



# **Missile Defense Agency**

**Notification and Federal Employee  
Antidiscrimination and Retaliation Act (NoFEAR)**

**Fiscal Year 2018 Report**

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## I. INTRODUCTION

The Missile Defense Agency (MDA) is a research, development, and acquisition agency within the U.S. Department of Defense (DoD). The MDA is responsible for managing, directing, and executing the Ballistic Missile Defense System (BMDS) program. The MDA's mission is to develop and deploy a layered BMDS to defend the United States, its deployed forces and allies from ballistic missile attacks of all ranges in all phases of flight. The Honorable James N. Mattis, Secretary of Defense, defined the Department's priorities and MDA's key focus areas as building a more lethal force, strengthening allies and partnerships and bringing business reforms to the Department. MDA coordinates with the Combatant Commanders, other DoD components and federal agencies, foreign governments, international organizations and others as authorized. This NoFear Act Annual Report covers fiscal year (FY) 2018, October 1, 2017 to September 30, 2018.

This report provides the information on the number of cases pending or resolved that resulted in judgements, awards or comprised settlements, the amount of money required to be reimbursed by the MDA and the final year-end data about discrimination complaints. Fortunately MDA is in good standing this reporting period, with no judgements. This information is provided each fiscal year and is posted on the agency's external website in accordance with Equal Opportunity Commission (EEOC) regulations at 29 C.F.R. 1614 subpart G (implementing section 301(c) (1) (B) of the NoFear Act).

The Equal Opportunity and Diversity Management Office (EO) is authorized to employ a team of six personnel (3 Government and 3 Contractors) to carry out its mission: one (1) Director, one (1) Complaints Manager, one (1) Affirmative Employment Specialist/Special Emphasis Program Manager and three (3) Contractors, EO Support.

MDA's policy is to stand with the nation and ensure all prohibited unlawful discrimination in the workplace is eliminated. MDA is committed to maintaining a healthy environment that fosters good order, discipline, teamwork and trust. The MDA promotes equal employment opportunity for its employees and applicants for employment.

At the end of FY 2018, MDA's total government workforce included 2,452 government civilian employees, 120 MDA military service members, 245 other government agency (OGA) civilian employees, and 31 OGA military service members who supported MDA. The workforce is located in five (5) states and international locations.

There were 14 complaints on hand at the beginning of FY 2018, 11 new complaints were filed in FY 2018 for a total of 25 complaints. Ten complaints were closed, leaving 15 complaints on hand at the end of the reporting period. There have been no findings of discrimination issued against MDA for this reporting period.

The agency is required to complete cost reporting, which is a new requirement this year. The Cost Assessment and Program Evaluation (CAPE) Office is executing this requirement and has strict requirements for the cost data that must be collected for each Congressional report.

This report will account for roles and man-hours of EO government and contractor personnel. The completed CAPE is enclosed.

The following cites notable metrics from FY 17 to FY 18 respectively:

	<b>FY 2017</b>	<b>FY 2018</b>
Complaints Filed	15	11
Complaints Closed	8	10
Successful ADR	1	0
Number of Findings	0	0
Average Days in Investigation	208	167

## II. REPORTING REQUIREMENTS

a. *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 5 C.F.R. §724.102, in which an employee, former federal employee, or application alleged a violation of these laws, separating data by the provision of law involved (5 C.F.R. 724.302(a)(1)) and the status or disposition (including settlement) of such cases (5 C.F.R. 724.302(a)(2)(i)).*

Statute	Cases Opened in FY18	Cases Resolved in FY18		Cases Pending at Close of FY18
		Settled	Other	
<b>Title VII, Civil Rights Act of 1964</b> 42 U.S.C. 2000e-16	0	0	0	0
<b>Age Discrimination in Employment Act</b> 29 U.S.C. 631, 633a	0	0	0	0
<b>Fair Labor Standards Act of 1938</b> 29 U.S.C. 206(d)	0	0	0	0
<b>Section 501 of Rehabilitation Act</b> 29 U.S.C. 791	0	0	0	0
<b>Equal Pay Act</b> 29 U.S.C. 206(d)	0	0	0	0
<b>Whistleblower Protection Act</b> 5 U.S.C. 2302(b)(1)	0	0	0	0

b. *The amount of money required to be reimbursed to the Judgment Fund by the agency for payments as defined in 5 C.F.R. §724.102 (5 C.F.R. 724.302(a)(2)(ii)), and the amount of reimbursement to the Fund for attorney's fees where such fees have been separately designated*

(5 C.F.R. 724.302(a)(2)(iii)), and any adjustment needed or made to the budget of the agency to comply with its Judgment Fund reimbursement obligation(s) incurred (5 C.F.R. 724.302(a)(8)).

\$ Reimbursed to Judgment Fund	\$ Attributed to Attorneys' Fees	Adjustment to Agency Budget
0	0	0

c. 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 (5 C.F.R. 724.302(a)(3)) and the number of employees in each fiscal year disciplined (reprimand, suspension without pay, reduction in grade or pay, or removal) in accordance with any agency policy, regardless of whether or not the matters are in connection to a federal court case (5 C.F.R. 724.302(a)(5)).

Statute	# of Employees Disciplined	Nature of Disciplinary Action (reprimand, suspension without pay, reduction in grade or pay, or removal.)
<b>Title VII, Civil Rights Act of 1964</b> 42 U.S.C. 2000e-16	0	N/A
<b>Age Discrimination in Employment Act</b> 29 U.S.C. 631, 633a	0	N/A
<b>Fair Labor Standards Act of 1938</b> 29 U.S.C. 206(d)	0	N/A
<b>Section 501 of Rehabilitation Act</b> 29 U.S.C. 791	0	N/A
<b>Equal Pay Act</b> 29 U.S.C. 206(d)	0	N/A
<b>Whistleblower Protection Act</b> 5 U.S.C. 2302(b)(1)	0	N/A
<b>Matters that did <u>NOT</u> result in a federal court case</b>	0	N/A

d. The final year-end data about discrimination complaints for each fiscal year that was posted in accordance with Equal Employment Opportunity Regulations 29 C.F.R. §§1614.701, et seq. (5 C.F.R. 724.302(a)(4)).

**See Appendix A**

e. 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 (5 C.F.R. 724.302(a)(6)).

**See Appendix B**

f. *The agency's written plan to train its employees (5 C.F.R. 724.302(a)(9)).*

**See Appendix C**

**III. ANALYSIS**

*An analysis of the information provided in paragraphs (a)(1) through (6) of this section in conjunction with data provided to the Equal Employment Opportunity Commission in compliance with 29 CFR part 1614 subpart F of the Code of Federal Regulations. Such analysis must include:(i) An examination of trends;(ii) Causal analysis;(iii) Practical knowledge gained through experience; and (iv) Any actions planned or taken to improve complaint or civil rights programs of the agency with the goal of eliminating discrimination and retaliation in the workplace (5 C.F.R. 724.302(a)(7)).*

**a. Examination of Trends**

An analysis of MDA's complaint activity revealed a 26.7% decrease in formal complaints filed from FY 2017 (15 complaints filed) to FY 2018 (11 complaints filed). Of the 11 cases filed in FY 2018, five were dismissed by the MDA Equal Opportunity & Diversity Management (EO) Office and one Complainant withdrew constituting a 20% increase in the number of closures over FY 2017. The top three bases remain sex, reprisal, and disability. The top three issues are non-sexual harassment, disciplinary actions, and evaluation/appraisal. At the end of FY 2018, one complaint was pending a final agency decision (FAD), nine pending a hearing before an EEOC Administrative Judge, three pending a formal investigation, and two pending accept/dismissal determination.

MDA has seen an increase in the number of cases that are pending in hearing at the end of the FY for the past 4 years as shown below:

- At end of 2018 9 were at hearing
- At end of 2017 5 were at hearing
- At end of 2016 4 were at hearing
- At end of 2015 4 were at hearing

A major contributing factor to increasing trends has to do with the amount of time cases remain on the EEOC Hearing's docket. The oldest case currently at hearing is approximately 4 years old. Another factor is the mediation acceptance rate is relatively low.

To prevent and eliminate harassment and reprisal in the workplace, the EO Director conducted enterprise-wide mandatory supervisory training on Anti-Harassment and Retaliation from May through November 2018. MDA developed and publicized written procedures for reporting allegations of harassment. These procedures are widely disseminated in a variety of forums to the workforce.

The following represents the agency's continued effects to improve Complaint or Civil Rights Programs of the Agency with the Goal of Eliminating Discrimination and Retaliation in the Workplace:

- Published the EO Alternative Dispute Resolution Policy
- Conducted mandatory Anti-Harassment training for 439 of 453 supervisors
- Effectively communicate between MDA sites by publicizing EEO, Anti-Harassment, and Diversity Management policy memoranda to the workforce.
- Monitor complaints processing performance metrics to ensure compliance and efficiency.
- Provide Equal Opportunity and Diversity Management training to supervisors and employees on a quarterly basis.
- Conduct monthly Equal Opportunity and Diversity Management training to MDA new hires.
- Collaborate with EEO program enforcement agencies (OSD, EEOC, MSPB, OPM) to remain current on emerging diversity and EEO issues.
- Monitor No FEAR Training on a quarterly basis to ensure the workforce is current.
- Ongoing efforts to improve employee and management perception of ADR through a comprehensive communications plan.
- MDA EO developed and issued, to the workforce, a Policy Memorandum signed by the MDA Director which communicates his commitment to ADR and mediation and his expectation that the workforce seek viable measures to address workplace disputes early with the goal of sustainable resolution.
- MDA EO developed a quarterly Newsletter that is disseminated to the workforce and in that Newsletter an entire page is dedicated to addressing issues around workplace disputes, articulating the benefits of ADR and medication, and strongly encouraging its use.
- Other activities planned are to survey workforce, stand up an ADR panel consisting of EO, GC, and HR representatives, and to establish an assertive ADR marketing campaign.

### **b. Causal Analysis**

The 26.7% decrease in the number of complaints filed from FY 2017 (15) to FY 2018 (11) as described above is notable. The 11 formal complaints comprise less than one percent (.45%) of the total civilian MDA workforce 2,452. This percentage remains statistically insufficient to establish any causal relationship or to glean a discernible pattern from the filings. A review of complaints filed indicate there is no correlation or trend related to which MDA organization /directorate or the management official named. EO will continue to monitor for patterns and trends in the filings as well as continue exploring creative and effective ways to mutually resolve complaints at the lowest possible level.

### **c. Practical Knowledge Gained Through Experience**

To maximize effectiveness, MDA seeks to have exemplary EEO and Diversity programs. The EO Office reports to the MDA Director and other senior leadership and provides advice, guidance, and regulatory interpretation on federal EEO and civil rights matters. The EO Office assists leadership in shaping policies to protect the civil rights of all employees, applicants and former employees. The EO Office also develops policies and plans, generates reports, forecasts trends, assess demographics, deliver training and briefings, conduct oversight, process EEO complaints, integrate civil rights into initiatives and activities and submit annual reports to internal and external customers and stakeholders.

MDA recognizes the critical role valuable training plays in raising awareness of EEO laws, regulations and procedures. In addition to providing NO FEAR Act Training, MDA also provides employees and managers training on the prevention of sexual harassment in the workplace, EEO Complaints Overview, Diversity, Reasonable Accommodations, Retaliation, Effective Communications, and Teambuilding training on a recurring basis. On a monthly basis, EEO participates in New Employee Orientation training to ensure that new employees are aware MDA fosters a culture that values diversity and empowers individuals so they may participate and contribute to their fullest potential in support of the Agency's mission. In addition to monthly and quarterly training, supervisors at all locations were provided Anti-Harassment training. A total of 439 of 453 supervisors received the training.

MDA EO published its Alternative Dispute Resolution Program for Workplace Disputes Policy effective July 26, 2018. The Equal Employment Opportunity Commission's regulations at 29 C.F.R. § 1614.102 (b)(2) require agencies to establish and make available an effective EEO ADR program. The program must be available during the pre-complaint process and the formal complaint process.

MDA provided a framework for successful diversity and inclusion efforts as outlined below:

1. Published the inaugural issue of the EO Interceptor Newsletter. The Newsletter will serve as a bridge between the EO community and MDA's leaders, supervisors and employees by providing useful information on current and emerging EEO and diversity related issues.
2. Completed the Hispanics in the Workplace Barrier Analysis Report and provided to the Defense Office of Diversity Management and Equal Opportunity.
3. Participated in The Society of Asian Scientists and Engineers Conference. MDA served as conference sponsor and hosted the Saturday Conference Breakfast. Additionally, one of MDA's Senior Technical (SES Equivalent) delivered the keynote address at the MDA sponsored conference event.
4. MDA consistently participates in recruitment and outreach with agency subject matter experts, HR and EO representatives by attending over 40 colleges and universities, and partnering with university, minority serving institutions, and other professional development organizations across the United States.
5. Participated in numerous job fairs to reach groups that have a historically low participation rate in engineering and business career fields.
6. Consistently published Internal Canvas job announcements to the workforce in an effort to retain valuable employees by rotation in other career fields.

7. EO/HR teams participated in job and career fairs at four engineering and national diversity conferences and 40 colleges and universities nationwide.
8. Participate in a Tiger Team bi-weekly to address common concerns of employees.
9. Developed and published Communication Roundtable messages to bring awareness to all Special Emphasis Program Heritage Months and activities.
10. Participated in the Team Redstone's Heritage Month Observance Display Contest and won awards for Women's Equality Day and Hispanic Heritage Month.
11. Two MDA employees were winners at the Black Engineer of the Year Award (BEYA) Conference in the Career Achievement and Technical Contribution categories.
12. MDA hosted the HBCU Engineering Deans Roundtable in conjunction with the 32<sup>nd</sup> Annual Black Engineer of the Year Award.
13. The MDA Executive Director, also the MDA STEM Champion, has been a key participant for the STEM Diversity Campaign efforts. The STEM Diversity Campaign is a hybrid reporting unit for the DoD STEM Development Office and DoD Equal Opportunity and Diversity Management.
14. The MDA Director and Executive Director participated in the BEYA Executive and Flag Officer mentoring sessions and had the opportunity to mentor many young students from various Historically Black Colleges and Universities.

#### **d. Actions Planned or Taken for Improvement Measures**

1. In addition to the activities cited above to increase operational efficiencies, MDA/EO held several meetings with a Virginia based vendor who can provide the specific software required to meet our tracking, monitoring, and reporting needs. This vendor is currently used and endorsed by both OSD Office of Diversity, Equality, and Inclusion (ODEI) and EEOC. EEOC implemented use of the software as a means to directly issue and receive annual report submissions (EEOC Form 462 and Quarterly/Annual Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 Report). The MDA Executive Director approved EO's acquisition of the software (iComplaints) if the vendor guaranteed that MDA owns its data and if the software is compatible with MDA systems. MDA/EO's research revealed that the iComplaints software is approved for use on DoD systems by the Defense Information Systems Agency.
2. Published an ADR Policy Memorandum to complement the existing ADR procedures published by the MDA Office of General Counsel.
3. Hired two additional contractors, one in Huntsville (Management Analyst) and one at HQs, Fort Belvoir (Executive Assistant to the EO Director).
4. EO Director and Complaints Manager participated in the DoD, Defense Civilian Personnel and Advisory Services Alternative Dispute Resolution (ADR) Symposium.
5. MDA personnel actively participated in eight Special Emphasis Programs held throughout the year as part of Team Redstone. Participation included displays, essay contests and program attendance. MDA employees received several essay awards.

6. MDA continued its active partnership with Human Resources and Office of the General Counsel through bi-weekly meetings.
7. Continue to provide online training module for existing and new employees on the provisions of the NoFear Act.
8. Work closely with the MDA Diversity Wellness Morale Advisory Council to address and meet programmatic objectives.
9. Complaints Manager attended Basic and Advanced Mediation Training at the Justice Center of Atlanta.
10. Continue to collaborate with EEO program enforcement agencies (OSD, EEOC, MSPB and OPM) to remain current on emerging diversity and EEO issues.
11. Reviewed and updated the NoFear Act computer-based training.
12. Reviewed internal practices and procedures to identify opportunities to improve complaints processing and quality control.
13. Updated the EO Portal to include re-issued policies.
14. Continue its focus of assisting the agency to achieve model EEO status by focusing on the following elements: demonstrated commitment to EEO from agency leadership; integration of EEO into the agency's strategic mission, management and program accountability; proactive prevention of unlawful discrimination; efficiency; and responsiveness and legal compliance.

#### IV. CONCLUSION

The future of MDA depends on the success of our workforce. Our commitment to employee success involves increasing training and career development opportunities, and ensuring appropriate funding and resources for EEO programs and initiatives. Our programs are essential for success and MDA EO will facilitate the agency's efforts to be responsive to the needs of a diverse workforce. MDA's success depends on our ability to strengthen diversity by developing effective partnerships and a progressive affirmative employment program.

MDA is firmly committed to developing and sustaining a culture and fostering an environment where diversity is valued and leveraged, all employees are treated with dignity and respect, and have equal access to opportunity. Moreover, we believe our workforce should be reflective of society as a whole. Practicing inclusive management creates a high performing work environment where all employees are optimal contributors to the mission objectives.

The MDA values every bright mind that helps us meet our goal. For that reason, we have cultivated an environment where each applicant and employee is offered an opportunity for equal advancement and recognition, regardless of gender, cultural background, or disability.

MDA EO will continue to:

1. Identify and monitor triggers and barriers underlying employee-supervisor issues in the workplace.
2. Consistently review and modify operational procedures according to EEOC regulations and DoD Directives.

- |   |
|---|
| <p>3. Promote the benefits of ADR as a viable and cost saving alternative to traditional EEO discrimination complaint processing.</p> |
|---|

## APPENDIX A

*The final year-end data about discrimination complaints for each fiscal year that was posted in accordance with Equal Employment Opportunity Regulations 29 C.F.R. §§1614.701, et seq. (5 C.F.R. 724.302(a)(4)).*

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

## **Missile Defense Agency**

**For the period beginning October 1, 2017 and ending September 30, 2018**

Complaint Activity	Comparative Data: Previous Fiscal Year Data					
	2013	2014	2015	2016	2017	Through 09-30-2018 2018
Number of Complaints Filed	6	2	2	5	15	11
Number of Complainants	6	2	2	5	12	10
Repeat Filers	0	1	0	0	3	1
Complaints by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	Comparative Data: Previous Fiscal Year Data					
	2013	2014	2015	2016	2017	Through 09-30-2018 2018
Race	1	1	0	0	8	4
Color	0	0	0	0	0	1
Religion	0	0	1	0	0	0
Reprisal	4	1	0	4	6	5
Sex	4	2	1	2	8	11
PDA	0	0	0	0	0	0
National Origin	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0
Age	4	0	0	0	3	6
Disability	5	1	0	2	6	7
Genetics	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0

<b>Complaints by Issue</b>	<b>Comparative Data: Previous Fiscal Year Data</b>					
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Through 09-30-2018 2018</b>
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
<b>Appointment/Hire</b>	0	0	0	0	2	2
<b>Assignment of Duties</b>	1	1	1	1	10	3
<b>Awards</b>	0	0	0	0	0	0
<b>Conversion to Full-time</b>	0	0	0	0	0	0
<b>Disciplinary Action</b>	<b>Comparative Data: Previous Fiscal Year Data</b>					
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Through 09-30-2018 2018</b>
<b>Demotion</b>	0	0	0	0	0	0
<b>Reprimand</b>	0	1	0	0	1	5
<b>Suspension</b>	1	1	0	0	3	6
<b>Removal</b>	1	1	0	1	0	1
<b>Other (Disciplinary Warning)</b>	0	0	0	0	1	0
<b>Duty Hours</b>	0	0	0	0	0	0
<b>Evaluation Appraisal</b>	1	0	0	3	8	6
<b>Examination/Test</b>	0	0	0	0	0	0

	Comparative Data: Previous Fiscal Year Data					
	2013	2014	2015	2016	2017	Through 09-30-2018 2018
<b>Harassment</b>						
Non-Sexual	4	2	2	1	8	16
Sexual	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	1
Pay (Including Overtime)	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	1	3	0
	Comparative Data: Previous Fiscal Year Data					
	2013	2014	2015	2016	2017	Through 09-30-2018 2018
<b>Reassignment</b>						
Denied	0	0	0	0	0	0
Directed	1	1	0	2	1	3
Reasonable Accommodation	4	0	0	1	7	3
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	1
Terms/Conditions of Employment	2	0	0	0	1	0
Time and Attendance	0	0	0	0	3	4
Training	0	0	1	0	2	0
Other: Denial Deployment	0	0	0	0	0	0
Other: Denial Admin Leave	0	0	0	0	0	0
Other: (LGBT Info?)	0	0	1	0	0	0

<b>Processing Time</b>	<b>Comparative Data: Previous Fiscal Year Data</b>					
<b>Complaints pending during fiscal year</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Through 09-30-2018 2018</b>
<b>Average number of days in investigation</b>	343	109	0	42	208	167
<b>Average number of days in final action</b>	0	0	0	0	0	0
<b>Complaint pending during fiscal year where hearing was requested</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Through 09-30-2018 2018</b>
<b>Average number of days in investigation</b>	315.3	0	93	97	175	349
<b>Average number of days in final action</b>	0	0	0	0	0	0
<b>Complaint pending during fiscal year where hearing was not requested</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Through 09-30-2018 2018</b>
<b>Average number of days in investigation</b>	0	0	0	0	188	204
<b>Average number of days in final action</b>	0	0	0	0	0	388
	<b>Comparative Data: Previous Fiscal Year Data</b>					
<b>Complaints Dismissed by Agency</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Through 09-30-2018 2018</b>
<b>Total Complaints Dismissed by Agency</b>	2	0	1	0	3	5
<b>Average days pending prior to dismissal</b>	121	0	42	0	81	178

Complaints Withdrawn by Complainants	Comparative Data: Previous Fiscal Year Data											
						Through 09-30-2018						
	2013	2014	2015	2016	2017	2018						
Total Complaints Withdrawn by Complainants	0	0	0	0	2	1						
Total Final Agency Actions Finding Discrimination	Comparative Data: Previous Fiscal Year Data											
						Through 09-30-2018						
	2013	2014	2015	2016	2017	2018						
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0	0
Findings of Discrimination Rendered by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data: Previous Fiscal Year Data											
						Through 09-30-2018						
	2013	2014	2015	2016	2017	2018						
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0	0
Findings of Discrimination Rendered by Issue	Comparative Data: Previous Fiscal Year Data											
						Through 09-30-2018						
	2013	2014	2015	2016	2017	2018						
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0	

<b>Previous Complaints Filed in Previous Fiscal Years by Status</b>	<b>Comparative Data: Previous Fiscal Year Data</b>					
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Through 09-30-2018 2018</b>
<b>Total complaints from previous Fiscal Years</b>	9	11	11	11	7	14
<b>Total Complainants</b>	9	9	7	11	7	11
<b>Number Complaints Pending</b>	<b>Comparative Data: Previous Fiscal Year Data</b>					
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Through 09-30-2018 2018</b>
<b>Investigation</b>	3	1	0	2	6	3
<b>ROI issued, pending Complainant's action</b>	0	0	0	0	0	0
<b>Hearing</b>	6	5	4	1	4	9
<b>Final Agency Action</b>	0	1	0	0	1	1
<b>Appeal with EEOC Office of Federal Operations</b>	0	4	5	5	5	0
<b>Appeal pending Civil Court</b>	0	0	3	3	2	0
<b>Complaint Investigations</b>	<b>Comparative Data: Previous Fiscal Year Data</b>					
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Through 09-30-2018 2018</b>
<b>Pending Complaints Where Investigations Exceed Required Time Frames</b>	3	1	1	0	6	0

## APPENDIX B

*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 (5 C.F.R. 724.302(a)(6)).*

**“Attached”  
Department of Defense  
Administrative Instruction 8  
Disciplinary and Adverse Actions  
Effective Date December 16, 2016**

**INSERT**  
**DoD ADMINISTRATIVE INSTRUCTION**  
**DISCIPLINARY AND ADVERS ACTIONS DATED**  
**DECEMBER 16, 2016**

BEHIND APP B (33 Pages)

Is included as requested for reporting purposes – no review  
necessary

<https://fas.org/irp/doddir/dod/ai-8.pdf>

## APPENDIX C

*The agency's written plan to train its employees (5 C.F.R. 724.302(a)(9)).*

### Training Plan

MDA requires all employees to complete required EEO training through an internal website (E-Learning Management System). EEO courses introduce laws prohibiting discrimination and harassment and protections afforded to employees under Title VII and Whistle-blowers Protection Act. MDA EO Policy Memoranda supports EEO training.

**Fiscal Year 2018 Notification and  
Federal Employee Antidiscrimination  
and Retaliation Act of 2002 2018  
Annual Report**

**Cost Reporting Template**

A 12/27/2010 Secretary of Defense memorandum directed that all congressional reports have a cost sticker affixed to the front cover/page before delivery to Congress. The Cost Assessment and Program Evaluation (CAPE) Office is executing this requirement and has strict requirements for the cost data that must be collected for each Congressional report. The below template should *only* include the costs associated with *writing and directly producing the report*, from initiation to signature.

**Directions for completing the template:**

- 1.) CAPE requires costs for contract support, government manpower and government travel, which have been broken out into three sections below.
- 2.) The dates listed above each Section are *approximate dates* for which your Service was working on the Annual Report.
- 3.) Section 1: Please enter the contract number and costs in the yellow boxes on Lines 8 and 9. If multiple contracts were used to support this effort, please include all contracts/contract numbers/costs.
- 4.) Section 2: Please enter the requested information for all government employees supporting the report in Lines 11-14.
  - Line 11: Enter military grade or civilian GS-equivalent. If additional columns are needed, please add as necessary.
  - Line 12: Designate whether the employee's role was Study Activity (prepared non-oversight activities in preparation of the report ) or Oversight (provided supervision in preparation of the report)
  - Line 13: Using one word, describe the type of activity performed by the employee (e.g. analysis, oversight)
  - Line 14: Enter the number of man-hours associated with the activity/oversight. The total of all man hours will automatically populate in the Total cell.

*Note: If four GS-14's conducted the same role and activity, please include only one column for GS-14 with the total hours for all four individuals in the Man Hours cell.*
- 5.) Section 3: Please enter travel destination and costs required to support the report in Lines 16 and 17.
  - Line 16: Enter destination of travel
  - Line 17: Enter total cost of travel

		2018 Annual Report efforts			
Section 1: Contract Support	Contract/Task Order #	HQ0147-18-C-0038			
	Contract cost spent on the Annual Report	\$63			
		FY 2018 (1 Oct 2017-30 Sep 2018)			
Section 2: Government Activity	Military grade or civilian GS-equivalent		NH-3 GS-13 Equivalent	NH-4, GS 15-Equivalent	
	Role (Study Activity or Oversight)	Oversight	Study Activity	Oversight	
	Activity Performed (e.g. analysis, oversight)	Analysis	Analysis	Oversight	
	Man Hours (per rank, grade or GS-equivalent)		25	4	
		FY 2018 (1 Oct 17 - 30 Sep 18)			
Section 3: Government Travel	Travel destination/description	0			
	Total cost (per Service, not per individual)	0			

**Total**  
29