

REPORT TO CONGRESS

NO FEAR ACT ANNUAL REPORT



Federal Mediation & Conciliation Service

www.fmcs.gov



Introduction

The Federal Mediation and Conciliation Service (FMCS) is an independent agency of the federal government established by Congress in 1947 to help employees and unions avoid costly work stoppages and minimize their potentially devastating effects on regional or national commerce. The FMCS, headquartered in Washington, D.C., has mediators located in over 60 field offices and ten regional offices across the country and is best known for its history of successful and innovative advances in labor-management collaboration, joint problem solving and the resolution of major collective bargaining disputes.

This report, which covers fiscal year (FY) 2009 through FY 2013, is prepared in accordance with Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act). The No FEAR Act aims to reduce the incidents of workplace discrimination within the federal government by holding agencies and departments accountable for violations of antidiscrimination and whistleblower protection laws, and requires an annual report.

Pursuant to statutory requirements, the FMCS is providing copies of this report to the Speaker of the U.S. House of Representatives; President Pro Tempore of the U.S. Senate; U.S. Senate Committee on Governmental Affairs; U.S. House of Representative Committee on Government Reform; the Chair of the U.S. Equal Employment Opportunity Commission (EEOC); the Attorney General of the U.S. Department of Justice (USDOJ); the Director of the U.S. Office of Personnel Management (OPM); and each committee of Congress with jurisdiction relating to the agency.

I. Cases in Federal Court and Disposition Status

FMCS had no claims in federal court from the period of FY 2009 through FY 2013.

II. Amount of Money required to be Reimbursed to the Judgment Fund

For the period of FY 2009 through FY 2013, FMCS had no cases requiring reimbursements to the Judgment Fund.

III. Formal Findings of Misconduct Resulting in Disciplinary Actions

The FMCS has no formal findings of discrimination for the period of FY 2009 to FY 2013. As a result, no employees were disciplined for engaging in discrimination in violation of federal antidiscrimination or whistleblower protection laws.

IV. No Fear Act Data for Administrative Complaints during FY 2009 through FY 2013

Appendix 1 provides five years of administrative complaint activity. This information was posted on the agency's internal and external websites.

V. Internal Findings of Misconduct and Resulting Disciplinary Actions

There were no findings of discrimination as a result of internal investigations and no employees were disciplined for engaging in conduct inconsistent with federal antidiscrimination or whistleblower laws during FY 2009 through FY 2013.

FMCS has EEO Guidelines and Procedures in place to address disciplinary actions for employees found to be in violation of discriminatory laws.

VI. Trend Analysis for EEO Complaint Data

There have been nine (9) EEO administrative cases from FY 2009 through FY 2013. The majority of the cases alleged discrimination based on race.

VII. Practical Knowledge Gained through Experience

FMCS continually seeks to improve its processes for preventing and addressing discrimination. This includes offering training for staff and senior level management, sponsoring agency events to improve morale, celebrating special emphasis observances, and improving the agency's EEO policies and procedures.

VIII. Actions Taken to Improve FMCS' Equal Employment Opportunity Program

At FMCS, the EEO Director has partnered with senior management to settle workplace conflict while it is in its pre-complaint stage by engaging in facilitated dialogue. Any employee is welcome to either call or stop by the EEO office during office hours to discuss any aspect of the working environment that gives them pause, or may be construed as discrimination. The majority of in-office facilitated dialogues have ended with informal agreements that make the workplace less prone to miscommunication. We will continue to encourage an atmosphere to "talk about it."

IX. Plan to Train Employees

In compliance with the recurring training and documentation requirements of 5 C.F.R. § 724.203(b) and (d), FMCS has provided annual No FEAR Act training along with the annual EEO training for employees and management. We are in the process of preparing online EEO and No FEAR Act training for new employees within 30 days of on-boarding and to existing employee on an annual basis.

X. Conclusion

FMCS is committed to creating a workplace free from discrimination and reprisal. As the government's premier mediation agency, we strive to provide employees with information regarding Equal Employment Opportunity and the No FEAR Act through "lunch and learn" workshops, on-line training, open lines of communication, and transparency in hiring and promotional opportunities. We have been named one of the best places to work in the federal government, and we will continue to foster the inclusive environment that helped gained that recognition.

Appendix



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Complaint Activity	Historical Data					2014 YTD
	2009	2010	2011	2012	2013	
1) Number of Complaints Filed	2	3	1	2	1	0
2) Number of Complainants	2	3	1	2	1	0
3) Number of Individuals Filing More Than Once	0	0	0	0	0	0

Complaint Basis	Historical Data					2014 YTD
	2009	2010	2011	2012	2013	
4) Total Complaints	2	3	1	2	1	0
A) Race	2	3	1	2	1	0
i) Black	2	3	1	2	1	0
ii) White	0	0	0	0	0	0
iii) American Indian / Alaskan Native	0	0	0	0	0	0
iv) Asian / Pacific Islander	0	0	0	0	0	0
B) Color	2	1	0	1	1	0
C) Sex-Male (EPA claims included)	0	0	0	0	0	0
D) Sex-Female (EPA claims included)	0	1	1	1	1	0
E) Religion	1	0	0	0	1	0
F) National Origin	1	0	0	0	0	0
G) Age	0	1	0	1	1	0
H) Disability	0	0	0	0	0	0
i) Mental	0	0	0	0	0	0
ii) Physical	0	0	0	0	0	0
I) Reprisal / Retaliation for Previous EEO Activity	1	0	0	1	1	0
J) Non-EEO	0	0	0	1	1	0



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Complaint Issue	Historical Data					2014 YTD
	2009	2010	2011	2012	2013	
5) Total EEO Complaints	2	3	1	2	1	0
A) Appointment/Hire	2	0	0	0	0	0
B) Assignment of Duties	0	0	0	0	0	0
C) Awards	0	0	0	0	0	0
D) Conversion to Full-Time	0	0	0	0	0	0
E) Disciplinary Action	1	1	1	1	1	0
i) Demotion	0	1	0	0	0	0
ii) Reprimand	1	0	1	0	0	0
iii) Suspension	0	0	0	0	0	0
iv) Removal	0	0	0	0	0	0
F) Duty Hours	0	0	0	0	0	0
G) Evaluation / Appraisal	0	0	0	0	0	0
H) Examination / Test	0	0	0	0	0	0
I) Harassment	0	1	0	1	1	0
i) Non-Sexual	0	1	0	1	1	0
ii) Sexual	0	0	0	0	0	0
J) Medical Examination	0	0	0	0	0	0
K) Pay (Including Overtime)	0	0	0	0	0	0
L) Promotion / Non-Selection	0	0	1	0	0	0
M) Reassignment	0	0	0	0	0	0
i) Denied	0	0	0	0	0	0
ii) Directed	0	0	0	0	0	0
N) Reasonable Accommodation	0	0	0	0	0	0
O) Reinstatement	0	0	0	0	0	0
P) Retirement	0	0	0	0	0	0
Q) Termination	0	0	0	0	0	0
R) Terms / Conditions of Employment	0	0	0	0	0	0
S) Time and Attendance	0	0	0	0	0	0
T) Training	0	0	0	0	0	0
U) Other	0	0	0	0	0	0

Processing Time & Disposition	Historical Data					2014 YTD
	2009	2010	2011	2012	2013	
6) Number of Complete Counseling	2	3	1	2	1	0
A) Average Number of Days to Fully Investigate a Formal Complaint	200	200	200	180	180	0
B) Average Number of Days to Issue a Final Decision When No EEOC Hearing Requested	180	180	180	0	0	0
7) Number of Final Actions Completed	1	2		0	0	0
A) Number of Final Actions Without A Hearing	1	1	0	0	0	0
B) Number of Final Actions After Hearing	0	1	0	0	0	0
8) Total Number of Complaints Dismissed	0	0	0	0	0	0
9) Average Length of Time to Dismiss	260	363	0	0	0	0



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Final Actions by Basis	Historical Data					2014 YTD
	2009	2010	2011	2012	2013	
10) Total	0	0	0	0	0	0
A) Race	0	0	0	0	0	0
B) Color	0	0	0	0	0	0
C) Sex-Male	0	0	0	0	0	0
D) Sex-Female	0	0	0	0	0	0
E) Religion	0	0	0	0	0	0
F) National Origin	0	0	0	0	0	0
G) Age	0	0	0	0	0	0
H) Disability	0	0	0	0	0	0
I) Retaliation	0	0	0	0	0	0
Findings After Hearing	0	0	0	0	0	0
J) Race	0	0	0	0	0	0
K) Color	0	0	0	0	0	0
L) Sex-Male	0	0	0	0	0	0
M) Sex-Female	0	0	0	0	0	0
N) Religion	0	0	0	0	0	0
O) National Origin	0	0	0	0	0	0
P) Age	0	0	0	0	0	0
Q) Disability	0	0	0	0	0	0
R) Retaliation	0	0	0	0	0	0
Findings Without Hearing	0	0	0	0	0	0
S) Race	0	0	0	0	0	0
T) Color	0	0	0	0	0	0
U) Sex-Male	0	0	0	0	0	0
V) Sex-Female	0	0	0	0	0	0
W) Religion	0	0	0	0	0	0
X) National Origin	0	0	0	0	0	0
Y) Age	0	0	0	0	0	0
Z) Disability	0	0	0	0	0	0
AA) Retaliation	0	0	0	0	0	0



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Final Actions by Issue All Types	Historical Data					2014
	2009	2010	2011	2012	2013	YTD
11) Total	0	0	0	0	0	0
A) Appointment/Hire	0	0	0	0	0	0
B) Assignment of Duties	0	0	0	0	0	0
C) Awards	0	0	0	0	0	0
D) Conversion to Full-Time	0	0	0	0	0	0
E) Disciplinary Action	0	0	0	0	0	0
i) Demotion	0	0	0	0	0	0
ii) Reprimand	0	0	0	0	0	0
iii) Suspension	0	0	0	0	0	0
iv) Removal	0	0	0	0	0	0
F) Duty Hours	0	0	0	0	0	0
G) Evaluation / Appraisal	0	0	0	0	0	0
H) Examination / Test	0	0	0	0	0	0
I) Harassment	0	0	0	0	0	0
i) Non-Sexual	0	0	0	0	0	0
ii) Sexual	0	0	0	0	0	0
J) Medical Examination	0	0	0	0	0	0
K) Pay (Including Overtime)	0	0	0	0	0	0
L) Promotion / Non-Selection	0	0	0	0	0	0
M) Reassignment	0	0	0	0	0	0
i) Denied	0	0	0	0	0	0
ii) Directed	0	0	0	0	0	0
N) Reasonable Accommodation	0	0	0	0	0	0
O) Reinstatement	0	0	0	0	0	0
P) Retirement	0	0	0	0	0	0
Q) Termination	0	0	0	0	0	0
R) Terms / Conditions of Employment	0	0	0	0	0	0
S) Time and Attendance	0	0	0	0	0	0
T) Training	0	0	0	0	0	0
U) Other	0	0	0	0	0	0



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Final Actions by Issue (continued) Findings After Hearing	Historical Data					2014
	2009	2010	2011	2012	2013	YTD
V) Appointment/Hire	0	0	0	0	0	0
W) Assignment of Duties	0	0	0	0	0	0
X) Awards	0	0	0	0	0	0
Y) Conversion to Full-Time	0	0	0	0	0	0
Z) Disciplinary Action	0	0	0	0	0	0
i) Demotion	0	0	0	0	0	0
ii) Reprimand	0	0	0	0	0	0
iii) Suspension	0	0	0	0	0	0
iv) Removal	0	0	0	0	0	0
AA) Duty Hours	0	0	0	0	0	0
AB) Evaluation / Appraisal	0	0	0	0	0	0
AC) Examination / Test	0	0	0	0	0	0
AD) Harassment	0	0	0	0	0	0
i) Non-Sexual	0	0	0	0	0	0
ii) Sexual	0	0	0	0	0	0
AE) Medical Examination	0	0	0	0	0	0
AF) Pay (Including Overtime)	0	0	0	0	0	0
AG) Promotion / Non-Selection	0	0	0	0	0	0
AH) Reassignment	0	0	0	0	0	0
i) Denied	0	0	0	0	0	0
ii) Directed	0	0	0	0	0	0
AI) Reasonable Accommodation	0	0	0	0	0	0
AJ) Reinstatement	0	0	0	0	0	0
AK) Retirement	0	0	0	0	0	0
AL) Termination	0	0	0	0	0	0
AM) Terms / Conditions of Employment	0	0	0	0	0	0
AN) Time and Attendance	0	0	0	0	0	0
AO) Training	0	0	0	0	0	0
AP) Other	0	0	0	0	0	0



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Final Actions by Issue (continued)	Historical Data					2014 YTD
	2009	2010	2011	2012	2013	
Findings Without Hearing						
AQ) Appointment/Hire	0	0	0	0	0	0
AR) Assignment of Duties	0	0	0	0	0	0
AS) Awards	0	0	0	0	0	0
AT) Conversion to Full-Time	0	0	0	0	0	0
AU) Disciplinary Action	0	0	0	0	0	0
i) Demotion	0	0	0	0	0	0
ii) Reprimand	0	0	0	0	0	0
iii) Suspension	0	0	0	0	0	0
iv) Removal	0	0	0	0	0	0
AV) Duty Hours	0	0	0	0	0	0
AW) Evaluation / Appraisal	0	0	0	0	0	0
AX) Examination / Test	0	0	0	0	0	0
AY) Harassment	0	0	0	0	0	0
i) Non-Sexual	0	0	0	0	0	0
ii) Sexual	0	0	0	0	0	0
AZ) Medical Examination	0	0	0	0	0	0
BA) Pay (Including Overtime)	0	0	0	0	0	0
BB) Promotion / Non-Selection	0	0	0	0	0	0
BC) Reassignment	0	0	0	0	0	0
i) Denied	0	0	0	0	0	0
ii) Directed	0	0	0	0	0	0
BD) Reasonable Accommodation	0	0	0	0	0	0
BE) Reinstatement	0	0	0	0	0	0
BF) Retirement	0	0	0	0	0	0
BG) Termination	0	0	0	0	0	0
BH) Terms / Conditions of Employment	0	0	0	0	0	0
BI) Time and Attendance	0	0	0	0	0	0
BJ) Training	0	0	0	0	0	0
BK) Other	0	0	0	0	0	0

Pending Complaints	Historical Data					2014 YTD
	2009	2010	2011	2012	2013	
12) Total	1	1	0	0	1	0
A) Individuals Filing	2	0	0	0	1	0
B) Number complaints pending	1	1	0	0	1	0
i) Notification / Counseling	0	0	0	0	0	0
ii) Investigation	0	0	0	0	1	0
iii) Hearing	1	1	0	0	0	0
iv) Final Action	0	0	0	0	0	0
v) Appeal with EEOC	0	0	0	0	0	0
C) Investigations Exceeding Required Time	2	0	0	0	0	0