



Annual Report on the Federal Workforce

US Equal Employment Opportunity Commission

TABLE OF CONTENTS

Part I: Preface	7
Laws.....	7
Guidance for the Process.....	7
Goal.....	8
Part II: Executive Summary	9
Equal Employment Opportunity Commitment Indicators.....	9
Workforce Characteristics.....	9
Processing of Employment Discrimination Complaints.....	9
Part III: Introduction	11
Overview.....	11
Scope.....	11
Limitations.....	12
Part IV: Demonstrated Commitment to Equal Employment Opportunities	13
Part V: Composition of the Federal Workforce	15
Participation in the Federal Workforce by Race/National Origin and Sex.....	15
Participation in Senior Level Pay Positions by Race/National Origin and Sex.....	17
Participation across General Schedule (GS) Pay Bands by Race/National Origin and Sex.....	19
Participation of Individuals with Targeted Disabilities in the Federal Workforce.....	21
Part VI: Complaint Processing	25
Overview.....	25
Pre-Complaints/Informal Complaints.....	25
<i>Timely Completed Counselings</i>	25
<i>Pre-Complaint ADR Acceptances and Resolutions</i>	26
Formal Complaints.....	28
<i>Formal Complaints Filed</i>	28
<i>Processing Time for Complaint Closures</i>	31
<i>Top Bases and Issues (Formal Complaints)</i>	32
Investigations.....	33
<i>Completed Investigations</i>	33
<i>Completed Investigations: Costs and Timeliness</i>	34
Adjudication.....	36
<i>Hearing Requests</i>	36
<i>Hearing Closures and Processing Time</i>	37
<i>Formal Complaint Closures and Processing Time</i>	39
<i>Complaint Closures by Statute</i>	40
<i>ADR</i>	41
<i>Merit Decisions and Processing Time</i>	42
<i>Monetary Benefits Awarded (Formal Complaint Closures)</i>	45
Appeals.....	46
<i>Appeals Requests and Processing Time</i>	46

<i>Appeals Closures</i>	47
Part VII: Summary & Conclusions	50
APPENDIX I	52
APPENDIX II	59
APPENDIX III	60
APPENDIX IV	61
APPENDIX V	63

LIST OF TABLES

Table 5. 1. Participation across GS Pay Bands by Race/National Origin and Sex, FY 2003 and 2015	20
Table 5. 2. Participation of Individuals with Targeted Disabilities: Top Five Independent Agencies and Subcomponents (500+ Employees), FY 2015	23
Table 5. 3. Participation of Individuals with Targeted Disabilities in GS-Grade Ranges and Senior Level Pay, FY 2015.....	24
Table 6. 1. Agencies with the Highest Rate of Timely Completed Counselings* (B2)	26
Table 6. 2. Distribution of Benefits Provided in All Pre-Complaint Settlements, FY 2011-FY 2015 (B6)	28
Table 6. 3. Agencies with the Lowest Rates of Complaints Filed for FY 2015	30
Table 6. 4. Agencies with the Lowest Rate of Complainants* (B1)	31
Table 6. 5. Agencies with the Shortest Processing Days for FY 2015.....	32
Table 6. 6. Top Five Bases in Complaint Allegations Filed for FY 2015 (B8)	33
Table 6. 7. Top Five Issues in Complaint Allegations Filed for FY 2015 (B8)	33
Table 6. 8. Top Agencies for Timely Completed Investigations* (B7)	36

LIST OF FIGURES

Figure 4. 1. Federal agencies' demonstrated commitment to equal employment opportunities	14
Figure 5. 1. Hispanic/Latino governmentwide participation, FY 2003 and FY 2015	15
Figure 5. 2. White governmentwide participation, FY 2003 and FY 2015.....	15
Figure 5. 3. Black/African American governmentwide participation, FY 2003 and FY 2015	16
Figure 5. 4. Asian governmentwide participation, FY 2003 and FY 2015	16
Figure 5. 5. Native Hawaiian/Pacific Islander (NHOPI) governmentwide participation, FY 2015	16
Figure 5. 6. Two or More Races governmentwide participation, FY 2015	16
Figure 5. 7. White governmentwide and senior level pay (SLP) participation, FY 2003 and 2015	17
Figure 5. 8. American Indian/Alaska Native (AIAN) governmentwide and senior level pay (SLP) participation, FY 2003 and 2015	18
Figure 5. 9. Asian governmentwide and senior level pay (SLP) participation, FY 2003 and 2015	18
Figure 5. 10. Black/African American governmentwide and senior level pay (SLP) participation, FY 2003 and 2015.....	18
Figure 5. 11. Hispanic/Latino governmentwide and senior level pay (SLP) participation, FY 2003 and 2015	18
Figure 5. 12. Native Hawaiian/Other Pacific Islander (NHOPI) governmentwide and senior level pay (SLP) participation, FY 2015	19
Figure 5. 13. Two or More Races governmentwide and senior level pay (SLP) participation, FY 2015	19
Figure 5. 14. Participation of individuals with targeted disabilities governmentwide by disability type (Percentage of total workforce), FY 2003 and FY 2015	22
Figure 5. 15. Participation of individuals with disabilities as a percentage of General Schedule pay bands and senior level pay, FY 2015	23
Figure 6. 1. Distribution of ADR outcomes: Offers, rejections, and acceptances (B4)	27
Figure 6. 2. Distribution of ADR pre-complaint resolutions (informal phase) (B5)	28
Figure 6. 3. Distribution of pre-complaint outcomes (B3).....	29
Figure 6. 4. Governmentwide five-year trend for rate of complaints filed with 2003 trendline..	30
Figure 6. 5. Governmentwide average processing time for complaints filed –cabinet and medium levels (B7)	32
Figure 6. 6. Total completed investigations, FY 2011-FY 2015 (B9)	34
Figure 6. 7. Average processing days of all completed investigations, FY 2011-FY 2015 (B7)	35
Figure 6. 8. Total and average cost of completed investigations, FY 2011-FY2015 (B9)	35
Figure 6. 9. Total hearing requests, FY 2011-FY 2015	37
Figure 6. 10. Total hearings closures, FY 2011-FY 2015.....	38
Figure 6. 11. Average processing days for hearings closures, FY 2011- FY 2015	38
Figure 6. 12. Total opened hearings, FY 2011- FY 2015	39
Figure 6. 13. Average processing days for all complaint closures, FY 2011-FY 2015 (B10)	40
Figure 6. 14. Complaint closures by statute, FY 2015 (B22)	41

Figure 6. 15. ADR complaint closures acceptance/participation rate, FY 2011-FY 2015 (B19) ...	42
Figure 6. 16. ADR complaint resolutions by type (B20)	42
Figure 6. 17. Average processing days for all final agency decisions, FY 2011-FY 2015 (B17)	43
Figure 6. 18. Average processing days for final orders fully implementing AJ decisions, FY 2011-FY 2015 (B17).....	44
Figure 6. 19. Rate of findings of discrimination, FY 2011-FY 2015 (B15)	45
Figure 6. 20. Monetary benefits awarded during complaint process, FY 2011-FY 2015 (B21)	45
Figure 6. 21 Appeal receipts, FY 2011- FY 2015.....	46
Figure 6. 22. Average appeals processing time by total inventory, FY 2011-FY 2015	47
Figure 6. 23. Appeals closures, FY 2011-FY 2015	48
Figure 6. 24. Open appeals, FY 2011-FY 2015	49

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. 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) 2015, submitted to the President and Congress, presents a summary of selected EEO program activities of 278 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 FY2015 activities covers the period from October 1, 2014, through September 30, 2015. 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 also 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 2015 Annual Report within each of these components:

Equal Employment Opportunity Commitment Indicators

- In FY 2015, 95.6% of agencies evaluated managers and supervisors on commitment to EEO.
- 93.8% of agencies had readily accessible reasonable accommodation procedures for individuals with disabilities.
- 90.7% of agencies reported that their senior managers assist EEO staff with barrier analysis.
- 64.6% of agencies reported that their EEO Director reported directly to the agency head.

Workforce Characteristics

- Governmentwide, participation rates for 10 out of the 14 race-by-sex groups were higher than their rates in the 2010 civilian labor force. The exceptions were Hispanic/Latino males (5.0% vs. 5.2% in the CLF), Hispanic/Latina females (3.6% vs. 4.8% in the CLF), White males (36.8% vs. 38.3% in the CLF), and White females (25.0% vs. 34.0% in the CLF).
- In senior level pay positions White males continue to predominate (52.8% of those in senior level pay positions in 2015).
- In the General Schedule pay system, most race-by-sex groups participate at higher rates in the lower pay grades relative to their participation at higher pay grades (See Table 5.1). The exceptions to this are White males and Asians of both sexes.

Processing of Employment Discrimination Complaints

- There were 35,001 counselings completed during FY 2015, with an ADR offer rate of 87.33%, an ADR acceptance rate of 61%, and an ADR resolution rate of 65%. 42% of completed counselings resulted in a formal complaint filing.
- Of the 15,490 formal complaints filed in FY 2015, the basis most frequently alleged was reprisal/retaliation (7,407), followed by age (4,282) and physical disability (2,378).
- It took investigators, on average, 184 days to completed investigations during FY 2015, down 6% from the previous year. The average cost of investigations was \$3,948.
- The average monetary pre-complaint settlement was \$7,976 per settlement, with a total governmentwide settlement pay-out of over \$5.6 million.
- Hearings requests were down by 3.7% from FY 2014, from 8,046 hearings requested to 7,752 hearings requested. As of 2015 there remains a total of 12,035 open hearings.
- The total number of findings of discrimination, including AJ decisions and final agency decisions, have increased only slightly from FY 2014, from 162 to 168.
- In FY 2015, 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 62 million dollars, a 38% increase from FY 2014. More than half of the spending resulted from lump sum payments.

- Appeal Requests are down by 29% since 2011, from 5,176 to 3,649 requests. As of FY 2015, there are a total of 4,340 open appeals in the Office of Federal Operations' (OFO) inventory.

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 consistent increased workforce diversity, and a decline in discrimination complaints. However, more work is needed to promote diversity at the upper GS-levels, and while complaints are down, the monetary benefits paid out for complaint-stage settlements and findings of discrimination continue to rise.

Part III: Introduction

Overview

The Federal Government is the largest employer in the United States. With close to 2.5 million¹ employees, it is incumbent 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 2015, 14,871 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 \$5.6 million on pre-complaint settlements, \$43.4 million on EEO complaint investigations, and \$61.9 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, diversity remains less than ideal at higher GS-levels.

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 EEO².

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

- Workforce data from 227 federal agencies and subcomponents filing FY 2015 Federal Agency Annual Equal Employment Opportunity Program Status Reports (MD-715)
- Workforce data from FY2015 Office of Personnel Management Enterprise Human Resources integration (EHRI) database
- EEO complaint data from 278 federal agencies and subcomponents filing FY 2015 Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints reports (Form 462)
- Hearings and appeals data from EEOC's Information Management System database (IMS)

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 performances. As such, data is reported in the following manner:

¹ See Office of Personnel Management, Data, Analysis & Documentation: Federal Employment Reports. <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/federal-employment-reports/reports-publications/federal-civilian-employment/>.

²The Commission recognizes the importance of producing a timely submission of the Annual Report and acknowledge 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.

- Governmentwide aggregate data are reported. Detailed data for individual agencies can be found in the online appendices at www.eeoc.gov/federalsectoreports;
- 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 with 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, hearings, findings, and appeals. 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 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. This year'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 questions³:

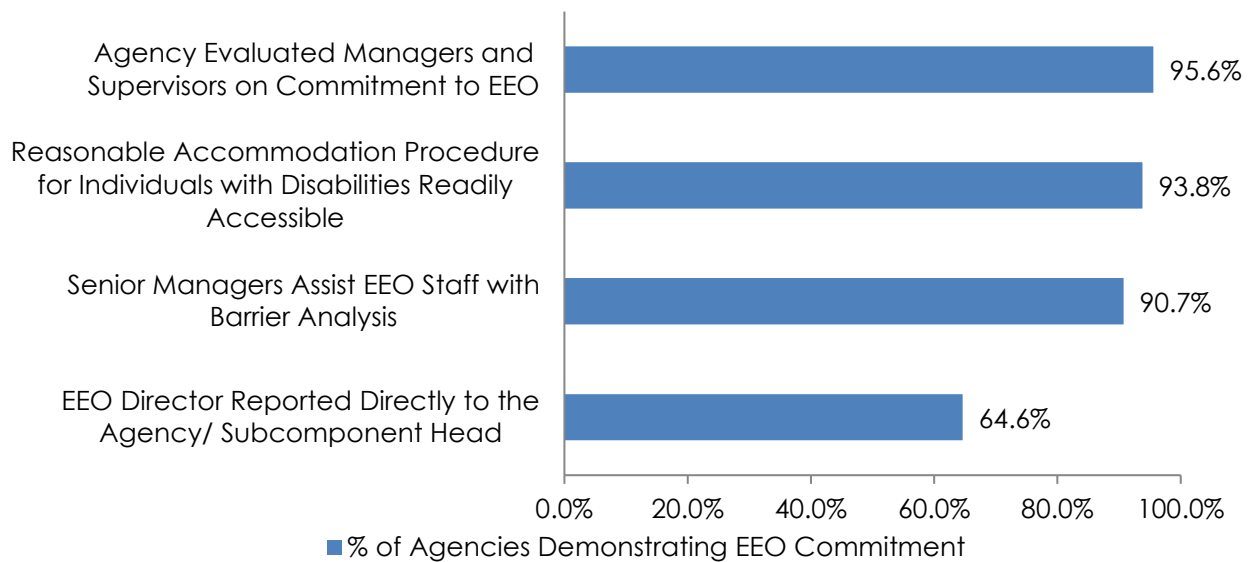
- Are managers and supervisors evaluated on their commitment to agency EEO policies and principles?
- Have the procedures for reasonable accommodation for individuals with disabilities been made readily available/accessible to all employees by disseminating such procedures during orientation of new employees 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?⁴

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 in over 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 93.8% of federal agencies, is crucial to attract and retain people with disabilities within the federal workforce.

³ In Fiscal Year 2015, 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.

⁴ 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	95.6%
Reasonable Accommodation Procedure for Individuals with Disabilities Readily Accessible	93.8%
Senior Managers Assist EEO Staff with Barrier Analysis	90.7%
EEO Director Reported Directly to the Agency/Subcomponent Head	64.6%

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 over one-third (35.4%) of the agencies and subcomponents that filed MD-715 Reports for FY 2015, the EEO director (or head in the case of subcomponents) did not report directly to the head of the agency (or subcomponent). 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.⁵ 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 impartialness of the EEO process and to hesitate to seek EEO counseling. Non-compliant agencies should remedy this deficiency.

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

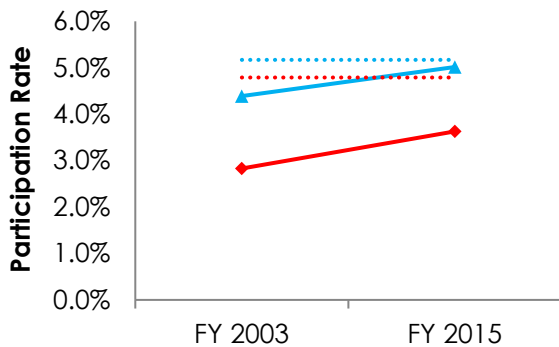
Part V: Composition of the Federal Workforce

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 disability for the government overall, for General Schedule 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 advancement opportunities, 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 2015, participation rates for 10 out of 14 RNO by sex groups were higher than their rates in the 2010 civilian labor force (CLF; see Figures 5.1 through 5.6 and Appendix II). The exceptions were Hispanic/Latino males (5.0% vs. 5.2% in the CLF), Hispanic/Latina females (3.6% vs. 4.8% in the CLF), White males (36.8% vs. 38.3% in the CLF), and White females (25.0% vs. 34.0% in the CLF). Although the Hispanic/Latino participation rates were lower than the CLF, these participation rates increased from 2003 when Latino males held 4.4% of federal jobs and Latinas held 2.8% of federal jobs.

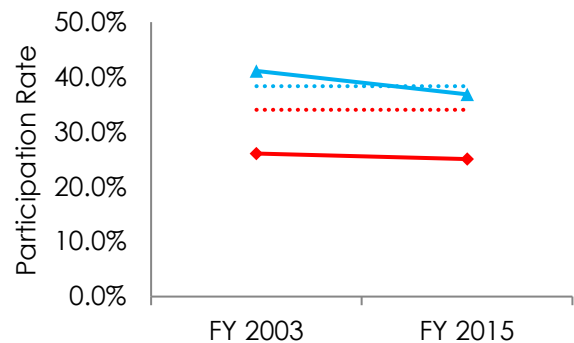
Conversely, the participation rates of Whites of both genders decreased between 2003 and 2015, with the White male participation rate dropping over 4% and the White female participation rate dropping about 1%.

For all other racial and gender groups for which we have data from 2003 (African American/Black males and females, Asian males and females, and American Indian/Alaska Native males and females), participation rates increased between 2003 and 2015, keeping their federal participation rates above their participation in the 2010 CLF.



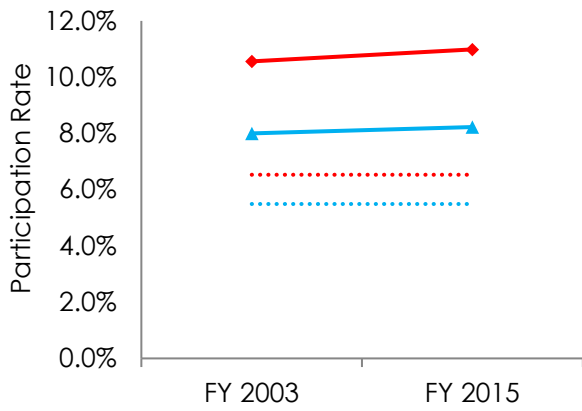
Hispanic/Latino Participation	FY 2003	FY 2015	2010 CLF
Hispanic Male	4.4%	5.0%	5.2%
Hispanic Female	2.8%	3.6%	4.8%

Figure 5. 1. Hispanic/Latino governmentwide participation, FY 2003 and FY 2015



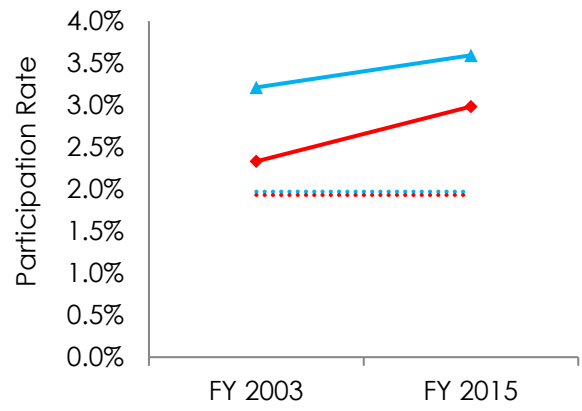
White Participation	FY 2003	FY 2015	2010 CLF
White Male	41.1%	36.8%	38.3%
White Female	26.1%	25.1%	34.0%

Figure 5. 2. White governmentwide participation, FY 2003 and FY 2015



Black/African American Participation	FY 2003	FY 2015	2010 CLF
Black Male	8.0%	8.2%	5.5%
Black Female	10.6%	11.0%	6.5%

Figure 5. 3. Black/African American governmentwide participation, FY 2003 and FY 2015

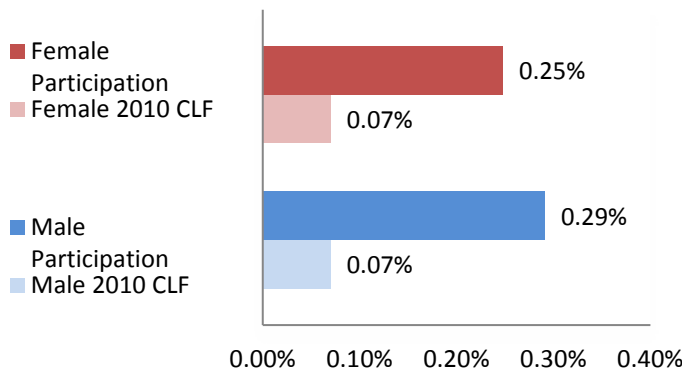


Asian Participation	FY 2003	FY 2015	2010 CLF
Asian Male	3.2%	3.6%	2.0%
Asian Female	2.3%	3.0%	1.9%

Figure 5. 4. Asian governmentwide participation, FY 2003 and FY 2015

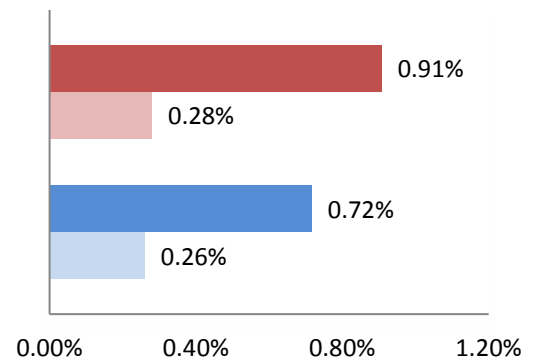
—▲— Male
 Male CLF 2010
 —◆— Female
 Female CLF 2010

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 2015.



NHOPI Participation	FY 2015	2010 CLF
Native Hawaiian/ Pacific Islander Male	0.29%	0.07%
Native Hawaiian/ Pacific Islander Female	0.25%	0.07%

Figure 5. 5. Native Hawaiian/Pacific Islander (NHOPI) governmentwide participation, FY 2015



Two or More Races Participation	FY 2015	2010 CLF
Two or More Races Male	0.72%	0.26%
Two or More Races Female	0.91%	0.28%

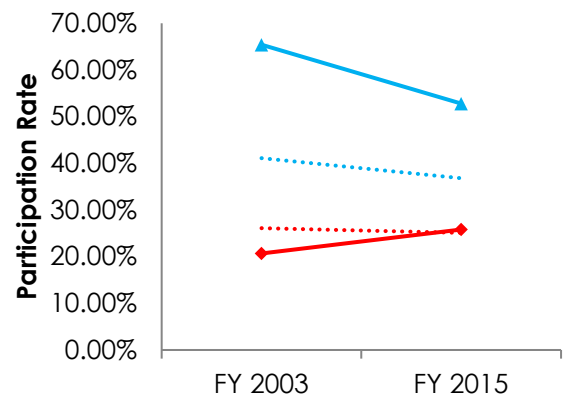
Figure 5. 6. Two or More Races governmentwide participation, FY 2015

Participation in Senior Level Pay Positions by Race/National Origin and Sex. Senior level pay positions in the Federal Government continued to be dominated by White males (52.8% of those in senior level pay positions in 2015); however, all other RNO by sex groups for which there is 2003 data made gains in their senior level pay participation rates by 2015 (See Figures 5.7 through 5.13 and Appendix II). In 2015, White females (25.8%) and American Indian/Alaska Native males (0.98%) participated in senior level pay at rates slightly higher than their governmentwide participation rates, and White males participated at a rate far higher than their governmentwide participation rate, but all other RNO by sex groups participated at rates lower than their governmentwide participation rates.

American Indian/Alaska Native, Asian, and Black women all at least doubled their senior level pay participation rates between 2003 and 2015, and Hispanic/Latina women were not far behind with an over 80% increase in participation rate to 1.7%. However, American Indian/Alaska Native women (0.51% of those in senior level pay positions vs. 0.89% of the entire government), Asian women (1.8% vs. 3.0%), Black women (5.3% vs. 11.0%), and Hispanic/Latina women (1.7 % vs. 3.6%) still had low participation rates in senior level pay compared to their governmentwide participation.

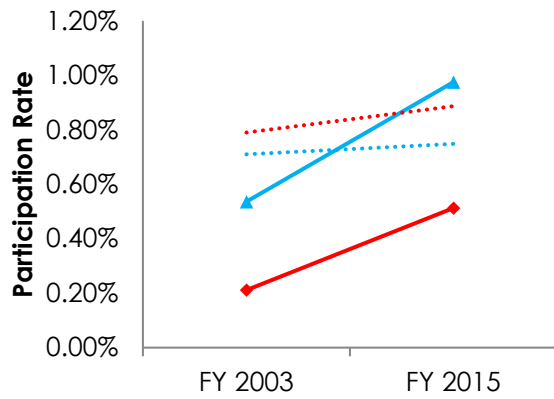
Although White men saw a decrease in their senior level pay participation rate, men of all other races saw increases. These increases, however, were smaller than those of the women of those races. The participation rate of American Indian/Alaska Native men in senior level pay increased 81.9% to 0.98%. Black men's rate increased by 35.8% to 5.7%. For Asian men, the rate increased by 3.2% to 2.3%. Hispanic/Latino men's rate increased by 19.3% to 3.0%.

The senior level pay participation rates of Native Hawaiian/Pacific Islanders and people of Two or More Races were far below their governmentwide participation rates. For example, female Native Hawaiian/Pacific Islanders participate governmentwide at 0.25%, but only represent 0.05% of people in senior level pay positions. Males of Two or More Races made up 0.13% of those in senior level pay positions, but they composed 0.72% of the federal workforce. In 2003, females held approximately one-fourth of senior pay level jobs (25.2%). By 2015, females held over one-third of senior pay level jobs (35.1%). Still, efforts should be made to increase the senior pay level participation of groups with lower than expected participation based on their participation rates governmentwide.



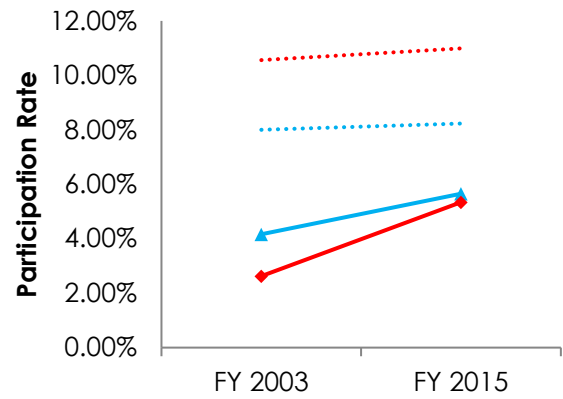
White Participation	FY 2003 Gov't Wide	FY 2003 SLP	FY 2015 Gov't Wide	FY 2015 SLP
	White Male	41.1%	65.4%	36.8%
White Female	26.1%	20.7%	25.1%	25.8%

Figure 5. 7. White governmentwide and senior level pay (SLP) participation, FY 2003 and 2015



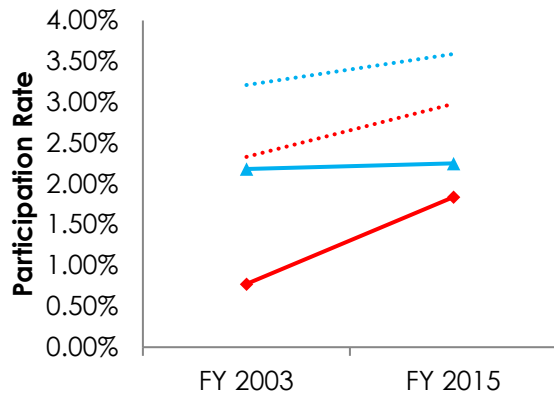
AIAN Participation	FY 2003 Gov't Wide	FY 2003 SLP	FY 2015 Gov't Wide	FY 2015 SLP
AIAN Male	0.71%	0.54%	0.75%	0.98%
AIAN Female	0.79%	0.21%	0.89%	0.51%

Figure 5. 8. American Indian/Alaska Native (AIAN) governmentwide and senior level pay (SLP) participation, FY 2003 and 2015



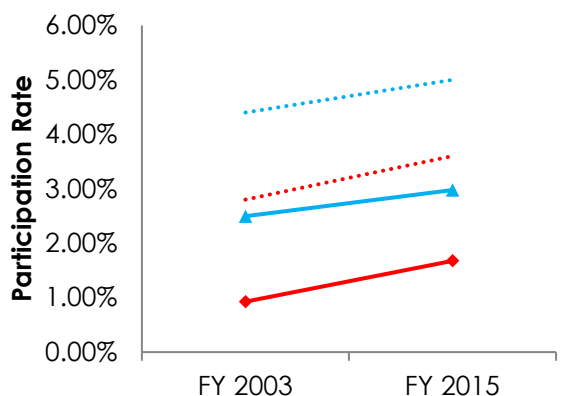
Black/African American Participation	FY 2003 Gov't Wide	FY 2003 SLP	FY 2015 Gov't Wide	FY 2015 SLP
Black Male	8.0%	4.2%	8.2%	5.7%
Black Female	10.6%	2.6%	11.0%	5.3%

Figure 5. 10. Black/African American governmentwide and senior level pay (SLP) participation, FY 2003 and 2015



Asian Participation	FY 2003 Gov't Wide	FY 2003 SLP	FY 2015 Gov't Wide	FY 2015 SLP
Asian Male	3.2%	2.2%	3.6%	2.3%
Asian Female	2.3%	0.8%	3.0%	1.8%

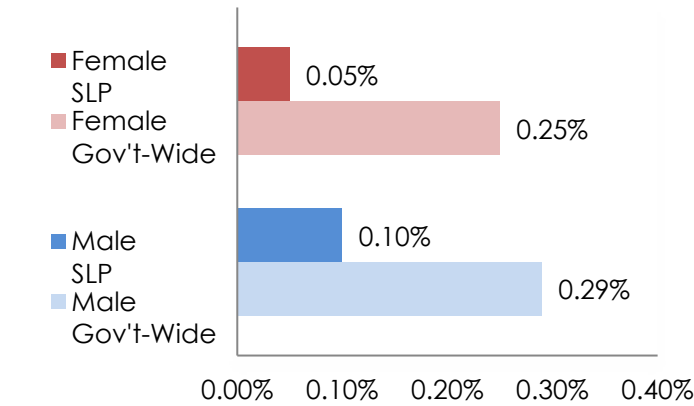
Figure 5. 9. Asian governmentwide and senior level pay (SLP) participation, FY 2003 and 2015



Hispanic/ Latino Participation	FY 2003 Gov't Wide	FY 2003 SLP	FY 2015 Gov't Wide	FY 2015 SLP
Hispanic Male	4.4%	2.5%	5.0%	3.0%
Hispanic Female	2.8%	0.9%	3.6%	1.7%

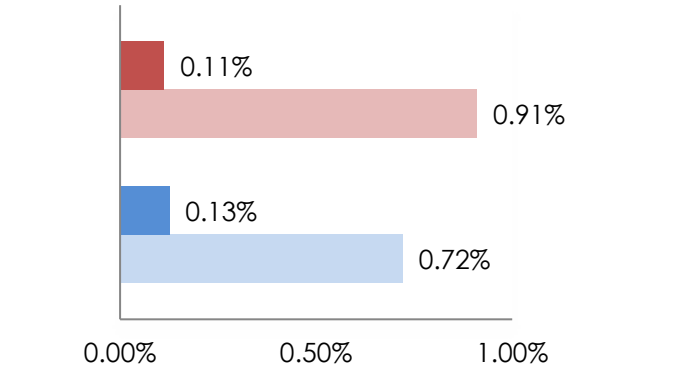
Figure 5. 11. Hispanic/Latino governmentwide and senior level pay (SLP) participation, FY 2003 and 2015

—▲— Male SLP Male Gov't-Wide —◆— Female SLP Female Gov't-Wide



NHOPI Participation	FY 2015 Gov't Wide	FY 2015 SLP
NHOPI Male	0.29%	0.10%
NHOPI Female	0.25%	0.05%

Figure 5. 12. Native Hawaiian/Other Pacific Islander (NHOPI) governmentwide and senior level pay (SLP) participation, FY 2015



Two or More Races Participation	FY 2015 Gov't Wide	FY 2015 SLP
Two or More Races Male	0.72%	0.13%
Two or More Races Female	0.91%	0.11%

Figure 5. 13. Two or More Races governmentwide and senior level pay (SLP) participation, FY 2015

Participation across General Schedule (GS) Pay Bands by Race/National Origin and Sex. To examine opportunities for advancement, this report compares participation rates in higher GS pay bands to participation rates in lower GS pay bands and notes participation rate disparities within RNO by sex groups. Evidence exists of barriers to career advancement when 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. 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 advancement, 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). The exceptions to this were White males and Asians of both sexes. In 2015, White males made up 25.0% of employees in GS Grades 1 through 6, but 47.6% of employees in GS Grades 14 and 15. Asian males had a 2.2% participation rate in GS Grades 1 through 6, but their GS Grades 14 and 15 participation rate was 5.2%. Asian females also had a higher participation rate in GS Grades 14 and 15 (3.7%) than they did in GS Grades 1 through 6 (2.7%); 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 2015, 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 2015.

In 2015, 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, Hispanics/Latinos, American Indians/Alaska Natives, and white women (No 2003 data was available for Native Hawaiians/Other Pacific Islanders or people of Two or More Races). Blacks/African Americans and Hispanics/Latinos both increased their participation rates in the

GS system between 2003 and 2015 in most pay-bands, but their participation rates in highest grades, although improved, remained below their overall GS participation levels. American Indian/Alaska Native participation in the GS system declined overall, but showed gains in most GS categories, except in the lowest pay band for both men and women, and for men only at the GS 14-15 level. One interesting change is that in 2003, Hispanic/Latino participation rates declined between the GS 7 through 11 pay band and the GS 12 to 13 band; in 2015, this discrepancy in participation reversed for males—their participation rate in the GS 12 to 13 pay band was higher than their rate in the GS 7 through 11 pay band. Nonetheless, Hispanics/Latinos in 2015 still experienced a sharp drop-off in participation at GS Grades 14 and 15.

Table 5. 1. Participation across GS Pay Bands by Race/National Origin and Sex, FY 2003 and 2015

	2003 GS 1-6	2015 GS 1-6	2003 GS 7-11	2015 GS 7-11	2003 GS 12-13	2015 GS 12-13	2003 GS 14-15	2015 GS 14-15	2003 Total GS	2015 Total GS
Total Male	34.3%	42.5%	45.3%	47.4%	61.4%	59.0%	69.7%	62.0%	50.7%	52.5%
Total Female	65.7%	57.6%	54.7%	52.5%	38.6%	40.9%	30.3%	37.8%	49.4%	47.4%
Hispanic/Latino Male	3.5%	4.9%	4.5%	4.4%	3.3%	5.9%	2.6%	3.1%	3.7%	4.8%
Hispanic/Latino Female	5.1%	5.6%	4.1%	4.7%	2.0%	3.0%	1.1%	1.9%	3.3%	3.9%
White Male	21.6%	25.0%	32.7%	31.5%	49.5%	42.2%	58.9%	47.6%	38.4%	36.3%
White Female	36.3%	29.1%	33.7%	29.3%	26.1%	24.8%	22.5%	24.2%	30.7%	27.0%
Black/African American Male	6.7%	8.8%	5.5%	7.6%	4.9%	6.1%	4.0%	5.2%	5.4%	7.0%
Black/African American Female	18.4%	17.0%	13.4%	13.6%	8.2%	9.4%	4.7%	7.3%	11.9%	11.9%
Asian Male	1.6%	2.2%	1.9%	2.4%	3.1%	3.6%	3.6%	5.2%	2.4%	3.2%
Asian Female	3.2%	2.7%	2.2%	3.0%	1.8%	2.8%	1.7%	3.7%	2.2%	3.0%
Native Hawaiian / Other Pacific Islander Male		0.32%		0.26%		0.21%		0.11%		0.23%
Native Hawaiian / Other Pacific Islander Female		0.40%		0.24%		0.13%		0.06%		0.20%
American Indian/Alaska Native Male	0.97%	0.84%	0.81%	0.84%	0.65%	0.67%	0.63%	0.61%	0.77%	0.75%
American Indian/Alaska Native Female	2.78%	2.30%	1.21%	1.36%	0.50%	0.57%	0.32%	0.44%	1.22%	1.12%
Two or More Races Male		0.33%		0.38%		0.39%		0.23%		0.35%
Two or More Races Female		0.48%		0.39%		0.27%		0.20%		0.34%
Total Employment Number	289,422	280,966	536,608	578,419	429,986	575,333	155,595	213,892	1,411,611	1,654,673

Note. Data come from MD-715 reports submitted by federal agencies in FY 2015. Only includes permanent employees. Data from agencies that do not report General Schedule Pay Plan Participation Rates are excluded.

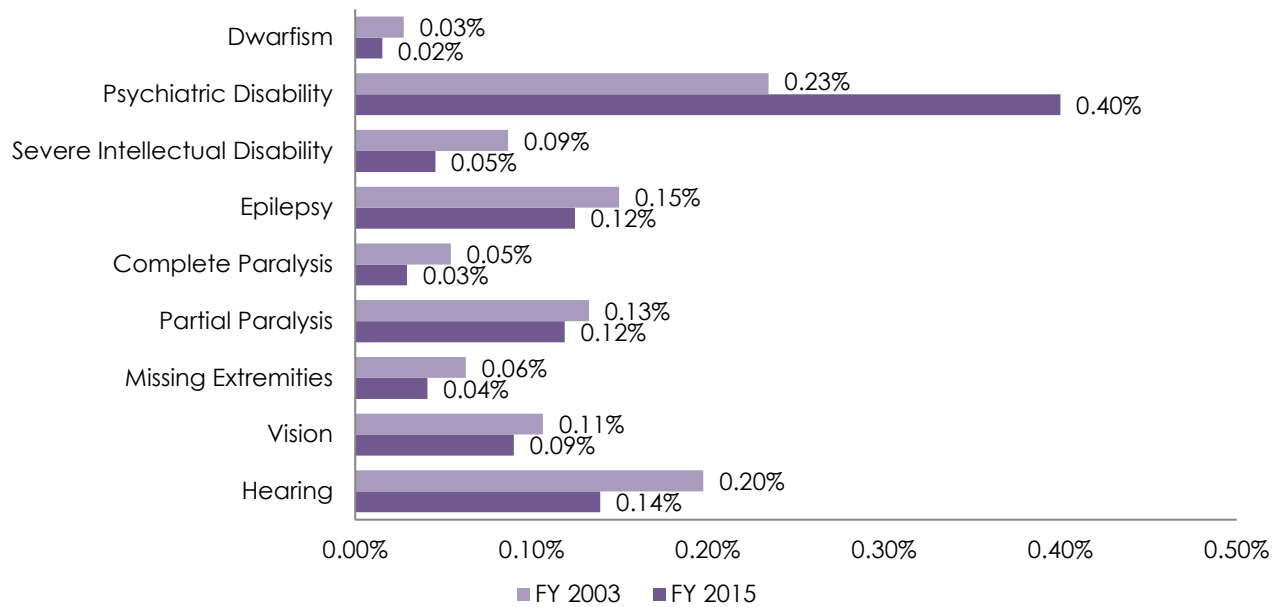
For the two racial groups that do not have FY 2003 comparators, Native Hawaiians/Other Pacific Islanders and people of Two or More Races, diminishing participation rates still appear when

moving up the pay scale, especially for females. Finally, an analysis of gender alone promisingly shows that the gender gap of lower participation rates for women at higher GS pay bands is diminishing, yet still present.

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.⁶ The overall participation rate of individuals with targeted disabilities in the federal workforce slightly decreased between 2003 and 2015, from 1.05% to 1.00% (See Figure 5.14). This is far below the 2.0% goal established by EEOC's LEAD Initiative. In fact, only eleven independent agencies and subcomponents reached that goal in 2015 (See Table 5.2 and Appendix II).

Only one group of individuals with targeted disabilities saw an increase in their participation rate: individuals with psychiatric disabilities. They saw an increased participation rate from 0.23% in 2003 to 0.40% in 2015. In both 2003 and 2015, psychiatric disability was the most common type of targeted disability within the Federal Government.

⁶ 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 2015 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/>.



	FY 2003 #	FY 2015 #	FY 2003 % of Total Workforce	FY 2015 % of Total Workforce	FY 2003 % of Individuals with Targeted Disabilities	FY 2015 % of Individuals with Targeted Disabilities
No Disability	-	2,148,027	-	87.88%	-	-
Not Identified Disability	-	88,664	-	3.63%	-	-
Targeted Disability	25,551	24,350	1.05%	1.00%	-	-
Hearing	4,796	3,399	0.20%	0.14%	18.77%	13.96%
Vision	2,588	2,200	0.11%	0.09%	10.13%	9.03%
Missing Extremities	1,525	1,003	0.06%	0.04%	5.97%	4.12%
Partial Paralysis	3,219	2,905	0.13%	0.12%	12.60%	11.93%
Complete Paralysis	1,316	719	0.05%	0.03%	5.15%	2.95%
Epilepsy	3,637	3,046	0.15%	0.12%	14.23%	12.51%
Severe Intellectual Disability	2,106	1,111	0.09%	0.05%	8.24%	4.56%
Psychiatric Disability	5,695	9,775	0.23%	0.40%	22.29%	40.14%
Dwarfism	669	375	0.03%	0.02%	2.62%	1.54%
Permanent Workforce	2,428,330	2,444,218				

Figure 5. 14. Participation of individuals with targeted disabilities governmentwide by disability type (Percentage of total workforce), FY 2003 and FY 2015⁷

⁷ 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 2015 categories for targeted disabilities. The corresponding categories in FY 2003 were Deafness, Blindness, Missing Extremities, Partial Paralysis, Complete Paralysis, Convulsive Disorders, Mental Retardation, Mental Illness and Distortion of Limb and/or Spine. FY 2015 data comes from MD-715 reports as submitted by federal agencies for FY2015, supplemented by data from the September 2015 EHRI-SDM. Where parent agencies and their subcomponents both submitted MD-715 reports, this table uses data from parent agencies. FY 2015 data only include permanent employees. Totals may not equal 100% due to rounding.

Table 5. 2. Participation of Individuals with Targeted Disabilities: Top Five Independent Agencies and Subcomponents (500+ Employees), FY 2015

Agency Name	Workforce	# Individuals with Targeted Disabilities	Participation Rate
HHS Substance Abuse and Mental Health Services Administration	557	22	3.95%
Equal Employment Opportunity Commission	2,242	79	3.52%
VA National Cemetery Administration	1,713	49	2.86%
DOT Federal Transit Administration	536	14	2.61%
VA Veterans Benefits Administration	21,565	539	2.50%

Participation of individuals with targeted disabilities in General Schedule pay bands and in senior level pay positions. As seen in Table 5.3, Figure 5.15, and the infographic in Appendix IV, individuals with targeted disabilities participated in the higher GS pay grades and in senior level pay positions at much lower rates than their participation rates in lower grades. Figure 5.15 illustrates this drop, which was particularly notable for people with psychiatric disabilities, hearing impairments, and severe intellectual disabilities. However, this phenomenon was not present for all types of disabilities: the participation rates for those with missing extremities and complete paralysis were similar across all pay grades and into senior level pay positions.

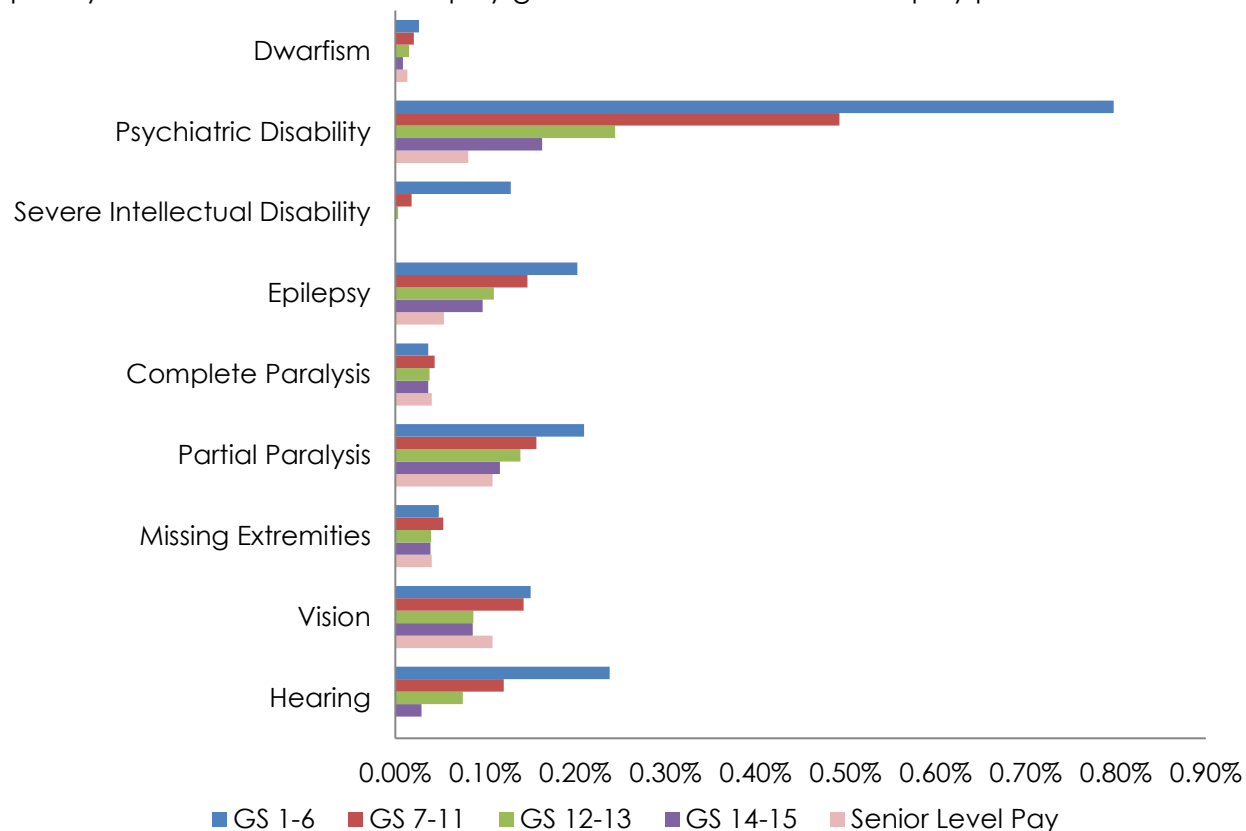


Figure 5. 15. Participation of individuals with disabilities as a percentage of General Schedule pay bands and senior level pay, FY 2015

Table 5. 3. Participation of Individuals with Targeted Disabilities in GS-Grade Ranges and Senior Level Pay, FY 2015

	GS 1-6 (#)	GS 1-6 (%)	GS 7-11 (#)	GS 7-11 (%)	GS 12-13 (#)	GS 12-13 (%)	GS 14-15 (#)	GS 14-15 (%)	Senior Level Pay (#)	Senior Level Pay (%)	Total (#)
No Disability	232,030	82.55	501,501	86.79	514,762	89.66	194,838	91.32	6,880	92.81	1,450,011
Not Identified	15,555	5.53	18,248	3.16	14,175	2.47	5,411	2.54	216	2.91	53,605
Disability	33,891	12.06	60,062	10.39	47,630	8.30	14,246	6.68	410	5.53	156,239
Targeted Disability	5,043	1.79	6,918	1.20	4,264	0.74	1,208	0.57	32	0.43	17,465
Hearing	669	0.24	695	0.12	431	0.08	62	0.03	0	0.00	1,857
Vision	422	0.15	822	0.14	498	0.09	183	0.09	8	0.11	1,933
Missing Extremities	136	0.05	308	0.05	229	0.04	83	0.04	3	0.04	759
Partial Paralysis	589	0.21	906	0.16	797	0.14	248	0.12	8	0.11	2,548
Complete Paralysis	103	0.04	252	0.04	218	0.04	78	0.04	3	0.04	654
Epilepsy	568	0.20	847	0.15	629	0.11	207	0.10	4	0.05	2,255
Severe Intellectual Disability	360	0.13	105	0.02	19	0.00	1	0.00	0	0.00	485
Psychiatric Disability	2,242	0.80	2,850	0.49	1,402	0.24	348	0.16	6	0.08	6,848
Dwarfism	74	0.03	119	0.02	88	0.02	18	0.01	1	0.01	300
Total GS or Senior Pay Workforce	281,070	100.00	577,808	100.00	574,138	100.00	213,364	100.00	7,413	100.00	1,653,793

Note. Data comes from MD-715 reports as submitted by federal agencies in FY2015, only including permanent employees. Data from agencies that do not report General Schedule Pay Plan Participation Rates are excluded. Where parent agencies and their subcomponents both submitted MD-715 reports, this table 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 Senior Level Pay).

Part VI: Complaint Processing

This section summarizes federal sector EEO complaint activity for Fiscal Year 2015. Using data from the *Annual Federal Equal Employment Opportunity Statistical Reports of Discrimination Complaints, (Form 462)* and the Office of Federal Operations (OFO) Information Management System (IMS), this section compiles governmentwide data on complaints, investigations, hearings, findings of discrimination, and appeals. 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 278 federal agencies and subcomponents submitting Form 462 for fiscal year 2015. 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, national origin, age, disability, 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 authorities, a final 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 counselings completed within 30 days and those completed within 60 days with a written extension are considered timely. Where the aggrieved'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 99.55%, followed closely by the U.S. Postal Service at 99.04%. Among medium agencies the Defense Contract Management Agency, the Defense Information Systems Agency, the Defense Finance and Accounting Service, the Department of Education, the Federal Reserve Board of Governors, the General Services Administration, the Office of Personnel Management, 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	Total Completed / Ended Counselings	Total Timely Completed / Ended Counselings	% Timely Completed / Ended Counselings (excluding remands)
Large Agencies (15,000 or more employees)				
Department of Labor	15,929	223	220	99.55%
U.S. Postal Service	619,740	12,809	12,686	99.04%
DOD National Guard Bureau	55,260	55	54	98.18%
Department of Veterans Affairs	362,020	5,052	4,887	96.73%
DOD Defense Logistics Agency	21,385	309	297	96.12%
Medium Agencies (1,000 to 14,999 employees)				
DOD Defense Contract Management Agency	11,459	94	94	100.00%
DOD Defense Information Systems Agency	5,584	41	41	100.00%
DOD Finance and Accounting Service	11,119	90	90	100.00%
Department of Education	4,259	39	39	100.00%
Federal Reserve Board of Governors	2,670	96	96	100.00%
General Services Administration	11,170	138	138	100.00%
Office of Personnel Management	4,977	57	57	100.00%
Smithsonian Institution	6,133	27	27	100.00%

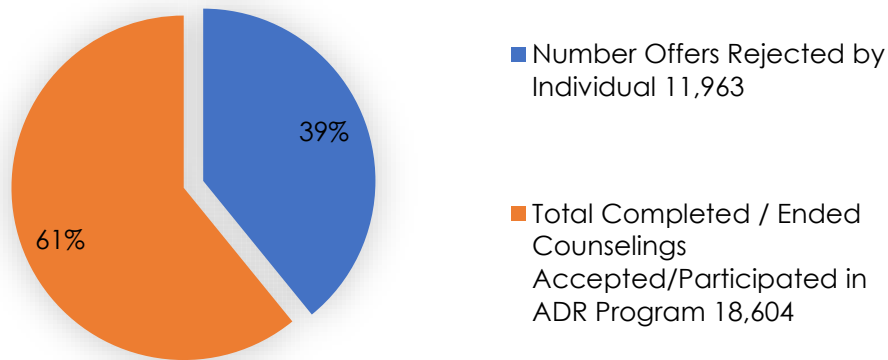
Note. Agencies with 25 or more completed counselings

Pre-Complaint ADR Acceptances and Resolutions. During anytime in 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.⁸ All agencies are required to establish or make available an ADR program during both the pre-

⁸ MD-110 Ch. 3 § VI.

complaint and formal complaint processes.⁹ ADR should be offered at the beginning of counseling.¹⁰ . If chosen, then the agency has 90 days to conduct the ADR and complete counseling.¹¹ If not chosen, then the agency has 30 days, which may be extended by agreement, to complete traditional counseling.¹²

Figure 6.1 displays the rate of ADR acceptances among individuals receiving pre-complaint counseling. There were 35,001 pre-complaint counselings completed during FY 2015, with an ADR offer rate of 87.33%. Among the 30,567 offers of ADR during pre-complaint counseling, approximately 61% accepted ADR while 39% rejected the offer.¹³ 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	Number Offers Rejected by Individual	Total Completed / Ended Counselings Accepted/Participated in ADR Program
Count (%)	35,001	30,567 (87.3%)	11,963 (39.1%)	18,604 (60.9%)

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

In FY 2015, there were a total of 18,604 pre-complaint ADR closures (Figure 6.2), with a resolution rate of 65%. Among the 12,070 pre-complaint ADR resolutions, approximately 39% led to settlements while 61% resulted in a withdrawal with no formal complaint filed. Appendix III, Table B5 provides the distribution of pre-complaint ADR resolutions by agency.

FY 2015 saw a total of 19,348 total pre-complaint resolutions—i.e. resolutions with no formal complaint filed (Table 6.2); more than 54% of all completed counselings. Among the 19,348 resolutions, 14.7% resulted in a settlement, with 708 of these resolutions resulting in a monetary settlement. The average monetary settlement was \$7,976, for a total governmentwide pay out of over \$5.6 million. Appendix III, Table B6 displays the settlement rate and monetary benefits awarded by agency.

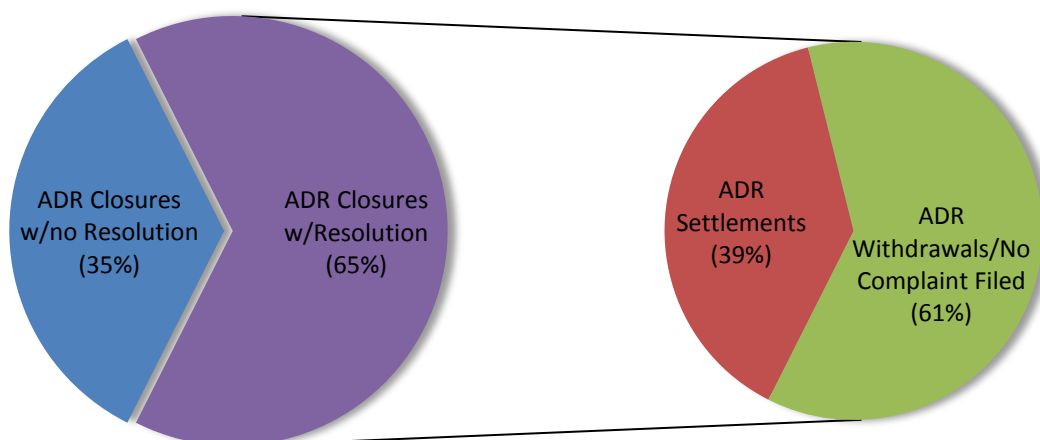
⁹ 29 C.F.R. § 1614.102(b)(2).

¹⁰ MD-110 Ch. 2 § VII.A.

¹¹ 29 C.F.R. § 1614.105(f).

¹² 29 C.F.R. § 1614.105(e).

¹³ Please note that not all ADR acceptances result in a resolution.



	ADR Closures	non-ADR Resolutions	ADR Resolutions	% ADR Resolutions Leading to Settlements	% ADR Resolutions Leading to Withdrawals w/No Complaints Filed
Count (%)	18,604	6,534 (35.1%)	12,070 (64.9%)	4,668 (38.7%)	7,402 (61.3%)

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

Table 6. 2. Distribution of Benefits Provided in All Pre-Complaint Settlements, FY 2011-FY 2015 (B6)

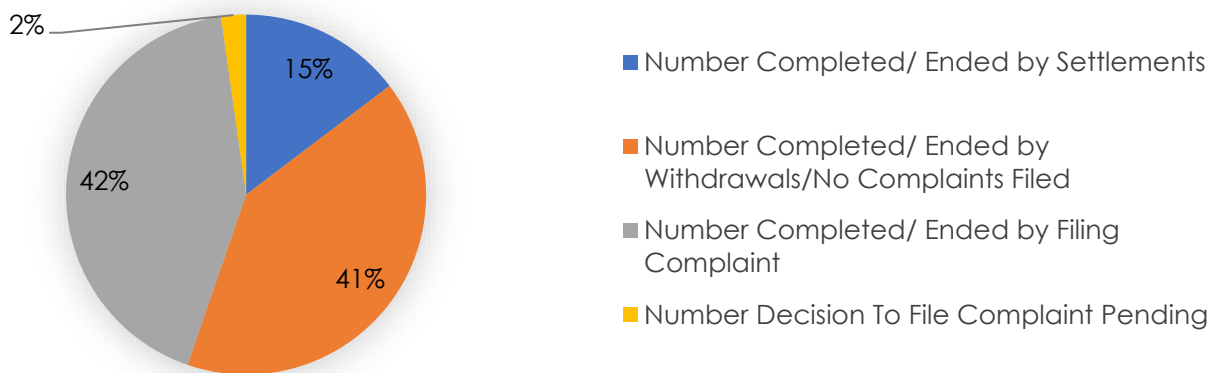
FY	Completed Counselings	Total Resolutions		Total Settlements		Total Settlements with Monetary Benefits		Total Amount of Monetary Benefits	Average Award Per Resolution with Monetary Benefits
		N	%	N	%	N	%		
2011	36,642	19,460	53.1	5,799	15.8	627	10.8	\$3,042,646	\$4,853
2012	34,521	18,449	53.4	5,353	15.5	740	13.8	\$3,442,719	\$4,652
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

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).¹⁴ 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 basis of the complaint.¹⁵

Figure 6.3 displays the number of counselings resulting in a formal complaint filing. Among the 35,001 counselings initiated governmentwide, 15% ended in a settlement, 41% ended with a withdrawal from the complaint process, and 42% resulted in a formal complaint filing. Approximately 2% of all counselings were pending the aggrieved's decision of whether to file a formal complaint at the end of FY 2015.



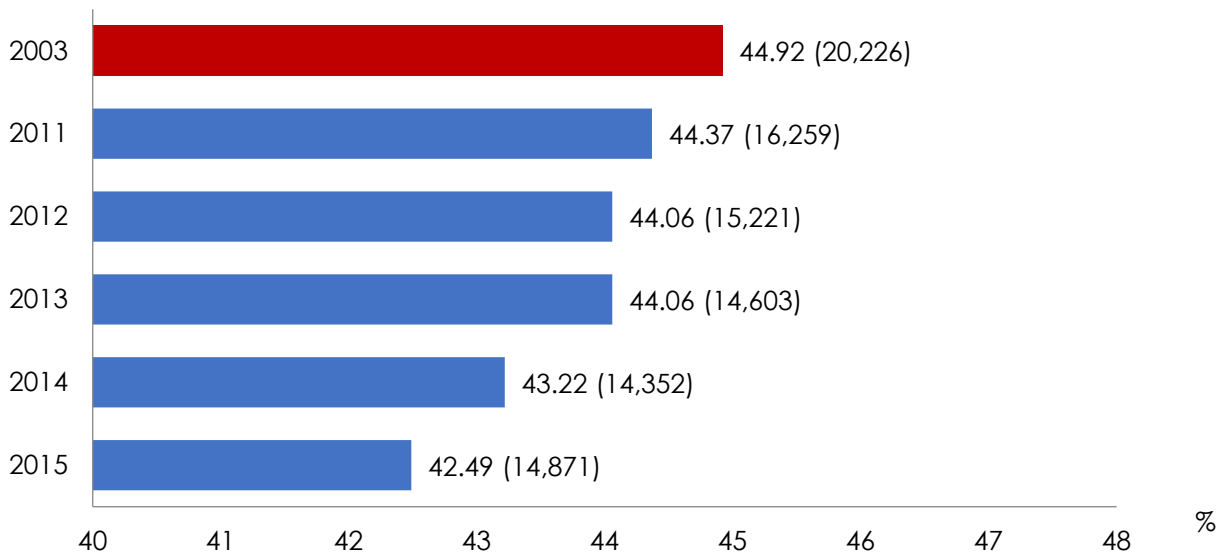
Completed / Ended Counselings	Completed/ Ended by Settlements	Completed/ Ended by Withdrawals/No Complaints Filed	Completed/ Ended by Filing Complaint	Decision to File Complaint Pending
35,001 (%)	5,137 (14.7)	14,211 (40.6)	14,871 (42.5)	782 (2.2)

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

On average, 42.5% of completed counseling cases eventually led to formal complaints filed in all government agencies in FY 2015, a slight decrease from 43.22% in FY 2014 (Figure 6.4). However, the total number of counselings that ended by filing complaints in fact jumped from 14,352 in FY 2014 to 14,871 in FY 2015. Compared to FY 2003 in which nearly 45% of 20,226 counselings ended with formal complaints, there had been a moderate declining trend in both the frequency and rate of formal complaints filed relative to the number of counselings conducted during the past decade, as shown below in figure 6.4.

¹⁴ 29 C.F.R. § 1614.105(d).

¹⁵ 29 C.F.R. § 1614.106.



Note. Number of cases ended by filing complaint

FY	2003	2011	2012	2013	2014	2015
Number Completed/Ended by Filing Complaint	20,226	16,259	15,221	14,603	14,352	14,871
Rate of Complaints	44.92	44.47	44.06	44.04	43.22	42.49

Figure 6. 4. Governmentwide five-year trend for rate of complaints filed with 2003 trendline

Some individual agencies have much lower rates of counselings to formal complaints. Among agencies with 25 or more completed counselings in FY 2015, U.S. Postal Service had the lowest rate of complaints filed thereafter, at 28.85% (Table 6.3). The DOD Finance and Accounting Service outperformed other medium agencies with a rate of 37.78%.

Table 6. 3. Agencies with the Lowest Rates of Complaints Filed for FY 2015

Agencies	Total Workforce*	# Completed Counseling	Filed Complaints as % of Completed Counseling
Cabinet or Large (15,000 or more employees)			
U.S. Postal Service	619,740	12,809	28.85%
DOD Defense Logistics Agency	21,385	309	36.57%
DOD Army and Air Force Exchange Service	28,976	221	37.56%
Department of Veterans Affairs	362,020	5,052	45.67%
DOD Department of the Navy	246,497	1,639	45.94%
Medium Agencies (1,000 to 14,999 employees)			
DOD Finance and Accounting Service	11,119	90	37.78%
DOD Defense Contract Management Agency	11,459	94	43.62%
Agency for International Development	3,815	65	44.62%
Tennessee Valley Authority	10,923	68	48.53%
DOD Defense Commissary Agency	13,894	232	50.86%

*Work force numbers as reported by the agency in its FY 2015 462 report.

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 .51% (Appendix III Table B1). The National Guard Bureau, National Aeronautics and Space Administration, Department of State, Department of the Air Force, and Army and Air Force Exchange Service had the lowest complainant rates among large agencies. The DOD Finance and Accounting Service, Tennessee Valley Authority, Defense Contract Management Agency, Federal Deposit Insurance Corporation, and the DOD Office of the Secretary/Washington Headquarters 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* (B1)

Agency or Department	Total Work Force	Complaints Filed	Complainants	Percent Complainants
Large Agencies (15,000 or more employees)				
DOD National Guard Bureau	55,260	16	16	0.03%
National Aeronautics and Space Administration	17,544	46	41	0.23%
Department of State	71,023	165	165	0.23%
DOD Department of the Air Force	166,788	432	425	0.25%
DOD Army and Air Force Exchange Service	28,976	83	83	0.29%
Medium Agencies (1,000 to 14,999 employees)				
DOD Finance and Accounting Service	11,119	35	32	0.29%
Tennessee Valley Authority	10,923	42	36	0.33%
DOD Defense Contract Management Agency	11,459	43	42	0.37%
Federal Deposit Insurance Corporation	6,532	33	29	0.44%
DOD Office of the Secretary/Washington Headquarters Services	6,519	29	29	0.44%

Note. Agencies with 25 or more complaints filed

Processing Time for Complaint Closures. As one potential gauge of efficiency in EEO programs, the EEOC calculated the number of days on average needed to close complaints after filing. In FY 2015, the governmentwide average processing time from complaint filing to closure is 403 days, down from 418 days in FY 2014 (Figure 6.5). At 258 days, the Department of Commerce needed the least amount of time among cabinet agencies, and overall (Table 6.5). Among medium-sized agencies, the Office of Personnel Management required the least time with an average of 303 days. Both were significantly lower than the governmentwide average. Agencies with fewer than 25 complaint closures in FY 2015 were excluded from the ranking.

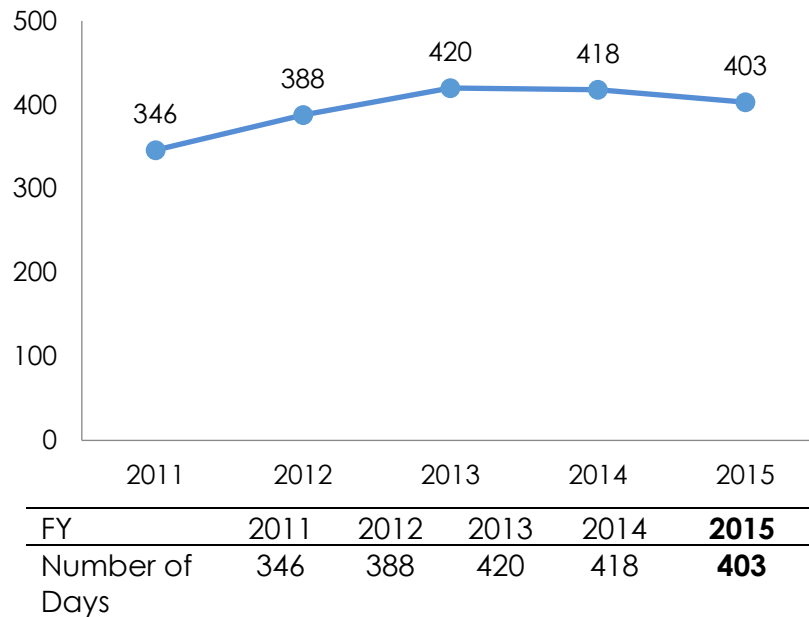


Figure 6. 5. Governmentwide average processing time for complaints filed –cabinet and medium levels (B7)

Table 6. 5. Agencies with the Shortest Processing Days for FY 2015

Agencies	Total Workforce*	# Days from Complaint Filed to Closure
Cabinet or Large (15,000 or more employees)		
Department of Commerce	46,042	258
Department of Veterans Affairs	362,020	281
DOD Army and Air Force Exchange Service	28,976	285
U.S. Postal Service	619,740	302
DOD Defense Logistics Agency	21,385	345
Medium Agencies (1,000 to 14,999 employees)		
Office of Personnel Management	4,977	303
DOD Defense Contract Audit Agency	4,877	309
DOD Defense Contract Management Agency	11,459	385
Equal Employment Opportunity Commission	2,282	407
Government Publishing Office	1,818	413

*Work force numbers as reported by the agency in its FY 2015 462 report.

Top Bases and Issues (Formal Complaints). Of the 15,490 complaints filed in FY 2015, the basis most frequently alleged was reprisal/retaliation (7,429), followed by age (4,959) and physical disability (4,009) (Table 6.6). The issue alleged most frequently in complaints was non-sexual harassment (6,262), followed by disciplinary action (3,423), and terms/conditions (2,515) (Table 6.7).

Table 6. 6. Top Five Bases in Complaint Allegations Filed for FY 2015 (B8)

Basis	# of Complaints
Reprisal/Retaliation	7,429
Age	4,959
Disability - Physical	4,009
Sex - Female	3,817
Race - Black/African American	3,777

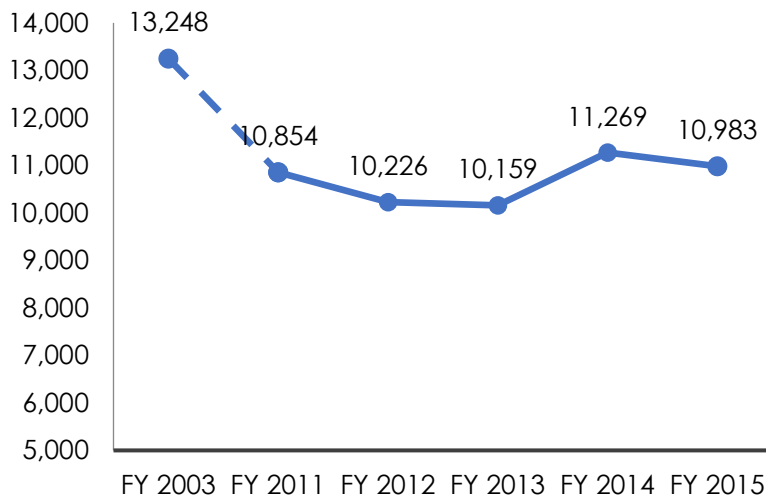
Table 6. 7. Top Five Issues in Complaint Allegations Filed for FY 2015 (B8)

Issue	# of Complaints
Harassment - Non-Sexual	6,262
Disciplinary Action	3,423
Terms/Conditions	2,515
Promotion/Non-Selection	2,499
Assignment of Duties	1,648

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 her 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 2015. Overall, the number of completed investigations has declined since last year, down from 11,269 completed investigations in 2014 to 10,983 completed investigations in 2015. This nonetheless represents the second highest number of completed investigations over the last five fiscal years.

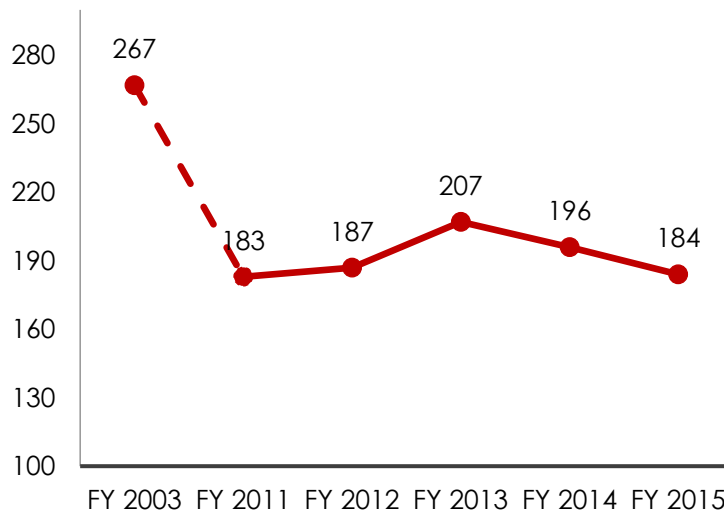


FY	Total Completed Investigations
2003	13,248
2011	10,854
2012	10,226
2013	10,159
2014	11,269
2015	10,983

Note: Dotted line represents a gap between fiscal year 2003 and 2011

Figure 6. 6. Total completed investigations, FY 2011-FY 2015 (B9)

Completed Investigations: Costs and Timeliness. Investigators required, on average, 184 days to complete investigations during FY 2015, down 6% from the previous year, but up 1% from 2011 (Figure 6.7). Overall, average processing days for investigations have decreased by 31% since the introduction of MD-715 in 2003. The average costs of investigations are also down from 2014, from \$4,231.53 in 2014 to \$3,947.50 in 2015 (a 6.7% decline) (Figure 6.8).



FY	Total Agencies	Total Completed Investigations	Average Processing Days
2003	97	13,248	267
2011	117	10,854	183
2012	119	10,226	187
2013	118	10,159	207
2014	112	11,269	196
2015	118	10,969	184

Note. Dotted line represents a gap between fiscal year 2003 and 2011

Figure 6. 7. Average processing days of all completed investigations, FY 2011-FY 2015 (B7)



FY	Total Completed Investigations	Total Cost	Average Cost
2003	13,248	\$37,221,230	\$2,715
2011	10,854	\$49,612,025	\$4,571
2012	10,226	\$44,029,679	\$4,306
2013	10,159	\$42,621,532	\$4,189
2014	11,269	\$47,744,349	\$4,232
2015	10,983	\$43,355,343	\$3,948

Figure 6. 8. Total and average cost of completed investigations, FY 2011-FY2015 (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 its investigations, followed closely by the U.S. Postal Service at 99% and the Department of Transportation at 96%. Rounding out the top five large agencies, the Department of Navy timely completed 85% of its investigations, followed by The Defense Logistics Agency at 82%.

Among medium agencies, the Federal Deposit Insurance Corporation, General Services Administration, and Office of Personnel Management all timely completed 100% of its EEO

investigations, followed by the DOD Office of the Secretary/Washington Headquarters Services at 88% and the Defense Contract Management Agency at 82%. 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)

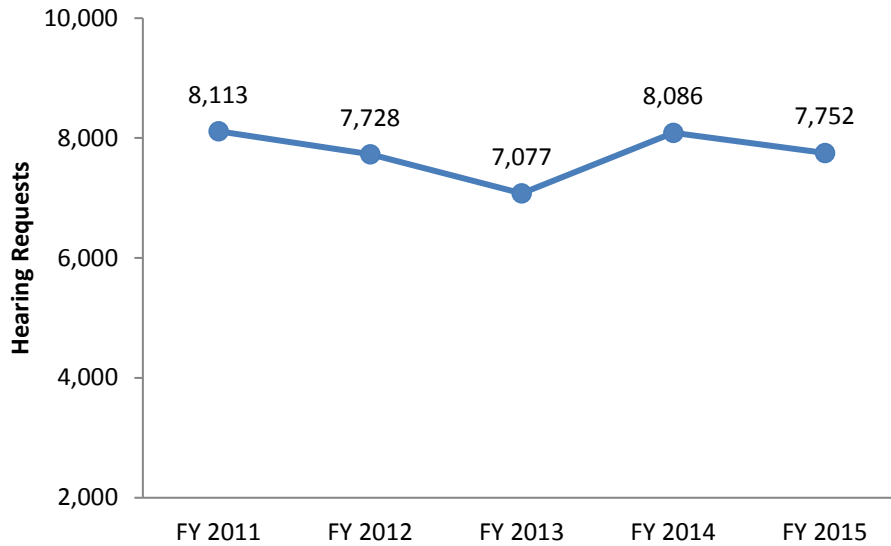
Agency or Department	Completed/ Ended Counselings (excluding remands)	Completed Investigations	Timely Completed Investigations	% Timely Investigations
Large Agencies (15,000 or More Employees)				
Department of Commerce	322	151	151	100%
U.S. Postal Service	12,809	2,950	2,913	99%
Department of Transportation	565	271	261	96%
DOD Department of the Navy	1,639	568	480	85%
DOD Defense Logistics Agency	309	57	47	82%
Medium Agencies (1,000 to 14,999 Employees)				
Federal Deposit Insurance Corporation	56	34	34	100%
General Services Administration	138	53	53	100%
Office of Personnel Management	57	33	33	100%
DOD Office of the Secretary/Washington Headquarters Services	47	34	30	88%
DOD Defense Contract Management Agency	94	33	27	82%

*Agencies with 25 or more completed investigations

Adjudication

Hearing Requests. The complainant may request a hearing with an EEOC Administrative Judge (AJ) within 30 days of receiving the Report of Investigation and notice of rights (29 C.F.R. Section 1614.108(f)), or at any time after 180 days from the filing of the complaint where the investigation has not been completed (29 C.F.R. Section 1614.108(h)). Thereafter, the agency must provide a copy of the complaint file to the EEOC within 15 days. The EEOC will then appoint an AJ who has 180 days to dismiss the complaint, issue a decision on summary judgment where no questions of fact persist, or conduct the hearing and issue a decision based on factual findings in the hearing.

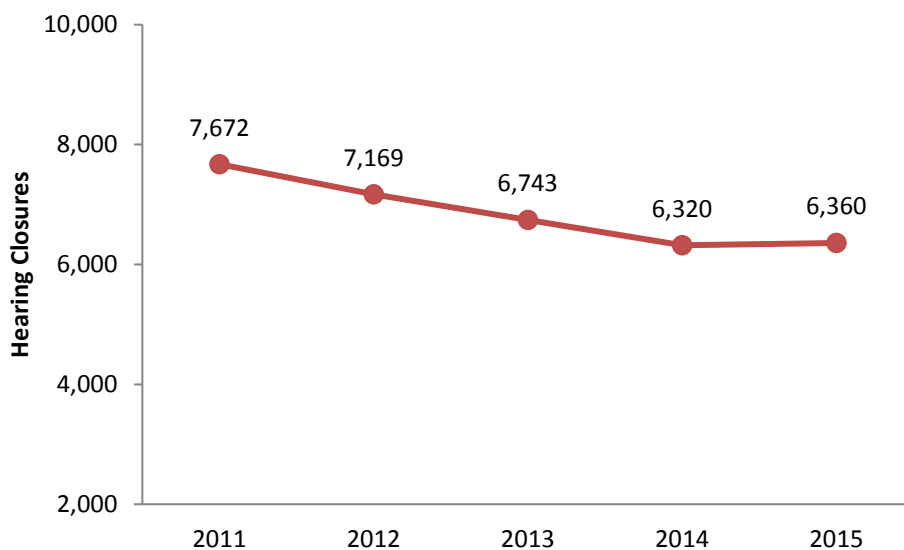
Figure 6.9 displays the total number of hearings requested during FY 2015. Hearings requests are down by 3.7% from FY 2014, from 8,086 to 7,752.



FY	Hearings Requests
2011	8,113
2012	7,728
2013	7,077
2014	8,086
2015	7,752

Figure 6. 9. Total hearing requests, FY 2011-FY 2015

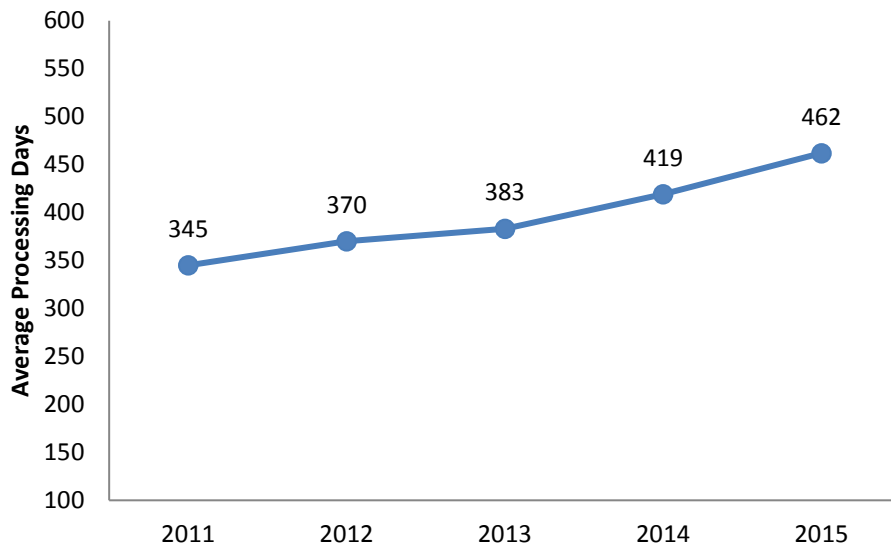
Hearing Closures and Processing Time. As with the number of requests, the number of hearings closures also have continued to decrease in recent years. Hearings closures are down by 5% since 2011, from 7,672 closures in 2011 to 6,360 closures in 2015 (Figure 6.10).



FY	Closures
2011	7,672
2012	7,169
2013	6,743
2014	6,320
2015	6,360

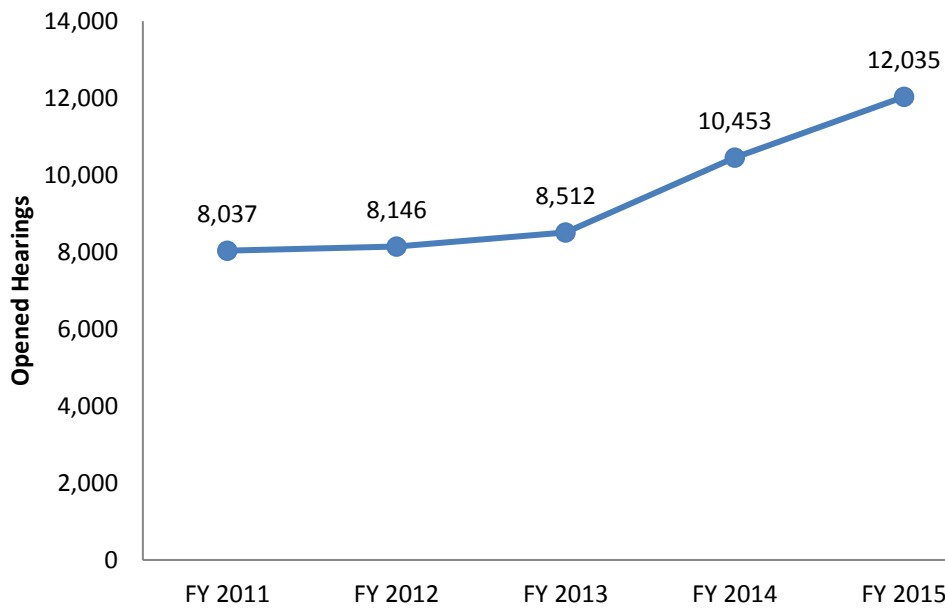
Figure 6. 10. Total hearings closures, FY 2011-FY 2015

While the number of hearings requested and closures have declined, the average number of processing days for hearings closures have increased since FY 2011 (Figure 6.11). In the past five years, the average processing days for hearings closures has increased by almost 34%, from 345 days in 2011 to 462 days in 2015. As of 2015, a total of 12,035 hearings remain open (Figure 6.12).



FY	Average Processing Days
2011	345
2012	370
2013	383
2014	419
2015	462

Figure 6. 11. Average processing days for hearings closures, FY 2011- FY 2015



FY	Opened Hearings
2011	8,037
2012	8,146
2013	8,512
2014	10,453
2015	12,035

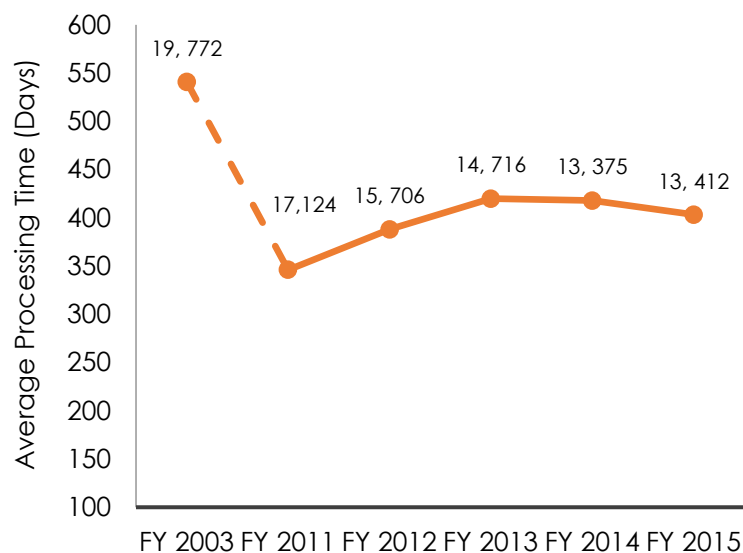
Figure 6. 12. Total opened hearings, FY 2011- FY 2015

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.¹⁶

Figure 6.13 displays the total number of formal complaint closures (AJ Decisions and Final Agency Decisions) and the average processing days for FY 2015. The number of formal complaint closures were up slightly in 2015, from 13,375 in the previous year to 13,412, but down by 32% since 2003. Average processing time for complaint closures decreased between 2014 and 2015 by 15 days. Overall, the average processing days have decreased by 25% since 2003. A full list of the average processing days for complaint closures by agency can be found in Appendix III, Table B10.

¹⁶ 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).



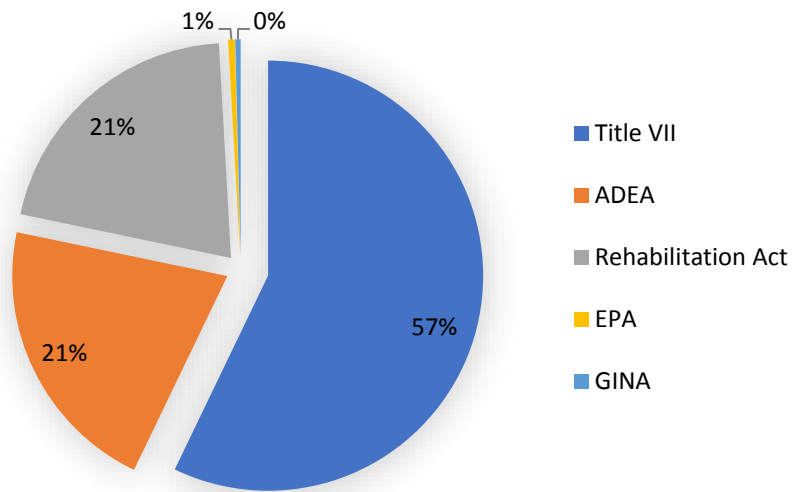
FY	Total Closures	Average Processing Time
2003	19,772	541
2011	17,124	346
2012	15,706	388
2013	14,716	420
2014	13,375	418
2015	13,412	403

Note: Dotted line represents a gap between fiscal year 2003 and 2011

Figure 6. 13. Average processing days for all complaint closures, FY 2011-FY 2015 (B10)

Complaint Closures by Statute. Figure 6.14 displays the total complaint closures by statute for FY 2015.¹⁷ Among all complaint closures, 57% were based on Title VII complaints, while the Rehabilitation Act and ADEA accounted for 21% each. EPA and GINA both accounted for less than 1% of all complaint closures each, consistent with their occurrence in complaints. Overall, Title VII , ADEA, Rehabilitation Act, and EPA closures have reduced slightly since 2003.

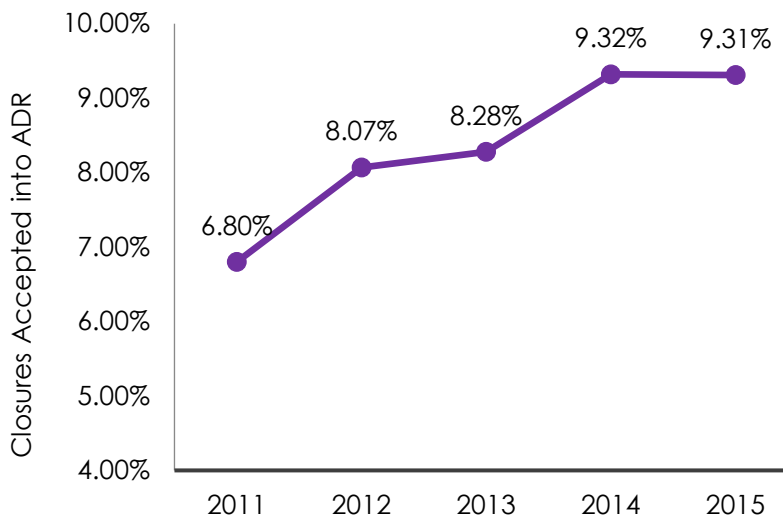
¹⁷ Total complaint closures by statute reported is higher than the total complaints filed due to individuals alleging multiple statutory bases within a single complaint.



FY	Title VII	ADEA	Rehabilitation Act	EPA	GINA
2003	14,808 (61.17)	4,857 (20.07)	4,470 (18.47)	71 (.29)	NA
2015	11,255 (57.14)	4,162 (21.13)	4,102 (20.83)	98 (.50)	79(.40)

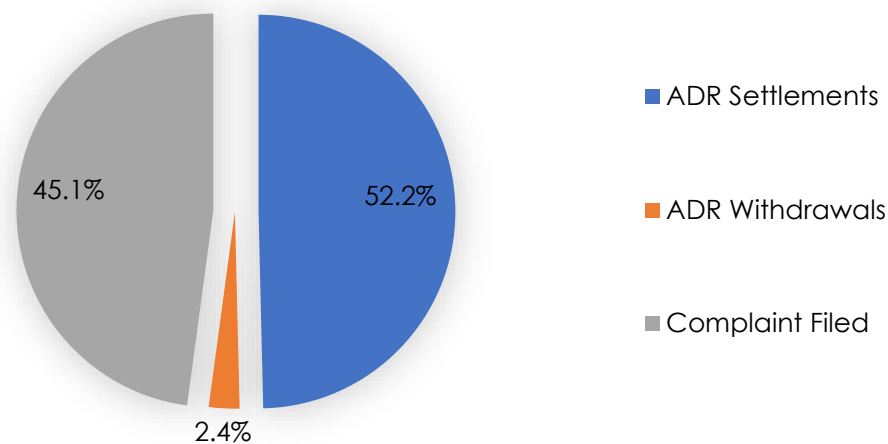
Figure 6. 14. Complaint closures by statute, FY 2015 (B22)

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. Of the 13,412 formal complaint closures in FY 2015, 9.3% were accepted into ADR during the formal complaint stage, consistent with the FY 2014 rate (Figure 6.15). Overall, 1,248 formal complaints accepted into ADR were closed during FY2015, up 5% from 2011. Among the 1,248 formal complaints closed as a result of ADR , approximately 50% were settled while another 2% resulted in a withdrawal, fairly consistent with the rates of settlement and withdrawal from 2011 (Figure 6.16).



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)
2011	17,436	3,071	17.61%	1,886	1,185	6.80%
2012	15,706	3,193	20.33%	1,924	1,268	8.07%
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%

Figure 6. 15. ADR complaint closures acceptance/participation rate, FY 2011-FY 2015 (B19)



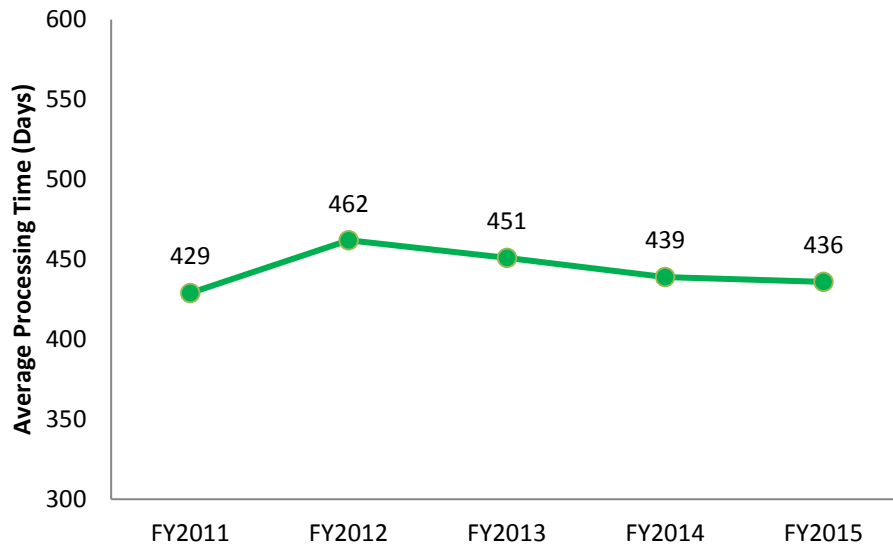
Category	FY 2011	FY 2015
Number ADR Completed	1,185	1,248
Number ADR Settlements	601	652
% ADR Settlements	50.72%	52.24%
Number ADR Withdrawals	29	33
% ADR Withdrawals	2.45%	2.40%
Total Number ADR w/Complaints	630	563
% ADR w/Complaints Filed	53.16%	45.11%

Figure 6. 16. ADR complaint resolutions by type (B20)

Merit Decisions and Processing Time. Another element in agency closures is merit final agency decisions. Merit final agency decisions are those 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.

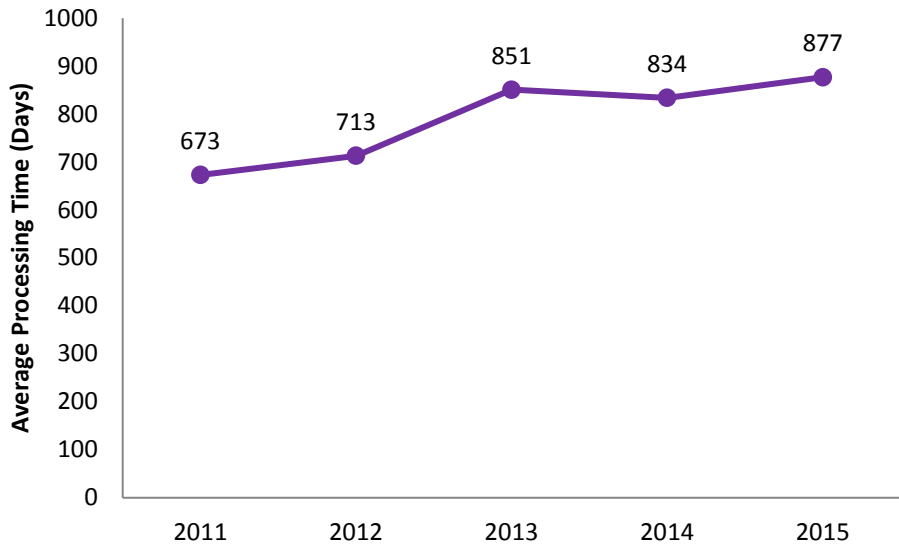
Figure 6.17 displays the total number of merit final agency decisions issued and the average processing days (APD)(from the day a complaint is filed to the day when the agency issues a final decision) for all merit final agency decisions for FY 2015. Merit FADs increased by 7.2% between 2014 and 2015. The APD for FADs was down from 439 days in 2014 to 436 days in 2015.

The number of final agency actions issued after an AJ decision also has decreased since 2014, from 2,382 in 2014 to 1,872 in 2015, down 21% (Figure 6.18). The average processing time for final orders after AJ decisions has generally increased since 2014, from 834 days to 877 days, up 5%. The total number of findings of discrimination among these FADs and final orders have increased only slightly from FY 2014, from 162 to 168 (Figure 6.19). Overall, the number of findings have decreased by 21% since 2011.



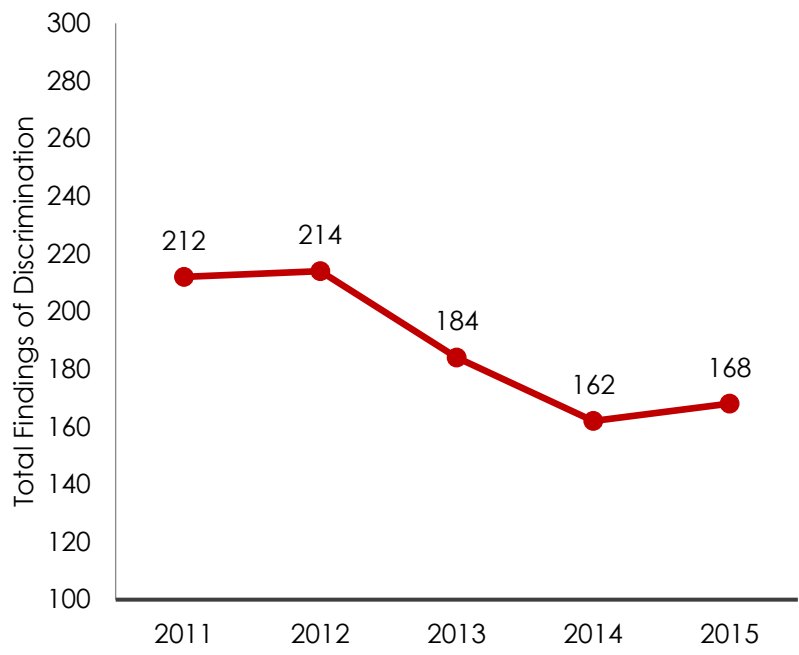
FY	Total Merit FAD Closures	Average Processing Time
2011	4,428	429
2012	4,118	462
2013	4,205	451
2014	3,858	439
2015	4,137	436

Figure 6. 17. Average processing days for all final agency decisions, FY 2011-FY 2015 (B17)



FY	Total Final Agency Actions w/AJ Decisions	Average Processing Time
2011	2,998	673
2012	2,640	713
2013	2,536	851
2014	2,382	834
2015	1,872	877

Figure 6. 18. Average processing days for final orders fully implementing AJ decisions, FY 2011- FY 2015 (B17)

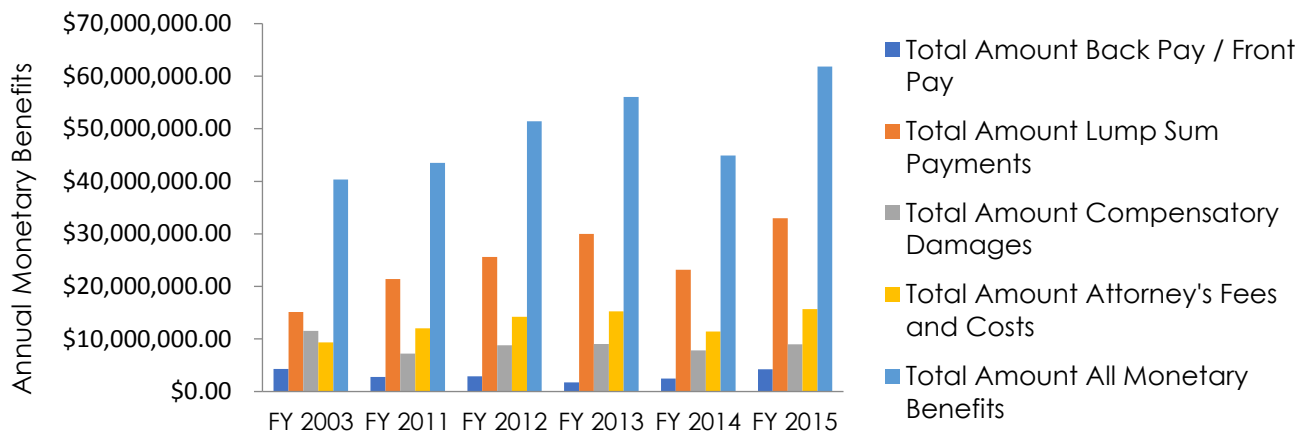


FY	Total Number Merit Complaint Closures	Total Findings	Number Merit Final Agency Decisions (FADs) (no AJ)	Number Merit FADs Finding Discrimination	Number Final Orders (FOs) of AJ Merit Decisions	Number FOs of AJ Merit Decisions Finding Discrimination
2011	7,426	212	4,428	52	2,998	160
2012	6,758	214	4,118	59	2,640	155
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

Figure 6. 19. Rate of findings of discrimination, FY 2011-FY 2015 (B15)

Monetary Benefits Awarded (Formal Complaint Closures). The chart below (Figure 6.20) reveals the formal complaint closures with monetary benefits, governmentwide, with FY 2003 as a comparison year. The monetary benefits are categorized as followed; back pay/front pay, lump sum payments, compensatory damages, and, attorney's fees.

In FY 2015, the monetary benefits awarded during the complaint stage amount to nearly 62 million dollars, a 38% increase from FY 2014. Except for a dip in FY 2014, the total monetary benefits have steadily risen in the past five years.

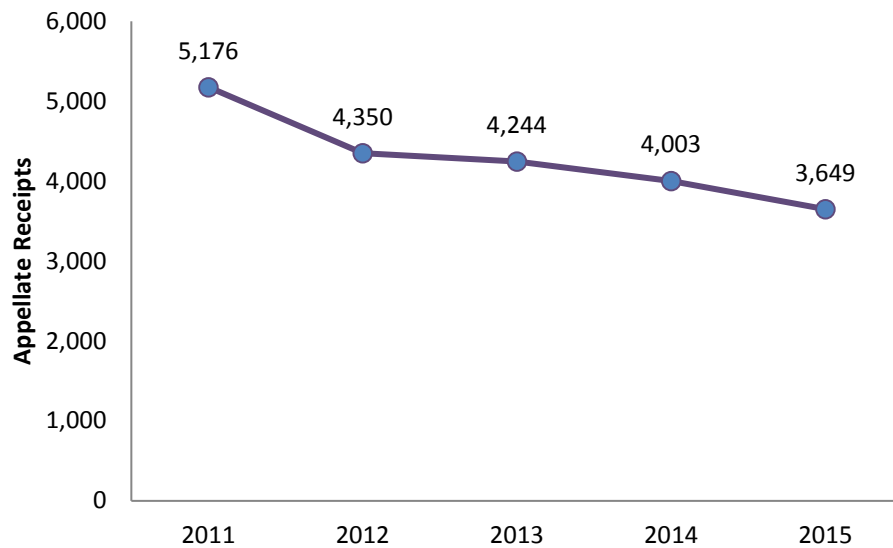


Fiscal Year	FY 2003	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Total Amount Back Pay / Front Pay	\$4,313,643	\$2,804,170	\$2,870,182	\$1,733,130	\$2,441,350	\$4,256,668
Total Amount Lump Sum Payments	\$15,120,528	\$21,406,713	\$25,606,421	\$29,968,548	\$23,171,795	\$32,955,785
Total Amount Compensatory Damages	\$11,559,078	\$7,221,795	\$8,774,558	\$9,073,887	\$7,819,306	\$8,987,545
Total Amount Attorney's Fees and Costs	\$9,335,676	\$12,045,427	\$14,192,169	\$15,249,036	\$11,447,634	\$15,658,232
Total Amount All Monetary Benefits	\$40,328,926	\$43,478,106	\$51,443,329	\$56,024,601	\$44,880,089	\$61,858,231

Figure 6. 20. Monetary benefits awarded during complaint process, FY 2011-FY 2015 (B21)

Appeals

Appeals Requests and Processing Time. When a complainant or agency is dissatisfied with a FAD or final order after an AJ decision, either party has the right to file an appeal with the EEOC Office of Federal Operations within 30 days of a decision for the aggrieved and 40 days for the agency.¹⁸ Figure 6.21 displays the total number of appeal requests for FY 2015. Appeal Requests are down by 29% since 2011, from 5,176 to 3,649 requests.

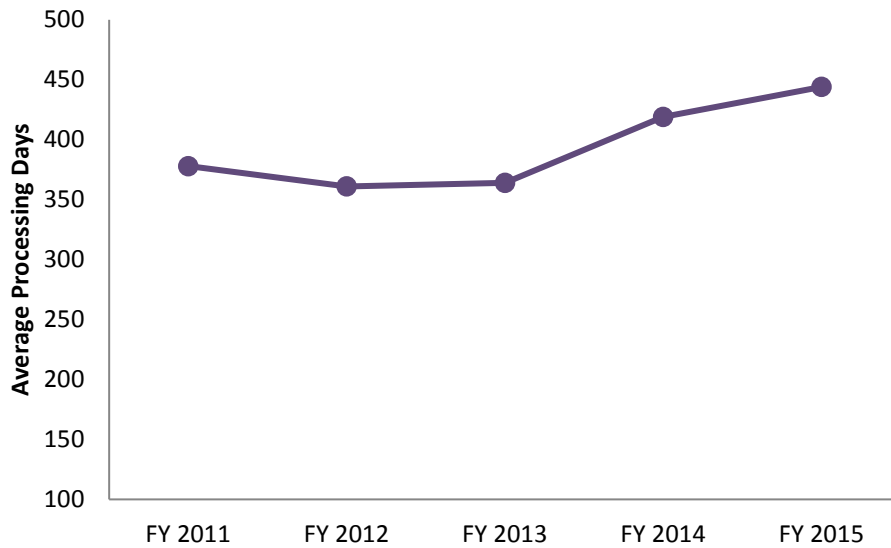


FY	Appellate Receipts
2011	5,176
2012	4,350
2013	4,244
2014	4,003
2015	3,649

Figure 6. 21 Appeal receipts, FY 2011- FY 2015

Figure 6.22 displays the average processing days for appeals. The average processing days for appeals has increased since 2014 from 419 days to 444 days, a 6% increase.

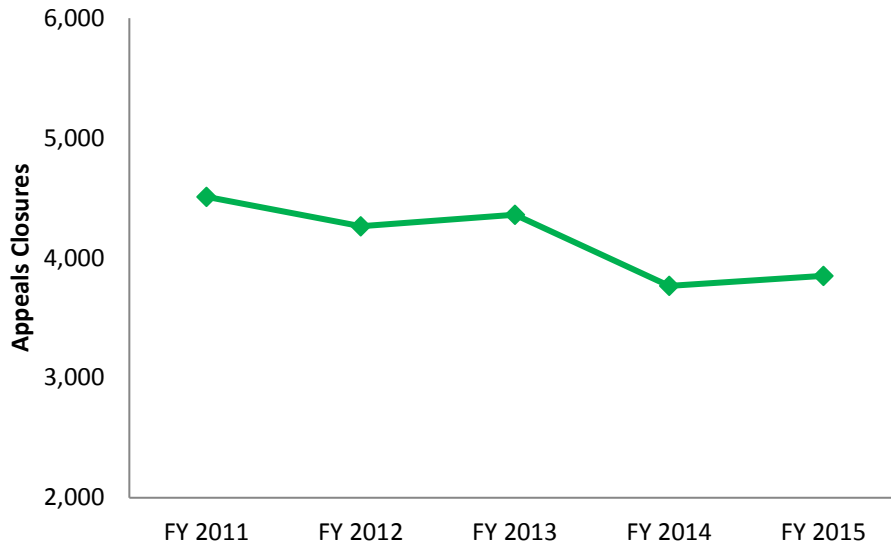
¹⁸ The complainant has 30 days to appeal from receipt of the final agency decision or order, 29 C.F.R. § 1614.402(a), while the agency has 40 days from receipt of an AJ's decision to issue a final order rejecting the AJ's decision and simultaneously appealing to OFO. 29 C.F.R. § 1614.110(a). The 30-day time frame also applies to appeals from final decisions by an agency, arbitrator, or Federal Labor Relations Authority on matters alleging employment discrimination and subject to negotiated grievance procedures. 29 C.F.R. §§1614.401 (d) .402(a). In appeals involving settlement breach, the complainant may appeal any time after 35 days from notifying the agency of alleged settlement noncompliance, but must appeal within 30 days of the agency's determination on whether the agreement was breached. 29 C.F.R. § 1614.402(b).



FY	Average Processing Days
2011	378
2012	361
2013	364
2014	419
2015	444

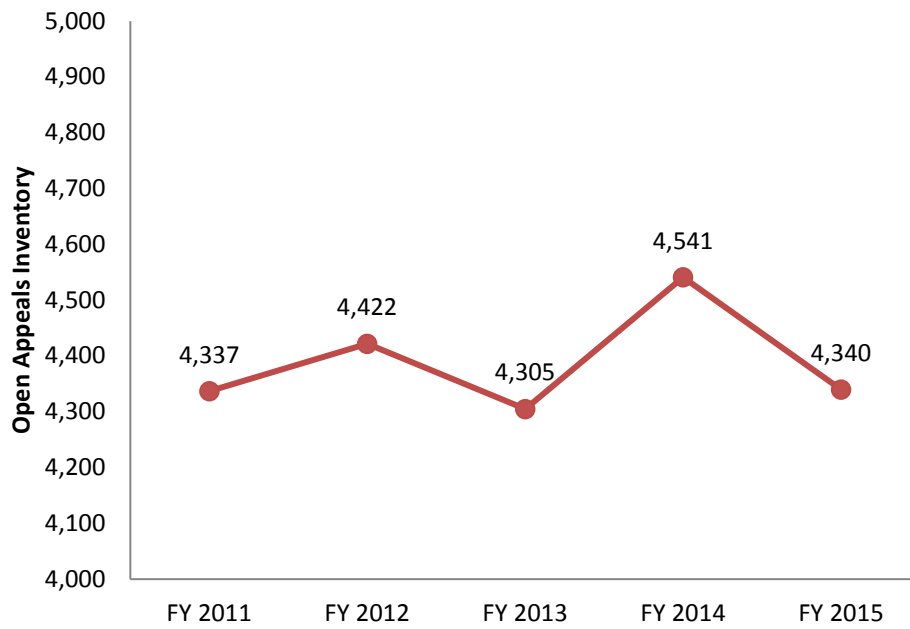
Figure 6. 22. Average appeals processing time by total inventory, FY 2011-FY 2015

Appeals Closures. Appeal closures have generally decreased in recent years, down from 4,510 appeals closed in 2011 to 3,850 appeals closed in 2015 (a 15% decrease) (Figure 6.23). OFO closed slightly more appeals in FY 2015 compared to the prior year. Decreasing requests combined with an increase in closures has led OFO's appeal inventory to decline by almost 5% in comparison to the prior year, to 4,340 open appeals in FY 2015 (Figure 6.24).



FY	Appeals Closures
2011	4,510
2012	4,265
2013	4,361
2014	3,767
2015	3,850

Figure 6. 23. Appeals closures, FY 2011-FY 2015



FY	Open Appeals
2011	4,337
2012	4,422
2013	4,305
2014	4,541
2015	4,340

Figure 6. 24. Open appeals, FY 2011-FY 2015

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. 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.

Data reveals that over 90% of reporting agencies evaluated managers and supervisors on their commitment to EEO, had readily accessible reasonable accommodations procedures, and had senior managers assist with barrier analysis. Problematically, however, under 65% of agencies had the EEO director report directly to the agency or subcomponent head. This not only violates EEOC regulations (29 C.F.R. § 1614.102(b)(4)), but it also limits the effectiveness of the EEO directors. When the agency head is supportive of and actively engaged with the EEO program, it tells all employees to take EEO seriously. Federal agencies should take steps to remedy this issue and to demonstrate their intentions to prevent employment discrimination.

Regarding federal workforce composition, all race/national origin by gender groups, with the exception of Hispanics and Whites, continued to participate at rates above their representation in the 2010 CLF. Hispanics, Asians, and American Indians/Alaska Natives had increasing participation between 2003 and 2015, with Hispanic males approaching their CLF benchmark. Whites, however, had decreasing participation rates; White men remained near their CLF participation rate, and White females' participation rate was about 9% below their CLF participation rate. The participation rates of African American/Blacks of both sexes remained relatively constant -- far above their CLF participation rates.

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 2015, 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. However, all other groups for which we have 2003 data increased their participation in senior level pay positions, and almost all increased their participation in GS Grades 12 through 15. This increase in higher level participation was particularly notable for Black females and Asian females. Within the senior level pay positions, American Indians/Alaska Natives saw substantial participation increases. Note that despite these increases, most groups still hold these positions at rates lower than their overall GS participation rates. Training and development programs may help to remedy this issue.

For people with targeted disabilities, participation rates dropped in 2015 in comparison to 2003, leaving their presence in the federal government far below the FY 2015 2% benchmark for such workers. People with targeted disabilities also had lower participation rates in higher GS grades and senior level pay positions than they did in lower level positions. EEOC hopes that its work to amend regulations to implement Section 501 of the Rehabilitation Act of 1973 will reverse this trend and improve the 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 14,871 in 2015), and a smaller proportion of counselings resulting 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 212 in 2011 to 168 in 2015.

Despite declines in complaints and findings, EEO issues are still costly for federal agencies. Pre-complaint resolutions that included monetary benefits resulted in an average award of \$7,976, up almost \$2,900 from the previous year. Moreover, in FY 2015, the total monetary benefits awarded during the complaint stage amounted to nearly \$62 million, up 38% from FY 2014. More than half of that spending resulted from lump sum payments, which are often, but not always, associated with harassment. The average costs of investigations, however, declined from the previous year to \$3,948, a decline of 6.7%.

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 87.33%), and accepted most times when offered (60.9%). The efficiency of complaint closures has improved, with the average processing days for complaint closures dropping by 25% since 2003. This could be due to speedier completion of intermediate steps: the average processing days for completed investigations has decreased by 31%, and the average processing days for final agency decisions has decreased by 8%.

There is room for improvement in the federal sector with respect to EEOC AJ processing times, agency decisions about whether to fully implement AJ decisions, and OFO appellate case processing. In the past five years, the inventory of opened hearings awaiting an AJ decision has increased by almost 50%, and the average processing days for hearings closures have increased by over one-third. The average processing days for an agency to fully implement an AJ's decision has increased by 10% since 2003. Additionally, appeal requests are down by 48%, but the average appeals processing time by total inventory has increased to 444 days.

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 cooperating 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, EEOC, in cooperation with its federal partners, will continue to work towards that goal.

APPENDIX I

Glossary

Administrative Support Workers - See "Occupational Categories."

Affirmation Rate - The percentage of appeal closures that were affirmed by the EEOC.

ADR Closures - The number of counselings or complaints that completed the ADR process during the fiscal year.

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

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

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

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).

Annual Reports - Reports required to be submitted to EEOC on agencies' affirmative employment program accomplishments pursuant to EEOC Management Directive 715.

Appeal Closures - The number of appeals decided by EEOC during the fiscal year.

Appeal Receipts - The number of appeals filed with EEOC during the fiscal year.

Appeals Inventory - The number of appeals on hand at the end of the fiscal year.

Average Age of Open Pending Inventory - Average number of days of all complaints, hearings or appeals which are not yet resolved at the end of the reporting period.

Average Processing Time (APT) - The total number of days divided by the number of investigations, complaint closures, hearing closures, or appeal closures.

Central Personnel Data File (CPDF) - This is a computer data file created and maintained by the OPM. The file is based on personnel action information submitted directly to the OPM by

Executive Branch federal agency appointing offices, and is updated monthly. Some Executive Branch agencies do not submit data to the CPDF including the following: the Tennessee Valley Authority, United States Postal Service, Army & Air Force Exchange Service, Central Intelligence Agency, Defense Intelligence Agency, National Geospatial-Intelligence Agency, and the National Security Agency.

Civilian Labor Force (CLF) - Data derived from the decennial census 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 the 2000 Census.

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

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

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

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 Rate - The percentage of individuals who completed counseling per the total work force.

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

Craft Workers - See "Occupational Categories."

Data from 2000 Census Special EEO File - Data derived from the 2000 decennial census (www.census.gov/eeo2000/).

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).

EEOC Form 462 Report - The document in which federal agencies report their discrimination complaint process statistics by October 31st of each year.

Federal Wage System Positions - Positions OPM classifies as those whose primary duty involves the performance of physical work which requires a knowledge or experience of a trade, craft, or manual-labor work.

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.

General Schedule Positions - Positions OPM classifies as those whose primary duty requires knowledge or experience of an administrative, clerical, scientific, artistic, or technical nature.

Hearing Closures - The number of hearings decided by EEOC Administrative Judges during the fiscal year.

Hearing Requests - The number of hearings requested by complainants during the fiscal year.

Hearings Inventory - The number of hearing requests on hand at the end of the fiscal year.

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

Laborers and Helpers - See "Occupational Categories."

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.

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

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 which agencies use to annually report the status of its activities undertaken pursuant to its EEO program under Title VII of the Civil Rights Act of 1964 and its activities undertaken pursuant to its affirmative action obligations under the Rehabilitation Act of 1973.

Monetary Benefits - A payment that an agency agreed to provide in a settlement agreement, a final agency decision finding discrimination, a final order agreeing to fully implement an EEOC Administrative Judge's decision containing a payment award, or in compliance with an Office of Federal Operations' appellate decision which ordered 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.

Occupational Categories - The occupational categories for the EEO-9 are as follows:

- **Administrative Support Workers** - Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly non-manual though some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, collectors (bills and accounts), messengers and office helpers, office machine operators (including computer), shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, legal assistants, and kindred workers.
- **Craft Workers** - Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: the building trades, hourly paid supervisors and lead operators who are not members of management, mechanics and repairers, skilled machining occupations, compositors and typesetters, electricians, engravers, painters (construction and maintenance), motion picture projectionists, pattern and model makers, stationary engineers, tailors, arts occupations, hand painters, coaters, bakers, decorating occupations, and kindred workers.
- **Laborers and Helpers** - Workers in manual occupations which generally require no special training who perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: garage laborers, car washers and greasers, grounds keepers and gardeners, farm workers, stevedores, wood choppers, laborers performing lifting, digging, mixing, loading and pulling operations, and kindred workers.
- **Officials and Managers** - Occupations requiring administrative and managerial personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual offices, programs, divisions or other units or special phases of an agency's operations. In the federal sector, this category is further broken down into four sub-categories: (1) Executive/Senior Level - includes those at the GS-15 grade or in the career Senior Executive Service, (2) Mid-Level - includes those at the GS-13 or 14 grade, (3) First-Level - includes those at or below the GS-12 grade and (4) Other - includes employees in a number of different occupations which are primarily business, financial and administrative in nature, and do not have supervisory or significant policy responsibilities, such as Administrative Officers.
- **Operatives** - Workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks

and require only limited training. Includes: apprentices (auto mechanics, plumbers, bricklayers, carpenters, electricians, machinists, mechanics, building trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, delivery workers, sewers and stitchers, dryers, furnace workers, heaters, laundry and dry cleaning operatives, milliners, mine operatives and laborers, motor operators, oilers and greasers (except auto), painters (manufactured articles), photographic process workers, truck and tractor drivers, knitting, looping, taping and weaving machine operators, welders and flame cutters, electrical and electronic equipment assemblers, butchers and meat cutters, inspectors, testers and graders, hand packers and packagers, and kindred workers.

- **Professionals** - Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background.
- **Technicians** - Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through two years of post-high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training.
- **Sales** - Occupations engaging wholly or primarily in direct selling.
- **Service Workers** - Workers in both protective and non-protective service occupations.

Officials and Managers - See "Occupational Categories."

Operatives - See "Occupational Categories."

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.

Outreach - Presentations and participation in meetings, conferences and seminars with employee and employer groups, professional associations, students, non-profit entities, community organizations and other members of the general public to provide general information about the EEOC, its mission, the employment discrimination laws enforced by EEOC and the complaint process.

Participation Rate - The extent to which members of a specific demographic group are represented in an agency's work force.

Permanent Work Force - Full-time, part-time and intermittent employees of a particular agency. For purposes of this Report, those persons employed as of September 30, 2011.

Professionals - See "Occupational Categories."

Race/Ethnicity -

- **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.

Sales Workers - See "Occupational Categories."

Second Level Reporting Component - A subordinate component of a Federal agency which has 1,000 or more employees and which is required to file EEOC FORM 715-01 with the EEOC. While many Federal agencies have subordinate components, not every subordinate component is a Second Level Reporting Component for purposes of filing EEOC FORM 715-01. A list of Federal agencies and departments covered by MD-715 and Second Level Reporting Components is posted on the EEOC's website at: [Department or Agency List with Second Level Reporting Components](#).

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.

Service workers - See "Occupational Categories."

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".

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))."

Technicians - See "Occupational Categories."

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

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.

Total Work Force - All employees of an agency subject to 29 C.F.R. Part 1614 regulations, including temporary, seasonal and permanent employees. Total Work Force numbers in Part I, Sections A-D are as reported in the OPM's CPDF. Total Work Force numbers in Part I, Section E are as reported by agencies in their EEO Form 462 Reports.

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

APPENDIX II

Workforce (A) Tables available at www.eeoc.gov/federal/reports/fsp2015/.

APPENDIX III

Complaint Processing (B) Tables available at www.eeoc.gov/federal/reports/fsp2015/.

APPENDIX IV

Senior Pay Level by Disability Status (Infographic)

Senior Pay Level by Disability

Targeted Disabilities

- Hearing Impaired
- Vision Impaired
- Missing Extremities
- Partial Paralysis
- Complete Paralysis
- Epilepsy
- Psychiatric Disability
- Dwarfism
- Severe Intellectual Disability

10.8% of the total government workforce has a disability.

12.2% of those employees have a targeted disability.

The Government Workforce: 1,347,746



Workers receiving senior level pay.



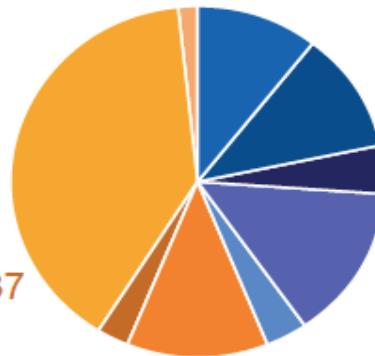
Workers receiving senior level pay, that have a disability.



Workers receiving senior level pay, that have a targeted disability.

Government Employees with a Targeted Disability: 15,727

Hearing: 1,671
Vision: 1,767
Missing Extremities: 674
Partial Paralysis: 2,239
Complete Paralysis: 576
Epilepsy: 1,919
Severe Intellectual Disability: 437
Psychiatric Disability: 6,185
Dwarfism: 259



Government Employees with a Targeted Disability Receiving Senior Level Pay: 32



Data comes from MD-715 reports as submitted by federal agencies in FY 2015. Only includes permanent employees. Does not include Department of the Air Force, Department of Commerce, National Gallery of Art, Farm Credit Administration nor Farm Credit System Insurance Corporation. Data from other agencies that do not report General Schedule Pay Plan Participation Rates are also excluded.

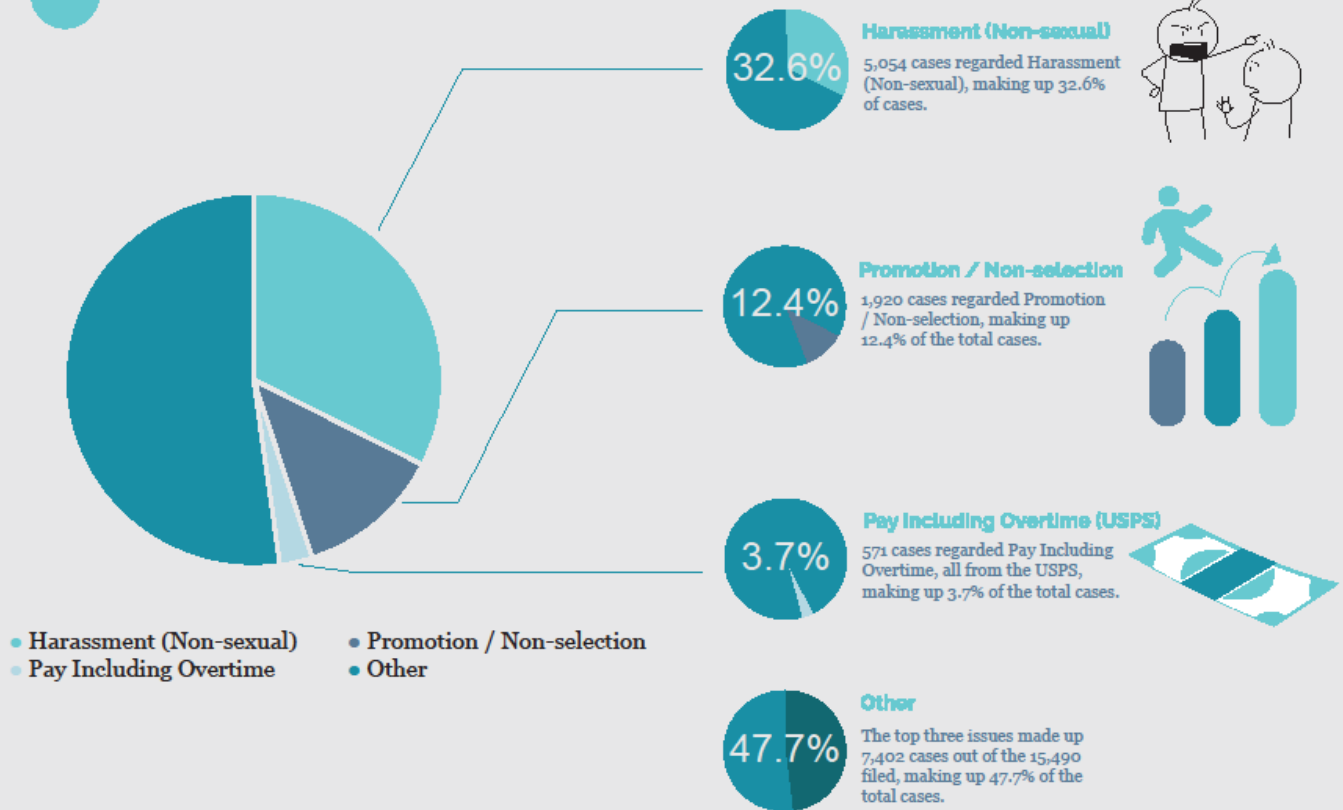
APPENDIX V

Top 3 Complaint Issues (Infographic)

What were the Top 3 Complaint Issues Reported to the EEOC in 2015?

Statistics

Top 3 Issues



Data Source: United States Equal Employment Opportunity Commission. (2015). Table P-3 FY 2015 Top Three Issues [Data file]. Unpublished raw data.