

U. S. Department of Commerce
Annual Report on the No FEAR Act

2022

The Department of Commerce is pleased to submit this annual report in accordance with Section 5, Part 724 of the Code of Federal Regulations (5 C.F.R. § 724), Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act. The report is divided into seven (7) sections that track the reporting areas required by the regulations: pending and resolved federal court cases; administrative equal employment opportunity complaints; disciplinary actions resulting from violations of nondiscrimination and whistleblower protection statutes; agency disciplinary policies; trend analyses of court cases and administrative complaints; a budgetary impact analysis; and the agency training plan.

This report does not include data or responses from the U.S. Patent and Trademark Office (USPTO). The USPTO is submitting its own report under separate cover.

Part 1. The Number of Federal Court Cases Pending and Resolved

Section 5, Parts 724.302(a)(1) through (3) of the Code of Federal Regulations require agencies to report:

(1) The number of cases in Federal court pending or resolved in each fiscal year and arising under each of the respective provisions of the Federal Antidiscrimination Laws and Whistleblower Protection Laws applicable to them as defined in Sec. 724.102 of subpart A of this part in which an employee, former Federal employee, or applicant alleged a violation(s) of these laws, separating data by the provision(s) of law involved;

(2) In the aggregate, for the cases identified in paragraph (a)(1) of this section and separated by provision(s) of law involved:

(i) The status or disposition (including settlement);

(ii) The amount of money required to be reimbursed to the Judgment Fund by the agency for payments as defined in Sec. 724.102 of subpart A of this part;

(iii) The amount of reimbursement to the Fund for attorney's fees where such fees have been separately designated;

(3) In connection with cases identified in paragraph (a)(1) of this section, the total number of employees in each fiscal year disciplined as defined in Sec. 724.102 of subpart A of this part and the specific nature, e.g., reprimand, etc., of the disciplinary actions taken, separated by the provision(s) of law involved.

Response: The statutes applicable to this report are:

Section 2302(b)(1) of the Civil Service Reform Act, which prohibits discrimination in personnel actions based on: race, color, religion, sex, or national origin (as prohibited by Title VII of the Civil Rights Act of 1964); age (as prohibited by sections 12 and 15 of the Age Discrimination in Employment Act of 1967); sex (as prohibited by section 6(d) of the Fair Labor Standards Act of 1938); handicapping condition (as prohibited by section 501 of the Rehabilitation Act of 1973); and marital status or political affiliation.

Section 2302(b)(9) of the Civil Service Reform Act, which prohibits taking a personnel action based on an employee's exercise of any appeal, complaint, or grievance right; testimony or other lawful assistance in the exercise of any appeal, complaint, or grievance right; cooperation with or disclosure to the agency's Inspector General or the Office of Special Counsel; or refusal to obey an illegal order.

Section 6(d)(1) of the Fair Labor Standards Act of 1938, also known as the Equal Pay Act, which prohibits discrimination "between employees on the basis of sex by paying wages to employees ... at a rate less than the rate [paid] to employees of the opposite sex ... for equal work on jobs the performance of which requires equal skill, effort and responsibility, and which are performed under similar working conditions..." 29 U.S.C. § 206(d)(1)

The Age Discrimination in Employment Act (ADEA) of 1967, as amended, which states that, "All personnel actions affecting employees or applicants for employment who are at least 40 years of age ... in executive agencies ... shall be made free from any discrimination based on age." 29 U.S.C. § 633a(a).

Section 501 of the Rehabilitation Act of 1973, 29 U.S.C. § 791 et seq., which prohibits discrimination on the basis of disability and requires agencies of the Federal government to make reasonable accommodation to the known physical or mental limitations of qualified employees with disabilities, unless the agency can demonstrate that accommodation would prove to be an "undue hardship."

Section 717 of the Civil Rights Act of 1964 (Title VII), which prohibits discrimination based on race, color, religion, sex, or national origin against federal employees in executive agencies. 42 U.S.C. § 2000e-16(a). Under Title VII, it is also unlawful for an employer to discriminate against any of its employees because [the employee] has opposed any practice made an unlawful employment practice by Title VII, or because [the employee] has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under Title VII.

Tables showing the number and disposition of civil actions filed in a United States District Court under any of these statutes appear below:

Table 1.A: Federal Court Litigation, Fiscal Year (FY) 2022

Statute	Number of cases		Final Judgments Against Agency	Settled	Employees Disciplined
	Pending	Resolved			
Civil Service Reform Act 5 U.S.C. 2302(b)(1) Prohibited Personnel Practices	Pending	0	0	0	0
	Resolved	0			
Civil Service Reform Act 5 U.S.C. 2302(b)(9) Whistleblowing	Pending	0	0	0	0
	Resolved	0			
Fair Labor Standards Act 29 U.S.C. 206(d) and Title VII	Pending	0	0	0	0
	Resolved	0			
Age Discrimination in Employment Act of 1967 29 U.S.C. 631 and 633a	Pending	0	0	0	0
	Resolved	0			
Rehabilitation Act of 1973 29 U.S.C. 791	Pending	0	0	0	0
	Resolved	0			
Civil Rights Act of 1964 (Title VII) 42 U.S.C. 2000e-16	Pending	5	0	2	0
	Resolved	7			
Title VII and ADEA	Pending	2	0	1	0
	Resolved	3			
Title VII and ADEA and Rehabilitation Act	Pending	3	0	1	0
	Resolved	1			
Title VII and Rehabilitation Act	Pending	3	0	0	0
	Resolved	0			
ADEA and Rehabilitation Act	Pending	0	0	0	0
	Resolved	0			
Title VII and CSRA (Whistleblowing)	Pending	0			
	Resolved	0			
Total	Pending	14			
	Resolved	11			

Table 1.B: Judgment Fund Expenditures, 2022

Judgment Fund Expenditures 2022			
Judgment Fund Total	Judgments	Settlements	Attorney's Fees
\$140,584.83	\$0	\$140,584.83	\$0

Part 2. Administrative Equal Employment Opportunity Complaint Data

Section 5, Part 724.302(a)(4) of the Code of Federal Regulations requires agencies to report:

The final year-end data about discrimination complaints for each fiscal year that was posted in accordance with Equal Employment Opportunity Regulations at subpart G of title 29 of the Code of Federal Regulations (implementing section 301(c)(1)(B) of the No FEAR Act).

Response: See Attachment 1.

Part 3. Disciplinary Actions

Section 5, Part 724.302(a)(5) of the Code of Federal Regulations requires agencies to report:

Whether or not in connection with cases in Federal court, the number of employees in each fiscal year disciplined as defined in Sec. 724.102 of subpart A of this part in accordance with any agency policy described in paragraph (a)(6) of this section. The specific nature, e.g., reprimand, etc., of the disciplinary actions taken must be identified.

Response: Consistent with the fact that there were no final judgments of discrimination against the Department in Fiscal Year 2022, no employees were disciplined in connection with cases in Federal court.

Part 4. Disciplinary Policies

Section 5, Part 724.302(a)(6) of the Code of Federal Regulations requires agencies to report:

A detailed description of the agency's policy for taking disciplinary action against Federal employees for conduct that is inconsistent with Federal Antidiscrimination Laws and Whistleblower Protection Laws or for conduct that constitutes another prohibited personnel practice revealed in connection with agency investigations of alleged violations of these laws.

Response: The Department's policy for taking disciplinary action against Federal Employees for conduct that is inconsistent with Federal Antidiscrimination Laws and Whistleblower Protection Laws or for conduct that constitutes another prohibited personnel practice revealed in connection with agency investigations of alleged violations of these laws is set forth in Department Administrative Order 202-751 (DAO 202-751), a copy of which is available at http://www.osec.doc.gov/opog/dmp/daos/dao202_751.html

The relevant offenses appear at Numbers 36, 42, 45, and 46 on the Table of Offenses and Penalties:

- Harassing, threatening or taking reprisal action against an employee as a result of or in anticipation of a grievance, appeal, complaint, or other exercise of rights (5 days suspension to removal);
- Misrepresentation, falsification, or omission of material fact in connection with application, employment or any record, report, investigation or other proceeding (written reprimand to removal);
- Discrimination. As used in the Table of Offenses and Penalties, discrimination refers to specific acts taken by an employee in the performance of his/her official duties which discriminate against one or more individuals on the basis of race, sex, religion, color, age, national origin, disability, marital status, or political affiliation. (5 day suspension to removal); and
- Refusal to answer appropriate interrogation in a properly authorized inquiry (written reprimand to removal).

Departmental Administrative Order 202-955, a copy of which is available at http://www.osec.doc.gov/opog/dmp/daos/dao202_955.html, also provides an expedited process for reviewing allegations of harassment, terminating actual incidents of harassment, and taking disciplinary actions as appropriate, which includes stopping any ongoing harassment and initiating disciplinary or adverse action when an inquiry results in a finding that misconduct has occurred.

Part 5. Trend Analyses

Section 5, Part 724.302(a)(7) of the Code of Federal Regulations requires agencies to report:

An analysis of the information provided in paragraphs (a)(1) through (6) of this section in conjunction with data provided to the Equal Employment Opportunity Commission in compliance with 29 CFR part 1614 subpart F of the Code of Federal Regulations. Such analysis must include:

- (i) An examination of trends;
- (ii) Causal analysis;
- (iii) Practical knowledge gained through experience; and
- (iv) Any actions planned or taken to improve complaint or civil rights programs of the agency with the goal of eliminating discrimination and retaliation in the workplace;

Part 5.a: Civil Actions Filed in Federal Court

For Fiscal Year 2022, the Department of Commerce litigated 25 cases in Federal district and appellate courts. Eleven (11) of those cases have been resolved, leaving 14 cases pending.

Of the cases resolved, there were no final judgments of discrimination against the Department. Consequently, there was no case resulting in the discipline of any Department employee.

Analysis of Trends:

During the reporting period, there were no lawsuits brought against the Department based on a violation of 5 U.S.C. 2302(b)(1) (Civil Service Reform Act) or 29 U.S.C. 206(d) (pay discrimination). The majority of lawsuits against the Department are based on an alleged violation of Title VII of the Civil Rights Act of 1964.

As shown in the table below, there is a fairly steady trend in the number of new antidiscrimination and whistleblower protection lawsuits brought against the Department over the last several few years. Civil actions hit a peak in FY 2012 and have stayed within a range of 6 to 11 annually since FY 2014.

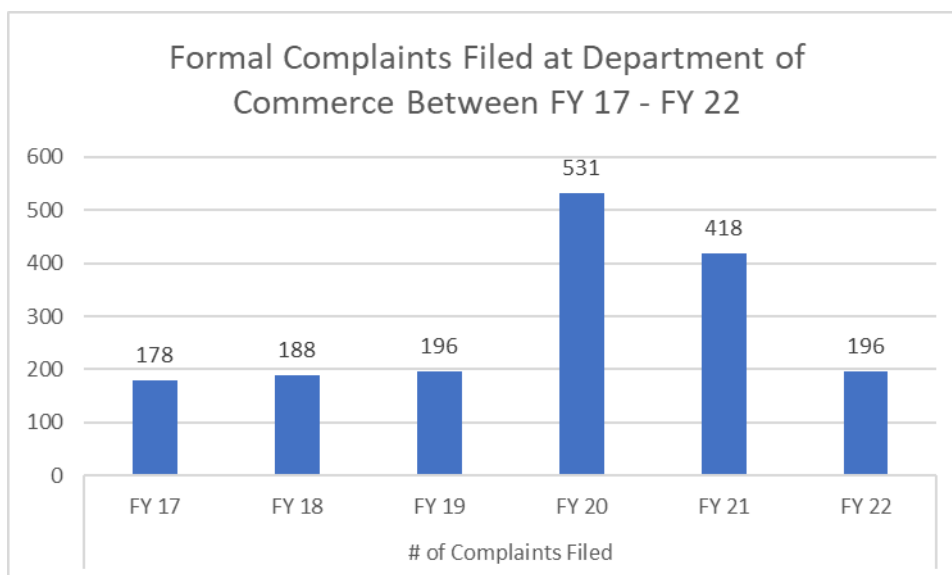
As shown in the table below, the number of new antidiscrimination complaints was relatively stable the last few years.

Fiscal Year	# of New Suits
2011	13
2012	25
2013	23
2014	6
2015	11
2016	5
2017	7
2018	11
2019	7
2020	8
2021	9
2022	7

Part 5.b: Administrative EEO Complaints

Number of filings:

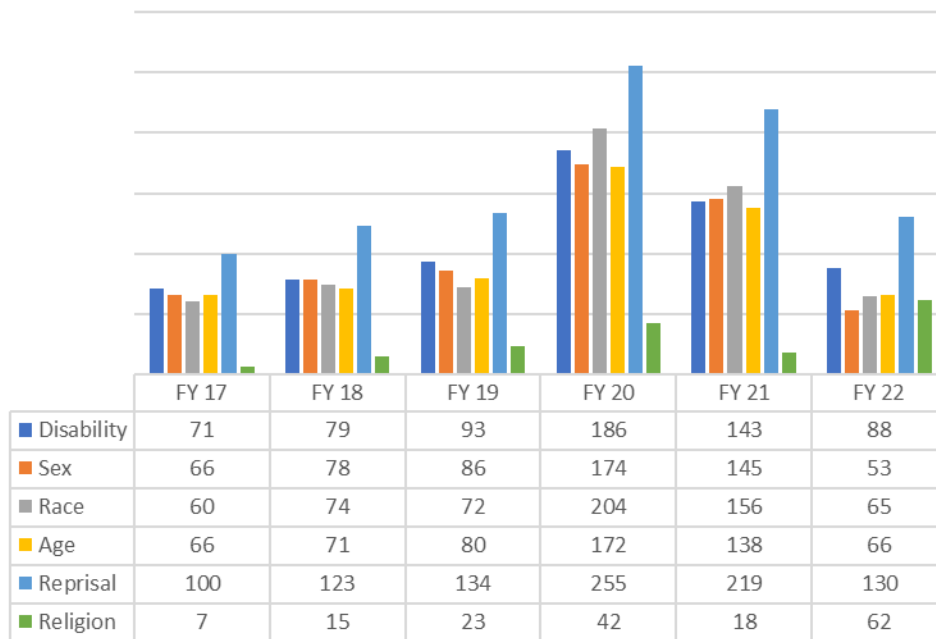
Formal EEO complaint filings at the Department of Commerce (excluding PTO) decreased by 53% in FY 22, declining from 418 in FY 21 to 196 in FY 22. This decrease is largely attributable to the drawdown and cessation of 2020 Decennial Census operations. Excluding the Decennial Census complaints filed in FY 22, 177 formal EEO complaints were filed at the Department, which is consistent with the range of historical EEO complaint activity in non-Decennial Census years. Formal complaint activity at the Department fluctuates and usually ranges in the mid to high 100s, only occasionally going below the mid-100s range and generally never exceeds 200 (excluding PTO), except in Decennial Census years, such as FY 20 and FY 21.



Bases of Complaints:

The top bases of complaints filed in FY 22 were reprisal (66%), disability (45%), followed by age (34%), race (33%) and religion (32%).

Top Five Bases of Formal Complaints Filed At The Department of Commerce From FY 17 - FY 22

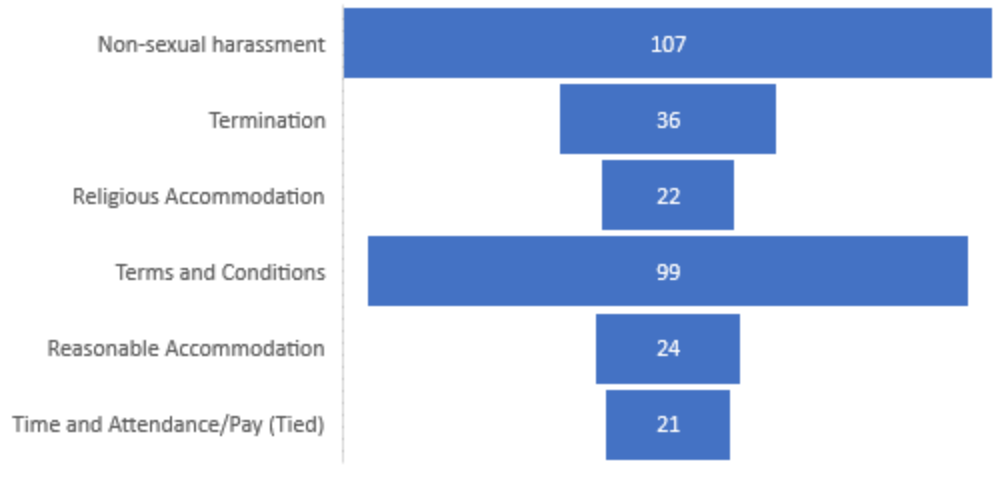


Reprisal, disability, race, age, and race have consistently been the top bases in formal EEO Complaints filed at the Department of Commerce over the last five (5) years prior. Reprisal remained the top basis for the eighth consecutive year. FY 2022 marks the first time that religion is within the top five (5) bases. Also, disability has replaced race as the second most common alleged basis this year.

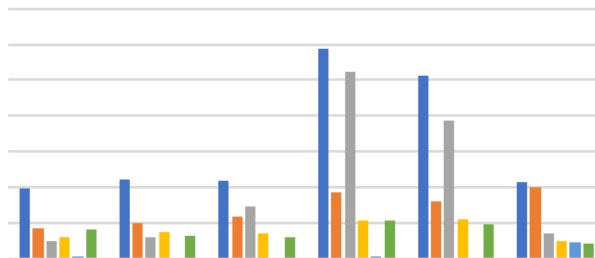
Issues in Complaints:

In FY 2022, the top six (6) issues were non-sexual harassment (55%), terms and conditions of employment (51%), termination (18%), disability-based reasonable accommodation (12%), religious accommodation (11%) and time and attendance/pay (11%). With the exception of religious accommodation, all of these issues have appeared or been consistently in the top six (6) in the last several years, with non-sexual harassment consistently ranking first. The other issues have fluctuated in ranking. By comparison, in FY 2021, the top six (6) issues were non-sexual harassment (61%), termination (46%), assignment of duties (26%), terms and conditions of employment (18%), reasonable accommodation (13%) and time and attendance/pay (11%).

Top Six Issues Raised In Formal Complaints at the Department of Commerce in FY 22



Top Issues Raised in Formal Complaints at Department of Commerce Between FY 17 - FY 22



	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22
■ Non-sexual harassment	98	111	109	294	257	107
■ Terms and Conditions	43	49	59	93	80	99
■ Termination	24	29	73	261	194	36
■ Reasonable Accommodation	30	37	35	54	55	24
■ Religious Accommodation	2	0	0	3	0	22
■ Time and Attendance	40	31	30	53	47	21

- Non-sexual harassment
- Terms and Conditions
- Termination
- Reasonable Accommodation
- Religious Accommodation
- Time and Attendance

Findings of Discrimination

There were six (6) findings of discrimination in FY 22 rendered in Final Agency Decisions or Notice of Final Orders adopting the decisions of Administrative Judges of the Equal Employment Opportunity Commission (EEOC), which is higher than the normal range of findings which are issued in a typical year. Three (3) of six (6) of these findings resulted from 2020 Decennial Census complaints. 2020 Decennial Census operations resulted in a substantial number of complaints—more than 750. In non-Decennial Census years, the Department’s range of formal complaints fluctuates and usually ranges in the mid to high 100s, only occasionally going below the mid-100s range and generally never exceeding 200. During FY 22, most of the active Decennial complaints progressed to the decision-making phase of the EEO complaint process. A higher number of complaints usually correlates with a higher number of findings of discrimination and we expect that FY 23 will likely resemble the normal range of findings issued in past years. By comparison, there were two (2) findings of discrimination in FY 21 rendered in Final Agency Decisions. There were no findings of discrimination in FY 20. In FY 19, there were two (2) findings of discrimination rendered in Final Agency Decisions. In FY 18, one (1) finding of discrimination was rendered in a Final Agency Decision. In FY 17, three (3) findings of discrimination were rendered—one (1) finding was rendered following a hearing before the EEOC and two (2) findings were rendered through Final Agency Decisions.

Any actions planned or taken to improve complaint or civil rights programs of the agency with the goal of eliminating discrimination and retaliation in the workplace.

In FY 22, the Department’s Office of Civil Rights (OCR) continued with its work to proactively prevent discrimination and retaliation, consistent with the EEOC’s Management Directive (MD)-715 requirements.

- Under the umbrella of the *Inclusion is on Us* initiative, OCR made available instructor-led educational opportunities to employees and new and experienced supervisors on Civil Treatment, True Colors, American Sign Language, Reasonable Accommodation, and the Disability Program, Cross Cultural Diversity, Emotional Intelligence, Multigenerational Teams and Unconscious Bias.
- OCR provided EEO Rights and Complaint Process training for managers, supervisors and employees.
- OCR supported and established Employee Resource Groups (ERGs) within the Department of Commerce, and provided briefings, workshops, data and information to the members of these affinity groups.
- OCR collaborated with several ERGs to conduct special observance events which highlighted Department of Commerce employees and leaders and featured guest speakers who discussed various topics of interest during FY 22.
- OCR co-sponsored and participated in 19 events and programs geared toward educating the workforce on EEO Groups and EEO-related topics that reached over 2,600 employees across the Department of Commerce.
- OCR continues to monitor/analyze data relating to the Federal Employee Viewpoint Survey (FEVS) and the workforce. In March 2023, the Department of Commerce was

ranked 4th among 17 large agencies, as released by the Partnership for Public Service in the “2022 Best Places to Work in the Federal Government” report, based on responses to three (3) different questions on the Office of Personnel Management’s FEVS. With this ranking, the Department now remains in the top 5 large agencies for 11 consecutive years.

- In FY 22 the Department issued the Diversity, Equity, Inclusion and Accessibility Strategic Plan for FY 22-24, in accordance with Executive Order 14031. The Plan includes a section entitled: Framework to Promote Safe and Inclusive Workplaces and Address Workplace Harassment (<https://www.commerce.gov/sites/default/files/2022-10/DOC-DEIA-Strategic-Plan.pdf>). In the Framework, the Department commits to multiple actions that will help strengthen the Department’s Anti-harassment Program and to promote a sense of belonging.
- In FY 22, the Department stood up a Sexual Assault/Sexual Harassment (SASH) Prevention working group with participants from the Office of Human Resources Management, OCR, Office of General Counsel and Senior Advisors to the Secretary with the purpose of identifying gaps related to the Department’s SASH Program, ways to strengthen the program, and to promote promising practices across the enterprise.

Part 5.c.: Class Action Complaints

During FY 2021, there was one (1) class complaint filed against the Department.

Department of Commerce Class Complaints Filed in FY 2022			
Date Class Case Filed	Summary of Class Allegations	Total Number of Plaintiffs (if known)	Current Status of Case
October 17, 2022	Various acts of discrimination (including being denied reasonable accommodation [religious]) and harassment due to religious beliefs (including retaliation for requesting reasonable accommodation due to religious beliefs) and/or a perceived disability	Total not yet known	Pending Certification Decision by EEOC Administrative Judge

Part 6. Budgetary Adjustments

Section 5, Part 724.302(a)(8) requires agencies to report:

For each fiscal year, any adjustment needed or made to the budget of the agency to comply with its Judgment Fund reimbursement obligation(s) incurred under 5 C.F.R. § 724.103.

Response: The Department of Commerce has not made or needed to make adjustments to its budget to comply with its Judgment Fund reimbursement obligation(s) incurred under 5 C.F.R. § 724.103.

Part 7. Training Plan

Section 5, Part 724.302(a)(9) requires agencies to report:

The agency's written plan developed under 5 C.F.R. § 724.203(a) to train its employees.

Response:

The Department of Commerce-specific No FEAR Act training module was revised and pilot tested beginning in Calendar Year 2021. Due to contractor issues, continuous changes and updates to content and the loss of our instructional designer/instructional systems specialist and narrator, the module was delayed and not launched until March 2022. Over 40,000 federal employees and political appointees were notified through the Department of Commerce's Broadcast system that they were being assigned the 2021-2022 No FEAR Act training. The training was housed on the Commerce Learning Center (CLC) but was also available in other forms, for those not having access to the CLC. The Department of Commerce is pleased to report that, as of September 21, 2022, 93.5% of its workforce had successfully completed No FEAR Act training. This represented the highest completion rate since at least 2016 (this percentage does not include the USPTO, which conducts its own training and completes a No FEAR Act report separately from the rest of the Department). The 2021-2022 version of the module will remain available for any employees required to take the training, until the 2024 iteration of the training is released.

Distribution List:

The Honorable Kevin McCarthy
Speaker of the House of Representatives
H-232, The Capitol
Washington, DC 20515

The Honorable Chuck Grassley
President Pro Tempore, U.S. Senate
135 Hart Senate Office Building
Washington DC 20510

The Honorable Gary Peters, Chairperson
The Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable James Comer, Chairperson
Committee on Oversight and Accountability
2157 Rayburn House Office Building
Washington, DC 20515

The Honorable Patty Murray, Chairperson
Senate Committee on Appropriations
Room S-128, The Capitol,
Washington, DC 20510

The Honorable Sheldon Whitehouse, Chairperson
Senate Committee on Budget
624 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Thomas Carper, Chairperson
Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tammy Baldwin, Chairperson
Senate Subcommittee on Oceans, Fisheries, Climate Change, and Manufacturing
Russell Senate Office Building - Room 253
2 Constitution Avenue, NE
Washington, DC 20510

The Honorable Mark Kelly, Chairperson
Senate Subcommittee on Transportation and Infrastructure
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Kay Granger, Chairperson
House Committee on Appropriations
H-307 The Capitol
Washington, DC 20515

The Honorable Jodey Arrington, Chairperson
House Committee on the Budget
204-E Cannon House Office Building
Washington, DC 20515

The Honorable Cathy McMorris Rodgers, Chairperson
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Jason Smith, Chairperson
House Committee on Ways and Means
1139 Longworth HOB
Washington DC 20515

The Honorable Bruce Westerman, Chairperson
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Sam Graves Chairperson
House Committee on Transportation & Infrastructure
2165 Rayburn House Office Building
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The Honorable Hal Rogers, Chairperson
House Subcommittee on Commerce, Justice, Science, and Related Agencies
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Washington, DC 20515

The Honorable Pete Sessions, Chairperson
House Subcommittee on Government Operations and the Federal Workforce
2157 Rayburn House Office Building
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Charlotte Burrows, Chair
Equal Employment Opportunity Commission
(via email to OFONOFEAR@eeoc.gov)

Attorney General Merrick Garland
U.S. Department of Justice
(via email to DOJExecSec@usdoj.gov)

Kiran Ahuja, Director
U.S. Office of Personnel Management
(via email employeeaccountability@opm.gov)

Attachment 1

Equal Employment Opportunity Data Posted
Pursuant to the No Fear Act:

DOC

For 4th Quarter 2022 for period ending September 30, 2022

Part 1 Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
	2017	2018	2019	2020	2021	
Number of Complaints Filed	178	188	196	531	418	196
Number of Complainants	174	181	186	526	413	188
Repeat Filers	4	7	10	5	5	7

Part 2 Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
	2017	2018	2019	2020	2021	
<small>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</small>						
Race	60	74	72	204	156	65
Color	28	38	40	68	77	35
Religion	7	15	23	42	18	62
Reprisal	100	123	134	255	219	130
Sex	66	78	86	174	145	53
PDA	3	1	0	6	6	1
National Origin	20	27	35	63	49	17
Equal Pay Act	1	0	0	1	1	0
Age	66	71	80	172	138	66
Disability	71	79	93	186	143	88
Genetics	1	2	0	3	1	6
Non-EEO	5	5	3	24	14	4

Part 3 Complaints By Issue	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
	2017	2018	2019	2020	2021	
Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed. Starting in FY2022, issues marked with: * are reported under Other Terms / Conditions of Employment. ** are reported under Other Disciplinary Actions.						
Appointment/Hire	10	17	11	42	27	14
Assignment of Duties*	46	66	57	111	108	0
Awards	6	8	2	1	10	3
Conversion to Full Time/Perm Status*	0	0	0	1	0	0
Disciplinary Action						
Demotion	0	0	2	13	7	2
Reprimand**	23	9	16	22	16	0
Suspension	14	12	8	7	10	16
Removal	0	0	0	2	0	0
Other Disciplinary Actions**	0	0	0	0	0	15
Other 2**	0	0	0	0	0	0
Duty Hours*	1	0	1	4	1	0
Perf. Eval./ Appraisal	51	65	43	33	37	32
Examination/Test	1	0	0	1	0	0
Harrassment						
Non-Sexual	98	111	109	294	257	107
Sexual	10	4	8	11	16	5
Medical Examination	0	0	0	0	0	1
Pay including overtime	11	1	10	39	47	10
Promotion/Non-Selection	21	28	23	39	38	18
Reassignment						
Denied	7	8	1	8	6	3
Directed	2	6	4	7	12	4
Reasonable Accommodation Disability	30	37	35	54	55	24
Reinstatement*	0	0	0	0	0	0
Religious Accommodation	2	0	0	3	0	22
Retirement*	2	2	4	0	0	0
Sex-Stereotyping	0	0	0	1	0	0
Telework	18	19	9	16	9	8
Termination	24	29	73	261	194	36
Terms/Conditions of Employment*	43	49	59	93	80	0
Time and Attendance	40	31	30	53	47	21
Training	15	16	16	40	41	12
Other Terms/Conditions of Employment*	0	0	0	0	0	99
User Defined - Other 1*	0	2	1	1	0	0
User Defined - Other 2*	0	0	0	0	0	0
User Defined - Other 3*	0	0	0	0	0	0
User Defined - Other 4*	0	0	0	0	0	0

Part 4 Processing Time	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
	2017	2018	2019	2020	2021	
Complaints pending during fiscal year						
Average number of days in investigation	177.8	183.94	212.37	206.38	249.08	307.25
Average number of days in final action	20.96	16.46	26.72	29.68	50.03	70.64
Complaints pending during fiscal year where hearing was requested						
Average number of days in investigation	180.2	194.65	222.22	209.65	247.69	260.88
Average number of days in final action	11.7	8.44	13.58	10.3	37.1	46.38
Complaints pending during fiscal year where hearing was not requested						
Average number of days in investigation	174.3	173.48	205.78	203.52	252.03	298.1
Average number of days in final action	27.6	29.73	39.1	42.5	65.22	100.27

Part 5 Complaints Dismissed by Agency	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
	2017	2018	2019	2020	2021	
Part 5 Complaints Dismissed by Agency	0	1	13	33	66	29
Average days pending prior to dismissal	0	13	97.77	76.73	184.92	94.92
Complaints Withdrawn by Complainants						
Total Complaints Withdrawn by Complainants	32	13	12	24	32	19

Part 6 Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous Fiscal Year Data										2022 Thru 09-30	
	2017		2018		2019		2020		2021			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	3		2		2		0		2		6	
Without Hearing	2	67	2	100	2	100	0	0	2	100	4	71
With Hearing	1	33	0	0	0	0	0	0	0	0	2	29

Part 7 Finding of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2022 Thru 09-30	
	2017		2018		2019		2020		2021			
#	%	#	%	#	%	#	%	#	%	#	%	
Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.												
Total Number Findings	4		1		3		0		4		7	
Race	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Color	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Religion	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Reprisal	1	25.00	0	0.00	1	33.33	0	0.00	2	50.00	0	0.00
Sex	1	25.00	1	100.00	1	33.33	0	0.00	1	25.00	2	28.57
PDA	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
National Origin	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Equal Pay Act	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Age	1	25.00	0	0.00	0	0.00	0	0.00	0	0.00	1	14.29
Disability	1	25.00	0	0.00	1	33.33	0	0.00	1	25.00	4	57.14
Genetics	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Non-EEO	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Findings After Hearing	2		0		0		0		0		2	
Race	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Color	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Religion	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Reprisal	1	50.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Sex	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
PDA	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
National Origin	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Equal Pay Act	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Age	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Disability	1	50.00	0	0.00	0	0.00	0	0.00	0	0.00	2	100.00
Genetics	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Non-EEO	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Finding Without Hearing	2		1		3		0		4		5	

Findings Without Hearing	2		1		2		0		2		4	
Appointment/Hire	1	50	0	0	0	0	0	0	0	0	1	20
Assignment of Duties*	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Perm Status*	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand**	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other Disciplinary Actions**	0	0	0	0	0	0	0	0	0	0	0	0
Other 2**	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours*	0	0	0	0	0	0	0	0	0	0	0	0
Perf. Eval. / Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Non-Sexual	1	50	1	100	1	50	0	0	2	100	2	40
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay including overtime	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	1	50	0	0	1	50	0	0	0	0	1	20
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation Disability	0	0	0	0	1	50	0	0	0	0	2	40
Reinstatement*	0	0	0	0	0	0	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Retirement*	0	0	0	0	0	0	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0	0	0	0	0	0	0
Telework	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	1	50	0	0	0	0	1	20
Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	1	50	0	0	0	0	0	0	0	0	0	0
Other Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	2	40
User Defined - Other 1*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 2*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 3*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 4*	0	0	0	0	0	0	0	0	0	0	0	0

Part 9 Complaints Pending from Previous Fiscal Years By Status	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
	2017	2018	2019	2020	2021	
Total complaints from previous Fiscal Years	140	151	143	154	364	260
Total Complainants	130	142	135	144	354	253
Number complaints pending						
Investigation	6	3	2	4	15	1
ROI issued, pending Complainant's action	0	0	0	1	3	1
Hearing	125	135	123	137	236	222
Final Agency Action	5	11	15	3	60	17
Appeal with EEOC Office of Federal Operations	13	13	13	13	13	66

Part 10 Complaint Investigations	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
	2017	2018	2019	2020	2021	
Pending Complaints Where Investigations Exceed Required Time Frames	4	2	2	22	139	1