



# Annual Report on the Federal Workforce

US Equal Employment Opportunity Commission

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## Part I: Preface

### **Laws**

The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex, national origin, age (40 or older), disability, or genetic information. It is also illegal to discriminate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The EEOC's responsibilities extend not only to private employers, but also to agencies in the federal government. The federal anti-discrimination laws applicable to federal government employment are as follows:

**The Equal Pay Act of 1963 (EPA)**, as amended, which prohibits employment discrimination on the basis of gender in compensation for substantially similar work performed under similar conditions;

**Title VII of the Civil Rights Act of 1964 (Title VII)**, as amended, which prohibits employment discrimination based on race, color, religion, sex, and national origin;

**The Age Discrimination in Employment Act of 1967 (ADEA)**, as amended, which prohibits employment discrimination on the basis of age (40 years and older);

**The Rehabilitation Act of 1973 (Rehabilitation Act)**, as amended, which prohibits employment discrimination against federal employees and applicants with disabilities and requires that reasonable accommodations be provided (it applies the same standards as the Americans with Disabilities Act, which prohibits discrimination based on disability by private and state or local government employers);

**The Pregnancy Discrimination Act (1978 Amendment to Title VII of Civil Rights Act)**, which prohibits treating a woman unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth; and

**The Genetic Information Nondiscrimination Act of 2008 (GINA)**, which prohibits employment discrimination based on genetic information, including family medical history.

### **Guidance for the Process**

Title VII grants the EEOC authority to issue rules, regulations, and instructions, as necessary, to enforce the above-listed EEO laws within the federal government and requires the EEOC to annually review federal agency EEO plans and report on their progress. The EEOC provides leadership and guidance to federal agencies on all aspects of the federal government's equal employment opportunity program as a function of these authorities and obligations. The EEOC assures federal agency and department compliance with EEOC regulations, provides technical assistance to federal agencies concerning EEO complaint adjudication, monitors and evaluates federal agencies' affirmative employment programs, develops and distributes federal sector educational materials, and conducts training for stakeholders. The EEOC furthermore provides guidance and assistance to its Administrative Judges (AJs) – who conduct hearings on federal sector EEO complaints -- and adjudicates appeals from administrative decisions made by federal agencies on EEO complaints. The objective of this report is to promote equal

employment opportunity by providing federal agencies and Congress with an overview of the state of federal sector EEO.

### **Goal**

This report of federal sector EEO in fiscal year (FY) 2016, submitted to the President and Congress, presents a summary of selected EEO program activities of 269 federal agencies and subcomponents. Specifically, the EEOC intends for this report to serve as a resource for proactive prevention of employment discrimination by reporting data that contributes to this discussion. It provides valuable information to all agencies as they strive to become model employers. Increasing awareness of these challenges in the federal government may better equip the EEOC and federal agencies to successfully prevent EEO violations from occurring.

### **Report Overview**

The federal government operates on an October 1 to September 30 fiscal year, and so this report on FY2016 activities covers the period from October 1, 2015, through September 30, 2016. The report contains selected information to measure agencies' progress toward achieving a model EEO program, including both an analysis of workforce demographics and statistics about EEO complaint processing. Federal agencies contributed to the content of this report. The EEOC thanks all agencies that provided comments and suggestions, and those that submitted timely and accurate EEO program analysis and complaint processing data. Finally, the EEOC extends a special thanks to the Office of Personnel Management for sharing workforce data from its Enterprise Human Resources Integration.



## Part II: Executive Summary

This report aims to serve as an informative overview of underlying trends across three broad areas of opportunities for proactive prevention of unlawful employment discrimination: *EEO commitment indicators*,<sup>1</sup> *workforce characteristics* and *complaint processing*. Below are highlights from the fiscal year 2016 Annual Report within each of these components:

### **Equal Employment Opportunity Commitment Indicators**

- In FY 2016, 94.9% of agencies evaluated managers and supervisors on commitment to EEO.
- 92.6% of agencies had readily accessible reasonable accommodation procedures for individuals with disabilities.
- 88.5% of agencies reported that their senior managers assist EEO staff with barrier analysis.
- 70.0% of agencies reported that their EEO Director reported directly to the agency head.

### **Workforce Characteristics**

- Governmentwide, participation rates for 10 out of the 14 race-by-sex groups were higher than their rates in the 2010 civilian labor force. The exceptions were Hispanic/Latina females (3.7% vs. 4.8% in the CLF), White males (36.3% vs. 38.3% in the CLF), and White females (24.7% vs. 34.0% in the CLF).
- In senior level pay positions, White males continue to comprise most of the federal workforce (52.4% of those in senior level pay positions in 2016).
- In the General Schedule (GS) pay system, most race-by-sex groups participate at higher rates in the lower pay grades relative to their participation at higher pay grades. The exceptions to this are White males and Asians of both sexes.
- In FY 2016, there was an increased participation rate of individuals with psychiatric disabilities (0.43% as compared to 0.23% in FY 2003)<sup>2</sup>, even though the overall participation rate of individuals with targeted disabilities<sup>3</sup> decreased from 1.05% in FY 2003 to 1.01% in FY 2016.

### **Processing of Employment Discrimination Complaints**

- There were 35,566 counselings completed during FY 2016, with an ADR offer rate of 88.58%, an ADR acceptance rate of 54.68%, and an ADR resolution rate of 64.22%. 39.91% of completed counselings resulted in a formal complaint filing.
- Of the 15,154 formal complaints filed in FY 2016, the basis most frequently alleged was reprisal/retaliation (7,676), followed by age (4,980) and physical disability (4,154).
- It took investigators, on average, 208 days to complete investigations during FY 2016, up 13% from the previous year. The average cost of investigations was \$4,075.

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<sup>1</sup> EEO Commitment Indicators are selected from MD-715 Part G and used to assess the agency's dedication to proactive prevention of unlawful discrimination through policies and practices (see page 13 for details).

<sup>2</sup> FY2003 is used as a benchmark because this was the year that EEOC introduced Management Directive 715 as policy guidance for agency EEO programs.

<sup>3</sup> Targeted disabilities are severe disabilities and are associated with high rates of unemployment and underemployment. See Appendix I for complete definition.

- The average monetary pre-complaint settlement was \$3,972 per settlement, with a total governmentwide settlement pay-out of over \$3.4 million. This is a sharp decline of 41.07% from the previous fiscal year.
- The total number of findings of discrimination, including AJ decisions and final agency decisions, have decreased only slightly from FY 2015, from 168 to 159.
- In FY 2016, the monetary benefits obtained through settlements and awarded for findings of discrimination at the complaint stage, including AJ decisions and final agency decisions, amount to nearly 68 million dollars, an 11% increase from FY 2015. Except for a dip in FY 2014, the total monetary benefits have steadily risen over the past five years.

Overall, federal agencies have demonstrated commitment to equal employment opportunity. In preparing this report, the EEOC observed high levels of compliance with MD-715 requirements, subtle but consistent increased workforce diversity, and a decline in discrimination complaints. However, more work is needed to promote diversity at the upper GS-levels, and while complaints are down, the monetary benefits paid out for complaint-stage settlements and findings of discrimination continue to rise.

## Part III: Introduction

### Overview

The Federal Government is the largest employer in the United States. With close to 3 million<sup>4</sup> employees, it is important that the federal sector strives to serve as a model employer by promoting equal employment opportunity and an inclusive work culture. Despite the significant progress in all areas of equal employment opportunity, workforce data suggests that some inequities persist in the federal sector.

Complaint data also provides insight into the state of the federal government. During fiscal year 2016, 15,154 federal sector complaints of discrimination were filed. While complaints have steadily declined since 2010, down from 17,583, discrimination complaints have become increasingly costly, with federal agencies spending \$3.3 million on pre-complaint settlements, \$46.6 million on EEO complaint investigations, and \$68 million in monetary benefits for findings of discrimination and complaint-stage settlements. Furthermore, while the Federal Government has experienced increased diversity since the introduction of Management Directive 715 in 2003, diverse representation at higher GS-levels remains unrealized.

This report summarizes the state of federal sector EEO while providing trend analyses of key EEO indicators. The information presented can help Congress, stakeholder agencies, and EEOC leadership monitor governmentwide EEO activity and provide benchmarks for measuring federal agencies. Those interested in proactive prevention may find this report a valuable resource for identifying existing and emerging challenges in federal sector EEO<sup>5</sup>.

The data presented in this report was drawn from the following sources:

- Workforce and EEO Commitment data from 229 federal agencies and subcomponents filing FY 2016 Federal Agency Annual Equal Employment Opportunity Program Status Reports (MD-715)
- EEO complaint data from 269 federal agencies and subcomponents filing FY 2016 Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints reports (Form 462)

### Scope

The goal of this report is to promote awareness of the accomplishments and challenges in federal sector EEO while providing benchmarks against which individual agencies can gauge their performances. As such, data is reported in the following manner:

- Governmentwide aggregate data are reported. Detailed data for individual agencies can be found in the online appendices at [www.eeoc.gov/federalsectoreports](http://www.eeoc.gov/federalsectoreports);
- 5-year trends are presented where appropriate;
- As is often done in reports on EEO, federal workforce data is compared to the 2010 civilian labor force (CLF) to see how the Federal Government compares to other employers;
- Because 2003 was a pivotal milestone year with the introduction of Management

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<sup>4</sup> Based on fiscal year 2016 Federal Agency Annual Equal Employment Opportunity Program Status Reports (MD-715). Includes U.S. Postal Service.

<sup>5</sup>The Commission recognizes the importance of producing a timely submission of the Annual Report and acknowledge that the production should follow within one fiscal year of the data's release. The agency is working diligently towards timely issuance of future Annual Reports.

- Directive 715, governmentwide changes in EEO since 2003 are highlighted; and
- Top performing agencies are recognized on select EEO indicators.

Using this data, Part IV reports on demonstrated commitment to EEO, including governmentwide compliance with MD-715 guidance. Part V reports workforce characteristics, describing the governmentwide participation rates of EEO protected groups. Part VI reports on complaint activity, describing the prevalence of EEO activity at different stages of the complaint process, including pre-complaint activity, complaint activity, hearings, findings, and appeals. We conclude by highlighting key findings in this report and the implications thereof.

### ***Limitations***

Readers should exercise caution when comparing current data to data from prior years. Effective January 1, 2006, OPM required federal agencies to collect ethnicity and race information for accessions on the revised Ethnicity and Race Identification (Standard Form 181). Accordingly, the Central Personnel Data File (CPDF) contains data on persons who are Native Hawaiian or Other Pacific Islander (NHOPI) or who are of Two or More Races. Thus, separate data on these groups is contained in this Report for recent years. Before 2006, however, data on Asians included Native Hawaiian or Other Pacific Islanders, and there was no data reported on persons of Two or More Races.

## Part IV: Demonstrated Commitment to Equal Employment Opportunities

There is reason to believe that organizational commitment to equal employment opportunities (EEO) will prevent employment discrimination. Past annual reports have focused on EEO programs' legal compliance, such as whether any staff at an agency received training and agency timeliness in submitting Form 462 and the MD-715 reports. The 2016 report's measures continue to assess compliance with MD-715 and 29 CFR § 1614 but focus on aspects that more directly affect federal employees.

To assess the Federal Government's commitment to EEO, this report examined four measures related to the prevention of discrimination found in Part G of EEOC Form 715-01, Federal Agency Annual EEO Program Status Report. Agencies that were required to complete that form answered yes or no to the following questions<sup>6</sup>:

- Are managers and supervisors evaluated on their commitment to agency EEO policies and principles?
- Have the procedures for reasonable accommodation for individuals with disabilities been made readily available/accessible to all employees by disseminating such procedures during orientation of new employees and by making such procedures available on the World Wide Web or Internet?
- Do senior managers meet with and assist the EEO Director and/or other EEO Program Officials in the identification of barriers that may be impeding the realization of equal employment opportunity?
- Is the EEO Director under the direct supervision of the agency head?<sup>7</sup>

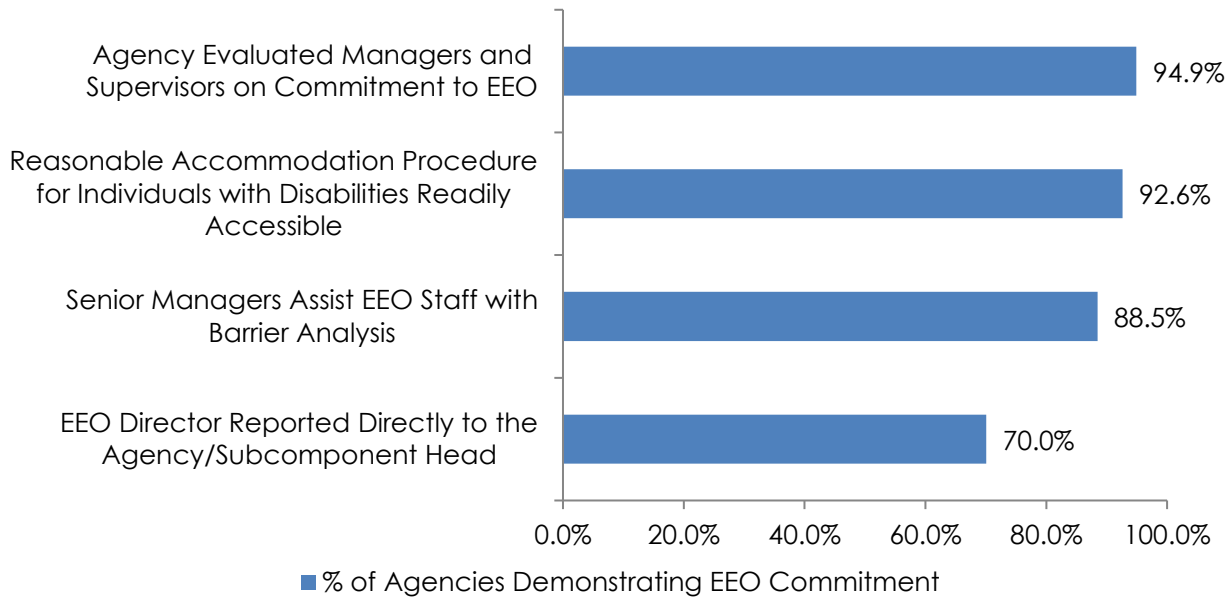
As seen in Figure 4.1, most agencies and subcomponents demonstrate commitment on all these measures, but to varying degrees. Nearly 95% of agencies evaluate managers and supervisors on their commitment to EEO, and in almost 90% of agencies, senior managers assist EEO staff with barrier analysis. The involvement of leadership in promoting EEO is crucial to creating a workplace culture that does not tolerate discrimination. We commend the majority of agencies who report succeeding in this measure.

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<sup>6</sup> In Fiscal Year 2016, all executive agencies and military departments (except uniformed members) as defined in Sections 102 and 105 of Title 5, U.S.C. (including those with employees and applicants for employment who are paid from non-appropriated funds), the United States Postal Service, the Postal Rate Commission, the Tennessee Valley Authority, the Smithsonian Institution, and those units of the judicial branch of the federal government having positions in the competitive service were required to complete EEOC Form 715-01. In addition, Second Level Reporting Components with 1,000 or more employees were required to submit EEOC Form 715-01.

<sup>7</sup> The complete text of this question was, "Is the EEO Director under the direct supervision of the agency head? [see 29 CFR § 1614.102(b)(4)] For subordinate level reporting components, is the EEO Director/Officer under the immediate supervision of the lower level component's head official? (For example, does the Regional EEO Officer report to the Regional Administrator?)." In this report, we abbreviated the question for conciseness and ease of comprehension.

Another preventative measure that the vast majority of agencies follow was making reasonable accommodations procedures readily available and accessible. This measure, followed by 92.6% of federal agencies, is crucial to attract and retain people with disabilities within the federal workforce.



EEO Commitment Indicators	% of Agencies Demonstrating EEO Commitment
Agency Evaluated Managers and Supervisors on Commitment to EEO	94.9%
Reasonable Accommodation Procedure for Individuals with Disabilities Readily Accessible	92.6%
Senior Managers Assist EEO Staff with Barrier Analysis	88.5%
EEO Director Reported Directly to the Agency/Subcomponent Head	70.0%

Figure 4. 1. Federal agencies' demonstrated commitment to equal employment opportunities

While agencies overwhelmingly demonstrated EEO commitment on the measures mentioned above, they did not score as highly on one: having the EEO Director report directly to the head of the agency. At almost one-third (30.0%) of the agencies and subcomponents that filed MD- 715 Reports for FY 2016, the EEO Director (or head in the case of subcomponents) did not report directly to the head of the agency (or subcomponent). Although this is a slight improvement over FY 2015,<sup>8</sup> this barrier in terms of organizational structure is troubling. Regulations found in 29 C.F.R. § 1614.102(b)(4) and further described in MD-110 mandate that the EEO Director report to the agency head.<sup>9</sup> Not including the EEO Director among senior

<sup>8</sup> In FY 2015, 64.6% of EEO Directors reported directly to the agency/subcomponent head. Annual Report on the Federal Work Force Fiscal Year 2015 ([https://www.eeoc.gov/federal/reports/fsp2015/index.cfm#\\_bookmark14](https://www.eeoc.gov/federal/reports/fsp2015/index.cfm#_bookmark14)).

<sup>9</sup> See EEOC, MANAGEMENT DIRECTIVE FOR 29 C.F.R. PART 1614 (EEO MD-110), at Chap. 1 § III.B (rev. Aug. 5, 2015).

management signals that the agency does not consider EEO a priority. Furthermore, in program evaluations, EEOC has found that EEO Directors sometimes report to the heads of Human Resources, who are often have interests in the agency's defense of claims of discrimination that involve personnel actions. The resulting conflict of interest may cause employees to doubt the impartialness of the EEO process and to hesitate to seek EEO counseling. Non-compliant agencies should remedy this deficiency.

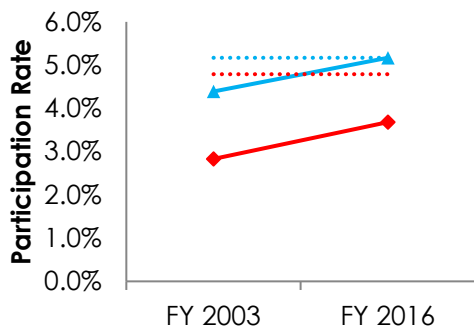
## Part V: Composition of the Federal Workforce

Equal opportunity to participate and advance in the federal workforce is paramount to achieving the federal government's goal of becoming a model employer. Below, this report describes participation rates in the Federal Government by race/national origin (RNO), gender, and targeted disability for the government overall, for (GS) pay grade bands, and for senior level pay positions. Comparing overall participation rates to their availability in the civilian labor force provides one means of evaluating the government's progress toward equal opportunity. To approximate advancement opportunities, the report compares participation rates in more senior grades to participation rates governmentwide and participation rates in lower grades within the federal government. Targeted disability numbers are compared to goals for their participation in the federal workforce. While some areas reveal improvement since the implementation of MD-715 in FY 2003, work remains before the federal government may be considered a model employer.

***Participation in the Federal Workforce by Race/National Origin and Sex.*** In the Federal Government in FY 2016, participation rates for 10 out of 14 RNO by sex groups were higher than their rates in the 2010 civilian labor force (CLF; see Figures 5.1 through 5.6 and Appendix II). The exceptions were Hispanic/Latina females (3.7% vs. 4.8% in the CLF), White males (36.3% vs. 38.3% in the CLF), and White females (24.7% vs. 34.0% in the CLF). Although the Hispanic/Latina female participation rates were lower than the CLF, these participation rates increased from 2003 when Latinas held 2.8% of federal jobs. Additionally, Hispanic/Latino male participation rates in FY 2016 were equivalent to the 2010 CLF at 5.2%, an increase from 4.4% in FY 2003.

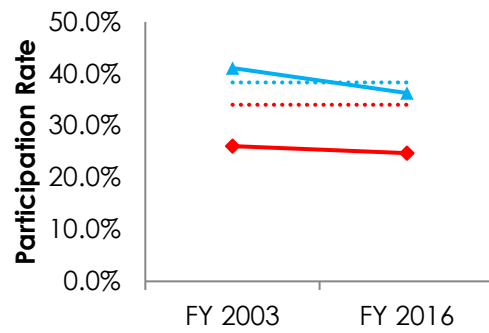
Conversely, the participation rates of Whites of both genders decreased between 2003 and 2016, with the White male participation rate dropping over 4% and the White female participation rate dropping over 1%. For all other racial and gender groups for which we have data from 2003 (African American/Black males and females, Asian males and females, and American Indian/Alaska Native males and females), participation rates increased between 2003 and 2016, keeping their federal participation rates above their participation in the 2010 CLF.





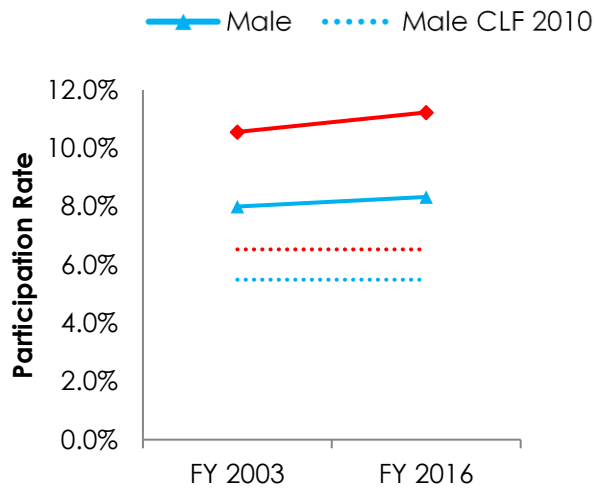
Hispanic/Latino Participation	FY 2003	FY 2016	2010 CLF
Hispanic Male	4.4%	<b>5.2%</b>	5.2%
Hispanic Female	2.8%	<b>3.7%</b>	4.8%

Figure 5. 1. Hispanic/Latino governmentwide participation, FY 2003 and FY 2016



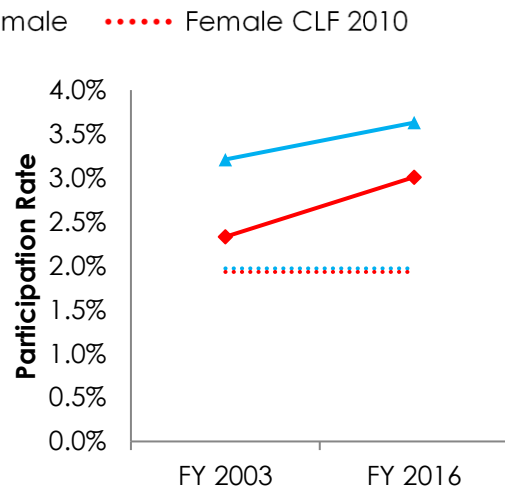
White Participation	FY 2003	FY 2016	2010 CLF
White Male	41.1%	<b>36.3%</b>	38.3%
White Female	26.1%	<b>24.7%</b>	34.0%

Figure 5. 2. White governmentwide participation, FY 2003 and FY 2016



Black/African American Participation	FY 2003	FY 2016	2010 CLF
Black Male	8.0%	<b>8.3%</b>	5.5%
Black Female	10.6%	<b>11.2%</b>	6.5%

Figure 5. 3. Black/African American governmentwide participation, FY 2003 and FY 2016

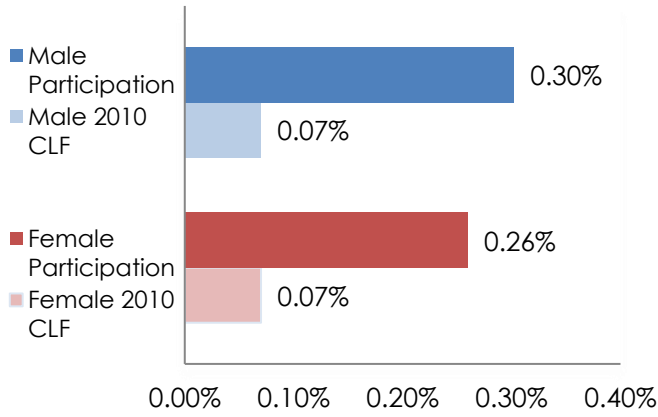


Asian Participation	FY 2003	FY 2016	2010 CLF
Asian Male	3.2%	<b>3.6%</b>	2.0%
Asian Female	2.3%	<b>3.0%</b>	1.9%

Figure 5. 4. Asian governmentwide participation, FY 2003 and FY 2016

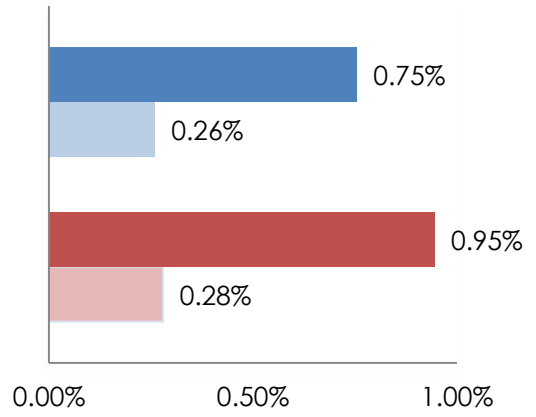
Male Male CLF 2010 Female Female CLF 2010

Participation data specific to Native Hawaiians/Pacific Islanders and people of Two or More Races were not available in 2003. However, when compared to their 2010 CLF participation, males and females from each of these racial groups had higher than expected participation rates in the federal government in 2016.



<b>NHOPI Participation</b>	<b>FY 2016</b>	2010 CLF
NHOPI Male	<b>0.30%</b>	0.07%
NHOPI Female	<b>0.26%</b>	0.07%

Figure 5. 5. Native Hawaiian/Pacific Islander (NHOPI) governmentwide participation, FY 2016



<b>Two or More Races Participation</b>	<b>FY 2016</b>	2010 CLF
Two or More Races Male	<b>0.75%</b>	0.26%
Two or More Races Female	<b>0.95%</b>	0.28%

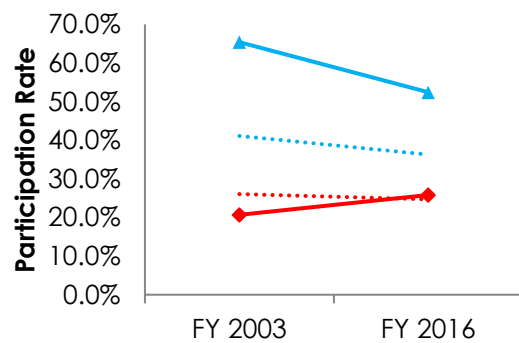
Figure 5. 6. Two or More Races governmentwide participation, FY 2016

**Participation in Senior Level Pay Positions by Race/National Origin and Sex.** Senior level pay positions in the Federal Government continued to be dominated by White males (52.4% of those in senior level pay positions in 2016); however, all other RNO by sex groups for which 2003 data is available made gains in their senior level pay participation rates by 2016 (See Figures 5.7 through 5.13 and Appendix II). In 2016, White females (25.8%) and American Indian/Alaska Native males (0.79%) participated in senior level pay positions at rates slightly higher than their governmentwide participation rates, and White males participated at a rate far higher than their governmentwide participation rate, but all other RNO by sex groups participated at rates lower than their governmentwide participation rates.

American Indian/Alaska Native, Asian, and Black women all at least doubled their senior level pay participation rates between 2003 and 2016, and Hispanic/Latina women were not far behind with an over 70% increase in participation rate to 1.6%. However, American Indian/Alaska Native women (0.56% of those in senior level pay positions vs. 0.89% of the entire government), Asian women (1.8% vs. 3.0%), Black women (5.6% vs. 11.2%), and Hispanic/Latina women (1.6 % vs. 3.7%) still had low participation rates in senior level pay compared to their governmentwide participation.

Although White men saw a decrease in their senior level pay participation rate, men of all other races saw increases. These increases, however, were smaller than those of the women of those races. The participation rate of American Indian/Alaska Native men in senior level pay increased by 47.8% to 0.79%. Black men's rate increased by 33.2% to 5.5%. For Asian men, the rate increased by 9.5% to 2.4%. Hispanic/Latino men's rate increased by 21.3% to 3.0%.

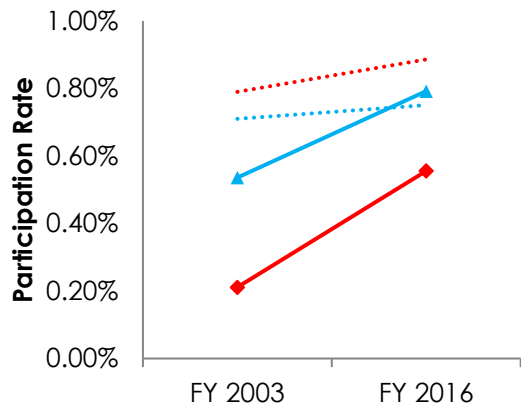
The senior level pay participation rates of Native Hawaiian/Pacific Islanders and people of Two or More Races were far below their governmentwide participation rates. For example, female Native Hawaiian/Pacific Islanders participated governmentwide at 0.26%, but only represented 0.08% of people in senior level pay positions. Males of Two or More Races made up 0.13% of those in senior level pay positions, but they composed 0.75% of the federal workforce. In 2003, females held approximately one-fourth of senior pay level jobs (25.2%). By 2016, females held over one-third of senior pay level jobs (35.5%). Still, efforts should be made to increase the senior pay level participation of groups with lower than expected participation based on their participation rates governmentwide.



White Participation	FY 2003 Gov't Wide	FY 2003 SLP	FY 2016 Gov't Wide	FY 2016 SLP
White Male	41.1%	65.4%	36.3%	<b>52.4%</b>
White Female	26.1%	20.7%	24.7%	<b>25.8%</b>

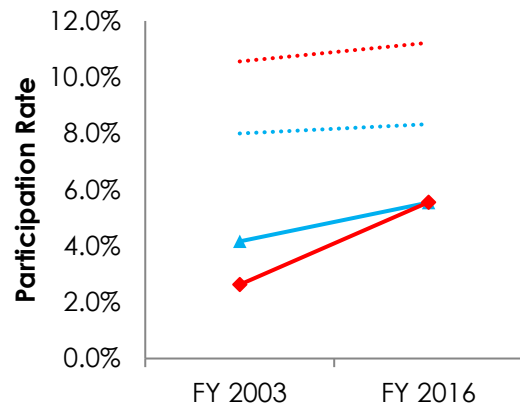
Figure 5. 7. White governmentwide and senior level pay (SLP) participation, FY 2003 and 2016

— Male SLP    ..... Male Gov't-Wide    — Female SLP    ..... Female Gov't-Wide



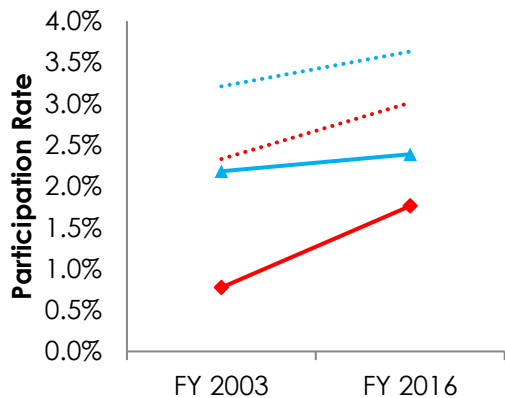
AIAN Participation	FY 2003 Gov't Wide	FY 2003 SLP	FY 2016 Gov't Wide	FY 2016 SLP
AIAN Male	0.71%	0.54%	0.75%	<b>0.79%</b>
AIAN Female	0.79%	0.21%	0.89%	<b>0.56%</b>

Figure 5. 8. American Indian/Alaska Native (AIAN) governmentwide and senior level pay (SLP) participation, FY 2003 and 2016



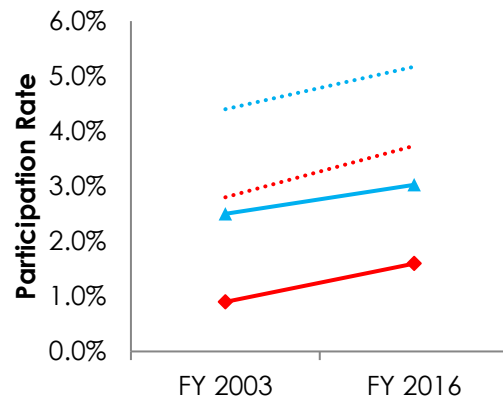
Black/African American Participation	FY 2003 Gov't Wide	FY 2003 SLP	FY 2016 Gov't Wide	FY 2016 SLP
Black Male	8.0%	4.2%	8.3%	<b>5.5%</b>
Black Female	10.6%	2.6%	11.2%	<b>5.6%</b>

Figure 5. 9. Black/African American governmentwide senior level pay (SLP) participation, FY 2003 and 2016



Asian Participation	FY 2003 Gov't Wide	FY 2003 SLP	FY 2016 Gov't Wide	FY 2016 SLP
Asian Male	3.2%	2.2%	3.6%	<b>2.4%</b>
Asian Female	2.3%	0.8%	3.0%	<b>1.8%</b>

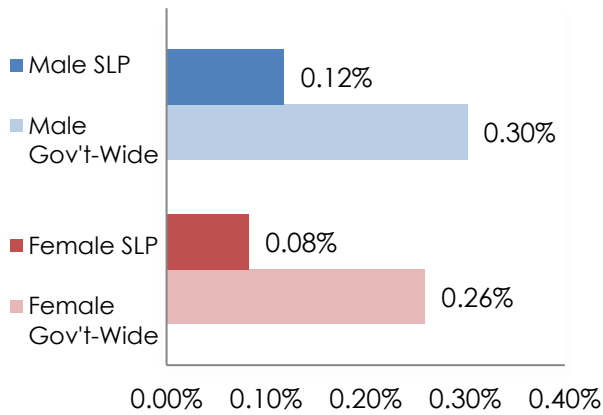
Figure 5. 10. Asian governmentwide and senior level pay (SLP) participation, FY 2003 and 2016



Hispanic/Latino Participation	FY 2003 Gov't Wide	FY 2003 SLP	FY 2016 Gov't Wide	FY 2016 SLP
Hispanic Male	4.4%	2.5%	5.2%	<b>3.0%</b>
Hispanic Female	2.8%	0.9%	3.7%	<b>1.6%</b>

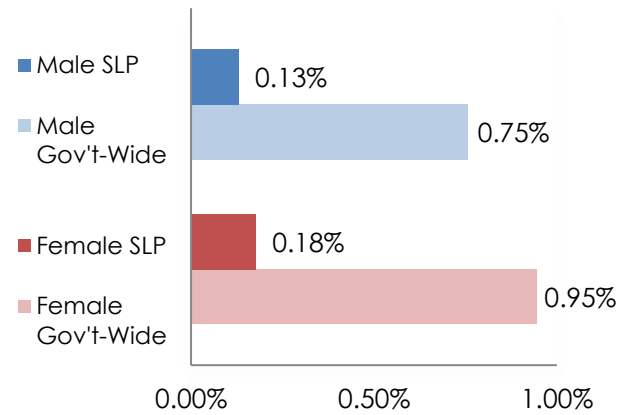
Figure 5. 11. Hispanic/Latino governmentwide and senior level pay (SLP) participation, FY 2003 and 2016

—▲— Male SLP    ..... Male Gov't-Wide    —◆— Female SLP    ..... Female Gov't-Wide



<b>NHOPI Participation</b>	FY 2016 Gov't Wide	<b>FY 2016 SLP</b>
NHOPI Male	0.30%	<b>0.12%</b>
NHOPI Female	0.26%	<b>0.08%</b>

Figure 5. 12. Native Hawaiian/Other Pacific Islander (NHOPI) governmentwide and senior level pay (SLP) participation, FY 2016



<b>Two or More Races Participation</b>	FY 2016 Gov't Wide	<b>FY 2016 SLP</b>
Two or More Races Male	0.75%	<b>0.13%</b>
Two or More Races Female	0.95%	<b>0.18%</b>

Figure 5. 13. Two or More Races governmentwide and senior level pay (SLP) participation, FY 2016

**Participation across General Schedule (GS) Pay Bands by Race/National Origin and Sex.** To examine opportunities for advancement, this report compares participation rates in higher GS pay bands to participation rates in lower GS pay bands and notes participation rate disparities within RNO by sex groups. Evidence exists of barriers to career advancement when a group's participation rate in higher GS pay bands is lower than their participation rates in lower GS pay bands or their overall GS participation. Agencies should conduct similar analyses using these comparators, governmentwide participation, and/or pay bands within another pay system, where appropriate. Where disparities exist, agencies should determine whether barriers prevent these groups from advancement, and where barriers exist, agencies should act to address the barriers.

In the General Schedule pay system, most RNO by sex groups participated at higher rates in the lower pay grades (See Table 5.1 and see Appendix IV). The exceptions to this were Asians of both sexes and White males. In 2016, Asian males had a 1.8% participation rate in GS Grades 1 through 6, but their GS Grades 14 and 15 participation rate was 5.4%. Asian females also had a higher participation rate in GS Grades 14 and 15 (3.9%) than they did in GS Grades 1 through 6 (2.9%); however, for GS Grade Bands 7 through 11 and 12 through 13, the pattern for Asian females showed some inconsistencies, with their GS Grades 12 through 13 participation rate being lower than their participation rate in GS Grades 7 through 11. Overall, Asians had great increases in their higher GS Grade participation rates between 2003 and 2016.

White males made up 23.5% of employees in GS Grades 1 through 6, but 46.8% of employees in GS Grades 14 and 15. In 2016, however, White males had lower participation rates in the higher

GS grades than they did in 2003. In both 2003 and 2016, White females participated in the lower GS pay bands at higher rates than they did in the higher GS pay bands. White females' GS participation rate decreased between 2003 and 2016 in all but the highest pay band; in the GS 14-15 band, their participation increased from 22.5% to 24.3%.

Blacks/African Americans increased their participation rates in the GS system between 2003 and 2016 in most pay bands, but their participation rates in highest grades, although improved, remained below their overall GS participation levels.

In 2016, Hispanics/Latinos' participation rates were lower in the higher GS pay bands. This general pattern was consistent with the 2003 data. Hispanics/Latinos' participation rates increased between 2003 and 2016 in most pay bands, but despite their increasing participation at the GS 14-15 level, their participation rates at this level remained below their overall GS participation rate. One interesting change is that in 2003, Hispanic/Latino participation rates declined between the GS 7 through 11 pay band and the GS 12 to 13 band; in 2016, this discrepancy in participation reversed for males—their participation rate in the GS 12 to 13 pay band was higher than their rate in the GS 7 through 11 pay band. Nonetheless, Hispanics/Latinos in 2016 still experienced a sharp drop-off in participation at GS Grades 14 and 15.

Between 2003 and 2016, American Indian/Alaska Native participation in the GS system declined overall, but showed gains in most GS categories, except in the lowest pay band for both men and women, and for men only at the GS 14-15 level.

For the two racial groups that do not have FY 2003 comparators, Native Hawaiians/Other Pacific Islanders and people of Two or More Races, in 2016, generally diminishing participation rates appear when moving up the pay scale, especially for females.

Finally, an analysis of gender alone promisingly shows that the gender gap of lower participation rates for women at higher GS pay bands is diminishing, yet still present.

Table 5. 1. Participation across GS Pay Bands by Race/National Origin and Sex, FY 2003 and 2016

	2003 GS 1-6	<b>2016</b> <b>GS</b> <b>1-6</b>	2003 GS 7-11	<b>2016</b> <b>GS</b> <b>7-11</b>	2003 GS 12-13	<b>2016</b> <b>GS</b> <b>12-13</b>	2003 GS 14-15	<b>2016</b> <b>GS</b> <b>14-15</b>	2003 Total GS	2016 Total GS
Total Male	34.3%	<b>39.4%</b>	45.3%	<b>47.0%</b>	61.4%	<b>58.7%</b>	69.7%	<b>61.6%</b>	50.7%	<b>52.1%</b>
Total Female	65.7%	<b>60.6%</b>	54.7%	<b>52.9%</b>	38.6%	<b>41.3%</b>	30.3%	<b>38.4%</b>	49.4%	<b>47.9%</b>
Hispanic/Latino Male	3.5%	<b>3.8%</b>	4.5%	<b>4.3%</b>	3.3%	<b>6.0%</b>	2.6%	<b>3.2%</b>	3.7%	<b>4.7%</b>
Hispanic/Latino Female	5.1%	<b>5.2%</b>	4.1%	<b>4.7%</b>	2.0%	<b>3.1%</b>	1.1%	<b>2.0%</b>	3.3%	<b>3.8%</b>
White Male	21.6%	<b>23.5%</b>	32.7%	<b>31.0%</b>	49.5%	<b>41.6%</b>	58.9%	<b>46.8%</b>	38.4%	<b>35.9%</b>
White Female	36.3%	<b>30.7%</b>	33.7%	<b>29.3%</b>	26.1%	<b>24.8%</b>	22.5%	<b>24.3%</b>	30.7%	<b>27.2%</b>
Black/African American Male	6.7%	<b>8.5%</b>	5.5%	<b>7.8%</b>	4.9%	<b>6.2%</b>	4.0%	<b>5.3%</b>	5.4%	<b>7.0%</b>
Black/African American Female	18.4%	<b>18.3%</b>	13.4%	<b>13.8%</b>	8.2%	<b>9.5%</b>	4.7%	<b>7.5%</b>	11.9%	<b>12.0%</b>
Asian Male	1.6%	<b>1.8%</b>	1.9%	<b>2.5%</b>	3.1%	<b>3.6%</b>	3.6%	<b>5.4%</b>	2.4%	<b>3.2%</b>
Asian Female	3.2%	<b>2.9%</b>	2.2%	<b>3.1%</b>	1.8%	<b>2.9%</b>	1.7%	<b>3.9%</b>	2.2%	<b>3.1%</b>
Native Hawaiian / Other Pacific Islander Male	-	<b>0.29%</b>	-	<b>0.27%</b>	-	<b>0.23%</b>	-	<b>0.11%</b>	-	<b>0.24%</b>
Native Hawaiian / Other Pacific Islander Female	-	<b>0.39%</b>	-	<b>0.24%</b>	-	<b>0.14%</b>	-	<b>0.06%</b>	-	<b>0.20%</b>
American Indian/Alaska Native Male	0.97%	<b>0.94%</b>	0.81%	<b>0.84%</b>	0.65%	<b>0.66%</b>	0.63%	<b>0.62%</b>	0.77%	<b>0.76%</b>
American Indian/Alaska Native Female	2.78%	<b>2.70%</b>	1.21%	<b>1.38%</b>	0.50%	<b>0.58%</b>	0.32%	<b>0.43%</b>	1.22%	<b>1.16%</b>
Two or More Races Male	-	<b>0.34%</b>	-	<b>0.41%</b>	-	<b>0.39%</b>	-	<b>0.23%</b>	-	<b>0.37%</b>
Two or More Races Female	-	<b>0.53%</b>	-	<b>0.43%</b>	-	<b>0.28%</b>	-	<b>0.20%</b>	-	<b>0.36%</b>
Total Employment Number	289,422	<b>231,653</b>	536,608	<b>564,144</b>	429,986	<b>573,898</b>	155,595	<b>215,593</b>	1,411,611	<b>1,585,288</b>

Note. Data come from MD-715 reports submitted by federal agencies in FY 2016. It only includes permanent employees. Data from agencies that do not report General Schedule Pay Plan Participation Rates are excluded. In FY 2003, the Asian category included Native Hawaiians and Other Pacific Islanders. Separate data for Native Hawaiians/Other Pacific Islanders and Two or More Races were not collected in FY 2003.

**Participation of Individuals with Targeted Disabilities in the Federal Workforce.** The EEOC has long required the federal government to set hiring and workforce goals for people with targeted disabilities. Targeted disabilities are severe disabilities and are associated with high rates of unemployment and underemployment.<sup>10</sup> The overall participation rate of individuals with

<sup>10</sup> EEOC describes the history of its efforts on behalf of people with targeted disabilities in the preamble for its regulation on Section 501 of the Rehabilitation Act. See Affirmative Action for Individuals with Disabilities in Federal Employment, 82 Fed. Reg. 654, 655 (Jan. 3, 2017), available at <https://www.federalregister.gov/documents/2017/01/03/2016-31397/affirmative-action-for-individuals-with-disabilities-in-federal-employment#footnote-13-p655>. A list of conditions that met the FY 2016 definition of a "targeted disability" is available in Figure 5.14 below. An updated list of targeted disabilities is available on Office of

targeted disabilities in the federal workforce slightly decreased between 2003 and 2016, from 1.05% to 1.01% (See Figure 5.14 on next page). This is far below the 2.0% goal established by EEOC's LEAD Initiative. In fact, only ten independent agencies and subcomponents reached that goal in 2016 (See Table 5.2). Appendix V also displays the top five agencies with the highest representation rates of employees with targeted disabilities.

Only one group of individuals with targeted disabilities saw an increase in their participation rate: individuals with psychiatric disabilities. They saw an increased participation rate from 0.23% in 2003 to 0.43% in 2016. In both 2003 and 2016, psychiatric disability was the most common type of targeted disability within the Federal Government (see Appendix VI).

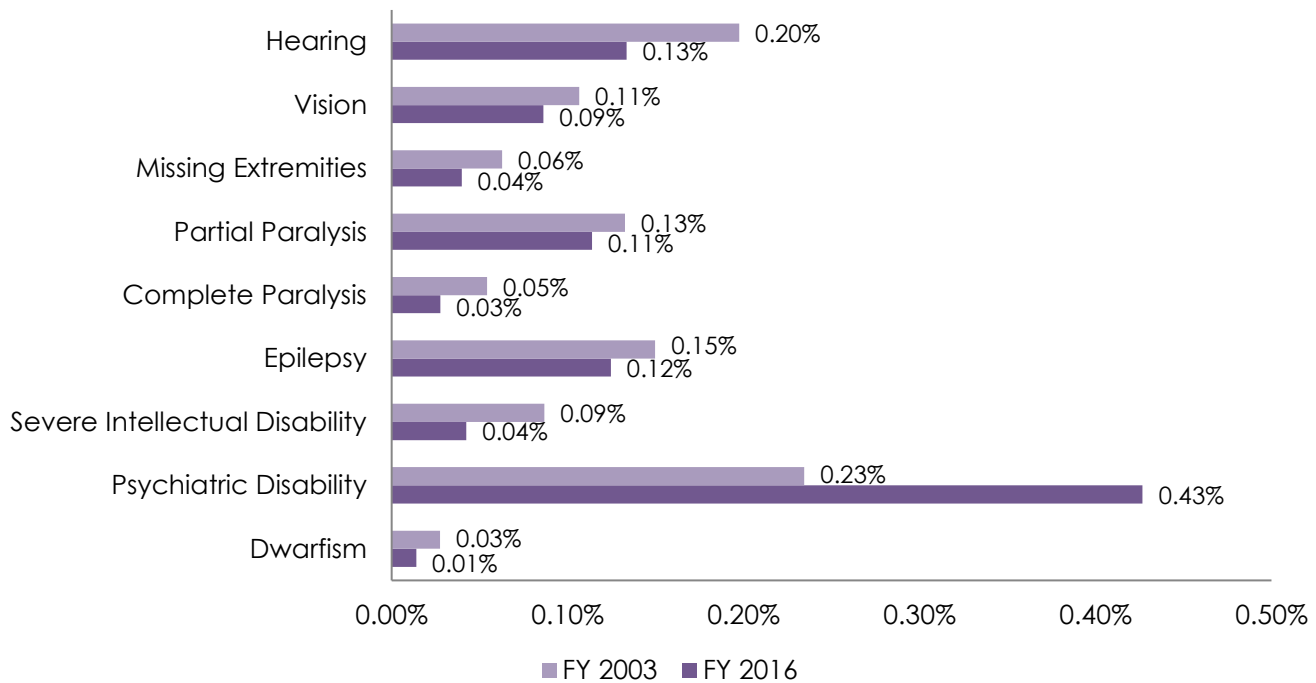
Table 5. 2. Participation of Individuals with Targeted Disabilities: Top Five Independent Agencies and Subcomponents (500+ Employees), FY 2016

Agency Name	Workforce	# Individuals with Targeted Disabilities	Participation Rate
Equal Employment Opportunity Commission	2,132	86	4.03%
HHS Substance Abuse and Mental Health Services Administration	565	20	3.54%
VA National Cemetery Administration	1,750	49	2.80%
VA Veterans Benefits Administration	22,076	575	2.60%
USDA Headquarters	3,325	78	2.35%

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Personnel Management's Standard Form 256 (updated October 2016). See Office of Personnel Management, SF-256 "Self-Identification of Disability" <https://www.opm.gov/forms/standard-forms/>.





	FY 2003 #	FY 2016 #	FY 2003 % of Total Workforce	FY 2016 % of Total Workforce	FY 2003 % of Individuals with Targeted Disabilities	FY 2016 % of Individuals with Targeted Disabilities
No Disability	-	<b>2,158,509</b>	-	<b>87.23%</b>	-	-
Not Identified Disability	-	<b>100,684</b>	-	<b>4.07%</b>	-	-
Targeted Disability	25,551	<b>25,114</b>	1.05%	<b>1.01%</b>	-	-
Hearing	4,796	<b>3,306</b>	0.20%	<b>0.13%</b>	18.77%	<b>13.16%</b>
Vision	2,588	<b>2,132</b>	0.11%	<b>0.09%</b>	10.13%	<b>8.49%</b>
Missing Extremities	1,525	<b>987</b>	0.06%	<b>0.04%</b>	5.97%	<b>3.93%</b>
Partial Paralysis	3,219	<b>2,819</b>	0.13%	<b>0.11%</b>	12.60%	<b>11.22%</b>
Complete Paralysis	1,316	<b>686</b>	0.05%	<b>0.03%</b>	5.15%	<b>2.73%</b>
Epilepsy	3,637	<b>3,083</b>	0.15%	<b>0.12%</b>	14.23%	<b>12.28%</b>
Severe Intellectual Disability	2,106	<b>1,050</b>	0.09%	<b>0.04%</b>	8.24%	<b>4.18%</b>
Psychiatric Disability	5,695	<b>10,560</b>	0.23%	<b>0.43%</b>	22.29%	<b>42.05%</b>
Dwarfism	669	<b>345</b>	0.03%	<b>0.01%</b>	2.62%	<b>1.37%</b>
<b>Permanent Workforce</b>	<b>2,428,330</b>	<b>2,474,558</b>				

Figure 5. 14. Participation of individuals with targeted disabilities governmentwide by disability type (Percentage of total workforce), FY 2003 and FY 2016<sup>11</sup>

<sup>11</sup> FY 2003 data came from the Annual Report on the Federal Work Force Fiscal Year 2005, Table A-6. That report did not provide data on individuals who reported having no disability, who did not identify whether they had a disability or those with any reportable disability (not necessarily a targeted disability). For the sake of consistency, this report used the FY 2016 categories for targeted disabilities. The corresponding categories in FY 2003 were Deafness, Blindness, Missing Extremities, Partial Paralysis, Complete Paralysis, Convulsive Disorders, Mental Retardation, Mental Illness and Distortion of Limb and/or Spine. FY 2016 data comes from MD-715 reports as submitted by federal agencies for FY 2016. Where parent agencies and their subcomponents both submitted MD-715 reports, this table uses data from parent agencies. FY 2016 data only include permanent employees. Totals may not equal 100% due to rounding.

**Participation of individuals with targeted disabilities in General Schedule pay bands and in senior level pay positions.** As seen in Table 5.3 and Figure 5.15, individuals with targeted disabilities participated in the higher GS pay grades and in senior level pay positions at much lower rates than their participation rates in lower grades. Figure 5.15 illustrates this drop, which was particularly notable for people with psychiatric disabilities, hearing impairments, and severe intellectual disabilities. However, this phenomenon was not present for all types of disabilities: the participation rates for those with missing extremities and complete paralysis were similar across all pay grades and into senior level pay positions.

Table 5. 3. Participation of Individuals with Targeted Disabilities in GS-Grade Ranges and Senior Level Pay, FY 2016

	GS 1-6 (#)	GS 1-6 (%)	GS 7-11 (#)	GS 7-11 (%)	GS 12-13 (#)	GS 12-13 (%)	GS 14-15 (#)	GS 14-15 (%)	Senior Level Pay (#)	Senior Level Pay (%)	Total (#)
No Disability	184,428	82.15	483,078	85.96	510,670	89.13	199,990	90.82	8,968	87.90	1,466,396
Not Identified Disability	9,290	4.14	19,818	3.53	16,241	2.83	6,211	2.82	284	2.87	55,106
Targeted Disability	31,474	14.02	61,674	10.97	49,084	8.57	15,129	6.87	593	5.81	171,051
Hearing	4,834	2.15	7,236	1.29	4,407	0.77	1,287	0.58	53	0.52	18,484
Vision	612	0.27	661	0.12	442	0.08	73	0.03	1	0.01	1,815
Missing Extremities	375	0.17	776	0.14	489	0.09	178	0.08	7	0.07	1,872
Partial Paralysis	118	0.05	288	0.05	232	0.04	82	0.04	7	0.07	763
Complete Paralysis	511	0.23	871	0.15	751	0.13	246	0.11	11	0.11	2,506
Epilepsy	86	0.04	235	0.04	202	0.04	75	0.03	5	0.05	625
Severe Intellectual Disability	520	0.23	867	0.15	624	0.11	217	0.10	6	0.06	2,355
Psychiatric Disability	348	0.16	116	0.02	21	0.00	2	0.00	0	0.00	501
Dwarfism	2,158	0.96	3,267	0.58	1,539	0.27	383	0.17	15	0.15	7,639
Total GS or Senior Pay Workforce	61	0.03	106	0.02	79	0.01	16	0.01	2	0.02	272
	224,504	100.00	561,972	100.00	572,967	100.00	220,207	100.00	10,203	100.00	1,682,212

Note. Data comes from MD-715 reports as submitted by federal agencies in FY2016, only including permanent employees. Data from agencies that do not report General Schedule Pay Plan Participation Rates are excluded. Where parent agencies and their subcomponents both submitted MD-715 reports, this table uses data from parent agencies. Department of Air Force Senior Level Pay employees were excluded due to data anomalies; they were included in the Total (#) column. Totals may not equal 100% due to rounding. Percentages were calculated using the Total GS Workforce within each grade range (or Senior Level Pay).

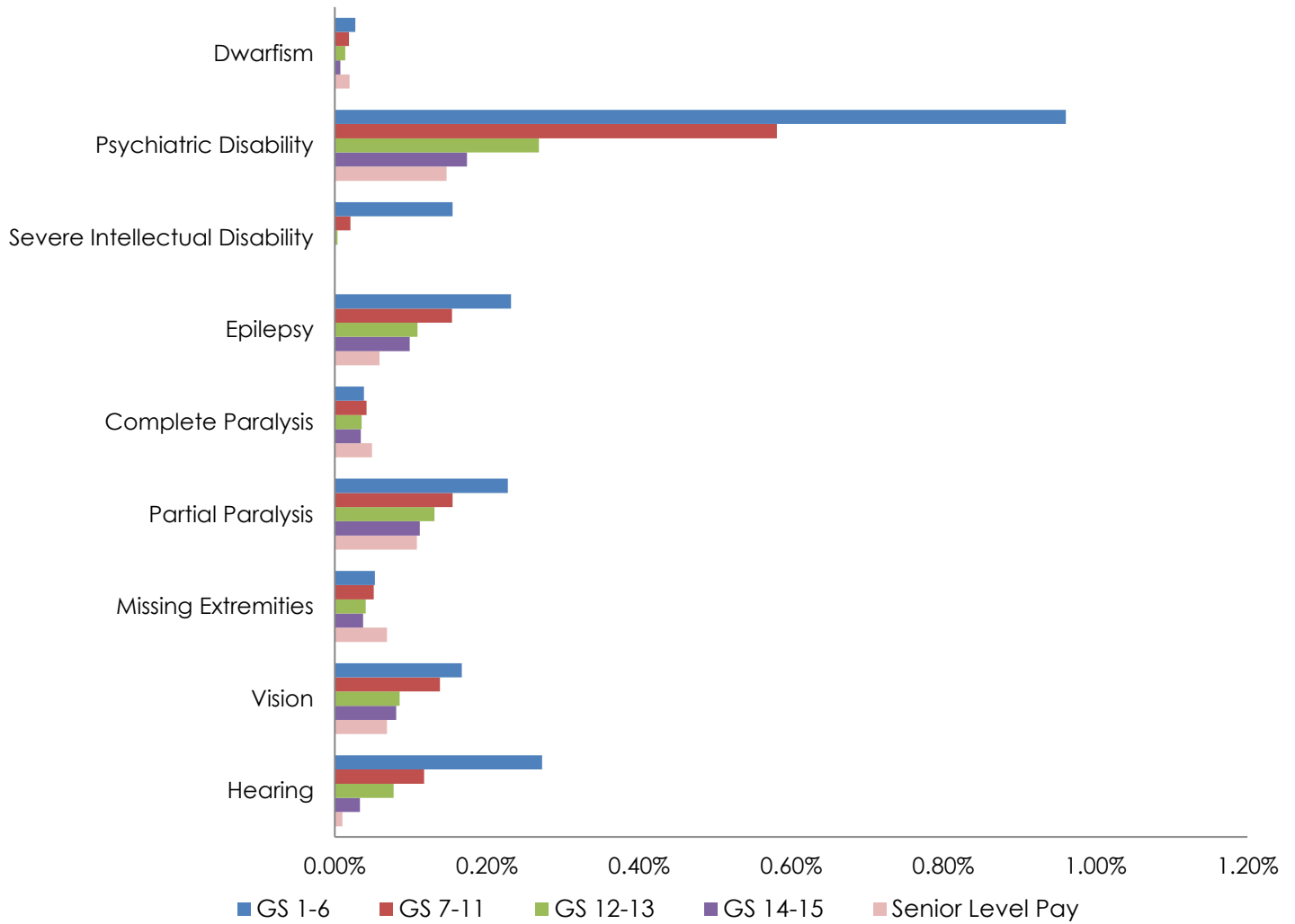


Figure 5. 15. Participation of individuals with disabilities as a percentage of General Schedule pay bands and senior level pay, FY 2016<sup>12</sup>

<sup>12</sup> FY 2016 MD-715 data as reported by agencies. Includes only permanent employees reported on Table B4 - Participation Rates for General Schedule (GS) Grades (Permanent) of the MD-715 Report. DOD Department of the Air Force was not included in Senior Level Pay Totals. Where parent agencies and their subcomponents both submitted MD-715 reports, this graph uses data from parent agencies.

## Part VI: Complaint Processing

This section summarizes federal sector EEO complaint activity for Fiscal Year 2016. Using data from the *Annual Federal Equal Employment Opportunity Statistical Reports of Discrimination Complaints, (Form 462)* and the Office of Federal Operations (OFO) Information Management System (IMS), this section compiles governmentwide data on complaints, investigations, hearings, findings of discrimination, and appeals. It also provides five-year trends in complaint activity (where trend data is available), governmentwide benchmarks, and highlights of some of the top performing agencies in federal sector EEO. Our database consisted of 269 federal agencies and subcomponents submitting Form 462 for fiscal year 2016. Because Form 462 is self-reported data, all data pertaining to complaints, investigations, and findings are reported "as submitted" to the Office of Federal Operations by agency stakeholders. Agency-specific details for all aggregate results can be found in Appendix III.

### Overview

EEOC Regulations in 29 C.F.R. Part 1614 prohibit discrimination in employment because of race, color, religion, sex, national origin, age, disability, or genetic information. They also prohibit retaliation against an individual for participating in administrative or judicial proceedings involving employment discrimination or otherwise acting in reasonable opposition to unlawful discrimination. Part 1614 establishes the process for filing a complaint of discrimination in the federal sector. The EEO complaint process encompasses the following stages:

- *The pre-complaint stage:* Individuals initiate contact with an agency EEO counselor and are informed of their right to file a complaint, their legal options, and timeframes;
- *The formal complaint stage:* Individuals file a formal complaint with the agency's EEO office (not the EEOC) by documenting, with sufficient detail, the nature of the offense and the accused parties;
- *The investigation stage:* An EEO investigator is assigned to the case by the agency EEO Office and gathers specifics by interviewing the conflicting parties, speaking to witnesses, and reviewing documents relevant to the complaint;
- *The adjudication stage:* The complaint and report of investigation are reviewed by authorities, a final decision is made on the discrimination claim, and remedy is recommended, when appropriate;
- *The compliance stage:* The complaint is closed and the AJ or agency order, if issued, is fully implemented by the agency adopting all terms specified in the order.

Below are select federal sector statistics from each stage of the complaint process.

### Pre-Complaints/Informal Complaints

**Timely Completed Counselings.** When individuals believe that they have experienced discrimination, they first must contact an EEO counselor prior to filing a formal complaint (29 C.F.R. Section 1614.105 (a)). The aggrieved has 45 days after the alleged incident occurs to establish contact with an agency counselor. The EEO Counselor has 30 days to complete a "timely" counseling, unless the aggrieved agrees to an extension of no more than 60 days. Both counselings completed within 30 days and those completed within 60 days with a written extension are considered timely. Where the aggrieved's concerns are not resolved in counseling, the counselor must issue a "Notice of Final Interview", including information about the aggrieved's right to file a formal complaint, at the conclusion of counseling.

Table 6.1 is a list of the agencies with the highest rate of timely completed EEO counselings by agency size. Among large agencies, the Department of Labor had the highest rate of timely completed counselings at 100%, followed closely by the U.S. Postal Service at 99.18%. Among medium agencies, the Defense Education Activity, Defense Contract Management Agency, the Defense Office of the Secretary/Washington Headquarters Services, Defense Information Systems Agency, and the Office of Personnel Management all have timely completed counseling rates of 100%. A full list of agency timely counseling rates can be found in Appendix III, Table B2.

Table 6. 1. Agencies with the highest rate of timely completed counselings\* (B2)

Agency or Department	Total Workforce	Total Completed / Ended Counselings	Total Timely Completed / Ended Counselings	% Timely Completed / Ended Counselings (excluding remands)
<b>Large Agencies (15,000 or more employees)</b>				
Department of Labor	15,889	209	209	100.00%
U.S. Postal Service	637,095	13,612	13,501	99.18%
DOD National Guard Bureau	57,318	55	54	98.18%
DOD Army and Air Force Exchange Service	28,712	189	185	97.88%
Department of Veterans Affairs	371,523	4,982	4,797	96.29%
<b>Medium Agencies (1,000 to 14,999 employees)</b>				
DOD Department of Defense Education Activity	14352	133	133	100.00%
DOD Defense Contract Management Agency	11,748	106	106	100.00%
DOD Office of the Secretary/Washington Headquarters Services	6,359	57	57	100.00%
Smithsonian Institution	6,300	41	41	100.00%
DOD Defense Information Systems Agency	5,590	34	34	100.00%
Office of Personnel Management	5,073	65	65	100.00%

Note. Agencies with 25 or more completed counselings.

**Pre-Complaint ADR Acceptances and Resolutions.** Anytime during the complaint process, the aggrieved may enter an Alternative Dispute Resolution (ADR) forum designed to remedy the situation quickly and effectively to the satisfaction of both parties. Examples of common ADR techniques include mediation, settlement conferences, and facilitation.<sup>13</sup> All agencies are required to establish or make available an ADR program during both the pre-complaint and formal complaint processes.<sup>14</sup> ADR should be offered at the beginning of counseling.<sup>15</sup> If chosen, then the agency has 90 days to conduct the ADR and complete counseling.<sup>16</sup> If not chosen, then the agency has 30 days, which may be extended by agreement, to complete

<sup>13</sup> MD-110 Ch. 3 § VI.

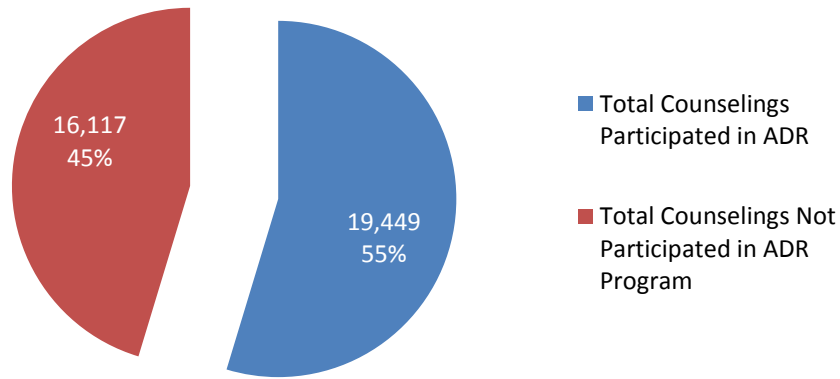
<sup>14</sup> 29 C.F.R. § 1614.102(b)(2).

<sup>15</sup> MD-110 Ch. 2 § VII.A.

<sup>16</sup> 29 C.F.R. § 1614.105(f).

traditional counseling.<sup>17</sup>

Figure 6.1 displays the rate of ADR acceptances among individuals receiving pre-complaint counseling. There were 35,566 pre-complaint counselings completed during FY 2016, with an ADR offer rate of 88.58%. Among the 35,566 completed counselings, approximately 54.68% accepted ADR while 45.32% rejected the offer.<sup>18</sup> The ADR offer rate for each agency can be found in Appendix III, Table B4.



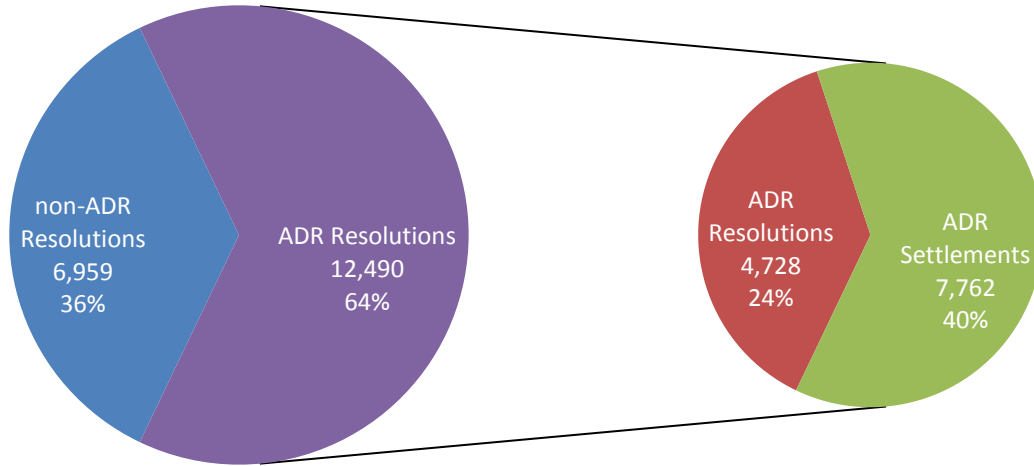
	Number Completed / Ended Counselings	Number Completed / Ended Counselings Offered ADR	Total Completed / Ended Counselings Participated in ADR Program
Count (%)	35,566	31,503 (88.58)	19,449 (54.68)

Figure 6. 1. Distribution of ADR outcomes: Offers, rejections, and acceptances (B4)

In FY 2016, there were a total of 19,449 pre-complaint ADR closures (Figure 6.2), with a resolution rate of 64.22%. Approximately 24.31% of all pre-complaint ADR Closures led to settlements while 39.91% resulted in a withdrawal with no formal complaint filed. Appendix III, Table B5 provides the distribution of pre-complaint ADR resolutions by agency.

<sup>17</sup> 29 C.F.R. § 1614.105(e).

<sup>18</sup> Please note that not all ADR acceptances result in a resolution.



	ADR Closures	non-ADR Resolutions	ADR Resolutions	% ADR Resolutions Leading to Settlements	% ADR Resolutions Leading to Withdrawals w/No Complaints Filed
Count (%)	19,449	6,959 (35.78)	12,490 (64.22)	4,728 (24.31)	7,762 (39.91)

Figure 6. 2. Distribution of ADR pre-complaint resolutions (informal phase) (B5)

FY 2016 saw a total of 19,509 pre-complaint resolutions—i.e. resolutions with no formal complaint filed (Table 6.2); more than 54% of all completed counselings. Among the 19,509 resolutions, 14.42% resulted in a settlement, with 847 of these resolutions resulting in a monetary settlement. The average monetary settlement was \$3,972, for a total governmentwide pay out of over \$3.3 million. Appendix III, Table B6 displays the settlement rate and monetary benefits awarded by agency.

Table 6. 2. Distribution of benefits provided in all pre-complaint settlements, FY 2011-FY 2016 (B3, B6)

FY	Completed Counselings	Total Resolutions		Total Settlements		Total Settlements with Monetary Benefits		Total Amount of Monetary Benefits	Average Award Per Resolution with Monetary Benefits
		N	%	N	%	N	%		
2012	34,521	18,449	53.4	5,353	15.5	740	13.8	\$3,442,719	\$4,652
2013	33,147	17,743	53.5	4,829	14.6	744	15.4	\$2,922,056	\$3,928
2014	33,210	18,064	54.4	4,860	14.6	742	15.3	\$3,773,943	\$5,086
2015	35,001	19,348	55.3	5,137	14.7	708	13.8	\$5,647,171	\$7,976
<b>2016</b>	<b>35,566</b>	<b>19,509</b>	<b>54.85</b>	<b>5,129</b>	<b>14.42</b>	<b>847</b>	<b>16.51</b>	<b>\$3,363,982</b>	<b>\$ 3,972</b>

### Formal Complaints

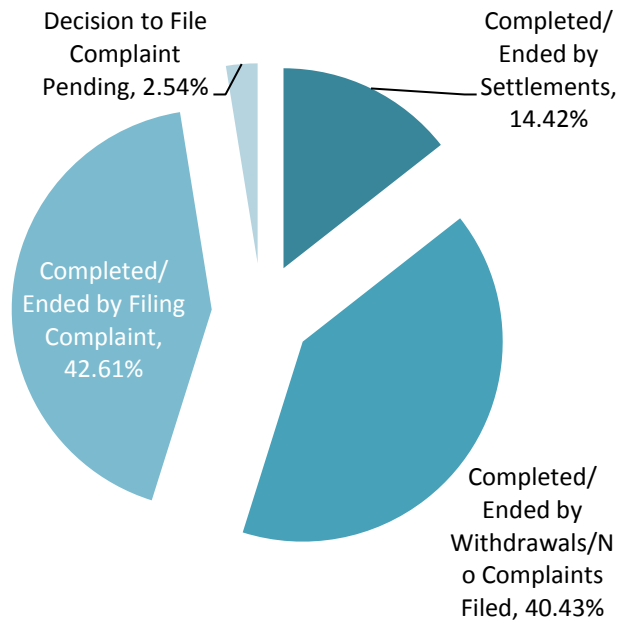
**Formal Complaints Filed.** If the matter is not resolved through either traditional counseling or pre-complaint ADR, individuals have the option to enter the formal complaint process within 15 days of receiving a notice of final interview (NFI).<sup>19</sup> The formal complaint must be a signed statement from the complainant or the complainant's attorney that sufficiently identifies the complainant, the charged agency, the basis of discrimination (e.g., race, color, etc.), and the action or practice that is the basis of the complaint.<sup>20</sup>

Figure 6.3 displays the number of counselings resulting in a formal complaint filing. Among the 35,566 counselings initiated governmentwide, 14.42% ended in a settlement, 40.43% ended with a withdrawal from the complaint process, and 42.61% resulted in a formal complaint filing. Approximately 2.54% of all counselings were pending the aggrieved's decision of whether to file a formal complaint at the end of FY 2016.

<sup>19</sup> 29 C.F.R. § 1614.105(d).

<sup>20</sup> 29 C.F.R. § 1614.106.

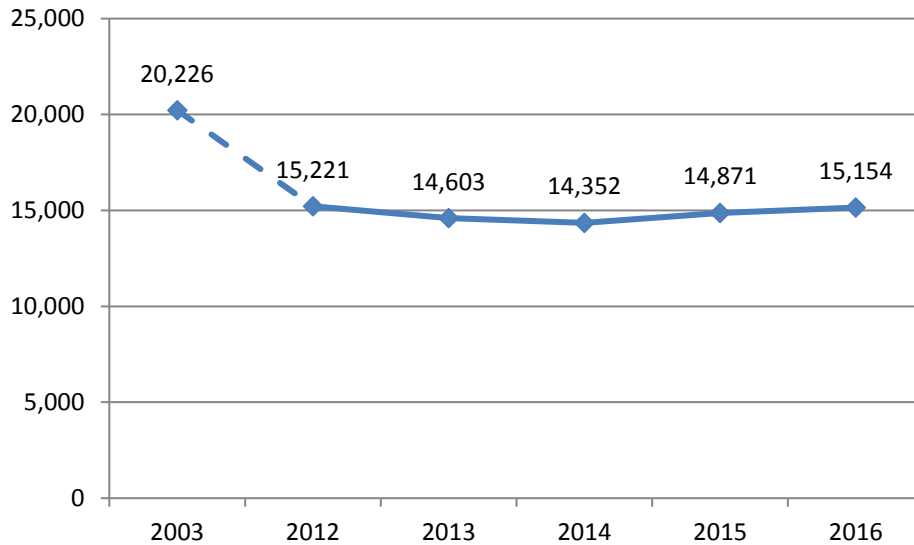




Completed / Ended Counselings	Completed/ Ended by Settlements	Completed/ Ended by Withdrawals/No Complaints Filed	Completed/ Ended by Filing Complaint	Decision to File Complaint Pending
35,566 (%)	5,129 (14.42)	14,380 (40.43)	15,154 (42.61)	903 (2.54)

Figure 6. 3. Distribution of pre-complaint outcomes (B3)

On average, 42.61% of completed counseling cases eventually led to formal complaints filed in all government agencies in FY 2016, a slight decrease from 43.49% in FY 2015 (Figure 6.3). However, the total number of counselings that ended by filing complaints in fact jumped from 14,871 in FY 2015 to 15,154 in FY 2016 (Figure 6.4).



FY	2003	2012	2013	2014	2015	2016
Number Completed/Ended by Filing Complaint	20,226	15,221	14,603	14,352	14,871	15,154

Figure 6. 4. Governmentwide Five-Year Trend for Rate of Complaints Filed with 2003 Trendline(B3)

Some individual agencies have much lower rates of counselings to formal complaints. Among agencies with 25 or more completed counselings in FY 2016, the DOD National Guard Bureau had the lowest rate of complaints filed at 21.43% (Table 6.5). The DOD Finance and Accounting Service had lower rates of complaints than other medium agencies with a rate of 37.78%.

Table 6. 3. Agencies with the Lowest Rates of Complaints Filed for FY 2016 (B7)

Agencies	Total Workforce*	# Completed Counseling	Filed Complaints as % of Completed Counseling
<b>Cabinet or Large (15,000 or more employees)</b>			
DOD National Guard Bureau	57,318	56	21.43%
U.S. Postal Service	637,095	13,612	28.97%
DOD Army and Air Force Exchange Service	28,712	189	29.10%
DOD Defense Logistics Agency	23,019	336	37.80%
Department of State	75,231	375	47.20%
<b>Medium Agencies (1,000 to 14,999 employees)</b>			
DOD Finance and Accounting Service	11,435	110	37.78%
DOD Defense Contract Management Agency	11,748	106	43.62%
Agency for International Development	4,680	47	44.62%
Tennessee Valley Authority	10,691	113	48.53%
DOD Defense Commissary Agency	13,953	215	50.86%

\*Work force numbers as reported by the agency in its FY 2016 462 report.

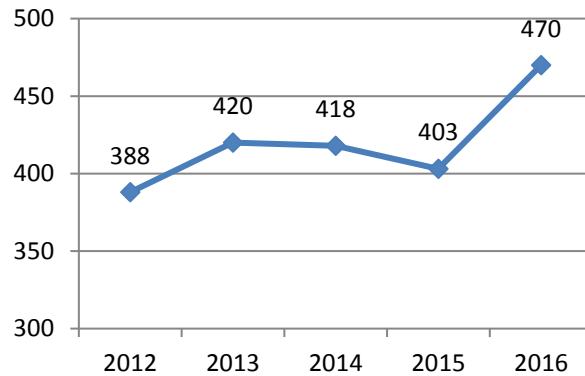
To gain some insight into the frequency of complaint filings, the EEOC calculated what percentage of federal employees file formal complaints – or become “complainants” – at each agency. Table 6.4 displays the agencies with the lowest rate of complainants by agency size, and the total number of complaints (a complainant may file multiple complaints). Governmentwide, the rate of complainants was .54% (Appendix III, Table B1). Defense Department of the Navy, National Aeronautics and Space Administration, Department of State, Army and Air Force Exchange Service, and the National Guard Bureau had the lowest complainant rates among large agencies. The DOD Office of the Secretary/Washington Headquarters Services, Federal Deposit Insurance Corporation, Defense Contract Management Agency, Tennessee Valley Authority, DOD Finance and Accounting Service had the lowest complainant rates among medium agencies. A full list of rates of complainants by agency can be found in Appendix III, Table B1.

Table 6. 4. Agencies with the lowest rate of complainants\* (B1)

Agency or Department	Total Work Force	Complaints Filed	Complainants	Percent Complainants
<b>Large Agencies (15,000 or more employees)</b>				
DOD Department of the Navy	256,597	815	774	0.30%
National Aeronautics and Space Administration	17,510	52	43	0.25%
Department of State	75,231	180	179	0.24%
DOD Army and Air Force Exchange Service	28,712	55	50	0.17%
DOD National Guard Bureau	57,318	14	12	0.02%
<b>Medium Agencies (1,000 to 14,999 employees)</b>				
DOD Office of the Secretary/Washington Headquarters Services	6,359	30	30	0.47%
Federal Deposit Insurance Corporation	6,454	40	34	0.53%
DOD Defense Contract Management Agency	11,748	50	49	0.42%
Tennessee Valley Authority	10,691	61	61	0.57%
DOD Finance and Accounting Service	11,435	40	38	0.33%

Note: Agencies with 25 or more complaints filed

**Processing Time for Complaint Closures.** As one potential gauge of efficiency in EEO programs, the EEOC calculated the number of days on average needed to close complaints after filing. In FY 2016, the governmentwide average processing time from complaint filing to closure is 470 days, up from 403 days in FY 2015 (Figure 6.5). At 262 days, the Department of Commerce needed the least amount of time among cabinet agencies, and overall (Table 6.5). Among medium-sized agencies, the DOD Office of the Inspector General required the least time with an average of 261 days. Both were significantly lower than the governmentwide average. Agencies with fewer than 25 complaint closures in FY 2016 were excluded from the ranking.



FY	2012	2013	2014	2015	<b>2016</b>
Number of Days	388	420	418	403	<b>470</b>

Figure 6. 5. Governmentwide Average Processing Time for Complaints Filed (B7)

Table 6. 5. Agencies with the Shortest Processing Days for FY 2016 (B7)

Agencies	Total Workforce	# Days from Complaint Filed to Closure
<b>Cabinet or Large (15,000 or more employees)</b>		
Department of Commerce	47,451	262
U.S. Postal Service	63,7095	340
DOD National Guard Bureau	57,318	362
DOD Army and Air Force Exchange Service	28,712	379
National Aeronautics and Space Administration	17,510	441
<b>Medium Agencies (1,000 to 14,999 employees)</b>		
DOD Office of Inspector General	1,557	261
Office of Personnel Management	4,977	303
DOD Defense Contract Audit Agency	4,877	309
DOD Defense Contract Management Agency	11,459	385
DOD Defense Contract Management Agency	11,459	385

Note: Agencies with 25 or more Counselings.

**Top Bases and Issues (Formal Complaints).** Of the 15,154 complaints filed in FY 2016, the basis most frequently alleged was reprisal/retaliation (7,676), followed by age (4,980) and physical disability (4,154) (Table 6.6 and see Appendix VII). The issue alleged most frequently in complaints was non-sexual harassment (6,505), followed by disciplinary action (3,457), and terms/conditions (2,520) (Table 6.7 and see Appendix VIII).

Table 6. 6. Top Five Bases in Complaint Allegations Filed for FY 2016 (B8)

Basis	# of Complaints
Reprisal/Retaliation	7,676
Age	4,980
Disability - Physical	4,154
Race - Black/African American	3,990
Sex - Female	3,909

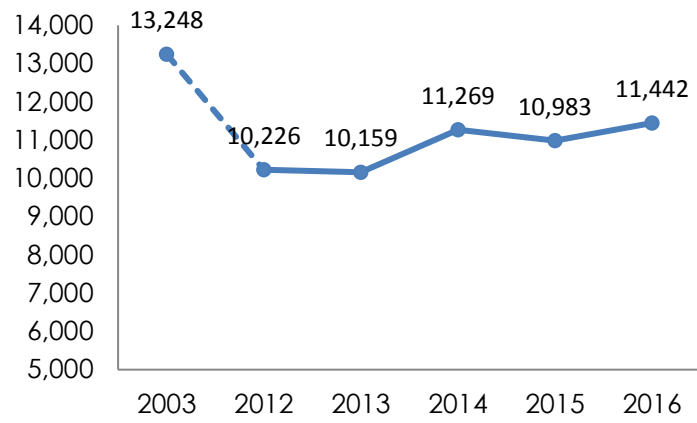
Table 6. 7. Top Five Issues in Complaint Allegations Filed for FY 2016 (B8)

Issue	# of Complaints
Harassment - Non-Sexual	6,505
Disciplinary Action	3,457
Promotion/Non-Selection	2,560
Terms/Conditions	2,520
Reasonable Accommodation	1,624

### **Investigations**

**Completed Investigations.** After the complainant files a formal complaint, the agency typically decides whether to investigate or dismiss the case. Dismissal decisions are appealable to the EEOC Office of Federal Operations, but investigations are conducted by the agency. The agency has 180 days from the formal complaint filing to complete the investigation, unless an extension of up to 360 days from the original filing is warranted due to complaint amendments. At the conclusion of the investigation, the agency provides the complainant with a Report of Investigation and notifies them of the right to request a hearing with an EEOC Administrative Judge or a final agency decision within 30 days.

Figure 6.6 displays the total completed investigations for FY 2016. Overall, the number of completed investigations has increased since last year, up from 10,983 completed investigations in 2015 to 11,442 completed investigations in 2016. This represents the highest number of completed investigations over the last five fiscal years.

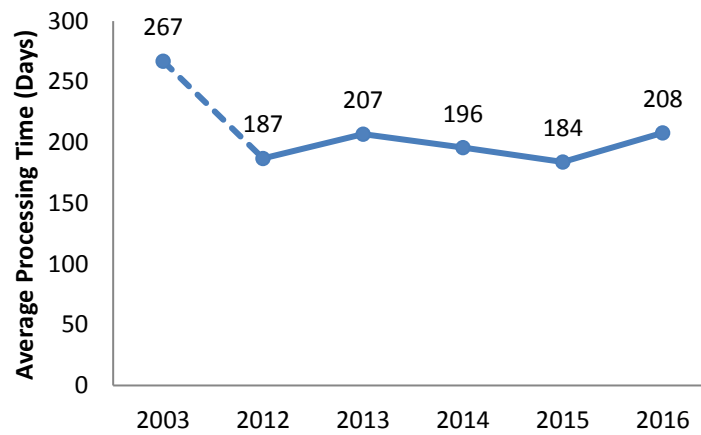


FY	Total Completed Investigations
2003	13,248
2012	10,226
2013	10,159
2014	11,269
2015	10,983
<b>2016</b>	<b>11,442</b>

Note. Dotted line represents a gap between fiscal year 2003 and 2011.

Figure 6. 6. Total Completed Investigations, FY 2011-FY 2016 (B9)

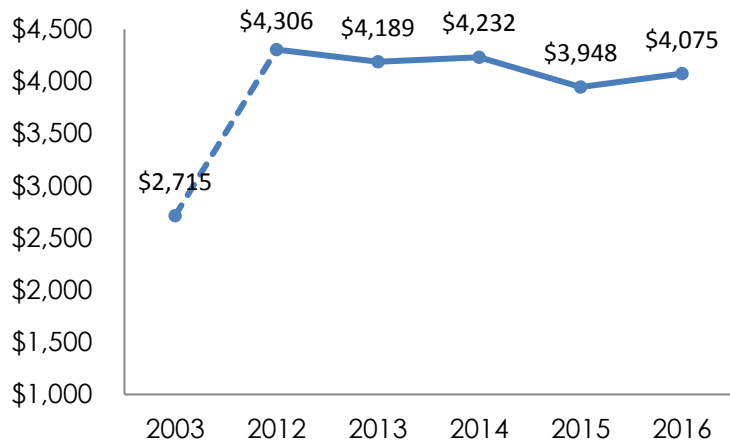
**Completed Investigations: Costs and Timeliness.** Investigators required, on average, 208 days to complete investigations during FY 2016, up 13% from the previous year (Figure 6.7). Overall, average processing days for investigations have decreased by 22% since the introduction of MD-715 in 2003. The average costs of investigations are also up from 2015, from \$3,948 in 2015 to \$4,075 in 2016 (a 3.2% increase) (Figure 6.8).



FY	Total Agencies	Total Completed Investigations	Average Processing Days
2003	97	13,248	267
2012	119	10,226	187
2013	118	10,159	207
2014	112	11,269	196
2015	118	10,983	184
<b>2016</b>	<b>118</b>	<b>11,442</b>	<b>210</b>

Note. Dotted line represents a gap between fiscal year 2003 and 2011.

Figure 6. 7. Average Processing Days of all completed investigations, FY 2011-FY 2016 (B9)



FY	Total Completed Investigations	Total Cost	Average Cost
2003	13,248	\$37,221,230	\$2,715
2012	10,226	\$44,029,679	\$4,306
2013	10,159	\$42,621,532	\$4,189
2014	11,269	\$47,744,349	\$4,232
2015	10,983	\$43,355,343	\$3,948
<b>2016</b>	<b>11,442</b>	<b>\$46,621,870</b>	<b>\$4,075</b>

Figure 6. 8. Total and Average Cost of Completed Investigations, FY 2011-FY2016 (B9)

Table 6.8 displays the agencies with the highest rates of timely completed investigations by agency size. Among large agencies, the U.S. Postal Service and the Department of Commerce both timely completed 100% of their investigations, followed closely by the Department of Transportation at 99%. Rounding out the top five large agencies, the Department of State timely completed 93% of its investigations, followed by The Department of Labor at 81%. (See Appendix IX.)

Among medium agencies, the Securities and Exchange Commission, the Office of Personnel Management, and the Federal Deposit Insurance Corporation all timely completed 100% of their EEO investigations, followed by the General Services Administration at 98% and the Department of Defense Education Activity at 92%. A full listing of timely completed investigation rates for all agencies can be found in Appendix III, Table B7.



Table 6. 8. Top agencies for timely completed investigations\* (B7)

Agency or Department	Completed/ Ended Counselings (excluding remands)	Completed Investigations	Timely Completed Investigations	% Timely Investigations
<b>Large Agencies (15,000 or More Employees)</b>				
U.S. Postal Service	13,612	2,600	2,600	100.00 %
Department of Commerce	434	188	188	100.00 %
Department of Transportation	523	245	242	98.78 %
Department of State	375	152	142	93.42 %
Department of Labor	209	98	79	80.61%
<b>Medium Agencies (1,000 to 14,999 Employees)</b>				
Securities and Exchange Commission	62	24	24	100.00 %
Office of Personnel Management	65	30	30	100.00 %
Federal Deposit Insurance Corporation	63	34	34	100.00 %
General Services Administration	173	58	57	98.28%
Department of Defense Education Activity	133	68	53	92.06%

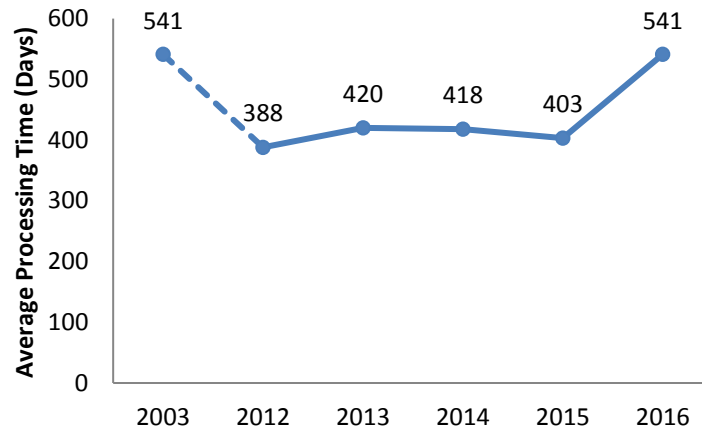
\*Agencies with 20 or more completed investigations

### **Formal Complaint Closures and Compliance**

**Formal Complaint Closures and Processing Time.** A formal complaint is considered “closed” when an agency has taken a final action on the complaint. Final agency actions include its final agency decisions (FADs) to dismiss an entire complaint, FADs at the conclusion of the investigation where the complainant did not request a hearing, or final orders after a decision from an EEOC AJ to either fully implement or reject and appeal the AJ’s decision.<sup>21</sup>

Figure 6.9 displays the total number of formal complaint closures (AJ Decisions and Final Agency Decisions) and the average processing days for FY 2016. The number of formal complaint closures were down slightly in 2016, from 13,412 in the previous year to 13,355. Average processing time for complaint closures increased between 2015 and 2016 by 138 days. A full list of the average processing days for complaint closures by agency can be found in Appendix III, Table B10.

<sup>21</sup> 29 C.F.R. § 1614.110. If the agency fails to issue a final action within 40 days of the AJ’s decision, it is deemed to have adopted the AJ’s decision. 29 C.F.R. § 1614.109(i).

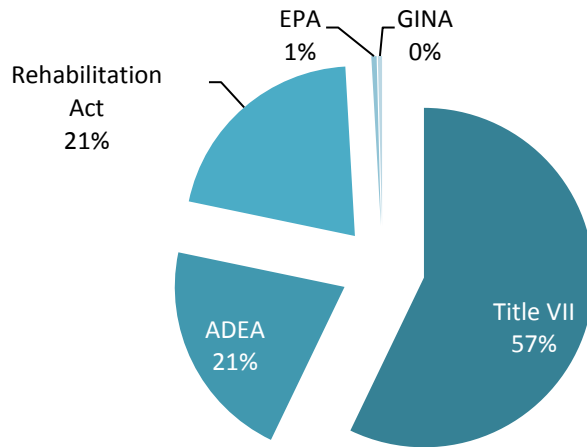


FY	Total Closures	Average Processing Time
2003	19,772	541
2012	15,706	388
2013	14,716	420
2014	13,375	418
2015	13,412	403
<b>2016</b>	<b>13,355</b>	<b>541</b>

Note. Dotted line represents a gap between fiscal year 2003 and 2011.

Figure 6. 9. Average Processing Days for all complaint closures, FY 2011-FY 2016 (B10)

**Complaint Closures by Statute.** Figure 6.10 displays the total complaint closures by statute for FY 2016.<sup>22</sup> Among all complaint closures, 57% were based on Title VII complaints, while the Rehabilitation Act and ADEA accounted for 21% each. EPA and GINA both accounted for less than 1% of all complaint closures each, consistent with their occurrence in complaints.

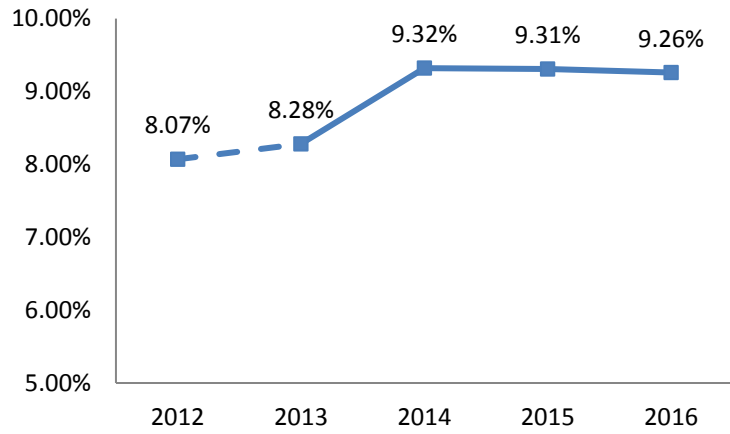


Total by Statute	Title VII	ADEA	Rehabilitation Act	EPA	GINA
19,966 (%)	11, 209 (56.1)	4,315 (21.6)	4,180 (20.9)	91 (.50)	79(.40)

Figure 6. 10. Complaint closures by statute, FY 2016 (B22)

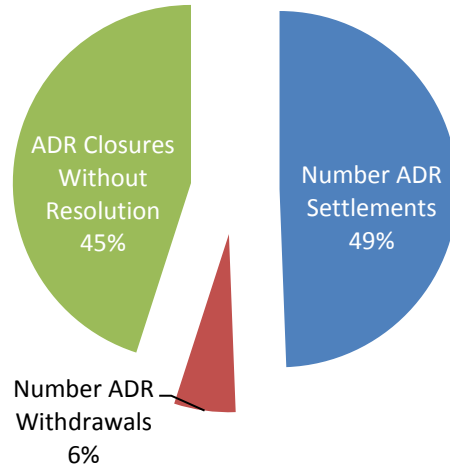
**ADR (Formal Complaint Stage).** Agencies also are encouraged to offer ADR to complainants after the formal complaint has been filed – not just in pre-complaint counseling. Of the 13,355 formal complaint closures in FY 2016, 9.3% were accepted into ADR during the formal complaint stage, consistent with the FY 2015 rate (Figure 6.11). Overall, 1,237 formal complaints accepted into ADR were closed during FY2016, up 2.5% from 2011. Among the 1,237 formal complaints closed as a result of ADR, approximately 50% were settled while another 5.6% resulted in a withdrawal (Figure 6.12).

<sup>22</sup> Total complaint closures by statute reported is higher than the total complaints filed due to individuals alleging multiple statutory bases within a single complaint.



FY	Total Complaint Closures	Number Complaint Closures Offered ADR	% Complaints Closures Offered ADR (Offer Rate)	Number Offers Rejected by Complainant	Number Complaint Closures Accepted / Participated in ADR Program	% Complaint Closures Accepted into ADR Program (Participation Rate)
2012	15,706	3,193	20.33%	1,924	1,268	8.07%
2013	14,716	2,765	18.79%	1,547	1,218	8.28%
2014	13,375	2,952	22.07%	1,705	1,247	9.32%
2015	13,412	2,782	20.74%	1,534	1,248	9.31%
<b>2016</b>	<b>13,355</b>	<b>3,043</b>	<b>22.79%</b>	<b>1,806</b>	<b>1,237</b>	<b>9.26%</b>

Figure 6. 11. ADR complaint closures acceptance/participation rate, FY 2011-FY 2016 (B19)

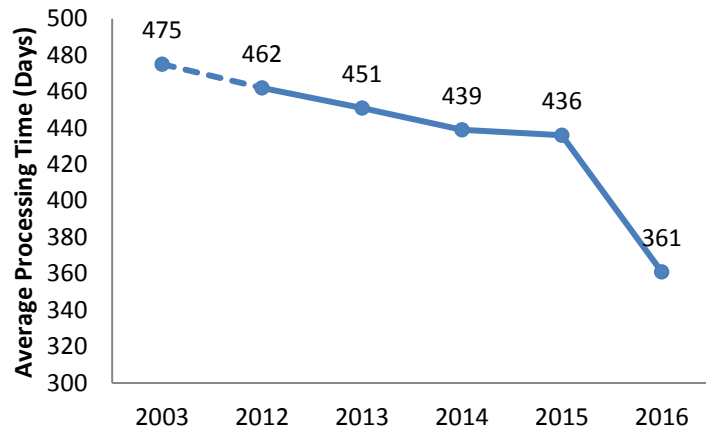


Number ADR Closures	Number ADR Settlements	% ADR Settlements	Number ADR Withdrawals	% ADR Withdrawals	Total Number ADR Resolutions	% ADR Resolutions (Resolution Rate)
1,237	611	49.4%	69	5.6%	680	55.0%

Figure 6. 12. ADR complaint resolutions by type (B20)

**Merit Decisions and Processing Time.** Merit final agency decisions are the decisions made by an agency regarding a formal discrimination complaint, excluding procedural dismissals. They include agency final orders to implement or reject and appeal an EEOC AJ's decision on the merits of a claim.

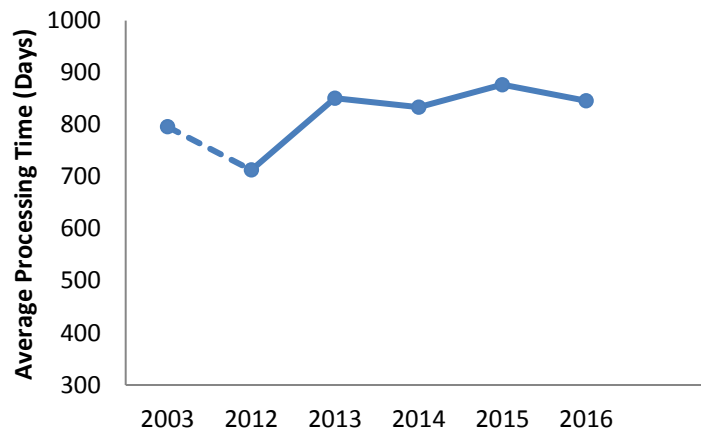
Figure 6.13 displays the total number of merit final agency decisions issued and the average processing days (APD) (from the day a complaint is filed to the day when the agency issues a final decision) for all merit final agency decisions for FY 2016. Merit FADs increased by 1% between 2015 and 2016. The APD for FADs was down from 436 days in 2015 to 361 days in 2016.



FY	Total Merit FAD Closures	Average Processing Time
2003	7,716	475
2012	4,118	462
2013	4,205	451
2014	3,858	439
2015	4,137	436
<b>2016</b>	<b>4,178</b>	<b>361</b>

Figure 6. 13. Average Processing Days for all final agency decisions, FY 2011-FY 2016 (B16, B17)

The number of final agency actions issued after an AJ decision also has decreased since 2015, from 1,872 in 2015 to 1,868 in 2016, down .21% (Figure 6.14). The average processing time for final orders after AJ decisions has generally increased since 2015, from 877 days to 1,372 days, up 56.44%. The total number of findings of discrimination among these FADs and final orders have decreased only slightly from FY 2015, from 168 to 159 (Table 6.9). Overall, the number of findings has decreased by 25% since 2011.



FY	Total Final Agency Actions w/AJ Decisions	Average Processing Time
2003	4,187	796
2012	2,640	713
2013	2,536	851
2014	2,382	834
2015	1,872	877
<b>2016</b>	<b>1,868</b>	<b>1,372</b>

Figure 6. 14. Average Processing Days for final orders fully implementing AJ decisions, FY 2011- FY 2016 (B15, B17)

Table 6. 9. Rate of findings of discrimination, FY 2011-FY 2016 (B15)

FY	Total Number Merit Complaint Closures	Total Findings	Number Merit Final Agency Decisions (FADs) (no AJ)	Number Merit FADs Finding Discrimination	Number Final Orders (FOs) of AJ Merit Decisions	Number FOs of AJ Merit Decisions Finding Discrimination
2011	7,426	212	4,428	52	2,998	160
2012	6,758	214	4,118	59	2,640	155
2013	6,741	184	4,205	76	2,536	108
2014	6,240	162	3,858	62	2,382	100
2015	6,009	168	4,137	60	1,872	108
<b>2016</b>	<b>6,046</b>	<b>159</b>	<b>4,178</b>	<b>71</b>	<b>1,868</b>	<b>88</b>

**Monetary Benefits Awarded (Formal Complaint Closures).** The chart below (Table 6.10) reveals the formal complaint closures with monetary benefits, governmentwide, with FY 2003 as a comparison year. The monetary benefits are categorized as followed; back pay/front pay, lump sum payments, compensatory damages, and, attorney's fees.

In FY 2016, the monetary benefits awarded during the complaint stage amount to over 68 million dollars, an 11% increase from FY 2015. Except for a dip in FY 2014, the total monetary benefits have steadily risen in the past five years.

Table 6. 10. Monetary benefits awarded during complaint process, FY 2011-FY 2016 (B21)

FY	Total Amount Back Pay / Front Pay	Total Amount Lump Sum Payments	Total Amount Compensatory Damages	Total Amount Attorney's Fees and Costs	Total Amount All Monetary Benefits
2003	\$4,313,643	\$15,120,528	\$11,559,078	\$9,335,676	\$40,328,926
2011	\$2,804,170	\$21,406,713	\$7,221,795	\$12,045,427	\$43,478,106
2012	\$2,870,182	\$25,606,421	\$8,774,558	\$14,192,169	\$51,443,329
2013	\$1,733,130	\$29,968,548	\$9,073,887	\$15,249,036	\$56,024,601
2014	\$2,441,350	\$23,171,795	\$7,819,306	\$11,447,634	\$44,880,089
2015	\$4,256,668	\$32,955,785	\$8,987,545	\$15,658,232	\$61,858,231
<b>2016</b>	<b>\$3,168,105</b>	<b>\$33,452,738</b>	<b>\$12,028,412</b>	<b>\$19,921,158</b>	<b>\$68,571,164</b>



## Part VII: Summary & Conclusions

On October 1, 2003, the Equal Employment Opportunity Commission issued Management Directive 715 (MD-715) to provide agencies with guidance and standards for effective equal employment opportunity (EEO) and affirmative action programs. The EEOC believed that this additional guidance, and its robust reporting requirements, would lead to improvements in equal employment opportunity indicators at federal agencies. The results of this report, which focused on the progress made since the issuance of MD-715 and the prevention of discrimination, provide support for this belief; however, there is more work to be done.

Data reveals that over 90% of reporting agencies evaluated managers and supervisors on their commitment to EEO, had readily accessible reasonable accommodations procedures, and over 88% had senior managers assist with barrier analysis. However, only 70% of agencies had the EEO director report directly to the agency or subcomponent head. Although this is an improvement over the previous year, this deficiency violates EEOC regulations (29 C.F.R. § 1614.102(b)(4)) and limits the effectiveness of the EEO directors. When the agency head is supportive of and actively engaged with the EEO program, this conveys to employees to take EEO seriously. Federal agencies should take steps to remedy this deficiency and demonstrate their intentions to prevent employment discrimination.

Regarding federal workforce composition, all race/national origin by gender groups, with the exception of Hispanics and Whites, continued to participate at rates above their representation in the 2010 CLF. Hispanics, Asians, and American Indians/Alaska Natives had increasing participation between 2003 and 2016, with Hispanic males approaching their CLF benchmark. Whites of both sexes, however, had decreasing participation rates; White men remained near their CLF participation rate, and White females' participation rate was about 9% below their CLF participation rate. The participation rates of African American/Blacks of both sexes remained relatively constant -- far above their CLF participation rates.

Federal agencies must do more than record agency-wide participation rates to be model employers; they also must identify and strive to remedy the root causes of unbalanced participation within occupations, offices, and grade levels. By 2016, the notably high participation rates of White males in higher GS grade levels and senior level pay positions was somewhat attenuated, but White males still held these privileged positions at rates far above their representation in the CLF and the governmentwide workforce.

However, most other RNO by sex groups for which we have 2003 data increased their participation in the higher GS grade (GS 12 through 15) and in senior level pay positions by 2016. The increase in higher GS grade participation was particularly notable for Black females, Asian females, and Hispanics/Latinos of both sexes. Within the senior level pay positions, Black females, Asian females, and American Indians/Alaska Natives of both sexes saw substantial participation increases. Despite these increases, most groups still hold these positions at rates lower than their overall GS participation rates. Training and development programs may help to remedy this issue.

For people with targeted disabilities, participation rates dropped in 2016 in comparison to 2003, leaving their presence in the federal government far below the FY 2016 2% benchmark for such workers. Notably, there was an increased participation rate of workers with psychiatric disabilities. Moreover, psychiatric disability was the most prevalent targeted disability in 2016. People with targeted disabilities also had lower participation rates in higher GS grades and senior level pay positions than they did in lower level positions. EEOC hopes that its work to amend regulations to implement Section 501 of the Rehabilitation Act of 1973

will reverse this trend and improve the participation rates of individuals with targeted disabilities.

Regarding complaints, further action is required to prevent reprisal and non-sexual harassment, which continue to be the top basis and issue in EEO complaint allegations. However, data shows positive trends in the decreasing total number of complaints since 2003 (20,226 in 2003 to 15,154 in 2016), and a smaller proportion of counselings resulting in formal complaints, which could reflect better pre-complaint processes. Similarly, the number of merit complaint closures resulting in findings of discrimination has decreased from 212 in 2011 to 159 in 2016.

Despite declines in complaints and findings, EEO conflicts are still costly for federal agencies. Pre-complaint resolutions that included monetary benefits resulted in an average award of \$3,972, down almost \$4,000 from the previous year. Moreover, in FY 2016, the total monetary benefits awarded during the complaint stage amounted to nearly \$68 million, up 11% from FY 2015. Almost half of that spending resulted from lump sum payments, which are often, but not always, associated with harassment. The average costs of investigations, however, rose from the previous year to \$4,075, an increase of 3.2%.

A review of efficiency in the federal sector pre-complaint and complaint processes leaves reason for optimism. In pre-complaints, ADR, which has a higher pre-complaint resolution success rate relative to traditional counseling, is widely offered (offer rate of 88.58%), and accepted most times when offered (54.7%). The efficiency of complaint closures has not improved as compared to 2015 with the average processing days for complaint closures rising by 34%, however the overall rate remains constant with the same processing time as in 2003. Despite a flattening effect, 2016 saw a reduction in the time for completion of intermediate steps: the average processing days for completed investigations has decreased by 21%, and the average processing days for final agency decisions has decreased by 24%.

With the information available in this report, EEOC looks to build on the gains in EEO in the federal government since the implementation of MD-715 in 2003. OFO and federal EEO programs will continue to work proactively to prevent employment discrimination through training, barrier analysis, and cooperating with agency leadership to promote positive workplace cultures. To address suspected discrimination that has already occurred, EEO staff and OFO will take individuals' concerns seriously, and work to process their claims efficiently. While further progress is imperative to eradicate employment discrimination in the Federal Government, the EEOC, in cooperation with its federal partners, will continue to work towards that goal.

## APPENDIX I. Glossary

**Administrative Support Workers** - See "Occupational Categories."

**Affirmation Rate** - The percentage of appeal closures that were affirmed by the EEOC.

**ADR Closures** - The number of counselings or complaints that completed the ADR process during the fiscal year.

**ADR Offer Rate** - The percentage of completed/ended counselings or the complaint closures that received an ADR offer.

**ADR Participation Rate** - The percentage of completed/ended counseling or the complaint closures where both parties agreed to participate in ADR.

**ADR Resolution Rate** - The percentage of ADR closures that were resolved by either settlement or withdrawal from the EEO process.

**Agency** - Military departments as defined in Section 102 of Title 5, U.S. Code and executive agencies as defined in Section 105 of Title 5, U.S. Code, the United States Postal Service, the Postal Regulatory Commission, the Tennessee Valley Authority, those units of the legislative and judicial branches of the Federal government having positions in the competitive service, the National Oceanic and Atmospheric Administration Commissioned Corps, the Government Printing Office and the Smithsonian Institution (including those with employees and applicants for employment who are paid from non-appropriated funds).

**Annual Reports** - Reports required to be submitted to EEOC on agencies' affirmative employment program accomplishments pursuant to EEOC Management Directive 715.

**Average Age of Open Pending Inventory** - Average number of days of all complaints, hearings or appeals which are not yet resolved at the end of the reporting period.

**Average Processing Time (APT)** - The total number of days divided by the number of investigations, complaint closures, hearing closures, or appeal closures.

**Central Personnel Data File (CPDF)** - This is a computer data file created and maintained by the OPM. The file is based on personnel action information submitted directly to the OPM by Executive Branch federal agency appointing offices and is updated monthly. Some Executive Branch agencies do not submit data to the CPDF including the following: the Tennessee Valley Authority, United States Postal Service, Army & Air Force Exchange Service, Central Intelligence Agency, Defense Intelligence Agency, National Geospatial-Intelligence Agency, and the National Security Agency.

**Civilian Labor Force (CLF)** - Data derived from the decennial census reflecting persons, 16 years of age or older who were employed or seeking employment, excluding those in the Armed Services. CLF data used in this report is based on the 2000 Census.

**Complainants** - Individuals, either employees or applicants, who filed a formal complaint against a federal agency during the fiscal year.

**Complaint Closures** - The number of complaints that were completed in the formal complaint process during the fiscal year.

**Complainant Rate** - The percentage of individuals in an agency's total workforce who filed a complaint.

**Complaints Filed** - The number of complaints that were filed against the federal government during the fiscal year.

**Completed/Ended Counselings** - The number of counselings which were concluded/closed, either by a written settlement agreement, a written withdrawal from the counseling process, the issuance of a notice of right to file a formal complaint, the forwarding of a counseling to an Administrative Judge when requested/ordered by the Administrative Judge, or the filing of a complaint after the regulatory counseling period has expired even though not all counseling duties have been performed during the fiscal year.

**Counseling Rate** - The percentage of individuals who completed counseling per the total workforce.

**Counselings Initiated** - The number of new counselings that began during the current fiscal year.

**Craft Workers** - See "Occupational Categories."

**Data from 2000 Census Special EEO File** - Data derived from the 2000 decennial census ([www.census.gov/eoo2000/](http://www.census.gov/eoo2000/)).

**Decision to File Complaint Pending** - The number of completed counselings in which (1) the agency did not receive a complaint, and (2) the 15-day period for filing a complaint had not expired at the end of the fiscal year.

**Disability** - A physical or mental impairment that substantially limits one or more major life activities.

**Dismissals** - An agency's final action on a complaint of discrimination which meets the criteria set forth in 29 C.F.R. § 1614.107(a).

**EEOC Form 462 Report** - The document in which federal agencies report their discrimination complaint process statistics by October 31<sup>st</sup> of each year.

**Federal Wage System Positions** - Positions OPM classifies as those whose primary duty involves the performance of physical work which requires a knowledge or experience of a trade, craft, or manual-labor work.

**Final Agency Actions** - An agency's final action on a complaint of discrimination, which includes a final agency decision, a final order implementing an EEOC Administrative Judge's decision or a final determination on a breach of settlement agreement claim.

**General Schedule Positions** - Positions OPM classifies as those whose primary duty requires knowledge or experience of an administrative, clerical, scientific, artistic, or technical nature.

**Investigations** - The number of agency reviews or inquiries into claims of discrimination raised in an EEO complaint, resulting in a report of investigation.

**Laborers and Helpers** - See "Occupational Categories."

**Lump Sum Payment** - A single payment made in a settlement which does not identify the portion of the amount paid for back pay, compensatory damages, attorney fees, etc.

**Major Occupations** - Agency occupations that are mission-related and heavily populated, relative to other occupations within the agency.

**Merit Decisions** - Decisions that determine whether discrimination was proven (issued by either a federal agency or an EEOC administrative judge).

**MD-110** - EEO Management Directive 110 provides policies, procedures, and guidance relating to the processing of employment discrimination complaints governed by the Commission's regulations in 29 CFR Part 1614.

**MD-715** - EEO Management Directive 715 describes program responsibilities and reporting requirements relating to agencies' EEO programs.

**MD-715 Report** - The document which agencies use to annually report the status of its activities undertaken pursuant to its EEO program under Title VII of the Civil Rights Act of 1964 and its activities undertaken pursuant to its affirmative action obligations under the Rehabilitation Act of 1973.

**Monetary Benefits** - A payment that an agency agreed to provide in a settlement agreement, a final agency decision finding discrimination, a final order agreeing to fully implement an EEOC Administrative Judge's decision containing a payment award, or in compliance with an Office of Federal Operations' appellate decision which ordered a payment award.

**No Complaint Filed** - Occurs when: (1) agency issues a Notice of Right to File Letter and does not receive a formal complaint within 15 days; or (2) the individual notifies the agency in writing that s/he is withdrawing from counseling.

**Occupational Categories** - The occupational categories for the EEO-9 are as follows:

- **Administrative Support Workers** - Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly non-manual though some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, collectors (bills and accounts), messengers and office helpers, office machine operators (including computer), shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, legal assistants, and kindred workers.
- **Craft Workers** - Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: the building trades, hourly paid supervisors and lead operators who are not members of management, mechanics and repairers, skilled machining

occupations, compositors and typesetters, electricians, engravers, painters (construction and maintenance), motion picture projectionists, pattern and model makers, stationary engineers, tailors, arts occupations, hand painters, coaters, bakers, decorating occupations, and kindred workers.

- **Laborers and Helpers** - Workers in manual occupations that generally require no special training who perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: garage laborers, car washers and greasers, grounds keepers and gardeners, farm workers, stevedores, wood choppers, laborers performing lifting, digging, mixing, loading and pulling operations, and kindred workers.
- **Officials and Managers** - Occupations requiring administrative and managerial personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual offices, programs, divisions or other units or special phases of an agency's operations. In the federal sector, this category is further broken down into four sub-categories: (1) Executive/Senior Level - includes those at the GS-15 grade or in the career Senior Executive Service, (2) Mid-Level - includes those at the GS-13 or 14 grade, (3) First-Level - includes those at or below the GS-12 grade and (4) Other - includes employees in a number of different occupations which are primarily business, financial and administrative in nature, and do not have supervisory or significant policy responsibilities, such as Administrative Officers.
- **Operatives** - Workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: apprentices (auto mechanics, plumbers, bricklayers, carpenters, electricians, machinists, mechanics, building trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, delivery workers, sewers and stitchers, dryers, furnace workers, heaters, laundry and dry cleaning operatives, milliners, mine operatives and laborers, motor operators, oilers and greasers (except auto), painters (manufactured articles), photographic process workers, truck and tractor drivers, knitting, looping, taping and weaving machine operators, welders and flame cutters, electrical and electronic equipment assemblers, butchers and meat cutters, inspectors, testers and graders, hand packers and packagers, and kindred workers.
- **Professionals** - Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background.
- **Technicians** - Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through two years of post-high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training.
- **Sales** - Occupations engaging wholly or primarily in direct selling.
- **Service Workers** - Workers in both protective and non-protective service occupations.

**Officials and Managers** - See "Occupational Categories."

**Operatives** - See "Occupational Categories."

**Other Pay System Positions** - Those positions in alternative pay plans based on performance, like pay-banding, and market-based pay systems that are not easily converted to General

Schedule and Related.

**Outreach** - Presentations and participation in meetings, conferences and seminars with employee and employer groups, professional associations, students, non-profit entities, community organizations and other members of the general public to provide general information about the EEOC, its mission, the employment discrimination laws enforced by EEOC and the complaint process.

**Participation Rate** - The extent to which members of a specific demographic group are represented in an agency's work force.

**Permanent Work Force** - Full-time, part-time and intermittent employees of a particular agency. For purposes of this Report, those persons employed as of September 30, 2011.

**Professionals** - See "Occupational Categories."

**Race/Ethnicity** -

- **American Indian or Alaska Native** - All persons having origins in any of the original peoples of North and South America (including Central America), and who maintain cultural identification through tribal affiliation or community recognition.
- **Asian** - All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- **Black or African American** (Not of Hispanic Origin) - All persons having origins in any of the Black racial groups of Africa.
- **Hispanic or Latino** - All persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- **Native Hawaiian or Other Pacific Islander** - All persons having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **White** (Not of Hispanic Origin) - All persons having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- **Persons of Two or More Races** - All persons who identify with two or more of the above race categories.

**Reportable Disability** - Any self-identified disability reported by an employee to the employing agency.

**Sales Workers** - See "Occupational Categories."

**Second Level Reporting Component** - A subordinate component of a Federal agency which has 1,000 or more employees and which is required to file EEOC FORM 715-01 with the EEOC. While many Federal agencies have subordinate components, not every subordinate component is a Second Level Reporting Component for purposes of filing EEOC FORM 715-01. A list of Federal agencies and departments covered by MD-715 and Second Level Reporting Components is posted on the EEOC's website at: [Department or Agency List with Second Level Reporting Components](#).

**Senior Pay Level Positions** - Positions which include the career Senior Executive Service, Executive Schedule, Senior Foreign Service, and other employees earning salaries above grade 15 in the General Schedule in leadership positions.

**Service workers** - See "Occupational Categories."

**Settlements** - Where an agency agrees to award monetary or non-monetary benefits to an individual who agreed either to not file a formal complaint or to withdraw a formal complaint.

**SLP** – Senior Level Pay. See “Senior Pay Level Positions.”

**Targeted Disabilities** - Those disabilities that the federal government, as a matter of policy, has identified for special emphasis. The targeted disabilities (and the codes that represent them on the Office of Personnel Management's Standard Form 256) are: hearing 18 (previously deafness (16 and 17)); vision 21 (previously blindness (23 and 25)); missing extremities 30 (previously 28 and 32 through 38); partial paralysis 69 (previously 64 through 68); complete paralysis 79 (previously 71 through 78); epilepsy 82 (previously convulsive disorders (82)); severe intellectual disability 90 (previously mental retardation (90)); psychiatric disability 91 (previously mental illness (91)); and dwarfism 92 (previously distortion of limb and/or spine (92))."

**Technicians** - See "Occupational Categories."

**Temporary Work Force** -Employees in positions established for a limited time period, usually for less than a year.

**Training** - The process of educating managers and employees on the laws enforced by EEOC and how to prevent and correct discrimination in the workplace and educating EEO professionals in carrying out the agency's equal opportunity responsibilities.

**Total Work Force** - All employees of an agency subject to 29 C.F.R. Part 1614 regulations, including temporary, seasonal and permanent employees. Total Work Force numbers in Part I, Sections A-D are as reported in the OPM's CPDF. Total Work Force numbers in Part I, Section E are as reported by agencies in their EEO Form 462 Reports.

**Withdrawals** - An election to end the EEO process during the formal complaint stage.



## APPENDIX II. Workforce (A) Tables

Available at [www.eeoc.gov/federalsectoreports](http://www.eeoc.gov/federalsectoreports).

**APPENDIX III. Complaint Processing (B) Tables**

Available at [www.eeoc.gov/federalsectoreports](http://www.eeoc.gov/federalsectoreports).

APPENDIX IV. Total Participation Across GS Pay Bands (Infographic)

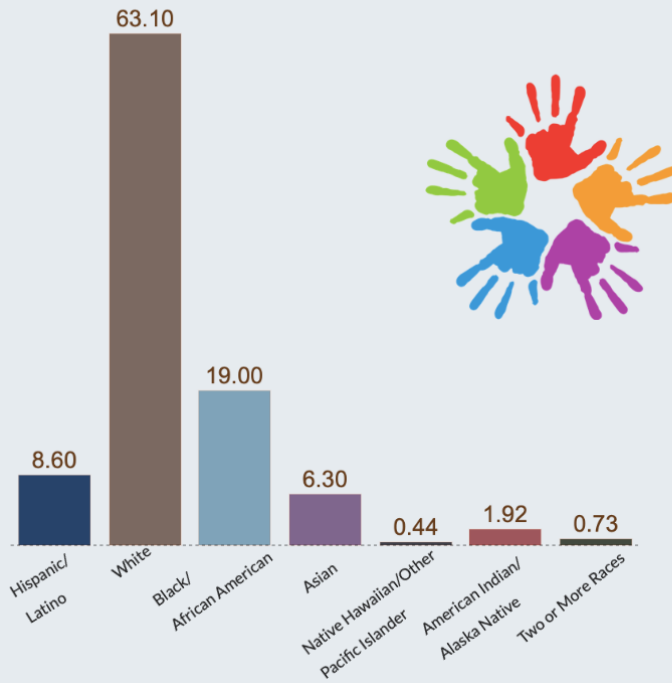
# PARTICIPATION WITHIN THE GS PAY SYSTEM

FY 2016



## RACE AND SEX (%)

## TOTAL EMPLOYMENT



**47.86%** (Total Females)



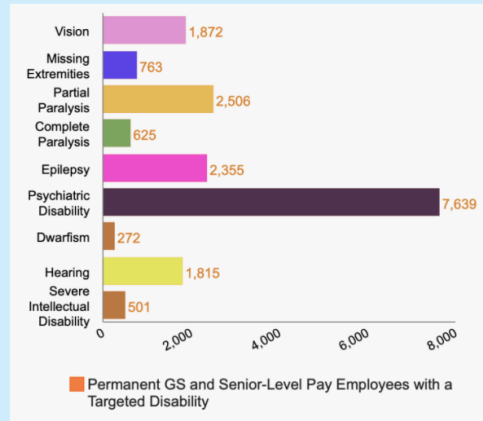
**52.14%** (Total Males)

SOURCE: Based on data from Table 5.1

**APPENDIX V. Top 5 Agencies for Participation of Individuals with Targeted Disabilities (Infographic)**



# GS and Senior-Level Pay Employees *with* Targeted Disabilities



**Total GS & Senior-Level Pay Workforce = 1,682,212**

Source: FY 2016 MD-715 reports submitted by federal agencies; includes permanent employees only.

# Complaint Allegations



## TOP 5 BASES

Of the 15,154 complaints filed in FY 2016, the basis most frequently alleged was reprisal/retaliation, followed by age and physical disability.

Reprisal/Retaliation  
7,676



Age  
4,980



Disability:  
Physical  
4,154



Race:  
Black/African-  
American  
3,990



Sex: Female  
3,909



Source: Table 6.6, Annual Report, FY 2016

## APPENDIX VIII. Top 5 Issues in Complaint Allegations (Infographic)



APPENDIX IX. Agencies with 100% Timely Completed Investigations (Infographic)

5

Agencies with 100% Timely-Completed Investigations\*

1



U.S. Postal Service  
2,600

2



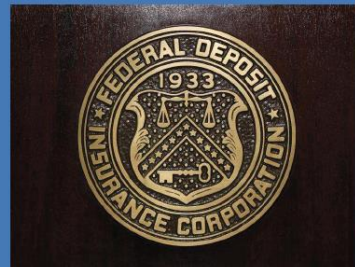
Department of Commerce  
188

3



Securities and Exchange  
Commission  
24

4



Federal Deposit Insurance  
Corporation  
34

5



Office of Personnel Management  
30

Source: : Table 6.8, Annual Report, FY 2016  
Note: Agencies refers to those with 20+ completed investigations.