



U.S. General Services Administration

# GSA NO FEAR ACT REPORT

Prepared by the Office of Civil Rights

Fiscal Year 2022



**Notification and Federal Employee Antidiscrimination  
and Retaliation Act of 2002  
FY 2022 Annual Report**

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## Introduction

### Purpose of Report

The [Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 \(No FEAR Act\), Public Law 107-174](#)<sup>1</sup> was enacted to reduce the incidence of workplace discrimination within the Federal Government by holding Federal agencies accountable for violations of Federal antidiscrimination and whistleblower protection laws.<sup>2</sup> The No FEAR Act requires a Federal agency to:

- Notify employees, former employees, and applicants for employment about their rights under the Federal antidiscrimination and whistleblower laws.
- Provide training to its employees, including managers, on the rights and remedies available under antidiscrimination and whistleblower laws.
- Post quarterly on its public website summary statistical data about equal employment opportunity (EEO) complaints filed with the agency.

In addition, [Section 203 of the No FEAR Act](#) requires each agency to submit to Congress, the U.S. Equal Employment Opportunity Commission (EEOC), the U.S. Department of Justice, and the U.S. Office of Personnel Management, an annual report that includes the following:<sup>3</sup>

- The number, status, and disposition of discrimination and whistleblower cases (including Federal court cases) filed against the agency.
- Judgment fund reimbursements and any agency budget adjustments to meet reimbursement requirements.
- The number and type of disciplinary actions related to discrimination, retaliation, harassment, or other prohibited personnel practices and the agency disciplinary policy.
- Year-end summary EEO complaint data.
- Analysis of trends, causation, and practical knowledge gained through experience, and any actions planned or taken to improve agency complaint or civil rights programs.

The U.S. General Services Administration (GSA) submits this No FEAR Act report for fiscal year (FY) 2022 (Oct. 1, 2021, through Sept. 30, 2022). GSA's No FEAR Act data for the fourth quarter of FY 2022 and for prior fiscal years can be accessed at <https://www.gsa.gov>.

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<sup>1</sup> The Elijah J. Cummings Federal Employees Antidiscrimination Act, which was enacted in Jan. 2021, amends the No FEAR Act.

<sup>2</sup> See Pub. L. No. 107-174, 116 Stat. 566 (2002).

<sup>3</sup> See Pub. L. No. 107-174, §203(a)(1); see also 5 CFR §724.302(a). Appendix A to this report sets forth the No FEAR Act statutory and regulatory reporting requirements in full.

## GSA Mission and Structure

GSA’s mission is to deliver the best customer experience and value in real estate, acquisition, and technology services to the government and the American people. GSA provides centralized procurement for the Federal Government, offering products, services, and facilities worth billions of dollars that Federal agencies need to serve the American public. GSA’s acquisition solutions supply Federal purchasers with cost-effective, high-quality products and services from commercial vendors. GSA also helps Federal agencies build and acquire office space, products, and other workspace services, and oversees the preservation of historic Federal properties. Its policies covering travel and property management practices promote efficient Government operations. Composed of the Federal Acquisition Service, the Public Buildings Service, the Office of Government-wide Policy, 11 staff offices, and two independent offices, GSA services and supports more than 60 Federal departments and agencies.

## GSA’s Office of Civil Rights

GSA’s goal is to prevent and address workplace discrimination and retaliation in order to create and maintain a world-class workplace where all employees and applicants for employment with GSA have the freedom to compete in a fair and equitable manner.

The Office of Civil Rights (OCR) enforces Federal laws, regulations, and directives that prohibit discrimination in the workplace and in GSA programs and activities. OCR’s vision is to be a trusted advisor to everyone we serve and to advance equal opportunity for all. Its mission is to protect civil rights, to champion equal opportunity, and to foster a fair workplace.

<b>8</b>	<b>\$0</b>	<b>0</b>	<b>1</b>	<b>52</b>
Federal District Court Cases	Judgment Fund Reimbursements	Disciplinary Actions	Finding of Discrimination	Formal Complaints

## Cases in Federal District Court

In FY 2022, GSA had eight antidiscrimination cases and zero whistleblower protection cases in Federal district court. Two of the antidiscrimination cases closed in FY 2022 and six are still pending an outcome. Both cases that closed ended with a decision in GSA’s favor.

## Judgment Fund Reimbursements

The Judgment Fund pays court judgments, awards, and compromise settlements of lawsuits against the Federal Government.<sup>4</sup> The No FEAR Act requires Federal agencies to reimburse the Judgment Fund for payments made on their behalf to employees, former employees, or applicants

<sup>4</sup> See 31 U.S.C. §1304.

for employment due to claims alleging violations of Federal antidiscrimination laws, Federal whistleblower protection laws, or reprisal for legally protected activity related to those laws.<sup>5</sup>

GSA made no reimbursements to the Judgment Fund in FY 2022. GSA reimbursed the Judgment Fund only three times from FY 2017 through FY 2022 (see Table 1).

Table 1. Reimbursements to the Judgment Fund for FYs 2017-2022

Reimbursements to the Judgment Fund	2017	2018	2019	2020	2021	2022
Amount	\$850	0	\$55,000	0	\$95,000	0

## Disciplinary Actions

A review of FY 2022 disciplinary records shows no GSA employees were disciplined for improper or illegal discrimination, retaliation, harassment, or other infraction prohibited by the No FEAR Act. The GSA policy directing disciplinary action against Federal employees for prohibited personnel practices and conduct inconsistent with the Federal antidiscrimination and whistleblower protection laws is available at [HRM 9751.1A - Maintaining Discipline](#). Included in the policy is the GSA Penalty Guide, which prescribes penalties for various types of delinquency or misconduct, including discrimination and retaliation against any person for properly exercising their right to file a discrimination complaint or grievance, or for reporting discrimination.

## FY 2022 EEO Complaint Data

See [Appendix B](#) to this report for GSA’s FY 2022 year-end data along with comparative data for FYs 2017 through 2022.

## Analysis of Trends and Causality

Using data from GSA’s information management system for EEO complaint processing, this section highlights trends in EEO complaints filed with GSA.<sup>6</sup> As Table 2 shows, complainants filed 52 formal EEO complaints in FY 2022, which is 8 (or 18%) more than the 44 complaints filed in FY 2021. Over a longer horizon, complaints have decreased; complaints filed in FY 2022 were 24% below the 6-year average of 68. In FY 2022 there were .43 complaints filed per 100 employees, which is below the 6-year average of .59.

Table 2. Formal complaints filed and GSA workforce between FYs 2017 and 2022

Formal Complaint Activity	2017	2018	2019	2020	2021	2022
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<sup>5</sup> See 31 U.S.C. § 201.

<sup>6</sup> The data is current as of Oct. 15, 2022, and includes complaints filed between Oct. 1 and Sept. 30 of each year.

Complaints Filed	89	84	65	73	44	52
Number of Complainants	79	79	58	67	40	51
Repeat Filers	8	5	7	6	2	1
GSA Total Workforce	11,488	11,051	11,326	11,584	11,732	11,970
Complaints Filed per 100 Employees	0.77	0.76	0.57	0.63	0.37	0.43

**Note about this table:** This table represents complaints filed between Oct. 1 and Sep. 30 of each fiscal year and does not include cases carried over from the previous year(s).

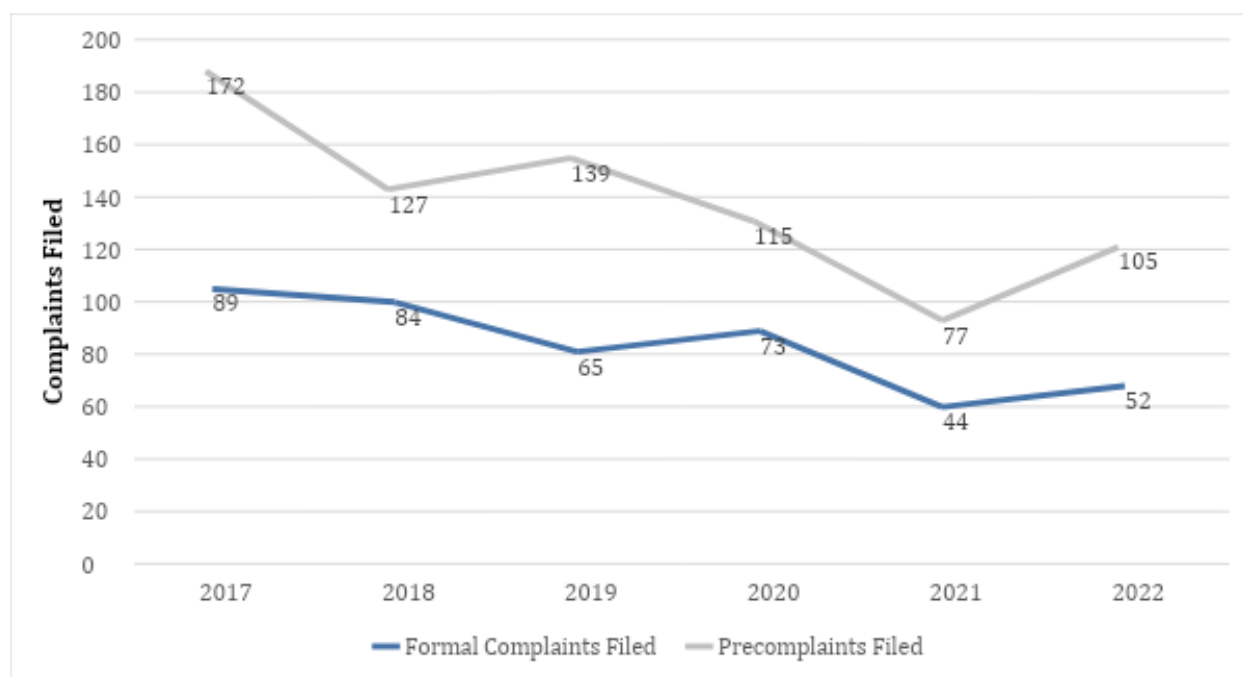
## Precomplaints

Precomplaints (also known as informal complaints) are not reported in No FEAR Act quarterly data reports but are included here to show the overall trend in EEO complaint activity at GSA. In FY 2022, GSA reversed the 2-year trend of decreasing complaint activity. GSA had 105 precomplaints, 28 (or 30%) more than in FY 2021. Complaint activity increased as the end to GSA’s emergency evacuation order occurred and full reentry of the workforce began.<sup>7</sup> Full workforce reentry began in April 2022, and the months with the highest number of precomplaints initiated were March (10), April (16), July (13), August (14), and September (11). In addition, GSA saw an increase in religious accommodation cases in relation to Covid-19 vaccine requirements.

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<sup>7</sup> During the Covid-19 pandemic GSA mandated telework via an emergency evacuation order from March 17, 2020, to December 31, 2021. Voluntary reentry began on January 4, 2022, and full reentry for all employees occurred on April 11, 2022.

Figure 1. Precomplaints and formal complaints filed between FYs 2017 and 2022



One contributing factor to the increase in formal complaints between FYs 2021 and 2022 was the decrease in precomplaint resolutions. In FY 2021, the resolution rate was 54% (51 out of 95). In FY 2022 it decreased to 38% (38 out of 89). As a result, more precomplaints moved to the formal stage of the EEO process.<sup>8</sup>

Table 3. Precomplaints closed and resolved in FYs 2021 and 2022

Precomplaint Activity	2021	2022
Closed	95	89
Resolved	51	38
Resolution Rate	54%	38%

### Bases of Discrimination in Formal Complaints

In FY 2022, the most alleged bases of discrimination were race (30), reprisal (25), sex (19), and disability (19). In FY 2021, the most alleged bases of discrimination were reprisal (23), race (18), sex (15), and disability (13).<sup>9</sup> For 3 of the last 6 years (FYs 2017, 2018, and 2021), reprisal was the most alleged basis; however, in 2022 race was the most alleged basis. Complaints involving

<sup>8</sup> Resolved precomplaints include those that were withdrawn, settled by agreement, or not pursued as formal complaints.

<sup>9</sup> A complainant can allege multiple bases of discrimination in the same complaint.

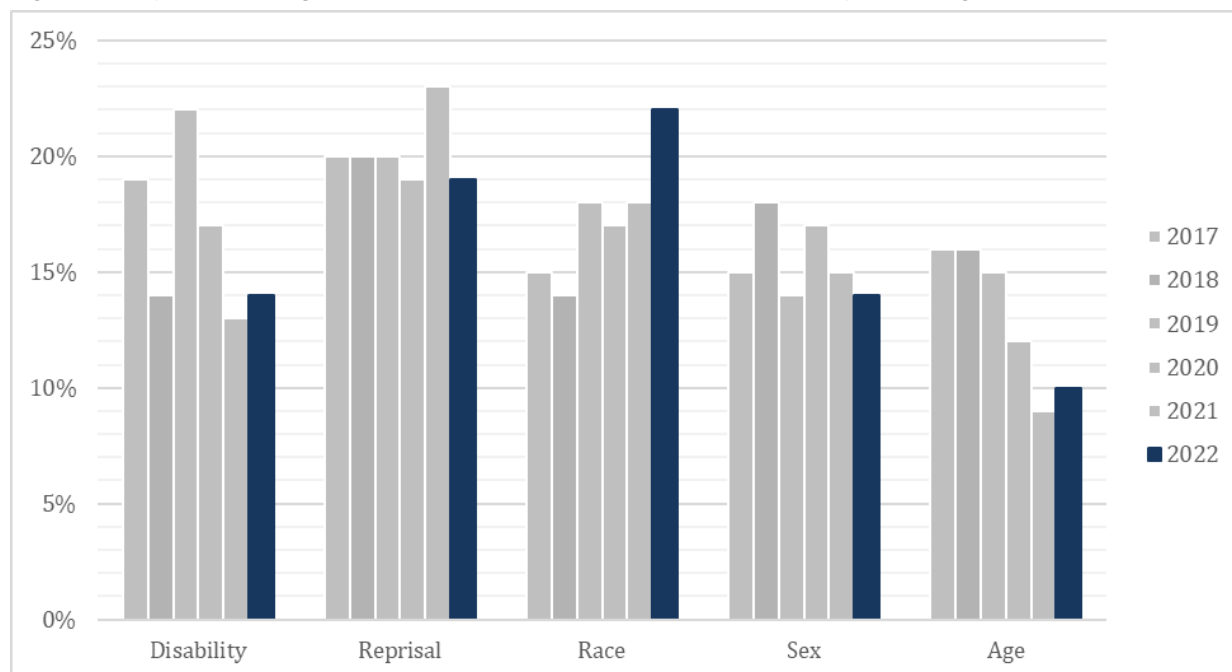


allegations of race discrimination increased by 67% between FYs 2021 (18) and 2022 (30). Complaints involving allegations of disability discrimination decreased by 69% between FYs 2020 (42) and 2021 (13) but saw an increase of 46% in FY 2022, which correlated with the increase of complaints involving reasonable accommodation as an issue.

Formal Complaints by Basis	2017	2018	2019	2020	2021	2022
Disability	41	33	32	42	13	19
Reprisal	45	50	29	37	23	25
Race	32	35	27	33	18	30
Sex	32	44	21	32	15	19
Age	35	40	22	23	9	14

Table 4. Top five bases alleged between FYs 2017 and 2022

Figure 2. Top bases alleged between FYs 2017 and 2022 shown as percentages



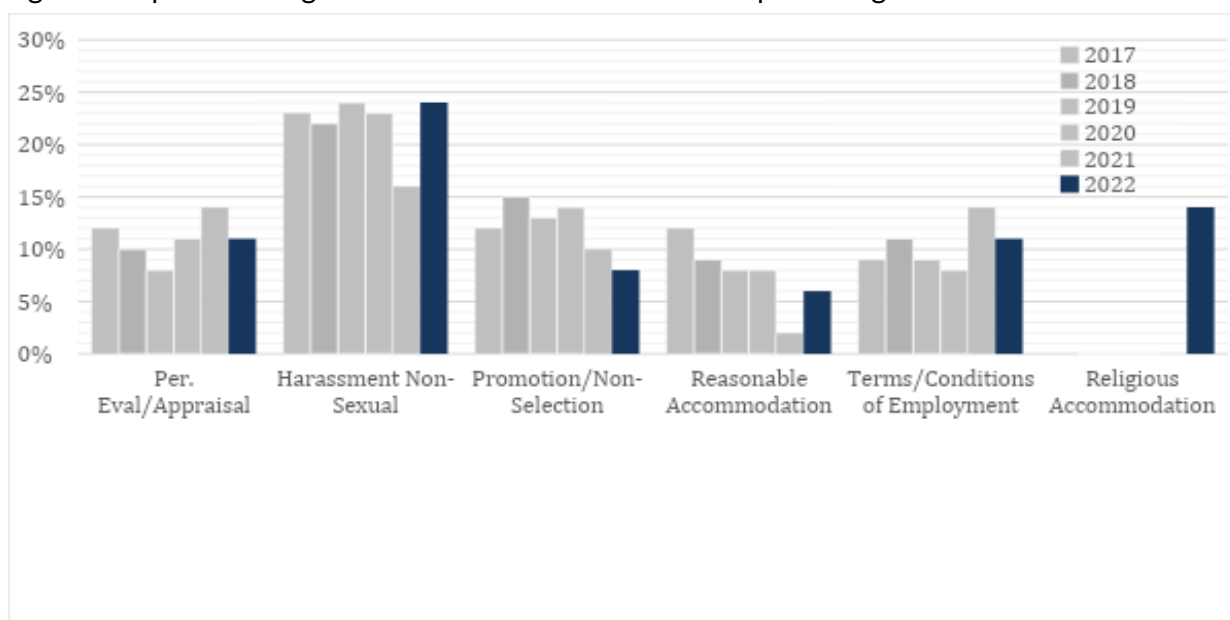
### Issues in Formal Complaints

In FY 2022, non-sexual harassment (24), terms and conditions of employment (11), and performance evaluation/appraisal (11) were the most alleged issues. In FY 2021, non-sexual harassment (9) and assignment of duties (9) were the most alleged issues, followed by terms and conditions of employment (8) and performance evaluation/appraisal (8). The largest increases occurred for the bases of non-sexual harassment (9 to 24), religious accommodation (0 to 7), and reasonable accommodation (1 to 7). Again, the increase in religious accommodation and reasonable accommodation cases correlated with the return of the workforce to in-person work and Covid-19 vaccine requirements.

Table 5. Top issues alleged in complaints filed between FYs 2017 and 2022

Formal Complaints by Issue	2017	2018	2019	2020	2021	2022
Harassment Non-Sexual	33	24	21	26	9	24
Promotion/Non-Selection	17	16	11	15	6	8
Performance Evaluation/Appraisal	17	11	7	12	8	11
Assignment of Duties	9	6	3	2	9	0
Terms/Conditions of Employment	13	12	8	9	8	11
Religious Accommodation	0	0	0	0	0	7
Reasonable Accommodation Disability	17	10	7	9	1	7

Figure 3. Top issues alleged between FYs 2017 and 2022 as percentages



The top bases and issues alleged in GSA's formal complaint filings in FY 2022 were consistent with the most current government-wide data reported by the EEOC.<sup>10</sup> The EEOC reported that in FY 2019, reprisal was the most frequently alleged basis followed by disability, sex, race, and age. The EEOC also reported that the most frequently alleged issue was non-sexual harassment, followed by disciplinary action, terms and conditions of employment, promotion/non-selection, and reasonable accommodation.

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<sup>10</sup> See EEOC FY 2019 Annual Report on the Federal Workforce, Table B-8, at <https://www.eeoc.gov/federal-sector/reports>.

## Findings of Discrimination

In FY 2022, the EEOC found discrimination in one GSA complaint (Table 6).

Table 6. Findings of discrimination between FYs 2017 and 2022

	2017	2018	2019	2020	2021	2022
Findings	0	4	0	2	1	1
Bases		Disability		Reprisal	Reprisal	<b>Pregnancy Discrimination Act</b>
		Race			Disability	
		Sex				
		Reprisal				
Issues		Assignment of Duties		Suspension	Performance Evaluation Appraisal	<b>Termination</b>
		Removal			Reasonable Accommodation	
		Harassment				
		Terms Conditions				
		Appointment/Hire				

## Practical Knowledge Gained Through Experience

In analyzing EEO complaint trends and related information, OCR concluded the following:

- After 5 years of downward trending complaint activity, GSA experienced a 35% increase in precomplaints and 18% increase in formal complaints filed in FY 2022 as compared to FY 2021. However, despite the increase, the number of precomplaints and formal complaints filed in 2022 remains lower than the 6-year average. OCR will continue to promote Alternative Dispute Resolution (ADR) and training targeted toward prevention of discrimination.
- GSA must continue to increase training and communication about discriminatory harassment. Of the 52 formal complaints filed in FY 2022, 24 (46%) included allegations of non-sexual harassment. The percentage of complaints involving non-sexual harassment allegations in FY 2021 was 20% and in FY 2022 it was 36%. Non-sexual harassment has remained the most common form of discrimination claimed since FY 2017. In FY 2022, GSA continued to provide civil treatment training for employees and managers focused on aligning everyday behavior with agency values to support positive business outcomes.
- Allegations of disability discrimination and the denial of reasonable accommodation increased in FY 2022. In FY 2022 disability was named as a basis in 19 of 52 formal complaints (37%). This was up from 30% in FY 2021 but still lower than 57% in FY 2020. Complaints alleging the denial of reasonable accommodation increased to 13% (7) from 2% (1) in FY 2021 and 12% (9) in FY 2020. On January 7, 2022, the EEOC reviewed GSA's reasonable accommodation procedures and found them to be compliant.

## Program Improvements in FY 2022

- OCR proactively ensured compliance with The Elijah J. Cummings Federal Employees Antidiscrimination Act, which was enacted in Jan. 2021, and amended the No FEAR Act. OCR awaits the U.S. Office of Personnel Management's final rule on agency implementation of the new Act. OCR's postings pursuant to the Act can be located at <https://www.gsa.gov>.
- OCR developed EEO-centered elements for the performance plans of GSA senior executives. The elements evaluate leaders' commitment to agency EEO policies and principles and their participation in the EEO program. The performance elements have been incorporated into the FY 2023 senior executive performance plans.
- OCR improved procedures for notifying GSA's anti-harassment program of allegations of harassment raised during the EEO complaint process. This process improves the notification responsibilities and thereby facilitates the process for conducting inquiries into alleged harassment and taking corrective measures when necessary.

- In October 2021, GSA launched its new Persons with Disabilities Special Emphasis Program and co-hosted the Annual Interagency Accessibility forum including presentations and panel discussions focused on accessibility as a foundation for inclusion, diversity, and equity within the federal government.
- In December 2021, GSA updated its reasonable accommodation policy and procedures and in January, 2022, the EEOC certified that the revisions were fully compliant with Section 501 of the Rehabilitation Act of 1973.
- OCR successfully managed EEO case processing and met all regulatory timeframes for complaint processing, including all counseling, investigations, and final agency decisions.
- OCR continued to collaborate with agency partners on several diversity, equity, inclusion, and accessibility (DEIA) efforts. These efforts included the IDEA Champions, the first-ever competitive leadership development program focused on DEIA as a leadership competency; and DEIA Dialogues, the first-ever agency-wide forum for facilitated discussions exploring topics such as hidden bias, microaggressions, and intersectionality.
- OCR effectively leveraged technology to provide extensive virtual discrimination prevention training. In FY 2022, OCR provided training for 2,140 employees (22% of the workforce) on 10 different topics, including unconscious bias, civil treatment for employees, civil treatment for supervisors, supervisory EEO responsibilities, new employee orientation, settlement official training, DEIA, civil rights, MD-715, and fundamentals of environmental justice, as well as various EEO-related speaker series topics.
- OCR utilized customer journey mapping to gain insights about the EEO complaint process experience. In response to feedback, OCR took steps to uncomplicate the complaint process, enhance communications about the process, protect the privacy interests of those participating in the process, and assure stakeholders the process is fair and impartial. Besides offering training to prevent workplace harassment and retaliation, OCR created an EEO resources page on the Agency's internal intranet site to help all employees better understand their EEO rights and responsibilities.
- OCR continued to utilize the Federal Mediation Conciliation Service to provide ADR for issues that had not yet entered the EEO complaint process.

## Improvements Planned for FYs 2023-24

During FY 2023 and 2024, OCR's strategic focus will include the following:

- Collaborating with agency partners to further expand training options that address knowledge gaps identified through trends in complaint activity and customer feedback.
- Implementing OCR's strategic plan aimed at further enhancing efficiency and effectiveness.
- Championing the integration of EEO policies and diversity considerations into GSA's operations and workforce planning.
- Expanding collaborations such as the DEIA Dialogue sessions to build upon cultural competencies for high-performing, inclusive leadership and foster a more equitable Federal workforce.
- Leveraging internal communication channels to disseminate more effectively information about OCR's services and employee protections under Federal antidiscrimination and whistleblower protection laws.
- Developing and implementing action plans that support GSA's DEIA Strategic Plan pursuant to E.O. 14035.

## No FEAR Act Training

In accordance with 5 CFR § 724.203, all GSA employees, including managers and supervisors, are required to complete No FEAR Act training biennially, with the last cycle completed in September 2022. New employees are required to complete No FEAR Act training within 90 calendar days of the new employees' appointment. GSA launched the 2022 cycle of No FEAR Act training in January 2022. This training is provided through GSA Online University, a training portal open to all GSA employees. More than 93% of eligible, onboard GSA employees completed the No FEAR Act 2022 training cycle.

## APPENDIX A - LEGISLATIVE & REGULATORY REQUIREMENTS

### Section 203 (a) of the No FEAR Act (Pub. Law 107-174) provides, in pertinent part:

(a) Annual Report. — Subject to subsection (b), not later than 180 days after the end of each fiscal year, each Federal agency shall submit to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the agency, the Chair, Equal Employment Opportunity Commission, and the Attorney General an annual report in an electronic format prescribed by the Director of the Office of Personnel Management which shall include, with respect to the fiscal year.

(1) 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;

(2) the status or disposition of cases described in paragraph (1);

(3) the amount of money required to be reimbursed by such agency under section 201 in connection with each of such cases, separately identifying the aggregate amount of such reimbursements attributable to the payment of attorneys' fees, if any;

(4) the number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1);

(5) the final year-end data posted under section 301(c)(1)(B) for such fiscal year (without regard to section 301(c)(2));

(6) a detailed description of —

(A) the policy implemented by that agency 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); 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

(B) with respect to each of such laws, the number of employees who are disciplined in accordance with such policy and the specific nature of the disciplinary action taken;



(7) an analysis of the information described under paragraphs (1) through (6) (in conjunction with data provided to the Equal Employment Opportunity Commission in compliance with Part 1614 of Title 29 of the Code of Federal Regulations) including—

- (A) an examination of trends;
- (B) causal analysis;
- (C) practical knowledge gained through experience;
- (D) any actions planned or taken to improve complaint or civil rights programs of the agency; and

(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.

Subpart C of 5 CFR Part 724 (5 CFR §724.302):

(a) Except as provided in paragraph (b) of this section, each agency must report no later than 180 calendar days after the end of each fiscal year the following items:

(1) The number of cases in Federal court pending or resolved in each fiscal year and arising under each of the respective provisions of the Federal Antidiscrimination Laws and Whistleblower Protection Laws applicable to them as defined in §724.102 of subpart A of this part in which an employee, former Federal employee, or applicant alleged a violation(s) of these laws, separating data by the provision(s) of law involved;

(2) In the aggregate, for the cases identified in paragraph (a)(1) of this section and separated by provision(s) of law involved:

- (i) The status or disposition (including settlement);
- (ii) The amount of money required to be reimbursed to the Judgment Fund by the agency for payments as defined in §724.102 of subpart A of this part;
- (iii) The amount of reimbursement to the Fund for attorney's fees where such fees have been separately designated;

(3) In connection with cases identified in paragraph (a)(1) of this section, the total

number of employees in each fiscal year disciplined as defined in §724.102 of subpart A of this part and the specific nature, e.g., reprimand, etc., of the disciplinary actions taken, separated by the provision(s) of law involved;

(4) The final year-end data about discrimination complaints for each fiscal year that was posted in accordance with Equal Employment Opportunity Regulations at subpart G of title 29 of the Code of Federal Regulations (implementing section 301(c)(1)(B) of the No FEAR Act);

(5) Whether or not in connection with cases in Federal court, the number of employees in each fiscal year disciplined as defined in §724.102 of subpart A of this part in accordance with any agency policy described in paragraph (a)(6) of this section. The specific nature, e.g., reprimand, etc., of the disciplinary actions taken must be identified;

(6) A detailed description of the agency's policy for taking disciplinary action against Federal employees for conduct that is inconsistent with Federal Antidiscrimination Laws and Whistleblower Protection Laws or for conduct that constitutes another prohibited personnel practice revealed in connection with agency investigations of alleged violations of these laws;

(7) An analysis of the information provided in paragraphs (a)(1) through (6) of this section in conjunction with data provided to the Equal Employment Opportunity Commission in compliance with 29 CFR part 1614 subpart F of the Code of Federal Regulations. Such analysis must include:

(i) An examination of trends;

(ii) Causal analysis;

(iii) Practical knowledge gained through experience; and

(iv) Any actions planned or taken to improve complaint or civil rights programs of the agency with the goal of eliminating discrimination and retaliation in the workplace.

(8) For each fiscal year, any adjustment needed or made to the budget of the agency to comply with its Judgment Fund reimbursement obligation(s) incurred under §724.103 of subpart A of this part; and

(9) The agency's written plan developed under §724.203(a) of subpart B of this part to train its employees.

(b) The first report also must provide information for the data elements in paragraph (a) of this section for each of the five fiscal years preceding the fiscal year on which the first report is based to the extent that such data is available. Under the provisions of the No FEAR Act, the first report was due March 30, 2005, without regard to the status of the regulations. Thereafter, under the provisions of the No FEAR Act, agency reports are due annually on March 30th. Agencies that have submitted their reports before these regulations became final must ensure that they contain data elements 1 through 8 of paragraph (a) of this section and provide any necessary supplemental reports by April 25, 2007. Future reports must include data elements 1 through 9 of paragraph (a) of this section.

(c) Agencies must provide copies of each report to the following:

- (1) Speaker of the U.S. House of Representatives.
  - (2) President Pro Tempore of the U.S. Senate.
  - (3) Committee on Homeland Security and Governmental Affairs, U.S. Senate.
  - (4) Committee on Oversight and Reform, U.S. House of Representatives.
  - (5) Each Committee of Congress with jurisdiction relating to the agency.
  - (6) Chair, Equal Employment Opportunity Commission.
  - (7) Attorney General; and
  - (8) Director, U.S. Office of Personnel Management.
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APPENDIX B - GSA NO FEAR ACT DATA COMPARISON

FY 2017 - FY 2022 | FYs represented as Oct. 1 - Sep. 30

Complaint Activity	Comparative Data					
	Previous FY Data					2022
	2017	2018	2019	2020	2021	
Complaints Filed	89	84	65	73	44	52
Number of Complainants	79	79	58	67	40	51
Repeat Filers	8	5	7	6	2	1

Complaints by Basis	Comparative Data					
	Previous FY Data					2022
Note: Complaints can allege multiple bases, so the sum of the bases may not equal total complaints filed.	2017	2018	2019	2020	2021	
Disability	41	33	32	33	13	19
Reprisal	45	50	29	37	23	25
Race	32	35	27	33	18	30
Sex	32	44	21	32	15	19
Age	35	40	22	23	9	14
Color	17	17	8	17	10	10
National Origin	10	13	3	11	8	7
Religion	4	8	2	3	3	10
Non-EEO	4	3	1	2	0	0
Equal Pay Act	0	1	1	1	2	1
Genetics	0	0	0	0	0	1
PDA	0	0	1	0	0	0

Complaints by Issue	Comparative Data					
	Previous FY Data					2022
Note: Complaints can allege multiple issues, so the sum of the issues may not equal total complaints filed.	2017	2018	2019	2020	2021	
Appointment/Hire	3	0	1	3	0	1
Assignment of Duties	9	6	3	2	9	0
Awards	0	0	0	0	0	0
Conversion to Full Time/Permanent Status	0	0	0	0	0	0
Disciplinary Action						
• Demotion	2	0	0	0	0	1
• Reprimand	4	4	0	4	2	0
• Suspension	3	3	2	3	2	2
• Removal	4	1	4	2	3	4
• Other - Disciplinary Warning	0	0	3	4	3	7
Duty Hours	2	0	1	0	0	0
Performance Evaluation/Appraisal	17	11	7	12	8	11
Examination/Test	1	0	0	0	0	0
Harassment						
• Non-Sexual	33	24	21	26	9	24
• Sexual	1	4	0	0	0	3
Medical Examination	0	0	2	0	0	1
Pay Including Overtime	2	4	1	4	1	3
Promotion/Non-Selection	17	16	11	15	6	8
Reassignment						
• Denied	3	1	0	4	0	1
• Directed	1	2	0	1	1	3
Reasonable Accommodation Disability	17	10	7	9	1	6
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	7
Retirement	0	3	0	1	1	0
Sex-Stereotyping	0	0	0	0	0	0

Complaints by Issue, Continued	Comparative Data					
	Previous FY Data					2022
Note: Complaints can allege multiple issues, so the sum of the issues may not equal total complaints filed.	2017	2018	2019	2020	2021	
Telework	4	0	1	0	0	0
Termination	1	4	9	5	2	4
Terms/Conditions of Employment	13	12	8	9	8	11
Time and Attendance	4	2	4	7	0	3
Training	2	0	1	0	2	0

Processing Time	Comparative Data					
	Previous FY Data					2022
	2017	2018	2019	2020	2021	

**Complaints Pending During FY**

Average number of days in investigation	205.22	215.48	221.80	195.98	195.52	199.00
Average number of days in final action	48.02	38.83	49.64	47.98	47.40	43.83

**Complaints Pending During FY Where Hearing Was Requested**

Average number of days in investigation	209.68	221.74	240.31	201.42	192.26	198.00
Average number of days in final action	46.47	26.32	43.94	37.15	38.52	38.12

**Complaints Pending During FY Where Hearing Was Not Requested**

Average number of days in investigation	213.92	230.78	233.06	205.96	200.67	202.92
Average number of days in final action	51.70	54.11	60.74	58.80	59.56	57.71

Complaints Dismissed by Agency	Comparative Data					
	Previous FY Data					2022
	2017	2018	2019	2020	2021	
Total Number of Complaints Dismissed by Agency	4	8	4	10	12	3
Average days pending prior to dismissal	21	31	54	56	39	41
<b>Complaints Withdrawn by Complainants</b>	10	13	4	2	4	3

Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous FY Data										2022	
	2017		2018		2019		2020		2021			
	#	%	#	%	#	%	#	%	#	%	#	%
<b>Total Number of Findings</b>	0		4		0		2		1		1	
Without Hearing	0	0	1	25	0	0	0	0	1	100	0	0
With Hearing	0	0	3	75	0	0	2	100	0	0	1	100

**Note about this table:** Basis categories with no findings over the period are not included.

Findings of Discrimination by Basis	Comparative Data											
	Previous FY Data										2022	
	2017		2018		2019		2020		2021			
Note: Complaints can allege multiple bases, so the sum of the bases may not equal total complaints and findings.	#	%	#	%	#	%	#	%	#	%	#	%
<b>Total Number of Findings</b>	0		4		0		2		1		1	
Race	0	0	2	50	0	0	0	0	0	0	0	0
Reprisal	0	0	1	25	0	0	2	100	1	100	0	0
Sex	0	0	3	75	0	0	0	0	0	0	0	0
Age	0	0	1	25	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	1	100	0	0
PDA	0	0	0	0	0	0	0	0	0	0	1	100

Note about this table: Basis categories with no findings over the period are not included.

Findings of Discrimination by Basis, Continued	Comparative Data											
	Previous Fiscal Year Data										2022	
	2017		2018		2019		2020		2021			
	#	%	#	%	#	%	#	%	#	%	#	%
<b>Total Number of Findings After Hearing</b>	0		3		0		2		0		1	
Race	0	0	2	67	0	0	0	0	0	0	0	0
Reprisal	0	0	1	33	0	0	2	100	0	0	0	0
Sex	0	0	3	100	0	0	0	0	0	0	0	0
Age	0	0	1	33	0	0	0	0	0	0	0	0
PDA	0	0	0	0	0	0	0	0	0	0	1	100
<b>Total Number of Findings Without Hearing</b>	0		1		0		0		1		0	0
Disability	0	0	1	100	0	0	0	0	1	100	0	0
Reprisal	0	0	0	0	0	0	0	0	1	100	0	0

Note about this table: Issue categories with no findings over the period are not included.

Findings of Discrimination by Issue	Comparative Data											
	Previous FY Data										2022	
	2017		2018		2019		2020		2021			
	#	%	#	%	#	%	#	%	#	%	#	%
Note: Complaints can allege multiple issues, so the sum of the issues may not equal total complaints and findings.												
<b>Total Number of Findings</b>	0		4		0		2		1		1	
Appointment/Hire	0	0	1	25	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	1	25	0	0	0	0	0	0	0	0
Disciplinary Action												
• Suspension	0	0	0	0	0	0	2	100	0	0	0	0
• Removal	0	0	1	25	0	0	0	0	0	0	0	0
Performance Evaluation/ Appraisal	0	0	0	0	0	0	0	0	1	100	0	0
Harassment												
• Sexual	0	0	1	25	0	0	0	0	0	0	0	0
Reasonable Accommodation Disability	0	0	0	0	0	0	0	0	1	100	0	0
Termination	0	0	0	0	0	0	0	0	0	0	1	100
Terms/Conditions of Employment	0	0	1	25	0	0	0	0	0	0	0	0



Findings of Discrimination by Issue, Continued	Comparative Data											
	Previous FY Data										2022	
	2017		2018		2019		2020		2021		#	%
	#	%	#	%	#	%	#	%	#	%		
<b>Total Number of Findings After Hearing</b>	0		3		0		0		0		1	
Assignment of Duties	0	0	1	33	0	0	0	0	0	0	0	0
Disciplinary Action												
• Suspension	0	0	0	0	0	0	2	100	0	0	0	0
• Removal	0	0	1	33	0	0	0	0	0	0	0	0
Harassment												
• Sexual	0	0	1	33	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	1	33	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	1	100
<b>Total Number of Findings Without Hearing</b>	0		1		0		0		1		0	
Appointment/Hire	0	0	1	100	0	0	0	0	0	0	0	0
Performance Evaluation/ Appraisal	0	0	0	0	0	0	0	0	1	100	0	0
Reasonable Accommodation Disability	0	0	0	0	0	0	0	0	1	100	0	0

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data					
	Prior FY Data					2022
	2017	2018	2019	2020	2021	
Total Pending Complaints	56	66	65	46	54	20
Total Complainants	49	60	56	42	51	19

**Complaints Pending**

• Investigation	1	1	1	0	0	1
• ROI issued, pending Complainant's action	0	0	1	0	0	0
• Hearing	53	62	53	44	52	16
• Final Agency Action	2	2	2	2	2	4
• Appeal with EEOC Office of Federal Operations	58	57	22	13	16	16

Complaint Investigations	Comparative Data					
	Prior FY Data					2022
	2017	2018	2019	2020	2021	
Pending Complaints Where Investigations Exceeded Required Time Frames	0	0	0	0	0	0

APPENDIX C - ALL EEO CATEGORIES

**Discrimination Basis Categories**

Age	Non-EEO
Color	Pregnancy Discrimination Act
Disability	Race
Equal Pay Act	Religion
Genetics	Reprisal
National Origin	Sex

**Discrimination Issue Categories**

Appointment/Hire	Pay/Overtime
Assignment of Duties	Promotion/Non-Selection
Awards*	Reassignment Denied
Conversion to Full Time/Perm Status*	Reassignment Directed
Demotion	Reasonable Accommodation Disability
Reprimand	Reinstatement*
Suspension	Religious Accommodation
Removal	Retirement
Warning	Sex-Stereotyping*
Duty Hours	Telework
Performance Eval/Appraisal	Termination
Examination/Test	Terms/Conditions of Employment
Harassment: Non-Sexual	Time and Attendance
Harassment: Sexual	Training
Medical Examination	Other

*\*No FY 2017-2022 complaints included these categories.*