

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

2023

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) 2023

Statute	Number of cases		Final Judgments Against Agency	Settled	Employees Disciplined
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	1	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	1	0	0	0
	Resolved	1			
Civil Rights Act of 1964 (Title VII) 42 U.S.C. 2000e-16	Pending	3	0	3	0
	Resolved	5			
Title VII and ADEA	Pending	5	0	0	0
	Resolved	0			
Title VII and ADEA and Rehabilitation Act	Pending	3	0	0	0
	Resolved	0			
Title VII and Rehabilitation Act	Pending	2	0	0	0
	Resolved	1			
ADEA and Rehabilitation Act	Pending	0	0	0	0
	Resolved	0			
Title VII and CSRA (Whistleblowing)	Pending	0	0	0	0
	Resolved	0			
Total	Pending	15	0		
	Resolved	7			

Table 1.B: Judgment Fund Expenditures, 2023

Judgment Fund Expenditures 2023			
Judgment Fund Total	Judgments	Settlements	Attorney's Fees
\$75,500	\$0	\$75,500	\$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 2023, 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 \(DAO 202-751\)](#).

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 \(DAO 202-955\)](#) 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 2023, the Department of Commerce litigated 22 cases in Federal district and appellate courts. Seven (7) of those cases have been resolved, leaving 15 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.

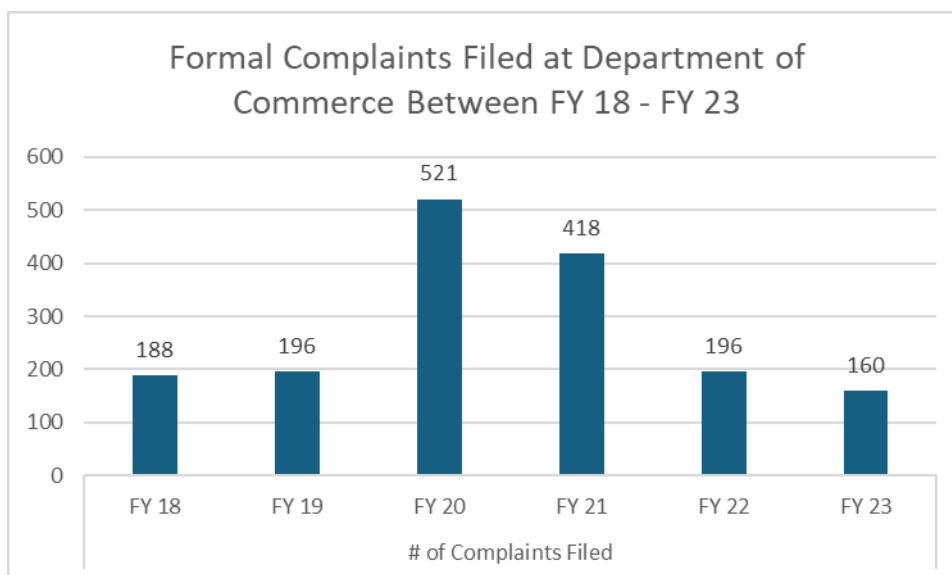
As shown in the table below, the number of new antidiscrimination lawsuits was relatively stable the last few years.

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
2023	6

Part 5.b: Administrative EEO Complaints

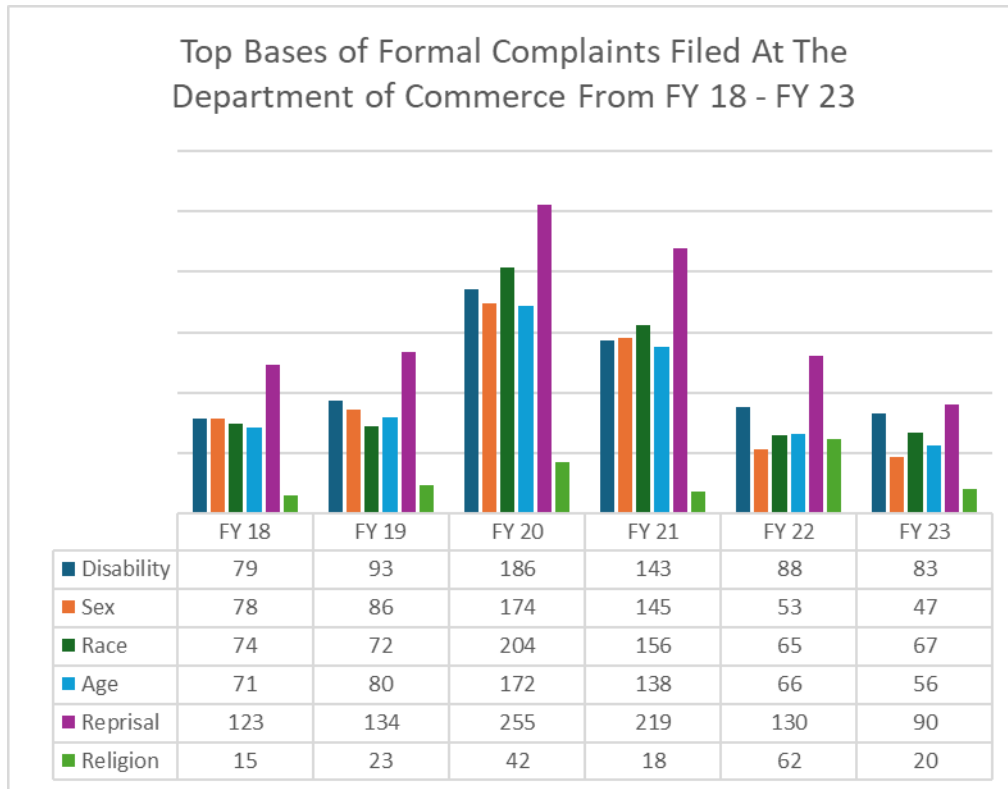
Number of filings:

Formal EEO complaint filings at the Department of Commerce (excluding PTO) decreased by 18% in FY 23, declining from 196 in FY 22 to 160 in FY 23. This decrease is largely attributable to the drawdown and cessation of 2020 Decennial Census operations. In FY 2023, 160 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 23 were reprisal (56%), disability (52%), followed by race (42%), age (35%) and sex (29%).

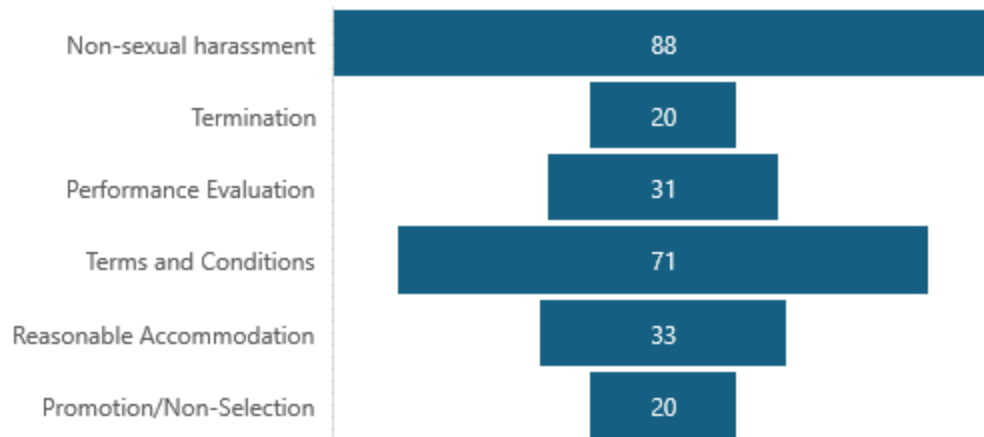


Reprisal, disability, race, age, and sex have consistently been among the top bases in formal EEO complaints filed at the Department of Commerce over the last five (5) years prior. Reprisal remained the top basis for the ninth consecutive year. FY 2022 marked the first time that religion was within the top five (5) bases but retreated from being in the top five (5) bases in FY 2023. Also, disability has remained the second most common alleged basis this year, as it was in FY 2022.

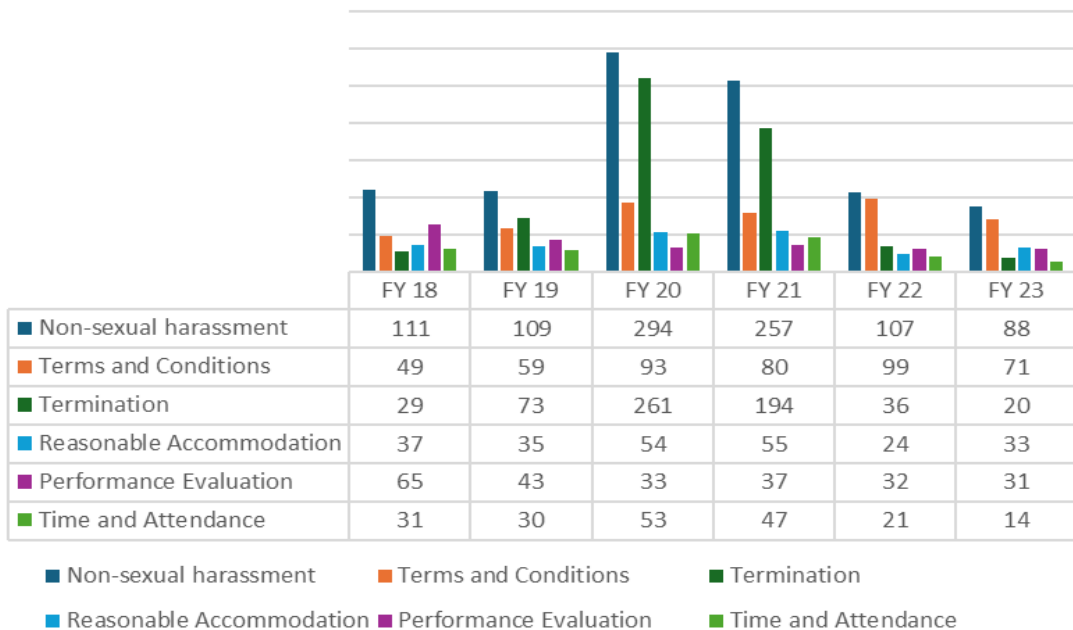
Issues in Complaints:

In FY 2023, the top six (6) issues were non-sexual harassment (55%), terms and conditions of employment (44%), disability-based reasonable accommodation (21%), performance evaluations (19%), followed by promotion/non-selection and termination (both at 12.5%). 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, and the number of religious accommodation complaints, which was among the top issues in FY 2022, greatly declined in FY 2023. By comparison, in FY 2022, the top six (6) issues were non-sexual harassment (55%), termination (46%), terms and conditions of employment (51%), termination (18%), disability-based reasonable accommodation (12%), religious accommodation (11%), and time and attendance/pay (11%).

Top Issues Raised In Formal Complaints at the Department of Commerce in FY 23



Top Issues Raised in Formal Complaints at Department of Commerce Between FY 18 - FY 23



Findings of Discrimination

There were four (4) findings of discrimination in FY 23 rendered in Final Agency Decisions or Notice of Final Orders adopting the decisions of Administrative Judges of the Equal Employment Opportunity Commission (EEOC). Two (2) of the four (4) 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 23, most of the remaining active Decennial complaints progressed to the decision-making phase of the EEO complaint process, including the two (2) findings issued by the EEOC Administrative Judges, which the Department adopted through the issuance of Notices of Final Order. By comparison, there were six (6) findings of discrimination in FY 22 rendered in Final Agency Decisions and Notices of Final Order, and two (2) findings of discrimination in FY 21 rendered in Final Agency Decisions. Of the six (6) findings of discrimination in FY 22, three (3) of the six (6) resulted from 2020 Decennial Census complaints, and of the two (2) findings of discrimination in FY 21, one (1) of the two (2) findings resulted from a 2020 Decennial complaint. 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 23, 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.

- The Office of Chief Information Officer (OCIO), as a member of the Department’s Accessibility Committee, implemented a Blanket Purchase Agreement for Section 508 Compliance Services, with the National Industries for the Blind to ensure documents and the digital work environment are accessible and Section 508 compliant. The contract also included providing Section 508 training to the Department’s employees.
- In an effort to enhance accessibility and increase awareness, the Office of The Secretary’s Office of Security sent an email to all new employees in the Herbert C. Hoover Building (HCHB) regarding the Mobility Impaired Program, which is designed for individuals with special needs to receive assistance during an emergency to safely and effectively exit the building.

- The Department reissued EEOC-compliant Reasonable Accommodations Procedures through Department Administrative Order 215-10, which addresses goals to ensure legal compliance; promote the Department's DEIA Strategic Plan and provide guidance to employees with disabilities and supervisory leadership.
- In May 2023, the Department stood up the inaugural Office of Sexual Assault/Sexual Harassment Prevention. The mission of the Sexual Assault/Sexual Harassment Prevention Office (SASH-P) is to engage in measurable efforts that empower employees, facilitate prevention initiatives and education, and support employees to further optimize the Department's commitment to safe and welcoming environments. The SASH-P focuses on three (3) main lanes of effort to accomplish its mission:
 - Outreach and Education: To provide education and tools that empower employees to reduce destructive behaviors and increase safe and welcoming environments to better serve the Department's mission.
 - Policy and Oversight: To implement legal mandates and leadership initiatives while ensuring program requirements are implemented with fidelity across the Department.
 - Data and Research: To identify factors that mitigate risks and increase safeguards through data-informed actions and use of promising practice activities to connect prevention and response initiatives.
- To combat the recent surge in religious intolerance and hatred throughout the country, including against Jewish and Muslim individuals, as well as to other religious groups (including Christians, Sikhs, Hindus, and Buddhists as well as to less known religious groups), and to help keep this from impacting the Department's work environments, the Department is increasing its messaging on Antisemitism and Islamophobia specifically, and Religious Discrimination generally, including on posters and in training it offers.
- In March 2023, the Partnership for Public Service released the special edition of the 2022 Best Places to Work in the Federal Government providing the rankings of the top 10 agencies in four (4) categories - large, midsize and small agencies, as well as agency subcomponents. The rankings, which measure whether employees would recommend their agencies as good places to work and whether they are satisfied with their jobs and organizations, are produced by the Partnership for Public Service and Boston Consulting Group. This early release was provided in collaboration with The Washington Post and the Department of Commerce ranked 4th amongst large agencies. The Best Places to Work rankings shine the spotlight on agencies that are successfully engaging employees, provide a means of holding federal leaders accountable for the health of their organizations and provide insights for job seekers considering federal

employment. At the same time, leaders across government can learn from those agencies that are excelling in helping improve their own organizations with the goal of providing first-rate service to the public.

- In addition, the Department ranked second among large agencies in the new DEIA category in the 2022 Federal Employee Viewpoint Survey (FEVS). The Department scored 75%, performing well above the government average of 69%. For the 2023 FEVS, the Department increased its DEIA category score to 76%, demonstrating sustained progress at the highest level.

Part 5.c.: Class Action Complaints

During FY 2023, there was one (1) class complaint filed against the Department.

Department of Commerce Class Complaints Filed in FY 2023			
Date Class Case Filed	Summary of Class Allegations	Total Number of Plaintiffs (if known)	Current Status of Case
February 3, 2023	The Agency is alleged to have violated the Rehabilitation Act when employees were required to prepare and submit Office of Personnel Management (OPM) Form 630 (Application to Become A Leave Recipient Under Voluntary Leave Transfer Program), in order to get approved for the leave donor program.	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 is hosted on the Commerce Learning Center platform and available in other formats (e.g. hard copies of the materials) for those who do not have computer access. The training module is assigned to all new employees to take within 90 days of onboarding and available to all current employees who have not met their biennial requirement. In FY2023, plans were made to update the Department's No FEAR Act module to include the most recent information on anti-discrimination laws and other pertinent regulations. Plans were also made to improve the module look and feel to enhance the learning experience and to hire a training or instructional design specialist to assist with this effort and oversee this project. The revised No FEAR Act module is due to launch in Calendar Year 2024, covering the biennial period of 2024-2026, for all new and current employees to take. A broadcast announcement will be sent out to all Department federal employees and political appointees instructing them on the requirement and how to access the training. OCR will subsequently receive reports on the numbers of employees who have met their obligation, by bureau.

Distribution List:

The Honorable Mike Johnson
Speaker of the House of Representatives
H-232, The Capitol
Washington, DC 20515

The Honorable Patty Murray
President Pro Tempore, U.S. Senate
154 Russell 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
Washington, DC 20515

The Honorable Hal Rogers, Chairperson
House Subcommittee on Commerce, Justice, Science, and Related Agencies
H-307 The Capitol
Washington, DC 20515

The Honorable Pete Sessions, Chairperson
House Subcommittee on Government Operations and the Federal Workforce
2157 Rayburn House Office Building
Washington, DC 20515

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 (includes sub-level offices)

For 4th Quarter 2023 for period ending September 30, 2023

Part 1 Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2023 Thru 09-30
	2018	2019	2020	2021	2022	
Number of Complaints Filed	188	196	531	418	196	160
Number of Complainants	181	186	526	413	188	154
Repeat Filers	7	10	5	5	7	6

Part 2 Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2023 Thru 09-30
<small>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</small>	2018	2019	2020	2021	2022	
Race	74	72	204	156	65	67
Color	38	40	68	77	35	31
Religion	15	23	42	18	62	20
Reprisal	123	134	255	219	130	90
Sex	78	86	174	145	53	47
PDA	1	0	6	6	1	2
National Origin	27	35	63	49	17	16
Equal Pay Act	0	0	1	1	0	1
Age	71	80	172	138	66	56
Disability	79	93	186	143	88	83
Genetics	2	0	3	1	6	1
Non-EEO	5	3	24	14	4	1

Part 3 Complaints By Issue	Comparative Data					
<p>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</p> <p>Starting in FY2022, issues marked with: * are reported under Other Terms / Conditions of Employment. ** are reported under Other Disciplinary Actions.</p> <p>The reporting of Reassignment Claims has been changed from two separate Denied and Directed rows to one combined row; the first row now accommodates both "Reassignment: Denied/Directed" and the second row has been deprecated for the current FY starting in FY2023.</p>	Previous Fiscal Year Data					2023 Thru 09-30
	2018	2019	2020	2021	2022	
Appointment/Hire	17	11	42	27	14	9
Assignment of Duties*	66	57	111	108	0	0
Awards	8	2	1	10	3	4
Conversion to Full Time/Perm Status*	0	0	1	0	0	0
Disciplinary Action						
Demotion	0	2	13	7	2	0
Reprimand**	9	16	22	16	0	0
Suspension	12	8	7	10	16	4
Removal	0	0	2	0	0	0
Other Disciplinary Actions**	0	0	0	0	15	14
Other 2**	0	0	0	0	0	0
Duty Hours*	0	1	4	1	0	0
Perf. Eval./ Appraisal	65	43	33	37	32	31
Examination/Test	0	0	1	0	0	1
Harassment						
Non-Sexual	111	109	294	257	107	88
Sexual	4	8	11	16	5	3
Medical Examination	0	0	0	0	1	0
Pay including overtime	1	10	39	47	10	7
Promotion/Non-Selection	28	23	39	38	18	20
Reassignment						
Reassignment: Denied/Directed	8	1	8	6	3	4
Directed	6	4	7	12	4	4
Reasonable Accommodation Disability	37	35	54	55	24	33
Reinstatement*	0	0	0	0	0	0
Religious Accommodation	0	0	3	0	22	4
Retirement*	2	4	0	0	0	0
Sex-Stereotyping	0	0	1	0	0	1
Telework	19	9	16	9	8	6
Termination	29	73	261	194	36	20
Terms/Conditions of Employment*	49	59	93	80	0	0
Time and Attendance	31	30	53	47	21	14
Training	16	16	40	41	12	13
Other Terms/Conditions of Employment*	0	0	0	0	99	71
User Defined - Other 1*	2	1	1	0	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					2023 Thru 09-30
	2018	2019	2020	2021	2022	
Complaints pending during fiscal year						
Average number of days in investigation	183.43	213.86	206.42	248.22	307.25	207.38
Average number of days in final action	16.48	26.42	29.53	48.84	70.64	18.58
Complaints pending during fiscal year where hearing was requested						
Average number of days in investigation	193.56	224.13	211.1	246.13	260.88	215.87
Average number of days in final action	8.66	13.28	10.16	35.63	46.38	12.56
Complaints pending during fiscal year where hearing was not requested						
Average number of days in investigation	173.32	206.26	202.25	252.09	298.1	202.98
Average number of days in final action	29.72	39.1	42.7	64.86	100.27	35.96

Part 5 Complaints Dismissed by Agency	Comparative Data					
	Previous Fiscal Year Data					2023 Thru 09-30
	2018	2019	2020	2021	2022	
Part 5 Complaints Dismissed by Agency	1	13	33	66	29	19
Average days pending prior to dismissal	13	97.77	76.73	184.92	94.92	183.16
Complaints Withdrawn by Complainants						
Total Complaints Withdrawn by Complainants	13	12	24	32	19	15

Part 6 Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous Fiscal Year Data											2023 Thru 09-30
	2018		2019		2020		2021		2022			
	#	%	#	%	#	%	#	%	#	%		
Total Number Findings	2		2		0		2		7		4	
Without Hearing	2	100	2	100	0	0	2	100	5	71	2	50
With Hearing	0	0	0	0	0	0	0	0	2	29	2	50

Part 7 Finding of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2023 Thru 09-30	
	2018		2019		2020		2021		2022			
Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	1		2		0		2		7		4	
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	0	0.00	1	50.00	0	0.00	2	100.00	0	0.00	3	75.00
Sex	1	100.00	1	50.00	0	0.00	1	50.00	2	28.57	2	50.00
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	1	14.29	0	0.00
Disability	0	0.00	1	50.00	0	0.00	1	50.00	4	57.14	3	75.00
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

Findings After Hearing	0		0		0		0		2		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	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	2	100.00
Sex	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	2	100.00
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	0	0.00	0	0.00	0	0.00	0	0.00	2	100.00	1	50.00
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	1		2		0		2		5		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	0	0.00	1	50.00	0	0.00	2	100.00	0	0.00	1	50.00
Sex	1	100.00	1	50.00	0	0.00	1	50.00	2	40.00	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	1	20.00	0	0.00
Disability	0	0.00	1	50.00	0	0.00	1	50.00	2	40.00	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

* are reported under Other Terms / Conditions of Employment.
** are reported under Other Disciplinary Actions.

** are reported under Other Disciplinary Actions.

The reporting of Reassignment Claims has been changed from two separate Denied and Directed rows to one combined row: the first row now accommodates both "Reassignment: Denied/Directed" and the second row has been deprecated for the current FY starting in FY2023.

[illegible]

[illegible]

Findings Without Hearing	1		2		0		2		5		2	
Appointment/Hire	0	0	0	0	0	0	0	0	1	20	0	0
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	100	1	50	0	0	2	100	2	40	1	50
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	0	0	1	50	0	0	0	0	1	20	0	0
Reassignment												
Reassignment: Denied/Directed	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	1	50	0	0	0	0	2	40	0	0
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	1	50	0	0	0	0	1	20	0	0
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	0	0	0	0	0	0	0	0	0	0	0	0
Other Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	2	40	0	0
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					2023 Thru 09-30
	2018	2019	2020	2021	2022	
Total complaints from previous Fiscal Years	151	143	154	364	260	160
Total Complainants	142	135	144	354	253	153
Number complaints pending						
Investigation	3	2	4	15	1	0
ROI issued, pending Complainant's action	0	0	1	3	1	39
Hearing	135	123	137	236	222	86
Final Agency Action	11	15	3	60	17	14
Appeal with EEOC Office of Federal Operations	13	13	13	13	66	99

Part 10 Complaint Investigations	Comparative Data					
	Previous Fiscal Year Data					2023 Thru 09-30
	2018	2019	2020	2021	2022	
Pending Complaints Where Investigations Exceed Required Time Frames	2	2	22	139	1	0