

106TH CONGRESS
2D SESSION

H. R. 4362

To require that each Government agency post monthly, on its public Web site, certain statistical data relating to Federal sector equal employment opportunity complaints filed with such agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2000

Mr. SCARBOROUGH (for himself, Mr. CUMMINGS, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require that each Government agency post monthly, on its public Web site, certain statistical data relating to Federal sector equal employment opportunity complaints filed with such agency, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Equal Employment
5 Opportunity Complaint Data Disclosure Act”.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act—

3 (1) the term “agency” means an Executive
4 agency, a military department, the United States
5 Postal Service, the Postal Rate Commission, and
6 any other governmental entity (within the jurisdic-
7 tion of the Equal Employment Opportunity Commis-
8 sion) which the Commission may by regulation speci-
9 fy, but does not include the General Accounting Of-
10 fice;

11 (2) the term “basis of alleged discrimination”
12 shall have the meaning given such term under sec-
13 tion 5; and

14 (3) the term “issue of alleged discrimination”
15 shall have the meaning given such term under sec-
16 tion 5.

17 **SEC. 3. DATA TO BE POSTED BY EMPLOYING AGENCIES.**

18 (a) IN GENERAL.—Each agency shall post on its pub-
19 lic Web site, in the time, form, and manner prescribed
20 under section 5 (in conformance with the requirements of
21 this section), summary statistical data relating to equal
22 employment opportunity complaints filed with such agency
23 by employees or former employees of, or applicants for em-
24 ployment with, such agency.

1 (b) CONTENT REQUIREMENTS.—The data posted by
2 an agency under this section shall include, for the then
3 current fiscal year, the following:

4 (1) The number of complaints filed with the
5 agency in such fiscal year.

6 (2) The number of individuals filing those com-
7 plaints (including as the agent of a class).

8 (3) The number of individuals who filed 2 or
9 more of those complaints.

10 (4) The number of complaints (described in
11 paragraph (1)) in which each of the various bases of
12 alleged discrimination is alleged.

13 (5) The number of complaints (described in
14 paragraph (1)) in which each of the various issues
15 of alleged discrimination is alleged.

16 (6) The average length of time, for each step of
17 the process, it is taking the agency to process com-
18 plaints (taking into account all complaints pending
19 for any length of time in such fiscal year, whether
20 first filed in such fiscal year or earlier). Average
21 times under this paragraph shall be posted—

22 (A) for all such complaints;

23 (B) for all such complaints in which a
24 hearing before an administrative judge of the

1 Equal Employment Opportunity Commission is
2 not requested; and

3 (C) for all such complaints in which a
4 hearing before an administrative judge of the
5 Equal Employment Opportunity Commission is
6 requested.

7 (7) The total number of final agency actions
8 rendered in such fiscal year involving a finding of
9 discrimination and, of that number—

10 (A) the number and percentage that were
11 rendered without a hearing before an adminis-
12 trative judge of the Equal Employment Oppor-
13 tunity Commission; and

14 (B) the number and percentage that were
15 rendered after a hearing before an administra-
16 tive judge of the Equal Employment Oppor-
17 tunity Commission.

18 (8) Of the total number of final agency actions
19 rendered in such fiscal year involving a finding of
20 discrimination—

21 (A) the number and percentage involving a
22 finding of discrimination based on each of the
23 respective bases of alleged discrimination; and

1 (B) of the number specified under sub-
2 paragraph (A) for each of the respective bases
3 of alleged discrimination—

4 (i) the number and percentage that
5 were rendered without a hearing before an
6 administrative judge of the Equal Employ-
7 ment Opportunity Commission; and

8 (ii) the number and percentage that
9 were rendered after a hearing before an
10 administrative judge of the Equal Employ-
11 ment Opportunity Commission.

12 (9) Of the total number of final agency actions
13 rendered in such fiscal year involving a finding of
14 discrimination—

15 (A) the number and percentage involving a
16 finding of discrimination in connection with
17 each of the respective issues of alleged discrimi-
18 nation; and

19 (B) of the number specified under sub-
20 paragraph (A) for each of the respective issues
21 of alleged discrimination—

22 (i) the number and percentage that
23 were rendered without a hearing before an
24 administrative judge of the Equal Employ-
25 ment Opportunity Commission; and

1 (ii) the number and percentage that
2 were rendered after a hearing before an
3 administrative judge of the Equal Employ-
4 ment Opportunity Commission.

5 (10)(A) Of the total number of complaints
6 pending in such fiscal year (as described in the par-
7 enthetical matter in paragraph (6)), the number that
8 were first filed before the start of the then current
9 fiscal year.

10 (B) With respect to those pending complaints
11 that were first filed before the start of the then cur-
12 rent fiscal year—

13 (i) the number of individuals who filed
14 those complaints; and

15 (ii) the number of those complaints which
16 are at the various steps of the complaint proc-
17 ess.

18 (c) TIMING AND OTHER REQUIREMENTS.—

19 (1) CURRENT YEAR DATA.—Data posted under
20 this section for the then current fiscal year shall in-
21 clude both—

22 (A) interim year-to-date data, updated
23 monthly; and

24 (B) final year-end data.

1 (2) DATA FOR PRIOR YEARS.—The data posted
2 by an agency under this section for a fiscal year
3 (both interim and final) shall also include, for each
4 item under subsection (b), such agency’s cor-
5 responding year-end data for each of the 5 imme-
6 diately preceding fiscal years (or, if not available for
7 all 5 years, for however many of those 5 years for
8 which they are available).

9 **SEC. 4. DATA TO BE POSTED BY THE EQUAL EMPLOYMENT**
10 **OPPORTUNITY COMMISSION.**

11 (a) IN GENERAL.—The Equal Employment Oppor-
12 tunity Commission shall post on its public Web site, in
13 the time, form, and manner prescribed under section 5
14 for purposes of this section, summary statistical data re-
15 lating to—

16 (1) hearings requested before an administrative
17 judge of the Commission on complaints described in
18 section 3; and

19 (2) appeals filed with the Commission from
20 final agency actions on complaints described in sec-
21 tion 3.

22 (b) SPECIFIC REQUIREMENTS.—The data posted
23 under this section shall, with respect to the hearings and
24 appeals described in subsection (a), include summary sta-
25 tistical data corresponding to that described in paragraphs

1 (1) through (10) of section 3(b), and shall be subject to
2 the same timing and other requirements as set forth in
3 section 3(c).

4 (c) COORDINATION.—The data required under this
5 section shall be in addition to the data the Commission
6 is required to post under section 3 as an employing agen-
7 cy.

8 **SEC. 5. REGULATIONS.**

9 The Equal Employment Opportunity Commission
10 shall prescribe any regulations necessary to carry out this
11 Act.

12 **SEC. 6. EFFECTIVE DATE.**

13 This Act shall take effect 6 months after the date
14 of enactment of this Act.

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