



U.S. General Services Administration

GSA **NO FEAR ACT** REPORT

Prepared by the Office of Civil Rights

Fiscal Year 2020



**Notification and Federal Employee Antidiscrimination
and Retaliation Act of 2002
FY 2020 Annual Report**

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Introduction

Purpose of Report

The [Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 \(No FEAR Act\), Public Law 107-174](#)¹ was enacted to reduce the incidence of workplace discrimination within the Federal Government by holding Federal agencies accountable for violations of Federal antidiscrimination and whistleblower protection laws.² The No FEAR Act requires a Federal agency to:

- Notify employees and applicants for employment about their rights under the Federal antidiscrimination and whistleblower laws.
- Provide training to its employees, including managers, on the rights and remedies available under antidiscrimination and whistleblower laws.
- Post quarterly on its public website summary statistical data about equal employment opportunity (EEO) complaints filed with the agency.

In addition, [Section 203 of the No FEAR Act](#) requires each agency to submit to Congress, the U.S. Equal Employment Opportunity Commission (EEOC), the U.S. Department of Justice, and the U.S. Office of Personnel Management, an annual report that includes the following:³

- The number, status, and disposition of discrimination and whistleblower cases (including Federal court cases) filed against the agency.
- Judgment fund reimbursements and any agency budget adjustments to meet reimbursement requirements.
- The number and type of disciplinary actions related to discrimination, retaliation, harassment, or other prohibited personnel practices and the agency disciplinary policy.
- Year-end summary EEO complaint data.
- Analysis of trends, causation, and practical knowledge gained through experience, and any actions planned or taken to improve agency complaint or civil rights programs.

¹ The Elijah J. Cummings Federal Employees Antidiscrimination Act, which was enacted in Jan. 2021, amends the No FEAR Act.

² See Pub. L. No. 107-174, 116 Stat. 566 (2002)

³ See Pub. L. No. 107-174, §203(a)(1); see also 5 CFR §724.302(a). Appendix A to this report sets forth the No FEAR Act statutory and regulatory reporting requirements in full.

The U.S. General Services Administration (GSA) submits this No FEAR Act report for fiscal year (FY) 2020 (Oct. 1, 2019, through Sept. 30, 2020). GSA’s No FEAR Act data for the fourth quarter of FY 2020 and for prior fiscal years can be accessed at <https://www.gsa.gov>.

GSA Mission and Structure

GSA’s mission is to deliver value and savings in real estate, acquisition, technology, and other mission-support services across government. GSA provides centralized procurement for the Federal Government, offering products, services, and facilities worth billions of dollars that Federal agencies need to serve the American public. GSA’s acquisition solutions supply Federal purchasers with cost-effective, high-quality products and services from commercial vendors. GSA also helps Federal agencies build and acquire office space, products and other workspace services, and oversees the preservation of historic Federal properties. Its policies covering travel and property management practices promote efficient Government operations. Composed of the Federal Acquisition Service, the Public Buildings Service, the Office of Government-wide Policy, 11 staff offices, and two independent offices, GSA services and supports more than 60 Federal departments and agencies.

GSA Office of Civil Rights

GSA’s goal is to prevent and address workplace discrimination and retaliation in order to create and maintain a world-class workplace where all employees and applicants for employment with GSA have the freedom to compete in a fair and equitable manner.

The Office of Civil Rights (OCR) enforces Federal laws, regulations, and directives that prohibit discrimination in the workplace and in GSA programs and activities. OCR’s vision is to be a premier civil rights program that inspires a culture of equal opportunity and equity within GSA. Its mission is to ensure an inclusive workplace free from unlawful discrimination through active engagement, training, and compliance with civil rights laws, regulations, and other guiding sources.

10 Federal District Court Cases	\$0 Judgment Fund Reimbursements	0 Disciplinary Actions	2 Findings of Discrimination	73 Formal Complaints
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Cases in Federal District Court

In FY 2020, GSA had nine antidiscrimination cases and one whistleblower protection case in Federal district court. Five of the antidiscrimination cases closed in FY 2020 and four are still pending an outcome. Of the five cases that closed, one case settled, three were dismissed, and one ended with a decision in GSA’s favor. The single whistleblower protection case also closed in FY 2020.

Judgment Fund Reimbursements

The Judgment Fund pays court judgments, awards, and compromise settlements of lawsuits against the Federal Government.⁴ The No FEAR Act requires Federal agencies to reimburse the Judgment Fund for payments made on their behalf to employees, former employees, or applicants for employment due to claims alleging violations of Federal antidiscrimination laws, Federal whistleblower protection laws, or reprisal for legally protected activity related to those laws.⁵

GSA made zero reimbursements to the Judgment Fund in FY 2020. Between FYs 2016 to 2020, GSA reimbursed the Judgment Fund only twice (see Table 1).

Table 1. Reimbursements to the Judgment Fund for FYs 2016-2020

Reimbursements to the Judgment Fund	2016	2017	2018	2019	2020
Amount	0	\$850	0	\$55,000	0

Disciplinary Actions

A review of FY 2020 disciplinary records shows no GSA employees were disciplined for improper or illegal discrimination, retaliation, harassment, or other infraction prohibited by the No FEAR Act. The GSA policy directing disciplinary action against Federal employees for prohibited personnel practices and conduct inconsistent with the Federal antidiscrimination and whistleblower protection laws is available at [HRM 9751.1 – Maintaining Discipline](#). Included in the policy is the GSA Penalty Guide, which prescribes penalties for various types of delinquency or misconduct, including discrimination and retaliation against any person for properly exercising their right to file a discrimination complaint or grievance, or for reporting discrimination.

⁴ See 31 U.S.C. §1304.

⁵ See 31 U.S.C. § 201.

FY 2020 EEO Complaint Data

See [Appendix B](#) to this report for GSA’s FY 2020 year-end data along with comparative data for FYs 2015 to 2020.⁶

Analysis of Trends and Causality

Using data from GSA’s information management system for EEO complaint processing, this section highlights trends in EEO complaints filed with GSA.⁷ As Table 2 shows, complainants filed 73 formal EEO complaints in FY 2020. That is eight (or 12.5%) more than the 65 complaints filed in FY 2019. Over a longer horizon, complaints have decreased; complaints filed in FY 2020 were 11% below the five-year average of 82.

GSA’s complaint activity has remained steady despite a 2% expansion of its workforce in just one year. As of Sept. 30, 2020, GSA had a workforce of 11,584. On the same date in 2019, GSA had a workforce of 11,326. The size of the workforce fluctuated at a similar pace — 2.4% on average — between FYs 2016 and 2020. Although the size of GSA’s workforce peaked in 2020, the rate of complaints filed per 100 employees (0.63) was still below the five-year average rate of 0.70.

Table 2. Formal complaints filed and GSA workforce between FYs 2016 and 2020

Formal Complaint Activity	2016	2017	2018	2019	2020
Complaints Filed	96	89	84	65	73
Number of Complainants	84	79	79	58	67
Repeat Filers	9	8	5	7	6
GSA Total Workforce	11,552	11,488	11,051	11,326	11,584
Complaints Filed per 100 Employees	0.83	0.77	0.76	0.57	0.63

Note about this table: This table represents complaints filed between Oct. 1 and Sep. 30 of each fiscal year and does not include cases carried over from the previous year(s).

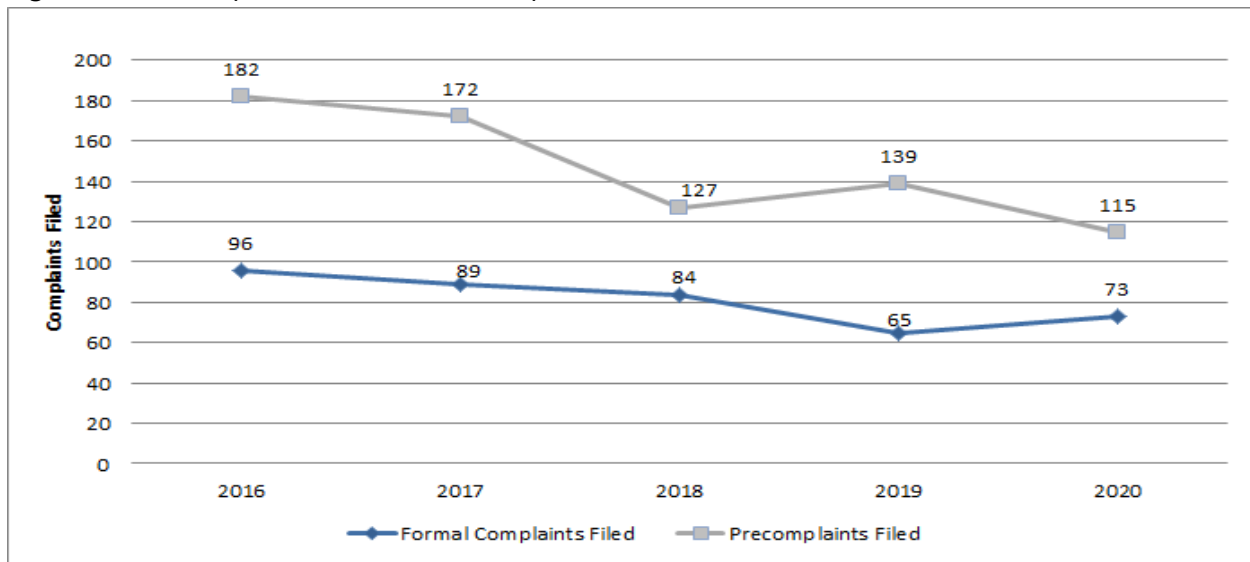
⁶ Appendix B includes FY 2015 data, consistent with the EEOC’s No FEAR data reporting requirements.

⁷ The data is current as of Oct. 15, 2020, and includes complaints filed between Oct. 1 and Sept. 30 of each year.

Precomplaints

Precomplaints (also known as informal complaints) are not reported in No FEAR Act quarterly data reports but are included here to show an overall downward trend in EEO complaint activity at GSA. In FY 2020, GSA had 115 precomplaints, 24 fewer than in FY 2019.

Figure 1. Precomplaints and formal complaints filed between FYs 2016 and 2020



One reason formal complaints increased between FYs 2019 and 2020 is precomplaint resolutions declined. In FY 2019, the resolution rate was 51% (70 out of 138). It dropped to 41% (46 out of 113) in FY 2020. As a result, more precomplaints moved to the formal stage of the EEO process.⁸

Table 3. Precomplaints closed and resolved in FYs 2019 and 2020

Precomplaint Activity	2019	2020
Closed	138	113
Resolved	70	46
Resolution Rate	51%	41%

⁸ Resolved precomplaints were withdrawn, settled by agreement, or not pursued as formal complaints.

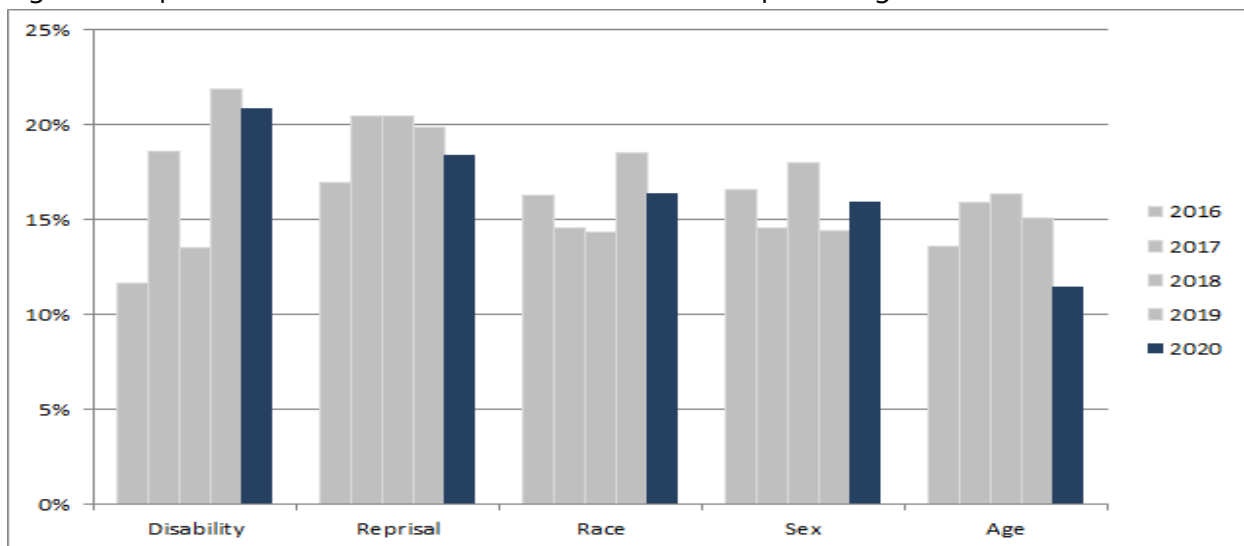
Bases of Discrimination in Formal Complaints

In FY 2020, the most alleged bases of discrimination were disability (42), reprisal (37), race (33), sex (32) and age (23).⁹ For reasons unknown, complaints alleging discrimination based on disability increased by 27% between FYs 2019 (32) and 2020 (42).

Table 4. Top five bases alleged between FYs 2016 and 2020

Formal Complaints by Basis	2016	2017	2018	2019	2020
Disability	35	41	33	32	42
Reprisal	51	45	50	29	37
Race	49	32	35	27	33
Sex	50	32	44	21	32
Age	41	35	40	22	23

Figure 2. Top bases between FYs 2016 and 2020 shown as percentages



Issues in Formal Complaints

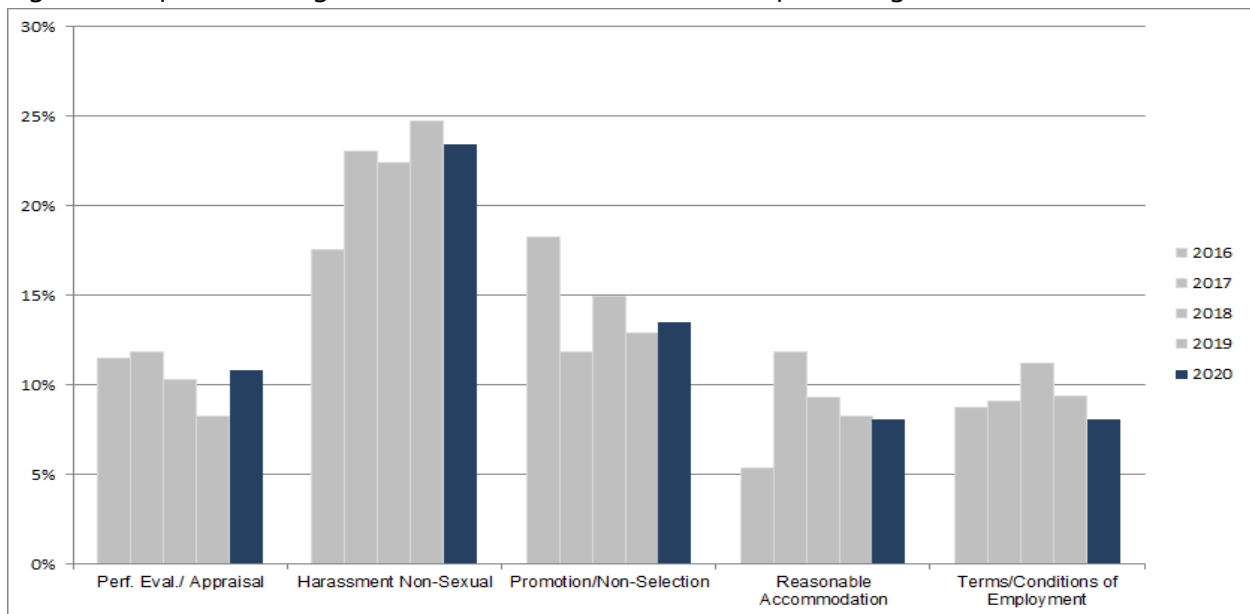
In FY 2020, non-sexual harassment (26) was the most alleged issue, followed by promotion/non-selection (16), performance evaluation/appraisal (12), reasonable accommodation disability (9) and terms and conditions of employment (9). By comparison, FY 2019’s most common issue was non-sexual harassment (21), followed by promotion/non-selection (11), terms/conditions of employment (8), performance evaluations (7), and reasonable accommodation (7).

⁹ An EEO complaint can allege multiple bases of discrimination.

Table 5. Top issues alleged in complaints filed between FYs 2016 and 2020

Formal Complaints by Issue	2016	2017	2018	2019	2020
Harassment Non-Sexual	26	33	24	21	26
Promotion/Non-Selection	27	17	16	11	15
Performance Evaluation/Appraisal	17	17	11	7	12
Reasonable Accommodation Disability	8	17	10	7	9
Terms/Conditions of Employment	13	13	12	8	9

Figure 3. Top issues alleged between FYs 2016 and 2020 as percentages



The top bases and issues in GSA’s formal complaint filings in FY 2020 were consistent with the most current government-wide data reported by the EEOC.¹⁰ The EEOC reported that in FY 2018, reprisal was the most frequently alleged basis followed by disability, sex, race, and age. The EEOC also reported that the most frequently alleged issue was non-sexual harassment, followed by disciplinary action, terms and conditions of employment, promotion/non-selection, and reasonable accommodation.

¹⁰ See EEOC FY 2018 Annual Report on the Federal Workforce, Table B-8, at <https://www.eeoc.gov/federal-sector/reports>

Findings of Discrimination

In FY 2020, EEOC administrative judges found discrimination in two complaints against GSA (Table 6). GSA appealed both decisions to the EEOC Office of Federal Operations. Both appeals are still pending.

Table 6. Findings of discrimination between FYs 2016 and 2020

	2016	2017	2018	2019	2020
Findings	1	0	4	0	2
Bases	Disability		Disability		Reprisal
	Age		Race		
	Sex		Sex		
			Retaliation		
Issues	Promotion/ Non-selection		Assignment of Duties		Suspension
	Time & Attendance		Removal		
	Trainings		Harassment		
			Terms Conditions		
			Appointment/Hire		

Practical Knowledge Gained Through Experience

In analyzing EEO complaint trends and related information, OCR concluded the following:

- Of the 73 formal complaints filed in the 2020 fiscal year, 26 (36%) included allegations of non-sexual harassment, the most common form of discrimination since FY 2016. In addition to promoting the agency’s anti-harassment policy, GSA has an opportunity to increase training and communications in this area.
- Mediation is GSA’s primary alternative dispute resolution (ADR) method. Used effectively, ADR can result in a win-win solution for all parties involved in an EEO dispute. In FY 2019, GSA resolved 42 out of 86 (49%) precomplaints through ADR. In FY 2020, ADR was used in 63 precomplaints, but only 25 (40%) were resolved through ADR. These results led GSA to reevaluate its ADR program and develop new processes and training to overcome the obstacles to dispute resolution. Preliminary results indicate that ADR has been highly effective in FY 2021, compared to FY 2020.

- In FY 2020, as a total of all informal cases, the ADR resolution rate was 33% lower than in 2019. After evaluating this lower ADR rate and discussing with complainants, mediators, management, and counsel ways to overcome obstacles preventing resolution, OCR has developed additional ADR training modules for managers who participate in mediations. The training focuses on the ADR process and tips for a successful experience.
- Allegations of disability discrimination were 31% higher in FY 2020 (42) than in 2019 (32). This increase could be attributable to changes in reasonable accommodation needs or other reasons, but governmentwide mandatory telework during almost all of 2020 requires supervisors and managers to reexamine how they handle reasonable accommodation requests. In addition to promoting the agency's reasonable accommodation position, GSA has an opportunity to increase training and communications in this area.

Program Improvements in FY 2020

- OCR reorganized in October 2019. Designed to reduce costs and streamline operations, the reorganization reduced staff-to-supervisor ratio by 33%, making OCR's operations more efficient. It also repositioned staff from being dual-hatted under a matrix model to being fully dedicated to key mission areas. New position descriptions and performance plans for OCR staff helped achieve new performance goals. Further, as part of staffing changes, OCR filled two key supervisory positions and secured an in-house attorney to serve exclusively as firewall counsel for OCR.
- In response to the COVID-19 emergency telework posture, OCR successfully adapted all EEO case processing functions to 100% virtual and met all regulatory timeframes for case processing.
- OCR effectively leveraged technology and reallocated staff to deliver robust discrimination prevention training during FY 2020. They converted *Unconscious Bias* training to 100% virtual yet maintained a highly interactive format. Between May and September 2020, OCR provided training to almost 800 employees. OCR also developed a *Civility and Respect in the Workplace* course that will be rolled out agency-wide in FY 2021.

Improvements Planned for FYs 2021-22

- Expanding training focused on harassment and discrimination prevention by introducing *Civility in the Workplace* as an agency-wide training offering.

- Developing a five-year strategic plan aimed at enhancing OCR's efficiency and effectiveness under the new structure.
- Further integrating EEO policies and diversity considerations into GSA's operations and workforce planning.
- Leveraging internal communication channels to disseminate more effectively information about OCR's services and employee protections under Federal antidiscrimination and whistleblower protection laws.
- Collaborating with agency partners to fully implement recently issued executive orders and guidance on racial equity, diversity, inclusion, and accessibility.

No FEAR Act Training

In accordance with 5 CFR § 724.203, all GSA employees, including managers and supervisors, are required to complete No FEAR Act training biennially, with the last cycle completed in September 2020. New employees are required to complete No FEAR Act training within 90 calendar days of the new employees' appointment. GSA launched the 2020 cycle of No FEAR Act training in January 2020. This training is provided through GSA Online University, a training portal open to all GSA employees. Ninety-eight percent of eligible, onboard GSA employees completed the No FEAR Act 2020 training cycle.

APPENDIX A - LEGISLATIVE & REGULATORY REQUIREMENTS

Section 203 (a) of the No FEAR Act (Pub. Law 107-174) provides, in pertinent

part:

(a) Annual Report. — Subject to subsection (b), not later than 180 days after the end of each fiscal year, each Federal agency shall submit to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the agency, the Chair, Equal Employment Opportunity Commission, and the Attorney General an annual report which shall include, with respect to the fiscal year.

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

(2) the status or disposition of cases described in paragraph (1);

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

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

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

(6) a detailed description of —

(A) the policy implemented by that agency relating to appropriate disciplinary actions against a Federal employee who — (i) discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2); or (ii) committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a)(1) or (2); and

(B) with respect to each of such laws, the number of employees who are disciplined in accordance with such policy and the specific nature of the disciplinary action taken;

(7) an analysis of the information described under paragraphs (1) through (6) (in conjunction with data provided to the Equal Employment Opportunity Commission in compliance with Part 1614 of Title 29 of the Code of Federal Regulations) including—

(A) an examination of trends;

(B) causal analysis;

(C) practical knowledge gained through experience;

(D) any actions planned or taken to improve complaint or civil rights programs of the agency; and

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

Subpart C of 5 CFR Part 724 (5 CFR §724.302):

(a) Except as provided in paragraph (b) of this section, each agency must report no later than 180 calendar days after the end of each fiscal year the following items:

(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 §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 §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 §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;

(4) 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);

(5) Whether or not in connection with cases in Federal court, the number of employees in each fiscal year disciplined as defined in §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.

(6) 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;

(7) 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.

(8) 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 §724.103 of subpart A of this part; and

(9) The agency's written plan developed under §724.203(a) of subpart B of this part to train its employees.

(b) The first report also must provide information for the data elements in paragraph (a) of this section for each of the five fiscal years preceding the fiscal year on which the first report is based to the extent that such data is available. Under the provisions of the No FEAR Act, the first report was due March 30, 2005 without regard to the status of the regulations. Thereafter, under the provisions of the No FEAR Act, agency reports are due annually on March 30th. Agencies that have submitted their reports before these regulations became final must ensure that they contain data elements 1 through 8 of paragraph (a) of this section and provide any necessary supplemental reports by April 25, 2007. Future reports must include data elements 1 through 9 of paragraph (a) of this section.

(c) Agencies must provide copies of each report to the following:

- (1) Speaker of the U.S. House of Representatives.
- (2) President Pro Tempore of the U.S. Senate.
- (3) Committee on Governmental Affairs, U.S. Senate.
- (4) Committee on Government Reform, U.S. House of Representatives.
- (5) Each Committee of Congress with jurisdiction relating to the agency.
- (6) Chair, Equal Employment Opportunity Commission.
- (7) Attorney General; and
- (8) Director, U.S. Office of Personnel Management.

APPENDIX B - GSA NO FEAR ACT DATA COMPARISON

FY 2015 - FY 2020 | FYs represented as Oct. 1 - Sep. 30

Complaint Activity	Comparative Data					
	Previous FY Data					2020
	2015	2016	2017	2018	2019	
Complaints Filed	76	96	89	84	65	73
Number of Complainants	68	84	79	79	58	67
Repeat Filers	5	9	8	5	7	6

Complaints by Basis	Comparative Data					
	Previous FY Data					2020
Note: Complaints can allege multiple bases, so the sum of the bases may not equal total complaints filed.	2015	2016	2017	2018	2019	
Disability	31	35	41	33	32	42
Reprisal	52	51	45	50	29	37
Race	41	49	32	35	27	33
Sex	38	50	32	44	21	32
Age	38	41	35	40	22	23
Color	23	34	17	17	8	17
National Origin	23	25	10	13	3	11
Religion	8	12	4	8	2	3
Non-EEO	6	4	4	3	1	2
Equal Pay Act	5	0	0	1	1	1
Genetics	1	0	0	0	0	0
PDA	0	0	0	0	0	0

Complaints by Issue	Comparative Data					
	Previous FY Data					2020
Note: Complaints can allege multiple issues, so the sum of the issues may not equal total complaints filed.	2015	2016	2017	2018	2019	
Appointment/Hire	4	6	3	0	1	3
Assignment of Duties	10	12	9	6	3	2
Conversion to Full Time/Permanent Status	1	0	0	0	0	0
Disciplinary Action						
• Demotion	0	3	2	0	0	0
• Reprimand	11	3	4	4	0	4
• Suspension	3	1	3	3	2	3
• Removal	2	3	4	1	4	2
• Other - Disciplinary Warning	1	0	0	0	3	4
Duty Hours	1	2	2	0	1	0
Performance Evaluation/Appraisal	13	17	17	11	7	12
Examination/Test	1	1	1	0	0	0
Harassment						
• Non-Sexual	32	26	33	24	21	26
• Sexual	1	5	1	4	0	0
Medical Examination	0	0	0	0	2	0
Pay Including Overtime	4	1	2	4	1	4
Promotion/Non-Selection	18	27	17	16	11	15
Reassignment						
• Denied	3	3	3	1	0	4
• Directed	3	1	1	2	0	1
Reasonable Accommodation Disability	6	8	17	10	7	9
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0
Retirement	2	1	0	3	0	1
Sex-Stereotyping	0	0	0	0	0	0

Complaints by Issue, Continued	Comparative Data					
	Previous FY Data					2020
	2015	2016	2017	2018	2019	
Note: Complaints can allege multiple issues, so the sum of the issues may not equal total complaints filed.						
Telework	0	2	4	0	1	0
Termination	2	5	1	4	8	5
Terms/Conditions of Employment	17	13	13	12	8	9
Time and Attendance	7	6	4	2	4	7
Training	5	2	2	0	1	0

Processing Time	Comparative Data					
	Previous FY Data					2020
	2015	2016	2017	2018	2019	

Complaints Pending During FY

Average number of days in investigation	198.83	196.22	205.22	215.48	221.80	195.98
Average number of days in final action	34.67	35.37	48.00	38.83	49.64	74.98

Complaints Pending During FY Where Hearing Was Requested

Average number of days in investigation	205.46	200.77	209.68	221.47	240.31	201.42
Average number of days in final action	28.80	23.10	46.47	26.32	43.94	37.15

Complaints Pending During FY Where Hearing Was Not Requested

Average number of days in investigation	187.31	197.23	213.92	230.78	233.06	205.96
Average number of days in final action	48.38	54.38	51.70	54.11	60.74	58.80

Complaints Dismissed by Agency	Comparative Data					
	Previous FY Data					2020
	2015	2016	2017	2018	2019	
Total Number of Complaints Dismissed by Agency	15	13	4	8	4	10
Average days pending prior to dismissal	22	21	21	31	54	56
Complaints Withdrawn by Complainants	7	11	10	13	4	3

Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous FY Data										2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	4		1		0		4		0		2	
Without Hearing	3	75	0	0	0	0	1	25	0	0	0	0
With Hearing	1	25	1	100	0	0	3	75	0	0	2	100

Note about this table: Basis categories with **no findings** over the period are not included.

Findings of Discrimination by Basis	Comparative Data											
	Previous FY Data										2020	
	2015		2016		2017		2018		2019			
Note: Complaints can allege multiple bases, so the sum of the bases may not equal total complaints and findings.	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	2		1		0		4		0		2	
Race	1	50	1	100	0	0	2	50	0	0	0	0
Reprisal	0	0	0	0	0	0	1	25	0	0	2	100
Sex	1	50	1	100	0	0	3	75	0	0	0	0
Age	0	0	1	100	0	0	1	25	0	0	0	0
Disability	1	50	1	100	0	0	0	0	0	0	0	0
Total Number of Findings After Hearing	1		1		0		3		0		2	
Race	1	100	1	100	0	0	2	67	0	0	0	

Findings of Discrimination by Basis, Continued	Comparative Data											
	Previous Fiscal Year Data										2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
Reprisal	0	0	0	0	0	0	1	33	0	0	2	100
Sex	1	100	1	100	0	0	3	100	0	0	0	0
Age	0	0	1	100	0	0	1	33	0	0	0	0
Disability	0	0	1	100	0	0	0	0	0	0	0	0
Total Number of Findings Without Hearing	1		0		0		1		0		0	
Disability	1	100	0	0	0	0	1	100	0	0	0	0

Note about this table: Issue categories with **no findings** over the period are not included.

Findings of Discrimination by Issue	Comparative Data											
	Previous FY Data										2020	
	2015		2016		2017		2018		2019			
<small>Note: Complaints can allege multiple issues, so the sum of the issues may not equal total complaints and findings.</small>	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	2		1		0		4		0		2	
Appointment/Hire	0	0	0	0	0	0	1	25	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	1	25	0	0	0	0
Disciplinary Action												
• Suspension	0	0	0	0	0	0	0	0	0	0	2	100
• Removal	0	0	0	0	0	0	1	25	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Performance Evaluation/ Appraisal	1	50	0	0	0	0	0	0	0	0	0	0
Harassment												
• Sexual	0	0	0	0	0	0	1	25	0	0	0	0
Promotion/Non-Selection	0	0	1	100	0	0	0	0	0	0	0	0

Reasonable Accommodation Disability	1	50	0	0	0	0	0	0	0	0	0	0
Training	0	0	1	100	0	0	0	0	0	0	0	0
Findings of Discrimination by Issue, Continued	Comparative Data											
	Previous FY Data										2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
Terms/Conditions of Employment	0	0	0	0	0	0	1	25	0	0	0	0
Time and Attendance	0	0	1	100	0	0	0	0	0	0	0	0
Training	0	0	1	100	0	0	0	0	0	0	0	0
Total Number of Findings After Hearing	1		1		0		3		0		2	
Assignment of Duties	0	0	0	0	0	0	1	33	0	0	0	0
Disciplinary Action												
• Suspension	0	0	0	0	0	0	0	0	0	0	2	100
• Removal	0	0	0	0	0	0	1	33	0	0	0	0
Performance Evaluation/ Appraisal	1	100	0	0	0	0	0	0	0	0	0	0
Harassment												
• Sexual	0	0	0	0	0	0	1	33	0	0	0	0
Promotion/Non-Selection	0	0	1	100	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	1	33	0	0	0	0
Time and Attendance	0	0	1	100	0	0	0	0	0	0	0	0
Training	0	0	1	100	0	0	0	0	0	0	0	0
Total Number of Findings Without Hearing	1		0		0		1		0		0	
Appointment/Hire	0	0	0	0	0	0	1	100	0	0	0	0
Reasonable Accommodation Disability	1	100	0	0	0	0	0	0	0	0	0	0

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data					
	Prior FY Data					2020
	2015	2016	2017	2018	2019	
Total Pending Complaints	85	62	56	66	65	52
Total Complainants	70	51	49	60	56	48

Complaints Pending

• Investigation	0	0	1	1	1	1
• ROI issued, pending Complainant's action	0	1	0	0	1	0
• Hearing	81	60	53	62	53	48
• Final Agency Action	4	2	2	2	2	3
• Appeal with EEOC Office of Federal Operations	34	47	58	57	22	13

Complaint Investigations	Comparative Data					
	Prior FY Data					2020
	2015	2016	2017	2018	2019	
Pending Complaints Where Investigations Exceeded Required Time Frames	2	1	0	0	0	0

APPENDIX C - ALL EEO CATEGORIES

Discrimination Basis Categories

Age	Non-EEO
Color	Pregnancy Discrimination Act*
Disability	Race
Equal Pay Act	Religion
Genetics	Reprisal
National Origin	Sex

**No FY 2016-2020 complaints included this category.*

Discrimination Issue Categories

Appointment/Hire	Denied
Assignment of Duties	Directed
Awards*	Reasonable Accommodation Disability
Conversion to Full Time/Perm Status	Reinstatement
Demotion	Religious Accommodation*
Reprimand	Retirement
Suspension	Sex-Stereotyping*
Removal	Telework
Other	Termination
Duty Hours	Terms/Conditions of Employment
Performance Eval/Appraisal	Time and Attendance
Examination/Test	Training
Harassment: Non-Sexual	Other
Harassment: Sexual	User Defined - Right of First Refusal / RIF*
Medical Examination	User Defined - Suspension #2*
Pay/Overtime	User Defined - #3
Promotion/Non-Selection	User Defined - Other #4*
Reassignment	

**No FY 2016-2020 complaints included these categories.*