



**United States  
Department of the Treasury**

**NoFEAR Act Annual Report  
Fiscal Year (FY) 2011**

**Prepared by the Office of the Deputy Assistant Secretary for Human Resources  
and Chief Human Capital Officer, Office of Civil Rights and Diversity**



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**Section I. Summary of District Court Cases (FY 2007 to FY 2011)**

Data was provided by Treasury's Office of General Counsel, derived from reports submitted by each bureau. These charts show all cases and payments to the Judgment Fund in FY 07 - FY 11, regardless of when the case was filed. Since the charts show cases filed under multiple statutes, numbers will not total. The total number of cases settled, pending and adjudicated will not equal the total number filed due to cases filed prior to the five year reporting period.

1. *The number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of the agency was alleged.*

	<b>TOTAL FILED: 312 cases</b>				
	<b>FY 07</b>	<b>FY 08</b>	<b>FY 09</b>	<b>FY 10</b>	<b>FY 11</b>
Title VII (race, color, religion, sex, national origin)	72	39	109	21	26
Age	5	2	28	6	9
Sex (Equal Pay Act)	0	0	0	7	1
Disability (Section 501 of the Rehabilitation Act of 1973)	12	9	27	11	7
Whistleblower protection laws, 5 U.S.C. §§ 2302(b)(1)-(9)	3	0	0	0	0

2. *The status or disposition of cases described in paragraph (1).*

	<b>TOTAL SETTLED: 64 cases</b>				
	<b>FY 07</b>	<b>FY 08</b>	<b>FY 09</b>	<b>FY 10</b>	<b>FY 11</b>
Title VII (race, color, religion, sex, national origin)	2	10	8	11	10
Age	1	2	0	3	3
Sex (Equal Pay Act)	0	0	0	3	0
Disability (Section 501 of the Rehabilitation Act of 1973)	1	5	3	2	5
Whistleblower protection laws, 5 U.S.C. §§ 2302(b)(1)-(9)	0	0	0	0	0

	<b>PENDING: 67 cases*</b>				
	<b>FY 07</b>	<b>FY 08</b>	<b>FY 09</b>	<b>FY 10</b>	<b>FY 11</b>
Title VII (race, color, religion, sex, national origin)	32	69	76	55	51
Age	2	4	22	16	17
Sex (Equal Pay Act)	0	0	0	18	1
Disability (Section 501 of the Rehabilitation Act of 1973)	6	26	28	24	18
Whistleblower protection laws, 5 U.S.C. §§ 2302(b)(1)-(9)	1	0	0	1	2

	<b>JUDGMENT FOR AGENCY: 175</b>				
	<b>FY 07</b>	<b>FY 08</b>	<b>FY 09</b>	<b>FY 10</b>	<b>FY 11</b>
Title VII (race, color, religion, sex, national origin)	31	29	32	32	24
Age	3	7	8	8	4
Sex (Equal Pay Act)	0	0	0	5	0
Disability (Section 501 of the Rehabilitation Act of 1973)	5	8	5	15	8
Whistleblower protection laws, 5 U.S.C. §§ 2302(b)(1)-(9)	2	3	0	0	0

	<b>JUDGMENT FOR PLAINTIFF: 3</b>				
	<b>FY 07</b>	<b>FY 08</b>	<b>FY 09</b>	<b>FY 10</b>	<b>FY 11</b>
Title VII (race, color, religion, sex, national origin)	2	0	0	0	1
Age	0	0	0	0	1
Sex (Equal Pay Act)	0	0	0	0	1
Disability (Section 501 of the Rehabilitation Act of 1973)	0	0	0	0	0
Whistleblower protection laws, 5 U.S.C. §§ 2302(b)(1)-(9)	0	0	0	0	0

\* Figure reflects total number of cases pending at the end of FY 2011 regardless of the year in which it was filed.

3. *The amount of money required to be reimbursed by such agency under section 201 in connection with each of such cases, separately identifying the aggregate amount of such reimbursements attributable to the payment of attorneys' fees, if any.*

		<b>TOTAL AMOUNT PAID (SETTLEMENTS AND JUDGMENTS FOR PLAINTIFFS): \$3,032,234</b>				
		<b>FY 07</b>	<b>FY 08</b>	<b>FY 09</b>	<b>FY 10</b>	<b>FY 11</b>
<b>FY Totals</b>		1,272,323	658,158	417,773	340,880	343,100

		<b>TOTAL ATTORNEY'S FEES PAID (SETTLEMENTS AND JUDGMENTS FOR PLAINTIFFS): \$1,631,110</b>				
		<b>FY 07</b>	<b>FY 08</b>	<b>FY 09</b>	<b>FY 10</b>	<b>FY 11</b>
<b>FY Totals</b>		1,249,044	312,566	0	4,500	65,000

4. *The number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1).*

		<b>TOTAL NUMBER OF EMPLOYEES DISCIPLINED: 35</b>				
		<b>FY 07</b>	<b>FY 08</b>	<b>FY 09</b>	<b>FY 10</b>	<b>FY 11</b>
<b>FY Totals</b>		8	9	3	8	7

5. *The final year-end data posted under section 301(c)(1)(B) for such fiscal year (without regard to section 301(c)(2)).*

See Attachment A.

6. *A detailed description of the policy implemented by that agency relating to appropriate disciplinary actions against a Federal employee who-*
- i. discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2), or*
  - ii. committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a)(1) or (2), and with respect to each of such laws, the number of employees who are disciplined in accordance with such policy and the specific nature of the disciplinary action taken.*

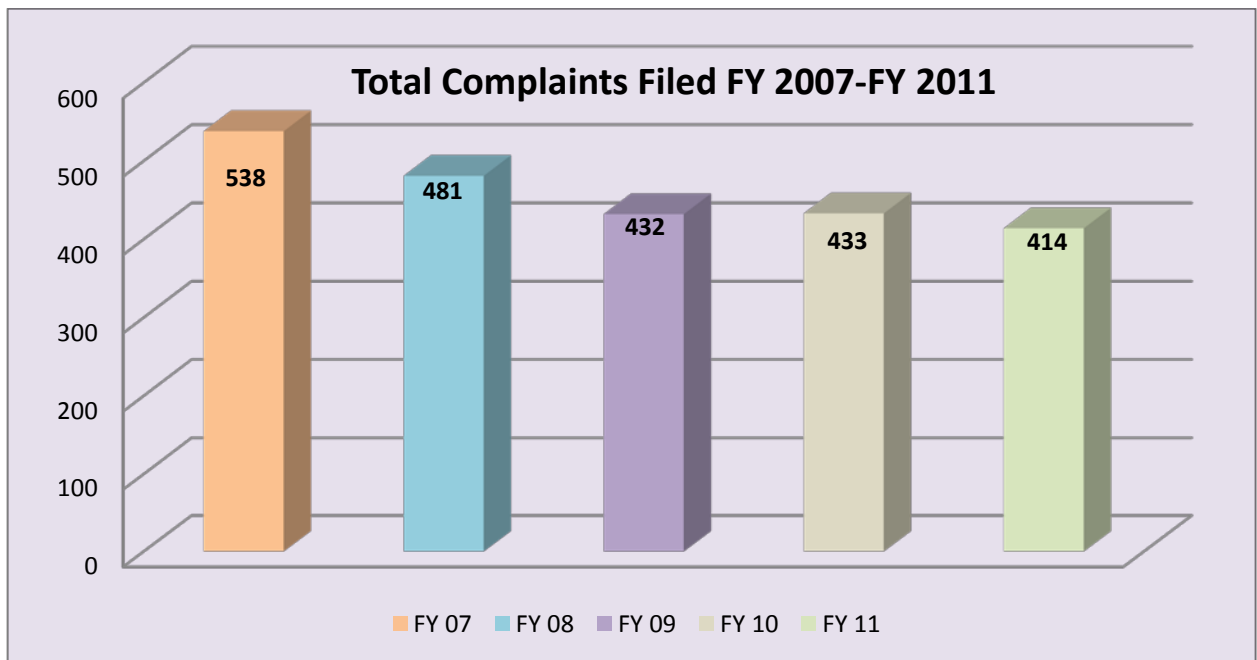
The Department's policy, *Disciplinary Action for Employees who Violate Antidiscrimination and Whistleblower Protection Laws*, requires bureaus to establish a disciplinary policy and/or table of penalties providing for appropriate disciplinary actions for employees who have intentionally engaged in discrimination or retaliatory actions, including retaliation for whistleblowing activities. All fourteen bureaus have established a disciplinary policy and/or table of penalties. In addition, the Department of the Treasury's Rules of Conduct (31 CFR §0.214) state that "all employees are not to discriminate against or harass any other employees, applicants for employment or persons dealing with the Department on official business on any of the protections under Title VII or other antidiscrimination statutes. Any employee who engages in discriminatory conduct may be disciplined under these rules."

## Section II. Analysis of Administrative Complaints\*

7. An analysis of the information described under paragraphs (1) through (6) (in conjunction with data provided to the Equal Employment Opportunity Commission in compliance with part 1614 of title 29 of the Code of Federal Regulations) including:
- an examination of trends;
  - causal analysis;
  - practical knowledge gained through experience; and
  - any actions planned or taken to improve complaint or civil rights programs of the agency.

### ➤ Examination of Trends, Causal Analysis, and Practical Knowledge Gained Through Experience

Treasury's complaint activity data demonstrated a 4.4% decrease in complaints filed from FY 2010 (433 complaints filed) to FY 2011 (414 complaints filed). The percentage of Treasury employees who filed formal EEO complaints has steadily decreased from 0.41% of the workforce in FY 2007 (495 complainants) to 0.29% in FY 2011 (359 complainants).



\* Administrative complaints data is based on the Equal Employment Opportunity Commission's 462 Report FY 2011, which Treasury submitted on October 30, 2011. FY 2007 –FY 2011 figures include EEO "mixed case" complaints.

According to the Equal Employment Opportunity Commission's (EEOC) FY 2010 *Annual Report on the Federal Workforce* (July 2011)\*\*, when compared to the other twelve cabinet level agencies and the Social Security Administration, the Department had the:

- 2<sup>nd</sup> lowest in EEO complaints as a percentage of the workforce (0.29%);

\*\* The Equal Employment Opportunity Commission's (EEOC) *FY 2010 Annual Report on the Federal Workforce*, issued in July 2011, is the most current report comparing Federal agencies' complaint processing timeframes against the Government-wide average.

- 3<sup>rd</sup> highest Alternative Dispute Resolution (ADR) offer rate in the pre-complaint process (93.8%);
- 2<sup>nd</sup> highest ADR participation rate in the pre-complaint process (50.5%);
- 4<sup>th</sup> highest ADR offer rate in the formal complaint process (53.5%);
- highest participation rate in ADR in the formal complaint process (23.8%);
- 2<sup>nd</sup> highest percentage of timely processed pre-complaint counselings (94.8%);
- 3<sup>rd</sup> lowest percentage of reversals of dismissal decisions (11.4%);
- 5<sup>th</sup> highest percentage of timely completed investigations (85.5%); and
- 2<sup>nd</sup> highest percentage of timely issued merit final agency decisions (75.9%).

When EEOC issues its *FY 2011 Annual Report on the Federal Workforce* in FY 2012, we anticipate we will again be among the highest rated agencies regarding pre-complaint counseling, ADR participation, and processing of formal complaints.

For the last five fiscal years, of complaints filed, the top basis was reprisal and the top issue was harassment (non-sexual). To deter harassment in the workplace, the Department provides multiple training courses dealing with the prevention of harassment in the workplace for employees and supervisors through the Treasury Learning Management System (TLMS). Treasury has a policy titled, *Procedures for Addressing Allegations of Discriminatory Harassment*, which instructs bureaus to establish and publicize procedures for reporting allegations of discriminatory harassment, conducting an inquiry, and making appropriate determinations based on the results of the inquiry. As part of ongoing EEO training conducted by Treasury bureaus, managers receive information on the EEO complaint process, prohibited discrimination, retaliation, and on agency liability when discrimination or retaliation is found. The topic of reprisal also is addressed in NoFEAR Act training provided to new hires and biennially to all employees.

Top Three Bases		Top Three Issues	
<b>FY 2011</b>		<b>FY 2011</b>	
Reprisal	45.65%	Harassment (non-sexual)	39.37%
Race (Black)	24.87%	Evaluation/Appraisal	20.53%
Age	23.67%	Assignment of Duties	14.97%
<b>FY 2010</b>		<b>FY 2010</b>	
Reprisal	46.6%	Harassment (non-sexual)	43.40%
Age	28.6%	Promotion/Non Selection	22.80%
Race (Black)	28.6%	Evaluation/Appraisal	17.10%
<b>FY 2009</b>		<b>FY 2009</b>	
Reprisal	45.3%	Harassment (non-sexual)	42.8%
Age	30.7%	Promotion/Non Selection	23.8%
Race (Black)	25.2%	Evaluation/Appraisal	16.8%

Top Three Bases (continued)		Top Three Issues (continued)	
FY 2008		FY 2008	
Reprisal	40.5%	Harassment (non-sexual)	46.9%
Age	32.0%	Promotion/Non Selection	24.9%
Race (Black)	27.8%	Evaluation/Appraisal	16.6%
FY 2007		FY 2007	
Reprisal	36.6%	Harassment (non-sexual)	41.6%
Race (Black)	26.2%	Promotion/Non Selection	18.0%
Age	24.7%	Evaluation/Appraisal	16.7%

Treasury continues to see dramatic improvement in the timely processing of investigations over the last five years. During FY 2011, the Department completed 94.9% of all investigations of EEO complaints in a timely manner, a significant improvement from FY 2010 (85.7% timely). We believe the service level standards implemented at the Treasury Complaint Center to address the timeliness of investigations and to address other accountability controls in the formal complaint process have played a role in increasing the percent of timely completed investigations. The Department will continue to monitor investigation processing time on a quarterly basis and has set a goal of completing all FY 2012 investigations in fewer than 180 days, unless extended by amendment (360 days) or extension (270 days).

Fiscal Year	Complaints Filed	Total Competed Investigations	Average Days	% Timely
FY 2011	414	339	170	94.9%
FY 2010	433	351	182	85.7%
FY 2009	432	357	252	61.3%
FY 2008	481	410	257	56.3%
FY 2007	538	436	270	54.3%

In the administrative process, in FY 2011, Treasury closed 65 EEO complaints with monetary corrective actions, totaling \$743,267 in back pay/front pay, lump sum payments, compensatory damages, or attorney's fees and costs.

Fiscal Year	# of Cases Closed with Monetary Corrective Actions	Total Amount Paid*
2011	65	\$743,267
2010	89	\$1,778,525
2009	76	\$1,832,095
2008	95	\$1,295,321
2007	91	\$1,362,307

\* Figures include back pay/front pay, lump sum payments, compensatory damages, or attorney's fees and costs. Figures do not reflect payments made in the settlement of class complaints.



In FY 2011, the Department completed 745 informal counselings, of which 96.2% were timely processed (an increase of 1.4% from FY 2010) and 46.9% reached resolution through settlement or withdrawal. The Department's 46.9% resolution rate of informal counselings demonstrates the Department's commitment to minimize the impact of conflict that detracts from employee satisfaction and undermines organizational efficiency.

	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>
Total # Completed Counselings	1046	844	818	731	745
# Timely	965	795	770	693	717
% Timely	92.3%	94.1%	94.1%	94.7%	96.2%
% of Completed Counselings Resolved (Settlement/Withdrawal)	50.0%	46.4%	50.7%	44.3%	46.9%

The Department also provides information to managers and supervisors on Alternative Dispute Resolution (ADR) techniques and encourages employees to consider this avenue when a complaint has been filed. The Department has a policy titled, *Management Participation in Alternative Dispute Resolution (ADR) During the Equal Employment Opportunity (EEO) Process*, which requires management participation in ADR if the issue is suitable for ADR and ADR is elected by the complainant. For FY 2011, the Department established a goal of 45% ADR participation rate in both the informal and formal complaint process. For ADR in the informal process, the Department had a 49% participation rate, and in the formal process had a 15% participation rate.

<b>Fiscal Year</b>	<b>Counselings/ Complaints</b>	<b>ADR Offers</b>		<b>ADR Participation</b>	
		<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
FY 2011 Completed Pre-Complaint Counselings	745	701	94.0%	363	48.7%
FY 2010 Completed Pre-Complaint Counselings	731	686	93.8%	368	50.3%
% Change FY 2010 to FY 2011	1.9%	2.1%		-1.3%	
FY 2011 Formal Complaints Closures	427	304	71.4%	64	14.9%
FY 2010 Formal Complaints Closures	449	220	48.9%	107	23.8%
% Change FY 2010 to FY 2011	-4.8%	38.1%		-40.1%	

The Department has devoted many of its resources to resolving conflict through dispute prevention methods. To educate Treasury employees on various tools to deal with conflicts in the workplace, the Treasury created Dispute Prevention Week (DPW). The Department's FY 2011 Dispute Prevention Week was held June 20 through 24. This year's training opened with

two training sessions, “*The Case for Alternative Dispute Resolution (ADR) Politically, Legally, and Economically in the 21<sup>st</sup> Century Federal Workplace*,” which addressed the evolution of ADR in the Federal workplace and the effectiveness of ADR as a tool in promoting communication and lessening conflict, and “*How Learning to Understand Styles of Interaction Can Mitigate Conflict in the Workplace*,” where participants were invited to take a 20 minute assessment to determine their style of interaction and then participate in a discussion to understand how interaction styles can enhance collaboration in the workplace.

Through the Treasury Shared Neutrals (TSN) Program, Treasury maintains a nationwide cadre of certified and highly trained neutrals (also known as mediators). TSN mediators are employees from various organizations trained in the art of mediation who voluntarily serve on a collateral-duty basis. Their objective is to assist bureaus in resolving all types of workplace disputes at the earliest stages of the conflict and to provide a resolution through mediation, facilitation, and coaching. In FY 2011, the TSN program provided skilled mediators for 60 mediations/facilitations and had a 60% resolution rate.

### ➤ **Practical Knowledge Gained through Experience**

The Department continually reviews all aspects of its workforce demographics to ensure we are putting in place the right human capital and EEO initiatives, policies, and training programs to meet the needs of our workforce in order to accomplish our mission. Through this ongoing analysis, practical knowledge is gained and determinations are made on how best to address any shortcomings identified and how to advance the needs of the workforce.

In FY 2011, the Department conducted the following activities based on its analysis of workforce demographics, training needs, and human capital initiatives:

- Developed and deployed an *Entrance On Duty* survey tool. The new tool ensures that new employees receive an automated email notification requesting their support by completing the *Entrance On Duty* survey immediately following their 90<sup>th</sup> day of employment at the Department. Employee responses assist leadership by providing them with information that will enhance recruitment and outreach efforts as well as identify any deficiencies in the on-boarding process of newly hired Treasury employees.
- Continued the use of an automated Exit Survey tool deployed in FY 2010. This automated analysis tool developed through our human resources system, HR Connect, provides the user with an analysis of the exit responses received for their bureau. Those results, when compared to the separation rates, types of separations, and the results of the Employee Viewpoint Survey, provide telling information that will assist the Department in identifying barriers to retention and in developing effective plans to create a better workplace climate.
- Hosted a *Woman in Finance Leadership Series*. This speaker series provided Treasury employees the opportunity to learn from leading women in finance, economics, and business. In October 2010, the United States Treasurer, Rosie Rios, moderated a panel discussion featuring Lael Brainard, Undersecretary for International Affairs; Marisa Lago, Assistant Secretary for International Markets and Development; Mary Miller, Assistant Secretary for Financial Markets; and Leslie Ireland, Assistant Secretary for Intelligence and Analysis. In December 2010, the Treasurer hosted Elizabeth Warren,

Assistant to the President and Special Advisor to the Secretary of the Treasury on the Consumer Financial Protection Bureau (CFPB), to discuss her efforts in standing up this new bureau and how this bureau ultimately will impact consumers.

- Hosted a second *Women in Leadership Symposium*. This year's Symposium consisted of three panels: Adapting and Innovating in the Financial Markets; Exploring the New Landscape for Asset Managers; and Investing in the Economic Recovery. The panels discussed the role institutional investors play in the economic recovery to create local jobs, bring liquidity to markets and spur long-term growth and innovation and the role women play in senior positions at domestic public pension funds, corporate pension funds, savings plans, foundations, and endowments.
- Continued to see significant improvements in its FY 2011 Federal Employee Viewpoint Survey (Fed VIEW) results. Responses pertaining to employee satisfaction improved for all groups by ethnicity, race, gender and age and results showed an improvement in job satisfaction among Treasury employees when compared to job satisfaction of employees in other Cabinet level agencies. The Department ranked 3<sup>rd</sup> in Teamwork; 4<sup>th</sup> in Support for Diversity, Work/Life Balance, and Effective Leadership by Supervisors; 6<sup>th</sup> in Leadership Fairness, Performance Based Rewards, Advancement, and Strategic Management, and 8<sup>th</sup> in Training and Development. These improvements are due in part to the actions taken by Treasury's Office of Human Capital and Strategic Management (HCSM) to develop a Treasury-wide action plan in the areas of leadership, work life balance and performance management in response to FY 2010 survey results. As a result, each bureau was required to develop a bureau-specific action plan to address deficient scores and/or areas of weakness.
- Established and/or maintained partnerships with existing external internship programs that attract highly qualified, educated and diverse students. The Department hired 41 Hispanic Association of College and Universities (HACU) interns in fiscal year (FY) 2011 and participated in the USDA HACU Career Fair, which allowed bureaus to interview interns for available positions. The Department also placed 4 interns under the International Leadership Foundation (ILF), 19 interns under The Washington Center, 13 interns under the INROADS Program, 16 interns under the National Association of Equal Opportunity (NAFEO), 2 interns under the Organization of Chinese Americans Internship Program, 5 interns under the Washington Internship for Native Students (WINS), 2 interns under the Thurgood Marshall College Fund, 41 DC Youth Summer Program interns, 6 interns under the Workforce Recruitment Program (WRP) and 6 Presidential Management Fellows.
- Sponsored interns through various bureau-specific internship programs throughout the year. For example, the Internal Revenue Service Office of the Chief Counsel (IRSCC) hosted 33 interns through its Summer Legal Intern Program. The Office of the Comptroller of the Currency (OCC) hosted 14 interns through its National Academy of Finance, 2 interns through its Scholarship for Service Program, 5 interns through its District Financial Internship Program, 1 intern through its Human Resources Internship Program, 8 interns through its Economics Internship Program, 18 interns through its Financial Management Internship Program, and 3 interns through its Information Technology Service Internship Program. The Financial Management Service (FMS) hosted a total of 9 interns with disabilities through its partnership with the Maryland

Department of Rehabilitation (DORS) and the Alabama Department of Rehabilitation Services.

- Hired 191 students under the Student Temporary Employment Program (STEP), 73 students under the Student Career Experience Program (SCEP) and 54 students under the Federal Career Internship Program (FCIP).
- Continued to be an active planning partner and sponsor of the Fourth Annual Hispanic Career Advancement Summit. Twenty-eight Treasury employees attended this event and five Treasury Senior Executives (2 from IRS, 2 from Departmental Offices (DO), and 1 from the Financial Crimes Enforcement Network (FinCEN)) participated in one-on-one mentoring sessions for GS-14s and GS-15s conference attendees. In addition, the DO provided financial support and served as a conference exhibitor.
- Continued to take full advantage of special hiring authorities designed to reduce the processing time to non-competitively hire qualified disabled veterans. As a result, 8.68% of the Department's new hires in FY 2011 were appointed through a veteran's preference hiring authority and 1.88% of those veterans hired had a 30% or more disability. In addition, 8.75% of all new hires in FY 2011 identified themselves as a pre-Vietnam, Vietnam, or post-Vietnam veteran.
- Continued to support the recruitment of disabled veterans by partnering with the Department of Defense's Operation Warfighter Program (OWF). Operation Warfighter provides Service members, who are undergoing treatment or rehabilitation at Walter Reed Army Medical Center, with a formal means of transitioning back into the workforce. As a result, the Department placed 10 OWF candidates while they were rehabilitating.
- Continued to support the recruitment of veterans through the Veterans Employment Program Office (VEPO). The Department's VEPO held eight workshops titled, *VETS: Veterans Experience Training and Skills*, which provided training to Department recruiters, HR personnel, and hiring managers on how best to recruit, hire and retain veterans. The Department's Veterans Employment Steering Committee implemented a Veterans Dashboard, which provides real-time hire/separation data for analytical purposes. Throughout the year, the steering committee provided ongoing feedback on how to improve the data and Dashboard site features. Lastly, the VEPO met with more than 30 Veteran Administration (VA) offices and 20 Department of Defense (DOD) installations throughout FY 2011 to further enhance Treasury's image as an employer of choice for veterans and their families.

➤ **Actions Taken to Improve Agency Complaint or Civil Rights Program**

During FY 2011, the Department took the following actions in support of its EEO Program:

- Re-issuance of the Secretary's annual EEO and Diversity Policy on June 23, 2011;
- The Secretary held his first ever town hall meeting to address Treasury employees, hear their concerns and acknowledge their contributions in accomplishing the Department's mission;

- Updated the Department's Reasonable Accommodation Policy and Procedures;
- Developed a Treasury-wide on-line Reasonable Accommodation training module for supervisors and managers which will be available through the Treasury Learning Management System;
- Conducted a three day Special Emphasis Program Managers (SEPM) Course which emphasized the importance of the SEPM role in the barrier analysis process;
- Provided Treasury EEO Counselors with the mandatory 8 hour refresher training;
- Conducted quarterly data integrity reviews of Treasury/bureau workforce data to ensure accuracy;
- Hosted a Strategic Diversity Recruitment training course, through Cornell University, for the Department's EEO and HR practitioners and Recruiters;
- Launched a Treasury-wide resurvey campaign which encouraged Treasury employees to review and update their current disability status and to also review their reported veteran status/preference, ERI, education level and gender;
- Developed and deployed the Treasury-wide on-line FY 2011 No FEAR training module for employees through the Treasury Learning Management System. 79% of Treasury's employees completed the required training. (The employees who did not complete this training in FY 2011 were primarily seasonal IRS employees, who will complete the biennial training when they return to duty in FY 2012.);
- As part of the Office of Civil Rights and Diversity's oversight responsibility, conducted two comprehensive bureau audits for the Bureau of Engraving and Printing and the Internal Revenue Service's Chief Counsel EEO programs. These audits are designed to provide guidance and recommendations to assist bureaus in obtaining and maintaining a model EEO Program;
- Published quarterly EEO newsletters which provided Treasury's EEO practitioners, managers and supervisors, as well as employees, with information on relevant complaint issues, workforce statistics and important upcoming agency events/activities;
- Developed a quarterly Treasury-wide dashboard to keep Treasury leaders current on the state of Treasury's workforce and progress in meeting the established FY 2011 disability hiring goals;
- Developed bureau dashboards to assist Treasury leadership in evaluating bureau leadership's progress in meeting the Department's disability goals and their commitment to create and maintain a diverse workforce;
- Provided individualized MD-715/Workforce Analytics training for new EEO practitioners at three of Treasury's bureaus: Bureau of Engraving and Printing (BEP), DO and U.S. Mint;

- Contracted to digitize the Department's EEO complaint files and to develop capabilities to produce and transmit files electronically, which supports the Federal Government's Go Green-Paperless Initiative;
- Hosted ten Treasury-wide Special Emphasis awareness programs throughout FY 2011;
- Continued the Treasury Shared Neutrals Program, providing neutrals to Treasury bureaus to help in early resolution of complaints;
- Sponsored the Fourth Annual Federal Hispanic Career Advancement Summit held in September 2011;
- Increased the timely production of EEO investigations and Final Agency Decisions by closely monitoring the status through the Treasury Complaint Management System; and
- Conducted the FY 2011 Dispute Prevention Week designed to increase focus on resolution of complaints.

**Workforce Diversity:**

- Met the Department's goal that 2% of all new permanent hires be people with targeted disabilities (PWTD) (2.11%) and came close to meeting the goal that 10% of all new permanent hires be people with disabilities (PWD) (9.81%);
- Since FY 2005, increased the participation rate for women at the GS-13 through GS-15 grade level by 4.2% (from 45.1% in FY 2005 to 49.3% in FY 2011). At the SES level, the participation rate increased by 7.1% (from 32.8% in FY 2005 to 39.9% in FY 2011);
- Since FY 2005, increased the participation rate for non-Whites in the GS-13 through GS-15 grades by 5.7% (from 26.9% in FY 2005 to 32.6% in FY 2011). At the SES level, the participation rate increased by 1.7% (from 18.1% in FY 2005 to 19.8% in FY 2011);
- Continued to maintain one of the highest participation rates for Hispanic employees (10.3% compared to the CLF availability rate of 10.7%) among cabinet level agencies; and
- Continued to hold the highest participation rate for persons with targeted disabilities (1.72% compared to the Federal goal of 2%) among cabinet level agencies.

8. *Any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201.*

Not Applicable.

## **Attachment A**

- **Administrative Equal Employment Opportunity (EEO) Complaint Data (FY 2007-FY 2011)**
  
- **NoFEAR Act Training Plan**

## Equal Employment Opportunity Data Posted Pursuant to the NoFEAR Act:

### Department of the Treasury

***FY 2007- FY 2011***

Note: Data provided through Treasury's I-trak Complaint Management System (ICMS) implemented in FY 2006. The report reflects case data in ICMS as of 10/6/11 for the current and past five fiscal years. Mixed cases are included in this report.

Complaint Activity	Comparative Data					2011 Thru 09-30
	Previous Fiscal Year Data					
	2007	2008	2009	2010		
Number of Complaints Filed	538	481	432	433	413	
Number of Complainants	495	456	395	412	359	
Repeat Filers	43	25	37	19	35	

Complaints by Basis	Comparative Data					2011 Thru 09-30
	Previous Fiscal Year Data					
	2007	2008	2009	2010		
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2007	2008	2009	2010		
Race	215	209	173	191	151	
Color	34	28	25	27	20	
Religion	19	26	11	18	21	
Reprisal	202	203	197	207	185	
Sex	159	178	150	130	120	
National Origin	40	51	32	32	27	
Equal Pay Act	2	4	4	2	0	
Age	136	157	136	125	94	
Disability	131	109	107	108	117	
Non-EEO	20	37	28	22	25	



Complaints by Issue	Comparative Data				
	Previous Fiscal Year Data				2011 Thru 09-30
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2007	2008	2009	2010	
Appointment/Hire	22	20	22	17	11
Assignment of Duties	71	55	50	49	59
Awards	15	16	13	11	9
Conversion to Full-time	0	2	1	1	1
<b>Disciplinary Action</b>					
Demotion	8	5	1	0	5
Reprimand	15	20	19	20	19
Suspension	16	13	22	27	17
Removal	7	5	8	3	8
Other	14	23	14	13	6
Duty Hours	12	14	12	12	5
Evaluation Appraisal	89	85	72	76	86
Examination/Test	1	0	0	3	1
<b>Harassment</b>					
Non-Sexual	229	240	191	195	164
Sexual	21	21	14	13	16
Medical Examination	0	3	2	4	3
Pay (Including Overtime)	16	17	16	20	12
Promotion/Non-Selection	101	127	108	99	56
<b>Reassignment</b>					
Denied	8	8	7	11	11
Directed	8	16	9	11	6
Reasonable Accommodation	49	32	32	27	29
Reinstatement	5	2	0	1	3
Retirement	4	6	3	3	3
Termination	27	42	23	57	53
Terms/Conditions of Employment	40	49	41	34	55

Complaints by Issue	Comparative Data				
	Previous Fiscal Year Data				2011 Thru 09-30
	2007	2008	2009	2010	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>					
Time and Attendance	34	33	31	36	47
Training	26	24	19	31	34
Other	2	2	6	0	1

Processing Time	Comparative Data				
	Previous Fiscal Year Data				2011 Thru 09-30
	2007	2008	2009	2010	
Complaints pending during fiscal year					
Average number of days in investigation	265.46	266.48	160.91	184.02	172.58
Average number of days in final action	111.46	101.71	145.15	34.18	35.69
Complaint pending during fiscal year where hearing was requested					
Average number of days in investigation	254.29	269.47	27.89	181.05	174.53
Average number of days in final action	10.85	7.37	6.22	28.43	39.92
Complaint pending during fiscal year where hearing was not requested					
Average number of days in investigation	278.92	263.64	249.07	186.26	171.37
Average number of days in final action	189.77	173.33	243.68	38.42	31.46

Complaints Dismissed by Agency	Comparative Data				
	Previous Fiscal Year Data				2011 Thru 09-30
	2007	2008	2009	2010	
Total Complaints Dismissed by Agency	76	66	71	55	46
Average days pending prior to dismissal	245	271	158	193	127
<b>Complaints Withdrawn by Complainants</b>					
Total Complaints Withdrawn by Complainants	64	74	53	35	38

	Comparative Data										
	Previous Fiscal Year Data										2011 Thru 09-30
	2007		2008		2009		2010				
	#	%	#	%	#	%	#	%	#	%	
<b>Total Final Agency Actions Finding Discrimination</b>											
Total Number Findings	10		6		7		8		3		
Without Hearing	4	40	1	17	5	71	4	50	1	33	
With Hearing	6	60	5	83	2	29	4	50	2	67	

Findings of Discrimination Rendered by Basis	Comparative Data										
	Previous Fiscal Year Data										2011 Thru 09-30
	2007		2008		2009		2010				
	#	%	#	%	#	%	#	%	#	%	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>											
<b>Total Number Findings</b>	10		6		7		8		3		
Race	0	0	0	0	2	29	3	38	1	33	
Color	0	0	0	0	1	14	0	0	0	0	
Religion	0	0	0	0	0	0	0	0	0	0	
Reprisal	6	60	2	33	3	43	2	25	1	33	
Sex	1	10	0	0	2	29	2	25	0	0	
National Origin	1	10	0	0	0	0	3	38	0	0	
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	
Age	0	0	1	17	0	0	0	0	0	0	
Disability	2	20	3	50	1	14	1	13	1	33	
Non-EEO	1	10	0	0	0	0	0	0	0	0	
<b>Findings After Hearing</b>	6		5		2		4		2		
Race	0	0	0	0	0	0	2	50	1	50	
Color	0	0	0	0	0	0	0	0	0	0	
Religion	0	0	0	0	0	0	0	0	0	0	
Reprisal	4	67	2	40	2	100	0	0	1	50	
Sex	1	17	0	0	0	0	1	25	0	0	

Findings of Discrimination Rendered by Basis	Comparative Data										
	Previous Fiscal Year Data										2011 Thru 09-30
	2007		2008		2009		2010				
	#	%	#	%	#	%	#	%	#	%	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>											
National Origin	1	17	0	0	0	0	2	50	0	0	
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	
Age	0	0	1	20	0	0	0	0	0	0	
Disability	1	17	2	40	0	0	0	0	0	0	
Non-EEO	0	0	0	0	0	0	0	0	0	0	
<b>Findings Without Hearing</b>											
	3		1		5		4		0		
Race	0	0	0	0	2	40	1	25	0	0	
Color	0	0	0	0	1	20	0	0	0	0	
Religion	0	0	0	0	0	0	0	0	0	0	
Reprisal	1	33	0	0	1	20	2	50	0	0	
Sex	0	0	0	0	2	40	1	25	0	0	
National Origin	0	0	0	0	0	0	1	25	0	0	
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	
Age	0	0	0	0	0	0	0	0	0	0	
Disability	1	33	1	100	1	20	1	25	0	0	
Non-EEO	1	33	0	0	0	0	0	0	0	0	

Findings of Discrimination Rendered by Issue	Comparative Data										
	Previous Fiscal Year Data										2011 Thru 09-30
	2007		2008		2009		2010				
	#	%	#	%	#	%	#	%	#	%	
<b>Total Number Findings</b>	10		6		7		8		3		
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	
Assignment of Duties	0	0	0	0	1	14	0	0	0	0	
Awards	0	0	0	0	0	0	0	0	0	0	





Findings of Discrimination Rendered by Issue	Comparative Data										
	Previous Fiscal Year Data										2011 Thru 09-30
	2007		2008		2009		2010				
	#	%	#	%	#	%	#	%	#	%	
Termination		0	0	0	0	0	0	2	50	0	0
Terms/Conditions of Employment		2	33	2	40	0	0	1	25	0	0
Time and Attendance		1	17	0	0	0	0	0	0	1	50
Training		0	0	0	0	0	0	1	25	0	0
Other - User Defined		0	0	0	0	0	0	0	0	0	0
<b>Findings Without Hearing</b>											
		4		1		5		4		1	
Appointment/Hire		0	0	0	0	0	0	0	0	0	0
Assignment of Duties		0	0	0	0	0	0	0	0	0	0
Awards		0	0	0	0	0	0	0	0	0	0
Conversion to Full-time		0	0	0	0	0	0	0	0	0	0
<b>Disciplinary Action</b>											
Demotion		0	0	0	0	0	0	0	0	0	0
Reprimand		0	0	0	0	1	20	0	0	0	0
Suspension		0	0	0	0	0	0	0	0	0	0
Removal		0	0	0	0	0	0	0	0	0	0
Other		0	0	0	0	0	0	0	0	0	0
Duty Hours		1	25	0	0	0	0	0	0	0	0
Evaluation Appraisal		1	25	0	0	0	0	0	0	0	0
Examination/Test		0	0	0	0	0	0	0	0	0	0
<b>Harassment</b>											
Non-Sexual		1	25	0	0	2	40	2	50	0	0
Sexual		0	0	0	0	0	0	0	0	0	0
Medical Examination		0	0	0	0	1	20	0	0	0	0
Pay (Including Overtime)		0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection		0	0	0	0	2	40	0	0	0	0
<b>Reassignment</b>											

Findings of Discrimination Rendered by Issue	Comparative Data										
	Previous Fiscal Year Data										2011 Thru 09-30
	2007		2008		2009		2010				
	#	%	#	%	#	%	#	%	#	%	
Denied		0	0	0	0	0	0	0	0	0	0
Directed		0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation		1	25	1	100	0	0	1	25	0	0
Reinstatement		0	0	0	0	0	0	0	0	0	0
Retirement		0	0	0	0	0	0	0	0	0	0
Termination		0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment		2	50	0	0	0	0	2	50	1	100
Time and Attendance		1	25	0	0	0	0	0	0	0	0
Training		0	0	0	0	0	0	0	0	0	0
Other - User Defined		0	0	0	0	0	0	0	0	0	0

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data				
	Previous Fiscal Year Data				2011 Thru 09-30
	2007	2008	2009	2010	
Total complaints from previous Fiscal Years	958	918	627	582	570
Total Complainants	931	863	562	517	528
<b>Number complaints pending</b>					
Investigation	12	12	2	4	2
ROI issued, pending Complainant's action	1	7	3	0	0
Hearing	12	12	243	216	277
Final Agency Action	36	29	16	20	14



<b>Complaint Investigations</b>	<b>Comparative Data</b>				
	<b>Previous Fiscal Year Data</b>				<b>2011 Thru 09-30</b>
	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	
Pending Complaints Where Investigations Exceed Required Time Frames	59	61	36	18	0

## Department of the Treasury NoFEAR Act Training Plan

The Department of the Treasury's bureaus determine the training and tracking methods and timeframe to conduct biennial NoFEAR Act training. Seventy-nine percent of the Department employees completed biennial NoFEAR Act training in FY 2011 (over 20, 000 IRS seasonal employees will be trained in FY 2012).

Bureau	Delivery of Training	Training Schedule	Training Completion Date
<p>Bureau of Engraving and Printing (BEP), Bureau of Public Debt, Departmental Offices (DO), Financial Crimes Enforcement Network (FinCEN), Financial Management Service (FMS), United States Mint (Mint), Office of Thrift Supervision (OTS), Treasury Inspector General for Tax Administration (TIGTA), and Alcohol and Tobacco Trade and Tax Bureau (TTB)</p>	<p>Treasury Learning Management System (TLMS)</p>	<p>Treasury's New NoFEAR Training Module was implemented in January 2011 for bureaus.</p> <p>Bureau EEO Offices are responsible for notifying their workforce of this mandatory training requirement and providing alternative means of training delivery when needed.</p>	<p>Biennial training completed in March 2011.</p> <p>The training records in TLMS will be used to demonstrate employees received the NoFEAR Act training. TLMS will automatically update the training records of employees who complete the training. When employees receive the NoFEAR Act training via a method other than TLMS, EEO Office will work with their TLMS POCs to update the employee's training record. Bureau EEO Offices will cross-check the current list of all employees against the TLMS training records to verify how many current employees have in fact completed the training.</p>
<p>Internal Revenue Service</p>	<p>Enterprise Learning Management System (ELMS)</p>	<p>IRS EEO was responsible for notifying their workforce of this mandatory training requirement and providing alternative means of delivery to those employees who did not have access to ELMS.</p>	<p>IRS biennial training completed in September 2011. However, 20,000+ seasonal employees will be trained at the beginning of FY 2012.</p> <p>The training records in ELMS were used to demonstrate employees received the NoFEAR Act training. ELMS automatically updated the training records of</p>

			<p>employees who completed the training. When employees received the NoFEAR Act training via a method other than ELMS, IRS management manually updated the employee's ELMS training record. IRS cross-checked the current list of all employees against the ELMS training records to verify how many current employees completed the training.</p>
Office of Inspector General	Group training sessions, workshops and one-on-one sessions.	OIG EEO Office is responsible for notifying their workforce of this mandatory training requirement and providing alternative means of training delivery when needed.	<p>Biennial training completed in March 2011.</p> <p>OIG EEO Office will conduct small group training/workshops with its employees and present the Department's New NoFEAR Act Training Module via PowerPoint presentation or hard copy handouts. Certificates of completion will be given to track completion rates. Certificates of completion will be cross referenced with OIG current employee roster.</p>
Office of the Special Inspector General for Troubled Asset Relief Program (SigTARP) and Office of the Comptroller of the Currency (OCC)	Treasury Learning Management System (TLMS)	EEO Office and Training Office notified their workforce of this mandatory training requirement and provided alternative means of training delivery when needed.	<p>Biennial training completed in September 2010.</p> <p>TLMS training records were used to demonstrate employees received the NoFEAR Act training. TLMS automatically updated the training records of employees who complete the training.</p>