

**REPORT OF AFGE LOCAL 421 TO CHAIRMAN WELLINGHOFF
ON FINDINGS OF BIAS AND DISPARATE TREATMENT OF EMPLOYEES
UNDER FERC's PERFORMANCE RATING SYSTEM, 2004 TO 2008**

Appendix

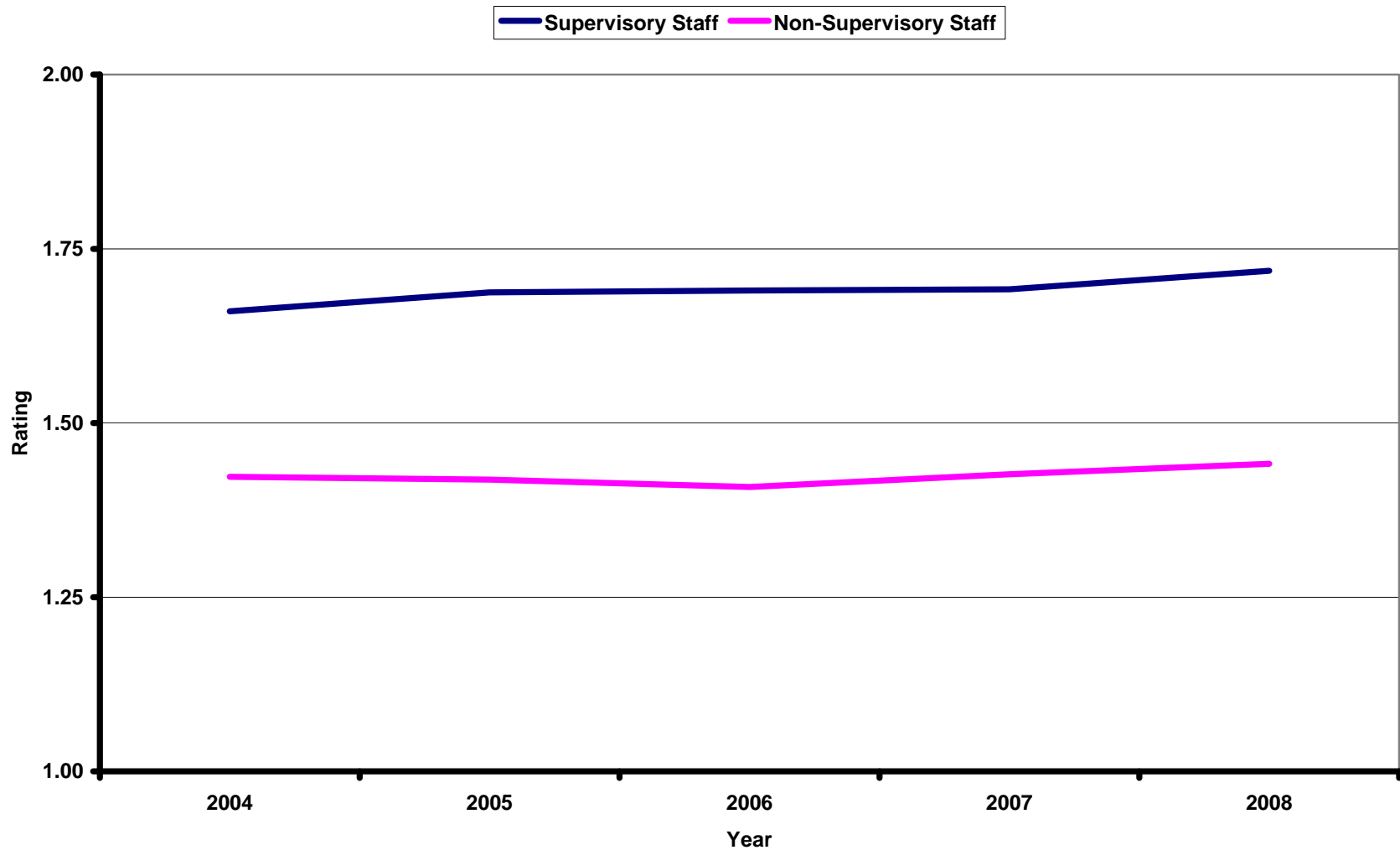
November 2009

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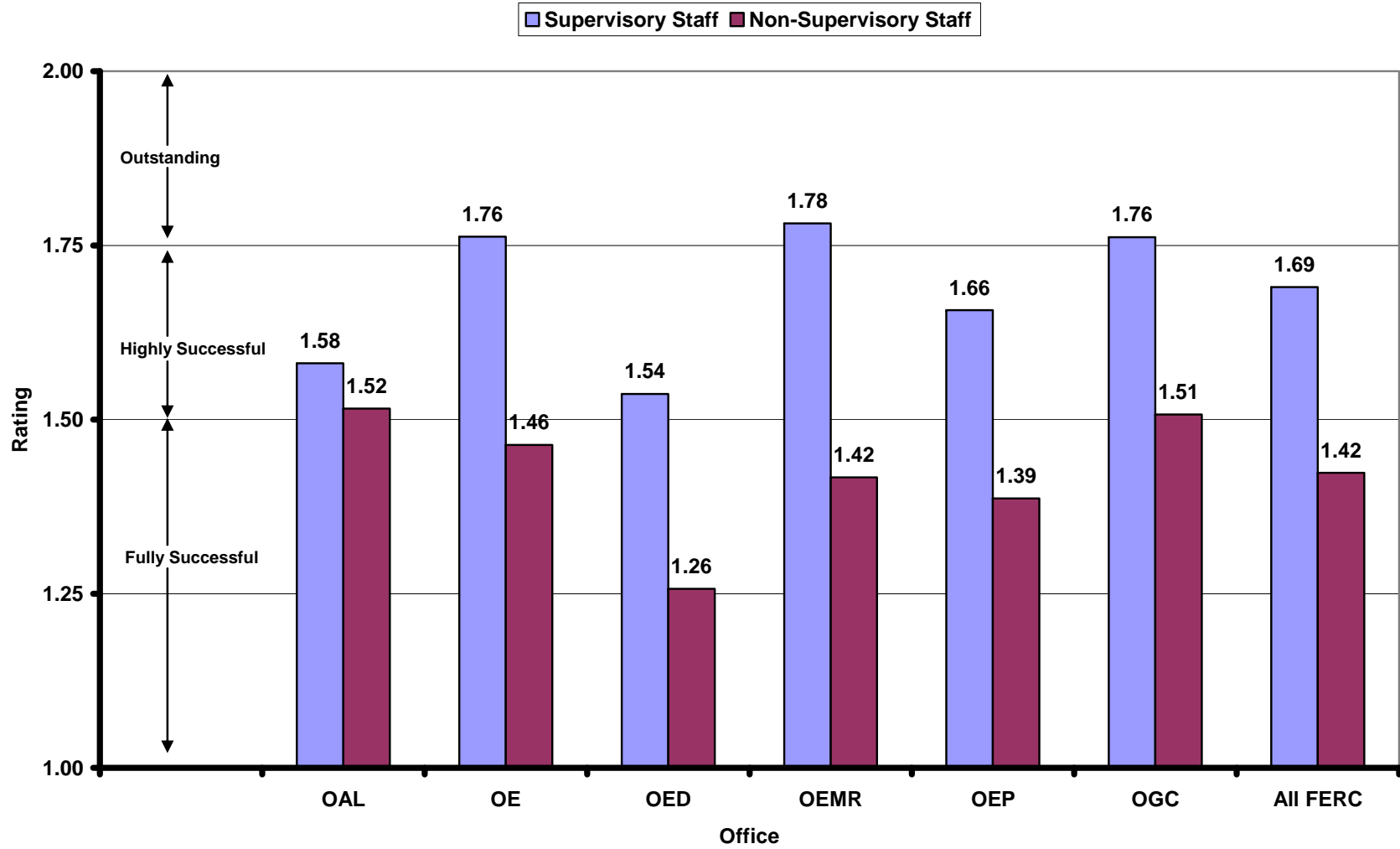
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Hierarchical Bias

Average Performance Ratings: All FERC

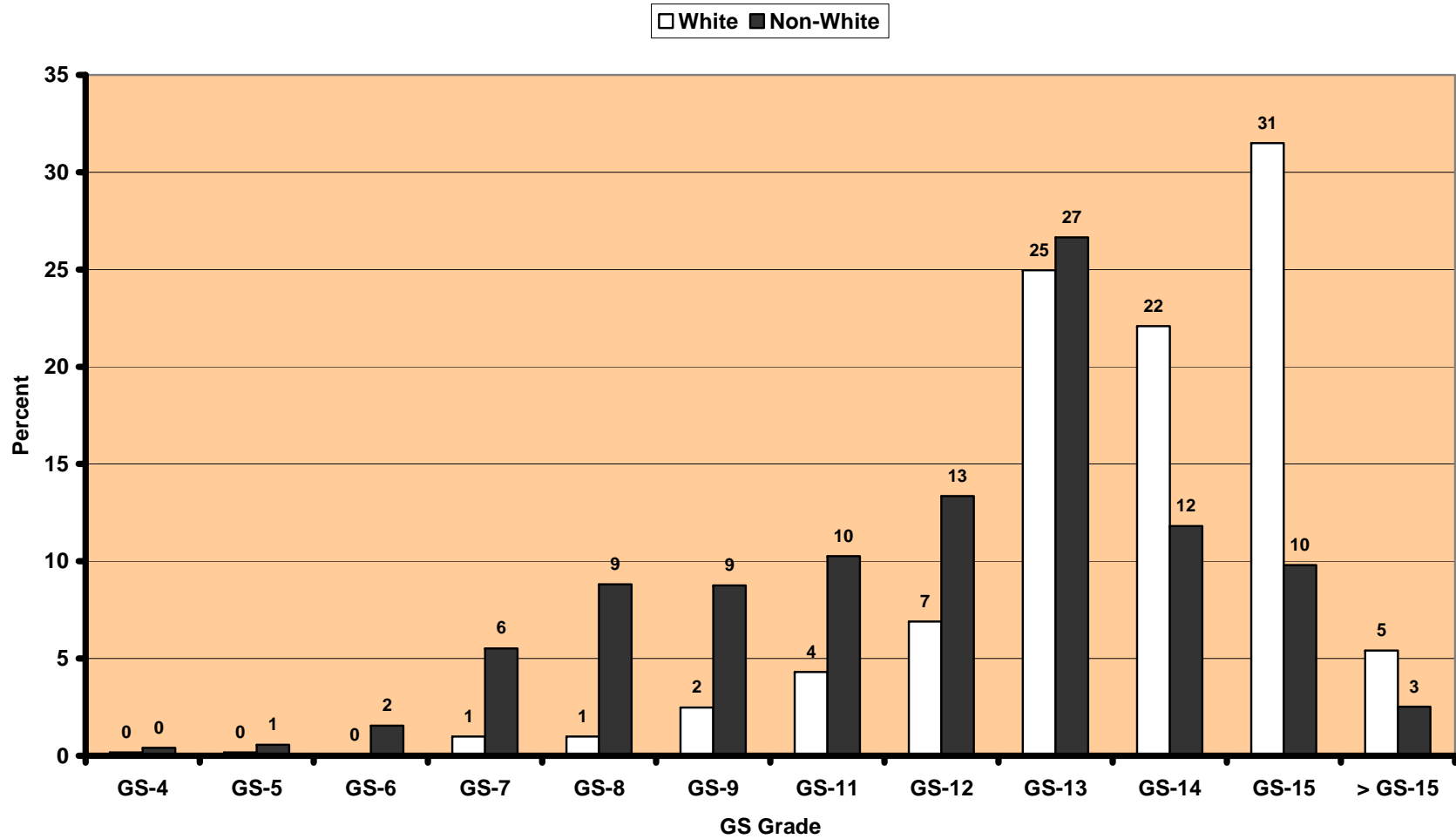


5-Year Average Performance Ratings

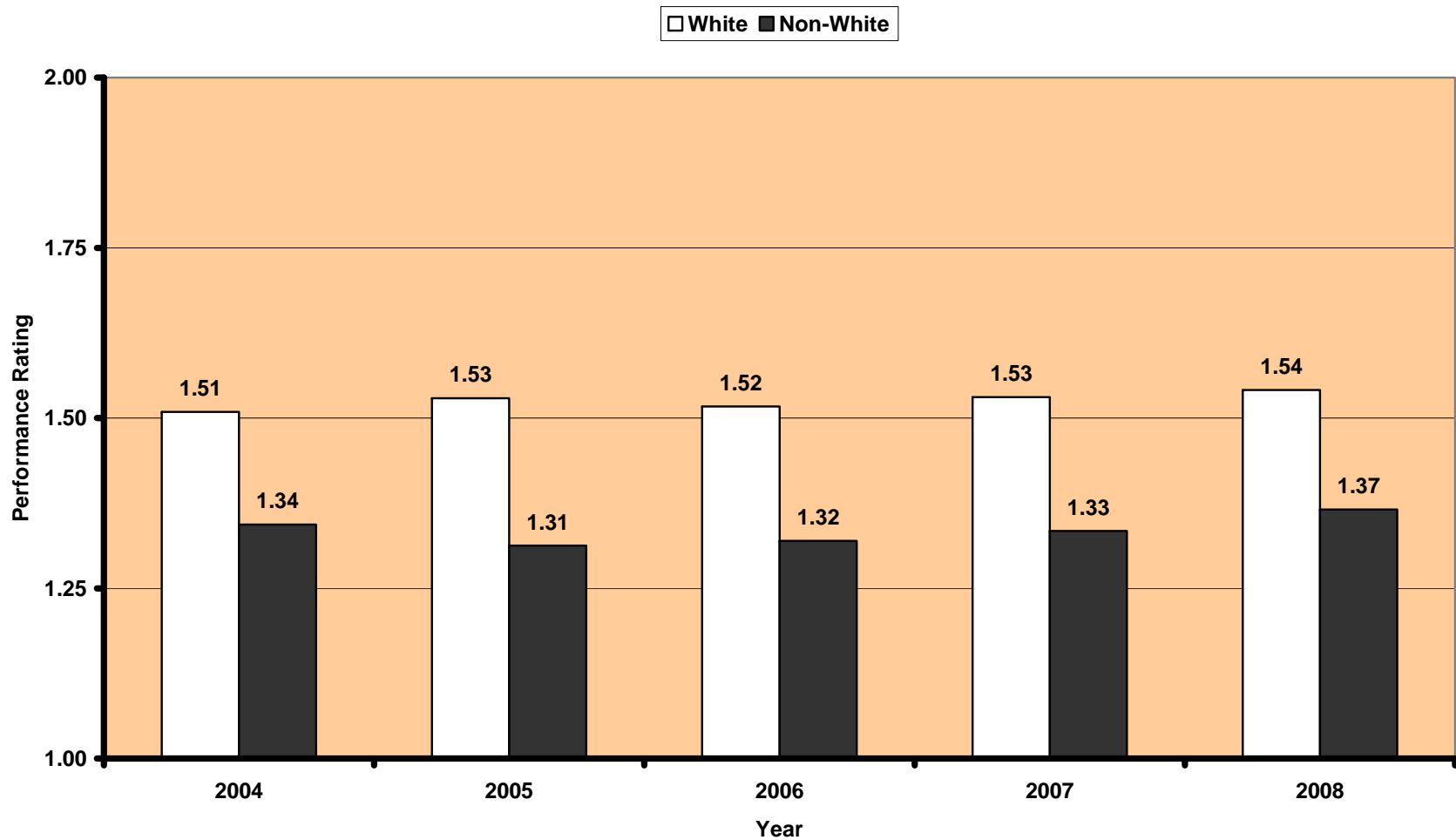


Racial or Ethnic Discrimination

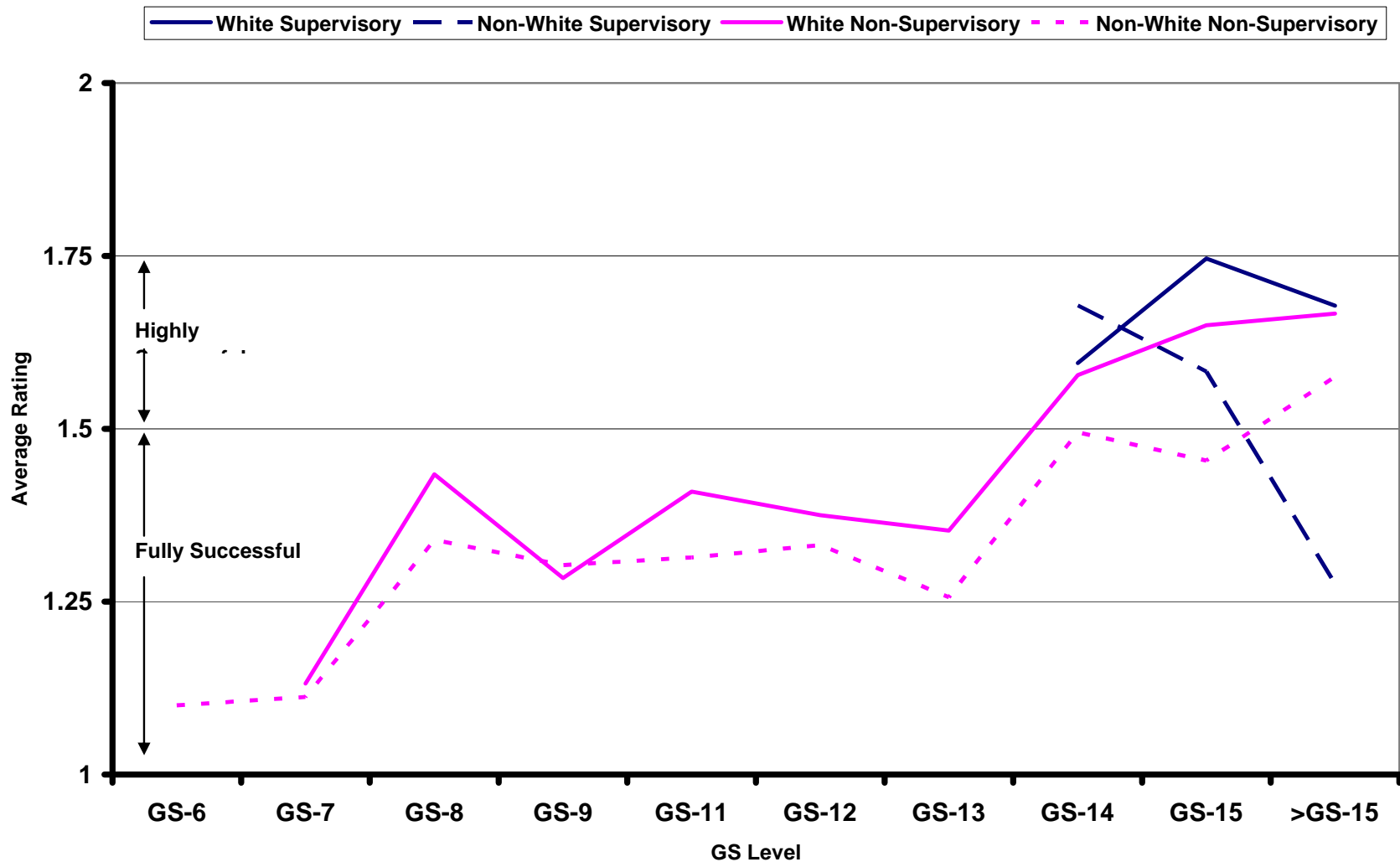
5-Year Average Percent Distribution of All FERC White and Non-White Employees by Grade Level



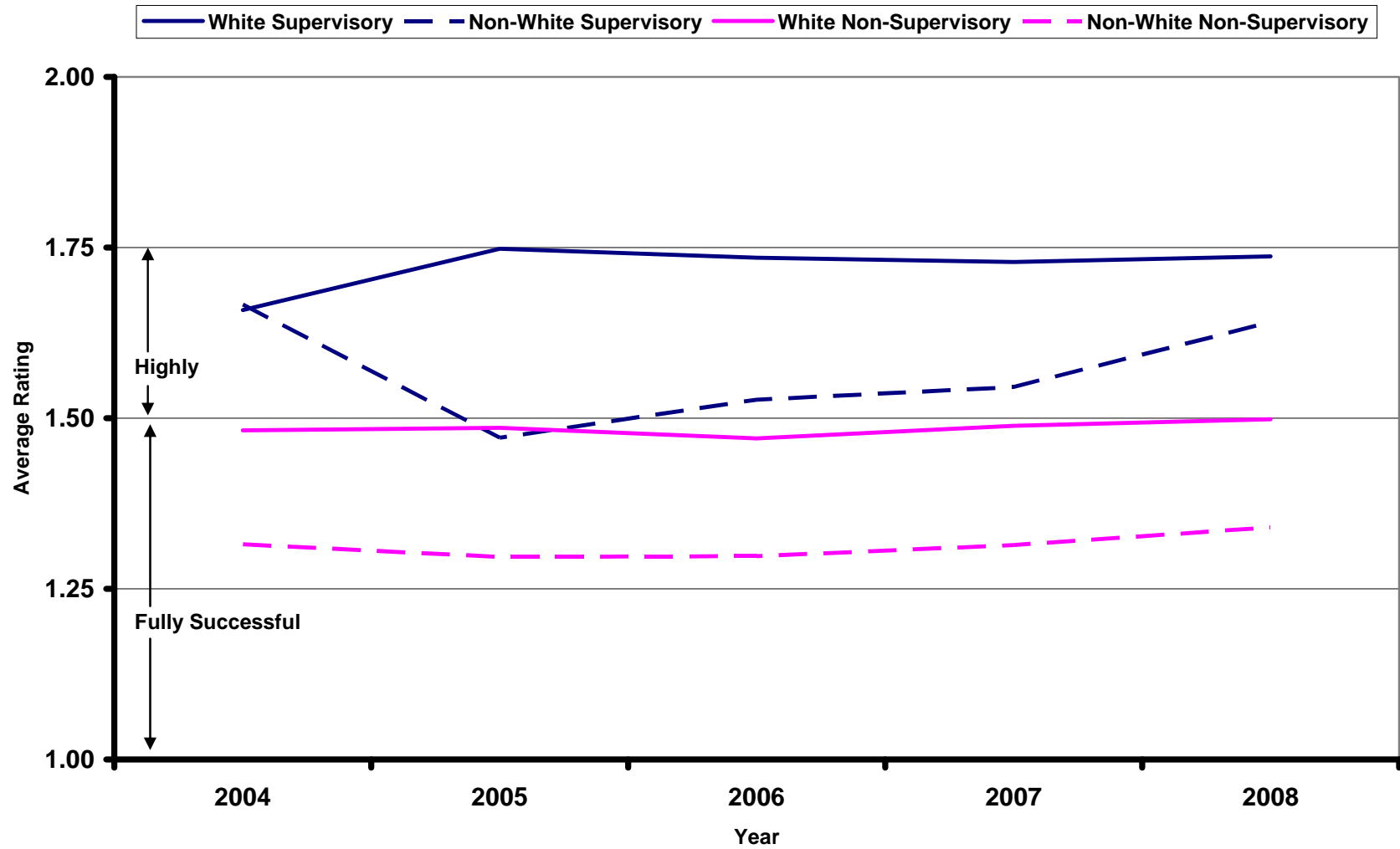
Average Performance Ratings for All FERC Employees by Race, 2004-2008



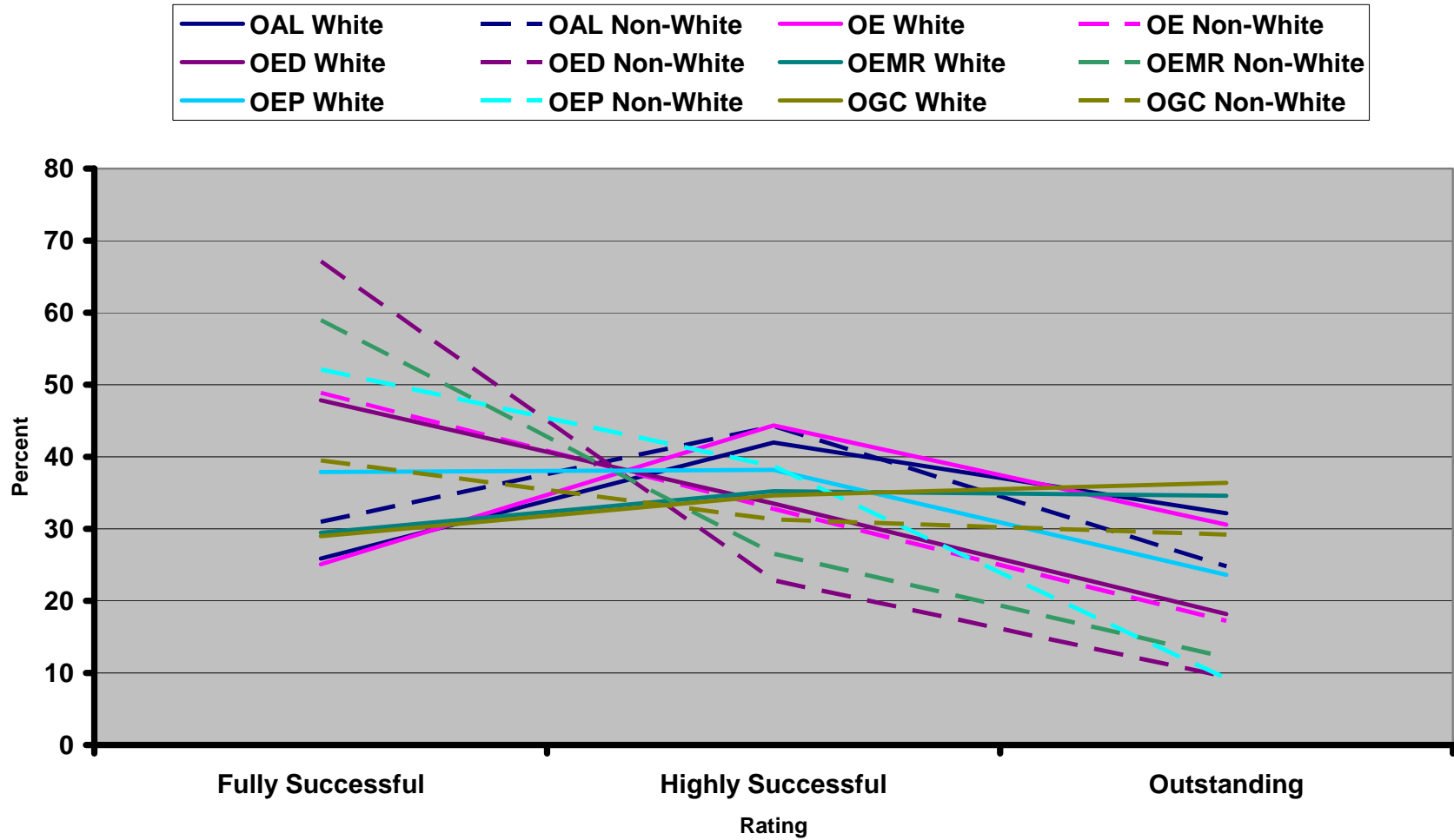
5-Year Average Performance Rating by Race and GS Level



Average Annual Performance Ratings by Race and Staff Level



5-Year Average Distribution of Performance Ratings of Non-Supervisory Staff by Office and Race



Average Performance Ratings by Major Ethnic Groups

	2004	2005	2006	2007	2008	5-Year Average
Supervisory						
White	1.66	1.75	1.74	1.73	1.74	1.72
Asian	1.64	1.50	1.75	1.60	1.50	1.60
Black or African American	1.69	1.50	1.52	1.55	1.70	1.59
Hispanic or Latino	1.60	1.40	1.33	1.50	1.60	1.48
Not Elsewhere Classified (NEC)		1.00	1.50	1.50	1.50	1.43
Non-Supervisory						
White	1.48	1.49	1.47	1.49	1.50	1.49
American Indian or Alaska Native	1.30	1.07	1.20	1.25	1.29	1.22
Asian	1.31	1.30	1.33	1.42	1.38	1.34
Black or African American	1.32	1.30	1.29	1.28	1.33	1.30
Hispanic or Latino	1.23	1.33	1.36	1.34	1.37	1.32
NEC			1.33	1.44	1.40	1.40
All Supervisory Average	1.66	1.69	1.69	1.69	1.72	1.69
All Non-Supervisory Average	1.42	1.42	1.41	1.43	1.44	1.42

Age Discrimination

Ratings by Age Group

Age Group-Rating pairs with less than five records are omitted.

Supervisory								
Age Group	Rating	5-Year Average Number	2004	2005	2006	2007	2008	5-Year Average
		#				%		
35-39	O	7	75	63	63	67	60	64
		11	100	100	100	100	100	100
40-44	HS	5	29	33	36	30	44	35
	O	7	53	60	45	50	50	52
		14	100	100	100	100	100	100
45-49	FS	5	25	28	13	13	9	17
	HS	10	25	24	39	40	30	32
	O	15	50	48	48	47	61	51
		30	100	100	100	100	100	100
50-54	FS	5	18	10	9	7	11	11
	HS	16	30	34	33	34	39	34
	O	26	52	56	58	59	50	55
		46	100	100	100	100	100	100
55-59	FS	7	16	16	20	27	13	18
	HS	13	32	37	34	35	32	34
	O	17	51	47	43	38	55	47
		37	100	100	100	100	100	100
60-64	HS	7	46	33	17	32	50	36
	O	9	31	53	56	59	46	50
		18	100	100	100	100	100	100
No. of Records		163	153	160	171	164	167	815

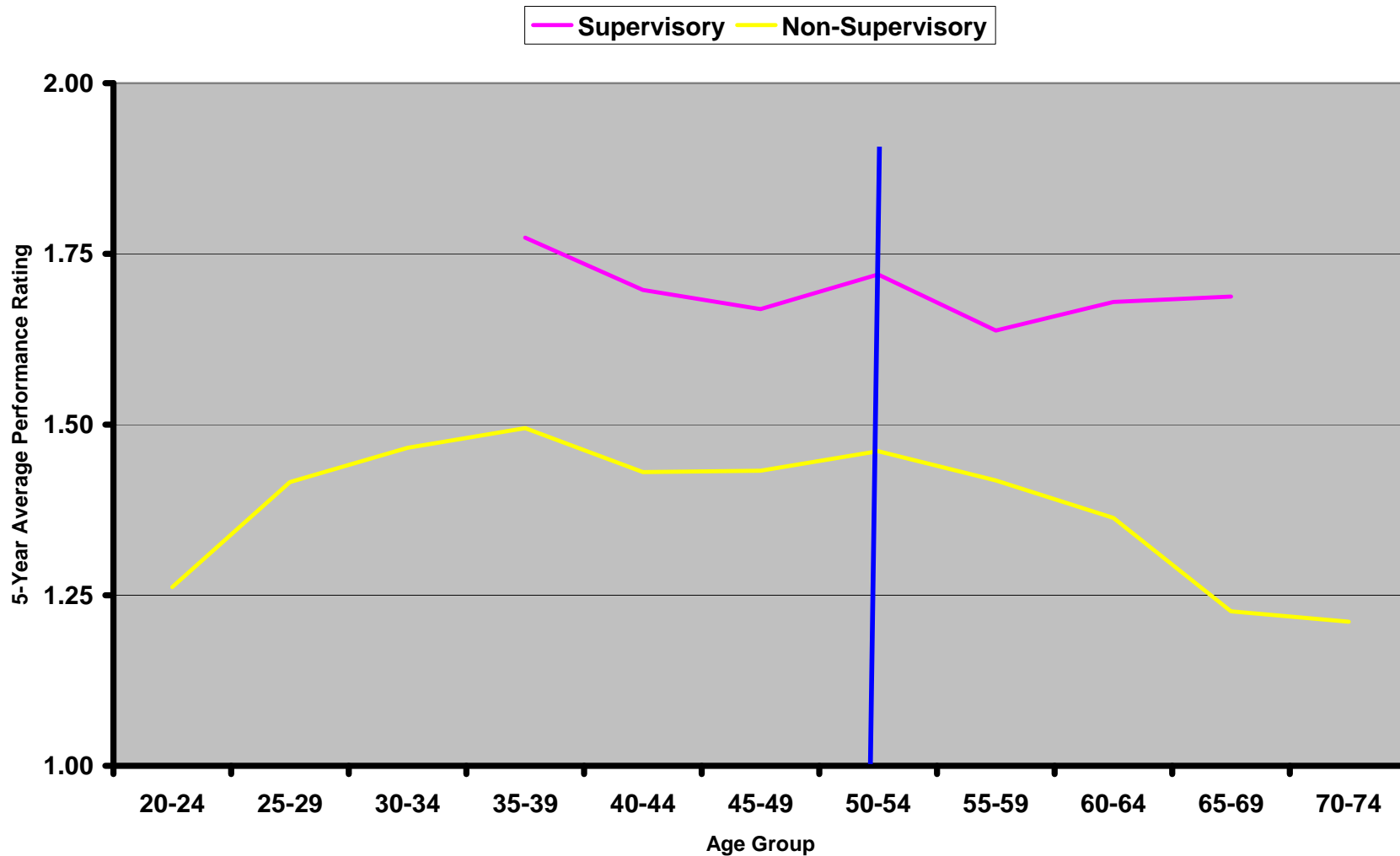
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Non-Supervisory																
Age Group	Rating	5-Year Average Number	2004	2005	2006	2007	2008	5-Year Average								
		#	% <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 16.6%;"></td> <td style="width: 16.6%;"></td> <td style="width: 16.6%;"></td> <td style="width: 16.6%;"></td> <td style="width: 16.6%;"></td> <td style="width: 16.6%;"></td> <td style="width: 16.6%;"></td> </tr> </table>													
20-24	HS	19	64	63	58	38	36	58								
	O	11	30	33	19	52	36	32								
		34	100	100	100	100	100	100								
25-29	FS	47	51	42	39	40	33	40								
	HS	42	29	37	39	33	42	36								
	O	27	20	21	22	27	25	23								
		116	100	100	100	100	100	100								
30-34	FS	23	39	31	33	29	29	32								
	HS	29	35	38	44	39	44	40								
	O	20	26	31	21	31	26	27								
		73	100	100	100	100	100	100								
35-39	FS	27	27	28	34	32	30	30								
	HS	36	44	43	37	37	36	40								
	O	27	27	28	29	32	34	30								
		91	100	100	100	100	100	100								
40-44	FS	41	39	39	39	35	33	37								
	HS	42	32	34	39	39	43	37								
	O	28	27	25	21	26	24	25								
		112	100	100	100	100	100	100								
45-49	FS	50	31	35	39	46	43	39								
	HS	44	38	33	37	32	33	35								
	O	34	31	31	23	22	23	26								
		128	100	100	100	100	100	100								
50-54	FS	64	39	37	38	34	32	37								
	HS	61	29	32	37	38	40	35								
	O	51	32	31	25	28	28	29								

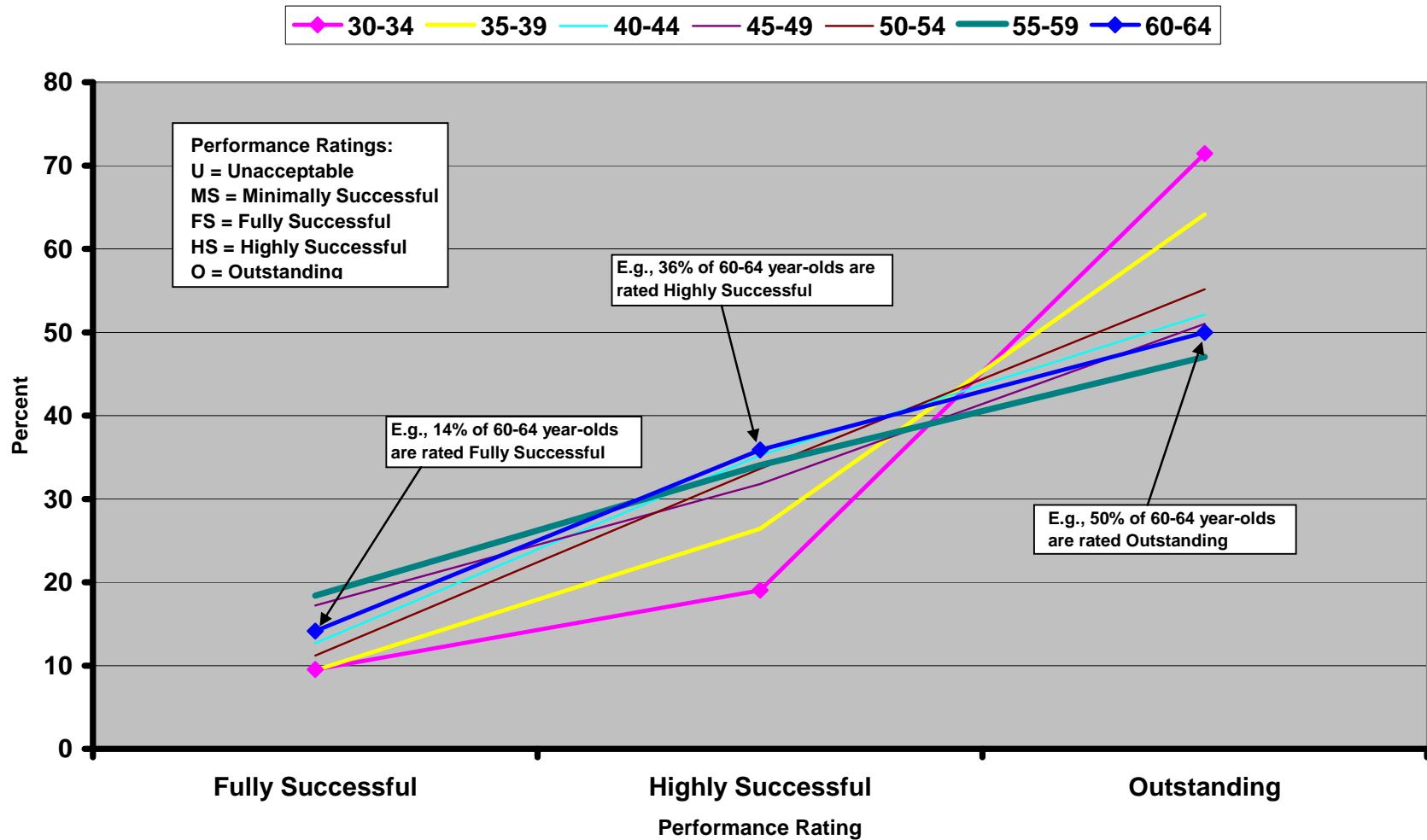
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		176	100	100	100	100	100	100
55-59	FS	61	34	42	43	44	38	40
	HS	49	33	31	33	32	32	32
	O	40	30	24	23	24	29	26
		152	100	100	100	100	100	100
60-64	FS	34	44	59	44	43	49	47
	HS	23	40	25	35	36	26	32
	O	14	16	15	21	21	25	20
		72	100	100	100	100	100	100
65-69	HS	14	60	55	62	64	59	60
	O	8	35	36	33	32	38	35
		23	100	100	100	100	100	100
70-74	HS	5	50	71	50	67	56	58
	O	4	50	29	50	33	44	42
		9	100	100	100	100	100	100
No. of Records		990	1054	985	977	972	964	4952

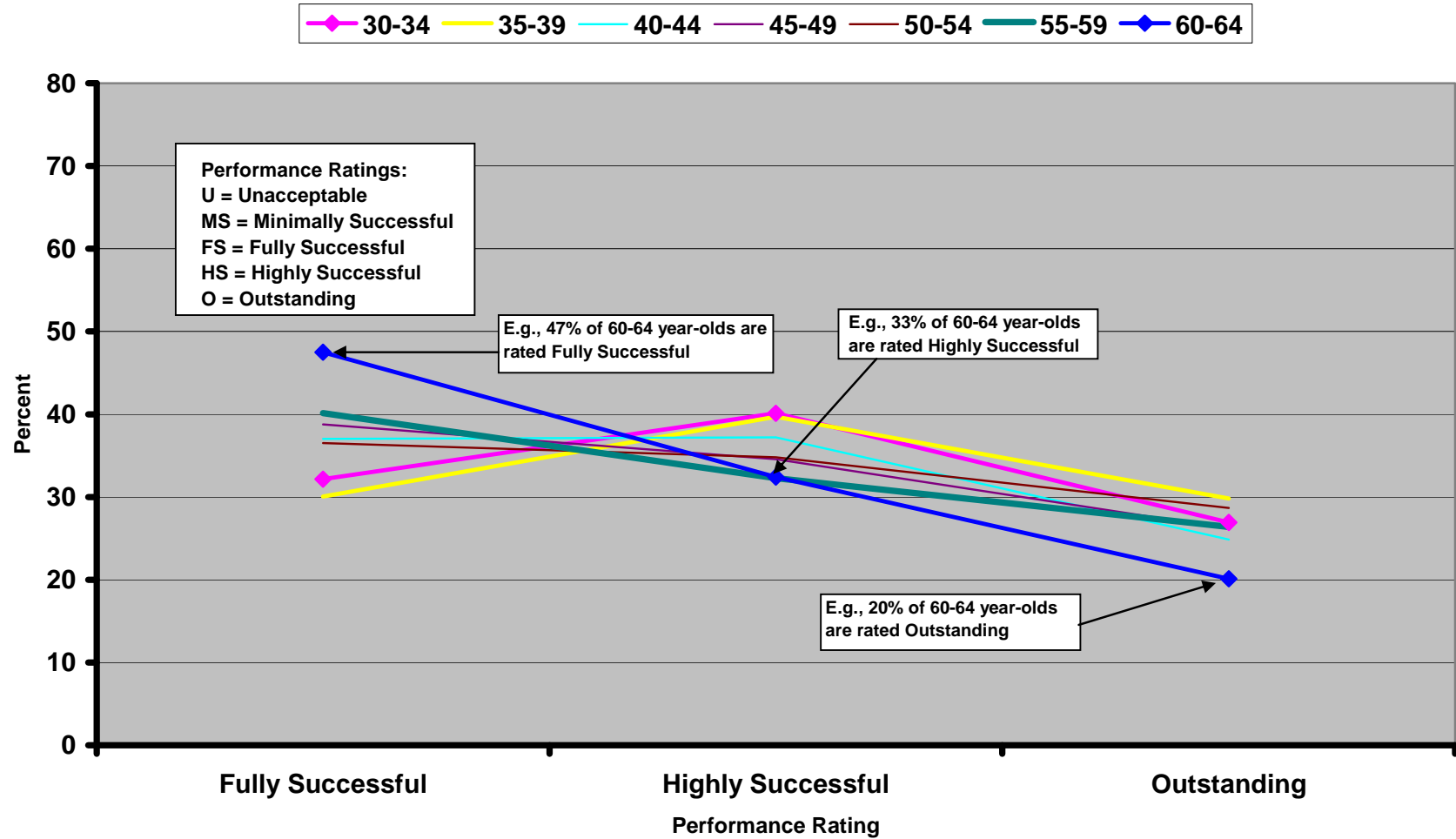
5-Year Average Performance Ratings by Age Group



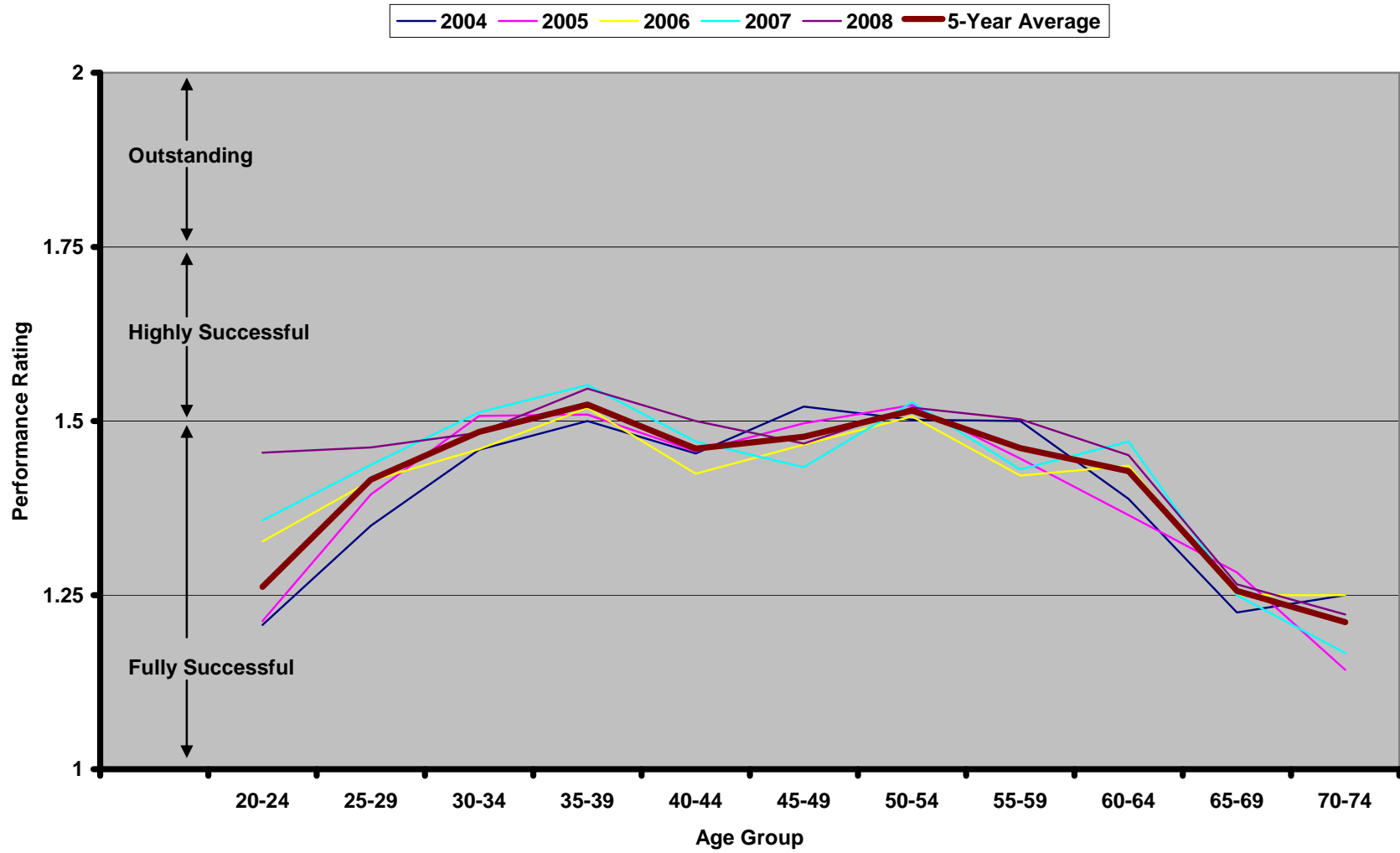
5-Year Average Distribution of Performance Ratings, All Supervisory Employees by Age Group



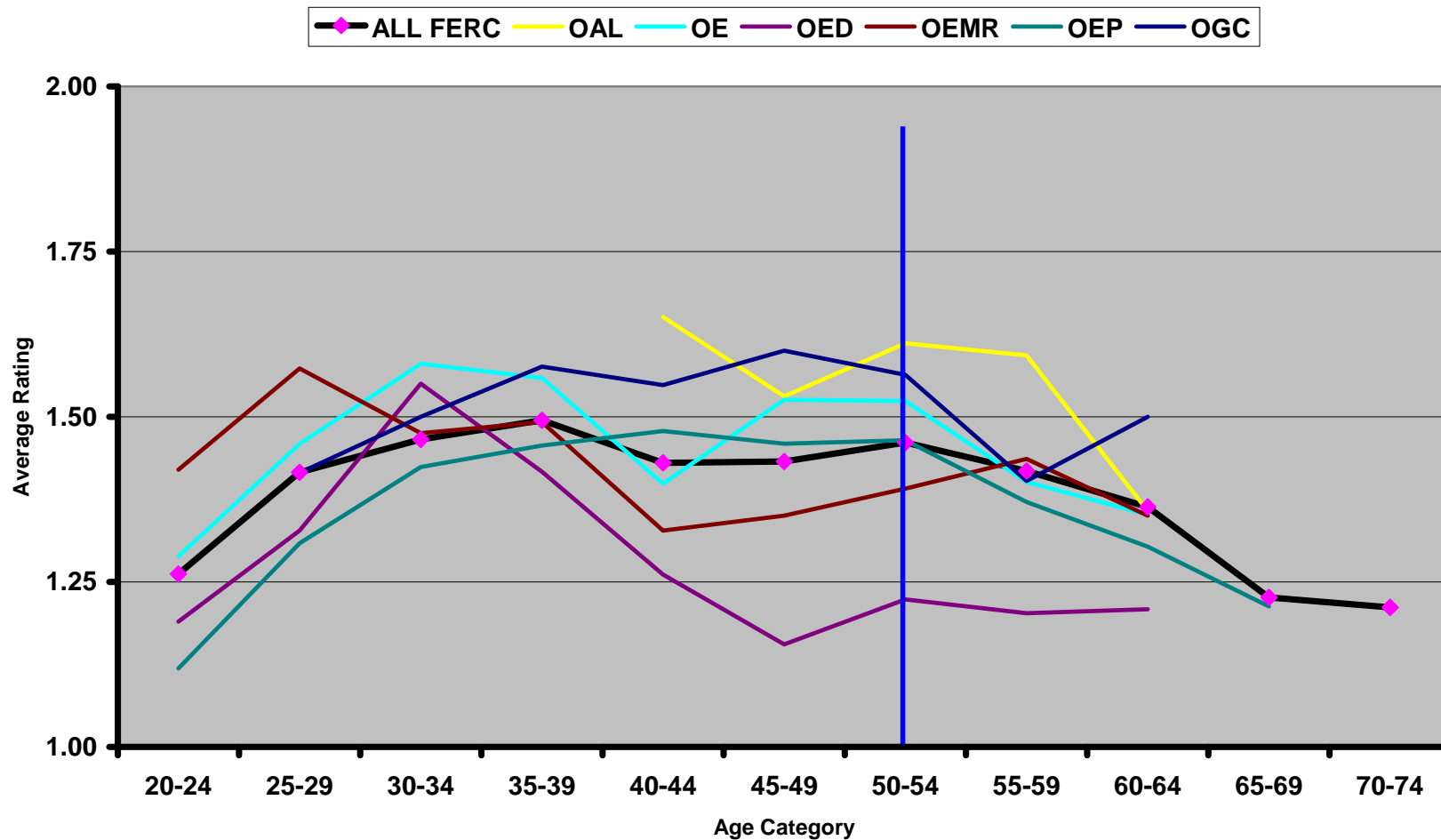
5-Year Average Distribution of Performance Ratings, All Non-Supervisory Employees by Age Group



Average Performance Rating, All FERC Employees by Age Group

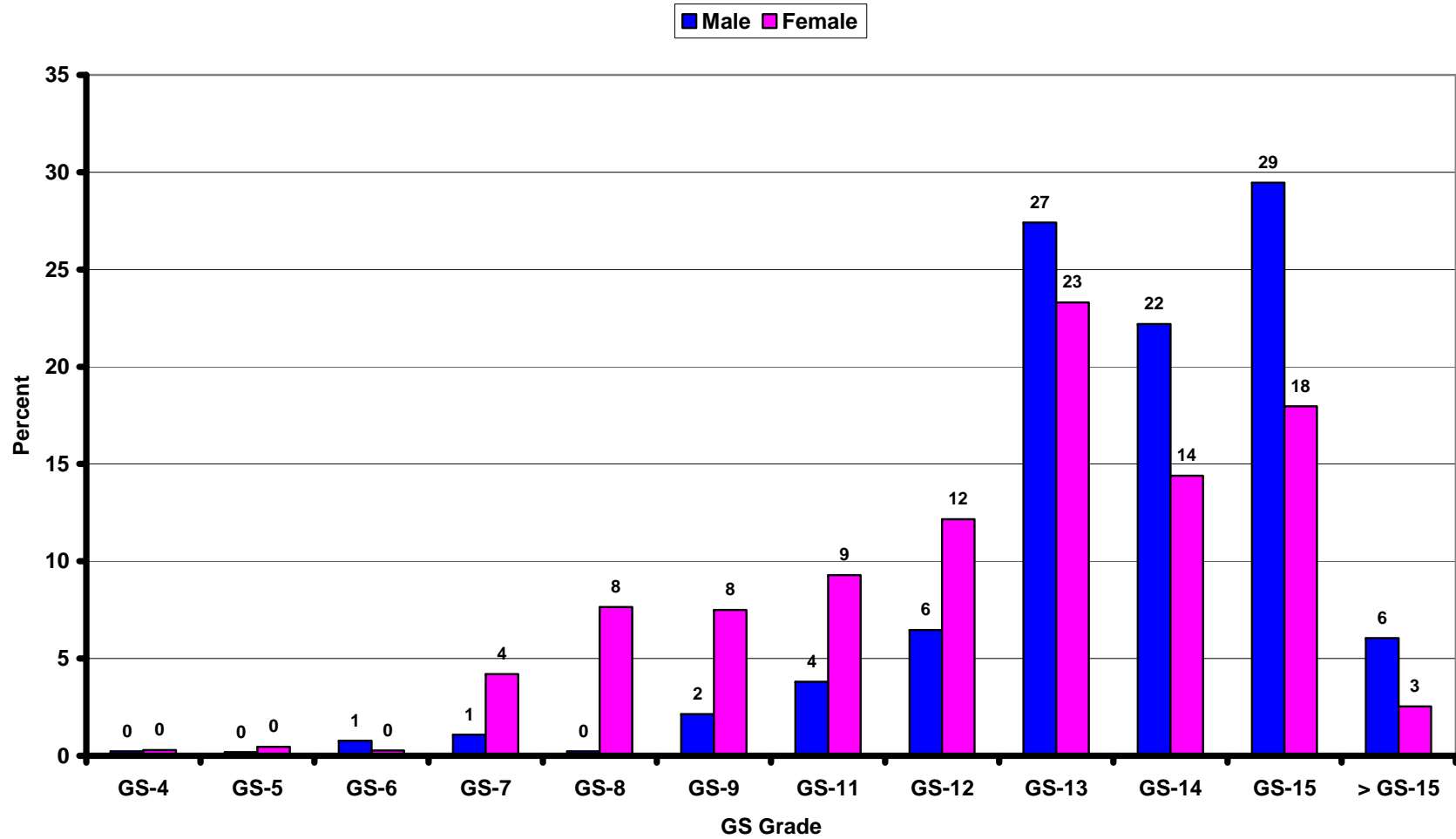


5-Year Average Performance Ratings by Office and Age Group, Non-Supervisory Employees

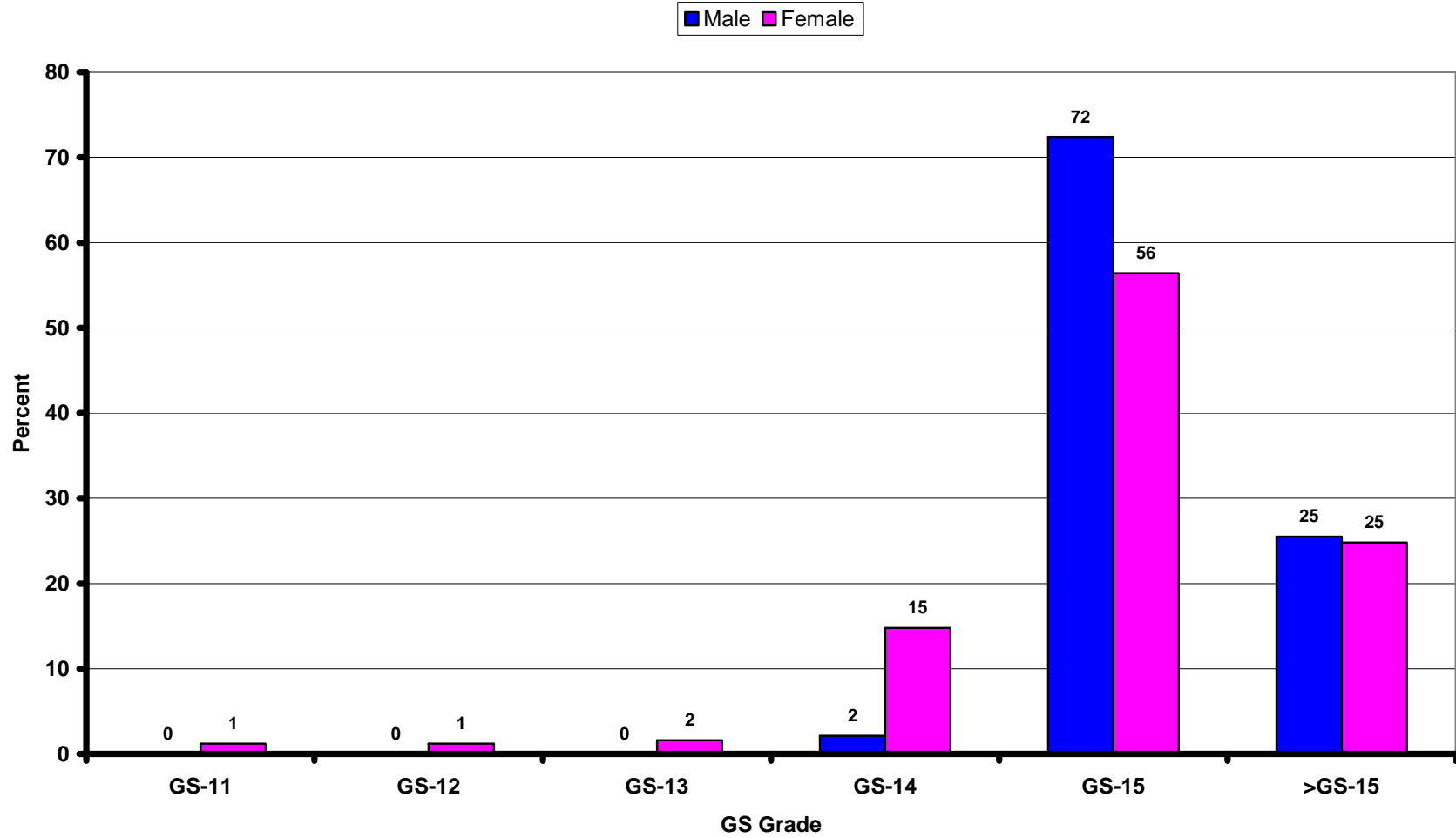


Gender Discrimination

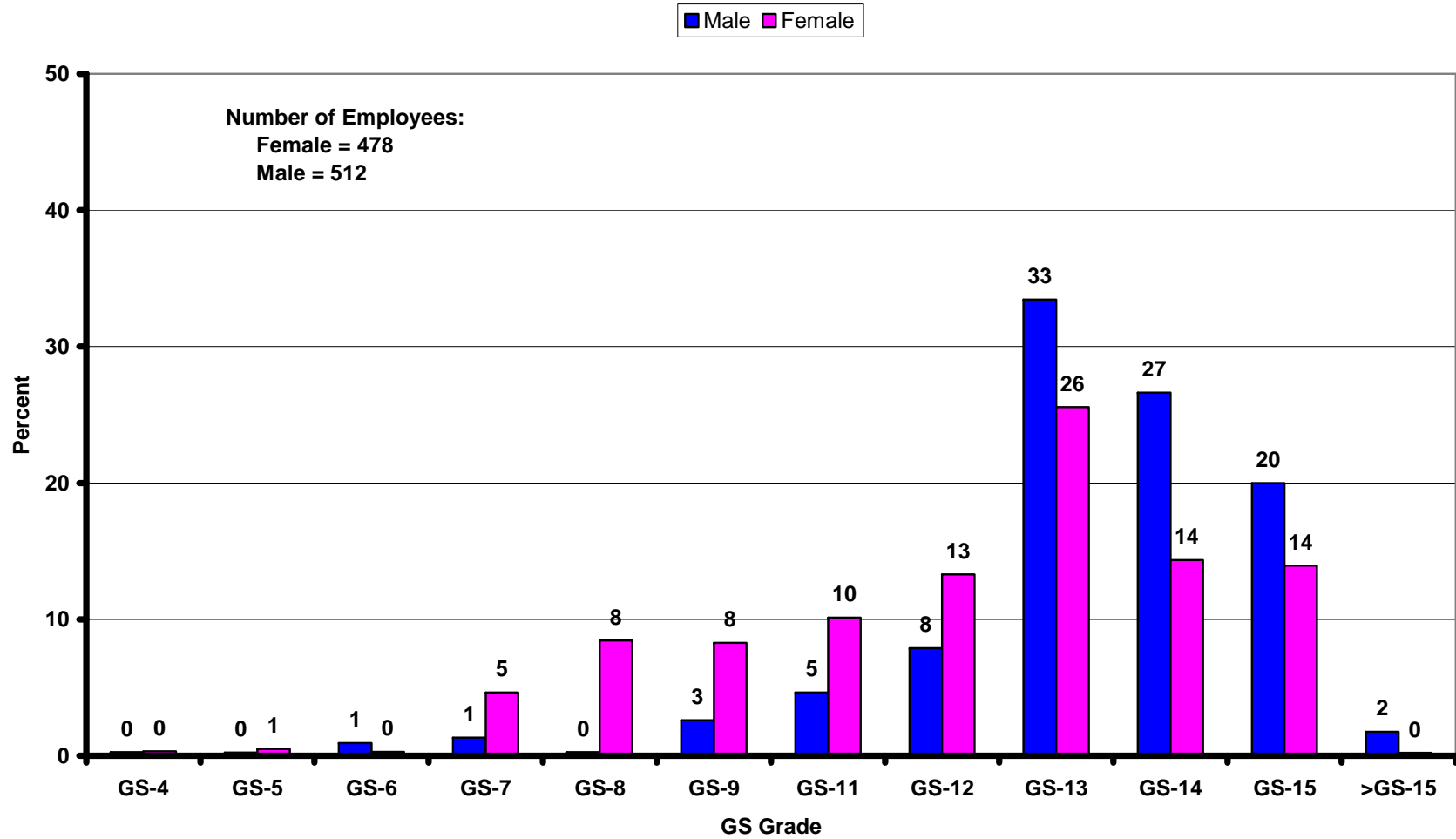
5-Year Average Percent Distribution of All FERC Male and Female Employees by Grade Level



Percent Distribution of Male and Female Supervisory Staff by Grade Level

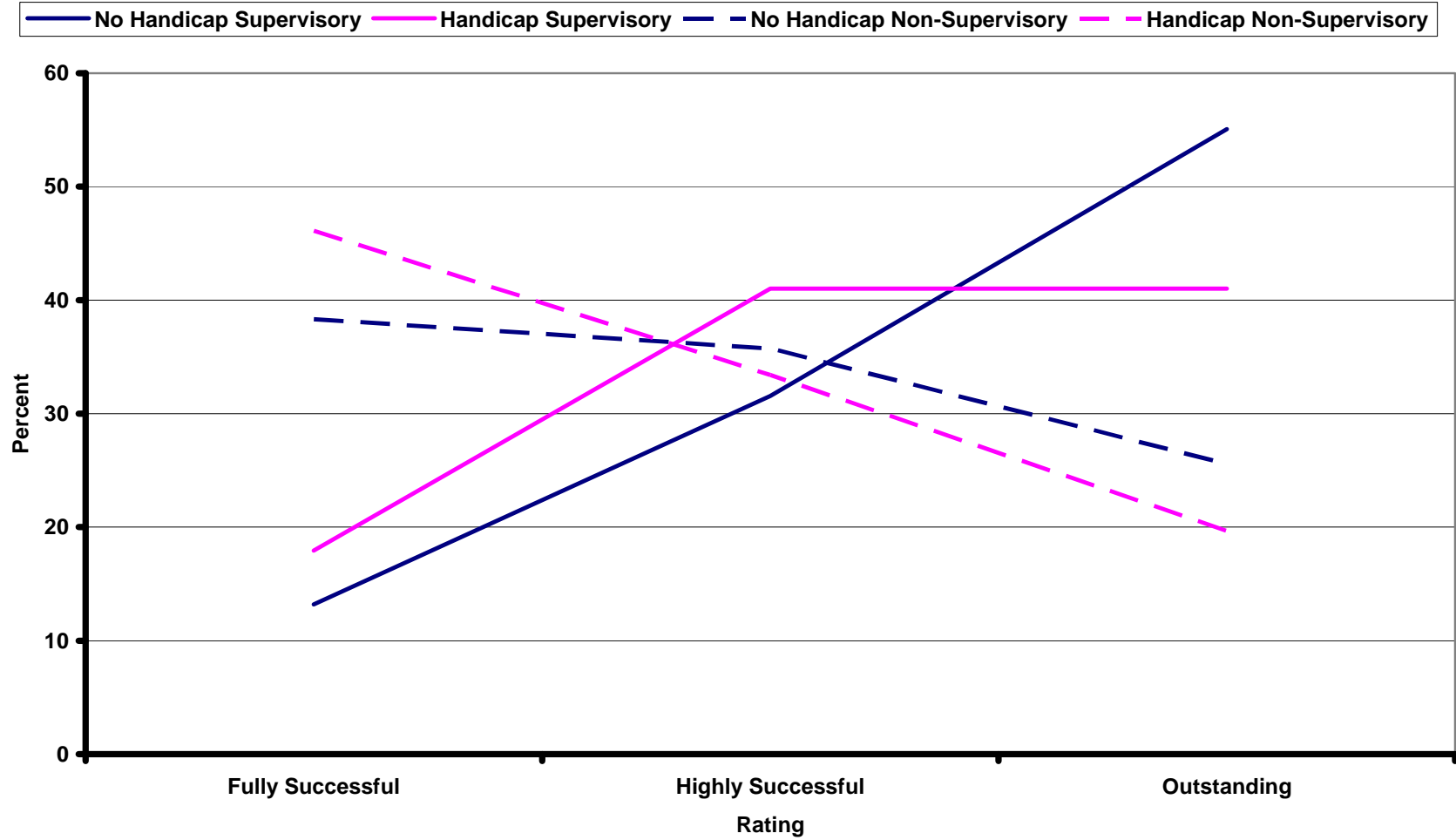


Percent Distribution of Male and Female Non-Supervisory Staff by Grade Level: All FERC



Handicap/Disability Discrimination

Distribution of Ratings for Handicapped and Non-Handicapped Employees



Occupational Bias

Average Performance Ratings by Job Category

Job categories omitted had fewer than 5 people.

Job Category	Average Number	2004	2005	2006	2007	2008	5-Year Average
Average Performance Rating							
All FERC Average	990	1.42	1.42	1.41	1.43	1.44	1.42

5-Year Average Rating = Highly Successful (1.50-1.74)

Administrative Officer	7	1.56	1.75	1.57	1.83	1.79	1.69
Legal Specialist	9	1.67	1.69	1.61	1.61	1.69	1.65
Program Analyst	12	1.63	1.59	1.58	1.68	1.77	1.65
Paralegal Specialist	11	1.59	1.61	1.75	1.64	1.50	1.61
Trial Attorney	41	1.65	1.59	1.57	1.60	1.61	1.60
Environmental Protection Specialist	14	1.59	1.57	1.58	1.60	1.58	1.58
Fishery Biologist	17	1.60	1.58	1.57	1.57	1.57	1.58
Economist	47	1.49	1.54	1.55	1.54	1.57	1.54
Agenda/Document Analyst	5	1.83	1.83	1.30	1.30	1.20	1.52

5-Year Average Rating = Fully Successful (1.00-1.49)

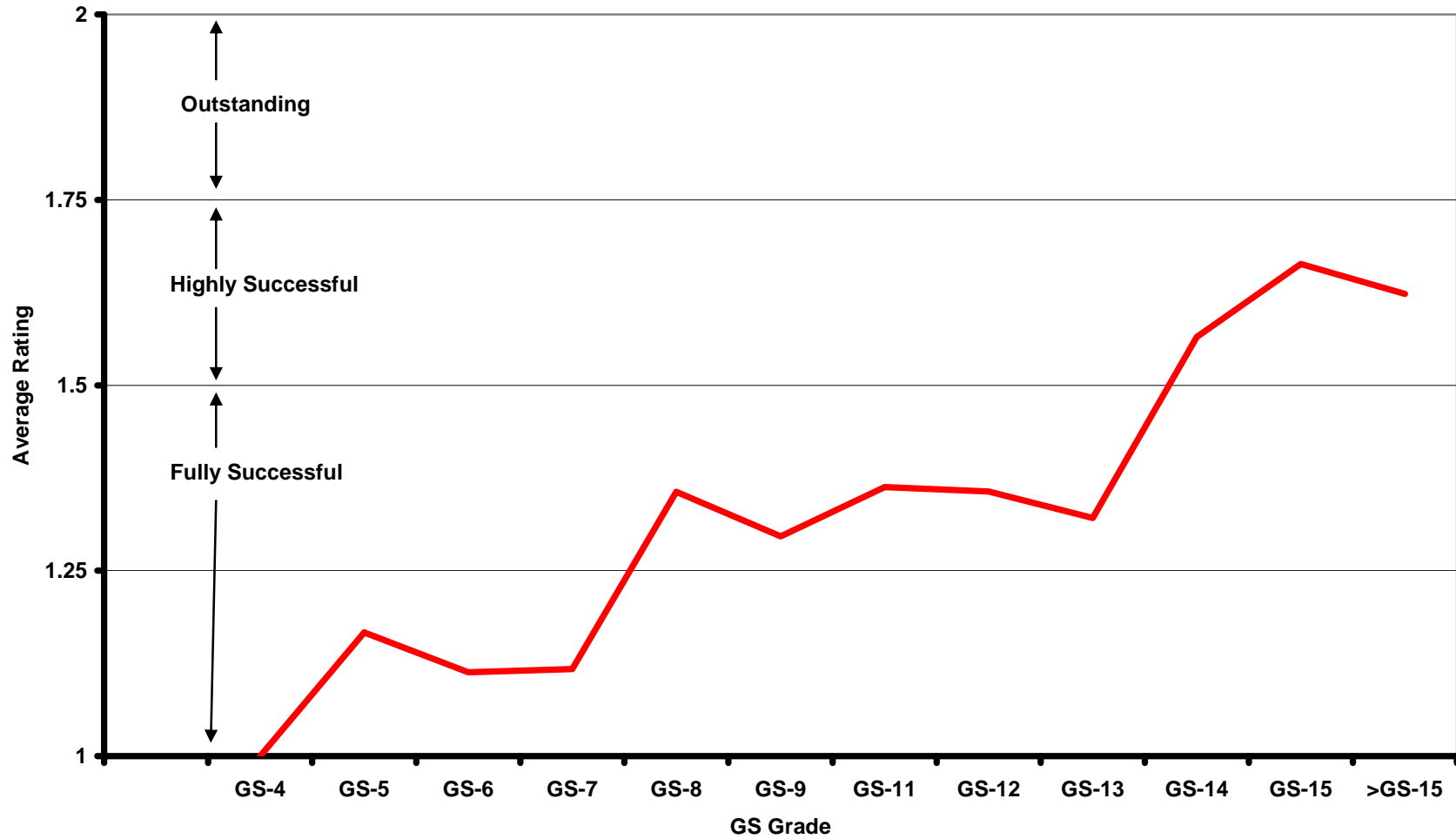
Attorney-Adviser	125	1.45	1.49	1.46	1.52	1.49	1.48
Energy Industry Analyst	178	1.48	1.43	1.45	1.45	1.47	1.46
Geologist	7	1.50	1.50	1.50	1.36	1.42	1.46
Financial Analyst	6	1.33	1.43	1.50	1.50	1.50	1.44
Ecologist	8	1.44	1.44	1.50	1.36	1.36	1.42
Regulatory Gas Utility Specialist	6	1.21	1.42	1.50	1.50	1.50	1.42
Mechanical Engineer	7	1.33	1.40	1.36	1.44	1.50	1.41
Petroleum Engineer	7	1.33	1.39	1.36	1.50	1.40	1.39
Environmental Engineer	6	1.42	1.50	1.43	1.25	1.33	1.39
Auditor	25	1.47	1.34	1.31	1.46	1.34	1.39
Electrical Engineer	23	1.31	1.34	1.44	1.40	1.40	1.38
Management Analyst	39	1.42	1.32	1.38	1.38	1.38	1.38
Chemical Engineer	7	1.50	1.40	1.43	1.28	1.28	1.36
Civil Engineer	103	1.33	1.38	1.34	1.36	1.36	1.35
Secretary	26	1.35	1.41	1.38	1.28	1.32	1.35

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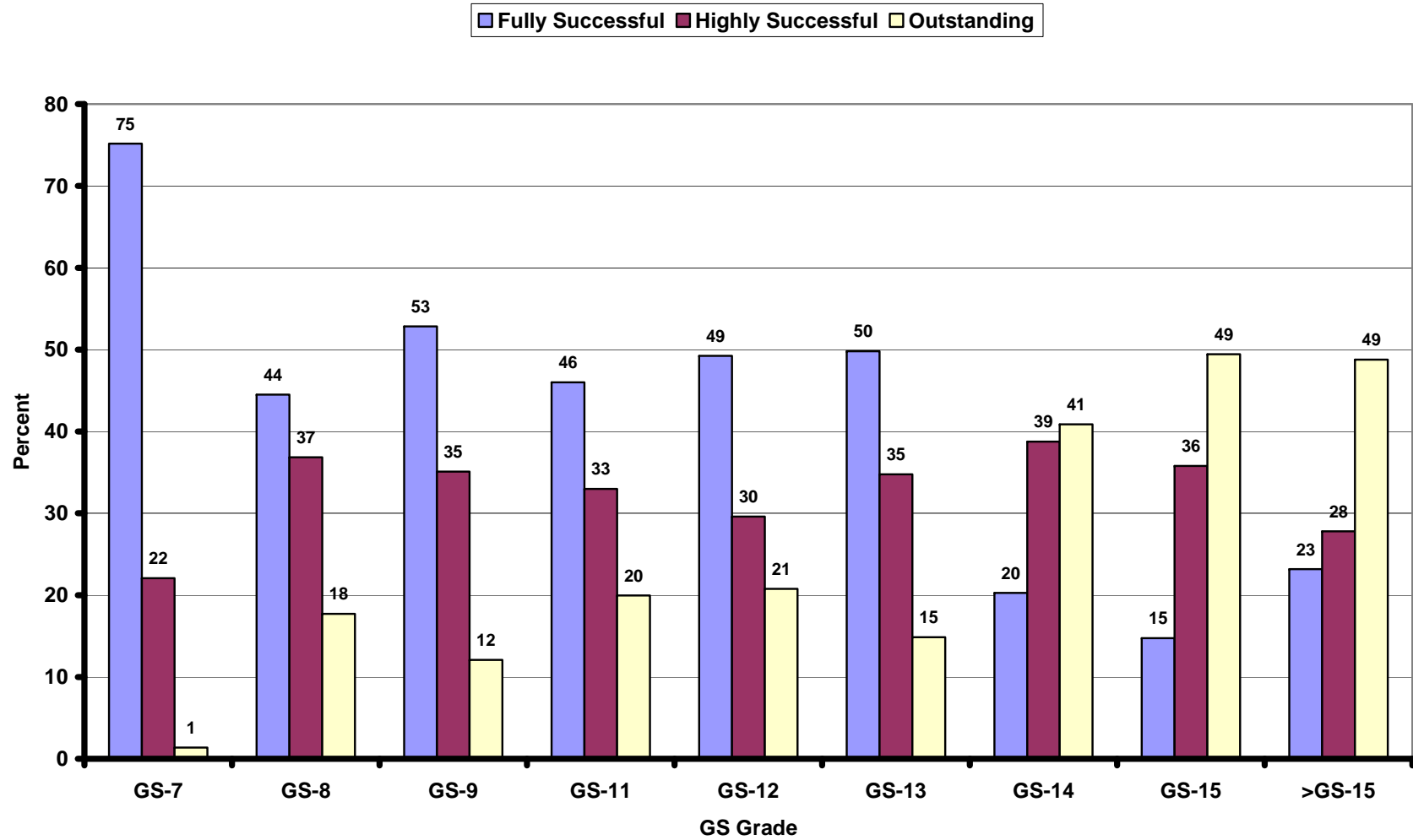
Legal Assistant	6	1.50	1.50	1.17	1.25	1.29	1.34
Environmental Biologist	17	1.36	1.30	1.28	1.34	1.43	1.34
Outdoor Recreation Planner	5	1.38	1.38	1.33	1.40	1.20	1.33
Litigation Support Assistant	5	1.50	1.40	1.20	1.20	1.30	1.33
Project Specialist	7	1.29	1.43	1.21	1.25	1.38	1.31
Archeologist	6	1.25	1.50	1.42	1.25	1.17	1.31
Accountant	6	1.25	1.00	1.38	1.21	1.44	1.28
Legal Technician	11	1.14	1.21	1.41	1.25	1.21	1.24
IT Specialist	12	1.19	1.25	1.23	1.30	1.14	1.23
Public Utilities Specialist	6	1.13	1.00	1.17	1.30	1.30	1.17
Management Information Specialist	5	1.25	1.13	1.13	1.10	1.17	1.15
Staff Accountant	9	1.18	1.15	1.19	1.07	1.08	1.14
Human Resources Specialist	13	1.19	1.08	1.03	1.08	1.35	1.14

Grade Level Bias

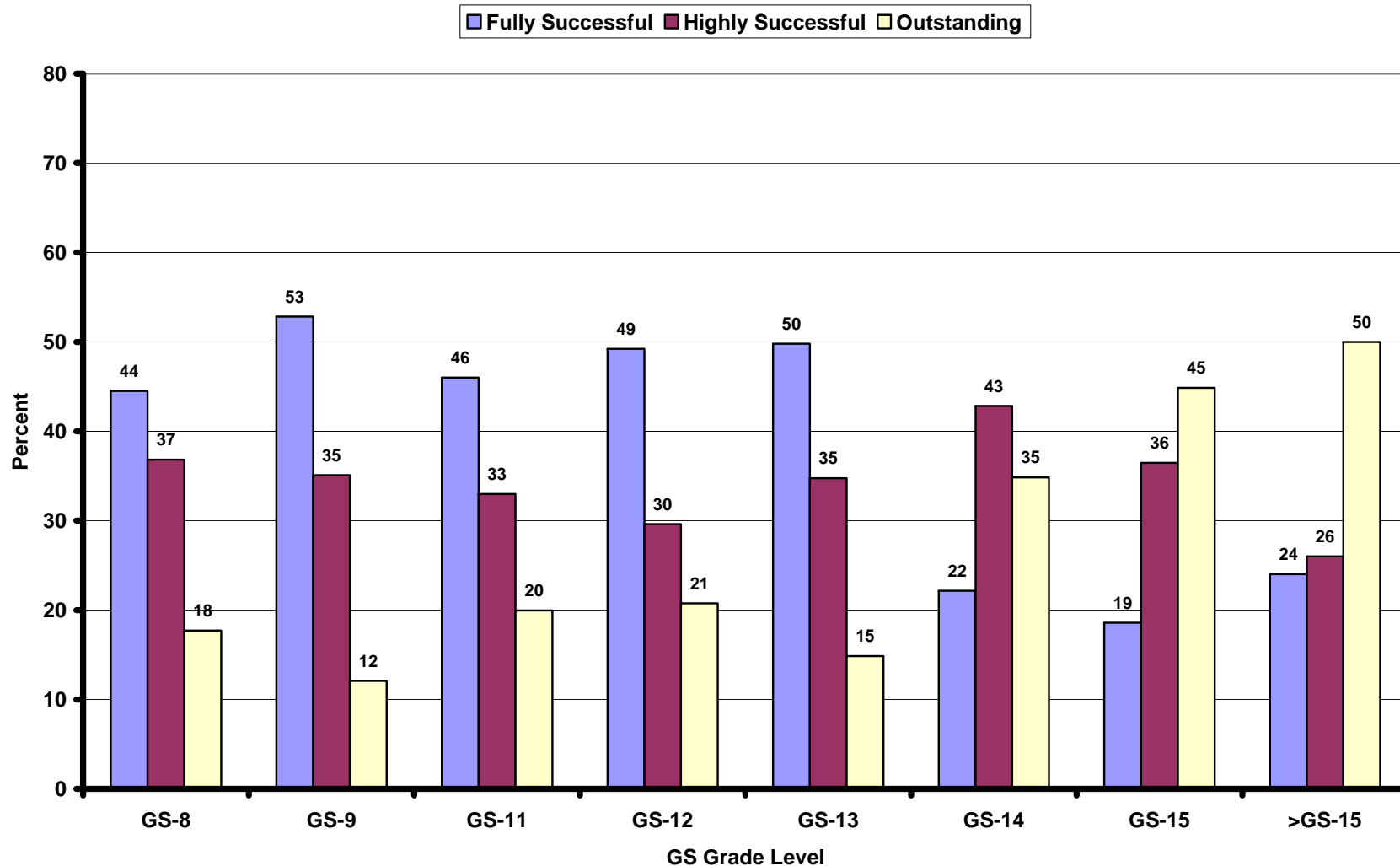
5-Year Average Performance Rating by GS Grade Level - All FERC Employees



Percent Distribution of Performance Ratings by GS Grade Level - All Employees

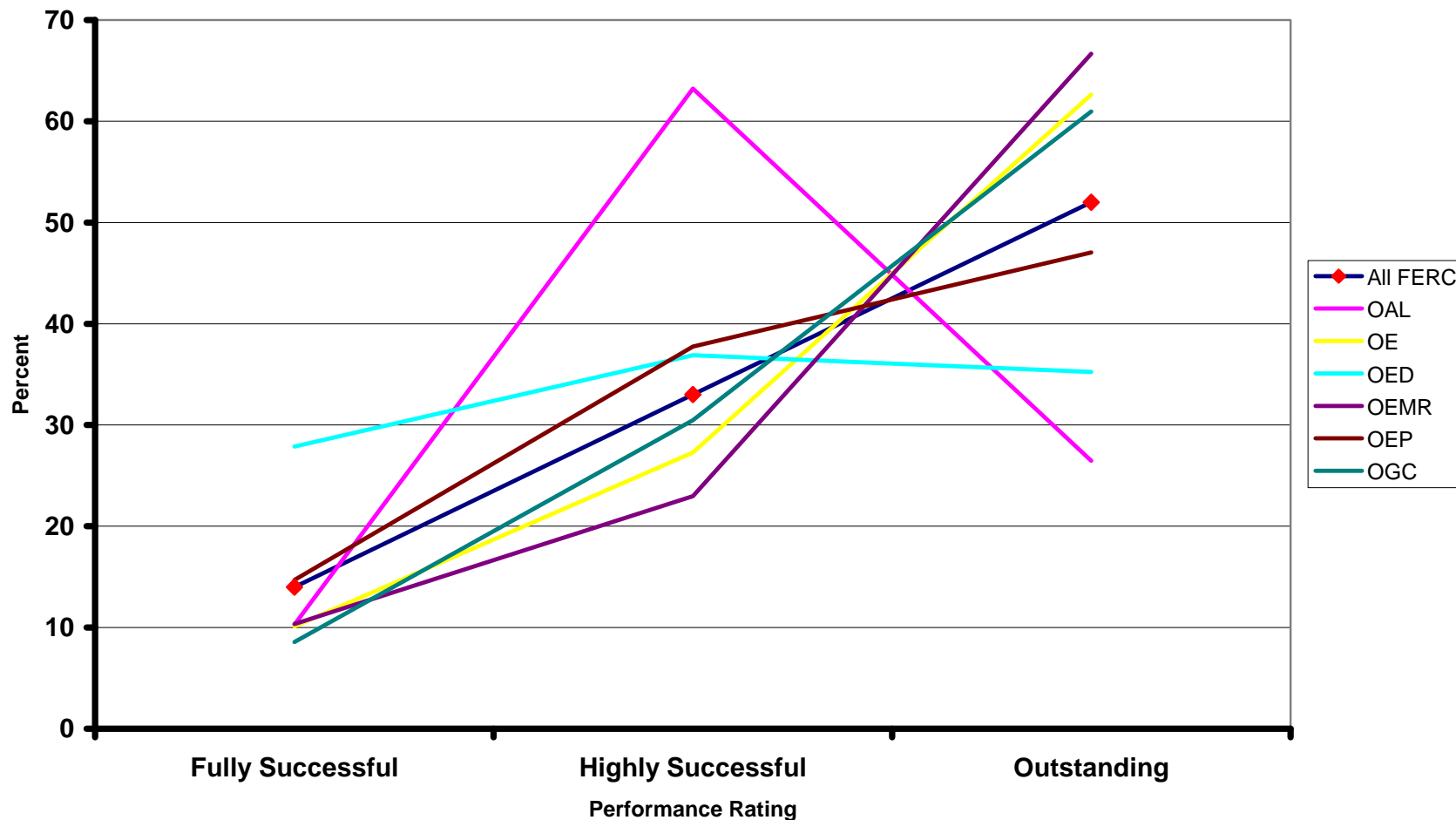


Percent Distribution of Performance Ratings by Grade Level - Non-Supervisory Employees

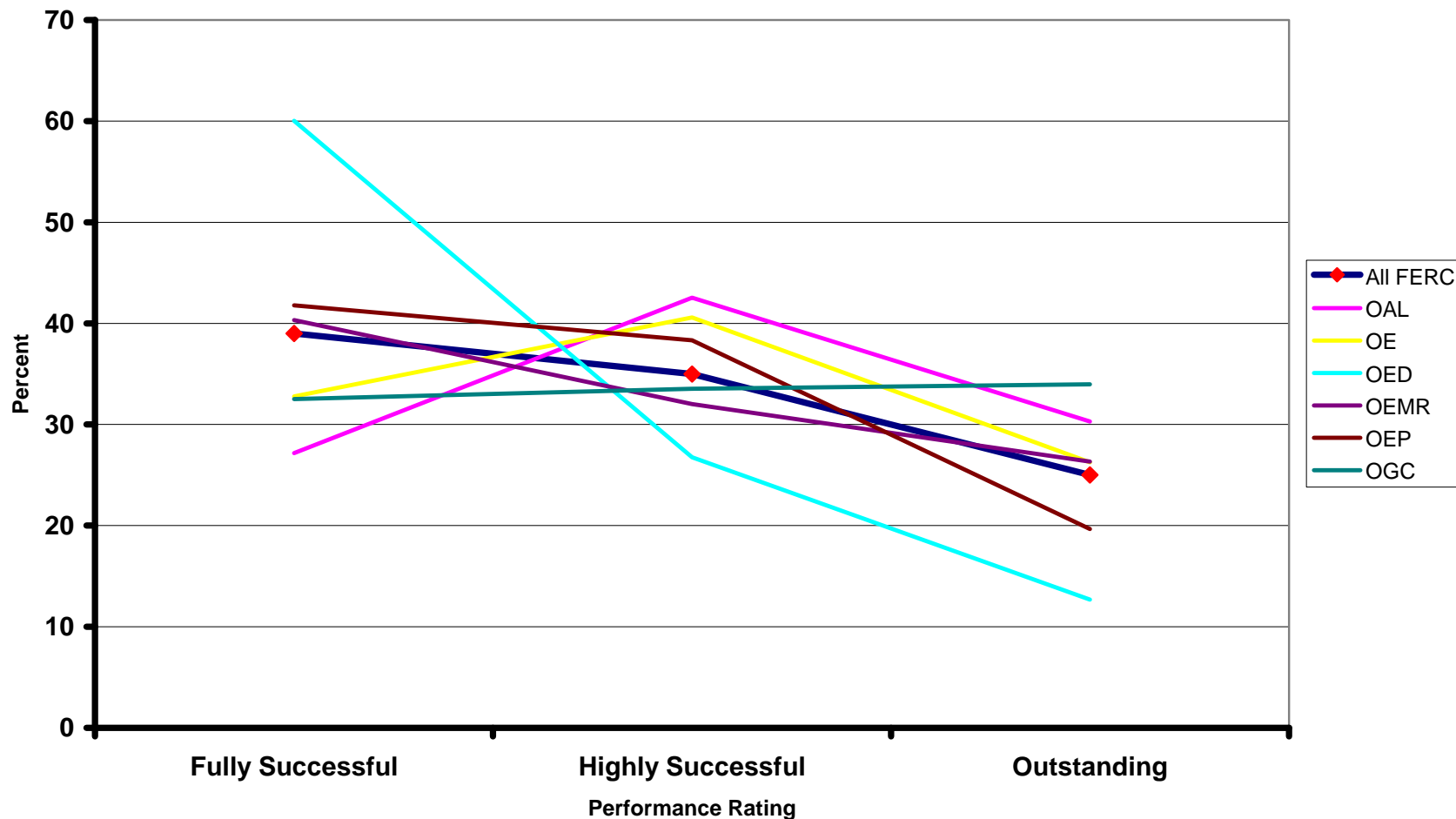


Inter-Office Disparities

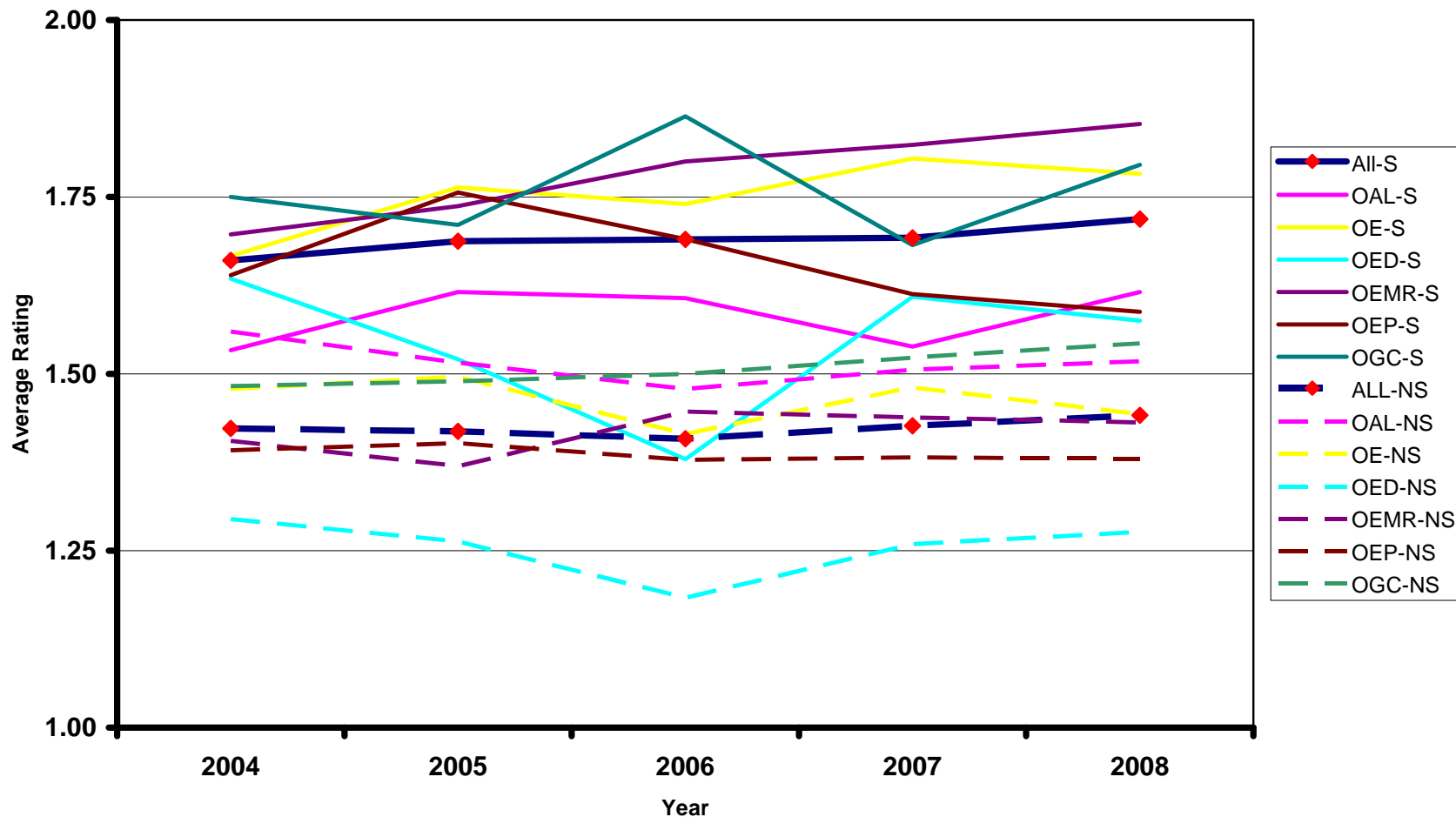
5-Year Average Distribution of Performance Ratings by Office, Supervisory Staff



5-Year Average Distribution of Performance Ratings by Office, Non-Supervisory Staff



Average Performance Ratings, Supervisory and Non-Supervisory by Office, 2004-2008



Supervisory v Non-Supervisory Performance Ratings by Office

Offices omitted are OALJ, OEA, OEPI, OER

Office	S-NS	2004	2005	2006	2007	2008	5-Year Average
All FERC	S	1.66	1.69	1.69	1.69	1.72	1.69
	NS	1.42	1.42	1.41	1.43	1.44	1.42
OAL	S	1.53	1.62	1.61	1.54	1.62	1.58
	NS	1.56	1.52	1.48	1.51	1.52	1.52
OE	S	1.67	1.76	1.74	1.80	1.78	1.76
	NS	1.48	1.50	1.42	1.48	1.44	1.46
OED	S	1.63	1.52	1.38	1.61	1.58	1.54
	NS	1.29	1.26	1.18	1.26	1.28	1.26
OEMR	S	1.70	1.74	1.80	1.82	1.85	1.78
	NS	1.41	1.37	1.45	1.44	1.43	1.42
OEP	S	1.64	1.76	1.69	1.61	1.59	1.66
	NS	1.39	1.40	1.38	1.38	1.38	1.39
OGC	S	1.75	1.71	1.86	1.68	1.80	1.76
	NS	1.48	1.49	1.50	1.52	1.54	1.51

5-Year Average Distribution of Performance Ratings: Supervisory v. Non-Supervisory Staff by Office

Percentages may not add to 100 due to omission of less than Fully Successful categories. Offices omitted are OALJ, OEA, OEPI, OER

Office	Supervisory v. Non-Supervisory Staff	Fully Successful	Highly Successful	Outstanding
		Percent (%)		
OAL	Supervisory Staff	10	63	26
	Non-Supervisory Staff	27	43	30
OE	Supervisory Staff	10	27	63
	Non-Supervisory Staff	33	41	26
OED	Supervisory Staff	28	37	35
	Non-Supervisory Staff	60	27	13
OEMR	Supervisory Staff	10	23	67
	Non-Supervisory Staff	40	32	26
OEP	Supervisory Staff	15	38	47
	Non-Supervisory Staff	42	38	20
OGC	Supervisory Staff	9	30	61
	Non-Supervisory Staff	33	34	34

Intra-Office Disparities

Average Performance Rating By Office and Division, Non-Supervisory Employees

**Highlighted ratings identify divisions with 5-Year average rating of Highly Successful
Divisions with an average of less than 5 employees are omitted from table**

Office	Division	5-Year Average No.	2004	2005	2006	2007	2008	5-Year Average
OAL	Legal Group I	10	1.70	1.64	1.70	1.65	1.67	1.67
OAL	Legal Group III	10	1.63	1.45	1.50	1.55	1.55	1.53
OAL	Legal Group II	10	1.56	1.50	1.50	1.55	1.50	1.52
OAL	Technical Group I	9	1.50	1.55	1.50	1.50	1.50	1.51
OAL	Technical Group II	7	1.50	1.44	1.50	1.60	1.50	1.50
OAL	Admin. & Litigation Support Division	12	1.58	1.63	1.46	1.38	1.42	1.49
OAL	Technical Group III	7	1.69	1.50	1.44	1.43	1.33	1.49
OAL	Competition Analysis Group	5	1.43	1.50	1.30	1.33	1.50	1.42
OAL	Technical Group IV	9	1.50	1.30	1.40	1.44	1.43	1.41
OALJ	Office of Administrative Law Judges	19	1.30	1.47	1.54	1.53	1.45	1.45
OE	Investigations Branch 3	6			1.83	1.80	1.83	1.82
OE	Div of Management & Communication	10	1.59	1.72				1.65
OE	Information Mgmt & Reporting Branch	7			1.64	1.64	1.50	1.60
OE	Division of Enforcement	27	1.58	1.55				1.56
OE	Market Monitor Relations Branch	6			1.58	1.58	1.50	1.56
OE	Div of Integrated Market Assessment	6	1.50	1.63				1.54
OE	Operational Audits Branch	15		1.53				1.53
OE	Investigations Branch 2	7			1.50	1.56	1.50	1.53
OE	Division of Operational Audits	20	1.50					1.50
OE	Market Oversight & Assessment	7	1.36	1.67				1.50
OE	Operational Audits Branch 2	7			1.50			1.50
OE	Energy Market Analysis Branch	11			1.45	1.50		1.48
OE	Audits Branch 3	6				1.50	1.42	1.46
OE	Div of Information Development	9	1.44	1.44				1.44

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OE	Div of Energy Market Oversight	17	1.39	1.50				1.44
OE	Audits Branch 2	8				1.50	1.33	1.44
OE	Administration Staff	6			1.50	1.42	1.30	1.42
OE	Fuels Market Analysis Branch	6					1.42	1.42
OE	Regulatory Accounting Branch	7		1.40	1.25	1.42	1.58	1.41
OE	Investigations Branch 1	6			1.43	1.33	1.38	1.38
OE	Forms Administration & Data Brach	9			1.19	1.44	1.44	1.37
OE	Investigations Branch 5	5					1.30	1.30
OE	Investigations Branch 4	5			1.30	1.33	1.20	1.28
OE	Division of Financial Audits	15	1.27					1.27
OE	Audits Branch 1	6				1.25	1.25	1.25
OE	Financial Audits Branch	14		1.20	1.27			1.23
<hr/>								
OED	Secretary of the Commission	16	1.60	1.57	1.54	1.46	1.33	1.52
OED	Systems Engineering Division	5	1.33	1.38	1.38	1.50	1.36	1.39
OED	Financial Policy Division	5	1.29	1.21	1.33	1.33	1.25	1.28
OED	IT Operations Division	8	1.42	1.17	1.29		1.25	1.27
OED	Logistics Management Division	12	1.33	1.25	1.21	1.19	1.25	1.25
OED	Financial Service Division	10	1.25	1.25	1.13	1.28	1.28	1.24
OED	IT Operations & Information	8				1.19		1.19
OED	Security and Systems Assurance Division	10	1.09	1.05	1.00	1.13		1.06
OED	Recruitment & Development Branch	11	1.05					1.05
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OEMR	Regulatory Accounting Policy Group 4	9	1.67					1.67
OEMR	Economic Support Group	7		1.75	1.72	1.61	1.33	1.65
OEMR	Div of Tariffs & Mkt Dev - Central	7	1.64					1.64
OEMR	East Group 1	9	1.50	1.70	1.75	1.43	1.50	1.58
OEMR	West Group 6	8		1.44	1.44	1.56	1.69	1.53
OEMR	Economics Group	7	1.50					1.50
OEMR	Planning Group	7	1.50	1.38	1.50			1.45
OEMR	South Group 3	11	1.45					1.45
OEMR	East Group 3	9	1.29	1.44	1.56	1.50	1.50	1.44
OEMR	East Group 2	9	1.46	1.28	1.50	1.50	1.50	1.44
OEMR	West Group 1	10	1.29	1.30	1.50	1.55	1.61	1.44
OEMR	South Group 1	8	1.44					1.44
OEMR	Policy Group	7	1.43					1.43

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OEMR	South Group 4	13	1.42					1.42
OEMR	Central Group 1	10	1.40	1.36	1.44	1.50	1.39	1.42
OEMR	Central Group 3	8	1.27	1.33	1.50	1.43	1.50	1.39
OEMR	Administration Group	6	1.20	1.17	1.43	1.50	1.58	1.39
OEMR	Strategic Planning Group	5		1.17	1.33	1.44	1.43	1.38
OEMR	West Group 4	10	1.28	1.18	1.45	1.55	1.44	1.38
OEMR	South Group 2	12	1.38					1.38
OEMR	West Group 3	9	1.27	1.44	1.38	1.38	1.43	1.37
OEMR	Logistics and Security Group	6		1.13	1.50			1.36
OEMR	West Group 2	9	1.40	1.25	1.38	1.36	1.40	1.36
OEMR	Central Group 6	8			1.31	1.39	1.38	1.36
OEMR	West Group 5	7		1.38	1.42	1.38	1.25	1.36
OEMR	East Group 6	9		1.28	1.25	1.44	1.44	1.35
OEMR	Central Group 2	9	1.36	1.44	1.43	1.28	1.28	1.35
OEMR	Case Tracking and Forms Group	12		1.23	1.42			1.33
OEMR	East Group 5	8		1.33	1.19	1.25	1.58	1.32
OEMR	Central Group 5	9		1.21	1.33	1.31	1.43	1.31
OEMR	Data Support Group	16	1.28					1.28
OEMR	East Group 4	9		1.33	1.25	1.28	1.22	1.27
OEMR	Case Management Group	7				1.25	1.29	1.27
OEMR	Central Group 4	9	1.32	1.17	1.11	1.21	1.25	1.21
OEP	Infrastructure Policy Group	6	1.63	1.80	1.75	1.50	1.50	1.62
OEP	Hydro West Branch 1	12	1.54	1.58	1.65	1.55	1.50	1.56
OEP	Division of Dam Safety & Inspections	12	1.58	1.58	1.50	1.50	1.55	1.54
OEP	Biological Resources Branch	14	1.61	1.53	1.50	1.46	1.55	1.53
OEP	Management & Operations	8	1.50	1.56	1.39	1.50	1.58	1.50
OEP	Chicago Regional Office	16	1.31	1.46	1.54	1.53	1.50	1.46
OEP	LNG Engineering Branch	9	1.50	1.40	1.44	1.44	1.44	1.44
OEP	Gas Branch 2	13	1.38	1.38	1.54	1.46	1.38	1.43
OEP	Gas Branch 1	11	1.45	1.45	1.38	1.38	1.32	1.39
OEP	Portland Regional Office	16	1.34	1.47	1.41	1.37	1.38	1.39
OEP	Engineering & Jurisdiction Branch	15	1.50	1.33	1.28	1.35	1.46	1.38
OEP	Hydro West Branch 2	11	1.33	1.40	1.40	1.42	1.35	1.38
OEP	Atlanta Regional Office	15	1.31	1.50	1.37	1.34	1.35	1.38
OEP	Hydro East Branch 2	12	1.36	1.40	1.29	1.33	1.27	1.33

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OEP	Gas Branch 3	10	1.33	1.38	1.35	1.28	1.29	1.32
OEP	Certificate Branch 1	11	1.17	1.32	1.32	1.36	1.41	1.31
OEP	Land Resources Branch	15	1.47	1.25	1.23	1.28	1.33	1.31
OEP	Hydro East Branch 1	11	1.33	1.32	1.25	1.27	1.32	1.30
OEP	San Francisco Regional Office	18	1.40	1.26	1.21	1.24	1.19	1.26
OEP	New York Regional Office	24	1.28	1.17	1.23	1.31	1.30	1.26
OEP	Certificate Branch 2	9	1.10	1.22	1.28	1.31	1.38	1.25
OEPI	Group 1	7					2.00	2.00
OEPI	Group 2	6					1.92	1.92
OER	Division of Logistics and Security	7				1.42	1.57	1.50
OER	Division of Reliability Standards	6				1.50	1.42	1.45
OER	Division of Compliance	8				1.38	1.43	1.40
OER	Division of Bulk-Power System Analysis	6				1.40	1.29	1.33
OER	Div of Reliability & Engineering Svcs	6				1.17	1.50	1.32
OGC	Solicitor	13	1.75	1.81	1.75	1.83	1.85	1.80
OGC	Dispute Resolution Service	5	1.70	1.50				1.60
OGC	Energy Markets	71	1.45	1.54	1.51	1.60	1.62	1.54
OGC	Energy Projects	45	1.42	1.34	1.39	1.34	1.32	1.36
Yearly Average for All FERC Non-Supervisory Employees		990	1.42	1.42	1.41	1.43	1.44	1.42