



Notification and Federal Employee Anti-Discrimination and Retaliation Act of 2002 Annual Report for Fiscal Year 2016

May 9, 2017



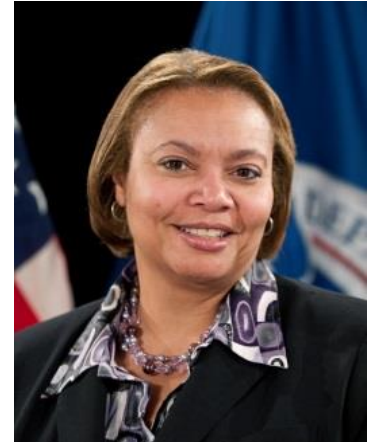
Homeland
Security

*Civil Rights and Civil
Liberties*

MESSAGE FROM THE ACTING OFFICER FOR CIVIL RIGHTS AND CIVIL LIBERTIES

May 9, 2017

I am pleased to present the U.S. Department of Homeland Security's (Department's) "Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002" (No FEAR Act) Annual Report for Fiscal Year (FY) 2016.



The No FEAR Act, Public Law 107-174, requires that federal agencies be publicly accountable for violations of anti-discrimination and whistleblower protection laws. Federal agencies must post quarterly and annual statistical data relating to federal sector Equal Employment Opportunity (EEO) complaints on its public website, reimburse the Judgment Fund for payments made, and notify employees and applicants for employment about their rights under the federal anti-discrimination and whistleblower laws.

This report summarizes the most significant accomplishments within the Department's EEO program in implementing the No FEAR Act, focusing principally on EEO complaint processing. It evidences the Department's strong commitment to abide by merit systems principles, provide protection from prohibited personnel practices, and promote accountability on the part of its leadership.

Pursuant to Section 203 of the No FEAR Act, this report is being provided to the following Members of Congress:

The Honorable Orrin Hatch
President Pro Tempore, U.S. Senate

The Honorable Ron Johnson
Chairman, U.S. Senate Committee on Homeland Security and Governmental Affairs

The Honorable Claire McCaskill
Ranking Member, U.S. Senate Committee on Homeland Security and Governmental Affairs

The Honorable Charles Grassley
Chairman, U.S. Senate Committee on the Judiciary

The Honorable Dianne Feinstein
Ranking Member, U.S. Senate Committee on the Judiciary

The Honorable Paul D. Ryan
Speaker of the House, U.S. House of Representatives

The Honorable Michael McCaul

Chairman, U.S. House of Representatives Committee on Homeland Security

The Honorable Bennie G. Thompson

Ranking Member, U.S. House of Representatives Committee on Homeland Security

The Honorable Bob Goodlatte

Chairman, U.S. House of Representatives Committee on the Judiciary

The Honorable John Conyers, Jr.

Ranking Member, U.S. House of Representatives Committee on the Judiciary

The Honorable Jason Chaffetz

Chairman, U.S. House of Representatives Committee on Oversight and Government Reform

The Honorable Elijah E. Cummings

Ranking Member, U.S. House of Representatives Committee on Oversight and Government Reform

Pursuant to the No FEAR Act, the report is also being provided to the Chair of the U.S. Equal Employment Opportunity Commission (EEOC), the Attorney General of the U.S. Department of Justice (USDOJ), and the Director of the U.S. Office of Personnel Management (OPM).

The Department's Office for Civil Rights and Civil Liberties (CRCL) supports the Department's mission to secure the Nation while preserving individual liberty, fairness, and equality under the law. CRCL's mission includes leading the Department's EEO programs and promoting workforce diversity. The Department succeeds in its mission to protect the homeland, in part, by ensuring that all of its workplace decisions are equitable, fairly implemented, and for the benefit of all of its employees.

The Department's EEO program reflects a strong and collaborative partnership among CRCL and the Department's Components, shown through the various improvements in the Department's EEO program during FY 2016. A few of the FY 2016 complaint program highlights in this report include:

- Ninety percent of requests for EEO counseling (2,253 of 2,510) were timely completed, achieving the highest number and timeliness rate of all reporting years.
- The number of EEO investigations completed in FY 2016 (1,122) increased by 30 percent, when compared to the 865 completed in FY 2015. Forty-seven percent (522 of 1,122) of investigations were timely completed.

- The number of Final Agency Decision (FAD) requests increased by 21 percent (411) in FY 2016, compared to the 339 requests received in FY 2015. Thirty-four percent (96 of 279) of merit FAD issuances were timely.

The FY 2016 achievements, as well as program challenges experienced during the year, prompted additional collaborative efforts across the Department, which are described in detail in this report. These partnerships will continue to develop and enhance the Department's EEO program during FY 2017 and beyond. I look forward to continuing to provide information on the successes of this program in future reports.

Sincerely



Veronica Venture

Acting Officer, Office for Civil Rights and Civil Liberties



Fiscal Year 2016 No FEAR Act Annual Report

Table of Contents

EXECUTIVE SUMMARY	1
I. LEGISLATIVE REQUIREMENT.....	4
II. BACKGROUND.....	5
III. RESULTS AND DATA.....	6
A. EEO Cases Filed in Federal District Court.....	6
B. Reimbursements to Judgment Fund.....	6
C. Disciplinary Actions	7
D. EEO Complaint Data	7
IV. ANALYSIS OF TRENDS AND CAUSALITY	7
A. EEO Complaint Activity.....	7
B. Bases of Discrimination in EEO Complaints.....	8
C. Issues in EEO Complaints	9
V. COMPLAINT PROCESSING AND ADJUDICATION DATA.....	10
A. EEO Counseling.....	10
B. EEO Investigations	11
C. Procedural Dismissals.....	13
D. Findings of Discrimination	14
1. Protected Bases.....	15
2. Issues	16

VI. PRACTICAL KNOWLEDGE GAINED THROUGH EXPERIENCE, AND ACTIONS PLANNED OR TAKEN TO IMPROVE THE COMPLAINTS AND CIVIL RIGHTS PROGRAM.....	17
A. Improvements in the Department’s EEO Program	17
1. Focusing on Timely Issuance of Merit FADs	17
2. Advancing Joint Opportunity Initiatives and Implementation of a Department-wide Strategic Plan	18
3. Collaborating and Leading the Department’s Components	21
B. The Department’s Component EEO and Civil Rights Offices	23
1. Federal Emergency Management Agency.....	23
2. The Federal Law Enforcement Training Centers	24
3. Headquarters EEO Office.....	25
4. Transportation Security Administration	26
5. U.S. Citizenship and Immigration Services.....	28
6. U.S. Coast Guard.....	29
7. U.S. Customs and Border Protection.....	32
8. U.S. Immigration and Customs Enforcement.....	33
9. U.S. Secret Service	35
CONCLUSION.....	36

Appendices

Appendix 1: The Department’s No FEAR Act Federal District Court Data for FY 2016

Appendix 2: The Department’s No FEAR Final Year End EEO Data for FY
2011-2016*

*Due to the formatting of the tables in Appendix 2, the tables may not be completely in compliance with Section 508 of the Rehabilitation Act. Please contact CRCL if any assistance is needed.

EXECUTIVE SUMMARY

The purpose of the “Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002” (No FEAR Act), Public Law 107-174, is to reduce the incidence of workplace discrimination within the Federal Government by making agencies and departments more accountable for violations of antidiscrimination and whistleblower protection laws. Section 203 of the No FEAR Act specifically requires that each federal agency submit to certain Congressional committees and members, not later than 180 days after the end of each fiscal year, an annual report containing the following information on cases brought under federal anti-discrimination and whistleblower protection laws: complaint activity (including Federal District Court cases), and resulting disciplinary actions; associated Judgment Fund reimbursements and adjustments to agency budgets to meet reimbursement requirements; and an analysis of trends, causation, and practical knowledge gained through experience. This report covers FY 2016 (October 1, 2015 to September 30, 2016).

At the U.S. Department of Homeland Security (Department), senior leaders demonstrate a strong commitment to promote equal employment opportunity, abide by merit systems principles, provide protection from prohibited personnel practices, and promote accountability. The Department’s Office for Civil Rights and Civil Liberties (CRCL) provides policy and technical advice to senior Department leadership on civil rights and civil liberties issues, and directs the Department’s Equal Employment Opportunity (EEO) and Diversity Management programs.

During FY 2016, CRCL continued to partner with the Department’s Undersecretary for Management, the Department’s Office of the Chief Human Capital Officer (OCHCO), the Department’s Component EEO offices, and other internal and external stakeholders, in order to promote equality, fairness, diversity, and efficiency within the Department’s workforce. The CRCL Deputy Officer (Deputy Officer), who serves as the Department’s Director for EEO and Diversity, is a member of the Secretary’s Employee Engagement Executive Steering Committee, the mission of which is to identify strategies that will lead to improvements in employee morale throughout the Department. Throughout FY 2016, CRCL also maintained close working relationships with all Components. The Deputy Officer chairs the EEO Directors’ Council, on which all Component EEO and Civil Rights Directors participate. Effective communication and collaboration has continued to strengthen partnerships with the Components throughout FY 2016.

During FY 2016, the EEO Directors’ Council continued to implement its five-year Strategic Plan (Plan), which was launched in FY 2015. The Plan is aimed at achieving a unity of effort across the Department’s EEO and Diversity communities, and the goals draw their inspiration from the six elements of the model EEO program, as delineated in the Equal Employment Opportunity Commission’s (EEOC’s) Management Directive (MD) 715. In FY 2016, the working groups that were formed to address each of the goals achieved solid results toward these aims. A major achievement was the execution of the goal of hosting a Department-wide conference, which was a key action item of the Plan. On September 13-14, 2016, the Department hosted its Inaugural EEO and Diversity Training Conference. The conference theme was *Mission Focused | People Centered*, and the conference brought the Department’s EEO and Diversity professionals to

Washington, D.C., to attend workshops on a variety of topics pertaining to EEO and Diversity core competencies. The conference closed with an awards ceremony recognizing individual and team achievements in the promotion of EEO and Diversity at the Department. The Department's EEO and Diversity community provided extremely positive feedback regarding the quality of the training workshops and the overall effectiveness of the conference; plans are underway to host additional conferences in the future.

The EEO Directors' Council working groups also achieved several other accomplishments in FY 2016. Some examples include: (1) developing promotional materials to highlight and publicize the Council's and working groups' activities; (2) identifying best practices for EEO and Diversity communication strategies and issuing a preliminary report with recommendations for a comprehensive, Department-wide EEO communication strategy; and (3) adding 22 new collateral-duty mediators to the Department's Alternative Dispute Resolution Shared Neutrals Program. For FY 2017, the EEO Directors' Council developed, and will implement, a FY 2017 Action Plan, which details the tasks to be accomplished across the Department. The working groups plan to build on the progress already achieved and will continue to implement the additional action items.

In FY 2016, another major accomplishment was the launch of an initiative to provide Components with an objective assessment on the quality of their investigations of EEO complaints. Developed in FY 2015, and launched in FY 2016, this instrument, known as the Report of Investigation (ROI) Feedback Tool (Tool), sought to assess the quality of ROIs. The Tool was initially piloted with two Components, who provided feedback with regard to the assessment categories and rating scheme. After incorporating the Components' feedback and making minor modifications, the Tool was launched Department-wide during the second quarter of FY 2016. Feedback reports were provided to each of the Department's Components on a quarterly basis. Additionally, during the EEO and Diversity Conference, CRCL led a workshop on the Tool, which provided a more in-depth look at the methodology of the assessment process. Overall, the Tool has been extremely well received by Components and as more data are obtained in FY 2017, and beyond, CRCL will seek to identify specific areas for improvement in investigations throughout the Department.

In FY 2016, the Department continued to show improvements in several areas of its EEO complaints program. One area where improvement was seen was in the EEO pre-complaint process, during which EEO counseling is required to be completed within 30 days (or up to 90 days if an extension is granted). During FY 2016, 90 percent of the counselings (2,253 of 2,510) were timely completed. Moreover, this achievement marks the Department's highest number of timely completed counselings since FY 2010, and the highest percentage of timely completed counselings since FY 2009.

The number of formal complaints filed during FY 2016 increased modestly from the number filed during the past two fiscal years. In FY 2016, 1,315 formal complaints were filed, a four percent increase from the 1,262 formal complaints filed in FY 2015, and an eight percent increase from the 1,213 formal complaints filed in FY 2014.

In FY 2016, the Department saw significant changes in the area of EEO investigations. In FY 2016, the Department completed 1,122 investigations, which represented a 30 percent increase over the 865 investigations completed in FY 2015. One reason for this increase was that the Transportation Security Administration (TSA) engaged in an effort to eliminate the backlog of its cases pending investigations. Accordingly, TSA more than doubled the number of cases it investigated in FY 2016 (551) from those it investigated in FY 2015 (235). TSA's complaint backlog elimination efforts are further discussed in Section V of this report.

Along with the increase in the overall number of investigations completed, the Department's numbers fell significantly with regard to the percentage of timely completed EEO investigations, when compared with the prior year. In FY 2015, the Department timely completed 62 percent (535 of 865) of investigations, compared to the 47 percent (522 of 1,122) of timely completed investigations in FY 2016. This decrease in timeliness is related to Components' backlog elimination efforts, as well as capacity challenges. These are also further examined in Section V of this report.

The Department experienced a setback with respect to the number and percentage of timely-issued merit final agency decisions (FADs), which decreased from 120 of 297 (40 percent) in FY 2015 to 96 of 279 (34 percent) in FY 2016. CRCL realized a 21 percent increase (411) in FAD requests during FY 2016 over those received in FY 2015 (339). This sizable increase in FAD requests, coupled with key staffing shortages due to retirements, directly contributed to the decrease in timely issued FADs. These challenges further caused CRCL to have an inventory of 22 unassigned FAD requests by the end of FY 2016, the first such inventory since FY 2010.

In FY 2016, the Department issued 16 findings of discrimination, which was a decrease from the 20 findings in FY 2015. As compared to previous fiscal years, the FY 2016 findings reflected only small shifts in the bases of discrimination and issues alleged. Sex and reprisal were the most frequently alleged bases on which complainants prevailed, followed by disability, religion, and race. The most frequently filed issues on which judgment was rendered in favor of the complainants were harassment (non-sexual) and non-selection/non-promotion.

During FY 2016, there were 193 civil actions pending in federal district court involving the various laws covered in the No FEAR Act. Federal judges disposed of 58 cases, 38 of which were decided in favor of the agency and 19 of which were settled by the parties. One case was disposed of through arbitration/mediation.

In FY 2016, the Components reported that the Department's reimbursement to the Judgment Fund was in the amount of \$1,159,705.00. Additionally, \$237,500.00 was reimbursed to the Judgment Fund for attorney's fees during the same period. During FY 2016, seven employees were disciplined for discrimination, retaliation, harassment, or other infractions of provisions of law covered by the No FEAR Act. This information is further discussed in Section III of this report.

I. LEGISLATIVE REQUIREMENT

This document responds to the reporting requirements set forth in Section 203 of the No FEAR Act (Pub. L. No. 107-174), which states:

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

- (1) the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged;
- (2) the status or disposition of cases described in paragraph (1);
- (3) the amount of money required to be reimbursed by such agency under section 201 in connection with each of such cases, separately identifying the aggregate amount of such reimbursements attributable to the payment of attorneys' fees, if any;
- (4) the number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1);
- (5) the final year-end data posted under section 301(c)(1)(B) for such fiscal year (without regard to section 301(c)(2));
- (6) a detailed description of —
 - (A) the policy implemented by that agency relating to appropriate disciplinary actions against a Federal employee who —
 - (i) discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2); or
 - (ii) committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a)(1) or (2); and
 - (B) with respect to each of such laws, the number of employees who are disciplined in accordance with such policy and the specific nature of the disciplinary action taken;
- (7) an analysis of the information described under paragraphs (1) through (6) (in conjunction with data provided to the Equal Employment Opportunity

Commission in compliance with Part 1614 of Title 29 of the Code of Federal Regulations) including —

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

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

Further guidance on each agency's reporting obligations is provided in 5 C.F.R. § 724.302, which also requires the submission of the annual report to the Director of OPM, for the implementation of a best practices study and the issuance of advisory guidelines.

II. BACKGROUND

The Department's mission is to ensure a homeland that is safe, secure, and resilient against terrorism and other hazards where American interests, aspirations, and way of life can thrive. The Department was established through the *Homeland Security Act of 2002*, Pub. L. No. 107–296, and Section 103(d)(5) of the Act provides for the presidential appointment of an Officer for Civil Rights and Civil Liberties (Officer). On October 26, 2012, the Secretary for the Department issued Delegation Number 19003, which delegated to CRCL the authority to render final decisions on behalf of the Secretary in EEO complaints, pursuant to 29 C.F.R. § 1614.110, or pursuant to the Departmental EEO Complaint Procedures, when that regulation is not applicable. Delegation Number 19003 superseded Delegation Numbers 3095 and 19002.

CRCL resides within the Office of the Secretary, and provides technical and policy advice to Department leadership on civil rights and civil liberties issues. The Officer, by statute, reports directly to the Secretary and assists senior leadership in shaping policy in ways that protect the civil liberties of all persons protected by our laws. In accordance with 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL's mission is to support the Department as it secures the Nation while preserving individual liberty, fairness, and equality under the law. CRCL performs four key functions to integrate civil rights and civil liberties into all of the Department's missions and activities:

1. Advising Department leadership, personnel, and partners about civil rights and civil liberties issues, ensuring respect for civil rights and civil liberties in policy decisions and implementation of those decisions.
2. Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department activities, informing them about policies and avenues of redress, and promoting appropriate attention within the Department to their experiences and concerns.
3. Investigating and resolving civil rights and civil liberties complaints filed by the public regarding Department policies or activities, or actions taken by Department personnel.

4. Leading the Department's EEO programs and promoting workforce diversity and merit system principles.

To maximize its effectiveness, the Department seeks to maintain an exemplary EEO program with the goal of eliminating discrimination in the workplace. CRCL provides departmental guidance and standards for establishing and maintaining effective programs for EEO, as required under both Title VII of the *Civil Rights Act of 1964* (Title VII), 42 U.S.C. §§ 2000(e) - 2000(e-17) (2015), and Section 501 of the *Rehabilitation Act of 1973* (Rehabilitation Act), 29 U.S.C. § 791 (2015). CRCL also works to advance the anti-discrimination protections set forth under the *Age Discrimination in Employment Act of 1967* (ADEA), 29 U.S.C. §§ 621-634 (2015), the *Equal Pay Act of 1963* (EPA), 29 U.S.C. § 206 (d)(1) (2015), and the *Genetic Information Nondiscrimination Act of 2008* (GINA), 42 U.S.C. §§2000(ff)-2000(ff-11) (2016). To meet these objectives, the Deputy Officer for CRCL and the staff develop policies and plans, deliver training, conduct oversight, adjudicate EEO complaints, and submit annual reports to stakeholders including Congress, the White House Initiatives Offices, the U.S. Department of Justice (DOJ), EEOC, and OPM.

III. RESULTS AND DATA

A. EEO Cases Filed in Federal District Court

During FY 2016, the Department had 193 pending or resolved civil actions in Federal District Court under the laws covered in the No FEAR Act. The majority of those Federal District Court filings arose under Title VII (122), followed by filings under the ADEA (36), the Rehabilitation Act (27), the *Whistleblower Protection Act of 1989*, 5 U.S.C. §1201 (6), the Equal Pay Act, (1) and GINA (1).

During FY 2016, 58 cases were disposed of in federal district court: 38 were decided in favor of the Department, 19 were resolved by settlement, and one was resolved through arbitration/mediation. For further information regarding FY 2016 employment discrimination and whistleblower cases filed against the Department in Federal District Court, see Appendix 1.

B. Reimbursements to Judgment Fund

During FY 2016, as reported by the Department's Components, the Department reimbursed a total of \$1,159,705.00 to the Judgment Fund. The entire amount reimbursed resulted from cases filed under Title VII and came from the following Components in order of largest to smallest amount: U.S. Customs and Border Protection (CBP), the Federal Emergency Management Agency (FEMA), United States Secret Service (USSS), TSA, and U.S. Immigration and Customs Enforcement (ICE). In addition, \$237,500.00¹ was reimbursed to the Judgment Fund for attorney's fees, all of which stemmed from Title VII cases.

¹ This amount does not include attorney's fees paid by TSA because the monetary settlements were paid in lump sums and did not break down the amount specifically allocated for attorney's fees.

C. Disciplinary Actions

At the Department, each Component remains independent in its authority to issue personnel actions against its own employees. This includes the imposition of disciplinary action against individuals who have been found to have engaged in discriminatory, retaliatory, or harassing conduct, as set forth in findings of discrimination. As part of any relief ordered, Components are required to consider disciplinary action against any individual found to have been responsible for a discriminatory act. In deciding whether disciplinary action is appropriate in a given case, Components consider the specific facts and circumstances at issue in the case. If disciplinary action is imposed, that information is reported to CRCL for inclusion in the Department's No FEAR Act report. If disciplinary action is considered, but not imposed, that information is also reported to CRCL, along with other matters of compliance with the ordered relief. During FY 2016, seven employees from CBP, FEMA, and ICE were disciplined as a consequence of findings of discriminatory, retaliatory, or harassing conduct. This constitutes a noticeable increase from the one employee disciplined in FY 2015.

D. EEO Complaint Data

See Appendix 2 for the Department's No FEAR Act data for FY 2016, which are also posted online (<http://www.dhs.gov/homeland-security-no-fear-act-reporting>).

IV. ANALYSIS OF TRENDS AND CAUSALITY

A. EEO Complaint Activity

Section 203(a)(7) of the No FEAR Act requires federal agencies to examine trends and causes behind the data in their reports over the past five years. Here, however, the report includes data from FY 2010 through FY 2016, to look more broadly at the Department's EEO complaints program and determine any relevant trends. Figure 1 shows the number of complaints filed Department-wide each year for the past seven years and the variance from the prior year's filing.

The Department's workforce population has fluctuated over the years. The Department's workforce increased in population from FY 2010 to FY 2012. This was followed by a period of annual decreases in population from FY 2013 through FY 2015. However, in FY 2016, the workforce increased by 2,435 to a total of 192,866 employees. The upsurge reflects workforce increases at all Components, with the exception of CBP and the U.S. Coast Guard (USCG), which experienced decreases in their workforce populations.

From FY 2014 through FY 2016, the number of formal EEO complaints filed has increased modestly, but progressively, each year. For example in FY 2016, there were 1,315 complaints filed, an increase of 53 complaints over the number of complaints filed in FY 2015. In FY 2016, four Components experienced increases in the total number of complaints filed (CBP, Headquarters EEO (HQ EEO), ICE, and USCG), while four Components experienced decreases in complaint filings (the Federal Law Enforcement Training Centers (FLETC), TSA, U.S.

Citizenship and Immigration Services (USCIS), and United States Secret Service (USSS), and FEMA’s number of complaint remained the same from FY 2015 to 2016. The Department found no discernable correlation between the changes in employee population and complaint filings from year to year. See Figure 1.

Figure 1: Complaints Filed, FY 2010 – FY 2016

	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Department-wide Filings	1,185	1,283	1,198	1,192	1,213	1,262	1,315
Variance from prior year complaints	-272 w/FEMA (+87 w/o FEMA PR complaints) ²	+98	-85	-6	+21	+49	+53
Department-wide Population	191,150	199,452	200,559	196,439	191,975	190,431	192,866
Variance in employee population from prior year	+1,813	+8,302	+1,107	-4,120	-4,464	-1,544	+2,435

B. Bases of Discrimination in EEO Complaints

During FY 2016, the Department’s most frequently alleged bases of discrimination in formal EEO complaints were, in order of frequency: reprisal, sex, and race. Although the numbers have fluctuated from year to year, these bases have been the most frequently alleged since FY 2010, except in 2014 when age was alleged more often than race. See Figure 2.

- *Reprisal:* The 667 reprisal claims filed in FY 2016, a 16 percent increase over the FY 2015 figure, were the highest number of reprisal claims filed since FY 2010. The steady rise in reprisal as the leading basis of alleged discrimination at the Department is consistent with the government-wide rise in reprisal claims, as reported by the EEOC.³ At the Department, and across the Federal sector, reprisal claims are almost always joined with an underlying EEO complaint on the basis of race, national origin, sex, etc.
- *Sex:* During FY 2016, the Department received 453 complaints alleging discrimination on the basis of sex, which includes female, male, and lesbian, gay, bisexual, and

² In FY 2009, FEMA experienced an abrupt rise in the number of formal complaints filed (1,457), which included 359 individual complaints filed subsequent to the closure of a FEMA facility in Puerto Rico.

³ <http://www.eeoc.gov/federal/reports/fsp2014/index.cfm>. (The 2014 report is the most recent issued by the EEOC.)

transgender (LGBT) claims.⁴ This is an increase of almost five percent from FY 2015 (430).

- *Race*: During FY 2016, race discrimination was raised in 403 complaints;⁵ this remains virtually unchanged from FY 2015, when the total number of race discrimination complaints filed was 402. The number of complaints filed involving the basis of race dropped sharply to 322 in FY 2014; however, an increase began in FY 2015, and continued in FY 2016.

Figure 2: Bases of Discrimination, FY 2010 - FY 2016

	2010	2011	2012	2013	2014	2015	2016
Reprisal	493	523	528	558	532	576	667
Sex	405	407	426	442	394	430	453
Race	409	460	413	451	322	402	403
Age	339	372	385	413	336	392	396
Disability	295	334	307	301	320	355	379
National Origin	187	199	213	184	182	186	218
Color	131	137	146	155	122	165	159
Religion	51	56	31	56	63	58	66
Non-Statutory⁶	40	79	72	79	78	82	74

* Non-statutory bases include parental status and sexual orientation.

C. Issues in EEO Complaints

The most frequently raised issue in EEO complaints at the Department during FY 2016 was harassment (non-sexual).⁷ There has been a substantial increase (22 percent) in complaints involving non-sexual harassment from FY 2015 (479) to FY 2016 (584). Non-sexual harassment

⁴ Sex-female was alleged the most frequently, with 314 complaints. The basis of sex-male was raised in 134 complaints, and sexual orientation was raised in five complaints.

⁵ The basis of race includes all races reported on the Department’s FY 2016 Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints (“462 Report”). Race-Black/African American ranked the highest, with 262 of the 403 complaints, race-White ranked second with 89 of the 403 complaints, and race-Asian ranked third with 44 of the 403 complaints filed.

⁶ The Commission has held that a claim of discrimination based on sexual orientation necessarily states a claim of sex discrimination under Title VII. Agencies should treat claims of sexual orientation discrimination as sex discrimination claims under Title VII and process such complaints pursuant to 29 C.F.R. § 1614, unless a complainant requests that the Agency’s alternative complaint process, if one exists, be used. *Baldwin v. Dep’t of Transp.*, EEOC Appeal No. 0120133080 (July 15, 2015). At the Department, a complainant may elect to have a sexual orientation claim processed under Executive Order 13087, and those claims are included in the “Non-Statutory” category.

⁷ The No FEAR Act requires reporting of complaints involving sexual harassment (i.e., sex-based claims involving actionable unwelcome conduct of a sexual nature) and non-sexual harassment (i.e., claims involving actionable unwelcome conduct not of a sexual nature, e.g., race, sex, national origin, color, religion, age, disability, or reprisal).

has been the most frequently raised issue in EEO complaints at the Department over the past seven years, as has been the case across the federal sector.⁸

The second-most raised issue at the Department, promotion/non-selection was raised in 296 complaints. This represented a 32 percent increase over FY 2015, when it was raised in 224 complaints and ranked third among issues raised. As Figure 3, below, shows, promotion/non-selection has consistently been the second or third-most frequently raised issue at the Department. The issue of promotion/non-selection has also been among the top three issues raised in EEO complaints government-wide.⁹

The third-most raised issue at the Department was disciplinary action, which was raised in 259 complaints. This represents a modest five percent increase over FY 2015, when disciplinary action was raised in 247 complaints. The majority of the complaints with the issue of disciplinary action raised in FY 2016 were against TSA (172); however, this is a modest decrease from FY 2015 (185).

Figure 3: Issues in Complaints, FY 2010 - FY 2016

	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Non-Sexual Harassment	406	476	474	498	482	479	584
Promotion/Non-Selection	232	246	262	272	159	224	296
Disciplinary Action	177	254	212	198	196	247	259
Assignment of Duties	107	103	104	98	104	141	150
Terms/Conditions of Employment	163	220	120	105	99	105	147

V. COMPLAINT PROCESSING AND ADJUDICATION DATA

A. EEO Counseling

In accordance with 29 C.F.R. § 1614.105(d), counseling on a potential EEO complaint must be completed within 30 calendar days, unless the aggrieved person agrees to extend the counseling period up to an additional 60 calendar days. Department-wide, there was an increase in the total number of completed counselings for the past two fiscal years. In FY 2016, 2,510 EEO

⁸ <http://www.eeoc.gov/federal/reports/fsp2014/index.cfm>.

⁹ <http://www.eeoc.gov/federal/reports/fsp2014/index.cfm>.

counselings were completed, compared to 2,391 in FY 2015. This increase is mainly attributed to a 24 percent increase in completed counselings at CBP (from 443 in FY 2015 to 549 in FY 2016), and a 15 percent increase at ICE (from 297 in FY 2015 to 342 in FY 2016). Notably, and as shown below in Figure 4, despite the overall increase in the number of counselings in FY 2016, more timely counselings were completed than in any year since FY 2010, and the timeliness percentage was the highest of all prior reporting years. In FY 2016, 90 percent of counselings (2,253 of 2,510) were timely completed, the highest percentage since FY 2010. The number of cases counseled in a timely fashion increased by three percent to 2,253 in FY 2016, as compared to 2,081 in FY 2015. See Figure 4.

Figure 4: EEO Counseling at the Department, FY 2010 – FY 2016

	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Total Number	1,848	2,096	2,031	2,134	2,067	2,391	2,510
Timely Number	1,495	1,692	1,718	1,737	1,761	2,081	2,253
Percentage Timely	81	81	85	81	85	87	90

Individual Components’ program accomplishments and enhancements to their programs, as highlighted below, contributed to the Department’s increase in timely counselings in FY 2016:

- Two Components provided timely EEO counseling in 100 percent of their cases: CBP completed 100 percent of its 549 cases within the regulatory time period, for the seventh year in a row, while USSS timely completed 100 percent of its 41 cases for the fourth year in a row. Meanwhile, two additional Components provided timely counseling in a high percentage of their cases – USCG, 99 percent timely (81 of 82 cases), and USCIS, 98 percent timely (148 of 151 cases).
- Two Components experienced notable increases in the number of timely counseled cases in FY 2016. The FLETC timely counseled 85 percent (11 of 13) of its pre-complaints in FY 2016, an eight percent increase over the 77 percent (10 of 13) timely counseled in FY 2015. ICE continued its upward trajectory in timely counselings from the prior year: ICE timely counseled 68 percent (233 of 342) of its cases in FY 2016, a six percent increase over the 62 percent (184 of 297) timely counseled in FY 2015.

B. EEO Investigations

In accordance with 29 C.F.R. § 1614.108(e), an investigation must usually be completed within 180 calendar days, unless the complainant agrees to extend the deadline, or the complaint is amended.¹⁰ Here, we examine the number of formal complaints filed Department-wide to the number of EEO investigations completed, and to those that were timely completed.¹¹

¹⁰ The regulations at 29 C.F.R. § 1614.302(d)(1)(ii) require agencies to investigate mixed-case complaints within 120 days. Mixed cases are complaints where the allegation of discrimination involves an action that can be appealed to the Merit Systems Protection Board.

¹¹ We note, however, that complaints filed in one fiscal year may not always be investigated during the same fiscal year.

In FY 2016, a total of 1,122 investigations were completed Department-wide, a 30 percent increase from the 865 investigations completed in FY 2015. The number of timely completed investigations in FY 2016 decreased to 522 from the 535 cases timely investigated in FY 2015. Similarly, the percentage of timely completed investigations decreased from 62 percent in FY 2015, to 47 percent in FY 2016.

In FY 2016, TSA, experienced a substantial increase in the number of investigations completed, from 235 in FY 2015 to 551 in FY 2016 due to several reasons. First, there were several investigations from prior years that were not completed until FY 2016 because of funding constraints in FY 2015. Second, TSA contracted out several cases to further address the backlog in its investigations. Finally, TSA’s staffing model moved from a focus on specialists to generalists, which allowed it to double its formal complaints processing staff and enabled it to investigate more complaints. However, TSA’s admirable achievements in staffing initiatives, the number of completed investigations, and its backlog elimination, resulted in TSA experiencing a considerable decrease in the percentage of timely completed investigations, given that older investigations were completed in FY 2016. Accordingly, and given the volume of TSA cases within the Department’s overall complaint inventory, TSA’s decrease in timely investigations contributed to the Department’s overall drop in timely completed investigations; yet, the overall result, i.e., the elimination of its backlog, positions TSA very favorably for its FY 2017 program.

Additionally, the majority of Components experienced an increase in their investigation timelines during FY 2016, which resulted in a corresponding impact on the Department’s number of average processing days for investigations. Figure 5 demonstrates this pattern, showing that the average processing days for investigations increased by 43 days, from 253 in FY 2015, to 296 in FY 2016.

Figure 5: EEO Investigations at the Department, FY 2010 – FY 2016

	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Total Formal Complaints Filed	1,185	1,283	1,198	1,192	1,213	1,262	1,315
Total Investigations	939	888	1046	871	940	865	1,122
Timely Investigations	566	531	596	651	658	535	522
Percentage Timely	60	60	57	75	70	62	46
Average Days	213	243	230	227	246	253	296

Other notable information regarding Components’ investigation data includes:

- Two Components timely completed 100 percent of their EEO investigations. For the second year in a row, USCG timely investigated 100 percent of its cases (28). For the fourth year in a row, the FLETC timely investigated 100 percent of its cases (8), despite the number of investigations doubling from the 4 completed in FY 2015.

- Three Components showed modest improvements in timeliness, as compared to FY 2015. First, CBP improved by two percentage points, to 99 percent (163 out of 165), from 97 percent (190 of 195) in FY 2015. Next, ICE improved by two percentage points, to 33 percent (60 of 182), from FY 2015’s 31 percent (62 of 202). Finally, FEMA improved by two percentage points, to five percent (3 out of 62 cases) from FY 2015’s three percent (2 out of 64).
- In addition to TSA, two other Components showed decreases in the percentage of timely completed investigations. USSS’s timely investigations fell by 26 percent, from 100 percent (19) in FY 2015, to 74 percent (14 of 19) in FY 2016. Similarly, HQ EEO’s timely investigations decreased by 24 percent, from 98 percent (41 of 42) in FY 2015, to 74 percent (23 of 31) in FY 2016.
- Most Components experienced an increase in the average number of processing days for EEO investigations, with the exception of FEMA and USSS. USSS saw a modest two-day decrease from 199 processing days in FY 2015, to 197 days in FY 2016. FEMA’s backlog reduction efforts resulted in a decrease in the average number of processing days by 15 days, from 595 in FY 2015, to 580 in FY 2016.

C. Procedural Dismissals

Not all formal complaints that are filed result in an EEO investigation. Instead, an agency may procedurally dismiss an EEO complaint for several reasons, including: failure to state a claim, untimely initial contact with an EEO counselor, filing the identical claim in Federal District Court, and failure to provide necessary information to the agency, among other reasons. See 29 C.F.R. § 1614.107(a). At the Department, Components send CRCL requests for dismissal of complaints that they determine meet appropriate regulatory criteria; CRCL makes the final determination after a careful and diligent review process. With the exception of an anomaly in FY 2010¹² and a single-case increase in 2012, there has been a steady decline in the number of complaints procedurally dismissed by the Department. In FY 2016, CRCL issued 61 dismissals, fewer than the 92 dismissals issued in FY 2015, and the 125 issued in FY 2014. The 206 average processing days in FY 2016 represents a 26 percent increase from the number of processing days in FY 2015 (163). The increases in average processing days in FY 2015 and FY 2016 are the result of more stringent case reviews by CRCL prior to dismissal of complaints, and the training of additional staff to review, analyze, and write dismissals. CRCL expects this to become an increasingly expedited process in FY 2017. See Figure 6.

Figure 6: Procedural Dismissals, FY 2010 – FY 2016

	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Total Number	546	163	164	131	125	92	61
Average Number of Processing Days	332	153	129	104	136	163	206

¹² The closure of a FEMA facility in Puerto Rico led to the filing of 359 formal complaints in FY 2009. In FY 2010, these 359 complaints were procedurally dismissed, in accordance with 29 C.F.R. § 1614.107(a)(3), because civil actions were filed in U.S. District Court for each case.

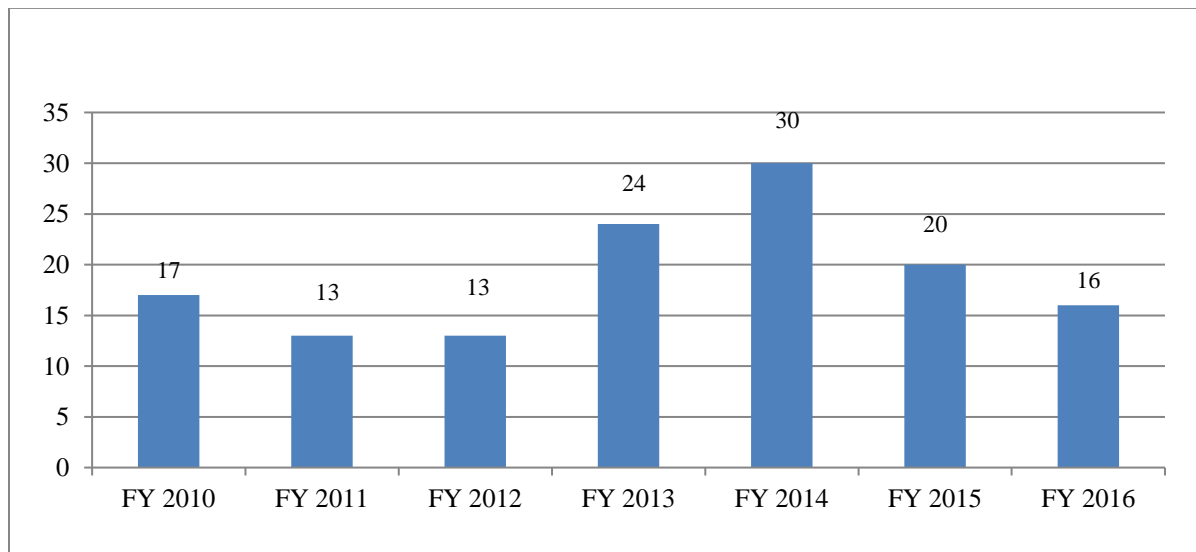
D. Findings of Discrimination

The following tally of the Department’s findings of discrimination from FY 2010 to FY 2016 illustrates the protected bases upon which the findings were made, and the types of issues involved in the findings during this period.

Overall, from FY 2010 to FY 2016, the Department has processed 133 findings of discrimination through the issuance of merit FADs or Final Orders following an EEOC Administrative Judge’s (AJ) decision. In FY 2016, the Department processed 16 cases in which findings of discrimination were made. These cases included nine merit FADs (without an EEOC AJ’s decision) and seven EEOC AJ decisions finding discrimination that the Department fully implemented. Unlike previous fiscal years, in FY 2016, there were no EEOC AJ decisions finding discrimination that the Department did not fully implement. The 16 findings in FY 2016 marked a decrease in the number of findings from 20 in FY 2015, which included four merit FADs (without an EEOC AJ’s decision); 12 EEOC AJ decisions finding discrimination that the Department fully implemented; and four EEOC AJ decisions finding discrimination that the Department did not fully implement, but instead appealed to the EEOC’s Office of Federal Operations (OFO). The number of findings in FY 2016 represents a 20 percent decrease from the prior year; however, the number of findings reflects only a small portion of the Department’s complaints overall. The 16 findings represent four percent of the 456 merit FADs and Final Orders the Department issued in FY 2016. This is slightly higher than the government-wide percentage of findings of discrimination in FY 2014, which was three percent (162).

In the examination of findings issued during FY 2016, no significant patterns or trends have been identified. Likewise, the fluctuation in findings from FY 2010 to FY 2015, shown below, does not appear to be attributable to any particular reason, nor does it indicate a pattern Department-wide, or within a particular Component. See Figure 7.

Figure 7: Complaints with Findings, FY 2010 – FY 2016



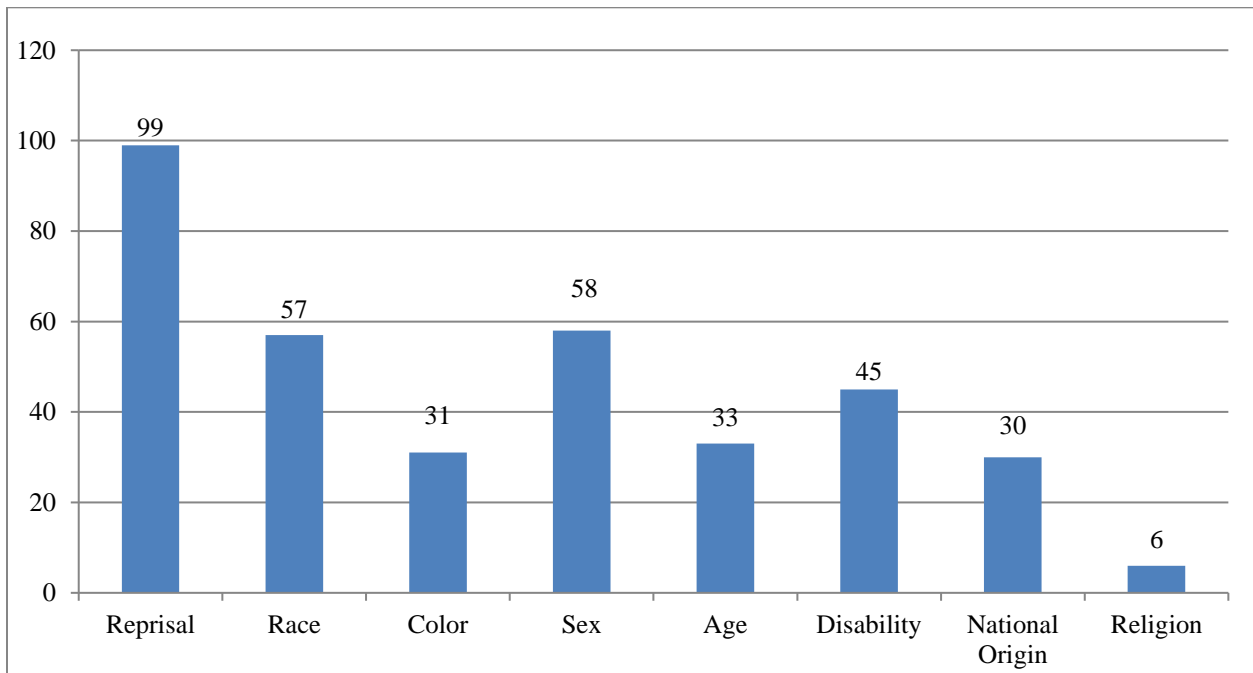
1. Protected Bases

In FY 2016, most findings of discrimination issued included the bases of sex (10) and reprisal (9). It is important to note that the total number of bases within findings of discrimination may exceed the total number of findings issued because one decision may find discrimination on more than one basis. In FY 2016, the Department also issued eight findings based on disability, two findings based on religion, two findings based on race, and one finding based on color. The number of findings based on sex doubled to ten in FY 2016, from the five findings issued in FY 2015. There was a decrease in the number of findings based on race, with two in FY 2016, as compared with five in FY 2015. However, there was a slight increase in findings based on reprisal, with nine in FY 2016, as compared to eight in FY 2015.

The small change in the number of findings on many of the bases does not appear to signify any particular trend because, as discussed above, there was a 20 percent decrease in the overall number of decisions finding discrimination; therefore, it follows that the number of bases on which those findings were made would decrease similarly.

The total number of findings by basis for the period from FY 2010 to FY 2016 is shown in Figure 8.

Figure 8: Findings by Basis, FY 2010 – FY 2016



2. Issues

Consistent with previous years, the FY 2016 findings of discrimination involved complaints raising 21 issues in different areas, with no discernible pattern or trend. The FY 2016 findings predominantly involved harassment (non-sexual) (10) and non-selection/non-promotion (4). Additionally, the Department had findings relating to awards (1), disciplinary action (1), and reasonable accommodation (2). Further, in FY 2016, there was an increase in the number of findings relating to harassment (non-sexual) in FY 2016 (10), as compared to FY 2015 (8). As with protected bases, the total number of issues within the findings of discrimination may exceed the total number of findings issued, given that one decision may find discrimination with regard to multiple issues. In FY 2016 findings there were modest fluctuations in issues from prior years; however, these do not appear to signify any particular trend. See Figure 9.

Figure 9: Findings by Issue, FY 2010 – FY 2016

	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>Total</i>
Appointment/hire	1	1	0	2	1	0	0	5
Assignment of duties	0	0	3	3	2	2	3	13
Awards	0	0	0	0	0	0	1	1
Disciplinary action	4	1	3	5	1	1	1	16
Duty hours	0	2	1	0	0	1	0	4
Evaluation/appraisal	0	0	2	1	2	2	0	7
Harassment (non-sexual)	3	3	3	18	18	8	10	63
Non-selection/non-promotion	6	0	5	1	4	5	4	25
Pay/overtime	0	0	1	0	0	0	0	1
Reasonable accommodation	2	5	1	2	2	1	2	15
Termination	2	1	2	2	4	3	0	14
Terms/conditions of employment	1	2	0	7	2	3	0	15
Training	0	0	1	0	0	2	0	3

VI. PRACTICAL KNOWLEDGE GAINED THROUGH EXPERIENCE, AND ACTIONS PLANNED OR TAKEN TO IMPROVE THE COMPLAINTS AND CIVIL RIGHTS PROGRAM

A. Improvements in the Department’s EEO Program

During FY 2016, the Department continued to capitalize on program enhancements started in FY 2015, as well as produce new initiatives. CRCL broadened its collaborative work with the Department’s EEO Directors and Component EEO offices in a number of areas. Efforts also continued toward improving the Departmental EEO data and document management system, in order to facilitate the timely flow of cases through the process.

1. Focusing on Timely Issuance of Merit FADs

Merit FADs are issued by CRCL after a complainant files a formal complaint alleging discrimination, the Component conducts an investigation, and a request is made for the agency to issue a decision as to whether or not discrimination occurred. This request may be made by the complainant, may result from the filing a mixed case,¹³ or may be requested by the Component as a result of the complainant’s failure to make an election at the expiration of the post-investigation election period. The EEOC Regulations, at 29 C.F.R. Part 1614, require merit FADs to be issued within 60 days of election, or failure to elect a FAD or hearing. In FY 2016, CRCL had a timely merit FAD issuance rate of 34 percent (96 of 279). This is below the FY 2016 goal to issue 50 percent of merit FADs timely and can be attributed to resource challenges, also experienced during FY 2015, that are discussed further below. Figure 10 shows CRCL’s seven-year trend in merit FAD issuances.

Figure 10: Timeliness for Merit FADs FY 2010 – FY 2016

	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Backlog at Year End	247	0	0	0	0	0	22
Total FADs Issued	507	457	337	455	301	297	279
Number Timely Issued	17	119	163	185	161	120	96
Percentage Timely	3	26	48	41	53	40	34
Average Processing Days	807	237	143	164	117	115	166

¹³ A mixed case is a complaint of employment discrimination that stems from an action that can be appealed to the Merit Systems Protection Board. In accordance with 29 C.F.R. § 1614.302(d)(2), the agency must issue a FAD within 45 days of completion of the investigation.

Figure 10 shows that the percentage of timely merit FAD issuances decreased between FY 2015 (40 percent) and FY 2016 (34 percent), and the number of overall merit FAD issuances also decreased between those two years, from 297 in FY 2015 to 279 in FY 2016. Staffing shortages that affected these issuances in FY 2015 continued to plague the office in FY 2016, playing a direct role in decreased production and timeliness. The key position of Senior Advisor to the CRCL Deputy Officer was vacant throughout FY 2015 and remained so throughout FY 2016, despite attempts to recruit for the position; this impacted the adjudication review process because the Deputy Officer had to absorb the workload she normally could delegate to the Senior Advisor, thus allowing for less time to review and approve the inventory of cases. Additionally, two adjudication team members retired in FY 2016, resulting in a 25 percent decrease in staffing for several months in this specialized area. Finally, CRCL experienced a 21 percent increase in incoming FAD requests during FY 2016 (411) over those received in FY 2015 (339). The sizable increase in FAD requests, coupled with a decrease in critical resources, caused CRCL to experience the decrease in its timeliness rate and also caused CRCL to have an inventory of 22 unassigned FAD requests by the end of FY 2016, the first such inventory since FY 2010. Staffing shortages were resolved, in part, during late FY 2016 and early FY 2017 and efforts to fill the remaining vacancy continue into FY 2017, as do other initiatives that focus on inventory reduction and timeliness improvements.

It is important to note that the Department's Component EEO offices also play a key role in CRCL's overall ability to timely issue merit FADs, in that they are responsible for forwarding FAD requests to CRCL. The regulatory time limit for merit FAD issuances commences on the date a complainant requests a FAD, or if the complainant does not request a FAD, the time limit commences 30 days from the date the complainant was notified of the right to request the FAD. Therefore, CRCL's timely adjudication process relies both upon the Components' processing efficiency and notification to CRCL, as well as having the resources to address the incoming work.¹⁴

2. Advancing Joint Opportunity Initiatives and Implementation of a Department-wide Strategic Plan

In FY 2016, the EEO Directors' Council continued implementing its five-year Strategic Plan (FY 2016 – FY 2020) (the Plan), aimed at achieving a unity of effort across the Department's EEO and Diversity communities. Subsumed within each goal, the Council created working groups to advance the objectives of their respective goals. A summary of the Plan's six goals and corresponding working groups' FY 2016 accomplishments are discussed below.

The Plan's first goal is securing and sustaining commitment by leadership within the Department and its Components. Goal 1's working group, with the direction of the EEO Directors' Council, established an annual operational plan and tracked the progress of other working groups in completing their respective action items. The working group also developed promotional materials highlighting the activities of the Council and the other working groups. In FY 2017,

¹⁴ The complaint procedures require Components to submit FAD requests within five calendar days of receipt of a FAD request from a complainant, or ten calendar days of the expiration of the complainant's election period to request a FAD or EEOC hearing.

this group will track the progress of other working groups and issue additional promotional materials.

Integrating EEO and Diversity into Departmental and Component strategic plans is the second goal of the Plan. In FY 2016, Goal 2's Strategic Communications working group conducted a Department-wide review of senior leaders' EEO and Diversity communication strategies to identify best practices. At the conclusion of the review, the group issued a preliminary report, with a recommendation for the issuance of an instruction, or similar document, setting forth a comprehensive, Department-wide EEO communication strategy. In FY 2017, the Strategic Communications working group will focus on developing a framework for senior leaders to develop and deliver EEO and Diversity communications.

Also in FY 2016, Goal 2's Awards working group developed and implemented a Department-wide awards program recognizing excellent contributions to EEO and Diversity. The group solicited award nominations and brought them to the EEO Directors' Council for consideration. Award recipients, determined by the Council, were recognized at the Department's Inaugural EEO and Diversity Conference in September 2016. The conference is discussed in more depth with the section on Goal 5, below. In FY 2017, the Awards working group will continue to market and administer the Department-level EEO and Diversity awards program and will look into the feasibility of establishing an EEO and Diversity award to be integrated into the Secretary's awards program.

The third goal of the Plan is geared towards promoting voluntary resolution of workplace disputes. In December 2016, the Alternative Dispute Resolution (ADR) Directive was signed and implemented, mandating that managers and supervisors participate in mediation when an employee elects to attempt resolution through mediation. The Directive ensures the Department's compliance with the EEOC's Management Directive 110, which requires management participation. In addition, in FY 2016, the Department's ADR Shared Neutrals Program added 22 new collateral-duty mediators to the shared neutrals roster, bringing the total to 54 mediators. In FY 2016, Components used mediators from the shared neutrals roster in 47 cases, with a settlement rate of 47 percent (22 of 47). In addition, Components who utilized mediators from the roster, instead of a contract mediator, saw a collective savings of over \$50,000 in FY 2016, when compared to funds that Components would have expended on contract mediation services. A breakdown of the cost savings by Component is shown below at Figure 11.

Figure 11: FY 2016 Cost Savings from Shared Neutrals Mediators by Component

Component	Number of Times Shared Neutrals Used	Cost Savings
FEMA	1	0*
The FLETC	0	0
HQ EEO	4	\$3,200.00
ICE	20	\$16,800.00
TSA	15	\$30,450.00
CBP	3	0*
USCG	0	0
USCIS	4	\$2,200.00
USSS	0	0

* FEMA and CBP do not use contract mediators, and rely on mediators from the Shared Neutrals roster or from their staff.

The Plan’s fourth goal concerns harnessing data to prevent unlawful discrimination. This working group is focused on using data to identify and address potential discrimination. In FY 2016, this working group gathered data from EEOC’s 462 and MD-715 Reports from the Department and across the Components to look for common trends, triggers, and barriers to EEO. In FY 2017, the group will continue analyzing these data and issue a report on its findings.

The fifth goal of the Plan is to ensure coordination, effectiveness, and efficiency of Departmental and Component EEO and Diversity programs. In FY 2016, this working group developed an advanced barrier analysis course to allow barrier analysis practitioners to more effectively conduct their programs. The group also began identifying and advertising developmental detail assignments available within the Department’s EEO and Diversity programs, designed to enhance practitioners’ professional competencies. The details, ranging from 60 to 120 days, include work in formal complaint processing, EEO counseling, data analysis, special emphasis program management, and reasonable accommodation request processing.

A final FY 2016 accomplishment of Goal 5’s working group was to provide support to the EEO and Diversity Conference steering committee - led by CRCL’s EEO and Diversity Division’s (EEOD) Diversity Management Section - and to assist with the Department’s inaugural conference. CRCL’s Deputy Officer and the Director, EEOD, convened nearly 280 of the Department’s EEO and Diversity professionals from across the country at the Department’s Inaugural EEO and Diversity Training Conference on September 13-14, 2016, in Washington, D.C. The conference’s theme, *Mission Focused / People Centered*, illuminated the critical role of the Department’s EEO and Diversity professionals in supporting the Department’s mission of safeguarding the American people, our homeland, and the Department’s values of honor and integrity. Expert Departmental and Federal partner leaders addressed core competencies in the fields of EEO and Diversity in 20 seminars and plenary sessions addressing critical and cutting-edge topics. EEO and Diversity practitioners from all Components attended workshops on a myriad of topics, including various training sessions focused on diversity and inclusion, as well as EEO technical skills. The conference included a refresher training track for EEO Counselors

and EEO Investigators to meet annual training requirements. Other conference sessions included information and training on the Department's special emphasis programs, barrier analysis, generational diversity, critical thinking, LGBT cultural competence, strategic planning, and complaint-focused training sessions on theories of discrimination and processing hostile work environment claims, processing transgender and sexual orientation claims, analyzing religious accommodation allegations, report of investigation sufficiency reviews, and case law updates. The conference closed with an awards ceremony recognizing individual and team achievements in EEO and Diversity at the Department. The conference, a key action item in the Department's EEO and Diversity Strategic Plan, was planned by a diverse team of employees representing every operational Component, and proved to be a huge success, as demonstrated by formal and informal feedback CRCL received.

In FY 2017, Goal 5's working group will collect and analyze feedback from survey questions asked of special observance participants to assess and improve the quality of special observances, implement Department-wide special emphasis program standard operating procedures, offer the barrier analysis course, continue the developmental detail assignment program, and assess whether online training offered by particular Components can be effective for use by other Components.

The Plan's sixth and final goal is to ensure responsive and legal compliance by Departmental and Component EEO and Diversity programs. In FY 2016, Goal 6's working group analyzed the EEOC's evolving approach to discrimination allegations based on sexual orientation. In FY 2017, this group will conduct a comprehensive review of Departmental and Component websites to ensure that they are compliant with Section 508 of the Rehabilitation Act.

3. Collaborating and Leading the Department's Components

CRCL led, and otherwise participated, in a number of collaborative initiatives in FY 2016, with the goal of strengthening partnerships with other Departmental Components. First, CRCL furthered efforts that began in FY 2015, by implementing the ROI Feedback Tool. The purpose of the Tool is to provide objective assessments regarding the quality of Components' EEO investigations. The Tool allows raters to assess each ROI in a number of areas, which fall into four main categories: (1) Process, which includes the EEO Counselor's Report and the Accept/Dismiss Letter; (2) Format, which includes Optical Character Recognition (OCR), Bookmarks, Bates Numbering, Ordering of Materials, and Duplication of Materials; (3) Affidavits, which includes Selection of Interviewees, Adequacy of Questions, Use of Follow-Up Questions, and Focus on Accepted Claims; and (4) Documentation, which includes Sufficiency, Placement, and Relevance. The Tool uses a three-point numeric rating system that ranges from "poor" to "very good." The Tool is completed for each ROI after the complaint has been adjudicated at CRCL.

CRCL initially piloted the Tool with two Components (HQ EEO and CBP), inviting feedback on the effectiveness and clarity of the assessment categories and rating scheme. After discussion with these Components, minor modifications were made, and the Tool was launched Department-wide during the second quarter of the year. Data from the Tool was aggregated for each quarter and sorted/divided by Component, and the feedback was disseminated to

Components' EEO Directors and Complaints Managers on a quarterly basis. Components used the feedback provided to them in various ways, including sharing it with staff members for further discussion and training.

Additionally, during the Department's Inaugural EEO and Diversity Conference, CRCL led a workshop on ROI sufficiency and its use of the Tool, providing a more in-depth look at the methodology of the assessment process and inviting questions from Component attendees. Reviews of the workshop were very favorable, and attendees expressed interest in having additional training. At the Tool's inception, the hope was to offer a simple but thorough, objective, and user-friendly instrument to provide meaningful and helpful information to Components on the quality of ROIs that are submitted for FADs. The end product and process have greatly exceeded internal CRCL expectations, and the Tool has been very well received by Components. As more data are obtained in FY 2017, and beyond, CRCL will seek to identify specific areas for improvement in investigations throughout the Department.

In FY 2016, CRCL continued to lead quarterly meetings of the Department's EEO Complaint Managers and presented on, or arranged for the presentation of, topics of interest and encouraged open discussions within the group. Topics presented included updated guidance on EEO complaint management and reporting, training on the Department's enterprise EEO database and the mandatory document management system required by the EEOC, case updates from CRCL personnel, information on the Department's ADR Program, and updates on the Department's Inaugural EEO and Diversity Conference.

Additionally, several CRCL staff members and the program's attorney-advisors provided content for the Department's quarterly EEOD online newsletter, "Focus on EEO and Diversity." Contributors drafted articles on EEO complaint processing, diversity, and other matters related to equal employment opportunity at the Department. Some of the FY 2016 topics included: Social Media and Background Checks for Applicants and Employees, Update on Issues Involving Transgender Individuals, Resolving EEO Complaints through ADR, Avoiding Conflicts of Interest in EEO Complaints, The Commission's Draft Enforcement Guidance on Retaliation and Related Issues, and case law updates.

With regard to collaborative technological initiatives with Components in FY 2016, CRCL hosted an enterprise EEO database webinar for EEO personnel across the Department that focused on the preparation of the EEOC Form 462 Report (462 Report). This webinar created an opportunity for new and current Component personnel, some first-time 462 Report preparers, to better understand how to critically evaluate and input complaint data central to the report. The information provided during the webinar also enhanced participants' knowledge of the comprehensive EEO complaints tracking and reporting system and enabled them to receive individualized coaching from the Department database administrator and Senior Complaints Manager. Finally, the webinar provided an opportunity to bring EEO personnel together to learn, discuss, and review the steps to produce the 462 Report, thus strengthening collaboration across the EEO complaints management program, while also enhancing effectiveness and report accuracy.

B. The Department's Component EEO and Civil Rights Offices

The Department's Components continued to move forward with process efficiency initiatives during a year of many staffing and resource challenges. With the centralization of EEO information and documents into the Department's enterprise database system, Component offices have leveraged the benefits of consistency and the reliability of having a robust enterprise data system.

1. Federal Emergency Management Agency

Infrastructure

FEMA's Office of Equal Rights (OER) provides EEO services to its 14,922 employees. In FY 2016, the office hired a new Director to fill the vacancy left by the retirement of the previous Director. The OER has 25 permanent full-time positions, a temporary workforce that includes their cadre of on-call response (CORE) employees, and a reservist workforce of 45 individuals. Five of the permanent positions support external civil rights and compliance responsibilities. One permanent and one CORE employee support the disability and affirmative employment programs. Four positions provide administrative and financial support to the office and leadership. Five permanent positions and one temporary full-time position support formal complaint processing and contract management. Finally, the remaining permanent and CORE employees are assigned to pre-complaint, ADR, and training activities.

Complaint Processing

In FY 2016, FEMA timely counseled 80 percent of its cases (144 of 180), more than the 78 percent (117 of 150) of timely cases counseled in FY 2015. There were 82 complaints filed in FY 2016, which is the same number that was filed in FY 2015. In FY 2016, FEMA continued to experience challenges with the timely completion of investigations. Several factors contributed to the investigation delays, including staff attrition and a strategic focus on completing older cases. Additionally, as a result of concerns regarding data breaches at the contract company that previously completed investigations for FEMA, OER had to re-compete a contract with a new company during FY 2016.

Services and Proactive Engagement

During FY 2016, OER offered a number of training opportunities for FEMA employees on a variety of topics. In the area of disability awareness, training was provided on processing requests for reasonable accommodations and the recruitment and hiring of individuals with disabilities. Additionally, an EEO Overview was given for managers and supervisors, as well as a separate course for employees. OER also provided annual mandatory training for managers and employees, which covered the EEO complaint process, roles and responsibilities within the process, and diversity and inclusion.

During FY 2016, OER hosted FEMA-specific programs for special observances. Additionally, for the first time, the observances programs were broadcast to all FEMA regional and joint field offices. This approach led to increased employee engagement and visibility for the Diversity and Inclusion program. It also led to increased interest in forming additional FEMA employee

resource groups. In FY 2017, FEMA will work on the official recognition of employee resource groups for Veterans, African Americans, LGBT individuals, and Asian American/Pacific Islanders. FEMA is also developing a policy on employee resource groups and a toolkit for use by the groups.

2. The Federal Law Enforcement Training Centers

Infrastructure

The FLETC's EEO Office provides services to 1,273 employees and is comprised of the EEO Officer, a Complaints Manager position, five EEO Specialists, and one Staff Assistant. Each EEO Specialist serves as a Special Emphasis Program Manager (SEPM) for at least one program. Two EEO Specialists coordinate the Disability Program, with one of them also serving as the Disability Program Manager.

Complaint Processing

During FY 2016, the FLETC completed all eight formal EEO complaint investigations within the regulatory timeframe. This is the fourth year in a row that the FLETC has completed all investigations within the regulatory timeframes, and the FLETC remains committed to ensuring all EEO investigations are completed in a timely manner. In an effort to fulfill this goal, the FLETC EEO Office continued to work closely with contract investigators, responding management officials, the Human Capital Office, and the Office of Chief Counsel. Additionally, the FLETC EEO Office also processed two conflict of interest cases for other Departmental Components.

Services and Proactive Engagement

The FLETC requires all employees to complete No FEAR Act training on a biennial basis and requires that all new employees complete No FEAR Act training within 30 calendar days of entering service. The No FEAR Act Training is provided on-line through the FLETC's Performance and Learning Management System (PALMS).

During FY 2016, the FLETC's EEO Office processed 70 reasonable accommodation requests made by employees, managers, or students. These requests included sign language interpreters, job restructuring, modified work schedules, and assistive electronic devices. During FY 2016, 150 employees received training on "Employment of People with Disabilities: A Road Map to Success"; 38 employees received training on "Diversity on the Job: The Importance of Diversity and the Changing World"; and ten supervisors completed "Alternative Dispute Training," through PALMS.

During FY 2016, one iteration of the FLETC's New Supervisor Training Program was conducted. The week-long program is mandatory for all new supervisors and their attendance is required during their first year of supervision. Training modules on both the EEO process and reasonable accommodation procedures are included in the program. During FY 2016, 13 new supervisors and managers participated in this course and were provided opportunities for formal mentoring. This supervisory training program and its mentoring component were designed to address the unique challenges experienced by those in supervisory leadership roles.

The FLETC implemented a Developmental Assignment Program (DAP) for its employees. The DAP is a formal program designed to encourage career development through cross-training opportunities. These opportunities were presented by the directorates that wished to offer them and were open to all eligible employees. Initial assignments varied, and details ranged from a week-long “shadowing” opportunity to assignments as long as 89 days. In FY 2016, 13 employees participated in the DAP Program.

The FLETC’s Office of Organizational Health (OOH) measures the perception and levels of satisfaction of the FLETC employees and students, identifies organizational strengths and weaknesses, and monitors and evaluates progress toward maximizing employee engagement and operational effectiveness. During FY 2016, OOH continued to analyze data from government-wide surveys and data obtained from the FLETC components to work collaboratively with its stakeholders in order to evaluate and recommend systemic solutions that reflect the essential connection between operational effectiveness and a healthy, diverse, and engaged workforce.

During FY 2016, students, employees, and managers continued to use the FLETC Ombudsman Program as an informal resource to resolve conflict with techniques such as mediation and facilitation. The Ombudsman used Uniform Reporting Categories (adopted by the International Ombudsman Association) to identify trends, make recommendations for training topics, and propose the review or revision of processes. The Ombudsman also incorporated conflict management and coaching as a strategy to manage the many aspects of conflict. Additionally, during FY 2016, the Ombudsman resolved or addressed 52 cases involving 276 issues.

The FLETC’s Critical Incident Stress Management (CISM) Program was available during FY 2016 to help improve overall employee relations and mitigate conflict by offering unique services designed to help to reduce stress, not only in the workplace, but also in the personal lives of staff members and students. CISM also provided resources involving veterans care and benefits, as well as specialized assessments, short-term care, and referrals for individuals who may have experienced symptoms associated with anxiety, depression, personality disorders, or trauma and stress-related disorders.

3. Headquarters EEO Office

Infrastructure

HQ EEO supports the more than 7,000 employees at the Department’s Headquarters by enforcing compliance with the EEO laws and regulations, providing guidance to Headquarters management officials and employees on EEO and Diversity, and preventing and addressing unlawful employment discrimination.

Complaint Processing

Throughout FY 2016, HQ EEO focused on ensuring that EEO complaints were processed within regulatory timeframes. In the area of EEO Counseling, HQ EEO timely completed 82 percent (59 of 72) of counselings in FY 2016. Additionally, HQ EEO completed 74 percent (23 of 31) of its investigations within the regulatory timeframe. The most commonly alleged bases for HQ EEO complaints during FY 2016 were reprisal, age, sex, and race. The most commonly raised

issues were harassment (non-sexual), performance/evaluation, promotion/non-selection, assignment of duties, and appointment/hire.

Services and Proactive Engagement

In FY 2016, HQ EEO sponsored or co-sponsored a wide variety of EEO and Diversity events to commemorate various special observances. HQ EEO continued to participate in New Employee Orientation training and contribute to the Headquarters Human Resources Essentials training course. Additionally, HQ EEO conducted monthly internal EEO counselor meetings to discuss the status of cases and provide technical refresher training, as needed. In FY 2016, HQ EEO continued to issue a quarterly newsletter, which features information on special emphasis observances and other pertinent EEO information.

HQ EEO continued the maturation of its reasonable accommodation program during FY 2016, processing 186 reasonable accommodation requests from 136 employees, applicants for employment, and contractors. HQ EEO also provided advice and guidance on the reasonable accommodation process and disability rights and responsibilities to managers and employees within Headquarters. During FY 2016, HQ EEO processed 479 requests for sign language interpreting services, coordinating with other program offices and contract firms, as appropriate. A notable achievement during FY 2016 was HQ EEO's establishment of a specific email address for reasonable accommodation requests; this enhanced the office's ability to track incoming requests and transition to a paperless system of tracking and managing these requests.

4. Transportation Security Administration

Infrastructure

TSA's Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement (CRL/OTE) provides EEO services to a workforce of more than 60,000 employees. During FY 2016, CRL/OTE's Civil Rights, Diversity and Inclusion Division (CRDI) was organized into three main branches: the EEO Management Branch, the Affirmative Employment Branch, and the Diversity & Inclusion Branch. The current staffing level of CRDI consists of 51 full-time federal employees and six contract administrative employees. In FY 2016, CRDI's EEO Management Branch reorganized and consolidated its formal and informal complaints processing sections. The EEO Management Branch added a new Section Chief, six EEO Generalists, and an EEO Assistant. Additionally, during FY 2016, two Branch Chief positions were filled for the Affirmative Employment and Diversity & Inclusion Branches. A new Disability Program Manager was also hired to implement and manage TSA's disability program. In addition to its federal EEO staff members, CRDI was also supported by three private investigative contract firms, one of which was hired in FY 2016.

In FY 2016, the CRDI EEO Management Branch experienced severe staffing challenges within the Formal Complaints Section. TSA responded to these challenges by utilizing new recruiting methods and undergoing a branch-wide reorganization. Prior to the implementation of the reorganization, EEO staff members received extensive training in all aspects of case processing. Upon completion, all EEO Counselors and Case Managers transitioned to the role of EEO Generalists and began processing complaints from "cradle to grave," wherein staff members processed cases in both the informal and formal EEO complaint stages. Additionally, all members of the EEO Investigations Section were cross-trained to assist with case

processing. By the conclusion of FY 2016, the CRDI EEO Management Branch successfully eliminated its backlog of formal complaint processing actions, and increased staffing levels by more than 20 percent.

Complaint Processing

TSA's total number of EEO informal complaints remained relatively consistent from 1,127 filed in FY 2015 and 1,085 filed in FY 2016. In FY 2016, 91 percent of TSA's informal EEO complaints (987 of 1,080) were processed within the required regulatory timeframes, as compared to 86 percent in FY 2015 (971 of 1,127). In FY 2016, TSA had a 58 percent (607 of 1,052) acceptance rate for ADR. Of the 607 cases that went to ADR, nine percent (52) settled. In FY 2016, TSA successfully completed 551 EEO investigations, more than double the number of EEO investigations completed in FY 2015 (235).

In FY 2016, TSA maintained an effective records management program by purging more than 1,075 closed case file records in accordance with the National Archive Records Administration General Record Schedule. TSA continues to closely monitor its case files to determine which files are eligible for destruction in FY 2017.

Services and Proactive Engagement

In FY 2016, CRDI staff provided EEO training to approximately 1,800 TSA managers and supervisors. The training was provided at Federal Air Marshal Service field offices, nationwide airports, and TSA HQ. CRDI's in-person training was supplemented by TSA's Online Learning Center's No FEAR Act training, which all employees are required to complete every other year. TSA also requires all new employees to complete No FEAR Act training within the first 90 calendar days of entering service.

During FY 2016, CRDI commissioned a study to explore TSA's workplace environment and ensure the benefits of a diverse workforce are realized within the agency. TSA's first extensive barrier analysis focused on women and individuals with disabilities. This barrier analysis examined the recruitment, hiring, and promotions process for Transportation Security Officers, Federal Air Marshals, and Transportation Security Executive Services positions through an evaluation of various data sources, internal policies, focus groups, and interviews. This effort will continue in FY 2017, and involve continued analysis of other identified areas of TSA's workforce data, procedures and personnel practices, as well as implementation of action plans to address the root causes identified in FY 2016.

In FY 2016, TSA CRDI hosted training and informational webinars to foster awareness and increase understanding of EEO issues and topics that have a direct impact on the quality of employees' workplace experiences. TSA CRDI hosted 10 webinars in FY 2016, to include the following topics: Managers and Supervisor's Guide to Preventing Retaliation in the Workplace; What You Need to Know About the Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement; Hiring & Working With Individuals With Disabilities; What is Barrier Analysis?; Manager's Guide to Preventing Violence in the Workplace; Manager's Guide to Preventing Harassment in the Workplace; and Schedule A/TSA's Non-Competitive Hiring Authority. The webinars were recorded and captioned, and can be viewed by all TSA employees through an internal TSA web link.

During FY 2016, TSA's Disability Program Manager (DPM) worked to improve hiring and retention opportunities for individuals with disabilities. Towards that goal, the Disability Program hosted its second annual Disability Mentoring Day in October 2015. Thirty TSA employee mentors and 13 mentees with disabilities participated in the event and two mentees were subsequently hired by TSA. The DPM also procured 50 UbiDuo® electronic devices at no-cost for use at TSA airports to facilitate face-to-face communication for individuals who are deaf and hard of hearing. In FY 2016, the DPM conducted reasonable accommodation training for the Department's Inaugural EEO and Diversity Conference, developed and conducted disability awareness training for TSA employees, and worked with TSA's Office of Strategic Communications and Public Affairs to implement procedures for providing interpreters for TSA-wide events.

5. U.S. Citizenship and Immigration Services

Infrastructure

The mission of USCIS's Office of Equal Opportunity and Inclusion (OEOI) is to: provide quality services and programs to eradicate discrimination and harassment in the workplace; build, leverage, and sustain a diverse workforce; and promote an inclusive work environment utilizing data-driven, strategic, and innovative approaches. OEOI services a USCIS federal workforce of 15,471 employees at over 220 offices worldwide. The Chief of OEOI reports directly to the USCIS Office of the Director, underscoring the Director's commitment to the importance of EEO as an integral part of the USCIS mission to ensure a workplace free from discrimination. In FY 2016, OEOI was reorganized into three divisions: the Complaints Resolution Division (CRD); the Diversity Management Operations (DMO) Division; and the Policy, Planning and Resources (PPR) Division. OEOI staff currently consists of 29 full-time employees. Additionally, USCIS employs the assistance of approximately 90 collateral-duty SEPMs and reasonable accommodation coordinators at various USCIS offices nationwide to assist it in achieving its EEO, outreach, and education objectives. OEOI received the Inaugural DHS EEO Diversity and Inclusion Award for being the Department's Component that most demonstrated exemplary performance and leadership and for having a far-reaching impact on the Department as it pertains to EEO, Civil Rights, Diversity, and Inclusion.

Complaint Processing

In pre-complaint processing, the number of EEO counselings completed decreased in FY 2016 (151), as compared to FY 2015 (155). Formal complaint filings also decreased slightly in FY 2016 (87), as compared to FY 2015 (90). CRD processed 98 percent (148 of 151) of EEO counseling cases and 96 percent (73 of 76) of investigations within EEOC's established regulatory timeframes in FY 2016.

USCIS's standalone ADR program has continued to have a positive impact on the efficiency of the overall EEO program. Notably, ADR settlement rate in the EEO process significantly increased from 17 percent (18 of 105) in FY 2015, to 37 percent (34 of 92) in FY 2016. Furthermore, the rate of participation in ADR at the informal complaint stage remained high at 63 percent (92 of 146) in FY 2016, slightly higher than the Department's average ADR participation rate of 60 percent (1,410 of 2,333). USCIS continued to be an active participant in the implementation of the Department-wide shared neutrals program, utilizing the shared

neutrals cadre for six ADR sessions in FY 2016. Through its efforts in these areas, USCIS hopes to further increase ADR participation and resolution rates in FY 2017.

Services and Proactive Engagement

During FY 2016, OEOI, in collaboration with the EEOC, provided mandatory in-person disability accommodation training to 778 supervisors and managers. More than 4,200 managers and supervisors have received training since this initiative was introduced in FY 2011. Additionally, OEOI coordinated in-person diversity and inclusion training in FY 2016 for 60 of the 61 members of the Senior Executive Service within USCIS, and received positive feedback. OEOI continued to broaden outreach efforts and enhance community partnerships through the Minority Serving Institutions (MSI) Program, facilitating more than \$365,000 in equipment donations to MSIs in FY 2016. Furthermore, USCIS issued new Anti-Harassment Procedures and a revised EEO and Anti-Harassment Policy, which include EEO best practices.

In FY 2016, USCIS continued to show improvement in key Federal Employee Viewpoint Survey indices such as satisfaction, employee engagement, organizational performance, and inclusiveness, exceeding the Department and government-wide averages. The FY 2016 EEO and Diversity Climate Survey was conducted, and results will be analyzed together with the FY 2014 baseline survey results to identify any trends, program strengths, and deficiencies and to enable the agency to target future action. OEOI continued to partner with USCIS Mobility Services through a pilot project that provided iPads to deaf employees. This innovation resulted in decreased service charges, reduced equipment and Sign Language Interpretation charges, and provided mobile access to remote interpreters for deaf employees, thus decreasing reliance on live interpreters that can be difficult or costly to secure. USCIS continued to expand the use of the Schedule A appointing authority, instituted management controls in the Schedule A hiring process, and resurveyed disability identification codes to increase the participation rate of individuals with targeted disabilities to one percent, which is the highest rate reported by USCIS.

6. U.S. Coast Guard

Infrastructure

The USCG Civil Rights Directorate (CRD) completed the fourth year of its Strategic Plan of Action 2016 (POA 2016), which provides the framework for achieving its mission. The integral component of this plan is a 33-measure strategic dashboard that provides staff members with a set of program-centric, measureable performance elements used to guide management decisions. During the year, all process owners continued to routinely review and update their measurable outcomes.

The following represent some of the favorable success factors as measured against planned actions for FY 2016:

- CRD collaborated with Base Honolulu on space renovation plans in Honolulu, Hawaii, which will enable proper co-location of the CRD zone manager and Equal

Opportunity (EO) specialist. This initiative is designed to provide expert, cost effective and accessible EEO/EO services to members within their geographic region.

- The USCG Partnership in Education (PIE) Program provides awareness of USCG and federal government careers for youth. The program is a command-sponsored volunteer activity with direct participation in classrooms by workforce members, especially in communities with large underserved populations. This year PIE saw a five percent increase in registered partnership schools, with 179 units across the USCG actively taking part in this highly valuable, community outreach program.

Complaint Processing

- Pre-complaints: 82 pre-complaints were initiated during FY 2016, a decrease of eight percent from FY 2015, when 89 pre-complaints were initiated. A total of 91 pre-complaints were processed in FY 2016. Of the 91 pre-complaints processed, 38 did not result in formal complaint filings, representing a 42 percent resolution rate. CRD attributes this achievement to USCG's mandatory triennial EEO training policy for all of its members. Most notably, 99 percent of all pre-complaints met the regulatory processing timeframe, exceeding the federal average of 94 percent.¹⁵
- Formal complaints: Unresolved pre-complaints initiated by civilian employees resulted in 45 formal complaints being filed in FY 2016. USCG also completed 28 EEO investigations in FY 2016, all of which were completed within regulatory timeframes, besting the government-wide timeliness average of 73 percent. It is noted that USCG also achieved a 100 percent timeliness rate in FY 2015.
- Bases and Issues: In FY 2016, reprisal, age, and disability were the most prevalent bases of discrimination filed in EEO complaints at USCG. Harassment (non-sexual), promotion/non-selection, and reasonable accommodations were the most prevalent issues raised in EEO complaints at USCG.
- ADR: In an effort to resolve issues at the earliest opportunity, USCG offered ADR in 79 pre-complaints; 53 percent (42) were accepted in the ADR program. The ADR division established a process in FY 2014 to assess and improve upon attempts at resolution during counseling, by implementing a mediation training and experience requirement for Civil Rights Service Providers. The requirement for participation as an observer and co-mediator during a minimum of three sessions provides new practitioners with the mentorship and experience to be successful. These initiatives yielded desired results in FY 2016, with the USCG receiving the "Conciliator" award and other recognition from the Department for the stellar outcomes of its ADR program.
- Proactive Prevention of Unlawful Discrimination: As prescribed by the MD-715, USCG performs annual EEO climate assessments of its units to determine if any perceptions of bias or triggers exist that affect the command EEO climate. For FY 2016, USCG

¹⁵ <http://www.eeoc.gov/federal/reports/fsp2014/index.cfm>

conducted 17 onsite EO Reviews, a 21 percent increase over the 14 EO Reviews conducted in FY 2015.

- **Anti-Harassment/Hate Incidents:** Through USCG's procedure for handling reports of harassment, USCG's leadership swiftly investigated 56 claims by civilian employees. Claims of harassment overall were five percent lower than in FY 2015. Notably, 100 percent of the substantiated claims (13) resulted in corrective actions.
- **Reasonable Accommodations:** During FY 2016, USCG granted 98 percent (219 of 224) of requests for reasonable accommodations. This included, but was not limited to electronic equipment, ergonomic chairs, telework, alternative work schedules, motorized scooters, wheelchairs, and sign language interpreters.
- **Mobility Program:** The USCG Headquarters mobility program provides devices such as motorized scooters and wheelchairs to USCG employees, applicants, and visitors. Since its launch, the program received 33 requests, providing temporary accommodations to 25 individuals with mobility needs.

Services and Proactive Engagement

The Special Emphasis Program is an essential part of USCG's efforts to promote equal opportunity, diversity, and inclusion. During the past year, nine senior leaders were Executive Champions for Civil Rights Special Observances. In this capacity, they volunteered their time, effort, and talents to promote activities that educate the workforce about diversity and inclusion. These executives sponsored events, static displays, demonstrations, and food samplings designed to break down stereotypes and highlight individual and group contributions to the nation and the Federal government. This extraordinary example of commitment to equal opportunity on the part of the executives resulted in an overall 15 percent increase in workforce participation for special observances.

USCG continues to participate in national awards ceremonies recognizing military and civilian members who make important contributions to Civil Rights and Equal Opportunity. During FY 2016, managers nominated 33 military and civilian workforce members; ten were selected and honored with the following awards: Federal Asian Pacific American Council's Military Meritorious Service Award; Society of American Indian Government employees' Meritorious Service Award; League of United Latin American Citizens' Excellence in Service Award; National Association for the Advancement of Colored People's Roy Wilkins Renown Service Award; Blacks in Government's Meritorious Service Award; National Organization for Mexican American Rights' Meritorious Service Award; LATINA Style Meritorious Service Award; and National Image Incorporated's Meritorious Service Award.

In addition, USCG annually recognizes an individual military and/or civilian leader in its Senior Leader Award program. The award recognizes senior leaders who demonstrate a commitment to equal opportunity and support activities, which promote a model EEO/EO program.

7. U.S. Customs and Border Protection

Infrastructure

CBP's Privacy and Diversity Office's (PDO) Diversity and EEO Division provides EEO and Diversity and inclusion services to approximately 60,000 CBP employees in the performance of their homeland security mission. The Diversity and EEO Division is composed of a Director, who is supported by a deputy director and assistant directors.

Complaint Processing

During FY 2016, CBP completed counseling in 549 complaints, a 24 percent increase from the 443 counselings in the previous fiscal year. Of the 549 cases counseled in FY 2016, 100 percent were counseled timely. In FY 2016, 309 formal complaints were filed, representing a 31 percent increase from the previous fiscal year when 235 complaints were filed. In FY 2016, CBP's EEO Investigators completed 165 investigations, compared to 195 investigations in FY 2015, representing a decrease of 15 percent. The average processing time to complete the investigations increased to 184 days, up from 166 days in FY 2015. Despite the increase in processing time, CBP saw an increase in timely issuance, with 99 percent of investigations (163 of 165) timely completed within regulatory timeframes, exceeding the government-wide timeliness rate of 73 percent.¹⁶

In an effort to better serve its customers and encourage suggestions on process improvement, PDO developed a Formal Complaint Process Assessment for distribution after conclusion of the investigation or after a case is closed via settlement/withdrawal. The electronic assessment is made available to all complainants, attorneys and/or representatives.

Furthering efforts implemented in FY 2015 and in an effort to ensure CBP managers and supervisors were adequately prepared for mediation, PDO coordinated with the Office of Training & Development to develop, create, and publish "ADR for Supervisors and Managers," which is available on the Department's PALMS.

During FY 2016, ten monthly mediator training conferences (totaling 11 training hours) were held, and 189 mediators were trained. Forty-five mediator recertification meetings were conducted, ensuring that CBP's mediator records were up-to-date and that its mediators were performing within Agency expectations. In FY 2016, CBP collateral-duty mediators facilitated over 200 mediation sessions.

The ADR Program Coordinator served on the Department's ADR Advisory Council, providing guidance and input, and assisting in Component-wide training, thereby assisting in the overall management of the Department's Shared Neutral ADR program. This coordination also provided the opportunity for CBP to be more closely in-line with the Department's goals and program management.

Services and Proactive Engagement

CBP's FY 2016 Anti-Discrimination and Anti-Harassment Policy Statement reminded all employees that CBP's core values (Vigilance, Service to Country, and Integrity) are woven into

¹⁶ <http://www.eeoc.gov/federal/reports/fsp2014/index.cfm>

every decision made in the Agency by providing a framework and guiding choices. The commitment to maintaining a diverse workforce and an inclusive work environment free from discrimination is an extension of CBP's core values in action. Within the policy, all employees were reminded that they have a duty to report misconduct, which includes discriminatory or harassing behavior.

8. U.S. Immigration and Customs Enforcement

Infrastructure

The ICE Office of Diversity and Civil Rights (ODCR) is responsible for directing and integrating the application of the Civil Rights Act of 1964, as amended, as well as other applicable non-discrimination complaint systems and affirmative employment programs. The mission of ODCR is to protect the rights of employees and applicants and ensure ICE promotes a proactive EEO program to achieve the goal of a diverse workplace. ODCR also has oversight responsibility for compliance with federal statutes, regulations, and directives prohibiting unlawful discrimination in ICE-conducted and funded programs and services. ODCR provides EEO, diversity and inclusion, civil rights, and civil liberties services to 19,232 permanent ICE employees, 61 temporary ICE employees, and hundreds of detainees and the public.

The ODCR Assistant Director (AD) is responsible for all EEO, diversity and inclusion, civil rights, and civil liberties matters and provides leadership and oversight for an effective EEO program. Among other responsibilities, the AD oversees the three ODCR divisions: Complaints and Resolution, Civil Liberties, and Diversity Management.

The Complaints and Resolution Division is responsible for all aspects of ICE EEO complaint management, including intake, processing, counseling, mediation, and investigation, as well as the ICE ADR program. These functions are centrally located and managed at the ICE Headquarters office located in Washington, DC; however, the ADR program is located in Burlington, Vermont.

The Civil Liberties Division (CLD) provides expert civil rights and civil liberties guidance to ICE's external stakeholders, including detainees, visitors to detainees, witnesses, victims, and suspects. CLD is responsible for ensuring compliance with civil liberties laws, leading the agency's language access program, providing civil liberties policy guidance and training, and conducting outreach.

The Diversity Management Division (DMD) is responsible for the ICE Special Emphasis Programs, Model Workplace Program, and Disability Programs. DMD, among other things, creates and conducts training regarding Diversity and Inclusion matters, drafts and implements the ICE Diversity and Inclusion Strategic Plan and MD-715 Report, conducts Organizational Climate Assessments, and processes and funds ICE reasonable accommodation requests.

Complaint Processing

During FY 2016, ODCR completed 342 pre-complaints, a 15 percent increase in pre-complaints completed, as compared to FY 2015 when 297 pre-complaints were completed. Of the 342 pre-

complaints completed in FY 2016, 28 percent (95) were closed within 30 days and did not require an extension. Twenty-four percent (83 of 342) resulted in a withdrawal (or no formal filing), and nine percent (31 of 342) resulted in a settlement. The three most commonly alleged bases in these pre-complaints were reprisal, age, and race.

ODCR continues to maximize the use of the ADR program to offer an opportunity to resolve matters at the lowest level in the process. ADR is offered during the pre-complaint and formal stage of the EEO process. In FY 2016, ODCR offered ADR in 98 percent of pre-complaints (319 of 324). ODCR's ADR participation rate also increased, with 148 pre-complaints accepted in the ADR program in FY 2016, compared to 121 pre-complaints accepted in the ADR program in FY 2015. Notably, of the 148 pre-complaints accepted into the ADR program, 47 percent (70) resulted in a withdrawal or settlement.

ADR was also offered in 23 formal complaints during FY 2016, 20 of which were accepted into the ADR program. This is a slight increase from FY 2015, where ADR was offered in 19 formal complaints, with 17 of those complaints accepted into the ADR program. Finally, ODCR sourced 22 ADR cases through the Department's Shared Neutrals Program, resulting in a 60 percent resolution rate and a savings of \$16,800.00.

In FY 2016, 213 formal complaints were filed with ODCR, an increase of 35 cases of 20 percent from FY 2015 (177). This is the highest number of formal filings since FY 2010. During FY 2016, ODCR completed 182 investigations and demonstrated a slight improvement in investigation timeliness during FY 2016 by timely completing 33 percent (60) of investigations, compared to 31 percent (62) in FY 2015. This modest improvement in timeliness is due to the continued processing of aged cases. ODCR remains committed to improving the timeliness of the investigations in FY 2017.

ODCR's total open EEO complaint inventory at the beginning of FY 2016 was 430 cases. ODCR closed 173 complaints, resulting in 40 percent of the open EEO complaint inventory being closed by the end of FY 2016.

Services and Proactive Engagement

ICE's leaders continue to implement initiatives to foster an inclusive, fair, and collaborative work environment, where all employees are respected, valued, and empowered. ICE is aware that full inclusion promotes employee engagement and enables the agency to maximize the talents of all employees allowing them to fully contribute to ICE's mission. Finally, a diverse and inclusive workforce allows ICE to recruit and retain the best and brightest personnel and improve equal employment opportunities.

In May 2016, the ICE Executive Diversity Advisory Council, established in March 2015 to advise the ICE Director on Diversity and Inclusion issues, held its first annual event. This event served as the first gathering of ICE's newly established Collateral Duty Field Special Emphasis Program, which is comprised of Field Special Emphasis Program Managers (F-SEPMs) who create and expand an ICE ODCR presence in the majority of locations where ICE operates. F-SEPMs allow ICE to proactively identify issues negatively impacting the workforce, increase

cultural awareness by conducting field special observances, and increase diversity by conducting outreach to external organizations. Currently, there are 67 F-SEPMs throughout ICE.

In FY 2016, ICE implemented a Central Accommodation Fund (CAF) to fund reasonable accommodations for qualified employees and applicants with disabilities. Due in large part to the implementation of the CAF and the adoption of ICE's standard operating procedures for reasonable accommodation in FY 2015, ICE's reasonable accommodation activity in FY 2016 more than doubled over FY 2015 levels (198 requests from 163 individuals), with 591 requests from 351 individuals being processed.

In accordance with No FEAR Act requirements, employees must receive No FEAR Act training every two years. ICE trains one-half of the workforce every year in order to meet this requirement. At the end of FY 2016, ICE successfully met the biennial training requirement, with 11,970 employees having completed the No FEAR Act training, and with more than 60 percent of the workforce trained.

9. U.S. Secret Service

Infrastructure

In FY 2016, the Office of Equal Employment Opportunity and Diversity was renamed the Office of Equity and Employee Support Services (EES). The EES has positional authority over all USSS programs that provide critical support to the agency's employee population. The EES ensures compliance with all applicable civil rights laws, regulations, policies, and guidance that prohibit discrimination in the federal workplace. The EES monitors the complaint processing activities and issues guidance and leadership on EEO policy to USSS leadership and supervisors. The EES is also responsible for preparing the Annual EEOC 462 Report and the MD-715 Report. EES experienced several vacancies, which contributed to an increased workload for most of the staff. The Affirmative Employment Program Manager, the EEO Assistant, and the EEO Formal Complaints Manager positions remained vacant for several months. By the end of FY 2016, these positions were advertised, recruited, and filled.

The EES, with the support of the USSS Director and members of his leadership team, has launched an additional innovative initiative – the USSS Inclusion and Engagement Council (IEC) to further institutionalize inclusive diversity as a key strategic priority. After identifying an IEC Executive Champion, the agency has proactively enlisted the support of employees throughout the agency to serve as IEC Game Changers. The IEC's objective is to build, foster, create and inspire a workforce where inclusive diversity is not just “talked about” but demonstrated by every employee through “Every Action, Every Day.”

Complaint Processing

In FY 2016, the USSS completed 41 EEO counselings, all of which were timely processed. This is a 20 percent decrease from FY 2015, when 51 pre-complaints were counseled. By the end of FY 2016, ten pre-complaints were withdrawn and 31 formal complaints were filed.

The three most commonly raised bases in the formal complaints filed in FY 2016 were reprisal, race, and disability. The three most commonly raised issues were harassment (non-sexual), non-

selection, and appointment/hire. In FY 2016, USSS timely completed 74 percent (14) of its 19 EEO investigations. USSS also implemented a new Early Dispute Resolution Program (EDRP), which further encouraged disputing parties to participate in mediation services as a means of resolving both EEO and non-EEO workplace conflicts.

Services and Proactive Engagement

During FY 2016, the Talent and Employee Acquisition Management Division's (TAD) Outreach Branch (ORB) continued with the implementation of the Entry Level Assessment Center as part of the Director's Hiring Initiative. In FY 2016, TAD was able to fill 12 Special Agent (SA) classes (hiring 232 employees) and 12 Uniformed Division (UD) classes (hiring 265 employees).

In addition, the UD hosted a Flash Mentoring session on November 13, 2015, during which 22 protégés engaged with six mentors. Further, the ORB team participated in 153 recruitment outreach events, where it maintained a recruitment table, providing information on USSS job opportunities.

USSS has continued to use the flexibilities of the Pathways Internship Program in FY 2016 to attract and develop the talents of the diverse student population. The USSS currently has 40 students in the Pathways Program, who are employed at both USSS Headquarters and field office locations throughout the country.

Also, as a proactive measure, the EDI Program continued its partnership with the Office of Chief Counsel in providing education and training to ensure the workforce is informed about the reasonable accommodation program and the anti-harassment policy. In addition, training on records retention was provided to Human Resources personnel in accordance with 29 C.F.R. §§ 1602 and 1627. Information on the USSS Reasonable Accommodation Policy Directive HRT-04-(05) is made available to all employees during the new employee orientation training.

On July 15, 2016, the Office of EES and the Office of Integrity sponsored the agency's 6th Annual Unity Day celebration entitled: "Celebrating Our Heritage, History, and Harmony; Many Paths, One Journey, Same Destination," at the USSS Headquarters Memorial Building in Washington, D.C. This celebration included an additional Unity Day event hosted by USSS employees at the Los Angeles Field Office.

On September 13-14, 2016, the EES participated in the Department's Inaugural EEO and Diversity Training Conference. The EES Executive participated in two panel discussions. The first was a panel discussion with the EEO Directors' Council about current topics specific to EEO and Diversity practitioners. The second panel was on Collaborative Partnerships between EEO and Human Capital. The Deputy EEO Director also conducted a two-hour workshop entitled, "The ABC's of Generational Diversity and Unconscious Bias."

CONCLUSION

The information in this report highlights the Department's numerous successes in its EEO complaints program in FY 2016. In particular, collaboration across the Department's EEO and

Diversity Program reached an all-time high through initiatives such as the EEO Directors' Council strategic plan working groups, the ADR shared neutrals program, development and use of the ROI Feedback Tool, and the overwhelming participation in, and success of, the Department's Inaugural EEO and Diversity Conference. These efforts and achievements demonstrated a strong unity of effort throughout the program and have paved the way for continued cooperation and successes in future years.

EEO complaint processing has been examined in terms of the number of pre-complaints and formal complaints filed, the types of claims raised, the number and timeliness of investigations completed, the number and timeliness of merit FADs issued, and the number and types of findings of discrimination issued. The Department's program is, of course, impacted statistically by fluctuations in the number of complaints filed, resolved, and investigated within individual Components' programs. This report went deeper to also examine each Component's complaint program and understand the reasons behind the more significant numerical shifts, whether they resulted from positive changes from the prior year(s) or involved matters that negatively impacted Components' and/or the Department's processing timelines. EEO counseling requests were the highest in any year, yet despite this, the efficiency was also at an all-time high in several Components, which influenced the Department's overall success. However, in the formal complaint process, the reduction or elimination of investigation backlogs, while an extremely positive accomplishment, actually had a negative impact on the Department's investigation timeliness rates.

This report also provided an overview of each individual Component's EEO and Civil Rights program. While the Department puts forth numerous collaborative and collective efforts, each Component must also provide dedicated attention to its individual leadership initiatives, employee population, and its own unique needs and goals. The Department's overall EEO program had an active and engaged workforce and continued to achieve meaningful goals throughout FY 2016. Through strong leadership support and encouragement, this program will continue to capitalize on progress made during FY 2016 and continue collaborative efforts and effectiveness during FY 2017 and beyond.

APPENDIX 1

FY16 Annual No FEAR Act Report – Federal Court Cases

DEPARTMENT OF HOMELAND SECURITY

*Number of Cases Filed in Federal Court,
Pending or Resolved Under Section 724.302(a)(1)*

	TITLE VII	ADEA	EPA	REHABILITATION ACT	GINA	WHISTLEBLOWER
Number of cases filed, pending, or resolved	122	36	1	27	1	6

*Number of Cases and Reimbursement by Status
Under Section 724.302(a)(1-2)*

	TITLE VII	ADEA	EPA	REHABILITATION ACT	GINA	WHISTLEBLOWER
Cases pending hearing	50	12	1	11	0	2
Cases heard/pending decision	31	11	0	7	0	3
Decision issued in favor of the Complainant (either in its entirety or partial)	0	0	0	0	0	0
Decision issued in favor of the Agency	19	9	0	7	1	2
Arbitration/Mediation	1	0	0	0	0	0
Settlement	13	3	0	3	0	0
Appeal	11	5	0	2	1	1
Remand	0	0	0	0	0	0
Amount of Reimbursement	\$1,159,705.00	\$0	\$0	\$0	\$0	\$0
Amount of Reimbursement for Attorney Fees	\$237,500.00	\$0	\$0	\$0	\$0	\$0

Number of Employees Disciplined in Cases Under Section 724.302(a)(3)

	TITLE VII	ADEA	EPA	REHABILITATION ACT	GINA	WHISTLEBLOWER
Reprimand	0	0	0	0	0	0
Suspension without pay	0	0	0	0	0	0
Reduction of grade or pay	0	0	0	0	0	0
Removal	0	0	0	0	0	0

***Number of Employees Disciplined, Whether or Not in Connection with Federal Cases Under
Section 724.302(a)(5) (i.e. Including EEO Administrative Cases)***

	TITLE VII	ADEA	EPA	REHABILITATION ACT	GINA	WHISTLEBLOWER
Reprimand	3	0	0	2	0	0
Suspension without pay	2	0	0	0	0	0
Reduction of grade or pay	0	0	0	0	0	0
Removal	0	0	0	0	0	0

APPENDIX 2

**Equal Employment Opportunity Data
Posted
Pursuant to the No Fear Act:
Department of Homeland Security
FY 2016**

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2016Thru09-30
	2011	2012	2013	2014	2015	
Number of Complaints Filed	1262	1180	1184	1203	1237	1315
Number of Complainants	1197	1143	1134	1168	1194	1270
Repeat Filers	57	34	47	29	39	39

Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2016Thru09-30
	2011	2012	2013	2014	2015	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	443	408	442	377	440	428
Color	135	144	154	136	175	163
Religion	62	53	57	64	62	65
Reprisal	587	549	568	570	587	660
Sex	462	441	448	429	455	455
PDA	2	6	8	7	23	22

National Origin	219	222	192	190	190	210
Equal Pay Act	4	2	3	12	8	4
Age	421	397	420	375	407	401
Disability	324	279	273	308	323	337
Genetics	3	2	6	6	4	8
Non-EEO	82	70	79	87	80	74
Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					2016Thru09-30
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2011	2012	2013	2014	2015	
Appointment/Hire	80	66	67	60	80	76
Assignment of Duties	101	99	94	117	143	128
Awards	23	20	20	15	21	20
Conversion to Full Time/Perm Status	2	1	1	2	0	3
Disciplinary Action						
Demotion	12	18	8	9	6	11
Reprimand	87	72	76	57	68	41
Suspension	70	66	64	63	73	76
Removal	31	34	24	41	55	53
Other	49	22	28	61	60	67
Duty Hours	31	17	21	20	28	40
Perf. Eval./ Appraisal	94	87	81	80	138	109
Examination/Test	6	4	10	9	5	14
Harassment						
Non-Sexual	465	466	485	504	503	571

Sexual	41	35	46	39	34	35
Medical Examination	8	12	8	13	22	27
Pay including overtime	38	26	34	47	53	42
Promotion/Non-Selection	230	253	264	166	224	292
Reassignment						
Denied	29	24	30	23	28	33
Directed	54	39	32	44	32	41
Reasonable Accommodation Disability	64	58	57	68	85	88
Reinstatement	7	11	3	3	6	5
Religious Accommodation	0	0	0	0	0	11
Retirement	8	8	3	3	6	4
Sex-Stereotyping	0	0	0	0	0	2
Telework	0	0	0	0	0	18
Termination	162	85	103	93	90	82
Terms/Conditions of Employment	220	120	104	110	105	107
Time and Attendance	52	56	45	51	74	79
Training	32	36	30	23	29	43
Other						
Workforce transformation	51	17	3	1	0	1
User Defined - Other 2	5	3	17	30	35	54
User Defined - Other 3	1	1	2	5	5	6
User Defined - Other 4	4	0	0	0	2	1

Processing Time	Comparative Data					
	Previous Fiscal Year Data					2016Thru09-30
	2011	2012	2013	2014	2015	
Complaints pending during fiscal year						
Average number of days in investigation	237.11	229.62	239.07	263.30	261.27	296.23
Average number of days in final action	153.02	87.68	102.65	71.65	78.23	105.63
Complaint pending during fiscal year where hearing was requested						
Average number of days in investigation	228.00	226.50	233.16	256.69	261.99	286.21
Average number of days in final action	70.39	53.44	53.20	36.73	45.42	57.56
Complaint pending during fiscal year where hearing was not requested						
Average number of days in investigation	253.55	235.56	251.79	274.24	261.19	301.14
Average number of days in final action	233.10	140.05	169.72	119.24	116.70	165.52
Complaints Dismissed by Agency	Comparative Data					
	Previous Fiscal Year Data					2016Thru09-30
	2011	2012	2013	2014	2015	
Total Complaints Dismissed by Agency	133	146	120	120	82	61
Average days pending prior to dismissal	173	134	107	140	159	206
Complaints Withdrawn by Complainants						
Total Complaints Withdrawn by Complainants	111	138	99	107	122	120

Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous Fiscal Year Data										2016Thru09-30	
	2011		2012		2013		2014		2015			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	13		15		27		27		19		16	
Without Hearing	7	54	8	53	22	81	19	70	9	47	9	56
With Hearing	6	46	7	47	5	19	8	30	10	53	7	44
Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2016Thru09-30	
	2011		2012		2013		2014		2015			
	#	%	#	%	#	%	#	%	#	%	#	%
<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	9		8		19		24		13		16	
Race	2	22	0	0	4	21	5	21	4	31	3	19
Color	2	22	1	13	1	5	1	4	1	8	1	6
Religion	1	11	0	0	0	0	0	0	0	0	1	6
Reprisal	4	44	4	50	10	53	10	42	4	31	8	50
Sex	1	11	3	38	7	37	11	46	4	31	12	75
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	1	11	1	13	2	11	4	17	1	8	4	25
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	1	11	2	25	1	5	5	21	7	54	2	13
Disability	3	33	1	13	6	32	9	38	3	23	4	25
Genetics	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	1	13	0	0	1	4	1	8	2	13

Findings After Hearing	6		7		5		8		10		7	
Race	2	33	0	0	1	20	1	13	3	30	2	29
Color	2	33	0	0	0	0	0	0	0	0	0	0
Religion	1	17	0	0	0	0	0	0	0	0	0	0
Reprisal	2	33	4	57	4	80	3	38	4	40	6	86
Sex	1	17	3	43	2	40	1	13	4	40	6	86
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	1	17	0	0	1	20	1	13	0	0	3	43
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	1	17	2	29	1	20	1	13	4	40	2	29
Disability	2	33	1	14	1	20	5	63	2	20	2	29
Genetics	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	1	14	0	0	0	0	1	10	1	14
Findings Without Hearing	3		1		14		16		3		9	
Race	0	0	0	0	3	21	4	25	1	33	1	11
Color	0	0	1	100	1	7	1	6	1	33	1	11
Religion	0	0	0	0	0	0	0	0	0	0	1	11
Reprisal	2	67	0	0	6	43	7	44	0	0	2	22
Sex	0	0	0	0	5	36	10	63	0	0	6	67
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	1	100	1	7	3	19	1	33	1	11
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	4	25	3	100	0	0

Findings After Hearing	6		7		5		8		10		7	
Appointment/Hire	0	0	0	0	0	0	1	13	0	0	0	0
Assignment of Duties	0	0	1	14	0	0	1	13	2	20	1	14
Awards	0	0	0	0	0	0	0	0	0	0	1	14
Conversion to Full Time/Perm Status	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	1	20	0	0	1	10	1	14
Suspension	0	0	0	0	1	20	1	13	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	1	13	0	0	0	0
Duty Hours	1	17	0	0	0	0	0	0	0	0	0	0
Perf. Eval./ Appraisal	0	0	1	14	0	0	0	0	1	10	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	1	17	1	14	1	20	3	38	6	60	4	57
Sexual	0	0	0	0	1	20	1	13	1	10	2	29
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay including overtime	0	0	1	14	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	3	43	0	0	1	13	1	10	3	43
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	2	40	0	0	1	10	0	0
Reasonable Accommodation Disability	2	33	1	14	1	20	0	0	1	10	1	14

Reprimand	1	33	0	0	1	7	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	1	6	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Perf. Eval./ Appraisal	0	0	0	0	1	7	1	6	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	1	100	8	57	7	44	1	33	6	67
Sexual	0	0	0	0	0	0	2	13	0	0	2	22
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay including overtime	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	1	7	4	25	2	67	1	11
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	3	19	0	0	1	11
Reasonable Accommodation Disability	0	0	0	0	1	7	1	6	0	0	1	11
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0	0	0	0	0	0	0
Telework	0	0	0	0	0	0	0	0	0	0	0	0
Termination	1	33	0	0	1	7	2	13	0	0	0	0

Terms/Conditions of Employment	0	0	0	0	2	14	2	13	0	0	0	0
Time and Attendance	0	0	0	0	1	7	0	0	1	33	0	0
Training	0	0	0	0	0	0	0	0	2	67	0	0
Other - User Define												
Workforce transformation	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 2	0	0	0	0	1	7	1	6	0	0	0	0
User Defined - Other 3	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 4	0	0	0	0	0	0	0	0	0	0	0	0
Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data											
	Previous Fiscal Year Data					2016Thru09-30						
	2011	2012	2013	2014	2015							
Total complaints from previous Fiscal Years	704	900	899	1082	1353	1720						
Total Complainants	654	824	847	1017	1267	1599						
Number complaints pending												
Investigation	43	90	113	96	191	209						
ROI issued, pending Complainant's action	6	4	12	8	9	11						
Hearing	533	639	679	886	1016	1213						
Final Agency Action	107	152	104	96	143	237						
Appeal with EEOC Office of Federal Operations	372	469	606	733	731	740						

Complaint Investigations	Comparative Data					
	Previous Fiscal Year Data					2016Thru09-30
	2011	2012	2013	2014	2015	
Pending Complaints Where Investigations Exceed Required Time Frames	169	185	207	157	265	230