



January 28, 2004

Ms. Frances M. Hart
Executive Officer, Executive Secretariat
Equal Employment Opportunity Commission
1801 L Street, NW
Washington, DC 20507

Dear Ms. Hart:

We, as officers of the Council of Federal EEO and Civil Rights Executives, submit the following comments to the interim final rules dealing with the posting requirements in Federal Sector Equal Employment Opportunity for Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act) that the Equal Employment Opportunity Commission (EEOC) published in the Federal Register on January 26, 2004.

Following is a list of our recommendations:

- 1) EEOC should provide an e-mail option to those people submitting comments to these interim final rules, just like the Office of Personnel Management did for its Title II interim final rules of the No FEAR Act that were published in the Federal Register on January 22, 2004.
- 2) EEOC should issue a uniform form for agencies to post their statistical data pertaining to complaints of employment discrimination prior to the second posting requirement -- which is due (30) calendar days after March 31, 2004. This will make it easier for users of this information to compare the statistical data of one agency with that of another.
- 3) EEOC should take the data that is posted by all agencies for Title III, aggregate the data, and post it on the EEOC's Web site under a heading such as "Government-wide EEO Complaint Data for Fiscal Year 200X." Considering that EEOC is already required to post government-wide statistical data for hearings and appeals, this is not an unreasonable request. Moreover, to reduce EEOC's workload, we recommend that EEOC should do away with the requirement to collect statistical data for the Annual Federal EEO Statistical Report of Discrimination Complaints (otherwise known as the EEOC Standard Form 462 Report). However, if EEOC adopts this recommendation, it'll have to re-instate the counseling information to the No-FEAR posting requirements, as well as the ADR data. Doing away with the 462 Report will result in significant monetary savings to EEOC.

If you have any questions about these recommendations, please do not hesitate to call Jorge Ponce at (202) 482-8185 or Delia Johnson at (202) 619-5157.

Sincerely,
Jorge E. Ponce & Delia L. Johnson
Co-Chairs
Council of Federal EEO & Civil Rights Executives