

# EEOC Form 462

## Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints

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Form Completion Instruction Manual

Fiscal Year 2020 (October 1, 2019 – September 30, 2020)



UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

OFFICE OF FEDERAL OPERATIONS

[eeoc.gov/federal-sector](https://eeoc.gov/federal-sector)

[form462@eeoc.gov](mailto:form462@eeoc.gov)

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## 1. 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 A, 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) 2020 (October 1, 2019 - September 30, 2020).

This manual was updated for the FY 2020 report, but there have been no major changes to the form itself.

**The Form 462 deadline for the FY 2020 reporting period is 11:59 p.m. on November 2, 2020**, as October 31<sup>st</sup>, the usual deadline, is not a business day. It is the responsibility of the agency to ensure that accurate and complete reports are submitted in time for OFO to review and finalize all reports by the deadline. This deadline applies to all reports, including aggregate reports from agencies with subcomponents.

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

## 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.

Title VII's prohibition against sex discrimination includes discrimination on the basis of pregnancy, sexual orientation, and gender identity including transgender status.

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).

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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.

### Reporting Requirements

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 National Oceanic and Atmospheric Administration Commissioned Corps, 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 1,000 or more employees.

Agencies/departments with one or more sub-components of at least 1,000 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 1,000 employees in one combined "other" sub-component report and/or in separate reports for the other sub-components.

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**If there are changes related to an agency's subcomponent structure and/or the way in which the subcomponents will report Form 462, the agency must notify EEOC's Form 462 Team by emailing [form462@eoc.gov](mailto:form462@eoc.gov) upon learning of this change.**

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For prior years' 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 aggregate report, such parent agencies/departments did not have to add the data manually for each cell of the report. This resulted in fewer errors in the agency reports that needed correction. These agencies may continue to report in this manner.

### Definitions

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 "ADR" is defined with the "PART X - Summary of ADR Program Activities: Informal Phase (Pre-Complaint)" instructions. All definitions, including some definitions for specific Line entries, are included in alphabetical order in Appendix B.

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For purposes of the FY 2020 Form 462 Report, when these instructions refer to the “prior reporting period,” the instructions are referring to the FY 2019 reporting period, from October 1, 2018 through September 30, 2019.

### No Changes in Processing Times Related to COVID-19

Through the Form 462 data collection, federal agencies report to the EEOC the amount of time EEO complaints are pending in the administrative process. Many events can affect why a complaint is pending in the various stages of the administrative process (e.g., staff shortages, government shutdowns, natural disasters). The EEOC understands that the timeliness of processing complaints during FY 2020 may have been impacted by National Emergency restrictions resulting from COVID-19. As a result, agency staff may have been unable to access and/or process complaints at some stages of the EEO complaint process, including the issuance of final agency decisions and final orders.

To ensure consistency and accuracy of Form 462 data, the EEOC will continue calculating regulatory timeframes as defined in Management Directive 110 (MD-110) and 29 CFR Part 1614. Agencies should not apply alternative internal procedures to hold and/or modify the processing dates of complaints, including placing complaints in abeyance.

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**Please calculate the actual time that passed in all processing times reported.**

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The EEOC understands that this may result in processing times being longer than in previous fiscal years. Agencies should, if applicable make a comment on the Form 462 Report explaining that longer processing times were due to the pandemic.

The EEOC will evaluate an agency’s timeliness with due consideration of the National Emergency. EEOC will **not** consider increased timeframes resulting from the National Emergency as program deficiencies.

## 2. FEDSEP AND THE EXCEL TOOL

The following section informs the user of:

- How to gain access to the Federal Sector EEO Portal (FedSEP) if you are a new user or have a new role;
- How to download the Excel Tool in which the user enters his or her data;
- The basics of using the Excel Tool;
- How to submit the proper files in FedSEP; and
- What to expect after submission.

### Gaining Access to FedSEP

To access the Excel Tool and submit Form 462, preparers and EEO Directors must be registered in FedSEP. FedSEP also includes additional guidance for completing and submitting Form 462. To begin, the EEO Director must have access to FedSEP. For EEO Directors, after completing the registration steps below, EEOC will approve the Director's account. Other employees will complete the same registration steps, except their EEO Director will approve the account registration.

Please register for FedSEP as soon as possible in case you encounter any challenges in the registration process. To begin, go to the FedSEP login page at <https://egov.eeoc.gov/FedSep/>. On the FedSEP home page, click "New User? Click here to Register" (Figure 2.2).

Note: If you forgot your password, please see the next section of this manual, **Resetting Your Password in FedSEP**.

Figure 2.1. FedSEP Banner



Figure 2.2. FedSEP Sign in Page with Link for Registration

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Next, fill in the Personal Information form and check “**Form 462**” for the application you need access to (Figure 2.3).

Figure 2.3. FedSEP Personal Information Registration Form

**Personal Information**

[FedSep User Guide](#)  
[How Do I Register in FedSEP](#) \* Required

First Name:\* Karen M.I.: M  
Last Name:\* Brummond  
Email:\* k.brummond@eeoc.gov  
Title:\* Research Analyst Office:\* OFO  
Agency:\* Equal Employment Opportunity Country:\* United States  
Address 1:\* 131 M St NE Address 2:  
City:\* Washington State/Province:\* District of Columbia  
Zip/Postal Code:\* 20507  
Phone:\* (202) 663-4566 Ext:  
Alternate Phone: Fax:  
Password:\* .....  
Confirm Password:\* .....

Select the application(s) you need access to.\*  
 MD-715  **Form 462**  Hearings  Appeals

[Next](#)

After that, select the appropriate Form 462 role (Figure 2.4). **Only the EEO Director should select EEO Director.** Only one person per filing agency can be the EEO Director.

Figure 2.4. FedSEP Form 462 Role Selection Page

**For Form 462 Select Your Role for Equal Employment Opportunity Commission**

Form 462 Role:\*

Form 462 Admin [i](#)

Form 462 Preparer [i](#)

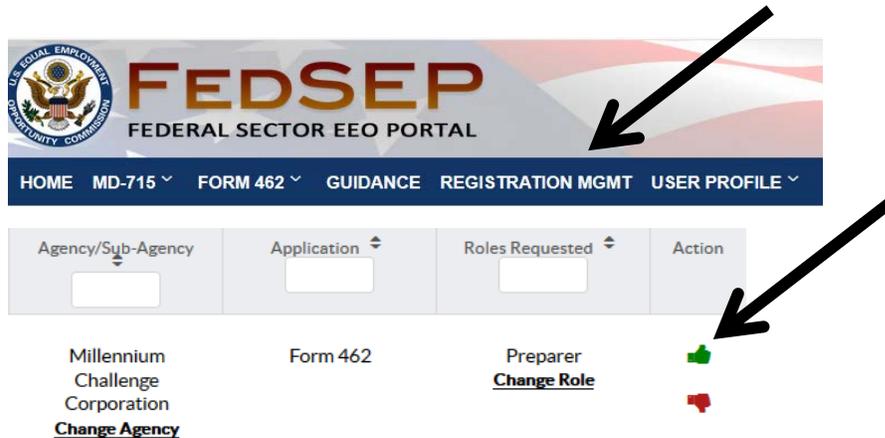
EEO Director [i](#)

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Next, the registration must be approved. If you are an EEO Director, EEOC will be alerted automatically that you have requested the Director role. EEOC will verify that you are the Director and then approve your registration. Please allow at least two business days for approval. If your registration as the EEO Director has not been approved after two business days, please email [form462@eeoc.gov](mailto:form462@eeoc.gov) and include your agency name, your name, and "EEO Director Registration" in the subject line.

If you are a Form 462 Preparer, your EEO Director must approve the registration. EEO Directors should receive an automated email alerting them that an employee has requested FedSEP access. EEO Directors should go to the FedSEP Registration Management page and click the **green thumbs up icon** to approve each Form 462 Preparer (Figure 2.5).

Figure 2.5. Approving Employee Registration on the FedSEP Registration Management Page

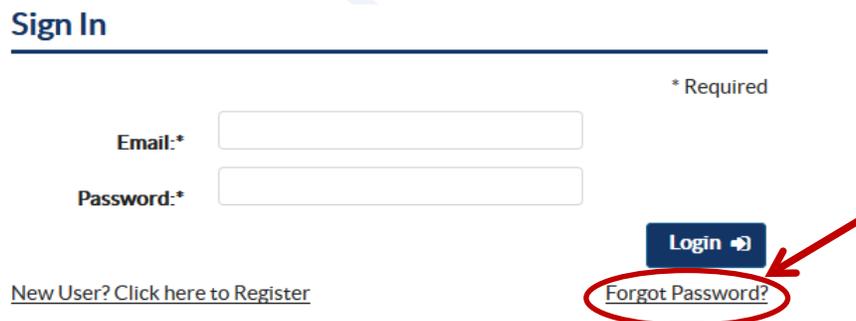


## Resetting Your Password in FedSEP

If you forgot your FedSEP password, please follow these steps:

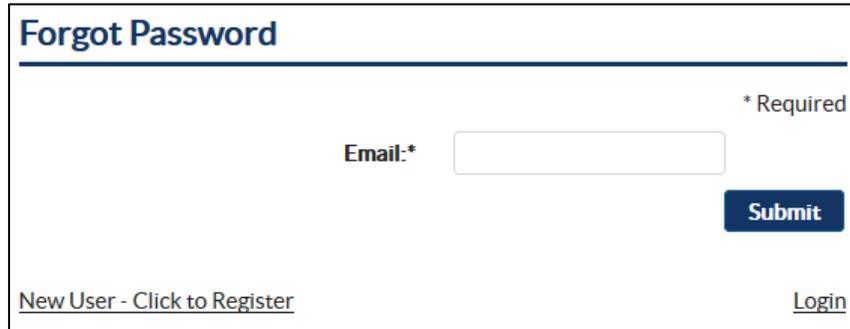
1. First, click Forgot Password? on the FedSEP login page (Figure 2.6).

Figure 2.6. "Forgot Password?" Link on FedSEP Login Page



2. On the Forgot Password page, enter your email address and click **Submit** (Figure 2.7). If a FedSEP account is registered to that email address, an email will automatically be sent with a temporary password (Figure 2.8).

Figure 2.7. Forgot Password Page on FedSEP



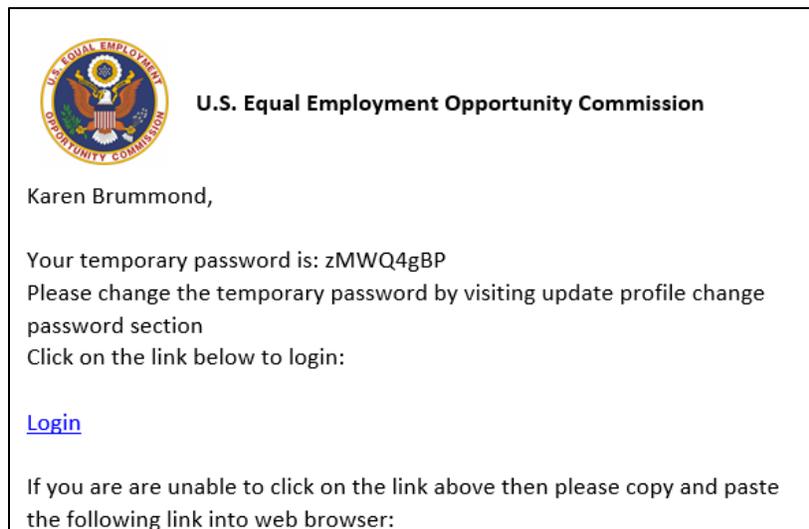
**Forgot Password**

Email: \*  \* Required

**Submit**

[New User - Click to Register](#) [Login](#)

Figure 2.8. Sample Password Reset Email



3. Go back to the FedSEP Login page (<https://egov.eeoc.gov/FedSep/jsp/secure/login.jsf>) and enter your email and the temporary password from the email.

Some FedSEP users have had challenges entering the temporary password correctly. If you choose to type the password from the email into the login page, be careful to type it in correctly. The password is case sensitive.

Copying and pasting directly from the email is not the best method because the space after the temporary password is often copied, and then the pasted text is not the correct password; it has an extra space at the end.

One way to get around this is to copy the password into a blank Word document and ensure that there are no extra spaces around the text. Then, you can copy the

password again from the Word document and paste it into the Password box on the FedSEP login page.

4. You may be prompted to create a new password. If so, follow the instructions on the screen, and be sure to memorize the new password.

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**If after multiple failed login attempts you are locked out of FedSEP, please email [form462@eeoc.gov](mailto:form462@eeoc.gov)**

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## Downloading the Form 462 Excel Tool

Once you are a registered FedSEP user, you should download the Form 462 Excel Tool from FedSEP.

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**Note, this step might not be necessary if you have complaint tracking software that automatically generates the properly formatted XML file (explained later) for upload into FedSEP. Contact your complaint tracking software company to find out if your complaint tracking software has this capability.**

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To download the Excel Tool, log in to FedSEP and click "**Guidance**" on the top banner.

Figure 2.9. "Guidance" on the FedSEP Banner



On the next page, scroll down to the Form 462 section and click "**EEOC Form 462 Excel Tool FY 2020**" (Figure 2.10). This will allow you to download the Excel Tool. Save it and be sure to know the file folder in which it is saved.

Figure 2.10. Form 462 Section of the FedSEP Guidance Page

## Form 462 FEDSEP

- How Do I Access the Form 462 Application (if an Approved User)?
  - Form 462 Guidance Links and Resources
  - Working with the FedSEP Excel Tool
  - Utilizing Macros (in the Excel Tool)
  - Uploading Excel Tool Data to FedSEP Portal
  - How to Complete the Form 462 Aggregate Report
  - How to Use the Import Macro
  - How Do I Submit My Report to EEOC When Using a Pre-approved XML File?
- ★ EEOC Form 462 Excel Tool 2020
  - ★ FY 2017 Agency Code List
  - ★ FY 2017 Form 462 User's Instruction Manual
  - ★ FedSEP Submitting Form 462 User Guide
  - ★ FedSEP User's Guide for FY 2014
  - ★ Issues and Benefits Crosswalk
  - ★ Quick Guide for Form 462 Report Submission for Agencies With No Sub-Components
  - ★ Quick Guide for Form 462 Report Submission for Agencies with Sub-Components
  - ★ Quick Guide for Using the Form 462 Excel Tool

## Using the Excel Tool

Because of the size of the Excel Tool file, be patient while waiting for it to open.

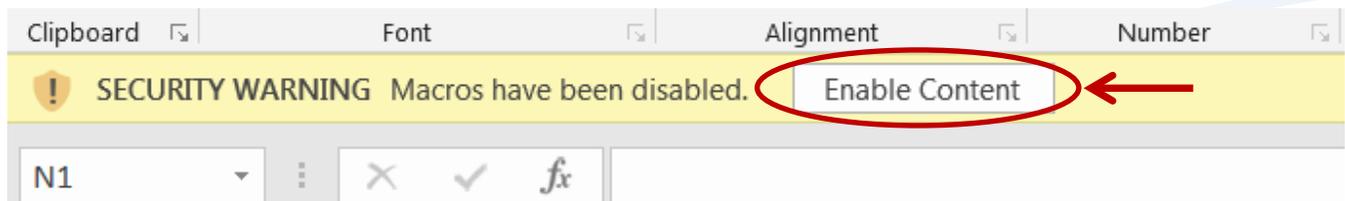
### Enabling Macros in Excel

It is recommended that you enable macros upon opening the file. Macros allow certain functions, such as the Populate with Zero's and Validate buttons (described below), to work.

#### Option 1:

You may see a yellow security warning bar below the command ribbon of the program (See Figure 2.11). The warning text is "Macros have been disabled." You can enable macros by clicking the "Enable Content" button.

Figure 2.11. Enable Content Button on Security Warning Bar



#### Option 2:

Click the File tab on the top ribbon (Figure 2.12).

In the **File** menu, under "Info" (default option), you will see a square button that reads "Enable Content." When you click that button, a drop-down menu will appear (Figure 2.13). Select "Enable All Content."

Figure 2.12. File Tab on Excel Top Ribbon

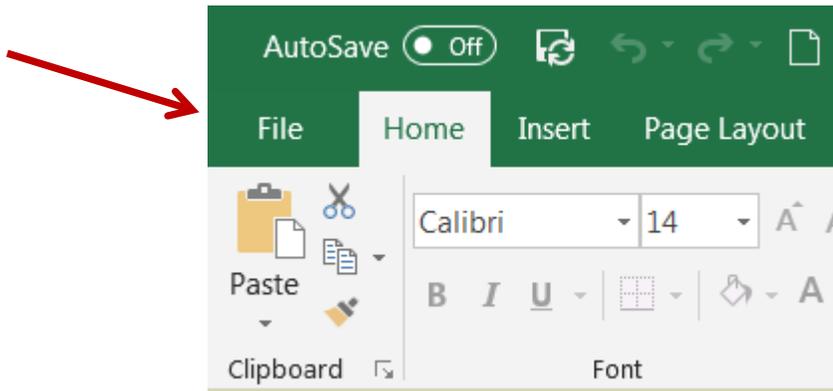
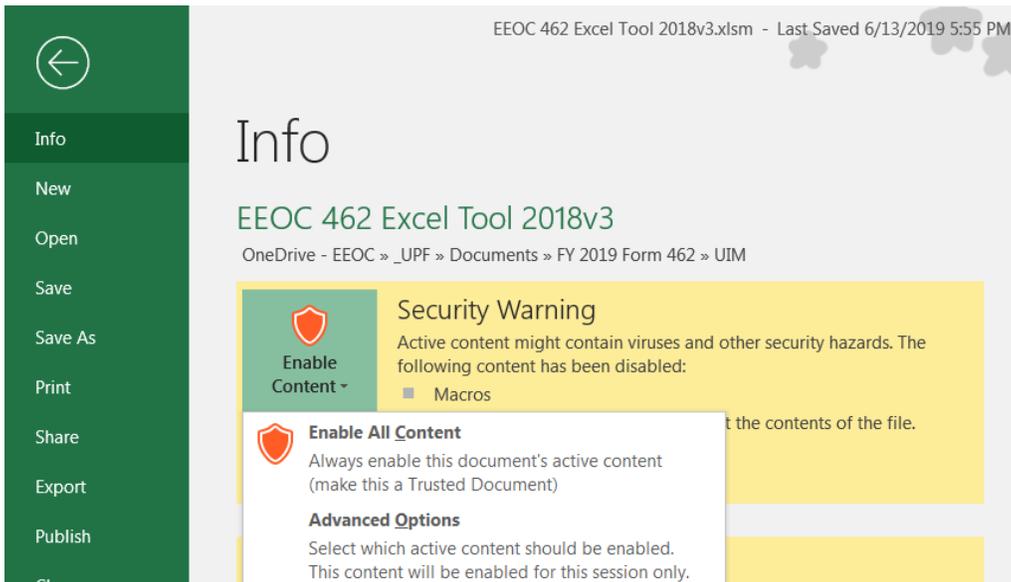
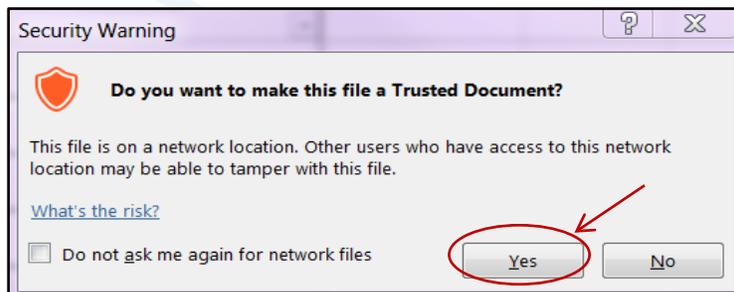


Figure 2.13. Enable All Content Button



A dialog box may appear that asks, "Do you want to make this file a Trusted Document?" (Figure 2.14). Click "Yes".

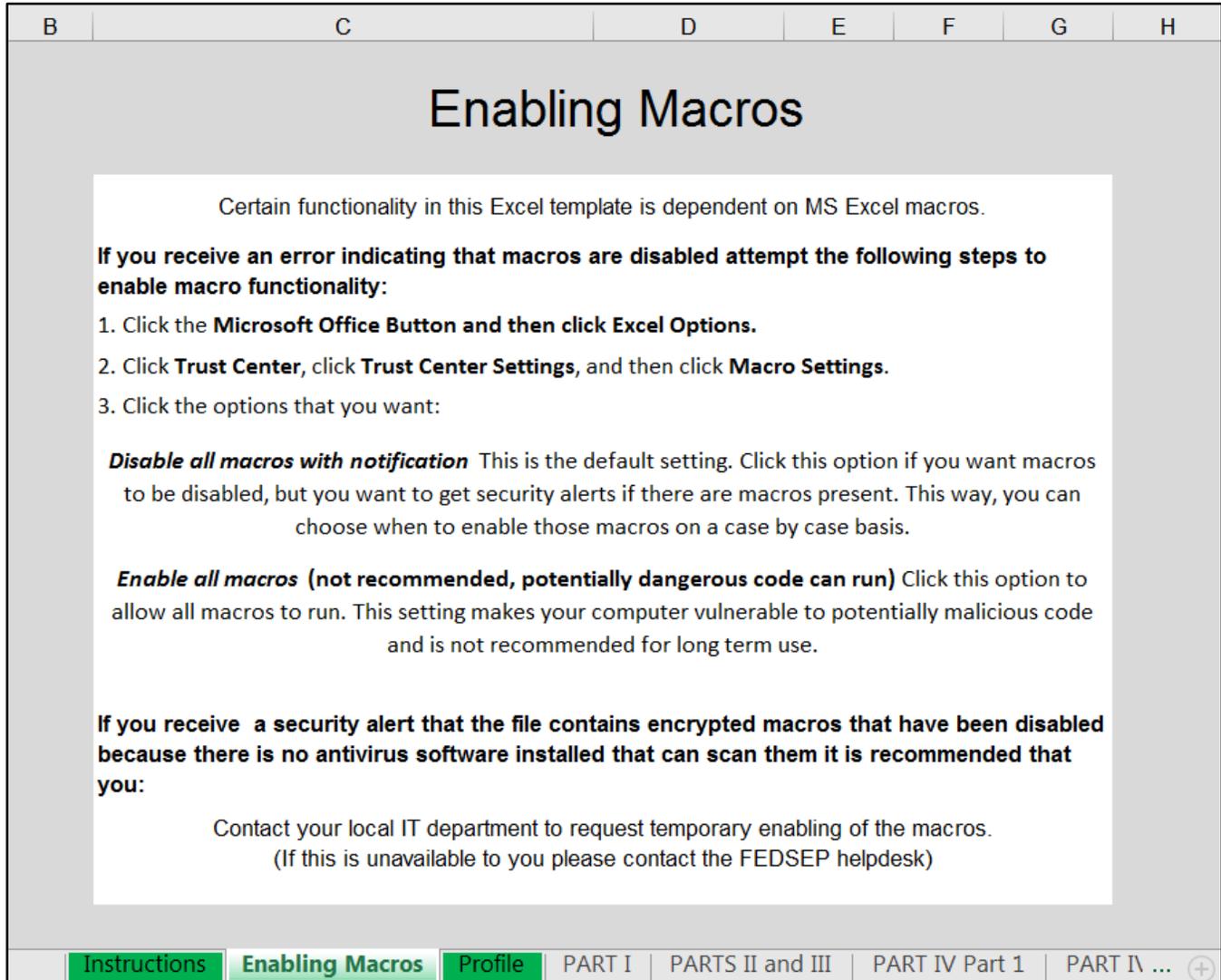
Figure 2.14. Security Warning Dialog Box



*What if I Cannot Enable Macros?*

The Excel Tool has further instructions on the sheet titled Enabling Macros. See Figure 2.15.

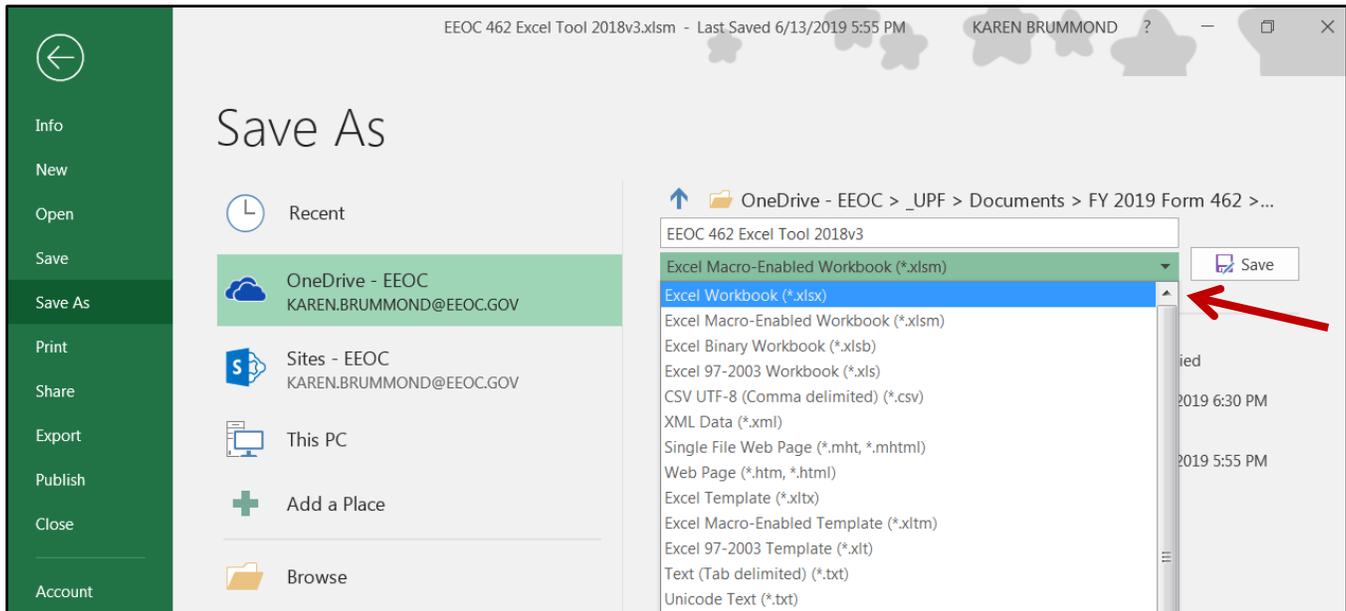
Figure 2.15. Enabling Macros Worksheet from the Excel Tool



If you continue to have challenges enabling macros, the Form 462 team first recommends that you ask your agency's IT department for assistance. If your IT department cannot provide assistance with the temporary enabling of macros, you may contact [form462@eeoc.gov](mailto:form462@eeoc.gov).

While waiting for a response, you can fill out the Excel Tool and save the file as a regular Excel file without macros enabled. To do this, go to File > Save As. Next, click on the drop-down menu below the file name, select "Excel Workbook (\*.xlsx)", and click Save. See Figure 2.16. The file extension at the end of the new file name will be ".xlsx". This file can later be imported into a macro enabled workbook.

**Figure 2.16. Saving as a Regular Excel Workbook**



### Profile

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.

### Data Entry in PART I through PART XII Excel Worksheets

Basic instructions for entering data into the form, validating the data, and generating the XML version of the Form 462 report are available on the first sheet of the Excel Tool (See Figure 2.17).

Cells throughout the worksheet are color coded to highlight where data must be entered.

1.  Light blue indicates that the field must be filled in.
  - These are usually to be filled in with numbers, but occasionally text is appropriate.
  - Light blue cells become white after data has been entered.
  - Note, there is a Populate with Zero's button (described below) that will fill in any blank light blue cells with the number zero. When filling out the form, you are welcome to skip cells that are zeroes and click this button to automatically populate the remaining cells with zeroes. This function is particularly useful in PART IV, PART IV C and PART IV D.

**DO NOT fill in the worksheet using copy and paste nor select and drag. This will corrupt the worksheet and you will have to start over. Excel Tools corrupted in this manner usually cannot be imported into a new Excel Tool.**

2.  **Dark blue** indicates that the numbers are automatically calculated based on data entered in other cells.
  - You cannot manually enter data in these cells.
3.  **Orange** cells may or may not require information, but when applicable, they should be filled with text.
  - Examples include:
    - User-defined benefits from settlements or complaint closures.
    - User-defined issues of alleged discrimination.
    - User-defined ADR resources and techniques.
    - An "X" for the yes/no question, "Does the EEO Director report to the agency head?"
    - The name and title of the person the EEO Director reports to if they do not report to the agency head.
  - Orange cells become white after data has been entered.
  - Please avoid entering user-defined benefits, issues, ADR resources, and ADR techniques when possible.

Please use the crosswalk in Appendix E that lists examples of alternative names for the pre-defined benefits and issues. If your benefit or issue is listed as an example, please use the pre-defined benefit or issue. The Form 462 team requires that user-defined fields be avoided because it is a challenge to data analysis.

Figure 2.17. Basic Instructions Found in the Excel Tool

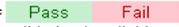
**1. Enter data into light blue shaded cells** Example = 

- 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 Zero's button on the Data Checks worksheet to declare any remaining cells with zeroes.

**Enter data into orange shaded cells** Example = 

- These fields may or may not require data to be entered.

-Autocalculated cells are shaded dark blue. Example =   
No data can be entered into these cells

**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 files are now ready to manually submit to EEOC's FedSEP portal.

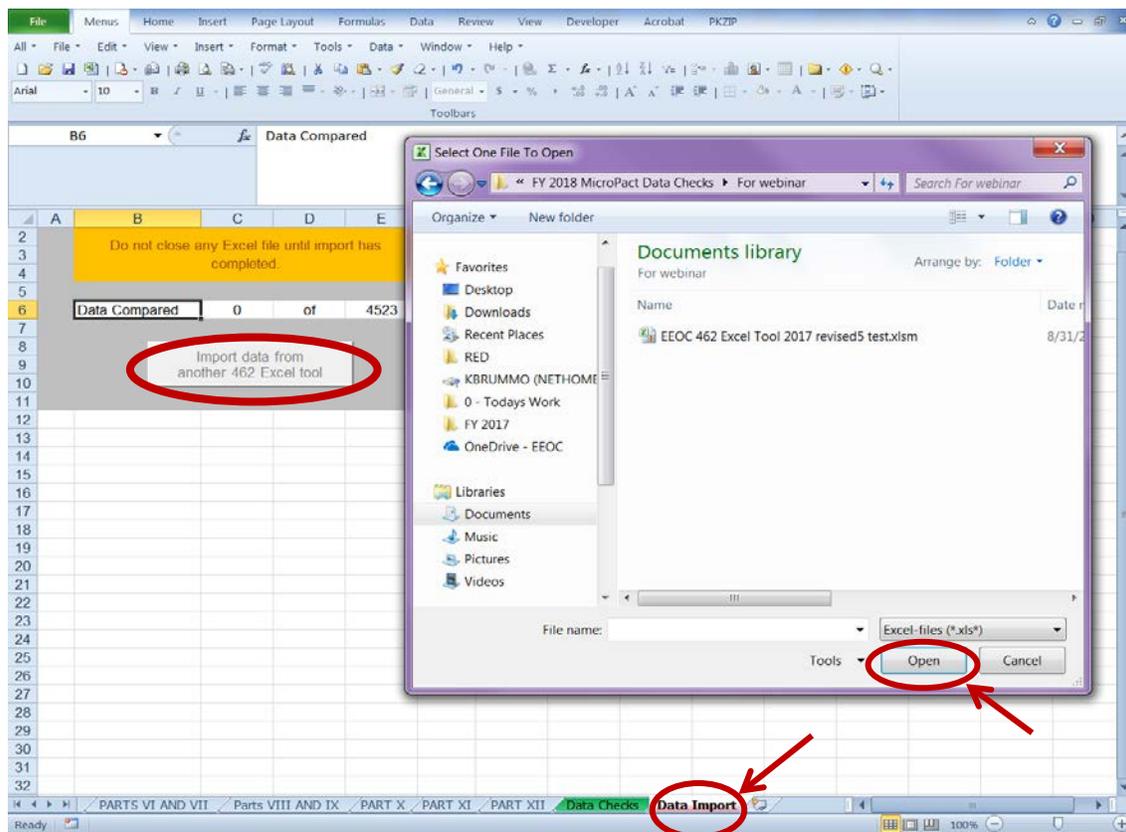
Your report may be rejected if you do not use the pre-defined benefit, issue, ADR resource or ADR technique when it is applicable and available.

## 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 EEOC 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” or “.XLSX” file rather than the “.XLSM” file. In the unlikely event that an updated version of the Excel Tool must be released during a collection period, follow the steps below:

1. Click the “Import data from another 462 Excel tool” button, select the folder and file name of the Excel Tool from which you want to import data, and click open (Figure 2.18).

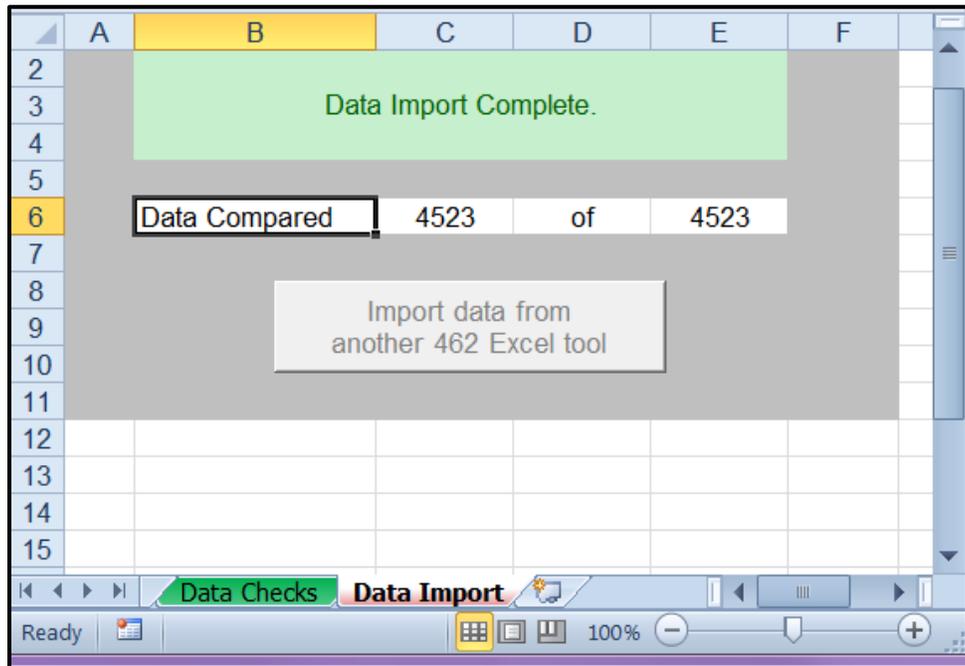
Figure 2.18. Beginning the Data Import Process



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 computer system resources, the import process may take a few minutes to several hours to complete.

When the tool is finished importing the data, you will see the “Data Import Complete” label on the worksheet.

Figure 2.19. Data Import Complete



2. After the data import is complete, the user should check all worksheets to ensure all data was correctly transferred.
  - If there are cells that were not completed, continue entering the agency’s remaining data. Zeroes may be filled in with the **Populate with Zero’s** button described below.
  - If all the agency’s data was entered correctly, you may continue to the data validation process on the **Data Checks** worksheet.

**NOTE:**

**DO NOT fill in the worksheet using copy and paste nor select and drag. This will corrupt the worksheet and you will have to start over. Excel Tools corrupted in this manner usually cannot be imported into a new Excel Tool.**

**Data Checks Worksheet**

After data entry in all cells on all PART worksheets of the workbook is completed, the user must validate the data on the **Data Checks** worksheet. Each row on this worksheet has a data check that verifies

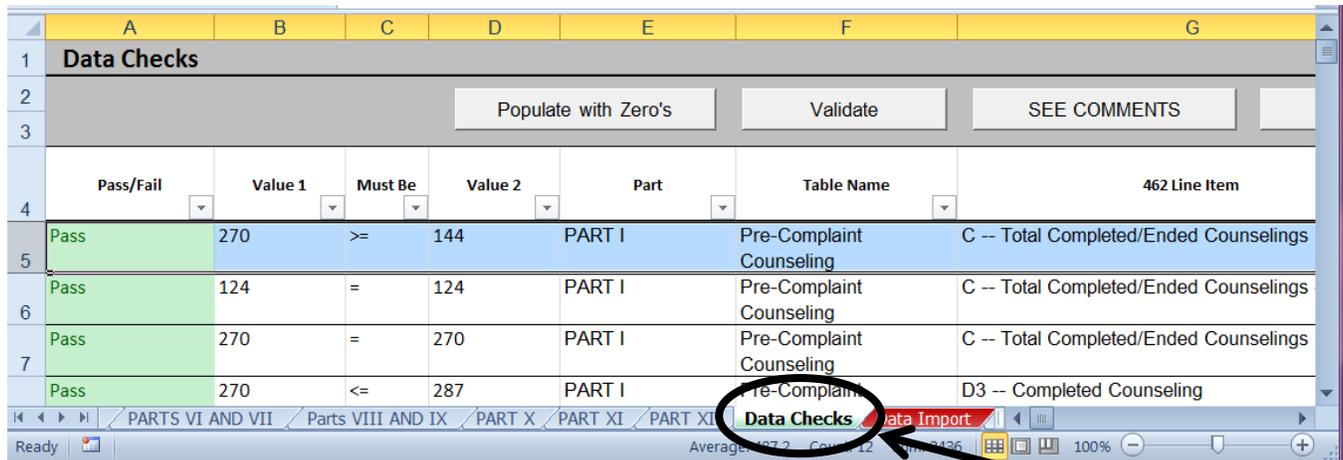
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completeness and consistency. This worksheet contains a macro that will filter this worksheet to only show data checks that **Failed**. All data checks must be in a **Pass** state to continue.

The process is as follows:

1. Navigate to the **Data Checks** worksheet (Figure 2.20).

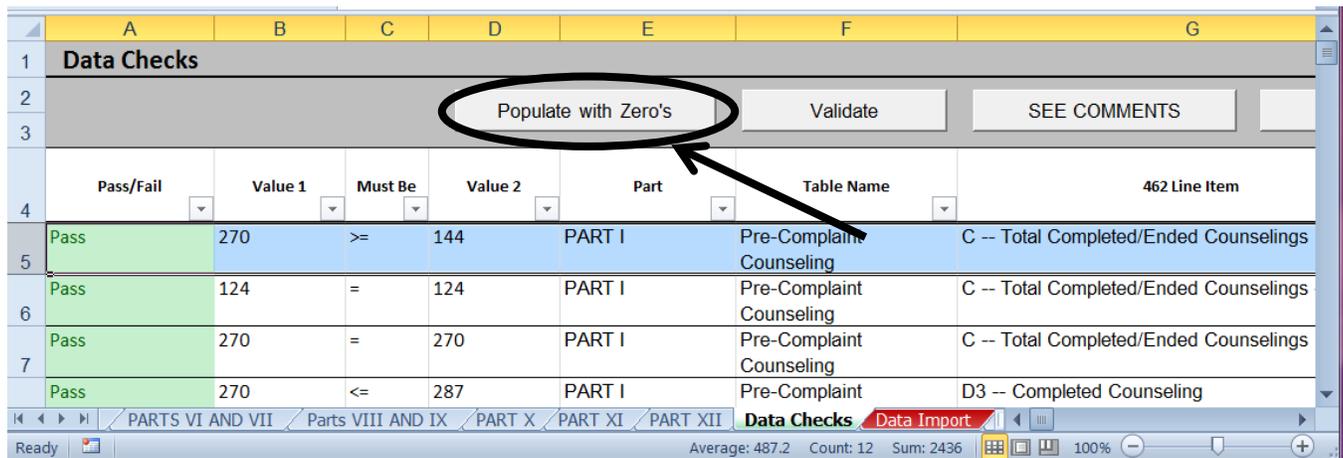
Figure 2.20. Navigating to the Data Checks Worksheet



	A	B	C	D	E	F	G
1	<b>Data Checks</b>						
2				Populate with Zero's	Validate	SEE COMMENTS	
3							
4	Pass/Fail	Value 1	Must Be	Value 2	Part	Table Name	462 Line Item
5	Pass	270	>=	144	PART I	Pre-Complaint Counseling	C -- Total Completed/Ended Counselings
6	Pass	124	=	124	PART I	Pre-Complaint Counseling	C -- Total Completed/Ended Counselings
7	Pass	270	=	270	PART I	Pre-Complaint Counseling	C -- Total Completed/Ended Counselings
8	Pass	270	<=	287	PART I	Pre-Complaint Counseling	D3 -- Completed Counseling

2. If you have not already done so, click the **Populate with Zero's** button (Figure 2.21). This will fill with zeroes all blank cells in which one would enter numbers.

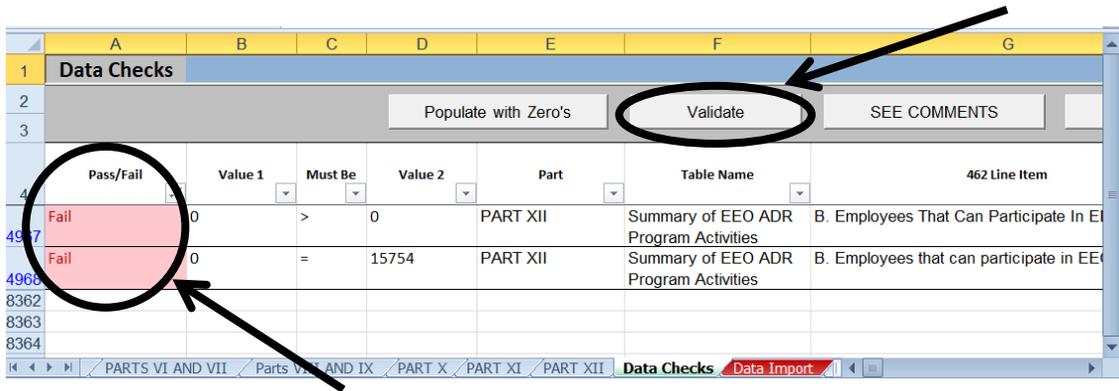
Figure 2.21. Populate with Zero's Button



	A	B	C	D	E	F	G
1	<b>Data Checks</b>						
2				Populate with Zero's	Validate	SEE COMMENTS	
3							
4	Pass/Fail	Value 1	Must Be	Value 2	Part	Table Name	462 Line Item
5	Pass	270	>=	144	PART I	Pre-Complaint Counseling	C -- Total Completed/Ended Counselings
6	Pass	124	=	124	PART I	Pre-Complaint Counseling	C -- Total Completed/Ended Counselings
7	Pass	270	=	270	PART I	Pre-Complaint Counseling	C -- Total Completed/Ended Counselings
8	Pass	270	<=	287	PART I	Pre-Complaint Counseling	D3 -- Completed Counseling

3. Click the **Validate** button. This will filter the worksheet to only show the failed data checks (Figure 2.22).

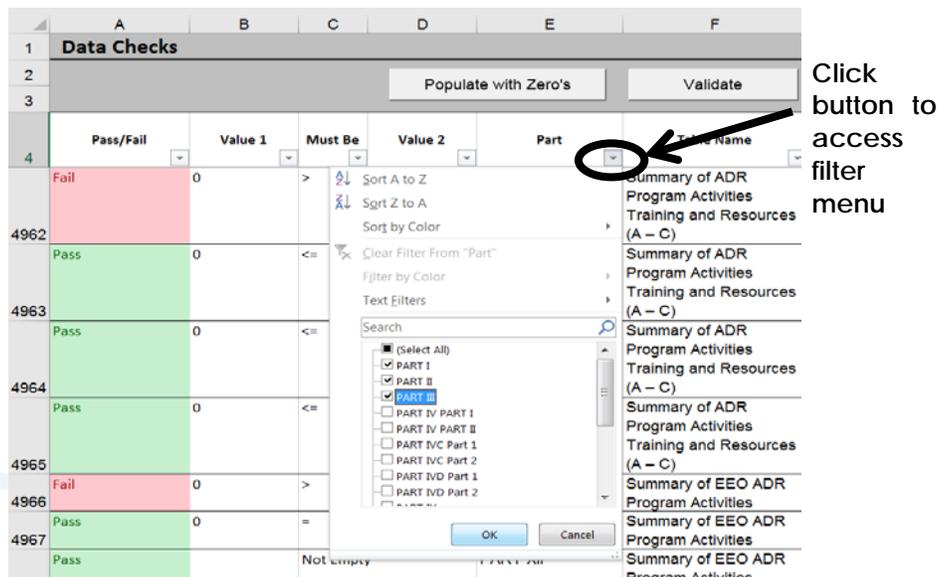
Figure 2.22. Validate Button and Pass/Fail Column Showing "Fails"



**NOTE:**

If filters are applied to columns in the data checks worksheet other than the pass/fail column, the validate button does not clear those filters. To clear or apply a filter from a column, click the downward facing arrow in the column headers on row 4. A dropdown menu will appear. To clear a filter, click "Clear filter from...". To apply filters so that you only see rows with specified values that you would like to see and click ok when only the values that you would like to see are checked (see Figure 2.23).

Figure 2.23. Filter Dropdown Menu



4. If any entries **Fail**, as indicated by the pink fill and the word "Fail" in column A (Pass/Fail; Figure 2.22), correct data entered on the appropriate PART for the line item that failed.
5. After correcting the data repeat steps 1 through 4.

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6. Once all data checks **Pass**, you may go ahead to the next step, generating the XML file.

Many agencies have expressed confusion over how to interpret the columns on the **Data Checks** worksheet. The columns are defined below:

**Table 2.1: Data Checks Worksheet Columns and Definitions**

COLUMN	DEFINITION
<b>Column A. Pass/Fail</b>	Indicates whether the data check passed (indicating completion and consistency) or failed (indicating that revisions are required).
<b>Column B. Value 1</b>	The first value that will be compared to another value. This is the value entered in the <b>462 Line Item</b> listed in column G.
<b>Column C. Must Be</b>	<p>The requirement for the data check. This is often a mathematical operator:</p> <p>"&gt;" – Greater than</p> <p>"&lt;" – Less than</p> <p>"=" – Equal to</p> <p>"!=" – Not equal to</p> <p><u>It can also be:</u></p> <p><b>"Between"</b> – <b>Value 1</b> must be "between" the values listed in column I, <b>462 Line Item(s)</b>.</p> <p><b>"Not empty"</b> – The <b>462 Line Item</b> listed in column G is incorrectly left blank if this is listed as a fail.</p> <p><b>"Not filled"</b> – This refers to an optional field that should not be filled because it was dependent on the answer to an earlier Yes/No question.</p> <p><b>"Not both filled"</b> – When there is a Yes/No question, only one option can be selected.</p>
<b>Column D. Value 2</b>	This is the value to which <b>Value 1</b> is being compared. This is the value entered in the <b>462 Line Item(s)</b> listed in column I.
<b>Column E. Part</b>	The PART or PARTs of Form 462 that are relevant to the data check.
<b>Column F. Table Name</b>	The table within the PART in which the <b>462 Line Item</b> from column G is found.

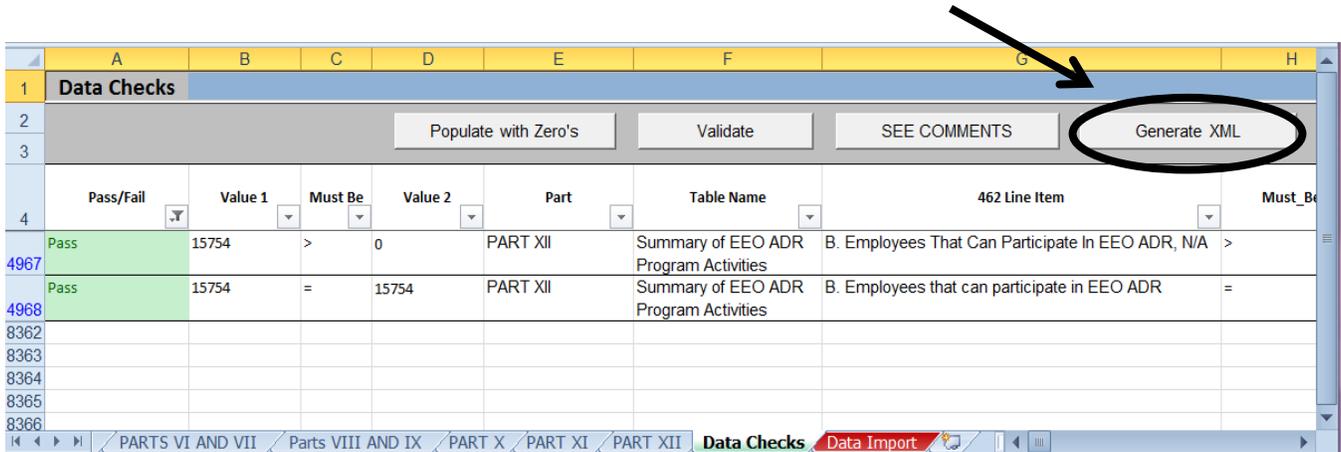
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COLUMN	DEFINITION
Column G. 462 Line Item	The question or questions within the form that are being checked. This describes <b>Value 1</b> .
Column H. Must_Be	This is the same as column C.
Column I. 462 Line Item(s)	The question or questions to which the <b>462 Line Item</b> in column G is being compared.
Column J. Comments	When a comment about the response is required, please enter it in this column.
Column M. Comment Req	Indicates whether a comment may be required. Comments are required when data is accurate, yet not consistent with expectations. Before entering a comment, ensure that the data referenced is accurate.

### Generating the XML file

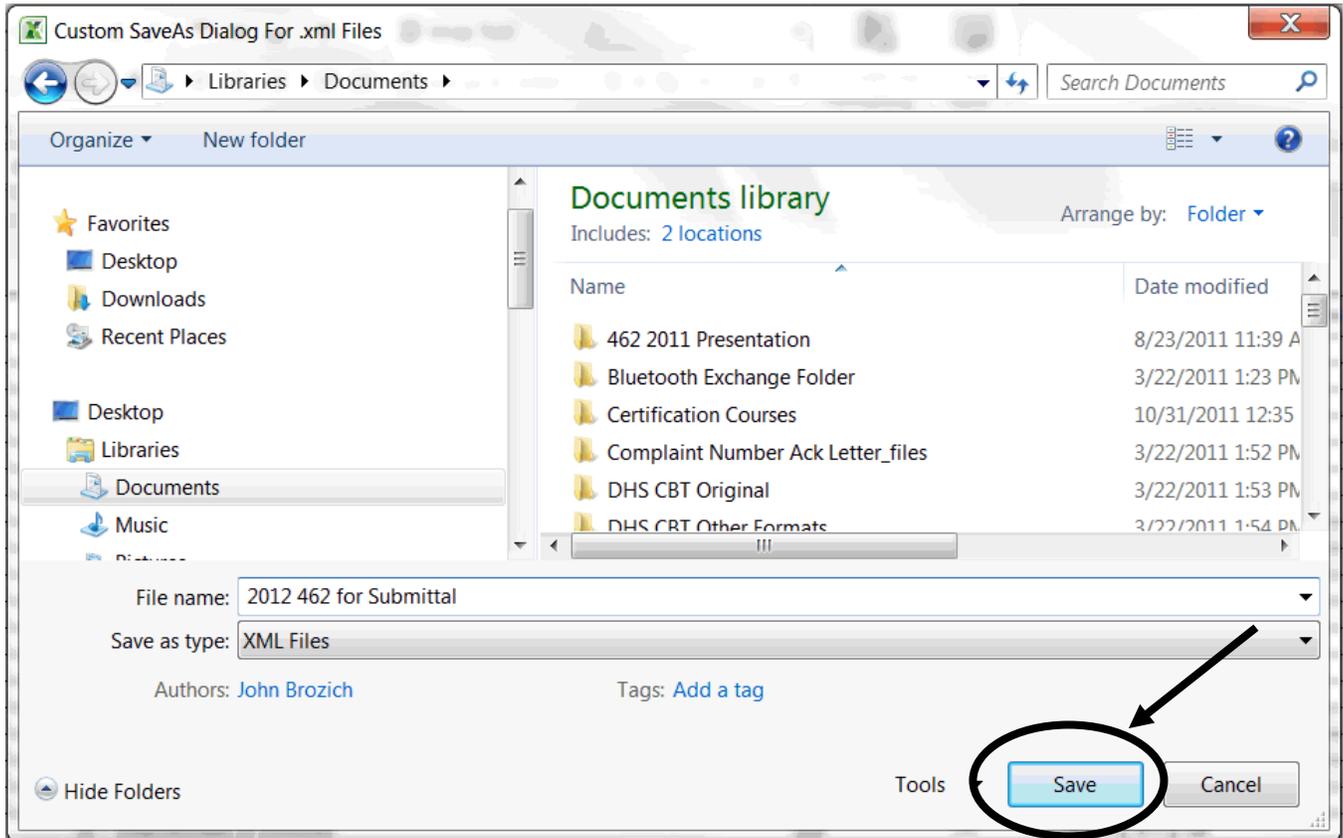
1. Save the macro-enabled Excel file (file extension .xlsm) before generating the XML file. EEOC recommends saving frequently as you complete the form.
2. Once all items **Pass** the data checks, click the **Generate XML** button at the top of the **Data Checks** worksheet (Figure 2.24).

Figure 2.24. The Generate XML Button



3. A **Save As** window will display. Navigate to the folder where you would like to save the XML file. Enter a file name and click the **Save** button (Figure 2.25).

Figure 2.25. Saving as XML



As described in the next section, the agency will have to upload both the completed macro-enabled Excel (.xlsm) Tool and the **XML** file generated by the tool to the FedSEP portal.

## How to Upload and Certify Form 462 in FedSEP

After completing the Excel Tool, validating the data, and generating the XML file, the Form 462 preparer should follow these steps to upload Form 462 to FedSEP and process the files.

1. Sign into FedSEP at <https://egov.eeoc.gov/FedSep/>.
2. From the top banner, navigate to the **Complaint Data Upload** page under **Form 462** (Figure 2.26).
3. Upload the macro-enabled Excel file (see Figure 2.27). To do this,
  - Select **Excel** as the File Type.
  - Click the **Browse** button.
  - In the new window, navigate to the macro-enabled Excel file with the file extension **.xlsm** and click **Open**.
  - Click the **Upload File** button.

Figure 2.26. Navigating to the Complaint Data Upload Page



Figure 2.27. Uploading the Macro-Enabled Excel File to FedSEP.

The image shows a file upload form. At the top, it says 'File Type:\*' with two radio buttons: 'Excel' (selected) and 'XML'. Below that, it says 'Select File:\*' with a 'Browse...' button. To the right of the 'Browse...' button, the filename 'EEOC 462 Excel Tool 2017 revised1 test use this one.xlsm' is displayed. At the bottom of the form is a dark blue button with the text 'Upload File' and an upward-pointing arrow icon.

4. Upload the XML file on the **Complaint Data Upload** page. To do this,
  - Select **XML** as the File Type.
  - Click the **Browse** button.
  - In the new window, navigate to the XML file with the file extension **.xml** that was generated by the Excel Tool and click **Open**.
  - Click the **Upload File** button.
5. Before navigating away from the **Complaint Data Upload** page, click the **Process** button to process the uploaded files (Figure 2.28).
6. Monitor your email for a message from FedSEP indicating that your data loaded successfully. If you do not receive such an email within 24 hours, it is likely that an error occurred in the upload. Check the **Error File** column on the **Complaint Data Upload** page. The Form 462 preparer is not done until the **Status** column on the **Complaint Data Upload** page reads "**Data Loading Successful**".

Figure 2.28. Processing Uploaded Complaint Data

Document Name	File Type	Uploaded By	Uploaded On	Status	Error File	Actions
XML Test 2018Aug31_4xml:	Form-462 XML	Karen Brummond	08/31/2018	Validating Data		
EEOC 462 Excel Tool 2017 revised4 test.xlsx	Form-462 Excel	Karen Brummond	08/31/2018	Validating Data		

The EEO Director should receive an email letting him or her know that the Form 462 report is pending certification.

The EEO Director **must** do the following:

1. Sign into FedSEP at <https://egov.eeoc.gov/FedSep/>.
2. From the top banner, navigate to the **Certification and Status** page under **Form 462** (Figure 2.29).
3. Click on the agency name to download a pdf version of the report and review the report.
4. After verifying that the data is accurate and complete, the EEO Director should return to the **Certification and Status** page and click the **Certify** button.
5. A window will pop-up with a Yes/No question asking the EEO Director to verify the certification. If the EEO Director wants to continue, he or she should click **Yes**. After clicking Yes, the **Status** will change to **Pending EEOC Review**.
6. Monitor his or her email for messages from the U.S. Equal Employment Opportunity Commission and [form462@eeoc.gov](mailto:form462@eeoc.gov).

**Please allow two business days for the Form 462 team to review your form.**

Figure 2.29. Certifying the Form 462 Submission on the Agency Certification and Status Page

Agency	Report Type	Source	Status	Update Date	Updated By	Actions
Equal Employment Opportunity Commission (EEOC)	Agency	Excel	Pending EEO Director Certification	8/31/2018 11:20 AM	karen.brummond@eeoc.gov	<b>Certify</b>

## What to Expect after Submitting Form 462 in FedSEP

The Form 462 team at EEOC will receive an automatic notification that the submission has been certified by the EEO Director. The team does its best to review forms within two business days. Within two business days of your certification, please trust that the team is in the process of reviewing your form. As the team is automatically notified of the submission, there is no need to verify receipt. You may check whether the form has been accepted by going to the Agency Certification and Status page on FedSEP.

If after reviewing the submission, the team does not see any errors or inconsistencies, a team member will **Accept** the form, and FedSEP will automatically send an email to the EEO Director notifying him or her of the status. If the agency is an independent agency (not a subcomponent of a larger parent agency), the report will be **Finalized**. The reports of subcomponents that submit their own Form 462 reports will be in an **Accepted by EEOC** status. These subcomponents and their parent agencies should read the next section titled "An Additional Step for Parent Agencies."

If the Form 462 team notices errors and/or inconsistencies, a team member will send the EEO Director and Form 462 preparer an email from [form462@eeoc.gov](mailto:form462@eeoc.gov). The email will detail the errors and/or inconsistencies. The Status of the submission will change to **Not Accepted by EEOC** on the Agency Certification and Status page of FedSEP.

The preparer should:

1. Make the appropriate corrections in the Form 462 Excel Tool.
2. Validate the data on the Data Checks worksheet, and if any Fails appear, correct them.
3. Save the macro-enabled Excel Tool.
4. Generate the XML file using the button on the Data Checks worksheet.
5. Upload the macro-enabled Excel file and the XML file to FedSEP.

6. Process the submission in FedSEP.
7. Monitor his or her email.

Then, the EEO Director should:

8. Review the new submission for accuracy and completeness.
9. When the revised report is complete and accurate, certify the report in FedSEP.
10. Monitor his or her email.

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Please be sure to add [form462@eeoc.gov](mailto:form462@eeoc.gov) to your contacts list so the email is not sent to your junk or spam folder.

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## An Additional Step for Parent Agencies: The Aggregate Report

When an agency has subcomponents that separately file Form 462, the parent agency must take an additional step to **Finalize** the Form 462 process. After EEOC accepts all sub-component reports, the parent agency Form 462 preparer must create an aggregate report. The preparer should submit PARTs III and XII of Form 462 as applicable to the entire parent agency. The EEO Director of the parent agency must certify the aggregate report, and then, the reports for the parent agency and its subcomponents become finalized.

## 3. PART I – PRE-COMPLAINT ACTIVITIES

PART I of Form 462 collects information on the initial stage or pre-complaint phase of the EEO process. Specifically, the number of completed/ended counselings, the number of individuals counseled, data on the timeliness of the pre-complaint process, and pre-complaint settlement benefits data are collected.

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

### PART I Definitions

- **A Counseling** is an instance where an EEO Counselor or an Alternative Dispute Resolution (ADR) Intake Officer performs the counseling duties described in Chapter 2 of MD-110. This includes:
  - Providing information on the EEO process, the individual's rights and responsibilities, and the agency's ADR Program;
  - Determining claims and bases;
  - Obtaining information on timeliness and jurisdictional questions;
  - Seeking resolution of the dispute through the counseling or ADR process; and
  - Issuing 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 counselings which were concluded 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 (AJ) 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 who believes that s/he is entitled to EEO counseling at the agency and seeks counseling. This is usually a current or former agency employee or an applicant for agency employment but is occasionally a contract employee.

**Note:** On all lines of PART I, the number of individuals should be less than or equal to the number of counselings. Individuals with multiple completed/ended counselings should only be counted once.

- **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. In the federal EEO process, ADR is an alternative to traditional counseling.

For purposes of Form 462 reporting, do not provide information concerning non-EEO ADR programs, such as those used for resolving program disputes, contractor issues, suppliers'

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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.

ADR Participation means that the counselee **chose** to participate in the agency's ADR 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.

- **Monetary Benefits** for PART I pre-complaint reporting purposes are payments that an agency agrees to provide to a counseled individual in a written settlement agreement. These are reported in PART I Sections E and G.
- A **Non-Monetary Benefit** for PART I pre-complaint purposes, is an employment-related action that an agency agrees to provide to a counseled individual in a written settlement agreement. These are reported in PART I Sections F and H

PART I Section A and Section B are no longer collected separately.

### PART I Section C – Total Completed/Ended Counselings

Figure 3.1. 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 by 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). Remanded counselings are reported on Line C.4.

**NOTE: Only remanded counselings by an EEOC AJ or by an Office of Federal Operations (OFO) appellate order are to be reported on Form 462. Within agency remands are not reported on Form 462.**

- PART I Line C, "Total Completed/Ended Counselings - Counselings" – The total number of completed/ended counselings is automatically calculated by the worksheet.

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PART I Line C, "Total Completed/Ended Counselings - Individuals" – The total number of individuals with completed/ended counselings.

- PART I Line C.1, "Counseled within 30 Days" – The number of counselings and individuals with counselings completed/ended within 30 days (timely).
- PART I Line C.2, "Counseled within 31 to 90 Days" – 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 worksheet.

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

- PART I Line C.2.a, "Counseled within Written Extension Period No Longer Than 60 Days" – The number of counselings and individuals with only counselings completed/ended within the extension period specified in writing and signed by counselee.

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.

For example, if there was a 10-day written extension, the counseling would only be reported on PART I Line C.2.a 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 PART I Line C.2.c.

- PART I Line C.2.b, "Counseled within 90 Days Where Individual Participated in ADR" – 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.

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 Line C.2.c, "Counseled within 31-90 Days That Were Untimely" – The number of counselings and individuals with 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 a similar counseling were completed within 40 days (30 + 10) it should be reported on PART I Line C.2.a.

If a counseling was completed/ended within 31-90 days, but there was no written extension and the individual did not participate in ADR, the counseling should be tallied on PART I Line C.2.c.

- PART I Line C.3, "Counseled Beyond 90 Days" – The number of counselings and individuals with counselings completed/ended beyond 90 days (untimely).
- PART I Line C.4, "Counseled Due to Remands" – The number of counselings and individuals with counselings completed/ended due to remands from an EEOC Administrative Judge (AJ) or in an Office of Federal Operations (OFO) appellate order not from within the agency.

### NOTE:

Counselings remanded by EEOC are not reported on PART I Lines C.1, C.2, C.2.a, C.2.b, C.2.c, or C.3. All EEOC remanded counselings should be entered on PART I Line C.4.

No within agency remands should be reported on Line C.4. Remands from within an agency must be reported in PART I Line C.1, C.2, C.2.a, C.2.b, C.2.c, or C.3., where appropriate.

### 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 should enter the following for Mr. Smith:*

- 1 "individual" on PART I Line C "Total Completed/Ended Counselings" (Covers all three counselings).
- For the January counselings, 1 "counseling" and 1 "individual" on PART I Line C.3, "Counseled Beyond 90 Days."
- For the May counseling, 1 "counseling" and 1 "individual" on PART I Line C.2.c, "Counseled within 31 to 90 Days That Were Untimely."
- For the July counseling, 1 "counseling" and 1 "individual" on PART I Line C.1 "Counseled within 30 Days."
- 1 "individual" on PART I Line C.2, "Counseled within 31 to 90 Days."

*The Excel tool automatically totals the number of "counselings" on PART I Line C, "Total Completed/Ended Counselings," and on PART I Line C.2, "Total Completed/Ended Counselings," but the agency must enter the "individuals" data for those two lines. Mr. Smith counts as 1 "individual" on each of those lines.*

### Caveats to PART I Section C

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.

When counseling has been extended due to ADR participation and the counseling is completed/ended within 31 to 90 days, agencies must record the counseling on PART I Line C.2.b, "Counseled within 90 Days where the Individual Participated in ADR." In such instances, the counseling is **not** reported on PART I Line C.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 Line C.2.a (assuming the counseling was completed within the extension period). See "Example 2: Extended Counseling Period."

### Example 2: Extended Counseling Period

*Mary Brown, an individual who sought EEO 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. How should this be reported?*

- *If the agency completed counseling within 50 days (30-day counseling period + 20 day written extension period), the agency would report 1 “counseling” and 1 “individual” on PART I Line C.2.a, “Counseled within Written Extension Period No Longer Than 60 Days.”*
- *If the agency failed to complete counseling within 50 days, the agency would*
  - *If counseling was done within a 31 to 90-day period, report the counseling on PART I Line C.2.c, “Counseled within 31-90 Days That Were Untimely”.*
  - *Otherwise, if the counseling was done in more than 90 days, the agency would report the counseling on PART I Line C.3, “Counseled Beyond 90 days.”*

## PART I Section D – Pre-Complaint Activities

Figure 3.2. PART I Section D – Pre-Complaint Activities

	COUNSELINGS	INDIVIDUALS
<b>D. PRE-COMPLAINT ACTIVITIES</b>		
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		

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

- PART I Line D.1, “On Hand at the Beginning of the Reporting Period” – The number of counselings for which and individuals for whom counseling was requested during the **prior reporting period** (FY 2019), but not completed/ended on or before the last day of the prior reporting period (September 30, 2019). Note that these numbers should be identical to the numbers reported in the previous year’s Form 462 report in PART I Line D.4.
- PART I Line D.2, “Initiated During the Reporting Period” – The number of counselings for which and individuals for whom counseling was requested during the current reporting

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period (FY 2020; October 1, 2019 through September 30, 2020). PART I Line D.2 may include completed/ended counselings as well as counselings that had not been completed by the last day of the current reporting period.

- **PART I Line D.3, “Completed/Ended Counselings”** The total number of counselings that were completed/ended during the reporting period and their related individuals. The total number of completed/ended counselings is automatically entered by the worksheet 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.

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

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- **PART I Line D.3.a, “Settlements (Monetary and Non-Monetary)”** – The number of counselings and individuals in counselings that were closed during the reporting period by a written settlement agreement (ADR or non-ADR) which provided for monetary benefit(s), non-monetary benefit(s), or both. 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.
- **PART I Line D.3.b, “Withdrawals/No Complaint Filed”** – The number of counselings and individuals in counselings in which either
  - The individual notified the agency in writing that they were withdrawing from counseling – OR –
  - The agency issued a notice of right to file a formal complaint – AND – the agency did not receive a complaint during the reporting period – AND – the 15-day period for filing a complaint expired in time for the agency to have received a complaint during the reporting period.
- **PART I Line D.3.c, “Counselings Completed/Ended in Reporting Period that Resulted in Complaint Filings in Reporting Period”** – The number of counselings that were and individuals whose counselings were completed during the reporting period in which the result was the filing of a complaint during the reporting period.
- **PART I Line D.3.d, “Decision to File Complaint Pending at the End of the Reporting Period”** – The number of counselings and related individuals wherein
  - The individual was given a notice of right to file a formal complaint – AND – the agency had not yet received a complaint – BUT –
  - The 15-day period for filing a complaint (with additional time to account complaints filed by mail) had not expired prior to the end of the reporting period.
- **PART I Line D.4, “Counselings Pending at the End of the Reporting Period”** – The number of counselings that were requested during the current reporting period but not completed on or before the last day of the reporting period and the corresponding individuals.

## Caveats to PART I Section D

- A counseling may be reported on PART I Line D.3.d, "Decision to File Complaint Pending at the End of the Reporting Period" **or** on PART I Line D, "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.

- PART I Line C, "Total Completed/Ended Counselings" must have the same numbers for counselings and individuals as those listed on PART I Line D.3, "Completed/Ended Counselings." If the numbers do not match, check the data.
- Within PART I, the numbers reported on Line D.1 plus Line D.2 should equal the numbers reported on Line D.3 plus Line D.4. If the numbers do not match, check the data.

### 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/ended 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, these events should contribute 1 "counseling" and 1 "individual" to the following PART I Lines on Form 462:*

- Line C, "Total Completed/Ended Counselings";
- Line C.2, "Counseled within 31-90 Days";
- Line C.2.c, "Counseled within 31-90 Days That Were Untimely";
- Line D.2, "Initiated During the Reporting Period";
- Line D.3, "Completed/Ended Counselings";
- Line D.3.c, "Counselings Completed/Ended in Reporting Period that Resulted in Complaint Filings in Reporting Period"

*Remember that the "counselings" on Lines C, C.2, and D.3 are calculated from the subsequent fields, and do not have to be entered manually.*

**Example 4: No Complaint 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.” Based on the following scenarios, how does the agency fill in the other lines of PART I Section D?

If Mr. Lincoln filed a complaint during the reporting period (which the agency received in the reporting year), then 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 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 have received a complaint filed by mail during the reporting period, then the agency would report 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 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, then the agency would report 1 “counseling” and 1 “individual” on PART I Line D.3.d, “Decision to File Complaint Pending at the End of the Reporting Period.”

The 1 “counseling” to be reported for Mr. Lincoln will be automatically calculated on Line D.3 once the “counseling” has been reported on Line D.3.a, D.3.b, D.3.c, or D.3.d (only one of these four will apply).

**PART I Sections E and G - Pre-Complaint Settlements with Monetary Benefits**

Figure 3.3. PART I Section E – Non-ADR Settlements with 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.			

Figure 3.4. PART I Section G – ADR Settlements with Monetary Benefits

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.			

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- **PART I Section E, “Non-ADR Settlements with Monetary Benefits”** – When ADR did not occur in the counseling phase but an EEO Counselor obtained a written settlement agreement which provided monetary benefits in exchange for the individual agreeing not to file a formal complaint on the counseled matters, report the total number of completed/ended “counselings” and “individuals” that received each non-ADR monetary benefit and the dollar “amount” of those benefits in the appropriate columns of Section E.
- **PART I Section G, “ADR Settlements with Monetary Benefits”** – When ADR occurred in the counseling phase and resulted in a written settlement agreement which provided monetary benefits in exchange for the individual agreeing not to file a formal complaint, report the total number of completed/ended “counselings” and “individuals” that received each non-ADR monetary benefit and the dollar “amount” of those benefits in the appropriate columns of Section G.
- In PART I Sections E and G, the “counselings” and “individuals” columns of the Total Line are the number of counselings that resulted in any monetary benefit and the number of individuals who received any monetary benefit. These are not necessarily the sum of the Lines listing types of benefits that follow.
- In PART I Sections E and G, the “amount” column of the Total Line is automatically calculated as the sum of the amounts for each type of monetary benefit.

Monetary benefits for Form 462 PART I reporting purposes include several categories of payments:

- “Compensatory Damages”;
- “Backpay/Frontpay”;
- “Lump Sum Payment”;
- “Attorney Fees and Costs”; and/or
- If necessary, the agency Administrator may add additional user-defined monetary benefits for other categories. See Examples 5 and 6 below and Appendix E (Benefit and Issue Crosswalk of Descriptions) for a better understanding of when this is truly necessary. If necessary, please define the category in a few descriptive words.

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**Do not enter the word “OTHER” as either a monetary or a non-monetary benefit. If you are not using a user-defined benefit, do not edit the fields designated for the description of the user-defined benefits.**

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Every counseling where a monetary benefit is promised in a written settlement agreement must be reported on the appropriate 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 5: Properly Added User-Defined Monetary Benefits Category

*An example of a user-defined monetary benefit category properly added to PART I Section E and/or PART I Section G would be “Voluntary Retirement Incentive Payment” if the counseled individual is promised such a payment. It may be added as a category because it would not fit into one of the monetary award categories listed on Form 462.*

### Example 6: Improperly Added User-Defined Monetary Benefits Categories

*Examples of “other” monetary benefit categories improperly added to PART I Section E and/or PART I Section 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 “Backpay/Frontpay” 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 Settlements with Non-Monetary Benefits

- PART I Section F, “Non-ADR Settlements with Non-Monetary Benefits” – When ADR did not occur in the counseling phase but an EEO Counselor obtained a written settlement agreement which provided non-monetary benefits in exchange for the individual agreeing not to file a formal complaint on the counseled matters, report the total number of completed/ended “counselings” and “individuals” that received each non-ADR non-monetary benefit in the appropriate columns of Section F.
- PART I Section H, “ADR Settlements with Non-Monetary Benefits” – When ADR occurred in the counseling phase and resulted in a written settlement agreement which provided monetary benefits in exchange for the individual agreeing not to file a formal complaint, report the total number of completed/ended “counselings” and “individuals” that received each non-ADR non-monetary benefit in the appropriate columns of Section H.
- In PART I Sections F and H, the “counselings” and “individuals” columns of the Total Line are the number of counselings that resulted in any non-monetary benefit and the number of individuals who received any non-monetary benefit. These are not necessarily the sum of the Lines listing types of benefits that follow.

Figure 3.5. PART I Section F – Non-ADR Settlements with 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. NEUTRAL REFERENCE			
13.			
14.			

Figure 3.6. PART I Section H – ADR Settlements with Non-Monetary Benefits

H. 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. NEUTRAL REFERENCE			
13.			
14.			

Non-monetary benefits for Form 462 PART I reporting purposes include:

- “Hires”;
- “Promotions”;
- “Expungements”;
- “Reassignments”;
- “Removals Rescinded”;

- "Accommodations";
- "Training";
- "Apology";
- "Disciplinary Actions";
- "Performance Evaluation Modified";
- "Leave Restored";
- "Neutral reference"; and/or
- If necessary, the agency Administrator may add additional user-defined non-monetary benefit for other categories. See Examples 7 and 8 below and Appendix E (Benefit and Issue Crosswalk of Descriptions) for a better understanding of when this is truly necessary. If necessary, please define the category in a few descriptive words.

Do not enter the word "OTHER" as either a monetary or a non-monetary benefit.

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

### Example 7: Properly Added User-Defined Non-Monetary Benefits Categories

*An example of a user-defined non-monetary benefit category properly added to PART I Section F and/or PART I Section H is "Union Grievance Resolved."*

### Example 8: Improperly Added User-Defined Non-Monetary Benefits Categories

*User-defined non-monetary benefit categories are not properly added to PART I Section F and/or PART I Section 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 Rescinded." Similarly, a developmental assignment could be reported in the "Training" category.*

*When adding a user-defined 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 a user-defined category, agencies should not choose overly specific labels since the number of user-defined categories is limited.*

**Note: There is a crosswalk detailing the benefits and the descriptions that fit into each category found in Appendix E of this manual.**

### Example 9: A Pre-Complaint Settlement with Monetary and Non-Monetary Benefits

*The agency resolved Ana Lee’s pre-complaint EEO 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 to 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 PART I Section 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 (“Backpay/Frontpay”), the agency reports 1 “counseling,” 1 “individual,” and the three-day back pay amount.*

*In PART I Section 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 Section I “Non-ADR Settlements” Total Line.*

## PART I Section I - Non-ADR Settlements

Figure 3.7. 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, “Non-ADR Settlements -Total” - The total number of counselings (and the number of counseled individuals who were parties to such settlements) that were closed 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 I Frequently Asked Questions

- 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 if so, 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). The informal counseling and the formal complaint should be reported as if they were handled separately.

**Q. A person initiated counseling and then left the country for military service. When the person returned 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 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.

**Q. A counseling was pending as of September 30<sup>th</sup> because the individual chose mediation over traditional counseling, and the mediation session had not concluded.**

**Should the case be reported on PART I Line D.4, "Counselings Pending at the End of the Reporting Period," even though the person chose mediation?**

A. Yes, it should be reported on PART I Line D.4 because it is pending.

**Should the case be recorded in other sections, such as PART I Sections G and H, or PART X (Summary of ADR Program Activities – Informal Phase Pre-Complaint)?**

A. No, it should not yet be reported on PART I Sections G and H, nor on PART X because it is still pending.

**Q. A settlement agreement was signed prior to the issuance of the Notice of Right to File (NRF), but the settlement agreement was not effective until one week after the NRF was issued. For timeliness purposes, should this be reported as a counseling completed the day that the NRF was issued or as a counseling that ended on the effective date of the settlement agreement?**

A. The counseling closed during the reporting by a written settlement agreement, and all data should be recorded as such, including the later ending date (the effective date of the settlement agreement).

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)). If the NRF is issued in a timely manner, but the case settles before the aggrieved individual files a formal complaint, the settlement would have occurred within the pre-complaint process.

## 4. PART II – FORMAL COMPLAINT ACTIVITIES

PART II collects data on formal complaint activities.

Figure 4.1. PART II – Formal Complaint Activities

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

- PART II Line A, "Complaints on Hand at the Beginning of the Reporting Period" – The number of complaints on hand at the beginning of the reporting period. This should be identical to the number reported on the previous year's Form 462 report on PART II Line I, "Complaints on Hand at the End of the Reporting Period." 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, "Complaints Filed" – The number of complaints filed during the reporting period.
- PART II Line C, "Remands" – The number of complaints remanded by EEOC decision is automatically calculated using the values of Lines C.1 plus C.2 plus C.3.
  - PART II Line C.1, "Remands (Not Included in A or B)" – The number of remands not included in PART II Line A or PART II Line B.
  - PART II Line C.2, "Remands (Included in A or B)" – The number of remands included in PART II Line A or PART II Line B.
  - PART II Line C.3, "Number of Additional Remands in this Reporting Period That Are Not Captured in C.1 or C.2 Above" – 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, or in other words, a remand of a previously remanded complaint.
  - PART II Line C.4, "Additional Closures in This Reporting Period Not Reflected in F. or H. That Resulted from Remands" – The number of additional closures in the reporting period that resulted from remands but are not reflected in PART II Line F or PART II Line H (see below).
- PART II Line D, "Total Complaints" – The total number of complaints is automatically calculated by summing Lines A, B and C.1 from PART II.
- PART II Line E, "Complaints in Line D That Were Not Consolidated" – The number of complaints **not consolidated**. See Consolidation of Complaints below for more on consolidation.
- PART II Line F, "Complaints in Line E That Closed During the Reporting Period" – The number of complaints not consolidated (PART II Line E) **that were closed** during reporting period.

A complaint can only be counted and reported as closed when all issues in the complaint have been resolved.
- PART II Line G, "Complaints in Line D That Were Consolidated" – The number of **consolidated** complaints. See Consolidation of Complaints below for more on consolidation.
- PART II Line H, "Complaints in Line G Closed During the Reporting Period" – The number of complaints consolidated (PART II Line G) **that were closed** during reporting period.

A complaint can only be counted and reported as closed when all issues in the complaint have been resolved.
- PART II Line I, "Complaints on Hand at the End of the Reporting Period" – This field is automatically calculated: (Line D minus (Line F plus Line H) plus [(Line C.2 plus Line C.3) minus Line C.4]. This number must be the same as the number reported in PART VIII Line A.
- PART II Line J, "Individuals Filing Complaints (Complainants)" – The number of individuals **who filed complaints during the reporting period**. This number usually matches the number reported in PART I Line D.3.c, "Counselings Completed/Ended in Reporting Period that Resulted in Complaint Filings in Reporting Period".
- PART II Line K, "Number of Joint Processing Units from Consolidation of Complaints" – The number of joint processing units, defined as two or more complaints consolidated for

processing as one unit. For example, 1 individual who filed 4 complaints becomes 1 complaint investigation or 1 joint processing unit. See Consolidation of Complaints below for more on joint processing units. This includes those consolidated by an Administrative Judge after an investigation at the hearings stage.

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.

**NOTE: Appealed complaints are not reported on the Form 462.**

## Consolidation of Complaints

The following regulations apply to consolidation of complaints:

- **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.

That is, 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.

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

On 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.

## Joint Processing Units

**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 PART II Line B, six individuals who filed complaints on PART II Line J, and two joint processing units on PART II Line K. When those 8 complaints are closed, the status of each one should be reported in PART V.

## PART II Frequently Asked Questions

- Q. Two cases are currently being considered by OFO under Requests for Reconsideration. Should these cases count as remands for 462 reporting?**
- A. If the Commission is reconsidering an appeal decision/remand order, it is pending before the Commission, not the agency. Therefore, it is not reported on the EEOC Form 462 report.

- Q. An EEOC appellate decision found that the agency failed to comply with the terms of a settlement agreement and ordered that the complaint be reopened. How should it be reported on PART II?**
- A. When the agency reopens the complaint as ordered by the appellate decision, it should be reported on PART II Line C "Remands." To do this, enter it in the proper Line C sub-line.
- Q. When an EEOC appellate decision finds that the agency failed to comply with the terms of a settlement agreement and orders specific performance, how should case be reported in PART II?**
- A. Remands ordering compliance with the terms of a settlement agreement are not reported on the Form 462 report.
- Q. MSPB dismissed a mixed case complaint for jurisdictional reasons and sent the case back to the agency for processing. How should this case be reported in PART II?**
- A. It should be reported as a "Remand" on Line C, as well as on the appropriate sub-line of Line C. Processing should be counted in the same way that cases are reopened due to EEOC appellate decisions remanding cases to the agency.
- Q. Within the fiscal year the following occurred: 1) A complaint was filed; 2) the agency dismissed the complaint for procedural reasons (failure to state a claim); and 3) the complainant appealed the decision to OFO. OFO did not render a decision by the end of the fiscal year. Should that be considered an open or closed complaint on PART II?**
- A. The complaint should be considered a closed complaint since the agency issued a FAD.
- Q. Two complaints were consolidated and closed during the reporting period. What should be reported on PART II Line G, "Complaints in Line D That Were Consolidated," and PART II Line H, "Complaints in Line G Closed During the Reporting Period"? Are these treated as two complaints or a single complaint because of their consolidation?**
- A. Even though the complaints were consolidated, they are still 2 separate complaints and should be closed as 2 separate complaints. Therefore, PART II Lines G and H should each equal 2.

## 5. PART III – AGENCY RESOURCES, TRAINING, REPORTING LINE

### PART III Section A - Agency & Contract Resources

Figure 5.1. PART III Section A – Agency & Contract Resources

PART III - AGENCY RESOURCES, TRAINING, REPORTING LINE				
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		0.00		0.00
b. PART-TIME		0.00		0.00
c. COLLATERAL DUTY		0.00		0.00
3. INVESTIGATOR	0		0	
a. FULL-TIME		0.00		0.00
b. PART-TIME		0.00		0.00
c. COLLATERAL DUTY		0.00		0.00
4. COUNSELOR/INVESTIGATOR	0		0	
a. FULL-TIME		0.00		0.00
b. PART-TIME		0.00		0.00
c. COLLATERAL DUTY		0.00		0.00

On PART III Lines A.1.a and A.1.b, report the number of agency employees as specified below:

- **PART III Line A.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. This number includes political appointees, board members, and commission members. Contractors would **not** be included in the total workforce reported in PART III Line A.1.a.

If the size of your agency's workforce is classified, enter "0" and state that in the Comments column of the Data Checks worksheet.

- **PART III Line A.1.b, "Permanent Employees"** – 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.

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On the rest of PART III Section A, report the number of agency EEO staff employed by the agency on the last day of the reporting period **and** the number of contract staff who provided counseling and/or investigating EEO services to the agency on the last day of the reporting period by duties and schedule. Full-time work 40 hours per week in the performance of EEO duties. Part-time employees are scheduled to work fewer than 40 hours per week and their primary job duties are in EEO. Collateral duty employees have EEO duties added to their regular job duties unrelated to EEO.

The percentages in PART III Section A (for example, the percentage of total number of agency investigators that were full-time agency investigators) are automatically calculated by the worksheet. Thus, the Form 462 prepared does not have to fill out these percent columns.

- **PART III Line A.2, "Counselor"** – The total number of agency and contract Counselors is automatically calculated from Lines A.2.a, A.2.b, and A.2.c.
  - **PART III Line A.2.a, "Counselor – Full-Time"** – The number of full-time Counselors among agency and contract staff separately.
  - **PART III Line A.2.b, "Counselor – Part-Time"** – The number of part-time Counselors among agency and contract staff separately.
  - **PART III Line A.2.c, "Counselor – Collateral Duty"** – The number of collateral duty Counselors among agency and contract staff separately.
- **PART III Line A.3, "Investigator"** – The total number of agency and contract Investigators is automatically calculated from Lines A.3.a, A.3.b and A.3.c.
  - **PART III Line A.3.a, "Investigator – Full-Time"** – The number of full-time Investigators among agency and contract staff separately.
  - **PART III Line A.3.b, "Investigator – Part-Time"** – The number of part-time Investigators among agency and contract staff separately.
  - **PART III Line A.3.c, "Investigator – Collateral Duty"** – The number of collateral duty Investigators among agency and contract staff separately.
- **PART III Line A.4, "Counselor/Investigator"** – The number of agency and contract Counselor/Investigators is automatically calculated from Lines A.4.a, A.4.b and A.4.c.
  - **PART III Line A.4.a, "Counselor/Investigator – Full-Time"** – The number of full-time Counselor/Investigators among agency and contract staff separately.
  - **PART III Line A.4.b, "Counselor/Investigator – Part-Time"** – The number of part-time Counselor/Investigators among agency and contract staff separately.
  - **PART III Line A.4.c, "Counselor/Investigator – Collateral Duty"** – The number of collateral duty Counselor/Investigators among agency and contract staff separately.

**Note: If there were any counselings listed in PART I, then there must be counselors or counselor/investigators.**

**Likewise, if any agency investigations were listed in PART IX, then there must be agency investigators or agency counselor/investigators.**

If there were any contract investigations listed in PART IX, then there must be contract investigators or contract counselor/investigators.

However, Department of Defense agencies and other agencies that use IRD for *all* investigations are an exception. IRD investigators are not reported in PART III, but the investigations they conducted are reported in PART IX.

## PART III Section B - Agency & Contract Staff Training

Figure 5.2. PART III Section B – Agency & Contract Staff Training

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

### PART III Section B Definitions

- **New staff (NS)** include any counselor, investigator, or counselor/investigator that was newly hired by the agency or contractor since the beginning of the reporting period.
- **Experienced staff (ES)** include 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.

### **PART III Section B Regulations (EEO Management Directive 110 [MD-110])**

- EEOC's Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO-MD-110) Chapter 2 Section II 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 Chapter 2 Section II requires **all** EEO counselors to receive a minimum of eight (8) hours of continuing EEO counseling training every year.
- EEO-MD-110 Chapter 6 Section II 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 Chapter 6 Section II 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 can show proof that training has occurred.

If the agency has staff that did not receive the required training, **the agency should add a comment in the appropriate row(s) of the Data Checks worksheet** to explain why staff did not receive the required training.

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**Note:** Department of Defense agencies should not include Investigator staff numbers and staff training data in PART III Sections A & B if all their investigations are done by IRD. This information will be captured on the DOD/Washington Headquarters Services' (WHS; part of the Office of the Secretary of Defense) Form 462 report. If you have any questions or concerns regarding this matter, please contact DOD/WHS for a copy of the guidance memorandum. However, information on the number of investigations and investigation processing time should be counted in PART IX of Form 462.

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### **PART III Section B Instructions**

- PART III Line B.1, "New Staff (NS) – Total" – The total number of new staff who were Counselors, Investigators, and Counselor/Investigators. Report these separately for agency staff and contract staff.
  - PART III Line B.1.a, "NS Receiving Required 32 or More Hours" – The number of new Counselors, Investigators, and Counselor/Investigators who received the required 32 or more hours of training. Report these separately for agency staff and contract staff.
  - PART III Line B.1.b, "NS Receiving 8 or More Hours, Usually Given to Experienced Staff" – The number of new Counselors, Investigators, and Counselor/Investigators who received 8 or more hours of training (but less than 32 hours of training), usually given to experienced staff. Report these separately for agency staff and contract staff. **If any**

*staff are reported in this row, add a comment on the Data Checks sheet to explain why staff received less than the required amount of training during the reporting period.*

- PART III Line B.1.c, “NS Receiving No Training at All” – The number of new Counselors, Investigators, and Counselor/Investigators who received no training at all (or less than 8 hours of training). Report these separately for agency staff and contract staff. *If any staff are reported in this row, add a comment on the Data Checks sheet to explain why staff received less than the required amount of training during the reporting period.*
- PART III Line B.2, “Experienced Staff (ES) – Total” – The total number of experienced staff who were Counselors, Investigators, and Counselor/Investigators. Report these separately for agency staff and contract staff.
  - PART III Line B.2.a, “ES Receiving Required 8 or More Hours” – The number of experienced Counselors, Investigators, and Counselor/Investigators who received the required 8 or more hours of training (but less than 32 hours). Report these separately for agency staff and contract staff.
  - PART III Line B.2.b, “ES Receiving 32 or More Hours, Generally Given to New Staff” – The number of experienced Counselors, Investigators, and Counselor/Investigators who received 32 or more hours of training, generally given to new staff. Report these separately for agency staff and contract staff.
  - PART III Line B.2.c, “ES Receiving No Training at All” – The number of experienced Counselors, Investigators, and Counselor/Investigators who received no training at all (or less than 8 hours of training). Report these separately for agency staff and contract staff. *If any staff are reported in this row, add a comment on the Data Checks sheet to explain why staff received less than the required amount of training during the reporting period.*

## PART III Section C - Reporting Line

Figure 5.3. PART III Section C – Reporting Line

C. REPORTING LINE			
1	EEO DIRECTOR'S NAME:	<input type="text"/>	
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:	<input type="text"/>	
	TITLE:	<input type="text"/>	
3.	WHO IS RESPONSIBLE FOR THE DAY-TO-DAY OPERATION OF THE EEO PROGRAM IN YOUR DEPARTMENT/AGENCY/ORGANIZATION?		
	PERSON:	<input type="text"/>	
	TITLE:	<input type="text"/>	
4	WHO DOES THAT PERSON REPORT TO?		
	PERSON:	<input type="text"/>	
	TITLE:	<input type="text"/>	

- PART III Line C.1, “EEO Director’s Name” – The EEO Director’s Name.
  - PART III Line C.1a, “Does the EEO Director Report to the Agency Head?” – Enter an “X” under the “Yes” or “No” to denote whether the agency’s EEO Director reports to the agency head. One and only one box must contain an “X”. If the answer is “No”, then enter the name and title of the person they report to in Line C.2.
- PART III Line C.2, “If No, Who Does the EEO Director Report to?” – **If the EEO Director does not report to the agency head**, enter the name and title of the person to whom the EEO Director reports.
- PART III Line C.3, “Who is Responsible for the Day-to-Day Operation of the EEO Program in Your Department/Agency/Organization?” - The name and title of the individual who is responsible for the day-to-day operation of the EEO program. This field is required.
- PART III Line C.4, “Who Does that Person Report to?” – The name and title of the individual who supervises the individual in PART III Line C.3. This field is required.

## PART III Frequently Asked Questions

- Q. In PART III Section A Line 1.a, “Total Work Force,” and Line 1.b, “Permanent Employees,” do we include employees who are on leave without pay (LWOP)?
- A. The specific status of an employee, e.g. on LWOP, does not affect the fact the individual is indeed an employee of the agency. Thus, these employee on LWOP should be counted.

# 6. PART IV – BASES AND ISSUES ALLEGED IN COMPLAINTS FILED

Figure 6.1. PART IV - Bases and Issues Alleged in Complaints Filed (Part 1)

PART IV - BASES AND ISSUES ALLEGED IN COMPLAINTS FILED (Part 1)												
ISSUES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION							TOTAL ALL BASES BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE	TOTAL ALL COMPLAINANTS BY ISSUE		
	RACE						COLOR				RELIGION	REPRISAL
	AMER. INDIAN ALASKA NATIVE	ASIAN	NATIVE HAWAIIAN /OTHER PACIFIC ISLANDER	BLACK/ AFRICAN AMERICAN	WHITE	TWO OR MORE RACES						
A. APPOINTMENT/HIRE									0	0	0	
B. ASSIGNMENT OF DUTIES									0	0	0	
C. AWARDS									0	0	0	
D. CONVERSION TO FULL TIME/PERM STATUS									0	0	0	
E. DISCIPLINARY ACTION	0	0	0	0	0	0	0	0	0	0	0	
1. DEMOTION									0	0	0	
2. REPRIMAND									0	0	0	
3. SUSPENSION									0	0	0	
4. REMOVAL									0	0	0	
5. DISCIPLINARY WARNING									0	0	0	
6.									0	0	0	
7.									0	0	0	
F. DUTY HOURS									0	0	0	
G. PERF. EVAL./APPRAISAL									0	0	0	
H. EXAMINATION/TEST									0	0	0	
I. HARASSMENT	0	0	0	0	0	0	0	0	0	0	0	
1. NON-SEXUAL									0	0	0	
2. SEXUAL									0	0	0	
J. MEDICAL EXAMINATION									0	0	0	
K. PAY INCLUDING OVERTIME									0	0	0	
L. PROMOTION/NON-SELECTION									0	0	0	
M. REASSIGNMENT	0	0	0	0	0	0	0	0	0	0	0	
1. DENIED									0	0	0	
2. DIRECTED									0	0	0	
N. REASONABLE ACCOMMODATION DISABILITY									0	0	0	
O. REINSTATEMENT									0	0	0	
P. RELIGIOUS ACCOMMODATION									0	0	0	
Q. RETIREMENT									0	0	0	
R. SEX-STEROTYPING									0	0	0	
S. TELEWORK									0	0	0	
T. TERMINATION									0	0	0	
U. TERMS/CONDITIONS OF EMPLOYMENT									0	0	0	
V. TIME AND ATTENDANCE									0	0	0	
W. TRAINING									0	0	0	
X. OTHER (Please specify below)	0	0	0	0	0	0	0	0	0	0	0	
1.									0	0	0	
2.									0	0	0	
3.									0	0	0	
4.									0	0	0	
53 TOTAL ALL ISSUES BY BASES	0	0	0	0	0	0	0	0	0	0	0	
54 TOTAL ALL COMPLAINTS FILED BY BASES												
55 TOTAL ALL COMPLAINANTS BY BASES												
56 EEOC FORM 462 (REVISED SEPTEMBER 2016)												

PART IV (Parts 1 and 2) collects the data on the bases and issues in all **formal** complaints **filed** during the reporting period. This includes 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 that were not alleged in the formal complaint.**

A complaint must contain at least one basis and at least one issue upon which relief may be granted. For example, agencies must report the number of complaints alleging that the complainant was sex-stereotyped and was not promoted/selected for a position [issue] because of the complainant's race (Black or African American) [basis]. Bases are listed across the top, and issues are listed on the far left.

In the Excel Tool, PART IV is on two worksheets PART IV (Part 1) and PART IV (Part 2). PART IV (Part 1) collects the information for complaints filed during the FY for the bases of Race, Color, Religion and Reprisal. The information for the rest of the bases (Sex, Pregnancy Discrimination Act, National Origin, Equal Pay Act, Age, Disability, and GINA) is collected on the PART IV (Part 2) worksheet in the Excel Tool.

### PART IV Issues of Alleged Discrimination and By Bases Totals Rows

The first vertical column (column A) identifies the issues of Alleged Discrimination which include:

- A. Appointment/Hire;
- B. Assignment of Duties;
- C. Awards;
- D. Conversion to Full-Time;
- E. Disciplinary Action (Demotion, Reprimand, Suspension, Removal, Disciplinary Warnings, Other);
- F. Duty Hours;
- G. Perf. Eval/Appraisal;
- H. Examination/Test;
- I. Harassment (Non-Sexual, Sexual);
- J. Medical Examination;
- K. Pay Including Overtime;
- L. Promotion/Non-Selection;
- M. Reassignment (Denied, Directed);
- N. Reasonable Accommodation Disability;
- O. Reinstatement;
- P. Religious Accommodation;
- Q. Retirement;
- R. Sex-Stereotyping;
- S. Telework;
- T. Termination;
- U. Terms/Conditions of Employment;
- V. Time and Attendance;
- W. Training; and
- X. Other.

If the issue of alleged discrimination is not already listed on the worksheet, please use the crosswalk in Appendix E that lists examples of alternative names for the pre-defined benefits and issues. If your benefit or issue is listed as an example in the crosswalk, please use the pre-defined benefit or issue that is already listed in the Excel Tool. This crosswalk applies to PART IV, PART IV C and PART IV D.

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**Your report may be rejected if you do not use the pre-defined issue when it is applicable and available.**

If the issue of alleged discrimination is not on the crosswalk, user-defined ("Other") categories may be used. In PART IV (Parts 1 and 2), categories can be added under Line E for "Other" categories of disciplinary action or in Line X for issues that do not fit in any of the issues listed in Lines A through W. If adding a user-defined category, type the name in the appropriate row of column A on PART IV (Part 2). It will auto-populate into PART IV (Part 1).

**Do not** write in the word "Other" as a user-defined category unless you plan to add a comment with descriptions of all issues recorded in that row on the Data Checks worksheet. If you are not using a user-defined issue, **do not** edit the fields designated for user-defined issues. See "User-Defined Categories Improperly Added to PART IV. Line X 'Other'".

**Figure 6.2. PART IV - Bases and Issues Alleged in Complaints Filed (Part 2)**

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
PART IV - BASES AND ISSUES ALLEGED IN COMPLAINTS FILED (Part 2)																
ISSUES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION															
	SEX			PREGNANCY	NATIONAL ORIGIN		EQUAL PAY ACT		AGE	DISABILITY		GINA	TOTAL ALL BASES BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE	
	MALE	FEMALE	LGBT	DISCRIMINATION ACT	HISPANIC/LATINO	OTHER	MALE	FEMALE		MENTAL	PHYSICAL					
A. APPOINTMENT/HIRE														0		
B. ASSIGNMENT OF DUTIES														0		
C. AWARDS														0		
D. CONVERSION TO FULL TIME/PERM STATUS														0		
E. DISCIPLINARY ACTION	0	0	0	0	0	0	0		0	0	0	0	0	0		
1. DEMOTION														0		
2. REPRIMAND														0		
3. SUSPENSION														0		
4. REMOVAL														0		
5. DISCIPLINARY WARNING														0		
6.														0		
7.														0		
F. DUTY HOURS														0		
G. PERF. EVAL/APPRaisal														0		
H. EXAMINATION/TEST														0		
I. HARASSMENT	0	0	0	0	0	0	0		0	0	0	0	0	0		
1. NON-SEXUAL														0		
2. SEXUAL														0		
J. MEDICAL EXAMINATION														0		
K. PAY INCLUDING OVERTIME														0		
L. PROMOTION/NON-SELECTION														0		
M. REASSIGNMENT	0	0	0	0	0	0	0		0	0	0	0	0	0		
1. DENIED														0		
2. DIRECTED														0		
N. REASONABLE ACCOMMODATION DISABILITY														0		
O. REINSTATEMENT														0		
P. RELIGIOUS ACCOMMODATION														0		
Q. RETIREMENT														0		
R. SEX-STEREOTYPING														0		
S. TELEWORK														0		
T. TERMINATION														0		
U. TERMS/CONDITIONS OF EMPLOYMENT														0		
V. TIME AND ATTENDANCE														0		
W. TRAINING														0		
X. OTHER (Please specify below)	0	0	0	0	0	0	0		0	0	0	0	0	0		
1.														0		
2.														0		
3.														0		
4.														0		
TOTAL ALL ISSUES BY BASES	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
TOTAL ALL COMPLAINTS FILED BY BASES																
TOTAL ALL COMPLAINANTS BY BASES																

Please note that the last three rows are the by bases total rows:

1. **“Total All Issues by Bases”** – This row is an auto calculation of the sum of the numbers reported in the corresponding column. Within each column, it is the sum of all the issues alleged for that basis in formal complaints during the reporting period.
2. **“Total All Complaints Filed by Bases”** – Cells in this row represent the number of complaints filed under the associated basis of alleged discrimination during the reporting period.

Within a column, the “Total All Complaints Filed by Bases” cell must be less than or equal to the “Total All Issues by Bases” cell because within a basis, a single complaint may have more than one issue. If a single complaint alleged more than one issue for the same basis, this complaint is only reported once in the proper “Total All Complaints Filed by Bases” cell.

3. **“Total All Complainants by Bases”** – Cells in this row represent the number of complainants who filed complaints under the associated basis of alleged discrimination during the reporting period.

Within a column, the “Total All Complainants by Bases” cell must be less than or equal to the “Total All Complaints Filed by Bases” cell. A complaint can only correspond to one complainant, but a complainant may file more than one complaint. Likewise, if a single complainant alleged more than one issue for the same basis, this complainant is only reported once in the proper “Total All Complainants by Bases” cell for the basis.

## PART IV Bases of Alleged Discrimination and By Issue Totals Columns

The horizontal header at the top of PART IV (Part 1) identifies the first few of bases of alleged discrimination:

- A. Race (Amer. Indian/Alaska Native, Asian, Native Hawaiian/Other Pacific Islander, Black/African American, White, and Two or More Races);
- B. Color;
- C. Religion; and
- D. Reprisal.

The horizontal header at the top of PART IV (Part 2) identifies the remaining bases of alleged discrimination:

- E. Sex (Male, Female, and LGBT);
- F. Pregnancy Discrimination Act;
- G. National Origin (Hispanic/Latino and Other);
- H. Equal Pay Act (Male and Female);
- I. Age;
- J. Disability (Mental and Physical); and
- K. GINA.

Please note that the last three columns are the by issue totals columns:

1. **“Total All Bases by Issue”** – This column is an auto calculation of the sum of the numbers reported in the corresponding row **across both PART IV (Part 1) and PART IV (Part 2)**. Within each row, it is the sum of all the bases alleged for that issue in formal complaints during the reporting period.
2. **“Total All Complaints by Issue”** – Cells in this column represent the number of complaints filed under the associated issue of alleged discrimination during the reporting period **across bases in both PART IV (Part 1) and PART IV (Part 2)**. This column can only be completed in PART IV (Part 2) and it will auto-populate from there into PART IV (Part 1).

Within a row, the “Total All Complaints by Issue” cell must be less than or equal to the “Total All Bases by Issue” cell because within an issue, a single complaint may have more than one basis. If a single complaint alleged more than one basis of discrimination for the same issue, this complaint is only reported once in the proper “Total All Complaints by Issue” cell.

3. **“Total All Complainants by Issue”** – Cells in this column represent the number of complainants who filed complaints under the associated issue of alleged discrimination during the reporting period **across bases in both PART IV (Part 1) and PART IV (Part 2)**. This column can only be completed in PART IV (Part 2) and it will auto-populate from there into PART IV (Part 1).

Within a row, the “Total All Complainants by Issue” cell must be less than or equal to the “Total All Complaints by Issue” cell. A complaint can only correspond to one complainant, but a complainant may file more than one complaint. Likewise, if a single complainant alleged more than one basis for the same issue, this complainant is only reported once in the proper “Total All Complainants by Bases” cell for the issue.

## User-Defined Categories Improperly Added to PART IV. Line X “Other”

**Issues** that can be reported under one of the existing issue categories should not be added as an “other” issue category in PART IV Line X. 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 Line X 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 reported in Form 462 at this time.

Issues regarding terminations involving reduction-in-force action(s) should be reported under Line T (Termination) and NOT under Line E.4 (Disciplinary Action - Removal) or Line X (Other). All issues regarding removals based on disciplinary actions should be reported in Line E.4 (Disciplinary Action - Removal).

### Example 10: Reporting Bases and Issues

*A single complainant alleged discrimination...*

- *Based on religion (Catholic) regarding denial of one (1) training opportunity and three (3) non-selections for promotion; and*
- *Based on reprisal regarding one (1) involuntary separation.*

*In PART IV, the agency should report one (1) training issue with religion as the basis of alleged discrimination in Line W, 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.*

## Tips for PART IV

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.

When 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 reported may be greater than the total number of individual complaints filed or the total number of complainants.

On the Data Checks worksheet, there is a **Populate with Zero's** button that will fill in any blank light blue cells with the number zero. When filling out the form, you are welcome to skip cells that are zeroes and click this button to automatically populate the remaining cells with zeroes.

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**DO NOT fill in the worksheet using copy and paste nor select and drag. This will corrupt the worksheet and you will have to start over. Excel Tools corrupted in this manner usually cannot be imported into a new Excel Tool.**

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## PART IV Frequently Asked Questions

**Q. Does information on informal complaints (counselings) get recorded in PART IV?**

A. No, PART IV collects data on formal complaints only.

**Q. Does PART IV include only accepted issues and bases or all alleged issues and bases?**

A. No, PART IV includes all issues and bases that **allege** discrimination or reprisal under one or more of the EEO statutes in complaints filed during the reporting period.

**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.

**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."

# 7. PART IV C – BASES AND ISSUES ALLEGED IN SETTLEMENTS<sup>1</sup>

PART IV C collects the data on the bases and issues alleged in all closed pre-complaint counseling settlements and closed formal complaint settlements. Data for PART IV C is collected on the same bases and issues and in the same two-Part format as those reported in PART IV. Data should only be reported for pre-complaint counseling settlements and complaint settlements that were closed during the reporting period. Data should not be reported for class actions.

Figure 7.1. PART IV C - Bases and Issues Alleged in Settlements (Part 1)

PART IV C - BASES AND ISSUES ALLEGED IN SETTLEMENTS (Part 1)															
ISSUES OF ALLEGED DISCRIMINATION IN SETTLEMENTS	BASES OF ALLEGED DISCRIMINATION IN SETTLEMENTS								NUMBER COUNSELING SETTLEMENT ALLEGATIONS	NUMBER COUNSELINGS SETTLED BY ISSUE	NUMBER INDIVIDUALS SETTLED WITH BY ISSUE	NUMBER COMPLAINT SETTLEMENT ALLEGATIONS	NUMBER COMPLAINTS SETTLED BY ISSUE	NUMBER COMPLAINTS SETTLED WITH BY ISSUE	
	RACE						COLOR	RELIGION							REPRISAL
	AMER. INDIAN/ ALASKA NATIVE	ASIAN	NATIVE HAWAIIAN/ OTHER PACIFIC ISLANDER	BLACK/ AFRICAN AMERICAN	WHITE	TWO OR MORE RACES									
A. APPOINTMENT/HIRE									0	0	0	0	0	0	
B. ASSIGNMENT OF DUTIES									0	0	0	0	0	0	
C. AWARDS									0	0	0	0	0	0	
D. CONVERSION TO FULL TIME/PERM STATUS									0	0	0	0	0	0	
E. DISCIPLINARY ACTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
1. DEMOTION									0	0	0	0	0	0	
2. REPRIMAND									0	0	0	0	0	0	
3. SUSPENSION									0	0	0	0	0	0	
4. REMOVAL									0	0	0	0	0	0	
5. DISCIPLINARY WARNING									0	0	0	0	0	0	
6.									0	0	0	0	0	0	
7.									0	0	0	0	0	0	
F. DUTY HOURS									0	0	0	0	0	0	
G. PERF. EVAL./APPRAISAL									0	0	0	0	0	0	
H. EXAMINATION/TEST									0	0	0	0	0	0	
I. HARASSMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
1. NON-SEXUAL									0	0	0	0	0	0	
2. SEXUAL									0	0	0	0	0	0	
J. MEDICAL EXAMINATION									0	0	0	0	0	0	
K. PAY INCLUDING OVERTIME									0	0	0	0	0	0	
L. PROMOTION/NON-SELECTION									0	0	0	0	0	0	
M. REASSIGNMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
1. DENIED									0	0	0	0	0	0	
2. DIRECTED									0	0	0	0	0	0	
N. REASONABLE ACCOMMODATION/ DISABILITY									0	0	0	0	0	0	
O. REINSTATEMENT									0	0	0	0	0	0	
P. RELIGIOUS ACCOMMODATION									0	0	0	0	0	0	
Q. RETIREMENT									0	0	0	0	0	0	
R. SEX-STEREOTYPING									0	0	0	0	0	0	
S. TELEWORK									0	0	0	0	0	0	
T. TERMINATION									0	0	0	0	0	0	
U. TERMS/CONDITIONS OF EMPLOYMENT									0	0	0	0	0	0	
V. TIME AND ATTENDANCE									0	0	0	0	0	0	
W. TRAINING									0	0	0	0	0	0	
X. OTHER (Please specify below)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
1.									0	0	0	0	0	0	
2.									0	0	0	0	0	0	
3.									0	0	0	0	0	0	
4.									0	0	0	0	0	0	
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 COMPLAINTANTS SETTLED WITH															

<sup>1</sup> In 2015, PART IV C and PART IV D replaced PART IV A and PART IV B.

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**Figure 7.2. PART IV C - Bases and Issues Alleged in Settlements (Part 2)**

AGENCY OR DEPARTMENT:	PART IV C - BASES AND ISSUES ALLEGED IN SETTLEMENTS (Part 2)														REPORTING PERIOD: FY20					
ISSUES OF ALLEGED DISCRIMINATION IN SETTLEMENTS	BASES OF ALLEGED DISCRIMINATION IN SETTLEMENTS														NUMBER COUNSELING SETTLEMENT ALLEGATIONS	NUMBER COUNSELINGS SETTLED BY ISSUE	NUMBER INDIVIDUALS SETTLED WITH BY ISSUE	NUMBER COMPLAINT SETTLEMENT ALLEGATIONS	NUMBER COMPLAINTS SETTLED BY ISSUE	NUMBER COMPLAINTS SETTLED WITH BY ISSUE
	SEX			PREGNANCY DISCRIMINATION ACT	NATIONAL ORIGIN		EQUAL PAY ACT		AGE	DISABILITY		GINA								
	MALE	FEMALE	LGBT		HISPANIC/LATINO	OTHER	MALE	FEMALE		MENTAL	PHYSICAL									
A. APPOINTMENT/HIRE																				
B. ASSIGNMENT OF DUTIES																				
C. AWARDS																				
D. CONVERSION TO FULL TIME/PERM STATUS																				
E. DISCIPLINARY ACTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1. DEMOTION																				
2. REPRIMAND																				
3. SUSPENSION																				
4. REMOVAL																				
5. DISCIPLINARY WARNING																				
6.																				
7.																				
F. DUTY HOURS																				
G. PERF. EVAL. APPRAISAL																				
H. EXAMINATION/TEST																				
I. HARASSMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1. NON-SEXUAL																				
2. SEXUAL																				
J. MEDICAL EXAMINATION																				
K. PAY INCLUDING OVERTIME																				
L. PROMOTION/NON-SELECTION																				
M. REASSIGNMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1. DENIED																				
2. DIRECTED																				
N. REASONABLE ACCOMMODATION/DISABILITY																				
O. REINSTATEMENT																				
P. RELIGIOUS ACCOMMODATION																				
Q. RETIREMENT																				
R. SEX-STEREOTYPING																				
S. TELEWORK																				
T. TERMINATION																				
U. TERMS/CONDITIONS OF EMPLOYMENT																				
V. TIME AND ATTENDANCE																				
W. TRAINING																				
X. OTHER (Please specify below)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1.																				
2.																				
3.																				
4.																				
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																				

Data entered in the center of the tables that delineate the data by both basis and issue will include data from both pre-complaint counseling settlements and formal complaint settlements within the same cell. The total rows and columns at the bottom and the far right of the tables separate the counts into pre-complaint counselings settlements (Lines 1, 1A, and 1B) and formal complaint settlements (Lines 2, 2A, and 2b).

The total rows at the bottom of the tables (both Part 1 and Part 2) should be filled out by basis. These rows are as follows:

- **PART IV C Line 1, "Counseling Settlement Allegations"** – The number of allegations made by basis in pre-complaint counselings that were closed by settlement.
- **PART IV C Line 1A, "Number of Counselings Settled"** – The number of pre-complaint counselings by basis that were closed by settlement.
- **PART IV C Line 1B, "Number of Counselees Settled with"** – The number of counselees by basis who closed their pre-complaint counselings by settlement.
- **PART IV C Line 2, "Complaint Settlement Allegations"** – The number of allegations made by basis in formal complaints that were closed by settlement.

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- **PART IV C Line 2A, "Number of Complaints Settled"** – The number of formal complaints by basis that were closed by settlement.
- **PART IV C Line 2B, "Number of Complainants Settled with"** – The number of complainants by basis who closed complaints by settlement.

PART IV C Part 1 shows the total columns for each issue across all bases, but the total data is entered in PART IV C Part 2, and the Excel Tool will auto-populate those numbers into the PART IV C Part 1 worksheet. Note that the total columns found on PART IV C Part 2 should be calculated using data from bases found in **both PART IV C Part 1 and PART IV C Part 2**. These columns are as follows:

- **PART IV C, "Number Counseling Settlement Allegations"** – The number of allegations made by issue in pre-complaint counselings that were closed by settlement.
- **PART IV C, "Number Counselings Settled by Issue"** – The number of pre-complaint counselings by issue that were closed by settlement.
- **PART IV C, "Number Individuals Settled with by Issue"** – The number of counselees by issue who closed their pre-complaint counselings by settlement.
- **PART IV C, "Number Complaint Settlement Allegations"** – The number of allegations made by issue in formal complaints that were closed by settlement.
- **PART IV C, "Number Complaints Settled by Issue"** – The number of formal complaints by issue that were closed by settlement.
- **PART IV C, "Number Complainants Settled with by Issue"** – The number of complainants by issue who closed their formal complaints by settlement.

## Caveats to PART IV C

The totals rows and columns are not auto-calculated by the worksheet; all cells require user input. To save time on PART IV C, agencies are advised to enter appropriate non-zero data in all PART worksheets (PARTS I through XII) and then click on the **Populate with Zero's** button on the **Data Checks** worksheet to populate all remaining data cells with zeroes. This feature is designed to save time on data entry.

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**DO NOT fill in the worksheet using copy and paste nor select and drag. This will corrupt the worksheet and you will have to start over. Excel Tools corrupted in this manner usually cannot be imported into a new Excel Tool.**

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Where two or more categories of bases and/or issues are included in a single settlement, the agency must record each category of basis and each category of issue alleged per settlement in all the appropriate columns/rows.

Because settlements often include more than one basis and/or issue in a single settlement, the number of bases and issues in the allegations total rows and columns may be greater than the number of associated counselings settled or complaints settled.

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Within the counseling-related total rows and total columns, the following rules apply:

- The number of counseling settlement allegations must be greater than or equal to the number of counselings settled.
- The number of counselings settled must be greater than or equal to the number of counsees/individuals settled with.
- If there are counseling settlement allegations, there must be counselings settled and counsees/individuals settled with.
- The number of counselings settled in each cell must be less than or equal to PART I Line D.3.a – Counselings (the number of Pre-Complaint Completed/Ended Counseling Settlements – Counselings)
- The number of counsees/individuals settled with in each cell must be less than or equal to PART I Line D.3.a – Individuals (the number of Pre-Complaint Completed/Ended Counseling Settlements – Individuals)
- The sum of the entire Number of Counselings Settled row (PART IV C Parts 1 and 2 Line 1A) must be greater than or equal to the number of Counselings reported in PART I Line D.3.a (Pre-Complaint Completed/Ended Counseling Settlements – Counselings)
- The sum of the entire Number Counselings Settled by Issue column must be greater than or equal to the number of Counselings reported in PART I Line D.3.a (Pre-Complaint Completed/Ended Counseling Settlements – Counselings)
- The sum of the entire Number of Counsees Settled with row (PART IV C Parts 1 and 2 Line 1B) must be greater than or equal to the number of Individuals reported in PART I Line D.3.a (Pre-Complaint Completed/Ended Counseling Settlements – Individuals)
- The sum of the entire Number Individuals Settled with by Issue column must be greater than or equal to the number of Individuals reported in PART I Line D.3.a (Pre-Complaint Completed/Ended Counseling Settlements – Individuals)

Within the complaint-related total rows and total columns, the following rules apply:

- The number of complaint settlement allegations must be greater than or equal to the number of complaints settled.
- The number of complaints settled must be greater than or equal to the number of complainants settled with.
- If there are complaint settlement allegations, there must be complaints settled and complainants settled with.
- The number of complaints settled in each cell must be less than or equal to PART VI Line A.2 – Total Number (Summary of [formal complaint] Closures by Category – Total Number of Closures – Settlements)
- The sum of the entire Number of Complaints Settled row (PART IV C Parts 1 and 2 Line 2A) must be greater than or equal to PART VI Line A.2 – Total Number (Summary of [formal complaint] Closures by Category – Total Number of Closures – Settlements)
- The sum of the entire Number of Complaints Settled by Issue column must be greater than or equal to PART VI Line A.2 – Total Number (Summary of [formal complaint] Closures by Category – Total Number of Closures – Settlements)

Across an individual issue row, the following rule applies:

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- If one sums all cells within an individual issue row other than the total columns (across PART IV C Parts 1 and 2), the sum must equal the Number Counseling Settlement Allegations in that row PLUS the Number Complaint Settlement Allegations in that row.

Across an individual basis column, the following rule applies:

- If one sums all cells within an individual basis column other than the total rows, the sum must equal Line 1 PLUS Line 2 (Counseling Settlement Allegations in that column PLUS the Complaint Settlement Allegations in that column).

# 8. PART IV D – BASES AND ISSUES FOUND IN FADS AND FINAL ORDERS

PART IV D collects the data on the bases and issues alleged in all closed complaints found in final agency decisions (FAD), Administrative Judge (AJ) decisions, and agency final orders (FO) with findings of discrimination issued during the reporting period. Data for this PART is collected on the same bases and issues in the same 2 Part format as those reported in PART IV. Data should only be reported for those complaints that were closed with findings during the reporting period. Data should not be reported for class actions.

Figure 8.1. PART IV D – Bases and Issues Found in FADs and Final Orders (Part 1)

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS (REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)																
AGENCY OR DEPARTMENT:															REPORTING PERIOD: FY2018	
PART IV D - BASES AND ISSUES FOUND IN FADs AND FINAL ORDERS (Part 1)																
ISSUES OF ALLEGED DISCRIMINATION FOUND IN FADs AND FINAL ORDERS	RACE					COLOR	RELIGION	REPRISAL	NUMBER FAD FINDINGS BY ISSUE	NUMBER OF FADs WITH FINDINGS ISSUED	NUMBER COMPLAINANTS ISSUED FAD FINDINGS BY ISSUE	NUMBER A/DECISION FINDINGS BY ISSUE	NUMBER A/DECISIONS WITH FINDINGS BY ISSUE	NUMBER FINAL ORDER FINDINGS FULLY IMPLEMENTED BY ISSUE	# FINAL ORDERS FULLY IMPLEMENTED BY ISSUE	# COMPLAINTS ISSUED FINAL ORDERS FULLY IMPLEMENTED BY ISSUE
	AMER. INDIAN/ ALASKA NATIVE	ASIAN	NATIVE HAWAIIAN/ OTHER PACIFIC ISLANDER	BLACK/ AFRICAN AMERICAN	WHITE	TWO OR MORE RACES										
A. APPOINTMENT/HIRE									0	0	0	0	0	0	0	0
B. ASSIGNMENT OF DUTIES									0	0	0	0	0	0	0	0
C. AWARDS									0	0	0	0	0	0	0	0
D. CONVERSION TO FULL TIME/PERM STATUS									0	0	0	0	0	0	0	0
E. DISCIPLINARY ACTION									0	0	0	0	0	0	0	0
1. DEMOTION									0	0	0	0	0	0	0	0
2. REPRISAL									0	0	0	0	0	0	0	0
3. SUSPENSION									0	0	0	0	0	0	0	0
4. REMOVAL									0	0	0	0	0	0	0	0
5. DISCIPLINARY WARNING									0	0	0	0	0	0	0	0
6.									0	0	0	0	0	0	0	0
7.									0	0	0	0	0	0	0	0
F. DUTY HOURS									0	0	0	0	0	0	0	0
G. PERF. EVAL APPRAISAL									0	0	0	0	0	0	0	0
H. EXAMINATION/TEST									0	0	0	0	0	0	0	0
I. HARASSMENT									0	0	0	0	0	0	0	0
1. NON-SEXUAL									0	0	0	0	0	0	0	0
2. SEXUAL									0	0	0	0	0	0	0	0
J. MEDICAL EXAMINATION									0	0	0	0	0	0	0	0
K. PAY/INCLUDING OVERTIME									0	0	0	0	0	0	0	0
L. PROMOTION/NO. SELECTION									0	0	0	0	0	0	0	0
M. REASSIGNMENT									0	0	0	0	0	0	0	0
1. DENIED									0	0	0	0	0	0	0	0
2. DIRECTED									0	0	0	0	0	0	0	0
N. REASONABLE ACCOMMODATION/ DISABILITY									0	0	0	0	0	0	0	0
O. REINSTATEMENT									0	0	0	0	0	0	0	0
P. RELIGIOUS ACCOMMODATION									0	0	0	0	0	0	0	0
Q. RETIREMENT									0	0	0	0	0	0	0	0
R. SEX/STEREOTYPING									0	0	0	0	0	0	0	0
S. TELEWORK									0	0	0	0	0	0	0	0
T. TERMINATION									0	0	0	0	0	0	0	0
U. TERMS/CONDITIONS OF EMPLOYMENT									0	0	0	0	0	0	0	0
V. TIME AND ATTENDANCE									0	0	0	0	0	0	0	0
W. TRAINING									0	0	0	0	0	0	0	0
X. OTHER (Please specify below)									0	0	0	0	0	0	0	0
1.									0	0	0	0	0	0	0	0
2.									0	0	0	0	0	0	0	0
3.									0	0	0	0	0	0	0	0
4.									0	0	0	0	0	0	0	0
Y. FINAL AGENCY DECISION FINDINGS																
Z. NUMBER OF FADs WITH FINDINGS																
AA. NUMBER OF COMPLAINTS ISSUED FAD FINDINGS																
AB. A/DECISION FINDINGS																
AC. NUMBER A/DECISIONS WITH FINDINGS																
AD. FINAL AGENCY ORDER FINDINGS FULLY IMPLEMENTED																
AE. # OF FINAL ORDERS (FOs) WITH FINDINGS IMPLEMENTED																
AF. # COMPLAINTS ISSUED FOs WITH FINDINGS IMPLEMENTED																

Data entered in the center of the tables that delineate the data by both basis and issue will include data from both FADs with findings and AJ decisions with findings. The total rows and columns at the bottom and the far right of the tables separate the counts into FADs with findings and AJ decisions with findings and have another section to report post-AJ decision FOs with the findings of discrimination fully implemented.

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**Figure 8.2. PART IV D – Bases and Issues Found in FADs and Final Orders (Part 2)**

AGENCY OR DEPARTMENT:	PART IV D – BASES AND ISSUES FOUND IN FADs AND FINAL ORDERS (Part 2)																	REPORTING PERIOD: FY2018			
ISSUES OF ALLEGED DISCRIMINATION FOUND IN FADs AND FINAL ORDERS	BASES OF ALLEGED DISCRIMINATION FOUND IN FADs AND FINAL ORDERS																	FINAL AGENCY ORDER FINDINGS FULLY IMPLEMENTED		COMPLAINANTS ISSUES FULLY IMPLEMENTED	
A. APPOINTMENT/HIRE	SEX	FREQUENCY	RATIONAL BASIS		EQUAL PRACTICE		AGE		DISABILITY		GMA	NUMBER FAD WITH FINDINGS BY ISSUE	NUMBER COMPLAINTANTS ISSUED FAD FINDINGS BY ISSUE	NUMBER AJ DECISION FINDINGS BY ISSUE	NUMBER AJ DECISIONS WITH FINDINGS BY ISSUE	NUMBER FINAL ORDER FINDINGS FULLY IMPLEMENTED BY ISSUE	NUMBER FINAL ORDERS FULLY IMPLEMENTED BY ISSUE	NUMBER COMPLAINTANTS ISSUES FULLY IMPLEMENTED BY ISSUE			
B. ASSIGNMENT OF DUTIES	MALE	FEMALE	LGBT	DISCRIMINATION ACT	HISPANIC/LATINO	OTHER	MALE	FEMALE	MENTAL	PHYSICAL											
C. AWARDS																					
D. CONVERSION TO FULL TIME/REG STATUS																					
E. DISCIPLINARY ACTION																					
1. REPRISAL																					
2. SUSPENSION																					
3. DEMOTION																					
4. REPRISAL																					
5. SUSPENSION																					
6. DEMOTION																					
7. DISCIPLINARY FINDINGS																					
8. OTHER																					
F. DUTY ASSIGN																					
G. REPRISAL																					
H. TERMINATION/RESIGN																					
I. HARASSMENT																					
1. NON-SEXUAL																					
2. SEXUAL																					
J. MEDICAL EXAMINATION																					
K. REASSIGNMENT/TRANSFER																					
L. PROMOTION/SELECTION																					
M. REASSIGNMENT																					
1. DENIED																					
2. DIRECTED																					
N. REASSIGNMENT/COMMITMENT/DISABILITY																					
O. REINSTATEMENT																					
P. RELIGIOUS ACCOMMODATION																					
Q. RETIREMENT																					
R. SEX/STAYING																					
S. TELEPHONE																					
T. TERMINATION																					
U. TERMS/CONDITIONS OF EMPLOYMENT																					
V. TIME AND ATTENDANCE																					
W. TRAINING																					
X. OTHER (Specify in Detail)																					
Y. OTHER																					
Z. OTHER																					
1. FINAL AGENCY ORDER FINDINGS																					
2. NUMBER OF COMPLAINTANTS ISSUED FAD FINDINGS																					
3. AJ DECISION FINDINGS																					
4. NUMBER AJ DECISIONS WITH FINDINGS																					
5. FINAL AGENCY ORDER FINDINGS FULLY IMPLEMENTED																					
6. # OF FINAL ORDERS FULLY IMPLEMENTED																					
7. # COMPLAINTANTS ISSUED FAD FINDINGS FULLY IMPLEMENTED																					
8. EEOC FORM 462 (REVISED SEPTEMBER 2016)																					

The total rows at the bottom of the tables (both Part 1 and Part 2) should be filled out by basis. These rows are as follows:

- **PART IV D Line 1, “Final Agency Decision Findings”** – The number of issues found in FADs closed during the reporting period under each basis.
- **PART IV D Line 1A, “Number of FADs with Findings”** – The number of FADs issued with findings of discrimination under each basis.
- **PART IV D Line 1B, “Number of Complainants Issued FAD Findings”** – The number of complainants who were issued FADs with findings of discrimination under each basis.
- **PART IV D Line 2, “AJ Decision Findings”** – The number of issues found in AJ decisions closed during the reporting period under each basis.
- **PART IV D Line 2A, “Number AJ Decisions with Findings”** – The number of AJ decisions issued with findings of discrimination under each basis.
- **PART IV D Line 3, “Final Agency Order Findings Fully Implemented”** – The number of issues found in fully implemented final agency orders (FOs) issued on AJ decisions under each basis during the reporting period.
- **PART IV D Line 3A, “# of Final Orders (FOs) with Findings Implemented”** - The number of fully implemented FOs issued with findings of discrimination under each basis.

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- PART IV D Line 3B, “# Complainants Issued FOs with Findings Implemented” – The number of complainants who were issued FOs with findings of discrimination fully implemented under each basis.

PART IV D Part 1 shows the total columns for each issue across all bases, but the total data is entered in PART IV D Part 2, and the Excel Tool will auto-populate those numbers into the PART IV D Part 1 worksheet. Note that the total columns found on PART IV Part 2 should be calculated using data from bases found in both PART IV D Part 1 and PART IV D Part 2. These columns are as follows:

- PART IV D, “Number FAD Findings by Issue” – The number of bases found in FADs closed during the reporting period under each issue.
- PART IV D, “Number of FADs with Findings Issued” – The number of FADs issued with findings of discrimination under each issue.
- PART IV D, “Number Complainants Issued FAD Findings by Issue” – The number of complainants who were issued FADs with findings of discrimination under each issue.
- PART IV D, “Number AJ Decision Findings by Issue” – The number of bases found in AJ decisions closed during the reporting period under each issue.
- PART IV D, “Number AJ Decisions with Findings by Issue” – The number of AJ decisions issued with findings of discrimination under each issue.
- PART IV D, “Number Final Order Findings Fully Implemented by Issue” – The number of bases found in fully implemented final agency orders (FOs) issued on AJ decisions under each issue during the reporting period.
- PART IV D, “#Final Orders w/ Findings Fully Implemented by Issue” - The number of fully implemented FOs issued with findings of discrimination under each issue.
- PART IV D, “# Complainants Issued Final Orders w/ Findings Fully Implemented by Issue” – The number of complainants who were issued FOs with findings of discrimination fully implemented under each issue.

Note that the wording of the total rows and columns are slightly different on the pdfs produced by FedSEP for review after uploading the Form. The order and meanings of the rows and columns are the same

## Caveats to PART IV D

The totals rows and columns are not auto-calculated by the worksheet; all cells require user input. To save time on PART IV D, agencies are advised to enter appropriate non-zero data in all PART worksheets (PARTS I through XII) and then click on the **Populate with Zero's** button on the **Data Checks** worksheet to populate all remaining data cells with zeroes. This feature is designed to save time on data entry.

**DO NOT fill in the worksheet using copy and paste nor select and drag. This will corrupt the worksheet and you will have to start over. Excel Tools corrupted in this manner usually cannot be imported into a new Excel Tool.**

Where two or more categories of bases and/or issues are included in a single complaint with findings, the agency must record each category of basis and each category of issue found in the appropriate columns/rows.

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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.

Within the FAD-related total rows at the bottom of the tables, the following rules apply:

- In each basis column,
  - Line 1, Final Agency Decision Findings, must be greater than or equal to Line 1.1a, Number FADs with Findings.
  - Line 1.1a, Number FADs with Findings, must be greater than or equal to Line 1.1b, Number Complainants Issued FAD Findings.
  - Each cell in Line 1.1a, Number FADs with Findings, must be less than or equal to PART VI Line B.1 – Total Number (Final Agency Decisions without an Administrative Judge Decision – Finding Discrimination).
- The sum of the entirety of Line 1.1a, Number FADs with Findings (PART IV D Parts 1 and 2), must be greater than or equal to PART VI Line B.1 – Total Number (Final Agency Decisions without an Administrative Judge Decision – Finding Discrimination).

Within the AJ Decision Findings-related total rows at the bottom of the tables, the following rules apply:

- In each basis column,
  - Line 2, AJ Decision Findings, must be greater than or equal to Line 2.2a, Number AJ Decisions with Findings.
  - Each cell in Line 2.2a, Number AJ Decisions with Findings, must be less than or equal to the sum of PART VI Line C.1.a (Final Agency Orders with an AJ Decision – AJ Decision Fully Implemented – Finding Discrimination) and PART VI Line C.2.a (Final Agency Orders with an AJ Decision – AJ Decision Not Fully Implemented – Finding Discrimination).
- The sum of the entirety of Line 2.2a, Number AJ Decisions with Findings (PART IV D Parts 1 and 2), must be greater than or equal to the sum of PART VI Line C.1.a (Final Agency Orders with an AJ Decision – AJ Decision Fully Implemented – Finding Discrimination) and PART VI Line C.2.a (Final Agency Orders with an AJ Decision – AJ Decision Not Fully Implemented – Finding Discrimination).

Within the Final Agency Order Findings Implemented-related total rows at the bottom of the tables, the following rules apply:

- In each basis column,
  - Line 3, Final Order Findings Implemented, must be greater than or equal to Line 3.3a, # of Final Orders (FOs) with Findings Implemented.
  - Line 3.3a, # of Final Orders (FOs) with Findings Implemented, must be greater than or equal to Line 3.3b, # of Complainants issued FOs with Findings Implemented.
  - Line 3, Final Order Findings Implemented, must be less than or equal to Line 2, AJ Decision Findings.

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- Line 3.3a, # of Final Orders (FOs) with Findings Implemented, must be less than or equal to Line 2.2a, Number AJ Decisions with Findings.
- Line 3.3a, # of Final Orders (FOs) with Findings Implemented, must be less than or equal to PART VI Line C.1.a (Final Agency Orders with an AJ Decision – AJ Decision Fully Implemented – Finding Discrimination)
- The sum of the entirety of Line 3.3a, # of Final Orders (FOs) with Findings Implemented (PART IV D Parts 1 and 2), must be greater than or equal to PART VI Line C.1.a (Final Agency Orders with an AJ Decision – AJ Decision Fully Implemented – Finding Discrimination).

Within each basis column, the sum of all issues for that basis must equal the sum of Line 1 (Final Agency Decision Findings) and Line 2 (AJ Decision Findings).

Within the FAD-related total columns at the right side of the tables, the following rules apply:

- In each issue row,
  - Number FAD Findings by Issue must be greater than or equal to Number of FADs with Findings by Issue.
  - Number of FADs with Findings by Issue must be greater than or equal to Number Complainant Issued FAD Findings by Issue
  - Each cell in Number of FADs with Findings by Issue must be less than or equal to PART VI Line B.1 – Total Number (Final Agency Decisions without an Administrative Judge Decision – Finding Discrimination).
- The sum of all cells in the Number of FADs with Findings by Issue column must be greater than or equal to PART VI Line B.1 – Total Number (Final Agency Decisions without an Administrative Judge Decision – Finding Discrimination).

Within the AJ Decision Finding-related total columns at the right side of the tables, the following rules apply:

- In each issue row,
  - Number AJ Decision Findings by Issue must be greater than or equal to Number AJ Decisions with Findings by Issue.
  - Each cell in the Number AJ Decisions with Findings by Issue column must be less than or equal to the sum of PART VI Line C.1.a (Final Agency Orders with an AJ Decision – AJ Decision Fully Implemented – Finding Discrimination) and PART VI Line C.2.a (Final Agency Orders with an AJ Decision – AJ Decision Not Fully Implemented – Finding Discrimination).
- The sum of all cells in the Number AJ Decisions with Findings by Issue column must be greater than or equal to the sum of PART VI Line C.1.a (Final Agency Orders with an AJ Decision – AJ Decision Fully Implemented – Finding Discrimination) and PART VI Line C.2.a (Final Agency Orders with an AJ Decision – AJ Decision Not Fully Implemented – Finding Discrimination).

Within the Final Order Findings Fully Implemented-related total columns at the right side of the tables, the following rules apply:

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- In each issue row,
  - # Final Order Findings Fully Implemented by Issue must be greater than or equal to # Final Orders w/Findings Fully Implemented by Issue.
  - # Final Orders w/Findings Fully Implemented by Issue must be greater than or equal to # Complainants Issued Final Orders w/Findings Fully Implemented by Issue.
  - # Final Order Findings Fully Implemented by Issue must be less than or equal to Number AJ Decision Findings by Issue.
  - # Final Orders w/Findings Fully Implemented by Issue must be less than or equal to Number AJ Decisions with Findings by Issue.
- The sum of all cells in the # Final Order Findings Fully Implemented by Issue column must be greater than or equal to PART VI Line C.1.a (Final Agency Orders with an AJ Decision – AJ Decision Fully Implemented – Finding Discrimination).

Within each issue row, the sum of all bases for that issue must be equal to the sum of Number FAD Findings by Issue and Number AJ Decision Findings by Issue.

## 9. PART V – SUMMARY OF CLOSURES BY STATUTE

Figure 9.1. PART V - Summary of Closures by Statute

PART V - SUMMARY OF CLOSURES BY STATUTE	
<b>A. STATUTE</b>	(IF A SINGLE COMPLAINT HAS MULTIPLE STATUTES RECORD EACH ON THE APPROPRIATE LINE.)
	1. TITLE VII
	1a. PREGNANCY DISCRIMINATION ACT (PDA)
	2. AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)
	3. REHABILITATION ACT
	4. EQUAL PAY ACT (EPA)
	5. GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)
<b>B. TOTAL BY STATUTES</b>	
	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 for that statute.

- **PART V Line A.1, "Title VII"** – The number of 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 Line A.1a.**

- **PART V Line A.1a, "Pregnancy Discrimination Act (PDA)"** – The number of closed complaints that alleged sex discrimination which arise under the Pregnancy Discrimination Act (PDA).

**Note: Complaints alleging sex discrimination arising under the PDA should not be reported in Line A.1 unless another Title VII basis of discrimination is alleged.**

- **PART V Line A.2, "Age Discrimination in Employment Act (ADEA)"** – The number of closed complaints alleging discrimination based on age (40 years or older) which arise under the Age Discrimination in Employment Act (ADEA).
- **PART V Line A.3, "Rehabilitation Act"** – The number of closed complaints alleging discrimination based on physical and/or mental disability which arise under the Rehabilitation Act.
- **PART V Line A.4, "Equal Pay Act (EPA)"** – The number of closed complaints alleging discrimination in salary/wage based on sex which arise under the Equal Pay Act (EPA) and may arise under Title VII. If both statutes are alleged, then the complaint should be counted on both Lines A.1 and A.4.

- **PART V Line A.5, "Genetic Information Non-Discrimination Act (GINA)"** – The number of closed complaints alleging discrimination based on genetic information that arise under the Genetic Information Non-Discrimination Act (GINA).
- **PART V Line B, "Total by Statutes"** – This Number May Be Larger than the Total Number of Complaints Closed. (A1+A1a+A2+A3+A4+A5)" – The total of all statutes alleged in closed complaints reported on lines A.1, A.1a, A.2, A. 3, A.4 and A.5 is auto-calculated by the worksheet. 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 V Frequently Asked Questions

- 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.

## 10. PART VI – SUMMARY OF CLOSURES BY CATEGORY

Figure 10.1. PART VI - Summary of Closures by Category (Sections A, B, and C)

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
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
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

In PART VI, Summary of Closures by category, report data on the number and time periods for various categories of complaint closures.

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 FAD) to the date of complaint closure (merit FAD 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 worksheet auto-calculates average days for every line. The worksheet also auto-calculates total number and total days for some lines.

## PART VI Section A – Total Number of Closures

- **PART VI Line A, “Total Number of Closures”** – The worksheet automatically calculates the total number of closures and total days by adding the number of closures reported on Lines A.1 + A.2 + A.3.
- **PART VI Line A.1, “Withdrawals”** – The worksheet automatically calculates the number of closures by withdrawal and days by adding the numbers reported on Lines A.1.a + A.1.b.
  - **PART VI Line A.1.a, “Non-ADR Withdrawals”** – The number and total days for non-ADR withdrawals from the EEO complaint process. Total days are calculated from the date of complaint filing to the date of withdrawal.
  - **PART VI Line A.1.b, “ADR Withdrawals”** – The number and total days for ADR withdrawals from the EEO complaint process. Total days are calculated from the date of complaint filing to the date of withdrawal.
- **PART VI Line A.2, “Settlements”** – The worksheet 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 Line A.2.a, “Non-ADR Settlements”** – The number and total days for non-ADR settlements. Include settlements by AJs using ADR techniques. Total days are calculated from the date of complaint filing to the date of settlement.
  - **PART VI Line A.2.b, “ADR Settlements”** – 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 Line A.3, “Final Agency Actions”** – The worksheet automatically calculates the number and total days for final agency actions by adding Lines B and C. That is the number of FADs without an AJ Decision plus the number of Final Agency Orders with an AJ Decision.

**Note: PART VI Line 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 Line A.2.a, regardless of whether an ADR technique might have been used to obtain the settlement.**

## PART VI Section B – Final Agency Decisions without an Administrative Judge Decision

**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 Line B, “Final Agency Decisions without an Administrative Judge Decision”** – The worksheet automatically calculates the number and total days totals by adding the data reported on Lines B.1 + B.2 + B.3.

- **PART VI Line B.1, "Finding Discrimination"** – The number and total days for FADs with any finding of discrimination.
- **PART VI Line B.2, "Finding No Discrimination"** – The number and total days for FADs with no finding of discrimination.
- **PART VI Line B.3, "Dismissal of Complaints"** – The number and total days for FADs dismissing the entire complaint.

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**

**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 (**PART VI** Section C.1) or not fully implementing the AJ decision (**PART VI** 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 Line C, "Final Agency Orders with an Administrative Judge (AJ) Decision"** – The worksheet automatically calculates the total number of FOs by adding the number of FOs and days reported on Lines C.1 + C.2.
- **PART VI Line C.1, "AJ Decision Fully Implemented"** – The worksheet 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 Line C.1.a, "Finding Discrimination"** – The number and total days for FOs fully implementing AJ decisions containing any finding of discrimination. Total days are calculated from the date of complaint filing to the date of FO issuance.
  - **PART VI Line C.1.b, "Finding No Discrimination"** – 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 Line C.1.c, "Dismissal of Complaints"** – 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 Line C.2, "AJ Decision Not Fully Implemented"** – The worksheet 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 Line C.2.a, "Finding Discrimination"** – The worksheet automatically calculates the number and days of FOs not fully implementing AJ decisions containing any finding of discrimination by adding the numbers reported on Lines C.2.a.i + C.2.a.ii + C.2.a.iii.
    - **PART VI Line C.2.a.i, "Agency Appealed Finding but Not Remedy"** – The number and total days for FOs not fully implementing AJ decisions containing any

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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 Line C.2.a.ii, "Agency Appealed Remedy but Not Finding"** – The number and total days for FOs not fully implementing AJ decisions containing any 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 Line C.2.a.iii, "Agency Appealed Both Finding and Remedy"** – 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.
- **PART VI Line C.2.b, "Finding No Discrimination"** – 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 Line C.2.c, "Dismissal of Complaints"** – 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

**Figure 10.2. PART VI Section D - Final Agency Merit Decisions (FAD) Issued**

<b>PART VI - SUMMARY OF CLOSURES BY CATEGORY (Continued)</b>			
		TOTAL	TOTAL
		NUMBER	DAYS
			AVERAGE
			DAYS
<b>D. FINAL AGENCY MERIT DECISIONS (FAD) ISSUED</b>	(1+2+3+4)	0	0
1. COMPLAINANT REQUESTED IMMEDIATE FAD	(1a+1b)	0	0
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
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
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
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.

Time limits are established by regulation:

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- **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.

**Note: This section does not include agency dismissal decision information. Mixed cases are only reported here if a FAD was issued by the agency during the reporting period. Such mixed cases should be reported on Line D.4.a or Line D.4.b (see below and Appendix C).**

Average Days are automatically calculated for all rows in this section.

- **PART VI Line D, "Final Agency Merit Decisions (FAD) Issued"** – The worksheet automatically calculates the total number and days for merit FADs issued by adding the numbers reported on Lines D.1 + D.2 + D3 + D4.
- **PART VI Line D.1, "Complainant Requested Immediate FAD"** – The worksheet automatically calculates the total number and days for merit FADs for which the complainant requested an immediate FAD by adding the numbers reported on Lines D.1.a + D.1.b.
  - **PART VI Line D.1.a, "Agency Issued FAD within 60 Days of Receipt of FAD Request"** – 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 Line D.1.b, "Agency Issued FAD More than 60 Days Beyond Receipt of FAD Request"** – 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 Line D.2, "Complainant Did Not Elect Hearing or FAD"** – The worksheet automatically calculates the total number and days for merit FADs for which the complainant did not elect a hearing or FAD by adding the totals reported on Lines D.2.a + D.2.b.
  - **PART VI Line D.2.a, "Agency Issued FAD within 60 Days of End of 30-Day Election Period"** –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 Line D.2.b, "Agency Issued FAD more than 60 Days Beyond End of 30-Day Election Period"** – 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.

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- PART VI Line D.3, “Hearing Requested; AJ Returned Case to Agency for FAD without AJ Decision” – The worksheet automatically calculates the total number and days for merit FADs for which a hearing was requested and the AJ returned the case to the agency for a FAD without an AJ decision. This is calculated by adding the totals reported on Lines D.3.a + D.3.b.
  - PART VI Line D.3.a, “Agency Issued FAD within 60 Days of Receipt of AJ Returned Case for FAD Issuance” – 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.
  - PART VI Line D.3.b, “Agency Issued FAD More than 60 Days after Receipt of AJ Returned Case for FAD Issuance” – 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 Line D.4, “Final Agency Decision Issued on a Mixed Case” – The worksheet automatically calculates the total number and days reported by adding the totals reported on Lines D.4.a + D.4.b. See Appendix C for guidance on reporting mixed cases.
  - PART VI Line D.4.a, “Agency Issued FAD within 45 Days after Investigation” – The number and total days for agency issued merit mixed case FADs 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 Line D.4.b, “Agency Issued FAD More than 45 Days after Investigation” – The number and total days for agency issued merit mixed case FADs 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 Lines B.1 and B.2.

**NOTE: The days in PART VI D will not equal the days in PART VI B as the days reported in PART VI B are calculated from the date the complaint was filed.**

## PART VI Frequently Asked Questions

- 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. 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 D.1, the date of the agency’s receipt of a request for a FAD; subsection D.2, the end of the 30-day election period; subsection D.3, the date of the agency’s receipt of the AJ remand

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order for FAD without an Administrative Judge's decision; and subsection D.4, the date of the agency's issuance of a ROI after the mixed case investigation.

- Q. An EEOC appellate decision found that the agency failed to comply with the terms of a settlement agreement and ordered that the complaint be reopened. How should days be calculated for PART VI?**
- A. As with other remands, processing time for closures should be reported from the date of remand order to the date of closure.
- 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 processing time should be reported from the date of the remand order to the date of closure (or if pending, to the end of reporting period in PART VIII).
- Q. If a case is dismissed via an order granting summary judgment, would that count as a "dismissal" under PART VI Line C.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.
- 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 Line B.3, "Dismissal of Complaints".
- 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 PART VI of the Form 462 report?**
- A. Once the agency issues its final decision without an AJ decision, it should be reported on PART VI Line A.3; on PART VI Lines B.1, B.2 or B.3 (depending on the content of the FAD); and, if the FAD included a decision on the merits of the claim, in PART VI Section D.
- 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 Line A.2 and any related corrective actions should be reported in PART VII.

# 11. PART VII – SUMMARY OF FORMAL COMPLAINTS CLOSED BY TYPES OF BENEFITS

Figure 11.1. PART VII - Summary of Formal Complaints Closed by Types of Benefits

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		
5.		
6.		
D. INTENTIONALLY LEFT BLANK		
E. TOTAL CLOSURES WITH NON-MONETARY BENEFITS TO COMPLAINANT		
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. NEUTRAL REFERENCE		
13.		
14.		

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

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agency order agreeing to fully implement an AJ'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 AJ'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 (non-monetary benefit) **with or without** also agreeing to provide monetary benefits.

- **PART VII Line A, "Total Complaints Closed with Benefits"** – The total number of complaint closures awarded benefits (Monetary and/or non-Monetary).
  
- **PART VII Line B, "Total Closures with Monetary Benefits to the Complainant"** – The number of complaint closures with monetary benefits to Complainants. The worksheet automatically calculates the total amount of monetary benefits awarded by adding the amounts reported in PART VII Lines B.1 + B.2 + B.3 + B.4.
  - **PART VII Line B.1, "Back Pay/Front Pay"** – The number of complaint closures and the dollar amount of benefits wherein the complainant was awarded back pay and/or front pay.
  - **PART VII Line B.2, "Lump Sum Payment"** – The number of complaint closures and the dollar amount of benefits wherein the complainant was awarded a lump sum payment.
  - **PART VII Line B.3, "Compensatory Damages"** – The number of complaint closures and the dollar amount of benefits wherein the complainant was awarded compensatory damages.
  - **PART VII Line B.4, "Attorney Fees and Costs"** – The number of complaint closures and the dollar amount of benefits wherein the complainant was awarded attorney's fees and costs.
  - **PART VII Lines B.5 and B.6, User-defined benefits** - The number of complaint closures wherein the complainant was awarded monetary benefits not in any of the categories listed above. Remember to use the crosswalk in Appendix E to avoid using these lines. The agency administrator may only add other types of benefits if needed; before doing so the agency administrator must confirm that the benefits do not fit into the pre-defined categories.
  
- **PART VII Line D, "Intentionally Left Blank"** – Data is no longer collected on this Line.
  
- **PART VII Line E, "Total Closures with Non-Monetary Benefits to Complainant"** – The total number of complaint closures with non-monetary benefits to complainant.
  
- **PART VII Section F, "Types of Benefits in Non-Monetary Closures"** – Provides a list of common non-monetary benefits awarded in complaint closures.

In the "Number of Closures that Received Monetary Benefits as Well" column, report the number of complaint closures where the complainant received one or more types of the listed non-monetary benefit and also received monetary benefits. For example, if a complaint closure awarded the complainant reassignment and back pay, this would be reported on Line B.1 **and** in the "Number of Closures that Received Monetary Benefits as Well" column on Line F.4.

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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” column on lines F.3 **and** F.11.

For another example, if the complainant was awarded a retroactive appointment (hire) and no monetary benefits, report the closure in the “Number of Closures That Received Only Non-Monetary Benefits” column.

If the complainant received both a retroactive hire and a monetary benefit, like a lump sum payment, report the closure in the “Number of Closures That Received Monetary Benefits as Well” column. A closure should only be reported in one of the two columns but may be reported in multiple rows.

- PART VII Line F.1, “Hires” – The worksheet automatically calculates each column of Hires by adding the data reported in Lines F.1.a + F.1.b.
  - PART VII Line F.1.a, “Retroactive” – The number of complaint closures wherein the complainant was awarded only a retroactive appointment.
  - PART VII Line F.1.b, “Non-Retroactive” – The number of complaint closures wherein the complainant was awarded a non-retroactive appointment.
- PART VII Line F.2, “Promotions” – The worksheet automatically calculates each column of this line by adding the data reported in Lines F.2.a + F.2.b.
  - PART VII Line F.2.a, “Retroactive” – The number of complaint closures wherein the complainant was awarded a retroactive promotion.
  - PART VII Line F.2.b, “Non-Retroactive” – The number of complaint closures wherein the complainant was awarded a non-retroactive promotion.
- PART VII Line F.3, “Expungements” – The number of complaint closures wherein the complainant was awarded an expungement.
- PART VII Line F.4, “Reassignments” – The number of complaint closures wherein the complainant was awarded a reassignment.
- PART VII Line F.5, “Removals Rescinded” – The worksheet automatically calculates each column of this line by adding the data reported in Lines F.5.a + F.5.b.
  - PART VII Line F.5.a, “Reinstatement” – The number of complaint closures wherein the complainant was awarded a reinstatement.
  - PART VII Line F.5.b, “Voluntary Resignation” – The number of complaint closures wherein the complainant was awarded a voluntary resignation.
- PART VII Line F.6, “Accommodations” – The number of complaint closures wherein the complainant was awarded an accommodation.
- PART VII Line F.7, “Training” – The number of complaint closures wherein the complainant was awarded training.
- PART VII Line F.8, “Apology” – report the number of complaint closures wherein the complainant was awarded an apology.

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- PART VII Line F.9, “Disciplinary Actions” – The worksheet automatically calculates each column of this line by adding the data reported in Lines F.9.a + F.9.b.
  - PART VII Line F.9.a, “Rescinded” –The number of complaint closures wherein the complainant was awarded a rescinded disciplinary action.
  - PART VII Line F.9.b, “Modified” – The number of complaint closures wherein the complainant was awarded a modified disciplinary action.
- PART VII Line F.10, “Performance Evaluation” – The number of complaint closures wherein the complainant was awarded a modified performance evaluation.
- PART VII Line F.11, “Leave Restored” – The number of complaint closures wherein the complainant was awarded a restoration of leave.
- PART VII Line F.12, “Neutral Reference” – The number of complaint closures wherein the complainant was awarded a neutral reference.
- PART VII Lines F.13 & 14, User-defined benefits – The number of complaint closures wherein the complainant was awarded non-monetary benefits not in any of the categories listed above. Remember to use the crosswalk in Appendix E to avoid using these lines. The agency administrator may only add other types of benefits if needed; before doing so the agency administrator must confirm that the benefits do not fit into the pre-defined categories.

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

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Appendix E contains a crosswalk of benefit descriptions.

### **Example 11: Properly Adding User-Defined Types of Benefit Categories**

*When adding a user-defined category, avoid categories that do not identify a benefit. For example, a “Cease Practices Complained of” category or simply “Other” is lacking in specificity such that it could include several of the pre-defined types of benefits (denial of training, transfer, promotion, etc.). On the other hand, when adding a user-defined category, do not choose overly specific labels since the number of these categories is limited. See Appendix E for assistance in accurately reporting benefits.*

*Use a general category description that will encompass multiple situations when adding user-defined categories. For example, “Improved Terms/Conditions of Employment” might include changes in work schedules, improved communications, modified performance requirements, provision of equipment (not as a reasonable accommodation), and reassignment of a supervisor in response to a sexual harassment allegation.*

*An example of a user-defined types of benefit categories properly added to PART VII Section F could be non-monetary “Awards” like a certificate.*

## PART VII Frequently Asked Questions

**Q. What data should be entered in the two columns in PART VII Section F, “Types of Benefits in Non-Monetary Closures”?**

- 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 “Hires” (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 one or more non-monetary actions (hire/appointment, performance evaluation modified, etc.) **and a monetary payment** (back-pay/front-pay, lump sum payment, compensatory damages, and/or attorney fees and costs).

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 an additional separate payment (backpay, compensatory damages, and/or attorney fees and costs) as part of the settlement agreement.

**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.

## 12. PART VIII – SUMMARY OF PENDING COMPLAINTS BY CATEGORY

Figure 12.1. 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 CASE EEOC HEARING #
	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		
2a. COMPLAINTS PENDING 180 DAY INVESTIGATION NOTICE			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, complaints that have not yet closed including the number of pending cases, total number of days, and days that the oldest case is pending. It also collects the "Oldest Case EEOC Hearing #" for cases pending in hearings at EEOC.

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.

- **PART VIII Line A, "Total Complaints Pending"** – The worksheet 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 on PART II Line I, "Complaints on Hand at the End of the Reporting Period".
- **PART VIII Line A.1, "Complaints Pending Written Notification"** – 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" for Line A.1 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.
- **PART VIII Line A.1a. "Complaints Pending Decision to Accept/Dismiss"** – The number of complaints and days awaiting the decision to accept or dismiss the complaint. The "Number of Days" for Line A.1a 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

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(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, "Complaints Pending in Investigation"** – 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" 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.

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**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.**

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- **PART VIII Line A.2a, "Complaints Pending 180-Day Investigation Notice"** – The number of complaints pending a 180-Day Notice from the agency per 29 C.F.R. 1614.108(g). The "Number of Days" is the total number of days a complainant has waited for the issuance of the Notice, 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. **These pending complaints are a subset of PART VIII Line A.2, "Complaints Pending in Investigation," and are not double counted in the Total Complaints Pending count.**
- **PART VIII Line A.3, "Complaints Pending in Hearings"** – The number of complaints for which the complainant requested a hearing and for which the agency had not received decision on the complaint from the AJ nor an order for the issuance of a final agency decision without a hearing from the AJ prior to the end of the reporting period. The "Number of Days" 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 Case EEOC Hearing #**" is to be reported if the agency has any cases pending in Hearings. The agency **must** provide the **EEOC** hearing/docket number for the **oldest case pending in hearing it is reporting**. This information will be provided to the appropriate personnel at EEOC to determine the status and updated information may be provided. The format should be

###-YYYY-#####X

where "#" is a number, "YYYY" is a four-digit year, and "X" is always the letter "X".

- **PART VIII Line A.4, "Complaints Pending a Final Agency Action"** – The number of complaints awaiting the issuance of final agency action. This pending status includes

complaints for which the investigative file, the immediate decision/hearing election letter were issued, **AND** one of the following applies:

- o No hearing request or immediate FAD request was received by the end of the reporting period; or
- o An AJ returned the complaint to the agency for a final agency decision (without an AJ decision) that the agency did not issue by the end of the reporting period; or
- o 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” 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 VIII Frequently Asked Questions

**Q. A case was partially dismissed, was investigated, and was at the hearing stage. The investigation was over, but the AJ ordered a supplemental investigation on the dismissed issue, and the file was returned to the AJ on 10/1/2020 (in FY 2021). Where is it counted?**

- A. Count the case as pending in hearings. The AJ order for supplemental investigation is not a remand. The AJ is charged with supplementing the record “without resort to remands”. The AJ remains in charge of the complaint. He or she could elect to conduct discovery but can “order” a supplement to record within a specified period of time. There is no specific time limit.

**In this case, how would the days be calculated to indicate the length of days an agency takes to complete the investigation?**

- A. 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. If this was not following an appeal to the Office of Federal Operations, the days are counted from the date the complaint was filed.

**Q. Where are appeals recorded?**

- A. Appeals are not recorded on the EEOC Form 462 Report.

**Q. We have 12 consolidated cases, spanning some 10 years. On September 4<sup>th</sup>, the AJ remanded the cases without a hearing and sent the case back to the agency for a FAD on the merits because the complainant would not cooperate. The agency had not yet issued the FAD by September 30<sup>th</sup>. Where should these 12 cases be recorded?**

- A. They should be on Line A.4, “Complaints Pending a Final Agency Action.”

**How should the Number of Days Pending be calculated for these consolidated cases?**

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Each case's days should be calculated from the date they were remanded (September 4th through September 30 (or 26 days). The total for these cases will be 26 days times 12 complaints for 312 total days pending on Line A.4.

- 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. Where should these complaints to be counted?**
- A. Cases on appeal are not recorded on the EEOC Form 462 report. If these cases are remanded at a later date, actions should be recorded on future EEOC Form 462 report(s).
- 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 OFO, it is pending before OFO, not the agency. Therefore, it is not reported on the EEOC Form 462 report.
- Q. An EEOC appellate decision found that the agency failed to comply with the terms of a settlement agreement and ordered that the complaint be reopened. How should days be calculated for PART VIII?**
- A. As with other pending remands, processing time should be reported from the date of the remand order to September 30<sup>th</sup> (end of reporting period).
- 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 cases to the agency. Count as a remand in PART II Line C and the processing time should be reported from the date of the remand order to the date of closure (or if pending, to the end of reporting period [September 30<sup>th</sup>]).

## 13. 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 are the total number of investigations and days reported, but also the investigation costs which are used to calculate the average costs per investigation. A Cost of Investigations Worksheet is provided in Appendix F.

Figure 13.1. PART IX Summary of Investigations Completed

PART IX - SUMMARY OF INVESTIGATIONS COMPLETED				
		TOTAL	TOTAL DAYS	AVERAGE
A. INVESTIGATIONS COMPLETED DURING REPORTING PERIOD	(1+3)	0	0	0.00
AGENCY INVESTIGATIONS				
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
CONTRACT INVESTIGATIONS				
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 Regulations

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

- **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 to 360 days that are extended due to amendments, written agreements, and/or sanitizing may be considered timely.

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** from 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.

## PART IX Data

**Note:** The worksheet automatically calculates all average days and average costs in PART IX.

- **PART IX Line A, "Investigations Completed During the Reporting Period"** – The worksheet automatically calculates the total number and days of investigations completed in the reporting period by adding PART IX Lines A.1 + A.3.

### Agency Investigations

- **PART IX Line A.1, "Investigations Completed by Agency Personnel"** – The worksheet automatically calculates the number and days of investigations completed by agency personnel by adding PART IX Lines A.1.a + A.1.b + A.1.c.
  - **PART IX Line A.1.a, "Investigations Completed in 180 Days or Less"** – The number of investigations completed in 180 days or less and the total days used to complete them by agency personnel.
  - **PART IX Line A.1.b, "Investigations Completed in 181-360 Days"** – The worksheet automatically calculates the number and days of investigations completed by agency personnel in 181-360 days by adding PART IX Lines A.1.b.1 + A.1.b.2.
    - **PART IX Line A.1.b.1, "Timely Completed Investigations"** – The number of timely 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, "Untimely Completed Investigations"** – The number of untimely investigations completed within 181 to 360 days by agency personnel and the total days used to complete them.
  - **PART IX Line A.1.c, "Investigations Completed in 361 or More Days"** – 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, "Agency Investigation Costs"** – The costs of investigations completed by agency personnel by including both salaries and miscellaneous costs. The worksheet automatically calculates the average agency investigation costs.

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 spent in conducting the investigations as well as 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.

### Contract Investigations

- **PART IX Line A.3, "Investigations Completed by Contractors"** – The worksheet 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 "Investigations Completed in 180 Days or Less"** – The number of investigations completed in 180 days or less and the total days used to complete them by contractors.
  - **PART IX Line A.3.b, "Investigations Completed in 181-360 Days"** – The worksheet automatically calculates the number and days of investigations completed by contractors within 181-360 days by adding PART IX Lines A.3.b.1 + A.3.b.2.
    - **PART IX Line A.3.b.1, "Timely Completed Investigations"** – The number of timely investigations completed within 181 to 360 days by contractors and the total days used to complete them.
    - **PART IX Line A.3.b.2, "Untimely Completed Investigations"** – The number of untimely investigations completed within 181 to 360 days by contractors and the total days used to complete them.
  - **PART IX Line A.3.c, "Investigations Completed in 361 or More Days"** – The number of investigations completed in 361 or more days by contractors and the total number of days used to complete them.
- **PART IX Line 4, "Contractor Investigation Costs"** – The costs of investigations completed by contractors, including the cost of the contract, salaries, and miscellaneous costs. The worksheet automatically calculates the average contractor 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 spent 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 DOD Agencies

**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 Line 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 IX Frequently Asked Questions

**Q. I am a preparer, and to the best of my knowledge, my agency has not tracked all 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 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.

**Q. We have a few cases where the complainants continued to amend their complaints throughout the investigation process. For example, a complaint was filed in October 2019 and was amended in November, December, January, and May. The investigation was completed in June, and then, the complainant attempted to amend the complaint in August again after requesting a hearing. If the May amendment overrides the original file date (October 2019), then the investigation for this case would be 42 days. Should we report the 42 days based on the date of the May amendment, or should we report 244 days based on the date of the original complaint’s filing?**

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 as timely (in PART IX A.1.b) or as untimely ( in PART IX Line A.3.b), see 29 CFR 1614.106(e); that provides where a complaint has been amended, the agency shall complete its investigation within 180 days after the last amendment to the complaint **or** within 360 days after the filing of the original complaint, whichever comes first.

**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.”

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

PART X collects EEO ADR (Alternative Dispute Resolution) 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.

ADR 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.

### PART X 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 90<sup>th</sup> 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.
- See also Management Directive 110 Chapter 3 - Alternative Dispute Resolution.

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 Line C.4 on the Data Checks worksheet.

**Caution!!! In all rows, the total number of individuals should be less than or equal to the total number of counselings.**

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

## PART X Section B - ADR Actions in Completed/Ended Counselings

Figure 14.1. 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, "ADR Offered by Agency" – 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 number 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 EEOC Form 462 report. See Frequently Asked Questions for more details.

Note: Where the Agency allows a management official to determine that the agency will not follow through with ADR after ADR has been offered and accepted by the Counselee, the agency should provide an agency official with settlement authority to proceed with the ADR pursuant to MD-110. The result of the ADR should be reported in PART X Line E.

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- **PART X Line B.2, “Rejected by Individual (Counselee)”** – 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”** – This data is no longer collected.
- **PART X Line B.4, “Total Accepted into ADR Program”** – 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 12: ADR Actions

*An agency had 30 counselings completed/ended in FY 2020; 25 counselings were offered ADR; the individuals in 15 of those counselings accepted the ADR offer.*

*In the Counseling column, the agency 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 (Totals)

Figure 14.2. PART X Section C - ADR Resources Used in Completed/Ended Counselings (Totals)

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 Line C, “ADR Resources Used in Completed/Ended Counselings”** – The user must enter 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 worksheet.

A counseling can fit into only one subcategory in this section; if multiple resources were used, the counseling and individual should be listed on Line C.4, “Multiple Resources Used.”

- **PART X Line C.1, “Inhouse”** – The total number of counselings and individuals for which in-house resources were used for counselings completed/ended in this reporting period.
- **PART X Line C.2, “Another Federal Agency”** – 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 Line C.3, “Private Organizations, (e.g., Contractors, Bar Associations, Individual Volunteers or College/University Personnel)”** – The total number of counselings and individuals for which private organization resources were used for counselings completed/ended in this reporting period.
- **PART X Line C.4, “Multiple Resources Used”** – The total number of counselings and individuals for which multiple resources were used for counselings completed/ended in this reporting period. Add a comment per the instructions below.

If more than one source of neutrals was used in a particular case (e.g., 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 J**. Do not report them on Lines C.1, C.2, C.3, C.5, C.6, or C.7.

- **PART X Line C.5, “Federal Executive Board”** – The total number of counselings and individuals for which Federal Executive Board resources were used for counselings completed/ended in this reporting period.
- **PART X Lines C.6 and C.7, User-Defined ADR Resources** – If an agency obtains neutrals from a source not listed in Section C, the agency administrator should specify the source of the neutrals and enter the number of associated counselings and individuals on Lines C.6 and C.7.

**Before using these lines, ensure that the ADR resources do not fit into one of the pre-defined categories.**

If you do not need to use Line C.6 or Line C.7, do not edit the orange text box; simply enter zeroes in the counselings and individuals columns.

## PART X Section D - ADR Techniques Used in Completed/Ended Counselings (Totals)

Figure 14.3. PART X Section D - ADR Techniques Used in Completed/Ended Counselings (Totals)

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 ADR techniques. These techniques are also defined in Appendix B of this Instruction Manual.

**If more than one ADR technique (e.g., mediation and a fact finding), was used for a single counseling, only report the counseling and related individual and days once, in the “Multiple Techniques Used” row. Specify the types of techniques used on the Data Checks worksheet. Do not report them on Lines D.1 through D.7, nor D.9 and D.10.**

- **PART X Line D, “ADR Techniques Used in Completed/Ended Counselings (Totals)”** – Enter the total number of individuals with whom the ADR techniques listed in Lines D.1 through D.11 were used in completed/ended counselings. The total number of counselings, total number of days, and average days are automatically calculated by the worksheet.
- **PART X Line D.1, “Mediation”** – The total number of counselings in which and individuals for whom 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 worksheet.

**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. 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

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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. See Example 13.

- **PART X Line D.2, “Settlement Conferences”** – The total number of counselings in which and individuals with whom 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 worksheet.
- **PART X Line D.3, “Early Neutral Evaluations”** – The total number of counselings in which and individuals for whom 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 worksheet.
- **PART X Line D.4, “Fact-Finding”** – The total number of counselings in which and individuals for whom fact-findings 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 worksheet.
- **PART X Line D.5, “Facilitation”** – The total number of counselings in which and individuals for whom 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 worksheet.
- **PART X Line D.6, “Ombudsman”** – The total number of counselings in which and individuals for whom 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 worksheet.
- **PART X Line D.7, “Peer Review”** – The total number of counselings in which and individuals for whom 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 worksheet.
- **PART X Line D.8, “Multiple Techniques Used (Please specify in a comment box)”** – The total number of counselings in which and individuals for whom multiple techniques 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 worksheet. A comment detailing the types of techniques should be added to the Data Checks worksheet.
- **PART X Lines D.9, D.10 and D.11, User-Defined ADR Techniques** – If an agency used an ADR method/technique not listed above, the agency administrator may add a user-defined category, for example, conciliation. For each user-defined ADR technique, report the total number of counselings in which and individuals for whom the user-defined

technique was used for pre-complaint counselings completed/ended during the reporting period.

These lines should only be used if the ADR technique used does not fit into one of the pre-defined categories. EEOC may reject the form if the user-defined ADR technique fits into a pre-defined category.

In the orange cell at the left, provide a name for the type of ADR technique used. The name must be descriptive enough to distinguish it from the pre-defined techniques, but not so specific that no other case could fit into that category. The Data Checks worksheet may require a comment. **Do not use the word "Other" as a user-defined category; this will result in EEOC rejecting the form.** If not providing a user-defined category, do not edit the orange cell.

### Example 13: Calculating Total Days for ADR Reporting Purposes

An agency 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.

The agency 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, the agency would **not** enter 3 in the DAYS column because the session time periods are included in the duration period. The days are calculated from the day that the counselee accepted the agency's ADR offer to the date that the ADR process ended.

## PART X Section E - Status of ADR Cases in Completed/Ended Counselings

Figure 14.4. PART X Section E - Status of ADR 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				
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, "Total Closed"** – Enter the total number of individuals who used the EEO ADR process in completed/ended counselings. The total number of counselings, total number of days, and average days are automatically calculated by the worksheet.
- **PART X Line E.1.a, "Settlements with Benefits (Monetary and Non-Monetary)"** – The total number of counselings in which and individuals for whom the EEO ADR process ended with a written settlement that included monetary and/or non-monetary benefits.

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Calculate and report the total number of days used during the EEO ADR process. The average days are automatically calculated by the worksheet.

**Note:** “Settlements with Benefits” include all cases that received some type of benefit (monetary and/or non-monetary) as a result of **withdrawing** from the EEO process. The numbers are recorded here, are included on PART I Line D.3.a and are broken out in PART I Sections G and H. If a counselee settles some but not all issues in an ADR attempt, and later files a complaint on the unsettled issues, do not include that settlement in “Settlements with Benefits” because the counselee did not withdraw from the EEO process. Instead include it in PART X Line E.1.c.i, “Complaint Filed - No Resolution,” because the counselee is still in the 1614 process, i.e., a complaint was filed. The matter **as a whole** has not been resolved.

- **PART X Line E.1.b, “No Formal Complaint Filed”** – The total number of counselings in which and individuals with whom 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 worksheet.

**Note:** PART X Line E.1.b can be considered a subpart of PART I Line D.3.b, Withdrawals/No Complaint Filed. 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 the counselee did not receive any type of benefit, did not settle, reached an impasse, and then, the counselee 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, “Complaint Filed – No Resolution”** – The total number of counselings in which and individuals for whom 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 worksheet.

**Note:** “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, “Complaint Filed – No ADR Attempt (A.K.A. PART X E.1.d)”** – The total number of counselings in which and individuals with whom 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 worksheet.

**Note:** PART X Line E.1.c.ii includes pre-complaint counselings where ADR was offered by the agency, and the aggrieved individual accepted the offer to participate, but then 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. No resources in Section C nor techniques in Section D should be reported for those counselings where ADR was not attempted.

**Note:** Data in PART X Lines E.1.c.i and E.1.c.ii are a part of the data reported in PART I Line E.1.c. PART I Line D.3.c, “Counselings Completed/Ended in Reporting Period that

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Resulted in Complaint Filings in Reporting Period” also includes traditional counseling activities that resulted in the filing of a complaint.

- **PART X Line E.1.e, “Decision to File Complaint Pending at the End of the Reporting Period”** – 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 worksheet.

**Note:** 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, 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, “Decision to File Complaint Pending at the End of the Reporting Period” – The number of “counselings” along with traditional counseling activities in which a decision to file complaint is pending at the end of the reporting period.

So, if a counseled individual accepted an ADR offer, 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 X Frequently Asked Questions

**Q. My agency has an “stand-alone” ADR office to help resolve workplace disputes, program disputes, and EEO complaints. Do I report all ADRs they administer on Form 462?**

A. No. Only report EEO matters submitted to the agency under 29 CFR §1614, Federal Sector Equal Employment Opportunity, provisions.

**Q. In section B, in the Individuals column, why can’t I subtract Line B.2, “Rejected by Individual (Counselee),” from Line B.1, “ADR Offered by Agency” to get Line B.4, “Total accepted into ADR”?**

A. One individual may have multiple counselings in which the agency offered ADR. For example, one individual with two counselings could have accepted an ADR offer in their first counseling but then rejected the ADR offer in their second counseling. The individual would be reported once on Line B.1 but listed on both Lines B.2 and B.4.

**Q. An individual settled some issues, but not all issues in an ADR attempt, and later filed a complaint on the unsettled issues. In Section E, is the event included as a settlement or a complaint filed?**

A. This should be reported as a complaint filed. On PART X Section E Line 1a, only include settlements that received a benefit **as a result of withdrawing from the EEO process**. If the matter is not fully

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settled and a complaint is filed, include that case on line X Section E Line 1c because the entire matter has not been resolved.

**Q. Our agency always notifies counseled individuals of the availability of ADR and the counselee is supplied a form to request mediation. This form is then submitted to the Civil Rights Office, and the Civil Rights Office then determines if they want to offer mediation. The form requesting mediation initiates the process. After that, the manager is notified of the request and is provided an "Option to Mediate Form." Within that letter, the manager may choose whether 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 this get reported?**

A. It does not get reported on Form 462. 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). Although the counselee has a request, it occurred before the agency determined if it would offer ADR. This should not be reported in PART X because the agency did not formally offer ADR. Remember that the parties are the individual **and the agency**, not the responsible management official.

**Q. ADR was offered during the previous reporting period. The counselee declined, but during the current reporting period decided to accept the ADR offer. Where should this be reported in Section B? Is it appropriate to document this in PART X Section B Line 1 and Section B Line 4?**

A. It should be reported on Line B.1 (ADR Offered by Agency) and Line B.4 (Total Accepted into ADR Program). 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 reporting period when the counseling completed or ended.

If ADR was offered near the end of the fiscal year, and you do not know whether the ADR offer 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.

See additional questions in **PART XI Frequently Asked Questions**.

## 15. 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 reporting period, you do not need to report the ADR activity that occurred during that year. EEOC recognizes that, on occasion, a complaint remains open for more than one year and that ADR activity may occur in the previous 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 is Intentionally left blank – This data is no longer collected.

**Note:**  
The total number of complainants always should be less than or equal to the total number of complaints.

### PART XI Section B –ADR Actions in Complaint Closures

Figure 15.1. 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	

PART 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.

- PART XI Line B.1, “ADR Offered by Agency” – The total number of closed complaints in which and complainants to whom 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

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can also reference in a Comment on the Data Checks worksheet the number of complaints involving multiple ADR offers, if such distinction is wanted by the agency.

- **PART XI Line B.2, "Rejected by Complainant"** – 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** is Intentionally left blank – This data is no longer collected.
- **PART XI Line B.4, "Total Accepted into ADR Program"** – 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:**

**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 Complainant, the agency should provide an agency official with settlement authority to proceed with the ADR pursuant to MD-110. The result of the ADR should be reported in PART XI Line E.**

## PART XI Section C - ADR Resources Used in Complaint Closures (Totals)

Figure 15.2. PART XI Section C - ADR Resources Used in Complaint Closures (Totals)

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			

**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 XI Line C, "ADR Resources Used in Complaint Closures (Totals)"** – The user must enter the total number of complainants for which ADR resources were used in formal complaint closures during the reporting period. The complaints are automatically calculated by the worksheet.

A complaint can fit into only one subcategory in this section; if multiple resources were used, the complaint and complainant should be listed on Line C.4, "Multiple Resources Used."

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- **PART XI Line C.1, “In-house”** – The total number of complaints in which and complainants for whom in-house resources were used in formal complaint closures in this reporting period.
- **PART XI Line C.2, “Another Federal Agency”** – The total number of complaints in which and complainants for whom resources from another federal agency were used in formal complaint closures in this reporting period.
- **PART XI Line C.3, “Private Organizations, (e.g., Contractors, Bar Associations, Individual Volunteers or College/University Personnel)”** – The total number of complaints in which and complainants for whom private organization resources were used in formal complaint closures in this reporting period.
- **PART XI Line C.4, “Multiple Resources Used”** – The total number of complaints in which and complainants for whom multiple resources were used in formal complaint closures in this reporting period. Add a comment per the instructions below.

If more than one source of neutrals was used in a particular case (e.g., 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 J**. Do not report them on Lines C.1, C.2, C.3 and C.5.

- **PART XI Line C.5, “Federal Executive Board”** – The total number of complaints in which and complainants for whom Federal Executive Board resources were used in formal complaint closures in this reporting period.
- **PART XI Lines C.6 and C.7, User-Defined ADR Resources** – If an agency obtains neutrals from a source not listed in Section C, the agency administrator should specify the source of the neutrals and enter the number of associated closed complaints and complainants on Lines C.6 and C.7.

**Before using these lines, ensure that the ADR resources do not fit into one of the pre-defined categories.**

If you do not need to use Line C.6 or Line C.7, do not edit the orange text box; simply enter zeroes in the counselings and individuals columns.

## PART XI Section D - ADR Techniques Used in Complaint Closures (Totals)

**Figure 15.3. PART XI Section D – ADR Techniques Used in Complaint Closures (Totals)**

	COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
<b>D. ADR TECHNIQUES USED IN COMPLAINT CLOSURES (TOTALS)</b>	<b>0</b>		<b>0</b>	<b>0.00</b>
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 EEOC's MD-110 provides a description of ADR techniques. These techniques are also defined in Appendix B of this Instruction Manual.

**If more than one ADR technique (e.g., mediation and a fact-finding), were used for a single counseling, only report the counseling and related individual and days once, in the "Multiple Techniques Used" row. Specify the types of techniques used on the Data Checks worksheet. Do not report them on Lines D.1 through D.7, nor D.9 and D.10.**

- **PART XI Line D, "ADR Techniques used in Complaint Closures (Totals)"** – Enter the total number of complainants with whom the ADR techniques listed in Lines D.1 through D.12 were used in formal complaint closures. The complaints, total days, and average days are automatically calculated by the worksheet.
- **PART XI Line D.1, "Mediation"** – The total number of complaints in which and complainants for whom 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 worksheet.

**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. Enter the total number of days for each method category 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 reported is not a regulatory time frame, rather a period of duration.

- **PART XI Line D.2, "Settlement Conferences"** – The total number of complaints in which and complainants for whom 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 worksheet.
- **PART XI Line D.3, "Early Neutral Evaluations"** – The total number of complaints in which and complainants for whom 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 worksheet.
- **PART XI Line D.4, "Fact-Finding"** – The total number of complaints in which and complainants for whom 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 worksheet.
- **PART XI Line D.5, "Facilitation"** – The total number of complaints in which and complainants for whom facilitations were used for formal complaints closed during the

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reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the worksheet.

- **PART XI Line D.6, "Ombudsman"** – The total number of complaints in which and complainants for whom 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 worksheet.
- **PART XI Line D.7, "Mini-Trials"** – The total number of complaints in which and complainants for whom 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 worksheet.
- **PART XI Line D.8, "Peer Review"** – The total number of complaints in which and complainants for whom 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 worksheet.
- **PART XI Line D.9, "Multiple Techniques Used (Please specify in a comment box)"** – The total number of complaints in which and complainants for whom multiple techniques 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 worksheet. A comment detailing the types of techniques should be added to the Data Checks worksheet.
- **PART XI Lines D.10, D.11, and D.12, User-Defined ADR Techniques** – If an agency used an ADR method/technique not listed above, the agency administrator may add a user-defined category, for example, conciliation. For each user-defined ADR technique, report the total number of complaints in which and complainants for whom the user-defined technique was used for formal complaints closed during the reporting period.

These lines should only be used if the ADR technique used does not fit into one of the pre-defined categories. EEOC may reject the form if the user-defined ADR technique fits into a pre-defined category.

In the orange cell at the left, provide a name for the type of ADR technique used. The name must be descriptive enough to distinguish it from the pre-defined techniques, but not so specific that no other case could fit into that category. The Data Checks worksheet may require a comment. **Do not use the word "Other" as a user-defined category; this will result in EEOC rejecting the form.**

## PART XI Section E - Status of Cases in Complaint Closures

Figure 15.4. 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, "Total Closed"** – The total number of complainants who used the EEO ADR process in formal complaint closures. The total number of complaints, total number of days, and average days are automatically calculated by the worksheet.
- **PART XI Line E.1.a, "Settlements with Benefits (Monetary and Non-Monetary)"** – The total number of complaints in which and complainants for whom 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 worksheet. ADR activity is only reported for closed complaints. A settlement closes a complaint in the EEO ADR process.

**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 matter **as a whole** has not been resolved.

**Note:** Non-agency ADR settlements are not counted in this category even if an ADR technique was used in the non-agency ADR to settle the complaint. PART XI 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. Enter the total number of days for each status category on each respective line in the Days column.

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. Time periods reported in PART XI are not based on a regulatory time frame, rather a period of duration.

- **PART XI Line E.1.b, "Withdrawal from EEO Process"** – The total number of complaints in which and complainants for whom an EEO ADR session began, the EEO ADR process

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ended **without** a settlement agreement, and the complaint was withdrawn (In other words, 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 worksheet. ADR activity is only reported for closed complaints. A withdrawal closes a complaint.

For example, withdrawals in PART XI include cases that withdrew from the EEO process following an ADR attempt wherein the complainant did not receive any type of benefit, and then, the complainant withdrew the complaint.

- **PART XI Line E.1.c, "No Resolution"** – The total number of complaints in which and complainants for whom an EEO ADR session began, the EEO ADR process ended with no resolution, the formal complaint continued in the EEO process, and the complaint closed in the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the worksheet. ADR activity is only reported for complaints that closed 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, "No ADR Attempt"** – The total number of complaints in which and complainants for whom the EEO ADR process ended with no ADR attempt, the formal complaint continued in the EEO process, and the complaint closed in the reporting period. Calculate and report the total number of days used during the ADR process. The average days are calculated by the worksheet. ADR activity is only reported for complaints that closed during the reporting period.

**Note:** PART XI Line E.1.d 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. There should be no Resources in PART XI Section C reported nor Techniques in PART XI Section D reported for these complaints.

- **PART XI Line E.2** is Intentionally left blank – This data is no longer collected.

## PART XI Section F - Benefits Received

Figure 15.5. 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.			
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. NEUTRAL REFERENCE			
m.			
n.			

PART XI Section F, “Benefits Received” records the types of monetary and non-monetary benefits that an agency agrees to provide a complainant in an ADR settlement agreement in the formal complaint phase.

**Note:**

**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.**

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.

### PART XI Section F.1, “Benefits Received – Monetary”

A monetary benefit for PART XI Section F purposes is a cash payment that an agency agrees to provide a complainant in an ADR settlement agreement. Monetary benefits include “compensatory damages,” “backpay/frontpay,” “lump sum,” “attorney fees and costs,” and any “other” benefits (user-defined

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benefits as defined by an agency administrator). Agencies may add a user-defined category, for example, a “voluntary retirement incentive payment”, to Line F.1.e only when needed. Do not use the word “other” for the description.

- **PART XI Line F.1, “Monetary (Insert Totals)”** – The total number of complaints and complainants awarded monetary benefits in written ADR settlement agreements reached in the formal complaint process. For complaints and complainants, Line F.1 **does not necessarily** equal the sum of the PART XI Section F.1 subparts.

The worksheet auto calculates the total amount of monetary benefits awarded by adding the amounts reported in PART XI Section F.1 subparts (Lines F.1.a + F.1.b + F.1.c + F.1.d + F.1.e).

- **PART XI Line F.1.a, “Compensatory Damages”** – The number of complaints, complainants, and the amount of compensatory damages awarded in written ADR settlement agreements.
- **PART XI Line F.1.b, “Backpay/Frontpay”** – The number of complaints, complainants, and the amount of back pay/front pay awarded in written ADR settlement agreements.
- **PART XI Line F.1.c, “Lump Sum”** – The number of complaints, complainants, and the amount of lump sum payments awarded in written ADR settlement agreements.
- **PART XI Line F.1.d, “Attorney Fees and Costs”** – The number of complaints, complainants, and the amount of attorney’s fees and costs awarded in written ADR settlement agreements.
- **PART XI Line F.1.e, User-defined benefits** – The number of complaints, complainants, and the amount of any other money awarded in written ADR settlement agreements. See Appendix E (Benefit and Issue Crosswalk of Descriptions) for a better understanding of when this is truly necessary. If necessary, please define the category in a few descriptive words.

Do not enter the word “Other” as either a monetary or a non-monetary benefit. If you are not using a user-defined benefit, do not edit the field designated for the description of the user-defined benefit.

### **PART XI Section F.2, “Benefits Received – Non-Monetary”**

A non-monetary benefit for PART XI Section F.2 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, “Non-Monetary (Insert Totals)”** – The number of complaints and complainants awarded non-monetary benefits in written ADR settlement agreements reached in the formal complaint process. For Complaints and Complainants, Line F.2 **does not necessarily** equal the sum of the PART XI Section F.2 subparts.
- **PART XI Line F.2.a, “Hires”** – The worksheet auto calculates the total number of complaints where Hire was the benefit received. Please fill in the appropriate number of complainants, which may be less than or equal to the sum of Lines F.2.a.i and F.2.a.ii.

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- PART XI Line F.2.a.i, "Hires - Retroactive" – The number of complaints and complainants wherein the complainant was awarded a retroactive appointment in a written ADR settlement agreement.
- PART XI Line F.2.a.ii, "Hires – Non-Retroactive" – The number of complaints and complainants wherein the complainant was awarded a non-retroactive appointment in a written ADR settlement agreement.
- PART XI Line F.2.b, "Promotions" – The worksheet auto calculates the total number of complaints where Promotion was the benefit received. Please fill in the appropriate number of complainants, which may be less than or equal to the sum of Lines F.2.b.i + F.2.b.ii.
  - PART XI Line F.2.b.i, "Promotions - Retroactive" – The number of complaints and complainants wherein the complainant was awarded a retroactive promotion in a written ADR settlement agreement.
  - PART XI Line F.2.b.ii, "Promotions – Non-Retroactive" – The number of complaints and complainants wherein the complainant was awarded a non-retroactive promotion in a written ADR settlement agreement.
- PART XI Line F.2.c, "Expungements" – The number of complaints and complainants wherein the complainant was awarded an expungement in a written ADR settlement agreement.
- PART XI Line F.2.d, "Reassignments" – The number of complaints and complainants wherein the complainant was awarded a reassignment in a written ADR settlement agreement.
- PART XI Line F.2.e, "Removals Rescinded" – The worksheet auto calculates the total number of complaints where Removals Rescinded was the benefit received. Please fill in the appropriate number of complainants, which may be less than or equal to the sum of Lines F.2.e.i + F.2.e.ii.
  - PART XI Line F.2.e.i, "Removals Rescinded - Reinstatement" – The number of complaints and complainants wherein the complainant was awarded a reinstatement in a written ADR settlement agreement.
  - PART XI Line F.2.e.ii, "Removals Rescinded – Voluntary Resignation" – The number of complaints and complainants wherein the complainant was awarded a voluntary resignation in a written ADR settlement agreement.
- PART XI Line F.2.f, "Accommodations" – The number of complaints and complainants wherein the complainant was awarded an accommodation in a written ADR settlement agreement.
- PART XI Line F.2.g, "Training" – The number of complaints and complainants wherein the complainant was awarded training in a written ADR settlement agreement.
- PART XI Line F.2.h, "Apology" – The number of complaints and complainants wherein the complainant was awarded an apology in a written ADR settlement agreement.
- PART XI Line F.2.i, "Disciplinary Actions" – The worksheet auto calculates the total number of complaints where Disciplinary Actions (rescinded or modified) were the benefits received. Please

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fill in the appropriate number of complainants, which may be less than or equal to the sum of Lines F.2.i.i + F.2.i.ii.

- PART XI Line F.2.i.i, “Disciplinary Actions - Rescinded” – The number of complaints and complainants wherein the complainant was awarded a rescinded disciplinary action in a written ADR settlement agreement.
- PART XI Line F.2.i.ii, “Disciplinary Actions - Modified” – The number of complaints and complainants wherein the complainant was awarded a modified disciplinary action in a written ADR settlement agreement.
- PART XI Line F.2.j, “Performance Evaluation Modified” – The number of complaints and complainants wherein the complainant was awarded a modified performance evaluation in a written ADR settlement agreement.
- PART XI Line F.2.k, “Leave Restored” – The number of complaints and complainants wherein the complainant was awarded restored leave in a written ADR settlement agreement.
- PART XI Lines F.2.l, “Neutral Reference” – The number of complaints and complainants wherein the complainant was awarded a neutral reference in a written ADR settlement agreement.
- PART XI Lines F.2.m & F.2.n, User-defined benefits – The number of complaints and complainants wherein the complainant was awarded a non-monetary benefit not in any of the categories listed above. Remember to use the crosswalk in Appendix E to avoid using these lines. The agency administrator may only add other types of benefits if needed; before doing so the agency administrator must confirm that the benefits do not fit into the pre-defined categories.

## PART XI Frequently Asked Questions

See also PART X Frequently Asked Questions.

- Q. In PART X and PART XI Section C (ADR Resources Used) and Section D (ADR Techniques Used), 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. In addition, the total in line C should equal the total in line D in each PART.
- Q. Are requests for ADR made by complainants 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 request 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.
- Q. If a complainant 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 XI Line E.1.d, “No ADR Attempt.”

# 16. PART XII – SUMMARY OF EEO ADR PROGRAM ACTIVITIES

PART XII collects data on EEO ADR training and resources.

Figure 16.1. PART XII – SUMMARY OF EEO ADR PROGRAM ACTIVITIES

PART XII - SUMMARY OF EEO ADR PROGRAM ACTIVITIES		
EEO ADR RESOURCES		
A. NO LONGER COLLECTED		
B. EMPLOYEES THAT CAN PARTICIPATE IN EEO ADR	<input type="text"/>	
C. RESOURCES THAT MANAGE EEO ADR PROGRAM (DOES NOT INCLUDE NEUTRALS AS REPORTED IN PARTS X. & XI.)	<input type="text"/>	
1. IN-HOUSE FULL TIME (40 HOURS EEO ADR ONLY)	<input type="text"/>	
2. IN-HOUSE PART TIME (32 HOURS EEO ADR ONLY)	<input type="text"/>	
3. IN-HOUSE COLLATERAL DUTY (OTHERS/NON-CONTRACT)	<input type="text"/>	
4. CONTRACT (ANOTHER FEDERAL AGENCY/PRIVATE ORGANIZATIONS)	<input type="text"/>	
D. EEO ADR FUNDING SPENT	AMOUNT	<input type="text"/>
E. EEO ADR CONTACT INFORMATION		
1. NAME OF EEO ADR PROGRAM DIRECTOR / MANAGER	<input type="text"/>	
2. TITLE	<input type="text"/>	
3. TELEPHONE NUMBER	<input type="text"/>	
4. EMAIL	<input type="text"/>	
F. EEO ADR PROGRAM INFORMATION <span style="float: right;"><i>MUST use 'X' to designate response to questions</i></span>		
	YES	NO
1. Does the agency require the alleged responsible management official to participate in EEO ADR?	<input type="checkbox"/>	<input type="checkbox"/>
1a. If yes, is there a written policy requiring the participation?	<input type="checkbox"/>	<input type="checkbox"/>
2. Does the alleged responsible management official have a role in deciding if the case is appropriate for EEO ADR?	<input type="checkbox"/>	<input type="checkbox"/>

- PART XII Line A is no longer collected.

## PART XII Line B – Employees That Can Participate in EEO ADR

On PART XII Line B, report the number of employees who are 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 "0" and state that in a comment on the Data Checks worksheet.

**Note:** PART XII Line B includes all employees regardless of supervisory status. This number may or may not equal PART III Line A.1a "Work force." If it is not equal, describe who cannot participate in EEO ADR and explain why they cannot participate in a comment on the Data Checks worksheet in column J.

### PART XII Section C - Resources that Manage EEO ADR Program

- PART XII Line C, "Resources that Manage EEO ADR Program (Does Not Include Neutrals as Reported in PARTS X & XI)" – 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 contractors.
- PART XII Line C.1, "In-House Full Time (40 Hours EEO ADR Only)" – The 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; this **does not** include the "neutrals" or "mediators" that are used as ADR resources and are counted in PART X and XI.
- PART XII Line C.2, "In-House Part Time (32 Hours EEO ADR Only)" – The number of employees who work part time (less than 32 hours) for the agency and who do nothing but manage the EEO ADR program or work in the administration of the program. Again, these are individuals who manage the program or work in the administration of the program and **not** the "neutrals" or "mediators" that are used as ADR resources and are counted in PART X and XI.
- PART XII Line C.3, "In-House Collateral Duty (Others/Non-Contract)" – The number of collateral duty employees who work in your agency's EEO ADR program, but also perform other duties for the agency. 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.

**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 Line C.4, "Contract (Another Federal Agency/Private Organization)" – The number of employees who are contract employee(s) that perform the EEO ADR management duties. If there are contract employees in this role, you must add a comment describing the details of the contract on the Data Checks worksheet in column J. Again, these are individuals who manage the program or work in the administration of the program; it **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 a contractor as provided in PART

XII C.4. If in PART XII Line C is recorded as zero, add comment on the Data Checks worksheet and explain why agency personnel do not perform these functions.

### PART XII Line D - EEO ADR Funding Spent

On PART XII Line 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 should include:

- Payment to external neutrals;
- Supplies for EEO ADR marketing purposes;
- EEO ADR training expenses for staff, managers, or employees; and
- Agency-paid travel and expenses for an employee to attend an EEO ADR conference.

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 Line E.1, “Name of EEO ADR Program Director / Manager” – 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 J.
- PART XII Line E.2, “Title” – The individual’s title.
- PART XII Line E.3, “Telephone Number” – The individual’s telephone number.
- PART XII Line E.4, “Email” – The individual’s email address.

### PART XII Section F – EEO ADR Program Information

PART XII asks Yes/No questions about the EEO ADR Program. Use “X” to mark your response.

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

responsible management official has a role in deciding whether a case is appropriate for EEO ADR.

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**Note:** If any of the questions in PART XII Section F cannot be answered with a “yes” or “no” response then add a comment on the Data Checks worksheet in column J.

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### PART XII Frequently Asked Questions

- Q. In PART XII Section B, are managers included in the number of “employees” who can participate in ADR.**
- A. Yes. Here, we want you to include every employee at any level who can access ADR if they should seek EEO counseling. Remember, if every employee in your agency has access to ADR, your response to PART XII Section B should equal PART III Line A.1.a “Work Force.”
- Q. In PART XII Section D do we need to estimate overhead cost in entering the amount of ADR funding spent?**
- 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.

## 17. APPENDIX A: EEOC FORM 462 REPORT TEMPLATE

EEOC FORM 462 REPORT



# FY 2020 EEOC FORM 462 INSTRUCTION MANUAL

## ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS

(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

<b>AGENCY OR DEPARTMENT:</b>	<b>REPORTING PERIOD: FY2017</b>																																																																																																																																																									
<b>PART II - FORMAL COMPLAINT ACTIVITIES</b>	<b>PART III - AGENCY RESOURCES, TRAINING, REPORTING LINE</b>																																																																																																																																																									
<p>A. COMPLAINTS ON HAND AT THE BEGINNING OF THE REPORTING PERIOD</p> <p>B. COMPLAINTS FILED</p> <p>C. REMANDS (sum of lines C1+C2+C3)</p> <p style="margin-left: 20px;">C.1. REMANDS (NOT INCLUDED IN A OR B)</p> <p style="margin-left: 20px;">C.2. REMANDS (INCLUDED IN A OR B)</p> <p style="margin-left: 20px;">C.3. NUMBER OF ADDITIONAL REMANDS IN THIS REPORTING PERIOD THAT ARE NOT CAPTURED IN C.1 OR C.2 ABOVE</p> <p style="margin-left: 20px;">C.4. ADDITIONAL CLOSURES IN THIS REPORTING PERIOD NOT REFLECTED IN F. OR H. THAT RESULTED FROM REMANDS</p> <p>D. TOTAL COMPLAINTS (sum of lines A+B+C1)</p> <p>E. COMPLAINTS IN LINE D THAT WERE NOT CONSOLIDATED</p> <p>F. COMPLAINTS IN LINE E CLOSED DURING REPORT PERIOD</p> <p>G. COMPLAINTS IN LINE D THAT WERE CONSOLIDATED</p> <p>H. COMPLAINTS IN LINE G CLOSED DURING REPORT PERIOD</p> <p>I. COMPLAINTS ON HAND AT THE END OF THE REPORTING PERIOD (Line D - (F+H)) + [(C2 + C3) - C4]</p> <p>J. INDIVIDUALS FILING COMPLAINTS (Complainants)</p> <p>K. NUMBER OF JOINT PROCESSING UNITS FROM CONSOLIDATION OF COMPLAINTS</p>	<p><b>A. AGENCY &amp; CONTRACT RESOURCES</b></p> <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> </tr> <tr> <th>NUMBER</th> <th>PERCENT</th> <th>NUMBER</th> <th>PERCENT</th> </tr> </thead> <tbody> <tr> <td>1. WORK FORCE</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="margin-left: 20px;">a. TOTAL WORK FORCE</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="margin-left: 20px;">b. PERMANENT EMPLOYEES</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>2. COUNSELOR</td> <td style="text-align: center;">0</td> <td></td> <td style="text-align: center;">0</td> <td></td> </tr> <tr> <td style="margin-left: 20px;">a. FULL-TIME</td> <td></td> <td style="text-align: center;">0.00</td> <td></td> <td style="text-align: center;">0.00</td> </tr> <tr> <td style="margin-left: 20px;">b. PART-TIME</td> <td></td> <td style="text-align: center;">0.00</td> <td></td> <td style="text-align: center;">0.00</td> </tr> <tr> <td style="margin-left: 20px;">c. COLLATERAL DUTY</td> <td></td> <td style="text-align: center;">0.00</td> <td></td> <td style="text-align: center;">0.00</td> </tr> <tr> <td>3. INVESTIGATOR</td> <td style="text-align: center;">0</td> <td></td> <td style="text-align: center;">0</td> <td></td> </tr> <tr> <td style="margin-left: 20px;">a. FULL-TIME</td> <td></td> <td style="text-align: center;">0.00</td> <td></td> <td style="text-align: center;">0.00</td> </tr> <tr> <td style="margin-left: 20px;">b. PART-TIME</td> <td></td> <td style="text-align: center;">0.00</td> <td></td> <td style="text-align: center;">0.00</td> </tr> <tr> <td style="margin-left: 20px;">c. 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AGENCY &amp; CONTRACT STAFF TRAINING</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">COUNSELORS</th> <th colspan="2">INVESTIGATORS</th> <th colspan="2">COUNS/INVESTIG</th> </tr> <tr> <th>AGENCY</th> <th>CONTRACT</th> <th>AGENCY</th> <th>CONTRACT</th> <th>AGENCY</th> <th>CONTRACT</th> </tr> </thead> <tbody> <tr> <td>1. NEW STAFF (NS) - TOTAL</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="margin-left: 20px;">a. NS RECEIVING REQUIRED 32 OR MORE HOURS</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="margin-left: 20px;">b. NS RECEIVING 8 OR MORE HOURS, USUALLY GIVEN TO EXPERIENCED STAFF</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="margin-left: 20px;">c. NS RECEIVING NO TRAINING AT ALL</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>2. EXPERIENCED STAFF (ES) - TOTAL</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="margin-left: 20px;">a. ES RECEIVING REQUIRED 8 OR MORE HOURS</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="margin-left: 20px;">b. ES RECEIVING 32 OR MORE HOURS, GENERALLY GIVEN TO NEW STAFF</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="margin-left: 20px;">c. ES RECEIVING NO TRAINING AT ALL</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p><b>C. REPORTING LINE</b></p> <p>1. EEO DIRECTOR'S NAME</p> <p>1a. DOES THE EEO DIRECTOR REPORT TO THE AGENCY HEAD? <span style="float: right;">YES NO</span>  <span style="color: red;">MUST use 'X' to designate response to question</span></p> <p>2. IF NO, WHO DOES THE EEO DIRECTOR REPORT TO?          PERSON: _____          TITLE: _____</p> <p>3. WHO IS RESPONSIBLE FOR THE DAY-TO-DAY OPERATION OF THE EEO PROGRAM IN YOUR DEPARTMENT/AGENCY/ORGANIZATION?          PERSON: _____          TITLE: _____</p> <p>4. WHO DOES THAT PERSON REPORT TO?          PERSON: _____          TITLE: _____</p>		AGENCY		CONTRACT		NUMBER	PERCENT	NUMBER	PERCENT	1. WORK FORCE					a. TOTAL WORK FORCE					b. PERMANENT EMPLOYEES					2. COUNSELOR	0		0		a. FULL-TIME		0.00		0.00	b. PART-TIME		0.00		0.00	c. COLLATERAL DUTY		0.00		0.00	3. INVESTIGATOR	0		0		a. FULL-TIME		0.00		0.00	b. PART-TIME		0.00		0.00	c. COLLATERAL DUTY		0.00		0.00	4. COUNSELOR/INVESTIGATOR	0		0		a. FULL-TIME		0.00		0.00	b. PART-TIME		0.00		0.00	c. COLLATERAL DUTY		0.00		0.00		COUNSELORS		INVESTIGATORS		COUNS/INVESTIG		AGENCY	CONTRACT	AGENCY	CONTRACT	AGENCY	CONTRACT	1. NEW STAFF (NS) - TOTAL							a. NS RECEIVING REQUIRED 32 OR MORE HOURS							b. NS RECEIVING 8 OR MORE HOURS, USUALLY GIVEN TO EXPERIENCED STAFF							c. NS RECEIVING NO TRAINING AT ALL							2. EXPERIENCED STAFF (ES) - TOTAL							a. ES RECEIVING REQUIRED 8 OR MORE HOURS							b. ES RECEIVING 32 OR MORE HOURS, GENERALLY GIVEN TO NEW STAFF							c. ES RECEIVING NO TRAINING AT ALL						
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c. COLLATERAL DUTY		0.00		0.00																																																																																																																																																						
4. COUNSELOR/INVESTIGATOR	0		0																																																																																																																																																							
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# FY 2020 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:

REPORTING PERIOD: FY2017

### PART IV - BASES AND ISSUES ALLEGED IN COMPLAINTS FILED (Part 1)

ISSUES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION										TOTAL ALL BASES BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE	TOTAL ALL COMPLAINANTS BY ISSUE
	RACE						COLOR	RELIGION	REPRAL	SEX			
	AMER. INDIAN/ ALASKA NATIVE	ASIAN	NATIVE HAWAIIAN /OTHER PACIFIC ISLANDER	BLACK AFRICAN AMERICAN	WHITE	TWO OR MORE RACES							
A. APPOINTMENT/HIRE											0		
B. ASSIGNMENT OF DUTIES											0		
C. AWARDS											0		
D. CONVERSION TO FULLTIME/PERM STATUS											0		
E. DISCIPLINARY ACTION	0	0	0	0	0	0	0	0	0	0	0		
1. DEMOTION											0		
2. REPRIMAND											0		
3. SUSPENSION											0		
4. REMOVAL											0		
5. DISCIPLINARY WARNING											0		
6.											0		
7.											0		
F. DUTY HOURS											0		
G. PERF. EVAL./APPRAISAL											0		
H. EXAMINATION/TEST											0		
I. HARASSMENT	0	0	0	0	0	0	0	0	0	0	0		
1. NON-SEXUAL											0		
2. SEXUAL											0		
J. MEDICAL EXAMINATION											0		
K. PAY INCLUDING OVERTIME											0		
L. PROMOTION/NON-SELECTION											0		
M. REASSIGNMENT	0	0	0	0	0	0	0	0	0	0	0		
1. DENIED											0		
2. DIRECTED											0		
N. REASONABLE AC COMMODATION/DEABILITY											0		
O. REINSTATEMENT											0		
P. RELIGIOUS AC COMMODATION											0		
Q. RETIREMENT											0		
R. SEX/STEROTYPING											0		
S. TELEWORK											0		
T. TERMINATION											0		
U. TERMS/CONDITIONS OF EMPLOYMENT											0		
V. TIME AND ATTENDANCE											0		
W. TRAINING											0		
X. OTHER (Please specify below)	0	0	0	0	0	0	0	0	0	0	0		
1.											0		
2.											0		
3.											0		
4.											0		
TOTAL ALL ISSUES BY BASES	0	0	0	0	0	0	0	0	0	0			
TOTAL ALL COMPLAINTS FILED BY BASES													
TOTAL ALL COMPLAINANTS BY BASES													

# FY 2020 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:

REPORTING PERIOD: FY2017

### PART IV - BASES AND ISSUES ALLEGED IN COMPLAINTS FILED (Part 2)

ISSUES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION														TOTAL ALL BASES BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE	
	SEX			PREGNANCY DISCRIMINATION ACT	NATIONAL ORIGIN		EQUAL PAY ACT		AGE	DISABILITY		GMA	TOTAL	TOTAL ALL COMPLAINTS BY ISSUE				TOTAL ALL COMPLAINTS BY ISSUE
	MALE	FEMALE	IGBT		HISPANIC/LATINO	OTHER	MALE	FEMALE		MENTAL	PHYSICAL							
A. APPOINTMENT/HIRE																	0	
B. ASSESSMENT OF DUTIES																	0	
C. AWARDS																	0	
D. CONVERSION TO FULL TIME/PERM STATUS																	0	
E. DISCIPLINARY ACTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
1. DEMOTION																	0	
2. REPRIMAND																	0	
3. SUSPENSION																	0	
4. REMOVAL																	0	
5. DISCIPLINARY WARNING																	0	
6.																	0	
7.																	0	
F. DUTY HOURS																	0	
G. PERFORM EVAL/APPRASAL																	0	
H. EXAMINATION/TEST																	0	
I. HARASSMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
1. NON-SEXUAL																	0	
2. SEXUAL																	0	
J. MEDICAL EXAMINATION																	0	
K. PAYING LEAVE/OVERTIME																	0	
L. PROMOTION/NO-N-SELECTION																	0	
M. REASSIGNMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
1. DENIED																	0	
2. DECEIVED																	0	
N. REASONABLE ACCOMMODATION/ DISABILITY																	0	
O. REINSTATEMENT																	0	
P. RETIRED'S ACCOMMODATION																	0	
Q. RETIREMENT																	0	
R. SEX STEREOTYPING																	0	
S. TELEWORK																	0	
T. TERMINATION																	0	
U. TERMS/CONDITIONS OF EMPLOYMENT																	0	
V. TIME AND ATTENDANCE																	0	
W. TRAINING																	0	
X. OTHER (Please specify below)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
1.																	0	
2.																	0	
3.																	0	
4.																	0	
TOTAL ALL ISSUES BY BASES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
TOTAL ALL COMPLAINTS FILED BY BASES																		
TOTAL ALL COMPLAINANTS BY BASES																		



**ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS**  
(REPORTING PERIOD BEGINS OCTOBER 1ST AND END 5 SEPTEMBER 30TH)

REPORTING PERIOD: FY2017

AGENCY OR DEPARTMENT:

**PART IV C - BASES AND ISSUES ALLEGED IN SETTLEMENTS (Part 2)**

ISSUES OF ALLEGED DISCRIMINATION IN SETTLEMENTS	BASES OF ALLEGED DISCRIMINATION IN SETTLEMENTS												NUMBER COMPLAINTS SETTLED WITH BY ISSUE	NUMBER COMPLAINTS SETTLED BY ISSUE	NUMBER COMPLAINTS SETTLED WITH BY ISSUE		
	SEX		PREGNANCY DISCRIMINATION/ACT	NATIONAL ORIGIN		SOCIAL RACE/ETHNICITY		AGE	DISABILITY		OTHER	NUMBER COUNSELING SETTLED WITH ALLEGATIONS				NUMBER COURSEWORK SETTLED BY ISSUE	NUMBER MONITORING SETTLED WITH BY ISSUE
	MALE	FEMALE		WHITE	BLACK	ASIAN	HISPANIC/LATINO		OTHER	PHYSICAL							
A. APPOINTMENT/HIRE																	
B. ASSIGNMENT OF DUTIES																	
C. AWARDS																	
D. CONVERSION FROM THE PERM STATUS																	
E. DISCIPLINARY ACTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1. DEATH																	
2. DEMOTION																	
3. SUSPENSION																	
4. REMOVAL																	
5. DECEASED/RETIRED																	
6																	
7																	
F. EMPLOYMENT																	
G. PERFORM EVALUATION																	
H. EXAMINATION/TEST																	
I. REASSIGNMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1. NON-SEXUAL																	
2. SEXUAL																	
J. MEDICAL EXAMINATION																	
K. PAY INCLUDING OVERTIME																	
L. PROMOTION/NON-SELECTION																	
M. REASSIGNMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1. DEVED																	
2. DIRECTED																	
N. REASONABLE ACCOMMODATION/DEABILITY																	
O. REINSTATEMENT																	
P. REDUCTION OF COMPENSATION																	
Q. RETIREMENT																	
R. SEX-DISCRIMINATION																	
S. TELEWORK																	
T. TERMINATION																	
U. TERMS AND CONDITIONS OF EMPLOYMENT																	
V. TIME AND ATTENDANCE																	
W. TRAINING																	
X. OTHER (Please specify below)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1																	
2																	
3																	
4																	
1. COUNSELING SETTLEMENT ALLEGATIONS																	
1A. NUMBER OF COURSEWORKS SETTLED																	
1B. NUMBER OF COURSEWORKS SETTLED WITH																	
2. COMPLAINT SETTLEMENT ALLEGATIONS																	
2A. NUMBER OF COMPLAINTS SETTLED																	
2B. NUMBER OF COMPLAINTS SETTLED WITH																	





# FY 2020 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:**

**REPORTING PERIOD: FY2017**

### PART V - SUMMARY OF CLOSURES BY STATUTE

**A. STATUTE** (IF A SINGLE COMPLAINT HAS MULTIPLE STATUTES RECORD EACH ON THE APPROPRIATE LINE.)

- 1. TITLE VII
- 1a. PREGNANCY DISCRIMINATION ACT (PDA)
- 2. AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)
- 3. REHABILITATION ACT
- 4. EQUAL PAY ACT (EPA)
- 5. GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)

**B. TOTAL BY STATUTES**

**0** 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 (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
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
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

# FY 2020 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:		REPORTING PERIOD: FY2017	
PART VI - SUMMARY OF CLOSURES BY CATEGORY (Continued)			
		TOTAL	TOTAL
		NUMBER	DAYS
			AVERAGE
			DAYS
D. FINAL AGENCY MERIT DECISIONS (FAD) ISSUED	(1+2+3+4)	0	0.00
1. COMPLAINANT REQUESTED IMMEDIATE FAD	(1a+1b)	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	0.00
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	0.00
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	0.00
a. AGENCY ISSUED FAD WITHIN 45 DAYS AFTER INVESTIGATION			0.00
b. AGENCY ISSUED FAD MORE THAN 45 DAYS AFTER INVESTIGATION			0.00
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			
5.			
6.			
D. INTENTIONALLY LEFT BLANK			
E. TOTAL CLOSURES WITH NON-MONETARY BENEFITS TO COMPLAINANT			
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. NEUTRAL REFERENCE			
13.			
14.			

# FY 2020 EEOC FORM 462 INSTRUCTION MANUAL

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS <small>(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)</small>					
AGENCY OR DEPARTMENT:			REPORTING PERIOD: FY2017		
<b>PART VIII - SUMMARY OF PENDING COMPLAINTS BY CATEGORY</b>					
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 CASE EEOC HEARING #
	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		
2a. COMPLAINTS PENDING 180 DAY INVESTIGATION NOTICE			0.00		
3. COMPLAINTS PENDING IN HEARINGS			0.00		
4. COMPLAINTS PENDING A FINAL AGENCY ACTION			0.00		
<b>PART IX - SUMMARY OF INVESTIGATIONS COMPLETED</b>					
		TOTAL	TOTAL DAYS	AVERAGE	
A. INVESTIGATIONS COMPLETED DURING REPORTING PERIOD (1+3)		0	0	0.00	
AGENCY INVESTIGATIONS					
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	
CONTRACT INVESTIGATIONS					
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	

# FY 2020 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:**

**REPORTING PERIOD: FY2017**

### 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			
C. ADR RESOURCES USED IN COMPLETED/ENDED COUNSELINGS (TOTALS)	COUNSELINGS	INDIVIDUALS		
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.				
D. ADR TECHNIQUES USED IN COMPLETED/ENDED COUNSELINGS (TOTALS)	COUNSELINGS	INDIVIDUALS	DAYS	AVERAGE DAYS
1. MEDIATION	0		0	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
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				
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				

# FY 2020 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:

REPORTING PERIOD: FY2017

### 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			
<b>C. ADR RESOURCES USED IN COMPLAINT CLOSURES (TOTALS)</b>				
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.				
	COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
<b>D. ADR TECHNIQUES USED IN COMPLAINT CLOSURES (TOTALS)</b>				
	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
<b>E. STATUS OF CASES IN COMPLAINT CLOSURES</b>				
	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				
<b>F. BENEFITS RECEIVED</b>				
	COMPLAINTS	COMPLAINANTS	AMOUNT	
1. MONETARY (INSERT TOTALS)			0.00	
a. COMPENSATORY DAMAGES				
b. BACKPAY/FRONTPAY				
c. LUMP SUM				
d. ATTORNEY FEES AND COSTS				
e.				
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. NEUTRAL REFERENCE				
m.				
n.				

# FY 2020 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:

REPORTING PERIOD: FY2017

### 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)

AMOUNT

D. EEO ADR FUNDING SPENT

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

*MUST use 'X' to designate response to questions*

	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?		

**The FY 2017 Form 462 report must be "Accepted/Finalized" by EEOC by October 31, 2017 to be considered timely.**

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	
<h3>Form 462 Comments</h3>	
Part IV Part A	COMMENT( expression left   expression right   value1   value2   comment )
Part I	If 4.6 4.a, Race - White = 0, Then 4.b Race - White = 0   0   174   0   doctoc444  D1 - On Head At The Beginning Of The Reporting Period, Counselors (Current Year)   D1A - Counselors Pending At The End Of The Reporting Period (Previous Year)   38     comment line 5 D1 - On Head At The Beginning Of The Reporting Period, Individuals (Current Year)   D1A - Individuals Pending At The End Of The Reporting Period (Previous Year)   38     comment line 6 D1a - Counseling Complaints Filed in Reporting Period that Resulted in Complaint Filing in Reporting Period - Individuals   Part II 4   222   205   comment Line 14  A - Complaints On Head At The Beginning Of The Reporting Period, Complaints (Current Year)   1 - Complaints On Head At The End Of The Reporting Period (Previous Year)   668     comment line 7  A3 - Complaints In Itinerary - Average Days   18     64241379310448   180   comment line 2602

## 18. 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, in a final agency decision finding discrimination, or in 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

## FY 2020 EEOC FORM 462 INSTRUCTION MANUAL

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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 pre-counseling 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.

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**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. See Appendix C.

**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, an agency's Form 462 Report Administrator may add additional "other" monetary benefit categories.

**Monetary Benefit** - for *PART VII* or *PART 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, an agency's Form 462 Report Administrator may add additional "other" non-monetary benefit categories.

**Non-Monetary Benefit** - for **PART XI** reporting purposes, an employment-related action that an agency agrees to provide a complainant in an 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 after 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.

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**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 2020, continue to use these 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.
- 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 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

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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 Appendix F 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.

## 19. 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:

1. A mixed case complaint with an agency; **OR**
2. A mixed case appeal directly with the MSPB,  
***but may not both a complaint and an appeal initially.***

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

Some common agency actions appealable to the MSPB include:

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 than 30 days.

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 to appeal to MSPB include:

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

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

## The Mixed Case Complaint Process

The Mixed Case **Complaint** Process is generally the same as the Non-Mixed Case Complaint Process. This section refers to mixed case **complaints** and does not address situations in which the aggrieved initially **appeals** to MSPB. Differences between the mixed case complaint process and the non-mixed case complaint process are described below.

Electing a hearing with an EEOC AJ is not an option.

Upon completion of the investigation, the agency has 45 days to issue a final agency decision (FAD). This is in contrast to the 60 days provided for a FAD in the non-mixed case process.

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.
  - The investigative timeframe is the same for mixed cases and non-mixed cases; however, when a mixed-case complaint has been filed with the agency, and more than 120 days have passed, the complainant **has the option** to appeal directly to the MSPB for a determination of their case and opt out of the EEO process with the Agency. In this circumstance, for Form 462 reporting purposes,
    - This matter will be treated as a complaint until the date of the appeal to MSPB.
    - After the complainant appeals to MSPB and opts out of the EEO process with the agency, the matter will be reported as a complaint closed by withdrawal.
- 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).

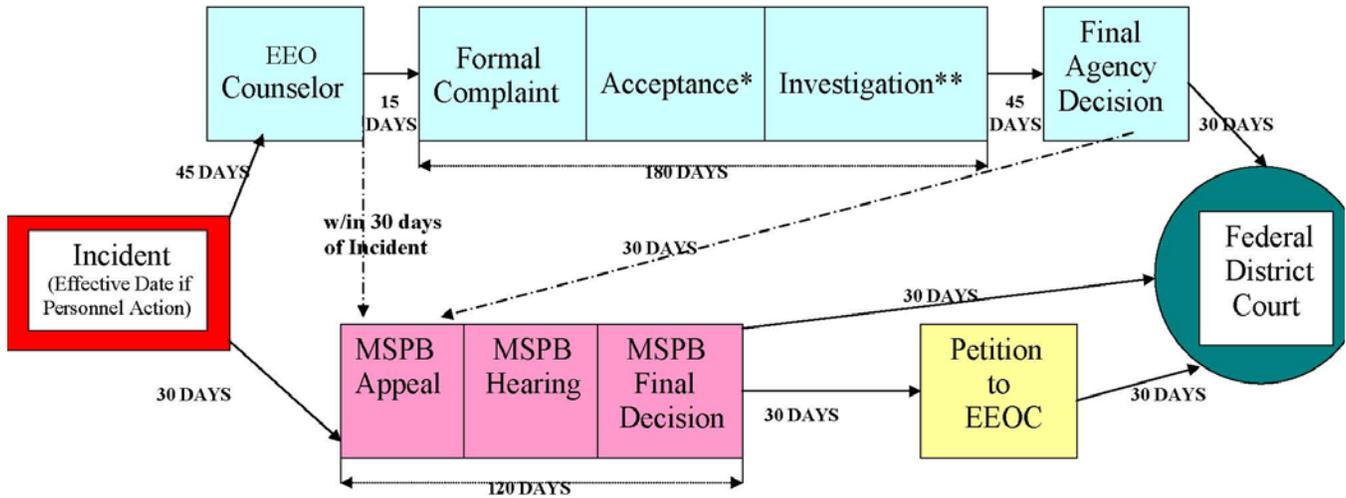
**Note:** This is in contrast to the 60 days provided for a FAD in the non-mixed process. While there is no hearing before an EEOC AJ, if the aggrieved appeals to MSPB, a hearing will be held at the MSPB before an MSPB AJ.

**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)

For a detailed flow chart of possible actions in a mixed case, see Figure 19.1.

Figure 19.1. 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.

**Reporting Mixed Case Data on Form 462**

A mixed-case **complaint** that results in a FAD should be reported in the same manner as any other complaint. This applies even if the FAD, which gives rights to appeal to the MSPB, is later appealed. You would not report complaints on **appeal to MSPB** as open just as you would not report complaints on appeal to OFO. A complainant must elect initially 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.

The following describes how mixed cases should be reported on Form 462 for the FY 2020 reporting period (October 1, 2019, through September 30, 2020):<sup>2</sup>

**PART I, “Pre-Complaint Activities”**

YOU would report activities in PART I for mixed case counselings as you would for any other EEO counseling. If a mixed case settles in the pre-complaint phase, it should be listed here.

<sup>2</sup> This may differ for future fiscal years.

If the EEO counseling ended during the reporting period, and the aggrieved's initial post-counseling action was to file a mixed-case complaint with the agency, the case should be reported:

- In PART I, subpart D.3 (Pre-Complaint Activities – Completed/Ended Counselings on Line D.3.c (Counselings completed/ended in reporting period that resulted in complaint filings in reporting period); and
- The appropriate places in PART I Section C (Total Completed / Ended Counselings).

However, for an EEO counseling ending with an appeal to the MSPB (and not a complaint to the agency):

- Such a case should only be reported in PART I (Pre-Complaint Activities).
- In PART I D.3, such a case will be treated as D.3.b. (Withdrawn/No complaint filed), as it fits in the category of No complaint filed. An appeal to MSPB is not a complaint.
- The only other PART of Form 462 that an EEO counseling ending with an appeal to the MSPB should be recorded is, if ADR was offered in the pre-complaint phase, PART X.

### PART II, “Formal Complaint Activities”

Mixed case **complaints** should be counted in all PART II sections in the same manner as non-mixed case complaints.

### PARTS IV, IV C, IV D, and V Data Sorted by Bases, Issues, and Statutes

Mixed case **complaint** information should be reported in relevant sections of PARTs IV, IV C, and IV D (bases and issues) and PART V (statutes) as well, just as they would be recorded for a non-mixed complaint. These PARTs only record information on **closed** formal complaints (or for PART IV C, counseling settlements as well).

For a mixed case complaint that closed by appeal to the MSPB before a FAD was issued (and thus, the complaint was **withdrawn** from the EEO process with the agency), the complaint should be reported on PART IV and PART V, but **not** on PART IV C nor PART IV D.

### PART VI, “Summary of Closures by Category”

Mixed case complaints that close with a FAD should be reported as would any other EEO complaint on PART VI. They will be found on Line A.3 (Final Agency Actions) and in Section B. Mixed-case complaints that are closed by a FAD should be recorded on PART VI Line D.4.a (Agency Issued FAD Within 45 Days After Investigation) or PART VI Line D.4.b (Agency Issued FAD More Than 45 Days After Investigation). Total days on Line D.4.a or Line D.4.b should be based on the number of days since the ROI was issued. The Total Days calculation on Form 462 is not affected by the 120-day period before being able to appeal to MSPB.<sup>3</sup>

If a mixed case is closed by settlement after the EEO complaint filing, it would be reported in PART VI A.2 (depending on how the settlement occurred – either an ADR or non-ADR settlement).

<sup>3</sup> Mixed-case complaints should not be reported on PART VI Line D.1 (Complainant Requested Immediate FAD). In a mixed-case complaint, the complainant does not take an additional step to “request an immediate FAD,” per se. In filing a mixed-case complaint, the complainant is entitled to a FAD with appeal rights to the MSPB and not an EEOC AJ hearing; this is different from taking the step to affirmatively request an immediate FAD in a **non-mixed** complaint.

If a formal mixed case complaint was filed with the agency, more than 120 days passed, and the complainant appealed directly to MSPB for a determination of their case (opting out of the EEO process with the agency), the complaint would be treated as withdrawn and should be listed on be listed on PART VI Line A.1.a, Non-ADR withdrawals. A comment should be made on the Data Checks worksheet indicating the number of withdrawn complaints that were mixed cases. Days for mixed-case complaints that are appealed to MSPB before a FAD is issued should be calculated from the date of the formal complaint filing to the date of the MSPB appeal.

If the mixed case complaint was withdrawn altogether and the mixed case was not appealed to MSPB, it will be treated as any other withdrawn complaint, being listed on Line A.1.a Non-ADR withdrawals or Line A.1.b, ADR withdrawals.

### **PART VII, “Summary of Formal Complaints Closed by Types of Benefits”**

The benefits accruing to the complainant in a FAD or settlement would be reported in PART VII.

### **PART VIII, “Summary of Pending Complaints by Category”**

Pending mixed case complaints would be reported as any other complaint; there should be no mixed case complaints pending at the Hearing stage.

### **PART IX, “Summary of Investigations Completed”**

All mixed case complaints with **completed** investigations should be reported on PART IX in the same manner as non-mixed complaints. 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. If a mixed case is appealed before the investigation is completed, the investigation will not be reported in PART IX.

### **PART X, “Summary of ADR Program Activities Inform al Phase (Pre-Complaint)”**

All ADR actions on **completed/ended** counselings should be reported in PART X in the appropriate sections.

### **PART XI, “Summary of ADR Program Activities – Formal Phase (Complaint Filed)”**

Any ADR completed for **closed** mixed cases should be included in this PART in the same fashion as other EEO complaint. Report in PART XI only ADR actions for **closed** complaints.

If there was an EEO ADR attempt, and the complaint later was appealed to MSPB (without a FAD), the case should be reported on E.1.b, “Withdrawal from EEO Process” .

If ADR was offered in the formal complaint phase for a mixed case and the EEO complaint was withdrawn (whether by appeal to MSPB or formally stating they no longer pursue the case), a comment should be

made on the Data Checks worksheet indicating the number of mixed cases that resulted in withdrawal for each of these reasons.

### Mixed Case Complaints FAQ

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

- A. Yes, Form 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 one of two forums - EEO complaint or MSPB appeal. The former is counted; the latter is not counted.

**Q. Are the MSPB appealable issues (e.g. suspensions 15+ days, terminations, RIFs, etc.) captured in Form 462?**

- A. The issues are captured as you would any issues in an EEO complaint. For example, if termination or suspension is the issue, you would capture that in PART IV of the 462.

**Q. We had a mixed-case complaint that was filed on May 18, 2019 and closed with a FAD on January 30, 2020. The Complainant then filed a timely appeal with the MSPB on February 22, 2020. On May 16, 2020, 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, 2020. He requested a hearing on July 14, 2020. 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.

## MSPB Remands FAQ

**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.

**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.

**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.

## 20. APPENDIX D: OTHER FREQUENTLY ASKED QUESTIONS

### Class Complaint Data FAQ

- 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.
- 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.
- 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.
- 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.
- 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.
- Q. Several individual complaints were initially subsumed in a class complaint, but the Administrative Judge dismissed the class complaint. Following the dismissal of the class complaint, the complaints were processed as individual complaints. How should they be 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 the complaints to the agency for further processing the individual complaints. 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.

- 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.

## Breach of Agreement Claims FAQ

- 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.
- 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.
- 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.

## 21. APPENDIX E: BENEFIT AND ISSUE CROSSWALKS OF DESCRIPTIONS

Table 21.1. Crosswalk of Non-Monetary Benefit Descriptions

Non-Monetary Benefits	Examples
1.a. Hires – Retroactive	<ul style="list-style-type: none"> <li>Offered a position or a substantially equivalent position</li> </ul>
1.b. Hires – Non-Retroactive	<ul style="list-style-type: none"> <li>Allowed to submit application</li> <li>Can apply for position</li> <li>Complainant contractor to identify open position</li> <li>Priority consideration</li> </ul>
2.a. Promotions – Retroactive	-
2.b. Promotions – Non-Retroactive	<ul style="list-style-type: none"> <li>Ensure eligibility to complete for job</li> <li>Review promotion package</li> </ul>
3. Expungements	-
4. Reassignments	<ul style="list-style-type: none"> <li>Additional duties amended</li> <li>Assign projects at higher level</li> <li>Assignment of duties</li> <li>Change employment status</li> <li>Change in policy</li> <li>Change supervisor</li> <li>Clarify misunderstanding</li> <li>Desk audit</li> <li>Detail to CFC</li> <li>Develop policy for selecting personnel for special initiatives</li> <li>Duty day modified</li> <li>Extend detail</li> <li>Improved terms and conditions</li> <li>Include in leadership meetings</li> <li>Meet before assign work</li> <li>Meeting with management</li> <li>Mentoring</li> <li>Modify work schedule</li> <li>Open communication</li> <li>Referred for other resources</li> <li>Reinstate access to compound</li> <li>Reinstate fit for life</li> <li>Review travel</li> <li>Rotation assignment</li> <li>Shift change</li> <li>Telework</li> <li>Tour extended</li> <li>Work hours adjusted</li> </ul>

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Non-Monetary Benefits	Examples
5.a. Removals Rescinded - Reinstatement	<ul style="list-style-type: none"> <li>• Discontinued service retirement</li> <li>• Letter recommending no termination</li> <li>• Removal rescinded</li> <li>• Withdraw proposal to separate</li> </ul>
5.b. Removals Rescinded - Voluntary Resignation	<ul style="list-style-type: none"> <li>• Agrees not to work for agency</li> <li>• Extended retirement</li> <li>• FMLA until resignation date</li> <li>• Letter of recommendation</li> <li>• Process disability retirement</li> <li>• Resign</li> <li>• Retire by certain date</li> <li>• Retirement</li> </ul>
6. Accommodations	<ul style="list-style-type: none"> <li>• Develop local reasonable accommodation (RA) procedures</li> <li>• Notice to management re: confidentiality of RA</li> <li>• Telework as an accommodation</li> </ul>
7. Training	<ul style="list-style-type: none"> <li>• Coaching</li> <li>• Management training</li> <li>• Mentoring</li> </ul>
8. Apology	-
9.a. Disciplinary Actions - Rescinded	-
9.b. Disciplinary Actions - Modified	<ul style="list-style-type: none"> <li>• Favorable or neutral reference</li> <li>• Neutral verification</li> <li>• Non-disparagement</li> </ul>
10. Performance Evaluation Modified	<ul style="list-style-type: none"> <li>• Deferred performance appraisals</li> <li>• Individuals removed as PAR evaluators</li> <li>• Official PIP developed</li> <li>• Performance evaluation</li> <li>• Recognition of years of service</li> <li>• Weekly progress meetings</li> </ul>
11. Leave Restored	<ul style="list-style-type: none"> <li>• Admin leave</li> <li>• Leave granted</li> <li>• Leave restrictions amended</li> <li>• LWOP</li> <li>• Receive donated leave</li> <li>• Sick leave</li> <li>• Time and attendance (T &amp; A)</li> </ul>
12. Neutral Reference	-
13. and 14. User-Defined	<ul style="list-style-type: none"> <li>• Not contest OWCP claim</li> <li>• Posting Order</li> <li>• Process OWCP</li> <li>• Union grievance resolved</li> </ul>

Table 21.2. Crosswalk of Monetary Benefit Descriptions

Monetary Benefits	Examples
1. Compensatory Damages	<ul style="list-style-type: none"> <li>• Any out-of-pocket expenses resulting from the discrimination, including future pecuniary losses, e.g., medical treatment</li> <li>• Bank fees and training costs</li> <li>• Debt waived</li> <li>• Emotional pain</li> <li>• Financial loss</li> <li>• Hospital costs</li> <li>• Inconvenience</li> <li>• Injury to character reputation</li> <li>• Injury to credit standing</li> <li>• Job search expenses</li> <li>• Loss of health</li> <li>• Medical bills</li> <li>• Mental anguish</li> <li>• Moving expenses</li> <li>• Non-pecuniary</li> <li>• Suffering</li> </ul>
2. Back/Front pay	-
3. Lump Sum	<ul style="list-style-type: none"> <li>• Award</li> <li>• Bonus</li> <li>• Increase award</li> <li>• Interest</li> <li>• Per diem awarded</li> <li>• Per diem reviewed</li> <li>• Reimburse suspension</li> <li>• Release of liability</li> <li>• Relocation expense</li> <li>• Salary increase</li> </ul>
4. Attorney fees and costs	<p>Only for claims under Title VII, Rehabilitation Act, and GINA</p> <ul style="list-style-type: none"> <li>• Complainant that prevails through a negotiated settlement</li> <li>• Expert fees</li> <li>• Hours spend in processing the complaint, not during the pre-complaint process</li> <li>• Law clerks</li> <li>• Paralegals</li> <li>• Printing and copy</li> <li>• Transcript cost</li> <li>• Witness fees (except federal employees)</li> </ul>

Table 21.3. Crosswalk of Issue Descriptions

Issue	Examples
Appointment/Hire	<p>NOTE: For new employee issues only</p> <ul style="list-style-type: none"> <li>• Background investigations</li> <li>• Canceled the position for discriminatory reasons</li> <li>• Employment references</li> <li>• Hiring practices</li> <li>• Interviews</li> <li>• Not qualified for hire/appointment</li> <li>• Pre-employment inquiries</li> <li>• Priority consideration</li> <li>• Selection and application process</li> <li>• Selection criteria that are not job-related and/or consistent with business necessity</li> <li>• Vacancy announcement</li> </ul>
Assignment of Duties	<ul style="list-style-type: none"> <li>• Classification/position review</li> <li>• Denial of details or acting positions</li> <li>• Failure to provide special work assignments</li> <li>• Modified duties</li> <li>• Removed from duties</li> </ul>
Awards	<ul style="list-style-type: none"> <li>• Compensation that the employee received based on his/her performance or for special projects</li> <li>• Cash award</li> <li>• Time off award</li> </ul>
Conversion to Full Time	<ul style="list-style-type: none"> <li>• Conversion to Permanent Status</li> </ul>
Disciplinary Actions	<ul style="list-style-type: none"> <li>• Punitive action taken against an employee based on the employee's misconduct</li> </ul>
Demotion	<ul style="list-style-type: none"> <li>• Threats of demotion</li> </ul>
Reprimand	<ul style="list-style-type: none"> <li>• Admonishment</li> <li>• Memo for the record</li> <li>• Threats of reprimand</li> <li>• Written up</li> </ul>
Suspension	<ul style="list-style-type: none"> <li>• Threats of suspension</li> </ul>
Removal	<ul style="list-style-type: none"> <li>• Threats of removal</li> </ul>

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Issue	Examples
Disciplinary Warnings	<ul style="list-style-type: none"> <li>• Admonishments</li> <li>• Counselings</li> <li>• Declared as disruptive</li> <li>• Letter of caution</li> <li>• Letter of counselings</li> <li>• Letter of guidance</li> <li>• Letter of instruction</li> <li>• Letter of warning</li> <li>• Threats of non-disciplinary actions</li> <li>• Verbal counselings</li> <li>• Written up</li> </ul>
Duty Hours	<ul style="list-style-type: none"> <li>• Change work schedule/shift</li> <li>• Denied overtime</li> </ul>
Evaluation/Appraisal	<ul style="list-style-type: none"> <li>• Constructive feedback</li> <li>• Delay in conducting appraisal</li> <li>• Negative evaluation</li> <li>• PIP</li> </ul>
Examination/Test	-
Harassment	<ul style="list-style-type: none"> <li>• Bullying based on protected activity</li> <li>• Comments</li> <li>• Epithets</li> <li>• Graffiti</li> <li>• Inappropriate emails</li> <li>• Jokes</li> <li>• Name-calling</li> <li>• Physical conduct</li> <li>• Pictures</li> <li>• Slurs</li> </ul>
Non-Sexual Harassment	<ul style="list-style-type: none"> <li>• Harassment based on any of the protected basis except those actions with a sexual connotation</li> <li>• Hostile work environment claims</li> </ul>
Sexual Harassment	<ul style="list-style-type: none"> <li>• Any harassment with sexual connotation</li> </ul>
Medical Examination	<ul style="list-style-type: none"> <li>• Disclosure of medical information</li> <li>• Fit for duty exams</li> </ul>
Pay Including Overtime	<ul style="list-style-type: none"> <li>• Any aspect of pay</li> <li>• (Non)-Extension of overtime</li> <li>• Government debt</li> <li>• Overpayments</li> <li>• OWCP</li> </ul>

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Issue	Examples
Promotion/Non-Selection	<ul style="list-style-type: none"> <li>• NOTE: For existing employee issues only</li> <li>• Background investigation</li> <li>• Desk audit</li> <li>• Inappropriate interview questions</li> <li>• Not qualified for promotion/position</li> <li>• Priority consideration</li> </ul>
Reassignment	-
Reassignment Denied	-
Reassignment Directed	<ul style="list-style-type: none"> <li>• Detail</li> <li>• Replace on panel</li> <li>• Transfer position and location</li> </ul>
Reasonable Accommodations	<ul style="list-style-type: none"> <li>• Accommodation for training and office's special events</li> <li>• Denied interim relief Section 508 non-compliance</li> <li>• Denied reasonable accommodations or delay</li> <li>• Job restructuring</li> <li>• Making agency's facilities accessible</li> <li>• Modifying equipment</li> <li>• Modified work schedule</li> <li>• Training materials</li> </ul>
Reinstatement	-
Religious Accommodation	<ul style="list-style-type: none"> <li>• Modified work schedule</li> </ul>
Retirement	<ul style="list-style-type: none"> <li>• Process disability</li> <li>• Voluntary resignation</li> </ul>
Sex-Stereotyping	-
Telework	<ul style="list-style-type: none"> <li>• Denied telework</li> <li>• Removed from telework</li> </ul>
Termination	<ul style="list-style-type: none"> <li>• Constructive discharge</li> <li>• Involuntary resignation</li> <li>• Reduction in force (RIF)</li> </ul>

## FY 2020 EEOC FORM 462 INSTRUCTION MANUAL

Issue	Examples
Terms/Conditions of Employment	<ul style="list-style-type: none"> <li>• Apology</li> <li>• Agency processing of EEO complaint</li> <li>• Character assignments</li> <li>• Classification</li> <li>• Conduct not adversely affecting performance</li> <li>• Damage to reputation</li> <li>• Denied participation in special events</li> <li>• Denied membership in specific organizations or networks</li> <li>• Denied union rep time</li> <li>• Displeased with the EEO process</li> <li>• Harassment inquiry</li> <li>• Human resource issues other than pay and awards</li> <li>• Inequality in discipline</li> <li>• Interference with process</li> <li>• Interviewed by IG</li> <li>• Letter of instruction</li> <li>• Misinformed employees about the EEO process, personnel policies, or practices Imposed an unreasonable dress code</li> <li>• Modified duties</li> <li>• Office policies/practices</li> <li>• Office space</li> <li>• Overly scrutinized employee's job</li> <li>• Personnel records</li> <li>• Position review</li> <li>• Sabotage</li> <li>• Spinoff complaint</li> <li>• Workforce transformation</li> </ul>
Time and Attendance	<ul style="list-style-type: none"> <li>• Administrative leave</li> <li>• Compensatory time off</li> <li>• Denial of official time</li> <li>• Leave counseling memo</li> <li>• Leave restoration</li> <li>• Sick or annual leave</li> </ul>
Training	<ul style="list-style-type: none"> <li>• Denial of performance improvement plan (PIP)</li> <li>• Denial of succession training or planning</li> </ul>

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**Table 21.4. Crosswalk of Categories NEVER to Add as User-Defined Issues**

Category Never to Add	Description
Retaliation/Reprisal	Retaliation/reprisal is a basis of discrimination, i.e., the alleged motivating factor. Issues are the means (agency's adverse action) by which an agency official retaliated/reprised against an individual, for example, by lowering a performance appraisal, issuing a disciplinary action, or harassing the individual.
Hostile Work Environment	Hostile work environment claims should be reported as harassment (non-sexual).
"Other"	If "Other" is added to PART IV as a user-defined issue, then a comment must be added listing all issues being reported as "Other".

## 22. APPENDIX F: COSTS OF INVESTIGATIONS WORKSHEET

Table 22.1. Costs of Investigations Worksheet

Item	Cost
<b>Salary Costs</b>	
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)	\$
<b>TOTAL Salary Costs</b>	<b>\$</b>
<b>Miscellaneous Costs</b>	
Photocopying	\$
Supplies	\$
Mailing	\$
Travel	\$
Court Reporting	\$
Witness Fees	\$
Training (pertaining to conducting investigations)	\$
Other Miscellaneous Costs	\$
<b>TOTAL Miscellaneous Costs</b>	<b>\$</b>
<b>Any Other Costs Not Shown Above</b>	<b>\$</b>
<b>TOTAL Investigation Costs</b> (Sum of Total Salary Costs, Miscellaneous Cost, and Other Costs Not Shown Above)	<b>\$</b>