

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

OFFICE OF FEDERAL OPERATIONS



EEOC FORM 462

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF
DISCRIMINATION COMPLAINTS USER'S INSTRUCTION MANUAL

FISCAL YEAR 2014 REPORT
(OCTOBER 1, 2013 - SEPTEMBER 30, 2014)

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INTRODUCTION

EEOC Regulation 29 C.F.R. § 1614.602 requires federal agencies and departments covered by 29 C.F.R. § 1614.103(b), to report information concerning pre-complaint counseling and the status, processing and disposition of complaints under this part at such times and in such manner as the Commission prescribes. The EEOC Form 462 report, as shown in [Appendix F](#), is used to format the discrimination complaint data agencies provide through the Federal Sector EEO Portal (FedSEP).

In this document, we provide information that agency Form 462 preparers and EEO Directors need to understand concerning the data that must be entered into the agency's Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints (EEOC Form 462) for Fiscal Year (FY) 2014 (October 1, 2013 - September 30, 2014).

Agency reports, with all data certified as accurate and accepted by EEOC are due on or before Thursday, October 31, 2014.

Detailed data descriptions are provided in this Instruction Manual for each part of the Form 462 report. Additional information is provided in the Appendices.

REPORTING REQUIREMENTS (Including Sub-component Reporting)

EEOC Regulation 29 C.F.R. §1614.602(a) requires agencies to report to the EEOC information concerning pre-complaint counseling and the status, processing and disposition of complaints under this part at such times and in such manner as the Commission prescribes.

The requirement to file an EEOC Form 462 Report applies to all federal agencies and departments covered by 29 C.F.R. Part 1614, as defined in 29 C.F.R. § 1614.103(b). This includes Executive agencies as defined in 5 U.S.C. 105, Military departments as defined in 5 U.S.C. 102, the Government Printing Office, the Postal Regulatory Commission, the Smithsonian Institution, the Tennessee Valley Authority, the United States Postal Service, and those units of the judicial branch of the federal government having positions in the competitive service.

Since the Fiscal Year 2003 report filing, EEOC has required sub-components to enter separate report data.

A sub-component for Form 462 reporting purposes is defined as any organizational sub-unit directly below the agency or department level which has 1000 or more employees.

Agencies/departments with one or more sub-components of at least 1000 employees must complete the Form 462 report for those sub-component(s). The same agencies/departments may choose to report the data for sub-components with less than 1000 employees in one combined "other" sub-component report and/or in separate reports for the other sub-components.

For prior year reports, many agencies voluntarily chose to input all agency/department Form 462 data in sub-components (designated by the agency). Because the data automatically rolls up into the agency/department report, such agencies/departments did not have to add the data manually for each cell of the report. This resulted in fewer

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errors in the agency reports that needed correction. These agencies may continue to report in this manner.

The agency's report must be certified and then accepted by the Commission and thus in a Final status not later than October 31st, 2014, to be considered timely filed, unless an extension is granted.

Visual Aids



The **Caution** icon points to a “caution” notice that explains data requirements and requires agencies to **choose the proper line** on which to include the data.



The **Pencil** icon points to **explanations for required comment boxes**.

To further assist the reader, needed information is displayed in **color-coded text boxes**: regulations in a yellow text box, examples in a green text box:

Regulations

Example

RELATIONSHIP BETWEEN PART 1614 REGULATIONS AND FORM 462 REPORTS

Laws Enforced by EEOC

Title VII prohibits employment discrimination based on race, color, religion, sex, and national origin.

Title VII was amended to specify that pregnancy discrimination is discrimination based on sex. A complaint alleging pregnancy discrimination should be reported as alleging sex discrimination under the Pregnancy Discrimination Act.

The ADEA prohibits employment discrimination based on age (40 years or older).

The Rehabilitation Act prohibits discrimination based on physical and mental disability. It also requires agencies to provide reasonable accommodations needed by individuals with disabilities to perform the essential functions of their job.

The Equal Pay Act prohibits sex-based wage discrimination between men and women in the same agency who are performing under similar working conditions.

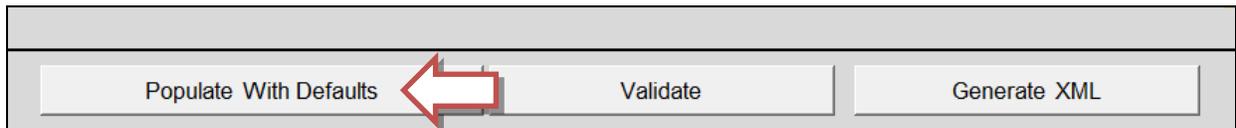
The Genetics Information Nondiscrimination Act prohibits discrimination based on genetic information. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder or condition of an individual's family members (i.e. an individual's family medical history).

EEOC Regulation (29 C.F.R. §1614.101(b)) prohibits retaliation (reprisal) for opposing any practice made unlawful by the statutes listed above or for participating in any stage of the administrative or judicial proceedings resulting from the above listed statutes.

Retaliation/reprisal claims should be reported in Part V on the line that describes the activity that led to the retaliation/reprisal, for example, retaliation for filing a complaint of age discrimination would be reported on the ADEA line.

Summary - All PARTS – I THROUGH XII

- **Key definitions** are included with the instructions for the Part where they are first needed. For example, a “counseling” is defined with the “Part I - Pre-complaint Activities” instructions. An “investigation” is defined with the “Part VIII - Summary of Pending Complaints By Category” instructions. All definitions, including some definitions for specific line entries, are included in alphabetical order in “[Appendix B](#) - Definitions.”
- For purposes of the FY 2014 Form 462 Report, when these instructions refer to the “**prior reporting period**,” the instructions are referring to the FY 2013 reporting period, from October 1, 2012 through September 30, 2013.
- If there was no activity to report, a zero should be entered in the appropriate spaces. An automatic zero entry feature is available on the **Data Checks** sheet. It is recommended that all actual data be entered before the “**Populate With Defaults**” button is clicked.

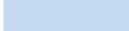


- If you need to provide an explanation for any data field of the EEOC Form 462, navigate to the Data Checks worksheet and locate the row containing the entry. Each entry has a Comment field to the far right in column K. Type the comment for the entry in the Comment cell. To ensure the comment is saved click the Save icon in the Excel toolbar.
- **Fail** appears when entered data fails a specific data check. Agencies should verify that the data entered is correct. For select data checks the preparer has the option to state an explanation in a comment box as to why the data differs from the regulatory time limits for complaint processing. This will allow the preparer to by-pass the failed state in the Excel tool however this will trigger a subsequent leadership review of the justification.



INSTRUCTIONS

1. Enter data into light blue shaded cells

Example = 

-All light blue cells must be filled in for form to be considered complete.

-If you have entered your data and there still remains empty data entry cells you may click the Populate with Defaults button on the Data Checks worksheet to declare any remaining cells with default values.

Enter data into orange shaded cells

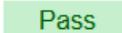
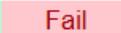
Example = 

-These fields are optional.

-Autocalculated cells are shaded dark blue.

Example = 

2. Validate Data Entry

Example =  

-Validate that entered data passes business rules and data type validation by clicking on the Validate button on the Data Checks worksheet.

- Any violations will be displayed on the Data Checks worksheet.

- Some violations simply require comments to pass.
Enter comments directly on the Data Checks worksheet.

- Some violations require data from prior fiscal years to be entered directly onto the Data Checks worksheet.

3. Generate XML version of Form 462 Report

- Click on the Generate XML button once all violations are resolved.

- Select a folder location to save file.

- Data file is now ready to manually submit to EEOC

PROFILE

In order to identify the Agency and Sub-Component: Please complete the Profile worksheet, by entering the assigned Agency Code. A List of authorized agency codes is on the **Guidance** page of the FedSEP portal.

EEOC Form 462 Excel Tool 2014.1.1

AGENCY CODE

ENABLE MACROS IN EXCEL

Enabling Macros

Certain functionality in this Excel template is dependent on MS Excel macros.

If you receive an error indicating that macros are disabled attempt the following steps to enable macro functionality:

1. Click the **Microsoft Office Button**  and then click **Excel Options**.
2. Click **Trust Center**, click **Trust Center Settings**, and then click **Macro Settings**.
3. Click the options that you want:

Disable all macros with notification This is the default setting. Click this option if you want macros to be disabled, but you want to get security alerts if there are macros present. This way, you can choose when to enable those macros on a case by case basis.

Enable all macros (not recommended, potentially dangerous code can run) Click this option to allow all macros to run. This setting makes your computer vulnerable to potentially malicious code and is not recommended for long term use.

If you receive a security alert that the file contains encrypted macros that have been disabled because there is no antivirus software installed that can scan them it is recommended that you:

Contact your local IT department to request temporary enabling of the macros.
(If this is unavailable to you please contact the FEDSEP helpdesk)

DATA CHECKS

When data entry in all cells on all pages 1-12 of the workbook is completed, the User must go to the **Data Checks** worksheet and click the **Validate** button. This macro will result in a list of data checks that Fail. All data checks must be in a **Pass** state in order to generate the .XML file that must be uploaded to the FedSEP portal.

	Pass/Fail	Value 1	Must Be	Value 2	Previous Year Va	Part	Table Name
5	Fail	233	=	N/A	235	Part I	Pre-Complaint Counseling
6	Fail	231	=	N/A	229	Part I	Pre-Complaint Counseling
14	Fail	483	=	508	N/A	Part I	Pre-Complaint Counseling
15	Pass	496	=	496	N/A	Part I	Pre-Complaint Counseling
385	Fail	1	=	0	N/A	Part III	Agency Resources, Training, Reporting
4751	Fail		Not empty	N/A	N/A	PART XII	SUMMARY OF EEO ADR PROGRAM ACTIVITIES
4761							D.1 -- On Hand At The Beginning Of The Rep
4762							D.1 -- On Hand At The Beginning Of The Rep
4763							D3c -- Counseling Completed/Ended in Rep
4764							D3c -- Counseling Completed/Ended in Rep
4765							D3c -- Counseling Completed/Ended in Rep
4766							D3c -- Counseling Completed/Ended in Rep
4767							D3c -- Counseling Completed/Ended in Rep
4768							D3c -- Counseling Completed/Ended in Rep
4769							D3c -- Counseling Completed/Ended in Rep
4770							D3c -- Counseling Completed/Ended in Rep
4771							D3c -- Counseling Completed/Ended in Rep
4772							D3c -- Counseling Completed/Ended in Rep
4773							D3c -- Counseling Completed/Ended in Rep
4774							D3c -- Counseling Completed/Ended in Rep
4775							D3c -- Counseling Completed/Ended in Rep
4776							D3c -- Counseling Completed/Ended in Rep
4777							D3c -- Counseling Completed/Ended in Rep
4778							D3c -- Counseling Completed/Ended in Rep
4779							D3c -- Counseling Completed/Ended in Rep
4780							D3c -- Counseling Completed/Ended in Rep
4781							D3c -- Counseling Completed/Ended in Rep
4782							D3c -- Counseling Completed/Ended in Rep
4783							D3c -- Counseling Completed/Ended in Rep
4784							D3c -- Counseling Completed/Ended in Rep
4785							D3c -- Counseling Completed/Ended in Rep

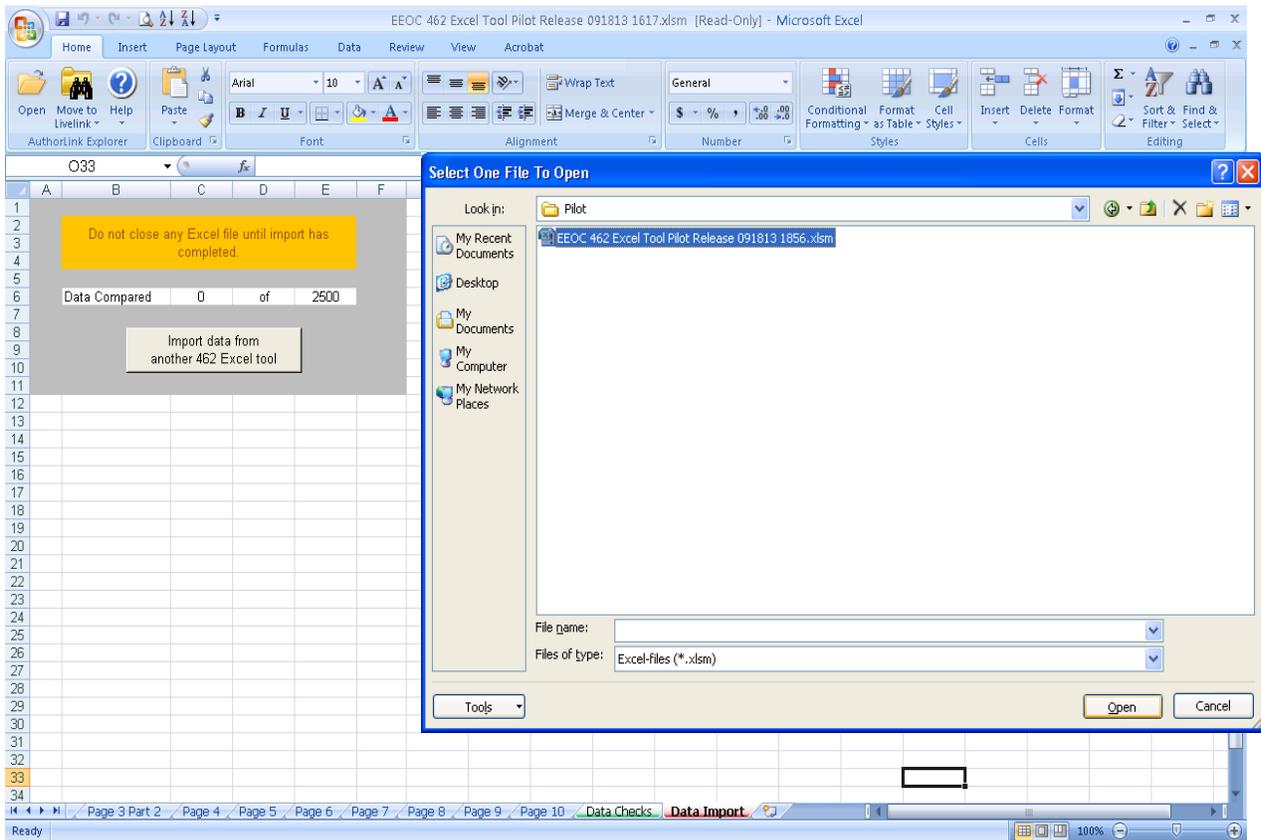
Some of the data check Fails may require the User to enter data in the Data Checks worksheet from last year's report. Other Fails may require the User to enter a comment in column K of the Data Checks worksheet. Most of the Data Checks will require the User to go to reconcile and determine the incorrect data that was entered in the worksheet page and modify or change the data that is creating the Fail state.

(NOTE: Do not upload the Excel Tool file with data check Fails and no .XML file. The report is not considered officially submitted and the system will not give EEOC any alert that the report was incorrectly submitted and which will likely result in an untimely filed report.)

DATA IMPORT IN EXCEL

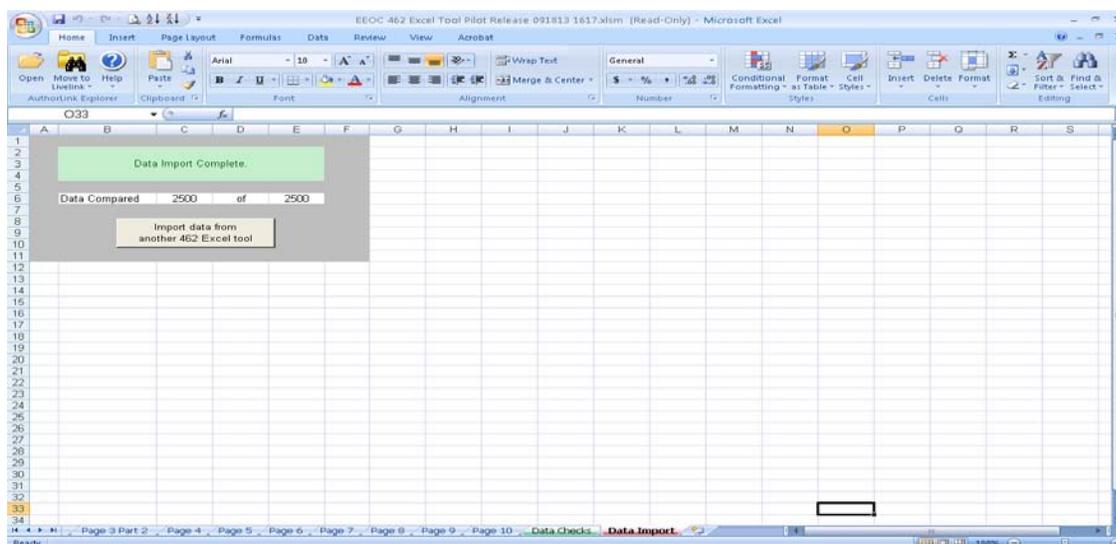
The last worksheet in the workbook is called **Data Import** and contains a macro that allows for the data entered in a previous Excel Tool workbook to be imported into a new Excel Tool workbook if necessary. This feature will allow the Commission to make any critically necessary corrections to the Excel Tool and allow agencies to not have to manually reenter data into the newest version of the Excel Tool. It also allows a User to import data from another Excel Tool that was saved as an “.XLS” file rather than the “.XLSM” file. In the unlikely event of a new version of the Excel Tool must be released during a collection period, follow the steps below:

- Step 1.** Click the **Import data from another 462 Excel tool** button and select the folder and file name of the Excel Tool from which you want to import data and click open.



The Excel Tool then begins comparing data from the selected file and the currently open Excel Tool and imports the data one cell at a time. Depending on the User’s system resources, the import process may take 20 to 45 minutes to complete.

- Step 2.** When the tool is finished importing the data you will see the Data Import Complete label on the worksheet.



At that time, you should check all worksheets to ensure all data was correctly transferred and then either:

- 1) Continue entering the agency's remaining data on the worksheets that were not yet completed before the version change,

or

- 2) if all of the agency's data was entered in the old version, then click the **Validate** button on the Data Checks worksheet in the new version workbook, make any necessary modifications to the data, save the xlsm file and generate a new XML data file for uploading to the Fed SEP portal

DATA ENTRY IN EXCEL PAGES 1 THROUGH 10

1. Enter data for all 14 parts of the Form 462. (Fill in light blue cells)

TOTAL COMPLETED/ENDED COUNSELINGS	COUNSELINGS	INDIVIDUALS
	C. TOTAL COMPLETED/ENDED COUNSELINGS	0
1. COUNSELED WITHIN 30 DAYS		
2. COUNSELED WITHIN 31 TO 90 DAYS	0	
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS		
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR		
c. COUNSELED WITHIN 31-90 DAYS THAT WERE LINTIMELY		
3. COUNSELED BEYOND 90 DAYS		
4. COUNSELED DUE TO REMANDS		

Note: Dark Blue cells auto calculate.

2. Navigate to the **Data Checks** worksheet.

The screenshot shows an Excel spreadsheet with a table containing various data points. The table has columns for 'Pass/Fail', 'Value 1', 'Must Be', 'Value 2', 'Previous Year Val', 'Part', and 'Table Name'. The 'Pass/Fail' column contains entries like 'Fail', 'Pass', and 'Fail'. The 'Table Name' column lists items such as 'Pre-Complaint Counseling', 'Agency Resources, Training, Reporting', and 'Bases and Issues Alleged in Complaints Filed'. At the top of the spreadsheet, there are buttons for 'Populate With Defaults', 'Validate', and 'Generate XML'. A red arrow points to the 'Populate With Defaults' button. At the bottom, the 'Data Checks' tab is selected, with another red arrow pointing to it.

3. Click the **Populate With Defaults** button to fill blank cells with a Zero.
4. Click the **Validate** button.

Note: If any entries **Fail**, correct data entered on the appropriate Part for the line item that failed.

5. Click the **Validate** button.

PART I. PRE-COMPLAINT ACTIVITIES

Part I of the 462 report collects information on the initial stage or pre-complaint phase of the EEO process. Specifically, the number of completed/ended counselings, individuals and timeliness data of the pre-complaint process is collected. The following definitions apply in section I.

Counseling is an instance where an EEO Counselor or an ADR Intake Officer performs the counseling duties described in Chapter 2 of MD 110 (provides information on the EEO process, the individual's rights and responsibilities and the agency's ADR Program; determines claims and bases; obtains information on timeliness and jurisdictional questions; seeks resolution of the dispute sought through the counseling or ADR process; and issues to the individual written notice of the right to file a formal complaint). It does not include brief responses to telephone inquiries or efforts to assist employees with non-EEO matters.

Completed/Ended Counselings are counseling which were **concluded/closed**, either by a written settlement agreement, a written withdrawal from the counseling process, the issuance of a written notice of the 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 were performed.

An **individual** is a person, usually an agency current or former employee or applicant for agency employment, but occasionally a contract employee who seeks counseling believing s/he is an agency "employee" or believing s/he is otherwise entitled to EEO counseling.

ADR stands for Alternative Dispute Resolution. It consists of those processes that individuals can use to resolve their disputes other than by using courts, trials, or administrative procedures, and in the federal EEO process, ADR is an alternative to Traditional Counseling. For purposes of Form 462 reporting, do not

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provide information concerning other ADR programs that your agency may use for resolving program disputes, contractor issues, suppliers concerns, or other non-EEO controversies. Other types of workplace disputes, administered through an agency's early resolution/intervention programs or union grievances programs are likewise not reported on Form 462. Participated in ADR means the counselee chose to participate in the agency's alternative dispute resolution program. Subsequently, not attending an ADR session with a neutral, e.g., a mediator, does not change the initial choice to participate in the ADR program.

Note: Part I collects data only on "completed/ended" counselings except in Part I D Lines 1, 2, and 4. More details are provided below.

Part I Section A and Section B are no longer collected separately – see Section C.

Part I Section C – Total Completed/Ended Counselings

TOTAL COMPLETED/ENDED COUNSELINGS		
	COUNSELINGS	INDIVIDUALS
C. TOTAL COMPLETED/ENDED COUNSELINGS	0	
1. COUNSELED WITHIN 30 DAYS		
2. COUNSELED WITHIN 31 TO 90 DAYS	0	
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS		
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR		
c. COUNSELED WITHIN 31-90 DAYS THAT WERE UNTIMELY		
3. COUNSELED BEYOND 90 DAYS		
4. COUNSELED DUE TO REMANDS		

In Part I Section C labeled Total Completed/Ended Counseling, counseling activity is reported along with the timeliness of completed/ended counselings on lines C.1, C.2, and C.3. Timeliness is calculated from the date the counseling was requested to date the counseling was completed (notice of right to file complaint issued) or ended (written settlement agreement, withdrawal from EEO process, formal complaint filed).

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Remanded counselings are reported on line 4. Only remanded counselings by an EEOC AJ or by an OFO appellate order are to be reported.

NOTE: Within agency remands are not reported on Form 462 and no times are tolled for within agency remands.

Counselings completed/ended within 31 to 90 days are reported in Part I Section C Lines 2.a, 2.b, or 2.c depending on the event. These counselings may or may not be timely.

Regulations

☞ **29 C.F.R. §1614.105(e)** provides that prior to the end of the 30-day counseling period, an individual may agree in writing with the agency to extend the counseling period for an additional period of no more than 60 days, for a total of no more than 90 days.

☞ **29 C.F.R. §1614.105(f)** provides that where the agency and an individual agree to participate in an alternative dispute resolution (ADR) procedure, the pre-complaint period shall be 90 days.

- Part I Section C Line C “Counselings” - The total number of completed/ended counselings is automatically calculated by the spreadsheet.
- Part I Line C “Individuals” – report the total number of individuals with completed/ended counselings. Note that individuals with multiple completed/ended counselings should only be counted once.



(Please note: the number of individuals should be less than or equal to the number of counselings.)

- Part I Section C Line 1 – report the number of counselings and individuals with counselings completed/ended within 30 days (timely).
- Part I Section C Line 2 - report the number of individuals with counselings completed/ended within 31-90 days (may be timely or untimely). The number of

counselings is auto calculated by the spreadsheet.

- Part I Section C Line 2.a – report the number of counselings and individuals with only counselings completed/ended within the extension period specified in writing and signed by counselee. For example, if there was a 10-day extension, counseling reported on Part I Section A Line 2.a would only be reported if the counseling were completed within 40 days (30 + 10). If the counseling was completed in 41 days or more it should be included on line 2.c.
- Part I Section C Line 2.b – report the number of counselings and individuals with only counselings completed/ended within 31-90 days where the individual chose to participate in the ADR program.
- Part I Section C Line 2.c – report the number of counselings and individuals with only counselings completed/ended within 31-90 days that were untimely. For example, if there was a 10-day extension and the counseling was completed in 41 days or more it should be reported on line 2.c. If the counseling were completed within 40 days (30 + 10) it should be reported on Part I Section A Line 2.a.
- Part I Section C Line 3 – report the number of counselings and individuals with counselings completed/ended beyond 90 days (untimely). See Example 1.

Example 1: Different Counseling Periods for One Individual

Mr. Smith received three counselings about unrelated matters. His January counseling was completed in 120 days; his May counseling was completed in 55 days (no written extension, no ADR participation); and his July counseling was completed in 25 days.

The agency reports 1 "individual" on Part I Section C Line C "Total completed/ended counselings." For the January counselings, 1 "counseling" and 1 "individual" on Part I Section C Line 3 "Counseled beyond 90 days." For the May counseling, 1 "counseling" and 1 "individual" and on Part I Section C Line 2.c "Counseled within 31 to 90 days that were untimely," and for the July counseling, 1 "counseling" and 1 "individual" and on Part I Section C Line 1 "Counseled within 30 days." The website automatically totals the number of counselings on Part I Line C "Total completed/ended counselings" and Part I Section C Line 2 "Counseled within 31 to 90 days," but the agency must enter the "Individuals" data for those two lines.

- Part I Section C Line 4 - report the number of counselings and individuals with counselings completed/ended due to remands from an EEOC AJ or in an OFO appellate order not from within the agency.

Please note: remanded counselings are not reported on the timeliness lines in Sections A, B, or C (lines 1, 2, 2.a, 2.b, 2.c or 3). All EEOC remanded counselings should be entered on line 4, no agency remands should be reported on line 4. Remands from within an agency must be reported in lines 1, 2, 2.a, 2.b, 2.c or 3 where appropriate.



When counseling has been extended due to ADR participation and the counseling is completed/ended within 31 to 90 days, agencies must record the counselings on Part I Section C Line 2.b "Counseled within 90 days where the individual participated in ADR," in other words where the counselee chose to participate in the ADR program. In such instances, the counseling is **not** reported on Part I Section C Line 2.a even if there has been a written agreement extending the counseling period.

Where counseling was extended for any reason other than ADR participation, it is reported in Part I Section C Line 2.a. See "Example 2: Extended Counseling Period."

Example 2: Extended Counseling Period

Mary Brown, an individual who sought EEO counselor counseling in the EEO office and not in an ADR Intake office, rejected ADR participation but agreed in writing to extend the 30-day counseling period for an additional 20 days.

If the agency completed counseling within 50 days (30-day counseling period +20 day written extension period), the agency reports 1 counseling and 1 “individual” on Part I Section C Line 2.a “Counseled within written extension period no longer than 60 days.”

If the agency fails to complete counseling within 50 days, the agency reports the counseling on Part I Section C Line 2.c “Counseled within 31-90 days that were untimely,” if counseling was done within 31-90 days period or otherwise on Part I Section C Line 3 “Counseled beyond 90 days,” as appropriate.

Note: While most of Part I collects data on only “completed/ended” counselings, Part I Section D Lines 1, 2, and 4 collect data that is not confined to that rule.

Part I Section D – Pre-Complaint Activities

	COUNSELINGS	INDIVIDUALS
D. PRE-COMPLAINT ACTIVITIES		
1. ON HAND AT THE BEGINNING OF THE REPORTING PERIOD		
2. INITIATED DURING THE REPORTING PERIOD		
3. COMPLETED/ENDED COUNSELINGS	0	
a. SETTLEMENTS (MONETARY AND NON-MONETARY)		
b. WITHDRAWALS/NO COMPLAINT FILED		
c. COUNSELINGS COMPLETED/ENDED IN REPORTING PERIOD THAT RESULTED IN COMPLAINT FILINGS IN REPORTING PERIOD		
d. DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD		
4. COUNSELINGS PENDING AT THE END OF THE REPORTING PERIOD		

- 
 Part I Line D.1 – report the number of counselings and individuals where counseling was requested during the prior reporting period but not completed/ended on or before the last day of the prior reporting period. Note that these numbers should be identical to the numbers reported in the previous

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year's Form 462 report in Part I Section D Line 4. If they are not identical **provide a comment to explain the differences on the Data Checks worksheet in column K of Rows 5 and 6.**

- Part I Line D.2 – report the number of counselings and individuals where counseling was requested on the first day of the current reporting period, on the last day of the reporting period, or on any day between the first and last day of the reporting period. Part I Line D.2 may include both completed/ended counselings and counselings that had not been completed by the last day of the reporting period.
- On Part I Line D.3 - report the total number of individuals whose counselings were completed/ended during the reporting period. The total number of completed/ended counselings is automatically entered by the website and equals the sum of the number of completed/ended counselings reported on Part I Lines D.3.a, D.3.b, D.3.c, and D.3.d.

Note: For agencies that do not conclude counseling with a face-to-face meeting, the date counseling is concluded is generally the date the notice of right to file a formal complaint is issued.

- Part I Line D.3.a - report the number of counselings and individuals whose counselings were closed during the reporting period by a written settlement agreement (ADR and non-ADR) which provided for monetary benefit(s) or non-monetary benefit(s) or both. Agencies are also required to report the number of individuals that were a party to one or more settlement agreements that resolved counselings during the reporting period. Note counselings settled after the notice of right to file was issued but before the 15-day period to file a formal complaint has expired are reported here as a pre-complaint settlement. If the notice of right to file was issued timely it is also properly reported as such in Part I Section C.
- Part I Line D.3.b – report the number of counselings and individuals where the

counseled individual was given a notice of right to file a formal complaint, where the 15-day period for filing a complaint expired in time for the agency to receive a complaint prior to the end of the reporting period, where no complaint was received, the agency is required to report the counseling and individual on Part I Line D.3.b “Withdrawal/No complaint filed.” Agencies also should report on Part I Line D.3.b the counselings and individuals who notified the agency in writing that they were withdrawing from counseling.

- Part I Line D.3.c - report the number of counselings and individuals whose counselings were completed in the reporting period that resulted in the filing of a complaint in the reporting period.

Example 3: Complaint Filed Before All Counseling Tasks Completed

Sue Kwasniewski requested counseling and was interviewed by the counselor. When counseling was not completed within 30 days, the counselor asked Ms. Kwasniewski to agree to extend the counseling period. Even though Ms. Kwasniewski did not agree to extend the counseling period, and the counselor did not provide Ms. Kwasniewski with a notice of right to file a complaint, Ms. Kwasniewski filed a complaint 45 days after her initial counseling request.

Although counseling was not completed by the issuance of the right to file a complaint notice, the counseling was ended by the filing of the complaint after the 30-day counseling period. The agency must treat the counseling as completed on the day of the complaint filing (date of complaint mailing, facsimile transmission, or hand delivery) for all Form 462 Part I reporting purposes. Therefore, the agency will report 1 “individual” on Part I Line C “Total Completed/ended Counselings; on Part I Section C Line 2 “Counseled within 31-90 days;” and on Part I Line D.3 “Completed/ended counselings”. The agency will report 1 “counseling” and 1 “individual” on Part I Section C Line 2.c, on Part I Line D.2 “Initiated during the Reporting period”, and on Part I Line D.3.c “Counselings completed in reporting period that resulted in complaint filings in reporting period.” The website will automatically calculate 1 completed/ended counseling in the “counseling” column on Part I Line C “Total Completed/ended Counselings, on Part I Section C Line 2 “Counseled within 31-90 days,” and on Part I Line D.3 “Completed counselings”.

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- Part I Line D.3.d – report counselings and individuals wherein the individual was given a notice of right to file a formal complaint, but the agency had not yet received a complaint from the individual before the 15-day period for filing a complaint expired in time for the agency to receive a complaint prior to the end of the reporting period (or prior to the report data preparation of report date if the agency waits for a few days after the end of the reporting period to see if complaints were filed by mail during the reporting period).
- Part I Line D.4 - report a counseling that was requested during the current reporting period but not completed on or before the last day of the reporting period.



A counseling may be reported on Part I Line D.3.d “Decisions to file complaint pending at the end of the reporting period” **or** on Part I Line D.4 “Counselings pending at the end of the reporting period,” but **not on both** lines. The key question is whether the counseling was pending completion by the agency or whether the individual’s decision to file a complaint was pending at the end of the reporting year. If the counseling was completed during the reporting period, and if the 15-day period for filing a complaint did not end in time for the agency to receive a complaint filed by mail, the counseling must record the counseling on Part I Line D.3.d. If the counseling was not completed during the reporting period, the counseling must be reported on Part I Line D.4 because the counseling was pending completion. See Example 4 below.

Example 4: Part I Section D - Complaint not Filed or Decision to File Pending

Kevin Lincoln’s counseling was completed during the reporting period. The agency reports 1 “individual” on Part I Line D.3 “Completed Counselings.”

If Mr. Lincoln filed a complaint during the reporting period (which the agency received in the reporting year), the agency reports 1 “counseling” and 1 “individual” on Part I Line D.3.c “Counselings completed/ended in reporting period that resulted in complaint filings in reporting period.”

If the agency did not receive a complaint from Mr. Lincoln and if the 15-day period for filing a complaint (*i.e.*, submitting a complaint in person, by mail, or by facsimile transmission) ended in time for the agency to receive a complaint filed by mail during the reporting period, the agency reports 1 “counseling” and 1 “individual” on Part I Line D.3.b “Withdrawals/no complaint filed.”

If the agency did not receive a complaint from Mr. Lincoln, and if the 15-day period for filing a complaint did not expire in time for the agency to receive a complaint prior to the end of the reporting period, the agency reports 1 “counseling” and 1 “individual” on Part I Line D.3.d “Decision to file complaint pending at the end of the reporting year.”



The total number of completed/ended counselings and total number of individuals with completed/ended counselings reported in Section C and in Section D.3 must be the same. If the numbers do not match, check the data.

Note: The numbers reported in Section D Line 1 plus Line 2 should equal the numbers reported in Section D Line 3 plus Line 4. If the numbers do not match, check the data.

Part I Sections E and G - Pre-Complaint Monetary Benefits

E. NON-ADR SETTLEMENTS WITH MONETARY BENEFITS			
	COUNSELINGS	INDIVIDUALS	AMOUNT
TOTAL			0.00
1. COMPENSATORY DAMAGES			
2. BACKPAY/FRONTPAY			
3. LUMP SUM PAYMENT			
4. ATTORNEY FEES AND COSTS			
5.			
6.			
7.			

A monetary benefit for Part I Pre-complaint reporting purposes is a payment that an agency agrees in a written settlement agreement to provide a counseled individual.

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- Part I Section E and G – report the total number of completed/ended counselings and individuals that received each monetary benefit and the amount of that benefit in the appropriate columns.

G. ADR SETTLEMENTS WITH MONETARY BENEFITS			
	COUNSELINGS	INDIVIDUALS	AMOUNT
TOTAL			0.00
1. COMPENSATORY DAMAGES			
2. BACKPAY/FRONTPAY			
3. LUMP SUM PAYMENT			
4. ATTORNEY FEES AND COSTS			
5.			
6.			
7.			

Monetary benefits for Part I Form 462 reporting purposes include several categories of payments: “compensatory damages,” backpay/frontpay,” “lump sum payment,” and/or “attorney fees and costs.” If needed, additional “other” monetary benefit categories may be added by the agency Administrator. See Examples 5 and 6 below.

Example 5: Properly Added “Other” Monetary Benefits Category

An example of an “other” monetary benefit category properly added to Part I E and/or Part I G would be “Voluntary Retirement Incentive Payment” if the counseled individual is promised a payment for same. It may be added as an “other” category because it would not fit into one of the monetary award categories listed on Form 462.

Monetary benefits are reported in Part I Section E or Part I Section G only where a payment is provided for in the written settlement agreement to the counseled individual.



Every counseling with monetary and/or non-monetary benefits provided for in a written settlement agreement must be reported on the total line and on as many of the specific benefit lines as apply.

Example 6: Improperly Added “Other” Monetary Benefits Categories

Examples of “other” monetary benefit categories not properly added to Part I E and/or Part I G include “Quality Step Increase,” “Compensatory time award,” “Restored leave,” “Medical payments,” “Hostile Work Environment Award,” and “Other monetary amount.”

If a counseled individual is promised a payment for a retroactive “Quality Step Increase” or a retroactive “Compensatory time award,” the payment amount should be reported in the “Back pay/front pay category.”

Monetary payments for medical expenses and other harms due to alleged discriminatory treatment should be reported in the “Compensatory damages” category.

Part I Sections F and H - Pre-Complaint Non-Monetary Benefits

F. NON-ADR SETTLEMENTS WITH NON-MONETARY BENEFITS			
	TOTAL	COUNSELINGS	INDIVIDUALS
1. HIRES		0	
a. RETROACTIVE			
b. NON-RETROACTIVE			
2. PROMOTIONS		0	
a. RETROACTIVE			
b. NON-RETROACTIVE			
3. EXPUNGEMENTS			
4. REASSIGNMENTS			
5. REMOVALS RESCINDED		0	
a. REINSTATEMENT			
b. VOLUNTARY RESIGNATION			
6. ACCOMMODATIONS			
7. TRAINING			
8. APOLOGY			
9. DISCIPLINARY ACTIONS		0	
a. RESCINDED			
b. MODIFIED			
10. PERFORMANCE EVALUATION MODIFIED			
11. LEAVE RESTORED			
12.			
13.			

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H. ADR SETTLEMENTS WITH NON-MONETARY BENEFITS		
	COUNSELINGS	INDIVIDUALS
TOTAL		
1. HIRES	0	
a. RETROACTIVE		
b. NON-RETROACTIVE		
2. PROMOTIONS	0	
a. RETROACTIVE		
b. NON-RETROACTIVE		
3. EXPUNGEMENTS		
4. REASSIGNMENTS		
5. REMOVALS RESCINDED	0	
a. REINSTATEMENT		
b. VOLUNTARY RESIGNATION		
6. ACCOMMODATIONS		
7. TRAINING		
8. APOLOGY		
9. DISCIPLINARY ACTIONS	0	
a. RESCINDED		
b. MODIFIED		
10. PERFORMANCE EVALUATION MODIFIED		
11. LEAVE RESTORED		
12.		
13.		

A non-monetary benefit for Part I pre-complaint purposes, is an employment-related action that an agency agrees to provide a counseled individual in a written settlement agreement.

- Part I Section F and H – report the total number of completed/ended counselings and individuals that received each non-monetary benefit in the appropriate columns.

For Form 462, Part I Sections F and H pre-complaint reporting purposes, non-monetary benefits include “hires,” “promotions,” “expungements,” “reassignments,” “removals rescinded,” “accommodations,” “training,” “apology,” “disciplinary actions,” “performance evaluation modified,” and “leave restored.” If needed, additional “other” non-monetary benefit categories may be added by the agency. Please define the other in a descriptive word or two do not enter the word “OTHER” as either a monetary or a non-monetary benefit.

Example 7: Properly Added “Other” Non-Monetary Benefits Categories

Examples of “Other” non-monetary benefit categories properly added to Part I F and/or Part I H include “Improved Terms/Conditions Employment,” and “Neutral/favorable reference.”

Example 8: Improperly Added “Other” Non-Monetary Benefits Categories

“Other” non-monetary benefit categories are not properly added to Part I F and/or Part I H if the non-monetary benefit could be included in a category that already is listed. For example, a voluntary resignation should be reported in the “Removals rescinded and voluntary resignations” category even if the written settlement agreement does not mention removal rescission. Similarly, a developmental assignment could be reported in the “Training” category.

When adding an “Other” category, agencies should avoid categories that do not identify a benefit. For example, a “Cease practices complained of” category is so lacking in specificity that it could include several of the listed non-monetary benefit categories. On the other hand, when adding an “Other” category, agencies should not choose overly specific labels since the number of “Other” categories is very limited.

Agencies should use a general category description that will encompass multiple situations. For example, an “Improved terms/conditions of employment” could include changes in work schedules, improved communications, altered performance requirements, opportunity to telework, provision of equipment, and reassignment of a supervisor in response to a sexual harassment allegation. Use the add a comment to list multiple other benefits.



Every counseling where a monetary and/or a non-monetary benefit is promised in a written settlement agreement must be reported on the total line and on as many of the specific benefit lines as apply.

Note: Some benefits categorized as “non-monetary” for Form 462 purposes have a monetary value, for example, leave restoration. However, leave restoration is categorized as a non-monetary benefit on Form 462 because the employee does not receive a monetary payment when leave is restored.

Example 9: Monetary and Non-Monetary Benefits

The agency resolved Ana Lee's pre-complaint EEO Counselor counseling with a written settlement agreement. Therein, the agency agreed to provide Ms. Lee with an accommodation for her disability despite the disputed reasonableness of the accommodation, an apology for the delay in providing the accommodation, to rescind a three-day suspension and expunge all records of the suspension that Ms. Lee already had served, to provide three days back pay, and \$500 dollars in compensatory damages.

In Section I E "Non-ADR Settlements with Monetary Benefits" the agency reports 1 "counseling" and 1 "individual" on the "Total" line. On Part I Line E.1 Compensatory Damages, the agency reports 1 "counseling," 1 "individual," and the \$500 amount. On Part I Line E.2 "Back pay/front pay" the agency reports 1 "counseling," 1 "individual," and the three-day back pay amount.

In Section I F "Non-ADR Settlements with Non-Monetary Benefits" the agency reports 1 "counseling" and 1 "individual" on the "Total" line. The agency also reports 1 "counseling" and 1 "individual" on Part I Line F.3 Expungements, Part I Line F.6 "Accommodation," and Part I Line F.8 "Apology."

Finally, the agency would report 1 "counseling" and 1 "individual" on the Part I Line I "Total Non-ADR Settlements" line.

Part I Section I - Non-ADR Settlements

I. NON-ADR SETTLEMENTS			
	COUNSELINGS	INDIVIDUALS	
TOTAL			

In Part I Section I data is collected when a written settlement agreement is obtained by an EEO Counselor which provides the counseled individual with one or more monetary benefits or non-monetary benefits in exchange for the individual agreeing not to file a formal complaint on the counseled matters.

- Part I Line I - report the total number of counselings that were closed and the number of individuals who were parties to such settlements during the reporting period by a written non-ADR settlement agreement that provided the counseled individual with one or more monetary benefits, one or more non-monetary benefits, or both monetary and non-monetary benefits.

PART II. FORMAL COMPLAINT ACTIVITIES

Part II collects data on formal complaint activities.

PART II - FORMAL COMPLAINT ACTIVITIES	
<input type="text"/>	A. COMPLAINTS ON HAND AT THE BEGINNING OF THE REPORTING PERIOD
<input type="text"/>	B. COMPLAINTS FILED
<input type="text" value="0"/>	C. REMANDS (sum of lines C1+C2+C3)
<input type="text"/>	C.1. REMANDS (NOT INCLUDED IN A OR B)
<input type="text"/>	C.2. REMANDS (INCLUDED IN A OR B)
<input type="text"/>	C.3. NUMBER OF ADDITIONAL REMANDS IN THIS REPORTING PERIOD THAT ARE NOT CAPTURED IN C.1 OR C.2 ABOVE
<input type="text"/>	C.4. ADDITIONAL CLOSURES IN THIS REPORTING PERIOD NOT REFLECTED IN F. OR H. THAT RESULTED FROM REMANDS
<input type="text" value="0"/>	D. TOTAL COMPLAINTS (sum of lines A+B+C1)
<input type="text"/>	E. COMPLAINTS IN LINE D THAT WERE NOT CONSOLIDATED
<input type="text"/>	F. COMPLAINTS IN LINE E CLOSED DURING REPORT PERIOD
<input type="text"/>	G. COMPLAINTS IN LINE D THAT WERE CONSOLIDATED
<input type="text"/>	H. COMPLAINTS IN LINE G CLOSED DURING REPORT PERIOD
<input type="text" value="0"/>	I. COMPLAINTS ON HAND AT THE END OF THE REPORTING PERIOD (Line D - (F+H)) + [(C2 + C3) - C4]
<input type="text"/>	J. INDIVIDUALS FILING COMPLAINTS (Complainants)
<input type="text"/>	K. NUMBER OF JOINT PROCESSING UNITS FROM CONSOLIDATION OF COMPLAINTS

- 
 Part II Line A - report the number of complaints on hand at the beginning of the reporting period. Note this number should be identical to the number reported in the previous year's Form 462 report in Part II Line I. If the number is not identical, **provide a comment that explains the difference on the data checks worksheet in column K of Row 7.** No complaints that are on appeal at OFO or at a US District Court are to be reported as "On Hand."

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- Part II Line B - report the number of complaints filed during the reporting period. When this number does not match the number reported in Part I Section D Line 3c, **provide a comment to explain the difference on the Data Checks worksheet in column K of Row 15.**
- Part II Line C - The number of complaints remanded by EEOC decision is auto totaled using the values of lines C1 plus C2 plus C3.
- Part II Line C.1 - report the remands not included in Part II Line A or Part II Line B.
- Part II Line C.2 - report the remands included in Part II Line A or Part II Line B.
- Part II Line C.3 - report the number of additional remands in the reporting period that are not captured in Part II Line C.1 or Part II Line C.2, in other words a remand of a previously remanded complaint.
- Part II Line C.4 - report additional closures in the reporting period not reflected in Part II F or Part II H that resulted from remands.
- Part II Line D - The total number of complaints is auto totaled using the values of lines A plus B plus C.1.

Regulations

☞ **29 C.F.R. §1614.606** requires agencies to consolidate for joint processing two or more complaints of discrimination filed by the same complainant.

☞ **29 C.F.R. §1614.606** authorizes agencies, to consolidate for joint processing complaints of discrimination filed by two or more complainants when the complaints consist of substantially similar allegations of discrimination or when the complaints relate to the same manner.

Complaints can also be consolidated by an EEOC Administrative Judge and by EEOC Appellate decision.

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Consolidated complaints. When two or more complaints are filed by one individual these complaints must be consolidated for processing. Consolidations are permitted (not required) when a complaint with the same issue is filed by multiple individuals.

Joint processing unit. When two or more complaints are consolidated for processing as one unit, the new unit is called a joint processing unit. An agency reports the number of joint processing units that were created during the reporting period on Part II Line K. For example, a complainant may file three complaints which the agency consolidates for processing as one joint processing unit. The agency may also choose to consolidate complaints received from five different complainants, alleging discrimination in the same hiring decision, for processing as one joint processing unit. In this example, the agency would report eight complaints on line II B, six individuals who filed complaints on line II J, and two joint processing units on line II K. When those 8 complaints are closed, the status of each one should be reported in Part VI.

Note: If an Administrative Judge consolidates cases after an investigation at the hearings stage, the cases are consolidated and reported in Part II K.

Part II Line E, Line F, Line G, and Line H report data pertaining to consolidated & non-consolidated complaints and their associated closures. By definition, a consolidated complaint requires consolidations of one individual with multiple complaints or permitted consolidations with multiple individuals with the same issue.

- Part II Line E - report the number of complaints not consolidated.
- Part II Line F - report the number of complaints not consolidated that were closed during reporting period.
- Part II Line G - report the number of consolidated complaints.
- Part II Line H - report the number of complaints consolidated that were closed during reporting period.
- Part II Line I - reports the automatic total of complaints on hand at end of reporting period by calculating (line D minus (F plus H) plus [(C.2 plus C.3) minus C.4]. This number must be the same as the number reported In Part VIII Line A.

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- Part II Line J - report only the number of individuals who filed complaints during the reporting period. Do not include those complainants that filed complaints in a previous reporting year and that are on-hand at the beginning of the reporting period. When this number does not match the number reported in Part I Section D Line 3c, **provide a comment to explain the difference** on the Data Checks worksheet in column K on Row 14.
- Part II Line K - report joint processing units, known as two or more complaints consolidated for processing as one unit referred to as a joint processing unit. For example 1 individual, 4 complaints becomes 1 complaint investigation or 1 joint processing unit.

Please note that Part II is the only time joint processing units are reported on EEOC Form 462 report. In all other parts of the EEOC Form 462 report complaints individually.



A complaint can only be counted and reported as closed when **all** the issues in the complaint have been resolved.

PART III. AGENCY & CONTRACT RESOURCES, TRAINING, REPORTING LINES

Part III Section A - “Agency & Contract Resources”

A. AGENCY & CONTRACT RESOURCES				
	AGENCY		CONTRACT	
	NUMBER	PERCENT	NUMBER	PERCENT
1. WORK FORCE				
a. TOTAL WORK FORCE				
b. PERMANENT EMPLOYEES				
2. COUNSELOR	0		0	
a. FULL-TIME				
b. PART-TIME				
c. COLLATERAL DUTY				
3. INVESTIGATOR	0		0	
a. FULL-TIME				
b. PART-TIME				
c. COLLATERAL DUTY				
4. COUNSELOR/INVESTIGATOR	0		0	
a. FULL-TIME				
b. PART-TIME				
c. COLLATERAL DUTY				

- Part III Line A.1.a – report “Total Work Force” which includes all full-time, part-time, temporary, and intermittent employees employed by the agency on the last day of the reporting period. This number includes political appointees, board members, and commission members. Contractors would not be included in the total workforce reported in Part III Line 1.a.
- Part III Line A.1.b – report “Permanent Employees” which includes all permanent employees (full-time and part-time) employed by the agency on the last day of the reporting period. Contractors would not be included in the permanent workforce reported in Part III Line 1.b.

Contract staff resources along with agency staff resources are reported in Part III A (sections 2, 3, and 4).

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The total number of counselors (Part III Line A.2), total number of investigators (Part III Line A.3), and the total number of counselor/investigators (Part III Line A.4) are automatically calculated by the website. The agency enters the total numbers of full-time (working 40 hours per week in performance of their duties), part-time (scheduled for fewer than 40 hours per week), and collateral duty (added to regular job duties unrelated to EEO) counselors, investigators, and counselor/investigators employed by the agency or provided by contract staff on the last day of the reporting period.

The percentages in Part III Section A (for example, the percentage of total number of agency investigators that were full-time investigators) is auto calculated by the spreadsheet.

- Part III Line A.1.a – report the total work force information for agency personnel.
- Part III Line A.1.b – report the number of permanent employees.
- Part III Line 2 – report Counselor information regarding total number of agency and contract staff.
- Part III Line 2.a – report the full-time staff resource data for both agency and contract staff.
- Part III Line 2.b – report part-time staff resource data for both agency and contract staff.
- Part III Line 2.c - report the collateral duty staff resource data for both agency and contract staff.
- Part III Line 3 – report Investigator information regarding total number of agency and contract staff.

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- Part III Line 3.a – report the full-time staff resource data for both agency and contract staff.
- Part III Line 3.b – report part-time staff resource data for both agency and contract staff.
- Part III Line 3.c - report the collateral duty staff resource data for both agency and contract staff.
- Part III Line 4 – report Counselor/Investigator information regarding total number of agency and contract staff.
- Part III Line 4.a – report the full-time staff resource data for both agency and contract staff.
- Part III Line 4.b – report part-time staff resource data for both agency and contract staff.
- Part III Line 4.c – report the collateral duty staff resource data for both agency and contract staff.

Part III Section B - Agency & Contract Staff Training

EEO-MD-110

EEOC's Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO-MD-110) at page 2-2 requires that new EEO counselors receive a minimum of thirty two (32) hours of specified EEO counseling training prior to assuming counseling duties.

EEO-MD-110 at page 2-3 requires all EEO counselors to receive a minimum of eight (8) hours of continuing EEO counseling training every year.

EEO-MD-110 at 3-6 requires that ADR contact persons who serve in lieu of an EEO counselor must meet all of the training requirements of an EEO counselor.

EEO-MD-110 at page 6-1 requires that all new EEO investigators, including contract and collateral duty investigators, receive a minimum of thirty two (32) hours of specified EEO investigation training before conducting investigations.

EEO-MD-110 at page 6-2 requires all EEO investigators to receive a minimum of eight (8) hours of continuing EEO investigation training every year.



Note: It is the agency's responsibility to know, ensure and report that agency and contract counselors and investigators have the required training every year.

Please consider ensuring that the Statement of Work for contracting work includes training requirements and/or that the contractor is able to show proof that training has occurred.

New staff - any counselor, investigator, or counselor/investigator that was newly hired by the agency or contractor since the beginning of the reporting period.

Experienced staff – any counselor, investigator, or counselor/investigator that was a part of the EEO office/staff or contractor staff at the beginning of the reporting period.



Note: the Department of Defense agencies should not include staff numbers and staff training data for investigators in Part III A & B **if all** their investigations are done by IRD because this information will be captured on the Defense, Washington Headquarters Services' (formally named the Office of the Secretary of Defense) EEOC Form 462 report. If you have any questions or concerns regarding this

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matter, please contact DOD/WHS for a copy of the guidance memorandum. Information on number of investigations and processing time should however be counted in the appropriate parts of the Form 462.



If the agency has staff that did not receive the required training, the agency should add a comment in Part III section B to explain why staff did not receive the required training.

B. AGENCY & CONTRACT STAFF TRAINING						
	COUNSELORS		INVESTIGATORS		COUNS/INVESTIG	
	AGENCY	CONTRACT	AGENCY	CONTRACT	AGENCY	CONTRACT
1. NEW STAFF - TOTAL						
a. STAFF RECEIVING REQUIRED 32 OR MORE HOURS						
b. STAFF RECEIVING 8 OR MORE HOURS, USUALLY GIVEN TO EXPERIENCED STAFF						
c. STAFF RECEIVING NO TRAINING AT ALL						
2. EXPERIENCED STAFF - TOTAL						
a. STAFF RECEIVING REQUIRED 8 OR MORE HOURS						
b. STAFF RECEIVING 32 OR MORE HOURS, GENERALLY GIVEN TO NEW STAFF						
c. STAFF RECEIVING NO TRAINING AT ALL						

- Part III Section B.1 – report new staff total data for both agency & contract Counselors, Investigators, and Counselor Investigators.
- Part III Section B.1.a – report new staff receiving required 32 or more hours for both agency & contract Counselors, Investigators, and Counselor Investigators.
- Part III Section B.1.b – report new staff receiving 8 or more hours, usually given to experienced staff, for both agency & contract Counselors, Investigators, and Counselor Investigators.

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- Part III Section B.1.c – report new staff receiving no training at all for both agency & contract Counselors, Investigators, and Counselor Investigators. Add a comment and explain why staff received no training during the reporting period.
- Part III Section B.2 – report the experienced staff total data for both agency & contract Counselors, Investigators, and Counselor Investigators.
- Part III Section B.2.a – report staff receiving required 8 or more hours for both agency & contract Counselors, Investigators, and Counselor Investigators.
- Part III Section B.2.b – report staff receiving 32 or more hours, generally given to new staff for both agency & contract Counselors, Investigators, and Counselor Investigators.
- Part III Section B.2.c – report staff receiving no training at all for both agency & contract Counselors, Investigators, and Counselor Investigators. Add a comment and explain why staff received no training during the reporting period.

Part III Section C - “Reporting Line”

C. REPORTING LINE			
1	EEO DIRECTOR'S NAME:		
1a.	DOES THE EEO DIRECTOR REPORT TO THE AGENCY HEAD? <small>Must use 'X' to designate response to question</small>	YES	NO
2.	IF NO, WHO DOES THE EEO DIRECTOR REPORT TO?		
	PERSON:		
	TITLE:		
3.	WHO IS RESPONSIBLE FOR THE DAY-TO-DAY OPERATION OF THE EEO PROGRAM IN YOUR DEPARTMENT/AGENCY/ORGANIZATION?		
	PERSON:		
	TITLE:		
4	WHO DOES THAT PERSON REPORT TO?		
	PERSON:		
	TITLE:		

- Part III Line C.1 – enter the EEO Director’s Name.

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- Part III Line C.1a – report whether the agency’s EEO Director reports to the agency head, “yes” or “no” by entering an “X” in the appropriate response.
- Part III Line C.2 – enter the name and title of the person to whom the EEO Director reports if not the agency head.
- Part III Section C.3 - enter the name and title of the individual who is responsible for the day-to-day operation of the EEO program.
- Part III Section C.4 – enter the name and title of the individual who supervises the individual in Part III Section C.3.

PART IV. BASES AND ISSUES ALLEGED IN COMPLAINTS FILED

Part IV collects the data on the bases and issues in all formal complaints filed during the reporting period, including data on bases and issues added by amendment during the reporting period to those same complaints. NOTE: Do not report bases and issues alleged in pre-complaint counselings or in closed pre or formal complaints.

A complaint must contain at least one basis and at least one issue. For example, agencies must report the number of complaints alleging that the complainant was not promoted/selected for a position [issue] because of the complainant's race (Black or African American) [basis].

In the Excel Tool workbook Part IV is on two worksheets Page 3 Part 1 and Page 3 Part 2. Page 3 Part 1 collects the information for complaints filed during the FY for the bases of Race, Color, Religion and Reprisal. While the information for the remainder of bases, are collected on the Page 3 Part 2 worksheet in the Tool.

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	A	B	C	D	E	F	G	H	I	J	K	L	M
1	ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY												
2	STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS												
3	(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)												
4	AGENCY OR DEPARTMENT:						REPORTING PERIOD: FY2014						
5	PART IV - BASES AND ISSUES ALLEGED IN COMPLAINTS FILED (Part 1)												
6	BASES OF ALLEGED DISCRIMINATION												
7	ISSUES OF ALLEGED DISCRIMINATION	RACE						COLOR	RELIGION	REPRISAL	TOTAL ALL BASES BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE	TOTAL ALL COMPLAINANTS BY ISSUE
8		AMER. INDIAN/ ALASKA NATIVE	ASIAN	NATIVE HAWAIIAN /OTHER PACIFIC ISLANDER	BLACK/ AFRICAN AMERICAN	WHITE	TWO OR MORE RACES						
9	A. APPOINTMENT/HIRE										0		
10	B. ASSIGNMENT OF DUTIES										0		
11	C. AWARDS										0		
12	D. CONVERSION TO FULL TIME										0		
13	E. DISCIPLINARY ACTION	0	0	0	0	0	0	0	0	0	0	0	
14	1. DEMOTION										0		
15	2. REPRIMAND										0		
16	3. SUSPENSION										0		
17	4. REMOVAL										0		
18	5.										0		
19	6.										0		
20	7.										0		
21	F. DUTY HOURS										0		
22	G. EVALUATION/APPRaisal										0		
23	H. EXAMINATION/TEST										0		
24	I. HARASSMENT	0	0	0	0	0	0	0	0	0	0	0	
25	1. NON-SEXUAL										0		
26	2. SEXUAL										0		
27	J. MEDICAL EXAMINATION										0		
28	K. PAY INCLUDING OVERTIME										0		
29	L. PROMOTION/NON-SELECTION										0		
30	M. REASSIGNMENT	0	0	0	0	0	0	0	0	0	0	0	
31	1. DENIED										0		
32	2. DIRECTED										0		
33	N. REASONABLE ACCOMMODATION										0		
34	O. REINSTATEMENT										0		
35	P. RETIREMENT										0		
36	Q. TERMINATION										0		
37	R. TERMS/CONDITIONS OF EMPLOYMENT										0		
38	S. TIME AND ATTENDANCE										0		
39	T. TRAINING										0		
40	U. OTHER (Please specify below)	0	0	0	0	0	0	0	0	0	0	0	
41	1.										0		
42	2.										0		
43	3.										0		
44	4.										0		
45	5.										0		
46	TOTAL ALL ISSUES BY BASES	0	0	0	0	0	0	0	0	0	0	0	
47	TOTAL ALL COMPLAINTS FILED BY BASES												
48	TOTAL ALL COMPLAINANTS BY BASES												
49	EEOC FORM 462 (REVISED APR 2011)												

page 3a

The horizontal header at the top identifies the bases of alleged discrimination which include Race (American Indian/Alaska Native, Asian, Native Hawaiian/Other Pacific

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Islander, Black/African American, White, and Two or More Races), Color, Religion, Reprisal.

Please note that the last three columns in the header represent total numbers: Total number of Bases by Issue in complaints filed during the reporting period is an auto calculation of the numbers reported in Line A.



The agency must report the “Total Complaints by Issue” filed during the reporting period, and the number of complainants who filed the complaints containing the issues during the reporting period (Total Complainants by Issue) in columns N and O of the Page 3 Part 2 worksheet for all bases, those on Page 3 Part 1 and those on Page 3 Part 2. The workbook will populate the entered data into the appropriate columns on Page 3 Part 1.

The first left vertical column identifies the issues of Alleged Discrimination which include Appointment/Hire, Assignment of Duties, Awards, Conversion to Full-Time, Disciplinary Action (Demotion, Reprimand, Suspension, Removal), Duty Hours, Evaluation/Appraisal, Examination/Test, Harassment (Non-Sexual, Sexual), Medical Examination, Pay Including Overtime, Promotion/Non-Selection, Reassignment (Denied, Directed), Reasonable Accommodation, Reinstatement, Retirement, Termination, Terms/Conditions of Employment, Time and Attendance, Training, and Other.

Note: the “Other” categories must be defined by the Agency Administrator and added to the website prior to data entry. In Part IV, “Other” categories can be added under Line E which collects disciplinary action data or in Line U which is available to report data on issues that cannot be reported under the listed issues in Lines A - T. Examples include “Details,” “Job classification,” “Job reference,” and Reduction-In-Force.”

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	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
6	PART IV - BASES AND ISSUES ALLEGED IN COMPLAINTS FILED (Part 2)														
7															
8	BASES OF ALLEGED DISCRIMINATION														
9	ISSUES OF ALLEGED DISCRIMINATION	SEX		PREGNANCY DISCRIMINATION ACT	NATIONAL ORIGIN		EQUAL PAY ACT		AGE	DISABILITY		GINA	TOTAL ALL BASES BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE	TOTAL ALL COMPLAINANTS BY ISSUE
10		MALE	FEMALE		HISPANIC/LATINO	OTHER	MALE	FEMALE		MENTAL	PHYSICAL				
11															
12															
13															
14	A. APPOINTMENT/HIRE												0		
15	B. ASSIGNMENT OF DUTIES												0		
16	C. AWARDS												0		
17	D. CONVERSION TO FULL TIME												0		
18	E. DISCIPLINARY ACTION	0	0	0	0	0			0	0	0	0	0	0	
19	1. DEMOTION												0		
20	2. REPRIMAND												0		
21	3. SUSPENSION												0		
22	4. REMOVAL												0		
23	5.												0		
24	6.												0		
25	7.												0		
26	F. DUTY HOURS												0		
27	G. EVALUATION/APPRaisal												0		
28	H. EXAMINATION/TEST												0		
29	I. HARASSMENT	0	0	0	0	0			0	0	0	0	0	0	
30	1. NON-SEXUAL												0		
31	2. SEXUAL												0		
32	J. MEDICAL EXAMINATION												0		
33	K. PAY INCLUDING OVERTIME												0		
34	L. PROMOTION/NON-SELECTION												0		
35	M. REASSIGNMENT	0	0	0	0	0			0	0	0	0	0	0	
36	1. DENIED												0		
37	2. DIRECTED												0		
38	N. REASONABLE ACCOMMODATION												0		
39	O. REINSTATEMENT												0		
40	P. RETIREMENT												0		
41	Q. TERMINATION												0		
42	R. TERMS/CONDITIONS OF EMPLOYMENT												0		
43	S. TIME AND ATTENDANCE												0		
44	T. TRAINING												0		
45	U. OTHER (Please specify below)	0	0	0	0	0			0	0	0	0	0	0	
46	1.												0		
47	2.												0		
48	3.												0		
49	4.												0		
50	5.												0		
51	TOTAL ALL ISSUES BY BASES	0	0	0	0	0	0	0	0	0	0	0	0		
52	TOTAL ALL COMPLAINTS FILED BY BASES														
53	TOTAL ALL COMPLAINANTS BY BASES														
54	EEOC FORM 462 (REVISED APR 2011)														
55	page 3c														

The horizontal header at the top identifies the bases of alleged discrimination which include Sex (Male, Female), Pregnancy Discrimination Act, National Origin (Hispanic/Latino or Other), Equal Pay Act (Male, Female), Age, Disability (Mental, Physical), and GINA.

Example 10: “Other” Categories Improperly Added to Part IV. Section U

Issues that can be reported under one of the existing issue categories should not be added as an “other” issue category in Part IV Section U. For example, an allegedly discriminatory forced resignation or constructive discharge should be reported under “termination.” A rescinded job offer should be reported as “Appointment/hire” or “Promotion/non-selection,” as appropriate. Proposed removals should be reported as “Removals.” Transfers should be reported as “Reassignment (either “denied” or “directed”). Hostile work environment claims should be reported as “Harassment (non-sexual or sexual). Compensatory time, credit time, and leave related issues should be reported under “Time and attendance.”

“Reprisal” should not be added as an “other” issue category in Part IV Section U because “reprisal” is a basis not an issue. Agencies should report the issues affected by the alleged reprisal discrimination, for example, “Harassment, non-sexual,” “Terms and conditions of Employment,” or “Time and Attendance.”

Similarly, a “continuing violation” is not an issue; the issues are the practices that allegedly are continuing such as allegedly discriminatory denial of promotional opportunities (report as “Promotion/non-selections”), discriminatory denial of training (report as “Training”), etc.

Non-compliance with the terms of a settlement agreement (alleged breach of the agreement) should not be added as an “other” category because such allegations are not processed as complaints under the Part 1614 process. They are processed as enforcement issues and are not at this time reported in Form 462.

Please note that the last three rows at the bottom are total columns: Total Issues by Bases in complaints filed during the reporting period is an auto calculation of the numbers reported in each column. The agency must report the “Total Complaints filed by Bases” filed during the reporting period, and the number of complainants who filed the complaints containing the bases during the reporting period (Total Complainants by Bases).

- Where two or more categories of bases and/or issues are included in a single complaint, the agency must record each category of basis and each category of issue alleged in the appropriate column(s).

Example 11: Reporting Bases and Issues

A complainant alleged discrimination based on religion (Catholic) regarding denial of one (1) training opportunity and three (3) non-selections for promotion. Additionally the complainant alleged one (1) involuntary separation on the basis of reprisal. In Part IV, the agency reports one (1) training issue with religion as the basis of alleged discrimination in Line T, and three (3) promotion-selection issues with religion as the basis of the alleged discrimination in Line L, and (1) involuntary separation on the basis of reprisal in Line E.4 .

Note: Part IV includes all issues and bases that allege discrimination or retaliation/reprisal under one or more EEO statutes in all filed complaints during the reporting period, including the allegations in mixed case complaints.

Because complainants often include more than one basis and/or issue in a single complaint, the number of bases and issues reported may be greater than the total number of individual complaints filed.

The totals in the columns and rows "Total Complaints" must be greater than or equal to the totals in the columns and rows "Total Complainants."

To save time on Part IV, agencies are advised to enter appropriate data on all pages 1 through 10 and then click on the **Populate with Defaults** button on the **Data Checks** page to populate all remaining data cells with zeroes to avoid error messages.

NOTE: The Populate with Defaults macro will not fill the total rows in Part IV Page 3 Part 1 and Page 3 Part 2; nor will it fill the total columns on the Page 3 Part 2. The agency must enter the appropriate zeroes in those data cells.

Where two or more bases and/or issues are included in a single complaint, report each basis and/or issue alleged in the appropriate column(s). Because complainants often include more than one basis and/or issue in a single complaint, the number of bases and issues may be greater than the number of individual complaints filed.

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Issues regarding terminations involving reduction-in-force action(s) should be reported under line U, 'Other' and NOT lines Q (Termination) or E.4. (Disciplinary Action, Removal) to distinguish them from other involuntary separations. Other terminations (e.g. for performance, probation-related, etc.) should be reported in line Q (Termination). All issues regarding removals based on disciplinary actions should be reported in line E.4. (Disciplinary Action, Removal).

Issues placed in the 'Other' category should be reviewed to determine if they might more appropriately fit into one of the specified issues categories. The sub-component user must coordinate with an Agency Administrator in order for the 'Other' field to be defined.

Collect information on the total number of complaints by bases and issues, and the total number of complainants by bases and issues. The totals in the columns and rows "Total Complaints" will be equal to or greater than the totals in the columns and rows "Total Complainants."

If there is little or no data to enter on that page, after all agency data is entered on pages 1 through 10, use the **Populate With Defaults** button on the **Data Checks** sheet to populate all remaining cells with zeroes.

This option will allow the entry of actual numbers in certain fields if there is information to be entered and will then fill the other fields with zero. This feature is designed to save time on data entry for all pages 1 through 10, except for the Total rows and Total columns in Part IV on Page 3 Part 1 and Page 3 Part 2.

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PART IVA BASES ALLEGED IN CLOSED COUSELINGS SETTLED, CLOSED COMPLAINTS SETTLED AND FINDINGS IN AGENCY FINAL ACTIONS

Part IVA collects the data on the bases alleged in all closed pre-complaint counselings and closed complaints settled and the bases found in final agency decisions (FAD), Administrative Judge decisions and agency final orders (FO) with findings of discrimination implemented that were issued during the reporting period. Data for this part is collected on the same bases as those reported in Part IV. Data should only be reported for those pre-complaint counselings and complaints that were closed during the reporting period. Data should not be reported for class actions.

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS (REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)																				
AGENCY OR DEPARTMENT: ABC Agency																				
PART IVA - BASES OF DISCRIMINATION IN FINDINGS AND ALLEGED IN SETTLEMENTS																				
FINDINGS/ALLEGATIONS IN:	BASES OF DISCRIMINATION IN FINDINGS AND ALLEGED BASES IN SETTLEMENTS																			
	RACE						COLOR	RELIGION	REPRISAL	SEX		PDA	NATIONAL ORIGIN		EQUAL PAY ACT		AGE	DISABILITY		DNA
	AMER. INDIAN/ ALASKA NATIVE	ASIAN	HAWAIIAN/ OTHER PACIFIC ISLANDER	BLACK/ AFRICAN AMERICAN	WHITE	TWO OR MORE RACES				MALE	FEMALE		HISPANIC/ LATINO	OTHER	MALE	FEMALE		MENTAL	PHYSICAL	
1. Counseling Settlement Allegations																				
1a. Number of Counselings Settled																				
1b. Number of Counselees Settled With																				
2. Complaint Settlement Allegations																				
2a. Number of Complaints Settled																				
2b. Number of Complaints Settled With																				
3. Final Agency Decision Findings																				
3a. Number FADs with Findings																				
3b. Number Complainants Issued FAD Findings																				
4. AJ Decision Findings																				
4a. Number AJ Decisions With Findings																				
5. Final Agency Order Findings Implemented																				
5a. Number of Final Orders With Findings Implemented																				
5b. # of Complainants Issued FOs with Findings Implemented																				
TOTAL SETTLEMENT ALLEGATIONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL FINAL ACTION FINDINGS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

- Part IVA Line 1 - report the number of all bases alleged in pre-complaint counseling that were settled during the reporting period.
- Part IVA Line 1a - report the number of pre-complaint counselings that were closed by settlement during the reporting period.
- Part IVA Line 1b - report the number of counselees that were involved in the pre-complaint counselings settled during the reporting period.

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- Part IVA Line 2 - report the number of all bases alleged in closed complaints that were settled during the reporting period.
- Part IVA Line 2a - report the number of complaints that were closed by settlement during the reporting period.
- Part IVA Line 2b - report the number of complainants that were involved in the closed complaints settled during the reporting period.
- Part IVA Line 3 - report the number of all bases found in final agency decisions with findings of discrimination issued during the reporting period.
- Part IVA Line 3a - report the number of FADs issued with findings of discrimination during the reporting period.
- Part IVA Line 3b - report the number of complainants that were issued FADs with findings of discrimination during the reporting period.
- Part IVA Line 4 - report the number of all bases found in AJ decisions with findings of discrimination issued in complaints closed during the reporting period.
- Part IVA Line 4a - report the number of AJ decisions with findings of discrimination issued in complaints closed during the reporting period.
- Part IVA Line 5 - report the number of all bases found in implemented final agency orders (FOs) with findings of discrimination issued on AJ decisions during the reporting period.
- Part IVA Line 5a - report the number of implemented FOs issued with findings of discrimination during the reporting period.
- Part IVA Line 5b - report the number of complainants that were issued implemented FOs with findings of discrimination during the reporting period.

- The Total Settlement Allegations and Total Final Action Findings are auto-calculated by the spreadsheet and require no user input.

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PART IVB ISSUES ALLEGED IN CLOSED COUSELINGS SETTLED, CLOSED COMPLAINTS SETTLED AND FINDINGS IN AGENCY FINAL ACTIONS

Part IVB collects the data on the issues alleged in all closed pre-complaint counselings and closed complaints settled and the issues found in final agency decisions (FAD), Administrative Judge decisions and agency final orders (FO) with findings of discrimination issued during the reporting period. Data for this part is collected on the same issues as those reported in Part IV. Data should only be reported for those pre-complaint counselings and complaints that were closed during the reporting period. Data should not be reported for class actions.

FINDINGS/ALLEGATIONS IN		ISSUES OF DISCRIMINATION IN FINDINGS AND ALLEGED ISSUES IN SETTLEMENTS																							
		APPOINTMENT HIRE	ASSIGNMENT OF DUTIES	AWARDS	CONVERSION TO FULL TIME	DISCIPLINARY ACTION				DUTY ROLES	EVALU APPRAISAL	EXAM TEST	ENROLLMENT		MEDICAL	PAY OVERTIME	PROMOTION SELECTION	REASSIGNMENT TRANSFER	REASONABLE ACCOMMODATION	RETI STATEMENT	TERMINATION	TERMS & CONDITIONS	TIME AND ATTENDANCE	TRAINING	OTHER
1. Counseling Settlement Allegations																									
1a. Number of Counselings Settled																									
1b. Number of Counselings Settled With																									
2. Complaint Settlement Allegations																									
2a. Number of Complaints Settled																									
2b. Number of Complaints Settled With																									
3. Final Agency Decision Findings																									
3a. Number FADs with Findings																									
3b. Number Complaints Issued FAD Findings																									
4. AJ Decision Findings																									
4a. Number AJ Decisions With Findings																									
5. Final Agency Order Findings Implemented																									
5a. Number of Final Orders With Findings Implemented																									
5b. # of Complaints Issued FADs with Findings Implemented																									
TOTAL SETTLEMENT ALLEGATIONS		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL FINAL ACTION FINDINGS		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

- Part IVB Line 1 - report the number of all issues alleged in pre-complaint counseling that were settled during the reporting period.
- Part IVB Line 1a - report the number of pre-complaint counselings that were closed by settlement during the reporting period.
- Part IVB Line 1b - report the number of counsees that were involved in the pre-complaint counselings settled during the reporting period.
- Part IVB Line 2 - report the number of all issues alleged in closed complaints that were settled during the reporting period.
- Part IVB Line 2a - report the number of complaints that were closed by settlement during the reporting period.

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- Part IVB Line 2b - report the number of complainants that were involved in the closed complaints settled during the reporting period.
- Part IVB Line 3 - report the number of all issues found in final agency decisions with findings of discrimination issued during the reporting period.
- Part IVB Line 3a - report the number of FADs issued with findings of discrimination during the reporting period.
- Part IVB Line 3b - report the number of complainants that were issued FADs with findings of discrimination during the reporting period.
- Part IVB Line 4 - report the number of all issues found in AJ decisions with findings of discrimination issued in complaints closed during the reporting period.
- Part IVB Line 4a - report the number of AJ decisions with findings of discrimination issued in complaints closed during the reporting period.
- Part IVB Line 5 - report the number of all issues found in implemented final agency orders (FOs) with findings of discrimination issued on AJ decisions during the reporting period.
- Part IVB Line 5a - report the number of implemented FOs issued with findings of discrimination during the reporting period.
- Part IVB Line 5b - report the number of complainants that were issued implemented FOs with findings of discrimination during the reporting period.
- The Total Settlement Allegations and Total Final Action Findings are auto-calculated by the spreadsheet and require no user input.

PART V. SUMMARY OF CLOSURES BY STATUTE

PART V - SUMMARY OF CLOSURES BY STATUTE	
A. STATUTE	(IF A SINGLE COMPLAINT HAS MULTIPLE STATUTES RECORD EACH ON THE APPROPRIATE LINE.)
<input type="text"/>	1. TITLE VII
<input type="text"/>	1a. PREGNANCY DISCRIMINATION ACT (PDA)
<input type="text"/>	2. AGE DISRIMINATION IN EMPLOYMENT ACT (ADEA)
<input type="text"/>	3. REHABILITATION ACT
<input type="text"/>	4. EQUAL PAY ACT (EPA)
<input type="text"/>	5. GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)
B. TOTAL BY STATUTES	
<input type="text" value="0"/>	THIS NUMBER MAY BE LARGER THAN THE TOTAL NUMBER OF COMPLAINTS CLOSED.
<small>(A1+A1a+A2+A3+A4+A5)</small>	

Part V collects data on **all** closed complaints during the reporting period by statute. If a closed complaint was filed under more than one statute, report the complaint under each applicable statute. Complaints with multiple issues alleged under the same statute should only be reported once.

- Part V Section A.1 - report all closed complaints that alleged discrimination based on race, color, religion, sex, and/or national origin which arise under Title VII.

Note: Do not report closed complaints alleging allegations of sex discrimination that arise under the Pregnancy Discrimination Act here, report them in Part V Section A.1.a.

- Part V Section A.1.a – report all closed complaints that alleged sex discrimination which arise under the Pregnancy Discrimination Act (PDA).

Note: complaints with these allegations should not be reported in Section A.1.

- Part V Section A.2 – report all closed complaints alleging discrimination based on age (40 years or older) which arise under the Age Discrimination in Employment Act (ADEA).

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- Part V Section A.3 – report all closed complaints alleging discrimination based on physical and/or mental disability which arise under the Rehabilitation Act.
- Part V Section A.4 – report all closed complaints alleging discrimination in salary/wage based on sex which arise under the Equal Pay Act and may arise under Title VII. If both statutes are alleged then the complaint should be counted on both Line A.4 and A.1.
- Part V Section A.5 – report all closed complaints alleging discrimination based on genetic information that arises under the Genetic Information Non-Discrimination Act.

Part V Section B – the spreadsheet auto calculates the total of all closed complaints reported on lines A.1, A.1a, A.2, A.3, A.4 and A.5. Note: this number may be larger than the total number of complaints closed because one complaint may have multiple statutes.

Closed complaints alleging retaliation/reprisal for prior EEO activity may arise under one or more of the statutes, depending on the nature of the prior EEO activity. For example, if a complainant previously filed a complaint alleging discrimination based on age and during the reporting period filed a complaint alleging retaliation for the filing of the prior complaint, the retaliation complaint would be included on Part V Line A.2 "ADEA."

PART VI. SUMMARY OF CLOSURES BY CATEGORY

In Part VI data on the number and time periods for different categories of complaint closures is collected.

Part VI Sections A, B and C track time periods from date of complaint filing to date of complaint closure. Part VI Section D tracks time periods from the date specified on each reporting line (date agency first required to issue merit decision) to the date of complaint closure (merit decision issuance).

Agencies report the number of closures and total days for closures. Total days in Sections A, B and C are calculated by adding the time each closure took from date of complaint filing to date of closure. The spreadsheet calculates average days for every line. The spreadsheet also calculates total number and total days for some lines.

PART VI - SUMMARY OF CLOSURES BY CATEGORY			
	TOTAL NUMBER	TOTAL DAYS	AVERAGE DAYS
A. TOTAL NUMBER OF CLOSURES (1+2+3)	0	0	0.00
1. WITHDRAWALS	0	0	0.00
a. NON-ADR WITHDRAWALS			0.00
b. ADR WITHDRAWALS			0.00
2. SETTLEMENTS	0	0	0.00
a. NON-ADR SETTLEMENTS			0.00
b. ADR SETTLEMENTS			0.00
3. FINAL AGENCY ACTIONS (B+C)	0	0	0.00

- Part VI Section A - the spreadsheet automatically totals the total number of closures by adding the number of closures reported on lines A.1 + A.2 + A.3.
- Part VI Section A.1 - the spreadsheet automatically calculates the number of closures by withdrawal and days by adding the numbers reported on lines A.1a + A.1.b.

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- Part VI Section A.1.a – report the number and total days for non-ADR withdrawals from EEO complaint process. Total days are calculated from the date of complaint filing to the date of withdrawal.
- Part VI Section A.1.b – report the number and total days for ADR withdrawals from EEO complaint process. Total days are calculated from the date of complaint filing to the date of withdrawal.
- Part VI Section A.2 - the spreadsheet automatically calculates the number of closures by settlements and days by adding the numbers reported on lines A.2.a + A.2.b.
- Part VI Section A.2.a - report the number and total days for non-ADR settlement. Include settlement by AJs using ADR techniques. Total days are calculated from the date of complaint filing to the date of settlement.
- Part VI Section A.2.b - report the number and total days for ADR settlements excluding settlements by AJs using ADR techniques. Total days are calculated from the date of complaint filing to the date of settlement.
- Part VI Section A.3 - report the number and total days for final agency actions. The numbers should equal the number of final agency decisions without an AJ reported on Line B and the number of final agency action on an AJ decisions reported on Line C.



Note: Part VI Section A.2.b should only include ADR settlements which occurred in the agency's ADR program. Settlements, outside the agency's ADR program, for example, settlements during the hearing stage, should be reported in Part VI Section A.2a, notwithstanding that an ADR technique might have been used to obtain the settlement.

Part VI Section B - Final Agency Decisions without an Administrative Judge Decision

B. FINAL AGENCY DECISIONS WITHOUT AN ADMINISTRATIVE JUDGE DECISION	(1+2+3)	0	0	0.00
1. FINDING DISCRIMINATION				0.00
2. FINDING NO DISCRIMINATION				0.00
3. DISMISSAL OF COMPLAINTS				0.00

Part VI Section B collects data on final agency decisions or FADs. FADs are those decisions wherein the agency determines the outcome of the case; no EEOC Administrative Judge has been involved in the case.

Total days are calculated from the date of complaint filing to the date of issuance of the agency’s final decision.

- Part VI Section B - the spreadsheet automatically calculates the number and day totals by adding the reported data on Lines B.1 + B.2 + B.3.
- Part VI Section B.1 – report all FADs with any finding of discrimination and the total days data.
- Part VI Section B.2 – report all FADs with no finding of discrimination and the total days data.
- Part VI Section B.3 – report all FADs dismissing the entire complaint and the total days data.

Please note that an agency dismissal decision is reported on Line B.3 only if it dismisses the entire complaint. Decisions to investigate one or more claims, but not all claims are not final agency decisions.

Part VI - Section C Final Agency Orders with an Administrative Judge (AJ) Decision”

C. FINAL AGENCY ORDERS WITH AN ADMINISTRATIVE JUDGE (AJ) DECISION	(1+2)	0	0	0.00
1. AJ DECISION FULLY IMPLEMENTED	(a+b+c)	0	0	0.00
(a) FINDING DISCRIMINATION				0.00
(b) FINDING NO DISCRIMINATION				0.00
(c) DISMISSAL OF COMPLAINTS				0.00
2. AJ DECISION NOT FULLY IMPLEMENTED	(a+b+c)	0	0	0.00
(a) FINDING DISCRIMINATION	(i+ii+iii)	0	0	0.00
i. AGENCY APPEALED FINDING BUT NOT REMEDY				0.00
ii. AGENCY APPEALED REMEDY BUT NOT FINDING				0.00
iii. AGENCY APPEALED BOTH FINDING AND REMEDY				0.00
(b) FINDING NO DISCRIMINATION				0.00
(c) DISMISSAL OF COMPLAINTS				0.00

Part VI Section C collects data on final agency orders or FOs. FOs are those decisions wherein the agency issues an order either fully implementing an administrative judge’s (AJ) decision (Section C.1) or not fully implementing the AJ decision (Section C.2) and filing an appeal with the EEOC.

Total days are calculated from the date of complaint filing to the date of issuance of the agency’s final order.

- Part VI Section C - the spreadsheet automatically totals the total number of FOs by adding the number of FOs and days reported on lines C.1 + C.2.
- Part VI Section C.1 - the spreadsheet automatically calculates the number of FOs fully implemented and days by adding the numbers reported on lines C.1.a + C.1.b + C.1.c.
- Part VI Section C.1.a – report the number and total days for FOs fully implementing AJ decisions containing a finding of discrimination. Total days are calculated from the date of complaint filing to the date of FO issuance.

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- Part VI Section C.1.b – report the number and total days for FOs fully implementing AJ decisions containing no finding of discrimination. Total days are calculated from the date of complaint filing to the date of FO issuance.
- Part VI Section C.1.c – report the number and total days for FOs fully implementing AJ decisions to dismiss the complaint. Total days are calculated from the date of complaint filing to the date of FO issuance.
- Part VI Section C.2 - the spreadsheet automatically calculates the number of FOs not fully implemented and days by adding the numbers reported on lines C.2a + C.2.b + C.2.c.
- Part VI Section C.2.a – the spreadsheet automatically calculates the number of FOs not fully implemented and days by adding the numbers reported on lines C.2a.i + C.2a.ii + C.2a.iii.
- Part VI Section C.2.a.i – report the number and total days for FOs not fully implementing AJ decisions containing a finding of discrimination where the agency appealed the AJ finding but not the remedy ordered. Total days are calculated from the date of complaint filing to the date of FO issuance.
- Part VI Section C.2.a.ii – report the number and total days for FOs not fully implementing AJ decisions containing a finding of discrimination where the agency appealed the remedy ordered but not the AJ finding. Total days are calculated from the date of complaint filing to the date of FO issuance.
- Part VI Section C.2.a.iii – report the number and total days for FOs not fully implementing AJ decisions containing a finding of discrimination where the agency appealed both the AJ finding and the remedy ordered. Total days are calculated from the date of complaint filing to the date of FO issuance.

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- Part VI Section C.2.b – report the number and total days for FOs not fully implementing AJ decisions containing no finding of discrimination. Total days are calculated from the date of complaint filing to the date of FO issuance.
- Part VI Section C.2.c – report the number and total days for FOs not fully implementing AJ decisions to dismiss the complaint. Total days are calculated from the date of complaint filing to the date of FO issuance.

Part VI Section D Merit Final Agency Decisions (FADs) Issued

PART VI - SUMMARY OF CLOSURES BY CATEGORY (Continued)			
	TOTAL	TOTAL	AVERAGE
	NUMBER	DAYS	DAYS
D. FINAL AGENCY MERIT DECISIONS (FAD) ISSUED (1+2+3+4)	0	0	0.00
1. COMPLAINANT REQUESTED IMMEDIATE FAD (1a+1b)	0	0	0.00
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF FAD REQUEST			0.00
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND RECEIPT OF FAD REQUEST			0.00
2. COMPLAINANT DID NOT ELECT HEARING OR FAD (2a+2b)	0	0	0.00
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF END OF 30-DAY ELECTION PERIOD			0.00
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND END OF 30-DAY ELECTION PERIOD			0.00
3. HEARING REQUESTED; AJ RETURNED CASE TO AGENCY FOR FAD WITHOUT AJ DECISION (3a+3b)	0	0	0.00
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF AJ RETURNED CASE FOR FAD ISSUANCE			0.00
b. AGENCY ISSUED FAD MORE THAN 60 DAYS AFTER RECEIPT OF AJ RETURNED CASE FOR FAD ISSUANCE			0.00
4. FINAL AGENCY DECISION ISSUED ON A MIXED CASE (4a+4b)	0	0	0.00
a. AGENCY ISSUED FAD WITHIN 45 DAYS AFTER INVESTIGATION			0.00
b. AGENCY ISSUED FAD MORE THAN 45 DAYS AFTER INVESTIGATION			0.00

In Part VI Section D data on the timeliness of merit FADs is collected. **Note:** This section does not include agency dismissal decision information.

Time limits are established by regulation. See box below.

Regulations

29 C.F.R. §1614.110 (b) requires agencies to issue a final agency decision (FAD) within 60 days of receiving notification that a complainant has requested an immediate decision from the agency.

29 C.F.R. §1614.110 (b) requires agencies to issue a FAD within 60 days of the end of the 30-day period for the complainant to request a hearing or an immediate final decision where the complainant has not requested either a hearing or a decision.

29 C.F.R. §1614.302 (d)(2) requires agencies to issue a FAD on a mixed case complaint within 45 days of the end of the investigation.

- Part VI Section D - The spreadsheet automatically calculates the total number and days reported by adding the totals reported on Lines D.1 + D.2 + D3 + D4.
- Part VI Section D.1 - The spreadsheet automatically calculates the totals reported by adding the totals reported on Lines D.1.a + D.1.b.

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- Part VI Section D.1.a – report the number and total days for merit FADs issued within 60 days of receipt of FAD request. Days are calculated from the date the agency became obligated to issue a final merit decision without an AJ decision to the date the FAD was issued.
- Part VI Section D.1.b - report the number and total days for merit FADs issued beyond 60 days of receipt of FAD request. Days are calculated from the date the agency became obligated to issue a final merit decision without an AJ decision to the date the FAD was issued.
- Part VI Section D.2 - The website automatically calculates the totals reported by adding the totals reported on Lines D.2.a + D.2.b.
- Part VI Section D.2.a - report the number and total days for merit FADs issued within 60 days of receipt of the end of the 30-day election period. Days are calculated from the date the agency became obligated to issue a final merit decision without an AJ decision to the date the FAD was issued.
- Part VI Section D.2.b – report the number and total days for merit FADs issued beyond 60 days of receipt of the end of the 30-day election period. Days are calculated from the date the agency became obligated to issue a final merit decision without an AJ decision to the date the FAD was issued.
- Part VI Section D.3 - The spreadsheet automatically calculates the totals reported by adding the totals reported on Lines D.3.a + D.3.b.
- Part VI Section D.3.a – report the number and total days for merit FADs issued within 60 days of receipt of AJ returned case for FAD issuance. Days are calculated from the date the agency became obligated to issue a final merit decision without an AJ decision to the date the FAD was issued.

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- Part VI Section D.3.b - report the number and total days for merit FADs issued beyond 60 days of receipt of AJ returned case for FAD issuance. Days are calculated from the date the agency became obligated to issue a final merit decision without an AJ decision to the date the FAD was issued.
- Part VI Section D.4 - the spreadsheet automatically calculates the totals reported by adding the totals reported on Lines D.4.a + D.4.b.
- Part VI Section D.4.a – report the number and total days for an agency issued FAD that occurred within 45 days after the investigation. Days are calculated from the date the agency became obligated to issue a final merit decision without an AJ decision to the date the FAD was issued.
- Part VI Section D.4.b – report the number and total days for an agency issued FAD that occurred more than 45 days after the investigation. Days are calculated from the date the agency became obligated to issue a final merit decision without an AJ decision to the date the FAD was issued.

The total number of merit FADs reported on Part VI Line D must equal the sum of the number of FADs reported on Part VI Line B.1 and on Part VI Line B.2. **NOTE:** The days will not equal each other as the days reported in Part VI B are calculated from the date the complaint was filed.

PART VII. SUMMARY COMPLAINTS CLOSED WITH BENEFITS DURING FORMAL COMPLAINT STAGE

PART VII - SUMMARY OF FORMAL COMPLAINTS CLOSED BY TYPES OF BENEFITS		
	NUMBER	AMOUNT
A. TOTAL COMPLAINTS CLOSED WITH BENEFITS		
B. TOTAL CLOSURES WITH MONETARY BENEFITS TO COMPLAINANT		0.00
1. BACK PAY/FRONT PAY		
2. LUMP SUM PAYMENT		
3. COMPENSATORY DAMAGES		
4. ATTORNEY FEES AND COSTS		
D. INTENTIONALLY LEFT BLANK		
E. TOTAL CLOSURES WITH NON-MONETARY BENEFITS TO COMPLAINANT		

Part VII collects specific data on the monetary and non-monetary benefits awarded in formal complaint closures that occurred during the reporting period.

A monetary benefit for Part VII reporting purposes is a payment that an agency agrees to provide a complainant in a written settlement agreement, a final agency decision finding discrimination, or a final agency order agreeing to fully implement an administrative judge’s decision that orders the agency to provide a monetary payment. Monetary benefits include compensatory damages, back pay/front pay, lump sum awards and attorney’s fees.

A non-monetary benefit for Part VII reporting purposes is an employment-related action/benefit that an agency agrees to provide a complainant in a written settlement agreement, a final agency decision finding discrimination, or a final agency order agreeing to fully implement an Administrative Judge’s decision that orders the agency to take an employment-related action.

- Part VII Line A – report the total number of complaint closures awarded benefits (Monetary and/or non-Monetary)
- Part VII Line B – report the number of complaint closures with monetary benefits to Complainants. The spreadsheet auto calculates the total amount of monetary benefits awarded by adding the amounts reported in Part VII B.1 + B.2 + B.3 + B.4.

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- Part VII Line B.1 – report the number of complaint closures and the amount of benefits wherein the complainant was awarded back pay and/or front pay.
- Part VII Line B.2 – report the number of complaint closures and the amount of benefits wherein the complainant was awarded a lump sum payment.
- Part VII Line B.3 – report the number of complaint closures and the amount of benefits wherein the complainant was awarded compensatory damages.
- Part VII Line B.4 – report the number of complaint closures and the amount of benefits wherein the complainant was awarded attorney’s fees and costs. (formally line C).
- Part VII Line D – Intentionally left blank – data is no longer.
- Part VII Line E – report the number of complaint closures with non-monetary benefits to complainant.
- Part VII Line F provides a list of common non-monetary benefits awarded in complaint closures. Other types of benefit categories may be added by the agency administrator as needed.

Example 12: Properly Adding “Other” Types of Benefit Categories

When adding an “other” category, avoid categories that do not identify a benefit. For example, a “cease practices complained of” category is lacking in specificity such that it could include several of the listed types of benefits categories (denial of training, transfer, promotion, etc.). On the other hand, when adding an “other” category, do not choose overly specific labels since the number of “other” categories is limited.

Use a general category description that will encompass multiple situations when adding “other” categories. For example, an “Improved terms/conditions of employment” might include changes in work schedules, improved communications, modified performance requirements, opportunity to telework, provision of equipment (not as a reasonable accommodation), and reassignment of a supervisor in response to a sexual harassment allegation.

Examples of “other” types of benefit categories properly added to Part VII F include “non-monetary Awards like a certificate,” or “Neutral/Favorable Reference.

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Types of non-monetary benefits for Part VII Section F reporting purposes include: Hire (Retroactive and Non-retroactive), Promotion (Retroactive and Non-retroactive), Expungements, Reassignments, Removals Rescinded (Reinstatement or Voluntary Resignation), Accommodations, Training, Apology, Disciplinary Actions (Rescinded or Modified), Performance Evaluation Modified, and Leave Restored.

Part VII Line F Lines 1-14 – on each line report either the number of complaint closures with monetary and non-monetary benefits in the “Number of Closures That Received Monetary Benefits As Well” column **or** in the “Number of Closures That Received Only Non-Monetary Benefits” listed on that line. No complaint closure would be reported in both columns.

In the “Number of Closures That Received Monetary Benefits As Well” column report the number of complaint closures where the complainant received a monetary payment in addition to one or more types of listed non-monetary benefits. For example, if a settlement agreement provided for a lump sum payment, training and a transfer, in Part VII line F, the closure is reported in the “Number of Closures That Received Monetary Benefits As Well” on lines F.7 and F.4.

In the “Number of Closures That Received Only Non-Monetary Benefits” column report the number of complaint closures where the complainant received one or more types of the listed non-monetary benefits and no monetary benefit. For example, if a FAD finding discrimination awarded the complainant an expungement and restoration of leave, in Part VII Line F, the closure is reported in the “Number of Closures That Received only Non-Monetary Benefits” on lines F.3 and F.11.

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F. TYPES OF BENEFITS IN NON-MONETARY CLOSURES	NUMBER OF CLOSURES THAT RECEIVED MONETARY BENEFITS AS WELL	NUMBER OF CLOSURES THAT RECEIVED ONLY NON-MONETARY BENEFITS
1. HIRES	0	0
a. RETROACTIVE		
b. NON-RETROACTIVE		
2. PROMOTIONS	0	0
a. RETROACTIVE		
b. NON-RETROACTIVE		
3. EXPUNGEMENTS		
4. REASSIGNMENTS		
5. REMOVALS RESCINDED	0	0
a. REINSTATEMENT		
b. VOLUNTARY RESIGNATION		
6. ACCOMMODATIONS		
7. TRAINING		
8. APOLOGY		
9. DISCIPLINARY ACTIONS	0	0
a. RESCINDED		
b. MODIFIED		
10. PERFORMANCE EVALUATION MODIFIED		
11. LEAVE RESTORED		
12		
13		
14		

- Part VII Line F.1 – the website auto calculates both columns of Hires by adding the data reported in Lines F.1.a + F.1.b.
- Part VII Line F.1.a – report the number of complaint closures wherein the complainant was awarded only a retroactive appointment in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both a retroactive hire and a monetary benefit like a lump sum payment.
- Part VII Line F.1.b – report the number of complaint closures wherein the complainant was awarded only a non-retroactive appointment in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both a non-retroactive hire and a monetary benefit like a lump sum payment.
- Part VII Line F.2 – the website auto calculates both columns of Promotions by adding the data reported in Lines F.2.a + F.2.b.

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- Part VII Line F.2.a – report the number of complaint closures wherein the complainant was awarded only a retroactive promotion in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both a retroactive promotion and a monetary benefit like a lump sum payment.
- Part VII Line F.2.b – report the number of complaint closures wherein the complainant was awarded only a non-retroactive promotion in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both a non-retroactive promotion and a monetary benefit like a lump sum payment.
- Part VII Line F.3 – report the number of complaint closures wherein the complainant was awarded only an expungement in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both an expungement and a monetary benefit like a lump sum payment.
- Part VII Line F.4 – report the number of complaint closures wherein the complainant was awarded only a reassignment in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both a reassignment and a monetary benefit like a lump sum payment.
- Part VII Line F.5 – the website auto calculates both columns of Removals Rescinded by adding the data reported in Lines F.5.a + F.5.b.

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- Part VII Line F.5.a – report the number of complaint closures wherein the complainant was awarded only a reinstatement in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both a reinstatement and a monetary benefit like a lump sum payment.
- Part VII Line F.5.b – report the number of complaint closures wherein the complainant was awarded only a voluntary resignation in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both a voluntary resignation and a monetary benefit like a lump sum payment.
- Part VII Line F.6 – report the number of complaint closures wherein the complainant was awarded only an accommodation in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both an accommodation and a monetary benefit like a lump sum payment.
- Part VII Line F.7 – report the number of complaint closures wherein the complainant was awarded only training in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both training and a monetary benefit like a lump sum payment.
- Part VII Line F.8 – report the number of complaint closures wherein the complainant was awarded only an apology in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where

the complainant received both an apology and a monetary benefit like a lump sum payment.

- Part VII Line F.9 – the website auto calculates both columns of Disciplinary Actions by adding the data reported in Lines F.9.a + F.9.b.
- Part VII Line F.9.a – report the number of complaint closures wherein the complainant was awarded only a rescinded disciplinary action in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both a rescinded disciplinary action and a monetary benefit like a lump sum payment.
- Part VII Line F.9.b – report the number of complaint closures wherein the complainant was awarded only a modified disciplinary action in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both a modified disciplinary action and a monetary benefit like a lump sum payment.
- Part VII Line F.10 – report the number of complaint closures wherein the complainant was awarded only a modified performance evaluation in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where the complainant received both modified performance evaluation and a monetary benefit like a lump sum payment.
- Part VII Line F.11 – report the number of complaint closures wherein the complainant was awarded only a restoration of leave in the “Number of Closures That Received Only Non-Monetary Benefits” column. Report the closures in the “Number of Closures That Received Monetary Benefits As Well” column where

the complainant received both a restoration of leave and a monetary benefit like a lump sum payment.

- Part VII Lines F.12, 13 &14 list other benefits not reported above.

Note: Some types of benefits have a monetary value, for example, leave restoration. However, leave restoration is reported in the non-monetary column because the employee does not receive a monetary payment when leave is restored.

PART VIII. SUMMARY OF PENDING COMPLAINTS BY CATEGORY

PART VIII - SUMMARY OF PENDING COMPLAINTS BY CATEGORY					
A. TOTAL COMPLAINTS PENDING (SAME AS PART II Line I) (1+1a+2+3+4)	NUMBER PENDING	NUMBER OF DAYS	AVERAGE DAYS	DAYS PENDING OLDEST CASE	OLDEST DOCKET #
	0	0			
1. COMPLAINTS PENDING WRITTEN NOTIFICATION (Acknowledgement Letter)			0.00		
1a. COMPLAINTS PENDING DECISION TO ACCEPT/DISMISS			0.00		
2. COMPLAINTS PENDING IN INVESTIGATION			0.00		
3. COMPLAINTS PENDING IN HEARINGS			0.00		
4. COMPLAINTS PENDING A FINAL AGENCY ACTION			0.00		

Part VIII collects data on the status of pending complaints, those complaints that have not yet closed.

For each of the five complaint pending status, report the number of days that the oldest case in each is pending at the end of the reporting period in the last column for each status.

Part VIII Line A – the spreadsheet calculates the total number of pending complaints and days by totaling the data reported in Lines A.1 + A.1a + A.2 + A.3 + A.4. This number must equal the number reported in Part II on Line I.

- Part VIII Line A.1 - report the number of complaints and days awaiting the issuance of an acknowledgment letter in accordance with 29 C.F.R. 1614.106(e) and Chapter 5 Section I of MD-110. The “number of days pending written notification” is the total number of days a complainant has waited for the issuance of the acknowledgment letter, from the date of complaint filing (date of mailing, hand-delivery or facsimile transmission) to the end of the reporting period, or from the date of remand after an appeal to the end of the reporting period.

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- Part VIII Line A.1a – report the number of complaints and days awaiting the decision to accept or dismiss the complaint. The ‘number of days pending a decision to accept/dismiss’ is the total number of days a complainant has waited to learn that his/her complaint is accepted or is dismissed from the date of complaint filing (date of mailing, hand-delivery or facsimile transmission) to the end of the reporting period, or from the date of remand after an appeal to the end of the reporting period.
- Part VIII Line A.2 – report the number of complaints awaiting the conclusion of the investigation by issuance of the election letter and copy of the investigative file to the complainant. The “number of days pending” investigation is the total number of days a complainant has waited for the issuance of the investigative file and the immediate decision/hearing election letter, from the date of complaint filing (date of mailing, hand-delivery or facsimile transmission), or from the date of remand after an appeal, to the end of the reporting period.



Note: Cases held in abeyance for class certification that become un-certified are recorded in Part VIII A.2. The date is calculated from the date the formal complaint was filed, stops at the Abeyance Start Date, and then resumes at the Abeyance End Date and continues until the end of the reporting period.

- Part VIII Line A.3 – report the number of complaints for which the complainant requested a hearing and for which, prior to the end of the reporting period, the agency had not received from the AJ a decision on the complaint or an order for the issuance of a final agency decision without a hearing. The “number of days pending” in hearings is the total number of days a complainant had been waiting for the issuance of the decision on his/her complaint, from the date of complaint filing (date of mailing, hand-delivery or facsimile transmission), or from the date of remand after an appeal to the end of the reporting period.

Oldest Docket # - If the agency has cases pending in Hearing it **must** provide the **EEOC docket number** for the **oldest case it is reporting**. This information will



be provided to the appropriate personnel at EEOC to determine the status and updated information may be provided.

- Part VIII Line A.4 - report the number of complaints awaiting the issuance of final agency action. This pending status includes complaints for which the investigative file and the immediate decision/hearing election letter were issued; and **one of the following applied:**
 - 1) no hearing request or immediate FAD request was received by the end of the reporting period, or
 - 2) an AJ returned complaint to agency for final agency decision (without an AJ decision) that the agency did not issue by the end of the reporting period or
 - 3) an AJ issued a decision on which the agency did not issue a final agency action by the end of the reporting period.

The “number of days pending” is the total number of days a complainant had been waiting for the issuance of the decision on his/her complaint, from the date of complaint filing (date of mailing, hand-delivery or facsimile transmission), or from the date of remand after an appeal to the end of the reporting period.

PART IX. SUMMARY OF INVESTIGATIONS COMPLETED

Part IX collects data on investigations completed in the reporting period by agency personnel and by contractors. Not only is the total number and days reported but also the investigation costs which indicate the average costs per investigation.

The timeliness in which investigations are performed is paramount to the EEO complaint process. See the regulations box blow.

Regulations

29 C.F.R. §1614.108(e) requires an agency to conduct an impartial and appropriate investigation of a complaint within 180 days of the filing of the complaint or within the time period contained in an order from the Office of Federal Operations on an appeal from a dismissal pursuant to §1614.107.

29 C.F.R. §1614.108(e) provides that an individual may agree in writing with the agency to extend a 180-day investigation period for an additional period of not more than 90 days.

29 C.F.R. §1614.108(e) also provides that an agency may unilaterally extend the investigatory time period for not more than an additional 30 days where it must sanitize a complaint file that may contain information classified pursuant to Exec. Order No. 12356, or successor orders, as secret in the interest of national defense or foreign policy, provided the agency notifies the parties of the extension.

29 C.F.R. §1614.108(f) provides that where a complaint has been amended, the agency shall complete its investigation within the earlier of 180 days after the last amendment to the complaint or 360 days after the filing of the original complaint.

29 C.F.R. §1614.606 provides that when a complaint has been consolidated with one or more earlier filed complaints, the agency shall complete its investigation within the earlier of 180 days after the filing of the last complaint or 360 days after the filing of the original complaint.

Investigations completed in 180 days or less are considered timely. Also, investigations completed in 181-360 days that are extended due to amendments, written agreements, and sanitizing are considered timely.

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Investigations completed in 181-360 days for reasons other than described above are considered untimely. Furthermore, investigations completed in 361 or more days are untimely.

All investigation completion times are calculated from the date of complaint filing (date of mailing, hand-delivery or facsimile) or the date on the remand order after a hearing or an appeal, to the date the investigative file and the immediate decision/hearing election letter were issued to the complainant.

Note: The spreadsheet calculates all average days and average costs in Part IX.

PART IX - SUMMARY OF INVESTIGATIONS COMPLETED				
		TOTAL	TOTAL DAYS	AVERAGE
A. INVESTIGATIONS COMPLETED DURING REPORTING PERIOD	(1+3)	0	0	0.00
1. INVESTIGATIONS COMPLETED BY AGENCY PERSONNEL	(a+b+c)	0	0	0.00
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS				0.00
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS		0	0	0.00
1. TIMELY COMPLETED INVESTIGATIONS				0.00
2. UNTIMELY COMPLETED INVESTIGATIONS				0.00
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS				0.00
2. AGENCY INVESTIGATION COSTS				0.00
3. INVESTIGATIONS COMPLETED BY CONTRACTORS	(a+b+c)	0	0	0.00
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS				0.00
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS		0	0	0.00
1. TIMELY COMPLETED INVESTIGATIONS				0.00
2. UNTIMELY COMPLETED INVESTIGATIONS				0.00
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS				0.00
4. CONTRACTOR INVESTIGATION COSTS				0.00

- Part IX Line A - the spreadsheet automatically calculates the total number and days of investigations completed in the reporting period by adding Part IX Lines A.1 + A.3.
- Part IX Line A 1 – the spreadsheet automatically calculates the number and days of investigations completed by agency personnel by adding Part IX Line A.1.a + A.1.b + A.1.c.
- Part IX Line A.1.a – report the number of investigations completed in 180 days or less and the total days used to complete them by agency personnel.

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- Part IX Line A.1.b – the website automatically calculates the number and days of investigations by agency personnel completed in 181-360 days by adding Part IX Line A.1.b.1 + A.1.b.2
- Part IX Line A.1.b.1 – report the number of timely completed investigations completed within 181 to 360 days by agency personnel and the total days used to complete them.
- Part IX Line A.1.b.2 - report the number of untimely completed investigations completed within 181 to 360 days by agency personnel and the total days used to complete them.
- Part IX Line A.1.c - report the number of investigations completed in 361 or more days by agency personnel and the total number of days used to complete them.
- Part IX Line 2 – report the costs of agency personnel conducted investigations by including both salaries and miscellaneous costs. The spreadsheet automatically calculates the average agency investigation costs.

A Cost of Investigations Worksheet is provided in [Appendix H](#).

Salary costs for agency investigations are based on the number and grade-level of agency employees (EEO Investigator, EEO Director, support staff, etc.) involved in the completed investigations and the percentage of work time they expended in conducting the investigations, preparing and reviewing investigative reports for completeness and performing related administrative support tasks.

Miscellaneous costs for agency investigations include the cost of photocopying, supplies, mailing, travel, court reporting, witnesses, training on conducting investigations and other related costs.

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- Part IX Line A 3 – the spreadsheet automatically calculates the number and days of investigations completed by contract investigators by adding Part IX Line A.3.a + A.3.b + A.3.c.
- Part IX Line A.3.a – report the number of investigations completed in 180 days or less and the total days used to complete them by contract investigators.
- Part IX Line A.3.b – the spreadsheet automatically calculates the number and days of investigations by contract investigators completed in 181-360 days by adding Part IX Line A.3.b.1 + A.3.b.2.
- Part IX Line A.3.b.1 – report the number of timely completed investigations completed within 181 to 360 days by contract investigators and the total days used to complete them.
- Part IX Line A.3.b.2 - report the number of untimely completed investigations completed within 181 to 360 days by contract investigators and the total days used to complete them.
- Part IX Line A.3.c - report the number of investigations completed in 361 or more days by contract investigators and the total number of days used to complete them.
- Part IX Line 4 – report the costs of contract investigator conducted investigations by including the cost of the contract, salaries and miscellaneous costs. The spreadsheet automatically calculates the average contract investigator conducted investigation costs.

Salary costs for contract investigations are based on the number and grade-level of agency employees (EEO Investigator, EEO Director, support staff, etc.) involved in the awarding and administering of the completed investigation contracts, reviewing

investigative reports for completeness and performing related administrative support tasks.

Miscellaneous costs for contractor conducted investigations include the cost of photocopying, supplies, mailing, and other related costs expended on awarding and administering the contracts for the completed investigations, if they are not already included in contract costs.

Clarification of Reporting Requirements for Investigation Costs for their EEO investigations.

Note: Department of Defense agencies and those agencies that use only IRD to conduct their investigations should report the number of investigations conducted by IRD in Part IX Section A.1 Investigations Completed by Agency Personnel.

The Department of Defense agencies should include per unit investigation cost data in Part IX Section A.2 in accordance with information and instructions provided by the Office of Diversity Management and Equal Opportunity. Any questions or concerns regarding this matter should be directed to DOD/WHS.

PART X. SUMMARY OF ADR PROGRAM ACTIVITIES INFORMAL PHASE (PRE-COMPLAINT)

Part X collects EEO ADR information for your agency's completed/closed counselings in the pre-complaint stage of the process also known as informal stage of the process. Information concerning other ADR programs that your agency may provide to resolve non-EEO disputes, such as Early Workplace Dispute Programs are not collected by EEOC and should not be included in the numbers reported. An important concept to keep in mind when reviewing data for Part X is that it can be considered as a subset of Part I since much of the data in Part X relates to data contained in Part I.

Regulations

29 C.F.R. §1614.102(b)(2) requires that agencies establish or make available an alternative dispute resolution program. Such program must be available for both the pre-complaint process and the formal complaint process.

29 C.F.R. §1614.105(f) Where the aggrieved person chooses to participate in an alternative dispute resolution procedure in accordance with paragraph (b)(2) of this section, the pre-complaint processing period shall be 90 days. If the claim has not been resolved before the 90th day, the notice described in paragraph (d) of this section shall be issued.

29 C.F.R. §1614.108(b) In accordance with instructions contained in Commission Management Directives, the agency shall develop an impartial and appropriate factual record upon which to make findings on the claims raised by the written complaint. An appropriate factual record is one that allows a reasonable fact finder to draw conclusions as to whether discrimination occurred. Agencies may use an exchange of letters or memoranda, interrogatories, investigations, fact-finding conferences or any other fact-finding methods that efficiently and thoroughly address the matters at issue. Agencies are encouraged to incorporate alternative dispute resolution techniques into their investigative efforts in order to promote early resolution of complaints.

29 C.F.R. §1614.603 Each agency shall make reasonable efforts to voluntarily settle complaints of discrimination as early as possible in, and throughout, the administrative processing of complaints, including the pre-complaint counseling stage. Any settlement reached shall be in writing and signed by both parties and shall identify the claims resolved.

Management Directive 110 Chapter 3 - Alternative Dispute Resolution

ADR stands for Alternative Dispute Resolution. It is those processes that individuals can use to resolve their disputes other than by using courts, trials, or administrative

procedures, and in the federal EEO process, ADR is an alternative to Traditional Counseling.



Some smaller agencies make an ADR program available through a MOU (Memorandum of Understanding) with larger agencies. If you have a MOU with another agency to provide your employees with mediation services, report that in the comment section for Part XII Section C Line 4. NOTE: The number of individuals that actually go to the table for the agency, for example, mediators, facilitators, are not reported as managing the EEO ADR program for the agency in Part XII Section C.



Caution!!! The total number of individuals should be less than or equal to the total number of counselings.

- Part X Section A – Intentionally left blank - data is no longer collected.

Part X Section B - ADR Actions in Completed/Ended Counselings

PART X - SUMMARY OF ADR PROGRAM ACTIVITIES		
INFORMAL PHASE (PRE-COMPLAINT)		
A. INTENTIONALLY LEFT BLANK		
B. ADR ACTIONS IN COMPLETED/ENDED COUNSELINGS	COUNSELINGS	INDIVIDUALS
1. ADR OFFERED BY AGENCY		
2. REJECTED BY INDIVIDUAL (COUNSELEE)		
3. INTENTIONALLY LEFT BLANK		
4. TOTAL ACCEPTED INTO ADR PROGRAM	0	

- Part X Line B.1 - report the total number of counselings and individuals for which the Agency offered ADR during the pre-complaint stage for completed/ended counselings in this reporting period.



Note: Agencies should count ADR offers by counting the numbers of counselings in which there was ADR activity and not the number of multiple ADR offers. Agencies may reference in a Comment the number of counselings involving multiple ADR offers, if such distinction is desired by the agency. Requests made for ADR but not offered by the Agency are not reported on the

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EEOC Form 462 report. (See [Appendix D](#) Part X and XI for more details).

Note: Where the Agency allows a management official to determine that the Agency will not follow through with ADR after it has been offered and accepted by the Counselee should be providing an agency official with settlement authority to proceed with the ADR and then report the result of the ADR in Part X Line E.

- Part X Line B.2 - report the total number of counselings and individuals for which the individual rejected the agency's offer for ADR during the pre-complaint stage for counselings completed/ended in this reporting period.
- Part X Line B.3 – Intentionally Left Blank – Data no longer collected.
 - Part X Line B.4 - report the total number of counselings and individuals who agreed to participate in ADR during the pre-complaint stage for counselings completed/ended in this reporting period. The term “participated” is also used for this category. The parties are the counselee and the agency. If the agency offers ADR to the aggrieved individual then the agency has agreed to participate in the ADR process and should provide an official with settlement authority to proceed with the ADR.

Example 13: ADR Actions

Agency ZZ had 30 counselings completed/ended in FY 2011; 25 counselings were offered ADR; individuals accepted the ADR offer in 15 counselings

In the Counseling column Agency ZZ would report 25 ADR Offers on Line B.1; 10 Rejected by Counselee on Line B.2; and 15 Accepted into ADR Program on Line B.4

Part X Section C - ADR Resources Used in Completed/Ended Counselings

C. ADR RESOURCES USED IN COMPLETED/ENDED COUNSELINGS (TOTALS)		0	
1.	INHOUSE		
2.	ANOTHER FEDERAL AGENCY		
3.	PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS, BAR ASSOCIATIONS, INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY PERSONNEL)		
4.	MULTIPLE RESOURCES USED (Please specify in a comment box)		
5.	FEDERAL EXECUTIVE BOARD		
6.			
7.			

An **ADR Resource** is a resource from which an agency obtains neutrals to conduct ADR attempts. A neutral is a third party who helps the parties during an ADR session, e.g. the mediator.

- Part X C – report the total number of individuals for which ADR resources were used for completed/ended counselings in this reporting period. The counselings are auto-calculated by the spreadsheet.
- Part X C.1 – report the total number of counselings and individuals for which in-house resources were used for counselings completed/ended in this reporting period.
- Part X C.2 – report the total number of counselings and individuals for which resources from another federal agency were used for counselings completed/ended in this reporting period.
- Part X C.3 – report the total number of counselings and individuals for which private organization resources were used for counselings completed/ended in this reporting period.

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- Part X C.4 – report the total number of counselings and individuals for which multiple resources were used for counselings completed/ended in this reporting period and add comment per instructions below.



If more than one source of neutrals was used in a particular case (i.e., an in-house employee and a private contractor), please report the use of those neutrals for counselings and individuals as “Multiple Resources Used” only on Line C.4 and identify the sources of neutrals in a comment on the Data Checks worksheet in column K of Row 2806. Do not report them on Lines C.1, C.2, C.3 and C.5.

- Part X C.5 – report the total number of counselings and individuals for which Federal Executive Board resources were used for counselings completed/ended in this reporting period.

Note: If an agency obtains neutrals from a source not listed in Section C, the agency administrator should add an “Other” and the counselings can be reported on Lines 6 and 7.

Part X Section D - ADR Techniques Used in Completed/Ended Counselings

D. ADR TECHNIQUES USED IN COMPLETED/ENDED COUNSELINGS (TOTALS)		0		0	0.00
1.	MEDIATION				0.00
2.	SETTLEMENT CONFERENCES				0.00
3.	EARLY NEUTRAL EVALUATIONS				0.00
4.	FACTFINDING				0.00
5.	FACILITATION				0.00
6.	OMBUDSMAN				0.00
7.	PEER REVIEW				0.00
8.	MULTIPLE TECHNIQUES USED (Please specify in a comment box)				0.00
9.					0.00
10.					0.00
11.					0.00

An ADR technique is one of several non-litigation processes used to resolve EEO disputes. Chapter 3 of the EEOC’s MD-110 provides a description of each ADR technique. These techniques are also defined in [Appendix B](#) of this Instruction Manual.

If an agency used an ADR method/technique not listed in Chapter 3 of EEOC's MD-110 "other methods/techniques" the agency administrator may add an Other, for example, conciliation.

- Part X Line D – report the total number of counselings and individuals with whom the ADR techniques listed in 1-11 were used in completed/ended counselings. The counselings, days and average days are auto calculated by the spreadsheet.
- Part X Line D.1 – report the total number of counselings and individuals in which mediation was used for pre-complaint counselings completed/ended during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.



Note: To determine the duration of an ADR process for Form 462 purposes, calculate the number of days from the date the counselee accepted the agency's ADR offer to the date that the ADR process ended and enter the total number of days for each method category, recorded on each respective line, in the Days column. In Section D, it is incorrect to calculate and enter just the period of days that an ADR session occurred. Do not report just the time spent "at the table." The time "spent at the table" is included in the duration of the process. The time periods captured in Part X are not controlled by 29 C.F.R. §1614.604 because for time periods reported in Part X, the number being reported is not regulatory time frame, rather a period of duration.

Example 14: Calculating Total Days For ADR Reporting Purposes

Agency ZZ had 3 mediations with 3 different individuals during the reporting period. The first mediation had a duration of 30 days in the ADR process, the second had a duration of 34 days, and the third had a duration of 38 days, for a total of 102 days. Agency ZZ would enter 102 in the DAYS column and 3 in the counselings and individuals columns of Line D.1. If the mediation sessions with the mediator each lasted one day, Agency ZZ would not enter 3 in the DAYS column because the session time periods are included in the duration period, (the date that the counselee accepted the agency's ADR offer to the date that the ADR process ended).

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- Part X Line D.2 – report the total number of counselings and individuals in which settlement conferences were used for pre-complaint counselings completed/ended during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.
- Part X Line D.3 – report the total number of counselings and individuals in which early neutral evaluations were used for pre-complaint counselings completed/ended during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.
- Part X Line D.4 – report the total number of counselings and individuals in which factfindings were used for pre-complaint counselings completed/ended during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.
- Part X Line D.5 – report the total number of counselings and individuals in which facilitations were used for pre-complaint counselings completed/ended during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.
- Part X Line D.6 – report the total number of counselings and individuals in which ombuds were used for pre-complaint counselings completed/ended during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.
- Part X Line D.7 – report the total number of counselings and individuals in which peer reviews were used for pre-complaint counselings completed/ended during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.

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- Part X Line D.8 – report the total number of counselings and individuals in which multiple techniques were used for pre-complaint counselings completed/ended during the reporting period and add comment per instructions below. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.



If more than one ADR technique was used in a particular case (i.e., mediation and a fact finding), please report the use of those techniques for counselings and individuals and days as “Multiple Techniques Used” on Line D.8 and **identify the techniques used in a comment on the Data Checks worksheet in column K of Row 2817**. Do not report them on Lines D.1 and D.4.

Note: If an agency uses a technique not listed in Section D, the agency administrator may add an Other and report on Lines 9 through 11.

Part X - Section E - Status of Cases in Completed/Ended Counselings

E. STATUS OF ADR CASES IN COMPLETED/ENDED COUNSELINGS		COUNSELINGS	INDIVIDUALS	DAYS	AVERAGE DAYS
1.	TOTAL CLOSED	0		0	0.00
a.	SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)				0.00
b.	NO FORMAL COMPLAINT FILED				0.00
c.	COMPLAINT FILED	0		0	0.00
i.	NO RESOLUTION				0.00
ii.	NO ADR ATTEMPT (aka Part X.E.1.d)				0.00
e.	DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD				0.00
2.	INTENTIONALLY LEFT BLANK				

- Part X Line E.1 – report the total number of individuals who used the EEO ADR process in the completed/ended counselings. The counselings, days and average days are auto calculated by the spreadsheet.
- Part X Line E.1.a – report the total number of counselings and individuals in which the EEO ADR process ended with a written settlement that included monetary and/or non-monetary benefits. Calculate and report the total number of days used during the EEO ADR process. The average days are auto calculated by the spreadsheet.



Note: To determine the duration of an EEO ADR process for Form 462 purposes, calculate the number of days from the date the counselee accepted the agency's EEO ADR offer to the date that the ADR process ended and enter the total number of days for each method category, recorded on each respective line, in the Days column. In Section D, it is incorrect to calculate and enter just the period of days that an ADR session occurred. Do not report just the time spent "at the table." The time "spent at the table" is included in the duration of the process. The time periods captured in Part X are not controlled by 29 C.F.R. §1614.604 because for time periods reported in Part X, the number being reported is not regulatory time frame, rather a period of duration.

Note: "Settlements with benefits" include all cases that received some type of benefit (monetary or non-monetary) as a result of withdrawing from the EEO process. The numbers are recorded here and also included in Part I D.3.a and broken out in Part I G and H. If a counselee settles some but not all issues in an ADR attempt, and subsequently files a complaint on the unsettled issues, do not include that settlement in "Settlements with Benefits" because they did not Withdraw from the EEO process. Instead include it in "No Resolution" because they are still in the 1614 process, i.e., a complaint was filed. The ENTIRE matter has not been resolved.

- Part X Line E.1.b – report the total number of counselings and individuals in which the EEO ADR process ended without a written settlement agreement and with no formal complaint filed, in other words where a withdrawal from the EEO process occurred. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.



Note: This category can be considered the same as Withdrawals/No Complaint Filed from the EEO process reported in Part I Line D.3.b. Withdrawals include pre-complaint counselings that withdrew from the EEO process following an ADR attempt but did not receive any type of benefit. The

parties attempted ADR (they went to the table) and did not receive any type of benefit, they didn't settle, they reached an impasse, and then, they did not file a complaint. Whether the counselee took an affirmative action, i.e., signed a Withdrawal or a passive action, i.e., did not file a formal complaint, both situations are reported in this category.

- Part X Line E.1.c.i – report the total number of counselings and individuals in which the EEO ADR process ended with no resolution and a formal complaint was filed in the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.

“No Resolution” should be reported where ADR was attempted, the dispute was not resolved in its entirety and a formal complaint was filed in the reporting period.

- Part X Line E.1.c.ii – report the total number of counselings and individuals in which the EEO ADR process ended with no ADR attempt and a formal complaint was filed in the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.

Note: This category includes pre-complaint counselings where ADR was offered by the agency and the aggrieved individual accepted the offer to participate, but one or both parties withdrew from the ADR process prior to attempting an ADR technique. This category includes pre-complaint counselings that did not attempt an ADR technique and thereafter filed a formal complaint.

- Part X Line E.1.e – report the total number of counselings and individuals where at the end of the reporting period the decision to file a formal complaint was pending. Calculate and report the total number of days used from the time the individual agreed to participate in ADR until the end of the reporting period. The average days are calculated by the spreadsheet.

Note: Data in Part X Line E.1.c.i + ii is a part of the data reported in Part I Line D.3.c along with traditional counseling activities that resulted in the filing of a complaint. In the event that the fiscal year ended and the time period to file a complaint has not expired during the fiscal year and the individual did not file a written withdrawal or did not file a complaint during the fiscal year then the event should be reported in Part X E.1.e, decision to file complaint pending at the end of the reporting period. Do not count the event in other categories. The data included in this section is also reported in Part I D.3.d along with Counseling activities in which a decision to file complaint is pending at the end of the reporting period.

So, if a counseled individual was given a notice of right to file a formal complaint, and if the agency did not receive a complaint or a withdrawal from the individual prior to the end of the reporting period and the applicable time period to file a complaint has not expired, the agency must report the ADR closures, counseling and individual, on Part X Line E.1.e "Decision to file a complaint pending at the end of the reporting period."

- Part X Line E.2 – Intentionally left blank - data is no longer collected.

**PART XI. SUMMARY OF ADR PROGRAM ACTIVITIES FORMAL PHASE
(Complaint Filed)**

Part XI collects EEO ADR information for the agency's complaint closures in the formal-complaint stage of the process. Information concerning other ADR programs that your agency may provide to resolve non-EEO disputes, such as Workplace Dispute Programs are not collected by EEOC and should not be included in the numbers reported.

Note: the focus in Part XI is on program activities in Complaint Closures. If the particular complaint did not close during the fiscal year, you do not need to report the ADR activity that occurred during the year. EEOC recognizes that, on occasion, a complaint remains open for more than one year and that ADR activity may occur in the earlier year, however, the ADR data should not be reported on Form 462 until the complaint is closed. EEOC understands that agencies may report ADR activity to their agency head in a different manner or on a different time frame.

- Part XI Section A – Intentionally left blank - data is no longer collected.

Caution!!! The total number of complainants should be less than or equal to the total number of complaints.

Part XI Section B “ADR Actions in Complaint Closures”

PART XI - SUMMARY OF ADR PROGRAM ACTIVITIES		
FORMAL PHASE (COMPLAINT FILED)		
B. ADR ACTIONS IN COMPLAINT CLOSURES	COMPLAINTS	COMPLAINANTS
1. ADR OFFERED BY AGENCY		
2. REJECTED BY COMPLAINANT		
3. INTENTIONALLY LEFT BLANK		
4. TOTAL ACCEPTED INTO ADR PROGRAM	0	

Parts XI Section B tracks ADR cases in the formal complaint stage for closed complaints. If the ADR activity is over but the complaint is still opened, please do not report the ADR information.

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- Part XI Line B.1 - report the total number of closed complaints and number of complainants for which the Agency offered EEO ADR during the formal complaint stage for this reporting period.



Note: Agencies should count EEO ADR offers by counting the numbers of complaints in which there was ADR activity and not the number of multiple ADR offers. Agencies can also reference in a Comment the number of complaints involving multiple ADR offers, if such distinction is desired by the agency at this time.

- Part XI Line B.2 - report the total number of closed complaints and number of complainants for which the complainant rejected the agency's offer of ADR during the formal complaint stage for this reporting period.
- Part XI Line B.3 – Intentionally Left Blank – data is no longer collected.
- Part XI Line B.4 - report the total number of closed complaints and number of complainants who agreed to participate in the ADR process during the formal complaint stage for this reporting period. The parties are the complainant and the agency.

Note: If the Agency allows a management official to determine that the Agency will not follow through with ADR after it has been offered and accepted by the Complainant than the result of the ADR must be reported in Part XI Line E.1.

Part XI Section C - ADR Resources Used in Complaint Closures

C. ADR RESOURCES USED IN COMPLAINT CLOSURES (TOTALS)		0	
1.	INHOUSE		
2.	ANOTHER FEDERAL AGENCY		
3.	PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS, BAR ASSOCIATIONS, INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY PERSONNEL)		
4.	MULTIPLE RESOURCES USED (Please specify in a comment box)		
5.	FEDERAL EXECUTIVE BOARD		
6.			
7.			

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An **ADR Resource** is a resource from which an agency obtains neutrals to conduct ADR attempts. A neutral is a third party who helps the parties during an ADR session, e.g. the mediator. For the following note that the total number of complainants should be less than or equal to the total number of complaints

- Part XI C – report the total number of complainants for which ADR resources were used in formal complaint closures during the reporting period. The complaints are auto-calculated by the spreadsheet.
- Part XI C.1 – report the total number of complaints and complainants for which in-house resources were used in formal complaint closures in this reporting period.
- Part XI C.2 – report the total number of complaints and complainants for which resources from another federal agency were used in formal complaint closures in this reporting period.
- Part XI C.3 – report the total number of complaints and complainants for which private organization resources were used in formal complaint closures in this reporting period.
- Part XI C.4 – report the total number of complaints and complainants for which multiple resources were used in formal complaint closures in this reporting period and add comment per instructions below.



If more than one source of neutrals was used in a particular case (i.e., an in-house employee and a private contractor), please report the use of those neutrals for complaints and complainants as “Multiple Resources Used” only on Line C.4 and **identify the sources of neutrals in a comment on the Data Checks worksheet in column K of Row 2950**. Do not report them on Lines C.1 and C.3.

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- Part XI C.5 – report the total number of complaints and complainants for which Federal Executive Board resources were used in formal complaint closures in this reporting period.

Note: Almost all ADR resources will fit within one of the listed categories or, if more than one resource is used, on Line C.4 “Multiple Resources Used.” If an agency obtains neutrals from a source not listed in Section C, the agency administrator may add an “Other” and report on Lines 6 and 7.

Part XI Section D - ADR Attempts in Complaint Closures (Totals)

D. ADR TECHNIQUES USED IN COMPLAINT CLOSURES (TOTALS)		COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
		0		0	0.00
1.	MEDIATION				0.00
2.	SETTLEMENT CONFERENCES				0.00
3.	EARLY NEUTRAL EVALUATIONS				0.00
4.	FACTFINDING				0.00
5.	FACILITATION				0.00
6.	OMBUDSMAN				0.00
7.	MINI-TRIALS				0.00
8.	PEER REVIEW				0.00
9.	MULTIPLE TECHNIQUES USED (Please specify in a comment box)				0.00
10.					0.00
11.					0.00
12.					0.00

An ADR technique is one of several non-litigation processes used to resolve EEO disputes. Chapter 3 of the EEO- MD-110 provides a description of each ADR technique. These techniques are also defined in [Appendix B](#) of this Instruction Manual.

If an agency used an ADR method/technique not listed in Chapter 3 of the EEO- MD-110 “other methods/techniques” may be added, for example, conciliation.

For the following, the total number of complainants should be less than or equal to the total number of complaints.

- Part XI Line D – report the total number of complainants with whom the ADR techniques listed in 1-12 were used in formal complaint closures. The complaints, days and average days are auto calculated by the spreadsheet.

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- Part XI Line D.1 – report the total number of complaints and complainants in which mediation was used for formal complaints closed during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.



Note: To determine the duration of an ADR process for Form 462 purposes, calculate the number of days from the date the complainant accepted the agency's ADR offer to the date that the ADR process ended and enter the total number of days for each method category, recorded on each respective line, in the Days column. In Section D, it is incorrect to calculate and enter just the period of days that an ADR session occurred. Do not report just the time spent "at the table." The time "spent at the table" is included in the duration of the process. The time periods captured in Part XI are not controlled by 29 C.F.R. §1614.604 for time periods reported in Part XI the number being reported is not a regulatory time frame, rather a period of duration. .

Example 15: Calculating Total Days For ADR Reporting Purposes

Agency ZZ had 3 mediations with 3 different individuals during the reporting period. The first mediation had a duration of 30 days in the ADR process, the second had a duration of 34 days, and the third had a duration of 38 days, for a total of 102 days. Agency ZZ would enter 102 in the DAYS column and 3 in the complaints and complainants columns of Line D.1. If the mediation sessions with the mediator each lasted one day, Agency ZZ would not enter 3 in the DAYS column because the session time periods are included in the duration period, (the date that the complainant accepted the agency's ADR offer to the date that the ADR process ended).

- Part XI Line D.2 – report the total number of complaints and complainants in which settlement conferences were used for formal complaints closed during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.
- Part XI Line D.3 – report the total number of complaints and complainants in which early neutral evaluations were used for formal complaints closed during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.

- Part XI Line D.4 – report the total number of complaints and complainants in which fact findings were used for formal complaints closed during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.
- Part XI Line D.5 – report the total number of complaints and complainants in which facilitations were used for formal complaints closed during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.
- Part XI Line D.6 – report the total number of complaints and complainants in which ombuds were used for formal complaints closed during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.
- Part XI Line D.7 – report the total number of complaints and complainants in which mini-trials were used for formal complaints closed during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.
- Part XI Line D.8 – report the total number of complaints and complainants in which peer reviews were used for formal complaints closed during the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.
- Part XI Line D.9 – report the total number of complaints and complainants in which multiple techniques were used for formal complaints closed during the reporting period and add comment as instructed below. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet.



If more than one ADR technique was used in a particular case (i.e., mediation and a fact finding), please report the use of those techniques for complaints and complainants and days as “Multiple Techniques Used” on Line D and identify the techniques used in a comment on the Data Checks worksheet in column K of Row 2963. Do not report them on Lines D.1 and D.4.

Note: If an agency uses a technique not listed in Section D, the agency administrator may add an “Other” and report on Lines 10 through 12. An example of an “other” type of ADR technique properly added to Part XI. Section D. would be “Conciliation.”

Part XI Section E - Status of Cases in Complaint Closures

E. STATUS OF CASES IN COMPLAINT CLOSURES		COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
1.	TOTAL CLOSED	0		0	0.00
	a. SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)				0.00
	b. WITHDRAWAL FROM EEO PROCESS				0.00
	c. NO RESOLUTION				0.00
	d. NO ADR ATTEMPT				0.00
2.	INTENTIONALLY LEFT BLANK				

- Part XI Line E.1 – report the total number of complainants who used the EEO ADR process in formal complaint closures. The complaints, days and average days are auto calculated by the spreadsheet. The total number of complainants should be less than or equal to the total number of complaints.
- Part XI Line E.1.a – report the total number of complaints and complainants in which the EEO ADR process ended with written settlements that included monetary and/or non-monetary benefits. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet. ADR activity is only reported for closed complaints. A settlement closes a complaint.

Note: Non-agency ADR settlements are not counted in this category notwithstanding that an ADR technique may have been used to settle the complaint. This Part only collects EEO ADR settlements which occurred through use of the agency’s EEO ADR program. For example, if a complaint is pending before an EEOC AJ who orders mediation or where the parties on their own volition participate in

mediation or other ADR technique and the complaint is settled, it is not reported here. When reporting such a settlement in Part VI, it should be reported in Part VI A.2.a, as a “Non-ADR Settlement.”

Note: To determine the duration of an EEO ADR process for Form 462 purposes, calculate the number of days from the date the complainant accepted the agency’s ADR offer to the date that the ADR process ended and enter the total number of days for each method category, recorded on each respective line, in the Days column. In Section D, it is incorrect to calculate and enter just the period of days that an ADR session occurred. Do not report just the time spent “at the table.” The time “spent at the table” is included in the duration of the process. The time periods captured in Part XI are not controlled by 29 C.F.R. §1614.604 for time periods reported in Part XI the number being reported is not a regulatory time frame, rather a period of duration.



Note: “Settlements with benefits” include all cases that received some type of benefit (monetary or non-monetary) as a result of withdrawing from the EEO process. If a complainant settles some but not all issues in an ADR attempt, do not include that settlement in “Settlements with Benefits” because they did not withdraw from the EEO process. Instead include it in “No Resolution” because they are still in the 1614 process, the ENTIRE matter has not been resolved.

- Part XI Line E.1.b – report the total number of complaints and complainants in which the EEO ADR process ended without a settlement agreement and the complaint is withdrawn, in other words where a withdrawal from the EEO process occurred. Calculate and report the total number of days used during the EEO ADR process. The average days are calculated by the spreadsheet. ADR activity is only reported for closed complaints. A withdrawal closes a complaint.

For example, withdrawals include cases that withdrew from the EEO process following an ADR attempt but did not receive any type of benefit. The parties attempted ADR (they went to the table) and did not receive any type of benefit, they didn’t settle, they reached an impasse, and then, they withdrew their complaint.

- Part XI Line E.1.c – report the total number of complaints and complainants in which the EEO ADR process ended with no resolution and the formal complaint continued in the EEO process but the complaint closes in the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet. ADR activity is only reported for closed complaints. Report “No Resolution” data for complaints which close during the reporting period.

Note: “No Resolution” should be reported where EEO ADR was attempted, the dispute was not resolved in its entirety so the formal complaint continued in the EEO process.

- Part XI Line E.1.d – report the total number of complaints and complainants in which the EEO ADR process ended with no ADR attempt and the formal complaint continued in the EEO process but the complaint closes in the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the spreadsheet. ADR activity is only reported for closed complaints.



Note: that this category includes complaints where there was an ADR offer and the complainant agreed to participate but one or both parties withdrew from the ADR process prior to attempting an ADR technique. This category includes cases that did not attempt an ADR technique and thereafter the formal complaint process continued.



Note: If an individual begins an ADR session but then withdraws prior to completion of the ADR and continues in the complaint process, the closure must be reported on Part XI Line E.1.c “No resolution” if the complaint closes in the reporting period. If an individual begins an ADR session but then withdraws prior to completion of the ADR and does not continue in the EEO process, the closure should be reported on Part XI Line E.1.b “Withdrawal from

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EEO process.” ADR activity is only reported for closed complaints. A withdrawal from EEO process closes a complaint

- Part XI Line E.2 - Data is no longer collected.

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Part XI Section F - Benefits Received

F. BENEFITS RECEIVED		COMPLAINTS	COMPLAINANTS	AMOUNT
1.	MONETARY (INSERT TOTALS)			0.00
a.	COMPENSATORY DAMAGES			
b.	BACKPAY/FRONTPAY			
c.	LUMP SUM			
d.	ATTORNEY FEES AND COSTS			
e.				
f.				
g.				
2.	NON-MONETARY (INSERT TOTALS)			
a.	HIRES	0		
i.	RETROACTIVE			
ii.	NON-RETROACTIVE			
b.	PROMOTIONS	0		
i.	RETROACTIVE			
ii.	NON-RETROACTIVE			
c.	EXPUNGEMENTS			
d.	REASSIGNMENTS			
e.	REMOVALS RESCINDED	0		
i.	REINSTATEMENT			
ii.	VOLUNTARY RESIGNATION			
f.	ACCOMMODATIONS			
g.	TRAINING			
h.	APOLOGY			
i.	DISCIPLINARY ACTIONS	0		
i.	RESCINDED			
ii.	MODIFIED			
j.	PERFORMANCE EVALUATION MODIFIED			
k.	LEAVE RESTORED			
l.				
m.				

Part XI Section F.1 - Benefits Received - Monetary

A monetary benefit for Part XI Section F.1 purposes is a cash payment that an agency agrees to provide a complainant in a settlement agreement. Monetary benefits include “compensatory damages,” “backpay/frontpay,” “lump sum,” “attorney fees and costs,” and any “other” as defined by an agency administrator. Agencies may add an “other” category for example a voluntary retirement incentive payment, to Line F.1 when needed.

- Part XI Line F.1 – report the number of complaints and complainants awarded monetary benefits in written settlement agreements reached in the formal complaint process. The website auto calculates the total amount of monetary benefits awarded by adding the amounts reported in Part XI Lines F.1.a + F.1.b + F.1.c + F.1.d + F.1.e + F.1.f + F.1.g.

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- Part XI Line F.1.a – report the number of complaints, complainants and the amount of compensatory damages awarded in written settlement agreements.
- Part XI Line F.1.b – report the number of complaints, complainants and the amount of back pay/front pay awarded in written settlement agreements.
- Part XI Line F.1.c – report the number of complaints, complainants and the amount of lump sum payments awarded in written settlement agreements.
- Part XI Line F.1.d – report the number of complaints, complainants and the amount of attorney's fees and costs awarded in written settlement agreements.

A non-monetary benefit for Part XI purposes is an employment-related action that an agency agrees to provide a complainant in an ADR written settlement agreement.

- Part XI Line F.2 – report the number of complaints and complainants awarded non-monetary benefits in written settlement agreements reached in the formal complaint process.
- Part XI Line F.2.a – the website auto calculates both columns of Hires by adding the data reported in Lines F.2.a.i + F.2.a.ii.
- Part XI Line F.2.a.i – report the number of complaints and complainants wherein the complainant was awarded a retroactive appointment in a written settlement agreement.
- Part XI Line F.2.a.ii – report the number of complaints and complainants wherein the complainant was awarded a non-retroactive appointment in a written settlement agreement.
- Part XI Line F.2.b – the website auto calculates both columns of Promotions by adding the data reported in Lines F.2.b.i + F.2.b.ii.

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- Part XI Line F.2.b.i – report the number of complaints and complainants wherein the complainant was awarded a retroactive promotion in a written settlement agreement.
- Part XI Line F.2.b.ii – report the number of complaints and complainants wherein the complainant was awarded a non-retroactive promotion in a written settlement agreement.
- Part XI Line F.2.c – report the number of complaints and complainants wherein the complainant was awarded an expungement in a written settlement agreement.
- Part XI Line F.2.d – report the number of complaints and complainants wherein the complainant was awarded a reassignment in a written settlement agreement.
- Part XI Line F.2.e – the website auto calculates both columns of Removals Rescinded by adding the data reported in Lines F.2.e.i + F.2.e.ii.
- Part XI Line F.2.e.i – report the number of complaints and complainants wherein the complainant was awarded a reinstatement in a written settlement agreement.
- Part XI Line F.2.e.ii – report the number of complaints and complainants wherein the complainant was awarded a voluntary resignation in a written settlement agreement.
- Part XI Line F.2.f – report the number of complaints and complainants wherein the complainant was awarded an accommodation in a written settlement agreement.
- Part XI Line F.2.g – report the number of complaints and complainants wherein the complainant was awarded training in a written settlement agreement.

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- Part XI Line F.2.h – report the number of complaints and complainants wherein the complainant was awarded an apology in a written settlement agreement.
- Part XI Line F.2.i – the website auto calculates both columns of Disciplinary Actions by adding the data reported in Lines F.2.i.i + F.2.i.ii.
- Part XI Line F.2.i.i – report the number of complaints and complainants wherein the complainant was awarded a rescinded disciplinary action in a written settlement agreement.
- Part XI Line F.2.i.ii – report the number of complaints and complainants wherein the complainant was awarded a modified disciplinary action in a written settlement agreement.
- Part XI Line F.2.j – report the number of complaints and complainants wherein the complainant was awarded a modified performance evaluation in a written settlement agreement.
- Part XI Line F.2.k – report the number of complaints and complainants wherein the complainant was awarded restored leave in a written settlement agreement.
- Part XI Lines F.2.l & F.2.m are available for other benefits not listed to be reported



Note: that while some “non-monetary” benefits may have a monetary value implication, for example, leave restoration, that benefit is categorized as a non-monetary benefit because the employee does not receive a cash payment when leave is restored. Also, a settlement agreement may provide for more than one type of benefit. Every monetary and non-monetary benefit provided in a written settlement agreement is to be reported on the specific benefit line that is applicable.

PART XII. SUMMARY OF ADR PROGRAM ACTIVITIES TRAINING AND RESOURCES

Part XII collects data on EEO ADR training and resources.

PART XII - SUMMARY OF EEO ADR PROGRAM ACTIVITIES		
EEO ADR RESOURCES		
A. NO LONGER COLLECTED		
B. EMPLOYEES THAT CAN PARTICIPATE IN EEO ADR		
C. RESOURCES THAT MANAGE EEO ADR PROGRAM (DOES NOT INCLUDE NEUTRALS AS REPORTED IN PARTS X. & XI.)		
1. IN-HOUSE FULL TIME (40 HOURS EEO ADR ONLY)		
2. IN-HOUSE PART TIME (32 HOURS EEO ADR ONLY)		
3. IN-HOUSE COLLATERAL DUTY (OTHERS/NON-CONTRACT)		
4. CONTRACT (ANOTHER FEDERAL AGENCY/PRIVATE ORGANIZATIONS)		
D. EEO ADR FUNDING SPENT	AMOUNT	
E. EEO ADR CONTACT INFORMATION		
1. NAME OF EEO ADR PROGRAM DIRECTOR / MANAGER	_____	
2. TITLE	_____	
3. TELEPHONE NUMBER	_____	
4. EMAIL	_____	
F. EEO ADR PROGRAM INFORMATION		
	YES	NO
1. Does the agency require the alleged responsible management official to participate in EEO ADR?		
1a. If yes, is there a written policy requiring the participation?		
2. Does the alleged responsible management official have a role in deciding if the case is appropriate for EEO ADR?		
CERTIFICATION AND CONTACT INFORMATION		
I certify that the EEO complaint data contained in this report, EEOC Form 462, Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints, for the reporting period October 1, 2011 through September 30, 2012, is accurate and complete.		
NAME OF CERTIFYING OFFICIAL: _____		
TITLE OF CERTIFYING OFFICIAL: _____		
TELEPHONE NUMBER: _____		
E-MAIL: _____		
SIGNATURE OF CERTIFYING OFFICIAL: _____ <small>(Enter PIN to serve as your electronic signature)</small>		
DATE: _____		
NAME OF PREPARER: _____		
TITLE OF PREPARER: _____		
TELEPHONE NUMBER: _____		
E-MAIL: _____		
DATE: _____		

- Part XII Line A is no longer collected.

- Part XII Line B – report the number of the total workforce that is eligible to participate in the EEO ADR program. This number includes political appointees, board members, and commission members. If the size of your workforce is classified, enter the percentage of employees who can participate in the EEO ADR program.



Note: Part XII Line B “Employees in total workforce that can participate in EEO ADR.” This includes all employees regardless of supervisory status. This number may or may not equal Part III Line A.1a “Total work force.” If not, **describe who cannot participate in EEO ADR and explain why they cannot participate in a comment on the Data Checks worksheet in column K of Row 3040.**

Part XII Section C - “Resources that Manage the EEO ADR Program”

- Part XII C.1 – report the total number of employees who work full time (40 hours) in your agency’s EEO ADR program. These are individuals who do nothing but manage the EEO ADR program or work in the administration of the program **not** the “neutrals” or “mediators” that are used as ADR resources and are counted in Part X and XI.
- Part XII C.2 – report the total number of employees who work part time (less than 40 hours) for the agency and only manage the agency’s EEO ADR program. Again these are individuals who manage the program or work in the administration of the program **not** the “neutrals” or “mediators” that are used as ADR resources and are counted in Part X and XI.
- Part XII C.3 – report the total number of collateral duty employees who work in your agency’s EEO ADR program. Again these are only the individuals who manage the EEO ADR program or work in the administration of the program **not** the “neutrals” or “mediators” that are used as ADR resources and are counted in Part X and XI. These individuals will also perform other duties for the agency other than managing the EEO ADR program.

Note: If an employee performs both EEO ADR and non-EEO ADR work (i.e., EEO counseling or other functions within the agency), report the employee as collateral duty, regardless of whether the employee is full-time or part-time.

- Part XII C.4 – report the total number of employees who are contract employee(s) that perform the EEO ADR management duties and **add a comment describing the details of the contract on the Data Checks worksheet in column K of Row 4729**. Again these are individuals who manage the program or work in the administration of the program but does **not** include the “neutrals” or “mediators” that are used as ADR resources and are counted in Part X and XI.



In most instances the total number of resources available for EEO ADR displayed on Line C.1, C.2, or C.3 will NOT be zero because someone is generally offering EEO ADR and arranging for EEO ADR to take place after an ADR offer is accepted unless the function is performed by contract as provided in Part XII C.4. If in Part C, a zero value is recorded, **add a comment box and explain why these functions have not been performed on the Data Checks worksheet in column K of Row 4725**.

Part XII Section D - “EEO ADR funding spent”

- Part XII D – report the total amount of funding that your agency spent on its EEO ADR program in this reporting period. Do not include funds that were budgeted for EEO ADR but were not spent. Do not add funding for Non-EEO ADR programs.



For example, agency expenses for external neutrals, purchasing supplies for EEO ADR marketing purposes, or EEO ADR training expenses for staff, managers, or employees should be included, if readily available. If the agency paid travel and expenses for an employee to attend an EEO ADR conference, those monies should be included. The agency need not calculate pro-rata agency overhead expenses or allocate EEO ADR staff expenses that may be attributable to administering your EEO ADR program unless such expenses are included in your budget, e.g., line item budget for your office, and were spent.

Part XII Section E – “EEO ADR Contact Information”



- Part XII E.1 – report the name of the agency’s EEO ADR program Director/Manager. If the agency does not have an EEO ADR Program Director/Manager please **add a comment to explain how the EEO ADR Program is being managed on the Data Checks worksheet in column K of Row 4731.**
- Part XII E.2 – report the individual’s title.
- Part XII E.3 – report the individual’s telephone number.
- Part XII E.4 – report the individual’s email address.

Part XII Section F – “EEO ADR Program Information”

- Part XII F.1 – report whether the agency requires the alleged management official to participate in EEO ADR.
- Part XII F.1.a – If the answer reported in Part XII F.1 was “yes”, then report whether the agency has a written policy requiring the alleged management official to participate. If the answer to Part XII F.1 was “no” then there is nothing to report here.
- Part XII F.2 – report whether the alleged responsible management official has a role in deciding whether a case is appropriate for EEO ADR.



Note: If any of the questions in Part XII Section F can not be answered with a “yes” or “no” response then **add a comment on the Data Checks worksheet in column K of the appropriate row of Rows 4735 to 4741.**

APPENDIX A

FY 2013 Form 462 Reporting Enhancements

The EEOC Form 462 Report collection method was moved from the old website to the Federal Sector EEO Portal (FedSEP) this year.

There are two methods available for completing the Form 462 Report. An agency may login to FedSEP and download a free macro-enabled **Form 462 Excel Tool** from the **Guidance** page, enter its data in the Tool, save the macro-enabled XLSM file and generate an XML data file to upload to the Commission on the **Complaint Upload** page. An agency that currently has an electronic complaint tracking system that can generate an XML data file in a format pre-defined by the Commission may do so and upload data file on the **Complaint Upload** page of FedSEP. Instructions for both methods of Form 462 Report submission are in the Federal Sector EEO Portal (FedSEP) Submitting Form 462 User Guide found on the Guidance page of FedSEP.

There were no changes made to data fields collected.

APPENDIX B

DEFINITIONS

Acknowledgment Letter (also known as a written notification) - a letter that acknowledges that the agency has received the complaint, states the date on which the complaint was filed, and provides the information on the rights and responsibilities described in 29 C.F.R. §1614.106(e).

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

Alternative Dispute Resolution (EEO ADR) - a term used to describe a variety of approaches to resolve conflict rather than traditional adjudicatory or adversarial methods. For the Form 462, data is only collected on Agency EEO ADR program activities.

ADR Funding Spent - the total amount of funding that an agency spent on its EEO ADR program in this reporting period. The funding does not include funds that were budgeted for EEO ADR but were not spent.

Average Processing Days - the sum of the total number of days that it took to close each counseling, investigation, complaint, hearing request or appeal during the fiscal year, divided by the total number of counselings, investigations, complaints, hearing requests or appeals.

Back Pay - a type of compensation for an employee's lost wages, bonuses, vacation pay, and other reimbursement or fringe benefits, including pension and health benefits.

Basis - the type of discrimination alleged, such as race, color, religion, sex, pregnancy, national origin, age, mental or physical disability, genetic information or reprisal.

Benefit - for Part VII reporting purposes, a monetary or non-monetary employment-related action that an agency agrees to provide a complainant in a written settlement agreement, a final agency decision finding discrimination, or a final agency order agreeing to fully implement an AJ's decision ordering the agency to take an employment-related action.

Collateral Duty - for Part XII purposes, employees (either full-time or part-time) who work in EEO ADR while also performing other non-EEO ADR duties in the agency.

Color Discrimination - when a person is discriminated against based on his/her skin pigmentation (lightness or darkness of the skin), complexion, shade, or tone. Color discrimination can occur between persons of different races or ethnicities, or even between persons of the same race or ethnicity. For example, an African American supervisor violates Title VII if s/he refuses to hire other African Americans whose skin is either darker or lighter than her/his own.

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

Complaints Filed - the number of complaints that were filed against a federal agency during the fiscal year.

Complaints Pending A Final Agency Decision/Action - all complaints for which the investigative file and the immediate decision/hearing election letter were issued; **and** one of the following applied: (1) no hearing request was received by the end of the reporting period, (2) an AJ remanded a complaint for final agency decision (without an AJ decision) but the agency did not issue a decision by the end of the reporting period, **or** (3) an AJ issued a decision on which the agency did not issue a final agency action by the end of the reporting period.

Complaints Pending A Decision to Accept/Dismiss – all complaints for which the complainant is waiting for the agency's decision to accept or dismiss the complaint.

Complaints Pending In Hearings - all complaints for which the complainant requested a hearing and for which, prior to the end of the reporting period, the agency had not received from the AJ a decision on the complaint or an order for the issuance of a final decision without a hearing.

Complaints Pending In Investigation - all complaints in which the agency issued a written notification/acknowledgment letter, but did not issue the investigative file and the immediate decision/hearing election letter to the complainant before the end of the reporting period.

Complaints Pending Written Notification (Acknowledgement Letter) – all filed complaints in which the agency has not issued an acknowledgement letter as required by 29 C.F.R. § 1614.106(e) at the end of the reporting period.

Completed/Ended Counseling - a counseling activity which concluded/closed before the end of the reporting period by (1) a written settlement agreement, (2) a written withdrawal from the counseling process, (3) the issuance of a written notice of the right to file a formal complaint, (4) the forwarding of a counseling to an AJ when requested/ordered by the AJ, or (5) the filing of a complaint after the regulatory counseling period expired, even though not all counseling duties have been performed.

Contract Resource Available for EEO ADR – the number of contract employees who manage or administer any aspect of an agency's EEO ADR program. Please record the number of people who perform the EEO ADR duties and add a comment briefly describing the details of the contract.

Counseling - an instance where an EEO Counselor or an ADR Intake Officer performs the pre-complaint counseling duties described in Chapter 2 of MD 110 (provides information on the EEO process, the individual's rights and responsibilities and the agency's EEO ADR Program; determines claims and bases; obtains information on timeliness and jurisdictional questions; seeks resolution of the dispute sought through the counseling or ADR process; and issues individual written notice of the right to file a

formal complaint). It does not include brief responses to telephone inquiries or efforts to assist employees with non-EEO matters. There is no pre-counseling in the 1614 process. Please do not try to report that activity if done as counselings on the Form 462.

Counselings Completed/Ended in the Reporting Period that Resulted in Complaint Filings in the Reporting Period - the number of pre-complaint counselings completed in the reporting period that resulted in the filing of a complaint in the reporting period, and the number of individuals counseled in the reporting period that filed one or more complaints in the reporting period.

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

Early Neutral Evaluation - an ADR method that uses an impartial third party to conduct an objective evaluation (sometimes in writing) of the strengths and weaknesses of a complaint. Under this method, the parties will usually make informal presentations to the neutral party to highlight their respective cases or positions.

Facilitation - an ADR method that involves the use of techniques to improve the flow of information in a meeting between parties to a dispute.

Fact Finding – an ADR method that uses an impartial expert (or group) selected by the parties, by the agency, or by an individual with the authority to appoint a fact finder to determine the “facts” in a dispute.

Full-Time Resources Available for EEO ADR - for Part XII purposes, employees who manage the EEO ADR program on a full-time basis. The employees' only responsibilities are to manage the EEO ADR program.

Individual - a person, usually an agency employee or applicant for agency employment, but occasionally a contract employee who believes (s)he is an agency "employee."

Initiated During the Reporting Period - a pre-complaint counseling initiated during the reporting period is a counseling that was requested on the first day of the current reporting period, on the last day of the reporting period, or on any day between the first and last day of the reporting period.

Joint Processing Unit - two or more complaints that are consolidated for processing.

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.

MD-110 - EEOC 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.

Mediation - an ADR method in which an impartial and neutral third party, who has no decision-making authority, intervenes in a dispute or negotiation between two or more parties. The objective of this intervention is to assist the parties in voluntarily reaching an acceptable resolution of the issues in dispute.

Miscellaneous Costs - the agency investigation costs for photocopying, supplies, mailing, travel, court reporting, witnesses, training on conducting investigations, etc. For contract investigations, the miscellaneous costs (photocopying, mailing, etc.) are expended on awarding and administering the contracts for completed investigations.

Mixed Case Complaint - a complaint of employment discrimination filed with a federal agency, related to or stemming from an action that can be appealed to the MSPB.

Monetary Benefit - for Part I reporting purposes, a cash payment that an agency agrees to provide a counseled individual in a settlement agreement, including: compensatory damages, backpay/frontpay, lump sum payment, and attorney fees and costs. If needed, additional "other" monetary benefit categories may be added by an agency's Form 462 Report Administrator.

Monetary Benefit - for Part VII or XI reporting purposes, a cash payment that an agency agrees to provide a complainant in a settlement agreement, a final agency decision, or a final agency order agreeing to fully implement an AJ's decision.

Multiple Techniques - a combination of ADR techniques designed to resolve an EEO dispute.

No Complaint Filed - the result of a pre-complaint counseling activity in which: (1) the agency issued a Notice of Right to File letter and did not receive a formal complaint within 15 days; or (2) the counseled individual notified the agency in writing that s/he was withdrawing from counseling.

Non-ADR Settlement – for Part I reporting purposes, a written settlement agreement obtained by an EEO Counselor which provides the counseled individual with monetary and/or non-monetary benefits in exchange for the individual's promise not to file a formal complaint. For Part VI reporting purposes, it may include the use of an ADR process outside of the EEO program,, for example AJ settlements.

Non-Monetary Benefit - for Part I reporting purposes, an employment-related action that an agency agrees to provide a counseled individual in a settlement agreement. For Part I non-monetary benefits include New Hires, Promotions, Reinstatements, Expungements, Transfers, Removals Rescinded and Voluntary Resignations, Reasonable Accommodations, Training, Apology. If needed, additional "other" non-monetary benefit categories may be added by an agency's Form 462 Report Administrator.

Non-Monetary Benefit - for Part XI reporting purposes, an employment-related action that an agency agrees to provide a complainant in a ADR settlement agreement.

Number of Days Pending Written Notification - the total number of days a complainant had been waiting for the issuance of the written notification (sometimes referred to as acknowledgment letter), from the date of complaint filing (date of mailing,

hand-delivery, facsimile transmission) to the end of the reporting period, **or** from date of remand after an appeal to the end of the reporting period.

Number of Days Pending a Decision to Accept/Dismiss – the total number of days a complainant had been waiting for the issuance of the agency’s decision to accept or dismiss the complaint from the date of complaint filing (date of mailing, hand-delivery, facsimile transmission) to the end of the reporting period, **or** from date of remand after an appeal to the end of the reporting period.

Number of Days Pending Final Agency Decision/Action - the total number of days a complainant had been waiting for the issuance of the decision on his/her complaint, from the date of complaint filing (date of mailing, hand-delivery or facsimile transmission), **or** from the date of remand after an appeal to the end of the reporting period.

Number of Days Pending in Hearings - the total number of days a complainant had been waiting for the issuance of the decision on his/her complaint, from the date of complaint filing (date of mailing, hand-delivery or facsimile transmission), **or** from the date of remand after an appeal to the end of the reporting period.

Number of Days Pending Investigation - the total number of days a complainant had been waiting for the issuance of the investigative file and the immediate decision/hearing election letter, from the date of complaint filing (date of mailing, hand-delivery or facsimile transmission), **or** from the date of remand after an appeal to the end of the reporting period. This includes the entire investigative period, from the date of complaint filing (date of mailing, hand-delivery or facsimile transmission) to the end of the reporting period (not only the time in which the complaint has been assigned to an investigator).

Number of Days Pending Written Notification (Acknowledgement Letter) – the total number of days a complainant has waited for the agency’s acknowledgement it has received his/her formal complaint.

Ombuds or Ombudsman – an ADR method in which a neutral third party, who is typically employed by the agency, uses several techniques to resolve workplace disputes.

On-Hand at the Beginning of the Reporting Period - a pre-complaint counseling that was requested during the prior reporting period but not completed/ended on or before the last day of the prior reporting period.

Part-Time Resources Available for ADR - employees who manage the EEO ADR program and do not have any duties outside of EEO ADR. These employees, whose responsibilities focus solely on management of the EEO ADR activities, are employed by the agency for less than the 32 hours a week.

Peer Review - an ADR method that involves a problem-solving process where an employee takes a dispute to a group or panel of fellow employees and managers for a decision before they become formal complaints or grievances.

Pending at the End of the Reporting Period - a pre-complaint counseling that was requested during the current reporting period, but was not completed/ended on or before the last day of the reporting period.

Permanent Employees - all full-time and part-time permanent employees who were employed by the agency on the last day of the reporting period.

Race and Ethnic Categories - these are OMB Definitions. For FY 2012, continue to use prior categories when completing Part IV.

- American Indian or Alaska Native - persons having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

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- Asian - 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 - persons having origins in any of the Black racial groups of Africa.
- Hispanic or Latino - 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 - persons having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- White - persons having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- Persons of Two or More Races - persons who identify with two or more of the above race categories.

Remands - all counselings or complaints which the EEOC (at hearing or on appeal) has returned to an agency for further processing. These complaints reenter the EEO complaint process as remands in either Part I or Part II. Do not report interagency remands as remands on the Form 462. Report only remands made by either the hearings unit of EEOC or the appellate review division of the Office of Federal Operations.

Resources that Manage the EEO ADR Program - the total number of employees who work full-time, part-time or perform collateral duties managing the agency's EEO ADR program. These employees do not include private contractors. If an employee manages only the EEO ADR program, select whether the employee is full-time or part-time. If an employee performs both EEO ADR and non-EEO ADR work (e.g., EEO

counseling or other functions within the agency), report the employee as collateral duty, regardless of whether the employee is full-time or part-time.

Salary Costs - for agency investigations, determine the salary cost based on the number and grade-level of agency employees (EEO Investigator, EEO Director, support staff, etc.) involved in the completed investigations and the percentage of work time they expended in conducting the investigations, preparing and reviewing investigative reports for completeness, etc., and performing related administrative support tasks. For contract investigations, determine the agency salary cost expended on awarding and administering the completed investigation contracts (see also [Appendix H](#) for a worksheet).

Settlement Conferences - an ADR method in which conferences are conducted by a neutral, settlement judge (for example an EEOC AJ) or referee and attended by two or more parties to reach a mutually acceptable settlement of the disputed matter.

Settlements (Monetary and Non-Monetary) - the number of pre-complaint counselings or complaints that were closed during the reporting period by a written settlement agreement (ADR and non-ADR) which promised monetary benefit(s) and/or non-monetary benefit(s).

Total Work Force - all full-time, part-time, temporary, and intermittent employees (including political appointees) employed by the agency on the last day of the reporting period.

Withdrawal/No Complaint Filed - a completed/ended pre-complaint counseling in which (1) no complaint was received after a counseled individual was given a notice of right to file a formal complaint and the 15-day period for filing a complaint expired in time for the agency to receive a complaint prior to the end of the reporting period; **or** (2) the counseled individual notified the agency in writing of the intent to withdraw from counseling.

Written Notification (sometimes referred to as an acknowledgment letter) - a letter that notifies the complainant that the agency has received the complaint, states the date on which the complaint was filed, and provides the information on the rights and responsibilities described in 29 C.F.R. §1614.106(e) and Chapter 5 Section I of MD-110.

APPENDIX C

MIXED CASES

Mixed Case Definition

A claim of employment discrimination on an action that is appealed to the MSPB.

- An aggrieved person may initially file: a mixed case complaint with an agency **or** a mixed case appeal directly with the MSPB, **but not both a complaint and an appeal.**

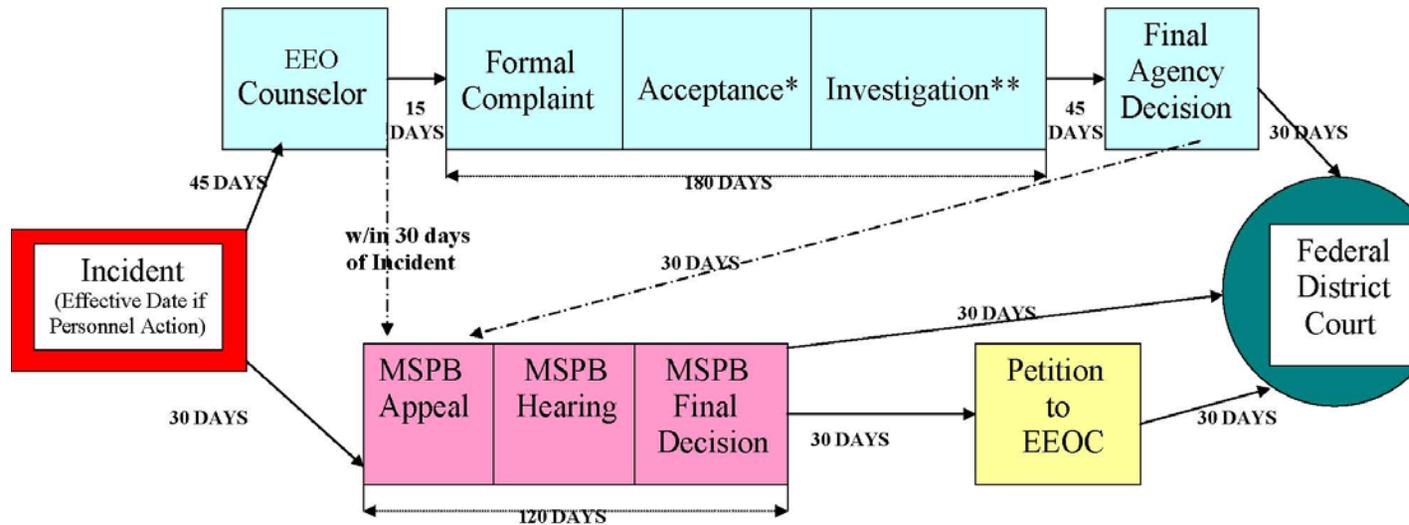
Appeals to MSPB Pursuant to 5 C.F.R. Sec. 1201.3

Some common agency actions appealable to the MSPB:

- 1) removal, reduction in grade, suspension for 15 days or more for cause that will promote the efficiency of the service,
- 2) removal for unacceptable performance,
- 3) removal from probationary appointment due to discrimination because of partisan political reasons or marital status,
- 4) disqualification of an employee or applicant because of a suitability determination, and
- 5) reductions in force (RIFs) resulting in separation, demotion, or furlough for more that 30 days.

FEDERAL SECTOR MIXED CASE PROCESS

Mixed Case Complaints



Mixed Case Appeals

* Complainant must be provided a notice that if a final decision is not issued within 120 days of filing a formal mixed case complaint, the complainant may appeal to the MSPB or may file a civil action in a Federal district court.

** Complainant must be advised, following completion of the investigation, that a final decision will be issued within 45 days without a hearing.

Who Has Standing to Appeal to the MSPB?

- Career appointees
- Senior executives in the SES
- Veterans (rights are independent of career status)

Employees without standing include:

- Probationary appointees
- U.S. Postal Service employees
- The Tennessee Valley Authority employees

Mixed Case Process is the Same as the Non-Mixed Case Process-Except Notice of Mixed Case Rights Must be Provided.

Notices of MSPB and Civil Action Rights Upon Acceptance of a Mixed Case:

- Notice must be given that “[i]f a final decision is not issued within 120 days of the filing date . . . , the complainant may appeal to the MSPB or file a civil action.” 29 C.F.R. § 1614.302(d)(1)(i).
 - 120 days is not a processing requirement. It does not change the requirement to process in 180 days. It is a notice requirement
- Notice must be given that “[i]f the complainant is dissatisfied with the agency’s final decision . . . The complainant may appeal the matter to the MSPB (not the EEOC) within 30 days of receipt of the agency’s final decision;. . . .” 29 C.F.R. § 1614.302(d)(1)(ii).

Notice of Final Agency Decision Upon Completion of the Investigation:

- Notice must be given upon completion of the investigation that a final decision will be issued within 45 days without a hearing before an EEOC administrative judge. See 29 C.F.R. § 1614.302(d)(2). (Note: this is in contrast to the 60 days provided for a FAD in the non-mixed process and while there is no hearing before an EEOC AJ, a hearing will be held at the MSPB before an MSPB AJ).

Notice of MSPB Appeal and Civil Action Rights Must be Issued Again Upon Issuance of the Final Decision. See 29 C.F.R. § 1614.302(d)(3)

INFORMATION ON HOW TO REPORT MIXED CASE DATA ON 462

Mixed cases get reported in the relevant sections in Parts I - XII where you would report any other EEO case (however, you would not report complaints on appeal to MSPB just as you would not report complaints on appeal to OFO).

A complainant must elect whether to file a mixed case complaint or MSPB appeal. They cannot do both. The first one filed determines the forum in which the complaint will process.

Part I - You would report activities in Part I for mixed case counselings as you would for any other EEO counseling.

Part II - Mixed case complaints should be counted in all Part II sections.

Mixed case complaints information should be reported in relevant sections of Parts IV (bases and issues) and V (statutes) as well.

Part VI D.4 – report mixed case decisions that are timely in D.4.a and those decisions issued outside the 45-day regulatory period on Line D.4.b.

Settlements - if a mixed case is settled in counseling, it should be reported in Part I if after complaint filing but prior to a FAD, it would be reported in Part VI A.2 (depending on how the settlement occurred (either an ADR or non-ADR settlement). The benefits accruing to the complainant in the settlement would also be reported in Part VII. The bases and issues settled would likewise be reported in the appropriate lines of Parts IVA and IVB.

Part VIII - Pending would be reported as any other complaint except there should be no mixed case complaints pending at Hearing stage.

Part IX - all mixed case complaints with investigations that are less than 180 days should be counted in section A.1.a (if investigated by agency personnel) or A.3.a (if

investigated by a contractor). According to the regulations, all EEO cases fall under EEOC guidelines for timeliness (e.g. less than 180 days unless specific circumstances that would allow for more than 180 days). The MSPB regulation indicates that a notice must be given “[i]f a final decision is not issued within 120 days of the filing date, the complainant may appeal to the MSPB or file a civil action.” 29 C.F.R. § 1614.302(d)(1)(i). The 120 days is not a processing requirement. It does not change the requirement to process in 180 days. It is a notice requirement.

Part X - all ADR actions on COMPLETED/ENDED counselings should be reported in Part X in the appropriate section.

Part XI – report any ADR completed for CLOSED mixed cases should be included in this part in the same fashion as other EEO complaints. Report in Part XI only ADR actions for CLOSED complaints.

Mixed Case complaints have certain regulatory requirements from MSPB but otherwise should be processed as any other EEO complaint.

For more information see MD-110 Chapter 4(II)(B)(4) and the relevant regulations listed below:

Relevant EEOC regulations

29 C.F.R. § § 1614.302-306, 5

Relevant MSPB Regulations

5 C.F.R. § 1201.3

5 C.F.R. § § 1201.151-157

5 C.F.R. § § 1201.161-162

5 C.F.R. § § 1201.171-175

APPENDIX D

FREQUENTLY ASKED QUESTIONS ON DATA REQUIREMENTS

QUESTIONS ON PART I

- 1. Q. Why doesn't the Excel Tool automatically calculate data in the Individuals column of Part I C?**

A. The Excel Tool does not automatically calculate data in the Individuals column of Part I C because it is possible that one individual was counseled multiple times on different matters. The Excel Tool automatically calculates the multiple counselings to obtain the total counselings in Part I Section C. However, the agency must enter data in the individual column in Part I Section C because in this example only one individual was counseled, not multiple individuals.
- 2. Q. If an individual has a pending formal complaint and an informal counseling going on at the same time, can an agency EEO-ADR mediation be convened to include both if the parties are so inclined and where do you count it?**

A. Yes, the parties can have an all encompassing mediation to settle all issues between the parties (even ones not yet in counseling) and since we are talking about one complaint and one counseling they should be reported in the appropriate sections of Parts X and XI as if they were handled separately.
- 3. Q. A person initiated counseling and then left the country for military service in Iraq. When the person came back from military duty, the agency completed the counseling. Does the agency subtract the number of days the counselee was out of the country, and thus unavailable, when reporting the completed counseling in Part I of Form 462?**

A. No. The agency does not subtract the number of days the counselee was out of the country or on active duty or any days attributed to military service. Please count the number of days from the date the counseling was initiated to the date the counseling was completed just as you would for any other completed counseling. The agency may add a comment to report the number of days the person was unavailable for counseling due to the military service outside the U.S.A. if the agency chooses to do so.

4. **Q. If a counseling case that is pending as of September 30 and the individual chose mediation vs. traditional counseling and we are awaiting the completion of the mediation session -- is it reported in Part I Section D Line 4 with open cases in counseling although s/he chose mediation but not in any area applicable to ADR or not report on-hand in Part I Section D Line 4 because the person chose Mediation?**

A. The ADR activity does not get reported in Part X because the counseling is still open but does get reported in Part I Section D Line 4 because it is pending.

5. **Q. A formal complaint was filed by mail. The postmark is illegible. In the complaint, the employee included a statement of service in which they assert that the complaint was mailed on a particular date. Although there is no question that the complaint is timely-filed under the regulations, what date should be used as the "filing date" for purposes of the time limits for completing the various processing steps for the complaint.**

A. Since there is no question that the complainant's formal complaint is timely, use the date the complaint was received.

6. **Q. A settlement agreement was signed prior to the issuance of the Notice of Right to File (NRF), but was not effective until one week after the NRF was issued. At this point, the counseling remains closed by issuance of NRF and will be reported on the 462 report as a counseling closed by**

NRF, not by settlement. Once an informal complaint is closed by NRF, it is considered closed and no further data entry is allowed in the agency's database. Should the agency worry about correcting this closure to reflect that the complaint was actually closed by settlement, or just leave the complaint as closed by NRF? To correct the problem in the agency's database, it would have to reopen the complaint, remove the NRF closure event and then close the complaint by settlement agreement as of the effective date of settlement. This would cause the informal counseling phase to be longer than 90 days. Is it important to show that the NRF was issued in a timely manner, or to get credit for negotiating a settlement during the informal stage of the complaint process?

A. Since the informal complaint was closed during the reporting period by a written settlement agreement, it should be reported on the EEOC Form 462 report as a settlement agreement in Part I as appropriate.

7. Q. How should a case that settles after the notice of right to file (NRF) was issued but during the 15-day period for an aggrieved to file a formal complaint be reported?

A. You must issue a Notice of Right to File not later than the 90th day in order to be in compliance with 29 C.F.R. Section 1614.105(f). Once the notice is issued the pre-complaint phase is not over. We know, in accordance with 29 C.F.R. Section 1614.106(b), the aggrieved individual then has 15 days from date of receipt of the notice to in fact file a formal complaint. In other words, the matter is still in the pre-complaint stage until such time as a formal complaint is filed.

So there are in essence two phases of the pre-complaint process, -the counseling phase/period and a notice and decision phase/period (29 C.F.R. 1614.106(b)). So the NRF is issued in a timely manner and if the case settles before the aggrieved individual files a formal complaint, the settlement would have occurred within the pre-complaint process. In this case the settlement

would be reported as a pre-complaint settlement and the counseling phase/period was closed in a timely manner.

So where an aggrieved participated in ADR and the case was settled during the notice and decision period in Part I Section C Line 2b, the counseling is reported as closed within 90 days due to the ADR participation and in Part I Section D on Line 3a, the pre-complaint process would be reported as closed by a settlement.

8. Q. Why do the numbers reported in Part I Section D Lines 1 and 2 have to equal the numbers reported in Part I Section D Lines 3 and 4?

A. These numbers must equal because the agency is reporting all of the counselings it worked on throughout the reporting period and the status of those cases at the end of the reporting period.

The number of counselings on hand at the beginning of the reporting period and the number of counselings that were initiated during the reporting period must be accounted for at the end of the reporting period. Therefore, those cases are reported as either completed/ended or still pending at the end of the reporting period.

QUESTIONS ON PART II

- 1. Q. In Part II, 4 remands for investigations were reported. However, 2 of them are currently being considered by OFO under Requests for Reconsideration. Do these 2 “count” as remands for 462 reporting, and if so, how should they be categorized for purposes of Part VIII?**

A. If an appeal decision/remand order is being reconsidered by the Commission, it is pending before the Commission, not the agency. Therefore, it is not reported on the EEOC Form 462 report.
- 2. Q. How should data be reported in the Form 462 report when a complaint is reopened as ordered by an EEOC appellate decision finding that the agency failed to comply with the terms of a settlement agreement?**

A. When the agency reopens the complaint as ordered by an appellate decision, it should be reported on Part II Line C “Remands.” As with other remands, processing time should be reported from the date of the remand order to September 30th (end of reporting period), if the complaint was pending as of that date. Processing time for closures should be reported from the date of remand order to the date of closure.
- 3. Q. How should data be reported in the Form 462 report when an EEOC appellate decision finds that the agency failed to comply with the terms of a settlement agreement and orders specific performance?**

A. Remands ordering compliance with the terms of a settlement agreement are not reported in the Form 462 report. The benefits (monetary and non-monetary) would already have been reported when the settlement agreement closure was reported.

4. **Q. If a complaint is sent back to the agency for processing, following an MSPB decision dismissing a mixed case complaint for jurisdictional reasons, how should we count processing time?**

A. Processing should be counted in the same way that cases are reopened due to EEOC appellate decisions remanding case to the agency. Count as a remand in Part II Line C and also processing time should be reported from the date of the remand order to the date of closure (or if pending, to the end (September 30th) of reporting period).

5. **Q. If during a FY a complaint is filed, is dismissed for procedural reasons (specifically failure to state a claim) prior to investigation, the dismissal is appealed by complainant, but no decision has been rendered by OFO by fiscal year end, for the purposes of Part II “Formal Complaint Activities” should that be considered a open or closed complaint?**

A. The complaint should be considered a closed complaint since the agency issued a FAD.

6. **Q. Two complaints were on hand at the beginning of the reporting period. These 2 complaints were consolidated and closed during the reporting period. In Part II Line G of the 462 report, 2 is recorded as the number of complaints consolidated which gives you 1 complaint. What value should be recorded in Part II Line H.?**

A. Even though the complaints were consolidated, they are still 2 separate complaints and should be closed as two separate complaints. Therefore, Part II Line H should equal 2.

QUESTIONS ON PART III

1. **Q. In Part III Section A Lines 1.a and 1.b (total workforce/permanent employees), do we include technicians who are on LWOP (e.g. AGR tour, mobilized, title 10, OWCP) in this count?**
- A. In Part III Section A Line 1.a “Total Work Force” includes all full-time, part-time, temporary, and intermittent employees employed by the agency on the last day of the reporting period. Whereas, in Part III Section A Line 1.b “Permanent Employees” include all permanent employees (full-time and part-time) employed by the agency on the last day of the reporting period. Thus, if the technicians are employed by the agency on the last day of the reporting period, and are either full-time or part-time, they should be recorded in Part III Section A Line 1.a and Part III Section A Line 1.b. The specific status of an employee, e.g. on LWOP (leave without pay), does not affect the fact the individual is indeed an employee of the agency.

QUESTIONS ON PART IV

1. Q. Does Part IV include only accepted issues and bases or all alleged issues and bases?

A. Part IV includes all issues and bases that **allege** discrimination or retaliation/reprisal under one or more of the EEO statutes in complaints filed during the reporting period.

2. Q. Why is “hostile work environment” not listed as an issue in Part IV?

A. “Hostile work environment” is not listed as a separate issue in Part IV because such claims should be reported as “harassment, non-sexual.”

3. Q. May I add retaliation or reprisal as an issue in Part IV?

A. No. Retaliation/reprisal is a basis of discrimination, i.e., the alleged motivating factor. Issues would include the means by which an agency official retaliated/reprised against on individual, for example, by lowering a performance appraisal, issuing a disciplinary action, or harassing the individual.

4. Q. In Part IV, would you count not getting a detail to an international organization in Switzerland as a “B” (assignment of duties) or “U” (other, defining it as a detail outside of the agency)?

A. This item should be reported under Assignment of Duties.

5. Q. Where should a complaint alleging national origin discrimination – Cuba be recorded?

A. This complaint should be recorded as National Origin – Hispanic/Latino basis in the appropriate issue rows.

6. Q. How are amendments to a complaint reported on Form 462?

A. The Form 462 Report does not track the number of times a complaint is amended. However, if the complaint is amended during the same reporting period that the complaint was filed, the amended bases and issues are reported in Part IV “Bases and Issues Alleged in Complaints Filed.” Also, the effect of complaint amendments on timeliness of completed investigations is taken into consideration in Part IX “Summary of Investigations Completed.” See User’s Instruction Manual for details.

7. Q. Does information pertaining to informal complaints get recorded in Part IV?

A. No. Part IV collects data on Formal complaints only.

QUESTIONS ON PARTS IVA and IVB

1. **Q. Do lines 1, 2, 3, 4, and 5 total the lines below them or do we have to fill them out?**

- A. No. Lines 1, 2, 3, 4 and 5 are not total lines. The agency must enter the number of allegations/findings in those lines. For example, agency settles with aggrieved individual who had sought counseling because his desk was moved to a new location, his leave request for Sunday was not approved and he was denied a promotion all because of his religion. Here the agency has settled 1 counseling (line 1a) with 1 individual (line 1b) whose had 3 allegations of discrimination (Line 1).

QUESTIONS ON PART V

1. **Q. Since the Pregnancy Discrimination Act is an amendment to Title VII, should we report closures that included the Pregnancy Discrimination Act in both Part V Lines 1 and 1a?**

- A. No, only report closures that included the Pregnancy Discrimination Act on Part V Line 1a. Do not double count the closure by including it in Line 1 for Title VII closures. If the agency wants a total number of closures made under Title VII it will need to add Part V Lines 1 and 1a.

QUESTIONS ON PART VI

- 1. Q. Are all total days in Part VI calculated from the date of complaint filing or the date of a remand following an appeal to EEOC's Office of Federal Operations?**

A. No. Only total days in Part VI Sections A, B and C, are calculated from the date of complaint filing or the date of remand following an appeal to EEOC's Office of Federal Operations. Total days in Part VI Section D are calculated from the date the agency's responsibility for issuing the final agency decision (FAD) began. These dates are indicated on Form 462 itself: subsection 1, the date of the agency's receipt of a request for a FAD; subsection 2, the end of the 30-day election period; subsection 3, the date of the agency's receipt of the AJ remand order for FAD without an Administrative Judge's decision, and subsection 4, the date of the agency's issuance of a FAD after the mixed case investigation.
- 2. Q. If a case is dismissed via an order granting summary judgment, would that count as a "dismissal" under Part VI Section C Line 1.c?**

A. No. If an AJ issues a summary judgment, this means that there was no dispute on the facts of the case at hand which equates to a finding of no discrimination, in other words a merits decision.
- 3. Q. If a case is dismissed, but without a hearing, would that count as a "Finding of no discrimination" under Part VI Section C Line 1.b?**

A. No. It would be counted as a Final Agency Decision (Without) an AJ decision under Part VI Section B Line 3.
- 4. Q. An AJ returns a complaint to the agency following the complainant's withdrawal of his/her request for a hearing. How should this be reported in the 462 report?**

- A. Once the agency issues its final decision without an AJ decision, it should report the closure in Part V, in Part VI on Section A Line 3 and the type of closure on Lines B.1, B.2 or B.3 depending on the content of the FAD; and, in Section D if the decision included a finding on the merits of the discrimination claim(s).
5. **Q. An AJ dismisses a complaint on procedural grounds and the agency issues a final agency action notice wherein it agrees to fully implement the AJ's dismissal decision. How should this be reported in the 462 report?**
- A. The agency should report the complaint closure in Part V, in Part VI on Line Section A Line 3 and on Section C Line 1.c.
6. **Q. The agency issues a final agency action wherein it does not agree to fully implement an AJ's complaint dismissal. How should this be reported in the 462 report?**
- A. The agency must file an appeal and report the complaint closure in Part V, in Part VI on Section A Line 3, and on Section C Line 2.c.
7. **Q. If a FAD is issued and the complainant appeals, when is the case considered closed? Is it when we receive the appeal decision? And if the case was at hearing, the AJ issued a finding, and the Agency appealed, when is that case considered closed?**
- A. The EEOC Form 462 does not collect data on actions and activities that happen while a case is on appeal, i.e. after the case is closed at the agency level. The only time anything would be recorded on the EEOC Form 462 report is if the OFO Attorney remanded the case to the agency for processing (this usually happens when an agency incorrectly dismissed a case for procedural reasons. For EEOC Form 462 purposes, the complaint is considered closed when the FAD is issued (regardless of whether or not the complainant appeals) and this information should be recorded in Part VI in the relevant sections. A case is also

closed for 462 purposes when there is a final agency action with an AJ decision (this information should be recorded in Part VI Section C and should indicate if the final agency action was fully implemented or not fully implemented, i.e. appealed by the agency).

8. Q. How do I report a settlement that occurred while the case was pending a hearing, as a settlement or as a dismissal?

A. The case should be reported as a non-ADR settlement with the awarded benefits reported in Part VII.

QUESTIONS ON PART VII

1. Q. What are “closures with non-monetary benefits” reported on line VII C?

A. A non-monetary benefit for Form 462 reporting purposes is an employment-related action that an agency agrees to provide a complainant in a settlement agreement, a final agency decision finding discrimination, or a final agency order agreeing to fully implement an Administrative Judge’s decision that orders the agency to take an employment related action. The agency may agree in a settlement agreement to take an employment-related action with or without also agreeing to provide monetary benefits.

2. Q. I do not understand what data should be entered in the two columns in Part VII F Types of Benefits.

A. The two columns in Part VII Section F are labeled “Number of Closures the Received Monetary Benefits as Well” and the “Number of Closures that Received only Non-Monetary Benefits”. The row lines in Part VII Section F list types of benefits, such as “hire” (includes appointment) and “performance evaluation modified”.

Agencies should include in the “Number of Closures the Received Monetary Benefits as Well” column the numbers of complaint closures where the complainant received a monetary payment (backpay/frontpay, lump sum payment, compensatory damages, and/or attorney fees and costs) and one or more non-monetary actions (hire/appointment, performance evaluation modified, etc). In the “Number of Closures that Received only Non-Monetary Benefits” column include the numbers of complaint closures where the complainant received one or more non-monetary actions, for example, an apology or a document purged from the Official Personal File and no monetary benefit. Other personnel actions that could involve additional future earnings, for example, hire/appointment or promotion, are still listed in the “Number of Closures that

Received only Non-Monetary Benefits” column if the complainant did not receive a separate payment (backpay, compensatory damages, and/or attorney fees and costs) in addition to the personal action as part of the settlement agreement.

QUESTIONS ON PART VIII

1. **Q. Worksheet page 7 contains a box for line VIII Section A Line 3 providing the case number for the oldest case pending at hearing. Should we provide the agency's case number or the hearing number?**

A. Please provide the EEOC hearing number for the oldest case pending at hearing in a box for line VIII Section A Line 3.
2. **Q. If a case was partially dismissed and the case was investigated and now at the hearing stage so the investigation was over, if the AJ orders a supplemental investigation on the dismissed issue and the file will be returned to the hearing stage, where is it counted? If a case which was filed on 9/25/09 is returned for a supplemental investigation, on 10/1/09 would that case be pending an investigation? If yes, how would the days be calculated to indicate the length of days an agency takes to complete the investigation?**

A. Count as pending at hearing. The AJ order for investigations is not a remand. The AJ is charged with supplementing the record "without resort to remands". He remains in charge of the complaint. He could elect to conduct discovery, but can "Order" a supplement to record within a specified period of time. There is no specific time limit. All total days data in Part VIII are calculated from the date the complaint was filed **or** the date the complaint was remanded for processing following an appeal to EEOC's Office of Federal Operations, to the last date of the reporting period.
3. **Q. Where are appeals recorded?**

A. Appeals are not recorded on the EEOC Form 462 Report.
4. **Q. We have 12 consolidated cases, spanning some 10 years (back to 2009) that were remanded back to the agency on September 4 for a FAD on the merits. (The complainant would not cooperate so the AJ remanded**

them back to us without a hearing for a FAD on the merits). We had not yet issued the FAD by September 30th. Should the number pending in Part VIII A.4 be 12?

A. Yes, 12 is correct

5. **Q. For Number of Days Pending - does this mean how long were they pending a FAD? (from the date they were remanded on September 4 through September 30 = 26 days times 12 complaints or does this mean the sum of the number of days each complaint has been pending from the date of each original filing date of the complaint?**

A. Count number of days pending from the date they were remanded on September 4 through September 30 (or 26 days) for each of the complaints. (26x12=312 total days pending in VIII A.4).

6. **Q. Four complaints were placed in abeyance. These complaints were part of a class action that was not certified. This class action is currently on appeal in OFO. Are these complaints to be counted as pending FADs or pending in investigations?**

A. Cases on appeal are not recorded on the EEOC Form 462 report. In the event that these cases are remanded at a later date, actions should be recorded on future EEOC Form 462 report(s).

QUESTIONS ON PART IX

- 1. Q. As one of the Department of Defense (DOD) agencies that files a separate report and has the DOD's Investigations and Resolutions Division (IRD) performs all of the agency's EEO complaint investigations should we report the investigations as "agency" investigations or "contract" investigations in Part IX? How should the costs of investigations be reported in Part IX?**

A. Information on investigations completed by IRD for DOD agencies should be reported in Part IX, in Section A Line 1. Costs for investigations should be reported in Section A Line 2. If a DOD agency has any questions or concerns they should contact the Office of Diversity Management and Equal Opportunity.
- 2. Q. I am a preparer and, to the best of my knowledge, my agency has not tracked all of the information that the Instruction Manual requires be reported for investigation costs in this reporting period. What should I do?**

A. If your agency has not tracked all of the information that the Instruction Manual requires be reported for investigation costs in this reporting period, the cost will have to be estimated. The agency's EEO Director and Budget Office may be able to provide estimates.
- 3. Q. We have a few cases where the complainants continued to amend their complaints throughout the investigation process. We realize that once a complainant amends their complaint, the amendment overrides the original file date. For example, complaint filed in Oct. 2010, was amended in Nov., Dec., Jan., Apr., May and has attempted to amend in (Aug) again after requesting a hearing. Investigation was completed in Jun. If the May amendment overrides the original file date (Oct. 2010), then the investigation for this case will be 42 days. The 42 days will be reported as opposed to 244 days (no of days of original file date is used).**

- A. The duration of the investigation should be 244 days NOT 42. The amendment date only gives you the right to extend the period of investigation beyond the normal 180 day period. It does not override the original file date. In any case, you should not start counting from the amendment date when reporting information on how long it took to investigate the complaint. The counting starts from the date the complaint was filed and that is what you should report in Part IX. However, in order to determine whether a complaint should be counted in Part IX Section A Line 1b or IX Section A Line 3b as timely or not. See "29 CFR 1614.106(e) that provides where a complaint has been amended, the agency shall complete its investigation within the earlier of 180 days after the last amendment to the complaint **or** 360 days after the filing of the original complaint."

QUESTIONS ON ALTERNATIVE DISPUTE RESOLUTION (ADR) REPORTING

1. **Q. My agency has an ADR “stand-alone” or “one-stop shop” office to help resolve workplace disputes, program disputes, and EEO complaints. Do I report all ADRs they administer on Form 462?**
 - A. No. Report only EEO matters submitted to the agency under 29 CFR 1614, Federal Sector Equal Employment Opportunity, provisions.

QUESTIONS ON PART X

- 1. Q. I have reviewed the edit checks for Part X and I don't understand why in section B "individuals", I just can't subtract line 2 from the total in line 1 and get the total for line 4, "Total accepted into ADR."**

A. While the edit check works for the "counselings" column, it may not work for the "individuals" column because one individual could have accepted an ADR offer in their first counseling but then rejected the ADR offer in their second counseling.
- 2. Q. In Part X Section E Line 1, if an individual settles some issues but not all issues in an ADR attempt, and subsequently files a complaint on the unsettled issues, is the event included as a settlement on Part X Section E Line 1a?**

A. No. Only include on Part X Section E Line 1a settlements that received a benefit as a result of withdrawing from the EEO process. If the matter is not fully settled and a complaint is filed, include that case on line X Section E Line 1c because the entire matter has not been resolved.
- 3. Q. Our agency has a system built into the EEO pre-complaint process whereby the counselee is informed of the availability of ADR. At that time the counselee is provided a form to request mediation. This form is then submitted to the Civil Rights Office, and they determine if they want to participate/offer mediation. Without this request, in most cases ADR will never be offered. The request initiates the process. At that time the manager is notified of the request and is provided an "Option to Mediate Form." Within that letter the manager may elect or not elect to participate. If the agency (manager) determines that he/she does not want to participate, the complainant is notified of the decline to mediate. Where does this get reported**

A. It does not get reported on the 462 report. The 1614 regulations establish that the agency must offer ADR before the complainant can agree to participate in

ADR. See 29 C.F.R. §1614.105(b)(2). From the question, it appears that the counselee is making a request and not agreeing to participate before the agency has determined if the matter is appropriate for ADR. This did not get reported because the agency did not formally offer ADR so it would not get reported in Part X.

4. Q. If ADR was offered during the previous reporting period, and the counselee declined, but later during the current reporting period decides to accept the ADR offer, is it appropriate to document this in Part X Section B Line 1 and Section B Line 4?

- A. Yes. Chapter 2, Section VII(A) of the MD-110 provides that if ADR is offered at the informal stage of the EEO process, the aggrieved individual must choose between ADR and the traditional counseling process either at the initial counseling session or “within a reasonable time thereafter.” The MD-110 does not provide for the situation where ADR is initially declined but re-offered by the agency. Assuming, the agency makes a second offer and it is accepted, the agency should report it during the current reporting period as indicated.

If you are asking how to report an ADR offered near the end of the fiscal year and you don't know if it is accepted or rejected by the end of the fiscal year, then report it in the next fiscal year because the status of the offer has not been determined.

Note: The regulations establish that the agency must offer ADR – BEFORE the Individual can agree to participate. Some agencies inform the Individual of ADR and allow the Individual to make a request (not agree to participate) for ADR. If the agency decides not to offer ADR because, for example, it has determined that the matter is not appropriate for ADR, then it doesn't get reported to us because the agency did not initially offer ADR.

Remember - the agency received a Request (or an expression of interest in ADR) but didn't follow through on it (the agency did not offer ADR). An agency

must offer ADR before an individual can agree to participate. A Request for ADR is not an agreement to participate. ADR is an alternative to traditional counseling – it is a choice which is done at initial counseling or within a reasonable time thereafter. If the Agency allows a management official to determine that the Agency will not participate in ADR after it has been offered and accepted by the Individual then the result of the ADR must be reported in Part X Section E. Remember the parties are the Individual and the agency, not the responsible management official.

See additional questions in **QUESTIONS ON PARTS X AND XI.**

QUESTIONS ON PARTS X AND XI

1. Q. How do I report ADR offers wherein my agency allowed managers to decline to participate in the ADR process after the aggrieved individual/complainant accepted the ADR offer?

A. The data for Parts X and XI Section B recognizes that the parties to ADR are the Individual/Complainant and the Agency not the RMO or the supervisor. If the Agency allows RMOs and supervisors to determine that the Agency will not participate in the ADR program, the agency should make such a determination before making an ADR offer and it is not included in Section B on Line 1. After the agency makes an ADR offer, the aggrieved individual/complainant decides whether to accept or not accept the ADR offer. Section B Line 1 is the number of agency ADR offers in Completed/Ended counselings/Closed Complaints. Section B Line 2 is the number of agency ADR offers rejected by the aggrieved individual/complainant. Section B Line 4 is the total number of counselings/complaints and individuals who agreed to participate in ADR for completed/ended counselings/closed complaints in the reporting period.

Section B Line 3, previously used to record agency or management rejections, is no longer needed because the agency's offers are counted in Section B on Line 1 and employee rejections are counted in Section B Line 2 to arrive at the data to be entered in Section B on Line 4. Collection of data in Section B Line 3 led to inconsistency in reporting ADR results and determination of ADR offer and participation rates. Also, an agency's rejection or withdrawal of an ADR offer after it has been accepted by the counselee/complainant is inconsistent with the

principles expressed in MD-110 and MD-715 and prevents the aggrieved individual /complainant from attempting to resolve issues during the pre-complaint stage.

If the agency, after making an ADR offer which is accepted by the aggrieved individual /complainant, allows RMOs, supervisors, or management officials to determine that the Agency will not participate in ADR sessions, the results of the aggrieved individual's/complainant's ADR participation are reported in Part X Section E in the appropriate lines.

For example, "Agency reported 97 offers in Part X Section B Line 1, 70 rejections by the aggrieved individual in Section B Line 2, but only 15 total accepted into the ADR program. Please update Part X Sections B and E in accordance with the instructions above."

"Likewise in Part XI Section B Line 1, Agency reported 1 offer, 0 rejected by the complainant in Section B line 2 and 0 accepted into the ADR program. Again, please update Part XI Sections B and E in accordance with the instructions above."

2. **Q. In Part X and Part XI Section C and Section D, do I look at the status of the ADR case on the last day of the year and only report on completed ADRs?**

A. In Section C and Section D of Parts X and XI, we are focusing on the duration of the ADR process. Report only on ADR processes which occurred in completed/ended counselings and closed complaints. And remember, the total in line C should equal the total in line D in each part.

3. Q. Are interests and requests for ADR recorded on the EEOC Form 462 report?

A. An interest recorded on a "Request for Mediation" form is not tracked on the EEOC Form 462 report. If the employee requests ADR and the agency does not offer ADR, the employee's requests is not reported. If the agency offers mediation, that information is recorded on the EEOC Form 462 report. A request is not the same as an offer.

4. Q. If someone accepts an ADR offer, but then later rejects it or withdraws from seeking ADR, how should that be counted?

A. This item should be recorded in Part X Section E Line 1d "No ADR Attempt" if no complaint was filed.

5. Q. If there was an offer but the aggrieved individual/complainant does not return a signed written election form (e.g. Agreement to Mediate, ADR Consent Form), how should it be reported?

A. If the agency makes an offer and there is no signed written ADR agreement to participate from the aggrieved individual /complainant, the offer should be reported as an offer and as a rejection by the counselee/complainant.

6. Q. When a complainant files a formal complaint, later decides to try ADR again before going to investigation. Case is settled at ADR and complainant withdraws the formal complaint. Do you count the case as a closure at the ADR (settlement) stage? Do you count the case as a closure (withdrawal)? Do you count in both areas?

A. Assuming that the complainant received benefits from an agency ADR program settlement, this case should be counted as an ADR settlement at the formal complaint phase since a complaint was already filed and it should be recorded in Part XI Sections B Lines 1, and 4, Section E Lines 1, 1a, and in Part VI Section A Line 2.b.

- A. No. While we are interested in dollars spent and not dollars budgeted, we are interested in items such as amounts paid for external neutrals, monies paid for ADR supplies or promotions, monies paid for marketing purposes, or paid to contract ADR training for ADR staff, managers, or employees. If you paid travel and expenses for an employee to attend an ADR conference, those monies would be included. We are not asking you calculate what pro-rata expense of the agency overhead may be attributed to administer your ADR program.

QUESTIONS ON CLASS COMPLAINT DATA

- 1. Q. When reporting on class complaint counseling, do I report the number of individuals that were counseled or the number of individuals in the potential class?**

A. At this time class complaint counselings are not reported on EEOC Form 462.
- 2. Q. When a class complaint is filed listing two class agents, are both class agents reported on Line II Line I?**

A. At this time class complaint filings (and complaint processing) are not reported on EEOC Form 462.
- 3. Q. How is the individual complaint of a class agent that was “filed” pursuant to an Administrative Judge’s decision to dismiss a class complaint reported?**

A. If the class agent’s individual complaint is filed pursuant to a class complainant dismissal decision, it is deemed filed on the date of the Administrative Judge’s decision and should be so reported in the agency’s Form 462 report.
- 4. Q. How is the dismissal of a class agent’s individual claims that were dismissed pursuant to 29 C.F.R. §1614.107 when the class complaint was dismissed reported?**

A. When a class agent’s individual claims raised as part of a class complaint are dismissed at the same time the class complaint is dismissed, the dismissal is not reported on Form 462 because at this time the EEOC Form 462 Report requires reporting only on complaints that are filed with the agency as individual complaints.
- 5. Q. How are individual complaints that were subsumed in a class complaint that was awaiting an Administrative Judge’s decision on acceptance or dismissal on the last day of the reporting period reported?**

A. Individual complaints that have been subsumed in a class complaint that is awaiting an AJ's decision on class complaint acceptance or dismissal should be reported in Part VIII as pending at the stage in the process in which they were pending on the date the agency notified the complainants that their complaints were subsumed in the pending proposed class complaint. Total days pending for subsumed complaints should be calculated from the date of complaint filing/remand following an appeal, to the last day of the reporting period, minus the number of days that the individual complaints were subsumed in the class complaint.

6. **Q. How are individual complaints that were subsumed in a class complaint for a period of time prior to the Administrative Judge's decision to dismiss the class complaint but then were processed as individual complaints following the dismissal of the class complaint reported?**

A. EEOC's Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO-MD-110), page 8-6, provides that an Administrative Judge's decision to dismiss a class complaint at the certification stage will return to the agency for further processing individual complaints that the agency had forwarded to the Administrative Judge. When reporting total days for completed investigations and for complaint closures for the returned previously "subsumed" complaints, the agency should subtract the number of days the complaints were subsumed in the class complaint. Subtracted days should be calculated from the date the complainant was notified that the complaint was subsumed to the date of the Administrative Judge's dismissal decision.

7. **Q. How are individual complaints that were subsumed in a class complaint that has been certified as a class complaint reported?**

A. Individual complaints that were subsumed in a class complaint that was certified as a class complaint are deemed part of the class complaint and, as such, are not reported on the agency's EEOC Form 462 report at this time.

QUESTIONS ON MIXED CASE COMPLAINTS

1. Q. Are mixed case complaints counted on Form 462?

A. Yes, the 462 covers mixed case EEO complaints. It does not cover mixed case appeals filed directly to the MSPB. The mixed case process allows for an initial election of forums - EEO complaint or MSPB appeal. The former is counted the latter is not counted.

2. Q. Whether the MSPB appealable issues (e.g. suspensions 15+ days, terminations, RIFs, etc) are captured in the 462.

A. The issues are captured as you would any issues in an EEO complaint. If termination or suspension is the issue you would capture that in Part IV of the 462.)

3. Q. We had a mixed-case complaint that was filed on 5/18/2007 and closed with a FAD on 01/30/2008. The Complainant then filed a timely appeal with the MSPB on February 22, 2008. On May 16, 2008, the MSPB dismissed the case for lack of jurisdiction, so the case became a non-mixed complaint. Following MD-110 processing instructions, the complainant was given rights to a hearing before an AJ on June 12, 2008. He requested a hearing on July 14, 2008. The non-mixed complaint is now pending at the hearing stage at the end of the reporting period. How do we count the number of days pending at hearings?

A. The case should be reported in Part VIII as pending at hearings and the number of days pending should be counted from the date MSPB sent the case back to the agency for non-mixed complaint processing to the end of the reporting period (and not from the original date the complaint was filed).

Pursuant to the EEOC's regulations 29 C.F.R. § 1614.302 (b):

Election . . . if a person files a timely appeal with the MSPB from the agency's processing of a mixed case complaint and the MSPB dismisses it for jurisdictional reasons, the agency shall reissue a notice under 1614.108(f) giving the individual the right to elect between a hearing before an administrative judge and an immediate final decision.

See also EEOC MD 110 Chapter 4 (II)(B)(5)(b).

The regulation clearly recognizes the agency's termination of processing and the later re-commencement of processing by the re-issuance of a notice of rights after the MSPB dismissal. This processing parallels the EEOC/OFO appeals process. Processing ceases with the issuance of a FAD and commences again with the issuance of a decision and notice to the complainant that processing has commenced. In both cases processing time begins to run anew upon return to the agency.

QUESTIONS ON MSPB REMANDS

1. **Q. How do we calculate “total days” for a “mixed case complaint” that the Merit System Protection Board (MSPB) remanded to the agency for processing following a finding that the MSPB lacked jurisdiction over the complaint?**

A. When the MSPB remands a complaint for processing because it finds it does not have jurisdiction over the matter, an agency may subtract the number of days the complaint was pending before the MSPB from its total-day calculations in Part VI, Part VIII, and Part IX of the agency’s EEOC Form 462 report. The number of days the complaint was pending before the MSPB should be calculated from the date of the MSPB appeal to the date of the MSPB remand order.

2. **Q. When a formal complaint is settled by a settlement agreement stemming from a MSPB or US district court agreement, is it referenced in Part VI A2 & Part VII?**

A. The "original" formal complaint that was taken to US District Court should have been dismissed at the time the agency was notified that the complainant went to court, etc. Therefore for that particular complaint, the dismissal should have been reported in Part VI Section B Line 3. See 29 CFR 1614.107 (a)(3) for more information.

However, when the final settlement comes down that subsumes some other EEO complaints pending, those complaints would be closed differently...see answer below.

3. **Q. If a "global" settlement captures all of complainant's EEO cases and the settlement language specifies that the complainant will "withdraw" the EEO complaint? Would that be a withdrawal?"**

- A. It would NOT be counted as a withdrawal. If one or more EEO complaints are to be withdrawn as part of a settlement agreement, these complaints should be closed as settlements in Part VI Section A Line 2 and any related corrective actions reported in Part VII.

QUESTIONS ON BREACH OF AGREEMENT CLAIMS

1. Q. Do you count a breach of an agreement claim at the formal stage as a new complaint?

A. No. Breach of settlement agreement information is not reported on the EEOC Form 462 report at this time.

2. Q. When a decision has been rendered (no breach occurred) on a breach of an agreement claim, do you count it as a closure (final decision)?

A. No. Breach of settlement agreement information is not reported on the EEOC Form 462 report at this time.

3. Q. Do you do the same at the informal stage?

A. No. Breach of settlement agreement information is not reported on the EEOC Form 462 report at this time.

APPENDIX E

FREQUENTLY ASKED QUESTIONS ON FedSEP Portal USAGE

- 1. Q. Where can I find out about using the FedSEP portal to submit my Form 462 Report?**

A. There is a Federal Sector EEO Portal (FedSEP) Submitting Form 462 User Guide located on the Guidance page of FEDSEP. <https://egov.eeoc.gov/fedsep>
- 2. Q. Is there a point of contact that I can use to ask questions I cannot find the answers to in the FedSEP User Guides or the User's Instruction Manual or training videos?**

A. Please send all email describing the problem to: Form462.Form462@eeoc.gov

APPENDIX F

EEOC FORM 462 REPORT

FY 2014 EEOC FORM 462 INSTRUCTION MANUAL

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS (REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)			
AGENCY OR DEPARTMENT: American Battle Monuments Commission		REPORTING PERIOD: FY 2012	
PART I - PRE-COMPLAINT ACTIVITIES			
	COUNSELING	INDIVIDUALS	
INTENTIONALLY LEFT BLANK			
TOTAL COMPLETED/ENDED COUNSELING			
C. TOTAL COMPLETED/ENDED COUNSELINGS	325	364	
C.1. COUNSELED WITHIN 30 DAYS	145	139	
C.2. COUNSELED WITHIN 31 TO 90 DAYS	163	155	
C.2.a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS	118	112	
C.2.b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR	12	12	
C.2.c. COUNSELED WITHIN 31-90 DAYS THAT WERE UNTIMELY	33	30	
C.3. COUNSELED BEYOND 90 DAYS	17	16	
C.4. COUNSELED DUE TO REMANDS	0	0	
D. PRE-COMPLAINT ACTIVITIES	COUNSELING	INDIVIDUALS	
D.1. ON HAND AT THE BEGINNING OF THE REPORTING PERIOD	38	38	
D.2. INITIATED DURING THE REPORTING PERIOD	325	364	
D.3. COMPLETED/ENDED COUNSELINGS	325	364	
D.3.a. SETTLEMENTS (MONETARY AND NON-MONETARY)	11	11	
D.3.b. WITHDRAWALS/NO COMPLAINT FILED	85	77	
D.3.c. COUNSELINGS COMPLETED/ENDED IN REPORTING PERIOD THAT RESULTED IN COMPLAINT FILINGS IN REPORTING PERIOD	222	265	
D.3.d. DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD	7	7	
D.4. COUNSELINGS PENDING AT THE END OF THE REPORTING PERIOD	38	38	
E. NON-ADR SETTLEMENTS WITH MONETARY BENEFITS			
E. NON-ADR SETTLEMENTS WITH MONETARY BENEFITS TOTAL	0	0	\$0.00
E.1. COMPENSATORY DAMAGES	0	0	\$0.00
E.2. BACKPAY/FRONTPAY	0	0	\$0.00
E.3. LUMP SUM PAYMENT	0	0	\$0.00
E.4. ATTORNEY FEES AND COSTS	0	0	\$0.00
E.5.	0	0	\$0.00
E.6.	0	0	\$0.00
E.7.	0	0	\$0.00
F. NON-ADR SETTLEMENTS WITH NON-MONETARY BENEFITS			
F. NON-ADR SETTLEMENTS WITH NON- MONETARY BENEFITS TOTAL	4	4	
F.1. HIRES	0	0	
F.1.a. RETROACTIVE	0	0	
F.1.b. NON-RETROACTIVE	0	0	
F.2. PROMOTIONS	0	0	
F.2.a. RETROACTIVE	0	0	
F.2.b. NON-RETROACTIVE	0	0	
F.3. ENFORCEMENTS	1	1	
F.4. REASSIGNMENTS	2	2	
F.5. REMOVALS RESCINDED	0	0	
F.5.a. REINSTATEMENT	0	0	
F.5.b. VOLUNTARY RESIGNATION	0	0	
F.6. ACCOMMODATIONS	0	0	
F.7. TRAINING	1	1	
F.8. APOLOGY	0	0	
F.9. DISCIPLINARY ACTIONS	1	1	
F.9.a. RESCINDED	0	0	
F.9.b. MODIFIED	1	1	
F.10. PERFORMANCE EVALUATION MODIFIED	1	1	
F.11. LEAVE RESTORED	1	1	
F.12.	0	0	
F.13. TELEWORK	1	1	
G. ADR SETTLEMENTS WITH MONETARY BENEFITS			
G. ADR SETTLEMENTS WITH MONETARY BENEFITS TOTAL	1	1	\$25,000.00
G.1. COMPENSATORY DAMAGES	0	0	\$0.00
G.2. BACKPAY/FRONTPAY	0	0	\$0.00
G.3. LUMP SUM PAYMENT	1	1	\$25,000.00
G.4. ATTORNEY FEES AND COSTS	0	0	\$0.00
G.5.	0	0	\$0.00
G.6.	0	0	\$0.00
G.7.	0	0	\$0.00
H. ADR SETTLEMENTS WITH NON-MONETARY BENEFITS			
H. ADR SETTLEMENTS WITH NON-MONETARY BENEFITS TOTAL	7	7	
H.1. HIRES	0	0	
H.1.a. RETROACTIVE	0	0	
H.1.b. NON-RETROACTIVE	0	0	
H.2. PROMOTIONS	0	0	
H.2.a. RETROACTIVE	0	0	
H.2.b. NON-RETROACTIVE	0	0	
H.3. ENFORCEMENTS	1	1	
H.4. REASSIGNMENTS	2	2	
H.5. REMOVALS RESCINDED	1	1	
H.5.a. REINSTATEMENT	0	0	
H.5.b. VOLUNTARY RESIGNATION	1	1	
H.6. ACCOMMODATIONS	0	0	
H.7. TRAINING	1	1	
H.8. APOLOGY	1	1	
H.9. DISCIPLINARY ACTIONS	2	2	
H.9.a. RESCINDED	1	1	
H.9.b. MODIFIED	1	1	
H.10. PERFORMANCE EVALUATION MODIFIED	1	1	
H.11. LEAVE RESTORED	1	1	
H.12. WEEKLY PROGRESS MTG	2	2	
H.13.	0	0	
I. NON-ADR SETTLEMENTS			
TOTAL	4	4	

FY 2014 EEOC FORM 462 INSTRUCTION MANUAL

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AGENCY OR DEPARTMENT: American Battle Monuments Commission					REPORTING PERIOD: FY 2012																																																																																																																																																																																																																									
PART II - FORMAL COMPLAINT ACTIVITIES			PART III - AGENCY RESOURCES, TRAINING, REPORTING LINE																																																																																																																																																																																																																											
668	A. COMPLAINTS ON HAND AT THE BEGINNING OF THE REPORTING PERIOD		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">AGENCY</th> <th colspan="2">CONTRACT</th> <th colspan="2"></th> </tr> <tr> <th>NUMBER</th> <th>PERCENT</th> <th>NUMBER</th> <th>PERCENT</th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td colspan="7">A.1. WORKFORCE</td> </tr> <tr> <td colspan="7">A.1.a. TOTAL WORK FORCE</td> </tr> <tr> <td></td> <td style="text-align: center;">45,766</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="7">A.1.b. PERMANENT EMPLOYEES</td> </tr> <tr> <td></td> <td style="text-align: center;">44,720</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="7">A.2. COUNSELOR</td> </tr> <tr> <td></td> <td style="text-align: center;">46</td> <td></td> <td style="text-align: center;">0</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="7">A.2.a. FULL-TIME</td> </tr> <tr> <td></td> <td style="text-align: center;">20</td> <td style="text-align: center;">43.48</td> <td style="text-align: center;">0</td> <td></td> <td style="text-align: center;">0</td> <td></td> </tr> <tr> <td colspan="7">A.2.b. PART-TIME</td> </tr> <tr> <td></td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td></td> <td style="text-align: center;">0</td> <td></td> </tr> <tr> <td colspan="7">A.2.c. COLLATERAL DUTY</td> </tr> <tr> <td></td> <td style="text-align: center;">26</td> <td style="text-align: center;">56.52</td> <td style="text-align: center;">0</td> <td></td> <td style="text-align: center;">0</td> <td></td> </tr> <tr> <td colspan="7">A.3. INVESTIGATOR</td> </tr> <tr> <td></td> <td style="text-align: center;">4</td> <td></td> <td style="text-align: center;">34</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="7">A.3.a. FULL-TIME</td> </tr> <tr> <td></td> <td style="text-align: center;">1</td> <td style="text-align: center;">25</td> <td style="text-align: center;">0</td> <td></td> <td style="text-align: center;">0</td> <td></td> </tr> <tr> <td colspan="7">A.3.b. PART-TIME</td> </tr> <tr> <td></td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">11</td> <td></td> <td style="text-align: center;">32.35</td> <td></td> </tr> <tr> <td colspan="7">A.3.c. COLLATERAL DUTY</td> </tr> <tr> <td></td> <td style="text-align: center;">3</td> <td style="text-align: center;">75</td> <td style="text-align: center;">23</td> <td></td> <td style="text-align: center;">67.65</td> <td></td> </tr> <tr> <td colspan="7">A.4. COUNSELOR/INVESTIGATOR</td> </tr> <tr> <td></td> <td style="text-align: center;">0</td> <td></td> <td style="text-align: center;">0</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="7">A.4.a. FULL-TIME</td> </tr> <tr> <td></td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td></td> <td style="text-align: center;">0</td> <td></td> </tr> <tr> <td colspan="7">A.4.b. PART-TIME</td> </tr> <tr> <td></td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td></td> <td style="text-align: center;">0</td> <td></td> </tr> <tr> <td colspan="7">A.4.c. COLLATERAL DUTY</td> </tr> <tr> <td></td> <td style="text-align: center;">0</td> <td></td> <td style="text-align: center;">0</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					AGENCY		CONTRACT				NUMBER	PERCENT	NUMBER	PERCENT			A.1. WORKFORCE							A.1.a. TOTAL WORK FORCE								45,766						A.1.b. PERMANENT EMPLOYEES								44,720						A.2. COUNSELOR								46		0				A.2.a. FULL-TIME								20	43.48	0		0		A.2.b. PART-TIME								0	0	0		0		A.2.c. COLLATERAL DUTY								26	56.52	0		0		A.3. INVESTIGATOR								4		34				A.3.a. FULL-TIME								1	25	0		0		A.3.b. PART-TIME								0	0	11		32.35		A.3.c. COLLATERAL DUTY								3	75	23		67.65		A.4. COUNSELOR/INVESTIGATOR								0		0				A.4.a. FULL-TIME								0	0	0		0		A.4.b. PART-TIME								0	0	0		0		A.4.c. COLLATERAL DUTY								0		0			
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205	J. INDIVIDUALS FILING COMPLAINTS (Complainants)																																																																																																																																																																																																																													
17	K. NUMBER OF JOINT PROCESSING UNITS FROM CONSOLIDATION OF COMPLAINTS																																																																																																																																																																																																																													
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1a. DOES THE AGENCY DIRECTOR REPORT TO THE AGENCY HEAD?			YES	NO																																																																																																																																																																																																																										
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FY 2014 EEOC FORM 462 INSTRUCTION MANUAL

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS (REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)												
PART IV - BASES AND ISSUES ALLEGED IN COMPLAINTS FILED (Part 1)												
BASES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION											
	AMERICAN INDIAN OR ALASKA NATIVE	ASIAN	NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER	BLACK OR AFRICAN AMERICAN	WHITE	TWO OR MORE RACES	COLOR	RELIGION	REPESEL	TOTAL ALL BASIS COMPLAINANTS BY ISSUE	TOTAL ALL COMPLAINANTS BY ISSUE	TOTAL ALL COMPLAINANTS BY ISSUE
A. APPOINTMENT/HIRE	0	1	0	0	2	2	4	2	11	59	21	19
B. ASSIGNMENT OF DUTIES	1	1	0	6	3	2	2	5	30	83	38	38
C. AWARDS	0	2	0	1	0	0	0	1	8	16	8	8
D. CONVERSION TO FULL TIME	0	0	0	0	0	0	0	0	0	0	0	0
E. DISCIPLINARY ACTION	0	1	0	7	3	2	6	8	22	92	34	34
E.1. DEMOTION	0	0	0	1	1	0	0	1	1	7	2	2
E.2. REPRISAL	0	1	0	3	1	0	3	3	10	43	16	16
E.3. SUSPENSION	0	0	0	2	2	1	4	4	10	39	15	15
E.4. REMOVAL	0	0	0	1	0	0	0	1	1	3	1	1
E.5	0	0	0	0	0	0	0	0	0	0	0	0
E.6	0	0	0	0	0	0	0	0	0	0	0	0
E.7	0	0	0	0	0	0	0	0	0	0	0	0
F. DUTY HOURS	1	1	0	1	2	0	1	0	2	11	5	5
G. EVALUATION/APPRaisal	2	3	0	11	6	1	2	6	38	127	49	48
H. EXAMINATION/TEST	0	0	0	0	0	0	0	0	0	0	0	0
I. HARASSMENT	1	7	0	24	10	1	12	14	68	231	100	102
I.1. NON-SEXUAL	1	7	0	24	10	1	12	14	68	99	18	18
I.2. SEXUAL	0	0	0	0	0	0	0	0	0	4	4	4
J. MEDICAL EXAMINATION	0	0	0	0	0	0	0	0	1	2	1	1
K. PAY INCLUDING OVERTIME	0	1	0	0	0	0	0	1	4	13	6	6
L. PROMOTION/NO-SELECTION	0	1	0	7	3	0	1	4	15	59	24	24
M. REASSIGNMENT	1	2	0	2	4	0	4	0	11	52	25	25
M.1. DENIED	0	1	0	0	1	0	2	0	2	18	9	9
M.2. DIRECTED	1	1	0	2	3	0	2	0	9	34	16	16
N. REASONABLE ACCOMMODATION	0	0	0	0	0	0	0	0	3	25	18	18
O. REINSTATEMENT	0	0	0	0	0	0	0	0	0	0	0	0
P. RETIREMENT	0	0	0	0	0	0	0	0	0	0	0	0
Q. TERMINATION	1	6	1	30	4	0	1	3	23	101	42	42
R. TERMS/CONDITIONS OF EMPLOYMENT	1	2	0	4	1	0	5	1	16	47	23	22
S. TIME AND ATTENDANCE	0	0	0	5	2	0	0	1	15	54	25	25
T. TRAINING	0	0	0	2	0	1	4	1	6	20	8	7
U. OTHER	0	0	0	2	0	0	1	0	1	7	2	0
U.1	0	0	0	1	0	0	0	0	0	3	1	1
U.2	0	0	0	1	0	0	1	0	1	4	1	1
U.3	0	0	0	0	0	0	0	0	0	0	0	0
U.4	0	0	0	0	0	0	0	0	0	0	0	0
U.5	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL ALL ISSUES BY BASIS	7	28	1	91	38	8	43	49	274	1000	420	420
TOTAL ALL COMPLAINTS FILED BY BASIS	3	13	1	51	17	5	26	19	128	460	190	190
TOTAL ALL COMPLAINTS BY BASIS	3	13	1	48	17	5	19	19	128	460	190	190

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ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS (REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)															REPORTING PERIOD: FY 2012
AGENCY OR DEPARTMENT: American Red Cross/Monasteria Commission															
ISSUES OF ALLEGED DISCRIMINATION	SEX		NATIONAL ORIGIN		EQUAL PAY ACT			DISABILITY			TOTAL ALL COMPLAINTS BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE		
	MALE	FEMALE	HISPANIC/ LATINO	OTHER	MALE	FEMALE	AGE	MENTAL	PHYSICAL	GENA					
	1	2	3	4	5	6	7	8	9	10				11	
A. APPOINTMENT/HIRE	2	5	0	3	0	0	13	1	3	0	59	21	19		
B. ASSIGNMENT OF DUTIES	2	5	1	4	0	0	15	1	6	0	83	38	38		
C. AWARDS	0	0	0	0	0	0	1	0	1	0	16	8	8		
D. CONVERSION TO FULL TIME	0	0	0	0	0	0	0	0	0	0	0	0	0		
E. DISCIPLINARY ACTION	2	9	2	6	0	0	11	5	8	0	92	34	34		
E.1. DEMOTION	0	0	0	1	0	0	2	0	0	0	7	2	2		
E.2. DEMOTION	1	9	1	2	0	0	4	5	4	0	43	16	16		
E.3. RESUSPENSION	1	4	1	3	0	0	4	0	4	0	39	15	15		
E.4. REMOVAL	0	0	0	0	0	0	1	0	0	0	3	1	1		
E.5.	0	0	0	0	0	0	0	0	0	0	0	0	0		
E.6.	0	0	0	0	0	0	0	0	0	0	0	0	0		
E.7.	0	0	0	0	0	0	0	0	0	0	0	0	0		
F. DUTY HOURS	0	1	0	2	0	0	1	0	2	0	11	5	5		
G. EVALUATION/APPRaisal	2	7	2	10	0	0	24	4	9	0	127	49	48		
H. EXAMINATION/TEST	0	0	0	0	0	0	0	0	0	0	0	0	0		
I. HARASSMENT	8	29	4	16	0	0	30	12	19	0	255	103	102		
I.1. NON-SEXUAL	7	26	4	16	0	0	30	12	19	0	251	99	98		
I.2. SEXUAL	1	3	0	0	0	0	0	0	0	0	4	4	4		
J. MEDICAL EXAMINATION	0	0	0	0	0	0	0	0	1	0	2	1	1		
K. PAY INCLUDING OVERTIME	1	0	1	1	0	0	0	0	4	0	13	6	6		
L. PROMOTION/NO-SELECTION	3	5	0	4	0	0	12	2	2	0	59	24	24		
M. REASSIGNMENT	3	7	1	4	0	0	8	1	4	0	52	25	25		
M.1. DENSED	0	3	0	2	0	0	4	0	3	0	18	9	9		
M.2. DENSED	3	4	1	2	0	0	4	1	1	0	34	16	16		
N. REASONABLE ACCOMMODATION	0	0	0	0	0	0	0	0	36	0	25	18	18		
O. REINSTATEMENT	0	0	0	0	0	0	0	0	0	0	0	0	0		
P. RETIREMENT	0	0	0	0	0	0	0	0	0	0	0	0	0		
Q. TERMINATION	5	12	2	5	0	0	12	6	30	0	101	42	42		
R. TERMS/CONDITIONS OF EMPLOYMENT	2	3	0	3	0	0	5	0	4	0	47	23	22		
S. TIME AND ATTENDANCE	2	6	3	2	0	0	3	2	11	0	54	25	25		
T. TRAINING	0	3	1	1	0	0	2	0	0	0	21	8	7		
U. OTHER	0	2	0	0	0	0	1	0	0	0	7	2	0		
U.1.	0	1	0	0	0	0	1	0	0	0	3	1	1		
U.2.	0	1	0	0	0	0	0	0	0	0	4	1	1		
U.3.	0	0	0	0	0	0	0	0	0	0	0	0	0		
U.4.	0	0	0	0	0	0	0	0	0	0	0	0	0		
U.5.	0	0	0	0	0	0	0	0	0	0	0	0	0		
TOTAL ALL ISSUES BY BASIS	32	94	17	63	0	0	140	38	100	0	549	249	249		
TOTAL ALL COMPLAINTS FILED BY BASIS	19	50	7	30	0	0	74	19	49	0	469	199	199		
TOTAL ALL COMPLAINTS BY BASIS	19	48	7	30	0	0	71	19	49	0	469	199	199		

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AGENCY OR DEPARTMENT: American Battle Monuments Commission	ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS (REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)	REPORTING PERIOD: FY 2012																		
PART IV A - BASES OF DISCRIMINATION IN FINDINGS AND ALLEGED SETTLEMENTS	PART IV A - BASES OF DISCRIMINATION IN FINDINGS AND ALLEGED SETTLEMENTS	PART IV A - BASES OF DISCRIMINATION IN FINDINGS AND ALLEGED SETTLEMENTS																		
FINDINGS/ALLEGATIONS IN: 1. Counseling Settlement Allegations 2. Complete Settlement Allegations 3. Final Agency Decision Findings 4. AJ Decision Findings 5. Final Agency Order Findings Implemented 6. Number of Final Orders With Findings Implemented 7. Number of Complaints Issued FJOs with Findings Implemented	RACE										SEX		NATIONAL ORIGIN		EQUALITY ACT		DISABILITY			
	AMERICAN INDIAN OR ALASKA NATIVE	ASIAN	NATIVE PACIFIC ISLANDER	BLACK AMERICAN	WHITE	TWO OR MORE RACES	COLOR	RELIGION	REPRISAL	MALE	FEMALE	POA	HISPANIC (OR LATINO)	OTHER	MALE	FEMALE	AGE	MENTAL	PHYSICAL	GINA
1. Counseling Settlement Allegations	0	0	0	7	0	0	1	2	3	1	0	0	0	0	0	0	2	2	2	0
2. Complete Settlement Allegations	0	0	0	5	0	0	1	1	3	1	0	0	0	0	0	0	2	2	2	0
3. Final Agency Decision Findings	2	0	0	56	23	0	18	13	96	7	37	0	4	19	0	0	62	29	37	0
4. AJ Decision Findings	1	0	0	24	9	0	10	7	37	6	14	0	3	8	0	0	27	10	16	0
5. Final Agency Order Findings Implemented	1	0	0	21	8	0	10	6	24	6	13	0	3	7	0	0	26	10	16	0
6. Number of Final Orders With Findings Implemented	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	2	2	2	0
7. Number of Complaints Issued FJOs with Findings Implemented	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	1	1	0
8. Total Settlement Allegations	0	0	0	3	0	0	0	0	5	0	3	0	0	0	0	0	0	0	1	0
9. Total Agency Order Findings Implemented	0	0	0	2	0	0	0	0	3	0	1	0	0	0	0	0	0	0	1	0
10. Number of Final Orders With Findings Implemented	0	0	0	2	0	0	0	0	3	0	1	0	0	0	0	0	0	0	1	0
11. Number of Complaints Issued FJOs with Findings Implemented	0	0	0	2	0	0	0	0	3	0	1	0	0	0	0	0	0	0	1	0
TOTAL SETTLEMENT ALLEGATIONS	2	0	0	63	23	0	19	15	99	8	37	0	4	19	0	0	64	27	39	0
TOTAL EQUAL ACTION FINISHER	0	0	0	2	0	0	0	0	5	0	1	0	0	0	0	0	2	2	3	0

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AGENCY OR DEPARTMENT: American Battle Monuments Commission		REPORTING PERIOD: FY 2012		
PART V - SUMMARY OF CLOSURES BY STATUTE				
346	A.1. TITLE VII			
0	A.1a. PREGNANCY DISCRIMINATION ACT (PDA)			
165	A.2. AGE DISCRIMINATION IN EMPLOYMENT ACT (ADIEA)			
96	A.3. REHABILITATION ACT			
1	A.4. EQUAL PAY ACT (EPA)			
0	A.5. GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)			
608	B. TOTAL BY STATUTES. THIS NUMBER MAY BE LARGER THAN THE TOTAL NUMBER OF COMPLAINTS CLOSED. (A1+A1a+A2+A3+A4+A5)			
PART VI - SUMMARY OF CLOSURES BY CATEGORY				
		TOTAL NUMBER	TOTAL DAYS	AVERAGE DAYS
A. TOTAL NUMBER OF CLOSURES		432	200929	465.11
A.1. WITHDRAWALS		12	1646	137.17
A.1.a. NON-ADR WITHDRAWALS		12	1646	137.17
A.1.b. ADR WITHDRAWALS		0	0	0.00
A.2. SETTLEMENTS		74	18825	254.39
A.2.a. NON-ADR SETTLEMENTS		70	18462	263.74
A.2.b. ADR SETTLEMENTS		4	363	90.75
A.3. FINAL AGENCY ACTIONS		346	180458	521.55
B. FINAL AGENCY DECISIONS WITHOUT AN ADMINISTRATIVE JUDGE DECISION		238	110802	465.55
B.1. FINDING DISCRIMINATION		1	290	290.00
B.2. FINDING NO DISCRIMINATION		188	107296	570.72
B.3. DISMISSAL OF COMPLAINTS		49	3216	65.63
C. FINAL AGENCY ORDERS WITH AN ADMINISTRATIVE JUDGE (AJ) DECISION		194	89927	463.56
C.1. AJ DECISION FULLY IMPLEMENTED		186	88465	475.62
C.1.a. FINDING DISCRIMINATION		6	3200	533.33
C.1.b. FINDING NO DISCRIMINATION		92	59787	649.86
C.1.c. DISMISSAL OF COMPLAINTS		8	5418	677.25
C.2. AJ DECISION NOT FULLY IMPLEMENTED		8	1251	156.38
C.2.a. FINDING DISCRIMINATION		1	795	795.00
C.2.a.i. AGENCY APPEALED FINDING BUT NOT REMEDY		0	0	0.00
C.2.a.ii. AGENCY APPEALED REMEDY BUT NOT FINDING		1	795	795.00
C.2.b. FINDING NO DISCRIMINATION		7	456	65.14
C.2.c. DISMISSAL OF COMPLAINTS		0	0	0.00

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AGENCY OR DEPARTMENT: <i>American Battle Monuments Commission</i>		REPORTING PERIOD: <i>FY 2012</i>	
PART VI - SUMMARY OF CLOSURES BY CATEGORY (Continued)			
	TOTAL NUMBER	TOTAL DAYS	AVERAGE DAYS
D. FINAL AGENCY MERIT DECISIONS (FAD) ISSUED	189	4587	242.79
D.1. COMPLAINANT REQUESTED IMMEDIATE FAD	49	8297	169.33
D.1.a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF FAD REQUEST	4	190	47.50
D.1.b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND RECEIPT OF FAD REQUEST	45	8107	180.16
D.2. COMPLAINANT DID NOT ELECT HEARING OR FAD	85	29248	344.09
D.2.a. AGENCY ISSUED FAD WITHIN 60 DAYS OF END OF 30-DAY ELECTION PERIOD	4	203	50.75
D.2.b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND END OF 30-DAY ELECTION PERIOD	81	29045	358.58
D.3. HEARING REQUESTED; AJ RETURNED CASE TO AGENCY FOR FAD WITHOUT AJ DECISION (4a+3b)	52	7965	153.17
D.3.a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF AJ RETURNED CASE FOR FAD ISSUANCE	18	936	52.00
D.3.b. AGENCY ISSUED FAD MORE THAN 60 DAYS AFTER RECEIPT OF AJ RETURNED CASE FOR FAD ISSUANCE	34	7029	206.74
D.4. FINAL AGENCY DECISION ISSUED ON A MIXED CASE (4a+8)	3	377	125.67
D.4.a. AGENCY ISSUED FAD WITHIN 45 DAYS AFTER INVESTIGATION	0	0	0.00
D.4.b. AGENCY ISSUED FAD MORE THAN 45 DAYS AFTER INVESTIGATION	3	377	125.67
PART VII - SUMMARY OF FORMAL COMPLAINTS CLOSED BY TYPES OF BENEFITS			
	NUMBER	AMOUNT	
A. TOTAL COMPLAINTS CLOSED WITH BENEFITS	81		
B. TOTAL CLOSURES WITH MONETARY BENEFITS TO COMPLAINANT	61	\$1,054,737.87	
B.1. BACK PAY/FRONT PAY	5	\$197,480.67	
B.2. LUMP SUM PAYMENT	48	\$455,172.01	
B.3. COMPENSATORY DAMAGES	3	\$89,006.00	
B.4. ATTORNEY FEES AND COSTS	16	\$313,085.19	
D. INTENTIONALLY LEFT BLANK			
E. TOTAL CLOSURES WITH NON-MONETARY BENEFITS TO COMPLAINANT	62		
F. TYPES OF BENEFITS IN NON-MONETARY CLOSURES	NUMBER OF CLOSURES THAT RECEIVED MONETARY BENEFITS AS WELL	NUMBER OF CLOSURES THAT RECEIVED ONLY NON-MONETARY BENEFITS	
F.1. HERES	0	0	
F.1.a. RETROACTIVE	0	0	
F.1.b. NON-RETROACTIVE	0	0	
F.2. PROMOTIONS	5	1	
F.2.a. RETROACTIVE	0	1	
F.2.b. NON-RETROACTIVE	5	0	
F.3. EXPUNGEMENTS	17	8	
F.4. REASSIGNMENTS	3	2	
F.5. REMOVALS RESCINDED	6	7	
F.5.a. REINSTATEMENT	0	1	
F.5.b. VOLUNTARY RESIGNATION	6	6	
F.6. ACCOMMODATIONS	0	1	
F.7. TRAINING	4	1	
F.8. APOLOGY	0	0	
F.9. DISCIPLINARY ACTIONS	5	8	
F.9.a. RESCINDED	5	5	
F.9.b. MODIFIED	0	3	
F.10. PERFORMANCE EVALUATION MODIFIED	6	6	
F.11. LEAVE RESTORED	13	2	
F.12.	9	4	
F.13.	5	0	
F.14.	2	0	

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ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS (REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)					
AGENCY OR DEPARTMENT: American Battle Monuments Commission				REPORTING PERIOD: FY 2012	
PART VIII - SUMMARY OF PENDING COMPLAINTS BY CATEGORY					
	NUMBER PENDING	NUMBER OF DAYS	AVERAGE DAYS	DAYS PENDING OLDEST CASE	OLDEST DOCKET #
A. TOTAL COMPLAINTS PENDING (SAME AS PART II Line I)	469	223485			
A.1. COMPLAINTS PENDING WRITTEN NOTIFICATION	5	34	6.8	20	
A.1a. COMPLAINTS PENDING DECISION TO ACCEPT/DISMISS	32	256	23.33	45	
A.2. COMPLAINTS PENDING IN INVESTIGATION	96	12385	129.13	351	
A.3. COMPLAINTS PENDING IN HEARINGS	174	111780	642.41	1994	Docket 444
A.4. COMPLAINTS PENDING A FINAL AGENCY ACTION	182	99020	544.07	920	
PART IX - SUMMARY OF INVESTIGATIONS COMPLETED					
	TOTAL	TOTAL DAYS	AVERAGE		
A. INVESTIGATIONS COMPLETED DURING REPORTING PERIOD	183	34449	188.25		
A.1. INVESTIGATIONS COMPLETED BY AGENCY PERSONNEL	6	849	141.50		
A.1.a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS	4	401	100.25		
A.1.b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS	2	448	224.00		
A.1.b.1. TIMELY COMPLETED INVESTIGATIONS	1	238	238.00		
A.1.b.2. UNTIMELY COMPLETED INVESTIGATIONS	1	210	210.00		
A.1.c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS	0	0	0.00		
A.2. AGENCY INVESTIGATION COSTS	\$21,634.92		\$3,605.82		
A.3. INVESTIGATIONS COMPLETED BY CONTRACTORS	177	33600	189.83		
A.3.a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS	91	14046	154.35		
A.3.b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS	85	19188	225.74		
A.3.b.1. TIMELY COMPLETED INVESTIGATIONS	70	15788	225.54		
A.3.b.2. UNTIMELY COMPLETED INVESTIGATIONS	15	3400	226.67		
A.3.c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS	1	366	366.00		
A.4. CONTRACTOR INVESTIGATION COSTS	\$1,024,027.50		\$5,785.47		

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AGENCY OR DEPARTMENT: <i>American Battle Monuments Commission</i>			REPORTING PERIOD: FY 2013	
PART X - SUMMARY OF ADR PROGRAM ACTIVITIES				
INFORMAL PHASE PRE-COMPLAINT				
A. INTENTIONALLY LEFT BLANK				
B. ADR ACTIONS IN COMPLETED/ENDED COUNSELINGS				
	COUNSELING	INDIVIDUALS		
B.1. ADR OFFERED BY AGENCY	92	92		
B.2. REJECTED BY INDIVIDUAL (COUNSELÉE)	55	55		
B.3. INTENTIONALLY LEFT BLANK				
B.4. TOTAL ACCEPTED INTO ADR PROGRAM	37	37		
C. ADR RESOURCES USED IN COMPLETED/ENDED COUNSELINGS (TOTALS)				
C.1. INHOUSE	2	2		
C.2. ANOTHER FEDERAL AGENCY	34	34		
C.3. PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS, BAR ASSOCIATIONS, INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY PERSONNEL)	1	1		
C.4. MULTIPLE RESOURCES USED (Please specify in a comment box)	0	0		
C.5. FEDERAL EXECUTIVE BOARD	0	0		
C.6.	0	0		
C.7.	0	0		
	COUNSELING	INDIVIDUALS	DAYS	AVERAGE DAYS
D. ADR TECHNIQUES USED IN COMPLETED/ENDED COUNSELINGS (TOTALS)				
D.1. MEDIATION	36	36	1867	50.19
D.2. SETTLEMENT CONFERENCES	0	0	0	0.00
D.3. EARLY NEUTRAL EVALUATIONS	0	0	0	0.00
D.4. FACTFINDING	0	0	0	0.00
D.5. FACILITATION	1	1	53	53.00
D.6. OMBUDSMAN	0	0	0	0.00
D.7. PEER REVIEW	0	0	0	0.00
D.8. MULTIPLE TECHNIQUES USED (Please specify in a comment box)	0	0	0	0.00
D.9.	0	0	0	0.00
D.10.	0	0	0	0.00
D.11.	0	0	0	0.00
E. STATUS OF ADR CASES IN COMPLETED/ENDED COUNSELINGS				
E.1. TOTAL CLOSED	37	37	1860	50.27
E.1.a. SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)	7	7	379	54.14
E.1.b. NO FORMAL COMPLAINT FILED	12	12	436	36.33
E.1.c. COMPLAINT FILED				
E.1.c.i. NO RESOLUTION	18	18	845	46.94
E.1.c.ii. NO ADR ATTEMPT (aka Part X.E.1.d)	0	0	0	0.00
E.1.e. DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD	0	0	0	0.00

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AGENCY OR DEPARTMENT: American Battle Monuments Commission			REPORTING PERIOD: FY 2012	
PART XI SUMMARY OF ADR PROGRAM ACTIVITIES				
FORMAL PHASE (COMPLAINT FILED)				
B. ADR ACTIONS IN COMPLAINT CLOSURES				
B.1. ADR OFFERED BY AGENCY	13	13		
B.2. REJECTED BY COMPLAINANT	0	0		
B.3. INTENTIONALLY LEFT BLANK				
B.4. TOTAL ACCEPTED INTO ADR PROGRAM	13	13		
C. ADR RESOURCES USED IN COMPLAINT CLOSURES (TOTALS)				
C.1. INHOUSE	0	0		
C.2. ANOTHER FEDERAL AGENCY	12	12		
C.3. PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS, BAR ASSOCIATIONS, INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY)	1	1		
C.4. MULTIPLE RESOURCES USED (Please specify in a comment box)	0	0		
C.4. FEDERAL EXECUTIVE BOARD	0	0		
C.6.	0	0		
C.7.	0	0		
D. ADR TECHNIQUES USED IN COMPLAINT CLOSURES (TOTALS)				
D.1. MEDIATION	12	12	1011	77.77
D.2. SETTLEMENT CONFERENCES	1	1	7	7.00
D.3. EARLY NEUTRAL EVALUATIONS	0	0	0	0.00
D.4. FACTFINDING	0	0	0	0.00
D.5. FACILITATION	0	0	0	0.00
D.6. OMBUDSMAN	0	0	0	0.00
D.7. MINI-TRIALS	0	0	0	0.00
D.8. PEER REVIEW	0	0	0	0.00
D.9. MULTIPLE TECHNIQUES USED (Please specify in a comment box)	0	0	0	0.00
D.10.	0	0	0	0.00
D.11.	0	0	0	0.00
D.12.	0	0	0	0.00
E. STATUS OF CASES IN (FORMAL) ADR CLOSURES				
E.1. TOTAL CLOSED	13	13	1011	77.77
E.1.a. SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)	4	4	265	66.25
E.1.b. WITHDRAWAL FROM EEO PROCESS	0	0	0	0.00
E.1.c. NO RESOLUTION	2	2	746	37.30
E.1.d. NO ADR ATTEMPT	0	0	0	0.00
E.1.e. INTENTIONALLY LEFT BLANK				
F. RIGHTS RESTORED				
F.1. MONETARY (INSERT TOTALS)	1	1	\$15,000.00	
F.1.a. COMPENSATORY DAMAGES	0	0	\$0.00	
F.1.b. BACKPAY/FRONTPAY	0	0	\$0.00	
F.1.c. LUMP SUM	1	1	\$15,000.00	
F.1.d. ATTORNEY FEES AND COSTS	0	0	\$0.00	
F.1.e.	0	0	\$0.00	
F.1.f.	0	0	\$0.00	
F.1.g.	0	0	\$0.00	
F.2. NON-MONETARY (INSERT TOTALS)	4	4		
F.2.a. HIRING	0	0		
F.2.a.i. RETROACTIVE	0	0		
F.2.a.ii. NON-RETROACTIVE	0	0		
F.2.b. PROMOTIONS	0	0		
F.2.b.i. RETROACTIVE	0	0		
F.2.b.ii. NON-RETROACTIVE	0	0		
F.2.c. EMPLOYMENTS	0	0		
F.2.d. REASSIGNMENTS	1	1		
F.2.e. REMOVALS RESCINDED	1	1		
F.2.e.i. REINSTATEMENT	1	1		
F.2.e.ii. VOLUNTARY RESIGNATION	0	0		
F.2.f. ACCOMMODATIONS	0	0		
F.2.g. TRAINING	1	1		
F.2.h. APOLOGY	0	0		
F.2.i. DISCIPLINARY ACTIONS	2	2		
F.2.i.i. RESCINDED	2	2		
F.2.i.ii. MODIFIED	0	0		
F.2.j. PERFORMANCE EVALUATION MODIFIED	1	1		
F.2.k. LEAVE RESTORED	0	0		
F.2.l. CP WILL RETIRE	1	1		
F.2.m.	0	0		

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AGENCY OR DEPARTMENT: American Battle Monuments Commission	REPORTING PERIOD: FY 2012	
PART XII - SUMMARY OF EEO ADR PROGRAM ACTIVITIES		
EEO ADR RESOURCES		
A. NO LONGER COLLECTED		
B. EMPLOYEES THAT CAN PARTICIPATE IN EEO ADR		
		44324
C. RESOURCES THAT MANAGE EEO ADR PROGRAM (DOES NOT INCLUDE NEUTRALS AS REPORTED IN PARTS X & XI)		
		17
C.1. IN-HOUSE FULL TIME (40 HOURS EEO ADR ONLY)		
		4
C.2. IN-HOUSE PART TIME (32 HOURS EEO ADR ONLY)		
		0
C.3. IN-HOUSE COLLATERAL DUTY (OTHERS/NON-CONTRACT)		
		13
CONTRACT (ANOTHER FEDERAL AGENCY/PRIVATE ORGANIZATIONS)		
		0
D. EEO ADR FUNDING SPENT		AMOUNT
		\$25,893.14
E. EEO ADR CONTACT INFORMATION		
E.1. NAME OF EEO ADR PROGRAM DIRECTOR /MANAGER	Bernadette M. Worley	
E.2. TITLE	Director, Client Services/HR	
E.3. TELEPHONE NUMBER	202-492-8121	
E.4. EMAIL	Bworley@blm.gov	
F. EEO ADR PROGRAM INFORMATION		
F.1. Does the agency require the alleged responsible management official to participate in EEO ADR?		YES NO
		X
F.1a. If yes, is there a written policy requiring the participation?		X
F.2. Does the alleged responsible management official have a role in deciding if the case is appropriate for EEO ADR?		X
CERTIFICATION AND CONTACT INFORMATION		
I certify that the EEO complaint data contained in this report, EEOC Form 462, Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints, for the reporting period October 1, 2011 through September 30, 2012 is accurate and complete.		
NAME OF CERTIFYING OFFICIAL:		an luo
TITLE OF CERTIFYING OFFICIAL:		QA
TELEPHONE NUMBER:		(202) 669-4100
E-MAIL:		luo_an@blm.com
SIGNATURE OF CERTIFYING OFFICIAL: (Note: DO NOT write an electronic signature)		
DATE:		12-08-2013
NAME OF PREPARED:		an luo
TITLE OF PREPARED:		QA
TELEPHONE NUMBER:		(202) 669-4100
E-MAIL:		luo_an@blm.com
DATE:		

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS (REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)	REPORTING PERIOD: FY 2012
AGENCY OR DEPARTMENT: American Battle Monuments Commission	
Form 462 Comments	
Part Name Part IV Part A	COMMENT (expression left expression right value1 value2 comment) If 4 & 4a, Race - White = 0 0 174 0 doctid:444
Part I	D.1 -- On (and At the Beginning Of) The Reporting Period, Counselings (Current year) D.4 -- Counseling Provided At The End Of The Reporting Period (Previous Year) 38 comment line 5 D.1 -- On (and At the Beginning Of) The Reporting Period, Individuals (Current year) D.4 -- Individuals Provided At The End Of The Reporting Period (Previous Year) 38 comment line 6 D.6 -- Counseling Completed/Failed in Reporting Period that Resulted in Complaint Filing in Reporting Period - Individuals Part II 222 205 comment Line 14
Part II	A. -- Complaints On (and At the Beginning of) The Reporting Period, Complaints (Current Year) 1. -- Complaints On (and At the End of) The Reporting Period (Previous Year) 668 comment line 7
Part VIII	A3 -- Complaints in (filing - Average Days 180 662.41793335448 180 comment line 2402
Report Status: Final, 09/22/2013 1:09 PM	
13	

APPENDIX G

FY 2014 FORM 462 REPORT DATA CHECK LIST BY PARTS

NOTE this Appendix is still being updated to include the many manual edits previously done by EEOC staff members. We appreciate your patience.

NOTE also that any data checks not in QRM will be done manually by EEOC staff members.

PART I - PRE-COMPLAINT ACTIVITIES

On every Line in Part I, the number of counselings reported must be greater than or equal to the number of individuals reported.

The same number of completed/ended counselings must be reported on Part I Line C and on Part I Line D.3.

The number of counselings reported on Part I Line D.3 must be less than or equal to the sum of the numbers reported on lines D.1 plus D.2.

The same number of individuals with completed/ended counselings must be reported on Part I Line C and on Part I Line D.3.

The number of counselings that ended with a complaint filing reported on Part I Line D.3.c should be equal to the number of complaints filed in Part II Line B. If not then a comment should be added to explain the difference.

The number of individuals reported on Part I Line D.3.c should equal the number of individuals reported in Part II Line J. If not then a comment should be added.

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The number of counselings closed with settlements reported on Part I Line D.3.a must equal the sum of the number of counselings closed with settlements reported on Part I Line I plus Part X Line E.1.a.

Sum of non-ADR settlements with monetary benefits reported on lines E.1 through E.7 should be equal to or greater than Line E, (both the Counselings and Individuals columns).

Line E should be equal to or less than line D.3.a (Counselings column).

Line F should be equal to or less than line D.3.a (Counselings column).

Line G should be equal to or less than line D.3.a (Counselings column).

Line H should be equal to or less than line D.3.a (Counselings column).

Sum of lines G.1 through G.7 should be equal to or greater than G (both the Counselings and Individuals columns).

Line C should be greater than or equal to Part X Line E.1 (Counselings column).

The total number of closed counselings resulting in “withdrawals/no complaint filed” reported on Part I Line D.3.b must be greater than or equal to the number of pre-complaint ADR closures with “no complaint filed” reported on Part X Line E.1.b.

The number of counselings reported on Part I Line E Total Non-ADR Settlements with Monetary Benefits must be less than or the same as the number of counselings reported on Part I Line I Non-ADR Settlements.

The number of individuals reported on Part I Line E Total Non-ADR Settlements with Monetary Benefits must be less than or the same as the number of individuals reported on Part I Line I Non-ADR Settlements.

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The sum of the number of counseling settlements reported on Part I Line E (total line) and on Part I Line F (total line) must be greater than or equal to the number of counseling settlements reported on Part I Line I.

The sum of the number of individuals with counseling settlements reported on Part I Line E (total line) and on Part I Line F (total line) must be greater than or equal to the number of individuals with counseling settlements reported on Part I Line I.

The number of counselings reported on Part I Line F Total Non-ADR Settlements with Non-Monetary Benefits must be less than or the same as the number of counselings reported on Part I Line I Non-ADR Settlements.

The number of individuals reported on Part I Line F Total Non-ADR Settlements with Non-Monetary Benefits must be less than or the same as the number of individuals reported on Part I Line I Non-ADR Settlements.

In the counselings column, the sum of Part I Lines F.1 through F.13 must be greater than or the same as Part I Line F Total Non-ADR Settlements with Non-Monetary Benefits.

In the individuals' column, the sum of Part I Lines F.1 through F.13 must be greater than equal to Part I Line F Total Non-ADR Settlements with Non-Monetary Benefits.

The number of counselings reported on Part I Line G Total ADR Settlements with Monetary Benefits must be less than or the same as the number of counselings reported on Part X Line E.1.a ADR Settlements.

The number of individuals reported on Part I Line G Total ADR Settlements with Monetary Benefits must be less than or the same as the number of individuals reported on Part X Line E.1.a ADR Settlements.

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The sum of the number of counseling settlements reported on Part I. Line G (total line) and Part I. Line H (total line) must be greater than or equal to the number of counseling settlements reported on Part X. Line E.1.a.

The sum of the number of individuals with counseling settlements reported on Part I Line G (total line) and on Part I Line H (total line) must be greater than or equal to the number of individuals with counseling settlements reported on Part X Line E.1.a.

The number of counselings reported on Part I Line H. Total ADR Settlements with Non-Monetary Benefits must be less than or the same as the number of counselings reported on Part X Line E.1.a ADR Settlements.

The number of individuals reported on Part I Line H Total ADR Settlements with Non-Monetary Benefits must be the less than or the same as the number of individuals reported on Part X Line E.1.a ADR Settlements.

In the counselings column, the sum of Part I Lines H.1 through H.13 must be greater than or the same as Part I Line H Total ADR Settlements with Non-Monetary Benefits.

In the individuals column, the sum of Part I Lines H.1 through H.13 must be greater than or the same as Part I Line H Total ADR Settlements with Non-Monetary Benefits.

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

The sum of the number of counselings reported on Part I Line D.1 plus D.2 must equal the sum of the numbers reported on Part I Line D.3 plus D.4.

Missing comment to explain why the number of counselings/individuals reported as on-hand at the beginning of the reporting period in Part I Section D Line 1 in the current year report do not equal the numbers reported in the previous year's report as counselings/individuals pending at the end of the reporting period in Part I Section D Line 4.

In Part I Sections E and G Lines 1-4 – where data in counselings column is greater than zero (0) data in the amount column must be greater than zero (0).

No individual value in any field of Part 1 all Sections all Lines can exceed the total value.

Where pre-complaint counselings are reported in Part I Section C there must be a counselor resource reported in Part III Section A and the training received during the reporting period must be reported in Part III Section B.

In all Lines of Part I where counselings are reported there must be individuals reported.

Determine whether the others reported in Part I Sections E – H are valid. (no non-monetary benefits added and reported in Sections E and G and vice versa.)

PART II – FORMAL COMPLAINT ACTIVITIES

Part II Line D must be equal to Part II Line E + Part II Line G.

The number of complaints filed reported on Part II Line B must be greater than or equal to the number of individuals who filed complaints reported on Part II Line J.

The number of complaints that were reported on Part II Line F as closed and not consolidated must be less than or equal to the number of complaints that were reported on Part II. Line E as not consolidated.

The number of complaints reported on Part II Line H as consolidated and closed must be less than or equal to the number of consolidated complaints reported on Part II Line G.

If Part II Line C.2 is less than or equal to 0, then the sum of the number of closed complaints reported on Part II Line F and Part II Line H plus C.4 must equal the total number of closures reported on Part VI Line A.

If Part II Line C.2 is greater than 0, then $II\ F + II\ H + II.C.4$ must be greater than or equal to total number of closures reported on Part VI Line A.

In part II the number of closed complaints reported on Lines $II\ F + II\ H + II\ C.4$ must be greater than or equal to the numbers reported in each of Part V, Lines A.1, A.2, A.3 and A.4. (4 edits).

In part II the number of closed complaints reported on Lines $II\ F + II\ H + II\ C.4$ must be less than or equal to the number reported in Part V, Line B.

The number of joint processing units reported on Part II Line K must be less than or equal to one-half (1/2) the number of consolidated complaints reported on Part II Line G.

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

Missing comment to explain why the number of complaints reported as on-hand at the beginning of the reporting period in Part II Line A in the current year report do not equal the numbers reported in the previous year's report as complaints on-hand at the end of the reporting period in Part II Line I.

PART III – AGENCY RESOURCES, TRAINING, REPORTING LINE

The total work force reported on Part III Line A.1.a must be greater than or equal to the number of permanent employees reported on Part III Line A.1.b.

Part III. Line A.1.a should be greater than or equal to Part XII Line B.

The sum of the number of New Staff Counselors (Agency column) reported on Part III Line B.1 and the number of Experienced Staff Counselors (Agency column) reported on Part III Line B.2 must equal the sum of the number of Agency Counselors reported on Part III Line A.2.a and Part III Line A.2.b and Part III Line A.2.c.

The sum of the number of New Staff Investigators (Agency column) reported on Part III Line B.1 and the number of Experienced Staff Investigators (Agency column) reported on Part III Line B.2 must equal the sum of the number of Agency Investigators reported on Part III Line A.3.a and Part III Line A.3.b and Part III Line A.3.c or a comment should be added to explain why individuals were not provided the required training.

The sum of the number of New Staff Counselor/Investigators (Agency column) reported on Part III Line B.1 and the number of Experienced Staff Counselor/Investigators (Agency column) reported on Part III Line B.2 must equal the sum of the number of Agency Counselor/Investigators reported on Part III Line A.4.a and Part III Line A.4.b and Part III Line A.4.c.

If IX A.1 > 0, then III B.1 (Investigators Agency) + III B.1 (Couns/Investig Agency) + III B.2 (Investigators Agency) + III B.2 (Couns/Investig Agency) must be greater than 0.

IF IX A.3 > 0, then III B.1 (Investigators Contract) + III B.1 (Couns/Investig Contract) + III B.2 (Investigators Contract) + III B.2 (Couns/Investig Contract) must be greater than 0.

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In each and every column in Part III Section B., the sum of Line B.1.a and Line B.1.b and Line B.1.c must be greater than or equal to the number of staff reported on Line B.1 in the same column.

In each and every column in Part III Section B, the sum of Line B.2.a and Line B.2.b and Line B.2.c must be greater than or equal to the number of staff reported on Line B.2 in the same column.

$III\ B.1 + III\ B.2 = III\ A.2.a + III\ A.2.b + III\ A.2.c$ (Counselors Contract).

$III\ B.1 + III\ B.2 = III\ A.3.a + III\ A.3.b + III\ A.3.c$ (Investigators Contract).

$III\ B.1 + III\ B.2 = III\ A.4.a + III\ A.4.b + III\ A.4.c$ (Couns/Investig Contract).

If the EEO Director does not report to the agency head reported in Part III Line C.1.a, then the information in Part III Line 2 must be completed.

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

Where Part III Section C Line 1c and 2c contain values greater than zero (0) ensure comment to explain why new or experienced staff received no training during the reporting period.

PART IV – BASES AND ISSUES ALLEGED IN COMPLAINTS FILED

In every column in Part IV the “Total Issues by Bases” must be greater than or equal to the “Total Complaints filed by Bases.”

In every column in Part IV the “Total Complaints filed by Bases” must be greater than or equal to the “Total Complainants by Bases.”

In every row in Part IV the “Total All Bases by Issue” must be greater than or equal to the “Total All Complaints by Issue.”

In every row in Part IV the “Total All Complaints by Issue” must be greater than or equal to the “Total All Complainants by Issue.”

For each row, Total Complaints by Issue can not be blank.

For each row, Total Complainants by Issue can not be blank.

For each column, Total Complaints Filed by Bases can not be blank.

For each column, Total Complainants by Issue can not be blank.

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

In every column in Part IV the “Total Complaints filed by Bases” must be less than or equal to the total number of complaints filed reported in Part II Line B.

In every row in Part IV the “Total Complaints filed by Issue” must be less than or equal to the total number of complaints filed reported in Part II Line B.

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No individual number in any field can be greater than the total number of complaints filed reported in Part II Line B except in the “Total Issues by Bases” row and the “Total All Bases by Issue” column.

Where any Total Issues by Bases or Total All Bases by Issues is greater than zero then the corresponding Total Complaints/Complainants Filed by Bases and the Total All Complaints/Complainants by Issue must be greater than zero.

**PART IVA – BASES OF DISCRIMINATION IN FINDINGS
AND ALLEGED IN SETTLEMENTS**

In every column in Part IVA Line 1 the “Counseling Settlement Allegations” must be greater than or equal to Part IVA Line 1a “Number of Counselings Settled.”

In every column in Part IVA Line 1a the “Number of Counselings Settled” must be greater than or equal to Part IVA Line 1b “Number of Counselees Settled With.”

In every column in Part IVA Line 1a the “Number Counselings Settled” must be less than or equal to the number reported in the “Counselings” column of Part I Section D Line 3a “Completed/Ended Counselings - Settlements (Monetary and Non-Monetary).”

The total number of “Counselings Settled” in Part IVA Line 1a must be equal to or greater than the number reported in the “Counselings” column of Part I Section D Line 3a “Completed/Ended Counselings - Settlements (Monetary and Non-Monetary).”

In every column in Part IVA Line 1b the “Number of Counselees Settled With” must be less than or equal to the number reported in the “Individuals” column of Part I Section D Line 3a “Completed/Ended Counselings - Settlements (Monetary and Non-Monetary).”

The total number of Counselees Settled With in Part IVA Line 1b must be equal to or greater than the number reported in the “Individuals” column of Part I Section D Line 3a “Completed/Ended Counselings - Settlements (Monetary and Non-Monetary).”

In every column in Part IVA Line 2 the “Complaint Settlement Allegations” must be greater than or equal to Part IVA Line 2a “Number of Complaints Settled.”

In every column in Part IVA Line 2a the “Number of Complaints Settled” must be greater than or equal to Part IVA Line 2b “Number of Complainants Settled With.”

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In every column in Part IVA Line 2a the “Number of Complaints Settled” must be less than or equal to the number reported in the “Total Number” column of Part VI Section A Line 2 “Settlements.”

The total number of “Complaints Settled” in Part IVA Line 2a must be equal to or greater than the number reported in the “Total Number” column of Part VI Section A Line 2 “Settlements.”

In every column in Part IVA Line 3 the “Final Agency Decision Findings” must be greater than or equal to Part IVA Line 3a “Number FADs with Findings.”

In every column in Part IVA Line 3a the “Number FADs with Findings” must be greater than or equal to Part IVA Line 3b “Number Complainants issued FAD Findings.”

In every column in Part IVA Line 3a the “Number FADs with Findings” must be less than or equal to the number reported in the “Total Number” column of Part VI Section B Line 1 “Final Agency Decisions Without an Administrative Judge Decision – Finding Discrimination.”

The total number of “Number FADs with Findings” in Part IVA Line 3a must be equal to or greater than the number reported in the “Total Number” column of Part VI Section B Line 1 “Final Agency Decisions Without an Administrative Judge Decision – Finding Discrimination.”

In every column in Part IVA Line 4 the “AJ Decision Findings” must be greater than or equal to Part IVA Line 4a “Number AJ Decisions with Findings.”

In every column in Part IVA Line 4a the number of “AJ Decision Findings” must be less than or equal to the number reported in the “Total Number” column of Part VI Section C Line 1a “Final Agency Orders With an AJ Decision Fully Implemented Finding Discrimination” plus the number reported in Part VI Section C Line 2a “Final Agency Orders With an AJ Decision Not Fully Implemented Finding Discrimination”

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The total number of “AJ Decision Findings” in Part IVA Line 4a must be equal to or greater than the number reported in the “Total Number” column of Part VI Section C Line 1a “Final Agency Orders With an AJ Decision Fully Implemented Finding Discrimination” plus the number reported in Part VI Section C Line 2a “Final Agency Orders With an AJ Decision Not Fully Implemented Finding Discrimination”

In every column in Part IVA Line 5 the “Final Agency Order Findings Implemented” must be greater than or equal to Part IVA Line 5a “Number of Final Orders with Findings Implemented.”

In every column in Part IVA Line 5a the “Number of Final Agency Orders with Findings Implemented” must be greater than or equal to Part IVA Line 5b “Number Complainants issued FOs with Findings Implemented.”

In every column in Part IVA Line 5a the number of “Final Agency Orders with Findings Implemented” must be less than or equal to the number reported in the “Total Number” column of Part VI Section C Line 1a “Final Agency Orders With an AJ Decision Fully Implemented Finding Discrimination.”

The total number of “Final Agency Orders with Findings Implemented” in Part IVA Line 5a must be equal to or greater than the number reported in the “Total Number” column of Part VI Section C Line 1a “Final Agency Orders With Administrative Judge (AJ) Decision Fully Implemented – Finding Discrimination.”

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

Ensure that only zeroes are reported in Part IVA Lines 5, 5a & 5b where Part IVA Lines 4 and 4a are zero.

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In Part IVA, if counselings reported in Line 1a are greater than zero then individuals reported in Line 1b must be greater than zero.

In Part IVA, if complaints reported in Line 2a are greater than zero then individuals reported in Line 2b must be greater than zero.

In Part IVA, if FADs reported in Line 3a are greater than zero then complainants reported in Line 3b must be greater than zero.

In Part IVA, if AJ decision findings reported in Line 4 are greater than zero then AJ Decisions reported in Line 4a must be greater than zero.

In Part IVA, if FOs with Findings Fully Implemented reported in Line 5a are greater than zero then # Complainants issued FOS reported in Line 5b must be greater than zero.

**PART IVB – ISSUES OF DISCRIMINATION IN FINDINGS
AND ALLEGED IN SETTLEMENTS**

In every column in Part IVB Line 1 the “Counseling Settlement Allegations” must be greater than or equal to Part IVB Line 1a “Number of Counselings Settled.”

In every column in Part IVB Line 1a the “Number of Counselings Settled” must be greater than or equal to Part IVB Line 1b “Number of Counselees Settled With.”

In every column in Part IVB Line 1a the “Number Counselings Settled” must be less than or equal to the number reported in the “Counselings” column of Part I Section D Line 3a “Completed/Ended Counselings - Settlements (Monetary and Non-Monetary).”

The total number of “Counselings Settled” in Part IVB Line 1a must be equal to or greater than the number reported in the “Counselings” column of Part I Section D Line 3a “Completed/Ended Counselings - Settlements (Monetary and Non-Monetary).”

In every column in Part IVB Line 1b the “Number of Counselees Settled With” must be less than or equal to the number reported in the “Individuals” column of Part I Section D Line 3a “Completed/Ended Counselings - Settlements (Monetary and Non-Monetary).”

The total number of Counselees Settled With in Part IVB Line 1b must be equal to or greater than the number reported in the “Individuals” column of Part I Section D Line 3a “Completed/Ended Counselings - Settlements (Monetary and Non-Monetary).”

In every column in Part IVB Line 2 the “Complaint Settlement Allegations” must be greater than or equal to Part IVB Line 2a “Number of Complaints Settled.”

In every column in Part IVB Line 2a the “Number of Complaints Settled” must be greater than or equal to Part IVB Line 2b “Number of Complainants Settled With.”

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In every column in Part IVB Line 2a the “Number of Complaints Settled” must be less than or equal to the number reported in the “Total Number” column of Part VI Section A Line 2 “Settlements.”

The total number of “Complaints Settled” in Part IVB Line 2a must be equal to or greater than the number reported in the “Total Number” column of Part VI Section A Line 2 “Settlements.”

In every column in Part IVB Line 3 the “Final Agency Decision Findings” must be greater than or equal to Part IVB Line 3a “Number FADs with Findings.”

In every column in Part IVB Line 3a the “Number FADs with Findings” must be greater than or equal to Part IVB Line 3b “Number Complainants issued FAD Findings.”

In every column in Part IVB Line 3a the “Number FADs with Findings” must be less than or equal to the number reported in the “Total Number” column of Part VI Section B Line 1 “Final Agency Decisions Without an Administrative Judge Decision – Finding Discrimination.”

The total number of “Number FADs with Findings” in Part IVB Line 3a must be equal to or greater than the number reported in the “Total Number” column of Part VI Section B Line 1 “Final Agency Decisions Without an Administrative Judge Decision – Finding Discrimination.”

In every column in Part IVB Line 4 the “AJ Decision Findings” must be greater than or equal to Part IVB Line 4a “Number AJ Decisions with Findings.”

The total number of “AJ Decision Findings” in Part IVB Line 4a must be equal to or greater than the number reported in the “Total Number” column of Part VI Section C Line 1a “Final Agency Orders With an AJ Decision Fully Implemented Finding Discrimination” plus the number reported in Part VI Section C Line 2a “Final Agency Orders With an AJ Decision Not Fully Implemented Finding Discrimination”

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In every column in Part IVB Line 4a the number of “AJ Decision Findings” must be less than or equal to the number reported in the “Total Number” column of Part VI Section C Line 1a “Final Agency Orders With an AJ Decision Fully Implemented Finding Discrimination” plus the number reported in Part VI Section C Line 2a “Final Agency Orders With an AJ Decision Not Fully Implemented Finding Discrimination”

In every column in Part IVB Line 5 the “Final Agency Order Findings Implemented” must be greater than or equal to Part IVB Line 5a “Number of Final Orders with Findings Implemented.”

In every column in Part IVB Line 5a the “Number of Final Orders with Findings Implemented” must be greater than or equal to Part IVB Line 5b “Number Complainants issued FOs with Findings Implemented.”

In every column in Part IVB Line 5a the number of “Final Agency Orders with Findings Implemented” must be less than or equal to the number reported in the “Total Number” column of Part VI Section C Line 1a “Final Agency Orders With an AJ Decision Fully Implemented Finding Discrimination.”

The total number of “Number Final Orders with Findings Implemented” in Part IVB Line 5a must be equal to or greater than the number reported in the “Total Number” column of Part VI Section C Line 1a “Final Agency Orders With Administrative Judge (AJ) Decision Fully Implemented – Finding Discrimination.”

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

Ensure that only zeroes are reported in Part IVB Lines 5, 5a & 5b where Part IVB Lines 4 and 4a are zero.

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In Part IVB, if counselings reported in Line 1a are greater than zero then individuals reported in Line 1b must be greater than zero.

In Part IVB, if complaints reported in Line 2a are greater than zero then individuals reported in Line 2b must be greater than zero.

In Part IVB, if FADs reported in Line 3a are greater than zero then complainants reported in Line 3b must be greater than zero.

In Part IVB, if AJ decision findings reported in Line 4 are greater than zero then AJ Decisions reported in Line 4a must be greater than zero.

In Part IVB, if FOs with Findings Fully Implemented reported in Line 5a are greater than zero then # Complainants issued FOS reported in Line 5b must be greater than zero.

PART V – SUMMARY OF CLOSURES BY STATUTE

The total number of statutes involved in closed complaints as reported on Part V Line B must be greater than or equal to the number of complaint closures reported on Part VI Line A.

The number reported in each line of Part V (Lines A1, A1a, A2, A3, A4 and A5) must be less than or equal to the sum of the closed complaints reported in Part II Lines F plus II H plus II C.4. (6 auto edit check and manual edits)

The number reported in Part V Line B should be greater than or equal to the number of closed complaints reported in Part II Lines F plus II H plus II C.4.

PART VI – SUMMARY OF CLOSURES BY CATEGORY

The number of ADR withdrawals reported on Part VI Line A.1.b must equal the number of ADR complaint withdrawals reported on Part XI Line E.1.b.

If any number in the “total number” column is greater than zero then the number in the “total days” column must be greater than zero.

The total number of final agency actions reported on Part VI Line A.3 must equal the sum of the total number of “final agency decisions without an AJ decision” reported on Part VI Line B and the total number of “final agency decisions with an AJ decision” reported on Part VI Line C.

The total number of days reported on Part VI Line A.3 must equal the sum of the total number of days reported on Part VI Line B plus the total number of days reported on Part VI Line C.

The sum of the number of settlements reported on Part VI Line A.2 plus the number of findings in final agency decisions reported on Part VI Line B.1 plus the number of findings made by an AJ reported on Part VI Line C.1.a should equal the number of closed complaints with benefits reported in Part VII Line A.

In most instances the average number of days from complaint filing to the issuance of a final agency decision “finding discrimination”, as recorded on Part VI. Line B.1, will be greater than 180 days. If not, add an explanation in a comment box.

In most instances the average number of days from complaint filing to the issuance of a final agency decision “finding no discrimination”, as recorded on Part VI Line B.2, will be greater than 180 days. If not, add an explanation in a comment box.

The total number of “final agency merit decisions” reported on Part VI Line D must equal the sum of the number of final agency decisions “finding discrimination” recorded on

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Part VI Line B.1 and the number of agency decisions “finding no discrimination” recorded on Part VI Line B.2.

If Part II Line C.2 equals to 0, then the sum of the number of closed complaints reported on Part II Line F and Part II Line H plus C.4 must equal the total number of closures reported on Part VI Line A.

If Part II Line C.2 is greater than 0, then $II\ F + II.H + II.C.4$ must be greater than or equal to total number of closures reported on Part VI Line A.

The average days reported on Part VI Line D.1.a, must be less than or equal to 60 days.

The average days reported on Part VI Line D.2.a, must be less than or equal to 60 days.

The average days reported on Part VI Line D.3.a, must be less than or equal to 60 days.

The average days reported on Part VI Line D.1.b, must be greater than 60 days.

The average days reported on Part VI Line D.2.b, must be greater than 60 days.

The average days reported on Part VI Line D.3.b, must be greater than 60 days.

EEOC Staff manual edits after submission

Ensure there are no errors in the Auto Edit Check program.

Ensure that the days reported in Part VI Section B Lines 1 or 2 are not identical to any days reported in Part VI Section D as day calculations are different for each part.

**PART VII – SUMMARY OF COMPLAINTS CLOSED WITH BENEFITS DURING
FORMAL COMPLAINT STAGE**

The number of complaints closed with benefits reported on Part VII Line A must equal the sum of number of closed complaints reported on Part VI Line A.2 plus Part VI Line B.1 final agency decisions finding discrimination plus Line VI C.1.a fully implemented AJ decisions finding discrimination.

The total number of closures with benefits reported in Part VII Line A should be less than or equal to the sum of the closures reported in Part VII Lines B plus VII E.

The Total Numbers reported in Part VII Lines B.1 + VII B.2 + VII B.3 + VII B.4 \geq VII B.

The Total Amount reported in Part VII Lines B.1 + VII B.2 + VII B.3 + VII B.4 = the total amount reported in VII B.

Part VII Line A must be less than or equal to the sum of the numbers reported on Part II Lines F + II Line H + II Line C.4 (Number column).

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Ensure there are no errors in the Auto Edit Check program.

Part VII Line B (Total closures with Monetary Benefits to Complainants) must be less than or equal to the number reported in Part VII Line A (Total Complaints Closed with Benefits).

Part VII Line E (Total Closures with Non-Monetary Benefits to Complainant) must be less than or equal to the number reported in Part VII Line A (Total Complaints Closed with Benefits).

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No single number reported in Part VII Section F Lines (1-14) can be greater than the number reported in Part VII Section E. Validate that each of the two *single* values in a given line (1-14) in Section F *is not greater than* the Section E number.

No two numbers reported in any line of Part VII Section F under both columns can be greater than the number reported in Part VII Line E. In other words, the number reported in Section F Line 1a (Hires Retroactive) in the column titled “number of closures that received monetary benefits as well” **plus** the number reported in the column titled “Number of closures that received only non-monetary benefits” cannot be greater than the number reported in Line E “Total Closures with non-monetary benefits to complainant”. Validate that the *sum* of both values in a given line (1-14) in Section F *is not greater than* the Section E number.

PART VIII – SUMMARY OF PENDING COMPLAINTS BY CATEGORY

In most instances, Part VIII Line A.3 average days complaints pending in hearings will be more than 180 days because pending days are calculated from the date of complaint filing to the end date of the reporting period. If average days are correctly reported as less than 180, add a comment box explaining how that is correct.

Part VIII Line A must be equal to Part II Line I.

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Ensure there are no errors in the Auto Edit Check program.

Ensure comment with oldest case pending a hearing is added to Part VIII Section A Line 3.

Ensure all comments are applicable to the line in Part VIII that it was added to. In other words hearing information add to a comment for Part VIII Section A Line 1 would be improper.

PART IX – SUMMARY OF INVESTIGATIONS COMPLETED

The number of average days displayed on Part IX Line A.1.a must be equal to or less than 180 average days.

The number of average days displayed on Part IX Line A.1.b.1 must be greater than 180 days but less than 361 days.

The number of average days displayed on Part IX Line A.1.b.2 must be greater than 180 days but less than 361 days.

The number of average days displayed on Part IX Line A.1.c must be greater than 360 average days.

The number of average days displayed on Part IX Line A.3.a must be equal to or less than 180 average days.

The number of average days displayed on Part IX Line A.3.b.1 must be greater than 180 but less than 361 days.

The number of average days displayed on Part IX Line A.3.b.2 must be greater than 180 days but less than 361 days.

The number of average days displayed on Part IX Line A.3.c must be greater than 360 average days.

Part IX Line A.2 Average Investigation cost should be less than or equal to \$10,000. If not, comment should be provided to explain high costs.

Part IX Line A.4 Average Investigation cost should be less than or equal to \$10,000. If not, comment should be provided to explain high costs.

If the agency reports a number greater than zero in Part IX Line A.1 then there must be a number greater than zero reported in Part IX Line A.2.

If the agency reports a number greater than zero in Part IX Line A.3 then there must be a number greater than zero reported in Part IX Line A.4.

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Ensure there are no errors in the Auto Edit Check program.

Ensure that if the value reported in Part IX Section A Lines A, 1 or 3 are greater than zero that investigator resources are reported in Part III Section A and the training received during the reporting period must be reported in Part III Section B.

**PART X – SUMMARY OF ADR PROGRAM ACTIVITIES
INFORMAL PHASE (PRECOMPLAINT)**

On every Line in Part X the number of counselings reported must be greater than or equal to the number of individuals reported.

Part X Line B.1 (Counselings) must be less than or equal to Part I, Line C (Counselings).

Part X Line B.4 (Counselings) must be equal to or greater than Part I Line C.2.b (Counselings).

Part X Line E.1.a (Counselings) must be less than or equal to Part I Line D.3.a (Counselings).

Part X Line E.1.c.i (Counselings) plus Part X Line E.1.c.ii (Counselings) must be less than or equal to Part I Line D.3.c (Counselings).

In the counseling column, Part X Line B.4 must be equal to Part X Line B.1 minus Part X Line B.2.

Part X Line B.4 must equal Part X Line E.1 (Both columns – Counselings and Individuals).

In the counselings and individuals columns, the total resources used as displayed on Part X. Line C must equal the total ADR techniques as displayed on Part X. Line D.

In the counseling column, Part X Line B.4 must be greater than or equal to the total resources used as displayed on Part X Line C (automatic total of Part X Lines C.1 through 7).

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In the counseling column, Part X Line B.4 must be greater than or equal to the total ADR attempts as displayed on Part X Line D (automatic total of Part X Lines D.1 through 11).

The number of days reported in Part X Line D should be less than or equal to the days reported in Part X Line E.1.

The number of counselings and individuals reported as receiving settlements with benefits reported on Part X Line E.1.a should be greater than or equal to the number of counselings and individuals reported in Part I Line H.

The number of counselings and individuals reported as receiving settlements with benefits reported on Part X Line E.1.a should be greater than or equal to the number of counselings and individuals reported in Part I Line G.

The number of counselings and individuals reported as receiving settlements with benefits reported on Part X Line E.1.a should be less than or equal to the number of counselings and individuals reported in Part I Lines G and H.

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Ensure there are no errors in the Auto Edit Check program.

For each line in Part X Sections D and E - If 'counseling' number is greater than zero then 'days' number must be greater than zero.

In Part X Section C if 'multiple resources used' is greater than zero then the user must enter a comment and identify the resources.

In Part X Section D if 'multiple techniques used' is greater than zero then the user must enter a comment and identify the techniques used.

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If Part X Section D Total counseling equals Section E Line 1a counseling then data in 'days' column should also be equal.

In Part X if Section D 'counseling' number equals Section E Line 1 'counseling' number then data in 'days' column should also be equal.

In Part X if Section D 'counseling' number is less than Section E Line 1 'counseling' number then require that Section D 'days' number be less than Section E Line 1 'days' number.

If Part X Section D any line (1-11) counseling is less than Section E line 1 then data in section E Line 1 'days' columns must be greater than Section D data in days column. In other words the 'days' data reported in Section D for 16 mediation cases may not be greater than or equal to the days data reported in E for 20 cases.

PART XI – SUMMARY OF ADR PROGRAM ACTIVITIES FORMAL PHASE

On every Line in Part XI the number of complaints reported must be greater than or equal to the number of complainants reported.

In the complaints column, Part XI Line B.4 must be equal to Part XI Line B.1 minus Part XI Line B.2.

Part XI Line B.1 (complaints column) must be less than or equal to Part VI Line A (Total Number column).

Part XI Line B.4 must equal Part XI Line E.1 for both complaints and complainants.

In the complaints and complainants columns, the total resources used as displayed on Part XI Line C (automatic total of Part XI Lines C.1 through C.7) must equal the total ADR techniques as displayed on Part XI Line D (automatic total of Part XI Lines D.1 through D.12).

The number of days reported in Part XI Line D should be less than or equal to the number of days reported in Part XI Line E.1.

The complaints and complainants columns of Part XI Line B.4 must be greater than or equal to the total resources used as displayed on Part XI Line C (automatic total of Part XI Lines C.1 through C.7).

The complaints and complainants columns, Part XI Line B.4 must be greater than or equal to the total ADR attempts as displayed on Part XI Line D (automatic total of Part XI Lines D.1 through D.12).

Part XI Line E.1 (complaints column) should be less than or equal to the total number of closures reported in Part VI A (Total number column).

Part XI Line E.1.a (complaints column) should equal to Part VI Line A.2.b.

The number of complaints and complainants reported as closed through ADR with monetary benefits reported on Part XI Line F.1 must be less than or equal to the number of complaints closed through ADR settlements with benefits (monetary and non-monetary) reported on Part XI Line E.1.a.

The number of complaints and complainants reported as closed through ADR with non-monetary benefits reported on Part XI Line F.2 must be less than or equal to the number of complaints and complainants closed through ADR settlements with benefits (monetary and non-monetary) reported on Part XI Line E.1.a.

In the complaints and complainants columns, the sums of complaints and complainants who had resolutions with various types of monetary benefits as reported on Part XI Lines F.1.a through g must be greater than or equal to the total number of complaints and complainants that settled with monetary benefits reported on Part XI Line F.1.

In the complaints and complainants columns, the sums of complaints and complainants with resolutions including the various types of non-monetary benefits as reported on Part XI Lines F.2.a through F.2.m must be greater than or equal to the total number of complaints and complainants that were settled with non-monetary benefits reported on Part XI Line F.2.

Line XI E.1 a (both complaints and complainants) should be equal to or less than the sum of lines F.1 and F.2.

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Ensure there are no errors in the Auto Edit Check program.

For each line in Part XI Sections D and E - If 'complaints' number is greater than zero then 'days' number must be greater than zero.

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In Part XI Section C if 'multiple resources used' is greater than zero then the user must enter a comment and identify the resources.

In Part XI Section D if 'multiple techniques used' is greater than zero then the user must enter a comment and identify the techniques used.

If Part XI Section D Total complaints equals Section E Line 1a complaints then data in 'days' column should also be equal.

In Part XI if Section D 'complaints' number equals Section E Line 1 'complaints' number then data in 'days' column should also be equal.

In Part XI if Section D 'complaints' number is less than Section E Line 1 'complaints' number then require that Section D 'days' number be less than Section E Line 1 'days' number.

If Part XI Section D any line (1-11) complaints is less than Section E line 1 then data in section E Line 1 'days' columns must be greater than Section D data in days column. In other words the 'days' data reported in Section D for 16 mediation cases may not be greater than or equal to the days data reported in E for 20 cases.

**PART XII – SUMMARY OF ADR PROGRAM ACTIVITIES
TRAINING AND RESOURCES**

If the number of managers and employees that can participate in ADR as reported on Line B is less than the total work force number reported on Part III Line A.1.a, then add a comment box describing why all managers and employees can not participate in ADR.

In most instances the total number of In House staff resources available for ADR displayed on Line C. will not be zero since someone is offering ADR and arranging for ADR to take place after an ADR offer is accepted. If a zero value is recorded, add a comment box and explain how these functions have been and will be performed.

If Line C.1 is more than 10 and Line C.2 is more than 5, please review the definitions of Full-time, Part-time, and Collateral Duty. Full-time is defined as employees who work in the EEO ADR program on a full-time basis, i.e., that is their only job. Part-time is defined as employees who work in the EEO ADR program on a part-time basis, and do not have any duties outside of EEO ADR duties. If an employee has EEO ADR duties and other duties they should be listed under Collateral Duty, i.e., collateral duty is defined as employees (either full-time or part-time) who work in EEO ADR while also performing other non-EEO ADR duties.

In the answer to question in Part XII Section F Line 1 is “Yes,” then an answer must be reported in Part XII Section F Line 1.a.

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Ensure there are no errors in the Auto Edit Check program.

In Part XII Section C Line 4, if the number is greater than zero then comment must be present explaining the details of the contract.

Verify all numbers reported in Part XII Section C as most agencies should report collateral duty EEO ADR management resource and no mediators or neutrals should be reported in Part XII.

APPENDIX H

Cost of Investigations Worksheet

Cost of Investigations Worksheet	
Item	Cost
Salary Costs	
Total Agency Staff Salary Cost Sum of (each staff hourly rate) * (hours worked)	\$
Contractor Salary Cost (investigation salary costs reflected in contract)	\$
EEO Director Salary Cost (Hourly Rate * Hours Worked)	\$
Contract Monitor Salary Cost (Hourly Rate * Hours Worked)	\$
Support Staff Sum of (each staff hourly rate) * (hours worked)	\$
TOTAL Salary Costs	\$
Miscellaneous Costs	
Photocopying	\$
Supplies	\$
Mailing	\$
Travel	\$
Court Reporting	\$
Witness Fees	\$
Training (pertaining to conducting investigations)	\$
Other Miscellaneous Costs	
TOTAL Miscellaneous Costs	\$
Any Other Costs not shown above	\$
Total Investigation Costs	\$