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**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

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**FISCAL YEAR 2018  
ANNUAL REPORT TO CONGRESS  
ON THE NOTIFICATION AND FEDERAL EMPLOYEE  
ANTIDISCRIMINATION AND RETALIATION ACT  
(NO FEAR ACT)**

**PREPARED BY:  
THE OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY (EEO)  
PROGRAMS**



**Message from the Acting Director of the Office of the Equal Employment Programs:**

It is my pleasure to present the National Archives and Records Administration's (NARA) Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) Annual Report for Fiscal Year 2018.

The report primarily focuses on NARA's complaints programs (EEO and Anti-harassment) covering five years of reporting requirements between FY 2014 and FY 2018. While the report aims to reduce incidents of workplace discrimination, it also demonstrates NARA's commitment to adhere to merit systems principles, provide protection from prohibited personnel practices, and promote accountability.

Pursuant to the statutory requirements, this report is being provided to the following Members of Congress that have authority and oversight for NARA and the Executive Branch:

**The Honorable Charles Grassley**  
President Pro Tempore, United States Senate

**The Honorable Nancy Pelosi**  
Speaker of the House of Representatives

**The Honorable Ronald Johnson**  
Chair, Committee on Homeland Security and Governmental Affairs,  
United States Senate

**The Honorable Gary C. Peters**  
Ranking Member, Committee on Homeland Security and Governmental Affairs,  
United States Senate

**The Honorable Richard C. Shelby**  
Chair, Committee on Appropriations, United States Senate

**The Honorable Patrick J. Leahy**  
Ranking Member, Committee on Appropriations, United States Senate

**The Honorable John Kennedy**  
Chair, Subcommittee on Financial Services and General Government Committee on  
Appropriations, United States Senate

**The Honorable Christopher Coons**

Ranking Member, Subcommittee on Financial Services and General Government Committee on Appropriations, United States Senate

**The Honorable Elijah E. Cummings**

Chair, House Committee on Oversight and Government Reform, House of Representatives

**The Honorable James Jordan**

Ranking Member, House Committee on Oversight and Government Reform, House of Representatives

**The Honorable Gerald E. Connolly**

Chair, Subcommittee on Government Operations, Committee on Oversight and Government Reform, House of Representatives

**The Honorable Mark Meadows**

Ranking Member, Subcommittee on Government Operations, Committee on Oversight and Government Reform, House of Representatives

**The Honorable Nita M. Lowey**

Chair, Committee on Appropriations, House of Representatives

**The Honorable Kay Granger**

Ranking Member, Committee on Appropriations, House of Representatives

**The Honorable Michael B. Quigley**

Chair, Subcommittee on Financial Services and General Government Committee on Appropriations, House of Representatives

**The Honorable John Thomas Graves**

Ranking Member, Subcommittee on Financial Services and General Government Committee on Appropriations, House of Representatives

**The Honorable William P. Barr**

Attorney General, U.S. Department of Justice

**Ms. Victoria A. Lipnic**

Acting Chair, U.S. Equal Employment Opportunity Commission

**Ms. Margaret Weichert**

Acting Director, U.S. Office of Personnel Management



Erica Pearson

Acting Director, Office of Equal Employment Opportunity Programs

3/27/2019

Date

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Appendix A: Final Year-End No FEAR Act Data for FY 2018 (data reported on first quarter report for FY 2019)

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- Anti-Harassment Policy Statement

## I. Executive Summary

The National Archives and Records Administration (NARA) provides its Annual Report to Congress as required by Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (“No FEAR Act”), Public Law 107-174. This report covers data for FY 2018. (*Appendix A*)

NARA’s mission is to provide public access to Federal Government records in our custody and control. Public access to government records strengthens democracy by allowing Americans to claim their rights of citizenship, hold their government accountable, and understand their history so they can participate more effectively in their government. As the nation’s record keeper, it is vitally important that we recognize and value our employees and the public we serve. One of NARA’s Strategic Goals promises to “Build our Future Through our People.” That future depends on treating employees and the public with dignity, respect, and professionalism regardless of differences.

In FY 2018, NARA employed 2,789 employees who maintained a national network of 43 facilities including Federal Records Centers, Research Facilities, and Presidential Libraries throughout the country. The Office of Equal Employment Opportunity Programs played a pivotal role in servicing the facilities and enforcing the prohibition of discriminatory acts in employment through a fair and consistent EEO process pursuant to 29 CFR 1614 and MD 110.

In FY 2018, NARA processed 47 informal complaints as compared to 52 informal complaints in FY 2017. Forty-two (42) or 89 percent of the 47 cases were completed within the fiscal year. Forty-one (41) or 98 percent of the 42 cases completed were timely. Of the 42 completed cases, thirty-nine (39) or 93 percent were offered mediation through NARA’s Alternate Dispute Resolution (ADR) Program (RESOLVE). Eleven (11) or 28 percent participated in the program. In total, eighteen (18) or 43 percent of all the informal cases were resolved or closed.

In FY 2018, NARA processed 63 formal complaints which was the same number that was processed in FY 2017. A total of 24 formal complaints were filed in FY 2018 as compared to 29 in FY 2017; an decrease of 17.2 percent. The top basis categories were reprisal (prior EEO activity), race (African American), and age. The top issue categories were harassment (non-sexual), performance evaluation/appraisal, and reassignment (directed). There have been no findings of discrimination rendered from FY 2014 to FY 2018.

In FY 2018, NARA closed 20 cases. Four (4) of the closures involved monetary benefits totaling \$42,000. There were no findings of discrimination decisions. In addition, there were no reimbursements to the Treasury Judgment Fund.

No employees were disciplined for discrimination, retaliation, harassment or other infractions of the provisions of law cited under the No FEAR Act stemming from Federal district court actions.

NARA’s internal process, the Anti-Harassment Program, continues to provide a successful process to address allegations of harassment according to NARA’s policy and to ensure that managers and supervisors were held accountable for their leadership responsibilities in making

every effort to support a fair and respectful workforce. In FY 2018, the Ad Hoc Committee on Harassment, which is comprised of officials from the offices of General Counsel, EEO, and the Labor and Employee Relations, successfully processed 77 cases, resolving 67 cases or 87 percent as compared to 51 cases processed and resolving 48 or 94 percent in FY 2017. The average number of days for processing harassment complaint was 56 days which increased from 36 in FY 2017. The increase in the average number of days was attributed to five investigations conducted by a contractor.

## **II. Introduction**

The No FEAR Act requires Federal agencies to submit annual reports to the President *pro tempore* of the Senate, the Speaker of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the agency, the Attorney General, the U.S. Equal Employment Opportunity Commission (EEOC) and the Director of the Office of Personnel Management (OPM). This report is submitted by NARA to fulfill this reporting requirement.

## **III. Background**

On May 15, 2002, President George W. Bush signed into law the No FEAR Act. The Act became effective on October 1, 2003. The Act requires Federal agencies to be accountable for violations of anti-discrimination and whistleblower protection laws and post certain statistical data relating to Federal sector EEO complaints filed with the agency.

Section 203 of the No FEAR Act requires that each Federal agency submit an annual Report to Congress not later than 180 days after the end of each fiscal year. Section 203 also provides the specific requirements for agencies to report under the Act. In addition, the President delegated responsibility for the issuance of regulations governing implementation of the No FEAR Act to OPM. OPM published interim regulations on January 22, 2004, concerning the reimbursement provisions of the Act. On December 28, 2006, OPM published the final regulations for reporting in the Federal Register. The effective date in the final rule was February 26, 2007. Like most Federal agencies, NARA elected to wait until the final regulations were published to submit its first report.

NARA's EEO Office is responsible for administering and ensuring agency compliance with the Federal EEO laws, regulations, policies, and guidance that prohibit discrimination in the Federal workplace based on race, color, sex (including pregnancy and sexual orientation), national origin, religion, age, disability, genetic information, or reprisal. The EEO Office is also responsible for preparing the agency's Annual Report to Congress on the No FEAR Act based on the Agency's efforts to enforce discriminatory acts and prevent future incidents of discrimination. The Office of Human Capital Management, Office of the Inspector General and the Office of General Counsel also play a role in the implementation of the No FEAR Act for NARA employees.

#### **IV. Final Year-End Data for FY 2018**

As required by the No FEAR Act, NARA timely posted and displayed a link to the No FEAR Act data on its main website ([www.archives.gov](http://www.archives.gov)) no later than 30 calendar days after the end of each quarter.

See *Appendix A* for data reported during FY 2018

#### **V. Cases Filed in Federal District Court**

Section 203 (1) of the No FEAR Act requires that agencies include in their annual Report to Congress "the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged." Section 724.302 of OPM's proposed regulations issued on January 25, 2006, clarifies section 203 (1) of the No FEAR Act stating that the agencies report on the "number of cases in Federal Court pending or resolved ...arising under each of the respective provisions of the Federal Antidiscrimination laws and whistleblower protection laws."

There are no cases filed in district court to report.

#### **VI. Status or Disposition for the Federal District Court Cases**

There are no cases filed in district court to report.

#### **VII. Reimbursement to the Treasury Judgment Fund**

OPM published interim final regulations in the Federal Register on January 22, 2004, and final regulations on May 10, 2006, to clarify the agency reimbursement provisions of Title II of the No FEAR Act. These regulations, among other things, state that the Financial Management Service, U.S. Department of the Treasury (FMS), will provide notice to an agency's Chief Financial Officer within 15 business days after payment from the Judgment Fund. The agency is required to reimburse the Judgment Fund within 45 business days after receiving the notice from FMS or must contact FMS to make arrangements in writing for reimbursement.

NARA reports that no funds were required to be reimbursed to the Judgment fund.

#### **VIII. Disciplinary Actions**

Section 203(a)(4) of the No FEAR Act requires that agencies include in the annual Report to Congress "the number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1)." Section 203(a)(1) requires that agencies report "the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged." OPM's guidelines provide that these cases refer to the number of discrimination cases for which the Judgment Fund paid on behalf of the agency. The proposed regulations also define disciplinary actions to include any one or a combination

of the following actions: reprimand, suspension without pay, reduction in grade or pay, or removal.

There are no disciplinary actions to report.

## **IX. Policy Descriptions on Disciplinary Actions**

Section 203(a)(6) of the No FEAR Act requires that agencies include in their annual Report to Congress a detailed description of the policy implemented by the agency relating to disciplinary actions imposed against a Federal employee who discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2), or committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a)(1) or (2). Further, the Act requires that, with respect to each such law, the Federal agency report on the number of employees who were disciplined in accordance with such policy and the specific nature of the disciplinary action taken.

Not applicable

## **X. Training Requirement for No FEAR Act**

Section 202(c) of the No FEAR Act requires agencies to provide training to their employees on the rights and remedies under Federal antidiscrimination, retaliation, and whistleblower protection laws. Under 5 C.F.R. 724.203, agencies are required to develop a written plan for training employees on the No FEAR Act.

The next training cycle is October 2019.

## **XI. Examination of Trends, Causal Analysis<sup>1</sup>, Practical Knowledge Gained Through Experience and Actions Planned or Taken to Improve the Complaints Program**

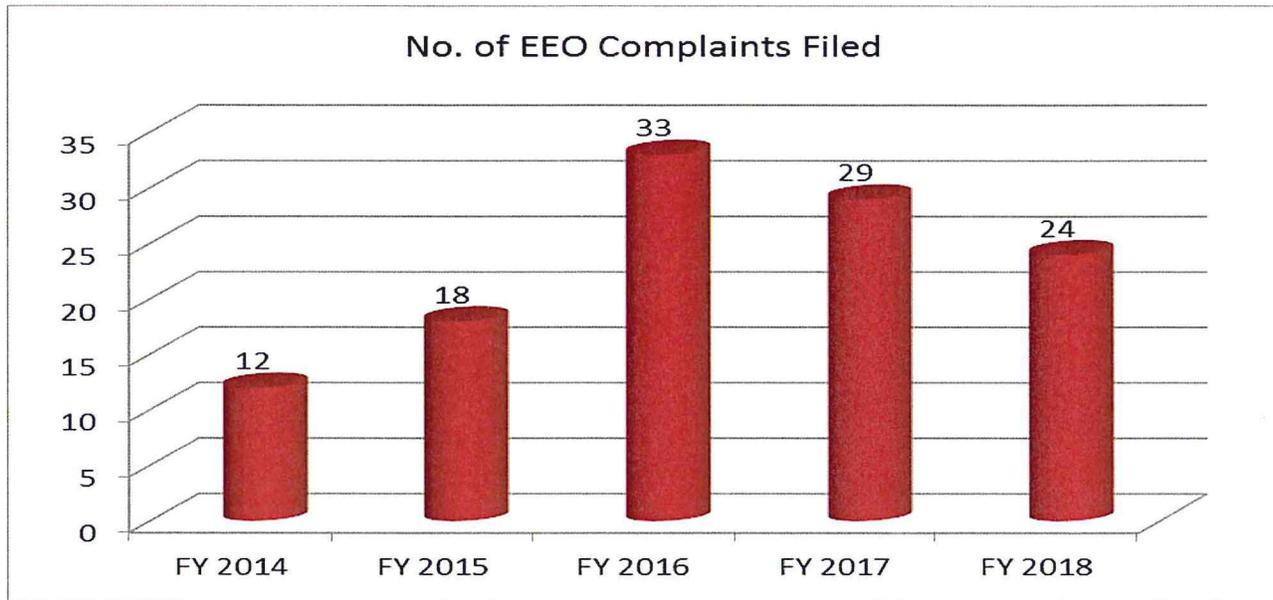
Section 203(7) of the No FEAR Act requires that agencies undertake “an examination of trends, causal analysis, and practical knowledge gained through experience and any actions planned or taken to improve complaint or civil rights programs of the agency.”

### Trends and Analysis

In FY 2018, NARA processed 63 formal complaints of discrimination. These complaints include 39 complaints pending from previous years and the 24 complaints filed in the current year. NARA’s complaint activity data below shows in FY 2017, 29 complaints were filed as compared to 24 complaints filed in FY 2018; a decrease of 17.2 percent.

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<sup>1</sup> The Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaint (EEOC Form 462) is the source information for section.



In FY 2018, the top most filed on bases were reprisal (prior EEO activity), race (African American), and age (over 40). The top most filed on issues were, harassment (non-sexual), performance evaluation/appraisal, and reassignment (directed). Since 2014, harassment has been among the top most filed on issues.

<b>Fiscal Year</b>	<b>Top Two Bases</b>	<b>Top Two Issues</b>
2018	<ul style="list-style-type: none"> <li>▪ Reprisal</li> <li>▪ Race (African American) (Tie)</li> <li>▪ Age (over 40) - Tie</li> </ul>	<ul style="list-style-type: none"> <li>▪ Harassment (non-sexual)</li> <li>▪ Performance Evaluation/Appraisal</li> <li>▪ Reassignment (Directed)</li> </ul>
2017	<ul style="list-style-type: none"> <li>▪ Race (African American)</li> <li>▪ Reprisal</li> </ul>	<ul style="list-style-type: none"> <li>▪ Harassment (non-sexual)</li> <li>▪ Disciplinary Action</li> </ul>
2016	<ul style="list-style-type: none"> <li>▪ Race (African American)</li> <li>▪ Reprisal</li> </ul>	<ul style="list-style-type: none"> <li>▪ Harassment (non-sexual)</li> <li>▪ Disciplinary Action</li> </ul>
2015	<ul style="list-style-type: none"> <li>▪ Race (African American)</li> <li>▪ Reprisal</li> </ul>	<ul style="list-style-type: none"> <li>▪ Harassment (non-sexual)</li> <li>▪ Performance Evaluation/Appraisal (Tie)</li> <li>▪ Promotion/Non-selection (Tie)</li> </ul>
2014	<ul style="list-style-type: none"> <li>▪ Race (African American)</li> <li>▪ Reprisal</li> </ul>	<ul style="list-style-type: none"> <li>▪ Assignment of Duties</li> <li>▪ Harassment (non-sexual)</li> </ul>

In FY 2018, NARA completed 16 investigations. Ten (10) investigations were considered timely. The average processing time increased to 255.5 days compared to 242.3 in FY 2017. NARA will continue to monitor investigations processing time and set goals to complete all investigations in 180 days or less. In FY 2018, the EEO Office was approved to hire an additional Equal Employment Specialist to assist in processing complaints which will also help reduce processing time.

<b>Fiscal Year</b>	<b>No. of Investigations Completed</b>	<b>No. of Timely Investigations</b>	<b>Average No. of Days</b>	<b>Percent Timely</b>
2018	16	10	255.5	63%
2017	22	21	242.3	95%
2016	18	16	187.83	88%
2015	5	5	174.20	100%
2014	11	10	157.73	90%

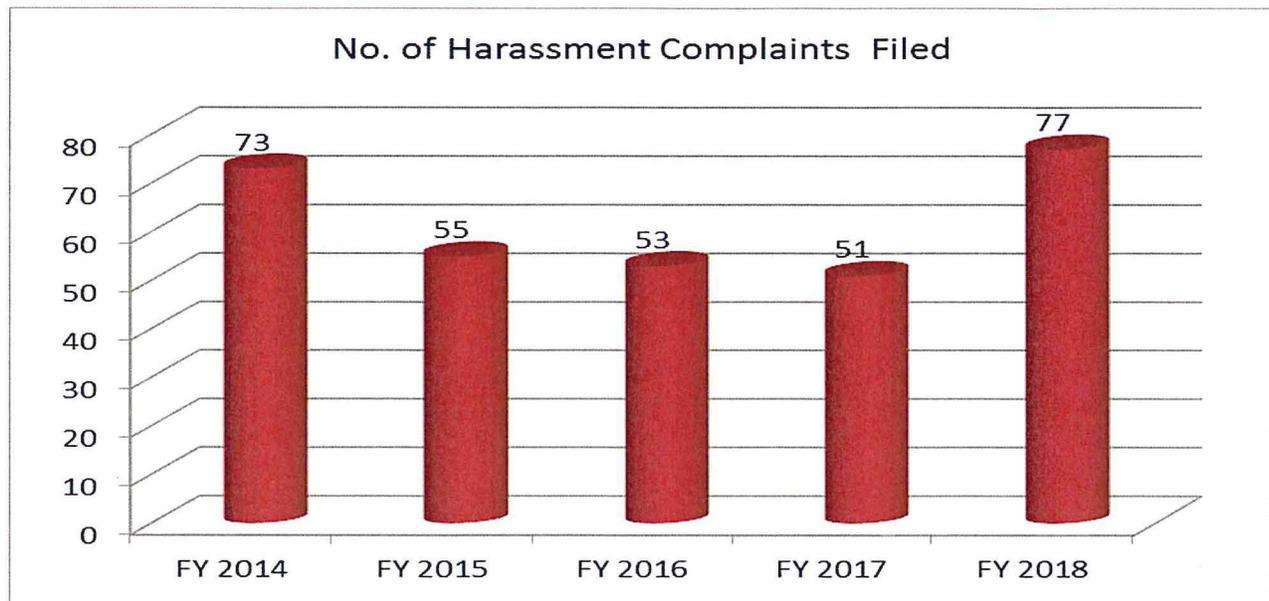
In FY 2018, NARA closed 20 cases. Four of the 20 cases were closed with monetary benefits. Sixteen (16) of the 20 were closed without monetary benefits. There were no findings of discrimination in any of the cases.

<b>Fiscal Year</b>	<b>No. of Cases Closed</b>	<b>No. of Cases Closed with Monetary Correction Actions</b>	<b>Total Amount Paid</b>
2018	20	4	\$42,000
2017	24	2	\$27,500
2016	20	2	\$75,500
2015	12	5	\$77,638
2014	8	0	0

In FY 2018, NARA completed 42 of 47 informal counseling cases of which 41 or 98 percent were completed within the established timeframes. Of those cases, 18 or 43 percent were resolved or closed.

<b>Fiscal Year</b>	<b>No. of Completed Counseling Cases</b>	<b>No. of Timely Counseling Cases</b>	<b>Percent Timely</b>	<b>No. of Cases Resolved/Closed</b>	<b>Percent of Completed Counselings Resolved (settled/withdrawn/no complaint filed)</b>
2018	42	41	98%	18	43%
2017	45	45	100%	16	35%
2016	50	48	96%	17	34%
2015	24	19	79%	7	22%
2014	36	30	83%	23	64%

NARA's Anti-Harassment Program continues to effectively address harassment conduct and behavior in the agency. The EEO Office successfully sustained an effective Anti-Harassment Program by addressing and processing allegations of harassment according to NARA's Anti-Harassment Policy 396. In FY 2018, NARA processed 77 complaints. Of the 77 complaints, 67 or 87 percent were resolved or addressed whereas in FY 2017, 51 complaints were processed and resolved 48 or 94 percent were resolved. The average number of days for processing in FY 2018 was 56 whereas in FY 2017 the average was 36. It should be noted that the average increased in FY 2018 due to the investigation of five complaints at one of the Federal records centers.



### Practical Knowledge Gained Through Experience

NARA continues to promote ADR and encourage employees to consider to this avenue first before filing a formal complaint of discrimination. Managers and supervisors are educated on the importance of resolving actions that may rise to EEO complaints and to avoid costly judgments. Since the implementation of the No FEAR Act and mandatory Prevention of Workplace Harassment training, NARA’s employees have gained practical knowledge and experience through the training.

When awareness is brought to the forefront, EEO and harassment complaints may increase or decrease. According to the above data, harassment cases processed through Anti-Harassment Program increased in FY 2018 and while cases processed through the EEO Complaints Program remained consistent.

In regard to accountability, the Office of EEO Programs provides quarterly status reports to senior leadership about cases in their organizations. In addition, the Director of the EEO Office reports monthly to the head of the agency. The EEO office finalized the Annual Federal EEO Statistical Report of Discrimination (462 Report) for EEOC and the FY 2017 No FEAR Act Report for EEOC and members of Congress within the specified timeframe. In addition, the EEO Office provided reports on EEO complaints and harassment to program offices upon request.

NARA’s ADR program, known as RESOLVE, has assisted the EEO Program with EEO complaints and harassment allegations. RESOLVE has been an active program where employees can elect to participate in at any stage of the EEO process and the harassment process. The RESOLVE program is well used and promoted throughout the agency.

### Actions Planned or Taken to Improve the EEO Program

In FY 2018, NARA took the following actions in support of its EEO Program:

- Adhered to EEOC Management Directive 715, that evaluates its EEO program on an annual basis;
- Reissued its EEO Policy Statement which reaffirms its stance against discrimination on August 15, 2017;
- Posted quarterly complaints data on NARA’s website pursuant to the No FEAR Act;
- Provided an Overview of the EEO Office to all new hires. Employees are made aware of the mandatory EEO training available to NARA’s Learning Management System. Prevention of Workplace Harassment is available for all employees;
- Ensured that the EEO Counselor and investigators participated in mandatory eight hours of annual refresher EEO Training; and
- Through the Anti-Harassment Policy Statement, NARA continues to reaffirm its commitment in maintaining a workplace that is courteous, respectful and free from harassing behaviors for its employees, contractors, volunteers, visitors, interns and customers.

## **XII. Adjustment to Budget**

Section 203(a)(8) of the No FEAR Act requires that agencies include in their annual report to Congress information about “any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201.” This section requires federal agencies to reimburse the Judgment Fund for any discrimination and whistleblower related settlements or judgments reach in Federal court.

Not applicable

## **XIII. Conclusion**

NARA is a great place to work. It has done an excellent job in keeping measures in place to maintain a workplace free from discrimination. NARA’s successes identified in this report are the results of the senior leadership’s commitment to equality of opportunity and fairness for all employees. The Archivist of the United States continues to demonstrate his strong support with clear policy statements on EEO, Anti-Harassment, and Diversity and Inclusion that outlines his commitment to the workforce and ensures everyone is held accountable for making NARA a great place to work. In addition, NARA will continue to explore innovative and productive ways to value our employees and provide excellent service to the people we serve.

Appendix A

**NARA - Equal Employment Opportunity Data  
Posted Pursuant to the No FEAR Act:  
For the 1<sup>st</sup> Quarter 2019  
Ending on December 31, 2018**

Complaint Activity	Comparative Data Previous Fiscal Year Data					10/01/2018 thru 09/30/19
	2014	2015	2016	2017	2018	
Number of Complaints Filed	12	18	33	29	24	8
Number of Complainants	12	17	32	27	24	8
Repeat Filers	3	4	8	7	3	4

Complaints by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					10/01/2018 thru 09/30/2019
	2014	2015	2016	2017	2018	
Race	10	12	19	20	15	3
Color	4	4	7	7	6	1
Religion	0	0	2	0	1	0
Reprisal	3	7	13	11	12	7
Sex	7	3	15	13	13	3
National Origin	0	1	1	0	1	1
Equal Pay Act	0	1	0	0	1	0
Age	7	4	10	11	11	3
Disability	3	4	12	10	15	2
Genetic Information	0	0	1	2	0	0
Non-EEO basis	0	0	0	0	0	0

Complaints by Issue <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					10/01/2018 thru 09/30/2019
	2014	2015	2016	2017	2018	
Appointment/Hire	1	0	0	0	1	0
Assignment of Duties	5	3	5	5	5	2
Awards	2	2	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0
<b>Disciplinary Action</b>						
Demotion	0	0	0	0	1	0
Reprimand	1	0	7	6	3	1
Removal	0	3	1	3	0	4
Suspension	0	0	0	3	1	0
Disciplinary Warnings	***	***	***	***	2	0
Other	0	0	0	4	0	0
Duty Hours	1	0	0	1	1	1
Evaluation Appraisal	2	6	3	4	9	2
Examination/Test	0	0	0	0	0	0
<b>Harassment</b>						
Non-Sexual	4	12	15	19	16	4
Sexual	0	1	2	1	0	0
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	0	1	0	0	3	0
Promotion/Non-Selection	4	5	7	4	9	1
<b>Reassignment</b>						
Denied	1	1	1	5	1	0
Directed	0	2	1	2	4	0
Reasonable Accommodation	1	0	4	4	4	2
Reinstatement	0	0	0	0	0	0

Complaints by Issue <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					10/01/2018 thru 09/30/2019
	2014	2015	2016	2017	2018	
Retirement	0	0	0	0	0	0
Sex-Stereotyping	***	***	***	***	0	0
Telework	***	***	***	***	2	3
Termination	0	0	8	1	1	0
Terms/Conditions of Employment	0	1	0	1	2	1
Time and Attendance	0	1	5	3	7	1
Training	1	1	0	0	1	0
Other	1	5	4	0	0	0

Processing Time	Comparative Data Previous Fiscal Year Data					10/01/2018 thru 09/30/2019
	2014	2015	2016	2017	2018	
<b>Complaints pending (for any length of time) during fiscal year</b>	14	32	54	63	63	51
Average number of days in investigation stage	160.3	94.41	132	172.8	198.23	90
Average number of days in final agency action stage	68.5	49.3	135.4	135.4	164.25	34.5
<b>Complaints pending (for any length of time) during fiscal year where hearing was requested</b>	12	13	16	28	30	27
Average number of days in investigation stage	163.2	111	131	242.3	152.6	30
Average number of days in final action stage	43	44	21.5	140.4	263.8	45
<b>Complaints pending (for any length of time) during fiscal year where hearing was not requested</b>	2	2	7	7	13	14
Average number of days in investigation stage	204.5	15	145	300	172	0
Average number of days in final action stage	72	59	223.4	232.8	145.8	54

Complaints Dismissed by Agency	Comparative Data Previous Fiscal Year Data					10/01/2018 thru 09/30/2019
	2014	2015	2016	2017	2018	

Complaints Dismissed by Agency	Comparative Data Previous Fiscal Year Data					10/01/2018 thru 09/30/2019
	2014	2015	2016	2017	2018	
Total Complaints Dismissed by Agency	3	2	6	8	3	4
Average days pending prior to dismissal	89.6	54	125.6	90.8	130	171.75
<b>Complaints Withdrawn by Complainants</b>						
Total complaints Withdrawn by Complainants	0	0	6	2	2	1

Total Final Actions Finding Discrimination	Comparative Data Previous Fiscal Year Data										10/01/2018 thru 09/30/2019	
	2014		2015		2016		2017		2018			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0	0	0	0	0	0	0	0	0	0	0	0
Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
With Hearing	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data (Sec. 1614.705 Previous Fiscal Year Data										10/01/2018 thru 09/30/2019	
	2014		2015		2016		2017		2018			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0	0	0	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data (Sec. 1614.705 Previous Fiscal Year Data										10/01/2018 thru 09/30/2019	
	2014		2015		2016		2017		2018			
	#	%	#	%	#	%	#	%	#	%	#	%
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing												
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing												
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data (Sec. 1614.705 Previous Fiscal Year Data										10/01/2018 thru 09/30/2019	
	2014		2015		2016		2017		2018			
	#	%	#	%	#	%	#	%	#	%	#	%
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										10/01/2018 thru 09/30/2019	
	2014		2015		2016		2017		2018			
	#	%	#	%	#	%	#	%	#	%	#	%
<b>Total Number Findings</b>	0	0	0	0	0	0	0	0	0	0	0	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disciplinary Action</b>												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
<b>Harassment</b>												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										10/01/2018 thru 09/30/2019	
	2014		2015		2016		2017		2018			
	#	%	#	%	#	%	#	%	#	%	#	%
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reassignment</b>												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
<b>Findings After Hearing</b>												
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disciplinary Action</b>												
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										10/01/2018 thru 09/30/2019	
	2014		2015		2016		2017		2018			
	#	%	#	%	#	%	#	%	#	%	#	%
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
<b>Harassment</b>												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reassignment</b>												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
<b>Findings Without Hearing</b>												
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										10/01/2018 thru 09/30/2019		
	2014		2015		2016		2017		2018		#	%	
	#	%	#	%	#	%	#	%	#	%			
Awards	0	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disciplinary Action</b>													
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Harassment</b>													
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reassignment</b>													
Denied	0	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										10/01/2018 thru 09/30/2019	
	2014		2015		2016		2017		2018			
	#	%	#	%	#	%	#	%	#	%	#	%
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data Previous Fiscal Year Data					10/01/2018 thru 09/30/2019	
	2014	2015	2016	2017	2018		
Total complaints from previous Fiscal Years	13	12	21	34	39	43	
Total Complainants	12	11	24	32	34	39	
<b>Number complaints pending</b>							
Investigation	4	2	20	20	4	6	
Hearing	9	10	10	24	21	20	
Final Agency Action	0	3	5	10	3	7	
Appeal with EEOC Office of Federal Operations	2	3	3	7	7	8	

Complaint Investigations	Comparative Data Previous Fiscal Year Data					10/01/2018 thru 09/30/2018	
	2014	2015	2016	2017	2018		
Pending Completion Where Investigation Exceeds Required Time Frames	3	1	8	17	14	2	

## **National Archives and Records Administration No FEAR Act Refresher Training Plan**

On-line Course:       Mandatory No FEAR Act Refresher Training

Overview:       The No FEAR Act requires agencies to provide training to their employees on the rights and remedies under Federal antidiscrimination, retaliation, and whistleblower protection laws.

Participants:   All NARA employees (including managers and supervisors)

Objectives:   At the conclusion of the training, the employees should:

- Learn the basic provisions of the No FEAR Act;
- Identify what Antidiscrimination and Whistleblower Protection Laws protect them; and
- Learn how to file a complaint alleging discrimination, retaliation, or a violation of the Whistleblower Protection Laws.

Instructional Materials/Method of Training: On-line offered through the Learning Management System (LMS)

Schedule:       All employees will be trained in 2019. All newly-hired employees will be trained within 90 days of their entry on duty. Thereafter, employees will be provided a refresher course every two years.

Certification:  Certificates will be generated after the completion of the training. NARA's LMS will electronically track completion and notify the Office of Equal Employment Opportunity.

**Agency Policy Statements  
(Equal Employment Opportunity and Anti-Harassment)**



August 15, 2018

## **Equal Employment Opportunity Policy Statement**

As the Archivist of the United States, I am fully committed to the fundamental principles and laws of equal employment opportunity for all employees and applicants for employment. The law requires that everyone have equal opportunities regardless of race, color, national origin, religion, sex (including pregnancy, sexual orientation, gender identity or transgender status), age (over 40), disability, genetic information, retaliation for engaging in Equal Employment Opportunity (EEO) activity, marital status, political affiliation, and status as a parent.

As the Nation's records keepers, our success depends on the efforts and contributions of a diverse workforce reflective of the nation we serve. Such a workforce is vital to performing our mission of driving openness, cultivating public participation, and strengthening our nation's democracy through the public access of government records.

I also want to reinforce that discrimination of any kind will not be tolerated at NARA. Managers and supervisors are responsible and accountable for ensuring all employees have a work environment that is free from discrimination, harassment, and retaliation. We are all responsible for integrating EEO into our daily actions, conduct, and decisions. This policy must be posted in our workplaces to ensure all employees and the public are aware of NARA's commitment to EEO.

If you believe you have been discriminated against based on one or more of the above-mentioned protected categories, contact NARA's EEO Counselor in the Office of Equal Employment Opportunity Programs (NEEO) at 301-837-3441 or 301-837-0939 within 45 days of the alleged discriminatory action or incident. Additional information about EEO services can be obtained by contacting the EEO Office at [NEEO@nara.gov](mailto:NEEO@nara.gov) or visiting <https://work.nara.gov/equal-employment-opportunity/index.html>.

I look forward to your continued support in addressing and eliminating discriminatory behavior in the workplace. Working together will make NARA a "great place to work," one that values respect, integrity, and teamwork.

DAVID S. FERRIERO  
Archivist of the United States



## **Anti-Harassment Policy Statement**

### **Our Commitment**

NARA is committed to maintaining a work environment that is courteous, respectful and free from harassing behaviors for its employees, contractors, volunteers, visitors, interns and customers. NARA will not tolerate harassment of any kind.

### **Harassment**

Unlawful harassment is defined as any unwelcome verbal, non-verbal, or physical conduct based on race, color, religion, sex (including pregnancy and gender identity), national origin, age (40 or older), disability (mental or physical), genetic information, sexual orientation, marital status, political affiliation, status as a parent, or retaliation when:

An employee actually suffers a personal loss or harm with regard to a term, privilege, or condition of employment relating to any of the protected bases; or  
The behavior can reasonably be considered severe or pervasive creating an intimidating, hostile, or offensive work environment.

Harassment undermines the integrity of employment relationship and interferes with work productivity. Harassing conduct includes, but is not limited to: bullying, slurs, derogatory or disrespectful remarks, spreading rumors, swearing, jokes, obscenities, incessant teasing, expressing or insinuating threats, threatened assault, hitting, punching, other unwanted touching, and malicious or insulting gestures.

NARA has appropriate measures to prevent harassment (sexual or non-sexual) in the workplace and to correct harassing behavior before it becomes severe or pervasive. Harassing behavior by a NARA employee does not need to rise to the level of unlawful harassment in order for it to constitute misconduct. Violations of policy may result in administrative or disciplinary actions against offenders.

### **Sexual Harassment**

Sexual harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay or career, or

Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or

Such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive environment.

### **Retaliation**

In addition, NARA prohibits any retaliation against an employee who reports a concern about workplace harassment, other inappropriate behavior or assist in any inquiry about such report.

### **Training**

All managers and supervisors are required to take the anti-harassment training every two years through NARA's Learning Management System (LMS). A NARA Notice will announce the mandatory training.

### **Reporting Violations**

All NARA employees are strongly encouraged to report misconduct, including discrimination or harassing behavior. Supervisors, volunteer coordinators, CORs, and management officials must immediately report (usually within 48 hours of becoming aware of it) harassing conduct, or allegations of harassing conduct by others to any member of the Ad Hoc Committee on Harassment or directly to the Anti-Harassment Program Manager directly. Failure to report an incident of harassment may result in administrative action, including disciplinary action.

### **Report Incidents to Any of the Following Offices**

Employees who believe they have been subjected to harassment should report the incident(s) to their supervisor or a manager in their chain of command or one of the members of the Ad Hoc Committee on Harassment comprise of officials from the Labor/Employee Relations and Benefit Branch (HTL); Office of General Counsel (NGC); and Office of Equal Employment Opportunity (NEEO). Employees can contact the Anti-Harassment Program Manager directly. See [NARA 396 Anti-Harassment Policy for guidance](#)

You may submit incidents to HTL by:

1. Calling 301-837-3754;
2. Sending a fax to 301-837-3195; or
3. Sending an email to Valorie Findlater at [valorie.findlater@nara.gov](mailto:valorie.findlater@nara.gov)

You may also submit an incident to NGC by:

1. Calling 301-837-1499;
2. Sending a fax to 301-837-0293; or
3. Sending an email to Jeannette Wise at [jeannette.wise@nara.gov](mailto:jeannette.wise@nara.gov)

You may also submit an incident to the Anti-Harassment Program Manager by:

1. Calling 301-837-3096;
2. Sending a fax to 301-837-0869; or
3. Sending an email to Tanya Shorter at [tanya.shorter@nara.gov](mailto:tanya.shorter@nara.gov) or [NEEO@nara.gov](mailto:NEEO@nara.gov).

You may also submit an incident to Office of the Inspector General (OIG) by:

1. Calling the OIG Hotline:  
301-837-3500 (Washington, DC metro area)  
800-786-2551 (toll-free and outside the Washington, DC metro area)
2. Sending a document to: OIG Hotline  
NARA  
P.O. Box 1821  
Hyattsville, MD 20788-0821
3. Confidentially reporting online at: <http://www.archives.gov/oig/referral-form/index.html>

#### Timeframes and Contacts for Filing an EEO Complaint

Employees who wish to file an EEO complaint alleging discrimination and/or harassment, should file a complaint within 45 calendar days of the date of incident(s) to the Office of Equal Employment Opportunity (NEEO). See NARA 395 EEO Complaints Program for guidance or you may initiate an informal EEO complaint by:

1. Calling 301-837-0939;
2. Sending a fax to 301-837-0869; or
3. Sending an email to [NEEO@nara.gov](mailto:NEEO@nara.gov).