

**Equal Employment Opportunity Data Posted
Pursuant to the No Fear Act:**

United States Department of Agriculture

Comparative Data for Previous Fiscal Years

and Second Quarter 2019



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1 COMPLAINT ACTIVITY

| Complaint Activity | 2014 | 2015 | 2016 | 2017 | 2018 | FY 2019 2nd Quarter 01/01/2019 thru 03/31/2019 |
|----------------------------|------|------|------|------|------|--|
| Number of Complaints Filed | 481 | 513 | 530 | 561 | 522 | 218 |
| Number of Complainants | 464 | 498 | 507 | 531 | 497 | 211 |
| Repeat Filers | 13 | 15 | 19 | 24 | 21 | 7 |

2 COMPLAINT BY BASIS

| Complaints by Basis | 2014 | 2015 | 2016 | 2017 | 2018 | 2nd Quarter 2019 |
|---------------------|------|------|------|------|------|---------------------|
| Race | 243 | 206 | 222 | 243 | 216 | 95 |
| Color | 73 | 71 | 63 | 75 | 85 | 43 |
| Religion | 19 | 24 | 35 | 35 | 28 | 16 |
| Reprisal | 270 | 297 | 270 | 312 | 315 | 136 |
| Sex | 207 | 217 | 206 | 216 | 229 | 91 |
| PDA | 3 | 2 | 0 | 2 | 2 | 0 |
| National Origin | 74 | 70 | 47 | 67 | 68 | 27 |
| Equal Pay Act | 4 | 2 | 1 | 8 | 13 | 2 |
| Age | 183 | 184 | 182 | 208 | 155 | 86 |
| Disability | 130 | 167 | 157 | 185 | 195 | 91 |
| Genetics | 2 | 2 | 1 | 1 | 0 | 2 |
| Non-EEO | 55 | 59 | 39 | 55 | 40 | 14 |

3 COMPLAINTS BY ISSUE

| | 2014 | 2015 | 2016 | 2017 | 2018 | 2nd Quarter 2019 |
|--|------|------|------|------|------|---------------------|
| Complaints by Issue | | | | | | |
| Appointment/Hire | 25 | 35 | 27 | 40 | 24 | 9 |
| Assignment of Duties | 117 | 119 | 92 | 87 | 83 | 42 |
| Awards | 9 | 19 | 9 | 18 | 14 | 5 |
| Conversion to Full Time/Permanent Status | 1 | 0 | 0 | 3 | 1 | 0 |

3.1 DISCIPLINARY ACTION

| | | | | | | |
|----------------------------------|----|----|----|----|----|----|
| Demotion | 5 | 3 | 4 | 4 | 3 | 0 |
| Reprimand | 23 | 55 | 28 | 45 | 43 | 20 |
| Suspension | 27 | 52 | 26 | 36 | 37 | 25 |
| Removal | 7 | 9 | 6 | 17 | 21 | 14 |
| Other | 0 | 11 | 7 | 4 | 3 | 4 |
| Duty Hours | 11 | 23 | 20 | 18 | 8 | 7 |
| Performance Evaluation/Appraisal | 73 | 90 | 91 | 94 | 98 | 53 |
| Examination/Test | 1 | 1 | 1 | 2 | 1 | 0 |

3.2 HARASSMENT

| | | | | | | |
|-------------------------|-----|-----|-----|-----|-----|-----|
| Non-Sexual | 264 | 305 | 282 | 343 | 351 | 115 |
| Sexual | 20 | 16 | 18 | 13 | 24 | 4 |
| Medical Examination | 4 | 8 | 1 | 4 | 0 | 2 |
| Pay including overtime | 39 | 41 | 21 | 30 | 11 | 5 |
| Promotion/Non-Selection | 111 | 160 | 149 | 124 | 71 | 40 |

3.3 REASSIGNMENT

| | | | | | | |
|-------------------------------------|-----|-----|-----|-----|-----|----|
| Denied | 27 | 25 | 14 | 17 | 21 | 9 |
| Directed | 43 | 39 | 18 | 20 | 26 | 23 |
| Reasonable Accommodation Disability | 48 | 84 | 69 | 84 | 94 | 42 |
| Reinstatement | 0 | 1 | 2 | 0 | 0 | 1 |
| Religious Accommodation | 0 | 0 | 3 | 4 | 1 | 0 |
| Retirement | 1 | 1 | 4 | 5 | 4 | 4 |
| Sex-Stereotyping | 0 | 0 | 1 | 1 | 1 | 0 |
| Telework | 0 | 14 | 29 | 25 | 31 | 11 |
| Termination | 34 | 41 | 27 | 36 | 35 | 11 |
| Terms/Conditions of Employment | 146 | 167 | 102 | 146 | 135 | 70 |
| Time and Attendance | 32 | 79 | 59 | 67 | 77 | 36 |
| Training | 33 | 49 | 51 | 40 | 45 | 11 |

3.4 OTHER

| | | | | | | |
|------------------------|---|----|---|---|---|---|
| User Defined - Other 1 | 0 | 14 | 5 | 2 | 0 | 2 |
| User Defined - Other 2 | 0 | 6 | 0 | 1 | 0 | 0 |
| User Defined - Other 3 | 0 | 1 | 0 | 0 | 0 | 0 |
| User Defined - Other 4 | 0 | 1 | 0 | 0 | 0 | 0 |
| | | | | | | |

4 PROCESSING TIME

| Processing Time | 2014 | 2015 | 2016 | 2017 | 2018 | 2nd Quarter 2019 |
|-----------------|------|------|------|------|------|---------------------|
|-----------------|------|------|------|------|------|---------------------|

4.1 COMPLAINTS PENDING DURING FISCAL YEAR

| | | | | | | |
|---|--------|--------|--------|--------|--------|--------|
| Average number of days in investigation | 212.08 | 198.98 | 208.93 | 159.35 | 173.22 | 198.48 |
| Average number of days in final action | 169.31 | 107.89 | 97.94 | 165.64 | 36.78 | 44.86 |

4.2 COMPLAINT PENDING DURING FISCAL YEAR WHERE HEARING WAS REQUESTED

| | | | | | | |
|---|--------|--------|--------|--------|--------|--------|
| Average number of days in investigation | 217.23 | 203.04 | 212.88 | 163.69 | 172.58 | 199.40 |
| Average number of days in final action | 199.47 | 97.00 | 69.94 | 108.76 | 20.90 | 43.78 |

4.3 COMPLAINT PENDING DURING FISCAL YEAR WHERE HEARING WAS NOT REQUESTED

| | | | | | | |
|---|--------|--------|--------|--------|--------|--------|
| Average number of days in investigation | 204.07 | 192.70 | 202.01 | 152.87 | 173.78 | 197.15 |
| Average number of days in final action | 134.58 | 115.19 | 124.03 | 205.66 | 50.90 | 46.72 |

5 COMPLAINTS DISMISSED BY AGENCY

| Complaints Dismissed by Agency | 2014 | 2015 | 2016 | 2017 | 2018 | 2nd Quarter 2019 |
|---|------|------|------|------|------|---------------------|
| Total Complaints Dismissed by Agency | 64 | 57 | 57 | 82 | 84 | 23 |
| Average days pending prior to dismissal | 188 | 88 | 97 | 66 | 20 | 29 |

5.1 COMPLAINTS WITHDRAWN BY COMPLAINANTS

| | | | | | | |
|--|----|----|----|----|----|----|
| Total Complaints Withdrawn by Complainants | 32 | 32 | 28 | 37 | 28 | 11 |
|--|----|----|----|----|----|----|

6 TOTAL FINAL AGENCY ACTIONS FINDING DISCRIMINATION

| Total Final Agency Actions Finding Discrimination | 2014 | | 2015 | | 2016 | | 2017 | | 2018 | | 2nd Quarter 2019 | |
|---|------|----|------|----|------|----|------|----|------|-----|---------------------|---|
| | # | % | # | % | # | % | # | % | # | % | # | % |
| Without Hearing | 15 | 63 | 5 | 45 | 6 | 86 | 3 | 60 | 0 | 0 | 0 | 0 |
| With Hearing | 9 | 38 | 6 | 55 | 1 | 14 | 2 | 40 | 1 | 100 | 0 | 0 |

| | | | | | | | | | | | | |
|---------------------------|----|------|----|------|---|------|---|------|---|------|---|------|
| 6.1 TOTAL NUMBER FINDINGS | 24 | 100% | 11 | 100% | 7 | 100% | 5 | 100% | 1 | 100% | 0 | 100% |
|---------------------------|----|------|----|------|---|------|---|------|---|------|---|------|

7 FINDINGS OF DISCRIMINATION RENDERED BY BASIS

| Findings of Discrimination Rendered by Basis | 2014 | | 2015 | | 2016 | | 2017 | | 2018 | | 2nd Quarter 2019 | |
|--|-----------|----|----------|----|----------|-----|----------|-----|----------|-----|------------------|---|
| Race | 6 | 25 | 1 | 13 | 3 | 43 | 3 | 75 | 0 | 0 | 0 | 0 |
| Color | 1 | 4 | 0 | 0 | 1 | 14 | 0 | 0 | 0 | 0 | 0 | 0 |
| Religion | 2 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Reprisal | 7 | 29 | 4 | 50 | 4 | 57 | 1 | 25 | 1 | 100 | 0 | 0 |
| Sex | 2 | 8 | 0 | 0 | 3 | 43 | 0 | 0 | 1 | 100 | 0 | 0 |
| PDA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| National Origin | 5 | 21 | 1 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Equal Pay Act | 1 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Age | 2 | 8 | 1 | 13 | 0 | 0 | 1 | 25 | 0 | 0 | 0 | 0 |
| Disability | 8 | 33 | 7 | 88 | 2 | 29 | 0 | 0 | 0 | 0 | 0 | 0 |
| Genetics | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Non-EEO | 2 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7.1 TOTAL NUMBER FINDINGS | 24 | | 8 | | 7 | | 4 | | 1 | | 0 | |
| 7.2 FINDINGS AFTER HEARING | 9 | | 6 | | 1 | | 2 | | 1 | | 0 | |
| Race | 4 | 44 | 1 | 17 | 1 | 100 | 2 | 100 | 0 | 0 | 0 | 0 |
| Color | 1 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Religion | 2 | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Reprisal | 4 | 44 | 3 | 50 | 1 | 100 | 0 | 0 | 1 | 100 | 0 | 0 |

9 PENDING COMPLAINTS FILED IN PREVIOUS FISCAL YEARS BY STATUS

| Pending Complaints Filed in Previous Fiscal Years by Status | 2014 | 2015 | 2016 | 2017 | 2018 | 2nd Quarter 2019 |
|---|------|------|------|------|------|------------------|
| Total complaints from previous Fiscal Years | 938 | 473 | 472 | 464 | 453 | 672 |
| Total Complainants | 482 | 436 | 446 | 421 | 410 | 599 |

9.1 NUMBER COMPLAINTS PENDING

| | | | | | | |
|---|-----|-----|-----|-----|-----|-----|
| Investigation | 35 | 20 | 18 | 16 | 17 | 67 |
| ROI issued, pending Complainant's action | 3 | 1 | 2 | 0 | 0 | 15 |
| Hearing | 520 | 415 | 401 | 427 | 426 | 545 |
| Final Agency Action | 50 | 39 | 47 | 25 | 24 | 48 |
| Appeal with EEOC Office of Federal Operations | 61 | 104 | 116 | 192 | 231 | 249 |

10 COMPLAINT INVESTIGATIONS

| Complaint Investigations | 2014 | 2015 | 2016 | 2017 | 2018 | 2nd Quarter 2019 |
|---|------|------|------|------|------|------------------|
| Pending Complaints Where Investigations Exceed Required Time Frames | 190 | 19 | 10 | 8 | 21 | 35 |

Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.