

APPENDICES

APPENDIX 1:

Equal Employment Opportunity and Diversity Policy Statement



UNITED STATES NUCLEAR REGULATORY COMMISSION

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TO: All NRC Employees

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY POLICY
STATEMENT**

I am providing an annual reminder of the policy of the U.S. Nuclear Regulatory Commission (NRC) to ensure that diversity, inclusion, and respect for every employee are integral parts of our day-to-day management and work. It is important for all of us at the NRC to reaffirm our commitment to maintaining an open and collaborative work environment that is free from unlawful discrimination, including harassment, and that provides a fair and neutral process for adjudicating complaints without fear of retaliation.

The NRC is committed to supporting equal employment opportunity (EEO) and the principles of diversity and inclusion management. The NRC stands firm on its policy to recruit and hire, develop and promote, and retain the best employees and applicants regardless of race, religion, color, sex (including pregnancy, sexual orientation, and gender identity), national origin, age, disability, family medical history, genetic information, or prior EEO activity. We must vigilantly prevent discrimination based on parental status, marital status, political affiliation, military service, or any other non-merit based factors. The Commission expects NRC management to set an example by creating and supporting an open, collaborative work environment that is inclusive and enables employees to use their diverse talents to achieve the agency's safety and security mission effectively and efficiently.

The NRC is also committed to creating an environment where all employees are able to reach their full potential and willingly contribute to the agency's mission. To achieve the desired levels of success envisioned, the NRC will continue to measure agencywide performance results related to the goals first established in the Comprehensive Diversity Management Plan (CDMP) and now in the [Inclusive Diversity Strategic Plan](#) (IDSP).

Thank you for working together to uphold the highest levels of professionalism and performance at the NRC and for your critical work in advancing the nuclear safety and security of our Nation.

/RA/

Kristine L. Svinicki
Chairman

Management Directive Reference: MD 10.161, "[Civil Rights Program and Affirmative Employment and Diversity Management Program](#)"

APPENDIX 2:

Alternative Dispute Resolution Program Manual

THE U.S. NUCLEAR REGULATORY COMMISSION ALTERNATIVE DISPUTE RESOLUTION PROGRAM MANUAL

The Office of Small Business and Civil Rights (SBCR) administers the Employee Equal Opportunity (EEO) ADR program.

The purpose of the ADR Program Manual is to make all NRC employees and stakeholders aware of the agency's ADR program and procedural processes and to assist individuals in better understanding how to resolve Equal Employment Opportunity complaints fast, confidentially, and effectively.

CONTENTS

CHAPTER 1	1
Introduction.....	1
Background	2
CHAPTER 2	2
What Is Alternative Dispute Resolution?	2
What Is Mediation?	2
How Does the Employee EEO ADR Program Work?.....	2
CHAPTER 3	6
What Happens When an Agreement Is Reached?.....	6
What Happens When an Agreement Is Not Reached?	6
What Are the Reasons To Use the NRC’s ADR/Mediation Program?	6
CHAPTER 4	6
Who Administers the NRC’s ADR Programs?.....	6
Who Is the Point of Contact for the Employee EEO ADR Program?	7

CHAPTER 1

Introduction

The mission of the U.S. Nuclear Regulatory Commission (NRC) is to license and regulate the Nation's civilian use of radioactive materials to provide reasonable assurance of adequate protection of public health and safety, to promote the common defense and security, and to protect the environment. To fulfill its responsibility to protect public health and safety, the NRC performs five principal regulatory functions: developing regulations and guidance for applicants and licensees; licensing or certifying applicants to use nuclear materials, operate nuclear facilities, and decommission facilities; inspecting and assessing licensee operations and facilities to ensure that licensees apply with NRC requirements and taking appropriate followup or enforcement actions when necessary; evaluating operational experience of license facilities and activities; and conducting research, holding hearings, and obtaining independent reviews to support regulatory decisions.

Consistently ranked as one of the "Best Places To Work in the Federal Government," the NRC is committed to creating and maintaining a work environment that maximizes the potential of all employees. To achieve the desired goal, the NRC expects everyone to adhere to the agency's fundamental organization values: integrity, service, openness, commitment, cooperation, excellence, and respect (commonly referred to as ISOCER values). These values guide every action we take—from a decision on a safety, security, or environmental issue; to how we perform an administrative task; to how we interact with our fellow employees and other stakeholders.

As such, it is the policy of the NRC to provide equal employment opportunity to employees and applicants for employment and to prohibit discrimination based on race, color, national origin, religion, sex (including pregnancy, sexual orientation, and gender identity), age (age 40 and over), mental and physical disability, genetic information, and reprisal for participation in activity protected by the civil rights statutes or reprisal for opposing practices made unlawful by these statutes. The NRC is committed to using alternative dispute resolution (ADR) as a tool to resolve employment discrimination claims at the earliest stage possible in an expeditious and cost-effective manner. In compliance with the U.S. Equal Employment Opportunity Commission (EEOC) regulations,¹ the NRC has developed a confidential, informal, nonadjudicative, and nonadversarial ADR program to assist employees (and contractors in appropriate cases), managers, and supervisors in reaching mutually acceptable and voluntary resolutions to employment discrimination claims.

One of the key roles of the agency's Office of Small Business and Civil Rights (SBCR) is to provide mediation services to resolve workplace disputes and preserve working relationships through use of the agency's ADR program. During the past 18 years, the NRC's commitment to providing high-quality mediation services has resulted in significant cost savings and other tangible benefits for both parties (the agency and aggrieved person/complainant) participating in the ADR process. SBCR is committed to ensuring qualified experienced mediators provide commensurate services to resolve both simple and complex disputes, while ensuring civility, building trust, and preserving relationships.

¹ The EEOC regulations are in Chapter 29 of the *Code of Federal Regulations* (29 CFR) Part 1614, "Federal Sector Equal Employment Opportunity" (revised November 1999). The text of these EEOC regulations can be accessed through the EEOC's Website, <http://www.eeoc.gov/federal/1614-final.html>.

Background

The Federal Government has made clear that Federal agencies are required to use ADR as a means of offering an “inexpensive means to resolving disputes as an alternative to litigation...”² Since November 1999, the EEOC regulation³ has required Federal agencies to make an ADR program available during the Equal Employment Opportunity (EEO) precomplaint and formal complaint processes. The EEOC’s Management Directive (MD) 110 provides instructions for designing an ADR process to address EEO complaints and prescribes the ADR core principles that are necessary to successfully develop Federal ADR programs. Chapter 2 sets forth these core principles.

CHAPTER 2 - What Is Alternative Dispute Resolution?

The Administrative Dispute Resolution Act of 1996 (ADRA) defines ADR as “any procedure that is used to resolve issues in controversy, including, but not limited to, conciliation, facilitation, mediation, fact-finding, mini-trials, arbitration, and use of ombudsman, or any combination thereof.”

SBCR’s Civil Rights program administers the NRC’s ADR program. The NRC’s ADR process relies on mediation as its primary means of assisting employees to address workplace disputes and grievances. The ADR program uses a shared neutral model and coordinates mediators to provide mediation services to requesting parties. Mediation is offered during the informal and formal complaint processes.

What Is Mediation?

Mediation is defined as a voluntary, confidential informal process in which a trained neutral third party, a mediator, assists the disputing parties in finding a mutually acceptable solution in a manner different from traditional methods. Unlike litigation, for example, the rules of evidence do not apply, no testimony is taken, and the mediator does not decide the dispute. The term “neutral” is used to denote an individual who, with respect to an issue in controversy, functions specially to aid the parties in resolving the controversy. Mediation is an informal, confidential, nonadversarial form of dispute resolution that encourages open communication, emphasizes problem solving and creative solutions, and seeks to resolve issues quickly.

How Does the Employee EEO ADR Program Work?

In those cases that the agency determines to be appropriate, mediation is offered. If the aggrieved person/complainant voluntarily agrees to participate, the EEO ADR coordinator conducts premediation meetings with all parties to familiarize them with the ADR process. The mediator subsequently convenes a conference with all parties, explains the process, establishes ground rules, and assists with facilitating a resolution.

The parties to the dispute are considered to be the agency and the aggrieved person/complainant. Participants in the mediation include the (1) aggrieved person/complainant, (2) the responsible management official required to participate in the process, (3) the management official who has the authority to settle the complaint, (4) representatives (optional), (5) a representative of the Office of the General Counsel (OGC) (optional), (6) the certified mediator, (7) the agency official,

² Public Law 104-320, also known as the Administrative Dispute Resolution Act (ADRA)

³ 29 CFR Part 1614

and (8) the National Treasury Employees Union (NTEU) representative, when appropriate. The NRC's ADR program is designed to fit within the mission and culture of the agency with flexibility to respond to the numerous situations encountered at the agency. The flexibility in the program's design allows the NRC to adapt to changing circumstances not anticipated at the time the program was initially implemented. The EEOC's policy statement on ADR⁴ sets out the ADR core principles. The NRC's ADR program conforms to the core principles set forth in ADRA, as described below.

Fairness

The NRC's ADR program is designed to be fair to participants during each phase of the process. Participants receive information about all aspects of the ADR proceedings, including, but not limited to, their right to representation throughout the ADR process. The concept of fairness also requires incorporation of other provisions such as voluntariness, neutrality, confidentiality, and enforceability.⁵

Neutrality

To be effective, an ADR proceeding must be impartial and independent of any control by either party (the agency or the aggrieved person/complainant), in both perception and reality. Using a neutral third party as a facilitator or mediator assures this impartiality. A neutral third party is one who has no stake in the outcome of the proceeding. For example, he or she might be an employee of another Federal agency who knows none of the parties and whose type of work differs from that of the parties. Alternatively, he or she may be an employee within the same agency, as long as he or she can remain neutral about the outcome of the proceeding.

To ensure at all times the independence and objectivity of the neutral third party, Federal agencies have developed formal programs for "sharing" neutrals in ADR or conflict resolutions. A number of collaborative and cooperative efforts have been accomplished through local Federal Executive Boards and the Federal Mediation and Conciliation Service (Shared Neutrals Program). These programs allow the NRC and other participating Federal agencies, through reciprocal agreements, to share trained neutral mediators and other mediation resources. SBCR may also engage other mediation services through contracts to obtain trained neutral mediators.

The neutrals can have no official, financial, or personal conflict of interest with respect to the issues in controversy, unless the interest is fully disclosed in writing to the parties (agency and aggrieved person/complainant) and they agree that the neutral may serve. Any neutral used in EEO ADR proceedings is charged with the responsibility to ensure that ADR proceedings are conducted in accordance with EEO law, 29 CFR Part 1614 regulations, and the core principles enunciated by the EEOC. Neutrals should not have any stake in the outcome of the dispute or be involved in the administrative processing or litigation of the dispute. For example, neutrals should not also serve as counselors or investigators in that particular matter. Participants in the ADR process have the right to reject a specific neutral and have another selected who is acceptable to all parties.

⁴ Appendix H to MD 110, posted on www.eeoc.gov

⁵ EEOC MD 110, at 3-2 and 3-15 through 3-17

Confidentiality

Confidentiality is essential to the success of all ADR proceedings. Congress recognized this by enhancing the confidentiality provisions in Section 574 of ADRA, specifically exempting qualifying dispute resolution communications from disclosure under the Freedom of Information Act. Parties who know that their ADR statements and information are kept confidential will feel free to be frank and forthcoming during the proceeding without fear that such information may later be used against them. To maintain that degree of confidentiality, explicit limits must be placed on the dissemination of ADR information. The NRC's ADR process assures confidentiality consistent with ADRA provisions. Neutrals should not discuss confidential communications, comment on the merits of the case outside the ADR process, or make recommendations about the case. The NRC's staff and management who are not parties to the process are not to ask neutrals to reveal confidential communications.

The NRC's policies provide for the protection of privacy of all complainants, respondents, witnesses, and complaint handlers. For implementation and reporting purposes, the details of a resolution can be disseminated to specific offices with a need to have that information. The NRC has clear written policies protecting the confidentiality of what is said and done during an ADR proceeding.

Ethics

Neutrals are required to follow the professional guidelines applicable to the type of ADR practiced at the NRC.

Preservation of rights

Participants in the ADR process retain their right to have their claim adjudicated if a mutually acceptable resolution is not achieved.

Self-determination

The ADR process provides participants an opportunity to make informed, uncoerced, and voluntary decisions.

Voluntariness

Participation in the NRC ADR process is strictly voluntary. In order for participants to make an informed choice, they receive appropriate information and guidance to decide whether to use ADR processes and how to use them. Parties must knowingly and voluntarily enter into an NRC ADR proceeding. An ADR resolution can never be viewed as valid if it is involuntary, nor can a dispute be actually and permanently resolved if the resolution is involuntary. Unless the parties have reached a resolution willingly and voluntarily, some dissatisfaction may survive after the ADR proceeding. Such dissatisfaction could lead to dissatisfaction with other aspects of the NRC workplace, or even to charges that the resolution was coerced or reached under duress. In addition, aggrieved parties/complainants and management officials participating in the ADR are assured that they are free to end the ADR process at any time, and that they retain the right to proceed with the administrative EEO process if they decide that they prefer that process to ADR and resolution has not been reached. The ADR coordinator reassures participants that no one can force a resolution on them, not agency management, EEO officials, or the third-party neutral.

Representation

All parties to a dispute addressed in the ADR process have a right to be accompanied by a representative of their choice, in accordance with relevant collective bargaining agreements, statutes, and regulations. In mediations that involve members of the bargaining unit, under the Federal Labor Relations Act, NTEU has the right to be present and can send a representative to be an observer during a mediation session.

Timing

Using the ADR process is encouraged at the earliest possible time and at the lowest possible level in the organization.

Coordination

Coordinating the ADR processes is essential among all affected NRC offices with responsibility for resolution of disputes, such as the Office of the Chief Human Capital Officer, SBCR, the agency dispute resolution specialists (handling policy matters), NTEU, OGC, the Employee Assistance Program, and other vested stakeholders.

Training, Evaluation, and Quality

The NRC provides appropriate training and education on ADR to its employees, managers and supervisors, and other persons protected under the applicable laws⁶The training that managers and supervisors receive includes, among other topics, discussions about the (1) duty imposed on managers and supervisors to participate in the NRC's ADR process, (2) benefits associated with participation in the ADR process, and (3) importance of providing full information related to the ADR proceeding as soon as possible.

Additionally, the NRC conducts annual and periodic program evaluations to (1) determine the effectiveness of the NRC's ADR program, (2) assess whether the ADR program has achieved its goals, (3) provide SBCR feedback on how the ADR program might be made more efficient and achieve better results, and (4) report required information on the nature and operations of the ADR program to the EEOC.⁷

Enforceability

The EEOC regulation at 29 CFR 1614.504 provides that "Any settlement agreement knowingly and voluntarily agreed to by the parties, reached at any stage of the complaint process, shall be binding on both parties." The regulation sets specific procedures for enforcing such a settlement agreement. Agreements resolving claims of employment discrimination reached through the ADR process are enforceable through this procedure.

⁶ EEOC MD 110, at 3-11. For example, the interagency Shared Neutrals program administered by the Federal Mediation and Conciliation Service requires at least 20 hours of basic mediation skills training, at least three co-mediations with a qualified mediator of five independent mediations and positive evaluations from a qualified trainer/evaluator, and at least two references from two qualified mediators or trainer/evaluators.

CHAPTER 3

What Happens When an Agreement Is Reached?

The mediator will review the terms to ensure accuracy. The agency official will submit the proposed agreement to the ADR coordinator for further processing, including ensuring that the provisions are approved by the appropriate NRC officials. Thereafter, the ADR coordinator will draft the settlement agreement (on occasion, OGC will draft the settlement agreement), (1) circulate the settlement agreement to OGC and the Office of the Chief Human Capital Officer for their review, (3) present the settlement agreement to the parties for review and signature, and (4) monitor and ensure the parties comply with the terms of the settlement agreement.

What Happens When an Agreement Is Not Reached?

Informal Complaint

The EEO counselor will conduct the final interview with the aggrieved party and issue a Notice of Right to File a Formal Complaint of Discrimination.

Formal Complaint

The complaint will be reinstated from the point at which processing ceased.

What Are the Reasons To Use the NRC's ADR/Mediation Program?

Many participants have expressed satisfaction with the ADR program. Other reasons that support using the program to resolve disputes are the following:

- It's cost-effective.
- It's fair and impartial, and it works.
- It's neutral. (Certified mediators assist in facilitating resolutions to disputes.)
- It's confidential.
- It's an effective method for achieving open communication.
- It's an opportunity to fully understand the conflict and to identify creative solutions.
- It's efficient and often reduces complaint processing times by 70 percent.
- It's informal and does not require legal representation.
- A valid, binding agreement is achievable.
- Participants retain the right to have their claim adjudicated if a resolution is not achieved.

CHAPTER 4

Who Administers the NRC's ADR Programs?

SBCR administers the agency's EEO ADR program in coordination with OGC and OCHCO as necessary.

Who Is the Point of Contact for the Employee EEO ADR Program?

The contact information for the NRC's agency EEO ADR program is as follows:

Rhonda Dorsey, ADR Coordinator/Senior Civil Rights Specialist

Office of Small Business and Civil Rights

U.S. Nuclear Regulatory Commission

11555 Rockville Pike

Mailstop: O3-H5

Rockville, MD 20852

Main Office Telephone Number: 301-415-7380

Direct Telephone Number: 301-415-2254

Facsimile: 301-415-5953

E-mail: rhonda.dorsey@nrc.gov

Web site: <https://www.nrc.gov/about-nrc/civil-rights/crp/eo-adr-program.html>

APPENDIX 3:
**Preventing and Eliminating Harassing
Conduct in the Workplace**

Nuclear Regulatory Commission Policy and Procedure for Preventing and Eliminating Harassing Conduct in the Workplace

[Preventing and Eliminating Harassing Conduct in the Workplace Reference Sheet](#)

PURPOSE

This Policy is intended to ensure that the Nuclear Regulatory Commission (NRC) takes appropriate action to accomplish the following:

Prevent sexual harassment and other forms of harassing conduct based on race, color, religion, sex, national origin, age, disability, sexual orientation, and retaliation for engaging in protected Equal Employment Opportunity (EEO) activity in the workplace;

Ensure that employees, supervisors, and managers are aware of their rights and responsibilities in maintaining a work environment that is free from harassing conduct and the options available for reporting claims of harassing conduct;

Provide an expedited, fair, and impartial process for reviewing allegations of harassing conduct as defined in this Policy;

Correct harassing conduct, as defined in this Policy; and

Administer corrective action, which may include disciplinary action, to any employee who violates this Policy.

This Policy updates the agency's long-standing policy on the prevention of sexual harassment in the workplace. It is separate and apart from any collective bargaining agreement (CBA) or statutory complaint process, or other agency policy involving harassment. [See Section X.] Furthermore, this Policy does not alter the right of an employee to report harassing conduct to the Office of the Inspector General (OIG) or to file a complaint with the Office of Small Business and Civil Rights (SBCR).

AUTHORITIES

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-16 (Title VII); the Age Discrimination in Employment Act of 1967, 29 U.S.C. 633a (ADEA); the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791; Executive Order (E.O.) 11478, as amended by Executive Order 13087, May 28, 1998; Equal Employment Opportunity Commission's (EEOC) *Model EEO Programs Must Have An Effective Anti-Harassment Program* (2005); EEOC's Manual Directive 715 (2003); EEOC's Enforcement Guidance: *Vicarious Employer Liability for Unlawful Harassment by Supervisors* (1999); *Faragher v. Boca Raton*, 514 U.S. 775 (1998); and *Burlington Industries, Inc. v. Ellerth*, 524 U.S. 742 (1998.)

The Definition of Harassing Conduct

For purposes of this Policy, harassing conduct is defined as any unwelcome verbal, visual, physical or other conduct based on race, color, religion, sex (whether or not of a sexual nature), national origin, age, disability, sexual orientation, or retaliation for participation in protected EEO activities. To constitute harassing conduct under this Policy, one of these two conditions must be present:

- A. The behavior reasonably can be considered to affect the work environment adversely;
or
- B. An employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct.

Examples of unwelcome prohibited conduct under part A of the definition include, but are not limited to offensive remarks or comments; ridicule; offensive and derogatory words, phrases, epithets, or jokes; suggestive comments and unwelcome requests for sexual favors; exposure to offensive photographs, explicit drawings, cartoons, e-mails, or internet transmissions; touching; pinching; grabbing; gesturing; or stalking.

Examples of unwelcome prohibited conduct under Part B of the definition include, but are not limited to promoting or not promoting an employee; or taking or not taking a personnel action affecting the employee's conditions of employment based on the employee accepting a date or sexual favor.

I. POLICY

It is the Policy of the NRC that harassing conduct by anyone in the workplace is unacceptable and will not be condoned. NRC will maintain a work environment free from the harassing conduct described above. The NRC has determined that the most effective way to maintain such a work environment is to inquire promptly into allegations of harassing conduct and, if proven true, treat the offense as misconduct, even if it is not sufficiently severe or pervasive to constitute discriminatory harassment actionable under the civil rights laws.

The current EEO complaint process provides employees specific remedies for unlawful harassment that has already occurred. This NRC Policy, however, is focused on stopping harassing conduct at its earliest stage. A hostile environment that violates EEO law usually requires a showing of a pattern of offensive conduct. Under this Policy, however, the NRC will not wait, nor should the employee wait, for such a pattern to emerge. The NRC will, where possible, act to stop and correct harassing conduct before it becomes unlawful; that is, before it becomes so pervasive or severe as to create an unlawful hostile work environment. Accordingly, the NRC encourages all employees to report any incident of harassing conduct forbidden by this Policy immediately so that complaints can be resolved quickly and fairly. If the NRC is not made aware of harassing conduct, it cannot stop it.

In addition, NRC will not tolerate retaliation against any employee who makes a good faith report of harassing conduct under this Policy or any other policy or procedure, or for assisting in any inquiry about such a report. Allegations of retaliation will be handled in accordance with the procedures outlined in this Policy.

Allegations of harassing conduct will be addressed as promptly as possible. Employees found to have violated this Policy will be held accountable for their actions and may be appropriately disciplined in accordance with 5 U.S.C. Chapter 75.

Roles and Responsibilities

A. Agency Employees

Each agency employee is responsible for creating and maintaining a work environment that is free from harassing conduct and is expected to do the following:

1. Comply with the Policy;
2. Attend a briefing on this Policy and Procedures;
3. Refrain from exhibiting harassing conduct;
4. Promptly report any incident of harassing conduct in accordance with the Procedures in Section VI.; and
5. Cooperate with any inquiry conducted under this Policy.

B. Managers and Supervisors

In addition to the requirements in A. above, each agency manager and supervisor is responsible for the following activities:

1. Handling allegations of harassing conduct promptly and appropriately in accordance with the procedures Section VII.;
2. Implementing interim measures to protect alleged victims of harassing conduct pending the outcome of the inquiry and to ensure that further alleged misconduct does not occur;
3. Administering appropriate corrective action, including disciplinary action, to employees who engage in harassing conduct or who do not carry out their responsibilities under this Policy;
4. Taking action to prevent retaliation against individuals who make good faith reports of an allegation of harassing conduct or participate in any inquiry into an allegation of harassing conduct; and
5. Consulting with the agency Designated Official (DO) with respect to all appropriate actions under items B. 1. through 4. above.

C. Director, Office of Human Resources

The Director, Office of Human Resources (OHR) is responsible for the following actions:

1. Ensuring that employees are informed of this Policy and the procedures to follow in connection with reporting harassing conduct by disseminating this Policy statement periodically to all employees and posting it on the NRC intranet website;
2. Ensuring that managers, supervisors, and employees are provided appropriate training on this Policy;
3. Identifying the Designated Official (DO); and
4. Ensuring that the identity of the DO is prominently displayed throughout the agency and on the NRC intranet and the identities of the Regional Personnel Officers are prominently displayed in the Regions.

D. Agency Designated Official

The agency's Designated Official (DO) is responsible for the following actions:

1. Assisting the Director, OHR, in ensuring that employees are informed of this Policy and the procedures in connection with reporting harassing conduct;
2. Receiving allegations of harassing conduct reported in accordance with Section VII., below;
3. Determining whether an allegation falls within the jurisdiction of this Policy or otherwise interpreting and implementing this Policy;
4. Referring allegations received under this Policy to the Office of the Inspector General (OIG) for possible investigation;
5. Conducting or overseeing prompt, fair, and impartial inquiries into any allegation of harassing conduct, where appropriate. If the OIG decides not to make an inquiry on a referral received under this Policy, the DO has the authority to determine who will conduct the inquiry into any allegation of harassing conduct, including him/herself;
6. Advising managers and supervisors on implementing interim measures to protect alleged victims of harassing conduct pending the outcome of the inquiry and to ensure that further harassing conduct does not occur;
7. Advising managers and supervisors on administering appropriate corrective action, including disciplinary action, to employees who engage in harassing conduct or who do not carry out their responsibilities under this Policy;
8. Advising managers and supervisors on taking action to prevent retaliation against individuals who report alleged harassing conduct or participate in any inquiry into an allegation of harassing conduct;

9. Deciding whether to arrange for mediation services to resolve a dispute arising under this Policy. Mediation services may be offered from a variety of sources including the DO, the Federal Mediation and Conciliation Service, Office of Small Business and Civil Rights (SBCR), a contract mediator, and the HHS Sharing Neutrals Program;
10. Making the Director, SBCR aware of all allegations of harassing conduct under this Policy and actions taken to address such allegations;
11. Providing technical assistance and support, to ensure compliance with this Policy;
12. Maintaining records of all allegations of harassing conduct brought under this Policy in accordance with the Privacy Act 5 U.S.C. 552a; and
13. Informing all persons reporting allegations that filing a report of harassing conduct under this Policy does not satisfy the requirements to initiate an EEO complaint, a Merit Systems Protection Board (MSPB) appeal or a grievance; nor does it delay the time limits for initiating those procedures.

E. Regional Personnel Officer

The Regional Personnel Officer (RPO) is responsible for the following actions:

1. Assisting the Director, OHR, in ensuring that employees are informed of this Policy and the procedures in connection with reporting harassing conduct;
2. Receiving allegations of harassing conduct reported in accordance with Section VII.;
3. Promptly advising the DO and the Regional Administrator of any allegations reported under this Policy;
4. In coordination with the DO, conducting or overseeing prompt, fair and impartial inquiries into any allegation of harassing conduct;
5. In coordination with the DO, advising managers and supervisors on implementing interim measures to protect alleged victims of harassing conduct pending the outcome of the inquiry and to ensure that further harassing conduct does not occur;
6. In coordination with the DO, advising managers and supervisors on administering appropriate corrective action, including disciplinary action, to employees who engage in harassing conduct or who do not carry out

their responsibilities under this Policy;

7. In coordination with the DO, advising managers and supervisors on taking action to prevent retaliation against individuals who report alleged harassing conduct or participate in any inquiry in an allegation of harassing conduct; and
8. Maintaining records of all allegations of harassing conduct brought under this Policy in accordance with the Privacy Act, 5 U.S.C. 552a.

F. Director, Office of Small Business and Civil Rights (SBCR)

The Director, SBCR is responsible for the following actions:

1. Processing any EEO complaint of discrimination filed under 29 CFR ' 1614;
2. Providing technical assistance and support, to assure compliance with this Policy;
3. Assisting the Director, OHR, in ensuring that employees are informed of this Policy and the procedures in connection with reporting harassing conduct;
4. Assisting the Director, OHR, and DO in providing training under this Policy; and
5. Informing the DO of allegations of harassing conduct, to the extent permitted by law and EEO regulation.

G. Office of the Inspector General (OIG)

The OIG is responsible for:

1. Cases referred from the DO: for allegations that it decides to investigate, OIG will conduct an appropriate inquiry; if substantiated, OIG will refer the findings of the inquiry to NRC management for appropriate action;
2. Cases not referred from the DO:
 - A. For allegations that it decides to investigate, the OIG will conduct an appropriate inquiry; if substantiated, the OIG will refer the findings of its inquiry to NRC management for appropriate action;
 - B. For cases it decides not to investigate, the OIG will refer the matter to the DO for action, if any; and
 - C. For record keeping purposes, at the end of any investigation, the OIG will report allegations of harassing conduct to the DO.

3. For all cases in which the OIG conducts an inquiry into harassment allegations or misconduct, the OIG will report situations which it determines warrant prompt NRC management action to the DO.

II. Reporting Harassing Conduct

The procedures for reporting harassing conduct are as follows:

- A. A headquarters employee who believes that he or she has been the subject of an incident of harassing conduct or who has witnessed harassing conduct and/or retaliation in violation of this Policy must report this matter to anyone in his/her management chain or to the DO;
- B. A regional employee who believes that he or she has been the subject of an incident of harassing conduct or who has witnessed harassing conduct and/or retaliation in violation of this Policy must report this matter to anyone in his or her chain of command, to the DO, or to the Regional Personnel Officer (RPO). The RPO is then responsible for reporting this matter to the DO;
- C. The employee reporting such conduct will be asked to provide details of the incident(s), including but not limited to: what occurred, when the incident(s) occurred; name of the alleged harasser and names of any witnesses. Once a report of harassing conduct is made under this Policy, the agency has a duty to conduct an inquiry where appropriate, stop harassing conduct if found, and to take appropriate action, including disciplinary action;
- D. Nothing in this Policy is intended to discourage an employee from telling the alleged harasser to stop the harassing conduct;
- E. Nothing in this Policy is intended to require that an employee communicate with the alleged harasser;
- F. Nothing in this Policy affects the right of an individual to contact the OIG regarding alleged harassing behavior; nor does it affect the right of an individual to participate in the EEO complaint process, file an appeal with the MSPB, an agency administrative grievance, or for bargaining unit employees, initiate a grievance under the NRC-NTEU CBA. Filing a report of harassing conduct under this Policy **does not** satisfy the requirements associated with any complaint, appeal or other statutory or regulatory process that may apply, **nor does it delay the time limits** for initiating those procedures. Section X. provides further information on statutory and collective bargaining claims; and
- G. All information will be maintained in compliance with the Privacy Act, 5 U.S.C. 552a, as stated in Section IX. of this Policy.

III. Conducting an Inquiry

- A. A supervisor or manager who receives an allegation or witnessed harassing

conduct shall immediately:

1. Inform the DO of the allegation;
 2. In consultation with the DO, take appropriate action to stop any potentially harassing conduct and prevent further alleged incidents while the allegations are being investigated, (i.e., providing appropriate interim measures); and
 3. Document the allegation received or witnesses and his/her efforts to address it.
- B.** If the RPO receives an allegation of harassing conduct, he/she will promptly notify the DO and the Regional Administrator and provide further assistance as requested by the DO.
- C.** When the DO receives an allegation of harassing conduct, either directly from the complainant; through a supervisor, manager, or RPO; or from other sources, the DO will take the following actions:
1. Ensure that the OIG is immediately provided all pertinent information regarding the allegation;
 2. In the event that the OIG elects not to investigate the matter, as appropriate the DO shall ensure that a prompt, vigorous, impartial and appropriate inquiry is conducted and designate the person(s) who will conduct such an inquiry. (This inquiry may be conducted by the DO, the supervisor, the RPO, an outside contractor, or any other impartial individual delegated this responsibility by the DO); and
 3. Contact appropriate agency officials in the alleged harasser's chain of command who are not involved in the allegations of harassment and recommend appropriate action to stop any harassing conduct and prevent further harassing conduct while the allegations are being addressed, (i.e., providing appropriate interim measures).
- D.** The inquiry will consist of appropriate fact-finding in order to obtain the information relevant to the allegation. As part of the inquiry, the complaining employee may be interviewed regarding the basis of the allegations. Additionally, the alleged harasser as well as other witnesses who may have knowledge of the circumstances of the allegations may also be interviewed. The determination as to the appropriate steps to be followed during the inquiry will be determined by the person conducting the inquiry with oversight by the DO. All individuals contacted in the course of an inquiry will be advised that any retaliation or reprisal against an individual who is an alleged target of harassing conduct, who has made a complaint under this Policy, or who has provided information in connection with a complaint, constitutes a separate violation of this Policy. The inquiry will be completed promptly absent extenuating circumstances. An inquiry is a neutral, fact-finding process needed to determine whether harassing conduct has occurred. An inquiry shall not, in and of itself, be construed as evidence that the allegations of harassing conduct are true.

- E.** When an inquiry by management discloses new, significant information regarding allegations of misconduct by management or employees, the OIG will be notified of these additional facts and provided an opportunity to assume jurisdiction over the matter. However, this is not intended to preclude NRC management from taking appropriate immediate action to carry out its responsibilities to maintain a safe and orderly workplace or to otherwise protect agency interests associated with this Policy.
- F.** Upon completion of the inquiry, the individual conducting the inquiry will prepare a written summary of the inquiry. The DO shall determine whether sworn declarations will be taken. The summary will be prepared promptly after completion of the inquiry. The summary, along with all of the documentation compiled during the inquiry, will be provided to the DO (if he/she did not conduct the inquiry) and generally the first level supervisor of the alleged harasser, unless such supervisor is involved in the allegation. In this situation, the summary and documentation will be provided to the lowest level supervisor/manager in the alleged harasser's chain of command who is not a subject of the inquiry.
- G.** All information will be maintained on a confidential basis to the greatest extent possible and in compliance with the Privacy Act, 5 U.S.C. 552a, as stated in Section IX. of this Policy.

IV. Action To Be Taken Upon Completion Of The Inquiry

- A.** Upon receipt of the report of inquiry, including summary and supporting documentation, the appropriate supervisor/manager will promptly evaluate all of the documentation and determine the appropriate action. This responsibility normally will rest with the first line supervisor of the employee alleged to have engaged in the harassing conduct, unless such supervisor is involved in the allegation. The supervisor/manager should consult with the OHR, including the DO, the servicing Labor and Employee Relations Specialist, and the Office of General Counsel as needed to determine the appropriate action.
- B.** Where the inquiry establishes that an employee did engage in harassing conduct under this Policy, he/she will be subject to appropriate corrective action, disciplinary or otherwise, in accordance with 5 U.S.C. Chapter 75.
- C.** Where the inquiry establishes that a supervisor or manager did not properly carry out the responsibilities under this Policy, he/she will be subject to appropriate corrective action, disciplinary or otherwise, in accordance with 5 U.S.C. Chapter 75.
- D.** The DO should notify SBCR and the OIG of the outcome of the agency inquiry, including whether the allegation was substantiated, what corrective action was

taken; and any other action taken to address the matter.

V. Confidentiality

The maintenance of records and disclosures of information from records shall be in complete compliance with the Privacy Act, 5 U.S.C. 552a. All information obtained under this Policy, including but not limited to, reports of harassing conduct, will be maintained confidentially to the greatest extent possible. Such information, however, may be required to be disclosed in connection with proceedings resulting from the harassing conduct, (e.g., disciplinary action). Further, information may need to be disclosed to those officials and employees within the agency with a need to know in order to carry out the purpose and intent of this Policy.

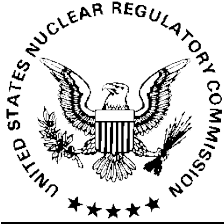
VI. Statutory and Collective Bargaining Claims

This Policy is in addition to statutory and collective bargaining prohibitions [NRC-NTEU CBA, Article 2] against harassment and the procedures and remedies they provide for addressing unlawful harassment. Filing a report of harassing conduct under this Policy **does not** satisfy the requirements to initiate any complaint, appeal or other statutory or regulatory process that may apply, **nor does it delay the time limits** for initiating those procedures. An employee who chooses to pursue statutory or collective bargaining remedies for unlawful harassment must:

1. Initiate the EEO complaint process pursuant to 29 C.F.R. 1614.105 (available for all claims of unlawful harassment other than those based on sexual orientation) by contacting an EEO counselor in the SBCR within 45 calendar days from the date of the alleged harassment (or personnel action if one is involved); or
2. File a grievance under the CBA, Article 51 or agency grievance procedure; or
3. File an appeal to the MSPB within 30 days of an appealable action as defined in 5 C.F.R. Section 1201.3.;
4. If an employee pursues a claim of harassment through the formal EEO process (including EEO counseling), an MSPB appeal, a union grievance, or an administrative grievance, the agency official who receives the information about such a claim will promptly notify the DO, unless inconsistent with applicable requirements. Because the agency has an obligation to comply with the terms of this Policy regardless of whether a statutory or collective bargaining procedure has been invoked, the DO will promptly initiate an inquiry into the matter if an appropriate management official has not already done so. Similarly, the DO will provide the Office handling the statutory or collective bargaining claim the record of actions taken under this Policy.

APPENDIX 4:

Whistleblower Protection Rights



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

Yellow Announcement: YA-19-0064

Date: July 11, 2019

Expiration Date: July 31, 2020

TO: All NRC Employees

SUBJECT: WHISTLEBLOWER PROTECTION

The purpose of this memorandum is to ensure that all U.S. Nuclear Regulatory Commission (NRC) employees are aware of whistleblower protections available to them as Federal employees.

First and foremost, NRC leadership does not tolerate whistleblower retaliation or any other prohibited personnel practice. Each of us has an important role to play in promoting an environment in which employees feel free to raise workplace concerns without fear of reprisal or retaliation.

The "Whistleblower Protection Act of 1989" and the "Whistleblower Protection Enhancement Act of 2012" provide employees with the right to make whistleblower disclosures and ensure that employees who do so are protected from retaliation. More recently on October 26, 2017, the President signed into law S.585, the "Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017" (the Act). The purpose of the Act is to "provide additional protections to Federal employees who are retaliated against for disclosing waste, fraud, or abuse in the Federal Government" and to ensure that all employees are aware of their rights and the protections afforded to them under the law.

A "whistleblower" is anyone who discloses information he or she reasonably believes evidences—

- A violation of any law, rule, or regulation;
- Gross mismanagement;
- A gross waste of funds;
- An abuse of authority;
- A substantial and specific danger to public health or safety; or
- Censorship related to scientific research if censorship meets one of the above-listed categories.

NRC employees have many options on where to disclose wrongdoing including, but not limited to, making disclosures to management, the NRC's Office of Inspector General (OIG), U.S.

Office of Special Counsel (OSC), or Congress. For whistleblower disclosures involving classified national security information or other information protected from public release by law (e.g., patient privacy information or certain proprietary information) whistleblowers must use confidential channels such as OIG, OSC, or Congress to be protected from adverse personnel actions related to the disclosures.

It is unlawful to retaliate against an employee for making a protected disclosure. Retaliation for whistleblowing is one of fourteen prohibited personnel practices. Protection from whistleblower retaliation means it is unlawful for agencies to take, threaten to take, or fail to take a personnel action because the employee disclosed one or more of the six categories of Government wrongdoing listed above. Personnel actions can include but are not limited to actions such as poor performance reviews, demotions, suspensions, or terminations.

More detailed information and resources can be found on the Office of Chief Human Capital Officer's Intranet page at <https://drupal.nrc.gov/ochco/catalog/298>. Information can also be found on the OIG Internet page at <https://www.nrc.gov/insp-gen/whistleblower.html>. You are encouraged to review the information found there and if you have any questions or need additional information, please contact the agency's Whistleblower Protection Ombudsman on 301-415-1146 or by e-mail to whistleblower_ombudsman@nrc.gov. You may also contact OSC directly by telephone, 202-804-7000, for information on employee rights, protections, and reporting procedures.

/RA/

Miriam L. Cohen
Chief Human Capital Officer

Management Directive Reference: MD 10.99, "[Discipline, Adverse Actions, and Separations](#)," Directive Section I, "Policy"

APPENDIX 5:

Reasonable Accommodation Policy and Procedures



***NRC Reasonable Accommodations
Procedures***

Office of the Chief Human Capital Officer (OCHCO)

Revised 3/2017

TABLE OF CONTENTS

NRC Policy on Reasonable Accommodations	1
Reasonable Accommodations Request Process	1
Medical Review	2
OGC Review	3
Approved Requests	3
Disapproved Requests.....	6
Reassignments.....	7
Requests for Reconsideration of Agency Decision.....	7
Reasonable Accommodations & Statutory and Collective Bargaining Claims	8
Information Tracking and Reporting	8
Timeframes for Processing Requests	8
Requesting Sign Language Interpreting Services	10
Reasonable Accommodations Resources.....	14
Appendix A: Key Terms	15
Appendix B: Medical Information Confidentiality.....	17

NRC Policy on Reasonable Accommodations

Reasonable accommodations refers to modifications or adjustments to the work environment, manner, or circumstances under which a position is customarily performed which enables an applicant or employee with a disability to enjoy equal employment opportunities.

It is the policy of the Nuclear Regulatory Commission (NRC) to fully comply with the reasonable accommodations requirements of the Rehabilitation Act of 1973 and the Americans with Disabilities Amendments Act of 2008. Under the law, federal agencies must provide reasonable accommodations to qualified employees or applicants with disabilities, unless doing so would cause undue hardship to the Agency. The NRC strives to provide reasonable accommodations to all employees and applicants with disabilities to assure that individuals with disabilities enjoy full access to equal employment opportunities at the NRC. The Agency provides reasonable accommodations when:

An applicant with a disability needs accommodations to be considered for a job.

An existing employee with a disability needs accommodations to enable him or her to perform essential functions of the job or to gain access to the workplace.

An employee with a disability needs accommodations to enjoy equal benefits and privileges of employment.

The NRC is committed to processing requests for reasonable accommodations in a prompt, fair, and efficient manner utilizing an interactive process. Within five (5) business days of receipt of request, the Reasonable Accommodation Coordinator (RAC) or designee will begin reviewing the request and will keep the requestor and requestor's supervisor apprised of the status or the need for any additional information or other delay as the nature of the request demands.

Employees may refer to the Equal Employment Opportunity Commission's website about enforcement at <http://www.eeoc.gov/policy/docs/accommodation.html>.

Reasonable Accommodations Request Process

Employee/Applicant submits a formal request: Requests for reasonable accommodations should be submitted directly to the RAC or designee. Requests for reasonable accommodations which are submitted to management officials other than the RAC or designee should be promptly forwarded to the RAC or designee. A family member, healthcare provider, or other representative may submit a request for reasonable accommodations either orally or in writing on behalf of the employee. A request does not require any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act." While requests are not required to be in writing all requestors are encouraged to submit a request for reasonable accommodations using

NRC Form 726 to the RAC or designee through the Reasonable Accommodations Resource e-mail box at Reasonable_Accommodations.Resource@nrc.gov.

Employees are encouraged, but not required, to discuss a request with their supervisor who may be able to easily support a very simple accommodations request (e.g. a request for a different work schedule). If the employee does not discuss a request with his/her supervisor, please note that the RAC or designee will as part of the interactive process discuss the requested accommodations with the employee's supervisor to determine the limitations of the employee as it relates to performing the essential functions of the employee's position and possible effective accommodations.

For individuals applying for employment at the NRC, he/she should submit the request through the supporting Human Resource Specialist listed on the vacancy announcement, who will forward the request to the RAC or designee.

Contractors may submit reasonable accommodations requests related to accessibility only. It is the responsibility of the contractor to submit all other requests related to reasonable accommodations to the employer (the contracting organization). It is the responsibility of the contractor's employer (the contracting organization) to provide reasonable accommodations since the NRC is not their employer.

The RAC or designee will begin the review process within 5 business days of receipt. Requests may be for a permanent or temporary accommodation.

Types of requests include, but are not limited to:

Assistive Technology

Sign Language Interpreters

Transcription Services

Workstation modifications

Materials in alternative formats

Special Software

Work Schedule modifications

Removal of Architectural Barriers

Medical Review (If Required): When a disability and/or need for reasonable accommodations is not immediately obvious or otherwise already known, the RAC or designee may require the individual to provide acceptable medical documentation concerning the requestor's impairment, including functional limitations. In such cases, the RAC or designee will review the request to determine if additional medical information is required.

If the RAC or designee determines that additional medical information is necessary, he/she may either request the additional medical documentation from the requestor when appropriate and/or request that the employee sign a medical release. Once all medical information has been received, when appropriate the RAC or designee prepares a request for medical review by the NRC's contracted physician from the Federal Occupational Health (FOH). Once the medical review is completed a written assessment will be sent to the RAC or designee who will share this information with the requestor, and when appropriate with the supervisor, for further discussions

as part of the interactive process to help determine an effective accommodation. If an accommodation is approved, the RAC or designee begins coordination to implement the request.

In instances where additional medical documentation is not needed or review by FOH is not needed, the RAC or designee will facilitate the interactive discussion between the supervisor and the requestor to determine an effective accommodation solution, attempt to reach agreement, and where appropriate approve or deny the request and take appropriate steps to implement the accommodation solution set forth within 15 business days, if possible. Final approval of the request for reasonable accommodation will be provided to the requestor in writing.

The medical review is intended to substantiate the functional limitations and needs of the requestor to perform the essential functions of his/her job duties, the benefits and privileges of the workplace, or as an accommodation in the application process. NOTE: Agency requests for medical information will adhere to the requirements set forth in the EEOC's *Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act* (available at <http://www.eeoc.gov>). The requestor may be asked to sign a release form to designate FOH to review the medical information.

Failure by the requestor to provide appropriate documentation or to cooperate with the NRC's efforts to obtain such documentation may result in delay or denial of the reasonable accommodations request. Please refer to Appendix B for information regarding confidentiality of medical information.

OGC Review (If required): If an initial determination has been made to deny the request, the RAC or designee will request a review by the Office of the General Counsel before communicating any final decision to the requestor. If additional review is deemed to be warranted, the RAC or designee who will work with the FOH physician, the supervisor, and the requestor to obtain and review any additional information. If upon consultation from OGC, the RAC or designee makes the determination to deny the request, the RAC or designee will notify the requestor in writing. Depending on the nature of the reasonable accommodations request, the RAC or designee may opt to consult with OGC even if a denial is not anticipated.

Approved Requests

The RAC or designee is responsible for processing all reasonable accommodations requests, facilitating the interactive dialogue between the supervisor and requestor, and making the decision to approve or deny requests. Once all medical information has been received and reviewed, as applicable, the supervisor and the requesting employee have engaged in an interactive discussion, and a determination has been made to approve the reasonable accommodation request, the RAC or designee will notify the requestor in writing of the approval, if applicable, and take the requisite steps to coordinate implementation of the request.

Depending on the nature of the request, the RAC or designee will first seek to identify existing equipment/software/IT peripherals that are already available within the NRC. If not, the RAC or designee will then determine if the required item(s) are available through the Computer/Electronics Accommodation Program (CAP). CAP is a program administered by the Department of Defense. The NRC uses this vehicle to procure assistive technology, devices, software, and services for NRC employees. If CAP does not have the required item(s), or if the request is received when CAP support is unavailable (usually in the fourth quarter between July and September), the RAC or designee will coordinate with the appropriate authority to obtain the required items through the most expeditious and cost-effective vendor available. Once items are received, the RAC or designee will coordinate installation through Office of the Chief Information Officer (OCIO), Office of Administration (ADM), or other offices, as appropriate. Items processed through CAP frequently take between 2 to 4 weeks to be approved. CAP will only approve requests for individuals who have medical documentation indicating a diagnosed condition. Items procured without the assistance of CAP frequently take as long as 8 weeks to receive. In the event that a requested item cannot be obtained through CAP or if an accommodation is needed in the interim while requested items are being procured and shipped, the RAC or designee will facilitate the interactive discussion between the supervisor and the requestor regarding interim accommodations.

For reasonable accommodations requests that require a modification/reconfiguration of workspace or additions to the NRC infrastructure, the RAC or designee will coordinate changes with the employee's supervisor, OCIO, and ADM staff responsible for the new configurations as needed. It is essential that this coordination occur as it could affect staff who may be required to relocate or otherwise be impacted by any reconfiguration of office space. ADM involvement will be required for office reconfigurations and installations of furniture and equipment. OCIO involvement will be required for relocating computers, telephones, and/or redirecting network printer support to the requestor or nearby staff.

- **Reasonable Accommodations for furniture and workplace modifications:** Reasonable Accommodations requests for furniture must be processed through ADM with coordination from the RAC or designee who will submit the NRC Form 30. In order to process requests ADM must have the information regarding the "core features" of the furniture item needed to satisfy requests. ADM will provide furniture items that comply with the "core features" to address the functional limitations identified which may or may not be the actual items requested, using an item either from the NRC warehouse stock or by special purchase. If requests cannot be immediately satisfied from NRC warehouse stock items, ADM will keep the supervisor, employee, and the RAC or designee informed of the status of the special purchase and the expected date of delivery.

- **Reasonable Accommodations for IT hardware and software:** Reasonable accommodations requests for IT hardware and software require OCIO involvement. Any requests for IT hardware and software as a reasonable accommodation must be submitted to OCIO by the RAC or designee on the NRC Form 30. Hardware and software that will be new to the NRC infrastructure must proceed through security and functional testing. Testing and approval

frequently take 4-6 weeks or longer. OCIO and the RAC or designee will make every effort possible to identify hardware/software which is already approved. If requests cannot be immediately satisfied from OCIO stock items, OCIO will keep supervisor, employee, and the RAC or designee informed of the status of the special purchased and the expected date of delivery.

- **Ergonomics vs Reasonable Accommodations:** It is also important to note that obtaining IT equipment and/or furniture as an Ergonomic Request is a different process with different requirements than that for Reasonable Accommodations requests. The Ergonomics Program is an optional program that is not required by law or regulation. The purpose of the Ergonomics Program is to evaluate an employee's workstation and work habits to determine if modifications could or should be made to improve the employee's comfort, work performance, and productivity. On the other hand, the purpose of the reasonable accommodations program is to determine if modifications are needed because of an individual's disability. A request for IT equipment or furniture will be treated as a reasonable accommodations request and processed under the reasonable accommodations procedures when such a request is made because of a disability. If, however, the request is made simply for comfort, work performance, or productivity notwithstanding a disability, then such a request will be reviewed under the Ergonomics Program. Recommendations from the Ergonomics Programs to make modifications to an employee's workstation in response to an ergonomics request do not convey an entitlement to the employee for the recommended modification, and there is no mandate or obligation for the NRC to purchase the recommended item or make the recommended modification, unless the request also meets the requirements for a reasonable accommodation. In addition, the RAC or designee does not approve equipment or furniture purchases and cannot compel purchasing of such under the Ergonomics Program, unless the purchase is separately required as a reasonable accommodation. Information regarding the NRC's Ergonomics Program can be found on OCHCO's webpage at the following link: <http://www.internal.nrc.gov/HR/ergonomics.html>. Guidance on how to request ergonomic equipment can be found on OCIO's webpage under "Purchase IT Supplies and Services."

Disapproved Requests

In the event that a request for reasonable accommodations is denied by the RAC or designee, the requestor will be notified in writing by the RAC or designee and the notification will include an explanation regarding the basis of the denial. This explanation will include specific reasons for the denial (e.g. *why* the request would not be appropriate or *why* it would result in undue hardship to the Agency). As appropriate, the denial will include an alternate accommodation. The following are a few examples of reasons for denying reasonable accommodations requests:

- A. The requested accommodation is not appropriate or effective.
- B. Providing the requested accommodation would result in undue hardship. Before reaching this determination, the RAC or designee must have explored whether other

effective accommodations exist which would not impose undue hardship and therefore could be provided. Undue hardship means the Agency finds that a specific accommodation would result in significant difficulty or expense, or would fundamentally alter the nature of Agency operations. When evaluating budgetary or administrative concerns to determine if undue hardship exists, the RAC or designee, in consultation with the supervisor, and OGC will follow the standards laid out in regulations and in the EEOC's *"Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (ADA)."*

- C.** The requested accommodation would cause a direct threat to health or safety. Direct Threat means that an individual with a disability poses a significant risk of substantial harm to him/herself or others, and there are no accommodations that would lower the risk of harm below that level.
- D.** Medical documentation is inadequate to establish the requestor has a disability and/or needs accommodations or the requestor has failed to provide requested documentation.
- E.** The requested accommodations would require the removal of an essential function of the requestor's position. If this is the case, the denial must identify the essential function and why that function would need to be removed.
- F.** The requested accommodations would require the lowering of a performance or production standard related to an essential function of the requestor's position. The denial in this scenario must identify the specific performance or production standard that would need to be lowered as well as the resulting impact of lowering the standard.

Reassignments

Reassignments as reasonable accommodations are required after it has been determined by the NRC that no other reasonable accommodations will permit the employee with a disability to perform the essential functions of his/her position. Reassignments are the "last resort" accommodation that absent undue hardship, may be provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of the job with or without reasonable accommodations. Reassignments are made only to vacant funded positions and only provided to employees who are qualified for the new position. If the employee is qualified for the position, he/she may be reassigned to the job without competition.

Reassignments, by definition, may be made only to a position of equal or lower grade. Reassignments do not include giving an employee a promotion. An employee must compete for any vacant position that would constitute a promotion. Conversely, an employee would not have to compete for a vacant position that is of equal or lower grade as long as he/she is qualified for it.

The NRC is not obligated to approve a reasonable accommodations request for reassignment in order to change supervisor, if the cause is based on the failure to get along with a supervisor due to a personality conflict. Failure to get along with a supervisor or coworker due to a personality conflict is not equivalent to a substantial limitation in a major life activity and therefore does not meet the regulations definition of a disability. As an alternative; however, there may be a need to change supervisory method as a reasonable accommodation in these cases.

Requests for Reconsideration of Agency Decisions

Requestors may request prompt reconsideration of denials of requests for reasonable accommodations. He/she should first consult with the RAC or designee to request any additional clarification regarding the basis for the denial. Any requests for reconsideration must be submitted to the RAC or designee in writing within five (5) business days after receipt of the denial notification and should include any updated information new to the case, if appropriate. The RAC or designee will provide the requestor with a decision within ten (10) business days of the receipt of request for reconsideration. If the requestor is not satisfied with the RAC's or designee's response, he/she may appeal the decision using the administrative processes outlined below.

A requestor whose reasonable accommodations request has been denied may also pursue statutory or collective bargaining claims, including filing a grievance under the NRC's negotiated grievance procedure, or filing a complaint with the Equal Employment Opportunity Commission (EEOC). Pursuing a request for reconsideration as identified above does not satisfy the requirements for bringing a statutory or collective bargaining claim, which is discussed in the following section.

Reasonable Accommodations & Statutory and Collective Bargaining Claims

These reasonable accommodations procedures are in addition to the statutory and collective bargaining protections associated with the denial of reasonable accommodations requests for a person with a disability. Requirements governing the filing of such EEO complaints or a grievance, including the filing deadlines, are unchanged by these reasonable accommodation request procedures. An individual who opts to pursue such claims must follow the following procedures to file an EEO complaint or grievance:

EEO Complaint: Contact an NRC EEO counselor within 45 days from the date of receipt of the written notice of denial. Staff members involved in requests for reasonable accommodation must recuse themselves from any involvement in the processing of an EEO counseling contact or complaint in connection with that request, where appropriate, or if it creates a conflict of interest. Questions may be referred to the Office of Small Business and Civil Rights (SBCR) staff at (301) 415-7380 or

EEOPROGRAMS.resource@nrc.gov. For further information regarding procedures for EEO complaints, please refer to MD 10.161, "Civil Rights Program and Affirmative Employment and Diversity Management Program." Questions for SBCR may be sent to EEOPROGRAMS.resource@nrc.gov.

Negotiated Grievance Procedure: File a written grievance in accordance with the provisions of Article 46 of the Collective Bargaining Agreement between the NRC and the National Treasury Employees Union (NTEU). Applicants and contractors are not covered by the Negotiated Grievance Procedure.

Information Tracking and Reporting

The NRC shall maintain a system of records that tracks the number of reasonable accommodations requests, the type of reasonable accommodations requests, the number of requests granted or denied, reasons for denials, and the timeframes involved in cases processing.

Timeframes for Processing Requests

The NRC will process requests for reasonable accommodations and provide accommodations, where appropriate, in as short a time frame as reasonably possible. Interim accommodations may be approved as a temporary provisional measure for cases that present extenuating circumstances.

While the NRC recognizes that the time necessary to process a request will depend on the nature of the accommodation requested and the necessity to obtain supporting information, the following serves as a guideline that the Agency will strive to meet to provide expeditious reasonable accommodations.¹

Reasonable Accommodation Timeline

Action	Number of Business Days
Acknowledgement of initial request	1 to 5 days of receipt of request
Interactive discussion begins between the supervisor, the requesting employee, and the RAC or designee	1 to 5 days of receipt of request

¹ The timeline is meant solely as a guide to help facilitate the expeditious processing of reasonable accommodations request(s). Where the agency has made reasonable efforts to promptly process a reasonable accommodations request(s), a missed deadline shall not, in and of itself, constitute a violation of this policy.

Initial review of request to determine need for additional medical documentation	1 to 5 days of receipt of request
Decision to approve or deny non-complex requests (No Medical documentation needed or other outside review)	1 to 5 days of receipt of request
Implementation of an approved non-complex request (No medical documentation or other outside review needed, and no furniture or software purchase is needed, and no furniture or software installation is needed)	5 to 10 days from date of request approval
Request for additional medical documentation, if needed	6 to 10 days of receipt of request
Additional medical documentation deadline	10 to 15 days from date of request for additional medical documentation
Medical documentation received and forwarded, if needed to FOH for medical review	1 to 5 days of receipt of medical documentation
FOH review and completion of written assessment (Time may vary depending on nature of medical issue presented or if FOH needs more information)	4 to 5 weeks after receipt of request for medical review
Interactive discussion continues to determine “effective” accommodations solution between supervisor, requesting employee, RAC or designee, and other appropriate internal and external stakeholders where applicable	5 to 10 days after receipt of FOH assessment
Decision to approve or deny accommodations and requesting employee issued written notification	5 to 10 days after receipt of FOH assessment
Implementation of approved accommodations solution for non-complex cases (No software or furniture needs to be purchased or installed)	5 to 10 days after receipt of written approval
If complex case is approved	2 to 8 weeks for accommodation solution to be purchase and installed
If denied, requesting employee requests reconsideration	5 days after receipt of denial

RAC or designee considers reconsideration and issues decision in writing	10 days after receipt for request for reconsideration
Request 3 rd Party Appeal	Any time after receipt of denial in accordance with EEO and the CBA guidelines

In addition, reasonable accommodations requests can be expedited in appropriate cases. Expedited processing might be necessary where, for example, reasonable accommodations are needed to enable the requester to apply for a job or reasonable accommodations are needed for a specific NRC activity that is scheduled to occur shortly, such as a meeting.

Extenuating Circumstances: "Extenuating circumstances" covers situations in which unforeseen or unavoidable events prevent prompt processing and delivery of accommodations. These are factors that could not reasonably have been anticipated or avoided in advance of the request for accommodations. When extenuating circumstances are present, the time for processing a request for reasonable accommodations and providing the accommodations will be extended as reasonably necessary. It is the NRC's policy that extensions based on extenuating circumstances should be limited to situations where they are strictly necessary. The unavailability of a particular staff member is not considered an "extenuating circumstance" and will not be considered sufficient to justify a delay in processing or providing an accommodation. All NRC staff are expected to act as quickly as reasonably possible in processing requests and providing accommodations.

The following are a few examples of extenuating circumstances:

- G.** The purchase of equipment may take longer because of requirements under Federal Acquisition Regulation;
- H.** Equipment may be back-ordered, the vendor typically used for goods or services has unexpectedly gone out of business, or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available;
- I.** The employee with a disability needs to try working with equipment on a trial basis to ensure that it is effective before it is purchased by the agency; and
- J.** New staff needs to be hired or contracted for, or accommodations involves the removal of architectural barriers.

Where extenuating circumstances are present, the RAC or designee must notify the individual, as soon as possible, of the reason for the delay, and approximate date on which a decision on or provision of the reasonable accommodations is expected.

Any further developments or changes should also be communicated promptly to the individual. If there is a delay in providing accommodations which have been approved, the RAC or designee must investigate whether temporary measures can be taken to assist the employee. This could include providing the requested accommodations on a temporary basis or providing alternative accommodations: (1) if it does not interfere with the operations of the NRC; and (2) if the employee is clearly informed that it is being provided only on a temporary, interim basis.

For example, there may be a delay in receiving adaptive equipment for an employee with a vision disability. During the delay, the supervisor might arrange for other employees to act as readers. This temporary measure may not be as effective as the adaptive equipment, but it will allow the employee to perform as much of the job as possible until the equipment arrives.

If a delay is attributable to the need to obtain or evaluate medical documentation and the Agency has not yet determined that the individual is entitled to accommodations, the individual should be instructed to facilitate the forwarding of the appropriate medical documentation to the Agency.

More complex requests will be coordinated as appropriate by the RAC or designee. In general, OCHCO needs approximately 45 business days for the initial review of such requests.

Requesting Sign Language Interpreting Services

•Hearing Impaired Employees

All hearing-impaired employees are responsible for requesting interpreter services if needed for any meetings/training they plan to attend, absent NRC/Office wide events, absent extenuating circumstances, and absent confidential meetings requested by other offices.

All requests for sign language interpreting services should include: event title, date, starting time, ending time, location, description, and any agenda, handouts, and/or supporting materials. ***The information given aids the interpreter services in providing the best service for the meeting/training. Not including complete information in the request may cause a delay in assigning interpreter(s).*** Interpreter services for NRC/Office wide events such as, but not limited to, NRC/Office All Hands meetings and RIC Conference should be requested by the individual office or event organizer.

Any changes or updates to requests should be entered through the SharePoint calendar by the requestor. If a new request is added or if a request is changed/updated within 48 hours or less of the start of the request, then the requestor should enter the request and/or change immediately into the calendar and email scheduledsls@gmail.com and the RAC or designee at Reasonable_Accommodations.Resource@nrc.gov. When there is very short notice within 48 hours or less, interpreters may not always be available and the requestor may need to consider rescheduling the meeting if possible or use an alternative accommodation.

If a meeting/training is expected to last longer than 60 minutes, arrangements must be made for at least two interpreters to provide sufficient rest periods, including a “sign free” lunch break if necessary. A break during a meeting or event does not constitute a rest period for the interpreter if he/she is expected to continue working (e.g. hearing impaired and hearing parties may wish to communicate during the break and look to the interpreter to facilitate the exchange).

Hearing impaired employee should make all interpreter service requests two weeks in advance (when possible) with all meeting/training details. Attempts will be made to fill all requests as best as possible dependent upon interpreter availability. In addition, all requests for sign language interpreting services should include: event title, date, starting time, ending time, location, description, and any agenda, handouts, and/or supporting materials.

•Other NRC Staff and Individual Offices

Interpreter services for NRC/Office wide events such as, but not limited to NRC/Office All Hands meetings and the RIC Conference should be requested by the individual office or event organizer. The individual office or event organizer is responsible for submitting a request to the RAC or designee at least two weeks in advance of the event. It is understood that this may not always be possible and the RAC or designee will make every effort to accommodate requests. However, when there is very short notice within 48 hours or less, interpreters may not always be available, and the requesting office or event organizer may be forced to consider rescheduling the meeting.

Requests for interpreter services for confidential meetings, such as with the Office of the Inspector General (OIG), SBCR, OGC, and/or OCHCO, should be requested by the requesting office’s point of contact (POC). The requesting office’s POC should contact the RAC or designee to make arrangements for such meetings. When the requesting office’s POC contacts the RAC or designee, the name of the individual requiring the interpreting services, should not be provided. However, the date, starting time, ending time, and location of the meeting should be provided.

Requests for interpreter services for job applicants should be requested through the RAC or designee either by the job applicant, HR Specialist, or the requesting office’s POC.

If a meeting is expected to last longer than 60 minutes, arrangements must be made for at least two interpreters to provide sufficient rest periods, including a “sign free” lunch break if necessary. A break during a meeting or event does not constitute a rest period for the interpreter if he/she is expected to continue working (e.g. hearing impaired and hearing parties may wish to communicate during the break and look to the interpreter to facilitate the exchange).

Agency requests for sign language interpreting services should be sent to the RAC or designee through the Reasonable Accommodations Resource e-mail box at Reasonable_Accommodations.Resource@nrc.gov.

Last minute requests or changes to previous requests made by NRC staff (i.e., those within 48 hours or less) should be sent to scheduledsls@gmail.com with a courtesy copy to the RAC or designee at Reasonable_Accommodations.Resource@nrc.gov. In addition, all requests for sign language interpreting services should include: event title, date, starting time, ending time, location, description, and any agenda, handouts, and/or supporting materials.

NOTE: NRC employees or contractors who know sign language or who are taking a sign language class are not considered acceptable substitutes for professional contract interpreters.

•Escorting Sign Language Interpreters and/or Transcribers

Escorting unbadged interpreters is the responsibility of the requestor of interpreting services. When a hearing-impaired employee is the requestor, he/she will be responsible for putting the interpreter into the NRC Visitor's System and providing the appropriate escort. If an NRC staff member submits the request for sign language interpreting services to support an NRC/Office wide event as explained above, the NRC staff member will be responsible for putting the interpreter information into the NRC Visitor's System and providing the appropriate escort. The RAC or designee will let the requestor know if an interpreter needs to be escorted and will only provide escorting services only in emergency situations where no other backup escort can be found by the requestor or requesting office.

•Work Events Outside the Workplace

The Agency will provide an interpreter for hearing impaired employees who, as a part of his/her job, attends a meeting or event outside the workplace. Requests for work events outside of the workplace are submitted in the same manner as hearing impaired employees requesting interpreting services as stated above.

• Interpreting Telephone Calls

Assistance is available for staff when a sign language interpreter is unavailable. For those staff requiring assistance, the Maryland Relay Service is available by dialing 7-1-1. More information is available at <http://doit.maryland.gov/mdrelay/Pages/default.aspx>. In addition, TDD calling has been replaced with a Videophone at 240-428-3217 to assist disabled callers from the public as well as disabled employees.

Reasonable Accommodation Resources

U.S. Equal Employment Opportunity Commission (www.eeoc.gov)

The EEOC's Publication Center has many free documents regarding the Title I employment provisions of the ADA, including both the statute, 42 U.S.C. 12101 et seq. (1994), and the regulations, 29 C.F.R. 1630 (1997). In addition, the EEOC has published a great deal of basic information about reasonable accommodations and undue hardship. The two main sources of interpretive information are:

- (1) The Interpretive Guidance accompanying the Title I regulations (also known as the “Appendix” to the regulations), 29.C.F.R. pt. 1630 app. 1630.2(o), (p), 1630.9 (1997), and
- (2) Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act III, 8 FEP Manual (BNA) 405:6981, 6998-7018 (1992). The Manual includes a 200-page Resource Directory, including federal and state agencies and disability organizations that can provide assistance in identifying and locating reasonable accommodations.
- (3) The Computer Electronic Accommodation Program (CAP) – www.cap.mil/.
- (4) The Job Accommodation Network (JAN) – Voice: (800) 526-7234, TTY: (877) 781-9403. www.askjan.com.

Appendix A: Key Terms

Computer/Electronics Accommodation Program (CAP): Administered by the Department of Defense (DOD), the NRC uses this program to procure assistive technology, devices, software, and services for NRC employees. NOTE: Some items and services are available only to DOD employees.

Direct Threat: Significant risk of substantial harm to a disabled individual or other and there are no reasonable accommodations that would lower that risk.

Disability: A physical or mental impairment that substantially limits one or more major life activities.

Essential Functions: Those duties that are so fundamental to a particular position that the individual holds or desires such that he/she cannot successfully fulfill the requirements of a position without being able to perform them. A function can be “essential” if, among other things, the position exists specifically to perform that function; there are a limited number of staff who can perform the function; or the function is so specialized that the individual is hired based on his/her ability to perform it.

Federal Occupational Health (FOH): Federal Occupational Health (FOH) is a non-appropriated agency within the Program Support Center (PSC) of the U.S. Department of Health and Human Services (HHS). FOH works in partnership with federal organizations nationally and internationally to design and deliver comprehensive occupational health solutions exclusively to federal employees.

Interactive Process: The process by which the RAC or designee, the supervisor, and the requestor work together for the purposes of providing effective reasonable accommodations throughout the NRC.

Interactive Dialogue: The interactive discussions between the RAC or designee, the supervisor and the requestor to identify and provide effective accommodations solutions for the purpose of resolving requests for reasonable accommodations.

Job Accommodation Network (JAN): JAN provides advice on reasonable accommodations solutions.

Major Life Activity: Functions such as caring for one's self, performing manual tasks, walking, seeing hearing, speaking, standing, eating, lifting, bending, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, breathing, learning, major bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, circulatory, respiratory, endocrine, hemic, lymphatic, musculoskeletal, special sense organs and skin, genitourinary, and cardiovascular systems, and reproductive functions, and working. This list is not all inclusive but is representative of the types of activities that are considered major life activities.

Qualified Individual with a Disability: An individual with a permanent or temporary disability who satisfies the requisite skill, experience, education, and other job-related requirements of the position the individual holds or desires to hold and who can perform the essential functions of the position with or without reasonable accommodations.

Reasonable Accommodations: Modifications or adjustments to the job application process that enable a qualified applicant with a disability to be considered for a desired position. Modifications or adjustments to the work environment or the manner or circumstances under which the position held or desired is customarily performed that enable a qualified individual with a disability to perform the essential functions for that position, or modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

Reasonable Accommodation Coordinator (RAC): The NRC representative in the (OCHCO) who serves as the central point of contact for requests for reasonable accommodations and who provides assistance to employees and supervisors in considering such requests. The RAC or designee also tracks requests and produces reports regarding reasonable accommodations activities within the NRC. The RAC may also designate others to act as the RAC.

Reassignment: A form of reasonable accommodations that, absent undue hardship, may be provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of the job with or without reasonable accommodation. Reassignments are made only to vacant funded positions and only provide to employees who are qualified for the new position. If the employee is qualified for the position, he or she may be reassigned to the

job without competition. Reassignments, by definition, may be made only to a position of equal or lower grade.

Requestor: A employee, contractor, family member, NRC staff member, medical provider, or other employee representative expressing the need for a change in the working environment due to a medical condition for the purposes of obtaining a reasonable accommodation from the NRC.

Substantial Limitation of a Major Life Activity: The inability to perform a major life activity that the average person in the general population can perform, or significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared the average person in the general population.

Undue Hardship: A significant difficulty or expense incurred by the NRC. Determination of whether accommodations pose an undue hardship is always made on a case-by-case basis.

Factors considered include:

- the nature and net cost of the reasonable accommodation on the operations of the agency;
- the overall financial resources of the facility involved;
- the number of persons employed at such facilities and the effect on expenses and resources;
- the overall financial resources of the agency;
- the type of operation of the agency, including the composition, structure, and function of the; workforce and the geographic dispersion and relationship of the facility to the agency; and
- the impact of the accommodations upon the operation of the facility.

Appendix B: Medical Information Confidentiality

Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodations process must be kept confidential.

All medical information, including information about functional limitations and reasonable accommodations needs obtained in connection with request for reasonable accommodations, as well as medical information unrelated to the reasonable accommodations process, must be kept in files separate from the individual's personnel file. Any NRC employee who obtains or receives such information is strictly bound by these confidentiality requirements.

Information “regarding the medical condition or history of any employee shall be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record...” 29 CFR 1630.14. The RAC or designee will maintain custody of all records obtained or created during the processing of requests for reasonable accommodations, including medical records, and will respond to all requests for disclosure of the records. Agency officials must not store medical records in their own separate files, but must forward them to the RAC for

storage. All records will be maintained in accordance with the Privacy Act and the requirements of Title 29 C.F.R. Part 1611.

This information may be disclosed *only* as follows:

Agency officials and managers who need to know (including the RAC or designee as the deciding official) who requested the medical information) may be told about necessary restrictions on the work or duties of the employee and about the necessary accommodations but medical information should only be disclosed if strictly necessary;

First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment;

Government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act; and

The information may, in certain circumstances, be disclosed to workers' compensation offices or insurance carriers.

When medical information is disclosed, the individual disclosing the information must inform the recipients of the information as to the confidentiality requirements that attach to it and must advise them to follow all pertinent procedures according to regulation and policy.

APPENDIX 6:

Fiscal Year 2019 No FEAR Act Data Posted on the NRC Web Site

NRC Discrimination Complaint Activity

FY 2014 - FY 2019

29 CFR 1614.704(a) – (c)	29 CFR 1614.705 Comparative Data Previous Fiscal Year Data					
Complaint Activity	2019 4 th Qtr.	2018	2017	2016	2015	2014
Number of Complaints Filed in FY 1614.704(a)	19	20	19	17	22	17
Number of Complainants 1614.704(b)	19	19	18	17	22	17
Repeat Filers 1614.704(c)	0	0	1	0	0	0

29 CFR 1614.704(d)	29 CFR 1614.705 Comparative Data Previous Fiscal Year Data					
Complaint by Basis	2019 4 th Qtr.	2018	2017	2016	2015	2014
Race	8	12	4	6	11	9
Color	2	5	1	3	2	1
Religion	1	1	1	2	2	3
National Origin	4	5	1	5	2	4
Sex (including complaint filed under Equal Pay Act)	9	13	10	8	12	8
Disability	4	4	6	3	3	4
Age	10	7	13	9	13	10
Reprisal	12	8	11	8	10	5
Other	0	0	1	0	0	0

29 CFR 1614.704(e)	29 CFR 1614.705 Comparative Data Previous Fiscal Year Data					
Complaint by Issue	2019 4 th Qtr.	2018	2017	2016	2015	2014
Appointment/Hire	1	0	0	0	0	1
Assignment of Duties	5	8	9	6	6	9

Awards	3	0	4	0	3	5
Conversion to Full-time	0	0	0	0	0	0
Disciplinary Action						
Demotion	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0
Suspension	1	1	1	1	0	0
Removal	0	1	0	2	0	0
Other	0	0	0	1	0	1
Duty Hours	0	0	0	0	0	0
Evaluation Appraisal	5	6	5	5	10	9
Examination/Test	0	0	2	0	0	0
Harassment						
Non-Sexual	10	11	10	8	11	10
Sexual	0	0	2	0	5	2
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	3	0	0	0	0	1
Promotion/Non-Selection	7	2	6	5	10	4
Reassignment						
Denied	0	1	0	0	0	0
Directed	2	0	1	4	1	2
Reasonable Accommodation	2	3	3	3	0	2
Reinstatement	0	0	0	0	0	0
Retirement	1	0	0	0	0	0
Termination	0	1	0	0	0	0
Terms/Conditions of Employment	3	2	1	2	0	1
Time and Attendance	1	1	4	3	5	4
Training	1	3	4	2	1	5
Sex Stereotyping	0	0	2	0	0	0
Telework	2	0	0	2	1	5

29 CFR 1614.704 (f)		
Processing Time "...post the average length of time it takes to complete each step of the process for every complaint that is pending during any time of the then fiscal year..."		Average Days
All complaints pending in Investigative Stage	1614.704(f)(1)	285.30
All complaints pending in Final Agency Decision/Action Stage		60
All complaints pending in which Hearing was not requested	1614.704(f)(2)	329.83
Time in Investigation Stage		269.83
Time to issue Final Agency Action		60
All complaints pending in which a Hearing was requested	1614.704(f)(3)	322.67
Time in Investigation Stage		322.67
Time to issue Final Agency Action		0

29 CFR 1614.704(g)	29 CFR 1614.705 Comparative Data Previous Fiscal Year Data					
Complaint Dismissed by Agency	2019 4th Qtr.	2018	2017	2016	2015	2014
Total Complaints Dismissed by Agency	4	3	6	1	0	2
Average days pending prior to dismissal	256	88	298	180	0	114

29 CFR 1614.704(h)	29 CFR 1614.705 Comparative Data Previous Fiscal Year Data					
Complaint Withdrawn by Complainants Pursuant to 1614.107(a)	2019 4th Qtr.	2018	2017	2016	2015	2014
Total Complaints Withdrawn	2	1	1	1	3	0

29 CFR 1614.704(k)	29 CFR 1614.705 Comparative Data Previous Fiscal Year Data											
	2019 4 th Qtr.		2018		2017		2016		2015		2014	
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings 1614.704(k)(1)	0		0		0		0		0		0	
Findings Without Hearing 1614.704(k)(2)	0		0		0		0		0		0	
Findings After Hearing 1614.704(k)(3)	0		0		0		0		0		0	
Appointment/Hire	0		0		0		0		0		0	
Assignment of Duties	0		0		0		0		0		0	
Awards	0		0		0		0		0		0	
Conversion to Full-time	0		0		0		0		0		0	
Disciplinary Action	0		0		0		0		0		0	
Demotion	0		0		0		0		0		0	
Reprimand	0		0		0		0		0		0	
Suspension	0		0		0		0		0		0	
Removal	0		0		0		0		0		0	
Other	0		0		0		0		0		0	
Duty Hours	0		0		0		0		0		0	
Evaluation Appraisal	0		0		0		0		0		0	
Examination/Test	0		0		0		0		0		0	
Harassment	0		0		0 ⁷		0		0		0	
Non-Sexual	0		0		0		0		0		0	
Sexual	0		0		0		0		0		0	
Medical Examination	0		0		0		0		0		0	
Pay (Including Overtime)	0		0		0		0		0		0	
Promotion/Non-Selection	0		0		0		0		0		0	
Reassignment	0		0		0		0		0		0	
Denied	0		0		0		0		0		0	
Directed	0		0		0		0		0		0	
Reasonable Accommodation	0		0		0		0		0		0	
Reinstatement	0		0		0		0		0		0	

⁷ Previous reporting for FY 2017 of one of harassment claim in association with Table 29 CFR 1614.704(k) was incorrect.

Retirement	0	0	0	0	0	0
Termination	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0
Training	0	0	0	0	0	0
Other	0	0	0	0	0	0

29 CFR 1614.704(l)	29 CFR 1614.705 Comparative Data Previous Fiscal Year Data					
Complaints Pending From Previous Fiscal Years by Status	2019 4th Qtr.	2018	2017	2016	2015	2014
Total complaints from previous Fiscal Years 1614.704(l)(1)	11	9	8	0	0	3
Total Complainants 1614.704(l)(2)	11	9	8	13	9	3
Number of all pending complaints from previous Fiscal Years 1614.704(l)(3)						
Investigation	0	0	0	1	0	0
ROI issued, pending Complainant's action	1	1	0	0	0	0
Hearing	10	6	9	8	4	2
Final Agency Action	0	1	0	1	1	0
Number of closed complaints pending 1614.704(k)(3)						
Appeal with EEOC Office of Federal Operations	5	2	2	0	4	2

29 CFR 1614.704(l)	29 CFR 1614.705 Comparative Data Previous Fiscal Year Data					
Complaint Investigations	2019 4th Qtr.	2018	2017	2016	2015	2014
Number Pending Completion of Investigation	9	0	0	0	0	0
Pending Investigations Over Required Time Frames	3	0	0	0	0	0