

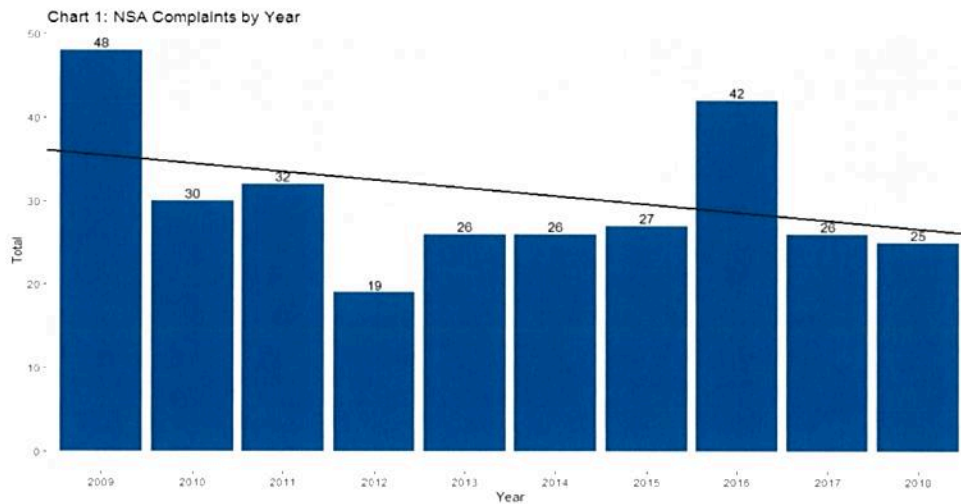
## A and B Examination of Trend and Causal Analyses for FY2018 EEO Complaints

### Introduction

This analysis provides comparative information about the demographics of those who file equal employment opportunity (EEO) complaints, how often they file complaints, the bases and issues, and the type of relief they receive. In brief, there were 25 formal complaints filed for fiscal year 2018.

### Summary of Administrative Complaint Activity

The Agency's complaint activity data reflects a slight decrease in complaints filed from FY2017 to FY2018. The 25 complaints filed in FY2018 is lower than NSA's five-year average of 29 complaints per year. There is also a slight downward trend when examining this data over the past 10 years (see Chart 1).



### Complainants

Complaints were filed by a variety of individuals. In FY2018, women comprised of 48% of complainants while men constituted 52%. Whites comprised 44% of complainants and minorities constituted 56%. Table 1 shows the percentage of complainants for FY2018, which is similar to the 5-year average for women (49%) and above average for minorities (52%).

Charts 2 & 3: FY18 Complainant by Race/National Origin and Gender

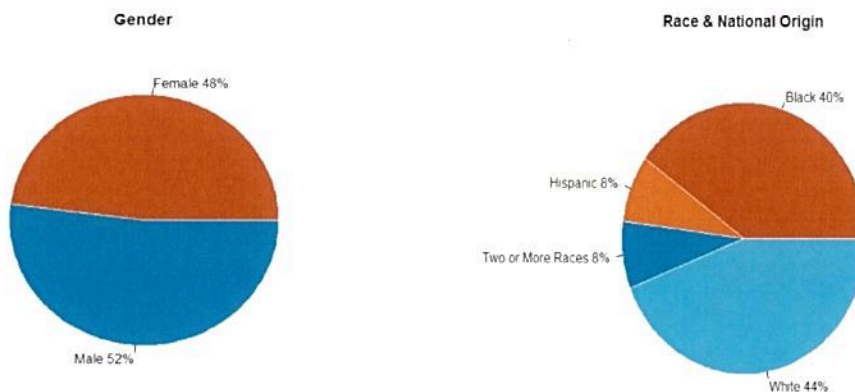


Table 1: NSA Complainants and Workforce by Race/National Origin and Sex

Complainant Demographic	FY18 Complainants	5-Year Percent (FY14-FY18)	FYE18 Workforce
<b>Gender</b>			
Female	48.0%	48.8%	41.1%
Male	52.0%	44.6%	58.9%
Unknown Gender	NA	NA	0.1%
<b>Race/National Origin</b>			
White	44.0%	40.5%	75.4%
Black	40.0%	32.2%	11.3%
Hispanic	8.0%	9.9%	5.1%
Two or More Races	8.0%	3.3%	2.8%
Am Indian/Alaska Native	NA	2.5%	0.4%
Asian	NA	4.1%	3.8%
Native Hawaiians/Other Pacific Islander	NA	NA	0.1%
No RNO	NA	NA	1.0%

In FY2018, on average, complainants alleged 1.92 bases and 1.40 issues.

The average number of bases in FY2018 is lower than NSA’s five-year average of 2.14. The average number of issues per complaint is lower than NSA’s five-year average of 1.80 (see Table 2). Of the employees who filed complaints in FY2018, 32% left the Agency by the end of the fiscal year and 68% are still actively employed.

	FY18	FY14-FY18
Bases	1.92	2.14
Issues	1.40	1.80

**Bases and Issues**

The number below takes into account the multiple bases and issues associated with each claim.

**Bases**

This section contains information regarding the most frequently cited bases in formal EEO complaints.

The top three bases categories this year are Reprisal, Race, and National Origin. Last year the most frequent bases were Reprisal, Race, and Disability. The bases of Sex is the fourth most frequent bases for FY17 and FY18. Table 3 shows the percentage statutory bases by complaints

Statutory Bases	FY18	FY17	FY14-18
Race	20.8%	16.5%	17.5%
Reprisal	20.8%	20.3%	18.8%
Disability	18.8%	10.1%	17.2%
Sex (M/F Only)	16.7%	12.7%	14.6%
Age	8.3%	8.9%	13.0%
Color	6.3%	7.6%	5.2%
Religion	4.2%	6.3%	3.6%
National Origin	2.1%	13.9%	8.4%
Sexual Orientation (LGBT)	2.1%	0.0%	0.3%
Pregnancy Discrimination Act	0.0%	3.8%	1.0%
Genetic Information	0.0%	0.0%	0.3%
Equal Pay Act	0.0%	0.0%	0.0%

in FY18, FY17, and across a five-year period. The most common bases over the 5-year period respectively were Reprisal (18.8%), Race (17.5%), Disability (17.2%), followed by Sex and Age both at 16.7%).

When compared with complaints filed in the prior fiscal year, the percent by statutory bases increased for Disability (+8.7%), Race (+4.3%), Sex (+4.0%), and Sexual Orientation (+2.1%). There was a slight increase for Reprisal from 20.3% to 20.8%. The largest increases in complaints bases occurred for Disability, Race, and Sex rising 8.6%, 4.4%, and 4.0%, respectively, from FY17. Complaints on the bases of National Origin, Pregnancy, Religion, Color, and Age all decreased since the prior fiscal year. Most notably, complaints based on National Origin decrease 11.8% from FY17

### Issues

This section contains information regarding the most frequently cited statutory issues in formal EEO complaints for FY2018. Table 4 shows the percentage of statutory issues by complaints in FY18, FY17, and across a five-year period. The five most common issues in FY18 included Disciplinary Warnings, Promotion (Non-Selection), Harassment (Non-Sexual), Termination, and Time and Attendance (*see Table 4*). Other less prominent issues included Evaluations, Pay, and Reasonable Accommodations, which accounted for 5.7% each of all the issues reported. Further, Assignment of Duties, Suspension, Reassignment, Terms and Conditions, and Training occurred at the lowest rate (2.9% each) for the current year.

When compared with complaints filed in the prior fiscal year, the greatest increases in reported issues occurred for Disciplinary Warnings, Termination, and Pay rising 19.5%, 9.7%, and 5.7%, respectively. Markedly, there was a 29.3% decrease in Term and Conditions issues reported from the previous year. Further, complaints with issues of Assignment of Duties decreased by 5.6% and Time and Attendance decreased by 5.0%.

Statutory Issue	FY18	FY17	FY14-18
Disciplinary Warning	22.9%	3.4%	4.7%
Promo/ Non Selection	14.3%	11.9%	16.6%
Harassment (Non-Sexual)	11.4%	6.8%	14.0%
Termination	11.4%	1.7%	2.1%
Time and Attendance	8.6%	13.6%	5.5%
P3/ACE	5.7%	6.8%	6.8%
Pay including Overtime	5.7%	0.0%	0.9%
Reasonable Accommodation	5.7%	1.7%	5.5%
Assignment of Duties	2.9%	8.5%	7.7%
Suspension	2.9%	0.0%	0.4%
Reassignment	2.9%	1.7%	4.3%
Terms & Conditions	2.9%	32.2%	12.8%
Training	2.9%	1.7%	1.7%
Appointment Hire	0.0%	0.0%	1.7%
Awards	0.0%	5.1%	2.1%
Reprimand	0.0%	0.0%	0.9%
Removal	0.0%	1.7%	2.6%
Other	0.0%	0.0%	0.9%
Duty Hours	0.0%	1.7%	0.9%
Exam/Test	0.0%	1.7%	0.9%
Medical Exam	0.0%	0.0%	0.9%

**Trends - Preceding Years**

In the past five years, the top bases were Reprisal (18.8%), Race (17.5%), Disability (17.2%), Sex (14.6%), and Age (13.0%). This year there was one complaint based on Sexual Orientation, for which there have been no formal claims in previous years. The most common issues over the past five years have included Promotion (Non-Selection) (16.6%), Harassment (Non-Sexual) (14.0%), Terms and Conditions (12.8%), Assignment of Duties (7.7%), and ACE/Performance Evaluation (6.8%). The lowest frequency by statutory issue has been for suspensions.

**Pairing between Bases and Issues**

The most frequent pairing between statutory bases and issues in FY18 included Disciplinary Warnings with Disability (6) and Termination and Disability (4). Other common pairing included Disciplinary Warnings and Race (3), Harassment and Race (3) and Promotion (Non-Selection) and Reprisal (3).

**Alternative Dispute Resolution**

Alternative Dispute Resolution (ADR) was offered during the informal phase for all 44 informal complaints in FY18 and was accepted in 9 of those complaints. Of the 9 cases, five received settlements with benefits. One resulted in no formal complaint being filed. Two resulted in filing of formal complaints with no resolution. There was one decision to file complaint pending at the end of the reporting period.

In FY18, ADR was offered one time in the formal phase and accepted by the complainant. The one instance where ADR was accepted resulted in mediation and a settlement.

**Closures**

For FY18 the majority of all closures resulted in settlements (29%). The lowest percent of closures are due to withdrawals (2%), followed by administrative judge (AJ) decisions (6%). *See Chart 6.* During the five-year period ending in FY18. Thirty-one percent of the cases resulted in final agency actions. Twenty-five percent of the cases were Final Agency Decisions (FAD) and 18% ended with settlements. Twelve percent of the cases were dismissed, and an administrative judge (AJ) decided 6%. *See Chart 7.*

