issue with religion as the basis of alleged discrimination in Line T, and three (3) promotion-selection issues with religion as the basis of the alleged discrimination in Line L, and (1) involuntary separation on the basis of reprisal in Line E.4 .

Note: Part IV includes all issues and bases that allege discrimination or retaliation/reprisal under one or more EEO statutes in all filed complaints during the reporting period, including the allegations in mixed case complaints.

Because complainants often include more than one basis and/or issue in a single complaint, the number of bases and issues reported may be greater than the total number of individual complaints filed.

The totals in the columns and rows "Total Complaints" must be greater than or equal to the totals in the columns and rows "Total Complainants."

To save time on Part IV, agencies are advised to enter appropriate data and then click on the "Fill with zeros" link to populate all remaining data lines to avoid error messages.

Part IV Navigation Grid

Use the Navigation-grid for guidance on how to move from section to section within Part IV. The Navigation-grid is comprised of nineteen sections that make up Part IV. Click on one of the nineteen numbers in the grid to move the cursor from one section to another section within Part IV.

ZZSite Administration
From 10/1/2008 To 9/30/2009
Part IV - Bases and Issues Alleged In Complaints Filed

Bases Of Alleged Discrimination

Issues of alleged discrimination	Race						
	American Indian / Alaska Native	Asian	Native Hawaiian / Other Pacific Islander	Black / African American	White	Two Or More Races	Color
A. Appointment/Hire	0	0	0	0	0	0	0

Where two or more bases and/or issues are included in a single complaint, report each basis and/or issue alleged in the appropriate column(s). Because complainants often include more than one basis and/or issue in a single complaint, the number of bases and issues may be greater than the number of individual complaints filed.

FY 2012 EEOC Form 462 Instruction Manual

Issues regarding terminations involving reduction-in-force action(s) should be reported under line U, 'Other' and NOT lines Q (Termination) or E.4. (Disciplinary Action, Removal) to distinguish them from other involuntary separations. Other terminations (e.g. for performance, probation-related, etc.) should be reported in line Q (Termination). All issues regarding removals based on disciplinary actions should be reported in line E.4. (Disciplinary Action, Removal).

Issues placed in the 'Other' category should be reviewed to determine if they might more appropriately fit into one of the specified issues categories. The sub-component user must coordinate with an Agency Administrator in order for the 'Other' field to be defined.

Collect information on the total number of complaints by bases and issues, and the total number of complainants by bases and issues. The totals in the columns and rows "Total Complaints" will be equal to or greater than the totals in the columns and rows "Total Complainants."

Use the **Fill with zeros** link to populate the entire page with zeros if there is little or no data to enter on that page.

ZZSite Administration
From 10/1/2008 To 9/30/2009
Part IV - Bases and Issues Alleged In Complaints Filed

Bases Of Alleged Discrimination

Issues of alleged discrimination	Race						Color
	American Indian / Alaska Native	Asian	Native Hawaiian / Other Pacific Islander	Black / African American	White	Two Or More Races	
A. Appointment/Hire	0	0	0	0	0	0	0

Fill with zeros

This option will allow the entry of actual numbers in certain fields if there is information to be entered and will then fill the other fields with zero. This feature is designed to save time on Part IV. This option is not available in grids 5, 10, 15-19. The agency must enter data in all cells in those grids. Data field boxes are both large and small. The small boxes require the input of data or a zero value. The large boxes are automatically populated with a calculated value (no user intervention is required).

PART IVA– BASES ALLEGED IN CLOSED COUSELINGS SETTLED, CLOSED COMPLAINTS SETTLED AND FINDINGS IN AGENCY FINAL ACTIONS

Part IVA collects the data on the bases alleged in all closed pre-complaint counselings and closed complaints settled and the bases found in final agency decisions (FAD), Administrative Judge decisions and agency final orders (FO) with findings of discrimination implemented that were issued during the reporting period. Data for this part is collected on the same bases as those reported in Part IV. Data should only be reported for those pre-complaint counselings and complaints that were closed during the reporting period. Data should not be reported for class actions.

EEOC Form 462
From 10/1/2009 To 9/30/2010
Part IVA - Bases of Discrimination in Findings And Alleged in Settlements

Fill with zeros

Findings/Allegations In:	Race					
	American Indian / Alaska Native	Asian	Native Hawaiian / Other Pacific Islander	Black / African American	White	Two Or More Races
1. Counseling Settlement Allegations	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
1a. Number of Counselings Settled	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
1b. Number of Counsees Settled With	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2. Complaint Settlement Allegations	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2a. Number of Complaints Settled	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2b. Number of Complainants Settled With	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
3. Final Agency Decision Findings	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
3a. Number of FADs with Findings	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
3b. Number Complainants Issued FAD Findings	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
4. AJ Decision Findings	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
4a. Number AJ Decisions With Findings	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
5. Final Agency Order Findings Implemented	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
5a. Number of Final Orders with Findings Implemented	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
5b. # of Complainants issued FOs with Findings Implemented	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
TOTAL SETTLEMENT ALLEGATIONS	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
TOTAL FINAL ACTION FINDINGS	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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- Part IVA Line 1 - report the number of all bases alleged in pre-complaint counseling that were settled during the reporting period.
- Part IVA Line 1a - report the number of pre-complaint counselings that were closed by settlement during the reporting period.
- Part IVA Line 1b - report the number of counsees that were involved in the pre-complaint counselings settled during the reporting period.
- Part IVA Line 2 - report the number of all bases alleged in closed complaints that were settled during the reporting period.
- Part IVA Line 2a - report the number of complaints that were closed by settlement during the reporting period.

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- Part IVA Line 2b - report the number of complainants that were involved in the closed complaints settled during the reporting period.
- Part IVA Line 3 - report the number of all bases found in final agency decisions with findings of discrimination issued during the reporting period.
- Part IVA Line 3a - report the number of FADs issued with findings of discrimination during the reporting period.
- Part IVA Line 3b - report the number of complainants that were issued FADs with findings of discrimination during the reporting period.
- Part IVA Line 4 - report the number of all bases found in AJ decisions with findings of discrimination issued in complaints closed during the reporting period.
- Part IVA Line 4a - report the number of AJ decisions with findings of discrimination issued in complaints closed during the reporting period.
- Part IVA Line 5 - report the number of all bases found in implemented final agency orders (FOs) with findings of discrimination issued on AJ decisions during the reporting period.
- Part IVA Line 5a - report the number of implemented FOs issued with findings of discrimination during the reporting period.
- Part IVA Line 5b - report the number of complainants that were issued implemented FOs with findings of discrimination during the reporting period.
- The Total Settlement Allegations and Total Final Action Findings are auto-calculated by the web-site and require no user input.

Part IVA is divided into 3 Sections. The table below provides a list of each basis provided in each of the three sections.

Part IVA Section Cross Reference Table	
Section Number	Bases included in the Section
1	Race (American Indian/Alaska Native or Asian or Native Hawaiian/Other Pacific Islander or Black/African American or White or Two or More Races)
2	Color; Religion; Reprisal; Sex (Male or Female); Pregnancy Discrimination Act; and National Origin (Hispanic/Latino or Other);
3	Equal Pay Act (Male or Female); Age; Disability (Mental or Physical); and GINA

PART IVB- ISSUES ALLEGED IN CLOSED COUSELINGS SETTLED, CLOSED COMPLAINTS SETTLED AND FINDINGS IN AGENCY FINAL ACTIONS

Part IVB collects the data on the issues alleged in all closed pre-complaint counselings and closed complaints settled and the issues found in final agency decisions (FAD), Administrative Judge decisions and agency final orders (FO) with findings of discrimination issued during the reporting period. Data for this part is collected on the same issues as those reported in Part IV. Data should only be reported for those pre-complaint counselings and complaints that were closed during the reporting period. Data should not be reported for class actions.

- Part IVB Line 1 - report the number of all issues alleged in pre-complaint counseling that were settled during the reporting period.
- Part IVB Line 1a - report the number of pre-complaint counselings that were closed by settlement during the reporting period.
- Part IVB Line 1b - report the number of counselees that were involved in the pre-complaint counselings settled during the reporting period.
- Part IVB Line 2 - report the number of all issues alleged in closed complaints that were settled during the reporting period.
- Part IVB Line 2a - report the number of complaints that were closed by settlement during the reporting period.

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- Part IVB Line 2b - report the number of complainants that were involved in the closed complaints settled during the reporting period.
- Part IVB Line 3 - report the number of all issues found in final agency decisions with findings of discrimination issued during the reporting period.
- Part IVB Line 3a - report the number of FADs issued with findings of discrimination during the reporting period.
- Part IVB Line 3b - report the number of complainants that were issued FADs with findings of discrimination during the reporting period.
- Part IVB Line 4 - report the number of all issues found in AJ decisions with findings of discrimination issued in complaints closed during the reporting period.
- Part IVB Line 4a - report the number of AJ decisions with findings of discrimination issued in complaints closed during the reporting period.
- Part IVB Line 5 - report the number of all issues found in implemented final agency orders (FOs) with findings of discrimination issued on AJ decisions during the reporting period.
- Part IVB Line 5a - report the number of implemented FOs issued with findings of discrimination during the reporting period.
- Part IVB Line 5b - report the number of complainants that were issued implemented FOs with findings of discrimination during the reporting period.
- The Total Settlement Allegations and Total Final Action Findings are auto-calculated by the web-site and require no user input.

Part IVB is divided into 3 Sections. The table below provides a list of each issue provided in each of the three sections.

Part IVB Section Cross Reference Table	
Section Number	Issues included in the Section
1	Appointment/Hire; Assignment of Duties; Awards; Conversion to Full-Time; Disciplinary Action (Demotion or Reprimand or Suspension or Removal); and Duty Hours
2	Eval/Appraisal; Exam/Test; Harassment (Non-Sexual and Sexual); Medical Exam; Pay/Overtime; Promotion/Non-Selection; and Reassignment (Denied or Directed);
3	Reasonable Accommodation; Reinstatement; Retirement; Termination; Terms and Conditions of Employment; Time and Attendance; Training and Other.

PART V - “SUMMARY OF CLOSURES BY STATUTE”

Part V - Summary Of Closures By Statute

[Fill with zeros](#)

A. Statute

NOTE: If a single complaint has multiple statutes, record each on the appropriate line.

1.	Title VII	<input style="width: 100%;" type="text"/>
1a.	Pregnancy Discrimination Act (PDA)	<input style="width: 100%;" type="text"/>
2.	Age Discrimination in Employment Act (ADEA)	<input style="width: 100%;" type="text"/>
3.	Rehabilitation Act	<input style="width: 100%;" type="text"/>
4.	Equal Pay Act (EPA)	<input style="width: 100%;" type="text"/>
5.	Genetic Information Nondiscrimination Act (GINA)	<input style="width: 100%;" type="text"/>

B. Total By Statutes (A1 + A1a + A2 + A3 + A4 + A5)

NOTE: This number may be larger than the total number of complaints closed.

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Date	Name	Field Name	Comment

Part V collects data on **all** closed complaints during the reporting period by statute. If a closed complaint was filed under more than one statute, report the complaint under each applicable statute. Complaints with multiple issues alleged under the same statute should only be reported once.

- Part V Section A.1 - report all closed complaints that alleged discrimination based on race, color, religion, sex, and/or national origin which arise under Title VII. **Note:** Do not report closed complaints alleging allegations of sex discrimination that arise under the Pregnancy Discrimination Act here, report them in Part V Section A.1.a.
- Part V Section A.1.a – report all closed complaints that alleged sex discrimination which arise under the Pregnancy Discrimination Act (PDA). **Note:** complaints with these allegations should not be reported in Section A.1.
- Part V Section A.2 – report all closed complaints alleging discrimination based on age (40 years or older) which arise under the Age Discrimination in Employment Act (ADEA).
- Part V Section A.3 – report all closed complaints alleging discrimination based on physical and/or mental disability which arise under the Rehabilitation Act.
- Part V Section A.4 – report all closed complaints alleging discrimination in salary/wage based on sex which arise under the Equal Pay Act and may arise under Title VII. If both statutes are alleged then the complaint should be counted on both Line A.4 and A.1.

Part V Section B – the web site auto calculates the total of all closed complaints reported on lines A.1, A.1a, A.2, A.3, and A.4. Note: this number may be larger than the total number of complaints closed because one complaint may have multiple statutes.

Closed complaints alleging retaliation/reprisal for prior EEO activity may arise under one or more of the statutes, depending on the nature of the prior EEO activity. For example, if a complainant previously filed a complaint alleging discrimination based on age and during the reporting period filed a complaint alleging retaliation for the filing of the prior complaint, the retaliation complaint would be included on Part V Line A.2 "ADEA."

PART VI - "SUMMARY OF CLOSURES BY CATEGORY"

In Part VI data on the number and time periods for different categories of complaint closures is collected.

Part VI Sections A, B and C track time periods from date of complaint filing to date of complaint closure. Part VI Section D tracks time periods from the date specified on each reporting line (date agency first required to issue merit decision) to the date of complaint closure (merit decision issuance).

Agencies report the number of closures and total days for closures. Total days in Sections A, B and C are calculated by adding the time each closure took from date of complaint filing to date of closure. The Website calculates average days for every line. The Website also calculates total number and total days for some lines.

Part VI - Summary Of Closures By Category			
<i>Fill with zeros</i>			
	Total Number	Total Days	Average Days
A. Total number of closures (1 + 2 + 3)	<input type="text"/>	<input type="text"/>	<input type="text"/>
1. Withdrawals (a + b)	<input type="text"/>	<input type="text"/>	<input type="text"/>
a. Non-ADR Withdrawals	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. ADR Withdrawals	<input type="text"/>	<input type="text"/>	<input type="text"/>
2. Settlements (a + b)	<input type="text"/>	<input type="text"/>	<input type="text"/>
a. Non-ADR Settlements	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. ADR Settlements	<input type="text"/>	<input type="text"/>	<input type="text"/>
3. Final Agency Actions (B + C)	<input type="text"/>	<input type="text"/>	<input type="text"/>
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- Part VI Section A - the website automatically totals the total number of closures by adding the number of closures reported on lines A.1 + A.2 + A.3.
- Part VI Section A.1 - the website automatically calculates the number of closures by withdrawal and days by adding the numbers reported on lines A.1a + A.1.b.
- Part VI Section A.1.a – report the number and total days for non-ADR withdrawals from EEO complaint process. Total days are calculated from the date of complaint filing to the date of withdrawal.
- Part VI Section A.1.b – report the number and total days for ADR withdrawals from EEO complaint process. Total days are calculated from the date of complaint filing to the date of withdrawal.
- Part VI Section A.2 - the website automatically calculates the number of closures by settlements and days by adding the numbers reported on lines A.2.a + A.2.b.

- Part VI Section A.2.a - report the number and total days for non-ADR settlement. Include settlement by AJs using ADR techniques. Total days are calculated from the date of complaint filing to the date of settlement.
- Part VI Section A.2.b - report the number and total days for ADR settlements excluding settlements by AJs using ADR techniques. Total days are calculated from the date of complaint filing to the date of settlement.
- Part VI Section A.3 - report the number and total days for final agency actions. The numbers should equal the number of final agency decisions without an AJ reported on Line B and the number of final agency action on an AJ decisions reported on Line C.



Note: Part VI Section A.2.b should only include ADR settlements which occurred in the agency's ADR program. Settlements, outside the agency's ADR program, e.g. settlements during the hearing stage, should be reported in Part VI Section A.2a, notwithstanding that an ADR technique might have been used to obtain the settlement.

Part VI Section B - “Final Agency Decisions without an Administrative Judge Decision”

Part VI - Summary Of Closures By Category

Fill with zeros

	Total Number	Total Days	Average Days
B. Final agency decisions WITHOUT an Administrative Judge Decision (1 + 2 + 3)	<input type="text"/>	<input type="text"/>	<input type="text"/>
1. Finding discrimination	<input type="text"/>	<input type="text"/>	<input type="text"/>
2. Finding NO discrimination	<input type="text"/>	<input type="text"/>	<input type="text"/>
3. Dismissal of complaints	<input type="text"/>	<input type="text"/>	<input type="text"/>

NOTE: The date the document is issued to the complainant is the official date of the closures, not when it was received.

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Part VI Section B collects data on final agency decisions or FADs. FADs are those decisions wherein the agency determines the outcome of the case; no EEOC Administrative Judge has been involved in the case.

Total days are calculated from the date of complaint filing to the date of issuance of the agency’s final decision.

- Part VI Section B - the website automatically calculates the number and day totals by adding the reported data on Lines B.1 + B.2 + B.3.
- Part VI Section B.1 – report all FADs with any finding of discrimination and the total days data.
- Part VI Section B.2 – report all FADs with no finding of discrimination and the total days data.
- Part VI Section B.3 – report all FADs dismissing the entire complaint and the total days data.

Please note that an agency dismissal decision is reported on Line B.3 only if it dismisses the entire complaint. Decisions to investigate one or more claims, but not all claims are not final agency decisions.

Part VI - Section C “Final Agency Orders with an Administrative Judge (AJ) Decision”

Part VI - Summary Of Closures By Category			
Fill with zeros			
	Total Number	Total Days	Average Days
c. Final Agency Orders WITH an Administrative Judge (AJ) Decision (1+2)	<input type="text"/>	<input type="text"/>	<input type="text"/>
1. AJ Decision Fully Implemented (a + b+c)	<input type="text"/>	<input type="text"/>	<input type="text"/>
(a) Finding discrimination	<input type="text"/>	<input type="text"/>	<input type="text"/>
(b) Finding NO discrimination	<input type="text"/>	<input type="text"/>	<input type="text"/>
(c) Dismissal of Complaints	<input type="text"/>	<input type="text"/>	<input type="text"/>
2. AJ Decision NOT Fully Implemented (a + b+c)	<input type="text"/>	<input type="text"/>	<input type="text"/>
(a) Finding discrimination (i + ii + iii)	<input type="text"/>	<input type="text"/>	<input type="text"/>
i. Agency appealed finding but not remedy	<input type="text"/>	<input type="text"/>	<input type="text"/>
ii. Agency appealed remedy but not finding	<input type="text"/>	<input type="text"/>	<input type="text"/>
iii. Agency appealed both finding and remedy	<input type="text"/>	<input type="text"/>	<input type="text"/>
(b) Finding NO discrimination	<input type="text"/>	<input type="text"/>	<input type="text"/>
(c) Dismissal of Complaints	<input type="text"/>	<input type="text"/>	<input type="text"/>
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Comments		Add new comment	
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Part VI Section C collects data on final agency orders or FOs. FOs are those decisions wherein the agency issues an order either fully implementing an administrative judge’s (AJ) decision (Section C.1) or not fully implementing the AJ decision (Section C.2) and filing an appeal with the EEOC.

Total days are calculated from the date of complaint filing to the date of issuance of the agency’s final order.

- Part VI Section C - the website automatically totals the total number of FOs by adding the number of FOs and days reported on lines C.1 + C.2.
- Part VI Section C.1 - the website automatically calculates the number of FOs fully implemented and days by adding the numbers reported on lines C.1a + C.1.b + C.1.c.
- Part VI Section C.1.a – report the number and total days for FOs fully implementing AJ decisions containing a finding of discrimination. Total days are calculated from the date of complaint filing to the date of FO issuance.
- Part VI Section C.1.b – report the number and total days for FOs fully implementing AJ decisions containing no finding of discrimination. Total days are calculated from the date of complaint filing to the date of FO issuance.

- Part VI Section C.1.c – report the number and total days for FOs fully implementing AJ decisions to dismiss the complaint. Total days are calculated from the date of complaint filing to the date of FO issuance.
- Part VI Section C.2 - the website automatically calculates the number of FOs not fully implemented and days by adding the numbers reported on lines C.2a + C.2.b + C.2.c.
- Part VI Section C.2.a – the website automatically calculates the number of FOs not fully implemented and days by adding the numbers reported on lines C.2a.i + C.2a.ii + C.2a.iii.
- Part VI Section C.2.a.i – report the number and total days for FOs not fully implementing AJ decisions containing a finding of discrimination where the agency appealed the AJ finding but not the remedy ordered. Total days are calculated from the date of complaint filing to the date of FO issuance.
- Part VI Section C.2.a.ii – report the number and total days for FOs not fully implementing AJ decisions containing a finding of discrimination where the agency appealed the remedy ordered but not the AJ finding. Total days are calculated from the date of complaint filing to the date of FO issuance.
- Part VI Section C.2.a.iii – report the number and total days for FOs not fully implementing AJ decisions containing a finding of discrimination where the agency appealed both the AJ finding and the remedy ordered. Total days are calculated from the date of complaint filing to the date of FO issuance.
- Part VI Section C.2.b – report the number and total days for FOs not fully implementing AJ decisions containing no finding of discrimination. Total days are calculated from the date of complaint filing to the date of FO issuance.
- Part VI Section C.2.c – report the number and total days for FOs not fully implementing AJ decisions to dismiss the complaint. Total days are calculated from the date of complaint filing to the date of FO issuance.

Part VI Section D "Merit Final Agency Decisions (FADs) Issued"

Part VI - Summary Of Closures By Category

Fill with zeros

	Total Number	Total Days	Average Days
D. Final Agency Merit Decisions (FAD) Issued (1+2+3+4)	<input type="text"/>	<input type="text"/>	<input type="text"/>
1. Complainant Requested Immediate FAD (1a + 1b)	<input type="text"/>	<input type="text"/>	<input type="text"/>
a. Agency Issued FAD Within 60 Days of Receipt of FAD	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. Agency Issued FAD More Than 60 Days Beyond Receipt of FAD Request	<input type="text"/>	<input type="text"/>	<input type="text"/>
2. Complainant Did Not Elect Hearing or FAD (2a + 2b)	<input type="text"/>	<input type="text"/>	<input type="text"/>
a. Agency Issued FAD Within 60 Days Of End Of 30-Day Election Period	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. Agency Issued FAD More Than 60 Days Beyond End of 30-Day Election Period	<input type="text"/>	<input type="text"/>	<input type="text"/>
3. Hearing Requested; AJ Returned Case To Agency For FAD Without AJ Decision (3a + 3b)	<input type="text"/>	<input type="text"/>	<input type="text"/>
a. Agency Issued FAD Within 60 Days Of Receipt Of AJ Remand For FAD Issuance	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. Agency Issued FAD More Than 60 Days After Receipt Of AJ Remand For FAD Issuance	<input type="text"/>	<input type="text"/>	<input type="text"/>
4. Final Agency Decision Issued on a Mixed Case (4a + 4b)	<input type="text"/>	<input type="text"/>	<input type="text"/>
a. Agency Issued FAD Within 45 Days After Investigation	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. Agency Issued FAD More Than 45 Days After Investigation	<input type="text"/>	<input type="text"/>	<input type="text"/>

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In Part VI Section D data on the timeliness of merit FADs is collected. Note This section does not include agency dismissal decision information.

Time limits are established by regulation. See box below.

Regulations

☞ **29 C.F.R. §1614.110 (b)** requires agencies to issue a final agency decision (FAD) within 60 days of receiving notification that a complainant has requested an immediate decision from the agency.

☞ **29 C.F.R. §1614.110 (b)** requires agencies to issue a FAD within 60 days of the end of the 30-day period for the complainant to request a hearing or an immediate final decision where the complainant has not requested either a hearing or a decision.

☞ **29 C.F.R. §1614.302 (d)(2)** requires agencies to issue a FAD on a mixed case complaint within 45 days of the end of the investigation.

- Part VI Section D - The website automatically calculates the total number and days reported by adding the totals reported on Lines D.1 + D.2 + D3 + D4.
- Part VI Section D.1 - The website automatically calculates the totals reported by adding the totals reported on Lines D.1.a + D.1.b.
- Part VI Section D.1.a – report the number and total days for merit FADs issued within 60 days of receipt of FAD request. Days are calculated from the date the agency became obligated to issue a final merit decision without an AJ decision.

- Part VI Section D.1.b - report the number and total days for merit FADs issued beyond 60 days of receipt of FAD request. Days are calculated from the date the agency became obligated to issue a final merit decision without an AJ decision.
- Part VI Section D.2 - The website automatically calculates the totals reported by adding the totals reported on Lines D.2.a + D.2.b.
- Part VI Section D.2.a - report the number and total days for merit FADs issued within 60 days of receipt of the end of the 30-day election period. Days are calculated from the date the agency became obligated to issue a final merit decision without an AJ decision.
- Part VI Section D.2.b – report the number and total days for merit FADs issued beyond 60 days of receipt of the end of the 30-day election period. Days are calculated from the date the agency became obligated to issue a final merit decision without an AJ decision.
- Part VI Section D.3 - The website automatically calculates the totals reported by adding the totals reported on Lines D.3.a + D.3.b.
- Part VI Section D.3.a – report the number and total days for merit FADs issued within 60 days of receipt of AJ returned case for FAD issuance. Days are calculated from the date the agency became obligated to issue a final merit decision without an AJ decision.
- Part VI Section D.3.b - report the number and total days for merit FADs issued beyond_60 days of receipt of AJ returned case for FAD issuance. Days are calculated from the date the agency became obligated to issue a final merit decision without an AJ decision.
- Part VI Section D.4 - the website automatically calculates the totals reported by adding the totals reported on Lines D.4.a + D.4.b.
- Part VI Section D.4.a – report the number and total days for an agency issued FAD that occurred within 45 days after the investigation. Days are calculated from the date the agency became obligated to issue a final merit decision without an AJ decision.
- Part VI Section D.4.b – report the number and total days for an agency issued FAD that occurred more than 45 days after the investigation. Days are calculated from the date the agency became obligated to issue a final merit decision without an AJ decision.

The total number of merit FADs reported on Part VI Line D must equal the sum of the number of FADs reported on Part VI Line B.1 and on Part VI Line B.2. However, the days will not equal each other as the days reported in Part VI B are calculated from the data the complaint was filed.

PART VII - “SUMMARY COMPLAINTS CLOSED WITH BENEFITS DURING FORMAL COMPLAINT STAGE”

**Part VII - Summary Of Complaints Closed With Benefits
During Formal Complaint Stage**

Fill with zeros

	Number	Amount
A. Total complaints closed with benefits	<input type="text"/>	
<small>Total complaints to be included in this section should NOT include any final agency actions that are not being fully implemented by the agency</small>		
B. Total closures with monetary benefits to complainant	<input type="text"/>	\$ <input type="text"/>
1. Back Pay/Front Pay	<input type="text"/>	\$ <input type="text"/>
2. Lump sum payment	<input type="text"/>	\$ <input type="text"/>
3. Compensatory Damages	<input type="text"/>	\$ <input type="text"/>
4. Attorney fees and costs	<input type="text"/>	\$ <input type="text"/>
D. Intentionally left blank		
E. Total closures with non-monetary benefits to complainant	<input type="text"/>	

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Part VII collects specific data on the monetary and non-monetary benefits awarded in formal complaint closures that occurred during the reporting period.

A monetary benefit for Part VII reporting purposes is a payment that an agency agrees to provide a complainant in a written settlement agreement, a final agency decision finding discrimination, or a final agency order agreeing to fully implement an administrative judge’s decision that orders the agency to provide a monetary payment. Monetary benefits include compensatory damages, back pay/front pay, lump sum awards and attorney’s fees.

A non-monetary benefit for Part VII reporting purposes is an employment-related action/benefit that an agency agrees to provide a complainant in a written settlement agreement, a final agency decision finding discrimination, or a final agency order agreeing to fully implement an Administrative Judge’s decision that orders the agency to take an employment-related action.

- Part VII Line A – report the total number of complaint closures awarded benefits (Monetary and/or non-Monetary)
- Part VII Line B – report the number of complaint closures with monetary benefits to Complainants. The website auto calculates the total amount of monetary benefits awarded by adding the amounts reported in Part VII B.1 + B.2 + B.3 + B.4.

- Part VII Line B.1 – report the number of complaint closures and the amount of benefits wherein the complainant was awarded back pay and/or front pay.
- Part VII Line B.2 – report the number of complaint closures and the amount of benefits wherein the complainant was awarded a lump sum payment.
- Part VII Line B.3 – report the number of complaint closures and the amount of benefits wherein the complainant was awarded compensatory damages.
- Part VII Line B.4 – report the number of complaint closures and the amount of benefits wherein the complainant was awarded attorney’s fees and costs. (formally line C).
- Part VII Line D – Intentionally left blank – data is no longer.
- Part VII Line E – report the number of complaint closures with non-monetary benefits to complainant.

Part VII Line F provides a list of common non-monetary benefits awarded in complaint closures. Other types of benefit categories may be added by the agency administrator as needed.

Example 12: Properly Adding “Other” Types of Benefit Categories

When adding an “other” category, avoid categories that do not identify a benefit. For example, a “cease practices complained of” category is lacking in specificity such that it could include several of the listed types of benefits categories (denial of training, transfer, promotion, etc.). On the other hand, when adding an “other” category, do not choose overly specific labels since the number of “other” categories is limited.

Use a general category description that will encompass multiple situations when adding “other” categories. For example, an “Improved terms/conditions of employment” might include changes in work schedules, improved communications, modified performance requirements, opportunity to telework, provision of equipment (not as a reasonable accommodation), and reassignment of a supervisor in response to a sexual harassment allegation.

Examples of “other” types of benefit categories properly added to Part VII F include “non-monetary Awards like a certificate,” “Improved Terms/Conditions Employment,” or “Neutral/Favorable Reference.

Types of non-monetary benefits for Part VII Section F reporting purposes include: Hire (Retroactive and Non-retroactive), Promotion (Retroactive and Non-retroactive), Expungements, Reassignments, Removals Rescinded (Reinstatement or Voluntary Resignation), Accommodations, Training, Apology, Disciplinary Actions (Rescinded or Modified), Performance Evaluation Modified, and Leave Restored.

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Part VII Line F Lines 1-14 – on each line report either the number of complaint closures with monetary and non-monetary benefits in the “Number of Closures That Received Monetary Benefits As Well” column **or** in the “Number of Closures That Received Only Non-Monetary Benefits” listed on that line. No complaint closure would be reported in both columns.

In the “Number of Closures That Received Monetary Benefits As Well” column report the number of complaint closures where the complainant received a monetary payment in addition to one or more types of listed non-monetary benefits. For example, if a settlement agreement provided for a lump sum payment, training and a transfer, in Part VII line F, the closure is reported in the “Number of Closures That Received Monetary Benefits As Well” on lines F.7 and F.4.

In the “Number of Closures That Received Only Non-Monetary Benefits” column report the number of complaint closures where the complainant received one or more types of the listed non-monetary benefits and no monetary benefit. For example, if a FAD finding discrimination awarded the complainant an expungement and restoration of leave, in Part VII Line F, the closure is reported in the “number of closures That Received only Non-Monetary Benefits” on lines F.3 and F.11.

Part VII - Summary Of Complaints Closed With Benefits During Formal Complaint Stage

Fill with zeros

	Number of Closures That Received Monetary Benefits As Well	Number of Closures That Received Only Non-Monetary Benefits
F. Types of Benefits in non-monetary closures		
1. Hires	<input type="text"/>	<input type="text"/>
a. Retroactive	<input type="text"/>	<input type="text"/>
b. Non-Retroactive	<input type="text"/>	<input type="text"/>
2. Promotions	<input type="text"/>	<input type="text"/>
a. Retroactive	<input type="text"/>	<input type="text"/>
b. Non-Retroactive	<input type="text"/>	<input type="text"/>
3. Expungements	<input type="text"/>	<input type="text"/>
4. Reassignments	<input type="text"/>	<input type="text"/>
5. Removals Rescinded	<input type="text"/>	<input type="text"/>
a. Reinstatement	<input type="text"/>	<input type="text"/>
b. Voluntary Resignation	<input type="text"/>	<input type="text"/>
6. Accommodations	<input type="text"/>	<input type="text"/>
7. Training	<input type="text"/>	<input type="text"/>
8. Apology	<input type="text"/>	<input type="text"/>
9. Disciplinary actions	<input type="text"/>	<input type="text"/>
a. Rescinded	<input type="text"/>	<input type="text"/>
b. Modified	<input type="text"/>	<input type="text"/>
10. Performance evaluation modified	<input type="text"/>	<input type="text"/>
11. Leave restored	<input type="text"/>	<input type="text"/>
12. Other	<input type="text"/>	<input type="text"/>
13. Other	<input type="text"/>	<input type="text"/>
14. Other	<input type="text"/>	<input type="text"/>

NOTE: Click on Agency Admin to define Other

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Comments

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- Part VII Line F.1 – the website auto calculates both columns of Hires by adding the data reported in Lines F.1.a + F.1.b.

- Part VII Line F.1.a – report the number of complaint closures wherein the complainant was awarded only a retroactive appointment in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both a retroactive hire and a monetary benefit like a lump sum payment.
- Part VII Line F.1.b – report the number of complaint closures wherein the complainant was awarded only a non-retroactive appointment in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both a non-retroactive hire and a monetary benefit like a lump sum payment.
- Part VII Line F.2 – the website auto calculates both columns of Promotions by adding the data reported in Lines F.2.a + F.2.b.
- Part VII Line F.2.a – report the number of complaint closures wherein the complainant was awarded only a retroactive promotion in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both a retroactive promotion and a monetary benefit like a lump sum payment.
- Part VII Line F.2.b – report the number of complaint closures wherein the complainant was awarded only a non-retroactive promotion in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both a non-retroactive promotion and a monetary benefit like a lump sum payment.
- Part VII Line F.3 – report the number of complaint closures wherein the complainant was awarded only an expungement in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both an expungement and a monetary benefit like a lump sum payment.
- Part VII Line F.4 – report the number of complaint closures wherein the complainant was awarded only a reassignment in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both a reassignment and a monetary benefit like a lump sum payment.
- Part VII Line F.5 – the website auto calculates both columns of Removals Rescinded by adding the data reported in Lines F.5.a + F.5.b.

- Part VII Line F.5.a – report the number of complaint closures wherein the complainant was awarded only a reinstatement in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both a reinstatement and a monetary benefit like a lump sum payment.
- Part VII Line F.5.b – report the number of complaint closures wherein the complainant was awarded only a voluntary resignation in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both a voluntary resignation and a monetary benefit like a lump sum payment.
- Part VII Line F.6 – report the number of complaint closures wherein the complainant was awarded only an accommodation in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both an accommodation and a monetary benefit like a lump sum payment.
- Part VII Line F.7 – report the number of complaint closures wherein the complainant was awarded only training in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both training and a monetary benefit like a lump sum payment.
- Part VII Line F.8 – report the number of complaint closures wherein the complainant was awarded only an apology in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both an apology and a monetary benefit like a lump sum payment.
- Part VII Line F.9 – the website auto calculates both columns of Disciplinary Actions by adding the data reported in Lines F.9.a + F.9.b.
- Part VII Line F.9.a – report the number of complaint closures wherein the complainant was awarded only a rescinded disciplinary action in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both a rescinded disciplinary action and a monetary benefit like a lump sum payment.
- Part VII Line F.9.b – report the number of complaint closures wherein the complainant was awarded only a modified disciplinary action in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well”

column where the complainant received both a modified disciplinary action and a monetary benefit like a lump sum payment.

- Part VII Line F.10 – report the number of complaint closures wherein the complainant was awarded only a modified performance evaluation in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both modified performance evaluation and a monetary benefit like a lump sum payment.
- Part VII Line F.11 – report the number of complaint closures wherein the complainant was awarded only a restoration of leave in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both a restoration of leave and a monetary benefit like a lump sum payment.
- Part VII Lines F.12, 13 &14 list other benefits not reported above.

Note: Some types of benefits have a monetary value, for example, leave restoration. However, leave restoration is reported in the non-monetary column because the employee does not receive a monetary payment when leave is restored.

PART VIII - "SUMMARY OF PENDING COMPLAINTS BY CATEGORY"

Part VIII - Summary Of Pending Complaints By Category

Fill with zeros

	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+1a+2+3+4)	<input type="text"/>	<input type="text"/>		
1. Complaints pending written notification (Acknowledgement Letter)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
1a. Complaints pending decision to accept/dismiss	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2. Complaints pending in investigation	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
3. Complaints pending in hearings	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
4. Complaints pending a final agency action	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

NOTE: If A.3 is greater than zero, add a comment with the EEOC hearing number for the oldest case

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Comments
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Part VIII collects data on the status of pending complaints, those complaints that have not yet closed.

For each of the five complaint pending status, report the number of days that the oldest case in each is pending at the end of the reporting period in the last column for each status.

Part VIII Line A – the website calculates the total number of pending complaints and days by totaling the data reported in Lines A.1 + A.1a + A.2 + A.3 + A.4. This number must equal the number reported in Part II on Line I.

- Part VIII Line A.1 - report the number of complaints and days awaiting the issuance of an acknowledgment letter in accordance with 29 C.F.R. 1614.106(e) and Chapter 5 Section I of MD-110. The “number of days pending written notification” is the total number of days a complainant has waited for the issuance of the acknowledgment letter, from the date of complaint filing (date of mailing, hand-delivery or facsimile transmission) to the end of the reporting period, or from the date of remand after an appeal to the end of the reporting period.
- Part VIII Line A.1a – report the number of complaints and days awaiting the decision to accept or dismiss the complaint. The ‘number of days pending a decision to accept/dismiss’ is the total number of days a complainant has waited to learn that his/her complaint is accepted or is dismissed from the date of complaint filing (date of mailing, hand-delivery or facsimile transmission) to the end of the reporting period, or from the date of remand after an appeal to the end of the reporting period.

- Part VIII Line A.2 – report the number of complaints awaiting the conclusion of the investigation by issuance of the election letter and copy of the investigative file to the complainant. The “number of days pending” investigation is the total number of days a complainant has waited for the issuance of the investigative file and the immediate decision/hearing election letter, from the date of complaint filing (date of mailing, hand-delivery or facsimile transmission), or from the date of remand after an appeal, to the end of the reporting period.



Note: Cases held in abeyance for class certification that become un-certified are recorded in Part VIII A.2. The date is calculated from the date the formal complaint was filed, stops at the Abeyance Start Date, and then resumes at the Abeyance End Date and continues until the end of the reporting period.

- Part VIII Line A.3 – report the number of complaints for which the complainant requested a hearing and for which, prior to the end of the reporting period, the agency had not received from the AJ a decision on the complaint or an order for the issuance of a final agency decision without a hearing. The “number of days pending” in hearings is the total number of days a complainant had been waiting for the issuance of the decision on his/her complaint, from the date of complaint filing (date of mailing, hand-delivery or facsimile transmission), or from the date of remand after an appeal to the end of the reporting period.



Please provide a comment detailing information regarding the oldest case including the case name, agency case number, EEOC hearing case number, and any other pertinent information. This information will be provided to the appropriate personnel at EEOC to determine the status and updated information may be provided.

- Part VIII Line A.4 - report the number of complaints awaiting the issuance of final agency action. This pending status includes complaints for which the investigative file and the immediate decision/hearing election letter were issued; and **one of the following applied:** no hearing request or immediate FAD request was received by the end of the reporting period, or an AJ returned complaint to agency for final agency decision (without an AJ decision) that the agency did not issue by the end of the reporting period or an AJ issued a decision on which the agency did not issue a final agency action by the end of the reporting period. The “number of days pending” is the total number of days a complainant had been waiting for the issuance of the decision on his/her complaint, from the date of complaint filing (date of mailing, hand-delivery or facsimile transmission), or from the date of remand after an appeal to the end of the reporting period.

PART IX - "SUMMARY OF INVESTIGATIONS COMPLETED"

Part IX collects data on investigations completed in the reporting period by agency personnel and by contractors. Not only is the total number and days reported but also the investigation costs which indicate the average costs per investigation.

The timeliness in which investigations are performed is paramount to the EEO complaint process. See the regulations box below.

Regulations

- ☞ **29 C.F.R. §1614.108(e)** requires an agency to conduct an impartial and appropriate investigation of a complaint within 180 days of the filing of the complaint or within the time period contained in an order from the Office of Federal Operations on an appeal from a dismissal pursuant to §1614.107.
- ☞ **29 C.F.R. §1614.108(e)** provides that an individual may agree in writing with the agency to extend a 180-day investigation period for an additional period of not more than 90 days.
- ☞ **29 C.F.R. §1614.108(e)** also provides that an agency may unilaterally extend the investigatory time period for not more than an additional 30 days where it must sanitize a complaint file that may contain information classified pursuant to Exec. Order No. 12356, or successor orders, as secret in the interest of national defense or foreign policy, provided the agency notifies the parties of the extension.
- ☞ **29 C.F.R. §1614.108(f)** provides that where a complaint has been amended, the agency shall complete its investigation within the earlier of 180 days after the last amendment to the complaint or 360 days after the filing of the original complaint.
- ☞ **29 C.F.R. §1614.606** provides that when a complaint has been consolidated with one or more earlier filed complaints, the agency shall complete its investigation within the earlier of 180 days after the filing of the last complaint or 360 days after the filing of the original complaint.

Investigations completed in 180 days or less are considered timely. Also, investigations completed in 181-360 days that are extended due to amendments, written agreements, and sanitizing are considered timely.

Investigations completed in 181-360 days for reasons other than described above are considered untimely. Furthermore, investigations completed in 361 or more days are untimely.

All investigation completion times are calculated from the date of complaint filing (date of mailing, hand-delivery or facsimile) or the date on the remand order after a hearing or an appeal, to the date the investigative file and the immediate decision/hearing election letter were issued to the complainant.

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Note: The website calculates all average days and average costs in Part IX.

Part IX - Summary Of Investigations Completed			
Fill with zeros			
	Total	Total Days	Average Days/ Cost
A. Investigations completed during reporting period (1+3)	[]	[]	
1. Investigations completed by agency personnel (a+b+c)	[]	[]	[]
a. Investigations completed in 180 days or less	[]	[]	[]
b. Investigations completed in 181-360 days	[]	[]	[]
1. Timely Completed Investigations	[]	[]	[]
2. Untimely Completed Investigations	[]	[]	[]
c. Investigations completed in 361 or more days	[]	[]	[]
2. Agency Investigation Costs	\$ []		\$ []
3. Investigations completed by contractors (a+b+c)	[]	[]	[]
a. Investigations completed in 180 days or less	[]	[]	[]
b. Investigations completed in 181-360 days or less	[]	[]	[]
1. Timely Completed Investigations	[]	[]	[]
2. Untimely Completed Investigations	[]	[]	[]
c. Investigations completed in 361 or more days	[]	[]	[]
4. Contractor Investigation Costs	\$ []		\$ []
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- Part IX Line A - the website automatically calculates the total number and days of investigations completed in the reporting period by adding Part IX Lines A.1 + A.3.
- Part IX Line A 1 – the website automatically calculates the number and days of investigations completed by agency personnel by adding Part IX Line A.1.a + A.1.b + A.1.c.
- Part IX Line A.1.a – report the number of investigations completed in 180 days or less and the total days used to complete them by agency personnel.
- Part IX Line A.1.b – the website automatically calculates the number and days of investigations by agency personnel completed in 181-360 days by adding Part IX Line A.1.b.1 + A.1.b.2
- Part IX Line A.1.b.1 – report the number of timely completed investigations completed within 181 to 360 days by agency personnel and the total days used to complete them.
- Part IX Line A.1.b.2 - report the number of untimely completed investigations completed within 181 to 360 days by agency personnel and the total days used to complete them.
- Part IX Line A.1.c - report the number of investigations completed in 361 or more days by agency personnel and the total number of days used to complete them.

- Part IX Line 2 – report the costs of agency personnel conducted investigations by including both salaries and miscellaneous costs. The website automatically calculates the average agency investigation costs.

A Cost of Investigations Worksheet is provided in [Appendix H](#) and under the Worksheets tab on the web site.

Salary costs for agency investigations are based on the number and grade-level of agency employees (EEO Investigator, EEO Director, support staff, etc.) involved in the completed investigations and the percentage of work time they expended in conducting the investigations, preparing and reviewing investigative reports for completeness and performing related administrative support tasks.

Miscellaneous costs for agency investigations include the cost of photocopying, supplies, mailing, travel, court reporting, witnesses, training on conducting investigations and other related costs.

- Part IX Line A 3 – the website automatically calculates the number and days of investigations completed by contract investigators by adding Part IX Line A.3.a + A.3.b + A.3.c.
- Part IX Line A.3.a – report the number of investigations completed in 180 days or less and the total days used to complete them by contract investigators.
- Part IX Line A.3.b – the website automatically calculates the number and days of investigations by contract investigators completed in 181-360 days by adding Part IX Line A.3.b.1 + A.3.b.2.
- Part IX Line A.3.b.1 – report the number of timely completed investigations completed within 181 to 360 days by contract investigators and the total days used to complete them.
- Part IX Line A.3.b.2 - report the number of untimely completed investigations completed within 181 to 360 days by contract investigators and the total days used to complete them.
- Part IX Line A.3.c - report the number of investigations completed in 361 or more days by contract investigators and the total number of days used to complete them.
- Part IX Line 4 – report the costs of contract investigator conducted investigations by including the cost of the contract, salaries and miscellaneous costs. The website automatically calculates the average contract investigator conducted investigation costs.

Salary costs for contract investigations are based on the number and grade-level of agency employees (EEO Investigator, EEO Director, support staff, etc.) involved in the awarding and administrating of the completed investigation contracts, reviewing

investigative reports for completeness and performing related administrative support tasks.

Miscellaneous costs for contractor conducted investigations include the cost of photocopying, supplies, mailing, and other related costs expended on awarding and administering the contracts for the completed investigations, if they are not already included in contract costs.

Clarification of Reporting Requirements for Investigation Costs for DOD

Note: Department of Defense agencies and those agencies that use IRD to conduct their investigations should report the number of investigations conducted by IRD in Part IX Section A.1 Investigations Completed by Agency Personnel.

The Department of Defense agencies should include per unit investigation cost data in Part IX Section A.2 in accordance with information and instructions provided by the Office of Diversity Management and Equal Opportunity. Any questions or concerns regarding this matter should be directed to Ms. Marilee Perkal, Director, Civilian EEO at (703) 571-9337.

PART X - "SUMMARY OF ADR PROGRAM ACTIVITIES INFORMAL PHASE (PRE-COMPLAINT)"

Part X collects EEO ADR information for your agency's completed/closed counselings in the pre-complaint stage of the process also known as informal stage of the process. Information concerning other ADR programs that your agency may provide to resolve non-EEO disputes, such as Early Workplace Dispute Programs are not collected by EEOC and should not be included in the numbers reported. An important concept to keep in mind when reviewing data for Part X is that it can be considered as a subset of Part I since much of the data in Part X relates to data contained in Part I.

ADR stands for Alternative Dispute Resolution. It is those processes that individuals can use to resolve their disputes other than by using courts, trials, or administrative procedures, and in the federal EEO process, ADR is an alternative to Traditional Counseling.

Regulations

☛ **29 C.F.R. §1614.102(b)(2)** requires that agencies establish or make available an alternative dispute resolution program. Such program must be available for both the pre-complaint process and the formal complaint process.

☛ **29 C.F.R. §1614.105(f)** Where the aggrieved person chooses to participate in an alternative dispute resolution procedure in accordance with paragraph (b)(2) of this section, the pre-complaint processing period shall be 90 days. If the claim has not been resolved before the 90th day, the notice described in paragraph (d) of this section shall be issued.

☛ **29 C.F.R. §1614.108(b)** In accordance with instructions contained in Commission Management Directives, the agency shall develop an impartial and appropriate factual record upon which to make findings on the claims raised by the written complaint. An appropriate factual record is one that allows a reasonable fact finder to draw conclusions as to whether discrimination occurred. Agencies may use an exchange of letters or memoranda, interrogatories, investigations, fact-finding conferences or any other fact-finding methods that efficiently and thoroughly address the matters at issue. Agencies are encouraged to incorporate alternative dispute resolution techniques into their investigative efforts in order to promote early resolution of complaints.

☛ **29 C.F.R. §1614.603** Each agency shall make reasonable efforts to voluntarily settle complaints of discrimination as early as possible in, and throughout, the administrative processing of complaints, including the pre-complaint counseling stage. Any settlement reached shall be in writing and signed by both parties and shall identify the claims resolved.

☛ **Management Directive 110 Chapter 3 - Alternative Dispute Resolution**



Some smaller agencies make an ADR program available through a MOU (Memorandum of Understanding) with larger agencies. **If you have a MOU with another agency to provide your employees with mediation services, report that in the comment section for Part XII Section C Line 4.**



Caution!!! The total number of individuals should be less than or equal to the total number of counselings.

- Part X Section A – Intentionally left blank - data is no longer collected.

Part X Section B - “ADR Actions in Completed/Ended Counselings”

**Part X - Summary Of ADR Program Activities
Informal Phase (Pre-Complaint)**

Fill with zeros

	Counselings	Individuals
A. Intentionally left blank		
B. ADR Actions in Completed / Ended Counselings		
1. ADR offered by agency	<input style="width: 50px; height: 20px;" type="text"/>	<input style="width: 50px; height: 20px;" type="text"/>
2. Rejected by individual (Counselee)	<input style="width: 50px; height: 20px;" type="text"/>	<input style="width: 50px; height: 20px;" type="text"/>
3. Intentionally left blank		
4. Total accepted into ADR program	<input style="width: 50px; height: 20px;" type="text"/>	<input style="width: 50px; height: 20px;" type="text"/>

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Comments Add new comment

Date	Name	Field Name	Comment
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- Part X Line B.1 - report the total number of counselings and individuals for which the Agency offered ADR during the pre-complaint stage for completed/ended counselings in this reporting period.



Note: Agencies should count ADR offers by counting the numbers of counselings in which there was ADR activity and not the number of multiple ADR offers. Agencies may reference in a Comment the number of counselings involving multiple ADR offers, if such distinction is desired by the agency. Requests made for ADR but not offered by the Agency are not reported on the EEOC Form 462 report. (See [Appendix D](#) Part X and XI for more details).

NOTE: Where the Agency allows a management official to determine that the Agency will not follow through with ADR after it has been offered and accepted by the Counselee than the result of the ADR must be reported in Part X Line E.

- Part X Line B.2 - report the total number of counselings and individuals for which the individual rejected the agency’s offer for ADR during the pre-complaint stage for counselings completed/ended in this reporting period.
- Part X Line B.3 – Intentionally Left Blank – Data no longer collected.

- Part X Line B.4 - report the total number of counselings and individuals who agreed to participate in ADR during the pre-complaint stage for counselings completed/ended in this reporting period. The term “participated” is also used for this category. The parties are the counselee and the agency. If the agency offers ADR to the aggrieved individual then the agency has agreed to participate in the ADR process.

Example 13: ADR Actions

Agency ZZ had 30 counselings completed/ended in FY 2011; 25 counselings were offered ADR; individuals accepted the ADR offer in 15 counselings

In the Counseling column Agency ZZ would report 25 ADR Offers on Line B.1; 10 Rejected by Counselee on Line B.2; and 15 Accepted into ADR Program on Line B.4

Part X Section C - “ADR Resources Used in Completed/Ended Counselings”

From 10/1/2008 to 9/30/2009

Part X - Summary Of ADR Program Activities
Informal Phase (Pre-Complaint)

[Fill with zeros](#)

	Counselings	Individuals
C. ADR Resources used in Completed / Ended Counselings	<input type="text"/>	<input type="text"/>
1. Inhouse	<input type="text"/>	<input type="text"/>
2. Another federal agency	<input type="text"/>	<input type="text"/>
3. Private organizations, (e.g. contractors, Bar associations, individual volunteers, or college/university personnel)	<input type="text"/>	<input type="text"/>
4. Multiple resources used (Please specify in a comment box)	<input type="text"/>	<input type="text"/>
5. Federal Executive Board	<input type="text"/>	<input type="text"/>
6. ██████████	<input type="text"/>	<input type="text"/>
7. ██████████	<input type="text"/>	<input type="text"/>

NOTE: Click on Agency Admin to define Other

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Comments [Add new comment](#)

Date	Name	Field Name	Comment
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An **ADR Resource** is a resource from which an agency obtains neutrals to conduct ADR attempts. A neutral is a third party who helps the parties during an ADR session, e.g. the mediator.

- Part X C – report the total number of individuals for which ADR resources were used for completed/ended counselings in this reporting period. The counselings are auto-calculated by the website.
- Part X C.1 – report the total number of counselings and individuals for which in-house resources were used for counselings completed/ended in this reporting period.

- Part X C.2 – report the total number of counselings and individuals for which resources from another federal agency were used for counselings completed/ended in this reporting period.
- Part X C.3 – report the total number of counselings and individuals for which private organization resources were used for counselings completed/ended in this reporting period.
- Part X C.4 – report the total number of counselings and individuals for which multiple resources were used for counselings completed/ended in this reporting period and **add comment per instructions below**.



If more than one source of neutrals was used in a particular case (i.e., an in-house employee and a private contractor), please report the use of those neutrals for counselings and individuals as “Multiple Resources Used” only on Line C.4 and **identify the sources of neutrals in a comment box**. Do not report them on Lines C.1, C.2, C.3 and C.5.

- Part X C.5 – report the total number of counselings and individuals for which Federal Executive Board resources were used for counselings completed/ended in this reporting period.

Note: If an agency obtains neutrals from a source not listed in Section C, the agency administrator should add an “Other” and the counselings can be reported on Lines 6 and 7.

Part X Section D - “ADR Techniques Used in Completed/Ended Counselings”

Part X - Summary Of ADR Program Activities Informal Phase (Pre-Complaint)				
<i>Fill with zeros</i>				
	Counselings	Individuals	Days	Average Days
D. ADR techniques used in completed / ended counselings	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
1. Mediation	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2. Settlement conferences	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
3. Early neutral evaluations	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
4. Factfinding	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
5. Facilitation	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
6. Ombudsman	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
7. Peer review	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
8. Multiple techniques used (Please specify in a comment box)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
9. ██████████	██████	██████	██████	████
10. ██████████	██████	██████	██████	████
11. ██████████	██████	██████	██████	████

NOTE: Click on Agency Admin to define Other

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[Add new comment](#)

An ADR technique is one of several non-litigation processes used to resolve EEO disputes. Chapter 3 of the EEOC's MD-110 provides a description of each ADR technique. These techniques are also defined in [Appendix B](#) of this Instruction Manual.

If an agency used an ADR method/technique not listed in Chapter 3 of EEOC's MD-110 "other methods/techniques" the agency administrator may add an Other, for example, conciliation.

- Part X Line D – report the total number of counselings and individuals with whom the ADR techniques listed in 1-11 were used in completed/ended counselings. The counselings, days and average days are auto calculated by the web site.
- Part X Line D.1 – report the total number of counselings and individuals in which mediation was used for pre-complaint counselings completed/ended during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.



NOTE: To determine the duration of an ADR process for Form 462 purposes, calculate the number of days from the date the counselee accepted the agency's ADR offer to the date that the ADR process ended and enter the total number of days for each method category, recorded on each respective line, in the Days column. In Section D, it is incorrect to calculate and enter just the period of days that an ADR session occurred. Do not report just the time spent "at the table." The time "spent at the table" is included in the duration of the process. The time periods captured in Part X are not controlled by 29 C.F.R. §1614.604 because for time periods reported in Part X, the number being reported is not regulatory time frame, rather a period of duration.

Example 14: Calculating Total Days For ADR Reporting Purposes

Agency ZZ had 3 mediations with 3 different individuals during the reporting period. The first mediation had a duration of 30 days in the ADR process, the second had a duration of 34 days, and the third had a duration of 38 days, for a total of 102 days. Agency ZZ would enter 102 in the DAYS column and 3 in the counselings and individuals columns of Line D.1. If the mediation sessions with the mediator each lasted one day, Agency ZZ would not enter 3 in the DAYS column because the session time periods are included in the duration period, (the date that the counselee accepted the agency's ADR offer to the date that the ADR process ended).

- Part X Line D.2 – report the total number of counselings and individuals in which settlement conferences were used for pre-complaint counselings completed/ended during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.

- Part X Line D.3 – report the total number of counselings and individuals in which early neutral evaluations were used for pre-complaint counselings completed/ended during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.
- Part X Line D.4 – report the total number of counselings and individuals in which factfindings were used for pre-complaint counselings completed/ended during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.
- Part X Line D.5 – report the total number of counselings and individuals in which facilitations were used for pre-complaint counselings completed/ended during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.
- Part X Line D.6 – report the total number of counselings and individuals in which ombuds were used for pre-complaint counselings completed/ended during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.
- Part X Line D.7 – report the total number of counselings and individuals in which peer reviews were used for pre-complaint counselings completed/ended during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.
- Part X Line D.8 – report the total number of counselings and individuals in which multiple techniques were used for pre-complaint counselings completed/ended during the reporting period and **add comment per instructions below**. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.



If more than one ADR technique was used in a particular case (i.e., mediation and a fact finding), please report the use of those techniques for counselings and individuals and days as “Multiple Techniques Used” on Line D.8 and **identify the techniques used in a comment box**. Do not report them on Lines D.1 and D.4.

Note: If an agency uses a technique not listed in Section D, the agency administrator may add an Other and report on Lines 9 through 11.

Part X - Section E - "Status of Cases in Completed/Ended Counselings"

**Part X - Summary Of ADR Program Activities
Informal Phase (Pre-Complaint)**


Fill with zeros

	Counselings	Individuals	Days	Average Days
E. Status of ADR cases in completed / ended counselings				
1. Total closed	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
a. Settlement with benefits (Monetary and Non-monetary)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. No formal complaint filed	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
c. Complaint filed				
i. No resolution	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
ii. No ADR Attempt	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
e. Decision to file complaint pending at the end of the reporting period	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2. Intentionally left blank				

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Comments
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- Part X Line E.1 – report the total number of individuals who used the EEO ADR process in the completed/ended counselings. The counselings, days and average days are auto calculated by the web site.
- Part X Line E.1.a – report the total number of counselings and individuals in which the EEO ADR process ended with a written settlement that included monetary and/or non-monetary benefits. Calculate and report the total number of days used during the EEO ADR process. The average days are auto calculated by the web site.

 **NOTE:** To determine the duration of an EEO ADR process for Form 462 purposes, calculate the number of days from the date the counselee accepted the agency’s EEO ADR offer to the date that the ADR process ended and enter the total number of days for each method category, recorded on each respective line, in the Days column. In Section D, it is incorrect to calculate and enter just the period of days that an ADR session occurred. Do not report just the time spent “at the table.” The time “spent at the table” is included in the duration of the process. The time periods captured in Part X are not controlled by 29 C.F.R. §1614.604 because for time periods reported in Part X, the number being reported is not regulatory time frame, rather a period of duration.

NOTE: “Settlements with benefits” include all cases that received some type of benefit (monetary or non-monetary) as a result of withdrawing from the EEO process. The numbers are recorded here and also included in Part I D.3.a and broken out in Part I G and H. If a counselee settles some but not all issues in an ADR attempt, and subsequently files a complaint on the unsettled issues, do not include that settlement in

“Settlements with Benefits” because they did not Withdraw from the EEO process. Instead include it in “No Resolution” because they are still in the 1614 process, i.e., a complaint was filed. The ENTIRE matter has not been resolved.

- Part X Line E.1.b – report the total number of counselings and individuals in which the EEO ADR process ended without a written settlement agreement and with no formal complaint filed, in other words where a withdrawal from the EEO process occurred. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.



Note: This category can be considered the same as Withdrawals/No Complaint Filed from the EEO process reported in Part I Line D.3.b. Withdrawals include pre-complaint counselings that withdrew from the EEO process following an ADR attempt but did not receive any type of benefit. The parties attempted ADR (they went to the table) and did not receive any type of benefit, they didn't settle, they reached an impasse, and then, they did not file a complaint. Whether the counselee took an affirmative action, i.e., signed a Withdrawal or a passive action, i.e., did not file a formal complaint, both situations are reported in this category.

- Part X Line E.1.c.i – report the total number of counselings and individuals in which the EEO ADR process ended with no resolution and a formal complaint was filed in the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.

“No Resolution” includes cases where ADR was attempted, the dispute was not resolved in its entirety and a formal complaint was filed in the reporting period.

- Part X Line E.1.c.ii – report the total number of counselings and individuals in which the EEO ADR process ended with no ADR attempt and a formal complaint was filed in the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.

Note that this category includes pre-complaint counselings where ADR was offered by the agency and the aggrieved individual accepted the offer to participate, but one or both parties withdrew from the ADR process prior to attempting an ADR technique. This category includes pre-complaint counselings that did not attempt an ADR technique and thereafter filed a formal complaint.

- Part X Line E.1.e – report the total number of counselings and individuals where at the end of the reporting period the decision to file a formal complaint was pending. Calculate and report the total number of days used during the EEO ADR process. The average days are calculated by the web site.

Note: Data in Part X Line E.1.c.i + ii is a part of the data reported in Part I Line D.3.c along with traditional counseling activities that resulted in the filing of a complaint.

In the event that the fiscal year ended and the time period to file a complaint has not expired during the fiscal year and the individual did not file a written withdrawal or did

not file a complaint during the fiscal year then the event should be reported in Part X E.1.e, decision to file complaint pending at the end of the reporting period. Do not count the event in other categories. The data included in this section is also reported in Part I D.3.d along with Counseling activities in which a decision to file complaint is pending at the end of the reporting period.

So, if a counseled individual was given a notice of right to file a formal complaint, and if the agency did not receive a complaint or a withdrawal from the individual prior to the end of the reporting period and the applicable time period to file a complaint has not expired, the agency must report the ADR closures, counseling and individual, on Part X Line E.1.e "Decision to file a complaint pending at the end of the reporting period."

- Part X Line E.2 – Intentionally left blank - data is no longer collected.

PART XI - "SUMMARY OF ADR PROGRAM ACTIVITIES FORMAL PHASE"
(Complaint Filed)

Part XI collects EEO ADR information for the agency's complaint closures in the formal-complaint stage of the process. Information concerning other ADR programs that your agency may provide to resolve non-EEO disputes, such as Workplace Dispute Programs are not collected by EEOC and should not be included in the numbers reported.

Note: the focus in Part XI is on program activities in Complaint Closures. If the particular complaint did not close during the fiscal year, you do not need to report the ADR activity that occurred during the year. EEOC recognizes that, on occasion, a complaint remains open for more than one year and that ADR activity may occur in the earlier year, however, the ADR data should not be reported on Form 462 until the complaint is closed. EEOC understands that agencies may report ADR activity to their agency head in a different manner or on a different time frame.

- Part XI Section A – Intentionally left blank - data is no longer collected.

Caution!!! The total number of complainants should be less than or equal to the total number of complaints.

Part XI Section B "ADR Actions in Complaint Closures"

Part XI - Summary Of ADR Program Activities Formal Phase

[Fill with zeros](#)

	Complaints	Complainants
A. Intentionally left blank		
B. ADR actions in Complaint Closures		
1. ADR offered by agency	<input type="text"/>	<input type="text"/>
2. Rejected by complainant	<input type="text"/>	<input type="text"/>
3. Intentionally left blank		
4. Total accepted into ADR program	<input type="text"/>	<input type="text"/>

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Date	Name	Field Name	Comment

Parts XI Section B tracks ADR cases in the formal complaint stage for closed complaints. If the ADR activity is over but the complaint is still opened, please do not report the ADR information.

Part XI Line B.1 - report the total number of closed complaints and number of complainants for which the Agency offered EEO ADR during the formal complaint stage for this reporting period.



Note: Agencies should count EEO ADR offers by counting the numbers of complaints in which there was ADR activity and not the number of multiple ADR offers. Agencies can also reference in a Comment the number of complaints involving multiple ADR offers, if such distinction is desired by the agency at this time.



Part XI Line B.2 - report the total number of closed complaints and number of complainants for which the complainant rejected the agency's offer of ADR during the formal complaint stage for this reporting period.

Part XI Line B.3 – Intentionally Left Blank – data is no longer collected.

Part XI Line B.4 - report the total number of closed complaints and number of complainants who agreed to participate in the ADR process during the formal complaint stage for this reporting period. The parties are the complainant and the agency.

NOTE: If the Agency allows a management official to determine that the Agency will not follow through with ADR after it has been offered and accepted by the Complainant than the result of the ADR must be reported in Part XI Line E.1.

Part XI Section C - “ADR Resources Used in Complaint Closures”

FROM 10/1/2008 TO 9/30/2009

Part XI - Summary Of ADR Program Activities Formal Phase

Fill with zeros

	Complaints	Complainants
C. ADR Resources Used in Complaint Closures	<input type="text"/>	<input type="text"/>
1. Inhouse	<input type="text"/>	<input type="text"/>
2. Another federal agency	<input type="text"/>	<input type="text"/>
3. Private organizations, contractors, Bar associations, individual volunteers, or college/university personnel	<input type="text"/>	<input type="text"/>
4. Multiple resources used (Please specify in a comment box)	<input type="text"/>	<input type="text"/>
5. Federal Executive Board	<input type="text"/>	<input type="text"/>
6. ██████████	<input type="text"/>	<input type="text"/>
7. ██████████	<input type="text"/>	<input type="text"/>

NOTE: Click on Agency Admin to define Other

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An **ADR Resource** is a resource from which an agency obtains neutrals to conduct ADR attempts. A neutral is a third party who helps the parties during an ADR session, e.g. the mediator. For the following note that the total number of complainants should be less than or equal to the total number of complaints

- Part XI C – report the total number of complainants for which ADR resources were used in formal complaint closures during the reporting period. The complaints are auto-calculated by the website.
- Part XI C.1 – report the total number of complaints and complainants for which in-house resources were used in formal complaint closures in this reporting period.
- Part XI C.2 – report the total number of complaints and complainants for which resources from another federal agency were used in formal complaint closures in this reporting period.
- Part XI C.3 – report the total number of complaints and complainants for which private organization resources were used in formal complaint closures in this reporting period.
- Part XI C.4 – report the total number of complaints and complainants for which multiple resources were used in formal complaint closures in this reporting period and **add comment per instructions below**.



If more than one source of neutrals was used in a particular case (i.e., an in-house employee and a private contractor), please report the use of those neutrals for complaints and complainants as “Multiple Resources Used” only on Line C.4 and **identify the sources of neutrals in a comment box**. Do not report them on Lines C.1 and C.3.

- Part XI C.5 – report the total number of complaints and complainants for which Federal Executive Board resources were used in formal complaint closures in this reporting period.

Note: Almost all ADR resources will fit within one of the listed categories or, if more than one resource is used, on Line C.4 “Multiple Resources Used.” If an agency obtains neutrals from a source not listed in Section C, the agency administrator may add an “Other” and report on Lines 6 and 7.

Part XI Section D - “ADR Attempts in Complaint Closures”

Part XI - Summary Of ADR Program Activities Formal Phase

Fill with zeros

	Complaints	Complainants	Days	Average Days
D. ADR Techniques used in Complaint Closures	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
1. Mediation	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2. Settlement conferences	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
3. Early neutral evaluations	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
4. Factfinding	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
5. Facilitation	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
6. Ombudsman	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
7. Mini-trials	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
8. Peer reviews	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
9. Multiple techniques used (Please specify in a comment box)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
10. ██████████	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
11. ██████████	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
12. ██████████	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

NOTE: Click on Agency Admin to define Other

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Comments

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Date	Name	Field Name	Comment
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An ADR technique is one of several non-litigation processes used to resolve EEO disputes. Chapter 3 of the EEO- MD-110 provides a description of each ADR technique. These techniques are also defined in [Appendix B](#) of this Instruction Manual.

If an agency used an ADR method/technique not listed in Chapter 3 of the EEO- MD-110 “other methods/techniques” may be added, for example, conciliation.

For the following, the total number of complainants should be less than or equal to the total number of complaints.

- Part XI Line D – report the total number of complainants with whom the ADR techniques listed in 1-12 were used in formal complaint closures. The complaints, days and average days are auto calculated by the web site.
- Part XI Line D.1 – report the total number of complaints and complainants in which mediation was used for formal complaints closed during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.



NOTE: To determine the duration of an ADR process for Form 462 purposes, calculate the number of days from the date the complainant accepted the agency’s ADR offer to the date that the ADR process ended and enter the total number of days for each method category, recorded on each respective line, in the Days column. In Section D, it is incorrect

to calculate and enter just the period of days that an ADR session occurred. Do not report just the time spent “at the table.” The time “spent at the table” is included in the duration of the process. The time periods captured in Part XI are not controlled by 29 C.F.R. §1614.604 for time periods reported in Part XI the number being reported is not a regulatory time frame, rather a period of duration. .

Example 15: Calculating Total Days For ADR Reporting Purposes

Agency ZZ had 3 mediations with 3 different individuals during the reporting period. The first mediation had a duration of 30 days in the ADR process, the second had a duration of 34 days, and the third had a duration of 38 days, for a total of 102 days. Agency ZZ would enter 102 in the DAYS column and 3 in the complaints and complainants columns of Line D.1. If the mediation sessions with the mediator each lasted one day, Agency ZZ would not enter 3 in the DAYS column because the session time periods are included in the duration period, (the date that the complainant accepted the agency’s ADR offer to the date that the ADR process ended).

- Part XI Line D.2 – report the total number of complaints and complainants in which settlement conferences were used for formal complaints closed during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.
- Part XI Line D.3 – report the total number of complaints and complainants in which early neutral evaluations were used for formal complaints closed during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.
- Part XI Line D.4 – report the total number of complaints and complainants in which fact findings were used for formal complaints closed during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.
- Part XI Line D.5 – report the total number of complaints and complainants in which facilitations were used for formal complaints closed during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.
- Part XI Line D.6 – report the total number of complaints and complainants in which ombuds were used for formal complaints closed during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.

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- Part XI Line D.7 – report the total number of complaints and complainants in which mini-trials were used for formal complaints closed during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.
- Part XI Line D.8 – report the total number of complaints and complainants in which peer reviews were used for formal complaints closed during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.
- Part XI Line D.9 – report the total number of complaints and complainants in which multiple techniques were used for formal complaints closed during the reporting period and **add comment as instructed below**. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site.



If more than one ADR technique was used in a particular case (i.e., mediation and a fact finding), please report the use of those techniques for complaints and complainants and days as “Multiple Techniques Used” on Line D and **identify the techniques used in a comment box**. Do not report them on Lines D.1 and D.4.

Note: If an agency uses a technique not listed in Section D, the agency administrator may add and “Other” and report on Lines 10 through 12. An example of an “other” type of ADR technique properly added to Part XI. Section D. would be “Conciliation.”

Part XI Section E - “Status of Cases”

From 10/1/2008 to 9/30/2009

Part XI - Summary Of ADR Program Activities Formal Phase

[Fill with zeros](#)

	Complaints	Complainants	Days	Average Days
E. Status of cases in complaint closures				
1. Total closed	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
a. Settlement with benefits (Monetary and Non-monetary)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. Withdrawal from EEO process	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
c. No resolution	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
d. No ADR Attempt	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2. Open inventory - ADR pending	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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- Part XI Line E.1 – report the total number of complainants who used the EEO ADR process in formal complaint closures. The complaints, days and average days are auto calculated by the web site. The total number of complainants should be less than or equal to the total number of complaints.

- Part XI Line E.1.a – report the total number of complaints and complainants in which the EEO ADR process ended with written settlements that included monetary and/or non-monetary benefits. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site. ADR activity is only reported for closed complaints. A settlement closes a complaint.

NOTE: Non-agency ADR settlements are not counted in this category notwithstanding that an ADR technique may have been used to settle the complaint. This Part only collects EEO ADR settlements which occurred through use of the agency's EEO ADR program. For example, if a complaint is pending before an EEOC AJ who orders mediation or where the parties on their own volition participate in mediation or other ADR technique and the complaint is settled, it is not reported here. When reporting such a settlement in Part VI, it should be reported in Part VI A.2.a, as a "Non-ADR Settlement."



NOTE: To determine the duration of an EEO ADR process for Form 462 purposes, calculate the number of days from the date the complainant accepted the agency's ADR offer to the date that the ADR process ended and enter the total number of days for each method category, recorded on each respective line, in the Days column. In Section D, it is incorrect to calculate and enter just the period of days that an ADR session occurred. Do not report just the time spent "at the table." The time "spent at the table" is included in the duration of the process. The time periods captured in Part XI are not controlled by 29 C.F.R. §1614.604 for time periods reported in Part XI the number being reported is not a regulatory time frame, rather a period of duration.



NOTE: "Settlements with benefits" include all cases that received some type of benefit (monetary or non-monetary) as a result of withdrawing from the EEO process. If a complainant settles some but not all issues in an ADR attempt, do not include that settlement in "Settlements with Benefits" because they did not withdraw from the EEO process. Instead include it in "No Resolution" because they are still in the 1614 process, the ENTIRE matter has not been resolved.



- Part XI Line E.1.b – report the total number of complaints and complainants in which the EEO ADR process ended without a settlement agreement and the complaint is withdrawn, in other words where a withdrawal from the EEO process occurred. Calculate and report the total number of days used during the EEO ADR process. The average days are calculated by the web site. ADR activity is only reported for closed complaints. A withdrawal closes a complaint.

For example, withdrawals include cases that withdrew from the EEO process following an ADR attempt but did not receive any type of benefit. The parties attempted ADR (they went to the table) and did not receive any type of benefit, they didn't settle, they reached an impasse, and then, they withdrew their complaint.

- Part XI Line E.1.c – report the total number of complaints and complainants in which the EEO ADR process ended with no resolution and the formal complaint continued in the EEO process but the complaint closes in the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site. ADR activity is only reported for closed complaints. Report “No Resolution” data for complaints which close during the reporting period.

“No Resolution” includes cases where EEO ADR was attempted, the dispute was not resolved in its entirety so the formal complaint continued in the EEO process.

- Part XI Line E.1.d – report the total number of complaints and complainants in which the EEO ADR process ended with no ADR attempt and the formal complaint continued in the EEO process but the complaint closes in the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the web site. ADR activity is only reported for closed complaints.

NOTE: that this category includes complaints where there was an ADR offer and the complainant agreed to participate but one or both parties withdrew from the ADR process prior to attempting an ADR technique. This category includes cases that did not attempt an ADR technique and thereafter the formal complaint process continued.



NOTE: If an individual begins an ADR session but then withdraws prior to completion of the ADR and continues in the complaint process, the closure must be reported on Part XI Line E.1.c “No resolution” if the complaint closes in the reporting period. If an



individual begins an ADR session but then withdraws prior to completion of the ADR and does not continue in the EEO process, the closure should be reported on Part XI Line E.1.b “Withdrawal from EEO process.” ADR activity is only reported for closed complaints. A withdrawal from EEO process closes a complaint

- Part XI Line E.2 - Data is no longer collected.

Part XI Section F - “Benefits Received

Part XI - Summary of ADR Program Activities Formal Phase

Fill with zeros

F. Benefits received	Complaints	Complainants	Amount
1. Monetary (Insert total)	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
a. Compensatory damages	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
b. Backpay/Frontpay	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
c. Lump sum	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
d. Attorney fees and costs	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
e. ██████████	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
f. ██████████	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
g. ██████████	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
NOTE: Click on Agency Admin to define Other			
2. Non-Monetary (Insert total)	<input type="text"/>	<input type="text"/>	
a. Hires	<input type="text"/>	<input type="text"/>	
i. Retroactive	<input type="text"/>	<input type="text"/>	
ii. Non-Retroactive	<input type="text"/>	<input type="text"/>	
b. Promotions	<input type="text"/>	<input type="text"/>	
i. Retroactive	<input type="text"/>	<input type="text"/>	
ii. Non-Retroactive	<input type="text"/>	<input type="text"/>	
c. Expungements	<input type="text"/>	<input type="text"/>	
d. Reassignments	<input type="text"/>	<input type="text"/>	
e. Removals rescinded	<input type="text"/>	<input type="text"/>	
i. Reinstatement	<input type="text"/>	<input type="text"/>	
ii. Voluntary Resignation	<input type="text"/>	<input type="text"/>	
f. Accommodations	<input type="text"/>	<input type="text"/>	
g. Training	<input type="text"/>	<input type="text"/>	
h. Apology	<input type="text"/>	<input type="text"/>	
i. Disciplinary Actions	<input type="text"/>	<input type="text"/>	
i. Rescinded	<input type="text"/>	<input type="text"/>	
ii. Modified	<input type="text"/>	<input type="text"/>	
j. Performance Evaluation Modified	<input type="text"/>	<input type="text"/>	
k. Leave Restored	<input type="text"/>	<input type="text"/>	
l. ██████████	<input type="text"/>	<input type="text"/>	
m. ██████████	<input type="text"/>	<input type="text"/>	
NOTE: Click on Agency Admin to define Other			

[Save \(stay on this part\)](#)
[Save \(go to next part\)](#)
[Save \(go to table of contents\)](#)
[Cancel](#)

Comments [Add new comment](#)

Date	Name	Field Name	Comment

Part XI Section F.1 - “Benefits Received - Monetary”

A monetary benefit for Part XI Section F.1 purposes is a cash payment that an agency agrees to provide a complainant in a settlement agreement. Monetary benefits include “compensatory damages,” “backpay/frontpay,” “lump sum,” “attorney fees and costs,” and any “other” as defined by an agency administrator. Agencies may add an “other” category for example a voluntary retirement incentive payment, to Line F.1 when needed.

- Part XI Line F.1 – report the number of complaints and complainants awarded monetary benefits in written settlement agreements reached in the formal complaint process. The website auto calculates the total amount of monetary benefits awarded by adding the amounts reported in Part XI Lines F.1.a + F.1.b + F.1.c + F.1.d + F.1.e + F.1.f + F.1.g.

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- Part XI Line F.1.a – report the number of complaints, complainants and the amount of compensatory damages awarded in written settlement agreements.
- Part XI Line F.1.b – report the number of complaints, complainants and the amount of back pay/front pay awarded in written settlement agreements.
- Part XI Line F.1.c – report the number of complaints, complainants and the amount of lump sum payments awarded in written settlement agreements.
- Part XI Line F.1.d – report the number of complaints, complainants and the amount of attorney's fees and costs awarded in written settlement agreements.

A non-monetary benefit for Part XI purposes is an employment-related action that an agency agrees to provide a complainant in an ADR written settlement agreement.

- Part XI Line F.2 – report the number of complaints and complainants awarded non-monetary benefits in written settlement agreements reached in the formal complaint process.
- Part XI Line F.2.a – the website auto calculates both columns of Hires by adding the data reported in Lines F.2.a.i + F.2.a.ii.
- Part XI Line F.2.a.i – report the number of complaints and complainants wherein the complainant was awarded a retroactive appointment in a written settlement agreement.
- Part XI Line F.2.a.ii – report the number of complaints and complainants wherein the complainant was awarded a non-retroactive appointment in a written settlement agreement.
- Part XI Line F.2.b – the website auto calculates both columns of Promotions by adding the data reported in Lines F.2.b.i + F.2.b.ii.
- Part XI Line F.2.b.i – report the number of complaints and complainants wherein the complainant was awarded a retroactive promotion in a written settlement agreement.
- Part XI Line F.2.b.ii – report the number of complaints and complainants wherein the complainant was awarded a non-retroactive promotion in a written settlement agreement.
- Part XI Line F.2.c – report the number of complaints and complainants wherein the complainant was awarded an expungement in a written settlement agreement.
- Part XI Line F.2.d – report the number of complaints and complainants wherein the complainant was awarded a reassignment in a written settlement agreement.

- Part XI Line F.2.e – the website auto calculates both columns of Removals Rescinded by adding the data reported in Lines F.2.e.i + F.2.e.ii.
- Part XI Line F.2.e.i – report the number of complaints and complainants wherein the complainant was awarded a reinstatement in a written settlement agreement.
- Part XI Line F.2.e.ii – report the number of complaints and complainants wherein the complainant was awarded a voluntary resignation in a written settlement agreement.
- Part XI Line F.2.f – report the number of complaints and complainants wherein the complainant was awarded an accommodation in a written settlement agreement.
- Part XI Line F.2.g – report the number of complaints and complainants wherein the complainant was awarded training in a written settlement agreement.
- Part XI Line F.2.h – report the number of complaints and complainants wherein the complainant was awarded an apology in a written settlement agreement.
- Part XI Line F.2.i – the website auto calculates both columns of Disciplinary Actions by adding the data reported in Lines F.2.i.i + F.2.i.ii.
- Part XI Line F.2.i.i – report the number of complaints and complainants wherein the complainant was awarded a rescinded disciplinary action in a written settlement agreement.
- Part XI Line F.2.i.ii – report the number of complaints and complainants wherein the complainant was awarded a modified disciplinary action in a written settlement agreement.
- Part XI Line F.2.j – report the number of complaints and complainants wherein the complainant was awarded a modified performance evaluation in a written settlement agreement.
- Part XI Line F.2.k – report the number of complaints and complainants wherein the complainant was awarded restored leave in a written settlement agreement.
- Part XI Lines F.2.l & F.2.m are available for other benefits not listed to be reported

NOTE that while some “non-monetary” benefits may have a monetary value implication, for example, leave restoration, that benefit is categorized as a non-monetary benefit because the employee does not receive a cash payment when leave is restored. Also, a settlement agreement may provide for more than one type of benefit. Every monetary and non-monetary benefit provided in a written settlement agreement is to be reported on the specific benefit line that is applicable.



PART XII - “SUMMARY OF ADR PROGRAM ACTIVITIES TRAINING AND RESOURCES”

Part XII collects data on EEO ADR training and resources.

- Part XII Line A is no longer collected.
- Part XII Line B – report the number of the total workforce that is eligible to participate in the EEO ADR program. This number includes political appointees, board members, and commission members. If the size of your workforce is classified, enter the percentage of employees who can participate in the EEO ADR program.



Note: Part XII Line B “Employees in total workforce that can participate in EEO ADR.” This includes all employees regardless of supervisory status. This number may or may not equal Part III Line A.1a “Total work force.” If not, **add a comment box describing who cannot participate in EEO ADR** and explaining why they cannot participate.

Part XII Section C - “Resources that Manage the EEO ADR Program”

- Part XII C.1 – report the total number of employees who work full time (40 hours) in your agency’s EEO ADR program. These are individuals who do nothing but

manage the EEO ADR program or work in the administration of the program **not** the “neutrals” or “mediators” that are used as ADR resources and are counted in Part X and XI.

- Part XII C.2 – report the total number of employees who work part time (less than 40 hours) for the agency and only manage the agency’s EEO ADR program. Again these are individuals who manage the program or work in the administration of the program **not** the “neutrals” or “mediators” that are used as ADR resources and are counted in Part X and XI.
- Part XII C.3 – report the total number of collateral duty employees who work in your agency’s EEO ADR program. Again these are only the individuals who manage the EEO ADR program or work in the administration of the program **not** the “neutrals” or “mediators” that are used as ADR resources and are counted in Part X and XI. These individuals will also perform other duties for the agency other than managing the EEO ADR program.

Note: If an employee performs both EEO ADR and non-EEO ADR work (i.e., EEO counseling or other functions within the agency), report the employee as collateral duty, regardless of whether the employee is full-time or part-time.

- Part XII C.4 – report the total number of employees who are contract employee(s) that perform the EEO ADR management duties and **add a comment describing the details of the contract**. Again these are individuals who manage the program or work in the administration of the program but does **not** include the “neutrals” or “mediators” that are used as ADR resources and are counted in Part X and XI.



In most instances the total number of resources available for EEO ADR displayed on Line C.1, C.2, or C.3 will NOT be zero because someone is generally offering EEO ADR and arranging for EEO ADR to take place after an ADR offer is accepted unless the function is performed by contract as provided in Part XII C.4. If in Part C, a zero value is recorded, **add a comment box and explain why these functions have not been performed**.

Part XII Section D - “EEO ADR funding spent”


- Part XII D – report the total amount of funding that your agency spent on its EEO ADR program in this reporting period. Do not include funds that were budgeted for EEO ADR but were not spent. Do not add funding for Non-EEO ADR programs.



For example, agency expenses for external neutrals, purchasing supplies for EEO ADR marketing purposes, or EEO ADR training expenses for staff, managers, or employees should be included, if readily available. If the agency paid travel and expenses for an employee to attend an EEO ADR conference, those monies should be included. The agency need not calculate pro-rata agency overhead expenses or allocate EEO ADR staff expenses that may be attributable to administering your EEO ADR program unless


such expenses are included in your budget, e.g., line item budget for your office, and were spent.

Part XII Section E – “EEO ADR Contact Information”

-  Part XII E.1 – report the name of the agency’s EEO ADR program Director/Manager. If the agency does not have an EEO ADR Program Director/Manager **please add a comment** to explain how the EEO ADR Program is being managed.
- Part XII E.2 – report the individual’s title.
- Part XII E.3 – report the individual’s telephone number.
- Part XII E.4 – report the individual’s email address.

Part XII Section F – “EEO ADR Program Information”

- Part XII F,1 – report whether the agency requires the alleged management official to participate in EEO ADR.
- Part XII F.1.a – If the answer reported in Part XII F.1 was “yes”, then report whether the agency has a written policy requiring the alleged management official to participate. If the answer to Part XII F.1 was “no” then there is nothing to report here.
- Part XII F.2 – report whether the alleged responsible management official has a role in deciding whether a case is appropriate for EEO ADR.

 NOTE: If any of the questions in Part XII Section F can not be answered with a “yes” or “no” response then **add an appropriate comment**.

APPENDIX A

FY 2012 Form 462 Reporting Enhancements

The EEOC Form 462 and website were modified to change the reporting period dates this year. No other changes were made to data collection.

APPENDIX B

DEFINITIONS

Acknowledgment Letter (also known as a written notification) - a letter that acknowledges that the agency has received the complaint, states the date on which the complaint was filed, and provides the information on the rights and responsibilities described in 29 C.F.R. §1614.106(e).

Administrative Judge (AJ) - an official assigned by the EEOC to hold hearings on formal complaints of discrimination and to otherwise process individual and class complaints for the EEOC.

Alternative Dispute Resolution (EEO ADR) - a term used to describe a variety of approaches to resolve conflict rather than traditional adjudicatory or adversarial methods. For the Form 462, data is only collected on Agency EEO ADR program activities.

ADR Funding Spent - the total amount of funding that an agency spent on its EEO ADR program in this reporting period. The funding does not include funds that were budgeted for EEO ADR but were not spent.

Average Processing Days - the sum of the total number of days that it took to close each counseling, investigation, complaint, hearing request or appeal during the fiscal year, divided by the total number of counselings, investigations, complaints, hearing requests or appeals.

Back Pay - a type of compensation for an employee's lost wages, bonuses, vacation pay, and other reimbursement or fringe benefits, including pension and health benefits.

Basis - the type of discrimination alleged, such as race, color, religion, sex, pregnancy, national origin, age, mental or physical disability, genetic information or reprisal.

Benefit - for Part VII reporting purposes, a monetary or non-monetary employment-related action that an agency agrees to provide a complainant in a written settlement agreement, a final agency decision finding discrimination, or a final agency order agreeing to fully implement an AJ's decision ordering the agency to take an employment-related action.

Collateral Duty - for Part XII purposes, employees (either full-time or part-time) who work in EEO ADR while also performing other non-EEO ADR duties in the agency.

Color Discrimination - when a person is discriminated against based on his/her skin pigmentation (lightness or darkness of the skin), complexion, shade, or tone. Color discrimination can occur between persons of different races or ethnicities, or even between persons of the same race or ethnicity. For example, an African American supervisor violates Title VII if s/he refuses to hire other African Americans whose skin is either darker or lighter than her/his own.

Complainants - individuals, either employees or applicants, who have filed a formal complaint of discrimination against a federal agency during the fiscal year.

Complaints Filed - the number of complaints that were filed against a federal agency during the fiscal year.

Complaints Pending A Final Agency Decision/Action - all complaints for which the investigative file and the immediate decision/hearing election letter were issued; **and** one of the following applied: (1) no hearing request was received by the end of the reporting period, (2) an AJ remanded a complaint for final agency decision (without an AJ decision) but the agency did not issue a decision by the end of the reporting period, **or** (3) an AJ issued a decision on which the agency did not issue a final agency action by the end of the reporting period.

Complaints Pending A Decision to Accept/Dismiss – all complaints for which the complainant is waiting for the agency's decision to accept or dismiss the complaint.

Complaints Pending In Hearings - all complaints for which the complainant requested a hearing and for which, prior to the end of the reporting period, the agency had not received from the AJ a decision on the complaint or an order for the issuance of a final decision without a hearing.

Complaints Pending In Investigation - all complaints in which the agency issued a written notification/acknowledgment letter, but did not issue the investigative file and the immediate decision/hearing election letter to the complainant before the end of the reporting period.

Complaints Pending Written Notification (Acknowledgement Letter) – all filed complaints in which the agency has not issued an acknowledgement letter as required by 29 C.F.R. § 1614.106(e) at the end of the reporting period.

Completed/Ended Counseling - a counseling activity which concluded/closed before the end of the reporting period by (1) a written settlement agreement, (2) a written withdrawal from the counseling process, (3) the issuance of a written notice of the right to file a formal complaint, (4) the forwarding of a counseling to an AJ when requested/ordered by the AJ, or (5) the filing of a complaint after the regulatory counseling period expired, even though not all counseling duties have been performed.

Contract Resource Available for EEO ADR – the number of contract employees who manage or administer any aspect of an agency's EEO ADR program. Please record the number of people who perform the EEO ADR duties and add a comment briefly describing the details of the contract.

Counseling - an instance where an EEO Counselor or an ADR Intake Officer performs the pre-complaint counseling duties described in Chapter 2 of MD 110 (provides information on the EEO process, the individual's rights and responsibilities and the agency's EEO ADR Program; determines claims and bases; obtains information on timeliness and jurisdictional questions; seeks resolution of the dispute sought through the counseling or ADR process; and issues individual written notice of the right to file a

formal complaint). It does not include brief responses to telephone inquiries or efforts to assist employees with non-EEO matters.

Counselings Completed/Ended in the Reporting Period that Resulted in Complaint Filings in the Reporting Period - the number of pre-complaint counselings completed in the reporting period that resulted in the filing of a complaint in the reporting period, and the number of individuals counseled in the reporting period that filed one or more complaints in the reporting period.

Counselings Initiated - the number of new pre-complaint counselings that began during the current fiscal year.

Early Neutral Evaluation - an ADR method that uses an impartial third party to conduct an objective evaluation (sometimes in writing) of the strengths and weaknesses of a complaint. Under this method, the parties will usually make informal presentations to the neutral party to highlight their respective cases or positions.

Facilitation - an ADR method that involves the use of techniques to improve the flow of information in a meeting between parties to a dispute.

Fact Finding – an ADR method that uses an impartial expert (or group) selected by the parties, by the agency, or by an individual with the authority to appoint a fact finder to determine the “facts” in a dispute.

Full-Time Resources Available for EEO ADR - for Part XII purposes, employees who manage the EEO ADR program on a full-time basis. The employees’ only responsibilities are to manage the EEO ADR program.

Individual - a person, usually an agency employee or applicant for agency employment, but occasionally a contract employee who believes (s)he is an agency "employee."

Initiated During the Reporting Period - a pre-complaint counseling initiated during the reporting period is a counseling that was requested on the first day of the current reporting period, on the last day of the reporting period, or on any day between the first and last day of the reporting period.

Joint Processing Unit - two or more complaints that are consolidated for processing.

Lump Sum Payment - a single payment made in a settlement which does not identify the portion of the amount paid for back pay, compensatory damages, attorney fees, etc.

MD-110 - EEOC Management Directive 110 provides policies, procedures and guidance relating to the processing of employment discrimination complaints governed by the Commission's regulations in 29 CFR Part 1614.

Mediation - an ADR method in which an impartial and neutral third party, who has no decision-making authority, intervenes in a dispute or negotiation between two or more parties. The objective of this intervention is to assist the parties in voluntarily reaching an acceptable resolution of the issues in dispute.

Miscellaneous Costs - the agency investigation costs for photocopying, supplies, mailing, travel, court reporting, witnesses, training on conducting investigations, etc. For contract investigations, the miscellaneous costs (photocopying, mailing, etc.) are expended on awarding and administering the contracts for completed investigations.

Mixed Case Complaint - a complaint of employment discrimination filed with a federal agency, related to or stemming from an action that can be appealed to the MSPB.

Monetary Benefit - for Part I reporting purposes, a cash payment that an agency agrees to provide a counseled individual in a settlement agreement, including: compensatory damages, backpay/frontpay, lump sum payment, and attorney fees and costs. If needed, additional "other" monetary benefit categories may be added by an agency's Form 462 Report Administrator.

Monetary Benefit - for Part VII or XI reporting purposes, a cash payment that an agency agrees to provide a complainant in a settlement agreement, a final agency decision, or a final agency order agreeing to fully implement an AJ's decision.

Multiple Techniques - a combination of ADR techniques designed to resolve an EEO dispute.

No Complaint Filed - the result of a pre-complaint counseling activity in which: (1) the agency issued a Notice of Right to File letter and did not receive a formal complaint within 15 days; or (2) the counseled individual notified the agency in writing that s/he was withdrawing from counseling.

Non-ADR Settlement – for Part I reporting purposes, a written settlement agreement obtained by an EEO Counselor which provides the counseled individual with monetary and/or non-monetary benefits in exchange for the individual's promise not to file a formal complaint. For Part VI reporting purposes, it may include the use of an ADR process outside of the EEO program,, for example AJ settlements.

Non-Monetary Benefit - for Part I reporting purposes, an employment-related action that an agency agrees to provide a counseled individual in a settlement agreement. For Part I non-monetary benefits include New Hires, Promotions, Reinstatements, Expungements, Transfers, Removals Rescinded and Voluntary Resignations, Reasonable Accommodations, Training, Apology. If needed, additional "other" non-monetary benefit categories may be added by an agency's Form 462 Report Administrator.

Non-Monetary Benefit - for Part XI reporting purposes, an employment-related action that an agency agrees to provide a complainant in a ADR settlement agreement.

Number of Days Pending Written Notification - the total number of days a complainant had been waiting for the issuance of the written notification (sometimes referred to as acknowledgment letter), from the date of complaint filing (date of mailing,

hand-delivery, facsimile transmission) to the end of the reporting period, **or** from date of remand after an appeal to the end of the reporting period.

Number of Days Pending a Decision to Accept/Dismiss – the total number of days a complainant had been waiting for the issuance of the agency’s decision to accept or dismiss the complaint from the date of complaint filing (date of mailing, hand-delivery, facsimile transmission) to the end of the reporting period, **or** from date of remand after an appeal to the end of the reporting period.

Number of Days Pending Final Agency Decision/Action - the total number of days a complainant had been waiting for the issuance of the decision on his/her complaint, from the date of complaint filing (date of mailing, hand-delivery or facsimile transmission), **or** from the date of remand after an appeal to the end of the reporting period.

Number of Days Pending in Hearings - the total number of days a complainant had been waiting for the issuance of the decision on his/her complaint, from the date of complaint filing (date of mailing, hand-delivery or facsimile transmission), **or** from the date of remand after an appeal to the end of the reporting period.

Number of Days Pending Investigation - the total number of days a complainant had been waiting for the issuance of the investigative file and the immediate decision/hearing election letter, from the date of complaint filing (date of mailing, hand-delivery or facsimile transmission), **or** from the date of remand after an appeal to the end of the reporting period. This includes the entire investigative period, from the date of complaint filing (date of mailing, hand-delivery or facsimile transmission) to the end of the reporting period (not only the time in which the complaint has been assigned to an investigator).

Number of Days Pending Written Notification (Acknowledgement Letter) – the total number of days a complainant has waited for the agency’s acknowledgement it has received his/her formal complaint.

Ombuds or Ombudsman – an ADR method in which a neutral third party, who is typically employed by the agency, uses several techniques to resolve workplace disputes.

On-Hand at the Beginning of the Reporting Period - a pre-complaint counseling that was requested during the prior reporting period but not completed/ended on or before the last day of the prior reporting period.

Part-Time Resources Available for ADR - employees who manage the EEO ADR program and do not have any duties outside of EEO ADR. These employees, whose responsibilities focus solely on management of the EEO ADR activities, are employed by the agency for less than the 32 hours a week.

Peer Review - an ADR method that involves a problem-solving process where an employee takes a dispute to a group or panel of fellow employees and managers for a decision before they become formal complaints or grievances.

Pending at the End of the Reporting Period - a pre-complaint counseling that was requested during the current reporting period, but was not completed/ended on or before the last day of the reporting period.

Permanent Employees - all full-time and part-time permanent employees who were employed by the agency on the last day of the reporting period.

Race and Ethnic Categories - these are OMB Definitions. For FY 2012, continue to use prior categories when completing Part IV.

- American Indian or Alaska Native - persons having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
- Asian - persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent including, for example, Cambodia,

China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

- Black or African American - persons having origins in any of the Black racial groups of Africa.
- Hispanic or Latino - persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- Native Hawaiian or Other Pacific Islander - persons having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- White - persons having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- Persons of Two or More Races - persons who identify with two or more of the above race categories.

Remands - all counselings or complaints which the EEOC (at hearing or on appeal) has returned to an agency for further processing. These complaints reenter the EEO complaint process as remands in either Part I or Part II.

Resources that Manage the EEO ADR Program - the total number of employees who work full-time, part-time or perform collateral duties managing the agency's EEO ADR program. These employees do not include private contractors. If an employee manages only the EEO ADR program, select whether the employee is full-time or part-time. If an employee performs both EEO ADR and non-EEO ADR work (e.g., EEO counseling or other functions within the agency), report the employee as collateral duty, regardless of whether the employee is full-time or part-time.

Salary Costs - for agency investigations, determine the salary cost based on the number and grade-level of agency employees (EEO Investigator, EEO Director, support

staff, etc.) involved in the completed investigations and the percentage of work time they expended in conducting the investigations, preparing and reviewing investigative reports for completeness, etc., and performing related administrative support tasks. For contract investigations, determine the agency salary cost expended on awarding and administering the completed investigation contracts (see also [Appendix H](#) for a worksheet).

Settlement Conferences - an ADR method in which conferences are conducted by a neutral, settlement judge (for example an EEOC AJ) or referee and attended by two or more parties to reach a mutually acceptable settlement of the disputed matter.

Settlements (Monetary and Non-Monetary) - the number of pre-complaint counselings or complaints that were closed during the reporting period by a written settlement agreement (ADR and non-ADR) which promised monetary benefit(s) and/or non-monetary benefit(s).

Total Work Force - all full-time, part-time, temporary, and intermittent employees (including political appointees) employed by the agency on the last day of the reporting period.

Withdrawal/No Complaint Filed - a completed/ended pre-complaint counseling in which (1) no complaint was received after a counseled individual was given a notice of right to file a formal complaint and the 15-day period for filing a complaint expired in time for the agency to receive a complaint prior to the end of the reporting period; **or** (2) the counseled individual notified the agency in writing of the intent to withdraw from counseling.

Written Notification (sometimes referred to as an acknowledgment letter) - a letter that notifies the complainant that the agency has received the complaint, states the date on which the complaint was filed, and provides the information on the rights and responsibilities described in 29 C.F.R. §1614.106(e) and Chapter 5 Section I of MD-110.

Appendix C

MIXED CASES

Mixed Case Definition

- A claim of employment discrimination on an action that is appealed to the MSPB.
- An aggrieved person may initially file:
 - a mixed case complaint with an agency **or**
 - a mixed case appeal directly with the MSPB, **but not both a complaint and an appeal.**

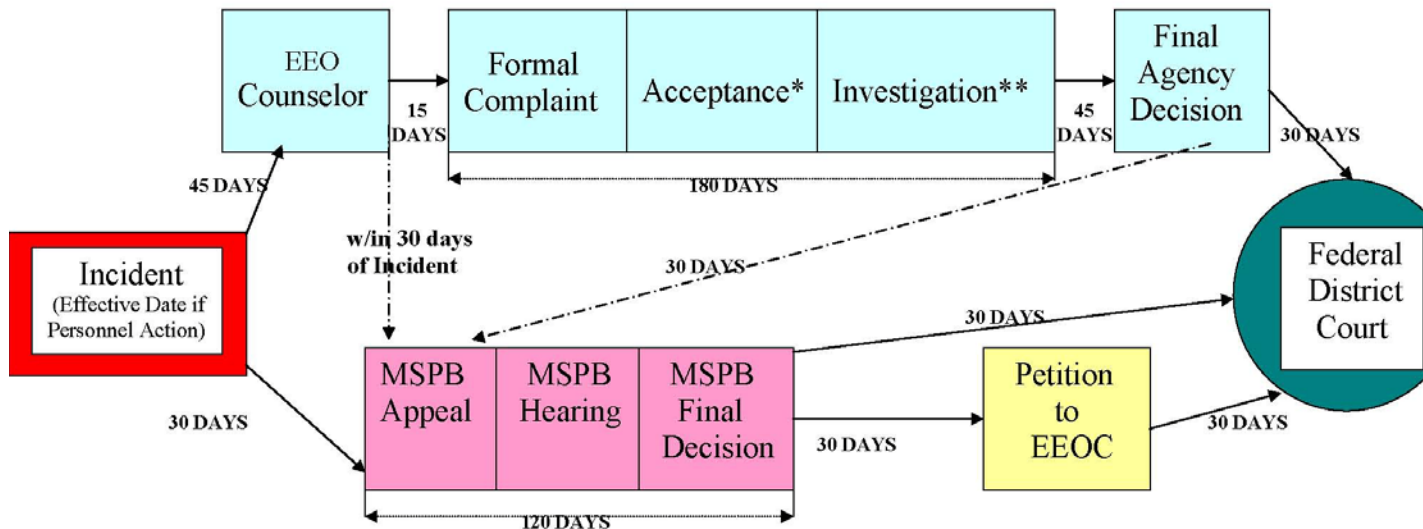
Appeals to MSPB Pursuant to 5 C.F.R. Sec. 1201.3

Some common agency actions appealable to the MSPB:

- 1) removal, reduction in grade, suspension for 15 days or more for cause that will promote the efficiency of the service,
- 2) removal for unacceptable performance,
- 3) removal from probationary appointment due to discrimination because of partisan political reasons or marital status,
- 4) disqualification of an employee or applicant because of a suitability determination, and
- 5) reductions in force (RIFs) resulting in separation, demotion, or furlough for more than 30 days.

FEDERAL SECTOR MIXED CASE PROCESS

Mixed Case Complaints



Mixed Case Appeals

* Complainant must be provided a notice that if a final decision is not issued within 120 days of filing a formal mixed case complaint, the complainant may appeal to the MSPB or may file a civil action in a Federal district court.

** Complainant must be advised, following completion of the investigation, that a final decision will be issued within 45 days without a hearing.

Who Has Standing to Appeal to the MSPB?

- Career appointees
- Senior executives in the SES
- Veterans (rights are independent of career status)

Employees without standing include:

- Probationary appointees
- U.S. Postal Service employees
- The Tennessee Valley Authority employees

Mixed Case Process is the Same as the Non-Mixed Case Process-Except Notice of Mixed Case Rights Must be Provided

Notices of MSPB and Civil Action Rights Upon Acceptance of a Mixed Case:

- Notice must be given that “[i]f a final decision is not issued within 120 days of the filing date . . . , the complainant may appeal to the MSPB or file a civil action.” 29 C.F.R. § 1614.302(d)(1)(i).
 - 120 days is not a processing requirement. It does not change the requirement to process in 180 days. It is a notice requirement
- Notice must be given that “[i]f the complainant is dissatisfied with the agency’s final decision . . . The complainant may appeal the matter to the MSPB (not the EEOC) within 30 days of receipt of the agency’s final decision;” 29 C.F.R. § 1614.302(d)(1)(ii).

Notice of Final Agency Decision Upon Completion of the Investigation:

- Notice must be given upon completion of the investigation that a final decision will be issued with in 45 days without a hearing before an EEOC administrative judge. See 29 C.F.R. § 1614.302(d)(2). (Note: this is in contrast to the 60 days provided for a FAD in the non-mixed process and while there is no hearing before an EEOC AJ, a hearing will be held at the MSPB before an MSPB AJ.)

Notice of MSPB Appeal and Civil Action Rights Must be Issued Again Upon Issuance of the Final Decision. See, 29 C.F.R. § 1614.302(d)(3)

INFORMATION ON HOW TO REPORT MIXED CASE DATA ON 462

Mixed cases get reported in the relevant sections in Parts I - XII where you would report any other EEO case (however, you would not report complaints on appeal to MSPB just as you would not report complaints on appeal to OFO).

A complainant must elect whether to file a mixed case complaint or MSPB appeal. They can not do both. The first one filed determines the forum in which the complaint will process.

Part I - You would report activities in Part I for mixed case counselings as you would for any other EEO counseling.

Part II - Mixed case complaints should be counted in all Part II sections.

Mixed case complaints information should be reported in relevant sections of Parts IV (bases and issues) and V (statutes) as well.

Part VI D.4 – report mixed case decisions that are timely in D.4.a and those decisions issued outside the 45-day regulatory period on Line D.4.b.

Settlements - if a mixed case is settled in counseling, it should be reported in Part I if after complaint filing but prior to a FAD, it would be reported in Part VI A.2 (depending on how the settlement occurred (either an ADR or non-ADR settlement). Benefits accruing to the complainant in the settlement would also be reported in Part VII.

Part VIII - Pending would be reported as any other complaint except there should be no mixed case complaints pending at Hearing stage.

Part IX - all mixed case complaints with investigations that are less than 180 days should be counted in section A.1.a (if investigated by agency personnel) or A.3.a (if investigated by a contractor). According to the regulations, all EEO cases fall under EEOC guidelines for timeliness (e.g. less than 180 days unless specific circumstances that would allow for more than 180 days). The MSPB regulation indicates that a notice must be given “[i]f a final decision is not issued within 120 days of the filing date, the complainant may appeal to the MSPB or file a civil action.” 29 C.F.R. § 1614.302(d)(1)(i). The 120 days is not a processing requirement. It does not change the requirement to process in 180 days. It is a notice requirement.

Part X - all ADR actions on COMPLETED/ENDED counselings should be reported in Part X in the appropriate section.

Part XI – report any ADR completed for CLOSED mixed cases should be included in this part in the same fashion as other EEO complaints. Report in Part XI only ADR actions for CLOSED complaints.

Mixed Case complaints have certain regulatory requirements from MSPB but otherwise should be processed as any other EEO complaint.

For more information see MD-110 Chapter 4(II)(B)(4) and the relevant regulations listed below:

Relevant EEOC regulations

29 C.F.R. § § 1614.302-306, 5

Relevant MSPB Regulations

5 C.F.R. § 1201.3

5 C.F.R. § § 1201.151-157

5 C.F.R. § § 1201.161-162

5 C.F.R. § § 1201.171-175

APPENDIX D
FREQUENTLY ASKED QUESTIONS ON DATA REQUIREMENTS

QUESTIONS ON PART I

1. **Q. Why doesn't the website automatically calculate data in the Individuals column of Part I C?**

A. The website does not automatically calculate data in the Individuals column of Part I C because it is possible that one individual was counseled multiple times on different matters. The website automatically calculates the multiple counselings to obtain the total counselings in Part I Section C. However, the agency must enter data in the individual column in Part I Section C because in this example only one individual was counseled, not multiple individuals.

2. **Q. If an individual has a pending formal complaint and an informal counseling going on at the same time, can an agency EEO-ADR mediation be convened to include both if the parties are so inclined and where do you count it?**

A. Yes, the parties can have an all encompassing mediation to settle all issues between the parties (even ones not yet in counseling) and since we are talking about one complaint and one counseling they should be reported in the appropriate sections of Parts X and XI as if they were handled separately.

3. **Q. A person initiated counseling and then left the country for military service in Iraq. When the person came back from military duty, the agency completed the counseling. Does the agency subtract the number of days the counselee was out of the country, and thus unavailable, when reporting the completed counseling in Part I of Form 462?**

A. No. The agency does not subtract the number of days the counselee was out of the country or on active duty or any days attributed to military service. Please count the number of days from the date the counseling was initiated to the date the counseling was completed just as you would for any other completed counseling. The agency may add a comment box to report the number of days the person was unavailable for counseling due to the military service outside the U.S.A. if the agency chooses to do so.

4. **Q. If a counseling case that is pending as of September 30 and the individual chose mediation vs. traditional counseling and we are awaiting the completion of the mediation session -- is it reported in Part I Section D Line 4 with open cases in counseling although s/he chose mediation but not in any area applicable to ADR or not report on-hand in Part I Section D Line 4 because the person chose Mediation?**

A. The ADR activity does not get reported in Part X because the counseling is still open but does get reported in Part I Section D Line 4 because it is pending.

5. **Q. A formal complaint was filed by mail. The postmark is illegible. In the complaint, the employee included a statement of service in which they assert that the complaint was mailed on a particular date. Although there is no question that the complaint is timely-filed under the regulations, what date should be used as the "filing date" for purposes of the time limits for completing the various processing steps for the complaint.**

A. Since there is no question that the complainant's formal complaint is timely, use the date the complaint was received.

6. **Q. A settlement agreement was signed prior to the issuance of the Notice of Right to File (NRF), but was not effective until one week after the NRF was issued. At this point, the counseling remains closed by issuance of NRF and will be reported on the 462 report as a counseling closed by NRF, not by settlement. Once an informal complaint is closed by NRF, it is considered closed and no further data entry is allowed in the agency's database. Should the agency worry about correcting this closure to reflect that the complaint was actually closed by settlement, or just leave the complaint as closed by NRF? To correct the problem in the agency's database, it would have to reopen the complaint, remove the NRF closure event and then close the complaint by settlement agreement as of the effective date of settlement. This would cause the informal counseling phase to be longer than 90 days. Is it important to show that the NRF was issued in a timely manner, or to get credit for negotiating a settlement during the informal stage of the complaint process?**

A. Since the informal complaint was closed during the reporting period by a written settlement agreement, it should be reported on the EEOC Form 462 report as a settlement agreement in Part I as appropriate.

7. **Q. How should a case that settles after the notice of right to file (NRF) was issued but during the 15-day period for an aggrieved to file a formal complaint be reported?**

A. You must issue a Notice of Right to File not later than the 90th day in order to be in compliance with 29 C.F.R. Section 1614.105(f). Once the notice is issued the pre-complaint phase is not over. We know, in accordance with 29 C.F.R. Section 1614.106(b), the aggrieved individual then has 15 days from date of receipt of the notice to in fact file a formal complaint. In other words, the matter is still in the pre-complaint stage until such time as a formal complaint is filed.

So there are in essence two phases of the pre-complaint process, -the counseling phase/period and a notice and decision phase/period (29 C.F.R. 1614.106(b)). So the NRF is issued in a timely manner and if the case settles before the aggrieved individual files a formal complaint, the settlement would have occurred within the pre-complaint process. In this case the settlement would be reported as a pre-complaint settlement and the counseling phase/period was closed in a timely manner.

So where an aggrieved participated in ADR and the case was settled during the notice and decision period in Part I Section C Line 2b, the counseling is reported as closed within 90 days due to the ADR participation and in Part I Section D on Line 3a, the pre-complaint process would be reported as closed by a settlement.

8. Q. Why does the numbers reported in Part I Section D Lines 1 and 2 have to equal the numbers reported in Part I Section D Lines 3 and 4?

A. These numbers must equal because the agency is reporting all of the counselings it worked on throughout the reporting period and the status of those cases at the end of the reporting period.

The number of counselings on hand at the beginning of the reporting period and the number of counselings that were initiated during the reporting period must be accounted for at the end of the reporting period. Therefore, those cases are reported as either completed/ended or still pending at the end of the reporting period.

QUESTION ON PART II

1. **Q. In Part II, 4 remands for investigations were reported. However, 2 of them are currently being considered by OFO under Requests for Reconsideration. Do these 2 “count” as remands for 462 reporting, and if so, how should they be categorized for purposes of Part VIII?**

A. If an appeal decision/remand order is being reconsidered by the Commission, it is pending before the Commission, not the agency. Therefore, it is not reported on the EEOC Form 462 report.
2. **Q. How should data be reported in the Form 462 report when a complaint is reopened as ordered by an EEOC appellate decision finding that the agency failed to comply with the terms of a settlement agreement?**

A. When the agency reopens the complaint as ordered by an appellate decision, it should be reported on Part II Line C “Remands.” As with other remands, processing time should be reported from the date of the remand order to September 30th (end of reporting period), if the complaint was pending as of that date. Processing time for closures should be reported from the date of remand order to the date of closure.
3. **Q. How should data be reported in the Form 462 report when an EEOC appellate decision finds that the agency failed to comply with the terms of a settlement agreement and orders specific performance?**

A. Remands ordering compliance with the terms of a settlement agreement are not reported in the Form 462 report. The benefits (monetary and non-monetary) would already have been reported when the settlement agreement closure was reported.
4. **Q. If a complaint is sent back to the agency for processing, following an MSPB decision dismissing a mixed case complaint for jurisdictional reasons, how should we count processing time?**

A. Processing should be counted in the same way that cases are reopened due to EEOC appellate decisions remanding case to the agency. Count as a remand in Part II Line C and also processing time should be reported from the date of the remand order to the date of closure (or if pending, to the end (September 30th) of reporting period).

5. **Q.** If during a FY a complaint is filed, is dismissed for procedural reasons (specifically failure to state a claim) prior to investigation, the dismissal is appealed by complainant, but no decision has been rendered by OFO by fiscal year end, for the purposes of Part II “Formal Complaint Activities” should that be considered a open or closed complaint?

A. The complaint should be considered a closed complaint since the agency issued a FAD.

6. **Q.** Two complaints were on hand at the beginning of the reporting period. These 2 complaints were consolidated and closed during the reporting period. In Part II Line G of the 462 report, 2 is recorded as the number of complaints consolidated which gives you 1 complaint. What value should be recorded in Part II Line H.?

A. Even though the complaints were consolidated, they are still 2 separate complaints and should be closed as two separate complaints. Therefore, Part II Line H should equal 2.

QUESTION ON PART III

1. **Q. In Part III Section A Lines 1.a and 1.b (total workforce/permanent employees), do we include technicians who are on LWOP (e.g. AGR tour, mobilized, title 10, OWCP) in this count?**

A. In Part III Section A Line 1.a “Total Work Force” includes all full-time, part-time, temporary, and intermittent employees employed by the agency on the last day of the reporting period. Whereas, in Part III Section A Line 1.b “Permanent Employees” include all permanent employees (full-time and part-time) employed by the agency on the last day of the reporting period. Thus, if the technicians are employed by the agency on the last day of the reporting period, and are either full-time or part-time, they should be recorded in Part III Section A Line 1.a and Part III Section A Line 1.b. The specific status of an employee, e.g. on LWOP (leave without pay), does not affect the fact the individual is indeed an employee of the agency.

QUESTIONS ON PART IV

- 1. Q. Does Part IV include only accepted issues and bases or all alleged issues and bases?**

A. Part IV includes all issues and bases that **allege** discrimination or retaliation/reprisal under one or more of the EEO statutes.
- 2. Q. Why is “hostile work environment” not listed as an issue in Part IV?**

A. “Hostile work environment” is not listed as a separate issue in Part IV because such claims should be reported as “harassment, non-sexual”.
- 3. Q. May I add retaliation or reprisal as an issue in Part IV?**

A. No. Retaliation/reprisal is a basis of discrimination, i.e., the alleged motivating factor. Issues would include the means by which an agency official retaliated/reprised against an individual, for example, by lowering a performance appraisal, issuing a disciplinary action, or harassing the individual.
- 4. Q. In Part IV, would you count not getting a detail to an international organization in Switzerland as a “B” (assignment of duties) or “U” (other, defining it as a detail outside of the agency)?**

A. This item should be recorded under “Other” with the appropriate description.
- 5. Q. Where should a complaint alleging national origin discrimination – Cuba be recorded?**

A. This complaint should be recorded as National Origin – Hispanic/Latino.
- 6. Q. How are amendments to a complaint reported on Form 462?**

A. The Form 462 Report does not track the number of times a complaint is amended. However, if the complaint is amended during the same reporting period that the complaint was filed, the amended bases and issues are reported in Part IV “Bases and Issues Alleged in Complaints Filed.” Also, the effect of complaint amendments on timeliness of completed investigations is taken into consideration in Part IX “Summary of Investigations Completed.” See User’s Instruction Manual for details.

7. **Q. Does information pertaining to informal complaints get recorded in Part IV?**
- A. No. Part IV collects data on Formal complaints only.

QUESTIONS ON PARTS IVA and IVB

1. **Q. Do lines 1, 2, 3, 4, and 5 total the lines below them or do we have to fill them out?**

A. No. Lines 1, 2, 3, 4 and 5 are not total lines. The agency must enter the number of allegations/findings in those lines. For example, agency settles with aggrieved individual who had sought counseling because his desk was moved to a new location, his leave request for Sunday was not approved and he was denied a promotion all because of his religion. Here the agency has settled 1 counseling (line 1a) with 1 individual (line 1b) whose had 3 allegations of discrimination (Line 1).

QUESTIONS ON PART V

1. **Q. Since the Pregnancy Discrimination Act is an amendment to Title VII, should we report closures that included the Pregnancy Discrimination Act in both Part V Lines 1 and 1a?**

A. No. Only report closures that included the Pregnancy Discrimination Act on Part V Line 1a. Do not double count the closure by including it in Line 1 for Title VII closures. If the agency wants a total number of closures made under Title VII it will need to add Part V Lines 1 and 1a.

QUESTIONS ON PART VI

1. **Q. Are all total days in Part VI calculated from the date of complaint filing or the date of a remand following an appeal to EEOC's Office of Federal Operations?**

A. No. Only total days in Part VI Sections A, B and C, are calculated from the date of complaint filing or the date of remand following an appeal to EEOC's Office of Federal Operations. Total days in Part VI Section D are calculated from the date the agency's responsibility for issuing the final agency decision (FAD) began. These dates are indicated on Form 462 itself: subsection 1, the date of the agency's receipt of a request for a FAD; subsection 2, the end of the 30-day election period; subsection 3, the date of the agency's receipt of the AJ remand order for FAD without an Administrative Judge's decision, and subsection 4, the date of the agency's issuance of a FAD after the mixed case investigation.

2. **Q. If a case is dismissed via an order granting summary judgment, would that count as a "dismissal" under Part VI Section C Line 1.c?**

A. No. If an AJ issues a summary judgment, this means that there was no dispute on the facts of the case at hand which equates to a finding of no discrimination.

3. **Q. If a case is dismissed on the merits, but without a hearing, would that count as a "Finding of no discrimination" under Part VI Section C Line 1.b?**

A. No. It would be counted as a Final Agency Decision (Without) an AJ decision under Part VI Section B Line 3.

4. **Q. An AJ returns a complaint to the agency following the complainant's withdrawal of his/her request for a hearing. How should this be reported in the 462 report?**

A. Once the agency issues its final decision without an AJ decision, it should report the closure in Part V, in Part VI on Section A Line 3 and the type of closure on Lines B.1, B.2 or B.3 depending on the content of the FAD; and, in Section D if the decision included a finding on the merits of the discrimination claim(s).

5. **Q. An AJ dismisses a complaint on procedural grounds and the agency issues a final agency action notice wherein it agrees to fully implement the AJ's dismissal decision. How should this be reported in the 462 report?**

A. The agency should report the complaint closure in Part V, in Part VI on Line Section A Line 3 and on Section C Line 1.c.

6. Q. The agency issues a final agency action wherein it does not agree to fully implement an AJ's complaint dismissal. How should this be reported in the 462 report?

A. The agency must file an appeal and report the complaint closure in Part V, in Part VI on Section A Line 3, and on Section C Line 2.c.

7. Q. If a FAD is issued and the complainant appeals, when is the case considered closed? Is it when we receive the appeal decision? And if the case was at hearing, the AJ issued a finding, and the Agency appealed, when is that case considered closed?

A. The EEOC Form 462 does not collect data on actions and activities that happen while a case is on appeal, i.e. after the case is closed at the agency level. The only time anything would be recorded on the EEOC Form 462 report is if the OFO Attorney remanded the case to the agency for processing (this usually happens when an agency incorrectly dismissed a case for procedural reasons. For EEOC Form 462 purposes, the complaint is considered closed when the FAD is issued (regardless of whether or not the complainant appeals) and this information should be recorded in Part VI in the relevant sections. A case is also closed for 462 purposes when there is a final agency action with an AJ decision (this information should be recorded in Part VI Section C and should indicate if the final agency action was fully implemented or not fully implemented, i.e. appealed by the agency).

QUESTIONS ON PART VII

1. **Q. What are “closures with non-monetary benefits” reported on line VII C?**

A. A non-monetary benefit for Form 462 reporting purposes is an employment-related action that an agency agrees to provide a complainant in a settlement agreement, a final agency decision finding discrimination, or a final agency order agreeing to fully implement an Administrative Judge’s decision that orders the agency to take an employment related action. The agency may agree in a settlement agreement to take an employment-related action with or without also agreeing to provide monetary benefits.

2. **Q. I do not understand what data should be entered in the two columns in Part VII F Types of Benefits.**

A. The two columns in Part VII Section F are labeled “Number of Closures the Received Monetary Benefits as Well” and the “Number of Closures that Received only Non-Monetary Benefits”. The row lines in Part VII Section F list types of benefits, such as “hire” (includes appointment) and “performance evaluation modified”.

Agencies should include in the “Number of Closures the Received Monetary Benefits as Well” column the numbers of complaint closures where the complainant received a monetary payment (backpay/frontpay, lump sum payment, compensatory damages, and/or attorney fees and costs) and one or more non-monetary action (hire/appointment, performance evaluation modified, etc). In the “Number of Closures that Received only Non-Monetary Benefits” column include the numbers of complaint closures where the complainant received one or more non-monetary action, e.g., an apology or a document purged from the Official Personal File and no monetary benefit. Other personnel actions that could involve additional future earnings, for example, hire/appointment or promotion, are still listed in the “Number of Closures that Received only Non-Monetary Benefits” column if the complainant did not receive a separate payment (backpay, compensatory damages, and/or attorney fees and costs) in addition to the personal action as part of the settlement agreement.

QUESTION ON PART VIII

1. **Q. The Edit Check List requires that agencies add a comment box for line VIII Section A Line 3 providing the case name and number for the oldest case pending at hearing. Should we provide the agency's case number or the hearing number?**

A. Please provide both the case name, the agency's case number and the EEOC hearing number for the oldest case pending at hearing in a comment box for line VIII Section A Line 3.

2. **Q. If a case was partially dismissed and the case was investigated and now at the hearing stage so the investigation was over, if the AJ orders a supplemental investigation on the dismissed issue and the file will be returned to the hearing stage, where is it counted? If a case which was filed on 9/25/09 is returned for a supplemental investigation, on 10/1/09 would that case be pending an investigation? If yes, how would the days be calculated to indicate the length of days an agency takes to complete the investigation?**

A. Count as pending at hearing. The AJ order for investigations is not a remand. The AJ is charged with supplementing the record "without resort to remands". He remains in charge of the complaint. He could elect to conduct discovery, but can "Order" a supplement to record within a specified period of time. There is no specific time limit. All total days data in Part VIII are calculated from the date the complaint was filed **or** the date the complaint was remanded for processing following an appeal to EEOC's Office of Federal Operations, to the last date of the reporting period.

3. **Q. Where are appeals recorded?**

A. Appeals are not recorded on the EEOC Form 462 Report.

4. **Q. We have 12 consolidated cases, spanning some 10 years (back to 2009) that were remanded back to the agency on September 4 for a FAD on the merits. (The complainant would not cooperate so the AJ remanded them back to us without a hearing for a FAD on the merits). We had not yet issued the FAD by September 30th. Should the number pending in Part VIII A.4 be 12?**

A. Yes, 12 is correct

5. Q. For Number of Days Pending - does this mean how long were they pending a FAD? (from the date they were remanded on September 4 through September 30 = 26 days times 12 complaints or does this mean the sum of the number of days each complaint has been pending from the date of each original filing date of the complaint?)

A. Count number of days pending from the date they were remanded on September 4 through September 30 (or 26 days) for each of the complaints. (26x12=312 total days pending in VIII A.4).

6. Q. Four complaints were placed in abeyance. These complaints were part of a class action that was not certified. This class action is currently on appeal in OFO. Are these complaints to be counted as pending FADs or pending in investigations?

A. Cases on appeal are not recorded on the EEOC Form 462 report. In the event that these cases are remanded at a later date, actions should be recorded on future EEOC Form 462 report(s).

QUESTIONS ON PART IX

1. **Q. As one of the Department of Defense (DOD) agencies that files a separate report and has the DOD's Investigations and Resolutions Division performs all of the agency's EEO complaint investigations should we report the investigations as "agency" investigations or "contract" investigations in Part IX? How should the costs of investigations be reported in Part IX?**

A. Information on investigations completed by IRD for DOD agencies should be reported in Part IX, in Section A Line 1. Costs for investigations should be reported in Section A Line 2. If a DOD agency has any questions or concerns they should contact the Office of Diversity Management and Equal Opportunity.

2. **Q. I am a preparer and, to the best of my knowledge, my agency has not tracked all of the information that the Instruction Manual requires be reported for investigation costs in this reporting period. What should I do?**

A. If your agency has not tracked all of the information that the Instruction Manual requires be reported for investigation costs in this reporting period, the cost will have to be estimated. The agency's EEO Director and Budget Office may be able to provide estimates.

3. **Q. We have a few cases where the complainants continued to amend their complaints throughout the investigation process. We realize that once a complainant amends their complaint, the amendment overrides the original file date. For example, complaint filed in Oct. 2010, was amended in Nov., Dec., Jan., Apr., May and has attempted to amend in (Aug) again after requesting a hearing. Investigation was completed in Jun. If the May amendment overrides the original file date (Oct. 2010), then the investigation for this case will be 42 days. The 42 days will be reported as opposed to 244 days (no of days of original file date is used).**

A. The duration of the investigation should be 244 days NOT 42. The amendment date only gives you the right to extend the period of investigation beyond the normal 180 day period. It does not override the original file date. In any case, you should not start counting from the amendment date when reporting information on how long it took to investigate the complaint. The counting starts from the date the complaint was filed and that is what you should report in Part IX. However, in order to determine whether a complaint should be counted in Part IX Section A Line 1b or IX Section A Line 3b as timely or not. See "29 CFR 1614.106(e) that provides where a complaint has been amended, the agency shall complete its investigation within the earlier of 180 days after the last amendment to the complaint or 360 days after the filing of the original complaint."

QUESTIONS ON ALTERNATIVE DISPUTE RESOLUTION (ADR) REPORTING

1. **Q. My agency has an ADR “stand-alone” or “one-stop shop” office to help resolve workplace disputes, program disputes, and EEO complaints. Do I report all ADRs they administer on Form 462?**
 - A. No. Report only EEO matters submitted to the agency under 29 CFR 1614, Federal Sector Equal Employment Opportunity, provisions.

QUESTIONS ON PART X

1. **Q. I have reviewed the edit checks for Part X and I don’t understand why in section B “individuals”, I just can’t subtract line 2 from the total in line 1 and get the total for line 4, “Total accepted into ADR.”**
 - A. While the edit check works for the “counselings” column, it may not work for the “individuals” column because one individual could have accepted an ADR offer in their first counseling but then rejected the ADR offer in their second counseling.
2. **Q. In Part X Section E Line 1, if an individual settles some issues but not all issues in an ADR attempt, and subsequently files a complaint on the unsettled issues, is the event included as a settlement on Part X Section E Line 1a?**
 - A. No. Only include on Part X Section E Line 1a settlements that received a benefit as a result of withdrawing from the EEO process. If the matter is not fully settled and a complaint is filed, include that case on line X Section E Line 1c because the entire matter has not been resolved.
3. **Q. Our agency has a system built into the EEO pre-complaint process whereby the counselee is informed of the availability of ADR. At that time the counselee is provided a form to request mediation. This form is then submitted to the Civil Rights Office, and they determine if they want to participate/offer mediation. Without this request, in most cases ADR will never be offered. The request initiates the process. At that time the manager is notified of the request and is provided an "Option to Mediate Form." Within that letter the manager may elect or not elect to participate. If the agency (manager) determines that he/she does not want to participate, the complainant is notified of the decline to mediate. Where does this get this get reported**
 - A. It does not get reported on the 462 report. The 1614 regulations establish that the agency must offer ADR before the complainant can agree to participate in ADR. See 29 C.F.R. §1614.105(b)(2). From the question, it appears that the counselee is making a request and not agreeing to participate before the agency has determined if the matter is appropriate for ADR. If the manager declines to participate in ADR, the agency does not offer mediation.

This did not get reported because the agency did not formally offer ADR so it would not get reported in Part X.

4. Q. If ADR was offered during the previous reporting period, and the counselee declined, but later during the current reporting period decides to accept the ADR offer, is it appropriate to document this in Part X Section B Line 1 and Section B Line 4?

A. Yes. Chapter 2, Section VII(A) of the MD-110 provides that if ADR is offered at the informal stage of the EEO process, the aggrieved individual must choose between ADR and the traditional counseling process either at the initial counseling session or “within a reasonable time thereafter.” The MD-110 does not provide for the situation where ADR is initially declined but re-offered by the agency. Assuming, the agency makes a second offer and it is accepted, the agency should report it during the current reporting period as indicated.

If you are asking how to report an ADR offered near the end of the fiscal year and you don't know if it is accepted or rejected by the end of the fiscal year, then report it in the next fiscal year because the status of the offer has not been determined.

Note: The regulations establish that the agency must offer ADR – BEFORE the Individual can agree to participate. Some agencies inform the Individual of ADR and allow the Individual to make a request (not agree to participate) for ADR. If the agency decides not to offer ADR because, for example, it has determined that the matter is not appropriate for ADR, then it doesn't get reported to us because the agency did not initially offer ADR. Remember - the agency received a Request (or an expression of interest in ADR) but didn't follow through on it (the agency did not offer ADR). An agency must offer ADR before an individual can agree to participate. A Request for ADR is not an agreement to participate. ADR is an alternative to traditional counseling – it is a choice which is done at initial counseling or within a reasonable time thereafter. If the Agency allows a management official to determine that the Agency will not participate in ADR after it has been offered and accepted by the Individual than the result of the ADR must be reported in Part X Section E. The parties are the Individual and the agency.

QUESTION ON PARTS X AND XI

1. **Q. How do I report ADR offers wherein my agency allowed managers to decline to participate in the ADR process after the aggrieved individual/complainant accepted the ADR offer?**

A. The data for Parts X and XI Section B recognizes that the parties to ADR are the Individual/Complainant and the Agency not the RMO or the supervisor. If the Agency allows RMOs and supervisors to determine that the Agency will not participate in the ADR program, the agency should make such a determination before making an ADR offer and it is not included in Section B on Line 1. After the agency makes an ADR offer, the aggrieved individual/complainant decides whether to accept or not accept the ADR offer. Section B Line 1 is the number of agency ADR offers in Completed/Ended counselings/Closed Complaints. Section B Line 2 is the number of agency ADR offers rejected by the aggrieved individual/complainant. Section B Line 4 is the total number of counselings/complaints and individuals who agreed to participate in ADR for completed/ended counselings/closed complaints in the reporting period.

Section B Line 3, previously used to record agency or management rejections, is no longer needed because the agency's offers are counted in Section B on Line 1 and employee rejections are counted in Section B Line 2 to arrive at the data to be entered in Section B on Line 4. Collection of data in Section B Line 3 led to inconsistency in reporting ADR results and determination of ADR offer and participation rates. Also, an agency's rejection or withdrawal of an ADR offer after it has been accepted by the counselee/complainant is inconsistent with the principles expressed in MD-110 and MD-715 and prevents the aggrieved individual /complainant from attempting to resolve issues during the pre-complaint stage.

If the agency, after making an ADR offer which is accepted by the aggrieved individual /complainant, allows RMOs, supervisors, or management officials to determine that the Agency will not participate in ADR sessions, the results of the aggrieved individual's/complainant's ADR participation are reported in Part X Section E in the appropriate lines.

For example, "Agency reported 97 offers in Part X Section B Line 1, 70 rejections by the aggrieved individual in Section B Line 2, but only 15 total accepted into the ADR program. Please update Part X Sections B and E in accordance with the instructions above."

"Likewise in Part XI Section B Line 1, Agency reported 1 offer, 0 rejected by the complainant in Section B line 2 and 0 accepted into the ADR program.

Again, please update Part XI Sections B and E in accordance with the instructions above.”

2. **Q. In Part X and Part XI Section C and Section D, do I look at the status of the ADR case on the last day of the year and only report on completed ADRs?**

A. In Section C and Section D of Parts X and XI, we are focusing on the duration of the ADR process. Report only on ADR processes which occurred in completed/ended counselings and closed complaints. And remember, the total in line C should equal the total in line D in each part.

2. **Q. Are interests and requests for ADR recorded on the EEOC Form 462 report?**

A. An interest recorded on a “Request for Mediation” form is not tracked on the EEOC Form 462 report. If the employee requests ADR and the agency does not offer ADR, the employee’s requests is not reported. If the agency offers mediation, that information is recorded on the EEOC Form 462 report. A request is not the same as an offer.

3. **Q. If someone accepts an ADR offer, but then later rejects it or withdraws from seeking ADR, how should that be counted?**

A. This item should be recorded in Part X Section E Line 1d “No ADR Attempt” if no complaint was filed.

4. **Q. If there was an offer but the aggrieved individual/complainant does not return a signed written election form (e.g. Agreement to Mediate, ADR Consent Form), how should it be reported?**

A. If the agency makes an offer and there is no signed written ADR agreement to participate form from the aggrieved individual /complainant, the offer should be reported as an offer and as a rejection by the counselee/complainant.

5. **Q. When a complainant files a formal complaint, later decides to try ADR again before going to investigation. Case is settled at ADR and complainant withdraws the formal complaint. Do you count the case as a closure at the ADR (settlement) stage? Do you count the case as a closure (withdrawal)? Do you count in both areas?**

A. Assuming that the complainant received benefits from an agency ADR program settlement, this case should be counted as an ADR settlement at the formal complaint phase since a complaint was already filed and it should be recorded in Part XI Sections B Lines 1, and 4, Section E Lines 1, 1a, and in Part VI Section A Line 2.b.

QUESTIONS ON PART XII

1. **Q. In Part XII Section B, are managers included in the number of “employees” who can participate in ADR.**

A. Yes. Here, we want you to include every employee at any level who can access ADR if they should seek EEO counseling. Remember, if every employee in your agency has access to ADR, your edit check is Part XII Section B should equal Part III Section A Line1.a “Total Work Force.”

2. **Q. In Part XII Section C should we include all “Full Time” staff who work in or help out with ADR? And then, should we report who works “part time” in ADR?**

A. Let’s discuss all three terms, “Full time”, “Part time”, and “Collateral Duty.” We are not asking for a Human Resources application of these terms. We are trying to determine exactly how many employees have exclusive duties in EEO ADR and how many work in EEO ADR while also performing other non-EEO ADR duties (i.e., workplace dispute ADR) in their agency. We defined “Full-Time” as employees who work in the EEO ADR on a full-time basis in that EEO ADR is their only job, that is, they work in EEO ADR all the time - that’s all they do. “Part Time” means an employee who under their agency’s definition of part-time, e.g., one who works less than 40 hours a week, or perhaps, a different number of hours if the agency so determines that full time can be a certain number of hours less than 40 hours, and do not have any duties outside of EEO ADR. They are “Part Time” because they work less than 40 hours for the agency and their only work is in EEO ADR - that’s all they do. “Collateral Duty” includes individuals who work full time or part time in their agency and who work in EEO ADR some amount of time and also perform some amount of time other non-EEO ADR duties.

3. **Q. In Part XII Section D do we need to estimate overhead cost in entering the amount of ADR funding spent?**

A. No. While we are interested in dollars spent and not dollars budgeted, we are interested in items such as amounts paid for external neutrals, monies paid for ADR supplies or promotions, monies paid for marketing purposes, or paid to contract ADR training for ADR staff, managers, or employees. If you paid travel and expenses for an employee to attend an ADR conference, those monies would be included. We are not asking you calculate what pro-rata expense of the agency overhead may be attributed to administer your ADR program.

QUESTIONS ON CLASS COMPLAINT DATA

- 1. Q. When reporting on class complaint counseling, do I report the number of individuals that were counseled or the number of individuals in the potential class?**

A. At this time class complaint counselings are not reported on EEOC Form 462.
- 2. Q. When a class complaint is filed listing two class agents, are both class agents reported on Line II Line I?**

A. At this time class complaint filings (and complaint processing) are not reported on EEOC Form 462.
- 3. Q. How is the individual complaint of a class agent that was “filed” pursuant to an Administrative Judge’s decision to dismiss a class complaint reported?**

A. If the class agent’s individual complaint is filed pursuant to a class complainant dismissal decision, it is deemed filed on the date of the Administrative Judge’s decision and should be so reported in the agency’s Form 462 report.
- 4. Q. How is the dismissal of a class agent’s individual claims that were dismissed pursuant to 29 C.F.R. §1614.107 when the class complaint was dismissed reported?**

A. When a class agent’s individual claims raised as part of a class complaint are dismissed at the same time the class complaint is dismissed, the dismissal is not reported on Form 462 because at this time the EEOC Form 462 Report requires reporting only on complaints that are filed with the agency as individual complaints.
- 5. Q. How are individual complaints that were subsumed in a class complaint that was awaiting an Administrative Judge’s decision on acceptance or dismissal on the last day of the reporting period reported?**

A. Individual complaints that have been subsumed in a class complaint that is awaiting an AJ’s decision on class complaint acceptance or dismissal should be reported in Part VIII as pending at the stage in the process in which they were pending on the date the agency notified the complainants that their complaints were subsumed in the pending proposed class complaint. Total days pending for subsumed complaints should be calculated from the date of complaint filing/ remand following an appeal, to the last day of the reporting period, minus the number of days that the individual complaints were subsumed in the class complaint.

6. **Q. How are individual complaints that were subsumed in a class complaint for a period of time prior to the Administrative Judge's decision to dismiss the class complaint but then were processed as individual complaints following the dismissal of the class complaint reported?**

A. EEOC's Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO-MD-110), page 8-6, provides that an Administrative Judge's decision to dismiss a class complaint at the certification stage will return to the agency for further processing individual complaints that the agency had forwarded to the Administrative Judge. When reporting total days for completed investigations and for complaint closures for the returned previously "subsumed" complaints, the agency should subtract the number of days the complaints were subsumed in the class complaint. Subtracted days should be calculated from the date the complainant was notified that the complaint was subsumed to the date of the Administrative Judge's dismissal decision.

7. **Q. How are individual complaints that were subsumed in a class complaint that has been certified as a class complaint reported?**

A. Individual complaints that were subsumed in a class complaint that was certified as a class complaint are deemed part of the class complaint and, as such, are not reported on the agency's EEOC Form 462 report at this time.

QUESTIONS ON MIXED CASE COMPLAINTS

1. **Q. Are mixed case complaints counted on Form 462?**
 - A. Yes, the 462 covers mixed case EEO complaints. It does not cover mixed case appeals filed directly to the MSPB. The mixed case process allows for an initial election of forums - EEO complaint or MSPB appeal. The former is counted the latter is not counted.

2. **Q. Whether the MSPB appealable issues (e.g. suspensions 15+ days, terminations, RIFs, etc) are captured in the 462.**
 - A. The issues are captured as you would any issues in an EEO complaint. If termination or suspension is the issue you would capture that in Part IV of the 462.)

3. **Q. We had a mixed-case complaint that was filed on 5/18/2007 and closed with a FAD on 01/30/2008. The Complainant then filed a timely appeal with the MSPB on February 22, 2008. On May 16, 2008, the MSPB dismissed the case for lack of jurisdiction, so the case became a non-mixed complaint. Following MD-110 processing instructions, the complainant was given rights to a hearing before an AJ on June 12, 2008. He requested a hearing on July 14, 2008. The non-mixed complaint is now pending at the hearing stage at the end of the reporting period. How do we count the number of days pending at hearings?**
 - A. The case should be reported in Part VIII as pending at hearings and the number of days pending should be counted from the date MSPB sent the case back to the agency for non-mixed complaint processing to the end of the reporting period (and not from the original date the complaint was filed).

Pursuant to the EEOC's regulations 29 C.F.R. § 1614.302 (b):

Election . . . if a person files a timely appeal with the MSPB from the agency's processing of a mixed case complaint and the MSPB dismisses it for jurisdictional reasons, the agency shall reissue a notice under 1614.108(f) giving the individual the right to elect between a hearing before an administrative judge and an immediate final decision.

See also EEOC MD 110 Chapter 4 (II)(B)(5)(b).

The regulation clearly recognizes the agency's termination of processing and the later re-commencement of processing by the re-issuance of a notice of rights after the MSPB dismissal. This processing parallels the EEOC/OFO appeals process. Processing ceases with the issuance of a FAD and commences again with the issuance of a decision and notice to the complainant that processing has commenced. In both cases processing time begins to run anew upon return to the agency.

QUESTION ON MSPB REMANDS

1. **Q. How do we calculate “total days” for a “mixed case complaint” that the Merit System Protection Board (MSPB) remanded to the agency for processing following a finding that the MSPB lacked jurisdiction over the complaint?**

A. When the MSPB remands a complaint for processing because it finds it does not have jurisdiction over the matter, an agency may subtract the number of days the complaint was pending before the MSPB from its total-day calculations in Part VI, Part VIII, and Part IX of the agency’s EEOC Form 462 report. The number of days the complaint was pending before the MSPB should be calculated from the date of the MSPB appeal to the date of the MSPB remand order.

2. **Q. When a formal complaint is settled by a settlement agreement stemming from a MSPB or US district court agreement, is it referenced in Part VI A2 & Part VII?**

A. The "original" formal complaint that was taken to US District Court should have been dismissed at the time the agency was notified that the complainant went to court, etc. Therefore for that particular complaint, the dismissal should have been reported in Part VI Section B Line 3. See 29 CFR 1614.107 (a)(3) for more information.

However, when the final settlement comes down that subsumes some other EEO complaints pending, those complaints would be closed differently...see answer below.

3. **Q. If a "global" settlement captures all of complainant's EEO cases and the settlement language specifies that the complainant will "withdraw" the EEO complaint? Would that be a withdrawal?"**

A. It would NOT be counted as a withdrawal. If one or more EEO complaints are to be withdrawn as part of a settlement agreement, these complaints should be closed as settlements in Part VI Section A Line 2 and any related corrective actions reported in Part VII.

QUESTIONS ON BREACH OF AGREEMENT CLAIMS

- 1. Q. Do you count a breach of an agreement claim at the formal stage as a new complaint?**

A. No. Breach of settlement agreement information is not reported on the EEOC Form 462 report at this time.
- 2. Q. When a decision has been rendered (no breach occurred) on a breach of an agreement claim, do you count it as a closure (final decision)?**

A. No. Breach of settlement agreement information is not reported on the EEOC Form 462 report at this time.
- 3. Q. Do you do the same at the informal stage?**

A. No. Breach of settlement agreement information is not reported on the EEOC Form 462 report at this time.

APPENDIX E

FREQUENTLY ASKED QUESTIONS ON WEBSITE USAGE

- 1. Q. When I go to the web address you sent me I see a security alert that asks me if I want to proceed, what should I click?**

A. Click “yes.”
- 2. Q. Why are some website data boxes larger than other boxes?**

A. The larger box and smaller blue text indicate that the data is automatically calculated by the website. All other small boxes require that the agency enter data or click on Fill with zeros.
- 3. Q. I am a sub-component user and am experiencing difficulty using the website. What do I do?**

A. A sub-component user experiencing difficulty using the website should contact your agency’s Form 462 Agency Administrator and ask for technical assistance.
- 4. Q. I am an Agency Administrator and am experiencing difficulties using the website. What do I do?**

A. An Agency Administrator experiencing difficulties using the website may send an email describing the problem to the website mailbox, Form462.Form462@eoc.gov.
- 5. Q. I am a sub-component user and do not understand what data is needed on a particular line in Form 462. What do I do?**

A. A sub-component user should review the User’s Instruction Manual which is downloadable by clicking on “Form 462 Instruction Manual” on the left side of the home page of the Form 462 website. If the User still does not understand what data is needed, they should contact the agency’s Form 462 Agency Administrator for assistance.
- 6. Q. I am an Agency Administrator and am receiving calls from sub-component users seeking information on what data is needed for Form 462. What do I do?**

A. When an Agency Administrator is unable to determine from the User’s Instruction Manual what data is needed they can email the EEOC Form 462 (Form462.Form462@eoc.gov) mailbox and ask for assistance.

7. Q. I am a sub-component user. I need to add new “other” categories but have not been able to do so. What do I do?

A. A sub-component user must contact the agency’s Form 462 Agency Administrator as only they can add “other” categories to the agency’s Form 462 Report. This is to ensure consistency within a particular agency’s report.

8. Q. I am an Agency Administrator. A sub-component user has asked me to add new “other” categories to Form 462. What do I do?

A. If the Agency Administrator decides that a new category is needed, they can log onto the Form 462 website, click on the Agency Admin tab, click on the “Define Other” button on the left side of the screen, click on the Part where you want to add a new category, add each new category, and click on save.

9. Q. I entered data on the website, answered the telephone, assisted a coworker, and subsequently attempted to enter additional data. A screen appeared that informed me that my session had expired. I clicked on “return to home,” entered my User ID and Password, and clicked on “sign-in”. When I returned to the part I had been working on, my data was no longer there. What should I do?

A. You must re-enter lost data and click on save. Any data appearing on a screen but not saved will be lost when a session ends. It is highly recommended that you save often, especially when your data entry is interrupted by a phone call, other contact or priority task.

10. Q. I entered 19,324 in the total days column but the website displays only 19 days. Is this a website malfunction?

A. The website does not recognize commas (,) or dollar signs (\$). If you enter the same number, 19324, in the total days’ column without the comma, the website will correctly display the number.

11. Q. What do I do when I receive an error message?

A. If you are just beginning to enter data and receive an error message, for example on Part II, click on save with errors, and continue entering data until you complete the entire report. Then go back and review your data; many error messages disappear once all data is entered. For all remaining error messages, you need to check your source data to ensure that the data entered on the website is correct. If not, enter the correct data and click on save. If the error message remains, enter an explanation in the text box, include the line number (for example, line IX.A.1.c) and the sub-component acronym (for example, TSA) if you are a sub-component user. Then click on save, and again, click on save with errors.

12. Q. I have received error messages for average day numbers that are automatically calculated. What do I do?

A. The average day calculations are based on the number of pending complaints, investigations or complaint closures and the total days for those pending complaints, completed investigations or complaint closures. Check the data you entered in the number column and the total days' column to see if they are correct. If so, add a comment box indicating that the data in the identified line (e.g. line IX.A.1.c.) is correct and why the average days exceeds the stated time. Then click "save" and again click "save with errors."

13. Q. I entered all of my data, received no warning messages and no error messages, but still did not obtain 100% completion the Form 462 tab table of contents. What do I do?

A. If all report data is entered and there is not 100% completion on the Form 462 tab table of contents, check all parts that are not 100% to see if you saved all of the data you entered. If not, re-enter the data and click on save. If all the data has been saved and you still do not obtain 100% completion, check to see if zeros have been entered in all boxes where no counseling, complaint or ADR activity has been recorded. If not, click on "Fill with zeros" and click on save. The website will place zeros in all empty boxes on the current screen.

14. Q. I am an agency administrator. How do I know when my sub-component data entry has been completed and certified?

A. When a sub-component obtains 100% completion on the sub-component's Form 462 tab table of contents and clicks on the "certify that the form is complete" button, a checkmark appears in the "completed" column on the "Form 462 Status" screen. You can reach that screen by clicking on the Agency Admin tab and then clicking on "Form 462 Status". A list of the agency's sub-components will be displayed. If a sub-component is unable to reach 100% completion due to error messages, or if a sub-component does not click on the certification button, the completed box will not be checked.

15. Q. I am an agency administrator for an agency that has sub-components. All but one of my sub-components has reached 100% completion but the agency-wide report shows 0% completion. Is this a system malfunction?

A. No. If you print an aggregate agency report you will see that the sub-component data is rolling up into the agency-wide report. Prior to certification, you will need to choose "headquarters" from the drop-down sub-component menu and enter the required data in Part III and Part XII. Then the

“headquarters” screen should display 100% completion information for each part of the 462 report.

16. **Q. I am an agency administrator. My agency’s data is 100% complete except for three error messages. The data that prompted the error messages is correct and explanations have been provided in text boxes. However, the system will not allow me to certify my report. What do I do?**

A. When all Form 462 data and text box entries have been completed, and all entered data has been verified as correct, the Agency Administrator should discuss the matter with the EEOC Form 462 reviewer if possible. The Agency Administrator may request an override by clicking on the Agency Admin tab, clicking on the “Override Request” button, following the directions that appear on the screen. An EEOC Director will grant or deny the override request.

16. **Q. I am an agency administrator at an agency with sub-component reporting but I am unable to print any Form 462 reports. When I click on "Print EEOC Form 462", "Print Aggregate EEOC Form462", Internet Explorer (IE) just displays a blank page and the globe stops spinning, indicating that IE has finished loading. What should I do?**

A. One of the following two methods explained below may solve the problem:

Method 1 For Adobe Reader 6.0. To configure the browser to use Acrobat 6.0 or Adobe Reader 6.0 to open PDF files:

- 1 Exit from IE.
- 2 Start Acrobat or Adobe Reader.
- 3 Choose Edit > Preferences.
- 4 Select Internet in the list on the left.
- 5 Deselect Display PDF in Browser, and click OK.
- 6 Restart IE.

Method 1 For Adobe Reader 5.0. To configure the browser to use Acrobat 5.0 or Adobe Reader 5.0 to open PDF files:

- 1 Exit from IE.
- 2 Start Acrobat or Acrobat Reader.
- 3 Choose Edit > Preferences > General.
- 4 In the Options section, deselect Display PDF in Browser.
- 5 Click OK, and then exit from Acrobat or Acrobat Reader.
- 6 Restart IE or AOL.

Method 2 Save the Form 462 report to disk

- 1 Right-click on the link "Print EEOC Form 462", "Print Aggregate EEOC Form 462", "Print Previous Year's Form 462" and then choose "Save Target As" from the pop-up menu.
- 2 In the Save As dialog box, select a location on your hard drive, and then click Save.
- 3 Using Adobe Reader or Adobe Acrobat, open the file that you saved in Step 2 above and print out the report.

APPENDIX F

EEOC FORM 462 REPORT

FY 2012 EEOC Form 462 Instruction Manual

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS <small>(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)</small>			
AGENCY OR DEPARTMENT:		REPORTING PERIOD: FY	
PART I - PRE-COMPLAINT ACTIVITIES			
EEO COUNSELOR		COUNSELINGS	INDIVIDUALS
A. INTENTIONALLY LEFT BLANK			
ADR INTAKE OFFICER		COUNSELINGS	INDIVIDUALS
B. INTENTIONALLY LEFT BLANK			
TOTAL COMPLETED/ENDED COUNSELINGS		COUNSELINGS	INDIVIDUALS
C. TOTAL COMPLETED/ENDED COUNSELINGS			
1. COUNSELED WITHIN 30 DAYS			
2. COUNSELED WITHIN 31 TO 90 DAYS			
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS			
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR			
c. COUNSELED WITHIN 31-90 DAYS THAT WERE UNTIMELY			
3. COUNSELED BEYOND 90 DAYS			
4. COUNSELED DUE TO REMANDS			
D. PRE-COMPLAINT ACTIVITIES		COUNSELINGS	INDIVIDUALS
1. ON HAND AT THE BEGINNING OF THE REPORTING PERIOD			
2. INITIATED DURING THE REPORTING PERIOD			
3. COMPLETED/ENDED COUNSELINGS			
a. SETTLEMENTS (MONETARY AND NON-MONETARY)			
b. WITHDRAWALS/NO COMPLAINT FILED			
c. COUNSELINGS COMPLETED/ENDED IN REPORTING PERIOD THAT RESULTED IN COMPLAINT FILINGS IN REPORTING PERIOD			
d. DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD			
4. COUNSELINGS PENDING AT THE END OF THE REPORTING PERIOD			
E. NON-ADR SETTLEMENTS WITH MONETARY BENEFITS		COUNSELINGS	INDIVIDUALS
TOTAL			AMOUNT
1. COMPENSATORY DAMAGES			\$
2. BACKPAY/FRONTPAY			\$
3. LUMP SUM PAYMENT			\$
4. ATTORNEY FEES AND COSTS			\$
5.			\$
6.			\$
7.			\$
F. NON-ADR SETTLEMENTS WITH NON-MONETARY BENEFITS		COUNSELINGS	INDIVIDUALS
TOTAL			
1. HIRES			
a. RETROACTIVE			
b. NON-RETROACTIVE			
2. PROMOTIONS			
a. RETROACTIVE			
b. NON-RETROACTIVE			
3. EXPUNGEMENTS			
4. REASSIGNMENTS			
5. REMOVALS RESCINDED			
a. REINSTATEMENT			
b. VOLUNTARY RESIGNATION			
6. ACCOMMODATIONS			
7. TRAINING			
8. APOLOGY			
9. DISCIPLINARY ACTIONS			
a. RESCINDED			
b. MODIFIED			
10. PERFORMANCE EVALUATION MODIFIED			
11. LEAVE RESTORED			
12.			
13.			
G. ADR SETTLEMENTS WITH MONETARY BENEFITS		COUNSELINGS	INDIVIDUALS
TOTAL			AMOUNT
1. COMPENSATORY DAMAGES			\$
2. BACKPAY/FRONTPAY			\$
3. LUMP SUM PAYMENT			\$
4. ATTORNEY FEES AND COSTS			\$
5.			\$
6.			\$
7.			\$
H. ADR SETTLEMENTS WITH NON-MONETARY BENEFITS		COUNSELINGS	INDIVIDUALS
TOTAL			
1. HIRES			
a. RETROACTIVE			
b. NON-RETROACTIVE			
2. PROMOTIONS			
a. RETROACTIVE			
b. NON-RETROACTIVE			
3. EXPUNGEMENTS			
4. REASSIGNMENTS			
5. REMOVALS RESCINDED			
a. REINSTATEMENT			
b. VOLUNTARY RESIGNATION			
6. ACCOMMODATIONS			
7. TRAINING			
8. APOLOGY			
9. DISCIPLINARY ACTIONS			
a. RESCINDED			
b. MODIFIED			
10. PERFORMANCE EVALUATION MODIFIED			
11. LEAVE RESTORED			
12.			
13.			
I. NON-ADR SETTLEMENTS		COUNSELINGS	INDIVIDUALS
TOTAL			

FY 2012 EEOC Form 462 Instruction Manual

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 II - FORMAL COMPLAINT ACTIVITIES			PART III - AGENCY RESOURCES, TRAINING, REPORTING LINE																																																																																																																																																													
A. COMPLAINTS ON HAND AT THE BEGINNING OF THE REPORTING PERIOD B. COMPLAINTS FILED C. REMANDS (sum of lines C1+C2+C3) C.1. REMANDS (NOT INCLUDED IN A OR B) C.2. REMANDS (INCLUDED IN A OR B) C.3. NUMBER OF ADDITIONAL REMANDS IN THIS REPORTING PERIOD THAT ARE NOT CAPTURED IN C.1 OR C.2 ABOVE C.4. ADDITIONAL CLOSURES IN THIS REPORTING PERIOD NOT REFLECTED IN F. OR H. THAT RESULTED FROM REMANDS D. TOTAL COMPLAINTS (sum of lines A+B+C1) 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 - (F+H)) + [(C2 + C3) - C4] J. INDIVIDUALS FILING COMPLAINTS (Complainants) K. NUMBER OF JOINT PROCESSING UNITS FROM CONSOLIDATION OF COMPLAINTS			A. AGENCY & CONTRACT RESOURCES <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">AGENCY</th> <th colspan="2">CONTRACT</th> </tr> <tr> <th>NUMBER</th> <th>PERCENT</th> <th>NUMBER</th> <th>PERCENT</th> </tr> </thead> <tbody> <tr> <td>1. WORK FORCE</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> a. TOTAL WORK FORCE</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> b. PERMANENT EMPLOYEES</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>2. COUNSELOR</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> a. FULL-TIME</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> b. PART-TIME</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> c. COLLATERAL DUTY</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>3. INVESTIGATOR</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> a. FULL-TIME</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> b. 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DOES THE EEO DIRECTOR REPORT TO THE AGENCY HEAD? <table border="1" style="float:right; border-collapse: collapse;"><tr><td>YES</td><td>NO</td></tr></table> 2. IF NO, WHO DOES THE EEO DIRECTOR REPORT TO? PERSON: TITLE: 3. WHO IS RESPONSIBLE FOR THE DAY-TO-DAY OPERATION OF THE EEO PROGRAM IN YOUR DEPARTMENT/AGENCY/ORGANIZATION? PERSON: TITLE: 4. WHO DOES THAT PERSON REPORT TO? PERSON: TITLE:				AGENCY		CONTRACT		NUMBER	PERCENT	NUMBER	PERCENT	1. WORK FORCE					a. TOTAL WORK FORCE					b. PERMANENT EMPLOYEES					2. COUNSELOR					a. FULL-TIME					b. PART-TIME					c. COLLATERAL DUTY					3. INVESTIGATOR					a. FULL-TIME					b. PART-TIME					c. COLLATERAL DUTY					4. COUNSELOR/INVESTIGATOR					a. FULL-TIME					b. PART-TIME					c. COLLATERAL DUTY						COUNSELORS		INVESTIGATORS		COUNS/INVESTIG		AGENCY	CONTRACT	AGENCY	CONTRACT	AGENCY	CONTRACT	1. NEW STAFF - TOTAL							a. STAFF RECEIVING REQUIRED 32 OR MORE HOURS							b. 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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 IV - BASES AND ISSUES ALLEGED IN COMPLAINTS FILED (Part 1)

ISSUES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION										TOTAL ALL COMPLAINTS BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE	
	RACE						COLOR	RELIGION	REPRISAL					
	AMER. INDIAN/ ALASKA NATIVE	ASIAN	NATIVE HAWAIIAN /OTHER PACIFIC ISLANDER	BLACK/ AFRICAN AMERICAN	WHITE	TWO OR MORE RACES								
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														
TOTAL ALL ISSUES BY BASES														
TOTAL ALL COMPLAINTS FILED BY BASES														
TOTAL ALL COMPLAINTS BY BASES														

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS

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ISSUES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION										TOTAL ALL COMPLAINTS BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE	
	RACE					COLOR	RELIGION	REPRISAL	TOTAL ALL BASES BY ISSUE				
	AMER. INDIAN/ ALASKA NATIVE	ASIAN	NATIVE HAWAIIAN /OTHER PACIFIC ISLANDER	BLACK/ AFRICAN AMERICAN	WHITE					TWO OR MORE RACES			
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 ALL ISSUES BY BASES													
TOTAL ALL COMPLAINTS FILED BY BASES													
TOTAL ALL COMPLAINTS BY BASES													

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS

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PART IV - BASES AND ISSUES ALLEGED IN COMPLAINTS FILED (Part 2)

ISSUES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION											TOTAL ALL COMPLAINTS BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE		
	SEX		PREGNANCY DISCRIMINATION ACT	NATIONAL ORIGIN		EQUAL PAY ACT		AGE	DISABILITY		GINA				
	MALE	FEMALE		HISPANIC/LATINO	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															
TOTAL ALL ISSUES BY BASES															
TOTAL ALL COMPLAINTS FILED BY BASES															
TOTAL ALL COMPLAINTS BY BASES															

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS

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PART IV - BASES AND ISSUES ALLEGED IN COMPLAINTS FILED (Part 2)

ISSUES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION											TOTAL ALL COMPLAINTS BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE				
	SEX		PREGNANCY DISCRIMINATION ACT	NATIONAL ORIGIN			EQUAL PAY ACT		AGE	DISABILITY				GINA			
	MALE	FEMALE		HISPANIC/LATINO	OTHER	MALE	FEMALE	MENTAL		PHYSICAL							
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 ALL ISSUES BY BASES																	
TOTAL ALL COMPLAINTS FILED BY BASES																	
TOTAL ALL COMPLAINTS BY BASES																	

**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 IVA - BASES OF DISCRIMINATION IN FINDINGS AND ALLEGED IN SETTLEMENTS																				
FINDINGS/ALLEGATIONS IN:	BASES OF DISCRIMINATION IN FINDINGS AND ALLEGED BASES IN SETTLEMENTS																			
	RACE				COLOR		RELIGION	SEX		PDA	NATIONAL ORIGIN		EQUAL-PAY ACT		AGE		DISABILITY		GINA	
	AMER. INDIAN/ ALASKA NATIVE	ASIAN	NATIVE HAWAIIAN OTHER PACIFIC ISLANDER	BLACK/AFRICAN AMERICAN	WHITE	TWO OR MORE RACES	BLACK	WHITE	MALE	FEMALE		HISPANIC/ LATINO	OTHER	MALE	FEMALE		MENTAL	PHYSICAL		
1. Counseling Settlement Allegations																				
1a. Number of Counselings Settled																				
1b. Number of Counselees Settled With																				
2. Complaint Settlement Allegations																				
2a. Number of Complaints Settled																				
2b. Number of Complainants Settled With																				
3. Final Agency Decision Findings																				
3a. Number FADs with Findings																				
3b. Number Complainants Issued FAD Findings																				
4. AJ Decision Findings																				
4a. Number AJ Decisions With Findings																				
5. Final Agency Order Findings Implemented																				
5a. Number of Final Orders With Findings Implemented																				
5b. # of Complainants issued FOs with Findings Implemented																				
TOTAL SETTLEMENT ALLEGATIONS																				
TOTAL FINAL ACTION FINDINGS																				

PART IVB - ISSUES OF DISCRIMINATION IN FINDINGS AND ALLEGED IN SETTLEMENTS																									
FINDINGS/ALLEGATIONS IN:	ISSUES OF DISCRIMINATION IN FINDINGS AND ALLEGED ISSUES IN SETTLEMENTS																								
	APPOINTMENT/ HIRE	ASSIGNMENT OF DUTIES	AWARDS	CONVERSION TO FULL TIME	DISCIPLINARY ACTION			DUTY HOURS	EVAL/ APPRAISAL	EXAM/ TEST	HARRASSMENT		MEDICAL EXAM	PAY/ OVERTIME	PROMOTION/ NON- SELECTION	REASSIGNMENT DENIED	REASONABLE ACCOMMODATION	REIN- STATEMENT	RETIREMENT	TERMINATION	TERMS & CONDITIONS EMPLOYMENT	TIME AND ATTENDANCE	TRAINING	OTHER	
					DEMOTION	REFRIMAND	SUSPENSION				REMOVAL	NON-SEXUAL													SEXUAL
1. Counseling Settlement Allegations																									
1a. Number of Counselings Settled																									
1b. Number of Counselees Settled With																									
2. Complaint Settlement Allegations																									
2a. Number of Complaints Settled																									
2b. Number of Complainants Settled With																									
3. Final Agency Decision Findings																									
3a. Number FADs with Findings																									
3b. Number Complainants Issued FAD Findings																									
4. AJ Decision Findings																									
4a. Number AJ Decisions With Findings																									
5. Final Agency Order Findings Implemented																									
5a. Number of Final Orders With Findings Implemented																									
5b. # of Complainants issued FOs with Findings Implemented																									
TOTAL SETTLEMENT ALLEGATIONS																									
TOTAL FINAL ACTION FINDINGS																									

**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 V - SUMMARY OF CLOSURES BY STATUTE

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

1. TITLE VII
 - 1a. PREGNANCY DISCRIMINATION ACT (PDA)
2. AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)
3. REHABILITATION ACT
4. EQUAL PAY ACT (EPA)
5. GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)

B. TOTAL BY STATUTES

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

(A1+A1a+A2+A3+A4+A5)

PART VI - SUMMARY OF CLOSURES BY CATEGORY

	TOTAL NUMBER	TOTAL DAYS	AVERAGE DAYS
A. TOTAL NUMBER OF CLOSURES (1+2+3)			
1. WITHDRAWALS			
a. NON-ADR WITHDRAWALS			
b. ADR WITHDRAWALS			
2. SETTLEMENTS			
a. NON-ADR SETTLEMENTS			
b. ADR SETTLEMENTS			
3. FINAL AGENCY ACTIONS (B+C)			
B. FINAL AGENCY DECISIONS WITHOUT AN ADMINISTRATIVE JUDGE DECISION (1+2+3)			
1. FINDING DISCRIMINATION			
2. FINDING NO DISCRIMINATION			
3. DISMISSAL OF COMPLAINTS			
C. FINAL AGENCY ORDERS WITH AN ADMINISTRATIVE JUDGE (AJ) DECISION (1+2)			
1. AJ DECISION FULLY IMPLEMENTED (a+b+c)			
(a) FINDING DISCRIMINATION			
(b) FINDING NO DISCRIMINATION			
(c) DISMISSAL OF COMPLAINTS			
2. AJ DECISION NOT FULLY IMPLEMENTED (a+b+c)			
(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			
(c) DISMISSAL OF COMPLAINTS			

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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 VI - SUMMARY OF CLOSURES BY CATEGORY (Continued)			
	TOTAL	TOTAL	AVERAGE
	NUMBER	DAYS	DAYS
D. FINAL AGENCY MERIT DECISIONS (FAD) ISSUED	(1+2+3+4)		
1. COMPLAINANT REQUESTED IMMEDIATE FAD	(1a+1b)		
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF FAD REQUEST			
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND RECEIPT OF FAD REQUEST			
2. COMPLAINANT DID NOT ELECT HEARING OR FAD	(2a+2b)		
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF END OF 30-DAY ELECTION PERIOD			
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND END OF 30-DAY ELECTION PERIOD			
3. HEARING REQUESTED; AJ RETURNED CASE TO AGENCY FOR FAD WITHOUT AJ DECISION (3a+3b)			
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF AJ RETURNED CASE FOR FAD ISSUANCE			
b. AGENCY ISSUED FAD MORE THAN 60 DAYS AFTER RECEIPT OF AJ RETURNED CASE FOR FAD ISSUANCE			
4. FINAL AGENCY DECISION ISSUED ON A MIXED CASE (4a+4b)			
a. AGENCY ISSUED FAD WITHIN 45 DAYS AFTER INVESTIGATION			
b. AGENCY ISSUED FAD MORE THAN 45 DAYS AFTER INVESTIGATION			
PART VII - SUMMARY OF FORMAL COMPLAINTS CLOSED BY TYPES OF BENEFITS			
	NUMBER	AMOUNT	
A. TOTAL COMPLAINTS CLOSED WITH BENEFITS			
B. TOTAL CLOSURES WITH MONETARY BENEFITS TO COMPLAINANT		\$	
1. BACK PAY/FRONT PAY		\$	
2. LUMP SUM PAYMENT		\$	
3. COMPENSATORY DAMAGES		\$	
4. ATTORNEY FEES AND COSTS		\$	
D. INTENTIONALLY LEFT BLANK			
E. TOTAL CLOSURES WITH NON-MONETARY BENEFITS TO COMPLAINANT			
F. TYPES OF BENEFITS IN NON-MONETARY CLOSURES	NUMBER OF CLOSURES THAT	NUMBER OF CLOSURES THAT RECEIVED	
	RECEIVED MONETARY BENEFITS AS WELL	ONLY NON-MONETARY BENEFITS	
1. HIRES			
a. RETROACTIVE			
b. NON-RETROACTIVE			
2. PROMOTIONS			
a. RETROACTIVE			
b. NON-RETROACTIVE			
3. EXPUNGEMENTS			
4. REASSIGNMENTS			
5. REMOVALS RESCINDED			
a. REINSTATEMENT			
b. VOLUNTARY RESIGNATION			
6. ACCOMMODATIONS			
7. TRAINING			
8. APOLOGY			
9. DISCIPLINARY ACTIONS			
a. RESCINDED			
b. MODIFIED			
10. PERFORMANCE EVALUATION MODIFIED			
11. LEAVE RESTORED			
12			
13			
14			

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**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 VIII - SUMMARY OF PENDING COMPLAINTS BY CATEGORY

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

PART IX - SUMMARY OF INVESTIGATIONS COMPLETED

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

FY 2012 EEOC Form 462 Instruction Manual

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS				
<small>(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)</small>				
AGENCY OR DEPARTMENT:		REPORTING PERIOD: FY		
PART X - SUMMARY OF ADR PROGRAM ACTIVITIES				
INFORMAL PHASE (PRE-COMPLAINT)				
A. INTENTIONALLY LEFT BLANK				
B. ADR ACTIONS IN COMPLETED/ENDED COUNSELINGS		COUNSELINGS	INDIVIDUALS	
1.	ADR OFFERED BY AGENCY			
2.	REJECTED BY INDIVIDUAL (COUNSELEE)			
3.	INTENTIONALLY LEFT BLANK			
4.	TOTAL ACCEPTED INTO ADR PROGRAM			
C. ADR RESOURCES USED IN COMPLETED/ENDED COUNSELINGS (TOTALS)				
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 in a comment box)			
5.	FEDERAL EXECUTIVE BOARD			
6.				
7.				
		COUNSELINGS	INDIVIDUALS	DAYS
D. ADR TECHNIQUES USED IN COMPLETED/ENDED COUNSELINGS (TOTALS)				AVERAGE DAYS
1.	MEDIATION			
2.	SETTLEMENT CONFERENCES			
3.	EARLY NEUTRAL EVALUATIONS			
4.	FACTFINDING			
5.	FACILITATION			
6.	OMBUDSMAN			
7.	PEER REVIEW			
8.	MULTIPLE TECHNIQUES USED (Please specify in a comment box)			
9.				
10.				
11.				
E. STATUS OF ADR CASES IN COMPLETED/ENDED COUNSELINGS		COUNSELINGS	INDIVIDUALS	DAYS
1.	TOTAL CLOSED			
a.	SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)			
b.	NO FORMAL COMPLAINT FILED			
c.	COMPLAINT FILED			
i.	NO RESOLUTION			
ii.	NO ADR ATTEMPT (aka Part X.E.1.d)			
e.	DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD			
2.	INTENTIONALLY LEFT BLANK			

FY 2012 EEOC Form 462 Instruction Manual

**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 XI - SUMMARY OF ADR PROGRAM ACTIVITIES

FORMAL PHASE (COMPLAINT FILED)

B. ADR ACTIONS IN COMPLAINT CLOSURES		COMPLAINTS	COMPLAINANTS		
1.	ADR OFFERED BY AGENCY				
2.	REJECTED BY COMPLAINANT				
3.	REJECTED BY AGENCY (INCLUDES MANAGEMENT OFFICIALS)				
4.	TOTAL ACCEPTED INTO ADR PROGRAM				
C. ADR RESOURCES USED IN COMPLAINT CLOSURES (TOTALS)					
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 in a comment box)				
5.	FEDERAL EXECUTIVE BOARD				
6.					
7.					
D. ADR TECHNIQUES USED IN COMPLAINT CLOSURES (TOTALS)		COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
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 in a comment box)				
10.					
11.					
12.					
E. STATUS OF CASES IN COMPLAINT CLOSURES		COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
1.	TOTAL CLOSED				
	a. SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)				
	b. WITHDRAWAL FROM EEO PROCESS				
	c. NO RESOLUTION				
	d. NO ADR ATTEMPT				
2.	INTENTIONALLY LEFT BLANK				
F. BENEFITS RECEIVED		COMPLAINTS	COMPLAINANTS	AMOUNT	
1.	MONETARY (INSERT TOTALS)			\$	
	a. COMPENSATORY DAMAGES			\$	
	b. BACKPAY/FRONTPAY			\$	
	c. LUMP SUM			\$	
	d. ATTORNEY FEES AND COSTS			\$	
	e.			\$	
	f.			\$	
	g.			\$	
2.	NON-MONETARY (INSERT TOTALS)				
	a. HIRES				
	i. RETROACTIVE				
	ii. NON-RETROACTIVE				
	b. PROMOTIONS				
	i. RETROACTIVE				
	ii. NON-RETROACTIVE				
	c. EXPUNGEMENTS				
	d. REASSIGNMENTS				
	e. REMOVALS RESCINDED				
	i. REINSTATEMENT				
	ii. VOLUNTARY RESIGNATION				
	f. ACCOMMODATIONS				
	g. TRAINING				
	h. APOLOGY				
	i. DISCIPLINARY ACTIONS				
	i. RESCINDED				
	ii. MODIFIED				
	j. PERFORMANCE EVALUATION MODIFIED				
	k. LEAVE RESTORED				
	l.				
	m.				

FY 2012 EEOC Form 462 Instruction Manual

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS <small>(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)</small>		
AGENCY OR DEPARTMENT:		REPORTING PERIOD: FY
PART XII - SUMMARY OF EEO ADR PROGRAM ACTIVITIES		
EEO ADR RESOURCES		
A. NO LONGER COLLECTED		
B. EMPLOYEES THAT CAN PARTICIPATE IN EEO ADR		
C. RESOURCES THAT MANAGE EEO ADR PROGRAM (DOES NOT INCLUDE NEUTRALS AS REPORTED IN PARTS X. & XI.)		
1. IN-HOUSE FULL TIME (40 HOURS EEO ADR ONLY)		
2. IN-HOUSE PART TIME (32 HOURS EEO ADR ONLY)		
3. IN-HOUSE COLLATERAL DUTY (OTHERS/NON-CONTRACT)		
4. CONTRACT (ANOTHER FEDERAL AGENCY/PRIVATE ORGANIZATIONS)		
D. EEO ADR FUNDING SPENT	AMOUNT	
	\$	
E. EEO ADR CONTACT INFORMATION		
1. NAME OF EEO ADR PROGRAM DIRECTOR / MANAGER _____		
2. TITLE _____		
3. TELEPHONE NUMBER _____ 4. EMAIL _____		
F. EEO ADR PROGRAM INFORMATION		
	YES	NO
1. Does the agency require the alleged responsible management official to participate in EEO ADR?		
1a. If yes, is there a written policy requiring the participation?		
2. Does the alleged responsible management official have a role in deciding if the case is appropriate for EEO ADR?		
CERTIFICATION AND CONTACT INFORMATION		
I certify that the EEO complaint data contained in this report, EEOC Form 462, Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints, for the reporting period October 1, 2011 through September 30, 2012, is accurate and complete.		
NAME AND TITLE OF CERTIFYING OFFICIAL:		
SIGNATURE OF CERTIFYING OFFICIAL: (Enter PIN here to serve as your electronic signature)		
DATE:	TELEPHONE NUMBER:	E-MAIL:
NAME AND TITLE OF PREPARER:		
DATE:	TELEPHONE NUMBER:	E-MAIL:
The FY 2012 report (with the PIN entered) is due on or before October 31, 2012.		

Appendix G

FY 2012 FORM 462 REPORT EDIT CHECK LIST BY PARTS PART I - PRE-COMPLAINT ACTIVITIES

On every Line in Part I, the number of counselings reported must be greater than or equal to the number of individuals reported.

The same number of completed/ended counselings must be reported on Part I Line C and on Part I Line D.3.

The number of counselings reported on Part I Line D.3 must be less than or equal to the sum of the numbers reported on lines D.1 plus D.2.

The same number of individuals with completed/ended counselings must be reported on Part I Line C and on Part I Line D.3.

The number of counselings that ended with a complaint filing reported on Part I Line D.3.c should be equal to the number of complaints filed in Part II Line B. If not then a comment should be added to explain the difference.

The number of individuals reported on Part I Line D.3.c should equal the number of individuals reported in Part II Line J. If not then a comment should be added.

The number of counselings closed with settlements reported on Part I Line D.3.a must equal the sum of the number of counselings closed with settlements reported on Part I Line I plus Part X Line E.1.a.

Sum of non-ADR settlements with monetary benefits reported on lines E.1 through E.7 should be equal to or greater than Line E, (both the Counselings and Individuals columns).

Line E should be equal to or less than line D.3.a (Counselings column).

Line F should be equal to or less than line D.3.a (Counselings column).

Line G should be equal to or less than line D.3.a (Counselings column).

Line H should be equal to or less than line D.3.a (Counselings column).

Sum of lines G.1 through G.7 should be equal to or greater than G (both the Counselings and Individuals columns).

Line C should be greater than or equal to Part X Line E.1 (Counselings column).

The total number of closed counselings resulting in “withdrawals/no complaint filed” reported on Part I Line D.3.b must be greater than or equal to the number of pre-complaint ADR closures with “no complaint filed” reported on Part X Line E.1.b.

The number of counselings reported on Part I Line E Total Non-ADR Settlements with Monetary Benefits must be less than or the same as the number of counselings reported on Part I Line I Non-ADR Settlements.

The number of individuals reported on Part I Line E Total Non-ADR Settlements with Monetary Benefits must be less than or the same as the number of individuals reported on Part I Line I Non-ADR Settlements.

The sum of the number of counseling settlements reported on Part I Line E (total line) and on Part I Line F (total line) must be greater than or equal to the number of counseling settlements reported on Part I Line I.

The sum of the number of individuals with counseling settlements reported on Part I Line E (total line) and on Part I Line F (total line) must be greater than or equal to the number of individuals with counseling settlements reported on Part I Line I.

The number of counselings reported on Part I Line F Total Non-ADR Settlements with Non-Monetary Benefits must be less than or the same as the number of counselings reported on Part I Line I Non-ADR Settlements.

The number of individuals reported on Part I Line F Total Non-ADR Settlements with Non-Monetary Benefits must be less than or the same as the number of individuals reported on Part I Line I Non-ADR Settlements.

In the counselings column, the sum of Part I Lines F.1 through F.13 must be greater than or the same as Part I Line F Total Non-ADR Settlements with Non-Monetary Benefits.

In the individuals' column, the sum of Part I Lines F.1 through F.13 must be greater than equal to Part I Line F Total Non-ADR Settlements with Non-Monetary Benefits.

The number of counselings reported on Part I Line G Total ADR Settlements with Monetary Benefits must be less than or the same as the number of counselings reported on Part X Line E.1.a ADR Settlements.

The number of individuals reported on Part I Line G Total ADR Settlements with Monetary Benefits must be less than or the same as the number of individuals reported on Part X Line E.1.a ADR Settlements.

The sum of the number of counseling settlements reported on Part I. Line G (total line) and Part I. Line H (total line) must be greater than or equal to the number of counseling settlements reported on Part X. Line E.1.a.

The sum of the number of individuals with counseling settlements reported on Part I Line G (total line) and on Part I Line H (total line) must be greater than or equal to the number of individuals with counseling settlements reported on Part X Line E.1.a.

The number of counselings reported on Part I Line H. Total ADR Settlements with Non-Monetary Benefits must be less than or the same as the number of counselings reported on Part X Line E.1.a ADR Settlements.

The number of individuals reported on Part I Line H Total ADR Settlements with Non-Monetary Benefits must be the less than or the same as the number of individuals reported on Part X Line E.1.a ADR Settlements.

In the counselings column, the sum of Part I Lines H.1 through H.13 must be greater than or the same as Part I Line H Total ADR Settlements with Non-Monetary Benefits.

In the individuals column, the sum of Part I Lines H.1 through H.13 must be greater than or the same as Part I Line H Total ADR Settlements with Non-Monetary Benefits.

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

The sum of the number of counselings reported on Part I Line D.1 plus D.2 must equal the sum of the numbers reported on Part I Line D.3 plus D.4.

Missing comment to explain why the number of counselings/individuals reported as on-hand at the beginning of the reporting period in Part I Section D Line 1 in the current year report do not equal the numbers reported in the previous year's report as counselings/individuals pending at the end of the reporting period in Part I Section D Line 4.

In Part I Sections E and G Lines 1-4 – where data in counselings column is greater than zero (0) data in the amount column must be greater than zero (0).

No individual value in any field of Part 1 all Sections all Lines can exceed the total value.

Where pre-complaint counselings are reported in Part I Section C there must be a counselor resource reported in Part III Section A and the training received during the reporting period must be reported in Part III Section B.

In all Lines of Part I where counselings are reported there must be individuals reported.

Determine whether the others reported in Part I Sections E – H are valid. (no non-monetary benefits added and reported in Sections E and G and vice versa.)

PART II – FORMAL COMPLAINT ACTIVITIES

Part II Line D must be equal to Part II Line E + Part II Line G.

The number of complaints filed reported on Part II Line B must be greater than or equal to the number of individuals who filed complaints reported on Part II Line J.

The number of complaints that were reported on Part II Line F as closed and not consolidated must be less than or equal to the number of complaints that were reported on Part II. Line E as not consolidated.

The number of complaints reported on Part II Line H as consolidated and closed must be less than or equal to the number of consolidated complaints reported on Part II Line G.

If Part II Line C.2 is less than or equal to 0, then the sum of the number of closed complaints reported on Part II Line F and Part II Line H plus C.4 must equal the total number of closures reported on Part VI Line A.

If Part II Line C.2 is greater than 0, then II F + II H + II.C.4 must be greater than or equal to total number of closures reported on Part VI Line A.

In part II the number of closed complaints reported on Lines II F + II H + II C.4 must be greater than or equal to the numbers reported in each of Part V, Lines A.1, A.2, A.3 and A.4. (4 edits).

In part II the number of closed complaints reported on Lines II F + II H + II C.4 must be less than or equal to the number reported in Part V, Line B.

The number of joint processing units reported on Part II Line K must be less than or equal to one-half (1/2) the number of consolidated complaints reported on Part II Line G.

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

Missing comment to explain why the number of complaints reported as on-hand at the beginning of the reporting period in Part II Line A in the current year report do not equal the numbers reported in the previous year's report as complaints on-hand at the end of the reporting period in Part II Line I.

PART III – AGENCY RESOURCES, TRAINING, REPORTING LINE

The total work force reported on Part III Line A.1.a must be greater than or equal to the number of permanent employees reported on Part III Line A.1.b.

Part III. Line A.1.a should be greater than or equal to Part XII Line B.

The sum of the number of New Staff Counselors (Agency column) reported on Part III Line B.1 and the number of Experienced Staff Counselors (Agency column) reported on Part III Line B.2 must equal the sum of the number of Agency Counselors reported on Part III Line A.2.a and Part III Line A.2.b and Part III Line A.2.c.

The sum of the number of New Staff Investigators (Agency column) reported on Part III Line B.1 and the number of Experienced Staff Investigators (Agency column) reported on Part III Line B.2 must equal the sum of the number of Agency Investigators reported on Part III Line A.3.a and Part III Line A.3.b and Part III Line A.3.c or a comment should be added to explain why individuals were not provided the required training.

The sum of the number of New Staff Counselor/Investigators (Agency column) reported on Part III Line B.1 and the number of Experienced Staff Counselor/Investigators (Agency column) reported on Part III Line B.2 must equal the sum of the number of Agency Counselor/Investigators reported on Part III Line A.4.a and Part III Line A.4.b and Part III Line A.4.c.

If IX A.1 > 0, then III B.1 (Investigators Agency) + III B.1 (Couns/Investig Agency) + III B.2 (Investigators Agency) + III B.2 (Couns/Investig Agency) must be greater than 0.

IF IX A.3 > 0, then III B.1 (Investigators Contract) + III B.1 (Couns/Investig Contract) + III B.2 (Investigators Contract) + III B.2 (Couns/Investig Contract) must be greater than 0.

In each and every column in Part III Section B., the sum of Line B.1.a and Line B.1.b and Line B.1.c must be greater than or equal to the number of staff reported on Line B.1 in the same column.

In each and every column in Part III Section B, the sum of Line B.2.a and Line B.2.b and Line B.2.c must be greater than or equal to the number of staff reported on Line B.2 in the same column.

III B.1 + III B.2 = III A.2.a + III A.2.b + III A.2.c (Counselors Contract).

III B.1 + III B.2 = III A.3.a + III A.3.b + III A.3.c (Investigators Contract).

III B.1 + III B.2 = III A.4.a + III A.4.b + III A.4.c (Couns/Investig Contract).

If the EEO Director does not report to the agency head reported in Part III Line C.1.a, then the information in Part III Line 2 must be completed.

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

Where Part III Section C Line 1c and 2c contain values greater than zero (0) ensure comment to explain why new or experienced staff received no training during the reporting period.

PART IV – BASES AND ISSUES ALLEGED IN COMPLAINTS FILED

In every column in Part IV the “Total Issues by Bases” must be greater than or equal to the “Total Complaints filed by Bases.”

In every column in Part IV the “Total Complaints filed by Bases” must be greater than or equal to the “Total Complainants by Bases.”

In every row in Part IV the “Total All Bases by Issue” must be greater than or equal to the “Total All Complaints by Issue.”

In every row in Part IV the “Total All Complaints by Issue” must be greater than or equal to the “Total All Complainants by Issue.”

For each row, Total Complaints by Issue can not be blank.

For each row, Total Complainants by Issue can not be blank.

For each column, Total Complaints Filed by Bases can not be blank.

For each column, Total Complainants by Issue can not be blank.

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

In every column in Part IV the “Total Complaints filed by Bases” must be less than or equal to the total number of complaints filed reported in Part II Line B.

In every row in Part IV the “Total Complaints filed by Issue” must be less than or equal to the total number of complaints filed reported in Part II Line B.

No individual number in any field can be greater than the total number of complaints filed reported in Part II Line B except in the “Total Issues by Bases” row and the “Total All Bases by Issue” column.

Where any Total Issues by Bases or Total All Bases by Issues is greater than zero then the corresponding Total Complaints/Complainants Filed by Bases and the Total All Complaints/Complainants by Issue must be greater than zero.

PART IVA – BASES OF DISCRIMINATION IN FINDINGS AND ALLEGED IN SETTLEMENTS

In every column in Part IVA Line 1 the “Counseling Settlement Allegations” must be greater than or equal to Part IVA Line 1a “Number of Counselings Settled.”

In every column in Part IVA Line 1a the “Number of Counselings Settled” must be greater than or equal to Part IVA Line 1b “Number of Counselees Settled With.”

In every column in Part IVA Line 1a the “Number Counselings Settled” must be less than or equal to the number reported in the “Counselings” column of Part I Section D Line 3a “Completed/Ended Counselings - Settlements (Monetary and Non-Monetary).”

The total number of “Counselings Settled” in Part IVA Line 1a must be equal to or greater than the number reported in the “Counselings” column of Part I Section D Line 3a “Completed/Ended Counselings - Settlements (Monetary and Non-Monetary).”

In every column in Part IVA Line 1b the “Number of Counselees Settled With” must be less than or equal to the number reported in the “Individuals” column of Part I Section D Line 3a “Completed/Ended Counselings - Settlements (Monetary and Non-Monetary).”

The total number of Counselees Settled With in Part IVA Line 1b must be equal to or greater than the number reported in the “Individuals” column of Part I Section D Line 3a “Completed/Ended Counselings - Settlements (Monetary and Non-Monetary).”

In every column in Part IVA Line 2 the “Complaint Settlement Allegations” must be greater than or equal to Part IVA Line 2a “Number of Complaints Settled.”

In every column in Part IVA Line 2a the “Number of Complaints Settled” must be greater than or equal to Part IVA Line 2b “Number of Complainants Settled With.”

In every column in Part IVA Line 2a the “Number of Complaints Settled” must be less than or equal to the number reported in the “Total Number” column of Part VI Section A Line 2 “Settlements.”

The total number of “Complaints Settled” in Part IVA Line 2a must be equal to or greater than the number reported in the “Total Number” column of Part VI Section A Line 2 “Settlements.”

In every column in Part IVA Line 3 the “Final Agency Decision Findings” must be greater than or equal to Part IVA Line 3a “Number FADs with Findings.”

In every column in Part IVA Line 3a the “Number FADs with Findings” must be greater than or equal to Part IVA Line 3b “Number Complainants issued FAD Findings.”

In every column in Part IVA Line 3a the “Number FADs with Findings” must be less than or equal to the number reported in the “Total Number” column of Part VI Section B Line 1 “Final Agency Decisions Without an Administrative Judge Decision – Finding Discrimination.”

The total number of “Number FADs with Findings” in Part IVA Line 3a must be equal to or greater than the number reported in the “Total Number” column of Part VI Section B Line 1 “Final Agency Decisions Without an Administrative Judge Decision – Finding Discrimination.”

In every column in Part IVA Line 4 the “AJ Decision Findings” must be greater than or equal to Part IVA Line 4a “Number AJ Decisions with Findings.”

In every column in Part IVA Line 4a the number of “AJ Decision Findings” must be less than or equal to the number reported in the “Total Number” column of Part VI Section C Line 1a “Final Agency Orders With an AJ Decision Fully Implemented Finding Discrimination” plus the number reported in Part VI Section C Line 2a “Final Agency Orders With an AJ Decision Not Fully Implemented Finding Discrimination”

The total number of “AJ Decision Findings” in Part IVA Line 4a must be equal to or greater than the number reported in the “Total Number” column of Part VI Section C Line 1a “Final Agency Orders With an AJ Decision Fully Implemented Finding Discrimination” plus the number reported in Part VI Section C Line 2a “Final Agency Orders With an AJ Decision Not Fully Implemented Finding Discrimination”

In every column in Part IVA Line 5 the “Final Agency Order Findings Implemented” must be greater than or equal to Part IVA Line 5a “Number of Final Orders with Findings Implemented.”

In every column in Part IVA Line 5a the “Number of Final Agency Orders with Findings Implemented” must be greater than or equal to Part IVA Line 5b “Number Complainants issued FOs with Findings Implemented.”

In every column in Part IVA Line 5a the number of “Final Agency Orders with Findings Implemented” must be less than or equal to the number reported in the “Total Number” column of Part VI Section C Line 1a “Final Agency Orders With an AJ Decision Fully Implemented Finding Discrimination.”

The total number of “Final Agency Orders with Findings Implemented” in Part IVA Line 5a must be equal to or greater than the number reported in the “Total Number” column of Part VI Section C Line 1a “Final Agency Orders With Administrative Judge (AJ) Decision Fully Implemented – Finding Discrimination.”

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

Ensure that only zeroes are reported in Part IVA Lines 5, 5a & 5b where Part IVA Lines 4 and 4a are zero.

In Part IVA, if counselings reported in Line 1a are greater than zero then individuals reported in Line 1b must be greater than zero.

In Part IVA, if complaints reported in Line 2a are greater than zero then individuals reported in Line 2b must be greater than zero.

In Part IVA, if FADs reported in Line 3a are greater than zero then complainants reported in Line 3b must be greater than zero.

In Part IVA, if AJ decision findings reported in Line 4 are greater than zero then AJ Decisions reported in Line 4a must be greater than zero.

In Part IVA, if FOs with Findings Fully Implemented reported in Line 5a are greater than zero then # Complainants issued FOS reported in Line 5b must be greater than zero.

PART IVB – ISSUES OF DISCRIMINATION IN FINDINGS AND ALLEGED IN SETTLEMENTS

In every column in Part IVB Line 1 the “Counseling Settlement Allegations” must be greater than or equal to Part IVB Line 1a “Number of Counselings Settled.”

In every column in Part IVB Line 1a the “Number of Counselings Settled” must be greater than or equal to Part IVB Line 1b “Number of Counselees Settled With.”

In every column in Part IVB Line 1a the “Number Counselings Settled” must be less than or equal to the number reported in the “Counselings” column of Part I Section D Line 3a “Completed/Ended Counselings - Settlements (Monetary and Non-Monetary).”

The total number of “Counselings Settled” in Part IVB Line 1a must be equal to or greater than the number reported in the “Counselings” column of Part I Section D Line 3a “Completed/Ended Counselings - Settlements (Monetary and Non-Monetary).”

In every column in Part IVB Line 1b the “Number of Counselees Settled With” must be less than or equal to the number reported in the “Individuals” column of Part I Section D Line 3a “Completed/Ended Counselings - Settlements (Monetary and Non-Monetary).”

The total number of Counselees Settled With in Part IVB Line 1b must be equal to or greater than the number reported in the “Individuals” column of Part I Section D Line 3a “Completed/Ended Counselings - Settlements (Monetary and Non-Monetary).”

In every column in Part IVB Line 2 the “Complaint Settlement Allegations” must be greater than or equal to Part IVB Line 2a “Number of Complaints Settled.”

In every column in Part IVB Line 2a the “Number of Complaints Settled” must be greater than or equal to Part IVB Line 2b “Number of Complainants Settled With.”

In every column in Part IVB Line 2a the “Number of Complaints Settled” must be less than or equal to the number reported in the “Total Number” column of Part VI Section A Line 2 “Settlements.”

The total number of “Complaints Settled” in Part IVB Line 2a must be equal to or greater than the number reported in the “Total Number” column of Part VI Section A Line 2 “Settlements.”

In every column in Part IVB Line 3 the “Final Agency Decision Findings” must be greater than or equal to Part IVB Line 3a “Number FADs with Findings.”

In every column in Part IVB Line 3a the “Number FADs with Findings” must be greater than or equal to Part IVB Line 3b “Number Complainants issued FAD Findings.”

In every column in Part IVB Line 3a the “Number FADs with Findings” must be less than or equal to the number reported in the “Total Number” column of Part VI Section B Line 1 “Final Agency Decisions Without an Administrative Judge Decision – Finding Discrimination.”

The total number of “Number FADs with Findings” in Part IVB Line 3a must be equal to or greater than the number reported in the “Total Number” column of Part VI Section B Line 1 “Final Agency Decisions Without an Administrative Judge Decision – Finding Discrimination.”

In every column in Part IVB Line 4 the “AJ Decision Findings” must be greater than or equal to Part IVB Line 4a “Number AJ Decisions with Findings.”

The total number of “AJ Decision Findings” in Part IVB Line 4a must be equal to or greater than the number reported in the “Total Number” column of Part VI Section C Line 1a “Final Agency Orders With an AJ Decision Fully Implemented Finding Discrimination” plus the number reported in Part VI Section C Line 2a “Final Agency Orders With an AJ Decision Not Fully Implemented Finding Discrimination”

In every column in Part IVB Line 4a the number of “AJ Decision Findings” must be less than or equal to the number reported in the “Total Number” column of Part VI Section C Line 1a “Final Agency Orders With an AJ Decision Fully Implemented Finding Discrimination” plus the number reported in Part VI Section C Line 2a “Final Agency Orders With an AJ Decision Not Fully Implemented Finding Discrimination”

In every column in Part IVB Line 5 the “Final Agency Order Findings Implemented” must be greater than or equal to Part IVB Line 5a “Number of Final Orders with Findings Implemented.”

In every column in Part IVB Line 5a the “Number of Final Orders with Findings Implemented” must be greater than or equal to Part IVB Line 5b “Number Complainants issued FOs with Findings Implemented.”

In every column in Part IVB Line 5a the number of “Final Agency Orders with Findings Implemented” must be less than or equal to the number reported in the “Total Number” column of Part VI Section C Line 1a “Final Agency Orders With an AJ Decision Fully Implemented Finding Discrimination.”

The total number of “Number Final Orders with Findings Implemented” in Part IVB Line 5a must be equal to or greater than the number reported in the “Total Number” column of Part VI Section C Line 1a “Final Agency Orders With Administrative Judge (AJ) Decision Fully Implemented – Finding Discrimination.”

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

Ensure that only zeroes are reported in Part IVB Lines 5, 5a & 5b where Part IVB Lines 4 and 4a are zero.

In Part IVB, if counselings reported in Line 1a are greater than zero then individuals reported in Line 1b must be greater than zero.

In Part IVB, if complaints reported in Line 2a are greater than zero then individuals reported in Line 2b must be greater than zero.

In Part IVB, if FADs reported in Line 3a are greater than zero then complainants reported in Line 3b must be greater than zero.

In Part IVB, if AJ decision findings reported in Line 4 are greater than zero then AJ Decisions reported in Line 4a must be greater than zero.

In Part IVB, if FOs with Findings Fully Implemented reported in Line 5a are greater than zero then # Complainants issued FOS reported in Line 5b must be greater than zero.

PART V – SUMMARY OF CLOSURES BY STATUTE

The total number of statutes involved in closed complaints as reported on Part V Line B must be greater than or equal to the number of complaint closures reported on Part VI Line A.

The number reported in each line of Part V (Lines A1, A1a, A2, A3, A4 and A5) must be less than or equal to the sum of the closed complaints reported in Part II Lines F plus II H plus II C.4. (6 auto edit check and manual edits)

The number reported in Part V Line B should be greater than or equal to the number of closed complaints reported in Part II Lines F plus II H plus II C.4.

PART VI – SUMMARY OF CLOSURES BY CATEGORY

The number of ADR withdrawals reported on Part VI Line A.1.b must equal the number of ADR complaint withdrawals reported on Part XI Line E.1.b.

If any number in the “total number” column is greater than zero then the number in the “total days” column must be greater than zero.

The total number of final agency actions reported on Part VI Line A.3 must equal the sum of the total number of “final agency decisions without an AJ decision” reported on Part VI Line B and the total number of “final agency decisions with an AJ decision” reported on Part VI Line C.

The total number of days reported on Part VI Line A.3 must equal the sum of the total number of days reported on Part VI Line B plus the total number of days reported on Part VI Line C.

The sum of the number of settlements reported on Part VI Line A.2 plus the number of findings in final agency decisions reported on Part VI Line B.1 plus the number of findings made by an AJ reported on Part VI Line C.1.a should equal the number of closed complaints with benefits reported in Part VII Line A.

In most instances the average number of days from complaint filing to the issuance of a final agency decision “finding discrimination”, as recorded on Part VI. Line B.1, will be greater than 180 days. If not, add an explanation in a comment box.

In most instances the average number of days from complaint filing to the issuance of a final agency decision “finding no discrimination”, as recorded on Part VI Line B.2, will be greater than 180 days. If not, add an explanation in a comment box.

The total number of “final agency merit decisions” reported on Part VI Line D must equal the sum of the number of final agency decisions “finding discrimination” recorded on Part VI Line B.1 and the number of agency decisions “finding no discrimination” recorded on Part VI Line B.2.

If Part II Line C.2 equals to 0, then the sum of the number of closed complaints reported on Part II Line F and Part II Line H plus C.4 must equal the total number of closures reported on Part VI Line A.

If Part II Line C.2 is greater than 0, then $II.F + II.H + II.C.4$ must be greater than or equal to total number of closures reported on Part VI Line A.

The average days reported on Part VI Line D.1.a, must be less than or equal to 60 days.

The average days reported on Part VI Line D.2.a, must be less than or equal to 60 days.

The average days reported on Part VI Line D.3.a, must be less than or equal to 60 days.

The average days reported on Part VI Line D.1.b, must be greater than 60 days.

The average days reported on Part VI Line D.2.b, must be greater than 60 days.

The average days reported on Part VI Line D.3.b, must be greater than 60 days.

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

Ensure that the days reported in Part VI Section B Lines 1 or 2 are not identical to any days reported in Part VI Section D as day calculations are different for each part.

PART VII – SUMMARY OF COMPLAINTS CLOSED WITH BENEFITS DURING FORMAL COMPLAINT STAGE

The number of complaints closed with benefits reported on Part VII Line A must equal the sum of number of closed complaints reported on Part VI Line A.2 plus Part VI Line B.1 final agency decisions finding discrimination plus Line VI C.1.a fully implemented AJ decisions finding discrimination.

The total number of closures with benefits reported in Part VII Line A should be less than or equal to the sum of the closures reported in Part VII Lines B plus VII E.

The Total Numbers reported in Part VII Lines B.1 + VII B.2 + VII B.3 + VII B.4 \geq VII B.

The Total Amount reported in Part VII Lines B.1 + VII B.2 + VII B.3 + VII B.4 = the total amount reported in VII B.

Part VII Line A must be less than or equal to the sum of the numbers reported on Part II Lines F + II Line H + II Line C.4 (Number column).

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

Part VII Line B (Total closures with Monetary Benefits to Complainants) must be less than or equal to the number reported in Part VII Line A (Total Complaints Closed with Benefits).

Part VII Line E (Total Closures with Non-Monetary Benefits to Complainant) must be less than or equal to the number reported in Part VII Line A (Total Complaints Closed with Benefits).

No single number reported in Part VII Section F Lines (1-14) can be greater than the number reported in Part VII Section E. Validate that each of the two *single* values in a given line (1-14) in Section F *is not greater than* the Section E number.

No two numbers reported in any line of Part VII Section F under both columns can be greater than the number reported in Part VII Line E. In other words, the number reported in Section F Line 1a (Hires Retroactive) in the column titled “number of closures that received monetary benefits as well” **plus** the number reported in the column titled “Number of closures that received only non-monetary benefits” cannot be greater than the number reported in Line E “Total Closures with non-monetary benefits to complainant”. Validate that the *sum* of both values in a given line (1-14) in Section F *is not greater than* the Section E number.

PART VIII – SUMMARY OF PENDING COMPLAINTS BY CATEGORY

In most instances, Part VIII Line A.3 average days complaints pending in hearings will be more than 180 days because pending days are calculated from the date of complaint filing to the end date of the reporting period. If average days are correctly reported as less than 180, add a comment box explaining how that is correct.

Part VIII Line A must be equal to Part II Line I.

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

Ensure comment with oldest case pending a hearing is added to Part VIII Section A Line 3.

Ensure all comments are applicable to the line in Part VIII that it was added to. In other words hearing information add to a comment for Part VIII Section A Line 1 would be improper.

PART IX – SUMMARY OF INVESTIGATIONS COMPLETED

The number of average days displayed on Part IX Line A.1.a must be equal to or less than 180 average days.

The number of average days displayed on Part IX Line A.1.b.1 must be greater than 180 days but less than 361 days.

The number of average days displayed on Part IX Line A.1.b.2 must be greater than 180 days but less than 361 days.

The number of average days displayed on Part IX Line A.1.c must be greater than 360 average days.

The number of average days displayed on Part IX Line A.3.a must be equal to or less than 180 average days.

The number of average days displayed on Part IX Line A.3.b.1 must be greater than 180 but less than 361 days.

The number of average days displayed on Part IX Line A.3.b.2 must be greater than 180 days but less than 361 days.

The number of average days displayed on Part IX Line A.3.c must be greater than 360 average days.

Part IX Line A.2 Average Investigation cost should be less than or equal to \$10,000. If not, comment should be provided to explain high costs.

Part IX Line A.4 Average Investigation cost should be less than or equal to \$10,000. If not, comment should be provided to explain high costs.

If the agency reports a number greater than zero in Part IX Line A.1 then there must be a number greater than zero reported in Part IX Line A.2.

If the agency reports a number greater than zero in Part IX Line A.3 then there must be a number greater than zero reported in Part IX Line A.4.

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

Ensure that if the value reported in Part IX Section A Lines A, 1 or 3 are greater than zero that investigator resources are reported in Part III Section A and the training received during the reporting period must be reported in Part III Section B.

**PART X – SUMMARY OF ADR PROGRAM ACTIVITIES INFORMAL PHASE
(PRECOMPLAINT)**

On every Line in Part X the number of counselings reported must be greater than or equal to the number of individuals reported.

Part X Line B.1 (Counselings) must be less than or equal to Part I, Line C (Counselings).

Part X Line B.4 (Counselings) must be equal to or greater than Part I Line C.2.b (Counselings).

Part X Line E.1.a (Counselings) must be less than or equal to Part I Line D.3.a (Counselings).

Part X Line E.1.c.i (Counselings) plus Part X Line E.1.c.ii (Counselings) must be less than or equal to Part I Line D.3.c (Counselings).

In the counseling column, Part X Line B.4 must be equal to Part X Line B.1 minus Part X Line B.2.

Part X Line B.4 must equal Part X Line E.1 (Both columns – Counselings and Individuals).

In the counselings and individuals columns, the total resources used as displayed on Part X. Line C must equal the total ADR techniques as displayed on Part X. Line D.

In the counseling column, Part X Line B.4 must be greater than or equal to the total resources used as displayed on Part X Line C (automatic total of Part X Lines C.1 through 7).

In the counseling column, Part X Line B.4 must be greater than or equal to the total ADR attempts as displayed on Part X Line D (automatic total of Part X Lines D.1 through 11).

The number of days reported in Part X Line D should be less than or equal to the days reported in Part X Line E.1.

The number of counselings and individuals reported as receiving settlements with benefits reported on Part X Line E.1.a should be greater than or equal to the number of counselings and individuals reported in Part I Line H.

The number of counselings and individuals reported as receiving settlements with benefits reported on Part X Line E.1.a should be greater than or equal to the number of counselings and individuals reported in Part I Line G.

The number of counselings and individuals reported as receiving settlements with benefits reported on Part X Line E.1.a should be less than or equal to the number of counselings and individuals reported in Part I Lines G and H.

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

For each line in Part X Sections D and E - If 'counseling' number is greater than zero then 'days' number must be greater than zero.

In Part X Section C if 'multiple resources used' is greater than zero then the user must enter a comment and identify the resources.

In Part X Section D if 'multiple techniques used' is greater than zero then the user must enter a comment and identify the techniques used.

If Part X Section D Total counseling equals Section E Line 1a counseling then data in 'days' column should also be equal.

In Part X if Section D 'counseling' number equals Section E Line 1 'counseling' number then data in 'days' column should also be equal.

In Part X if Section D 'counseling' number is less than Section E Line 1 'counseling' number then require that Section D 'days' number be less than Section E Line 1 'days' number.

If Part X Section D any line (1-11) counseling is less than Section E line 1 then data in section E Line 1 'days' columns must be greater than Section D data in days column. In other words the 'days' data reported in Section D for 16 mediation cases may not be greater than or equal to the days data reported in E for 20 cases.

PART XI – SUMMARY OF ADR PROGRAM ACTIVITIES FORMAL PHASE

On every Line in Part XI the number of complaints reported must be greater than or equal to the number of complainants reported.

In the complaints column, Part XI Line B.4 must be equal to Part XI Line B.1 minus Part XI Line B.2.

Part XI Line B.1 (complaints column) must be less than or equal to Part VI Line A (Total Number column).

Part XI Line B.4 must equal Part XI Line E.1 for both complaints and complainants.

In the complaints and complainants columns, the total resources used as displayed on Part XI Line C (automatic total of Part XI Lines C.1 through C.7) must equal the total ADR techniques as displayed on Part XI Line D (automatic total of Part XI Lines D.1 through D.12).

The number of days reported in Part XI Line D should be less than or equal to the number of days reported in Part XI Line E.1.

The complaints and complainants columns of Part XI Line B.4 must be greater than or equal to the total resources used as displayed on Part XI Line C (automatic total of Part XI Lines C.1 through C.7).

The complaints and complainants columns, Part XI Line B.4 must be greater than or equal to the total ADR attempts as displayed on Part XI Line D (automatic total of Part XI Lines D.1 through D.12).

Part XI Line E.1 (complaints column) should be less than or equal to the total number of closures reported in Part VI A (Total number column).

Part XI Line E.1.a (complaints column) should equal to Part VI Line A.2.b.

The number of complaints and complainants reported as closed through ADR with monetary benefits reported on Part XI Line F.1 must be less than or equal to the number of complaints closed through ADR settlements with benefits (monetary and non-monetary) reported on Part XI Line E.1.a.

The number of complaints and complainants reported as closed through ADR with non-monetary benefits reported on Part XI Line F.2 must be less than or equal to the number of complaints and complainants closed through ADR settlements with benefits (monetary and non-monetary) reported on Part XI Line E.1.a.

In the complaints and complainants columns, the sums of complaints and complainants who had resolutions with various types of monetary benefits as reported on Part XI Lines F.1.a through g must be greater than or equal to the total number of complaints and complainants that settled with monetary benefits reported on Part XI Line F.1.

In the complaints and complainants columns, the sums of complaints and complainants with resolutions including the various types of non-monetary benefits as reported on Part XI Lines F.2.a through F.2.m must be greater than or equal to the total number of complaints and complainants that were settled with non-monetary benefits reported on Part XI Line F.2.

Line XI E.1 a (both complaints and complainants) should be equal to or less than the sum of lines F.1 and F.2.

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

For each line in Part XI Sections D and E - If 'complaints' number is greater than zero then 'days' number must be greater than zero.

In Part XI Section C if 'multiple resources used' is greater than zero then the user must enter a comment and identify the resources.

In Part XI Section D if 'multiple techniques used' is greater than zero then the user must enter a comment and identify the techniques used.

If Part XI Section D Total complaints equals Section E Line 1a complaints then data in 'days' column should also be equal.

In Part XI if Section D 'complaints' number equals Section E Line 1 'complaints' number then data in 'days' column should also be equal.

In Part XI if Section D 'complaints' number is less than Section E Line 1 'complaints' number then require that Section D 'days' number be less than Section E Line 1 'days' number.

If Part XI Section D any line (1-11) complaints is less than Section E line 1 then data in section E Line 1 'days' columns must be greater than Section D data in days column. In other words the 'days' data reported in Section D for 16 mediation cases may not be greater than or equal to the days data reported in E for 20 cases.

PART XII – SUMMARY OF ADR PROGRAM ACTIVITIES TRAINING AND RESOURCES

If the number of managers and employees that can participate in ADR as reported on Line B is less than the total work force number reported on Part III Line A.1.a, then add a comment box describing why all managers and employees can not participate in ADR.

In most instances the total number of In House staff resources available for ADR displayed on Line C. will not be zero since someone is offering ADR and arranging for ADR to take place after an ADR offer is accepted. If a zero value is recorded, add a comment box and explain how these functions have been and will be performed.

If Line C.1 is more than 10 and Line C.2 is more than 5, please review the definitions of Full-time, Part-time, and Collateral Duty. Full-time is defined as employees who work in the EEO ADR program on a full-time basis, i.e., that is their only job. Part-time is defined as employees who work in the EEO ADR program on a part-time basis, and do not have any duties outside of EEO ADR duties. If an employee has EEO ADR duties and other duties they should be listed under Collateral Duty, i.e., collateral duty is defined as employees (either full-time or part-time) who work in EEO ADR while also performing other non-EEO ADR duties.

In the answer to question in Part XII Section F Line 1 is “Yes,” then an answer must be reported in Part XII Section F Line 1.a.

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

In Part XII Section C Line 4, if the number is greater than zero then comment must be present explaining the details of the contract.

Verify all numbers reported in Part XII Section C as most agencies should report collateral duty EEO ADR management resource and no mediators or neutrals should be reported in Part XII.

Appendix H

Cost of Investigations Worksheet

Cost of Investigations Worksheet	
Item	Cost
Salary Costs	
Total Agency Staff Salary Cost Sum of (each staff hourly rate) * (hours worked)	\$
Contractor Salary Cost (investigation salary costs reflected in contract)	\$
EEO Director Salary Cost (Hourly Rate * Hours Worked)	\$
Contract Monitor Salary Cost (Hourly Rate * Hours Worked)	\$
Support Staff Sum of (each staff hourly rate) * (hours worked)	\$
TOTAL Salary Costs	\$
Miscellaneous Costs	
Photocopying	\$
Supplies	\$
Mailing	\$
Travel	\$
Court Reporting	\$
Witness Fees	\$
Training (pertaining to conducting investigations)	\$
Other Miscellaneous Costs	
TOTAL Miscellaneous Costs	\$
Any Other Costs not shown above	\$
Total Investigation Costs	\$