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US Classification//Non US//SCI//Codeword//FGI//Dissem Controls//Non-Intell//Declass (as appropriate)

**EXECUTIVE CORRESPONDENCE ROUTING SHEET**

1. Origination Office  DIR/ERC/EEO		2. Date  03/24/2011		
<b>3. FROM:</b>	Name  D/ERC	Room No. and Building <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div> (b)(3)	Phone <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div> (b)(3)	
4. Subject No Fear Act Annual Report for Fiscal Years 2009 and 2010 Executive Summary				
5. Originating Office Control #		5a. Response to DAC # (Originating Office to Complete)		
5b. DAC Control # (DAC Use Only)				
6. Justification / Summary (Required for Immediate and Priority Actions)  <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"><input checked="" type="checkbox"/> <b>Routine</b></div> <div style="text-align: center;"><input type="checkbox"/> <b>Priority</b></div> <div style="text-align: center;"><input type="checkbox"/> <b>Immediate</b></div> </div>				
7. Coordination				
<b>NOTE: All correspondence sent to D/CIA must be sent via ADD/CIA and DD/CIA</b>				
DATE IN	ROUTE TO	ACTION (Check a Box)	NONCONCUR REASON	DATE OUT
	TITLE ADD/CIA	<input checked="" type="checkbox"/> SIGNATURE <input type="checkbox"/> CONCUR <input type="checkbox"/> FYI		
	SIGNATURE			
	TITLE D/ERC	<input type="checkbox"/> SIGNATURE <input type="checkbox"/> CONCUR <input type="checkbox"/> FYI	Please call <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div> for	(b)(3)
	SIGNATURE <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div>			
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FORM 03-07 **4468**
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## No FEAR Act Annual Report for Fiscal Years 2009 and 2010 Executive Summary

The No FEAR Act, signed by President George W. Bush on 15 May 2002, is intended to reduce the incidence of workplace discrimination within the Federal Government by making agencies and departments more accountable for their actions. Section 203 of the No FEAR Act specifically requires, not later than 180 days after the end of each fiscal year, 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, and the Attorney General an annual report with specific information relating to each agency's Equal Employment Opportunity (EEO) complaints activity. The Central Intelligence Agency (CIA) fully endorses, and intends to comply with, the intent of the No FEAR Act, and in accordance submits its annual report covering the fiscal years (FY) 2009 and 2010.

CIA adheres to the provisions of Federal EEO laws and regulations to provide equal opportunity in employment for all persons; to prohibit discrimination on the basis of federally-protected categories—that is, age (40 and over), color, disability, national origin, race, religion, sex, and reprisal for opposing employment discrimination and/or for participating in the EEO process—and on the basis of other categories, such as sexual orientation, marital status, status as a parent, and political affiliation as protected by Executive Order or written CIA policy; and to promote the full realization of EEO.<sup>1</sup>

CIA processed 33 formal complaints in FY 2010 and 21 in FY 2009. The number of formal complaints in FY 2010 showed an increase from the five-year trend of approximately 20 complaints per year. We will monitor to see if this is a new trend requiring adjustment of our current practices or a one-year anomaly.

There was not a single finding of discrimination in the past two years; therefore, no employees were disciplined as a result of an EEO formal complaint. CIA has a Zero Tolerance Policy for discrimination and harassment, which is intended to hold employees to a higher standard than required by Federal law. We have disciplined employees for violating this Zero Tolerance Policy. Thirteen employees were disciplined under this policy in FY 2010 and 26 employees in FY 2009. The discipline ranged from oral warnings to removal from position. Although CIA did not pay any judgments as a result

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<sup>1</sup> The No FEAR Act is codified in the Merit Systems Protection Act (MSPA). Pursuant to 5 U.S.C. § 2302(a) (2) (C), the Central Intelligence Agency is exempted from the MSPA. Nevertheless, CIA is subject to certain provisions of law specified in section 202 of the No FEAR Act found under § 2302(d) of the MSPA. These include the Civil Rights Act of 1964, the Age Discrimination Act of 1967, the Fair Labor Standards Act of 1938, the Rehabilitation Act of 1973, and all other applicable laws, rules, or regulations prohibiting discrimination on the bases of marital status or political affiliation. The CIA, however, is not subject to § 2302(b) of the whistleblower statutes based on its exemption.

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of a finding of discrimination, we did settle some cases. In FY 2010, there were two settlements [REDACTED] in FY 2009, CIA had five settlements [REDACTED]. These amounts do not include settlements paid at the hearing stage. [REDACTED]

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[REDACTED] Continuing a five-year trend, race, sex, reprisal, and disability were the leading bases for the CIA's EEO complaints in FY 2010.

During the past two years, the CIA has implemented several changes to enhance its EEO/Diversity program. In July 2010, we created a new Employee Resource Center (ERC). The ERC combines the offices and/or components of EEO, Diversity, Alternative Dispute Resolution, Grievance, and Recruitment Outreach into one corporate center, in an effort to more effectively address key EEO and Diversity issues.

CIA continues to focus on educating the workforce on diversity and fairness issues. We implemented several programs that promoted workforce inclusiveness and appreciation for cultural and individual differences. These programs include a mandatory multi-cultural course, an online No FEAR Act course, and workshops on a range of issues such as Women and Success and a Harassment Free Workplace. CIA continues its efforts with such initiatives as implementing the recommendations of the Workplace Dynamics Initiative, the Leadership Development Program, the CIA Mentoring Program, and training for managers who supervise disabled employees.

CIA strengthened outreach efforts through our "Advice Only" program, encouraging managers and employees to seek advice on EEO-related issues without officially entering the EEO process. Under this program, in FY 2010, 402 staff members sought the advice of an EEO counselor, a dramatic increase over 209 in FY 2009.

CIA takes its responsibility seriously to provide a workplace that is free from discrimination and harassment, and we continue to seek new and innovative ways to improve diversity and fairness at the Central Intelligence Agency.

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