



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

NOV - 9 2009

Mr. Carlton M. Hadden, Director
Office of Federal Operations
U.S. Equal Employment Opportunity Commission
P.O. Box 19848
Washington, DC 20036

Dear Mr. Hadden,

Enclosed is the certified copy of the Department of the Navy's (DON) Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints for Fiscal Year (FY) 2009. The electronic submission was certified on October 30, 2009.

Proactive steps have been taken over the last few years to ensure timely processing and accuracy of complaints data. This effort continued in FY 09 with a focus on improving DON's progress with respect to the Equal Employment Opportunity Commission's (EEOC) efficiency indicators.

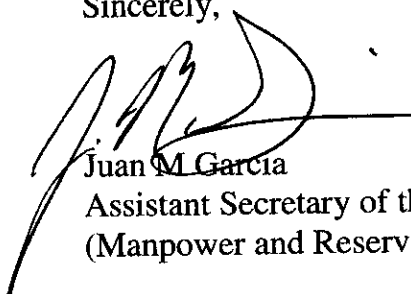
For FY 2009, 78.9% of Equal Employment Opportunity (EEO) counseling met the regulatory timeframes compared to 76.6% in FY 2008. This is an improvement of 28.8% over FY 2005. With respect to investigations completed within regulatory timeframes, 42.5% were issued timely in FY 2009. This is a slight decrease of timely investigations over the timeliness rate in FY 2008. Our analysis has revealed redundant and inconsistent procedures at the processing office level negatively impacting the timeliness of investigations. During FY 2010 DON will focus efforts on eliminating redundant internal procedures and taking direct action to fast-track untimely cases with expedited investigations and ADR.

In FY 2008, the EEOC acknowledged DON as being number one, of the top five agencies, in issuing Final Agency Decisions (FADs) within regulatory timeframes. For FY 2009 DON stayed consistent with 93.7% of DON FADs issued timely.

Additionally, improvements have been made with respect to Alternative Dispute Resolution (ADR) in the pre-complaint phase. The collaboration between the Naval Office of EEO Complaints Management & Adjudication (NAVOECMA) and the Assistant General Counsel for ADR, continues to enhance accurate and comprehensive collection of data in this area. In FY09 the DON SECNAV directed that EEO/ADR guidance be updated to require written justification where management declined to participate in ADR. In FY 2009, DON offered ADR in 100% of pre-complaint cases, an increase over the 95.5% in FY 2008. There were 605 cases accepted into ADR resulting in a 42.8% participation rate in FY 2009.

If you require additional information regarding the preparation of this report, you may contact, Ms. Jamie Kajouras, Director, NAVOECMA, at (202) 685-6167.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Garcia', with a horizontal line extending to the right from the end of the signature.

Juan M Garcia
Assistant Secretary of the Navy
(Manpower and Reserve Affairs)

Attachments:
As stated

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY
STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS
(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: Department of the Navy

REPORTING PERIOD: FY 2009

PART I - PRE-COMPLAINT COUNSELING

EEO COUNSELOR	COUNSELINGS	INDIVIDUALS
A. TOTAL COMPLETED/ENDED COUNSELINGS	1413	1364
1. COUNSELED WITHIN 30 DAYS	382	359
2. COUNSELED WITHIN 31 TO 90 DAYS	897	876
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS	358	344
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR	418	413
c. COUNSELED WITHIN 31-90 DAYS THAT WERE UNTIMELY	121	120
3. COUNSELED BEYOND 90 DAYS	133	131
4. COUNSELED DUE TO REMANDS	1	1
ADR INTAKE OFFICER		
B. TOTAL COMPLETED/ENDED COUNSELINGS	0	0
1. COUNSELED WITHIN 30 DAYS	0	0
2. COUNSELED WITHIN 31 TO 90 DAYS	0	0
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS	0	0
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR	0	0
c. COUNSELED WITHIN 31-90 DAYS THAT WERE UNTIMELY	0	0
3. COUNSELED BEYOND 90 DAYS	0	0
4. COUNSELED DUE TO REMANDS	0	0
COMBINED TOTAL		
C. TOTAL COMPLETED/ENDED COUNSELINGS	1413	1364
1. COUNSELED WITHIN 30 DAYS	382	359
2. COUNSELED WITHIN 31 TO 90 DAYS	897	876
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS	358	344
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR	418	413
c. COUNSELED WITHIN 31-90 DAYS THAT WERE UNTIMELY	121	120
3. COUNSELED BEYOND 90 DAYS	133	131
4. COUNSELED DUE TO REMANDS	1	1
D. COUNSELING ACTIVITIES		
1. ON HAND AT THE BEGINNING OF THE REPORTING PERIOD	225	220
2. INITIATED DURING THE REPORTING PERIOD	1392	1341
3. COMPLETED/ENDED COUNSELINGS	1413	1364
a. SETTLEMENTS (MONETARY AND NON-MONETARY)	180	178
b. WITHDRAWALS/NO COMPLAINT FILED	563	541
c. COUNSELINGS COMPLETED/ENDED IN REPORTING PERIOD THAT RESULTED IN COMPLAINT FILINGS IN REPORTING PERIOD	643	621
d. DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD	27	25
4. COUNSELINGS PENDING AT THE END OF THE REPORTING PERIOD	204	195

E. NON-ADR SETTLEMENTS WITH MONETARY BENEFITS			
	COUNSELINGS	INDIVIDUALS	AMOUNT
TOTAL	11	11	\$ 75,211.00
1. COMPENSATORY DAMAGES	1	1	\$ 1,000.00
2. BACKPAY/FRONTPAY	5	5	\$ 22,954.00
3. LUMP SUM PAYMENT	4	4	\$ 37,001.00
4. ATTORNEY FEES AND COSTS	1	1	\$ 4,256.00
5. AWARDS/RECOGNITION	1	1	\$ 10,000.00
6.	0	0	\$ 0.00
7.	0	0	\$ 0.00
F. NON-ADR SETTLEMENTS WITH NON-MONETARY BENEFITS			
	COUNSELINGS	INDIVIDUALS	
TOTAL	32	31	
1. HIRES	0	0	
a. RETROACTIVE	0	0	
b. NON-RETROACTIVE	0	0	
2. PROMOTIONS	2	2	
a. RETROACTIVE	0	0	
b. NON-RETROACTIVE	2	2	
3. EXPUNGEMENTS	1	1	
4. REASSIGNMENTS	10	10	
5. REMOVALS RESCINDED	5	5	
a. REINSTATEMENT	1	1	
b. VOLUNTARY RESIGNATION	4	4	
6. ACCOMMODATIONS	0	0	
7. TRAINING	3	3	
8. APOLOGY	4	4	
9. DISCIPLINARY ACTIONS	4	4	
a. RESCINDED	3	3	
b. MODIFIED	1	1	
10. PERFORMANCE EVALUATION MODIFIED	1	0	
11. LEAVE RESTORED	4	4	
12. RECOGNITION	4	4	
13.	0	0	
G. ADR SETTLEMENTS WITH MONETARY BENEFITS			
	COUNSELINGS	INDIVIDUALS	AMOUNT
TOTAL	21	21	\$ 69,680.00
1. COMPENSATORY DAMAGES	1	1	\$ 5,684.00
2. BACKPAY/FRONTPAY	5	5	\$ 22,561.00
3. LUMP SUM PAYMENT	8	8	\$ 31,585.00
4. ATTORNEY FEES AND COSTS	4	4	\$ 5,100.00
5. AWARDS/RECOGNITION	4	4	\$ 4,750.00
6.	0	0	\$ 0.00
7.	0	0	\$ 0.00
H. ADR SETTLEMENTS WITH NON-MONETARY BENEFITS			
	COUNSELINGS	INDIVIDUALS	
TOTAL	133	132	
1. HIRES	1	1	
a. RETROACTIVE	0	0	
b. NON-RETROACTIVE	1	1	
2. PROMOTIONS	11	6	
a. RETROACTIVE	7	7	
b. NON-RETROACTIVE	4	4	
3. EXPUNGEMENTS	6	6	
4. REASSIGNMENTS	36	36	
5. REMOVALS RESCINDED	8	7	
a. REINSTATEMENT	2	2	
b. VOLUNTARY RESIGNATION	6	6	
6. ACCOMMODATIONS	8	8	
7. TRAINING	52	51	
8. APOLOGY	7	7	
9. DISCIPLINARY ACTIONS	15	15	
a. RESCINDED	8	8	
b. MODIFIED	7	7	
10. PERFORMANCE EVALUATION MODIFIED	9	9	
11. LEAVE RESTORED	13	13	
12. RECOGNITION	11	11	
13.	0	0	
I. NON-ADR SETTLEMENTS			
	COUNSELINGS	INDIVIDUALS	
TOTAL	39	38	

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS

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

AGENCY OR DEPARTMENT: **Department of the Navy** REPORTING PERIOD: **FY 2009**

PART II - FORMAL COMPLAINT ACTIVITIES	
692	A. COMPLAINTS ON HAND AT THE BEGINNING OF THE REPORTING PERIOD
643	B. COMPLAINTS FILED
7	C. REMANDS (sum of lines C1+C2+C3)
4	C.1. REMANDS (NOT INCLUDED IN A OR B)
3	C.2. REMANDS (INCLUDED IN A OR B)
0	C.3. NUMBER OF ADDITIONAL REMANDS IN THIS REPORTING PERIOD THAT ARE NOT CAPTURED IN C.1 OR C.2 ABOVE
1	C.4. ADDITIONAL CLOSURES IN THIS REPORTING PERIOD NOT REFLECTED IN F OR H THAT RESULTED FROM REMANDS
1339	D. TOTAL COMPLAINTS (sum of lines A+B+C1)
1273	E. COMPLAINTS IN LINE D THAT WERE NOT CONSOLIDATED
597	F. COMPLAINTS IN LINE E CLOSED DURING REPORT PERIOD
66	G. COMPLAINTS IN LINE D THAT WERE CONSOLIDATED
34	H. COMPLAINTS IN LINE G CLOSED DURING REPORT PERIOD
710	I. COMPLAINTS ON HAND AT THE END OF THE REPORTING PERIOD (Line D - (F+H)) + ((C2 + C3) - C4)
621	J. INDIVIDUALS FILING COMPLAINTS
8	K. NUMBER OF JOINT PROCESSING UNITS FROM CONSOLIDATION OF COMPLAINTS

PART III - AGENCY RESOURCES, TRAINING, REPORTING LINE				
A. AGENCY & CONTRACT RESOURCES				
	AGENCY		CONTRACT	
	NUMBER	PERCENT	NUMBER	PERCENT
1. WORK FORCE				
a. TOTAL WORK FORCE	265081			
b. PERMANENT EMPLOYEES	184394			
2. COUNSELOR				
	113		0	
a. FULL-TIME	105	92.92	0	0.00
b. PART-TIME	4	3.54	0	0.00
c. COLLATERAL DUTY	4	3.54	0	0.00
3. INVESTIGATOR				
	0		0	
a. FULL-TIME	0	0.00	0	0.00
b. PART-TIME	0	0.00	0	0.00
c. COLLATERAL DUTY	0	0.00	0	0.00
4. COUNSELOR/INVESTIGATOR				
	0		0	
a. FULL-TIME	0	0.00	0	0.00
b. PART-TIME	0	0.00	0	0.00
c. COLLATERAL DUTY	0	0.00	0	0.00

B. AGENCY & CONTRACT STAFF TRAINING						
	COUNSELORS		INVESTIGATORS		COUNS/INVESTIG	
	AGENCY	CONTRACT	AGENCY	CONTRACT	AGENCY	CONTRACT
1. NEW STAFF - TOTAL						
	0	0	0	0	0	0
a. STAFF RECEIVING REQUIRED 32 OR MORE HOURS						
	0	0	0	0	0	0
b. STAFF RECEIVING 8 OR MORE HOURS, USUALLY GIVEN TO EXPERIENCED STAFF						
	0	0	0	0	0	0
c. STAFF RECEIVING NO TRAINING AT ALL						
	0	0	0	0	0	0
2. EXPERIENCED STAFF - TOTAL						
	113	0	0	0	0	0
a. STAFF RECEIVING REQUIRED 8 OR MORE HOURS						
	105	0	0	0	0	0
b. STAFF RECEIVING 32 OR MORE HOURS, GENERALLY GIVEN TO NEW STAFF						
	4	0	0	0	0	0
c. STAFF RECEIVING NO TRAINING AT ALL						
	4	0	0	0	0	0

C. REPORTING LINE
 1 EEO DIRECTOR'S NAME: **Juan M. Garcia, Assistant Secretary of N**

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

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

3. WHO IS RESPONSIBLE FOR THE DAY-TO-DAY OPERATION OF THE EEO PROGRAM IN YOUR DEPARTMENT/AGENCY/ORGANIZATION?
 PERSON: **Judith K. Scott**
 TITLE: **Program Director, Office of EEO & Diversity Management**

4. WHO DOES THAT PERSON REPORT TO?
 PERSON: **Patricia Adams**
 TITLE: **Deputy Assistant Secretary of Navy (Civilian Human Resources)**

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS

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

AGENCY OR DEPARTMENT: Department of the Navy

REPORTING PERIOD: FY 2009

PART IV - BASES AND ISSUES ALLEGED IN COMPLAINTS FILED

BASES OF ALLEGED DISCRIMINATION

ISSUES OF ALLEGED DISCRIMINATION	RACE												RELIGION	RETRIAL	SEX		NATIONAL ORIGIN		EQUAL PAY ACT		AGE	DISABILITY		TOTAL BASES BY ISSUE	TOTAL COMPLAINTS BY ISSUE	TOTAL COMPLAINTS BY ISSUE
	RACE						RACE								MALE	FEMALE	HISPANIC/LATINO	OTHER	MALE	FEMALE		MORTAL	PERMANENT			
	AMERICAN INDIAN/ALASKA NATIVE	ASIAN	BLACK OR AFRICAN AMERICAN	WHITE	TWO OR MORE RACES	COLOR	RELIGION	RETRIAL	MALE	FEMALE	HISPANIC/LATINO	OTHER														
A. APPOINTMENT/ PROMOTION	0	2	1	8	2	0	6	0	0	16	1	7	1	9	22	1	6	82	36	36						
B. ASSIGNMENT OF DUTIES	2	4	1	12	1	0	1	2	21	3	13	3	3	3	14	5	8	91	47	46						
C. AWARDS	0	1	0	4	0	0	1	0	3	0	3	0	3	3	1	0	0	16	9	9						
D. CONVERSION TO FULL TIME	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
E. DISCIPLINARY ACTION	0	3	0	25	3	0	7	3	43	5	13	3	3	3	13	5	10	136	77	77						
F. DELEGATIONS	0	1	0	0	0	0	0	0	2	0	1	0	0	0	1	1	7	4	4	4						
G. DEMOTION	0	1	0	12	1	0	5	2	22	1	5	2	0	0	6	0	5	62	36	36						
H. REPRISAL	0	1	0	10	2	0	1	1	18	3	5	1	3	3	5	3	3	56	30	30						
I. SUSPENSION	0	0	0	3	0	0	1	0	1	1	2	0	0	0	0	0	0	0	0	0						
J. REMOVAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
K. OTHER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
L. BUIY HOURS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
M. EVALUATION/APPROVAL	0	2	0	4	0	0	1	0	16	0	8	2	4	4	11	4	3	55	24	24						
N. PROMOTION/SELECTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
O. DISCRIMINATION/RETRIAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
P. HARASSMENT	3	9	2	60	6	2	21	10	98	22	81	15	22	22	59	18	41	489	221	218						
Q. REASSIGNMENT	3	9	2	60	6	2	21	10	93	18	59	15	22	22	59	18	41	438	199	196						
R. SEXUAL HARASSMENT	0	0	0	0	0	0	0	0	5	4	22	0	0	0	1	2	4	10	5	5						
S. SEXUAL HARASSMENT	0	2	0	0	0	0	0	0	1	0	0	0	0	0	0	1	1	33	18	18						
T. PAY INCLUDING OVERTIME	0	0	0	3	4	0	1	1	6	5	3	0	4	4	64	5	13	268	129	125						
U. PROMOTION/SELECTION	0	0	0	48	6	0	16	1	44	11	27	7	14	14	6	0	0	33	15	15						
V. REASSIGNMENT	0	0	1	6	1	0	2	1	6	1	7	1	1	1	2	0	0	14	7	7						
W. OTHER	0	0	1	2	0	0	0	0	3	1	3	1	1	1	4	0	0	19	8	8						
X. DIRECTED	0	0	0	4	1	0	2	1	3	0	4	0	0	0	6	25	39	31	25	25						
Y. RESPONSIBLE ACCOMMODATION	0	0	0	0	0	0	0	0	7	0	0	0	0	0	0	0	1	1	1	1						
Z. HIRING/ATTAYRNT	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	1	4	3	3	3						
AA. RETIREMENT	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0	7	3	3	3						
AB. TERMINATION	0	5	0	15	7	0	5	5	16	8	9	2	8	8	15	6	14	115	56	55						
AC. TRANSITION	0	3	1	9	0	0	3	1	22	2	10	0	4	4	14	3	10	82	41	41						
AD. TRANSITION/CONDITIONS OF EMPLOYMENT	0	0	0	3	2	0	0	0	6	2	5	0	0	0	5	2	5	30	17	17						
AE. TIME AND ATTENDANCE	0	1	0	7	1	0	2	0	6	3	7	0	2	2	6	1	2	38	18	18						
AF. TRAINING	0	1	0	7	1	0	2	0	6	3	7	0	2	2	6	1	2	38	18	18						
AG. OTHER (Please specify below)																										
1. NSPS PERFORMANCE RATING	1	0	1	6	2	0	2	0	13	3	3	0	2	2	5	0	3	41	22	22						
2. NSPS COMMUNICATION	0	0	0	0	0	0	0	0	3	1	1	0	0	0	1	0	7	3	3	3						
3. NSPS OTHER	0	1	0	1	0	0	1	0	1	0	3	0	1	1	1	0	9	7	7	7						
4. NSPS PAY/AWARDS	0	0	0	0	0	0	0	0	3	0	1	0	0	0	1	0	5	3	3	3						
5. NSPS TRANSITION ISSUES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
TOTAL ISSUES BY BASES	6	45	7	212	36	2	70	25	334	67	202	32	80	80	247	60	147									
TOTAL COMPLAINTS FILED BY BASES	3	35	2	146	27	1	59	18	222	52	134	22	53	53	178	38	113									
TOTAL COMPLAINTS BY BASES	3	35	2	142	27	1	58	18	217	52	131	21	47	47	167	37	112									

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

AGENCY OR DEPARTMENT: Department of the Navy

REPORTING PERIOD: FY 2009

PART V - SUMMARY OF CLOSURES BY STATUTE

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

510	1. TITLE VII
199	2. AGE DISRIMINATION IN EMPLOYMENT ACT (ADEA)
151	3. REHABILITATION ACT
6	4. EQUAL PAY ACT (EPA)

B. TOTAL BY STATUTES

866 THIS NUMBER MAY BE LARGER THAN THE TOTAL NUMBER OF COMPLAINTS CLOSED.
(A1+A2+A3+A4)

PART VI - SUMMARY OF CLOSURES BY CATEGORY

		TOTAL NUMBER	TOTAL DAYS	AVERAGE DAYS
A. TOTAL NUMBER OF CLOSURES (1+2+3)		629	202435	321.84
1. WITHDRAWALS		87	18808	216.18
a. NON-ADR WITHDRAWALS		87	18808	216.18
b. ADR WITHDRAWALS		0	0	0.00
2. SETTLEMENTS		248	83693	337.47
a. NON-ADR SETTLEMENTS		234	80930	345.85
b. ADR SETTLEMENTS		14	2763	197.36
3. FINAL AGENCY ACTIONS (B+C)		294	99934	339.91
B. FINAL AGENCY DECISIONS WITHOUT AN ADMINISTRATIVE JUDGE DECISION (1+2+3)		254	71406	281.13
1. FINDING DISCRIMINATION		7	6048	864.00
2. FINDING NO DISCRIMINATION		136	57224	420.76
3. DISMISSAL OF COMPLAINTS		111	8134	73.28
C. FINAL AGENCY ORDERS WITH AN ADMINISTRATIVE JUDGE (AJ) DECISION (1+2)		40	28528	713.20
1. AJ DECISION FULLY IMPLEMENTED (a+b+c)		40	28528	713.20
(a) FINDING DISCRIMINATION		3	2882	960.67
(b) FINDING NO DISCRIMINATION		35	24262	693.20
(c) DISMISSAL OF COMPLAINTS		2	1384	692.00
2. AJ DECISION NOT FULLY IMPLEMENTED (a+b+c)		0	0	0.00
(a) FINDING DISCRIMINATION (i+ii+iii)		0	0	0.00
i. AGENCY APPEALED FINDING BUT NOT REMEDY		0	0	0.00
ii. AGENCY APPEALED REMEDY BUT NOT FINDING		0	0	0.00
iii. AGENCY APPEALED BOTH FINDING AND REMEDY		0	0	0.00
(b) FINDING NO DISCRIMINATION		0	0	0.00
(c) DISMISSAL OF COMPLAINTS		0	0	0.00

**ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY
STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS
(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)**

AGENCY OR DEPARTMENT: Department of the Navy **REPORTING PERIOD: FY** 2009

PART VI - SUMMARY OF CLOSURES BY CATEGORY (Continued)

	TOTAL NUMBER	TOTAL DAYS	AVERAGE DAYS
D. FINAL AGENCY MERIT DECISIONS (FAD) ISSUED (1+2+3+4)	143	10370	72.52
1. COMPLAINANT REQUESTED IMMEDIATE FAD (1a+1b)	45	2935	65.22
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF FAD REQUEST	43	2235	51.98
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND RECEIPT OF FAD REQUEST	2	700	350.00
2. COMPLAINANT DID NOT ELECT HEARING OR FAD (2a+2b)	66	3510	53.18
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF END OF 30-DAY ELECTION PERIOD	64	3182	49.72
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND END OF 30-DAY ELECTION PERIOD	2	328	164.00
3. HEARING REQUESTED; AJ RETURNED CASE TO AGENCY FOR FAD WITHOUT AJ DECISION (3a+3b)	27	3725	137.96
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF AJ RETURNED CASE FOR FAD ISSUANCE	22	1137	51.68
b. AGENCY ISSUED FAD MORE THAN 60 DAYS AFTER RECEIPT OF AJ RETURNED CASE FOR FAD ISSUANCE	5	2588	517.60
4. FINAL AGENCY DECISION ISSUED ON A MIXED CASE (4a+4b)	5	200	40.00
a. AGENCY ISSUED FAD WITHIN 45 DAYS AFTER INVESTIGATION	5	200	40.00
b. AGENCY ISSUED FAD MORE THAN 45 DAYS AFTER INVESTIGATION	0	0	0.00

PART VII - SUMMARY OF FORMAL COMPLAINTS CLOSED BY TYPES OF BENEFITS

	NUMBER	AMOUNT
A. TOTAL COMPLAINTS CLOSED WITH BENEFITS	258	
B. CLOSURES WITH MONETARY BENEFITS TO COMPLAINANT	176	\$2,861,563.00
1. BACK PAY/FRONT PAY	11	\$ 223,974.00
2. LUMP SUM PAYMENT	94	\$ 1,415,365.00
3. COMPENSATORY DAMAGES	17	\$ 394,316.00
4. ATTORNEY FEES AND COSTS	54	\$ 827,908.00
INTENTIONALLY LEFT BLANK		
E. CLOSURES WITH NON-MONETARY BENEFITS	105	
F. TYPES OF BENEFITS	NUMBER OF CLOSURES WITH MONETARY BENEFITS	NUMBER OF CLOSURES WITH NON-MONETARY BENEFITS
1. HIRES	2	6
a. RETROACTIVE	2	0
b. NON-RETROACTIVE	0	6
2. PROMOTIONS	7	7
a. RETROACTIVE	2	4
b. NON-RETROACTIVE	5	3
3. EXPUNGEMENTS	7	17
4. REASSIGNMENTS	6	18
5. REMOVALS RESCINDED	8	24
a. REINSTATEMENT	2	2
b. VOLUNTARY RESIGNATION	6	22
6. ACCOMMODATIONS	0	3
7. TRAINING	11	19
8. APOLOGY	1	7
9. DISCIPLINARY ACTIONS	15	28
a. RESCINDED	11	22
b. MODIFIED	4	6
10. PERFORMANCE EVALUATION MODIFIED	1	6
11. LEAVE RESTORED	9	13
12. RECOGNITION/AWARD	0	0
13.	0	0
14.	0	0

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS

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

AGENCY OR DEPARTMENT: Department of the Navy

REPORTING PERIOD: FY 2009

PART VIII - SUMMARY OF PENDING COMPLAINTS BY CATEGORY

A. TOTAL COMPLAINTS PENDING (SAME AS PART II Line I) (1+2+3+4)	NUMBER PENDING	NUMBER OF DAYS	AVERAGE DAYS	NUMBER OF DAYS PENDING FOR OLDEST CASE
1. COMPLAINTS PENDING WRITTEN NOTIFICATION (Acknowledgement Letter)	9	203	22.56	77
2. COMPLAINTS PENDING IN INVESTIGATION	353	44775	126.84	512
3. COMPLAINTS PENDING IN HEARINGS	250	162463	649.85	2118
4. COMPLAINTS PENDING A FINAL AGENCY ACTION	98	36673	374.21	1150

PART IX - SUMMARY OF INVESTIGATIONS COMPLETED

	TOTAL	TOTAL DAYS	AVERAGE DAYS
A. INVESTIGATIONS COMPLETED DURING REPORTING PERIOD (1+3)	320	76924	240.39
1. INVESTIGATIONS COMPLETED BY AGENCY PERSONNEL (a+b+c)	320	76924	240.39
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS	83	12272	147.86
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS	211	52289	247.82
1. TIMELY COMPLETED INVESTIGATIONS	53	12536	236.53
2. UNTIMELY COMPLETED INVESTIGATIONS	158	39753	251.60
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS	26	12363	475.50
2. AGENCY INVESTIGATION COSTS	\$ 2,921,600.00		\$ 9130.00
3. INVESTIGATIONS COMPLETED BY CONTRACTORS (a+b+c)	0	0	0.00
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS	0	0	0.00
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS	0	0	0.00
1. TIMELY COMPLETED INVESTIGATIONS	0	0	0.00
2. UNTIMELY COMPLETED INVESTIGATIONS	0	0	0.00
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS	0	0	0.00
4. CONTRACTOR INVESTIGATION COSTS	\$ 0.00		\$ 0.00

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS

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

AGENCY OR DEPARTMENT: Department of the Navy REPORTING PERIOD: FY 2009

PART X - SUMMARY OF ADR PROGRAM ACTIVITIES

INFORMAL PHASE (PRE-COMPLAINT)

A. INTENTIONALLY LEFT BLANK					
B. ADR ACTIONS IN COMPLETED/ENDED COUNSELINGS		COUNSELINGS	INDIVIDUALS		
1.	ADR OFFERED BY AGENCY	1413	1364		
2.	REJECTED BY COUNSELEE	808	763		
3.	INTENTIONALLY LEFT BLANK				
4.	TOTAL ACCEPTED INTO ADR PROGRAM	605	601		
C. ADR RESOURCES USED IN COMPLETED/ENDED COUNSELINGS (TOTALS)		223	221		
1.	INHOUSE	200	198		
2.	ANOTHER FEDERAL AGENCY	6	6		
3.	PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS, BAR ASSOCIATIONS, INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY PERSONNEL)	0	0		
4.	MULTIPLE RESOURCES USED (Please specify in a comment box)	16	16		
5.	FEDERAL EXECUTIVE BOARD	1	1		
6.		0	0		
7.		0	0		
D. ADR TECHNIQUES USED IN COMPLETED/ENDED COUNSELINGS (TOTALS)		COUNSELINGS	INDIVIDUALS	DAYS	AVERAGE DAYS
1. MEDIATION		223	221	9661	43.32
2.	SETTLEMENT CONFERENCES	212	210	9403	44.35
3.	EARLY NEUTRAL EVALUATIONS	4	4	111	27.75
4.	FACTFINDING	0	0	0	0.00
5.	FACILITATION	2	2	48	24.00
6.	OMBUDSMAN	3	3	22	7.33
7.	PEER REVIEW	0	0	0	0.00
8.	MULTIPLE TECHNIQUES USED (Please specify in a comment box)	0	0	0	0.00
9.		2	2	77	38.50
10.		0	0	0	0.00
11.		0	0	0	0.00
E. STATUS OF ADR CASES IN COMPLETED/ENDED COUNSELINGS		COUNSELINGS	INDIVIDUALS	DAYS	AVERAGE DAYS
1.	TOTAL CLOSED	605	601	20576	34.01
a.	SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)	141	140	5911	41.92
b.	NO FORMAL COMPLAINT FILED	252	251	8499	33.73
c.	COMPLAINT FILED				
i.	NO RESOLUTION	58	57	2766	47.69
ii.	NO ADR ATTEMPT (aka Part X.E.1.d)	142	141	3163	22.27
c.	DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD	12	12	237	19.75
2.	INTENTIONALLY LEFT BLANK				

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS

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

AGENCY OR DEPARTMENT: Department of the Navy

REPORTING PERIOD: FY 2009

PART XI - SUMMARY OF ADR PROGRAM ACTIVITIES

FORMAL PHASE

A. INTENTIONALLY LEFT BLANK					
B. ADR ACTIONS IN COMPLAINT CLOSURES		COMPLAINTS	COMPLAINANTS		
1.	ADR OFFERED BY AGENCY	33	33		
2.	REJECTED BY COMPLAINANT	4	4		
3.	INTENTIONALLY LEFT BLANK				
4.	TOTAL ACCEPTED INTO ADR PROGRAM	29	29		
C. ADR RESOURCES USED IN COMPLAINT CLOSURES (TOTALS)		COMPLAINTS	COMPLAINANTS		
1.	INHOUSE	19	19		
2.	ANOTHER FEDERAL AGENCY	1	1		
3.	PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS, BAR ASSOCIATIONS, INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY PERSONNEL)	0	0		
4.	MULTIPLE RESOURCES USED (Please specify in a comment box)	3	3		
5.	FEDERAL EXECUTIVE BOARD	0	0		
6.		0	0		
7.		0	0		
D. ADR TECHNIQUES USED IN COMPLAINT CLOSURES (TOTALS)		COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
		23	23	882	38.35
1.	MEDIATION	19	19	777	40.89
2.	SETTLEMENT CONFERENCES	3	3	62	20.67
3.	EARLY NEUTRAL EVALUATIONS	0	0	0	0.00
4.	FACTFINDING	0	0	0	0.00
5.	FACILITATION	0	0	0	0.00
6.	OMBUDSMAN	0	0	0	0.00
7.	MINI-TRIALS	0	0	0	0.00
8.	PEER REVIEW	0	0	0	0.00
9.	MULTIPLE TECHNIQUES USED (Please specify in a comment box)	1	1	43	43.00
10.		0	0	0	0.00
11.		0	0	0	0.00
12.		0	0	0	0.00
E. STATUS OF CASES IN COMPLAINT CLOSURES		COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
1.	TOTAL CLOSED	29	29	2033	70.10
a.	SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)	14	14	536	38.29
b.	WITHDRAWAL FROM EEO PROCESS	0	0	0	0.00
c.	NO RESOLUTION	8	8	346	43.25
d.	NO ADR ATTEMPT	7	7	1151	164.43
2.	INTENTIONALLY LEFT BLANK				
F. BENEFITS RECEIVED		COMPLAINTS	COMPLAINANTS	AMOUNT	
1.	MONETARY (INSERT TOTALS)	4	4	\$ 43,900.00	
a.	COMPENSATORY DAMAGES	0	0	\$ 0.00	
b.	BACKPAY/FRONTPAY	1	1	\$ 31,500.00	
c.	LUMP SUM	3	3	\$ 8,000.00	
d.	ATTORNEY FEES AND COSTS	1	1	\$ 4,400.00	
e.		0	0	\$ 0.00	
f.		0	0	\$ 0.00	
g.		0	0	\$ 0.00	
2.	NON-MONETARY (INSERT TOTALS)	11	11		
a.	HIRES	1	1		
i.	RETROACTIVE	0	0		
ii.	NON-RETROACTIVE	1	1		
b.	PROMOTIONS	0	0		
i.	RETROACTIVE	0	0		
ii.	NON-RETROACTIVE	0	0		
c.	EXPUNGEMENTS	2	2		
d.	REASSIGNMENTS	0	0		
e.	REMOVALS RESCINDED	4	4		
i.	REINSTATEMENT	2	2		
ii.	VOLUNTARY RESIGNATION	2	2		
f.	ACCOMMODATIONS	0	0		
g.	TRAINING	4	4		
h.	APOLOGY	1	1		
i.	DISCIPLINARY ACTIONS	7	7		
i.	RESCINDED	6	6		
ii.	MODIFIED	1	1		
j.	PERFORMANCE EVALUATION MODIFIED	0	0		
k.	LEAVE RESTORED	2	2		
l.	RECOGNITION	3	3		
m.		0	0		

**ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY
STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS**

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

AGENCY OR DEPARTMENT: Department of the Navy

REPORTING PERIOD: FY 2009

PART XII - SUMMARY OF EEO ADR PROGRAM ACTIVITIES

EEO ADR TRAINING AND RESOURCES

A. BASIC EEO ADR ORIENTATION TRAINING	NUMBER IN TOTAL WORKFORCE	CUMULATIVE TOTAL WORKFORCE TRAINED
1. MANAGERS	62427	62427
2. EMPLOYEES	202654	202654
B. EMPLOYEES THAT CAN PARTICIPATE IN EEO ADR	265081	
C. RESOURCES THAT MANAGE ADR PROGRAM (DOES NOT INCLUDE NEUTRALS AS REPORTED IN PARTS X. & XI.)	122	
1. IN-HOUSE FULL TIME (40 HOURS EEO ADR ONLY)	0	
2. IN-HOUSE PART TIME (32 HOURS EEO ADR ONLY)	0	
3. IN-HOUSE COLLATERAL DUTY (OTHERS/NON-CONTRACT)	122	
4. CONTRACT (ANOTHER FEDERAL AGENCY/PRIVATE ORGANIZATIONS)	0	
D. ADR FUNDING SPENT	AMOUNT	
	\$ 0.00	

E. ADR CONTACT INFORMATION

1. NAME OF ADR PROGRAM DIRECTOR / MANAGER Matilda Brodnax

2. TITLE Assistant General Counsel (ADR)

3. TELEPHONE NUMBER 202-685-6990 4. EMAIL matilda.brodnax@navy.mil

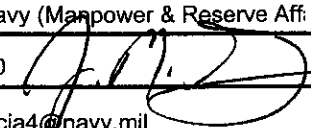
F. ADR PROGRAM INFORMATION

	YES	NO
1. Does the agency require the alleged responsible management official to participate in ADR?		X
1a. If yes, is there a written policy requiring the participation?		
2. Does the alleged responsible management official have a role in deciding if the case is appropriate for ADR?		X

CERTIFICATION AND CONTACT INFORMATION

I certify that the EEO complaint data contained in this report, EEOC Form 462, Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints, for the reporting period October 1, through September 30, 2009 are accurate and complete.

NAME AND TITLE OF EEO DIRECTOR/CERTIFYING OFFICIAL: Juan M Garcia, Assistant Secretary of Navy (Manpower & Reserve Aff)

SIGNATURE OF EEO DIRECTOR/CERTIFYING OFFICIAL: (Enter PIN here to serve as your electronic signature) 8500 

DATE: 10/29/2009 **TELEPHONE NUMBER:** 703-693-7700 **E-MAIL:** juan.m.garcia4@navy.mil

NAME AND TITLE OF PREPARER: Jamie Kajouras, Director, NAVOECMA

DATE: 10/29/2009 **TELEPHONE NUMBER:** 202-685-6167 **E-MAIL:** jamie.kajouras@navy.mil

This report (with the PIN entered) is due on or before November 2, 2009.

Appendix A – Comments (continued)

CNO - III.B.1 Coun/Agency - The DON EEO Counselor resource numbers and training data is reported on the corporate report.
BUPERS - III.B.1 Coun/Agency - The DON EEO Counselor resource numbers and training data is reported on the corporate report.
SSPO - III.B.1 Coun/Agency - DON EEO Counselors do not belong to each sub-element and are therefore reported on the corporate 462 part III.
AAUSN - III.B.1 Coun/Agency - The DON EEO Counselor resource numbers and training data is reported on the corporate report.
BUMED - III.B.1 Coun/Agency - The DON EEO Counselor resource numbers and training data is reported on the corporate report.
USN - III.B.2.c Coun/Agency - Collateral duty personnel did not receive training during this FY.

Part 6

SPAWAR - VI.A Number - Data has been verified as correct.
COMPACFLT - VI.A.1 AveDays - Data has been verified as correct
NETC - VI.A.2 AveDays - Days have been verified as correct.
NAVSEA - VI.B.1 Ave Days - Data has been verified as correct.
HQ USMC - VI.B.2 Ave Days - Data has been verified as correct.
HQ USMC - VI.C.1.(c) Ave Days - Data has been verified as correct.

Part 7

SPECWARS - VII.B.2 Amount - The exact \$ amount of lump sum payment has not been determined as of the date of this report.

Part 8

USN - VIII.A.3 Pending Oldest Case - The Department of Navy case number for the oldest case Pending earing is 03-67353-07626, EEOC docket #120-2004-00982X, Patricia Hughes.

Part 9

SPAWAR - IX.A.1 Ave Days - Data has been verified as correct

Part 11

USN - XI.D.9 Complaints - Multiples Techniques included mediation and settlement conference.

Part 12

USN - XII.A.2 Trained - DON does not have a tracking mechanism for the number of employees trained in ADR.
USN - XII.A.2 Trained - Basic ADR training is not provided during employee orientation however during FY 09 the workforce was required to complete No Fear AC Training during which the purpose of the ADR Program was discussed in detail.
USN - XII.C Resources - The DON ADR program is the primary responsibility of the Assistant General Counsel (ADR). ADR matters that can include many legal, personal, and morale issues that exceed the narrow scope of EEO ADR practice are under the purview of the AGC (ADR). There are no specific EEO ADR resources identified. There are 3 collateral duty individuals reported. We have 119 collateral duty who are EEO Counselors.
NAVRESFOR - XII.C Resources - Department of Navy Resources are reported on the HQ 462 report as program is managed corporately.
BUPERS - XII.C Resources - The DON ADR program is the primary responsibility of the Assistant General Counsel (ADR). ADR matters that can include many legal, personal, and morale issues that exceed the narrow scope of EEO ADR practice are under the purview of the AGC (ADR). There are no specific EEO ADR resources identified.
CNO - XII.C Resources - The DON ADR program is the primary responsibility of the Assistant General Counsel (ADR). ADR matters that can include many legal, personal, and morale issues that exceed the narrow scope of EEO ADR practice are under the purview of the AGC (ADR). There are no specific EEO ADR resources identified.
BUMED - XII.C Resources - The DON ADR program is the primary responsibility of the Assistant General Counsel (ADR). ADR matters that can include many legal, personal, and morale issues that exceed the narrow scope of EEO ADR practice are under the purview of the AGC (ADR). There are no specific EEO ADR resources identified.
AAUSN - XII.C Resources - The DON ADR program is the primary responsibility of the Assistant General Counsel (ADR). ADR matters that can include many legal, personal, and morale issues that exceed the narrow scope of EEO ADR practice are under the purview of the AGC (ADR). There are no specific EEO ADR resources identified.
COMPACFLT - XII.C Resources - The DON ADR program is the primary responsibility of the Assistant General Counsel (ADR). ADR matters that can include many legal, personal, and morale issues that exceed the narrow scope of EEO ADR practice are under the purview of the AGC (ADR). There are no specific EEO ADR resources identified.
FLTFOR - XII.C Resources - The DON ADR program is the primary responsibility of the Assistant General Counsel (ADR). ADR matters that can include many legal, personal, and morale issues that exceed the narrow scope of EEO ADR practice are under the purview of the AGC (ADR). There are no specific EEO ADR resources identified.
HQ USMC - XII.C Resources - The DON ADR program is the primary responsibility of the Assistant General Counsel (ADR). ADR matters that can include many legal, personal, and morale issues that exceed the narrow scope of EEO ADR practice are under the purview of the AGC (ADR). There are no specific EEO ADR resources identified.
HQ USMC - XII.C Resources - The DON ADR Program does not track ADR funding specifically for EEO issues and operates in many fields of practice (procurement, environmental, etc.) The figure reported for ADR funding represents amounts spent for "workplace" ADR matters that can include many legal, personal, and morale issues that exceed the narrow scope of EEO ADR practice. The figure includes training for managers & employees, for convening officials, mediators and contractor travel.
NAVAIR - XII.C Resources - The DON ADR program is the primary responsibility of the Assistant General Counsel (ADR). ADR matters that can include many legal, personal, and morale issues that exceed the narrow scope of EEO ADR practice are under the purview of the AGC (ADR). There are no specific EEO ADR resources identified.
NETC - XII.C Resources - The DON ADR program is the primary responsibility of the Assistant General Counsel (ADR). ADR matters that can include many legal, personal, and morale issues that exceed the narrow scope of EEO ADR practice are under the purview of the AGC (ADR). There are no specific EEO ADR resources identified.
NAVSEA - XII.C Resources - The DON ADR program is the primary responsibility of the Assistant General Counsel (ADR). ADR matters that can include many legal, personal, and morale issues that exceed the narrow scope of EEO ADR practice are under the purview of the AGC (ADR). There are no specific EEO ADR resources identified.

Appendix A – Comments (continued)

BUPERS - XII.D ADR Funding Spent - The DON ADR Program does not track ADR funding specifically for EEO issues and operates in many fields of practice (procurement, environmental, etc.) The figure reported for ADR funding represents amounts spent for "workplace" ADR matters that can include many legal, personal, and morale issues that exceed the narrow scope of EEO ADR practice. The figure includes training for managers & employees, for convening officials, mediators and contractor travel.

AAUSN - XII.D ADR Funding Spent - The DON ADR Program does not track ADR funding specifically for EEO issues and operates in many fields of practice (procurement, environmental, etc.) The figure reported for ADR funding represents amounts spent for "workplace" ADR matters that can include many legal, personal, and morale issues that exceed the narrow scope of EEO ADR practice. The figure includes training for managers & employees, for convening officials, mediators and contractor travel.

SSPO - XII.D ADR Funding Spent - The DON ADR Program does not track ADR funding specifically for EEO issues and operates in many fields of practice (procurement, environmental, etc.) The figure reported for ADR funding represents amounts spent for "workplace" ADR matters that can include many legal, personal, and morale issues that exceed the narrow scope of EEO ADR practice. The figure includes training for managers & employees, for convening officials, mediators and contractor travel.

USN - XII.D ADR Funding Spent - The DON ADR Program does not track ADR funding specifically for EEO issues and operates in many fields of practice (procurement, environmental, etc.) The figure reported for ADR funding represents amounts spent for "workplace" ADR matters that can include many legal, personal, and morale issues that exceed the narrow scope of EEO ADR practice. The figure includes training for managers & employees, for convening officials, mediators and contractor travel.