

National Council on Disability



No FEAR Act Annual Report Fiscal Year 2024

Table of Contents

<u>Introduction</u>	<u>2</u>
<u>Background</u>	<u>4</u>
<u>Questions.....</u>	<u>5</u>
<u>Appendix I.....</u>	<u>8</u>

Introduction

The National Council on Disability (“NCD or Agency”) is an independent federal agency charged with advising the President, Congress, and other federal agencies on policies, programs, and practices that affect people with disabilities. NCD is comprised of a team of presidential and Congressional appointees, a chair, an executive director appointed by the chair, and a full-time professional staff.

NCD was statutorily created in 1978 through amendment to the Rehabilitation Act of 1973 (The Rehabilitation Act), Title 29 U.S.C. Section (“Sec.”) 780 *et seq.* NCD’s enabling legislation specifies the Agency’s purpose, duties, administrative powers, appropriations, and parameters regarding NCD Council and staff. In 2014, the Workforce Innovation and Opportunity Act (P.L. 113-128) further amended the Rehabilitation Act to authorize formula grants for vocational rehabilitation and other programs that support people with disabilities.

NCD values each employee and is committed to creating and sustaining an environment where each employee can contribute to fulfilling the mission of the Agency in a healthy workplace. NCD has zero tolerance for discrimination. The Agency’s policies and procedures are in line with all federal anti-discrimination laws and merit promotion principles. NCD’s policy on equal employment opportunity (“EEO”) prohibits discrimination based on race, color, religion, national origin, sex (including pregnancy and sexual orientation), age (40 years and over), disability (mental and physical), genetic information, or reprisal for any protected activity. The Agency is also committed to affording employees their rights and protections available under federal antidiscrimination, whistleblower protection, and retaliation laws.

By virtue of NCD’s history, mission, and focus, the Agency has a proud record of advancing the principles of fairness and will continue to build upon past successes as an example for the entire federal government.

Background

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (“No FEAR Act”), Public Law 107-174, went into effect on October 1, 2003. The No FEAR Act requires federal agencies to provide employees with notice of their rights under the federal EEO and whistleblower protection laws and post statistical data related to federal sector EEO complaints filed with the agency.

Sec. 203 of the No FEAR Act requires that each federal agency submit an annual report to Congress. Agencies must report:

- The number of federal court cases arising under each of the respective areas of law specified in the act in which discrimination was alleged;
- The status or disposition of cases;
- The amount of money required to be reimbursed;
- The number of employees disciplined;
- Any policies implemented related to appropriate disciplinary actions against a federal employee who discriminated against any individual, or committed a prohibited personnel practice; and
- An analysis of the data collected with respect to trends, causal analysis, and other forms for analysis.

Sec. 203 of the No FEAR Act requires federal agencies to submit annual reports to:

- The Speaker of the U.S. House of Representatives;
- The President Pro Tempore of the U.S. Senate;
- The Committees on Governmental Affairs of the Senate and Government Reform of the House of Representatives;
- Each committee of Congress with jurisdiction relating to the Agency;
- The Attorney General;
- The Chair of the U.S. Equal Employment Opportunity Commission (“EEOC”); and
- The Director of the Office of Personnel Management.

Questions

1. The number of cases in federal court pending or resolved in each fiscal year and arising under each of the respective provisions of the federal antidiscrimination laws and whistleblower protection laws applicable to them as defined in Title 5 Code of Federal Regulations (“C.F.R.”) Sec. 724.102, in which an employee, former employee, or applicant alleged a violation(s) of these laws, separating data by the provision(s) of law involved.

None.

2. (a) The status or disposition of cases described in question (1); (b) the amount of money required to be reimbursed to the Judgment Fund by the agency for payments as defined in Title 5 C.F.R. 724.102; and (c) the amount of reimbursement to the Fund for attorney’s fees where such fees have been separately designated.

(a) None.

(b) None.

(c) None.

3. 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.

None.

4. The final year-end data about discrimination complaints for each fiscal year that was posted in accordance with the EEOC’s regulations (Title 29 C.F.R. Sec. 1614.701) and what follows.

See Appendix I.

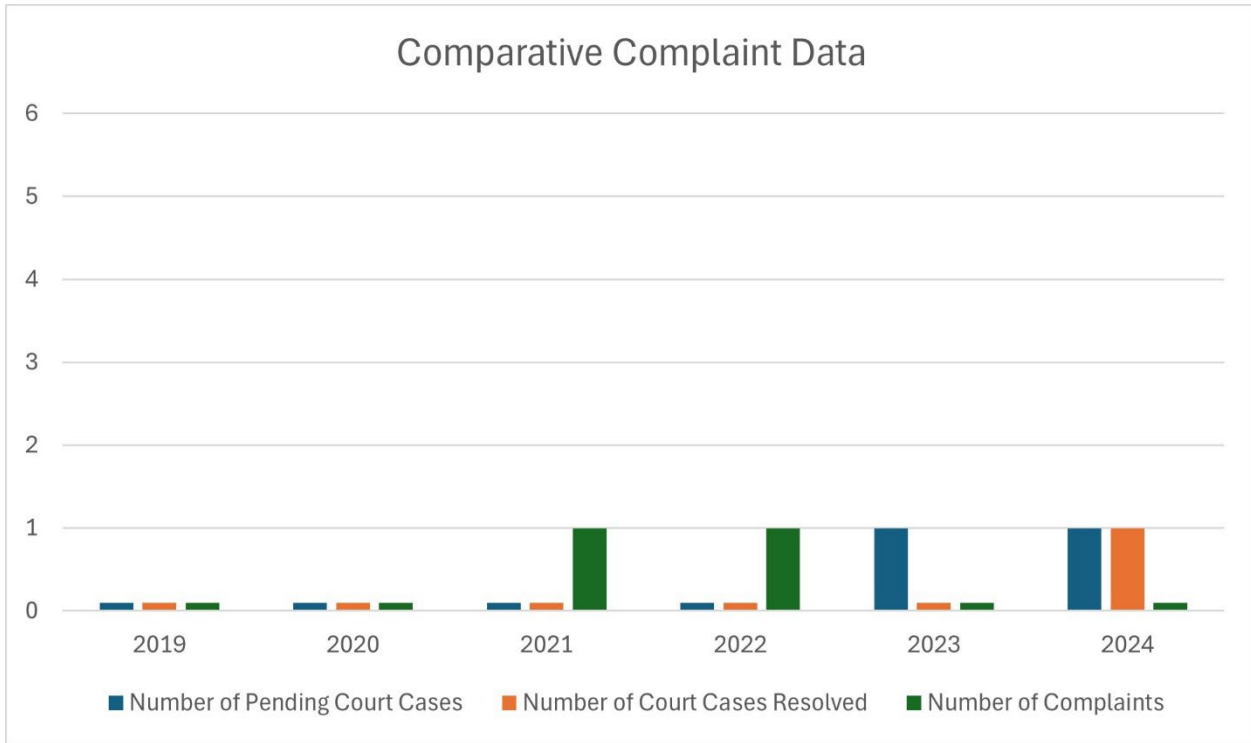
5. Whether in connection with cases in federal court, the number of employees in each fiscal year disciplined in accordance with agency policy. The specific nature—for example, a reprimand—of the disciplinary actions taken must be identified.

None.

6. A detailed description of the agency's policy for taking disciplinary action against federal employees for conduct that is inconsistent with federal antidiscrimination 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.

NCD utilizes progressive discipline as a managerial tool to correct deficiencies in employee conduct and performance in compliance with agency regulations. Disciplinary actions are designed to serve as deterrents to unacceptable behavior or conduct and for correction of other situations that interfere with agency operations. NCD subscribes to the concept of progressive discipline as applicable to the nature of any offense. Disciplinary actions against employees for conduct inconsistent with federal antidiscrimination laws and whistleblower protections or for conduct which constitutes a prohibited personnel practice are determined based on the circumstances of individual cases.

7. An analysis of the information described under paragraphs (1) through (6) (in conjunction with data provided to the EEOC in compliance with Title 29 C.F.R. Part 1614 Regulations) including:
 - a. an examination of trends;
 - b. causal analysis;
 - c. practical knowledge gained through experience; and
 - d. any actions planned or taken to improve the complaint or civil rights programs of the agency.



NCD had one case in federal court in fiscal year (“FY”) 2024, which has since been settled. NCD will continue to promote a workplace that is consistent with statutory requirements.

8. For each FY, any adjustment needed or made to the Agency's budget to comply with its Judgment Fund reimbursement obligations incurred under Title 5 C.F.R. Sec. 724.103.

None.

9. The Agency’s written plan developed under Title 5 C.F.R. Sec. 724.203 (a) to train its employees.

Pursuant to Agency policy, NCD management and staff will engage in training through FEDSEP. In consultation with EEOC staff, NCD will pursue training in areas identified and utilize the no fee training offered by EEOC. The Agency will continue to enhance EEO training to all new hires. EEO information is posted on the Agency’s website and whistleblower protection posters are available for all employees to view on site.

Appendix I

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

National Council on Disability

4th Quarter FY 2024 for period ending January 31, 2025

Complaint Activity	Comparative Data			
	Previous Fiscal Year Data			
	2023	2024	2023	2024
Number of Complaints Filed	1	1	1	0
Number of Complainants	0	0	0	0
Repeat Filers	0	0	0	0

Complaints by Basis	Comparative Data			
	Previous Fiscal Year Data			
	2023	2024	2023	2024
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>				
Race	0	0	0	0
Color	0	0	0	0
Religion	0	0	0	0
Reprisal	1	1	1	0
Sex	0	0	0	0
National Origin	0	0	0	0
Equal Pay Act	0	0	0	0
Age	0	0	0	0
Disability	1	1	1	0
Genetic Information	0	0	0	0
Non-EEO	0	0	0	0

Complaints by Issue	Comparative Data			
	Previous Fiscal Year Data			
	2020	2021	2022	2023
Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed .	0	3	0	2
Appointment/Hire	2	0	2	2
Assignment of Duties	0	0	0	0
Awards	0	0	0	0
Conversion to Full-time	0	0	0	0
Demotion	0	0	0	0
Reprimand	0	1	0	0
Removal	0	0	0	0
Suspension	0	1	0	0
Other	0	0	0	0
Duty Hours	0	0	0	0
Evaluation Appraisal	1	1	0	0
Examination/Test	0	0	0	0
Non-Sexual	1	1	1	0
Sexual	0	0	0	0
Medical Examination	0	0	0	0
Pay (Including Overtime)	0	1	0	0
Promotion/Non-Selection	0	0	0	0
Denied	0	0	0	0
Directed	0	0	0	0
Reasonable Accommodation	0	1	0	0
Reinstatement	0	0	0	0
Retirement	0	0	1	0
Termination	0	0	0	0
Terms/Conditions of Employment	0	0	0	0
Time and Attendance	0	1	0	0
Training	0	0	0	0
Other	0	0	0	0

Processing Time	Comparative Data			
	Previous Fiscal Year Data			
	2022	2023	2024	2025
Complaints pending during fiscal year	1	1	1	0
Average number of days in investigation	333	333	333	0
Average number of days in final action	0	0	0	0
Complaint pending during fiscal year where hearing was requested	1	1	1	0
Average number of days in investigation	333	333	333	0
Average number of days in final action	0	0	0	0
Complaint pending during fiscal year where hearing was not requested	0	0	0	0
Average number of days in investigation	0	0	0	0
Average number of days in final action	0	0	0	0

Complaints Dismissed by Agency

	2020	2021	2022	2023	2024	2025 Thru 01-31
Total Complaints Dismissed by Agency	0	0	1	0	0	0
Average days pending prior to dismissal	0	101	0	0	0	0
Complaints Withdrawn by Complainants	0	0	0	0	0	0
Average days pending prior to dismissal	0	101	0	0	0	0

Total Complaints Withdrawn by Complainants	0	0	0	0	0	0
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Total Final Actions Finding Discrimination	Comparative Data									
	Previous Fiscal Year Data									
	2021		2022		2023		2024		2025 Thru 01-31	
	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0	
Without Hearing	0		0		0	0	0	0	0	0
With Hearing	0		0		0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data									
	Previous Fiscal Year Data									
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>										
	2021		2022		2023		2024		2025 Thru 01-31	
	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0	
Race	0		0		0	0	0	0	0	0
Color	0		0		0	0	0	0	0	0
Religion	0		0		0	0	0	0	0	0
Reprisal	0		0		0	0	0	0	0	0
Sex	0		0		0	0	0	0	0	0

National Origin	0		0		0	0	0	0	0	0
Equal Pay Act	0		0		0	0	0	0	0	0
Age	0		0		0	0	0	0	0	0
Disability	0		0		0	0	0	0	0	0
Genetic Information	0		0		0	0	0	0	0	0
Non-EEO	0		0		0	0	0	0	0	0

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Findings After Hearing	0		0		0	0	0	0	0	0
Race	0		0		0	0	0	0	0	0
Color	0		0		0	0	0	0	0	0
Religion	0		0		0	0	0	0	0	0
Reprisal	0		0		0	0	0	0	0	0
Sex	0		0		0	0	0	0	0	0
National Origin	0		0		0	0	0	0	0	0
Equal Pay Act	0		0		0	0	0	0	0	0
Age	0		0		0	0	0	0	0	0
Disability	0		0		0	0	0	0	0	0
Genetic Information	0		0		0	0	0	0	0	0
Non-EEO	0		0		0	0	0	0	0	0

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Findings Without Hearing	0		0		0	0	0	0	0	0
Race	0		0		0	0	0	0	0	0
Color	0		0		0	0	0	0	0	0
Religion	0		0		0	0	0	0	0	0
Reprisal	0		0		0	0	0	0	0	0
Sex	0		0		0	0	0	0	0	0
National Origin	0		0		0	0	0	0	0	0
Equal Pay Act	0		0		0	0	0	0	0	0
Age	0		0		0	0	0	0	0	0
Disability	0		0		0	0	0	0	0	0

Genetic Information	0		0		0	0	0	0	0	0
Non-EEO	0		0		0	0	0	0	0	0

Findings of Discrimination Rendered by Issue	Comparative Data									
	Previous Fiscal Year Data									
	2021		2022		2023		2024		2025 Thru 01-31	
	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0	
Appointment/Hire	0		0		0	0	0	0	0	0
Assignment of Duties	0		0		0	0	0	0	0	0
Awards	0		0		0	0	0	0	0	0
Conversion to Full-time	0		0		0	0	0	0	0	0
Disciplinary Action	0		0		0	0	0	0	0	0
Demotion	0		0		0	0	0	0	0	0
Reprimand	0		0		0	0	0	0	0	0
Suspension	0		0		0	0	0	0	0	0
Removal	0		0		0	0	0	0	0	0
Other	0		0		0	0	0	0	0	0
Duty Hours	0		0		0	0	0	0	0	0
Evaluation Appraisal	0		0		0	0	0	0	0	0
Examination/Test	0		0		0	0	0	0	0	0
Harassment	0		0		0	0	0	0	0	0
Non-Sexual	0		0		0	0	0	0	0	0
Sexual	0		0		0	0	0	0	0	0
Medical Examination	0		0		0	0	0	0	0	0
Pay (Including Overtime)	0		0		0	0	0	0	0	0

Promotion/Non-Selection	0		0		0	0	0	0	0	0
Reassignment	0		0		0	0	0	0	0	0
Denied	0		0		0	0	0	0	0	0
Directed	0		0		0	0	0	0	0	0
Reasonable Accommodation	0		0		0	0	0	0	0	0
Reinstatement	0		0		0	0	0	0	0	0
Retirement	0		0		0	0	0	0	0	0
Termination	0		0		0	0	0	0	0	0
Terms/Conditions of Employment	0		0		0	0	0	0	0	0
Time and Attendance	0		0		0	0	0	0	0	0
Training	0		0		0	0	0	0	0	0
Other	0		0		0	0	0	0	0	0
Findings After Hearing	0		0		0	0	0	0	0	0
Appointment/Hire	0		0		0	0	0	0	0	0
Assignment of Duties	0		0		0	0	0	0	0	0
Awards	0		0		0	0	0	0	0	0
Conversion to Full-time	0		0		0	0	0	0	0	0
Disciplinary Action	0		0		0	0	0	0	0	0
Demotion	0		0		0	0	0	0	0	0
Reprimand	0		0		0	0	0	0	0	0
Suspension	0		0		0	0	0	0	0	0
Removal	0		0		0	0	0	0	0	0
Other	0		0		0	0	0	0	0	0
Evaluation Appraisal	0		0		0	0	0	0	0	0
Examination/Test	0		0		0	0	0	0	0	0
Harassment	0		0		0	0	0	0	0	0
Non-Sexual	0		0		0	0	0	0	0	0
Sexual	0		0		0	0	0	0	0	0

Medical Examination	0		0		0	0	0	0	0	0
Pay (Including Overtime)	0		0		0	0	0	0	0	0
Promotion/Non-Selection	0		0		0	0	0	0	0	0
Reassignment	0		0		0	0	0	0	0	0
Denied	0		0		0	0	0	0	0	0
Directed	0		0		0	0	0	0	0	0
Reasonable Accommodation	0		0		0	0	0	0	0	0
Reinstatement	0		0		0	0	0	0	0	0
Retirement	0		0		0	0	0	0	0	0
Termination	0		0		0	0	0	0	0	0
Terms/Conditions of Employment	0		0		0	0	0	0	0	0
Time and Attendance	0		0		0	0	0	0	0	0
Training	0		0		0	0	0	0	0	0
Other	0		0		0	0	0	0	0	0
Findings Without Hearing	0		0		0	0	0	0	0	0
Appointment/Hire	0		0		0	0	0	0	0	0
Assignment of Duties	0		0		0	0	0	0	0	0
Awards	0		0		0	0	0	0	0	0
Conversion to Full-time	0		0		0	0	0	0	0	0
Disciplinary Action	0		0		0	0	0	0	0	0
Demotion	0		0		0	0	0	0	0	0
Reprimand	0		0		0	0	0	0	0	0
Suspension	0		0		0	0	0	0	0	0
Removal	0		0		0	0	0	0	0	0
Other	0		0		0	0	0	0	0	0
Duty Hours	0		0		0	0	0	0	0	0

Evaluation Appraisal	0		0		0	0	0	0	0	0
Examination/Test	0		0		0	0	0	0	0	0
Harassment	0		0		0	0	0	0	0	0
Non-Sexual	0		0		0	0	0	0	0	0
Sexual	0		0		0	0	0	0	0	0
Medical Examination	0		0		0	0	0	0	0	0
Pay (Including Overtime)	0		0		0	0	0	0	0	0
Promotion/Non-Selection	0		0		0	0	0	0	0	0
Reassignment	0		0		0	0	0	0	0	0
Denied	0		0		0	0	0	0	0	0
Directed	0		0		0	0	0	0	0	0
Reasonable Accommodation	0		0		0	0	0	0	0	0
Reinstatement	0		0		0	0	0	0	0	0
Retirement	0		0		0	0	0	0	0	0
Termination	0		0		0	0	0	0	0	0
Terms/Conditions of Employment	0		0		0	0	0	0	0	0
Time and Attendance	0		0		0	0	0	0	0	0
Training	0		0		0	0	0	0	0	0
Other	0		0		0	0	0	0	0	0

Pending Complaints Filed in Previous Fiscal Years by Status

	2022	2023	2024	2025
Total Complainants	1	1	1	0
Reinstatement	1	1	1	0
Retirement	1	1	1	0
Number complaints pending				
Investigation	0	0	0	0
Hearing	1	1	1	0
Final Action	0	0	1	0
Appeal with EEOC Office of Federal Operations	0	0	0	0

Pending Complaints Where Investigations Exceeds Required Time Frames

	2022	2023	2024	2025
Number of Complaints Pending	1	1	1	0
Investigation	0	0	0	0
Hearing	0	0	0	0
Final Action	0	0	0	0

No EEO Complaints Have Been Filed in FY24