

 **UNITED STATES
DEPARTMENT OF TRANSPORTATION**



**The United States
Department of Transportation**

1200 New Jersey Avenue, SE
Washington, DC 20590
O: 202-366-1979
F: 202-366-5575

**Office of the Secretary
Departmental Office of Civil Rights**

Fiscal Year 2010 Annual Report to
Congress on the Notification and
Federal Employee Antidiscrimination
and Retaliation Act of 2002

Foreword

The United States Department of Transportation's (DOT) mission is to serve the United States by ensuring a fast, safe, efficient, accessible, and convenient transportation system that meets our vital national interests and enhances the quality of life of the American people, today and into the future. To maximize our effectiveness, the DOT seeks to achieve exemplary equal employment opportunity (EEO) programs and lead as a model agency by eliminating the practice or toleration of discrimination and retaliation within the workplace.

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 ("No FEAR Act"), Public Law 107-174, requires Federal agencies to be accountable for violations of antidiscrimination and whistleblower protection laws, to post certain statistical data on their web sites relating to Federal sector EEO complaints filed with the agencies, and for other purposes. Section 203 of the No FEAR Act specifically requires, not later than 180 days after the end of the fiscal year (FY), each Federal agency to submit an annual report 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 (EEOC), and the Attorney General. The U.S. Office of Personnel Management's (OPM) regulations implementing Title II of the No FEAR Act at 5 CFR Part 724, also requires the submission of this annual report to the Director of OPM for the implementation of best practices and the issuance of advisory guidelines. The No FEAR Act requires each Federal agency to include in this annual report:

- the number of Federal court cases arising under the respective areas of law cited in the No FEAR Act where discrimination was alleged;
- the status or disposition of cases;
- the amount required to be reimbursed to the Treasury Judgment Fund (Judgment Fund) for attorney's fees where such fees have been separately designated;
- the number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to under the Act, and specific nature of disciplinary action taken, separated by provisions of law(s);
- the final year-end data about discrimination complaints for the fiscal year;
- a detailed description of agency policy relating to appropriate disciplinary actions;
- an analysis of trends, causation, and practical knowledge gained through experience;
- actions planned or taken to improve complaint or civil rights programs;
- any adjustments to the budget; and
- the agency written training plan.

Pursuant to the statutory requirements stated above, the DOT provides the 112th Congress, 1st Session, the No FEAR Act annual report to the following recipients:

The Honorable Joseph R. Biden, Jr.
President of the Senate

The Honorable Darrell E. Issa
Chairman, House Committee on Oversight and
Government Reform

The Honorable Daniel K. Inouye
President Pro Tempore of the Senate

The Honorable Elijah E. Cummings
Ranking Member, House Committee on Oversight and
Government Reform

The Honorable John A. Boehner
Speaker of the House of Representatives

The Honorable Nick J. Rahall II
Ranking Member, House Committee on Transportation
and Infrastructure

The Honorable Daniel K. Inouye
Chairman, Senate Committee on Appropriations

The Honorable Susan M. Collins
Ranking Member, Senate Committee on Homeland
Security and Governmental Affairs

The Honorable Joseph I. Lieberman
Chairman, Senate Committee on Homeland
Security and Governmental Affairs

The Honorable Richard C. Shelby
Ranking Member, Senate Committee on Banking,
Housing, and Urban Affairs

The Honorable Tim Johnson
Chairman, Senate Committee on Banking,
Housing, and Urban Affairs

The Honorable Kay Bailey Hutchison
Ranking Member, Senate Committee on Commerce,
Science, and Transportation

The Honorable John D. Rockefeller IV
Chairman, Senate Committee on Commerce,
Science, and Transportation

The Honorable Henry A. Waxman
Ranking Member, House Committee on Energy and
Commerce

The Honorable John L. Mica
Chairman, House Committee on Transportation
and Infrastructure

The Honorable Thad Cochran
Vice Chairman, Senate Committee on Appropriations

The Honorable Fred Upton
Chairman, House Committee on Energy and
Commerce

The Honorable Eddie Bernice Johnson
Ranking Member, House Committee on Science, Space,
and Technology

The Honorable Ralph M. Hall
Chairman, House Committee on Science, Space,
and Technology

The Honorable Harold Rogers
Chairman, House Committee on Appropriations

The Honorable Barbara Boxer
Chairwoman, Senate Committee on
Environment and Public Works

The Honorable Norman D. Dicks
Ranking Member, House Committee on Appropriations

The Honorable James M. Inhofe
Ranking Member, Senate Committee on
Environment and Public Works

Pursuant to the statutory requirements, the DOT provides this report to the following members of the Executive Branch:

- The Honorable Jacqueline A. Berrien, Chair, U.S. Equal Employment Opportunity Commission
- The Honorable Eric H. Holder, Jr., Attorney General, U.S. Department of Justice
- The Honorable John Berry, Director, U.S. Office of Personnel Management

The DOT Departmental Office of Civil Rights and Human Resource Management prepared this FY 2010's No FEAR Report.

Ray LaHood, Secretary

Executive Summary

The No FEAR Act aims to reduce the incidents of workplace discrimination within the Federal Government by holding agencies and departments accountable for their actions. Section 203 of the No FEAR Act and the OPM regulations implementing Title II of the No FEAR Act, requires each Federal agency to prepare and submit an annual report. This report covers information for Fiscal Year (FY) 2010.

For FY 2010, the Department of Transportation (DOT) reports 42 Federal court cases pending. During the same period, there were 13 resolved or settled cases under the various laws covered in the No FEAR Act. Among the 13 cases resolved, one resulted in summary judgment in favor of the complainant, either in its entirety, or partially, one resulted in summary judgment in favor of the agency, five were dismissed, five settled, and one closed.

In FY 2010, the DOT reimbursed the Judgment Fund \$300,000 for five Federal court cases. For one case, there was \$12,000 in separately designated attorney's fees. In comparison, with eight cases in FY 2009, this was a decline of three Federal court cases, or a decrease of 37.5 percent.

The DOT did not discipline any employee involved in the FY 2010 court cases; however, 17 employees were disciplined for violating DOT policies for discrimination, retaliation, harassment, and/or other infraction of the Antidiscrimination and Whistleblower Protection laws included in the No FEAR Act, whether or not in connection with a Federal case. The DOT-issued 14 letters of reprimand, removed two employees from Federal service, and issued a 5-day suspension.

During this same period, the DOT received 335 formal EEO administrative complaints, filed by 311 complainants. This represents a decline of 14 complaints from the previous year of 349, or approximately 4 percent. The DOT's ratio of complaints to the DOT workforce of 58,203 is .58 percent, comparable to the Government-wide average of .54 percent. The top three allegations by bases were reprisal, sex, and race. The top three allegations by issue were harassment, promotion/non-selection, and disciplinary action. The average number of days spent in the investigation stage was 141 days, compared to 163 in 2009, 236 in 2008, and 194 in 2007. Since 2008, the DOT reduced the time that complaints were pending in the investigation stage by 40 percent.

The Departmental Offices of Civil Rights and Human Resource Management prepared the FY 2010 No FEAR Report. This report covers the period from October 1, 2009 through September 30, 2010.

Table of Contents

I.	Data Report	1
A.	Civil Cases	1
B.	Reimbursement to Judgment Fund	1
C.	EEO Complaint Data	3
D.	Disciplinary Action	4
II.	Analysis of Trends	4
III.	No FEAR Training	6
IV.	Description of Policy on Disciplinary Actions	6
V.	Accomplishments	7
A.	Policy	7
B.	Awareness	7
C.	Training	8
VI.	DOT’s Actions Planned/Taken to Improve Complaint or Civil Rights Programs.....	10
A.	Actions Planned (Pursuant to Section 203 (a) (7) (D)):	10
B.	Actions Taken	10
C.	Practical Knowledge Gained.....	11
VII.	Conclusion.....	11
VIII.	Appendices	13
	Appendix 1: Charts.....	14
	Appendix 2: EEO Data Posted	22
	Appendix 3: EEO Policy Statement	52
	Appendix 4: Prevention of Harassment Policy Statement	53
	Appendix 5: Whistleblowing Policy Statement	54
	Appendix 6: Employment & Advancement of Persons w/Disabilities Policy Statement.....	55

Table of Figures

Figure 1: Complaints Filed	14
Figure 2: Number of Final Actions Findings of Discrimination With or Without Hearing	14
Figure 3: Four Top Complaints Filed by Basis.....	15
Figure 4: Four Top Complaints Filed by Issue	16
Figure 5: Number of Findings of Discrimination by Basis.....	17
Figure 6: Number of Findings of Discrimination by Issue	18
Figure 7: 2010 Total Number of Cases by Alleged Violation	19
Figure 8: 2010 Cases Resulting in Reimbursement to the Judgment Fund.	20
Figure 9: Cases Resulting in Reimbursement to the Judgment Fund by Antidiscrimination Law	21

List of Tables

Table 1: The US DOT 2010 No FEAR Act Annual Report Summary of Federal Court Cases	2
Table 2: Decline in Complaints from 2006 to 2010	5
Table 3: Number of Total Employees vs. Overall Complaints Filed	5

I. Data Report

This report is prepared in accordance to Section 203 (a) (1) of the No FEAR Act, which requires Federal agencies to include in their Annual Report to Congress “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.” The OPM’s final regulations at 5 C.F.R. § 724.302 on reporting and best practices issued on December 28, 2006, clarify section 203(a)(1) of the No FEAR Act stating that Federal agencies report on the “number of cases in Federal court [district or appellate] pending or resolved ... arising under each of the respective provisions of the Federal Antidiscrimination laws and Whistleblower Protection Laws applicable to them ... in which an employee, former Federal employee, or applicant alleged a violation(s) of these laws, separating data by the provision(s) of law involved.”

A. Civil Cases

During FY 2010, the DOT reports 55 Federal court cases ensuing from antidiscrimination statutes listed in the No FEAR Act. Among the 42 Federal court cases pending, which were in various stages of trial, 32 included alleged violations of the Civil Rights Act of 1964 (Title VII) (42 U.S.C. § 2000e *et seq.*), 18 cases included alleged violations of the Whistleblower Protections Act (WPA) (5 U.S.C. § 2302 (b) (8)), 13 cases included alleged violations of the Age Discrimination in Employment Act (ADEA) of 1967 (29 U. S. C. §§ 631, 633 (a)), and 5 cases included alleged violations of the Rehabilitation Act of 1973 (Rehab. Act) (29 U.S.C. § 791). Among the 13 resolved cases, one resulted in summary judgment in favor of the complainant, either in its entirety, or partially, one resulted in summary judgment in favor of the agency, five were settled, five were dismissed, and one was closed.

B. Reimbursement to Judgment Fund

Among the 13 Federal court cases resolved, five resulted in reimbursements to the Judgment Fund in FY 2010 for \$300,000. Included in the \$300,000 reimbursement, in one case there was \$12,000 in separately designated attorney’s fees. Among the five Federal court cases, DOT reimbursed the Judgment Fund per case \$175,000 (Title VII), \$72,000 (Title VII), \$40,000 (Title VII), \$8,500 (Title VII), and \$4,500 (ADEA, Rehab. Act, and Title VII). This is a decline from last year’s reimbursement of \$377,377.80, and it is the lowest amount reimbursed to the Judgment Fund since FY 2004. The DOT reimbursed all monies owed the Judgment Fund for FY 2010 within the prescribed period (See Table 1 on the following page).

Table 1: The US DOT 2010 No FEAR Act Annual Report Summary of Federal Court Cases

The Annual Report Required by Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act and 5 C.F.R. Part 724.

1. The number of Federal Court cases pending or resolved arising under each of the respective provisions of law covered by 724.302 (a) (1)		
	Total Cases Pending or Resolved	55
A. Cases Pending		42
B. Resolved		13
2. The status of disposition of cases (Resolved Cases)	Dismissed	5
	Settled	5
	Summary Judgment for Agency	1
	Summary Judgment for Complainant	1
	Closed	1
	Total Resolved	13
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 attorney's fees, if any.	<p style="text-align: center;"><u>5 Cases</u></p> <p>\$175,000.00 (Title VII); \$ 72,000.00 (Title VII); \$ 40,000.00 (Title VII); \$ 8,500.00 (Title VII); \$ 4,500.00 (Title VII, Rehab. Act, & ADEA)</p>	
	Total Reimbursement to the Judgment Fund	\$ 300,000.00
	Attorney Fees (separately designated)	\$12,000.00
4. The number of employees disciplined for discrimination, retaliation, harassment, or any other provision of the law referred to in Paragraph (1).		0
	There was no disciplinary action taken against any employee in connection with the Federal court cases during FY 2010.	
5. The number of employees disciplined as a result of violating Departmental policy		17
	The DOT issued 14 letters of reprimand, removed two employees from Federal service, and issued a 5-day suspension.	

C. EEO Complaint Data

The EEOC requires Federal agencies to report on certain statistical data regarding administrative complaint activity. This information and data are in the attached *Equal Employment Opportunity Data Posted Pursuant to the No FEAR Act* beginning on page 21 of this report. Following are a few details the DOT would like to highlight in this report.

Number of Complaints Filed: The DOT received 335 complaints (See Appendix 1, Figure 1).

Number of Individuals Filing Those Complaints: There were 311 individuals filing the 335 complaints (See Appendix 1, Figure 1).

The Number of Individuals Who Filed Two or More Complaints: 20 complaints came from individuals who previously filed a complaint once before, while four filed more than twice (See Appendix 1, Figure 1).

Number of Final Action Findings of Discrimination With or Without a Hearing: There were four final action findings of discrimination with or without a hearing (See Appendix 1, Figure 2).

Complaints Filed by Bases: Of the 335 complaints, the four top bases most frequently alleged were for reprisal (164), sex (145), race (123), and age (107) (See Appendix 1, Figure 3).

Complaints Filed by Issue: Of the 335 complaints, the four top issues most frequently alleged were for harassment (135) [with 11 being sexual harassment], promotion and/or non-selection (86), disability (82), and disciplinary action (62) (See Appendix 1, Figure 4).

Average Time to Process Complaints: The DOT improved the average processing time for complaints in the investigation stage. In FY 2010, the average processing time for investigations was 141 days, with the average number of days in the final action stage being 56.2 days. In comparison, the average processing time that complaints were in the investigation stage in FY 2009, was 162.96, with the average number of days in the final action stage being 92.17 days. This is a decline in the average processing time for complaints in the investigation stage of 13.4 percent, while the final action stage declined by 61 percent (See Appendix 2, Processing times, page 29).

Average Time to Process Complaints Where a Hearing Was Requested: During FY 2010, the average number of days for complaints pending the investigation stage where a hearing was requested was 143.52 days, while the average number of days in the final action stage ran 14.68 days. In 2009, the average number of days pending where a hearing was requested was 162.66, while the average number of days in the final action stage ran 76.27 days. This represents a 12.3 percent decline in the average time of

processing complaints where a hearing was requested and an 80.7 percent decline in the final action stage (See Appendix 2, Processing Times, page 23).

Average Time to Process Complaints Where a Hearing Was Not Requested: For complaints pending where a hearing was not requested, the average number of days was 136.93 days, while the average number of days in the final action stage ran 83.97 days. In 2009, for complaints pending where a hearing was not requested, the average processing time was 160.51 days, while the average number of days in the final action stage ran 116.86. This represents a 14.7 percent decline in average number of days of processing complaints where a hearing was not requested and a 28.1 percent decline in the final action stage (See Appendix 2, Processing Times, page 23).

Total Number of Final Agency Actions Rendered Involving a Finding of Discrimination: There were no final actions rendered involving a finding of discrimination without an administrative judge's (AJ's) decision. There were four final agency actions finding discrimination with an AJ's decision. In the two previous FYs (08-09), there were two findings with an AJ's decision in each year and no findings of discrimination without and AJ's decision.

Total Number of Complaints Pending in Excess of 180 Days:

The total number of complaints pending in which the DOT exceeded the EEOC regulatory requirements by not conducting the complaint investigation within 180 days of the filing date is 21, with one case extended beyond 360 days.

D. Disciplinary Action

The DOT did not discipline any employees involved in the FY 2010 court cases; however, 17 employees were disciplined for violating DOT policies for discrimination, retaliation, harassment, and/or other infraction of the Antidiscrimination and Whistleblower Protection laws included in the No FEAR Act, whether or not in connection with a Federal case. The DOT issued 14 letters of reprimand, removed two employees from Federal service, and issued a 5-day suspension.

II. Analysis of Trends

During FY 2010, the DOT experienced a decline in the number of Federal court cases requiring reimbursement to the Judgment Fund. The number of such cases in FY 2010 was five, which was 38 percent less than similar cases in FY 2009, and about 29 percent less than the Federal court cases requiring reimbursement to the Judgment Fund in FY 2008 (See Appendix 1, Figure 8 & 9). Overall, the number of court cases requiring reimbursement to the Judgment Fund from FY 2005 to FY 2010 is down 50 percent. Additionally, the amount reimbursed to the Judgment Fund during FY 2010 (\$300,000) is at a record low in comparison to the past five FYs. During FY 2006 through 2010, the number of administrative complaints steadily declined. The number of administrative complaints in FY 2010 was 335, which is four percent less than the number of complaints in FY 2009, and 41 percent less than the number in FY 2006 (Table 2).

Table 2: Decline in Complaints from 2006 to 2010					
Year	2006	2007	2008	2009	2010
Number of Complaints Filed	484	475	374	349	335
Percent change compared to prior FY		-1.9%	-21.3%	-6.7%	-4.0%
Percent change in number of complaints filed since FY 2006		-1.9%	-22.7%	-27.9%	-30.8%

Additionally, from FY 2006 to FY 2010, the ratio of the total number of complaints to the total number of workforce steadily declined, from 0.90 percent in FY 2006, to a low of 0.58 percent in FY 2010 (Table 3).

Table 3: Number of Total Employees vs. Overall Complaints Filed					
Year	2006	2007	2008	2009	2010
Total number of DOT employees	54006	54383	55589	57793	58,203
Number of complaints filed	484	475	374	349	335
Number of complaints filed as a percent of total workforce	0.90%	0.87%	0.67%	0.60%	0.58%

There were four findings of discrimination rendered. Looking at the most frequent bases over the past five years, the basis of disability came up most frequently, followed by reprisal, and race. The top findings of discrimination rendered by basis in FY 2010 was color (2), age (1), race (1), and reprisal (1) (See Appendix 1, Figure 5).

Looking at the most frequent issues over the past five years, the issue of promotion/non-selection remains prominent, followed by non-sexual harassment (See Appendix 1, Figure 4). The top findings of discrimination rendered by issue in FY 2010 were harassment (3) and appointment/hire (1) (See Appendix 1, Figure 6).

In FY 2008, the DOT reimbursed the Judgment Fund \$2,763,634. In FY 2009, the DOT reimbursed the Judgment Fund \$377,377. In FY 2010, the amount reimbursed to the Judgment Fund was down to \$300,000. This is a decline of 89.14 percent from the 2008 level.

Additionally, there was an increase in the number of disciplinary actions taken in FY 2010 compared to FY 2009. In FY 2010, there were 17 disciplinary actions taken, which included 14 letters of reprimand, removing two employees from Federal service, and issuing a 5-day suspension.

In contrast, in FY 2009, there were 12 disciplinary actions taken, including a 5-day suspension, two 3-day suspensions, one 2-day suspension, and one 1-day suspension.

III. No FEAR Training

Section 202 (c) 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. Under 5 C.F.R. § 724.203, Federal agencies were required to develop a written training plan and to have trained their employees by December 17, 2006, and every two years thereafter. Under implementing regulations, new employees are to receive No FEAR training within 90 days of appointment through either an agency's orientation program or some other No FEAR training program.

Based on the DOT's records through September 30, 2010, almost 59 percent (2,517) of the 4,299 new hires received training within 90 days of appointment. In FY 2009, approximately 63 percent of new hires received No FEAR training within the first 90 days of their employment. In addition, the Department satisfied the regulations to train all employees every two years. This training cycle ended December 17, 2010. Consequently, the DOT will report the results in the 2011 No FEAR annual report.

IV. Description of Policy on Disciplinary Actions

Section 203 (a) (6) of the No FEAR Act requires that Federal agencies include in their Annual Report to Congress, a detailed description of the policy implemented by the agency relating to disciplinary actions imposed against a Federal employee who discriminates against any individual in violation of any of the laws cited under section 201(a)(1) or (2), or committed another prohibited personnel practice that was revealed in the investigation of a complaint claiming a violation of any of the laws cited under section 201(a)(1) or (2).

There are four Secretarial policy statements issued by the Secretary of the DOT that reinforce the DOT commitment to establish a workplace free from discrimination, harassment, and retaliation. These policies advise employees of disciplinary action for engaging in discriminatory misconduct and/or advise employees about their rights and responsibilities. In effect, the DOT's employees are accountable for their actions with respect to these policy statements. The policy statements include the:

- *Equal Employment Opportunity Policy Statement:* This policy statement emphasizes the DOT determination to subject employees to appropriate disciplinary action for engaging in unlawful discriminatory practices or allowing discriminatory practices to exist (See Appendix 3).
- *Policy Statement on the Prevention of Harassment:* This policy statement communicates the DOT's zero tolerance of harassment against employees on the basis of race, color, national origin, religion, age (40 and over), sex, disability, sexual orientation, genetic information, or engaging in any EEO protected activity (See Appendix 4).
- *Policy Statement on Whistleblowing:* This policy statement communicates the DOT's commitment to protecting employees and job applicants from interference or retaliation when making protected disclosures (See Appendix 5).

- *Policy Statement on Employment and Advancement of Persons with Disabilities:* This policy statement communicates the DOT's strong commitment to be a model employer for persons with disabilities, especially persons with targeted disabilities, by encouraging the advancement of employment opportunities and improving the work environment by identifying and removing barriers to hiring, retaining, and promoting those qualified, and by prohibiting discrimination (See Appendix 6).

V. Accomplishments

A. Policy

- Secretary LaHood announced a new partnership with Spelman College that supports President Obama's March 11, 2010 Executive Order 13506 establishing a White House Council on Women and Girls, which provides a coordinated Federal response to the challenges confronted by women and girls.

B. Awareness

- The DOT developed the IdeaHub, as a new online tool, that helps employees share suggestions about how DOT can accomplish its mission more efficiently, and make the workplace more collegial. IdeaHub was created in response to the results expressed in the 2010 Federal Employee Viewpoint Survey. Most importantly, it is a new venue for the employee to deliver ideas directly to the DOT's top leadership and all DOT employees. IdeaHub is more than a suggestion box, it allows employees to submit their ideas, read, comment on, and rate ideas from other DOT employees, and if leadership accepts the idea, they implement them. Moreover, leadership also uses IdeaHub to post challenges directly to employees. If an employee has an idea about how to make our Nation's roads safer, or a suggestion about how managers can more effectively communicate with regional and field employees, or if an employee simply wants to make a minor change, the DOT wants to hear it. No idea is too big or too small.
- The DOT is committed to a vision of ensuring that all Americans have the same opportunities for living, learning, and earning, all tied together by accessible transportation. With that goal in mind, the DOT hired its first Senior Advisor for Accessible Transportation. As stated by the Secretary, "Our transportation systems are about a lot more than just steel and concrete. They connect us with our communities and the people we love. They allow us to pursue education, employment, and the experiences that make life worth living, and there's no one who understands that better than, the new Senior Advisor for Accessible Transportation, a person with disabilities himself. Because of public transportation, he was able to go to school, he was able to start building a career, [and] he was able to live independently. Those things

wouldn't have happened for him otherwise. With this employee leading the charge, the Department of Transportation is committed to making that vision a reality so that all Americans have the same opportunities for living, learning, and earning.”

- The Research and Innovative Technology Administration (RITA), a DOT OA developed a Choice Awards Campaign. In addition to the choices that are available to all employees, RITA employees can also raise concerns with an ombudsman or the Employee Quality Counsel.
- In FY 2010, the Department received a 60.4% approval rating from employees on its Human Capital Survey, compared to 52.2% in FY 2009. This was a 15.8% improvement, ranking the Department as the most improved agency for the year.
- The Administrator for the Federal Aviation Administration (FAA) established the EEO Action Committee, which held its initial meeting on January 26, 2010. The Committee includes an executive from each line of business and staff office. The Committee has quarterly meetings to strategically address challenges and work towards compliance in accordance with EEOC Management Directive MD 715.
- In FY 2010, the FAA participated in 139 outreach events, targeting minorities, women, and people with disabilities. This resulted in collecting 10,122 e-mail addresses from perspective candidates with specific job areas of interest. FAA also published advertisements in magazines such as Black Employment and Entrepreneur Journal, the Professional Woman’s Magazine, the Hispanic Network Magazine, as well as in the Hispanic, Arab, and African American Yearbooks.

C. Training

- The Departmental Equal Employment and Personnel (DEEP) Lawyers’ Networking Group was established by the DOT’s Office of the General Counsel in 2003. The purpose of DEEP is to connect lawyers throughout DOT who practice in the substantive areas of EEO and personnel law. Among other things, DEEP provides networking opportunities to share information, address and discuss EEO and personnel issues, provide training opportunities, create a network for guidance and assistance, increase communication, and create unity among lawyers within the DOT. In FY 2010, administrative judges and attorneys from the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Merit Systems Protection Board (MSPB), and attorneys from the Department of Justice and National Archives and Records Administration, provided monthly outreach sessions. During FY 2010, these speakers discussed the following:

- Electronic Discovery;
- MSPB Update;
- Medical Exams/Inquiries Pursuant to the Rehabilitation Act;
- Americans with Disabilities Act Amendments Act of 2008;
- The Genetic Information Nondiscrimination Act of 2008;
- MSPB Individual Rights of Action;
- National Origin Discrimination;
- The EEOC's Notice of Proposed Rulemaking on the Americans with Disabilities Act Amendments Act of 2008; and
- The Uniformed Services Employment and Reemployment Rights Act of 1994.

The DOT's Office of the General Counsel hosted its second annual General Law Lawyers' meeting in February 2010. The purpose of this meeting was to provide an opportunity for the Office of the General Counsel staff to meet their counterparts in the DOT's OAs, to encourage open dialogue, and to help ensure consistent legal advice. The hot topics discussed by the EEO/Personnel Group were litigation holds and electronic discovery. The attorneys also discussed available employment training opportunities via:

- The EEOC's Examining Conflicts in Employment Law (EXCEL) Conference;
 - The EEOC's Law Week Seminars;
 - The DEEP Lawyers' Networking Group meetings;
 - The free Electronic Discovery Conference; and
 - Audio conferences sponsored by the Federal Railroad Administration on Fitness for Duty Requirements and Accommodations for Psychiatric Disabilities.
- The FAA Civil Rights Office coordinated with the EEOC to host an Aviation Training Network (ATN) broadcast on disabilities. One hundred and fifty managers viewed the broadcast called, "Let's Get to Know the Facts about Hiring and Obtaining Reasonable Accommodations for People with Disabilities."
 - In FY 2010, the FAA EEO Training Institute, the civil rights directors, and staff delivered 463 EEO briefings to a total of 6,337 managers and employees. Out of 1,197 Air Traffic Controllers and Technical Operation students hired, the EEO Training Institute trained 1,151, or 96%.

VI. DOT's Actions Planned/Taken to Improve Complaint or Civil Rights Programs

A. Actions Planned (Pursuant to Section 203 (a) (7) (D)):

- 1) Perform an analysis on recruitment, on board, and/or outreach efforts and triggers to understand the causes of underrepresentation in certain areas of the workforce.
- 2) Strive to achieve a biannual goal of educating all employees of their rights and protections under antidiscrimination, retaliation, and whistleblower protection laws.
- 3) Strive to have 100 percent of new employees trained regarding their rights and protections under antidiscrimination, retaliation, and whistleblower protection laws, within 90 calendar days of their appointments using the Training Management System (TMS) to load the training into the learning plans of new employees.
- 4) Provide annual training to all supervisors and managers on recruiting and maintaining a diverse workforce.
- 5) Develop a centralized tracking system for Federal Court Cases. This system can facilitate the processing of information needed for the Annual Report to Congress pursuant to the No FEAR Act and will be used for other purposes.
- 6) Coordinate development of an OneDOT recruitment plan for individuals with disabilities and targeted disabilities.
- 7) Collaborate with veterans programs to increase hiring of veterans with targeted disabilities.
- 8) The Departmental Office of Civil Rights (DOCR) will be reviewing and potentially revising the DOT policy on processing reasonable accommodation requests (DOT Order 1011.1). Specifically, the Order will reflect changes included in the ADA Amendments Act of 2008 and the Genetic Information Nondiscrimination Act of 2008.

B. Actions Taken

- The DOCR created an automated tracking system for accommodation request, named Online Accommodations Tracking System (OATS), and implemented it on November 10, 2009. OATS helps to generate aggregate reports per DOT OAs that the DOT uses to conduct analyses. Disability Program Managers in each DOT OA were instructed on how to enter information into the system. Use of the system generated discussion on how to revise the system to make it more “user-friendly” for OA reasonable accommodation decision makers and

OA system administrators. The DOT's goal for FY 2011 is to correct the inconsistencies in the system.

- The DOT now requires electronic No FEAR training to be included within each employee's e-Learning program. This helps to ensure that employees take their training as required every two years. All new employees will have the No FEAR training uploaded into their e-Learning program, and are required to complete the training within 90 days of hire.

C. Practical Knowledge Gained

Since the first year of implementing the No FEAR Act, the DOT continues to gain practical knowledge and experience, and keeps on recognizing the importance of a centralized database that interfaces with the DOCR, Office of Human Resource Management, Offices of the General Counsel, Office of the Chief Financial Officer, and the OAs' civil rights, human resources, and legal offices. The Office of the Secretary of DOT and our 10 Operating Administrations (FAA, FHWA, FMCSA, FRA, FTA, MARAD, NHTSA, PHMSA, RITA, and SLSDC), play a vital role in meeting the reporting requirements of the No FEAR Act. As a result, the DOT needs to continue to develop information system(s) to facilitate the process of gathering and analyzing data from secretarial offices down to the OAs.

VII. Conclusion

During FY 2010, the DOT has taken big strides to increase employee satisfaction, resulting in a reduction of the overall number of complaints, Federal court case judgments, awards, compromise settlements, administrative complaints, and reimbursements to the Judgment Fund. Based on the results of the 2010 Federal Employee Viewpoint Survey, the DOT has ranked third in the list of Agencies with the Greatest Ranking Score Increase, on the OPM's Human Capital Assessment, and Accountability Framework, since 2008. Additionally, the number of complaints filed has decreased by 33.82 percent over last four years, the number of Federal court cases declined by 37.5 percent since the previous year, and the reimbursement to the Judgment Fund reached a historic low of \$300,000. These positive trends, one may conclude, are due to both the No FEAR Act, and the Secretary's strong policy statements against workplace discrimination, harassment, whistleblower rights, and the No FEAR Act training. Nonetheless, there are still opportunities for improvement, particularly with providing new employees with No FEAR Act training within 90 days of coming aboard. The DOT also noted that there is a lack of disciplinary actions against offenders emanating from Federal court cases.

VIII. Appendices

Appendix 1: Charts

Figure 1: Complaints Filed

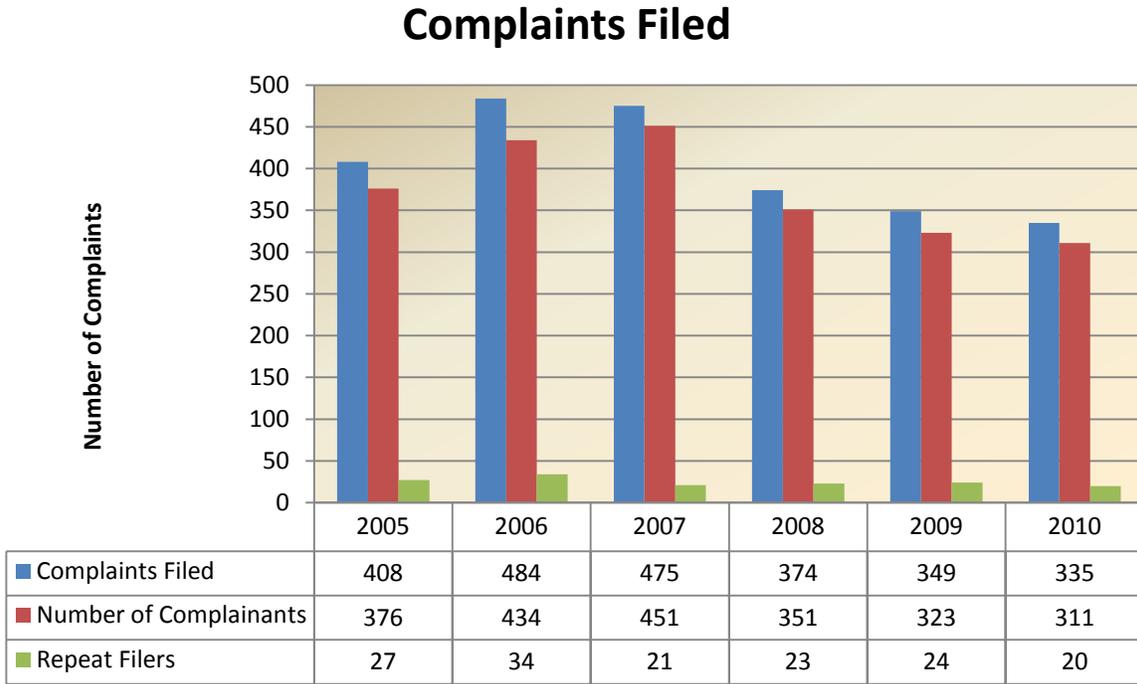


Figure 2: Number of Final Actions Findings of Discrimination With or Without Hearing

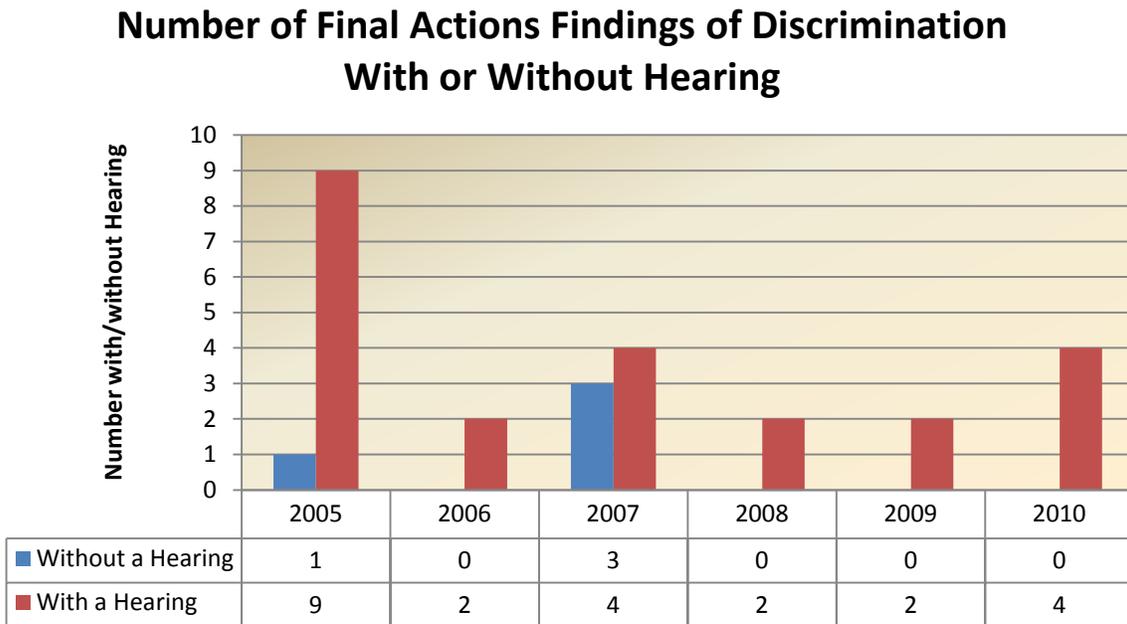


Figure 3: Four Top Complaints Filed by Basis

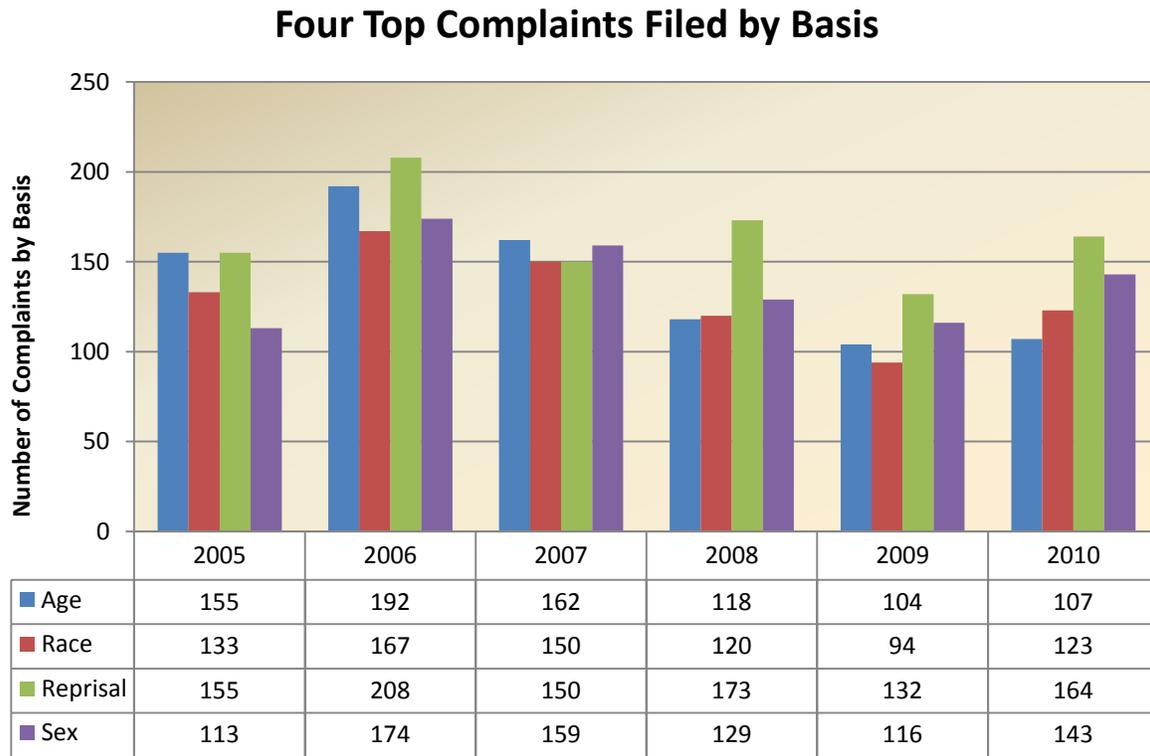
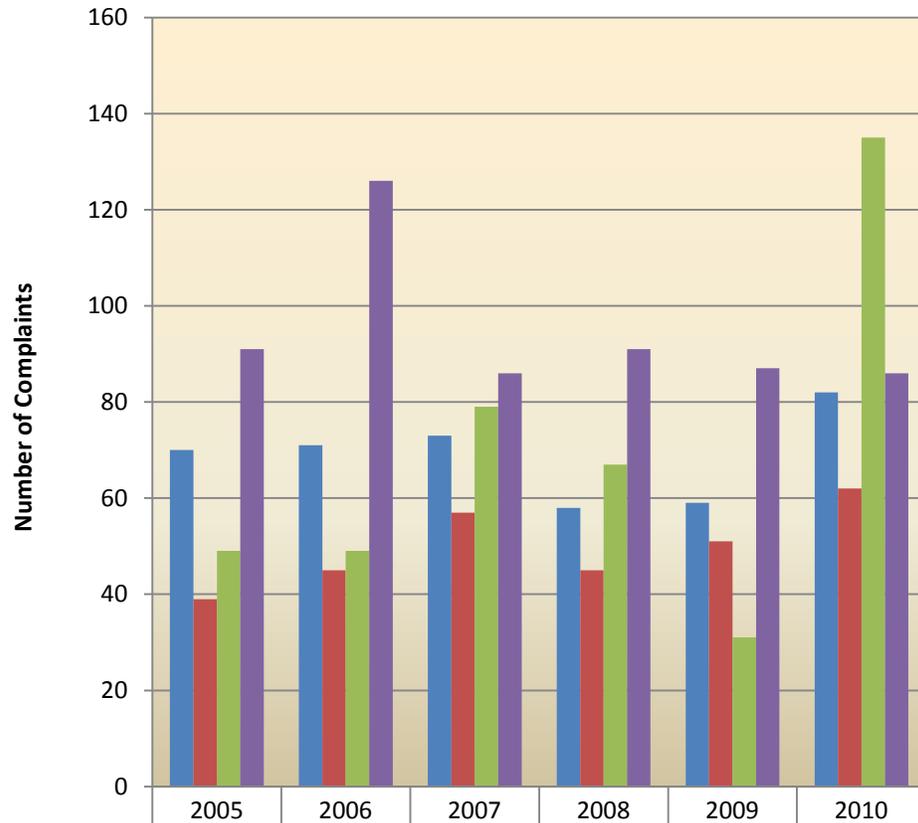


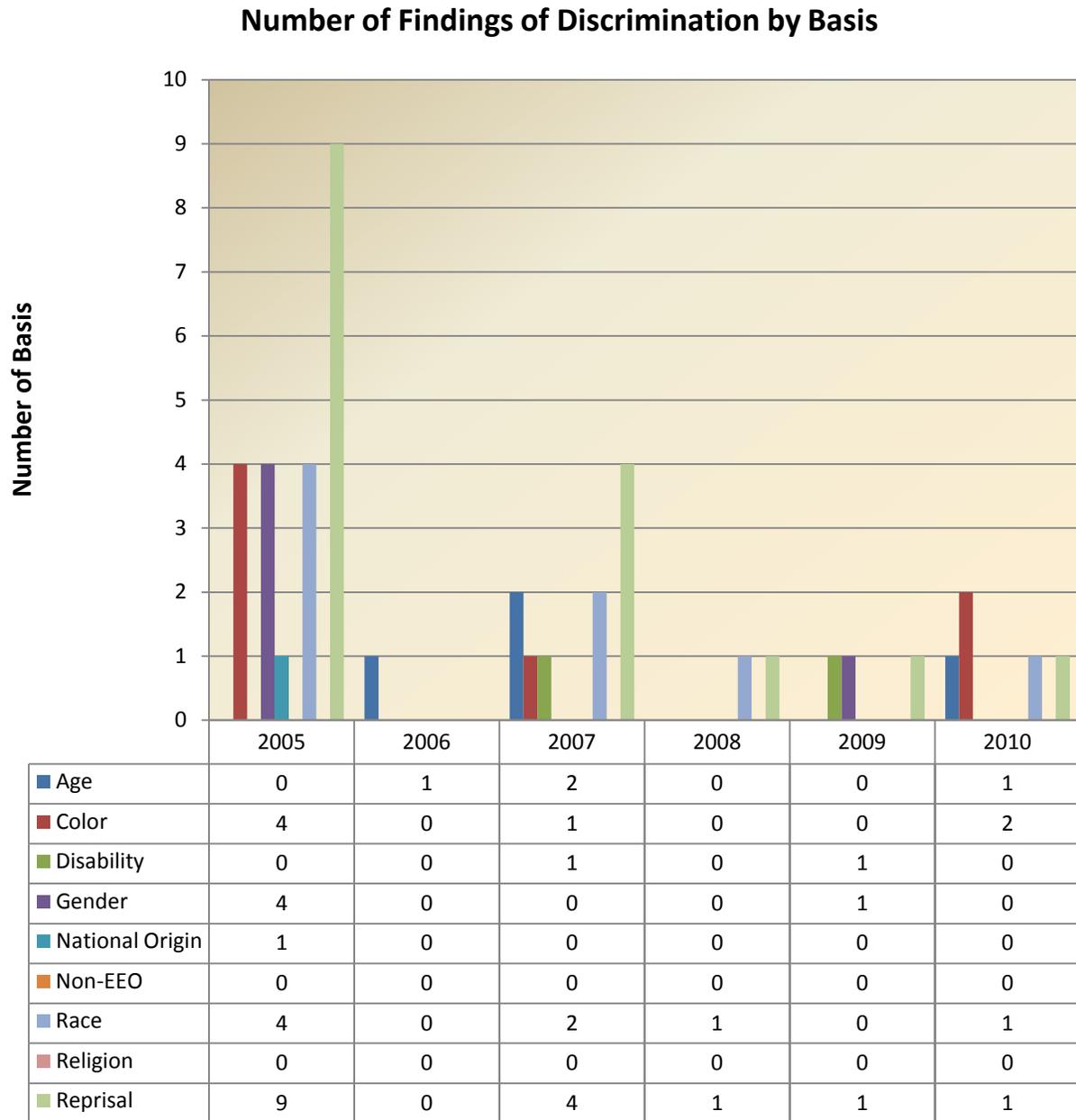
Figure 4: Four Top Complaints Filed by Issue

Four Top Complaints Filed by Issue



■ Disability	70	71	73	58	59	82
■ Disciplinary Action	39	45	57	45	51	62
■ Harassment	49	49	79	67	31	135
■ Promotion/Non-Selection	91	126	86	91	87	86

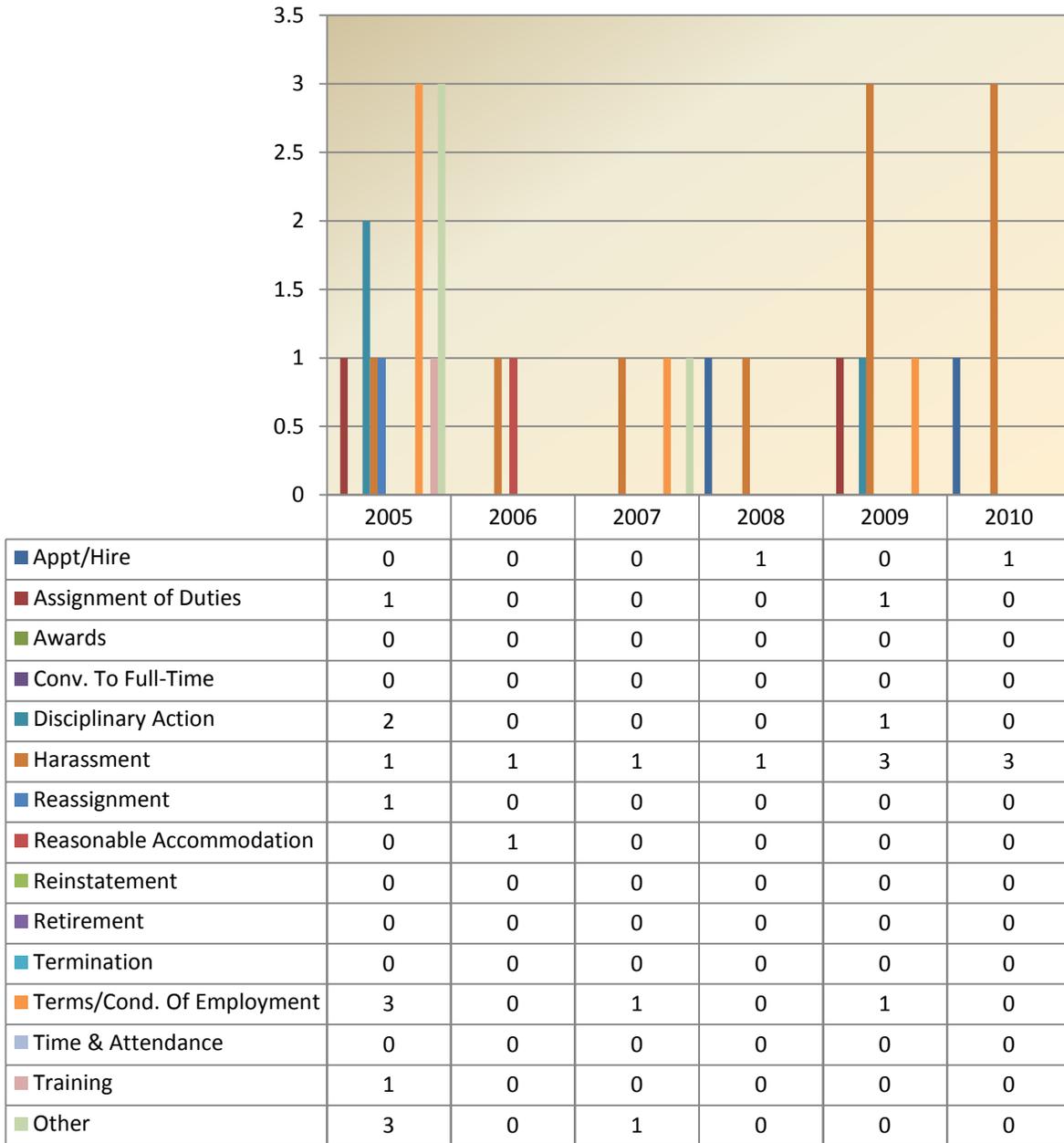
Figure 5: Number of Findings of Discrimination by Basis



(Note*There were four findings of discrimination, but five bases)

Figure 6: Number of Findings of Discrimination by Issue

Number of Findings of Discrimination by Issue



(Note*There were four findings of discrimination but only 2 issues)

Figure 7: 2010 Total Number of Cases by Alleged Violation

**2010 Total Number of Cases by Alleged Violation
(Cases can have more than one alleged violation)**

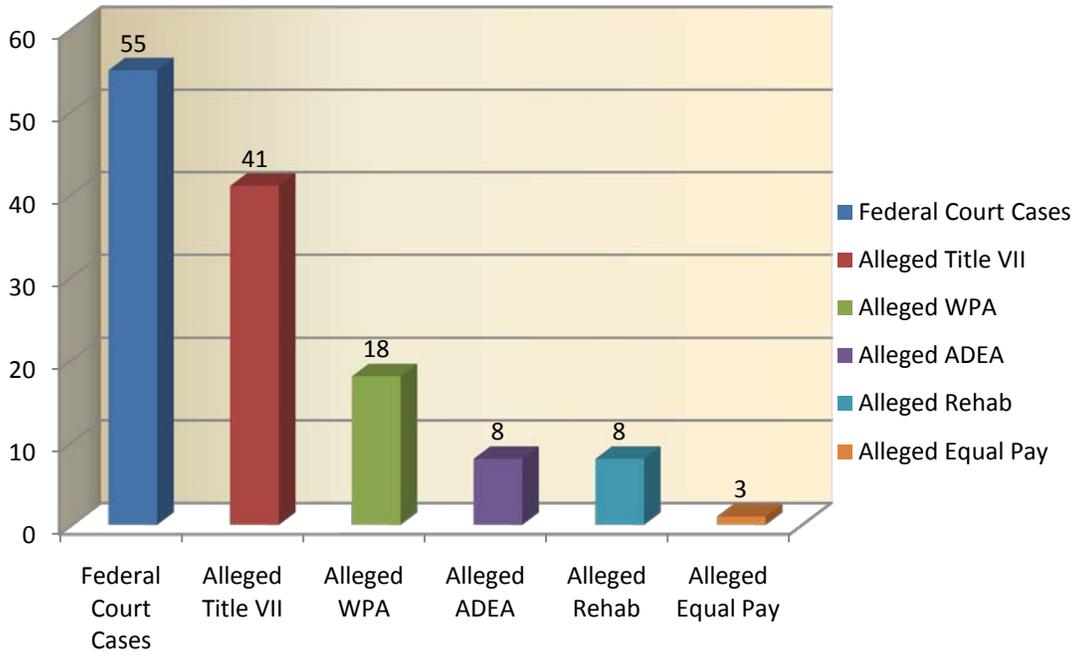


Figure 8: Total Number of Cases Resulting in Reimbursement to the Judgment Fund.

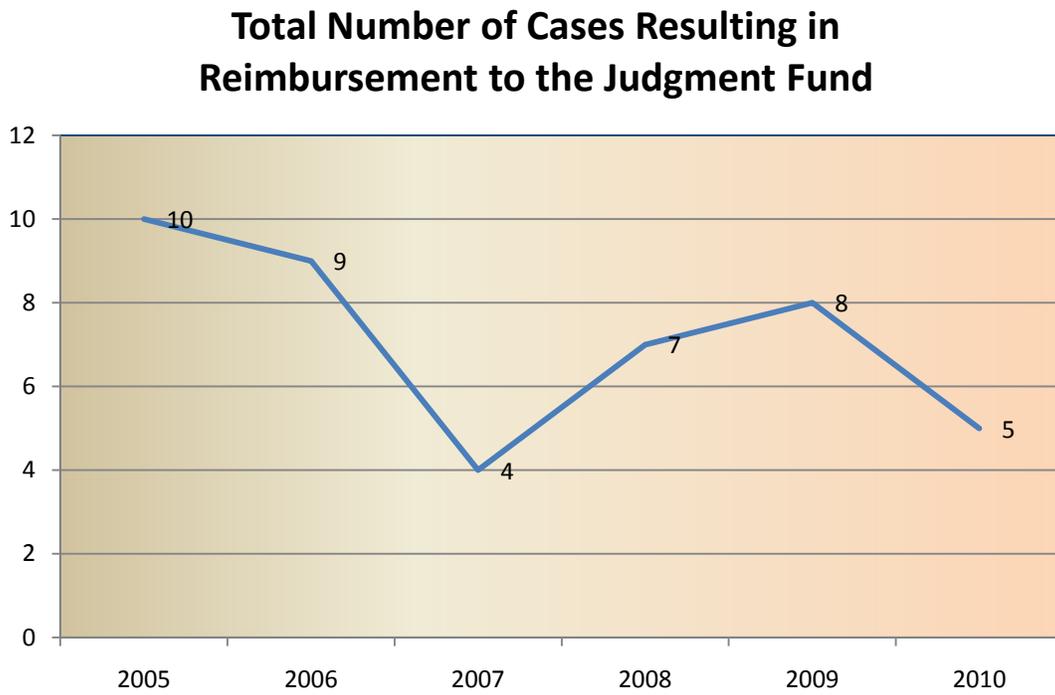
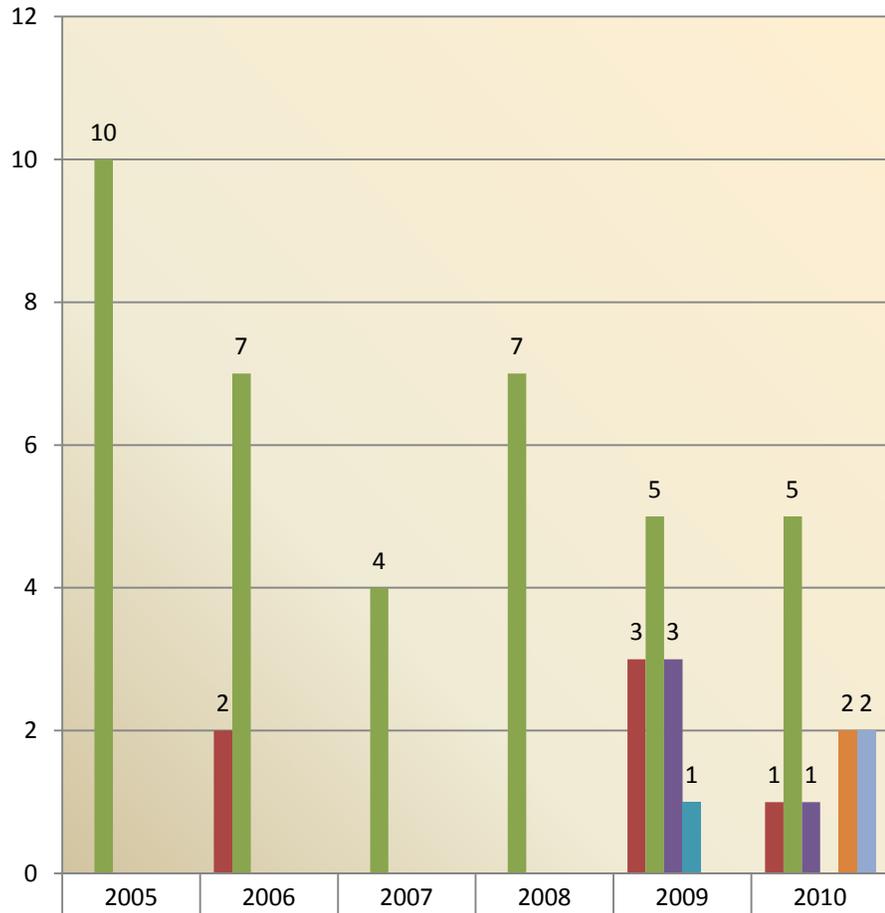


Figure 9: Cases Resulting in Reimbursement to the Judgment Fund by Antidiscrimination Law

Cases Resulting in Reimbursements to the Judgment Fund by Antidiscrimination Law



■ ADEA		2			3	1
■ Title VII	10	7	4	7	5	5
■ Rehab. Act					3	1
■ Whistleblower Protection Act					1	
■ Adverse Personnel Actions						2
■ Retaliation						2

Appendix 2: EEO Data Posted

The U.S. Department of Transportation (All Operating Administrations)

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

Equal Employment Opportunity Data Posted Pursuant to Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174

Complaint Activity	Comparative Data Previous Fiscal Year Data					2010 thru 9/30
	2005	2006	2007	2008	2009	
Number of Complaints Filed	408	484	475	374	349	335
Number of Complainants	376	434	451	351	323	311
Repeat Filers	27	34	21	23	24	20

Complaints by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					2010 thru 9/30
	2005	2006	2007	2008	2009	
Race	133	167	150	120	94	123
Color	66	67	53	51	41	44
Religion	12	14	19	17	17	14
Reprisal	155	208	150	173	132	164
Sex (including complaints filed under Equal Pay Act)	113	174	159	129	116	145
National Origin	47	50	51	34	21	49
Age	155	192	162	118	104	107
Disability	70	71	73	58	59	82

Non-EEO basis	*	51	8	5	4	12
---------------	---	----	---	---	---	----

Complaints by Issue <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					2010 thru 9/30
	2005	2006	2007	2008	2009	
Appointment/Hire	36	10	23	6	6	8
Assignment of Duties	26	39	36	24	28	30
Awards	12	15	9	16	13	18
Conversion to Full-time	1	0	1	0	0	0
Disciplinary Action						
Demotion	1	2	3	3	2	3

Complaints by Issue <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					2010 thru 9/30
	2005	2006	2007	2008	2009	
Reprimand	9	11	17	10	18	9
Removal	2	5	8	8	4	3
Suspension	19	16	12	13	15	32
Other	8	11	17	11	12	15
Duty Hours	8	10	14	9	7	6
Evaluation Appraisal	20	22	15	26	19	20
Examination/Test	1	1	1	1	1	0
Harassment						

Complaints by Issue <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					2010 thru 9/30
	2005	2006	2007	2008	2009	
Non-Sexual	5	44	71	59	28	124
Sexual	45	5	8	8	3	11
Medical Examination	0	2	2	3	2	0
Pay (Including Overtime)	26	21	11	15	16	12
Promotion/Non-Selection	91	126	86	91	87	86
Reassignment						
Denied	19	10	6	1	8	9

Complaints by Issue <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					2010 thru 9/30
	2005	2006	2007	2008	2009	
Directed	16	10	11	15	16	15
Reasonable Accommodation	22	16	20	12	16	15
Reinstatement	6	3	1	2	0	1
Retirement	4	11	9	5	2	7
Termination	8	28	23	24	22	34
Terms/Conditions of Employment	18	29	31	13	7	9
Time and Attendance	26	33	26	14	24	14
Training	31	30	25	31	21	28

Complaints by Issue <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					2010 thru 9/30
	2005	2006	2007	2008	2009	
Other	27	10	51	50	39	32
Processing Time	Comparative Data Previous Fiscal Year Data					2010 thru 9/30
	2005	2006	2007	2008	2009	
Complaints pending (for any length of time) during fiscal year						
Average number of days in investigation stage	*	203.62	192.97	235.88	162.96	140.76
Average number of days in final action stage	*	56.98	152.26	110.14	92.17	56.23
Complaints pending (for any length of time) during fiscal year where hearing was requested						

Processing Time	Comparative Data Previous Fiscal Year Data					2010 thru 9/30
	2005	2006	2007	2008	2009	
Average number of days in investigation stage	*	205.6	124.20	235.29	162.66	143.52
Average number of days in final action stage	*	43.76	25.58	10.03	76.27	14.68
Complaints pending (<i>for any length of time</i>) during fiscal year where hearing was not requested						
Average number of days in investigation stage	*	205.6	195.34	236.24	160.51	136.93
Average number of days in final action stage	*	43.76	215.59	175.91	116.86	83.97
Complaints Dismissed by Agency	Comparative Data Previous Fiscal Year Data					2010 thru

	2005	2006	2007	2008	2009	9/30
Total Complaints Dismissed by Agency	224	200	111	114	110	80
Average days pending prior to dismissal	340	174	160	135	61.33	55.13
Complaints Withdrawn by Complainants						
Total complaints Withdrawn by Complainants	*	17	17	32	26	19

Total Final Actions Finding Discrimination	Comparative Data Previous Fiscal Year Data										2010 thru 30-Jun	
	2005		2006		2007		2008		2009		#	%
	#	%	#	%	#	%	#	%	#	%		
Total Number Findings	10		2		8		2		2		4	
Without Hearing	1	10%	0		3	38%	0		0		0	
With Hearing	9	90%	2	100%	5	62%	2	100%	2	100%	4	100%

Findings of Discrimination Rendered by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2010 thru 9/30	
	2005		2006		2007		2008		2009		#	%
	#	%	#	%	#	%	#	%	#	%		
Total Number Findings	10		2		8		2		2		4	

Race	4	40%	0		2	29	1	50%	0		1	25%
Color	4	40%	0		1	14	0		0		2	50%
Religion	2	20%	0		0	0	0		0		0	
Reprisal	9	90%	0		4	57	1	50%	1	50%	1	25%
Sex (including complaints filed under Equal Pay Act)	4	40%	0		0	0	0		1	50%	0	
National Origin	1	10%	0		0	0	0		0		0	
Age	0		1	50%	2	29	0		0		1	25%
Disability	0		1	50%	1	14	0		1	50%	0	
Non-EEO	*		*		0	0	0		0		0	
	9		2		4		2		2		4	

Findings After Hearing												
Race	3	33%	0		0		1	50%	0		1	25%
Color	2	22%	0		0		0		0		2	50%
Religion	1	11%	0		0		0		0		0	
Reprisal	6	67%	0		3	75%	1	50%	1	50%	1	25%
Sex (including complaints filed under Equal Pay Act)	4	44%	0		0		0		1	50%	0	
National Origin	1	11%	0		0		0		0		0	
Age	2	22%	1	50%	0		0		0		1	25%
Disability	1	11%	1	50%	1	25%	0		1	50%	0	
Non-EEO	*		*		0		0		0		0	

Findings Without Hearing	1		0		3		0		0		0
Race	1	100%	0		1	33%	0		0		0
Color	0		0		0		0		0		0
Religion	0		0		0		0		0		0
Reprisal	0		0		0				0		0
Sex (including complaints filed under Equal Pay Act)	0		0		0		0		0		0
National Origin	0		0		0		0		0		0
Age	0		0		2	67%	0		0		0
Disability	0		0		0		0		0		0

Non-EEO	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data											2010 thru 9/30	
	2005		2006		2007		2008		2009				
	#	%	#	%	#	%	#	%	#	%	#	%	
Total Number of Findings	10		2		8		2		2		4		
Appointment/Hire	0		0		1	13%	1	50%	0		1	25%	
Assignment of Duties	1	10%	0		0	0	0		1	50%	0		
Awards	0		0		0	0	0		0		0		

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										2010 thru 9/30	
	2005		2006		2007		2008		2009			
	#	%	#	%	#	%	#	%	#	%	#	%
Conversion to Full-time	0		0		0	0	0		0		0	
Disciplinary Action												
Demotion	0		1	10%	0		0		0		0	
Reprimand	0		0		0		0		1	50%	0	
Suspension	0		0		0		0		0		0	
Removal	0		0		0		0		0		0	
Other	*		*		*		*		0		0	

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data											2010 thru 9/30	
	2005		2006		2007		2008		2009				
	#	%	#	%	#	%	#	%	#	%	#	%	
Duty Hours	0		0		0		0		0		0		
Evaluation Appraisal	0		1	10%	0		0		0		0		
Examination/Test	0		0		0		0		0		0		
Harassment													
Non-Sexual	1	10%	0		1	13%	0		2	100%	0		
Sexual	0		0		0		0		0		0		
Medical Examination	0		0		0		0		0		0		

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data											2010 thru 9/30	
	2005		2006		2007		2008		2009				
	#	%	#	%	#	%	#	%	#	%	#	%	
Pay (Including Overtime)	0		0		1	13%	0		0		0		
Promotion/Non-Selection	1	10%	1	50%	2	25%	1	50%	0		3	75%	
Reassignment													
Denied	0		0		1	13%	0		0		0		
Directed	1	10%	0		0		0		0		0		
Reasonable Accommodation	0		1	50%	0		0		0		0		
Reinstatement	0		0		0		0		0		0		

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										2010 thru 9/30	
	2005		2006		2007		2008		2009			
	#	%	#	%	#	%	#	%	#	%	#	%
Retirement	0		0		0		0		0		0	
Termination	0		0		0		0		0		0	
Terms/Conditions of Employment	3	30%	0		1	13%	0		1	50%	0	
Time and Attendance	0		0		0		0		0		0	
Training	1	10%	0		0		0		0		0	
Other	0		0		1	13%	0		0		0	
	9		2		5		2		2		4	

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										2010 thru 9/30	
	2005		2006		2007		2008		2009			
	#	%	#	%	#	%	#	%	#	%	#	%
Findings After Hearing												
Appointment/Hire	0		0		0	0	1	50%	0		1	25%
Assignment of Duties	1	10%	0		0	0	0	0	1	50%	0	
Awards	0		0		0	0	0	0	0		0	
Conversion to Full-time	0		0		0	0	0	0	0		0	

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										2010 thru 9/30	
	2005		2006		2007		2008		2009			
	#	%	#	%	#	%	#	%	#	%	#	%
Disciplinary Action												
Demotion	1	10%	0		0		0		0		0	
Reprimand	0		0		0		0		1	50%	0	
Suspension	0		0		0		0		0		0	
Removal	0		0		0		0		0		0	
Other	*		*		*		*		0		0	
Duty Hours	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data											2010 thru 9/30	
	2005		2006		2007		2008		2009				
	#	%	#	%	#	%	#	%	#	%	#	%	
Evaluation Appraisal	1	10%	0		0		0		0		0		
Examination/Test	0		0		0		0		0		0		
Harassment													
Non-Sexual	1	10%	0		0		0		2	100%	0		
Sexual	0		0		0		0		0		0		
Medical Examination	0		0		0		0		0		0		
Pay (Including Overtime)	0		0		1	33%	0		0		0		

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data											2010 thru 9/30	
	2005		2006		2007		2008		2009				
	#	%	#	%	#	%	#	%	#	%	#	%	
Promotion/Non-Selection	0		1	50%	0		1	50%	1	50%	3	75%	
Reassignment													
Denied	0		0		0		0		0		0		
Directed	1	10%	0		0		0		0		0		
Reasonable Accommodation	0		1	50%	0		0		0		0		
Reinstatement	0		0		0		0		0		0		

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										2010 thru 9/30	
	2005		2006		2007		2008		2009			
	#	%	#	%	#	%	#	%	#	%	#	%
Retirement	0		0		0		0		0		0	
Termination	0		0		0		0		0		0	
Terms/Conditions of Employment	3	30%	0		1	33%	0		1	50%	0	
Time and Attendance	0		0		0		0		0		0	
Training	1	10%	0		0		0		0		0	
Other	3	30%	0		1	33%	0		0		0	
Findings Without Hearing	0		0		3		0		0		0	

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data											2010 thru 9/30	
	2005		2006		2007		2008		2009				
	#	%	#	%	#	%	#	%	#	%	#	%	
Appointment/Hire	0		0		1	33%	0		0		0		
Assignment of Duties	0		0		0		0		0		0		
Awards	0		0		0		0		0		0		
Conversion to Full-time	0		0		0		0		0		0		
Disciplinary Action													
Demotion	0		0		0		0		0		0		
Reprimand	0		0		0		0		0		0		

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data											2010 thru 9/30	
	2005		2006		2007		2008		2009				
	#	%	#	%	#	%	#	%	#	%	#	%	
Suspension	0		0		0		0		0		0		
Removal	0		0		0		0		0		0		
Other	*		*		*		0		0		0		
Duty Hours	0		0		0		0		0		0		
Evaluation Appraisal	0		0		0		0		0		0		
Examination/Test	0		0		0		0		0		0		

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										2010 thru 9/30	
	2005		2006		2007		2008		2009			
	#	%	#	%	#	%	#	%	#	%	#	%
Harassment												
Non-Sexual	0		0		0		0		0		0	
Sexual	0		0		0		0		0		0	
Medical Examination	0		0		0		0		0		0	
Pay (Including Overtime)	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data											2010 thru 9/30	
	2005		2006		2007		2008		2009				
	#	%	#	%	#	%	#	%	#	%	#	%	
Promotion/Non-Selection	0		0		1	33%	0		0		0		
Reassignment													
Denied	0		0		1	33%	0		0		0		
Directed	0		0		0		0		0		0		
Reasonable Accommodation	0		0		0		0		0		0		
Reinstatement	0		0		0		0		0		0		

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										2010 thru 9/30	
	2005		2006		2007		2008		2009			
	#	%	#	%	#	%	#	%	#	%	#	%
Retirement	0		0		0		0		0		0	
Termination	0		0		0		0		0		0	
Terms/Conditions of Employment	0		0		0		0		0		0	
Time and Attendance	0		0		0		0		0		0	
Training	0		0		0		0		0		0	
Other	0		0		0		0		0		0	

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data Previous Fiscal Year Data					2010 thru 9/30
	2005	2006	2007	2008	2009	
Total complaints from previous Fiscal Years	*	688	609	718	668	474
Total Complainants	*	513	237	561	534	349
Number complaints pending						
Investigation	*	276	101	85	69	86
Hearing	*	295	251	85	236	288
Final Agency Action	*	60	46	68	24	28

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data Previous Fiscal Year Data					2010 thru 9/30
	2005	2006	2007	2008	2009	
Appeal with EEOC Office of Federal Operations	*	1	2	1	1	72

Complaint Investigations	Comparative Data Previous Fiscal Year Data					2010 thru 9/30
	2005	2006	2007	2008	2009	
Pending Completion Where Investigation Exceeds Required Time Frames	*	50	79	41	33	21

* Data was not collected prior to DOT's implementation of the standard posting format mandated by EEOC's final rule dated August 2, 2006. *This page was last modified on December 1, 2010.*

Appendix 3: EEO Policy Statement



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

September 10, 2010

Equal Employment Opportunity Policy Statement 2010

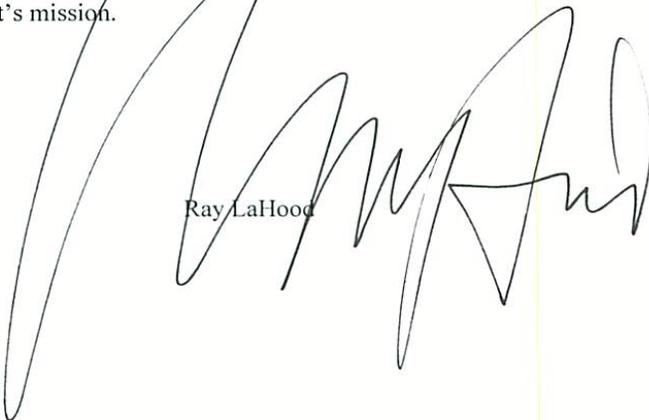
The U.S. Department of Transportation will maintain a model Federal work environment that is free of discrimination. We will ensure equal employment opportunity for employees and applicants for employment, regardless of race, color, national origin, religion, sex, genetic information, age (40 and over), disability, sexual orientation, or protected activity.

I am committed to fostering through effective outreach, recruitment, hiring, and employee development an inclusive workforce that reflects America's diversity. We will continue to identify and eliminate barriers to equal employment opportunities for individuals with disabilities and groups with a low participation rate of employment in the workforce. Equal opportunity, exclusive of unlawful bias or prejudice, to work and advance based upon merit is the law and not an option. I also expect all managers and supervisors to ensure that our employees are given equal opportunity for training and career development programs, promotions, awards and recognitions, and other applicable benefits and privileges of employment.

The Department will enforce zero tolerance of discrimination in the workplace. Violations of the law prohibiting unlawful discrimination practices will result in appropriate disciplinary actions against offenders, up to and including dismissal. Employees who believe they have been subjected to unlawful discrimination, subjected to reprisal for opposing discrimination in the agency, or hindered from participating in the employment discrimination complaint process are encouraged to contact their Office of Civil Rights or the Departmental Office of Civil Rights.

Let us maintain our commitment to fostering an excellent work environment free of unlawful discrimination. All employees must comply with equal employment opportunity principles as we perform the Department's mission.

Ray LaHood



Appendix 4: Prevention of Harassment Policy Statement



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

September 10, 2010

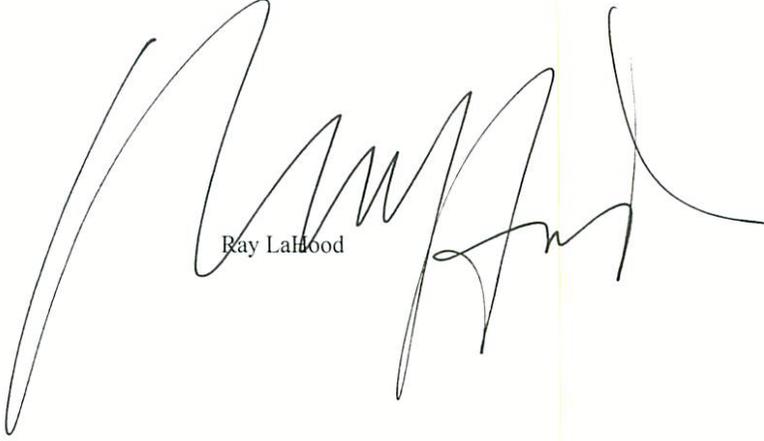
Policy Statement on the Prevention of Harassment 2010

The U.S. Department of Transportation is committed to zero tolerance for harassment on the basis of race, color, national origin, religion, sex, genetic information, age (40 and over), disability, sexual orientation, or protected activity. Harassment in this context is defined as conduct that is so offensive as to create a work environment that a reasonable person would consider intimidating, hostile, or offensive. As Secretary of Transportation, I am committed to our long-standing policy that harassment will not be tolerated and must not occur.

Employees who believe that they have been victims of harassment may, without fear of reprisal, seek the immediate assistance of a management official or their office of human resources. Employees also can contact an equal employment opportunity counselor or their Office of Civil Rights. I expect a manager or supervisor who becomes aware of harassment to take immediate and appropriate corrective action to ensure that the harassment stops and does not recur. Violations of the law prohibiting harassment or violations of this policy will result in appropriate disciplinary actions against the offenders, up to and including dismissal. This also includes cases where a manager or supervisor should have known about the harassment and failed to take prompt and appropriate corrective action.

I am committed to providing a workplace free from harassment where every employee is treated with respect and dignity. I expect each employee to join me in ensuring a harassment-free workplace through engaging in conduct that is consistent with this policy of zero tolerance for harassment.

Ray LaHood

A large, stylized handwritten signature in black ink, appearing to read "Ray LaHood", positioned above the printed name.

Appendix 5: Whistleblowing Policy Statement



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

September 10, 2010

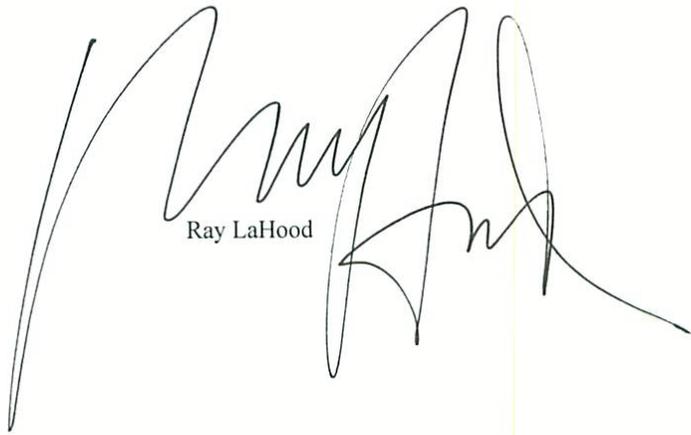
Policy Statement on Whistleblowing 2010

The U.S. Department of Transportation is committed to protecting current and former Federal employees and job applicants from interference and retaliation when making protected disclosures, or “whistleblowing,” includes providing information related to a violation of law, rule, or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety. The Whistleblower Protection Act of 1989 protects individuals who report Federal agency misconduct. The Department will initiate appropriate actions against responsible persons who take, threaten to take, or fail to take a personnel action with respect to any employee or applicant because of any protected disclosure of information. In 2002, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act) was enacted to make all Federal agencies accountable for violations of antidiscrimination and whistleblower protection laws.

The Department will not tolerate whistleblower reprisal. Legitimate disclosure of information by employees is an invaluable resource for the oversight of government operations. Therefore, it is my expectation that employees are able to report these matters confidentially to the Department’s Office of Inspector General, the U.S. Office of Special Counsel, or appropriate management officials. Anyone who interferes with or retaliates against any current or former employee or job applicant making a protected disclosure will be subject to appropriate disciplinary action.

I am committed to maintaining the Department’s role as a Federal agency that respects the rights of current and former Federal employees or job applicants to raise legitimate concerns without fear of reprisal. I ask everyone to join me in implementing and communicating this important policy.

Ray LaHood

A large, stylized handwritten signature in black ink, appearing to read "Ray LaHood", positioned to the right of the printed name.

Appendix 6: Employment & Advancement of Persons w/Disabilities Policy Statement



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

September 10, 2010

Policy Statement on Employment and Advancement of Persons with Disabilities 2010

I am committed to making the U.S. Department of Transportation (DOT) a model employer of persons with disabilities, especially those with severe disabilities referred to as "targeted disabilities." Let us continue to enhance access for employees with disabilities.

We will comply with Section 501 of the Rehabilitation Act of 1973, as amended, which prohibits Federal agencies from discriminating against qualified individuals with disabilities. The Department will provide hiring, placement, and advancement opportunities for persons with disabilities. Violations of this law will result in appropriate disciplinary actions against the offenders, up to and including dismissal.

The Department will continue to identify and remove any barriers to hiring, retaining, and promoting persons with disabilities. All departmental organizations will work with their offices of human resources in outreach efforts to provide employment and internship opportunities to persons with disabilities, especially those with "targeted disabilities." My pledged support for a minimum 3 percent hiring goal for individuals with targeted disabilities remains applicable to all DOT organizations during 2010.

I expect everyone to work as a team to identify, report, and eliminate barriers to the employment of persons with disabilities whenever they are discovered. Guidance on how to handle requests for reasonable accommodation by employees and employment applicants is contained in DOT Order 1011.1, "Procedures for Processing Reasonable Accommodation Requests by Applicants and Employees with Disabilities." (Available on the Department's Web site at: <http://www.dotcr.ost.dot.gov/Documents/DotPart/RAPolicy/10101.doc>).

Equal employment opportunity for persons with disabilities is a key organizational excellence initiative.

Ray LaHood

A large, stylized handwritten signature in black ink, appearing to read "Ray LaHood".



