



AmeriCorps

Fiscal Year 2022 Annual Report to Congress on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002

AmeriCorps

March 29, 2023

The No FEAR Act requires federal agencies to submit an annual report 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 Attorney General, and the Equal Employment Commission (EEOC). Additionally, the U.S. Office of Personnel Management's (OPM) final regulation on the No Fear Act issued on December 28, 2006, requires that the OPM receive a copy of the report. This report is submitted by AmeriCorps to satisfy these reporting requirements.

The No FEAR Act was signed into law by President George W. Bush on May 15, 2002, and became effective on October 1, 2003. The Act requires federal agencies to be accountable for violations of anti-discrimination and whistleblower protection laws and to post certain statistical data relating to federal sector EEO complaints filed with the agency. Section 203 of the No FEAR Act requires that each federal agency submit an annual report to Congress not later than 180 days after the end of each fiscal year. Agencies must report on the number of Federal District Court cases arising under each of the respective areas of law specified in the No FEAR Act in which discrimination was alleged; the status or disposition of cases; the amount of money required to be reimbursed; the number of employees disciplined; any policies implemented related to appropriate disciplinary actions against the federal employee who discriminated against any individual or committed a prohibited personnel practice; and an analysis of the data collected with respect to trends, casual analysis, etc. The President delegated responsibility to the OPM for the issuance of regulations governing implementation of Title II of the No FEAR Act. The OPM published final regulations on May 10, 2006, concerning the reimbursement provisions of the Act, final regulations to carry out the notification, and training.

Please see AmeriCorps' data and policy statements below.

Equal Employment Opportunity Data Posted Pursuant to the No Fear Act:
 CNCS Operating as AmeriCorps
 Comparative Data for Previous Fiscal Years and 2022

Complaint Activity	Comparative Data					2022
	Previous Fiscal Year Data					
	2017	2018	2019	2020	2021	
Number of Complaints Filed	1	1	2	2	1	2
Number of Complainants	1	1	1	2	1	2
Repeat Filers	0	0	0	1	0	0

Complaints by Basis	Comparative Data					2022
	Previous Fiscal Year Data					
	2017	2018	2019	2020	2021	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	1	1	0	1	1	2
Color	1	0	0	1	0	1
Religion	1	0	0	0	0	0
Reprisal	1	1	1	0	0	2
Sex	1	1	0	1	1	2
National Origin	1	0	0	0	0	1
Equal Pay Act	0	0	0	0	0	0
Age	0	1	0	0	0	1
Disability	0	1	2	0	0	0
Genetic Information	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0

Complaints by Issue	Comparative Data					2022
	Previous Fiscal Year Data					
	2017	2018	2019	2020	2021	
<i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>						
Appointment/Hire	0	1	0	0	0	0
Assignment of Duties	0	0	0	0	0	2
Awards	0	0	0	1	0	0
Conversion to Full-time	0	0	0	0	0	0
Disciplinary Action						
Demotion	0	0	0	0	0	0
Reprimand	0	0	0	0	0	2
Removal	0	0	1	0	1	0
Suspension	0	0	0	0	0	0
Other	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	1
Examination/Test	0	0	0	0	0	0
Harassment						
Non-Sexual	0	0	0	0	0	1
Sexual	0	0	0	1	0	0
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	1	0
Reassignment						
Denied	0	0	0	0	0	0
Directed	0	0	0	0	0	0
Reasonable Accommodation	0	0	1	1	0	0
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	1	0	0	0	1	0
Terms/Conditions of Employment	0	0	0	0	0	1

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Retirement	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	0	0	0	0	0	0	0	0	0	0	0	0

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data					2022
	Previous Fiscal Year Data					
	2017	2018	2019	2020	2021	
Total complaints from previous Fiscal Years	8	5	0	2	0	0
Total Complainants	8	5	0	1	0	0
Number complaints pending						
Investigation	1	0	0	0	0	0
Hearing	7	2	0	1	0	0
Final Action	0	3	0	1	0	0
Appeal with EEOC Office of Federal Operations	0	0	0	0	0	0

Complaint Investigations	Comparative Data					2022
	Previous Fiscal Year Data					
	2017	2018	2019	2020	2021	
Pending Complaints Where Investigations Exceeds Required Time Frames	1	0	0	0	0	0

Civil Rights and Workforce Diversity Policy

As the Chief Executive Officer, I am committed to fostering a workplace which is free of discrimination or harassment in any form, providing all employees the ability to compete on a fair and level playing field. AmeriCorps is committed to treating all persons with dignity and respect while building a diverse, equitable, inclusive, and accessible workplace in which its benefits and opportunities for advancement are available to all.

We will achieve this by strengthening the foundations of diversity, equity, inclusion, and accessibility (DEIA) at AmeriCorps. We will prioritize the well-being of employees by fostering an environment that is inclusive and fair; and that encourages participation of all employees in every facet of AmeriCorps, by weaving DEIA into every aspect of workplace culture. Our leadership is firmly committed to promoting a climate of mutual respect and appreciation for all AmeriCorps employees, enabling all to thrive. Every AmeriCorps manager, supervisor, and employee must abide by this policy.

Promoting DEIA includes meeting our obligations under the laws, regulations, and executive orders meant to prevent or remedy discrimination. This policy covers all personnel programs, management practices, and decisions, including, but is not limited to, recruitment, hiring, merit promotions, transfers, reassignments, training, career development, benefits, and separations.

Our leadership recognizes that achieving an energized, high-performing workforce cannot happen without managers and employees who treat all persons with dignity and respect regardless of race, color, national origin, gender, age, religion, sexual orientation, disability, gender identity or expression, political affiliation, marital or parental status, pregnancy, reprisal, genetic information, or military service. It is essential that our employees work in, and foster, environments free from discrimination and harassment.

AmeriCorps' mission is to provide opportunities for individuals of all ages and backgrounds to serve their communities and country. Commitment to the principles of non-discrimination, equal opportunity and DEIA, by all employees, is crucial to achieving our mission. As we work with national and community nonprofit organizations, faith-based groups, schools, and state and local agencies to enable service members and volunteers to meet critical needs in their communities, AmeriCorps' interactions with these groups should reflect our commitment to these principles.

Implicit in each employee's successful work performance, and explicit in each supervisor's performance appraisal, are goals and objectives to abide by our civil



rights laws and support DEIA in our workforce. Any person who violates this policy will be subject to appropriate personnel action, up to and including removal from federal service.

Any AmeriCorps employee, former employee, or applicant for employment who believes they were discriminated against in violation of civil rights laws, regulations, or this policy, or subject to reprisal for opposing discrimination or participating in discrimination complaint proceedings (e.g., as a complainant or witness) should raise their concerns with our Office of Civil Rights (OCR). Discrimination claims should be brought to the attention of the OCR within 45 calendar days of the occurrence to be accepted for investigation in a formal complaint.

The OCR may be reached at (202) 606-3461 or eo@cns.gov. In addition, employees may also consider our Alternate Dispute Resolution (ADR) Program as an informal way to resolve workplace conflicts. If you are interested in learning more about our ADR program, please email adr@cns.gov.

September 13, 2022
Date

A handwritten signature in black ink that reads "Michael D. Smith".

Michael D. Smith
Chief Executive Officer
AmeriCorps

Employee Civil Rights and Non-Harassment Policy

AmeriCorps is committed to treating all persons with dignity and respect while building a diverse, equitable, inclusive workplace in which its benefits and opportunities for advancement are accessible to all. AmeriCorps maintains a zero-tolerance policy for any unlawful discrimination and harassing conduct towards any employee, intern, or contractor. As a federal agency, we take seriously our responsibility for compliance with the anti-discrimination laws and the regulations enforced by the U.S. Equal Employment Opportunity Commission, and the maintenance of a model EEO program. Building a culture of diversity, equity, inclusion, and accessibility demands the prevention of discrimination and harassment, along with taking swift action when it occurs.

Our agency prohibits any forms of discrimination and harassment based upon a person's protected status. "Protected status" means a person's race, color, national origin, sex, age (40 and over), religion, sexual orientation, disability (mental, physical, or invisible), gender identity or expression, political affiliation, marital or parental status, pregnancy, reprisal, genetic information (including family medical history), or military service. AmeriCorps seeks a work environment that is free of discrimination and harassment, and to provide all employees the freedom to compete on a fair and level playing field. AmeriCorps will not tolerate any harassment that may include slurs and other verbal or physical conduct that relates to an individual's gender, race, ethnicity, religion, sexual orientation, or any other protected status when such behavior has the purpose or effect of interfering with job performance or creating an intimidating, hostile, or offensive work environment. Every AmeriCorps employee should familiarize themselves with our [Anti-Harassment Policy and Procedure](#).

AmeriCorps does not tolerate harassment from any AmeriCorps employee; supervisor; manager; non-employee (e.g., contractors); national service members or volunteers. Examples of harassing conduct include, but are not limited to: explicit or implicit demands for sexual favors; pressure to engage in a romantic relationship or for dates; deliberate touching of another person without consent, leaning over or cornering a person; repeated offensive teasing, jokes, remarks, or questions; unwanted letters, emails, text messages or phone calls; distribution or display of offensive materials, including on social media; offensive looks or gestures based on a person's gender, race, ethnicity, or religious baiting; physical assault or other threatening behavior; and demeaning, debasing, or abusive comments or other actions that intimidate and are based on a person's protected status. Conduct directed at a single individual in the workplace may create an offensive environment for others, even if they were not targeted.

Discrimination or harassment, when identified, will result in immediate corrective action by AmeriCorps. Any employee who violates this policy will be subject to appropriate discipline, up to and including removal from federal service. I expect AmeriCorps' supervisors and managers to immediately notify the Office of Human Capital (OHC) when they become aware of alleged discrimination or harassment by an employee, service member, or other individuals, and to take prompt action to effectively address any such conduct, after



consulting with OHC on appropriate measures. AmeriCorps prohibits retaliation or reprisal against any employee who raises discrimination or harassment concerns or participates in any EEO activity including filing a complaint against a supervisor or coworker, reporting harassment of a service member, volunteer, contractor, or employee, or providing a witness statement during an investigation.

Harassment and discrimination are unacceptable in AmeriCorps offices, facilities or campuses, virtual meetings and in other service-related venues. This includes training sessions, convenings, off-campus service sites, service-related social events and other off-site gatherings or events, whether in person or virtual.

Any AmeriCorps employee, former employee, or applicant for employment who believes they were harassed or discriminated against in violation of civil rights laws, regulations, or this policy, or who believes they were subject to reprisal for opposing discrimination or participating in the discrimination complaint proceedings (e.g., as a complainant or witness), should raise those concerns with the Office of Civil Rights (OCR) within 45 calendar days of the harassing or discriminatory action. Discrimination claims that are not brought to the attention of OCR within 45 calendar days of the occurrence may not be accepted for investigation if a formal complaint is filed.

The confidentiality of any employee who reports harassment or discrimination, or participates in a related investigation, will be protected to the greatest extent possible, as provided by law. The OCR may be reached via (202) 606-3461 or eo@cns.gov. Employees may also consider our Alternate Dispute Resolution (ADR) Program as an informal way to resolve workplace conflicts. If you are interested in learning more about our ADR program, please email adr@cns.gov.

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