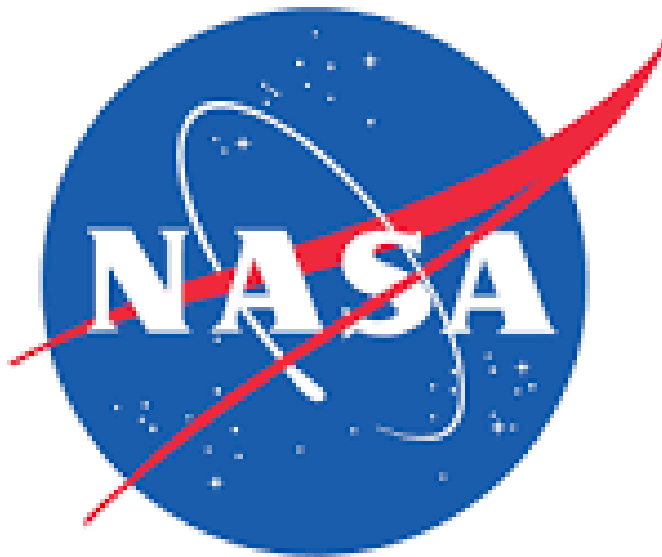


NO FEAR ACT ANNUAL REPORT TO CONGRESS

FISCAL YEAR 2024



NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

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EXECUTIVE SUMMARY

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (“No FEAR Act”), Public Law 107-174, was signed into law on May 15, 2002, and became effective on October 1, 2003. The No FEAR Act is intended to reduce workplace discrimination within the Federal Government by making agencies and departments more accountable for violations of antidiscrimination and whistleblower protection laws. On January 21, 2021, the law was amended to include the Elijah Cummings Federal Employee Antidiscrimination Act of 2020. The No FEAR Act governs the process of agency reimbursements to the Treasury Department’s judgment fund for judgments against them and settlements for discrimination in the workplace. Additionally, the No FEAR Act requires Federal agencies to be accountable for violations of antidiscrimination and whistleblower protection laws, in part by requiring that each Federal agency post quarterly on its public Web site certain statistical data relating to Federal-sector EEO complaints filed with each agency.

PURPOSE OF REPORT

Section 203 of the No FEAR Act specifically requires each Federal agency to submit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the agency, the Equal Employment Opportunity Commission (EEOC), and the Attorney General, an annual report with specific information relating to each agency’s EEO complaints activity. The report is required to be delivered to all parties within 180 days after the end of the fiscal year. NASA summarized its activities to ensure accountability for antidiscrimination and whistleblower laws related to employment and submits its Annual No FEAR Act Report to Congress for Fiscal Year (FY) 2024. NASA has prepared this report based on the provisions of the No FEAR Act and its implementing regulations at 5 C.F.R. § 724.302.

I. NO FEAR ACT DATA ANALYSIS

A. Civil Cases in Federal District Court and Disposition

In FY 2024, NASA reported eight (8) pending civil actions filed in Federal District Court. This was an increase of one case compared to the seven (7) cases pending against the Agency in various Federal District Courts in FY 2023.

B. Judgment Fund Reimbursements and Budget Adjustment

In FY 2024, there was one judgment against NASA from cases resolved in Federal District Court. Subsequently, NASA made payment to the Bureau of the Fiscal Service, United States Department of the Treasury through adjustment of its budget authority in the amount of ten thousand dollars (\$10,000).

C. Posting of EEO Complaints Processing Statistics

The FY 2024 year-end data regarding NASA's administrative discrimination complaints process was posted on the Agency's website in accordance with the EEOC regulations at 29 CFR Part 1614, Subpart G (implementing Section 301(c)(1)(B) of the No FEAR Act). *See Appendix for NASA No FEAR Act data for FY 2024.* In addition to posting the annual report, NASA timely posted the statistical data pertaining to EEO complaints each quarter (quarterly report)

D. Number of Employees Disciplined

In FY 2024, no employees were disciplined with respect to Federal District Court cases involving allegations of a violation of Federal Antidiscrimination or Whistleblower Protection laws, 5 C.F.R. §724.302(a)(3).

In FY 2024, no findings of discrimination or whistleblowing were issued by either Final Agency Decision, the EEOC, the Merit Systems Protection Board, the Office of Special Counsel, or a Federal court.

E. Disciplinary Actions Taken in Connection with Civil Cases

In FY 2024, NASA did not take any disciplinary actions in connection with civil action cases against responding management officials.

F. Disciplinary Actions Taken in Connection with Other Civil Cases

In FY 2024, NASA did not take any disciplinary actions in connection with EEO complaints raised through the Agency's EEO complaints process.

G. Discipline Policy

NASA proactively informs employees of the penalties for committing acts of discrimination and enforces clear and concise EEO and antidiscrimination policies and procedures. The policies clarify employee rights and responsibilities. Managers and supervisors share the responsibility for successful implementation of these policies.

NASA follows the guidance contained in its *Desk Guide for Table of Disciplinary Offenses and Penalties* for determining whether and to what extent formal disciplinary action is necessary in dealing with issues of employee misconduct. This Desk Guide, posted on the "NASA People" website under the link entitled "NASA Desk Guides," is accessible to all NASA employees at:

https://searchpub.nssc.nasa.gov/servlet/sm.web.Fetch/NDG03_TableofPenalties.pdf?rhid=1_000&did=778169&type=released

In addition, the Agency's EEO and Anti-Harassment Policy Statements from the NASA Administrator communicate the Agency's commitment to promoting equal opportunity in employment and prohibiting harassment in the workplace, as well as notifying employees of potential disciplinary actions for conduct in violation of these policies. OEO disseminates these policies annually to all NASA employees.

II. TRENDS AND CAUSAL ANALYSIS

A. EEO Complaint Activity

In FY 2024, seventy-five (75) informal counselings were initiated, representing a twenty-four (24%) increase from fifty-seven (57) informal counselings initiated in FY 2023. In FY 2024, there were forty-four (44) formal complaint filings, compared to forty-two (42) formal complaint filings in FY 2023, representing a five (5%) increase in formal complaint filings.

In FY 2024, sixteen (16) informal counselings were withdrawn/no complaints filed, representing a zero percent (0%) change from sixteen (16) informal counselings withdrawn/no complaints filed in FY 2023. In FY 2024, three (3) formal complaints were withdrawn representing a sixty-seven percent (67%) increase compared to one (1) formal complaint withdrawn in FY 2023.

In FY 2024, NASA completed thirty-two (32) (91%) of the thirty-five (35) equal employment opportunity (EEO) investigations with an average processing time of one hundred eighty-three (183) days. In FY 2023, NASA timely completed twenty-three (23) (100%) of the twenty-three (23) EEO investigations with an average processing time of one hundred eighty-nine (189) days.

In FY 2024, Alternative Dispute Resolution (ADR) was offered in three (3) formal complaints and rejected in two (2) formal complaints by complainants representing an eleven percent (11%) decrease compared to FY 2023. In FY 2023, ADR was offered in twelve (12) formal complaints and rejected in three (3) formal complaints by complainants, resulting in a total of nine (9) formal cases accepted for ADR in FY 2023.

In FY 2024, eleven (11) (98%) of twelve (12) merit Final Agency Decisions (FADs) were timely issued with an average processing time of fifty-two (52 days) compared to seven (7) of seven (7) (100%) merit FADs timely issued with an average processing time of fifty-three (53) days in FY 2023.

B. Bases and Issues of Discrimination in EEO Complaints

Figure 1 – The most frequently cited bases filed in FY 2024 were reprisal (24 complaints), age (21 complaints), and sex (21 complaints). *Note: the total numbers below will not match the number of actual complaints because each complaint could cite multiple bases. E.g., one complainant could claim discrimination based on age, national origin, sex, and retaliation.*

Figure 1

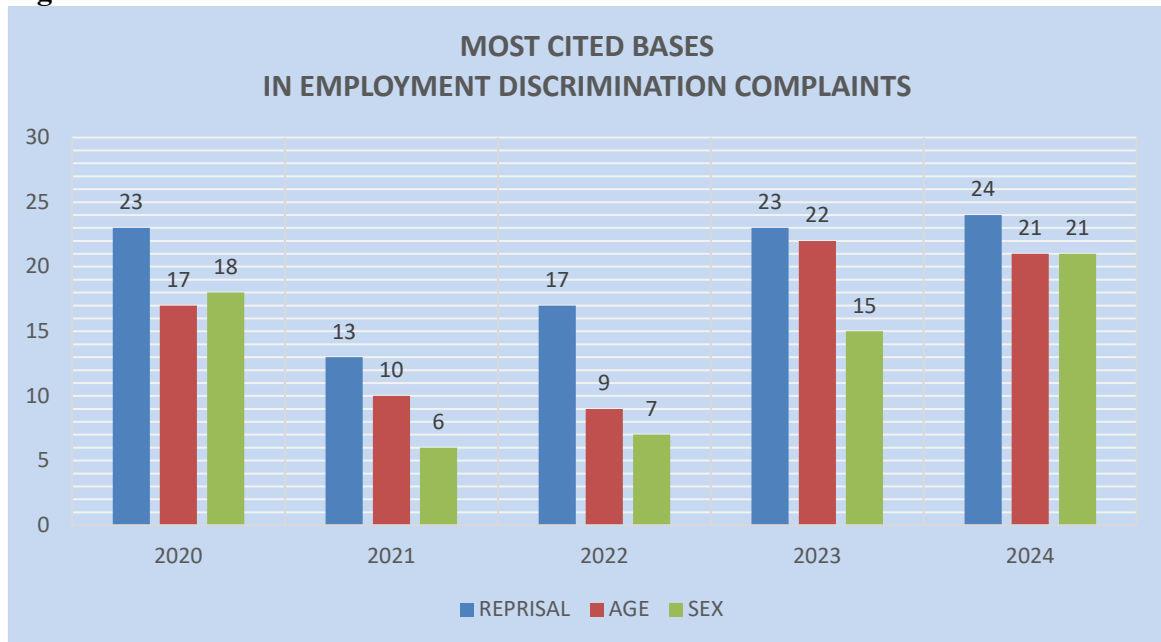
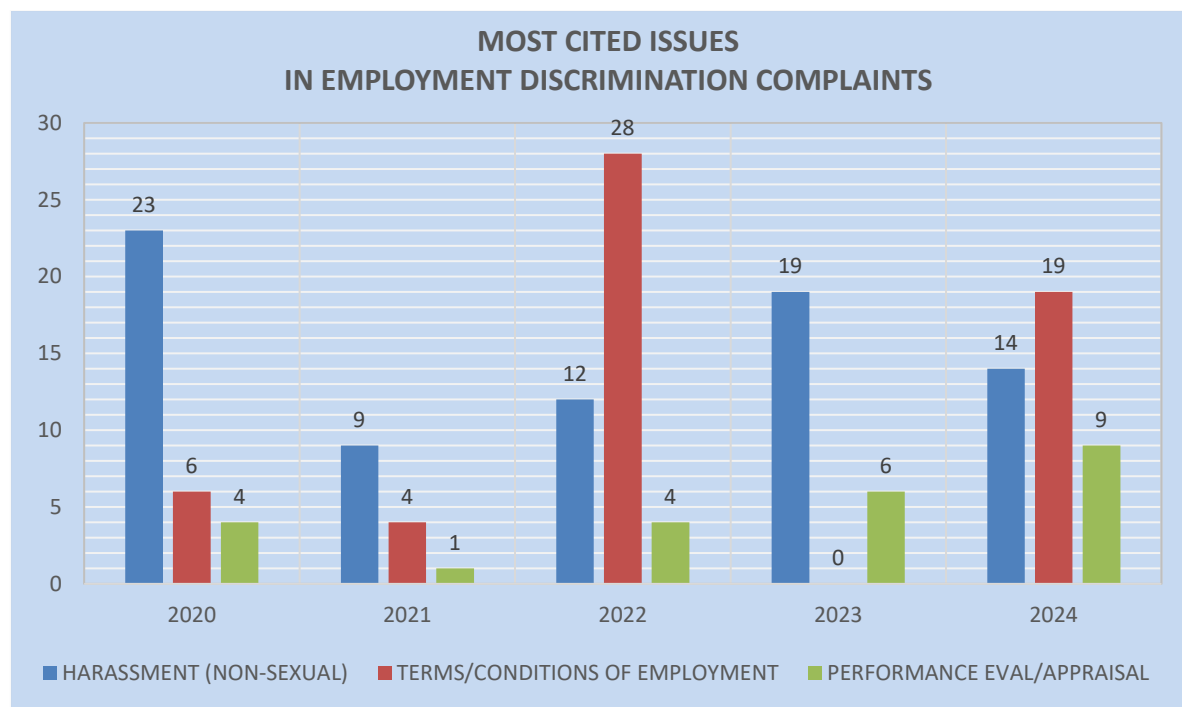


Figure 2 – The most cited issues in discrimination complaints filed in FY 2024 were terms/conditions of employment (19 complaints), harassment (14 complaints), and performance evaluation/appraisal (9 complaints). Although terms/conditions of employment was the primary issue filed in FY 2024, the data for harassment (non-sexual) reflects a twenty-six (26%) decrease compared to the 19 complaints alleging harassment filed in FY 2023. The Agency remains committed to the administration of a broad, proactive, and effective Anti-Harassment Program. The program identifies multiple avenues of redress for claims of harassment and does not limit employees to the EEO process.



C. No FEAR Act Training Plan

NASA provided training to all employees in accordance with the training requirements of the No FEAR Act of 2002. NASA mandates that all civil servant employees complete an on-line No Fear training module using the System for Administration, Training, and Educational Resources for NASA (SATERN). The Agency requires new employees to take the training during orientation.

III. IMPROVEMENTS IN NASA'S EEO PROGRAMS

NASA continues to review and modify procedures in accordance with EEOC regulations, monitor complaint activity, and promote ADR as a viable and cost saving alternative to traditional EEO discrimination complaint processing. OEO revised its standard operating procedures, streamlined NASA's EEO process, created a community of practice to share best practices, and developed a SharePoint site to help inform employees of the EEO process. In partnership with the Office of the Human Capital Officer Learning & Development Office, interactive EEO compliance-based training was conducted for new supervisors and managers that explained the EEO process and the responsibilities of the supervisors and managers.

APPENDIX

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

NASA (Includes Sub-Level Offices)

For 4th Quarter 2024 for period ending September 30, 2024

Part 1 Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2024 Thru 09-30
	2019	2020	2021	2022	2023	
Number of Complaints Filed	36	39	20	50	43	44
Number of Complainants	32	36	19	44	40	40
Repeat Filers	3	3	1	5	2	4

Part 2 Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2024 Thru 09-30
Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.	2019	2020	2021	2022	2023	
Race	22	12	13	9	21	18
Color	7	9	7	5	9	9
Religion	3	5	2	25	4	4
Reprisal	19	23	13	17	23	24
Sex	14	18	6	7	15	21
PDA	0	0	0	0	1	0
National Origin	6	8	5	5	11	6
Equal Pay Act	0	0	0	0	0	2
Age	14	17	10	9	22	21
Disability	13	16	1	24	12	20
Genetics	0	0	0	9	2	1
Non-EEO	0	1	0	0	1	5

Part 3 Complaints By Issue	Comparative Data					
Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed. Starting in FY2022, issues marked with: * are reported under Other Terms / Conditions of Employment. ** are reported under Other Disciplinary Actions. The reporting of Reassignment Claims has been changed from two separate Denied and Directed rows to one combined row: the first row now accommodates both "Reassignment: Denied/Directed" and the second row has been deprecated for the current FY starting in FY2023.	Previous Fiscal Year Data					2024 Thru 09-30
	2019	2020	2021	2022	2023	
Appointment/Hire	6	5	2	1	5	3
Assignment of Duties*	1	1	0	3	0	0
Awards	1	0	0	2	1	2
Conversion to Full Time/Perm Status*	0	0	0	0	0	0
Disciplinary Action						
Demotion	0	1	0	0	1	6
Reprimand**	1	0	0	0	0	0
Suspension	1	0	0	1	1	1
Removal	1	3	1	1	2	2
Other Disciplinary Actions**	0	0	0	0	0	3
Other 2**	0	0	0	0	0	0
Duty Hours*	0	0	0	0	0	0
Perf. Eval./ Appraisal	8	4	1	4	6	9
Examination/Test	0	0	0	0	0	0
Harassment						
Non-Sexual	19	23	9	12	19	14
Sexual	0	2	0	1	0	1
Medical Examination	0	0	0	0	0	0
Pay including overtime	1	0	0	2	1	1
Promotion/Non-Selection	5	10	7	6	12	6
Reassignment						
Reassignment: Denied/Directed	0	0	2	1	2	0
Directed	2	3	1	1	1	2
Reasonable Accommodation Disability	4	7	1	0	1	8
Reinstatement*	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	1
Retirement*	0	1	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0
Telework	2	1	0	0	2	6
Termination	2	6	2	2	7	6
Terms/Conditions of Employment*	5	6	4	28	0	0
Time and Attendance	3	2	0	1	2	3
Training	2	0	1	0	1	0
Other Terms/Conditions of Employment*	0	0	0	0	0	19
User Defined - Other 1*	0	0	0	0	0	0
User Defined - Other 2*	0	0	0	0	0	0
User Defined - Other 3*	0	0	0	0	0	0
User Defined - Other 4*	0	0	0	0	0	0

Part 4 Processing Time	Comparative Data					
	Previous Fiscal Year Data					2024 Thru 09-30
	2019	2020	2021	2022	2023	
Complaints pending during fiscal year						
Average number of days in investigation	245.51	230.55	208.05	176.42	188.88	188.43
Average number of days in final action	353	89.87	42.88	43	38.15	35.38
Complaints pending during fiscal year where hearing was requested						
Average number of days in investigation	256.73	237.89	207.63	227.06	201.57	193.48
Average number of days in final action	48.64	35.06	35.64	37.2	25.06	25.62
Complaints pending during fiscal year where hearing was not requested						
Average number of days in investigation	237.86	221.33	212	179	176.89	184.18
Average number of days in final action	468.3	134.79	58.8	57.5	54.5	51.25

Part 5 Complaints Dismissed by Agency	Comparative Data					
	Previous Fiscal Year Data					2024 Thru 09-30
	2019	2020	2021	2022	2023	
Part 5 Complaints Dismissed by Agency	4	20	6	11	14	29
Average days pending prior to dismissal	134.25	400.25	170.5	305.37	110.07	134.52
Complaints Withdrawn by Complainants						
Total Complaints Withdrawn by Complainants	5	1	1	3	1	3

Part 6 Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous Fiscal Year Data										2024 Thru 09-30	
	2019		2020		2021		2022		2023			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		1		1		0		0	
Without Hearing	0	0	0	0	1	100	0	0	0	0	0	0
With Hearing	0	0	0	0	0	0	1	100	0	0	0	0

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Findings After Hearing	0		0		0		2		0		0	
Race	0	0.00	0	0.00	0	0.00	1	50.00	0	0.00	0	0.00
Color	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Religion	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Reprisal	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Sex	0	0.00	0	0.00	0	0.00	1	50.00	0	0.00	0	0.00
PDA	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
National Origin	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Equal Pay Act	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Age	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Disability	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Genetics	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Non-EEO	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Finding Without Hearing	0		0		1		0		0		0	
Race	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Color	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Religion	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Reprisal	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Sex	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
PDA	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
National Origin	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Equal Pay Act	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Age	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Disability	0	0.00	0	0.00	1	100.00	0	0.00	0	0.00	0	0.00
Genetics	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Non-EEO	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00

Starting in FY2022, issues marked with:

* are reported under Other Terms / Conditions of Employment.

** are reported under Other Disciplinary Actions.

The reporting of Reassignment Claims has been changed from two separate Denied and Directed rows to one combined row: the first row now accommodates both "Reassignment: Denied/Directed" and the second row has been deprecated for the current FY starting in FY2023.

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Findings Without Hearing	0		0		1		0		0		0	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties*	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Perm Status*	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand**	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other Disciplinary Actions**	0	0	0	0	0	0	0	0	0	0	0	0
Other 2**	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours*	0	0	0	0	0	0	0	0	0	0	0	0
Perf. Eval. / Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	1	100	0	0	0	0	0	0
Pay including overtime	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
Reassignment: Denied/Directed	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation Disability	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement*	0	0	0	0	0	0	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Retirement*	0	0	0	0	0	0	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0	0	0	0	0	0	0
Telework	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 1*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 2*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 3*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 4*	0	0	0	0	0	0	0	0	0	0	0	0

Part 9 Complaints Pending from Previous Fiscal Years By Status	Comparative Data					
	Previous Fiscal Year Data					2024 Thru 09-30
	2019	2020	2021	2022	2023	
Total complaints from previous Fiscal Years	59	35	28	27	33	14
Total Complainants	44	26	21	20	30	13
Number complaints pending						
Investigation	0	0	0	2	15	0
ROI issued, pending Complainant's action	0	0	0	0	1	1
Hearing	43	33	27	22	8	10
Final Agency Action	11	0	0	1	0	1
Appeal with EEOC Office of Federal Operations	17	17	11	14	17	21

Part 10 Complaint Investigations	Comparative Data					
	Previous Fiscal Year Data					2024 Thru 09-30
	2019	2020	2021	2022	2023	
Pending Complaints Where Investigations Exceed Required Time Frames	1	2	0	5	0	0