

**Annual Report for Fiscal Year 2024
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 Committee on Finance

House Committee on Ways and Means

Senate Committee on Health, Education, Labor, and Pensions

House Committee on Education and 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 Act 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 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 Workforce; the U.S. Equal Employment Opportunity Commission; the 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) 2024.

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 employees and 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 2024

Table 1 shows federal court cases pending by statute. Three cases involved more than one statute. There were four federal court cases pending over the course of FY 2024, and one case was resolved by a judgment in favor of the Agency.

TABLE 1

Federal Court Cases Pending in FY 2024, Separated by Statute

Statute	Cases
Title VII of the Civil Rights Act of 1964	4
Age Discrimination in Employment Act of 1967	2
Rehabilitation Act of 1973	1
Whistleblower Protection Act	0
Equal Pay Act of 1963	0

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 alleged. The table shows four cases, three of which involved multiple statutes.

Note: Multiple bases can be claimed for each case of discrimination.

As a government corporation, PBGC has corporate funds available to pay judgments and settlements. During FY 2024, PBGC paid no settlements from the Bureau of the Fiscal Service's Judgment Fund, nor did it make any budget adjustments relating to the Judgment Fund.

TABLE 2

Status of Federal Court Cases in FY 2024, by Statute

Statute	Status	Cases
Title VII of the Civil Rights Act of 1964	Pending	0
	Dismissed	3
	Settled	1
Age Discrimination Employment Act of 1967	Pending	1
	Dismissed	1
	Settled	0
Rehabilitation Act of 1973	Pending	1
	Dismissed	0
	Settled	0
Whistleblower Protection Act	Pending	0
	Dismissed	0
	Settled	0
Equal Pay Act of 1963	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 2024

Employees Disciplined	Number of Findings	Number of Employees Disciplined
Employees Disciplined in Connection with Federal Court Cases	0	0
Employees Disciplined Whether or Not in Connection with Federal CourtCases		0

D. Final Year-End No FEAR Act Data for FY 2024

Attached as Appendix 1 is the PBGC's final year-end No FEAR Act Data for FY 2024.

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 equally in an environment that is free from discrimination and harassment based on race, religion, color, sex, pregnancy, 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 for cooperating in the enforcement of this policy. Further, 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. See EEO Policy Statement (Appendix 2) and Anti-Harassment Policy Statement (Appendix 3).

PBGC maintains a directive on disciplinary and adverse actions that outlines the procedures for addressing employee misconduct, and includes a table of suggested penalties for various infractions. The table has been in effect since 2007 and includes several categories that address conduct 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. The Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020

There were no findings of discrimination under The Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020.

G. Data Analysis

Introduction

This section provides data and trend analysis on the commonly cited bases and issues in formal EEO complaints filed during FYs 2024 and 2023. The basis of a complaint is the protected characteristic the complainant alleges to form the motivation for 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 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 2024, 12 PBGC employees filed 13 formal complaints of discrimination compared to 12 formal complaints filed by 9 employees the previous year. The number of repeat filers decreased by 1 in FY 2024. See also Appendix 1, Part 1.

TABLE 4

Number of Formal EEO Complaints and Number of Filers

Fiscal Years	Number of Complaints Filed	Number of Complainants	Repeat Filers
2024	13	12	1
2023	12	9	2

Table 5 shows the five leading alleged bases cited in formal EEO complaints filed in FY 2024 and FY 2023. See also Appendix 1, Part 2.

TABLE 5

EEO Bases in Formal EEO Complaints

Year	Race	Reprisal	Age	Disability	Sex
2024	8	11	8	4	9
2023	6	8	8	9	5

Table 6 shows the five leading alleged issues cited in formal EEO complaints filed in FY 2024 and FY 2023. See also Appendix 1, Part 3.

TABLE 6

Leading Issues in Formal EEO Complaints

Year	Harassment (non-sexual)	Promotion/ non-selection	Reasonable Accommodation	Other Terms and Conditions of Employment	Training
2024	7	2	4	7	3
2023	4	1	5	7	0

1. Trends

- a. The total number of formal complaints filed in FY 2024 was 13, an increase of 1 from the previous year (Table 4).
- b. The most frequently claimed protected basis in FY 2024 was reprisal, representing 11 complaints, compared to FY 2023, with 8 complaints filed under the basis (Table 5).
- c. Complaints alleging race, reprisal, age, disability, and sex have been the leading alleged bases within the past four fiscal years.
- d. Complaints alleging sex were the second most frequently alleged protected basis, representing 9 complaints filed in FY 2024, an increase from 5 in FY 2023. Complaints filed under race increased by 2 from the 6 filed in the previous year, while complaints filed under age remained the same in the previous year (Table 5). In FY 2024, there were 4 complaints filed under disability, a decrease of 5 compared to the previous year. There was an increase of 2 complaints filed under national origin and a decrease of 1 complaint filed under color and non-EEO. Pregnancy discrimination and genetics remained the same with no complaints filed in FY 2024 and FY 2023. (See Appendix 1, Part 2.)

In FY 2024, there was an increase in formal complaints filed under harassment (non-sexual) with 7 complaints filed compared to 4 complaints in the previous year. Issues alleging training increased in FY 2024, with 3 complaints filed compared to zero in FY 2023. Complaints filed alleging claims of promotion/non-selection increased by 1 in FY 2024, while complaints concerning reasonable accommodation decreased by 1 (Table 6). Issues alleging performance evaluation/appraisal increased, with 2 complaints filed compared to none in FY 2023, while harassment (sexual) remained the same with 1 complaint filed. Complaints filed alleging disciplinary action increased by 2 in FY 2024 compared to none in FY 2023. Complaints regarding medical examinations increased by 1 in FY 2024 compared to none in FY 2023, while complaints alleging pay, including overtime, decreased from 1 in FY 2023 to none in FY 2024. Complaints alleging other terms and conditions of employment remained the same as the previous year, with 7 complaints filed in both years. Complaints filed under the issues of telework, termination, and time and attendance remained the same as the previous year, with each having 1 complaint filed. (See Appendix 1, Part 3).

- e. 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 2024 reflected a slight increase to 157 in the average number of days in the Formal Complaint Investigation stage compared to 151 during FY 2023. This increase is due to the increase in formal complaints filed, the processing

times for investigation, and the complexity of issues filed during the FYs 2023 and 2024 reporting periods. It is important to note that the average of 157 days in the investigative phase is still below the 180-day regulatory timeframe for completing investigations. See Appendix 1, Part 4.

The number of cases dismissed by the Agency decreased by 2 in FY 2024, from 5 in FY 2023 to 3. The average number of days pending prior to dismissal decreased from 109 days to 26 days, or by 76% (see Appendix 1, Part 5). The decrease in days reflects improved processing review time of formal complaints to determine whether to accept or dismiss a complaint for investigation.

2. Causal Analysis

Formal EEO complaint activity increased slightly in FY 2024 to 13 compared to 12 formal complaints filed the preceding fiscal year. PBGC has not determined a specific cause for the slight increase. The Agency will continue to look for potential reasons of causation.

3. Knowledge Gained

PBGC will continue to educate the workforce in EEO, civil rights laws, and regulations by providing continued training, workshops, and marketing the availability of conflict management and the Alternative Dispute Resolution (ADR) Program. 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 different generations in the workforce, disability awareness, and work-life balance.

4. Actions Planned to Improve PBGC's EEO Program

PBGC senior leaders, managers, and supervisors will continue to hold themselves accountable for achieving the EEO elements and standards via their performance plans.

5. Agency Accomplishments and Initiatives in FY 2024

- Briefed Agency leadership on the results of the annual MD-715 report, which is a mandatory report submitted to the EEOC that assesses PBGC's status as a Model EEO Program as determined by the EEOC's six elements.
- Organized and facilitated multiple events, including "Enhancing Collaboration with Deaf, Hard of Hearing, and Oralist Colleagues: Turn on Your Camera When Speaking" and the "Virtual Communication" workshop, in collaboration with PBGC's chapter of Toastmasters International. These sessions helped reinforce awareness of in-person and virtual communication.
- Led a series of Education & Enrichment programs and training events,

including "Self-Awareness and Emotional Intelligence," "Resiliency & Energy," "Empathy Scorecard," and "Creating a Culture of Innovation," promoting professional and personal growth. Other trainings included "Basics of American Sign Language," "EEO for Supervisors and Staff," and "Mastering the Mind: Strategies to Overcome Imposter Syndrome," to support professional skill building and personal development.

- Collaborated with PBGC's Human Resources Department to present the "Representation Matters" workshop and deliver multiple workshops to be available to the entire workforce, highlighting the importance of self-identification as it relates to workforce demographics.
- Facilitated organizational training sessions, covering "ABCs of EEO," "Integration of EEO into Your Department," and "Empowering Your Team," reinforcing EEO principles within organizational practices.
- Organized the "60th Anniversary of the Passage of the Civil Rights Act of 1964" commemoration event to engage employees in important historical discussions.
- Collaborated with OGC and HRD to provide supervisors/managers with EEO, Harassment, and Reasonable Accommodation training.

H. No FEAR Act Training Plan

The No FEAR Act requires mandatory bi-annual training. The No FEAR Act training addresses PBGC's ongoing obligation to provide training for new employees within 90 days of onboarding and to existing employees every two years. The 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. No FEAR Act training will be offered to all PBGC employees in FY 2025.

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

For 4th Quarter 2024 for period ending September 30, 2024

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Part 1 Complaint Activity

Complaint Activity	2019	2020	2021	2022	2023	2024 thru 09-30
Number of Complaints Filed	14	11	12	9	12	13
Number of Complainants	13	7	8	8	9	12
Repeat Filers	1	3	3	1	2	1

Part 2 Complaints by Basis

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

Complaints by Basis	2019	2020	2021	2022	2023	2024 thru 09-30
Race	12	6	7	4	6	8
Color	5	1	2	2	4	3
Religion	1	0	0	0	2	0
Reprisal	9	6	7	2	8	11
Sex	11	6	9	2	5	9

Complaints by Basis	2019	2020	2021	2022	2023	2024 thru 09-30
PDA	0	0	0	0	0	0
National Origin	1	1	2	2	1	3
Equal Pay Act	1	0	2	0	0	0
Age	10	2	6	3	8	8
Disability	3	7	4	3	9	4
Genetics	0	0	0	0	0	0
Non-EEO	0	0	1	0	4	3

Part 3 Complaints by Issue

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

Starting in FY2022, issues marked with:

* are reported under Other Terms / Conditions of Employment.

** are reported under Other Disciplinary Actions.

The reporting of Reassignment Claims has been changed from two separate Denied and Directed rows to one combined row: the first row now accommodates both "Reassignment: Denied/Directed" and the second row has been deprecated for the current FY starting in FY2023.

Complaints By Issue	2019	2020	2021	2022	2023	2024 thru 09-30
Appointment/Hire	0	1	0	0	0	0
Assignment of Duties*	2	0	1	0	0	0
Awards	0	0	0	0	0	0
Conversion to Full Time/Perm Status*	0	0	0	0	0	0
Disciplinary Action: Demotion	0	0	1	0	0	0
Disciplinary Action: Reprimand**	0	0	0	0	0	0
Disciplinary Action: Suspension	2	0	0	0	0	0
Disciplinary Action: Removal	0	0	0	0	0	1
Disciplinary Action: Other Disciplinary Actions**	0	0	0	0	0	1
Disciplinary Action: Other 2**	0	0	0	0	0	0
Duty Hours*	0	0	0	0	0	0
Performance Evaluation/ Appraisal	2	2	2	1	0	2
Examination/Test	0	0	0	0	0	0
Harassment: Non-Sexual	2	3	1	3	4	7
Harassment: Sexual	0	0	0	0	1	1
Medical Examination	0	0	0	0	0	1
Pay including overtime	0	2	0	0	1	0
Promotion/Non-selection	5	1	2	3	1	2

Complaints By Issue	2019	2020	2021	2022	2023	2024 thru 09-30
Reassignment: Denied/Directed	0	0	0	0	0	0
Reassignment: Directed	0	0	0	0	0	0
Reasonable Accommodation Disability	2	5	2	1	5	4
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	0	0	0	0	1	1
Termination	1	1	0	1	1	1
Terms/Conditions of Employment*	5	2	5	0	0	0
Time and Attendance	0	0	1	0	1	1
Training	0	0	0	0	0	3
Other Terms/Conditions of Employment*	0	0	0	2	7	7
User Defined - Other 1*	0	0	0	0	0	0
User Defined - Other 2*	0	0	0	0	0	0
User Defined - Other 3*	0	0	0	0	0	0
User Defined - Other 4*	0	0	0	0	0	0

Part 4 Processing Time

Complaints pending during fiscal year

Processing Time	2019	2020	2021	2022	2023	2024 thru 09-30
Average number of days in investigation	171.29	124.0	136.0	150.0	151.38	157.64
Average number of days in final action	23.14	68.75	34.0	22.86	37.33	33.2

Complaints pending during fiscal year where hearing was requested

Processing Time	2019	2020	2021	2022	2023	2024 thru 09-30
Average number of days in investigation	181.2	127.4	213.1	211.48	176.50	148.25
Average number of days in final action	15.0	81.33	27.0	22.86	41.00	27.25

Complaints pending during fiscal year where hearing was not requested

Processing Time	2019	2020	2021	2022	2023	2024 thru 09-30
Average number of days in investigation	146.5	130.0	154.0	106.0	160.75	214.5
Average number of days in final action	50.8	31.0	41.0	0.0	35.50	57.0

Part 5 Complaints Dismissed by Agency

	2019	2020	2021	2022	2023	2024 thru 09-30
Complaints Dismissed by Agency	3	3	8	3	5	3
Average days pending prior to dismissal	21	28	44.67	29.4	109.80	26.33

Complaints Withdrawn by Complainants

	2019	2020	2021	2022	2023	2024 thru 09-30
Total Complaints Withdrawn by Complainants	5	0	1	0	4	0

Part 6 Total Final Agency Actions Finding Discrimination

Total Final Agency Actions Finding Discrimination	2019		2020		2021		2022		2023		2024 thru 09-30	
	#	%	#	%	#	%	#	%	#	%	#	%
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

Part 7 Finding of Discrimination Rendered by Basis

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

Finding of Discrimination Rendered by Basis	2019		2020		2021		2022		2023		2024 thru 09-30	
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		9		0		0	
Race	0	0.00	0	0.00	0	0.00	2	22.22	0	0.00	0	0.00
Color	0	0.00	0	0.00	0	0.00	1	11.11	0	0.00	0	0.00

Finding of Discrimination Rendered by Basis	2019		2020		2021		2022		2023		2024 thru 09-30	
	#	%	#	%	#	%	#	%	#	%	#	%
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	2	22.22	0	0.00	0	0.00
Sex	0	0.00	0	0.00	0	0.00	2	22.22	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	2	22.22	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

Findings After Hearings

Basis	2019		2020		2021		2022		2023		2024 thru 09-30	
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		9		0		0	
Race	0	0.00	0	0.00	0	0.00	2	22.22	0	0.00	0	0.00
Color	0	0.00	0	0.00	0	0.00	1	11.11	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	2	22.22	0	0.00	0	0.00
Sex	0	0.00	0	0.00	0	0.00	2	22.22	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	2	22.22	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

Basis	2019		2020		2021		2022		2023		2024 thru 09-30	
	#	%	#	%	#	%	#	%	#	%	#	%
Non-EEO	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00

Finding Without Hearing

Basis	2019		2020		2021		2022		2023		2024 thru 09-30	
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	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

Basis	2019		2020		2021		2022		2023		2024 thru 09-30	
	#	%	#	%	#	%	#	%	#	%	#	%
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

Part 8 Finding of Discrimination Rendered by Issue

Starting in FY2022, issues marked with:

* are reported under Other Terms / Conditions of Employment.

** are reported under Other Disciplinary Actions.

The reporting of Reassignment Claims has been changed from two separate Denied and Directed rows to one combined row: the first row now accommodates both "Reassignment: Denied/Directed" and the second row has been deprecated for the current FY starting in FY2023.

[illegible]

[illegible]

[illegible]

[illegible]

Findings Without Hearing

[illegible]

[illegible]

[illegible]

Part 9 Complaints Pending from Previous Fiscal Years by Status

Complaints Pending from Previous Fiscal Years by Status	2019	2020	2021	2022	2023	2024 thru 09-30
Total complaints from previous Fiscal Years	5	7	9	3	1	2
Total Complainants	4	5	4	2	1	2
Investigation	0	0	0	0	0	0
ROI issued, pending Complainant's action	0	0	0	0	0	0
Hearing	5	7	8	3	1	1
Final Agency Action	0	0	1	0	0	1
Appeal with EEOC Office of Federal Operations	10	1	0	8	5	1

Part 10 Complaint Investigations

Complaint Investigations	2019	2020	2021	2022	2023	2024 thru 09-30
Pending Complaints Where Investigations Exceed Required Time Frames	0	0	0	0	0	0



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September 23 2024

TO: All PBGC Staff

FROM: Ann Y. Orr
Acting Director

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SUBJECT: Equal Employment Opportunity Policy Statement

The Pension Benefit Guaranty Corporation (PBGC) protects the retirement incomes of nearly 33 million American workers. 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.

The core mission of the Equal Employment Opportunity Commission (EEOC or the Commission) is to prevent and remedy discrimination in America's workplaces and advance equal employment opportunity (EEO) for all. PBGC is committed to adhering to the laws that the Commission enforces. PBGC's EEO Policy Statement is published as a reminder that all PBGC employees and applicants for employment are protected and covered by federal laws and Presidential Executive Orders designed to safeguard federal employees and job applicants from discrimination. The Agency's policy further ensures that its employees and applicants for employment are treated equitably in an environment that is free from discrimination based on race, color, national origin, sex (including pregnancy, sexual harassment, gender identity, sexual orientation and non-sexual harassment based on sex), religion, age (40 and over), disability (mental or physical), family medical history, genetic information, and reprisal. PBGC's policy statement also protects against harassment based on parental and marital status. PBGC will not tolerate workplace harassment or reprisal against anyone who engages in protected activity. Employees and applicants who believe they 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 EEO process, should contact the Office of Equal Employment Opportunity (OEEO) as discussed below.

PBGC employees and applicants are also protected against retaliation. Consistent with federal laws, acts of retaliation against an employee who engages in protected activity, such as reporting discrimination or harassment or participating in the EEO process, whistleblowing, or the exercise of any appeal or grievance right provided by law will not be tolerated at PBGC. PBGC will take swift action when a PBGC employee, agent of PBGC, or non-employee is found to have engaged in discrimination, retaliation, or harassment (including sexual harassment).

All employees will have the freedom to compete on a fair and level playing field. EEO protections extend to all personnel/employment programs, and management practices/decisions,

including, but not limited to, recruitment and hiring, appraisal systems, merit promotions, training, career development programs, transfers, reassignments, benefits, and separations.

PBGC provides reasonable accommodations to employees and applicants with disabilities and for sincerely held religious beliefs, observances, and practices.

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. Collectively, we must be diligent in maintaining a workplace free from discrimination and take the responsibility to ensure that our Agency continues to be a model employer. Our goal is to serve as an example for providing equity and inclusion in the workplace through the implementation of PBGC's EEO Policy and cooperating fully with its enforcement.

PBGC employees or applicants who believe they have been subjected to discrimination, harassment, or retaliation should contact OEEO at 202-229-4363 or email all-eeo-federal@pbgc.gov. If you decide to initiate the EEO complaint process, you must do so within 45 calendar days of the incident you felt was discriminatory 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 supervisors have a duty to participate in the 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 EEO, 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. PBGC leadership affirms our collective commitment to a workplace free of unlawful discrimination, harassment, and retaliation.



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February 10, 2025

TO: ALL PBGC

**FROM: Ann Y. Orr
 Acting Director**

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 Date: 2025.02.10
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SUBJECT: Anti-Harassment Policy Statement

The Pension Benefit Guaranty Corporation (PBGC) policy statement establishes guidelines and procedures required by equal employment opportunity (EEO) laws that provide protection for a workplace free of all discriminatory harassment. The Agency's anti-harassment policy covers all the protected bases, including race, color, national origin, sex (including pregnancy, sexual harassment, and non-sexual harassment based on sex), religion, age (40 and over), disability (mental or physical), genetic information (including family medical history), and reprisal. PBGC's policy statement also protects against harassment based on parental and marital status. The Agency will not tolerate workplace harassment or reprisal against anyone who engages in protected activity and is committed to providing an environment where all employees are treated with dignity and respect, and free from unlawful discrimination and/or harassment. It is the Agency's policy not to tolerate the adverse treatment of employees because they report harassment or provide information related to such complaints. Agency employees are prohibited from retaliating against and/or harassing those who report such conduct or behavior. Agency employees found to have engaged in retaliatory conduct or behavior should expect timely and appropriate corrective and/or disciplinary action up to removal from the agency.

The Equal Employment Opportunity Commission (EEOC) defines harassment as unwelcome conduct that is based on race, color, national origin, sex (including pregnancy, sexual harassment, and non-sexual harassment based on sex), religion, age (40 and over), disability (mental or physical), genetic information (including family medical history), and reprisal. Harassment becomes unlawful when:

- 1) Enduring 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; or
- 3) The harassing conduct causes a significant change in the employees' terms, or conditions of employment.

Examples of harassing conduct may 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 comments.

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 the conduct violated the law. Additionally, the Anti-Harassment Policy Statement aims to address and prevent antagonistic situations that violate the dignity of the Agency's employees. It pertains to single or repeated incidents of intimidation, humiliation, degradation, bullying, or other undesirable verbal, non-verbal or physical conduct toward one person or a group of people. 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.

To prevent and remedy incidents of workplace harassment, PBGC officials must be made aware of the conduct or behavior as soon as possible.

No single situation constitutes harassment, and harassment may be direct or indirect.

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 unwelcome, not consensual.

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 is prohibited and will not be tolerated. In addition, PBGC is committed to protecting 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 (OEEO) at (202) 229-4363, all-EEO-federal@PBGC.gov or PBGC's Harassment Inquiry Committee (HIC):

HIC Intake Points of Contact

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. Absent extenuating circumstances, an inquiry should be completed, a decision reached, and final corrective action taken within 60 calendar days of the HIC receiving notice of the allegation. Extenuating circumstances include, but are not limited to, a delay in receiving the complainant's statement or supporting documentation. Employees who file internal complaints will be notified about the results of the investigation.

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

An employee who reports allegations of harassment or hostile work environment, whether 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 OEEEO 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 the OEEEO Director at (202) 229-6868.