

**Fiscal Year 2021: Annual Report to Congress on the  
Notification and Federal Employee Antidiscrimination  
and Retaliation Act of 2002**

Office of the Chief Executive Officer, Equal Employment  
Opportunity Program

March 2022

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## **I. EXECUTIVE SUMMARY**

The US International Development Finance Corporation, DFC, is a federal agency who partners with the private sector to finance solutions to the most critical challenges facing the developing world today. The DFC is headquartered in Washington, DC, and has a few satellite offices located throughout the world.

The DFC invests across sectors including energy, healthcare, critical infrastructure, and technology. DFC also provides financing for small businesses and women entrepreneurs in order to create jobs in emerging markets. DFC investments adhere to high standards and respect the environment, human rights, and worker rights.

DFC makes America a stronger and more competitive leader on the global development stage with greater ability to partner with allies on transformative projects. Further, we provide the developing world with financially sound alternatives to unsustainable and irresponsible state-directed initiatives. Our priorities are empowering women through our 2X women's initiative, confronting climate change, responding to Covid-19, and bolstering connectivity.

This Annual Report to Congress, which covers fiscal year (FY) 2021, is required by Title II, Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 ("No FEAR Act" or "Act"), Public Law 107-174. The No Fear Act aims to reduce the incidents of workplace discrimination within the federal government by holding agencies and departments accountable for violations of anti-discrimination and whistleblower protection laws and requires an annual report.

DFC reports on the number of cases that were filed in Federal District court which resulted in judgments, awards or compromise settlements; the disposition of those cases; money required to be reimbursed; and the number of employees disciplined for discrimination, retaliation, harassment, or other infractions of a proviso of law cited in Section 201 (c) of the No FEAR Act.

The Office of Equal Employment Opportunity (OEEO) provides technical and policy advice to DFC leadership on civil rights and civil liberties issues. The OEEO ensures our agency's compliance with the statutes, regulations, and executive orders which prohibit discrimination in the workplace. Its mission is to ensure an inclusive workplace free from unlawful discrimination through active engagement, training, and enforcement of civil rights laws, regulations and other guiding sources. OEEO is responsible for the day-to-day operations of EEO program for employees, including processing EEO complaints. OEEO is also responsible for diversity programming, special observances, and oversight of the employee resource groups.

DFC continues to be diligent in its efforts toward achieving a model EEO program and a robust program which fosters diversity, equity, and inclusion. DFC has a relatively low rate of formal complaints. We expect this trend to continue due to an ongoing effort by OEEO to actively seek

resolution during the initial intake and/or the informal counseling process.

During FY 2021, DFC was not a party to any Federal District Court case that resulted in judgements, awards, or compromise settlements. As a result, DFC was not required to reimburse the Judgement Fund during FY 2021. No DFC employees were disciplined for discrimination, retaliation, harassment, or other infractions of a provision of law cited in the NO FEAR Act stemming from Federal District Court actions.

There was one formal Equal Employment Opportunity (EEO) complaint filed against DFC during FY 2021. The complaint was filed under Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000 *e et seq.*). To date, the case filed in FY 2021 have not resulted in any findings of discrimination by either DFC or the Equal Employment Opportunity Commission (EEOC).

## **II. INTRODUCTION**

The No FEAR Act requires Federal agencies to submit annual report to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the agency, the Attorney General, and the Equal Employment Commission (EEOC). Additionally, the U.S. Office of Personnel Management's final regulation on the No Fear Act issued on December 28, 2006, requires that the Office of Personnel Management receive a copy of the report. This report is submitted by DFC to satisfy these reporting requirements.

## **III. BACKGROUND**

The No FEAR Act was signed into law by President George W. Bush on May 15, 2002 and became effective on October 1, 2003. The Act requires federal agencies to be accountable for violations of anti-discrimination and whistleblower protection laws and to post certain statistical data relating to Federal sector EEO complaints filed with the agency.

Section 203 of the No FEAR Act requires that each Federal agency submit an annual report to Congress not later than one-hundred eight (180) days after the end of each fiscal year. Agencies must report on the number of Federal District Court cases arising under each of the respective areas of law specified in the Act in which discrimination was alleged; the status or disposition of cases; the amount of money required to be reimbursed; the number of employees disciplined; any policies implemented related to appropriate disciplinary actions against the Federal employee who discriminated against any individual or committed a prohibited personnel practice; and an analysis of the data collected with respect to trends, casual analysis, etc.

The President delegated responsibility to the Office of Personnel Management (OPM) for the issuance of regulations governing implementation of Title II of the No FEAR Act. The OPM published final regulations on May 10, 2006, concerning the reimbursement provisions of the Act; final regulations to carry out the notification and training.

## **IV. FY 2021 COMPLAINT DATA**

### **A. Civil Cases**

Section 203 (1) of the No FEAR Act requires that agencies include in their annual Report to Congress “the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201 (a) in which discrimination on the part of such agency was alleged.” Section 724.302 of OPM’s final regulations issued on December 28, 2006, clarifies section 203 (1) of the No FEAR Act, stating that Federal agencies report on “the number of cases in Federal Court pending or resolved arising under each of the respective provisions of the Federal Anti-discrimination laws and whistleblower Protection laws applicable to them in which an employee, former Federal employee, or applicant alleged a violation (s) of these laws, separating data by the provision(s) of law involved.”

***DFC reports that during FY 2021, there were no Federal District Court discrimination cases resulting in payment from the Judgment Fund on behalf of the DFC.***

### **B. Reimbursement to the Judgment Fund**

OPM published final regulations in the Federal Register on January 22, 2004, and final on May 10, 2006, to clarify the agency reimbursement provisions of Title II of the No FEAR Act. These regulations state, among other things, that the Financial Management Service, U.S. Department of the Treasury (FMS), will provide notice to an agency’s Chief Financial Officer within 15 business days after payment from the Judgment Fund. The agency is required to reimburse the Judgment Fund within 45 business days after receiving notice from FMS or must contact FMS to make arrangements, in writing, for reimbursement.

***The Treasury Judgment Fund paid no monies on behalf of DFC for discrimination cases filed in Federal District Court resulting in judgments, awards, or compromise settlements during FY 2021.***

### **C. Types of Disciplinary Actions**

Section 203 (a) (4) of the No FEAR Act requires that agencies include in the Annual Report to Congress “the number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1).” Section 203 (a) (1) requires that agencies report “the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201 (a) in which discrimination on the part of such agency was alleged.” OPM’s final regulation issued December 28, 2006, provides that these cases refer to the number of discrimination cases for which the Judgment Fund paid on behalf of the agency. The regulations also define disciplinary actions to include any one or a combination of the following actions: reprimand, suspension without pay, reduction in grade or pay, or removal.

***DFC reports that there were no disciplinary actions arising from any Federal District Court discrimination cases in FY2021.***

#### **D. Final Year-End Data**

The final year-end data posted pursuant to Section 301 (c) (1) (B) of the No FEAR Act are include in Appendix A.

***The final year-end data indicates that during FY 2021, there was one new complaint of discrimination. There have been no findings of discrimination to date, as the case is still in the EEO process. The case alleged the bases of sex, race, and reprisal. The average complaint processing time (investigation) at the end of FY 2021 was 90 days.***

#### **E. Policy Description on Disciplinary Actions**

Section 203 (a) (6) of the No FEAR Act requires that agencies include in their annual Report to Congress a detailed description of the policy implemented by the agency relating to disciplinary actions imposed against a Federal employee who discriminated against any individual in violation of any of the laws cited under section 201 (a) (1) or (2), or committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201 (a) (1) or (2). Further, the Act requires that, with respect to each such law, the Federal agency report on the number of employees who were disciplined in accordance with such policy and the specific nature of the disciplinary action taken.

***The CEO annually issues primary policy statements that reinforce DFC commitment to a workplace free from discrimination, harassment, and retaliation. DFC employees are accountable for their actions in accordance with these policy statements. The policy statements are the Equal Employment Opportunity Policy and the Non-Harassment Policy. The first statement emphasizes DFC determination to subject employees to appropriate disciplinary action for engaging in unlawful discriminatory practices or allowing discriminatory practices to exist. The second statement communicates DFC zero tolerance of harassment against employees on the bases of race, color, national origin, gender, age, religion, sex, disability, gender identity or expression, sexual orientation, political affiliation, marital or parental status, or engaging in protected activity. Both statements warn that engaging in prohibited behavior will result in appropriate disciplinary action.***

***These annual policy statements are buttressed by the DFC anti-harassment policy and procedure which provides for prompt investigation of claims of harassment outside of the EEO complaints process.***

## **F. No FEAR Act Training**

Section 202 (c) of the No FEAR Act requires Federal agencies to provide training to their employees on the rights and remedies under Federal Anti-discrimination laws and Whistleblower Protection laws. Under Section 724.203, Federal agencies were required to develop a written training plan and to have trained their employees by December 17, 2006, and every two years thereafter. Under implementing regulations, new employees are to receive No FEAR Act training within 90 days of appointment, which can be met through an agency orientation or training program.

***DFC has an established EEO training plan. New hires are given a brief introduction to civils rights protections and the EEO process as a part of new employee orientation. New staff must complete more extensive EEO training within 90 days of onboarding, including the No FEAR Act course. All employees must take EEO training courses each year.***

***FedTalent is our electronic learning management system, powered by Skillsoft, and is available to all DFC employees. Employee EEO courses are tracked through this system and enables DFC to ensure the completion of required courses, including No FEAR Act training. DFC provides an annual training day for employees to focus on completing mandatory courses. Supervisors and managers are discouraged from holding meetings or scheduling project deadlines on this day, so that employees can focus on completing mandatory training.***

## **V. ANALYSIS OF TRENDS, CAUSAL ANALYSIS AND PRACTICAL KNOWLEDGE GAINED THROUGH EXPERIENCE**

Section 203 (7) of the No FEAR Act requires that agencies undertake “an examination of trends, causal analysis, and practical knowledge gained through experience and any actions planned or taken to improve complain or civil rights programs of DFC.”

***There were no Federal District Court cases resulting in judgments, awards or compromise settlements filed against DFC in FY 2021. This statistic illustrates DFC ongoing commitment to maintaining a diverse and inclusive workforce as well as a model EEO environment.***

***This is the first No FEAR Act report for the DFC, previously the Overseas Private Investment Corporation (OPIC), therefore there is no previous information to examine to identify trends. While this the first report for DFC, however, there is limited available data for OPIC. When comparing the DFC to other similar-sized federal agencies, the DFC is on par with the government-wide measure of complaint activity of 1.2%; 0.1% below the complaint activity reported for Small***

***Level Agencies (1.3%); and 0.2% Micro Level Agencies (1.4%). (Source: FY 2019 EEOC Federal Sector Report, Table B-1 FY 2019 Total Work Force, Counselings, and Complaints).***

## **V. ADJUSTMENT TO BUDGET**

Section 203 (a) (8) of the No FEAR Act requires that agencies include in their annual report to Congress information about “any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201.”

***DFC did not make such an adjustment in FY 2021.***

## **VI. DFC ACTIONS PLANNED/TAKEN TO IMPROVE CIVIL RIGHTS PROGRAMS**

DFC continually seeks to improve its ability to prevent and address discrimination. This includes offering training for staff, senior level management, and improving the agency’s EEO policies and procedures. Managers and supervisors are instructed to take the anti-discrimination laws seriously and are held accountable for their actions or inactions in accordance with established disciplinary policies.

DFC also includes performance measures for EEO compliance in manager evaluations. They include: (1) supports agency workforce diversity and equal employment policies and programs; fosters an inclusive workplace where diversity and individual differences are valued and leveraged to achieve the mission of the organization and (2) promotes respectful, cooperative, and productive working relationships among culturally diverse employees; establishes an effective work/life balance.

DFC will continue to encourage a healthy, diverse, inclusive, and equitable environment by focusing on employee engagement, retention, corporate culture, mentoring, and management skills training. Annual training for all employees includes unconscious bias and conflict resolution. DFC continued use of varied alternate dispute resolution methods will continue to address workplace conflicts in a way which results in a substantial resolution rate during the early stages of engagement.

DFC executive team is committed to transparent communication of impending changes to all employees, seeking input from those whose work will be affected. DFC leadership acknowledges that major changes and growth in the workplace tends to trigger more complaints. Our leadership anticipates such growth this fiscal year as we implement the requirements of the Build Back Better Plan in the coming months. Our leadership has invited all employees to share in the decision-making process, as appropriate, and has engaged in candid communication regarding potential change in workloads and responsibilities.

## **VII. ACCOMPLISHMENTS.**

Building a robust culture of diversity, equity, and inclusion in our workplace and in our larger national service enterprise is a top agency priority in FY2021, led by the Office of the Chief Executive Officer in partnership with the Office of Human Resource Management, and OEE0.

Prior to mid FY 2021, the EEO program was administered through a personal services contract. To build a model EEO program, the DFC appointed a full-time position to the position of Director, Office of Equal Employment Opportunity (OEE0) in May 2021. This is a first for the DFC and demonstrates its commitment to integrating EEO into the Strategic Mission. The Director, OEE0 is managed by an experienced EEO official and reports directly to the CEO.

DFC will continue to work on becoming a model EEO program by correcting any deficiencies noted in the 2021 MD-715, Part G report. Our reasonable accommodation and personal assistance services policies and procedures were approved by the Equal Employment Opportunity Commission. We also updated our Equal Employment Opportunity and non-harassment policies and procedures to provide more clarity regarding prohibited conduct, and the investigation process for harassment complaints.

Respectfully submitted,

Scott Nathan  
Chief Executive Officer  
March 30, 2022

**APPENDIX**

**APPENDIX A: No FEAR Act 2021 Fiscal Year Complaint Totals**

**APPENDIX B: Equal Employment Opportunity Policy**

**APPENDIX C: Non-Harassment Policy**

**US International Development Finance Corporation  
Equal Employment Opportunity Data**

**Posted Pursuant to Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of  
2002 (No Fear Act), Pub. L. 107-174**

**Informal Complaint Activity**

<b>Informal Complaint Activity</b>	<b>Comparative Data Fiscal Year Data</b>				
	<b>2021 Qtr 1</b>	<b>2021 Qtr 2</b>	<b>2021 Qtr 3</b>	<b>2021 Qtr 4</b>	<b>2021 Total</b>
Number of Complaints Filed	0	1	2	2	5
Number of Complainants	0	1	2	2	5
Repeat Filers	0	0	0	0	0

<b>Informal Complaints by Basis</b> <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	<b>Comparative Data Fiscal Year Data</b>				
	<b>2021 Qtr 1</b>	<b>2021 Qtr 2</b>	<b>2021 Qtr 3</b>	<b>2021 Qtr 4</b>	<b>2021 Total</b>
Race	0	1	1	2	4
Color	0	0	0	0	0
Religion	0	0	0	0	0
Reprisal	0	1	0	0	1
Sex (Male)	0	0	1	0	1
Sex (Female)	0	1	0	2	3
National Origin	0	0	0	0	0
Equal Pay Act	0	0	0	0	0
Age	0	0	0	1	1
Disability	0	0	1	0	1
Genetic Information	0	0	0	0	0
Non-EEO basis	0	0	0	0	0

<b>Complaints by Issue</b> <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	<b>Comparative Data Fiscal Year Data</b>				
	<b>2021 Qtr 1</b>	<b>2021 Qtr 2</b>	<b>2021 Qtr 3</b>	<b>2021 Qtr 4</b>	<b>2021 Total</b>
Appointment/Hire	0	0	0	1	1
Assignment of Duties	0	0	0	0	0
Awards	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0
<b>Disciplinary Action</b>					
Demotion	0	0	0	0	0

Reprimand	0	1	0	0	1
Removal	0	0	0	0	0
Suspension	0	0	0	0	0
Other	0	0	0	0	0
Duty Hours	0	1	0	0	1
Evaluation Appraisal	0	0	0	0	0
Examination/Test	0	0	0	0	0
<b>Harassment</b>					
Non-Sexual	0	1	0	2	3
Sexual	0	0	0	0	0
Medical Examination	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0
<b>Reassignment</b>					
Denied	0	0	0	0	0
Directed	0	0	1	0	1
Reasonable Accommodation (Disability)	0	0	0	0	0
Reinstatement	0	0	0	0	0
Retirement	0	0	0	0	0
Termination	0	0	1	0	1
Terms/Conditions of Employment	0	0	0	0	0
Time and Attendance	0	0	0	0	0
Training	0	0	0	0	0
Religious Accommodation	0	0	0	0	0
Other	0	0	0	0	0

**Formal Complaint Activity**

Formal Complaint Activity	Comparative Data Fiscal Year Data				
	2021 Qtr 1	2021 Qtr 2	2021 Qtr 3	2021 Qtr 4	2021 Total
Number of Complaints Filed	0	1	0	0	1
Number of Complainants	0	1	0	0	1
Repeat Filers	0	0	0	0	0

Formal Complaints by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	Comparative Data Fiscal Year Data				
	2021 Qtr 1	2021 Qtr 2	2021 Qtr 3	2021 Qtr 4	2021 Total

Race	0	1	0	0	1
Color	0	0	0	0	0
Religion	0	0	0	0	0
Reprisal	0	1	0	0	1
Sex (Male)	0	0	0	0	0
Sex (Female)	0	1	0	0	1
National Origin	0	0	0	0	0
Equal Pay Act	0	0	0	0	0
Age	0	0	0	0	0
Disability	0	0	0	0	0
Genetic Information	0	0	0	0	0
Non-EEO basis	0	0	0	0	0

Formal Complaints by Issue <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>	Comparative Data Fiscal Year Data				
	2021 Qtr 1	2021 Qtr 2	2021 Qtr 3	2021 Qtr 4	2021 Total
Appointment/Hire	0	0	0	0	0
Assignment of Duties	0	0	0	0	0
Awards	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0
<b>Disciplinary Action</b>					
Demotion	0	0	0	0	0
Reprimand	0	1	0	0	1
Removal	0	0	0	0	0
Suspension	0	0	0	0	0
Other	0	0	0	0	0
Duty Hours	0	1	0	0	1
Evaluation Appraisal	0	0	0	0	0
Examination/Test	0	0	0	0	0
<b>Harassment</b>					
Non-Sexual	0	1	0	0	1
Sexual	0	0	0	0	0
Medical Examination	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0
<b>Reassignment</b>					
Denied	0	0	0	0	0

Directed	0	0	0	0	0
Reasonable Accommodation (Disability)	0	0	0	0	0
Reinstatement	0	0	0	0	0
Retirement	0	0	0	0	0
Termination	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0
Time and Attendance	0	0	0	0	0
Training	0	0	0	0	0
Religious Accommodation	0	0	0	0	0
Other	0	0	0	0	0

Processing Time	Comparative Data Fiscal Year Data				
	2021 Qtr 1	2021 Qtr 2	2021 Qtr 3	2021 Qtr 4	2021 Total
<b>Complaints pending for any length of time during fiscal year</b>					
Average number of days in investigation stage	0	90	0	0	90
Average number of days in final agency action stage	0	0	0	0	0
<b>Complaints pending for any length of time during fiscal year where hearing was requested</b>					
Average number of days in investigation stage	0	0	0	0	0
Average number of days in final agency action	0	0	0	0	0
<b>Complaints pending for any length of time during fiscal year where hearing was not requested</b>					
Average number of days in investigation stage	0	0	0	0	0
Average number of days in final agency action stage	0	0	0	0	0

Complaints Dismissed by Agency	Comparative Data Fiscal Year Data				
	2021 Qtr 1	2021 Qtr 2	2021 Qtr 3	2021 Qtr 4	2021 Total
Total Complaints Dismissed by Agency	0	0	0	0	0
Average days pending prior to dismissal	0	0	0	0	0
<b>Complaints Withdrawn by Complainants</b>					
Total Complaints Withdrawn by Complainants	0	1	0	0	1

<b>Total Final Actions Finding Discrimination</b>	<b>Comparative Data Fiscal Year Data</b>									
	<b>2021 Qtr 1</b>		<b>2021 Qtr 2</b>		<b>2021 Qtr 3</b>		<b>2021 Qtr 4</b>		<b>2021 Total</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
Total Number of Findings	0	0	0	0	0	0	0	0	0	0
Without Hearing	0	0	0	0	0	0	0	0	0	0
With Hearing	0	0	0	0	0	0	0	0	0	0

<b>Findings of Discrimination Rendered by Basis</b> <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	<b>Comparative Data Fiscal Year Data</b>									
	<b>2021 Qtr 1</b>		<b>2021 Qtr 2</b>		<b>2021 Qtr 3</b>		<b>2021 Qtr 4</b>		<b>2021 Total</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
<b>Total Number of Findings</b>	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Race	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Color	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Religion	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Reprisal	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Sex	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
National Origin	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Age	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Disability	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Genetic Information	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Non-EEO	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Findings After Hearing</b>	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Race	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Color	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Religion	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Reprisal	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Sex	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

National Origin	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Equal Pay Act	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Age	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Disability	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Genetic Information	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Non-EEO	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Findings Without Hearing</b>	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Race	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Color	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Religion	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Reprisal	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Sex	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
National Origin	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Equal Pay Act	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Age	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Disability	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Genetic Information	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Non-EEO	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

<b>Findings of Discrimination Rendered by Issue</b> <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints and findings.</i>	<b>Comparative Data Fiscal Year Data</b>									
	<b>2021 Qtr 1</b>		<b>2021 Qtr 2</b>		<b>2021 Qtr 3</b>		<b>2021 Qtr 4</b>		<b>2021 Total</b>	
	#	%	#	%	#	%	#	%	#	%
<b>Total Number of Findings</b>	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Appointment/Hire	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Assignment of Duties	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Awards	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Conversion to Full-time	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Disciplinary Action</b>										
Demotion	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Reprimand	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Suspension	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Removal	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Other	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Duty Hours	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Evaluation Appraisal	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Examination/Test	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

<b>Harassment</b>										
Non-Sexual	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Medical Examination	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Pay (Including Overtime)	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Promotion/Non-Selection	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Reassignment</b>										
Denied	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Directed	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Reasonable Accommodation (Disability)	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Reinstatement	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Retirement	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Termination	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Terms/Conditions of Employment	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Time and Attendance	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Training	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Religious Accommodation	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Other	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

<b>Pending Complaints Filed in Previous Fiscal Years by Status</b>	<b>Comparative Data Fiscal Year Data</b>				
	<b>2021 Qtr 1</b>	<b>2021 Qtr 2</b>	<b>2021 Qtr 3</b>	<b>2021 Qtr 4</b>	<b>2021 Total</b>
Total Complaints from Previous Fiscal Years	0	0	0	0	0
Total Complainants	0	0	0	0	0
<b>Number of Complaints Pending</b>					
Investigation	0	0	0	0	0
Hearing	0	0	0	0	0
Final Agency Action	0	0	0	0	0
Appeal with EEOC Office of Federal Operations	0	0	0	0	0

<b>Complaint Investigations</b>	<b>Comparative Data Fiscal Year Data</b>				
	<b>2021 Qtr 1</b>	<b>2021 Qtr 2</b>	<b>2021 Qtr 3</b>	<b>2021 Qtr 4</b>	<b>2021 Total</b>
Pending Completion Where Investigation Exceeds Required Time Frames	0	0	0	0	0

**MEMORANDUM**

TO: DFC Staff

FROM: Dev Jagadesan, Acting Chief Executive Officer

DATE:

RE: DFC EEO Policy Statement

The U.S. International Development Finance Corporation (DFC) is committed to a workplace free of discrimination. As the Acting Chief Executive Officer, I am proud to reaffirm DFC's commitment to the principles of equal employment opportunity (EEO) in the workplace. I ask that all DFC employees, including managers and staff, take responsibility for reporting and addressing discriminatory conduct and preventing all types of discrimination, including workplace harassment. DFC cannot and will not tolerate discrimination based on race; color; religion; sex, (including pregnancy, sex stereotyping, gender identity, gender expression or transgender status); national origin; sexual orientation; physical or mental disability; age (40 or older); protected genetic information; status as a parent; marital status; political affiliation; or retaliation based on previous EEO activity. In addition, DFC will not tolerate any type of harassment – either sexual or nonsexual – of any employee or applicant for employment. Employment decisions must be made in accordance with Federal civil service merit system principles.

Our DFC management team is expected to continue to provide first-class leadership in supporting the Agency's EEO program by taking steps to promote EEO in all facets of employment, including recruitment, hiring, promotion, performance assessment, awards or career-development opportunities.

Any former/current employee or applicant for employment who believes that they have been subjected to discrimination and elects to seek redress for discrimination must initiate the EEO complaint process within 45-calendar days of the alleged discriminatory event or the effective date of a personnel action. To file an EEO complaint, please contact DFC's Office of Equal Employment Opportunity at [eeo@dfc.gov](mailto:eeo@dfc.gov) or by calling (202) 977-5062.

In addition, an employee or applicant for employment who believes he or she was subjected to workplace harassment should also review DFC's procedures for addressing allegations of workplace harassment for information on how to report allegations of workplace harassment outside the EEO process.

A workplace free of discrimination protects DFC employees and allows them to focus on the Agency's mission. I appreciate your shared commitment to equal employment opportunity at the DFC, and I look forward to working with you to advance the Agency's all-important mission.

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Dev Jagadesan

**MEMORANDUM**

TO: DFC Staff

FROM: Dev Jagadesan, Acting Chief Executive Officer

DATE:

RE: Maintaining a Non-Hostile Workplace Free of Discriminatory Harassment

This is to affirm DFC's responsibility to maintain a workplace free from harassment (including sexual harassment which is a form of discrimination based on sex) and retaliation, and to ensure that all employees are aware of my personal commitment to this goal.

The U.S. Equal Employment Opportunity Commission (EEOC) requires agencies to remove every form of prejudice or discrimination from personnel policies, practices, and work conditions (29 C.F.R. §1614.102(a)(3)). A hostile work environment is one that allows ridicule, abuse, insults, or derogatory comments that are directly or indirectly based on race; color; religion; sex, (including pregnancy, sex stereotyping, gender identity, gender expression or transgender status); national origin; sexual orientation; physical or mental disability; age (40 or older); protected genetic information; status as a parent; marital status; or political affiliation. A hostile work environment also can be created by reprisal or retaliation for exercising rights under these criteria. It is further defined as an offensive or intimidating environment that unreasonably interferes with work performance or that otherwise adversely affects employment opportunities. Personal conversations that can be overheard by other employees who consider the conversations offensive also can create a hostile environment.

DFC follows guidance established by EEOC and standards set by the U.S. Supreme Court in two landmark decisions: *Burlington Industries, Inc. v. Ellerth*, 524 U.S. 742 (1998) and *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998). In these decisions, the Supreme Court made clear that employers are subject to vicarious liability for unlawful harassment by supervisors. Liability is premised on two principles:

- 1) an employer is responsible for the acts of its supervisors; and
- 2) employers should be encouraged to prevent harassment and employees should be encouraged to avoid or limit the harm from harassment.

Managers and supervisors are responsible for maintaining a non-hostile work environment, one that is free from discriminatory harassment (both sexual and non-sexual). They can be held accountable for their own behavior and that of their employees. If an employee makes abusive or derogatory comments to another employee and the matter comes to a manager's or supervisor's attention, the manager or supervisor must take prompt action. It is very important to demonstrate to concerned employees that their allegations are taken seriously, and that management will not

condone offensive behavior. For additional guidance, managers and supervisors should contact the Office of Human Resources Management (HRM).

Further, when an employee complains to management about alleged harassment, management is obligated to investigate the allegation regardless of whether the employee's complaint conforms to a particular format or is not made in writing. Disciplinary or other remedial actions should reflect management's findings during the course of the inquiry.

Employees are responsible for reporting any behavior they view as harassment before it becomes severe or pervasive, by speaking to:

- 1) their immediate supervisor or, if the alleged harassment is at this level, to a second or third level supervisor;
- 2) HRM; or
- 3) the Director, Office of Equal Employment Opportunity (EEO).

While isolated incidents of harassment generally do not violate federal law, a pattern of incidents may be unlawful. Employees also are responsible for taking advantage of any preventive or corrective opportunities provided by DFC or to otherwise avoid harm. To the extent possible, the confidentiality of employees bringing harassment claims will be protected.

Employees who raise claims of harassment or provide information related to such claims are legally entitled to be free from retaliation. Retaliation is a form of discrimination where an employee is subjected to an adverse employment action or harassment that creates a hostile or abusive work environment solely because the employee opposed an unlawful employment practice. "Opposing" an unlawful employment practice includes filing a charge of discrimination, participating in an investigation, proceeding or hearing, or taking other, similar action in opposition to the unlawful practice.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Whether such conduct is intimidating, hostile, or offensive is determined by both objective and subjective factors, including the perception of the recipient, witnesses, or others affected by the

conduct. The person who initiates the conduct, i.e., the alleged harasser, does not ultimately determine whether such conduct constitutes sexual harassment.

In *Meritor Savings Bank v Vinson*, 477 U.S. 57 (1986), the U.S. Supreme Court has ruled that sexual harassment is proven if the offensive conduct is based on the employee's sex, is unwelcome, and is sufficiently severe or pervasive to interfere with the employee's job performance or to create an abusive work environment. EEOC has stated that a complaint may be filed by anyone offended by such conduct, even if the employee is not the person at whom it is directed.

Offended individuals are encouraged to initiate actions to resolve harassment issues at the earliest possible stage. When the situation permits, the offended individual should inform the offending individual that their conduct is considered intimidating, hostile, or unwelcome. The immediate supervisor will often be the first level of resolution for harassment issues. However, employees also may directly contact HRM. Supervisors shall inform HRM whenever they become aware of any situation that could have harassment implications.

In some situations, DFC will conduct an investigation in order to determine if an employee or anyone else has engaged in inappropriate conduct or illegal harassment. DFC will initiate any such investigation within ten (10) days of the report of inappropriate conduct or illegal activity. DFC is also committed to conclude any investigation as quickly as possible, taking into account the complexity of the facts, the number of witnesses, and the issues arising out of the investigation. DFC will keep complaining witnesses informed of the status of the investigation, recognizing that some information may not be disclosed if the disclosure would violate the privacy rights of someone else.

When an individual feels that it is necessary to consider filing an EEO complaint, the individual should contact an EEO Counselor or the EEO Director within forty-five (45) calendar days of the alleged inappropriate conduct or illegal harassment at [eeo@dfc.gov](mailto:eeo@dfc.gov) or (202) 977-5062. The complaint will be processed in accordance with 29 C.F.R., Part 1614. If an EEO complaint is to be pursued, the individual will then work with an EEO Counselor to try to resolve the matter prior to filing a formal EEO complaint.

It is DFC's intention to discourage harassment (including sexual harassment) and retaliation from occurring and, if it does occur, to take firm and immediate action.

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Dev Jagadesan