



U.S. General Services Administration

# GSA NO FEAR ACT REPORT

Prepared by the Office of Civil Rights

Fiscal Year 2023



**Notification and Federal Employee Antidiscrimination  
and Retaliation Act of 2002  
FY 2023 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](#)<sup>1</sup> 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.<sup>2</sup> 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:<sup>3</sup>

- 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) 2023 (Oct. 1, 2022, through Sept. 30, 2023). GSA's No FEAR Act data for prior fiscal years can be accessed at <https://www.gsa.gov>.

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

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

<sup>3</sup> 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 the best customer experience and value in real estate, acquisition, and technology services to the Government and the American people. 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’s 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 trusted advisor to everyone we serve and to advance equal opportunity for all. Its mission is to protect civil rights, champion equal opportunity, and to foster a fair workplace.

<b>7</b> Federal District Court Cases	<b>\$0</b> Judgment Fund Reimbursements	<b>0</b> Disciplinary Actions	<b>1</b> Finding of Discrimination	<b>64</b> Formal Complaints
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## Cases in Federal District Court

In FY 2023, GSA had seven antidiscrimination cases and zero whistleblower protection cases in Federal district court. One of the antidiscrimination cases closed in FY 2023 and six are still pending an outcome. The case that closed was settled.

## Judgment Fund Reimbursements

The Judgment Fund pays court judgments, awards, and compromise settlements of lawsuits against the Federal Government.<sup>4</sup> The No FEAR Act requires Federal agencies to reimburse the Judgment Fund for payments made on their behalf to employees, former employees, or applicants

<sup>4</sup> See 31 U.S.C. § 1304.

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.<sup>5</sup>

GSA made no reimbursements to the Judgment Fund in FY 2023. GSA reimbursed the Judgment Fund only two times from FY 2018 through FY 2023 (see Table 1).

Table 1. Reimbursements to the Judgment Fund for FYs 2018 through 2023.

Reimbursements to the Judgment Fund	2018	2019	2020	2021	2022	2023
Amount	0	\$55,000	0	\$95,000	0	0

## Disciplinary Actions

A review of FY 2023 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 9751.1A - 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 2023 EEO Complaint Data

See [Appendix B](#) to this report for GSA’s FY 2023 year-end data along with comparative data for FYs 2018 through 2023.

## 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.<sup>6</sup> As Table 2 shows, complainants filed 64 formal EEO complaints in FY 2023, which is 12 (or 23%) more than the 52 complaints filed in FY 2022. Over a longer horizon, the number of complaints has remained constant; complaints filed in FY 2023 were equal to the 6-year average of 64. In FY 2023 there were .50 complaints filed per 100 employees, which is below the 6-year average of .54.

Table 2. Formal complaints filed and GSA workforce between FYs 2018 and 2023.

Formal Complaint Activity	2018	2019	2020	2021	2022	2023
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<sup>5</sup> See 31 U.S.C. § 201.

<sup>6</sup> The data is current as of Oct. 23, 2023, and includes complaints filed between Oct. 1 and Sept. 30 of each year.

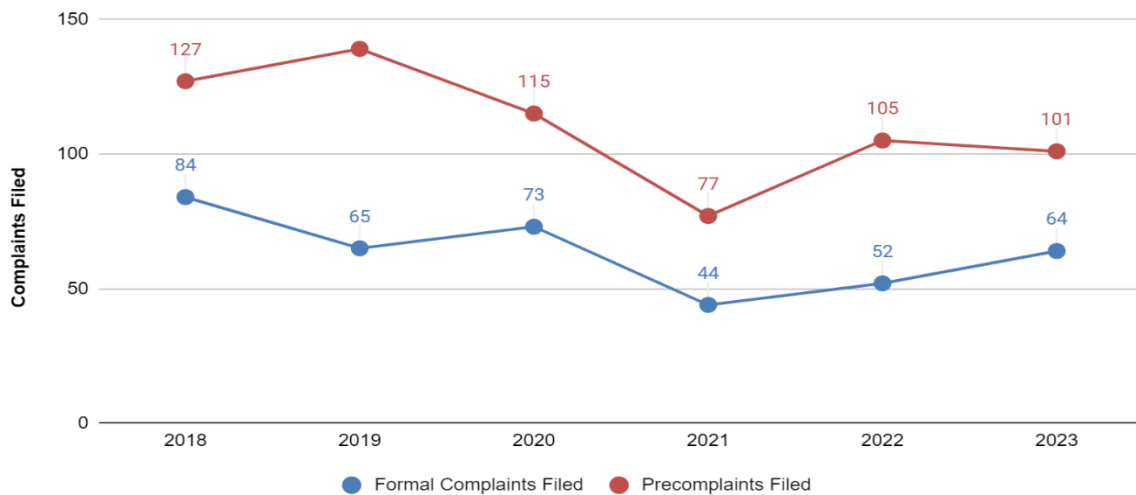
Complaints Filed	84	65	73	44	52	64
Number of Complainants	79	58	67	40	51	57
Repeat Filers	5	7	6	2	1	5
GSA Total Workforce	11,051	11,326	11,584	11,732	11,970	12,807
Complaints Filed per 100 Employees	0.76	0.57	0.63	0.37	0.43	.50

**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 the overall trend in EEO complaint activity at GSA. In FY 2023, GSA had a slight decrease in precomplaints. GSA had 101 precomplaints, 4 (or 4%) less than in FY 2022.

Figure 1. Precomplaints and formal complaints filed between FYs 2018 and 2023.



One contributing factor to the increase in formal complaints between FYs 2021, 2022, and 2023 was the decrease in precomplaint resolutions. In FY 2021, the resolution rate was 54% (51 out of 95). In FY 2022 it decreased to 38% (38 out of 89), and in FY 2023 it further decreased to 37% (35 out of 94). As a result, more precomplaints moved to the formal stage of the EEO process in FY 2022 and FY 2023.<sup>7</sup>

Table 3. Precomplaints closed and resolved in FYs 2021, 2022, and 2023.

Precomplaint Activity	2021	2022	2023
Closed	95	89	94
Resolved	51	38	35
Resolution Rate	54%	38%	37%

### Bases of Discrimination in Formal Complaints

In FY 2023, the most alleged bases of discrimination were reprisal (36), sex (31), race (30), and disability (29). In FY 2022, the most alleged bases of discrimination were race (30), reprisal (25), sex (19), and disability (19).<sup>8</sup> For 3 of the last 6 years (FYs 2018, 2021, and 2023), reprisal was the most alleged basis. Complaints involving allegations of reprisal increased by 44% between FYs 2022 (25) and 2023 (36). Complaints involving allegations of disability discrimination saw an increase of 46% in FY 2022 (19), and 53% in FY 2023 (29), which correlates with the 2-year increasing trend of complaints involving reasonable accommodation as an issue.

Table 4. Top five bases alleged between FYs 2018 and 2023.

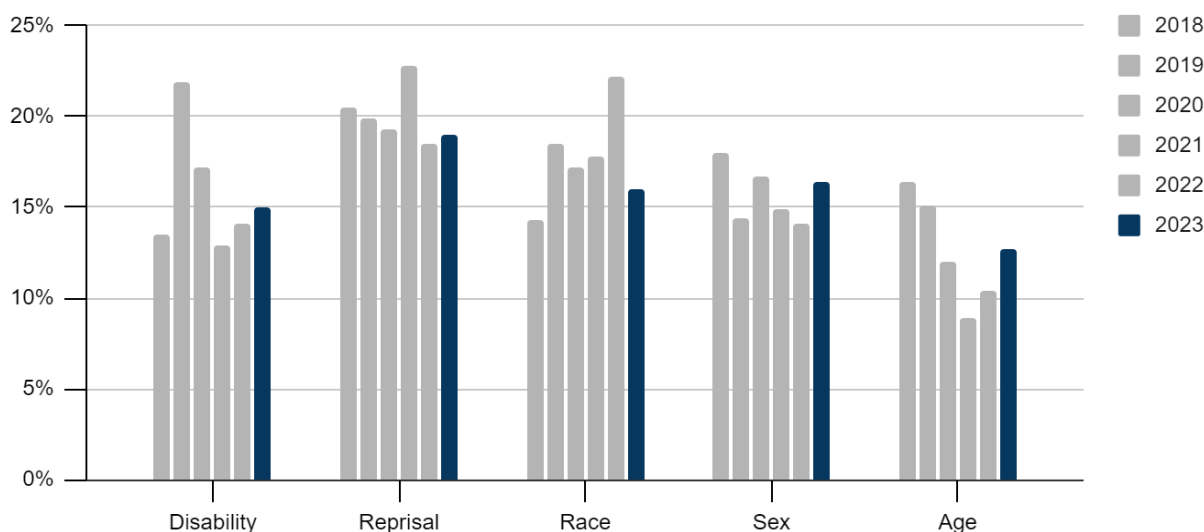
Formal Complaints by Basis	2018	2019	2020	2021	2022	2023
Disability	33	32	42	13	19	29
Reprisal	50	29	37	23	25	36
Race	35	27	33	18	30	30
Sex	44	21	32	15	19	31
Age	40	22	23	9	14	24

<sup>7</sup> Resolved precomplaints include those that were withdrawn, settled by agreement, or not pursued as formal complaints.

<sup>8</sup> A complainant can allege multiple bases of discrimination in the same complaint.



Figure 2. Top bases alleged between FYs 2018 and 2023 shown as percentages.



### Issues in Formal Complaints

In FY 2023, non-sexual harassment (26), performance evaluation/appraisal (18), terms and conditions of employment (17), and reasonable accommodation (15) were the most alleged issues. In FY 2022, non-sexual harassment (24), disciplinary action (14), terms and conditions of employment (11), and performance evaluation/appraisal (11) were the most alleged issues. The largest increases occurred for the issues of reasonable accommodation (114% increase), performance evaluation/appraisal (64% increase), and terms and conditions of employment (55% increase).

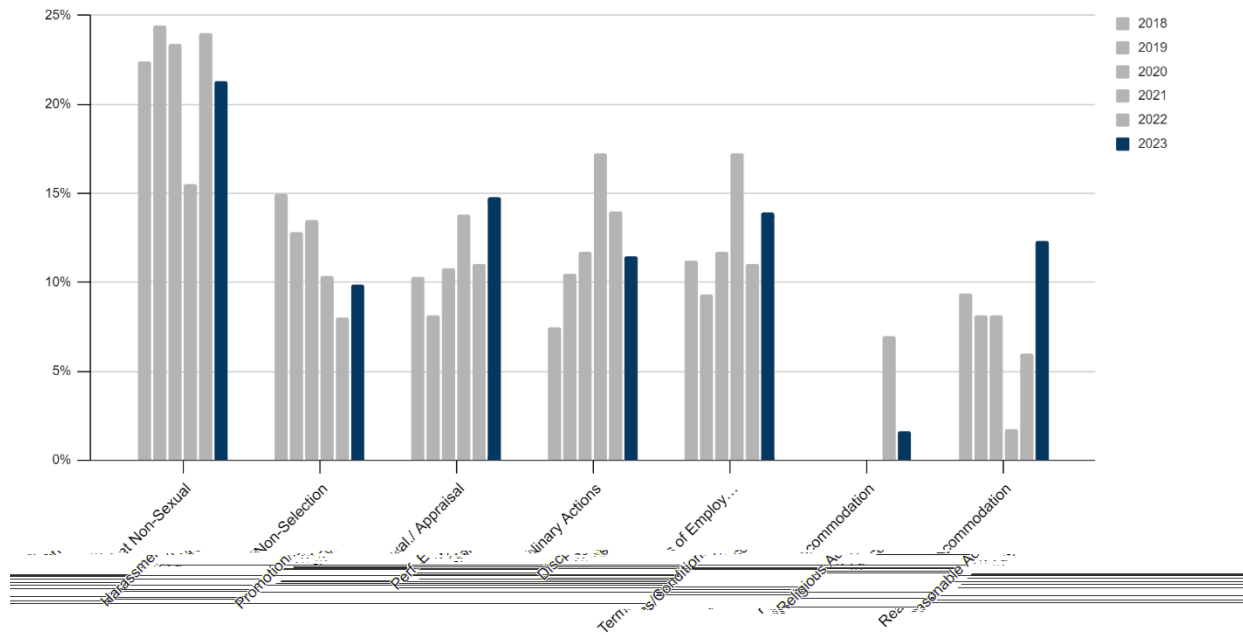
The largest decrease was for religious accommodation (71% decrease). Religious accommodation cases rose sharply in FY 2022, which correlated with the return of the workforce to in-person work and Covid-19 vaccine requirements; however, in FY 2023 religious accommodation cases fell to levels more consistent with FY 2018-FY 2021.

The upsurge in reasonable accommodation cases correlated with the increase in reasonable accommodation requests as the end to GSA’s emergency evacuation order occurred and reentry of the workforce began in April 2022. A review of complaint data shows that 73% of the FY 2023 formal complaints that named reasonable accommodation as an issue involved reasonable accommodation requests initiated prior to FY 2023; and 60% of the complaints involved requests for telework or remote work.

Table 5. Top issues alleged in complaints filed between FYs 2018 and 2023.

Formal Complaints by Issue	2018	2019	2020	2021	2022	2023
Harassment Non-Sexual	24	21	26	9	24	26
Promotion/Non-Selection	16	11	15	6	8	12
Performance Evaluation/Appraisal	11	7	12	8	11	18
Disciplinary Action	8	9	13	10	14	14
Terms/Conditions of Employment	12	8	9	8	11	17
Religious Accommodation	0	0	0	0	7	2
Reasonable Accommodation Disability	10	7	9	1	7	15

Figure 3. Top issues alleged between FYs 2018 and 2023 as percentages.





## Practical Knowledge Gained Through Experience

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

- GSA experienced an increase in precomplaint and formal complaint activity in FY 2022 and FY 2023; however, the formal complaints filed per 100 employees in FY 2023 remain lower than the 6-year average. OCR will continue to promote Alternative Dispute Resolution (ADR) and training targeted toward prevention of discrimination.
- GSA must continue to increase training and communication about discriminatory harassment. Of the 64 formal complaints filed in FY 2023, 26 (41%) included allegations of non-sexual harassment. In FY 2022, 46% of complaints involved non-sexual harassment allegations, compared to 20% in FY 2021 and 36% in FY 2020
- Non-sexual harassment continues to be the most frequently reported form of discrimination since FY 2017.
- In FY 2023, GSA continued to provide EEO training for employees and managers focused on aligning everyday behavior with agency values to support positive business outcomes.
- Allegations of disability discrimination and the denial of reasonable accommodation decreased during FY 2021 but increased in FY 2022 and FY 2023 with the re-entry of the workforce. Disability was cited as a basis in 58% of formal complaints in FY 2020, 30% in FY 2021, 37% in FY 2022, and rose to 45% in FY 2023. The percentage of formal complaints citing denial of reasonable accommodation was 12% in FY 2020, 2% in FY 2021, 13% in FY 2022, and rose to 23% in FY 2023. In January 2022, the EEOC determined that GSA's reasonable accommodation procedures are compliant.

## Program Improvements in FY 2023

- Developed and implemented a strategy to increase the use of ADR during the informal and formal process. The strategy included communications about Conflict Resolution Day and a virtual seminar on the benefits of mediation. In FY 2023 the use of ADR for formal cases increased by 15% and the use of ADR for informal complaints remained constant.
- Issued an updated GSA Policy Statement on Harassment, Including Sexual and Non-sexual Anti-Harassment that clarifies the difference between the Office of Human Resource Management's harassment claim process and OCR's EEO complaint process; outlines optional processes for filing sexual identity and gender identity complaints; and references relevant laws, executive orders, GSA-policies and anti-harassment guidance.
- Issued an updated GSA Policy Statement on Equal Employment Opportunity that prescribes GSA's policy on EEO and reaffirms GSA's long-standing commitment to maintaining a workplace free of unlawful discrimination, harassment, and reprisal.

- Proactively ensured compliance with The Elijah J. Cummings Federal Employees Antidiscrimination Act, which was enacted in January 2021, and amended the No FEAR Act. OCR's postings pursuant to the Act can be located at <https://www.gsa.gov>. Developed and delivered training to 200 managers and supervisors on the Act.
- Made significant improvements in the collection of reasonable accommodations data and program management. Improvements directly supported resolution of several MD-715 Part G deficiencies and the timely processing of reasonable accommodation requests.

## Improvements Planned for FYs 2024-25

During FY 2024 and 2025, 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.
- Implementing OCR's strategic plan aimed at further enhancing 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 to build upon cultural competencies for high-performing, inclusive leadership and foster a more equitable Federal workforce.
- Leveraging internal communication channels to more effectively disseminate 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.
- Systematically addressing deficiencies and eliminating barriers identified in the Annual Agency EEO Program Status Report.

## 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 2022. New employees are required to complete No FEAR Act training within 90 calendar days of the new employees' appointment. This training is provided through GSA Online University, a training portal open to all GSA employees. More than 93% of eligible, onboard GSA employees completed the No FEAR Act 2022 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 Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Accountability 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 in an electronic format prescribed by the Director of the Office of Personnel Management 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 Homeland Security and Governmental Affairs, U.S. Senate.
  - (4) Committee on Oversight and 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 2018 - FY 2023** | FYs represented as Oct. 1 - Sep. 30

Complaint Activity	Comparative Data					
	Previous FY Data					2023
	2018	2019	2020	2021	2022	

Complaints by Basis	Comparative Data					
	Previous FY Data					2023
Note: Complaints can allege multiple bases, so the sum of the bases may not equal total complaints filed.	2018	2019	2020	2021	2022	
Disability	33	32	33	13	19	29
Reprisal	50	29	37	23	25	36
Race	35	27	33	18	30	30
Sex	44	21	32	15	19	31
Age	40	22	23	9	14	24
Color	17	8	17	10	10	19
National Origin	13	3	11	8	7	10
Religion	8	2	3	3	10	9
Non-EEO	3	1	2	0	0	0
Equal Pay Act	1	1	1	2	1	1
Genetics	0	0	0	0	1	0
PDA	0	1	0	0	0	0

Complaints by Issue	Comparative Data					
	Previous FY Data					2023
Note: Complaints can allege multiple issues, so the sum of the issues may not equal total complaints filed.	2018	2019	2020	2021	2022	
Appointment/Hire	0	1	3	0	1	1
Assignment of Duties	6	3	2	9	0	0
Awards	0	0	0	0	0	1
Conversion to Full Time/Permanent Status	0	0	0	0	0	0
Disciplinary Action						
• Demotion	0	0	0	0	1	0
• Reprimand	4	0	4	2	0	0
• Suspension	3	2	3	2	2	2
• Removal	1	4	2	3	4	4
• Other - Disciplinary Warning	0	3	4	3	7	12
Duty Hours	0	1	0	0	0	0
Performance Evaluation/Appraisal	11	7	12	8	11	18
Examination/Test	0	0	0	0	0	0
Harassment						
• Non-Sexual	24	21	26	9	24	26
• Sexual	4	0	0	0	3	2
Medical Examination	0	2	0	0	1	3
Pay Including Overtime	4	1	4	1	3	5
Promotion/Non-Selection	16	11	15	6	8	12
Reassignment						
• Denied	1	0	4	0	1	0
• Directed	2	0	1	1	3	5
Reasonable Accommodation Disability	10	7	9	1	6	15
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	7	2
Retirement	3	0	1	1	0	0
Sex-Stereotyping	0	0	0	0	0	0

Complaints by Issue, Continued	Comparative Data					
	Previous FY Data					2023
	2018	2019	2020	2021	2022	
Note: Complaints can allege multiple issues, so the sum of the issues may not equal total complaints filed.						
Telework	0	1	0	0	0	1
Termination	4	9	5	2	2	1
Terms/Conditions of Employment	12	8	9	8	8	17
Time and Attendance	2	4	7	0	0	4
Training	0	1	0	2	2	3

Processing Time	Comparative Data					
	Previous FY Data					2023
	2018	2019	2020	2021	2022	

**Complaints Pending During FY**

Average number of days in investigation	215.48	221.80	195.98	195.52	199.00	214.72
Average number of days in final action	38.83	49.64	47.98	47.40	43.83	43.97

**Complaints Pending During FY Where Hearing Was Requested**

Average number of days in investigation	221.74	240.31	201.42	192.26	198.00	227.28
Average number of days in final action	26.32	43.94	37.15	38.52	38.12	33.56

**Complaints Pending During FY Where Hearing Was Not Requested**

Average number of days in investigation	230.78	233.06	205.96	200.67	202.92	207.05
Average number of days in final action	54.11	60.74	58.80	59.56	57.71	55.41

Complaints Dismissed by Agency	Comparative Data					
	Previous FY Data					2023
	2018	2019	2020	2021	2022	

Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous FY Data										2023	
	2018		2019		2020		2021		2022			
	#	%	#	%	#	%	#	%	#	%	#	%
<b>Total Number of Findings</b>	4		0		2		1		1		1	
Without Hearing	1	25	0	0	0	0	1	100	0	0	0	
With Hearing	3											

**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										2023	
	2018		2019		2020		2021		2022			
Note: Complaints can allege multiple bases, so the sum of the bases may not equal total complaints and findings.	#	%	#	%	#	%	#	%	#	%	#	%
<b>Total Number of Findings</b>	4		0		2		1		1		1	
Race	2	50	0	0	0	0	0	0	0	0	0	0
Reprisal	1	25	0	0	2	100	1	100	0	0	1	100
Sex	3	75	0	0	0	0	0	0	0	0	0	0
Age	1	25	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	1	100	0	0	1	100
PDA	0	0	0	0	0	0	0	0	1	100	0	0

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

Findings of Discrimination by Basis, Continued	Comparative Data											
	Previous Fiscal Year Data										2023	
	2018		2019		2020		2021		2022			
	#	%	#	%	#	%	#	%	#	%	#	%
Race	2	67	0	0	0	0	0	0	0	0	0	0
Reprisal	1	33	0	0	2	100	0	0	0	0	1	0
Sex	3	100	0	0	0	0	0	0	0	0	0	0
Age	1	33	0	0	0	0	0	0	0	0	0	0
PDA	0	0	0	0	0	0	0	0	1	100	0	0
Disability												
Disability	1	100	0	0	0	0	1	100	0	0	0	0
Reprisal	0											

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										2023	
	2018		2019		2020		2021		2022			
	#	%	#	%	#	%	#	%	#	%	#	%
<b>Total Number of Findings</b>	<b>4</b>		<b>0</b>		<b>2</b>		<b>1</b>		<b>1</b>		<b>1</b>	
Appointment/Hire	1	25	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	1	25	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
• Suspension	0	0	0	0	2	100	0	0	0	0	0	0
• Removal	1	25	0	0	0	0	0	0	0	0	0	0
Performance Evaluation/ Appraisal	0	0	0	0	0	0	1	100	0	0	1	100
Harassment												
• Sexual	1	25	0	0	0	0	0	0	0	0	0	0
• Non-Sexual	0	0	0	0	1	50	0	0	0	0	1	100
Reasonable Accommodation Disability	0	0	0	0	0	0	1	100	0	0	1	100
Termination	0	0	0	0	0	0	0	0	1	100	1	100

Terms/Conditions of Employment	1	25	0	0	0	0	0	0	0	0	0	0
Findings of Discrimination by Issue, Continued	Comparative Data											
	Previous FY Data										2023	
	2018		2019		2020		2021		2022		#	%
	#	%	#	%	#	%	#	%	#	%		
<b>Total Number of Findings After Hearing</b>	<b>3</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>1</b>		<b>1</b>	<b>0</b>
Assignment of Duties	1	33	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
• Suspension	0	0	0	0	2	100	0	0	0	0	0	0
• Removal	1	33	0	0	0	0	0	0	0	0	0	0
Harassment												
• Sexual	1	33	0	0	0	0	0	0	0	0	0	0
• Non-Sexual	0	0	0	0	1	50	0	0	0	0	1	100
Terms/Conditions of Employment	1	33	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	1	100	1	0
<b>Total Number of Findings Without Hearing</b>	<b>1</b>		<b>0</b>		<b>0</b>		<b>1</b>		<b>0</b>			
Appointment/Hire	1	100	0	0	0	0	0	0	0	0	0	0
Performance Evaluation/ Appraisal	0	0	0	0	0	0	1	100	0	0	0	0
Reasonable Accommodation Disability	0	0	0	0	0	0	1	100	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

### 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 2018-2023 complaints included these categories.*