



**United States
Department of the Treasury**

**No FEAR Act Annual Report
Fiscal Year (FY) 2012**

**Prepared by the Office of the Deputy Assistant Secretary for Human Resources
and Chief Human Capital Officer, Office of Civil Rights and Diversity**



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United States Department of the Treasury
No FEAR Act Report
Fiscal Year (FY) 2012

Section I. Summary of District Court Cases (FY 2008 to FY 2012)

Data was provided by Treasury’s Office of General Counsel, derived from reports submitted by each bureau. These charts show all cases and payments to the Judgment Fund in FY 08 - FY 12, regardless of when the case was filed. Since the charts show cases filed under multiple statutes, numbers will not total. The total number of cases settled, pending and adjudicated will not equal the total number filed due to cases filed prior to the five year reporting period.

1. *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 the agency was alleged.*

	TOTAL FILED: 250 cases				
	FY 08	FY 09	FY 10	FY 11	FY 12
Title VII (race, color, religion, sex, national origin)	39	109	21	26	25
Age	2	28	6	9	6
Sex (Equal Pay Act)	0	0	7	14	0
Disability (Section 501 of the Rehabilitation Act of 1973)	9	27	11	7	9
Whistleblower protection laws, 5 U.S.C. §§ 2302(b)(1)-(9)	0	0	0	0	0

2. *The status or disposition of cases described in paragraph (1).*

	TOTAL SETTLED: 57 cases				
	FY 08	FY 09	FY 10	FY 11	FY 12
Title VII (race, color, religion, sex, national origin)	10	8	11	10	5
Age	2	0	3	3	2
Sex (Equal Pay Act)	0	0	3	4	0
Disability (Section 501 of the Rehabilitation Act of 1973)	5	3	2	5	5
Whistleblower protection laws, 5 U.S.C. §§ 2302(b)(1)-(9)	0	0	0	0	0

	PENDING: 58 cases*				
	FY 08	FY 09	FY 10	FY 11	FY 12
Title VII (race, color, religion, sex, national origin)	69	76	55	51	53
Age	4	22	16	17	15
Sex (Equal Pay Act)	0	0	18	22	0
Disability (Section 501 of the Rehabilitation Act of 1973)	26	28	24	18	16
Whistleblower protection laws, 5 U.S.C. §§ 2302(b)(1)-(9)	0	0	1	2	1

	JUDGMENT FOR AGENCY: 157				
	FY 08	FY 09	FY 10	FY 11	
Title VII (race, color, religion, sex, national origin)	29	32	32	24	21
Age	7	8	8	4	5
Sex (Equal Pay Act)	0	0	5	7	0
Disability (Section 501 of the Rehabilitation Act of 1973)	8	5	15	8	4
Whistleblower protection laws, 5 U.S.C. §§ 2302(b)(1)-(9)	3	0	0	0	1

	JUDGMENT FOR PLAINTIFF: 2				
	FY 08	FY 09	FY 10	FY 11	FY 12
Title VII (race, color, religion, sex, national origin)	0	0	0	1	1
Age	0	0	0	1	0
Sex (Equal Pay Act)	0	0	0	1	0
Disability (Section 501 of the Rehabilitation Act of 1973)	0	0	0	0	0
Whistleblower protection laws, 5 U.S.C. §§ 2302(b)(1)-(9)	0	0	0	0	0

* Figure reflects total number of cases pending at the end of FY 2012 regardless of the year in which it was filed.

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 attorneys' fees, if any.*

		TOTAL AMOUNT PAID (SETTLEMENTS AND JUDGMENTS FOR PLAINTIFFS): \$1,814,911				
		FY 08	FY 09	FY 10	FY 11	FY 12
FY Totals		\$658,158	\$417,773	\$340,880	\$343,100	\$0

		TOTAL ATTORNEY'S FEES PAID (SETTLEMENTS AND JUDGMENTS FOR PLAINTIFFS): \$387,066				
		FY 08	FY 09	FY 10	FY 11	FY 12
FY Totals		\$312,566	\$0	\$4,500	\$65,000	\$70,000

4. *The number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1).*

		TOTAL NUMBER OF EMPLOYEES DISCIPLINED: 33				
		FY 08	FY 09	FY 10	FY 11	FY 12
FY Totals		9	3	8	7	6

5. *The final year-end data posted under section 301(c)(1)(B) for such fiscal year (without regard to section 301(c)(2)).*

See Attachment A.

6. *A detailed description of the policy implemented by that agency relating to appropriate disciplinary actions against a Federal employee who-*
- i. discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2), or*
 - ii. committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a)(1) or (2), and with respect to each of such laws, the number of employees who are disciplined in accordance with such policy and the specific nature of the disciplinary action taken.*

The Department's policy, *Disciplinary Action for Employees who Violate Antidiscrimination and Whistleblower Protection Laws*, requires bureaus to establish a disciplinary policy and/or table of penalties providing for appropriate disciplinary actions for employees who have intentionally engaged in discrimination or retaliatory actions, including retaliation for whistleblowing activities. All bureaus have established a disciplinary policy and/or table of penalties. In addition, the Department of the Treasury's Rules of Conduct (31 CFR §0.214) state that "employees shall not discriminate against or harass any other employee, applicant for employment or person dealing with the Department on official business on the basis of race, color, religion, national origin, sex, sexual orientation, age, or

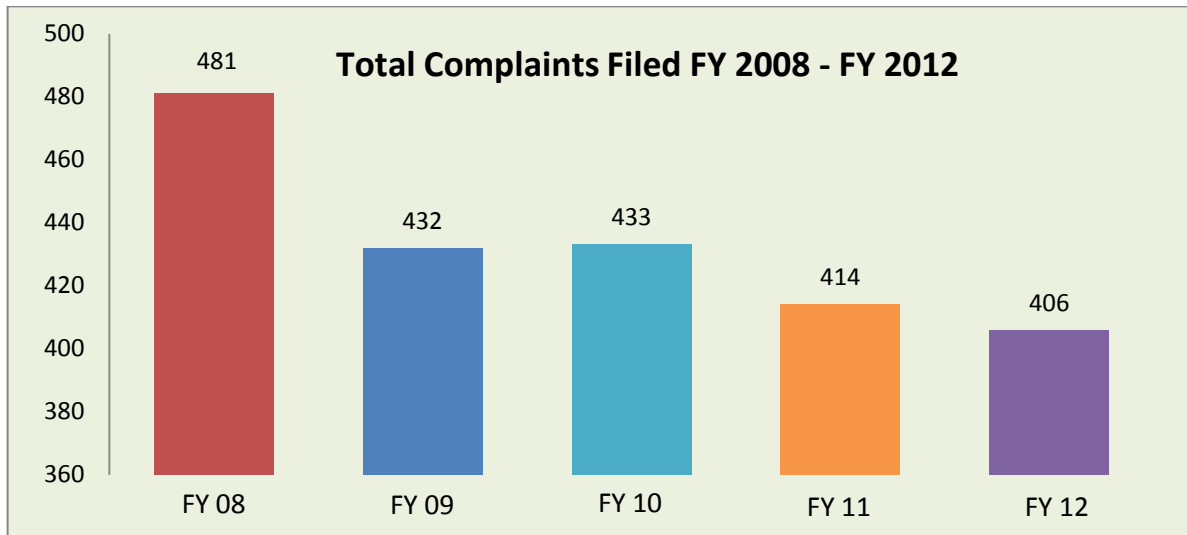
disability. Sexual harassment is a form of sex discrimination and is prohibited. An employee who engages in discriminatory conduct may be disciplined under these rules.”

Section II. Analysis of Administrative Complaints*

- 7. An analysis of the information described under paragraphs (1) through (6) (in conjunction with data provided to the Equal Employment Opportunity Commission in compliance with part 1614 of title 29 of the Code of Federal Regulations) including:
 - a. an examination of trends;
 - b. causal analysis;
 - c. practical knowledge gained through experience; and
 - d. any actions planned or taken to improve complaint or civil rights programs of the agency.

➤ **Examination of Trends, Causal Analysis, and Practical Knowledge Gained Through Experience**

Treasury’s complaint activity data demonstrated a 1.93% decrease in complaints filed from FY 2011 (414 complaints filed) to FY 2012 (406 complaints filed). The percentage of Treasury employees who filed formal EEO complaints has steadily decreased from 0.38% of the workforce in FY 2008 (454 complainants) to 0.32% in FY 2012 (370 complainants).



* Administrative complaints data is based on the Equal Employment Opportunity Commission’s 462 Report FY 2012, which Treasury submitted on October 30, 2012. FY 2008 –FY 2012 figures include EEO “mixed case” complaints.

For the last five fiscal years, of complaints filed, the top basis was reprisal and the top issue was harassment (non-sexual). To deter harassment in the workplace, the Department provides multiple training courses dealing with the prevention of harassment in the workplace for employees and supervisors through the Treasury Learning Management System (TLMS) and Employee Learning Management System (for IRS employees only). Treasury has a policy titled, *Procedures for Addressing Allegations of Discriminatory Harassment*, which instructs bureaus to establish and publicize procedures for reporting allegations of discriminatory harassment, conducting an inquiry, and making appropriate determinations based on the results of the inquiry. In FY 2012, Treasury released a new brochure titled, *Workplace Harassment: Your Rights and Responsibilities*, to educate Treasury employees on their rights and responsibilities as well as about the prevention of harassment in the workplace.

As part of ongoing EEO training conducted by Treasury bureaus, managers receive information on the EEO complaint process, prohibited discrimination, retaliation, and on agency liability when discrimination or retaliation is found. The topic of reprisal also is addressed in No FEAR Act training provided to new hires and biennially to all employees.

Top Three Bases		Top Three Issues	
FY 2012		FY 2012	
Reprisal	48.0%	Harassment (non-sexual)	41.8%
Disability (Physical)	30.0%	Terms/Condition of Employment	21.4%
Age & Race (Black)*	24.3%	Evaluation/Appraisal	19.9%
FY 2011		FY 2011	
Reprisal	45.6%	Harassment (non-sexual)	39.3%
Race (Black)	24.8%	Evaluation/Appraisal	20.5%
Age	23.6%	Assignment of Duties	14.9%
FY 2010		FY 2010	
Reprisal	46.6%	Harassment (non-sexual)	43.4%
Age	28.6%	Promotion/Non Selection	22.8%
Race (Black)	28.6%	Evaluation/Appraisal	17.1%
FY 2009		FY 2009	
Reprisal	45.3%	Harassment (non-sexual)	42.8%
Age	30.7%	Promotion/Non Selection	23.8%
Race (Black)	25.2%	Evaluation/Appraisal	16.8%
FY 2008		FY 2008	
Reprisal	40.5%	Harassment (non-sexual)	46.9%
Age	32.0%	Promotion/Non Selection	24.9%
Race (Black)	27.8%	Evaluation/Appraisal	16.6%

*In FY 2012, Age and Race (Black) tied for the third top basis of complaints filed.

Treasury has made dramatic improvement in the timely processing of investigations over the last five years. During FY 2012, the Department completed 87% of all investigations of EEO complaints in a timely manner. We believe the service level standards implemented at the Treasury Complaint Center to address the timeliness of investigations and to address other accountability controls in the formal complaint process have played a role in increasing the percent of timely completed investigations. The Department will continue to monitor investigation processing time on a quarterly basis and has set a goal of completing 80% of FY 2013 investigations in fewer than 180 days, unless extended by amendment (360 days) or extension (270 days).

Fiscal Year	Complaints Filed	Total Completed Investigations	Average Days	% Timely
FY 2012	406	285	198	87.0%
FY 2011	414	339	170	94.9%
FY 2010	433	351	182	85.7%
FY 2009	432	357	252	61.3%
FY 2008	481	410	257	56.3%

In the administrative process, in FY 2012, Treasury closed 61 EEO complaints with monetary corrective actions, totaling \$792,477 in back pay/front pay, lump sum payments, compensatory damages, or attorney's fees and costs.

Fiscal Year	# of Cases Closed with Monetary Corrective Actions	Total Amount Paid*
2012	61	\$792,477
2011	65	\$743,267
2010	89	\$1,778,525
2009	76	\$1,832,095
2008	95	\$1,295,321

* Figures include back pay/front pay, lump sum payments, compensatory damages, or attorney's fees and costs. Figures do not reflect payments made in the settlement of class complaints.

In FY 2012, the Department completed 746 informal counselings, of which 96.6% were timely processed and 49.1% reached resolution through settlement or withdrawal. The Department's 49.1% resolution rate of informal counselings demonstrates the Department's commitment to minimize the impact of conflict that detracts from employee satisfaction and undermines organizational efficiency.

	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Total # Completed Counselings	844	818	731	745	746
# Timely	795	770	693	717	721
% Timely	94.1%	94.1%	94.7%	96.2%	96.6%
% of Completed Counselings Resolved (Settlement/Withdrawal)	46.4%	50.7%	44.3%	46.9%	49.1%

The Department also provides information to managers and supervisors on Alternative Dispute Resolution (ADR) techniques and encourages employees to consider this avenue when a complaint has been filed. The Department has a policy titled, *Management Participation in Alternative Dispute Resolution (ADR) During the Equal Employment Opportunity (EEO) Process*, which requires management participation in ADR if the issue is suitable for ADR and ADR is elected by the complainant. For FY 2012, the Department established a goal of 45% ADR participation rate in both the informal and formal complaint process. For ADR in the

informal process, the Department had a 57.5% participation rate, and in the formal process had a 10% participation rate.

Fiscal Year	Counselings/ Complaints	ADR Offers		ADR Participation	
	#	#	%	#	%
FY 2011 Completed Pre-Complaint Counselings	745	701	94.0%	363	48.7%
FY 2012 Completed Pre-Complaint Counselings	746	727	97.4%	429	57.5%
% Change FY 2011 to FY 2012	.13%	3.7%		18.1%	
FY 2011 Formal Complaints Closures	427	304	71.4%	64	14.9%
FY 2012 Formal Complaints Closures	407	330	81%	41	10%
% Change FY 2011 to FY 2012	-4.6%	8.5%		-35.9%	

The Department has devoted many of its resources to resolving conflict through dispute prevention methods. To educate Treasury employees on various tools to deal with conflicts in the workplace, the Treasury created Dispute Prevention Week (DPW). The Department's FY 2012 Dispute Prevention Week was held June 25 through 29. This year's training, titled, *"Using Creativity to Resolve Conflict,"* presented several creative techniques to reframe conflict, generate multiple options to resolve conflict, and find common ground between individuals. In addition, the U.S. Mint, Bureau of Engraving and Printing (BEP), Alcohol and Tobacco Tax and Trade Bureau (TTB), and the Financial Crimes Enforcement Network (FinCEN) hosted various activities within their respective bureaus in support of Treasury Dispute Prevention Week.

Through the Treasury Shared Neutrals (TSN) Program, Treasury maintains a nationwide cadre of certified and highly trained neutrals (also known as mediators). TSN mediators are employees from various organizations trained in the art of mediation who voluntarily serve on a collateral-duty basis. Their objective is to assist bureaus in resolving all types of workplace disputes at the earliest stages of the conflict and to provide a resolution through mediation, facilitation, and coaching. In FY 2012, the TSN program provided skilled mediators for 48 mediations/facilitations and had a 44% resolution rate.

➤ **Practical Knowledge Gained through Experience**

The Department continually reviews all aspects of its workforce demographics to ensure we are putting in place the right human capital and EEO initiatives, policies, and training programs to meet the needs of our workforce in order to accomplish our mission. Through this ongoing analysis, practical knowledge is gained and determinations are made on how best to address any shortcomings identified and how to advance the needs of the workforce.

In FY 2012, the Department conducted the following activities based on its analysis of workforce demographics, training needs, and human capital initiatives:

- Issued the Department's Strategic Diversity and Inclusion Plan on March 21, 2012. A team of Human Resources, Diversity and EEO representatives from the Department and the bureaus worked together to develop the Department's diversity vision, mission and strategic priorities and corresponding goals. The plan provides a shared direction, encourages commitment and accountability and focuses on three key areas: workforce diversity, workplace inclusion, and sustainability.
- Continued the use of an automated Exit Survey tool. This automated analysis tool developed through our human resources system, HR Connect, provides the user with an analysis of the exit responses received for their bureau. Those results, when compared to the separation rates, types of separations, and the results of the Employee Viewpoint Survey, provide telling information that will assist the Department in identifying barriers to retention and in developing effective plans to create a better workplace climate.
- Hosted a forum titled, *Treasury Women 3.0: The Secretary's Initiative on the Status of Women*, on September 24-25, 2012. Over 90 women from across the Department convened to elicit insights, recommendations, and to develop priorities to enhance the experience of women throughout the Treasury workplace. The two day forum consisted of speakers, panel discussions and intensive workgroup deliberations. Treasury Secretary Timothy F. Geithner opened the forum, noting that Treasury has the most women appointed to Senate-confirmed position in its history, with five of Treasury's nine key functional areas headed by women, in addition to the Treasurer of the United States.
- Continued to see improvements in its FY 2012 Federal Employee Viewpoint Survey (Fed VIEW) results. Treasury was ranked as one of the top five agencies in three of the six categories: effective leadership (5th), work/life balance (4th), and teamwork (3rd). Based on the FY 12 survey results, Treasury's Office of Human Capital and Strategic Management (HCSM) will develop a Treasury-wide action plan in the areas of leadership, job satisfaction and performance management. Each bureau will also develop bureau-specific action plan to address deficient scores and/or areas of weakness.
- The Office of Personnel Management (OPM) has stated that it will use the responses to certain questions on the Fed VIEW as indicators of federal agencies' progress in achieving an inclusive workplace. While not finalized, OPM has indicated that it will look at responses to 20 questions. For all 20 questions, the Department's overall positive response rates on the 2012 Fed VIEW exceeded the government-wide rates. In addition, OPM considers a positive response rate of 65% or more to be an agency "strength" and the Department met or exceeded a 65% positive response rate on nine (9) of the 20 questions.
- Established and/or maintained partnerships with existing external internship programs that attract highly qualified, educated and diverse students. The Department hired 20 Hispanic Association of College and Universities (HACU) interns in fiscal year (FY)

2012. The Department also placed 4 interns under the International Leadership Foundation (ILF), 13 interns under The Washington Center, 11 interns under the INROADS Program, 2 interns under the National Association of Equal Opportunity (NAFEO), 1 intern under the Organization of Chinese Americans Internship Program, 5 interns under the Washington Internship for Native Students (WINS), 9 interns under the Thurgood Marshall College Fund, 45 DC Youth Summer Program interns, 5 interns under the Workforce Recruitment Program (WRP), 2 interns from the Congressional Hispanic Caucus Institute, 1 intern under the Howard University Externship Program, and 6 Presidential Management Fellows.

- Sponsored interns through various bureau-specific internship programs throughout the year. For example, the Office of the Comptroller of the Currency (OCC) hosted 13 interns through its National Academy of Finance, 10 interns through its District Financial Internship Program, 5 intern through its Human Resources Internship Program, 11 interns through its Economics Internship Program, 12 interns through its Financial Management Internship Program, and 39 interns through its Information Technology Service Internship Program. The Financial Management Service (FMS) hosted a total of 6 interns with disabilities through its partnership with the Maryland Department of Rehabilitation (DORS) and 2 interns through the Veterans Administrations (VA) Non-Paid Work Experience Program.
- Continued to take full advantage of special hiring authorities designed to reduce the processing time to non-competitively hire qualified disabled veterans. As a result, 13% of the Department's new hires in FY 2012 were appointed through a veteran's preference hiring authority; 6% of all new hires were disabled veterans including 3.5% of all new hires who were veterans with a 30% or more disability. In addition, 13% of all new hires in FY 2012 identified themselves as a pre-Vietnam, Vietnam, or post-Vietnam veteran.
- Continued to support the recruitment of disabled veterans by partnering with the Department of Defense's Operation Warfighter Program (OWF). Operation Warfighter provides Service members, who are undergoing treatment or rehabilitation at Walter Reed Army Medical Center, with a formal means of transitioning back into the workforce. As a result, the Department placed 26 OWF candidates while they were rehabilitating.
- Continued to support the recruitment of veterans through the Veterans Employment Program Office (VEPO). The VEPO met with Veteran Administration (VA) offices and Department of Defense (DOD) installations to further enhance Treasury's image as an employer of choice for veterans and their families. The VEPO Steering Committee provided ongoing feedback on how to improve data collected on the Veterans Dashboard (provides real-time hire/separation data) and held monthly meetings to discuss recruitment resources. The VEPO continued to promote the use of its non-paid internship program to expose veterans to the Department's mission and occupations. The Student Veteran Intern Program (SVIP) was piloted by the IRS in FY 2011. In FY 2012, the VEPO initiated Memorandums of Understanding (MOUs) with American Public University Systems (American University and American Military University) and Grantham University to gain access to eligible veterans attending college under the GI Bill. At the end of FY 12, the IRS, the United States Mint, IRSCC, and the Bureau

of Engraving and Printing (BEP) were actively recruiting candidates through this program.

- Piloted a new outreach/recruitment partnership with the University of Incarnate Word (UIW) in San Antonio, Texas. The Bureau of Financial Crimes Enforcement (FinCEN) is in the process of developing a video which will include representatives from its Human Resources Office, senior leadership, and current Hispanic employees who were hired as non-paid internships and later converted into permanent positions. The panel will discuss the mission of FinCEN, their educational background, career progression, and what makes their job an exciting, valuable function of FinCEN. Once completed, the panel video will be posted on the UIW career center web site and UIW students, as well as students from twelve (12) colleges (many of which are Hispanic Serving Institutions) that UIW partners with through the San Antonio Colleges and Universities Career Centers Association (SACUCCA), will be sent an e-mail alerting them to the video URL (web link) and the dates and times of planned live web chats with the FinCEN EEO Director to answer any questions students may have about what is discussed in the video.
- Developed and implemented the Treasury Accessibility Portal. The Treasury Accessibility Portal provides information about accessibility solutions available to persons with disabilities, and improved the offering of foreign language materials for limited English proficient individuals who speak Spanish. In its second phase, the initiative will result in a multilingual portal providing information in languages other than Spanish, including three Asian languages.

➤ **Actions Taken to Improve Agency Complaint or Civil Rights Program**

During FY 2012, the Department took the following actions in support of its EEO Program:

- Re-issuance of the Secretary's annual EEO and Diversity Policy on September 19, 2012;
- The Secretary issued his inaugural Diversity Policy on September 19, 2012;
- Submitted the Department's updated Reasonable Accommodation Policy and Procedures to the Equal Employment Opportunity Commission (EEOC) for review;
- Implemented a Treasury-wide on-line Reasonable Accommodation training module for supervisors and managers on the Treasury Learning Management System;
- Provided Treasury EEO Counselors with the mandatory 8 hour refresher training;
- Conducted quarterly data integrity reviews of Treasury/bureau workforce data to ensure accuracy;
- Established bureau-specific and corporate Diversity and Inclusion Plans;
- As part of the Office of Civil Rights and Diversity's oversight responsibility, participated in one comprehensive audit of the Internal Revenue Service's (IRS)

Criminal Investigations Division (business unit). These audits are designed to provide guidance and recommendations to assist bureaus in obtaining and maintaining a model EEO Program;

- Published quarterly EEO newsletters which provided Treasury's EEO practitioners, managers and supervisors, as well as employees, with information on relevant complaint issues, workforce statistics and important upcoming agency events/activities;
- Published quarterly Treasury-wide and bureau-specific dashboards to keep Treasury leaders current on the state of Treasury's workforce and progress in meeting disability hiring goals;
- Provided individualized MD-715/Workforce Analytics training for new EEO practitioners at two of Treasury's bureaus: Financial Management Service (FMS) and Departmental Offices (DO);
- Conducted four Root Cause Analysis training sessions; two for Treasury's bureaus, one for IRS' business unit (Wage & Investment), and one session for the U.S. Mint field EEO offices;
- Released Treasury's new brochure, *Workplace Harassment: Your Rights and Responsibilities*, to educate Treasury employees on their rights and responsibilities as well as about the prevention of harassment in the workplace;
- Updated and re-issued Treasury's *Frequently Asked Questions about Alternative Dispute Resolution (ADR) in the Equal Employment Opportunity (EEO) Process* and *Frequently Asked Questions about Mediation* brochures;
- Hosted six Treasury-wide Special Emphasis awareness programs throughout FY 2012;
- Continued the Treasury Shared Neutrals Program, providing neutrals to Treasury bureaus to help in early resolution of complaints;
- Increased the timely production of EEO Final Agency Decisions by closely monitoring the status through the Treasury Complaint Management System;
- Conducted the FY 2012 Dispute Prevention Week designed to increase focus on resolution of complaints;
- Provided feedback to each bureau on its Hispanic, Disabled Veterans and Federal Equal Opportunity Recruitment Program Reports. Feedback included a comprehensive analysis of the bureau's program successes and identified program areas that would benefit from more bureau attention;
- Completed a compliance review of IRS's Taxpayer Assistance Centers and VITA program sites in New York City; and

- Continued to participate in and support the initiatives of Interagency Working Groups (IWG) on Limited English Proficiency, Title VI, and the Association of Federal External Civil Rights Specialists and Officers.

Workforce Diversity:

- Met the Department's goal that 10% of all new permanent hires be people with disabilities (PWD) (11.74%);
- Since FY 2005, increased the participation rate for women at the GS-13 through GS-15 grade level by 4.1% (from 45.1% in FY 2005 to 49.2% in FY 2012). At the SES level, the participation rate increased by 9.2% (from 32.8% in FY 2005 to 42% in FY 2012);
- Since FY 2005, increased the participation rate for non-Whites in the GS-13 through GS-15 grades by 6.6% (from 26.9% in FY 2005 to 33.5% in FY 2012). At the SES level, the participation rate increased by 2.6% (from 18.1% in FY 2005 to 20.7% in FY 2012);
- Continued to maintain one of the highest participation rates for Hispanic employees (10.5% compared to the CLF availability rate of 10.7%) among cabinet level agencies; and
- Continued to hold the highest participation rate for persons with targeted disabilities (1.72% compared to the Federal goal of 2%) among cabinet level agencies.

8. *Any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201.*

Not Applicable.

Attachment A

- **Administrative Equal Employment Opportunity (EEO) Complaint Data (FY 2008-FY 2012)**

- **No FEAR Act Training Plan**

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

Department of the Treasury

FY 2008- FY 2012

Note: Data provided through Treasury's I-trak Complaint Management System (ICMS). The report reflects case data in ICMS as of 10/6/12 for the current and past five fiscal years. Mixed cases are included in this report.

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2012 Thru 09-30
		2008	2009	2010	2011	
Number of Complaints Filed		481	432	433	414	406
Number of Complainants		456	395	412	359	370
Repeat Filers		25	37	19	35	36

Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2012 Thru 09-30
		2008	2009	2010	2011	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race		209	173	191	151	159
Color		28	25	27	20	34
Religion		26	11	18	21	10
Reprisal		203	197	207	185	199
Sex		178	150	130	120	123
National Origin		51	32	32	27	42
Equal Pay Act		4	4	2	0	1
Age		157	136	125	94	107
Disability		109	107	108	117	145
Non-EEO		37	28	22	25	19

Complaints by Issue	Comparative Data				
	Previous Fiscal Year Data				2012 Thru 09-30
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2008	2009	2010	2011	
Appointment/Hire	20	22	17	11	15
Assignment of Duties	55	50	49	59	56
Awards	16	13	11	9	10
Conversion to Full-time	2	1	1	1	1
Disciplinary Action					
Demotion	5	1	0	5	5
Reprimand	20	19	20	19	17
Suspension	13	22	27	17	18
Removal	5	8	3	8	6
Other	23	14	13	6	22
Duty Hours	14	12	12	5	8
Evaluation Appraisal	85	72	76	86	84
Examination/Test	0	0	3	1	2
Harassment					
Non-Sexual	240	191	195	164	172
Sexual	21	14	13	16	8
Medical Examination	3	2	4	3	0
Pay (Including Overtime)	17	16	20	12	12
Promotion/Non-Selection	127	108	99	56	66
Reassignment					
Denied	8	7	11	11	7
Directed	16	9	11	6	18
Reasonable Accommodation	32	32	27	29	36
Reinstatement	2	0	1	3	1
Retirement	6	3	3	3	1
Termination	42	23	57	53	44
Terms/Conditions of Employment	49	41	34	55	90

Complaints by Issue	Comparative Data				
	Previous Fiscal Year Data				2012 Thru 09-30
	2008	2009	2010	2011	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>					
Time and Attendance	33	31	36	47	50
Training	24	19	31	34	19
Other	2	6	0	1	6

Processing Time	Comparative Data				
	Previous Fiscal Year Data				2012 Thru 09-30
	2008	2009	2010	2011	
Complaints pending during fiscal year					
Average number of days in investigation	266.48	160.91	184.02	172.58	198.01
Average number of days in final action	101.71	145.15	34.18	35.69	35.64
Complaint pending during fiscal year where hearing was requested					
Average number of days in investigation	269.47	27.89	181.05	174.53	197.55
Average number of days in final action	7.37	6.22	28.43	39.92	5.37
Complaint pending during fiscal year where hearing was not requested					
Average number of days in investigation	263.64	249.07	186.26	171.37	198.80
Average number of days in final action	173.33	243.68	38.42	31.46	67.65

Complaints Dismissed by Agency	Comparative Data				
	Previous Fiscal Year Data				2012 Thru 09-30
	2008	2009	2010	2011	
Total Complaints Dismissed by Agency	66	71	55	46	51
Average days pending prior to dismissal	271	158	193	127	120
Complaints Withdrawn by Complainants					
Total Complaints Withdrawn by Complainants	74	53	35	38	35

	Comparative Data										
	Previous Fiscal Year Data								2012 Thru 09-30		
	2008		2009		2010		2011				
	#	%	#	%	#	%	#	%	#	%	
Total Final Agency Actions Finding Discrimination											
Total Number Findings	6		7		8		5		6		
Without Hearing	1	17	5	71	4	50	1	20	5	83	
With Hearing	5	83	2	29	4	50	4	80	1	17	

Findings of Discrimination Rendered by Basis	Comparative Data									
	Previous Fiscal Year Data								2012 Thru 09-30	
	2008		2009		2010		2011			
	#	%	#	%	#	%	#	%	#	%
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>										
Total Number Findings	6		7		8		5		6	
Race	0	0	2	29	3	38	1	33	1	17
Color	0	0	1	14	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	1	17
Reprisal	2	33	3	43	2	25	1	33	2	33
Sex	0	0	2	29	2	25	0	0	2	33
National Origin	0	0	0	0	3	38	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0
Age	1	17	0	0	0	0	0	0	1	17
Disability	3	50	1	14	1	13	1	33	1	17
Non-EEO	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	5		2		4		4		1	
Race	0	0	0	0	2	50	1	50	0	0
Color	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	1	100
Reprisal	2	40	2	100	0	0	1	50	0	0
Sex	0	0	0	0	1	25	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data										
	Previous Fiscal Year Data										2012 Thru 09-30
	2008		2009		2010		2011				
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	
National Origin	0	0	0	0	2	50	0	0	0	0	
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	
Age	1	20	0	0	0	0	2	50	0	0	
Disability	2	40	0	0	0	0	0	0	0	0	
Non-EEO	0	0	0	0	0	0	0	0	0	0	
Findings Without Hearing											
	1		5		4		0		2		
Race	0	0	2	40	1	25	0	0	0	0	
Color	0	0	1	20	0	0	0	0	0	0	
Religion	0	0	0	0	0	0	0	0	0	0	
Reprisal	0	0	1	20	2	50	0	0	1	50	
Sex	0	0	2	40	1	25	0	0	0	0	
National Origin	0	0	0	0	1	25	0	0	0	0	
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	
Age	0	0	0	0	0	0	0	0	0	0	
Disability	1	100	1	20	1	25	0	0	1	50	
Non-EEO	0	0	0	0	0	0	0	0	0	0	

Findings of Discrimination Rendered by Issue	Comparative Data										
	Previous Fiscal Year Data										2012 Thru 09-30
	2008		2009		2010		2011				
	#	%	#	%	#	%	#	%	#	%	
Total Number Findings	6		7		8		5		6		
Appointment/Hire	0	0	0	0	0	0	1	20	0	0	
Assignment of Duties	0	0	1	14	0	0	0	0	0	0	
Awards	0	0	0	0	0	0	0	0	1	17	

Findings of Discrimination Rendered by Issue	Comparative Data											
	Previous Fiscal Year Data										2012 Thru 09-30	
	2008		2009		2010		2011					
	#	%	#	%	#	%	#	%	#	%	#	%
Conversion to Full-time			0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion			0	0	0	0	0	0	0	0	0	0
Reprimand			0	0	1	14	0	0	0	0	0	0
Suspension			0	0	0	0	0	0	1	33	0	0
Removal			0	0	0	0	0	0	0	0	0	0
Other			0	0	0	0	0	0	0	0	0	0
Duty Hours			0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal			0	0	0	0	1	13	0	0	0	0
Examination/Test			0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual			2	33	3	43	3	38	1	20	4	67
Sexual			0	0	1	14	1	13	0	0	0	0
Medical Examination			0	0	1	14	0	0	0	0	0	0
Pay (Including Overtime)			0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection			0	0	2	29	1	13	1	20	0	0
Reassignment												
Denied			0	0	0	0	0	0	0	0	0	0
Directed			0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation			1	17	0	0	1	13	0	0	1	17
Reinstatement			1	17	0	0	0	0	0	0	0	0
Retirement			0	0	0	0	0	0	0	0	0	0
Termination			0	0	0	0	2	25	0	0	1	17
Terms/Conditions of Employment			2	33	0	0	3	38	1	33	0	0
Time and Attendance			0	0	0	0	0	0	1	33	0	0
Training			0	0	0	0	1	13	0	0	1	17
Other - User Defined			0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue	Comparative Data											
	Previous Fiscal Year Data										2012 Thru 09-30	
	2008		2009		2010		2011					
	#	%	#	%	#	%	#	%	#	%	#	%
Findings After Hearing			5		2		4		4		1	
Appointment/Hire			0	0	0	0	0	0	1	25	0	0
Assignment of Duties			0	0	1	50	0	0	0	0	0	0
Awards			0	0	0	0	0	0	0	0	0	0
Conversion to Full-time			0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion			0	0	0	0	0	0	0	0	0	0
Reprimand			0	0	0	0	0	0	0	0	0	0
Suspension			0	0	0	0	0	0	1	25	0	0
Removal			0	0	0	0	0	0	0	0	0	0
Other			0	0	0	0	0	0	0	0	0	0
Duty Hours			0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal			0	0	0	0	1	25	0	0	0	0
Examination/Test			0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual			2	40	1	50	1	25	1	25	0	0
Sexual			0	0	1	50	1	25	0	0	0	0
Medical Examination			0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)			0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection			0	0	0	0	1	25	1	25	0	0
Reassignment												
Denied			0	0	0	0	0	0	0	0	0	0
Directed			0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation			0	0	0	0	0	0	0	0	1	100
Reinstatement			1	20	0	0	0	0	0	0	0	0
Retirement			0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue	Comparative Data										
	Previous Fiscal Year Data										2012 Thru 09-30
	2008		2009		2010		2011				
	#	%	#	%	#	%	#	%	#	%	#
Termination		0	0	0	0	2	50	0	0	0	0
Terms/Conditions of Employment		2	40	0	0	1	25	0	0	0	0
Time and Attendance		0	0	0	0	0	0	1	25	0	0
Training		0	0	0	0	1	25	0	0	0	0
Other - User Defined		0	0	0	0	0	0	0	0	0	0
Findings Without Hearing		1		5		4		1		5	
Appointment/Hire		0	0	0	0	0	0	0	0	0	0
Assignment of Duties		0	0	0	0	0	0	0	0	0	0
Awards		0	0	0	0	0	0	0	0	1	20
Conversion to Full-time		0	0	0	0	0	0	0	0	0	0
Disciplinary Action											
Demotion		0	0	0	0	0	0	0	0	0	0
Reprimand		0	0	1	20	0	0	0	0	0	0
Suspension		0	0	0	0	0	0	0	0	0	0
Removal		0	0	0	0	0	0	0	0	0	0
Other		0	0	0	0	0	0	0	0	0	0
Duty Hours		0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal		0	0	0	0	0	0	0	0	0	0
Examination/Test		0	0	0	0	0	0	0	0	0	0
Harassment											
Non-Sexual		0	0	0	0	0	0	0	0	4	80
Sexual		0	0	1	20	0	0	0	0	0	0
Medical Examination		0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)		0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection		0	0	0	0	0	0	0	0	0	0
Reassignment											

Findings of Discrimination Rendered by Issue	Comparative Data										
	Previous Fiscal Year Data										2012 Thru 09-30
	2008		2009		2010		2011				
		#	%	#	%	#	%	#	%	#	%
Denied		0	0	0	0	0	0	0	0	0	0
Directed		0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation		1	100	0	0	1	25	0	0	0	0
Reinstatement		0	0	0	0	0	0	0	0	0	0
Retirement		0	0	0	0	0	0	0	0	0	0
Termination		0	0	0	0	0	0	0	0	1	20
Terms/Conditions of Employment		0	0	0	0	2	50	1	100	0	0
Time and Attendance		0	0	0	0	0	0	0	0	0	0
Training		0	0	0	0	0	0	0	0	1	20
Other - User Defined		0	0	0	0	0	0	0	0	0	0

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data				
	Previous Fiscal Year Data				2012 Thru 09-30
	2008	2009	2010	2011	
Total complaints from previous Fiscal Years	918	627	582	570	542
Total Complainants	863	562	517	528	470
Number complaints pending					
Investigation	12	2	4	2	12
ROI issued, pending Complainant's action	7	3	0	0	0
Hearing	12	243	216	277	200
Final Agency Action	29	16	20	14	22

Complaint Investigations	Comparative Data				
	Previous Fiscal Year Data				2012 Thru 09-30
	2008	2009	2010	2011	
Pending Complaints Where Investigations Exceed Required Time Frames	59	61	36	18	28

Department of the Treasury No FEAR Act Training Plan

The Department of the Treasury's bureaus determine the training and tracking methods and timeframe to conduct biennial No FEAR Act training. The Department will be revising its current No FEAR Act training module for implementation in FY 2014.

Bureau	Delivery of Training	Training Schedule	Training Completion Date
<p>Bureau of Engraving and Printing (BEP)</p> <p>Bureau of Public Debt (BPD)</p> <p>Financial Crimes Enforcement Network (FinCEN)</p> <p>Financial Management Service (FMS)</p> <p>United States Mint (Mint),</p> <p>Treasury Inspector General for Tax Administration (TIGTA)</p> <p>Alcohol and Tobacco Trade and Tax Bureau (TTB)</p>	<p>Treasury Learning Management System (TLMS)</p> <p>Training records in TLMS will be used to demonstrate employees received the No FEAR Act training. TLMS will automatically update the training records of employees who complete the training. When employees receive the No FEAR Act training via a method other than TLMS, EEO Office will work with their TLMS POCs to update the employee's training record. Bureau EEO Offices will cross-check the current list of all employees against the TLMS training records to verify how many current employees have in fact completed the training.</p>	<p>Bureau EEO Offices are responsible for notifying their workforce of this mandatory training requirement and providing alternative means of training delivery when needed.</p>	<p>Biennial training will occur no later than September 2013.</p>
<p>Internal Revenue Service (IRS)</p>	<p>Enterprise Learning Management System (ELMS)</p> <p>Training records in ELMS will be used to demonstrate employees received the No FEAR Act training. ELMS automatically updated the training records of employees who completed the training. When employees received the No FEAR</p>	<p>IRS Office of Equity, Diversity and Inclusion (EDI) is responsible for notifying their workforce of this mandatory training requirement and providing alternative means of delivery to those employees who did not have access to ELMS.</p>	<p>IRS biennial training will occur no later than September 2013.</p>

	Act training via a method other than ELMS, IRS manually updated the employee's ELMS training record. IRS cross-checked the current list of all employees against the ELMS training records to verify how many current employees completed the training.		
Office of the Special Inspector General for Troubled Asset Relief Program (SigTARP) Office of the Inspector General (OIG) Departmental Offices (DO) Office of the Comptroller of the Currency (OCC)	Treasury Learning Management System (TLMS) Training records in TLMS were used to demonstrate employees received the No FEAR Act training. TLMS automatically updated the training records of employees who completed the training. When employees receive the No FEAR Act training via a method other than TLMS, EEO Office worked with their TLMS POCs to update the employee's training record. Bureau EEO Offices cross-checked their current list of employees against the TLMS training records to verify how many current employees completed the training.	EEO Office and Training Office notified their workforce of this mandatory training requirement and provided alternative means of training delivery when needed.	Biennial training completed in FY 2012. Training will be conducted in FY 2014. Percentage of employees who completed No FEAR training in FY 12 by bureau: <ul style="list-style-type: none"> • SigTARP: 100% • OIG: 100% • DO: 55.1% • OCC: 99.6%