

**Annual Report for Fiscal Year 2020  
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 Reform**  
**Senate Committee on Finance**  
**House Committee on Ways and Means**  
**Senate Committee on Health, Education, Labor and Pensions**  
**House Committee on Education and Labor**  
**Equal Employment Opportunity Commission**  
**Office of Personnel Management**  
**Attorney General**

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

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**A. Introduction**

This report is prepared 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 PBGC 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 Labor; the U.S. Equal Employment Opportunity Commission; the Office of Personnel Management; and the Department of Justice.

The Act holds federal agencies accountable for violations of antidiscrimination and whistleblower protection laws relating to federal employment. The report contains data and analysis concerning equal employment opportunity (EEO) complaint activity at PBGC, including federal court cases, and resulting disciplinary actions during Fiscal Year (FY) 2020.

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 952 employees (909 Permanent, 43 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 2020**

As shown below in Table 1, there were a total of five federal court cases pending and none resolved in FY 2020. Some of these cases involved more than one statute.

**TABLE 1  
Federal Court Cases Pending or Resolved in FY 2020, Separated by Statute**

Title VII of the Civil Rights Act of 1964	5
Age Discrimination in Employment Act of 1967	3
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. The table shows a total of five cases, some involving more than one statute.

As a government corporation, PBGC has corporate funds available to pay judgments and settlements. During FY 2020, PBGC paid no settlements from the Judgment Fund, nor did it make any budget adjustments relating to the Judgment Fund.

**TABLE 2  
Status of Federal Court Cases in FY 2020 by Statute**

<b>Title VII of the Civil Rights Act of 1964</b>	<b>5</b>
Pending	5
Dismissed	0
Settled	0
<b>Age Discrimination Employment Act of 1967</b>	<b>3</b>
Pending	3
Dismissed	0
Settled	0
<b>Rehabilitation Act of 1973</b>	<b>1</b>
Pending	1
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 zero findings of discrimination and zero 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 2020**

<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 2020**

Attached as Appendix 1 is the PBGC’s final year-end No FEAR Act Data for FY 2020.

**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, which periodically are sent to all its employees and contractors. The statements provide that PBGC is committed 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 of suggested penalties, which has been in effect since 2007, includes several categories addressing conduct that is inconsistent with federal antidiscrimination or whistleblower laws. Using a progressive discipline approach, and depending on the nature of the misconduct, the penalties can range from a written reprimand for a first offense to removal from duty.

**F. Data Analysis**

**Introduction**

This section provides data and trend analysis on the commonly cited bases and issues in formal EEO complaints for Fiscal Years 2019 and 2020. The basis of the 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, genetic information, and retaliation (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 2020, 7 PBGC employees filed 11 formal complaints of discrimination in comparison to the 14 formal complaints of discrimination filed the previous year by 13 employees. The number of filers decreased from the previous year’s total of 13 to 7 individuals; however, the number of repeat filers increased to 3 in FY 2020 from 1 in FY 2019.

**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>
2020	11	7	3
2019	14	13	1

Table 5 shows an analysis of the five leading alleged bases cited in the formal EEO complaints filed in FY 2020 and FY 2019.

**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>
2020	6	6	2	7	6
2019	12	11	10	3	9

In FY 2020 disability was the most frequently alleged basis, with 7 cases filed, an increase from the previous year of 3 cases filed. Race, reprisal, and sex are the second most frequently alleged bases in FY 2020, with 6 cases filed under each basis respectively, a decrease from the previous year under each basis. Age, the least frequently filed basis with 2 cases filed in FY 2020 decreased compared to the 10 cases filed in FY 2019. Formal complaints filed in FY 2020 under the other bases include both color and national origin, each having 1 complaint filed separately. Non-EEO, Genetics and Pregnancy Discrimination Act were not alleged in the current reporting period.

Table 6 shows a trend analysis of the four leading alleged issues cited in formal EEO complaints filed in FY 2020 and FY 2019. The leading issue in FY 2020 was reasonable accommodation with 5 complaints filed, an increase from 2 in FY 2019; harassment (non-sexual) with 3 complaints filed, an increase from 2 in FY 2019; and terms and conditions of employment had 2 complaints filed in FY 2020, a decrease from FY 2019's 5 complaints. Notably, complaints filed under the issue of promotion/non-selection decreased by 80% in FY 2020.

**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>2020</b>	3	1	5	2
<b>2019</b>	2	5	2	5

## 1. Trends

- a. The total number of formal complaints filed in FY 2020, 11, is the lowest number of complaints filed since FY 2017.
- b. The largest trending decrease in alleged basis was sex. Complaints alleging sex as a basis went from 27 complaints in FY 2016 to 6 complaints in FY 2020, a 78% decrease.
- c. The most frequently claimed protected basis in FY 2020 is disability, representing 7 complaints. Complaints alleging race had been one of the leading alleged bases in the past 3 fiscal years. The protected basis in which the least number of complaints were filed in the past 3 fiscal years was national origin, where only a single complaint was filed both in FY 2019 and FY 2020. Complaints identifying race, reprisal and sex were the second most frequently alleged protected bases, all representing 6 complaints filed separately in FY2020, lower than the previous fiscal year with 12, 9 and 11 complaints filed, respectively. Complaints filed under race, reprisal and sex have been decreasing from FY 2016 and leveling off.

In FY 2020, there was an increase in formal complaints filed on issues alleging reasonable accommodation and harassment (non-sexual). However, complaints filed on issues alleging performance evaluation/appraisal and termination remained the same in Fiscal Year 2020 as in FY 2019, while complaints identifying promotion/non-selection decreased by 80% in FY 2020.

- 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 exceeding the 180-day investigation requirement.

FY 2020 reflected a significant decrease in the average number of days in the formal complaint investigation stage at 124.0. This is likely due to the decrease in the number of formal complaints filed during the FY 2020 reporting period.

The average number of days in investigation decreased by 47 days, dropping 28% from 171.29 in FY 2019 to 124.0 in FY 2020. In FY 2020 the trend in the processing time for the average number of days in investigations and withdrawals decreased, while the average number of days in final action and dismissals increased. The Agency will continue to improve the processing times at the Investigative and Final Agency Action stages by effectively conducting self-assessments of the operations and activities of the EEO program to identify inefficient and ineffective areas and costly practices.

## **2. Causal Analysis**

PBGC attributes the 21% decrease in formal EEO complaint activity in FY 2020 (from 14 in FY 2019 to 11 in FY 2020 — see Table 4) to the Agency’s leadership and commitment to outreach, Office of Equal Employment Opportunity (OEEO) affinity and focus groups, employee training and diversity workshops. (Another reason for the decrease in complaints is that people teleworked during the last half of FY 2020 due to the COVID-19 pandemic.) These efforts may have led to employees’ knowledge of their rights, responsibilities, and employee awareness of prohibited discriminatory behaviors.

## **3. Knowledge Gained**

PBGC will continue to educate the workforce in Equal Employment Opportunity, civil rights laws, and related regulations by providing continued trainings, workshops and by 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 to 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 2020:

- Agency senior leaders have provided continued support for barrier analysis by providing organizational points of contact to work with OEEO so that equal opportunity and diversity and inclusion are integrated into the agency’s strategic operations. The goal is to be proactive in the prevention of discrimination.
- PBGC’s Diversity and Inclusion Council (D & I Council) provided “Be an Inclusion Agent” training to managers, supervisors, and employees.
- In FY 2020, the D & I Council formed a new employee resource group at PBGC for First Generation Professionals (FGPs).
- The D & I Council developed and offered a senior leader “brown bag” series titled “Creating Inclusion in A Virtual Work Environment.”
- OEEO continued its YOUiversity bias awareness program.
- OEEO continued its book club with discussions focused on topics that support equity, diversity, and inclusion to create a more engaged workforce.

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

The No FEAR Act requires agencies to provide training for their employees on the rights and remedies under federal antidiscrimination, retaliation, and whistleblower protection laws. New employees are required to complete the online No FEAR Act training course within thirty days of their appointment. All permanent federal employees will be required to take the No FEAR Act training in FY 2021.

**Equal Employment Opportunity Data Posted Pursuant to the No FEAR Act**  
**Pension Benefit Guaranty Corporation (PBGC)**  
For the Fiscal Year ended September 30, 2020

Part I Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					FY 2020
	2015	2016	2017	2018	2019	
Number of Complaints Filed	45	29	16	18	14	11
Number of Complainants	42	28	15	16	13	7
Repeat Filers	2	1	1	2	1	3

Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					FY 2020
	2015	2016	2017	2018	2019	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	36	25	10	14	12	6
Color	23	18	5	3	5	1
Religion	2	1	1	3	1	0
Reprisal	40	24	10	10	9	6
Sex	29	27	10	12	11	6
PDA	0	0	0	0	0	0
National Origin	9	7	5	3	1	1
Equal Pay Act	0	0	1	0	1	0
Age	25	23	7	7	10	2
Disability	6	1	3	7	3	7
Genetics	0	0	1	0	0	0
Non-EEO	0	0	1	0	0	0

Part III Complaints By Issue	Comparative Data					
	Previous Fiscal Year Data					FY 2020
	2015	2016	2017	2018	2019	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Appointment/Hire	1	2	2	4	0	1
Assignment of Duties	1	7	1	0	2	0
Awards	1	0	0	0	0	0
Conversion to Full Time/Perm Status	0	0	0	0	0	0
<b>Disciplinary Action</b>						
Demotion	0	1	0	0	0	0
Reprimand	0	2	0	0	0	0
Suspension	1	0	0	0	2	0
Removal	1	0	1	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	10	5	3	1	2	2
Examination/Test	0	0	0	0	0	0
<b>Harassment</b>						
Non-Sexual	6	3	8	2	2	3
Sexual	0	0	1	1	0	0

Part III Complaints By Issue	Comparative Data					
	Previous Fiscal Year Data					FY 2020
	2015	2016	2017	2018	2019	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Medical Examination	0	0	0	0	0	0
Pay including overtime	8	8	1	0	0	2
Promotion/Non-Selection	12	11	1	2	5	1
<b>Reassignment</b>						
Denied	2	0	0	0	0	0
Directed	1	0	1	0	0	0
Reasonable Accommodation Disability	2	1	1	1	2	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	1	1	0	0	0
Termination	1	0	1	2	1	1
Terms/Conditions of Employment	25	18	2	4	5	2
Time and Attendance	1	0	0	1	0	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	0	0	1	3	0	0
User Defined - Other 3	0	0	0	0	0	0
User Defined - Other 4	0	0	0	0	0	0

Processing Time	Comparative Data					
	Previous Fiscal Year Data					FY 2020
	2015	2016	2017	2018	2019	
Complaints pending during fiscal year						
Average number of days in investigation	0.0	242.47	395.19	174.93	171.29	124.0
Average number of days in final action	0.0	67.0	31.33	68.29	23.14	68.75
Complaints pending during fiscal year where hearing was requested						
Average number of days in investigation	176.44	247.07	404.61	177.8	181.2	127.4
Average number of days in final action	157.58	42.5	31.33	24.25	15.0	81.33
Complaints pending during fiscal year where hearing was not requested						
Average number of days in investigation	206.25	178.0	318.4	173.5	146.5	130.0
Average number of days in final action	0.0	183.0	0.0	127.0	50.8	31.0

Part 5 Complaints Dismissed by Agency	Comparative Data					
	Previous Fiscal Year Data					FY 2020
	2015	2016	2017	2018	2019	
Total Complaints Dismissed by Agency	10	1	3	10	3	3
Average days pending prior to dismissal	399	178	123	49	21	28
<b>Complaints Withdrawn by Complainants</b>						
Total Complaints Withdrawn by Complainants	1	7	4	15	5	0

Part VI Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous Fiscal Year Data										FY 2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
	Total Number Findings	1		0		0		0		0		0
Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
With Hearing	1	100	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										FY 2020	
	2015		2016		2017		2018		2019			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
<b>Total Number Findings</b>	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
<b>Findings After 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

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										FY 2020	
	2015		2016		2017		2018		2019		#	%
#	%	#	%	#	%	#	%	#	%			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>												
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
<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

Findings of Discrimination Rendered by Issue	Comparative Data											
	Previous Fiscal Year Data										FY 2020	
	2015		2016		2017		2018		2019		#	%
	#	%	#	%	#	%	#	%	#	%		
<b>Total Number Findings</b>	0		0		0		0		0		0	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	1	100	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Perm Status	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue	Comparative Data											
	Previous Fiscal Year Data										FY 2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
<b>Disciplinary Action</b>												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other 1	0	0	0	0	0	0	0	0	0	0	0	0
Other 2	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Perf. Eval. / Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
<b>Harassment</b>												
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay including overtime	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-	0	0	0	0	0	0	0	0	0	0	0	0
<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	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	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
<b>Findings After Hearing</b>	1		0		0		0		0		0	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	1	100	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue	Comparative Data											
	Previous Fiscal Year Data										FY 2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
Conversion to Full Time/Perm Status	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other 1	0	0	0	0	0	0	0	0	0	0	0	0
Other 2	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Perf. Eval. / Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay including overtime	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
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
Other - User Define												
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

Findings of Discrimination Rendered by Issue	Comparative Data											
	Previous Fiscal Year Data										FY 2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
<b>Findings Without Hearing</b>	0		0		0		0		0		0	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Perm Status	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disciplinary Action</b>												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other 1	0	0	0	0	0	0	0	0	0	0	0	0
Other 2	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Perf. Eval. / Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
<b>Harassment</b>												
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay including overtime	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
<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

Findings of Discrimination Rendered by Issue	Comparative Data											
	Previous Fiscal Year Data										FY 2020	
	2015		2016		2017		2018		2019			
	#	%	#	%	#	%	#	%	#	%	#	%
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 IX Complaints Pending from Previous Fiscal Years By Status	Comparative Data					
	Previous Fiscal Year Data					FY 2020
	2015	2016	2017	2018	2019	
Total complaints from previous Fiscal Years	25	47	22	22	5	7
Total Complainants	22	40	48	19	4	5
<b>Number complaints pending</b>						
Investigation	2	13	2	0	0	0
ROI issued, pending Complainant's action	0	0	0	0	0	0
Hearing	22	31	49	19	5	7
Final Agency Action	0	0	1	3	0	0
Appeal with EEOC Office of Federal Operations	7	10	9	9	10	1

Part X Complaint Investigations	Comparative Data					
	Previous Fiscal Year Data					FY 2020
	2015	2016	2017	2018	2019	
Pending Complaints Where Investigations Exceed Required Time Frames	0	1	1	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

**Appendix 2**

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

September 19, 2020

**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, 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 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 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 unwelcome, 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 (OEEO) 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;

Karen Esser (HRD) – (202) 229-3275;

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