

**Annual Report for Fiscal Year 2019
under the
Notification and Federal Employee Antidiscrimination
and Retaliation Act of 2002**

Report Prepared for:
Speaker of the House of Representatives
President Pro Tempore of the Senate
Senate Committee on Homeland Security and Governmental Affairs
House Committee on Oversight and Government Reform
Senate Committee on 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; 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) complaints activity at PBGC, including Federal court cases and resulting disciplinary actions during Fiscal Year 2019.

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 948 employees (902 Permanent, 46 Temporary), as well as applicants for employment.

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

1. The Number of Federal Court Cases Pending or Resolved in FY 2019

As shown below in Table 1, there was a total of three federal court cases pending or resolved in Fiscal Year 2019. These cases were filed by three employees and involved multiple statutes.

**TABLE 1
Federal Court Cases Pending or Resolved in FY 2019, Separated by Statute**

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. The table shows a total of three cases pending at the end of FY 2019, and no cases dismissed or settled during the fiscal year.

As a government corporation, PBGC has corporate funds available to pay judgments and settlements. During FY 2019, 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 2019, by Statute**

Title VII of the Civil Rights Act of 1964	3
Pending	3
Dismissed	0
Settled	0
Age Discrimination Employment Act of 1967	1
Pending	1
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 discrimination and the number of 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 2019

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

D. Final Year-End No FEAR Act Data for FY 2019

Attached as Appendix 1 is the PBGC’s final year-end No FEAR Act Data for FY 2019.

E. PBGC’s Discipline Policy for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws

PBGC is committed to maintaining a workplace that promotes productivity and 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 policy 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 subject to appropriate disciplinary action up to and including removal from Federal service. See EEO Policy Statement (Appendix 2), Anti-Harassment Policy Statement (Appendix 3) both dated August 8, 2019.

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 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 2018 and 2019. 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 statues 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 2019, 13 PBGC employees filed 14 formal complaints of discrimination in comparison to the 18 formal complaints of discrimination filed the previous year, a 22 % decrease. The number of people filing complaints decreased from the previous year’s total of 16 individuals to 13 individuals, and the number of repeat filers decreased from 2 in FY 2018 to 1 in FY 2019. See Appendix 1.

**TABLE 4
Number of Formal EEO Complaints and Number of Filers**

Fiscal Year	Number of Complaints Filed	Number of Complainants	Repeat Filers
2019	14	13	1
2018	18	16	2

Table 5 shows an analysis of the four leading alleged bases cited in the formal EEO complaints filed in FY 2019 and FY 2018.

TABLE 5
EEO Bases in Formal EEO Complaints at PBGC

Fiscal Year	Race	Sex	Age	Reprisal
2019	12	11	10	9
2018	14	12	7	10

Sex is the second most frequently alleged basis in FY 2019, with 11 cases filed under the basis, a slight decrease from the previous year of 12 cases. Age is the third most frequently filed basis with 10 cases filed in FY 2019 compared to 7 filed in FY 2018, a 43% percent increase. Lastly, under the basis of Reprisal, 9 cases were filed in FY 2019 compared to 10 in FY 2018, indicating a 10% decrease (1 complaint) from FY 2018. Formal complaints filed in FY 2019 under the other bases include: color (5); disability (3), and religion, national origin and Equal Pay Act, each with 1 complaint filed. Non-EEO, Genetics and Pregnancy Discrimination Act were not alleged bases in the current reporting period.

Table 6 shows a trend analysis of the two leading alleged issues cited in the formal EEO complaints filed in FY 2019 and FY 2018. The leading issues in FY 2019 were Promotion/Non-Selection with 5 complaints filed, representing a 150% (3 complaints) increase from FY 2018 2 complaints filed; and Terms and Conditions of Employment, with 5 complaints filed in FY 2019 and 4 in FY 2018, representing a 25% (1 complaint) increase.

TABLE 6
Leading Issues in Formal EEO Complaint

Year	Promotion/Non-Selection	Terms and Conditions of Employment
2019	5	5
2018	2	4

1. Trends

- a. The total number of formal complaints filed in FY 2019, 14, is the lowest number of complaints filed since FY 2017 with the previous low at 16 complaints filed in FY 2017.
- b. The largest trending decrease in alleged basis was in reprisal. Complaints alleging reprisal as a basis went from 40 complaints in FY 2015 to 9 complaints in FY 2019, a 77 % decrease.
- c. The most frequently claimed protected basis in FY 2019 was race, representing 12 complaints. Race had been one of the leading alleged bases in the past 3 fiscal years. The lowest occurrence of cases naming race as a basis was in FY 2017, when 10 complaints were filed. Sex, the second most frequently protected basis, was alleged in 11 complaints during FY 2019. That is slightly lower than the previous fiscal year with 12 complaints and Sex-based complaints appeared to be decreasing from FY 2015 and leveling off.

In FY 2019, there was a slight increase in formal complaints filed on issues alleging promotion/non-selection and terms and condition of employment. However, complaints filed on the issue alleging harassment (non-sexual), (2 complaints) remained the same in FY 2019 as in FY 2018, while complaints citing sexual harassment decreased by 100%, from 1 in FY 2018 to 0 in FY 2019.

- d. Complaint processing times in FY 2019 reflected a decrease in the average number of days at 171.29 in the formal complaint investigation stage. This is likely due to the decrease in the number of formal complaints during the FY 2019 reporting period.

The total average number of days in investigation decreased slightly by 3 days, 2% from 174.93 in FY 2018 to 171.29 in FY 2019. In FY 2019 there was a downward trend in the processing time for the average number of days in final action, dismissals and withdrawals. The Agency continues 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

The Pension Benefit Guaranty Corporation (PBGC) attributes the 22% decrease in formal EEO complaint activity in FY 2019 to the Agency's leadership and commitment to outreach, OEEEO affinity and focus groups, employee training and diversity workshops. 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 and workshops and by marketing the availability of conflict management and Alternative Dispute Resolution. 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 2019:

- The Office of Equal Employment Opportunity (OEEEO) sponsored trainings for No FEAR Act Workshop and online training.
- Provided Basic EEO training for New Employees.
- Provided training on Leveraging Differences at Work.
- OEEEO introduced the Disability Affirmative Employment Committee (DAEC) in FY 2019 with the goal of developing innovative programs that support the equal employment opportunity of persons with disabilities and persons with targeted disabilities.
- OEEEO sponsored the "Representation Matters Workshop" on the importance of diverse representation in PBGC's workforce.
- Continued the Representation Matters Campaign.
- Facilitated 5 focus group discussions with PBGC's female employees regarding their perspectives on issues that impact career development and equal employment opportunity.
- Hosted a workshop on career development titled "Leveraging Diversity @ Work."
- OEEEO initiated and piloted the YOUiversity Bias Program to PBGC's senior leaders and introduced the program as an ongoing program where participants explore their own dimensions of diversity and then turn the magnifying glass on

their beliefs and reactions to the dimensions of diversity of other people. Participants share their experiences with others in the cohort in hopes of gaining a greater understanding of different perspectives.

- Continued education on workplace diversity utilizing an enrichment Book Club.

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 thirty days from their appointment. All permanent and temporary employees completed the NO FEAR training in FY 2019 and will be required to take the 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, 2019

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					FY 2019
	2014	2015	2016	2017	2018	
Number of Complaints Filed	37	45	29	16	18	14
Number of Complainants	31	42	28	15	16	13
Repeat Filers	4	2	1	1	2	1
Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					FY 2019
	2014	2015	2016	2017	2018	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	19	36	25	10	14	12
Color	15	23	18	5	3	5
Religion	2	2	1	1	3	1
Reprisal	32	40	24	10	10	9
Sex	21	29	27	10	12	11
PDA	0	0	0	0	0	0
National Origin	3	9	7	5	3	1
Equal Pay Act	1	0	0	1	0	1
Age	20	25	23	7	7	10
Disability	6	6	1	3	7	3
Genetics	0	0	0	1	0	0
Non-EEO	0	0	0	1	0	0
Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					FY 2019
	2014	2015	2016	2017	2018	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Appointment/Hire	0	1	2	2	4	0
Assignment of Duties	10	1	7	1	0	2
Awards	1	1	0	0	0	0
Conversion to Full Time/Perm Status	0	0	0	0	0	0
Disciplinary Action						
Demotion	0	0	1	0	0	0
Reprimand	2	0	2	0	0	0
Suspension	0	1	0	0	0	2
Removal	0	1	0	1	0	0
Other	0	0	0	0	0	1
Duty Hours	0	0	0	0	0	0
Perf. Eval./ Appraisal	17	10	5	3	1	2
Examination/Test	0	0	0	0	0	0
Harassment						
Non-Sexual	17	6	3	8	2	2
Sexual	1	0	0	1	1	0
Medical Examination	0	0	0	0	0	0
Pay including overtime	3	8	8	1	0	0
Promotion/Non-Selection	4	12	11	1	2	5
Reassignment						
Denied	1	2	0	0	0	0
Directed	0	1	0	1	0	0
Reasonable Accommodation Disability	2	2	1	1	1	2
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0
Retirement	1	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	1	1	0	0
Termination	2	1	0	1	2	1
Terms/Conditions of Employment	14	25	18	2	4	5
Time and Attendance	3	1	0	0	1	0
Training	3	0	0	0	0	0
Other						
User Defined - Other 1	0	0	0	0	0	0
Other	0	0	0	1	3	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 2019	
	2014	2015	2016	2017	2018							
Complaints pending during fiscal year												
Average number of days in investigation	168.83	183.45	242.47	395.19	174.93	171.29						
Average number of days in final action	15.8	157.58	67	31.33	68.29	23.14						
Complaint pending during fiscal year where hearing was requested												
Average number of days in investigation	165.64	176.44	247.07	404.61	177.8	181.2						
Average number of days in final action	17.67	157.58	42.5	31.33	24.25	15						
Complaint pending during fiscal year where hearing was not requested												
Average number of days in investigation	173.86	206.25	178	318.4	173.5	146.5						
Average number of days in final action	13	0	183	0	127	50.8						
Complaints Dismissed by Agency	Comparative Data										FY 2019	
	Previous Fiscal Year Data											
	2014	2015	2016	2017	2018							
Total Complaints Dismissed by Agency	17	10	1	3	10	3						
Average days pending prior to dismissal	156	399	178	123	49	21						
Complaints Withdrawn by Complainants												
Total Complaints Withdrawn by Complainants	3	1	7	4	15	5						
Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous Fiscal Year Data										FY 2019	
	2014		2015		2016		2017		2018			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		1		0		0		0		0	
Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
With Hearing	0	0	1	100	0	0	0	0	0	0	0	0
Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										FY 2019	
	2014		2015		2016		2017		2018			
	#	%	#	%	#	%	#	%	#	%	#	%
<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
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	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 2019		
	2014		2015		2016		2017		2018				
	#	%	#	%	#	%	#	%	#	%	#	%	
Total Number Findings	0		1		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	1	100	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	
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	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													
Non-Sexual	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	
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	
Other	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 After Hearing	0		1		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	1	100	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	
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	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													
Non-Sexual	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	
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
Other	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 Without Hearing	0	0	0	0	0	0	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
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	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												
Non-Sexual	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
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
Other	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
Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data						FY 2019					
	Previous Fiscal Year Data											
	2014	2015	2016	2017	2018							
	Total complaints from previous Fiscal Years	12	25	47	55	22	5					
	Total Complainants	12	22	40	48	19	4					
	Number complaints pending											
	Investigation	2	2	13	2	0	0					
ROI issued, pending Complainant's action	0	0	0	0	0	0						
Hearing	9	22	31	49	19	5						
Final Agency Action	1	0	0	1	3	0						
Appeal with EEOC Office of Federal Operations	6	7	10	9	9	10						
Complaint Investigations	Comparative Data						FY 2019					
	Previous Fiscal Year Data											
	2014	2015	2016	2017	2018							
	Pending Complaints Where Investigations Exceed Required Time Frames	1	0	1	1	0	0					



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

Office of the Director

AUG 8 2019

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 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.



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Office of the Director

AUG 8 2019

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 Equal Employment Opportunity (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 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:

- 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 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.

The goal of an 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 PBGC's Harassment Inquiry Committee (HIC): Intake points of contact include:

Paul Chalmers (OGC) – (202) 229-3555;

Kimberlee Gee (OGC) – (202) 229-4768;

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

Karen Esser (HRD) – (202) 229-3275; or

PBGC's Office of Equal Employment Opportunity at (202) 229-4363, EEO@PBGC.gov

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

Upon receipt of a harassment allegation, the Agency will conduct a prompt, thorough, and impartial investigation, if appropriate. The Agency will take immediate and appropriate corrective action when 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, HRD, or by contacting the Employee Assistance Program (EAP) or union.

This policy applies to all PBGC employees. Related questions or requests for information should be directed to OEEEO, Brenecia Watson, (202) 229-6868.