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**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

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**FISCAL YEAR 2019  
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 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 2019.

The report primarily focuses on NARA's complaints programs (EEO and Anti-harassment) covering five years of reporting requirements between FY 2015 and FY 2019. 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 Carolyn Maloney**

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. Janet Dhillon**

Chair, U.S. Equal Employment Opportunity Commission

**Mr. Michael J. Rigas**

Acting Director, U.S. Office of Personnel Management

*Erica Pearson*  
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Erica Pearson  
Director, Office of Equal Employment  
Opportunity Programs

3/30/2020  
\_\_\_\_\_  
Date

## Table of Content

I.	Executive Summary.....	5 - 6
II.	Introduction.....	6
III.	Background.....	6
IV.	Final Year – End Data for FY 2019.....	7
V.	Cases Filed in Federal District Court.....	7
VI.	Status or Disposition of the Federal District Court Cases.....	7
VII.	Reimbursement to the Treasury Judgment Fund.....	7
VIII.	Disciplinary Actions.....	7 - 8
IX.	Policy Description on Disciplinary Actions.....	8
X.	Training Requirements.....	8
XI.	Examination of Trends, Causal Analysis, Practical Knowledge Gained Through Experience and Actions Planned or Taken to Improve the Complaints Program.....	8 - 12
XII.	Adjustment to Budget.....	12
XIII.	Conclusion.....	12

Appendix A: Final Year-End No FEAR Act Data for FY 2019 (data reported on first quarter report for FY 2020)

Appendix B: NARA Training Plan for the next No FEAR Act Training

Appendix C: Agency Policies

- EEO Policy Statement
- 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 2019. (*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 2019, NARA employed 2,584 employees at Federal Records Centers, Research Facilities, and Presidential Libraries throughout the country. The Office of Equal Employment Opportunity Programs played a vital 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 2019, NARA processed 49 informal complaints as compared to 47 informal complaints in FY 2018. Forty-seven (47) or 96 percent of the 49 cases were completed within the fiscal year. Thirty-five or 74 percent of the 47 cases completed were timely. Of the 47 completed cases, forty-seven (47) or 100 percent were offered mediation through NARA’s Alternate Dispute Resolution (ADR) Program (RESOLVE). Five (5) or 11 percent participated in the program. In total, 8 or 17 percent of all the informal cases were resolved or closed.

In FY 2019, NARA processed 87 formal complaints. Thirty-nine (39) formal complaints were filed in FY 2019 as compared to 24 in FY 2018; an increase of 61 percent. The top basis categories were reprisal for engaging in prior EEO activity and age (over 40). The top issue categories were harassment (non-sexual) and disciplinary actions (specifically suspensions). There have been no findings of discrimination rendered from FY 2015 to FY 2019.

In FY 2019, NARA closed 39 cases; an increase of 51 percent. Two (2) of the closures involved monetary benefits totaling \$30,000. Thirty-four (34) final agency actions were issued. 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.

One case (Case No. 8:19-cv-02876) was filed in Federal district court.

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 are held accountable for their leadership responsibilities in making every effort to support a fair and respectful workforce. In FY 2019, 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 59 cases, resolving 54 cases or 92 percent as compared to 77 cases processed and resolving 67 or 91 percent in FY 2018. The average number of days for processing harassment complaint was 42 days whereas in FY 2018 the average was 67 days.

## **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, 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 2019**

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 2019

#### **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."

One case (Case No. 8:19-cv-0287) was filed in district court in FY 2019.

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

Case No. 8:19-cv-02876 is currently pending.

#### **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.

In May 2019, training was provided to all employees during the Agency's New Annual Required Training (ART-AS-19). Since the No FEAR Act has a section in ART, it will be administered to all employees on annual basis instead of biannually.

## **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

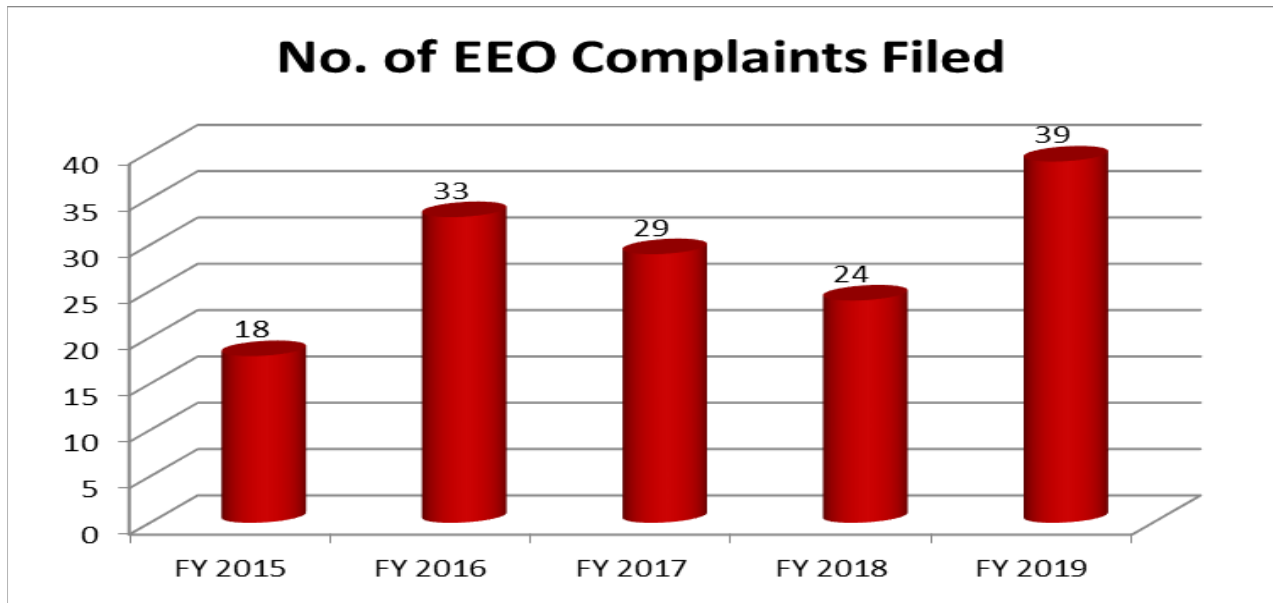
In FY 2019, NARA processed 87 formal complaints of discrimination. Of the 87 complaints, 43 were pending from FY 2018, 39 complaints were filed in FY 2019 and five were (5) remands from the EEOC's Office of Federal Operations. NARA's complaint activity data below shows in

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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.



FY 2018, 24 complaints were filed as compared to 39 complaints filed in FY 2019; an increase of 61 percent.



In FY 2019, the top most filed on bases were reprisal (prior EEO activity) and age (over 40). The top most filed on issues were, harassment (non-sexual) and disciplinary actions (specifically suspensions). Since 2015, harassment has been among the top most filed on issues.

Fiscal Year	Top Two Bases	Top Two Issues
2019	<ul style="list-style-type: none"> <li>▪Reprisal</li> <li>▪Age (over 40)</li> </ul>	<ul style="list-style-type: none"> <li>▪Harassment (non-sexual)</li> <li>▪Disciplinary Action</li> </ul>
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>

In FY 2019, NARA completed 12 investigations. None of the investigations were considered timely. The average processing time increased to 326.67 days compared to 255.5 in FY 2018. The increase was due to complaint amendments and the complexity of numerous harassment issues. NARA will continue to monitor investigation processing time and set goals to complete all investigations in 180 days or less. In FY 2019, the EEO Office lost key staff personnel. In FY 2020, the EEO Office will hire an EEO Counselor and an EEO Specialist to help in an effort to reduce processing time. Total investigation cost was \$51,206, which averages 4,267.17 per case.

<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>
2019	12	0	326.67	0.00
2018	16	10	255.5	63%
2017	22	21	242.3	95%
2016	18	16	187.83	88%
2015	5	5	174.20	100%

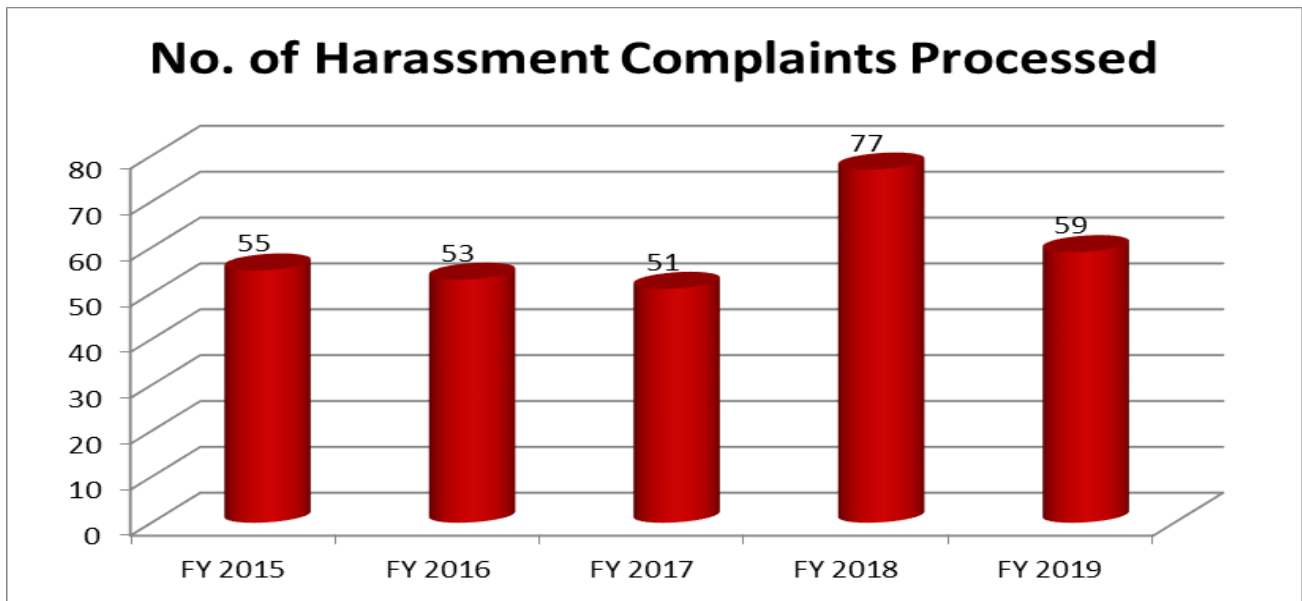
In FY 2019, NARA closed 39 cases. The closures increased by 19 cases or 51 percent. Five (5) cases were closed by settlement agreements, two (2) of which included monetary benefits. Thirty-four (34) final agency actions were issued. There were no findings of discrimination in any of the cases.

<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>
2019	39	2	\$30,000
2018	20	4	\$42,000
2017	24	2	\$27,500
2016	20	2	\$75,500
2015	12	5	\$77,638

In FY 2019, NARA completed 47 of 49 informal counseling cases of which 35 or 74 percent were completed within the established timeframes. Of those cases, 8 or 17 percent were resolved or closed. Thirty-nine (39) of the informal complaints counseled filed formal complaints.

<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>
2019	47	35	74%	8	17%
2018	42	41	98%	18	43%
2017	45	45	100%	16	35%
2016	50	48	96%	17	34%
2015	24	19	79%	7	22%

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, NARA 396. In FY 2019, NARA processed 59 complaints. Of the 59 complaints, 54 or 92 percent were resolved or addressed whereas in FY 2018, 74 complaints were processed and 67 or 91 percent were resolved. The average number of days for processing in FY 2019 was 42 whereas in FY 2018 the average was 67. It should be noted that the average processing time decreased in FY 2019.



#### 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 2019 and while cases processed through the EEO Complaints Program remained consistent.

In regards 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 2018 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 2019, 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 2020  
Ending on December 31, 2019**

Complaint Activity	Comparative Data Previous Fiscal Year Data					10/01/2019 thru 09/30/2020
	2015	2016	2017	2018	2019	
Number of Complaints Filed	18	33	29	24	39	1
Number of Complainants	17	32	27	24	39	1
Repeat Filers	4	8	7	3	11	0

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					10/01/2019 thru 09/30/2020
	2015	2016	2017	2018	2019	
Race	12	19	20	15	23	0
Color	4	7	7	6	16	0
Religion	0	2	0	1	0	0
Reprisal	7	13	11	12	22	1
Sex	3	15	13	13	18	0
National Origin	1	1	0	1	2	0
Equal Pay Act	1	0	0	1	0	0
Age	4	10	11	11	20	0
Disability	4	12	10	15	11	1
Genetic Information	0	1	2	0	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					10/01/2019 thru 09/30/2020
	2015	2016	2017	2018	2019	
Appointment/Hire	0	0	0	1	0	0
Assignment of Duties	3	5	5	5	5	0
Awards	2	0	0	0	1	0
Conversion to Full-time	0	0	0	0	0	0
<b>Disciplinary Action</b>						
Demotion	0	0	0	1	1	0
Reprimand	0	7	6	3	2	0
Removal	3	1	3	0	6	1
Suspension	0	0	3	1	5	0
Disciplinary Warnings	***	***	***	2	1	0
Other	0	0	4	0	0	0
Duty Hours	0	0	1	1	1	0
Evaluation Appraisal	6	3	4	9	7	0
Examination/Test	0	0	0	0	0	0
<b>Harassment</b>						
Non-Sexual	12	15	19	16	16	0
Sexual	1	2	1	0	2	0
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	1	0	0	3	4	0
Promotion/Non-Selection	5	7	4	9	6	0
<b>Reassignment</b>						
Denied	1	1	5	1	2	0
Directed	2	1	2	4	4	0
Reasonable Accommodation	0	4	4	4	4	1
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					10/01/2019 thru 09/30/2020
	2015	2016	2017	2018	2019	
Retirement	0	0	0	0	0	0
Sex-Stereotyping	***	***	***	0	0	0
Telework	***	***	***	2	3	0
Termination	0	8	1	1	2	0
Terms/Conditions of Employment	1	0	1	2	3	0
Time and Attendance	1	5	3	7	5	0
Training	1	0	0	1	2	0
Other	5	4	0	0	0	0

Processing Time	Comparative Data Previous Fiscal Year Data					10/01/2019 thru 09/30/2020
	2015	2016	2017	2018	2019	
<b>Complaints pending (for any length of time) during fiscal year</b>	32	54	63	63	82	49
Average number of days in investigation stage	94.41	132	172.8	198.23	186	82.07
Average number of days in final agency action stage	49.3	135.4	135.4	164.25	165.49	48.1
<b>Complaints pending (for any length of time) during fiscal year where hearing was requested</b>	13	16	28	30	32	18
Average number of days in investigation stage	111	131	242.3	152.6	202	35
Average number of days in final action stage	44	21.5	140.4	263.8	150	54.5
<b>Complaints pending (for any length of time) during fiscal year where hearing was not requested</b>	2	7	7	13	25	5
Average number of days in investigation stage	15	145	300	172	206	29
Average number of days in final action stage	59	223.4	232.8	145.8	109	41

Complaints Dismissed by Agency	Comparative Data Previous Fiscal Year Data	10/01/2019 thru
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Total Complaints Dismissed by Agency	2	6	8	3	16	0
Average days pending prior to dismissal	54	125.6	90.8	130	106.38	0
<b>Complaints Withdrawn by Complainants</b>						
Total complaints Withdrawn by Complainants	0	6	2	2	2	0

Total Final Actions Finding Discrimination	Comparative Data Previous Fiscal Year Data										10/01/2019 thru 09/30/2020	
	2015		2016		2017		2018		2019		#	%
	#	%	#	%	#	%	#	%	#	%		
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										10/01/2019 thru 09/30/2020	
	2015		2016		2017		2018		2019		#	%
	#	%	#	%	#	%	#	%	#	%		
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
Disability	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										10/01/2019 thru 09/30/2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
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
Disability	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										10/01/2019 thru 09/30/2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
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										10/01/2019 thru 09/30/2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
<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
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										10/01/2019 thru 09/30/2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
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
Other	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										10/01/2019 thru 09/30/2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
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
Awards	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										10/01/2019 thru 09/30/2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
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
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

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										10/01/2019 thru 09/30/2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
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

Total complaints from previous Fiscal Years	12	21	34	39	43	48
Total Complainants	11	24	32	34	39	44
<b>Number complaints pending</b>						
Investigation	2	20	20	4	6	18
Hearing	10	10	24	21	20	11
Final Agency Action	3	5	10	3	7	7
Appeal with EEOC Office of Federal Operations	3	3	7	7	8	8

Complaint Investigations	Comparative Data Previous Fiscal Year Data					10/01/2019 thru 09/30/2020
	2015	2016	2017	2018	2019	
Pending Completion Where Investigation Exceeds Required Time Frames	1	8	17	14	16	13

Appendix B

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

On-line Course: ART-AS-19 Annual Required Training for All Staff

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 session on the No FEAR Act, 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: Annually. All newly-hired employees will be trained within 90 days of their entry on duty.

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

# New Annual Required Training

Fiscal Year 2019

Notice Number 086

**Date:** Monday, May 6, 2019

**To:** All Employees

**Subject:** New Annual Required Training

## Body

NARA is using a new approach to deliver annual required training to all staff. We have combined several hours of training, previously offered in multiple courses, into a single module with streamlined content that should take about one hour to complete.

The new training module consists of 10 lessons organized into three categories: how we approach work, how we do business, and how we get better. **All employees must complete the annual required training by August 5, 2019.**

To access the training:

- Go to the NARA Learning Center at [nara.csod.com](http://nara.csod.com).
- Log in by clicking the large blue button that says “NARA Staff Login Here.”
- The appropriate course, ART-AS-19 Annual Required Training for All Staff, has been assigned to Federal employees and can be found in the **Your Training Items** box on the Learning Center welcome page.

The course will take approximately one hour to complete. You may complete the entire module in one sitting, or you may complete a portion of the training and return as often as needed to complete the module. You must complete the entire module to receive credit. When you finish the training, the system will automatically record your completion status.

NARA is committed to meeting the annual training needs of our workforce in a way that is efficient and meaningful to staff. We worked with program representatives from across the agency to create a new training approach that focuses on delivering just the information you need to do your job. The module delivers key messages that apply to all employees through short videos, interactives, and graphics that are engaging and accessible. This module is one part of a broader strategy to modernize and streamline training across the employee lifecycle.

This module was designed to reduce the burden on staff of completing multiple required training courses assigned at different times throughout the year. This module does not replace all mandatory training. Depending on your duties and responsibilities, you may be



assigned additional training and training requirements that we could not combine into this activity. For example, managers and supervisors have additional annual training requirements, as do employees with security clearances or COOP responsibilities.

We will be looking for opportunities to streamline these training requirements in future releases.

VALORIE FINDLATER  
Acting Chief Human Capital Officer

**For questions on this notice contact:**

Kashmira Shaikh, Director, Learning and Development  
kashmira.shaikh@nara.gov

**Room:** 1330

National Archives at College Park

**Phone:** 301-837-3101

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



August 15, 2019

## Equal Employment Opportunity Policy Statement

As the Archivist of the United States, I am fully committed to fostering an inclusive workforce and the core principles and laws of equal employment opportunity. Federal laws and Presidential Executive Orders require that employees and applicants for employment have equal opportunities regardless of race, color, national origin, religion, sex (including pregnancy, sexual orientation, gender identity or transgender status), age (over 40), disability, family medical history or genetic information, retaliation for engaging in EEO activity, marital status, political affiliation, and status as a parent.

NARA's mission is to drive openness, cultivate public participation, and strengthen our nation's democracy through the public access of government records. As the Nation's records keepers, our success depends on the contributions of an inclusive workforce through outreach, recruitment, hiring, and employee development. To achieve this, NARA's values require us to collaborate, innovate, and learn by engaging with each other.

I also want to reinforce that discrimination of any kind will not be tolerated at NARA. Managers and supervisors must lead and be 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, you may contact the Office of Equal Employment Opportunity Programs (NEEO) at 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 <http://www.nara-at-work.gov/equal-employment-opportunity/index.html>.

I look forward to your continued support in addressing and eradicating discriminatory behavior in the workplace. Working together, we 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).