Equal Employment Opportunity Comm. § 1614.703


(k) The term issue of alleged discrimination means one of the following challenged agency actions affecting a term or condition of employment as listed on EEOC Standard Form 462 ("Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints"): Appointment/hire; assignment of duties; awards; conversion to full time; disciplinary action/demotion; disciplinary action/reprimand; disciplinary action/suspension; disciplinary action/removal; duty hours; evaluation/appraisal; examination/test; harassment/non-sexual; harassment/sexual; medical examination; pay/overtime; promotion/non-selection; reassignment/denied; reassignment/directed; reasonable accommodation; reinstatement; retirement; termination; terms/conditions of employment; time and attendance; training; and, other.

(l) The term subordinate component refers to any organizational sub-unit directly below the agency or department level which has 1,000 or more employees and is required to submit EEOC Form 715–01 to EEOC pursuant to EEOC Equal Employment Opportunity Management Directive 715.

§ 1614.703 Manner and format of data.

(a) Agencies shall post their statistical data in the following two formats: Portable Document Format (PDF); and an accessible text format that complies with section 508 of the Rehabilitation Act.

(b) Agencies shall prominently post the data they last updated the statistical information on the Web site location containing the statistical data.

(c) In addition to providing aggregate agency-wide data, an agency shall include separate data for each subordinate component. Such data shall be identified as pertaining to the particular subordinate component.

(d) Data posted under this subpart will be titled “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.” and a hyperlink to the data, entitled “No FEAR Act Data” will be posted on the homepage of an agency’s public Web site. In the case of agencies with subordinate components, the data shall be made available by hyperlinks from the homepages of the Web sites (if any exist) of the subordinate components as well as the homepage of the Web site of the parent agency.

(e) Agencies shall post cumulative data pursuant to §1614.704 for the current fiscal year. Agencies may not post separate quarterly statistics for the current fiscal year.

(f) Data posted pursuant to §1614.704 by agencies having 100 or more employees, and all subordinate component data posted pursuant to subsection 1614.703(c), shall be presented in the manner and order set forth in the template EEOC has placed for this purpose on its public Web site.

(1) Cumulative quarterly and fiscal year data shall appear in vertical columns. The oldest fiscal year data shall be listed first, reading left to right, with the other fiscal years appearing in the adjacent columns in chronological order. The current cumulative quarterly or year-end data shall appear in the last, or far-right, column.

(2) The categories of data as set forth in §1614.704(a) through (m) of this subpart shall appear in horizontal rows. When reading from top to bottom, the order of the categories shall be in the same order as those categories appear in §1614.704(a) through (m).

(3) When posting data pursuant to §1614.704(d) and (j), bases of discrimination shall be arranged in the order in which they appear in §1614.702(j). The category “non-EEO basis” shall be posted last, after the basis of “disability.”

(4) When posting data pursuant to §1614.704(e) and (k), issues of discrimination shall be arranged in the order in which they appear in §1614.702(k). Only

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§ 1614.704 Information to be posted—
all Federal agencies.

Commencing on January 31, 2004 and thereafter no later than 30 days after
the end of each fiscal quarter beginning on or after January 1, 2004, each Fed-
eral agency shall post the following current fiscal year statistics on its
public Internet Web site regarding EEO complaints filed under 29 CFR part
1614.

(a) The number of complaints filed in
such fiscal year.
(b) The number of individuals filing
those complaints (including as the
agent of a class).
(c) The number of individuals who
filed two or more of those complaints.
(d) The number of those complaints,
whether initially or through amend-
ment, raising each of the various bases
of alleged discrimination and the num-
ber of complaints in which a non-EEO
basis is alleged.
(e) The number of those complaints,
whether initially or through amend-
ment, raising each of the various issues
of alleged discrimination.
(f) The average length of time it has
taken an agency to complete, respec-
tively, investigation and final action
by an agency for:
(1) All complaints pending for any
length of time during such fiscal year;
(2) All complaints pending for any
length of time during such fiscal year
in which a hearing was not requested; and
(3) All complaints pending for any
length of time during such fiscal year
in which a hearing was requested.
(g) The number of complaints dis-
missed by an agency pursuant to 29
CFR 1614.107(a), and the average length
of time such complaints had been pend-
ing prior to dismissal.
(h) The number of complaints with-
drawn by complainants.
(i)(1) The total number of final ac-
tions by an agency rendered in such fis-
cal year involving a finding of discrimi-
ination and, of that number,
(2) The number and percentage that
were rendered without a hearing, and
(3) The number and percentage that
were rendered after a hearing.
(j) Of the total number of final ac-
tions by an agency rendered in such fis-
cal year involving a finding of discrimi-
nation,
(1) The number and percentage of
those based on each respective basis,
(2) The number and percentage for
each respective basis that were ren-
dered without a hearing, and
(3) The number and percentage for
each respective basis that were ren-
dered after a hearing.
(k) Of the total number of final ac-
tions by an agency rendered in such fis-
cal year involving a finding of discrimi-
nation,
(1) The number and percentage for
each respective issue,
(2) The number and percentage for
each respective issue that were ren-
dered without a hearing, and
(3) The number and percentage for
each respective issue that were ren-
dered after a hearing.
(l) Of the total number of complaints
pending for any length of time in such
fiscal year,
(1) The number that were first filed
before the start of the then current fis-
cal year,
(2) Of those complaints falling within
subsection (l)(1),
(i) The number of individuals who
filed those complaints, and
(ii) The number that are pending, re-
spectively, at the investigation, hear-
ing, final action by an agency, and ap-
peal step of the process.
(m) Of the total number of com-
plaints pending for any length of time
in such fiscal year, the total number of
complaints in which the agency has
not completed its investigation within
the time required by 29 CFR