

MEMORANDUM

TO: Vincent Snowbarger  
Acting Director

FROM: Karen R. Esser   
Acting EEO Director

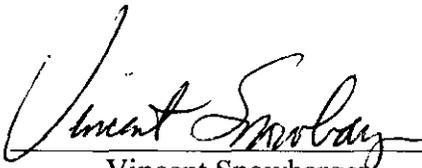
Craig Cassidy  
EEO Specialist

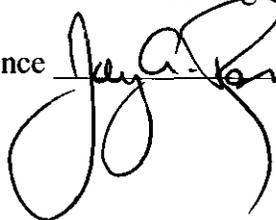
RE: PBGC No FEAR Act Report for FY 2009

Attached is PBGC's draft of the Annual Report to Congress under the under the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the "No FEAR Act").

If you have any questions or concerns, please feel free to contact me at extension 3275 or Craig Cassidy at extension 3043.

Attachment

Approved:  3/16/10  
Vincent Snowbarger Date  
Acting Director

Concurrence  (OGC)  (CPAD)



Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Washington, D.C. 20005-4026

Office of the Director

March 16, 2010

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Madam Speaker:

Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the "Act"), I am pleased to submit the Pension Benefit Guaranty Corporation's ("PBGC") Annual Report for Fiscal Year 2009.

The Report contains data and analysis of equal employment opportunity complaints filed with PBGC during the fiscal year ending September 30, 2009.

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 employees and applicants for employment.

Sincerely,

Vincent K. Snowbarger  
Acting Director

Enclosure



Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Washington, D.C. 20005-4026

Office of the Director

March 16, 2010

The Honorable Robert C. Byrd  
President Pro Tempore  
United States Senate  
Washington, D.C. 20510

Dear Mr. President:

Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the "Act"), I am pleased to submit the Pension Benefit Guaranty Corporation's ("PBGC") Annual Report for Fiscal Year 2009.

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Sincerely,

Vincent K. Snowbarger  
Acting Director

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Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Washington, D.C. 20005-4026

Office of the Director

March 16, 2010

The Honorable Joseph I. Lieberman  
Chairman  
Committee on Homeland Security and Governmental Affairs  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the "Act"), I am pleased to submit the Pension Benefit Guaranty Corporation's ("PBGC") Annual Report for Fiscal Year 2009.

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Sincerely,

Vincent K. Snowbarger  
Acting Director

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Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Washington, D.C. 20005-4026

Office of the Director

March 16, 2010

The Honorable Susan M. Collins  
Ranking Minority Member  
Committee on Homeland Security and Governmental Affairs  
United States Senate  
Washington, D.C. 20510

Dear Senator Collins:

Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the "Act"), I am pleased to submit the Pension Benefit Guaranty Corporation's ("PBGC") Annual Report for Fiscal Year 2009.

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Sincerely,

Vincent K. Snowbarger  
Acting Director

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Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Washington, D.C. 20005-4026

Office of the Director

March 16, 2010

Edolphus Towns  
Chairman  
Committee on Oversight and Government Reform  
U. S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the "Act"), I am pleased to submit the Pension Benefit Guaranty Corporation's ("PBGC") Annual Report for Fiscal Year 2009.

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Sincerely,

Vincent K. Snowbarger  
Acting Director

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Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Washington, D.C. 20005-4026

Office of the Director

March 16, 2010

The Honorable Darrell Issa  
Ranking Minority Member  
Committee on Oversight and Government Reform  
U. S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Issa:

Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the "Act"), I am pleased to submit the Pension Benefit Guaranty Corporation's ("PBGC") Annual Report for Fiscal Year 2009.

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Sincerely,

Vincent K. Snowbarger  
Acting Director

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Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Washington, D.C. 20005-4026

Office of the Director

March 16, 2010

The Honorable Tom Harkin  
Chairman  
Committee on Health, Education, Labor and Pensions  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the "Act"), I am pleased to submit the Pension Benefit Guaranty Corporation's ("PBGC") Annual Report for Fiscal Year 2009.

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Sincerely,

Vincent K. Snowbarger  
Acting Director

Enclosure



Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Washington, D.C. 20005-4026

Office of the Director

March 16, 2010

The Honorable Michael Enzi  
Ranking Minority Member  
Committee on Health, Education, Labor and Pensions  
United States Senate  
Washington, D.C. 20510

Dear Senator Enzi:

Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the "Act"), I am pleased to submit the Pension Benefit Guaranty Corporation's ("PBGC") Annual Report for Fiscal Year 2009.

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Sincerely,

Vincent K. Snowbarger  
Acting Director

Enclosure



Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Washington, D.C. 20005-4026

Office of the Director

March 16, 2010

The Honorable George Miller  
Chairman  
Committee on Education and Labor  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the "Act"), I am pleased to submit the Pension Benefit Guaranty Corporation's ("PBGC") Annual Report for Fiscal Year 2009.

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Sincerely,

Vincent K. Snowbarger  
Acting Director

Enclosure



Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Washington, D.C. 20005-4026

Office of the Director

March 16, 2010

The Honorable John Kline  
Ranking Minority Member  
Committee on Education and Labor  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Kline:

Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the "Act"), I am pleased to submit the Pension Benefit Guaranty Corporation's ("PBGC") Annual Report for Fiscal Year 2009.

The Report contains data and analysis of equal employment opportunity complaints filed with PBGC during the fiscal year ending September 30, 2009.

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Sincerely,

Vincent K. Snowbarger  
Acting Director

Enclosure



Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Washington, D.C. 20005-4026

Office of the Director

March 16, 2010

The Honorable Stuart J. Ishimaru  
Acting Chairman  
U.S. Equal Employment Opportunity Commission  
1801 L Street, NW  
Washington, D.C. 20507

Dear Mr. Acting Chairman :

Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the "Act"), I am pleased to submit the Pension Benefit Guaranty Corporation's ("PBGC") Annual Report for Fiscal Year 2009.

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Sincerely,

Vincent K. Snowbarger  
Acting Director

Enclosure



Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Washington, D.C. 20005-4026

Office of the Director

March 16, 2010

The Honorable Eric H. Holder Jr.  
The Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, D.C. 20530

Dear Attorney General Holder:

Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the "Act"), I am pleased to submit the Pension Benefit Guaranty Corporation's ("PBGC") Annual Report for Fiscal Year 2009.

The Report contains data and analysis of equal employment opportunity complaints filed with PBGC during the fiscal year ending September 30, 2009.

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 employees and applicants for employment.

Sincerely,

Vincent K. Snowbarger  
Acting Director

Enclosure

**Annual Report for Fiscal Year 2009  
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 Labor Committee  
Equal Employment Opportunity Commission  
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. 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 complaints filed with PBGC during Fiscal Year 2009.

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 921 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 2009**

As shown below in Table 1, there were a total of six federal court cases pending in Fiscal Year 2009 filed by five employees. Of these, two were dismissed. There have been no findings of discrimination in any of these cases.

**TABLE 1**

**Federal Court Cases Pending or Resolved in FY 2009 Separated by Statute**

<b>Title VII of the Civil Rights Act of 1964:</b>	<b>6</b>
<b>Age Discrimination in Employment Act of 1967:</b>	<b>1</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. In FY 2009, two cases (alleging only Title VII violations) were dismissed with prejudice. By the close of the fiscal year, four federal cases remained pending against the Agency.

As a government corporation, PBGC has corporate funds available to pay judgments and settlements. During FY 2009, PBGC did not have any settlements or judgments paid from the Judgment Fund, nor did it make any budget adjustments relating to the Judgment Fund.

**TABLE 2**

**Status of Discrimination Complaints Filed in FY 2009 by Statute**

<b>Title VII of the Civil Rights Act of 1964:</b>	<b>6</b>
<b>Pending:</b>	<b>4</b>
<b>Dismissed:</b>	<b>2</b>
<b>Settled:</b>	<b>0</b>
<b>Age Discrimination Employment Act of 1967:</b>	<b>1</b>
<b>Pending:</b>	<b>1</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>

**Notes: (1) One of the six Federal court cases pending during FY 2009 alleged violations under both Title VII and the ADEA.**

**(2) One complainant filed two federal court cases, one in FY 2003 and one in FY 2005, which were consolidated in FY 2006. In FY 2009, the consolidated cases were dismissed by the district court, and the dismissal was affirmed by the circuit court of appeals. These cases are reported separately, in accordance with informal guidance received from OPM.**

**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 2009**

**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 in Administrative Cases**

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

**D. Final Year-End No FEAR Act Data for FY 2009**

Attached as Appendix 1 is the PBGC's final year-end No FEAR Act Data for FY 2009.

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

PBGC is committed to maintaining a workplace that promotes productivity and professionalism and an environment that protects the dignity of all of its workers. PBGC has issued policy statements, which periodically are sent to all of its employees and contractors. The statements provide that any harassment of PBGC employees, sexual or non-sexual, is expressly prohibited and will not be tolerated. Further, they state that employees who engage in discriminatory or harassing behavior will be subject to appropriate corrective action, up to and including dismissal from service, if allegations are substantiated. See Reaffirmation of EEO and Diversity Policy Statements, dated April 23, 2009 and January 20, 2010 (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 for 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.

**F. Data Analysis**

During FY 2009, 15 PBGC employees filed 21 formal complaints of discrimination. This represents a 12% decrease in formal complaints, compared to the 24 formal complaints filed by 20 employees in FY 2008. This also reflects a 25% decrease in the number of people filing complaints. The number of repeat filers in FY 2009 decreased from four to three. These repeat filers accounted for 43% of the overall complaints in FY 2009.

An analysis of the FY 2009 complaint data reveals that the leading issue for formal complaints was harassment (non-sexual). This issue was by far the most prominent, being raised in 11 cases. This represents a 57% increase from FY 2008. No other issue was named more than four times in formal cases for the year.

Terms and Conditions of employment was the next most prominent issue in FY 2009, being raised in four cases. However, this still represents a decrease of 43% from the seven complaints raised in FY 2008. Promotion/non-selection decreased from seven cases in FY 2008 to only one being registered in FY 2009, or an 86% decrease. Several issues that were not raised in the previous year were named in FY 2009. Awards, Disciplinary Action (Suspension), Time and Attendance, and Training were each named in one case during FY 2009. Termination was named in two cases after not being named as an issue in FY 2008.

Further analysis of FY 2009 complaint data reveals that the three leading bases of formal complaints were: race, reprisal, and sex. Race and reprisal were also the two leading bases from FY 2008. Of the leading bases in FY 2009, 15 complaints raised reprisal as a basis, 14 complaints raised race as a basis, and eight complaints raised sex as a basis. This represents a

15% increase of cases based on reprisal as compared to the 13 reprisal-based complaints in FY 2008. For race, the number of nine in 2008 increased significantly in 2009 to 14, representing a 55% increase. The number of sex-based complaints increased from six in FY 2008 to eight in FY 2009, for a change of 33%. PBGC showed significant decrease in only one category, disability, which decreased from seven cases in FY 2008, to four in the current fiscal year.

The agency actively attempts to resolve matters through administrative and judicial settlements and the use of Alternative Dispute Resolution (ADR). While further efforts are still needed, PBGC was able to settle 19% of its formal cases in FY 2009. This is a significant increase from the 8% of formal cases settled in the previous fiscal year. Over the past 20 years, no formal complaints have resulted in a final finding of discrimination against PBGC.

### **1. Trends**

The number of complaints increased from FY 2004 to FY 2008 with the exception of 2007, when there was a slight decrease. Since FY 2005, no fewer than 15 claims have been raised each year. The total number of complaints in FY 2009, though a decrease from the FY 2008 number, was higher than the number raised each year from FY 2004 – 2007. In the last two fiscal years, the Agency registered 24 and 21 complaints respectively. In FY 2009, there were three repeat filers, a decrease from four repeat filers the previous year.

Race complaints fluctuated between FY 2004 and FY 2009. During this period, they ranged from a low of six in FY 2004 to a high of 17 in FY 2006, decreasing again in FY 2007 and FY 2008, to seven and nine complaints respectively. This same type of fluctuation is present with the other bases during the same time period. For instance, when looking at national origin complaints from FY 2004 to FY 2009, the data shows years such as FY 2006, where five national origin cases were raised and years such as 2007 and 2009, where no such cases were raised. Reprisal showed an alternating pattern between FY 2004 and FY 2007, rising one year and decreasing the next; however, it has shown two consecutive years of increase in FY 2008 and FY 2009.

Harassment (non-sexual) was the leading issue in complaints in FY 2009. No other issue reached double digits in being claimed. Several issues saw significant decreases from their previous totals. Promotion/non-selection was claimed seven times in FY 2008, but only once in FY 2009. Terms and Conditions of employment, one of the three leading issues in FY 2008, decreased from seven claims to four in FY 2009. Reasonable Accommodation claims saw a slight increase from two in FY 2008 to three in FY 2009, the highest total so far in that category. Evaluation and Appraisal has stayed steady since FY 2007, with three claims every year including FY 2009.

The Agency is improving its processing times at the investigative and final stages. Since FY 2006, the average number of days in the investigation stage has decreased despite the increase in the number of formal complaints filed with PBGC. For example, in FY 2007, there were 15 formal complaints and the average number of days in the investigation stage was 189 days. In FY 2009, the number of complaints rose to 21, with the average number of days falling

to 129. Thus, the number of complaints has risen 40% since FY 2007 as the time in investigation has fallen. Final action processing time also decreased between FY 2007 and FY 2009. This decrease is attributed to having an Attorney-Advisor on the EEO staff since FY 2008, and eliminating the complaints back log from previous years. By the end of FY 2009, there were no complaints pending in the investigation stage from prior fiscal years for the first time in five years.

## **2. Causal Analysis**

The increase in overall complaint activity since 2004 is likely due to numerous conditions which will require additional analysis. Because of the relatively small number of complaints and the fluctuations from year-to-year, it is difficult to assess causation. While, at present, no prevalent factors have been identified as driving forces behind the agency's complaint activity, significant strides were made in FY 2009 to enhance PBGC's ability to analyze complaint data.

The EEO Office is renewing its efforts to identify personnel practices that may require further examination. We anticipate that as work processes, policies, procedures, and complaint data are reviewed and analyzed, barriers will be identified and action plans will be developed. We also hope to pinpoint problem areas and departments where diversity training efforts can be focused and most useful to prevent and alleviate concerns among employees.

## **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. PBGC promotes and advocates ADR as an option at all stages of the EEO process. PBGC promotes ADR more aggressively than in the past and has provided additional training to managers and employees about the benefits of ADR as a viable and effective tool to resolve disputes. In addition, the collateral counselor cadre was instructed in explaining the benefits of using ADR to complainants.

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

PBGC continues to work to improve its EEO Program. In FY 2009, EEO and Human Resources Department staff received trend and barrier analysis training by the Equal Employment Opportunity Commission. EEO staff also received training from the National Business Center's Federal Personnel Payroll System/Datamart and, as a result, can now directly access data reports to assist in barrier analysis. EEO Staff met with Human Resources Department staff during the fiscal year to discuss integrating the model EEO program essential elements into the Human Capital Plan. In December 2009, a new agency performance management program was implemented, which included enhancements to measure and evaluate commitment to agency EEO policies and principles.

In addition, reasonable accommodation training was incorporated into New Employee Orientation and added to the supervisory EEO training course. The Human Resources Department conducted three disability awareness training sessions during FY 2009. Updates and enhancements were made to the EEO intranet page and EEO Law posters were ordered and posted prominently around the agency. The EEO Office continued to conduct quarterly technical briefings for EEO counselors as well as training for new employees and managers. These training sessions included information on the Genetic Information Nondiscrimination Act of 2008.

To improve timeliness of complaint processing, PBGC closely monitored metrics in the Statement of Work for EEO investigative services, and when necessary, financial penalties were imposed on contractors for not meeting deadlines. The EEO Office also significantly improved manual processes for tracking formal complaints and eliminated the multi-year complaints backlog for the first time in five years. The following actions are planned in FY 2010:

- continue IT process to procure a computerized case tracking system,
- select a Disability Employment Program Manager, Hispanic Employment Program Manager, and a Federal Women's Program Manager.
- incorporate EEO review, input, and recommendations in the agency's ongoing strategic Human Capital plans,
- conduct EEO workshops/briefings for managers on emerging EEO issues,
- establish new time tables for the review of PBGC policies and procedures in conjunction with the creation of a MD-715 and Trend and Barrier analysis team,
- conduct thorough trends analysis to determine potential barriers and establish plans to eliminate and overcome determined barriers,
- review results of EEOC Technical Audit and begin to implement recommendations,
- continue to expand participation in the EEO Alternative Dispute Resolution program,
- review options for providing EEO training to employees and managers,
- continue exchange of ideas and benchmarking with other small agencies on EEO issues.

**G. No FEAR Act Training Plan**

All new employees are informed of the No FEAR Act training requirement on their first day at PBGC and are required to complete their initial No Fear Act training within sixty days of their arrival at PBGC. No Fear training was provided to all employees in FY 2007-2008. During FY 2009, a new No Fear training course was purchased; however, modifications were needed to add a tracking feature, which was accomplished in early FY 2010. Additional enhancements are required to make the course 508 compliant. We anticipate the training will be offered to all employees in 2010.

**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**

Complaint Activity	Comparative Data					FY 2009
	Previous Fiscal Year Data					
	2004	2005	2006	2007	2008	
Number of Complaints Filed	11	15	19	15	24	21
Number of Complainants	6	13	13	14	20	15
Repeat Filers	4	2	3	2	4	3

Complaints by Basis	Comparative Data					FY 2009
	Previous Fiscal Year Data					
	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	6	10	17	7	9	14
Color	2	5	7	0	3	2
Religion	1	1	4	0	2	0
Reprisal	11	8	14	8	13	15
Sex	7	10	15	5	6	8
National Origin	2	1	5	0	2	0
Equal Pay Act	0	0	1	0	0	0
Age	0	8	7	3	2	5
Disability	0	3	3	7	7	4
Non-EEO	0	0	0	0	0	0

**No FEAR Act Data**

Complaints by Issue	Comparative Data					FY 2009
	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>	2004	2005	2006	2007	2008	
Appointment/Hire	0	1	1	0	1	0
Assignment of Duties	4	3	0	0	3	2
Awards	0	1	0	0	0	1
Conversion to Full-time	0	1	0	0	0	0
<b>Disciplinary Action</b>						
Demotion	0	0	0	0	0	0
Reprimand	0	0	1	0	0	0
Removal	0	0	0	1	0	0
Suspension	0	1	0	2	0	1
Other	2	1	0	0	0	0
Duty Hours	0	0	0	0	0	0
Evaluation Appraisal	2	1	7	3	3	3
Examination/Test	0	0	0	0	0	0
<b>Harassment</b>						
Non-Sexual	5	1	12	2	7	11
Sexual	0	1	0	0	2	0
Medical Examination	0	1	0	0	0	0
Pay (Including Overtime)	0	1	1	0	0	0
Promotion/Non-Selection	3	6	11	0	7	1
<b>Reassignment</b>						
Denied	0	0	0	1	0	0
Directed	0	1	0	0	0	0
Reasonable Accommodation	0	1	0	1	2	3
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	0	2	1	0	2
Terms/Conditions of Employment	0	0	4	1	7	4
Time and Attendance	0	0	1	0	0	1
Training	0	0	0	0	0	1
Other	0	4	6	4	0	0

**No FEAR Act Data**

Processing Time	Comparative Data					FY 2009
	Previous Fiscal Year Data					
	2004	2005	2006	2007	2008	
Complaints pending during fiscal year						
Average number of days in investigation stage	241	354	441	189	152	129
Average number of days in final action stage	88	132	77	376	233	24
Complaint pending during fiscal year where hearing was requested						
Average number of days in investigation stage	199	360	515	473	208	200
Average number of days in final action stage	45	98	0	168	16	0
Complaint pending during fiscal year where hearing was not requested						
Average number of days in investigation stage	274	244	383	336	144	232
Average number of days in final action stage	94	146	77	584	403	24

Data for fiscal years 2002-2005 has not been revised to reflect Final EEOC Rules effective 8/2/2006

Complaints Dismissed by Agency	Comparative Data					FY 2009
	Previous Fiscal Year Data					
	2004	2005	2006	2007	2008	
Total Complaints Dismissed by Agency	6	2	10	1	1	7
Average days pending prior to dismissal	91	81	183	192	70	79
<b>Complaints Withdrawn by Complainants</b>						
Total Complaints Withdrawn by Complainants	-	-	-	1	2	1

**No FEAR Act Data**

<b>Total Final Actions Finding Discrimination</b>	<b>Comparative Data</b>										<b>FY 2009</b>	
	<b>Previous Fiscal Year Data</b>											
	<b>2004</b>		<b>2005</b>		<b>2006</b>		<b>2007</b>		<b>2008</b>		<b>#</b>	<b>%</b>
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>		
Total Number Findings	0		0		0		0		0		0	
Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
With Hearing	0	0	0	0	0	0	0	0	0	0	0	0

<b>Findings of Discrimination Rendered</b>	<b>Comparative Data</b>										<b>FY 2009</b>	
	<b>Previous Fiscal Year Data</b>											
	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>							
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>												
<b>Total Number Findings</b>												
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
<b>Findings After Hearing</b>												
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
<b>Findings Without Hearing</b>												
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										FY 2009	
	Previous Fiscal Year Data											
	2004		2005		2006		2007		2008		#	%
	#	%	#	%	#	%	#	%	#	%		
<b>Total Number Findings</b>												
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	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										FY 2009	
	Previous Fiscal Year Data											
	2004		2005		2006		2007		2008		#	%
	#	%	#	%	#	%	#	%	#	%		
<b>Findings After Hearing</b>												
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										FY 2009	
	Previous Fiscal Year Data											
	2004		2005		2006		2007		2008		#	%
	#	%	#	%	#	%	#	%	#	%	#	%
<b>Findings Without Hearing</b>												
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	0	0	0	0	0	0	0	0	0	0	0	0

**No FEAR Act Data**

<b>Pending Complaints Filed in Previous Fiscal Years by Status</b>	<b>Comparative Data</b>					<b>FY 2009</b>
	<b>Previous Fiscal Year Data</b>					
	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	
Total complaints from previous Fiscal Years	22	16	22	1	18	12
Total Complainants	16	19	15	16	13	8
<b>Number complaints pending</b>						
Investigation	13	17	1	0	1	0
Hearing	6	3	5	0	12	9
Final Action	2	3	6	0	3	2
Appeal with EEOC Office of Federal Operations	3	0	2	0	2	1

Data for fiscal years 2002-2005 has not been revised to reflect Final EEOC Rules effective 8/2/2006

<b>Complaint Investigations</b>	<b>Comparative Data</b>					<b>FY 2009</b>
	<b>Previous Fiscal Year Data</b>					
	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	
Pending Complaints Where Investigations Exceeds Required Time Frames	12	28	22	10	2	0



Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Washington, D.C. 20005-4026

TO: ALL PBGC

FROM: Vincent K. Snowbarger  
Acting Director

APR 23 2003

RE: Reaffirmation of Equal Employment Opportunity  
and Diversity Policy Statement

I want to reaffirm PBGC's commitment to equal employment opportunity and diversity and restate PBGC's zero tolerance policy for any form of discrimination. It is PBGC's policy to provide every individual with equal opportunity in all of its employment programs including, but not limited to recruitment/hiring, merit promotion, transfer, reassignments, training and career development, benefits, and separation. I know I can count on each of you to uphold this policy and foster a work environment that is inclusive and supportive of diversity.

Discrimination or harassment based on race, color, sex, religion, national origin, age, mental or physical disability, protected genetic information, sexual orientation, or parental status is prohibited and will not be tolerated. Retaliation based on participation in the EEO process or opposition to discriminatory practices is also prohibited and will not be tolerated. PBGC supports the rights of all employees to engage in protected EEO activity and remains firmly committed to promoting the principles of equity and diversity as it pursues its mission of protecting America's retirement security.

If you believe you have been subjected to discrimination, harassment, or retaliation, you should contact PBGC's Office of Equal Employment Opportunity and Diversity (Ext. 4363) within **45 calendar days** of the incident or the date you became aware of the incident. Employees may also report allegations of discrimination to their immediate supervisor, another management official, or to the Human Resources Department. Please note, however, that in order to pursue an EEO complaint under Part 1614 of the Equal Employment Opportunity Commission's regulations, employees must report allegations to PBGC's EEO Office within the 45-day time frame. Failure to do so may require the agency to dismiss the complaint.

If you have any questions regarding this policy, please contact the EEO Office at Extension 4363.



Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Washington, D.C. 20005-402

TO: ALL PBGC

January 20, 2010

FROM: Vincent K. Snowbarger  
Acting Director

RE: Reaffirmation of Equal Employment Opportunity  
and Diversity Policy Statement

I want to reaffirm PBGC's commitment to equal employment opportunity and diversity and restate PBGC's zero tolerance policy for any form of discrimination. It is PBGC's policy to provide every individual with equal opportunity in all of its employment programs including, but not limited to recruitment/hiring, merit promotion, transfer, reassignments, training and career development, benefits, and separation. I am counting on each of you to uphold this policy and foster an inclusive work environment that is supportive of diversity.

Discrimination or harassment based on race, color, sex, religion, national origin, age, mental or physical disability, protected genetic information, sexual orientation, or parental status is prohibited and will not be tolerated. Retaliation based on participation in the EEO process or opposition to discriminatory practices is also prohibited and will not be tolerated. PBGC supports the rights of all employees to engage in protected EEO activity and remains firmly committed to promoting the principles of equity and diversity as it pursues its mission of protecting America's retirement security.

If you believe you have been subjected to discrimination, harassment, or retaliation, you should contact PBGC's Office of Equal Employment Opportunity and Diversity (Ext. 4363) within **45 calendar days** of the incident or the date you became aware of the incident. Employees may also report allegations of discrimination to their immediate supervisor, another management official, or to the Human Resources Department. Please note, however, that in order to pursue an EEO complaint under Part 1614 of the EEOC's regulations, employees must report allegations to PBGC's EEO Office within the 45-day time frame. Failure to do so may require the agency to dismiss the complaint.

If you have any questions regarding this policy, please contact the EEO Office at 202-326-4000 extension 4363 or via email at [ceo@pbgc.gov](mailto:ceo@pbgc.gov).

Attachment: January 2008 EEO Policy Statement

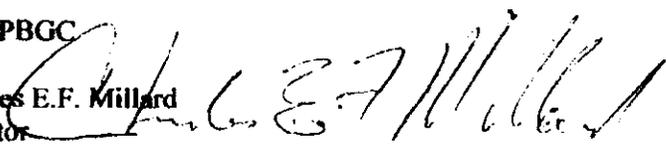


Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Washington, D.C. 20005-4026

Office of the Director

January 24, 2008

TO: ALL PBGC

FROM: Charles E.F. Millard  
Director 

RE: Equal Employment Opportunity and Diversity Policy

As PBGC's Director, I want to affirm my personal commitment to equal employment opportunity and diversity and restate PBGC's zero tolerance policy for any form of discrimination. It is integral to the overall mission of PBGC to provide an environment where all employees compete on a fair and level playing field. It is PBGC's policy to provide every individual with equal opportunity in all of its employment programs including, but not limited to recruitment/hiring, merit promotion, transfer, reassignments, training and career development, benefits, and separation. I am asking each of you to join me in making a personal commitment to uphold this policy and foster a supportive work environment that allows each individual to achieve his or her full potential.

Discrimination or harassment based on race, color, sex, religion, national origin, age, mental or physical disability, protected genetic information, sexual orientation, or parental status is prohibited and will not be tolerated. Harassment is verbal or physical conduct that creates an intimidating, hostile, or offensive work environment or unreasonably interferes with an individual's work performance. Harassing conduct includes, but is not limited to, slurs, negative stereotyping, threatening, intimidating, or hostile acts, or written or graphic material that denigrates or shows hostility or aversion towards an individual or group in a discriminatory way. Harassment allegations will be immediately investigated, and where substantiated, appropriate action will be taken.

Retaliation based on participation in the EEO process or opposition to discriminatory practices is also prohibited and will not be tolerated. PBGC supports the rights of all employees to engage in protected EEO activity and is committed to protecting employees from reprisal for participating in such activity.

If you believe you have been subjected to discrimination, harassment, or retaliation, you should contact PBGC's Office of Equal Employment Opportunity and Diversity (Ext. 4363) within **45 calendar days** of the incident or the date you became aware of the incident. Employees may also report allegations of discrimination to their immediate supervisor, another management official, or to the Human Resources Department. Please note, however, that in order to pursue an EEO complaint under Part 1614 of the EEOC's

**regulations, employees must report allegations to PBGC's EEO Office within the 45-day time frame. Failure to do so may require the agency to dismiss the complaint.**

**PBGC is firmly committed to promoting the principles of equity and diversity in the workplace. Each of us bears the responsibility to implement these principles on a daily basis. By doing so, together we will ensure an inclusive and productive workplace, where all employees have an opportunity to succeed and contribute to PBGC's mission of protecting America's retirement security.**

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