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29 CFR Ch. XIV (7-1-04 Edition)

(b) Agencies shall prominently post the date they last updated the statistical information on the Web site location containing the statistical data.

(c) In addition to providing aggregate agency-wide data, each agency shall include separate data for each subelement listed in §1614.702(l). Such data shall be identified as pertaining to the particular subelement.

(d) Data posted under this subpart will be titled “Equal Employment Opportunity Data Posted Pursuant to the No Fear Act” and a hyperlink to the data will be posted prominently on the homepage of each agency’s public Web site. In the case of agencies with subelements, the data shall be made available by hyperlinks from the Web sites of both the subelement (if one exists) as well as the parent agency.

(e) Agencies must post cumulative data pursuant to §1614.704 for the current fiscal year. Agencies may not post separate quarterly statistics for the current fiscal year.

**§ 1614.704 Information to be posted—
all Federal agencies.**

Commencing on January 31, 2004 and thereafter no later than 30 days after the end of each fiscal quarter beginning on or after January 1, 2004, each federal agency must post the following current fiscal year statistics on its public Internet Web site regarding EEO complaints filed under 29 CFR part 1614:

(a) The number of complaints filed in such fiscal year;

(b) The number of individuals filing those complaints (including as the agent of a class);

(c) The number of individuals who filed two or more of those complaints;

(d) The number of those complaints raising each of the various bases of alleged discrimination and the number of complaints in which a non-EEO basis is alleged;

(e) The number of those complaints raising each of the various issues of alleged discrimination;

(f) The average length of time it has taken an agency to complete respectively investigation and final action by an agency for:

(1) All complaints pending for any length of time during such fiscal year,

(2) All complaints pending for any length of time during such fiscal year in which a hearing was not requested and

(3) All complaints pending for any length of time during such fiscal year in which a hearing was requested;

(g) The number of complaints dismissed by an agency pursuant to 29 CFR 1614.107(a), and the average length of time such complaints had been pending prior to dismissal;

(h)(1) The total number of final actions by an agency rendered in such fiscal year involving a finding of discrimination and, of that number,

(2) The number and percentage that were rendered without a hearing and

(3) The number and percentage that were rendered after a hearing;

(i) Of the total number of final actions by an agency rendered in such fiscal year involving a finding of discrimination,

(1) The number and percentage of those based on each respective basis,

(2) The number and percentage for each respective basis that were rendered without a hearing and

(3) The number and percentage for each respective basis that were rendered after a hearing;

(j) Of the total number of final actions by an agency rendered in such fiscal year involving a finding of discrimination,

(1) The number and percentage for each respective issue,

(2) The number and percentage for each respective issue that were rendered without a hearing and

(3) The number and percentage for each respective issue that were rendered after a hearing;

(k) Of the total number of complaints pending for any length of time in such fiscal year,

(1) The number that were first filed before the start of the then current fiscal year,

(2) The number of individuals who filed those complaints in earlier years, and

(3) The number of those complaints that are respectively pending at the investigation, hearing, final action by an agency, and appeal step of the process; and

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(l) Of the total number of complaints pending for any length of time in such fiscal year, the total number of complaints in which the agency has not completed its investigation within the time required by 29 CFR 1614.106(e)(2) plus any extensions authorized by that section or § 1614.108(e).

§ 1614.705 Comparative data—all Federal agencies.

Commencing on January 31, 2004 and no later than January 31 of each year thereafter, each federal agency shall post year-end data corresponding to that required to be posted by § 1614.704 for each of the five immediately preceding fiscal years (or, if not available for all five fiscal years, for however many of those five fiscal years for which data are available). For each category of data, the agency shall post a separate figure for each year.

§ 1614.706 Additional data to be posted by EEOC.

(a) Commencing on January 31, 2004 and thereafter no later than 30 days after the end of each fiscal quarter beginning on or after January 1, 2004, the Commission must post the following current fiscal year statistics on its public Internet Web site regarding hearings requested under this part 1614:

- (1) The number of hearings requested in such fiscal year;
- (2) The number of individuals filing those requests;
- (3) The number of individuals who filed two or more of those requests;
- (4) The number of those hearing requests involving each of the various bases of alleged discrimination;
- (5) The number of those hearing requests involving each of the various issues of alleged discrimination;
- (6) The average length of time it has taken EEOC to complete the hearing step for all cases pending at the hearing step for any length of time during such fiscal year;
- (7)(i) The total number of administrative judge (AJ) decisions rendered in such fiscal year involving a finding of discrimination and, of that number,
 - (ii) The number and percentage that were rendered without a hearing, and
 - (iii) The number and percentage that were rendered after a hearing;

(8) Of the total number of AJ decisions rendered in such fiscal year involving a finding of discrimination,

- (i) The number and percentage of those based on each respective basis,
- (ii) The number and percentage for each respective basis that were rendered without a hearing, and
- (iii) The number and percentage for each respective basis that were rendered after a hearing;

(9) Of the total number of AJ decisions rendered in such fiscal year involving a finding of discrimination,

- (i) The number and percentage for each respective issue,
- (ii) The number and percentage for each respective issue that were rendered without a hearing, and
- (iii) The number and percentage for each respective issue that were rendered after a hearing;

(10) Of the total number of hearing requests pending for any length of time in such fiscal year,

- (i) The number that were first filed before the start of the then current fiscal year, and
- (ii) The number of individuals who filed those hearing requests in earlier years; and

(11) Of the total number of hearing requests pending for any length of time in such fiscal year, the total number in which the Commission failed to complete the hearing step within the time required by § 1614.109(i).

(b) Commencing on January 31, 2004 and thereafter no later than 30 days after the end of each fiscal quarter beginning on or after January 1, 2004, the Commission must post the following current fiscal year statistics on its public Internet Web site regarding EEO appeals filed under this part 1614:

- (1) The number of appeals filed in such fiscal year;
- (2) The number of individuals filing those appeals (including as the agent of a class);
- (3) The number of individuals who filed two or more of those appeals;
- (4) The number of those appeals raising each of the various bases of alleged discrimination;
- (5) The number of those appeals raising each of the various issues of alleged discrimination;