



**Notification and Federal Employee
Antidiscrimination and
Retaliation (No FEAR) Act
Annual Report
Fiscal Year (FY) 2012**

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Social Security Administration (SSA)
No FEAR Act Report
Fiscal Year (FY) 2012

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

Section I. Summary of District Court Cases (FY 2012)

The data below show all cases and payments to the Judgment Fund in FY 2012, 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 2012.

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 2012: 61
- The 61 cases alleged violations of the following laws:
 - Title VII of the Civil Rights Act (Title VII): 41 cases
 - Age Discrimination in Employment Act (ADEA): 25 cases
 - Rehabilitation Act (disability): 25 cases
- Of the 61 pending cases at the close of FY 2012, 37 were new cases received in FY 2012.
- The 37 new cases alleged violations of the following laws:
 - Title VII: 20 cases
 - ADEA: 10 cases
 - Rehabilitation Act (disability): 15 cases

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

- Nine Federal court cases concluded in FY 2012:
 - Dismissed/Judgment for SSA: 7
 - Judgment against SSA: 0
 - Settled: 2

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

- Total: \$361,000
- Attorney's Fees: \$101,000

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 three employees for harassment.

Section II. Year-End Data

5. *The final year-end data posted under section 301(c)(1)(B) for FY 2012 (without regard to section 301(c)(2)).*

- See Attachment A.

Section III. Disciplinary Policies and Administrative Discipline

6. *A detailed description of —*

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

- i. *discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2) of the No FEAR Act, or*
- ii. *committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a)(1) or (2), and*

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

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

- We imposed discipline on four employees in FY 2012 for engaging in actions constituting discrimination, retaliation, or harassment: two reprimands, one suspension, and one removal.

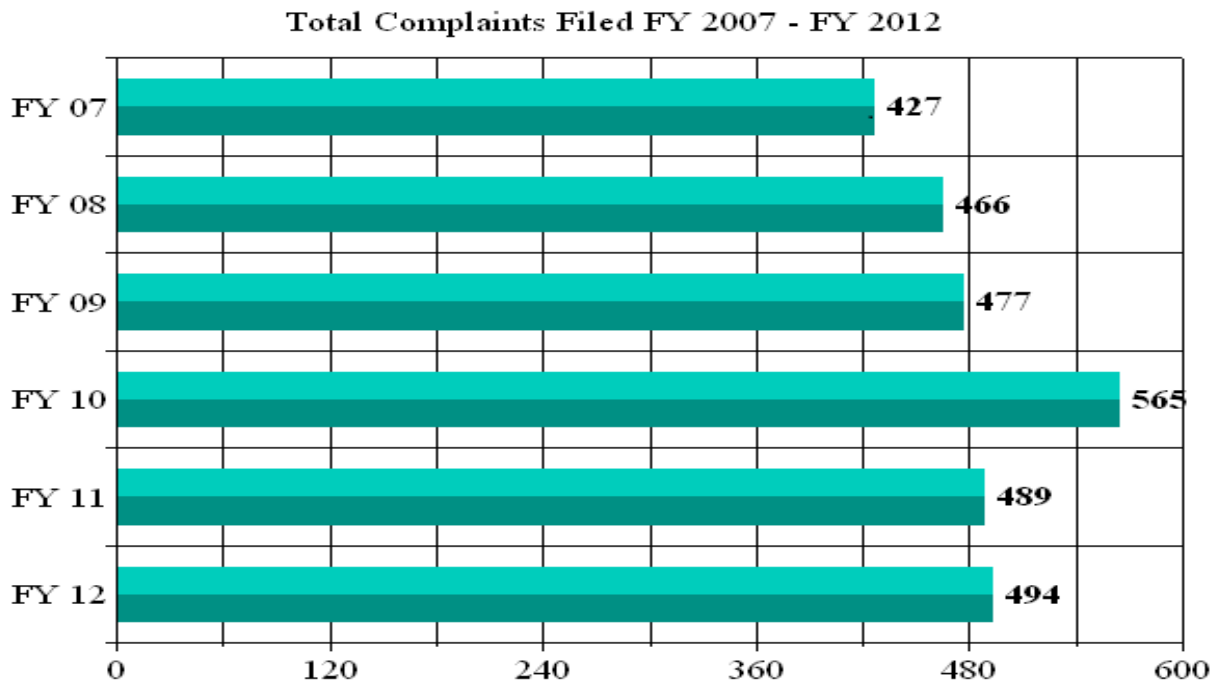
Section IV. Analysis of Discrimination Complaints

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

Our complaint activity reveals a 1.02 percent increase in complaints filed from FY 2011 (489 complaints) to FY 2012 (494 complaints). The FY 2012 increase in complaint activity is minimal, while reversing last year's larger decrease in complaints filed. In addition, the percentage of our employees who filed formal EEO complaints increased slightly from 0.67 percent of the workforce in FY 2011 (448 complainants) to 0.69 percent in FY 2012 (451 complainants).



For FYs 2009-2012, the top complaint basis was reprisal and the top issue was harassment (non-sexual). Age and race were the other top bases of complaints for the past five fiscal years. Other top issues included promotion/non-selection and evaluation/appraisal. Our top bases and issues are consistent with those from other Federal agencies, as reported in the EEOC's FY 2011 Annual Report on the Federal Workforce.

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

Top Three Bases	Fiscal Year 2007	Fiscal Year 2008	Fiscal Year 2009	Fiscal Year 2010	Fiscal Year 2011	Fiscal Year 2012
	Reprisal	Age	Reprisal	Reprisal	Reprisal	Reprisal
	Race	Reprisal	Age	Age	Race	Age
	Age	Race	Race	Race	Age	Race

Top Three Issues	Fiscal Year 2007	Fiscal Year 2008	Fiscal Year 2009	Fiscal Year 2010	Fiscal Year 2011	Fiscal Year 2012
	Promotion/Non Selection	Promotion/Non Selection	Harassment (non-sexual)	Harassment (non-sexual)	Harassment (non-sexual)	Harassment (non-sexual)
	Harassment (non-sexual)	Harassment (non-sexual)	Promotion/Non Selection	Promotion/Non Selection	Promotion/Non Selection	Promotion/Non Selection
	Time and Attendance	Evaluation/ Appraisal	Evaluation/ Appraisal	Evaluation/ Appraisal	Evaluation/ Appraisal	Evaluation/ Appraisal

We take continual action to heighten employee and management awareness of how EEO issues arise in the workplace with the hope that greater understanding and increased communication will lead to fewer complaints. In FY 2012, our Office of Civil Rights and Equal Opportunity (OCREO) successfully provided EEO training for more than 600 managers and employees nationwide on a variety of EEO subjects, including basic EEO, EEO laws, agency non-discrimination policies, sexual harassment, cultural sensitivity, anti-harassment, reasonable accommodation, the No FEAR Act, and Alternative Dispute Resolution (ADR).

Additionally, OCREO researched and wrote a No FEAR Act Video-on-Demand (VOD) script and worked with our Office of Learning (OL) to produce the VOD for mandatory employee viewing. OCREO is updating the Anti-Harassment and Cultural Sensitivity training and Sexual Harassment training for agency-wide use. We helped plan and conduct a training conference for regional Civil Rights and Equal Opportunity (CREO) Managers, where OCREO prepared and presented training on letters of acceptance of EEO claims.

In FY 2012, we increased the timeliness of our investigations by 9.8 percentage points from 72.5 percent in FY 2011 to 82.3 percent in FY 2012. The increase in employee training and substantial decreases in operational inefficiencies contributed to the 9.8 percent point increase in timeliness for FY 2012.

Complaints	Fiscal Year 2007	Fiscal Year 2008	Fiscal Year 2009	Fiscal Year 2010	Fiscal Year 2011	Fiscal Year 2012
Complaints Filed	426	466	477	562	489	494
Total Completed Investigations	220	238	509	482	408	339
Average Days	246	259	259	175	190	195
% Timely	43.6%	29.4%	35.6%	82.8%	72.5%	82.3%

In FY 2012, we closed 28 EEO complaints with monetary corrective actions, totaling \$988,491. The monetary actions consist of back pay/front pay (\$1,818), compensatory damages (\$8,500), lump sum payments (\$698,391), and attorneys' fees and costs (\$279,782).

Fiscal Year	# of Cases Closed with Monetary Corrective Actions	Total Amount Paid
FY 2007	29	\$364,800
FY 2008	29	\$190,905
FY 2009	33	\$245,500
FY 2010	44	\$310,063
FY 2011	26	\$120,909
FY 2012	28	\$988,491

In FY 2012, we timely completed pre-complaint counseling at a 95.0 percent rate and increased the pre-complaint ADR settlement rate from 29 percent in FY 2011 to 30 percent in FY 2012. Since FY 2008, we have gradually increased our timely completed pre-complaint counseling rate.

	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Total # Completed Counselings	843	884	913	972	903	917
# Timely	598	621	784	896	847	871
% Timely	70.9%	70.2%	85.9%	92.2%	93.8%	95.0%
% of Completed Counselings Resolved (Settled/Withdrawn)	48.6%	47.6%	45.9%	41.6%	45.7%	45.8%

SSA continues to fine-tune its ADR program. The ADR program continued to provide mediation services within 48 hours of an ADR request. Due to SSA’s successful effort to increase the visibility of the ADR program, over 60 percent of all managers agreed to participate in ADR to resolve EEO complaints.

SSA successfully implemented multiple techniques to achieve a 44 percent pre-complaint ADR participation rate. SSA hosted its second National Conflict Resolution Day event, conducted various ADR managerial training events, and is committed to increasing the total ADR participation rate in FY 2013 to 50 percent.

Fiscal Year	Counselings/ Complaints	ADR Offers		ADR Participation		Fiscal Year	Counselings/ Complaints	ADR Offers		ADR Participation	
		#	%	#	%			#	%		
FY 2011 Completed Pre-Complaint Counselings	903	774	85.7%	370	40.9%	FY 2011 Formal Complaint Closures	489	376	76.9%	69	14.1%
FY 2012 Completed Pre-Complaint Counselings	917	786	85.7%	406	44.2%	FY 2012 Formal Complaint Closures	414	338	81.6%	36	8.7%
% Change FY 2011 to FY 2012	1.6%	1.6%		9.7%		% Change FY 2011 to FY 2012	-15.3%	-10.1%		-47.8%	

B. Practical Knowledge Gained through Experience

As our agency administers the Social Security programs and provides services that meet the changing needs of the public, we also endeavor to meet the needs of our valued staff. Our commitment to our talented and richly diverse employees enabled us to maintain our ranking in the Top Ten Federal Agencies “Best Places to Work” report for the fourth consecutive year. The report, by Partnership for Public Service and Deloitte, indicates that SSA ranked in the top 10 overall, and among the top 5 in three out of six individual categories.

At the Social Security Administration, we value our employees as our most important asset and continue to engage in human capital planning focused on mission-critical leadership competencies. Our continued review of our workforce profiles drives our recruitment, development, and retention of a skilled, multi-generational, and diverse workforce. These strategies allow us to keep a finger on the pulse of our organization in an effort to create, maintain, and improve practices and processes that benefit our current workforce, and proactively attract diverse new talent.

In Fiscal Year (FY) 2012, our agency performed the following activities to enhance employee awareness of workforce diversity and to promote agency antidiscrimination principles:

- SSA hosted its second National Conflict Resolution Day event and conducted a number of ADR training events for managers. We monitored and assisted field EEO managers to ensure that all managers and supervisors received ADR training in accordance with EEOC regulations. We achieved a 44 percent ADR participation rate after this training. Our goal is to increase the total ADR participation rate to 50 percent by 2013.
- We expanded our agency's participation in American University's American Indian Program/Washington Internships for Native Students (WINS) program. The WINS program offers students of sovereign American Indian/Alaska Native, and Native Hawaiian nations the opportunity to build leadership skills while living, studying, and interning in the Washington, D.C. area. In FY 2012, we sponsored 26 WINS students compared to a total 22 WINS students from FY 2009 through FY 2011. Some of these students conducted evaluation-based research and evaluated technical training materials for several offices within the Office of Retirement and Disability Policy. In OCREO, the WINS students assisted with EEO complaints, produced valuable research reports on the retirement security of American Indians/Alaska Natives, and contributed to the Native American and Alaska Native Heritage Month Event.
- The agency held eight Special Emphasis Program Observances and two memorial observances (Dr. Martin Luther King, Jr. Day and the Holocaust Memorial Observance) to celebrate diversity and the contributions of individuals from all minority groups.
- In FY 2010, we awarded a contract to conduct our first formal barrier analysis study. We renewed the contract for FY 2012 and awarded a new contract for FY 2013 (with four option years). The contractor concluded its study for FY 2011 and provided its report. SSA is currently reviewing the findings and determining its next steps. The contractor is currently completing its analysis on FY 2011 data and is conducting its analysis on FY 2012 data. It will conclude a substantial portion of its work at the end of FY 2013. The contractor provided OCREO staff training on barrier analysis in FY 2012.
- The Civil Rights and Equal Opportunity (CREO) office in our Chicago Region (encompassing Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin), along with that Region's Center for Human Resources (CHR), organized a career event in an effort to promote recruitment, training, mentoring, job enrichment, and advancement for all diverse groups in the workforce. The event allowed employees to network with other employees and career seekers, hear from the EEO advisory councils, and receive career advice from some of SSA's Executive Staff Members. Over 150 employees participated.
- The Chicago Region CREOs, in collaboration with the Office of the General Counsel (OGC), presented a training session on Sexual Harassment and Harassment (non-sexual) that included identifying, addressing, and preventing harassment in the workplace for Field Offices, Teleservice Centers, and Area Director Office managers. The session trained 600 managers.
- The Atlanta Region (encompassing Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee) CREO office created a video library containing a wide range of EEO topics. The subjects include: EEO/Complaints Processing; Cultural Diversity; Disability Services; Sexual Harassment; Teambuilding;

Health and Wellness; Communication; and Commemorative Observance Programs. Managers used the videos to handle their employees' EEO related matters, trainers used the videos as part of their course materials, and event planners used them to assist with the preparation of commemorative events.

- The New York (NY) Region (encompassing New York, New Jersey, and the territories of Puerto Rico and U.S. Virgin Islands) celebrated Asian American and Pacific Islander Heritage Month with an event under the theme "Striving for Excellence in Leadership, Diversity, and Inclusion." SSA hosted this joint event, with the U.S. Departments of Housing and Urban Development, Health and Human Services, Homeland Security, General Service Administration, Environmental Protection Agency, Army Corps of Engineers, Federal Executive Board, Internal Revenue Service, and Federally Employed Women. Approximately 150 employees attended.
- The NY Regional Commissioner (RC) signed a regional charter establishing the regional chapter of the NY Lesbian, Gay, Bisexual, and Transgender Advisory Council. An RC newsletter announced the event to all regional employees.
- The Black Affairs Advisory Council in the NY Region released the Fall/Winter Newsletter in February 2012. Noteworthy features included: "SSA-45: Helpful Tips," designed to help employees better present themselves when applying for new positions; answers to a crossword puzzle called "Exquisite Adjectives" that helped employees from all cultures and languages expand their English vocabulary; highlights on the opening of the Martin Luther King Jr. Memorial; and articles providing an opportunity for the diverse regional population to improve and enrich their writing skills.
- The NY region hosted its first Federal Inter-Agency Black History Month celebration. The Federal agencies included SSA, Department of Health and Human Services, Department of Homeland Security, General Service Administration, Environmental Protection Agency, Department of Housing and Urban Development, Army Corps of Engineers, Federal Executive Board, and Internal Revenue Service. Approximately 200 employees attended.
- Our regions continued to host diversity celebrations for employees that highlighted the ethnicity and culture of diverse groups represented in the regions. Working in conjunction with the Regional CREO offices, the following EEO advisory councils planned and participated in these events: American Indian Alaska Natives; Employees with Disabilities; Black Affairs; Lesbian, Gay, Bisexual, and Transgender; Pacific Asian American; Women's Affairs; and Hispanic Affairs.
- We continued to visit Historically Black Colleges and Universities, Hispanic Serving Institutions, Tribal Colleges and Universities, and Asian American and Native American Pacific Islander Serving Institutions in our efforts to recruit a diverse workforce.
- At various locations throughout the regions, SSA employees participated in job fairs and career days and implemented Job Shadowing Days to expose students of various ethnicities to careers within SSA and provide them first-hand knowledge of the agency's effect on the public.

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

In FY 2013, SSA will address the following plan objectives to improve our program:

- Continue to ensure that managers and supervisors receive annual EEO refresher training;
- Continue to improve EEO complaint processing so we remain able to meet the required timeframes for processing discrimination complaints;
- Continue working with our barrier analysis contractor to identify and resolve potential barriers to equal opportunity;
- Implement new procedures and contract requirements to improve the quality and timeliness of investigations performed by outside contractors;
- Continue to review and modify standard operational procedures to ensure completion of EEO pre-complaint counseling within specified timelines.

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 2007 - FY 2012)

² All data is from the iComplaints "No Fear Report Module."

Equal Employment Opportunity Data Posted Pursuant to the No Fear Act:

Social Security Administration

Fiscal Year 2007 – Fiscal Year 2012

Mixed Cases are Included in this report.

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2012
	2007	2008	2009	2010	2011	
Number of Complaints Filed	427	466	477	565	489	496
Number of Complainants	385	421	413	510	448	453
Repeat Filers	26	31	51	44	35	37
Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2012
	2007	2008	2009	2010	2011	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2007	2008	2009	2010	2011	
Race	184	174	181	215	214	179
Color	12	18	27	37	37	37
Religion	10	12	17	25	24	12
Reprisal	188	195	229	260	236	257
Sex	149	136	153	171	152	153
PDA	0	0	0	0	0	3
National Origin	53	62	51	67	42	49
Equal Pay Act	1	0	1	0	0	0
Age	165	199	211	236	202	193
Disability	115	162	155	153	140	163
Genetics	0	0	0	0	1	0
Non-EEO	33	33	42	57	44	44

Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					2012
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2007	2008	2009	2010	2011	
Appointment/Hire	2	18	13	22	15	22
Assignment of Duties	30	43	46	60	50	51
Awards	55	35	33	49	24	23
Conversion to Full-time	5	0	1	3	3	0
Disciplinary Action						
Demotion	4	7	3	7	9	3
Reprimand	21	27	18	32	26	21
Suspension	32	19	9	30	25	18
Removal	6	7	11	9	3	5
Other	0	2	5	4	4	8
Duty Hours	2	5	4	3	1	4
Evaluation Appraisal	22	60	68	83	78	83
Examination/Test	0	0	0	1	0	0
Harassment						
Non-Sexual	101	135	176	231	211	239
Sexual	7	8	13	17	13	13
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	6	15	24	14	13	22
Promotion/Non-Selection	149	177	160	161	157	158
Reassignment						
Denied	12	10	11	11	13	14
Directed	13	9	9	9	9	11
Reasonable Accommodation	38	55	58	43	47	54
Reinstatement	0	2	1	0	2	1

Retirement	7	8	5	2	8	6
Termination	25	27	43	51	56	24
Terms/Conditions of Employment	20	38	23	49	43	30
Time and Attendance	60	44	46	59	49	57
Training	19	23	31	21	27	18
Other	20	32	33	46	39	30
Processing Time	Comparative Data					
	Previous Fiscal Year Data					2012
	2007	2008	2009	2010	2011	
Complaints pending during fiscal year						
Average number of days in investigation	226.95	274.07	256.53	174.26	185.22	193.29
Average number of days in final action	276.30	121.35	104.42	89.17	75.83	87.29
Complaints pending during fiscal year where hearing was requested						
Average number of days in investigation	200.06	274.91	248.59	171.81	183.08	190.64
Average number of days in final action	97.43	14.95	17.60	15.44	35.09	35.39
Complaints pending during fiscal year where hearing was not requested						
Average number of days in investigation	273.72	272.20	270.51	179.74	189.79	198.87
Average number of days in final action	441.11	212.21	161.64	130.62	131.84	153.73
Complaints Dismissed by Agency	Comparative Data					
	Previous Fiscal Year Data					2012
	2007	2008	2009	2010	2011	
Total Complaints Dismissed by Agency	83	63	69	73	86	55

Average days pending prior to dismissal	226	82	193	115	103	160						
Complaints Withdrawn by Complainants												
Total Complaints Withdrawn by Complainants	30	41	77	41	61	55						
Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous Fiscal Year Data											2012
	2007		2008		2009		2010		2011			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	5		3		0		3		2		4	
Without Hearing	1	20	0	0	0	0	0	0	0	0	0	0
With Hearing	4	80	3	100	0	0	3	100	2	100	4	100
Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data											2012
	2007		2008		2009		2010		2011			
	#	%	#	%	#	%	#	%	#	%	#	%
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>												
Total Number Findings	5		3		0		3		2		4	
Race	1	20	0	0	0	0	0	0	1	50	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	1	33	0	0	1	33	1	50	3	75
Sex	3	60	1	33	0	0	0	0	0	0	0	0
Pregnancy Discrimination Act	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	1	33	0	0	2	67	1	50	0	0
Disability	2	40	2	67	0	0	0	0	0	0	1	25
Genetics	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	4		3		0		3		2		4	
Race	1	25	0	0	0	0	0	0	1	50	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	1	33	0	0	1	33	1	50	3	75
Sex	3	75	1	33	0	0	0	0	0	0	0	0
Pregnancy Discrimination Act	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	1	33	0	0	2	67	1	50	0	0
Disability	1	25	2	67	0	0	0	0	0	0	1	25
Genetics	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	1		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
Pregnancy Discrimination Act	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	1	100	0	0	0	0	0	0	0	0	0	0
Genetics	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										2012	
	2007		2008		2009		2010		2011			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	4		3		0		3		2		4	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	1	33	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	1	25	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	1	33	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	2	50
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	1	33	0	0	0	0	0	0	1	25
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	2	50	1	33	0	0	2	67	2	100	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	1	25

Reasonable Accommodation	1	25	0	0	0	0	0	0	0	0	1	25
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	1	33	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	1	25
Training	1	25	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	4		3		0		3		2		4	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	1	33	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	1	25	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	1	33	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	2	50
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	1	33	0	0	0	0	0	0	1	25
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	2	50	1	33	0	0	2	67	2	100	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	1	25
Reasonable Accommodation	1	25	0	0	0	0	0	0	0	0	1	25
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	1	33	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	1	25
Training	1	25	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	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
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	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												

Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
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 - User Defined	0	0	0	0	0	0	0	0	0	0	0	0
Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data						2012					
	Previous Fiscal Year Data											
	2007	2008	2009	2010	2011							
Total complaints from previous Fiscal Years	0	0	0	0	0	0						
Total Complainants	487	478	574	611	646	642						
Number complaints pending												
Investigation	25	66	48	50	40	41						
ROI issued, pending Complainant's action	1	4	4	0	1	3						
Hearing	126	188	260	257	303	326						
Final Agency Action	50	30	29	46	43	63						
Appeal with EEOC Office of Federal Operations	97	69	84	131	152	149						

Complaint Investigations	Comparative Data					
	Previous Fiscal Year Data					2012
	2007	2008	2009	2010	2011	
Pending Complaints Where Investigations Exceed Required Time Frames	86	183	81	60	60	64

Attachment B

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

<http://mwww.ba.ssa.gov/eo/nofear/>



EEO Data Posted Pursuant to the No FEAR Act

No FEAR Act Notice

On May 15, 2002, Congress enacted the “Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002,” which is now known as the No FEAR Act (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 on 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 SSA 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 C.F.R. § 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 at <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 C.F.R. 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). You may find additional information regarding Federal antidiscrimination, whistleblower protection, and retaliation laws 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).