

TWO

ACHIEVING EEO COMPLIANCE THROUGH COMPLAINT REPORTING – CAN THE NO FEAR ACT BE EFFECTIVE?

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Standardized Responding to public pressure concerning federal agency civil rights compliance, Congress passed the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR). This law was intended to make federal agencies more accountable for their violations of employment discrimination and whistleblower protection laws by requiring the publication of EEO complaint data on agency websites. Congress and the EEOC believed that this public disclosure would induce managers to improve equal opportunity and anti-discrimination practices in the workplace. However, the limited research on “information inductance theory,” which posits that requiring the reporting of information induces people to change their behavior, shows that information reporting produces no inductive effect on the data senders. This paper analyzes information inductance in relation to the EEO complaint process, and concludes that the reporting requirements imposed by the No FEAR Act yield no inductive effects on managers to improve their behaviors vis-à-vis the agency’s civil rights program. Before continuing to rely upon information inductance to modify behavior, Congress and the EEOC must thoroughly research and study the effects of such policies; otherwise, federal EEO policy risks becoming ineffective and, even worse, possibly destructive in the organizational management setting.

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I. THE NO FEAR ACT: A CHRONOLOGY TO PASSAGE

Two years into her tenure as a social scientist for the U.S. Environmental Protection Agency (EPA), Dr. Marsha Coleman-Adebayo felt increasingly unwelcome. After hearing disparaging remarks made about her race and receiving what she perceived as a disparate performance bonus, she filed a formal EEO complaint. Once management became aware of the pending complaint, they began to isolate Dr. Coleman-Adebayo and removed her from high-visibility projects. According to a *Time Magazine* article on the subject, “her white supervisor told her in an annual performance evaluation that ‘people just consider you to be uppity.’” After several years of processing her case, a D.C. court found in her favor and she was awarded \$600,000 (White, 2001).

In response to this clear indictment of the EPA’s work environment, Congress convened a fact-finding hearing and concluded that claims of prohibited discrimination were substantiated and that managers were not being held responsible (Congressional Record E 13). Congressional members from both political parties co-sponsored legislation which they believed would correct such improper governmental agency behavior. Co-sponsor Representative F. James Sensenbrenner “made it abundantly clear that new laws ‘with teeth in them’ were required to make the EPA clean up its act” (White). This new legislation became the Notification and Federal Antidiscrimination and Retaliation Act (No FEAR), which was intended to make federal agencies more accountable for their violations of employment discrimination and whistleblower protection laws by imposing certain notification and reporting requirements upon them.

The bill received universal bipartisan support, with the House approving the bill, 420-0, and the Senate by unanimous consent (Congressional Record, 2 Oct 2001 H6100 and 23 April 2002 S3226, respectively). President Bush celebrated his signing of the bill with Dr. Coleman-

Adebayo in attendance. *Time Magazine* lauded No FEAR as the “first new civil rights law of the 21st century” (White, 2001).

II. INTRODUCTION

The passage of the Notification and Federal Employee Antidiscrimination and Retaliation Act reflected the belief of employee rights advocates, the Equal Employment and Opportunity Commission (EEOC), and Congress that requiring public reporting of federal agency complaint data would change managerial behavior and increase equal employment opportunity (EEO) compliance.

Although the belief that mandatory information reporting can modify behavior is currently popular within the federal civil rights community, it was first proposed and studied by two researchers, Prakash and Rappaport, in the accounting profession. They introduced the term “information inductance” to refer “to the complex process through which the behavior of an information sender is influenced by the information he is required to communicate” (Prakash and Rappaport 1977, 29). In short, a positive inductive effect occurs when information senders change their behavior when required to report information related to that behavior. When applied to the No FEAR legislation, information inductance is expected to induce management to prevent EEO compliance shortcomings, which are published in agency complaint data, in order to avoid negative reactions to that data.

While the popularity of applying information inductance to the civil rights context appears to be growing, a review of the relevant research shows that supporting evidence is scarce. This paper will illustrate that until greater empirical evidence exists policymakers should be reluctant to use the concept of information inductance as the primary basis for enforcing civil

rights policies. This paper will demonstrate that inaccurate reporting schemes may not only result in ineffective EEO programs, but may also induce complaint avoidance behavior that is detrimental to organizational success.

This paper first reviews the literature addressing information inductance theory in relation to civil rights programs, and then analyzes whether the No FEAR Act appropriately extends that theory to EEO complaint data reporting, including the potential dangers of relying upon complaint data to modify behaviors. It concludes with an explanation of the areas that deserve further study before the information inductance theory should be used again in a civil rights policy context.

III. LITERATURE REVIEW

In his 1994 review of the various policy tools available for achieving civil rights compliance, Jonathan Leonard, author of a Department of Labor's Glass Ceiling Commission report, found that little evaluative research had been conducted on this topic. Today, a lack of scholarship remains in this area, and civil rights policy is being developed based upon untested hypotheses and anecdotal observations.

Literature on this topic, however, is not completely absent. As a result of the Civil Rights Act of 1964, the federal government implemented a policy of affirmative action. Since instituted, the first major federal initiative of the Civil Rights Act has prompted several scholars to evaluate the effectiveness of achieving civil rights compliance through required self-reporting.

Denise Nitterhouse conducted the most thorough analysis of Prakash and Rappaport's information inductance theory within the affirmative action context when she evaluated affirmative action planning in the Department of the Navy (1981). She tested whether she would

find evidence that people change their behavior when they know that they will have to report that behavior, as Prakash and Rappaport had found. Even after conducting her study in three different configurations, Nitterhouse found *no* inductive effects upon the reporters of affirmative action data. Since her finding conflicted with Prakash and Rappaport's results, Nitterhouse concluded that "a more detailed and complex formulation of inductance" would be necessary to fully explain its process and effects (Nitterhouse 1981, 207).

Nitterhouse proposed a framework of five variables which are necessary for effective behavior change via self-reporting: specification of desired behavior, measurement, feedback, evaluation and incentives. No FEAR relies heavily on the variables of "measurement" (reporting of observed behavior or audits) and "feedback" (reciprocal information to the information sender about specified desired behavior). The other variables of specification of desired behaviors (such as through plans, goals or objectives), evaluation (analysis of results or performance) and incentives (rewards for accomplishing the desired behavior or penalties for noncompliance) are absent from the legislation.

Subsequent research by Lauren Edelman and Stephen Petterson and by William Bielby provides a more thorough elaboration of Nitterhouse's framework for use with EEO compliance. Edelman and Petterson studied the impact of formal EEO programs and found that strong EEO programs with clear accountability and strong internal processes make a difference, but without these features the programs can become symbolic window dressing with no real impact. Bielby also studied the impact of formal EEO programs and found that their success depends on explicit, substantive accountability.

Bielby espouses three components to EEO accountability: 1) regular monitoring and pattern analysis, 2) systematic analysis of employee feedback addressing EEO climate, and 3)

explicit evaluation of managers and supervisors on their contributions to an organization's EEO goals. In his model, reporting requirements are but one aspect of regular monitoring and do not form the primary incentive for management action. Employees can play a key role by identifying barriers to organizational achievement of EEO goals; their perceptions of "top management's commitment to EEO can be quite useful in identifying subtle forms of bias and related problems not immediately apparent from analyses of more subjective workforce data" (Bielby 2000, 126). The third component of EEO accountability reflects Bielby's belief, similar to Edelman and Petterson's, that EEO policies can be merely symbolic and ineffective unless rigorously implemented and monitored.

While Leonard also praises the value of strong EEO programs, he diverges from the other authors and appears to partly endorse the information inductance hypothesis in relation to EEO reporting. Leonard writes that "the threat of public embarrassment may be a very effective tool, particularly for companies retailing to the public" (Leonard 1994, 61). Leonard makes this assertion within the context of affirmative action data reporting, but it is unclear whether he supports the same proposition for EEO complaint data, which No FEAR requires to be posted. In fact, Leonard advocates the use of employment audits by the Office of Federal Contract Compliance Programs rather than relying upon complaint data which "is often discounted as idiosyncratic sour grapes" (Leonard 1994, 62).

The research on affirmative action reporting demonstrates that evidence is lacking to validate the current broad-based support among civil rights policy advocates for inductance theory as an effective policy tool. Although Leonard mentions it as one of several tools to achieve EEO compliance, no author advocates the reporting of EEO data as the primary basis for any civil rights policy.

IV. RESEARCH QUESTION AND HYPOTHESIS

Although Nitterhouse, Edelman and Petterson, and Bielby envision a role for data reporting within the overall framework of a civil rights program, their research challenges No FEAR's primary reliance upon complaint reporting to achieve EEO compliance and seriously questions the Act's potential effectiveness. Their work, however, is limited to reviewing affirmative action reporting structures, and does not specifically address complaint reporting. Since No Fear publicizes federal agency complaint activity, rather than program plans/results, will it be as ineffective as affirmative action reporting as a primary enforcement mechanism of civil rights policy?

This article extends Nitterhouse's hypothesis from the affirmative action context to the EEO complaint reporting context. This paper's hypothesis is that required complaint activity reporting has *no* inductance effects upon those transmitting their agencies' organizational EEO data. To test this hypothesis, the remainder of the article will compare the No FEAR Act's complaint activity reporting requirements to those which have been studied in the affirmative action context and will evaluate the Act's reporting requirements against the EEOC's existing complaint reporting requirements.

V. METHODOLOGY

Since the No FEAR Act has not been fully implemented because the final regulations have yet to be published, its effectiveness cannot yet be directly evaluated (Federal Human Resources Week). Instead, this article uses the data triangulation technique proposed by social science researcher Charles C. Ragin. This method examines known pieces of information to define, explain or predict the outcome of something unknown, such as a new policy. Since no

research has been conducted on the impact of No FEAR itself, this article will consider two similar reporting structures to predict the effectiveness information inductance within the No FEAR Act.

The two comparative reporting structures are the affirmative action reporting system, as described in the literature review, and the EEOC's "Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints," otherwise known as EEOC Form 462 [hereinafter 462 Report]. The affirmative action reporting system was chosen because, like No FEAR, it seeks to change behaviors via reporting information on civil rights compliance. Since it is the only civil rights policy activity with empirical research concerning information inductance, it is especially useful. The second point of comparison - the 462 Report - is similarly appropriate because it is an existing report that tracks federal employee EEO complaint data. Like the No FEAR reporting requirements, the 462 Report data is self-reported to the EEOC. The EEOC then compiles all agency reports and publishes the agency specific and cumulative data on the EEOC website for public viewing. No FEAR approximates an amalgamation of these two reporting processes; therefore, based upon what these comparisons show in relation to information inductance theory, it is reasonable to infer similar results for No FEAR.

While affirmative action has been well studied, scholars have not conducted similar empirical research on the 462 Report. Therefore, a related data set on EEO compliance will be analyzed. Borrowing from Bielby's model of EEO compliance, this article will use his second component, employee feedback, to determine if reporting complaint data affects sender behavior. Any discernable positive effects should be reflected in employee perceptions of the EEO climate (i.e. management is induced to improve the EEO climate to avoid complaint activity that would have negative effects when reported). Employee survey data from the Department of Army will

be evaluated to analyze if improvements to employee and supervisor perceptions of EEO compliance occur over time.

VI. ANALYSIS

No FEAR Title III, Section 301 – Use of information induction theory

No FEAR's interim final rule provides the clearest articulation of legislators' belief in information inductance theory to improve the EEO climate. In stating the benefits of Title III, the EEOC's regulations as published in the Federal Register specifically note that:

The public display of this information should provide agencies with added incentives to improve their EEO programs and to prevent discrimination proactively so that they can demonstrate that they are true equal employment opportunity employers. Increased monitoring and improved compliance through public posting of EEO statistics should lead to a decline in incidents of employment discrimination, which is the primary goal of the No FEAR Act.

The primary data elements No FEAR intends to capture are summary statistics showing: (1) the total complaint activity, (2) activity by issue (e.g., discipline, harassment, promotion, etc.), (3) activity by basis (i.e., race, color, national origin, sex (to include Equal Pay Act claims), disability, age, and reprisal), (4) the pending complaint inventory, (5) processing times, (6) complaints dismissed, (7) findings of discrimination (total, by issue, and by basis), and (8) number of complaint investigations.

Complaint Reporting Integrity

During the interagency pre-coordination of the draft interim final rule for No FEAR, several commentators noted that the existing 462 Report already captures nearly identical data (Federal Register). This report is submitted annually to Congress and is available on the EEOC's public website.

In an effort to make No FEAR data more accessible to employees and managers than the existing 462 Report, Congress and the EEOC simplified the reporting format. This simplified format may cause the casual reader to misinterpret the actual complaint data and to draw inaccurate conclusions. To illustrate, the initial three tables of No FEAR's Title III report essentially serve as the primary purpose of the report (see Appendix A for the excerpt). The attached report appears to enumerate total 2,947 complaints, but this interpretation is incorrect – the first table shows that there were only 1,153 total complaints. The 2,947 total complaints by basis (over two times the actual number) occur because reporting instructions require that each basis included in an individual complaint be annotated separately. Without a deeper understanding of Title III's reporting process, the casual observer may misinterpret the volume of complaint activity as signifying more incidents of discrimination than truly occurred.

In addition, complainants often allege multiple bases with the hope that at least one will be found meritorious. For example, "Sallie" receives a poor evaluation and gets reassigned duties as a result of her poor performance. If she challenges both actions based upon her age (over 40), sex (female), and race (Hispanic), the single complaint would be tallied as three complaints for purposes of the "Complaints by Basis" table. A similar effect occurs for complaints by issue, which in this case would be captured as two complaints – reflecting the challenged performance evaluation and assignment of duties. Some may correctly argue that the

462 Report contains similar data; however, the matrixed presentation of the bases/issues data, combined with numerous opportunities to insert agency comments addressing data issues, more clearly reflects the data reported.

Misleading Title III reports can also be generated if the validity of the complaint itself is questionable; misleading 462 Reports can be produced for the same reason. The integrity of reported complaints rests on good faith allegations of discrimination. False allegations undermine both the report and the premise of the effectiveness of information inductance. If managers perceive system abuse due to artificially high complaint numbers and potentially false discrimination allegations, they are unlikely to focus upon improving the EEO climate.

The GAO's 1995 report *Federal Employee Redress: An Opportunity for Reform* illustrated that unfounded claims of discrimination are rampant in the federal sector. An additional GAO report the following year confirmed the perceptions of many redress system critics by finding that "some employees file complaints as a way of getting a third party's assistance in resolving a workplace dispute. [GAO was] also told that some file frivolous complaints to harass supervisors or to game the system." Further, according to the same report, officials from EEOC - the agency directed to implement No FEAR's provisions - and other agencies confirmed that that the system is overburdened by illegitimate complaints. In addition, a 1990 GAO report found that the willingness of managers to deal with conduct and performance issues is often compromised by the prospect of having to deal with a lengthy and complex EEO process. Over 40 percent of the surveyed managers and supervisors said that the potential for an employee to use the appeal or arbitration process would affect their willingness to pursue a performance action.

Rarely do these allegations result in findings of discrimination. From fiscal year 2001 through fiscal year 2005, the Department of the Army annually received, on average, 1,161 formal EEO complaints. Of these formal complaints, only 21 on average resulted in a finding of discrimination, representing approximately 1.8 percent of all complaints filed (Department of Army No FEAR Report). Although agencies informally resolve complaints that are likely to result in adverse findings, the number of meritorious complaints remains relatively small when compared to the overall complaint inventory.

If the lack of data integrity is so well documented by researchers, then why would Congress expect No FEAR to produce a positive inductive effect? As explained by T. J. Conlan, D. Beam, and M. Wrightson in their discussion of tax reform, “most new policies involve only small departures from their predecessors, in part because no individual can rationally evaluate all the means to multitudinous ends” (Beam and Wrightson 1995, 123). This incrementalism is often preferred because it offers the path of least political resistance. Rather than attempting to enact legislation that would actually have compliance provisions (No FEAR lacks any reporting non-compliance penalties) or that would impose additional ramifications for substantiated discrimination, Congress merely tweaked existing reporting requirements.

VII. SURVEY ANALYSIS

Have current reporting requirements made a difference?

Since Report 462 captures data similar to No FEAR’s Title III report, the positive effects of the information inductance theory, if any, should be reflected in employee attitude survey data trends. This hypothesis implies that if managers were concerned about potentially embarrassing

published complaint data, they would take an increased interest in promoting a harmonious work environment to preclude employee conflict. Such efforts should be echoed by employee responses to questions regarding their workplace and how managers deal with allegations of disparate treatment. Survey data from the Department of the Army provides a case study from which to analyze the expected effects of information inductance.

For over 25 years, the Army has periodically surveyed the morale of its workforce through the Army Civilian Attitude Survey. In 2003, the Army implemented a web-based survey to which over 33,000 employees and nearly 7,000 supervisors responded.¹ Extensive survey questions explored employee perceptions of their work environment, career opportunities, and management effectiveness. The survey includes clusters of questions under the headings of “Satisfaction with Discipline/Grievances/EEO Procedures” and “Satisfaction with Fairness.” If inductance theory worked, the survey would show a percentage increase in the number of respondents who think that the EEO climate is improving over time. Appendix B contains detailed response percentages for the relevant questions broken down by major Army command but this discussion will be limited to the total Army statistics.

The summary data for fiscal year 2003 shows that overall employee satisfaction with EEO procedures declined one percent from 2001, and overall fairness perceptions were unchanged (however the percentage of those strongly disagreeing with the fairness observation increased one percent). When asked if management actively supports the EEO program, favorable employee responses declined by two percent from 2001. At a 90 percent level of confidence, this is a statistically significant decline.² A two percent decline represents a decrease in employee satisfaction, compared to an expected positive trend. Positive trends should result if information inductance was actually affecting the behavior of data reporters. The survey

reflected the same decline in support when employees were asked if management effectively deals with reports of prejudice and discrimination. Last, perceptions about management retaliation for engaging in the EEO process remained unchanged from the 2001 survey.

The trends are similar for the supervisor/manager responses. Perceptions of fairness decreased one percent from 2001 and views toward retaliation were unchanged. Whereas only 46 percent of the employees felt that management effectively deals with reports of prejudice and discrimination, 73 percent of the supervisor respondents had favorable responses. However, like the employee results, this figure represents a two percent decline from 2001 which is also statistically significant.³

These results offer no support for the premise that positive inductance effects are reflected in employee attitude survey data. Furthermore, this finding implies that reporting requirements have had no inductive effect on management behavior concerning EEO compliance. Rather than the expected improvements in scoring, the analysis showed a decline in scores. Since the 462 Report data is delivered through the command chain to the Secretary of the Army for EEOC submission, if there were an inductive effect, one would expect management to attempt to improve the EEO climate and reduce the “bad news” reported to superiors. The lack of positive EEO climate trends clearly belies this expectation.

VIII. CONCLUSION

The Army’s current experiences with complaint data reporting and the associated troubling data integrity issues described above thus fail to support the hypothesis that reporting EEO complaint data will produce inductive effects upon the reporters. The additional reporting

requirements imposed by the No FEAR Act should have little persuasive effect on managers to improve their behaviors *vis-à-vis* the agency's civil rights program.

Complaint activity is a poor indicator of the incidence of prohibited discrimination. Although it may raise questions for further inquiry, complaint activity alone is insufficient to draw conclusions about the EEO climate, and it should not be the primary method for measuring civil rights compliance. As Bielby states, complaint activity should be but *one* component of an agency's overall civil rights compliance program. A civil rights program should also include integrating employee feedback and explicitly tying management's performance evaluation to meeting EEO goals.

Most importantly, agency civil rights officials and senior management must acknowledge that until adequate redress systems exist for non-EEO matters employees may misuse the EEO redress system. Employees could capitalize upon management's aversion to participating in the EEO process to manipulate managerial action through the threat of complaints. The fear of participating in the adjudication process may lead to management inaction regarding employee conduct and performance. Managers must also accept that EEO complaints will be a "cost of doing business" and that they cannot avoid taking action for fear of being implicated in a complaint. Furthermore, managers' supervisors cannot jump to unsubstantiated conclusions as a result of complaint activity.

IX. FURTHER RESEARCH

Future research should examine the behavior of supervisors to determine if they consciously or subconsciously alter their behavior as a result of organizational complaint data reporting. To truly evaluate whether information inductance is a proper theory to pursue within

the realm of civil rights compliance, it is necessary to evaluate what, if any, prescriptive effects are observed. Stated more bluntly, do compliance policies premised upon information inductance actually stifle appropriate management conduct out of fear of employees “gaming” the complaint process?

This question should lead to further research into managerial behavior in the federal government. Specifically, how do managers alter their behaviors to conform to expected employee reactions? Civil rights compliance policy should be based on this key information. If supervisors believe that EEO complaints are non-meritorious, the complaint process becomes decoupled from the EEO climate and complaint data then becomes irrelevant. It becomes essential to determine which tools aside from complaint activity can actually positively influence supervisory behaviors (e.g., reward/discipline systems, employee survey data, audits, etc.) and to then model civil rights policy around those concepts.

If supervisors avoid employee disruption to sidestep potential complaints, organizational innovation suffers and employee performance is not optimized. Although difficult to quantify, these adverse affects could damage organizational effectiveness far more than a perceived imperfect EEO climate. Before increasing their reliance upon information inductance to modify behaviors, Congress and the EEOC must research and study the effects of such policies; otherwise, federal EEO policy risks becoming more ineffective and, even worse, destructive in the organizational management setting.

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Appendix A

Equal Employment Opportunity Data Posted Pursuant to the No Fear Act of 2002 Title III

29 CFR §1614.704(a) - (c)	
Complaint Activity	2005 end of 4 th QTR
Number of Complaints Filed in FY 1614.704(a)	1153
Number of Complainants 1614.704(b)	1057
Repeat Filers 1614.704(c)	77

29 CFR §1614.704(d)	
Complaints by Basis	2005 end of 4 th QTR
Race	477
Color	108
Religion	62
National Origin	158
Sex (including complaints filed under Equal Pay Act)	426
Disability	254
Age	314
Reprisal	471
Other	677
# Data not collected by Color - Color included in basis "Race/Color"	

29 CFR §1614.704(e)	
Complaints by Issue	2005 end of 4 th QTR
Appointment/Hire	93
Assignment of Duties	85
Awards	29
Conversion to Full-time	3
Disciplinary Action	
Demotion	9
Reprimand	35
Suspension	50
Removal	15
Other – Letter of Counseling	46
Duty Hours	26
Evaluation Appraisal	117
Examination/Test	1
Harassment Non-Sexual	322
Harassment Sexual	36
Medical Examination	10
Pay (Including Overtime)	24
Promotion/Non-Selection	285
Reassignment Denied	10
Reassignment Directed	30
Reasonable Accommodation	29
Reinstatement	2
Retirement	6
Termination	83
Terms/Conditions of Employment	77
Time and Attendance	41
Training	32
Other	210

Appendix B

Army Employee Attitude Survey Data

Item Detail	% Favorable % Neutral % Unfavorable	Category Percents					Pot Fav Diff from 2001	Mean	Std Dev	Valid N
		5	4	3	2	1				
Satisfaction with Discipline/Grievances-/EEO Procedures*										
Total Army	39% 34% 27%	8	31	34	17	9	↓1	3.17	0.91	31,422
AMC	34% 36% 30%	7	28	36	20	11	↓2	3.05	0.90	6,215
FORSCOM	36% 36% 28%	8	28	36	18	10	↓2	3.11	0.91	1,943
MEDCOM	37% 36% 27%	8	29	36	18	9	↓3	3.12	0.91	3,322
TRADOC	40% 36% 24%	10	30	36	16	8	0	3.21	0.91	3,430
USACE	43% 32% 25%	9	35	32	17	8	↓2	3.25	0.89	7,803
USAREUR	42% 35% 23%	10	32	35	14	9	0	3.24	0.95	740
OTHER	40% 35% 25%	9	30	35	17	9	↓1	3.18	0.92	7,069
43. If I filed a grievance, it would be held against me.*										
Total Army	20% 36% 44%	4	16	36	29	15	↓1	2.66	1.05	25,438
AMC	15% 35% 51%	3	12	35	34	17	↓2	2.50	0.99	5,054
FORSCOM	21% 34% 44%	6	15	34	29	15	0	2.67	1.09	1,646
MEDCOM	23% 37% 40%	5	18	37	28	12	↓2	2.75	1.04	2,803
TRADOC	23% 37% 41%	6	17	37	27	14	↑2	2.74	1.07	2,837
USACE	21% 35% 45%	4	16	35	30	14	↓1	2.66	1.04	6,012
USAREUR	23% 34% 43%	7	16	34	25	18	↓1	2.70	1.15	608
OTHER	22% 36% 42%	5	17	36	28	14	0	2.70	1.08	6,478

* Composite includes reverse-scored items.
 * Item is phrased in a negative manner.

Page 56

Item Detail	% Favorable % Neutral % Unfavorable	Category Percents					Pot Fav Diff from 2001	Mean	Std Dev	Valid N
		5	4	3	2	1				
44. Top management at this installation/activity actively supports the Equal Employment Opportunity Program.										
Total Army	60% 29% 11%	14	46	29	6	4	↓2	3.60	0.95	29,475
AMC	56% 32% 12%	12	44	32	7	5	↓3	3.50	0.97	5,784
FORSCOM	56% 32% 12%	13	42	32	8	4	↓3	3.52	0.98	1,826
MEDCOM	58% 30% 11%	14	44	30	7	5	↓3	3.67	0.97	3,124
TRADOC	60% 30% 10%	16	43	30	6	4	↓1	3.62	0.98	3,215
USACE	66% 25% 9%	15	51	25	6	3	↓2	3.68	0.91	7,388
USAREUR	64% 28% 8%	16	48	28	4	4	↑2	3.68	0.92	688
OTHER	60% 29% 11%	15	45	29	6	4	↓1	3.61	0.98	7,450
45. Employees at this installation/activity are treated fairly with regard to discipline.										
Total Army	39% 33% 28%	8	31	33	19	10	↓1	3.08	1.09	27,862
AMC	34% 34% 33%	6	28	34	21	11	↓1	2.95	1.08	5,553
FORSCOM	35% 35% 30%	7	28	35	20	10	↓2	3.01	1.08	1,747
MEDCOM	33% 34% 32%	7	27	34	21	11	↓5	2.97	1.09	2,986
TRADOC	40% 35% 25%	9	31	35	17	8	↑2	3.17	1.08	2,993
USACE	44% 29% 27%	8	36	29	19	9	↓1	3.16	1.09	6,848
USAREUR	42% 35% 24%	9	33	35	15	8	↓1	3.19	1.08	642
OTHER	40% 33% 28%	8	31	33	18	9	0	3.11	1.09	7,115

Page 57

Item Detail		% Favorable % Neutral % Unfavorable			Category Percents					Pct Fav Diff from 2001	Mean	Std Dev	Valid N			
		5	4	3	2	1										
53. Managers/supervisors deal effectively with reports of prejudice and discrimination.	Satisfaction with Fairness*															
	Total Army	47%	33%	20%	15	32	33	13	7	0	3.36	0.71	30,818			
	AMC	42%	34%	24%	13	30	34	15	8	↓1	3.25	0.67	6,130			
	FORSCOM	46%	35%	19%	15	31	35	12	6	↓1	3.37	0.71	1,933			
	MEDCOM	48%	35%	17%	14	34	35	11	6	↓1	3.39	0.72	3,255			
	TRADOC	48%	34%	18%	16	32	34	12	6	↑2	3.40	0.72	3,373			
	USACE	48%	31%	21%	15	33	31	14	7	↓1	3.38	0.69	7,621			
	USAREUR	51%	33%	15%	17	34	33	10	6	↓1	3.48	0.77	692			
	OTHER	48%	34%	18%	16	32	34	12	6	0	3.40	0.74	7,814			
	Total Army	46%	36%	19%	11	35	36	11	7	↓2	3.31	1.05	24,422			
	AMC	42%	37%	21%	9	33	37	12	9	↓2	3.21	1.06	4,882			
	FORSCOM	46%	35%	19%	11	35	35	12	7	↓1	3.32	1.04	1,617			
	MEDCOM	46%	35%	19%	11	35	35	10	9	↓3	3.30	1.08	2,742			
	TRADOC	48%	35%	16%	14	35	35	10	6	0	3.39	1.04	2,753			
	USACE	48%	35%	16%	11	37	35	11	7	↓3	3.34	1.03	5,708			
	USAREUR	49%	36%	15%	13	36	36	8	8	↓1	3.39	1.06	546			
OTHER	45%	37%	18%	12	33	37	11	7	↓2	3.31	1.05	6,174				

* Composite includes reverse-scored items.

Page 63

Item Detail	% Favorable	% Neutral	% Unfavorable	Category Percents					Pct Fav Diff from 2001	Mean	Std Dev	Valid N	
				5	4	3	2	1					
54. If I complained of discrimination, it would be held against me.*	Total Army	33%	36%	30%	9	24	36	21	9	0	3.03	1.09	25,404
	AMC	27%	39%	34%	6	21	39	24	10	↓1	2.90	1.05	5,013
	FORSCOM	33%	38%	29%	10	23	38	21	8	0	3.05	1.08	1,645
	MEDCOM	35%	36%	28%	9	26	36	19	9	↓1	3.08	1.09	2,755
	TRADOC	36%	37%	28%	10	25	37	19	8	↑4	3.10	1.08	2,843
	USACE	35%	34%	30%	9	26	34	22	9	↑1	3.05	1.09	6,098
	USAREUR	39%	34%	29%	13	25	34	18	10	0	3.11	1.16	578
	OTHER	35%	36%	30%	10	25	36	20	9	↑2	3.05	1.10	6,472
	55. Non-minority employees often get preferential treatment over minority employees.*	Total Army	60%	30%	10%	23	37	30	7	4	0	3.70	1.01
AMC		59%	30%	10%	23	36	30	7	4	↓2	3.69	1.02	5,638
FORSCOM		58%	33%	10%	23	34	33	6	3	↑1	3.67	1.01	1,778
MEDCOM		57%	31%	11%	21	36	31	7	4	↓1	3.63	1.02	3,026
TRADOC		58%	31%	11%	23	35	31	8	4	0	3.67	1.03	3,089
USACE		65%	26%	9%	26	39	26	6	3	0	3.79	0.99	6,657
USAREUR		60%	32%	8%	23	36	32	5	3	0	3.72	0.98	630
OTHER		59%	31%	10%	23	36	31	7	4	↑1	3.67	1.01	7,102

* Item is phrased in a negative manner.

Page 64

**Civilian Supervisors – FY03
Total Army and 7 MACOMS**

Item Detail	% Favorable	% Neutral	% Unfavorable	Category Percents					Pot Fav Diff from 2001	Mean	Std Dev	Valid N	
				5	4	3	2	1					
Satisfaction with Fairness*													
	Total Army	62%	23%	15%	22	40	23	10	4	↓1	3.66	0.72	7,090
	AMC	61%	24%	15%	22	39	24	11	5	0	3.63	0.71	910
	FORSCOM	65%	20%	14%	23	43	20	10	5	↑1	3.69	0.74	537
	MEDCOM	62%	23%	15%	21	41	23	10	5	↑1	3.63	0.72	652
	TRADOC	60%	25%	15%	23	38	25	10	4	↓1	3.64	0.72	823
	USACE	64%	22%	15%	22	42	22	11	4	↓1	3.67	0.67	1,415
	USAREUR	62%	23%	14%	24	38	23	9	5	↓1	3.67	0.79	469
	OTHER	62%	24%	14%	23	40	24	10	4	↓2	3.67	0.74	2,284
	69. Managers/supervisors deal effectively with reports of prejudice and discrimination.												
	Total Army	73%	16%	11%	25	47	16	8	3	↓2	3.84	1.00	6,569
	AMC	74%	17%	9%	28	46	17	7	2	↓3	3.90	0.96	854
	FORSCOM	76%	12%	12%	27	49	12	7	5	↓1	3.86	1.04	505
	MEDCOM	69%	18%	13%	23	46	18	8	5	↓1	3.72	1.07	607
	TRADOC	74%	16%	10%	27	46	16	7	3	0	3.88	0.99	765
	USACE	76%	15%	9%	24	52	15	6	2	↓4	3.90	0.92	1,320
	USAREUR	65%	20%	14%	27	38	20	9	5	↓8	3.73	1.12	427
	OTHER	72%	16%	12%	24	47	16	9	3	↓2	3.80	1.01	2,091

DISCLAIMER

This article was prepared in conjunction with my doctoral studies and not as a part of my official duties as an Army employee. Although this article is based, in part, upon my experiences as the Army's Equal Employment Opportunity and Civil Rights legal advisor, the opinions are solely my own and do not represent the views of the Department of the Army or the Department of Defense and should not be attributed to those organizations.

ENDNOTES

¹ Response Rates - Participants were asked to complete their surveys and return them electronically to Army, which then forwarded the data to an independent research and consulting firm for processing. Of the approximately 213,547 Army civilian appropriated fund employees and supervisors who were invited to complete the attitude survey, 39,950 returned surveys for a 19% response rate. The response rate for Total Army allows results to be generalized at a 95% confidence level to ± 0.4 percentage points. This means that if 60% of the survey respondents are satisfied with a particular item, we can be very confident (95% sure) that between 59.6% and 60.4% of the civilian employee population hold the same view.

For Army civilian appropriated fund employees, the results are similar. Of the 187,078 employees who were invited to complete the survey, 33,034 responded for a response rate of 18%. This yields a margin for employees of ± 0.5 percentage points. This means that the data presented in this report are generalizable to the population of Army civilian employees.

² A 90% confidence interval yields $2\% \pm .6154$, or a range of 1.3846 to 2.6154.

³ A 90% confidence interval yields $2\% \pm 1.192$, or a range of 0.808 to 3.192.