



**Annual Report for Fiscal-Year 2022
Under the
Notification and Federal Employee Antidiscrimination
And Retaliation Act of 2002**

Report Prepared for:

**Speaker of the House of Representatives
President Pro Tempore of the Senate
Senate Committee on Appropriations
Senate Committee on Homeland Security and Governmental Affairs
Senate Committee on Veterans' Affairs
House Committee on Appropriations
House Committee on Oversight and Reform
House Committee on Veterans' Affairs
Equal Employment Opportunity Commission
Attorney General
Office of Personnel Management**

Report Submitted by:

American Battle Monuments Commission

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A. Introduction

This report is prepared in accordance with the requirements of Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002. The Act requires federal agencies to submit an annual report to the Speaker of the House of Representatives, President Pro Tempore of the Senate, Senate Committee on Appropriations, House Committee on Appropriations, Equal Employment Opportunity Commission, and the Department of Justice. The U.S. Office of Personnel Management (OPM) regulations also require the submission of this report to the Director of OPM.

The Act holds federal agencies accountable for violations of antidiscrimination and whistleblower protection laws relating to federal employment. The report contains data and analysis concerning equal employment opportunity complaints filed with ABMC during Fiscal Year 2022.

It is the law of this nation and the policy of ABMC to prohibit discrimination in the workplace. ABMC is committed to maintaining an environment that provides equal employment opportunity for its approximately 90 employees as well as applicants for employment.

B. Federal Cases Arising Under the Federal Antidiscrimination or Whistleblower Laws

1. The number of Federal Court Cases Pending or Resolved in FY 2022:

ABMC had no federal court cases arising under the Federal Antidiscrimination or Whistleblower Laws in FY 2022.

Age Discrimination in Employment Act of 1967	0
Rehabilitation Act of 1973	0
Whistleblower Protection Act	0
Equal Pay Act	0

2. Status or Disposition of Federal Court Cases including the Amount of Money Required to be Reimbursed for the Judgment Fund and Any Budget Adjustments Relating to the Judgment Fund:

ABMC had no federal court cases in FY 2022.

C. Employees Disciplined for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws

1. Employees Disciplined in Connection with Federal Court Cases:

No ABMC employees were disciplined in connection with federal court cases in FY 2022.

2. Employees Disciplined in Administrative Cases:

No ABMC employees were disciplined in administrative cases in FY 2022.

D. Final Year-End No FEAR Act Data for Fiscal Year 2022

Final Year-End No FEAR Act data for FY 2022 is attached as Appendix A.

E. ABMC Discipline Policy for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws

ABMC is committed to maintaining a workplace that promotes productivity and professionalism and an environment that protects the dignity of all of its workers. ABMC has issued policy statements, which are periodically sent to all its employees and contractors. The statements provide that any harassment of ABMC employees, sexual or non-sexual, is expressly prohibited and will not be tolerated. Further, they state that employees who engage in discriminatory or harassing behavior will be subject to appropriate corrective action, up to and including dismissal from service, if allegations are substantiated.

F. Data Analysis

This report primarily focuses on FY 2022, but also includes complaint data from the five-year reporting period between FY 2017 and FY 2021.

There was one formal EEO complaint filed in FY 2022 and in FY 2021.

Review of the FY 2022 complaint revealed two bases, that of reprisal and sex. In comparison, in FY 2021, the complaint revealed one basis, that of reprisal. While in the five cumulative years prior to FY 2022 (FY 2017 - 2021), the bases included race (2), reprisal (7), sex (1), national origin (2), and age (5).

Review of the FY 2022 complaint by Issue revealed two issues, that of harassment (non-sexual) and reassignment (directed). In FY 2021, there was one issue, that of terms/conditions of employment. While in the cumulative five years prior to FY 2022 (FY 2017 - 2021), the issue of Assignment of Duties (1), Awards (1), Demotion (1), Reprimand (1), Harassment (Medical Examination) (1) Harassment (Pay) (1), Harassment (promotions/non-selection) (4), Reassignment (Directed) (2), and Terms/Conditions of Employment (4). Detailed complaint data can be found at Appendix A.

Overall, there is no distinct underlying cause that is readily apparent regarding the low number of complaints filed in FY 2022. From reviewing the complaint allegations for the last five years, ABMC must continue to focus its attention on training in the areas of reprisal and age, as complaints in these areas have been the most filed allegations. ABMC will continue to monitor its complaint activity compared to government-wide activity and agencies of similar size.

ABMC accomplished its top agency priority for FY 2022 by hiring a Chief Diversity and Equal Employment Opportunity Officer, who reports directly to the Agency Head. For years, the agency Chief of Staff has held the additional duty of agency EEO Director, a situation with the potential for conflict of interest, given the senior management responsibilities of a Chief of Staff. The Chief Diversity and Equal Employment Opportunity Officer has feverishly positioned the agency to achieve the objectives of the Administration's Diversity, Equity, Inclusion, and Accessibility initiatives. This important program emphasis is documented in ABMC's recently completed 2022-2026 Strategic Plan.

ABMC will continue to aggressively pursue the mandate of the President's executive orders on equity, diversity, inclusion, and accessibility, striving toward a workforce that reflects the full diversity of the American people and ensuring that public servants at all levels have an equal opportunity to succeed and lead.

ABMC will continue to foster an environment of fairness, opportunity, mutual respect, and cultural tolerance in which everyone in the workforce is valued and treated fairly and courteously.

G. No FEAR Act Training Plan

No FEAR Act training is updated annually and provided through online training modules. ABMC staff complete the training each year and new employees are required to complete the training within 90 days of appointment.

Part 3: Complaint by Issue	2017	2018	2019	2020	2021	2022 Thru Sep 30th
Appointments/Hire	0	0	0	0	0	0
Assignment of Duties	1	0	0	0	0	0
Awards	1	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0
Disciplinary Action						
Demotion	1	0	0	0	0	0
Reprimand	1	0	0	0	0	0
Removal	0	0	0	0	0	0
Suspension	0	0	0	0	0	0
Disciplinary Warnings						
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						
Non-Sexual	0	0	0	0	0	1
Sexual	0	0	0	0	0	0
Medical Examination	0	0	1	0	0	0
Pay (Including Overtime)	1	0	0	0	0	0
Promotion/Non-Selection	0	1	2	1	0	0
Reassignment						
Denied	0	0	0	0	0	0
Directed	0	0	1	1	0	1
Reasonable Accommodation	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	1	2	1	0
Time and Attendance	0	0	0	0	0	0
Training	0	0	0	0	0	0
Other	0	0	0	0	0	0

Part 9: Pending Complaints Filed in Previous Fiscal Years by Status	2017	2018	2019	2020	2021	2022 Thru Sep 30th
Total Complaints from previous Fiscal Years	0	0	0	0	0	0
Total Complaints	0	0	0	0	0	0
Average number of days in final action stage	0	0	0	0	0	0
Number Complaints Pending						
Investigations	0	0	0	0	0	0
Hearing	0	0	0	0	0	0
Average Days Pending a Hearing	0	0	0	0	0	0
Final Agency Action	0	0	0	0	0	0
Appeal with EEOC Office of Federal Operations	0	0	0	0	0	0

Part 10: Complaint Investigations	2017	2018	2019	2020	2021	2022 Thru Sep 30th
Pending Completion Where Investigation Exceeds Required Time	0	0	0	0	0	0