

NO FEAR ACT ANNUAL REPORT

FISCAL YEAR 2010



U.S. Department of Agriculture

NONDISCRIMINATION STATEMENT.

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Table of Contents

NONDISCRIMINATION STATEMENT	ii.
Executive Summary	iv.
PART 1: USDA Formal EEO Complaints for Fiscal Years 2009 - 2010.....	1.
Section A- Number of Formal EEO Complaints and Number of Filers at USDA.....	2.
Section B– Most Frequently Cited Bases in Formal EEO Complaints at USDA.....	3.
Section C- Most Frequently Cited Issues in Formal EEO Complaints at USDA.....	5.
Section D- EEO Processing Stages.....	7.
Section E- Final Agency Actions with a Finding of Discrimination	10.
Section F- Analysis, Experience, and Actions.....	11.
PART 2: USDA Reimbursement to Judgment Fund for Fiscal Year 2010	17.
Section A: USDA Reimbursement to Judgment Fund for Fiscal Year 2010	18.
PART 3: USDA Disciplinary Actions and Reports for Fiscal Years 2009 – 2010	19.
Section A: USDA Disciplinary Actions and Reports for Fiscal Years 2009– 2010.....	20.
PART 4: USDA Federal Court Litigation Statistics for Fiscal Year 2010.....	1.
Appendix.....	A-3.

Executive Summary.

Annual Reporting Requirements.

This is the USDA's sixth annual report submitted pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law No. 107-174, Section 203.

The No FEAR Act mandates that Federal agencies report certain information for Fiscal Year (FY) 2010. This report contains the:

- number of complaints filed with USDA alleging discrimination based on race, sex, color, religion, national origin, disability, age, reprisal, and violations of whistleblower protection laws;
- amount of money USDA has reimbursed to the Judgment Fund in accordance with the No FEAR Act;
- aggregate amount USDA has reimbursed to the Judgment Fund that is attributable to the payment of attorney's fees;
- USDA policies relating to disciplinary actions to be taken against employees who have violated antidiscrimination or whistleblower laws or engaged in prohibited personnel practices;
- number of employees USDA has disciplined for discrimination, retaliation, harassment, or prohibited personnel practices; and
- number of cases in Federal Court arising under the antidiscrimination and whistleblower protection laws.

In addition, the No FEAR Act requires that USDA provide an analysis of the information submitted in the report, including: (1) an examination of trends; (2) causal analysis; (3) practical knowledge gained through experience; and (4) any actions planned or taken to improve its complaint or civil rights programs. USDA is also required to report any ascertainable adjustments made in its budget as a result of its compliance with the reimbursement requirement.

USDA's Mission and Mission-Related Functions.

The mission of USDA is to provide leadership on food, agriculture, natural resources, and related issues based on sound public policy, the best available science, and efficient management.

USDA strives to:

- expand international trade for agricultural products and support international economic development;
- expand domestic marketing opportunities for agricultural products;
- strengthen risk management, the use of financial tools, and the provision of sound information to help farmers and ranchers in their decision-making process;
- develop alternative markets for agricultural products and activities;
- provide financing needed to help expand job opportunities and improve housing, utilities, and infrastructure in rural America;
- enhance food safety by taking steps to reduce the prevalence of food borne hazards from farm to table, and safeguard agriculture from natural and intentional threats;
- improve nutrition by providing food assistance and nutrition education and promotion; and
- protect and manage America's public and private lands working cooperatively with other levels of government and the private sector.

Summary of the Report.

Congress passed the No FEAR Act in May 2002 as a vehicle for reducing discrimination and retaliation in Federal agencies, increasing agency accountability, emphasizing training for managers in the management of a diverse workforce, and encouraging dispute resolution and communication skills. The annual report summarizes the efforts made by USDA to carry out the mandates of the No FEAR Act.

As demonstrated in greater detail below, USDA experienced a decrease of 55 EEO complaints filed from FY 2009 to FY 2010, ending the EEO inventory at the end of FY 2010 with 841 complaints. The number of filers, however, increased by 67 from FY 2009 to FY 2010. In addition, the number of findings of discrimination also increased from FY 2009 to FY 2010. Data illustrating this trend is found in the Appendix.

A review of disciplinary actions taken against employees who violated Federal antidiscrimination laws and whistleblower protection statutes shows that in FY 2010, 13 employees were disciplined; while in FY 2009 16 employees were disciplined. This decrease in disciplinary actions between FY 2009 and FY 2010 indicates a continual level of accountability present within USDA. The reimbursement provisions of the No FEAR Act continue to result in financial accountability for sub-agencies and individual staff offices within USDA.

During FY 2010, USDA has implemented several initiatives that will assist in its effort to reduce the number of EEO complaints. These initiatives are outlined below:

- On March 1, 2010, the USDA Assistant Secretary for Administration issued a Departmental Initiative for the Review of Settlement Agreements and Decisions in Program, Individual, and Employee Complaints of Discrimination. On May 5, 2010, the Director, Office of Human Resources Management issued a letter “Review of Settlement Agreements and Decisions in Program, Individual, and Employee Complaints of Discrimination.” These initiatives ensure that USDA personnel are held accountable and responsible for their behavior and actions, set policy to ensure that all services are available in a non-discriminatory manner, and raise the awareness of managers in decision-making positions to make responsible decisions.
- USDA utilized the Cooperative Resolution Program (CRP), which offers custom-tailored services that address the specific needs of the employees to enhance their communication effectiveness and minimize workplace conflict. The CRP offers employees conflict consultation, conflict management training, and mediation services to address issues as an alternative to the traditional complaint grievance systems available for resolving non-EEO related workplace issues.
- The Office of the Assistant Secretary for Civil Rights (OASCR) provides overall leadership, coordination, and direction for USDA’s compliance with civil rights laws in EEO. In order to carry out these duties, the OASCR conducted two compliance reviews of 17 USDA agencies in FY 2010. A strong compliance review program is an essential element of raising awareness to practices and policies that contribute to perceptions of bias or unfairness. Therefore, the OASCR is conducting compliance reviews on a regular basis, to assist in identifying systemic issues and barriers both at Headquarters and field offices. Once the compliance review is completed, the OASCR works with each agency to recommend training and monitors those agencies for any required corrective actions based on the findings of each review.
- As a result of the OASCR reorganization, a Training Division has been established in the Office of Compliance, Policy and Training. This division will focus on civil rights training for all of USDA.
- In FY 2010, USDA implemented a number of new initiatives to improve the EEO complaint process. These initiatives improved EEO counseling, increased mediation between complainants, and constructive settlement agreements. These efforts have contributed to an overall decrease in formal complaints and have vastly improved communication between managers and employees.
- Additionally, training is being provided to the USDA managers to assist them in identifying EEO issues, thereby, increasing the possibility of resolving the complaints at the informal EEO process. This training is also geared to assist the managers in identifying systemic EEO and management issues that lead to the filing of EEO complaints.

- Adherence to EEOC Management Directive 715 (MD-715) requirements and other efforts to overcome identified barriers, the OASCR's MD-715 working group continues to address the identified barriers and hold agencies accountable for reporting quarterly on the completion of their objectives to attain the essential elements of a Model EEO Program.
- Through its annual Agency Head Assessment, USDA continues to evaluate all heads of agencies and separate staff offices on their agency's civil rights performance. This assessment holds the agency's senior executives accountable for employment discrimination complaints and other civil rights statutes and regulations.
- USDA continued to conduct civil rights training to all non-headquarters USDA employees on their rights and remedies available under the antidiscrimination and whistleblower protection laws applicable to Federal employees. USDA is engaged in a number of targeted efforts in 15 states that has had a direct impact on reducing the number of discrimination and retaliation complaints in USDA. For example, a first ever mandatory civil rights training for all Senior Executive Service (SES) and political appointees is currently being conducted nationwide with an emphasis on accountability for managers and supervisors throughout USDA.
- Symposiums led by the Alternative Dispute Resolution (ADR) reached 15,000 rank and file workers. The topics discussed were: a) hot button issues; b) employee bullying; c) self mediation; and d) how to utilize ADR, were among the topics discussed.

**PART 1: USDA Formal EEO Complaints
for Fiscal Years 2009 – 2010.**

Section A- Number of Formal EEO Complaints and Number of Filers at USDA.

Introduction.

This section contains comparative information regarding the number of formal EEO complaints filed and the number of filers for FYs 2009 and 2010.

Summary of Data.

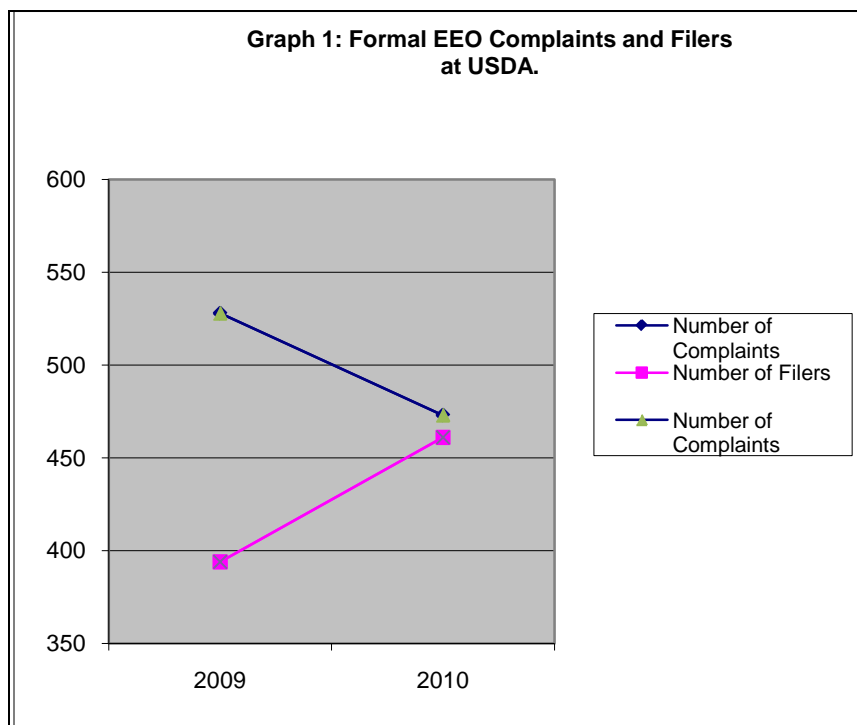
Table 1 below indicates the number of formal EEO complaints filed with USDA by fiscal year and the number of individuals who filed complaints. It shows a decrease in the number of complaints filed over the prior year and a slight increase in the number of filers for the current year. (See Graph 1).

In FY 2010, the number of complaints filed was 473, whereas, in FY 2009 the number of complaints filed was 528. This represents a 10 percent decrease in complaints filed. However, the number of filers in FY 2010 was 461, which is 67 more than the number of filers (394), in FY 2009.

Table 1: Number of Formal EEO Complaints and Number of Filers at USDA.

Fiscal Years	Number of Complaints	Number of Filers
2009	528	394
2010	473	461

Graph 1: Formal EEO Complaints and Filers at USDA.



Section B– Most Frequently Cited Bases in Formal EEO Complaints at USDA.

Introduction.

This section contains information regarding the most frequently cited bases in formal EEO complaints for FYs 2009 and 2010. The basis of the complaint is the protected characteristic that the complainant alleges which forms the motivation for the discriminatory conduct. The bases protected by EEO statutes are race, color, religion, national origin, sex, disability, age and retaliation (for participating in the EEO complaint process or for opposing practices made illegal under the EEO laws). A complaint brought under the Equal Pay Act of 1963, as amended, is considered to be a complaint based on sex.

Summary of Data.

Table 2 provides data on all bases alleged in formal EEO complaints filed with USDA. Of all bases, the four most frequently cited in formal EEO complaints filed in FY 2010 are: (1) retaliation; (2) race; (3) sex; and (4) age. In FY 2009, the four most frequently cited bases were: (1) retaliation; (2) race; (3) sex; and (4) age. These four bases are illustrated in Graph 2, which shows the trend over the two-year reporting period.

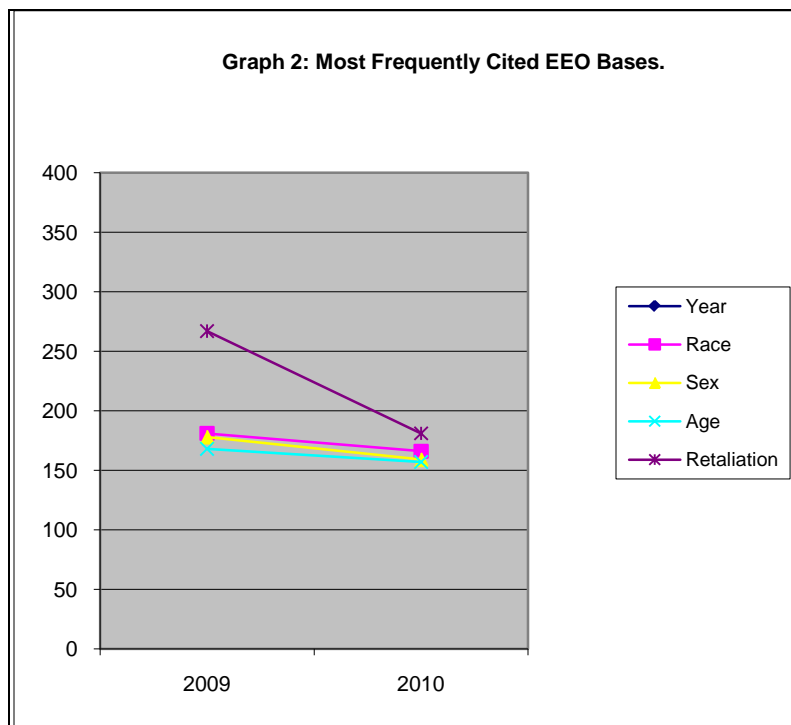
Table 2: Most Frequently Cited EEO Bases in Formal EEO Complaints at USDA.

EEO Bases in Formal EEO Complaints									
Year	Race	Color	Religion	Sex	National Origin	Disability	Age	Retaliation	Other*
2009	181	44	13	178	61	91	168	248	33
2010	166	23	16	159	49	97	157	181	44

*Other USDA protected bases include marital status, parental status, and sexual orientation, political beliefs, genetic information and familial status.

Table 2 shows the most frequent cited bases for EEO complaints filed at USDA. In 2009, 181 complaints cited race as the base, 44 cited color, 13 cited religion, 178 cited sex, 61 cited national origin, 91 cited disability, 168 cited age, 248 cited retaliation, and 33 cited other. In 2010, 166 complaints cited race as the base, 23 cited color, 16 cited religion, 159 cited sex, 49 cited national origin, 97 cited disability, 157 cited age, 181 cited retaliation, and 44 cited other.

Graph 2: Most Frequently Cited Bases.



Complaints Alleging Retaliation.

“Retaliation” is the most frequently alleged basis in formal EEO complaints at USDA. This is true for both FYs 2010 and 2009. However, there was a decrease in the number of complaints filed in FY 2010 from FY 2009. The basis of “Retaliation” was cited in 181 formal EEO complaints in FY 2010, compared to 248 complaints in FY 2009, a 27 percent (67 complaints) decrease over a two-year period.

Complaints Alleging Race Discrimination.

“Race” is the second most frequently alleged basis in formal EEO cases at USDA. The basis of “Race” was cited in 166 formal EEO complaints in FY 2010, compared to 181 complaints in FY 2009, an eight percent decrease (15 complaints) over a two-year period.

Complaints Alleging Sex Discrimination.

“Sex” was the third most frequently alleged basis in formal EEO cases at USDA in FY 2010. The basis of “Sex” was cited in 159 formal EEO complaints in FY 2010, compared to 178 complaints in FY 2009, an 11 percent decrease (19 complaints) over a two-year period.

Complaints Alleging Age Discrimination.

“Age” was the fourth most frequently alleged basis in formal EEO cases at USDA in FY 2010. The basis of “Age” was cited in 157 formal EEO complaints in FY 2010, compared to 168 complaints in FY 2009, a seven percent (11 complaints) decrease over a two-year period.

Section C- Most Frequently Cited Issues in Formal EEO Complaints at USDA.

Introduction.

This section contains information regarding the most frequently cited issues in formal EEO complaints for FYs 2009 and 2010. The No FEAR Act requires Federal agencies to post data regarding the nature of the issues raised in EEO complaints. The issue of a complaint is the specific matter about which the individual is complaining or the alleged discriminatory incident for which the individual is seeking redress. Table 3 contains a list of issues most commonly raised in complaints. The “Other” category captures all issues not specifically listed.

Summary of Data.

Table 3 provides the most frequently cited issues in formal EEO complaints filed with USDA. The three EEO issues most frequently cited in FY 2010 were: (1) Harassment; (2) Promotion/Non-Selection; and (3) Other. Graph 3 shows the trends for these three issues over the two-year reporting period.

“Harassment” was the most frequently cited issue in formal EEO cases in FY 2010, with 190 filings. In contrast, “Harassment” had 252 filings in FY 2009. There was a 25 percent decrease (62 complaints) from FY 2009 to FY 2010.

“Promotion/Non-selection” was the second most frequently cited issue in formal EEO cases in FY 2010, with 103 filings. In contrast, “Promotion/Non-Selection” had 117 filings in FY 2009. There was a 12 percent decrease (14 complaints) from FY 2009 to FY 2010.

“Other” was the third most frequently cited issue in formal EEO cases in FY 2010, with 64 filings. In contrast, “Other” had 57 filings in FY 2009. There was an increase of 12 percent (7 complaints) from FY 2009 to FY 2010.

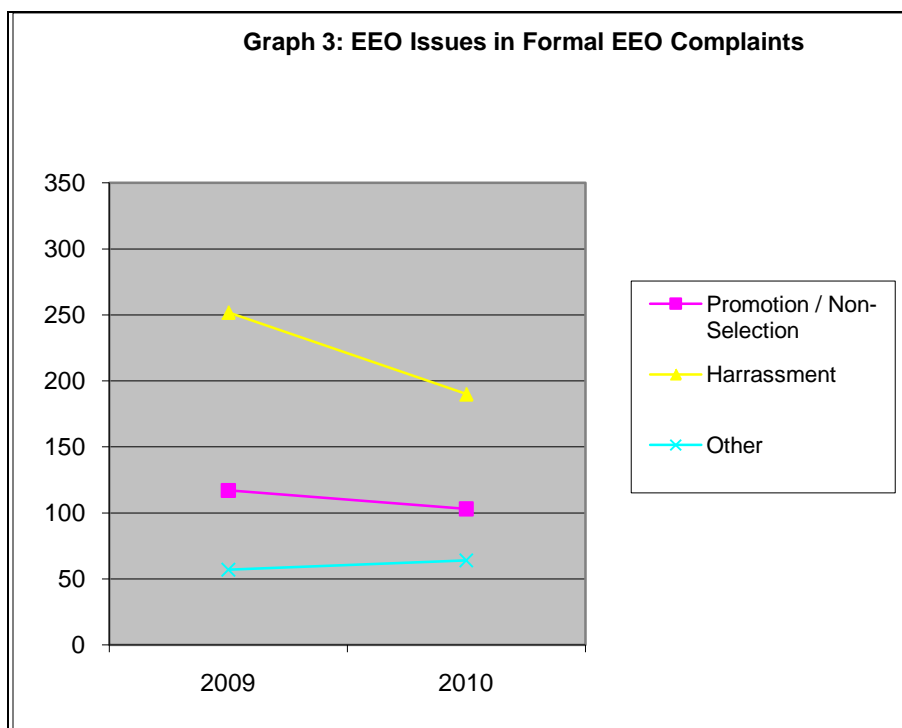
Table 3: EEO Issues in Formal EEO Complaints.

EEO Issues in Formal EEO Complaints																					
Year	Appointment/Hire	Assignment of Duties	Awards	Conversions to Full Time	Disciplinary Action	Duty Hours	Evaluation/Appraisal	Examination/Test	Reassignment	Training	Time & Attendance	Termination	Medical Examination	Pay/Overtime	Promotion /Non-Selection	Harassment	Reinstatement	Retirement	Terms and Conditions of Employment	Reasonable Accommodation	Other
2009	20	80	21	0	70	9	66	2	35	35	31	35	0	5	117	252	1	6	49	28	57
2010	23	51	11	1	58	5	59	1	25	22	22	34	1	10	103	190	2	1	38	32	64

Table 3 shows the most frequently cited issues in formal EEO complaints filed with USDA. In 2009, 20 complaints cited “Appointment/Hire” as an issue, 80 cited “Assignment of Duty”, 21 cited “Awards,” 0 cited “Conversions to Full Time,” 70 cited “Disciplinary Action,” 9 cited “Duty Hours,” 66 cited “Evaluation/Appraisal,” 2 cited “Examination/Test,” 35 cited “Reassignment,” 35 cited “Training,” 31 cited “Time & Attendance,” 35 cited “Termination,” 0 cited “Medical Examination,” 5 cited “Pay/Overtime,” 117 cited “Promotion/Non-Selection,” 252 cited “Harassment,” 1 cited “Reinstatement,” 6 cited “Retirement,” 49 cited “Terms and Conditions of Employment,” 70 cited “Reasonable Accommodation,” and 57 cited “Other.”

In 2010, 23 complaints cited “Appointment/Hire” as an issue, 51 cited “Assignment of Duty”, 11 cited “Awards,” 1 cited “Conversions to Full Time,” 58 cited “Disciplinary Action,” 5 cited “Duty Hours,” 59 cited “Evaluation/Appraisal,” 1 cited “Examination/Test,” 25 cited “Reassignment,” 22 cited “Training,” 22 cited “Time & Attendance,” 34 cited “Termination,” 1 cited “Medical Examination,” 10 cited “Pay/Overtime,” 103 cited “Promotion/Non-Selection,” 190 cited “Harassment,” 2 cited “Reinstatement,” 1 cited “Retirement,” 38 cited “Terms and Conditions of Employment,” 32 cited “Reasonable Accommodation,” and 64 cited “Other.”

Graph 3: EEO Issues in Formal EEO Complaints.



Section D- EEO Processing Stages.

Introduction.

This section contains data regarding selected stages and associated processing times for formal EEO complaints processed during FYs 2010 and 2009. The formal EEO complaint process has various stages. Not all formal complaints complete all stages. These stages are: (1) Investigation (which includes Letter of Acceptance); (2) Final Agency Action with EEOC Hearing; (3) Final Agency Action without EEOC Hearing; and (4) Dismissal. Formal EEO complaints may be withdrawn or settled at any stage and may be dismissed at various stages.

Summary of Data.

The following is an analysis of data for the four EEO stages. This section contains data on: (1) the average number of days for completion of selected stages; (2) pending complaints at various stages of the EEO process; and (3) pending formal complaints exceeding the 180-day investigation requirement.

(1) Average Number of Days for Completion of Selected EEO Stages.

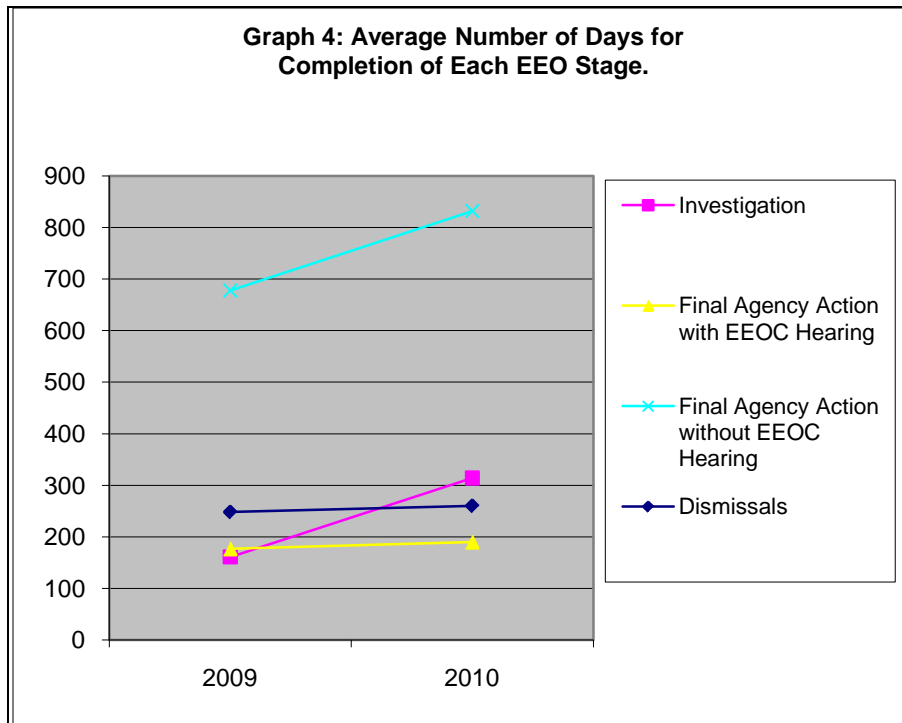
Table 4 below provides the average number of days for completing a formal EEO complaint at each stage. The data revealed an upward trend (as shown in Graph 4) in the average number of days for an investigation, in the Final Agency Action without an EEOC hearing, in the Final Agency Action with a hearing and in dismissals.

Table 4: Average Number of Days for Completion of Each EEO Stage.

Year	Investigation	Final Agency Action with EEOC Hearing	Final Agency Action without EEOC Hearing	Dismissals
2009	161	177	678	248
2010	314	190	832	257

Table 4 shows the Average Number of Days for Completion of Each EEO Stage. In 2009, the average number of days for an investigation was 161, in the Final Agency Action without an EEOC hearing was 177, in the Final Agency Action with a hearing was 678, and in dismissals was 248. In 2010, the average number of days for an investigation was 314, in the Final Agency Action without an EEOC hearing was 190, in the Final Agency Action with a hearing was 832, and in dismissals was 247.

Graph 4: Average Number of Days for Completion of Each EEO Stage.



(2) Pending Complaints at Various Stages.

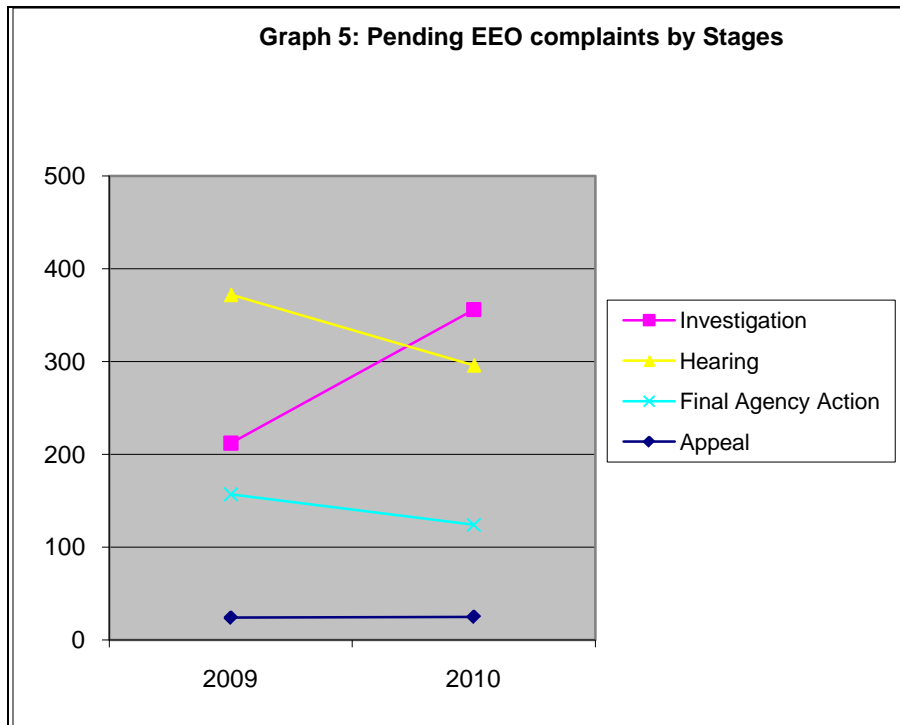
- Table 5 below illustrates the number of pending EEO complaints in FYs 2010 and 2009, at each EEO stage.
- Graph 5 shows an upward trend in pending complaints in investigations and appeals and a downward trend in pending complaints for hearings and Final Agency Actions.

Table 5: Pending EEO Formal Complaints by Stage.

Year	Investigation	Hearing	Final Agency Action	Appeal
2009	212	372	157	24
2010	356	296	124	25

Table 5 shows the number Pending of EEO Formal Complaints by Stage. In 2009, there were 212 pending complaints in investigations, 372 in hearings, 157 in Final Agency Actions, and 24 in appeals. In 2010, there were 356 pending complaints in investigations, 296 in hearings, 124 in Final Agency Actions, and 25 in appeals.

Graph 5: Pending EEO Formal Complaints by Stage.



(3) Pending Formal Complaints Exceeding the 180-Day Investigation Requirement.

Table 6 and Graph 6 shows a 12 percent increase for pending formal complaints that exceed the 180-day investigation requirement over the two-year reporting period.

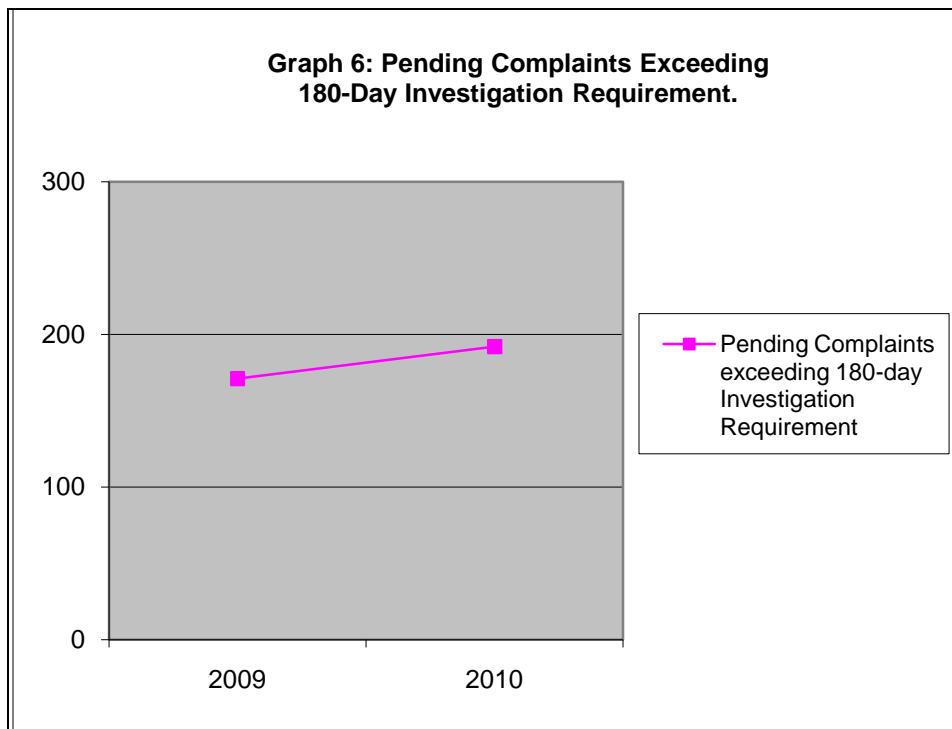
Table 6: Pending Formal EEO Complaints Exceeding the 180-Day Investigation Requirement.

Pending Complaints Exceeding the 180-day Investigation Requirement.
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2009	171
2010	192

Table 6 shows the number of Pending Formal EEO Complaints Exceeding the 180-Day Investigation Requirement. In 2009, there were 171. In 2010, there were 192.

Graph 6: Pending Formal EEO Complaints Exceeding 180-Day Investigation Requirement.



Section E- Final Agency Actions with a Finding of Discrimination.

Introduction.

Final Agency Actions involving a finding of discrimination may be issued on the record or following an EEOC Administrative Hearing. The final actions involving a finding of discrimination include complaints with a variety of bases and issues. The No FEAR Act requires Federal agencies to post the total number of final actions involving a finding of discrimination, along with the issues and bases for those complaints.

Summary of Data.

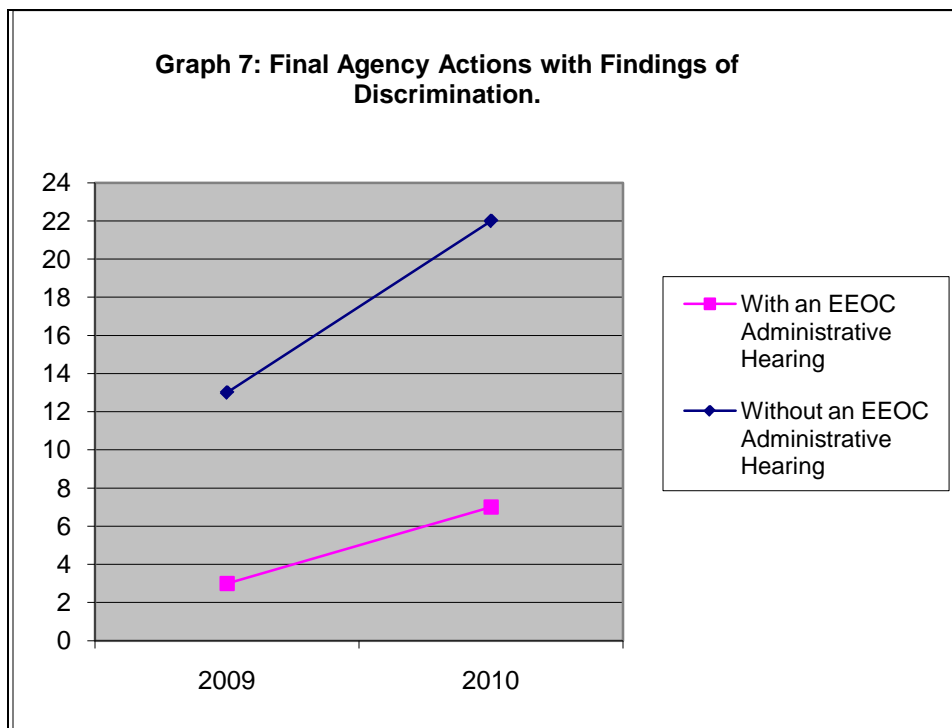
Table 7 and Graph 7 shows that the number of findings of discrimination issued with an EEOC Administrative Hearing increased by four in FY 2010 from FY 2009, and without an EEOC Administrative Hearing increased by nine in FY 2010 from FY 2009.

Table 7: Final Agency Actions with a Finding of Discrimination.

Year	With an EEOC Administrative Hearing	Without an EEOC Administrative Hearing
2009	3	13
2010	7	22

Table 6 shows the number of Final Agency Actions with a Finding of Discrimination. In 2009, there were 3 finding of discrimination with an EEOC Administrative Hearing, and 13 finding of discrimination without an EEOC Administrative Hearing. In 2010, there were 7 finding of discrimination with an EEOC Administrative Hearing, and 22 finding of discrimination without an EEOC Administrative Hearing.

Graph 7: Final Agency Actions with a Finding of Discrimination.



Section F- Analysis, Experience, and Actions.

Introduction.

The No FEAR Act requires: (1) an examination of trends; (2) a causal analysis; (3) practical knowledge gained through experience; and (4) any actions planned or taken to improve USDA's complaint or civil rights programs. The prior sections (Sections A-E) provided an examination of trends. Described below are various observations related to the remaining three areas.

(1) Causal Analysis.

USDA and its sub-component agencies identified various factors impacting the filing of formal EEO complaints. Examples are as follows:

1. The Agricultural Marketing Service (AMS) reported a decrease in the number of formal complaints filed in FY 2010 (12) as compared to 20 formal complaints filed in FY 2009. This 40 percent decrease is attributed to increased outreach by the AMS civil rights program to increase awareness of prohibited discriminatory practices. AMS conducted additional trainings and worked proactively during the pre-complaint and informal complaint stages to resolve workplace differences.
2. The Animal and Plant Health Inspection Service (APHIS) reported a decrease of 16 complaints filed in FY 2010. Specifically, there were 45 formal complaints filed in FY 2010, as compared to 61 formal complaints filed in FY 2009. APHIS attributes the decrease in part to the continued education of managers and supervisors and their early involvement in resolution.
3. The Agricultural Research Service (ARS) reported a slight decrease in the number of complaints filed in FY 2010. This slight decrease in the number of complaints filed in FY 2010 is being attributed to training and the agency encouraging the use of mediation and cooperative resolution to resolve complaint matters.
4. The Economic Research Service (ERS) reported an increase of one complaint for FY 2010 from FY 2009 (2). ERS attributes the increase to allegations of harassment and reprisal.
5. The Foreign Agricultural Service (FAS) reported an increase of one in formal complaints filed in FY 2010. FAS attributes this slight increase to complaints filed on the basis of religion.
6. The Food and Nutrition Service (FNS) reported an increase of complaints filed in FY 2010. FNS attributes the increase to employee awareness of their EEO rights.
7. The Forest Service (FS) reported an increase in the number of formal EEO complaints filed in FY 2010 compared to those filed in FY 2009. The increase was attributed to complaints filed on the basis of sex (female).
8. The Farm Service Agency (FSA) reported an increase in formal complaints filed in FY 2010. FSA attributes this increase to a lack of training and knowledge of EEO/Civil Rights laws and regulations.

9. The Food Safety and Inspection Service (FSIS) reported a decrease in the number of formal complaints filed in FY 2010. FSIS attributes the decrease to increased training and education efforts by the civil rights division and increased resolution of complaints by EEO Counselors at the lowest level possible.
10. The Grain Inspection, Packers and Stockyards Administration (GIPSA) reported an increase in the number of complaints filed in FY 2010. GIPSA attributes the increase to the number of complaints filed on the basis of age. GIPSA indicated that this may be due to the fact that 71 percent of GIPSA's full-time and part-time workforce is over the age of 40.
11. The National Agricultural Statistics Service (NASS) reported that the number of complaints and filers decreased in FY 2010 compared to FY 2009. This decrease is attributed to the message presented by the Administrator in his Civil Rights Policy Statement and the follow-up reminders presented at new employee orientations and at the required supervisory and top management training sessions.
12. The National Institute of Food and Agriculture (NIFA) (formerly known as the Cooperative State Research, Education and Extension Service) reported an end of year balance of zero complaints for FY 2010. NIFA attributes their zero complaint filings to effective communication and commitment to EEO, Human Resources, and workforce diversity training.
13. The Natural Resources Conservation Service (NRCS) reported a significant decrease of the total number of complaints filed in FY 2010. NRCS attributes the decrease of complaints to its mandatory comprehensive training program that provides bi-annual training to all employees, managers, and supervisors. The training places special emphasis on proactive prevention of unlawful discrimination.
14. The Risk Management Agency (RMA) reported that the number of formal complaints filed in FY 2010 increased by one from FY 2009. RMA attributes the increase in complaints to management perceptions and decision, poor interpersonal relationships and long standing problems between management officials and employees.
15. The Rural Development (RD) Agency reported a decrease in the number of complaints filed in FY 2010 compared to those filed in FY 2009. This decrease is attributed to an increased mandatory training given to managers. In addition, a number of management control reviews were conducted during FY 2010 in which employees took the opportunity to ask questions and receive clarification on EEO policies and procedures, thereby increasing the level of awareness of the difference in the EEO and Administrative/Negotiated Grievance procedures.

(2) Experience Gained by USDA in the Processing of Formal EEO Complaints.

USDA has learned the following from its past experience in processing and addressing formal EEO complaints:

- greater emphasis must be placed on ensuring that persons over the age of 40 are not treated differently;
- greater emphasis on ensuring that managers have been coached on mediation procedures prior to arriving at the mediation session;
- the importance of managers entering mediation sessions with an offer for resolution;
- continued communication through frequent discussions and dissemination of information helps identify the issues and bases which give rise to EEO complaints;
- Conflict Management Training (CMT) is designed to promote effective conflict management, and provide tools for employees that will improve communication, increase understanding of their differences, and identify individual working styles. The CMT is preventative, resolving differences in a cooperative approach to build trust and respect in the workplace;
- the longer a complaint remains in the complaint process, the more it will impact (increase) the overall average number of days in the final action. In addition, the longer it takes from the time a formal complaint is filed until it is accepted for investigation, the greater the delay in the distribution of the Report of Investigation (ROI) to the complainant;
- the Agency's identification of personnel actions and barriers that caused the filing of complaints can be a vital tool in decreasing complaint filings and working with supervisory personnel and employees to eliminate identified barriers can have a positive impact and improve communication;
- the early involvement by managers and supervisors in working with EEO Counselors and Mediators has been instrumental in the early resolution of complaints;
- it is imperative to remain proactive by offering mediation throughout all stages of the statutory complaint process, and to bridge open communication between mediation employees and management to resolve workplace conflicts early by offering mediation for non-EEO conflicts;
- there is an increasing demand for the Overview of Crucial Conversations, which addresses concepts and communication tools that allow people to discuss sensitive information in a safe, non-adversarial environment;
- the need to enforce EEO complaint processing accountability through compliance reviews and performance standards by conducting a pull/push methodology in managing/ensuring all entities in the EEO processing complete their responsibilities timely;
- holding supervisors and managers accountable for engaging in discriminatory practices in order to deter such conduct in the future;

- continuously training employees, supervisors, and managers on EEO laws and regulations so that they can make informed decisions;
- the importance and value of preventative and corrective measures such as continuous employee training, on-going employment compliance reviews, managerial accountability through performance management;
- the importance of establishing field EEO liaisons with EEO Advisory committees and collateral duty special emphasis program managers;
- the value of EEO Counselor partnerships with the Labor and Employee Relations Division;
- the value of early intervention and mediation programs; and
- due to the change in the Americans with Disabilities Amendments Act, additional training is needed to address the responsibility of each manager as it relates to reasonable accommodation.

(3) Past and Future Actions by USDA Relating to EEO Complaints Processing.

USDA has taken several actions that have proven effective in improving its formal EEO complaint processing. USDA is also introducing new initiatives to reduce complaints in future years. These past and future actions include:

1. USDA instituted an EEO Complaint Resolution Initiative which aggressively seeks to resolve formal complaints.
2. The USDA's Civil Rights Programs and Human Resources staff have collaborated to train managers and employees on cultural and diversity sensitivity and appropriate conduct. These trainings targeted discrimination on the basis of disability and proper management of employees' medical documentation.
3. USDA will monitor data on repeat filers to determine whether they are filing on the same issues and against the same managers, and whether the same or new employment issues are raised in new complaints after prior complaints were settled or otherwise resolved. This aids in identifying approaches and solutions to effectively address employment issues raised by repeat filers that their previous settlement agreement or complaint decision was unable to adequately resolve.
4. USDA has employed conflict coaching to engage both complainants and management. This process includes asking questions to determine what will best empower each side to reach their objectives and develop stronger communication skills for difficult conversations.
5. USDA has incorporated more creative terms into settlement agreements in order to satisfy both parties in a dispute without a large financial loss to the Agency. FY 2010

settlement agreements included terms that instituted sensitivity and diversity training for managers. This helped the complainants understand that USDA took their concerns seriously and had a genuine interest in fixing the workplace dilemmas at their foundations instead of trying to conceal the issues. USDA also relied on settlement terms such as detail opportunities and training courses for complainants.

6. USDA (APHIS) will continue to maintain its 1-800 helpline (1-800-372-7428) for supervisors and managers to contact the EEO Specialists for assistance in dealing with civil rights and employment complaint issues.
7. USDA will promote the utilization of the CRP to enhance manager and employee communication and aid in conflict management.
8. USDA provided a refresher course on working with employees with disabilities and reasonable accommodations for first and second line supervisors.
9. USDA's Accountability Policy and Procedures are continually emphasized as an effective method for tracking and removing policies and practices that contribute to findings of discrimination.
10. The USDA's future priorities include enhancement of its ADR program, including conducting an ADR awareness survey, providing training in ADR for supervisors and employees, and establishing a Departmental cadre of resolving officials.
11. The OASCR is conducting regular compliance reviews and providing technical assistance to sub-agencies to ensure full compliance with antidiscrimination laws.
12. USDA continues to work collaboratively with the EEOC through its relationship management arrangement to access training opportunities and expertise in various areas.

PART 2: USDA Reimbursement to Judgment Fund for Fiscal Year 2010

Section A: USDA Reimbursement to Judgment Fund for Fiscal Year 2010.

Introduction.

Table 8 below provides information on reimbursements by USDA to the Department of Treasury's Judgment Fund for monies associated with FY 2010 judgments, awards, or settlements under the statutes addressed in the No FEAR Act.

Table 8: USDA Reimbursement to Judgment Fund for FY 2010 Settlements.

USDA Reimbursement to Judgment Fund For FY 2010 Settlements		
Case	Total Amount	Attorney's Fees
1	\$43,500.00	
2	45,000.00	
3	155,000.00	
4	12,500.00	
5	25,000.00	
6	75,000.00	55,000.00
Total	\$356,000.00	\$55,000.00

Table 8 shows the amount of USDA Reimbursement to Judgment Fund for FY 2010 Settlements. The total amount for case 1 was \$43,500.00 with \$0 in Attorney's Fees. The total amount for case 2 was \$45,000.00 with \$0 in Attorney's Fees. The total amount for case 3 was \$155,000.00 with \$0 in Attorney's Fees. The total amount for case 4 was \$12,500.00 with \$0 in Attorney's Fees. The total amount for case 5 was \$25,000.00 with \$0 in Attorney's Fees. The total amount for case 6 was \$75,000.00 with \$55,000.00 in Attorney's Fees. As a result, the total amount for all cases was \$356,000.00 with \$55,000.00 in total for Attorney's Fees.

Summary

In FY 2010, USDA reimbursed the Judgment Fund \$356,000.00, of which \$55,000.00 was identified as payment of attorney's fees. No monies were paid for judgments or awards.

PART 3: USDA Disciplinary Actions and Reports for Fiscal Years 2009 – 2010

Section A: USDA Disciplinary Actions and Reports for Fiscal Years 2009–2010.

Summary of Data.

PART 1: Table 9 below contains the number of disciplinary actions taken against employees who were found to have committed prohibited acts of discrimination, retaliation, harassment, or prohibited personnel practices (including those acts discovered in conjunction with investigations of whistleblower protection or civil rights complaints).

Table 9.

Table Abbreviations: Disc. = Discrimination; Retail. = Retaliation; Har. = Harassment; PPP = Prohibited Personnel Practice; WBP = Whistleblower Protection Act; and LOR = Letter of Reprimand.

ADMINISTRATIVE DISCIPLINARY ACTIONS												
TYPE OF ACTION	FY 2009						FY 2010					
	DISC.	RETAIL	HAR	PPP	WBP	TOTAL	DISC	RET.	HAR	PPP	WBP	TOTAL
REMOVAL			2			2	2		3			5
15 DAY OR MORE									1			1
14 DAY OR LESS	3		8			11			4			4
REDUCTION IN GRADE			1			1						
REDUCTION IN PAY												
LOR			2			2			3			3
TOTAL DISCIPLINE	3		13			16	2		11			13

PART 2: Table 10 below illustrates the number of Office of Special Counsel (OSC) Whistleblower cases and the numbers of employees disciplined under the Department's disciplinary policies related to whistle-blowing and discrimination. In 2009, there were 0 OSC whistleblower cases, 0 whistleblower cases closed, and 0 whistleblower discipline taken. In 2010, there were 5 OSC whistleblower cases, 0 whistleblower cases closed, and 0 whistleblower discipline taken. Altogether, there were a total of 5 OSC whistleblower cases, 0 whistleblower cases closed, and 0 whistleblower discipline taken.

Table 10.

OFFICE OF SPECIAL COUNSEL CASES			
CATEGORIES OF CASES	FY 2009	FY 2010	TOTAL
OSC WHISTLEBLOWER CASE	0	5	5
OSC WHISTLEBLOWER CASE CLOSED	0	0	0

OSC WHISTLEBLOWER DISCIPLINE TAKEN	0	0	0
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Disciplinary Policy.

Improving the civil rights environment throughout the Department is a priority for USDA. There is a “Zero Tolerance” policy for acts of discrimination, harassment or reprisal of any kind. It is USDA policy to pursue appropriate administrative action against anyone who is found to have engaged in such activities. USDA continues to apply its accountability policy and employee awareness activities in its effort to prevent illegal discriminatory actions and to discipline those who commit such offenses. The Civil Rights and Human Resources staffs work in close cooperation, using proven tracking and reporting systems, to monitor compliance activities and readily identify emerging trends.

In cases involving discrimination, harassment, or reprisal, subordinate components of USDA effect disciplinary or corrective action in accordance with current laws, rules, regulations, and policies. The Office of Human Resources Management (OHRM) reviews agency disciplinary or corrective actions in cases involving discrimination, harassment, or reprisal. The type and severity of disciplinary action is based on the USDA Guide for Disciplinary Penalties, Appendix A, Department Personnel Manual 751. This guide contains specific sections on discrimination and retaliation, sexual misconduct, and prohibited personnel practices.

In May 2010, USDA implemented an initiative to provide increased oversight of cases involving violation of antidiscrimination and whistleblower protection laws in which there is a finding of liability against the Department. As part of that initiative, OHRM established the Equal Opportunity Accountability Unit (EOAU) with the primary mission of ensuring that USDA personnel are held accountable and responsible for their actions. The EOAU raises awareness and ensures that individuals in decision making positions implement appropriate corrective actions when it is determined that a violation of this nature has occurred. The EOAU is also charged with implementing program improvements to ensure that all USDA services are available in a non-discriminatory manner.

In October 2007, USDA OHRM updated Departmental Regulation (DR) 4070-735-001, Employee Responsibility and Conduct. This DR establishes guidelines and requirements for employees and works in conjunction with government-wide ethics regulations. It specifically prohibits employees from engaging in workplace harassment, sexually inappropriate conduct, retaliation in response to protected activities, creating a hostile work environment, or illegal discrimination. The DR requires that each employee receive a copy to ensure that they are fully aware of the responsibility and conduct standards for the Department.

In January 2006, the Office of Civil Rights and OHRM issued DR-4300-010, Civil Rights Accountability Policy and Procedures. The purpose of this directive is to ensure employees are held accountable for discriminatory or related misconduct and to outline management’s obligation to take appropriate corrective action against those who have engaged in these prohibited acts. This policy also requires that all USDA employees be made aware of its contents.

In addition to Department-wide policies and initiatives, USDA mission areas have taken steps to improve the civil rights environment throughout their respective subordinate agencies. The most recent initiative is the Leadership Accountability Action Plan implemented by the Forest Service in 2010. This policy complements overall Departmental policy of increased accountability. The following is a list of other current policies by agency:

Food, Nutrition & Consumer Services

- Food, Nutrition & Consumer Services & CNPP Harassment Prevention Policy 2009-3
- Food, Nutrition & Consumer Services & CNPP Civil Rights Policy 2009-2

Food Safety

- Directive 4735.3; Employee Responsibilities and Conduct

Forest Service

- Forest Service Civil Rights Policy Statement
- Forest Service Anti-Harassment Policy

Research, Education & Economics

- Policy & Procedure 461.5; Misconduct, Discipline, and Adverse Actions

Rural Development

- RD Instruction 2045-GG; Disciplinary and Adverse Actions, Performance-Based Actions, and Probationary Terminations

PART 4: USDA Federal Court Litigation Statistics for Fiscal Year 2010

Tables 11, 12, and 13 provide composite data for cases in Federal court pending or resolved in FY 2010 and arising under the antidiscrimination and whistleblower protection laws.

Table 11: Federal Cases Pending in FY 2010.

Federal Cases Pending in FY 2010	
Pending District Court Cases	70
Pending Appellate Court Cases	12
New Cases Filed in District Court	20
Note: Cases pending at any time during the year, including those filed during the year, and those disposed of during the year.	

Table 11 shows the Federal Cases Pending in FY 2010. In 2010, there were 70 Pending District Court Cases, 12 Pending Appellate Court Cases, and 20 New Cases Filed in District Court. Cases pending at any time during the year, including those filed during the year, and those disposed of during the year.

Table 12: Pending Cases.

Pending Cases					
	29 U.S.C. §206(d)	29 U.S.C. §631	29 U.S.C. §633a	29 U.S.C. §791	42 U.S.C. §2000e-16
Disposed of during FY 2010	1	0	5	3	22*
Still Pending at end of FY 2010	0	0	8*	8**	49**
*Denotes more than one basis alleged in 4 cases.					
**Denotes more than one basis alleged in 6 cases.					

Table 12 shows the Pending Cases. In FY 2010, there was 1 case disposed of dealing with 29 U.S.C. §206(d), 0 cases with 29 U.S.C. §63, 5 cases with 29 U.S.C. §633a, 3 cases with 29 U.S.C. §791, and 22 cases with 42 U.S.C. §2000e-16 (*Denotes more than one basis alleged in 4 cases). Also in 2010, there was 0 cases Still Pending at end of fiscal year dealing with 29 U.S.C. §206(d), 0 cases with 29 U.S.C. §63, 8 cases with 29 U.S.C. §633a (Denotes more than one basis alleged in 4 cases.), 8 cases with 29 U.S.C. §791 (Denotes more than one basis alleged in 6 cases.), and 49 cases with 42 U.S.C. §2000e-16 (Denotes more than one basis alleged in 6 cases.).

Table 13: Disposition of Cases (Including Dismissals).

Disposition of Cases (Including Dismissals)					
	29 U.S.C. §206(d)	29 U.S.C. §631	29 U.S.C. §633a	29 U.S.C. §791	42 U.S.C. §2000e-16
Settlements	1	0	1	3	8*

Withdrawals	0	0	0	0	1
Final Judgment for Complainant	0	0	0	0	0
Final Judgment for Agency	0	0	4	0	13*
*Denotes more than one basis alleged in 4 cases.					

Appendix

**Equal Employment Opportunity Data Posted
Pursuant to the No FEAR Act.**

USDA: 2010 for period ending September 30, 2010.

Complaint Activity	Comparative Data				
	Previous Fiscal Year Data				
	2006	2007	2008	2009	2010
Number of Complaints Filed	530	545	508	528	473
Number of Complainants	483	487	395	394	461
Repeat Filers	38	33	48	21	7
Complaints by Basis	Comparative Data				
	Previous Fiscal Year Data				
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2006	2007	2008	2009	2010
Race	207	185	184	181	166
Color	45	43	36	44	23
Religion	28	21	18	13	16
Reprisal	263	258	267	248	181
Sex	181	176	174	178	159
National Origin	79	41	44	61	49
Equal Pay Act	15	8	0	3	1
Age	174	180	158	168	157
Disability	97	103	107	91	97
Non-EEO	14	14	31	33	44
Complaints by Issue	Comparative Data				

	Previous Fiscal Year Data				
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2006	2007	2008	2009	2010
Appointment/Hire	29	33	28	20	23
Assignment of Duties	58	58	52	80	51
Awards	16	10	24	21	11
Conversion to Full-time	0	0	0	0	1
Disciplinary Action					
Demotion	4	4	3	4	5
Reprimand	14	14	15	25	13
Suspension	18	20	25	23	26
Removal	5	9	7	7	6
Other	6	14	6	11	8
Duty Hours	6	7	9	9	5
Evaluation Appraisal	47	37	62	66	59
Examination/Test	1	2	2	2	1
Harassment					
Non-Sexual	202	200	215	237	177
Sexual	15	20	15	15	13
Medical Examination	0	0	0	0	1
Pay (Including Overtime)	6	5	9	5	10
Promotion/Non-Selection	151	139	124	117	103
Reassignment					
Denied	2	6	4	10	5
Directed	21	35	17	35	20
Reasonable Accommodation	21	40	36	28	32

Reinstatement	0	1	1	1	2
Retirement	11	5	3	6	1
Termination	46	37	11	35	34
Terms/Conditions of Employment	40	42	50	49	38
Time and Attendance	31	40	36	31	22
Training	19	19	38	35	22
Other	88	70	51	57	64
Processing Time	Comparative Data				
	Previous Fiscal Year Data				
	2006	2007	2008	2009	2010
Complaints pending during fiscal year					
Average number of days in investigation	21	293	445	161	314
Average number of days in final action	326	439	881	678	632
Complaint pending during fiscal year where hearing was requested					
Average number of days in investigation	216	199	445	21	283
Average number of days in final action	45	115	417	178	189
Complaint pending during fiscal year where hearing was not requested					
Average number of days in investigation	219	214	248	256	332
Average number of days in final action	621	618	417	826	831
Complaints Dismissed by Agency	Comparative Data				
	Previous Fiscal Year Data				

	2006	2007	2008	2009	2010					
Total Complaints Dismissed by Agency	81	73	54	39	58					
Average days pending prior to dismissal	683	690	288	248	257					
Complaints Withdrawn by Complainants										
Total Complaints Withdrawn by Complainants	61	29	31	24	33					
Total Final Agency Actions Finding Discrimination	Comparative Data									
	Previous Fiscal Year Data									
	2006		2007		2008		2009		2010	
	#	%	#	%	#	%	#	%	#	%
Total Number Findings	17		8		10		15		27*	
Without Hearing	6	35	3	38	4	40	13	87	22	81
With Hearing	11	65	5	63	6	60	2	13	5	19
Findings of Discrimination Rendered by Basis	Comparative Data									
	Previous Fiscal Year Data									
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	2006		2007		2008		2009		2010	
	#	%	#	%	#	%	#	%	#	%
Total Number Findings	15		7		8		15		27*	
Race	2	13	1	14	0	0	4	27	7	26
Color	0	0	0	0	0	0	0	0	2	7
Religion	0	0	0	0	0	0	0	0	0	0
Reprisal	11	73	3	43	6	75	4	27	12	44
Sex	4	27	3	43	2	25	6	40	5	19
National Origin	0	0	2	29	0	0	1	7	1	4

* Number does not reflect two hearing decisions accounted for in the Farmbill.

Equal Pay Act	0	0	0	0	0	0	0	0	0	0
Age	1	7	0	0	3	38	7	47	9	33
Disability	0	0	2	29	0	0	2	13	5	19
Non-EEO	0	0	0	0	0	0	0	0	1	4
Findings After Hearing	9		4		4		2		5	
Race	2	22	1	25	0	0	1	50	2	40
Color	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0
Reprisal	6	67	1	25	2	50	1	50	3	60
Sex	3	33	2	50	1	25	1	50	2	40
National Origin	0	0	1	25	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0
Age	1	11	0	0	3	75	0	0	3	60
Disability	0	0	0	0	0	0	0	0	1	20
Non-EEO	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	4		2		4		8		16	
Race	0	0	0	0	0	0	3	38	1	6
Color	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0
Reprisal	3	75	1	50	4	100	0	0	7	44
Sex	1	25	1	50	1	25	2	25	2	13
National Origin	0	0	0	0	0	0	1	13	1	6
Equal Pay Act	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	6	75	5	31
Disability	0	0	2	100	0	0	2	25	3	19
Non-EEO	0	0	0	0	0	0	0	0	1	6

Findings of Discrimination Rendered by Issue	Comparative Data									
	Previous Fiscal Year Data									
	2006		2007		2008		2009		2010	
	#	%	#	%	#	%	#	%	#	%
Total Number Findings	15		7		8		15		27	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	1	14	2	25	0	0	2	7
Awards	0	0	0	0	2	25	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0
Disciplinary Action										
Demotion	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	2	29	0	0	1	7	1	4
Removal	0	0	0	0	0	0	0	0	1	4
Other	1	7	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	3	38	1	7	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0
Harassment										
Non-Sexual	5	33	2	29	4	50	1	7	12	44
Sexual	1	7	0	0	1	13	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	1	7	0	0	1	13	1	7	0	0
Promotion/Non-Selection	5	33	3	43	0	0	10	67	4	15
Reassignment										
Denied	1	7	0	0	0	0	0	0	0	0

Directed	1	7	0	0	2	25	1	7	1	4
Reasonable Accommodation	0	0	1	14	0	0	0	0	3	11
Reinstatement	0	0	0	0	0	0	0	0	0	0
Retirement	1	7	0	0	0	0	0	0	1	4
Termination	0	0	0	0	0	0	1	7	1	4
Terms/Conditions of Employment	1	7	1	14	0	0	1	7	0	0
Time and Attendance	1	7	1	14	0	0	0	0	1	4
Training	0	0	0	0	0	0	0	0	0	0
Other - User Defined	2	13	0	0	1	13	0	0	3	11
Findings After Hearing	9		4		4		2		5	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	1	25	0	0	0	0
Awards	0	0	0	0	1	25	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0
Disciplinary Action										
Demotion	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	1	25	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0
Other	1	11	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	1	25	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0
Non-Sexual	2	22	2	50	3	75	0	0	2	40
Sexual	0	0	0	0	0	0	0	0	0	0

Medical Examination	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	1	11	0	0	1	25	0	0	0	0
Promotion/Non-Selection	5	56	2	50	0	0	1	50	2	40
Reassignment										
Denied	1	11	0	0	0	0	0	0	0	0
Directed	0	0	0	0	1	25	1	50	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0
Retirement	1	11	0	0	0	0	0	0	1	20
Termination	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0
Time and Attendance	1	11	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	1	25	0	0	0	0
Findings Without Hearing	6		3		4		13		22	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	1	33	1	25	0	0	2	9
Awards	0	0	0	0	1	25	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0
Disciplinary Action										
Demotion	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	1	33	0	0	1	8	1	5
Removal	0	0	0	0	0	0	0	0	1	5
Other	0	0	0	0	0	0	0	0	0	0

Duty Hours	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	2	50	1	8	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0
Harassment										
Non-Sexual	3	50	0	0	1	25	1	8	10	45
Sexual	1	17	0	0	1	25	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	1	8	0	0
Promotion/Non-Selection	0	0	1	33	0	0	9	69	2	9
Reassignment										
Denied	0	0	0	0	0	0	0	0	0	0
Directed	1	17	0	0	1	25	0	0	1	5
Reasonable Accommodation	0	0	1	33	0	0	0	0	3	14
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	1	8	1	5
Terms/Conditions of Employment	1	17	1	33	0	0	1	8	0	0
Time and Attendance	0	0	1	33	0	0	0	0	1	5
Training	0	0	0	0	0	0	0	0	0	0
Other - User Defined	2	33	0	0	0	0	0	0	3	14

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data
	Previous Fiscal Year Data

	2006	2007	2008	2009	2010
Total complaints from previous Fiscal Years	1443	1384	1333	1210	939
Total Complainants	1081	1078	1063	932	696
Number complaints pending					
Investigation	67	75	102	89	82
ROI issued, pending Complainant's action	2	8	6	1	8
Hearing	287	303	350	300	238
Final Agency Action	534	469	360	109	81
Appeal with EEOC Office of Federal Operations	13	20	23	24	25
Complaint Investigations	Comparative Data				
	Previous Fiscal Year Data				
	2006	2007	2008	2009	2010
Pending Complaints Where Investigations Exceed Required Time Frames	92	113	163	171	176