

**No FEAR Act**  
**ANNUAL REPORT**  
**FISCAL YEAR 2023**

**U.S. Department of Agriculture**

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Office of the Secretary  
Washington, DC 20250

July 25, 2023

### USDA Equal Employment Opportunity Policy Statement

At the U.S. Department of Agriculture (USDA), we are recommitting ourselves to the values of diversity, equity, inclusion, accessibility, and equal opportunity for each other and those we serve. As Secretary, I am committed to working with leaders at all levels across the Department to intentionally build and advance a culture of belonging and excellence across USDA. It is USDA's mission to actively advance racial justice and equity for one another by rooting out systemic discrimination and inequities and strengthening civil rights programs while building trust within and outside the Department. This commitment is reflected in USDA's Strategic Plan 2022-2026, USDA's Equity Action Plan, and the USDA's Diversity, Equity, Inclusion and Access Strategic Plan for fiscal years 2022-2026.

As a Department, our core values of respect and dignity, equity and inclusion, trust and integrity, service and results, and science leadership serve as guiding principles, defining appropriate behaviors and expectations for all employees, and directing decision making throughout all levels of the organization.

No employee, former employee, or applicant for employment at the Department will be denied equal opportunity because of race, color, sex, national origin, religion, age, disability, pregnancy, sexual orientation, gender identity, genetic information, retaliation, or any other non-merit-based factor. This not only is the law; it is an essential component of the Department's mission and our responsibility to the public we serve.

All employees have the freedom to compete on a fair and level playing field with equal opportunity for available employment, advancement opportunities, and compensation. Equal employment opportunity covers all personnel/employment programs, management practices, and decisions, including recruitment, hiring, merit promotion, transfer, reassignments, training and career development, benefits, and separation. These civil rights principles are more than employees' rights by law—they are core values at USDA.

USDA strives to become a leader in equal employment opportunity (EEO) and a model employer. All USDA applicants and employees have the right not only to be free from harassment and discrimination but also to raise an allegation of harassment or discrimination and not fear reprisal. Any form of workplace harassment or reprisal against anyone who engages in protected activity will not be tolerated. USDA's recently issued Anti-Harassment Program Departmental Regulation 4200-003, reinforces that Agencies are required to respond to, address, and correct any harassing conduct before it becomes severe or pervasive, and USDA will continue to process complaints of harassment, discrimination, and reprisal and provide robust EEO training to all employees.

Employees and managers will be held accountable for doing their part to ensure all USDA applicants, customers, constituents, and stakeholders are provided equal access to all opportunities, programs, and services available through USDA. Accordingly, all senior leaders, managers, and supervisors must act in a manner that is deserving of the public's trust and with the utmost integrity in everything we do as public servants, leading always by example, treating everyone with dignity and respect, and promoting an ethical, equitable, and inclusive culture. All employees must comply with EEO principles as we perform the Department's mission.

Sincerely,

A handwritten signature in blue ink, reading "Thomas J. Vilsack". The signature is written in a cursive style with a large, prominent "T" and "V".

Thomas J. Vilsack  
*Secretary*

An Equal Opportunity Employer

## **Annual Reporting Requirements**

The Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act), Public Law No. 107-174, Section 203, mandates that Federal Agencies provide an annual report with information relating to each agency's Equal Employment Opportunity (EEO) complaints activity for each fiscal year (FY). This report contains the:

- number of complaints filed with USDA alleging discrimination based on race, color, religion, national origin, sex, disability, genetics, age, reprisal, and violations of whistleblower protection laws;
- amount of money USDA has reimbursed to the Judgment Fund in accordance with the No FEAR Act;
- aggregate amount USDA has reimbursed to the Judgment Fund that is attributable to the payment of attorney's fees;
- USDA policies relating to disciplinary actions to be taken against employees who have violated anti-discrimination or whistleblower laws or engaged in prohibited personnel practices;
- number of employees USDA has disciplined for discrimination, retaliation, harassment, or prohibited personnel practices;
- number of cases in Federal Court arising under the anti-discrimination and whistleblower protection laws; and
- statistical data USDA is required to post on its public website.

In addition, the No FEAR Act requires USDA provide an analysis of the information submitted in the report, including: (1) an examination of trends; (2) causal analysis; (3) practical knowledge gained through experience; and (4) actions planned or taken to improve its complaint or civil rights programs and procedures. USDA is also required to report any ascertainable adjustments made in its budget attributed to compliance with the reimbursement requirement.

## Executive Summary

USDA's FY 2023 No FEAR Act Annual Report is the nineteenth report submitted pursuant to the No FEAR Act, Public Law No. 107-174, Section 203. The No FEAR Act Annual Report demonstrates key accomplishments for USDA during FY 2023 to reduce anti-discrimination and retaliation, increase accountability, emphasize training for managers in the management of a diverse workforce, encourage dispute resolution and employee communication skills. During FY 2023, USDA lessened its maximum telework posture and issued return to workplace guidance for all Senior Executives and Supervisory personnel.

As demonstrated in the report, key accomplishments in line with the requirements of the No FEAR Act and the Secretary of Agriculture's Civil Rights objectives, consist of the following:

- An increase of 44 EEO complaints filed in FY 2023 as compared to FY 2022. In addition, the number of filers increased by 39 in FY 2023 compared to the previous fiscal year. The increased whistleblower protection educational initiatives, which began in FY 2022 and continue in FY 2023, appear to have an on-going impact, resulting in a rise of whistleblower retaliation referrals to the Office of Special Counsel in FY 2023. However, in FY 2023, USDA experienced a decrease in reimbursement to the Judgment Fund, of which \$0.00 was identified as payment for attorney's fees.
- USDA will continue to enforce compliance with Federal anti-discrimination laws and whistleblower protection statutes through mandatory AgLearn training. In addition, it is USDA's policy to ensure appropriate disciplinary or corrective actions are taken when discrimination, retaliation, civil rights violations, harassment, bullying, or related misconduct occurs. A review of disciplinary actions taken against employees who violated Federal anti-discrimination laws and whistleblower protection statutes shows five (5) disciplinary actions (See Part III: Table 9 Administrative Disciplinary Actions) were taken against employees in FY 2023, compared to zero (0) in FY 2022.
- Reduced processing times in employment complaints of discrimination in FY 2023 and processed 275 formal complaints of discrimination at the intake stage for acceptance or dismissal determinations.
- Processed 63 requests for amendments and modifications and submitted 79 appeal packages (complaint files) to the Equal Employment Opportunity Commission's (EEOC), Office of Federal Operations with an average processing time of 19 days.
- Increased the number of USDA final agency actions by 4 percent, EEOC post hearings by 125 percent, EEOC without hearing by 64 percent, and a decrease of 15 percent in dismissals pending at the EEOC from FY 2022.
- Decreased the number of formal complaints that exceeded the 180-day investigation requirement from 15 in FY 2022 to 13 in FY 2023, this represents an 8 percent reduction.

In addition, during FY 2023 USDA, the Office of the Assistant Secretary for Civil Rights (OASCR), implemented the following initiatives:

- Submitted all Congressional and EEO reports timely, to include, the Affirmative Employment Program Plan for Minorities and Women, and Affirmative Action Plan for Individuals with Disabilities Accomplishment Report and Updates (EEOC MD-715):
  - No Fear Act Report to Congress;
  - 462 Report;
  - Age Act Report to Health and Human Service;
  - Report of Civil Rights Complaints, Resolutions and Actions (Farm Bill);
  - EEOC Technical Assistance Review; and
  - Elijah Cummings Anti-Discrimination Act 2020 (ECA) Compliance.
- Conducted 72 Civil Rights Impact Analysis reflective of reviews and analyses of policies, regulations, reorganizations, advisory committee establishments and renewals, or decisions whose implementation may have potential adverse impacts based on civil rights laws, regulations and/or USDA's policy on nondiscrimination in accordance with Departmental Regulation (DR) 4300-004, *Civil Rights Impact Analysis (CRIA)*.
- Developed the annual mandatory training for DR 4200-003, *Anti-Harassment Program*, which established USDA's Anti-Harassment Program on April 18, 2023, which was launched in FY 2024. The Departmental Manual (DM) 4200-003, *Anti-Harassment Procedure Manual* was issued on November 6, 2023.
- Achieved a 94 percent completion rate for No FEAR Act Training and exceeded the goal of 90 percent for FY 2024.
- Hosted 11 Departmental observances, engaging an estimated 19,000 employees. OASCR engaged an estimated 44 speakers, diversifying and enriching USDA observances with a broad range of perspectives. Additionally, Mission Areas, agencies, and staff offices hosted observances and events for their respective employees.
- Held monthly Civil Rights Directors meetings to engage Mission Area and agency Civil Rights professionals across USDA in initiatives aimed at proactive prevention, early resolution, barrier analyses/elimination and creating a diverse workplace free of bias, harassment, intimidation, and other untoward behaviors.
- Submitted timely Office of Inspector General (OIG) and General Accountability Office (GAO) monthly audit reports to the Office of the Chief Financial Officer (OCFO) closing 90 percent of open recommendations associated with OIG and GAO audits.
- Reviewed and revised the Standard Operating Procedures for Alternative Dispute Resolution (ADR), informal complaints, formal complaints, and post-closure complaints processing.
- Upgraded iComplaints to the Entilltrak-Equal Employment Opportunity (ETK-EEO) enterprise system for employment complaints.

- Increased the EEO staff by 114 percent and instituted a two-unit organizational structure to improve process efficiency along with revised Standard Operating Procedures for the Employment Directorate.
- Multiplied outreach to customers, to include introductory meetings or briefings with Department Administration and Staff Office employees and managers, and conflict complaint activity reporting to Mission Areas and Agency Civil Rights Directors.
- Published four (4) issues of the OASCR Times quarterly newsletter, a department-wide civil rights publication.

**PART I:  
USDA Formal EEO Complaints  
for  
Fiscal Years 2022 – 2023**



## **Section A— Number of Formal EEO Complaints and Number of Filers**

### **Introduction**

This section contains comparative information regarding the number of formal EEO complaints filed and the number of filers for FYs 2022 and 2023.

### **Summary of Data**

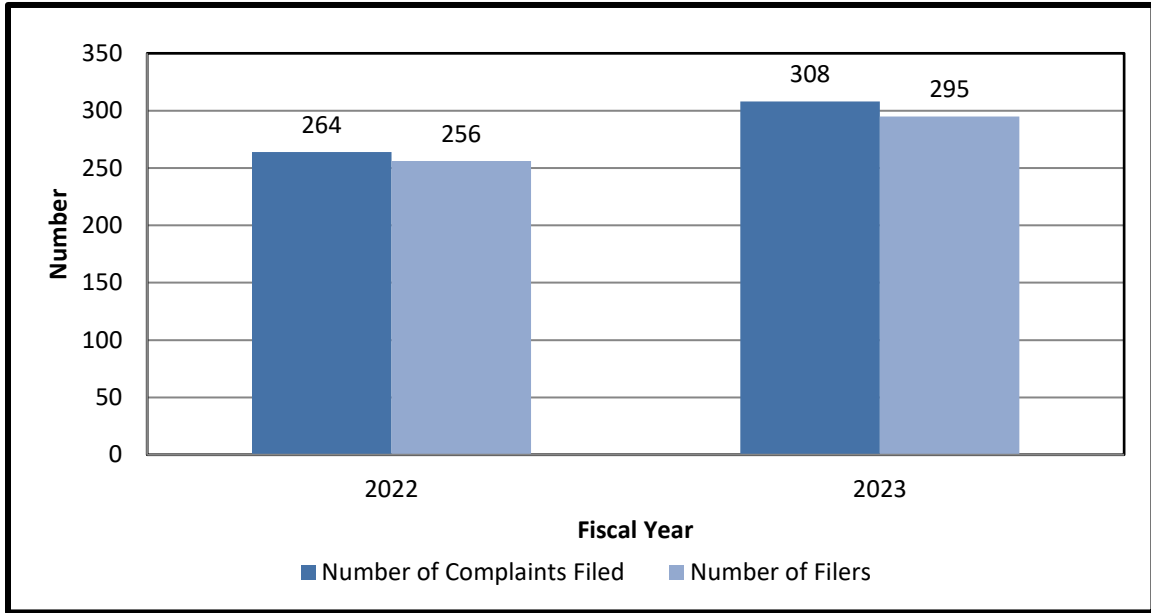
Table 1 below shows the number of formal EEO complaints filed with USDA by fiscal year and the number of individuals who filed complaints. Table 1 illustrates an increase in the number of complaints filed and the number of filers over the prior year (See Graph 1).

In FY 2023, 308 EEO complaints were filed, compared to 264 EEO complaints filed in FY 2022, which represents a 17 percent increase. Additionally, 295 complaints were filed in FY 2023 compared to 256 in FY 2022, which represents a 15 percent increase in the number of filers.

**Table 1**  
**Number of Formal EEO Complaints and Number of Filers at USDA**

<b>Fiscal Years</b>	<b>Number of Complaints Filed</b>	<b>Number of Filers</b>
2022	264	256
2023	308	295

**Graph 1**  
**Formal EEO Complaints and Filers at USDA**  
**FY 2022 and FY 2023 Comparison**



## **Section B—Most Frequently Cited Bases in Formal EEO Complaints at USDA**

### **Introduction**

This section contains information on the most frequently cited bases in formal EEO complaints for FY 2022 and 2023. The basis of the complaint is the protected characteristic the complainant alleges which forms the motivation for the discriminatory conduct. The bases protected by EEO statutes are race, color, religion, national origin, sex, disability, genetics, age, and retaliation (for participating in the EEO complaint process or for opposing practices made illegal under the EEO laws). A complaint brought under the *Equal Pay Act of 1963*, as amended, is a complaint based on sex.

### **Summary of Data**

Table 2 provides data on all bases alleged in formal EEO complaints filed with USDA. Of all the bases, the four (4) frequently cited in formal EEO complaints filed in FY 2023 were: (1) retaliation; (2) disability; (3) race; and (4) sex. In FY 2022, the four frequently cited bases were: (1) retaliation; (2) disability; (3) race and (4) sex. These four (4) bases are illustrated in Graph 2, which shows the two-year trend.

### **Complaints Alleging Retaliation**

Retaliation was the most frequently alleged basis in formal EEO complaints filed at USDA for both FY 2023 and FY 2022. In FY 2023, 175 complaints cited retaliation compared to 122 in FY 2022, a 43 percent increase in complaints alleging retaliation.

### **Complaints Alleging Disability Discrimination**

Disability was the second most frequently alleged basis in formal EEO complaints filed at USDA for FY 2023. In FY 2023, 131 complaints cited disability compared to 122 complaints in FY 2022, a 7 percent increase in complaints alleging disability as a basis. Of those 131 claims that cited disability as a basis, 54 raised issues of reasonable accommodations.

### **Complaints Alleging Race Discrimination**

Race was the third most frequently alleged basis in formal EEO complaints at USDA in FY 2023. In FY 2023, 125 complaints cited race compared to 86 complaints in FY 2022, a 45 percent increase in complaints alleging race.

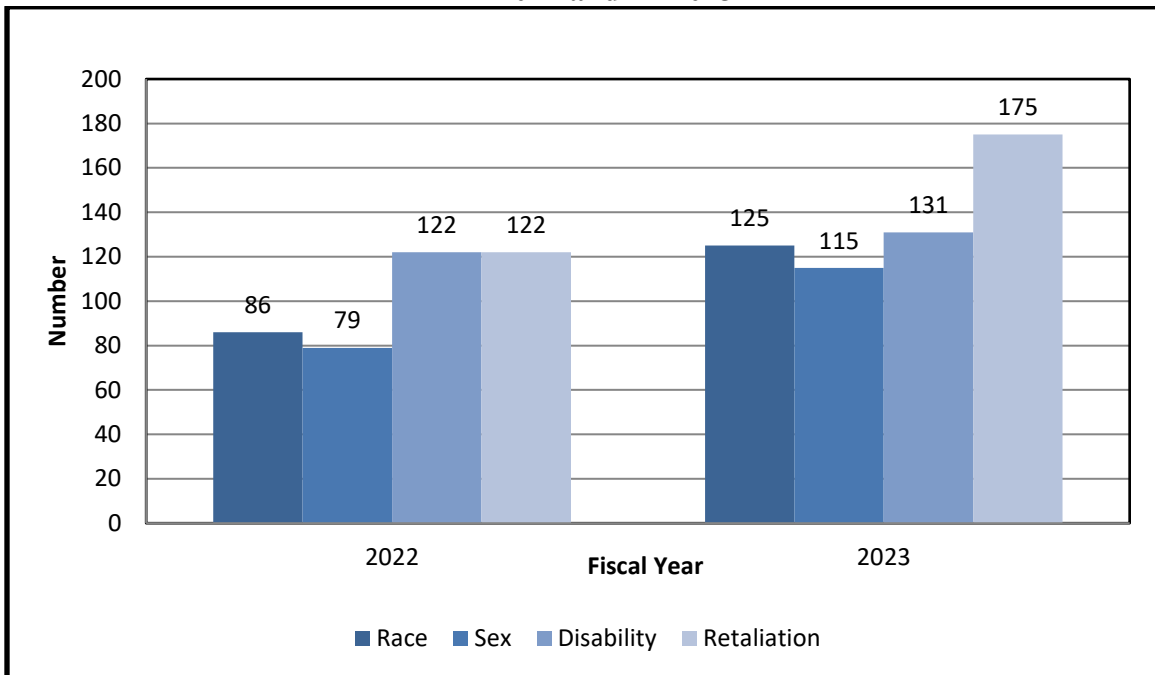
### **Complaints Alleging Sex Discrimination**

Sex was the fourth most frequently alleged basis in formal EEO complaints at USDA in FY 2023. In FY 2023, 115 complaints cited sex compared to 79 in FY 2022, a 46 percent increase in complaints alleging sex as a basis.

**Table 2**  
**Most Frequently Cited EEO Bases in Formal EEO Complaints at USDA**

Frequency of EEO Bases in Formal EEO Complaints									
Year	Race	Color	Religion	Sex	National Origin	Disability	Age	Retaliation	Other <sup>1</sup>
2022	86	35	35	79	20	122	69	122	21
2023	125	50	33	115	45	131	95	175	41

**Graph 2**  
**Most Frequently Cited EEO Bases**  
**FY2022 and FY2023**



<sup>1</sup> Other USDA protected bases include non-EEO. Additionally, the basis of sex includes gender identity and expression.

## **Section C—Most Frequently Cited Issues in Formal EEO Complaints at USDA**

### **Introduction**

This section contains information regarding the most frequently cited issues in formal EEO complaints for FY 2022 and FY 2023. The No FEAR Act requires Federal Agencies to post data regarding the nature of the issues raised in EEO complaints. The issue of an EEO complaint is the specific subject matter about which the individual is complaining or the alleged discriminatory incident for which the individual is seeking redress. Table 3 contains a list of issues raised most often in complaints. The “Other” category captures all issues not specifically listed.

### **Summary of Data**

Table 3 provides the most frequently cited issues in formal EEO complaints filed with USDA. The three (3) EEO issues most frequently cited in FY 2023 were: (1) Harassment; (2) Disciplinary Action and (3) Promotion/Non-Selection. In FY 2022, the three (3) EEO issues most frequently cited were: (1) Harassment; (2) Other (Religious Accommodation, Sex Stereotyping, Telework); and (3) Promotion/Non-Selection. Graph 3 shows the trends for these three (3) issues over the two-year reporting period.

In FY 2022 and 2023, harassment was the most frequently cited issue in formal EEO cases. Identifying the need to prevent workplace harassment in any form, including unwelcome, persistent, and unsolicited verbal, non-verbal, written, or physical conduct that is offensive and could change the terms and conditions of employment, USDA deployed its Anti-Harassment Program in FY 2023. As part of USDA’s Anti-Harassment Program, USDA published Departmental Regulation 4200-003 and mandated Mission Areas and agencies to hire Anti-Harassment Coordinators to process anti-harassment complaints. In FY 2023, 199 filings of EEO complaints cited harassment as an issue, compared to 133 in FY 2022, indicating a 50 percent increase. While a primary objective of USDA’s Anti-Harassment Program is to reduce the number of harassment complaints, including EEO cases, across the Department and lessen any harm to employees subjected to harassing or bullying conduct, USDA anticipates the increased awareness around workplace harassment may lead to increased complaints. In January 2024, USDA launched a mandatory Anti-Harassment training. As of March 2024, more than 69,000 USDA employees (49 percent) have completed the Anti-Harassment training.

Disciplinary Action<sup>2</sup> was the second most frequently cited issue in formal EEO cases in FY 2023. A total of 92 filings of complaints cited Disciplinary Action as an issue in FY 2023, compared to 48 in FY 2022, a 92 percent increase.

Promotion/Non-selection was the third most frequently cited issue in formal EEO cases in FY 2023. A total of 55 filings of complaints cited Promotion/Non-selection as an issue in FY 2023, compared to 48 in FY 2022, a 15 percent increase.

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<sup>2</sup> Disciplinary Action includes demotion, reprimand, suspension, removal and other.

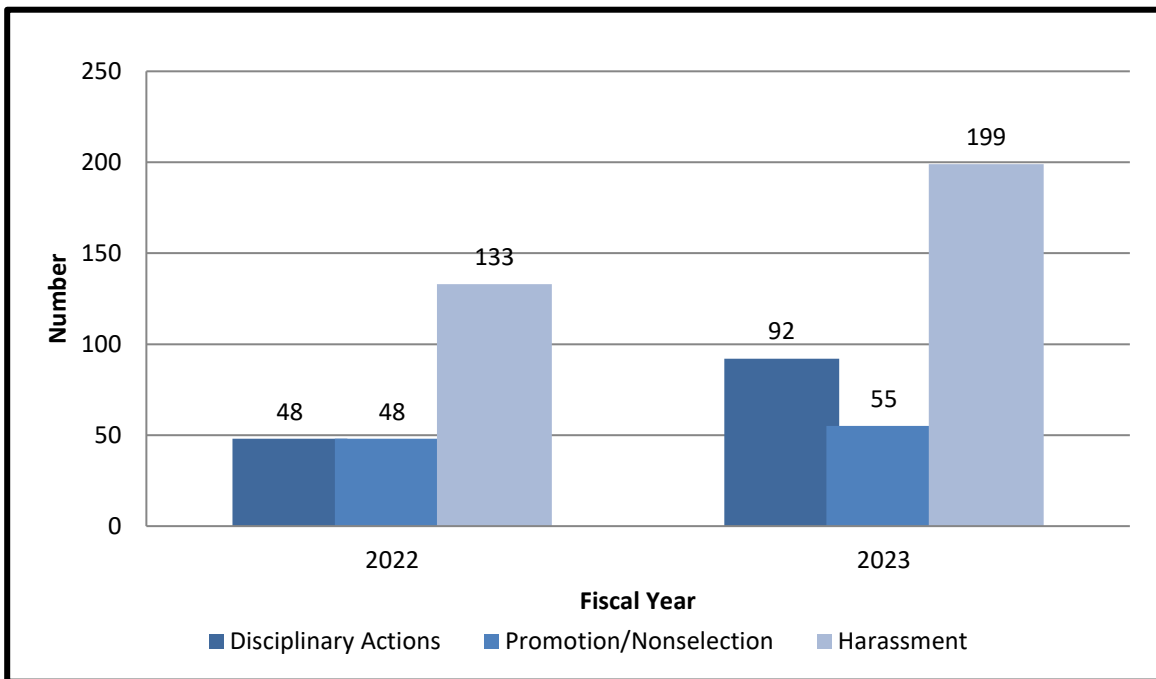
As USDA continues to increase recruitment and promotion (retention), USDA anticipates these hiring efforts may result in a direct correlation with increased promotion/non-selection EEO complaint filings.

**Table 3**

<b>EEO Issues in Formal EEO Complaints</b>																					
<b>Year</b>	<b>Appointment/Hire</b>	<b>Assignment of Duties</b>	<b>Awards</b>	<b>Conversions to Full Time</b>	<b>Disciplinary Action</b>	<b>Duty Hours</b>	<b>Performance Evaluation/Appraisal</b>	<b>Examination/Test</b>	<b>Harassment</b>	<b>Medical Examination</b>	<b>Pay/Overtime</b>	<b>Promotion /Non-Selection</b>	<b>Reassignment</b>	<b>Reasonable Accommodation Disability</b>	<b>Reinstatement</b>	<b>Retirement</b>	<b>Termination</b>	<b>Terms and Conditions of Employment</b>	<b>Time and Attendance</b>	<b>Training</b>	<b>*Other</b>
<b>2022</b>	11	11	4	0	48	0	26	0	133	1	4	48	7	32	0	0	24	0	13	9	56
<b>2023</b>	18	0	6	0	92	0	29	0	199	1	23	55	26	54	0	0	38	0	37	26	16

\*Other USDA protected issues include Religious Accommodation, Sex Stereotyping, Telework

**Graph 3**  
**Change in number of top three most frequently cited EEO Issues in Formal EEO Complaints from FY 2022 to FY 2023**



## Section D—EEO Processing Stages

### Introduction

This section contains data regarding selected stages and associated processing times for formal EEO complaints processed during FY 2022 and FY 2023. The formal EEO complaint process has various stages. Not all formal complaints complete all processing stages. These stages are: (1) Investigation (which includes Letter of Acceptance); (2) Final Agency Action with EEOC Hearing; (3) Final Agency Action without EEOC Hearing; and (4) Dismissal. Formal EEO complaints may be withdrawn or settled at any stage and may be dismissed at various stages.

### Summary of Data

The following is an analysis of data for the three (3) EEO processing stages. This section contains data on: (1) the average number of days for completion of each stage; (2) pending complaints at various stages of the EEO process; and (3) pending formal complaints exceeding the 180-day investigation requirement.

#### **(1) Average Number of Days for Completion of Selected EEO Stages**

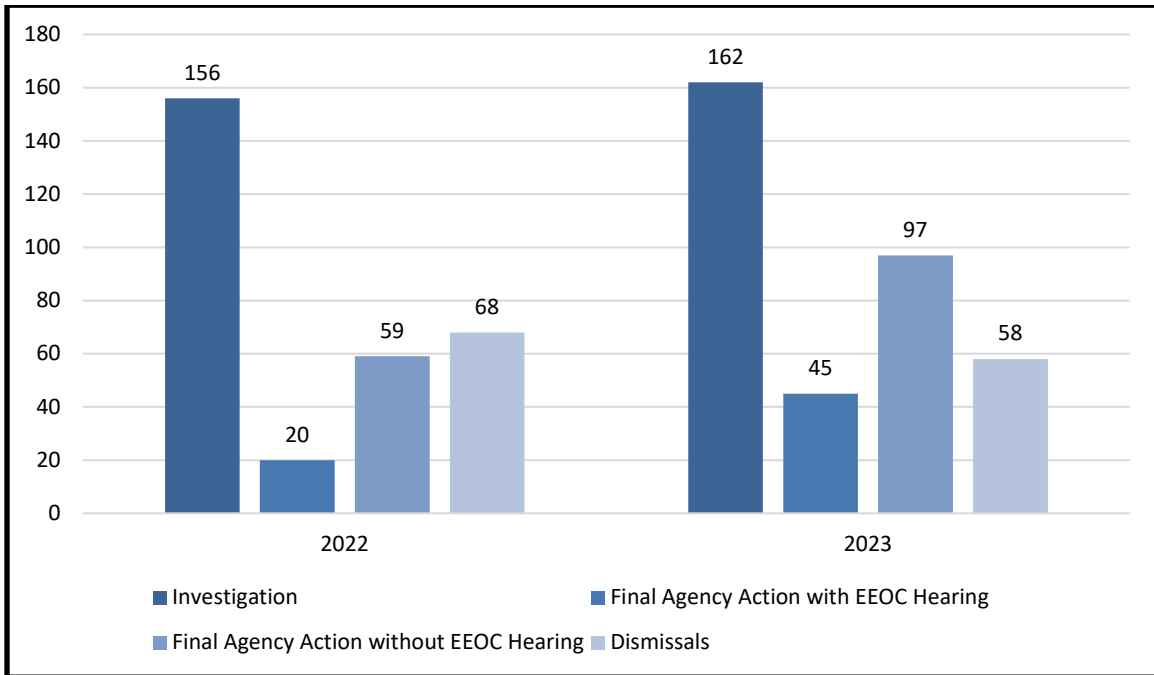
Table 4 below provides the average number of days for processing a formal EEO complaint at each stage. The data revealed an upward trend (as shown in Graph 4) in the average number of days in Investigation, Final Agency Action with EEOC hearing, and Final Agency Action without an EEOC hearing. However, the data revealed a downward trend in dismissals.

**Table 4**  
**Average Number of Days for Completion of Each EEO Stage**

<b>Year</b>	<b>Investigation (Includes accept/dismissal and investigation)</b>	<b>Final Agency Action Post-EEOC Decision</b>	<b>Final Agency Action without EEOC Hearing</b>	<b>Procedural Dismissals (pending prior to dismissal)</b>
<b>2022</b>	156	20	59	68
<b>2023</b>	162	45	97	58



**Graph 4  
The Number of Days for Completion of Each EEO Stage  
FY 2022 and FY 2023**



**(2) Pending Complaints at Various Stages**

Table 5 below illustrates the number of pending EEO complaints in FY 2022 and FY 2023 at each stage of the EEO process.

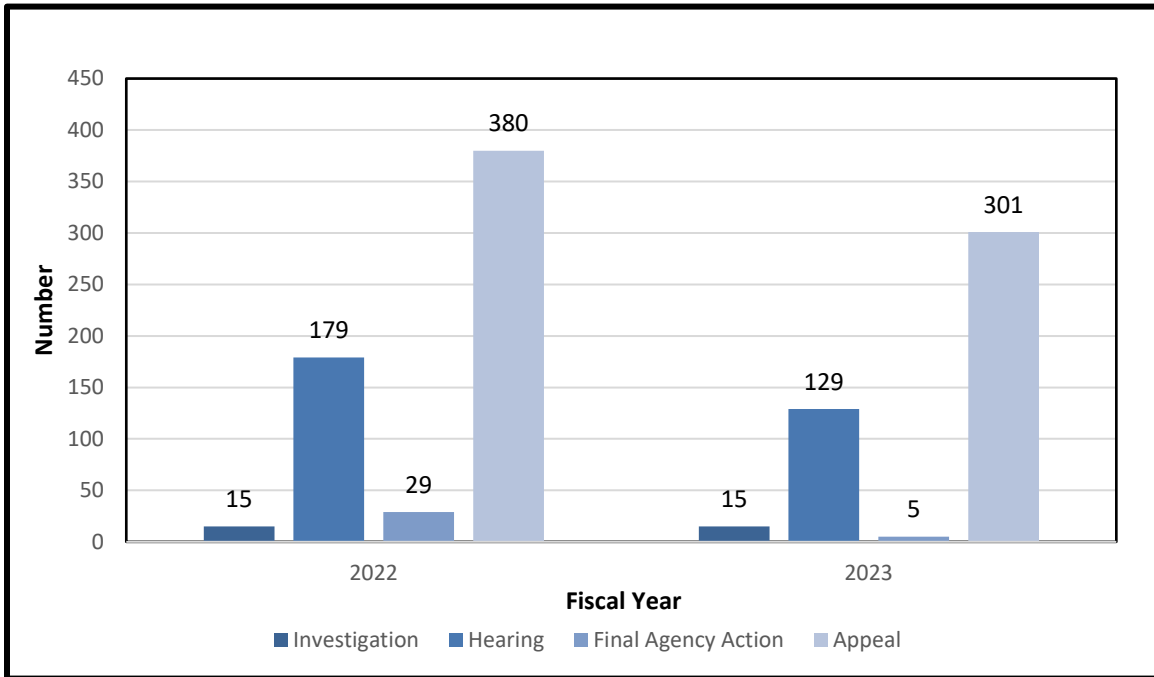
At the conclusion of each fiscal year, there was no change in the number of pending investigations. However, there was a decrease in the number of USDA final agency actions, EEOC hearings and the number of appeals pending at the EEOC from the number filed in FY 2022.

**Table 5  
Pending EEO Formal Complaints by Stage**

Fiscal Year	Investigation	Hearing	Final Agency Action	Appeal
2022	15	179	29	380
2023	15	129	5	301

Graph 5 shows a downward trend in pending complaints in the Investigation, Hearing stages, Final Agency Action, and Appeal stages for FY 2023.

**Graph 5  
Pending EEO Formal Complaints by Stage  
FY 2022 and FY 2023**



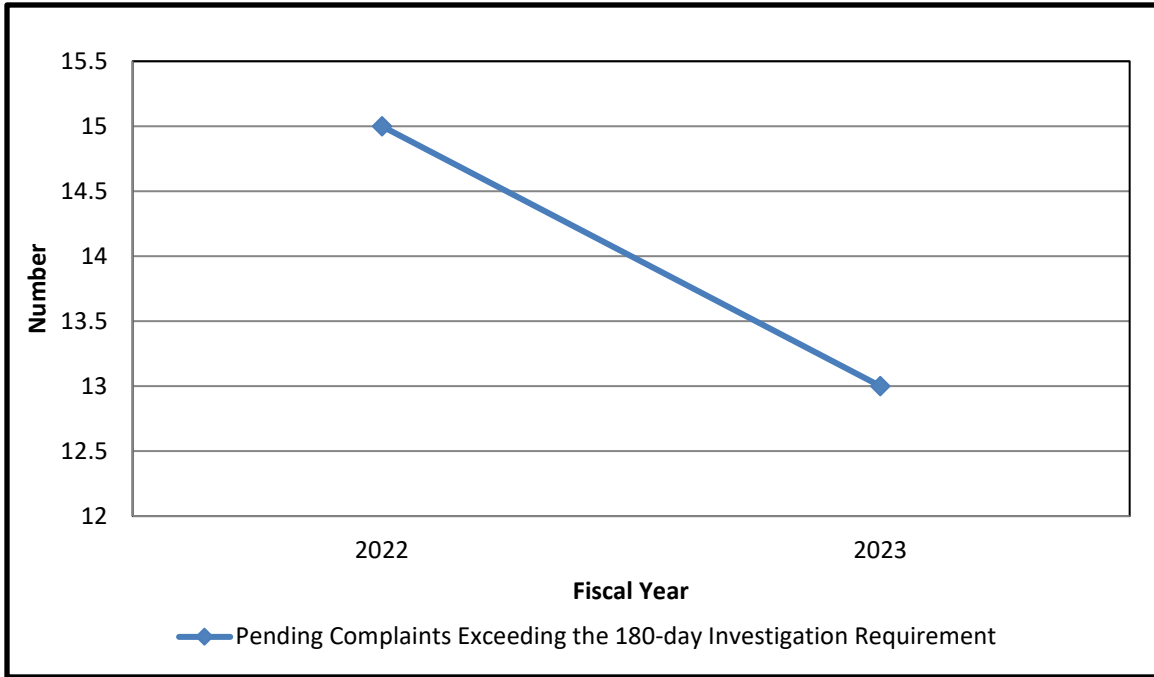
**(3) Pending Formal Complaints Exceeding the 180-Day Requirement for Investigations**

Table 6 and Graph 6 shows a downward trend in formal EEO complaints that exceeded the 180-day investigation requirement from FY 2022 to FY 2023.

**Table 6  
Formal EEO Complaints Exceeding the 180-Day Requirement for Investigations**

Fiscal Year	Number
2022	15
2023	13

**Graph 6**  
**Formal EEO Complaints Exceeding the 180-Day Requirement for Investigations**



## Section E—Final Agency Actions with a Finding of Discrimination

### Introduction

Final Agency Actions involving a finding of discrimination may be issued on the record or following an EEOC Administrative Hearing. The final actions involving a finding of discrimination may include complaints with a variety of bases and issues. The No FEAR Act requires Federal Agencies post the total number of final actions involving a finding of discrimination, along with the issues and bases for those complaints.

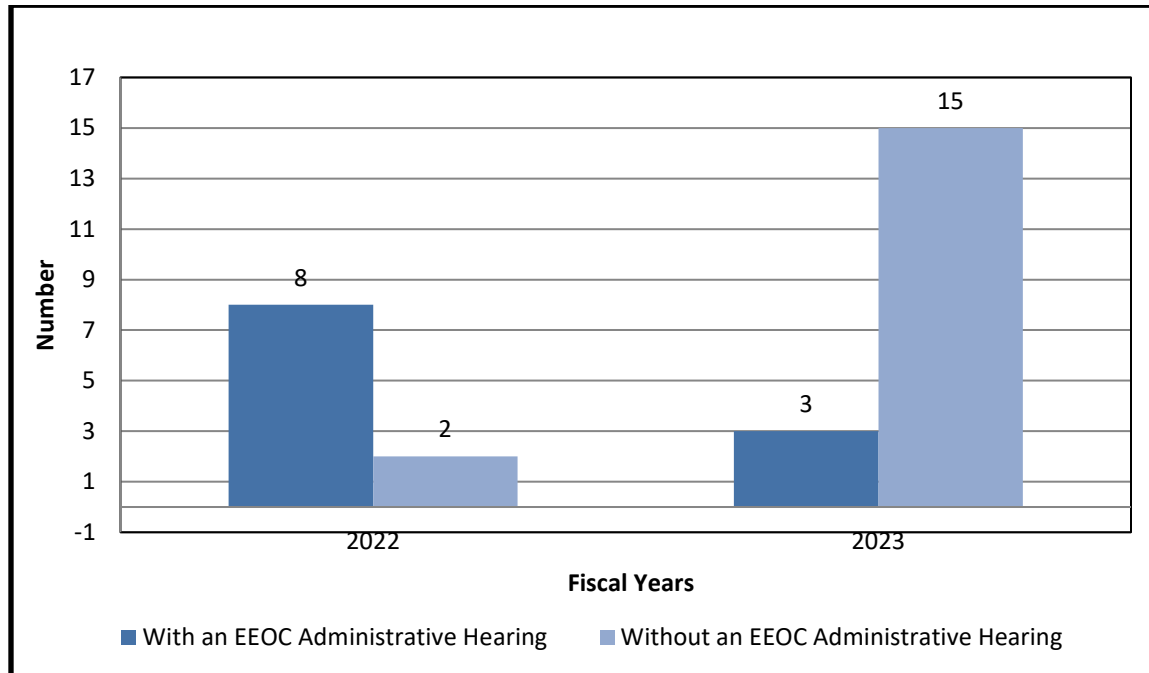
### Summary of Data

Table 7 and Graph 7 show that from FY 2022 to FY 2023, the number of findings of discrimination issued with an EEOC Administrative Hearing decreased by five (5), and the number of findings without an EEOC Administrative Hearing increased by 13 in FY 2023.

**Table 7**  
**Final Agency Actions with a Finding of Discrimination**

<b>Fiscal Year</b>	<b>With an EEOC Administrative Hearing</b>	<b>Without an EEOC Administrative Hearing</b>
2022	8	2
2023	3	15

**Graph 7  
Final Agency Actions with a Finding of Discrimination  
FY2022 and FY2023**



## Section F—Analysis, Experience, and Actions

### Introduction

The No FEAR Act requires: (1) an examination of trends; (2) a causal analysis; (3) practical knowledge gained through experience; and (4) any actions planned or taken to improve USDA’s complaint or civil rights programs. The prior sections (Sections A-E) provided an examination of trends. Described below are various observations related to the remaining three (3) areas:

#### **(1) Causal Analysis**

USDA and its sub-component agencies identified and reported in FY 2023 the following factors impacting the filing of formal EEO complaints.

- The Agricultural Research Service (ARS) reported a 19 percent decrease in the number of complaints filed in FY 2023. Specifically, 13 complaints were filed in FY 2023, compared to 16 in FY 2022. ARS attributes the decrease in number of complaints to the utilization of ADR, specifically its Cooperative Resolution Program services to proactively address workplace conflicts and complaints.
- The Agricultural Marketing Service (AMS) reported a 90 percent increase in the number of complaints filed in FY 2023. Specifically, 19 complaints were filed in FY 2023, compared to 10 in FY 2022. AMS attributes the increase to continuous Civil Rights (CR)

training and open and transparent dialogue about employee rights and supervisors' responsibilities has helped to elicit a culture of trust in the work environment.

- The Animal and Plant Health Inspection Service (APHIS) reported a 10 percent increase in the number of complaints filed in FY 2023. Specifically, 32 complaints were filed in FY 2023, compared to 29 in FY 2022. APHIS attributes the increase to multiple factors and states that while no identified single event appeared to be the source for the 10 percent increase from FY 2022 to FY 2023, reasonable accommodations may have affected the slight rise in complaint activity. The requirement for 50 percent of staff to return to the workplace for some employees resulted in an increase in reasonable accommodation requests due to worsening existing or new disabilities (physical/mental) post Coronavirus (COVID 19).
- The Office of the Assistant Secretary for Civil Rights, Conflict Complaints Division (CCD), which processes conflict cases<sup>3</sup>, reported a 15 percent increase in the number of complaints filed in FY 2023. Specifically, 45 complaints were filed in FY 2023, compared to 39 in FY 2022. CCD attributes the 15 percent increase in filings to three (3) repeat filers and complaints based on reprisal, race, sex, age, and disability.
- The Economic Research Service (ERS) reported no change in the number of complaints filed in FY 2023. Specifically, no complaints were filed in FY 2023 or FY 2022. ERS attributes the consistency of zero complaints to ERS' continuous emphasis on Civil Rights CR/EEO training sessions and the Civil Rights Program's proactive approach in resolving workplace disputes.
- The Foreign Agricultural Service (FAS) reported a 25 percent increase in the number of complaints filed in FY 2023. Specifically, five (5) complaints were filed in FY 2023, compared to four (4) in FY 2022. FAS attributes the 25 percent increase in filings based on reprisal, sex, and color.
- The Farm Production and Conservation (FPAC) – Business Center (BC) reported a 300 percent increase in the number of complaints filed in FY 2023. Specifically, four (4) complaints were filed in FY 2023, compared to one (1) in FY 2022. The BC attributes the increase in the number of complaints may be due to the continuous posting of discrimination notification of findings in facilities in the previous year. They also indicate that the increases also may be attributed to a decrease in participation within the Agency regarding CR and EEO training compared to previous years.
- The FPAC – Farm Service Agency (FSA) reported a 23 percent increase in the number of formal complaints in FY 2023. Specifically, 16 complaints were filed in FY 2023,

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<sup>3</sup> Conflict case(s) is an EEO complaint involving facts and/or allegations that are determined to pose an actual, perceived, and or potential conflict of interest between a Responsible Management Official or complainant's position or personal interest, and USDA's responsibility to administer a fair and impartial investigative process and resolution of complaints.

compared to 13 in FY 2022. FSA attributes the increase in the number of complaints to the posting of discrimination notification of findings in facilities in the previous year. They also say the increases also may be attributed to a decrease in participation within the Agency regarding CR and EEO training compared to previous years.

- The FPAC – Natural Resources Conservation Service (NRCS) reported a 14 percent decrease in the number of complaints filed in FY 2023. Specifically, 12 complaints were filed in FY 2023, compared to 14 in FY 2022. NRCS attributes the decrease in the complaints to FPAC’s extended updates to quarterly EEO training and education provided by the Civil Rights Training Branch, resulting to the decrease in number of filers in FY 2023.
- The FPAC – Risk Management Agency (RMA) reported no change in the number of complaints filed in FY 2023. Specifically, two (2) EEO complaints were filed in FY 2023, compared to two (2) EEO in FY 2022. RMA attributes the static number to updated quarterly EEO training and education provided by the Civil Rights Training Branch. Through quarterly training, RMA personnel have a better understanding of EEO and CR statutes covered under EEOC’s definition of discrimination.
- The Food Nutrition and Consumer Service (FNCS) reported a 200 percent increase in complaints filed. Specifically, 18 complaints were filed in FY 2023, compared to six (6) complaints in FY 2022. Of the 18 complaints filed in FY 2023, 14 complaints cited retaliation as the prohibitive action in their complaint, representing a 78 percent increase. FNCS’ Civil Rights Division (CRD) continued to offer supplemental online training sessions for managers and employees to help them understand EEO issues, responsibilities, and the process of filing EEO complaints. CRD also hosted several Diversity, Equity, Inclusion & Accessibility (DEIA) virtual “Let’s Break to Educate” sessions.
- The Forest Service (FS) reported a 14 percent increase in the number of complaints filed in FY 2023. Specifically, 67 complaints were filed in FY 2023, compared to 59 in FY 2022. FS attributes the upsurge in complaints filed, to the increase in the number of filers based on employees requesting reasonable accommodations and alleging discrimination based on reprisal and disability.
- The Food Safety and Inspection Service (FSIS) reported no variation in the number of complaints filed in FYs 2022 and 2023. Specifically, 41 complaints were filed in both FYs 2023 and 2022. FSIS attributes the lack of change in the number of formal complaints filed in FY 2022 and 2023 to the Agency’s robust ADR program; annual EEO and CR training and policy updates; routine Title VII employment compliance reviews; and the Agency’s stance on whistleblower protections and No FEAR.
- The National Agricultural Statistics Service (NASS) reported a 100 percent decrease in the number of formal complaints filed in FY 2023. Specifically, there were no complaints filed in FY 2023, compared to one (1) in FY 2022. NASS attributes the decrease in the

number of complaints to EEO training. In addition, the one (1) formal complaint in FY 2022 was filed by the same filer and resolved through mediation.

- The National Institute of Food and Agriculture (NIFA) reported no complaints filed in FYs 2023 and 2022. NIFA attributes the invariable number of complaints to CR training and ADR utilization.
- The Rural Development (RD) reported a 40 percent increase in the number of complaints filed in FY 2023. Specifically, 21 complaints were filed in FY 2023, compared to 15 in FY 2022. RD attributes the increase in the number of complaints to the current administration's stance on equity, racial justice, and diversity, inclusion, and accessibility, creating a safer environment for employees to raise their concerns and file complaints. Also, RD's synergy in leadership as a result of reorganization of the Enterprise Office, the official formation of the State Operations Office, and the back to the workplace initiative.
- The Office of the Chief Financial Officer (OCFO) reported no change in the number of complaints filed in FY 2023. Specifically, 10 complaints were filed in FY 2023, compared to 10 in FY 2022. OCFO attributes the consistency to the continued engagement of counselors resolving complaints at the lowest possible levels to minimize litigation or conflict escalation within the agency. Also, OCFO counselors' encouragement of participants to walk through difficult conversations using self-determinations toward amicable resolution.

## **(2) Experience Gained by USDA in the Processing of Formal EEO Complaints**

USDA, inclusive of all its Mission Areas, agencies, and staff offices, has learned the following lessons from its experience in processing and resolving formal EEO complaints by:

- coordinating a combination of CR/EEO training and proactive actions by management addressing alleged discriminatory behavior and practices within the work environment; assisted in the resolution of workplace disputes (and ultimately reduced the number of informal and formal complaints filed);
- facilitating open and transparent dialogue about employee rights and supervisors' responsibilities helped to elicit a culture of trust in the work environment;
- offering employees EEO training, supplemental training, and virtual "Let's Break to Educate" sessions. These sessions continue to provide an opportunity for the Agency to learn employee's interests and concerns regarding EEO issues and barriers to diversity and inclusion;
- facilitating early resolution of workplace disputes between employees and management to resolve matters at the lowest level possible;



- allowing maximum participation of employees to telework in combination with recurring EEO training presented by Office of General Counsel contributed to a decrease in the number of complaints filed and promoted a healthy, engaging employee workforce;
- educating employees and managers through various innovative programs, training, through one-on-one and group meetings provided insight on EEO and Civil Rights policies;
- on-going training helps supervisors ensure work environments remain free from disparate actions and harassing behaviors that result in complaints; and
- offering ADR to all employees who filed an informal complaint.

### **(3) Past and Future Actions by USDA Relating to EEO Complaints Processing**

USDA has taken several actions that have proven effective in improving its formal EEO complaint processing. These past actions include the following:

- Collaborating with Human Resources, presenting Civil Rights training through the agency’s quarterly “Fundamentals of Human Resources Management”;
- Allowing employees to telework combined with recurring EEO training;
- Sponsoring supplemental online and virtual training sessions for managers and employees on topics, such as, Neurodivergence, Reasonable Accommodations, Disability Discrimination, Harassment and Hostile Work Environment claims, Retaliation prevention, Unconscious Bias, New perspectives on Disability, Diversity, EEO Process, Sex Discrimination, Sexual Orientation, and Gender Identity Discrimination Prevention for awareness of the diversity of our environment and of barriers to inclusion;
- Using Agency’s ADR and Conflict Prevention and Resolution Programs as an effective method for employees and management to address non-EEO and EEO related complaints, particularly during the informal process;
- Hosting casual two-way engaging conversations between Senior Leaders and the workforce, providing resourceful information, identifying advantages and barriers to opportunities and resources that may contribute to systematic discriminatory treatment;
- Conducting EEO/CR/diversity training for all employees, supervisors, and managers to ensure their understanding, cooperation, and compliance with the EEO policy;
- Working closely with the agency’s Advisory Council to conduct focus groups on topics impacting employees, such as professional growth and development, satisfaction, engagement, innovative thoughts, as well as diversity and inclusion;
- Holding meetings with the Agency Head (or designee), Administrators, and State Directors to discuss complaint activity to strengthen communications, identify trends, and evaluate the possibility of early resolution to complaints; and

- Conducting Compliance Reviews and train State Office, Administrative Divisions, and Program Staff employees on the EEO Process and reviewing existing compliance review assessment tools to determine if new evaluation measures are required to assess the Agency's EEO Program more effectively.

USDA is also introducing new initiatives to reduce complaints in future years. USDA plans to take the following actions:

- Continue to provide refresher training to resolving officials incorporating Departmental Regulation 4300-010, “Civil Rights Accountability Policy and Procedures,” to ensure appropriate disciplinary or corrective actions are taken when discrimination, retaliation, civil rights violations, harassment, or related misconduct;
- Continue providing current compliance review findings to appropriate management officials, along with recommendations to proactively address matters to improve EEO programs;
- Continue CR training and open and transparent dialogue regarding employee rights and supervisors’ responsibilities to elicit a culture of trust in the work environment;
- Continue to collaborate with experts and external USDA trainers offering supplemental training sessions in FY 2024 with topics on Reasonable Accommodations, Retaliation, No FEAR Act, Harassment, and Hostile Work Environment claims as well as the DEIA Program “Let’s Break to Educate”;
- Continue to maximize training efforts to improve awareness of prohibited discriminatory practices outlined in DR 4120-001, *Annual Department Civil Rights Training*;
- Hold recurring interactive all-employee Town Hall meetings where employee feedback is actively solicited and new policy initiatives on recruitment, retention, benefits, and work life balance will be implemented and communicated to the workforce;
- Develop and implement improvements in all areas of the EEO arena focusing on recruitment, hiring, retention, development, and advancement for all employees; and
- Continue to provide EEO, human resources, and workforce diversity training to meet the challenges of a diverse workforce and use early prevention strategies such as mediation.

**PART II:**  
**USDA Reimbursement to**  
**Judgment Fund for**  
**Fiscal Year 2023**

## USDA Reimbursement to Judgment Fund for Fiscal Year 2023

### Introduction

Table 8 below provides information on reimbursements by USDA to the U.S. Department of Treasury’s Judgment Fund for monies associated with FY 2023 judgments, awards, or settlements under the statutes addressed in the No FEAR Act.

**Table 8**  
**USDA Reimbursement to Judgment Fund for FY 2022 and FY 2023 Settlements**

<b>USDA Reimbursement to Judgment Fund for FY 2022 and FY 2023 Settlements</b>				
<b>FY 2022</b>			<b>FY 2023</b>	
<b>Case</b>	<b>Total Amount</b>	<b>Attorney’s Fees</b>	<b>Total Amount</b>	<b>Attorney’s Fees</b>
<b>1</b>	\$650,000.00	-	\$99,000.00	-
<b>2</b>	\$400,000.00	-	\$85,207.00	-
<b>3</b>	\$225,000.00	-	\$40,000.00	-
<b>4</b>	\$200,000.00	\$115,000.00	\$25,000.00	-
<b>5</b>	\$52,500.00	-	\$15,000.00	-
<b>6</b>	\$50,000.00	\$5,000.00	\$2,500.00	-
<b>7</b>	\$40,000.00	-	-	-
<b>8</b>	\$37,000.00	-	-	-
<b>9</b>	\$10,000.00	-	-	-
<b>Total</b>	<b>\$1,664,500.00</b>	<b>\$120,000.00</b>	<b>\$266,707.00</b>	<b>\$0.00</b>

### Summary

In FY 2023, USDA reimbursed \$266,707.00 to the Judgment Fund, of which \$0.00 was identified as payment for attorney’s fees. This total amount spent in FY 2023 is down by \$1,397,793.00 reimbursed to the Judgment Fund, of which \$0.00 was for attorney’s fees.

**PART III:**  
**USDA Disciplinary Actions and Reports**  
**for Fiscal Years 2022 – 2023**

**USDA Disciplinary Actions and Reports for  
Fiscal Years 2022–2023**

**Summary of Data**

**PART 1:** Table 9 below contains the number of disciplinary actions taken against employees who were found to have committed prohibited acts of discrimination, retaliation, harassment, or prohibited personnel practices (including those acts discovered in conjunction with investigations of whistleblower protection or civil rights complaints).

**Table 9  
Administrative Disciplinary Actions<sup>4</sup>**

TYPE OF ACTION	FY 2022						FY 2023					
	DISC.	RET.	HAR.	PPP	WBP	TOTAL	DISC.	RET.	HAR.	PPP	WBP	TOTAL
REMOVAL	0	0	0	0	0	0	0	0	1	0	0	1
15 DAY OR MORE	0	0	0	0	0	0	0	0	0	0	0	0
14 DAY OR LESS	0	0	0	0	0	0	1	0	0	0	0	1
REDUCTION IN GRADE	0	0	0	0	0	0	0	0	0	0	0	0
REDUCTION IN PAY	0	0	0	0	0	0	0	0	0	0	0	0
LOR	0	0	0	0	0	0	2	1	0	0	0	3
TOTAL DISCIPLINE	0	0	0	0	0	0	3	1	1	0	0	5

**PART 2:** Table 10 below illustrates the number of complaints referred to the Office of Special Counsel (OSC) Whistleblower cases.

**Table 10  
Office Of Special Counsel (OSC) Cases**

CATEGORIES OF CASES	FY 2022	FY 2023	FY 2023 TOTAL
OSC Whistleblower Case	39	56	56
OSC Whistleblower Case Closed	0	0	0

\*Data Source: Office of Inspector General - The influx in FY 2023 whistleblower complaint referrals is attributed to the training and education efforts of the USDA Whistleblower Protection Coordinator on whistleblower retaliation and associated protections.

<sup>4</sup> Table Abbreviations: Disc. = Discrimination; Ret. = Retaliation; Har. = Harassment; PPP = Prohibited Personnel Practice; WBP = Whistleblower Protection Act; and LOR = Letter of Reprimand.

**PART IV:**  
**USDA Federal Court Litigation Statistics**  
**for Fiscal Year 2023**

Tables 11, 12, and 13 below provide composite data for cases in Federal Court pending or resolved in FY 2023 and arising under the anti-discrimination and whistleblower protection laws.

**Table 11  
Federal Cases Pending in FY 2023**

Pending District Court Cases	36
Pending Appellate Court Cases	1
New Cases Filed in District Court	23

Note: Cases pending at any time during the year, including those filed and those in pendency during the year.

**Table 12  
Pending Cases**

	<b>29 U.S.C. §206(d) Equal Pay</b>	<b>29 U.S.C. §631/633a Age</b>	<b>29 U.S.C. §2000ff-1 Genetic Info</b>	<b>29 U.S.C. §791 Disability</b>	<b>42 U.S.C. §2000e-16 Title V11</b>
Disposed of in FY 2023	25	0	4	2	12
Pending at End of FY 2023	29	0	7	1	19

**Table 13  
Disposition of Cases  
(Including Dismissals)**

	<b>29 U.S.C. §206(d) Equal Pay</b>	<b>29 U.S.C. §631/633a Age</b>	<b>29 U.S.C. §2000ff-1 Genetic Info</b>	<b>29 U.S.C. §791 Disability</b>	<b>42 U.S.C. §2000e-16 Title V11</b>
Settlements	2	2	0	4	7
Withdrawals	0	0	0	1	1
Final Judgment for Plaintiff	2	0	0	1	2
Final Judgment for Agency	0	2	0	5	14
<b>Total Cases Disposed of in FY 2023</b>	<b>25</b>				



## **NOTES ON CASES WITH MULTIPLE BASES ALLEGED**

1. Of the cases handled by the Office of General Counsel (OGC) involving the Federal Antidiscrimination Laws covered by the No FEAR Act, approximately **80.6 percent** of those cases involve claims of discrimination on multiple bases (e.g., Sex, Race) and/or under multiple statutes (e.g., Title VII, ADEA). **(50 of 62 total)**
2. Of the cases handled by OGC involving the Federal Antidiscrimination Laws covered by the No FEAR Act, approximately **50 percent** of those cases also included a claim of reprisal /retaliation. **(31 of 62 total)**

**Appendix**  
**Equal Employment Opportunity Data**  
**Posted Pursuant to the No FEAR Act**

## Equal Employment Opportunity Data Posted Pursuant to the No FEAR Act

FY 2023 for period ending September 30, 2023

Complaint Activity					
	2019	2020	2021	2022	2023
Number of Complaints Filed	436	394	342	264	308
Number of Complainants	414	381	323	256	295
Repeat Filers	18	11	17	8	13
Complaints by Basis <sup>6</sup>					
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2019	2020	2021	2022	2023
Race	195	170	142	86	125
Color	93	59	52	35	50
Religion	35	18	16	35	33
Reprisal	256	224	162	122	175

Sex	171	168	111	79	115
PDA	2	3	3	1	2
National Origin	58	46	41	20	45
Equal Pay Act	7	6	6	4	9

**Cases With Multiple Bases Alleged**

1. Of the cases handled by OGC involving the Federal Antidiscrimination Laws covered by the No FEAR Act, approximately 74.6 percent of those cases involve claims of discrimination on multiple bases (e.g., Sex, Race) and 5 under multiple statutes (e.g., Title VII, ADEA).
2. Of the cases handled by OGC involving the Federal Antidiscrimination Laws covered by the No FEAR Act, approximately 61 percent of those cases also included a claim of reprisal/retaliation.

Age	157	144	96	69	95
Disability	170	140	103	122	131
Genetics	3	3	2	5	5
Non-EEO	37	38	29	21	41
<b>Complaints by Issue</b>					
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i> <sup>5</sup>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>

<sup>5</sup> Starting in FY2022, issues marked with:

\* are reported under Other Terms / Conditions of Employment.

\*\* are reported under Other Disciplinary Actions.

The reporting of Reassignment Claims has been changed from two separate Denied and Directed rows to one combined row: the first row now accommodates both "Reassignment: Denied/Directed" and the second row has been deprecated for the current FY starting in FY2023.

Appointment/Hire	17	31	26	11	18
Assignment of Duties	72	58	34	11	0
Awards	8	7	7	4	6
Conversion to Full Time/Permanent Status	0	0	0	0	0
Demotion	1	4	0	1	1
Reprimand **	39	0	14	0	0
Suspension	33	0	19	15	19
Removal	32	29	7	9	17
Other **	3	5	0	23	55
Duty Hours	15	0	5	0	0
Performance Evaluation/Appraisal	89	0	44	26	29
Examination/Test	1	0	2	0	0
Non-Sexual	239	0	146	122	189
Sexual	6	0	5	11	10
Medical Examination	3	0	0	1	1

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\*\*\* Variances between the historical data presented herein and historical data presented in prior years' reports are due to "drift", *i.e.* the effect of processing which occurred between the time said reports were generated.

Pay, including Overtime	13	0	4	4	23
Promotion/Non-Selection	100	82	68	48	55

Reassignment					
Denied	17	8	11	4	9
Directed	39	16	19	3	17
Reasonable Accommodation Disability	75	56	35	32	54
Reinstatement	3	4	1	0	0
Religious Accommodation	1	2	1	52	7
Retirement	11	5	3	0	0
Sex-Stereotyping	0	0	0	0	0
Telework	20	14	2	4	9
Termination	27	24	28	24	38
Terms/Conditions of Employment	137	58	56	0	0
Time and Attendance	69	42	27	13	37
Training	30	17	19	9	26
Other Terms/Condition of Employment	0	0	0	94	100
User Defined - Other 1	1	2	4	0	0
User Defined - Other 2	0	0	1	0	0
User Defined - Other 3	0	0	0	0	0
User Defined - Other 4	0	0	0	0	0

<b>Processing Time</b>					
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Average Number of Days in Investigation	199.49	207.27	157.95	156.07	161.77
Average Number of Days in Final Action	40.62	32.40	35.83	34.18	67.64
Average Number of Days in Investigation	208.32	216.45	166.19	170.42	155.84
Average Number of Days in Final Action	29.15	25.95	18.22	19.54	45.28
Average Number of Days in Investigation	189.30	190.26	149.99	144.37	169.25
Average Number of Days in Final Action	55.94	40.90	53.54	58.59	96.80

<b>Complaints Dismissed by Agency</b>					
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Total Complaints Dismissed by Agency	51	46	22	37	37
Average Days Pending Prior to Dismissal	66	40	53	68	57.73
Total Complaints Withdrawn by Complainants	37	46	18	19	18

Total Final Agency Actions Finding Discrimination										
	2019		2020		2021		2022		2023	
	#	%	#	%	#	%	#	%	#	%
Total Number Findings	3		10		1		10		19	
Without Hearing	1	33	3	30	0	0	2	20	15	83
With Hearing	2	67	7	70	1	100	8	80	3	17

	2019		2020		2021		2022		2023	
	#	%	#	%	#	%	#	%	#	%
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>										
Total Number Findings	3		10		1		10		19	
Race	1	33	2	20	0	0	2	20	6	32
Color	1	33	1	10	0	0	2	20	1	5
Religion	0	0	0	0	0	0	0	0	1	5
Reprisal	2	67	6	60	1	100	8	80	1	33
Sex	1	33	5	50	0	0	4	40	4	21
PDA	0	0	0	0	0	0	0	0	0	0



National Origin	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	1	5
Age	0	0	0	0	0	0	2	20	4	21
Disability	2	67	2	20	1	100	4	40	8	42
Genetics	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	1	10	0	0	0	0	1	5
<b>Findings After Hearing</b>	2		7		1		8		3	
Race	0	0	2	29	0	0	2	25	2	67
Color	0	0	1	14	0	0	1	13	0	0
Religion	0	50	0	0	0	0	0	0	0	0
Reprisal	0	1	5	71	1	100	6	75	1	33

Sex	0	0	5	71			2	25	0	0
PDA	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0
Age	0	50	0	0	0	0	2	25	2	67
Disability	1	0	1	0	1	100	3	38	1	33
Genetics	0	0	0	0	0	0	0	0	0	0

Non-EEO	0	0	0	0		0	0	0	0	0	0
<b>Findings Without Hearing</b>	1		3			2				16	
Race	1	100	0	0		0	0	0	0	4	25
Color	1	100	0	0		0	0	1	50	1	6
Religion	0	0	0	0		0	0	0	0	1	6
Reprisal	1	100	1	33		0	0	2	100	4	25
Sex	1	100	0	0		0	0	2	100	4	25
PDA	0	0	0	0		0	0	0	0	0	0
National Origin	0	0	0	0		0	0	0	0	0	0
Equal Pay Act	0	0	0	0		0	0	0	0	1	6
Age	0	0	0	0		0	0	0	0	2	13
Disability	1	100	2	67		0	0	1	50	7	44
Genetics	0	0	0	0		0	0	0	0	0	0
Non-EEO	0	0	0	0		0	0	0	0	1	6

**Findings of Discrimination  
Rendered by Issue**

	2019		2020		2021		2022		2023	
<b>Total Number Findings</b>	3		10		1		0			

Appointment/Hire	0	0	0	0	0	0	0	0	0	0
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Assignment of Duties	0	0	3	30	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/ Permanent Status	0	0	0	0	0	0	0	0	0	0
Demotion	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	1	10	0	0	0	0	0	0
Suspension	1	33	0	0	0	0	0	0	0	0
Removal	1	33	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	1	10	0	0	0	0	0	0
Performance Evaluation/ Appraisal	1	33	2	20	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0
Non-Sexual	3	100	5	50	1	100	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0
Pay Including Overtime	1	33	1	10	0	0	0	0	0	0
Promotion/Non-Selection	0	0	1	10	0	0	0	0	0	0
Denied	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0

Reasonable Accommodation Disability	2	67	0	0	1	100	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0	0	0	0	0
Telework	0	0	1	10	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	3	30	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0
Training	0	0	1	10	0	0	0	0	0	0
User Defined - Other 1	0	0	0	0	0	0	0	0	0	0
User Defined - Other 2	0	0	0	0	0	0	0	0	0	0
User Defined - Other 3	0	0	0	0	0	0	0	0	0	0
User Defined - Other 4	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	1		2		7		0		0	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	2	29	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0

Conversion to Full Time/Perm Status	0	0	0	0	0	0	0	0	0	0
Demotion	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	1	14	0	0	0	0	0	0
Suspension	1	50	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	1	14	0	0	0	0	0	0
Performance Evaluation/ Appraisal	1	50	2	20	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0
Non-Sexual	2	100	4	57	1	100	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0
Pay Including Overtime	1	50	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	1	14	0	0	0	0	0	0
Denied	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation Disability	1	50	0	0	1	100	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0

Religious Accommodation	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0	0	0	0	0
Telework	0	0	1	14	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	2	29	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0
Training	0	0	1	14	0	0	0	0	0	0
User Defined - Other 1	0	0	0	0	0	0	0	0	0	0
User Defined - Other 2	0	0	0	0	0	0	0	0	0	0
User Defined - Other 3	0	0	0	0	0	0	0	0	0	0
User Defined - Other 4	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	1		3		0		0		0	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	1	33	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time	0	0	0	0	0	0	0	0	0	0
Permanent Status	0	0	0	0	0	0	0	0	0	0

Demotion	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0
Suspension	1	100	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0
Performance Evaluation/ Appraisal	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0
Non-Sexual	1	100	1	33	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0
Pay Including Overtime	0	0	1	33	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0
Denied	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation Disability	1	100	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0	0	0	0	0

Retirement	0	0	0	0	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0	0	0	0	0
Telework	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	1	33	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0

Training	0	0	0	0	0	0	0	0	0	0
User Defined - Other 1	0	0	0	0	0	0	0	0	0	0
User Defined - Other 2	0	0	0	0	0	0	0	0	0	0
User Defined - Other 3	0	0	0	0	0	0	0	0	0	0
User Defined - Other 4	0	0	0	0	0	0	0	0	0	0



<b>Pending Complaints Filed in Previous Fiscal Years by Status</b>					
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Total Complaints from Previous Fiscal Years	461	369	324	212	170
Total Complainants	406	328	285	181	145
Investigation	18	18	18	15	15
ROI Issued, Pending Complainant's Action	1	0	1	0	0
Hearing	419	330	303	179	129
Final Agency Action	33	30	16	29	5
Appeal with EEOC Office of Federal Operations	274	351	298	380	301

<b>Complaint Investigations</b>					
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Pending Complaints Where Investigations Exceed Required Time Frames	17	17	14	15	13