

UNCLASSIFIED



**INSPECTOR GENERAL**  
DEPARTMENT OF DEFENSE  
4800 MARK CENTER DRIVE  
ALEXANDRIA, VIRGINIA 22350

**ACTION MEMO**

January 15, 2019

FOR: PRINCIPAL DEPUTY INSPECTOR GENERAL

FROM: Carol A. Lunsford, Acting Director, Equal Employment Opportunity

SUBJECT: Notification and Federal Employee Anti-discrimination and Retaliation (No FEAR)  
Act Report to Congress

- The No FEAR Act, Public Law 107-174, requires Federal agencies to be publicly accountable for violations of anti-discrimination and whistleblower protection laws. Within 180 days of the end of the fiscal year, Federal agencies must submit to Congress, EEOC, the Department of Justice, and OPM an annual report on the agency's efforts to improve compliance with employment discrimination and whistleblower protection laws.
- Each Federal agency must also report on the status of complaints filed within the organization that allege violation of these laws, including identifying any reimbursements made to the Judgment Fund or budgetary adjustments required to comply with reimbursement obligations for violations of anti-discrimination and whistleblower protection laws.
- The FY 2018 No FEAR Act Report summarizes the efforts made within the DoD OIG to comply with Federal reporting standards. During this reporting year, there was one finding of discrimination. There were no disciplinary actions taken as a result of an alleged complaint of harassment. There were no settlements in lieu of potential findings, or reimbursements to the Judgment Fund involving any OIG employees as a result of violations of whistleblower laws, engagement in prohibited personnel practices, or retaliation by an OIG employee (TAB C).
- Attached for your signature is the memorandum to transmit the No FEAR Act Report to the Director of the Office for Diversity, Equity, and Inclusion (TAB B), due NLT January 18, 2019.
- Attached at (TAB C) is the Legal Sufficiency Review by OGC.

RECOMMENDATION: Sign the attachment at TAB B.

Attachments:  
As stated

Prepared by: Charlie Battle, 703-602-5332

A





**INSPECTOR GENERAL**  
DEPARTMENT OF DEFENSE  
4800 MARK CENTER DRIVE  
ALEXANDRIA, VIRGINIA 22350-1500

JAN 18 2019

Mr. F. Michael Sena,  
Acting Director of the Office for Diversity, Equity, and Inclusion  
OSD Personnel and Readiness  
4000 Defense Pentagon, Room 5D641  
Washington, DC 20301-4000

Dear Mr. Sena:

In accordance with Public Law 107-174, Section 203 of the Notification and Federal Employee Anti-discrimination and Retaliation (No FEAR) Act, the Department of Defense Office of Inspector General (DoD OIG) submits the attached report for FY 2018.

This report summarizes the activities conducted by the DoD OIG from October 1, 2017, to September 30, 2018, to ensure full compliance with the requirements set forth by the No FEAR Act of 2002.

If you have questions, please contact the DoD OIG Acting Director of EEO, Ms. Carol A. Lunsford, at (703) 604-9710.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn A. Fine", is written over the typed name.

Glenn A. Fine  
Principal Deputy Inspector General  
Performing the Duties of the Inspector General

Attachment: As stated

B



Department of Defense  
Office of Inspector General

**Notification and Federal Employee  
Anti-discrimination and Retaliation Act (NoFEAR)**

**FY 2018 Report**

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## I. INTRODUCTION

### Abstract

The DoD Office of Inspector General (DoD OIG) FY 2018 No FEAR Act report summarizes the activities conducted by our office to ensure full compliance with the requirements of the No FEAR Act. On September 28, 2018, the Principal Deputy Inspector General (PDIG), Performing the Duties of the Inspector General communicated the Anti-harassment Policy Statement to the DoD OIG workforce. This statement reaffirmed the DoD OIG standard that every employee must be committed to providing an environment free from harassment. This policy statement also set forth the DoD OIG requirement that each DoD OIG employee must receive biennial anti-harassment training. He also restated his commitment to creating an environment of equality and the preserving a diverse DoD OIG workforce with the issuance of his policy statement for EEO and Diversity and Inclusion. This policy statement includes guidance and instructions on the roles and responsibilities within the DoD OIG to help ensure equality and inclusion for all DoD OIG employees.

To fulfill the requirements of the No Fear Act, the DoD OIG Office of Equal Employment Opportunity (EEO) provided formal training and education regarding prohibitions on retaliation and the associated rights and remedies of employees. The Office of EEO also hosted numerous affirmative action program events designed to promote the full realization of equal opportunity within the DoD OIG workforce. Additionally, DoD OIG management officials and employees actively engaged with the Office of EEO to identify early resolution options to minimize formal EEO complaint activity.

## II. REPORTING REQUIREMENTS

a. *The number of cases in Federal court pending or resolved each FY and arising under each of the respective provisions of the Federal anti-discrimination laws and whistleblower protection laws applicable to them as defined in 5 C.F.R. §724.102, in which an employee, former Federal employee, or application alleged a violation of these laws, separating data by the provision of law involved (5 C.F.R. 724.302(a)(1)) and the status or disposition (including settlement) of such cases (5 C.F.R. 724.302(a)(2)(i)).*

Statute	Cases Opened in FY18	Cases Resolved in FY18		Cases Pending at Close of FY18
		Settled	Other	
<b>Title VII, Civil Rights Act of 1964</b> 42 U.S.C. 2000e-16	7	0	1	6
<b>Age Discrimination in Employment Act</b> 29 U.S.C. 631, 633a	3	0	0	3
<b>Fair Labor Standards Act of 1938</b>	0	0	0	0

29 U.S.C. 206(d)				
<b>Section 501 of Rehabilitation Act</b> 29 U.S.C. 791	5	0	1	4
<b>Equal Pay Act</b> 29 U.S.C. 206(d)	0	0	0	0
<b>Whistleblower Protection Act</b> 5 U.S.C. 2302(b)(1)	0	0	0	0

b. *The amount of money required to be reimbursed to the Judgment Fund by the Agency for payments as defined in 5 C.F.R. §724.102 (5 C.F.R. 724.302(a)(2)(ii)), and the amount of reimbursement to the Fund for attorney's fees where such fees have been separately designated (5 C.F.R. 724.302(a)(2)(iii)), and any adjustment needed or made to the budget of the Agency to comply with its Judgment Fund reimbursement obligation(s) incurred (5 C.F.R. 724.302(a)(8)).*

\$ Reimbursed to Judgment Fund	\$ Attributed to Attorneys' Fees	Adjustment to Agency Budget
\$0	\$0	\$0

c. *In connection with the cases identified above, the total number of employees in each fiscal year disciplined (reprimand, suspension without pay, reduction in grade or pay, or removal) and the specific nature of the disciplinary actions taken, separated by the provision(s) of law involved (5 C.F.R. 724.302(a)(3)) and the number of employees in each fiscal year disciplined (reprimand, suspension without pay, reduction in grade or pay, or removal) in accordance with any Agency policy, regardless of whether or not the matters are in connection to a Federal court case (5 C.F.R. 724.302(a)(5)).*

Statute	# of Employees Disciplined	Nature of Disciplinary Action
<b>Title VII, Civil Rights Act of 1964</b> 42 U.S.C. 2000e-16	0	NA
<b>Age Discrimination in Employment Act</b> 29 U.S.C. 631, 633a	0	NA
<b>Fair Labor Standards Act of 1938</b> 29 U.S.C. 206(d)	0	NA
<b>Section 501 of Rehabilitation Act</b> 29 U.S.C. 791	0	NA
<b>Equal Pay Act</b> 29 U.S.C. 206(d)	0	NA
<b>Whistleblower Protection Act</b> 5 U.S.C. 2302(b)(1)	0	NA
<b>Matters that did <u>NOT</u> result in a Federal court case</b>	0	NA

d. *The final year-end data about discrimination complaints for each fiscal year that was posted in accordance with Equal Employment Opportunity Regulations 29 C.F.R. §§1614.701, et seq. (5 C.F.R. 724.302(a)(4)).*

**See Appendix A**

e. *A detailed description of the Agency's policy for taking disciplinary action against Federal employees for conduct that is inconsistent with Federal anti-discrimination laws and whistleblower protection laws or for conduct that constitutes another prohibited personnel practice revealed in connection with Agency investigations of alleged violations of these laws (5 C.F.R. 724.302(a)(6)).*

**See Appendix B**

f. *The Agency's written plan to train its employees (5 C.F.R. 724.302(a)(9)).*

**See Appendix C**

### III. ANALYSIS

#### a. Examination of Trends

During FY 2018, 78 individuals contacted the Office of EEO regarding allegations of unfair treatment or seeking advisory services. This represents a 24 percent decrease (19 employees) compared to FY 2017, when there were 97 contacts. A portion of this decrease can be attributed to fewer contacts from non-DoD OIG employees seeking guidance and direction regarding protected EEO activity (these individuals were referred to their respective EEO offices). Additionally, the EEO staff promoted enhanced open communication through increased use of employees' chain of command. EEO staff also increased office visibility through participation in component town halls and staff meetings throughout the DoD OIG. In addition, the DoD OIG component leadership encouraged the use of their open door policies to address identified conflicts and EEO staff engaged in facilitated discussions between employees and managers to mitigate or eliminate the perception of inequitable treatment, resulting in resolutions to many of the 78 individuals that contacted the Office of EEO for non-EEO workplace disputes. As a result, only nine percent of individuals (7 employees) who sought advice and guidance regarding potential EEO issues initiated formal EEO complaints during the FY 2018 reporting year. That is a slight increase from five in FY 2017.

As in the previous 5 years, harassment (non-sexual) and disparate treatment in the terms and conditions of employment continue to be two of the primary issues identified in formal complaints of discrimination filed in the DoD OIG. In FY 2018, five formal complaints were filed alleging disparate treatment in the terms and conditions of employment and four complaints alleged harassment. Disability and retaliation were the most frequently identified bases for formal complaint activity. In FY 2018, there was one substantiated finding of discrimination based on retaliation for a complaint initiated in FY 2013.

DoD OIG's Office of Professional Responsibility, which receives and investigates non-EEO-related harassment and misconduct allegations raised against DoD OIG employees, received 61 complaints in FY 2018; 37 were referred to management officials for information or action, seven were accepted for investigation, and 17 were closed with no action for allegations of misconduct.

The Ombudsman conducted five mediations during FY 2018. In each case, the Ombudsman facilitated discussions with the parties about issues that created the conflict and helped them brainstorm concrete actions to improve their working relationship.

### **b. Causal Analysis**

Based on feedback from individuals contacting the Office of EEO and those who attended Agency-wide events hosted by the Office of EEO, poor communication and perceived lack of equitable recognition for employees' performance and production were the factors that tended to affect employees' concerns related to unfair treatment. Additionally, management's obligation to adhere to confidentiality requirements and not discuss disciplinary or performance-related corrective personnel actions may have contributed to some employees' perception of unfair treatment because, employees did not know when individuals were being held accountable. Component leaders and EEO staff continue to implement proactive measures such as increased visibility and access to DoD OIG leadership to enhance effective communication methods and strengthen resolution options regarding employee concerns.

### **c. Practical Knowledge Gained Through Experience**

Component leaders, representatives from the Office of General Counsel, Human Capital Management, and the Office of EEO continue to collaboratively identify trends that may adversely affect the DoD OIG work environment. This proactive and collaborative approach has aided in promoting and maintaining an environment conducive to open communication and has positively impacted employee willingness to raise concerns and issues.

The Office of EEO and the Ombudsman work diligently to promote mutually beneficial resolutions that address internal conflicts and workplace concerns at the lowest level possible. These resolution options also seek to engage senior leaders in the process in order to create positive lasting change.

In the Ombudsman's 2018 annual report to DoD OIG leadership, an analysis of the concerns of employees who participated in facilitated discussions, revealed that quality and timeliness of performance feedback between an employee and supervisor was a common concern for employees who sought assistance from the Ombudsman. This year, two issues related to performance feedback were also present: 1) The need for better communication between program managers and team leads as it relates to performance expectations and roles of the team lead; and 2) A need for better collaboration between components when working together on organizational deliverables.



#### **d. Actions Planned or Taken for Improvement Measures**

The PDIG demonstrated his commitment to the tenets of EEO by issuing revised policies and expectations for adhering to equal employment opportunity, diversity and inclusion, and the prevention of harassment in the workplace. These policy statements reiterate the PDIG's belief that equality and diversity play a vital role in the successful completion of the DoD OIG's mission. The DoD OIG EEO and anti-harassment policies were distributed to all DoD OIG employees and posted to the DoD OIG intranet. Written copies of the policies and training were provided to all new employees. New employees are also required to take the No FEAR Act and anti-harassment training within 90 days of Entrance on Duty (EOD) at the DoD OIG. Collaborative efforts among component training officers; the DoD OIG Training, Education, and Development Division; managers in the workforce; and the EEO staff ensured that all DoD OIG employees were aware of their shared responsibility in adhering to anti-harassment and whistleblower requirements.

In addition to executive and leadership training, the DoD OIG also provided training that was available to all OIG staff. The Office of EEO received positive feedback from the two Equality Matters Series presentations, "Your Reasonable Accommodation is Granted...Now What?" and "The Final Rule on Affirmative Action for Individuals with Disabilities in Federal Employment." This series emphasized the development of innovative solutions related to equal employment opportunity and provided interrelated sessions focusing on providing training and guidance on workplace behavior and communication that impacts civility. These presentations establishes new resources for mitigating conflict, fosters teamwork, and develops effective strategies for managers and employees to address potential conflicts in the workplace. These events were well-attended and offered employees an opportunity for practical application of conflict management strategies and improved communication when concerns arise.

The PDIG ensured effective management and sufficient resources were available within the EEO program to fully comply with statutory and regulatory mandates. These actions contributed to an effective affirmative action program that promotes equal opportunity within DoD OIG's workforce.

In FY 2018, the results of the DoD OIG's barrier analysis were received and the PDIG designated both the Chief of Staff and the Chief Human Capital Officer, with full support from the Office of EEO, to develop action plans to address the findings and recommendations in the report. Many of these actions are reflected in Diversity & Inclusion's 5-year strategic plan and DoD OIG has scheduled sensing sessions to develop resolution strategies in FY 2019.

In a sustained effort to standardize processes and practices, the DoD OIG instituted various training for its leaders and executives. In FY 2018, the DoD OIG Training Education and Development Division oversaw the following leadership and supervisory training: (1) Effective Coaching and Mentoring, (2) Leading at the Speed of Trust, (3) Leading at the Speed of Trust Checkpoints, (4) Supervisor Training, and (5) New Supervisor's Orientation.

In 2018, the DoD OIG hired a DoD Whistleblower Protection Coordinator, previously known as the Whistleblower Protection Ombudsman, responsible for ensuring that DoD

employees including uniformed military personnel, DoD civilians, and Federal contractors understand the statutes that protect them as whistleblowers. The focus of the coordinator is to provide outreach and education so that personnel within the DoD know their rights as whistleblowers and their responsibilities as supervisors, as well as understand that there are prohibitions on retaliation for protected disclosures.

The DoD OIG Human Capital Management Office ensured all job announcements included anti-discrimination statements that reiterate the DoD OIG's position regarding equity and the fair treatment of all applicants. As a continuing standard, all new employees were briefed, on their initial start date, of the rights and protections afforded to whistleblowers and were provided information on employee rights related to whistleblower retaliation.

Additionally, the Human Capital Management Office revamped its supervisory training to include aspects of diversity and inclusion. The DoD OIG also conducted hiring summits to identify new resources and increase the diversity of potential employment candidates. The new Diversity and Inclusion Strategic Plan provided guidance regarding the DoD OIG's efforts to improve workforce inclusion through recruitment and retention. The DoD OIG Office of Legislative Affairs and Communications (OLAC) engaged social media platforms such as LinkedIn and Twitter to advertise and promote vacancies intended to attract and retain diverse talent.

The Office of EEO continued its anti-harassment initiative, aimed at maintaining a zero-tolerance standard for workplace harassment. The goals of the initiative are to enable employees to: (1) identify both the business impact of harassment on the workforce and the need to end harassment; (2) recognize the types of behaviors that lead to harassment; and (3) determine the specific actions that supervisors and employees can take to reduce or eliminate harassment and contribute to increased motivation.

The EEO Director frequently counsels leadership on the numerous avenues available to promote and sustain an environment free of discrimination and meets regularly with the Human Capital Management Director, the Ombudsman, and a senior associate attorney in the DoD OIG Office of General Counsel to discuss information, review trends affecting employees, and develop strategic approaches to address workplace concerns within the DoD OIG.

#### **IV. CONCLUSION**

The EEO Director reports directly to the Inspector General. The Office of EEO continues to advise and assist the DoD OIG's leaders on workforce planning and decision making related to the potential impact decisions can have on EEO-protected groups. Providing education, creating awareness, and implementing proactive prevention strategies help reduce organizational deficiencies resulting from negative conflict and poor communication while simultaneously increasing employee confidence.

The PDIG and senior leaders throughout the DoD OIG set the tone for establishing a workplace environment free of discrimination and harassment. By ensuring adequate resources are available and providing continuous training opportunities, the PDIG makes certain that DoD

OIG senior leaders and managers are equipped with the right tools and skills to manage an ever-changing, diverse workforce.

The Office of EEO implements proactive prevention initiatives aimed at eliminating workplace harassment and empowering employees to engage in dialogue and come forward to address concerns impacting the work environment.

Finally, the DoD OIG Office of the Ombudsman provides an alternative venue for employees to address workplace concerns about alleged improprieties and perceived systemic issues in the DoD OIG. The Ombudsman and EEO Director meet frequently during the reporting year to establish a collaborative approach to address and correct matters with potential EEO implications.

# APPENDIX A

**Equal Employment Opportunity Data Posted Pursuant to the No FEAR Act  
Office of Inspector General  
EEO Complaint Activity  
FY 2018 4<sup>th</sup> Quarter Data  
September 30, 2018**

29 CFR §1614.704(a) - (c)	29 CFR §1614.705 Comparative Data Previous Fiscal Year Date					FY 2018 Through September 30
Complaint Activity	2013	2014	2015	2016	2017	
Number of Complaints Filed in FY 1614.704(a)	4	2	1	4	4	7
Number of Complainants 1614.704(b)	4	2	1	4	4	7
Repeat Filers 1614.704(c)	0	0	1	4	1	2
29 CFR §1614.704(d)	29 CFR §1614.705 Comparative Data Previous Fiscal Year Date					FY 2018 Through September 30
Complaints by Basis	2013	2014	2015	2016	2017	
Race	2	2	0	1	2	2
Color	1	1	0	0	0	1
Religion	0	0	0	0	0	0
National Origin	1	0	0	0	0	0
Sex	0	2	0	0	3	2
Disability	1	1	1	1	2	5
Age	0	0	0	2	1	3
Retaliation	4	2	1	0	4	7
Other	0	0	0	0	0	0

NoFEAR Analysis Report

29 CFR §1614.704(e)  Complaints by Issue	29 CFR §1614.705 Comparative Data Previous Fiscal Year Data					FY 2018 Through September 30
	2013	2014	2015	2016	2017	
Appointment/Hire	0	0	0	1	2	0
Assignment of Duties	3	1	1	0	2	5
Awards	0	0	0	0	0	0
Conversion to Full-time	0	1	0	0	0	0
<b>Disciplinary Action</b>						
Reprimand	0	0	0	0	1	0
Suspension	0	0	0	0	0	1
Removal	0	0	0	0	1	1
Other	2	0	0	0	0	0
Duty Hours	0	1	0	0	0	0
Evaluation Appraisal	3	0	0	1	1	1
Examination/Test	0	0	0	1	0	1
<b>Harassment</b>						
Non-Sexual	4	1	0	0	1	3
Sexual	0	0	0	1	0	0
Medical Examination	0	0	0	1	0	1
Pay	1	0	0	0	0	0
Promotion/Non-Selection	0	1	0	0	0	1
<b>Reassignment</b>						
Denied	0	0	0	0	1	1

NoFEAR Analysis Report

Directed	0	0	0	0	0	0	
Reasonable Accommodation	0	0	1	0	1	2	
Reinstatement	0	0	0	0	0	0	
Retirement	0	0	0	1	0	0	
Termination	0	0	0	0	1	0	
Terms/Conditions of Employment	2	1	1	0	1	1	
Time and Attendance	0	0	1	0	1	2	
Training	0	1	0	0	0	0	
Other (Denied leave)	0	2	0	0	0	1	
<b>29 CFR §1614.704(f)</b>							
<b>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 ..."</b>				<b>FY 2018 Through September 30</b>			
				<b>Number</b>	<b>Average Days</b>		
All Complaints Pending in Investigative Stage		1614.704(f)(1)		5	152		
Time in Investigation Stage				5	152		
Complaints Pending in Which a Hearing Was Requested		1614.704(f)(3)		2	623		
Time in Investigation Stage				2	623		
<b>29 CFR §1614.704(g)</b>		<b>29 CFR §1614.705 Comparative Data Previous Fiscal Year Data</b>				<b>FY 2018 Through September 30</b>	
<b>Complaints Dismissed by Agency Pursuant to 1614.107(a)</b>		<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>		<b>2017</b>
Total Complaints Dismissed by Agency		0	1	0	0	1	1
Average Days Pending Prior to Dismissal		0	29	0	0	1632	110



NoFEAR Analysis Report

29 CFR §1614.704(h)	29 CFR §1614.705 Comparative Data Previous Fiscal Year Data										FY 2018 Through September 30	
	2013	2014	2015	2016	2017							
Total Complaints Withdrawn by Complainants												
Total Number Withdrawn 704(h)	0	0	0	0	0	0	0	0	0	0	1	
29 CFR §1614.704(i)	29 CFR §1614.705 Comparative Data Previous Fiscal Year Data										FY 2018 Through September 30	
	2013		2014		2015		2016		2017			
Findings of Discrimination Rendered by Basis												
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings 704(i)(1)	0	0	0	0	0	0	0	0	0	0	1	100%
Number of Findings Rendered After Hearing 704(i)(3)	0	0	0	0	0	0	0	0	0	0	1	100%
Reprisal	0	0	0	0	0	0	0	0	0	0	1	100%
29 CFR §1614.704(j)	29 CFR §1614.705 Comparative Data Previous Fiscal Year Data										FY 2018 Through September 30	
	2013		2014		2015		2016		2017			
	#	%	#	%	#	%	#	%	#	%		
Total Number of Findings 704(j)(1)	0	0	0	0	0	0	0	0	0	0	1	100%
Findings Without Hearing 704(j)(2)	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing 704(j)(3)	0	0	0	0	0	0	0	0	0	0	1	100%
Reprimand	0	0	0	0	0	0	0	0	0	0	1	100%

NoFEAR Analysis Report

29 CFR §1614.704(k)	29 CFR §1614.705 Comparative Data					
Complaints Pending From Previous Fiscal Years by Status	Previous Fiscal Year Data					FY 2018 Through September 30
	2013	2014	2015	2016	2017	
Total Complaints, Previous Fiscal Years 704(k)(1)	3	3	4	2	4	2
Total Complainants 704(k)(2)	7	3	4	2	4	6
<b>Number of Complaints Pending: 704(k)(3)</b>						
Investigation	0	1	0	3	0	6
ROI Issued, Pending Complainant's Action	0	0	0	0	0	0
Hearing	3	0	4	0	4	1
Final Agency Action	0	0	0	0	4	0
Appeal with EEOC Office of Federal Operations	0	0	0	0	0	1
29 CFR §1614.704(l)	29 CFR §1614.705 Comparative Data Previous Fiscal Year Data					FY 2018 Through September 30
	2013	2014	2015	2016	2017	
Number Pending Completion of Investigation	2	2	1	0	3	6
Pending Investigations Over Required Time Frames	0	0	0	0	0	0

Last update was done on **September 30, 2018**

Link: <http://www.dodig.mil/Offices/Equal-Employment-Opportunity/No-FEAR-Reports/>



## **APPENDIX B**

Inspector General Instruction 1400.4, “Adverse Actions,” is the DoD OIG’s policy for taking disciplinary action against Federal employees for conduct that is inconsistent with Federal anti-discrimination laws and whistleblower protection laws, or for conduct that constitutes a prohibited personnel practice revealed in connection with DoD OIG investigations of alleged violations of 5 C.F.R. 724.302(a)(6).

DoD OIG management officials are required to initiate prompt action to correct employee conduct that does not promote the efficiency of the Federal service. When deciding to take an action, management officials are prohibited from discriminating against an employee based on sex, race, color, national origin, religion, age, genetic information, retaliation, political affiliation, marital status, disability, parental status, sexual orientation, or other non-merit factors.

Management officials are directed to use progressive discipline to correct employee misconduct. When management takes formal disciplinary action, it should be tailored to address the severity of the misconduct. Management may also consider alternative discipline in lieu of formal discipline.

*Link to DoD OIG Adverse Action Instruction:*

<https://intra.dodig.mil/MST/ALSD/pubs/IGDINST%201400%204%20Adverse%20Actions%20AIG-AM%20signed%203-5-141.pdf>

## APPENDIX C

### Department of Defense Office of Inspector General (DoD OIG) No FEAR Act Training Plan

FY 2018 was a mandatory Agency-wide training year. No FEAR Act and Workplace Harassment training were completed through the Inspector General E-Learning training module. The content of the presentation also contains information on the Whistleblower Protection Enhancement Act, as amended.

Agency Training Requirement	Delivery of Training	Training Schedule	Training Completion
Only civilian employees and military personnel who supervise civilian employees are required to complete No FEAR and Workplace Harassment training.	Inspector General E-Learning	Mandatory No FEAR Act and Workplace Harassment Prevention training were completed on June 30, 2018.	FY 2018 training completion rate for DoD OIG employees was 97.51 percent (1576).

C

## Battle, Charlie L., OIG DoD

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**From:** Proctor, Carol Q., OIG DoD  
**Sent:** Thursday, January 3, 2019 8:45 AM  
**To:** Battle, Charlie L., OIG DoD  
**Subject:** FW: Alert! New Suspense Assigned: 2019-355-001 - No FEAR Act of 2002 Report to Congress Due: 12/27/2018 CRM:0249437  
**Attachments:** Tab A - FY 2018 NoFEAR Act Report Action Memo (1).docx; Tab B - FY 2018 No FEAR Act Transmittal Letter.docx; TAB C - FY18 NoFEAR Report.docx; TAB D - NoFEAR FY2018 Cost Reporting Template (2).xlsx; 2019-01-02, NoFEAR Act Report, OGC Rvw, KLW eSign.pdf  
**Signed By:** carol.proctor@dodig.mil  
**Importance:** High

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**From:** Williams, Keith L., OIG DoD <keith.williams@dodig.mil>  
**Sent:** Wednesday, January 2, 2019 12:17 AM  
**To:** Proctor, Carol Q., OIG DoD <Carol.Proctor@DODIG.MIL>  
**Cc:** Denmark, Julie L., OIG DoD <Julie.Denmark@DODIG.MIL>; Young, Pebbles, OIG DoD <Pebbles.Young@DODIG.MIL>  
**Subject:** FW: Alert! New Suspense Assigned: 2019-355-001 - No FEAR Act of 2002 Report to Congress Due: 12/27/2018 CRM:0249437  
**Importance:** High

Carol,

I was reviewing my task list before going out on vacation and realized I did not complete this task. I reviewed the attached No Fear Report and have no legal objection to it. I presumed the component input you are requesting is a "Legal Sufficiency Review by OGC" as stated on your draft memo to PDIG. Please find attached a INFO MEMO advising no legal objection to the report.

If I can be of further assistance in this matter, please contact me by email or at my direct telephone number 703 604-8795.

Regards,  
Keith  
Keith L. Williams  
Associate General Counsel  
DoD IG, Office of General Counsel  
4800 Mark Center Drive, Suite 15K26  
Alexandria, VA 22350-1500  
Tel: 703 604-8350 Fax: 571 372-7495

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**From:** Denmark, Julie L., OIG DoD <Julie.Denmark@DODIG.MIL>  
**Sent:** Friday, December 21, 2018 1:25 PM  
**To:** Williams, Keith L., OIG DoD <keith.williams@dodig.mil>  
**Cc:** Feeney, William, OIG DoD <William.Feeney@DODIG.MIL>; Young, Pebbles, OIG DoD <Pebbles.Young@DODIG.MIL>  
**Subject:** FW: Alert! New Suspense Assigned: 2019-355-001 - No FEAR Act of 2002 Report to Congress Due: 12/27/2018

CRM:0249437

**Importance:** High

Good Afternoon Keith,

Looks like you're representing the "Team" next week. I received the below task today and am forwarding to you for review. I will enter a SharePoint task page. The suspense is December 27<sup>th</sup>. The Instructions are, "Please review and provide component input for FY18 No FEAR Report."

I've attached all the documents that were sent in the suspense system for this task. The task is originating from the EEO office.

I've cc'd Bill and Pebbles, as they will help with assigning tasks Dec 26-28, while I'm on leave, and I want to keep them up to date on what's been assigned.

Thank you!

Very Respectfully,

Julie

Julie L. Denmark  
Management & Program Analyst  
DoD IG  
Office of General Counsel  
703-604-8502

**From:** DefenseReady-DoNotReply <DR-DoNotReply@DODIG.MIL>

**Sent:** Friday, December 21, 2018 10:43 AM

**To:** Denmark, Julie L., OIG DoD <Julie.Denmark@DODIG.MIL>; Reddick-George, Erica <Erica.Reddick-George@dodig.mil>; Young, Pebbles, OIG DoD <Pebbles.Young@DODIG.MIL>; Feeney, William, OIG DoD <William.Feeney@DODIG.MIL>

**Subject:** Alert! New Suspense Assigned: 2019-355-001 - No FEAR Act of 2002 Report to Congress Due: 12/27/2018  
CRM:0249437

Staff Action Task: [2019-355-001 - No FEAR Act of 2002 Report to Congress \(Click here!\)](#)

Deliverable: No FEAR Act of 2002 Report to Congress

Instructions: Please review and provide component input for FY18 No FEAR Report

Status: Pending

Created On: 12/21/2018 10:42 AM

Created by: Proctor, Carol

Due Date: 12/27/2018

Team Assigned to Suspense: SuspenseReady - OGC

Delegated by:

If the link above does not work, please copy the url below and paste it into your browser:

<https://defenseready.dodig.mil:443/DoDOIG/main.aspx?etc=11086&id=e542cd02-3705-e911-8120-005056892b0b&histKey=723771883&newWindow=true&pagetype=entityrecord>

D

Fiscal Year 2018 Notification and  
Federal Employee Antidiscrimination  
and Retaliation Act of 2002 2018  
Annual Report

Cost Reporting Template

A 12/27/2010 Secretary of Defense memorandum directed that all congressional reports have a cost sticker affixed to the front cover/page before delivery to Congress. The Cost Assessment and Program Evaluation (CAPE) Office is executing this requirement and has strict requirements for the cost data that must be collected for each congressional report. The below template should *only* include the costs associated with *writing and directly producing the report*, from initiation to signature.

Directions for completing the template:

- 1.) CAPE requires costs for contract support, government manpower and government travel, which have been broken out into three sections below.
- 2.) The dates listed above each Section are *approximate dates* for which your Service was working on the Annual Report.
- 3.) Section 1: Please enter the contract number and costs in the yellow boxes on Lines 8 and 9. If multiple contracts were used to support this effort, please include all contracts/contract numbers/costs.
- 4.) Section 2: Please enter the requested information for all government employees supporting the report in Lines 11-14.
  - Line 11: Enter military grade or civilian GS-equivalent. If additional columns are needed, please add as necessary.
  - Line 12: Designate whether the employee's role was Study Activity (prepared non-oversight activities in preparation of the report ) or Oversight (provided supervision in preparation of the report)
  - Line 13: Using one word, describe the type of activity performed by the employee (e.g. analysis, oversight)
  - Line 14: Enter the number of man-hours associated with the activity/oversight. The total of all man hours will automatically populate in the Total cell.

*Note: If four GS-14's conducted the same role and activity, please include only one column for GS-14 with the total hours for all four individuals in the Man Hours cell.*
- 5.) Section 3: Please enter travel destination and costs required to support the report in Lines 16 and 17.
  - Line 16: Enter destination of travel
  - Line 17: Enter total cost of travel

		2018 Annual Report efforts			
Section 1: Contract Support	Contract/Task Order #	NA			
	Contract cost spent on the Annual Report	NA			
		FY 2018 (1 Oct 2017-30 Sep 2018)			
Section 2: Government Activity	Military grade or civilian GS-equivalent	GS-13	GS-13	GS-14	SES
	Role (Study Activity or Oversight)	Study Activity	Oversight	Oversight	Oversight
	Activity Performed (e.g. analysis, oversight)	Analysis	Review	Review	Review
	Man Hours (per rank, grade or GS-equivalent)	24	4	4	2
		FY 2018 (1 Oct 17 - 30 Sep 18)			
Section 3: Government Travel	Travel destination/description	NA			
	Total cost (per Service, not per individual)	0			

Total  
34