

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 2010

PART I - PRE-COMPLAINT COUNSELING

EEO COUNSELOR	COUNSELINGS	
	COUNSELINGS	INDIVIDUALS
<b>A. TOTAL COMPLETED/ENDED COUNSELINGS</b>	0	
1. COUNSELED WITHIN 30 DAYS		
2. COUNSELED WITHIN 31 TO 90 DAYS		
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 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>B. TOTAL COMPLETED/ENDED COUNSELINGS</b>	0	
1. COUNSELED WITHIN 30 DAYS		
2. COUNSELED WITHIN 31 TO 90 DAYS		
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 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
<b>C. TOTAL COMPLETED/ENDED COUNSELINGS</b>	0	
1. COUNSELED WITHIN 30 DAYS		
2. COUNSELED WITHIN 31 TO 90 DAYS		
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 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	
2. INITIATED DURING THE REPORTING PERIOD	0	
3. COMPLETED/ENDED COUNSELINGS	0	
a. SETTLEMENTS (MONETARY AND NON-MONETARY)		
b. WITHDRAWALS/NO COMPLAINT FILED		
c. COUNSELINGS COMPLETED/ENDED IN REPORTING PERIOD THAT RESULTED IN COMPLAINT FILINGS IN REPORTING PERIOD		
d. DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD		
4. COUNSELINGS PENDING AT THE END OF THE REPORTING PERIOD	0	

E. NON-ADR SETTLEMENTS WITH MONETARY BENEFITS	COUNSELINGS			
	TOTAL	COUNSELINGS	INDIVIDUALS	AMOUNT
TOTAL	0	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	COUNSELINGS	
	TOTAL	INDIVIDUALS
TOTAL	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	COUNSELINGS			
	TOTAL	COUNSELINGS	INDIVIDUALS	AMOUNT
TOTAL	0	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	COUNSELINGS	
	TOTAL	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	COUNSELINGS	
	TOTAL	INDIVIDUALS
TOTAL	0	0

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

AGENCY OR DEPARTMENT:

REPORTING PERIOD: FY

**PART II - FORMAL COMPLAINT ACTIVITIES**

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

B. COMPLAINTS FILED

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

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

**PART III - AGENCY RESOURCES, TRAINING, REPORTING LINE**

**A. AGENCY & CONTRACT RESOURCES**

	AGENCY		CONTRACT	
	NUMBER	PERCENT	NUMBER	PERCENT
1. WORK FORCE				
a. TOTAL WORK FORCE	152		0	
b. PERMANENT EMPLOYEES	148		0	
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**

\* EEO counselors and investigators are provided by a private company, Lee Kramer Associates

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

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



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AGENCY OR DEPARTMENT:

REPORTING PERIOD: FY 2010

## 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**

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
<b>A. TOTAL NUMBER OF CLOSURES</b> (1+2+3)		0		
1. WITHDRAWALS				
a. NON-ADR WITHDRAWALS				
b. ADR WITHDRAWALS				
2. SETTLEMENTS				
a. NON-ADR SETTLEMENTS				
b. ADR SETTLEMENTS				
3. FINAL AGENCY DECISIONS (B+C)				
<b>B. FINAL AGENCY DECISIONS WITHOUT AN ADMINISTRATIVE JUDGE DECISION</b> (1+2+3)		0		
1. FINDING DISCRIMINATION				
2. FINDING NO DISCRIMINATION				
3. DISMISSAL OF COMPLAINTS				
<b>C. FINAL AGENCY ACTIONS WITH AN ADMINISTRATIVE JUDGE (AJ) DECISION</b> (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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**AGENCY OR DEPARTMENT:** \_\_\_\_\_ **REPORTING PERIOD: FY** \_\_\_\_\_

**PART VI - SUMMARY OF CLOSURES BY CATEGORY (Continued)**

	TOTAL NUMBER	TOTAL DAYS	AVERAGE DAYS
<b>D. FINAL AGENCY MERIT DECISIONS (FAD) ISSUED</b> (1+2+3)	0		
1. COMPLAINANT REQUESTED IMMEDIATE FAD (1a+1b)			
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF FAD REQUEST			
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
<b>A. TOTAL COMPLAINTS CLOSED WITH BENEFITS</b>	0		
<b>B. CLOSURES WITH MONETARY BENEFITS TO COMPLAINANT</b>			\$
1. BACK PAY/FRONT PAY			\$
2. LUMP SUM PAYMENT			\$
3. COMPENSATORY DAMAGES			\$
<b>C. CLOSURES WITH ATTORNEY FEES AND COSTS</b>			\$
<b>D. SUBTOTAL OF ALL MONETARY BENEFITS (B+C)</b>			\$
<b>E. CLOSURES WITH NON-MONETARY BENEFITS</b>			
<b>F. TYPES OF BENEFITS</b>		NUMBER OF CLOSURES WITH MONETARY BENEFITS	NUMBER OF CLOSURES WITH 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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**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)	0		
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)			
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			
4. CONTRACTOR INVESTIGATION COSTS	\$		

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AGENCY OR DEPARTMENT:

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2010

**PART X - SUMMARY OF ADR PROGRAM ACTIVITIES**

**INFORMAL PHASE (PRE-COMPLAINT)**

	COUNSELINGS	INDIVIDUALS	DAYS	AVERAGE DAYS
<b>A. ADR PENDING FROM PREVIOUS REPORTING PERIOD</b>				
<b>B. ADR ACTIONS IN COMPLETED/ENDED COUNSELINGS</b>				
1. ADR OFFERED BY AGENCY				
2. REJECTED BY COUNSELEE				
3. REJECTED BY AGENCY (INCLUDES MANAGEMENT OFFICIALS)				
4. TOTAL ACCEPTED INTO ADR PROGRAM	0			
<b>C. ADR RESOURCES USED IN COMPLETED/ENDED COUNSELINGS</b>				
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.				
<b>D. ADR TECHNIQUES USED IN COMPLETED/ENDED COUNSELINGS</b>				
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.				
<b>E. STATUS OF ADR CASES IN COMPLETED/ENDED COUNSELINGS</b>	<b>COUNSELINGS</b>	<b>INDIVIDUALS</b>	<b>DAYS</b>	<b>AVERAGE DAYS</b>
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				
<b>2. OPEN INVENTORY - ADR PENDING</b>				

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2010

**PART XI - SUMMARY OF ADR PROGRAM ACTIVITIES**

**FORMAL PHASE**

	COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
<b>A. ADR PENDING FROM PREVIOUS REPORTING PERIOD</b>	0			
<b>B. ADR ACTIONS IN COMPLAINT CLOSURES</b>				
1. ADR OFFERED BY AGENCY				
2. REJECTED BY COMPLAINANT				
3. REJECTED BY AGENCY (INCLUDES MANAGEMENT OFFICIALS)				
4. TOTAL ACCEPTED INTO ADR PROGRAM				
<b>C. ADR RESOURCES USED IN COMPLAINT CLOSURES</b>	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.				
<b>D. ADR TECHNIQUES USED IN COMPLAINT CLOSURES</b>				
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.				
<b>E. STATUS OF CASES IN COMPLAINT CLOSURES</b>	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				
<b>F. BENEFITS RECEIVED</b>	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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**AGENCY OR DEPARTMENT:** \_\_\_\_\_ **REPORTING PERIOD: FY** 2010

**PART XII - SUMMARY OF ADR PROGRAM ACTIVITIES**

**EEO ADR TRAINING AND RESOURCES**

		NUMBER IN TOTAL WORKFORCE	CUMULATIVE TOTAL WORKFORCE TRAINED
<b>A. BASIC ADR ORIENTATION TRAINING</b>			
1.	MANAGERS		
2.	EMPLOYEES		
<b>B. EMPLOYEES THAT CAN PARTICIPATE IN ADR</b>		<u>152</u>	
<b>C. RESOURCES AVAILABLE FOR ADR</b>			
1.	IN-HOUSE FULL TIME		
2.	IN-HOUSE PART TIME		
3.	IN-HOUSE COLLATERAL DUTY		
4.	CONTRACT	*	
		AMOUNT	
<b>D. ADR FUNDING SPENT</b>		\$ <u>0</u>	

**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

**SIGNATURE OF CERTIFYING OFFICIAL:** *Phillis Johnson-Ball*

**TYPED NAME AND TITLE OF PREPARER:**

**SIGNATURE OF PREPARER:**

**DATE:** 11/1/10 **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

\* Available as needed.