

Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 – Fiscal Year 2025

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) 2025.

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.

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

1. The Number of Federal Court Cases Pending or Resolved in FY 2025

Table 1 shows federal court cases pending by statute. Complaints can be filed alleging multiple statutes, issues, and/or bases of discrimination. Consequently, the sum of the statutes, issues, and/or bases may not equal the total number of complaints filed and reflected on the various tables in this report.

There were three federal court cases pending over the course of FY 2025, one of which involved multiple statutes. None of the three was resolved in FY 2025.

TABLE 1

Federal Court Cases Pending in FY 2025, Separated by Statute

Statute	Cases
Title VII of the Civil Rights Act of 1964	3
Age Discrimination in Employment Act of 1967	1
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 Judgment Fund and Any Budget Adjustments Relating to the Judgment Fund

Table 2 shows the status and disposition of federal court cases by statute alleged. The table lists three cases, one of which involved multiple statutes.

As a government corporation, PBGC has corporate funds available to pay judgments and settlements. During FY 2025, 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 2025, by Statute

Statute	Total Cases	Pending	Dismissed	Settled
Title VII of the Civil Rights Act of 1964	3	3	0	0
Age Discrimination in Employment Act of 1967	1	1	0	0
Rehabilitation Act of 1973	1	1	0	0
Whistleblower Protection Act	0	0	0	0
Equal Pay Act of 1963	0	0	0	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 civil rights laws.

TABLE 3

Employees Disciplined for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws in FY 2025

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 Court Cases	0	0

D. Final Year-End No FEAR Act Data for FY 2025

Attached as Appendix 1 is PBGC’s final year-end No FEAR Act Data for FY 2025.

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 EEO and anti-harassment policy statements that are sent to all its employees annually. 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, color, religion, sex, national origin, age, disability, genetic information, or pregnancy, childbirth, or related medical conditions, reprisal, and non-EEO bases.

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 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

In FY 2025, PBGC had one finding of discrimination. Specifically, a U.S. Equal Employment Opportunity Commission (EEOC) Administrative Judge determined, at the administrative level, that the agency engaged in unlawful disability-based employment discrimination. As a result, the agency was required to reimburse the complainant’s attorney fees, provide four hours of training to the Human Resources Employee and Labor Relations Management Division regarding reasonable accommodations, and post a notice throughout the building, for at least 90 days, informing employees that discrimination had occurred.

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 2025 and 2024. The basis of a complaint is the protected characteristic that the complainant alleges motivated discriminatory conduct. The bases protected by EEO statutes are race, color, religion, sex, national origin, age, disability, genetic information, or pregnancy, childbirth, or related medical conditions, 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 employment action that the complainant alleges was discriminatory and for which he or she is seeking relief.

Table 4 shows that in FY 2025, eight PBGC employees filed 12 formal complaints of discrimination compared to 13 formal complaints filed by 12 employees the previous year. There were three repeat filers in FY 2025 compared to one in FY 2024. See also Appendix 1, Part 1.

TABLE 4

Number of Formal EEO Complaints and Number of Filers

Fiscal Year	Number of Complaints Filed	Number of Complainants	Repeat Filers
2025	12	8	3
2024	13	12	1

Table 5 shows the five leading alleged bases cited in formal EEO complaints filed in FY 2025 and FY 2024. See also Appendix 1, Part 2.

TABLE 5

EEO Bases in Formal EEO Complaints

Fiscal Year	Race	Reprisal	Age	Disability	Sex
2025	6	6	5	8	7
2024	8	11	8	4	9

Table 6 shows the five leading alleged issues cited in formal EEO complaints filed in FY 2025 and FY 2024. See also Appendix 1, Part 3.

TABLE 6

Leading Issues in Formal EEO Complaints

Fiscal Year	Harassment (non-sexual)	Promotion/ Non-Selection	Reasonable Accommodation	Other Terms and Conditions of Employment	Training
2025	4	0	5	2	0
2024	7	2	4	7	3

1. Trends

- a. In FY 2025, a total of 12 formal complaints were filed, representing a decrease of one complaint compared to FY 2024. (Table 4).
- b. The most frequently claimed protected basis in FY 2025 was disability, representing eight complaints, compared to FY 2024, during which four complaints were filed under the same basis. (Table 5).
- c. Over the past five fiscal years, race, reprisal, age, disability, and sex have consistently been among the most frequently alleged protected bases. (See Appendix 1, Part 2.)
- d. Complaints alleging discrimination based on sex were the second most cited basis in FY 2025, with seven complaints filed. This represents a decrease of two complaints compared to FY 2024. Complaints filed under race, reprisal, national origin, age and non-EEO bases showed a decrease compared to previous years. In contrast, during FY 2025, complaints alleging color increased by one and complaints involving disability increased by four. There were no complaints filed in FY 2025 or FY 2024 alleging pregnancy discrimination, genetics information

discrimination, or religion. (See Appendix 1, Part 2.)

In FY 2025, complaints alleging failure to provide reasonable accommodation were the most frequently cited basis, with five complaints filed compared to four complaints filed the previous year. Complaints alleging harassment (non-sexual) totaled four, a decrease from seven filed during FY 2024. No complaints alleging the issue of promotion/non-selection were filed in FY 2025, compared to two complaints filed in FY 2024. Complaints related to Other-terms-and-conditions-of-employment decreased significantly, with two complaints filed in FY 2025 compared to seven filed in FY 2024. Additionally, no complaints alleging failure to provide training were filed in FY 2025, a decrease from three filed in FY 2024. (Table 6)

During FY 2025, complaints alleging disciplinary action (removal), other disciplinary action, harassment (sexual), improper medical examination, failure to provide telework, and termination, each decreased by one to zero. Conversely, allegations of issues such as appointment/hire and awards, each increased to one in FY 2025. Complaints filed under the issues of performance evaluation/appraisal and time and attendance remained consistent with the previous year, with two complaints and one complaint filed, respectively. (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.

In FY 2025, the average number of days to complete investigations at the Formal Complaint Investigation stage was 137 days, compared to 157 days in FY 2024. (See Appendix 1, Part 4.) It is important to note that the average of 137 days in the investigative phase is 20 days below last year and well within the 180-day regulatory timeframe for completing investigations.

The number of complaints dismissed by the agency increased by two in FY 2025 to five. The average number of days pending prior to dismissal increased to 38 days in FY 2025 compared to 26 days in FY 2024. (See Appendix 1, Part 5.) The increase in days was due to reduced staffing and an increase in informal complaints, which extended the time to review cases and determine acceptance or dismissal.

2. Causal Analysis

Formal EEO complaint activity decreased in FY 2025 with 12 formal complaints filed compared to 13 filed in the preceding fiscal year. The agency will continue to monitor complaint trends to inform ongoing program oversight and improvement efforts. (See Appendix 1, Part 1.)

3. Knowledge Gained

PBGC will continue to educate its workforce on EEO, civil rights laws, and applicable regulations through ongoing training, workshops, and other efforts. The agency will also continue to promote the availability and benefits of the Alternative Dispute Resolution (ADR) Program, which is available at all stages of the EEO process. PBGC managers and employees are educated on the benefits of ADR, and agency leadership promotes and advocates 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 are expected to support the achievement of EEO objectives and adherence to program standards that support the agency's strategic mission.

The Office of Equal Employment Opportunity's (OEEO) initiatives for FY 2026 will focus on educational outreach. Planned efforts include collaborative training with the Harassment Inquiry Committee to provide targeted workshops on fostering respectful and civil workplaces, as well as supervisor-focused training addressing supervisory responsibilities in preventing workplace discrimination.

5. Agency Accomplishments and Initiatives in FY 2025

Agency Accomplishments and Initiatives in FY 2025 included:

PBGC's Senior Leadership team remained steadfast in its commitment to achieving a Model EEO Program by aligning with the EEOC's federal standards and ensuring that equal opportunity is not just a compliance requirement, but a core component of PBGC's strategic operations and long-term success.

The Human Resources Department's (HRD) Staffing and Classification Division engaged with candidates at recruitment events focusing on veterans and individuals with disabilities.

OEEO continued to collaborate with HRD and other agency leadership to strengthen EEO efforts across the agency. OEEO also presented a three-part series focused on understanding the fundamentals of EEO, connecting individual responsibilities to the agency's overall EEO efforts, and providing managers with strategies to integrate EEO principles into their departmental operations.

PBGC's Section 508 Compliance Team — an interagency collective representing OEEO, Office of the General Counsel, Office of Information Technology, Office of Management and Administration, and Office of Policy and External Affairs — continued to advance digital accessibility by fostering a "Mission Accessible" culture. Key achievements included the launch of an interactive Chief Information Officer dashboard for real-time compliance tracking, and a comprehensive reorganization of the

Section 508 Library to streamline procurement templates. Furthermore, the team expanded its educational reach through personalized training on 18 specialized topics, Accessibility Tools User Group (ATUG) sessions, and the publication of “Mission Accessible” technical tips.

H. No FEAR Act Training Plan

The No FEAR Act requires mandatory biennial 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 was provided to all PBGC employees in FY 2025 and will be provided in FY 2027.

Equal Employment Opportunity Data Posted Pursuant to the No Fear Act

PBGC (Includes Sub-Level Offices)

For 4th Quarter 2025 for period ending September 30, 2025

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Notes:

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.

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.

Part 1 Complaint Activity

Complaint Activity	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Number of Complaints Filed	11	12	9	12	13	12
Number of Complainants	7	8	8	9	12	8
Repeat Filers	3	3	1	2	1	3

Part 2 Complaints by Basis

Complaints by Basis	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Race	6	7	4	6	8	6
Color	1	2	2	4	3	4
Religion	0	0	0	2	0	0
Reprisal	6	7	2	8	11	6
Sex	6	9	2	5	9	7
PDA	0	0	0	0	0	0
National Origin	1	2	2	1	3	1
Equal Pay Act	0	2	0	0	0	0
Age	2	6	3	8	8	5
Disability	7	4	3	9	4	8
Genetics	0	0	0	0	0	0
Non-EEO	0	1	0	4	3	0

Part 3 Complaints by Issue

Complaints By Issue	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Appointment/Hire	1	0	0	0	0	1
Assignment of Duties*	0	1	0	0	0	0
Awards	0	0	0	0	0	1
Conversion to Full Time/Perm Status*	0	0	0	0	0	0
Disciplinary Action: Demotion	0	1	0	0	0	0
Disciplinary Action: Reprimand**	0	0	0	0	0	0
Disciplinary Action: Suspension	0	0	0	0	0	0
Disciplinary Action: Removal	0	0	0	0	1	0
Disciplinary Action: Other Disciplinary Actions**	0	0	0	0	1	0
Disciplinary Action: Other 2**	0	0	0	0	0	0
Duty Hours*	0	0	0	0	0	0
Performance Evaluation/ Appraisal	2	2	1	0	2	2
Examination/Test	0	0	0	0	0	0
Harassment: Non-Sexual	3	1	3	4	7	4
Harassment: Sexual	0	0	0	1	1	0
Medical Examination	0	0	0	0	1	0
Pay including overtime	2	0	0	1	0	0

Complaints By Issue	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Promotion/Non-selection	1	2	3	1	2	0
Reassignment: Denied/Directed	0	0	0	0	0	0
Reassignment: Directed	0	0	0	0	0	0
Reasonable Accommodation Disability	5	2	1	5	4	5
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	1	1	0
Termination	1	0	1	1	1	0
Terms/Conditions of Employment*	2	5	0	0	0	0
Time and Attendance	0	1	0	1	1	1
Training	0	0	0	0	3	0
Other Terms/Conditions of Employment*	0	0	2	7	7	2

Part 4 Processing Time (Complaints Pending During FY)

Processing Time	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Average days in Investigation for all cases pending during FY	124.0	136.0	150.0	151.38	157.64	136.67
Average days in Final Action for all cases pending during FY	68.75	34.0	22.86	37.33	33.2	29.67
Average days in Investigation Hearing	127.4	213.1	211.48	176.5	148.25	132.50
Average days in Final Action Hearing	81.33	27.0	22.86	41.0	27.25	37.00
Average Days in Investigation without Hearing	130.0	154.0	106.0	160.75	214.5	145.00
Average Days in Final Action without Hearing	31.0	41.0	0.0	35.5	57.0	26.00

Total Final Agency Actions Finding Discrimination	FY 2020 Count	FY 2020 %	FY 2021 Count	FY 2021 %	FY 2022 Count	FY 2022 %	FY 2023 Count	FY 2023 %	FY 2024 Count	FY 2024 %	FY 2025 Count	FY 2025 %
Findings With Hearing	0	0	0	0	0	0	0	0	0	0	1	100

Part 7 Finding of Discrimination by Basis

Basis	FY 2020 Count	FY 2020 %	FY 2021 Count	FY 2021 %	FY 2022 Count	FY 2022 %	FY 2023 Count	FY 2023 %	FY 2024 Count	FY 2024 %	FY 2025 Count	FY 2025 %
Total Number Findings	0		0		9		0		0		1	
Race	0	0.00	0	0.00	2	22.22	0	0.00	0	0.00	0	0.00
Color	0	0.00	0	0.00	1	11.11	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	2	22.22	0	0.00	0	0.00	1	100.00
Sex	0	0.00	0	0.00	2	22.22	0	0.00	0	0.00	0	0.00

Basis	FY 2020 Count	FY 2020 %	FY 2021 Count	FY 2021 %	FY 2022 Count	FY 2022 %	FY 2023 Count	FY 2023 %	FY 2024 Count	FY 2024 %	FY 2025 Count	FY 2025 %
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	2	22.22	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 7 Finding of Discrimination by Basis (with Hearing)

Basis	FY 2020 Count	FY 2020 %	FY 2021 Count	FY 2021 %	FY 2022 Count	FY 2022 %	FY 2023 Count	FY 2023 %	FY 2024 Count	FY 2024 %	FY 2025 Count	FY 2025 %
Findings After Hearing	0		0		9		0		0		1	
Race	0	0.00	0	0.00	2	22.22	0	0.00	0	0.00	0	0.00
Color	0	0.00	0	0.00	1	11.11	0	0.00	0	0.00	0	0.00

Part 9 Complaints Pending from Previous FY by Status

Complaints Pending from Previous Fiscal Years by Status	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Total complaints from previous Fiscal Years	7	9	3	1	2	2
Total Complainants	5	4	2	1	2	2
Complaints Pending Investigation	0	0	0	0	0	0
ROI issued, pending Complainant's Election	0	0	0	0	0	0
Complaints Pending in Hearing	7	8	3	1	1	2
Complaints Pending Final Agency Decision	0	1	0	0	1	0
Complaints Pending Appeal with EEOC Office of Federal Operations	1	0	8	5	1	3

Part 10 Complaint Investigations

Complaint Investigations	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Pending Complaints Where Investigations Exceed Required Time	0	0	0	0	0	0

February 6, 2025

TO: All PBGC Staff

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

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 cooperation, and respect for the positive outcomes a talented 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 fairly in an environment that is free from discrimination 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), 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 be a model workplace through the implementation of PBGC's EEO Policy and full cooperation 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 amongst employees with 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.

February 10, 2025

TO: ALL PBGC

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

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 OEEO 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 OEEO Director at (202) 229-6868.