

EQUAL OPPORTUNITY DATA REQUIRED TO BE POSTED BY THE NO FEAR ACT
Equal Employment Opportunity Formal Discrimination Complaints
U. S. DEPARTMENT OF AGRICULTURE (Fiscal Year 2004)

Reporting Period Beginning: 10/1/03

and Ending: 09/30/04 Cumulative

Posting Date: 10/31/04

Agency: FS

1. The number of complaints filed: 177		2. Number of Filers (The number of individuals filing those complaints): 152		3. Number of Repeat Filers (The number of individuals who filed 2 or more complaints): 18	
4. Number of BASES Alleged in Complaints Filed for the Reporting Period (The number of those complaints raising each of the various bases of alleged discrimination.)					
BASIS		Number	BASIS		Number
a. RACE	Black	26	e. NATIONAL ORIGIN	Hispanic	8
	White	14		Other	3
	American Indian & Alaskan Native	5	f. DISABILITY	Physical	25
	Asian & Pacific Islander	6		Mental	17
	Other	24		Both	
b. COLOR		10	g. AGE		42
c. RELIGION		8	h. RETALIATION		98
d. SEX (including Equal Pay Act)	Male	21	i. NON-EEOC REPORTABLE BASES		18
	Female	54			
					Total
					379
5. Number of ISSUES Alleged in Complaints Filed for the Reporting Period (The number of those complaints raising each of the various issues of alleged discrimination.)					
ISSUES		Number	ISSUES		Number
a. APPOINTMENT/HIRE		7	j. TRAINING		12
b. ASSIGNMENT OF DUTIES		16	k. TIME & ATTENDANCE		14
c. AWARDS		3	l. TERMINATION		16
d. CONVERSION TO FULL-TIME			m. MEDICAL EXAMINATION		
e. DISCIPLINARY ACTION		21	n. PAY, INCLUDING OVERTIME		3
Demotion		(6)	o. PROMOTION/NON-SELECTION		49
Reprimand		(5)	p. HARASSMENT		89
Suspension		(6)	Sexual		(8)
Removal			Non-Sexual		(81)
Miscellaneous		(4)	q. REINSTATEMENT		1
f. DUTY HOURS		1	r. RETIREMENT		
g. EVALUATION/APPRAISAL		10	s. TERMS/CONDITIONS OF EMPLOYMENT		16
h. EXAMINATION/TEST		3	t. REASONABLE ACCOMODATION		8
i. REASSIGNMENT		11	u. OTHER		22
					Total
					302
6. Average Length of Time to Complete Each Stage of the Complaint Process:			Average Number of Processing Days	Number of Complaints	
a. INVESTIGATION Investigation (Agency)			444	167	
b. FINAL AGENCY ACTION (Decision) -WITH EEOC HEARING (EEOC)			1048	85	
c. FINAL AGENCY ACTION (Decision) -WITHOUT EEOC HEARING (CR)			1176	136	
d. DISMISSALS			307	40	
e. SETTLEMENT AGREEMENTS			665	101	
f. WITHDRAWALS			348	10	

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7. Final Agency Actions (Decisions) Involving a Finding of Discrimination.			Number of Complaints with a Finding of Discrimination		Percent of Complaints with a Finding of Discrimination		
a. Without an EEOC Administrative Hearing			3		60%		
b. With an EEOC Administrative Hearing			2		40%		
Totals			5		100%		
8. Final Agency Actions With a Finding of Discrimination by Basis.		Number of Bases with an EEOC Hearing	Percent of Bases with an EEOC Hearing	Number of Bases without an EEOC Hearing	Percent of Bases without an EEOC Hearing	Total Number of Bases	Total Percent of Bases
Race	Black	1	25%			1	10%
	White			1	17%	1	10%
	American Indian & Alaskan Native						
	Asian & Pacific Islander						
	Unidentified						
Color							
Religion							
Sex (Including Equal Pay Act)	Male			1	17%	1	10%
	Female	1	25%	1	17%	2	20%
National Origin	Hispanic						
	Other						
Age				1	17%	1	10%
Disability	Physical						
	Mental						
	Both						
Retaliation		2	50%	2	32%	4	40%
Non-EEOC Reportable Complaints							
Total		4	100%	6	100%	10	100%
9. Summary of EEO Active Complaints at the End of the Period Filed in Current and Previous Fiscal Years (The total number of complaints pending for any length of time.)							
		(1 + 2) Total number of pending complaints	(1) Total number of complaints filed in the current fiscal year	(2) Total number of complaints first filed before the start of the current fiscal year	Number of individuals who filed complaints in prior fiscal years		
a. Acceptance/Dismissal		20	19	1	1		
b. Investigation		113	69	44	35		
c. Hearing		125	17	108	83		
d. Final Agency Action		135	31	104	103		
e. Appeal		51	2	49	49		
f. Totals		444	138	306	271		
g. Number of complaints in abeyance pending resolution of class complaints: 43							
10. Final Agency Actions with a Finding of Discrimination by Issues.		Number of Issues With an EEOC Hearing	Percent of Issues With an EEOC Hearing	Number of Issues Without an EEOC Hearing	Percent of Issues Without an EEOC Hearing		
Appointment/Hire							
Assignment of Duties		1	14%				

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Awards					
Conversion to Full-Time					
Disciplinary Action	Demotion				
	Reprimand				
	Suspension				
	Removal				
	Miscellaneous				
Duty Hours					
Evaluation Appraisal				1	33%
Examination/Test					
Harassment	Sexual	1	14%		
	Non-sexual	1	14%		
Medical Examination					
Pay, Including Overtime					
Promotion/Non-Selection		2	30%	1	33%
Reassignment	Denied				
	Directed	1	14%		
Reasonable Accommodation					
Reinstatement					
Retirement					
Terms/Conditions of Employment		1	14%		
Termination					
Training					
Time & Attendance				1	34%
Other					
Totals		<i>7</i>	<i>100%</i>	<i>3</i>	<i>100%</i>

11. The total number of complaints pending for any length of time in which the agency has not completed its investigation within the time required by 1614.106(e)(2).

a. Pending complaints received during the current fiscal year: 28

b. Pending complaints received prior to the current fiscal year: 45