



UNITED STATES
DEPARTMENT OF TRANSPORTATION

**Fiscal Year 2024
Annual Report to Congress on the
Notification and Federal Employee
Antidiscrimination and
Retaliation Act of 2002**

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1. Background

In 2002, Congress passed the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), Public Law 107-174, Title 5 of the United States Code (5 U.S.C.) § 2301 *et seq.*, to hold federal agencies financially accountable for violations of federal antidiscrimination and whistleblower protection laws. Prior to the No FEAR Act, monetary judgments against federal agencies were paid from the U.S. Department of Justice's Judgment Fund. With the enactment of Section 201 of the No FEAR Act, Congress required federal agencies to reimburse the Judgment Fund for all judgments, awards, and settlements paid to a complainant as the result of a violation of antidiscrimination or whistleblower protection laws.

In addition, the No FEAR Act requires federal agencies to provide public notice of relevant statistics on agency websites,¹ including the number of federal court cases involving discrimination that were filed, pending, and/or resolved, and other information on Equal Employment Opportunity (EEO) complaints.

The No FEAR Act also requires each federal agency to report annually to Congress, the Equal Employment Opportunity Commission, the Office of Personnel Management, and the U.S. Attorney General on its complaints of discrimination, Federal court cases involving discrimination, and activities to prevent discrimination and retaliation.

In doing so, federal agencies report on:

- The number of federal court cases, pending or resolved, arising under the antidiscrimination laws and authorities included in the No FEAR Act, and the status and disposition of those cases;
- Judgment Fund reimbursements, adjustments to agency budgets to meet reimbursement requirements, and the amount of reimbursement required for attorneys' fees where such fees have been separately designated;
- The number and type of disciplinary actions related to discrimination, retaliation, or harassment;
- A detailed description of the agency's policy for taking disciplinary actions against employees for conduct inconsistent with the antidiscrimination laws referenced in the No FEAR Act;
- Year-end summary data of federal sector EEO complaint activity;
- An analysis of the information provided in this report, including an examination of trends, causes, lessons learned, and actions planned or taken to improve compliance; and
- The agency's plan to train employees on their rights under the No FEAR Act.

Representatives from the U.S. Department of Transportation (DOT or the Department) Office of the Secretary (OST), including the Departmental Office of Civil Rights (DOCR), the Departmental Office of Human Resource Management (DOHRM), and the Office of the Assistant Secretary for Administration (OST-M), assisted in the preparation of this report on anti-discrimination activities during FY 2024 in collaboration with the Office of Inspector General (OIG) and DOT's nine operating administrations (OAs): the Federal Aviation Administration (FAA), the Federal Highway Administration (FHWA), the Federal Motor Carrier Safety

¹ See DOT's relevant statistics, <https://www.transportation.gov/civil-rights/reports/docr-reports>.

Administration (FMCSA), the Federal Railroad Administration (FRA), the Federal Transit Administration (FTA), the Maritime Administration (MARAD), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Great Lakes St. Lawrence Seaway Development Corporation (GLS).

Pursuant to statutory requirements, DOT provides a copy of the No FEAR Act annual report to the following members of the 119th Congress:

- The Honorable Mike Johnson, Speaker of the House of Representatives
- The Honorable Chuck Grassley, President Pro Tempore of the Senate
- The Honorable Susan Collins, Chairman, Senate Committee on Appropriations
- The Honorable Patty Murray, Vice Chair, Senate Committee on Appropriations
- The Honorable Tom Cole, Chairman, House Committee on Appropriations
- The Honorable Rosa DeLauro, Ranking Member, House Committee on Appropriations
- The Honorable Tim Scott, Chairman, Senate Committee on Banking, Housing, and Urban Affairs
- The Honorable Elizabeth Warren, Ranking Member, Senate Committee on Banking, Housing, and Urban Affairs
- The Honorable Brett Guthrie, Chairman, House Committee on Energy and Commerce
- The Honorable Frank J. Pallone, Jr., Ranking Member, House Committee on Energy and Commerce
- The Honorable Ted Cruz, Chairman, Senate Committee on Commerce, Science, and Transportation
- The Honorable Maria Cantwell, Ranking Member, Senate Committee on Commerce, Science, and Transportation
- The Honorable James Comer, Chairman, House Committee on Oversight and Government Reform
- The Honorable Jamie Raskin, Ranking Member, House Committee on Oversight and Government Reform
- The Honorable Shelley Moore Capito, Chairman, Senate Committee on Environment and Public Works
- The Honorable Sheldon Whitehouse, Ranking Member, Senate Committee on Environment and Public Works

- The Honorable Brian Babin, Chairman, House Committee on Science, Space, and Technology
- The Honorable Zoe Lofgren, Ranking Member, House Committee on Science, Space, and Technology
- The Honorable Rand Paul, Chairman, Senate Committee on Homeland Security and Governmental Affairs
- The Honorable Gary C. Peters, Ranking Member, Senate Committee on Homeland Security and Governmental Affairs
- The Honorable Sam Graves, Chairman, House Committee on Transportation and Infrastructure
- The Honorable Rick Larsen, Ranking Member, House Committee on Transportation and Infrastructure

Pursuant to statutory and regulatory requirements, DOT also provides a copy of this report to the following members of the Executive Branch:

The Honorable Andrea R. Lucas, Chair, U.S. Equal Employment Opportunity Commission

The Honorable Pamela Bondi, Attorney General, U.S. Department of Justice

The Honorable Charles Ezell, Acting Director, U.S. Office of Personnel Management

2. DOT Priorities

Transportation is integral to every American's life. DOT believes in creating the safest, most efficient, and modern transportation system in the world. DOT prioritizes safety, transformation, and cybersecurity to improve the nation's transportation system.

3. Results and Data

3.1 EEO Complaint Activity in Federal Court and Disposition

FY 2024 Federal Court Case Volume Remains Consistent

In FY 2024, the Department was party to 37 federal court cases involving EEO complaints, which was an increase from FY 2023 (34) but remained lower than the total number of federal court cases in FY 2022 (40) and FY 2021 (41). The number of pending cases increased, with 26 cases at the end of FY 2024 (including two that were granted summary judgment for DOT but have appeals pending) compared to 22 at the end of FY 2023, 25 at the close of FY 2022, and 27 at the close of FY 2021.

In FY 2024, the most frequently raised bases² of discrimination in DOT's federal court cases were reprisal or retaliation (19) and race (17), followed closely by sex (12).³ Cases alleging harassment (non-sexual) were lower in FY 2024 (10) compared to FY 2023 (11) and FY 2022 (15). Thirteen cases in FY 2024 involved issues⁴ of non-selection or promotion, nine involved termination, and three cases involved reasonable accommodation.

Of the 26 cases pending in federal court at the close of FY 2024:

- 23 cases contain claims under Title VII of the Civil Rights Act of 1964 (Title VII) (42 U.S.C. § 2000e-16);
- Three cases contain claims under the Rehabilitation Act of 1973 (Rehabilitation Act) (29 U.S.C. § 791); and
- One case contains claims of reprisal under the Whistleblower Protection Act of 1989 (5 U.S.C. § 2302(b)(8)-(9)).

Of the federal court cases that DOT resolved:

- Five cases involved Title VII;
- Four cases involved the Age Discrimination in Employment Act (ADEA); and
- One case involved claims under the Rehabilitation Act.

DOT closed 11 cases in FY 2024, consistent with the 11 cases closed during FY 2023 but higher than the five cases closed in FY 2022. Four of the cases closed in FY 2024 ended in settlement and two were dismissed. Courts granted summary judgment for DOT in five cases.

3.2 Reimbursements and Budget Adjustments in FY 2024

DOT reimbursed the Judgment Fund a total of \$270,500 for two federal court cases.⁵

² “Bases” are the protected categories in the law on which adverse employment actions may not be made (i.e. race, color, religion, sex, pregnancy, national origin, age (40 or older), disability, and genetic information).

³ More than one type of allegation can be made in a single case.

⁴ An “issue” is the alleged event that caused harm for which relief is sought in an EEO complaint.

⁵ *Bittman v. Buttigieg* was settled for \$70,500 in FY 2024 as a new case (1-22-CV-05147) after an earlier case (1-22-CV-01872) was dismissed as untimely filed. Although the case was not settled until FY 2024, this case settlement amount also appeared in the FY 2023 No FEAR Act report.

3.3 Summary Federal Court Case Data

Table 1: Summary of Federal Court Cases DOT FY 2024 No FEAR Act Annual Report required by Section 203 of the No FEAR Act and 5 C.F.R. Part 724	
Total number of pending or resolved Federal court cases, arising under each of the respective provisions of law covered by 5 C.F.R. §724.302 (a)(1)	
A. Cases Pending	26
B. Cases Resolved	11
The status or disposition of resolved cases	
Dismissed	2
Settled	4
Summary Judgment for the Agency	5
Withdrawn	0
Award	2
Total Resolved Cases	11
Funds required to be reimbursed by DOT under Section 201 of the No FEAR Act in connection with each case	
Title VII and ADEA	\$270,500
Total Reimbursement	\$270,500

3.4 Disciplinary Policy and Number of Employees Disciplined

Although several of DOT's OAs have tables of penalties, Department-wide disciplinary policy is outlined in the Secretarial Civil Rights Policy Statements, which assert the Secretary of Transportation's commitment to establishing and maintaining a workplace free from discrimination, harassment, and retaliation. The Policy Statements advise DOT employees of their rights and responsibilities and inform all DOT employees that they will be held accountable for any actions that violate DOT policies on discrimination, harassment, and/or retaliation. This includes disciplinary action, up to and including dismissal, for engaging in discriminatory conduct.

The Secretary issues the Policy Statements annually. They are distributed to DOT employees via email, posted in common areas throughout DOT offices, and published electronically on DOT's public-facing website. In addition, many OAs have established new policies to distribute the Statements electronically through their intranet sites to ensure that they are easily accessible and available to all employees.

During FY 2024, 15 DOT employees were disciplined for discrimination, retaliation, harassment, or any other provision of the law related to the No FEAR Act. Of the disciplinary actions, eight employees received reprimands, four employees received suspensions, two employees received reductions in grade, and one employee was removed for conduct related to the No FEAR Act.

3.5 Analysis of Complaints

3.5.1 EEO Complaint Data

The number of EEO complaints decreased by 6.14 percent in FY 2024, after a 24.15 percent rise in complaints in FY 2023. During FY 2024, 260 complainants filed a total of 275 complaints with DOT. The number of complainants also decreased by 6.14 percent in FY 2024, with the number of repeat complainants falling by 13.33 percent. The ratio of complainants (260) to the total FY 2024 DOT permanent workforce (55,882) was 0.47 percent; slightly higher than the most recently published government-wide average of 0.39 percent.⁶

3.5.2 Trends and Analysis

FY 2024 EEO Complaint Numbers Decreased Along with Complaints on the Basis of Age, but Sex-, Disability-, and Race-based Complaints Increased

In FY 2024, DOT experienced an overall decrease in EEO complaints, receiving 6.14 percent fewer complaints than it received in the previous year. FY 2024 marked the first decrease in complaints since FY 2021, during which there was a substantial and atypical decrease of 35.16 percent from FY 2020. Reprisal continues to be the most frequently raised complaint basis maintaining a long-term trend in DOT complaints consistent with government-wide complaint data.⁷

Over the last five years, the five most commonly alleged bases for complaints have remained reprisal, sex, disability, race, and age. Reprisal has been the most frequent basis for complaints in each of these years; in FY 2024, it was followed by the bases of sex,⁸ disability, race, and age. Since FY 2022, sex has risen from the fourth most frequently raised basis, to third in FY 2023, and finally to second in FY 2024. After one year (FY 2022) as the second-highest basis, disability has returned to third place. Race was the fourth most frequently raised basis in FY 2024 after being the second most frequently raised basis in both FY 2021 and 2022.

During FY 2024, reprisal was raised in almost two thirds of all complaints (61.8 percent, an increase from 57.7 percent in FY 2023). Sex was raised in 41.8 percent of all complaints (up from 36.5 percent), disability was raised in 40 percent (up from 37.9 percent), race was raised in 38.9 percent (up from 29.7 percent), and age was raised in 30.2 percent of complaints (a decrease from 31.1 percent of complaints in FY 2023).

Prior Issues Trend Downwards from Past FYs, While New Issues Emerge in Complaints: Promotion/Non-Selection

⁶ See Equal Employment Opportunity Commission (EEOC) Annual Report on the Federal Work Force Fiscal Year 2021, <https://www.eeoc.gov/federal-sector/reports>.

⁷ See Equal Employment Opportunity Commission (EEOC) Annual Report on the Federal Work Force Fiscal Year 2021, <https://www.eeoc.gov/federal-sector/reports>.

⁸ Complaints on the basis of sex include those filed under the Equal Pay Act.

Non-sexual harassment continues to be the most frequently raised issue for complaints during FY 2024, following a ten-plus year trend at DOT. Harassment (non-sexual) is also the leading issue for complaints across all federal agencies and is cited more than twice as often as the next most common issue in complaint data.⁹ However, harassment (non-sexual) was raised in 64.0 percent of DOT FY 2024 complaints, decreasing from 68.6 percent in FY 2023, 65.7 percent in FY 2022, and 65.5 percent in FY 2021.

After harassment, the next most frequently raised issue falls under the category of Other Terms and Conditions of Employment at 36.7 percent, which decreased from 37.2 percent in FY 2023. This category was consolidated in FY 2022 and includes assignment of duties, duty hours, conversion to full-time, reinstatement, retirement, or other terms/conditions of employment.

Promotion/Non-Selection was the third most frequently raised issue in FY 2024 at 25.8 percent (rising from 20.1 percent in FY 2023), while the third most frequently raised issue of FY 2023—“Disciplinary Actions,” including Demotion, Removal, and Other (e.g., Reprimand and Disciplinary Warning)—fell from 20.5 percent in FY 2023 to 14.9 percent in FY 2024 (fourth-highest). After rising since FY 2021, complaints concerning reasonable accommodations fell from just over 20 percent in FY 2023 to 15.6 percent in FY 2024.

3.6 Findings of Discrimination

In FY 2024, DOT did not have any findings of discrimination. This is a decrease from FY 2023, in which DOT had one finding of discrimination on the bases of sex, age, and disability, with the issues identified as harassment (non-sexual), evaluation/appraisal, and reasonable accommodation.

FY 2024’s lack of findings help establish a slowly decreasing trend in DOT. While FY 2020 had four findings of discrimination and FY 2019 had two, there were a total of only two findings from FYs 2021 through 2024. Over the past five FYs DOT had an average of 1.3 findings per year.

4. Accomplishments, Training, and Awareness

Anti-Discrimination and EEO Policies

Each year, the Secretary of Transportation issues Civil Rights Policy Statements on equal employment opportunity, No FEAR Act rights and responsibilities, anti-harassment, and the employment and advancement of people with disabilities.¹⁰ DOT, as well as the OAs, post these Policy Statements in their offices and on their public websites. DOT also includes these Policy Statements in its No FEAR training to ensure that all employees are familiar with their rights and responsibilities.

⁹ See Equal Employment Opportunity Commission (EEOC) Annual Report on the Federal Work Force Fiscal Year 2021, <https://www.eeoc.gov/federal-sector/reports>.

¹⁰ Agencies are required to make written materials on EEO programs and administrative and judicial remedial procedures available to all employees and applicants. See 29 CFR 1614.102(b)(5)

The majority of complaints filed at DOT include harassment allegations. In 2019, DOT issued a Departmental anti-harassment policy which requires each OA to establish its own anti-harassment program and identify an anti-harassment coordinator to implement the program. DOOCR and DOHRM partner closely to oversee OA anti-harassment programs. This oversight includes an annual review of OA anti-harassment programs, which involves an analysis of harassment complaint data and trends. DOOCR and DOHRM have also established a community of practice for OA anti-harassment coordinators to provide guidance, share best practices, and work collaboratively to address challenges. Per DOT's policy, all employees and supervisors/managers receive annual training on the anti-harassment program, and some OAs provide additional workshops and skills-based trainings to support a safe and inclusive workplace. Some of the OA activities are listed below.

Over the course of FY 2024, FAA conducted assessments based on complaint data to ensure nondiscrimination in the workplace under Title VII of the Civil Rights Act of 1964. Assessment results are used to ensure compliance and assist Line of Business/Staff Offices (LOB/SO) in their recruitment efforts. FAA's National Complaint and Alternative Dispute Resolution (ADR) Program was successfully centralized to the National Complaint and Alternative Dispute Resolution (ADR) Services.¹¹ The FAA Administrator signed an ADR endorsement memorandum encouraging FAA's management to engage in employee-requested mediation processes and distributed the memo to all FAA managers on April 5, 2024. As a result, management's ADR engagement increased from 73 percent in FY23 to 85 percent in FY24; FAA's Alternative Dispute Resolution (ADR) 85-day processing also rose from 72 percent in 2023 to 76 percent in FY2024.

FY 2024 saw many modal staffing changes, including three new EEO Counselors for FTA's EEO Counselor program and its first Section 508 Compliance Officer within the Office of Talent and Organizational Development.¹² MARAD added an additional Anti-Harassment Coordinator to its Anti-Harassment Program. NHTSA Office of Civil Rights (NCR) Equal Employment Opportunity Division, increased agency staffing by two employees to maintain an effective EEO Program. FRA increased agency collateral duty EEO counselors from six to 11 and provided EEO counselors with data entry access to the DOT-wide complaint database, streamlining their complaint processing (with 100 percent timeliness in processing eight informal EEO complaints in FY 2024).

Multiple OAs conducted analyses to examine trends in hiring rates, separation rates, and workforce participation rates. FHWA conducted a review of existing policies and procedures to identify potential employment barriers and gathered feedback via employee interviews to explore additional opportunities for enhancing data submissions and program activities. As part of these efforts, the FHWA Office of Civil Rights initiated discussions with the FHWA Office of Human Resources to examine the recruitment process. FTA concluded a three-year trend analysis evaluating the impact of EEO programs on the hiring of veterans and non-

¹¹ Pursuant to 29 CFR 1614.102(b)(2).

¹² In alignment with 29 CFR 1614.102(a)(1), DOT's OAs demonstrated that they are allocating sufficient resources to EEO programs to ensure efficient operation. Furthermore, these staffing changes provided for the prompt, fair, and impartial processing of complaints per 29 CFR 1614.102(a)(2).

veterans, as well as employees with a disability or targeted disability.¹³ FMCSA plans to use Federal Employee Viewpoint Survey (FEVS) and exit survey results to provide additional context to workforce data. Volpe performed an analysis of application and hiring demographic data for the Pathways Intern Program to identify opportunities to strengthen the outreach, recruitment, and hiring processes.

PHMSA initiated revisions to internal policies related to EEO complaints, reasonable accommodation, harassment, and discrimination. PHMSA's Office of Civil Rights shared information on programs and trainings hosted by other OAs related to various EEO topics, including communication skills, public participation, and disability awareness.

DOT Culture and Community

Pursuant to the Merit System principles, the Federal Government endeavors to achieve a workforce from all segments of society.¹⁴ DOT recruits qualified individuals who possess relative ability, knowledge, and skills, and ensures that all applicants receive fair and equitable treatment in all aspects of personnel management. In FY 2024, OAs engaged in robust outreach and recruitment efforts, with FAA, FHWA, and FTA participating in a two-day Hispanic Serving Institutions (HSI) Summit, reaching 25 HSIs. FHWA also participated in a recruitment event hosted by the Federal Housing Finance Agency. Volpe attended over 30 career fair events, over a third of which were hosted by Minority Serving Institutions (MSIs) or Historically Black Colleges and Universities (HBCU)¹⁵ or organizations that serve veterans or people with disabilities. FRA Office of Railroad Safety initiated efforts to reinstate the FRA Apprenticeship Program to recruit, build, and retain a highly skilled workforce: the first cohort is expected to begin in FY26. The FRA Apprenticeship Program for inspectors (2121 series) is now in full force.

¹³ Per Section 501 of the Rehabilitation Act of 1973, the Federal Government is required to be a "model employer" with respect to the employment of people with disabilities. Agencies are to review their EEO programs and policies on an annual basis to ensure efficacy and remove barriers that may be inhibiting the advancement of applicants or employees with disabilities.

¹⁴ See 5 USC § 2301.

¹⁵ As required by the HBCU Partners Act (20 USC 1063d), DOT seeks to recruit more young graduates into the transportation career pipeline and ensure HBCU students, faculty, and staff are aware of career pathways and job opportunities throughout the agency.

Anti-discrimination, Anti-harassment, and EEO Trainings

DOT's Operating Administration staff both conducted and received training in FY 2024.¹⁶ FAA's Center for Excellence in EEO Learning (CEEL) continued to develop and deliver EEO training courses, conducting 113 nationwide training sessions in FY24. CEEL oversaw and collaborated with business units to meet the shared FY 2024 Business Plan Goal requiring 75 percent of managers and 25 percent of employees to complete one EEO training course each fiscal year; during FY 2024, 93.47 percent of managers and 37.81 percent of employees completed EEO training, exceeding these goals. FMCSA developed a prevention of harassment training program, including an overview of harassment based on disability, to be internally released at a date to be determined. MARAD facilitated the EEOC's training course for managers and supervisors entitled *Leading for Respect* and provided anti-harassment and reasonable accommodation training to employees of the MAR 600 (Strategic Sealift) Division.

NHTSA's NCR team attended the EEOC's annual Examining Conflicts in Employment Laws week-long training conference and participated in 23 training classes. NCR shared the EEOC's training slide deck on the collection of demographic data with NHTSA's National Center for Statistics and Analysis (NCSA) office. NCSA is the NHTSA program office responsible for providing analytical and statistical support to the agency and contributes to the Interagency Committee on Race and Ethnicity Statistical Standards.

The FHWA Office of Civil Rights held its 5th annual FHWA Virtual EEO Awareness Symposium and visited seven FHWA offices around the country to conduct training on Anti-Harassment, EEO, and Reasonable Accommodation (RA), including accommodations under the Pregnant Workers Fairness Act.

5. No FEAR Act Training

Section 202 of the No FEAR Act requires federal agencies to provide training for their employees on the rights and remedies under federal antidiscrimination, retaliation, and whistleblower protection laws. 5 C.F.R § 724.203 requires agencies to develop a written training plan and train their employees by December 17, 2006, and every two years thereafter. Under these regulations, new employees are to receive No FEAR Act training within 90 days of appointment. DOT requires the inclusion of No FEAR Act training in each employee's e-Learning training development plan, including the required two-year renewal No Fear Act training.

In FY 2024, 73.9 percent of new DOT employees completed No FEAR Act training within 90 days of appointment, increasing the timely completions of the training from 71.2 percent in FY 2023.

6. Actions Planned, Taken, and Practical Knowledge Gained to Improve the Program

¹⁶ Pursuant to 29 CFR 1614.102(a)(5) which requires agencies to provide training to managers and supervisors to ensure their understanding of EEO policy and programs.

6.1 Pursuant to Section 203(a)(7)(D), DOT plans to implement these actions:

- Continue to conduct workforce data analyses to identify areas for further examination to ensure compliance with nondiscrimination laws.
- Achieve biennial goal of educating all employees of their rights, responsibilities, and protections under antidiscrimination, retaliation, and whistleblower protection laws.
- Ensure new employees receive No FEAR Act training within 90 days of their appointment through DOT Learns. Further, through the employee orientation program, continue providing new hires with information regarding their rights, responsibilities, and protections under anti-discrimination, retaliation, and whistleblower protection laws.
- Continue to focus on professional development training to provide maximum opportunity for employees to advance and perform at their highest potential, in accordance with 42 USC 2000e-16.
- Conduct program reviews of OAs to ensure that they comply with Departmental and EEO policy and align with best practices for eliminating discrimination and harassment in the workplace.
- Ensure complainants and respondents are apprised of the opportunity for mediation and ADR throughout the informal and formal EEO complaint process.
- Improve partnerships and collaboration across the Department to address proactively the bases most frequently alleged in EEO complaints.
- Partner with HR to ensure that recruitment, professional development, and accountability measures incorporate the principles of equal employment opportunity.
- Ensure DOT and its OAs effectively utilize the anti-harassment program to address workplace issues before they rise to the level of unlawful discrimination or harassment.
- Continue to hold all DOT employees accountable for any actions that violate DOT policies on discrimination, harassment, and/or retaliation. This includes disciplinary action, up to and including dismissal, for engaging in discriminatory conduct.
- Collaborate with veterans' programs to increase the hiring of veterans, including those with targeted disabilities.
- Analyze trends from EEO complaint data alongside workforce trends to identify, if appropriate, opportunities for improvements to DOT policies and practices.

6.2 Practical Knowledge Gained

- OST and the OAs play a vital role in meeting No FEAR Act reporting requirements. To the extent resources allow, DOT will continue to develop information systems that facilitate and automate the process of gathering and analyzing data to ensure it is accessible to everyone.
- DOT will continue to ensure equal employment opportunity for federal employees and applicants through personnel practices that are merit-based and do not discriminate based on prohibited categories.
- DOT will continue to leverage the trend analyses inherent in No FEAR Act reporting and incorporate those into technical assistance and policy planning.

Appendix A – Summary Data

Table 2: Total Complaints Filed and Complainants Filing, FY 2019 to FY 2024						
	2019	2020	2021	2022	2023	2024
Number of Complaints Filed	250	273	177	236	293	275
Number of Complainants	245	265	170	231	277	260
Repeat Filers	6	6	7	5	15	13

Table 3: Top Complaints by Basis, FY 2018 to FY 2024						
Basis	2019	2020	2021	2022	2023	2024
Reprisal	138	153	113	131	169	170
Sex	106	105	65	77	107	115
Disability	102	108	58	81	111	110
Race	100	98	75	82	87	107
Age	86	98	55	64	91	83

Table 4: Top Complaints Filed by Issue, FY 2019 to FY 2024						
Issue <i>*Includes Assignment of Duties, Conversion to Full Time, Duty Hours, Reinstatement, and Retirement</i> <i>**Includes Reprimand, Disciplinary Warning, and Other</i>	Comparative Data Previous Fiscal Year Data					
	2019	2020	2021	2022	2023	2024
Harassment (Non-Sexual)	150	164	116	155	201	176
Other Terms/Conditions of Employment*	23	0	3	0	109	101
Promotion/Non-Selection	70	84	39	62	59	71
Reasonable Accommodation	37	41	20	15	59	43
Other Disciplinary Actions**	53	41	46	67	60	41
Evaluation/Appraisal	33	46	19	37	39	38
Training	30	22	16	29	40	31
Termination	24	32	15	17	22	27
Reassignment	20	22	13	18	28	25
Time and Attendance	27	23	17	30	55	23

Table 5: Findings of Discrimination by Basis, FY 2019 to FY 2024						
Basis	2019	2020	2021	2022	2023	2024
Age	2	1	0	0	1	0
Disability	1	1	0	0	1	0
Sex (including complaints filed under Equal Pay Act)	2	3	1	0	1	0
Color	0	2	0	0	0	0
National Origin	0	1	0	1	0	0
Race	0	1	1	0	1	0
Religion	0	1	0	0	0	0
Reprisal	2	3	1	0	0	0

Table 6: Findings of Discrimination by Issue, FY 2019 to FY 2024						
Issue	2019	2020	2021	2022	2023	2024
Harassment: Non-Sexual	1	4	1	0	1	0
Harassment: Sexual	0	0	0	0	0	0
Medical Examination	1	0	0	0	0	0
Promotion/Non-Selection	1	1	0	0	0	0
Reasonable Accommodation	1	1	0	0	0	0
Other Terms/Conditions of Employment	0	1	0	0	1	0
Training	0	0	1	0	0	0
Evaluation/Appraisal	0	0	1	0	0	0
Religious Accommodation	0	0	0	0	1	0
Reassignment (Any)	0	2	0	0	0	0
Termination	0	1	0	0	0	0
Disciplinary Action (Any)	0	1	0	0	0	0

Table 7: Federal Court Cases with Alleged Violation of Law, FY 2019 to FY 2024						
	2019	2020	2021	2022	2023	2024
Total Court Cases	32	36	41	40	34	37
Alleged Title VII Violation	25	29	32	33	28	30
Alleged Age Discrimination in Employment Act Violation	9	6	11	12	11	4
Alleged Rehabilitation Act Violation	7	7	11	12	6	4
Alleged Whistleblower Protection Act Violation	0	0	0	0	0	1
Alleged Equal Pay Act Violation	0	0	0	0	0	0
Alleged Retaliation	9	16	20	19	6	19

Table 8: Formal Complaint Processing Time in Days, FY 2019 to FY 2024

	2019	2020	2021	2022	2023	2024
Investigation Stage	218	298	300	157	130	144
Final Action Stage	67	64	161	176	100	45

**Table 9: Annual Total Reimbursements for No FEAR Act cases
by Amount and Number of Cases, FY 2019 to FY 2024**

	2019	2020	2021	2022	2023	2024
Total Reimbursements	\$29,500	\$282,000	\$43,951,538	\$113,900	\$0 ¹⁷	\$270,500
Cases Resulting in Reimbursements	2	3	3	3	0	2

Table 10: Pre-Complaint Processing Timelines, FY 2019 to FY 2024

	2019	2020	2021	2022	2023	2024
Rate of Individuals Counseled within Mandatory Timeframe	98.13 percent	98.15 percent	96.5 percent	93.9 percent	97.6 percent	94.7 percent

¹⁷ Bittman v. *Buttigieg* was settled for \$70,500 in FY 2024 as a new case (1-22-CV-05147) after an earlier case (1-22-CV-01872) was dismissed for untimely filing. Although the case was ultimately not settled until FY 2024, this case settlement amount also appeared in the FY 2023 No FEAR report.

Appendix B – EEO Data Posted Pursuant to the No FEAR Act

Total Complaints	Comparative Data Previous Fiscal Year Data					
	2019	2020	2021	2022	2023	2024
Number of Complaints Filed	250	273	177	236	293	275
Number of Complainants	245	265	170	231	277	260
Repeat Filers	6	6	7	5	15	13

Complaints by Basis <i>Note: Complaints can be filed alleging multiple bases of discrimination. The sum of the bases may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					
	2019	2020	2021	2022	2023	2024
Reprisal	138	153	113	131	169	170
Sex (including complaints filed under Equal Pay Act [EPA])	106	105	65	77	107	115
Disability	102	108	58	81	111	110
Race	100	98	75	82	87	107
Age	86	98	55	64	91	83
Color	56	30	30	46	48	47
National Origin	31	47	20	39	53	41
NonEEO basis	12	16	9	27	32	20
Religion	14	13	10	34	28	19
PDA	4	1	3	2	2	7
Genetics	0	3	2	9	4	6

Complaints by Issue		Comparative Data Previous Fiscal Year Data					
<i>Note: Complaints can be filed alleging multiple issues. The sum of the bases may not equal total complaints filed.</i>		2019	2020	2021	2022	2023	2024
Appointment/Hire		9	9	5	16	7	6
Awards		6	10	0	11	7	7
Disciplinary Action	Demotion	3	2	3	1	3	8
	Reprimand	18	14	9	0	0	0
	Suspension	17	8	14	17	24	11
	Removal	10	5	3	14	8	5
	Disciplinary Warning	4	12	7	0	60	41
	Other	1	0	10	35	0	0
Evaluation/Appraisal		33	46	19	37	39	38
Examination/Test		1	0	0	6	3	1
Harassment	Non-Sexual	150	164	116	155	201	176
	Sexual	13	16	9	7	24	14
Sex-Stereotyping		0	0	0	0	0	1
Telework		0	16	6	0	16	20
Medical Examination		1	0	8	19	2	4
Pay (including overtime)		18	33	12	14	21	16
Promotion/Non-Selection		70	84	39	62	59	71
Reassignment	Denied	11	11	6	12	28	25
	Directed	9	11	7	6	0	0
Reasonable Accommodation		37	41	20	15	59	43
Religious Accommodation		1	1	0	0	4	2
Telework		0	16	6	0	16	20
Termination		24	32	15	17	22	27
Terms and Conditions of Employment	Assignment of Duties	52	52	33	0	0	0
	Duty Hours	11	3	9	0	0	0
	Conversion to Full Time	0	1	0	0	0	0
	Reinstatement	0	0	1	0	0	0
	Retirement	6	11	2	0	0	0
	Terms and Conditions	32	34	19	0	0	0
	Other	23	0	3	0	109	101
Time and Attendance		27	23	17	30	55	23
Training		30	22	16	29	40	31

Processing Time	Comparative Data Previous Fiscal Year Data					
	2019	2020	2021	2022	2023	2024
Complaints pending (for any length of time) during fiscal year						
Average Number of Days in Investigation Stage	218.91	298.35	299.96	156.57	130	144.40
Average Number of Days in Final Action Stage	67.37	64.07	161.40	175.77	100.41	44.93
Complaints pending (for any length of time) during the fiscal year in which a hearing was requested during fiscal year						
Average Number of Days in Investigation Stage	257.42	305.94	293.37	142.49	135.86	155.67
Average Number of Days in Final Action Stage	69.86	47.44	124.48	83.77	30.68	10.82
Complaints pending (for any length of time) during the fiscal year in which a hearing was not requested						
Average Number of Days in Investigation Stage	211.29	303.39	306.04	168.53	124.77	137.42
Average Number of Days in Final Action Stage	62.11	82.27	247.56	223.24	138.59	65.38

Complaints Dismissed by Agency		Comparative Data Previous Fiscal Year Data					
		2019	2020	2021	2022	2023	2024
Total Complaints Dismissed by Agency		43	22	17	27	31	35
Average Days Pending Prior to Dismissal		76	49	133	45	177.65	72.09
Complaints Withdrawn	Total Complaints Withdrawn by Complainants	13	20	9	3	6	13

Total Final Actions Finding Discrimination	Comparative Data Previous Fiscal Year Data											
	2019		2020		2021		2022		2023		2024	
	#	percent	#	percent	#	percent	#	percent	#	percent	#	percent
Total Number Findings	2		4		1		4		1		0	
Without Hearing	0	0	3	75	1	100	0	0	0	0	0	0
With Hearing	2	100	1	25	0	0	4	100	1	100	0	0

Findings of Discrimination Rendered by Basis	Comparative Data Previous Fiscal Year Data											
	2019		2020		2021		2022		2023		2024	
	#	percent	#	percent	#	percent	#	percent	#	percent	#	percent
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total findings.</i>												
Total Number Findings	2		4		1		0		1		0	
Race	0	0	1	25	1	100	0	0	1	100	0	0
Color	0	0	2	50	0	0	0	0	0	0	0	0
Religion	0	0	1	25	0	0	0	0	0	0	0	0
Reprisal	2	100	3	75	1	100	0	0	0	0	0	0
Sex (including complains filed under EPA)	2	100	3	75	1	100	0	0	1	100	0	0
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	1	25	0	0	0	0	0	0	0	0
Age	2	100	1	25	0	0	0	0	1	100	0	0
Disability	1	50	1	25	0	0	0	0	1	100	0	0
Genetics	0	0	0	0	0	0	0	0	0	0	0	0
NonEEO basis	1	50	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	2		3		0		0		1		0	
Race	0	0	1	33.3	0	0	0	0	1	100	0	0
Color	0	0	2	66.7	0	0	0	0	0	100	0	0
Religion	0	0	1	33.3	0	0	0	0	0	100	0	0
Reprisal	2	100	3	100	0	0	0	0	0	0	0	0
Sex (including complains filed under EPA)	2	100	2	66.7	0	0	0	0	1	100	0	0
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	1	33.3	0	0	0	0	0	0	0	0
Age	2	100	1	33.3	0	0	0	0	1	100	0	0
Disability	1	50	1	33.3	0	0	0	0	1	100	0	0
Genetics	0	0	0	0	0	0	0	0	0	0	0	0
NonEEO basis	1	50	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	0		1		1		0		0		0	
Race	0	0	0	0	1	100	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	1	100	0	0	0	0	0	0
Sex (including complains filed under EPA)	0	0	1	100	1	100	0	0	0	0	0	0
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0

Genetics	0	0	0	0	0	0	0	0	0	0	0	0
NonEEO basis	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue (Part 1)		Comparative Data Previous Fiscal Year Data											
		2019		2020		2021		2022		2023		2024	
		#	percent	#	percent	#	percent	#	percent	#	percent	#	percent
Total Number of Findings		2		4		1		0		1		0	
Appointment/Hire		0	0	0	0	0	0	0	0	0	0	0	0
Awards		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	0	0	0	0	0	0	0	0
	Removal	0	0	0	0	0	0	0	0	0	0	0	0
	Suspension	0	0	0	0	0	0	0	0	0	0	0	0
	Disciplinary Warning	0	0	0	0	0	0	0	0	0	0	0	0
	Other	0	0	1	25	0	0	0	0	0	0	0	0
Evaluation/Appraisal		0	0	0	0	1	100	0	0	0	0	0	0
Examination/Test		0	0	0	0	0	0	0	0	0	0	0	0
Harassment	Non-Sexual	1	50	4	100	1	100	0	0	0	0	0	0
	Sexual	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
Medical Examination		1	50	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		1	50	1	25	0	0	0	0	0	0	0	0
Reassignment	Denied	0	0	1	25	0	0	0	0	0	0	0	0
	Directed	0	0	1	25	0	0	0	0	0	0	0	0
Reasonable Accommodation		1	50	1	25	0	0	0	0	0	0	0	0
Religious Accommodation		0	0	0	0	0	0	0	0	1	100	0	0
Termination		0	0	1	25	0	0	0	0	0	0	0	0
Terms and Conditions of Employment	Assignment of Duties	0	0	1	25	0	0	0	0	0	0	0	0
	Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
	Conversion to Full Time	0	0	0	0	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
	Terms and Conditions	0	0	0	0	0	0	0	0	0	0	0	0
	Other	0	0	0	0	0	0	0	0	1	100	0	0
Time and Attendance		0	0	2	50	0	0	0	0	0	0	0	0
Training		0	0	0	0	1	100	0	0	0	0	0	0
Findings of Discrimination Rendered by Issue (Part 2)		Comparative Data Previous Fiscal Year Data											
		2019		2020		2021		2022		2023		2024	

	#	percent	#	percent	#	percent	#	percent	#	percent	#	percent
Findings After Hearing	2		1		0		0		0		0	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Awards	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
	Reprimand	0	0	0	0	0	0	0	0	0	0	0
	Removal	0	0	0	0	0	0	0	0	0	0	0
	Suspension	0	0	0	0	0	0	0	0	0	0	0
	Disciplinary Warning	0	0	0	0	0	0	0	0	0	0	0
	Other	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	Non-Sexual	1	50	1	100	0	0	0	0	0	0	0
	Sexual	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
Medical Examination	1	50	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	1	50	1	100	0	0	0	0	0	0	0	0
Reassignment	Denied	0	0	0	100	0	0	0	0	0	0	0
	Directed	0	0	0	100	0	0	0	0	0	0	0
Reasonable Accommodation	1	50	1	100	0	0	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	1	100	0	0	0	0	0	0	0	0
Terms and Conditions of Employment	Assignment of Duties	0	0	1	100	0	0	0	0	0	0	0
	Duty Hours	0	0	0	0	0	0	0	0	0	0	0
	Conversion to Full Time	0	0	0	0	0	0	0	0	0	0	0
	Reinstatement	0	0	0	0	0	0	0	0	0	0	0
	Retirement	0	0	0	0	0	0	0	0	0	0	0
	Terms and Conditions	0	0	0	0	0	0	0	0	0	0	0
	Other	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	1	100	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue (Part 3)	Comparative Data Previous Fiscal Year Data											
	2019		2020		2021		2022		2023		2024	
	#	percent	#	percent	#	percent	#	percent	#	percent	#	percent
Findings Without Hearing	0		3		0		0		1		0	

Appointment/Hire		0	0	0	0	0	0	0	0	0	0	0
Awards		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
	Reprimand	0	0	0	0	0	0	0	0	0	0	0
	Removal	0	0	0	0	0	0	0	0	0	0	0
	Suspension	0	0	0	0	0	0	0	0	0	0	0
	Disciplinary Warning	0	0	0	0	0	0	0	0	0	0	0
	Other	0	0	1	33.3	0	0	0	0	0	0	0
Evaluation/Appraisal		0	0	0	0	0	0	0	0	0	0	0
Examination/Test		0	0	0	0	0	0	0	0	0	0	0
Harassment	Non-Sexual	0	0	3	100	0	0	0	0	0	0	0
	Sexual	0	0	0	0	0	0	0	0	0	0	0
Sex-Stereotyping		0	0	0	0	0	0	0	0	0	0	0
Telework		0	0	0	0	0	0	0	0	0	0	0
Medical Examination		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
Promotion/Non-Selection		0	0	1	33.3	0	0	0	0	0	0	0
Reassignment	Denied	0	0	1	33.3	0	0	0	0	0	0	0
	Directed	0	0	2	33.3	0	0	0	0	0	0	0
Reasonable Accommodation		0	0	1	33.3	0	0	0	0	0	0	0
Religious Accommodation		0	0	0	0	0	0	0	0	1	100	0
Termination		0	0	1	33.3	0	0	0	0	0	0	0
Terms and Conditions of Employment	Assignment of Duties	0	0	1	33.3	0	0	0	0	0	0	0
	Duty Hours	0	0	0	0	0	0	0	0	0	0	0
	Conversion to Full Time	0	0	0	0	0	0	0	0	0	0	0
	Reinstatement	0	0	0	0	0	0	0	0	0	0	0
	Retirement	0	0	0	0	0	0	0	0	0	0	0
	Terms and Conditions	0	0	0	0	0	0	0	0	0	0	0
	Other	0	0	0	0	0	0	0	0	1	100	0
Time and Attendance		0	0	1	33.3	0	0	0	0	0	0	0
Training		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					
	2019	2020	2021	2022	2023	2024

Total Complaints from Previous Fiscal Years	685	744	901	975	892	451
Total Complainants	571	617	750	808	746	372
Number of Complaints Pending						
Investigation	105	113	119	141	110	76
Hearing	447	474	538	578	501	63
Final Agency Action	66	117	156	189	217	217
Appeal with EEOC Office of Federal Operations	67	40	0	67	101	239

Complaint Investigations	Comparative Data Previous Fiscal Year Data					
	2019	2020	2021	2022	2023	2024
Pending Completion Where Investigation Exceeds Required Time Frames	52	46	62	5	115	5