



## SOCIAL SECURITY

Office of Human Resources

March 28, 2014

The Honorable Joseph R. Biden  
President of the Senate  
S-212 Capitol Building  
Washington, DC 20510

Enclosed is the Social Security Administration's (SSA) Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act Report for fiscal year (FY) 2013. Congress intended the No FEAR Act to reduce the incidence of workplace discrimination within the Federal Government by making agencies and departments more accountable. SSA's mission is to deliver Social Security services that meet the changing needs of the public. Our service principles include adherence to the law and cultural sensitivity. To maximize our effectiveness, we seek to achieve an exemplary Equal Employment Opportunity (EEO) program.

The No FEAR Act requires agencies to prepare an annual report describing: (1) their efforts to improve compliance with the employment discrimination and whistleblower protection laws; and (2) the status of complaints brought against the agency under these laws. The No FEAR Act Annual Report must include specific information on each agency's EEO complaints activity (including Federal district court cases) and resulting disciplinary actions, Judgment Fund reimbursements, and an analysis of trends, causation, and practical knowledge gained through experience.

The No FEAR Act requires agencies to submit their reports to the President pro tempore of the Senate, the Speaker of the House of Representatives, the Senate Committee on Governmental Affairs, the House Committee on Government Reform, each committee of Congress with jurisdiction relating to the submitting agency, the Equal Employment Opportunity Commission, and the Attorney General. Therefore, we are providing our FY 2013 No FEAR Act Report to the following members of the 113<sup>th</sup> United States Congress:

The Social Security Administration, Office of Civil Rights and Equal Opportunity, prepared this No FEAR Act Report pursuant to Congressional requirements.

If you have any questions, please contact me at 410-965-1900. If your staff has any questions, they may contact Alan S. Frank, Associate Commissioner, Office of Civil Rights and Equal Opportunity, at 410-965-3318.

Sincerely,

/s/

Reginald F. Wells, Ph.D.  
Deputy Commissioner  
for Human Resources

# **Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act**



**Annual Report  
Social Security Administration  
Fiscal Year 2013**



**Notification and Federal Employee  
Antidiscrimination and  
Retaliation (No FEAR) Act  
Annual Report  
Fiscal Year (FY) 2013**

## REPORT CONTENTS

Section I:	Summary of District Court Cases (FY 2013)	<i>Page 3</i>
Section II:	Year-End Data (See Attachment A)	<i>Page 4</i>
Section III:	Disciplinary Policies and Administrative Discipline	<i>Page 4</i>
Section IV:	Analysis of Discrimination Complaints	<i>Page 5</i>
	A. Examination of Trends and Causal Analysis	
	B. Practical Knowledge Gained through Experience	
	C. Actions Planned to Improve Agency Complaint or Civil Rights Program	
Attachment A:	Equal Employment Opportunity Complaint Data (FY 2008 - FY 2013)	<i>Page 11</i>
Attachment B:	SSA's No FEAR Act Notice Posted on the Agency's Internet Webpage	<i>Page 38</i>

**Social Security Administration (SSA)**  
**No FEAR Act Report**  
**Fiscal Year (FY) 2013**

The No FEAR Act requires each agency to submit to Congress, the Equal Employment Opportunity Commission (EEOC), the Attorney General, and the Office of Personnel Management (OPM) an annual report describing: (1) each agency's efforts to improve compliance with the employment discrimination and whistleblower protection laws; and (2) the status of complaints brought against the agency under these laws. The reporting requirements are in section 203 of the No FEAR Act; each italicized paragraph below reflects a specific paragraph in section 203 to which our agency must respond.

**Section I. Summary of District Court Cases (FY 2013)**

The data below show all cases and payments to the Judgment Fund in FY 2013, regardless of the case filing date. Since complainants may file a single case under multiple statutes, the number of cases will not total. Also, the total number of cases settled, pending, and adjudicated will not equal the total number filed because of cases filed before FY 2013.

*1. The number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) of the No FEAR Act, in which discrimination on the part of the agency was alleged:*

- Total pending cases at close of FY 2013: 74
- The 74 cases alleged violations of the following laws:
  - Title VII of the Civil Rights Act (Title VII): 57 cases
  - Age Discrimination in Employment Act (ADEA): 18 cases
  - Rehabilitation Act (disability): 29 cases
- Of the 74 pending cases at the close of FY 2013, 42 were new cases received in FY 2013.
- The 42 new cases alleged violations of the following laws:
  - Title VII: 34 cases
  - ADEA: 7 cases
  - Rehabilitation Act (disability): 18 cases

*2. The status or disposition of cases described in the above response:*

- Federal court cases concluded in FY 2013: 13
  - Dismissed/Judgment for SSA: 11
  - Judgment against SSA: 0
  - Settled: 2

*3. The amount of money required to be reimbursed by the agency under section 201 in connection with each case, separately identifying the aggregate amount of the reimbursements attributable to the payment of attorneys' fees, if any:*

- Total: \$54,000
- Attorney's Fees: \$1,000



4. *The number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1) of section 201(a) of the No FEAR Act.*

- SSA did not discipline any employees for discrimination, retaliation, harassment, or any other infraction resulting from court cases.

## **Section II. Year-End Data**

5. *The final year-end data posted under section 301(c)(1)(B) for FY 2013 (without regard to section 301(c)(2)).*

- See Attachment A for SSA's No FEAR Act data for FY 2013. SSA updates the data quarterly and posts the information online at <http://www.ssa.gov/eo/nofear>.

## **Section III. Disciplinary Policies and Administrative Discipline**

6. *A detailed description of—*

A. *The agency's policy implemented relating to appropriate disciplinary actions against a Federal employee who –*

- i. *discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2) of the No FEAR Act, or*
- ii. *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), and*

- With respect to items i and ii, our agency follows OPM's Government-wide regulations found in 5 C.F.R. for disciplinary actions against employees who violate the anti-discrimination laws. We use a variety of methods to inform employees about what constitutes inappropriate conduct that could lead to discipline and the penalties for the discipline. We provide the information to employees in new employee orientation, bi-annual equal employment opportunity (EEO) training required by the No Fear Act, ethics training, and informal discussions between managers and employees. In addition, we post on the intranet the Standards of Conduct for Employees of the Executive Branch and policies on EEO, labor and employee relations, and the No FEAR Act. We follow the No FEAR Act requirements and consider the appropriate disciplinary action in all cases, where necessary.

B. *With respect to these laws, the number of employees disciplined in accordance with the agency's policy and the specific nature of the disciplinary action taken.*

- We did not impose discipline on any employees in FY 2013 for engaging in actions constituting discrimination, retaliation, or harassment.

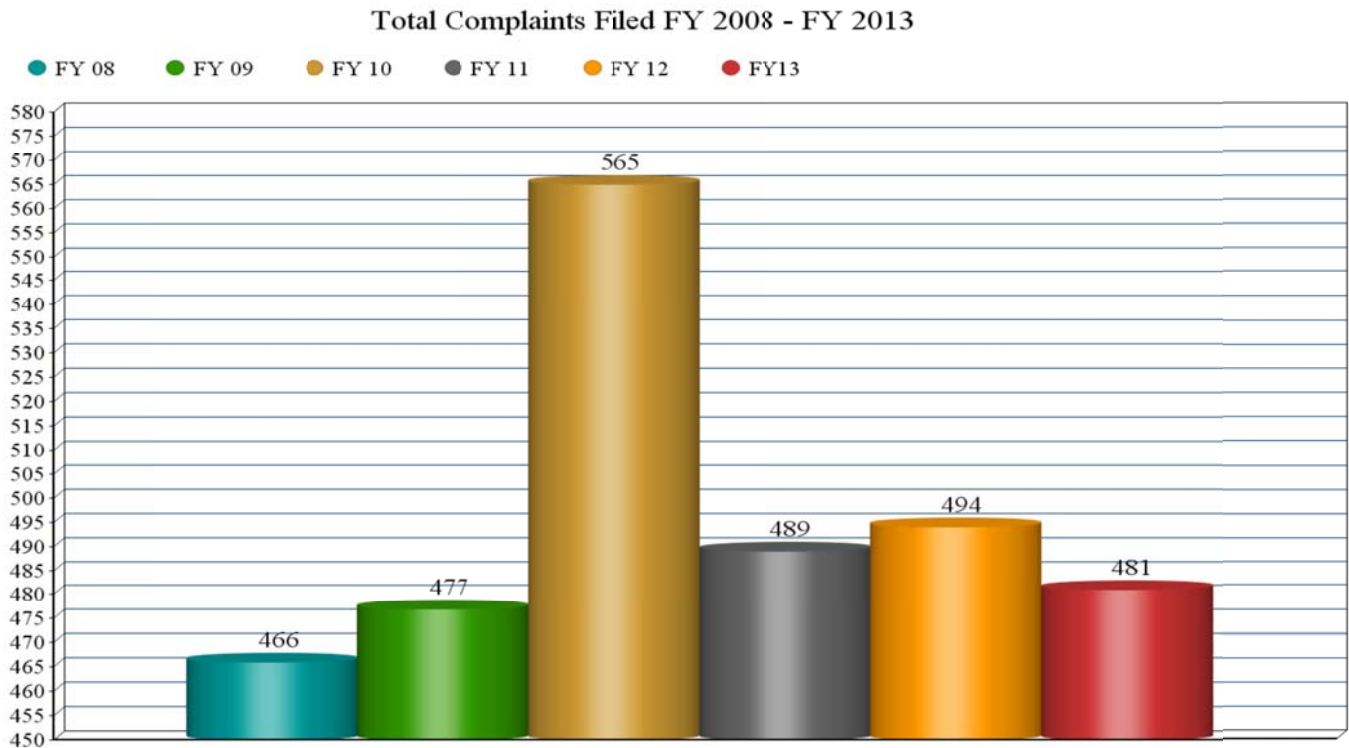
## Section IV. Analysis of Discrimination Complaints

7. An analysis of the information described under paragraphs (1) through (6) above (in conjunction with data the agency provided to the Equal Employment Opportunity Commission in compliance with 29 C.F.R. Part 1614), including:

- a. An examination of trends;
- b. Causal analysis;
- c. Practical knowledge gained through experience; and
- d. Any actions planned or taken to improve the agency's complaint or civil rights programs.

### A. Examination of Trends and Causal Analysis<sup>1</sup>

SSA typically receives between 450 and 500 new EEO complaints each fiscal year (FY 2010 was an exception, with 565 complaints filed). Over the last three fiscal years, the agency averaged 488 filings of new EEO complaints. Fiscal year 2013 complaint activity (481 complaints) reveals a 2.63 percent decrease in complaints filed from FY 2012 (494 complaints). In addition, the number of complainants who filed formal EEO complaints decreased by 3.1 percent (437 complainants in FY 2013 compared to 451 complainants in FY 2012).



<sup>1</sup> All data is from SSA's respective year's officially submitted EEOC Form 462 Report.

For FYs 2008-2013, the top three complaint bases were reprisal, age, and race, and the top issues were harassment (non-sexual), promotion/non-selection, and evaluation/appraisal. Reprisal was the leading basis from FYs 2009-2013, and age was the leading basis for FY 2008. Harassment (non-sexual) was the leading issue from FYs 2009-2013 and promotion/non-selection was the top issue for FY 2008. Our top bases and issues are consistent with those from other Federal agencies, as reported in the EEOC's FY 2012 Annual Report on the Federal Workforce.

<b>Top Three Bases Fiscal Years FY 2008 - FY 2013</b>	<b>Top Three Issues Fiscal Years FY 2008 - FY 2013</b>
Reprisal	Harassment (Non-Sexual)
Age	Promotion/Non-Selection
Race	Evaluation/Appraisal

In FY 2013, there was a 13.3 percent increase in the total number of investigations (384) completed compared to the number completed in FY 2012 (330). In FY 2013, the timeliness of our investigations decreased by 41.9 percentage points; from 82.3 percent in FY 2012 to 40.4 percent in FY 2013.

<b>Complaints</b>	<b>Fiscal Year 2008</b>	<b>Fiscal Year 2009</b>	<b>Fiscal Year 2010</b>	<b>Fiscal Year 2011</b>	<b>Fiscal Year 2012</b>	<b>Fiscal Year 2013</b>
Total Completed Investigations	238	509	482	408	339	384
Timely Completed Investigations	70	183	399	296	279	155
Percentage Timely	29.4%	35.6%	82.8%	72.5%	82.3%	40.4%
Average Days	259	259	175	190	195	252

In FY 2013, we closed 51 EEO complaints with monetary corrective actions totaling \$1,051,484. The monetary actions consisted of back pay/front pay (\$84,035), compensatory damages (\$237,554), lump sum payments (\$241,088), and attorneys' fees and costs (\$488,807).



<b>Fiscal Year</b>	<b># of Cases Closed with Monetary Corrective Actions</b>	<b>Total Amount Paid</b>
FY 2008	29	\$190,905
FY 2009	33	\$245,500
FY 2010	44	\$310,063
FY 2011	26	\$120,909
FY 2012	28	\$988,491
FY 2013	51	\$1,051,484

In FY 2013, we timely completed pre-complaint counseling at an 87.5 percent rate. We experienced a slight decrease in the pre-complaint Alternative Dispute Resolution (ADR) settlement rate, from 45.8 percent in FY 2012 to 45.1 percent in FY 2013.

	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
Total Number of Counselings	884	913	972	903	917	853
Number of Timely Counselings	621	784	896	847	871	746
Percentage Timely	70.2%	85.9%	92.2%	93.8%	95.0%	87.5%
% of Completed Counselings Resolved (Settled/Withdrawn)	47.6%	45.9%	41.6%	45.7%	45.8%	45.1%

## **B. Practical Knowledge Gained through Experience**

As our agency administers the Social Security programs and provides services that meet the changing needs of the public, we also endeavor to meet the needs of our valued staff. Our employees are the key to our success, providing the highest quality service to the American public. In order for the agency to meet its goals, a high-performing workforce is critical. We must continue to attract, retain, develop, motivate, and reward a diverse workforce and foster a culture of continuous improvement.

Our commitment to our talented and richly diverse employees enabled us to maintain our ranking in the Top Ten Federal Agencies “Best Places to Work” report for the fifth consecutive year. SSA ranked sixth overall for large agencies, and among the top ten in five out of ten individual categories.

In FY 2013, our agency performed the following activities to enhance employee awareness of workforce diversity and promote agency antidiscrimination principles:

- continued our long-standing practice of meetings with agency senior executives to provide them with detailed analyses of the workforce composition of each of their components, discuss trends, and provide recommendations on how to improve the agency’s workforce in areas of underrepresentation;
- engaged in outreach activities with SSA executives and managers nationwide to discuss EEO legal developments and ensure continued compliance with anti-discrimination laws;

- provided EEO training to managers and employees nationwide on a variety of EEO subjects, including basic EEO, cultural sensitivity, management pitfalls, EEO laws, anti-harassment, and ADR as part of our continual effort to heighten awareness of how EEO issues arise in the workplace;
- presented diversity and inclusion training;
- presented training to managers on ethics and reasonable accommodations, including how to navigate the reasonable accommodation process;
- provided training on the reasonable accommodation process and employment law to newly hired attorneys to encourage appreciation for workforce diversity and agency antidiscrimination principles and policies and ensure they provide sound legal advice in these areas;
- completed No FEAR Act training with a 98.5 percent participation rate;
- updated the No FEAR Act Disciplinary Policy and EEO policy statement;
- updated the No FEAR Act Notice and the Harassing Conduct section in the agency's Annual Personnel Reminders;
- held eight Special Emphasis Program Observances and four memorial observances at SSA Headquarters to celebrate diversity and the contributions of individuals from all protected groups and veterans;
- continued hosting diversity celebrations for regional employees that highlighted the ethnicity and culture of diverse groups represented in the regions, in conjunction with our eight advisory councils;
- formally chartered our eighth advisory council, the Veterans and Military Affairs Advisory Council, to advise agency leadership on veteran issues and improve service delivery to our veteran population;
- participated in three outreach workshops hosted by Veterans' Service organizations and local State Career Service Centers, meeting with veterans and individuals with disabilities to provide information on qualifying and applying for Federal jobs;
- maximized use of Schedule A and veterans hiring flexibilities to focus on employment of individuals with disabilities; of the 1,326 employees we hired in FY 2013, 264 self-reported as having a disability (19.9 percent of all hires for the period);
- participated in the League of United Latin American Citizens and the Federal Training Institute Partnership Conference;
- continued visiting Historically Black Colleges and Universities, Hispanic Serving Institutions, Tribal Colleges and Universities, and Asian American and Native American Pacific Islander Serving Institutions in our efforts to recruit a diverse workforce;

- sponsored 30 interns from the Washington Internships for Native Students Program, providing Native American students with professional, real-world work experience through internship experiences at SSA Headquarters, for a total contribution to Tribal Colleges and Universities of \$397,290;
- participated in recruitment events hosted by colleges and universities (including Minority Serving Institutions), attended job fairs and career days, and provided information on SSA employment opportunities to students at colleges and universities;
- discussed the benefits of ADR during workforce profile meetings with each Deputy Commissioner and encouraged greater participation to resolve cases at the earliest opportunity; for the second consecutive year, over 60 percent of SSA managers agreed to participate in ADR;
- promoted the use of the Employees Assistance Program (EAP) throughout the agency;
- held three Diversity & Inclusion (D&I) Council meetings, on January 28, April 3, and September 12; the Chief of Staff and the Chief Diversity Officer co-chair the D&I Council. Council members include agency executives and representatives from the Advisory Councils, Management Associations, and Unions;
- developed a Diversity and Inclusion Strategic Plan in support of Executive Order 13583, *Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workplace*; the plan identifies our goals of Workforce Diversity, Workplace Inclusion, and Sustainability; and
- established an agency-level Diversity and Inclusion Champion Award to acknowledge the outstanding contributions and significant work of individuals and teams who actively promote diversity and inclusion excellence in our agency each year.

### **C. Actions Planned to Improve Agency Complaint or Civil Rights Program**

In FY 2014, SSA will address the following plan objectives to improve our program:

- collect and analyze Applicant Flow Data from the USA Staffing Program Office at OPM;
- implement an ADR Training Plan for managers;
- continue to ensure that managers and supervisors receive annual EEO refresher training;
- improve EEO complaint processing to meet the required timeframes for processing discrimination complaints; including:
  - modifying standard operating procedures to ensure completion of EEO pre-complaint counseling within specified timelines; and
  - implementing new contract requirements and procedures to improve the quality and timeliness of contractor investigations; and
- continue working with our barrier analysis contractor to identify and resolve potential barriers to equal opportunity.

8. *Any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201.*

There are no anticipated adjustments to comply with the requirements under section 201.

## **Attachment A<sup>2</sup>**

### **Equal Employment Opportunity (EEO) Complaint Data (FY 2008 - FY 2013)**

---

<sup>2</sup> All data is from the iComplaints "No Fear Report Module."

**Equal Employment Opportunity Data Posted  
Pursuant to the No FEAR Act:  
SSA Internal Complaint Activity**

Data as of September 30, 2013 (4th Quarter 2013)

Complaint Activity (Sec. 1614.704 (a), (b), and (c))	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data					2013 thru 9/30/13
	2008	2009	2010	2011	2012	
Number of Complaints Filed	466	477	565	489	496	481
Number of Complainants	421	413	510	448	453	437
Repeat Filers	31	51	44	35	37	36

Complaints by Basis (Sec. 1614.704(d)) <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data					2013 thru 9/30/13
	2008	2009	2010	2011	2012	
Race	174	181	215	214	179	181
Color	18	27	37	37	37	33
Religion	12	17	25	24	12	22
Reprisal	195	229	260	236	257	228
Sex	136	153	171	152	153	172
National Origin	62	51	67	42	49	53
Equal Pay Act	0	1	0	0	0	0



Complaints by Basis (Sec. 1614.704(d)) <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data					2013 thru 9/30/13
	2008	2009	2010	2011	2012	
Age	199	211	236	202	193	176
Disability	162	155	153	140	163	150
Genetics	0	0	0	1	0	0
Pregnancy Discrimination Act	0	0	0	0	3	4
Non-EEO Basis	33	42	57	44	44	38
Complaints by Issue (Sec. 1614.704(e)) <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data					2013 thru 9/30/13
	2008	2009	2010	2011	2012	
Appointment/Hire	18	13	22	15	22	11
Assignment of Duties	43	46	60	50	51	36
Awards	35	33	49	24	23	34

Complaints by Issue (Sec. 1614.704(e)) <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data					2013 thru 9/30/13
	2008	2009	2010	2011	2012	
Conversion to Full-time	0	1	3	3	0	1
Disciplinary Action						
--Demotion	7	3	7	9	3	7
--Reprimand	27	18	32	26	21	21
--Removal	7	11	9	3	5	2
--Suspension	19	9	30	25	18	16
--Other	2	5	4	4	8	7
Duty Hours	5	4	3	1	4	0
Evaluation Appraisal	60	68	83	78	83	69

Complaints by Issue (Sec. 1614.704(e)) <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data					2013 thru 9/30/13
	2008	2009	2010	2011	2012	
Examination/Test	0	0	1	0	0	0
Harassment						
--Non-Sexual	135	176	231	211	239	243
--Sexual	8	13	17	13	13	12
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	15	24	14	13	22	8
Promotion/Non-Selection	177	160	161	157	158	127
Reassignment						
--Denied	10	11	11	13	14	14

Complaints by Issue (Sec. 1614.704(e)) <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data					2013 thru 9/30/13
	2008	2009	2010	2011	2012	
--Directed	9	9	9	9	11	3
Reasonable Accommodation	55	58	43	47	54	50
Reinstatement	2	1	0	2	1	2
Retirement	8	5	2	8	6	4
Termination	27	43	51	56	24	17
Terms/Conditions of Employment	38	23	49	43	30	33
Time and Attendance	44	46	59	49	57	44
Training	23	31	21	27	18	10
Other	32	33	46	39	30	40

Processing Time (Sec. 1614.704 (f)) – The average length of time it has taken an agency to complete, respectively, investigation in final action for:	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data					2013 thru 9/30/13
	2008	2009	2010	2011	2012	
<b>Complaints pending (for any length of time) during fiscal year</b>						
Average number of days in investigation stage	274	257	174	185	193	251
Average number of days in final action stage	121	104	89	76	87	176
<b>Complaints pending (for any length of time) during fiscal year where hearing was requested</b>						
Average number of days in investigation stage	275	249	172	183	191	244
Average number of days in final action stage	15	18	15	35	35	111
<b>Complaints pending (for any length of time) during fiscal year where hearing was not requested</b>						
Average number of days in investigation stage	272	271	180	190	199	265

Processing Time (Sec. 1614.704 (f)) – The average length of time it has taken an agency to complete, respectively, investigation in final action for:	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data					2013 thru 9/30/13
	2008	2009	2010	2011	2012	
Average number of days in final action stage	212	162	131	132	154	243
Complaints Dismissed by Agency (Sec. 1614.704 (g))	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data					2013 thru 9/30/13
	2008	2009	2010	2011	2012	
Total Complaints Dismissed by Agency	63	69	73	86	55	75
Average days pending prior to dismissal	82	193	115	103	160	147
Complaints Withdrawn by Complainants						
Total complaints Withdrawn by Complainants	41	77	41	61	55	45



Total Final Actions Finding Discrimination ((Sec. 1614.704 (i)))	Comparative Data ((Sec. 1614.705)) Previous Fiscal Year Data										2013 thru 9/30/13	
	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	3		0		3		2		4		4	
Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
With Hearing	3	100	0	0	3	100	2	100	4	100	4	100
Findings of Discrimination Rendered by Basis (Sec. 1614.704 (i)) <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2013 thru 9/30/13	
	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	3		0		3		2		4		4	

Findings of Discrimination Rendered by Basis (Sec. 1614.704 (i)) <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2013 thru 9/30/13	
	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
Race	0	0	0	0	0	0	1	50	0	0	1	25
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	1	25
Reprisal	1	33	0	0	1	33	1	50	3	75	1	25
Sex	1	33	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	1	33	0	0	2	67	1	50	0	0	2	50
Disability	2	67	0	0	0	0	0	0	1	25	1	25

Findings of Discrimination Rendered by Basis (Sec. 1614.704 (i)) <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2013 thru 9/30/13	
	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
<b>Findings After Hearing</b>	3	100	0	0	3	100	2	100	4	100	4	100
Race	0	0	0	0	0	0	1	50	0	0	1	25
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	1	25
Reprisal	1	33	0	0	1	33	1	50	3	75	1	25
Sex	1	33	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis (Sec. 1614.704 (i)) <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2013 thru 9/30/13	
	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	1	33	0	0	2	67	1	50	0	0	2	50
Disability	2	67	0	0	0	0	0	0	1	25	1	25
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
<b>Findings Without Hearing</b>	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

Findings of Discrimination Rendered by Basis (Sec. 1614.704 (i)) <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2013 thru 9/30/13	
	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
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	1	100	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
<b>Findings of Discrimination</b>	<b>Comparative Data (Sec. 1614.705) Previous Fiscal Year Data</b>										<b>2013 thru 9/30/13</b>	

Rendered by Issue (Sec. 1614.704 (j))	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
	<b>Total Number Findings</b>	3		0		3		2		4		4
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	1	33	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disciplinary Action</b>												
--Demotion	0	0	0	0	0	0	0	0	0	0	0	0
--Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
--Suspension	0	0	0	0	0	0	0	0	0	0	0	0



Findings of Discrimination Rendered by Issue (Sec. 1614.704 (j))	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2013 thru 9/30/13	
	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
--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	1	33	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	2	50	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
--Non-Sexual	1	33	0	0	0	0	0	0	1	25	0	0
--Sexual	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue (Sec. 1614.704 (j))	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2013 thru 9/30/13	
	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
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	1	33	0	0	2	67	2	100	0	0	3	75
Reassignment												
--Denied	0	0	0	0	0	0	0	0	0	0	1	25
--Directed	0	0	0	0	0	0	0	0	1	25	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	1	25	1	25

Findings of Discrimination Rendered by Issue (Sec. 1614.704 (j))	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2013 thru 9/30/13	
	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
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	1	33	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	1	25	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
<b>Findings After Hearing</b>	3	100	0	0	3	100	2	100	4	100	4	100

Findings of Discrimination Rendered by Issue (Sec. 1614.704 (j))	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2013 thru 9/30/13	
	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	1	33	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												
--Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
--Suspension	0	0	0	0	0	0	0	0	0	0	0	0
--Removal	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue (Sec. 1614.704 (j))	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2013 thru 9/30/13	
	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
--Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	1	33	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	2	50	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
--Non-Sexual	1	33	0	0	0	0	0	0	1	25	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

Findings of Discrimination Rendered by Issue (Sec. 1614.704 (j))	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2013 thru 9/30/13	
	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	1	33	0	0	2	67	2	100	0	0	3	75
Reassignment												
--Denied	0	0	0	0	0	0	0	0	0	0	1	25
--Directed	0	0	0	0	0	0	0	0	1	25	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	1	25	1	25
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0



Findings of Discrimination Rendered by Issue (Sec. 1614.704 (j))	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2013 thru 9/30/13	
	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
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	1	33	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	1	25	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
<b>Findings Without Hearing</b>	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

Findings of Discrimination Rendered by Issue (Sec. 1614.704 (j))	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2013 thru 9/30/13	
	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
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												
--Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
--Suspension	0	0	0	0	0	0	0	0	0	0	0	0
--Removal	0	0	0	0	0	0	0	0	0	0	0	0
--Other	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue (Sec. 1614.704 (j))	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2013 thru 9/30/13	
	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
--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												
--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

Findings of Discrimination Rendered by Issue (Sec. 1614.704 (j))	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2013 thru 9/30/13	
	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
--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

Findings of Discrimination Rendered by Issue (Sec. 1614.704 (j))	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2013 thru 9/30/13	
	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
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	1	100	0	0	0	0	0	0	0	0	0	0
Pending Complaints Filed in Previous Fiscal Years by Status (Sec. 1614.704 (I))	Comparative Data Previous Fiscal Year Data					2013 thru 9/30/13						
	2008	2009	2010	2011	2012							
Total complaints from previous Fiscal Years	575	692	745	783	685	526						
Total Complainants	478	574	611	646	642	414						

Pending Complaints Filed in Previous Fiscal Years by Status (Sec. 1614.704 (l))	Comparative Data Previous Fiscal Year Data					2013 thru 9/30/13
	2008	2009	2010	2011	2012	
<b>Number complaints pending</b>						
Investigation	66	48	50	40	41	54
ROI Issued, pending Complainant's action	4	4	0	1	3	2
Hearing	188	260	257	303	326	265
Final Agency Action	30	29	46	43	63	74
Appeals with EEOC Office of Federal Operations	69	84	131	152	149	131
Complaint Investigations (Sec.1614.704(m))	Comparative Data (Sec.1614.705) Previous Fiscal Year Data					2013 thru 9/30
	2008	2009	2010	2011	2012	
Pending Completion Where Investigation						

Complaint Investigations (Sec.1614.704(m))	Comparative Data (Sec.1614.705) Previous Fiscal Year Data					2013 thru 9/30
	2008	2009	2010	2011	2012	
Exceeds Required Time Frames	183	81	60	60	64	48

## **Attachment B**

### **SSA's No FEAR Act Notice Posted on the Agency's Internet Webpage**

**<http://www.ssa.gov/eo/nofear/>**



## **EEO Data Posted Pursuant to the No Fear Act**

---

### **No FEAR Act Notice**

On May 15, 2002, Congress enacted the “Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002,” which is now known as the No FEAR Act. One purpose of the Act is to “require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws.” Public Law 107-174, Summary. In support of this purpose, Congress found that “agencies cannot be run effectively if those agencies practice or tolerate discrimination.” Public Law 107-174, Title I, General Provisions, section 101(1).

The Act also requires this agency to provide this notice to Federal employees, former Federal employees and applicants for Federal employment to inform you of the rights and protections available to you under Federal antidiscrimination and whistleblower protection laws.

### **Antidiscrimination Laws**

A Federal agency cannot discriminate against an employee or applicant with respect to the terms, conditions or privileges of employment on the basis of race, color, religion, sex, national origin, age, disability, marital status or political affiliation. Discrimination on these bases is prohibited by one or more of the following statutes: 5 U.S.C. 2302(b)(1), 29 U.S.C. 206(d), 29 U.S.C. 631, 29 U.S.C. 633a, 29 U.S.C. 791 and 42 U.S.C. 2000e-16.

This agency also prohibits discrimination based on parental status and sexual orientation. Executive Order 13152 states explicitly that discrimination based upon an individual’s status as a parent is prohibited within the Executive Branch of the Federal Government. The right to address sexual orientation discrimination derives from Agency policy.

If you believe that you have been the victim of unlawful discrimination on the basis of race, color, religion, sex, national origin, disability, parental status or sexual orientation you must contact an Equal Employment Opportunity (EEO) counselor within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action, before you can file a formal complaint of discrimination with the Agency. See, e.g. 29 CFR 1614. If you believe that you have been the victim of unlawful discrimination on the basis of age, you must either contact an EEO counselor as noted above or give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 calendar days of the alleged discriminatory action. If you are alleging discrimination based on

marital status or political affiliation, you may file a written complaint with the U.S. Office of Special Counsel (OSC) (see contact information below). In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through the Agency's administrative or negotiated grievance procedures, if such procedures apply and are available.

#### Whistleblower Protection Laws

A Federal employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless disclosure of such information is specifically prohibited by law and such information is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. 2302(b)(8). If you believe that you have been the victim of whistleblower retaliation, you may file a written complaint (Form OSC-11) with the U.S. Office of Special Counsel at 1730 M Street NW., Suite 218, Washington, DC 20036-4505 or online through the OSC Web site—<http://www.osc.gov>.

#### Retaliation for Engaging in Protected Activity

A Federal agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protection laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

#### Disciplinary Actions

Under the existing laws, each agency retains the right, where appropriate, to discipline a Federal employee for conduct that is inconsistent with Federal Antidiscrimination and Whistleblower Protection Laws up to and including removal. If OSC has initiated an investigation under 5 U.S.C. 1214, however, according to 5 U.S.C. 1214(f), agencies must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act

alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

#### Additional Information

For further information regarding the No FEAR Act regulations, refer to 5 CFR part 724. You may also contact the Office of Civil Rights and Equal Opportunity (Headquarters), the appropriate Civil Rights and Equal Opportunity office (Regions), or the Civil Rights and Equal Opportunity Manager (Office of Disability Adjudication and Review). Additional information regarding Federal antidiscrimination, whistleblower protection and retaliation laws can be found at the EEOC Web site– <http://www.eeoc.gov> and the OSC Web site–<http://www.osc.gov>.

#### Existing Rights Unchanged

Pursuant to section 205 of the No FEAR Act, neither the Act nor this notice creates, expands or reduces any rights otherwise available to any employee, former employee or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. 2302(d).