



UNITED STATES
DEPARTMENT OF TRANSPORTATION

**Fiscal Year 2017 Annual Report to Congress on the Notification
and Federal Employee Antidiscrimination and Retaliation Act of 2002**



**The United States Department of Transportation
Office of the Secretary
Departmental Office of Civil Rights
1200 New Jersey Avenue, SE
Washington, DC 20590
O: 202-366-4648**

Table of Contents

1. Purpose of Report	1
2. Background	4
3. Results and Data	4
3.1 EEO Complaint Activity in Federal Court and Disposition.....	4
3.2 Judgment Fund Reimbursements and Budget Adjustments.....	5
3.3 Number of Employees Disciplined and Discipline Policy	5
3.4 Summary Data.....	7
Table 1: Summary of Federal Court Cases	7
3.5 Analysis of Complaints	7
3.5.1. Trends and Analysis	8
3.6 Findings of Discrimination.....	8
4. Accomplishments, Training and Awareness.....	9
5. No FEAR Act Training.....	13
6. Actions Planned, Taken, and Practical Knowledge Gained to Improve the Program	13
6.1 Pursuant to Section 203(a)(7)(D), DOT Plans to Implement These Actions:.....	13
6.2 Practical Knowledge Gained.....	14
Appendix A – Legislative and Regulatory Requirements	15
Appendix B – The Secretary’s EEO Policy Statements	16
Appendix C – Summary Data	21
Appendix D – EEO Data Posted Pursuant to the No FEAR Act	24

1. Purpose of Report

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174, 5 U.S.C. § 2301, *et seq.*, requires each Federal agency to submit an annual report to Congress no later than 180 days after the end of each fiscal year. Based on this requirement, the Fiscal Year (FY) 2017 report is due no later than March 29, 2018. Representatives from the Office of the Secretary, including the Departmental Office of Civil Rights (DOCR), the Departmental Office of Human Resource Management (DOHRM), the Office of the General Counsel, the Office of the Assistant Secretary for Budget and Programs, and the Office of the Assistant Secretary for Administration assisted in the preparation of this report, in collaboration with Department of transportation (DOT) Operating Administrations (OAs): the Federal Aviation Administration (FAA); the Federal Highway Administration (FHWA); the Federal Motor Carrier Safety Administration (FMCSA); the Federal Railroad Administration (FRA); the Federal Transit Administration (FTA); the Maritime Administration (MARAD); the National Highway Traffic Safety Administration (NHTSA); the Pipeline and Hazardous Materials Safety Administration (PHMSA); and the St. Lawrence Seaway Development Corporation (SLSDC).

In 2002, Congress passed the No FEAR Act to hold federal agencies financially accountable for violations of Federal antidiscrimination and whistleblower protection laws. Prior to the No FEAR Act, monetary judgments against Federal agencies were paid from the U.S. Department of Justice's Judgment Fund. Section 201 of the No FEAR Act mandates that Federal agencies reimburse the Judgment Fund for all judgments, awards, and settlements paid to a complainant as the result of a violation of antidiscrimination or whistleblower protection laws.

Additionally, the No FEAR Act has requirements regarding public notice of relevant statistics on agency websites, including the number of complaints filed, pending, and resolved and other items of information. These accountability measures help create an environment that promotes less discrimination and fewer complaints.

The annual report must include:

- The number of federal court cases, pending or resolved, arising under the antidiscrimination laws and authorities included in the No FEAR Act, and the status and disposition of the cases;
- Judgment Fund reimbursements, adjustments to agency budgets to meet reimbursement requirements, and the amount of reimbursement required for attorneys' fees where such fees have been separately designated;
- The number and type of disciplinary actions related to discrimination, retaliation, or harassment and the agency's policy relating to appropriate disciplinary action;
- Year-end summary data related to federal sector equal employment opportunity (EEO) complaint activity;

- A detailed description of the agency's policy for taking disciplinary actions against employees for conduct inconsistent with the antidiscrimination laws referenced by the No FEAR Act;
- An analysis of the information provided in this report, including an examination of trends, causal analysis, practical knowledge gained, and actions planned or taken to improve compliance; and
- The agency's plan to train employees on their rights under the No FEAR Act.

Pursuant to statutory requirements, DOT provides the No FEAR Act annual report to the following members of the 115th Congress:

The Honorable Michael R. Pence
President of the Senate

The Honorable Paul D. Ryan
Speaker of the House of Representatives

The Honorable Orrin G. Hatch
President Pro Tempore of the Senate

The Honorable Rodney P. Frelinghuysen
Chairman, House Committee on
Appropriations

The Honorable Thad Cochran
Chairman, Senate Committee on
Appropriations

The Honorable Nita M. Lowey
Ranking Member, House Committee on
Appropriations

The Honorable Patrick J. Leahy
Vice Chairman, Senate Committee on
Appropriations

The Honorable Greg P. Walden
Chairman, House Committee on Energy and
Commerce

The Honorable Mike D. Crapo
Chairman, Senate Committee on Banking,
Housing, and Urban Affairs

The Honorable Frank J. Pallone, Jr.
Ranking Member, House Committee on
Energy and Commerce

The Honorable Sherrod C. Brown
Ranking Member, Senate Committee on
Banking, Housing, and Urban Affairs

The Honorable Trey Gowdy
Chairman, House Committee on Oversight
and Government Reform

The Honorable John R. Thune
Chairman, Senate Committee on Commerce,
Science, and Transportation

The Honorable Elijah E. Cummings
Ranking Member, House Committee on
Oversight and Government Reform

The Honorable Bill Nelson
Ranking Member, Senate Committee on
Commerce, Science, and Transportation

The Honorable Lamar Smith
Chairman, House Committee on Science,
Space, and Technology

The Honorable John A. Barrasso
Chairman, Senate Committee on Environment
and Public Works

The Honorable Eddie Bernice Johnson
Ranking Member, House Committee on
Science, Space, and Technology

The Honorable Tom R. Carper
Ranking Member, Senate Committee on
Environment and Public Works

The Honorable Bill Shuster
Chairman, House Committee on
Transportation and Infrastructure

The Honorable Ron Johnson
Chairman, Senate Committee on Homeland
Security and Governmental Affairs

The Honorable Peter A. DeFazio
Ranking Member, House Committee on
Transportation and Infrastructure

The Honorable Claire C. McCaskill
Ranking Member, Senate Committee on
Homeland Security and Governmental Affairs

Pursuant to regulatory requirements, DOT also provides this report to the following members of the Executive Branch:

- The Honorable Victoria A. Lipnic, Acting Chair, U.S. Equal Employment Opportunity Commission
- The Honorable Jefferson B. Sessions, Attorney General, U.S. Department of Justice
- The Honorable Jeff T. H. Pon, Director, U.S. Office of Personnel Management

2. Background

DOT's mission is to ensure our nation has the safest, most efficient and modern transportation system in the world, which improves the quality of life for all American people and communities, from rural to urban, and increases the productivity and competitiveness of American workers and businesses. To this end, DOT seeks to achieve exemplary EEO programs, and to lead as a model agency by eliminating the practice or tolerance of any form of discrimination or retaliation within the workplace.

3. Results and Data

3.1 EEO Complaint Activity in Federal Court and Disposition

For FY 2017, DOT was a party to 35 federal court cases filed under the various laws covered by the No FEAR Act. Of these cases, 13 were resolved or settled at the time of reporting. Two cases were dismissed, one case was withdrawn, four cases were resolved by summary judgment in favor of the Agency, five cases were settled, and one case ended in an award for the Complainant. At the time of reporting, 22 cases are still pending.

The number of pending cases increased from 20 in FY 2016 to 22 in FY 2017. The most frequently stated allegation was retaliation under Title VII of the Civil Rights Act of 1964 (Title VII).

The breakdown of allegations in the 22 cases pending in federal court is as follows:¹

- 18 cases concerned Title VII (42 U.S.C. § 2000e-16);
- 3 cases concerned the Age Discrimination in Employment Act (ADEA) of 1967 (29 U. S. C. §§ 631, 633 (a));
- 9 cases concerned the Rehabilitation Act of 1973 (Rehabilitation Act) (29 U.S.C. § 791); and

¹ More than one type of allegation can be made in a single case.

- 12 cases involved allegations of retaliation.

The breakdown of the nature of cases resolved in federal court:

- 13 cases concerned Title VII (42 U.S.C. § 2000e-16);
- 1 case concerned the ADEA;
- 1 case concerned the Rehabilitation Act; and
- 7 cases involved allegations of retaliation.

3.2 Judgment Fund Reimbursements and Budget Adjustments

DOT reimbursed the Judgment Fund for a total of \$568,113 for five federal court cases during FY 2017. This amount represents an 85 percent increase from FY 2016 reimbursements (\$307,000) for three federal court cases. Reimbursements for each of the federal court cases in FY 2017 were: \$10,000, \$10,001, \$50,000, \$165,000, and \$333,112, respectively.

3.3 Number of Employees Disciplined and Discipline Policy

During FY 2017, no employee was subject to disciplinary action in connection with a federal court case. DOT did, however, take disciplinary action against three employees for violating DOT policies concerning discrimination and retaliation. Overall, DOT issued three letters of reprimand.

Section 203 of the No FEAR Act requires the Annual Report to Congress to include a detailed description of the agencies' disciplinary policies related to laws covered by the No FEAR Act. Agencies must specify disciplinary policies for federal employees who discriminate against any individual in violation of any of the laws covered by the Act, or who commit any other prohibited personnel practice that was revealed in the investigation of a complaint claiming a violation of the federal antidiscrimination and whistleblowing laws.

Five Secretarial Policy Statements reinforce DOT's commitment to establishing a workplace free from discrimination, harassment, and/or retaliation. The Policy Statements are issued annually and were most recently issued in March 2017. The 2018 Policy Statements are currently in formal coordination and are scheduled to be issued in 2018. These policies advise employees regarding their rights and responsibilities and inform them that they will be subject to disciplinary action for engaging in discriminatory conduct. In effect, all DOT employees are accountable for their actions according to the Policy Statements, which include:

- The *Equal Employment Opportunity Policy Statement* emphasizes DOT's commitment to maintaining a model work environment and notifies employees and contractors of the expectation to cultivate a workplace free of discrimination and that provides equal opportunity;

- The *Policy Statement on the Prevention of Harassment* communicates that DOT does not tolerate harassment against employees on the basis of race, color, sex (gender, pregnancy, sexual harassment, sexual orientation, gender identity, or transgender status), national origin, religion, age (40 and over), disability (mental or physical), equal pay/compensation, genetic information, retaliation, or other forms of protected activity, and shares information about reporting harassment and how to access the EEO process;
- The *Policy Statement on the Implementation of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act)*, Pub. L. No. 107-174 communicates DOT's commitment to implementation of the No FEAR Act;
- The *Policy Statement on Whistleblowing* communicates DOT's commitment to protecting employees and job applicants from interference or retaliation when making protected disclosures; and
- The *Policy Statement on Employment and Advancement of Persons with Disabilities* communicates DOT's commitment to be a model employer for persons with disabilities, especially persons with targeted disabilities, by encouraging the advancement of employment opportunities and improving the work environment by identifying and removing barriers to hiring, retaining, and promoting those qualified, and by prohibiting discrimination.

3.4 Summary Data

Table 1: Summary of Federal Court Cases	
(The U.S. DOT FY 2017 No FEAR Act Annual Report required by Section 203 of the No FEAR Act and 5 C.F.R. Part 724)	
Total number of pending or resolved federal court cases, arising under each of the respective provisions of law covered by 724.302 (a) (1)	35
A. Cases Pending	22
B. Cases Resolved	13
The status or disposition of resolved cases	
Dismissed	2
Settled	5
Summary Judgement for the Agency	4
Summary Judgement for the Complainant	0
Withdrawn	1
Award	1
Total Resolved Cases	13
Funds required to be reimbursed by DOT under Section 201 in connection with each case	
Title VII	\$558,113
Title VII, Rehabilitation Act	\$10,000
Other	\$0
Total Reimbursement to the Judgement Fund	\$568,113
Number of employees disciplined for discrimination, retaliation, harassment, or any other provision of the law referred: There were no disciplinary actions taken against any employee in connection with a federal court case during FY 2017.	0
The number of employees disciplined because of violating Departmental policy was three: all three employees received a letter of reprimand.	3

3.5 Analysis of Complaints

There was a 9.52 percent decrease in complaints and an 8.8 percent decrease in complainants from FY 2016 to FY 2017. Specifically, 259 complainants filed a total of 266 formal EEO administrative complaints with DOT. This represented a decrease of 25 complainants and 28 complaints from FY 2016. The ratio of complaints (266) to the total DOT workforce (54,963) is 0.48 percent; the most recently published government-wide average is 1.1 percent

(per the Equal Employment Opportunity Commission (EEOC) Fiscal Year 2014 Annual Report on the Federal Workforce Part I).

3.5.1. Trends and Analysis

From FY 2012 to FY 2017, the number of complaints filed and the number of complainants continues to decline from year to year, with the total number of complaints filed decreasing by over fifteen percent and the number of complainants declining by nearly thirteen percent over this period.

Retaliation has consistently represented the most common basis for complaints, with an average of 180 such complaints filed on an annual basis between FY 2012 and FY 2017. Race-based (133) and sex-based (131) complaints were the next highest reported bases for complaints, on average, during this same period. There has been, however, a notable decrease in the number of complaints filed for each of these bases in FY 2017, compared to FY 2012 figures. Race-based complaints in FY 2017 declined by nearly 25 percent compared to FY 2012, while retaliation and sex-based complaints decreased by 19 percent and 10 percent, respectively.

The most frequently raised type of adverse action has remained harassment (non-sexual), with an average of 138 complaints filed each year between FY 2012 and FY 2017. DOT has also observed the number of complaints of this type decrease by nearly 4 percent in FY 2017 when compared to FY 2012 figures.

In FY 2017, the average processing time was 156 days. From FY 2012 to FY 2017, the annual average time for DOT's processing of formal complaints during the investigative stage was 144 days.

The total number of federal court cases decreased between FY 2012 and FY 2013, and remained steady from FY 2014 to FY 2016. In FY 2017, the number of cases increased but remained lower than the FY 2012 total. There were 37 total cases in FY 2012, 24 in FY 2013, 21 in FY 2014, 22 in FY 2015, 25 in FY 2016, and 35 in FY 2017.

3.6 Findings of Discrimination

There were four findings of discrimination rendered in FY 2017. Three findings were following a hearing before the EEOC, and one was following an appeal to the EEOC's Office of Federal Operations. The bases for discrimination in the findings were disability and retaliation. The findings of discrimination were issued pertaining to disciplinary action (other), reasonable accommodation, disclosure of medical information, and non-selection.

This is comparable to data from previous years. In FY 2016, there were four findings of discrimination rendered, all following a hearing before the EEOC. The bases of discrimination for the four findings were race, reprisal, sex, and disability. The findings of discrimination were issued pertaining to allegations of disciplinary action (other), non-sexual harassment, reasonable accommodation, and promotion. FY 2015 had slightly fewer

findings, a total of three, based on race, color, reprisal, age, and disability. The allegations in the FY 2015 findings were similar to those from FY 2016 and FY 2017, and included allegations of reprimand, non-sexual harassment, promotion/non-selection, reasonable accommodation, and termination.

4. Accomplishments, Training and Awareness

DOT's efforts to engage employees to ensure a civil, inclusive and discrimination-free workplace has contributed to the Agency recently being recognized as the fourth best place to work among government agencies, per the Partnership for Public Service's 2017 Report. The rise in employee satisfaction reflects a sustained departmental effort to communicate with the workforce, respond to employee concerns, and promote workforce development and training. This is tied to DOT leadership's recognition of the importance of a healthy work environment, with emphasis on proactively addressing workplace civility and conflict resolution through policy initiatives, awareness, and training. Below, we highlight DOT's new and ongoing efforts in this area during FY 2017.

DOT, guided by its senior leadership and through the DOCR, DOHRM, and other civil rights programs, works to reduce or eliminate discrimination, harassment, and retaliation in the workplace through departmental policies and guidance. DOCR continued to partner closely with various Human Resources (HR) subject matter experts and participate in HR working groups to share and acquire knowledge that may impact barriers or drive equity and inclusion concerns. This includes consulting on the 2018-2019 Departmental Human Capital Operating Plan and implementing mandatory civility and prevention of workplace harassment training for employees in the Office of the Secretary, which is now tracked through DOT's Training Management System. DOT has also continued to ensure the adoption of performance objectives related to recruiting, hiring, and retaining employees from all segments of American society with the right skills, and providing the training and professional development opportunities they need to help the department successfully achieve its goals, in accordance with DOT's FY 2018 – FY 2022 Strategic Plan.

DOT is currently finalizing a policy that establishes a framework for addressing allegations of harassment prohibited by statute, as well as other unprofessional conduct that does not yet rise to the level of unlawful harassment, to curb such behaviors without the use of the formal EEO complaint process. The framework also provides authority to the OAs to establish their own procedures. Formal coordination towards joint signature from the DOHRM and DOCR should conclude in FY 2018.

DOT also continues to utilize its Center for Alternative Dispute Resolution (CADR) to provide mediation, facilitation, and conflict coaching services to help resolve disputes efficiently. The CADR offers orientation on how to utilize the Alternative Dispute Resolution (ADR) process, as well as ADR-related informational and skill-based training workshops, to provide employees, including managers and supervisors, with opportunities to learn in a diverse environment and to recognize the frequency of the issues they face. Furthermore, the DOHRM continues to offer dynamic executive coaching to General Schedule (GS)-15 managers and members of the Senior Executive Service (SES) to improve

leadership performance and employee engagement. Civil rights continues to be an essential component in manager and SES performance planning. In FY 2017, training was provided to managers to help them equip lower level employees with the tools they need for continued career growth.

At the OA level, FAA, the largest Agency sub-component, took several steps to increase complaint processing efficiency and proactively ensure a discrimination-free workplace. In FY 2017, the FAA's Office of Civil Rights processed more than 400 informal complaints with a 100 percent efficiency rate, while also observing a 10 percent decrease from FY 2016.

The FAA continues to utilize its Accountability Board process to provide a venue for employees to report allegations of harassment or other misconduct that creates or may be expected to create a hostile work environment. The Accountability Board reviews management's responses to all allegations or incidents of harassment to ensure that all allegations are effectively and uniformly addressed. The process also ensures that managers and supervisors have the necessary resources to address allegations of harassment and misconduct in the workplace, including facilitating coordination with the FAA's Office of Civil Rights where appropriate.

FAA's Office of Civil Rights also continued its efforts in the utilization of Conflict Coaching, designed to provide participants with an avenue to redress an issue in the workplace without having to participate in a formal complaint process such as an EEO complaint or grievance. Client surveys indicate that 87.5 percent of participants would recommend Conflict Coaching. 92 percent of survey respondents indicated that they would not file an informal EEO complaint. 76.5 percent of respondents felt that Conflict Coaching improved their engagement with the other individual involved in the conflict.

Additionally, in FY 2017, FAA's Office of Civil Rights Reasonable Accommodation Team (REACT), comprises civil rights, management, legal, medical, and labor relations professionals, helped process over 30 reasonable accommodation requests for the FAA Eastern Service Area employees. This resulted in a 35 percent decrease in the number of informal complaints filed in the Eastern Service Area from FY 2016 to FY 2017, along with management offering ADR/mediation to their employees 70 percent of the time.

DOT has enhanced its efforts to promote awareness and to provide training to employees about their responsibilities to foster a workplace free from discrimination and about identifying and preventing workplace behaviors that contribute to discrimination and/or inappropriate conduct in response to the persistence of harassment and retaliation-based complaints.

The DOCR and DOHRM, as well as individual OAs, offer continuous training on appropriate workplace behavior. The DOCR-sponsored Civil Rights Learning Center serves as a Department-wide resource for training materials related to appropriate workplace behavior, as well as many other Civil Rights topics. The Agency informed its workforce through new employee orientation, FAA Human Resources Management Accountability Board Training, and the posting of the FAA Table of Penalties on the FAA websites.

PHMSA's Code of Conduct policy (3730.1A) outlines behaviors that are inappropriate and possible repercussions. The policy is shared with all new employees and is located under the Policies page of the internal website. Additionally, the FHWA provides a Tables of Offenses and Penalties and notes inappropriate workplace behaviors in its training and policy statements.

Additionally, DOCR, in conjunction with its Certified Civil Rights Instructor program, develops and distributes standardized civil rights trainings throughout DOT. The DOCR also maintains the Civil Rights Learning Center, which is a collective initiative of the Civil Rights offices across the Department to foster continuous learning of the highest quality. Across OAs, training is delivered in-person, via instructor-led video teleconference, and through the Employee Learning Management System, Talent Management System, Adobe Connect, and Aviation Training Network Broadcasts. For example, the new employee orientation sessions explicitly state the expectations for all employees to ensure a discrimination and harassment free work environment.

Furthermore, as part of its ongoing workforce EEO education and training efforts, in May 2017, DOT held its fifth annual DOT Civil Rights Virtual Symposium. The 2-day virtual event had an audience that included DOT employees, employees from other federal agencies and local state government; EEO, Diversity and Inclusion, and Civil Rights professionals; and members of the public with an interest in transportation and civil rights topics. The symposium covered numerous EEO-related topics, including inclusive organization leadership behaviors; inclusive workplace updates; and building a more respectful workplace to address harassment. These sessions were part of a track that focused on the importance of the public workforce reflecting the public it serves, with emphasis on the relationships and interconnectedness that are needed to achieve strategic organizational goals pertaining to civility, equity, and inclusive leadership in the federal workplace.

In addition to the symposium, DOCR conducted numerous training sessions for DOT employees. To allow for participation by employees from across the country, sessions were also offered virtually. These sessions covered various civil rights topics such as Prevention of Workplace Harassment, Unconscious Bias, Reasonable Accommodation, the EEO Complaint Process, and Bullying and Civility. About half of the sessions were provided in response to specific requests for training by OAs; others were provided in response to a settlement or were regularly scheduled monthly open-attendance sessions. These sessions were led by in-house DOT-certified Civil Rights instructors at DOT Headquarters and various DOT locations across the country. At the OA level, civil rights and training leaders provided education through brown bag lunches and organization-wide instruction on equity and inclusion topics.

The FAA conducted several briefings and trainings for FAA Lines of Business and Staff Offices. The briefings and trainings provided tools, guidance, and procedures for addressing and working through EEO related matters as an opportunity to reduce/decrease the overall number of EEO Complaints filed annually. The FAA EEO Training Institute also implemented Model EEO Leadership Training to provide managers with leadership fundamentals regarding EEO and diversity to eliminate discrimination in the workplace.

Finally, FAA's Office of Civil Rights partnered with the Office of Aviation Safety to provide EEO Diversity and Inclusion training to 238 managers and employees during the annual Office of Aviation Safety EEO Training Week in July 2017.

5. No FEAR Act Training

Section 202 of the No FEAR Act requires federal agencies to provide training for their employees on the rights and remedies under federal antidiscrimination, retaliation, and whistleblower protection laws. Title 5 of C.F.R. § 724.203 requires federal agencies to develop a written training plan and to have trained their employees by December 17, 2006, and every two years thereafter. Under these regulations, new employees are to receive No FEAR training within 90 days of appointment through the Agency's orientation program or some other form of No FEAR Act training.

DOT requires the inclusion of electronic No FEAR Act training in each employee's e-Learning development plan. The process of including this training in the development plan helps to ensure that employees take their No FEAR Act training within the two-year cycle required by the No FEAR Act, and that new employees complete the training within 90 days of hire. DOT used the Training Management System (TMS) and FAA's electronic Learning Management System (eLMS) to include the required training in every employee's learning plan, a practice that began in FY 2011. In FY 2017, 56 percent of the 4,495 new DOT employees completed No FEAR Act training, with 52 percent completing the training within 90 days of appointment. For comparison, the 90-day completion rate for FY 2016 was 84 percent.

Some operating administrations implement additional programs to help ensure No FEAR Act training requirements are met. For example, NHTSA's Office of Civil Rights requires that all new employees complete online No FEAR Act Training within 90 days of onboarding. NHTSA also conducts a mid-year annual review to determine if all employees are meeting the two-year training cycle requirement to ensure 100 percent participation, which NHTSA achieved this cycle. Completion rates and updates are provided to the NHTSA Administrator and management team during meetings throughout the year to emphasize the importance of the training and to ensure all employees meet the training requirement.

6. Actions Planned, Taken, and Practical Knowledge Gained to Improve the Program

6.1 Pursuant to Section 203(a)(7)(D), DOT Plans to Implement These Actions:

- Finalize and implement new anti-harassment prevention policy and procedures in FY 2018.
- Continue to perform analyses on recruitment, on board, and/or outreach efforts, and triggers to understand the causes of low participation of diverse groups in certain areas of the workforce.
- Strive to achieve a bi-annual goal of educating all employees of their rights and protections under antidiscrimination, retaliation, and whistleblower protection laws.
- Ensure that new employees receive No FEAR Act training within 90 days of their appointment through electronic e-Learning plan. Further, through the new employee orientation program, ensure that new employees receive the information regarding his/her rights and protections under anti-discrimination, retaliation, and whistleblower protection laws.

- Provide necessary updates to the No FEAR Act training module to continue to ensure accessibility for all employees.
- Continue to provide annual training to all supervisors and managers on recruiting and maintaining a diverse workforce.
- Ensure that complainants and respondents are apprised of the opportunity for mediation and ADR throughout the informal and formal complaint process. This promotes early resolution of complaints, and saves resources and staff time.
- Collaborate with veterans' programs to increase hiring of veterans, including those with targeted disabilities.

6.2 Practical Knowledge Gained

- The Office of the Secretary and the OAs play a vital role in meeting the reporting requirements of the No FEAR Act. As a result, to the extent resources allow, DOT will continue to work on the development of information systems that facilitate and automate the process of gathering and analyzing data so that it is accessible to everyone.
- The trend analyses inherent in No FEAR Act reporting is shared with all DOT offices to spur relevant action planning, not only to accomplish training, but also to address a range of issues, including potential barriers to employment of individuals from diverse backgrounds.

Appendix A – Legislative and Regulatory Requirements

An annual No FEAR Act report to Congress is required by Section 203 of the “Notification and Federal Employee Antidiscrimination Act of 2002” (No FEAR Act or Act), Pub. L. No. 107–174, 116 Stat 566, 5 U.S.C. § 2301, *et seq.*, and its implementing regulations at 5 C.F.R. § 724.302. Each Federal agency must submit the report no later than 180 days after the end of the fiscal year.

The report is sent to designated Members of Congress, the U.S. Attorney General, the Chair of the U.S. Equal Employment Opportunity Commission, and the Director of the U.S. Office of Personnel Management.

Appendix B – The Secretary’s EEO Policy Statements



THE SECRETARY OF TRANSPORTATION WASHINGTON, DC 20590

March 2, 2017

Policy Statement on the Implementation of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. No. 107-174

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) requires Federal agencies to keep their employees, former employees, and applicants for employment informed of their antidiscrimination and whistleblower protections; post quarterly statistics on their Web sites; and train all employees regarding the rights and remedies to which they are entitled under the law. Federal agencies are required to submit annual reports to Congress demonstrating their compliance with the law, as measured by a number of specific criteria, not later than 180 days after the end of each fiscal year.

I fully support the principles of the No FEAR Act, and I am committed to providing a workplace environment that is free from discrimination as one of my major equal opportunity goals. It is the U.S. Department of Transportation’s policy to prohibit employment discrimination and interference or retaliation when protected disclosures are made, as stated in the whistleblower protection laws.

I have assigned the Departmental Office of Civil Rights and the Office of the Assistant Secretary for Administration joint responsibility for ensuring the proper implementation of the No FEAR Act’s mandatory requirements. I expect all departmental organizations to offer their full support to ensure compliance with the requirements of the No FEAR Act. You may obtain further information regarding the No FEAR Act by contacting the Departmental Office of Civil Rights for assistance or visiting the Office’s Web site at <https://www.transportation.gov/civil-rights>.


Elaine L. Chao



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

March 2, 2017

**Policy Statement on Employment and Advancement of
Persons with Disabilities**

The U.S. Department of Transportation (DOT) is committed to enhancing access to employment of people with disabilities by ensuring equal employment opportunity. I encourage effective outreach, recruitment, selection, and advancement of qualified people with disabilities. I am committed to making DOT a model employer of persons with disabilities, especially those with severe disabilities referred to as "targeted disabilities."

The DOT will comply with Section 501 of the Rehabilitation Act of 1973, as amended, which prohibits Federal agencies from discriminating against qualified individuals with disabilities. The DOT will provide hiring, placement, and advancement opportunities for persons with disabilities. Violations of this law will result in appropriate disciplinary actions against the offenders, up to and including dismissal.

The DOT will continue to identify and remove any barriers to hiring, retaining, and promoting persons with disabilities. In accordance with Executive Order 13548 "Increasing Federal Employment of Individuals with Disabilities," and the respective DOT Plan to Increase Employment of People with Disabilities, all departmental organizations will work with their Offices of Human Resources in outreach efforts to provide internship, employment, and advancement opportunities to persons with disabilities, especially those with targeted disabilities.

The DOT will provide a work environment that welcomes qualified individuals with disabilities and effectively uses their skills, knowledge, and abilities. Each of us has a role in identifying, reporting and eliminating barriers to the employment of people with disabilities. Guidance on how to handle requests for reasonable accommodation by employees and employment applicants is contained in DOT Order 1011.1A, "Procedures for Processing Reasonable Accommodation Requests from DOT Job Applicants and Employees with Disabilities" (available on the Department's Web site at <https://www.transportation.gov/civil-rights>).

Please join me in ensuring equal employment opportunities for people with disabilities. Together, we can make DOT a model employer and a better workplace for all.


Elaine L. Chao



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

March 2, 2017

Policy Statement on the Prevention of Harassment

The U.S. Department of Transportation is committed to zero tolerance for harassment on the basis of race, color, sex (gender, pregnancy, sexual harassment, sexual orientation, gender identity, or transgender status), national origin, religion, age (40 and over), disability (mental or physical), equal pay/compensation, genetic information, or retaliation. Harassment, in this context, is defined as conduct that is so offensive as to create a work environment that a reasonable person would consider intimidating, hostile, or offensive. As Secretary of Transportation, I am committed to our long-standing policy that harassment will not be tolerated and must not occur.

Employees, contractors, and applicants for employment who believe that they have been victims of harassment may, without fear of retaliation, seek the immediate assistance of a management official or their Office of Human Resources. Employees can also contact an Equal Employment Opportunity Counselor or their Office of Civil Rights. All information provided regarding concerns about harassment will be maintained on a confidential basis to the greatest extent possible. I expect a manager or supervisor who becomes aware of harassment to take immediate and appropriate corrective action to ensure that the harassment stops and does not recur. Violations of the law prohibiting harassment or violations of this policy will result in appropriate disciplinary actions against the offenders, up to and including dismissal. This also includes cases where a manager or supervisor should have known about the harassment and failed to take prompt and appropriate corrective action. All employees are prohibited from retaliating against and/or harassing those who report such conduct or behavior.

I am committed to providing a workplace free from harassment where every employee, contractor, and applicant is treated with respect and dignity. I expect each employee to join me in ensuring a harassment-free workplace by engaging in conduct that is consistent with this policy of zero tolerance for harassment.


Elaine L. Chao



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

March 2, 2017

Policy Statement on Whistleblowing

The U.S. Department of Transportation (DOT) is committed to protecting current and former Federal employees and applicants for employment from interference and retaliation when making protected disclosures, or "whistleblowing," which includes disclosing information related to a violation of law, rule, or regulation; gross mismanagement; gross waste of funds; abuse of authority; or a substantial and specific danger to public health or safety. The Whistleblower Protection Act of 1989, and the expanded protections provided by the Whistleblower Protection Enhancement Act of 2012 (WPEA), protect individuals who report Federal agency misconduct from retaliation.

These provisions strengthen protections for Federal employees who disclose evidence of waste, fraud, or abuse, and modify rules on the use of nondisclosure policies or agreements by government agencies. They also clarify that these agreements do not override employee rights and obligations created by existing statute or Executive Order relating to classified information; communications with Congress; reporting violations and/or misconduct to an Inspector General; or any other whistleblower protection. In addition, Presidential Policy Directive 19 extends whistleblower protections to Federal employees eligible for access to classified data.

The DOT will initiate appropriate actions against responsible persons who take, threaten to take, or fail to take a personnel action with respect to any employee, former employee, or applicant for employment because of any protected disclosure of information. In 2002, the Notification and Federal Employee Antidiscrimination and Retaliation Act was enacted to make all Federal agencies accountable for violations of antidiscrimination and whistleblower protection laws.

The DOT will not tolerate whistleblower retaliation. Legitimate disclosure of information by employees is an invaluable resource for the oversight of government operations. I expect that employees are able to report these matters confidentially to the Department's Office of Inspector General (OIG), the U.S. Office of Special Counsel, or appropriate management officials. Those who interfere with or retaliate against any current or former employee or applicant for employment, who makes a protected disclosure, will be subject to appropriate disciplinary action. In accordance with the WPEA, a Whistleblower Protection Ombudsman has been designated in OIG to educate agency personnel about whistleblower rights.

I am committed to maintaining DOT's role as a Federal agency that respects the rights of current and former Federal employees and applicants for employment to raise legitimate concerns without fear of retaliation. I ask you to join me in implementing and communicating this important policy.


Elaine L. Chao



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

March 2, 2017

Equal Employment Opportunity Policy Statement

The U.S. Department of Transportation will maintain a model Federal work environment that is free of discrimination. We will ensure equal employment opportunity for employees, contractors, and applicants for employment, regardless of race, color, sex (gender, pregnancy, sexual harassment, sexual orientation, gender identity, or transgender status), national origin, religion, age (40 and over), disability (mental or physical), equal pay/compensation, genetic information, or retaliation.

I am committed to fostering, through effective outreach, recruitment, hiring, and employee development, an inclusive workforce that reflects America's diversity. We will continue to identify and eliminate barriers to equal employment opportunities for individuals with disabilities and groups with a low participation rate of employment in the workforce. Equal opportunity, exclusive of unlawful bias or prejudice, to work and advance based upon merit, is the law and is not an option. I also expect all managers and supervisors to ensure that our employees are given equal opportunity for training and career development programs, promotions, awards and recognitions, and other applicable benefits and privileges of employment.

The Department will enforce zero tolerance of discrimination in the workplace. Violations of the law prohibiting unlawful discrimination practices will result in appropriate disciplinary actions against offenders, up to and including dismissal. Employees who believe they have been subjected to unlawful discrimination, subjected to retaliation for opposing discrimination in the agency, or hindered from participating in the employment discrimination complaint process are encouraged to contact their Office of Civil Rights or the Departmental Office of Civil Rights.

Let us maintain our commitment to fostering an excellent work environment free of unlawful discrimination. All employees must comply with equal employment opportunity principles as we perform the Department's mission.


Elaine L. Chao

Appendix C – Summary Data

Table 1: Total Complaints Filed and Complainants Filing, FY 2012 to FY 2017						
	2012	2013	2014	2015	2016	2017
Number of Complaints Filed	315	374	322	348	294	266
Number of Complainants	297	346	293	323	284	259
Repeat Filers	16	24	14	8	6	7

Table 2: Complaints by Basis, FY 2012 to FY 2017						
Basis	2012	2013	2014	2015	2016	2017
Race	132	164	142	158	102	100
Reprisal	189	195	184	199	161	158
Sex	128	141	149	130	120	115
Age	125	95	136	128	109	96
Disability	100	104	93	111	109	95

Table 3: Top Complaints Filed by Issue, FY 2012 to FY 2017						
Issue	2012	2013	2014	2015	2016	2017
Harassment (Non-Sexual)	139	119	130	160	146	134
Promotion/Non-Selection	79	88	87	87	71	61
Disciplinary Action	37	33	23	32	20	34
Reasonable Accommodation	23	19	28	23	31	32
Training	26	41	24	27	15	19
Reassignment	19	14	18	13	12	32
Other	30	49	17	3	4	1
Termination	22	47	10	27	26	25
Appointment/Hire	4	9	18	34	13	14

Table 4: Findings of Discrimination by Basis, FY 2012 to FY 2017						
Basis	2012	2013	2014	2015	2016	2017
Age	2	2	2	1	0	0
Color	2	0	0	1	0	0
Disability	1	0	1	1	3	2
Equal Pay	1	0	0	0	0	0
National Origin	1	0	1	0	0	0
Race	2	3	1	1	1	0
Religion	1	0	0	0	0	0
Reprisal	3	3	1	2	3	2
Sex	3	7	0	0	3	0

Table 5: Findings of Discrimination by Issue, FY 2012 to FY 2017						
Issue	2012	2013	2014	2015	2016	2017
Appointment/Hire	0	0	0	0	0	0
Assignment of Duties	0	1	1	0	0	0
Harassment	2	2	1	1	2	0
Medical Examination	0	0	0	1	1	0
Promotion/Non-Selection	0	3	0	0	0	1
Reasonable Accommodation	0	0	0	0	1	1
Termination	1	0	0	0	0	0
Terms/Conditions of Employment	0	0	1	1	0	2
Training	0	1	0	0	2	0

Table 6: Federal Court Cases with Alleged Violation of Law, FY 2012 to FY 2017						
	2012	2013	2014	2015	2016	2017
Total Court Cases	51	44	33	33	25	35
Alleged Title VII Violation	35	25	29	29	19	30
Alleged Age Discrimination in Employment Act Violation	19	18	9	7	5	4
Alleged Rehabilitation Act Violation	8	7	5	3	2	10
Alleged Whistleblower Protection Act Violation	0	0	0	2	1	0
Alleged Equal Pay Act Violation	1	0	0	0	0	0
Alleged Retaliation	1	0	9	6	14	17

Table 7: Formal Complaint Processing Time in Days, FY 2012 to FY 2017						
	2012	2013	2014	2015	2016	2017
Investigation Stage	136	155	139	138	141	156
Final Action Stage	43	214	42	42	62	59

Table 8: Annual Total Reimbursements to the Judgment Fund by Amount, FY 2012 to FY 2017						
	2012	2013	2014	2015	2016	2017
Total Reimbursements	\$2,542,342	\$570,881	\$1,116,156	\$1,009,500	\$307,000	\$568,113

Table 9: Pre-Complaint Processing Timelines, FY 2012 to FY 2017						
Rate of Individuals Counseled within Mandatory Timeframe	2012	2013	2014	2015	2016	2017
	93.10%	94.90%	90.00%	96.10%	98.10%	98.48%

Table 10: Reimbursements to Judgment Fund by Number of Cases, FY 2012 to FY 2017						
Cases Resulting in Reimbursements	2012	2013	2014	2015	2016	2017
	6	5	7	3	3	5

Appendix D – EEO Data Posted Pursuant to the No FEAR Act

	Comparative Data Previous Fiscal Year Data					2017
	2012	2013	2014	2015	2016	
Number of Complaints Filed	315	374	322	348	294	266
Number of Complainants	297	346	293	323	284	259
Repeat Filers	16	24	14	8	10	7

Complaints by Basis <i>Note: Complaints can be filed alleging multiple bases of discrimination. The sum of the bases may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					2017
	2012	2013	2014	2015	2016	
Race	132	164	142	158	102	100
Color	55	79	65	74	42	46
Religion	13	23	21	20	14	20
Reprisal	189	195	184	199	161	152
Sex (including complaints filed under Equal Pay Act [EPA])	128	144	153	133	120	115
National Origin	46	54	42	40	29	40
Age	95	136	134	128	109	96
Disability	100	104	93	111	109	95
Non-EEO basis	17	19	18	15	10	8
Genetics	1	3	4	4	3	3
PDA	0	2	4	3	1	0

Complaints by Issue <i>Note: Complaints can be filed alleging multiple issues. The sum of the bases may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					2017
	2012	2013	2014	2015	2016	
Appointment/Hire	4	9	18	34	13	14
Assignment of Duties	16	27	22	23	14	29
Awards	10	11	7	7	5	5
Conversion to Full Time	1	0	0	0	0	0
Disciplinary Action						
Demotion	1	3	2	2	1	2
Reprimand	11	7	6	9	3	9
Removal	8	2	1	4	3	5
Suspension	15	19	12	12	11	12
Other	2	2	2	8	4	6
Duty Hours	4	5	3	3	5	8
Evaluation/Appraisal	16	21	20	19	19	38
Examination/Test	3	3	1	6	1	1
Harassment						
Non-Sexual	139	119	130	160	146	134
Sexual	11	9	12	8	10	15
Medical Examination	11	1	0	3	2	6
Pay (including overtime)	18	14	21	10	13	12
Promotion/Non-Selection	79	88	87	87	71	61
Reassignment						
Denied	9	1	5	5	4	5
Directed	10	14	13	8	8	11
Reasonable Accommodation	23	19	28	25	31	32
Reinstatement	2	0	0	0	0	1
Retirement	2	4	5	4	11	5
Termination	22	47	10	27	26	25
Terms/Conditions of Employment	3	3	13	10	6	30
Time and Attendance	16	11	19	14	4	16
Training	26	41	24	26	15	19
Other	30	49	17	9	4	1

Processing Time	Comparative Data Previous Fiscal Year Data					2017
	2012	2013	2014	2015	2016	
Complaints pending (for any length of time) during fiscal year						
Average number of days in investigation stage	136.22	155.18	138.87	137.87	140.86	166.08
Average number of days in final action stage	42.58	213.69	42.37	41.91	62.45	85.05
Complaints pending (for any length of time) during fiscal year where hearing was requested during fiscal year						
Average number of days in investigation stage	139.13	159.71	150.78	141.31	141.64	158.81
Average number of days in final action stage	32.43	303.84	26.8	35.39	47.95	72.03
Complaints pending (for any length of time) during fiscal year where hearing was not requested						
Average number of days in investigation stage	130.58	147.46	142.72	129.16	13.927	177.62
Average number of days in final action stage	58.95	67.73	58.15	51.04	79.38	98.07

Complaints Dismissed by Agency	Comparative Data Previous Fiscal Year Data					2017
	2012	2013	2014	2015	2016	
Total Complaints Dismissed by Agency	87	105	61	92	75	23
Average days pending prior to dismissal	136	33	46	812	15	35
Total Complaints Withdrawn by Complainants	13	25	16	20	16	15

Total Final Actions Finding Discrimination	Comparative Data Previous Fiscal Year Data										2017	
	2012		2013		2014		2015		2016			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	4		2		2		3		4		4	
Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
With Hearing	4	100	2	100	4	100	2	100	4	100	4	100

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data											
	2012		2013		2014		2015		2016		2017	
<i>Note: Complaints can be filed alleging multiple bases of discrimination. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	3		6		2		3		4		4	
Race	2	67	3	50	1	50	1	33.3	1	25.0	0	0
Color	2	67	0	0	0	0	1	33.3	0	0.0	0	0
Religion	1	33	0	0	0	0	0	0	0	0.0	0	0
Reprisal	3	100	4	67	1	50	2	66.7	3	75.0	1	25.0
Sex (including complaints filed under EPA)	4	133	5	83	0	0	0	0	3	75.0	0	0
National Origin	1	33	0	0	1	50	0	0	0	0.0	0	0
Age	2	67	2	33	2	100	2	66.7	0	0.0	0	0
Disability	1	33	0	0	1	50	1	33.3	3	75.0	3	75.0
Non-EEO basis	0	0	1	17	0	0	0	0	0	0.0	0	0
Genetics	0	0	0	0	0	0	0	0	0	0.0	0	0
Pregnancy Discrimination Act (PDA)	0	0	0	0	0	0	0	0	0	0.0	0	0
Findings After Hearing	3		6		2		3		4		4	
Race	2	67	3	50	1	50	1	33.3	1	25.0	0	0
Color	1	50	2	67	0	0	1	33.3	0	0.0	0	0
Religion	0	0	1	33	0	0	0	0	0	0.0	0	0
Reprisal	2	100	3	100	1	50	2	66.7	3	75.0	1	25.0
Sex (including complaints filed under EPA)	1	50	4	133	0	0	0	0	3	75.0	0	0
National Origin	0	0	1	33	1	50	0	0	0	0.0	0	0
Age	1	50	2	67	2	100	2	66.7	0	0.0	0	0
Disability	0	0	1	33	1	50	1	33.3	3	75.0	3	75.0
Non-EEO basis	0	0	0	0	0	0	0	0	0	0.0	0	0
Genetics	0	0	0	0	0	0	0	0	0	0.0	0	0
PDA	0	0	0	0	0	0	0	0	0	0.0	0	0
Findings Without Hearing	0		0		0		0		0		0	
Race	0	0	0	0	0	0	0	0	0	0.0	0	0.0
Color	0	0	0	0	0	0	0	0	0	0.0	0	0.0
Religion	0	0	0	0	0	0	0	0	0	0.0	0	0.0
Reprisal	0	0	0	0	0	0	0	0	0	0.0	0	0.0

Sex (including complaints filed under EPA)	0	0	0	0	0	0	0	0	0	0.0	0	0.0
National Origin	0	0	0	0	0	0	0	0	0	0.0	0	0.0
Age	0	0	0	0	0	0	0	0	0	0.0	0	0.0
Disability	0	0	0	0	0	0	0	0	0	0.0	0	0.0
Non-EEO basis	0	0	0	0	0	0	0	0	0	0.0	0	0.0
Genetics	0	0	0	0	0	0	0	0	0	0.0	0	0.0
PDA	0	0	0	0	0	0	0	0	0	0.0	0	0.0

Findings of Discrimination Rendered by Issue (Part 1)	Comparative Data Previous Fiscal Year Data											
	2012		2013		2014		2015		2016			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	3		6		2		3		4		4	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	1	17	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	1	33.3	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	1	25.0	1	25.0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	2	67	3	50	1	50	2	66.7	2	50.0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	1	50	0	0	1	25.0	0	0
Pay (including overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	4	67	0	0	3	100	0	0	1	25.0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	2	66.7	0	0	1	25.0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	1	33	0	0	0	0	1	33.3	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	1	50	0	0	0	0	0	0

Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	1	17	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	1	25.0

Findings of Discrimination Rendered by Issue (Part 2)	Comparative Data Previous Fiscal Year Data										2017	
	2012		2013		2014		2015		2016			
	#	%	#	%	#	%	#	%	#	%	#	%
Findings After Hearing	3		6		2		3		4		4	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	1	17	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	1	25.0	1	25.0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	2	67	3	50	1	50	1	33.3	2	50.0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	1	50	0	0	1	25.0	0	0
Pay (including overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	4	67	0	0	3	100	0	0	1	25.0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	2	66.7	0	0	1	25.0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	1	33	0	0	0	0	1	33.3	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	1	50	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	1	17	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	1	25.0

Findings of Discrimination Rendered by Issue (Part 3)	Comparative Data Previous Fiscal Year Data										2017	
	2012		2013		2014		2015		2016			
	#	%	#	%	#	%	#	%	#	%	#	%
Findings Without Hearing	0		0		0		0		0		0	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (including overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data Previous Fiscal Year Data					2017
	2012	2013	2014	2015	2016	
Total Complaints from Previous Fiscal Years	582	459	506	530	591	605
Total Complainants	315	358	410	426	471	491
Number Complaints Pending						
Investigation	96	97	84	97	91	91
Hearing	329	252	297	292	333	382
Final Agency Action	69	30	20	26	31	48
Appeal with EEOC Office of Federal Operations	88	80	105	115	136	84

Complaint Investigations	Comparative Data Previous Fiscal Year Data					2017
	2012	2013	2014	2015	2016	
Pending Completion Where Investigation Exceeds Required Time Frames	1	15	7	7	3	15