

**Annual Report for Fiscal Year 2022  
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 Accountability**  
**Senate Committee on Finance**  
**House Committee on Ways and Means**  
**Senate Committee on Health, Education, Labor and Pensions**  
**House Committee on Education and the Workforce**  
**Equal Employment Opportunity Commission**  
**Office of Personnel Management**  
**Attorney General of the United States**

**Report Submitted by:**

**Pension Benefit Guaranty Corporation**

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**A. Introduction**

This report is prepared by the Pension Benefit Guaranty Corporation (PBGC) 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 Accountability; the Senate Committee on Finance; the House Committee on Ways and Means; the Senate Committee on Health, Education, Labor and Pensions; the House Committee on Education and the Workforce; the U.S. Equal Employment Opportunity Commission; Office of Personnel Management, and the Attorney General of the United States.

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) complaint activity at PBGC, including federal court cases, and resulting disciplinary actions during Fiscal Year (FY) 2022.

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 to its total workforce of **964** employees (918 Permanent, 46 Temporary), 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 2022**

**Table 1** shows federal court cases pending by statute. There were two federal court cases pending at the end of FY 2022, with one case involving two statutes.

**TABLE 1**

**Federal Court Cases Pending in FY 2022, Separated by Statute**

<b>Statute</b>	<b>Cases</b>
Title VII of the Civil Rights Act of 1964	2
Age Discrimination in Employment Act of 1967	1
Rehabilitation Act of 1973	0
Whistleblower Protection Act	0
Equal Pay Act of 1963	0

One case settled in FY 2022.

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

**Table 2** shows the status and disposition of federal court cases by statute. The table shows two cases, one involving two statutes.

As a government corporation, PBGC has corporate funds available to pay judgments and settlements. During FY 2022, PBGC settled one case and paid one hundred twenty-five thousand dollars (\$125,000) to reimburse the Bureau of the Fiscal Service’s Judgment Fund.

**TABLE 2**

**Status of Federal Court Cases in FY 2022, by Statute**

<b>Statue</b>	<b>Cases</b>
<b>Title VII of the Civil Rights Act of 1964</b>	<b>2</b>
Pending	1
Dismissed	0
Settled	1
<b>Age Discrimination Employment Act</b>	<b>1</b>
Pending	1
Dismissed	0
Settled	0
<b>Rehabilitation Act of 1973</b>	<b>0</b>
Pending	0
Dismissed	0
Settled	0
<b>Whistleblower Protection Act</b>	<b>0</b>
Pending	0
Dismissed	0
Settled	0
<b>Equal Pay Act of 1963</b>	<b>0</b>
Pending	0
Dismissed	0
Settled	0

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

Table 3 shows no findings of discrimination and no 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 2022**

<b>Employees Disciplined in Connection with Federal Court Cases</b>	
Number of Findings	0
Number of Employees Disciplined	0
<b>Employees Disciplined Whether or Not in Connection with Federal Court Cases</b>	
Number of Employees Disciplined	0

**D. Final Year-End No FEAR Act Data for FY 2022**

Attached as Appendix 1 is the PBGC’s final year-end No FEAR Act Data for FY 2022.

**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 its workers. PBGC issues policy statements that periodically are sent to all its employees and contractors. These statements emphasize PBGC’s commitment to ensuring that its employees and applicants for employment are treated equitably in an environment that is free from discrimination and harassment based on race, religion, color, sex, pregnancy, sexual orientation, gender identity, parental status, marital status, national origin, age, disability, family medical history or genetic information. All employees are responsible for exhibiting professional conduct and behavior in the workplace and cooperating in the enforcement of this policy. Further, individuals engaging in conduct or behavior that violates this policy may be subjected to appropriate disciplinary action up to and including removal from Federal service. See EEO Policy Statement (Appendix 2) and Anti-Harassment Policy Statement (Appendix 3).

PBGC maintains a directive on disciplinary and adverse actions, outlining the procedures for addressing employee misconduct, including a table of suggested penalties for various infractions. The table has been in effect since 2007 and 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**

**Introduction**

This section provides data and trend analysis on the commonly cited bases and issues in formal EEO complaints filed during Fiscal Years 2022 and 2021. The basis of a complaint is the protected characteristic the complainant alleges to form the motivation for the discriminatory behavior. The bases protected by EEO statutes are race, color, religion, national origin, sex, disability, age, equal pay, pregnancy discrimination, genetic information, and retaliation/reprisal (for participating in the EEO complaint process or for opposing practices made illegal under the EEO laws).

The issue of a complaint is the specific subject matter about which an individual is alleging a discriminatory incident for which he/she is seeking redress.

**Table 4** shows that in FY 2022, 8 PBGC employees filed 9 formal complaints of discrimination in comparison to 12 formal complaints of discrimination filed the previous year by 8 employees. There was no change in the number of filers from the previous year’s total of 8 individuals; the number of repeat filers decreased by 2 in FY 2022. See also Appendix 1.

**TABLE 4**

**Number of Formal EEO Complaints and Number of Filers**

<b>Fiscal Years</b>	<b>Number of Complaints Filed</b>	<b>Number of Complainants</b>	<b>Repeat Filers</b>
2022	9	8	1
2021	12	8	3

**Table 5** shows an analysis of the five leading alleged bases cited in the formal EEO complaints filed in FY 2022 and FY 2021.

**TABLE 5**

**EEO Bases in Formal EEO Complaints at PBGC**

<b>Year</b>	<b>Race</b>	<b>Reprisal</b>	<b>Age</b>	<b>Disability</b>	<b>Sex</b>
2022	4	2	3	3	2
2021	7	7	6	4	9

In FY 2022, race was the most frequently alleged basis with 4 cases filed, a decrease from the previous year with 7 cases filed. Age and disability were the second most frequently alleged bases, with 3 cases filed under each basis, a decrease from the previous year under each basis. Reprisal and sex were the third most frequently alleged bases with 2 cases filed under each basis in FY 2022, both decreases compared to the complaints filed under the bases in FY 2021. Formal complaints filed in FY 2022 under the basis of disability decreased by 1, with 3 cases filed in FY 2022 compared to the previous year's 4 cases. Additionally, formal complaints filed in FY 2022 under other bases include color and national origin, with 2 complaints filed under each basis. No complaints were alleged under religion, pregnancy discrimination, equal pay, genetics and non-EEO during the FY 2022 reporting period.

**Table 6** shows a trend analysis of the five leading alleged issues cited in formal EEO complaints filed in FY 2022 and FY 2021.

**TABLE 6**

**Leading Issues in Formal EEO Complaint**

<b>Year</b>	<b>Harassment (Non-Sexual)</b>	<b>Promotion/ Non-Selection</b>	<b>Reasonable Accommodation</b>	<b>Terms and Conditions of Employment</b>	<b>Performance Evaluation/Appraisal</b>
<b>2022</b>	3	3	1	2	1
<b>2021</b>	1	2	2	5	2

The leading issues in FY 2022 were harassment (non-sexual) and promotion/non-selection, each with 3 complaints filed. The complaints represent an increase of 2 and 1 complaints filed, respectively, in FY 2021. The second leading issue was terms and conditions of employment with 2 complaints filed under the issue, representing a decrease of 3 complaints filed in the previous year. One complaint was filed under each of the issues of reasonable accommodation and performance evaluation/appraisal, representing a decrease in 1 of each the previous filing year.

## 1. Trends

- a. The total number of formal complaints filed in FY 2022 was 9, a decrease of 3 from the previous year.
- b. The largest trending decrease in an alleged basis over 4 years was sex. Complaints alleging sex as a basis went from 11 complaints in FY 2019 to 2 complaints in FY 2022.
- c. The most frequently claimed protected basis in FY 2022 was race, representing 4 complaints, compared to FY 2021, with 7 complaints filed under this basis. Complaints alleging race, reprisal, sex, and age have been the leading alleged bases within the past 4 fiscal years.

Complaints identifying age and disability were the second most frequently alleged protected bases, each representing 3 complaints filed in FY 2022. Reprisal decreased by 5 in FY 2022 to 2 from 7 in FY 2021. Complaints filed under the age and disability bases decreased to 3 each in FY 2022 from, respectively, 6 and 4 complaints filed the previous year. In FY 2022, complaints filed under the color and national bases remained the same with 2 complaints filed in both; non-EEO complaints decreased by 1 to no complaints. Religion, pregnancy discrimination, and genetics remained the same with no complaints filed in FY 2022 and FY 2021.

In FY 2022, there was an increase in formal complaints filed under the issues of harassment (non-sexual) and promotion/non-selection with 3 complaints filed in FY 2022 under both issues. Complaints filed on issues alleging terms and conditions of employment decreased to 2 in FY 2022 from 5 in FY 2021. Issues alleging performance evaluation/appraisal and reasonable accommodation disability decreased in FY 2022, with 1 complaint filed under each compared to 2 complaints filed under each in the previous year. Complaints filed under the issue of termination increased to 1.

- d. This section contains data on: (1) the average number of days for completion of each stage of the EEO process; (2) pending complaints at various stages of the EEO process; and (3) pending formal complaints and the 180-day investigation requirement.

FY 2022 reflected an increase in the average number of days to 150 in the formal complaint investigation stage. This is likely due to the increase in processing times for investigation because of the complexity of issues and multiple amendments filed during the FY 2021 reporting period, although the complaint activity slightly decreased in FY 2022. It is important to note that the average of 150 days in the investigative phase is below the 180-day regulatory timeframe for completing investigations.



The total average number of days in investigation increased by 14 days, from 136 days in FY 2021 to 150 days in FY 2022, an increase of 10%. In FY 2022 compared to FY 2021, the average number of days in *investigations* where a hearing *was* requested (including investigations of cases that were withdrawn) slightly decreased to 211 days, while the average number of days in investigations where a hearing *was not* requested decreased by 48 days, or 31%, to 106 days. The average number of days in a *final agency action* where a hearing *was* requested decreased by 4 days to 23 days, or 15%, while the average number of days in a final agency action where a hearing *was not* requested decreased from 41 days to zero days.

The average number of days in cases that were dismissed by the Agency decreased to 3 in FY 2022 from 8 in FY 2021. The average number of days pending prior to dismissal decreased by 16 days, or 36%, to 29 days in FY 2022 from 45 days in FY 2021. The Agency continues to meet the 180-day requirement and will assess processing times at the investigative stage.

## **2. Causal Analysis**

Formal EEO complaint activity decreased by 25% in FY 2022 to 9 from the total number of 12 formal complaints filed the preceding year. PBGC will continue as a leading Agency in its commitment to outreach, Office of Equal Employment Opportunity (OEEEO) Affirmative Employment Committees and focus groups, affinity groups, employee training, and diversity workshops.

## **3. Knowledge Gained**

PBGC will continue to educate the workforce in Equal Employment Opportunity, civil rights laws, and regulations, by providing continued trainings, workshops and marketing the availability of conflict management and Alternative Dispute Resolution (ADR). ADR is an option at all stages of the EEO process and PBGC managers and employees are educated on the benefits of ADR. The Agency and its leadership strongly promote and advocate employee outreach, employee training and zero tolerance of workplace discrimination. PBGC has also invested in providing training and seminars in leadership development, managing workforce generations, disability awareness and work-life balance.

## **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.

Agency initiatives and accomplishments in FY 2022:

- PBGC's senior leadership team, including its Director, demonstrated its commitment in moving the Agency to a model EEO program status via support of barrier analysis, EEO action plans, and annual EEO training.

- OEE0 offered Supervisory EEO training and EEO Employee training and will review and establish a schedule for ongoing EEO training courses for both current and new managers and supervisors.
- The Human Resources Department continued to offer a comprehensive leadership development training program for managers and supervisors with courses focused on diversity, inclusion, and unconscious bias, as well as a Leadership/Executive Coaching Program with International Coaching Federation (ICF) certified coaches available to employees at the SL, GS-15, GS-14, and newly added GS-13 grade levels.
- Agency senior leaders have provided continued support for barrier analysis by supporting organizational points of contact to work with OEE0 so that equal employment opportunity and diversity, equity, inclusion, and accessibility are integrated into the Agency’s strategic operations. The goal is to be proactive in the prevention of discrimination.
- OEE0 will continue to engage senior leaders, human resources staff, and hiring officials to examine ways to improve recruitment and retention and discuss process improvement to determine whether the recruitment and selection process should be refined internally.
- OEE0 sponsored a two-day managers training: Mitigating Bias in Talent Management.
- OEE0 provided several series under the Education & Enrichment Program: (i) The Real Talk series on various topics, including Neurodiversity Inclusiveness in the Workplace; LGBTQ+ Inclusiveness in The Workplace; and Allyship in the Workplace and Social Mobility, (ii) Book Club 3-Part Discussion — The Sum of Us; What Racism Costs Everyone; and How We Can Prosper Together, (iii) Affinity Chats, and (iv) facilitated discussions for all races, ethnicities, and genders.
- PBGC’s Diversity Equity Inclusion and Accessibility Council sponsored the FY 2022 Community Day titled “Viewing Diversity Through Various Lenses.”
- PBGC’s Section 508 Compliance Team continued to raise awareness by conducting multiple virtual “Acclimate to Section 508” Learning Series courses throughout the year.
- The Office of Policy and External Affairs (OPEA) continued targeted recruitment outreach for underrepresented groups to include the International Association of Black Actuaries and The Organization of Latino Actuaries. PRAD successfully hired four minority women economists and actuaries; and COLA hired a minority female with Veterans’ preference in management.
- The Office of Management and Administration (OMA) continued to enhance developmental opportunities by establishing career ladder positions that are promotable to GS-13 grade level. In FY 2022 there were 7 career ladder promotions: two Hispanic Females, two White Females, two Females, and one Two or More Races.

- The Office of Benefits Administration (OBA) introduced the Building a Better You Through Professional Development training series. The series lasted over a six-month period and offered seven courses that allowed employees to learn, reflect, improve, and practice in different areas of their growth and professional development. OBA also expanded its mentoring program and provided one-on-one coaching, mentoring, and training; as a result, sixteen (16) employees reached their full performance level (FPL).

Of the 16 OBA employees who earned career ladder promotions, there were nine males (8.33%) of 108 males in OBA's workforce, and seven females (4.54%) of 154 females in OBA's workforce. Breaking the data down further, there were six African Americans (4.55%) of 132 African Americans in OBA's workforce, which is 2.29% of OBA's total workforce of 262 employees; three Asians (25%) of 12 Asians in OBA's workforce, which is 1.14% of OBA's total workforce; four Caucasians (5.06%) of 79 Caucasians in OBA's workforce, which is 1.52% of OBA's total workforce; two Hispanics (16.6%) of 12 Hispanics in OBA's workforce, which is 0.76% of OBA's total workforce and one Not Specified (100%) of one Not Specified in OBA's workforce, which is 0.38% of OBA's total workforce. Additionally, OBA continued to work with HRD to recruit and hire one Schedule A candidate for career ladder positions.

- The Office of Negotiations and Restructuring (ONR) onboarded eleven external hires. Of the eleven hires, six were female and five were male. The newly hired employees identified as one African American employee, two Asian employees, and eight Caucasian employees.
- The Office of Information Technology (OIT) continued to work directly with HRD to create career ladder opportunities that lead to several hires whose career paths increased to higher grade levels than the previously occupied positions. Those hires include four males and six females: one White male, two Caucasian females; three African American females; three Asian males, one Asian female, one Two or More Races, and one Targeted Disability.
- The Office of the Chief Financial Officer (OCFO) continues to work with HRD to hire persons with targeted disabilities through Schedule A appointing authority. Two employees were hired under the Schedule A Program. The OCFO continued to identify career pathing opportunities to develop career ladders, allowing hiring at lower grade levels to support succession planning and building a talent pipeline. OCFO reported that currently 95% of all the organization's positions are career ladder positions starting at the lower grade levels.

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

The No FEAR Act requires mandatory bi-annual training. No FEAR training addresses the rights and remedies available under the employment discrimination and whistleblower protection laws; the history of the No FEAR Act and its requirements; identifying anti-discrimination laws, issues, protected classes, and obligations under the No FEAR Act; the history of the Whistleblower Protection Act and recognized categories of whistleblower protection; and where and how to report suspected violations

of the Whistleblower Protection Act. PBGC has an ongoing obligation to train new employees within 90 days of onboarding and to existing employees every two years under the No FEAR Act. In FY 2023, all PBGC employees will be required to complete the training.

## Equal Employment Opportunity Data Posted Pursuant to the No Fear Act Pension Benefit Guaranty Corporation (PBGC)

For the Fiscal Year ended September 30, 2022

### *Part 1 Complaint Activity Comparative Data by Fiscal Year*

<b>Part 1 Complaint Activity</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Number of Complaints Filed	16	19	14	11	12	9
Number of Complainants	15	17	13	7	8	8
Repeat Filers	1	2	1	3	3	1

### *Part 2 Complaints by Basis Comparative Data by Fiscal Year<sup>1</sup>*

<b>Part 2 Complaints by Basis</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Race	10	15	12	6	7	4
Color	5	3	5	1	2	2
Religion	1	3	1	0	0	0
Reprisal	10	11	9	6	7	2
Sex	10	13	11	6	9	2
PDA	0	0	0	0	0	0
National Origin	5	3	1	1	2	2
Equal Pay Act	1	0	1	0	2	0
Age	7	8	10	2	6	3
Disability	3	8	3	7	4	3
Genetics	1	0	0	0	0	0
Non-EEO	1	0	0	0	1	0

1. Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.

### *Part 3 Complaints by Issue Comparative Data by Fiscal Year<sup>2</sup>*

<b>Part 3 Complaints by Issue</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Appointment/Hire	2	5	0	1	0	0
Assignment of Duties	1	0	2	0	1	0
Awards	0	0	0	0	0	0
Conversion to Full Time/Perm Status	0	0	0	0	0	0

Part 3 Complaints by Issue	2017	2018	2019	2020	2021	2022
<b>Disciplinary Action</b>						
Demotion	0	0	0	0	1	0
Reprimand	0	0	0	0	0	0
Suspension	0	0	2	0	0	0
Removal	1	0	0	0	0	0
Other 1	0	0	0	0	0	0
Other 2	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Perf. Eval./ Appraisal	3	1	2	2	2	1
Examination/Test	0	0	0	0	0	0
<b>Harassment</b>						
Non-Sexual	8	2	2	3	1	3
Sexual	1	1	0	0	0	0
Medical Examination	0	0	0	0	0	0
Pay including overtime	1	0	0	2	0	0
Promotion/Non-Selection	1	2	5	1	2	3
<b>Reassignment</b>						
Denied	0	0	0	0	0	0
Directed	1	0	0	0	0	0
Reasonable Accommodation Disability	1	1	2	5	2	1
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0
Telework	1	0	0	0	0	0
Termination	1	2	1	1	0	1
Terms/Conditions of Employment	2	4	5	2	5	2
Time and Attendance	0	1	0	0	1	0
Training	0	0	0	0	0	0
<b>Other</b>						
User Defined - Other 1	0	0	0	0	0	0
User Defined - Other 2	1	3	0	0	0	0
User Defined - Other 3	0	0	0	0	0	0
User Defined - Other 4	0	0	0	0	0	0

2. Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.



<b>Part 7 Finding of Discrimination Rendered by Basis</b>	<b>2017</b>	<b>2017 %</b>	<b>2018</b>	<b>2018 %</b>	<b>2019</b>	<b>2019 %</b>	<b>2020</b>	<b>2020 %</b>	<b>2021</b>	<b>2021 %</b>	<b>2022</b>	<b>2022 %</b>
Reprisal	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	2	22.22
Sex	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	2	22.22
PDA	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
National Origin	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Equal Pay Act	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Age	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	2	22.22
Disability	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Genetics	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Non-EEO	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
<b>Findings After Hearing</b>	0		0		0		0		0		9	
Race	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	2	22.22
Color	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	11.11
Religion	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Reprisal	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	2	22.22
Sex	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	2	22.22
PDA	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
National Origin	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Equal Pay Act	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Age	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	2	22.22
Disability	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Genetics	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Non-EEO	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
<b>Finding Without Hearing</b>	0		0		0		0		0		0	
Race	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Color	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Religion	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Reprisal	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Sex	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
PDA	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
National Origin	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Equal Pay Act	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Age	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Disability	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Genetics	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Non-EEO	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00

3. Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.









<b>Part 8 Finding of Discrimination Rendered by Issue</b>	<b>2017</b>	<b>2017 %</b>	<b>2018</b>	<b>2018 %</b>	<b>2019</b>	<b>2019 %</b>	<b>2020</b>	<b>2020 %</b>	<b>2021</b>	<b>2021 %</b>	<b>2022</b>	<b>2022 %</b>
<b>Reassignment</b>												
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 Disability	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
Religious Accommodation	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
Sex-Stereotyping	0	0	0	0	0	0	0	0	0	0	0	0
Telework	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
<b>Other - User Define</b>												
User Defined - Other 1	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 2	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 3	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 4	0	0	0	0	0	0	0	0	0	0	0	0

*Part 9 Complaints Pending from Previous Fiscal Years by Status Comparative Data by Fiscal Year*

<b>Part 9 Complaints Pending from Previous Fiscal Years by Status</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Total complaints from previous Fiscal Years	55	22	5	7	9	3
Total Complainants	48	19	4	5	4	2
<b>Number complaints pending</b>						
Investigation	2	0	0	0	0	0
ROI issued, pending Complainant's action	0	0	0	0	0	0
Hearing	49	19	5	7	8	3
Final Agency Action	1	3	0	0	1	0
Appeal with EEOC Office of Federal Operations	10	10	10	1	0	8

*Part 10 Complaint Investigations Comparative Data by Fiscal Year*

<b>Part 10 Complaint Investigations</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Pending Complaints Where Investigations Exceed Required Time Frames	1	0	0	0	0	0



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

July 8, 2020

**TO:** All PBGC Staff

**FROM:** Gordon Hartogensis  
Director

**SUBJECT:** Equal Employment Opportunity Policy Statement

The Pension Benefit Guaranty Corporation (PBGC) protects the retirement incomes of nearly 37 million American workers in nearly 25,000 private-sector defined benefit pension plans. For 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, religion, color, sex, pregnancy, sexual orientation, gender identity, parental status, marital status, national origin, age, disability, family medical history, genetic information or reprisal. Employees and applicants who believe they may have experienced discrimination on any of these bases, or who believe they may have been retaliated against for exercising the right to go through the Equal Employment Opportunity (EEO) process, should contact the Office of Equal Employment Opportunity (OEEO) as discussed below.

All employees will have the freedom to compete on a fair and level playing field. Equal employment opportunity covers all personnel/employment programs, management practices, and decisions, including, but not limited to, recruitment, hiring, merit promotions, transfers, reassignments, training and career development, benefits and separations.

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 OEEO at 202-229-4363 or email [all-eeo-fed@pbgc.gov](mailto:all-eeo-fed@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.



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

**May 4, 2022**

**TO: All PBGC Staff**

**FROM: Gordon Hartogensis  
Director**

**SUBJECT: Anti-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, gender identity, sexual orientation, and non-sexual harassment based on sex), national origin, age (40 and over), disability (mental or physical), genetic information, or reprisal. PBGC's policy also protects against harassment based on parental and marital status.

Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Examples include (but are not limited to):

- making negative comments about an employee's personal religious beliefs, or trying to convert them to a certain religious ideology;
- using racist slang, phrases, or nicknames;
- making remarks about an individual's skin color or other ethnic traits;
- displaying racist drawings, or posters that might be offensive to a particular group;
- making offensive gestures;
- making offensive reference to an individual's mental or physical disability;
- sharing inappropriate images, videos, e-mails, letters, or notes of an offensive nature;
- offensively talking about negative racial, ethnic, or religious stereotypes; or
- making derogatory age-related comment.

While isolated incidents of harassment generally do not violate federal law, the goal of the Anti-Harassment Policy Statement is to address and eliminate harassing conduct at the earliest possible stage, regardless of whether it violated the law.

Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or



lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment. Such conduct may include:

- an employer or supervisor conditioning promotion, job assignments, or other tangible job benefits based on acquiescence to unwelcome sexual conduct, or penalizing an individual for refusing to participate in such conduct;
- sexist or stereotypical remarks about a person's clothing, body, appearance, or activities;
- sexually oriented jokes, stories, remarks, or discussions;
- descriptions of sexual acts;
- posting or displaying sexually graphic pictures anywhere in the workplace;
- deliberately touching, pinching, patting, or giving inappropriate looks to another person;
- pressure for dates or sexual activity;
- unwelcome telephone calls, e-mail messages, social network postings or letters of a sexual nature; or
- demands for sexual favors.

In sexual harassment, the harasser may be male or female, and the victim may be of the opposite sex or the same sex as the harasser. Even a consensual relationship between the harasser and the victim may involve sexual harassment. For example, if the victim agrees to sexual behavior out of fear of retaliation, the conduct of the other party may still constitute sexual harassment despite the victim's consent. The focus is on whether the conduct was unwelcomed, not consensual.

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.

PBGC will not tolerate the creation of a hostile work environment and will address reported workplace harassment promptly. 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. 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.

PBGC employees who believe they have been harassed or have been subjected to a hostile work environment should report the matter immediately to their immediate supervisor, another management official, PBGC's Office of Equal Employment Opportunity (OEEEO) at (202) 229-4363, [all-federal-EEO@PBGC.gov](mailto:all-federal-EEO@PBGC.gov), or PBGC's Harassment Inquiry Committee (HIC). The HIC intake points of contact are:

Paul Chalmers (OGC) – (202) 229-3555

Jaime Kunce (OGC) – (202) 229-3463

Arrie Etheridge (HRD) – (202) 229-3728

Wendy Lawrence (HRD) – (202) 229-3142

Upon receipt of a harassment allegation, the Agency will conduct a prompt, thorough, and impartial inquiry, if appropriate. The fact-finding inquiry will commence within 10 calendar days of the HIC receiving notice of a harassment allegation. The agency will take immediate and appropriate corrective action when harassment occurs, and such corrective action must be taken within 60 days of receiving notice of a harassment complaint.

Additional information about the HIC is available on SharePoint at <http://pbgcgov.sharepoint.com/EEO/Pages/AntiHarassment.aspx>

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 OEEEO Director, Brenecia Watson, (202) 229-6868.