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**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

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**FISCAL YEAR 2020  
ANNUAL REPORT TO CONGRESS  
ON THE NOTIFICATION AND FEDERAL EMPLOYEE  
ANTIDISCRIMINATION AND RETALIATION ACT  
(NO FEAR ACT)**

**PREPARED BY:  
THE OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY (EEO)  
PROGRAMS**

## Message from the Director of the Office of Equal Employment Opportunity Programs

It is with great pleasure that I present the National Archives and Records Administration's (NARA) Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) Annual Report for Fiscal Year 2020.

The report summarizes EEO activity in the Complaints Program and highlights activity in the Anti-Harassment Program. It provides trends for five years of reporting requirements between FY 2016 and FY 2020. While the report aims to reduce incidents of workplace discrimination, it also demonstrates NARA's commitment to the principle of EEO, fostering an inclusive work environment, providing protection from prohibited personnel practices, and promoting accountability.

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

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

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

Sincerely,

*Erica Pearson*

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Erica Pearson  
Director, Office of Equal Employment  
Opportunity Programs

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Date

Pursuant to the statutory requirements, this report is being provided to the following Members of Congress that have authority and oversight for NARA and the Executive Branch:

**The Honorable Patrick Leahy**

President Pro Tempore, United States Senate

**The Honorable Nancy Pelosi**

Speaker of the House of Representatives

**The Honorable Gary C. Peters**

Chair, Committee on Homeland Security and Governmental Affairs,  
United States Senate

**The Honorable Robert Portman**

Ranking Member, Committee on Homeland Security and Governmental Affairs,  
United States Senate

**The Honorable Patrick J. Leahy**

Chair, Committee on Appropriations, United States Senate

**The Honorable Richard Shelby**

Vice Chair, Committee on Appropriations, United States Senate

**The Honorable Chris Van Hollen**

Chair, Subcommittee on Financial Services and General Government Committee on  
Appropriations, United States Senate

**The Honorable Cindy Hyde-Smith**

Ranking Member, Subcommittee on Financial Services and General Government Committee on  
Appropriations, United States Senate

**The Honorable Carolyn B. Maloney**

Chair, House Committee on Oversight and Government Reform,  
House of Representatives

**The Honorable James Comer**

Ranking Member, House Committee on Oversight and Government Reform,  
House of Representatives

**The Honorable Michael Quigley**

Chair, Subcommittee on Financial Services and  
General Government Committee on Appropriations  
House of Representative

**The Honorable Steve Womack**

Ranking Member, Subcommittee on Financial Services and  
General Government Committee on Appropriations  
House of Representative

**The Honorable Rosa L. DeLauro**

Chair, Committee on Appropriations, House of Representatives

**The Honorable Kay Granger**

Ranking Member, Committee on Appropriations, House of Representatives

**Ms. Charlotte A. Burrows**

Chair, U.S. Equal Employment Opportunity Commission

**Ms. Kathleen McGettigan**

Acting Director, U.S. Office of Personnel Management

**The Honorable Merrick B. Garland**

Attorney General, U.S. Department of Justice

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## I. Executive Summary

The National Archives and Records Administration (NARA) provides its Annual Report to Congress as required by Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (“No FEAR Act”), Public Law 107-174. This report covers data for FY 2020.

NARA’s mission is to provide public access to Federal Government records in our custody and control. Public access to government records strengthens democracy by allowing Americans to claim their rights of citizenship, hold their government accountable, and understand their history so they can participate more effectively in their government. As the nation’s record keeper, it is vitally important that we recognize and value our employees and the public we serve. One of NARA’s Strategic Goals promises to “Build our Future Through our People.” That future depends on treating employees and the public with dignity, respect, and professionalism regardless of differences.

This report summarizes the accomplishments within the NARA’s EEO Complaints Program. In addition, it highlights the successes of the Anti-Harassment Program.

In FY 2020, NARA’s total workforce was 2,624. Of the 2,624, there were 2,576 permanent employees.

In FY 2020, NARA processed 25 informal complaints as compared to 49 informal complaints in FY 2019. Twenty-four 24 or 96% of the 25 cases were completed within the fiscal year. Fourteen (14) or 58% of 24 cases completed were timely. Of the 24 completed cases, seventeen (17) or 71% were offered mediation through NARA’s Alternate Dispute Resolution (ADR) Program (RESOLVE). Three (3) or 18% participated in the program. Twelve (12) or 50% of all the informal cases were closed due to no complaints filed or withdrawals.

In FY 2020, NARA processed 60 formal complaints. Of the 60 complaints, 11 formal complaints were filed in FY 2020 as compared to 39 in FY 2019; a decrease of 35%. The top basis categories were reprisal for engaging in prior EEO activity and sex (male). The top issue categories were harassment (non-sexual) and disciplinary actions. There have been no findings of discrimination rendered from FY 2016 to 2020.

In FY 2020, NARA closed 23 or 38% of the 60 formal complaints cases. Eight (8) or 35% of the closed cases were resolved which resulted in \$271,000 in monetary benefits. The agency issued 14 or 61% of final agency actions. None of decisions resulted in a finding of discrimination. One case was withdrawn. There were no reimbursements to the Treasury Judgment Fund.

No employees were disciplined for discrimination, retaliation, harassment or other infractions of the provisions of law cited under the No FEAR Act stemming from Federal district court actions.

NARA had two cases pending in Federal district court. One case (Case No. 8:19-cv-02876) is pending and the other case (Case No. 2-19:cv-02655-EFM- JPO) was dismissed.

NARA's Anti-Harassment Program continues to be a successful avenue for addressing internal harassment allegation. NARA's policy ensures that managers and supervisors are held accountable for their leadership responsibilities in making every effort to support a fair and respectful workforce. In FY 2020, the Ad Hoc Committee on Harassment, which is comprised of officials from the offices of General Counsel, EEO, and the Labor and Employee Relations Branch, processed 36 cases, resolving 35 cases or 97% as compared to 59 cases processed and resolving 54 or 92% in FY 2019. The average number of days for processing harassment complaint was 41 days whereas in FY 2019 the average was 42 days.

The top three types of harassment cases were inappropriate comments, hostile work environment, and disrespectful behavior. The cases were categorized as employee to employee, manager/supervisor to employee, and contractor to contractor, volunteer to volunteer, contractor to employee, employee to contractor, and employee to manager. The two categories with the most cases were employee to employee with 17 or 55% and manager/supervisor to employee with 8 or 26%.

In regards to training, 2,436 or 93% of NARA's employees completed the Annual Required Training (ART-AS-20). The ART includes a section on the No FEAR Act which reminds employees of their rights and remedies under Federal antidiscrimination, retaliation, and whistleblower protection laws. Most employees who did not complete the training were on weather and safety leave due to the COVID-19 pandemic.

## **II. Introduction**

The No FEAR Act requires Federal agencies to submit annual reports to the President *pro tempore* of the Senate, the Speaker of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the agency, the Attorney General, the U.S. Equal Employment Opportunity Commission (EEOC) and the Director of the Office of Personnel Management (OPM). This report is submitted by NARA to fulfill this reporting requirement.

## **III. Background**

On May 15, 2002, President George W. Bush signed into law the No FEAR Act. The Act became effective on October 1, 2003. The Act requires Federal agencies to be accountable for violations of anti-discrimination and whistleblower protection laws and to post certain statistical data relating to Federal sector EEO complaints filed with the agency.

Section 203 of the No FEAR Act requires that each Federal agency submit an annual Report to Congress not later than 180 days after the end of each fiscal year. Section 203 also provides the specific requirements for agencies to report under the Act. In addition, the President delegated

responsibility for the issuance of regulations governing implementation of the No FEAR Act to OPM. OPM published interim regulations on January 22, 2004, concerning the reimbursement provisions of the Act. On December 28, 2006, OPM published the final regulations for reporting in the Federal Register. The effective date in the final rule was February 26, 2007. Like most Federal agencies, NARA elected to wait until the final regulations were published to submit its first report.

NARA's EEO Office is responsible for administering and ensuring agency compliance with the Federal EEO laws, regulations, policies, and guidance that prohibit discrimination in the Federal workplace based on race, color, sex (including pregnancy and sexual orientation), national origin, religion, age, disability, genetic information, or reprisal. The EEO Office is also responsible for preparing the agency's Annual Report to Congress on the No FEAR Act based on the Agency's efforts to enforce anti-discrimination laws and prevent future incidents of discrimination. The Office of Human Capital Management, Office of the Inspector General and the Office of General Counsel also play a role in the implementation of the No FEAR Act for NARA employees.

#### **IV. Final Year-End Data for FY 2020**

As required by the No FEAR Act, NARA timely posted and displayed a link to the No FEAR Act data on its main website ([www.archives.gov](http://www.archives.gov)) no later than 30 calendar days after the end of each quarter.

- NARA's complaints data was reported quarterly during FY 2020.

#### **V. Cases Filed in Federal District Court**

Section 203 (1) of the No FEAR Act requires that agencies include in their annual Report to Congress "the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged." Section 724.302 of OPM's proposed regulations issued on January 25, 2006, clarifies section 203 (1) of the No FEAR Act stating that the agencies report on the "number of cases in Federal Court pending or resolved ...arising under each of the respective provisions of the Federal Antidiscrimination laws and whistleblower protection laws."

- Case No. 8:19-cv-02876 was filed on September 30, 2019.
- Case No. 2:19-cv-02655-EFM-JPO was filed on January 15, 2020.

#### **VI. Status or Disposition for the Federal District Court Cases**

- Case No. 8:19-cv-02876 is currently pending.
- Case No. 2:19-cv-02655-EFM- JPO was dismissed in March 2020.



## **VII. Reimbursement to the Treasury Judgment Fund**

OPM published interim final regulations in the Federal Register on January 22, 2004, and final regulations on May 10, 2006, to clarify the agency reimbursement provisions of Title II of the No FEAR Act. These regulations, among other things, state that the Financial Management Service, U.S. Department of the Treasury (FMS), will provide notice to an agency's Chief Financial Officer within 15 business days after payment from the Judgment Fund. The agency is required to reimburse the Judgment Fund within 45 business days after receiving the notice from FMS or must contact FMS to make arrangements in writing for reimbursement.

- NARA reports that no funds were required to be reimbursed to the Judgment fund.

## **VIII. Disciplinary Actions**

Section 203(a)(4) of the No FEAR Act requires that agencies include in the annual Report to Congress "the number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (l)." Section 203(a)(l) requires that agencies report "the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged." OPM's guidelines provide that these cases refer to the number of discrimination cases for which the Judgment Fund paid on behalf of the agency. The proposed regulations also define disciplinary actions to include any one or a combination of the following actions: reprimand, suspension without pay, reduction in grade or pay, or removal.

- There are no disciplinary actions to report.

## **IX. Policy Descriptions on Disciplinary Actions**

Section 203(a)(6) of the No FEAR Act requires that agencies include in their annual Report to Congress a detailed description of the policy implemented by the agency relating to disciplinary actions imposed against a Federal employee who discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2), or committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a)(1) or (2). Further, the Act requires that, with respect to each such law, the Federal agency report on the number of employees who were disciplined in accordance with such policy and the specific nature of the disciplinary action taken.

- Not applicable

## **X. Training Requirement for No FEAR Act**

Section 202(c) of the No FEAR Act requires agencies to provide training to their employees on the rights and remedies under Federal antidiscrimination, retaliation, and whistleblower protection laws. Under 5 C.F.R. 724.203, agencies are required to develop a written plan for training employees on the No FEAR Act.

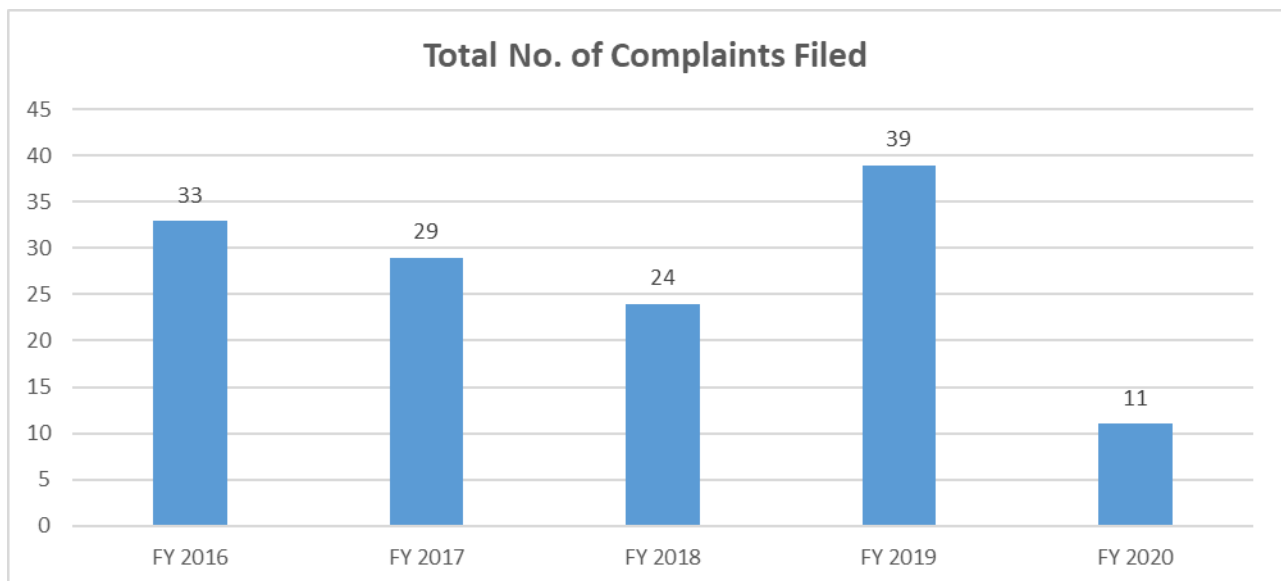
- NARA administers its Annual Required Training (ART-AS-20), which covers agency-wide and government-wide directives, guidance, regulations, and laws. A section of the ART specifically deals with the No FEAR Act. In fiscal year 2020, 2,436 or 93% of NARA’s employees completed the training. Most employees who did not complete the training were on weather and safety leave due to the COVID-19 pandemic.

## **XI. Examination of Trends, Causal Analysis<sup>1</sup>, Practical Knowledge Gained Through Experience and Actions Planned or Taken to Improve the Complaints Program**

Section 203(7) of the No FEAR Act requires that agencies undertake “an examination of trends, causal analysis, and practical knowledge gained through experience and any actions planned or taken to improve complaint or civil rights programs of the agency.”

### Trends and Analysis

In FY 2020, there was a total of 60 formal complaints in the process. Of the 60 complaints, 48 cases were pending from FY 2019, 11 new cases were filed in and one case was remand from the EEOC’s Office of Federal Operations in FY 2020. NARA’s complaint activity data below shows that 11 complaints were filed in FY 2020 and 39 in FY 2019. There was a decrease of 28%.



In FY 2020, the top most filed on bases were reprisal for engaging in prior EEO activity and sex (male). The top most filed on issues were, harassment (non-sexual) and disciplinary actions (specifically suspensions). Harassment (non-sexual) remains the top most filed on issue.

<sup>1</sup> The Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaint (EEOC Form 462) is the source information for section.

<b>Fiscal Year</b>	<b>Top Two Bases</b>	<b>Top Two Issues</b>
2020	<ul style="list-style-type: none"> <li>▪Reprisal</li> <li>▪Sex (male)</li> </ul>	<ul style="list-style-type: none"> <li>▪Harassment (non-sexual)</li> <li>▪Disciplinary Action</li> </ul>
2019	<ul style="list-style-type: none"> <li>▪Reprisal</li> <li>▪Age (over 40)</li> </ul>	<ul style="list-style-type: none"> <li>▪Harassment (non-sexual)</li> <li>▪Disciplinary Action</li> </ul>
2018	<ul style="list-style-type: none"> <li>▪Reprisal</li> <li>▪Race (African American) – Tie</li> <li>▪Age (over 40) – Tie</li> </ul>	<ul style="list-style-type: none"> <li>▪Harassment (non-sexual)</li> <li>▪Performance Evaluation/Appraisal</li> <li>▪Reassignment (Directed)</li> </ul>
2017	<ul style="list-style-type: none"> <li>▪Race (African American)</li> <li>▪Reprisal</li> </ul>	<ul style="list-style-type: none"> <li>▪Harassment (non-sexual)</li> <li>▪Disciplinary Action</li> </ul>
2016	<ul style="list-style-type: none"> <li>▪Race (African American)</li> <li>▪Reprisal</li> </ul>	<ul style="list-style-type: none"> <li>▪Harassment (non-sexual)</li> <li>▪Disciplinary Action</li> </ul>

In FY 2020, NARA completed 35 investigations. Of the 25 investigations, 6 were completed within 180 days, 7 were completed within 181 to 360 days but were considered timely. The average processing time for the 6 timely investigation was 144.67 days. The average processing time for the 7 investigations was 268.71 days. Combined the average processing time was 211.46 days. NARA will continue to monitor investigations processing time in an attempt to reach the goal of completing all investigations in 180 days or less. In FY 2020, the EEO Office hired an EEO Counselor and an EEO Specialist to assist in processing the growing number of complaint. As a result, the number of complaints and processing time is decreasing.

In addition, in FY 2020 the total investigation cost was \$181,103.00, which averages \$5,174.37 per case. Also, of the cases investigated, 17 or 49% of the individuals alleged harassment in their complaint.

<b>Fiscal Year</b>	<b>No. of Investigations Completed</b>	<b>No. of Timely Investigations</b>	<b>Average No. of Days</b>	<b>Percent Timely</b>
2020	35	13	211.46	37%
2019	12	0	326.67	0%
2018	16	10	255.5	63%
2017	22	21	242.3	95%
2016	18	16	187.83	88%

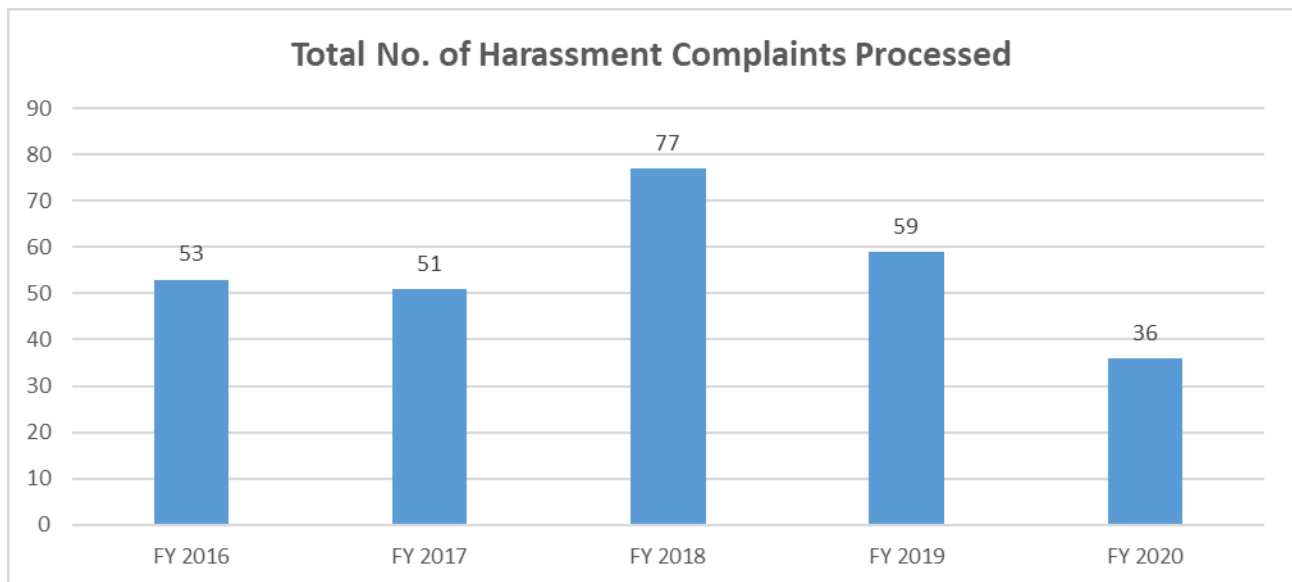
In FY 2020, NARA closed 23 cases. Of the 23 closed cases, 8 or 35% were resolved with monetary benefits. Fifteen (15) or 65% of the closed without monetary benefits. Fourteen (14) final agency actions were issued and one case was withdrawn. NARA did not issue any findings of discrimination.

<b>Fiscal Year</b>	<b>No. of Cases Closed</b>	<b>No. of Cases Closed with Monetary Correction Actions</b>	<b>Total Amount Paid</b>
2020	23	8	\$271,000
2019	39	2	\$30,000
2018	20	4	\$42,000
2017	24	2	\$27,500
2016	20	2	\$75,500

In FY 2020, NARA completed 24 informal counseling cases of which 14 or 58% were completed within the established timeframes. There were no resolutions at the informal stage of the process. Of the 24 informal counseling cases, 11 or 46% resulted in formal complaints of discrimination.

<b>Fiscal Year</b>	<b>No. of Completed Counseling Cases</b>	<b>No. of Timely Counseling Cases</b>	<b>Percent Timely</b>	<b>No. of Cases Resolved/Closed</b>	<b>Percent of Completed Counselings Resolved (settled/withdrawn/no complaint filed)</b>
2020	24	14	58%	0	0%
2019	47	35	74%	8	17%
2018	42	41	98%	18	43%
2017	45	45	100%	16	35%
2016	50	48	96%	17	34%

NARA's Anti-Harassment Program continues to effectively address harassing conduct and behavior in the agency. The EEO Office successfully sustained an effective Anti-Harassment Program by addressing and processing allegations of harassment according to NARA's Anti-Harassment Policy 396. In FY 2020, NARA processed 36 complaints. Of the 36 complaints, 35 or 97% were resolved or addressed whereas in FY 2019, 59 complaints were filed and 54 or 92% were resolved. The average number of days for processing in FY 2020 was 41 whereas in FY 2019 the average was 42. NARA is continuing to address allegations of harassment expeditiously to avoid agency liability.



Practical Knowledge Gained Through Experience

NARA continues to promote ADR and encourage employees to consider to this avenue first before filing a formal complaint of discrimination. Managers and supervisors are educated on the importance of resolving actions that may rise to EEO complaints and to avoid costly judgments. Since the implementation of the No FEAR Act and mandatory Prevention of Workplace Harassment training, NARA’s employees have gained practical knowledge and experience through the training.

When awareness is brought to the forefront, EEO and harassment complaints may increase or decrease. According to the recent trends, in FY 2020 EEO and harassments complaints decreased. Hiring additional staff personnel and acting swiftly when complaints are brought to attention of staff contributed to the decline.

In regards to accountability, the EEO Office provides quarterly status reports to senior leadership about cases in their organizations. The Director of the EEO Office reports monthly to the head of the agency. In addition, in FY 2020 NARA formed a Task Force on Racism. The Task Force was charged with finding recommendations to address racism.

Also, the EEO office finalized the Annual Federal EEO Statistical Report of Discrimination (462 Report) for EEOC and the FY 2019 No FEAR Act Report for EEOC and members of Congress within the specified timeframe. The EEO Office provided reports on EEO complaints and harassment to program offices upon request.

NARA’s ADR program, known as RESOLVE, has assisted the EEO Program with EEO complaints and harassment allegations. RESOLVE has been an active program where employees can elect to participate at any stage of the EEO process and the harassment process. The RESOLVE program is well used for EEO and non-EEO matters and promoted throughout the agency.

## Actions Planned or Taken to Improve the EEO Program

In FY 2020, NARA took the following actions in support of its EEO Program:

- The EEO Program is evaluated annually as mandated by EEOC Management Directive 715;
- Reissued its EEO Policy Statement which reaffirms its commitment to fostering a work environment free from discrimination on August 4, 2020;
- Posted quarterly complaints data on NARA's website pursuant to the No FEAR Act;
- Provided an Overview of the EEO Office to all new hires. Employees are made aware of the mandatory EEO training available to NARA's Learning Management System. Prevention of Workplace Harassment is available for all employees;
- Ensured that the mandatory annual refresher training was provided to the EEO Counselor and EEO Specialist; and
- Through the Anti-Harassment Policy Statement, NARA continues to reaffirm its commitment in maintaining a workplace that is courteous, respectful and free from harassing behaviors for its employees, contractors, volunteers, visitors, interns and customers.

## **XII. Adjustment to Budget**

Section 203(a)(8) of the No FEAR Act requires that agencies include in their annual report to Congress information about "any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201." This section requires federal agencies to reimburse the Judgment Fund for any discrimination and whistleblower related settlements or judgments reach in Federal court.

- Not applicable

## **XIII. Conclusion**

NARA is a great place to work. It has succeeded in keeping measures in place to maintain a workplace free from discrimination. NARA's successes identified in this report are the results of the senior leadership's commitment to equality of opportunity and fairness for all employees. The Archivist of the United States continues to demonstrate his strong support with clear policy statements on EEO and Anti-Harassment that outlines his commitment to the workforce and ensures everyone is held accountable for making NARA a great place to work. In addition, NARA will continue to explore innovative and productive ways to value our employees and provide excellent service to the people we serve.

**NARA - Equal Employment Opportunity Data  
Posted Pursuant to the No FEAR Act:  
For the 1st Quarter 2021  
Ending on December 31, 2020**

Complaint Activity	Comparative Data Previous Fiscal Year Data					10/01/2020 thru 09/30/2021
	2016	2017	2018	2019	2020	
Number of Complaints Filed	33	29	24	39	10	2
Number of Complainants	32	27	24	39	10	2
Repeat Filers	8	7	3	11	4	1

Complaints by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	Comparative Data Previous Fiscal Year Data					10/01/2020 thru 09/30/2021
	2016	2017	2018	2019	2020	
Race	19	20	15	23	5	1
Color	7	7	6	16	2	0
Religion	2	0	1	0	1	0
Reprisal	13	11	12	22	7	2
Sex	15	13	13	18	5	1
National Origin	1	0	1	2	1	0
Equal Pay Act	0	0	1	0	0	0
Age	10	11	11	20	3	1
Disability	12	10	15	11	5	2
Genetic Information	1	2	0	0	0	0
Non-EEO basis	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>	Comparative Data Previous Fiscal Year Data					10/01/2020 thru 09/30/2021
	2016	2017	2018	2019	2020	
Appointment/Hire	0	0	1	0	1	0
Assignment of Duties	5	5	5	5	0	0
Awards	0	0	0	1	1	0
Conversion to Full-time	0	0	0	0	0	0
<b>Disciplinary Action</b>						
Demotion	0	0	1	1	0	0
Reprimand	7	6	3	2	1	0
Removal	1	3	0	6	3	0
Suspension	0	3	1	5	0	0
Disciplinary Warnings	***	***	2	1	1	1
Other	0	4	0	0	0	0
Duty Hours	0	1	1	1	0	0
Evaluation Appraisal	3	4	9	7	2	0
Examination/Test	0	0	0	0	0	0
<b>Harassment</b>						
Non-Sexual	15	19	16	16	4	0
Sexual	2	1	0	2	0	0
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	0	0	3	4	0	0
Promotion/Non-Selection	7	4	9	6	4	0
<b>Reassignment</b>						
Denied	1	5	1	2	0	0
Directed	1	2	4	4	0	0
Reasonable Accommodation	4	4	4	4	4	1
Reinstatement	0	0	0	0	0	0



Retirement	0	0	0	0	0	0
Sex-Stereotyping	***	***	0	0	0	0
Telework	***	***	2	3	0	0
Termination	8	1	1	2	0	0
Terms/Conditions of Employment	0	1	2	3	0	1
Time and Attendance	5	3	7	5	1	0
Training	0	0	1	2	0	0
Other	4	0	0	0	0	0

Processing Time	Comparative Data Previous Fiscal Year Data					10/01/2020 thru 09/30/2021
	2016	2017	2018	2019	2020	
<b>Complaints pending (for any length of time) during fiscal year</b>	54	63	63	82	60	39
Average number of days in investigation stage	132	172.8	198.23	186	149.6	59.8
Average number of days in final agency action stage	135.4	135.4	164.25	165.49	71.84	45.16
<b>Complaints pending (for any length of time) during fiscal year where hearing was requested</b>	16	28	30	32	32	29
Average number of days in investigation stage	131	242.3	152.6	202	155.37	91
Average number of days in final action stage	21.5	140.4	263.8	150	75	54
<b>Complaints pending (for any length of time) during fiscal year where hearing was not requested</b>	7	7	13	25	8	10
Average number of days in investigation stage	145	300	172	206	119.5	74.3
Average number of days in final action stage	223.4	232.8	145.8	109	54.3	71.5

Complaints Dismissed by Agency	Comparative Data Previous Fiscal Year Data					10/01/2020 thru 09/30/2021
	2016	2017	2018	2019	2020	
Total Complaints Dismissed by Agency	6	8	3	16	0	0
Average days pending prior to dismissal	125.6	90.8	130	106.38	0	0
<b>Complaints Withdrawn by Complainants</b>						
Total complaints Withdrawn by Complainants	6	2	2	2	1	2

Total Final Actions Finding Discrimination	Comparative Data Previous Fiscal Year Data										10/01/2020 thru 09/30/2021	
	2016		2017		2018		2019		2020			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0	0	0	0	0	0	0	0	0	0	0	0
Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
With Hearing	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis <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										10/01/2020 thru 09/30/2021	
	2016		2017		2018		2019		2020			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0	0	0	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0

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

Findings of Discrimination Rendered by Issue	Comparative Data Previous Fiscal Year Data										10/01/2020 thru 09/30/2021	
	2016		2017		2018		2019		2020		#	%
	#	%	#	%	#	%	#	%	#	%		
<b>Total Number Findings</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
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
<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
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
<b>Harassment</b>												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reassignment</b>												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0

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

Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
<b>Findings Without Hearing</b>												
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
<b>Disciplinary Action</b>												
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
<b>Harassment</b>												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0

Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reassignment</b>													
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	Comparative Data Previous Fiscal Year Data					10/01/2020 thru 09/30/2021
	2016	2017	2018	2019	2020	
Total complaints from previous Fiscal Years	21	34	39	43	48	37
Total Complainants	24	32	34	39	44	32
<b>Number complaints pending</b>						
Investigation	20	20	4	6	18	4
Hearing	10	24	21	20	11	25
Final Agency Action	5	10	3	7	7	8
Appeal with EEOC Office of Federal Operations	3	7	7	8	8	2

Complaint Investigations	Comparative Data Previous Fiscal Year Data					10/01/2020 thru 09/30/2021
	2016	2017	2018	2019	2020	
Pending Completion Where Investigation Exceeds Required Time Frames	8	17	14	16	24	2





August 04, 2020

## **Equal Employment Opportunity Policy Statement**

As the Archivist of the United States, I am committed to fostering a high-performing workforce that mirrors our employees and the public that we serve. As our Nation's records keepers, our success depends on the contributions of a diverse and inclusive workforce. NARA's values require us to collaborate, innovate, and learn by engaging with each other.

To ensure a fair and equitable work environment for our employees, we must embrace the core principles and laws of equal employment opportunity. Federal laws and Presidential Executive Orders require that employees and applicants for employment have equal opportunities regardless of race, color, national origin, religion, sex (including pregnancy, sexual orientation, gender identity or transgender status), age (40 years of age or older), disability (mental or physical), family medical history or genetic information, retaliation for serving as a witness and/or engaging in EEO activity, marital status, political affiliation, and status as a parent. These protections and principles guide management practices and decisions through, outreach, recruitment and hiring practices, appraisal systems, promotions, training and career-development programs.

NARA will not tolerate discrimination, inappropriate behavior or harassment of any kind in the workplace. Managers and supervisors must lead by example and are responsible for ensuring employees have a work environment that is free from discrimination, harassment, and retaliation. As NARA employees, we are responsible for integrating EEO into our daily actions, conduct, and decisions.

Any employee or applicant who believes he or she has been subjected to discrimination or harassment based on one or more of the above-mentioned protected categories, should contact the Office of Equal Employment Opportunity Programs (NEEO) at 301-837-0939 within **45 days** of the alleged discriminatory action or incident. Additional information about EEO services can be obtained by contacting the EEO Office at [NEEO@nara.gov](mailto:NEEO@nara.gov) or visiting <http://www.nara-at-work.gov/equal-employment-opportunity/index.html>. For other avenues to address complaints, employees may contact the Office of Special at <https://osc.gov/> or (202)-804-7000 or the Merit Systems Protection Board, <https://www.mspb.gov/> at 202-653-7200.

NATIONAL ARCHIVES *and*  
RECORDS ADMINISTRATION

8601 ADELPHI ROAD  
COLLEGE PARK, MD 20740-6001

[www.archives.gov](http://www.archives.gov)

NARA supports mediation as an additional resource for resolving EEO complaints. With the assistance of a neutral third party, an employee and the agency can discuss potential resolutions to a claim and reach a voluntary, negotiated agreement. For more information, please contact RESOLVE, NARA's ADR Program in the Office of General Counsel, at (301) 837-2926.

I expect your continued support in addressing and eradicating discriminatory behavior in the workplace. Working together, we will make NARA a "great place to work," one that values mutual respect, integrity, and teamwork.

To ensure that all employees and the public are aware of NARA's commitment to EEO, managers and supervisors are to post this policy in areas in workplaces where everyone can view it.

A handwritten signature in dark ink, appearing to read "David S. Ferriero". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

DAVID S. FERRIERO  
Archivist of the United States



## Anti-Harassment Policy Statement

### Our Commitment

NARA is committed to maintaining a work environment that is courteous, respectful and free from harassing behaviors for its employees, contractors, volunteers, visitors, interns and customers. NARA will not tolerate harassment of any kind.

### Harassment

Unlawful harassment is defined as any unwelcome verbal, non-verbal, or physical conduct based on race, color, religion, sex (including pregnancy and gender identity), national origin, age (40 or older), disability (mental or physical), genetic information, sexual orientation, marital status, political affiliation, status as a parent, or retaliation when:

1. An employee actually suffers a personal loss or harm with regard to a term, privilege, or condition of employment relating to any of the protected bases; or
2. The behavior can reasonably be considered severe or pervasive creating an intimidating, hostile, or offensive work environment.

Harassment undermines the integrity of employment relationship and interferes with work productivity. Harassing conduct includes, but is not limited to: bullying, slurs, derogatory or disrespectful remarks, spreading rumors, swearing, jokes, obscenities, incessant teasing, expressing or insinuating threats, threatened assault, hitting, punching, other unwanted touching, and malicious or insulting gestures.

NARA has appropriate measures to prevent harassment (sexual or non-sexual) in the workplace and to correct harassing behavior before it becomes severe or pervasive. Harassing behavior by a NARA employee does not need to rise to the level of unlawful harassment in order for it to constitute misconduct. Violations of policy may result in administrative or disciplinary actions against offenders.

### Sexual Harassment

Sexual harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay or career, or

2. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
3. Such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive environment.

### **Retaliation**

In addition, NARA prohibits any retaliation against an employee who reports a concern about workplace harassment, other inappropriate behavior or assist in any inquiry about such report.

### **Training**

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

### **Reporting Violations**

All NARA employees are strongly encouraged to report misconduct, including discrimination or harassing behavior. Supervisors, volunteer coordinators, CORs, and management officials must immediately report (usually within **48** hours of becoming aware of it) harassing conduct, or allegations of harassing conduct by others to any member of the Ad Hoc Committee on Harassment or directly to the Anti-Harassment Program Manager directly. Failure to report an incident of harassment may result in administrative action, including disciplinary action.

### **Report Incidents to Any of the Following Offices**

Employees who believe they have been subjected to harassment should report the incident(s) to their supervisor or a manager in their chain of command or one of the members of the Ad Hoc Committee on Harassment comprise of officials from the Labor/Employee Relations and Benefit Branch (HTL); Office of General Counsel (NGC); and Office of Equal Employment Opportunity (NEEO). Employees can contact the Anti-Harassment Program Manager directly. *See [NARA 396 Anti-Harassment Policy for guidance](#)*

You may submit incidents to **HTL** by:

1. Calling 301-837-3558;
2. Sending a fax to 301-837-3533; or
3. Sending an email to [emmalisa.hobbs@nara.gov](mailto:emmalisa.hobbs@nara.gov)

You may also submit an incident to **NGC** by:

1. Calling 301-837-2928;
2. Sending a fax to 301-837-0293; or
3. Sending an email to [chris.runkel@nara.gov](mailto:chris.runkel@nara.gov)

You may also submit an incident to the Anti-Harassment Program Manager by:

1. Calling 301-837-3441;
2. Sending a fax to 301-837-0869; or
3. Sending an email to [NEEO@nara.gov](mailto:NEEO@nara.gov).

You may also submit an incident to Office of the Inspector General (**OIG**) by:

1. Calling the **OIG Hotline**:  
301-837-3500 (Washington, DC metro area)  
800-786-2551 (toll-free and outside the Washington, DC metro area)
2. Sending a document to:  
**OIG Hotline**  
**NARA**  
P.O. Box 1821  
Hyattsville, MD 20788-0821
3. Confidentially reporting online at:  
<http://www.archives.gov/oig/referral-form/index.html>

### **Timeframes and Contacts for Filing an EEO Complaint**

Employees who wish to file an EEO complaint alleging discrimination and/or harassment, should file a complaint within **45 calendar days** of the date of incident(s) to the Office of Equal Employment Opportunity (NEEO). See NARA 395 EEO Complaints Program for guidance or you may initiate an informal **EEO** complaint by:

1. Calling 301-837-0939;
2. Sending a fax to 301-837-0869; or
3. Sending an email to [NEEO@nara.gov](mailto:NEEO@nara.gov).

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

DAVID S. FERRIERO  
Archivist of the United States



Tammie Johnson &lt;tammie.johnson@nara.gov&gt;

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## NARA Notice 2020-084: 2020 Annual Required Training for All NARA Staff

1 message

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**Notice** <notice@nara.gov>  
To: NOTICE <notice@nara.gov>  
Bcc: Staff\_NARA@nara.gov

Thu, Mar 19, 2020 at 12:39 PM



**To:** All Employees

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

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All NARA employees are required to complete the annual required training by **June 19, 2020**. For those teleworking, please **do not use Citrix** to access the course.

This module does not replace all mandatory training. Depending on your duties and responsibilities, you may be assigned additional training requirements.

This training consists of 10 modules organized into three categories: how we approach work; how we do business; and how we get better.

To access the training:

- Go to the NARA Learning Center at [nara.csod.com](http://nara.csod.com).
- Log in by clicking the large blue "NARA Employee Login" button.
- Look in **Your Training Items** box on the Learning Center welcome page. Select [ART-AS-20] Annual Required Training for All Employees to begin the module.

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

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

VALORIE FINDLATER  
Acting Chief Human Capital Officer

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**If you have questions about this notice, contact:**

Kashmira Shaikh, Learning and Development  
[kashmira.shaikh@nara.gov](mailto:kashmira.shaikh@nara.gov)  
Room 1330  
National Archives at College Park  
Phone: 301-837-3101

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You received this message because you are subscribed to the Google Groups "\$Staff NARA" group.  
To unsubscribe from this group and stop receiving emails from it, send an email to [Staff\\_NARA+unsubscribe@nara.gov](mailto:Staff_NARA+unsubscribe@nara.gov).

1/14/2021

National Archives & Records Administration Mail - NARA Notice 2020-084: 2020 Annual Required Training for All NARA Staff

To view this discussion on the web visit [https://groups.google.com/a/nara.gov/d/msgid/Staff\\_NARA/CAMhQAfzBY-Ywj7JJ4rqXpHTX3uavtya2g\\_MW94Jtm2QC-j0JAA%40mail.gmail.com](https://groups.google.com/a/nara.gov/d/msgid/Staff_NARA/CAMhQAfzBY-Ywj7JJ4rqXpHTX3uavtya2g_MW94Jtm2QC-j0JAA%40mail.gmail.com).