



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

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

**Fiscal Year 2020
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 2015-2020 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 2015–2020, 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 2015-2020.

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 were two complaints of discrimination that remained pending at the end of FY 2020. There were no complaints resulting in findings of discrimination in FYs 2015-2020.

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. CIGIE is committed to the principles of equal employment opportunity and diversity in the workplace for CIGIE employees and job applicants. CIGIE must continue to attract, develop, and retain a highly skilled, diverse workforce to meet the demands of its important mission.

All CIGIE employees must be fully committed to protecting and maintaining a workplace that ensures equality of opportunity for everyone, regardless of her or his race, color, religion, sex, national origin, age, disability, status as a parent, sexual orientation, protected genetic information, prior EEO activity, and marital status.

Every employee must be committed to treating one another with dignity, respect, and professionalism, and CIGIE managers and supervisors are expected to lead by example in this regard. CIGIE will not tolerate action inconsistent with these principles. Anyone who fails to uphold these values will be subject to appropriate disciplinary action.

Prevention of Harassment. CIGIE will not tolerate harassment on the basis of race, color, national origin, religion, sex, age (40 and over), disability, sexual orientation, or protected activity. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Employees who believe that they have been victims of harassment may, without fear of reprisal, seek the immediate assistance of a management official, the Executive Director, or the Chairperson. Any manager or supervisor who becomes aware of harassment must take immediate and appropriate corrective action to ensure that the harassment stops and does not recur. Violations of the law prohibiting harassment or violations of this policy will result in appropriate disciplinary actions against the offenders, up to and including dismissal. This also includes cases where a manager or

supervisor should have known about the harassment and failed to take prompt and appropriate action.

Whistleblowing. CIGIE is committed to protecting current and former Federal employees and job applicants from interference and retaliation when making protected disclosures. Congress enacted the Whistleblower Protection Act of 1989 to strengthen protections for Federal employees who believe they are the target of unjustified personnel actions in reprisal for making disclosures. These disclosures include a violation of law, rule, or regulation; gross mismanagement; gross waste of funds; and abuse of authority; or a substantial and specific danger to public health or safety.

CIGIE will not tolerate whistleblower reprisal. Legitimate disclosure of information by employees is an invaluable resource for the oversight of government operations. CIGIE employees may report whistleblower reprisal to a management official, the Executive Director, or the Chairperson. Anyone who interferes with or retaliates against any current or former employee or job applicant making a protected disclosure will be subject to appropriate disciplinary action.

Employment and Advancement of Persons with Disabilities. CIGIE is committed to enhancing access to employment of people with disabilities to ensure equal employment opportunity. Section 501 of the Rehabilitation Act of 1973 (Act), as amended, prohibits Federal agencies from discriminating against qualified individuals with disabilities. The Act also requires agencies to provide hiring, placement, and advancement opportunities for individuals with disabilities. Violations of this law will result in appropriate disciplinary actions against the offenders, up to and including dismissal.

CIGIE is committed to identifying and removing any barriers for individuals with disabilities. CIGIE will strive to provide a work environment that welcomes qualified individuals with disabilities and effectively uses their skills, knowledge, and abilities. Each employee can play a role in identifying, reporting, and eliminating barriers for people with disabilities.

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. As these are the first two complaints submitted to CIGIE, particular attention will be paid to the quality of the processing of the complaints. Once processing of the complaints has concluded, CIGIE will determine 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 2021

As discussed above, CIGIE has not had any reportable civil cases, Judgment Fund reimbursements, or disciplinary actions. CIGIE received two discrimination complaints which were pending as of the end of FY 2020. 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 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Number of Complaints Filed	0	0	0	0	0	2
Number of Complainants	0	0	0	0	0	2
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 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Race	0	0	0	0	0	2
Color	0	0	0	0	0	1
Religion	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0
Sex	0	0	0	0	0	1
National Origin	0	0	0	0	0	1
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

Complaints by Issue						
<i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Appointment / Hire	0	0	0	0	0	1
Assignment of Duties	0	0	0	0	0	1
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

Processing Time						
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Complaints pending during fiscal year						
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
Complaints pending during fiscal year where hearing was requested						
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
Complaints pending during fiscal year where hearing was not requested						
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

Complaints Dismissed by Agency						
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020 ⁱ
Total Complaints Dismissed by Agency	0	0	0	0	0	0
Average days pending prior to dismissal	0	0	0	0	0	0

Complaints Withdrawn by Complainants						
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Total Withdrawn by Complainants	0	0	0	0	0	0

Total Final Actions Finding Discrimination						
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
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

Findings of Discrimination Rendered by Basis						
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
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

Findings of Discrimination Rendered by Issue						
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
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
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

Pending Complaints Filed in Previous Years by Status						
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Total Complaints from previous Fiscal Years	0	0	0	0	0	0
Total Complainants	0	0	0	0	0	0
Number of Complaints Pending						
Investigation	0	0	0	0	0	0

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

Complaint Investigations						
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Pending Complaints Where Investigations Exceed Required Time Frames	0	0	0	0	0	0

¹ Dismissal in FY 2020 was rescinded in FY 2021 and continued through the EEO process.