

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY
STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS
(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: **Surface Transportation Board** REPORTING PERIOD: FY **2009**

PART I - PRE-COMPLAINT COUNSELING

EEO COUNSELOR	COUNSELINGS	
	COUNSELINGS	INDIVIDUALS
A. TOTAL COMPLETED/ENDED COUNSELINGS	1	1
1. COUNSELED WITHIN 30 DAYS	1	1
2. COUNSELED WITHIN 31 TO 90 DAYS		
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 90 DAYS		
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR		
c. COUNSELED WITHIN 31-90 DAYS THAT WERE UNTIMELY		
3. COUNSELED BEYOND 90 DAYS		
4. COUNSELED DUE TO REMANDS		
ADR INTAKE OFFICER	COUNSELINGS	
	COUNSELINGS	INDIVIDUALS
B. TOTAL COMPLETED/ENDED COUNSELINGS	0	
1. COUNSELED WITHIN 30 DAYS		
2. COUNSELED WITHIN 31 TO 90 DAYS		
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 90 DAYS		
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR		
c. COUNSELED WITHIN 31-90 DAYS THAT WERE UNTIMELY		
3. COUNSELED BEYOND 90 DAYS		
4. COUNSELED DUE TO REMANDS		
COMBINED TOTAL	COUNSELINGS	
	COUNSELINGS	INDIVIDUALS
C. TOTAL COMPLETED/ENDED COUNSELINGS	1	1
1. COUNSELED WITHIN 30 DAYS	1	1
2. COUNSELED WITHIN 31 TO 90 DAYS		
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 90 DAYS		
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR		
c. COUNSELED WITHIN 31-90 DAYS THAT WERE UNTIMELY		
3. COUNSELED BEYOND 90 DAYS		
4. COUNSELED DUE TO REMANDS		
D. COUNSELING ACTIVITIES	COUNSELINGS	
	COUNSELINGS	INDIVIDUALS
1. ON HAND AT THE BEGINNING OF THE REPORTING PERIOD	0	0
2. INITIATED DURING THE REPORTING PERIOD	1	1
3. COMPLETED/ENDED COUNSELINGS	1	1
a. SETTLEMENTS (MONETARY AND NON-MONETARY)	0	0
b. WITHDRAWALS/NO COMPLAINT FILED	0	0
c. COUNSELINGS COMPLETED/ENDED IN REPORTING PERIOD THAT RESULTED IN COMPLAINT FILINGS IN REPORTING PERIOD	1	1
d. DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD	0	0
4. COUNSELINGS PENDING AT THE END OF THE REPORTING PERIOD	0	0

E. NON-ADR SETTLEMENTS WITH MONETARY BENEFITS	TOTAL		
	COUNSELINGS	INDIVIDUALS	AMOUNT
TOTAL	0	0	
1. COMPENSATORY DAMAGES			\$
2. BACKPAY/FRONTPAY			\$
3. LUMP SUM PAYMENT			\$
4. ATTORNEY FEES AND COSTS			\$
5.			
6.			
7.			
F. NON-ADR SETTLEMENTS WITH NON-MONETARY BENEFITS	TOTAL		
	COUNSELINGS	INDIVIDUALS	
TOTAL	0	0	
1. HIRES			
a. RETROACTIVE			
b. NON-RETROACTIVE			
2. PROMOTIONS			
a. RETROACTIVE			
b. NON-RETROACTIVE			
3. EXPUNGEMENTS			
4. REASSIGNMENTS			
5. REMOVALS RESCINDED			
a. REINSTATEMENT			
b. VOLUNTARY RESIGNATION			
6. ACCOMMODATIONS			
7. TRAINING			
8. APOLOGY			
9. DISCIPLINARY ACTIONS			
a. RESCINDED			
b. MODIFIED			
10. PERFORMANCE EVALUATION MODIFIED			
11. LEAVE RESTORED			
12.			
13.			
G. ADR SETTLEMENTS WITH MONETARY BENEFITS	TOTAL		
	COUNSELINGS	INDIVIDUALS	AMOUNT
TOTAL	0	0	
1. COMPENSATORY DAMAGES			\$
2. BACKPAY/FRONTPAY			\$
3. LUMP SUM PAYMENT			\$
4. ATTORNEY FEES AND COSTS			\$
5.			
6.			
7.			
H. ADR SETTLEMENTS WITH NON-MONETARY BENEFITS	TOTAL		
	COUNSELINGS	INDIVIDUALS	
TOTAL	0	0	
1. HIRES			
a. RETROACTIVE			
b. NON-RETROACTIVE			
2. PROMOTIONS			
a. RETROACTIVE			
b. NON-RETROACTIVE			
3. EXPUNGEMENTS			
4. REASSIGNMENTS			
5. REMOVALS RESCINDED			
a. REINSTATEMENT			
b. VOLUNTARY RESIGNATION			
6. ACCOMMODATIONS			
7. TRAINING			
8. APOLOGY			
9. DISCIPLINARY ACTIONS			
a. RESCINDED			
b. MODIFIED			
10. PERFORMANCE EVALUATION MODIFIED			
11. LEAVE RESTORED			
12.			
13.			
I. NON-ADR SETTLEMENTS	TOTAL		
	COUNSELINGS	INDIVIDUALS	
TOTAL	0	0	

**ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY
STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS**

(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: **STB**

REPORTING PERIOD: FY

PART II - FORMAL COMPLAINT ACTIVITIES

PART III - AGENCY RESOURCES, TRAINING, REPORTING LINE

0 A. COMPLAINTS ON HAND AT THE BEGINNING OF THE REPORTING PERIOD

1 B. COMPLAINTS FILED

0 C. REMANDS
C 1. REMANDS (NOT INCLUDED IN A. OR B.)
C 2. REMANDS (INCLUDED IN A. OR B.)

1 D. TOTAL COMPLAINTS

E. COMPLAINTS IN LINE D THAT WERE NOT CONSOLIDATED

F. COMPLAINTS IN LINE E CLOSED DURING REPORT PERIOD

G. COMPLAINTS IN LINE D THAT WERE CONSOLIDATED

H. COMPLAINTS IN LINE G CLOSED DURING REPORT PERIOD

I. COMPLAINTS ON HAND AT THE END OF THE REPORTING PERIOD (Line D - (sum of Lines F+H))

J. INDIVIDUALS FILING COMPLAINTS

K. NUMBER OF JOINT PROCESSING UNITS FROM CONSOLIDATION OF COMPLAINTS

A. AGENCY & CONTRACT RESOURCES

	AGENCY		CONTRACT	
	NUMBER	PERCENT	NUMBER	PERCENT
1. WORK FORCE				
a. TOTAL WORK FORCE	148			
b. PERMANENT EMPLOYEES	145			
2. COUNSELOR				
a. FULL-TIME				
b. PART-TIME				
c. COLLATERAL DUTY				
3. INVESTIGATOR				
a. FULL-TIME				
b. PART-TIME				
c. COLLATERAL DUTY				
4. COUNSELOR/INVESTIGATOR				
a. FULL-TIME				
b. PART-TIME				
c. COLLATERAL DUTY				

B. AGENCY & CONTRACT STAFF TRAINING

	COUNSELORS		INVESTIGATORS		COUNS/INVESTIG	
	AGENCY	CONTRACT	AGENCY	CONTRACT	AGENCY	CONTRACT
1. NEW STAFF - TOTAL						
a. STAFF RECEIVING REQUIRED 32 OR MORE HOURS						
b. STAFF RECEIVING 8 OR MORE HOURS, USUALLY GIVEN TO EXPERIENCED STAFF						
c. STAFF RECEIVING NO TRAINING AT ALL						
2. EXPERIENCED STAFF - TOTAL						
a. STAFF RECEIVING REQUIRED 8 OR MORE HOURS						
b. STAFF RECEIVING 32 OR MORE HOURS, GENERALLY GIVEN TO NEW STAFF						
c. STAFF RECEIVING NO TRAINING AT ALL						

C. REPORTING LINE

1. DOES THE EEO DIRECTOR REPORT TO THE AGENCY HEAD? YES NO
X

2. IF NO, WHO DOES THE EEO DIRECTOR REPORT TO?
PERSON:
TITLE:

3. WHO IS RESPONSIBLE FOR THE DAY-TO-DAY OPERATION OF THE EEO PROGRAM IN YOUR DEPARTMENT/AGENCY/ORGANIZATION?
PERSON: **Phillis Johnson-Ball**
TITLE: **EEO Program Director**

4. WHO DOES THAT PERSON REPORT TO?
PERSON: **Daniel Elliott**
TITLE: **Chairman**

*EEO Counselors and Investigators are contracted to Lee Kamer Associates.

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AGENCY OR DEPARTMENT: STB

REPORTING PERIOD: FY 2003

PART V - SUMMARY OF CLOSURES BY STATUTE

A. STATUTE (IF A SINGLE COMPLAINT HAS MULTIPLE STATUTES RECORD EACH ON THE APPROPRIATE LINE.)

- * _____ 1. TITLE VII
 _____ 2. AGE DISRIMINATION IN EMPLOYMENT ACT (ADEA)
 _____ 3. REHABILITATION ACT
 _____ 4. EQUAL PAY ACT (EPA)

B. TOTAL BY STATUTES

1 THIS NUMBER MAY BE LARGER THAN THE TOTAL NUMBER OF COMPLAINTS CLOSED.
 (A1+A2+A3+A4)

PART VI - SUMMARY OF CLOSURES BY CATEGORY

	TOTAL NUMBER	TOTAL DAYS	AVERAGE DAYS
A. TOTAL NUMBER OF CLOSURES (1+2+3)	1		180
1. WITHDRAWALS			
a. NON-ADR WITHDRAWALS			
b. ADR WITHDRAWALS			
2. SETTLEMENTS			
a. NON-ADR SETTLEMENTS			
b. ADR SETTLEMENTS			
3. FINAL AGENCY DECISIONS (B+C)	1		
B. FINAL AGENCY DECISIONS WITHOUT AN ADMINISTRATIVE JUDGE DECISION (1+2+3)	1	180	
1. FINDING DISCRIMINATION	0		
2. FINDING NO DISCRIMINATION	1		
3. DISMISSAL OF COMPLAINTS	0		
C. FINAL AGENCY ACTIONS WITH AN ADMINISTRATIVE JUDGE (AJ) DECISION (1+2)	0		
1. AJ DECISION FULLY IMPLEMENTED (a+b+c)			
(a) FINDING DISCRIMINATION			
(b) FINDING NO DISCRIMINATION			
(c) DISMISSAL OF COMPLAINTS			
2. AJ DECISION NOT FULLY IMPLEMENTED (a+b+c)			
(a) FINDING DISCRIMINATION (i+ii+iii)			
i. AGENCY APPEALED FINDING BUT NOT REMEDY			
ii. AGENCY APPEALED REMEDY BUT NOT FINDING			
iii. AGENCY APPEALED BOTH FINDING AND REMEDY			
(b) FINDING NO DISCRIMINATION			
(c) DISMISSAL OF COMPLAINTS			

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PART VI - SUMMARY OF CLOSURES BY CATEGORY (Continued)

	TOTAL NUMBER	TOTAL DAYS	AVERAGE DAYS
D. FINAL AGENCY MERIT DECISIONS (FAD) ISSUED (1+2+3)	1	60	
1. COMPLAINANT REQUESTED IMMEDIATE FAD (1a+1b)	1		
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF FAD REQUEST	1		
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND RECEIPT OF FAD REQUEST			
2. COMPLAINANT DID NOT ELECT HEARING OR FAD (2a+2b)			
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF END OF 30-DAY ELECTION PERIOD			
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND END OF 30-DAY ELECTION PERIOD			
3. HEARING REQUESTED, AJ RETURNED CASE TO AGENCY FOR FAD WITHOUT AJ DECISION (3a+3b)			
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF AJ RETURNED CASE FOR FAD ISSUANCE			
b. AGENCY ISSUED FAD MORE THAN 60 DAYS AFTER RECEIPT OF AJ RETURNED CASE FOR FAD ISSUANCE			

**PART VII - SUMMARY OF COMPLAINTS CLOSED WITH BENEFITS
DURING FORMAL COMPLAINT STAGE**

			AMOUNT
A. TOTAL COMPLAINTS CLOSED WITH BENEFITS	0		
B. CLOSURES WITH MONETARY BENEFITS TO COMPLAINANT			\$
1. BACK PAY/FRONT PAY			\$
2. LUMP SUM PAYMENT			\$
3. COMPENSATORY DAMAGES			\$
C. CLOSURES WITH ATTORNEY FEES AND COSTS			\$
D. SUBTOTAL OF ALL MONETARY BENEFITS (B+C)			\$
E. CLOSURES WITH NON-MONETARY BENEFITS			
F. TYPES OF BENEFITS		NUMBER OF CLOSURES	NUMBER OF CLOSURES WITH
		WITH MONETARY BENEFITS	NON-MONETARY BENEFITS
1. HIRES			
a. RETROACTIVE			
b. NON-RETROACTIVE			
2. PROMOTIONS			
a. RETROACTIVE			
b. NON-RETROACTIVE			
3. EXPUNGEMENTS			
4. REASSIGNMENTS			
5. REMOVALS RESCINDED			
a. REINSTATEMENT			
b. VOLUNTARY RESIGNATION			
6. ACCOMMODATIONS			
7. TRAINING			
8. APOLOGY			
9. DISCIPLINARY ACTIONS			
a. RESCINDED			
b. MODIFIED			
10. PERFORMANCE EVALUATION MODIFIED			
11. LEAVE RESTORED			
12. LUMP SUM PAYMENT			
13.			
14.			

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REPORTING PERIOD: FY -

PART VIII - SUMMARY OF PENDING COMPLAINTS BY CATEGORY

A. TOTAL COMPLAINTS PENDING (SAME AS PART II Line I) (1+2+3+4)	NUMBER PENDING	NUMBER OF DAYS	AVERAGE DAYS	NUMBER OF DAYS PENDING FOR OLDEST CASE
	0			
1. COMPLAINTS PENDING WRITTEN NOTIFICATION				
2. COMPLAINTS PENDING IN INVESTIGATION				
3. COMPLAINTS PENDING IN HEARINGS				
4. COMPLAINTS PENDING A FINAL AGENCY DECISION				

PART IX - SUMMARY OF INVESTIGATIONS COMPLETED

		TOTAL	TOTAL DAYS	AVERAGE
A. INVESTIGATIONS COMPLETED DURING REPORTING PERIOD	(1+3)	1		
1. INVESTIGATIONS COMPLETED BY AGENCY PERSONNEL	(a+b+c)			
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS				
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS				
1. TIMELY COMPLETED INVESTIGATIONS				
2. UNTIMELY COMPLETED INVESTIGATIONS				
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS				
2. AGENCY INVESTIGATION COSTS		\$		
3. INVESTIGATIONS COMPLETED BY CONTRACTORS	(a+b+c)	1		
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS		1		
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS				
1. TIMELY COMPLETED INVESTIGATIONS				
2. UNTIMELY COMPLETED INVESTIGATIONS				
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS				
4. CONTRACTOR INVESTIGATION COSTS		\$ 3763		

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REPORTING PERIOD: **FY**

PART X - SUMMARY OF ADR PROGRAM ACTIVITIES

INFORMAL PHASE (PRE-COMPLAINT)

	COUNSELINGS	INDIVIDUALS	DAYS	AVERAGE DAYS
A. ADR PENDING FROM PREVIOUS REPORTING PERIOD				
B. ADR ACTIONS IN COMPLETED/ENDED COUNSELINGS				
1. ADR OFFERED BY AGENCY	1			
2. REJECTED BY COUNSELEE	1			
3. REJECTED BY AGENCY (INCLUDES MANAGEMENT OFFICIALS)	1			
4. TOTAL ACCEPTED INTO ADR PROGRAM	0			
C. ADR RESOURCES USED IN COMPLETED/ENDED COUNSELINGS	0			
1. INHOUSE				
2. ANOTHER FEDERAL AGENCY				
3. PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS, BAR ASSOCIATIONS, INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY PERSONNEL)				
4. MULTIPLE RESOURCES USED (Please specify in a comment box)				
5. FEDERAL EXECUTIVE BOARD				
6.				
7.				
D. ADR TECHNIQUES USED IN COMPLETED/ENDED COUNSELINGS				
1. MEDIATION				
2. SETTLEMENT CONFERENCES				
3. EARLY NEUTRAL EVALUATIONS				
4. FACTFINDING				
5. FACILITATION				
6. OMBUDSMAN				
7. PEER REVIEW				
8. MULTIPLE TECHNIQUES USED (Please specify in a comment box)				
9.				
10.				
11.				
E. STATUS OF ADR CASES IN COMPLETED/ENDED COUNSELINGS	COUNSELINGS	INDIVIDUALS	DAYS	AVERAGE DAYS
1. TOTAL CLOSED				
a. SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)				
b. NO FORMAL COMPLAINT FILED				
c. NO RESOLUTION				
d. NO ADR ATTEMPT				
e. DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD				
OPEN INVENTORY - ADR PENDING				

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PART XI - SUMMARY OF ADR PROGRAM ACTIVITIES

FORMAL PHASE

		COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
A. ADR PENDING FROM PREVIOUS REPORTING PERIOD					
B. ADR ACTIONS IN COMPLAINT CLOSURES					
1	ADR OFFERED BY AGENCY	1	1		
2	REJECTED BY COMPLAINANT	0			
3	REJECTED BY AGENCY (INCLUDES MANAGEMENT OFFICIALS)	0			
4	TOTAL ACCEPTED INTO ADR PROGRAM	0			
C. ADR RESOURCES USED IN COMPLAINT CLOSURES					
1	INHOUSE				
2	ANOTHER FEDERAL AGENCY				
3	PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS, BAR ASSOCIATIONS, INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY PERSONNEL)				
4	MULTIPLE RESOURCES USED (Please specify in a comment box)				
5	FEDERAL EXECUTIVE BOARD				
6					
7					
D. ADR TECHNIQUES USED IN COMPLAINT CLOSURES					
1.	MEDIATION				
2.	SETTLEMENT CONFERENCES				
3.	EARLY NEUTRAL EVALUATIONS				
4.	FACTFINDING				
5.	FACILITATION				
6.	OMBUDSMAN				
7.	MINI-TRIALS				
8.	PEER REVIEW				
9.	MULTIPLE TECHNIQUES USED (Please specify in a comment box)				
10.					
11.					
12.					
E. STATUS OF CASES IN COMPLAINT CLOSURES		COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
1.	TOTAL CLOSED				
a.	SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)				
b.	WITHDRAWAL FROM EEO PROCESS				
c.	NO RESOLUTION				
d.	NO ADR ATTEMPT				
2.	OPEN INVENTORY ADR PENDING				
F. BENEFITS RECEIVED		COMPLAINTS	COMPLAINANTS	AMOUNT	
1.	MONETARY (INSERT TOTAL)			\$	
a.	COMPENSATORY DAMAGES			\$	
b.	BACKPAY/FRONTPAY			\$	
c.	LUMP SUM			\$	
d.	ATTORNEY FEES AND COSTS			\$	
e.				\$	
f.				\$	
g.				\$	
2.	NON-MONETARY (INSERT TOTAL)				
a.	HIRES				
i.	RETROACTIVE				
ii.	NON-RETROACTIVE				
b.	PROMOTIONS				
i.	RETROACTIVE				
ii.	NON-RETROACTIVE				
c.	EXPUNGEMENTS				
d.	REASSIGNMENTS				
e.	REMOVALS RESCINDED				
i.	REINSTATEMENT				
ii.	VOLUNTARY RESIGNATION				
f.	ACCOMMODATIONS				
g.	TRAINING				
h.	APOLOGY				
i.	DISCIPLINARY ACTIONS				
i.	RESCINDED				
ii.	MODIFIED				
j.	PERFORMANCE EVALUATION MODIFIED				
k.	LEAVE RESTORED				
l.					
m.					

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PART XII - SUMMARY OF ADR PROGRAM ACTIVITIES

EEO ADR TRAINING AND RESOURCES

A. BASIC ADR ORIENTATION TRAINING		NUMBER IN TOTAL WORKFORCE	CUMULATIVE TOTAL WORKFORCE TRAINED
1.	MANAGERS		
2.	EMPLOYEES		
B. EMPLOYEES THAT CAN PARTICIPATE IN ADR		148	
C. RESOURCES AVAILABLE FOR ADR			
1.	IN-HOUSE FULL TIME		
2.	IN-HOUSE PART TIME		
3.	IN-HOUSE COLLATERAL DUTY		
4.	CONTRACT		
D. ADR FUNDING SPENT		AMOUNT	
		\$ 0	

CERTIFICATION AND CONTACT INFORMATION

I certify that the EEO complaint data contained on this report, EEOC Form 462, Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints, for the reporting period October 1, through September 30, are accurate and complete.

TYPED NAME AND TITLE OF CERTIFYING OFFICIAL: Phillis Johnson-Ball, EEO Program Director

SIGNATURE OF CERTIFYING OFFICIAL:

TYPED NAME AND TITLE OF PREPARER: Phillis Johnson-Ball EEO Program Director

SIGNATURE OF PREPARER:

DATE 10/27/09 **TELEPHONE NUMBER:** 202.245.0304 **E-MAIL:** johnson-ballp@stb.dot.gov

This report is due to the following address on or before October 31st:

U.S. Equal Employment Opportunity Commission
Office of Federal Operations
Federal Sector Programs
1801 L Street, NW
Washington, DC 20507

0425 Betsy