



UNITED STATES
DEPARTMENT OF TRANSPORTATION



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

Fiscal Year 2015 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 country's vital national interests and enhances the quality of life for the American people, today and into the future. To this end, and to maximize our effectiveness, DOT seeks to achieve exemplary Equal Employment Opportunity (EEO) programs, and lead as a model agency, by eliminating the practice or tolerance of any form of discrimination or retaliation within the workplace.

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act or Act), Public Law 107-174, 5 U.S.C. § 2301, et seq., requires each Federal agency to be accountable for violations of antidiscrimination and whistleblower protection laws and to post certain statistical data on its Web site relating to Federal sector EEO complaints filed with the agency. Additionally, Section 203 of the No FEAR Act, and its implementing regulation, require each Federal agency to submit an annual report to the following recipients no later than 180 days after the end of the fiscal year (FY):

- 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 of the United States.

The U.S. Office of Personnel Management's (OPM) regulations implementing Title II of the No FEAR Act, 5 C.F.R. Part 724, also require the submission of this annual report to the Director of OPM for the implementation of best practices and issuance of advisory guidelines.

The No FEAR Act requires each Federal agency to include the following in this annual report:

- The number of Federal court cases arising under applicable Federal antidiscrimination and whistleblowing laws;
- The status or disposition of cases;
- The amount required to be reimbursed to the Treasury Judgment Fund (Judgment Fund) and for attorney's fees, where such fees have been awarded separately;
- The number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to under the No FEAR Act, and the specific nature of disciplinary action taken, then separated by the provisions of law(s);
- The final fiscal year data in connection with 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 statutory requirements, DOT provides the No FEAR Act annual report to the following members of the 114 th Congress:	
The Honorable Joseph R. Biden, Jr. President of the Senate	The Honorable Paul D. Ryan Speaker of the House of Representatives
The Honorable Orrin G. Hatch President Pro Tempore of the Senate	The Honorable Harold Rogers Chairman, House Committee on Appropriations
The Honorable Thad Cochran Chairman, Senate Committee on Appropriations	The Honorable Nita M. Lowey Ranking Member, House Committee on Appropriations
The Honorable Barbara A. Mikulski Vice Chairwoman, Senate Committee on Appropriations	The Honorable Fred Upton Chairman, House Committee on Energy and Commerce
The Honorable Richard C. Shelby Chairman, Senate Committee on Banking, Housing, and Urban Affairs	The Honorable Frank J. Pallone, Jr. Ranking Member, House Committee on Energy and Commerce
The Honorable Sherrod C. Brown Ranking Member, Senate Committee on Banking, Housing, and Urban Affairs	The Honorable Jason E. Chaffetz Chairman, House Committee on Oversight and Government Reform
The Honorable John R. Thune Chairman, Senate Committee on Commerce, Science, and Transportation	The Honorable Elijah E. Cummings Ranking Member, House Committee on Oversight and Government Reform
The Honorable Bill Nelson Ranking Member, Senate Committee on Commerce, Science, and Transportation	The Honorable Lamar Smith Chairman, House Committee on Science, Space, and Technology
The Honorable James M. Inhofe Chairman, Senate Committee on Environment and Public Works	The Honorable Eddie Bernice Johnson Ranking Member, House Committee on Science, Space, and Technology
The Honorable Barbara Boxer Ranking Member, Senate Committee on Environment and Public Works	The Honorable Bill Shuster Chairman, House Committee on Transportation and Infrastructure
The Honorable Ronald H. Johnson Chairman, Senate Committee on Homeland Security and Governmental Affairs	The Honorable Peter A. DeFazio Ranking Member, House Committee on Transportation and Infrastructure

The Honorable Thomas R. Carper Ranking Member, Senate Committee on Homeland Security and Governmental Affairs	
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Pursuant to regulatory requirements, DOT also provides this report to the following members of the Executive Branch:

- The Honorable Jenny R. Yang, Chair, U.S. Equal Employment Opportunity Commission
- The Honorable Loretta E. Lynch, Attorney General, U.S. Department of Justice
- The Honorable Beth F. Cobert, Director, U.S. Office of Personnel Management

Anthony R. Foxx
Secretary of Transportation

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Executive Summary

The No FEAR Act aims to reduce, and ultimately eliminate, 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 implementing regulations, require that each Federal agency prepare and submit an annual report. This report provides information on judgments and reimbursements, disciplinary actions, and complaint activity covering the previous fiscal year. In this case, the period from October 1, 2014 through September 30, 2015.

Civil Cases

For Fiscal Year (FY) 2015, DOT was a party to 33 Federal court cases. Of these cases, 11 were resolved or settled cases under the various laws covered under the No FEAR Act: one was closed; three were withdrawn; two were dismissed; three were settled; and two ended in judgments in favor of the Agency. 22 Federal court cases are still pending.

The number of Federal court judgments, awards, and settlements decreased from 12 in FY 2014 to 11 in FY 2015. The number of pending cases increased from 21 to 22 from FY 2014 to FY 2015. The most frequently stated allegation concerned Title VII of the Civil Rights Act of 1964 (Title VII).

Reimbursement to Judgment Fund

The DOT reimbursed the Judgment Fund a total of \$225,000 for three Federal court cases during FY 2015. This amount represents a 78 percent decrease from FY 2014 reimbursements (\$1,009,500) for seven Federal court cases. Reimbursements for each of the Federal court cases in FY 2015 were: \$100,000, \$100,000, and \$25,000, respectively.

Disciplinary Action

During FY 2015, there were no disciplinary actions taken against any employee in connection with a Federal court case. The DOT did, however, discipline 11 employees for violating DOT policies concerning discrimination, retaliation, harassment, or other infractions of Federal antidiscrimination and whistleblower protection laws. Overall, DOT issued four letters of reprimand and suspended seven employees.

EEO Complaint Activity

There was an 8.1 percent increase in complaints, and a 10.2 percent increase in complainants from FY 2014 to FY 2015. Specifically, 323 complainants filed 348 formal Equal Employment Opportunity (EEO) administrative complaints with DOT, an increase of 30 complainants and 26 complaints from FY 2014. The ratio of complaints (348) to the total DOT workforce (54,808) is 0.63 percent; the government-wide average is 1.1 percent (per the [EEOC Fiscal Year 2014 Annual Report on the Federal Workforce Part I](#)). The increase in formal complaints during FY 2015 was due to class complaints filed against the Federal Aviation Administration.

An individual complaint may include multiple bases (such as race and gender) and/or issues (such as harassment and termination). Reprisal has been the top basis for complaints within DOT since FY 2008. The top five bases for complaints in FY 2015 were reprisal (199), race (158; 96 on the basis of Black or African American); sex (130; of which 65 were on the basis of Male, 64 were on the basis of Female, and 1 was on the basis of Lesbian/Gay/Bisexual/Transgender), age (128), and disability (111). These numbers and types of issues are similar to the top five bases for complaints in FY 2014.

The top five issues raised in complaints in FY 2015 were non-sexual harassment (160), promotion/non-selection (87), disciplinary action (32), training (27), and termination (27). By comparison in FY 2014, the top five issues raised in complaints were non-sexual harassment, promotion/non-selection, reasonable accommodation, training, and disciplinary action. Non-sexual harassment has been the top issue raised in complaints each year since FY 2010.

In addition, 96 percent of DOT pre-complaint EEO counseling sessions were completed in a timely fashion in FY 2015, meaning that the counseling process had concluded either within 30 days or, if an extension had been granted, within the 90-day regulatory requirement. The average number of days for DOT's investigation of a complaint in FY 2015 was 139 days, well within the 180-day requirement. The DOT's average complaint investigation time has fallen within the 180-day requirement each year since FY 2009.

Data Report

Pursuant to Section 203 of the No FEAR Act and its implementing regulation, 5 C.F.R. § 724.302, the Federal court and EEO complaint activity for DOT in FY 2015 is as follows:

Civil Cases

As stated above, during FY 2015, DOT reported 33 Federal court cases ensuing from antidiscrimination statutes listed in the No FEAR Act. Among these 33 cases, 22 are pending and 11 are resolved. The most frequently stated allegation concerned Title VII of the Civil Rights Act of 1964.

The breakdown of the allegations involved in the 33 cases is as follows.¹

- Twenty-nine cases concerned Title VII (42 U.S.C. § 2000e-16);
- Seven cases concerned the Age Discrimination in Employment Act (ADEA) of 1967 (29 U. S. C. §§ 631, 633 (a));
- Three cases concerned the Rehabilitation Act of 1973 (Rehabilitation Act) (29 U.S.C. § 791);
- Two cases concerned the Whistleblower Protection Act of 1989 (5 U.S.C. § 1201); and

¹ The number of cases involving each issue will add up to more than the 33 cases because some of the Federal court cases involve more than one antidiscrimination law. In fact, often cases contain several allegations of discrimination.

- Six cases involved allegations of retaliation.

Within the 22 pending court cases:

- Nineteen cases concerned Title VII;
- Four cases concerned the ADEA;
- One case concerned the Rehabilitation Act;
- One case concerned the Whistleblower Protection Act of 1989; and
- Three cases involved allegations of retaliation.

As noted in Table 1 below, among the 11 resolved cases, one was closed, three were withdrawn, two were dismissed, three were settled, and two ended in summary judgments in favor of the Agency.

Table 1: Summary of Federal Court Cases

(The U.S. DOT 2015 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 724.302 (a) (1)	33
A. Cases Pending	22
B. Cases Resolved	11
The status or disposition of pending or resolved cases	
Dismissed	2
Settled	3
Summary Judgment for Agency	2
Summary Judgment for Complainant	0
Withdrawn	3
Closed	1
Total resolved cases	11
Funds required to be reimbursed by DOT under Section 201 in connection with each case	
Title VII	\$100,000
Title VII, Retaliation	\$100,000
Title VII, Whistle Blower Protection Act, Rehabilitation Act, ADEA	\$25,000
Total Reimbursement to the Judgment Fund	\$225,000
Number of employees disciplined for discrimination, retaliation, harassment, or any other provision of the law referred: There were no disciplinary actions taken against any employee in connection with a Federal court case during FY 2015.	0
The number of employees disciplined because of violating Departmental policy: The DOT Secretarial Offices and its OAs issued four letters of reprimand and suspended seven employees (one 14-day, one 7-day, one 2-day, and four 1-day).	11

Reimbursement to Judgment Fund

For FY 2015, DOT reimbursed all judgment and settlements amounts owed to the Judgment Fund (See Appendix 1, and Figures 7, 8 and 9). Of the 11 Federal court cases resolved in FY 2015, three resulted in reimbursements to the Judgment Fund in the total amount of \$225,000, representing a 78 percent decrease from FY 2014. The DOT reimbursed the Judgment Fund the following amounts per case (and the laws cited): \$100,000 (Title VII), \$100,000 (Title VII and Retaliation), and \$25,000 (Title VII, Whistleblower Protection Act, Rehabilitation Act, and ADEA).

Disciplinary Action

As summarized above, there were no DOT employees disciplined in connection with any Federal court case in FY 2015. However, agency-wide, the DOT issued 11 disciplinary actions for violations of DOT policies on antidiscrimination, retaliation, harassment, and/or other infractions of the antidiscrimination and whistleblower protection laws included in the No FEAR Act. These disciplinary actions included four letters of reprimand and the suspension of seven employees, as listed below:

- 4 - 1-day suspensions
- 1 - 2-day suspensions
- 1 - 7-day suspensions
- 1 - 14-day suspension

EEO Complaint Data

Required statistical data regarding administrative complaint activity is in the attached *Equal Employment Opportunity Data Posted Pursuant to the No FEAR Act*. Following are highlights of the statistics for FY 2015.²

Number of Complaints Filed & Individuals Filing the Complaints: The DOT received 348 complaints from 323 complainants, with 8 complaints coming from repeat filers.³

Number of Final Action Findings of Discrimination With or Without a Hearing: There were three final action findings of discrimination with a hearing in front of an administrative judge (AJ), and none without a hearing. One AJ finding of discrimination has not been fully implemented because the Agency has appealed the findings and the remedies.

Complaints Filed by Basis: Of the 348 complaints, the bases most frequently alleged were reprisal (199), race (158; 96 on the basis of Black or African American); sex (130;

² See Appendix 2: EEOC Report

³ Repeat filers are complainants who filed a complaint at any time prior to the current complaint.

of which 65 were on the basis of Male, 64 were on the basis of Female, and 1 was on the basis of Lesbian/Gay/Bisexual/Transgender), age (128), and disability (111).

Complaints Filed by Issue: Of the 348 complaints, the issues most frequently alleged were non-sexual harassment (160), promotion/non-selection (87), disciplinary action (32), training (27), and termination (27).

Average Time to Process Complaints: The average processing time for complaints during the fiscal year was 139 days in the investigation stage, and 42 in the final action stage (Appendix 1, Figure 11).

Average Time to Process Complaints Where a Hearing Was Requested: The average processing time for complaints during the fiscal year where a hearing was requested was 141 days in the investigation stage, and 35 days in the final action stage.

Average Time to Process Complaints Where a Hearing Was Not Requested: The average processing time for complaints during the fiscal year where a hearing was not requested was 129 days in the investigation stage, and 51 days in the final action stage.

Total Number of Final Agency Actions Rendered Involving a Finding of Discrimination: There were three final agency actions involving findings of discrimination. All three findings of discrimination were made by an AJ; one AJ finding of discrimination has not been fully implemented because the agency has appealed both findings and the remedies. No final agency decisions found discrimination.

Total Number of Complaints Pending in Excess of 180 Days:

A total of ten complaints exceeded the required timeframe; seven of the untimely pending complaints involved agency personnel and three involved contractors.

Final Year-end Data Posted Under Section 301(c)(1)(B)

Appendix 2 includes the final year-end data posted on DOT's website⁴ pursuant to § 301(c)(1)(B) of the No FEAR Act. The final year-end data indicates that during FY 2015, there were 348 complaints of discrimination and three complaints resulted in a finding of discrimination.⁵ The three findings were issued after hearings before AJs; one decision has not been fully implemented while the agency appeals the AJ's decision.

Complaint Trend Analysis

The DOT had three Federal court cases resulting in reimbursement to the Judgment Fund of a total of \$225,000 in FY 2015. This amount is 78 percent lower than the DOT reimbursement for FY 2014. During FY 2014, DOT had seven Federal court cases that required reimbursement to

⁴ <https://www.civilrights.dot.gov/docr-reports>

⁵ 323 individuals filed these 348 complaints.

the Judgment Fund for a total of \$1,009,500. In FY 2013, DOT had five Federal court cases that required reimbursement to the Judgment Fund of \$1,116,156.08. In FY 2012, there were six cases requiring reimbursement to the Judgment Fund for a total sum of \$570,881. (Appendix 1, Figure 9).

There was an 8.1 percent increase in complaints and a 10.2 percent increase in complainants from FY 2014 to FY 2015. The number of complaints in FY 2015 is higher than the average for the previous five fiscal years (339) (Appendix 1, Figure 1). The increase in formal complaints during FY 2015 was due to class complaints filed against the Federal Aviation Administration.

	2010	2011	2012	2013	2014	2015
Total DOT Workforce	58,203	57,784	57,187	55,320	54,800	54,808
Number of Complainants	311	320	297	346	293	323
Number of Complaints Filed	335	350	315	374	322	348
Repeat Filers (Filed Previous Complaint)	20	28	16	24	14	8
Number of Complainants as a percent of total workforce	0.53%	0.55%	0.52%	0.62%	0.53%	0.59%
Number of Complaints as a percent of total workforce	0.58%	0.61%	0.55%	0.68%	0.59%	0.63%

Note: In FY 2015, the total DOT workforce included 54,146 permanent and 662 nonpermanent employees.

In FY 2015, the DOT had a 0.63 percent total complaint to total workforce ratio. The most recently available government-wide ratio (from FY 2014) was 1.1 percent.⁶

Complaints by Basis

In FY 2015, the top five bases for complaints were reprisal (199), race (158; 96 on the basis of Black or African American); sex (130; of which 65 were on the basis of Male, 64 were on the basis of Female, and 1 was on the basis of Lesbian/Gay/Bisexual/Transgender), age (128), and disability (111).

Reprisal has been the top basis for complaints within DOT since FY 2008. Allegations of reprisal were included in 57.2 percent of all complaints in FY 2015 (and 22.9% of all allegations). For the same period, 45.4 percent of all complaints included allegations of race discrimination (18.2% of all allegations); 37.4 percent of all complaints (14.9% of all allegations) included allegations of sex discrimination; 36.8 percent of all complaints included allegations of age discrimination (14.7% of allegations); and 31.9 percent of complaints included allegations of disability discrimination (12.8% of all allegations).⁷

⁶ [Link to EEOC federal reports](#)

⁷ There can be more than one basis per complaint; therefore, the total percentage exceeds 100%.

In FY 2014, the top bases of complaints were reprisal (184), sex (149), race (142), age (134), and disability (93). The allegations of reprisal were included in 57.1 percent of all complaints in FY 2014 (and 21.9% of all allegations). For the same period, 46.3 percent of all complaints included allegations of sex discrimination (17.7% of all allegations); 44.1 percent of all complaints (16.9% of all allegations) included allegations of race discrimination; 41.6 percent of all complaints included allegations of age discrimination (15.9% of allegations); and 28.9 percent of complaints included allegations of disability discrimination (11.0% of all allegations).

A comparison of FY 2014 to FY 2015, indicate an 8.2 percent increase in allegations of reprisal; an 11.3 percent increase in allegations of race discrimination; a 12.8 percent decrease in allegations of sex discrimination; a 4.5 percent decrease in allegations of age discrimination; and a 19.4 percent increase in allegations of disability discrimination (See Table 3 and Appendix 1, Figure 3).

	Complaints	Reprisal	Race	Sex	Age	Disability
2015	348	199	158	130	128	111
		57.2%	45.4%	37.4%	36.8%	31.9%
2014	322	184	142	149	134	93
		57.1%	44.1%	46.3%	41.6%	28.9%
Difference	26	15	16	-19	-6	18
	8.1%	8.2%	11.3%	-12.8%	-4.5%	19.4%

Complaints by Issue

Non-sexual harassment has been the top issue raised in complaints since FY 2010. In FY 2015, the top five issues raised in complaints were non-sexual harassment (160), promotion/non-selection (87), appointment/hire (34), disciplinary action (32), training (27), and termination (27)⁸. In FY 2014, the top five issues raised in complaints were non-sexual harassment (130), promotion/non-selection (87), reasonable accommodation (28), training (24), and disciplinary action (23).

Comparing FY 2014 allegations to those in FY 2015, allegations of non-sexual harassment increased in actual number (130 to 160) and as a proportion of total allegations by issue (27.2% to 31.2 %). In addition, the proportion of complaints that included allegations of non-sexual harassment increased from 40.4 percent to 46.0 percent. This is also true for allegations with the issues of appointment/hire and termination, respectively. While complaints with reported issues of disciplinary action increased in actual number (from 23 to 32) and proportion of total allegations by issue (4.8% to 6.2 %), the proportion of complaints that included the issue of disciplinary

⁸ There can be more than one issue raised in each complaint; therefore, these numbers do not add to the total number of complaints.

action decreased (9.9% to 9.2 %). Complaints with an issue of training remained relatively stable from FY 2014 to FY 2015. (See Table 4 and Appendix 1, Figure 4)⁹.

Table 4: Year Over Year Comparison by Issue								
	Total Complaints	Non-Sexual Harassment	Promotion/ Non-Selection	Reasonable Accommodation	Training	Disciplinary Action	Appointment/ Hire	Termination
2015	348	160	87	23	27	32	34	27
		46.0%	25.0%	6.6%	7.8%	9.2%	9.8%	7.8%
2014	322	130	87	28	24	23	18	10
		40.4%	27.0%	8.7%	7.5%	7.1%	5.6%	3.1%
Difference	26	30	0	-5	3	9	16	17
	8.1%	23.1%	0	-17.9%	12.5%	39.1%	88.9%	170%

Findings of Discrimination

There were three findings of discrimination rendered in FY 2015, all following a hearing. The bases for the three findings were race, color, reprisal, age, and disability. The findings of discrimination were issued on allegations of reprimand, non-sexual harassment, promotion/non-selection, reasonable accommodation, and termination.

There were two findings of discrimination rendered in FY 2014, both following a hearing. The bases for the two findings were race, reprisal, national origin, age, and disability. There were findings of discrimination regarding issues of non-sexual harassment, medical examination, and terms and conditions of employment.

A comparison of the recent two years of data shows a 50 percent increase in total findings of discrimination between FY 2014 and FY 2015. However, the average number of findings from FY 2010 through FY 2015 is three findings. This year's number of findings hews closely to that average. (See Appendix 1, Figures 2, 5, and 6).

Disciplinary Action

No DOT employees have been disciplined in connection with any Federal court case since FY 2008. The average number of disciplinary actions not related to any Federal court case since FY 2008 is 15, with the highest number (25) occurring in FY 2011.

Table 5: Comparison of Disciplinary Actions						
	2010	2011	2012	2013	2014	2015

⁹ There can be more than one issue per complaint; therefore, these numbers do not add to 100%.

Related to Federal Court Case	0	0	0	0	0	0
Not Related to Federal Court Case	17	25	11	10	10	11

In FY 2015, there were 11 disciplinary actions related to conduct involving discrimination, retaliation, harassment, conduct, or whistle-blower protection policy or law violations. These disciplinary actions included four letters of reprimand and seven suspensions. In FY 2014, there were 10 disciplinary actions, including four letters of reprimand and six suspensions. In FY 2013, there were 10 disciplinary actions, which included two letters of reprimand, removal of one employee, and seven suspensions. In FY 2012, there were 11 disciplinary actions, which included seven letters of reprimand and 4 suspensions. In FY 2011, there were 25 disciplinary actions, which included 13 letters of reprimand and 12 suspensions. In FY 2010, there were 17 disciplinary actions, including 14 letters of reprimand, two removals from Federal service, and one suspension.

Pre-complaint Processing Activity

In FY 2015, there were 536 individuals counseled, 515 (96.1 %) of whom completed counseling in a timely manner, which is defined as occurring within 30 days or within 90 days only if an extension has been granted. Twenty one (3.9 %) counseling sessions were untimely, including 13 who were counseled beyond the 90-day required timeframe.

Pre-complaint processing timeliness improved from FY 2014 to FY 2015. Specifically, in FY 2014 there were 469 individuals counseled, 422 (90.0 %) of whom completed counseling in a timely manner. Forty seven (10.0 %) counseling sessions were untimely, including 15 who were counseled beyond the 90-day required timeframe. In fact, FY 2015 pre-complaint processing timeliness was at the lowest it has been since FY 2006, at which time 85 percent of individuals were counseled in a timely manner. (See Appendix 1, Figure 10).

Complaints Processing Time

In FY 2015, the average processing time for complaints in the investigation stage was 138 days (See Appendix 1, Figure 11). The average processing time in FY 2014 was 139 days, 155 days in FY 2013, 136 days in FY 2012, 146 days in FY 2011, and 141 days in FY 2010.

The FY 2015 average processing time for complaints in the investigation stage was one day lower than the previous year, and five days lower than the overall average processing time (143 days) for complaints in the investigation stage since FY 2010 (Appendix 1, Figure 2).

In FY 2015, the average number of days for complaints in the final action stage was 42 days, the same as the previous year. In FY 2013, the average number of days for complaints in the final action stage was 214 days. FY 2013 saw a significant increase from the previous 5 fiscal years, due to the number of cases awaiting hearing with the EEOC. The average number of days for complaints pending the final action stage in FY 2012 was 43; 53 days in FY 2011; and 65 days in FY 2010. In FY 2015, DOT processing time for complaints pending in the final action stage was below the FY 2010 through FY 2015 average processing time (77 days).

No FEAR 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. Title 5 C.F.R. § 724.203 required Federal agencies to develop a written training plan and to have trained their employees by December 17, 2006, and every two years thereafter. Under OPM's 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 form of No FEAR Act training.

The DOT used the Training Management System (TMS) and the Federal Aviation Administration's (FAA's) electronic Learning Management System (eLMS) to include the required training in every employee's learning plan, a practice that began in FY 2011. In FY 2015, 70.3 percent (2,749) of the 3,908 new DOT employees completed No FEAR Act training within 90 days of appointment, and a total of 2,797 new employees (71.6%) completed the No FEAR Act training. For comparison, the 90-day completion rate for FY 2104 was 63.3 percent.

Description of Policy on Disciplinary Actions

Section 203 of the No FEAR Act requires Federal agencies' Annual Reports to Congress include a detailed description of the agencies' disciplinary policies related to laws covered by the No FEAR Act. Agencies must specify disciplinary policies for a Federal employee who discriminates against any individual in violation of any of the laws covered by the Act, or commits another prohibited personnel practice that was revealed in the investigation of a complaint claiming a violation of the Federal antidiscrimination and whistleblowing laws.

There are five Secretarial policy statements in effect as of FY 2015 that reinforce DOT's commitment to establishing a workplace free from discrimination, harassment, and/or retaliation. These policies advise employees that they will be subject to disciplinary action for engaging in discriminatory misconduct, and/or advise employees about their rights and responsibilities. In effect, DOT employees are accountable for their actions with respect to these policy statements, which include:

- The *Equal Employment Opportunity Policy Statement* emphasizing DOT's determination to subject employees to appropriate disciplinary action for engaging in unlawful discriminatory practices or allowing discriminatory practices to exist (Appendix 3);

- The *Policy Statement on the Prevention of Harassment* communicating DOT's zero tolerance for harassment against employees on the basis of race, color, sex (gender, pregnancy, sexual harassment, sexual orientation, or gender identity), national origin, religion, age (40 and over), disability (mental or physical), equal pay/compensation, genetic information, retaliation, or other forms of protected activity (Appendix 4);
- The *Policy Statement on the Implementation of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002(No FEAR Act), Pub. L. No. 107-174* communicating DOT's commitment to implementation of the No FEAR Act (Appendix 5);
- The *Policy Statement on Whistleblowing* communicating DOT's commitment to protecting employees and job applicants from interference or retaliation when making protected disclosures (Appendix 6); and
- The *Policy Statement on Employment and Advancement of Persons with Disabilities* communicating 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 (Appendix 7).

Accomplishments

Policy

- The DOT Departmental Office of Civil Rights (DOCR) began a regular review of DOCR policies, procedures, and practices. Working from a listing of DOCR documents prioritized by date of last update, the initiative has so far resulted in the updating of one DOT Order (Procedures for Processing Complaints of Discrimination) and the creation of a working group to update another (Title VI) because of reviews done in FY 2014. The DOCR will continue to follow the review schedule, and work with the appropriate DOCR divisions to review all policies and determine what updates, if any, are necessary.
- The FAA invested in the development of personnel from the Office of Human Resource Management and the Office of the Chief Counsel to serve as subject matter experts on a Reasonable Accommodation Team (REACT). Selected personnel received training designed to increase their knowledge and understanding of the reasonable accommodation process through education and learning tools. The development of appropriate subject matter expertise will help the REACT make effective decisions regarding reasonable accommodation requests throughout the agency, and help decrease the number of reasonable accommodation/EEO related complaints.
- The FAA FY 2015 business plan goal of ensuring 65 percent of managers engage in mediation when requested by employees was surpassed at a rate of 80 percent. This

goal helps to ensure that a high number of EEO complaints engage in ADR and increases the likelihood of resolution for these complaints.

- The Federal Motor Carrier Safety Administration (FMCSA) Acting Administrator asked managers to participate in mediation, and their attendance surpassed the Department-wide benchmark of a 75 percent participation rate; FMCSA management participated in nearly 100 percent of the cases in which the complainant requested mediation.

Awareness

- The FAA Assistant Administrator for Civil Rights established the FAA's Equal Employment Opportunity Action Committee (EAC), which consists of the head of every Line of Business/Staff Office (LOB/SO), the FAA's Civil Rights policy team, the Special Emphasis Program Managers, and, to a limited extent, presidents of various employee organizations. The EAC meets quarterly to discuss EEO related initiatives in the FY 2015 FAA Business Plan. The FAA Office of Civil Rights (ACR) received buy-in from all of the LOB/SOs in a number of business plan goals, such as increasing ADR participation and increasing the hiring of Persons with Targeted Disabilities (PWTD). The regular meetings help FAA stay on track with these goals, provide opportunity for input and discussion among high level officials in FAA and gives the employee association presidents a forum for questions and discourse with FAA leaders. This committee ensures the continued focus on EEO related issues in the LOB/SOs in FAA and accountability for FAA as a whole.
- As part of the FY 2015 FAA Business Plan, ACR expanded its Conflict Coaching Program from managers to include FAA employees. This expansion included offering conflict coaching as part of the suite of ADR tools available and offering the service to aggrieved parties and managers during pre/post mediation in all of the service areas. There has been a 52 percent increase in coaching engagements for this fiscal year. Conflict coaching either outside or within the ADR process helps managers and employees deal directly with conflict and find positive solutions and resolutions. This coaching is intended to help decrease the number of complaints, increase the number of resolutions, and help foster improved relationships in the workplace so that the mission of the organization can continue to be accomplished.
- EEO Complaint Quarterly Reports and Ad Hoc Complaint Reports were provided to the FAA Assistant Administrator for Civil Rights and Deputy for dissemination and education of FAA Management Board Members and FAA Administrator. This kept FAA management aware and apprised of EEO related complaints and kept EEO in the forefront of upper management awareness and discussion. Tracking complaints also helps the Office of Civil Rights spot trends and potential trends in bases and claims, as well as ebbs and flows in ADR participation.
- The Saint Lawrence Seaway Development Corporation (SLSDC) issued EEO pocket guides to its workforce, including managers and supervisors. All new employees will receive the EEO pocket guide as a standard part of the orientation process.

- On August 3, 2015, the Office of Research and Technology (OST-R) within the DOT Office of the Secretary sponsored an EEO Awareness Day event. The event was designed to give employees information on their rights and responsibilities. The Assistant Secretary for Research and Technology also signed a proclamation dedicating the first week of every August as OST-R's "EEO Awareness Week." This action provides for strong agency leadership and will possibly reduce discrimination complaint activity.

Training

- Over the course of three days in February, the DOT's DOCR hosted its third annual "DOT Civil Rights Symposium." Entitled "Speaking with One Voice: Connecting the DOTs," this symposium provided a civil rights learning and training platform that featured three tracks: Connecting Federal to State, Connecting People, and Connecting to the Future. Twelve live webinar sessions were offered, including several EEO and inclusion courses, such as "Ability of Disability: Challenging Perception," "The Role of Civil Rights in the Federal Workplace of the Future¹⁰," and "Dear OPM: I have a problem, what do I do?" Over 1,100 federal and state employees, transportation stakeholders, and civil rights practitioners participated virtually.
- The DOCR also conducted civil rights trainings for DOT employees on topics such as Diversity and Inclusion, Prevention of Workplace Harassment, Reasonable Accommodation, the EEO Complaint Process, Bullying, and Civility. During FY 2015, DOCR trained 632 DOT managers and employees.
- The ACR set the goal of providing a variety of anti-discrimination classes and training to both managers and employees during FY 2015. One of FAA's business plan goals for its Office of Civil Rights was to provide training, education, and outreach to at least 60 percent of management and 10 percent of employees, which was exceeded. Educating both management and employees helps to decrease the incidence of types of behaviors in the workplace that can lead to discrimination complaints. Coordinating the training and outreach with the various unions that represent about 80 percent of these employees while conducting the training with minimum interruption to the 24-hour operations within many of these facilities was key to achieving this goal. Careful coordination with the facility managers was always the first step in preparing a schedule to maximize the participation of the managers and employees.
- As part of the FAA FY 2015 business plan initiative, the FAA ACR EEO Training Institute (ETI) developed and implemented two new courses to help eliminate

¹⁰ The session was conducted by Dexter Brooks, Associate Director, Office of Federal Operations, EEOC.

discrimination in the FAA. Participant responses to post-training surveys were overwhelmingly positive.

- An online 30-minute video on ADR mediation provides information on how to prepare for and participate in an ADR mediation to resolve an EEO complaint. Actors perform a mock mediation to demonstrate what to expect as an employee if you select ADR mediation when filing an EEO complaint and what to expect as a manager if you are asked to participate. By demonstrating to employees and managers how the mediation process works, and showing them what to expect and how to prepare, we hope to ease any apprehension about trying the process and hopefully increase the number of mediations.
 - “Preventing Retaliation in the Workplace” is a course addressing reprisal/retaliation, which is the most prevalent type of EEO complaint filed in the past several years. The course includes an overview of laws that address retaliatory behavior and suggests prevention strategies. Specific actions that can lead to a claim of retaliation are examined. Scenarios based on actual retaliation cases are presented and examined. This training was created in response to a number of reprisal based findings of discrimination in the agency.
 - During the week of July 13-17, 2015, ACR collaborated with the Office of Aviation Safety (AVS) to provide EEO training via webinar. Two to three webinars were available each day covering a variety of EEO topics. 1,015 managers and employees received EEO training that week. This training event increased the number of managers and employees who receive EEO-related training and increased the awareness of EEO related issues in the agency.
- The Federal Transit Administration made efforts to ensure employees who had not previously received the No FEAR Act training received the training this fiscal year. That effort is reflected in the high number of total employees who took the training. FTA will endeavor to continue maximum training participation in the No FEAR Act.
 - The National Highway Traffic Safety Administration continues to train all employees on the No FEAR Act within the new employees’ first 90 days onboard.
 - The Federal Highway Administration (FHWA) presented webinar training entitled “Reasonable Accommodations and their Role in Performance & Conduct Issues” given by Sharon Rennert, a Senior Attorney Advisor at EEOC, as part of the Agency’s Supervisor and Management Forum.
 - The FHWA partnered with DOCR to provide training on recognizing and addressing Workplace Harassment to the four Directors of Field Services meetings. In all, 53

members of management (senior Agency Division Administrators) attended this training.

- The Pipeline and Hazardous Materials Safety Administration (PHMSA) promoted DOCR's civil rights trainings and offered two courses on communications and Myers-Briggs Type Indicator-based communication for its Office of Chief Counsel.
- The Federal Railroad Administration (FRA) hosted training sessions related to civil rights, labor, and employee relations. Trainings hosted during FY 2015 covered topics such as deaf culture; reasonable accommodation; Section 508 of the Rehabilitation Act; hiring managers listening session; recruiting, hiring, and retaining individuals with disabilities; effective supervision; the EEO process; Merit System Protection Board hearings; prevention of harassment; performance management; prevention of bullying; and the Federal Labor Relations Authority.
- The FMCSA implemented Teambuilding, Engagement, Awareness, and Management Strategies (TEAMS) training opportunities across various functions, organizations, and levels for employees at field locations as well as at headquarters. The TEAMS training provided participants with an overview of factors regarding respect and dignity, communication techniques, diversity and inclusion, EEO essentials, and micro-inequities.
- The SLSDC provided an in-person training for its workforce on diversity and inclusion, the EEO complaint process, illegal harassment, and bullying.

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

Pursuant to Section 203(a)(7)(D), DOT plans to implement the following actions:

- 1) Finalize and implement new anti-harassment prevention policy and procedures in FY 2016.
- 2) Continue the regular review of Departmental civil rights policies, procedures, and practices. The DOCR will continue to follow the review schedule for all policies and determine what updates, if any, are necessary.
- 3) Continue to perform analyses on recruitment, on board, and/or outreach efforts, and triggers to understand the causes of low participation of diverse groups in certain areas of the workforce.
- 4) Strive to achieve a biannual goal of educating all employees of their rights and protections under antidiscrimination, retaliation, and whistleblower protection laws.
- 5) Strive to have 100 percent of new employees trained by loading No FEAR Act training directly into the new employee e-Learning plan and providing employees with the necessary information regarding his/her rights and protections under antidiscrimination, retaliation, and whistleblower protection laws within 90 calendar days of his/her appointment.

- 6) Provide necessary updates to the No FEAR Act training module to continue to ensure accessibility for all employees.
- 7) Continue to provide annual training to all supervisors and managers on recruiting and maintaining a diverse workforce.
- 8) Continue to promote the concept of a centralized tracking system for Federal court cases. The DOT could use the system for reporting and to identify trends, emerging issues, or other types of information.
- 9) Collaborate with veterans' programs to increase hiring of veterans, including those with targeted disabilities.

Actions Taken

- The DOT included performance objectives related to disability hiring and employee engagement of diverse groups in its strategic plan for Fiscal Years 2014-18.
- The DOCR continued to partner closely with various Human Resources subject matter experts to acquire knowledge that may impact barrier analysis or drive equity and inclusion concerns. Together, the programs have penned a more transparent, action-oriented EEO and Diversity standard for managers.
- The DOT requires the inclusion of electronic No FEAR Act training in each employee's e-Learning development plan. The process helps to ensure that employees take their No FEAR Act training within the two-year cycle required by the No FEAR Act, and that new employees complete the training within 90 days of hire.
- In FY 2013, DOT drafted a policy to establish a framework for addressing allegations of harassment prohibited by statute, and provide authority to the OAs to establish their own procedures. Formal coordination towards joint signature from the Departmental Office of Human Resources Management (DOHRM) and DOCR should conclude in FY 2016.
- The ACR National Complaint Services Team maintained International Organization for Standardization (ISO) 9001:2008 Quality Management System (QMS) certification. The ISO QMS required the development of National Intake and EEO Counseling procedures. The ACR conducted a six month surveillance audit to ensure procedures were followed and any discrepancies were corrected. The ISO QMS is a customer focused tool that allows for continuous process improvement. ISO is effective in ensuring that those involved in the complaint process receive effective, fair, and timely processing of their complaints and are informed of their rights and responsibilities in the EEO process. ISO helps the complaints team detect and immediately correct any deficiencies in the process.
- The ACR initiated a pilot program with a law school to mediate claims in the EEO area. This program is unique in that it provides the parties a neutral outside the government. The ADR program provides programs with highly skilled staff and volunteer mediators to address workplace conflict.
- The FY 2015 FAA business plan required FAA to conduct eight (8) Management Directive 715 (MD-715) assessments in various locations

throughout the nation and provide four (4) follow-up reports based on assessments conducted in FY 2014 to ensure previous recommendations were implemented; all were completed. Assessments contribute to enhancing the work environment through collection of data and trends analysis, along with recommendations and an action plan for implementation at the office or facility level. This, in turn, contributes to early intervention and prevention of discrimination at the lowest, local level. The high number of assessments conducted ensures that EEO remains at the forefront and solidifies the importance of EEO across the agency.

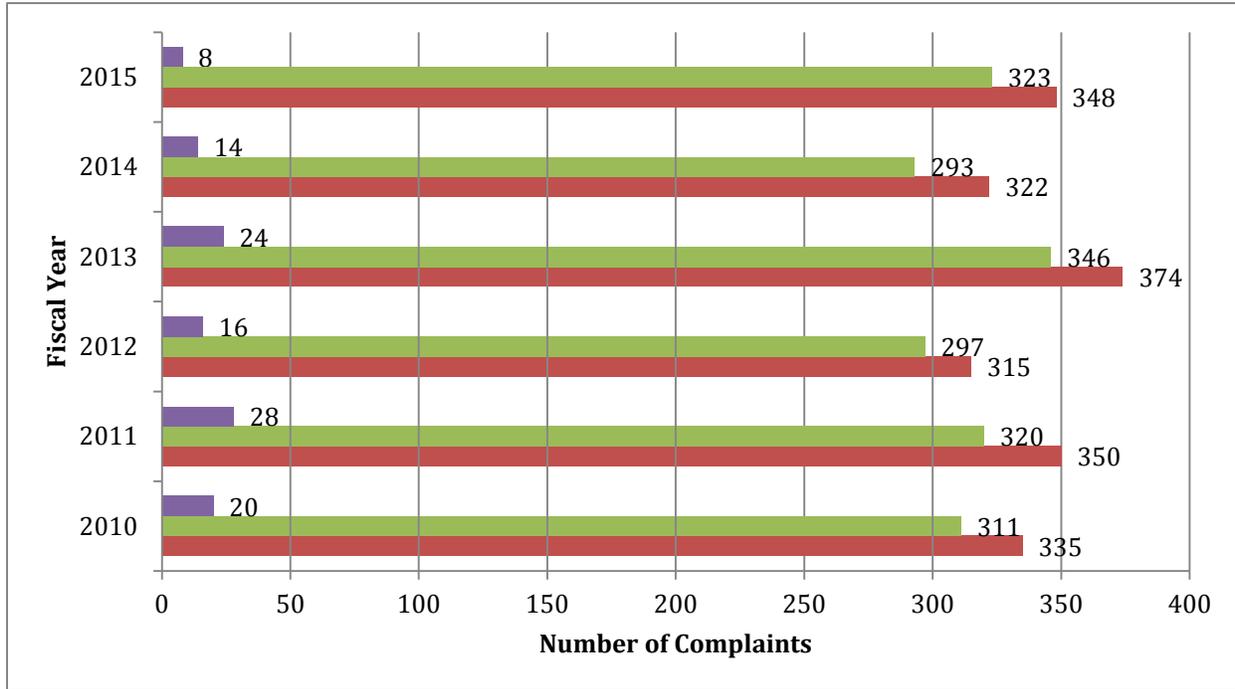
- The National Highway Traffic Safety Administration increased its number of collateral duty EEO Counselors from two to seven during FY 2015. The civil rights office meets with the Counselors every other month to discuss trends and issues and to provide ongoing training on EEO issues and topics.
- In FY 2015, the DOT Office of Inspector General established an Employee Resource Council (ERC) to provide an additional avenue for employees to communicate their concerns to senior leadership. The ERC periodically reports to the Inspector General and will assist OIG's senior leadership in identifying ways to enhance the resources and support offered to employees. The OIG initiative was developed as a result of specific feedback from employees and analysis of OIG's 2015 Federal Employee Viewpoint Survey results

Practical Knowledge Gained

- The DOT recognizes the importance of a centralized database that interfaces with DOOCR, DOHRM, Office of the General Counsel, Office of the Assistant Secretary for Budget and Programs, and the OAs' civil rights, human resources, and legal offices. The Office of the Secretary of DOT and its OAs play a vital role in meeting the reporting requirements of the No FEAR Act. As a result, to the extent resources allow, DOT will continue to develop information system(s) that facilitate and automate the process of gathering and analyzing data from Secretarial Offices and OAs.
- The trend analyses inherent in No FEAR Act reporting is shared among offices to spur relevant action planning not only to accomplish training, but also to address issues of potential barriers to employment to individuals from diverse backgrounds.
- The DOT continues to produce and deliver trainings that ensure that all managers and employees understand the expectations of a discrimination free work environment. The trainings DOT delivers concern not only EEO, but also leadership. The DOT also values and supports the partnership among HR, Civil Rights, and the Office of the General Counsel.

Appendix 1: Charts

Figure 1: Number of Complaints Filed, FY 2010 to FY 2015



	2010	2011	2012	2013	2014	2015
Number of Repeat Filers	20	28	16	24	14	8
Number of Complainants	311	320	297	346	293	323
Total Number of Complaints Filed	335	350	315	374	322	348
Percent Change in Number of Complaints Filed	-4.0%	4.5%	-10.0%	18.7%	-13.9%	8.1%

Figure 2: Number of Final Action Findings of Discrimination With or Without Hearing, FY 2010 to FY 2015

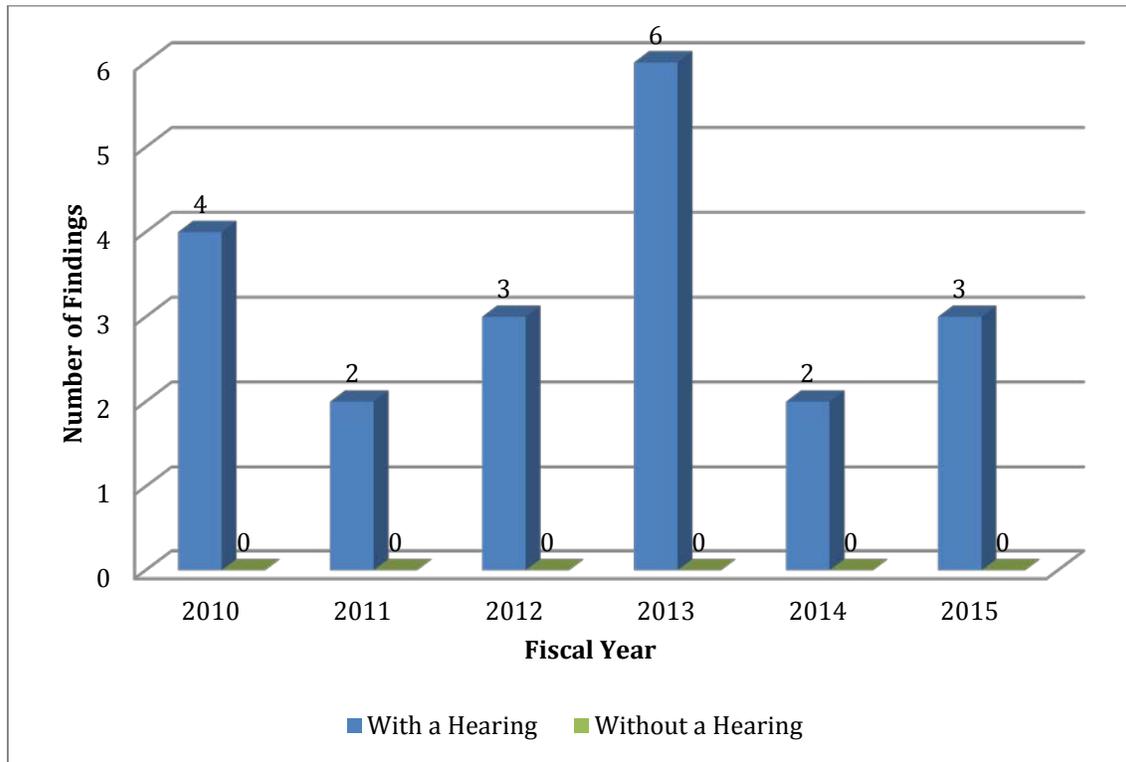
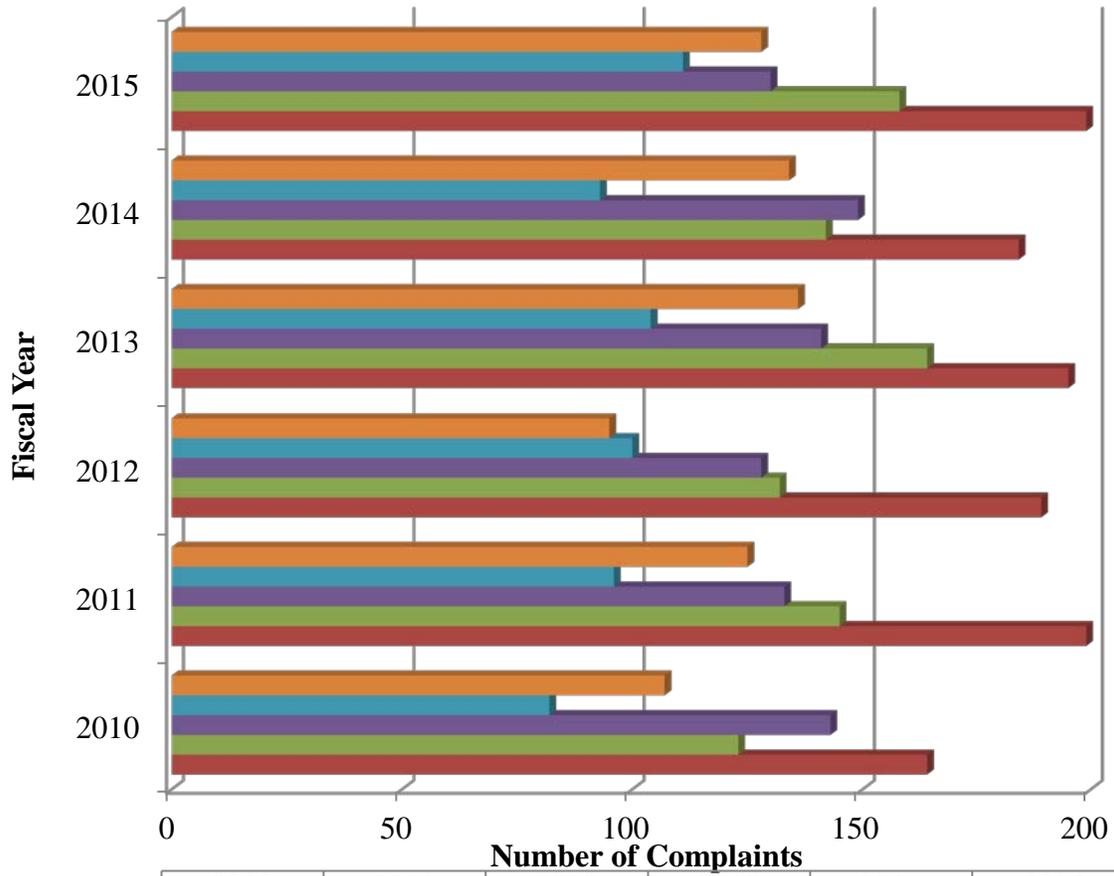
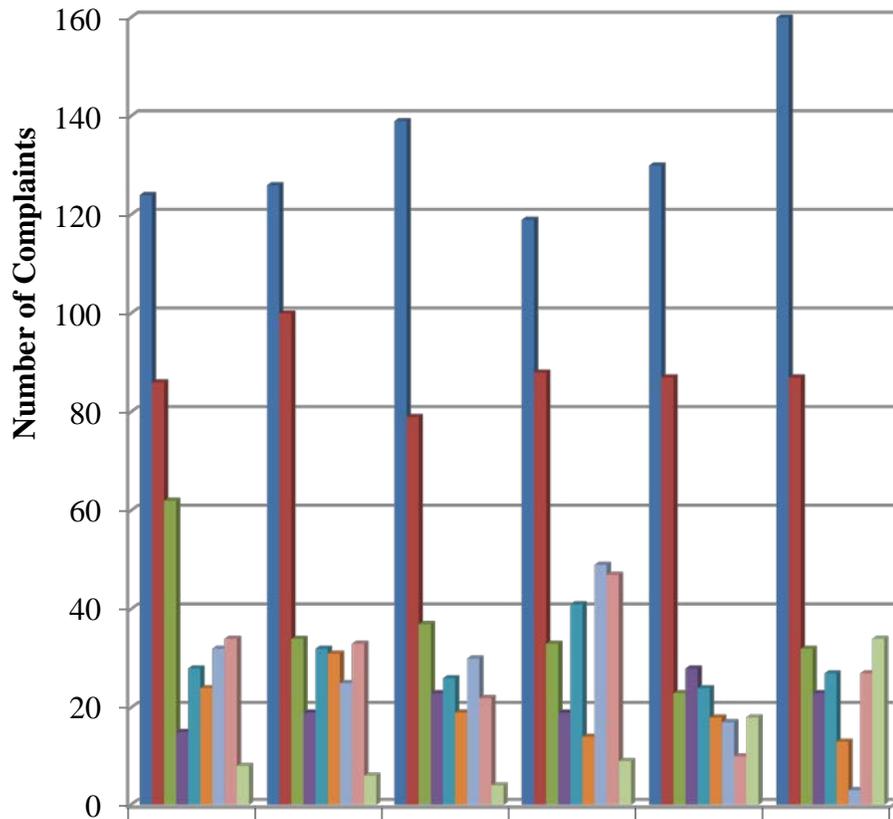


Figure 3: Top Five Complaints by Basis, FY 2010 to FY 2015



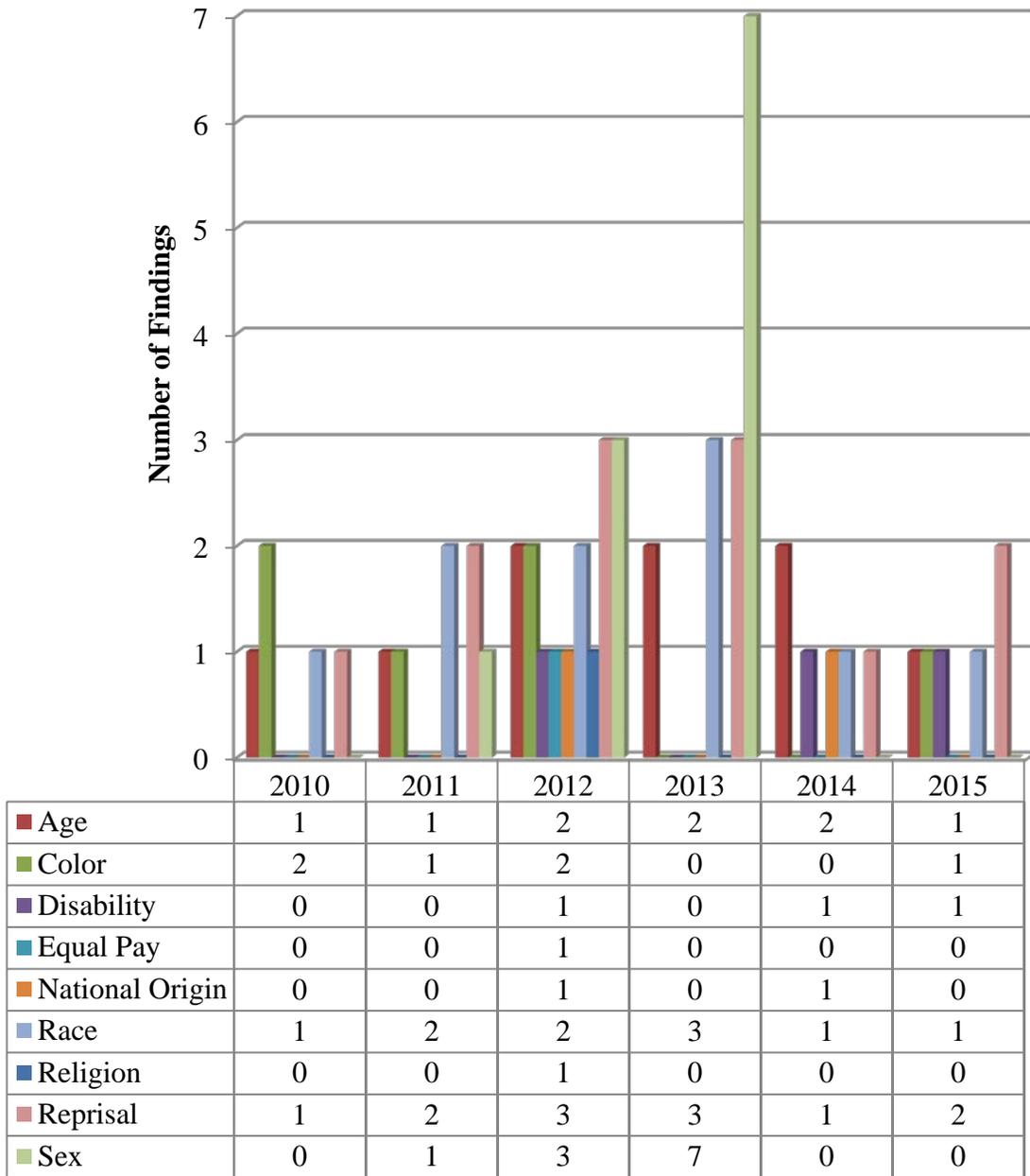
	2010	2011	2012	2013	2014	2015
Age	107	125	95	136	134	128
Disability	82	96	100	104	93	111
Sex	143	133	128	141	149	130
Race	123	145	132	164	142	158
Reprisal	164	199	189	195	184	199

Figure 4: Top Complaints Filed by Issue, FY 2010 to FY 2015



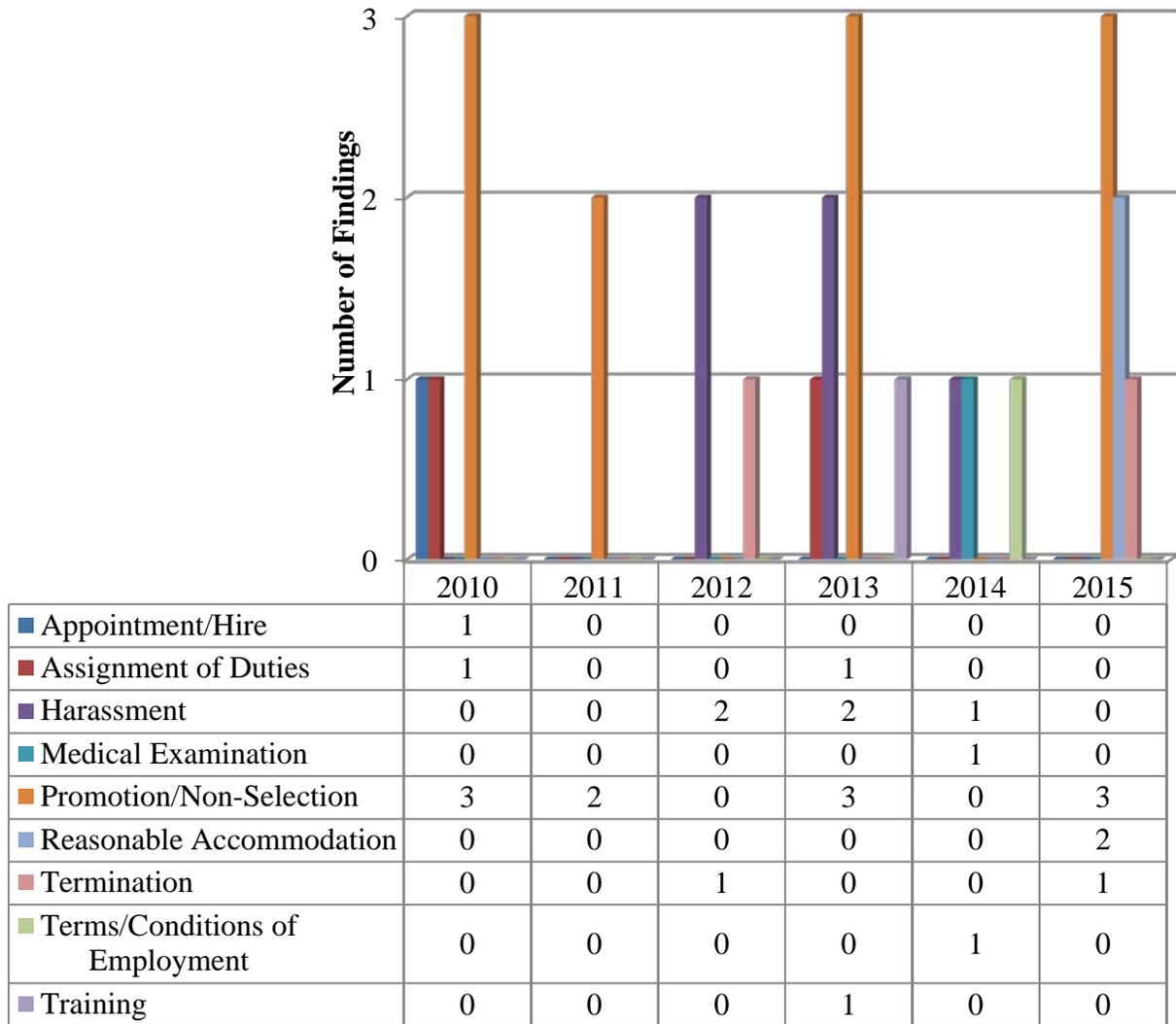
	2010	2011	2012	2013	2014	2015
■ Harassment (Non-Sexual)	124	126	139	119	130	160
■ Promotion/Non-Selection	86	100	79	88	87	87
■ Disciplinary Action	62	34	37	33	23	32
■ Reasonable Accommodation	15	19	23	19	28	23
■ Training	28	32	26	41	24	27
■ Reassignment	24	31	19	14	18	13
■ Other	32	25	30	49	17	3
■ Termination	34	33	22	47	10	27
■ Appointment/Hire	8	6	4	9	18	34

Figure 5: Number of Findings of Discrimination by Basis*, FY 2010 to FY 2015



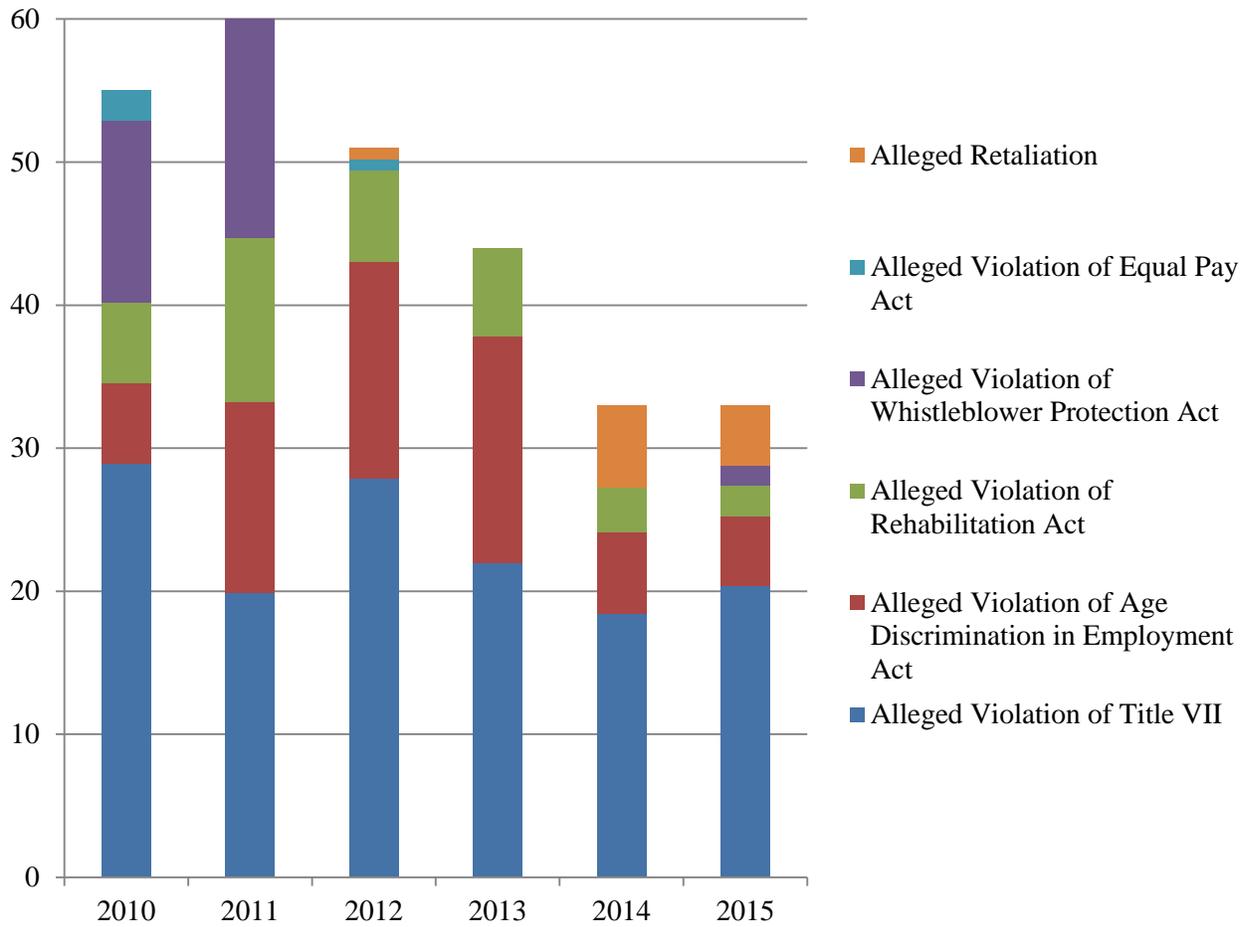
*Bases not listed in graph have not been reported in the past six fiscal years.

Figure 6: Number of Findings of Discrimination by Issue,* FY 2010 to FY 2015



*Issues not listed in graph have not been reported in the past six years.

Figure 7: FY 2015 Total Number of Federal Court Cases with Alleged Violation of Law*



	2010	2011	2012	2013	2014	2015
Total Federal Court Cases	55	60	51	44	33	33
Alleged Violation of Title VII	41	52	35	25	29	29
Alleged Violation of Age Discrimination in Employment Act	8	35	19	18	9	7
Alleged Violation of Rehabilitation Act	8	30	8	7	5	3
Alleged Violation of Whistleblower Protection Act	18	40	0	0	0	2
Alleged Violation of Equal Pay Act	3	0	1	0	0	0
Alleged Retaliation	0	0	1	0	9	6

NOTE: Some of the Federal court cases involve more than one antidiscrimination law.

Figure 8: Total Number of Cases that Resulted in Reimbursement to the Judgment Fund, FY 2010 to FY 2015

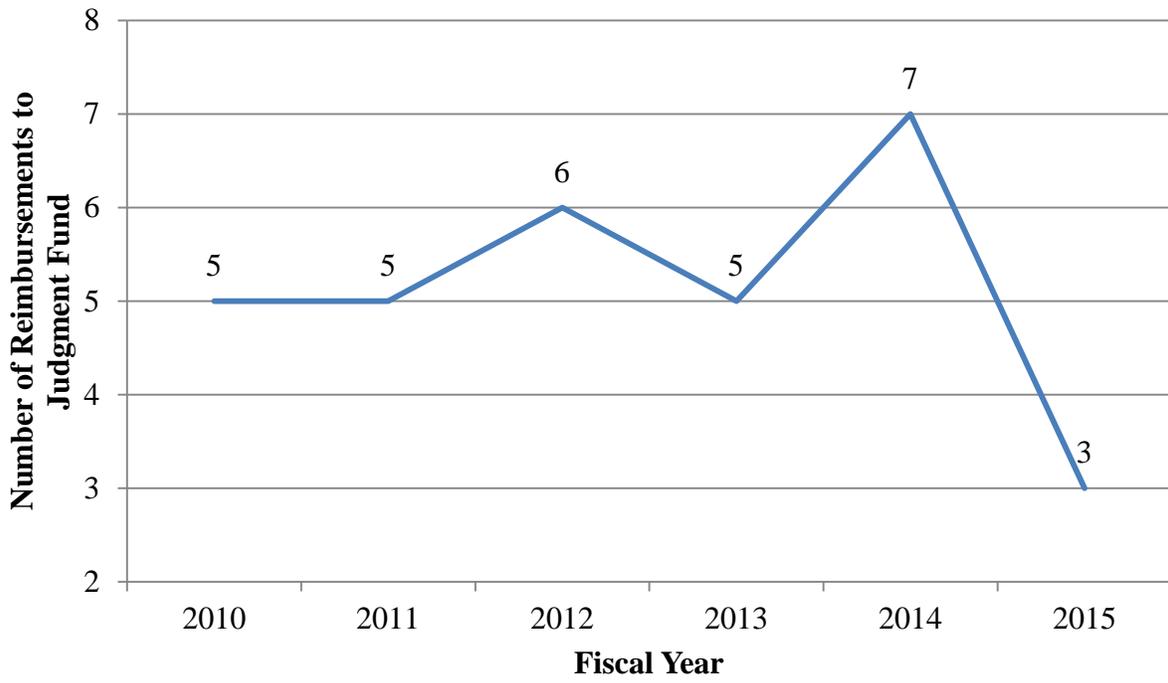


Figure 9: Reimbursements to the Judgment Fund, by Amount, FY 2010 to FY 2015

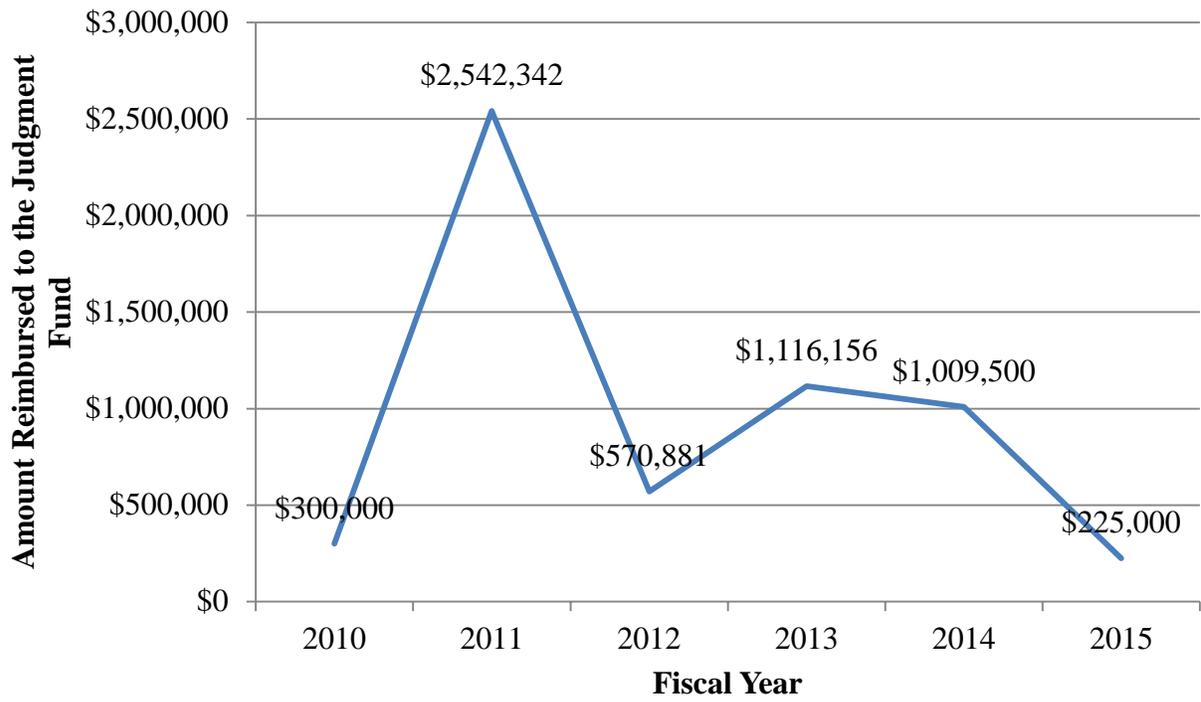


Figure 10: Pre-Complaint Processing Timeliness, FY 2010 to FY 2015

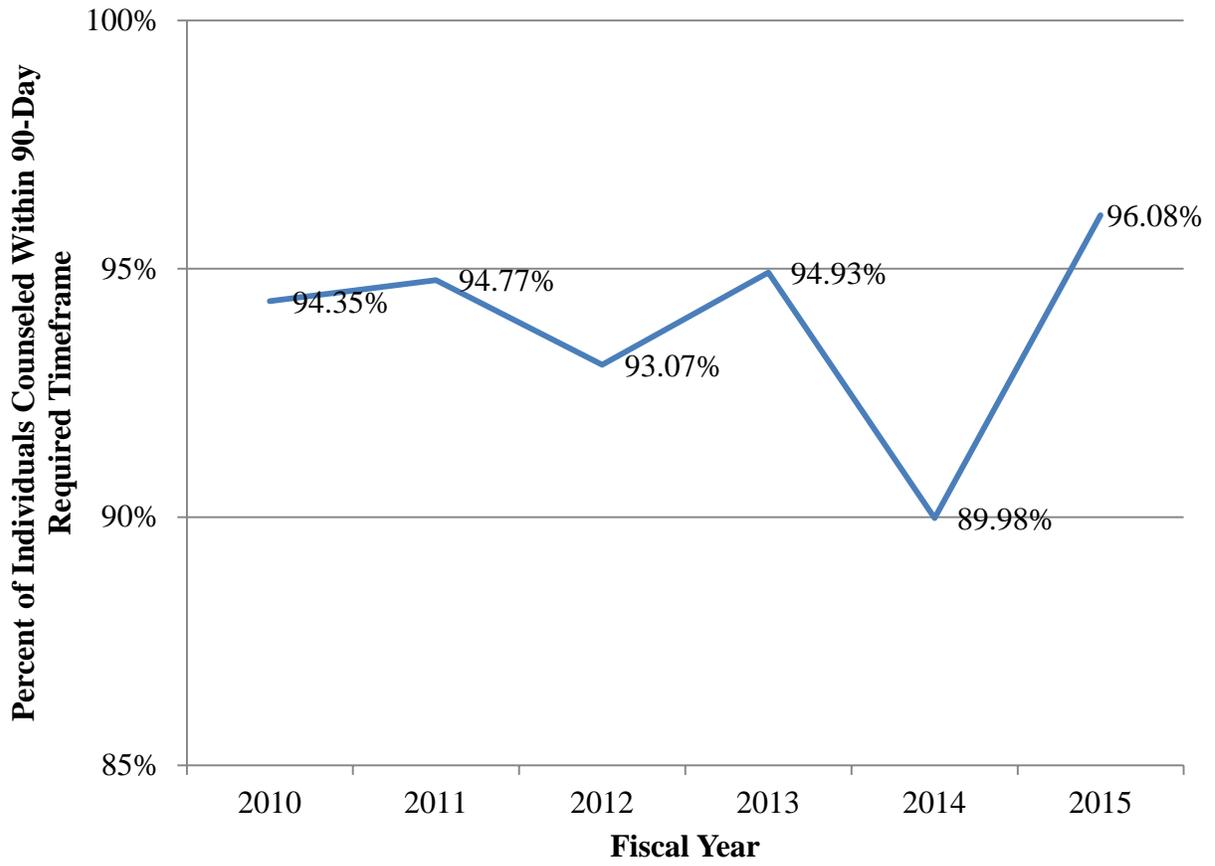
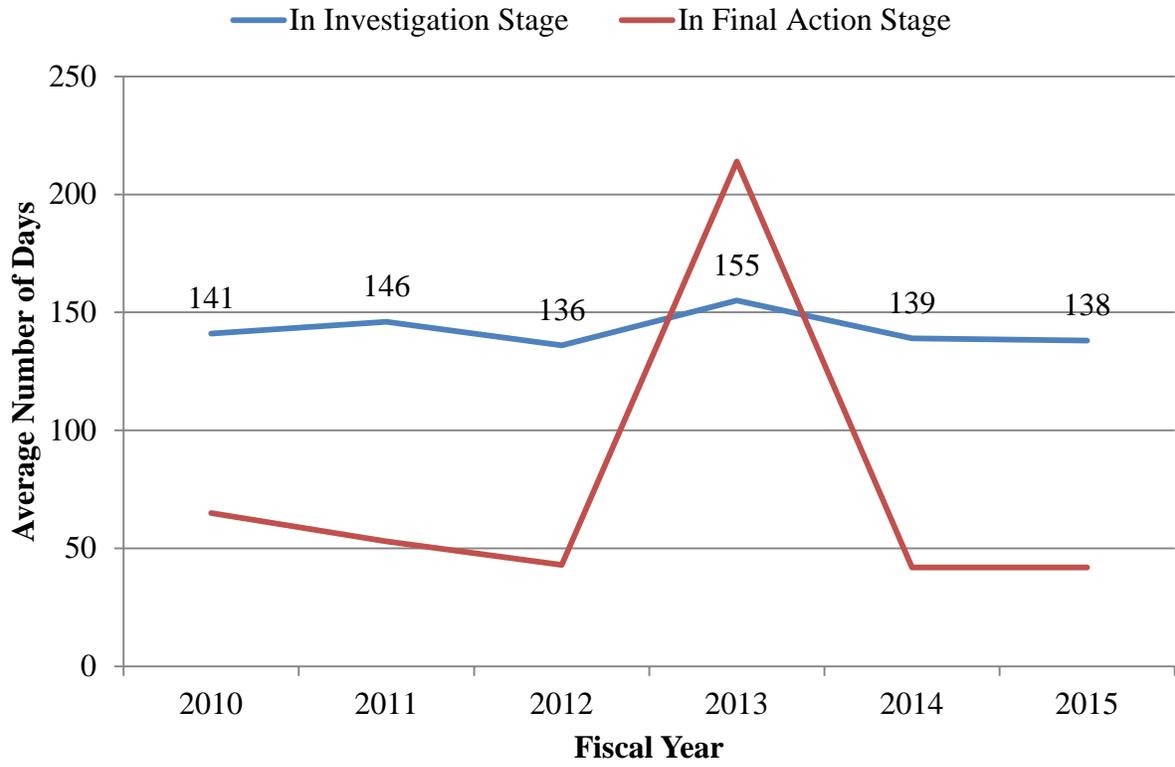


Figure 11: Formal Complaint Processing Time, in average days, FY 2010 to FY 2015



Appendix 2: EEO Data Posted Pursuant to the No FEAR Act

	Comparative Data					2015
	Previous Fiscal Year Data					
	2010	2011	2012	2013	2014	
Number of Complaints Filed	335	350	315	374	322	348
Number of Complainants	311	320	297	346	293	323
Repeat Filers	20	28	16	24	14	8

Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					
	2010	2011	2012	2013	2014	2015
<i>Note: Complaints can be filed alleging multiple bases of discrimination. The sum of the bases may not equal total complaints filed.</i>						
Race	123	145	132	164	142	158
Color	44	63	55	79	65	74
Religion	14	16	13	23	21	20
Reprisal	164	199	189	195	184	199
Sex (including complaints filed under Equal Pay Act [EPA])	145	134	128	144	153	133
National Origin	49	38	46	54	42	40
Age	107	125	95	136	134	128
Disability	82	96	100	104	93	111
Non-EEO basis	12	10	17	19	18	15
Genetics	1	2	1	3	4	4
PDA	0	0	0	2	4	

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>						
	2010	2011	2012	2013	2014	2015
Appointment/Hire	8	6	4	9	18	34
Assignment of Duties	30	24	16	27	22	23
Awards	18	12	10	11	7	7
Conversion to Full Time	0	0	1	0	0	0
Disciplinary Action						
Demotion	3	2	1	3	2	2
Reprimand	9	11	11	7	6	9
Removal	3	2	8	2	1	4
Suspension	32	17	15	19	12	12
Other	15	2	2	2	2	8
Duty Hours	6	7	4	5	3	3
Evaluation/Appraisal	20	19	16	21	20	19
Examination/Test	0	0	3	3	1	6
Harassment						
Non-Sexual	124	126	139	119	130	160
Sexual	11	7	11	9	12	8
Medical Examination	0	0	11	1	0	3
Pay (including overtime)	12	6	18	14	21	10
Promotion/Non-Selection	86	100	79	88	87	87

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>						
	2010	2011	2012	2013	2014	2015
Reassignment						
Denied	9	13	9	1	5	5
Directed	15	21	10	14	13	8
Reasonable Accommodation	15	19	23	19	28	25
Reinstatement	1	2	2	0	0	0
Retirement	7	7	2	4	5	4
Termination	34	33	22	47	10	27
Terms/Conditions of Employment	9	7	3	3	13	10
Time and Attendance	14	18	16	11	19	14
Training	28	32	26	41	24	26
Other	32	25	30	49	17	9

Processing Time	Comparative Data					2015
	Previous Fiscal Year Data					
	2010	2011	2012	2013	2014	
Complaints pending (for any length of time) during fiscal year						
Average number of days in investigation stage	140.76	145.66	136.22	155.18	138.87	137.87
Average number of days in final action stage	65.23	51.21	42.58	213.69	42.37	41.91
Complaints pending (for any length of time) during fiscal year where hearing was requested during fiscal year						
Average number of days in investigation stage	143.52	154.21	139.13	159.71	150.78	141.31
Average number of days in final action stage	14.68	32.75	32.43	303.84	26.8	35.39
Complaints pending (for any length of time) during fiscal year where hearing was not requested						
Average number of days in investigation stage	136.93	142.98	130.58	147.46	142.72	129.16
Average number of days in final action stage	83.97	68.66	58.95	67.73	58.15	51.04

Complaints Dismissed by Agency	Comparative Data										2015
	Previous Fiscal Year Data										
	2010		2011		2012		2013		2014		
Total Complaints Dismissed by Agency	80		112		87		105		61		92
Average days pending prior to dismissal	55		41		136		33		46		812
Total Complaints Withdrawn by Complainants	19		15		13		25		16		20

Total Final Actions Finding Discrimination	Comparative Data										2015	
	Previous Fiscal Year Data											
	2010		2011		2012		2013		2014			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	4		2		4		2		2		3	
Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
With Hearing	4	100	2	100	4	100	2	100	2	100	3	100

Findings of Discrimination Rendered by Basis	Comparative Data												
	Previous Fiscal Year Data											2015	
	2010		2011		2012		2013		2014				
<i>Note: Complaints can be filed alleging multiple bases of discrimination. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%	
	Total Number Findings	4		2		3		6		2		3	
	Race	1	25	2	100	2	67	3	50	1	50	1	33.3
	Color	2	50	1	50	2	67	0	0	0	0	1	33.3
	Religion	0	0	0	0	1	33	0	0	0	0	0	0
	Reprisal	1	25	2	100	3	100	4	67	1	50	2	66.7
	Sex (including complaints filed under EPA)	0	0	1	50	4	133	5	83	0	0	0	0
	National Origin	0	0	0	0	1	33	0	0	1	50	0	0
	Age	1	25	1	50	2	67	2	33	2	100	2	66.7
	Disability	0	0	0	0	1	33	0	0	1	50	1	33.3
	Non-EEO basis	0	0	0	0	0	0	1	17	0	0	0	0
	Genetics	0	0	0	0	0	0	0	0	0	0	0	0
	Pregnancy Discrimination Act (PDA)	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing													
	4		2		3		6		2		3		
Race	1	25	2	100	2	67	3	50	1	50	1	33.3	
Color	0	0	2	50	1	50	2	67	0	0	1	33.3	

Findings of Discrimination Rendered by Basis	Comparative Data											2015	
	Previous Fiscal Year Data												
	2010		2011		2012		2013		2014		#	%	
<i>Note: Complaints can be filed alleging multiple bases of discrimination. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%	
	Religion	0	0	0	0	0	0	1	33	0	0	0	0
	Reprisal	1	50	1	25	2	100	3	100	1	50	2	66.7
	Sex (including complaints filed under EPA)	1	50	0	0	1	50	4	133	0	0	0	0
	National Origin	0	0	0	0	0	0	1	33	1	50	0	0
	Age	0	0	1	25	1	50	2	67	2	100	2	66.7
	Disability	1	50	0	0	0	0	1	33	1	50	1	33.3
	Non-EEO basis	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
	PDA	0	0	0	0	0	0	0	0	0	0	0	0
	Findings Without Hearing												
	Race	0	0	0	0	0	0	0	0	0	0	0	0
	Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0	
Sex (including complaints	0	0	0	0	0	0	0	0	0	0	0	0	

Findings of Discrimination Rendered by Basis	Comparative Data											2015	
	Previous Fiscal Year Data												
	2010		2011		2012		2013		2014		2015		
<i>Note: Complaints can be filed alleging multiple bases of discrimination. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%	
	filed under EPA)												
	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
	Non-EEO basis	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
PDA	0	0	0	0	0	0	0	0	0	0	0	0	

Findings of Discrimination Rendered by Issue (Part 1)	Comparative Data										2015	
	Previous Fiscal Year Data											
	2010		2011		2012		2013		2014		#	%
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	4		2		3		6		2		3	
Appointment/Hire	1	25	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	1	17	0	0	0	0
Awards	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
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	1	33.3
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
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	2	67	3	50	1	50	2	66.7
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	1	50	0	0
Pay (including overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	3	75	2	100	0	0	4	67	0	0	3	100

Findings of Discrimination Rendered by Issue (Part 1)	Comparative Data										2015	
	Previous Fiscal Year Data											
	2010		2011		2012		2013		2014		#	%
#	%	#	%	#	%	#	%	#	%	#	%	
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	2	66.7
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	1	33	0	0	0	0	1	33.3
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	1	50	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	1	17	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue (Part 2)	Comparative Data											
	Previous Fiscal Year Data											
	2010		2011		2012		2013		2014		2015	
	#	%	#	%	#	%	#	%	#	%	#	%
Findings After Hearing	4		2		3		6		2		3	
Appointment/Hire	1	25	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	1	17	0	0	0	0
Awards	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
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
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	2	67	3	50	1	50	1	33.3
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	1	50	0	0
Pay (including overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	3	75	2	100	0	0	4	67	0	0	3	100

Findings of Discrimination Rendered by Issue (Part 2)	Comparative Data										2015	
	Previous Fiscal Year Data											
	2010		2011		2012		2013		2014		#	%
#	%	#	%	#	%	#	%	#	%	#	%	
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	2	66.7
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	1	33	0	0	0	0	1	33.3
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	1	50	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	1	17	0	0	0	0
Other	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											
	2010		2011		2012		2013		2014		2015	
#	%	#	%	#	%	#	%	#	%	#	%	
Findings Without Hearing	0		0		0		0		0		0	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time	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
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (including overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue (Part 3)	Comparative Data										2015	
	Previous Fiscal Year Data											
	2010		2011		2012		2013		2014		#	%
#	%	#	%	#	%	#	%	#	%	#	%	
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	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
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data					2015 (through 9/30)
	Previous Fiscal Year Data					
	2010	2011	2012	2013	2014	
Total Complaints from Previous Fiscal Years	474	597	582	459	506	530
Total Complainants	349	351	315	358	410	426
Number Complaints Pending						
Investigation	86	75	96	97	84	97
Hearing	288	325	329	252	297	292
Final Agency Action	28	109	69	30	20	26
Appeal with EEOC Office of Federal Operations	72	88	88	80	105	115

Complaint Investigations	Comparative Data					2015
	Previous Fiscal Year Data					
	2010	2011	2012	2013	2014	
Pending Completion Where Investigation Exceeds Required Time Frames	21	23	1	15	7	7



Appendix 3: EEO Policy Statement

THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

July 23, 2015

Equal Employment Opportunity Policy Statement

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, sex (gender, pregnancy, sexual harassment, sexual orientation, or gender identity), national origin, religion, age (40 and over), disability (mental or physical), equal pay/compensation, genetic information, or retaliation.

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.

A handwritten signature in blue ink, appearing to read "Anthony R. Foxx", is centered on the page.

Anthony R. Foxx



Appendix 4: Prevention of Harassment Policy Statement
THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

July 23, 2015

Policy Statement on the Prevention of Harassment

The U.S. Department of Transportation is committed to zero tolerance for harassment on the basis of race, color, sex (gender, pregnancy, sexual harassment, sexual orientation, or gender identity), national origin, religion, age (40 and over), disability (mental or physical), equal pay/compensation, genetic information, or retaliation. 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, contractors, and applicants for employment who believe that they have been victims of harassment may, without fear of retaliation, seek the immediate assistance of a management official or their Office of Human Resources. Employees can also contact an Equal Employment Opportunity Counselor or their Office of Civil Rights. All information provided regarding concerns about harassment will be maintained on a confidential basis to the greatest extent possible. 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. All employees are prohibited from retaliating against and/or harassing those who report such conduct or behavior.

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

A handwritten signature in black ink, appearing to read "Anthony R. Foxx", is centered below the text.

Anthony R. Foxx



Appendix 5: No FEAR Policy Statement
THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

July 23, 2015

**Policy Statement on the Implementation of the Notification and Federal
Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act),
Pub. L. No. 107-174**

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) requires Federal agencies to keep their employees, former employees, and applicants for employment informed of their antidiscrimination and whistleblower protections; post quarterly statistics on their websites; and train all employees regarding the rights and remedies to which they are entitled under the law. Federal agencies are required to submit annual reports to Congress demonstrating their compliance with the law, as measured by a number of specific criteria, not later than 180 days after the end of each fiscal year.

I fully support the principles of the No FEAR Act and am committed to providing a workplace environment that is free from discrimination as one of my major equal opportunity goals. It is the U.S. Department of Transportation's policy to prohibit employment discrimination and interference or retaliation when protected disclosures are made, as stated in the whistleblower protection laws.

I have assigned the Departmental Office of Civil Rights and the Office of the Assistant Secretary for Administration joint responsibility for ensuring the proper implementation of the No FEAR Act's mandatory requirements. I expect all departmental organizations to offer their full support to ensure compliance with the requirements of the No FEAR Act. You may obtain further information regarding No FEAR Act by contacting the Departmental Office of Civil Rights for assistance or visiting the Office's Web site at <https://www.civilrights.dot.gov>.

A handwritten signature in black ink, appearing to read "Anthony R. Foxx", is centered below the text.

Anthony R. Foxx



Appendix 6: Whistleblowing Policy Statement

THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

July 23, 2015

Policy Statement on Whistleblowing

The U.S. Department of Transportation (DOT) is committed to protecting current and former Federal employees and applicants for employment from interference and retaliation when making protected disclosures, or "whistleblowing," which includes disclosing information related to a violation of law, rule, or regulation; gross mismanagement; gross waste of funds; abuse of authority; or a substantial and specific danger to public health or safety. The Whistleblower Protection Act of 1989, and the expanded protections provided by the Whistleblower Protection Enhancement Act of 2012 (WPEA), protect individuals who report Federal agency misconduct, from retaliation.

These provisions strengthen protections for Federal employees who disclose evidence of waste, fraud, or abuse, and modify rules on the use of nondisclosure policies or agreements by government agencies. They also clarify that these agreements do not override employee rights and obligations created by existing statute or Executive Order relating to classified information, communications with Congress, or to reporting violations and/or misconduct to an Inspector General or any other whistleblower protection. In addition, Presidential Policy Directive 19 extends whistleblower protections to Federal employees eligible for access to classified data.

The DOT will initiate appropriate actions against responsible persons who take, threaten to take, or fail to take a personnel action with respect to any employee, former employee, or applicant for employment because of any protected disclosure information. In 2002, the Notification and Federal Employee Antidiscrimination and Retaliation Act was enacted to make all Federal agencies accountable for violations of antidiscrimination and whistleblower protection laws.

The DOT will not tolerate whistleblower retaliation. Legitimate disclosure of information by employees is an invaluable resource for the oversight of government operations. I expect that employees are able to report these matters confidentially to the Department's Office of Inspector General (OIG), the U.S. Office of Special Counsel, or appropriate management officials. Those who interfere with or retaliate against any current or former employee or applicant for employment, who makes a protected disclosure, will be subject to appropriate disciplinary action. In accordance with the WPEA, a Whistleblower Protection Ombudsman has been designated in OIG to educate agency personnel about whistleblower rights.

I am committed to maintaining DOT's role as a Federal agency that respects the rights of current and former Federal employees or applicants for employment to raise legitimate concerns without fear of retaliation. I ask you to join me in implementing and communicating this important policy.

A handwritten signature in black ink, appearing to read "Anthony R. Foxx", is positioned above the printed name.

Anthony R. Foxx

Appendix 7: Employment & Advancement of Persons with Disabilities Policy Statement



THE SECRETARY OF
TRANSPORTATION

WASHINGTON, D.C. 20590

July 23, 2015

Policy Statement on Employment and Advancement of Persons with Disabilities

The U.S. Department of Transportation (DOT) is committed to enhancing access to employment of people with disabilities by ensuring equal employment opportunity. I encourage effective outreach, recruitment, selection and advancement of qualified people with disabilities. I am committed to making DOT a model employer of persons with disabilities, especially those with severe disabilities referred to as “targeted disabilities.”

The DOT 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 DOT 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 DOT will continue to identify and remove any barriers to hiring, retaining, and promoting persons with disabilities. In accordance with Executive Order 13548 “Increasing Federal Employment of Individuals with Disabilities,” and the respective DOT Plan to Increase Employment of People with Disabilities, all departmental organizations will work with their Offices of Human Resources in outreach efforts to provide internship, employment, and advancement opportunities to persons with disabilities, especially those with targeted disabilities.

The DOT will provide a work environment that welcomes qualified individuals with disabilities and effectively uses their skills, knowledge, and abilities. Each of us has a role in identifying, reporting, and eliminating barriers to the employment of people with disabilities. Guidance on how to handle requests for reasonable accommodation by employees and employment applicants is contained in DOT Order 1011.1A, “Procedures for Processing Reasonable Accommodation Requests from Job Applicants and Employees with Disabilities” (available on the Department’s Web site at [Link to civil rights webpage](#)).

Please join me in ensuring equal employment opportunities for people with disabilities. Together, we can make DOT a model employer and a better workplace for all.

A handwritten signature in black ink, appearing to read "Anthony R. Foxx", is written over a white background.

Anthony R. Foxx