



Fiscal Year 2022: 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

July 2023

Table of Contents

I. Executive Summary	3
II. Introduction	4
III. Background	4
IV. FY 2022 Complaint Data	5
A. Civil Cases.....	5
B. Reimbursement to the Judgment Fund	5
C. Types of Disciplinary Actions.....	5
D. Final Year-End Data	6
E. Policy Description on Disciplinary Actions	6
F. No Fear Training.....	7
V. Analysis of Trends, Causal Analysis, and Practical Knowledge Gained Through Experience	7
VI. Adjustment to Budget	8
VII. Actions Planned or Taken to Improve Civil Rights Programs	8
VIII. Accomplishments	9
Appendices	10
Appendix A: FY 2022 No Fear Act Complaint Data	10
Appendix B: Equal Opportunity Policy Statement	18
Appendix C: Anti-Harassment Policy Statement.....	19

I. EXECUTIVE SUMMARY

The U.S. International Development Finance Corporation (DFC) is the U.S. Government's development finance institution. DFC was established in 2019 following the passage of the BUILD, or Better Utilization of Investments Leading to Development, Act of 2018 which strengthened and modernized American development finance. The BUILD Act combined the capabilities of the Overseas Private Investment Corporation (OPIC) and the Development Credit Authority, the latter of which had previously been housed in the U.S. Agency for International Development (USAID).

DFC partners with the private sector to finance solutions to the most critical challenges facing the developing world today. We invest across sectors including energy, healthcare, critical infrastructure, and agriculture. DFC also provides financing for small businesses to create jobs in emerging markets. DFC investments adhere to high standards and respect the environment, human rights, and worker rights.

This Annual Report to Congress, which covers fiscal year (FY) 2022, 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 DFC Office of Equal Employment, Diversity, and Inclusion (OEDI) provides technical and policy advice to DFC leadership on civil rights and civil liberties issues. The OEDI ensures our agency's compliance with the statutes, regulations, and executive orders which prohibit discrimination in the workplace. Its mission is to ensure a diverse, equitable, inclusive, and accessible workplace free from unlawful discrimination through active engagement, training, and enforcement of civil rights laws, regulations and other guiding sources. OEDI is responsible for the day-to-day operations of Equal Employment Opportunity (EEO) program for employees, including processing EEO complaints. OEDI is also responsible for the agency's diversity, equity, inclusion, and accessibility (DEIA) strategy and programming, including 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 DEIA. DFC has a relatively low rate of formal complaints. We expect this trend to continue due to an ongoing effort by OEDI to actively seek resolution during the initial intake and/or the informal counseling process.

There was one formal 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. 2000e et seq.). The case filed in FY 2021 did not result in a finding of discrimination by either DFC or the Equal Employment Opportunity Commission (EEOC).

During FY 2022, 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 2022. 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.

EEO formal complaint activity increased in FY 2022. There were four EEO complaints filed against DFC during FY 2022. The complaints were filed under Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (Public Law 90-202), and the Rehabilitation Act of 1973. To date, the cases filed in FY 2022 have not resulted in 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 (OPM) final regulation on the No Fear Act issued on December 28, 2006, requires that OPM 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 eighty (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 OPM for the issuance of regulations governing implementation of Title II of the No FEAR Act. OPM published final regulations on May 10, 2006, concerning the reimbursement provisions of the Act as well as notification and training requirements.

IV. FY 2022 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 2022, there were no Federal District Court discrimination cases resulting in payment from the Judgment Fund on behalf of 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 2022.

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 FY 2022.

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 2022, there were four new complaints of discrimination. There have been no findings of discrimination to date, as the cases are still in the EEO process. The cases alleged the bases of sex (female), race (African American), Disability, and reprisal. The average complaint processing time (investigation) at the end of FY 2022 was 128 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 DFC Chief Executive Officer (CEO) annually issues EEO and Anti-Harassment policy statements that reinforce DFC's commitment to a workplace free from discrimination, harassment, and retaliation. DFC employees are accountable for their actions in accordance with these policy statements. The EEO Policy statement emphasizes DFC's determination to discipline employees for engaging in unlawful discrimination or allowing discriminatory practices to exist. The Anti-Harassment Policy statement communicates DFC's zero tolerance of harassment against employees on the bases of race, color, religion, sex (including pregnancy, sex stereotyping, gender identity, gender expression or transgender status), national origin, gender, sexual orientation, disability, genetic information, marital or parental status, or political affiliation, 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 DFC's Anti-Harassment policy and

procedures, finalized in FY 2022, which provides for prompt investigation of claims of harassment outside 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 civil rights protections and the EEO process as 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 and No FEAR Act training courses biennially.

FedTalent is DFC's electronic learning management system, powered by Skillsoft, and is available to all DFC employees. Employee EEO and No FEAR Act training courses are tracked through this system and enables DFC to ensure the completion of required courses.

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 2022. This statistic illustrates DFC's ongoing commitment to maintaining a workforce that reflects EEO and DEIA principles and policies.

When comparing DFC to other similar-sized federal agencies, DFC's complaint activity as a percentage of the Total Workforce was 0.85%. This percentage was higher than the government-wide measure of complaint activity (0.36%) and the complaint activity reported for Small Level Agencies (0.81%), but lower than complaint activity for Micro Level Agencies (0.93%). [Source: FY 2020 EEOC Federal Sector Report, Table B-1, FY 2020 Total Work Force Counselings and Complaints]

VI. 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 2022.

VII. 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, including 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) support agency workforce equal employment and DEIA policies and programs; foster a workplace where DEIA is valued and leveraged to achieve the mission of the organization and (2) promote respectful, cooperative, and productive working relationships among culturally diverse employees; and establishing an effective work/life balance.

DFC will continue to advance DEIA by 1) using data and evidence-based decision-making, 2) focusing on continuous improvement, 3) adopting a collaborative whole-of-agency mandate with partnership engagement, 4) prioritizing accountability and sustainability, and 5) understanding the perspectives of the workforce and the customers. Annual training for all employees includes unconscious bias and conflict resolution. DFC’s 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’s 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. DFC’s leadership anticipates such growth this fiscal year as the agency continues to further align its mission consistent with the BUILD Act of 2018.

Our leadership has engaged employees in the process, as appropriate, and has communicated regularly changes that may impact employees.

VIII. ACCOMPLISHMENTS

Building a robust EEO and DEIA strategy, program, and culture at DFC is a top agency priority in FY2022, led by the Office of the Chief Executive Officer in partnership with the Office of Human Resource Management, and OEDI.

Prior to mid FY 2021, the DFC EEO program was administered through a personal services contract. To build a model EEO program, DFC appointed a full-time Director in May 2021. This demonstrates DFC's commitment to integrating EEO into the strategic mission. The EEO Director is managed by an experienced EEO official and reports directly to the CEO.

DFC will continue to strive toward achieving a model EEO program by correcting any deficiencies noted in the 2022 MD-715 report. The agency's reasonable accommodation and personal assistance services policies and procedures were approved by the Equal Employment Opportunity Commission. The EEO and anti-harassment policies and procedures were also updated to provide more clarity regarding prohibited conduct, and the investigation process for harassment complaints.

Respectfully submitted,

Scott Nathan

Digitally signed by Scott
Nathan
Date: 2023.07.20
16:11:41 -04'00'

Scott Nathan
Chief Executive Officer
July 2023

APPENDIX A: No FEAR Act Fiscal Year Complaint Totals

Equal Employment Opportunity Data¹

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

Formal Complaint Activity	Comparative Previous Fiscal Year Data					2023 Total (Through Q3) ²
	2018	2019	2020	2021	2022	
Number of Complaints Filed	n/a	n/a	0	1	4	3
Number of Complainants	n/a	n/a	0	1	4	3
Repeat Filers	n/a	n/a	0	0	0	0

Formal Complaint by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	Comparative Previous Fiscal Year Data					2023 Total (Through Q3)
	2018	2019	2020	2021	2022	
Race	n/a	n/a	0	1	3	1
Color	n/a	n/a	0	0	0	0
Religion	n/a	n/a	0	0	0	0
Reprisal	n/a	n/a	0	0	1	0
Sex	n/a	n/a	0	1	1	1
National Origin	n/a	n/a	0	0	0	2
Equal Pay Act	n/a	n/a	0	0	0	0
Age	n/a	n/a	0	0	1	1
Disability	n/a	n/a	0	0	2	0
Genetic Information	n/a	n/a	0	0	0	0
Non-EEO basis	n/a	n/a	0	0	0	0

Formal Complaint by Issue <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	Comparative Previous Fiscal Year Data					2023 Total (Through Q3)
	2018	2019	2020	2021	2022	
Appointments/Hire	n/a	n/a	0	0	1	0
Assignment of Duties	n/a	n/a	0	0	0	0
Awards	n/a	n/a	0	0	0	0

¹ The U.S. International Development Finance Corporation (DFC) was authorized by the Better Utilization of Investments Leading to Development Act of 2018 (BUILD Act, Division F of P.L. 115-254) and launched operations in December 2019.

² All FY 2023 Data through Q3 is reported as of June 30, 2023.

Conversion to Full-time	n/a	n/a	0	0	0	0
Disciplinary Action						
Demotion	n/a	n/a	0	0	0	0
Reprimand	n/a	n/a	0	1	0	0
Removal	n/a	n/a	0	0	0	0
Suspension	n/a	n/a	0	0	0	1
Other	n/a	n/a	0	0	1	0
Duty Hours	n/a	n/a	0	0	0	0
Evaluation Appraisal	n/a	n/a	0	0	1	2
Examination/Test	n/a	n/a	0	0	0	0
Harassment						
Non-Sexual	n/a	n/a	0	1	4	2
Sexual	n/a	n/a	0	0	0	0
Medical Examination	n/a	n/a	0	0	0	0
Pay (Including Overtime)	n/a	n/a	0	0	0	0
Promotion/Non-Selection	n/a	n/a	0	0	0	0
Reassignment						
Denied	n/a	n/a	0	0	0	0
Directed	n/a	n/a	0	0	0	0
Reasonable Accommodation	n/a	n/a	0	0	0	0
Reinstatement	n/a	n/a	0	0	0	0
Retirement	n/a	n/a	0	0	0	0
Termination	n/a	n/a	0	0	1	0
Terms/Conditions of Employment	n/a	n/a	0	0	0	0
Time and Attendance	n/a	n/a	0	0	0	0
Training	n/a	n/a	0	0	0	0
Other	n/a	n/a	0	0	0	0

Processing Time	Comparative Previous Fiscal Year Data					2023 Total (Through Q3)
	2018	2019	2020	2021	2022	
Complaints pending <i>for any length of time</i> during the fiscal year	n/a	n/a	0	1	4	7 ³
Average number of days in investigation	n/a	n/a	0	90	103	139

³ Total includes three FY 2023 complaints and four FY 2022 complaints. Three FY 2022 complaints were closed as of June 30, 2023.

stage						
Average number of days in final agency action stage	n/a	n/a	0	0	0	0
Complaints pending for any length of time during fiscal year where hearing was requested	n/a	n/a	0	0	1	2
Average number of days in investigation stage	n/a	n/a	0	0	140	182 ⁴
Average number of days in final agency action	n/a	n/a	0	0	0	0
Complaints pending for any length of time during fiscal year where hearing was not requested	n/a	n/a	0	0	0	0
Average number of days in investigation stage	n/a	n/a	0	0	0	0
Average number of days in final agency action stage	n/a	n/a	0	0	0	0

Complaints Dismissed by Agency	Comparative Previous Fiscal Year Data					2023 Total (Through Q3)
	2018	2019	2020	2021	2022	
Total Complaints Dismissed by Agency	n/a	n/a	0	0	0	0
Average days pending prior to dismissal	n/a	n/a	0	0	0	0
Complaints Withdrawn by Complainants						
Total Complaints Withdrawn by Complainants	n/a	n/a	0	0	0	0

Total Final Actions Finding Discrimination	Comparative Previous Fiscal Year Data										2023 Total (Through Q3)	
	2018		2019		2020		2021		2022			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Without Hearing	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
With Hearing	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Findings of Discrimination Rendered by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Previous Fiscal Year Data										2023 Total (Through Q3)	
	2018		2019		2020		2021		2022			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0

⁴ One Investigation exceeded 180 days, but complainant received proper notice and agreed to a 30-day extension.

Race	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Color	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Religion	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Reprisal	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Sex	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
National Origin	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Age	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Disability	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Genetic Information	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Non-EEO	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Findings After Hearing	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Race	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Color	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Religion	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Reprisal	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Sex	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
National Origin	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Equal Pay Act	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Age	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Disability	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Genetic Information	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Non-EEO	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Findings Without Hearing	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Race	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Color	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Religion	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Reprisal	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Sex	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
National Origin	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Equal Pay Act	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Age	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Disability	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Genetic Information	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Non-EEO	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Previous Fiscal Year Data										2023 Total (Through Q3)	
	2018		2019		2020		2021		2022			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Appointment/Hire	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Assignment of Duties	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Awards	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Conversion to Full-Time	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Reprimand	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Suspension	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Removal	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Other	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Duty Hours	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Evaluation Appraisal	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Examination/Test	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Sexual	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Medical Examination	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Pay (including Overtime)	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Promotion/Non-Selection	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Reassignment												
Denied	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Directed	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Reasonable Accommodation	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Reinstatement	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Retirement	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Termination	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Time and Attendance	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Training	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0

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

Awards	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Conversion to Full-time	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Disciplinary Action												
Reprimand	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Suspension	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Removal	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Other	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Duty Hours	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Evaluation Appraisal	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Examination/Test	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Sexual	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Medical Examination	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Pay (Including Overtime)	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Promotion/Non-Selection	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Reassignment												
Denied	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Directed	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Reasonable Accommodation	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Reinstatement	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Retirement	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Termination	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Time and Attendance	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Training	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Other	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Previous Fiscal Year Data					2023 Total (Through Q3)
	2018	2019	2020	2021	2022	
Total Complaints from Previous Fiscal	n/a	n/a	0	0	0	4 ⁵

⁵ Total reflects FY 2022 complaints in an open status as of 10/1/2022. Two FY 2022 complaints were closed in 1st and 2nd Quarters of FY 2023

Years						
Total Complainants	n/a	n/a	0	0	0	4
Number of Complaints Pending						
Investigation	n/a	n/a	0	0	0	3
Hearing	n/a	n/a	0	0	0	1
Final Agency Action	n/a	n/a	0	0	0	0
Appeal with EEOC Office of Federal Operations	n/a	n/a	0	0	0	0

Complaint Investigations	Comparative Previous Fiscal Year Data					2023 Total (Through Q3)
	2018	2019	2020	2021	2022	
Pending Completions where investigation exceeds required time frames	n/a	n/a	0	0	0	0

APPENDIX B: Equal Employment Opportunity Policy



MEMORANDUM

TO: DFC Staff

FROM: Scott Nathan, Chief Executive Officer

DATE: Sept 28, 2022

RE: DFC EEO Policy Statement

The U.S. International Development Finance Corporation (DFC) is committed to a workplace free of discrimination. As the 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 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.


Scott Nathan

1100 New York Avenue, NW
Washington, DC 20527
Office +1 202.336.8400
dfc.gov

APPENDIX C: Anti-Harassment Policy



MEMORANDUM

TO: DFC Staff

FROM: Scott Nathan, Chief Executive Officer

DATE: Sept 29, 2022

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

1100 New York Avenue, NW
Washington, DC 20527
Office +1 202.336.8400
dfc.gov

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

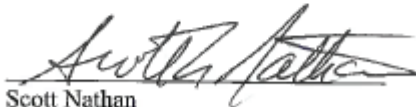
In *Meritor Savings Bank v Vinson*, 477 U.S. 57 (1986), the U.S. Supreme Court has ruled that sexual harassment is proven if the offensive conduct is based on the employee's sex, is unwelcome, and is sufficiently severe or pervasive to interfere with the employee's job performance or to create an abusive 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 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.


Scott Nathan