

May 1999

**EQUAL
EMPLOYMENT
OPPORTUNITY**

**Data Shortcomings
Hinder Assessment of
Conflicts in the
Federal Workplace**



General Government Division

B-282387

May 4, 1999

The Honorable Elijah E. Cummings
Ranking Minority Member
Subcommittee on Civil Service
Committee on Government Reform
House of Representatives

The Honorable Albert R. Wynn
House of Representatives

In July 1998, we reported to you that the number of equal employment opportunity (EEO) complaints alleging discrimination filed by federal employees had steadily increased, from 17,696 in fiscal year 1991 to 28,947 in fiscal year 1997.¹ In order to answer certain fundamental questions about the nature and extent of the workplace conflicts that underlie the rising number of discrimination cases, you requested that we develop information about (1) the statutory bases (e.g., race, sex, or disability discrimination) under which employees filed complaints and (2) the kinds of issues (e.g., nonselection for promotion, harassment) that were cited in these complaints. In our attempt to respond to your request, we analyzed data collected and reported by the Equal Employment Opportunity Commission (EEOC) on the bases for complaints filed with federal agencies, including the U.S. Postal Service, and the issues raised in these complaints.² On March 2, 1999, we informed you that these data would not answer the fundamental questions you had asked about the nature and extent of conflict in the federal workplace. You then asked for our assessment as to why the data collected and reported by EEOC were not helpful in answering these questions. This report discusses our assessment.

Results in Brief

Relevant and reliable data about the bases for federal employee discrimination complaints and the specific issues giving rise to these complaints would help decisionmakers and program managers understand the nature and extent of conflict in the federal workplace. These data could also be used to help plan corrective actions and measure the results

¹ Equal Employment Opportunity: Rising Trends in Complaint Caseloads in the Federal Sector (GAO/GGD-98-157BR, July 24, 1998). The figure for fiscal year 1997 is revised from the preliminary figure contained in the report.

² We refer to the U.S. Postal Service as a federal agency, even though it is an independent governmental establishment, because it is bound by most of the same discrimination complaint processes that apply to most federal agencies.

of interventions. However, EEOC does not collect and report data about bases and issues in a way that would help answer some fundamental questions about the nature and extent of workplace conflicts, such as:

- How many individuals filed complaints?
- In how many complaints was each of the bases for discrimination alleged?
- What were the most frequently cited issues in employees' discrimination complaints and in how many complaints was each of the issues cited?

Moreover, the reliability of the data that EEOC collects from agencies and reports is questionable. We found that agencies reported basis and issue data to EEOC in an inconsistent manner. We also found that agencies did not report to EEOC some of the data it requested and reported some other data incorrectly. In addition, because EEOC did not have procedures that ensured the reliability of the data it collected from agencies, it published some unreliable data in its annual Federal Sector Report on EEO Complaints Processing and Appeals.

We make recommendations to address these concerns near the end of this report.

Background

Under a variety of statutes, federal employees, including postal workers, can file a complaint alleging unlawful employment discrimination.³ Each discrimination complaint contains two key elements that provide information about the nature of the conflict.

The first of these two elements is the “basis” of the allegation under federal antidiscrimination law. An employee can allege discrimination on any of seven bases—race, color, national origin, sex, religion, age, and disability. In addition, federal employees can claim an eighth basis—reprisal—if they believe that they have been retaliated against for having filed a complaint, participated in an investigation of a complaint, or opposed a prohibited

³ Federal employee discrimination complaints are processed in accordance with regulations (29 C.F.R. part 1614) promulgated by EEOC. Under these regulations, a complaint is filed with the federal agency accused of discrimination. The agency decides whether to dismiss or accept the complaint, and investigates the complaint if it is accepted. After the investigation, a complainant can request a hearing before an EEOC administrative judge, who may issue a recommended decision that the agency is to consider in making its final decision on the merits of the complaint. An employee dissatisfied with a final agency decision or its decision to dismiss a complaint may file an appeal with EEOC. For a further discussion of the complaint process, see Equal Employment Opportunity: Rising Trends in Complaint Caseloads in the Federal Sector (GAO/GGD-98-157BR, July 24, 1998).

personnel practice. Depending upon the employee's situation, he or she can claim more than one basis when filing an EEO complaint.⁴

The second of the two elements that help define the nature of the conflict in a discrimination complaint is the "issue"—that is, the specific condition or event that is the subject of the complaint. Issues that employees can file complaints about include nonsexual and sexual harassment, nonselection for promotion, performance evaluations, duties that are assigned to them, and disciplinary actions (e.g., demotion, reprimand, suspension, and termination). (See app. I for a listing of categories of issues). As is true with respect to bases for complaints, an employee can raise multiple issues in a single complaint.

Agencies are required by regulations (29 C.F.R. 1614.602) and the EEOC Federal Sector Complaint Processing Manual, Equal Employment Opportunity Management Directive (EEO MD)-110 to report annually to EEOC data about the bases and issues cited in complaints, along with other complaint-related statistics.⁵ EEOC compiles the data from the agencies for publication in the annual Federal Sector Report on EEO Complaints Processing and Appeals.

According to the Management Directive, "The analyses of the data collected enable the EEOC to assist in refining the efficiency and effectiveness of the Federal EEO process." This objective conforms with one of the goals contained in EEOC's Annual Performance Plans for fiscal years 1999 and 2000. Likewise, as indicators of the nature and extent of workplace conflict, these data could be important to EEOC as it carries out its broader mission, which, as stated in the agency's Strategic Plan, "is to promote equal opportunity in employment by enforcing the federal civil rights employment laws through administrative and judicial actions, and education and technical assistance."⁶

⁴ For example, an employee complaining about nonselection for a promotion can allege (1) race discrimination if the person who was selected is of a different race, (2) sex discrimination if the person who was selected is of the opposite sex, (3) age discrimination if the person who was selected is under 40 years old while the complainant is 40 years of age or older, and (4) disability discrimination if the person who was selected is not disabled but the complainant is.

⁵ Agencies with an allocation of 100 or more employees are to complete the Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints (EEOC Form 462).

⁶ The Strategic and Annual Performance Plans are required by the Government Performance and Results Act.

Scope and Methodology

In assessing why the data collected and reported by EEOC were not helpful in answering fundamental questions about the nature and extent of conflict in the federal workplace, we examined several sources. We reviewed instructions for EEOC Form 462, Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints, the form that agencies use to report complaint basis and issue data to EEOC, particularly part IV of the form, Summary of Bases and Issues in Complaints Filed (see app. I for a copy of part IV of EEOC Form 462.) We examined statistics on complaint bases and issues published in EEOC's Federal Sector Report on EEO Complaints Processing and Appeals for fiscal years 1991 to 1997.⁷ Because postal workers accounted for about half of the discrimination complaints federal workers filed in fiscal year 1997, we obtained and analyzed forms 462 covering fiscal years 1991 to 1997 that the Postal Service submitted to EEOC in order to compare statistics for the postal workforce with the nonpostal workforce. In addition, the Postal Service provided us additional data on bases and issues generated by its complaint information system. We did not examine forms 462 for nonpostal agencies as we did for the Postal Service.

Although Form 462 data that each agency submits show the number of times the different issues were raised in each basis category, EEOC does not aggregate these data from all agencies to prepare a consolidated Form 462 (part IV). At our request, EEOC prepared a consolidated Form 462 (part IV). Because EEOC does not routinely compile data this way, we requested this information only for fiscal year 1997. EEOC provided data for all federal agencies and, by subtracting Postal Service data, also provided data for nonpostal agencies.

Further, we spoke with officials at EEOC and the Postal Service and representatives of the Council of Federal EEO and Civil Rights Executives. These officials provided observations about trends in the bases for and issues cited in complaints. Their comments, they said, were based on their experiences, rather than on specific studies. In addition, Council members from the Departments of Treasury and the Army provided information on how their respective agencies report complaint basis and issue data.

Finally, we reviewed sections of EEOC's Strategic Plan and its Annual Performance Plans for fiscal years 1999 and 2000 pertaining to the agency's federal sector operations.

⁷ We worked with a draft EEOC provided of the fiscal year 1997 Federal Sector Report on EEO Complaints Processing and Appeals. The fiscal year 1997 federal sector report was published on April 27, 1999.

We requested comments on a draft of this report from the Chairwoman, EEOC, and the Postmaster General. Their comments are discussed near the end of this report. We did our work from October 1998 through March 1999 in accordance with generally accepted government auditing standards.

Some Data That Would Answer Fundamental Questions Are Not Collected

EEOC does not collect relevant data in a way that would help answer some fundamental questions about the nature and extent of workplace conflict alleged in federal employees' discrimination complaints. Among the kinds of questions that cannot be answered are:

- How many individuals filed complaints?
- In how many complaints was each of the bases for discrimination alleged?
- What were the most frequently cited issues in employees' discrimination complaints and in how many complaints was each of the issues cited?

Answers to such questions would help decisionmakers and program managers understand the extent to which different categories of employees are filing complaints and the conditions or events that are causing them to allege discrimination.

Data on the Number of Complainants and How Often Employees File Complaints Are Not Collected

One fundamental question that cannot be answered is the number of individual employees who have filed complaints. EEOC does not collect data on the number of employees who file complaints, nor on how often individual employees file complaints. These numbers would be crucial to an analysis of the extent to which the increase in the number of complaints in the 1990s (see p. 1) was due to individuals filing first-time complaints or included individuals who had filed other complaints in the past. Without data on the number of complainants and the frequency of their complaints, decisionmakers do not have a clear picture of the nature and extent of alleged discrimination in the workplace and the actions that may be necessary to deal with these allegations.

For example, a number of factors indicate that the increase in the number of discrimination complaints does not necessarily signify an equivalent increase in the actual number of individuals filing complainants. First, an undetermined number of federal employees have filed multiple complaints. According to EEOC and Postal Service officials and representatives of the Council of EEO and Civil Rights Executives, while they could not readily provide figures, they said it has been their experience that a small number of employees—often referred to as “repeat filers”—account for a disproportionate share of complaints. Additionally, an EEOC workgroup that reviewed the federal employee discrimination complaint process

reported that the number of cases in the system was “swollen” by employees filing “spin-off complaints”—new complaints challenging the processing of existing complaints. Further, the work group found that the number of complaints was “unnecessarily multiplied” by agencies fragmenting some claims involving a number of different allegations by the same employee into separate complaints rather than consolidating these claims into one complaint.⁸ In addition, there has been an increase in the number of complaints alleging reprisal, which, for the most part, involve claims of retaliation by employees who have previously participated in the complaint process.

Prevalence of Bases and Issues Is Not Determined

Questions about the prevalence of bases and issues in the universe of complaints are not answerable because of the manner in which EEOC collects these data. Accurate answers to such questions are necessary to help decisionmakers and program managers discern trends in workplace conflicts, understand the sources of conflict, and plan corrective actions. These data could give managers a clearer picture of the extent to which particular groups of employees may feel aggrieved and the conditions or events that trigger their complaints. For example, managers would be able to better discern trends in the numbers of black employees alleging racial discrimination and the issues they have raised most frequently.

EEOC prescribes a format for agencies to report complaint bases and issues data (see app. I). The form is a matrix that, according to EEOC instructions, requires agencies to associate the basis or bases of an individual complaint with the issue or issues raised in that complaint. However, there are problems in counting bases and issues this way. Complaints with two or more bases and/or issues can result in the same basis and/or issue being counted more than once. For example, suppose an employee specifies that race, sex, age, and disability discrimination were the bases for his or her complaint, while nonselection for promotion, a poor performance evaluation, and an assignment to noncareer-enhancing duties were the issues. In preparing the report to EEOC, the agency would record each of the three issues in the columns corresponding with each of the four bases. Table 1 illustrates how this complaint would fit into the preparation of the overall report to EEOC. The table is a matrix with excerpts of similar rows and columns that appear on the form submitted to EEOC (see app. I).

⁸ EEOC has proposed regulatory changes to deal with “spin-off” complaints and said it plans to amend its policies to deal with the problem of fragmented complaints.

Table 1: Recording Bases and Issues in a Hypothetical Complaint

Issues	Bases				Total
	Race	Sex	Age	Disability	
Nonselection	x	x	x	x	4
Evaluation	x	x	x	x	4
Duties	x	x	x	x	4
Total	3	3	3	3	12

Legend: "X" indicates that an issue and a basis were associated.

Source: GAO hypothetical illustration.

To determine the number of times each basis is alleged, EEOC instructs agencies to add the number of times each issue was recorded in each column of the matrix. In this illustration, the agency would count each basis three times—once for each of the three issues recorded in each of the columns. To determine the number of times each issue is alleged, EEOC instructs agencies to add each row of the matrix. In this illustration, the agency would count each issue four times—once for each of the four bases under which they were recorded. Overall, the agency would report that 12 bases and 12 issues were alleged in this single hypothetical complaint rather than the 4 bases and 3 issues actually cited.

EEOC uses these data from agencies to compile the number of times each basis and each issue was alleged governmentwide, which it publishes in the annual Federal Sector Report on EEO Complaints Processing and Appeals. The figure reported for the number of times that a particular basis was alleged, however, represents the sum of the number of times that the various issues were recorded in the column under that basis, not the actual number of complaints in which that basis was alleged. Similarly, the figure reported for the number of times that a particular issue was cited represents the sum of the number of times the issue was recorded under each of the bases, not the actual number of complaints in which that issue was cited. EEOC does not know the extent to which bases and issues may be counted more than once for the same complaint. EEOC's Complaint Adjudication Division Director said that while the reporting procedures result in overreporting of the number of times the different bases and issues were alleged, he believes that the data provide a "fair approximation" of bases and issues included in complaints. He agreed, however, that recording data in a way that would establish the number of times the different bases and issues are cited in the universe of complaints would make sense.

The way EEOC collects basis and issue data does, however, yield some insight into the importance of the different issues to the different categories of complainants. The form that each agency is to complete shows the issues raised under each basis and the number of times that a

particular issue was raised. With these data, an agency manager can determine, for example, the issues that female employees alleging sex discrimination complained about and the number of times each of those issues was raised. The one essential statistic that is missing, however, is the actual number of complaints made by women alleging sex discrimination. Further, while EEOC collects information showing the extent to which specific issues are associated with specific bases at each agency, it does not aggregate this information for all federal agencies.⁹

Data Are Not Always Reported Consistently, Completely, or Accurately

The discrimination complaint data that EEOC has collected and reported are of questionable reliability because (1) agencies did not always report data consistently, completely, or accurately and (2) EEOC did not have procedures that ensured the data were reliable.

Federal agencies take varying approaches to reporting data on complaint bases and issues to EEOC. We reviewed the Postal Service's data submissions to EEOC, as well as the process to prepare these submissions, and found that the agency did not follow EEOC's instructions to associate the issue or issues raised in each complaint with the basis or bases involved. For each complaint, regardless of the number of issues raised by the employee, the Postal Service identified and reported only one "primary" issue. In commenting on a draft of this report, the Postal Service's Manager, EEO Compliance and Appeals, said that the Postal Service adopted this approach to give the data more focus by identifying the primary issues driving postal workers' discrimination complaints.

We did not review reports and reporting practices among nonpostal agencies for consistency and attention to completeness and accuracy. However, we spoke with officials from two large nonpostal agencies who indicated that they followed EEOC instructions, which, as discussed above, can result in an overcounting of bases and issues. EEOC's Complaints Adjudication Division Director said that agencies might be using different approaches to reporting the data. However, he said that he did not know the extent to which such variation may exist because EEOC had not examined how agencies complete their reports.

The issue of incomplete or inaccurate reporting of data was evident in our analysis of the data that the Postal Service reported to EEOC for fiscal years 1992 and 1995 through 1997. We analyzed Postal Service statistics

⁹ At our request, EEOC aggregated this data governmentwide for fiscal year 1997. While we believe the aggregated information provided some insight into federal workplace conflict, its immediate usefulness was compromised by the reliability issues discussed in this report.

because postal workers accounted for about half of the discrimination complaints filed by federal employees in fiscal year 1997. In addition to not completely reporting all issues raised in complaints, we found that the Postal Service's statistical reports to EEOC for fiscal years 1996 and 1997 did not include data for certain categories of issues.¹⁰ Further, we found certain underreporting of bases for complaints and issues by the Postal Service in fiscal year 1995. Postal Service officials also told us that complaint statistics were incomplete for fiscal year 1992.

Another, especially significant, reporting error we identified involved the number of race-based complaints. As a result of a computer programming error, the number of complaints reported by the Postal Service to contain allegations by white postal workers of discrimination based on race was overstated in fiscal years 1996 and 1997 by about 500 percent.¹¹

After we brought these errors to the attention of Postal Service officials, they provided corrected data to us and EEOC for all errors except those relating to the fiscal year 1992 data. Postal Service officials said that because EEO-related staff had been reassigned during restructuring of the Postal Service that began in fiscal year 1992, not all complaints were properly accounted for that year. The officials also said that the computer program used to generate reports to EEOC had been modified to correct the fault in the way race-based complaints are to be counted.

Errors in data reported to or by EEOC were a recurring problem in our work identifying trends in federal sector EEO complaints.¹² In addition to the Postal Service data errors, during our prior work, we found errors for nonpostal agencies' data. EEOC does not audit or verify the data it receives from agencies and publishes in the annual Federal Sector Report on EEO Complaints Processing and Appeals because of time

¹⁰ The Postal Service developed additional categories of issues to further delineate the categories established by the EEOC statistical report (see app. D). In completing the EEOC form, however, the Postal Service failed to include data about these categories of issues. These omitted data involved both the number of complaints in which the delineated issue was the primary issue and the bases alleged in those complaints.

¹¹ In fiscal year 1996, the Postal Service originally reported to EEOC that 9,044 (about 68 percent) of the 13,252 complaints filed that year contained allegations by white postal workers of race discrimination. The corrected figure was 1,505 (11.4 percent) of the complaints filed that year. In fiscal year 1997, the Postal Service originally reported that 10,040 (70 percent) of the 14,326 complaints filed that year contained such allegations. The corrected figure was 1,654 (11.5 percent) of the complaints filed that year.

¹² Equal Employment Opportunity: Rising Trends in EEO Complaint Caseloads in the Federal Sector (GAO/GGD-98-157BR, July 24, 1998) and Equal Employment Opportunity: Administrative Judges' Recommended Decisions and Agencies' Actions (GAO/GGD-98-122R, June 10, 1998).

considerations and staff limitations, according to the Complaints Adjudication Division Director. He said, however, that EEOC staff review agencies' data to identify figures that appear unusual or inconsistent with other data reported. As we observed, this procedure did not ensure the reliability of the data EEOC collected and put in print. For example, in preparing the aggregated figures that it published in its federal sector report for fiscal year 1996, EEOC used the Postal Service's vastly overstated data on racial discrimination complaints by white employees, thereby skewing the portrayal of discrimination complaint trends governmentwide.¹³

Conclusions

Data about the bases for complaints and the issues giving rise to them can be valuable in gauging conflict in the federal workplace. However, EEOC does not collect or report relevant agency data in a way that would help answer fundamental questions about the number of complainants and the prevalence of bases and issues in the universe of complaints. In addition, some of the data collected and reported by EEOC have lacked the necessary reliability because agencies did not report their data consistently, completely, or accurately, and because EEOC did not have procedures that ensured the data were reliable. Consequently, the data do not provide a sound basis for decisionmakers, program managers, and EEOC to understand the nature and extent of workplace conflict, develop strategies to deal with conflict, and measure the results of interventions.

Recommendations

To help ensure that relevant and reliable data are available to decisionmakers and program managers, we recommend that the Chairwoman, EEOC, take steps to enable EEOC to

- collect and publish data on complaint bases and issues in a manner that would allow fundamental questions about the number of complainants and the prevalence of bases and issues in the universe of complaints to be answered, and
- develop procedures to help ensure that agencies report data consistently, completely, and accurately.

Agency Comments and Our Evaluation

We received comments on a draft of this report from EEOC and the Postal Service. In its written comments (see app. II), EEOC agreed that the data collected from federal agencies could be more comprehensive and accurate. EEOC said that it would expedite its efforts to revise the

¹³ After the incorrect Postal Service data had been brought to EEOC's attention, an EEOC official told us that EEOC recalled the fiscal year 1997 federal sector report before final publication in order to correct fiscal year 1997 data. The fiscal year 1997 report would also contain corrected numbers for fiscal years 1995 and 1996 when it is published.

instructions for data collection and that it would address the concerns we raised in this report. EEOC further stated that, given the required review and approval processes, including allowing time for federal agencies to comment, it would take about 8 months to issue the changes and an additional 12 months for the agencies to report complaint data to EEOC in accordance with the new instructions.

Under EEOC's timetable, it will be several years before EEOC's annual federal sector reports reflect the results of the agency's efforts to revise instructions for data collection and to promote more comprehensive and reliable reporting. EEOC's revised instructions would be issued in the beginning of fiscal year 2000, and the first complete fiscal year for which the instructions would be applicable would be fiscal year 2001. Agencies' statistical reports for the fiscal year ending 2001 would not be submitted to EEOC until fiscal year 2002 for later publication in the Federal Sector Report on EEO Complaints Processing and Appeals. EEOC did not indicate, however, when the first federal sector report containing these data would be published.

EEOC also said that that it would take action to address our concerns about data consistency, completeness, and accuracy. To deal with problems in the reliability of the data collected from agencies, EEOC said that it would urge agencies to give higher priority to the accuracy of their data. EEOC said it will ask agencies to certify the reliability of the data they provide and to explain how they ensure the quality of their data. In addition, EEOC said that if additional resources it has requested for fiscal year 2000 become available, it would be able to conduct on-site reviews to assess the reliability of agency data, more closely examine the nature of workplace disputes, and work with agencies to improve their EEO programs.

We believe that the actions proposed by EEOC are generally responsive to our recommendation and would add some measure of reliability to the data it collects and reports. By urging agencies to give higher priority to data reliability, EEOC would be reiterating its current policy, as stated in Management Directive 110, that "Every effort should be made to ensure accurate recordkeeping and reporting of federal EEO data and that all data submissions are fully responsive and in compliance with information requests." By proposing that agencies certify the reliability of their data and explain how they ensure data quality, EEOC will be providing a mechanism for holding agencies more accountable for producing reliable and accurate data and, if followed, would have some basis to assess the extent to which an agency's processes may ensure the data's reliability and

accuracy. An assessment of agencies' quality control procedures and consideration of discrepancies contained in previous data submissions, among other factors, would enable EEOC to select agencies for any future on-site reviews based on the estimated risk of agencies submitting unreliable data.

On April 9, 1999, the Postal Service's Manager, EEO Compliance and Appeals, provided oral comments on a draft of this report. He said that the report, in general, accurately describes the data shortcomings and opens the door for dialogue on how data could be collected in a manner that would better serve decisionmakers. He agreed with the recommendation that data be collected on the number of complainants. In addition, he suggested that data be collected on the number of repeat filers. The official said it has been his experience that between 60 and 70 individuals account for every 100 complaints in a fiscal year. He also suggested that EEOC collect data about the race and sex of complainants along basis and issue lines. He further suggested that similar data be collected for individuals seeking counseling. The official said that the Postal Service's complaint information system is capable of producing this kind of information because it tracks individuals by their Social Security number. For example, he said that his office has been able to provide Postal Service management with complaint data for each of the Service's 85 districts in order to identify the extent of workplace conflicts at the different locations and the primary issues driving the conflicts. He said, however, that the issues listed on EEOC Form 462 (see app. I) need to be revised to make them more relevant to the agencies reporting to EEOC. He suggested that EEOC convene a working group of federal agency representatives to deal with this and other data issues.

We believe the Postal Service official's suggestion that EEOC develop a working group of federal agency representatives to participate in revising data collection requirements would allow stakeholders to be active partners in the development of data collection requirements that affect them. Although we did not identify all of the data that would be useful to decisionmakers and program managers, a working group would provide a forum for developing a consensus on data needs. It might be appropriate to include congressional stakeholders in any working group because of their oversight and policymaking responsibilities. It should be noted that other agencies that deal with redress and human capital issues—the Office of Personnel Management and the Merit Systems Protection Board—have working groups or panels to assist them in carrying out their missions.

The Postal Service official also said it would be helpful if EEOC revised its system of collecting data to facilitate more timely collection and publication of federal sector EEO complaint data. He noted that the federal sector reports are published nearly 2 years after the fiscal year's end. More timely data, he said, would make data more useful to decisionmakers.

We agree that more timely data are more likely to be useful to decisionmakers. Although timeliness is not an issue we reviewed, we did observe what appeared to be lengthy periods before data were made available. For example, EEOC published the fiscal year 1997 Federal Sector Report on EEO Complaints Processing and Appeals on April 27, 1999, 18 months after the end of fiscal year 1997. The working group proposed by the Postal Service official could be a forum for further exploring this issue.

As agreed with your offices, we plan no further distribution of this report until 30 days after its issuance, unless you publicly release its contents earlier. We will then send copies of this report to Senators Daniel K. Akaka, Thad Cochran, Joseph I. Lieberman, and Fred Thompson; and Representatives Robert E. Andrews, John A. Boehner, Dan Burton, William L. Clay, Chaka Fattah, William F. Goodling, Steny H. Hoyer, Jim Kolbe, John M. McHugh, David Obey, Harold Rogers, Joe Scarborough, Jose E. Serrano, Henry A. Waxman, and C. W. Bill Young in their capacities as Chair or Ranking Minority Members of Senate and House Committees and Subcommittees. We will also send copies to The Honorable Ida L. Castro, Chairwoman, EEOC; The Honorable William J. Henderson, Postmaster General; The Honorable Janice R. Lachance, Director, Office of Personnel Management; The Honorable Jacob Lew, Director, Office of Management and Budget; and other interested parties. We will make copies of this report available to others on request.

Major contributors to this report are listed in appendix III. Please contact me on (202) 512-8676 if you or your staff have any questions concerning this report.



Michael Brostek
Associate Director, Federal Management
and Workforce Issues

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Abbreviations

EEO	equal employment opportunity
EEOC	Equal Employment Opportunity Commission

Part IV of EEOC Form 462, Summary of Bases and Issues in Complaints Filed

Figure I.1: Form Used by Agencies to Report Statistics on Bases and Issues in Complaints Filed

PART IV. SUMMARY OF BASES AND ISSUES IN COMPLAINTS FILED														
ISSUE(S) OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION													
	RACE AND COLOR				RELIGION	SEX		NATIONAL ORIGIN		AGE	HANDICAP		REPRISAL	TOTAL
	BLACK	WHITE	AMERICAN INDIAN/ ALASKA NATIVE	ASIAN/PACIFIC ISLAND		MALE	FEMALE	HISPANIC	OTHER		PHYSICAL	MENTAL		
APPOINTMENT/HIRE														
ASSIGNMENT OF DUTIES														
AWARDS														
CONVERSION TO FULL-TIME														
DISCIPLINARY ACTION														
a. DEMOTION														
b. REPRIMAND														
c. SUSPENSION														
d. TERMINATION														
e. OTHER														
DUTY HOURS														
EQUAL PAY ACT VIOLATION														
EXAMINATION/TEST														
EVALUATION/APPRaisal														
HARASSMENT														
a. NON-SEXUAL														
b. SEXUAL														
PAY INCLUDING OVERTIME														
PROMOTION/NON-SELECTION														
REASSIGNMENT														
a. REQUEST DENIED														
b. DIRECTED														
REINSTATEMENT														
RETIREMENT														
TIME AND ATTENDANCE														
TRAINING														
TERMS/CONDITIONS OF EMPLOYMENT														
OTHER														
TOTAL														

Comments From the U.S. Equal Employment Opportunity Commission



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, DC 20507

April 9, 1999

Office of
the Chairwoman

Mr. Michael Brostek
Associate Director, Federal Management and Workplace Issues
General Accounting Office
Washington, D.C.

Dear Mr. Brostek:

Thank you for providing us with the opportunity to review the General Accounting Office's draft report on EEOC's data collection for the federal sector EEO process. The draft report concludes that EEOC does not collect and report data about bases and issues in a way that would help answer some fundamental questions about the nature and extent of workplace conflicts. These include questions such as how many individuals filed complaints, in how many complaints each of the bases for discrimination were alleged, and what were the most frequently cited issues in employees' discrimination complaints. The report also concludes that the reliability of the data that EEOC collects from agencies and reports is questionable, and that EEOC did not have procedures that ensured the reliability of the data that it publishes.

EEOC agrees that the data collected from federal agencies could be more comprehensive and accurate. I have directed that efforts to clarify instructions for data collection, begun a year ago, be expedited and address the concerns raised in the GAO report. At the same time, we believe each agency bears the major responsibility to ensure the accuracy of its data. We urge agencies to give higher priority to the accuracy of their EEO data collection, tabulation and analysis efforts to provide the information their managers and decision-makers need to address the cause of workplace conflicts. We will do our part by requiring that agencies certify the reliability of the data they provide to us and to explain how they assure the quality of their data.

As you know, EEOC's resources are sorely pressed to keep up with the burgeoning workload of requests for federal sector hearings and appeals, as amply documented in GAO's Report of July 1998, Equal Employment Opportunity: Rising Trends in Complaint Caseloads in the Federal Sector (GAO/GGD-98-157BR, July 24, 1998). If additional resources requested for FY 2000 are provided, we would welcome the opportunity to expand our analysis of the underlying causes of the rising EEO complaint workload in the federal sector, based on more accurate data. Additional resources would enable us to conduct on-site reviews, which provide

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Appendix II
Comments From the U.S. Equal Employment Opportunity Commission

the vehicle for more closely examining the nature of workplace disputes, assessing the reliability of agency data, and working with agencies to improve their EEO programs.

With respect to our efforts to revise instructions for data collection to promote more comprehensive and reliable reporting of federal EEO data, we plan to pursue changes with due speed. However, with the review and approval processes required, which include allowing time for our federal partners to comment, reviews for paperwork reduction and time for printing, etc, it is likely to take close to 8 months to issue the changes and then another 12 months before agencies will be reporting in accordance with the new instructions.

Please be assured that EEOC is committed to improving the quality of federal sector EEO data and doing that which is possible within the limits of our resources to assist federal agencies in addressing the causes of workplace conflicts. We welcome your insights and support in these important matters.

Sincerely,



Ida L. Castro
Chairwoman

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