



U.S. General Services Administration

GSA NO FEAR ACT REPORT

Prepared by the Office of Civil Rights

Fiscal Year 2021



Notification and Federal Employee Antidiscrimination
and Retaliation Act of 2002
FY 2021 Annual Report

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Introduction

Purpose of Report

The [Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 \(No FEAR Act\), Public Law 107-174](#)¹ was enacted to reduce the incidence of workplace discrimination within the Federal Government by holding Federal agencies accountable for violations of Federal antidiscrimination and whistleblower protection laws.² The No FEAR Act requires a Federal agency to:

- Notify employees, former employees, and applicants for employment about their rights under the Federal antidiscrimination and whistleblower laws.
- Provide training to its employees, including managers, on the rights and remedies available under antidiscrimination and whistleblower laws.
- Post quarterly on its public website summary statistical data about equal employment opportunity (EEO) complaints filed with the agency.

In addition, [Section 203 of the No FEAR Act](#) requires each agency to submit to Congress, the U.S. Equal Employment Opportunity Commission (EEOC), the U.S. Department of Justice, and the U.S. Office of Personnel Management, an annual report that includes the following:³

- The number, status, and disposition of discrimination and whistleblower cases (including Federal court cases) filed against the agency.
- Judgment fund reimbursements and any agency budget adjustments to meet reimbursement requirements.
- The number and type of disciplinary actions related to discrimination, retaliation, harassment, or other prohibited personnel practices and the agency disciplinary policy.
- Year-end summary EEO complaint data.
- Analysis of trends, causation, and practical knowledge gained through experience, and any actions planned or taken to improve agency complaint or civil rights programs.

The U.S. General Services Administration (GSA) submits this No FEAR Act report for fiscal year (FY) 2021 (Oct. 1, 2020, through Sept. 30, 2021). GSA's No FEAR Act data for the fourth quarter of FY 2021 and for prior fiscal years can be accessed at <https://www.gsa.gov>.

¹ The Elijah J. Cummings Federal Employees Antidiscrimination Act, which was enacted in Jan. 2021, amends the No FEAR Act.

² See Pub. L. No. 107-174, 116 Stat. 566 (2002)

³ See Pub. L. No. 107-174, §203(a)(1); see also 5 CFR §724.302(a). Appendix A to this report sets forth the No FEAR Act statutory and regulatory reporting requirements in full.

GSA Mission and Structure

GSA's mission is to deliver value and savings in real estate, acquisition, technology, and other mission-support services across government. GSA provides centralized procurement for the Federal Government, offering products, services, and facilities worth billions of dollars that Federal agencies need to serve the American public. GSA's acquisition solutions supply Federal purchasers with cost-effective, high-quality products and services from commercial vendors. GSA also helps Federal agencies build and acquire office space, products, and other workspace services, and oversees the preservation of historic Federal properties. Its policies covering travel and property management practices promote efficient Government operations. Composed of the Federal Acquisition Service, the Public Buildings Service, the Office of Government-wide Policy, 11 staff offices, and two independent offices, GSA services and supports more than 60 Federal departments and agencies.

GSA Office of Civil Rights

GSA's goal is to prevent and address workplace discrimination and retaliation in order to create and maintain a world-class workplace where all employees and applicants for employment with GSA have the freedom to compete in a fair and equitable manner.

The Office of Civil Rights (OCR) enforces Federal laws, regulations, and directives that prohibit discrimination in the workplace and in GSA programs and activities. OCR's vision is to be a premier civil rights program that inspires a culture of equal opportunity and equity within GSA. Its mission is to ensure an inclusive workplace free from unlawful discrimination through active engagement, training, and compliance with civil rights laws, regulations, and other guiding sources.

9	\$95,000	0	1	44
Federal District Court Cases	Judgment Fund Reimbursements	Disciplinary Actions	Finding of Discrimination	Formal Complaints

Cases in Federal District Court

In FY 2021, GSA had nine antidiscrimination cases and zero whistleblower protection cases in Federal district court. Four of the antidiscrimination cases closed in FY 2021 and five are still pending an outcome. Of the four cases that closed, one case settled, one was dismissed, and two ended with a decision in GSA's favor.

Judgment Fund Reimbursements

The Judgment Fund pays court judgments, awards, and compromise settlements of lawsuits against the Federal Government.⁴ The No FEAR Act requires Federal agencies to reimburse the Judgment Fund for payments made on their behalf to employees, former employees, or applicants for employment due to claims alleging violations of Federal antidiscrimination laws, Federal whistleblower protection laws, or reprisal for legally protected activity related to those laws.⁵

GSA made one reimbursement to the Judgment Fund in FY 2021. GSA reimbursed the Judgment Fund only three times from FY 2017 through FY 2021 (see Table 1).

Table 1. Reimbursements to the Judgment Fund for FYs 2016-2021

Reimbursements to the Judgment Fund	2017	2018	2019	2020	2021
Amount	\$850	0	\$55,000	0	\$95,000

Disciplinary Actions

A review of FY 2021 disciplinary records shows no GSA employees were disciplined for improper or illegal discrimination, retaliation, harassment, or other infraction prohibited by the No FEAR Act. The GSA policy directing disciplinary action against Federal employees for prohibited personnel practices and conduct inconsistent with the Federal antidiscrimination and whistleblower protection laws is available at [HRM 9751.1 – Maintaining Discipline](#). Included in the policy is the GSA Penalty Guide, which prescribes penalties for various types of delinquency or misconduct, including discrimination and retaliation against any person for properly exercising their right to file a discrimination complaint or grievance, or for reporting discrimination.

FY 2021 EEO Complaint Data

See [Appendix B](#) to this report for GSA's FY 2021 year-end data along with comparative data for FYs 2016 through 2021.⁶

⁴ See 31 U.S.C. §1304.

⁵ See 31 U.S.C. § 201.

⁶ Appendix B includes FY 2016 data, consistent with the EEOC's No FEAR data reporting requirements.

Analysis of Trends and Causality

Using data from GSA’s information management system for EEO complaint processing, this section highlights trends in EEO complaints filed with GSA.⁷ As Table 2 shows, complainants filed 44 formal EEO complaints in FY 2021. That is 29 (or 40%) less than the 73 complaints filed in FY 2020. Over a longer horizon, complaints have decreased; complaints filed in FY 2021 were 38% below the five-year average of 71.

GSA’s complaint activity decreased despite a 6% expansion of its workforce from FY 2018 through FY 2021. As of Sept. 30, 2018, GSA had a workforce of 11,051. On the same date in 2021, GSA had a workforce of 11, 732. Although the size of GSA’s workforce peaked in 2021, the rate of complaints filed per 100 employees (0.37) was still below the five-year average rate of 0.62.

Table 2. Formal complaints filed and GSA workforce between FYs 2016 and 2020

Formal Complaint Activity	2017	2018	2019	2020	2021
Complaints Filed	89	84	65	73	44
Number of Complainants	79	79	58	67	40
Repeat Filers	8	5	7	6	2
GSA Total Workforce	11,488	11,051	11,326	11,584	11,732
Complaints Filed per 100 Employees	0.77	0.76	0.57	0.63	0.37

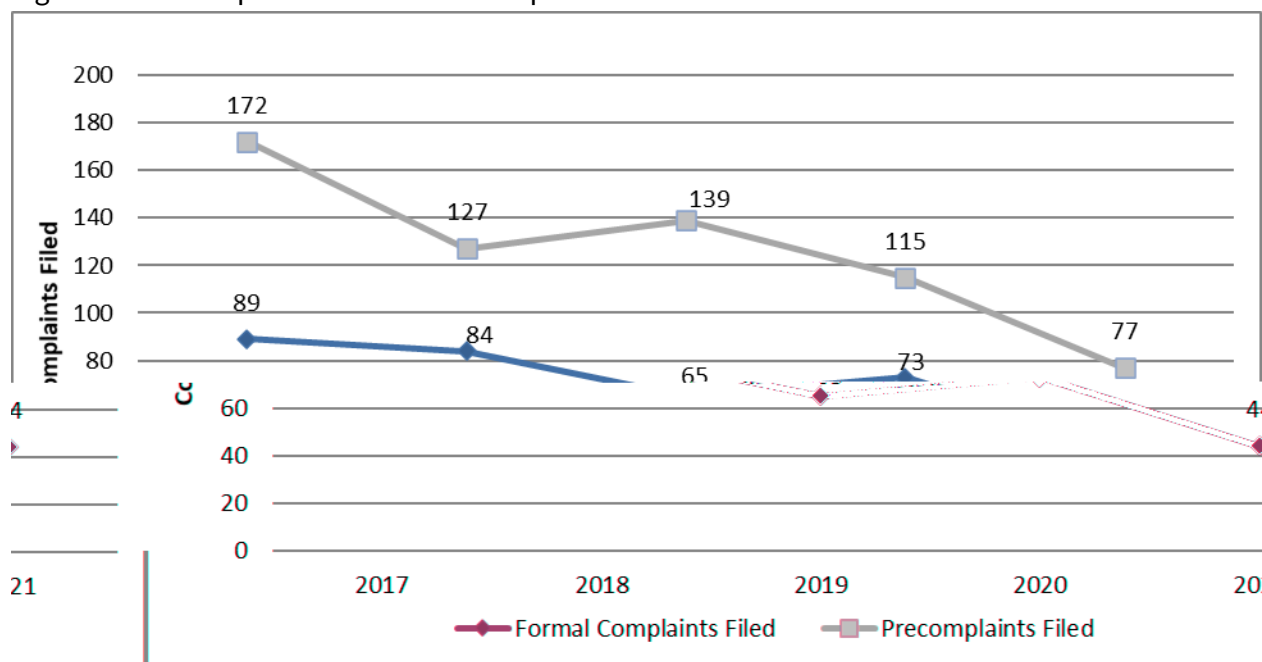
Note about this table: This table represents complaints filed between Oct. 1 and Sep. 30 of each fiscal year and does not include cases carried over from the previous year(s).

Precomplaints

Precomplaints (also known as informal complaints) are not reported in No FEAR Act quarterly data reports but are included here to show an overall downward trend in EEO complaint activity at GSA. In FY 2021, GSA had 77 precomplaints, 38 fewer than in FY 2020.

⁷ The data is current as of Oct. 15, 2021, and includes complaints filed between Oct. 1 and Sept. 30 of each year.

Figure 1. Precomplaints and formal complaints filed between FYs 2017 and 2021



One contributing factor to the decrease in formal complaints between FYs 2020 and 2021 is the increase in precomplaint resolutions. In FY 2020, the resolution rate was 41% (46 out of 113). It increased to 54% (51 out of 95) in FY 2021. As a result, fewer precomplaints moved to the formal stage of the EEO process.⁸

Table 3. Precomplaints closed and resolved in FYs 2020 and 2021

Precomplaint Activity	2020	2021
Closed	113	95
Resolved	46	51
Resolution Rate	41%	54%

Bases of Discrimination in Formal Complaints

In FY 2021, the most alleged bases of discrimination were reprisal (23), race (18), sex (15), disability (13) and age (9).⁹ For three of the last five years (FYs 2017, 2018, and 2021), reprisal has been the most alleged basis. For reasons unknown, complaints alleging discrimination based on disability decreased by 69% between FYs 2020 (42) and 2021 (13).

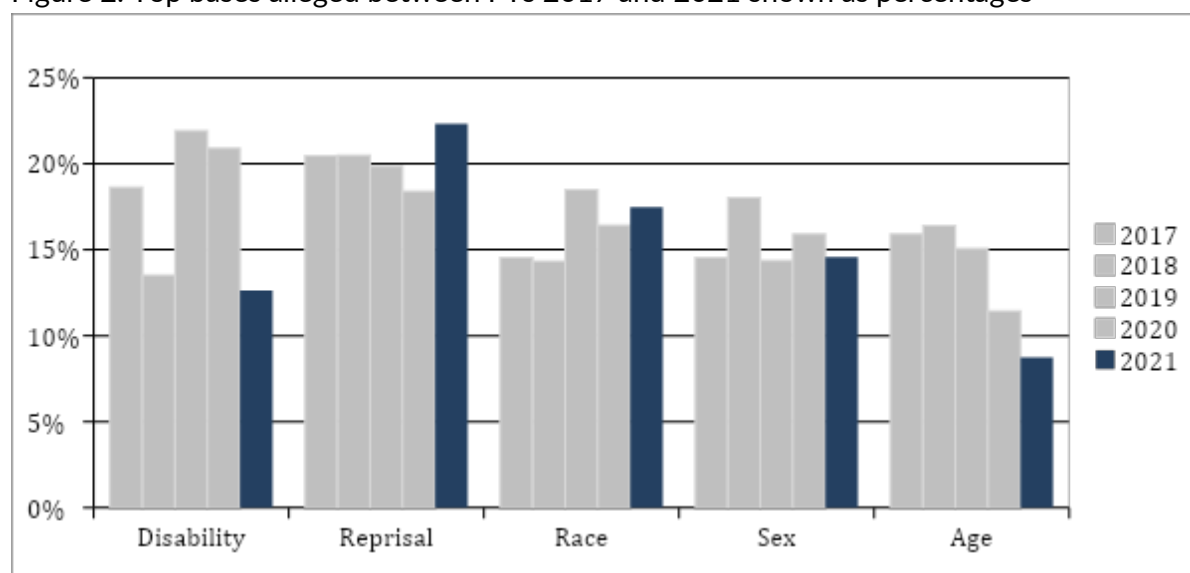
⁸ Resolved precomplaints were withdrawn, settled by agreement, or not pursued as formal complaints.

⁹ An EEO complaint can allege multiple bases of discrimination.

Table 4. Top five bases alleged between FYs 2017 and 2021

Formal Complaints by Basis	2017	2018	2019	2020	2021
Disability	41	33	32	42	13
Reprisal	45	50	29	37	23
Race	32	35	27	33	18
Sex	32	44	21	32	15
Age	35	40	22	23	9

Figure 2. Top bases alleged between FYs 2017 and 2021 shown as percentages



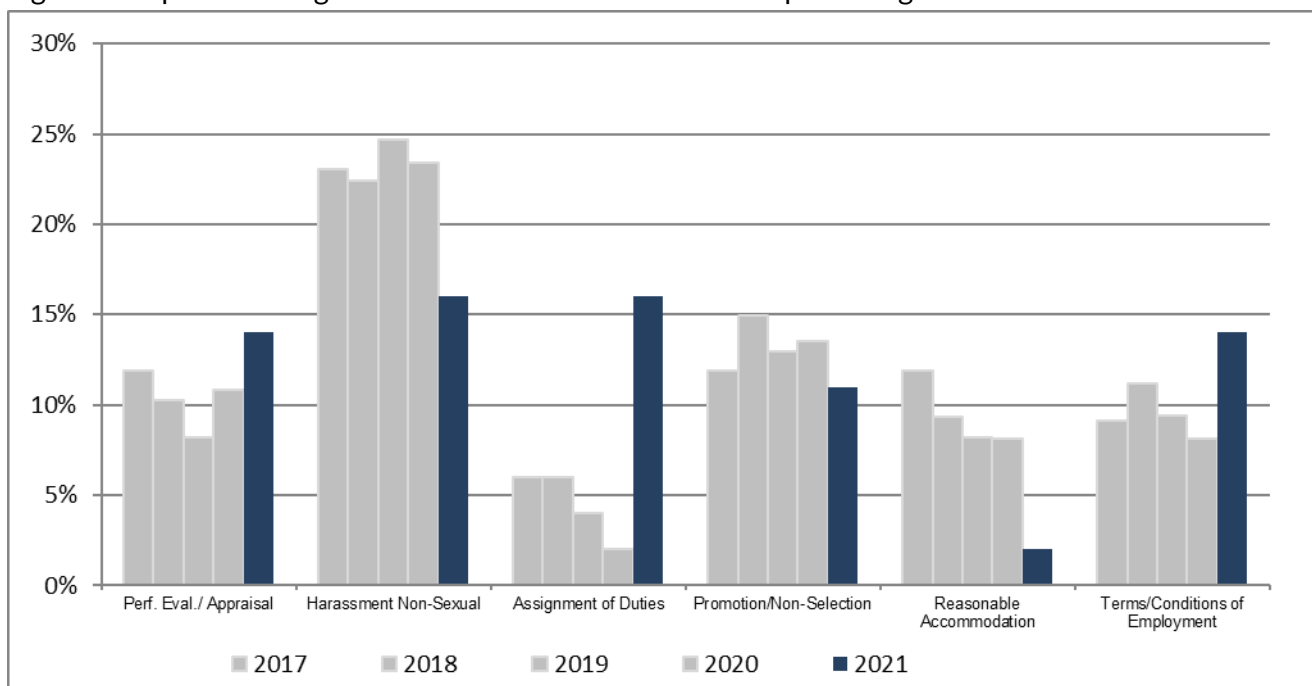
Issues in Formal Complaints

In FY 2021, non-sexual harassment (9) and assignment of duties (9) were the most alleged issues, followed by terms and conditions of employment (8), performance evaluation/appraisal (8), and promotion/non-selection (6). For reasons unknown, assignment of duties surpassed reasonable accommodation as one of the top five alleged issues in FY 2021. By comparison, FY 2020’s most common issue was non-sexual harassment (26), followed by promotion/non-selection (16), performance evaluations (12), terms/conditions of employment (9), and reasonable accommodation (9).

Table 5. Top issues alleged in complaints filed between FYs 2017 and 2021

Formal Complaints by Issue	2017	2018	2019	2020	2021
Harassment Non-Sexual	33	24	21	26	9
Promotion/Non-Selection	17	16	11	15	6
Performance Evaluation/Appraisal	17	11	7	12	8
Assignment of Duties	9	6	3	2	9
Terms/Conditions of Employment	13	12	8	9	8
Reasonable Accommodation Disability	17	10	7	9	1

Figure 3. Top issues alleged between FYs 2017 and 2021 as percentages



The top bases and issues alleged in GSA’s formal complaint filings in FY 2021 were consistent with the most current government-wide data reported by the EEOC.¹⁰ The EEOC reported that in FY 2019, reprisal was the most frequently alleged basis followed by disability, sex, race, and age. The EEOC also reported that the most frequently alleged issue was non-sexual harassment, followed by disciplinary action, terms and conditions of employment, promotion/non-selection, and reasonable accommodation.

¹⁰ See EEOC FY 2019 Annual Report on the Federal Workforce, Table B-8, at <https://www.eeoc.gov/federal-sector/reports>

Findings of Discrimination

In FY 2021, GSA found discrimination in one complaint (Table 6).

Table 6. Findings of discrimination between FYs 2017 and 2021

	2017	2018	2019	2020	2021
Findings	0	4	0	2	1
Bases		Disability		Reprisal	Reprisal
		Race			Disability
		Sex			
		Retaliation			
Issues		Assignment of Duties		Suspension	Performance Evaluation / Appraisal
		Removal			Reasonable Accommodation
		Harassment			
		Terms Conditions			
		Appointment/Hire			

Practical Knowledge Gained Through Experience

In analyzing EEO complaint trends and related information, OCR concluded the following:

- The number of precomplaints and formal complaints filed annually with GSA continues to trend downward, taking a significant dip in FY 2021. OCR will continue to promote Alternative Dispute Resolution (ADR) and training targeted toward prevention of discrimination.
- Used effectively, ADR can result in a win-win solution for all parties involved in an EEO dispute. In FY 2020 GSA reevaluated its ADR program and developed new processes and training to highlight the advantages of ADR. As a result of these efforts, the resolution rate in FY 2021 was the highest it has been in the last four FYs. Of the 77 precomplaints that were initiated this fiscal year, 41 utilized ADR (53%) and 33 of those were resolved (80% resolution rate¹¹).
- GSA must continue to increase training and communication about discriminatory harassment. Of the 44 formal complaints filed in FY 2021, 9 (20%) included allegations of

¹¹ This includes precomplaints that were settled or otherwise not brought forward as formal complaints after ADR was utilized.

non-sexual harassment. Although this is a drop from FY 2020 (36%), non-sexual harassment has remained the most common form of discrimination claimed since FY 2016. In FY 2021, GSA published revised anti-harassment policy and procedures and rolled out civil treatment training for employees and managers that focuses on aligning everyday behavior with agency values to support positive business outcomes.

- Allegations of disability discrimination decreased in FY 2021. In FY 2020, disability was named as a basis in 42 of 73 formal complaints (57%). In FY 2021, disability was named in 13 of 44 formal complaints (30%). Although the exact cause of the decrease is unknown, it is notable that in FY 2021 GSA revised reasonable accommodation policy and procedures to increase efficiency and stood up the Persons with Disabilities special emphasis program. GSA continues to seek ways to increase the visibility of options and services available to persons with disabilities.

Program Improvements in FY 2021

- In response to the COVID-19 emergency telework posture, OCR successfully continued 100% virtual EEO case processing and met all regulatory timeframes for case processing. OCR also effectively leveraged technology and OCR staff to provide more extensive virtual discrimination prevention training. In FY 2021, OCR provided training for 3,050 GSA employees (26% of the workforce).
- OCR resolved a major gap in the Affirmative Employment Program (AEP) by hiring an AEP manager. Filling this crucial vacancy, enabled OCR to restart the AEP program and resume evaluating GSA compliance with EEOC Management Directive 715.
- OCR entered into an agreement with the Federal Mediation Conciliation Service to provide ADR for issues that have not yet entered the EEO complaint process. OCR saw an increase in the use of ADR in GSA after actively promoting the program.
- OCR partnered with GSA's Office of Customer Experience to better understand the challenges OCR's customers experience during the EEO complaint process and is developing an action plan to address the feedback received. The plan will be implemented during FYs 22 and 23.
- OCR collaborated with agency partners on several diversity, equity, inclusion, and accessibility (DEIA) efforts. These efforts resulted in IDEA Champions, the first-ever competitive leadership development program focused on DEIA as a leadership competency; new special emphasis programs; and DEIA Dialogues, the first-ever agency-wide forum for facilitated discussions exploring topics such as hidden bias, microaggressions, and intersectionality.
- OCR collaborated with agency partners to fully implement recently issued Executive orders (E.O.) and guidance on DEIA in the federal workforce.

Improvements Planned for FYs 2022-23

During FY 2022 and 2023, OCR's strategic focus will include the following:

- Collaborating with agency partners to further expand training options that address knowledge gaps identified through trends in complaint activity and customer feedback.
- Developing a strategic plan aimed at further enhancing OCR's efficiency and effectiveness.
- Championing the integration of EEO policies and diversity considerations into GSA's operations and workforce planning.
- Expanding collaborations such as the DEIA Dialogue sessions and IDEA Champions program to build upon cultural competencies for high-performing, inclusive leadership and foster a more equitable federal workforce.
- Leveraging internal communication channels to disseminate more effectively information about OCR's services and employee protections under Federal antidiscrimination and whistleblower protection laws.
- Developing and implementing action plans that support GSA's DEIA Strategic Plan pursuant to E.O. 14035.

No FEAR Act Training

In accordance with 5 CFR § 724.203, all GSA employees, including managers and supervisors, are required to complete No FEAR Act training biennially, with the last cycle completed in September 2020. New employees are required to complete No FEAR Act training within 90 calendar days of the new employees' appointment. GSA launched the 2020 cycle of No FEAR Act training in January 2020. This training is provided through GSA Online University, a training portal open to all GSA employees. Ninety-eight percent of eligible, onboard GSA employees completed the No FEAR Act 2020 training cycle.

APPENDIX A - LEGISLATIVE & REGULATORY REQUIREMENTS

Section 203 (a) of the No FEAR Act (Pub. Law 107-174) provides, in pertinent part:

(a) Annual Report. — Subject to subsection (b), not later than 180 days after the end of each fiscal year, each Federal agency shall submit to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the agency, the Chair, Equal Employment Opportunity Commission, and the Attorney General an annual report which shall include, with respect to the fiscal year.

(1) the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged;

(2) the status or disposition of cases described in paragraph (1);

(3) the amount of money required to be reimbursed by such agency under section 201 in connection with each of such cases, separately identifying the aggregate amount of such reimbursements attributable to the payment of attorneys' fees, if any;

(4) the number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1);

(5) the final year-end data posted under section 301(c)(1)(B) for such fiscal year (without regard to section 301(c)(2));

(6) a detailed description of —

(A) the policy implemented by that agency relating to appropriate disciplinary actions against a Federal employee who — (i) discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2); or (ii) committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a)(1) or (2); and

(B) with respect to each of such laws, the number of employees who are disciplined in accordance with such policy and the specific nature of the disciplinary action taken;

(7) an analysis of the information described under paragraphs (1) through (6) (in

conjunction with data provided to the Equal Employment Opportunity Commission in compliance with Part 1614 of Title 29 of the Code of Federal Regulations) including—

- (A) an examination of trends;
- (B) causal analysis;
- (C) practical knowledge gained through experience;
- (D) any actions planned or taken to improve complaint or civil rights programs of the agency; and

(8) any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201.

Subpart C of 5 CFR Part 724 (5 CFR §724.302):

(a) Except as provided in paragraph (b) of this section, each agency must report no later than 180 calendar days after the end of each fiscal year the following items:

(1) The number of cases in Federal court pending or resolved in each fiscal year and arising under each of the respective provisions of the Federal Antidiscrimination Laws and Whistleblower Protection Laws applicable to them as defined in §724.102 of subpart A of this part in which an employee, former Federal employee, or applicant alleged a violation(s) of these laws, separating data by the provision(s) of law involved;

(2) In the aggregate, for the cases identified in paragraph (a)(1) of this section and separated by provision(s) of law involved:

- (i) The status or disposition (including settlement);
- (ii) The amount of money required to be reimbursed to the Judgment Fund by the agency for payments as defined in §724.102 of subpart A of this part;
- (iii) The amount of reimbursement to the Fund for attorney's fees where such fees have been separately designated;

(3) In connection with cases identified in paragraph (a)(1) of this section, the total number of employees in each fiscal year disciplined as defined in §724.102 of

subpart A of this part and the specific nature, e.g., reprimand, etc., of the disciplinary actions taken, separated by the provision(s) of law involved;

(4) The final year-end data about discrimination complaints for each fiscal year that was posted in accordance with Equal Employment Opportunity Regulations at subpart G of title 29 of the Code of Federal Regulations (implementing section 301(c)(1)(B) of the No FEAR Act);

(5) Whether or not in connection with cases in Federal court, the number of employees in each fiscal year disciplined as defined in §724.102 of subpart A of this part in accordance with any agency policy described in paragraph (a)(6) of this section. The specific nature, e.g., reprimand, etc., of the disciplinary actions taken must be identified;

(6) A detailed description of the agency's policy for taking disciplinary action against Federal employees for conduct that is inconsistent with Federal Antidiscrimination Laws and Whistleblower Protection Laws or for conduct that constitutes another prohibited personnel practice revealed in connection with agency investigations of alleged violations of these laws;

(7) An analysis of the information provided in paragraphs (a)(1) through (6) of this section in conjunction with data provided to the Equal Employment Opportunity Commission in compliance with 29 CFR part 1614 subpart F of the Code of Federal Regulations. Such analysis must include:

(i) An examination of trends;

(ii) Causal analysis;

(iii) Practical knowledge gained through experience; and

(iv) Any actions planned or taken to improve complaint or civil rights programs of the agency with the goal of eliminating discrimination and retaliation in the workplace.

(8) For each fiscal year, any adjustment needed or made to the budget of the agency to comply with its Judgment Fund reimbursement obligation(s) incurred under §724.103 of subpart A of this part; and

(9) The agency's written plan developed under §724.203(a) of subpart B of this part to train its employees.

(b) The first report also must provide information for the data elements in paragraph (a) of this section for each of the five fiscal years preceding the fiscal year on which the first report is based to the extent that such data is available. Under the provisions of the No FEAR Act, the first report was due March 30, 2005, without regard to the status of the regulations. Thereafter, under the provisions of the No FEAR Act, agency reports are due annually on March 30th. Agencies that have submitted their reports before these regulations became final must ensure that they contain data elements 1 through 8 of paragraph (a) of this section and provide any necessary supplemental reports by April 25, 2007. Future reports must include data elements 1 through 9 of paragraph (a) of this section.

(c) Agencies must provide copies of each report to the following:

- (1) Speaker of the U.S. House of Representatives.
 - (2) President Pro Tempore of the U.S. Senate.
 - (3) Committee on Governmental Affairs, U.S. Senate.
 - (4) Committee on Government Reform, U.S. House of Representatives.
 - (5) Each Committee of Congress with jurisdiction relating to the agency.
 - (6) Chair, Equal Employment Opportunity Commission.
 - (7) Attorney General; and
 - (8) Director, U.S. Office of Personnel Management.
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APPENDIX B - GSA NO FEAR ACT DATA COMPARISON

FY 2016 - FY 2021 | FYs represented as Oct. 1 - Sep. 30

Complaint Activity	Comparative Data					
	Previous FY Data					2021
	2016	2017	2018	2019	2020	
Complaints Filed	96	89	84	65	73	44
Number of Complainants	84	79	79	58	67	40
Repeat Filers	9	8	5	7	6	2

Complaints by Basis	Comparative Data					
	Previous FY Data					2021
Note: Complaints can allege multiple bases, so the sum of the bases may not equal total complaints filed.	2016	2017	2018	2019	2020	
Disability	35	41	33	32	33	13
Reprisal	51	45	50	29	37	23
Race	49	32	35	27	33	18
Sex	50	32	44	21	32	15
Age	41	35	40	22	23	9
Color	34	17	17	8	17	10
National Origin	25	10	13	3	11	8
Religion	12	4	8	2	3	3
Non-EEO	4	4	3	1	2	0
Equal Pay Act	0	0	1	1	1	2
Genetics	0	0	0	0	0	0
PDA	0	0	0	0	0	0

Complaints by Issue	Comparative Data					
	Previous FY Data					2021
Note: Complaints can allege multiple issues, so the sum of the issues may not equal total complaints filed.	2016	2017	2018	2019	2020	
Appointment/Hire	6	3	0	1	3	0
Assignment of Duties	12	9	6	3	2	9
Awards	0	0	0	0	0	0
Conversion to Full Time/Permanent Status	0	0	0	0	0	0
Disciplinary Action						
● Demotion	3	2	0	0	0	0
● Reprimand	3	4	4	0	4	2
● Suspension	1	3	3	2	3	2
● Removal	3	4	1	4	2	3
● Other - Disciplinary Warning	0	0	0	3	4	3
Duty Hours	2	2	0	1	0	0
Performance Evaluation/Appraisal	17	17	11	7	12	8
Examination/Test	1	1	0	0	0	0
Harassment						
● Non-Sexual	26	33	24	21	26	9
● Sexual	5	1	4	0	0	0
Medical Examination	0	0	0	2	0	0
Pay Including Overtime	1	2	4	1	4	1
Promotion/Non-Selection	27	17	16	11	15	6
Reassignment						
● Denied	3	3	1	0	4	0
● Directed	1	1	2	0	1	1
Reasonable Accommodation Disability	8	17	10	7	9	1
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0
Retirement	1	0	3	0	1	1

Sex-Stereotyping	0	0	0	0	0	0
Complaints by Issue, Continued	Comparative Data					
	Previous FY Data					2021
Note: Complaints can allege multiple issues, so the sum of the issues may not equal total complaints filed.	2016	2017	2018	2019	2020	
Telework	2	4	0	1	0	0
Termination	5	1	4	8	5	2
Terms/Conditions of Employment	13	13	12	8	9	8
Time and Attendance	6	4	2	4	7	0
Training	2	2	0	1	0	2

Processing Time	Comparative Data					
	Previous FY Data					2021
	2016	2017	2018	2019	2020	

Complaints Pending During FY

Average number of days in investigation	196.22	205.22	215.48	221.80	195.98	195.52
Average number of days in final action	35.37	48.02	38.83	49.64	47.98	47.40

Complaints Pending During FY Where Hearing Was Requested

Average number of days in investigation	200.77	209.68	221.74	240.31	201.42	192.26
Average number of days in final action	23.10	46.47	26.32	43.94	37.15	38.52

Complaints Pending During FY Where Hearing Was Not Requested

Average number of days in investigation	197.23	213.92	230.78	233.06	205.96	200.67
Average number of days in final action	54.38	51.70	54.11	60.74	58.80	59.56

Complaints Dismissed by Agency	Comparative Data					
	Previous FY Data					2021
	2016	2017	2018	2019	2020	
Total Number of Complaints Dismissed by Agency	13	4	8	4	10	12
Average days pending prior to dismissal	21	21	31	54	56	39
Complaints Withdrawn by Complainants	11	10	13	4	2	4

Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous FY Data										2021	
	2016		2017		2018		2019		2020			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	1		0		4		0		2		1	
Without Hearing	0	0	0	0	1	25	0	0	0	0	1	100
With Hearing	1	100	0	0	3	75	0	0	2	100	0	0

Note about this table: Basis categories with no findings over the period are not included.

Findings of Discrimination by Basis	Comparative Data											
	Previous FY Data										2021	
	2016		2017		2018		2019		2020			
Note: Complaints can allege multiple bases, so the sum of the bases may not equal total complaints and findings.	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	1		0		4		0		2		1	
Race	1	100	0	0	2	50	0	0	0	0	0	0
Reprisal	0	0	0	0	1	25	0	0	2	100	1	100
Sex	1	100	0	0	3	75	0	0	0	0	0	0
Age	1	100	0	0	1	25	0	0	0	0	0	0
Disability	1	100	0	0	0	0	0	0	0	0	1	100

Total Number of Findings After Hearing	1		0		3		0		2		0	
Race	1	100	0	0	2	67	0	0	0	0	0	0
Findings of Discrimination by Basis, Continued	Comparative Data											
	Previous Fiscal Year Data										2021	
	2016		2017		2018		2019		2020			
	#	%	#	%	#	%	#	%	#	%	#	%
Reprisal	0	0	0	0	1	33	0	0	2	100	0	0
Sex	1	100	0	0	3	75	0	0	0	0	0	0
Age	1	100	0	0	1	25	0	0	0	0	0	0
Disability	1	100	0	0	0	0	0	0	0	0	1	100
Total Number of Findings Without Hearing	0		0		1		0		0		1	
Disability	0	0	0	0	1	100	0	0	0	0	1	100
Reprisal	0	0	0	0	0	0	0	0	0	0	1	100

Note about this table: Issue categories with **no findings** over the period are not included.

Findings of Discrimination by Issue	Comparative Data											
	Previous FY Data										2021	
	2016		2017		2018		2019		2020			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	1		0		4		0		2		1	
Appointment/Hire	0	0	0	0	1	25	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	1	25	0	0	0	0	0	0
Disciplinary Action												
● Suspension	0	0	0	0	0	0	0	0	2	100	0	0
● Removal	0	0	0	0	1	25	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Performance Evaluation/ Appraisal	0	0	0	0	0	0	0	0	0	0	1	100
Harassment												
● Sexual	0	0	0	0	1	25	0	0	0	0	0	0
Promotion/Non-Selection	1	100	0	0	0	0	0	0	0	0	0	0

Reasonable Accommodation Disability	0	0	0	0	0	0	0	0	0	0	0	1	100
Training	1	100	0	0	0	0	0	0	0	0	0	0	0
Findings of Discrimination by Issue, Continued	Comparative Data												
	Previous FY Data										2021		
	2016		2017		2018		2019		2020				
	#	%	#	%	#	%	#	%	#	%	#	%	
Terms/Conditions of Employment	0	0	0	0	1	25	0	0	0	0	0	0	0
Time and Attendance	1	100	0	0	0	0	0	0	0	0	0	0	0
Training	1	100	0	0	0	0	0	0	0	0	0	0	0
Total Number of Findings After Hearing	1		0		3		0		2		0		
Assignment of Duties	0	0	0	0	1	33	0	0	0	0	0	0	0
Disciplinary Action													
● Suspension	0	0	0	0	0	0	0	0	0	2	100	0	0
● Removal	0	0	0	0	1	33	0	0	0	0	0	0	0
Performance Evaluation/ Appraisal	0	0	0	0	0	0	0	0	0	0	0	0	0
Harassment													
● Sexual	0	0	0	0	1	33	0	0	0	0	0	0	0
Promotion/Non-Selection	1	100	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	1	33	0	0	0	0	0	0	0
Time and Attendance	1	100	0	0	0	0	0	0	0	0	0	0	0
Training	1	100	0	0	0	0	0	0	0	0	0	0	0
Total Number of Findings Without Hearing	0		0		1		0		0		1		
Appointment/Hire	0	0	0	0	1	100	0	0	0	0	0	0	0
Performance Evaluation/ Appraisal	0	0	0	0	0	0	0	0	0	0	0	1	100
Reasonable Accommodation Disability	0	0	0	0	0	0	0	0	0	0	0	1	100

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data					
	Prior FY Data					2021
	2016	2017	2018	2019	2020	
Total Pending Complaints	62	56	66	65	46	54
Total Complainants	51	49	60	56	42	51

Complaints Pending

● Investigation	0	1	1	1	0	0
● ROI issued, pending Complainant's action	1	0	0	1	0	0
● Hearing	60	53	62	53	44	52
● Final Agency Action	2	2	2	2	2	2
● Appeal with EEOC Office of Federal Operations	47	58	57	22	13	16

Complaint Investigations	Comparative Data					
	Prior FY Data					2021
	2016	2017	2018	2019	2020	
Pending Complaints Where Investigations Exceeded Required Time Frames	1	0	0	0	0	0

APPENDIX C - ALL EEO CATEGORIES

Discrimination Basis Categories

Age	Non-EEO
Color	Pregnancy Discrimination Act
Disability	Race
Equal Pay Act	Religion
Genetics*	Reprisal
National Origin	Sex

**No FY 2016-2021 complaints included this category.*

Discrimination Issue Categories

Appointment/Hire	Pay/Overtime
Assignment of Duties	Promotion/Non-Selection
Awards*	Reassignment Denied
Conversion to Full Time/Perm Status*	Reassignment Directed
Demotion	Reasonable Accommodation Disability
Reprimand	Reinstatement*
Suspension	Religious Accommodation*
Removal	Retirement
Warning	Sex-Stereotyping*
Duty Hours	Telework
Performance Eval/Appraisal	Termination
Examination/Test	Terms/Conditions of Employment
Harassment: Non-Sexual	Time and Attendance
Harassment: Sexual	Training
Medical Examination	Other

**No FY 2016-2021 complaints included these categories.*