

**Annual Report for Fiscal Year 2014  
Under the  
Notification and Federal Employee Antidiscrimination  
And Retaliation Act of 2002**

**Report Prepared for:**  
**Speaker of the House of Representatives**  
**President Pro Tempore of the Senate**  
**Senate Committee on Homeland Security and Governmental Affairs**  
**House Committee on Oversight and Government Reform**  
**Senate Health, Education, Labor and Pensions Committee**  
**House Education and the Workforce Committee**  
**Equal Employment Opportunity Commission**  
**Office of Personnel Management**  
**Attorney General**

**Report Submitted by:**  
**Pension Benefit Guaranty Corporation**

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- A. Introduction**

This report is prepared in accordance with the requirements of Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR or Act.) The 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 Senate Committee on Homeland Security and Governmental Affairs; the House Committee on Oversight and Government Reform; the Senate Health, Education, Labor, and Pensions Committee; the House Education and Labor Committee; the U.S. Equal Employment Opportunity Commission; and the Department of Justice.

The Act holds federal agencies accountable for violations of antidiscrimination and whistleblower protection laws relating to federal employment. The report contains data and analysis concerning equal employment opportunity (EEO) complaints activity at PBGC, including Federal court cases and resulting disciplinary actions during Fiscal Year 2014.

It is the law of this nation and the policy of PBGC to prohibit discrimination in the workplace. PBGC is committed to maintaining an environment that provides equal employment opportunity for its approximately 967 employees as well as applicants for employment.

## **B. Federal Court Cases Arising Under the Federal Antidiscrimination or Whistleblower Laws**

### **1. The Number of Federal Court Cases Pending or Resolved in FY 2014**

As shown below in Table 1, there were a total of four federal court cases pending in Fiscal Year 2014 filed by two employees.

**TABLE 1**

#### **Federal Court Cases Pending or Resolved in FY 2014 Separated by Statute**

<b>Title VII of the Civil Rights Act of 1964:</b>	<b>4</b>
<b>Age Discrimination in Employment Act of 1967:</b>	<b>0</b>
<b>Rehabilitation Act of 1973:</b>	<b>0</b>
<b>Whistleblower Protection Act:</b>	<b>0</b>
<b>Equal Pay Act of 1963:</b>	<b>0</b>

### **2. Status or Disposition of Federal Court Cases Including the Amount of Money Required to be Reimbursed to the Judgment Fund and Any Budget Adjustments Relating to the Judgment Fund**

Table 2 shows the status and disposition of federal court cases by statute. The table shows a total of four cases during FY 2014; one case was dismissed by the District Court, while three cases, including an appeal of the dismissal, remained pending at the close of the fiscal year.

As a government corporation, PBGC has corporate funds available to pay judgments and

settlements. During FY 2014, PBGC paid no settlements from the Judgment Fund, nor did it make any budget adjustments relating to the Judgment Fund.

**TABLE 2**

**Status of Federal Court Cases Pending in FY 2014 by Statute**

<b>Title VII of the Civil Rights Act of 1964:</b>	<b>4</b>
<b>Pending:</b>	<b>3*</b>
<b>Dismissed:</b>	<b>1*</b>
<b>Settled:</b>	<b>0</b>
<b>Age Discrimination Employment Act of 1967:</b>	<b>0</b>
<b>Pending:</b>	<b>0</b>
<b>Dismissed:</b>	<b>0</b>
<b>Settled:</b>	<b>0</b>
<b>Rehabilitation Act of 1973:</b>	<b>0</b>
<b>Pending</b>	<b>0</b>
<b>Dismissed:</b>	<b>0</b>
<b>Settled:</b>	<b>0</b>
<b>Whistleblower Protection Act:</b>	<b>0</b>
<b>Pending:</b>	<b>0</b>
<b>Dismissed:</b>	<b>0</b>
<b>Settled:</b>	<b>0</b>
<b>Equal Pay Act of 1963:</b>	<b>0</b>
<b>Pending:</b>	<b>0</b>
<b>Dismissed:</b>	<b>0</b>
<b>Settled:</b>	<b>0</b>

**\*Note:** The Agency has a matter where a United States District Court dismissed the case and it was subsequently appealed. The matter is counted as both pending and dismissed.

**C. Employees Disciplined for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws**

Table 3 shows the number of findings of discrimination and the number of employees disciplined for having been found to have engaged in discrimination in violation of the civil rights laws.

**TABLE 3**

**Employees Disciplined for Conduct Inconsistent with  
Federal Antidiscrimination or Whistleblower Laws in FY 2014**

**1. Employees Disciplined in Connection with Federal Court Cases**

<b>Number of Findings:</b>	<b>0</b>
<b>Number of Employees Disciplined:</b>	<b>0</b>

**2. Employees Disciplined Whether or Not in Connection with Federal Court Cases**

<b>Number of Employees Disciplined:</b>	<b>0</b>
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**D. Final Year-End No FEAR Act Data for FY 2014**

Attached as Appendix 1 is the PBGC's final year-end No FEAR Act Data for FY 2014.

**E. PBGC's Discipline Policy for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws**

PBGC is committed to maintaining a workplace that promotes productivity, professionalism and an environment that protects the dignity of all of its workers. PBGC issues policy statements, which periodically are sent to all of its employees and contractors. The statements provide that any harassment of, or by, PBGC employees, sexual or non-sexual, is expressly prohibited and will not be tolerated. Further, they provide that employees who engage in discriminatory or harassing behavior may be subject to appropriate corrective action, up to and including dismissal from employment. See EEO and Prevention of Workplace Harassment Policy Statements, dated August 5, 2014 (Appendix 2).

PBGC maintains an internal directive on disciplinary and adverse actions, outlining the procedures for addressing employee misconduct, and including a table of suggested penalties for various infractions. This table, which has been in effect since 2007, includes several categories addressing conduct that is inconsistent with federal antidiscrimination or whistleblower laws. Using a progressive discipline approach, and depending on the nature of the misconduct, the penalties can range from a written reprimand for a first offense to removal from duty.

**F. Data Analysis**

During FY 2014, 27 PBGC employees filed 33 formal complaints of discrimination. This is more than double the 13 formal complaints filed the previous year. The number of people filing complaints increased from previous year's total of 12 individuals to 27 individuals. The number of repeat filers from FY 2013 to FY 2014 increased from 1 to 4.

An analysis of the FY 2014 complaint data reveals that the leading basis for formal complaints was *reprisal*, which was raised in 29 cases. *Age* was the next most prominent basis in

FY 2014, being raised in 20 cases. *Race* was raised in formal cases 18 times. For both *race* and *age*, this represented a 100 percent increase from the previous year. Allegations of *disability-based* discrimination tripled from the previous year, being alleged in 6 cases versus 2 from the previous reporting period.

*Sex* was raised as a basis in 17 complaints, almost double the 9 complaints from the previous year, the highest incidence since 2010 when it was raised 11 times. *Color* claims were asserted 14 times in the reporting period. *Non-EEO*, *Genetics* and *PDA* were not alleged in the current reporting period.

The leading issues in FY 2014 were *evaluation/appraisal*, *non-sexual harassment*, *terms/conditions of employment* and *assignment of duties*. Each of these issues was asserted in employee complaints at least 9 times this fiscal year.

## **1. Trends**

- a. The total number of formal complaints filed, 33, is the highest number of complaints filed over the previous five years. The previous high was 21 complaints filed, a total reached in FY 2010.
- b. The highest increase in an alleged basis was in *disability*. Complaints alleging *disability* as a basis tripled from 2 cases to 6 cases. This is the one of the biggest increases for any protected basis alleged over the past five years.

The most frequently claimed protected basis in FY 2014 was *reprisal*, with 29 complaints including it as a protected category. *Reprisal* has been a leading basis in complaints in 4 of the last 5 fiscal years. The lowest occurrence of *reprisal* cases was 9 in FY 2011.

*Sex* was alleged as a protected basis in 17 complaints in FY 2014, representing the highest total in this basis since FY 2010, where it appeared in 11 complaints. *Sex*-based complaints appear to be trending upward. The basis has increased in number of occurrences since FY 2012. No *genetic information* claims have been

filed with the Agency. In FY 2014, an *Equal Pay Act* claim was raised in 1 complaint. This is a decrease from 2 claims the previous year.

- c. During FY 2014, the highest increase in issues alleged was in *non-sexual harassment*, which appeared in 13 complaints. This is a substantial leap from the previous year's total of 3, and represents a 300 percent increase from that reporting period.

The other most prominent issue asserted was *evaluation/appraisal*, which was raised in 17 complaints, the highest occurrence of this basis in the past five years. This issue appeared 5 times in the previous fiscal year.

The issues of *retirement*, *reassignment*, *sexual harassment* and *awards* were each asserted once during FY 2014 after not making an appearance on this Report the previous year.

- d. For processing, FY 2014 reflected a decrease in the average number of days in the formal complaint investigation stage. This is despite the great increase in the number of formal complaints filed with PBGC in the reporting period.

The average number days to process a formal complaint decreased 32 days to 169 days in FY 2014. The Agency continues to work to reduce processing times at the investigative and Final Agency Action stages. The Agency processed 87 percent of formal complaint investigations in a timely manner. For Final Agency Actions, 100 percent were timely issued.

## **2. Causal Analysis**

Overall complaint activity since FY 2009 has fluctuated due to factors that need additional analysis. The current reporting period's high number of complaints continues to be analyzed. Because of the relatively small number of complaints and the fluctuations from year-to-year, it is difficult to assess causation. At present, no prevalent factors have been identified as driving forces behind the Agency's complaint activity. However, significant strides were made in FY 2012 to enhance PBGC's ability to analyze complaint data, including utilizing and training staff on the use of an automated complaint tracking and reporting system implemented in FY 2011.

In FY 2014 the Agency's Office of Equal Employment Opportunity (EEO Office) has continued use of the Early Intervention Program designed to help employees who come to EEO with concerns that could possibly be resolved without entering the federal sector EEO discrimination complaint process. This process was designed for use in cases that either fell outside of defined equal opportunity protections or that were judged to be resolvable by quickly deployed inquiry and/or ADR. The Agency's EEO Office is continuing its efforts to identify possible barriers to equal opportunity and to correct validated barriers.

## **3. Knowledge Gained**

The use of Alternative Dispute Resolution (ADR) has proven to be an effective means of identifying underlying employee-management issues and improving communication, thereby leading to an earlier resolution of the issues when both parties participate in good faith. The Agency and its leadership strongly promote and advocate ADR as an option at all stages of the EEO process and trains managers and employees about the benefits of ADR. The Agency is currently pursuing acquisition for an electronic ADR tracking solution. In FY 2014, concerns addressed in the Early Intervention Process had a 42 percent resolution success rate.

#### **4. Actions Planned to Improve PBGC's Equal Employment Opportunity Program**

PBGC senior leaders, managers and supervisors hold themselves accountable for achieving the EEO elements and standards via their performance plans. In FY 2013, the Agency clarified and expanded these standards, which were implemented in FY 2014.

Agency initiatives relating to EEO planned in FY 2015:

- Expand knowledge of and participation in the EEO Alternative Dispute Resolution program,
- Provide additional EEO training on areas identified through barrier and trends analyses,
- Continue benchmarking with other federal sector agencies on EEO issues,
- Continue Basic EEO Training for new employees,
- Roll out new online Refresher EEO Manager/Supervisor Course,
- Deploy No FEAR Act online training with participant tracking for new and refresher training
- Provide targeted training for employees, including reasonable accommodation,
- Enhance constructive collaborative departmental partnerships within the Agency to continue integration of EEO into the Agency's strategic operations

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

During FY 2014 new PBGC employees and contractors received No FEAR Act training as part of a new process requiring all new employees to take the No FEAR Act training as part of the Agency on-boarding process.



## Appendix 1 Final Year-End No FEAR Act Data for FY 2014

### Equal Employment Opportunity Data Posted Pursuant to Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174

\*Note: Data for FY 2012 forward was calculated based on use of Micropact iComplaints system.

Complaint Activity	Comparative Data					2014: 1st Quarter
	Previous Fiscal Year Data					
	2009	2010	2011	2012	2013	
Number of Complaints Filed	21	21	17	13	13	6
Number of Complainants	15	16	16	10	12	6
Repeat Filers	3	1	1	3	1	0

Complaints by Basis	Comparative Data					2014: 1st Quarter
	Previous Fiscal Year Data					
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2009	2010	2011	2012	2013	
Race	14	14	11	5	9	1
Color	2	1	2	0	6	1
Religion	0	0	0	0	0	0
Reprisal	15	13	9	11	11	5
Sex	8	11	7	6	9	3
PDA	0	0	1	0	1	0
National Origin	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	2	0
Age	5	6	6	3	10	2
Disability	4	6	4	3	2	2
Genetics	0	0	0	0	0	0
Non-EEO	0	0	0	1	2	0

## No FEAR Act Data

Complaints by Issue	Comparative Data					2014: 1st Quarter
	Previous Fiscal Year Data					
<i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	2009	2010	2011	2012	2013	
Appointment/Hire	1	0	1	1	1	0
Assignment of Duties	3	4	4	1	3	2
Awards	0	0	0	2	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	1
Removal	0	1	0	0	0	0
Suspension	0	0	0	0	0	0
Other	0	0	0	0	1	0
Duty Hours	0	0	0	1	0	0
Evaluation Appraisal	3	2	4	5	5	1
Examination/Test	0	0	0	0	0	0
Harassment						
Non-Sexual	7	12	7	3	3	2
Sexual	2	0	0	0	0	1
Medical Examination	0	1	0	0	0	0
Pay (Including Overtime)	0	0	1	0	1	0
Promotion/Non-Selection	7	5	1	0	2	1
Reassignment						
Denied	0	0	0	0	0	0
Directed	0	1	0	0	1	0
Reasonable Accommodation	2	2	1	1	1	0
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	1
Termination	0	0	0	0	1	2
Terms/Conditions of Employment	7	3	0	5	9	2
Time and Attendance	0	1	0	0	1	0
Training	0	1	1	2	1	0
Other	0	0	2	1	0	0

### No FEAR Act Data

Processing Time	Comparative Data					2014: 1st Quarter
	Previous Fiscal Year Data					
	2009	2010	2011	2012	2013	
Complaints pending during fiscal year						
Average number of days in investigation stage	129	149	147	192	201.1	151
Average number of days in final action stage	24	44	53	34	161.5	0
Complaint pending during fiscal year where hearing was requested						
Average number of days in investigation stage	200	199	230	196	189.5	151
Average number of days in final action stage	0	59	17	30	25.5	0
Complaint pending during fiscal year where hearing was not requested						
Average number of days in investigation stage	144	232	199	181	247	0
Average number of days in final action stage	403	24	70	42	297	0

Complaints Dismissed by Agency	Comparative Data					2014: 1st Quarter
	Previous Fiscal Year Data					
	2001	2010	2011	2012	2013	
Total Complaints Dismissed by Agency	7	5	7	6	3	2
Average days pending prior to dismissal	79	71	78	34	38	62
Complaints Withdrawn by Complainants						
Total Complaints Withdrawn by Complainants	1	0	1	2	3	0

### No FEAR Act Data

Total Final Actions Finding Discrimination	Comparative Data										2014: 1st Quarter	
	Previous Fiscal Year Data											
	2009		2010		2011		2012		2013			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0	
Without Hearing	0	0	0	0	0	0	1	100	0	0	0	0
With Hearing	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data										2014: 1st Quarter		
	Previous Fiscal Year Data												
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	2009		2010		2011		2012		2013				
Total Number Findings													
Race	0	0	0	0	0	0	0	0	0	0	0	0	
Color	0	0	0	0	0	0	0	0	0	0	0	0	
Religion	0	0	0	0	0	0	0	0	0	0	0	0	
Reprisal	0	0	0	0	0	0	0	100	0	0	0	0	
Sex	0	0	0	0	0	0	0	0	0	0	0	0	
National Origin	0	0	0	0	0	0	0	0	0	0	0	0	
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0	
Age	0	0	0	0	0	0	0	0	0	0	0	0	
Disability	0	0	0	0	0	0	0	0	0	0	0	0	
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0	

Findings After Hearing												
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	100	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing												
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0

**No FEAR Act Data**

Findings of Discrimination Rendered by Issue	Comparative Data										2014: 1st Quarter	
	Previous Fiscal Year Data											
	2009		2010		2011		2012		2013			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings											1	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	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
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0	0	0	0	0	0
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment	0	0	0	0	0	0	0	0	0	0	0	0
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
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 (Per Se)	0	0	0	0	0	0	0	0	0	0	0	0

**No FEAR Act Data**

Findings of Discrimination Rendered by Issue	Comparative Data										2014: 1st Quarter	
	Previous Fiscal Year Data											
	2009		2010		2011		2012		2013			
	#	%	#	%	#	%	#	%	#	%	#	%
Findings After Hearing												
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	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
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0	0	0	0	0	0
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment	0	0	0	0	0	0	0	0	0	0	0	0
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
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

**No FEAR Act Data**

Findings of Discrimination Rendered by Issue	Comparative Data										2014: 1st Quarter	
	Previous Fiscal Year Data											
	2009		2010		2011		2012		2013			
	#	%	#	%	#	%	#	%	#	%	#	%
Findings Without Hearing												
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	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
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0	0	0	0	0	0
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment	0	0	0	0	0	0	0	0	0	0	0	0
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
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- Per Se	0	0	0	0	0	0	0	0	1	0	0	0



### No FEAR Act Data

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data					2014: 1st Quarter
	Previous Fiscal Year Data					
	2009	2010	2011	2012	2013	
Total complaints from previous Fiscal Years	12	18	21	14	15	17
Total Complainants	8	10	11	17	13	13
Number complaints pending						
Investigation	0	1	0	0	0	2
ROI Issued, Pending Complainant's Action	0	0	0	0	2	0
Hearing	9	14	10	8		7
Final Action	2	1	8	1	7	2
Appeal with EEOC Office of Federal Operations	1	2	3	8	9	6

Complaint Investigations	Comparative Data					2014: 1st Quarter
	Previous Fiscal Year Data					
	2009	2010	2011	2012	2013	
Pending Complaints Where Investigations Exceeds Required Time Frames	1	4	3	2	2	0

## Appendix 2 EEO Policy Statement, dated August 5, 2014



August 5, 2014

**TO:** All PBGC Staff

**FROM:** Alice C. Maroni *ACM* --  
Chief Management Officer

**SUBJECT:** Equal Employment Opportunity Policy Statement

The Pension Benefit Guaranty Corporation (PBGC) protects the retirement incomes of more than 40 million American workers in more than 26,000 private-sector defined benefit pension plans. For the PBGC to do its job well, we must continue to strive for inclusion, cooperation, and respect for the talents that a diverse workforce can bring to any successful venture.

PBGC is committed to ensuring that its employees and applicants for employment are treated equitably in an environment that is free from discrimination based on race, color, national origin, religion, sex (including pregnancy), age, disability (mental and physical), genetic information, parental status, marital status, or sexual orientation and free from reprisal for engaging in protected activities. PBGC will also not tolerate the creation of a hostile work environment and will address reported workplace harassment. Employees should immediately report allegations of harassment to PBGC's Office of Equal Employment Opportunity (OEEO), the Human Resources Department, their immediate supervisor or another management official.

All employees are responsible for exhibiting professional conduct and behavior in the workplace and cooperating in the enforcement of this policy. Individuals engaging in conduct or behavior that violates this policy may be subject to appropriate disciplinary action up to, and including, removal from Federal service.

If you believe you may have been subjected to discrimination or retaliation, you should contact PBGC's OEEO at ext. 4363 or email [eco@pbgc.gov](mailto:eco@pbgc.gov) immediately. OEEO offers a confidential and neutral early intervention process to address concerns without your having to initiate the EEO complaint process. If, however, you decide to initiate the EEO complaint process, you must do so within 45 calendar days of the incident or the date you became aware of the incident. Where an aggrieved individual elects and OEEO determines that Alternative Dispute Resolution (ADR) is appropriate, managers and/or supervisors have a duty to participate in PBGC's ADR process.

In our work processes, PBGC will create avenues for full participation to enable excellence and innovation that is realized through collaboration of diverse ideas, experiences, and perspectives. By working together to promote the principles of equal opportunity, we will ensure that all employees and applicants for employment have an opportunity to succeed and contribute to PBGC's mission of protecting America's retirement security.

### Appendix 3 Prevention of Workplace Harassment Policy Statement, dated August 5, 2014



August 5, 2014

**TO:** All PBGC Staff

**FROM:** Alice C. Maroni   
Chief Management Officer

**SUBJECT:** Prevention of Workplace Harassment Policy Statement

The Pension Benefit Guaranty Corporation (PBGC) has a policy providing for a work environment free from all forms of harassment. For example, in addition to providing the protection required by EEO laws from harassment based on race, color, religion, sex (including pregnancy, sexual harassment, and non-sexual harassment based on sex), national origin, age, disability (mental or physical), genetic information, and participation in protected EEO activity, PBGC's policy also protects against harassment based on parental status, marital status, sexual orientation, and other bases. PBGC will not tolerate the creation of a hostile work environment and will address reported workplace harassment promptly. Retaliation for reporting workplace harassment or for assisting in any inquiry concerning a report of harassment also will not be tolerated. In addition, PBGC will protect the confidentiality of employees who bring harassment claims, to the extent possible.

Actionable harassment of an employee or applicant consists of unwelcome verbal or physical conduct motivated by the individual's membership in a protected class that is sufficiently severe or pervasive to alter his or her terms and conditions of employment or that results in a tangible employment action. A hostile work environment occurs when discriminatory intimidation, ridicule or insult is sufficiently severe or pervasive to alter the conditions of employment and create an abusive working environment. The goal of the Prevention of Workplace Harassment Policy Statement is to address and eliminate harassing conduct at the earliest possible stage, regardless of whether the conduct violated the law.

All employees are responsible for exhibiting professional conduct and behavior in the workplace and cooperating in the enforcement of this policy. Individuals engaging in conduct or behavior that violates this policy may be subject to appropriate disciplinary action up to, and including, removal from Federal service. Supervisors must strive to maintain and promote a work environment free of harassment. To prevent and remedy incidents of workplace harassment, PBGC officials must be made aware of the conduct or behavior as soon as possible.

Individuals who believe they are being harassed or subjected to a hostile work environment are encouraged to tell the alleged harasser (orally or in writing) to stop, keep a record of the events, immediately report the behavior, and cooperate in any inquiry regarding allegations of

harassment. PBGC employees who believe they have been harassed or have been subjected to a hostile work environment should report the matter immediately to the Human Resources Department (HRD). Employees may also report allegations of harassment or hostile work environment to their immediate supervisor, another management official, or to PBGC's Office of Equal Employment Opportunity (OEEO). Harassment or hostile work environment allegations that are reported to HRD, OEEO, or a management official will be referred to the Harassment Investigation Committee (HIC). Additional information about the HIC is available on the Intranet at <http://intranet/eo/antiHarassment.cfm>

An employee who reports allegations of harassment or hostile work environment to the HIC, a PBGC supervisor/manager, or HRD has **not** filed an EEO complaint. An employee who wishes to file an EEO complaint must contact PBGC's EEO Office within 45 calendar days of the alleged harassing conduct or the date they became aware of the harassing conduct. Failure to do so may result in the dismissal of the EEO complaint.

**The federal sector EEO discrimination complaint process cannot be initiated by reporting harassment or hostile work environment to a supervisor or management official, HRD or by contacting the Employee Assistance Program (EAP) or union.**

This policy applies to all PBGC employees. Related questions or requests for information should be directed to HRD, Arrie Etheridge, ext. 3728 or OEEO, ext. 4363.