



# NO FEAR ACT

FISCAL YEAR 2022

ANNUAL REPORT TO CONGRESS



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## **INTRODUCTION**

The Federal Deposit Insurance Corporation (FDIC) is an independent agency established by Congress to maintain stability and public confidence in the nation's financial system by insuring deposits, examining and supervising financial institutions for safety and soundness and consumer protection, making large and complex financial institutions resolvable, and managing receiverships. The FDIC is a recognized leader in promoting sound public policies, addressing risks in the nation's financial system, and carrying out its insurance, supervisory, consumer protection, resolution planning, and receivership management responsibilities. The FDIC and its employees have a tradition of distinguished public service, with six core values guiding us in accomplishing our mission: Integrity, Competence, Teamwork, Effectiveness, Accountability, and Fairness.

Part of the agency's Equal Employment Opportunity (EEO) mission is to prevent and address unlawful discrimination in the workplace. In addition, we are committed to maintaining a healthy work environment that fosters diversity, equity, inclusion, and accessibility (DEIA), and we recognize that these priorities must be linked with specific DEIA objectives.

In recognition of the role DEIA plays in the FDIC's ability to fulfill its mission, the FDIC established "promoting DEIA within the FDIC workforce and the broader financial industry" as one of seven FDIC Performance Goals in 2022. Within its workforce, the FDIC continues to expand and support diversity and inclusion through recruitment and hiring initiatives, upward mobility opportunities for current employees, career development programs for the next generation of leaders, and improved employee engagement at all levels.

### **Office of Minority and Women Inclusion**

The agency's Office of Minority and Women Inclusion (OMWI) ensures EEO compliance and is responsible for evaluating and addressing issues related to the DEIA objectives of the FDIC workforce. The OMWI Director has delegated responsibility for the FDIC's EEO program. Therefore, OMWI plays a pivotal role in cultivating a model EEO program by administering a fair and consistent EEO process pursuant to Equal Employment Opportunity Commission (EEOC) regulation 29 C.F.R. Part 1614 and EEOC Management Directive (MD) 110. Beyond EEO compliance, DEIA strategies are integrated into the fabric of the agency through the FDIC Diversity Equity and Inclusion 2021-2023 Strategic Plan (DEI Plan) that guides the agency in establishing effective programs that assist with maintaining a workplace free from discrimination. To meet these objectives, OMWI partners with and assists the FDIC's leadership in shaping and developing policies; creating employee learning opportunities; and integrating DEIA into the FDIC's initiatives and activities. In addition, OMWI fosters employee engagement, which is vital for maintaining a workplace that prevents and addresses discrimination and allows for the effective implementation of the DEI Plan.

## **FDIC Leadership**

The Diversity and Inclusion Executive Advisory Council (EAC), comprised of the FDIC's most senior leaders, meets monthly to discuss DEIA matters. Each month in FY 2022, a representative from an employee resource group (ERG) met with the EAC to share perspectives. ERGs also met directly with the FDIC Chairman to communicate their members' perspectives on fostering and maintaining DEIA to advance the FDIC mission and bolster employee engagement. In addition, Regional Directors discussed DEIA strategies with regional and field office employees. Through these efforts, we continue to make progress to achieve our DEIA goals.

## **Employee Engagement**

The Chairman's Diversity Advisory Councils (CDACs) give voice to broad-based employee views, drawing upon strengths and differences of all employees. The CDACs raised national DEIA issues and concerns to the EAC, driving the FDIC forward through exploration of issues, practices, and policies that inhibit or foster the achievement of DEIA goals. The FDIC has seven CDACs, one in each region and one at Washington, D.C., headquarters.

During 2022, the CDACs and ERGs served as diversity partners with FDIC Divisions and Offices. This relationship increased awareness of the ERGs and CDACs, assisted in enhancing employee participation, and broadened resources available to the Divisions and Offices in achieving their DEIA goals. The interactions between these groups educated the partner groups and presented opportunities to share diverse perspectives about the life and experiences of members of diverse groups. The meetings also created a safe space to share stories and demonstrated the importance of maintaining an environment where everyone feels welcome and is included.

With this framework as a backdrop, sections of this report will include initiatives taken to support agency performance goals and the DEI Plan demonstrating our commitment to take steps beyond the foundational statutory requirements.

## **PURPOSE OF REPORT**

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) requires that federal agencies be publicly accountable for violations of antidiscrimination and whistleblower protection laws.

The No FEAR Act, as amended, also requires each federal agency to submit an annual report to Congress no later than 180 days after the end of each fiscal year (FY). Based on this requirement, the FDIC is pleased to present its annual *No FEAR Act Report to Congress*, in accordance with Title II, Section 203 of the No FEAR Act, Public Law 107-174. This annual

report represents FDIC actions taken to ensure accountability for antidiscrimination and whistleblower laws related to employment.

In FY 2021, Congress passed the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, which amended the No FEAR Act to strengthen federal antidiscrimination laws enforced by the EEOC and expanded accountability within the federal government.

Leadership support for No FEAR Act principles is demonstrated by the approval of FDIC 2022 performance goal 5.01: Promote a culture of inclusion across the FDIC by increasing DEIA in the FDIC's workforce and leadership. This goal encompasses recruitment and retention efforts, implementation of Division and Office DEIA plans, barrier identification strategies, EEO data analysis, employee development programs, and agency training to include CDACs and ERGs. Further, the goal focuses on early EEO case resolution and improving Alternative Dispute Resolution (ADR) participation. Leadership also displayed strong commitment on April 26, 2022, when then Acting Chairman Martin Gruenberg issued the agency's annual EEO Policy Statement to staff, in which he stated:

*"It is the FDIC's policy to provide every individual with an equal opportunity in all our employment programs, management practices, decisions, and business activities and to prohibit discrimination in all aspects of personnel operations."*

The annual EEO policy statement reaffirms the FDIC's commitment to the principles of EEO for all employees and applicants for employment, and to maintaining a workplace free from discrimination, harassment, and retaliation.

This FY 2022 report summarizes the accomplishments within the FDIC's EEO program in implementing the No FEAR Act, focusing principally on EEO complaint processing. It evidences the FDIC's commitment to promote accountability for antidiscrimination. As required by section 203(a) of the No FEAR Act, this annual report addresses:

- The number, status, and disposition of Federal court cases, pending or resolved, arising under the laws covered by the No FEAR Act;
- Judgment Fund reimbursements and adjustments to the FDIC budget to meet reimbursement requirements;
- The number and type of disciplinary actions related to discrimination, retaliation, or harassment and the FDIC's policy relating to appropriate disciplinary action;
- Final year-end summary data related to the FDIC's EEO complaint activity for the fiscal year;

- An analysis of trends, causation, and practical knowledge gained through experience;
- Actions planned or taken to improve the FDIC’s discrimination complaint program; and
- The agency’s No FEAR Act training plan.

## **Key Results in FY 2022**

For the purpose of analysis, this report covers FY 2022 data, and data from October 1, 2018 to September 30, 2022. In FY 2022, the FDIC employed 5,510 permanent employees and during the FY 2022 reporting period, there were no findings of discrimination against the FDIC. There were 27 formal EEO complaints filed in FY 2022, which is a decrease from 29 in FY 2021. The number of complaints represented as a percentage of the FDIC permanent workforce is 0.5 percent, which is the same as the federal government-wide percentage.<sup>1</sup> For this reporting period, reprisal, race, and age were the most frequently filed bases, and harassment (non-sexual), promotion/non-selection, evaluation/appraisal, and terms/conditions of employment were the most prevalent issues identified in complaints filed. Other key results from this year include:

- There were no judgments against the FDIC, including the Office of Inspector General (OIG), from cases pending or resolved in federal district court in FY 2022. During the past five years, the courts issued six final judgments in favor of the FDIC. Five district court cases were filed in FY 2022 based on claims arising between 2016 and 2020. These cases alleged age, disability, race (three Black and one White), and sex (female) discrimination.
- In administrative EEO cases, the percentage of complaints filed by females have fluctuated over the past five fiscal years. Black females filed EEO complaints at a higher rate than other females. The FDIC will monitor this trend and consider appropriate strategies to proactively address issues within our workforce.
- The average processing time for the six Final Agency Decisions (FADs) issued on the merits of a complaint was 39 days, well below the EEOC’s 60-day requirement for issuing a FAD.
- There were eight complaints involving allegations of harassment raised through the Agency’s Anti-Harassment Program, which is a separate procedure outside of the EEO

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<sup>1</sup> [https://www.eeoc.gov/annual-report-federal-workforce-fiscal-year-2019#\\_Toc100303158](https://www.eeoc.gov/annual-report-federal-workforce-fiscal-year-2019#_Toc100303158). This report contains the most recent data available from the EEOC.

complaint process. This was a decrease from the prior reporting period. No disciplinary actions were issued in FY 2022 as a result of the claims raised in the Anti-Harassment Program.

## **NO FEAR ACT DATA ANALYSIS**

The FDIC's handles all whistleblower matters and, in accordance with the No FEAR Act requirements, posts whistleblower information on the FDIC's internal and external websites. This information includes "[Know Your Rights When Reporting Wrongs](#)" and guidance on contacting the Whistleblower Protection Coordinator at [www.fdicog.gov/oig-hotline](http://www.fdicog.gov/oig-hotline).

## **EEO Complaints in Federal Court and Disposition**

### FY 2022 Federal Court Trend Analysis

During the past five years, courts issued six final judgments in favor of the FDIC. In this same timeframe, 15 new employment cases were filed in federal district courts. Of these, zero were filed in FY 2018 and two were filed in FY 2019. We saw an increase in new federal district court cases filed in FY 2020 (five), but this trend went down in FY 2021, to three new cases. In FY 2022, individuals filed five new cases against the FDIC in various federal district courts. Most of the new cases were filed by individuals who had unsuccessfully litigated their administrative discrimination complaints and exhausted their administrative remedies before the FDIC and the EEOC. Five district court cases were filed in FY 2022 based on claims arising between 2016 and 2020. These cases alleged age, disability, race (three Black and one White), and sex (female) discrimination.

In FY 2022, district courts issued two decisions in favor of the FDIC. The first decision determined that the plaintiff failed to show that the actions of the FDIC were discriminatory. The second case was terminated pursuant to a stipulation of dismissal after the plaintiff withdrew the case.

The following chart shows the status of the court cases. Although the total number of cases pending at any time increased during FY 2022 to a five-year peak of 11, the FDIC filed dispositive motions in five of the cases, and decisions are pending in those matters. The one appellate court case alleged age, disability, race (White), sex (male) and reprisal discrimination. Detailed court case data for FY 2022 can be found in Appendix C1.

<b>Status of EEO District Court Cases Filed Against the FDIC FY 2018–FY 2022</b>					
<b>Fiscal Year</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
New Cases Filed in District Court	0	2	5	3	5
Pending District Court Cases	3	3	7	9	11
Pending Appellate Court Cases	2	1	0	1	1
Settlements	1	1	0	1	0
Withdrawals	0	0	0	0	1
Final Judgment for Complainant	0	0	0	0	0
Final Judgment for the FDIC	2	1	1	1	1

### **Judgment Fund**

The Judgment Fund was established to pay court judgments and Justice Department settlements of actual or imminent lawsuits against the government. It is a permanent, indefinite appropriation and is administered by the Judgment Fund Branch, which is part of the U.S. Department of the Treasury. The No FEAR Act requires federal agencies to reimburse the Judgment Fund for personnel discrimination payments made in accordance with 28 U.S.C. §§ 2414, 2317, 2672, or 2677.

The FDIC is an independent agency and, with the exception of the FDIC’s OIG, is not appropriated by Congress. There were no judgments against the FDIC, including the OIG, from cases pending or resolved in federal district court in FY 2022. Therefore, no reimbursements or budget adjustments were necessary.

### **Discipline Policy and Disciplinary Action**

The FDIC maintains a written disciplinary and adverse action policy (FDIC Directive 2750.01) designed to enable management to address misconduct appropriately, in a fair and equitable manner that promotes the efficiency of the service. During the reporting period, there were no findings of discrimination issued by a FAD, the EEOC, the Merit Systems Protection Board, the Office of Special Counsel, or a Federal district court.

The FDIC's Anti-Harassment Program (FDIC Directive 2710.03) communicates the agency's policy regarding harassment, as well as the responsibilities of both managers and supervisors to prevent and promptly correct harassing conduct in the workplace. The FDIC administers an effective Anti-Harassment Program by addressing and processing allegations of harassment. These claims are reviewed and resolved in an accelerated process by the Labor and Employee Relations Section (LERS) of the Division of Administration (DOA) and the Legal Division.

In FY 2022, there were eight complaints concerning allegations of harassment raised through the Anti-Harassment Program, which covers both unlawful discriminatory harassment and harassment not covered by anti-discrimination statutes. This reflects a 46 percent decrease from the 15 complaints filed in FY 2021. Of the eight complaints filed in FY 2022, six were found to be unsubstantiated, one resulted in a recommendation that all parties participate in the FDIC's ADR process, and one investigation was ongoing at the end of FY 2022. As stated above, the FDIC did not issue any disciplinary actions in FY 2022 as a result of the claims raised in the Anti-Harassment Program.

<b>Complaints and Actions Under the FDIC's Anti-Harassment Program FY 2018–FY 2022</b>					
<b>Fiscal Year</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Complaints Filed	14	15	6	15	8
Disciplinary Actions	0	0	3	2	0

### **FY 2022 Administrative EEO Complaint Activity**

The EEO data for this *No FEAR Act Annual Report* primarily focuses on FY 2022, but also includes the five-year reporting period data from October 1, 2018 to September 30, 2022. Counseling activity increased, but formal complaint activity decreased during FY 2022. Detailed administrative EEO complaint data can be found in the No FEAR Act EEO Data Report (Appendix C2) and the FY 2022 Annual EEO Statistical Report of Discrimination Complaints-462 Report (Appendix C3).<sup>2</sup>

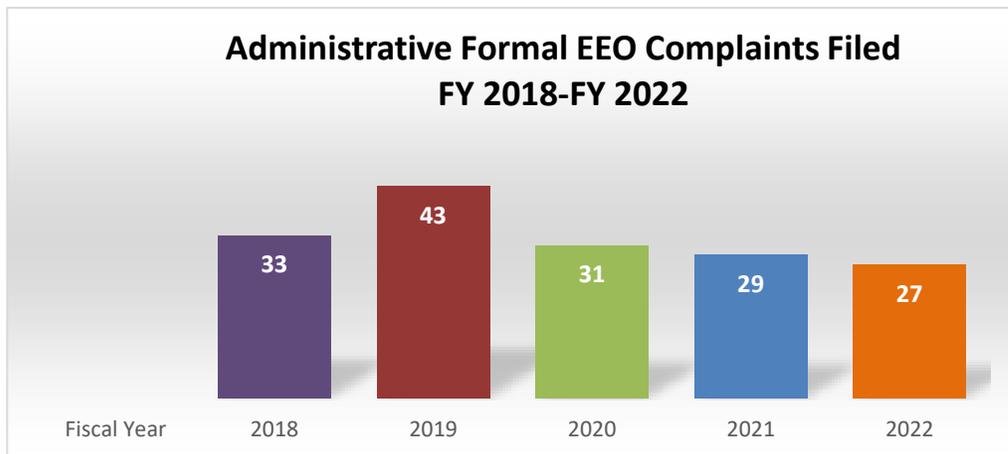
An EEO administrative complaint is an allegation of illegal discrimination that is handled through an administrative procedure. A complaint may result when an employee believes he or she has been unfairly treated because of race, color, national origin, religion, age, sex (male, female, pregnancy, sexual orientation, or gender identity), physical or mental

<sup>2</sup> All EEO data referenced in this section of the report are from the No FEAR Act EEO Data Report (Appendix C2), with the exception of the informal counseling data on page 8 and Final Agency Decision data on page 12, which is from the 462 report (Appendix C3).

disability, and retaliated against for engaging in protected activity. The allegation itself is not proof that illegal discrimination has taken place. The investigation that follows the acceptance of issues from a formal complaint provides the basis for a future determination as to whether or not illegal discrimination has, in fact, occurred.

An informal complaint is a matter of alleged discrimination which an aggrieved person brings to the attention of the EEO Counselor before a formal discrimination complaint is filed. The number of newly initiated informal EEO counselings increased from 43 in FY 2021 to 51 in FY 2022. The FDIC’s EEO Counselor played a critical role in assisting individuals to resolve complaints early and at the lowest level possible. Indicators of the EEO Counselor’s effectiveness are demonstrated by the fact that, aside from complaints processed through EEO ADR, 18 of the 49 counselings on-hand in FY 2022 either withdrew their informal complaint or did not file a formal complaint. This reflects a 375% increase from FY 2021 where there were only four counselings where the aggrieved person either withdrew an informal complaint or did not file a formal complaint.

A formal complaint is a written complaint alleging that a specific act of discrimination or reprisal has taken place that is personal to the individual. As illustrated in the chart below, 27 formal EEO complaints were filed in FY 2022, compared to 29 filed in FY 2021. The number of complaints represented as a percentage of the FDIC permanent workforce is 0.5 percent. Overall, the complaint activity reflects a downward trend over the past three fiscal years and a 37 percent decline since FY 2019.



### **FY 2022 Complaint Data - Examination of Trends and Causal Analysis**

An EEO complainant must assert a “basis” when bringing forward a complaint. The bases (protected groups) under EEO statutes are race, color, national origin, religion, age, sex (male, female, pregnancy, sexual orientation, or gender identity), physical or mental disability, and reprisal. For this reporting period, reprisal, race, and age were the most frequently filed bases.

Each EEO complaint must also assert an “issue”, or circumstance, that constituted the alleged discrimination. For this reporting period, harassment (non-sexual), promotion, and terms/conditions of employment were the most frequently filed issues.

FDIC continuously reviews the bases and issues of EEO complaints to ascertain trends and issues, which enables the FDIC to review policies, procedures, and practices and make modifications to address those trends.

### EEO Bases

During the five-year reporting period, reprisal, race, age, disability, and sex were the most frequently filed bases of EEO complaints. In FY 2022, race-based complaints increased 44 percent from FY 2021—the greatest increase of any basis. Of the 27 total complaints filed in FY 2022, 13 involved allegations of discrimination on the basis of race (nine-Black, two-White, two-Asian), compared to nine race-based discrimination allegations filed in FY 2021 (six-Black, one-White, one-Asian, one-Two or More Races). The following chart reflects the FDIC’s complaint activity by bases of discrimination. Since complaints can be filed alleging multiple bases of discrimination, the sum of the bases may not equal the total complaints filed.

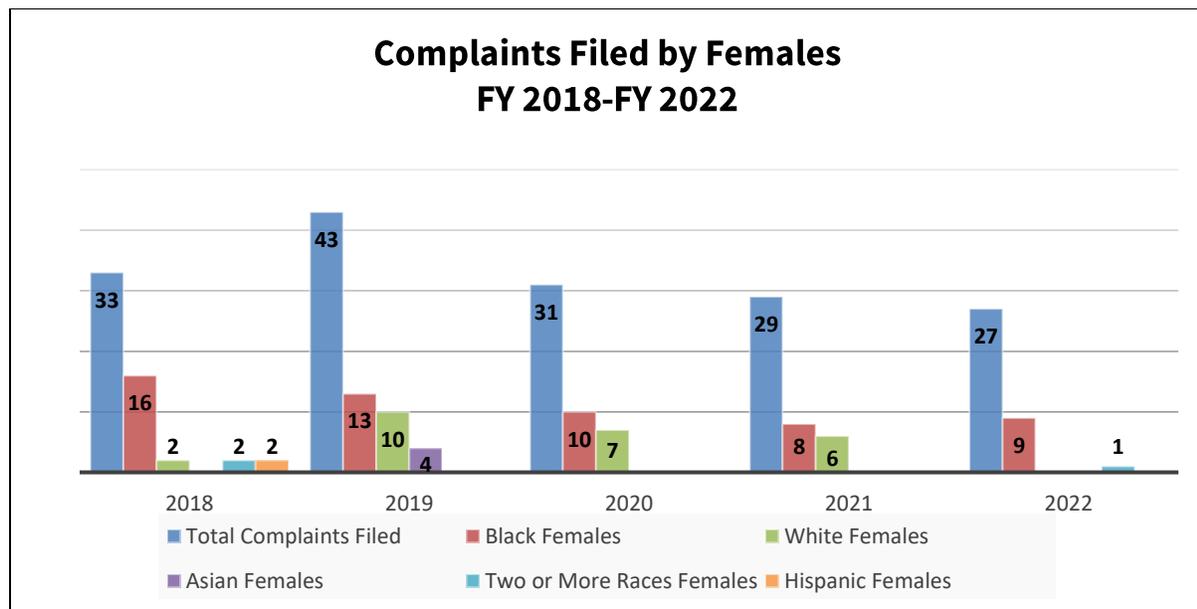
<b>EEO Complaints by Basis, FY 2018–FY 2022<sup>3</sup></b>					
	2018	2019	2020	2021	2022
<b>Race</b>	14	23	15	9	13
<b>Color</b>	2	5	4	2	2
<b>Religion</b>	0	3	3	1	1
<b>Reprisal</b>	21	22	17	13	14
<b>Sex*</b>	12	21	12	11	7
<b>PDA**</b>	0	0	0	0	0
<b>National Origin</b>	2	7	3	2	5
<b>Equal Pay Act</b>	0	1	0	1	1
<b>Age</b>	12	18	12	15	14
<b>Disability</b>	15	13	7	8	10
<b>Genetic Information</b>	0	0	0	0	0
<b>Non-EEO</b>	2	3	2	0	3

\* Male, female, pregnancy, sexual orientation, and gender identity.

\*\*Pregnancy Discrimination Act

<sup>3</sup> The chart on page nine in the body of the FY 2021 *No FEAR Act Report to Congress* contained inaccurate data for FYs 2018 (race-10, age-10, disability-10); 2019 (race-21, equal pay-0, disability-14); and 2020 (color-3, religion-2), because it did not include the Agency’s conflict complaint numbers. Additionally, it did not include amendments of several formal complaints received after the FY 2021 year-end report was submitted in October 2021. Adjustments were made and the current FY 2022 chart reflects the correct numbers for FYs 2018, 2019, and 2020.

There was a decrease of 36 percent in the number of overall sex-based complaints in FY 2022 compared to FY 2021. There were seven complaints in FY 2022, compared to 11 in FY 2021. The percentage of complaints filed by females have fluctuated over the past five fiscal years. The most frequently filed bases for females for the past five fiscal years are reprisal, race (Black), and sex. The most frequently filed issues for females over the same period are harassment, performance evaluation, promotion, and terms and conditions of employment. As shown below, the analysis reflects that Black females filed EEO complaints at a higher rate than other females at 33 percent of the complaints filed in FY 2022. In those cases, harassment, discipline, and promotion were the most frequently alleged issues.



We are monitoring this trend and will evaluate what strategies may be needed to proactively address these specific workforce challenges.

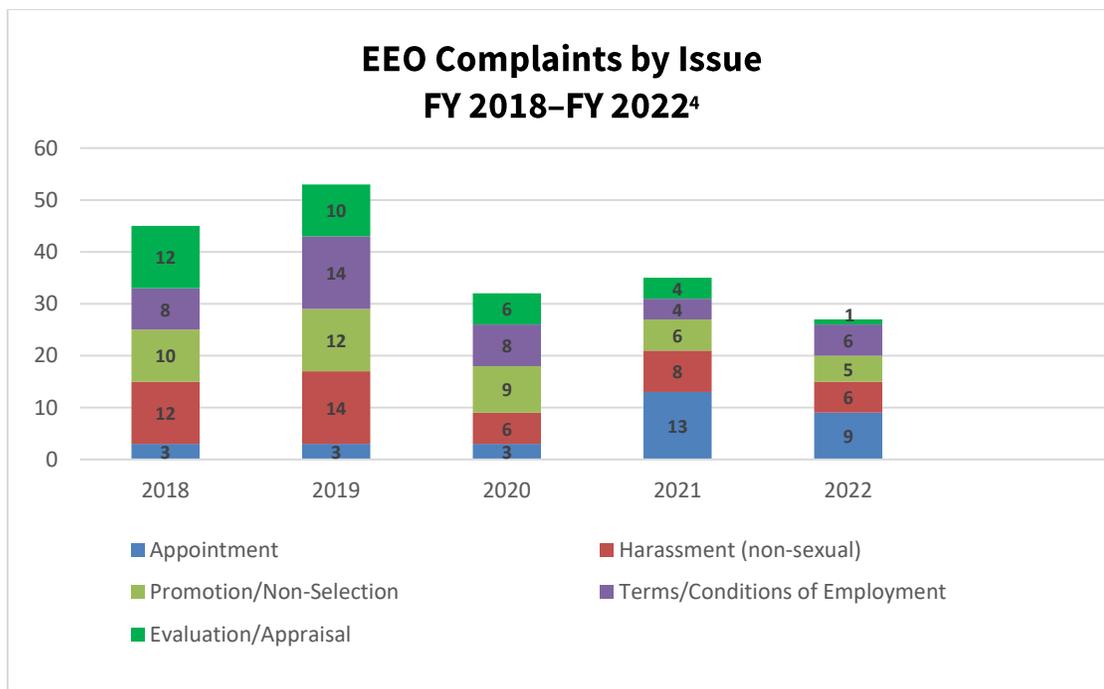
#### EEO Issues<sup>4</sup>

For the past five reporting periods, the most frequently filed EEO issues are non-sexual harassment, promotion/non-selection, evaluation/appraisal, terms and conditions of employment, and appointment/hire. The harassment issues filed under the EEO complaint process are separate from the harassment matters processed in the Agency’s Anti-Harassment Program. The FDIC’s Anti-Harassment Program is purposefully broad as it is a separate procedure outside of the EEO complaint process. It identifies multiple avenues of

<sup>4</sup> The data for the terms and conditions of employment language for FYs 2020 (9) and 2021 (5) on pages nine and 10 in the body of the FY 2021 *No FEAR Act Report to Congress* changed because the FY 2021 report did not include amendments of several formal complaints received after the FY 2021 year-end report was submitted. The current FY 2022 chart reflects the additional numbers.

redress for claims of harassment, and does not limit employees to bases and claims covered in the EEO process.

In FY 2021 and FY 2022, the most frequently filed issue was appointment/hire. The data reflects that there has been an increase in the number of discrimination complaints filed by applicants who were not selected for FDIC positions after FY 2020. In FY 2021, 13 of the 29 complaints were filed by applicants for employment. There was a 30 percent decline in appointment/hire complaints filed in FY 2022 (nine). To support the effective processing of these complaints, we follow guidance and procedures developed by our Human Resources Branch and thoroughly document the steps of the hiring/application process, as well as hiring decisions.



There are some measures already in place to address recent trends we have seen in our complaints. For instance, FDIC has taken the following strategic measures to support an effective anti-harassment program and increase promotion opportunities.

*Anti-Harassment Program*

As part of the DEI plan In 2021, the FDIC updated its Anti-Harassment Program (FDIC Directive 2710.3) to include language regarding: sexual harassment in the examples provided in the definition of harassment; providing notification to the person reporting the harassment and alleged harasser that the investigation has been completed; taking preventive/corrective action, as appropriate, no later than 60 days of receiving notice of a report of harassment; and initiating an investigation within ten calendar days of receiving the report of harassment.

### *Expression of Interest Program*

To promote work-experience diversity and full inclusion, and to support employees seeking developmental opportunities, cross-divisional details at the FDIC are advertised through its Expression of Interest (EOI) program. In line with the DEI Plan, the FDIC updated its EOI program in 2021 to ensure that the application process for details and temporary promotions was fair, open, and inclusive. One of the notable program changes removed the requirement for an employee to obtain supervisor approval when submitting an EOI application. This new process has empowered more employees to pursue career development opportunities. Through this program, participants are allowed to learn new skills, network, and learn more about the different Divisions and Offices. This broad talent-development program will help the FDIC build a stronger and well-rounded diverse workforce.

### *Leadership Programs*

In 2021, the FDIC as part of its DEI Plan implemented two one-year rotational programs to expand developmental opportunities: the Leadership Excellence Acceleration Program (LEAP) and the Special Assistant Rotational Program (SARP). These programs build a diverse pool of candidates for management positions, enhance succession planning, and support employees in advancing to management roles. The LEAP provides the tools individuals need when entering first-line management ranks through participation in training courses and developmental assignments. For the two years combined there were 26 LEAP participants. The SARP participants gain exposure to division and office operations at the senior level outside their permanent division or office. Throughout the year, the SARP participants engage in meetings and training events, work with coaches and mentors, and participate in self-development courses. There were a total of 24 participants in 2021 and in 2022.

### Closures and Timeliness

During the reporting period, there were no findings of discrimination against the FDIC. In the past two years, more EEO complaints were closed than filed. At the beginning of FY 2022, there were a total of 43 complaints at various stages in the complaint process and 35 EEO complaints were closed; outpacing the number of new complaints filed (27). The FDIC issued all Final Agency Decisions (FADs) timely and the average processing time for the six FADs issued on the merits of a complaint was 39 days, well below the EEOC's 60-day requirement for issuing a FAD.

<b>Final Agency Decisions Issued on the Merits FY 2018–FY 2022</b>			
<b>Fiscal Year</b>	<b>Number of Decisions</b>	<b>Average Days</b>	<b>% Timely</b>
2022	6	39	100%
2021	4	43	100%
2020	19	52	67%
2019	8	52	88%
2018	8	44	88%

The FDIC completed 100 percent of the 18 EEO complaint investigations in a timely manner, within the mandated regulatory timeframes. The average investigation processing time increased from 190 days in FY 2021 to 227 days in FY 2022 as a result of extensions of time granted for various reasons, e.g., mutual extension of time or amendments being filed. OMWI hired one EEO Specialist during the reporting period to replace an employee who retired in FY 2020, and anticipate hiring one more EEO Specialist in FY 2023 to replace an employee who retired in FY 2022. The hiring of staff and a review of complaint processing practices with stakeholders will allow for updated processes and procedures which should help reduce the average investigation processing time.

<b>EEO Complaint Investigation Times FY 2018–FY 2022</b>			
<b>Fiscal Year</b>	<b>Complaints<sup>5</sup> Filed</b>	<b>Investigations Average Days</b>	<b>% Timely</b>
2022	27	227	100%
2021	29	190	95%
2020	31	200	97%
2019	43	201	98%
2018	33	187	97%

### **Action Taken/Planned to Improve EEO Complaint Program**

- In FY 2022, the FDIC continued a benchmarking review of the ADR process for informal EEO complaints. This review included a survey of 15 federal agencies to gather information about their ADR programs, processes, and best practices. Based on this review, the FDIC considered options for changing its ADR policy for mediation in the

<sup>5</sup> In FY 2022, FDIC completed 18 investigations. This number is not reflective of the total complaints filed in FY 2022 which was 27.

informal stage of the process, which may increase the overall ADR participation rate. Additionally, in seeking to determine why more employees do not opt to participate in mediation, OMWI surveyed employees who participated in the informal process. Although few employees responded, some expressed that they find the mediation process stressful; and some expressed a fear of retaliation. OMWI is collaborating with the Legal Division's ADR Unit as part of the FDIC's efforts to increase participation in the ADR process. Efforts taken during the year increased the ADR participation rate at the informal stage from 40 percent to 45 percent, but it still remains below the EEOC's goal of 50 percent.

The FDIC will continue to explore appropriate measures, such as new mediation contracts, to enhance the effectiveness of the Agency's EEO ADR program as it is a viable and cost saving alternative to traditional EEO discrimination complaint processing.

- The FDIC continues efforts to review, update, and implement changes to various policies and procedures related to DEIA and EEO. On March 22, 2022, the FDIC issued a revised policy (FDIC Directive 2710.07) related to the collection and maintenance of EEO statistics and access controls for EEO data. This will enhance the accuracy and efficiency of EEO complaint data monitoring, tracking, and reporting.
- During the reporting period, five EEO policies entered the Agency's approval process based on proposed updates to these policies. The approval process includes stakeholder review and allows for employee comment, which will strengthen the policies' effectiveness. In FY 2023, the Agency will complete the review process and implement the revised EEO policies.
- With regard to accountability, meetings are held with the EAC, and Regional Office management and supervisors, during which the groups discuss status reports regarding EEO activity, the FDIC's EEO initiatives, and the importance of resolving actions that may become EEO complaints. These meetings advise FDIC senior management regarding DEIA and EEO areas of concern within the FDIC and promote the development of strategies to address those concerns and improve EEO complaint processing.

### **Practical Knowledge Gained**

- FDIC leadership will continue to consider EEO protections and DEIA principles when developing and implementing new or revised policies and practices, and before addressing workplace issues. During the past year, the FDIC also focused its attention on recruitment and hiring diversity initiatives, support for first-generation professionals, and career development programs for the next generation of leaders.

- Policies exist and are being updated to hold managers and supervisors accountable for their actions in order to maintain a workplace free from discrimination, harassment, and retaliation.
- Many complaints at the FDIC are due to miscommunication; therefore we will continue to encourage participation in the ADR program to address employee concerns earlier in the EEO process as ADR provides employees and management an opportunity to directly address the issues face-to-face.
- The analysis of discrimination complaints filed during the pandemic in FY 2021 (29) and FY 2022 (27) showed a continued decline in the number of complaints filed compared to the recent high of 43 complaints in FY 2019. As the FDIC workforce returns to the office in expected greater numbers in 2023 and beyond, we will monitor whether this transition has an impact on the number of complaints filed.

## **Training**

The FDIC recognizes the critical role training plays in raising awareness of EEO laws, regulations, and procedures. It is essential that we continue to cultivate a workplace culture of excellence that is inclusive and supportive of DEIA, and is safe and free from discrimination. During the reporting period, in collaboration with the FDIC's Corporate University (CU), OMWI updated its EEO and Diversity Training for Supervisors. The new curriculum addresses a wide array of topics, including: acknowledging, developing, supporting, and embracing diversity; influencing and motivating across cultures; adapting leadership styles; creating a cohesive multigenerational workforce; preventing workplace harassment; and EEO foundations for supervisors.

In FY 2022, the FDIC transitioned to a new agency-wide learning management system, (FDIC Learning Experience, or FLX) to provide online training to employees. In October 2022, managers and supervisors were automatically enrolled to complete the revised EEO and Diversity Training. To support improvement of completion rates, the FDIC provided regular training completion rates data to Divisions and Offices, and sent update reminders to managers and supervisors who needed to complete the training.

## **FDIC No FEAR Act Training Plan**

The FDIC adheres to the requirements of the No FEAR Act to provide biennial training for all employees. In FY 2022, we revised our training to reflect the enactment of the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, which amended the No FEAR Act to strengthen federal antidiscrimination laws and expand accountability within the federal government. In May 2022, all employees were automatically enrolled in the revised training. The agency provided leadership and management reports of completion rates, and sent individual email reminders to employees. Additionally, new FDIC employees are advised

during the New Employee Orientation Program of the requirement to complete the No FEAR Act training within 90 days of hire. We will examine EEO complaint data trends and incorporate information in the next biennial No FEAR Act training course.

## **CONCLUSION**

The provisions of the No FEAR Act and the EEO process are integral to the FDIC's longstanding goal to build and maintain an accountable and inclusive workplace that is an employer of choice within the federal government.

Our increased attention to the early resolution of workplace issues, coupled with periodic briefings and training, support our efforts to decrease the number of formal EEO complaints filed. As mentioned, above there were no findings of discrimination issued in FY 2022; however, the FDIC continually looks for trends and takes proactive steps to address workplace challenges before they become complaints.

We will continue to assess our EEO policies, achieve our performance goals, implement our DEI Plan, emphasize the benefits of ADR to managers, supervisors, and employees, and proactively leverage strategies to identify, address, and resolve workplace conflicts at the lowest level. In addition, we will take steps to have an effective and timely complaint process.

These efforts will help us to not only meet, but go well beyond the objectives of the No FEAR Act and continue the EEO progress we have made in our workplace.

## **APPENDIX A**

NO FEAR ACT LEGAL COVERAGE

## **NO FEAR ACT LEGAL COVERAGE**

The No FEAR Act requires that federal agencies report on the number of cases in federal court pending or resolved in each fiscal year and arising under each of the respective provisions of the federal antidiscrimination and whistleblower protection laws applicable to the agency, as defined in 5 C.F.R. § 724.102, in which an employee, former federal employee, or applicant alleged a violation(s) of these laws, separating data by the provision(s) involved. The laws covered in the No FEAR Act include:

- Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. § 2000e-16 (race, color, religion, sex, national origin, and reprisal)
- The Age Discrimination in Employment Act of 1967, *as amended*, 29 U.S.C. § 633a (age (40 and over) and reprisal)
- The Equal Pay Act of 1963, *as amended*, 29 U.S.C. § 206(d) (sex-based wage differentials and reprisal)
- Section 501 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 791 (physical and mental disabilities and reprisal)
- The Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff *et seq.* (genetic information about an individual or individual's family members and reprisal)
- The Civil Service Reform Act of 1978, 5 U.S.C. § 2302(b) and (d) (prohibited personnel practices, and race, color, religion, sex, national origin, age, disability, marital status, political affiliation, and whistleblowing)

## **APPENDIX B**

### CHAIRMAN EEO POLICY STATEMENT



**Federal Deposit Insurance Corporation**  
550 17<sup>th</sup> Street NW, Washington, DC 20429

Office of the Acting Chairman

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**DATE:** April 26, 2022  
**TO:** All FDIC Employees  
**FROM:** Martin J. Gruenberg *mjg*  
Acting Chairman  
**SUBJECT:** Equal Employment Opportunity (EEO) Policy Statement

Once again, I am pleased to reaffirm the FDIC's commitment to the principles of equal employment opportunity for all employees and applicants for employment, regardless of race, religion, color, sex (including pregnancy, gender identity and sexual orientation), national origin, age, genetic information, or disability. It is the FDIC's policy to provide every individual with an equal opportunity in all our employment programs, management practices, decisions, and business activities and to prohibit discrimination in all aspects of personnel operations (including but not limited to recruitment, hiring, merit promotion, transfer, reassignment, training and career development, benefits, and separation).

I expect every FDIC employee – staff and supervisors alike – to continue our steadfast efforts to ensure that the FDIC is a model workplace and employer of choice. A core strength of the FDIC is its extraordinary staff who are dedicated to accomplishing the FDIC's statutory mission. It is essential that we continue to cultivate a workplace culture of excellence that is inclusive and supportive of diversity, and is safe and free from hostility or harassment. We must continue to conduct ourselves with professional courtesy and advance the principles of workplace access and inclusion.

Such a workplace treats everyone with dignity and respect, embraces our differences, and allows the freedom to compete equally on a fair and level playing field. That is something we must work toward daily, and I ask all FDIC employees to assist in accomplishing this goal. I am confident that all of you will become familiar with, and adhere to, the EEO principles and I affirm our zero tolerance for prohibited, discriminatory behavior. Managers and supervisors will address discrimination and harassment allegations immediately and appropriately.

Workplace harassment, and reprisal against one who engages in protected activity, will not be tolerated. The FDIC will correct any harassing conduct before it becomes severe or pervasive, and will support employees who exercise their rights under the civil rights statutes.

For more information about the FDIC Equal Employment Opportunity and Anti-Harassment programs, including information on freedom from reprisal for those who engage in protected activity, please take the time to read [Circular 2710.1](#) and [Circular 2710.03](#). Bargaining unit employees may wish to review the grievance procedures included in the FDIC-NTEU Collective Bargaining Agreement related to equal employment opportunity.

## **APPENDIX C**

### SUMMARY OF FDIC COMPLAINT DATA

## **APPENDIX C1**

Federal Court Data

## Appendix C1: Summary Complaint Data-Federal Court Data

### FEDERAL CASES PENDING in FY 2022

Cases pending at any time during the year, including those filed during the year, and those disposed of during the year

Pending District Court Cases	11
Pending Appellate Court Cases	1
New Cases Filed in District Court	5

	ALLEGING A VIOLATION OF								
	Antidiscrimination Laws						Whistleblower Protection Laws		
	5 USC		29 USC			42 USC	5 USC		
	§ 2302(b)(1)	§ 2302(b)(9)	§ 206(d)	§ 631	§ 633a	§ 791	§ 2000e-16	§ 2302(b)(8)	§ 2302(b)(9)
<b>1. Pending Cases</b>									
Disposed of during FY2022	0	1	0	0	0	0	2	0	0
Still pending at end of FY2022	1	1	0	0	3	3	7	1	1
<b>2. Disposition of Cases (including dismissals)</b>									
Settlements	0	0	0	0	0	0	0	0	0
Withdrawals	0	0	0	0	0	0	1	0	0
Final Judgment for Complainant	0	0	0	0	0	0	0	0	0
Final Judgment for Agency	0	1	0	0	1	1	1	1	1
Reimbursement to Judgment Fund	0	0	0	0	0	0	0	0	0
Remand of appellate cases to District Court	0	0	0	0	0	0	0	0	0
Reimbursement to Judgment Fund For Attorney's Fees (where separately designated)	0	0	0	0	0	0	0	0	0
<b>3. Number of Employees Disciplined In Connection With Federal Court Litigation For Violating Antidiscrimination and Whistleblower Protection Laws</b>									
Reprimand	0	0	0	0	0	0	0	0	0
Suspension without pay	0	0	0	0	0	0	0	0	0
Reduction in grade or pay	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0
<b>4. Aggregate Number of Employees Disciplined In Accordance With FDIC Policies for Conduct That Is Inconsistent With Federal Anti-discrimination Laws And Whistleblower Protection Laws Whether Or Not In Connection With Federal Court Litigation</b>									
Reprimand	0								
Suspension without pay	0								
Reduction in grade or pay	0								
Removal	0								

5USC 2302(b)(1), 2302(b)(9) - Prohibited Personnel Practices  
 5USC 206(d) - Equal Pay Act  
 29USC 631, 633- Age Act; 791 -Rehabilitation Act  
 42USC 2000e-16 (TVII of the Civil Rights Act)

## **APPENDIX C2**

EEO DATA POSTED PURSUANT to the No FEAR Act

# No FEAR Act EEO Data

Data as of 09/30/2022

## Complaint Activity

Complaint Activity	2017	2018	2019	2020	2021	FY2022 YTD
Number of Complaints Filed	30	33	43	31	29	27
Number of Complainants	28	30	39	30	26	24
Repeat Filers	2	3	3	1	2	1

## Complaints by Basis

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

	2017	2018	2019	2020	2021	FY2022 YTD
Race	17	14	23	15	9	13
Color	3	2	5	4	2	2
Religion	0	0	3	3	1	1
Reprisal	14	21	22	17	13	14
Sex*	17	12	21	12	11	7
PDA	1	0	0	0	0	0
National Origin	3	2	7	3	2	5
Equal Pay Act	3	0	1	0	1	1
Age	10	12	18	12	15	14
Disability	12	15	13	7	8	10
Genetic Information	0	0	0	0	0	0
Non-EEO	3	2	3	2	0	3

\*Male, Female, Pregnancy, Sexual Orientation, Gender Identity

## Number of Complaints Alleging Each Type of Claim

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

	2017	2018	2019	2020	2021	FY2022 YTD
Appointment/Hire	3	3	3	3	13	9
Assignment of Duties	5	4	7	3	1	1
Awards	0	2	1	1	1	1
Conversion to Full-time	0	0	0	0	0	0
<b>Disciplinary Action</b>						
Demotion	0	2	1	1	0	0
Warning	4	7	2	1	1	0
Reprimand	1	1	0	2	0	0
Removal	0	1	4	3	1	2

<b>Suspension</b>	1	1	1	0	0	0
<b>Other</b>	2	0	0	0	0	0
<b>Duty Hours</b>	0	0	1	0	0	0
<b>Evaluation Appraisal</b>	10	12	10	6	4	1
<b>Examination Test</b>	0	0	0	0	0	2
<b>Harassment</b>						
<b>Non-Sexual</b>	15	12	14	6	8	6
<b>Sexual</b>	1	3	1	4	0	0
<b>Medical Examination</b>	0	0	0	0	0	0
<b>Pay (Including Overtime)</b>	3	0	3	0	1	1
<b>Promotion Non-Selection</b>	7	10	12	9	6	5
<b>Reassignment</b>						
<b>Denied</b>	0	2	2	1	3	3
<b>Directed</b>	2	1	0	0	2	0
<b>Reasonable Accommodation</b>	4	5	3	2	2	2
<b>Reinstatement</b>	0	0	0	0	0	0
<b>Religious Accommodation</b>	0	0	0	0	0	1
<b>Retirement</b>	0	1	0	0	0	0
<b>Sex Stereotyping</b>	0	0	0	0	0	0
<b>Telework</b>	4	5	4	1	0	0
<b>Termination</b>	3	2	4	3	1	2
<b>Terms/Conditions of Employment</b>	8	8	14	8	4	6
<b>Time and Attendance</b>	9	8	7	2	1	0
<b>Training</b>	4	5	3	2	3	3
<b>Other</b>	2	0	0	0	0	0

<b>Processing Time</b>						
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>FY2022 YTD</b>
<b>Complaints pending during fiscal year</b>						
<b>Average number of days in investigation</b>	197	187	201	200	190	227
<b>Average number of days in final action</b>	38	32	36	41	28	26
<b>Complaints pending during fiscal year where hearing was requested</b>						
<b>Average number of days in investigation</b>	213	195	202	201	178	223
<b>Average number of days in final action</b>	11	27	22	39	23	23
<b>Complaints pending during fiscal year where hearing was not requested</b>						
<b>Average number of days in investigation</b>	173	165	197	199	211	231
<b>Average number of days in final action</b>	48	39	67	38	43	35

**Complaints Dismissed by Agency**

	2017	2018	2019	2020	2021	FY2022 YTD
<b>Total Complaints Dismissed by Agency</b>	8	2	3	2	5	3
<b>Average Days pending prior to dismissal</b>	360	128	103	109	113	402

<b>Complaints Withdrawn by Complainants</b>						
	2017	2018	2019	2020	2021	FY2022 YTD
<b>Total Withdrawn by Complainants</b>	0	8	0	1	2	1

<b>Total Final Actions Finding Discrimination</b>						
	2017	2018	2019	2020	2021	FY2022 YTD
<b>Total Number of Findings</b>	0	0	1	0	0	0
<b>Without Hearing</b>	0	0	1	0	0	0
<b>With Hearing</b>	0	0	0	0	0	0

<b>Findings of Discrimination Rendered by Basis</b>						
<i>Note: Complaints can be filed alleging multiple Bases. The sum of the bases may not equal total complaints filed.</i>						
	2017	2018	2019	2020	2021	FY2022 YTD
<b>Total Number of Findings</b>	0	0	1	0	0	0
<b>Race</b>	0	0	0	0	0	0
<b>Color</b>	0	0	0	0	0	0
<b>Religion</b>	0	0	0	0	0	0
<b>Reprisal</b>	0	0	0	0	0	0
<b>Sex</b>	0	0	0	0	0	0
<b>National Origin</b>	0	0	0	0	0	0
<b>Equal Pay Act</b>	0	0	0	0	0	0
<b>Age</b>	0	0	0	0	0	0
<b>Disability</b>	0	0	1	0	0	0
<b>Genetic Information</b>	0	0	0	0	0	0
<b>Non-EEO</b>	0	0	0	0	0	0

<b>Findings After Hearing</b>						
	2017	2018	2019	2020	2021	FY2022 YTD
<b>Total Number of Findings</b>	0	0	0	0	0	0
<b>Race</b>	0	0	0	0	0	0
<b>Color</b>	0	0	0	0	0	0
<b>Religion</b>	0	0	0	0	0	0
<b>Reprisal</b>	0	0	0	0	0	0
<b>Sex</b>	0	0	0	0	0	0
<b>National Origin</b>	0	0	0	0	0	0
<b>Equal Pay Act</b>	0	0	0	0	0	0
<b>Age</b>	0	0	0	0	0	0

<b>Disability</b>	0	0	0	0	0	0
<b>Genetic Information</b>	0	0	0	0	0	0
<b>Non-EEO</b>	0	0	0	0	0	0
<b>Findings Without Hearing</b>						
<b>Findings Without Hearing</b>	0	0	1	0	0	0
<b>Race</b>	0	0	0	0	0	0
<b>Color</b>	0	0	0	0	0	0
<b>Religion</b>	0	0	0	0	0	0
<b>Reprisal</b>	0	0	0	0	0	0
<b>Sex</b>	0	0	0	0	0	0
<b>National Origin</b>	0	0	0	0	0	0
<b>Equal Pay Act</b>	0	0	0	0	0	0
<b>Age</b>	0	0	0	0	0	0
<b>Disability</b>	0	0	1	0	0	0
<b>Genetic Information</b>	0	0	0	0	0	0
<b>Non-EEO</b>	0	0	0	0	0	0

<b>Findings of Discrimination Rendered by Issue</b>						
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>FY2022 YTD</b>
<b>Total Number of Findings</b>	0	0	1	0	0	0
<b>Appointment/Hire</b>	0	0	0	0	0	0
<b>Assignment of Duties</b>	0	0	0	0	0	0
<b>Awards</b>	0	0	0	0	0	0
<b>Conversion to Full-time</b>	0	0	0	0	0	0
<b>Disciplinary Action</b>						
<b>Demotion</b>	0	0	0	0	0	0
<b>Reprimand</b>	0	0	0	0	0	0
<b>Suspension</b>	0	0	0	0	0	0
<b>Removal</b>	0	0	0	0	0	0
<b>Other</b>	0	0	0	0	0	0
<b>Duty Hours</b>	0	0	0	0	0	0
<b>Evaluation Appraisal</b>	0	0	0	0	0	0
<b>Examination Test</b>	0	0	0	0	0	0
<b>Harassment</b>						
<b>Non-Sexual</b>	0	0	0	0	0	0
<b>Sexual</b>	0	0	0	0	0	0
<b>Medical Examination</b>	0	0	0	0	0	0
<b>Pay Including Overtime</b>	0	0	0	0	0	0
<b>Promotion Non-Selection</b>	0	0	0	0	0	0
<b>Reassignment</b>						
<b>Denied</b>	0	0	0	0	0	0
<b>Directed</b>	0	0	0	0	0	0
<b>Reasonable Accommodation</b>	0	0	0	0	0	0

Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	1	0	0	0
Time and Attendance	0	0	0	0	0	0
Training	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0
<b>Findings After Hearing</b>						
Findings After Hearing	0	0	0	0	0	0
Appointment/Hire	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0
Awards	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0
<b>Disciplinary Action</b>						
Demotion	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0
Suspension	0	0	0	0	0	0
Removal	0	0	0	0	0	0
Other	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0
Examination Test	0	0	0	0	0	0
<b>Harassment</b>						
Non-Sexual	0	0	0	0	0	0
Sexual	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0
Pay Including Overtime	0	0	0	0	0	0
Promotion Non-Selection	0	0	0	0	0	0
<b>Reassignment</b>						
Denied	0	0	0	0	0	0
Directed	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0
Training	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0
<b>Findings Without Hearing</b>						
Findings Without Hearing	0	0	1	0	0	0
Appointment/Hire	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0
Awards	0	0	0	0	0	0

<b>Conversion to Full-time</b>	0	0	0	0	0	0
<b>Disciplinary Action</b>						
<b>Demotion</b>	0	0	0	0	0	0
<b>Reprimand</b>	0	0	0	0	0	0
<b>Suspension</b>	0	0	0	0	0	0
<b>Removal</b>	0	0	0	0	0	0
<b>Other</b>	0	0	0	0	0	0
<b>Duty Hours</b>	0	0	0	0	0	0
<b>Evaluation Appraisal</b>	0	0	0	0	0	0
<b>Examination Test</b>	0	0	0	0	0	0
<b>Harassment</b>						
<b>Non-Sexual</b>	0	0	0	0	0	0
<b>Sexual</b>	0	0	0	0	0	0
<b>Medical Examination</b>	0	0	0	0	0	0
<b>Pay Including Overtime</b>	0	0	0	0	0	0
<b>Promotion Non-Selection</b>	0	0	0	0	0	0
<b>Reassignment</b>						
<b>Denied</b>	0	0	0	0	0	0
<b>Directed</b>	0	0	0	0	0	0
<b>Reasonable Accommodation</b>	0	0	0	0	0	0
<b>Reinstatement</b>	0	0	0	0	0	0
<b>Retirement</b>	0	0	0	0	0	0
<b>Termination</b>	0	0	0	0	0	0
<b>Terms/Conditions of Employment</b>	0	0	1	0	0	0
<b>Time and Attendance</b>	0	0	0	0	0	0
<b>Training</b>	0	0	0	0	0	0
<b>Other - User Defined</b>	0	0	0	0	0	0

**Pending Complaints Filed in Previous Fiscal Years by Status**

	2017	2018	2019	2020	2021	FY2022 YTD
<b>Total Complaints from previous Fiscal Years</b>	49	41	32	25	19	11

<b>Total Complainants</b>	37	34	27	22	19	11
	<b>Number of Complaints Pending</b>					
<b>Investigation</b>	0	0	0	0	0	0
<b>ROI issued, pending Complainant's action</b>	0	1	0	0	0	0
<b>Hearing</b>	46	36	28	25	19	8
<b>Final Action</b>	0	4	4	0	0	3
<b>Appeal</b>	11	4	11	15	7	6

<b>Complaint Investigations</b>						
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>FY2022 YTD</b>
<b>Pending Complaints Where Investigations Exceed Required Time Frames</b>	0	0	1	0	0	0

## **APPENDIX C3**

FY 2022 ANNUAL EEO STATISTICAL REPORT OF  
DISCRIMINATION COMPLAINTS-462 REPORT

**PART I - PRE-COMPLAINT ACTIVITIES**

	COUNSELING	INDIVIDUALS
INTENTIONALLY LEFT BLANK		
<b>TOTAL COMPLETED/ENDED COUNSELING</b>		
<b>C. TOTAL COMPLETED/ENDED COUNSELINGS</b>	<b>49</b>	<b>44</b>
C.1. COUNSELED WITHIN 30 DAYS	17	14
C.2. COUNSELED WITHIN 31 TO 90 DAYS	32	31
C.2.a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS	10	10
C.2.b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR	22	22
C.2.c. COUNSELED WITHIN 31-90 DAYS THAT WERE UNTIMELY	0	0
C.3. COUNSELED BEYOND 90 DAYS	0	0
C.4. COUNSELED DUE TO REMANDS	0	0
<b>D. PRE-COMPLAINT ACTIVITIES</b>		
D.1. ON HAND AT THE BEGINNING OF THE REPORTING PERIOD	9	9
D.2. INITIATED DURING THE REPORTING PERIOD	51	43
D.3. COMPLETED/ENDED COUNSELINGS	49	44
D.3.a. SETTLEMENTS (MONETARY AND NON-MONETARY)	4	4
D.3.b. WITHDRAWALS/NO COMPLAINT FILED	18	18
D.3.c. COUNSELINGS COMPLETED/ENDED IN REPORTING PERIOD THAT RESULTED IN COMPLAINT FILINGS IN REPORTING PERIOD	25	22
D.3.d. DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD	2	2
D.4. COUNSELINGS PENDING AT THE END OF THE REPORTING PERIOD	11	11

	COUNSELING	INDIVIDUALS	AMOUNT
<b>E. NON-ADR SETTLEMENTS WITH MONETARY BENEFITS TOTAL</b>	<b>0</b>	<b>0</b>	<b>\$0.00</b>
E.1. COMPENSATORY DAMAGES	0	0	\$0.00
E.2. BACKPAY/FRONTPAY	0	0	\$0.00
E.3. LUMP SUM PAYMENT	0	0	\$0.00
E.4. ATTORNEY FEES AND COSTS	0	0	\$0.00
E.5. OTHER NON-ADR SETTLEMENTS W/ MONETARY BENEFITS	0	0	\$0.00

	COUNSELING	INDIVIDUALS
<b>F. NON-ADR SETTLEMENTS WITH NON-MONETARY BENEFITS TOTAL</b>	<b>0</b>	<b>0</b>
F.1. HIRES	0	0
F.2. PROMOTIONS	0	0
F.3. EXPUNGEMENTS	0	0
F.4. REASSIGNMENTS	0	0
F.5. REMOVALS RESCINDED	0	0
F.6. ACCOMMODATIONS	0	0
F.7. TRAINING	0	0
F.8. APOLOGY	0	0
F.9. DISCIPLINARY ACTIONS	0	0
F.9.a. RESCINDED	0	0
F.9.b. MODIFIED	0	0
F.10. PERFORMANCE EVALUATION MODIFIED	0	0
F.11. LEAVE RESTORED	0	0
F.12. NEUTRAL REFERENCE	0	0
F.13. OTHER NON-ADR SETTLEMENTS W/NON-MONETARY BENEFITS	0	0

	COUNSELING	INDIVIDUALS	AMOUNT
<b>G. ADR SETTLEMENTS WITH MONETARY BENEFITS TOTAL</b>	<b>3</b>	<b>3</b>	<b>\$33,470.00</b>
G.1. COMPENSATORY DAMAGES	0	0	\$0.00
G.2. BACKPAY/FRONTPAY	0	0	\$0.00
G.3. LUMP SUM PAYMENT	3	3	\$33,470.00
G.4. ATTORNEY FEES AND COSTS	0	0	\$0.00
G.5. OTHER ADR SETTLEMENTS W/ MONETARY BENEFITS	0	0	\$0.00

	COUNSELING	INDIVIDUALS
<b>H. ADR SETTLEMENTS WITH NON-MONETARY BENEFITS TOTAL</b>	<b>4</b>	<b>4</b>
H.1. HIRES	0	0
H.2. PROMOTIONS	0	0
H.3. EXPUNGEMENTS	0	0
H.4. REASSIGNMENTS	3	3
H.5. REMOVALS RESCINDED	0	0
H.6. ACCOMMODATIONS	1	1
H.7. TRAINING	0	0
H.8. APOLOGY	0	0
H.9. DISCIPLINARY ACTIONS	0	0
H.9.a. RESCINDED	0	0
H.9.b. MODIFIED	0	0
H.10. PERFORMANCE EVALUATION MODIFIED	1	1
H.11. LEAVE RESTORED	0	0
H.12. NEUTRAL REFERENCE	0	0
H.13. OTHER ADR SETTLEMENTS W/NON-MONETARY BENEFITS	0	0

	COUNSELING	INDIVIDUALS
<b>I. NON-ADR SETTLEMENTS TOTAL</b>	<b>0</b>	<b>0</b>

**PART II - FORMAL COMPLAINT ACTIVITIES**

43	A. COMPLAINTS ON HAND AT THE BEGINNING OF THE REPORTING PERIOD
27	B. COMPLAINTS FILED
0	C. REMANDS (sum of lines C1+C2+C3)
0	C.1. REMANDS (NOT INCLUDED IN A OR B)
0	C.2. REMANDS (INCLUDED IN A OR B)
0	C.3. NUMBER OF ADDITIONAL REMANDS IN THIS REPORTING PERIOD THAT ARE NOT CAPTURED IN C.1 OR C. 2 ABOVE
0	C.4. ADDITIONAL CLOSURES IN THIS REPORTING PERIOD NOT REFLECTED IN F. OR H. THAT RESULTED FROM REMANDS
70	D. TOTAL COMPLAINTS
65	E. COMPLAINTS IN LINE D THAT WERE NOT CONSOLIDATED
35	F. COMPLAINTS IN LINE E CLOSED DURING REPORT PERIOD
5	G. COMPLAINTS IN LINE D THAT WERE CONSOLIDATED
3	H. COMPLAINTS IN LINE G CLOSED DURING REPORT PERIOD
32	I. COMPLAINTS ON HAND AT THE END OF THE REPORTING PERIOD (Line D - (F+H)) + [(C2 + C3) - C4]
24	J. INDIVIDUALS FILING COMPLAINTS (Complainants)
2	K. NUMBER OF JOINT PROCESSING UNITS FROM CONSOLIDATION OF COMPLAINTS

**PART III - AGENCY RESOURCES, TRAINING, REPORTING LINE**

**A. AGENCY & CONTRACT RESOURCES**

	AGENCY		CONTRACT	
	NUMBER	PERCENT	NUMBER	PERCENT
<b>A.1. WORKFORCE</b>				
A.1.a. TOTAL WORK FORCE	5,891			
A.1.b. PERMANENT EMPLOYEES	5,510			
<b>A.2. COUNSELOR</b>	3		1	
A.2.a. FULL-TIME	1	33.3333333333333	1	100
A.2.b. PART-TIME	0	0	0	0
A.2.c. COLLATERAL DUTY	2	66.6666666666666	0	0
<b>A.3. INVESTIGATOR</b>	0		10	
A.3.a. FULL-TIME	0	0	10	100
A.3.b. PART-TIME	0	0	0	0
A.3.c. COLLATERAL DUTY	0	0	0	0
<b>A.4. COUNSELOR/INVESTIGATOR</b>	0		0	
A.4.a. FULL-TIME	0	0	0	0
A.4.b. PART-TIME	0	0	0	0
A.4.c. COLLATERAL DUTY	0	0	0	0

**B. AGENCY & CONTRACT STAFF TRAINING**

	COUNSELORS		INVESTIGATORS		COUNS/INVESTIG	
	AGENCY	CONTRACT	AGENCY	CONTRACT	AGENCY	CONTRACT
<b>B.1. STAFF - TOTAL</b>	3	1	0	10	0	0
<b>B.1.a. NEW STAFF RECEIVING AT LEAST 32 HOURS OF TRAINING</b>	0	0	0	0	0	0
<b>B.1.b. EXPERIENCED STAFF RECEIVING AT LEAST 8 HOURS OF TRAINING</b>	3	1	0	10	0	0
<b>B.1.c. TRAINING REQUIREMENT NOT MET</b>	0	0	0	0	0	0

**C. REPORTING LINE**

1. EEO DIRECTOR'S NAME: Nikita Pearson

1a. DOES THE AGENCY DIRECTOR REPORT TO THE AGENCY HEAD? YES NO  
X

2. IF NO, WHO DOES THE EEO DIRECTOR REPORT TO?  
 PERSON:   
 TITLE:

3. WHO IS RESPONSIBLE FOR THE DAY-TO-DAY OPERATION OF THE EEO PROGRAM IN YOUR DEPARTMENT/AGENCY/ORGANIZATION?  
 PERSON: Michael Moran  
 TITLE: Chief

4. WHO DOES THAT PERSON REPORT TO?  
 PERSON: Brian Guy  
 TITLE: Deputy Director

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
 STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS  
 (REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: Federal Deposit Insurance Corporation

REPORTING PERIOD: FY 2022

PART IV - BASES AND ISSUES ALLEGED IN COMPLAINTS FILED (Part 1)

ISSUES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION											
	RACE						COLOR	RELIGION	REPRISAL	TOTAL ALL BASES BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE	TOTAL ALL COMPLAINANTS BY ISSUE
	AMERICAN INDIAN OR ALASKA NATIVE	ASIAN	NATIVE HAWAIIAN/ OTHER PACIFIC ISLANDER	BLACK OR AFRICAN AMERICAN	WHITE	TWO OR MORE RACES						
A. APPOINTMENT/HIRE	0	0	0	3	1	0	0	0	7	22	9	6
C. AWARDS	0	0	0	1	0	0	1	0	1	7	1	1
E. DISCIPLINARY ACTION	0	0	0	1	0	1	0	0	1	8	2	2
E.1. DEMOTION	0	0	0	0	0	0	0	0	0	0	0	0
E.3. SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0
E.4. REMOVAL	0	0	0	1	0	1	0	0	1	8	2	2
E.6 OTHER DISCIPLINARY ACTIONS	0	0	0	0	0	0	0	0	0	0	0	0
G. PERF. EVAL./APPRAISAL	0	1	0	0	0	0	0	0	0	5	1	1
H. EXAMINATION/TEST	0	0	0	0	0	0	1	0	1	4	2	2
I. HARASSMENT	0	0	0	2	2	0	0	0	3	15	6	6
I.1. NON-SEXUAL	0	0	0	2	2	0	0	0	3	15	6	6
I.2. SEXUAL									0	0	0	0
J. MEDICAL EXAMINATION	0	0	0	0	0	0	0	0	0	0	0	0
K. PAY INCLUDING OVERTIME	0	0	0	1	0	0	0	0	1	4	1	1
L. PROMOTION/NON-SELECTION	0	0	0	3	0	0	0	1	2	12	5	5
M. REASSIGNMENT	0	0	0	1	0	0	0	0	2	5	3	3
N. REASONABLE ACCOMMODATION									1	2	2	2
P. RELIGIOUS ACCOMODATION								0	0	0	0	0
R. SEX-STEROTYPING										0	0	0
S. TELEWORK	0	0	0	0	0	0	0	0	0	0	0	0
T. TERMINATION	0	1	0	0	0	0	0	0	1	3	2	2
V. TIME AND ATTENDANCE	0	0	0	0	0	0	0	0	0	0	0	0
W. TRAINING	0	0	0	0	0	0	0	0	0	3	3	3
X. OTHER TERMS/CONDITIONS OF EMPLOYMENT	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL ALL ISSUES BY BASES	0	2	0	12	3	1	2	1	20			

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
 STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS  
 (REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: Federal Deposit Insurance Corporation

REPORTING PERIOD: FY 2022

PART IV - BASES AND ISSUES ALLEGED IN COMPLAINTS FILED (Part 1)

ISSUES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION											
	RACE						COLOR	RELIGION	REPRISAL	TOTAL ALL BASES BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE	TOTAL ALL COMPLAINANTS BY ISSUE
	AMERICAN INDIAN OR ALASKA NATIVE	ASIAN	NATIVE HAWAIIAN/ OTHER PACIFIC ISLANDER	BLACK OR AFRICAN AMERICAN	WHITE	TWO OR MORE RACES						
TOTAL ALL COMPLAINTS FILED BY BASES	0	2	0	8	3	1	2	1	14			
TOTAL ALL COMPLAINANTS BY BASES	0	2	0	8	3	1	2	1	11			

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
 STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS  
 (REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: Federal Deposit Insurance Corporation

REPORTING PERIOD: FY 2022

PART IV BASES AND ISSUES ALLEGED IN COMPLAINTS FILED (Part 2)

ISSUES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION												TOTAL ALL BASES BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE	TOTAL ALL COMPLAINANTS BY ISSUE
	SEX			PREGNANCY DISCRIMINATION ACT	NATIONAL ORIGIN		EQUAL PAY ACT		AGE	DISABILITY		GINA			
	MALE	FEMALE	LGBT		HISPANIC / LATINO	OTHER	MALE	FEMALE		MENTAL	PHYSICAL				
A. APPOINTMENT/HIRE	1	2	0	0	0	0			5	2	1	0	22	9	6
C. AWARDS	0	1	0	0	0	1			1	0	1	0	7	1	1
E. DISCIPLINARY ACTION	0	1	0	0	0	1			2	0	1	0	8	2	2
E.1. DEMOTION	0	0	0	0	0	0			0	0	0	0	0	0	0
E.3. SUSPENSION	0	0	0	0	0	0			0	0	0	0	0	0	0
E.4. REMOVAL	0	1	0	0	0	1			2	0	1	0	8	2	2
E.6. OTHER DISCIPLINARY ACTIONS	0	0	0	0	0	0			0	0	0	0	0	0	0
G. EVALUATION/APPRaisal	0	1	0	0	0	1			1	1	0	0	5	1	1
H. EXAMINATION/TEST	1	0	0	0	0	0			1	0	0	0	4	2	2
I. HARASSMENT	0	1	0	0	0	0			2	3	2	0	15	6	6
I.1. NON-SEXUAL	0	1	0	0	0	0			2	3	2	0	15	6	6
I.2. SEXUAL	0	0	0	0									0	0	0
J. MEDICAL EXAMINATION	0	0	0	0	0	0			0	0	0	0	0	0	0
K. PAY INCLUDING OVERTIME	0	1	0	0	0	0	0	1	0	0	0	0	4	1	1
L. PROMOTION/NON-SELECTION	0	1	0	0	0	2			1	1	1	0	12	5	5
M. REASSIGNMENT	0	1	0	0	0	0			0	1	0	0	5	3	3
N. REASONABLE ACCOMMODATION DISABILITY				0						0	1	0	2	2	2
P. RELIGIOUS ACCOMMODATION													0	0	0
R. SEX-STEROTYPING	0	0	0										0	0	0
S. TELEWORK	0	0	0	0	0	0			0	0	0	0	0	0	0
T. TERMINATION	0	0	0	0	0	1			0	0	0	0	3	2	2
V. TIME AND ATTENDANCE	0	0	0	0	0	0			0	0	0	0	0	0	0
W. TRAINING	0	0	0	0	0	0			3	0	0	0	3	3	3
X. OTHER TERMS/CONDITIONS OF EMPLOYMENT	0	0	0	0	0	0			0	0	0	0	0	0	0
TOTAL ALL ISSUES BY BASES	2	9	0	0	0	6	0	1	16	8	7	0			

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
 STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS  
 (REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: Federal Deposit Insurance Corporation

REPORTING PERIOD: FY 2022

PART IV BASES AND ISSUES ALLEGED IN COMPLAINTS FILED (Part 2)

ISSUES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION											TOTAL ALL BASES BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE	TOTAL ALL COMPLAINANTS BY ISSUE	
	SEX			PREGNANCY DISCRIMINATION ACT	NATIONAL ORIGIN		EQUAL PAY ACT		AGE	DISABILITY					GINA
	MALE	FEMALE	LGBT		HISPANIC / LATINO	OTHER	MALE	FEMALE		MENTAL	PHYSICAL				
TOTAL ALL COMPLAINTS FILED BY BASES	2	5	0	0	0	5	0	1	14	7	6	0			
TOTAL ALL COMPLAINANTS BY BASES	2	5	0	0	0	5	0	1	11	6	6	0			

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
 STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS  
 (REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: Federal Deposit Insurance Corporation

REPORTING PERIOD: FY 2022

**PART IV C - BASES AND ISSUES ALLEGED IN SETTLEMENTS (Part 1)**

ISSUES OF ALLEGED DISCRIMINATION IN SETELEMETS	BASES OF ALLEGED DISCRIMINATION IN SETELEMETS														
	RACE						COLOR	RELIGION	REPRISAL	NUMBER COUNSELING SETTLEMENT ALLEGATIONS	NUMBER COUNSELINGS SETTLED BY ISSUE	NUMBER INDIVIDUALS SETTLED WITH BY ISSUE	NUMBER COMPLAINT SETTLEMENT ALLEGATIONS	NUMBER COMPLAINTS SETTLED BY ISSUE	NUMBER COMPLAINTS SETTLED WITH BY ISSUE
	AMERICAN INDIAN OR ALASKA NATIVE	ASIAN	NATIVE HAWAIIAN /OTHER PACIFIC ISLANDER	BLACK/ AFRICAN AMERICAN	WHITE	TWO OR MORE RACES									
A. APPOINTMENT/HIRE	0	0	0	0	1	0	1	1	1	0	0	0	7	2	2
C. AWARDS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
E. DISCIPLINARY ACTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
E.1. DEMOTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
E.3. SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
E.4. REMOVAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
E.6. OTHER DISCIPLINARY ACTIONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
G. PERF. EVAL./APPRAISAL	0	0	0	1	0	0	0	0	2	0	0	0	6	2	2
H. EXAMINATION/TEST	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I. HARASSMENT	0	0	0	2	1	0	1	0	5	1	1	1	26	11	11
I.1. NON-SEXUAL	0	0	0	2	1	0	1	0	4	1	1	1	22	7	7
I.2. SEXUAL									1	0	0	0	4	2	2
J. MEDICAL EXAMINATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
K. PAY INCLUDING OVERTIME	0	1	0	1	0	0	0	0	1	6	3	3	0	0	0
L. PROMOTION/NON-SELECTION	0	0	0	2	0	0	1	0	2	0	0	0	10	2	2
M. REASSIGNMENT	0	1	0	1	0	0	0	0	1	3	1	1	4	1	1
N. REASONABLE ACCOMMODATION									1	1	1	1	0	0	0
P. RELIGIOUS ACCOMODATION									0	0	0	0	0	0	0
R. SEX-STEROTYPING										0	0	0	0	0	0
S. TELEWORK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
T. TERMINATION	0	0	0	0	0	0	0	0	1	0	0	0	2	1	1
V. TIME AND ATTENDANCE	0	0	0	1	0	0	0	0	1	0	0	0	20	1	1
W. TRAINING	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1
X. OTHER TERMS/CONDITIONS OF EMPLOYMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I. COUNSELING SETTLEMENT ALLEGATIONS	0	2	0	1	0	0	0	0	4						

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
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AGENCY OR DEPARTMENT: Federal Deposit Insurance Corporation

REPORTING PERIOD: FY 2022

**PART IV C - BASES AND ISSUES ALLEGED IN SETTLEMENTS (Part 1)**

ISSUES OF ALLEGED DISCRIMINATION IN SETELEMETS	RACE						COLOR	RELIGION	REPRISAL	NUMBER COUNSELING SETTLEMENT ALLEGATIONS	NUMBER COUNSELINGS SETTLED BY ISSUE	NUMBER INDIVIDUALS SETTLED WITH BY ISSUE	NUMBER COMPLAINT SELLEMENT ALLEGATIONS	NUMBER COMPLAINTS SETTLED BY ISSUE	NUMBER COMPLAINANTS SETTLED WITH BY ISSUE
	AMERICAN INDIAN OR ALASKA NATIVE	ASIAN	NATIVE HAWAIIAN /OTHER PACIFIC ISLANDER	BLACK/ AFRICAN AMERICAN	WHITE	TWO OR MORE RACES									
1.1A. NUMBER OF COUNSELINGS SETTLED	0	1	0	1	0	0	0	0	1						
1.1B. NUMBER OF COUNSELEES SETTLED WITH	0	1	0	1	0	0	0	0	1						
2. COMPLAINT SETTLEMENT ALLEGATIONS	0	0	0	7	2	0	3	1	11						
2.2A. NUMBER OF COMPLAINTS SETTLED	0	0	0	3	2	0	3	1	6						
2.2B. NUMBER OF COMPLAINANTS SETTLED WITH	0	0	0	3	2	0	3	1	6						

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
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 (REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: Federal Deposit Insurance Corporation

REPORTING PERIOD: FY 2022

**PART IV C - BASES AND ISSUES ALLEGED IN SETTLEMENTS (Part 2)**

BASES OF ALLEGED DISCRIMINATION IN SETTLEMENTS

ISSUES OF ALLEGED DISCRIMINATION IN SETELEMETS	SEX			PDA	NATIONAL ORIGIN		EQUAL PAY ACT		AGE	DISABILITY		GINA	NUMBER COUNSELING SETTLEMENT ALLEGATIONS	NUMBER COUNSELINGS SETTLED BY ISSUE	NUMBER INDIVIDUALS SETTLED WITH BY ISSUE	NUMBER COMPLAINT SETTLEMENT ALLEGATIONS	NUMBER COMPLAINTS SETTLED BY ISSUE	NUMBER COMPLAINANTS SETTLED WITH BY ISSUE
	MALE	FEMALE	LGBT		HISPANIC LATINO	OTHER	MALE	FEMALE		MENTAL	PHYSICAL							
A. APPOINTMENT/HIRE	1	0	0	0	0	1			0	1	0	0	0	0	0	7	2	2
C. AWARDS	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0
E. DISCIPLINARY ACTION	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0
E.1. DEMOTION	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0
E.3. SUSPENSION	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0
E.4. REMOVAL	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0
E.6. OTHER DISCIPLINARY ACTIONS	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0
G. EVALUATION/APPRaisal	0	1	0	0	0	1			1	0	0	0	0	0	0	6	2	2
H. EXAMINATION/TEST	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0
I. HARASSMENT	2	3	0	0	0	0			2	3	3	0	1	1	1	26	11	11
I.1. NON-SEXUAL	1	2	0	0	0	0			2	3	3	0	1	1	1	22	7	7
I.2. SEXUAL	1	1	0	0									0	0	0	4	2	2
J. MEDICAL EXAMINATION	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0
K. PAY INCLUDING OVERTIME	0	2	0	0	0	1	0	0	0	0	0	0	6	3	3	0	0	0
L. PROMOTION/NON-SELECTION	0	2	0	0	0	0			1	1	1	0	0	0	0	10	2	2
M. REASSIGNMENT	0	2	0	0	0	1			0	0	1	0	3	1	1	4	1	1
N. REASONABLE ACCOMMODATION DISABILITY				0						0	0	0	1	1	1	0	0	0
P. RELIGIOUS ACCOMMODATION													0	0	0	0	0	0
R. SEX-STEROTYPING	0	0	0										0	0	0	0	0	0
S. TELEWORK	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0
T. TERMINATION	0	1	0	0	0	0			0	0	0	0	0	0	0	2	1	1
V. TIME AND ATTENDANCE	0	1	0	0	0	1			1	1	1	0	0	0	0	20	1	1
W. TRAINING	0	0	0	0	0	0			1	0	0	0	0	0	0	1	1	1
X. OTHER TERMS/CONDITIONS OF EMPLOYMENT	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0
Y. COUNSELING SETTLEMENT ALLEGATIONS	0	3	0	0	0	2	0	0	0	0	0	0						

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 STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS  
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AGENCY OR DEPARTMENT: Federal Deposit Insurance Corporation

REPORTING PERIOD: FY 2022

**PART IV C - BASES AND ISSUES ALLEGED IN SETTLEMENTS (Part 2)**

BASES OF ALLEGED DISCRIMINATION IN SETTLEMENTS

ISSUES OF ALLEGED DISCRIMINATION IN SETELEMENTS	SEX			PDA	NATIONAL ORIGIN		EQUAL PAY ACT		AGE	DISABILITY		GINA	NUMBER COUNSELING SETTLEMENT ALLEGATIONS	NUMBER COUNSELINGS SETTLED BY ISSUE	NUMBER INDIVIDUALS SETTLED WITH BY ISSUE	NUMBER COMPLAINT SELLEMENT ALLEGATIONS	NUMBER COMPLAINTS SETTLED BY ISSUE	NUMBER COMPLAINANTS SETTLED WITH BY ISSUE
	MALE	FEMALE	LGBT		HISPANIC LATINO	OTHER	MALE	FEMALE		MENTAL	PHYSICAL							
1.1A. NUMBER OF COUNSELINGS SETTLED	0	2	0	0	0	1	0	0	0	0	0	0						
1.1B. NUMBER OF COUNSELEES SETTLED WITH	0	2	0	0	0	1	0	0	0	0	0	0						
2. COMPLAINT SETTLEMENT ALLEGATIONS	3	9	0	0	0	3	0	0	6	6	6	0						
2.2A. NUMBER OF COMPLAINTS SETTLED	2	4	0	0	0	2	0	0	5	4	3	0						
2.2B. NUMBER OF COMPLAINANTS SETTLED WITH	2	4	0	0	0	2	0	0	5	4	3	0						

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**PART IV D - BASES AND ISSUES FOUND IN FAD's AND FINAL ORDERS (Part 1)**

BASES OF DISCRIMINATION FOUND IN FAD's AND FINAL ORDERS

ISSUES OF DISCRIMINATION FOUND IN FAD's AND FINAL ORDERS	RACE						COLOR	RELIGION	REPRISAL	NUMBER FAD FINDINGS BY ISSUE	NUMBER OF FADs WITH FINDINGS BY ISSUE	NUMBER COMPLAINTS ISSUED FAD FINDINGS BY ISSUE	NUMBER AJ DECISION FINDING BY ISSUE	NUMBER AJ DECISION WITH FINDING BY ISSUE	# FINAL ORDER FINDINGS FULLY IMPLEMENTED BY ISSUE	# FINAL ORDERS w/ FINDINGS FULLY IMPLEMENTED BY ISSUE	# COMPLAINANTS ISSUED FINAL ORDERS w/ FINDINGS FULLY IMPLEMENTED BY ISSUE
	AMERICAN INDIAN /ALASKA NATIVE	ASIAN	NATIVE HAWAIIAN /OTHER PACIFIC ISLANDER	BLACK/ AFRICAN AMERICAN	WHITE	TWO OR MORE RACES											
A. APPOINTMENT/HIRE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
C. AWARDS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
E. DISCIPLINARY ACTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
E.1. DEMOTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
E.3. SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
E.4. REMOVAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
E.6. OTHER DISCIPLINARY ACTIONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
G. PERF. EVAL./APPRAISAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
H. EXAMINATION/TEST	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I. HARASSMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I.1. NON-SEXUAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I.2. SEXUAL									0	0	0	0	0	0	0	0	0
J. MEDICAL EXAMINATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
K. PAY INCLUDING OVERTIME	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
L. PROMOTION/NON-SELECTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
M. REASSIGNMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
N. REASONABLE ACCOMMODATION									0	0	0	0	0	0	0	0	0
P. RELIGIOUS ACCOMODATION									0	0	0	0	0	0	0	0	0
R. SEX-STEROTYPING										0	0	0	0	0	0	0	0
S. TELEWORK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
T. TERMINATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
V. TIME AND ATTENDANCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
W. TRAINING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
X. OTHER TERMS/CONDITIONS OF EMPLOYMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I. Final Agency Decision Findings	0	0	0	0	0	0	0	0	0								

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**PART IV D - BASES AND ISSUES FOUND IN FAD's AND FINAL ORDERS (Part 1)**

ISSUES OF DISCRIMINATION FOUND IN FAD's AND FINAL ORDERS	RACE						COLOR	RELIGION	REPRISAL	NUMBER FAD FINDINGS BY ISSUE	NUMBER OF FADs WITH FINDINGS BY ISSUE	NUMBER COMPLAINEN ISSUED FAD FINDINGS BY ISSUE	NUMBER AJ DECISION FINDING BY ISSUE	NUMBER AJ DECISION WITH FINDING BY ISSUE	# FINAL ORDER FINDINGS FULLY IMPLEMENTED BY ISSUE	# FINAL ORDERS w/ FINDINGS FULLY IMPLEMENTED BY ISSUE	# COMPLAINANTS ISSUED FINAL ORDERS w/ FINDINGS FULLY IMPLEMENTED BY ISSUE
	AMERICAN INDIAN /ALASKA NATIVE	ASIAN	NATIVE HAWAIIAN /OTHER PACIFIC ISLANDER	BLACK/ AFRICAN AMERICAN	WHITE	TWO OR MORE RACES											
1.1a. Number FADs with Findings	0	0	0	0	0	0	0	0	0								
1.1b. Number Complainants Issued FAD Findings	0	0	0	0	0	0	0	0	0								
2. AJ Decision Findings	0	0	0	0	0	0	0	0	0								
2.2a. Number AJ Decisions With Findings	0	0	0	0	0	0	0	0	0								
3. Final Agency Order Findings Implemented	0	0	0	0	0	0	0	0	0								
3.3a. # of Final Orders (Fos) With Findings Implemented	0	0	0	0	0	0	0	0	0								
3.3b. # of Complainants issued FOs with Findings Implemented	0	0	0	0	0	0	0	0	0								

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**PART IV D - BASES AND ISSUES FOUND IN FAD's AND FINAL ORDERS (Part 2)**

BASES OF DISCRIMINATION FOUND IN FAD's AND FINAL ORDERS

ISSUES OF DISCRIMINATION FOUND IN FAD's AND FINAL ORDERS	SEX			PDA	NATIONAL ORIGIN		EQUAL PAY ACT		AGE	DISABILITY		GINA	NUMBER FAD FINDINGS BY ISSUE	NUMBER OF FADs WITH FINDINGS BY ISSUE	NUMBER COMPLAINED FAD FINDINGS BY ISSUE	NUMBER AJ DECISION FINDING BY ISSUE	NUMBER AJ DECISION WITH FINDING BY ISSUE	# FINAL ORDER FINDINGS FULLY IMPLEMENTED BY ISSUE	# FINAL ORDERS w/ FINDINGS FULLY IMPLEMENTED	# COMPLAINANTS ISSUED FINAL ORDERS FULLY IMPLEMENTED BY ISSUE
	MALE	FEMALE	LGBT		HISPANIC LATINO	OTHER	MALE	FEMALE		MENTAL	PHYSICAL									
A. APPOINTMENT/HIRE	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
C. AWARDS	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
E. DISCIPLINARY ACTION	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
E.1. DEMOTION	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
E.3. SUSPENSION	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
E.4. REMOVAL	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
E.6. OTHER DISCIPLINARY ACTIONS	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
G. EVALUATION/APPRaisal	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
H. EXAMINATION/TEST	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
I. HARASSMENT	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
I.1. NON-SEXUAL	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
I.2. SEXUAL	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
J. MEDICAL EXAMINATION	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
K. PAY INCLUDING OVERTIME	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
L. PROMOTION/NON-SELECTION	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
M. REASSIGNMENT	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
N. REASONABLE ACCOMMODATION DISABILITY				0						0	0	0	0	0	0	0	0	0	0	0
P. RELIGIOUS ACCOMMODATION													0	0	0	0	0	0	0	0
R. SEX-STEROTYPING	0	0	0										0	0	0	0	0	0	0	0
S. TELEWORK	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
T. TERMINATION	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
V. TIME AND ATTENDANCE	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
W. TRAINING	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
X. OTHER TERMS/CONDITIONS OF EMPLOYMENT	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0
I. Final Agency Decision Findings	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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**PART IV D - BASES AND ISSUES FOUND IN FAD's AND FINAL ORDERS (Part 2)**

BASES OF DISCRIMINATION FOUND IN FAD's AND FINAL ORDERS

ISSUES OF DISCRIMINATION FOUND IN FAD's AND FINAL ORDERS	SEX			PDA	NATIONAL ORIGIN		EQUAL PAY ACT		AGE	DISABILITY		GINA	NUMBER FAD FINDINGS BY ISSUE	NUMBER OF FADs WITH FINDINGS BY ISSUE	NUMBER COMPLAINEE ISSUED FAD FINDINGS BY ISSUE	NUMBER AJ DECISION FINDING BY ISSUE	NUMBER AJ DECISION WITH FINDING BY ISSUE	# FINAL ORDER FINDINGS FULLY IMPLEMENTED BY ISSUE	# FINAL ORDERS w/ FINDINGS FULLY IMPLEMENTED FINDINGS	# COMPLAINANTS ISSUED FINAL ORDERS W/ FINDINGS FULLY IMPLEMENTED BY ISSUE
	MALE	FEMALE	LGBT		HISPANIC LATINO	OTHER	MALE	FEMALE		MENTAL	PHYSICAL									
1.1a. Number FADs with Findings	0	0	0	0	0	0	0	0	0	0	0	0								
1.1b. Number Complainants Issued FAD Findings	0	0	0	0	0	0	0	0	0	0	0	0								
2. AJ Decision Findings	0	0	0	0	0	0	0	0	0	0	0	0								
2.2a. Number AJ Decisions With Findings	0	0	0	0	0	0	0	0	0	0	0	0								
3. Final Agency Order Findings Implemented	0	0	0	0	0	0	0	0	0	0	0	0								
3.3a. # of Final Orders (Fos) With Findings Implemented	0	0	0	0	0	0	0	0	0	0	0	0								
3.3b. # of Complainants issued FOs with Findings Implemented	0	0	0	0	0	0	0	0	0	0	0	0								

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**PART V - SUMMARY OF CLOSURES BY STATUTE**

A. STATUTE	(IF A SINGLE COMPLAINT HAS MULTIPLE STATUTES RECORD EACH ON THE APPROPRIATE LINE.)
32	A.1. TITLE VII
0	A.1.a. PREGNANCY DISCRIMINATION ACT (PDA)
18	A.2. AGE DISRIMINATION IN EMPLOYMENT ACT (ADEA)
11	A.3. REHABILITATION ACT
2	A.4. EQUAL PAY ACT (EPA)
0	A.5. GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)
63	B. TOTAL BY STATUTES - THIS NUMBER MAY BE LARGER THAN THE TOTAL NUMBER OF COMPLAINTS CLOSED. (A1+A1a+A2+A3+A4+A5)

**PART VI - SUMMARY OF CLOSURES BY CATEGORY**

	TOTAL NUMBER	TOTAL DAYS	AVERAGE DAYS
A. TOTAL NUMBER OF CLOSURES	38	21371	562.39
A.1. WITHDRAWALS	2	119	59.50
A.1.a. NON-ADR WITHDRAWALS	2	119	59.50
A.1.b. ADR WITHDRAWALS	0	0	0.00
A.2. SETTLEMENTS	13	7182	552.46
A.2.a. NON-ADR SETTLEMENTS	12	7046	587.17
A.2.b. ADR SETTLEMENTS	1	136	136.00
A.3. FINAL AGENCY ACTIONS	23	14070	611.74
B. FINAL AGENCY DECISIONS WITHOUT AN ADMINISTRATIVE JUDGE DECISION	9	3020	335.56
B.1. FINDING DISCRIMINATION	0	0	0.00
B.2. FINDING NO DISCRIMINATION	6	1821	303.50
B.3. DISMISSAL OF COMPLAINTS	3	1199	399.67
C. FINAL AGENCY ORDERS WITH AN ADMINISTRATIVE JUDGE (AJ) DECISION	14	11050	789.29
C.1. AJ DECISION FULLY IMPLEMENTED	14	11050	789.29
C.1.a. FINDING DISCRIMINATION	0	0	0.00
C.1.b. FINDING NO DISCRIMINATION	14	11050	789.29
C.1.c. DISMISSAL OF COMPLAINTS	0	0	0.00
C.2. AJ DECISION NOT FULLY IMPLEMENTED	0	0	0.00
C.2.a. FINDING DISCRIMINATION	0	0	0.00
C.2.a.i. AGENCY APPEALED FINDING BUT NOT REMEDY	0	0	0.00
C.2.a.ii. AGENCY APPEALED REMEDY BUT NOT FINDING	0	0	0.00
C.2.a.iii. AGENCY APPEALED BOTH FINDING AND REMEDY	0	0	0.00
C.2.b. FINDING NO DISCRIMINATION	0	0	0.00
C.2.c. DISMISSAL OF COMPLAINTS	0	0	0.00

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**PART VI - SUMMARY OF CLOSURES BY CATEGORY (Continued)**

	TOTAL NUMBER	TOTAL DAYS	AVERAGE DAYS
D. FINAL AGENCY MERIT DECISIONS (FAD) ISSUED	6	236	39.33
D.1. COMPLAINANT REQUESTED IMMEDIATE FAD	1	55	55.00
D.1.a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF FAD REQUEST	1	55	55.00
D.1.b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND RECEIPT OF FAD REQUEST	0	0	0.00
D.2. COMPLAINANT DID NOT ELECT HEARING OR FAD	3	92	30.67
D.2.a. AGENCY ISSUED FAD WITHIN 60 DAYS OF END OF 30-DAY ELECTION PERIOD	3	92	30.67
D.2.b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND END OF 30-DAY ELECTION PERIOD	0	0	0.00
D.3. HEARING REQUESTED; AJ RETURNED CASE TO AGENCY FOR FAD WITHOUT AJ DECISION (3a+3b)	1	51	51.00
D.3.a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF AJ RETURNED CASE FOR FAD ISSUANCE	1	51	51.00
D.3.b. AGENCY ISSUED FAD MORE THAN 60 DAYS AFTER RECEIPT OF AJ RETURNED CASE FOR FAD ISSUANCE	0	0	0.00
D.4. FINAL AGENCY DECISION ISSUED ON A MIXED CASE (4a+4b)	1	38	38.00
D.4.a. AGENCY ISSUED FAD WITHIN 45 DAYS AFTER INVESTIGATION	1	38	38.00
D.4.b. AGENCY ISSUED FAD MORE THAN 45 DAYS AFTER INVESTIGATION	0	0	0.00

**PART VII - SUMMARY OF FORMAL COMPLAINTS CLOSED BY TYPES OF BENEFITS**

	NUMBER	AMOUNT
A. TOTAL COMPLAINTS CLOSED WITH BENEFITS	13	
B. TOTAL CLOSURES WITH MONETARY BENEFITS TO COMPLAINANT	10	\$573,523.99
B.1. BACK PAY/FRONT PAY	0	\$0.00
B.2. LUMP SUM PAYMENT	8	\$397,333.99
B.3. COMPENSATORY DAMAGES	0	\$0.00
B.4. ATTORNEY FEES AND COSTS	2	\$176,190.00
D. INTENTIONALLY LEFT BLANK		
B.5. OTHER MONETARY BENEFITS	0	\$0.00
E. TOTAL CLOSURES WITH NON-MONETARY BENEFITS TO COMPLAINANT	9	
F. TYPES OF BENEFITS IN NON-MONETARY CLOSURES		
F.1. HIRES	0	0
F.2. PROMOTIONS	1	0
F.3. EXPUNGEMENTS	2	0
F.4. REASSIGNMENTS	0	2
F.5. REMOVALS RESCINDED	0	1
F.6. ACCOMMODATIONS	0	0
F.7. TRAINING	0	0
F.8. APOLOGY	0	0
F.9. DISCIPLINARY ACTIONS	0	0
F.9.a. RESCINDED	0	0
F.9.b. MODIFIED	0	0
F.10. PERFORMANCE EVALUATION MODIFIED	1	0
F.11. LEAVE RESTORED	2	0
F.12. NEUTRAL REFERENCE	1	0
F.13. OTHER NON-MONETARY BENEFITS	0	0

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**PART VIII - SUMMARY OF PENDING COMPLAINTS BY CATEGORY**

	NUMBER PENDING	NUMBER OF DAYS	AVERAGE DAYS	DAYS PENDING OLDEST CASE	OLDEST DOCKET #
A. TOTAL COMPLAINTS PENDING (SAME AS PART II Line I)	32	11474			
A.1. COMPLAINTS PENDING WRITTEN NOTIFICATION	0	0	0	0	
A.1.a. COMPLAINTS PENDING DECISION TO ACCEPT/DISMISS	2	29	14.5	29	
A.2. COMPLAINTS PENDING IN INVESTIGATION	12	1837	153.08333	284	
A. 2a. COMPLAINTS PENDING 180 DAY INVESTIGATION NOTICE	0	0	0	0	
A.3. COMPLAINTS PENDING IN HEARINGS	11	5738	521.63636	932	461-2021-00003X
A.4. COMPLAINTS PENDING A FINAL AGENCY ACTION	7	3870	552.85714	379	

**PART IX - SUMMARY OF INVESTIGATIONS COMPLETED**

	TOTAL	TOTAL DAYS	AVERAGE
A. INVESTIGATIONS COMPLETED DURING REPORTING PERIOD	18	4100	227.78
AGENCY INVESTIGATIONS			
A.1. INVESTIGATIONS COMPLETED BY AGENCY PERSONNEL	0	0	0.00
A.1.a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS	0	0	0.00
A.1.b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS	0	0	0.00
A.1.b.1. TIMELY COMPLETED INVESTIGATIONS	0	0	0.00
A.1.b.2. UNTIMELY COMPLETED INVESTIGATIONS	0	0	0.00
A.1.c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS	0	0	0.00
A.2. AGENCY INVESTIGATION COSTS	\$0.00		\$0.00
CONTRACT INVESTIGATIONS			
A.3. INVESTIGATIONS COMPLETED BY CONTRACTORS	18	4100	227.78
A.3.a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS	9	1500	166.67
A.3.b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS	8	2187	273.38
A.3.b.1. TIMELY COMPLETED INVESTIGATIONS	8	2187	273.38
A.3.b.2. UNTIMELY COMPLETED INVESTIGATIONS	0	0	0.00
A.3.c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS	1	413	413.00
A.4. CONTRACTOR INVESTIGATION COSTS	\$69,571.55		\$3,865.09





**PART XII - SUMMARY OF EEO ADR PROGRAM ACTIVITIES**

**EEO ADR RESOURCES**

<b>A. NO LONGER COLLECTED</b>	
<b>B. EMPLOYEES THAT CAN PARTICIPATE IN EEO ADR</b>	5891
<b>C. RESOURCES THAT MANAGE EEO ADR PROGRAM (DOES NOT INCLUDE NEUTRALS AS REPORTED IN PARTS X. &amp; XI.)</b>	1
C.1. IN-HOUSE FULL TIME (40 HOURS EEO ADR ONLY)	0
C.2. IN-HOUSE PART TIME (32 HOURS EEO ADR ONLY)	0
C.3. IN-HOUSE COLLATERAL DUTY (OTHERS/NON-CONTRACT)	1
C.4. CONTRACT (ANOTHER FEDERAL AGENCY/PRIVATE ORGANIZATIONS)	0
	AMOUNT
<b>D. EEO ADR FUNDING SPENT</b>	\$33,727.27

**E. EEO ADR CONTACT INFORMATION**

E.1. NAME OF EEO ADR PROGRAM DIRECTOR / MANAGER	Amy DelValle
E.2. TITLE	EEO Specialist
E.3. TELEPHONE NUMBER	703-562-6081
E.4. EMAIL	adelvalle@fdic.gov

**F. EEO ADR PROGRAM INFORMATION**

	YES	NO
F.1. Does the agency require the alleged responsible management official to participate in EEO ADR?		X
F.1a. If yes, is there a written policy requiring the participation?		
F.2. Does the alleged responsible management official have a role in deciding if the case is appropriate for EEO ADR?		X

**CERTIFICATION AND CONTACT INFORMATION**

I certify that the EEO complaint data contained in this report, EEOC Form 462, Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints, for the reporting period October 1, 2021 through September 30, 2022 is accurate and complete.

NAME OF CERTIFYING OFFICIAL:	Nikita Pearson
TITLE OF CERTIFYING OFFICIAL:	Director
TELEPHONE NUMBER:	(202) 898-6977
E-MAIL:	npearson@fdic.gov
SIGNATURE OF CERTIFYING OFFICIAL: (Enter PIN to serve as your electronic signature)	
DATE:	28-10-2022
NAME OF PREPARER:	Stephanie Foster
TITLE OF PREPARER:	EEO Specialist
TELEPHONE NUMBER:	(703) 562-6085
E-MAIL:	stfoster@fdic.gov
DATE:	28-10-2022

ANNUAL FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
STATISTICAL REPORT OF DISCRIMINATION COMPLAINTS  
(REPORTING PERIOD BEGINS OCTOBER 1ST AND ENDS SEPTEMBER 30TH)

AGENCY OR DEPARTMENT: Federal Deposit Insurance Corporation

REPORTING PERIOD: FY 2022

### Form 462 Comments

Part Name	COMMENT( expression left   evaluation symbol   expression right   value1   value2   comment )
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## **APPENDIX D**

### **FDIC POLICIES RELATING TO ANTI-DISCRIMINATION**

## **APPENDIX D1**

CIRCULAR 2710.1 – Equal Opportunity Policy



FEDERAL DEPOSIT INSURANCE CORPORATION

# DIRECTIVE SYSTEM

TYPE AND NUMBER

Circular 2710.1

CONTACT

Melodee Brooks

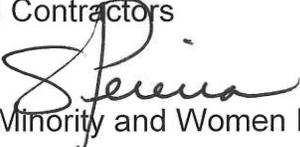
TELEPHONE NUMBER

(703) 562-6225

DATE

November 20, 2015

DATE OF CANCELLATION (*Bulletins Only*)

**TO:** All Employees and Contractors  
**FROM:** Segundo Pereira   
Director, Office of Minority and Women Inclusion  
**SUBJECT:** Equal Opportunity Policy

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**1. Purpose** To state the Federal Deposit Insurance Corporation's (FDIC) commitment to equal opportunity, affirmative employment, and diversity and inclusion principles. Also, to affirm the policy prohibiting discriminatory practices in the FDIC workplace and in any of its programs or activities and to promote the fair inclusion of minority and women-owned businesses (MWOBs) and small disadvantaged businesses (SDBs) in procurement opportunities and business activities at all levels.

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**2. Revision** FDIC Circular 2710.1, Corporation's Policy on Equal Opportunity, dated October 19, 2010, is hereby revised and superseded.

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**3. Scope** This Circular applies to all employees, applicants for employment, and persons doing business, with or for the FDIC.

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**4. Background** The FDIC is committed to the principles of equal opportunity in all of its programs, policies, and practices and promotes diversity and inclusion in its workforce as well as in its programs and activities. The Director, Office of Minority and Women Inclusion (OMWI), has the delegated responsibility for the FDIC diversity and inclusion, civil rights, and minority and women outreach programs. These programs ensure that the FDIC workplace is inclusive, free from unlawful discrimination and harassment, and provides equal opportunity and access to all employment and business activities.

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**5. Policy** It is the policy of the FDIC to prohibit discrimination and harassment in its workplace and in all of its programs and activities based on race, color, religion, sex (including pregnancy,

## **Policy (cont.)**

equal pay, gender identity, and sexual orientation), national origin, disability (physical and/or mental), age (40 years or older), genetic information (information about an individual's genetic tests; or information about the genetic tests, or the manifestation of a disease or disorder in the individual's family members), status as a parent, and retaliation (for participating in the EEO complaint process or opposing discriminatory practices).

All employees have a responsibility to implement this policy by their conduct, decisions, and actions. Further, every effort shall be made to resolve complaints at the lowest level possible.

The FDIC is fully committed to removing any unlawful, or otherwise prohibited discrimination from its employment and personnel policies, procedures, programs, practices, and operations. All aspects of personnel operations, (including recruitment, hiring, promotions, training, awards, reorganizations, and retention of employees) shall be conducted consistent with equal employment opportunity principles, FDIC policies, applicable Federal laws, regulations, and executive orders.

Any unlawful or improper conduct that undermines the FDIC's efforts to prohibit discrimination will not be tolerated. Employees who commit such acts of prohibited discrimination may be subject to disciplinary action up to and including termination from employment. Moreover, supervisors or managers who fail to take appropriate disciplinary action against subordinates who commit acts of prohibited discrimination, including retaliation against or harassment of employees who engage in activity protected by this policy statement, are also subject to disciplinary action.

It is the policy of the FDIC to promote diversity in its workforce and inclusion in all of its programs and activities and provide employees with a work environment that embodies excellence and that acknowledges and honors the diversity of its employees.

The FDIC is fully committed to utilizing consistent standards and procedures to ensure the fair inclusion and utilization of MWOBs and SDBs in FDIC procurement opportunities and business activities, to the maximum extent possible.

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## **6. Authorities**

The sources of authority for the FDIC's equal opportunity policy may be found in the following Federal statutes, regulations, and executive orders:

### **a. Federal Statutes**

- (1) Title VII of the Civil Rights Act of 1964, as amended, makes it unlawful for a Federal employer to discriminate against an employee (or applicants for employment) based on

**Authorities (cont.)**

race, color, religion, sex (including pregnancy), national origin, or retaliation, 42 U.S.C. §2000e-16;

(2) Equal Pay Act of 1963, as amended, protects men and women who perform substantially equal work within the same organization from sex-based wage discrimination, 29 U.S.C. §206(d);

(3) The Rehabilitation Act of 1973, as amended, makes it unlawful to discriminate or retaliate against qualified individuals with disabilities including Federal employees, applicants for employment or the public and requires Federal agencies to provide reasonable accommodations and accessibility to all FDIC programs and activities including employment and facilities, 29 U.S.C. §791;

(4) The Age Discrimination in Employment Act of 1967, as amended, makes it unlawful to discriminate or retaliate against an employee (or applicant for employment) who is 40 years of age or older, 29 U.S.C. §621;

(5) Section 1216(a) and (c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, applies Executive Order 11478, as amended, to the FDIC, 12 U.S.C. §1833e(a) and provides for a Minority and Women Outreach Program to ensure inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women in all contracts entered into by the FDIC;

(6) Titles I and V of the Americans with Disabilities Act of 1990, as amended, define “a qualified individual with a disability” for purposes of the Rehabilitation Act of 1973, as amended, and excludes individuals engaged in the illegal use of drugs, 42 U.S.C. §§12102, 12114;

(7) Civil Rights Act of 1991, as amended, provides monetary damages for employees (and applicants for employment) in cases of intentional employment discrimination based on race, color, religion, sex, sexual harassment, national origin, or disability, 42 U.S.C. §1981a;

(8) Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, (the No FEAR Act) requires each Federal agency to post summary statistical data pertaining to complaints of employment discrimination filed against it by employees and applicants for employment, 5 U.S.C. §2301;

(9) Americans with Disabilities Act Amendments Act of 2008, expands the definition of a disability by reinstating a broad scope of protection to be available under the Americans with

**Authorities (cont.)**

Disabilities Act, 42 U.S.C. §12101;

(10) Title II of the Genetic Information Nondiscrimination Act of 2008, makes it unlawful for an employer to discriminate against an employee (or applicants for employment) based on genetic information (information about an individual's genetic tests; or information about the genetic tests, or the manifestation of a disease or disorder in the individual's family members, 42 U.S.C. §2000ff;

(11) Section 342 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, provides for the development of standards for equal employment opportunity in the FDIC workforce, increased participation of MWOBs in FDIC programs and activities, and assessing the diversity policies and practices of entities regulated by the FDIC.

**b. Federal Regulations**

(1) 5 C.F.R. Part 724, U.S. Office of Personnel Management's No FEAR Act notice posting and training requirements;

(2) 12 C.F.R. Part 361, FDIC's minority and women outreach program contracting guidelines;

(3) 12 C.F.R. Part 352, FDIC's nondiscrimination on the basis of disability guidelines;

(4) 29 C.F.R. Part 1604, Equal Employment Opportunity Commission's (EEOC) sex discrimination guidelines;

(5) 29 C.F.R. Part 1605, EEOC's religious discrimination guidelines;

(6) 29 C.F.R. Part 1606, EEOC's national origin discrimination guidelines; and

(7) 29 C.F.R. Part 1614, EEOC's federal sector EEO guidelines including No FEAR Act public website postings.

**c. Executive Orders.** These are orders issued by the President pursuant to the Constitution and other Federal statutes which may be applicable to the FDIC.

(1) Executive Order 11478 (1969), as amended, prohibits discrimination against Federal employees (and applicants for employment) based on race, color, religion, sex, age, national origin, disability, sexual orientation, gender identity, or status as a parent;

(2) Executive Order 13087 (1998), prohibits discrimination

## Authorities (cont.)

against Federal employees (and applicants for employment) based on sexual orientation;

(3) Executive Order 13145 (2000), prohibits discrimination against Federal employees (and applicants for employment) based on genetic information;

(4) Executive Order 13152 (2000), prohibits discrimination against Federal employees (and applicants for employment) based on the individual's status as a parent;

(5) Executive Order 13160 (2000), prohibits discrimination based on race, color, religion, sex, national origin, disability, age, sexual orientation, or status as a parent in federally conducted education and training programs;

(6) Executive Order 13163 (2000), increases employment opportunities in the Federal Government for 100,000 individuals with disabilities;

(7) Executive Order 13164 (2000), requires Federal agencies to establish procedures to facilitate the provision of reasonable accommodation for individuals with disabilities;

(8) Executive Order 13166 (2000), improves access to Federal programs and activities for persons with limited English proficiency;

(9) Executive Order 13171 (2000), improves the representation of Hispanics in Federal employment;

(10) Executive Order 13548 (2010), increases Federal employment of individuals with disabilities; and

(11) Executive Order 13583 (2011), requires Federal agencies to develop and implement a more comprehensive, integrated, and strategic focus on diversity and inclusion.

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## 7. Accountability and Monitoring

Each Division and Office has a continuing responsibility to identify and implement strategies for achieving and maintaining a diverse workforce at all levels. These strategies shall be developed in concert with OMWI and the Division of Administration (DOA), Human Resources Branch, consistent with the FDIC's Affirmative Employment Program, whenever it has been determined that a statistically significant imbalance exists in a Division or Office work force. Each division and office must review its workforce statistics at least annually and adjust its strategies as appropriate.

Managers and supervisors must work toward developing and implementing positive initiatives that achieve measurable results

## Accountability and Monitoring (cont.)

with regard to workforce diversity and contracting. Managers and supervisors are assessed regarding their performance in these areas.

An assessment of the workforce profile will be prepared and disseminated annually by OMWI to Division and Office Directors and to the Office of the Chairman. Upon availability of contract management data, the Acquisition Services Branch, DOA, will prepare quarterly statistical charts on the use of MWOBs and SDBs for contracting and disseminate this information to the Office of the Chairman and to Division and Office Directors.

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## 8. Guidelines and Procedures

a. The procedures for initiating and processing EEOC complaints of alleged employment discrimination are contained in FDIC [Circular 2710.2, EEOC Discrimination Complaint Process](#).

b. The procedures for initiating and processing FDIC complaints of alleged employment discrimination are contained in FDIC [Circular 2710.4, FDIC Discrimination Complaint Process](#).

c. The procedures for initiating a complaint of harassment discrimination are contained in FDIC [Circular 2710.3, Anti-Harassment Program](#).

d. The FDIC's Equal Employment Opportunity Program ensures equal access to employment for all qualified individuals through the implementation of the EEOC's Management Directive 715, and the U.S. Office of Personnel Management's Disabled Veterans Affirmative Action Program. These programs assist in the identification and elimination of barriers to recruitment, hiring, retention, and promotion of women, minorities, individuals with disabilities, and disabled veterans.

e. The procedures for providing reasonable accommodation to individuals with disabilities are contained in FDIC [Circular 2710.5, Procedures for Providing Reasonable Accommodation to Individuals with Disabilities](#).

f. Information on the FDIC's Contracting Outreach Program is available in FDIC [Circular 3700.16, FDIC Acquisition Policy Manual \(APM\) and the FDIC's Guide for Outside Counsel](#).

g. The FDIC's Minority and Women Outreach Program may be amended from time to time to establish rules and strategies for achieving diversity in the awarding of contracts to MWOBs and SDBs. See 12 C.F.R. Part 361, § 342 Dodd-Frank Act, and FDIC [Circular 2710.14, Corporate Outreach Program](#).

**9. Principal OMWI Officials**

Questions relating to complaint processing, Affirmative Employment, Diversity and Inclusion, and/or the Minority and Women Outreach Program:

- a. Chief, Complaints Processing Branch  
(703) 562-6073 or for TTY (703) 562-2473
  - b. Chief, Diversity and Affirmative Employment Section  
(703) 562-6062
  - c. Chief, Minority and Women Business and Diversity and Inclusion Branch (703) 562-2623
- 

**10. Effective Date**

The provisions of this Circular are effective immediately.

## **APPENDIX D2**

CIRCULAR 2710.3 – Anti-Harassment Program



# FDIC DIRECTIVE

# 2710.03

Nikita Pearson  
Director  
Office of Minority and Women Inclusion

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*See approval(s) on Action Log*

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## Anti-Harassment Program

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The Anti-Harassment Program is implemented in accordance with the legal requirements of the applicable laws, regulations, and guidance provided by the Equal Employment Opportunity Commission (EEOC).

### **PURPOSE**

This Directive establishes the policies regarding anti-harassment in the workplace or at FDIC-sanctioned activities and events, including those outside of the workplace. This Directive supports the FDIC's commitment to maintaining a workplace free from harassment.

### **SCOPE**

This Directive applies to all FDIC Divisions/Offices.

### **AUTHORITIES**

See [Appendix - Authorities](#)

### **FORM(S)**

None.

### **REVISION(S)**

This Directive supersedes FDIC 2710.3, Anti-Harassment Program, dated March 29, 2021.

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## Action Log

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<b>Submission Type</b> <i>(New, Pedestrian Change, Revision)</i>	<b>Date</b>	<b>Approved through Directives Management Center</b>
Revision	03/29/2021	Nikita Pearson
Pedestrian Change	06/13/2021	Nikita Pearson

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## Summary of Changes (if applicable)

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Updated to:

- Include terminology related to sexual harassment in the examples provided in the definition of harassment.
- Include Labor and Employee Relations Section (LERS) HR Specialists as points of contact to report harassment.
- Correct contact information for the Anti-Harassment Program Coordinator.
- Clearly identify the Anti-Harassment Program Coordinator roles and responsibilities.
- Include Legal Division responsibilities.
- Provide for notification to the person reporting the harassment and alleged harasser that the investigation has been completed.
- Take preventive/corrective action, as appropriate, no later than 60 days of receiving notice of a report of harassment.
- Initiate an investigation within ten calendar days of receiving the report of harassment.
- Upon approval, this Directive will be renumbered to 2710.03.

Pedestrian Change to:

- Update “gender” to “sex” in the Policy Section; and
- Update “prompt” to “immediate” in the Policy Section B.3.

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## Background

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The FDIC is committed to providing its employees with a workplace that is free of harassment. The Office of Minority and Women Inclusion (OMWI) Director has the delegated responsibility for the FDIC diversity and inclusion, civil rights, and minority and women outreach programs. These programs ensure the FDIC workplace is inclusive, free from unlawful discrimination and harassment, and provides equal opportunity and access to all employment and business activities.

The goal of this Directive is to provide employees with an internal process to report harassment. Employees need not assert that the harassment rises to a level prohibited by Title VII of the Civil Rights Act or other civil rights statutes, or that the harassment is based on membership in a protected class. This Directive provides examples of conduct that could constitute harassment prohibited by this Directive, and explains the rights and responsibilities of all employees and the FDIC's system of accountability for violations of this Directive.

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## Policy

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### A. General Policy

It is the policy of the FDIC to maintain a workplace free from all forms of harassment, including but not limited to harassment based on race, color, religion, sex (including sexual or nonsexual, pregnancy, gender identity, or sexual orientation), national origin, disability (physical and mental), age (40 years or older), genetic information (information about an individual's genetic tests, or the manifestation of a disease or disorder in the individual's family members), status as a parent, and retaliation (for participating in the EEO complaint process or opposing discriminatory practices). The FDIC will not tolerate harassment by or against any applicant, employee, or contractor. Similarly, the FDIC will not tolerate retaliation against any applicant, employee, or contractor for opposing harassment, reporting harassment, or participating or assisting in any inquiry, investigation, lawsuit, or other proceeding concerning harassment. The FDIC expects anyone who witnesses or is the alleged victim of harassment to report it immediately, consistent with the Reporting Process provided.

Harassment is any verbal or non-verbal conduct that is unwelcome to the individual and objectively offensive. For workplace harassment to be illegal, it must be either severe or pervasive, and based on a characteristic protected by a law enforced by the EEOC (e.g., Title VII of the Civil Rights Act). However, conduct need not rise to the level of illegal harassment to be prohibited by this Directive. For purposes of this Directive, this conduct will be referred to as "harassment."

The following are some examples of harassment prohibited by this Directive:

- Offensive jokes, comments, objects, or pictures.
- Unwelcome questions about a person's identity (e.g., disability status, gender identity, sexual orientation, national origin, religion).
- Undue and unwelcome attention.
- Ridicule or mockery.
- Displaying offensive objects or pictures.
- Insults or put-downs.
- Unwelcome touching or contact.
- Unwelcome sexual advances.

- Requests for sexual favors.
- Other verbal or physical harassment of a sexual nature.
- Slurs, epithets, or name-calling.
- Threats or other forms of intimidation.
- Physical or sexual assault.
- Engaging in bullying, intimidating, or threatening behavior.

To maintain a workplace free from harassment, FDIC management will take appropriate actions to address allegations of harassment made against non-employees such as staff at examination sites, contract workers, security guards, and delivery or maintenance staff.

Any FDIC employee who engages in conduct prohibited by this Directive is subject to disciplinary action, up to and including removal from Federal service.

In most cases, harassment does not include ordinary supervisory actions, such as telling an employee that they are not performing a job adequately. Generally, allegations concerning performance issues, impolite behavior, or personality conflicts will not fall under this Directive. Also, occasional and innocuous compliments generally will not constitute harassment, but rather reflect the reality of human experience and common courtesy.

This Directive is not intended to stand in isolation of other policies and tools available to remedy workplace disputes. FDIC employees involved in a workplace dispute may raise such issues through alternative means, such as the Internal Ombudsman's Office, FDIC's Alternative Dispute Resolution program, or the negotiated or administrative grievance procedures.

## B. Reporting Process

### 1. Reporting Alleged Harassment

- a. Individuals who observe, experience, or otherwise learn about harassment covered under this Directive are expected to promptly report the conduct to any of the following:
  - 1) The alleged victim's immediate supervisor;
  - 2) The supervisor of the person responsible for the alleged conduct;
  - 3) Any management official with supervisory responsibility;

- 4) Anti-Harassment Program Coordinator (AHPC);
- 5) LERS Assistant Director; or
- 6) Any LERS Specialist.

When allegations of harassment are received, notify AHPC immediately.

- b. To fulfill the objectives of this Directive, an individual who has alleged harassment in connection with an EEO complaint, a negotiated or administrative grievance, a complaint filed with the Office of Special Counsel, or an appeal filed with the Merit Systems Protection Board, will be deemed to have reported alleged harassment under this Directive.

If employees raise allegations of harassment to the Internal Ombudsman's Office (IOO), they will be provided with a safe place to explore their concerns, advised to review this Directive, and referred to the AHPC, as appropriate. However, because of the unique role of the IOO, raising allegations of harassment with the IOO does not constitute notice to the FDIC under this policy.

## 2. Processing/Investigation of Allegations

- a. When the AHPC receives a report of harassment, the AHPC:

- 1) Contacts the individual making the report to explain the investigative process and schedule an intake call to gather preliminary information about the allegations.
- 2) Once the intake process is completed and the allegations are received, refers the matter to LERS.
- 3) Reports allegations related to the Office of Inspector General (OIG) to OIG's Director, Office of Human Resources for appropriate action pursuant to OIG procedure.
- 4) Notifies the appropriate contracting officer of allegations of harassment involving contract workers.

- b. LERS and Labor, Employment and Administration Section (LEAS) review the allegations to determine whether they are covered by this Directive. If so, LERS and LEAS, in consultation with the appropriate management official(s), must determine whether immediate corrective action is necessary to address the allegations. If such action is necessary, it will be effectuated as promptly as possible.

In consultation with the appropriate management official(s), LERS and LEAS determines whether additional investigation of the allegations is appropriate. If so, they initiate an investigation no later than 10 calendar days of receiving the report of harassment. All parties—including the reporting party (and the alleged victim of the alleged harassing conduct, if different from the reporting party), the alleged harasser, and any others involved—are required to cooperate with an investigation so it can be conducted in a prompt, thorough, and fair manner. A witness who fails to cooperate may be subject to disciplinary action, up to and including removal from Federal service.

The identity of the person reporting the harassment, the alleged harasser, and other witnesses interviewed in connection with an investigation under this Directive, as well as the information they provide during the investigation, are kept confidential to the extent possible. However, confidentiality cannot be guaranteed in light of the Agency's obligations to conduct a thorough and comprehensive investigation and maintain a harassment-free workplace.

An individual who reports harassment under this Directive may still pursue statutory, administrative, or collective bargaining remedies regarding an alleged act of harassment (e.g., EEO complaint). Such other remedial processes use different procedures, have different rules, requirements, and timeframes, and may provide different remedies than are available under this Directive. Reporting harassment under this Directive does not satisfy the requirements or delay the time limits or deadlines applicable for initiating or pursuing redress through other processes. For more information on filing an EEO complaint, employees should visit the OMWI website. Individuals can find contact information for the FDIC's Equal Opportunity Compliance and Training Branch in OMWI.

Within five business days of the conclusion of an investigation, the Fact Finder notifies the person reporting the harassment and the alleged harasser that the investigation has been completed. Such notifications are retained in the official investigative file. Consistent with the Privacy Act, information about decisions to take or not take disciplinary action generally are not disclosed.

### 3. Preventive/Corrective Action

The Fact Finder provides the investigative findings to the appropriate management official. In most cases, this will be the alleged harasser's immediate supervisor. However, the matter may be referred to a manager outside of the alleged harasser's chain of command. FDIC management, in consultation with LERS and LEAS, determines what, if any, action to take as a result of the findings. If harassment has

occurred, the FDIC takes immediate, appropriate action. The FDIC takes action no later than 60 calendar days of receiving notice of a report of harassment, as appropriate.



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## Responsibilities

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### A. Managers/Supervisors:

1. Do not engage in harassment or retaliatory conduct;
2. Immediately report allegations of harassment to the AHPC;
3. Participate and cooperate in the investigation process;
4. Take immediate action to stop/correct any harassment or retaliatory conduct;
5. Attend mandatory anti-harassment training;
6. Fully cooperate in an inquiry or fact-finding concerning an allegation of harassment; and
7. Comply with all applicable guidance and procedures referenced in this Directive.

### B. Employees:

1. Do not engage in harassment;
2. Immediately report allegations of harassment to a management official, the AHPC, or a LERS Human Resources (HR) Specialist; and
3. Fully cooperate in an inquiry or fact-finding concerning an allegation of harassment.

### C. AHPC:

1. Oversees the FDIC's Anti-Harassment Program;
2. Serves as a subject matter expert about issues related to this Directive;
3. Provides mandatory training for all managers and supervisors on how to identify and respond to incidents of harassment in the workplace;
4. Provides training for all employees about the anti-harassment policy and reporting procedures;
5. Coordinates program implementation with LERS, LEAS, and other Divisions/Offices, as appropriate;

6. Advises and provides technical assistance to managers and supervisors in preventing and addressing allegations of harassment;
7. Monitors program effectiveness by maintaining a system to track allegations and actions taken;
8. Recommends program changes for enhancement;
9. Works with other FDIC program officials to effectively prevent and eliminate harassment in the workplace through a continuing education program;
10. Develops preventive strategies based on any identified trends, and maintains relevant documents collected in the fact finding inquiry in accordance with FDIC Directive 1210.01, Records and Information Management Program;
11. Receives, gathers, and provides data required for reporting on allegations of harassment to the EEOC, other oversight agencies, or Congress; and
12. Ensures the Anti-Harassment Program policies and procedures are posted on the FDIC internal website and publicized throughout FDIC, including providing the policy and procedures to employees.

D. LERS:

1. In collaboration with LEAS, serves as Fact Finder to conduct investigations of allegations of harassment, where appropriate;
2. In collaboration with LEAS, provides advice and guidance to management on appropriate preventive or corrective action(s) to take in connection with allegations of harassment;
3. In collaboration with LEAS, notifies the AHPC when an investigation has been concluded within five business days after its completion, provides the AHPC with a summary of the findings, and identifies what, if any, corrective action was taken; and
4. Notifies the individual reporting the harassment and the alleged harasser when an investigation has been concluded within five business days after its completion.

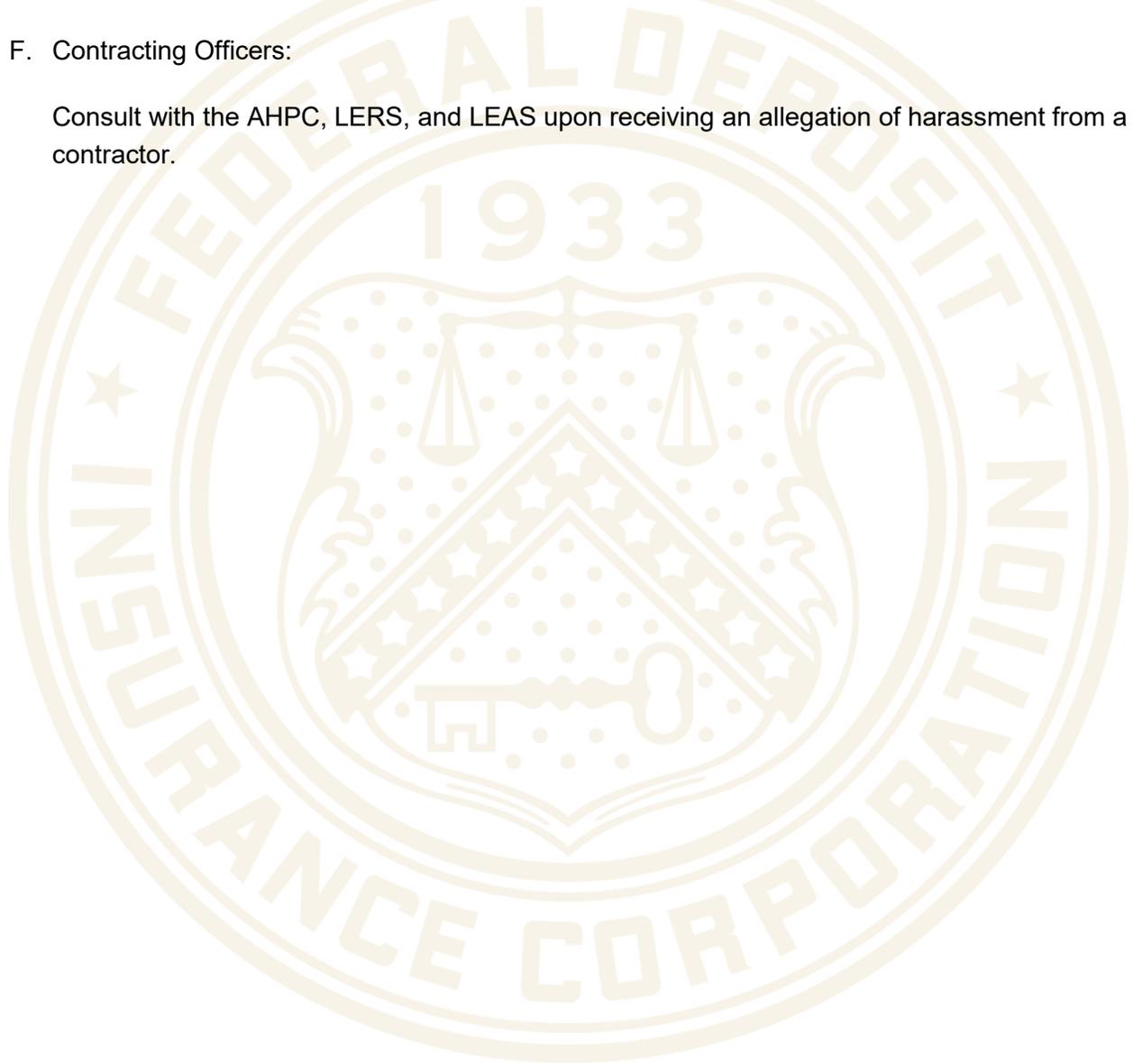
E. LEAS:

1. In collaboration with LERS, serves as Fact Finder to conduct investigations of allegations of harassment, where appropriate;

2. In collaboration with LERS, provides advice and guidance to management on appropriate preventive or corrective action(s) to take in connection with allegations of harassment; and
3. In collaboration with LERS, notifies the AHPC when the investigation of an allegation of harassment is completed, a summary of the findings, and what, if any, corrective action was taken in connection with EEO conflict cases.

F. Contracting Officers:

Consult with the AHPC, LERS, and LEAS upon receiving an allegation of harassment from a contractor.



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## Appendix - Authorities

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- Equal Employment Opportunity Commission (EEOC) Management Directive (MD) 715
- Section 717, of Title VII of the Civil Rights Act of 1964, as amended, 42 United States Code (U.S.C.) § 2000e-16
- Section 501, of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791
- The Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621-634
- Genetic Information Nondiscrimination Act of 2008
- The Federal Labor-Management Relations Statute; 5 U.S.C. §§ 7101-7135
- Uniformed Services Employment and Reemployment Act of 1994; 38 U.S.C. §§ 4301-4335
- Executive Order (E.O.) 11478, Equal Employment Opportunity in the Federal Government
- E.O. 13087, Further Amendment to Executive Order 11478, Equal Employment Opportunity in the Federal Government
- E.O. 13145, To Prohibit Discrimination in Federal Employment Based on Genetic Information
- E.O. 13152, Further Amendment to Executive Order 11478, Equal Employment Opportunity in Federal Government
- E.O. 13672, Prohibiting Discrimination Based on Sexual Orientation and Gender Identity by Contractors and Subcontractors

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## Appendix - Contact Information

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Employees can contact the AHPC at [Anti-Harassment@fdic.gov](mailto:Anti-Harassment@fdic.gov), and can find additional contact information on the FDIC internal website.

FDIC's Equal Opportunity Compliance and Training Branch in OMWI is available on the FDIC internal website.

For information on filing an EEO complaint, employees should visit the OMWI website (FDIC internal website) or <https://www.fdic.gov/about/diversity/eo/formalpro.html> (FDIC.gov – FDIC external website).



## Glossary of Terms

Term	Definition
Anti-Harassment Program Coordinator (AHPC)	The designated employee responsible for overseeing the implementation of the Anti-Harassment Program.
Conduct Prohibited by this Directive (“Harassment”)	<p>Verbal or non-verbal conduct which is unwelcome to the individual and objectively offensive. For workplace harassment to be illegal, it must be either severe or pervasive, and based on a characteristic protected by a law enforced by the EEOC (e.g., Title VII of the Civil Rights Act). However, conduct need not rise to the level of illegal harassment to be prohibited by this Directive. For purposes of this Directive, this conduct will be referred to as “harassment.”</p> <p>The following are some examples of harassment prohibited by this Directive:</p> <ul style="list-style-type: none"> <li>▪ Offensive jokes, comments, objects, or pictures.</li> <li>▪ Unwelcome questions about a person’s identity (e.g., disability status, gender identity, sexual orientation, national origin, religion).</li> <li>▪ Undue and unwelcome attention.</li> <li>▪ Ridicule or mockery.</li> <li>▪ Displaying offensive objects or pictures.</li> <li>▪ Insults or put-downs.</li> <li>▪ Unwelcome touching or contact.</li> <li>▪ Unwelcome sexual advances.</li> <li>▪ Requests for sexual favors.</li> <li>▪ Other verbal or physical harassment of a sexual nature.</li> <li>▪ Slurs, epithets, or name-calling.</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>▪ Threats or other forms of intimidation.</li> <li>▪ Physical or sexual assault.</li> <li>▪ Engaging in bullying, intimidating, or threatening behavior.</li> </ul>
Fact Finder	<p>An individual assigned to conduct a prompt, independent, thorough, and impartial investigation into alleged harassment. The Fact Finder generally will be a Human Resources Specialist in LERS, but a Fact Finder may also be another appropriate official depending on the circumstances, e.g., conflict of interest situations.</p>

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## Glossary of Acronyms

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Acronym	Definition
AHPC	Anti-Harassment Program Coordinator
EEOC	Equal Employment Opportunity Commission
LEAS	Labor, Employment and Administration Section (Legal Division)
LERS	Labor and Employee Relations Section (Division of Administration)
OIG	Office of Inspector General
OMWI	Office of Minority and Women Inclusion

## **APPENDIX D3**

CIRCULAR 2400.2 – Whistleblower Protection Rights



# FDIC DIRECTIVE

# 2400.2

Arleas Upton Kea  
Deputy to the Chairman and Chief Operating Officer

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*See approval(s) on Action Log*

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## Whistleblower Protection Rights

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### PURPOSE

To inform employees of their rights and remedies under federal whistleblower protection laws.

### SCOPE

This Directive applies to all current and former FDIC employees and applicants for employment at the FDIC.

### AUTHORITIES

- Civil Service Reform Act, Pub. L. No. 95-454, 92 Stat. 1111;
- Depository Institution Employee Protection Remedy (12 U.S.C. 1831j);
- Inspector General Act, as amended (5 U.S.C. Appendix 3, §§ 3(d), 7); and
- The Whistleblower Protection Act and the Whistleblower Protection Enhancement Act (5 U.S.C. 2302(b)(8)-(9)).

### FORM(S)

None

### REVISION(S)

This Directive supersedes FDIC Circular 2400.1, Whistleblower Protection Rights, dated June 6, 2001.

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## Action Log

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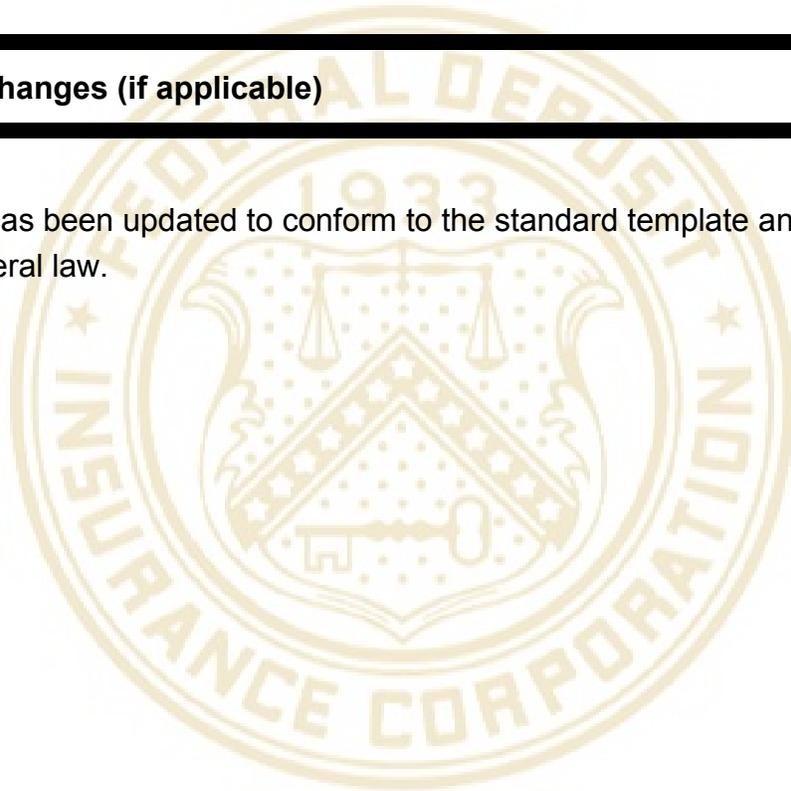
<b>Submission Type</b> <i>(New, Pedestrian Change, Revision)</i>	<b>Date</b>	<b>Approved through Directives Management Center</b>
Revision	07/16/2019	Arleas Upton Kea

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## Summary of Changes (if applicable)

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This Directive has been updated to conform to the standard template and reflect updates by federal law.



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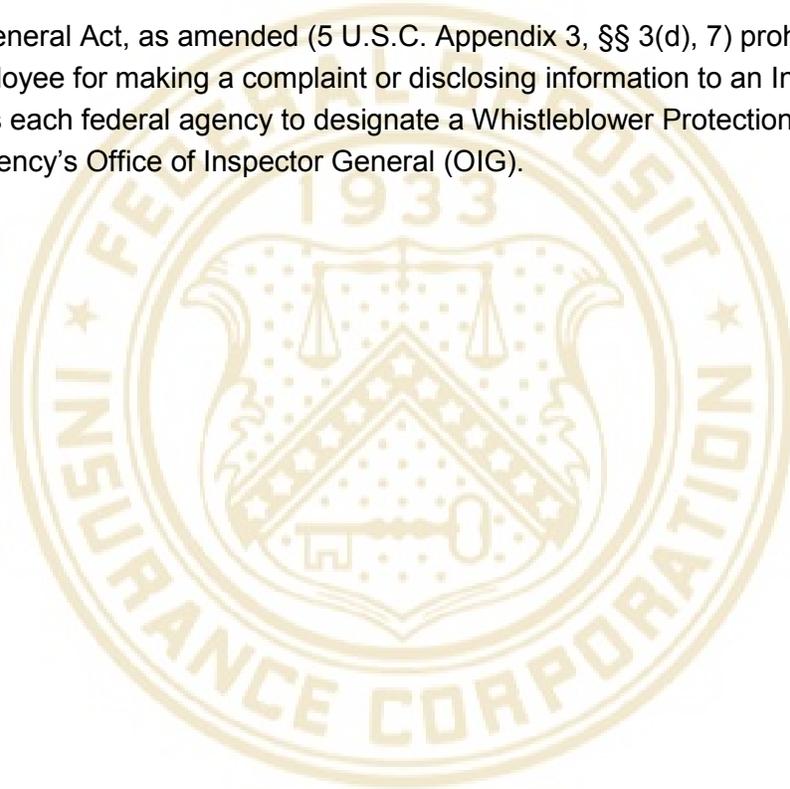
## Background

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The Whistleblower Protection Act and the Whistleblower Protection Enhancement Act (5 U.S.C. §§ 2302(b)(8)-(9)) protect federal employees and applicants for employment from retaliatory action or reprisal for whistleblowing and for engaging in certain protected activities.

The Depository Institution Employee Protection Remedy (12 U.S.C. § 1831j) addresses reprisal for whistleblowing activities and is subject to the procedures of the Civil Service Reform Act, Pub. L. No. 95-454, 92 Stat. 1111.

The Inspector General Act, as amended (5 U.S.C. Appendix 3, §§ 3(d), 7) prohibits reprisal against any employee for making a complaint or disclosing information to an Inspector General (IG) and requires each federal agency to designate a Whistleblower Protection Coordinator, located in the agency's Office of Inspector General (OIG).



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## Policy

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### A. Whistleblower Protection Act and Whistleblower Protection Enhancement Act (5 U.S.C. §§ 2302(b)(8)-(9))

#### 1. Whistleblower Protection Act

Under the Whistleblower Protection Act, a federal official or employee with authority to take, direct others to take, recommend, or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of protected whistleblowing activities. Whistleblowing is protected unless the disclosure is prohibited by law or required by Executive Order to be kept secret for national security or foreign affairs reasons. Disclosures prohibited by law or required to be kept secret under Executive Order may lawfully be made to Congress, the Office of Special Counsel (OSC), the FDIC IG, or a person designated by the Agency Head to receive such a disclosure. The designee for the FDIC is the Division of Administration (DOA)/Labor and Employee Relations Section (LERS) Assistant Director.

#### 2. Whistleblower Protection Enhancement Act

Under the Whistleblower Protection Enhancement Act, a federal official or employee with authority to take, direct others to take, recommend, or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because that employee or applicant filed a complaint, grievance, or appeal alleging retaliation for whistleblowing; for testifying or lawfully assisting any individual with a complaint, appeal, or grievance right; for cooperating with or disclosing information to the IG or the OSC in accordance with the law; or for refusing to obey an order that would require the individual to violate law, rule, or regulation.

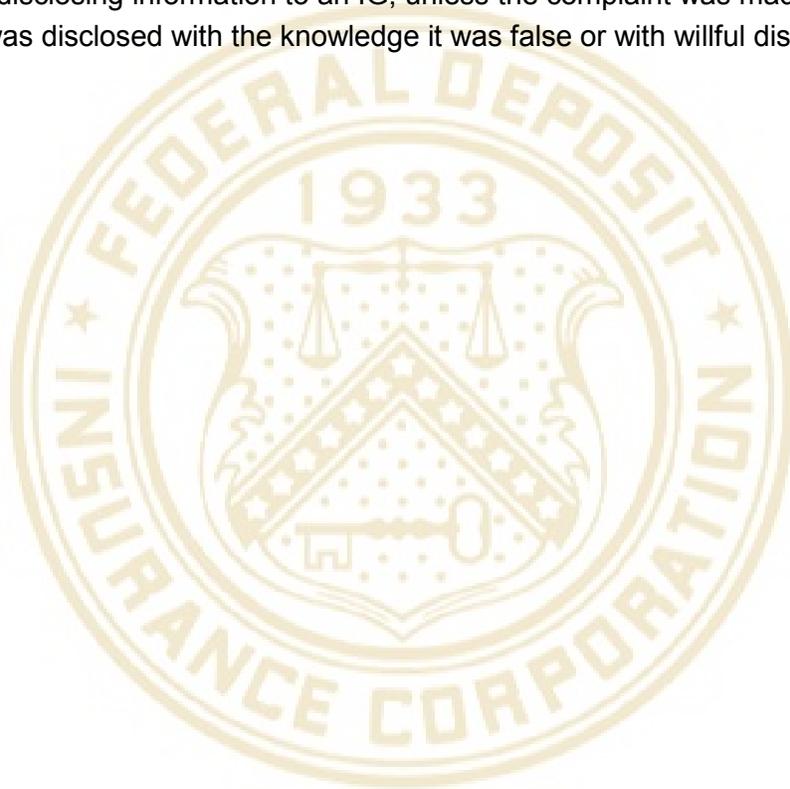
### B. Depository Institution Employee Protection Remedy (12 U.S.C. § 1831j)

Subject to the Civil Service Reform Act, 12 U.S.C. § 1831j states an employee of a federal banking agency (including the FDIC) may not be discharged or discriminated against with respect to compensation, terms, conditions or privileges of employment because the employee (or an individual acting at the request of the employee) provided information to any federal banking agency, Federal Home Loan Bank, Federal Reserve Bank, or to the Attorney General regarding any possible violation of law or regulation, gross

mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety by a depository institution or any federal agency or Federal Home Loan Bank, Federal Reserve Bank, any director, officer, or employee of any depository institution or any Federal Home Loan Bank or Federal Reserve Bank, or any officer or employee of the FDIC.

C. Inspector General Act, as amended (5 U.S.C. Appendix 3, §§ 3, 7)

Under the Inspector General Act, any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to an IG, unless the complaint was made or the information was disclosed with the knowledge it was false or with willful disregard for its truth or falsity.



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## Responsibilities

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### A. LERS Assistant Director

The LERS Assistant Director is designated as the FDIC official to receive disclosures otherwise prohibited by law or required to be kept secret under Executive Order.

### B. Whistleblower Protection Coordinator

The Whistleblower Protection Coordinator is designated by the IG to perform the following functions:

1. Educates employees about prohibitions on retaliation for protected disclosures;
2. Educates employees who have made or are contemplating making a protected disclosure about the rights and remedies against retaliation for protected disclosures;
3. Informs employees about the means by which they may seek review of any allegation of reprisal for whistleblowing, as well as general information about the timeliness of such cases, the availability of any alternative dispute mechanisms, and avenues for potential relief;
4. Assists the IG in promoting the timely and appropriate handling and consideration of protected disclosures and allegations of reprisal, to the extent practicable, by the IG; and
5. Does not act as a legal representative, agent, or advocate of the employee or former employee.

### C. Employees/Applicants

It is the responsibility of each employee of the FDIC to be familiar with the content of this Directive and to understand his/her Whistleblower Protection Rights, and encourage an environment that allows protected disclosures to be made and received without retaliation or the threat of retaliation.

An individual who believes he or she was subjected to a covered personnel action in retaliation for whistleblowing or other protected activity may elect one of three remedies listed below:

1. An appeal to the Merit Systems Protection Board (MSPB) if the covered personnel action is appealable to the Board;
2. A negotiated grievance if the individual is in the bargaining unit; or
3. A complaint filed with the OSC for investigation, if the covered personnel action is not appealable to the Board. An employee may file an individual appeal with the MSPB after the OSC completes the investigation.

An individual's election is made when an individual files one of the three actions listed above.



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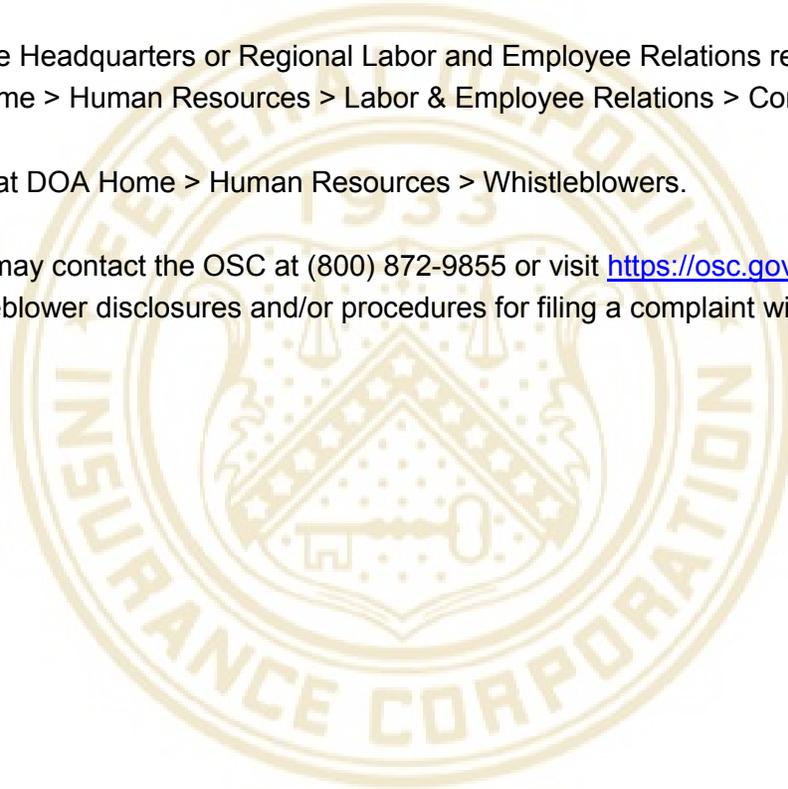
## Appendix – Additional Information

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Questions regarding Whistleblower Protection Rights or filing procedures should be directed to the:

1. Whistleblower Protection Coordinator in the OIG, at OIG Hotline  
attn.: Whistleblower Protection Coordinator  
1-800-964-FDIC  
[ighotline@fdicoig.gov](mailto:ighotline@fdicoig.gov);
2. Applicable Headquarters or Regional Labor and Employee Relations representative  
(DOA Home > Human Resources > Labor & Employee Relations > Contacts); or
3. FDICnet at DOA Home > Human Resources > Whistleblowers.

Individuals also may contact the OSC at (800) 872-9855 or visit <https://osc.gov> for information regarding whistleblower disclosures and/or procedures for filing a complaint with the OSC.



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## Glossary of Terms

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Term	Definition
Office of Special Counsel (OSC)	An independent investigative and prosecutorial agency within the Executive Branch that receives and investigates complaints alleging prohibited personnel practices, including those involving reprisal for whistleblowing.
Whistleblowing	When a Federal employee or applicant for employment discloses information which the individual reasonably believes evidences: <ul style="list-style-type: none"><li>▪ A violation of law, rule, or regulation;</li><li>▪ Gross mismanagement;</li><li>▪ A gross waste of funds;</li><li>▪ An abuse of authority; or</li><li>▪ A substantial and specific danger to public health or safety.</li></ul>

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## Glossary of Acronyms

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Acronym	Definition
DOA	Division of Administration
IG	Inspector General
LERS	Labor and Employee Relations Section
MSPB	Merit Systems Protection Board
OIG	Office of Inspector General
OSC	Office of Special Counsel

## **APPENDIX D4**

CIRCULAR 2750.1 – Disciplinary and Adverse Action



# FDIC DIRECTIVE

# 2750.01

Brandon Milhorn  
Deputy to the Chairman, Chief of Staff, and Chief Operating Officer

*See approval(s) on Action Log*

## Disciplinary and Adverse Actions

### PURPOSE

This Directive sets forth Federal Deposit Insurance Corporation (FDIC) policy and guidelines for administering employee discipline and adverse actions. This Directive also establishes the authority and responsibility for taking appropriate corrective action for disciplinary and adverse actions when it is determined that such actions will promote the efficiency of the service.

### SCOPE

This Directive applies to all FDIC employees except for those individuals working for the FDIC who are specifically excluded by law or Executive Order, including but not limited to: (a) individuals who are not defined as "employees" pursuant to Title 5, United States Code (U.S.C.), Sections 7501 or 7511; (b) reemployed annuitants; and (c) political appointees. This Directive does not apply to employees of the FDIC's Office of Inspector General (OIG), because OIG has separate delegated authority to carry out disciplinary and adverse actions for OIG employees.

### AUTHORITIES

- Title 5, U.S.C., Chapter 75, Adverse Actions
- Title 5, Code of Federal Regulations (CFR), Part 752, Adverse Actions

### FORM(S)

None.

### REVISION(S)

This Directive supersedes 2750.1, Disciplinary and Adverse Actions, dated January 22, 1999.

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## Action Log

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<b>Submission Type</b> <i>(New, Pedestrian Change, Revision)</i>	<b>Date</b>	<b>Approved through Directive Management Center</b>
Revision	03/31/2021	Brandon Milhorn

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## Summary of Changes (if applicable)

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This Directive has been completely rewritten and conforms to the standard template and upon approval renumbered to 2750.01.

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## Background

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The FDIC administers disciplinary and adverse actions in accordance with 5 U.S.C. Chapter 75 and 5 CFR Part 752.

Should the provisions of this Directive differ from the terms of any negotiated agreements between the FDIC and the National Treasury Employees Union (NTEU), the terms of the negotiated agreements take priority, provided they conform to federal law. Any negotiated agreements should be read in conjunction with this Directive.

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## Policy

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It is the FDIC's policy that disciplinary and adverse actions will be taken to promote the efficiency of the federal service. Before taking any action under this Directive, managers/supervisors consult with a servicing Specialist in the Division of Administration (DOA), Human Resources Branch (HRB), Labor and Employee Relations Section (LERS) or their servicing Regional LERS Specialist (hereafter "LERS"), and Counsel in the Legal Division, Labor, Employment and Administration Section (LEAS).

Managers/supervisors regularly monitor and evaluate employees' performance and conduct and take corrective action if the performance or conduct falls below acceptable standards. Management may authorize that investigations into issues of performance or conduct be undertaken, as appropriate. Upon finding a sufficient basis for taking action, management may determine an appropriate penalty for the employee's unacceptable performance or misconduct. When misconduct is substantiated, regardless of the type of misconduct, managers/supervisors work with LERS and LEAS to ensure that proportionate corrective action is taken, including disciplinary and adverse actions when appropriate based on the facts of the particular case and in accordance with relevant law. Managers/supervisors safeguard information regarding disciplinary and adverse actions and related investigations consistent with FDIC policies.

### A. Disciplinary Actions Covered:

#### 1. Letter of Reprimand (LOR)

- a. A LOR is a disciplinary action taken by management to address employee misconduct and/or unacceptable performance.
- b. A LOR is placed in the employee's Official Personnel File (OPF) for two years.

#### 2. Suspension of 14 Calendar Days or Less

- a. A suspension of 14 calendar days or less is a disciplinary action taken by management to address employee misconduct and/or unacceptable performance.
- b. A Standard Form (SF)-50 documenting the suspension is placed in the employee's OPF permanently.
- c. In connection with a suspension of 14 calendar days or less, an employee is entitled to:

- 1) Advance written notice that states the charge(s) and reason(s) for the proposed suspension;
- 2) The right to representation by an attorney or other representative, including NTEU;
- 3) The opportunity to review all material relied upon to support the proposal;
- 4) The opportunity to submit a written and/or oral reply to the proposal and consideration of the reply before a decision is made; and
- 5) A written decision before the effective date of the suspension.

**B. Adverse Actions Covered:**

1. Removal, Suspension for More Than 14 Calendar Days, Reduction in Grade, Reduction in Pay, or Furlough of 30 Calendar Days or Less.
  - a. A removal, suspension for more than 14 calendar days, reduction in grade, and reduction in pay are adverse actions that can be taken to address employee misconduct and/or unacceptable performance.
  - b. An SF-50 documenting any of these actions is placed in the employee's OPF permanently.
  - c. In connection with actions under this section, an employee is entitled to:
    - 1) A written notice that states the charge(s) and reason(s) for the proposed action at least 30 calendar days in advance of the effective date of any decision, except when the agency has reasonable cause to believe that the employee has committed a crime for which a sentence of imprisonment may be imposed;
    - 2) The right to representation by an attorney or other representative, including NTEU;
    - 3) The opportunity to review all materials relied upon to support the proposal;
    - 4) The opportunity to submit a written and/or oral reply to the proposal and consideration of the reply before a decision is made; and
    - 5) A written decision before the action is effective. As mandated by law or regulation, the decision will inform the employee of applicable appeal rights.

## 2. Indefinite Suspension

- a. An indefinite suspension is an adverse action that can be taken to address a conduct issue, but only under certain limited circumstances, including:
  - 1) When the agency has reasonable cause to believe an employee has committed a crime for which the employee could be imprisoned, pending the outcome of a criminal proceeding or any subsequent agency action following the conclusion of the criminal process;
  - 2) When the agency has legitimate concerns that an employee's medical condition makes their continued presence in the workplace dangerous or inappropriate, pending a determination that the employee is fit for duty; or
  - 3) When an employee's access to classified information has been suspended and the employee must have such access to perform their job – pending a final determination on the employee's access to classified information.
- b. An employee who is suspended indefinitely is temporarily placed in a non-duty status without pay.
- c. An employee who is suspended indefinitely is entitled to:
  - 1) A written notice that states the charge(s) and reason(s) for the proposed suspension at least 30 calendar days in advance of the effective date of any decision, except when the agency has reasonable cause to believe that the employee has committed a crime for which a sentence of imprisonment may be imposed;
  - 2) The right to representation by an attorney or other representative, including NTEU;
  - 3) The opportunity to review all materials relied upon to support the proposal;
  - 4) The opportunity to submit a written and/or oral reply to the proposal and consideration of the reply before a decision is made; and
  - 5) A written decision before the suspension is effective (and at the earliest practicable date). As mandated by law or regulation, the decision will inform the employee of applicable appeal rights.

### C. Alternative Discipline

After proposing a disciplinary or adverse action and receiving the employee's reply, management may offer an employee alternative discipline, in lieu of traditional discipline. LERS and LEAS advise management on forms of alternative discipline and implementation. Examples of alternative disciplinary action include last chance agreements and abeyance agreements.

### D. Pre-Action Investigation

Before initiating a disciplinary or adverse action, management may authorize an investigation in collaboration with LERS and LEAS. Employees are required to cooperate fully in an administrative investigation. Failure to respond to requests for information, appear as a witness, or provide responses that are true, complete and correct may result in disciplinary or adverse action up to and including removal from federal service.

### E. Actions Not Covered

This Directive does not apply to the following actions:

1. Separation of individuals who committed misconduct before entrance on duty;
2. Termination of individuals who do not meet the definition of an "employee" in accordance with 5 U.S.C. Sections 7501 or 7511, as applicable.
3. Furloughs of more than 30 days processed under the reduction-in-force procedures set forth in 5 CFR Part 351;
4. Voluntary actions (e.g., resignations) initiated by an employee;
5. Termination of appointments in accordance with a term specified as a condition of employment;
6. Reductions in an employee's rate of pay required by law or regulation;
7. Terminations of reemployed annuitants; and
8. Actions taken under any other provision of law that exempts the action from 5 U.S.C. Chapter 75, Subchapter II.

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## Responsibilities

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### A. HRB/LEAS

1. Advises managers/supervisors on employee conduct and performance issues and disciplinary options (including procedural/regulatory parameters);
2. In collaboration with LEAS, makes decisions about the conduct of investigations, regardless of source (e.g., supervisor request, complaint pursuant to the FDIC's anti-harassment policy) or type (e.g., inquiry, formal investigation), including decisions about whether to initiate an investigation and the mechanics of such investigation (e.g., means, scope);
3. In collaboration with LEAS, conducts investigations and advises managers/supervisors of investigatory findings as well as options for disciplinary or adverse action that may exist under applicable statutes, regulations, and negotiated agreements;
4. Drafts and reviews all disciplinary notices and applicable case files prior to issuance to ensure reasonableness of penalty and statutory/regulatory compliance;
5. Consults with LEAS on disciplinary and adverse action proposals and decisions;
6. Maintains disciplinary and adverse action files and an information system for tracking and periodically reporting the actions effected;
7. In collaboration with LEAS, provides training to supervisors and employees concerning disciplinary and adverse action issues and procedures related to conduct and performance; and
8. Serves as a resource for all FDIC staff concerning labor and employment issues..

### B. LEAS

1. In collaboration with LERS, makes decisions about the conduct of investigations, regardless of source (e.g., supervisor request, complaint pursuant to the FDIC's anti-harassment policy) or type (e.g., inquiry, formal investigation), including decisions about whether to initiate an investigation and the mechanics of such investigation (e.g., means, scope);

2. In collaboration with LERS, supervises investigations and advises supervisors and managers of investigatory findings as well as options for disciplinary or adverse action that may exist under applicable statutes, regulations, and negotiated agreements;
3. In collaboration with LERS, reviews and approves disciplinary and adverse action notices prior to issuance to ensure that any discipline or adverse action is factually supported and complies with applicable statutes, regulations, negotiated agreements and case law; and
4. Represents the FDIC in settlement negotiations and litigation matters before mediators, arbitrators, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, as well as federal and state courts.

#### C. Managers/Supervisors

1. Promote a constructive work environment built upon transparent communication, mutual trust and respect for all to succeed, free from discrimination, retaliation and harassment;
2. Advise employees regarding performance and conduct expectations;
3. Consult and cooperate with the LERS and LEAS regarding employee misconduct and performance issues and timely initiate appropriate and consistent corrective action, as warranted;
4. Promptly evaluate and document circumstances related to incidents of employee misconduct and poor performance with guidance from LERS and LEAS;
5. Recognize and comply with the requirements of this Directive and the applicable provisions of collective bargaining agreements;
6. Report misconduct to LERS specialist, LEAS counsel, and/or OIG, as appropriate. Failure to report misconduct may result in disciplinary action up to and including removal from federal service; and
7. Safeguard information regarding disciplinary and adverse actions and related investigations consistent with FDIC policies.

#### D. Employees

1. Comply with established standards of conduct and performance, and request clarification, if necessary;

2. Report allegations of misconduct by both government employees and contractor personnel to supervisory or management officials; and
3. Cooperate in administrative investigations by timely responding to requests for information, appearing as a witness, and providing responses that are true, complete and correct.

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## Appendix

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None.

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## Glossary of Terms

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Term	Definition
Abeyance Agreement	A written and signed agreement in which the FDIC agrees to withhold implementation of a decision on a disciplinary or adverse action in abeyance for a specific period of time, in exchange for terms agreed to by the parties.
Adverse Action	An action taken against an employee pursuant to 5 U.S.C. Chapter 75, Subchapter II, including suspensions without pay for more than 14 days, reductions in grade or pay, furloughs of 30 days or less, and removal.
Alternative Discipline	An effort, undertaken by a supervisor/manager, to address employee misconduct using a method other than traditional discipline.
Charge	A description of the offense in a disciplinary or adverse action, as stated in the proposed action and final decision.
Day	A calendar day (unless otherwise specified).
Disciplinary Action	An action taken against an employee pursuant to 5 USC Chapter 75, Subchapter I, including reprimands and suspensions for 14 days and less.
Furlough	The placing of an employee in a temporary status without duties and pay because of lack of work or funds, or other non-disciplinary reasons.
Indefinite Suspension	The placement of an employee in a temporary status without duties and pay pending investigation, inquiry, criminal proceedings, or further agency action.

Term	Definition
Last Chance Agreement	A written and signed agreement in which the FDIC agrees to withhold implementation of a decision on a removal in abeyance for a specific period of time, in exchange for terms agreed to by the parties.
Letter of Reprimand	A formal disciplinary action that remains in an employee's Official Personnel Folder (OPF) for a period of two years.
Reemployed Annuitant	A CSRS or FERS retiree who is reemployed under conditions that do not terminate the CSRS or FERS annuity.
Removal	The involuntary termination of an individual's employment with a federal agency.
Suspension	The placing of an employee in a temporary status without duties or pay.

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## Glossary of Acronyms

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Acronym	Definition
CSRS	Civil Service Retirement System
FERS	Federal Employees' Retirement System
HRB	Human Resources Branch
LEAS	Labor, Employment & Administration Section
LERS	Labor and Employee Relations Section
LOR	Letter of Reprimand
NTEU	National Treasury Employees Union
OIG	Office of Inspector General
OPF	Official Personnel Folder

