

## **State of EEO in the Federal Government**

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Washington, DC – Representation in federal work force in FY 2009, there were almost 2.8 million women and men employed by the federal government across the country and around the world.

55.9% were men and 44.1% were women; after a slow but steady increase, the participation rate for women fell slightly from last year (44.13% to 44.06%).

7.9% were Hispanic or Latino, 65.6% were White, 18.0% were Black or African American, 5.8% were Asian, 0.3% were Native Hawaiian/Other Pacific Islander, 1.7% were American Indian/Alaska Native, and 0.7% were persons of Two or More Races.

Between FY 2008 and FY 2009, Women, Hispanic or Latino men and women, men and women of Two or More Races, and White women remained below their overall availability in the national civilian labor force, as reported in the 2000 census (CLF).

After a steady decline for the past ten years, the participation rate of employees with targeted disabilities in the federal work force held steady in FY 2009 at 0.88%. Despite a modest net gain of 236 employees in FY 2009 over FY 2008, Individuals with Targeted Disabilities still fell far short of the 2% goal set by EEOC's LEAD Initiative.

### **Grade Levels**

Of the total work force, 0.74% held senior pay level positions, which is an increase from 0.68% in FY 2000. Over the last ten years women, Hispanic or Latino employees, Black/African American employees and Asian employees have made the most gains in securing senior level positions in the federal government, increasing their participation rates to 45.03%, 34.36%, 21.52% and 129.33% respectively.

Comparatively, women increased their participation rates in the total work force over the same period by 19.88%, Hispanic or Latino employees by 33.56%, Black/African American employees by only 10.62% and Asian employees by only 28.08%.

Of the total work force, 47.56% of employees occupied General Schedule and Related pay system positions.

The average grade for permanent and temporary General Schedule employees was 9.9 (\$51,869 per annum). For Hispanic or Latino employees (9.4, \$45,044 per annum), Black or African American employees (9, \$40,949 per annum), Native Hawaiian/Other Pacific Islander employees (7.9, \$42,405 per annum), American Indian/Alaska Native employees (8.4, \$40,783 per annum) and employees of Two or More Races (8.5, \$42,019 per annum). All had average grades lower than the government-wide average. The average grade for Asian employees (10.4, \$49,604 per annum) and White employees (10.2, \$46,598 per annum) exceeded the government-wide average.

The average General Schedule grade for women remained at 9.3 (\$43,679 per annum), more than one grade below the average grade level for men of 10.4 (\$49,604 per annum).

The average General Schedule grade for Individuals with Targeted Disabilities remained at 8.5 (\$42,019 per annum), nearly one and a half grades below the government-wide average (for permanent and temporary employees) of 9.9 (\$51,869 per annum).

Of the total work force, 6.99% of employees occupy positions in the Federal Wage System. In comparison to the

General Schedule and Related positions, the Federal Wage System had a higher percentage of men (89.36%), Hispanic or Latino men (6.89%), Black or African American men (14.54%), Asian men (3.39%), Native Hawaiian/Other Pacific Islanders (0.74%), American Indian/Alaska Natives (2.46%) and Individuals with Targeted Disabilities (1.07%) and a lower percentage of women (10.64%).

Of the total work force, 44.72% of employees occupied positions in Other Pay Systems (i.e. other than Senior Pay, General Schedule and Federal Wage Systems). In comparison to the General Schedule, the other pay systems had a higher percentage of men (56.19%), Asian employees (7.17%), Native Hawaiian/Other Pacific Islander employees (0.36%) and Persons of Two or More Races (0.75); and a lower percentage of Black or African American employees (18.05%), Hispanic or Latino employees (7.84%), White employees (64.78%), and American Indian/Alaska Native employees (1.08%).

### **Federal Agency EEO Compliance**

Of the 180 agencies and subcomponents that submitted a FY 2009 MD-715 report, 61% reported that they had issued an EEO policy on an annual basis, a decrease from the 79% of the 173 agencies and subcomponents that submitted an MD-715 report in FY 2008.

Of the 93 agencies (with 100 or more employees) that submitted a FY 2009 EEOC Form 462 report, 69 (74.2%) reported that the EEO Director reports directly to the agency head.

A state of the agency briefing to the agency head, required by MD-715, was conducted by 77% of the 180 agencies and subcomponents that submitted a FY 2009 MD-715 report, up from 76% of the 173 agencies and subcomponents that submitted a FY 2008 MD-715 report.

In FY 2009, EEOC's training and outreach program reached 4,095 federal employees through 139 sessions.

In FY 2009, EEOC Form 462 reports were timely filed by 81 or 87% of the 93 agencies (with 100 or more employees) that were required to submit an EEOC Form 462 report.

In FY 2009, 79% or 143 of the 180 agencies and subcomponents that submitted an MD-715 report did so by the February 1, 2010 deadline. No extensions were granted in FY 2009. In FY 2008, 50% or 73 of the agencies and subcomponents that submitted reports were timely; with extensions 80.7% or 117 of the 145 reports submitted in FY 2008 were timely. In FY 2007, MD-715 reports were timely filed by 77 or 44.7% of the 172 reporting agencies and subcomponents down from the 50% or 84 of the 167 reporting agencies and subcomponents in FY 2006.

### **EEOC Complaints**

Pre-complaint EEO counseling and alternative dispute resolution (ADR) programs addressed many employee concerns before they resulted in formal EEO complaints. Of the 39,038 instances of counseling in FY 2009, 52.8% did not result in a formal complaint due either to settlement by the parties or withdrawal from the EEO process.

In FY 2009, 15,825 individuals filed 16,947 complaints alleging employment discrimination against the federal government.

The number of complaints filed increased by 1.2% from the number filed the previous year and there was a 1.8% increase in the number of individuals who filed complaints over the same period. In FY 2009, 6.6% of the complaints filed were by individuals who had previously filed at least one other complaint during the year, a decrease from the 7.2% in FY 2008.

A total of 10,199 investigations were completed government-wide in an average of 185 days in FY 2009. Significantly, 7,432, or 72.9%, of the investigations were timely completed, less than FY 2008's 74.0% timely completed rate. Without the United States Postal Service's (USPS) investigations, the government-wide average drops to 61.8%, an increase

from the 58.7% timely completed in FY 2008.

Agencies issued 4,150 merit decisions without a decision by an EEOC Administrative Judge, and 2,276 (54.8%) of these decisions were timely issued, down from 63.5% timely issued in FY 2008. Without the USPS' merit decisions, the government-wide average drops to 35.2%.

EEOC's hearing receipts decreased by 9.4%, from 8,036 in FY 2008 to 7,277 in FY 2009. The average processing time for a hearing was 294 days, a 12.2% increase from FY 2008's average of 262 days.

EEOC's appeal receipts decreased by 6.6%, declining from 5,082 in FY 2008 to 4,745 in FY 2009. The average processing time for appeals in FY 2009 was 290 days, a 4.3% increase from the FY 2008 average of 278 days.

In FY 2009, as a result of final agency decisions, settlement agreements, and final agency actions in which agencies agreed to fully implement EEOC Administrative Judges' decisions, agencies paid monetary benefits to EEO complainants totaling \$41.7 million, up slightly from the \$41.0 million paid in FY 2008. An additional \$8.5 million was paid out in response to appellate decisions, a decrease from the \$12.3 million paid out in FY 2008.

## **EEOC Mission**

The U.S. Equal Employment Opportunity Commission (EEOC or Commission) was established by the Civil Rights Act of 1964, Title VII, with the mission of eradicating discrimination in the workplace. In the federal sector, EEOC enforces Title VII, which prohibits employment discrimination on the basis of race, color, religion, sex, and national origin; the Age Discrimination in Employment Act of 1967 (ADEA), which prohibits employment discrimination against individuals 40 years of age and older; the Equal Pay Act of 1963 (EPA), which prohibits discrimination on the basis of gender in compensation for substantially similar work under similar conditions; the Rehabilitation Act of 1973 (Rehabilitation Act), which prohibits employment discrimination against federal employees and applicants with disabilities, and requires that reasonable accommodations be provided; and beginning November 21, 2009 the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits employment discrimination on the basis of genetic information.

EEOC is charged with monitoring federal agency compliance with equal employment opportunity (EEO) laws and procedures and reviewing and assessing the effect of agencies' compliance with requirements to maintain continuing affirmative employment programs to promote equal employment opportunity and to identify and eliminate barriers to equality of employment opportunity.

Equal Employment Opportunity Management Directive 715 (MD-715), issued October 1, 2003, established standards for ensuring that agencies develop and maintain model EEO programs. These standards are used to measure and report on the status of the federal government's efforts to become a model employer.

## **Report Details**

This report covers the period from October 1, 2008, through September 30, 2009 and contains selected measures of agencies' progress toward model EEO programs.<sup>1</sup> Working within our mission as an oversight agency, EEOC strives to create a partnership with agencies.

The FY 2009 Annual Report on the Federal Work Force, submitted to the President and Congress, presents a summary of selected EEO program activities in the federal government, including work force profiles of 59 federal agencies. The report provides valuable information to all agencies as they strive to become model employers.

For more information on EEOC, visit [US Equal Employment Opportunity Commission \(EEOC\)](http://www.eeoc.gov)

[click here](#)

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