



**COUNCIL OF THE INSPECTORS GENERAL  
ON INTEGRITY AND EFFICIENCY**

**Council of the Inspectors General  
on Integrity and Efficiency**

**Notification and Federal Employee  
Antidiscrimination and Retaliation  
Act of 2002**

**Fiscal Year 2022  
Annual Report**

## **I. Introduction**

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) and implementing regulations require Federal agencies, including the Council of the Inspectors General on Integrity and Efficiency (CIGIE) to submit annual reports to the Speaker of the House of Representatives, the President *pro tempore* of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, each committee of Congress with jurisdiction relating to CIGIE, the Attorney General, the Chair of the Equal Employment Opportunity Commission (EEOC), and the Director of the Office of Personnel Management (OPM). This CIGIE submission is in accordance with these reporting requirements.

## **II. Background**

The No FEAR Act was signed into law on May 15, 2002, and became effective on October 1, 2003. The No FEAR Act requires Federal agencies to be accountable for violations of antidiscrimination and whistleblower protection laws and to post certain statistical data on their websites relating to Federal-sector Equal Employment Opportunity (EEO) complaints with the agencies.

Section 203 of the No FEAR Act requires that each Federal agency submit its annual report no later than 180 days after the end of each fiscal year (FY). Federal agencies must report, among other things, the number of Federal court cases arising under each of the respective areas of law specified in the No FEAR Act in which discrimination was alleged; the status or disposition of cases; the amount of money required to be reimbursed; the number of employees disciplined; any policies implemented related to appropriate disciplinary actions against a Federal employee who discriminated against any individual or committed a prohibited personnel practice; an analysis of the data collected with respect to trends; and a causal analysis.

Additionally, OPM has published regulations concerning the No FEAR Act's Judgment Fund reimbursement obligations, notification, and training requirements, and reporting and best practices provisions. The EEOC has issued regulations to implement the posting requirements of Title III of the No FEAR Act. CIGIE has prepared this report in compliance with the No FEAR Act as well as OPM and EEOC's final regulations.

### **III. Data**

#### **a. Civil Cases**

Section 203(a)(1) of the No FEAR Act requires that Federal agencies include in their annual 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.” Specifically, as clarified in 5 C.F.R. § 724.302(a)(1), Federal agencies must report on the “number of cases in Federal court [district or appellate] pending or resolved . . . arising under each of the respective provisions of the Federal Antidiscrimination Laws and Whistleblower Protection Laws applicable to them . . . in which an employee, former Federal employee, or applicant alleged a violation(s) of these laws, separating data by the provision(s) of law involved.”

CIGIE reports that during FYs 2017-2022 there were no such Federal court cases pending.

#### **b. Reimbursement to the Judgment Fund**

Section 203(a)(3) of the No FEAR Act requires that Federal agencies include in the annual report the amount of money required to be reimbursed to the Judgment Fund by such agencies under section 201 of the No FEAR Act. As explained in 5 C.F.R. § 724.104, the Treasury Department’s Financial Management Service (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. Pursuant to 5 C.F.R. § 724.302(a)(2)(ii)-(iii), all such reimbursements must be reflected in the annual report.

In FYs 2017–2022, CIGIE was not required to make any reimbursements to the Judgment Fund because no payments were made from the Judgment Fund on behalf of CIGIE.

#### **c. Employees Disciplined for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws**

Section 203(a)(4) of the No FEAR Act and 5 C.F.R. § 724.302(a)(3) require that Federal agencies include in the annual report the total number of employees disciplined in connection with the cases in Federal court identified with section III(a) of this annual report. Additionally, section 203(a)(6)(B) of the No FEAR Act and 5 C.F.R. § 724.302(a)(5) require that Federal agencies include in the annual report the total number of employees disciplined in accordance with their agency’s applicable policy for taking disciplinary action against Federal employees, whether or not in connection with cases in Federal court.

CIGIE did not take any such disciplinary actions in FYs 2017-2022.

#### **d. Final Year-End Data Posted Under Section 301(c)(1)(B)**

The final year-end data posted on CIGIE's website pursuant to section 301(c)(1)(B) of the No FEAR Act are included in Appendix A. There was one complaint of discrimination that remained pending at the end of FY 2022. There were no complaints resulting in findings of discrimination in FYs 2017-2022.

#### **e. Description of Policy on Disciplinary Actions**

Section 203(a)(6) of the No FEAR Act and 5 C.F.R. § 724.302(a)(6) require that Federal agencies include in their annual report a detailed description of the agency's policy for taking disciplinary action against Federal employees for conduct that is inconsistent with Federal antidiscrimination and whistleblower protection laws or for conduct that constitutes another prohibited personnel practice.

##### *Equal Employment Opportunity*

All employees within CIGIE are valued and respected. CIGIE is committed to maintaining zero tolerance of discrimination and to ensuring all employees and applicants for CIGIE employment are treated fairly and without harassment in regard to race, color, religion, age, national origin, sex, sexual orientation (including gender identity), pregnancy, status as a parent, marital status, political affiliation, genetic information, disability, or retaliation against those who have filed a discrimination charge or are testifying or participating in an investigation proceeding. This policy of zero tolerance also includes any form of discrimination based on the protected genetic information of employees or applicants for CIGIE employment. CIGIE will not tolerate workplace harassment or reprisal against anyone who engages in a protected activity.

##### *Prevention of Harassment*

CIGIE prohibits all forms of harassment by any employee, in any CIGIE office location, any location that can reasonably be regarded as an extension of the workplace, any offsite CIGIE function, or any other place where CIGIE employees meet to conduct CIGIE business. CIGIE also prohibits retaliation against employees who have filed a discrimination charge or are testifying or participating in an investigation, proceeding, or employment discrimination lawsuit. To the greatest extent possible, confidentiality of employees bringing harassment complaints will be protected.

CIGIE supports this policy by maintaining a system for the effective, immediate, and expeditious review of allegations of harassment and works to respond to all complaints swiftly and fairly. If, after a review into allegations of harassment, it is determined that a CIGIE employee has engaged in inappropriate behavior, such employee may be subject to immediate disciplinary action up to and including removal from Federal service.

If, at any time during CIGIE employment, an employee believes they have been subjected to harassment, the employee should take the following steps:

1. Inform the harasser directly that the conduct is unwelcome and must stop. This includes unwelcome conduct before it reaches the level of unlawful harassment.
2. If requesting the alleged harasser to stop does not stop the harassment or if the employee is not comfortable talking with the alleged harasser about the behavior, the employee should do one or more of the following:
  - a. Immediately report it to a supervisor or manager higher in the chain of authority.
  - b. Immediately contact the Executive Director.
  - c. Immediately report the issue to the Chairperson.

All employees at CIGIE are responsible for a workplace free from discrimination and harassment. CIGIE supervisors and managers are to immediately report any instances of harassment they perceive or any complaints of harassment they receive to the Executive Director.

#### *Diversity, Equity, Inclusion, and Accessibility*

CIGIE is committed to fostering, cultivating, and preserving a culture of diversity, equity, inclusion, and accessibility (DEIA).

To that end, CIGIE embraces and encourages our employee differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, race, religion, and sexual orientation.

Human capital is CIGIE's most valuable asset. Accordingly, CIGIE will continue to include DEIA in its practices and policies on recruitment, selection, professional development, and training.

CIGIE's work culture is built on the promise of gender and diversity equity that encourages and enforces respectful communication and cooperation between all employees, teamwork, and employee participation, permitting the representation of all groups and employee perspectives, and work/life balance through flexible work schedules to accommodate employees' varying needs.

All employees of CIGIE have a responsibility to always treat others with dignity and respect. They are expected to exhibit conduct that reflects inclusion during work. Employees found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action.

If employees or applicants believe that they are being or have been subjected to discrimination in the workplace, they should take the following steps:

- Report it immediately to a supervisor or management official in or out of the supervisory chain. Supervisors and managers will immediately report the incident or incidents to the Executive Director.
- If the employee or applicant is uncomfortable with contacting a supervisor or management official, they may instead contact the Executive Director within 45 calendar days of the alleged discriminatory event.
- If the employee or applicant is uncomfortable with contacting the Executive Director, they may instead contact the Chairperson.

All employees are responsible for a workplace free from discrimination. Supervisors and managers are required to immediately report any instances of discrimination they perceive or any complaints of discrimination they receive to the Executive Director. The Executive Director is responsible for working with leadership, as appropriate, to handle such complaints and concerns.

#### **f. No FEAR Training**

Section 202(c) of the No FEAR Act requires Federal agencies to provide training to their employees on the rights and remedies under Federal antidiscrimination, retaliation, and whistleblower protection laws.

CIGIE is composed of two types of employees: detailees from other Federal agencies and appointees. Detailees' home agencies are ultimately responsible for ensuring that their detailees receive any requisite training, and CIGIE is responsible for training all of its own appointees. Even so, upon request, detailees may access the requisite training.

When training is offered, CIGIE employees are provided with training materials that address their rights and remedies available under the antidiscrimination laws and whistleblower protection laws applicable to them. Within a specified time period following receipt of the materials, CIGIE employees are required to submit a statement acknowledging their review of the materials. CIGIE monitors completion of training by CIGIE employees. All employees are required to receive training at least once every two years. New employees are required to take this training within 90 days of their appointments.

#### **IV. Analysis of Trends, Causal Analysis, and Practical Knowledge Gained Through Experience**

Section 203(a)(7) of the No FEAR Act requires that Federal 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." As reported in Appendix A to this Report, CIGIE received two complaints in FY 2020. These were the first two complaints submitted to CIGIE, and

they remain the only two such complaints. Accordingly, CIGIE has devoted particular attention to the quality of the processing of the complaints. The processing of the complaints concluded in the first quarter of FY 2023. CIGIE has turned the focus to determining if its processing program requires improvements and, if so, how such improvements can be implemented. CIGIE will also determine whether any actions need be taken to improve its civil rights program overall. Given that the sample size is limited to two complaints which remain pending, it is premature to comment on trend or causal analysis.

## **V. Adjustment to Budget**

Section 203(a)(8) of the No FEAR Act requires that Federal agencies include in their annual report information regarding “any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201.”

To date, CIGIE has made no such adjustment to its budget to comply with OPM’s regulation issued pursuant to section 201.

## **VI. CIGIE’s Actions Planned or Taken to Improve Complaint or Civil Rights Programs Pursuant to Section 203(a)(7)(D)**

### **Actions Planned for FY 2023**

As discussed above, CIGIE has not had any reportable civil cases, Judgment Fund reimbursements, or disciplinary actions. CIGIE had one discrimination complaint pending as of the end of FY 2022, but was closed in the first quarter of FY 2023. In an effort to maintain a workplace free of discrimination and retaliation, CIGIE will continue to strive to have 100 percent of its employees trained regarding their rights and protections under EEO, retaliation, and whistleblower protection laws. CIGIE will also continue to strive to have 100 percent of any new employees trained within 90 calendar days of their appointments.

## APPENDIX A

### Equal Employment Opportunity Data Posted Pursuant to Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174

Complaint Activity	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Number of Complaints Filed	0	0	0	2	0	0
Number of Complainants	0	0	0	2	0	0
Repeat Filers	0	0	0	0	0	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>	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Race	0	0	0	2	0	0
Color	0	0	0	1	0	0
Religion	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0
Sex	0	0	0	1	0	0
National Origin	0	0	0	1	0	0
Equal Pay Act	0	0	0	0	0	0
Age	0	0	0	0	0	0
Disability	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0



<b>Complaints by Issue</b>						
<i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Appointment / Hire	0	0	0	1	0	0
Assignment of Duties	0	0	0	1	0	0
Awards	0	0	0	0	0	0
Conversion to Full Time	0	0	0	0	0	0
Disciplinary Action	0	0	0	0	0	0
Demotion	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0
Removal	0	0	0	0	0	0
Suspension	0	0	0	0	0	0
Other	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0
Examination / Test	0	0	0	0	0	0
Harassment	0	0	0	0	0	0
Non-Sexual	0	0	0	0	0	0
Sexual	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0
Promotion / Non-Selection	0	0	0	0	0	0
Reassignment	0	0	0	0	0	0
Denied	0	0	0	0	0	0
Directed	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	0	0	0	0	0
Terms / Conditions of Employment	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0

Training	0	0	0	0	0	0
Other	0	0	0	0	0	0

<b>Processing Time</b>						
	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
<b>Complaints pending during fiscal year</b>						
Average number of days in investigation stage	0	0	0	0	192	192
Average number of days in final action stage	0	0	0	0	0	0
<b>Complaints pending during fiscal year where hearing was requested</b>						
Average number of days in investigation stage	0	0	0	0	192	192
Average number of days in final action stage	0	0	0	0	0	0
<b>Complaints pending during fiscal year where hearing was not requested</b>						
Average number of days in investigation stage	0	0	0	0	0	0
Average number of days in final action stage	0	0	0	0	0	0

<b>Complaints Dismissed by Agency</b>						
	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Total Complaints Dismissed by Agency	0	0	0	0	0	0
Average days pending prior to dismissal	0	0	0	0	0	0

<b>Complaints Withdrawn by Complainants</b>						
	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Total Withdrawn by Complainants	0	0	0	0	0	0

<b>Total Final Actions Finding Discrimination</b>						
	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Total Number of Findings	0	0	0	0	0	0
Without Hearing	0	0	0	0	0	0
With Hearing	0	0	0	0	0	0

<b>Findings of Discrimination Rendered by Basis</b>						
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Total Number of Findings	0	0	0	0	0	0
Race	0	0	0	0	0	0
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0
Sex	0	0	0	0	0	0
National Origin	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0
Age	0	0	0	0	0	0
Disability	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0

Findings After Hearing	0	0	0	0	0	0
Race	0	0	0	0	0	0
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0
Sex	0	0	0	0	0	0
National Origin	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0
Age	0	0	0	0	0	0
Disability	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0
Findings Without Hearing	0	0	0	0	0	0
Race	0	0	0	0	0	0
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0
Sex	0	0	0	0	0	0
National Origin	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0
Age	0	0	0	0	0	0
Disability	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0

<b>Findings of Discrimination Rendered by Issue</b>						
	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Total Number of Findings	0	0	0	0	0	0
Appointments / Hire	0	0	0	0	0	0

Assignment of Duties	0	0	0	0	0	0
Awards	0	0	0	0	0	0
Conversion to Full Time	0	0	0	0	0	0
Disciplinary Action						
Demotion	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0
Removal	0	0	0	0	0	0
Suspension	0	0	0	0	0	0
Other	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0
Examination / Test	0	0	0	0	0	0
Harassment						
Non-Sexual	0	0	0	0	0	0
Sexual	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0
Promotion / Non-Selection	0	0	0	0	0	0
Reassignment						
Denied	0	0	0	0	0	0
Directed	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	0	0	0	0	0
Terms / Conditions of Employment	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0
Training	0	0	0	0	0	0
Other	0	0	0	0	0	0
Findings After Hearing						
Appointment / Hire	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0
Awards	0	0	0	0	0	0

Conversion to Full-Time	0	0	0	0	0	0
Disciplinary Action						
Demotion	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0
Removal	0	0	0	0	0	0
Suspension	0	0	0	0	0	0
Other	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0
Examination / Test	0	0	0	0	0	0
Harassment						
Non-Sexual	0	0	0	0	0	0
Sexual	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0
Promotion / Non-Selection	0	0	0	0	0	0
Reassignment						
Denied	0	0	0	0	0	0
Directed	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	0	0	0	0	0
Terms / Conditions of Employment	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0
Training	0	0	0	0	0	0
Other	0	0	0	0	0	0
Findings Without Hearing						
Appointment / Hire	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0
Awards	0	0	0	0	0	0
Conversion to Full Time	0	0	0	0	0	0
Disciplinary Action						

Demotion	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0
Removal	0	0	0	0	0	0
Suspension	0	0	0	0	0	0
Other	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0
Examination / Test	0	0	0	0	0	0
<b>Harassment</b>						
Non-Sexual	0	0	0	0	0	0
Sexual	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0
Promotion / Non- Selection	0	0	0	0	0	0
<b>Reassignment</b>						
Denied	0	0	0	0	0	0
Directed	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	0	0	0	0	0
Terms / Conditions of Employment	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0
Training	0	0	0	0	0	0
Other	0	0	0	0	0	0

<b>Pending Complaints Filed in Previous Years by Status</b>						
	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Total Complaints from previous Fiscal Years	0	0	0	0	2	1
Total Complainants	0	0	0	0	2	1
<b>Number of Complaints Pending</b>						
Investigation	0	0	0	0	0	0

Hearing	0	0	0	0	2	1
Final Action	0	0	0	0	0	0
Appeal with EEOC Office of Federal Operations	0	0	0	0	0	0

<b>Complaint Investigations</b>						
	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Pending Complaints Where Investigations Exceed Required Time Frames	0	0	0	0	0	0