

**EQUAL OPPORTUNITY DATA REQUIRED TO BE POSTED BY THE NO FEAR ACT**  
**Equal Employment Opportunity Formal Discrimination Complaints**  
**U. S. DEPARTMENT OF AGRICULTURE (Fiscal Year 2004)**

Reporting Period Beginning: 10/1/03

and Ending: 09/30/04 Cumulative

Posting Date: 10/31/04

Agency: ARS

<b>1. The number of complaints filed: 30</b>		<b>2. Number of Filers</b> (The number of individuals filing those complaints): <b>25</b>		<b>3. Number of Repeat Filers</b> (The number of individuals who filed 2 or more complaints): <b>2</b>	
<b>4. Number of BASES Alleged in Complaints Filed for the Reporting Period</b> (The number of those complaints raising each of the various bases of alleged discrimination.)					
<b>BASIS</b>		<b>Number</b>	<b>BASIS</b>		<b>Number</b>
a. <b>RACE</b>	Black	3	e. <b>NATIONAL ORIGIN</b>	Hispanic	1
	White			Other	3
	American Indian & Alaskan Native		f. <b>DISABILITY</b>	Physical	2
	Asian & Pacific Islander	2		Mental	4
	Other			Both	
b. <b>COLOR</b>			g. <b>AGE</b>		8
c. <b>RELIGION</b>		1	h. <b>RETALIATION</b>		16
d. <b>SEX (including Equal Pay Act)</b>	Male		i. <b>NON-EEOC REPORTABLE BASES</b>		align="center">1
	Female	4			
<b>Total</b>					<b>45</b>
<b>5. Number of ISSUES Alleged in Complaints Filed for the Reporting Period</b> (The number of those complaints raising each of the various issues of alleged discrimination.)					
<b>ISSUES</b>		<b>Number</b>	<b>ISSUES</b>		<b>Number</b>
a. <b>APPOINTMENT/HIRE</b>			j. <b>TRAINING</b>		2
b. <b>ASSIGNMENT OF DUTIES</b>			k. <b>TIME &amp; ATTENDANCE</b>		1
c. <b>AWARDS</b>			l. <b>TERMINATION</b>		7
d. <b>CONVERSION TO FULL-TIME</b>			m. <b>MEDICAL EXAMINATION</b>		
e. <b>DISCIPLINARY ACTION</b>		5	n. <b>PAY, INCLUDING OVERTIME</b>		1
	Demotion	(1)	o. <b>PROMOTION/NON-SELECTION</b>		9
	Reprimand	(1)	p. <b>HARASSMENT</b>		17
	Suspension	(3)	Sexual		(1)
	Removal		Non-Sexual		(16)
	Miscellaneous		q. <b>REINSTATEMENT</b>		
f. <b>DUTY HOURS</b>			r. <b>RETIREMENT</b>		
g. <b>EVALUATION/APPRaisal</b>		2	s. <b>TERMS/CONDITIONS OF EMPLOYMENT</b>		
h. <b>EXAMINATION/TEST</b>			t. <b>REASONABLE ACCOMODATION</b>		2
i. <b>REASSIGNMENT</b>		1	u. <b>OTHER</b>		1
<b>Total</b>					<b>48</b>
<b>6. Average Length of Time to Complete Each Stage of the Complaint Process:</b>			<b>Average Number of Processing Days</b>	<b>Number of Complaints</b>	
a. <b>INVESTIGATION</b> Investigation (Agency)			129	27	
b. <b>FINAL AGENCY ACTION (Decision) -WITH EEOC HEARING (EEOC)</b>			461	12	
c. <b>FINAL AGENCY ACTION (Decision) -WITHOUT EEOC HEARING (CR)</b>			817	24	
d. <b>DISMISSALS</b>			150	8	
e. <b>SETTLEMENT AGREEMENTS</b>			356	4	
f. <b>WITHDRAWALS</b>			522	5	

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7. Final Agency Actions (Decisions) Involving a Finding of Discrimination.			Number of Complaints with a Finding of Discrimination		Percent of Complaints with a Finding of Discrimination	
a. Without an EEOC Administrative Hearing			1		100%	
b. With an EEOC Administrative Hearing						
<b>Totals</b>			<b>1</b>		<b>100%</b>	
8. Final Agency Actions With a Finding of Discrimination by Basis.			Number of Bases without an EEOC Hearing	Percent of Bases without an EEOC Hearing	Total Number of Bases	Total Percent of Bases
<b>Race</b>	Black					
	White					
	American Indian & Alaskan Native					
	Asian & Pacific Islander					
	Unidentified					
<b>Color</b>						
<b>Religion</b>						
<b>Sex (Including Equal Pay Act)</b>	Male					
	Female		1	50%	1	50%
<b>National Origin</b>	Hispanic					
	Other					
<b>Age</b>						
<b>Disability</b>	Physical					
	Mental					
	Both					
<b>Retaliation</b>			1	50%	1	50%
<b>Non-EEOC Reportable Complaints</b>						
<b>Total</b>			<b>2</b>	<b>100%</b>	<b>2</b>	<b>100%</b>
<b>9. Summary of EEO Active Complaints at the End of the Period Filed in Current and Previous Fiscal Years</b> (The total number of complaints pending for any length of time.)						
	(1 + 2) Total number of pending complaints	(1) Total number of complaints filed in the current fiscal year	(2) Total number of complaints first filed before the start of the current fiscal year	Number of individuals who filed complaints in prior fiscal years		
a. Acceptance/Dismissal	3	2	1	1		
b. Investigation	16	11	5	1		
c. Hearing	21	10	11	6		
d. Final Agency Action	23	3	20	11		
e. Appeal	6	5	1	5		
f. <b>Totals</b>	<b>69</b>	<b>31</b>	<b>38</b>	<b>24</b>		
g. Number of complaints in abeyance pending resolution of class complaints: 11						
10. Final Agency Actions with a Finding of Discrimination by Issues.		Number of Issues With an EEOC Hearing	Percent of Issues With an EEOC Hearing	Number of Issues Without an EEOC Hearing	Percent of Issues Without an EEOC Hearing	
<b>Appointment/Hire</b>						
<b>Assignment of Duties</b>						

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<b>Awards</b>					
<b>Conversion to Full-Time</b>					
<b>Disciplinary Action</b>	Demotion				
	Reprimand				
	Suspension				
	Removal				
	Miscellaneous				
<b>Duty Hours</b>					
<b>Evaluation Appraisal</b>					
<b>Examination/Test</b>					
<b>Harassment</b>	Sexual				
	Non-sexual				
<b>Medical Examination</b>					
<b>Pay, Including Overtime</b>					
<b>Promotion/Non-Selection</b>				1	100%
<b>Reassignment</b>	Denied				
	Directed				
<b>Reasonable Accommodation</b>					
<b>Reinstatement</b>					
<b>Retirement</b>					
<b>Terms/Conditions of Employment</b>					
<b>Termination</b>					
<b>Training</b>					
<b>Time &amp; Attendance</b>					
<b>Other</b>					
<b>Totals</b>		0		1	100%

**11. The total number of complaints pending for any length of time in which the agency has not completed its investigation within the time required by 1614.106(e)(2).**

a. Pending complaints received during the current fiscal year: 1

b. Pending complaints received prior to the current fiscal year: 9