



SOCIAL SECURITY

Office of Human Resources

March 27, 2015

The Honorable Joseph R. Biden
S-212 Capitol Bldg.
United States Senate
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) 2014. 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 2014 No FEAR Act Report to the designated members of the 114th 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 Kojuan Almond, Associate Commissioner, Office of Civil Rights and Equal Opportunity, at 410-965-4531.

Sincerely,

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 2014





**Notification and Federal Employee
Antidiscrimination and
Retaliation (No FEAR) Act
Annual Report
Fiscal Year (FY) 2014**

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Social Security Administration (SSA)
No FEAR Act Report
Fiscal Year (FY) 2014

The No FEAR Act requires Federal agencies to submit to Congress, the Equal Employment Opportunity Commission (EEOC), the United States Attorney General, and the Office of Personnel Management (OPM), an annual report describing: (1) the 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 the agency must respond.

Section I. Summary of District Court Cases (FY 2014)

The data below show all cases and payments to the Judgment Fund in FY 2014, 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 2014.

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 2014: 32
- The total pending cases alleged violations of the following laws:
 - Title VII of the Civil Rights Act (Title VII): 27 cases
 - Age Discrimination in Employment Act (ADEA): 11 cases
 - Rehabilitation Act (disability): 14 cases
- Of the total pending cases at the close of FY 2014, 16 were new cases received in FY 2014.
- The 16 new cases alleged violations of the following laws:
 - Title VII: 12 cases
 - ADEA: 7 cases
 - Rehabilitation Act (disability): 6 cases

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

- Federal court cases concluded in FY 2014: 18
 - Dismissed/Judgment for SSA: 12
 - Judgment against SSA: 0
 - Settled: 6

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: \$226,655
- Attorney's Fees: \$30,000

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 disciplined one employee (demotion).

Section II. Year-End Data

5. *The final year-end data posted under section 301(c)(1)(B) for FY 2014 (without regard to section 301(c)(2)).*

- See Attachment A for SSA's No FEAR Act data for FY 2014. SSA updates the data quarterly and posts the information online at <http://www.ssa.gov/eeo/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, SSA follows OPM's Government-wide regulations found in 5 C.F.R. for disciplinary actions against employees who violate 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 conduct. The agency provides the information to employees in new employee orientation, biennial equal employment opportunity (EEO) training, 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, policies on EEO and labor and employee relations, the No FEAR Act Notice, and Whistleblower Protection Act and Prohibited Personnel Practices information. 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.*

SSA imposed discipline on 15 employees in FY 2014 for engaging in actions constituting discrimination, retaliation, or harassment. The disciplinary actions included reprimands and suspensions. Additionally, we provided counseling and required participation in EEO Sensitivity Training, where appropriate.

Section IV. Analysis of Discrimination Complaints

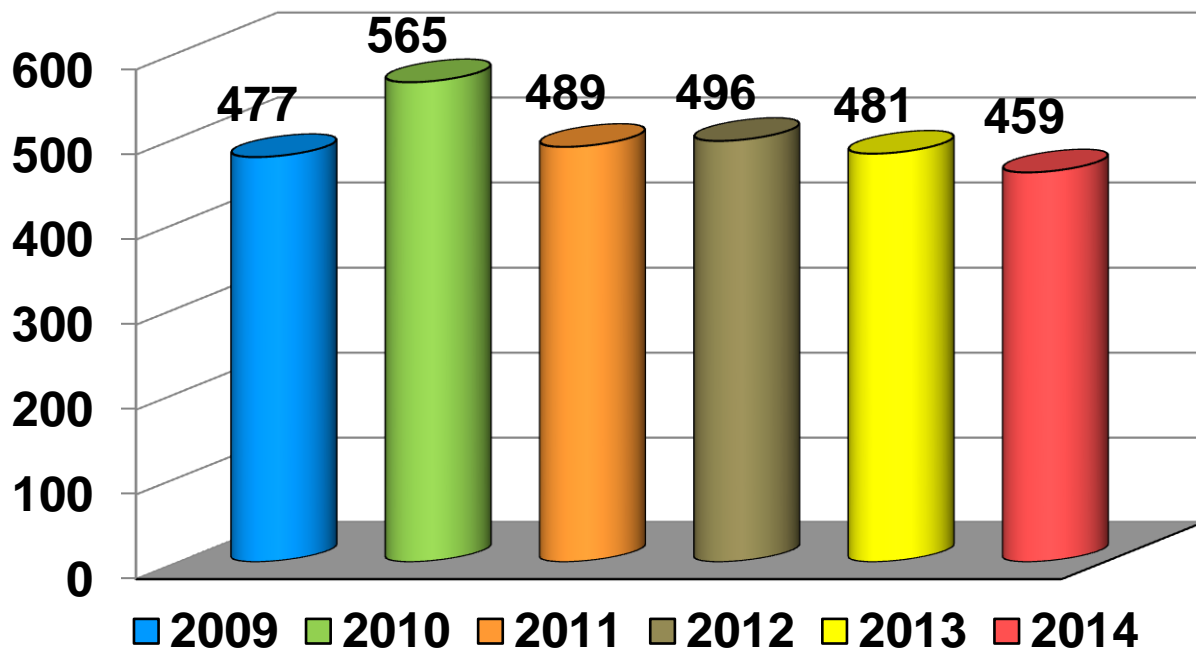
7. An analysis of the information described under paragraphs (1) through (6) above (in conjunction with data the agency provided to the Equal Employment Opportunity Commission in compliance with 29 C.F.R. Part 1614), including:

- 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 Analysis¹

In FY 2014, SSA recorded the lowest number of formally filed EEO complaints since FY 2009. In FY 2014, there were 22 fewer complaints filed (459) compared to FY 2013 (481). Over the last six fiscal years, the agency averaged 495 filings of new EEO complaints. The agency experienced an approximately 19 percent decrease in formal complaints filed from FY 2010 (565) compared to FY 2014 (459).

Total EEO Formal Complaints Filed FY 2009 – FY 2014



¹ All data are from SSA's respective year's officially submitted EEOC Form 462 and No FEAR Reports. Note: In the FY 2013 No FEAR Report, we reported 494 complaints filed in FY 2012. In this Report, we revised the number to 496 to reflect data added to the case reporting system after the September 30, 2012 cutoff date for capturing FY 2012 information.

The top three bases and issues have remained consistent for the past six years. Reprisal was the leading basis from FYs 2009-2014 with 210 complaints, followed by age and race respectively. In FY 2014, there were 184 allegations based on age and race; allegations based on sex were 155 for formal complaints filed during the reporting period. Harassment (Non-sexual) was the leading issue for formally filed complaints from FY 2009 to 2014, followed by promotion/non-selection and evaluation/appraisal, respectively, for each year. 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.

Top Three Bases Fiscal Years FY 2009 - FY 2014	Top Three Issues Fiscal Years FY 2009 - FY 2014
Reprisal	Harassment (Non-Sexual)
Age	Promotion/Non-Selection
Race	Evaluation/Appraisal

In FY 2014, SSA completed 352 investigations of EEO complaints. We processed those investigations more timely in FY 2014 than in FY 2013 by 9.9 percent.

	Fiscal Year 2009	Fiscal Year 2010	Fiscal Year 2011	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014
Total of Investigations Completed	509	482	408	339	384	352
Total of Timely Investigations Completed	183	399	296	279	155	177
Percent of Timely Investigations Completed	36%	82.8%	72.5%	82.3%	40.4%	50.3%
Total Average Days to Complete Investigations	259	175	190	195	252	257

In FY 2014, SSA closed 46 EEO complaints with monetary corrective actions totaling \$851,742. These amounts reflect five fewer complaints and \$199,742 less in payouts than in FY 2013. The breakdown for monetary actions in FY 2014 consisted of back pay/front pay (\$18,421), lump sum payments (\$678,339), and attorneys' fees and costs (\$154,982).

Fiscal Year	Number of Cases Closed with Monetary Corrective Actions	Total Amount Paid
FY 2014	46	\$851,742
FY 2013	51	\$1,051,484
FY 2012	28	\$988,490
FY 2011	26	\$120,909
FY 2010	44	\$310,063
FY 2009	33	\$245,500

SSA processed 56 more pre-complaint counseling cases in FY 2014 (909) compared to FY 2013 (853), a 6.6 percent increase. Of the 909 counselings, 90.3 percent were timely, an increase of 2.9 percent from the previous fiscal year. The FY 2014 number of pre-complaints resolved at counseling increased by 3.8 percent over FY 2013. A “resolved” pre-complaint counseling is a case resulting in a settlement, a withdrawal, or no formal complaint filed.

	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Total Number of Counselings Closed	913	972	903	917	853	909
Number of Timely Counselings	784	896	847	871	746	821
Percentage of Timely Counselings	85.9%	92.2%	93.8%	95.0%	87.5%	90.3%
Percentage of Completed Counselings Resolved (Settled/Withdrawn/ No Formal Filed)	45.9%	41.6%	45.7%	45.8%	45.1%	49.0%

B. Practical Knowledge Gained Through Experience

As the 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 the agency's success, providing the highest quality service to the American public. 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.

A commitment to our talented and richly diverse employees enables the agency to maintain its ranking in the Top Ten Federal Agencies "Best Places to Work" report for the sixth consecutive year. SSA ranked sixth overall for large agencies.

SSA is strongly committed to the principles of EEO and the successful implementation of its EEO Program. This commitment is seen at all levels of the agency, from the Acting Commissioner of Social Security, Carolyn W. Colvin, to the agency's senior executives, managers, and employees, all of whom are dedicated to creating and maintaining an environment free from discrimination, retaliation, and harassment.

SSA is committed to fostering a diverse and inclusive work environment, where EEO applies to all, and where employment decisions are merit-based. Our EEO policy clearly conveys our commitment to EEO, intolerance of discrimination and harassment of any kind, and our effort to ensure that all individuals have an equal opportunity for success. We disseminate the EEO Policy annually to all employees.

On May 27, 2014, Acting Commissioner Carolyn W. Colvin reaffirmed SSA's commitment to EEO principles when she issued the agency's annual EEO Policy to all employees. We have also implemented the following policies: Preventing and Responding to Gender-Based Violence; Discrimination Based on Parental Status; Prevention and Elimination of Harassment in the Workplace; and Alternative Dispute Resolution (ADR).

In FY 2014, SSA conducted the following activities to enhance employee awareness of workforce diversity and promote agency antidiscrimination principles:

- continued its long-standing practice of meeting with agency senior executives to provide detailed analyses of the workforce composition of their components, discuss trends, and provide recommendations on improving areas of underrepresentation;
- engaged in outreach activities with agency executives and managers nationwide to discuss EEO legal developments and ensure continued compliance with antidiscrimination 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;
- held three Diversity & Inclusion (D&I) Council meetings chaired by the agency's Chief of Staff and the Chief Diversity Officer. Council members include agency executives, leadership from the Advisory Councils representing eight affinity groups, agency management associations, and the unions;

- presented diversity and inclusion training;
- instituted monthly meetings between the Office of Civil Rights and Equal Opportunity (OCREO) and Acting Commissioner Colvin and weekly meetings between OCREO and a designated Senior Advisor within the Acting Commissioner's office to obtain agency head guidance and share EEO process improvements;
- conducted a top-to-bottom review of OCREO and the EEO process that resulted in restructuring the office to put case processing under one manager, hiring five new managers, and reassigning staff to maximize OCREO's efficiency and effectiveness;
- hired 14 new EEO Specialists in OCREO to improve case processing and agency reporting efficiency;
- developed new EEO workload reports to assess productivity and increase accountability;
- engaged in a benchmarking initiative with 10 Federal agencies to identify EEO best practices we can adopt;
- held a week-long meeting with Regional Civil Rights and Equal Opportunity Managers (CREOMs) to share best practices and standardize procedures;
- ensured that regional EEO counselors report to CREOMs for counseling activities;
- established a Standard Operating Procedures (SOP) Workgroup to develop SOPs for each EEO practice area (e.g., counseling, ADR, intake, investigations, FADs, appeals) to standardize EEO policies and procedures and ensure uniform case processing across every agency EEO office;
- issued an agency-wide Commissioner Broadcast expressing support for and commitment to ADR, and encouraging employees to use ADR;
- established an ADR Workgroup to enhance the existing ADR program by focusing on specific initiatives to increase awareness and participation;
- began mandatory ADR training for Headquarters managers;
- included ADR in EEO training to all employees;
- began developing a new ADR Policy holding management accountable for EEO compliance and participation;
- established a Uniform EEO Training Workgroup to create a standardized package of EEO training materials for agency-wide use, to provide consistent, legally compliant EEO training to all agency managers and employees;
- developed a training matrix template to capture all live and virtual training provided each fiscal year;
- provided Annual Refresher and New Counselor EEO training;
- trained seven new Final Agency Decision Analysts in OCREO;

- emphasized the importance of timely EEO processing with staff by appraising staff on timeliness;
- funded Contracting Officer training for EEO Specialists;
- began drafting a new Blanket Purchase Agreement and Statement of Work for EEO contractors that holds them accountable for timely, quality work products;
- started developing an automated template, SOP, and product deficiency checklist for required monthly contractor reporting, to hold contractors accountable for their work products;
- began developing a pilot to use EEO specialists as Task Managers to allow direct contact with contractors to communicate timeliness and quality concerns more efficiently;
- ensured timely submission of all EEO files to EEOC;
- issued SSA's "Policy on the Prevention and Elimination of Harassment in the Workplace," describing what constitutes prohibited harassment, employees' and management's responsibilities, the corrective actions management may take when harassment is found, the confidentiality of the reporting process, and protections against reprisal;
- began developing a new anti-harassment program and process with identified timeframes, specific skills and training needs, and case tracking and reporting requirements, to ensure uniform processing of harassment complaints;
- collaborated with SSA's Office of the General Counsel to finalize operating guidelines and a business flow chart to clarify their roles in the EEO process;
- developed posters and a Video on Demand educating employees on whistleblower protection and prohibited personnel practices, which also advertised the Office of the Inspector General's Whistleblower Protection Ombudsman program;
- transferred all contracting functions for EEO conflict cases to an employee outside of OCRCO;
- restricted internal staff access to all EEO conflict case information;
- held eight Special Emphasis Program Observances and four memorial observances at SSA Headquarters, including a program honoring the 50th anniversary of the Civil Rights Act of 1964, 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;
- hosted and provided recruitment information at a job fair with approximately 50-60 attendees, including several candidates for both Schedule A and Veterans Recruitment Appointment referrals for the Division of Rehabilitation Services;
- hosted a Work Incentive Seminar Event webinar titled "Ticket to Work: Support for People with Disabilities and the Journey to Financial Independence," which focused on Supplemental

Security Income and Social Security Disability Insurance beneficiaries who are interested in work and on those who support these beneficiaries;

- provided training to Employment Networks regarding recent regulatory changes implementing Section 503 of the Rehabilitation Act, which prohibits Federal contractors from discriminating in employment against individuals with disabilities;
- sponsored 28 interns from the Washington Internships for Native Students Program, providing Native American students with professional work experience, leadership skills, and an understanding of our agency's mission;
- continued visiting Historically Black Colleges and Universities, Hispanic Serving Institutions, Tribal Colleges and Universities, and Asian American and Native American Pacific Islander Serving Institutions to recruit a diverse workforce;
- participated in recruitment events hosted by colleges and universities, including Minority Serving Institutions, attended job fairs and career days, and provided information on agency employment opportunities to students at colleges and universities;
- promoted the use of the Employees Assistance Program throughout the agency;
- maximized use of Schedule A and veterans hiring flexibilities; 15.3 percent of all FY 2014 agency permanent hires self-declared as having a disability and 40.7 percent of all agency permanent hires were Veterans.

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

In FY 2015, SSA will address the following objectives to improve our program:

- continue Anti-Harassment Workgroup efforts to clarify the existing Anti-Harassment Policy and prepare Standard Operating Procedures for processing harassment allegations;
- continue Alternative Dispute Resolution Workgroup efforts to increase management and employee use of mediation for early, positive resolutions to EEO complaints;
- continue Standard Operating Procedures Workgroup efforts to ensure the consistent use of legally compliant and universally applied EEO processes and procedures;
- continue Uniform EEO Training Workgroup efforts to create a standardized package of EEO training materials for agency-wide use to provide consistent, legally compliant EEO training to all agency managers and employees;
- purchase an Executive Dashboard from our agency's EEO software vendor, allowing us to validate data and identify problematic reporting areas;
- finalize the automated template for monthly contractor reporting to facilitate accountability;
- finalize the Blanket Purchase Agreement and Statement of Work for EEO contractors to hold them accountable for timely, quality work;

- finalize the automated template, SOP, and product deficiency checklist for required monthly contractor reporting;
 - finalize the pilot to use EEO specialists as Task Managers to allow direct contact with contractors; at the close, evaluate the effectiveness of using/expanding the Task Manager concept;
 - plan and conduct an FY 2015 meeting for OCREO and the CREOMs that will include partners such as the Office of the General Counsel, the Office of Labor-Management and Employee Relations, and the Office of Personnel;
 - plan and implement FY 2015 Counselor training;
 - continue collecting and analyzing Applicant Flow Data from the USA Staffing Program Office at OPM;
 - continue improving EEO complaint processing to meet the required timeframes for processing discrimination complaints;
 - study harassment complaint data to determine whether trends or anomalies exist;
 - enhance the Veterans Inspired Nimble and Empowered program, a new OCREO program to support recently hired veterans to increase employee engagement and provide positive support and reinforcement to increase new hire retention; and
 - implement a Barrier Obliteration Program, a new OCREO initiative to aggressively and proactively identify and eradicate real and perceived barriers to EEO.
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 A²

Equal Employment Opportunity (EEO) Complaint Data (FY 2009 - FY 2014)

² 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, 2014

Complaint Activity Sec.1614.704 (a),(b),and (c)	Comparative Data (Sec.1614.705) Previous Fiscal Year Data					2014 thru 9/30
	2009	2010	2011	2012	2013	
Number of Complaints Filed	477	565	489	496	481	459
Number of Complainants	413	510	448	453	437	434
Repeat Filers	51	44	35	37	36	24

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					2014 thru 9/30
	2009	2010	2011	2012	2013	
Race	181	215	214	179	181	184
Color	27	37	37	37	33	26
Religion	17	25	24	12	22	16
Reprisal	229	260	236	257	228	210
Sex	153	171	152	153	172	155
National Origin	51	67	42	49	53	47
Equal Pay Act	1	0	0	0	0	0
Age	211	236	202	193	176	184
Disability	155	153	140	163	150	149
Genetics	0	0	1	0	0	1
Pregnancy Discrimination Act	0	0	0	3	4	1
Non-EEO Basis	42	57	45	42	35	56

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					2014 thru 9/30
	2009	2010	2011	2012	2013	
Appointment/Hire	13	22	15	22	11	8
Assignment of Duties	46	60	50	51	36	37
Awards	33	49	24	23	34	9
Conversion to Full-time	1	3	3	0	1	1
Disciplinary Action						
--Demotion	3	7	9	3	7	8
--Reprimand	18	32	26	21	21	11
--Removal	11	9	3	5	2	2
--Suspension	9	30	25	18	16	11
--Other	5	4	4	8	7	2
Duty Hours	4	3	1	4	0	3
Evaluation Appraisal	68	83	78	83	69	59
Examination/Test	0	1	0	0	0	0
Harassment						
--Non-Sexual	176	231	211	239	43	225
--Sexual	13	17	13	13	12	18
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	24	14	13	22	8	8
Promotion/Non-Selection	160	161	157	158	127	138
Reassignment						
--Denied	11	11	13	14	14	13
--Directed	9	9	9	11	3	10
Reasonable Accommodation	58	43	47	54	50	52
Reinstatement	1	0	2	1	2	0
Retirement	5	2	8	6	4	9
Termination	43	51	56	24	17	13
Terms/Conditions of Employment	23	49	43	30	33	24
Time and Attendance	46	59	49	57	44	36
Training	31	21	27	18	10	8
Other	33	46	39	30	40	25

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					2014 thru 9/30
	2009	2010	2011	2012	2013	
Complaints pending (for any length of time) during fiscal year						
Average number of days in investigation stage	257	174	185	193	251	265
Average number of days in final action stage	104	89	76	87	176	140
Complaints pending (for any length of time) during fiscal year where hearing was requested						
Average number of days in investigation stage	249	172	183	191	244	243
Average number of days in final action stage	18	15	35	35	111	102
Complaints pending (for any length of time) during fiscal year where hearing was not requested						
Average number of days in investigation stage	271	180	190	199	265	292
Average number of days in final action stage	162	131	132	154	243	186

Complaints Dismissed by Agency Sec.1614.704(g)	Comparative Data (Sec.1614.705) Previous Fiscal Year Data					2014 thru 9/30
	2009	2010	2011	2012	2013	
Total Complaints Dismissed by Agency	69	73	86	55	75	41
Average days pending prior to dismissal	193	115	103	160	147	83
Complaints Withdrawn by Complainants						
Total complaints Withdrawn by Complainants	77	41	61	55	45	41

Total Final Actions Finding Discrimination (Sec.1614.704 (i))	Comparative Data (Sec.1614.705) Previous Fiscal Year Data										2014 thru 9/30	
	2009		2010		2011		2012		2013			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		3		2		4		4		0	
Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
With Hearing	0	0	3	100	2	100	4	100	4	100	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										2014 thru 9/30	
	2009		2010		2011		2012		2013			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		3		2		4		4		0	
Race	0	0	0	0	1	50	0	0	1	25	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	1	25	0	0
Reprisal	0	0	1	33	1	50	3	75	1	25	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	2	67	1	50	0	0	2	50	0	0
Disability	0	0	0	0	0	0	1	25	1	25	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	0	0	3	100	2	100	4	100	4	100	0	0
Race	0	0	0	0	1	50	0	0	1	25	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	1	25	0	0
Reprisal	0	0	1	33	1	50	3	75	1	25	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	2	67	1	50	0	0	2	50	0	0
Disability	0	0	0	0	0	0	1	25	1	25	0	0
Non-EEO	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	0
Race	0	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	0
Religion	0	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	0
Sex	0	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	0
Equal Pay Act	0	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	0
Disability	0	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	0

Findings of Discrimination Rendered by Issue Sec.1614.704(j) Findings of Discrimination Rendered by Basis Sec.1614.704(i)	Comparative Data (Sec.1614.705) Previous Fiscal Year Data										2014 thru 9/30	
	2009		2010		2011		2012		2013			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		3		2		4		4		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												
--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	1	33	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	2	50	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	1	2	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	2	67	2	100	0	0	3	75	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	1	25	0	0
Directed	0	0	0	0	0	0	1	25	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	1	25	1	25	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	1	25	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	3	100	2	100	4	100	4	100	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												
--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	1	33	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	2	50	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	1	25	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	2	67	2	100	0	0	3	75	0	0
Reassignment												
--Denied	0	0	0	0	0	0	0	0	1	25	0	0
--Directed	0	0	0	0	0	0	1	25	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	1	25	1	25	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	1	25	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												
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												
--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	0
Examination/Test	0	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	0
--Sexual	0	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	0
Pay (Including Overtime)	0	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	0
Reassignment													
--Denied	0	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	0
Reasonable Accommodation	0	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	0
Retirement	0	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	0
Terms/Conditions of Employment	0	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	0
Training	0	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	0

Pending Complaints Filed in Previous Fiscal Years by Status (Sec.1614.704(I))	Comparative Data Previous Fiscal Year					2014 thru 9/30
	2009	2010	2011	2012	2013	
Total Complaints from previous Fiscal Years	692	745	783	685	526	428
Total Complainants	574	611	646	642	414	364
Number Complaints Pending						
Investigation	48	50	40	41	54	13
ROI Issued, pending Complainant's Action	4	0	1	3	2	0
Hearing	260	257	303	326	265	315
Final Agency Action	29	46	43	63	74	74
Appeals with EEOC Office of Federal Operations	84	131	152	149	131	195

Complaint Investigations (Sec.1614.704(m))	Comparative Data (Sec.1614.705) Previous Fiscal Year Data					2014 thru 9/30
	2009	2010	2011	2012	2013	
Pending Completion Where Investigation Exceeds Required Time Frames	81	60	60	64	48	80

Attachment B
SSA's No FEAR Act Notice
Posted on the Agency's Internet Webpage
<http://www.socialsecurity.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).