

**Annual Report for Fiscal Year 2018
under the
Notification and Federal Employee Antidiscrimination
and Retaliation Act of 2002**

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 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 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 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 Attorney General.

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) complaints activity at PBGC, including Federal court cases and resulting disciplinary actions during Fiscal Year (FY) 2018.

It is the law of this nation and the policy of PBGC to prohibit discrimination in the workplace. PBGC is committed to maintaining an environment that provides equal employment opportunity for its approximately 944 employees as well as applicants for employment.

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

1. The Number of Federal Court Cases Pending or Resolved in FY 2018

As shown below in Table 1, federal court cases under two federal antidiscrimination or whistleblower laws were pending or resolved in Fiscal Year 2018. There were two cases in total, one of which involved both statutes.

TABLE 1

Federal Court Cases Pending or Resolved in FY 2018 Separated by Statute

Title VII of the Civil Rights Act of 1964:	2
Age Discrimination in Employment Act of 1967:	0
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 below shows the status and disposition of federal court cases under federal antidiscrimination or whistleblower laws, by statute, in Fiscal Year 2018. The table shows pending cases under two statutes. There were two pending cases in total, one of which involved both statutes.

As a government corporation, PBGC has corporate funds available to pay judgments and settlements. During FY 2018, PBGC paid no settlements to the Judgment Fund, nor did it make any budget adjustments relating to the Judgment Fund.

TABLE 2

Status of Federal Court Cases Pending in FY 2018 by Statute

Title VII of the Civil Rights Act of 1964:		2
Pending:	2	
Dismissed:	0	
Settled:	0	
Age Discrimination Employment Act of 1967:		0
Pending:	0	
Dismissed:	0	
Settled:	0	
Rehabilitation Act of 1973:		1
Pending	1	
Dismissed:	0	
Settled:	0	
Whistleblower Protection Act:		0
Pending:	0	
Dismissed:	0	
Settled:	0	
Equal Pay Act of 1963:		0
Pending:	0	
Dismissed:	0	
Settled:	0	

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

Table 3 shows the number of findings of conduct inconsistent with federal antidiscrimination or whistleblower laws and the number of employees disciplined for such conduct in FY 2018. The table shows no findings of such conduct and no employees disciplined for such conduct.

TABLE 3

Employees Disciplined for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws in FY 2018

1. Employees Disciplined in Connection with Federal Court Cases

Number of Findings:	0
Number of Employees Disciplined:	0

2. Employees Disciplined Whether or Not in Connection with Federal Court Cases

Number of Employees Disciplined:	0
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D. Final Year-End No FEAR Act Data for FY 2018

Attached as Appendix 1 is the PBGC's final year-end No FEAR Act Data for FY 2018.

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 any harassment of, or by, PBGC employees, sexual or non-sexual, is expressly prohibited and will not be tolerated. Further, they provide that employees who engage in discriminatory or harassing behavior may be subject to appropriate corrective action, up to and including dismissal from employment. See EEO Policy Statement, dated November 16, 2016 (Appendix 2) and Prevention of Workplace Harassment Policy Statement, dated January 24, 2018 (Appendix 3).

PBGC maintains an internal directive on disciplinary and adverse actions, outlining the procedures for addressing employee misconduct, and including a table of suggested penalties for various infractions. This table, which has been in effect since 2007, includes several categories 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

During FY 2018, PBGC employees filed 18 formal complaints of discrimination. This is in comparison to 16 formal complaints filed the previous year. The number of people filing complaints slightly increased from the previous year's total of 15 individuals to 16 individuals. The number of repeat filers also increased by 1 from the previous year.

An analysis of the FY 2018 complaint data reveals that the leading bases for formal complaints were *race, sex and reprisal* which were raised in 14, 12 and 10 cases, respectively. *Age* and *disability* were the next most frequent bases in FY 2018, being raised in 7 cases each. This was the same number of cases with *age* as a basis as in the previous year.

Disability cases more than doubled, going from 3 cases in FY 2017 to 7 in FY 2018. *Religion* cases tripled, going from 1 case in FY 2017 to 3 cases in FY 2018. *Genetics* and *Non-EEO* cases each occurred once in FY 2017. Neither of these cases had a single occurrence in FY 2018.

The leading issues for formal complaints in FY 2018 were *appointment/hire* and *terms/conditions of employment*, which were reported in 4 cases each. The next highest frequency issues in complaints were *harassment(non-sexual)* and *termination*, which were reported in two cases each.

1. Trends

- a. The number of complaints has generally been decreasing since FY 2015.
- b. The largest decreases in alleged bases were in *color* and *national origin*. Complaints alleging *color* or *national origin* as a basis each went from 5 cases to 3 cases. This is a 40% decrease from the previous year for both bases.

The most frequently claimed protected bases in FY 2018, *race, sex, and reprisal*, were also the leading bases in the previous year. All three have been the leading bases in complaints in 4 of the last 5 fiscal years.

- c. During FY 2018, the highest increases in issues alleged was in *terms and conditions of employment*, and *appointment/hire* which appeared in 4 complaints apiece. Both issues doubled their occurrence from the previous year. This is the highest occurrence of this issue since 2014. No other issues had a significant increase in occurrence.

Harassment (non-sexual) experienced a great decrease in 2018 from previous years. This issue was only recorded in 2 cases, compared to 8 in FY 2017, a 75% decline. This is also the lowest occurrence of this issue in the last five years.

- d. For complaint processing, FY 2018 reflected a decrease in the average number of days in the formal complaint investigation stage. The average number days to investigate a formal complaint decreased from 395 in FY 2017 to 174 in FY 2018. The average number of days in the Final Action stage was 68 days, up from 31 days in FY 2017. The average number of days to dismiss a complaint decreased from 123 days in FY 2017 to 49 days in FY 2018.

2. Causal Analysis

In FY 2018, the Agency saw a slight increase in the number of complaints filed against it. This increased complaint total could be the result of several factors. Because PBGC is a small agency with under 1,000 employees, it is difficult to determine whether and what systemic issues may have led to the increase in complaints. PBGC's staff continually trains in the use of an automated complaint tracking and reporting system that allows for ad hoc reporting on complaint matters and offers flexibility in analyzing issues as they occur. The Agency will continue to monitor complaint activity to identify best practices in the processing of EEO complaints.

3. Knowledge Gained

The Agency recognizes reduced participation of Alternative Dispute Resolution (ADR) can potentially contribute to a higher case load in the future. The Agency plans to refocus its efforts to increase participation in ADR during the complaint process, particularly in the early stages. The Agency and its leadership will continue to train managers and employees about the benefits of ADR.

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

Agency initiatives relating to EEO planned for FY 2019:

- Expand knowledge of and participation in the EEO Alternative Dispute Resolution program.
- Provide additional EEO training on areas identified through barrier and trends analyses.
- Continue benchmarking with other federal sector agencies on EEO issues.
- Enhance constructive collaborative departmental partnerships within the Agency to continue integration of EEO into the Agency's strategic operations.
- Provide quarterly workforce diversity profiles to help leadership identify and meet its affirmative employment and diversity and inclusion goals.
- Provide targeted training on anti-harassment to be conducted by the Office of the General Counsel, the Human Resources Department and the Office of Equal Employment Opportunity for managers and supervisors.
- Continue the Affirmative Employment Committees for Hispanics and Women.
- Establish a Disability Affirmative Employment Committee.
- Continue the Book Club that supports equal employment opportunity efforts and employee engagement.
- Implement an EEO Dashboard portal for managers and supervisors.
- Collaborate with the Human Resources Department and the Quality Management Department to establish talent pipeline training.

G. No FEAR Act Training Plan

During FY 2019 the Agency will ensure No FEAR Act training for all new employees brought on board. The Agency will also continue to deploy bi-annual training for current employees as required.

Equal Employment Opportunity Data Posted Pursuant to the No FEAR Act

Pension Benefit Guaranty Corporation (PBGC)

For the Fiscal Year ended September 30, 2018

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					FY 2018
	2013	2014	2015	2016	2017	
Number of Complaints Filed	15	37	45	29	16	18
Number of Complainants	13	31	42	28	15	16
Repeat Filers	2	4	2	1	1	2
Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					FY 2018
	2013	2014	2015	2016	2017	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	11	19	36	25	10	14
Color	8	15	23	18	5	3
Religion	0	2	2	1	1	3
Reprisal	13	32	40	24	10	10
Sex	11	21	29	27	10	12
PDA	1	0	0	0	0	0
National Origin	0	3	9	7	5	3
Equal Pay Act	2	1	0	0	1	0
Age	12	20	25	23	7	7
Disability	2	6	6	1	3	7
Genetics	0	0	0	0	1	0
Non-EEO	2	0	0	0	1	0
Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					FY 2018
	2013	2014	2015	2016	2017	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Appointment/Hire	1	0	1	2	2	4
Assignment of Duties	3	10	1	7	1	0
Awards	0	1	1	0	0	0
Conversion to Full Time/Perm Status	0	0	0	0	0	0
Disciplinary Action						
Demotion	0	0	0	1	0	0
Reprimand	0	2	0	2	0	0
Suspension	0	0	1	0	0	0
Removal	0	0	1	0	1	0
Other	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Perf. Eval./ Appraisal	5	17	10	5	3	1
Examination/Test	0	0	0	0	0	0
Harassment						
Non-Sexual	3	17	6	3	8	2
Sexual	0	1	0	0	1	1
Medical Examination	0	0	0	0	0	0
Pay including overtime	1	3	8	8	1	0
Promotion/Non-Selection	3	4	12	11	1	2
Reassignment						
Denied	0	1	2	0	0	0
Directed	1	0	1	0	1	0
Reasonable Accommodation Disability	1	2	2	1	1	1
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0
Retirement	0	1	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	0	1	1	0
Termination	1	2	1	0	1	2
Terms/Conditions of Employment	10	14	25	18	2	4
Time and Attendance	1	3	1	0	0	1
Training	1	3	0	0	0	0
Other						
User Defined - Other 1	0	0	0	0	0	0
Other	0	0	0	0	1	3
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 2018	
	2013	2014	2015	2016	2017							
Complaints pending during fiscal year												
Average number of days in investigation	201.1	168.83	183.45	242.47	395.19							174.93
Average number of days in final action	13.25	15.8	157.58	67	31.33							68.29
Complaint pending during fiscal year where hearing was requested												
Average number of days in investigation	189.5	165.64	176.44	247.07	404.61							177.8
Average number of days in final action	25.5	17.67	157.58	42.5	31.33							24.25
Complaint pending during fiscal year where hearing was not requested												
Average number of days in investigation	247.5	173.86	206.25	178	318.4							173.5
Average number of days in final action	1	13	0	183	0							127
Complaints Dismissed by Agency	Comparative Data											
	Previous Fiscal Year Data										FY 2018	
	2013	2014	2015	2016	2017							
Total Complaints Dismissed by Agency	3	17	10	1	3							10
Average days pending prior to dismissal	38	156	399	178	123							49
Complaints Withdrawn by Complainants												
Total Complaints Withdrawn by Complainants	3	3	1	7	4							15
Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous Fiscal Year Data										FY 2018	
	2013		2014		2015		2016		2017			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		1		0		0		2	
Without Hearing	0	0	0	0	0	0	0	0	0	0	2	100
With Hearing	0	0	0	0	1	100	0	0	0	0	0	0
Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										FY 2018	
	2013		2014		2015		2016		2017			
	#	%	#	%	#	%	#	%	#	%	#	%
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>												
Total Number Findings	0		0		0		0		0		0	
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetics	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing												
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetics	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing												
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0

Age	0	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0
Genetics	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0	0
Findings of Discrimination Rendered by Issue	Comparative Data												
	Previous Fiscal Year Data											FY 2018	
	2013		2014		2015		2016		2017		#	%	
	#	%	#	%	#	%	#	%	#	%	#	%	#
Total Number Findings	0		0		1		0		0		0		
Appointment/Hire	0	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	0
Awards	0	0	0	0	1	100	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	0
Disciplinary Action													
Demotion	0	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	0
Suspension	0	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	0
Other	0	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	0
Perf. Eval./ Appraisal	0	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	0
Harassment													
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	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	0
Promotion/Non-Selection	0	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	0
Directed	0	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	0
Reinstatement	0	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	0
Retirement	0	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	0
Telework	0	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	0
Terms/Conditions of Employment	0	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	0
Training	0	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	0
Other	0	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	0
User Defined - Other 4	0	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	0		0		1		0		0		0		
Appointment/Hire	0	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	0
Awards	0	0	0	0	1	100	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	0
Disciplinary Action													
Demotion	0	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	0
Suspension	0	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	0
Other	0	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	0
Perf. Eval./ Appraisal	0	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	0
Harassment													
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	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	0
Promotion/Non-Selection	0	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	0
Directed	0	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	0

Reinstatement	0	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	0
Retirement	0	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	0
Telework	0	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	0
Terms/Conditions of Employment	0	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	0
Training	0	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	0
Other	0	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	0
User Defined - Other 4	0	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	0		0		0		0		0		0		0
Appointment/Hire	0	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	0
Awards	0	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	0
Disciplinary Action													
Demotion	0	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	0
Suspension	0	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	0
Other	0	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	0
Perf. Eval./ Appraisal	0	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	0
Harassment													
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	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	0
Promotion/Non-Selection	0	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	0
Directed	0	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	0
Reinstatement	0	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	0
Retirement	0	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	0
Telework	0	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	0
Terms/Conditions of Employment	0	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	0
Training	0	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	0
Other	0	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	0
User Defined - Other 4	0	0	0	0	0	0	0	0	0	0	0	0	0

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data					
	Previous Fiscal Year Data					FY 2018
	2013	2014	2015	2016	2017	
Total complaints from previous Fiscal Years	8	12	25	47	55	22
Total Complainants	7	12	22	40	48	19
Number complaints pending						
Investigation	0	2	2	13	2	0
ROI issued, pending Complainant's action	0	0	0	0	0	0
Hearing	8	9	22	31	49	19
Final Agency Action	0	1	0	0	1	3
Appeal with EEOC Office of Federal Operations	6	6	7	10	9	9
Complaint Investigations	Comparative Data					
	Previous Fiscal Year Data					FY 2018
	2013	2014	2015	2016	2017	
Pending Complaints Where Investigations Exceed Required Time Frames	0	1	0	1	1	0



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

November 16, 2016

TO: All PBGC Staff

FROM: W. Thomas Reeder, Jr. *WTR*
Director

SUBJECT: Equal Employment Opportunity Policy Statement

The Pension Benefit Guaranty Corporation (PBGC) protects the retirement incomes of nearly 40 million American workers in nearly 24,000 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, or genetic information. 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 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 ext. 4363 or email eeo@pbgc.gov immediately. OEEO offers a confidential and neutral early intervention process to address concerns without your having to initiate the EEO complaint process. If, however, you decide to initiate the EEO complaint process, you must do so within 45 calendar days of the incident or the date you became aware of the incident. Where an aggrieved individual elects and OEEO determines that Alternative Dispute Resolution (ADR) is appropriate, managers and/or supervisors have a duty to participate in PBGC's ADR process.

In our work processes, PBGC will create avenues for full participation to enable excellence and innovation that is realized through collaboration of diverse ideas, experiences, and perspectives. By working together to promote the principles of equal opportunity, we will ensure that all employees and applicants for employment have an opportunity to succeed and contribute to PBGC's mission of protecting America's retirement security.



JAN 24 2018

TO: All PBGC Staff

FROM: W. Thomas Reeder, Jr. 
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, and non-sexual harassment based on sex), sexual orientation, national origin, age, disability (mental or physical), family medical history or genetic information, PBGC's policy protects against harassment of any kind.

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 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

No single situation constitutes harassment and determination is made from the facts on a case-by-case basis. Harassment may be direct or indirect. The harassment may be directed at you, but it can also be directed at someone else or even at no one. Indirect harassment may not be directed at you, but you still find it offensive. For example, two employees are in the breakroom making disparaging comments about a particular race. The comments are not addressed at anyone, but it creates an intimidating and hostile environment for you who happened to be utilizing the common area. You may be able to bring a claim for harassment related to race.

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, but is not limited to:

- 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. The focus is on whether the conduct was unwelcome, not consensual.

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. 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, or to PBGC's Harassment Inquiry Committee (HIC). Reports to the HIC may be directed to Karen Esser (HRD) – ext. 3275, or Katherine Easmunt (OGC) – ext. 3357. Additional information about the HIC is available on SharePoint at:

<https://pbgc.gov.sharepoint.com/eeo/pages/antiharassment.aspx>

Employees may also report allegations of harassment to PBGC's Office of Equal Employment Opportunity at ext. 4363, EEO@PBGC.gov.

Upon receipt of a harassment allegation the Agency will conduct a prompt, thorough, and impartial inquiry, if appropriate. The Agency will take immediate and appropriate corrective action if it determines harassment has occurred.

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, the HIC, 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, Brenecia Watson, ext.6868.