

December 2024

Annual Report on the Federal Workforce Part I: EEO Complaint Processing Activity

Fiscal Year 2021



U.S. Equal Employment Opportunity Commission

Research, Evaluation, & Applied Data Division | Office of Federal Operations

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Executive Summary

The Federal Government is the largest employer in the United States, with over 3.1 million employees.¹ Despite significant progress in promoting equal employment opportunity (EEO), Federal workforce data suggests that inequities persist. During fiscal year (FY) 2021, a total of 12,226 complaints of discrimination were filed in the Federal sector.

This report offers an overview of the underlying trends in Federal sector complaint processing. The information presented can help Congress, stakeholder agencies, and leadership at the U.S. Equal Employment Opportunity Commission (EEOC) monitor governmentwide EEO activity and provide benchmarks for measuring the progress of Federal agencies.

Main Findings

This report's analysis relied on EEO complaint data from 278 Federal agencies and subcomponents that filed FY 2021 Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints reports (Form 462). The main findings from FY 2021 include:

- A total of 33,506 counselings were completed, with 36.5 percent resulting in a formal complaint filing.
- Of the 12,226 formal complaints filed, the basis most frequently alleged was reprisal/retaliation (6,529), followed by age (3,597) and physical disability (3,565).
- An alternative dispute resolution (ADR) option was offered for 87.8 percent of completed counselings, with 55.5 percent accepting. Of those that accepted ADR, 68.1 percent resulted in a resolution.
- EEO investigators spent an average of 185 days to complete investigations, down 9.3 percent from FY 2020. The average cost of all investigations conducted by agencies and contractors was \$5,113, up 17.2 percent since 2020.
- The number of completed investigations has been on a decline from 11,786 completed investigations at the peak in FY 2018 to 10,505 in FY 2021.
- The average pre-complaint monetary settlement was \$4,802, with total governmentwide settlement costs of roughly \$3.4 million—down from \$3.6 million in FY 2020.

¹ Governmentwide estimates based on December 2020 FedScope Status Data Employment Cube sourced from the Office of Personnel Management's Enterprise Human Resources Integration-Statistical Data Mart (EHRI-SDM) located at <https://www.fedscope.opm.gov/employment.asp>.

- The total number of findings of discrimination, including Administrative Judge (AJ) decisions and final agency decisions (FADs), decreased slightly from 224 in FY 2020 to 221 in FY 2021.
- In FY 2021, the monetary benefits for complainants obtained through settlements and awarded for findings of discrimination at the complaint stage (including AJ decisions and FADs), amounted to over \$74 million, a 11.9 percent increase since FY 2020.

Although the number of counselings remained similar to the previous year, agencies timely completed counselings at a rate of 95.8 percent, with over 60.9 percent of these counselings being resolved before the formal complaint stage. Merit FADs to close a complaint reached their highest level since FY 2015 and the average processing time for AJ merit decisions were at its lowest level since FY 2015. The average processing days for formal complaint closures also dropped to their lowest level since FY 2018. Finally, findings of discrimination decreased 9.4 percent from the previous year.

Despite these efficiencies, much work is needed in other areas. The number of final agency actions without an AJ merit decision decreased by 30.3 percent from the previous year. The costs of investigations reached their highest level since FY 2015. Reprisal, age, physical disability, race-Black/African American, and sex-female continued to lead all other bases in discrimination. Complaints based on Title VII protections also continued to be identified in 86.5 percent of all EEO complaints. ADR at the complaint stage was not as successful as ADR at the counseling stage, with ADR closures accounting for only 6.4 percent of all closures at the complaint stage compared to 55.5 percent of all pre-complaint closures. Finally, the total money awarded during formal complaint closures continued to increase, costing agencies 11.9 percent more than the previous year.

Introduction

The Federal Government is the largest employer in the United States, with over 3.1 million employees.² By consistently promoting equal employment opportunity (EEO) and an inclusive work culture, the Federal Government strives to serve as a model employer for all. Despite significant progress, however, Federal workforce data suggests that inequities persist.

During fiscal year (FY) 2021, a total of 12,226 complaints of discrimination were filed in the Federal sector. Although the number of complaints have steadily declined since 2015 (down from 14,871), the cost of processing such complaints is high. In FY 2021, Federal agencies spent \$3.4 million on pre-complaint settlements, \$53.9 million on EEO complaint investigations, and \$74.5 million in monetary awards for findings of discrimination and complaint-stage settlements.

This report summarizes the state of Federal sector EEO while providing trend analyses of key EEO indicators. The information presented can assist Congress, stakeholder agencies, and leadership at the U.S. Equal Employment Opportunity Commission (EEOC) to monitor governmentwide EEO activity and provide benchmarks for measuring the progress of Federal agencies. Those interested in proactive prevention should find this report a valuable resource for identifying existing and emerging challenges in Federal sector EEO.

Scope

This report offers an overview of Federal sector complaint activity and benchmarks against which individual Federal agencies can gauge their performance. The report uses EEO complaint data from 278 Federal agencies and subcomponents that filed FY 2021 Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints reports (Form 462). Federal agencies are required to submit Form 462 to EEOC annually at the end of each fiscal year.

This report provides all data in governmentwide aggregate form, with five-year trends shown where appropriate. Detailed data for individual agencies can be found in the online appendices at [Annual Reports on the Federal Workforce, Including Data Tables](#).

This report describes activity at different stages of the complaint process, including pre-complaint activity, complaint activity, and findings. Key findings in this report and their implications are discussed.

² Governmentwide estimates based on December 2020 FedScope Status Data Employment Cube sourced from the Office of Personnel Management's Enterprise Human Resources Integration-Statistical Data Mart (EHRI-SDM) located at <https://www.fedscope.opm.gov/employment.asp>.

Complaint Processing

This section compiles governmentwide data on complaints, investigations, hearings, and findings³ of discrimination. It also provides five-year trends in complaint activity (where available) and governmentwide benchmarks.

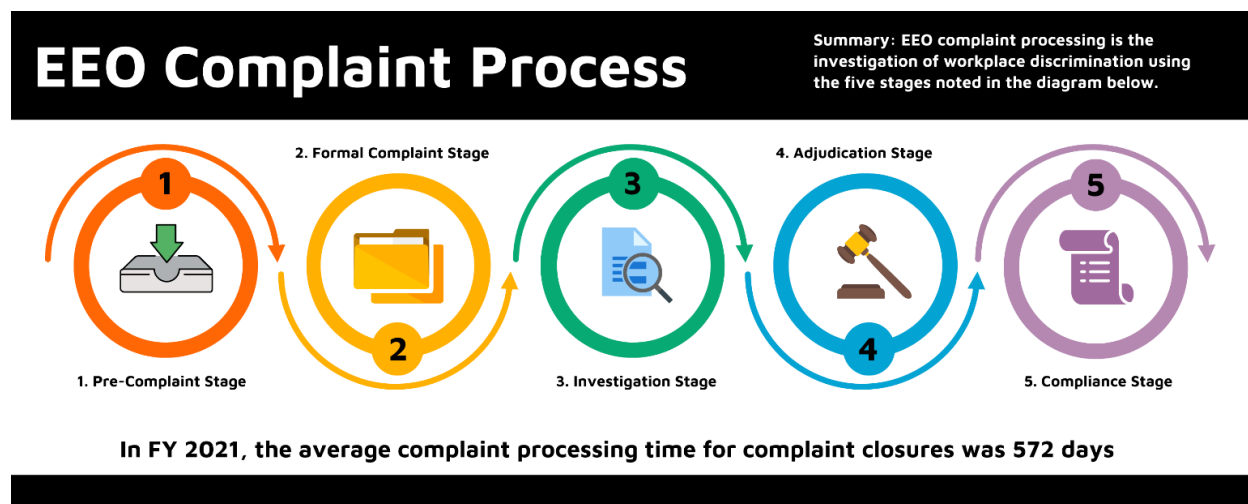
Since Form 462 is self-reported, all data pertaining to complaints, investigations, and findings are reported “as submitted” to the EEOC’s Office of Federal Operations by agency stakeholders. Agency-specific details for all aggregate results can be found in the Appendix.

Overview

EEOC regulations in 29 C.F.R. Part 1614 prohibit discrimination in employment because of race, color, religion, sex, sexual orientation, gender identity, pregnancy, national origin, age, disability, or genetic information. They also prohibit retaliation against an individual for participating in administrative or judicial proceedings involving employment discrimination, or otherwise acting in reasonable opposition to unlawful discrimination.

Part 1614 establishes the process for filing a complaint of discrimination in the Federal sector. Infographic 1 shows the stages of the EEO complaint process.

Infographic 1. Federal EEO Complaint Process



Source: U.S. Equal Employment Opportunity Commission.

³ This report relies on Form 462 data. As such, findings are those reported by agencies due to either final agency decisions, or EEOC Administrative Judge (AJ) decisions. Findings on appeal are not reported on Form 462 and are not included in the report.

Pre-Complaints and Informal Complaints

When individuals believe that they have experienced discrimination in the workplace, they first must contact an EEO counselor prior to filing a formal complaint.⁴ The aggrieved individual has 45 days after the alleged incident occurs to establish contact with an agency counselor. The EEO counselor has 30 days to complete a timely counseling, unless the aggrieved agrees to an extension of no more than 60 days. Counselings completed within 30 days and those completed within 60 days with a written extension are considered timely. If the aggrieved's concerns are not resolved in counseling, the counselor must issue a "Notice of Final Interview," which informs the aggrieved of their right to file a formal complaint at the end of counseling.

Table 1 shows that, out of the 33,106 total counselings (excluding remands) completed in FY 2021, 95.8 percent were completed in a timely manner. A full list of agency timely counseling rates can be found in the Appendix Table B2.

Table 1. Timely Completed Counselings, FY 2021

Total Completed / Ended Counselings	Completed / Ended Counselings (Excluding Remands)	Timely Completed / Ended Counselings (Excluding Remands)	% Timely Completed / Ended Counselings (Excluding Remands)
33,506	33,501	32,106	95.8%

Note: A remand is a counseling or complaint that has been reinstated after being previously dismissed.

Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Table B-2.

Any time during the complaint process, the aggrieved may enter into an Alternative Dispute Resolution (ADR) forum designed to remedy the situation quickly and effectively to the satisfaction of both parties. Common ADR techniques include mediation, settlement conferences, and facilitation.⁵ All agencies are required to establish or make available an ADR program.⁶ ADR should always be offered at the beginning of counseling.⁷ If chosen, the agency has 90 days to conduct the ADR and complete counseling.⁸ If not chosen, the agency has 30 days (which may be extended by agreement) to complete traditional counseling.⁹

⁴ 29 C.F.R. Section 1614.105(a).

⁵ MD-110 Ch. 3 § VI.

⁶ 29 C.F.R. § 1614.102(b)(2).

⁷ MD-110 Ch. 2 § VII.A.

⁸ 29 C.F.R. § 1614.105(f).

⁹ 29 C.F.R. § 1614.105(e).

Table 2 shows the rate of ADR acceptances among individuals receiving pre-complaint counseling. A total of 33,506 pre-complaint counselings were completed during FY 2021, with an ADR offer rate of 87.8 percent and 55.5 percent acceptance rate. ADR data for each agency can be found in the Appendix Table B4.

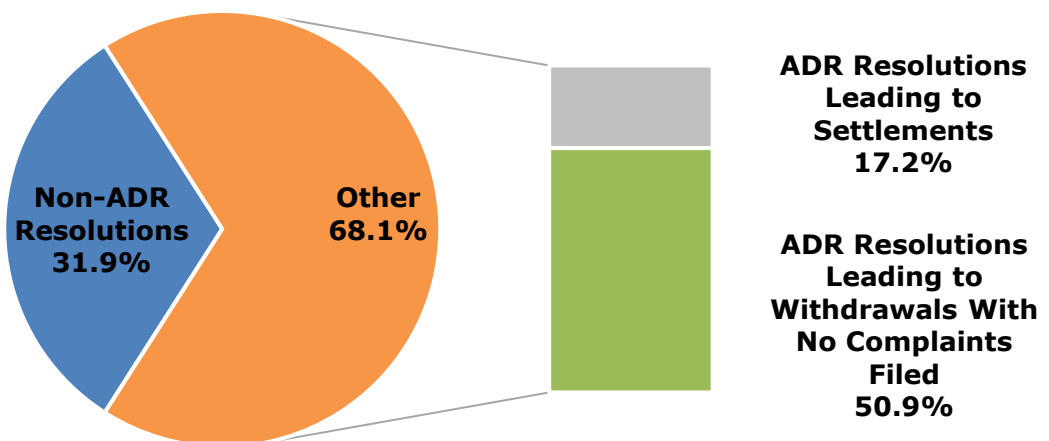
Table 2. Alternative Dispute Resolution (ADR) Outcomes, FY 2021

Completed / Ended Counselings	Offered ADR	% Offered ADR	Participated in ADR	% Participated in ADR
33,506	29,430	87.8%	18,597	55.5%

Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Table B-4.

Figure 1 shows that there were a total of 18,597 pre-complaint ADR closures in FY 2021, with a resolution rate of 68.1 percent. Approximately 17.2 percent of all pre-complaint ADR closures led to settlements, while 50.9 percent resulted in a withdrawal with no formal complaint filed. Appendix Table B5 provides the distribution of pre-complaint ADR resolutions by agency.

Figure 1. Alternative Dispute Resolutions (ADR) During Pre-Complaint Stage, FY 2021



ADR Closures	Non-ADR Resolutions (%)	ADR Resolutions (%)	ADR Resolutions Leading to Settlements	ADR Resolutions Leading to Withdrawals With No Complaints Filed
18,597	5,928 (31.9%)	12,669 (68.1%)	3,200 (17.2%)	9,469 (50.9%)

Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Table B-5.

During FY 2021, there were a total of 21,523 pre-complaint resolutions—i.e., resolutions with no formal complaint filed (Table 3). This accounted for 55.6 percent of all completed counselings. Among these resolutions, 9.5 percent resulted in a settlement. A total of 709 resolutions resulted in a monetary settlement, with an average monetary settlement of \$4,802. Governmentwide, the settlement costs amounted to nearly \$3.4 million in FY 2021, compared to \$3.6 million the previous year. Appendix Table B6 shows the settlement rate and monetary benefits awarded by each Federal agency.

Table 3. Distribution of Benefits Provided in Pre-Complaint Settlements, FY 2014–2021

FY	Completed Counselings	Resolution Rate	Settlement Rate	Settlements with Monetary Benefits	Total Monetary Benefits	Average Monetary Benefits
2014	33,210	54.4%	14.6%	742	\$3,773,943	\$5,086
2015	35,001	55.3%	14.7%	708	\$5,647,171	\$7,976
2016	35,566	54.9%	14.4%	847	\$3,363,982	\$3,972
2017	34,840	55.2%	14.9%	925	\$5,103,338	\$5,517
2018	37,042	55.6%	12.7%	899	\$3,592,162	\$3,996
2019	36,348	58.7%	11.6%	768	\$3,089,717	\$4,023
2020	36,356	59.2%	10.7%	704	\$3,665,376	\$5,207
2021	33,506	55.6%	9.5%	709	\$3,404,634	\$4,802

Notes: A resolution occurs when all charges are closed in the administrative process. This includes charges with no cause findings, administrative closures, and merit resolutions. A pre-complaint settlement occurs when the charge is settled without the filing of a formal complaint and with benefits to the charging party. Monetary benefits are secured through administrative enforcement. Benefits can include actual cash awards (such as restored pay and compensatory damages), attorney’s fees, and training or tuition costs.

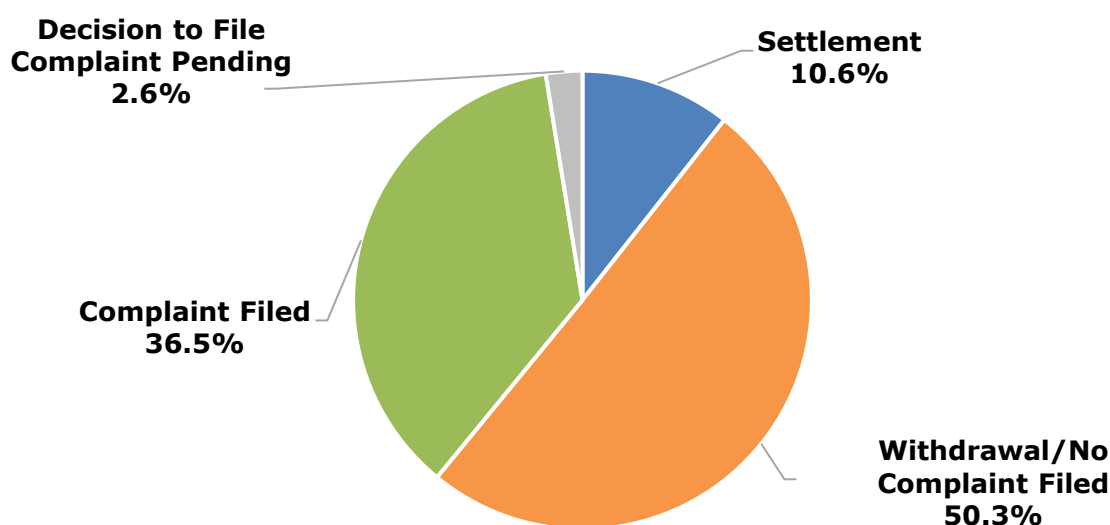
Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Tables B-5 and B-6.

Formal Complaints

If the matter is not resolved through either traditional counseling or pre-complaint ADR, individuals have the option to enter the formal complaint process within 15 days of receiving a Notice of Final Interview.¹⁰ The formal complaint must be a signed statement from the complainant or the complainant's representative that sufficiently identifies the complainant, the charged agency, the basis of discrimination (such as race or sex), and the action or practice that is the basis of the complaint.¹¹

Among the 33,506 counselings initiated governmentwide in FY 2021, 10.6 percent ended in a settlement, 50.3 percent ended with a withdrawal from the complaint process, and 36.5 percent resulted in a formal complaint filing (Figure 2). Approximately 2.8 percent of all counselings were pending the aggrieved's decision on whether to file a formal complaint at the end of FY 2021.

Figure 2. Outcomes of Counselings Completed/Ended, FY 2021



Completed / Ended Counselings	Settlement (%)	Withdrawal / No Complaint Filed (%)	Complaint Filed (%)	Decision to File Complaint Pending (%)
33,506	3,557 (10.6%)	16,862 (50.3%)	12,226 (36.5%)	861 (2.8%)

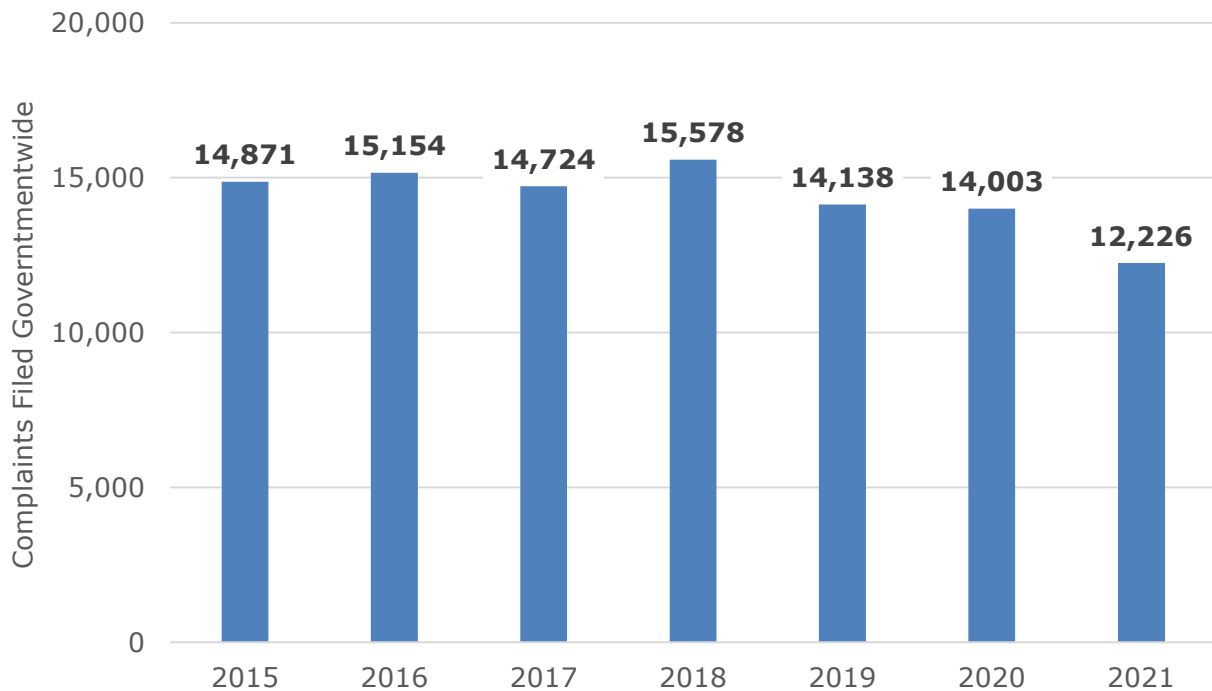
Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Table B-3.

¹⁰ 29 C.F.R. § 1614.105(d).

¹¹ 29 C.F.R. § 1614.106.

The number of counselings that ended by filing complaints has fluctuated since FY 2015 and peaked at 15,578 in FY 2018. That number decreased to 12,226 in FY 2021 (Figure 3).

Figure 3. Governmentwide Number of Complaints Filed, FY 2015–21

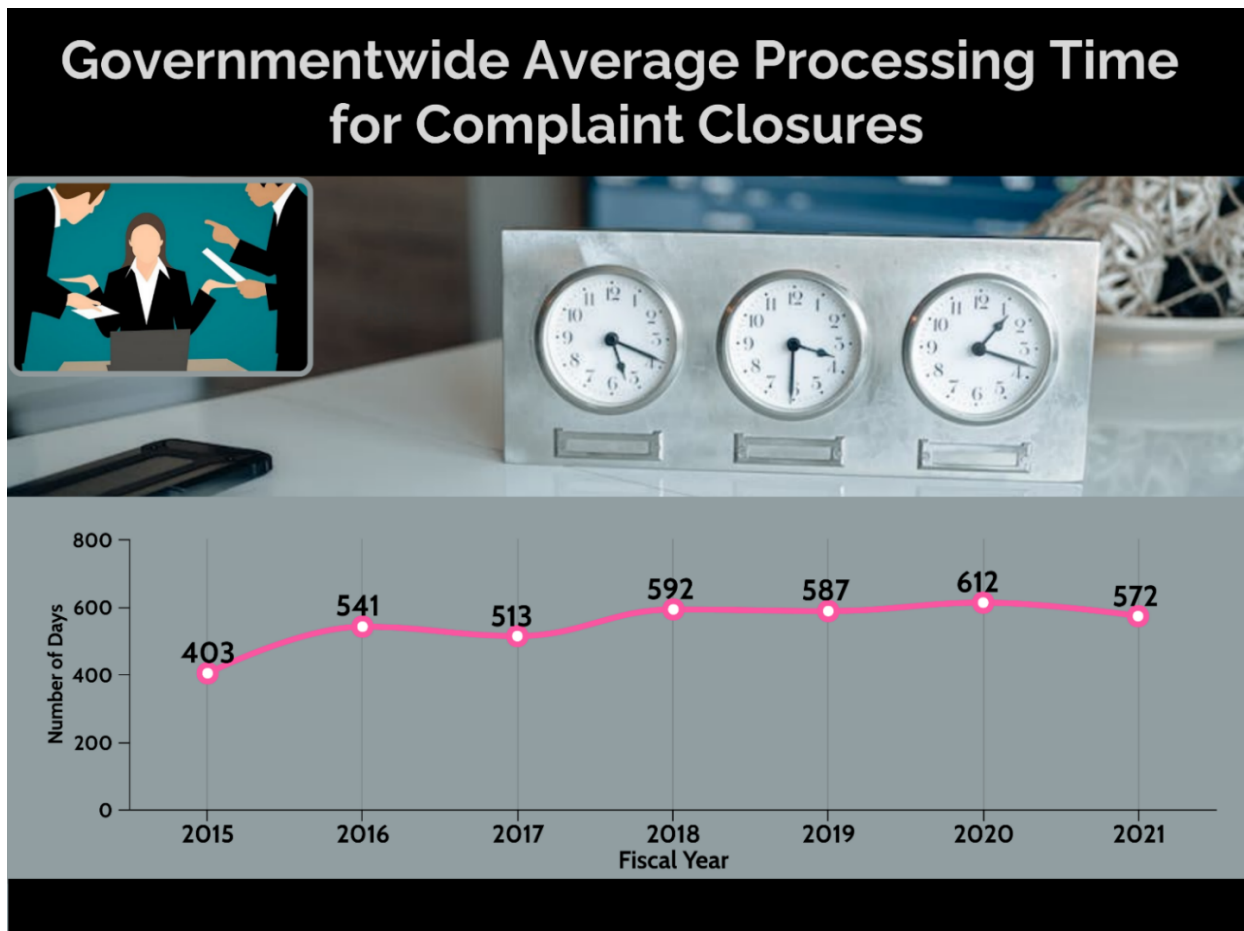


	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Completed / Ended by Filing Complaint	14,871	15,154	14,724	15,578	14,138	14,003	12,226

Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Table B-3.

To assess the efficiency of EEO programs, the EEOC calculated the average number of days needed to close complaints after filing.¹² Since FY 2015, the average processing time governmentwide for complaint closures has generally trended upwards. Infographic 2 shows that the average processing time was 403 days in FY 2015, compared to 612 days in FY 2020 and 572 days in FY 2021.

Infographic 2. Governmentwide Average Processing Time for Complaint Closures, FY 2015–21

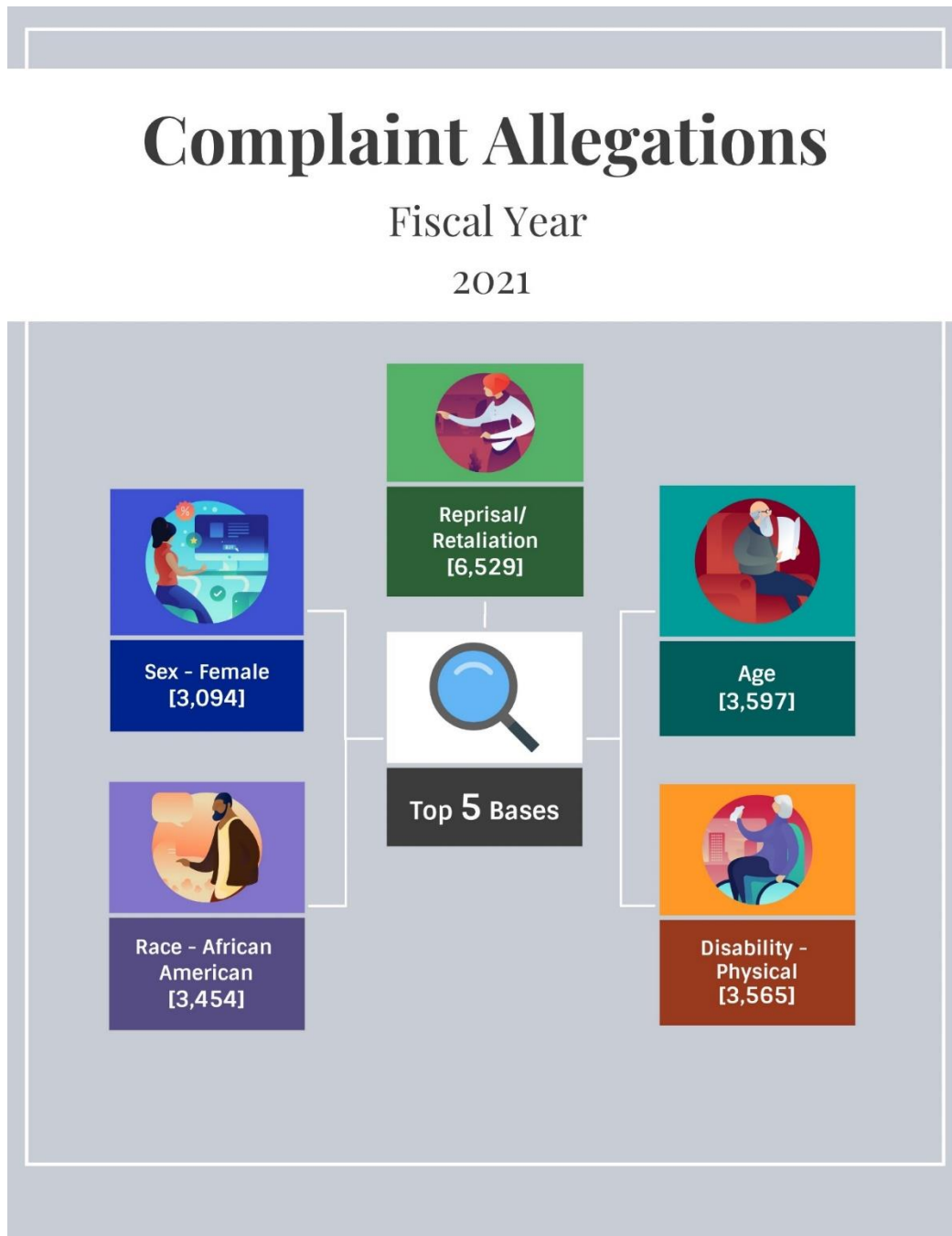


Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Table B-10.

¹² While efficiency is important, it does not take precedence over effectiveness or quality.

The EEOC defines a “basis” of discrimination as the underlying reason for the alleged discriminatory action taken against an employee. Of the 12,226 complaints filed in FY 2021, the basis most frequently cited was reprisal/retaliation (6,529), followed by age (3,597) and physical disability (5,565). Infographic 3 shows the top five bases in complaint allegations in FY 2021.

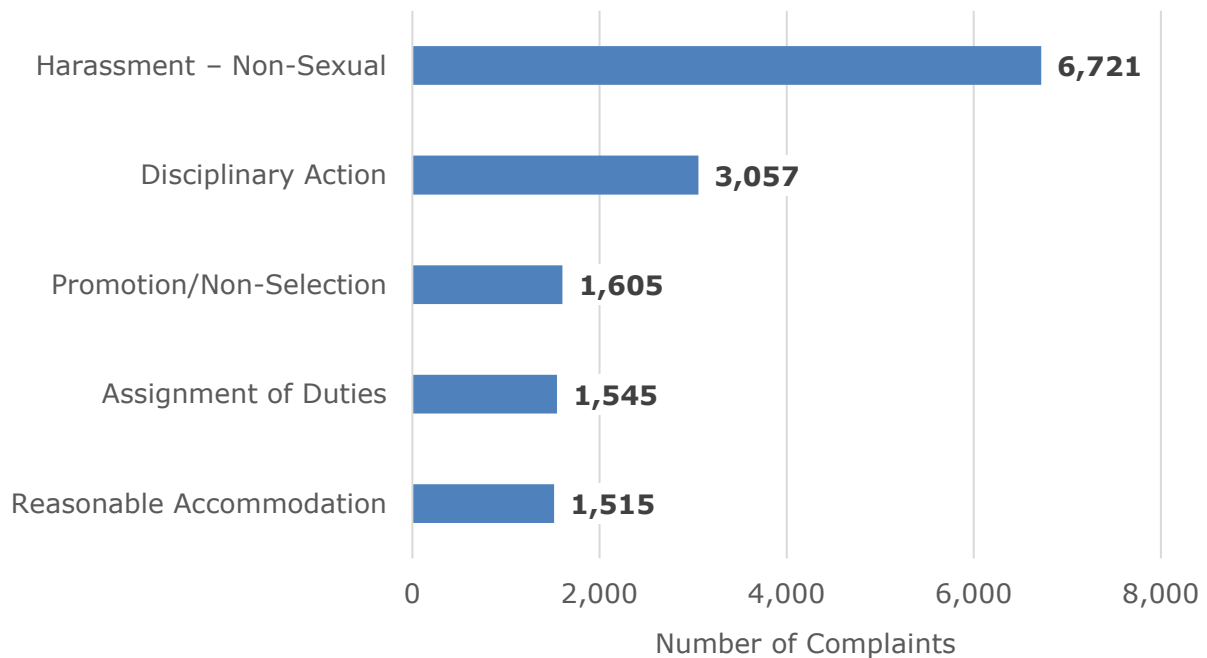
Infographic 3. Top Five Bases in Complaint Allegations, FY 2021



Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Table B-8.

The EEOC defines an “issue” as the alleged discriminatory action taken against an employee based on one or more bases. Figure 4 shows that the issue cited most frequently in complaints was non-sexual harassment (6,721), followed by disciplinary action (3,057) and promotions/non-selection (1,605).

Figure 4. Top Five Issues in Complaint Allegations, FY 2021



Issue	Number of Complaints
Harassment – Non-Sexual	6,721
Disciplinary Action	3,057
Promotion/Non-Selection	1,605
Assignment of Duties	1,545
Reasonable Accommodation	1,515

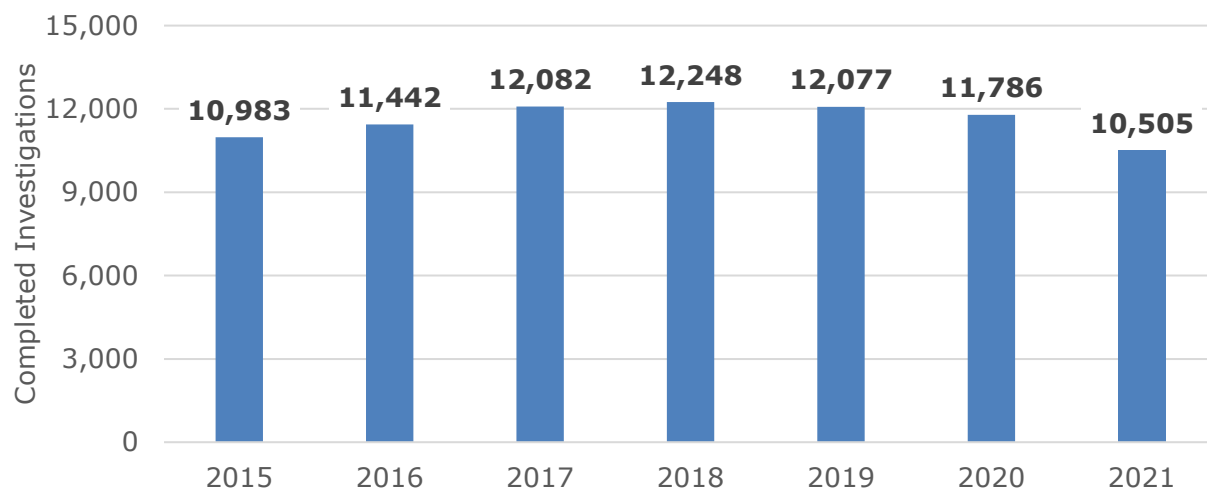
Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Table B-8.

Investigations

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

Figure 5 shows, overall, the number of completed investigations has decreased from a peak of 12,248 in FY 2018 to 10,505 completed investigations in FY 2021.

Figure 5. Total Completed Investigations, FY 2015–21

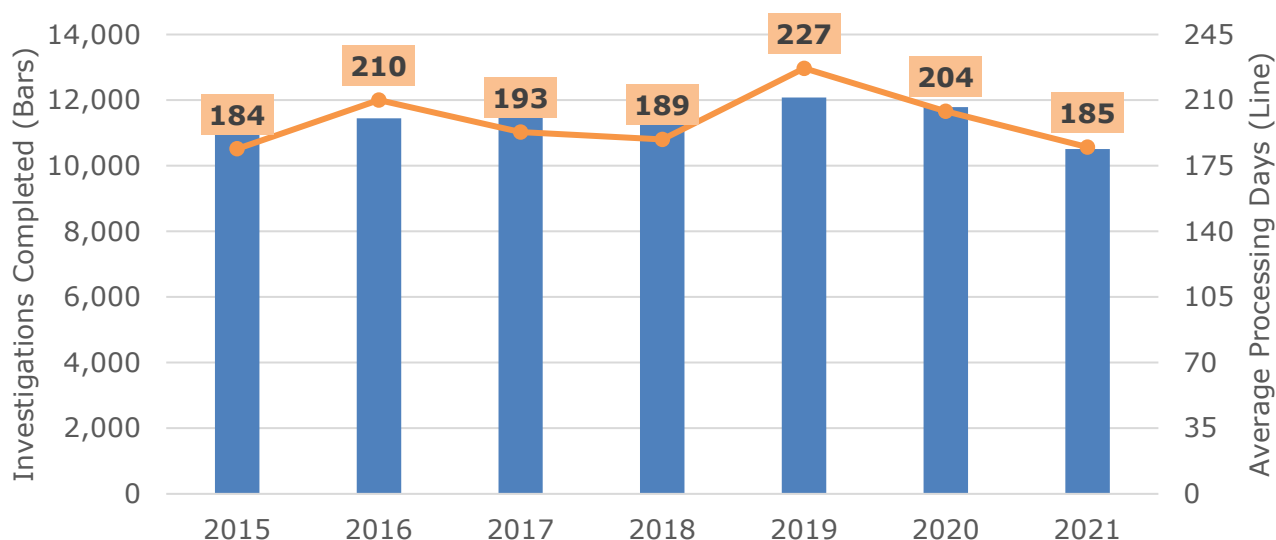


FY	Total Completed Investigations
2015	10,983
2016	11,442
2017	12,082
2018	12,248
2019	12,077
2020	11,786
2021	10,505

Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Table B-9.

Investigators required an average of 185 days to complete investigations during FY 2021, down 9.3 percent from the previous year (Figure 6). However, the average processing days for investigations have increased by one day since FY 2015, when investigations took an average of 184 days to complete.

Figure 6. Average Processing Days for All Completed Investigations, FY 2015–21

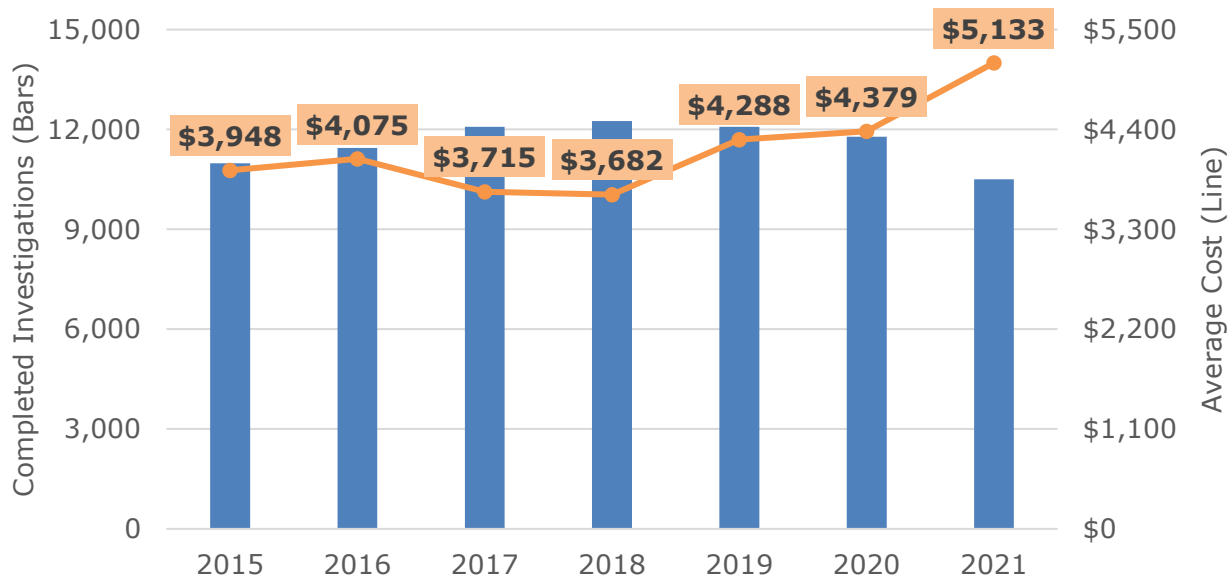


FY	Total Completed Investigations	Average Processing Days
2015	10,983	184
2016	11,442	210
2017	12,082	193
2018	12,248	189
2019	12,077	227
2020	11,786	204
2021	10,505	185

Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Table B-9.

Figure 7 shows that the average costs of investigations have increased 30.0 percent in recent years, from a low of \$3,682 in FY 2018 to a peak of \$5,133 in FY 2021. By comparison, in FY 2015, the average cost of investigations was \$3,948. The total cost to complete investigations governmentwide was about \$53.9 million in FY 2021.

Figure 7. Costs of Completed Investigations, FY 2015–21



FY	Total Completed Investigations	Total Cost	Average Cost
2015	10,983	\$43,355,343	\$3,948
2016	11,442	\$46,621,870	\$4,075
2017	12,082	\$44,890,792	\$3,715
2018	12,248	\$45,107,940	\$3,682
2019	12,077	\$51,794,544	\$4,288
2020	11,786	\$51,607,719	\$4,379
2021	10,505	\$53,931,539	\$5,133

Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Table B-9.

Table 4 shows the governmentwide rate of timely investigations for FY 2021. Of the 10,505 completed investigations, 86.4 percent (9,076) were completed on time. A full listing of timely completed investigation rates for all agencies can be found in Appendix Table B7.

Table 4. Timely Completed Investigations, FY 2021

Total Completed Investigations	Timely Completed Investigations	% Timely Completed Investigations
10,505	9,076	86.4%

Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Table B-7.

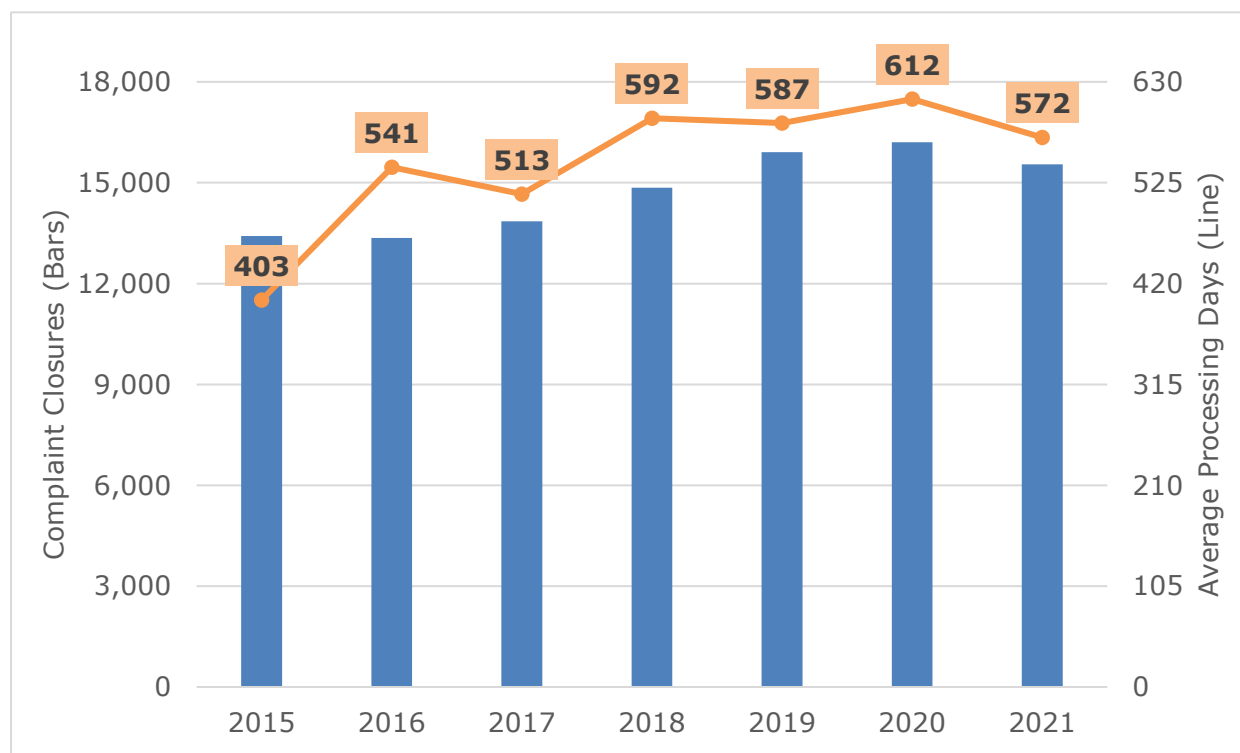
Formal Complaint Closures and Compliance

A formal complaint is considered “closed” when an agency has taken a final action on the complaint. Final agency actions include:

- Final agency decisions (FADs) to dismiss an entire complaint.
- FADs at the conclusion of the investigation where the complainant did not request a hearing.
- Final orders after a decision from an EEOC Administrative Judge (AJ) to either fully implement or reject and appeal the AJ’s decision.¹³

Figure 8 shows the total number of formal complaint closures (AJ Decisions and FADs) and the average processing days for FY 2021. The average processing time for complaint closures decreased by 40 days between FY 2020 (612 days) and FY 2021 (572 days). By comparison, the average processing time was 403 days in FY 2015. A full list of the average processing days for complaint closures by agency can be found in the Appendix Table B10.

Figure 2. Average Processing Days for All Complaint Closures, FY 2015–20



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

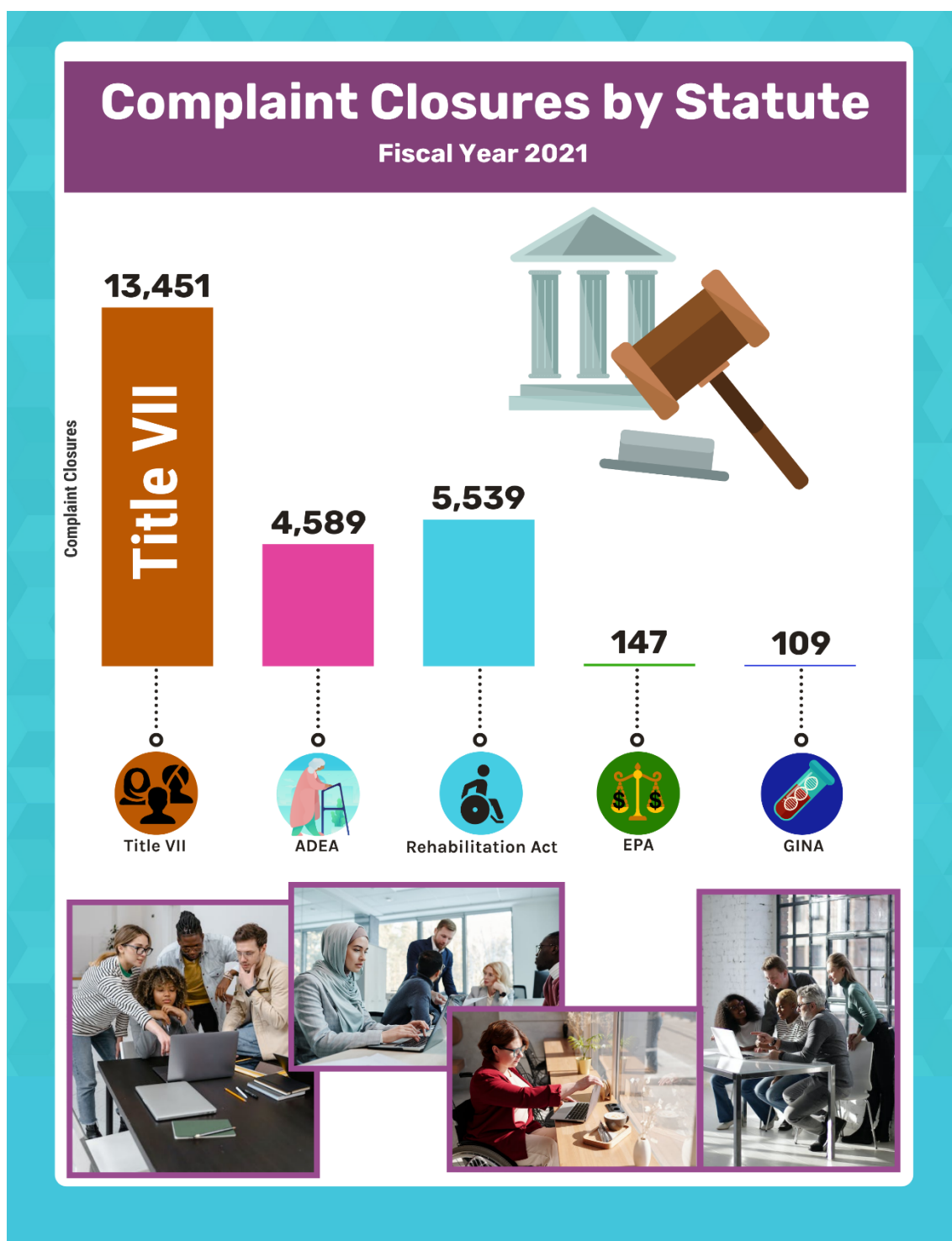
FY	Total Closures	Average Processing Time
2015	13,412	403
2016	13,355	541
2017	13,851	513
2018	14,852	592
2019	15,911	587
2020	16,207	612
2021	15,549	572

Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Table B-7.

Infographic 4 (on the next page) shows the total complaint closures by statute for FY 2021, including Title VII of the Civil Rights Act, the Rehabilitation Act, the Age Discrimination in Employment Act (ADEA), the Equal Pay Act (EPA), and the Genetic Information Non-Discrimination Act (GINA). Title VII is a Federal law that prohibits employment discrimination based on race, sex, color, religion, and national origin. The Rehabilitation Act makes it unlawful to engage in employment discrimination based on disability. The Age Discrimination in Employment Act makes it unlawful for an employer to discrimination against individuals age 40 and older based on age. The Equal Pay Act makes it unlawful to discriminate against employees in pay based on their sex status. The Genetic Information Non-Discrimination Act makes it unlawful to discriminate against employees based on their genetic information.

Among all complaint closures, 86.5 percent were based on Title VII complaints, while the Rehabilitation Act and ADEA accounted for 35.6 percent and 29.5 percent, respectively. Both the EPA and GINA accounted for about 1.6 percent of all complaint closures.

Infographic 4. Complaint Closures by Statute, FY 2021

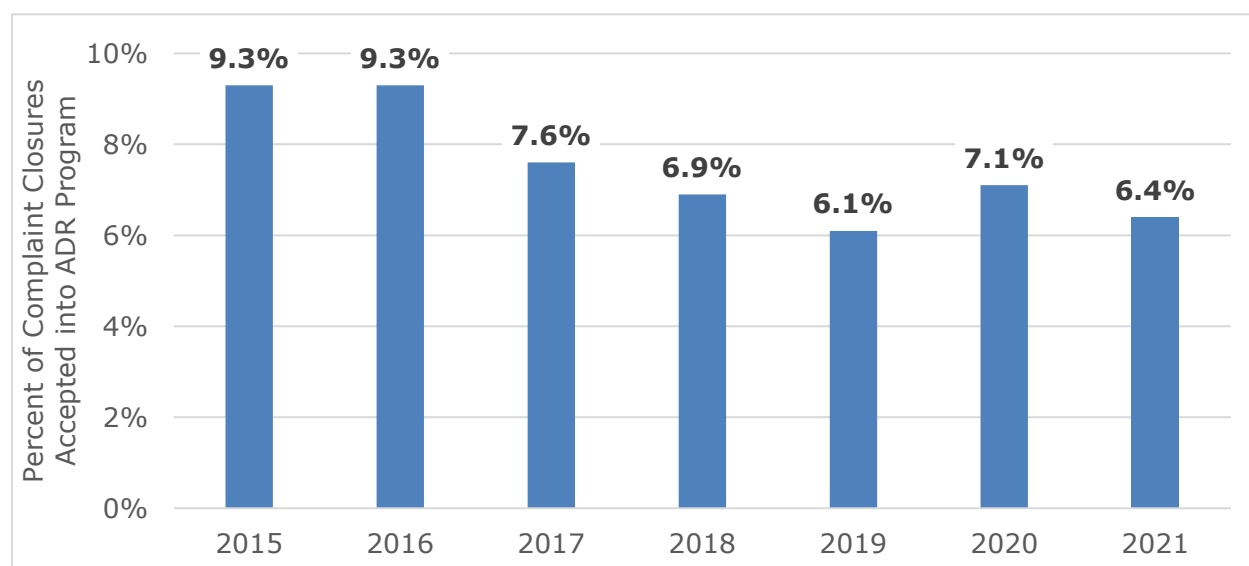


Notes: The reported total complaint closures by statute is higher than the total complaints filed due to individuals alleging multiple statutory bases within a single complaint. ADEA = Age Discrimination in Employment Act. EPA = Equal Pay Act. GINA = Genetic Information Non-Discrimination Act.

Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Table B-22.

The EEOC encourages Federal agencies to offer ADR to complainants both during pre-complaint counseling and after filing a formal complaint.¹⁴ Of the 15,549 formal complaint closures in FY 2021, 6.4 percent were accepted into ADR during the formal complaint stage—down from 7.1 percent in FY 2020 (Figure 9). Overall, 998 formal complaints accepted into ADR were closed during FY 2021, down from 1,148 in FY 2020.

Figure 9. Complaint Closures Accepted into ADR Program, FY 2015–21



FY	Total Complaint Closures	Complaint Closures Offered ADR	ADR Offer Rate	ADR Offers Rejected by Complainant	Closures Accepted into ADR Program	ADR Participation Rate
2015	13,412	2,782	20.7%	1,534	1,248	9.3%
2016	13,355	3,043	22.8%	1,806	1,237	9.3%
2017	13,851	2,670	19.4%	1,612	1,058	7.6%
2018	14,852	2,610	17.7%	1,587	1,023	6.9%
2019	15,911	2,727	17.1%	1,750	977	6.1%
2020	16,207	2,780	17.2%	1,632	1,148	7.1%
2021	15,549	2,645	17.0%	1,647	998	6.4%

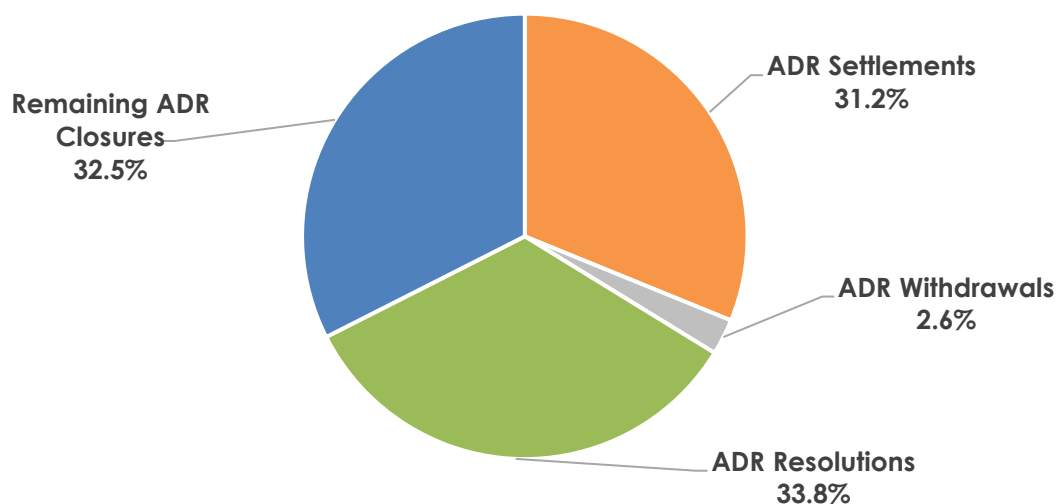
Notes: During an alternative dispute resolution (ADR), a neutral third party assists the disputants in reaching an amicable resolution. Using ADR may resolve conflict while avoiding the cost, delay, and unpredictability of traditional adjudicatory processes.

Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Table B-19.

¹⁴ ADR data reported here include ADR at any stage of the formal complaint process, including after the request for a hearing.

An ADR resolution occurs when the charges of a formal complaint are closed in the administrative process. ADR resolutions may take the form of a settlement with benefits to the charging party or a withdrawal in which the charging party voluntarily withdraws their complaint without receiving benefits. Among the 998 formal complaints closed as a result of ADR, about 33.8 percent were resolved/closed, with 31.2 percent being closed with a settlement. Another 2.6 percent resulted in a withdrawal. The remaining 32.5 percent were closed without coming to an ADR resolution (Figure 10).

Figure 10. Outcomes of ADR Complaint Closures, FY 2021



Total ADR Closures	ADR Settlements	ADR Settlement Rate	ADR Withdrawals	ADR Withdrawal Rate	ADR Resolutions	ADR Resolution Rate
998	311	31.2%	26	2.6%	337	33.8%

Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Table B-20.

Merit Decisions and Processing Time

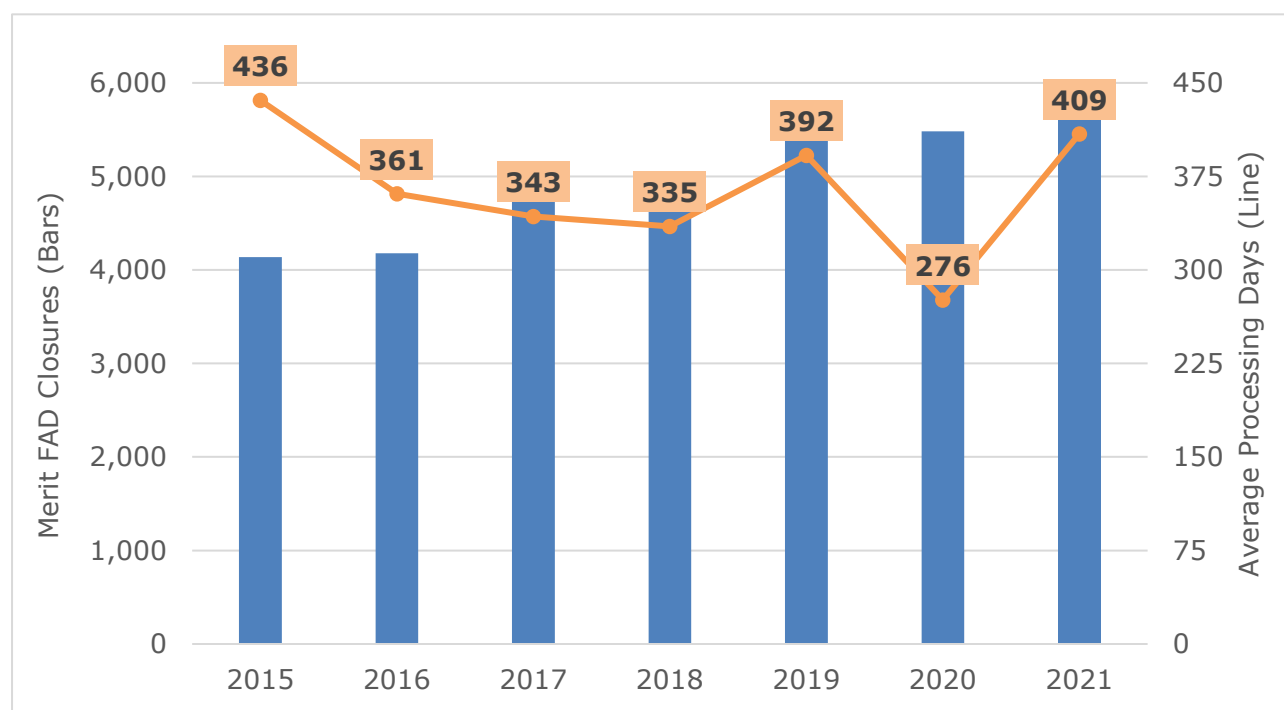
Final agency decisions (FADs) are issued by the agency after a complaint has been filed?. FADs can have the following outcomes:

- Dismissal of the complaint for a procedural reason (e.g., the claim was filed too late).
- Finding no discrimination.
- Finding discrimination.

A merit FAD is determines whether or not unlawful discrimination occurred. Merit FADs exclude procedural dismissals. A merit FAD may implement or appeal an EEOC AJ's decision on the merits of the claim.

Figure 11 shows the total number of merit FAD closures and the average days needed to process the complaint (from when it was filed to when the agency issues a final decision). The number of merit FADs increased by 2.2 percent between FY 2020 and FY 2021, while the average processing days increased significantly—from 276 days in FY 2020 to 409 days in FY 2021.

Figure 11. Average Processing Days for Merit FADs, FY 2015–21



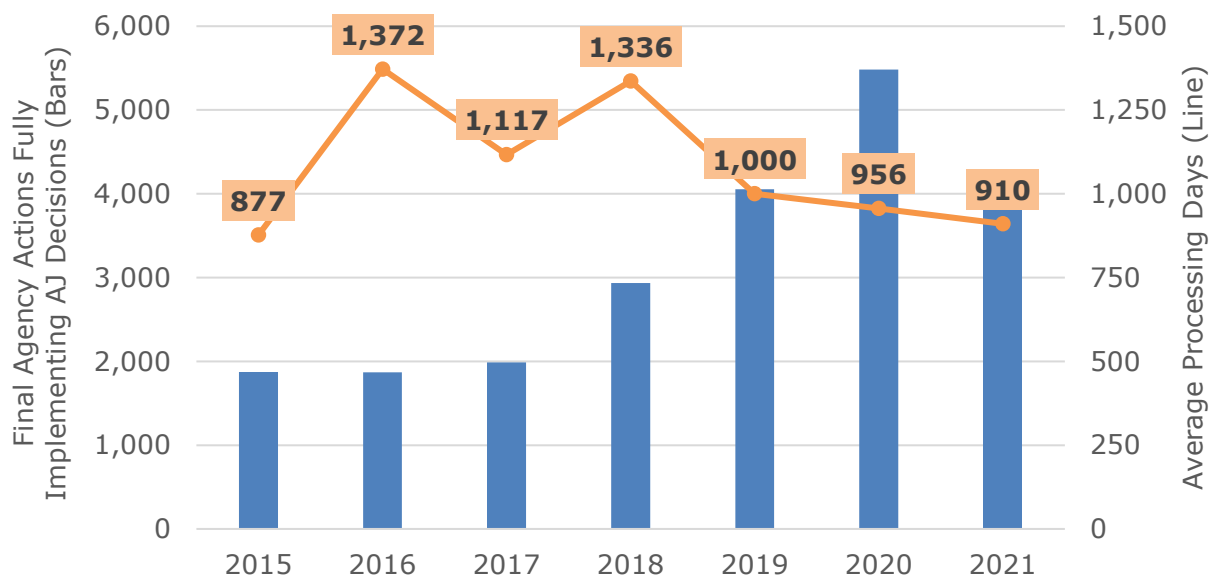
FY	Total Merit FAD Closures	Average Processing Time
2015	4,137	436
2016	4,178	361
2017	5,011	343
2018	5,024	335
2019	5,466	392
2020	5,482	276
2021	5,602	409

Notes: A merit final agency decision (FAD) determines whether or not unlawful discrimination occurred. A merit FAD may implement or appeal an EEOC AJ's decision on the merits of the claim.

Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Tables B-16, B-17.

Final agency actions on a complaint of discrimination include a FAD, a final order implementing the decision of an EEOC AJ, or a final determination on a breach of settlement agreement claim. Figure 12 shows that the number of final agency actions fully implementing AJ decisions decreased by 30.3 percent from 5,482 in FY 2020 to 3,821 in FY 2021. The average processing time decreased by 46 days, from 956 in FY 2020 to 910 days in FY 2021.

Figure 12. Average Processing Days for Final Agency Actions Fully Implementing AJ Decisions, FY 2015–21



FY	Final Agency Actions Fully Implementing AJ Decisions	Average Processing Time
2015	1,872	877
2016	1,868	1,372
2017	1,986	1,117
2018	2,936	1,336
2019	4,054	1,000
2020	5,482	956
2021	3,821	910

Notes: Final agency actions on a complaint of discrimination include a final agency decision, a final order implementing the decision of an EEOC Administrative Judge (AJ), or a final determination on a breach of settlement agreement claim.

Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Tables B-15, B-17.

Table 5 shows that the total number of findings of discrimination decreased from 244 in FY 2020 to 221 in FY 2021. Furthermore, in FY 2021, 112 final orders and 109 merit FADs found discrimination, compared to 135 final orders and 109 merit FADs in FY 2020.

Table 5. Findings of Discrimination, FY 2015–21

FY	Total Merit Complaint Closures	Total Findings	Merit FADs (No AJ)	Merit FADs Finding Discrimination	Final Orders (FOs) of AJ Merit Decisions	FOs of AJ Merit Decisions Finding Discrimination
2015	6,009	168	4,137	60	1,872	108
2016	6,046	159	4,178	71	1,868	88
2017	6,997	158	5,011	64	1,986	94
2018	7,960	139	5,024	48	2,936	91
2019	9,520	175	5,466	75	4,054	100
2020	9,607	244	5,482	109	4,125	135
2021	9,425	221	5,604	109	3,821	112

Notes: A merit final agency decision (FAD) determines whether or not unlawful discrimination occurred. A merit FAD may implement or appeal the decision of an EEOC Administrative Judge (AJ) on the merits of the claim. A final order is a statement of whether the agency agrees with the AJ and if it will grant any relief the judge ordered.

Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Table B-15.

Monetary Benefits Awarded (Formal Complaint Closures)

Table 6 shows data for formal complaint closures with monetary benefits, governmentwide. Monetary benefits can include back pay/front pay, lump sum payments, compensatory damages, and attorney's fees. Lump sum payments have accounted for the largest share of payments since FY 2015. In FY 2021, the total monetary benefits¹⁵ awarded during the complaint stage amounted to over \$74.5 million—11.9 percent more than in FY 2020, when nearly \$66.5 million in benefits were awarded.

Table 6. Monetary benefits awarded during complaint process, FY 2015–20

FY	Total Monetary Benefits	Back Pay / Front Pay	Lump Sum Payments	Compensatory Damages	Attorney's Fees and Costs
2015	\$61,858,231	\$4,256,668	\$32,955,785	\$8,987,545	\$15,658,232
2016	\$68,571,164	\$3,168,105	\$33,452,738	\$12,028,412	\$19,921,158
2017	\$54,937,983	\$3,765,882	\$29,002,290	\$8,715,838	\$13,428,470
2018	\$52,289,373	\$1,823,723	\$28,349,768	\$8,911,160	\$13,185,549
2019	\$53,174,888	\$1,237,600	\$26,372,341	\$10,527,052	\$14,956,098
2020	\$66,535,286	\$2,998,947	\$35,998,209	\$10,768,783	\$16,715,410
2021	\$74,454,920	\$1,803,123	\$38,962,069	\$14,275,960	\$19,413,767

Source: U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462), Table B-21.

¹⁵ Monetary benefits include awards provided by agencies due to an agency decision or a fully implemented EEOC AJ decision. This does not include awards due to findings on appeal.

Conclusion

On October 1, 2003, the EEOC issued Management Directive 715 (MD-715) to provide agencies with guidance and standards for effective EEO and affirmative action programs. As part of the EEOC's commitment to proactive prevention through the use of data, MD-715 specified that each covered agency must use EEOC Form 462 (Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints) to provide an annual report of the status of all pre-complaints and formal complaints processed under its EEO complaints program, in accordance with 29 C.F.R. § 1614.602(a). The EEOC believed that robust reporting requirement would lead to improvements in EEO across Federal agencies. The results of this report suggest that Federal agencies have increased efficiency in complaint processing in many areas, but several challenges persist.

In FY 2021, the vast majority of counselings were completed on time (95.8 percent) and offered ADR (87.8 percent). About half of counselings participated in ADR (55.5 percent), which led to a resolution 68.1 percent of the time. Completed investigations were down by 10.9 percent from FY 2020, lower than it has been since FY 2015. The average processing days for completed investigations were also down by 19 days compared to FY 2020 while 86.4 percent of the investigations were completed on time. The total number of formal complaint closures has increased since FY 2015, with FY 2021 reaching 15,549 formal complaint closures.

Merit FAD closures also reached a six-year high in FY 2021 (5,602 merit FADs closed), with an average processing time at 409 days. The number of final agency actions declined from FY 2020, with agencies taking final action on 3,821 decisions during FY 2021, 30.0 percent less than the previous year. The average processing time for final agency actions has continued to decline, with FY 2021 being the lowest level since FY 2016. While the number of counselings were fairly consistent with the previous year, the formal complaints were down from 14,003 in FY 2020 to 12,226 in FY 2021. It must be noted that the pandemic may have impacted complaint activity during FY 2021.

Despite these improvements in efficiency, the Federal sector faces several EEO challenges. In FY 2021, reprisal continued to lead all other bases and non-sexual harassment continued to lead all other issues in EEO complaint allegations. Age, physical disability, race-Black/African-American, and sex-Female have also remained leading bases of discrimination complaints year to year. In addition, ADR participation at the formal complaint stage (6.4 percent) remained significantly lower than participation at the pre-complaint stage (55.5 percent).

Findings of discrimination have declined slightly from FY 2020, with 221 findings in FY 2021 compared to 224 findings in the previous year. Monetary benefits from complaint closures have continued to increase in FY 2021, with the overall costs reaching \$74.5 million in FY 2021—11.9 percent higher than in FY 2020.

The EEOC's Office of Federal Operations is committed to its mission of eliminating unlawful discrimination in the Federal sector. Federal agencies show progress over previous years in several key areas. Counselings and investigations are generally timely, ADR is consistently offered, complaints are down, and complaint closures are up. The average processing days for investigations were down from the previous year, while the average processing days for FADs and fully implemented AJ decisions were both at four-year lows. Additional work is needed to address retaliation and harassment—the leading basis and issue, respectively, alleged in Federal sector complaints. While the average processing days for investigations were down in FY 2021, the overall costs of investigations were higher than the previous year.

The EEOC's Office of Federal Operations will use the information provided in this report in seeking to proactively prevent employment discrimination through training, barrier analysis, and engagement with agency leadership to promote positive workplace cultures. The EEOC and its Federal partners will continue to work towards their goal of becoming model employers.

Appendix: Complaint Processing Tables

The full data tables used in this report are available at

<https://www.eeoc.gov/Federal-sector/reports>.

- Table B-1: FY 2021 Total Work Force, Counselings, and Complaints
- Table B-1a: FY 2021 Total Work Force, Counselings, and Complaints - Sub-Component Data
- Table B-2: FY 2021 All Timely Completed Counselings
- Table B-2a: FY 2021 All Timely Completed Counselings - Sub-Component Data
- Table B-3: FY 2021 Outcomes of All Pre-Complaint Closures
- Table B-3a: FY 2021 Outcomes of All Pre-Complaint Closures - Sub-Component Data
- Table B-4: FY 2021 Pre-Complaint ADR Offers, Rejections, and Acceptances
- Table B-5: FY 2021 ADR Pre-Complaint Resolutions (Informal Phase)
- Table B-6: FY 2021 Benefits Provided in All Pre-Complaint Settlements
- Table B-7: FY 2021 Profile Agency Timeliness Indicators (totals with and without USPS data)
- Table B-7a: FY 2021 Profile Agency Timeliness Indicators (totals with and without USPS data)
- Table B-8a: FY 2021 Complaints Filed Basis and Issues - Cabinet Level Agencies
- Table B-8b: FY 2021 Complaints Filed Basis and Issues - Medium Sized Agencies
- Table B-8c: FY 2021 Complaints Filed Basis and Issues - Small Agencies
- Table B-8: FY 2021 Complaints Filed Basis and Issues - Grand Total
- Table B-9: FY 2021 Timeliness and Cost of All Completed Complaint Investigations
- Table B-9a: FY 2021 Timeliness and Cost of Complaint Investigations Completed by Agency Investigators
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- Table B-9c: FY 2021 Timeliness and Cost of All Completed Complaint Investigations
- Table B-10: FY 2021 Total Number and Average Processing Days for All Complaint Closures

- Table B-11: FY 2021 Types of Complaint Closures
- Table B-12: FY 2021 Average Processing Days (APD) All Complaint Closures
- Table B-13: FY 2021 Complaints Closed with Dismissals
- Table B-14: FY 2021 Timeliness of Merit Final Agency Decisions (FAD) (No AJ Decision)
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- Table B-15: FY 2021 Complaints Closed with Findings of Discrimination
- Table B-16: FY 2021 Complaints Closed with Findings of No Discrimination
- Table B-17: FY 2021 Average Processing Days (APD) Final Agency Decisions (FADs) and Final Orders (FOs) Fully Implementing (FI) AJ Decisions
- Table B-18: FY 2021 Average Processing Days (APD) Final Orders (FOs) Not Fully Implementing (NFI) AJ Decisions
- Table B-19: FY 2021 Total Complaint Closures Accepted/Participated in ADR
- Table B-20: FY 2021 ADR Complaint Resolutions (Formal Phase)
- Table B-21: FY 2021 Complaint Closures with Benefits
- Table B-22: FY 2021 Complaint Closures By Statute
- Table B-23: FY 2021 Summary of Pending Complaints By Category
- Table B-24: FY 2021 Agency Staff Resources
- Table B-24a: FY 2021 Contract Staff Resources
- Table B-25: FY 2021 Agency New Staff Training
- Table B-26: FY 2021 Agency Experienced Staff Training
- Table B-27: FY 2021 Contractor New Staff Training
- Table B-28: FY 2021 Contractor Experienced Staff Training