



Annual Report on the Federal Workforce

US Equal Employment Opportunity Commission

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Part I: Preface

Laws

The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex, national origin, age (40 or older), disability, or genetic information. It is also illegal to discriminate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The EEOC's responsibilities extend not only to private employers, but also to agencies in the Federal Government. The federal anti-discrimination laws applicable to federal government employment are as follows:

The Equal Pay Act of 1963 (EPA), as amended, which prohibits employment discrimination on the basis of gender in compensation for substantially similar work performed under similar conditions;

Title VII of the Civil Rights Act of 1964 (Title VII), as amended, which prohibits employment discrimination based on race, color, religion, sex, and national origin;

The Age Discrimination in Employment Act of 1967 (ADEA), as amended, which prohibits employment discrimination on the basis of age (40 years and older);

The Rehabilitation Act of 1973 (Rehabilitation Act), as amended, which prohibits employment discrimination against federal employees and applicants with disabilities and requires that reasonable accommodations be provided (it applies the same standards as the Americans with Disabilities Act, which prohibits discrimination based on disability by private and state or local government employers);

The Pregnancy Discrimination Act (1978 Amendment to Title VII of Civil Rights Act), which prohibits treating a woman unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth; and

The Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits employment discrimination based on genetic information, including family medical history.

Guidance for the Process

Title VII grants the EEOC authority to issue rules, regulations, and instructions, as necessary, to enforce the above-listed EEO laws within the Federal Government and requires the EEOC to annually review federal agency EEO plans and report on their progress. The EEOC provides leadership and guidance to federal agencies on all aspects of the Federal Government's equal employment opportunity program as a function of these authorities and obligations. The EEOC assures federal agency and department compliance with EEOC regulations, provides technical assistance to federal agencies concerning EEO complaint adjudication, monitors and evaluates federal agencies' affirmative employment programs, develops and distributes federal sector educational materials, and conducts training for stakeholders. The EEOC furthermore provides guidance and assistance to its Administrative Judges (AJs) – who conduct hearings on federal sector EEO complaints -- and adjudicates appeals from administrative decisions made by federal agencies on EEO complaints. The objective of this report is to promote equal

employment opportunity by providing federal agencies and Congress with an overview of the state of federal sector EEO.

Goal

This report of federal sector EEO in fiscal year (FY) 2017, submitted to the President and Congress, presents a summary of selected EEO program activities of 268 federal agencies and subcomponents. Specifically, the EEOC intends for this report to serve as a resource for proactive prevention of employment discrimination by reporting data that contributes to this discussion. It provides valuable information to all agencies as they strive to become model employers. Increasing awareness of these challenges in the Federal Government may better equip the EEOC and federal agencies to successfully prevent EEO violations from occurring.

Report Overview

The Federal Government operates on an October 1 to September 30 fiscal year, and so this report on FY 2017 activities covers the period from October 1, 2016, through September 30, 2017. The report contains selected information to measure agencies' progress toward achieving a model EEO program, including both an analysis of workforce demographics and statistics about EEO complaint processing. Federal agencies contributed to the content of this report. The EEOC thanks all agencies that provided comments and suggestions, and those that submitted timely and accurate EEO program analysis and complaint processing data. Finally, the EEOC extends a special thanks to the Office of Personnel Management for sharing workforce data from its Enterprise Human Resources Integration.

Part II: Executive Summary

This report aims to serve as an informative overview of underlying trends across three broad areas of opportunities for proactive prevention of unlawful employment discrimination: *EEO commitment indicators*, *workforce characteristics* and *complaint processing*. Below are highlights from the fiscal year 2017 Annual Report within each of these components:

Equal Employment Opportunity Commitment Indicators

- In FY 2017, 95.5% of agencies evaluated managers and supervisors on commitment to EEO.
- 89.1% of agencies had readily accessible reasonable accommodation procedures for individuals with disabilities.
- 89.1% of agencies reported that their senior managers assist EEO staff with barrier analysis.
- 67.2% of agencies reported that their EEO Director reported directly to the agency head.

Workforce Characteristics

- Governmentwide, participation rates for 11 out of the 14 race-by-sex groups were higher than their rates in the 2010 civilian labor force. The exceptions were Hispanic/Latina females (3.9% vs. 4.8% in the CLF), White males (34.7% vs. 38.3% in the CLF), and White females (24.6% vs. 34.0% in the CLF).
- White males continue to comprise most of the Senior Executive Service (54.3% of those in Senior Executive Service positions in 2017).
- In the General Schedule (GS) pay system, most race-by-sex groups participate at higher rates in the lower pay grades relative to their participation at higher pay grades. The exceptions to this are White males and Asians of both sexes.
- In FY 2017, there was an increased participation rate of individuals with hearing disabilities (0.30% as compared to 0.20% in FY 2003),¹ vision disabilities (0.16% as compared to 0.11% in FY 2003), and psychiatric disabilities (0.46% as compared to 0.23% in FY 2003).
- The overall participation rate of individuals with targeted disabilities increased from 1.05% in FY 2003 to 1.35% in FY 2017.

Processing of Employment Discrimination Complaints

- There were 34,840 counselings completed during FY 2017, with an ADR offer rate of 87.53%, an ADR acceptance rate of 54.94%, and an ADR resolution rate of 64.26%. 42.27% of completed counselings resulted in a formal complaint filing.
- Of the 15,482 formal complaints filed in FY 2017, the basis most frequently alleged was reprisal/retaliation (7,666), followed by age (4,783) and physical disability (4,236).

¹ FY 2003 is used as a comparator due to the introduction of EEOC Management Directive 715 in that year.

- It took investigators, on average, 193 days to completed investigations during FY 2017, down 8.1% from the previous year. The average cost of investigations was \$3,715.
- The average monetary pre-complaint settlement was \$5,517 per settlement, with a total governmentwide settlement pay-out of over \$5.1 million.
- The total number of findings of discrimination, including AJ decisions and final agency decisions, have decreased only slightly from FY 2016, from 159 to 158.
- In FY 2017, the monetary benefits obtained through settlements and awarded for findings of discrimination at the complaint stage, including AJ decisions and final agency decisions, amount to nearly \$55 million, a 19% decrease from FY 2016.

Overall, federal agencies have demonstrated commitment to equal employment opportunity. In preparing this report, the EEOC observed high levels of compliance with MD-715 requirements, subtle but consistently increased gender, racial, ethnic, and disability status diversity, and a decline in discrimination complaints. Further, the monetary benefits paid out for complaint-stage settlements and findings of discrimination have declined. However, more work is needed to promote diversity at the upper GS-levels.

Part III: Introduction

Overview

The Federal Government is the largest employer in the United States. With close to 2.7 million² employees, it is important that the federal sector strives to serve as a model employer by promoting equal employment opportunity and an inclusive work culture. Despite the significant progress in all areas of equal employment opportunity, workforce data suggests that some inequities persist in the federal sector.

Complaint data also provides insight into the state of the Federal Government. During fiscal year 2017, 15,482 federal sector complaints of discrimination were filed. While complaints have steadily declined since 2010, down from 17,583, discrimination complaints have become increasingly costly, with federal agencies spending \$5.1 million on pre-complaint settlements, \$44.9 million on EEO complaint investigations, and \$54.9 million in monetary benefits for findings of discrimination and complaint-stage settlements. Furthermore, while the Federal Government has experienced increased diversity since the introduction of Management Directive 715 in 2003, diverse representation at higher GS-levels remains unrealized.

This report summarizes the state of federal sector EEO while providing trend analyses of key EEO indicators. The information presented can help Congress, stakeholder agencies, and EEOC leadership monitor governmentwide EEO activity and provide benchmarks for measuring federal agencies. Those interested in proactive prevention may find this report a valuable resource for identifying existing and emerging challenges in federal sector EEO³.

The data presented in this report was drawn from the following sources:

- Workforce and EEO Commitment data from 201 federal agencies and subcomponents filing FY 2017 Federal Agency Annual Equal Employment Opportunity Program Status Reports (MD-715)
- EEO complaint data from 268 federal agencies and subcomponents filing FY 2017 Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints reports (Form 462)

Scope

The goal of this report is to promote awareness of the accomplishments and challenges in federal sector EEO while providing benchmarks against which individual agencies can gauge their performance. As such, data is reported in the following manner:

- Governmentwide aggregate data are reported. Detailed data for individual agencies can be found in the online appendices at <https://www.eeoc.gov/federal/reports/index.cfm>;

² Based on certified fiscal year 2017 Federal Agency Annual Equal Employment Opportunity Program Status Reports (MD-715). Includes U.S. Postal Service.

³The Commission recognizes the importance of producing a timely submission of the Annual Report and acknowledges that the production should follow within one fiscal year of the data's release. The agency is working diligently towards timely issuance of future Annual Reports.

- 5-year trends are presented where appropriate;
- As is often done in reports on EEO, federal workforce data is compared to the 2010 civilian labor force (CLF) to see how the Federal Government compares to other employers;
- Because 2003 was a pivotal milestone year due to the introduction of Management Directive 715, governmentwide changes in EEO since 2003 are highlighted; and
- Top performing agencies are recognized on select EEO indicators.

Using this data, Part IV reports on demonstrated commitment to EEO, including governmentwide compliance with MD-715 guidance. Part V reports workforce characteristics, describing the governmentwide participation rates of EEO protected groups. Part VI reports on complaint activity, describing the prevalence of EEO activity at different stages of the complaint process, including pre-complaint activity, complaint activity, and findings. We conclude by highlighting key findings in this report and the implications thereof.

Limitations

Readers should exercise caution when comparing current data to data from prior years. Effective January 1, 2006, OPM required federal agencies to collect ethnicity and race information for accessions on the revised Ethnicity and Race Identification (Standard Form 181). Accordingly, the Central Personnel Data File (CPDF) contains data on persons who are Native Hawaiian or Other Pacific Islander (NHOPI) or who are of Two or More Races. Thus, separate data on these groups is contained in this Report for recent years. Before 2006, however, data on Asians included Native Hawaiian or Other Pacific Islanders, and there was no data reported on persons of Two or More Races.

Part IV: Demonstrated Commitment to Equal Employment Opportunities

There is reason to believe that organizational commitment to equal employment opportunities (EEO) will prevent employment discrimination. Past annual reports have focused on EEO programs' legal compliance, such as whether any staff at an agency received training and agency timeliness in submitting Form 462 and the MD-715 reports. The 2017 report's measures continue to assess compliance with MD-715 and 29 CFR § 1614 but focus on aspects that more directly affect federal employees.

To assess the Federal Government's commitment to EEO, this report examined four measures related to the prevention of discrimination found in Part G of EEOC Form 715-01, Federal Agency Annual EEO Program Status Report. Agencies that were required to complete that form answered yes or no to the following questions⁴:

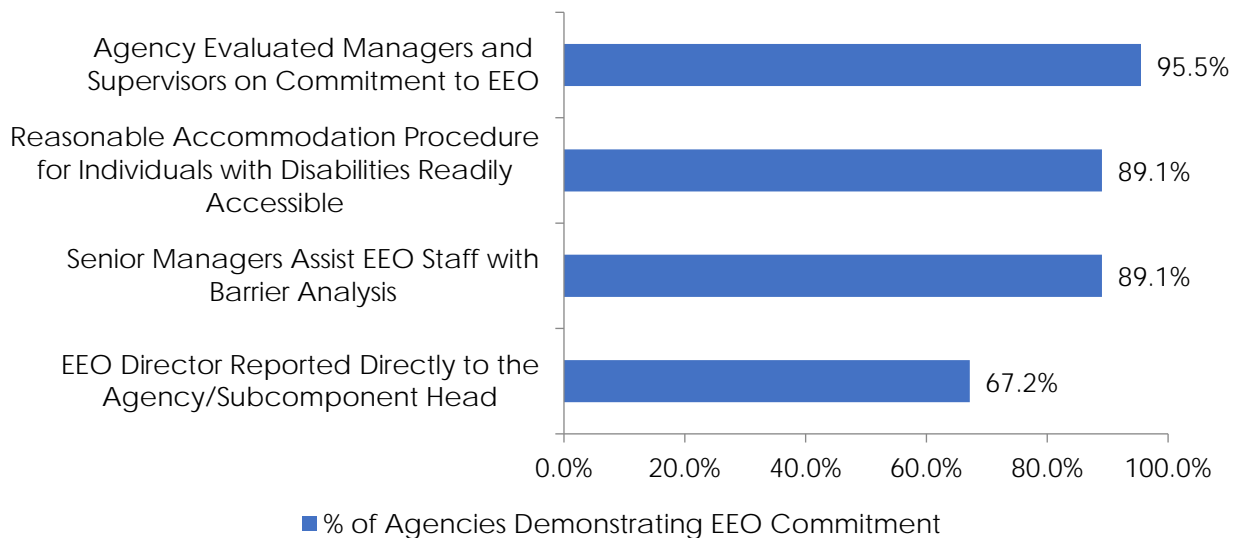
- Are managers and supervisors evaluated on their commitment to agency EEO policies and principles?
- Have the procedures for reasonable accommodation for individuals with disabilities been made readily available/accessible to all employees by disseminating such procedures during orientation of new employees and by making such procedures available on the World Wide Web or Internet?
- Do senior managers meet with and assist the EEO Director and/or other EEO Program Officials in the identification of barriers that may be impeding the realization of equal employment opportunity?
- Is the EEO Director under the direct supervision of the agency head?⁵

As seen in Figure 4.1, most agencies and subcomponents demonstrate commitment on all these measures, but to varying degrees. Over 95% of agencies evaluate managers and supervisors on their commitment to EEO, and at almost 90% of agencies, senior managers assist EEO staff with barrier analysis. The involvement of leadership in promoting EEO is crucial to creating a workplace culture that does not tolerate discrimination. We commend the majority of agencies who report succeeding in this measure.

Another preventative measure that the vast majority of agencies follow was making reasonable accommodations procedures readily available and accessible. This measure, followed by 89.1% of federal agencies, is crucial to attract and retain people with disabilities within the federal workforce (See Appendix IV).

⁴ In fiscal year 2017, all executive agencies and military departments (except uniformed members) as defined in Sections 102 and 105 of Title 5, U.S.C. (including those with employees and applicants for employment who are paid from non-appropriated funds), the United States Postal Service, the Postal Rate Commission, the Tennessee Valley Authority, the Smithsonian Institution, and those units of the judicial branch of the Federal Government having positions in the competitive service were required to complete EEOC Form 715-01. In addition, Second Level Reporting Components with 1,000 or more employees were required to submit EEOC Form 715-01.

⁵ The complete text of this question was, "Is the EEO Director under the direct supervision of the agency head? [see 29 CFR §1614.102(b)(4)] For subordinate level reporting components, is the EEO Director/Officer under the immediate supervision of the lower level component's head official? (For example, does the Regional EEO Officer report to the Regional Administrator?)." In this report, we abbreviated the question for conciseness and ease of comprehension.



EEO Commitment Indicators	% of Agencies Demonstrating EEO Commitment
Agency Evaluated Managers and Supervisors on Commitment to EEO	95.5%
Reasonable Accommodation Procedure for Individuals with Disabilities Readily Accessible	89.1%
Senior Managers Assist EEO Staff with Barrier Analysis	89.1%
EEO Director Reported Directly to the Agency/Subcomponent Head	67.2%

Figure 4. 1. Federal agencies’ demonstrated commitment to equal employment opportunities

While agencies overwhelmingly demonstrated EEO commitment on the measures mentioned above, they did not score as highly on one: having the EEO Director report directly to the head of the agency. At almost one-third (32.8%) of the agencies and subcomponents that filed and certified MD- 715 Reports for FY 2017, the EEO Director (or head in the case of subcomponents) did not report directly to the head of the agency (or subcomponent; see Appendix V). This barrier in terms of organizational structure is troubling. Regulations found in 29 C.F.R. § 1614.102(b)(4) and further described in MD-110 mandate that the EEO Director report to the agency head.⁶ Not including the EEO Director among senior management implies that the agency does not consider EEO a priority. Furthermore, in program evaluations, EEOC has found that EEO Directors sometimes report to the heads of Human Resources, who are often responsible for the agency’s defense to claims of discrimination. The resulting conflict of interest may cause employees to doubt the impartiality of the EEO process and to hesitate to seek EEO counseling.

With the enactment of the Elijah J. Cummings Federal Employee Antidiscrimination Act of 2020, the requirement that the head of each federal agency’s EEO Program report to the head of the agency is now law. All non-compliant agencies must remedy this issue.

⁶ See EEOC, MANAGEMENT DIRECTIVE FOR 29 C.F.R. PART 1614 (EEO MD-110), at Chap. 1 § III.B (rev. Aug. 5, 2015).

Part V: Composition of the Federal Workforce

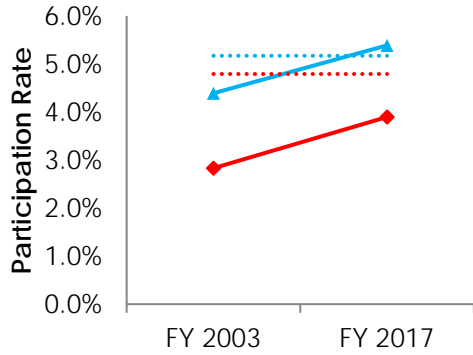
Equality of opportunity to participate and advance in the federal workforce is paramount to achieving the Federal Government's goal of becoming a model employer. Below, this report describes participation rates in the Federal Government by race/national origin (RNO), gender, and targeted disability⁷ for the government overall, for General Schedule (GS) pay grade bands, and for senior level pay positions. Comparing overall participation rates to their availability in the civilian labor force provides one means of evaluating the government's progress toward equal opportunity. To approximate opportunities to participate in higher ranks, the report compares participation rates in more senior grades to participation rates governmentwide and to participation rates in lower grades within the Federal Government. Targeted disability numbers are compared to goals for their participation in the federal workforce. While some areas reveal improvement since the implementation of MD-715 in FY 2003, work remains before the Federal Government may be considered a model employer.

Participation in the Federal Workforce by Race/National Origin and Sex. In the Federal Government in FY 2017, participation rates for 11 out of 14 RNO by sex groups were higher than their rates in the 2010 civilian labor force (CLF; see Figures 5.1 through 5.7 and Appendix II). The exceptions were Hispanic/Latina females (3.9% vs. 4.8% in the CLF), White males (34.7% vs. 38.3% in the CLF), and White females (24.6% vs. 34.0% in the CLF). Although the Hispanic/Latina female participation rate was lower than the CLF, this participation rate increased from 2003 when Latinas held 2.8% of federal jobs.

Conversely, the participation rates of Whites of both genders decreased between 2003 and 2017, with the White male participation rate dropping over 6% and the White female participation rate dropping over 1%. For all other racial and gender groups for which we have data from 2003 (Hispanic/Latino males, African American/Black males and females, Asian males and females, and American Indian/Alaska Native males and females), participation rates increased between 2003 and 2017. For most of these groups, this maintained the trend of participating in the Federal Government at rates above their 2010 CLF participation rate. For the first time in recent history, Hispanic/Latino males' FY 2017 federal participation rate (5.4%) exceeded their CLF participation rate (5.2%).

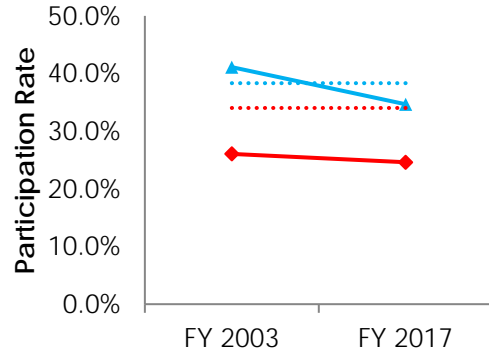
Participation data specific to Native Hawaiians/Pacific Islanders and people of Two or More Races were not available in 2003. However, when compared to their 2010 CLF participation, males and females from each of these racial groups had higher than expected participation rates in the Federal Government in 2017.

⁷ Targeted disabilities are severe disabilities and are associated with high rates of unemployment and underemployment. See the section titled, "Participation of Individuals with Targeted Disabilities in the Federal Workforce" in this part of the report for further information.



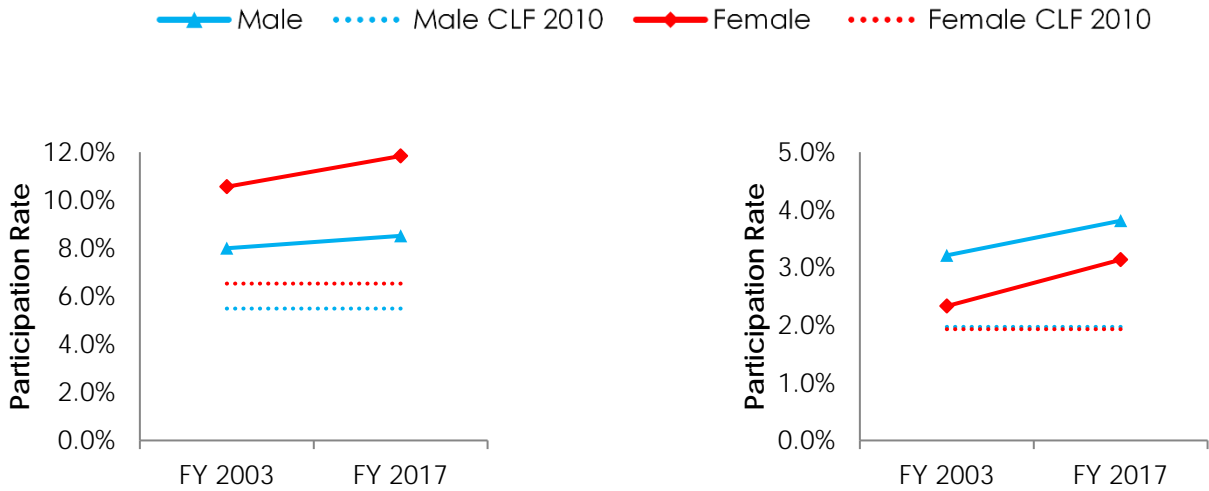
Hispanic/Latino Participation		FY 2003	FY 2017	2010 CLF
Hispanic Male		4.4%	5.4%	5.2%
Hispanic Female		2.8%	3.9%	4.8%

Figure 5. 1. Hispanic/Latino governmentwide participation, FY 2003 and FY 2017



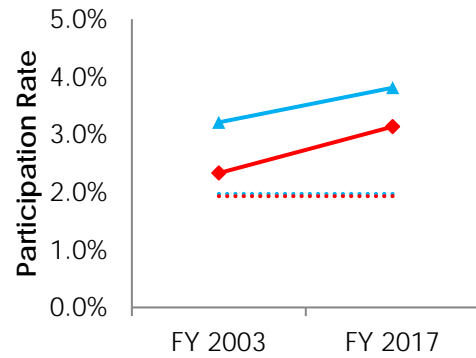
White Participation		FY 2003	FY 2017	2010 CLF
White Male		41.1%	34.7%	38.3%
White Female		26.1%	24.6%	34.0%

Figure 5. 2. White governmentwide participation, FY 2003 and FY 2017



Black/African American Participation		FY 2003	FY 2017	2010 CLF
Black Male		8.0%	8.5%	5.5%
Black Female		10.6%	11.8%	6.5%

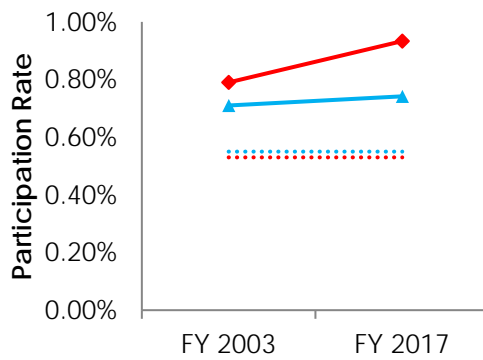
Figure 5. 3. Black/African American governmentwide participation, FY 2003 and FY 2017



Asian Participation		FY 2003	FY 2017	2010 CLF
Asian Male		3.2%	3.8%	2.0%
Asian Female		2.3%	3.1%	1.9%

Figure 5. 4. Asian governmentwide participation, FY 2003 and FY 2017

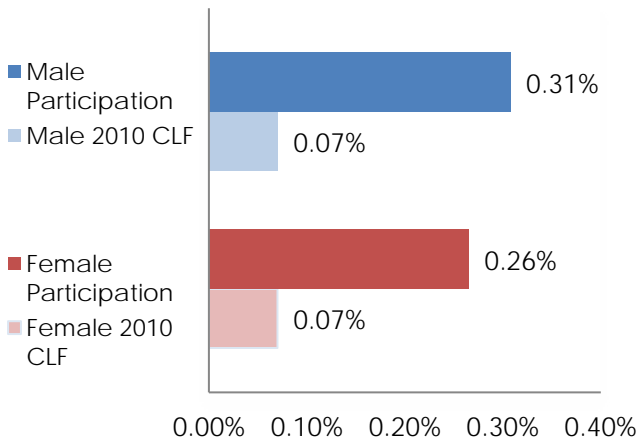
Male Male CLF 2010 Female Female CLF 2010



AIAN Participation	FY 2003	FY 2017	2010 CLF
AIAN Male	0.71%	0.74%	0.55%
AIAN Female	0.79%	0.93%	0.53%

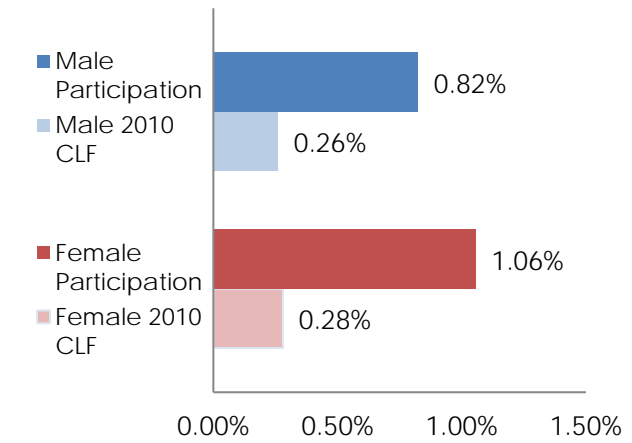
Figure 5. 5. American Indian/Alaska Native (AIAN) governmentwide participation, FY 2003 and FY 2017

—▲— Male
 Male CLF 2010
 —◆— Female
 Female CLF 2010



NHOPI Participation	FY 2017	2010 CLF
NHOPI Male	0.31%	0.07%
NHOPI Female	0.26%	0.07%

Figure 5. 6. Native Hawaiian/Other Pacific Islander (NHOPI) governmentwide participation, FY 2017



Two or More Races Participation	FY 2017	2010 CLF
Two or More Races Male	0.82%	0.26%
Two or More Races Female	1.06%	0.28%

Figure 5. 7. Two or More Races governmentwide participation, FY 2017

Participation in Senior Positions by Race/National Origin and Sex. Senior leaders in the workplace not only receive higher pay but have the power to make business decisions such as hiring, promotions, and firing that affect the diversity of the workforce. A premier category of senior leaders in the Federal Government is the Senior Executive Service (SES) which was created to "...ensure that the executive management of the Government of the United States is responsive to the needs, policies, and goals of the Nation and otherwise is of the highest quality."⁸ This section highlights FY 2017 participation in the SES compared to FY 2003 participation in senior level pay positions.⁹

Senior level pay positions in the Federal Government, specifically SES positions continued to be dominated by White males (54.3% of those in the SES in 2017); however, all other RNO by sex groups for which there is 2003 data made gains in 2017 relative to their 2003 senior level participation rates (See Figures 5.8 through 5.14 and Appendix II). In 2017, White males participated in the SES at a rate far higher than their governmentwide participation rate. White females (24.6%) and Asian males (3.8%) participated in the SES at a rate approaching their governmentwide participation rates, but all other RNO by sex groups participated in the SES at rates lower than their governmentwide participation rates.

Asian women's 2017 SES participation rate (2.1%) was more than double their 2003 senior level pay participation rate (0.8%). In 2017, Black women (5.2% vs. 2.6%) and American Indian/Alaska Native women (0.42% vs. 0.21%) participated in the SES at approximately twice their 2003 senior level pay participation rates. Hispanic/Latina women (1.3% vs. 0.9%) and White women (24.6% vs. 20.7%) also increased their participation rates in SES relative to 2003 senior level pay positions.

Overall, women have made great gains in senior level positions. In 2003, females held approximately one-fourth of senior pay level jobs (25.2%). By 2017, women held 33.7% of SES positions. However, most women participated in SES at levels far below their governmentwide participation rates in 2017. This applied to Hispanic/Latina women (1.3% of those in SES vs. 3.9%

⁸ <https://www.opm.gov/policy-data-oversight/senior-executive-service/>.

⁹ This comparison is used with caution due to the changes in the sources and measurement of the data. Previous Annual Reports focused on employees in senior pay levels including SES, Executive Schedule, Senior Foreign Service, and other employees earning salaries above Grade 15, step 10 of the General Schedule (https://www.eeoc.gov/federal/reports/fsp2013_2/index.cfm). This report focuses on FY 2017 participation in SES because SES employees by definition have managerial duties, and the data on SES is directly available from EEOC's MD-715 Reports. The 2003 comparison data comes from EEOC's FY 2005 Annual Report on the Federal Workforce, Appendix Table A-2a (https://www.eeoc.gov/federal/reports/fsp2005/aed/table_a-2a.html), which was based on the Civilian Personnel Data File (CPDF) provided to EEOC by the Office of Personnel Management (OPM); that file did not include data on the Army and Air Force Exchange Service, Tennessee Valley Authority, United States Postal Service, or intelligence gathering agencies. For the data sources for other years of the Annual Reports on the Federal Workforce, see the individual reports at <https://www.eeoc.gov/federal/reports/>. Note that the FY 2017 data in the Participation in Senior Level Pay Positions by Race/National Origin and Sex and the Participation of Individuals with Targeted Disabilities in General Schedule Pay Bands and in Senior Level Pay Positions subsections of this Part only include SES. Other Senior Pay values are reported in the Appendix. Other Senior Pay is not included in these subsections because those positions often do not have the same managerial responsibilities, they far outnumber the SES, the Departments of the Air Force and Commerce disproportionately have personnel in Other Senior Pay, and if SES and Other Senior Pay were combined for a single Senior Level Pay category, the values predominantly would reflect non-executive positions. Using caution in analyses over time is advised.

of the entire government), Black women (5.2% vs. 11.8%), Asian women (2.1% vs. 3.1%), Native Hawaiian/Pacific Islander women (0.06% vs. 0.26%), American Indian/Alaska Native women (0.42% vs. 0.93%), and women of Two or More Races (0.14% vs. 1.06%).

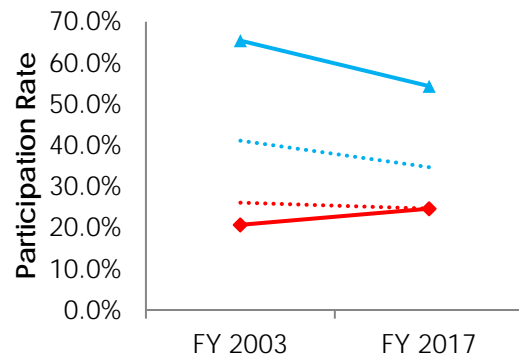
Although in 2017 White men participated in the SES at a lower rate than they did in senior level pay positions in 2003, men of all other races saw increases in SES participation rates relative to their 2003 senior level participation rates. These increases, however, were usually smaller than those of the women of those races. In 2017 the SES participation rate of American Indian/Alaska Native men was 0.73%, which is 35.7% higher than their 2003 senior level pay participation rate. Black men’s rate 2017 SES participation rate was 4.6%, an increase of 11.2% over their 2003 senior level pay participation rate. Hispanic/Latino men’s rate only increased by a fraction of a percent. However, in 2017 Asian men comprised 3.8% of the SES, an increase of 74% over their 2003 senior level pay participation rate.

The SES participation rates of Native Hawaiian/Pacific Islanders and people of Two or More Races were far below their governmentwide participation rates. For example, male Native Hawaiian/Pacific Islanders participated governmentwide at 0.31%, but only represented 0.11% of people in the SES. Males of Two or More Races made up 0.11% of those in the SES, but they composed 0.82% of the federal workforce. Efforts should be made to increase the SES participation of groups with lower than expected participation based on their participation rates governmentwide.



Hispanic/ Latino Participation	FY 2003 Gov't Wide	FY 2003 SLP	FY 2017 Gov't Wide	FY 2017 SES
Hispanic Male	4.4%	2.5%	5.4%	2.5%
Hispanic Female	2.8%	0.9%	3.9%	1.3%

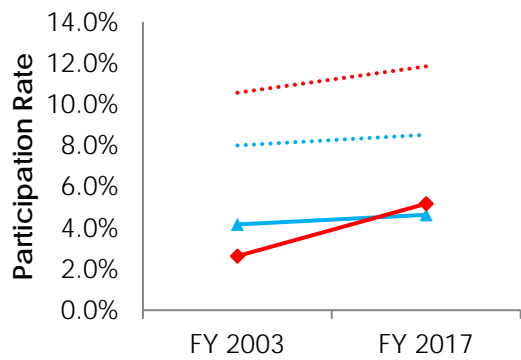
Figure 5. 8. Hispanic/Latino governmentwide and senior level pay (SLP) or Senior Executive Service (SES) participation, FY 2003 and 2017



White Participation	FY 2003 Gov't Wide	FY 2003 SLP	FY 2017 Gov't Wide	FY 2017 SES
White Male	41.1%	65.4%	34.7%	54.3%
White Female	26.1%	20.7%	24.6%	24.6%

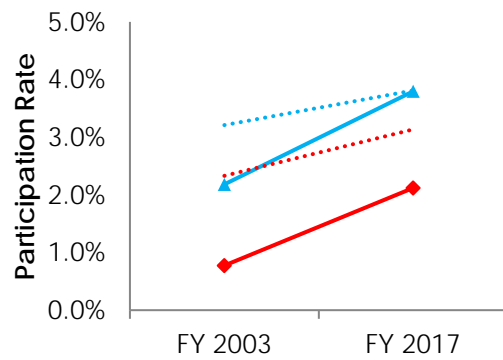
Figure 5. 9. White governmentwide and senior level pay (SLP) or Senior Executive Service (SES) participation, FY 2003 and 2017

—▲— Male SLP/SES
 ····· Male Gov't Wide
 —◆— Female SLP/SES
 ····· Female Gov't Wide



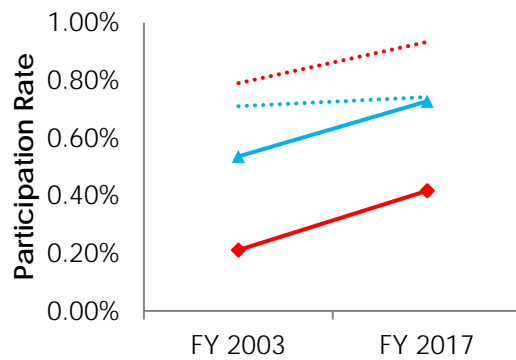
Black/African American Participation	FY 2003 Gov't Wide	FY 2003 SLP	FY 2017 Gov't Wide	FY 2017 SES
Black Male	8.0%	4.2%	8.5%	4.6%
Black Female	10.6%	2.6%	11.8%	5.2%

Figure 5. 10. Black/African American governmentwide senior level pay (SLP) or Senior Executive Service (SES) participation, FY 2003 and 2017



Asian Participation	FY 2003 Gov't Wide	FY 2003 SLP	FY 2017 Gov't Wide	FY 2017 SES
Asian Male	3.2%	2.2%	3.8%	3.8%
Asian Female	2.3%	0.8%	3.1%	2.1%

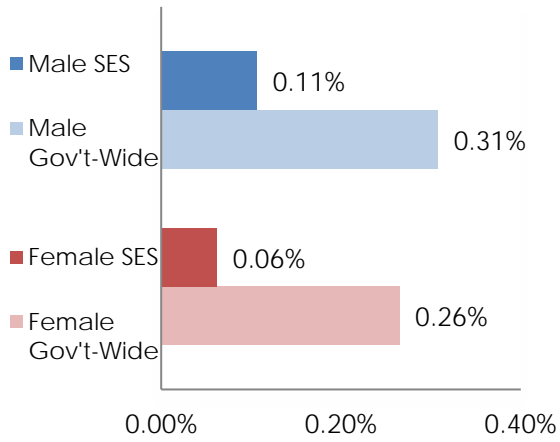
Figure 5. 11. Asian governmentwide and senior level pay (SLP) or Senior Executive Service (SES) participation, FY 2003 and 2017



AIAN Participation	FY 2003 Gov't Wide	FY 2003 SLP	FY 2017 Gov't Wide	FY 2017 SES
AIAN Male	0.71%	0.54%	0.74%	0.73%
AIAN Female	0.79%	0.21%	0.93%	0.42%

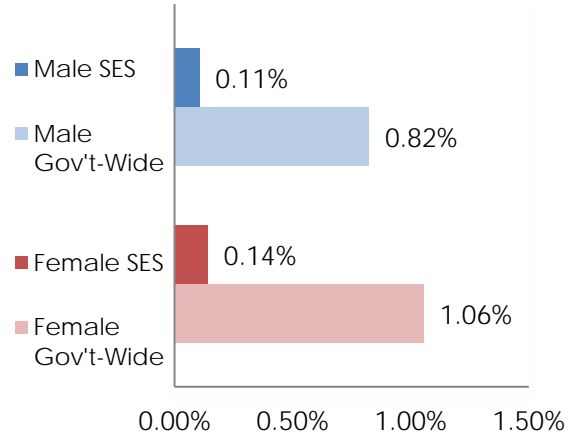
Figure 5. 12. American Indian/Alaska Native (AIAN) governmentwide and senior level pay (SLP) or Senior Executive Service (SES) participation, FY 2003 and 2017

—▲— Male SLP/SES
 ····· Male Gov't Wide
 —◆— Female SLP/SES
 ····· Female Gov't Wide



NHOPI Participation	FY 2017 Gov't Wide	FY 2017 SES
NHOPI Male	0.31%	0.11%
NHOPI Female	0.26%	0.06%

Figure 5. 13. Native Hawaiian/Other Pacific Islander (NHOPI) governmentwide and Senior Executive Service (SES) participation, FY 2017



Two or More Races Participation	FY 2017 Gov't Wide	FY 2017 SES
Two or More Races Male	0.82%	0.11%
Two or More Races Female	1.06%	0.14%

Figure 5. 14. Two or More Races governmentwide and Senior Executive Service (SES) participation, FY 2017

Participation across General Schedule (GS) Pay Bands by Race/National Origin and Sex. To examine disparities in rank, this report compares participation rates in higher GS pay bands to participation rates in lower GS pay bands and notes participation rate differences within RNO by sex groups. If a group's participation rate in higher GS pay bands is lower than their participation rates in lower GS pay bands or their overall GS participation, there is a trigger, or red flag, that barriers to EEO may exist. Agencies should conduct similar analyses using these comparators, governmentwide participation, and/or pay bands within another pay system, where appropriate. Where disparities exist, agencies should determine whether barriers prevent these groups from being hired into or advancing to higher grade levels, and where barriers exist, agencies should act to address the barriers.

In the General Schedule pay system, most RNO by sex groups participated at higher rates in the lower pay grades (See Table 5.1 and Appendix II). The primary exceptions to this were White males and Asians of both sexes. In 2017, White males made up 23.3% of employees in GS Grades 1 through 6, but 45.7% of employees in GS Grades 14 and 15. Asian males had a 2.0% participation rate in GS Grades 1 through 6, but their GS Grades 14 and 15 participation rates was 5.6%. Asian females also had a higher participation rate in GS Grades 14 and 15 (4.2%) than they did in GS Grades 1 through 6 (3.2%); however, for GS Grade Bands 7 through 11 and 12 through 13, the pattern for Asian females showed some inconsistencies, with their GS Grades 12 through 13 participation rate being lower than their participation rate in GS Grades 7 through 11. In 2017, White males had lower participation rates in the higher GS Grades than they did in 2003. Asians, however, had great increases in their higher GS Grade participation rates between 2003 and 2017.

Hispanic/Latino males had their highest participation rates in the GS Grades 12 through 13 category (6.3%) and the GS 7 through 11 categories (5.1%), but they experienced a sharp drop-off in participation at GS Grades 14 and 15 (3.2%). Only males of Two of More Races have a similar, but less pronounced pattern, having slightly higher participation in the middle GS Grades (GS Grades 7 through 13). Since 2003, Hispanic/Latino Males have greatly increased their participation governmentwide, particularly in GS Grades 12 and 13.

In 2017, all other RNO by sex groups' participation rates were lower in higher GS pay bands. This general pattern was consistent with the 2003 data for Blacks/African Americans of both sexes, American Indians/Alaska Natives of both sexes, Hispanic/Latina women, and white women (No 2003 data was available for Native Hawaiians/Other Pacific Islanders or people of Two or More Races). Hispanic/Latina women and Blacks/African Americans of both sexes increased their participation rates in the GS system between 2003 and 2017 in all pay-bands, but their participation rates in top grades, although increasing over time, remained below their overall GS participation levels. American Indian/Alaska Natives participated in most GS categories at higher rates in 2017 that they did in 2003, and this was more notable for women than for men.

For the two racial groups that do not have FY 2003 comparators, Native Hawaiians/Other Pacific Islanders and people of Two or More Races, generally diminishing participation rates still appear when moving up the pay scale, especially for females. Finally, an analysis of gender

alone shows that the gender gap of lower participation rates for women at higher GS pay bands is diminishing, yet still present.

Table 5. 1. Participation across GS Pay Bands by Race/National Origin and Sex, FY 2003 and 2017

	2003 GS 1-6	2017 GS 1-6	2003 GS 7-11	2017 GS 7-11	2003 GS 12-13	2017 GS 12-13	2003 GS 14-15	2017 GS 14-15	2003 Total GS	2017 Total GS
Total Male	34.3%	39.4%	45.3%	45.9%	61.4%	58.1%	69.7%	60.9%	50.7%	51.5%
Total Female	65.7%	60.6%	54.7%	54.1%	38.6%	41.9%	30.3%	39.1%	49.4%	48.5%
Hispanic/Latino Male	3.5%	3.8%	4.5%	5.1%	3.3%	6.3%	2.6%	3.2%	3.7%	5.1%
Hispanic/Latino Female	5.1%	5.2%	4.1%	5.4%	2.0%	3.2%	1.1%	2.0%	3.3%	4.1%
White Male	21.6%	23.3%	32.7%	29.9%	49.5%	40.4%	58.9%	45.7%	38.4%	35.0%
White Female	36.3%	29.8%	33.7%	28.8%	26.1%	24.8%	22.5%	24.5%	30.7%	26.9%
Black/African American Male	6.7%	8.6%	5.5%	7.9%	4.9%	6.4%	4.0%	5.4%	5.4%	7.1%
Black/African American Female	18.4%	18.7%	13.4%	14.4%	8.2%	9.8%	4.7%	7.7%	11.9%	12.4%
Asian Male	1.6%	2.0%	1.9%	2.8%	3.1%	3.7%	3.6%	5.6%	2.4%	3.4%
Asian Female	3.2%	2.9%	2.2%	3.3%	1.8%	3.0%	1.7%	4.2%	2.2%	3.3%
Native Hawaiian / Other Pacific Islander Male	-	0.29%	-	0.31%	-	0.23%	-	0.12%	-	0.25%
Native Hawaiian / Other Pacific Islander Female	-	0.40%	-	0.28%	-	0.14%	-	0.07%	-	0.22%
American Indian/Alaska Native Male	0.97%	1.00%	0.81%	0.83%	0.65%	0.66%	0.63%	0.60%	0.77%	0.76%
American Indian/Alaska Native Female	2.78%	2.91%	1.21%	1.41%	0.50%	0.61%	0.32%	0.44%	1.22%	1.19%
Two or More Races Male	-	0.41%	-	0.44%	-	0.42%	-	0.26%	-	0.40%
Two or More Races Female	-	0.60%	-	0.48%	-	0.32%	-	0.23%	-	0.40%
Total Employment Number	289,422	215,703	536,608	548,368	429,986	548,228	155,595	218,973	1,411,611	1,531,272

Note. 2017 data come from MD-715 reports submitted by federal agencies in FY 2017. Only includes permanent employees in GS Grades 1 through 15. Data from agencies that do not report General Schedule Pay Plan Participation Rates are excluded. FY 2003 data come from the 2005 Annual Report on the Federal Workforce Table A-3a. In FY 2003, the Asian category included Native Hawaiians and Other Pacific Islanders. Separate data for Native Hawaiians/Other Pacific Islanders and Two or More Races were not collected in 2003. While this may affect the changes in participation rates for Asians, it is notable that their participation rate increased despite the reduction in scope.

Participation of Individuals with Targeted Disabilities in the Federal Workforce. EEOC has long required the Federal Government to set hiring and workforce goals for people with targeted disabilities. Targeted disabilities are severe disabilities and are associated with high rates of

unemployment and underemployment.¹⁰ The overall participation rate of individuals with targeted disabilities in the federal workforce substantially increased between 2003 and 2017, from 1.05% to 1.35% (See Figure 5.15 on next page). This is still far below the 2.0% goal established by EEOC’s LEAD Initiative,¹¹ but the trends are encouraging. In FY 2016, only 10 independent agencies and subcomponents reached that goal. In FY 2017, 8 out of 27 independent agencies, 7 out of 18 cabinet departments, and 32 out of 100 subcomponents of cabinet departments with 500 employees or more met the 2% goal (See Table 5.2 and Appendix II).

Three group of individuals with targeted disabilities saw notable increases in their participation rates between 2003 and 2017: individuals with hearing disabilities (0.20% in 2003 vs. 0.30% in 2017), vision disabilities (0.11% vs. 0.16%), and psychiatric disabilities (0.23% vs. 0.46%). In both 2003 and 2017, psychiatric disability was the most common type of targeted disability in the federal sector and the second most common type of targeted disability was hearing disability.

Table 5. 2. Participation of Individuals with Targeted Disabilities: Top Five Independent Agencies and Subcomponents (500+ Employees), FY 2017

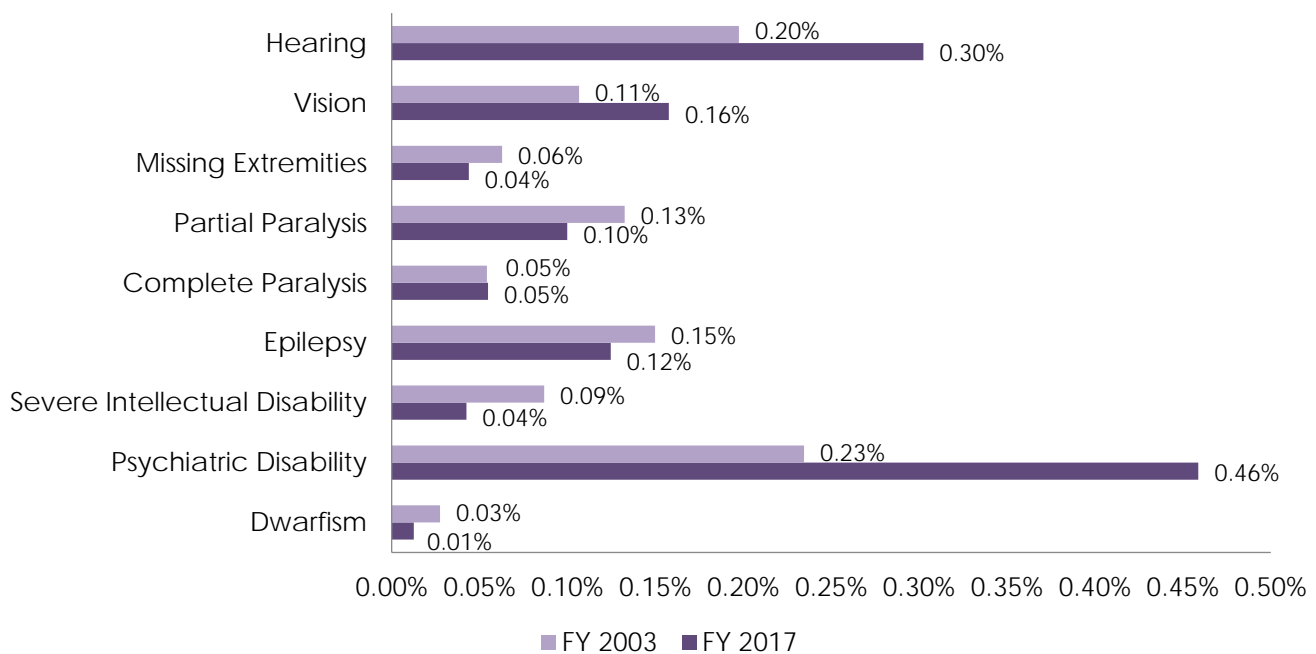
Agency Name	Workforce	# Individuals with Targeted Disabilities	Participation Rate
Office of the Chief Financial Officer – Department of Agriculture (USDA)	1,483	69	4.65%
USDA Headquarters	3,225	143	4.43%
Equal Employment Opportunity Commission	2,029	87	4.29%
USDA Food and Nutrition Service	1,547	63	4.07%
Bureau of Fiscal Service – Department of Treasury	3,543	144	4.06%

Participation of Individuals with Targeted Disabilities in General Schedule Pay Bands and in the Senior Executive Service. As seen in Table 5.3 and Figure 5.16, individuals with targeted disabilities tended to participate in the lowest GS Grades at much higher rates than their participation rates in higher grades. Figure 5.15 illustrates this decrease at higher grade levels, which was particularly notable for people with psychiatric disabilities, severe intellectual disabilities, and epilepsy. However, individuals with dwarfism and vision disabilities participated

¹⁰ EEOC describes the history of its efforts on behalf of people with targeted disabilities in the preamble for its regulation on Section 501 of the Rehabilitation Act. See Affirmative Action for Individuals with Disabilities in Federal Employment, 82 Fed. Reg. 654, 655 (Jan. 3, 2017), available at <https://www.federalregister.gov/documents/2017/01/03/2016-31397/affirmative-action-for-individuals-with-disabilities-in-federal-employment#footnote-13-p655>. A list of conditions that met the FY 2017 definition of a “targeted disability” is available in Figure 5.14 below. An updated list of targeted disabilities is available on Office of Personnel Management’s Standard Form 256 (updated October 2016). See Office of Personnel Management, SF-256 “Self-Identification of Disability” <https://www.opm.gov/forms/standard-forms/>.

¹¹ <https://www.eeoc.gov/lead-initiative-0>

in the SES at a higher rate than their participation in all GS Grade bands, and although individuals with hearing disabilities had their highest participation rate in the GS 1 through 6 Grade band, their SES participation rate was higher than that of the other grade bands.



	FY 2003 #	FY 2017 #	FY 2003 % of Total Workforce	FY 2017 % of Permanent Workforce	FY 2003 % of Individuals with Targeted Disabilities	FY 2017 % of Individuals with Targeted Disabilities
No Disability	-	1,978,784	-	86.50%	-	-
Not Identified	-	101,703	-	4.45%	-	-
Disability	-	205,248	-	8.97%	-	-
Targeted Disability	25,551	30,939	1.05%	1.35%	-	-
Hearing	4,796	6,918	0.20%	0.30%	18.77%	22.36%
Vision	2,588	3,607	0.11%	0.16%	10.13%	11.66%
Missing Extremities	1,525	1,003	0.06%	0.04%	5.97%	3.24%
Partial Paralysis	3,219	2,285	0.13%	0.10%	12.60%	7.39%
Complete Paralysis	1,316	1,254	0.05%	0.05%	5.15%	4.05%
Epilepsy	3,637	2,851	0.15%	0.12%	14.23%	9.21%
Severe Intellectual Disability	2,106	973	0.09%	0.04%	8.24%	3.14%
Psychiatric Disability	5,695	10,495	0.23%	0.46%	22.29%	33.92%
Dwarfism	669	288	0.03%	0.01%	2.62%	0.93%
Federal Workforce	2,428,330	2,287,662	-	-	-	-

Figure 5. 15. Participation of individuals with targeted disabilities governmentwide by disability type (Percentage of the federal workforce), FY 2003 and FY 2017¹²

¹² FY 2003 data came from the Annual Report on the Federal Work Force Fiscal Year 2005, Table A-6. That report did not provide data on individuals who reported having no disability, who did not identify whether they had a disability, or those with any reportable disability (not necessarily a targeted disability). For the sake of consistency, this report used the FY 2017 categories for targeted disabilities. The corresponding categories in FY 2003 were Deafness, Blindness, Missing Extremities, Partial Paralysis, Complete Paralysis, Convulsive Disorders, Mental Retardation, Mental

Table 5. 3. Participation of Individuals with Targeted Disabilities in GS-Grade Ranges and Senior Level Pay, FY 2017¹³

	GS 1-6 (#)	GS 1-6 (%)	GS 7-11 (#)	GS 7-11 (%)	GS 12-13 (#)	GS 12-13 (%)	GS 14-15 (#)	GS 14-15 (%)	SES (#)	SES (%)	Total (#)
No Disability	176,054	81.68	457,130	83.47	481,764	88.00	197,038	90.28	5,998	91.82	1,317,984
Not Identified	9,026	4.19	29,976	5.47	16,444	3.00	6,153	2.82	183	2.80	61,782
Disability	30,485	14.14	61,376	11.21	50,732	9.27	16,242	7.44	386	5.91	159,221
Targeted Disability	5,399	2.50	9,344	1.71	6,649	1.21	2,267	1.04	72	1.10	23,731
Hearing	946	0.44	1,949	0.36	1,620	0.30	557	0.26	27	0.41	5,099
Vision	532	0.25	1,251	0.23	967	0.18	437	0.20	18	0.28	3,205
Missing Extremities	111	0.05	286	0.05	270	0.05	109	0.05	A	A	780 ^B
Partial Paralysis	451	0.21	646	0.12	663	0.12	234	0.11	8	0.12	2,002
Complete Paralysis	154	0.07	387	0.07	385	0.07	132	0.06	A	A	1,060 ^B
Epilepsy	492	0.23	813	0.15	604	0.11	212	0.10	4	0.06	2,125
Severe Intellectual Disability	314	0.15	113	0.02	26	0.00	5	0.00	A	A	460 ^B
Psychiatric Disability	2,160	1.00	3,366	0.61	1,630	0.30	378	0.17	5	0.08	7,539
Dwarfism	58	0.03	87	0.02	61	0.01	15	0.01	A	A	220 ^B
Total GS or SES Workforce	215,537		547,689		547,467		218,253		6,532		1,535,478

Illness and Distortion of Limb and/or Spine. FY 2017 data comes from MD-715 reports as certified by federal agencies for FY 2017. Where parent agencies and their subcomponents both certified MD-715 reports, this table uses data from parent agencies. FY 2017 data only include permanent employees. The 2003 data used the "Total Workforce" for the baseline. Totals may not equal 100% due to rounding.

Federal agencies can classify an employee as an individual with a disability based on (1) self-identification in the SF-256 form; (2) appointment under a hiring authority that takes disability into account; and/or (2) a request for a reasonable accommodation. See 29 C.F.R. § 1614.203(d)(6)(ii). The October 2016 Revision of the SF-256 includes the option for applicants and employees to self-report having a disability or serious health condition, not having a disability or serious health condition, or to select "I do not wish to identify my disability or serious health condition." The previous version of the SF-256, revised July 2010, had an option, "I do not wish to identify my disability status." Employees who most recently selected "I do not wish to identify my disability or serious health condition" or "I do not wish to identify my disability status" are to be included in the "Not Identified" category, unless other information (e.g., the use of a disability-related hiring authority or a request for a reasonable accommodation) is available.

¹³ Data comes from FY 2017 MD-715 reports as certified by federal agencies. Includes only permanent employees reported on Table B4 - Participation Rates for General Schedule (GS) Grades (Permanent) of the MD-715 Report. Where parent agencies and their subcomponents both certified MD-715 reports, this graph uses data from parent agencies. Totals may not equal 100% due to rounding. Percentages were calculated using the Total GS Workforce within each grade range (or SES). ^A Cells with small frequencies and their respective percentages have been suppressed to prevent disclosure of individuals. ^B Value has been rounded to the nearest 10 to prevent disclosure.

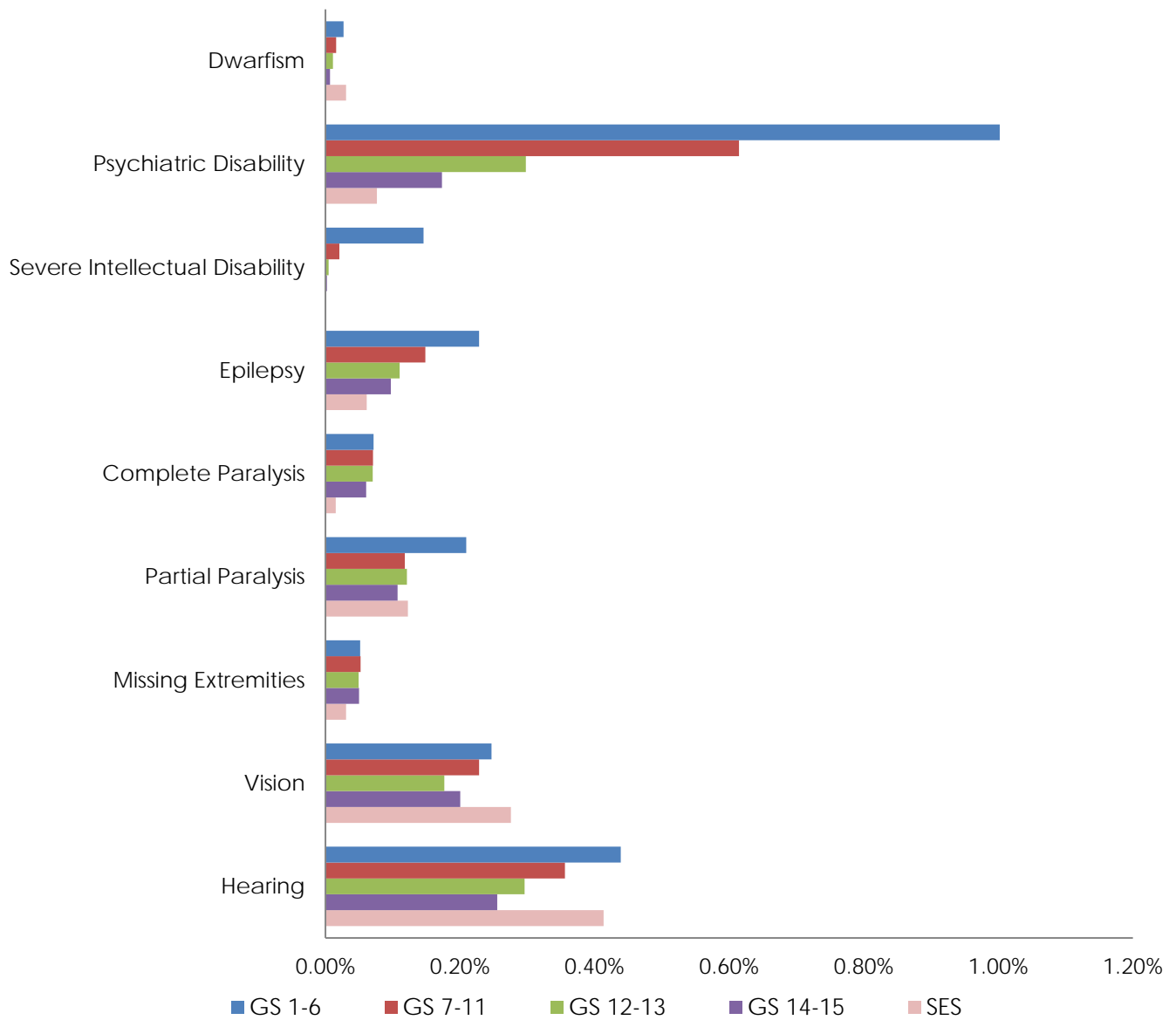


Figure 5. 16. Participation of individuals with disabilities as a percentage of General Schedule (GS) pay bands and Senior Executive Service (SES), FY 2017¹⁴

¹⁴ FY 2017 MD-715 data as reported by agencies. Includes only permanent employees reported on Table B4 - Participation Rates for General Schedule (GS) Grades (Permanent) of the MD-715 Report. Where parent agencies and their subcomponents both submitted MD-715 reports, this graph uses data from parent agencies.

Part VI: Complaint Processing

This section summarizes federal sector EEO complaint activity for fiscal year 2017. Using data from the *Annual Federal Equal Employment Opportunity Statistical Reports of Discrimination Complaints (Form 462)*,¹⁵ this section compiles governmentwide data on complaints, investigations, and findings of discrimination. It also provides five-year trends in complaint activity (where trend data is available), governmentwide benchmarks, and highlights of some of the top performing agencies in federal sector EEO. Our database consisted of 268 federal agencies and subcomponents submitting Form 462 for fiscal year 2017. Because Form 462 is self-reported data, all data pertaining to complaints, investigations, and findings are reported “as submitted” to the Office of Federal Operations by agency stakeholders. Agency-specific details for all aggregate results can be found in Appendix III.

Overview

EEOC Regulations in 29 C.F.R. Part 1614 prohibit discrimination in employment because of race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, pregnancy, or genetic information. They also prohibit retaliation against an individual for participating in administrative or judicial proceedings involving employment discrimination or otherwise acting in reasonable opposition to unlawful discrimination. Part 1614 establishes the process for filing a complaint of discrimination in the federal sector. The EEO complaint process encompasses the following stages:

- *The pre-complaint stage:* Individuals initiate contact with an agency EEO counselor and are informed of their right to file a complaint, their legal options, and timeframes;
- *The formal complaint stage:* Individuals file a formal complaint with the agency's EEO office (not the EEOC) by documenting, with sufficient detail, the nature of the offense and the accused parties;
- *The investigation stage:* An EEO investigator is assigned to the case by the agency EEO Office and gathers specifics by interviewing the conflicting parties, speaking to witnesses, and reviewing documents relevant to the complaint;
- *The adjudication stage:* The complaint and report of investigation are reviewed by either the agency or an EEOC administrative judge, a decision is made on the discrimination claim, and remedy is recommended, when appropriate;
- *The compliance stage:* The complaint is closed and the AJ or agency order, if issued, is fully implemented.

Below are select federal sector statistics from each stage of the complaint process.

Pre-Complaints/Informal Complaints

Timely Completed Counselings. When individuals believe that they have experienced discrimination, they first must contact an EEO counselor prior to filing a formal complaint (29 C.F.R. Section 1614.105 (a)). The aggrieved has 45 days after the alleged incident occurs to establish contact with an agency counselor. The EEO Counselor has 30 days to complete a “timely” counseling, unless the aggrieved agrees to an extension of no more than 60 days. Both

¹⁵ “Findings” refers to complaints resulting in a finding by either Final Agency Decision or by Administrative Judge. Findings on appeal are not included in these calculations.

counselings completed within 30 days and those completed within 60 days with a written extension are considered timely. Where the aggrieved person’s concerns are not resolved in counseling, the counselor must issue a “Notice of Final Interview”, including information about the aggrieved’s right to file a formal complaint, at the conclusion of counseling.

Table 6.1 is a list of the agencies with the highest rate of timely completed EEO counselings by agency size. Among large agencies, the Department of Labor had the highest rate of timely completed counselings at 99.46%, followed closely by the U.S. Postal Service at 98.99%. Among medium agencies, the Defense Contract Management Agency, Defense Information Systems Agency, Defense Office of the Secretary/Washington Headquarters Services, General Services Administration, Government Publishing Office, and National Archives and Records Administration, Nuclear Regulatory Commission, Securities and Exchange Commission, and the Smithsonian Institution all have timely completed counseling rates of 100%. A full list of agency timely counseling rates can be found in Appendix III, Table B2.

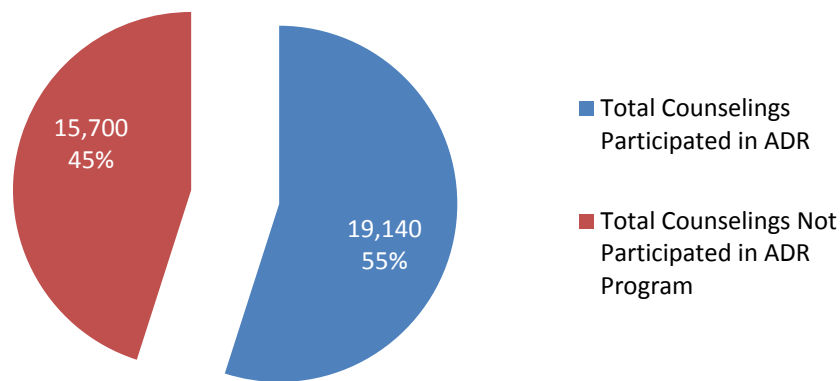
Table 6. 1. Agencies with the highest rate of timely completed counselings* (B2)

Agency or Department	Total Workforce	Agency Size	Total Completed / Ended Counselings	Total Timely Completed / Ended Counselings	% Timely Completed/ Ended Counselings (excluding remands)
Department of Labor	15,137	Large	186	185	99.46%
U.S. Postal Service	641,868	Large	13,785	13,644	98.99%
DOD Army and Air Force Exchange Service	28,317	Large	316	311	98.42%
Department of Transportation	54,814	Large	490	478	97.55%
Department of Homeland Security	197,593	Large	2,517	2,387	94.84%
DOD Defense Contract Management Agency	11,414	Medium	93	93	100.00%
DOD Defense Information Systems Agency	5,668	Medium	31	31	100.00%
DOD Office of the Secretary/Washington Headquarters Services	6,117	Medium	65	65	100.00%
General Services Administration	11,488	Medium	188	188	100.00%
Government Publishing Office	1,740	Medium	59	59	100.00%
National Archives and Records Administration	2,903	Medium	45	45	100.00%
Nuclear Regulatory Commission	3,530	Medium	26	26	100.00%
Securities and Exchange Commission	4,599	Medium	43	43	100.00%
Smithsonian Institution	6,300	Medium	39	39	100.00%

Note. Agencies with 25 or more completed counselings. Agency Size: Large= Large Agencies (15,000 or more employees) Medium= Medium Agencies (1,000 to 14,999 employees)

Pre-Complaint ADR Acceptances and Resolutions. Anytime during the complaint process, the aggrieved may enter into an Alternative Dispute Resolution (ADR) forum designed to remedy the situation quickly and effectively to the satisfaction of both parties. Examples of common ADR techniques include mediation, settlement conferences, and facilitation.¹⁶ All agencies are required to establish or make available an ADR program during both the pre-complaint and formal complaint processes.¹⁷ ADR should be offered at the beginning of counseling.¹⁸ If chosen, then the agency has 90 days to conduct the ADR and complete counseling.¹⁹ If not chosen, then the agency has 30 days, which may be extended by agreement, to complete traditional counseling.²⁰

Figure 6.1 displays the rate of ADR acceptances among individuals receiving pre-complaint counseling. There were 34,840 pre-complaint counselings completed during FY 2017, with an ADR offer rate of 87.53%. Among the 34,840 completed counselings, approximately 54.94% accepted ADR while 45.06% rejected the offer.²¹ The ADR offer rate for each agency can be found in Appendix III, Table B4.



	Number Completed / Ended Counselings	Number Completed / Ended Counselings Offered ADR	Total Completed / Ended Counselings Participated in ADR Program
Count (%)	34,840	30,495 (87.53)	19,140 (54.94)

Figure 6. 1. Distribution of ADR outcomes: Offers, rejections, and acceptances (B4)

In FY 2017, there were a total of 19,140 pre-complaint ADR closures (Figure 6.2), with a resolution rate of 64.26%. Approximately 25.03% of all pre-complaint ADR Closures led to settlements while 39.24% resulted in a withdrawal with no formal complaint filed. Appendix III, Table B5 provides

¹⁶ MD-110 Ch. 3 § VI.

¹⁷ 29 C.F.R. § 1614.102(b)(2).

¹⁸ MD-110 Ch. 2 § VII.A.

¹⁹ 29 C.F.R. § 1614.105(f).

²⁰ 29 C.F.R. § 1614.105(e).

²¹ Please note that not all ADR acceptances result in a resolution.

the distribution of pre-complaint ADR resolutions by agency.



	ADR Closures	Non-ADR Resolutions	ADR Resolutions	% ADR Resolutions Leading to Settlements	% ADR Resolutions Leading to Withdrawals w/No Complaints Filed
Count (%)	19,140	6,840 (35.74)	12,300 (64.26)	4,790 (25.03)	7,510 (39.24)

Figure 6. 2. Distribution of ADR pre-complaint resolutions (informal phase) (B5)

FY 2017 saw a total of 19,228 pre-complaint resolutions—i.e. resolutions with no formal complaint filed (Table 6.2); more than 55% of all completed counselings. Among the 19,228 resolutions, 14.87% resulted in a settlement, with 925 of these resolutions resulting in a monetary settlement. The average monetary settlement was \$5,517, for a total governmentwide pay out of over \$5.1 million. Appendix III, Table B6 displays the settlement rate and monetary benefits awarded by agency.

Table 6. 2. Distribution of benefits provided in all pre-complaint settlements, FY 2013-FY 2017 (B3, B6)

FY	Completed Counselings	Total Resolutions		Total Settlements		Total Settlements with Monetary Benefits		Total Amount of Monetary Benefits	Average Award Per Resolution with Monetary Benefits
		N	%	N	%	N	%		
2013	33,147	17,743	53.5	4,829	14.6	744	15.4	\$2,922,056	\$3,928
2014	33,210	18,064	54.4	4,860	14.6	742	15.3	\$3,773,943	\$5,086
2015	35,001	19,348	55.3	5,137	14.7	708	13.8	\$5,647,171	\$7,976
2016	35,566	19,509	54.85	5,129	14.42	847	16.51	\$3,363,982	\$3,972
2017	34,840	19,228	55.19	5,179	14.87	925	17.86	\$5,103,338	\$5,517

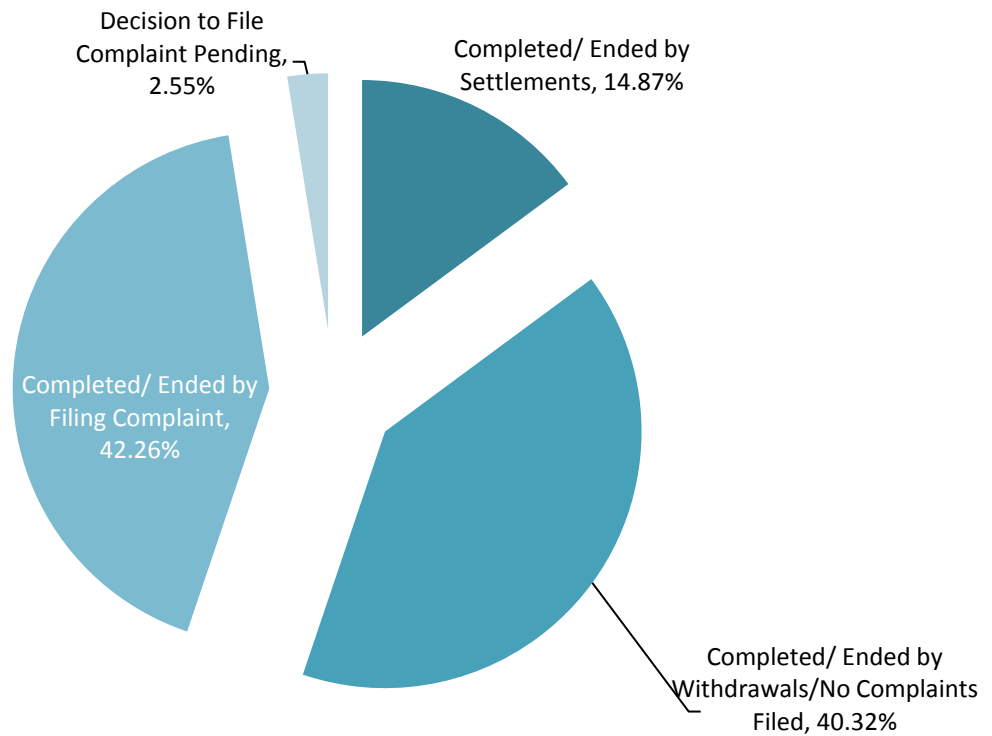
Formal Complaints

Formal Complaints Filed. If the matter is not resolved through either traditional counseling or pre-complaint ADR, individuals have the option to enter the formal complaint process within 15 days of receiving a notice of final interview (NFI).²² The formal complaint must be a signed statement from the complainant or the complainant's attorney that sufficiently identifies the complainant, the charged agency, the basis of discrimination (e.g., race, color, etc.), and the action or practice that is the basis of the complaint.²³

Figure 6.3 displays the number of counselings resulting in a formal complaint filing. Among the 34,840 counselings initiated governmentwide, 14.87% ended in a settlement, 40.32% ended with a withdrawal from the complaint process, and 42.26% resulted in a formal complaint filing. Approximately 2.55% of all counselings were pending the aggrieved's decision of whether to file a formal complaint at the end of FY 2017.

²² 29 C.F.R. § 1614.105(d).

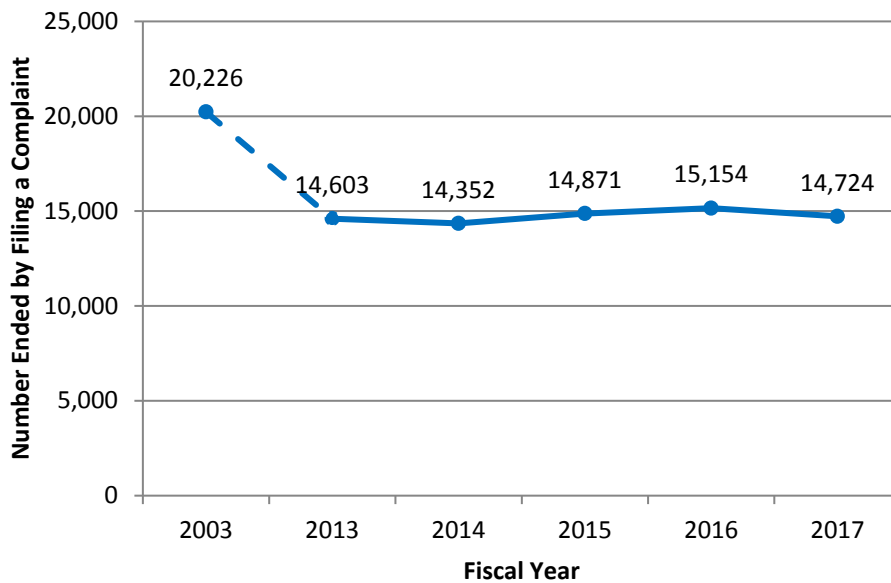
²³ 29 C.F.R. § 1614.106.



Completed / Ended Counselings	Completed/ Ended by Settlements	Completed/ Ended by Withdrawals/No Complaints Filed	Completed/ Ended by Filing Complaint	Decision to File Complaint Pending
34,840 (%)	5,179 (14.87)	14,049 (40.32)	14,724 (42.26)	888 (2.55)

Figure 6. 3. Distribution of pre-complaint outcomes (B3)

On average, 42.26% of completed counseling cases eventually led to formal complaints filed in all government agencies in FY 2017, a slight decrease from 42.61% in FY 2016 (Figure 6.3). However, the total number of counselings that ended by filing complaints in fact dropped from 15,154 in FY 2016 to 14,724 in FY 2017 (Figure 6.4).



FY	2003	2013	2014	2015	2016	2017
Number Completed/Ended by Filing Complaint	20,226	14,603	14,352	14,871	15,154	14,724

Figure 6. 4. Governmentwide Five-Year Trend for Number of Complaints Filed with 2003 Trendline (B3)

Some individual agencies have much lower rates of counselings to formal complaints. Among agencies with 25 or more completed counselings in FY 2017, the DOD Army and Air Force Exchange Service had the lowest rate of complaints filed at 15.82% (Table 6.3). The Tennessee Valley Authority had the lowest rate of complaints among medium agencies with a rate of 43.10%.

Table 6. 3. Agencies with the Lowest Rates of Complaints Filed for FY 2017 (B3)

Agencies	Agency Size	Total Workforce*	# Completed Counseling	Filed Complaints as % of Completed Counseling
DOD Army and Air Force Exchange Service	Large	28,317	316	15.82%
DOD National Guard Bureau	Large	52,370	30	23.33%
U.S. Postal Service	Large	641,868	13,785	27.89%
DOD Defense Logistics Agency	Large	21,635	271	43.17%
DOD Department of the Navy	Large	260,000	1,621	45.34%
Tennessee Valley Authority	Medium	10,092	58	43.10%
General Services Administration	Medium	11,488	188	43.62%
DOD Finance and Accounting Service	Medium	11,701	47	44.34%
DOD Defense Commissary Agency	Medium	13,681	254	46.06%
DOD Defense Contract Management Agency	Medium	11,414	93	46.24%

*Work force numbers as reported by the agency in its FY 2016 462 report. Agency Size: Large= Large Agencies (15,000 or more employees) Medium= Medium Agencies (1,000 to 14,999 employees)

To gain some insight into the frequency of complaint filings, the EEOC calculated what percentage of federal employees file formal complaints – or become “complainants” – at each agency. Table 6.4 displays the agencies with the lowest rate of complainants by agency size, and the total number of complaints (a complainant may file multiple complaints). Governmentwide, the rate of complainants was 0.53% (Appendix III, Table B1). The DOD Army and Air Force Exchange Service, National Aeronautics and Space Administration, Department of State, Department of Navy, and the Department of Treasury reported the lowest rates of complaints filed among large agencies. The Smithsonian Institution, Tennessee Valley Authority, DOD Defense Information Systems, DOD Defense Contract Management Agency, and Defense Finance and Accounting Services had the lowest complainant rates among medium agencies. A full list of rates of complainants by agency can be found in Appendix III, Table B1.

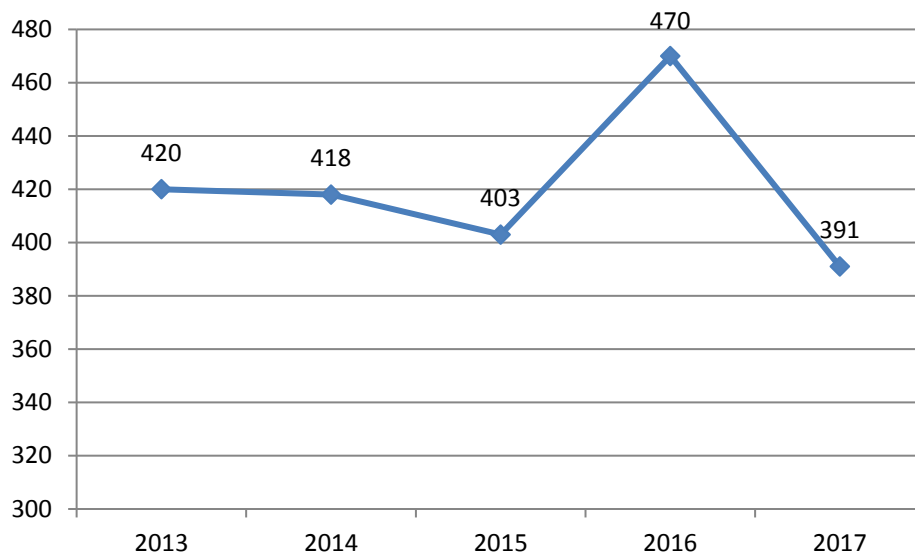
Table 6. 4. Agencies with the Lowest Rate of Complainants* for FY2017 (B1)

Agency or Department	Total Work Force	Agency Size	Complaints Filed	Complainants	Percent Complainants
DOD Army and Air Force Exchange Service	28,317	Large	55	46	0.16%
National Aeronautics and Space Administration	17,515	Large	33	29	0.17%
Department of State	75,234	Large	175	170	0.23%
DOD Department of the Navy	260,000	Large	776	741	0.29%
Department of Treasury	96,624	Large	367	348	0.36%
Smithsonian Institution	6,300	Medium	23	18	0.29%
Tennessee Valley Authority	10,092	Medium	33	33	0.33%
DOD Defense Information Systems Agency	5,668	Medium	19	19	0.34%
DOD Defense Contract Management Agency	11,414	Medium	49	45	0.39%
DOD Finance and Accounting Service	11,701	Medium	49	47	0.40%

Note: Agencies with 25 or more complaints filed. Agency Size: Large= Large Agencies (15,000 or more employees) Medium= Medium Agencies (1,000 to 14,999 employees)

Processing Time for Complaint Closures. As one potential gauge of efficiency²⁴ in EEO programs, the EEOC calculated the number of days on average needed to close complaints after filing. In FY 2017, the governmentwide average processing time from complaint filing to closure is 391 days, down from 470 days in FY 2016 (Figure 6.5). At 366 days, the Department of Commerce needed the least amount of time among cabinet agencies (Table 6.5). Among medium-sized agencies, the DOD Defense Contract Management Agency required the least time with an average of 334 days. Both were significantly lower than the governmentwide average. Agencies with fewer than 25 complaint closures in FY 2017 were excluded from the ranking.

²⁴ While efficiency is important, it cannot take precedence over effectiveness.



FY	2013	2014	2015	2016	2017
Number of Days	420	418	403	470	391

Figure 6. 5. Governmentwide Average Processing Time for Complaints Filed (B7)

Table 6. 5. Agencies with the Shortest Processing Days for FY 2017 (B7)

Agencies	Total Workforce	Agency Size	# Days from Complaint Filed to Closure
Department of Commerce	48,789	Large	365.90
National Aeronautics and Space Administration	17,515	Large	376.00
U.S. Postal Service	641,868	Large	391.38
Department of State	75,234	Large	398.76
DOD Department of the Navy	260,000	Large	489.96
DOD Defense Contract Management Agency	11,414	Medium	334.00
Government Publishing Office	1,740	Medium	437.27
Federal Deposit Insurance Corporation	6,239	Medium	466.59
DOD Office of the Secretary/Washington Headquarters Services	6,117	Medium	504.29
Office of Personnel Management	5,554	Medium	538.50

Note: Agencies with 25 or more Counselings. Agency Size: Large= Large Agencies (15,000 or more employees) Medium= Medium Agencies (1,000 to 14,999 employees)

Top Bases and Issues (Formal Complaints). Of the 15,482 complaints filed in FY 2017, the basis most frequently alleged was reprisal/retaliation (7,666), followed by age (4,783) and physical disability (4,236) (Table 6.6 and see Appendix VII). The issue alleged most frequently in complaints was non-sexual harassment (6,975), followed by disciplinary action (3,704), and terms/conditions (2,243) (Table 6.7 and see Appendix VIII).

Table 6. 6. Top Five Bases in Complaint Allegations Filed for FY 2017 (B8)

Basis	# of Complaints
Reprisal/Retaliation	7,666
Age	4,783
Disability – Physical	4,236
Sex - Female	3,875
Race - Black/African American	3,833

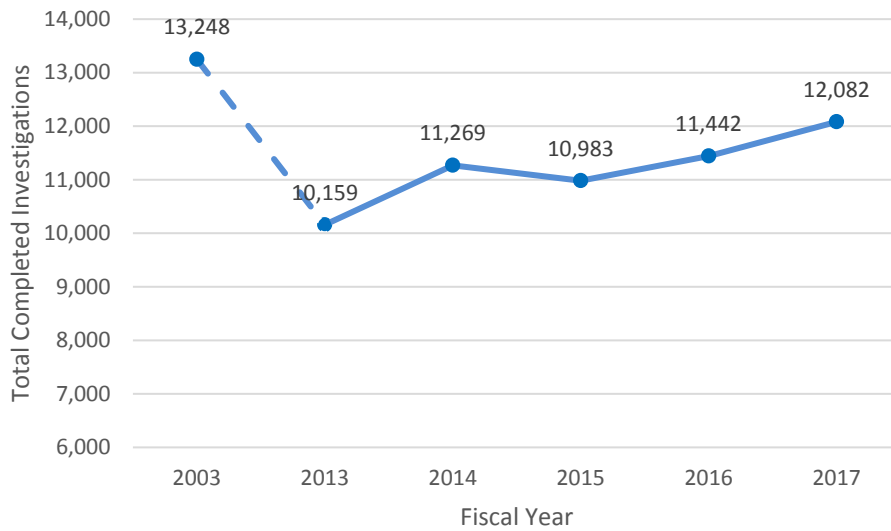
Table 6. 7. Top Five Issues in Complaint Allegations Filed for FY 2017 (B8)

Issue	# of Complaints
Harassment - Non-Sexual	6,975
Disciplinary Action	3,704
Terms/Conditions	2,520
Promotion/Non-Selection	2,243
Assignment of Duties	1,803

Investigations

Completed Investigations. After the complainant files a formal complaint, the agency typically decides whether to investigate or dismiss the case. Dismissal decisions are appealable to the EEOC Office of Federal Operations, but investigations are conducted by the agency. The agency has 180 days from the formal complaint filing to complete the investigation, unless an extension of up to 360 days from the original filing is warranted due to complaint amendments. At the conclusion of the investigation, the agency provides the complainant with a Report of Investigation and notifies them of the right to request a hearing with an EEOC Administrative Judge or a final agency decision within 30 days.

Figure 6.6 displays the total completed investigations for FY 2017. Overall, the number of completed investigations has increased since last year, up from 11,442 completed investigations in 2016 to 12,082 completed investigations in 2017. This represents the highest number of completed investigations over the last five fiscal years.

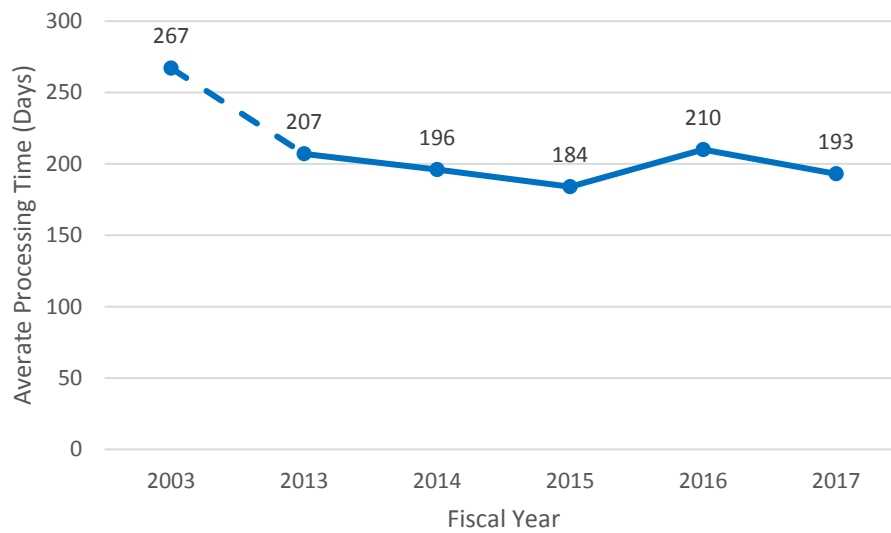


FY	Total Completed Investigations
2003	13,248
2013	10,159
2014	11,269
2015	10,983
2016	11,442
2017	12,082

Note. Dotted line represents a gap between fiscal year 2003 and 2013.

Figure 6. 6. Total Completed Investigations, FY 2013-FY 2017 (B9)

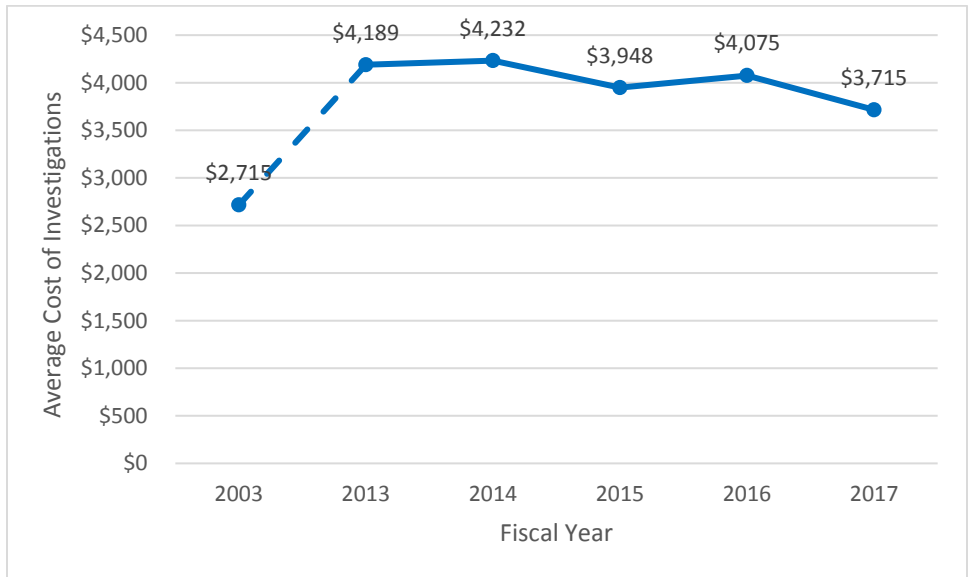
Completed Investigations: Costs and Timeliness. Investigators required, on average, 193 days to complete investigations during FY 2017, down 8.1% from the previous year (Figure 6.7). Overall, average processing days for investigations have decreased by 27.7% since the introduction of MD-715 in 2003. The average costs of investigations are down from 2016, from \$4,075 in 2016 to \$3,715 in 2017 (an 8.8% decrease) (Figure 6.8).



FY	Total Agencies	Total Completed Investigations	Average Processing Days
2003	97	13,248	267
2013	118	10,159	207
2014	112	11,269	196
2015	118	10,983	184
2016	118	11,442	210
2017	118	12,082	193

Note. Dotted line represents a gap between fiscal year 2003 and 2013.

Figure 6. 7. Average Processing Days of all completed investigations, FY 2013-FY 2017 (B9)



FY	Total Completed Investigations	Total Cost	Average Cost
2003	13,248	\$37,221,230	\$2,715
2013	10,159	\$42,621,532	\$4,189
2014	11,269	\$47,744,349	\$4,232
2015	10,983	\$43,355,343	\$3,948
2016	11,442	\$46,621,870	\$4,075
2017	12,082	\$44,890,792	\$3,715

Figure 6. 8. Total and Average Cost of Completed Investigations, FY 2013-FY2017 (B9)

Table 6.8 displays the agencies with the highest rates of timely completed investigations by agency size. Among large agencies, the Department of Commerce timely completed 100% of their investigations, followed closely by the U.S. Postal Service and the Department of Labor at 99%. Rounding out the top five large agencies, the DOD Army and Air Force Exchange Service timely completed 97% of its investigations, followed by The Department of Agriculture at 95%. (See Appendix IX.)

Among medium agencies, the Federal Deposit Insurance Corporation, General Services Administration, and Office of Personnel Management all timely completed 100% of their EEO investigations, followed by the National Archives and Records Administration and the Department of Education at 95% and 90%, respectively. A full listing of timely completed investigation rates for all agencies can be found in Appendix III, Table B7.

Table 6. 8. Top agencies for timely completed investigations* (B7)

Agency or Department	Completed/ Ended Counselings (excluding remands)	Agency Size	Completed Investigations	Timely Completed Investigations	% Timely Investigations
Department of Commerce	375	Large	226	226	100.00%
U.S. Postal Service	13,783	Large	2,852	2,846	99.79%
Department of Labor	186	Large	95	94	98.95%
DOD Army and Air Force Exchange Service	316	Large	35	34	97.14%
Department of Agriculture	1,050	Large	542	514	94.83%
Federal Deposit Insurance Corporation	42	Medium	27	27	100.00%
General Services Administration	188	Medium	67	67	100.00%
Office of Personnel Management	48	Medium	27	27	100.00%
National Archives and Records Administration	45	Medium	22	21	95.45%
Department of Education	38	Medium	20	18	90.00%

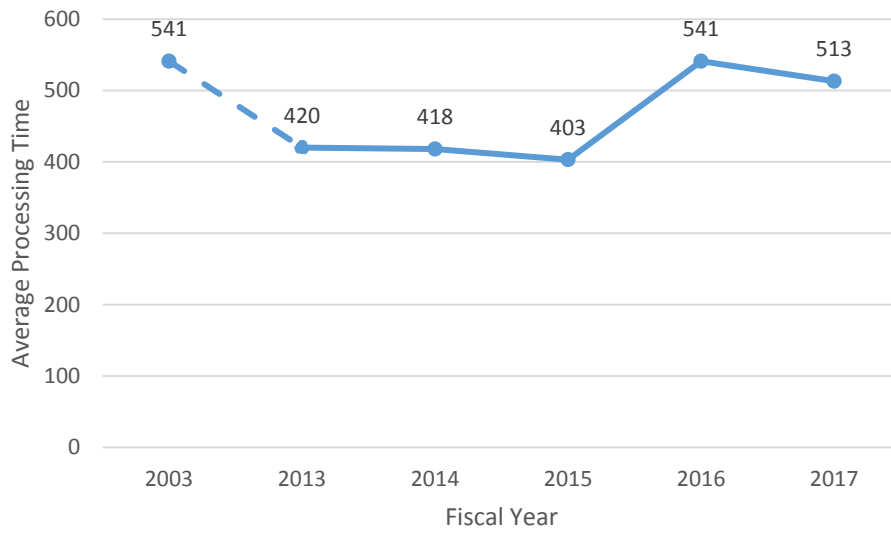
*Agencies with 20 or more completed investigations. Agency Size: Large= Large Agencies (15,000 or more employees) Medium= Medium Agencies (1,000 to 14,999 employees)

Formal Complaint Closures and Compliance

Formal Complaint Closures and Processing Time. A formal complaint is considered “closed” when an agency has taken a final action on the complaint. Final agency actions include its final agency decisions (FADs) to dismiss an entire complaint, FADs at the conclusion of the investigation where the complainant did not request a hearing, or final orders after a decision from an EEOC AJ to either fully implement or reject and appeal the AJ’s decision.²⁵

Figure 6.9 displays the total number of formal complaint closures (AJ Decisions and Final Agency Decisions) and the average processing days for FY 2017. The number of formal complaint closures were up slightly in 2017, from 13,355 in the previous year to 13,851. Average processing time for complaint closures decreased between 2016 and 2017 by 28 days. A full list of the average processing days for complaint closures by agency can be found in Appendix III, Table B10.

²⁵ 29 C.F.R. § 1614.110. If the agency fails to issue a final action within 40 days of the AJ’s decision, it is deemed to have adopted the AJ’s decision. 29 C.F.R. § 1614.109(i).

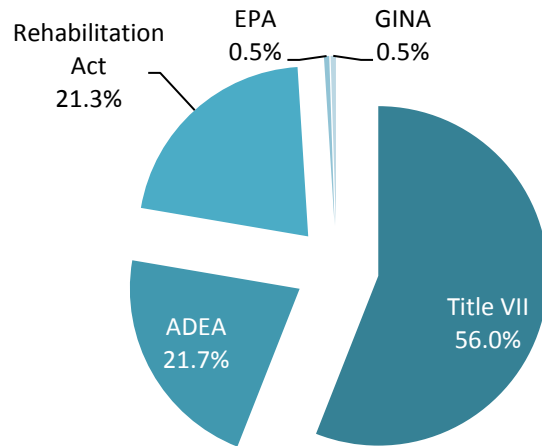


FY	Total Closures	Average Processing Time
2003	19,772	541
2013	14,716	420
2014	13,375	418
2015	13,412	403
2016	13,355	541
2017	13,851	513

Note: Dotted line represents a gap between fiscal year 2003 and 2013.

Figure 6. 9. Average Processing Days for all complaint closures, FY 2013-FY 2017 (B10)

Complaint Closures by Statute. Figure 6.10 displays the total complaint closures by statute for FY 2017.²⁶ Among all complaint closures, 56% were based on Title VII complaints, while the Rehabilitation Act and ADEA accounted for 21% and 22%, respectively. EPA and GINA both accounted for less than 1% of all complaint closures each, consistent with their occurrence.



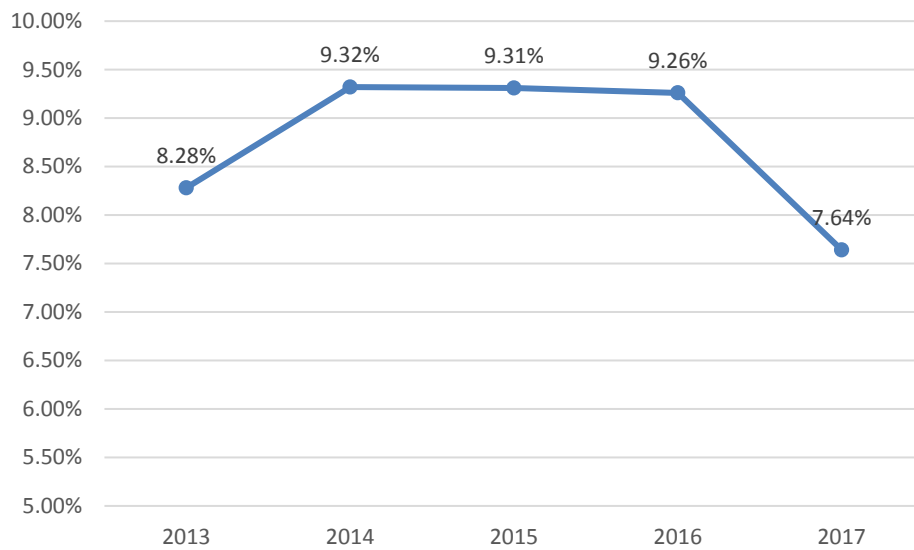
Total by Statute	Title VII	ADEA	Rehabilitation Act	EPA	GINA
21,071 (%)	11,743 (56.0)	4,558 (21.7)	4,464 (21.3)	116 (.50)	96(.50)

Figure 6. 10. Complaint closures by statute, FY 2017 (B22)

ADR (Formal Complaint Stage). Agencies also are encouraged to offer ADR to complainants after the formal complaint has been filed – not just in pre-complaint counseling.²⁷ Of the 13,851 formal complaint closures in FY 2017, 7.6% were accepted into ADR during the formal complaint stage, down from the FY 2016 rate (Figure 6.11). Overall, 1,058 formal complaints accepted into ADR were closed during FY2017, down only slightly from 2013. Among the 1,237 formal complaints closed as a result of ADR, approximately 43% were settled while another 2.7% resulted in a withdrawal (Figure 6.12).

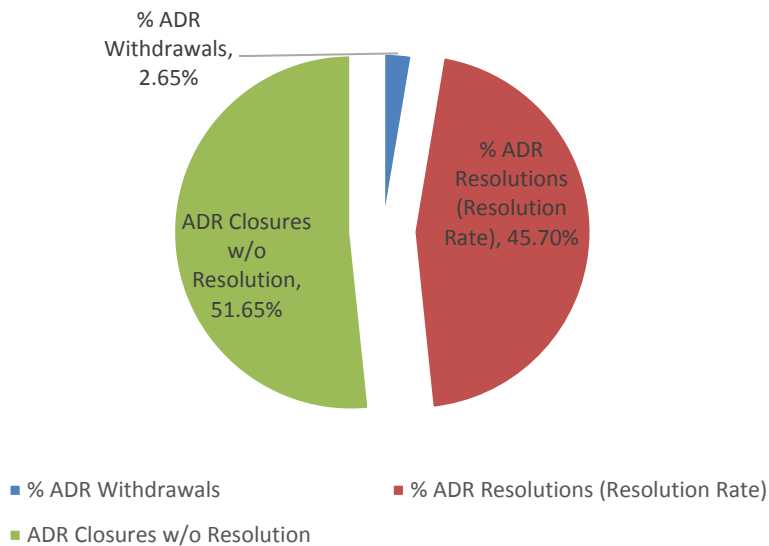
²⁶ Total complaint closures by statute reported is higher than the total complaints filed due to individuals alleging multiple statutory bases within a single complaint.

²⁷ ADR reported here are pre-complaint and formal ADR activity initiated by the agency.



FY	Total Complaint Closures	Number Complaint Closures Offered ADR	% Complaints Closures Offered ADR (Offer Rate)	Number Offers Rejected by Complainant	Number Complaint Closures Accepted / Participated in ADR Program	% Complaint Closures Accepted into ADR Program (Participation Rate)
2013	14,716	2,765	18.79%	1,547	1,218	8.28%
2014	13,375	2,952	22.07%	1,705	1,247	9.32%
2015	13,412	2,782	20.74%	1,534	1,248	9.31%
2016	13,355	3,043	22.79%	1,806	1,237	9.26%
2017	13,851	2,670	19.28 %	1,612	1,058	7.64 %

Figure 6. 11. ADR complaint closures acceptance/participation rate, FY 2013-FY 2017 (B19)

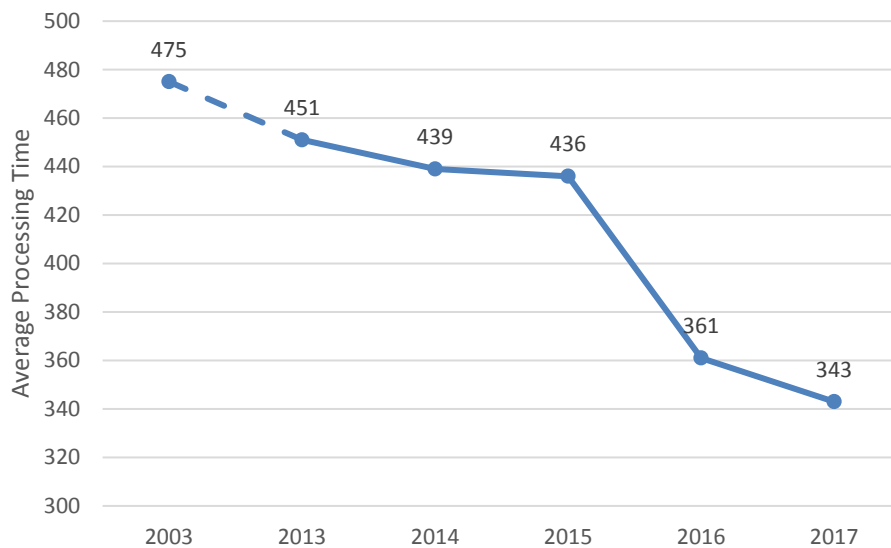


Number ADR Closures	Number ADR Settlements	% ADR Settlements	Number ADR Withdrawals	% ADR Withdrawals	Total Number ADR Resolutions	% ADR Resolutions (Resolution Rate)
1,058	455	43.0%	28	2.65%	483	45.7%

Figure 6. 12. Agency-Initiated ADR complaint resolutions by type (B20)

Merit Decisions and Processing Time. Merit final agency decisions are the decisions made by an agency regarding a formal discrimination complaint, excluding procedural dismissals. They include agency final orders to implement or reject and appeal an EEOC AJ’s decision on the merits of a claim.

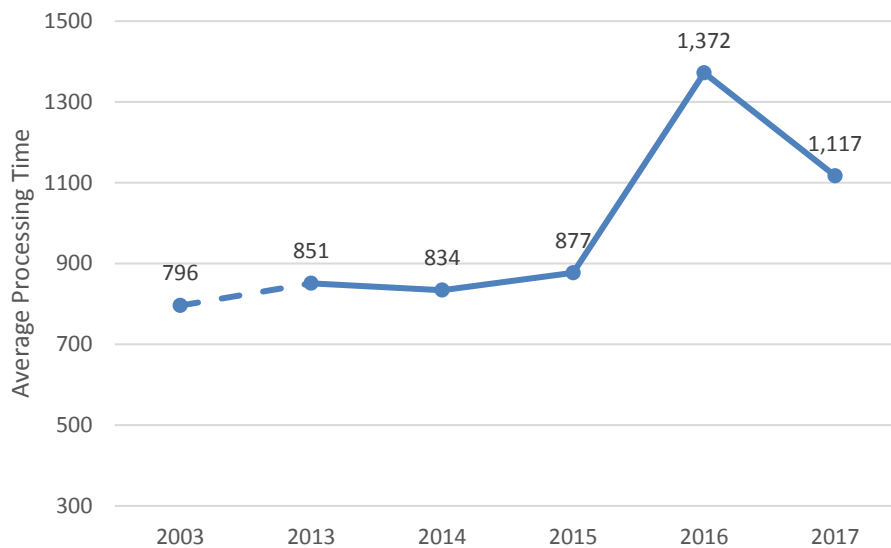
Figure 6.13 displays the total number of final agency decisions issued that reached the merits of the underlying complaint (merit FADs) and the average processing days (APD) (from the day a complaint is filed to the day when the agency issues a final decision) for all such merit FADs for FY 2017. Merit FADs dropped by 5% between 2016 and 2017. The APD for FADs was down from 361 days in 2016 to 343 days in 2017.



FY	Total Merit FAD Closures	Average Processing Time
2003	7,716	475
2013	4,205	451
2014	3,858	439
2015	4,137	436
2016	4,178	361
2017	5,011	343

Figure 6. 13. Average Processing Days for all final agency decisions, FY 2013-FY 2017 (B16, B17)

The number of final agency actions issued after an AJ decision has increased since 2016, from 1,868 in 2016 to 1,986 in 2017, up 6.3% (Figure 6.14). The average processing time for final orders after AJ decisions has generally decreased since 2016, from 1,372 days to 1,117 days, down 18.6%. The total number of findings of discrimination among these FADs and final orders have decreased from FY 2016, from 159 to 158 (Table 6.9). Overall, the number of findings has decreased by 14% since 2013.



FY	Total Final Agency Actions w/AJ Decisions	Average Processing Time
2003	4,187	796
2013	2,536	851
2014	2,382	834
2015	1,872	877
2016	1,868	1,372
2017	1,986	1,117

Figure 6. 14. Average Processing Days for final orders fully implementing AJ decisions, FY 2013- FY 2017 (B15, B17)

Table 6. 9. Rate of findings of discrimination, FY 2013-FY 2017 (B15)

FY	Total Number Merit Complaint Closures	Total Findings	Number Merit Final Agency Decisions (FADs) (no AJ)	Number Merit FADs Finding Discrimination	Number Final Orders (FOs) of AJ Merit Decisions	Number FOs of AJ Merit Decisions Finding Discrimination ²⁸
2013	6,741	184	4,205	76	2,536	108
2014	6,240	162	3,858	62	2,382	100
2015	6,009	168	4,137	60	1,872	108
2016	6,046	159	4,178	71	1,868	88
2017	6,997	158	5,011	64	1,986	94

Monetary Benefits Awarded (Formal Complaint Closures). The chart below (Table 6.10) reveals the formal complaint closures with monetary benefits,²⁹ governmentwide with FY 2003 as a

²⁸AJ Merit Decision Findings include findings by hearing as well as administrative decisions.

Monetary benefits include monetary awards based on Agency Decisions and AJ Decisions that have been fully implemented by the agency. Does not include awards due to findings on appeal.

comparison year. The monetary benefits are categorized as follows: back pay/front pay, lump sum payments, compensatory damages, and attorney's fees.

In FY 2017, the monetary benefits awarded during the complaint stage amount to almost 54 million dollars, a 19% decrease from FY 2016.

Table 6. 10. Monetary benefits awarded during complaint process, FY 2012-FY 2017 (B21)

FY	Total Amount Back Pay / Front Pay	Total Amount Lump Sum Payments	Total Amount Compensatory Damages	Total Amount Attorney's Fees and Costs	Total Amount All Monetary Benefits
2003	\$4,313,643	\$15,120,528	\$11,559,078	\$9,335,676	\$40,328,926
2012	\$2,870,182	\$25,606,421	\$8,774,558	\$14,192,169	\$51,443,329
2013	\$1,733,130	\$29,968,548	\$9,073,887	\$15,249,036	\$56,024,601
2014	\$2,441,350	\$23,171,795	\$7,819,306	\$11,447,634	\$44,880,089
2015	\$4,256,668	\$32,955,785	\$8,987,545	\$15,658,232	\$61,858,231
2016	\$3,168,105	\$33,452,738	\$12,028,412	\$19,921,158	\$68,571,164
2017	\$3,765,882	\$29,002,290	\$8,715,838	\$13,428,470	\$54,937,983

Part VII: Summary & Conclusions

On October 1, 2003, the Equal Employment Opportunity Commission issued Management Directive 715 (MD-715) to provide agencies with guidance and standards for effective equal employment opportunity (EEO) and affirmative action programs. The EEOC believed that this additional guidance, and its robust reporting requirements, would lead to improvements in equal employment opportunity indicators at federal agencies. The results of this report, which focused on the progress made since the issuance of MD-715 and the prevention of discrimination, provide support for this belief; however, there is more work to be done. A decrease in use of the process and fewer findings of discrimination do not necessarily indicate that discrimination within the government is decreasing, especially in light of our enhanced recognition of the role of systemic discrimination in the workplace. Other factors such as disengagement with the process or fear of retaliation could also contribute to such a decline.

Data reveals that over 95% of reporting agencies evaluated managers and supervisors on their commitment to EEO, almost 90% had readily accessible reasonable accommodations procedures, and almost 90% had senior managers assist with barrier analysis. However, only 67.2% of agencies had the EEO director report directly to the agency or subcomponent head. This deficiency violates EEOC regulations (29 C.F.R. § 1614.102(b)(4))³⁰ and limits the effectiveness of the EEO directors. When the agency head is supportive of and actively engaged with the EEO program, this conveys to employees to take EEO seriously. Federal agencies should take steps to remedy this deficiency and demonstrate their intentions to prevent employment discrimination.

Regarding federal workforce composition, all race/national origin by gender groups, except for Hispanic/Latina females and Whites, participated at rates above their representation in the 2010 CLF. Hispanics, African American/Blacks, Asians, and American Indians/Alaska Natives had increasing participation between 2003 and 2017, with Hispanic males surpassing their CLF benchmark for the first time in recent history. Whites of both sexes, however, had decreasing participation rates; White men dropped below their CLF participation rate, and White females' participation rate was almost 10% below their CLF participation rate.

Federal agencies must do more than record agency-wide participation rates to be model employers; they also must identify and strive to remedy the root causes of unbalanced participation within occupations, offices, and grade levels. By 2017, the notably high participation rates of White males in higher GS grade levels and senior level pay positions was somewhat attenuated, but White males still held these privileged positions at rates far above their representation in the CLF and the governmentwide workforce. Note that hiring and promotions data were not analyzed in this report, and thus, we do not make a causal statement or attribute the current unbalanced participation rates to specific personnel actions.

However, most other RNO by sex groups for which we have 2003 data increased their participation in the higher GS grades (GS 12 through 15) and in senior level pay positions by 2017. The increase in higher GS grade participation was particularly notable for Black females, Asian females, and Hispanics/Latinos of both sexes. Within the senior level pay positions, Black females, Asians of both sexes, and American Indians/Alaska Natives of both sexes saw substantial participation increases. Despite these increases, most groups still hold these positions

³⁰ This would also violate the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, which will address this issue going forward.

at rates lower than their overall GS participation rates. Broader outreach and more inclusive recruitment methods, as well as training and development programs, may help to remedy this issue.

For people with targeted disabilities, participation rates increased in 2017 in comparison to 2003, and far more agencies met the 2% benchmark in FY 2017 than did in FY 2016. Governmentwide, however, people with targeted disabilities (1.35% of the federal workforce) still participated at levels far below the 2% benchmark. Notably, there were increased participation rates of workers with hearing, vision, and psychiatric disabilities. People with targeted disabilities generally had lower participation rates in higher GS grades and senior level pay positions than they did in lower level positions. It is possible that EEOC's amendments to Section 501 of the Rehabilitation Act of 1973, issued January 3, 2017, contributed to the improved participation rates of individuals with targeted disabilities.

Regarding complaints, further action is required to prevent reprisal and non-sexual harassment, which continue to be the top basis and issue in EEO complaint allegations. However, data shows positive trends in the decreasing total number of complaints since 2003 (20,226 in 2003 to 15,482 in 2017), and a smaller proportion of counselings resulted in formal complaints, which could reflect better pre-complaint processes. Similarly, the number of merit complaint closures resulting in findings of discrimination has decreased from 184 in 2013 to 158 in 2017.

Despite declines in complaints and findings, EEO conflicts are still costly for federal agencies. Pre-complaint resolutions that included monetary benefits resulted in an average award of \$5,517, up over \$1,500 from the previous year. Moreover, in FY 2017, the total monetary benefits awarded during the complaint stage amounted to nearly \$55 million, down 19% from FY 2016. Almost half of that spending resulted from lump sum payments, which are often, but not always, associated with harassment. The average costs of investigations also dropped from the previous year to \$3,715, a decrease of 8.8%.

A review of efficiency in the federal sector pre-complaint and complaint processes leaves reason for optimism. In pre-complaints, ADR, which has a higher pre-complaint resolution success rate relative to traditional counseling, is widely offered (offer rate of 87.5%), and accepted most times when offered (54.9%). The efficiency of complaint closures is at a five-year low with the average processing days for complaint closures dropping by 5% since 2013. Further, 2017 saw a continued increased timeliness in the completion of intermediate steps: the average processing days for completed investigations has decreased by 8%, and the average processing days for final agency decisions has decreased by 5%. Although timely processing of complaints is clearly important, this does not necessarily guarantee the quality of review."

With the information available in this report, EEOC looks to build on the gains in EEO in the Federal Government since the implementation of MD-715 in 2003. OFO and federal EEO programs will continue to work proactively to prevent employment discrimination through training, barrier analysis, and engaging with agency leadership to promote positive workplace cultures. To address suspected discrimination that has already occurred, EEO staff and OFO will take individuals' concerns seriously, and work to process their claims efficiently. While further progress is imperative to eradicate employment discrimination in the Federal Government, the EEOC, in cooperation with its federal partners, will continue to work towards that goal.

APPENDIX I. Glossary

Administrative Judge (AJ) – An official assigned by the EEOC to hold hearings on formal complaints of discrimination and to otherwise process individual and class complaints for the EEOC.

Agency - Military departments as defined in Section 102 of Title 5, U.S. Code and executive agencies as defined in Section 105 of Title 5, U.S. Code, the United States Postal Service, the Postal Regulatory Commission, the Tennessee Valley Authority, those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, the National Oceanic and Atmospheric Administration Commissioned Corps, the Government Printing Office, and the Smithsonian Institution (including those with employees and applicants for employment who are paid from non-appropriated funds).

Alternative Dispute Resolution (ADR) Closures - The number of counselings or complaints that completed the ADR process during the fiscal year.

Alternative Dispute Resolution (ADR) Offer Rate - The percentage of completed/ended counselings or the complaint closures that received an ADR offer.

Alternative Dispute Resolution (ADR) Participation Rate - The percentage of completed/ended counseling or the complaint closures where both parties agreed to participate in ADR.

Alternative Dispute Resolution (ADR) Resolution Rate - The percentage of ADR closures that were resolved by either settlement or withdrawal from the EEO process.

Average Processing Days (APD) - The total number of days divided by the number of investigations, complaint closures, final agency decisions (FADs), or administrative judge (AJ) decisions.

Central Personnel Data File (CPDF) System – An automated information system containing individual records for most Federal civilian employees. It includes a status file with an individual record of the status of each active employee and a dynamics file with a record of all personnel actions. The files are updated quarterly. For the purpose of creating reports, EEOC receives these data from the Office of Personnel Management (OPM).

Civilian Labor Force (CLF) - Data from the Equal Employment Opportunity (EEO) Tabulation reflecting persons, 16 years of age or older who were employed or seeking employment, excluding those in the Armed Services. CLF data used in this report is based on 2006-2010 5-year American Community Survey (ACS) data.

Complainants - Individuals, either employees or applicants, who filed a formal complaint against a federal agency during the fiscal year.

Complainant Rate - The percentage of individuals in an agency's total workforce who filed a complaint.

Complaint Closures - The number of complaints that were completed in the formal complaint process during the fiscal year.

Complaints Filed - The number of complaints that were filed against the Federal Government during the fiscal year.

Completed/Ended Counselings - The number of counselings which were concluded/closed, either by a written settlement agreement, a written withdrawal from the counseling process, the issuance of a notice of right to file a formal complaint, the forwarding of a counseling to an Administrative Judge when requested/ordered by the Administrative Judge, or the filing of a complaint after the regulatory counseling period has expired even though not all counseling duties have been performed during the fiscal year.

Counseling – The initial step in the federal sector EEO complaint process in which an employee, former employee, or applicant discusses the case with an EEO counselor from his or her agency.

Counseling Rate - The percentage of individuals who completed counseling per the total workforce.

Counselings Initiated - The number of new counselings that began during the current fiscal year.

Decision to File Complaint Pending - The number of completed counselings in which (1) the agency did not receive a complaint, and (2) the 15-day period for filing a complaint had not expired at the end of the fiscal year.

Disability - A physical or mental impairment that substantially limits one or more major life activities.

Dismissals - An agency's final action on a complaint of discrimination which meets the criteria set forth in 29 C.F.R. § 1614.107(a).

EEO Commitment Indicators - Measures that indicate whether a federal agency is committed to equal employment opportunities (EEO) and the prevention of employment discrimination. For this report, they come from Part G of EEOC Form 715-01, the Federal Agency Annual EEO Program Status Report.

EEOC Form 462 Report – The Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints, the document in which federal agencies report their discrimination complaint process statistics for the prior fiscal year (October 1st through September 30th) to EEOC.

Final Agency Actions - An agency's final action on a complaint of discrimination, which includes a final agency decision, a final order implementing an EEOC Administrative Judge's decision or a final determination on a breach of settlement agreement claim.

Final Agency Decision – A decision made by the agency after a complaint has been made with one of the following outcomes: 1) Dismissal of the complaint for a procedural reason (e.g., the claim was filed too late); 2) Finding no discrimination; or 3) Finding discrimination.

General Schedule Positions - Positions OPM classifies as those whose primary duty requires

knowledge or experience of an administrative, clerical, scientific, artistic, or technical nature.

Investigations - The number of agency reviews or inquiries into claims of discrimination raised in an EEO complaint, resulting in a report of investigation.

Lump Sum Payment - A single payment made in a settlement which does not identify the portion of the amount paid for back pay, compensatory damages, attorney fees, etc.

Major Occupations - Agency occupations that are mission-related and heavily populated, relative to other occupations within the agency.

MD-110 - EEO Management Directive 110 provides policies, procedures, and guidance relating to the processing of employment discrimination complaints governed by the Commission's regulations in 29 CFR Part 1614.

MD-715 - EEO Management Directive 715 describes program responsibilities and reporting requirements relating to agencies' EEO programs.

MD-715 Report - The document that agencies use to annually report the status of their activities undertaken pursuant to their EEO program under Title VII of the Civil Rights Act of 1964 and their activities undertaken pursuant to affirmative action obligations under the Rehabilitation Act of 1973. This is formally known as The Federal Agency Annual EEO Program Status Report or EEOC Form 715-02.

Merit Decisions - Decisions that determine whether or not discrimination was proven (issued by either a federal agency or an EEOC administrative judge).

Monetary Benefits - A payment that an agency agreed to provide in a settlement agreement, a final agency decision finding discrimination, or a final order agreeing to fully implement an EEOC Administrative Judge's decision containing a payment award.

No Complaint Filed - Occurs when: (1) agency issues a Notice of Right to File Letter and does not receive a formal complaint within 15 days; or (2) the individual notifies the agency in writing that s/he is withdrawing from counseling.

Not Identified Disability Status - Refers to the disability status of a federal employee or applicant who selected "I do not wish to identify my disability or serious health condition" on OPM's SF-256 (Revised October 2016), who selected "I do not wish to identify my disability status" on OPM's SF-256 (Revised July 2010), or who was otherwise coded as such by a federal personnel officer or OPM.

Other Pay System Positions - Those positions in alternative pay plans based on performance, like pay-banding, and market-based pay systems that are not easily converted to General Schedule and Related.

Participation Rate - The extent to which members of a specific demographic group are represented in an agency's workforce or a subset of an agency's workforce, such as a grade band.

Permanent Workforce - Full-time, part-time, and intermittent employees of a particular agency. For purposes of this Report, those persons employed as of September 30, 2017.

Race/Ethnicity – See https://www.opm.gov/forms/pdf_fill/sf181.pdf (U.S. Office of Personnel Management Standard Form 181) -

- **American Indian or Alaska Native** - All persons having origins in any of the original peoples of North and South America (including Central America), and who maintain cultural identification through tribal affiliation or community recognition.
- **Asian** - All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- **Black or African American** (Not of Hispanic Origin) - All persons having origins in any of the Black racial groups of Africa.
- **Hispanic or Latino** - All persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- **Native Hawaiian or Other Pacific Islander** - All persons having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **White** (Not of Hispanic Origin) - All persons having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- **Persons of Two or More Races** - All persons who identify with two or more of the above race categories.

Reportable Disability - Any self-identified disability reported by an employee to the employing agency.

Second Level Reporting Component - A subcomponent of a larger federal agency which has 1,000 or more employees and which is required to file an EEOC MD-715 report with the EEOC. While many Federal agencies have subordinate components, not every subordinate component is a Second Level Reporting Component for purposes of filing MD-715 reports. A list of federal agencies and departments covered by MD-715 and Second Level Reporting Components is posted on the EEOC's website at <https://www.eeoc.gov/federal-sector/management-directive/department-or-agency-list-second-level-reporting-components>.

Senior Executive Service (SES) - A premier category of senior leaders in the Federal Government which was created to "...ensure that the executive management of the Government of the United States is responsive to the needs, policies, and goals of the Nation and otherwise is of the highest quality."³¹

Senior Pay Level Positions - Positions which include the career Senior Executive Service, Executive Schedule, Senior Foreign Service, and other employees earning salaries above grade 15 in the General Schedule in leadership positions.

³¹ <https://www.opm.gov/policy-data-oversight/senior-executive-service/>.

Settlements - Where an agency agrees to award monetary or non-monetary benefits to an individual who agreed either to not file a formal complaint or to withdraw a formal complaint.

SLP – Senior Level Pay. See “Senior Pay Level Positions.”

Subcomponent – A subordinate component of a larger federal agency or department.

Targeted Disabilities - Those disabilities that the Federal Government, as a matter of policy, has identified for special emphasis. The targeted disabilities (and the codes that represent them on the Office of Personnel Management's Standard Form 256) are: hearing 18 (previously deafness (16 and 17)); vision 21 (previously blindness (23 and 25)); missing extremities 30 (previously 28 and 32 through 38); partial paralysis 69 (previously 64 through 68); complete paralysis 79 (previously 71 through 78); epilepsy 82 (previously convulsive disorders (82)); severe intellectual disability 90 (previously mental retardation (90)); psychiatric disability 91 (previously mental illness (91)); and dwarfism 92 (previously distortion of limb and/or spine (92))."

Temporary Workforce -Employees in positions established for a limited time period, usually for less than a year.

Total Workforce - All employees of an agency subject to 29 C.F.R. Part 1614 regulations, including temporary, seasonal, and permanent employees.

Training - The process of educating managers and employees on the laws enforced by EEOC and how to prevent and correct discrimination in the workplace and educating EEO professionals in carrying out the agency's equal opportunity responsibilities.

Withdrawals - An election to end the EEO process during the formal complaint stage.

APPENDIX II. Workforce (A) Tables

Available at <https://www.eeoc.gov/federal/reports/tables.cfm>.

APPENDIX III. Complaint Processing (B) Tables

Available at <https://www.eeoc.gov/federal/reports/tables.cfm>.



APPENDIX V. EEO Directors Reporting Directly to Agency Heads (Infographic)



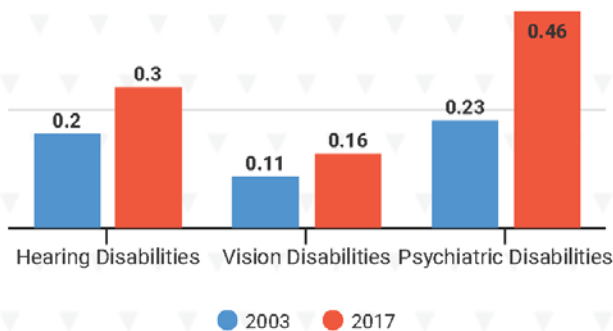


Workforce Characteristics

Government-wide, participation rates for 11 out of the 14 race-by-sex groups were higher than their rates in the 2010 civilian labor force.



In FY 2017, there was an increased participation rate of individuals with hearing disabilities, vision disabilities, and psychiatric disabilities in the government.



25.2%

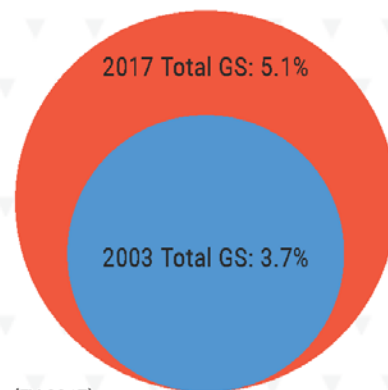
In 2003, women held approximately one-fourth of Senior Level Pay positions.

33.7%

By 2017, women held 33.7% of SES positions.



Since 2003, Hispanic/Latino Males have greatly increased their participation in every GS pay band government-wide.



Sources: Table 5.1, Figures 5.1 through 5.7, Figure 5.15, Appendix II. Table A-2a. Annual Report (FY 2017). Appendix Table A-2a. Annual Report (FY 2005).



ADR offer, acceptance, and resolution rates

Counselings completed during FY 2017

ADR Offer Rate



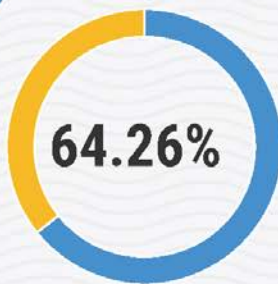
ADR Acceptance Rate



34,840

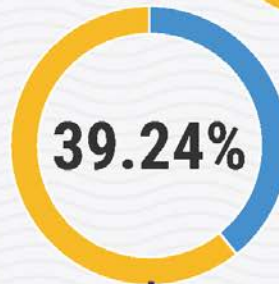
64.26%

ADR Resolution Rate



39.24%

Resulted in formal complaint filing



Source: Figure 6.1 and 6.2, Annual Report (FY 2017)

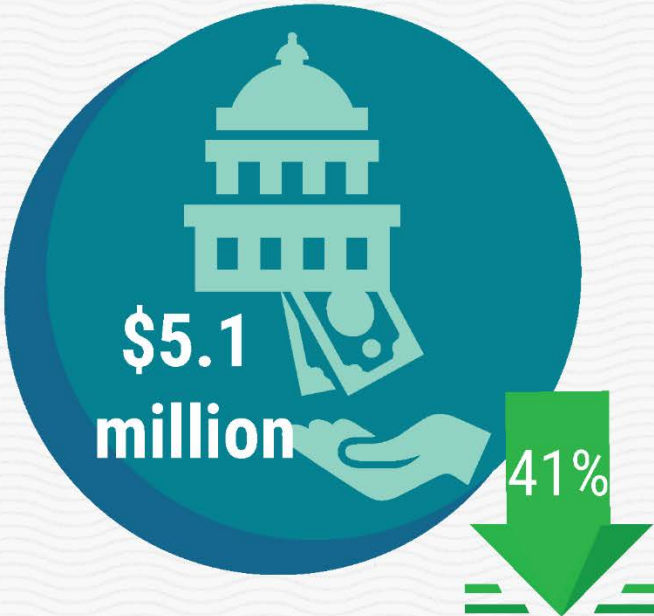


Pre-Complaint Settlement Pay-outs



The average monetary pre-complaint settlement was \$5,517

Source: Figure 6.2, Annual Report (FY 2017)



The total government wide settlement pay-out was over \$5.1 million, a sharp decline of 41% from the previous fiscal year.



Investigating Employment Discrimination Complaints



The days to complete investigations is down 8.1% from the previous year.



It took an average of 193 days to complete an investigation.



The average cost for investigations was \$4,328.

Source: Figure 6.8, Annual Report (FY 2017)