



# NO FEAR ACT

FISCAL YEAR 2023

ANNUAL REPORT TO CONGRESS



# CONTENTS

<b>Introduction .....</b>	<b>1</b>
<b>Purpose of Report .....</b>	<b>2</b>
<b>Key No FEAR Act Results in FY 2023 .....</b>	<b>2</b>
<b>Key No FEAR Act Agency Stakeholders .....</b>	<b>3</b>
<b>No FEAR Act Report Requirements.....</b>	<b>6</b>
<b>No FEAR Act Data and Analysis .....</b>	<b>6</b>
EEO Complaint Activity in Federal Court and Disposition.....	6
Judgment Fund Reimbursements and Budget Adjustment.....	7
Disciplinary Policy and Disciplinary Action .....	8
EEO Complaint Activity .....	9
Actions Taken/Planned to Improve EEO Complaint Program .....	14
Practical Knowledge Gained .....	15
<b>FDIC No FEAR Act Training Plan .....</b>	<b>15</b>
<b>Conclusion .....</b>	<b>16</b>

## **Appendix A - NO FEAR ACT LEGAL COVERAGE**

## **Appendix B - FDIC CHAIRMAN EEO POLICY STATEMENT**

## **Appendix C - FDIC SUMMARY COMPLAINT DATA**

- C1 - Federal Court Data
- C2 - EEO Data Posted Pursuant to the No FEAR Act
- C3 - FY2022 EEO Statistical Data - 462 Report

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

- D1 - FDIC Circular 2710.1 – Equal Opportunity Policy
- D2 - FDIC Directive 2710.3 –Anti-Harassment Program
- D3 - FDIC Directive 2400.2 – Whistleblower Protection Rights
- D4 - FDIC Directive 2750.1 – Disciplinary and Adverse Actions

## **INTRODUCTION**

June 16, 2023, marked the 90th anniversary of the signing of the Banking Act of 1933, which established the Federal Deposit Insurance Corporation as the world's first national deposit insurance system. 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.

### **Action Plan for a Safe, Fair, and Inclusive Work Environment**

The FDIC is committed to ensuring that every person at the FDIC feels safe, valued, and respected. Maintaining a strong workplace culture is essential to effectively carrying out our Agency mission. Since November 2023, following news reports about sexual harassment at the FDIC, the FDIC's senior leadership team developed and began implementing a comprehensive Action Plan for a Safe, Fair, and Inclusive Work Environment ([Action Plan](#)) that encompasses eight action areas and over 30 specific initiatives. The eight action areas are related to providing support to victims and survivors, identifying and correcting current problems, repercussions for those engaged in sexual harassment or other serious misconduct, leadership accountability, review of policies and procedures, training programs, communication and outreach strategies, and cultural transformation.

The Action Plan goes beyond Agency compliance efforts and describes how the FDIC will support victims and survivors of harassment and discrimination. It reflects contributions from the FDIC's senior leadership team and incorporates input from a range of stakeholders, including the Diversity and Inclusion Executive Advisory Council, personnel in the Office of Minority and Women Inclusion (OMWI), and several employee resource groups. Since developing the Action Plan, the FDIC has collaborated closely with the National Treasury Employees Union to ensure their active participation while executing the Action Plan.

We believe that the initiatives outlined in the Action Plan will make a meaningful difference in the FDIC's workplace environment and culture. The Action Plan is intended to be a living document that will evolve and improve as we assess our efforts and make progress in these areas. We are fully committed to this important effort and look forward to communicating progress to our employees and the public.

In addition, the FDIC Board of Directors established a Special Committee to oversee an independent third-party review of the Agency's workplace culture and appointed Directors Jonathan McKernan and Michael J. Hsu to co-chair the Special Committee. In December, the committee selected the law firm of Cleary Gottlieb Steen & Hamilton LLP to conduct the independent review, which will cover allegations of sexual harassment and interpersonal misconduct at the FDIC, including allegations of hostile, abusive, unprofessional, or inappropriate conduct, and management's response to that harassment and misconduct. The review will also assess the FDIC's workplace culture, including any practices that might discourage or otherwise deter the reporting of, or appropriate response to, harassment and interpersonal misconduct.

The findings and recommendations of the third-party review will be incorporated into the Action Plan as appropriate.

## **PURPOSE OF REPORT**

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) requires public accountability of federal agencies 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 presents 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.

## **Key No FEAR Act Results in FY 2023**

For the purpose of analysis, this report focuses on FY 2023 (October 1, 2022 to September 30, 2023) data, and includes relevant data from FY 2019 to FY 2022. In FY 2023, the FDIC employed 5,757 permanent employees. During the FY 2023 reporting period, there were no findings of discrimination against the FDIC. There were 35 formal EEO complaints filed in FY 2023, which is an increase from 27 filed in FY 2022. In addition, reprisal, race, age, and sex were the most frequently filed bases, and harassment (non-sexual), promotion/non-selection, appointment/hire, and terms/conditions of employment were the most prevalent issues identified in complaints filed. Other key results from this period include:

- FDIC achieved the U.S. Equal Employment Opportunity Commission's (EEOC) goal of a 50 percent Alternative Dispute Resolution (ADR) participation rate in the informal

stage of the process. This is the first time in more than five years that the Agency met the 50 percent goal.

- FDIC timely issued all Final Agency Decisions (FADs), Final Agency Orders, and timely completed all investigations in FY 2023. We maintained EEOC compliance of Final Agency Decision issuance within 60 days, but increased our processing time from 39 days in FY 2022 to 53 in FY 2023.
- New informal EEO counselings (63) and formal complaints (35) significantly increased compared to FY 2022 (51 and 27, respectively). There were two untimely counselings out of 60 completed counselings in FY 2023.
- The number of complaint closures dropped from the previous reporting periods, and closure time continued to decrease from 533 days in FY 2022 to 402 days in FY 2023.

During the reporting period, in collaboration with the FDIC's Corporate University, a wide array of online EEO and Diversity trainings were made available through the Agency-wide management system FDIC Learning Experience, including:

- Biennial No FEAR Act training
- Anti-Harassment Program Briefing
- Bridging the Diversity Gap
- Unconscious Bias
- Your Role in Workplace Diversity
- Equal Employment Opportunity (EEO) and Diversity Workshop for Supervisors
- Empathy in the Workplace

## **KEY NO FEAR ACT AGENCY STAKEHOLDERS**

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

OMWI has delegated responsibility for the FDIC's EEO program. OMWI leads efforts to ensure that the FDIC complies with all federal EEO laws and related civil rights protections, in accordance with Title VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act of 1967, as amended; the Equal Pay Act of 1963, as amended; Section 501 of the Rehabilitation Act of 1973, as amended; the Genetic Information Nondiscrimination Act of 2008; and the Civil Service Reform Act of 1978, 5 U.S.C. § 2302(b) and (d). OMWI administers an EEO complaint process pursuant to EEOC regulation 29 C.F.R. Part 1614 and EEOC Management Directive, and provides a neutral forum for the discussion, investigation, and resolution of all EEO matters.

In general, OMWI oversees the FDIC’s DEIA efforts, including implementation of its 2021- 2023 Diversity, Equity and Inclusion Strategic Plan. Agency-wide, OMWI conducts workforce demographic analyses to identify any representation gaps and recommends recruitment and retention strategies to support diverse applicant pools. OMWI also works with Divisions and Offices to maintain a model EEO program by providing training and issuing notices to all employees about legal rights and responsibilities. In FY 2023, the FDIC made further progress in implementing Agency DEIA initiatives under its DEI Strategic Plan. Specifically, OMWI provided training support, launched empathy training for all employees, and continued to work with the FDIC’s Divisions and Offices to help them execute their own DEIA operational plans tailored to their mission and needs.

## **FDIC Leadership**

The FDIC is committed to having a workplace where all employees, as well as applicants seeking employment with our organization, are given equal employment opportunity and are free from discrimination. On March 17, 2023, the Agency issued its Annual No FEAR Act Notice where employees were informed about the Elijah Cummings amendment to the No FEAR Act, Anti-Discrimination Laws, Whistleblower Protection Laws, Retaliation rights for engaging in Protected Activity, Disciplinary Actions, and who an employee can contact for further information regarding the Act. To further demonstrate this workplace commitment, Chairman Martin Gruenberg issued an EEO Policy Statement on June 2, 2023, which stated:

*“Discriminatory behavior is strictly prohibited at the FDIC and will not be tolerated. ... The FDIC will continue to take proactive measures to support a diverse and inclusive workplace. We are committed to ensuring that all employees feel respected, valued, and supported because we know that our differences are what make us strong, allow us to connect with the communities we serve, and keep the Agency moving forward.”*

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.

The FDIC processes 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 Wrong"](#) and guidance on contacting the Whistleblower Protection Coordinator at [www.fdicigo.gov/oig-hotline](http://www.fdicigo.gov/oig-hotline). On July 27, 2023, Chairman Gruenberg and Acting Inspector General Tyler Smith confirmed the FDIC’s support of whistleblower rights, when they stated:

*“The FDIC is committed to maintaining a culture that reflects integrity and accountability. In this spirit, employees can continue making protected disclosures and reporting allegations without fear of retaliation.”*

This confirmation supports the continued obligations to report fraud, waste, abuse, misconduct, or mismanagement at the FDIC.

The Agency also displayed its EEO values on September 7, 2023, when Chairman Gruenberg and the OMWI Director issued the FDIC's Commitment to a Fair, Equitable, and Safe Work Environment, which stated:

*“Our commitment aims to create a space where each one of us feels safe in the workplace with the knowledge that processes and procedures – concerning recruitment and hiring, training and career development, and promotion and performance evaluation – are implemented fairly and equitably.”*

FDIC leadership promotes the vision and business case for DEIA by taking action to increase workforce diversity, providing avenues to hear from employee groups, maintaining equitable practices, and fostering an inclusive workforce. The FDIC continued to focus attention on recruitment and retention diversity initiatives, support for first-generation professionals, and career development programs for the next generation of leaders, among several other initiatives designed to maintain a diverse and inclusive workforce.

## **Employee Groups**

The Chairman's Diversity Advisory Councils (CDACs) advocate for DEIA awareness and initiatives that bring about positive workplace change. The CDACs provide ideas for creating, promoting, and supporting an inclusive workplace environment; provide an open and accepting forum for employees to share important DEIA issues; and identify issues, practices, and policies that inhibit or foster the achievement of the FDIC's DEIA goals. In FY 2023, the CDACs worked with OMWI in sponsoring programs that address DEIA and that are reflective of the FDIC's workforce – such as National Observances and other DEIA topics, including All Voices Be Heard in Meetings, Emotional Intelligence, and Empathy in the Workplace.

The Office of the Chairman re-established the Workplace Excellence (WE) Council in 2023, to provide strategic direction for policies, programs, procedures, and practices that impact the culture of the FDIC. Specifically, the WE Council supports the Agency's priority to build and maintain a high-performing workforce that is flexible, engaged, diverse, and inclusive through the implementation of short, medium and long-term workplace improvement goals and strategies. The WE Council envisions a workforce that respects every employee, embraces change, looks to the future, champions diversity and inclusion, and works together to accomplish our mission, knowing that what we do matters.

Further, the Chairman meets with all nine Employee Resource Groups (ERGs) separately, to gain perspective directly from each group. Additionally, the Chief Operating Officer and the

Chief Human Capital Officer meet with each ERG on their HR related concerns related to hiring, staffing, and promotional opportunities.

## **FY 2023 NO FEAR ACT REPORT REQUIREMENTS**

This FY 2023 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.

## **NO FEAR ACT DATA AND ANALYSIS**

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

#### FY 2023 Federal Court Trend Analysis

From FY 2019 to FY 2023, the number of new employment cases filed against the FDIC in various federal district courts has fluctuated from a low of two to a high of five. In FY 2023, new cases filed against the FDIC in federal District Courts decreased from five in FY 2022 to two new cases filed in FY 2023. The breakdown of the allegations in the two new cases filed in Federal court in FY 2023 is as follows:



- Former employee alleged retaliation in connection with her non-selection for a number of FDIC vacancies she applied for during 2019-2022. She claimed her non-selections were the result of a prior EEO complaint she filed when she was employed by the FDIC.
- Employee sought to have the District Court adjudicate his petition for enforcement pending before Office of Federal Operations/EEOC, challenging FDIC’s computation of back pay in connection with an EEOC matter in which he received a favorable decision in 2019.

In FY 2023, there was one decision issued, and it was in favor of the FDIC. In its decision, the Court of Appeals affirmed the District Court’s 2021 decision granting the Agency’s motion for summary judgment, in a case in which the employee alleged violations of Title VII and the Rehabilitation Act due to the FDIC’s failure to promote him based on his race, sex, disability, age and retaliation. The decision determined that the plaintiff failed to show that the actions of the FDIC were discriminatory.

The following chart shows the status of the federal court cases in District Court. The total number of cases pending at any time remained the same during FY 2022 and 2023. Detailed court case data for FY 2023 can be found in Appendix C1.

**Table 1: Status of EEO District Court Cases Filed Against the FDIC FY 2019-FY 2023**

<b>Court Cases</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
New Cases Filed in District Court	2	5	3	5	2
Pending District Court Cases	3	7	9	11	11
Pending Appellate Court Cases	1	0	1	1	1
Settlements	1	0	1	0	2
Withdrawals	0	0	0	1	0
Final Judgment for Complainant	0	0	0	0	0
Final Judgment for the FDIC	1	1	1	1	1

**Judgment Fund Reimbursements and Budget Adjustment**

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 Office of Inspector General (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 2023. 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, Directive 2710.03, outlines the Agency’s policy regarding reporting harassment, as well as the responsibilities of both managers and supervisors to prevent and promptly correct harassing conduct in the workplace. The FDIC administers the Anti-Harassment Program through coordination among several offices including OMWI. Claims of harassment are reviewed and resolved by the Labor and Employee Relations Section of the Division of Administration and the Legal Division.

In FY 2023, there were 16 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 100 percent increase from the eight complaints raised in FY 2022. Overall, five (31 percent) of the 16 complaints alleged an EEO basis (one-race, one-religion, three-sex, and one-retaliation). Of the 16 complaints filed in FY 2023, 12 involved hostile work environment (HWE) complaints at headquarters. The complaints generally characterized an issue of bullying, harassment, and/or intimidation. Of the 12 HWE investigations, ten were found not to have violated our policy, one resulted in a restructuring of an office and a new assigned supervisor, and one investigation was ongoing at the end of the report period. There were four HWE complaints received in the FDIC Regions. As with the Headquarters complaints, they were characterized as bullying, harassment, and or intimidation. One resulted in a Letter of Counseling, and another in a Letter of Reprimand. The remaining two investigations were ongoing as of the end of FY 2023. As referenced previously, the Agency’s Action Plan has various initiatives and several are designed to improve our process for addressing and preventing harassment in our workplace.

**Table 2: Complaints and Actions Under the FDIC’s Anti-Harassment Program FY 2019–FY 2023**

Complaints and Actions	2019	2020	2021	2022	2023
Complaints Filed	15	6	15	8	16
Disciplinary Actions	0	3	2	0	2

## **FY 2023 EEO Complaint Activity**

The EEO data for this No FEAR Act Annual Report primarily focuses on FY 2023, but also includes the five-year reporting period data from October 1, 2019 to September 30, 2023. An EEO administrative complaint is an allegation of illegal discrimination that is handled through the administrative EEOC procedures found at 29 C.F.R. Part 1614.<sup>1</sup> Detailed administrative EEO complaint data can be found in the No FEAR Act EEO Data Report (Appendix C2) and the FY 2023 Annual EEO Statistical Report of Discrimination Complaints-462 Report (Appendix C3).<sup>2</sup>

### **Informal Activity**

An informal case is a pre-complaint allegation of discrimination which an aggrieved person raises with the EEO Counselor in order to informally resolve the matter before filing a formal discrimination complaint. The number of newly initiated informal EEO counselings significantly increased from 51 in FY 2022 to 63 in FY 2023, a 24 percent increase. These numbers are reflective of FDIC's continued receipt of a high number of applicant cases (14) in FY 2023, and (13) in FY 2022. Of the 63 counselings in FY 2023, 21 individuals either withdrew their informal complaint or did not file a formal complaint. This reflects a 16 percent increase from FY 2022, which had 18 counselings where the aggrieved person either withdrew an informal complaint or did not file a formal complaint. There were two untimely informal counselings in FY 2023. OMWI implemented new counseling procedures to address this issue to support timeliness in this stage of the EEO process.

### **Formal Complaint Activity**

A formal complaint is a signed statement regarding a claim that alleges a specific act of discrimination and/or reprisal has taken place against the complainant. As illustrated in the chart below, the number of new formal complaints filed increased from 27 in FY 2022 to 35 in FY 2023, a 30 percent increase. Of the 35 complaints filed, 23 (66 percent) involved complaints occurring in Headquarters, and 12 (34 percent) involved Regional cases. Although there was an increase in the total number of filings in FY 2023, overall the complaint activity has fluctuated throughout the past five fiscal years. The average number of cases

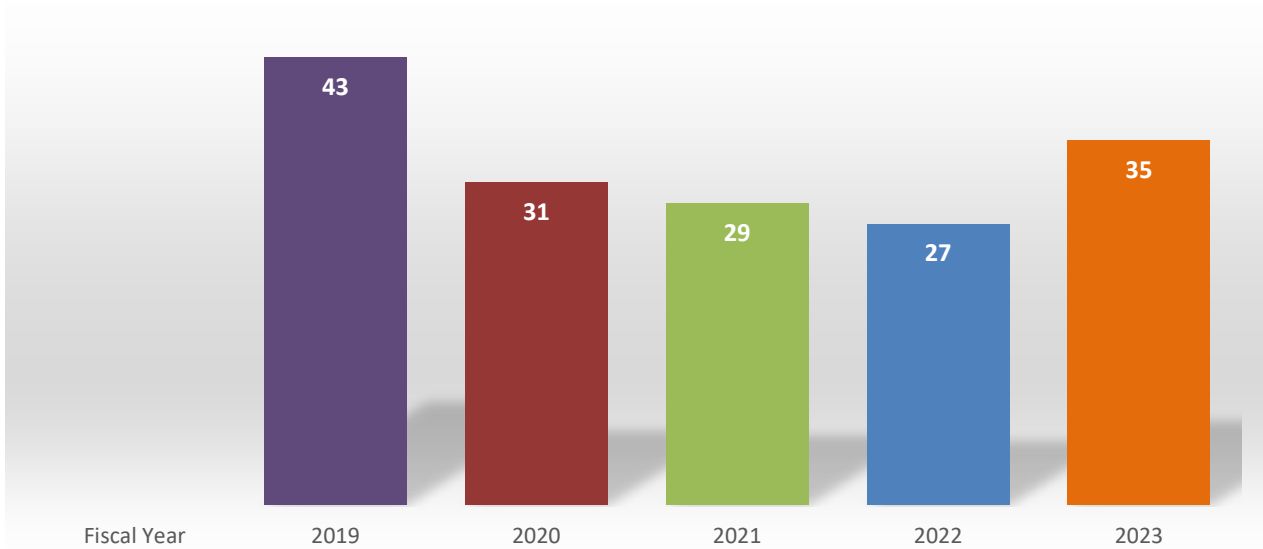
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<sup>1</sup> A complaint may result when an employee believes he or she has been unfairly treated because of race, color, religion, sex (including pregnancy, gender identity/transgender status, and sexual orientation), national origin, age (40 years and over), physical or mental disability, genetic information, and/or retaliation for participating in protected EEO 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.

<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).

over that time period is 33 per fiscal year. As of FY 2023, the data shows an 18 percent decline from FY 2019 when 43 EEO formal complaints were filed (Figure 1).

**Figure 1: Administrative Formal EEO Complaints Filed FY 2019-FY 2023**



### **FY 2023 Complaint Data - Examination of Trends and Causal Analysis**

FDIC continuously reviews EEO complaint data to ascertain trends, which informs the Agency review of policies, procedures, and practices. In addition, the Agency can leverage this information to develop strategies to address those trends.<sup>3</sup>

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<sup>3</sup> An EEO complainant must assert a “basis” when bringing forward a complaint. The basis (protected groups) under EEO statutes are race, color, religion, sex (including pregnancy, gender identity/transgender status, and sexual orientation), national origin, age (40 years and over), physical or mental disability, genetic information, and/or retaliation for participating in protected EEO activity. Each EEO complaint must also assert an “issue”, or circumstance, that constituted the alleged discrimination.

## EEO Bases

During the five-year reporting period, reprisal, race, age, disability, and sex were the most frequently filed bases of EEO complaints. For FY 2023, reprisal, race, age and sex were the most frequently filed bases. In FY 2023, sex-based complaints increased 100 percent, from seven (two-Males, five-Females) in FY 2022 to 14 (two-Males, 12-Females) in FY 2023. The data reflects that in FY 2023, there was an increase in female applicants who filed on the basis of sex. Although color was not one of the most frequently filed basis, color-based complaints reflect the greatest increase of any basis, in that there were five filed in FY 2023 compared to two filed in FY 2022, a 150 percent increase. Of the 35 total complaints filed in FY 2023, 48 percent involved allegations of discrimination on the basis of reprisal for prior EEO activity, which is the highest percentage of all bases filed. There were 17 (three-Region, 14-Headquarters) reprisal-based complaints filed in FY 2023, compared to 14 (two-Region, 12-Headquarters) reprisal-based complaints filed in FY 2022. The following chart (Table 3) reflects the FDIC’s complaint activity by basis of discrimination. Since complaints can be filed alleging multiple bases of discrimination, the sum of the bases may not equal the total number of complaints filed.

**Table 3: EEO Complaints by Basis, FY 2019–FY 2023**

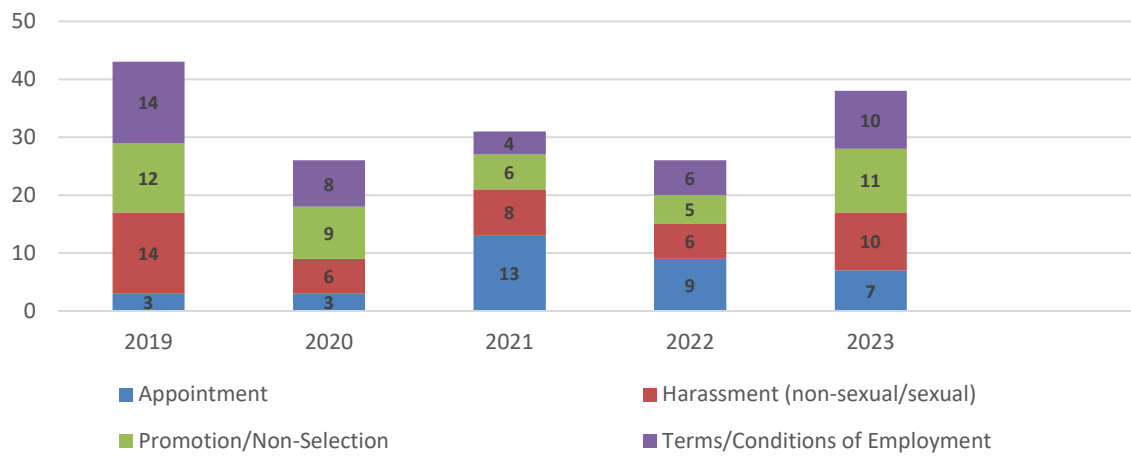
<b>Basis</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Race	23	15	9	13	16
Color	5	4	2	2	5
Religion	3	3	1	1	1
Reprisal	22	17	13	14	17
Sex*	21	12	11	7	14
PDA**	0	0	0	0	0
National Origin	7	3	2	5	2
Equal Pay Act	1	0	1	1	1
Age	18	12	15	14	16
Disability	13	7	8	10	7
Genetic Information	0	0	0	0	0
Non-EEO	3	2	0	3	2
* Male, female, pregnancy, sexual orientation, and gender identity					
**Pregnancy Discrimination Act					

## EEO Issues

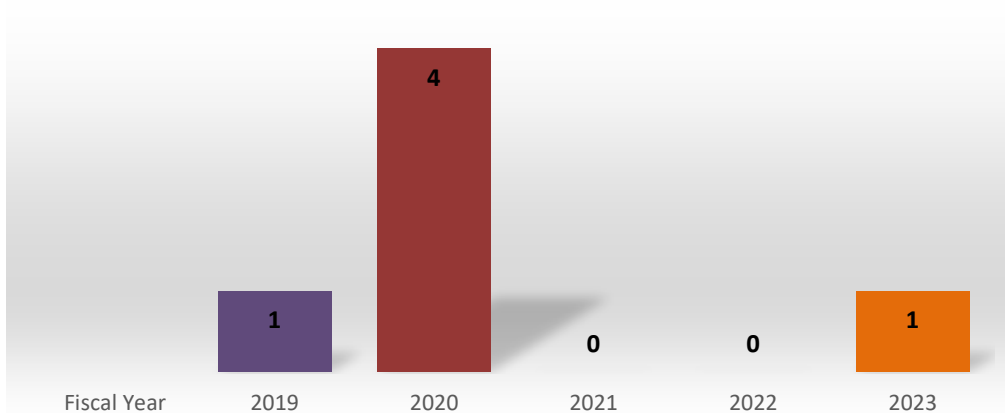
For the past five reporting periods, the most frequently filed EEO issues are non-sexual harassment, promotion/non-selection, terms and conditions of employment, and appointment/hire. For FY 2023, harassment (non-sexual), promotion, and terms/conditions of employment were the most frequently filed issues. There was a significant increase of

complaints alleging promotion/non-selection - five in FY 2022, compared to 11 in FY 2023, a 120 percent increase. In FY 2022, appointment/hire<sup>4</sup> was the most frequently filed issue; however, in FY 2023, there was a 22 percent decrease (nine in FY 2022 compared to seven in FY 2023). In FY 2022, there were six complaints alleging terms and conditions of employment, compared to 10 in FY 2023, a 67 percent increase. There were six (one-Region, five-Headquarters) complaints alleging harassment in FY 2022, compared to ten (two-Region, eight-Headquarters) in FY 2023, a 50 percent increase (Figure 2). Of the ten harassment complaints received in FY 2023, one complaint alleged sexual harassment, a 75 percent decrease since 2020 when four sexual harassment complaints were filed (Figure 3).

**Figure 2: EEO Complaints by Issue FY 2019–FY 2023**



**Figure 3: EEO Sexual Harassment Complaints Filed FY 2019-FY 2023**



<sup>4</sup> Appointment/hire reflects complaints filed by applicants and/or non-FDIC employees. Promotion/non-selection reflects complaints filed by internal FDIC employees.

In reviewing overall FY 2023 EEO data, there is no easily discernible trend as the cases reflect a wide array of issues and allegations. The recent surge in complaints has returned our case numbers to pre-pandemic levels. Focusing on key issues raised in complaints, FDIC will continue to support an effective anti-harassment program as outlined in our Action Plan, and support promotion opportunities through existing DEIA efforts and Agency programs. Further, the FDIC understands that there may be a gap between existing complaint numbers and the number of individuals who perceive that they have experienced discriminatory behavior. In the upcoming year, revisions will be made to the Anti-Harassment Program policy and procedures to clearly define harassing behavior and the options and procedures for filing harassment complaints. With our efforts under the Action Plan we want to create an environment where employees can recognize discriminatory behavior and use the available mechanisms to address it.

### Closures and Timeliness

During the reporting period, there were no findings of discrimination against the FDIC. At the beginning of FY 2023, there were a total of 30 complaints at various stages in the complaint process and 29 complaints were closed during FY 2023. There were a total of four complaints withdrawn in FY 2023, compared to two withdrawals in FY 2022. In FY 2023, the FDIC issued all FADs timely. The average processing time for the six FADs issued in FY 2023 on the merits of a complaint was 53 days, compared to 39 days in FY 2022 (Table 4).

**Table 4: Final Agency Decision Issued on the Merits FY 2019 – FY 2023**

Fiscal Year	Number of Decisions	Average Days	% Timely
2019	8	52	88%
2020	19	52	67%
2021	4	43	100%
2022	6	39	100%
2023	6	53	100%

The number of complaint closures dropped from 38 in FY 2022 to 29 in FY 2023. The complaint closure time decreased from 533 days in FY 2022 to 402 days in FY 2023. This decrease in closure times can be attributed to four complaints that were withdrawn within an average of 206 days, and the settlements of eight complaints resolved within 235 days.

The FDIC completed 100 percent of the 21 EEO complaint investigations within the mandated regulatory timeframes. The average investigation processing time remained consistent at

228 days as a result of amendments filed and/or mutual extensions of time (Table 5<sup>5</sup>). During the reporting period, FDIC took steps to hire staff to support complaint processing efforts and OMWI updated procedures to support effective complaint processing. These efforts will help reduce the average investigation processing time.

**Table 5: EEO Complaint Investigations FY 2019 – FY 2023**

Fiscal Year	Number of Complaints Filed	Investigations Average Days	% Timely
2019	43	201	98%
2020	31	200	97%
2021	29	190	95%
2022	27	227	100%
2023	35	228	100%

**Actions Taken/Planned to Improve EEO Complaint Program**

- In FY 2023, the FDIC achieved the EEOC goal of a 50 percent ADR participation rate in the informal stage of the process. As stated above, this is the first time in more than five years that the FDIC met the 50 percent goal. In FY 2023, 30 informal counselees accepted ADR out of 60 new counseling cases. A recent focus on reaching this objective was captured in the 2022 FDIC Performance Goal 5.01(c): *Encourage the early resolution of EEO complaints by striving to achieve an informal EEO alternative dispute resolution (ADR) participation rate of at least 50 percent through the use of ADR programs, pursuant to EEO regulations.*
- In FY 2023, the Agency continued efforts to complete the process for revising existing EEO policies that had entered the Agency approval process.
- OMWI developed several Standard Operating Procedures (SOPs) to support regulatory compliance for reporting, complaint processing, directives, and notices. Specific items include Directive 2710.12 regarding complaints related to FDIC-conducted education or training programs and outreach activities. In addition, in September of 2023, we developed SOPs for the Annual No FEAR Act Report to Congress, No FEAR Act Annual Notice, Annual EEO Statement, and applicable Department of Justice Reports regarding Non-Discrimination, FDIC Directive 2710.12.

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<sup>5</sup> The regulatory timeframe for investigations is normally 180 days, however, the EEO Director or designee and the complainant may agree in writing to an extension up to ninety (90) days or the investigation may be extended where complainant amends a complaint. In the case of amended complaints, Agencies are required to complete investigations within the earlier of 180 days after the filing of the last complaint amendment or 360 days after filing of the original complaint. The investigation shall be complete within 360 days.



- Initiatives to improve the EEO Complaint Program included in the Agency’s Action Plan include:
  - Conduct regular reviews of Field, Region, and Headquarters offices to ensure compliance and consistency with FDIC directives related to sexual harassment, anti-harassment, and equal employment opportunity.
  - Consider expanding cadre of EEO counselors to provide better accessibility and support to employees located outside of Headquarters.
  - Engage an EEO firm to conduct an in-depth barrier analysis of ongoing challenges in workforce representation.
  - Engage an EEO firm to conduct a review of performance-based cash awards and retention bonuses to determine if discriminatory practices exist.
  - Create a taskforce to develop recommendations to address issues primarily impacting females in the workforce.

### **Practical Knowledge Gained**

- The Agency must focus on its responsiveness to individuals involved in the complaint process and support more robust communication throughout every stage of the process.
- To meet rising case inventory and to ensure the timely processing of all EEO complaints, the Agency needs to complete the hiring of multiple EEO Specialists and permanently fill the Equal Opportunity Compliance and Training Branch Chief position in FY 2024.
- OMWI will use recent timeliness challenges to develop an enhanced complaint processing SOP that focuses on two key concepts: redundancy and accountability. The revised process will include enhanced review and documentation procedures.
- OMWI will continue to coordinate with the Legal ADR Team to discuss successes, challenges, and recommendations to improve the EEO ADR program, as well as how to improve the informal ADR participation rates and informal complaint resolution rates.

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

The FDIC recognizes the critical role training plays in raising awareness of EEO laws, regulations, and procedures. In alignment with the Agency Performance Goal 1.01(c), the Agency will raise employee awareness of the available channels for reporting instances of harassment, sexual harassment, and discrimination. As part of efforts consistent with our Action Plan, the Agency has partnered with the EEOC to provide harassment prevention

training to FDIC employees. Further, we will implement a process to regularly assess effectiveness of trainings and revise training efforts as needed.

The FDIC adheres to the requirements of the No FEAR Act to provide biennial training for all employees. The No FEAR Act training is included in each employee's e-Learning account, which ensures that employees take the training within the two-year cycle required by the No FEAR Act, and that new employees complete the training within 90 days of hire. For the next biennial No FEAR Act training cycle in FY 2024, we will incorporate noted trends related to reprisal, harassment, sexual harassment, and information relating to the EEOC's guidance on the Pregnant Workers Fairness Act into the training course.

## **CONCLUSION**

The information in this report highlights FDIC's EEO program's successes and challenges during FY 2023, and strategic plans for FY 2024. The FDIC's successes identified in this report are the result of senior leadership's commitment to DEIA, equal opportunity for all employees, and partnerships across the Agency. Despite the challenges presented, FDIC has developed a path forward to enhance the EEO program, raise employee awareness of discriminatory behavior and the mechanisms to address it, and strengthen accountability through the Action Plan. As we institute these new initiatives and programs we will rely on an engaged workforce to support and strengthen FDIC's EEO program and the 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

**From:** [Chairman Gruenberg's Office](#)  
**To:** [FDIC EMPLOYEES CORPORATE](#)  
**Subject:** Equal Employment Opportunity (EEO) Policy Statement  
**Date:** Friday, June 2, 2023 9:15:44 AM

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## **NONPUBLIC//FDIC INTERNAL ONLY**

In the 2022 FDIC Annual Report, I stated that diversity, equity, inclusion, and accessibility (DEIA) are fundamental aspects of the FDIC's work and recognized the role DEIA plays in the FDIC's ability to fulfill its mission. Consistent with that message, I am pleased to reaffirm the FDIC's commitment to equal employment opportunity and non-discrimination in the workplace and to fostering DEIA to the benefit of us all.

Discriminatory behavior is strictly prohibited at the FDIC and will not be tolerated. Antidiscrimination laws and related FDIC policies prohibit discrimination against any employee, applicant for employment, former employee, or contractor based on race, religion, color, sex (including pregnancy, gender identity/transgender status, and sexual orientation), national origin, age, genetic information, disability, status as a parent, and prior protected EEO activity (reprisal/retaliation). These laws and policies apply to all of our personnel/employment programs, management practices, decisions, business activities, and personnel operations including, but not limited to, recruitment and hiring, merit promotion, transfer, reassignments, performance appraisals, training and career development, benefits, separation, and retention efforts. The FDIC is committed to effective implementation of these laws, policies, and practices to ensure employees have the freedom to compete for opportunities equally on a fair and level playing field.

Workplace harassment or reprisal (retaliation) against anyone who engages in protected EEO activity, such as reporting discrimination or harassment or participating in the EEO process, as well as whistleblowing or the exercise of any appeal or grievance right provided by law, is strictly prohibited and will not be tolerated. Managers and supervisors are expected to address discrimination and harassment allegations promptly and appropriately. The FDIC will correct any harassing conduct before it becomes severe or pervasive, continue to support the right of employees to exercise their rights under the civil rights statutes, and take prompt action when a FDIC employee, agent of the FDIC, or non-employee is found to have engaged in discrimination, retaliation, or harassment (including sexual harassment). For more information about the FDIC's EEO 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](#).

The FDIC will continue to take proactive measures to support a diverse and inclusive workplace. We are committed to ensuring that all employees feel respected, valued, and supported because we know that our differences are what make us strong, allow us to connect with the communities we serve, and keep the Agency moving forward.

Martin J. Gruenberg

## **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 2023

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	2

	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 FY2023	1	1	0	0	1	1	1	1	1	
Still pending at end of FY2023	0	0	0	0	3	2	8	1	1	
<b>2. Disposition of Cases (including dismissals)</b>										
Settlements	0	0	0	0	1	1	1	0	0	
Withdrawals	0	0	0	0	0	0	0	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 09/30/2023

Complaint Activity						
Complaint Activity	2018	2019	2020	2021	2022	FY 2023 YTD
Number of Complaints Filed	33	43	31	29	27	35
Number of Complainants	30	39	30	26	24	30
Repeat Filers	3	3	1	2	1	3

Complaints by Basis						
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
	2018	2019	2020	2021	2022	FY 2023 YTD
Race	14	23	15	9	13	16
Color	2	5	4	2	2	5
Religion	0	3	3	1	1	1
Reprisal	21	22	17	13	14	17
Sex*	12	21	12	11	7	14
PDA <sup>1</sup>	0	0	0	0	0	0
National Origin	2	7	3	2	5	2
Equal Pay Act	0	1	0	1	1	1
Age	12	18	12	15	14	16
Disability	15	13	7	8	10	7
Genetic Information	0	0	0	0	0	0
Non-EEO	2	3	2	0	3	2

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

<sup>1</sup> PDA - Pregnancy Discrimination Act

Number of Complaints Alleging Each Type of Claim						
<i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>						
	2018	2019	2020	2021	2022	FY 2023 YTD
Appointment/Hire	3	3	3	13	9	7
Assignment of Duties	4	7	3	1	1	0
Awards	2	1	1	1	1	1
Conversion to Full-time	0	0	0	0	0	0
Disciplinary Action						
Demotion	2	1	1	0	0	1
Reprimand	1	0	2	0	0	1
Removal	1	4	3	1	2	1
Suspension	1	1	0	0	0	0
Warning	7	2	1	1	0	1
Other	0	0	0	0	0	0
Duty Hours	0	1	0	0	0	0

Evaluation Appraisal	12	10	6	4	1	4
Examination Test	0	0	0	0	2	0
<b>Harassment</b>						
Non-Sexual	12	14	6	8	6	9
Sexual	3	1	4	0	0	1
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	0	3	0	1	1	1
Promotion Non-Selection	10	12	9	6	5	11
<b>Reassignment</b>						
Denied	2	2	1	3	3	2
Directed	1	0	0	2	0	1
Reasonable Accommodation	5	3	2	2	2	3
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	1	0
Retirement	1	0	0	0	0	0
Sex Stereotyping	0	0	0	0	0	0
Telework	5	4	1	0	0	0
Termination	2	4	3	1	2	4
Terms/Conditions of Employment	8	14	8	4	6	10
Time and Attendance	8	7	2	1	0	5
Training	5	3	2	3	3	0
Other	0	0	0	0	0	0

<b>Processing Time</b>						
	2018	2019	2020	2021	2022	FY 2023 YTD
<b>Complaints pending during fiscal year</b>						
Average number of days in investigation	187	201	200	190	227	228
Average number of days in final action	32	36	41	28	26	38
<b>Complaints pending during fiscal year where hearing was requested</b>						
Average number of days in investigation	195	202	201	178	223	227
Average number of days in final action	27	22	39	23	23	37
<b>Complaints pending during fiscal year where hearing was not requested</b>						
Average number of days in investigation	165	197	199	211	231	234
Average number of days in final action	39	67	38	43	35	45

<b>Complaints Dismissed by Agency</b>						
	2018	2019	2020	2021	2022	FY 2023 YTD
Total Complaints Dismissed by Agency	2	3	2	5	3	2
Average Days pending prior to dismissal	128	103	109	113	402	101

### Complaints Withdrawn by Complainants

	2018	2019	2020	2021	2022	FY 2023 YTD
<b>Total Withdrawn by Complainants</b>	8	0	1	2	1	4

### Total Final Actions Finding Discrimination

	2018	2019	2020	2021	2022	FY 2023 YTD
<b>Total Number of Findings</b>	0	1	0	0	0	0
<b>Without Hearing</b>	0	1	0	0	0	0
<b>With Hearing</b>	0	0	0	0	0	0

### Findings of Discrimination Rendered by Basis

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

	2018	2019	2020	2021	2022	FY 2023 YTD
<b>Total Number of Findings</b>	0	1	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	1	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 After Hearing</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>	0	1	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

Equal Pay Act	0	0	0	0	0	0
Age	0	0	0	0	0	0
Disability	0	1	0	0	0	0
Genetic Information	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue						
	2018	2019	2020	2021	2022	FY 2023 YTD
<b>Total Number of Findings</b>	0	1	0	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
<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	1	0	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
<b>Findings After Hearing</b>						
<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

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	1	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

<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	1	0	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

	2018	2019	2020	2021	2022	FY 2023 YTD
<b>Total Complaints from previous Fiscal Years</b>	41	32	25	19	11	21
<b>Total Complainants</b>	34	27	22	19	11	16
<b>Number of Complaints Pending</b>						
<b>Investigation</b>	0	0	0	0	0	0
<b>ROI issued, pending Complainant's action</b>	1	0	0	0	0	0
<b>Hearing</b>	36	28	25	19	8	4
<b>Final Action</b>	4	4	0	0	3	0
<b>Appeal</b>	4	11	15	7	6	6

#### Complaint Investigations

	2018	2019	2020	2021	2022	FY 2023 YTD
<b>Pending Complaints Where Investigations Exceed Required Time Frames</b>	0	1	0	0	0	0

Last Updated 11/14/2023

[OMWI@fdic.gov](mailto:OMWI@fdic.gov)



## **APPENDIX C3**

FY 2023 ANNUAL EEO STATISTICAL REPORT  
OF DISCRIMINATION COMPLAINTS  
462 REPORT

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

AGENCY OR DEPARTMENT: FDIC

REPORTING PERIOD: FY2023

PART I - PRE-COMPLAINT ACTIVITIES

EEO COUNSELOR		COUNSELINGS		INDIVIDUALS	
A. INTENTIONALLY LEFT BLANK					
ADR INTAKE OFFICER		COUNSELINGS		INDIVIDUALS	
B. INTENTIONALLY LEFT BLANK					
<b>TOTAL COMPLETED/ENDED COUNSELINGS</b>		<b>COUNSELINGS</b>	<b>INDIVIDUALS</b>		
C. TOTAL COMPLETED/ENDED COUNSELINGS		60	50		
1. COUNSELED WITHIN 30 DAYS		17	14		
2. COUNSELED WITHIN 31 TO 90 DAYS		41	38		
a. COUNSELED WITHIN WRITTEN EXTENSION PERIOD NO LONGER THAN 60 DAYS		12	11		
b. COUNSELED WITHIN 90 DAYS WHERE INDIVIDUAL PARTICIPATED IN ADR		29	28		
c. COUNSELED WITHIN 31-90 DAYS THAT WERE UNTIMELY		0	0		
3. COUNSELED BEYOND 90 DAYS		2	2		
4. COUNSELED DUE TO REMANDS		0	0		
D. PRE-COMPLAINT ACTIVITIES		COUNSELINGS		INDIVIDUALS	
1. ON HAND AT THE BEGINNING OF THE REPORTING PERIOD		11	11		
2. INITIATED DURING THE REPORTING PERIOD		63	56		
3. COMPLETED/ENDED COUNSELINGS		60	50		
a. SETTLEMENTS (MONETARY AND NON-MONETARY)		1	1		
b. WITHDRAWALS/NO COMPLAINT FILED		21	21		
c. COUNSELINGS COMPLETED/ENDED IN REPORTING PERIOD THAT RESULTED IN COMPLAINT FILINGS IN REPORTING PERIOD		33	28		
d. DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD		5	5		
4. COUNSELINGS PENDING AT THE END OF THE REPORTING PERIOD		14	14		
<b>E. NON-ADR SETTLEMENTS WITH MONETARY BENEFITS</b>					
		COUNSELINGS		INDIVIDUALS	
TOTAL		0	0	AMOUNT 0.00	
1. COMPENSATORY DAMAGES		0	0	0.00	
2. BACKPAY/FROTPAY		0	0	0.00	
3. LUMP SUM PAYMENT		0	0	0.00	
4. ATTORNEY FEES AND COSTS		0	0	0.00	
5. OTHER NON-ADR SETTLEMENTS W/MONETARY BENEFITS		0	0	0.00	
<b>F. NON-ADR SETTLEMENTS WITH NON-MONETARY BENEFITS</b>					
		COUNSELINGS		INDIVIDUALS	
TOTAL		0	0		
1. HIRES		0	0		
2. PROMOTIONS		0	0		
3. EXPUNGEMENTS		0	0		
4. REASSIGNMENTS		0	0		
5. REMOVALS RESCINDED		0	0		
6. ACCOMMODATIONS		0	0		
7. TRAINING		0	0		
8. APOLOGY		0	0		
9. DISCIPLINARY ACTIONS		0	0		
a. RESCINDED		0	0		
b. MODIFIED		0	0		
10. PERFORMANCE EVALUATION MODIFIED		0	0		
11. LEAVE RESTORED		0	0		
12. NEUTRAL REFERENCE		0	0		
13. OTHER NON-ADR SETTLEMENTS W/NON-MONETARY BENEFITS		0	0		
<b>G. ADR SETTLEMENTS WITH MONETARY BENEFITS</b>					
		COUNSELINGS		INDIVIDUALS	
TOTAL		0	0	AMOUNT 0.00	
1. COMPENSATORY DAMAGES		0	0	0.00	
2. BACKPAY/FROTPAY		0	0	0.00	
3. LUMP SUM PAYMENT		0	0	0.00	
4. ATTORNEY FEES AND COSTS		0	0	0.00	
5. OTHER ADR SETTLEMENTS W/ MONETARY BENEFITS		0	0	0.00	
<b>H. ADR SETTLEMENTS WITH NON-MONETARY BENEFITS</b>					
		COUNSELINGS		INDIVIDUALS	
TOTAL		1	1		
1. HIRES		0	0		
2. PROMOTIONS		0	0		
3. EXPUNGEMENTS		0	0		
4. REASSIGNMENTS		0	0		
5. REMOVALS RESCINDED		0	0		
6. ACCOMMODATIONS		0	0		
7. TRAINING		0	0		
8. APOLOGY		0	0		
9. DISCIPLINARY ACTIONS		0	0		
a. RESCINDED		0	0		
b. MODIFIED		0	0		
10. PERFORMANCE EVALUATION MODIFIED		1	1		
11. LEAVE RESTORED		0	0		
12. NEUTRAL REFERENCE		0	0		
13. OTHER ADR SETTLEMENTS W/NON-MONETARY BENEFITS		0	0		
<b>I. NON-ADR SETTLEMENTS</b>					
		COUNSELINGS		INDIVIDUALS	
TOTAL		0	0		

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

AGENCY OR DEPARTMENT: **FDIC**

REPORTING PERIOD: **FY2023**

**PART II - FORMAL COMPLAINT ACTIVITIES**

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

30	A. COMPLAINTS ON HAND AT THE BEGINNING OF THE REPORTING PERIOD	
35	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	
65	D. TOTAL COMPLAINTS (sum of lines A+B+C1)	
63	E. COMPLAINTS IN LINE D THAT WERE NOT CONSOLIDATED	
27	F. COMPLAINTS IN LINE E CLOSED DURING REPORT PERIOD	
2	G. COMPLAINTS IN LINE D THAT WERE CONSOLIDATED	
2	H. COMPLAINTS IN LINE G CLOSED DURING REPORT PERIOD	
36	I. COMPLAINTS ON HAND AT THE END OF THE REPORTING PERIOD (Line D - (F+H)) + [(C2 + C3) - C4]	
30	J. INDIVIDUALS FILING COMPLAINTS (Complainants)	
1	K. NUMBER OF JOINT PROCESSING UNITS FROM CONSOLIDATION OF COMPLAINTS	

**A. AGENCY & CONTRACT RESOURCES**

	AGENCY		CONTRACT	
	NUMBER	PERCENT	NUMBER	PERCENT
1. WORK FORCE				
a. TOTAL WORK FORCE	6195			
b. PERMANENT EMPLOYEES	5757			
2. COUNSELOR	4		1	
a. FULL-TIME	1	25.00	1	100.00
b. PART-TIME	0	0.00	0	0.00
c. COLLATERAL DUTY	3	75.00	0	0.00
3. INVESTIGATOR	0		13	
a. FULL-TIME	0	0.00	13	100.00
b. PART-TIME	0	0.00	0	0.00
c. COLLATERAL DUTY	0	0.00	0	0.00
4. COUNSELOR/INVESTIGATOR	0		0	
a. FULL-TIME	0	0.00	0	0.00
b. PART-TIME	0	0.00	0	0.00
c. COLLATERAL DUTY	0	0.00	0	0.00

**B. AGENCY & CONTRACT STAFF TRAINING**

	COUNSELORS		INVESTIGATORS		COUNS/INVESTIG	
	AGENCY	CONTRACT	AGENCY	CONTRACT	AGENCY	CONTRACT
1. STAFF - TOTAL	4	1	0	13	0	0
a. NEW STAFF RECEIVING AT LEAST 32 HOURS OF TRAINING	0	0	0	0	0	0
b. EXPERIENCED STAFF RECEIVING AT LEAST 8 HOURS OF TRAINING	4	1	0	13	0	0
c. TRAINING REQUIREMENT NOT MET	0	0	0	0	0	0

**C. REPORTING LINE**

1 EEO DIRECTOR'S NAME: Nikita Pearson

1a. DOES THE EEO DIRECTOR REPORT TO THE AGENCY HEAD? <small>MUST use 'X' to designate response to question</small>	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: Senior Deputy Director

NONPUBLIC//FDIC INTERNAL ONLY

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

AGENCY OR DEPARTMENT: FDIC

REPORTING PERIOD: FY2023

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

ISSUES OF ALLEGED DISCRIMINATION	BASES OF ALLEGED DISCRIMINATION									TOTAL ALL BASES BY ISSUE	TOTAL ALL COMPLAINTS BY ISSUE	TOTAL ALL COMPLAINANTS BY ISSUE
	RACE						COLOR	RELIGION	REPRISAL			
	AMER. INDIAN/ ALASKA NATIVE	ASIAN	NATIVE HAWAIIAN /OTHER PACIFIC ISLANDER	BLACK/ AFRICAN AMERICAN	WHITE	TWO OR MORE RACES						
A. APPOINTMENT/HIRE	0	0	0	2	1	0	3	0	7	22	7	5
C. AWARDS	0	0	0	1	0	0	0	0	1	4	1	1
E. DISCIPLINARY ACTION	0	3	0	1	0	0	0	3	4	20	2	2
1. DEMOTION	0	1	0	0	0	0	0	1	1	5	1	1
3. SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0
4. REMOVAL	0	1	0	0	0	0	0	1	1	5	1	1
6. OTHER DISCIPLINARY ACTIONS	0	1	0	1	0	0	0	1	2	10	3	3
G. PERF. EVAL./APPRAISAL	0	0	0	1	1	0	0	0	2	8	4	4
H. EXAMINATION/TEST	0	0	0	0	0	0	0	0	0	0	0	0
I. HARASSMENT	0	1	0	5	0	0	0	1	6	27	10	10
1. NON-SEXUAL	0	1	0	5	0	0	0	1	6	26	9	9
2. SEXUAL									0	1	1	1
J. MEDICAL EXAMINATION	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	2	1	1
L. PROMOTION/NON-SELECTION	0	0	0	5	1	0	1	0	5	29	11	11
M. REASSIGNMENT	0	0	0	3	0	0	1	0	1	7	3	3
N. REASONABLE ACCOMMODATION DISABILITY									1	6	3	3
P. RELIGIOUS ACCOMMODATION								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	0	0	2	0	0	1	0	0	7	4	4
V. TIME AND ATTENDANCE	0	0	0	1	0	0	0	0	2	9	5	5
W. TRAINING	0	0	0	0	0	0	0	0	0	0	0	0
X. OTHER TERMS/CONDITIONS OF EMPLOYMENT	0	1	0	6	0	0	0	2	8	34	10	10
TOTAL ALL ISSUES BY BASES	0	5	0	27	3	0	6	6	37			
TOTAL ALL COMPLAINTS FILED BY BASES	0	1	0	12	3	0	5	1	17			
TOTAL ALL COMPLAINANTS BY BASES	0	1	0	12	3	0	5	1	15			

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

AGENCY OR DEPARTMENT: FDIC

REPORTING PERIOD: FY2023

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	0	3	0	0	0	0			6	0	0	0	22	7	5
C. AWARDS	0	1	0	0	0	0			1	0	0	0	4	1	1
E. DISCIPLINARY ACTION	0	1	0	0	0	3			5	0	0	0	20	2	2
1. DEMOTION	0	0	0	0	0	1			1	0	0	0	5	1	1
3. SUSPENSION	0	0	0	0	0	0			0	0	0	0	0	0	0
4. REMOVAL	0	0	0	0	0	1			1	0	0	0	5	1	1
6. OTHER DISCIPLINARY ACTIONS	0	1	0	0	0	1			3	0	0	0	10	3	3
G. PERF. EVAL./APPRAISAL	0	1	0	0	0	0			2	0	1	0	8	4	4
H. EXAMINATION/TEST	0	0	0	0	0	0			0	0	0	0	0	0	0
I. HARASSMENT	0	6	0	0	0	1			4	1	2	0	27	10	10
1. NON-SEXUAL	0	5	0	0	0	1			4	1	2	0	26	9	9
2. SEXUAL	0	1	0	0	0	0							1	1	1
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	2	1	1
L. PROMOTION/NON-SELECTION	2	3	0	0	1	0			6	2	3	0	29	11	11
M. REASSIGNMENT	0	1	0	0	0	0			1	0	0	0	7	3	3
N. REASONABLE ACCOMMODATION DISABILITY				0						2	3	0	6	3	3
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	0			0	2	2	0	7	4	4
V. TIME AND ATTENDANCE	0	1	0	0	0	0			1	1	3	0	9	5	5
W. TRAINING	0	0	0	0	0	0			0	0	0	0	0	0	0
X. OTHER TERMS/CONDITIONS OF EMPLOYMENT	1	4	0	0	0	2			6	1	3	0	34	10	10
TOTAL ALL ISSUES BY BASES	3	22	0	0	1	6	0	1	32	9	17	0			
TOTAL ALL COMPLAINTS FILED BY BASES	2	12	0	0	1	1	0	1	16	5	7	0			
TOTAL ALL COMPLAINANTS BY BASES	2	12	0	0	1	1	0	1	14	5	7	0			

NONPUBLIC//FDIC INTERNAL ONLY

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

AGENCY OR DEPARTMENT: FDIC

REPORTING PERIOD: FY2023

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

ISSUES OF ALLEGED DISCRIMINATION IN SETTLEMENTS	BASES OF ALLEGED DISCRIMINATION IN SETTLEMENTS										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
	RACE					COLOR	RELIGION	REPRISAL								
	AMER. 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
C. AWARDS	0	0	0	2	0	0	2	0	1	0	0	0	0	13	2	1
E. DISCIPLINARY ACTION	0	0	0	1	0	0	0	1	0	3	1	1	0	0	0	0
1. DEMOTION	0	0	0	1	0	0	0	1	0	3	1	1	0	0	0	0
3. SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4. REMOVAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
G. PERF. EVAL./APPRAISAL	0	0	0	1	1	0	1	0	0	2	1	1	6	1	1	1
H. EXAMINATION/TEST	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I. HARASSMENT	0	0	0	2	0	0	1	0	2	0	0	0	11	3	3	3
1. NON-SEXUAL	0	0	0	2	0	0	1	0	2	0	0	0	11	3	3	3
2. SEXUAL									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
K. PAY INCLUDING OVERTIME	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
L. PROMOTION/NON-SELECTION	0	0	0	1	0	0	1	0	1	0	0	0	9	2	2	2
M. REASSIGNMENT	0	0	0	1	0	0	1	0	0	0	0	0	2	1	1	1
N. REASONABLE ACCOMMODATION DISABILITY									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
S. TELEWORK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
T. TERMINATION	0	0	0	2	0	0	1	0	2	0	0	0	3	2	2	2
V. TIME AND ATTENDANCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
W. TRAINING	0	0	0	1	0	0	1	0	0	0	0	0	6	1	1	1
X. OTHER TERMS/CONDITIONS OF EMPLOYMENT	0	0	0	2	0	0	1	0	0	0	0	0	10	2	2	2
1. COUNSELING SETTLEMENT ALLEGATIONS	0	0	0	1	1	0	0	1	0							

NONPUBLIC//FDIC INTERNAL ONLY

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

AGENCY OR DEPARTMENT: FDIC

REPORTING PERIOD: FY2023

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

ISSUES OF ALLEGED DISCRIMINATION IN SETTLEMENTS	BASES OF ALLEGED DISCRIMINATION IN SETTLEMENTS																	
	SEX			PREGNANCY DISCRIMINATION ACT	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	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0
C. AWARDS	0	0	0	0	0	0	2		2	0	2	0	0	0	0	13	2	1
E. DISCIPLINARY ACTION	0	1	0	0	0	0	0		0	0	0	0	3	1	1	0	0	0
1. DEMOTION	0	1	0	0	0	0	0		0	0	0	0	3	1	1	0	0	0
3. SUSPENSION	0	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0
4. REMOVAL	0	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0
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	1	0	0	0	0	1		1	0	2	0	2	1	1	6	1	1
H. EXAMINATION/TEST	0	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0
I. HARASSMENT	0	3	0	0	0	0	1		1	0	1	0	0	0	11	3	3	
1. NON-SEXUAL	0	3	0	0	0	0	1		1	0	1	0	0	0	11	3	3	
2. SEXUAL	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	
K. PAY INCLUDING OVERTIME	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
L. PROMOTION/NON-SELECTION	0	1	0	0	0	0	1		1	1	2	0	0	0	9	2	2	
M. REASSIGNMENT	0	0	0	0	0	0	0		0	0	0	0	0	0	2	1	1	
N. REASONABLE ACCOMMODATION DISABILITY				0						0	0	0	0	0	0	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	0
T. TERMINATION	0	0	0	0	0	0	0		0	0	0	0	0	0	3	2	2	
V. TIME AND ATTENDANCE	0	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0
W. TRAINING	0	1	0	0	0	0	1		1	0	1	0	0	0	6	1	1	
X. OTHER TERMS/CONDITIONS OF EMPLOYMENT	0	2	0	0	0	0	1		1	0	1	0	0	0	10	2	2	
1. COUNSELING SETTLEMENT ALLEGATIONS	0	1	0	0	0	0	0	0	0	0	0	1	0					
1A. NUMBER OF COUNSELINGS SETTLED	0	1	0	0	0	0	0	0	0	0	0	1	0					
1B. NUMBER OF COUNSELEES SETTLED WITH	0	1	0	0	0	0	0	0	0	0	0	1	0					
2. COMPLAINT SETTLEMENT ALLEGATIONS	0	8	0	0	0	0	7	0	0	7	1	8	0					
2A. NUMBER OF COMPLAINTS SETTLED	0	4	0	0	0	0	2	0	0	2	1	3	0					
2B. NUMBER OF COMPLAINANTS SETTLED WITH	0	3	0	0	0	0	1	0	0	1	1	2	0					

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

AGENCY OR DEPARTMENT: FDIC

REPORTING PERIOD: FY2023

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

ISSUES OF ALLEGED DISCRIMINATION FOUND IN FADs AND FINAL ORDERS	BASES OF ALLEGED DISCRIMINATION FOUND IN FADs AND FINAL ORDERS										NUMBER FAD FINDINGS BY ISSUE	NUMBER OF FADs WITH FINDINGS ISSUED	NUMBER COMPLAINANTS ISSUED FAD FINDINGS BY ISSUE	NUMBER AJ DECISION FINDINGS BY ISSUE	NUMBER AJ DECISIONS WITH FINDINGS BY ISSUE	NUMBER 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
	RACE						COLOR	RELIGION	REPRISAL									
	AMER. 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	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
1. DEMOTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3. SUSPENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4. REMOVAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6. OTHER DISCIPLINARY ACTIONS	0	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	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
1. NON-SEXUAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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	0
K. PAY INCLUDING OVERTIME	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
P. RELIGIOUS ACCOMMODATION											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	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
1. FINAL AGENCY DECISION FINDINGS	0	0	0	0	0	0	0	0	0	0								
1A. NUMBER OF FADs WITH FINDINGS	0	0	0	0	0	0	0	0	0	0								
1B. NUMBER OF COMPLAINANTS ISSUED FAD FINDINGS	0	0	0	0	0	0	0	0	0	0								
2. AJ DECISION FINDINGS	0	0	0	0	0	0	0	0	0	0								
2A. NUMBER AJ DECISIONS WITH FINDINGS	0	0	0	0	0	0	0	0	0	0								
3. FINAL AGENCY ORDER FINDINGS FULLY IMPLEMENTED	0	0	0	0	0	0	0	0	0	0								
3A. # OF FINAL ORDERS (FOs) WITH FINDINGS IMPLEMENTED	0	0	0	0	0	0	0	0	0	0								
3B. # COMPLAINANTS ISSUED FOs WITH FINDINGS IMPLEMENTED	0	0	0	0	0	0	0	0	0	0								



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

AGENCY OR DEPARTMENT: FDIC

REPORTING PERIOD: FY2023

PART IV D - BASES AND ISSUES FOUND IN FADs AND FINAL ORDERS (Part 2)

BASES OF ALLEGED DISCRIMINATION FOUND IN FADs AND FINAL ORDERS

ISSUES OF ALLEGED DISCRIMINATION FOUND IN FADs AND FINAL ORDERS	SEX			PREGNANCY DISCRIMINATION ACT	NATIONAL ORIGIN		EQUAL PAY ACT		AGE	DISABILITY		GINA	NUMBER FAD FINDINGS BY ISSUE	NUMBER OF FADs WITH FINDINGS ISSUED	NUMBER COMPLAINANTS ISSUED FAD FINDINGS BY ISSUE	NUMBER AJ DECISION FINDINGS BY ISSUE	NUMBER AJ DECISIONS WITH FINDINGS BY ISSUE	NUMBER 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	
	MALE	FEMALE	LIGHT		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	0
C. AWARDS	0	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	0
1. DEMOTION	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0	0
3. SUSPENSION	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0	0
4. REMOVAL	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0	0
6. OTHER DISCIPLINARY ACTIONS	0	0	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	0	0
H. EXAMINATION/TEST	0	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	0
1. NON-SEXUAL	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0	0	0
2. SEXUAL	0	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	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	0
L. PROMOTION/NON-SELECTION	0	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	0
N. REASONABLE ACCOMMODATION DISABILITY				0					0	0	0	0	0	0	0	0	0	0	0	0	0
P. RELIGIOUS ACCOMMODATION												0	0	0	0	0	0	0	0	0	0
R. SEX-STEROTYPING	0	0	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	0
T. TERMINATION	0	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	0
W. TRAINING	0	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	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	0
IA. NUMBER OF FADs WITH FINDINGS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IB. NUMBER OF COMPLAINANTS ISSUED FAD FINDINGS	0	0	0	0	0	0	0	0	0	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	0	0	0	0	0	0	0	0	0
2A. NUMBER AJ DECISIONS WITH FINDINGS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3. FINAL AGENCY ORDER FINDINGS FULLY IMPLEMENTED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3A. # OF FINAL ORDERS (FOs) WITH FINDINGS IMPLEMENTED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3B. # COMPLAINANTS ISSUED FOs WITH FINDINGS IMPLEMENTED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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

AGENCY OR DEPARTMENT: **FDIC**

REPORTING PERIOD: **FY2023**

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

**A. STATUTE** (IF A SINGLE COMPLAINT HAS MULTIPLE STATUTES RECORD EACH ON THE APPROPRIATE LINE.)

- 19 1. TITLE VII
  - 0 1a. PREGNANCY DISCRIMINATION ACT (PDA)
- 16 2. AGE DISRIMINATION IN EMPLOYMENT ACT (ADEA)
- 9 3. REHABILITATION ACT
- 0 4. EQUAL PAY ACT (EPA)
- 0 5. GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)

**B. TOTAL BY STATUTES**

**44** 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 (1+2+3)	29	11673	402.52
1. WITHDRAWALS	4	822	205.50
a. NON-ADR WITHDRAWALS	4	822	205.50
b. ADR WITHDRAWALS	0	0	0.00
2. SETTLEMENTS	8	1880	235.00
a. NON-ADR SETTLEMENTS	8	1880	235.00
b. ADR SETTLEMENTS	0	0	0.00
3. FINAL AGENCY ACTIONS (B+C)	17	8971	527.71
B. FINAL AGENCY DECISIONS WITHOUT AN ADMINISTRATIVE JUDGE DECISION (1+2+3)	8	3568	446.00
1. FINDING DISCRIMINATION	0	0	0.00
2. FINDING NO DISCRIMINATION	6	3367	561.17
3. DISMISSAL OF COMPLAINTS	2	201	100.50
C. FINAL AGENCY ORDERS WITH AN ADMINISTRATIVE JUDGE (AJ) DECISION (1+2)	9	5403	600.33
1. AJ DECISION FULLY IMPLEMENTED (a+b+c)	9	5403	600.33
(a) FINDING DISCRIMINATION	0	0	0.00
(b) FINDING NO DISCRIMINATION	8	4794	599.25
(c) DISMISSAL OF COMPLAINTS	1	609	609.00
2. AJ DECISION NOT FULLY IMPLEMENTED (a+b+c)	0	0	0.00
(a) FINDING DISCRIMINATION (i+ii+iii)	0	0	0.00
i. AGENCY APPEALED FINDING BUT NOT REMEDY	0	0	0.00
ii. AGENCY APPEALED REMEDY BUT NOT FINDING	0	0	0.00
iii. AGENCY APPEALED BOTH FINDING AND REMEDY	0	0	0.00
(b) FINDING NO DISCRIMINATION	0	0	0.00
(c) DISMISSAL OF COMPLAINTS	0	0	0.00

NONPUBLIC//FDIC INTERNAL ONLY

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

AGENCY OR DEPARTMENT: **FDIC** REPORTING PERIOD: **FY2023**

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

	TOTAL NUMBER	TOTAL DAYS	AVERAGE DAYS
D. FINAL AGENCY MERIT DECISIONS (FAD) ISSUED (1+2+3+4)	6	317	52.83
1. COMPLAINANT REQUESTED IMMEDIATE FAD (1a+1b)	0	0	0.00
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF FAD REQUEST	0	0	0.00
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND RECEIPT OF FAD REQUEST	0	0	0.00
2. COMPLAINANT DID NOT ELECT HEARING OR FAD (2a+2b)	2	91	45.50
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF END OF 30-DAY ELECTION PERIOD	2	91	45.50
b. AGENCY ISSUED FAD MORE THAN 60 DAYS BEYOND END OF 30-DAY ELECTION PERIOD	0	0	0.00
3. HEARING REQUESTED; AJ RETURNED CASE TO AGENCY FOR FAD WITHOUT AJ DECISION (3a+3b)	4	226	56.50
a. AGENCY ISSUED FAD WITHIN 60 DAYS OF RECEIPT OF AJ RETURNED CASE FOR FAD ISSUANCE	4	226	56.50
b. AGENCY ISSUED FAD MORE THAN 60 DAYS AFTER RECEIPT OF AJ RETURNED CASE FOR FAD ISSUANCE	0	0	0.00
4. FINAL AGENCY DECISION ISSUED ON A MIXED CASE (4a+4b)	0	0	0.00
a. AGENCY ISSUED FAD WITHIN 45 DAYS AFTER INVESTIGATION	0	0	0.00
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	8	
B. TOTAL CLOSURES WITH MONETARY BENEFITS TO COMPLAINANT	4	108,500.00
1. BACK PAY/FRONT PAY	0	0.00
2. LUMP SUM PAYMENT	4	108,500.00
3. COMPENSATORY DAMAGES	0	0.00
4. ATTORNEY FEES AND COSTS	0	0.00
5. OTHER MONETARY BENEFITS	0	0.00
D. INTENTIONALLY LEFT BLANK		
E. TOTAL CLOSURES WITH NON-MONETARY BENEFITS TO COMPLAINANT	7	
F. TYPES OF BENEFITS IN NON-MONETARY CLOSURES	NUMBER OF CLOSURES THAT RECEIVED MONETARY BENEFITS AS WELL	NUMBER OF CLOSURES THAT RECEIVED ONLY NON-MONETARY BENEFITS
1. HIRES	0	0
2. PROMOTIONS	1	1
3. EXPUNGEMENTS	2	0
4. REASSIGNMENTS	0	0
5. REMOVALS RESCINDED	1	1
6. ACCOMMODATIONS	0	0
7. TRAINING	0	1
8. APOLOGY	0	0
9. DISCIPLINARY ACTIONS	0	0
a. RESCINDED	0	0
b. MODIFIED	0	0
10. PERFORMANCE EVALUATION MODIFIED	0	0
11. LEAVE RESTORED	0	0
12. NEUTRAL REFERENCE	0	0
13. OTHER NON-MONETARY BENEFITS	0	1

**NONPUBLIC//FDIC INTERNAL ONLY**

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

**AGENCY OR DEPARTMENT: FDIC**

**REPORTING PERIOD: FY2023**

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

A. TOTAL COMPLAINTS PENDING (SAME AS PART II Line I) (1+1a+2+3+4)	NUMBER PENDING	NUMBER OF DAYS	AVERAGE DAYS	DAYS PENDING OLDEST CASE	OLDEST CASE EEOC HEARING #
	36	10389			
1. COMPLAINTS PENDING WRITTEN NOTIFICATION (Acknowledgement Letter)	0	0	0.00	0	
1a. COMPLAINTS PENDING DECISION TO ACCEPT/DISMISS	7	383	54.71	148	
2. COMPLAINTS PENDING IN INVESTIGATION	12	1285	107.08	254	
2a. COMPLAINTS PENDING 180 DAY INVESTIGATION NOTICE	0	0	0.00	0	
3. COMPLAINTS PENDING IN HEARINGS	9	4974	552.67	1018	450-2021-00299X
4. COMPLAINTS PENDING A FINAL AGENCY ACTION	8	3747	468.38	1025	

**PART IX - SUMMARY OF INVESTIGATIONS COMPLETED**

		TOTAL	TOTAL DAYS	AVERAGE
A. INVESTIGATIONS COMPLETED DURING REPORTING PERIOD (1+3)		21	4780	227.62
<b>AGENCY INVESTIGATIONS</b>				
1. INVESTIGATIONS COMPLETED BY AGENCY PERSONNEL (a+b+c)		0	0	0.00
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS		0	0	0.00
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS		0	0	0.00
1. TIMELY COMPLETED INVESTIGATIONS		0	0	0.00
2. UNTIMELY COMPLETED INVESTIGATIONS		0	0	0.00
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS		0	0	0.00
2. AGENCY INVESTIGATION COSTS		\$0.00		\$0.00
<b>CONTRACT INVESTIGATIONS</b>				
3. INVESTIGATIONS COMPLETED BY CONTRACTORS (a+b+c)		21	4780	227.62
a. INVESTIGATIONS COMPLETED IN 180 DAYS OR LESS		11	1765	160.45
b. INVESTIGATIONS COMPLETED IN 181 - 360 DAYS		8	2166	270.75
1. TIMELY COMPLETED INVESTIGATIONS		8	2166	270.75
2. UNTIMELY COMPLETED INVESTIGATIONS		0	0	0.00
c. INVESTIGATIONS COMPLETED IN 361 OR MORE DAYS		2	849	424.50
4. CONTRACTOR INVESTIGATION COSTS		<b>\$106,536.29</b>		\$5,073.16

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

AGENCY OR DEPARTMENT: FDIC

REPORTING PERIOD: FY2023

**PART X - SUMMARY OF ADR PROGRAM ACTIVITIES**

**INFORMAL PHASE (PRE-COMPLAINT)**

A. INTENTIONALLY LEFT BLANK

B. ADR ACTIONS IN COMPLETED/ENDED COUNSELINGS

	COUNSELINGS	INDIVIDUALS
1. ADR OFFERED BY AGENCY	46	43
2. REJECTED BY INDIVIDUAL (COUNSELEE)	16	14
3. INTENTIONALLY LEFT BLANK		
4. TOTAL ACCEPTED INTO ADR PROGRAM	30	28

C. ADR RESOURCES USED IN COMPLETED/ENDED COUNSELINGS (TOTALS)

	COUNSELINGS	INDIVIDUALS
1. INHOUSE	0	0
2. EXTERNAL	25	25
3. INTENTIONALLY LEFT BLANK		
4. MULTIPLE RESOURCES USED	0	0

E. STATUS OF ADR CASES IN COMPLETED/ENDED COUNSELINGS

	COUNSELINGS	INDIVIDUALS	DAYS	AVERAGE DAYS
1. TOTAL CLOSED	29	28	2133	73.55
a. SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)	1	1	113	113.00
b. NO FORMAL COMPLAINT FILED	9	9	520	57.78
c. COMPLAINT FILED				
i. NO RESOLUTION	12	12	1177	98.08
ii. NO ADR ATTEMPT (aka Part X.E.1.d)	4	4	120	30.00
e. DECISION TO FILE COMPLAINT PENDING AT THE END OF THE REPORTING PERIOD	3	3	203	67.67
2. INTENTIONALLY LEFT BLANK				

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

AGENCY OR DEPARTMENT: FDIC

REPORTING PERIOD: FY2023

**PART XI - SUMMARY OF ADR PROGRAM ACTIVITIES**

**FORMAL PHASE (COMPLAINT FILED)**

B. ADR ACTIONS IN COMPLAINT CLOSURES		COMPLAINTS	COMPLAINANTS
1.	ADR OFFERED BY AGENCY	0	0
2.	REJECTED BY COMPLAINANT	0	0
3.	INTENTIONALLY LEFT BLANK		
4.	TOTAL ACCEPTED INTO ADR PROGRAM	0	0
C. ADR RESOURCES USED IN COMPLAINT CLOSURES (TOTALS)		0	0
1.	INHOUSE	0	0
2.	EXTERNAL	0	0
4.	MULTIPLE RESOURCES USED	0	0

E. STATUS OF CASES IN COMPLAINT CLOSURES		COMPLAINTS	COMPLAINANTS	DAYS	AVERAGE DAYS
1.	TOTAL CLOSED	0	0	0	0.00
a.	SETTLEMENTS WITH BENEFITS (Monetary and Non-monetary)	0	0	0	0.00
b.	WITHDRAWAL FROM EEO PROCESS	0	0	0	0.00
c.	NO RESOLUTION	0	0	0	0.00
d.	NO ADR ATTEMPT	0	0	0	0.00
2.	INTENTIONALLY LEFT BLANK				

F. BENEFITS RECEIVED		COMPLAINTS	COMPLAINANTS	AMOUNT
1.	MONETARY	0	0	0
a.	COMPENSATORY DAMAGES	0	0	0
b.	BACKPAY/FRONTPAY	0	0	0
c.	LUMP SUM	0	0	0
d.	ATTORNEY FEES AND COSTS	0	0	0
e.	OTHER MONETARY BENEFITS	0	0	0
2.	NON-MONETARY	0	0	
a.	HIRES	0	0	

b.	PROMOTIONS	0	0
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c.	EXPUNGEMENTS	0	0
d.	REASSIGNMENTS	0	0
e.	REMOVALS RESCINDED	0	0

f.	ACCOMMODATIONS	0	0
g.	TRAINING	0	0
h.	APOLOGY	0	0
i.	DISCIPLINARY ACTIONS	0	0
i.	RESCINDED	0	0
ii.	MODIFIED	0	0
j.	PERFORMANCE EVALUATION MODIFIED	0	0
k.	LEAVE RESTORED	0	0
l.	NEUTRAL REFERENCE	0	0
m.	OTHER NON-MONETARY BENEFITS	0	0

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

AGENCY OR DEPARTMENT: FDIC

REPORTING PERIOD: FY2023

PART XII - SUMMARY OF EEO ADR PROGRAM ACTIVITIES

EEO ADR RESOURCES

A. NO LONGER COLLECTED

B. EMPLOYEES THAT CAN PARTICIPATE IN EEO ADR

6195

C. RESOURCES THAT MANAGE EEO ADR PROGRAM (DOES NOT  
 INCLUDE NEUTRALS AS REPORTED IN PARTS X. & XI.)

- 1. IN-HOUSE FULL TIME (40 HOURS EEO ADR ONLY)
- 2. IN-HOUSE PART TIME (32 HOURS EEO ADR ONLY)
- 3. IN-HOUSE COLLATERAL DUTY (OTHERS/NON-CONTRACT)
- 4. CONTRACT (ANOTHER FEDERAL AGENCY/PRIVATE ORGANIZATIONS)

2

0

0

2

0

D. EEO ADR FUNDING SPENT

AMOUNT

13,260.00

E. EEO ADR CONTACT INFORMATION

1. NAME OF EEO ADR PROGRAM DIRECTOR / MANAGER

Michael Moran

2. TITLE

Chief, Eq. Opp. Comp. and Training

3. TELEPHONE NUMBER

703-835-0153

4. EMAIL

mmoran@fdic.gov

F. EEO ADR PROGRAM INFORMATION

*MUST use 'X' to designate response to questions*

	YES	NO
--	-----	----

1. Does the agency require the alleged responsible management official to participate in EEO ADR?

X

1a. If yes, is there a written policy requiring the participation?

2. Does the alleged responsible management official have a role in deciding if the case is appropriate for EEO ADR?

X

The FY 2023 Form 462 report must be "Accepted/Finalized" by EEOC by October 31, 2023 to be considered timely.

## **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

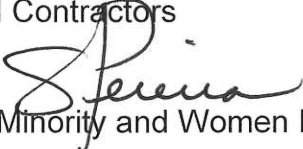
TELEPHONE NUMBER

(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

- 
- 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.
- 
- 2. Revision** FDIC Circular 2710.1, Corporation's Policy on Equal Opportunity, dated October 19, 2010, is hereby revised and superseded.
- 
- 3. Scope** This Circular applies to all employees, applicants for employment, and persons doing business, with or for the FDIC.
- 
- 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.
- 
- 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**

DIRECTIVE 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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## Table of Contents

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Action Log .....	2
Summary of Changes (if applicable) .....	2
Table of Contents.....	3
Background.....	4
Policy .....	5
A. General Policy .....	5
B. Reporting Process .....	6
Responsibilities .....	10
A. Managers/Supervisors .....	10
B. Employees.....	10
C. Anti-Harassment Program Coordinator .....	10
D. Labor and Employee Relations Section .....	11
E. Labor, Employment and Administration Section.....	11
F. Contracting Officers .....	12
Appendix - Authorities .....	13
Appendix – Contact Information .....	14
Glossary of Terms.....	15
Glossary of Acronyms .....	17

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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, <http://fdic01/division/OMWI/compl.html>. Individuals can find contact information for the FDIC's Equal Opportunity Compliance and Training Branch in OMWI at <https://fdicnet.fdic.gov/content/omwi/home/eoo/anti-harrasment.html>.

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 2710.12, Records and Information Management;
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 at <https://fdicnet.fdic.gov/content/omwi/home/eeo/anti-harrassment.html>.

FDIC's Equal Opportunity Compliance and Training Branch in OMWI is available on the FDIC internal website at <https://fdicnet.fdic.gov/content/omwi/home/eeo/anti-harrassment.html>.

For information on filing an EEO complaint, employees should visit the OMWI website, <http://fdic01/division/OMWI/compl.html> (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**

DIRECTIVE 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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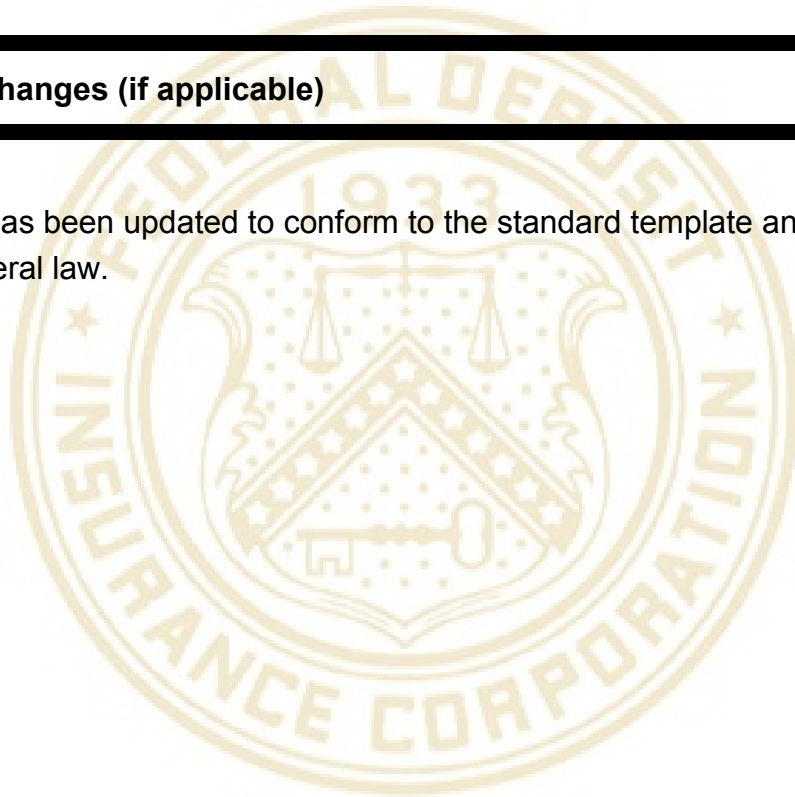
Revision	07/16/2019	Arleas Upton Kea

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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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## Table of Contents

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Action Log .....	2
Summary of Changes (if applicable) .....	2
Table of Contents.....	3
Background.....	4
Policy .....	5
A. Whistleblower Protection Act and Whistleblower Protection Enhancement Act (5 U.S.C. §§ 2302(b)(8)-(9)).....	5
B. Depository Institution Employee Protection Remedy (12 U.S.C. § 1831j) .....	5
C. Inspector General Act, as amended (5 U.S.C. Appendix 3, §§ 3, 7).....	6
Responsibilities .....	7
A. LERS Assistant Director .....	7
B. Whistleblower Protection Coordinator .....	7
C. Employees/Applicants .....	7
Appendix – Additional Information.....	9
Glossary of Terms.....	10
Glossary of Acronyms.....	11

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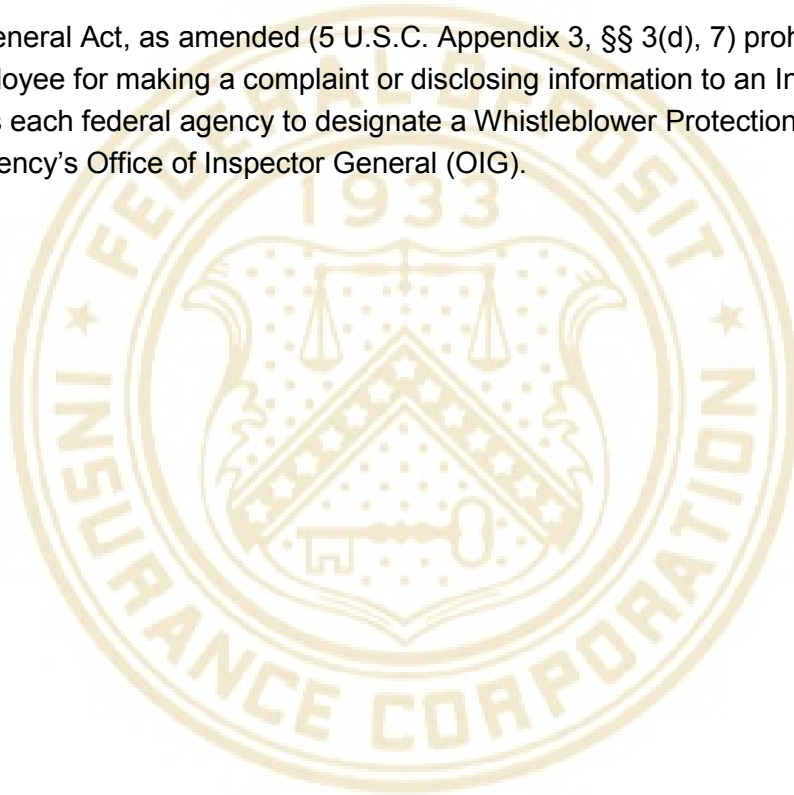
## Background

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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)

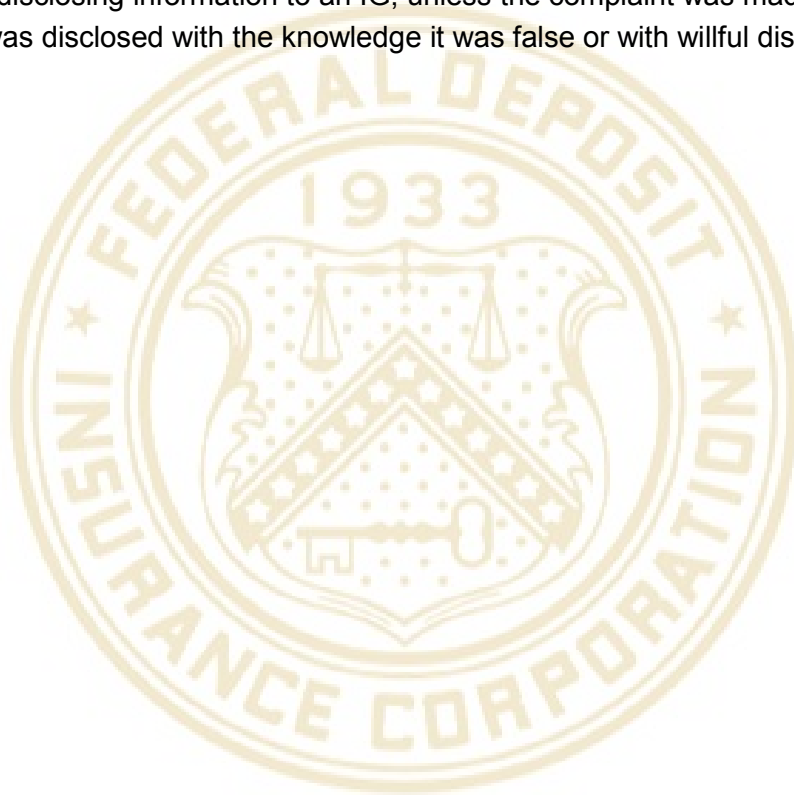
Subject to the Civil Service Reform Act, 12 U.S.C. § 1831j states an employee of a federal banking agency (including the FDIC) may not be discharged or discriminated against with respect to compensation, terms, conditions or privileges of employment because the employee (or an individual acting at the 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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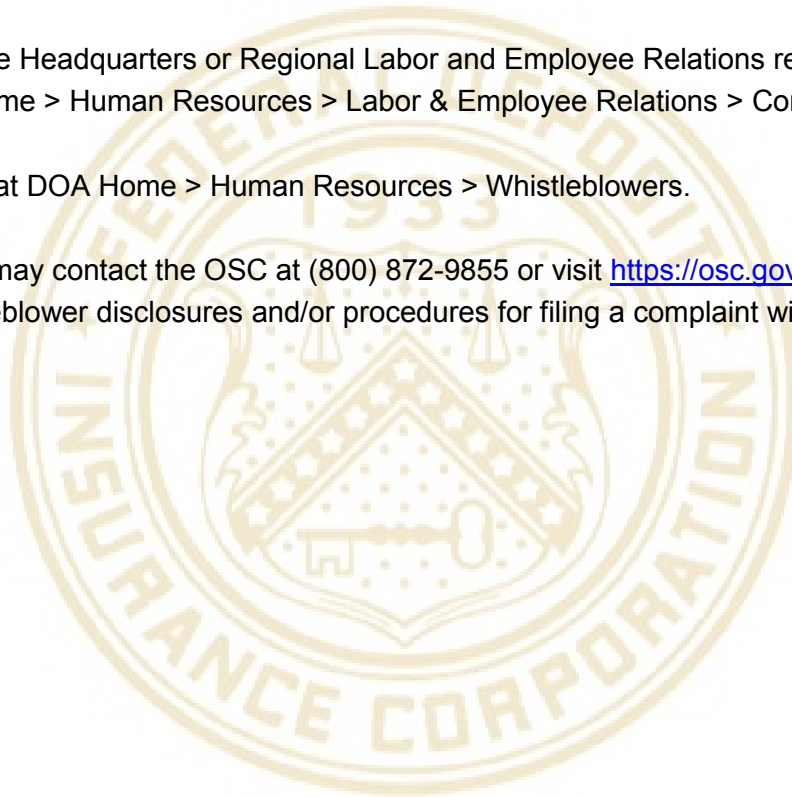
## Appendix – Additional Information

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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**

DIRECTIVE 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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## Table of Contents

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Action Log .....	2
Summary of Changes (if applicable) .....	2
Table of Contents.....	3
Background .....	4
Policy .....	5
A. Disciplinary Actions Covered .....	5
B. Adverse Actions Covered .....	6
C. Alternative Discipline .....	8
D. Pre-Action Investigation.....	8
E. Actions Not Covered.....	8
Responsibilities.....	9
A. Human Resources Branch / Labor and Employee Relations Section .....	9
B. Labor, Employment and Administration Section .....	9
C. Managers/Supervisors.....	10
D. Employees.....	10
Appendix .....	12
Glossary of Terms.....	13
Glossary of Acronyms .....	15

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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

