

# NY National Guard

## Equal Employment Opportunity Data

### Posted Pursuant to the No FEAR Act

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Section 301 requires each federal agency to post summary statistical data pertaining to complaints of employment discrimination filed against it by employees, former employees and applicants for employment under 29 CFR Part 1614.

The specific data to be posted is as described in section 301 (b) of the Act and 29 CR 1614.704. The required summary statistical data for EEO complaints filed against the Any State USA National Guard is provided.

Additionally, the No FEAR Act, Section 302, requires the agency, National Guard Bureau, to post government-wide, a summary of the statistical data relative to hearings requested under 29 CFR Part 1614 and appeals filed with EEOC. The posted data is as specified in Section 302 (a) of the Act and 29 CFR 1614.706 and provided below. The posting of EEO data on agency public web sites is intended to assist Federal agencies, Congress, and the public to review whether the agency specific to subject required reporting are in compliance with the equal employment opportunity responsibilities and in compliance with law and regulations.

The National Guard Bureau posting consist of the aggregate total of state and U.S. territory activity under the purview of the Departments of the Army and Air Force, and the National Guard Technician's Act of 1968. The total numbers posted are the aggregate sums of the agency and sub-elements.

**\*Note: The *National Guard Military Discrimination Complaint System, NGR 600-22/ANGI 36-3, 30 March 2001* applies to Army National Guard (ARNG) and Air National Guard (ANG) military personnel serving in, and former personnel who served in, an inactive duty for training status, during annual training, in a full-time support status, and while in Active Guard Reserve (AGR) status or ADSW status under Title 32 U.S.C. The military complaint regulation also applies to applicants for membership in the ARNG and ANG and for duty as AGR under Title 32 U.S.C. Complaints under the military discrimination complaint process are not addressed here.**

**COMPONENT: New York National Guard**

**Data as of 30 September 2010**

**EEO COMPLAINT DATA**

	<b>1st Quarter FY 2010</b>	<b>2nd Quarter FY 2010</b>	<b>3rd Quarter FY 2010</b>	<b>4th Quarter FY 2010</b>	<b>Year to Date Total</b>
<b>Complaint Activity - 29 CFR 1614.704 (a) – (c)</b>					
Number of complaints	2	2	3	3	4
Number of individuals filing complaints	0	0	1	1	2
Numbers of individual filing two or more complaints	2	2	3	2	3
<b>Complaints by Bases – 29 CFR 1614.704 (d). Complaints can be filed alleging multiple bases, so the bases may number more than the complaints.</b>					
Race	1	1	1	0	1
Color	1	1	1	0	1
Religion	1	1	1	0	1
National Origin	1	1	1	0	1
Gender/Sex	2	2	2	3	3
Age	1	1	1	1	2
Disability	1	1	1	0	1
Reprisal	1	1	1	2	2
Equal Pay Act	0	0	0	0	0
Other	0	0	0	0	0
<b>Complaints by Issues – 29 CFR 1614.704 (e). Complaints can be filed alleging multiple issues, so the issues may number more than the complaints.</b>					
Appointment/Hire	2	2	0	0	2
Assignment of Duties	0	0	0	1	1
Awards	0	0	0	0	0
Conversion to Full Time	0	0	0	0	0
Disciplinary Action	0	0	0	0	0
Demotion	0	0	0	0	0
Reprimand	0	0	0	0	0
Suspension	0	0	0	0	0
Removal	0	0	0	0	0
Other	0	0	0	0	0
Duty Hours	0	0	0	0	0
Evaluation Appraisal	0	0	0	1	1
Examination	0	0	0	0	0
Harassment	2	2	2	2	4

**EEO COMPLAINT DATA**

	<b>1st Quarter FY 2010</b>	<b>2nd Quarter FY 2010</b>	<b>3rd Quarter FY 2010</b>	<b>4th Quarter FY 2010</b>	<b>Year to Date Total</b>
Non-sexual	0	0	0	1	1
Sexual	2	2	2	1	2
Medical Examination	0	0	0	0	0
Pay (Including Overtime)	1	1	0	1	2
Promotion/Non-selection	0	0	0	1	1
Reassignment	0	0	0	0	0
Denied	0	0	0	0	0
Directed	0	0	0	0	0
Reasonable accommodation	0	0	0	0	0
Reinstatement	0	0	0	0	0
Retirement	0	0	0	0	0
Termination	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	1	1
Time and Attendance	0	0	0	1	1
Training	0	0	0	0	0
Other-Disparate Treatment	1	1	0	0	1
<b>Average length of time for - 29 CFR 1614.704 (f). Data is provided by Average Number of Days.</b>					
Complaints pending	2	2	1	1	4
Complaints pending w/o a hearing requested	742	832	907	0	907
Complaints pending with a hearing requested	1,044	1,134	1,209	1,301	1,301
<b>Dismissal – 29 CFR 1614.704 (g).</b>					
Number of complaints dismissed pursuant to 29 CFR 1614.107 (a)	0	0	1	0	1
Average number of days a complaint was pending prior to dismissal	0	0	465	0	465
<b>Final actions by the agency with a finding of discrimination – 29 CFR 1614.704 (h).</b>					
Total number of findings	0	0	0	0	0
Number and percentage without a hearing	0	0	0	0	0
Number and percentage with a hearing	0	0	0	0	0
<b>Findings of discrimination rendered by bases – 29 CFR 1614.704 (i). Complaints can be filed alleging multiple bases, so the bases may number more than the complaints. Data is provided by total number and percentage. * Indicates without a hearing. ** Indicates with a hearing.</b>					

**EEO COMPLAINT DATA**

	<b>1st Quarter FY 2010</b>	<b>2nd Quarter FY 2010</b>	<b>3rd Quarter FY 2010</b>	<b>4th Quarter FY 2010</b>	<b>Year to Date Total</b>
Race	0	0	0	0	0
Color	0	0	0	0	0
Religion	0	0	0	0	0
National Origin	0	0	0	0	0
Gender/Sex	0	0	0	0	0
Age	0	0	0	0	0
Disability	0	0	0	0	0
Reprisal	0	0	0	0	0
Equal Pay Act	0	0	0	0	0
Other	0	0	0	0	0
<b>Findings of discrimination rendered by issue – 29 CFR 1614.704 (j). Complaints can be filed alleging multiple issues, so the issues may number more than the complaints. Data is provided by total number and percentage. * Indicates without a hearing. ** Indicates with a hearing.</b>					
Appointment/Hire	0	0	0	0	0
Assignment of Duties	0	0	0	0	0
Awards	0	0	0	0	0
Conversion to Full Time	0	0	0	0	0
Disciplinary Action	0	0	0	0	0
Demotion	0	0	0	0	0
Reprimand	0	0	0	0	0
Suspension	0	0	0	0	0
Removal	0	0	0	0	0
Other	0	0	0	0	0
Duty Hours	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0
Examination	0	0	0	0	0
Harassment	0	0	0	0	0
Non-sexual	0	0	0	0	0
Sexual	0	0	0	0	0
Medical Examination	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0
Promotion/Non-selection	0	0	0	0	0
Reassignment	0	0	0	0	0
Denied	0	0	0	0	0
Directed	0	0	0	0	0
Reasonable accommodation	0	0	0	0	0

**EEO COMPLAINT DATA**

	<b>1st Quarter FY 2010</b>	<b>2nd Quarter FY 2010</b>	<b>3rd Quarter FY 2010</b>	<b>4th Quarter FY 2010</b>	<b>Year to Date Total</b>
Reinstatement	0	0	0	0	0
Retirement	0	0	0	0	0
Termination	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0
Time and Attendance	0	0	0	0	0
Training	0	0	0	0	0
Other	0	0	0	0	0
<b>Complaints pending from previous FY's by status – 29 CFR 1614.704 (k).</b>					
Number of complaints from previous FY	2	2	1	1	2
Number of individuals who filed complaint in previous FY	2	2	1	1	2
Number of previous FY complaints pending in:	0	0	0	0	0
Investigation	0	0	0	0	0
Hearing	1	1	1	1	1
Final Agency Action	1	1	1	0	1
Appeal with EEOC Office	0	0	0	0	0
Pending investigation over required time frames	0	0	0	0	0