

# Central Intelligence Agency

## Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002

### Annual Report for the Fiscal Year 2008



Office of Equal  
Employment Opportunity



No FEAR Act's Annual Report for the Fiscal Years 2008 and 2007  
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 or Agency) fully endorses, and intends to comply with, the intent of the No FEAR Act and in accordance submits its annual report for the fiscal years (FY) 2008 and 2007.

The 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 Agency policy; and to promote the full realization of EEO.<sup>1</sup>

Over the last several years, the Agency has had relatively few formal complaints, which CIA leadership believes reflects the emphasis that CIA has placed on EEO/Diversity policies and practices.<sup>2</sup> In FY 2008, the Agency had 22 formal complaints and 24 in FY 2007. While formal complaints were down, contact with the EEO office was up due to a large campaign to ensure that all officers regarded the EEO office as a useful resource. The Agency found that early contact with OEEEO allowed officers to work through issues without having to resort to litigation. The Agency has learned that any officer, who is troubled by an issue of unfairness related to EEO, even if the issue is only one of perception, cannot truly be focused on his or her mission until that issue is resolved. Thus, it becomes crucial that officers feel empowered to be

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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 Agency is exempted from the MSPA. Nevertheless, the Agency is subject to certain provisions of law specified in section 202 of the No Fear Act found under Section 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 law, rule or regulation prohibiting discrimination on the basis of marital status or political affiliation. The Agency, however, is not subject to section 2302(b) whistleblower statutes based on its exemption.

<sup>2</sup> Based on industry standards, less than 30 formal complaints per year is considered extremely low for any mid to large size Federal agency.

agents of change by bringing both real and perceived EEO issues to the Agency's attention without fear of reprisal. It is important to note that there was not a single finding of discrimination in 2008 or 2007.

The Agency attributes its great statistics to the fact that the Agency has made a commitment from the highest level of management with regard to EEO and Diversity, to include having two senior officers overseeing these important areas. The Director of OEEEO and the Special Assistant to the Director of CIA (DCIA) for Diversity Plans and Programs (DPP) both report to the DCIA and serve as advisors on various senior-level boards. This allows the Agency's senior leadership to profit from expert EEO and Diversity advice, which in turn minimizes the risk of implementing programs that are discriminatory.

The CIA consistently has taken a pro-active approach with regard to identifying and eliminating barriers that typically lead to EEO complaints. In FY 2008 and 2007, the Agency continued several programs that promoted workforce inclusiveness and appreciation for cultural and individual differences. These programs included: No Fear Training, Workplace Dynamics Initiative, Diversity Leadership Working Group, Leadership Development Program, Diversity Awareness Day, Agency Mentoring program, EEO/Diversity Strategic Planning Offsites, EEO/Diversity Focus Groups, training for managers who supervise disabled employees, and engagement with senior leadership by DPP and OEEEO staffs on various EEO and Diversity programs.

The Agency also believes that early intervention has played a significant role in the Agency's EEO success. For several years the Agency has instituted a policy of "Advice Onlys." This is an opportunity for an employee to seek advice from the OEEEO staff without officially being in the EEO process. Employees are clearly notified that "Advice Onlys" do not trigger the official EEO process and therefore do not stop the 45 day time requirement to contact an EEO counselor required by the Equal Employment Opportunity Commission (EEOC). Employees must complete an "Intent to Begin Processing" form to officially enter the EEO process. The concept of "Advice Onlys" has prompted employees to seek EEO advice sooner, which places the employee in a better position to favorably resolve a case without it reaching the formal complaint stage. In addition, the training that CIA provides to management has resulted in managers seeking OEEEO guidance issues rather than making uneducated and rash decisions. Again, this type of interaction with management places the CIA in a better position to avoid issues that lead to litigation. In 2008, the EEO office had 169 "Advice Onlys" compared to 2007 where the office had 50 "Advice Onlys".

For those employees who have filed a formal complaint, the CIA OEEEO has worked hard to ensure that their complaints are handled expeditiously. In FY 2008 and 2007, there was only one complaint that exceeded required time frames for counseling and investigations.

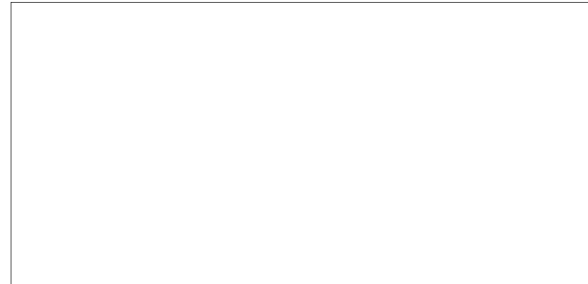
Race, sex, disability, and reprisal, were the leading bases for the CIA's EEO complaints in 2008 and 2007. The Agency is still closely monitoring sex cases as they increased from 11 in 2007 to 15 in 2008. The Agency believes that the Leadership Development Program will provide more resources to better identify management, training, and promotional issues that face women and minorities. The Agency is also developing an Workplace Dynamics Initiative that

will study almost every aspect of the organization to provide better insights to identify where women and minorities may be disengaging from leadership and growth opportunities. The Agency is also monitoring reprisal cases as they had a slight increase from 7 in FY 2007 to 8 in FY 2008. In addition to emphasizing and advertising EEO programs, the Agency is also initiating a program where senior officers will participate in a mandatory strategy session on ways to eliminate the perception of reprisal that some officers hold. All of these initiatives are aimed at having a more educated workforce on EEO/Diversity issues, which will help the Agency continue its success in having no findings of discrimination.

For FY 2008 and 2007, there were no employees that were disciplined based upon a finding of discrimination resulting from an EEO complaint. The Agency, however, does have a Zero Tolerance Harassment policy. This policy is intended to hold employees to a higher standard than required by law. Thus, the Agency has disciplined employees for violating the CIA's Zero Tolerance Policy. In FY 2008, 14 employees were disciplined and 5 employees in FY 2007. The discipline ranged from oral warnings to letters of reprimand. It is Agency policy for management to consult with CIA OEEEO on such cases to ensure equitable and consistent treatment across the Agency.

For FY 2008 and FY 2007, there were no judgments that the Agency paid as a result of a finding of discrimination. For FY 2008 and 2007, there were no monetary settlements.

The CIA takes seriously its responsibility to provide a workplace that is free from discrimination and harassment and will continue to seek ways to improve in the area of EEO and diversity.



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Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					
	2003	2004	2005	2006	2007	2008
Number of Complaints Filed	13	14	21	12	24	22
Number of Complainants	12	14	21	11	23	22
Repeat Filers	1	0	0	1	2	5

Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					
	2003	2004	2005	2006	2007	2008
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	19	10	7	2	5	19
Color	0	1	1	0	1	1
Religion	0	2	2	1	3	1
Reprisal	20	6	5	3	7	8
Sex	20	15	12	6	11	15
National Origin	4	4	1	1	4	1
Equal Pay Act	0	0	0	0	0	0
Age	27	12	5	4	4	8
Disability	2	0	1	6	7	1
Non-EEO	0	0	0	0	0	0

Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					
	2003	2004	2005	2006	2007	2008
<i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>						
Appointment/Hire	3	5	1	4	0	3
Assignment of Duties	1	3	4	1	9	9
Awards	0	0	1	1	2	3
Conversion to Full-time	0	0	0	0	0	0
<b>Disciplinary Action</b>						
Demotion	2	0	0	0	0	0
Reprimand	1	7	2	1	0	0
Removal	1	0	0	0	1	0
Suspension	0	1	0	0	0	0
Other	0	0	1	0	1	0
Duty Hours	1	0	0	0	0	0
Evaluation Appraisal	1	1	2	0	3	1
Examination/Test	0	0	0	0	0	1
<b>Harassment</b>						
Non-Sexual	7	7	4	9	7	10
Sexual	0	0	2	1	2	3
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	1	1
Promotion/Non-Selection	4	4	7	6	8	16
<b>Reassignment</b>						
Denied	1	0	1	1	3	1
Directed	0	0	1	0	1	1
Reasonable Accommodation	0	0	0	0	1	0
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	3	2	0	1	2
Terms/Conditions of Employment	3	11	2	0	1	0
Time and Attendance	0	0	0	0	1	0
Training	2	1	1	2	2	3
Other	0	4	3	2	0	0

Processing Time	Comparative Data					
	Previous Fiscal Year Data					
	2003	2004	2005	2006	2007	2008
Complaints pending during fiscal year						
Average number of days in investigation stage	153	71	112	145	173	181
Average number of days in final action stage						240
Complaint pending during fiscal year where hearing was requested						
Average number of days in investigation stage	950	826	758	657	296	226
Average number of days in final action stage						304
Complaint pending during fiscal year where hearing was not requested						
Average number of days in investigation stage	250	259	897	396	183	198
Average number of days in final action stage						49

Complaints Dismissed by Agency	Comparative Data					
	Previous Fiscal Year Data					
	2003	2004	2005	2006	2007	2008
Total Complaints Dismissed by Agency	4	8	5	4	3	3
Average days pending prior to dismissal	34	59	31	63	17	34
<b>Complaints Withdrawn by Complainants</b>						
Total Complaints Withdrawn by Complainants	1	0	1	2	3	2

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data					
	Previous Fiscal Year Data					
	2003	2004	2005	2006	2007	2008
Total complaints from previous Fiscal Years	18	12	9	4	3	10
Total Complainants	14	10	8	4	19	10
<b>Number complaints pending</b>						
Investigation	0	0	0	6	12	0
Hearing	18	12	7	3	6	8
Final Action	0	0	0	2	1	1
Appeal with EEOC Office of Federal Operations	0	0	2	0	1	1

Complaint Investigations	Comparative Data					
	Previous Fiscal Year Data					
	2003	2004	2005	2006	2007	2008
Pending Complaints Where Investigations Exceeds Required Time Frames	3	1	4	3	0	1



**ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS**

(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: Central Intelligence Agency

REPORTING PERIOD: FY 2008

**PART XI - SUMMARY OF ADR PROGRAM ACTIVITIES**

**FORMAL PHASE**

		COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
<b>A. ADR PENDING FROM PREVIOUS REPORTING PERIOD</b>					
<b>B. ADR ACTIONS IN COMPLAINT CLOSURES</b>					
1.	ADR OFFERED BY AGENCY	13	13		
2.	REJECTED BY COMPLAINANT	13	13		
3.	REJECTED BY AGENCY (INCLUDES MANAGEMENT OFFICIALS)	0	0		
4.	TOTAL ACCEPTED INTO ADR PROGRAM	0	0		
<b>C. ADR RESOURCES USED IN COMPLAINT CLOSURES</b>					
1.	INHOUSE	0	0		
2.	ANOTHER FEDERAL AGENCY	0	0		
3.	PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS, BAR ASSOCIATIONS, INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY PERSONNEL)	0	0		
4.	MULTIPLE RESOURCES USED (Please specify in a comment box)	0	0		
5.	FEDERAL EXECUTIVE BOARD	0	0		
6.					
7.					
<b>D. ADR TECHNIQUES USED IN COMPLAINT CLOSURES</b>					
1.	MEDIATION	0	0	0	0.00
2.	SETTLEMENT CONFERENCES	0	0	0	0.00
3.	EARLY NEUTRAL EVALUATIONS	0	0	0	0.00
4.	FACTFINDING	0	0	0	0.00
5.	FACILITATION	0	0	0	0.00
6.	OMBUDSMAN	0	0	0	0.00
7.	MINI-TRIALS	0	0	0	0.00
8.	PEER REVIEW	0	0	0	0.00
9.	MULTIPLE TECHNIQUES USED (Please specify in a comment box)	0	0	0	0.00
10.					
11.					
12.					
<b>E. STATUS OF CASES IN COMPLAINT CLOSURES</b>					
1.	TOTAL CLOSED	0	0	0	0.00
a.	SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)	0	0	0	0.00
b.	WITHDRAWAL FROM EEO PROCESS	0	0	0	0.00
c.	NO RESOLUTION	0	0	0	0.00
d.	NO ADR ATTEMPT	0	0	0	0.00
<b>OPEN INVENTORY, ADR PENDING</b>					
<b>F. BENEFITS RECEIVED</b>					
1.	MONETARY (INSERT TOTAL)	0	0		
a.	COMPENSATORY DAMAGES	0	0		
b.	BACKPAY/FRONTPAY	0	0		
c.	LUMP SUM	0	0		
d.	ATTORNEY FEES AND COSTS	0	0		
e.					
f.					
g.					
2.	NON-MONETARY (INSERT TOTAL)	0	0		
a.	HIRES	0	0		
i.	RETROACTIVE	0	0		
ii.	NON-RETROACTIVE	0	0		
b.	PROMOTIONS	0	0		
i.	RETROACTIVE	0	0		
ii.	NON-RETROACTIVE	0	0		
c.	EXPUNGEMENTS	0	0		
d.	REASSIGNMENTS	0	0		
e.	REMOVALS RESCINDED	0	0		
i.	REINSTATEMENT	0	0		
ii.	VOLUNTARY RESIGNATION	0	0		
f.	ACCOMMODATIONS	0	0		
g.	TRAINING	0	0		
h.	APOLOGY	0	0		
i.	DISCIPLINARY ACTIONS	0	0		
i.	RESCINDED	0	0		
ii.	MODIFIED	0	0		
j.	PERFORMANCE EVALUATION MODIFIED	0	0		
k.	LEAVE RESTORED	0	0		
l.					
m.					

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**ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS.**

**(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)**

**AGENCY OR DEPARTMENT:** Central Intelligence Agency      **REPORTING PERIOD: FY** 2008

**PART XII - SUMMARY OF EEO ADR PROGRAM ACTIVITIES**

**EEO ADR TRAINING AND RESOURCES**

	NUMBER IN TOTAL WORKFORCE	CUMULATIVE TOTAL WORKFORCE TRAINED
<b>A. BASIC EEO ADR ORIENTATION TRAINING</b>		
1. MANAGERS	0	0
2. EMPLOYEES	0	0
<b>B. EMPLOYEES THAT CAN PARTICIPATE IN EEO ADR</b>	0	
	1	
<b>C. RESOURCES THAT MANAGE ADR PROGRAM (DOES NOT INCLUDE NEUTRALS AS REPORTED IN PARTS X. &amp; XI.)</b>		
1. IN-HOUSE FULL TIME (40 HOURS EEO ADR ONLY)	0	
2. IN-HOUSE PART TIME (32 HOURS EEO ADR ONLY)	0	
3. IN-HOUSE COLLATERAL DUTY (OTHERS/NON-CONTRACT)	0	
4. CONTRACT (ANOTHER FEDERAL AGENCY/PRIVATE ORGANIZATIONS)	1	
<b>D. ADR FUNDING SPENT</b>		
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**CERTIFICATION AND CONTACT INFORMATION**

I certify that the EEO complaint data contained on this report, EEOC Form 462, Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints, for the reporting period October 1, through September 30, are accurate and complete.

TYPED NAME AND TITLE OF PREPARER: \_\_\_\_\_ Director of OEEC

SIGNATURE OF PREPARER: \_\_\_\_\_

TYPED NAME AND TITLE OF PREPARER: \_\_\_\_\_ Paralegal

SIGNATURE OF PREPARER: \_\_\_\_\_

DATE: 12/10/2008      TELEPHONE NUMBER: \_\_\_\_\_      E-MAIL: \_\_\_\_\_      FAX: \_\_\_\_\_

This report is due to the following address on or before October 31st.

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## Appendix A - Comments

Part 2

CIA - II.A - During this year's preparation of the 462, the EEO office caught an error in its 2007 submission. The number of complaints on hand at the end of the reporting period in 2007 listed in Part II, line I (21) did not match pending complaints listed in Part VIII, Line A (19). The correct number was 19, and it was correctly noted in Part VIII, Line A. This number has been used as the complaints on hand for the 2008 report. The discrepancies was due to incorrectly reporting a consolidated case.

Part 8

CIA - VIII.A.2 Pending Oldest Case -

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Part 9

CIA - IX.A.1.b.2 Days - CIA only had one untimely case and it was late due to the fact that it had to be reassigned because of the death of the investigator. The case was only one day late!

Part 10

CIA - X.E.1 Counselings - The CIA's ADR program covers both EEO complaints as well as those who are not in the EEO process. In this case we included in error, an ADR participant who did not come to EEO, but did raise EEO issues in ADR. The 462, however, only asks for ADR participants in the Pre-Complaint Process, so we reduced our ADR numbers by one.

Part 12

CIA - XII.A.1 Total Workforce - Total Workforce - CIA does not report its workforce numbers.

CIA - XII.C In house staff resources - The EEO office does not have internal ADR officers. We use a contract officer that is the Agency's Ombudsman for all disputes.



ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
 STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS  
 (REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: Central Intelligence Agency

REPORTING PERIOD: FY 2008

PART I - PRE-COMPLAINT COUNSELING

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EEO COUNSELOR		
	COUNSELINGS	INDIVIDUALS
A. TOTAL COMPLETED/ENDED COUNSELINGS	47	47
1. COUNSELED WITHIN 30 DAYS	18	18
2. COUNSELED WITHIN 31 TO 90 DAYS	29	29
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS	22	22
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR	7	7
c. COUNSELED WITHIN 31-90 DAYS THAT WERE UNTIMELY	0	0
3. COUNSELED BEYOND 90 DAYS	0	0
4. COUNSELED DUE TO REMANDS	0	0
<b>ADR INTAKE OFFICER</b>		
	COUNSELINGS	INDIVIDUALS
B. TOTAL COMPLETED/ENDED COUNSELINGS	0	0
1. COUNSELED WITHIN 30 DAYS	0	0
2. COUNSELED WITHIN 31 TO 90 DAYS	0	0
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS	0	0
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR	0	0
c. COUNSELED WITHIN 31-90 DAYS THAT WERE UNTIMELY	0	0
3. COUNSELED BEYOND 90 DAYS	0	0
4. COUNSELED DUE TO REMANDS	0	0
<b>COMBINED TOTAL</b>		
	COUNSELINGS	INDIVIDUALS
C. TOTAL COMPLETED/ENDED COUNSELINGS	47	47
1. COUNSELED WITHIN 30 DAYS	18	18
2. COUNSELED WITHIN 31 TO 90 DAYS	29	29
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS	22	22
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR	7	7
c. COUNSELED WITHIN 31-90 DAYS THAT WERE UNTIMELY	0	0
3. COUNSELED BEYOND 90 DAYS	0	0
4. COUNSELED DUE TO REMANDS	0	0
<b>D. COUNSELING ACTIVITIES</b>		
	COUNSELINGS	INDIVIDUALS
1. ON HAND AT THE BEGINNING OF THE REPORTING PERIOD	6	6
2. INITIATED DURING THE REPORTING PERIOD	48	48
3. COMPLETED/ENDED COUNSELINGS	47	47
a. SETTLEMENTS (MONETARY AND NON-MONETARY)	0	0
b. WITHDRAWALS/NO COMPLAINT FILED	21	21
c. COUNSELINGS COMPLETED/ENDED IN REPORTING PERIOD THAT RESULTED IN COMPLAINT FILINGS IN REPORTING PERIOD	25	25
d. DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD	1	1
4. COUNSELINGS PENDING AT THE END OF THE REPORTING PERIOD	7	7

## ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS

(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: Central Intelligence Agency

REPORTING PERIOD: FY 2008

**PART II - FORMAL COMPLAINT ACTIVITIES**

19	A. COMPLAINTS ON HAND AT THE BEGINNING OF THE REPORTING PERIOD
22	B. COMPLAINTS FILED
0	C. REMANDS (sum of lines C1+C2+C3)
0	C.1. REMANDS (NOT INCLUDED IN A. OR B.)
0	C.2. REMANDS (INCLUDED IN A. OR B.)
0	C.3. NUMBER OF ADDITIONAL REMANDS IN THIS REPORTING PERIOD THAT ARE NOT CAPTURED IN C.1. OR C.2. ABOVE
0	C.4. ADDITIONAL CLOSURES IN THIS REPORTING PERIOD NOT REFLECTED IN F. OR H. THAT RESULTED FROM REMANDS
41	D. TOTAL COMPLAINTS (sum of lines A+B+C1)
40	E. COMPLAINTS IN LINE D THAT WERE NOT CONSOLIDATED
13	F. COMPLAINTS IN LINE E CLOSED DURING REPORT PERIOD
1	G. COMPLAINTS IN LINE D THAT WERE CONSOLIDATED
0	H. COMPLAINTS IN LINE G CLOSED DURING REPORT PERIOD
28	I. COMPLAINTS ON HAND AT THE END OF THE REPORTING PERIOD (Line D - (F + H)) + [(C2 + C3) - C4]
22	J. INDIVIDUALS FILING COMPLAINTS
0	K. NUMBER OF JOINT PROCESSING UNITS FROM CONSOLIDATION OF COMPLAINTS

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**PART III - AGENCY RESOURCES, TRAINING, REPORTING LINE**

	AGENCY		CONTRACT	
	NUMBER	PERCENT	NUMBER	PERCENT
<b>1. WORK FORCE</b>				
a. TOTAL WORK FORCE	0			
b. PERMANENT EMPLOYEES	0			
<b>2. COUNSELOR</b>	0		0	
a. FULL-TIME	0	0.00	0	0.00
b. PART-TIME	0	0.00	0	0.00
c. COLLATERAL DUTY	0	0.00	0	0.00
<b>3. INVESTIGATOR</b>	0		0	
a. FULL-TIME	0	0.00	0	0.00
b. PART-TIME	0	0.00	0	0.00
c. COLLATERAL DUTY	0	0.00	0	0.00
<b>4. COUNSELOR/INVESTIGATOR</b>	8		0	
a. FULL-TIME	8	100.00	0	0.00
b. PART-TIME	0	0.00	0	0.00
c. COLLATERAL DUTY	0	0.00	0	0.00

**B. AGENCY & CONTRACT STAFF TRAINING**

	COUNSELORS		INVESTIGATORS		COUNS/INVESTIG	
	AGENCY	CONTRACT	AGENCY	CONTRACT	AGENCY	CONTRACT
<b>1. NEW STAFF - TOTAL</b>	0	0	0	0	2	0
a. STAFF RECEIVING REQUIRED 32 OR MORE HOURS	0	0	0	0	2	0
b. STAFF RECEIVING 8 OR MORE HOURS, USUALLY GIVEN TO EXPERIENCED STAFF	0	0	0	0	1	0
c. STAFF RECEIVING NO TRAINING AT ALL	0	0	0	0	0	0
<b>2. EXPERIENCED STAFF - TOTAL</b>	0	0	0	0	6	0
a. STAFF RECEIVING REQUIRED 8 OR MORE HOURS	0	0	0	0	6	0
b. STAFF RECEIVING 32 OR MORE HOURS, GENERALLY GIVEN TO NEW STAFF	0	0	0	0	0	0
c. STAFF RECEIVING NO TRAINING AT ALL	0	0	0	0	0	0

**C. REPORTING LINE**

1. EEO DIRECTOR'S NAME: \_\_\_\_\_

1a. DOES THE EEO DIRECTOR REPORT TO THE AGENCY HEAD? YES NO  
X

2. IF NO, WHO DOES THE EEO DIRECTOR REPORT TO?  
 PERSON: \_\_\_\_\_  
 TITLE: \_\_\_\_\_

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3. WHO IS RESPONSIBLE FOR THE DAY-TO-DAY OPERATION OF THE EEO PROGRAM IN YOUR DEPARTMENT/AGENCY/ORGANIZATION?  
 PERSON: \_\_\_\_\_  
 TITLE: Director

4. WHO DOES THAT PERSON REPORT TO?  
 PERSON: Michael V. Hayden  
 TITLE: Director of CIA

# ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS

(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: Central Intelligence Agency

REPORTING PERIOD: FY 2008

## PART IV - BASES AND ISSUES ALLEGED IN COMPLAINTS FILED

ISSUES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION										AGE	DISABILITY		TOTAL BASES BY ISSUE	TOTAL COMPLAINTS BY ISSUE	TOTAL COMPLAINTS BY ISSUE			
	RACE				REPRISAL	SEX		NATIONAL ORIGIN		EQUAL PAY ACT		MENTAL	PHYSICAL						
	AMER INDIAN ALASKA NATIVE	ASIAN	NATHANIAN/AFRICAN ISLANDER	BLACK AMERICAN		WHITE	TWO OR MORE RACES	COLOR	RELIGION	MALE							FEMALE	HISPANIC	OTHER
A. APPOINTMENT/HIRE	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	3	3	3
B. ASSIGNMENT OF DUTIES	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	9	6	6
C. AWARDS	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	3	1	1
D. CONVERSION TO FULL TIME	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
E. DISCIPLINARY ACTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
F. PROMOTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
G. REPRISAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
H. SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I. REMOVAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
J. OTHER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
K. DUTY HOURS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
L. EVALUATION/APPRaisal	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1
M. EXAMINATION/TEST	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
N. HARASSMENT	0	2	0	2	0	0	1	1	1	3	0	3	0	1	0	0	13	6	6
O. NON-SERIAL	0	2	0	2	0	0	1	1	1	2	0	1	0	0	0	10	4	4	
P. SERIAL	0	0	0	0	0	0	0	0	0	1	0	2	0	0	0	3	2	2	
Q. MEDICAL EXAMINATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
R. PAY INCLUDING OVERTIME	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1
S. PROMOTION/NON-SELECTION	0	0	0	2	2	0	0	0	0	2	4	0	0	0	0	16	7	7	
T. REASSIGNMENT	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	2	
U. DENIED	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	
V. DIRECTED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	
W. REASONABLE ACCOMMODATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
X. RESTATEMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Y. RETIREMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Z. TERMINATION	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	2	1	1	
AA. TERMS/CONDITIONS OF EMPLOYMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AB. TIME AND ATTENDANCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AC. TRAINING	0	0	0	2	0	0	0	0	0	0	1	0	0	0	0	3	2	2	
AD. OTHER (Please specify below)																			
AE. TOTAL ISSUES BY BASES	0	3	0	12	4	0	1	1	1	8	4	11	0	1	0	0	0	0	0
AF. TOTAL COMPLAINTS FILED BY BASES	0	2	0	7	2	0	1	1	1	7	3	8	0	1	0	0	0	0	0
AG. TOTAL COMPLAINTS BY BASES	0	2	0	7	2	0	1	1	1	7	3	8	0	1	0	0	0	0	0

## ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS

(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: Central Intelligence Agency

REPORTING PERIOD: FY 2008

### PART V - SUMMARY OF CLOSURES BY STATUTE

**A. STATUTE** (IF A SINGLE COMPLAINT HAS MULTIPLE STATUTES RECORD EACH ON THE APPROPRIATE LINE.)

7	1. TITLE VII
5	2. AGE DISRIMINATION IN EMPLOYMENT ACT (ADEA)
2	3. REHABILITATION ACT
0	4. EQUAL PAY ACT (EPA)

**B. TOTAL BY STATUTES**

14 THIS NUMBER MAY BE LARGER THAN THE TOTAL NUMBER OF COMPLAINTS CLOSED.

(A1+A2+A3+A4)

### PART VI - SUMMARY OF CLOSURES BY CATEGORY

	TOTAL NUMBER	TOTAL DAYS	AVERAGE DAYS
<b>A. TOTAL NUMBER OF CLOSURES</b> (I+2+3)	13	5038	387.54
1. WITHDRAWALS	2	834	417.00
a. NON-ADR WITHDRAWALS	2	834	417.00
b. ADR WITHDRAWALS	0	0	0.00
2. SETTLEMENTS	1	1119	1119.00
a. NON-ADR SETTLEMENTS	1	1119	1119.00
b. ADR SETTLEMENTS	0	0	0.00
3. FINAL AGENCY DECISIONS (B+C)	10	3085	308.50
<b>B. FINAL AGENCY DECISIONS WITHOUT AN ADMINISTRATIVE JUDGE DECISION</b> (1+2+3)	9	2181	242.33
1. FINDING DISCRIMINATION	0	0	0.00
2. FINDING NO DISCRIMINATION	6	2078	346.33
3. DISMISSAL OF COMPLAINTS	3	103	34.33
<b>C. FINAL AGENCY ORDERS WITH AN ADMINISTRATIVE JUDGE (AJ) DECISION</b> (1+2)	1	904	904.00
1. AJ DECISION FULLY IMPLEMENTED (a+b)	1	904	904.00
(a) FINDING DISCRIMINATION	0	0	0.00
(b) FINDING NO DISCRIMINATION	1	904	904.00
(c) DISMISSAL OF COMPLAINTS	0	0	0.00
2. AJ DECISION NOT FULLY IMPLEMENTED (a+b+c)	0	0	0.00
(a) FINDING DISCRIMINATION (i+ii+iii)	0	0	0.00
i. AGENCY APPEALED FINDING BUT NOT REMEDY	0	0	0.00
ii. AGENCY APPEALED REMEDY BUT NOT FINDING	0	0	0.00
iii. AGENCY APPEALED BOTH FINDING AND REMEDY	0	0	0.00
(b) FINDING NO DISCRIMINATION	0	0	0.00
(c) DISMISSAL OF COMPLAINTS	0	0	0.00



ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY				
STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS				
(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)				
AGENCY OR DEPARTMENT: Central Intelligence Agency		REPORTING PERIOD: FY 2008		
PART VI - SUMMARY OF CLOSURES BY CATEGORY (Continued)				
		TOTAL	TOTAL	AVERAGE
		NUMBER	DAYS	DAYS
D. FINAL AGENCY MERIT DECISIONS (FAD) ISSUED	(1+2+3+4)	6	339	56.50
1. COMPLAINANT REQUESTED IMMEDIATE FAD	(1a+1b)	3	170	56.67
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF FAD REQUEST		3	170	56.67
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND RECEIPT OF FAD REQUEST		0	0	0.00
2. COMPLAINANT DID NOT ELECT HEARING OR FAD	(2a+2b)	2	119	59.50
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF END OF 30-DAY ELECTION PERIOD		2	119	59.50
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND END OF 30-DAY ELECTION PERIOD		0	0	0.00
3. HEARING REQUESTED; AJ RETURNED CASE TO AGENCY FOR FAD WITHOUT AJ DECISION (3a+3b)		1	50	50.00
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF AJ RETURNED CASE FOR FAD ISSUANCE		1	50	50.00
b. AGENCY ISSUED FAD MORE THAN 60 DAYS AFTER RECEIPT OF AJ RETURNED CASE FOR FAD ISSUANCE		0	0	0.00
4. FINAL AGENCY DECISION ISSUED ON A MIXED CASE (4a+4b)		0	0	0.00
a. AGENCY ISSUED FAD WITHIN 45 DAYS AFTER INVESTIGATION		0	0	0.00
b. AGENCY ISSUED FAD MORE THAN 45 DAYS AFTER INVESTIGATION		0	0	0.00
PART VII - SUMMARY OF COMPLAINTS CLOSED BY TYPES OF BENEFITS				
DURING FORMAL COMPLAINT STAGE				
A. TOTAL COMPLAINTS CLOSED WITH BENEFITS			1	
B. CLOSURES WITH MONETARY BENEFITS TO COMPLAINANT			1	
1. BACK PAY/FRONT PAY			0	
2. LUMP SUM PAYMENT			1	
3. COMPENSATORY DAMAGES			0	
C. CLOSURES WITH ATTORNEY FEES AND COSTS			0	
D. SUBTOTAL OF ALL MONETARY BENEFITS (B+C)			1	
E. CLOSURES WITH NON-MONETARY BENEFITS			0	
F. TYPES OF BENEFITS				NUMBER OF CLOSURES
				WITH MONETARY BENEFITS
1. HIRES			0	
a. RETROACTIVE			0	
b. NON-RETROACTIVE			0	
2. PROMOTIONS			0	
a. RETROACTIVE			0	
b. NON-RETROACTIVE			0	
3. EXPUNGEMENTS			0	
4. REASSIGNMENTS			0	
5. REMOVALS RESCINDED			0	
a. REINSTATEMENT			0	
b. VOLUNTARY RESIGNATION			0	
6. ACCOMMODATIONS			0	
7. TRAINING			0	
8. APOLOGY			0	
9. DISCIPLINARY ACTIONS			0	
a. RESCINDED			0	
b. MODIFIED			0	
10. PERFORMANCE EVALUATION MODIFIED			0	
11. LEAVE RESTORED			0	
12. LUMP SUM PAYMENT			0	
13.				
14.				

(b)(3)

## ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS

(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: **Central Intelligence Agency** REPORTING PERIOD: **FY 2008**

### PART VIII - SUMMARY OF PENDING COMPLAINTS BY CATEGORY

A. TOTAL COMPLAINTS PENDING (SAME AS PART II Line I) (1+2+3+4)	NUMBER PENDING	NUMBER OF DAYS	AVERAGE DAYS	NUMBER OF DAYS PENDING FOR OLDEST CASE
	28	8046		
1. COMPLAINTS PENDING WRITTEN NOTIFICATION (Acknowledgment)	0	0	0.00	0
2. COMPLAINTS PENDING IN INVESTIGATION	14	1611	115.07	278
3. COMPLAINTS PENDING IN HEARINGS	10	5381	538.10	815
4. COMPLAINTS PENDING A FINAL AGENCY ACTION	4	1054	263.50	328

### PART IX - SUMMARY OF INVESTIGATIONS COMPLETED

	TOTAL	TOTAL DAYS	AVERAGE
A. INVESTIGATIONS COMPLETED DURING REPORTING PERIOD (1+3)	13	2959	227.62
1. INVESTIGATIONS COMPLETED BY AGENCY PERSONNEL (a+b+c)	13	2959	227.62
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS	5	869	173.80
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS	8	2090	261.25
1. TIMELY COMPLETED INVESTIGATIONS	7	1809	258.43
2. UNTIMELY COMPLETED INVESTIGATIONS	1	281	281.00
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS	0	0	0.00
2. AGENCY INVESTIGATION COSTS			
3. INVESTIGATIONS COMPLETED BY CONTRACTORS (a+b+c)	0	0	0.00
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS	0	0	0.00
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS	0	0	0.00
1. TIMELY COMPLETED INVESTIGATIONS	0	0	0.00
2. UNTIMELY COMPLETED INVESTIGATIONS	0	0	0.00
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS	0	0	0.00
4. CONTRACTOR INVESTIGATION COSTS			

(b)(3)      (b)(3)                      (b)(3)                                      (b)(3)

**ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS**

(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: **Central Intelligence Agency**      REPORTING PERIOD: **FY 2008**

**PART X - SUMMARY OF ADR PROGRAM ACTIVITIES**

**INFORMAL PHASE (PRE-COMPLAINT)**

	COUNSELINGS	INDIVIDUALS	DAYS	AVERAGE DAYS
<b>A. ADR PENDING FROM PREVIOUS REPORTING PERIOD</b>				
<b>B. ADR ACTIONS IN COMPLETED/ENDED COUNSELINGS</b>				
1. ADR OFFERED BY AGENCY	47	47		
2. REJECTED BY COUNSELEE	41	41		
3. REJECTED BY AGENCY (INCLUDES MANAGEMENT OFFICIALS)	0	0		
4. TOTAL ACCEPTED INTO ADR PROGRAM	6	6		
<b>C. ADR RESOURCES USED IN COMPLETED/ENDED COUNSELINGS</b>	6	6		
1. INHOUSE	0	0		
2. ANOTHER FEDERAL AGENCY	0	0		
3. PRIVATE ORGANIZATIONS, (e.g., CONTRACTORS, BAR ASSOCIATIONS, INDIVIDUAL VOLUNTEERS OR COLLEGE/UNIVERSITY PERSONNEL)	6	6		
4. MULTIPLE RESOURCES USED (Please specify in a comment box)	0	0		
5. FEDERAL EXECUTIVE BOARD	0	0		
6.				
7.				
<b>D. ADR TECHNIQUES USED IN COMPLETED/ENDED COUNSELINGS</b>	6	6	181	30.17
1. MEDIATION	6	6	181	30.17
2. SETTLEMENT CONFERENCES	0	0	0	0.00
3. EARLY NEUTRAL EVALUATIONS	0	0	0	0.00
4. FACTFINDING	0	0	0	0.00
5. FACILITATION	0	0	0	0.00
6. OMBUDSMAN	0	0	0	0.00
7. PEER REVIEW	0	0	0	0.00
8. MULTIPLE TECHNIQUES USED (Please specify in a comment box)	0	0	0	0.00
9.				
10.				
11.				
<b>E. STATUS OF ADR CASES IN COMPLETED/ENDED COUNSELINGS</b>	6	6	181	30.17
1. TOTAL CLOSED	6	6	181	30.17
a. SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)	0	0	0	0.00
b. NO FORMAL COMPLAINT FILED	0	0	0	0.00
c. NO RESOLUTION (COMPLAINT FILED)	6	6	181	30.17
d. NO ADR ATTEMPT (COMPLAINT FILED)	0	0	0	0.00
e. DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD	0	0	0	0.00
<b>OPEN INVENTORY, ADR PENDING</b>				



(b)(2)  
(b)(3)

Title: AR  (U) DISCIPLINE AND ACCOUNTABILITY

(b)(2)  
(b)(3)

(b)(2)  
(b)(3)



(b)(2)  
(b)(3)



(b)(2)  
(b)(3)





(b)(2)  
(b)(3)

(b)(2)  
(b)(3)





# **Equal Employment Opportunity**

## **Zero Tolerance of Harassment and Discrimination at CIA**

### **CIA Director Statement on Zero Tolerance of Harassment and Discrimination at CIA**

CIA does not tolerate harassment or discrimination of any kind. Both Agency policy and Federal law explicitly forbid harassment and discrimination and endorse equal employment opportunity regardless of race, religion, color, sex, national origin, age, or disability. In addition, Executive Order 11478, as amended, prohibits discrimination and harassment on the basis of sexual orientation or status as a parent.

The law outlines our duty to treat each employee with identical standards of fairness and to offer equal opportunity for advancement. This applies to all employment programs and processes as well as management decisions that include recruiting, hiring, promotion, training, and career development.

Our Agency has policies in place to ensure the quick and judicious handling of harassment allegations brought to the attention of management or the Office of Equal Employment Opportunity. As my predecessors did, I will hold supervisors and managers accountable for enforcing our zero-tolerance policy.

Moreover, every employee has the right to due process as outlined by civil rights statutes. Disciplinary action, including dismissal, may be applied to those who threaten or commit reprisals against anyone reporting an instance of discrimination or harassment.

Harassment and hostile work environments not only run counter to the values we have pledged to uphold, they are absolutely unproductive and undermine our effectiveness in pursuing CIA's mission. That is why each of us shares the responsibility to keep such behavior out of our Agency.