



EQUAL EMPLOYMENT OPPORTUNITY (EEO)

**ANNUAL REPORT TO CONGRESS ON
THE NOTIFICATION AND FEDERAL
EMPLOYEE ANTIDISCRIMINATION
AND RETALIATION ACT**

(No FEAR Act)

FISCAL YEAR 2022

PREPARED BY:

Erica Pearson

Director, Office of Equal Employment Opportunity Programs

REPORT SUBMITTED TO:

President Pro Tempore

Speaker of the House of Representatives

Members of Congress

Attorney General

Chair, Equal Employment Opportunity Commission (EEOC)

Director, Office of Personnel Management (OPM)



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OPPORTUNITY OFFICE

Message from the Director
Office of Equal Employment Opportunity Programs

It is with great pleasure that I 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 2022.

The report summarizes EEO activity in the Complaints Program and highlights activity in the Anti-Harassment Program. It provides trends for five years of reporting requirements between FY 2018 and FY 2022. While the report aims to reduce incidents of workplace discrimination, it also demonstrates NARA's commitment to the principles of EEO, fostering an inclusive work environment, providing protection from prohibited personnel practices, and promoting accountability.

Copies of this report will be submitted to the following Members of Congress and Executive Branch:

- President Pro Tempore;
- Speaker of the House of Representatives;
- Members of Congress with jurisdiction relating to NARA;
- Attorney General;
- Chair of the Equal Employment Opportunity Commission; and
- Director of the Office of Personnel Management.

Should you have any questions regarding this report, please contact me at 301-837-0295 or erica.pearson@nara.gov.

Sincerely,

Erica Pearson

Erica Pearson
Director, Office of Equal Employment
Opportunity Programs

April 4, 2023

Date

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:

<p>The Honorable Patty Murray President Pro Tempore United States Senate</p>	<p>The Honorable Kevin McCarthy Speaker of the House of Representatives</p>
<p>The Honorable Gary C. Peters Chair, Committee on Homeland Security and Governmental Affairs United States Senate</p>	<p>The Honorable Rand Paul Ranking Member, Committee on Homeland Security and Governmental Affairs United States Senate</p>
<p>The Honorable Patty Murray Chair, Committee on Appropriations United States Senate</p>	<p>The Honorable Susan Collins Vice Chair, Committee on Appropriations United States Senate</p>
<p>The Honorable Chris Van Hollen Chair, Subcommittee on Financial Services and General Government United States Senate</p>	<p>The Honorable Bill Hagerty Ranking Member, Subcommittee on Financial Services and General Government United States Senate</p>
<p>The Honorable Peter Sessions Chair, Subcommittee on Government Operations and the Federal Workforce House of Representatives</p>	<p>The Honorable Kweisi Mfume Ranking Member, Subcommittee on Government Operations and the Federal Workforce House of Representatives</p>
<p>The Honorable James Comer Chair, Committee on Oversight and Accountability House of Representatives</p>	<p>The Honorable Jamie Raskin Ranking Member, Committee on Oversight and Accountability House of Representatives</p>
<p>The Honorable Kay Granger Chair, Committee on Appropriations House of Representatives</p>	<p>The Honorable Rosa DeLauro Ranking Member, Committee on Appropriations House of Representatives</p>
<p>The Honorable Steve Womack Chair, Subcommittee on Financial Services and General Government House of Representatives</p>	<p>The Honorable Steny Hoyer Ranking Member, Subcommittee on Financial Services and General Government House of Representatives</p>
<p>The Honorable Merrick Garland Attorney General U.S. Department of Justice</p>	<p>Ms. Charlotte A. Burrows Chair U.S. Equal Employment Opportunity Commission</p>
<p>Ms. Kiran Ahuja Director U.S. Office of Personnel Management</p>	

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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 Anti-discrimination and Retaliation Act of 2002 (“No FEAR Act”), Public Law 107-174. This report covers data for FY 2022.

NARA’s mission is to provide equitable public access to federal government records in our custody and control. Equitable access to government records strengthens democracy by allowing all Americans of all backgrounds to claim their rights of citizenship, hold their government accountable, and understand their history so they can fully participate 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.” This commitment depends on treating employees and the public with dignity, respect, and professionalism regardless of differences. NARA is dedicated to building a workplace culture based on the principles of Diversity, Equity, Inclusion, and Accessibility (DEIA) so that all employees are empowered, engaged, and prepared to become the next generation of leaders who will have the skills to fulfill our mission.

This report summarizes the accomplishments within NARA’s EEO Complaint and Anti-Harassment Programs. In addition, it highlights activities taken in support of DEIA.

EEO Complaints Program:

Informal Complaints of Discrimination

In FY 2022, NARA improved in the informal counseling complaints area. NARA processed 26 informal counseling complaints. Fifteen (15) or 58% were completed within the fiscal year. All or 100% of the 15 completed cases were completed within the established timeframes. None of the 15 completed cases were untimely. Of the 15 completed cases, nine or 60% of the informal counseling cases were resolved or did not result in a formal complaint of discrimination. Six or 40% of the completed informal counseling cases resulted in formal complaints of discrimination. Eleven informal counseling cases were pending and will be on hand at the beginning of FY 2023. In FY 2021, NARA processed ten informal counseling complaints. Eight or 80% were completed within the fiscal year. Seven or 88% of the eight cases completed were completed within the established timeframes. One or 10% were untimely. Four or 50% of the informal cases were closed due to resolution, no complaints filed or withdrawals.

Alternate Dispute Resolution

In October 2021 the beginning of FY 2022, NARA joined other federal agencies and many other national, state, local, and tribal organizations in promoting and celebrating mediation and other means of conflict resolution as powerful, cost-effective strategies to resolve conflicts.

For over 20 years, NARA's RESOLVE program has provided efficient, cost-effective, and impartial methods for overcoming barriers to conflict and for resolving workplace disputes, EEO complaints, and administrative grievances. The voluntary use of alternative means of dispute resolution (ADR), such as mediation, ombuds services, and arbitration, often can provide faster, and more satisfying resolution of disputes.

Formal Complaints of Discrimination

In FY 2022, NARA processed 26 formal complaints. Of the 26 complaints, six new formal complaints were filed in FY 2022 as compared to five complaints filed in FY 2021; an increase of 8%. The top basis categories were reprisal for engaging in prior EEO activity and age. The top issue categories were harassment (non-sexual) and promotion/non-selection. In FY 2021 the top basis categories were reprisal and disability (mental) and the top issue categories were disciplinary actions (reprimands) and harassment (non-sexual) and reasonable accommodation tied in the top issues.

In FY 2022, NARA completed four or 100%¹ of its investigations in a timely manner. Of the four investigations, three or 75% were completed within 180 days. The average processing time was 159.67 days. One or 25% were completed within 181 to 360 days, but was considered timely. The average processing time was 203 days. The overall processing time for the four investigations was 170.50 days. This is an improvement from FY 2021 where the overall processing time was 186.20 days for five investigations.

In FY 2022, NARA continued to improve in its investigation processing time. All four of the investigations were completed in a timely manner with the average processing time of 170.50 days. In FY 2021, the average processing time was 186.20 days. In FY 2022, the total investigation cost was \$19,529.25, which averages \$4,882.31, per case. In FY 2021, the total investigation cost was \$18,508, which averaged \$3,701.60 per case.

In FY 2022, NARA closed 17 or 65% of the 26 cases in the process. Of the 17 closed cases, two or 12% were resolved with monetary benefits. Two or 12% were closed by Orders of Dismissals by an EEOC Administrative Judge. Thirteen or 76% of the 26 cases were closed by final agency actions (FAA). None of the 13 FAA resulted in findings of discrimination. In FY 2021, NARA closed 22 or 52% of the 42 formal complaints in the process. Of the 22 closed cases, two or 1% were resolved with monetary benefits. Three or 14% were resolved with non-monetary

¹ In accordance with 29 CFR 1614.18(e), one complainant agreed to extend the investigation for an additional 90 days.

benefits. Fourteen or 63% of the 22 closed cases were final agency actions (FAA). None of the 14 FAAs resulted in a finding of discrimination. Three or 14% of the 22 closed cases resulted in withdrawals.

In FY 2022, NARA's processing time for merit decisions² increased. Of the five merit decisions, one or 20% was considered timely and four or 80% were untimely. The average processing time was 137 days. In FY 2021, nine merit decisions were issued. Of the nine decisions, three or 33% were issued in a timely manner and six or 67% were untimely. The average processing time for the nine decisions was 94.44 days.

No employees were disciplined because there were no Federal District Court actions that found discrimination, retaliation, harassment or other infractions of the provisions of law cited under the No FEAR Act stemming from Federal District Court actions.

Civil Actions in Federal District Court

In FY 2022, there were four civil actions pending in Federal District Court. Civil Action Case No. 4:22-cv-00033 was filed on January 7, 2022; which consolidated two cases Agency Case Nos. 1911STL and 2020-16STL. Civil Action Case Nos. 8:19-cv-02876-CBD and 19-2655-EFM were pending from FY 2021. On August 17, 2022, a decision was rendered on Civil Action 19-2655-EFM which closed the case.

Anti-Harassment Program:

Allegations of Harassment, Inappropriate Behavior, and Hostile Work Environment

In FY 2022, the EEO Office focused on revising NARA 396, Anti-Harassment Policy. Although the updates to the revised were not completed by the end of the fiscal year, NARA issued the Anti-Harassment Policy Statement on July 19, 2022.

In March 2022, the Anti-Harassment Program was realigned and placed under the proactive side in EEO Program. The Anti-Harassment Program Manager (AHPM) became the supervisor of the program as well as the supervisor for the Disability Program. Although serving as supervisor for two major programs, AHPM continues to successfully facilitate the Anti-Harassment process according to current agency policy and changes to the program.

In August 2022, NARA's leadership implemented a change in the process. The change ensured that allegations of harassment, inappropriate behavior, and hostile work environment would be investigated. The Human Capital shared services contractor, Administrative Resource Center (ARC) conducts fact finding inquiries into all allegations. The reports are reviewed and final disposition letters are developed by the EEO Office. Since the change in the Anti-Harassment

² Merit decisions are Final Agency Decisions wherein the agency determines the outcome of the case; no EEOC Administrative Judge has been involved in the case.

process was implemented toward the end of the fiscal year, there is no data to report for FY 2022 on the fact finding inquiries into allegations of harassment, inappropriate behavior, and hostile work environment.

In FY 2022, 46 allegations were filed and two were already on hand from FY 2021. Thirty-six or 78% of the allegations were resolved or addressed whereas in FY 2021, 16 allegations were filed, all or 100% were resolved or addressed by the Anti-Harassment Committee. In FY 2022, the average processing time was 58 days whereas in FY 2021 the average processing time was 32 days. It should be noted that the increase in allegations in FY 2022 was attributed to employees returning to work in-person after being away for two years.

In FY 2022, the top types of alleged harassment were hostile work environments, inappropriate comments, and disrespectful behavior. In FY 2021, the top three types of harassment allegations were hostile work environment and inappropriate comments. Seven or 44% of the allegations received were categorized as employee to employee, eight or 50% were manager/supervisor to employee and the remainder 1 or 6% was employee to contractor.

Training

In FY 2022, NARA's total workforce was 2,491. In regard to training, 2,491 or 99% of NARA's employees completed the Annual Required Training (ART-AS-21). The ART includes a section on the No FEAR Act which reminds employees of their rights and remedies under Federal antidiscrimination, retaliation, and whistleblower protection laws.

EEO DEIA Efforts

To implement Section Six: Framework to Promote Safe and Inclusive Workplaces and Address Workplace Harassment of the Government-wide Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce, the Office of EEO Programs ensured that:

- The EEO Policy and the Anti-Harassment Policy Statements were issued on July 19, 2022;
- Collaborated with NARA personnel in revising NARA 396 – Anti-Harassment Policy and Procedures and NARA 303 – Reasonable Accommodations Policy and Procedures which is scheduled for release in FY 2023;
- Collaborated with the Office of General Counsel in developing a Climate Assessment Survey to improve participation in EEO-related ADR;
- Developed program area trends and analyses to address program timeliness;
- Continued to provide an Overview of EEO Program and available services in New Employee Orientation;
- Provided takeaways and participates in panel discussions about EEO-related in the New Managers and Supervisors Training;
- Collaborated with the Learning and Development Division to ensure that EEO topics (reasonable accommodation, harassment, No FEAR Act, EEO complaints process) were

- included in NARA's Annual Required Training (ART);
- Posted articles on the Internal Collaboration Network (ICN); and
- Updated internal Standard Operating Procedures for all EEO Programs.

At the end of the fiscal year, plans for DEIA EEO-related activities were being developed. Since educating and training the workforce are key, the EEO Office webpage will be updated, facts sheets and FAQs will be posted, annual policy statements will be reissued, etc.

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.

On January 1, 2021, lawmakers passed EEO reforms aptly called the Elijah Cummings Federal Employee Antidiscrimination Act of 2020 as part of William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. The law amends the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, signed by George W. Bush. The amendment strengthens reporting and increases accountability measures by requiring the following:

- Establishment of an EEO Complaint Tracking System;

- Notation of any adverse action and the reason for the action in the employee's personnel record, if an agency takes an adverse action under 5 U.S.C. § 7512 against an employee for a discriminatory act;
- Reporting on disciplinary actions related to findings of discrimination, including retaliation. Agencies are to report on such events via an online posting (within 90 days of such finding) and via a written report to the EEOC (within 120 days of such finding).
- Fair and impartial processing and resolution of EEO complaints;
- Establishment of a Model EEO Program independent of either their Offices of Human Capital or Office of General Counsel or equivalent;
- Ensure that each Head of EEO program reports directly to Agency Head; and
- The EEOC may refer discrimination findings to the Office of Special Counsel if it determines that the agency did not take appropriate action with respect to the finding.

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, sexual orientation, gender identity or transgender status), national origin, religion, age, disability, genetic information, or reprisal. (*Appendix B: EEO Policy Statement*) 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 2022

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) no later than 30 calendar days after the end of each quarter.

- NARA's complaints data was reported quarterly during FY 2022. (*Appendix A: Final Year-End No FEAR Act Data for FY 2022*)

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."

- In FY 2022, there were four cases (Agency Case Nos. 1725MD, 1822LX, 1911STL, and

2020-16STL) pending in Federal District Court.

VI. Status or Disposition for the Federal District Court Cases

- Three cases are currently pending Federal District Court:
 - Civil Action Case No. 4:22-cv-00033 was filed on January 7, 2022; which consolidated two cases Agency Case Nos. 1911STL and 2020-16STL; and
 - Civil Action Case No. 8:19-cv-02876-CBD was filed on September 30, 2019; Agency Case No. 1725MD.
- One closed case:
 - Civil Action Case No. 19-2655-EFM was filed on December 9, 2022; a decision was rendered which closed the case on August 17, 2022; Agency Case No. 1822LX.

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 (I)." 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, that Federal agencies 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.

- NARA administered its Annual Required Training (ART-AS-22) from June 7 to September 6, 2022, via the Learning Management System (LMS). (*Appendix D: NARA Notice 2022-0156: Annual Required Training for All Employees*). ART covers agency-wide and government-wide directives, guidance, regulations, and laws. A section of the ART specifically deals with the No FEAR Act. In fiscal year 2022, 2,491 or 99% of NARA's employees completed the training.

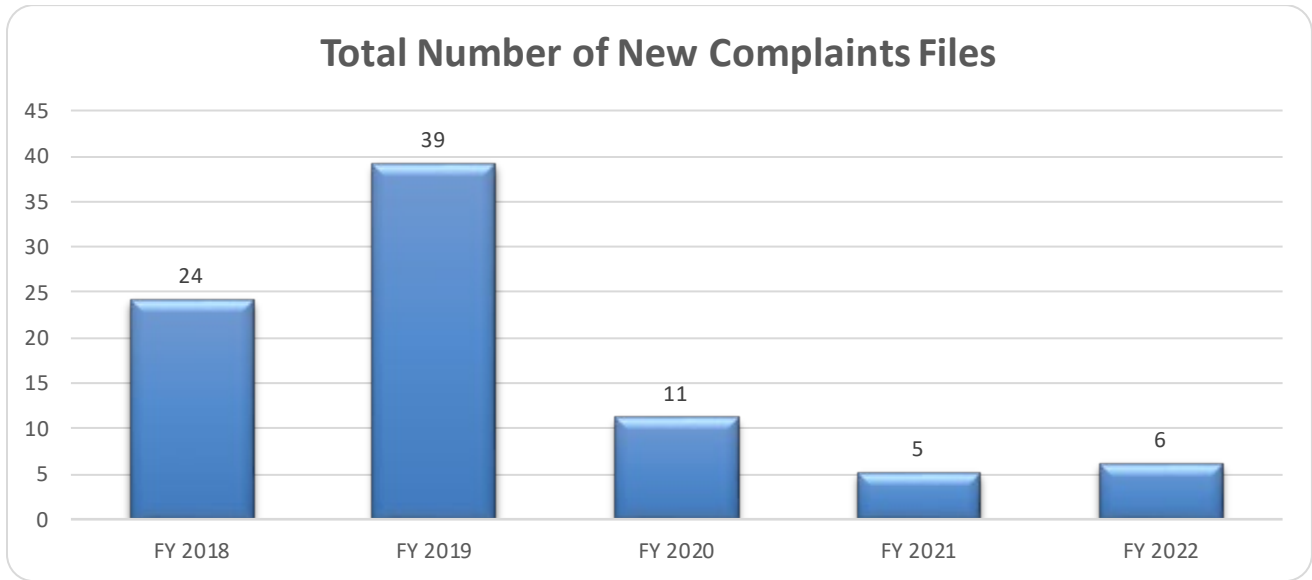
XI. Examination of Trends, Causal Analysis³, Practical Knowledge Gained Through Experience and Actions Planned or Taken to Improve the Complaints Program

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.”

³ The Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaint (EEOC Form 462) is the source information for this section.

Trends and Analysis

In FY 2022, 26 formal complaints were processed. Of the 26 complaints, 20 were pending from FY 2021 and six new complaints were filed. NARA’s complaint activity data below shows there was an increase of 8% in the total number of complaints filed from FY 2021 to FY 2022.



In FY 2022, the most filed on bases were reprisal for engaging in prior EEO activity and age. The most filed on issues were harassment (non-sexual) and promotion/non-selection.

Fiscal Year	Top Two Bases	Top Two Issues
2022	<ul style="list-style-type: none"> ▪ Reprisal ▪ Age 	<ul style="list-style-type: none"> ▪ Harassment (non-sexual) ▪ Promotion/Non-selection
2021	<ul style="list-style-type: none"> ▪ Reprisal ▪ Disability (mental) 	<ul style="list-style-type: none"> ▪ Disciplinary Action ▪ Harassment (non-sexual) - Tie ▪ Reasonable Accommodation – Tie
2020	<ul style="list-style-type: none"> ▪ Reprisal ▪ Sex (male) 	<ul style="list-style-type: none"> ▪ Harassment (non-sexual) ▪ Disciplinary Action
2019	<ul style="list-style-type: none"> ▪ Reprisal ▪ Age (over 40) 	<ul style="list-style-type: none"> ▪ Harassment (non-sexual) ▪ Disciplinary Action
2018	<ul style="list-style-type: none"> ▪ Reprisal ▪ Race (African American) - Tie ▪ Age (over 40) – Tie 	<ul style="list-style-type: none"> ▪ Harassment (non-sexual) ▪ Performance Evaluation/Appraisal - Tie ▪ Reassignment (Directed) - Tie

In FY 2022, NARA completed four or 100%⁴ of its investigations in a timely manner. Of the four investigations, three or 75% were completed within 180 days. The average processing time was 159.67 days. One or 25% were completed within 181 to 360 days, but was considered timely.

⁴ In accordance with 29 CFR 1614.18(e), one complainant agreed to extend the investigation for an additional 90 days.

The average processing time was 203 days. The overall processing time for the four investigations was 170.50 days. This is an improvement from FY 2021 where the overall processing time was 186.20 days for five investigations.

In FY 2022, the total investigation cost was \$19,529.25, which averages \$4,882.31, per case. In FY 2021, the total investigation cost was \$18,508, which averaged \$3,701.60 per case. Although there was a decrease in the number of complaints investigated, the cost increased mostly due to the number of harassment/hostile work environment issues in the cases.

Fiscal Year	No. of Investigations Completed	No. of Timely Investigations	Average No. of Days	Percent Timely
2022	4	4	170.50	100%
2021	5	5	186.20	100%
2020	35	13	211.46	37%
2019	12	0	326.67	0.00
2018	16	10	255.5	63%

In FY 2022, NARA closed 17 or 65% of the 26 cases in the process. Of the 17 closed cases, two or 12% were resolved with monetary benefits. Two or 12% were Orders of Dismissals by an EEOC Administrative Judge. Thirteen or 76% were final agency actions (FAA). None of the 13 FAA resulted in findings of discrimination.

Fiscal Year	No. of Cases Closed	No. of Cases Closed with Monetary Correction Actions	Total Amount Paid
2022	17	2	\$45,000
2021	22	2	\$23,000
2020	23	8	\$271,000
2019	39	2	\$30,000
2018	20	4	\$42,000

In FY 2022, there were no NARA procedural dismissals to report processing time. Since there were no procedural dismissals in FY 2021, there is no comparative data.

Fiscal Year	No. of Procedural Dismissals	Average No. of Processing Days
2022	0	0
2021	0	0
2020	0	0
2019	16	106
2018	3	130

In FY 2022, five merit decisions⁵ were issued. The average processing time for the five decisions was 137 days. One or 20% were issued in a timely manner. The average processing time was 61 days. [*Note: The decision was due on Sunday and issued on Monday and considered timely.*] Four or 80% of the merit decisions were untimely. In FY 2021, nine merit decisions were issued. Of the nine decisions, three or 33% were issued in a timely manner. The overall average processing time for the nine decisions was 94.44 days.

Fiscal Year	No. of Final Agency Actions – Merit Decisions	No. Timely Issued	Average No. of Processing Days
2022	5	1	137
2021	9	3	94
2020	13	0	277
2019	7	0	373
2018	7	1	67

In FY 2022, 26 informal counseling complaints were in the process. NARA completed 15 informal counseling cases of which all or 100% were completed within the established timeframes. Nine or 60% of the informal counseling cases were resolved or did not result in a formal complaint of discrimination. However, six or 40% of the completed informal counseling cases resulted in formal complaints of discrimination. Eleven informal counseling cases were pending and will be on hand at the beginning of FY 2023.

Fiscal Year	No. of Completed Counseling Cases	No. of Timely Counseling Cases	Percent Timely	No. of Cases Resolved/Closed	Percent of Completed Counselings Resolved (settled/withdrawn/no complaint filed)
2022	15	15	100%	9	40%
2021	8	7	88%	4	50%
2020	24	14	58%	0	0%
2019	47	35	74%	8	17%
2018	42	41	98%	18	43%

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 2022, 46 allegations were filed and two were already on hand from FY 2021. Thirty-six or 78% of the allegations were resolved or addressed whereas in FY 2021, sixteen allegations were filed, all or 100% were resolved or addressed by the Anti-Harassment Committee. The average processing time for FY 2022 was 58 days whereas in FY 2021 the average processing time in FY

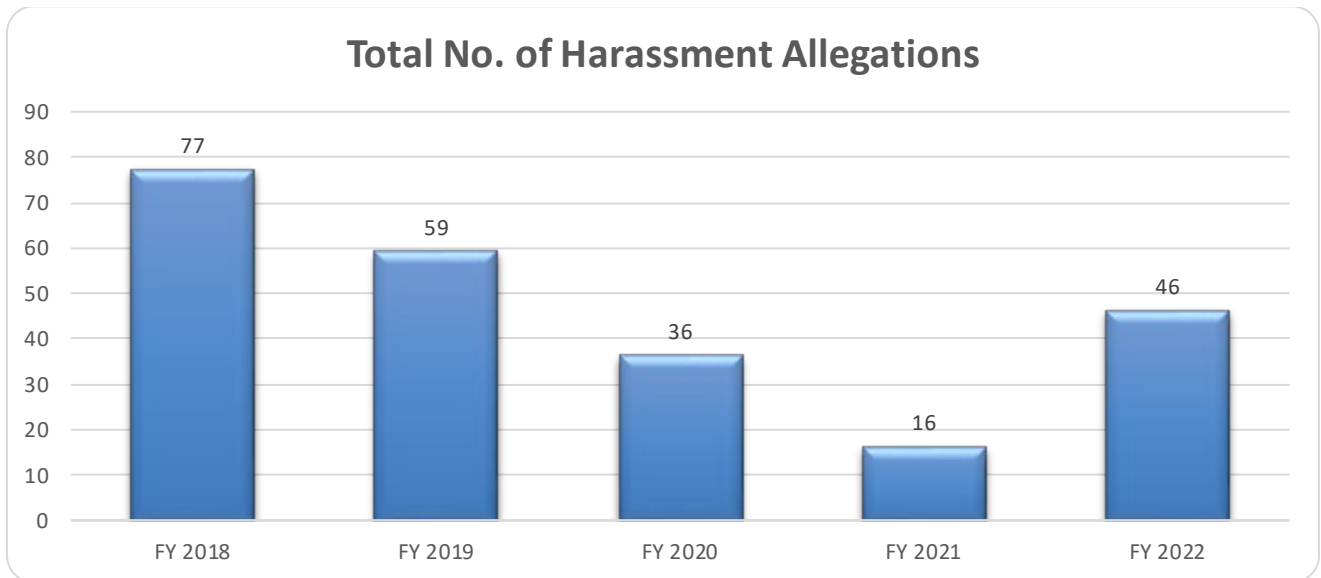
⁵ Merit decisions are Final Agency Decisions wherein the agency determines the outcome of the case; no EEOC Administrative Judge has been involved in the case.

2021 was 32 days. It should be noted that the increase in allegations in FY 2022 was attributed to employees returning to work in-person after being away for two years.

In FY 2022, the leading types of alleged harassment are hostile work environments, inappropriate comments, and disrespectful behavior.

In March 2022, the Anti-Harassment Program was realigned to the proactive side in the Office of EEO Programs. The Anti-Harassment Program Manager (AHPM) became the supervisor of the program as well as the supervisor for the Disability Program. Although serving as supervisor for two major programs, AHPM continues to successfully facilitate the anti-harassment process according to agency policy while ensuring that the Ad Hoc Committee on Harassment properly assess allegations of harassment and make recommendations to management officials addressing the allegations. Managers and employees are also held accountable for their responsibilities in the process in support of a fair and respectful work environment.

In August 2022, NARA's leadership made a change in the process where all allegations of harassment, inappropriate behavior, and hostile work environments would be investigated. The Human Capital shared services contractor, Administrative Service Center (ARC) conducts the investigations. Since the change in the process was made toward the end of the fiscal year, there is no data to report for FY 2022.



Practical Knowledge Gained Through Experience

NARA continues to promote ADR and encourage employees to consider 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 complaints and allegations of harassment, inappropriate behavior, and hostile work environment may increase or decrease. According to the recent trends, in FY 2022 EEO complaints and harassment allegations increased. When awareness is brought to the forefront, EEO complaints and allegations of harassment, inappropriate behavior, and hostile work environment may increase or decrease. According to the recent trends, in FY 2022 EEO complaints and harassment allegations increased. To assist with the increase of EEO complaints and harassment allegations, the EEO Office aims to hire additional staff and continue to have ARC to conduct the fact finding inquiry into allegations of harassment.

In regard to accountability, the Office of EEO Programs provides quarterly status reports to senior leadership regarding EEO complaints in their organizations. The Director of the EEO Office reports monthly to the head of the agency and serves on NARA's Management Team. The EEO Office finalized the Annual Federal EEO Statistical Report of Discrimination (462 Report) for EEOC and the FY 2021 No FEAR Act Report for EEOC and members of Congress within the specified timeframe. The EEO Office provided reports on EEO complaints and allegations of harassment to program offices upon request.

NARA's ADR program, known as RESOLVE, has assisted the EEO Office in providing mediation services in EEO complaints and allegations of harassment. RESOLVE is an active program where employees can elect to participate at any stage in the EEO complaints and harassment processes. The RESOLVE program is well known and widely promoted throughout the agency in the EEO complaints process and for non-EEO matters. In FY 2022, the RESOLVE Program celebrated Conflict Resolution Day in October 2021. On September 23, 2022, the Director of the RESOLVE Program posted a video on NARA's Internal Collaboration Network about the benefits of engaging in mediation and facilitation to resolve conflict.

Actions Planned or Taken to Improve the EEO Program

In FY 2022, NARA took the following actions in support of its EEO Program:

- The EEO Program is evaluated annually as mandated by EEOC Management Directive (MD) 715. The FY 2021 Program Status Report MD-715 was posted on NARA's website at <https://work.nara.gov/equal-employment-opportunity/eoo-reports.html>;
- Reissued its EEO Policy Statement which reaffirms its commitment to fostering a work environment free from discrimination on July 19, 2022;
- Reissued its Anti-Harassment Policy statement which reaffirms its commitment to maintaining a work environment that is courteous, respectful, and free from harassing behaviors on July 19, 2022;
- Posted quarterly complaints data on NARA's website pursuant to the No FEAR Act at <https://www.archives.gov/eoo/policy/complaint-activity.html>;

- The No FEAR Act Notice is posted on NARA’s website at <https://www.archives.gov/eo/policy/no-fear-notice.html>;
- The FY 2022 Annual Report to Congress on the No FEAR Act was posted on NARA’s website at <https://work.nara.gov/equal-employment-opportunity/eo-reports.html>;
- 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; and
- Ensured that the mandatory annual refresher training was provided to the EEO Counselor and EEO Specialist.

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 reached in Federal court.

- Not applicable

XIII. Conclusion

NARA is a great place to work. It has succeeded 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 Acting Archivist of the United States continues to demonstrate her strong support with clear policy statements on EEO and Anti-Harassment 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.

**NARA - Equal Employment Opportunity Data Posted Pursuant to the No FEAR Act:
For the 1st Quarter of FY 2023 Ending on December 31, 2022**

Complaint Activity 29 C.F.R. § 1614.704(a) – (c)	Comparative Data					10/01/2022 thru 09/30/2023
	Previous Fiscal Year Data					
	2018	2019	2020	2021	2022	
Number of Complaints Filed	24	39	11	5	6	4
Number of Complainants	24	39	11	4	6	4
Repeat Filers	3	11	4	2	2	2

Complaints by Basis 29 C.F.R. § 1614.704(d) Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.	Comparative Data					10/01/2022 thru 09/30/2023
	Previous Fiscal Year Data					
	2018	2019	2020	2021	2022	
Race	15	23	5	3	5	3
Color	6	16	2	0	3	3
Religion	1	0	1	0	1	1
Reprisal	12	22	7	5	4	3
Sex	13	18	5	3	4	3
National Origin	1	2	1	1	1	0
Equal Pay Act	1	0	0	0	0	0
Age	11	20	3	2	5	2
Disability	15	11	5	5	2	2
Genetic Information	0	0	0	0	0	0
Other & Non-EEO Marital Status Political Affiliation	0	0	0	0	0	2

Complaints by Issue 29 C.F.R. § 1614.704(e) Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.	Comparative Data					10/01/2022 thru 09/30/2023
	Previous Fiscal Year Data					
	2018	2019	2020	2021	2022	
Appointment/Hire	1	0	1	0	0	0
Assignment of Duties	5	5	0	0	0	0
Awards	0	1	1	0	0	0
Conversion to Full-time	0	0	0	0	0	0
Disciplinary Action						
Demotion	1	1	0	0	0	0
Reprimand (warning)	3	2	1	3	0	0

Removal	0	6	3	1	0	0
Suspension	1	5	0	0	0	0
Disciplinary Warning	2	1	1	1	0	0
Other	0	0	0	0	0	0
Duty Hours	1	1	0	0	0	0
Evaluation Appraisal	9	7	2	0	1	1
Examination/Test	0	0	0	0	0	0
Harassment						
Non-Sexual	16	16	4	2	5	4
Sexual	0	2	0	0	1	0
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	3	4	0	0	0	2
Promotion/Non-Selection	9	6	4	0	2	1
Reassignment						
Denied	0	6	0	0	0	0
Directed	0	0	0	1	1	0
Reasonable Accommodation	5	6	2	4	0	1
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0
Telework	2	3	0	0	0	1
Termination	1	2	0	1	0	0
Terms/Conditions of Employment	2	3	0	1	0	0
Time and Attendance	7	5	1	0	0	3
Training	1	2	0	1	0	0
Non-EEO	0	0	0	0	0	0

Processing Time 29 C.F.R. § 1614.704(f)	Comparative Data					10/01/2022 thru 09/30/2023
	Previous Fiscal Year Data					
	2018	2019	2020	2021	2022	
<i>Complaints Pending (for any length of time) During Fiscal Year</i>	63	82	60	42	26	13
Average Number of Days in Investigation Stage	198.23	186	149.6	99.3	101	57.2
Average Number of Days in Final Action Stage	164.25	165.49	71.84	165.1	90	12

Complaints Pending (for any length of time) During Fiscal Year Where Hearing Was Requested	30	32	32	30	20	5
Average Number of Days in Investigation Stage	152.6	202	155.37	59.3	221	17
Average Number of Days in Final Action Stage	263.8	150	75	187.4	39	2
Complaints Pending (for any length of time) During Fiscal Year Where Hearing Was Not Requested	13	25	8	9	4	8
Average Number of Days in Investigation Stage	172	206	119.5	143.5	108	62.25
Average Number of Days in Final Action Stage	145.8	109	54.3	113.5	44	22

Complaints Dismissed by Agency 29 C.F.R. § 1614.704(g)	Comparative Data					10/01/2022 thru 09/30/2023
	Previous Fiscal Year Data					
	2018	2019	2020	2021	2022	
Total Complaints Dismissed by Agency	3	16	0	0	0	0
Average Days Pending Prior to Dismissal	130	106.38	0	0	0	0
Complaints Withdrawn by Complainants						
Total Complaints Withdrawn by Complainants	2	2	1	3	0	0

Total Final Actions Finding Discrimination 29 C.F.R. § 1614.704(i)	Comparative Data										10/01/2022 thru 09/30/2023	
	Previous Fiscal Year Data											
	2018		2019		2020		2021		2022			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of 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 29 C.F.R. § 1614.704(j) Note: Complaints can be filed Alleging Multiple Bases. The Sum of the Bases may not Equal Total Complaints and Findings.	Comparative Data										10/01/2022 thru 09/30/2023	
	Previous Fiscal Year Data											
	2018		2019		2020		2021		2022			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of 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
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
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 29 C.F.R. § 1614.704(k)	Comparative Data										10/01/2022 thru 09/30/2023	
	Previous Fiscal Year Data											
	2018		2019		2020		2021		2022			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	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
Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
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
Harassment	0	0	0	0	0	0	0	0	0	0	0	0
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
Reassignment	0	0	0	0	0	0	0	0	0	0	0	0
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

Findings After Hearing	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
Disciplinary Action	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
Harassment	0	0	0	0	0	0	0	0	0	0	0	0
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
Reassignment	0	0	0	0	0	0	0	0	0	0	0	0
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
Findings Without Hearing	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
Disciplinary Action	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
Harassment	0	0	0	0	0	0	0	0	0	0	0	0
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
Reassignment	0	0	0	0	0	0	0	0	0	0	0	0
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

Pending Complaints Filed in Previous Fiscal Years and by Status 29 C.F.R. § 1614.704(l)	Comparative Data					10/01/2022 thru 09/30/2023
	Previous Fiscal Year Data					
	2018	2019	2020	2021	2022	
Total Complaints from Previous Fiscal Years	39	43	48	37	20	9
Total Complainants	34	39	44	32	26	8
Number Complaints Pending						

Investigation	4	6	18	4	4	5
Hearing	21	20	11	25	5	5
Final Action	3	7	7	8	0	1
Appeal with EEOC Office of Federal Operations	7	8	8	2	2	6

Complaint Investigations 29 C.F.R. § 1614.704(m)	Comparative Data					10/01/2022 thru 09/30/2023
	Previous Fiscal Year Data					
	2018	2019	2020	2021	2022	
Pending Complaints Where Investigations Exceeds Required Time Frames	14	16	24	3	1	0



Equal Employment Opportunity Policy Statement

Fiscal Year: 2022

Notice Number: 0176

Date: Tuesday, July 19 2022

To: All Employees

Subject: Equal Employment Opportunity Policy Statement

Once a year, we reaffirm our commitment to Equal Employment Opportunity (EEO) and reissue NARA's EEO Policy Statement. This is a policy we take seriously. We work diligently all year to ensure that this agency serves as a model in the federal workforce.

Our promises to you to make NARA a Great Place to Work and to Build Our Future Through Our People are built upon policies like this one. Please refresh your familiarity with the policy and do your part to ensure that equal employment opportunity is standard procedure here at NARA.

This policy has been distributed to all staff electronically. In addition, to ensure that all employees and the public are aware of NARA's commitment to EEO, managers and supervisors should post this policy where it will be visible to all staff and visitors as we reopen our facilities.

For questions regarding this notice and the attached policy statement, contact the Office of Equal Employment Opportunity Programs (NEEO) at <https://www.archives.gov/eeo> or 301-837-0939.

DEBRA STEIDEL WALL

Acting Archivist of the United States

Attachment: [2022 Equal Employment Opportunity Policy Statement](#)

For questions on this notice contact:

Erica Pearson, Office of Equal Employment
Opportunity Programs
erica.pearson@nara.gov

Room: 3310

National Archives at College Park

Phone: 301-837-0295

FAX:

Page last reviewed: July 20, 2022

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July 19, 2022

Equal Employment Opportunity Policy Statement

As the Acting Archivist of the United States, I reaffirm my commitment to the principles of equal employment opportunity (EEO). As the Nation's record keepers, our success depends on the contributions of an inclusive workforce. The National Archives and Records Administration's (NARA) core values require us to collaborate, innovate, and learn by engaging with each other.

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 (40 years of age or older), disability (mental or physical), family medical history or genetic information, retaliation for serving as a witness and/or engaging in EEO activity, marital status, political affiliation, and status as a parent. These protections extend to management practices and decisions through, outreach, recruitment and hiring practices, appraisal systems, promotions, training and career-development programs.

This EEO Policy Statement serves as a reminder that NARA will not tolerate discrimination, inappropriate behavior, and harassment of any kind in the workplace. Managers and supervisors must lead by example and are responsible for ensuring employees have a work environment that is free of discrimination, harassment, and retaliation. All of us are responsible for integrating EEO into our daily actions, conduct, and decisions as we strive to become a model workplace.

Any NARA employee or applicant for employment, who believes they have been subjected to discrimination or harassment based on one or more of the above-mentioned protected categories, should 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, <https://www.archives.gov/eoo> or 301-837-0939.

Other avenues to address complaints, employees may contact the Office of Special Counsel at <https://osc.gov/> or (202)-804-7000 or the Merit Systems Protection Board at <https://www.mspb.gov/> or 202-653-7200.

NATIONAL ARCHIVES *and*
RECORDS ADMINISTRATION

8601 ADELPHI ROAD
COLLEGE PARK, MD 20740-6001

www.archives.gov

Any employee who believes NARA has subjected them to workplace harassment can review NARA 396, Anti-Harassment Policy at https://work.nara.gov/nara_policies_and_guidance/directives/0300_series/nara0396.html or visit https://work.nara.gov/equal-employment-opportunity/harassment_prevention.html for information on how to report allegations of workplace harassment.

To resolve workplace disputes and EEO complaints, NARA promotes the use of alternative dispute resolution. For information on NARA's RESOLVE Program review NARA 320, RESOLVE: NARA's Alternative Dispute Resolution (ADR) Program at https://work.nara.gov/nara_policies_and_guidance/directives/0300_series/nara0320.html or visit https://work.nara.gov/staff_resources_and_services/employee_resources/admain.html. I expect 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 mutual respect, integrity, and teamwork.



DEBRA STEIDEL WALL
Acting Archivist of the United States



Anti-Harassment Policy Statement

Fiscal Year: 2022

Notice Number: 0177

Date: Tuesday, July 19 2022

To: All Employees

Subject: Anti-Harassment Policy Statement

Each year, we reissue NARA's Anti-Harassment Policy Statement to reaffirm our commitment to providing a work environment free from all forms of harassment. A positive and supportive work environment is critical to the success of our agency's mission.

Managers and supervisors must ensure that this policy statement is posted in areas visible to their employees. In addition, I encourage managers and supervisors to discuss the policy statement with staff to continuously promote respect, equity, and inclusion.

For questions regarding this notice and the attached policy statement, contact the Office of Equal Employment Opportunity Programs (NEEO) at <https://www.archives.gov/eeo> or 301-837-0939.

DEBRA STEIDEL WALL
Acting Archivist of the United States

Attachment: [2022 Anti-Harassment Policy Statement](#)

For questions on this notice contact:

Erica Pearson, Office of Equal Employment
Opportunity Programs
erica.pearson@nara.gov
Room: 3310
National Archives at College Park
Phone: 301-837-0295
FAX:

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July 19, 2022

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:

1. 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
2. The behavior can reasonably be considered severe or pervasive creating an intimidating, hostile, or offensive work environment.

Unlawful harassment undermines the integrity of employment relationship and interferes with work productivity. Harassing conduct may include, 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.

Inappropriate Behavior

Inappropriate behavior is counterproductive behavior that is not suitable for the workplace. Inappropriate behavior deters from good order and discipline not within the bounds of what is considered appropriate or socially acceptable. Inappropriate behavior can range from minor incidents to serious offenses. Inappropriate behavior can include actions and/or behaviors, which cause grave offense to an individual that goes against the agency policy or practice. Although not every instance of inappropriate behavior may meet the legal definition of harassment, such

behavior undermines morale and the Agency's mission. Some examples of such behavior may include: disrespectful or abusive behavior towards another; swearing; teasing, insensitive or inappropriate jokes, petty slights, annoyances, and other isolated incidents (unless extremely serious).

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 and inappropriate conduct/behavior before it becomes harassing in nature. 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 NARA 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:

1. 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
2. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
3. 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 assists in any inquiry about such a report.

Maintaining Confidentiality

NARA will protect the confidentiality of harassment allegations. All reports of harassing conduct and related information will be maintained on a confidential basis to the greatest extent possible.

Training

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

Reporting Allegations

All NARA employees are strongly encouraged to report misconduct, including discrimination or harassing behavior. Supervisors, volunteer coordinators, Contract Operating Representatives (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. Although supervisors are required to report allegations of harassing conduct to the committee, this policy does not prevent supervisors from taking any action they deem necessary to address inappropriate behavior when it occurs. NARA will conduct a prompt, thorough, and impartial investigation or fact-finding of allegations of harassment or inappropriate behavior. NARA will begin the fact-finding of allegations no later than 10 days of receipt and will complete the investigation within 60 days or less. NARA will also take immediate and appropriate corrective action when it determines that harassment or inappropriate behavior has occurred.

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 which is comprised of officials from the Labor/Employee Relations and Benefit Branch (H); 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](#)

You may 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@nara.gov and committeeonharassment@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
Email:

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.

If all or part of the complaint is pursued under the negotiated grievance procedure covering bargaining unit employees, a grievance must be filed within **20 days** of the alleged incident, or **20 days** after the grievant becomes aware of the alleged incident. Personnel may contact their union representative at any time regarding discrimination and/or harassment.



DEBRA STEIDEL WALL
Acting Archivist of the United States



2022 Annual Required Training for All Employees

Fiscal Year: 2022

Notice Number: 0156

Date: Tuesday, June 7 2022

To: All Employees

Subject: 2022 Annual Required Training for All Employees

All NARA employees must complete the annual required training by **September 6, 2022**.

This training consists of 13 modules organized into three categories: how we approach work, how we do business, and how we get better. Depending on your duties and responsibilities, you may be assigned additional training requirements.

What's New

Updates were made based on new requirements and feedback from program office stakeholders. This year, sections were added for:

- Overtime and comp time under the [Federal Labor Standards Act \(FLSA\)](#),
- [NARA's Climate Action Plan](#),
- digital preservation, and
- a positive work culture.

A pretest was also added to larger sections of content from last year. You can use the resource guide to answer the questions as an open book test. You will need to answer each question correctly to continue. Only wrong questions will be presented in subsequent attempts. This is designed to allow you to test out of the training if you have taken the sections in previous years with the same content.

How To Access the Training

You do not need to use Citrix or VPN to access the training. You should:

- Go to the NARA Learning Center at nara.csod.com.
- Log in by clicking the large blue "NARA Employee Login" button.
- Look in the **Your Training Items** box on the Learning Center welcome page. Select [ART-AS-22] Annual Required Training for All Employees to begin the module.

The course will take approximately one hour to complete. You may complete the entire module in one sitting or you may finish a portion and return as often as needed to complete the entire module. All lessons must be completed to receive credit.

Once completed, the system will automatically record your status. This training is available from any computer inside or outside of NARA.

VALORIE FINDLATER
Chief Human Capital Officer

For questions on this notice contact:

Kashmira Shaikh, Office of Human Capital
kashmira.shaikh@nara.gov

Room: 1330
National Archives at College Park
Phone: 202-875-4374

FAX:

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NARA Notice 2022-017: Celebrating Conflict Resolution and Ombuds Day 2021

Version 1

Created by Michael Davis  on Oct 14, 2021 6:03 PM. Last modified by Michael Davis  on Oct 14, 2021 6:03 PM.



Notice

To: All Employees.

Attention supervisors: If you have employees who do not have access to a computer, please ensure that those employees receive a copy of this notice. This includes employees on LWOP or paid leave.

In October, the National Archives and Records Administration (NARA) joins other federal agencies and many other national, state, local, and tribal organizations in promoting and celebrating mediation and other means of conflict resolution as powerful, cost-effective strategies to resolve conflicts.

For over 20 years, NARA's RESOLVE program has provided efficient, cost-effective, and impartial methods for overcoming barriers to conflict and for resolving workplace disputes, Equal Employment Opportunity (EEO) complaints, and administrative grievances. The voluntary use of alternative means of dispute resolution (ADR), such as mediation, ombuds services, and arbitration, often can provide faster, and more satisfying resolution of disputes. In recognition of this, NARA encourages and supports the use of ADR and requires managers and supervisors to be knowledgeable about agency resources for alternative means of dispute resolution and to consider using ADR where appropriate. Nevertheless, the success of such methods depends on a good faith effort by all parties to reach a mutually agreeable resolution. For more information about mediation using RESOLVE, please see the attached program brochure.

NARA's commitment to resolving disputes is also highlighted through the work of NARA's Office of Government Information Services (OGIS), which serves as the federal Freedom of Information Act (FOIA) Ombudsman. The OPEN Government Act of 2007 elevated ADR in the FOIA process by directing agency FOIA Public Liaisons to assist in resolving disputes between requesters and agencies, establishing OGIS and requiring it to offer mediation services as a non-exclusive alternative to litigation. The FOIA Improvement Act of 2016 directed agencies to inform requesters of OGIS's mediation services at various points throughout the FOIA process, not just at the conclusion of the administrative process.

The American Bar Association has designated the second Thursday of October, this year October 14, 2021, as Ombuds Day. Ombuds are a valuable part of ADR and provide significant benefit to organizations and their members. As confidential, impartial, and independent conflict management professionals, ombuds offer

responsive and respectful services designed to aid problem solving, the development of options, and reducing the human and organizational costs of conflict. Ombuds share three professional standards (confidentiality, impartiality, and independence) and three definitional characteristics (informality, credible review process, and fairness).

OGIS's work as the FOIA Ombudsman is centered on several ADR principles, including that facilitating communication between the requester and the agency benefits the FOIA community as a whole. Since opening its doors in September 2009, OGIS has assisted thousands of FOIA requesters each year, handling inquiries from requesters and agencies alike.

I strongly support the use of ADR by NARA employees, OGIS stakeholders, and across the federal government, and ask that we all salute the ADR accomplishments of our colleagues on this occasion of the annual Conflict Resolution Day, October 21, 2021 and Ombuds Day, October 14, 2021.

DAVID S. FERRIERO

Archivist of the United States

Attachment: RESOLVE Program Brochure

If you have questions about this notice, contact:

[Rana Khandekar](#), Office of the General Counsel

naheed.khandekar@nara.gov

Room 3110

[National Archives at College Park, MD \(Archives II\)](#)

Phone: 301-837-2926

[Alina Semo](#), Office of Government Information Services

alina.semo@nara.gov

Suite A702

[National Archives in Washington, DC \(Archives I \)](#)

Phone: 202-741-5771

[RESOLVE program brochure.pdf](#) 

129.8 KB Preview

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RESOLVE Program



“Improving communication and the quality of workplace

relationships are two of my top priorities at NARA. The success of our agency and in fulfilling our mission depends on how well we work together to accomplish our critical goals. RESOLVE has proven to be effective at assisting NARA employees across the agency with various issues related to their jobs. As we face new and important challenges, I encourage you to take advantage of this valuable resource whenever the need arises.”

—David S. Ferriero, Archivist of the United States

What is Mediation?

Mediation is a process where parties meet with a neutral mediator to attempt to resolve a dispute collaboratively. The mediator helps the parties communicate their interests, define issues, and eliminate obstacles to communication, while moderating and guiding the process to avoid confrontation and ill will. The mediator will seek concessions from each side during the mediation process.

Why Should I Use Mediation?

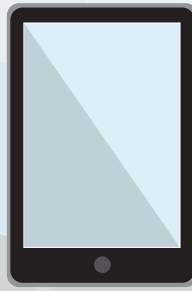
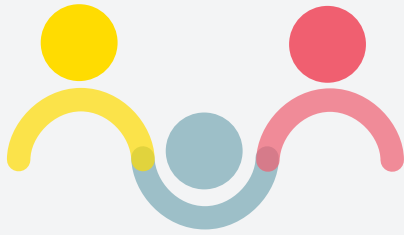
While conflict is a normal part of our daily lives, it is often uncomfortable and counterproductive in the workplace. When you find yourself in a dispute with a fellow employee, manager, or other colleague, mediation can help you resolve issues in a private, confidential, and timely manner.

Reasons for using mediation include:

- **NO RISK.** You may retain the right to address the issue formally (e.g., Equal Employment Opportunity (EEO) or grievance procedures).
- **VOLUNTARY.** You choose whether to participate at every stage of the process.
- **CONFIDENTIAL.** You speak without fear that your statements will be used against you in another proceeding.
- **IMPARTIAL.** You express your issues and concerns in a judgment-free environment.
- **SELF-DETERMINING.** You control the outcome.
- **FAST.** You have the opportunity to be heard without the lengthy timelines often associated with the traditional adversarial processes.
- **PRESERVES RELATIONSHIPS.** You resolve your dispute while building a better relationship with the other party.
- **CREATIVE.** You develop innovative solutions and move away from the typical win/lose results of more adversarial proceedings.



Questions? For questions or mediation requests, please contact Rana Khandekar, Director of RESOLVE, Office of General Counsel (NGC), by email naheed.khandekar@nara.gov or at 301-837-2926.



Where Can I Find More Information on RESOLVE? Please see NARA 320 for more information on the RESOLVE program.

How Does Mediation Work?

Mediation generally begins with a joint session to set an agenda, define the issues, and ascertain the positions and concerns of the parties. Thereafter, the parties separately meet with the mediator, who is a professional neutral from outside of NARA, to allow each side to explain and enlarge upon their position and mediation goals in confidence. The mediator may ask questions which may well serve to create doubt in an advocate's mind over the validity of a particular position. In these conversations, the mediator helps the parties try to find an appropriate way to solve their problem.

What May Mediation Be Used For?

NARA employees may use mediation to address any matters of concern relating to their employment. This can range from conflict between peers to an EEO or grievance case.

What Happens If My Dispute Is Not Resolved?

If you have reserved your right to file in any of the applicable administrative forums (e.g., EEO and grievances), you may return to those formal processes to work through your dispute. Participating in mediation does not preclude you from using other processes as long as you meet all timelines and filing requirements.

How Can I Negotiate Effectively and Build Trust?

The other party will be more receptive to your perspective if you demonstrate that you are genuine, engaged, and focused on finding a fair solution. By being a committed listener, you will build trust and encourage productive dialogue during the session.

- **BE A COMMITTED LISTENER:** Choose to be committed to hearing what the other party will say as though it were you speaking. Step outside your role as strictly a supervisor or subordinate and engage on a more human level. Look for the deeper meaning in what the other person may share, rather than any weaknesses in that person's statements.
- **DEMONSTRATE YOUR UNDERSTANDING:** Show that you heard the other party's needs, interests, and feelings by referring to them. Summarize that person's remarks without watering them down.
- **START BY LISTENING:** By listening first, you can draw out the other party's ideas and target your response and ideas to the other party more effectively.
- **FRAME YOUR RESPONSE:** Understand the language, perspectives, and experiences of the other party and frame your message in terms that are likely to make sense inside the other party's framework of experience.
- **SHARE YOUR INTERESTS:** Share your interests (why you want something) rather than simply your position (what you want).

How is NARA organized to support Alternative Dispute Resolution (ADR)?

The RESOLVE program provides mediation and facilitation services for NARA employees. While housed in the Office of General Counsel (NGC), the program is separate from NGC's role as an advocate and RESOLVE is completely neutral. NARA's Dispute Resolution Specialist is Gary M. Stern, General Counsel to NARA. The Director of RESOLVE, Rana Khandekar, serves as a neutral for all matters referred to the program and uses external neutral third parties to conduct mediations and facilitations.



Questions? For questions or mediation requests, please contact Rana Khandekar, Director of RESOLVE, Office of General Counsel (NGC), by email naheed.khandekar@nara.gov or at 301-837-2926.