

U.S. DEPARTMENT OF COMMERCE No FEAR ACT EEO COMPLAINT DATA

Department Aggregate
Updated: July 9, 2004

Notes:

- This is an interim report. It will be revised upon publication of the Equal Employment Opportunity Commission (EEOC) final rule.
- Data for the U.S. Patent and Trademark Office is included in the Department aggregate for FY 1999 only. See the PTO website – www.uspto.gov - for postings from PTO related to the No FEAR Act.
- Data for dismissals includes complaints dismissed prior to investigation and complaints dismissed in later proceedings.

1. NUMBER OF COMPLAINTS

Number of Complaints	FY 2004 end of 3rd Quarter	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
Pending at the beginning of the FY	389	558	712	1163	433	311
Filed in the FY	84	138	213	327	1408	445
Closed in the FY	319	307	367	778	678	321
Pending at any time in the FY	473	696	925	1490	1841	756

2. NUMBER OF COMPLAINANTS

Number of Complainants	FY 2004 end of 3rd Quarter	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
Who had a complaint pending	367	n/a	n/a	n/a	n/a	n/a
Who filed a complaint	83	164	157	223	1315	331
Who filed 2 or more complaints	1	4	11	12	36	50

3. BASES OF COMPLAINTS

Bases of Complaints	FY 2004 end of 3rd Quarter	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
Race	42	82	117	144	567	386
Color	9	16	17	0	0	0
Religion	7	12	8	23	108	64

Bases of Complaints	FY 2004 end of 3rd Quarter	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
National Origin	13	35	17	25	132	104
Sex	33	57	59	75	428	263
Disability	28	37	38	40	307	165
Age	36	66	66	83	398	234
Reprisal	51	71	90	111	561	404
Equal Pay	0	0	0	0	2	0
Other	2	0	0	0	0	0
TOTALS	221	376	412	501	2503	1620

4. ISSUES IN COMPLAINTS

Issues in Complaints	FY 2004 end of 3rd Quarter	FY 2003	FY 2002	FY 2001	FY 2000	FY1999
Appointment/ Hire	1	7	8	32	195	46
Assignment of Duties	16	19	23	26	143	63
Awards	10	7	7	10	11	13
Conversion to Full Time	0	0	0	1	0	0
Discipline						
a. Demotion	2	0	1	4	54	5
b. Reprimand	3	9	7	14	15	19
c. Suspension	1	4	4	7	8	13
d. Removal	0	0	0	0	0	0
e. Other	2	0	1	0	0	0
Duty Hours	1	0	1	0	2	1
Evaluation/Appraisal	8	15	15	15	26	44
Examination/Test	1	0	0	0	13	1
Harassment						
a. Non-sexual	31	63	52	51	289	119
b. Sexual	1	5	6	8	49	13
Medical Examination	0	0	0	0	0	0
Pay, including OT	2	5	2	7	34	11
Promotion/ Non-selection	27	53	58	31	132	82
Reassignment						
a. Requested	1	1	0	0	7	11
b. Directed	6	9	3	0	7	14
Reasonable Accommodation	10	13	12	14	49	14
Reinstatement	0	0	0	0	0	2
Retirement	1	1	3	0	0	1
Termination	9	16	14	36	599	110
Terms/Conditions	7	7	10	44	44	12
Time & Attendance	9	16	3	25	25	34
Training	10	4	10	10	25	19
Other	10	7	7	13	14	47
TOTALS	169	261	247	348	1741	694

5. COMPLAINTS PENDING BY STATUS

Complaints Pending by Status	FY 2004 end of 3rd Quarter	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
Investigation	110	152	125	358	213	133
Hearing	84	132	275	244	166	158
Final Agency Action	48	151	107	27	18	83
Appeal	42	n/a	n/a	n/a	n/a	n/a
Accept/Dismiss	26	36	51	33	728	60
TOTALS	320	471	558	662	1125	434

**6. AVERAGE DAYS PROCESSING TIME OF
 PENDING COMPLAINTS FROM DATE FORMAL COMPLAINT FILED**

Average Days Processing Time of Pending Complaints from Date Formal Complaint Filed	FY 2004 end of 3rd Quarter
Investigation	413
a. Hearing Requested	373
b. No Hearing	480
Final Agency Action	973
a. With Hearing	1244
b. Without Hearing	702

7. INVESTIGATIONS PENDING OVER 180 DAYS

Pending Investigations	FY 2004 end of 3rd Quarter	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
No. of Investigations pending over 180 days	90	175	101	413	154	183

8. COMPLAINTS DISMISSED

Complaints Dismissed	FY 2004 end of 3rd Quarter	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999
No. of Complaints	17	31	38	428	327	120
Average Days Pending	262	193	207	193	134	137

9. FINDINGS OF DISCRIMINATIONS AS % OF TOTAL COMPLAINTS PENDING

Findings of Discrimination as % of Total Complaints Pending	FY 2004 end of 3rd Quarter		FY 2003		FY 2002		FY 2001		FY 2000		FY 1999	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
With Hearing	1	>1	0	0	1	>1	0	0	0	0	0	0
Without Hearing	1	0	3	>1	1	>1	4	>1	0	0	5	>1
TOTALS	2	>1	3	>1	2	>1	4	>1	0	0	5	>1

10. FINDINGS OF DISCRIMINATION BY BASIS

Findings of Discrimination By Basis	FY 2004 end of 3rd Quarter		FY 2003		FY 2002		FY 2001		FY 2000		FY 1999	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	1	>1	1	>1	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Sex	1	>1	0	0	0	0	0	0	0	0	0	0
Disability	1	0	1	>1	0	0	0	0	0	0	0	0
Age	0	0	0	0	1	>1	1	>1	0	0	5	>1
Reprisal	1	>1	3	>1	0	0	3	>1	0	0	0	0
Equal Pay	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
TOTALS	3	>1	6	>1	2	>1	4	>1	0	0	5	>1

11. FINDINGS OF DISCRIMINATION BY ISSUE

Findings of Discrimination by Issue	FY 2004 end of 3rd Quarter		FY 2003		FY 2002		FY 2001		FY 2000		FY1999	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Appointment/ Hire	1	>1	0	0	1	>1	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	1	>1	0	0	0	0
Conversion to Full Time	0	0	0	0	0	0	0	0	0	0	0	0
Discipline												
a. Demotion	0	0	0	0	0	0	0	0	0	0	0	0
b. Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
c. Suspension	0	0	0	0	0	0	0	0	0	0	0	0
d. Removal	0	0	0	0	0	0	0	0	0	0	0	0
e. 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
Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
a. Non-sexual	0	0	2	>1	0	0	3	>1	0	0	0	0
b. Sexual	1	>1	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination by Issue	FY 2004 end of 3rd Quarter		FY 2003		FY 2002		FY 2001		FY 2000		FY1999	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay, including OT	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/ Non-selection	0	0	0	0	1	>1	1	>1	0	0	5	>1
Reassignment												
a. Requested	0	0	0	0	0	0	0	0	0	0	0	0
b. Directed	1	>1	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	2	>1	0	0	0	0	0	0	0	0
Reinstatement	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
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions	0	0	0	0	0	0	0	0	0	0	0	0
Time & Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	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
TOTAL	3	>1	4	>1	2	>1	5	>1	0	0	5	>1