



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 12, 2016

The Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

This responds to your letter the Attorney General dated September 14, 2015, requesting information related to allegations made by employees of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) about harassment in the workplace. The Department of Justice (the Department), including ATF, takes seriously the obligation to ensure that ATF employees do not engage in workplace harassment.

We understand that your letter requested that our numbered responses correspond to your numbered questions, but we believe that the narrative set forth below will be the most helpful format for providing the information you have requested

**ATF Policies and Procedures Regarding Harassment in the Workplace**

As you know, ATF policy, as set forth in ATF Order 2130.3 (see attached), prohibits harassment in the workplace and provides procedures for reporting and responding to workplace harassment. ATF also has established procedures for misconduct investigations carried out by its Internal Affairs Division (IAD), as provided in ATF Order 8610.1C (see attached). In addition, all Department employees are required to report serious administrative and criminal misconduct to the Office of the Inspector General (OIG). *See* 28 C.F.R. § 45.11. Intentional discrimination, harassment and sexual misconduct are all forms of misconduct that must be reported to IAD/OIG. ATF permits complainants to file complaints with OIG, rather than IAD, but if OIG declines the matter, it is generally referred to ATF's IAD.

In addition, each federal agency must establish an office to handle complaints filed by its employees pursuant to Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e *et seq.*<sup>1</sup> ATF's Office of Equal Employment Opportunity (EEO Office) serves this function for ATF. Government-wide procedures for filing an EEO claim are established by

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<sup>1</sup> Prohibiting discrimination on the basis of race, color, national origin, sex, religion, age, disability, equal pay, genetic information, pregnancy, and prohibiting harassment retaliation for engaging in protected EEO activity and prohibiting harassment based on the above protected bases.

statute and must be posted by all agencies. *See* 42 U.S.C. § 2000e, 29 C.F.R. § 1614. ATF employees who are determined to have engaged in conduct constituting harassment prohibited by Title VII are subject to disciplinary action.

ATF's EEO Office diligently processes and investigates complaints and, consistent with the government-wide procedures, it uses independent contractors to investigate claims filed by ATF employees pursuant to Title VII. ATF's Office of Chief Counsel does not conduct these investigations. Moreover, to avoid potential interference with the EEO process, ATF's IAD generally does not conduct parallel or separate investigations where a claimant has alleged Title VII violations with the EEO Office. The EEO Office's jurisdiction is limited to investigating first party employee claims of an EEO violation; it does not independently investigate third party assertions of discrimination and harassment.

With rare exceptions, ATF's EEO Office completes its complaint processing and investigation within the applicable deadlines (either 180 days or, if the complainant amends the complaint, 360 days). Throughout the internal EEO process, a matter may be resolved through a settlement between ATF and the complainant. The complainant also may choose to pursue a decision through the Civil Rights Division's Complaint Adjudication Office (CAO) or the Equal Employment Opportunity Commission (EEOC). Due to the number of variables involved in each case, including the complexity and the caseloads of the CAO and EEOC, final resolution of a matter by those entities can take months or years.

#### **ATF Data Regarding Harassment in the Workplace**

ATF publishes on the Department's website the annual report required by the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the No Fear Act). This report includes data on the number, status, and disposition of pending or resolved cases against ATF arising under the applicable employment discrimination and whistleblower protection laws. We have enclosed copies of ATF's fiscal year (FY) reports for 2012, 2013, 2014, and the partial report through the third quarter of fiscal year 2015. *See also* <http://www.justice.gov/jmd/eoo-program-status-report>.

As indicated in the No FEAR Act data, ATF reported that it had received 38 harassment complaints during FY 2012, 2013, and 2014. Upon receipt, ATF categorizes a complaint for No Fear Act reporting purposes based upon the complainant's characterization of the violation. ATF does not maintain a tabulation of investigative outcomes that correlate with the original No Fear Act reporting categorization, nor does the Act require such reporting of outcomes by category. ATF records systems also do not track the gender of complainants, complaint subjects or the gender or job series of employees disciplined.

In response to your letter, ATF has reviewed its current IAD case management system and conducted a query of personnel records documenting discipline since 2007.<sup>2</sup> Based on the review, ATF has not identified any instances where an IAD referral alleged that a first-line

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<sup>2</sup> ATF's IAD case management system does not contain complete information on matters occurring before 2007.



supervisor failed to report sexual harassment or any instances where a first-line supervisor has been disciplined for failure to report sexual harassment. Based upon ATF's review of records relating to its current SES employees, we understand that none have sustained sexual harassment findings against them.

Based on a query of its current IAD case management system, ATF is aware of three cases in which an EEO claim resulted in a formal IAD investigation of the complainant when, during the EEO process, evidence was developed that the complainant had engaged in misconduct. As noted, ATF's IAD generally does not investigate claims submitted to the EEO office. In rare circumstances, however, ATF's IAD has conducted investigations involving individuals alleged to have engaged in EEO violations concurrent with an EEO investigation. ATF's review of its IAD case management system revealed two such investigations since 2007. One of these IAD investigations involved the allegations by the ATF employee identified in your letter as the complainant (hereinafter, the Complainant) regarding harassment of other female employees; the second involved alleged retaliation by three ATF employees against a male EEO complainant.<sup>3</sup>

#### **Particular Allegations Related to ATF Proceedings**

We appreciate your interest in the status of ATF proceedings relating to the two employees identified in your letter. While our public disclosure of information about those employees and other ATF employees might be prohibited by the Privacy Act, we are prepared to provide information responsive to your oversight request in accordance with 5 U.S.C. 552a(b)(9). We have provided detailed information responsive to your request in the enclosed Confidential Addendum and we respectfully request that the Committee maintain the confidentiality of that information because it implicates substantial individual privacy interests.

We also note that, pursuant to longstanding protocol and regulatory obligations, all complaints received by IAD are required to be provided to the OIG, which has the right of first refusal to investigate any matter. In this matter, we understand that the OIG reviewed the allegations received from the Complainant and referred them back to ATF IAD for its handling. ATF IAD subsequently opened an investigation of the matter and shared its results with the OIG. We further understand that the OIG is conducting a programmatic review examining gender equity in the Department's law enforcement components, including ATF; this OIG review will include an assessment of component demographics, gender discrimination complaints, the complaint process, and staff perceptions related to gender equity.

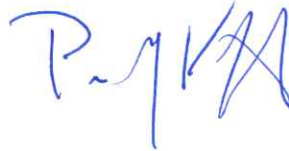
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<sup>3</sup> ATF also identified one instance where IAD served as a conduit to provide a Final Agency Decision of discrimination by CAO to ATF's Professional Review Board (PRB). The PRB reviews findings of misconduct and proposes discipline to a deciding official. This matter did not involve an IAD investigation.

The Honorable Charles E. Grassley  
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We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Kadzik", with a stylized flourish at the end.

Peter J. Kadzik  
Assistant Attorney General

Enclosures

cc: The Honorable Patrick J. Leahy  
Ranking Member

The Honorable Michael E. Horowitz  
Inspector General  
U.S. Department of Justice



**CONFIDENTIAL ADDENDUM REGARDING ATF PERSONNEL MATTERS  
PROVIDED TO CHAIRMAN CHARLES E. GRASSLEY, SENATE JUDICIARY  
COMMITTEE PURSUANT TO THE PRIVACY ACT, 5 U.S.C. 552a(b)(9)**

**Allegations by the Complainant of Discrimination and a Hostile Work Environment**

In April 2013, the Complainant contacted the ATF's EEO alleging that she had been subjected to discrimination and a hostile work environment based on her gender, disability, and in retaliation for prior EEO activity, but she did not make any claims regarding sexual harassment.

In June 2013, ATF and the Complainant engaged in pre-complaint mediation discussions, but they were unable to reach a resolution. Thereafter, the Complainant proceeded with her EEO complaint and an EEO investigation ensued in accordance with ATF procedures. Following the investigation, the Complainant then had the option to proceed with a hearing before an EEOC Administrative Judge or to obtain a final agency decision from the CAO. She chose the latter and accordingly, ATF's EEO office transmitted to CAO the complaint file, including the evidence obtained during the EEO investigation. ATF and the Complainant also engaged in settlement discussions during the CAO process, but these discussions did not result in a resolution.

On September 21, 2015, CAO issued a decision on the Complainant's EEO complaint, concluding that she had been: (a) discriminated against based on her gender and perceived disability; and (b) subjected to a hostile work environment based on her gender and/or in reprisal for her prior EEO activity. CAO ordered ATF to undertake corrective actions, including determination of payment for damages and attorney's fees. ATF and the Complainant are in the process of executing the CAO directive. The CAO decision is subject to appeal in federal court by the Complainant; the appeal deadline has not yet expired.

**Complainant's Allegations of Harassment and Misconduct Directed at Others**

During the June 2013 pre-complaint mediation discussions with the Complainant, she alleged that other female ATF employees had been discriminated against based on their gender. She also alleged during these discussions that one specific female employee had been the victim of sexual misconduct more than two years earlier. The Complainant had not previously reported these allegations to IAD. ATF officials involved in those discussions immediately reported these allegations to ATF's IAD, which opened a preliminary investigation of the Complainant's allegations regarding sexual harassment of other female employees. IAD had not received any complaints from these employees alleging they had been sexually harassed, nor had the Complainant previously reported to IAD that she had been sexually or otherwise harassed. In addition, none of the other female employees had filed EEO complaints regarding the alleged harassment. At the conclusion of its preliminary investigation, IAD determined that the evidence did not support the sexual harassment allegations regarding the other female employees, and that additional investigation was not warranted.

In addition, in August 2013, during IAD's interview of the Complainant, she alleged that a specific management official had engaged in other, non-EEO, misconduct on an unspecified



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date. After conducting a review of this other misconduct allegation, IAD determined that it warranted further investigation; this investigation remains open.

In January 2015, during one of the settlement discussions described above, the Complainant alleged sexual harassment by an ATF manager involving a different third-party female employee, although she did not have personal knowledge of the alleged conduct. The ATF official involved in the settlement discussion immediately reported the new allegations of misconduct to ATF's IAD, which completed an investigation and made no findings of sexual harassment.

**Decision of the Complaint Adjudication Office**

As noted above, on September 21, 2015, the Department of Justice's Complaint Adjudication Office (CAO) issued a final agency decision on the Complainant's EEO complaint. The CAO decision held that Special Agent (SA) Billy Wright had engaged in discrimination against the Complainant based on her gender and/or perceived disability when he selected a less qualified individual over the Complainant for a supervisory position, and had subjected the Complainant to a hostile work environment based on her gender and/or in reprisal for her prior EEO activity. The CAO decision also found that SA Charles Smith, as SA Wright's supervisor and the ATF management official with final authority for the selection of personnel in his Division, was responsible both for the discrimination against the Complainant and for condoning the hostile work environment to which she was subjected.<sup>1</sup>

ATF has evaluated the CAO decision to determine appropriate discipline for the employees found to have engaged, directly or indirectly, in discrimination, including SAs Wright and Smith. In early December 2015, ATF issued disciplinary proposals to SAs Wright and Smith. SA Wright and SA Smith have a right to respond to the deciding official -- both orally and in writing -- before ATF may impose any discipline.

**Special Agent Wright**

SA Wright is an ATF employee in the position of Group Supervisor in an ATF Field Division. He is currently, however, on special assignment in a non-supervisory capacity. He was last promoted in August 2012. No direct sexual harassment complaints have been filed against SA Wright. The Complainant's allegations that other female employees were sexually harassed included alleged conduct involving SA Wright, but these allegations were not substantiated. The Complainant's allegations of discrimination and retaliation (but *not* sexual harassment) are the only EEO matters filed regarding SA Wright.

A female employee (other than the Complainant) filed a complaint with ATF IAD asserting that SA Wright retaliated against her for allegedly rebuffing a sexual advance by him after work hours approximately 2.5 years prior to the filing of her IAD complaint. This claim of

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<sup>1</sup> The CAO decision also held that a third ATF manager, the individual selected for the supervisory position instead of the Complainant, continued the hostile work environment to which she was subjected after he became her first-line supervisor.

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retaliation was not substantiated. That employee did not file a direct sexual harassment claim relating to the alleged sexual advance and did not allege in her IAD complaint that she was inappropriately touched during the encounter.

**Special Agent Smith**

SA Smith is an ATF employee, currently serving as an Executive Assistant to the Director of ATF. SA Smith was last promoted in October 2012. The Complainant's allegations against SA Smith did not include any claim that he sexually harassed her or any other employee. SA Smith was among several ATF managers named in a 2012 EEO complaint filed by an ATF employee alleging discrimination and hostile work environment claims (race, sex and reprisal, (but *not* sexual harassment). The matter proceeded before the EEOC, where the administrative judge held that no discrimination had occurred. The complainant in that matter appealed the ruling to the EEOC appellate body (the Office of Federal Operations), where it is now pending.

SA Smith also was among ATF managers named in a 2012 EEO complaint filed by another ATF employee alleging discrimination, hostile work environment, and harassment claims (race, sex, disability, and reprisal). The same employee also filed a 2013 EEO complaint naming SA Smith and other ATF managers. The 2013 complaint again alleged discrimination, hostile work environment, and harassment claims (race, sex, disability, and reprisal). The two complaints were resolved in a consolidated settlement between ATF and the complainant with no finding of discrimination, hostile work environment, or harassment against SA Smith or other ATF managers.

ATF's IAD investigated Complainant's allegation in January 2015 that SA Smith had sexually harassed a third-party female employee. That allegation was not substantiated, but the investigation did result in a finding that SA Smith had engaged in inappropriate behavior during a non-work related conversation with the third-party female employee. The finding of inappropriate behavior was referred for disciplinary review and resulted in the issuance of a letter of caution to SA Smith in August 2015.



**COMPONENT: Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)**

<b>EEO COMPLAINT DATA</b>	<b>1<sup>st</sup> Quarter FY 2012</b>	<b>2<sup>nd</sup> Quarter FY2012</b>	<b>3<sup>rd</sup> Quarter FY 2012</b>	<b>4th Quarter FY 2012</b>	<b>Year to Date Total</b>
<b>I. Number of Complaints</b>					
A. Pending at the beginning of the quarter	72	77	83	74	74
B. Filed during the quarter	6	17	9	9	41
C. Pending, at any time, during the quarter	78	94	92	83	83
<b>II. Number of Filers</b>	<b>1<sup>st</sup> Quarter FY 2012</b>	<b>2<sup>nd</sup> Quarter FY 2012</b>	<b>3<sup>rd</sup> Quarter FY 2012</b>	<b>4th Quarter FY 2012</b>	<b>Year to Date Total</b>
A. Who had a complaint pending at the start of the quarter	62	64	73	63	63
B. Who filed a complaint during this quarter	6	17	9	9	41
C. Who had a complaint pending at any time during this quarter	68	81	82	72	72
D. Who filed two or more complaints during this quarter	0	0	0	1	1
<b>III. Breakdown of all Complaints filed during this quarter by basis and issue</b>	<b>1<sup>st</sup> Quarter FY 2012</b>	<b>2nd Quarter FY 2012</b>	<b>3rd Quarter FY 2012</b>	<b>4th Quarter FY 2012</b>	<b>Year to Date Total</b>
A. Complaints filed during the quarter broken down by basis:					
1. Race:	3	11	3	7	25
a. American Indian/Alaskan Native:	0	0	0	0	0
b. American Asian/Pacific Islander:	0	2	0	1	3
c. Black:	1	8	2	4	15
d. White	2	2	1	2	7
2. Color:	0	0	0	2	2
3. Sex:	2	11	5	5	23
a. Male:	0	4	0	1	5



b. Female:	2	7	5	4	18
4. Age:	3	8	2	3	16
5. Religion:	0	3	0	0	3
6. Reprisal:	4	1	2	4	11
7. National Origin:	0	0	2	3	5
a. Hispanic:	0	0	0	1	1
b. Other:	0	0	2	2	4
8. Equal Pay Act	0	0	1	1	2
a. Male:	0	1	0	0	1
b. Female	0	0	0	1	1
9. Disability:	0	3	1	2	6
10. Non-EEO Basis	0	3	2	0	5
B. Complaints filed during the quarter broken down by issue:					
1. Appointment/Hire:	0	2	1	0	3
2. Assignment of Duties	0	1	1	0	2
3. Awards:	0	0	0	0	0
4. Conversion to Full Time:	0	0	0	0	0
5. Disciplinary Action	1	2	1	3	7
a. Demotion	0	0	0	0	0
b. Reprimand	1	1	0	1	3
c. Suspension	0	1	0	1	2
d. Removal	0	0	1	0	1
e. Other:	0	0	0	1	1
6. Duty Hours	0	0	0	0	0
7. Evaluation/Appraisal	2	7	2	0	11
8. Examination/Test:	0	2	0	0	2
9. Harassment:	0	8	0	0	8
a. Non-sexual:	0	8	0	0	8
b. Sexual	0	0	0	0	0

10. Medical Examination:	0	0	0	0	0
11. Pay Including Overtime:	0	1	0	0	1
12. Promotion/Non-Selection	2	2	1	4	9
13. Reassignment:	1	1	0	0	2
a. Denied:	0	0	2	0	2
b. Directed:	1	1	1	0	3
14. Reasonable Accommodation:	0	1	0	1	2
15. Reinstatement:	0	0	0	0	0
16. Retirement:	0	0	0	0	0
17. Termination:	0	2	0	0	2
18. Terms & Conditions of Employment:	0	0	0	0	0
19. Time & Attendance:	0	2	1	0	3
20. Training:	3	2	0	0	5
21. Other: HWE	1	1	2	4	8
<b>IV. Time measurements – All complaints pending at any time during the quarter</b>	<b>1<sup>st</sup> Quarter FY 2012</b>	<b>2<sup>nd</sup> Quarter FY 2012</b>	<b>3<sup>rd</sup> Quarter FY 2012</b>	<b>4<sup>th</sup> Quarter FY 2012</b>	<b>Year to Date Total</b>
A. Average number of days for Investigation:	374.75	200.54	192.6	255.9	255.95
B. Average number of days for Final Agency Decision:	256.36	921.4	823	839.2	709.99
C. Average number of days for Final Agency Action	880.66	780.08	872.33	959.5	873.14
D. Number of complaints dismissed pursuant to 29 CFR § 1614.107(a)	0	3	2	0	5
E. Average number of days complaints were pending at the time of dismissal	0	742	277	0	254.75
<b>V. Final agency actions involving discrimination during the quarter broken down by hearing/no hearing and basis/issue.</b>	<b>1<sup>st</sup> Quarter FY 2012</b>	<b>2<sup>nd</sup> Quarter FY 2012</b>	<b>3<sup>rd</sup> Quarter FY 2012</b>	<b>4<sup>th</sup> Quarter FY 2012</b>	<b>Year to Date Total</b>
	0	1	1	0	2



A. Total number of final agency actions (decisions) involving discrimination during the quarter	0	0	1	0	1
B. Decisions finding discrimination without a hearing:	0	1	0	0	1
C. Decisions finding discrimination without a hearing broken down by basis:					
1. Race:	0	0	0	0	0
a. American Indian/Alaskan Native:	0	0	0	0	0
b. American Asian/Pacific Islander:	0	0	0	0	0
c. Black:	0	0	0	0	0
d. White:	0	0	0	0	0
2. Color:	0	0	0	0	0
3. Sex:	0	0	1	0	1
a. Male:	0	0	0	0	0
b. Female:	0	0	1	0	1
4. Age:	0	0	0	0	0
5. Religion:	0	0	0	0	0
6. Reprisal:	0	0	0	0	0
7. National Origin:	0	0	1	0	1
a. Hispanic:	0	0	0	0	0
b. Other:	0	0	1	0	1
8. Equal Pay Act:	0	0	0	0	0
a. Male:	0	0	0	0	0
b. Female:	0	0	0	0	0
9. Disability:	0	0	0	0	0
10. Non-EEO Basis	0	0	0	0	0
D. Decisions finding discrimination without a hearing broken down by issue:					
1. Appointment/Hire:	0	0	0	0	0

2. Assignment of Duties:	0	0	0	0	0
3. Awards:	0	0	0	0	0
4. Conversion to Full Time:	0	0	0	0	0
5. Disciplinary Action:	0	0	0	0	0
a. Demotion:	0	0	0	0	0
b. Reprimand:	0	0	0	0	0
c. Suspension:	0	0	0	0	0
d. Removal:	0	0	0	0	0
e. Other:	0	0	0	0	0
6. Duty Hours:	0	0	0	0	0
7. Evaluation/Appraisal:	0	0	0	0	0
8. Examination/Test:	0	0	0	0	0
9. Harassment:	0	0	0	0	0
a. Non-sexual:	0	0	0	0	0
b. Sexual:	0	0	0	0	0
10. Medical Examination:	0	0	0	0	0
11. Pay Including Overtime:	0	0	0	0	0
12. Promotion/Non-Selection:	0	0	0	0	0
13. Reassignment:	0	0	0	0	0
a. Denied:	0	0	0	0	0
b. Directed:	0	0	1	0	1
14. Reasonable Accommodation:	0	0	0	0	0
15. Reinstatement:	0	0	0	0	0
16. Retirement:	0	0	0	0	0
17. Termination:	0	0	0	0	0
18. Terms/Conditions of Employment:	0	0	0	0	0
19. Time and Attendance:	0	0	0	0	0
20. Training:	0	0	0	0	0



21. Other:	0	0	0	0	0
E. Decisions involving discrimination after a hearing:	0	1	0	0	1
F. Decisions involving discrimination after a hearing broken down by basis:					
1. Race:	0	0	0	0	0
a. American Indian/Alaskan Native:	0	0	0	0	0
b. American Asian/Pacific Islander:	0	0	0	0	0
c. Black:	0	0	0	0	0
d. White:	0	0	0	0	0
2. Color:	0	0	0	0	0
3. Sex:	0	0	0	0	0
a. Male:	0	0	0	0	0
b. Female:	0	0	0	0	0
4. Age:	0	0	0	0	0
5. Religion:	0	0	0	0	0
6. Reprisal:	0	0	0	0	0
7. National Origin:	0	0	0	0	0
a. Hispanic:	0	0	0	0	0
b. Other:	0	0	0	0	0
8. Equal Pay Act:	0	0	0	0	0
a. Male:	0	0	0	0	0
b. Female:	0	0	0	0	0
9. Disability:	0	1	0	0	1
10. Non-EEO Basis	0	0	0	0	0
G. Decisions involving discrimination after a hearing broken down by issue:					
1. Appointment/Hire:	0	0	0	0	0
2. Assignment of Duties:	0	0	0	0	0

3. Awards:	0	0	0	0	0
4. Conversion to Full Time:	0	0	0	0	0
5. Disciplinary Action:	0	0	0	0	0
a. Demotion:	0	0	0	0	0
b. Reprimand:	0	0	0	0	0
c. Suspension:	0	0	0	0	0
d. Removal:	0	0	0	0	0
e. Other:	0	0	0	0	0
6. Duty Hours:	0	0	0	0	0
7. Evaluation/Appraisal:	0	0	0	0	0
8. Examination/Test:	0	0	0	0	0
9. Harassment:	0	0	0	0	0
a. Non-sexual:	0	0	0	0	0
b. Sexual:	0	0	0	0	0
10. Medical Examination:	0	0	0	0	0
11. Pay Including Overtime:	0	0	0	0	0
12. Promotion/Non-Selection:	0	0	0	0	0
13. Reassignment:	0	0	0	0	0
a. Denied:	0	0	0	0	0
b. Directed:	0	0	0	0	0
14. Reasonable Accommodation:	0	1	0	0	1
15. Reinstatement:	0	0	0	0	0
16. Retirement:	0	0	0	0	0
17. Termination:	0	0	0	0	0
18. Terms/Conditions of Employment:	0	0	0	0	0
19. Time and Attendance:	0	0	0	0	0
20. Training:	0	0	0	0	0
21. Other:	0	0	0	0	0
<b>VI. Status of all pending</b>	<b>1<sup>st</sup> Quarter FY 2012</b>	<b>2nd Quarter FY 2012</b>	<b>3<sup>rd</sup> Quarter FY 2012</b>	<b>4<sup>th</sup> Quarter FY 2012</b>	<b>Year to Date</b>



<b>complaints</b>					<b>Total</b>
A. Number of complaints pending investigation:	31	33	35	32	32
B. Number of complaints pending hearing:	26	24	19	20	20
C. Number of complaints pending final agency action:	21	26	21	21	21
D. Number of complaints pending decision on appeal:	16	14	5	9	9
<b>VII. Complaints not timely investigated</b>	<b>1<sup>st</sup> Quarter FY 2012</b>	<b>2<sup>nd</sup> Quarter FY 2012</b>	<b>3<sup>rd</sup> Quarter FY 2012</b>	<b>4<sup>th</sup> Quarter FY 2012</b>	<b>Year to Date Total</b>
A. Number of complaints not investigated within the time required by 29 CFR § 1614.106(e)(2):	0	0	13	10	10

**COMPONENT:** Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

<b>EEO COMPLAINT DATA</b>	<b>1<sup>st</sup> Quarter FY 2012</b>	<b>2<sup>nd</sup> Quarter FY 2013</b>	<b>3<sup>rd</sup> Quarter FY 2013</b>	<b>4<sup>th</sup> Quarter FY 2013</b>	<b>Year to Date Total</b>
<b>I. Number of Complaints</b>					
A. Pending at the beginning of the quarter	73	71	76	65	65
B. Filed during the quarter	8	12	9	10	39
C. Pending, at any time, during the quarter	81	83	85	75	75
<b>II. Number of Filers</b>	<b>1<sup>st</sup> Quarter FY 2012</b>	<b>2<sup>nd</sup> Quarter FY 2013</b>	<b>3<sup>rd</sup> Quarter FY 2013</b>	<b>4<sup>th</sup> Quarter FY 2013</b>	<b>Year to Date Total</b>
A. Who had a complaint pending at the start of the quarter	59	51	54	43	43
B. Who filed a complaint during this quarter	8	12	9	10	39
C. Who had a complaint pending at any time during this quarter	67	63	63	53	53
D. Who filed two or more complaints during this quarter	0	0	0	0	0
<b>III. Breakdown of all Complaints filed during this quarter by basis and issue</b>	<b>1<sup>st</sup> Quarter FY 2012</b>	<b>2<sup>nd</sup> Quarter FY 2013</b>	<b>3<sup>rd</sup> Quarter FY 2013</b>	<b>4<sup>th</sup> Quarter FY 2013</b>	<b>Year to Date Total</b>
A. Complaints filed during the quarter broken down by basis:					
1. Race:	5	2	5	5	17
a. American Indian/Alaskan Native:	0	0	0	0	0
b. American Asian/Pacific Islander:	1	0	2	0	3
c. Black:	4	1	3	3	11
d. White:	0	1	0	2	3



2. Color:	1	0	2	2	5
3. Sex:	4	6	5	6	21
a. Male:	1	2	0	1	4
b. Female:	3	4	5	5	17
4. Age:	1	2	5	2	10
5. Religion:	0	1	0	0	1
6. Reprisal:	6	6	0	5	21
7. National Origin:	0	1	4	1	6
a. Hispanic:	0	0	2	0	2
b. Other:	0	1	2	1	4
8. Equal Pay Act	1	0	0	0	1
a. Male:	1	0	0	0	1
b. Female	0	0	0	0	0
9. Disability:	2	2	2	2	8
10. Non-EEO Basis	0	1	1	1	3
B. Complaints filed during the quarter broken down by issue:					
1. Appointment/Hire:	0	0	0	3	3
2. Assignment of Duties	2	1	1	1	5
3. Awards:	0	0	0	0	0
4. Conversion to Full Time:	0	0	0	0	0
5. Disciplinary Action	2	2	0	1	5
a. Demotion	1	0	0	0	1
b. Reprimand	0	0	0	0	0
c. Suspension	0	0	0	0	0
d. Removal	1	0	0	1	2
e. Other:	0	2	0	1	3

6. Duty Hours	0	0	0	0	0
7. Evaluation/Appraisal	1	4	2	1	8
8. Examination/Test:	0	0	0	0	0
9. Harassment:	2	8	4	3	17
a. Non-sexual:	2	7	4	3	16
b. Sexual	0	1	0	0	1
10. Medical Examination:	0	0	0	0	0
11. Pay Including Overtime:	1	0	0	0	1
12. Promotion/Non-Selection	1	2	3	0	6
13. Reassignment:	0	0	0	1	1
a. Denied:	0	0	0	1	1
b. Directed:	0	0	0	0	0
14. Reasonable Accommodation:	1	0	1	0	2
15. Reinstatement:	0	0	0	0	0
16. Retirement:	0	1	0	0	1
17. Termination:	0	0	0	0	0
18. Terms & Conditions of Employment:	0	0	1	1	2
19. Time & Attendance:	0	0	0	0	0
20. Training:	1	0	1	0	2
21. Other: HWE	0	4	2	1	7
<b>IV. Time measurements – All complaints pending at any time during the quarter</b>	<b>1<sup>st</sup> Quarter FY 2012</b>	<b>2nd Quarter FY 2013</b>	<b>3rd Quarter FY 2013</b>	<b>4th Quarter FY 2013</b>	<b>Year to Date Total</b>
A. Average number of days for Investigation:	156.92	152.75	154	160.5	156.03
B. Average number of days for Final Agency Decision:	842	802	792.5	5350	1946.6

C. Average number of days for Final Agency Action	704.73	812.76	765.8	613.6	724.2
D. Number of complaints dismissed pursuant to 29 CFR § 1614.107(a)	0	1	1	2	4
E. Average number of days complaints were pending at the time of dismissal	0	1255	62	169	371.50
<b>V. Final agency actions involving discrimination during the quarter broken down by hearing/no hearing and basis/issue.</b>	<b>1<sup>st</sup> Quarter FY 2012</b>	<b>2<sup>nd</sup> Quarter FY 2013</b>	<b>3<sup>rd</sup> Quarter FY 2013</b>	<b>4<sup>th</sup> Quarter FY 2013</b>	<b>Year to Date Total</b>
	0	0	0	1	0
A. Total number of final agency actions (decisions) involving discrimination during the quarter	0	0	0	0	0
B. Decisions finding discrimination without a hearing:	0	0	0	1	0
C. Decisions finding discrimination without a hearing broken down by basis:					
1. Race:	0	0	0	0	0
a. American Indian/Alaskan Native:	0	0	0	0	0
b. American Asian/Pacific Islander:	0	0	0	0	0
c. Black:	0	0	0	0	0
d. White:	0	0	0	0	0
2. Color:	0	0	0	0	0
3. Sex:	0	0	0	1	1
a. Male:	0	0	0	0	0
b. Female:	0	0	0	1	1
4. Age:	0	0	0	0	0
5. Religion:	0	0	0	0	0



6. Reprisal:	0	0	0	0	0
7. National Origin:	0	0	0	0	0
a. Hispanic:	0	0	0	0	0
b. Other:	0	0	0	0	0
8. Equal Pay Act:	0	0	0	0	0
a. Male:	0	0	0	0	0
b. Female:	0	0	0	0	0
9. Disability:	0	0	0	0	0
10. Non-EEO Basis	0	0	0	0	0
D. Decisions finding discrimination without a hearing broken down by issue:					
1. Appointment/Hire:	0	0	0	0	0
2. Assignment of Duties:	0	0	0	0	0
3. Awards:	0	0	0	0	0
4. Conversion to Full Time:	0	0	0	0	0
5. Disciplinary Action:	0	0	0	0	0
a. Demotion:	0	0	0	0	0
b. Reprimand:	0	0	0	0	0
c. Suspension:	0	0	0	0	0
d. Removal:	0	0	0	0	0
e. Other:	0	0	0	0	0
6. Duty Hours:	0	0	0	0	0
7. Evaluation/Appraisal:	0	0	0	0	0
8. Examination/Test:	0	0	0	0	0
9. Harassment:	0	0	0	0	0
a. Non-sexual:	0	0	0	0	0
b. Sexual:	0	0	0	0	0

10. Medical Examination:	0	0	0	0	0
11. Pay Including Overtime:	0	0	0	0	0
12. Promotion/Non-Selection:	0	0	0	1	1
13. Reassignment:	0	0	0	0	0
a. Denied:	0	0	0	0	0
b. Directed:	0	0	0	0	0
14. Reasonable Accommodation:	0	0	0	0	0
15. Reinstatement:	0	0	0	0	0
16. Retirement:	0	0	0	0	0
17. Termination:	0	0	0	0	0
18. Terms/Conditions of Employment:	0	0	0	0	0
19. Time and Attendance:	0	0	0	0	0
20. Training:	0	0	0	0	0
21. Other:	0	0	0	0	0
E. Decisions involving discrimination after a hearing:	0	0	0	0	0
F. Decisions involving discrimination after a hearing broken down by basis:					
1. Race:	0	0	0	0	0
a. American Indian/Alaskan Native:	0	0	0	0	0
b. American Asian/Pacific Islander:	0	0	0	0	0
c. Black:	0	0	0	0	0
d. White:	0	0	0	0	0
2. Color:	0	0	0	0	0

3. Sex:	0	0	0	0	0
a. Male:	0	0	0	0	0
b. Female:	0	0	0	0	0
4. Age:	0	0	0	0	0
5. Religion:	0	0	0	0	0
6. Reprisal:	0	0	0	0	0
7. National Origin:	0	0	0	0	0
a. Hispanic:	0	0	0	0	0
b. Other:	0	0	0	0	0
8. Equal Pay Act:	0	0	0	0	0
a. Male:	0	0	0	0	0
b. Female:	0	0	0	0	0
9. Disability:	0	0	0	0	0
10. Non-EEO Basis	0	0	0	0	0
G. Decisions involving discrimination after a hearing broken down by issue:					
1. Appointment/Hire:	0	0	0	0	0
2. Assignment of Duties:	0	0	0	0	0
3. Awards:	0	0	0	0	0
4. Conversion to Full Time:	0	0	0	0	0
5. Disciplinary Action:	0	0	0	0	0
a. Demotion:	0	0	0	0	0
b. Reprimand:	0	0	0	0	0
c. Suspension:	0	0	0	0	0
d. Removal:	0	0	0	0	0
e. Other:	0	0	0	0	0
6. Duty Hours:	0	0	0	0	0



7. Evaluation/Appraisal:	0	0	0	0	0
8. Examination/Test:	0	0	0	0	0
9. Harassment:	0	0	0	0	0
a. Non-sexual:	0	0	0	0	0
b. Sexual:	0	0	0	0	0
10. Medical Examination:	0	0	0	0	0
11. Pay Including Overtime:	0	0	0	0	0
12. Promotion/Non-Selection:	0	0	0	0	0
13. Reassignment:	0	0	0	0	0
a. Denied:	0	0	0	0	0
b. Directed:	0	0	0	0	0
14. Reasonable Accommodation:	0	0	0	0	0
15. Reinstatement:	0	0	0	0	0
16. Retirement:	0	0	0	0	0
17. Termination:	0	0	0	0	0
18. Terms/Conditions of Employment:	0	0	0	0	0
19. Time and Attendance:	0	0	0	0	0
20. Training:	0	0	0	0	0
21. Other:	0	0	0	0	0
<b>VI. Status of all pending complaints</b>	<b>1<sup>st</sup> Quarter FY 2012</b>	<b>2nd Quarter FY 2013</b>	<b>3<sup>rd</sup> Quarter FY 2013</b>	<b>4<sup>th</sup> Quarter FY 2013</b>	<b>Year to Date Total</b>
A. Number of complaints pending investigation:	19	24	20	22	22
B. Number of complaints pending hearing:	25	26	27	32	32

C. Number of complaints pending final agency action:	30	26	23	14	14
D. Number of complaints pending decision on appeal:	5	5	2	0	0
<b>VII. Complaints not timely investigated</b>	<b>1<sup>st</sup> Quarter FY 2012</b>	<b>2<sup>nd</sup> Quarter FY 20103</b>	<b>3<sup>rd</sup> Quarter FY 2013</b>	<b>4<sup>th</sup> Quarter FY 2013</b>	<b>Year to Date Total</b>
A. Number of complaints not investigated within the time required by 29 CFR § 1614.106(e)(2):	9	7	1	0	0

**COMPONENT:** Bureau of Alcohol, Tobacco, Firearms and Explosives

<b>EEO COMPLAINT DATA</b>	<b>1<sup>st</sup> Quarter FY 2013</b>	<b>2<sup>nd</sup> Quarter FY 2014</b>	<b>3<sup>rd</sup> Quarter FY 2014</b>	<b>4<sup>th</sup> Quarter FY 2014</b>	<b>Year to Date Total</b>
<b>I. Number of Complaints</b>					
A. Pending at the beginning of the quarter	67	66	62	67	67
B. Filed during the quarter	7	9	5	5	26
C. Pending, at any time, during the quarter	74	73	67	72	72
<b>II. Number of Filers</b>	<b>1<sup>st</sup> Quarter FY 2013</b>	<b>2<sup>nd</sup> Quarter FY 2014</b>	<b>3<sup>rd</sup> Quarter FY 2014</b>	<b>4<sup>th</sup> Quarter FY 2014</b>	<b>Year to Date Total</b>
A. Who had a complaint pending at the start of the quarter	47	44	39	44	44
B. Who filed a complaint during this quarter	7	9	5	5	26
C. Who had a complaint pending at any time during this quarter	54	52	44	49	49
D. Who filed two or more complaints during this quarter	0	1	0	0	1
<b>III. Breakdown of all Complaints filed during this quarter by basis and issue</b>	<b>1<sup>st</sup> Quarter FY 2013</b>	<b>2<sup>nd</sup> Quarter FY 2014</b>	<b>3<sup>rd</sup> Quarter FY 2014</b>	<b>4<sup>th</sup> Quarter FY 2014</b>	<b>Year to Date Total</b>
A. Complaints filed during the quarter broken down by basis:					
1. Race:	3	5	2	0	10
a. American Indian/Alaskan Native:	0	0	0	0	0



b. American Asian/Pacific Islander:	2	1	0	0	3
c. Black:	1	4	1	0	6
d. White:	0	0	1	0	1
2. Color:	1	3	0	0	4
3. Sex:	2	5	3	2	12
a. Male:	0	1	1	1	3
b. Female:	2	4	2	1	9
4. Age:	0	5	2	1	8
5. Religion:	1	0	0	1	2
6. Reprisal:	2	7	5	2	16
7. National Origin:	2	1	1	1	5
a. Hispanic:	0	0	1	0	1
b. Other:	2	1	0	1	4
8. Equal Pay Act	0	0	0	0	0
a. Male:	0	0	0	0	0
b. Female	0	0	0	0	0
9. Disability:	4	4	3	2	13
10. Non-EEO Basis	1	1	1	0	3
B. Complaints filed during the quarter broken down by issue:					
1. Appointment/Hire:	1	0	0	1	2
2. Assignment of Duties	1	1	1	0	3
3. Awards:	0	0	0	0	0
4. Conversion to Full Time:	0	0	0	0	0
5. Disciplinary Action	1	0	0	0	1
a. Demotion	0	0	0	0	0
b. Reprimand	1	0	0	0	1

c. Suspension	0	0	0	0	0
d. Removal	0	0	0	0	0
e. Other:	0	0	0	0	0
6. Duty Hours	0	1	0	0	1
7. Evaluation/Appraisal	1	2	1	0	4
8. Examination/Test:	0	0	0	0	0
9. Harassment:	4	6	2	0	12
a. Non-sexual:	4	6	2	0	12
b: Sexual	1	0	0	0	1
10. Medical Examination:	1	0	0	0	1
11. Pay Including Overtime:	0	0	0	0	0
12. Promotion/Non-Selection	1	1	0	1	3
13. Reassignment:	0	0	1	1	2
a. Denied:	0	0	0	0	0
b. Directed:	0	0	1	1	2
14. Reasonable Accommodation:	2	2	1	2	7
15. Reinstatement:	0	0	0	0	0
16. Retirement:	0	0	1	0	1
17. Termination:	0	0	0	0	0
18: Terms & Conditions of Employment:	0	1	0	1	2
19. Time & Attendance:	3	1	0	0	4
20. Training:	0	0	0	0	0
21. Other: HWE	2	1	1	0	4

<b>IV. Time measurements – All complaints pending at any time during the quarter</b>	<b>1<sup>st</sup> Quarter FY 2013</b>	<b>2nd Quarter FY 2014</b>	<b>3rd Quarter FY 2014</b>	<b>4th Quarter FY 2014</b>	<b>Year to Date Total</b>
A. Average number of days for Investigation:	197.13	106.72	209.3	161.4	168.6
B. Average number of days for Final Agency Decision:	1814.9	877.6	748.0	617.4	1014.4
C. Average number of days for Final Agency Action	627.69	383.9	405.7	552.1	492.3
D. Number of complaints dismissed pursuant to 29 CFR § 1614.107(a)	3	0	1	1	5
E. Average number of days complaints were pending at the time of dismissal	123.1	99	0	119.4	85.3
<b>V. Final agency actions involving discrimination during the quarter broken down by hearing/no hearing and basis/issue.</b>					
A. Total number of final agency actions (decisions) involving discrimination during the quarter	1	0	0	0	1
B. Decisions finding discrimination without a hearing:	0	0	0	0	0
C. Decisions finding discrimination without a hearing broken down by basis:					
1. Race:	0	0	0	0	0
a. American Indian/Alaskan Native:	0	0	0	0	0



b. American Asian/Pacific Islander:	0	0	0	0	0
c. Black:	0	0	0	0	0
d. White:	0	0	0	0	0
2. Color:	0	0	0	0	0
3. Sex:	0	0	0	0	0
a. Male:	0	0	0	0	0
b. Female:	0	0	0	0	0
4. Age:	0	0	0	0	0
5. Religion:	0	0	0	0	0
6. Reprisal:	0	0	0	0	0
7. National Origin:	0	0	0	0	0
a. Hispanic:	0	0	0	0	0
b. Other:	0	0	0	0	0
8. Equal Pay Act:	0	0	0	0	0
a. Male:	0	0	0	0	0
b. Female:	0	0	0	0	0
9. Disability:	0	0	0	0	0
10. Non-EEO Basis	0	0	0	0	0
D. Decisions finding discrimination without a hearing broken down by issue:					
1. Appointment/Hire:	0	0	0	0	0
2. Assignment of Duties:	0	0	0	0	0
3. Awards:	0	0	0	0	0
4. Conversion to Full Time:	0	0	0	0	0
5. Disciplinary Action:	0	0	0	0	0
a. Demotion:	0	0	0	0	0
b. Reprimand:	0	0	0	0	0

c. Suspension:	0	0	0	0	0
d. Removal:	0	0	0	0	0
e. Other:	0	0	0	0	0
6. Duty Hours:	0	0	0	0	0
7. Evaluation/Appraisal:	0	0	0	0	0
8. Examination/Test:	0	0	0	0	0
9. Harassment:	0	0	0	0	0
a. Non-sexual:	0	0	0	0	0
b. Sexual:	0	0	0	0	0
10. Medical Examination:	0	0	0	0	0
11. Pay Including Overtime:	0	0	0	0	0
12. Promotion/Non-Selection:	0	0	0	0	0
13. Reassignment:	0	0	0	0	0
a. Denied:	0	0	0	0	0
b. Directed:	0	0	0	0	0
14. Reasonable Accommodation:	0	0	0	0	0
15. Reinstatement:	0	0	0	0	0
16. Retirement:	0	0	0	0	0
17. Termination:	0	0	0	0	0
18. Terms/Conditions of Employment:	0	0	0	0	0
19. Time and Attendance:	0	0	0	0	0
20. Training:	0	0	0	0	0
21. Other:	0	0	0	0	0

E. Decisions involving discrimination after a hearing:	1	0	0	0	1
F. Decisions involving discrimination after a hearing broken down by basis:					
1. Race:	0	0	0	0	0
a. American Indian/Alaskan Native:	0	0	0	0	0
b. American Asian/Pacific Islander:	0	0	0	0	0
c. Black:	0	0	0	0	0
d. White:	0	0	0	0	0
2. Color:	0	0	0	0	0
3. Sex:	0	0	0	0	0
a. Male:	0	0	0	0	0
b. Female:	0	0	0	0	0
4. Age:	0	0	0	0	0
5. Religion:	0	0	0	0	0
6. Reprisal:	0	0	0	0	0
7. National Origin:	0	0	0	0	0
a. Hispanic:	0	0	0	0	0
b. Other:	0	0	0	0	0
8. Equal Pay Act:	0	0	0	0	0
a. Male:	0	0	0	0	0
b. Female:	0	0	0	0	0
9. Disability:	1	0	0	0	1
10. Non-EEO Basis	0	0	0	0	0



G. Decisions involving discrimination after a hearing broken down by issue:	0	0	0	0	0
1. Appointment/Hire:	0	0	0	0	0
2. Assignment of Duties:	0	0	0	0	0
3. Awards:	0	0	0	0	0
4. Conversion to Full Time:	0	0	0	0	0
5. Disciplinary Action:	0	0	0	0	0
a. Demotion:		0	0	0	0
b. Reprimand:	0	0	0	0	0
c. Suspension:	0	0	0	0	0
d. Removal:	0	0	0	0	0
e. Other:	0	0	0	0	0
6. Duty Hours:	0	0	0	0	0
7. Evaluation/Appraisal:	0	0	0	0	0
8. Examination/Test:	0	0	0	0	0
9. Harassment:	0	0	0	0	0
a. Non-sexual:	0	0	0	0	0
b. Sexual:	0	0	0	0	0
10. Medical Examination:	0	0	0	0	0
11. Pay Including Overtime:	0	0	0	0	0
12. Promotion/Non-Selection:	0	0	0	0	0
13. Reassignment:	0	0	0	0	0
a. Denied:	0	0	0	0	0
b. Directed:	0	0	0	0	0

14. Reasonable Accommodation:	0	0	0	0	0
15. Reinstatement:	0	0	0	0	0
16. Retirement:	0	0	0	0	0
17. Termination:	0	0	0	0	0
18. Terms/Conditions of Employment:	0	0	0	0	0
19. Time and Attendance:	0	0	0	0	0
20. Training:	0	0	0	0	0
21. Other:	0	0	0	0	0
<b>VI. Status of all pending complaints</b>	<b>1<sup>st</sup> Quarter FY 2013</b>	<b>2nd Quarter FY 2014</b>	<b>3rd Quarter FY 2014</b>	<b>4th Quarter FY 2014</b>	<b>Year to Date Total</b>
A. Number of complaints pending investigation:	23	18	15	17	17
B. Number of complaints pending hearing:	27	35	34	35	35
C. Number of complaints pending final agency action:	14	10	16	14	14
D. Number of complaints pending decision on appeal:	3	3	6	4	4
<b>VII. Complaints not timely investigated</b>	<b>1<sup>st</sup> Quarter FY 2013</b>	<b>2nd Quarter FY 2014</b>	<b>3rd Quarter FY 2014</b>	<b>4th Quarter FY 2014</b>	<b>Year to Date Total</b>
A. Number of complaints not investigated within the time required by 29 CFR § 1614.106(e)(2):	2	1	1	0	0