



**Notification and Federal Employee Antidiscrimination and Retaliation Act Report**

**FISCAL YEAR 2024**



NRC Headquarters is located in Rockville, Maryland.

## Table of Contents

I.	Executive Summary.....	3
II.	Introduction.....	4
III.	Purpose of This Report .....	4
IV.	No FEAR Act Legal Coverage.....	5
V.	Data Analysis and Results .....	6
	A. EEO Complaint Activity and Disposition .....	6
	B. Bases and Issues.....	7
VI.	Civil Cases—Reimbursement to the Judgment Fund.....	8
VII.	Disciplinary Actions .....	8
VIII.	No FEAR Act Training Plan.....	9
IX.	Trends and Practical Knowledge.....	9
X.	Conclusion .....	10

### Appendices

- **Appendix 1** - No FEAR Act—Annual Notification of Employee Rights
- **Appendix 2** - Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints

## I. Executive Summary

The U.S. Nuclear Regulatory Commission (NRC or agency) provides its annual “Notification and Federal Employee Antidiscrimination and Retaliation Act Report” to Congress for fiscal year (FY) 2024, as required by section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law (Pub. L.) 107-174, and the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020. This report summarizes the agency’s activities to ensure accountability for antidiscrimination and whistleblower laws related to employment.

The NRC Headquarters is located in Rockville, Maryland, with regional offices located in King of Prussia, Pennsylvania; Atlanta, Georgia; Lisle, Illinois; and Arlington, Texas. The NRC Technical Training Center is in Chattanooga, Tennessee, and NRC Resident Inspectors are stationed at operating nuclear power plants and Category I fuel cycle facilities throughout the country. With staff working at these different locations, the agency must be especially attentive to providing all employees proper notification of their rights under the No FEAR Act through its policies and procedures, online training, and agency network announcements. The agency continues to be successful in this regard.

During FY 2024, the agency processed 36 equal employment opportunity (EEO) inquiries (i.e., individuals who requested information about the EEO complaint process or an assessment of their options available within the agency), 23 pre-complaints (informal), and 14 new formal complaints. The Office of Small Business and Civil Rights (SBCR) closed 17 formal complaints during FY 2024. The agency’s resolution rate for formal complaints ultimately filed was 62 percent.

During FY 2024, one EEO lawsuit that was pending before a Federal district court was closed, which resulted in four case closures. These cases were brought under Title VII of the Civil Rights Act of 1964. During FY 2024, 23 claims of Anti-Harassment Policy violations were filed. Of the allegations raised, 14 were closed in FY 2024 with no findings, four were withdrawn, and five remain in process.

The NRC revised its No FEAR Act training in 2024 to clarify changes to the Equal Employment Opportunity Commission (EEOC) caselaw and whistleblower protection regulations. For FY 2024, the agency administered the No FEAR Act training to all employees, including managers, supervisors, and team leaders. Over 95 percent of employees completed the training on time.

The NRC continues to focus on collecting and analyzing workforce data to comply with the EEOC’s guidelines in accordance with EEOC Management Directive 715. The agency also routinely conducts barrier analyses in which it evaluates data on promotions, separations, awards, and developmental opportunities.<sup>1</sup>

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<sup>1</sup> 29 C.F.R. §1614.102.



## **II. Introduction**

The NRC is an independent agency established by the Energy Reorganization Act of 1974 that commenced operations in 1975 to conduct the licensing and regulatory activities of the former Atomic Energy Commission. The agency is headed by five Commissioners who are appointed by the President of the United States and confirmed by the U.S. Senate to serve staggered five-year terms. The President designates one of the Commissioners to serve as the Chairman. The Commission formulates policies and regulations governing nuclear reactor and materials safety, issues orders to licensees, and adjudicates legal matters brought before it. The Executive Director for Operations carries out the policies and decisions of the Commission and directs the activities of the program offices.

The NRC protects public health and safety and advances the nation's common defense and security by enabling the safe and secure use and deployment of civilian nuclear energy technologies and radioactive materials through efficient and reliable licensing, oversight, and regulation for the benefit of society and the environment.

The Director of SBCR has been delegated the overall responsibility for programs and activities related to small businesses and EEO/civil rights; SBCR provides agency-wide guidance and standards for establishing and maintaining effective programs and activities.<sup>2</sup>

To meet agency objectives, SBCR assists the NRC's leadership in protecting and ensuring the principles of EEO for all employees by developing policies and procedures, generating workforce analysis and responses to reporting requirements, delivering briefings, processing EEO complaints, and submitting annual reports to internal and external stakeholders, constituents, and other interested parties.<sup>3</sup> As part of its responsibility for preparing the agency's annual No FEAR Act report, SBCR also collaborates with the Office of the Inspector General (OIG), the Office of the Chief Human Capital Officer (OCHCO), and the Office of the General Counsel (OGC), all of which have major roles in implementing the No FEAR Act for the NRC.

## **III. Purpose of This Report**

On May 15, 2002, President George W. Bush signed the No FEAR Act, which increases Federal agency accountability for acts of discrimination or reprisal against employees. This Act, which took effect on October 1, 2003, makes Federal agencies individually accountable for violations of antidiscrimination and whistleblower protection laws related to employment and ensures that employees, applicants for employment, and former employees know their rights under antidiscrimination laws and the Whistleblower Protection Act. Section 203 of the No FEAR Act specifically requires that, not later than 180 days after the end of each FY, each Federal agency

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<sup>2</sup> See 29 C.F.R. §1614.102(b)(4); EEOC Management Directive-110, I, III(A) (2015).

<sup>3</sup> See 29 CFR §1614.102.

must submit an annual report with specific information relating to each agency's EEO complaints activity to the following: 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 EEOC, and the Attorney General.

Regulations from the U.S. Office of Personnel Management (OPM) implementing the No FEAR Act, in Title 5 of the *Code of Federal Regulations* (5 CFR) Part 724, "Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," Subpart C, "Annual Report," also require the submission of this annual report to the Director of OPM.

The annual No FEAR Act report must provide the following information:

- final year-end summary data related to the agency's EEO complaint activity for the fiscal year.
- the number, status, and disposition of Federal court cases, pending or resolved, arising under the laws covered by the No FEAR Act Judgment Fund reimbursements and adjustments to the NRC budget to meet reimbursement requirements.
- the number and type of disciplinary actions related to discrimination, retaliation, or harassment and the NRC's policy relating to appropriate disciplinary action.
- the agency's No FEAR Act training plan.
- an analysis of trends, causation, and practical knowledge gained through experience.
- actions planned or taken to improve the NRC's discrimination complaint program.

#### **IV. No FEAR Act Legal Coverage**

The laws covered in the No FEAR Act include the following:

- Title VII of the Civil Rights Act of 1964, as amended, as it applies to Federal agencies, 42 U.S.C. § 2000e-16 (race, color, religion, sex, national origin, and reprisal)
- Age Discrimination in Employment Act of 1967, as amended, as it applies to Federal government employment, 29 U.S.C. § 633 a (age (40 and over) and reprisal)
- Equal Pay Act of 1963, as amended, 29 U.S.C. § 206(d) (sex-based wage differentials and reprisal)
- Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C.

§ 791 (physical and mental disabilities and reprisal)

- Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff, et seq. (genetic information about an individual or an individual's family members and reprisal)
- Civil Service Reform Act of 1978, 5 U.S.C. § 2302 (prohibited personnel practices in connection with whistleblowing)
- Whistleblower Protection Act of 1989, 5 U.S.C. § 2302(b), Pub. L. 101-12, as amended (protects Federal whistleblowers who work for the Federal Government and report the possible existence of an activity constituting a violation of law, rules, or regulations or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health and safety)
- Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020 (Pub. L 107-174) (amends the No FEAR Act to strengthen Federal antidiscrimination laws enforced by the EEOC and expand accountability within the Federal Government)

## **V. Data Analysis and Results**

As required by the No FEAR Act, the NRC promptly posts and displays a link to its No FEAR Act data on its public website ([No FEAR Act](#)). The agency updates this information no later than 30 calendar days after the end of each quarter.

This annual "Notification and Federal Employee Antidiscrimination and Retaliation Act Report" to Congress for FY 2024 covers the period of October 1, 2023, to September 30, 2024. The following sections provide more information on the informal and formal complaints filed against the agency.

### **A. EEO Complaint Activity and Disposition**

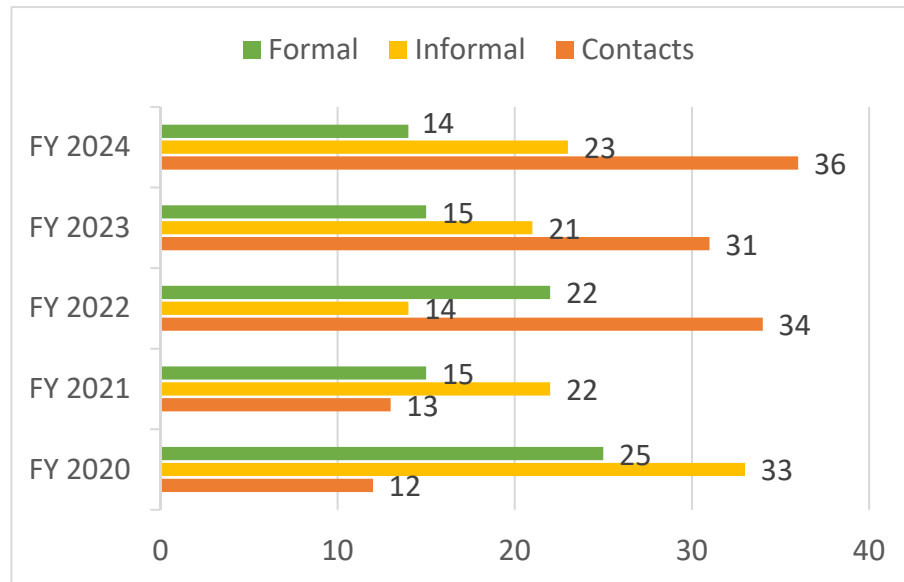
Information on pre-complaints (i.e. informal complaints) is not a required element of the No FEAR Act quarterly data reports but is included here to provide additional context and present overall trends in EEO complaint activity. Information and data related to informal complaint activities can be found in the "Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints," (Form 462 report) required by the EEOC.

As of September 30, 2024, the agency employed 2,830 permanent employees. Twenty-three pre-complaints (informal) were initiated, and four pre-complaints existed at the beginning of the reporting period (i.e., remained from the previous FY), for a total of 27 pre-complaints. Of the 27 pre-complaints, 23 were completed during FY 2024, including six that were withdrawn. The remaining four pre-complaints remained open at the end of FY 2024.

During FY 2024, 14 new formal complaints were filed against the agency, and 14 existed at the beginning of FY, for a total of 28 formal complaints. Seventeen formal complaints were closed during FY 2024.

The agency also processed 36 EEO inquiries; i.e., requests from individuals for either information about the EEO complaint process or an assessment of their options available within the agency. Of the 36 inquiries processed, only 23 resulted in an EEO pre-complaint. The agency's resolution rate of formal complaints ultimately filed was 62 percent.

### Monitoring and Oversight of EEO Complaint Activity



**Figure 1:** EEO Contacts, Pre-complaint (Informal), and Formal Complaint Activity

Information on investigations is not a required element of the No FEAR Act report; however, to provide additional context and present overall trends in the agency's EEO complaint activity, the agency has attached its EEOC Form 462 report which includes information on investigations.

During FY 2024, the agency completed five investigations in accordance with EEOC regulatory timeframes and issued two final agency decisions, with neither resulting in findings of discrimination. At the conclusion of FY 2024, three complaints were pending investigation. The agency's average processing time for investigations was 307.80 days per complaint. Since each complaint is comprised of unique facts and issues, complainants may elect to amend their complaints to include additional claims of reprisal (retaliation), which can lead to increased investigation duration. The agency will continue to analyze each complaint for processing accuracy and improve its internal procedures to minimize processing times.

#### **B. Bases and Issues**

Complaints may be filed alleging multiple bases and issues, and the sum of the bases reflected in the complaint data may not equal the total number of complaints filed.

The most frequently cited bases for NRC formal complaints during FY 2024 were

sex, reprisal (retaliation), age, race, and national origin, constituting over 75 percent of the formal complaint filings. Compared to FY 2023, sex was the most commonly reported basis for complaints (10 complaints or 25 percent), with reprisal (retaliation) (nine complaints or 23 percent) as the next most commonly reported basis. Of the ten complaints filed alleging sex as a basis, nine complaints were filed by women and one man alleged sex discrimination. Of those ten complaints, six alleged promotion/non-selection as the alleged discriminatory issue. Terms and conditions of employment, promotion/non-selection, and harassment (non-sexual) were the most common issues identified in the formal complaints filed in FY 2024. The six sex discrimination complaints that alleged promotion/non-selection as an issue also included additional claims involving discriminatory terms and conditions of employment.

## **VI. Civil Cases—Reimbursement to the Judgment Fund**

Section 203(a)(1) of the No FEAR Act requires each agency to state in its annual report the number of civil cases arising from the Whistleblower Protection Act and antidiscrimination laws, the status of such cases, and the amount of money reimbursed to the Judgment Fund. In FY 2024, one EEO lawsuit that was pending before a Federal district court was closed, which resulted in four case closures. These cases were brought under Title VII of the Civil Rights Act of 1964.

Under the reporting requirements of 5 CFR Part 724, the NRC reports that, in FY 2024, it made no reimbursements to the Judgment Fund in connection with any lawsuits.

## **VII. Disciplinary Actions**

Section 203(a)(6) of the No FEAR Act requires each agency's annual report to describe the policy implemented by the agency relating to appropriate disciplinary actions against a Federal employee who—

- (1) discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2); or
- (2) committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a)(1) or (2).

Furthermore, Section 203(a)(6) of the No FEAR Act requires that the agency report the number of employees disciplined in accordance with such policy and the specific nature of the disciplinary action.

The NRC's Anti-Harassment Policy provides for appropriate disciplinary action to be taken against any employee found to have discriminated against an individual or to have engaged in other prohibited personnel practices, including retaliation for lawful whistleblowing activities or for exercising an appeal, complaint, or grievance. During FY 2024, 23 claims of Anti-Harassment policy violations were filed. The most frequently alleged bases for the claims under the agency's Anti-Harassment program were sex, race, and sexual harassment. Of the allegations raised, 14



were closed out with no findings, four were withdrawn, and five remain in process. The most common corrective actions taken pursuant to the NRC's Anti-Harassment policy were mandated training and reminders of organizational policies and expectations.

## **VIII. No FEAR Act Training Plan**

The NRC adheres to the requirements of the No FEAR Act by providing biennial training for all employees, and each FY, an agencywide announcement is issued to all NRC employees regarding the required training. In addition, the agency issues its No FEAR Act Notice annually to all employees through notifications on the NRC's internal and public websites, to announce the available rights and protections under Federal antidiscrimination and whistleblower protection laws.

The agency revised its No FEAR Act training in 2024 to clarify changes to the EEOC caselaw and whistleblower regulations. SBCR examined trends and incorporated information in the revised biennial No FEAR Act training course on issues relating to harassment, reprisal/retaliation, and reasonable accommodation. For FY 2024, the agency administered the No FEAR Act training to all employees, including managers, supervisors, and team leaders, with an established goal of 99 percent in achieving our completion rate. At the end of FY 2024, over 95 percent of employees completed the training in a timely fashion. One hundred fifty employees were registered for the training but did not complete it. (Note: this number also includes employees who left the agency during the fiscal year). All new agency employees are advised during their new employee orientation program of the requirement to complete their No FEAR Act training within 90 days of onboarding and are assigned the training.

## **IX. Trends and Practical Knowledge**

Section 203(a)(7) of the No FEAR Act requires each agency to examine trends, causal analyses, practical knowledge gained through experience, and any actions completed or planned to improve the complaint or civil rights program of each agency.

In comparison to other Federal agencies of similar size, the NRC's complaint activity is relatively low - less than 1.0 percent of the agency's total workforce filed informal EEO complaints in FY 2024, and approximately 0.5 percent filed formal complaints. As previously stated, promotion/non-selection was among the most common issues identified in the formal complaints filed in FY 2024. Seven of the sex discrimination complaints that alleged promotion/non-selection as an issue also included additional claims involving discriminatory terms and conditions of employment.

Accordingly, in reaffirming the NRC's unwavering commitment to the principles of EEO and the elimination of unlawful discrimination, harassment, and reprisal/retaliation in the workplace, SBCR briefed the Commission on the "State of the EEO Program" by providing awareness of issues and trends and solicited Commission perspectives and recommendations for strengthening the agency's EEO program.

The agency holds management officials accountable for compliance with EEO principles and policies through the placement of EEO critical elements in all Senior Executive Service performance appraisals and standards. In FY 2024, the agency utilized its internal expertise to train managers, supervisors, and team leaders on topics related to EEO and civil rights.

In FY 2024, SBCR's outreach efforts in supporting the agency's EEO program included: (1) hosting<sup>4</sup> EEO training for managers, supervisors, and team leaders on affirmative employment, merit system principles and prohibited personnel practices, reasonable accommodation, harassment, the EEO complaint process, and Alternative Dispute Resolution (ADR); (2) conducting "lunch-n-learn" sessions on various topics related to the agency's statutory EEO and civil rights obligations, (3) leveraging advanced technology by utilizing a web-based EEO case management system (ETK) and the NRC EEO eFile Secure Portal; (4) issuing the EEO and ADR policy statements endorsed by the Chairman; and (5) ensuring, on a regular basis, that the newly designed EEO program poster and EEO complaint process flow chart were up-to-date.

SBCR continues to work with its partners in OCHCO, OGC, and the Office of Inspector General (OIG) to cultivate a workplace that is free from all forms of harassing behavior and misconduct, discrimination, and retaliation. SBCR also; continues to maintain interactions with other Federal agencies, the Federal EEO and Civil Rights Council, and the Small Agency Council to gain and share knowledge and best practices in EEO and civil rights.

In addition, SBCR continues to focus on collecting and analyzing workforce data to comply with the EEOC's guidelines in accordance with EEOC Management Directive 715. SBCR routinely conducts barrier analyses in which it evaluates data on promotions, separations, awards, and developmental opportunities.<sup>5</sup>

## **X. Conclusion**

The NRC's meaningful and measurable accomplishments that are highlighted in this report are due in part to the agency's training related to the No FEAR Act, as well as the agency's strong and clear policy statements on EEO, ADR, Anti-Harassment, whistleblower rights, and reasonable accommodation procedures. The NRC will continue to report on its commitment to merit systems principles and protect all employees from prohibited personnel practices under the law.

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<sup>4</sup> The FY2024 training was supported by OGC and OCHCO.

<sup>5</sup> 29 C.F.R. §1614.102.