



USAID
FROM THE AMERICAN PEOPLE

**FY 2022
Notification and Federal Employee Antidiscrimination
and Retaliation Report**



Message from Ismael Martinez
Director, USAID Office of Civil Rights

It is my pleasure to present the United States Agency for International Development's (USAID) Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) Annual Report for Fiscal Year 2022.

The report focuses on USAID's equal employment opportunity (EEO) complaints program covering reporting requirements for FY 2022. While the report provides an overview of the Agency's EEO complaints process, it also demonstrates USAID's commitment to adhere to merit systems principles, provide protection from prohibited personnel practices, and promote accountability.



Ismael Martinez
OCR Director

03/30/2023

Date

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I. EXECUTIVE SUMMARY

USAID provides its Annual Report to Congress as required by Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (“No FEAR Act”), Public Law 107-174. This report covers data for FY 2022. (*Appendix B*)

USAID’s mission is to, on behalf of the American people, promote and demonstrate democratic values abroad and advance a free, peaceful, and prosperous world. In support of America’s foreign policy, USAID leads the U.S. government’s international development and humanitarian assistance through partnerships and investments that save lives, reduce poverty, strengthen democratic governance, and help people emerge from humanitarian crises and progress beyond assistance.

In FY 2022, USAID employed 4,373 Civil and Foreign Service employees. The [Office of Civil Rights \(OCR\)](#) played a vital role in enforcing the prohibition of discrimination, harassment, and retaliation in employment through a fair and consistent EEO program pursuant to [29 CFR Part 1614](#), [Management Directive 110](#) of the Equal Employment Opportunity Commission, and USAID’s fully revised EEO Program Policy, [Automated Directives System \(ADS\) Chapter 110](#).

In FY 2022, USAID timely processed 60 informal complaints compared to 51 informal complaints in FY 2021. The Agency completed the processing of 23 informal complaints within 30 days and completed the processing of the remaining 37 informal complaints between 31 and 90 days with the respective extensions; 12 out of the 60 informal complaints processed went through alternative dispute resolution (ADR).

There were 39 formal complaints filed in FY 2022, as compared to 31 in FY 2021. The most frequently alleged bases for formal complaints were reprisal (21), disability (16), and race (15). The most frequently alleged issues were terms and conditions of employment (22), non-sexual harassment (10), and promotion/nonselection (6). Please refer to Figure 1 later in this report to compare this information with data from previous years.

USAID timely completed 19 investigations and closed 36 cases in FY 2022. Nine (9) cases were closed by settlement agreements, eight (8) of which included monetary benefits. The Agency issued 25 final agency actions, and two complainants withdrew their complaints.

In FY 2022, five cases were pending in Federal District Court. USAID made no reimbursements to the U.S. Department of the Treasury’s Judgment Fund in FY 2022.

The Equal Employment Opportunity Commission (EEOC) made one finding of discrimination in FY 2022 against the Office of Inspector General, which operates independently from the rest of the Agency. There were no findings in Federal Courts against the Agency in FY 2022.

Separately, the Agency took immediate and appropriate action to address allegations of harassment through its Anti-Harassment Program, which is an internal Agency process required

by the EEOC. In FY 2022, the Anti-Harassment Program addressed 108 contacts and conducted 37 inquiries into allegations of harassment. Over 70 contacts, including inquiries, were referred for further action to USAID's Human Capital and Talent Management's (HCTM) Office of Employee and Labor Relations (ELR), resident legal officers in USAID Missions overseas, and USAID managers and supervisors throughout the Agency. Through this Program, OCR closed 107 of the 108 contacts by the end of the fiscal year. HCTM/ELR, in turn, assisted managers with providing guidance, training, counseling, admonishments, and other corrective actions in response to those referrals.

II. Introduction

The No FEAR Act requires federal agencies to submit annual reports to the President pro tempore of the Senate, the Speaker of the House of Representatives, 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, the EEOC, and the Director of the Office of Personnel Management (OPM). USAID submits this report to fulfill this requirement.

III. Background

In 2002, Congress passed the No FEAR Act because it found that “requiring annual reports to Congress on the number and severity of discrimination and whistleblower cases brought against each Federal agency should enable Congress to improve its oversight over compliance by agencies with the law.”¹

The No FEAR Act imposes additional obligations on federal agencies such as reimbursing the Judgment Fund for payments made to employees, former employees, or applicants for federal employment because of actual or alleged violations of federal employment discrimination laws and federal whistleblower protection laws, and retaliation claims arising from the assertion of rights under those laws. Accordingly, federal agencies must also:

- Provide annual notice to their employees, former employees, and applicants for federal employment concerning the rights and remedies applicable to them under the employment discrimination and whistleblower protection laws.
- At least every two years, provide training to its employees, including managers, regarding the rights and remedies available under the employment discrimination and whistleblower protection laws.
- Post quarterly summary statistical data pertaining to EEO complaints filed with the agency on its public website.

The annual report must provide the following information:

¹ Pub. L. No. 107-174, § 101(7).

- The number of federal court cases, pending or resolved, arising under the No FEAR Act laws and the status and disposition of the cases.
- Judgment Fund reimbursements and adjustments to agency budgets to meet reimbursement requirements.
- The number and type of disciplinary actions related to discrimination, retaliation, or harassment and the agency's policy relating to appropriate disciplinary action.
- Year-end summary data related to federal-sector EEO complaint activity.
- An analysis of trends, causation, and practical knowledge gained through experience and actions planned or taken to improve complaint or civil rights programs.
- The agency's plan for No FEAR Act-related training.

It is the policy of USAID to ensure that all employees can achieve their fullest potential, and applicants for employment can compete on an equitable basis regardless of race, color, religion, sex, pregnancy, sexual orientation, gender identity, transgender status, national origin, age, physical or mental disability, genetic information, religion, marital or parental status, veteran status, membership in an employee organization, political affiliation, or involvement in protected EEO activity. Further, the Agency will promote the full realization of a diverse and inclusive workforce and EEO through a continuing affirmative employment program.

OCR is responsible for providing leadership, strategic direction, guidance, technical expertise, and advisory services to carry out USAID's EEO program responsibilities. OCR plays a neutral, advisory role in the Agency to help foster and support a work environment that is free from discrimination, harassment, and retaliation through policies and practices that foster an equitable, fair, inclusive, and accessible workplace. OCR carries out its responsibilities and conducts its programs in accordance with federal laws, statutes, regulations, directives, Executive Orders, and Agency policies with the purpose of establishing and maintaining a model EEO program. In FY 2022, the Office had four functional divisions to support its programmatic and management operations functions: the Complaints and Resolution Division; the Disability Employment Division; the Affirmative Employment Division;² and the Strategic Programs Operations Division.

The Office is responsible for the following Agency programs and functions:

- EEO Complaints Program, including oversight of EEO Collateral Duty Counselors
- Anti-Harassment Program
- Alternative Dispute Resolution Program
- Affirmative Employment Program
- Reasonable Accommodations Program
- Employee Resource Groups
- EEO training development and implementation
- Mandated Agency reporting (MD-715, No FEAR Act, Annual Federal EEO Statistical Report of Discrimination Complaints (Form 462))

² In 2022, the Office of the Chief Diversity, Equity, Inclusion, and Accessibility Officer (DEIA) was established in the USAID Administrator's Office. Henceforth, the Office of Civil Rights and Diversity became OCR as of February 2022. See page 13.

IV. Final Year-End Data for FY 2022

As required by the No FEAR Act, USAID's OCR posted and displayed a link to the No FEAR Act data on its [website](#).

V. Cases Filed in Federal District Court

Section 203(a)(1) of the No FEAR Act requires that agencies include in their No FEAR Act 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 proposed regulations issued on January 25, 2006, clarifies section 203(a)(1) of the No FEAR Act to require that the agencies report on the "number of cases in Federal Court pending or resolved ... arising under each of the respective provisions of the Federal Antidiscrimination laws and whistleblower protection laws."

In FY 2022, five cases against USAID were pending in Federal District Court. All cases involve [Title VII of the Civil Rights Act of 1964](#). Two cases also involve the [Age Discrimination in Employment Act of 1967](#). One case also involves the [Rehabilitation Act of 1973](#). A sixth case involving Title VII was dismissed for failure to prosecute.

VI. Reimbursement to the Treasury Judgment Fund

OPM published interim final regulations in the *Federal Register* on January 22, 2004, and final regulations on May 10, 2006, to clarify the agency reimbursement provisions of Title II of the No FEAR Act. These regulations, among other things, state 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 the notice from FMS or must contact FMS to make arrangements in writing for reimbursement.

USAID made no reimbursement to the Judgment Fund in FY 2022.

VII. Disciplinary Actions

Section 203(a)(4) of the No FEAR Act requires that agencies include in the No FEAR Act 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 (l)." Section 203(a)(l) 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 guidelines provide that these cases refer to the number of discrimination cases for which the Judgment Fund paid on behalf of the agency. The proposed 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.

There are no disciplinary actions based on discrimination, retaliation, or harassment to report for FY 2022.

VIII. Policy Description on Disciplinary Actions

Section 203(a)(6) of the No FEAR Act requires that agencies include in their No FEAR Act 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 reports on the number of disciplined employees in accordance with such policy and the specific nature of the disciplinary action taken.

[Chapters 485, Disciplinary Action - Foreign Service](#), and [487, Disciplinary and Adverse Actions Based Upon Employee Misconduct - Civil Service](#), of USAID's ADS establish the policies and procedures for the Agency to impose disciplinary actions for employees in the Civil and Foreign Services, including for engaging in discrimination, harassment, and retaliation. ADS Chapter 487 provides a link to the Agency's Table of Offenses and Penalties, which offers guidance to supervisors on the penalties they may impose for such misconduct. [HCTM/ELR](#) assists the Agency's management in understanding and implementing such disciplinary policies. In FY 2022, the EEOC issued a finding of discrimination against the Office of Inspector General, which operates separately from the rest of the Agency. The finding was entered on appeal in a FY 2016 case, which involved the [Rehabilitation Act of 1973](#). EEOC and federal courts did not issue any findings of discrimination, harassment, or retaliation against the Agency. Therefore, USAID did not discipline any employee under these policies.

IX. Training Requirement for No FEAR Act

Section 202(c) of the No FEAR Act requires agencies to provide training to their employees on the rights and remedies under federal antidiscrimination, retaliation, and whistleblower protection laws. Under 5 C.F.R. 724.203, agencies are required to develop a written plan for training employees on the No FEAR Act.

In FY 2022, USAID trained more than 12,000 members of the workforce, including federal and non-federal employees, through its mandatory No FEAR Act training. This training is required every two years and is administered through USAID University, which is the Agency's online learning management system. In addition, OCR's Complaints and Resolution Division conducted "Requesting Reasonable Accommodation and Addressing Discrimination & Harassment" training in collaboration with the Disability Employment Division.

X. Examination of Trends, Causal Analysis, Practical Knowledge Gained

Through Experience, and Actions Planned or Taken to Improve the Complaints Program

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 complaint or civil rights programs of the agency.”

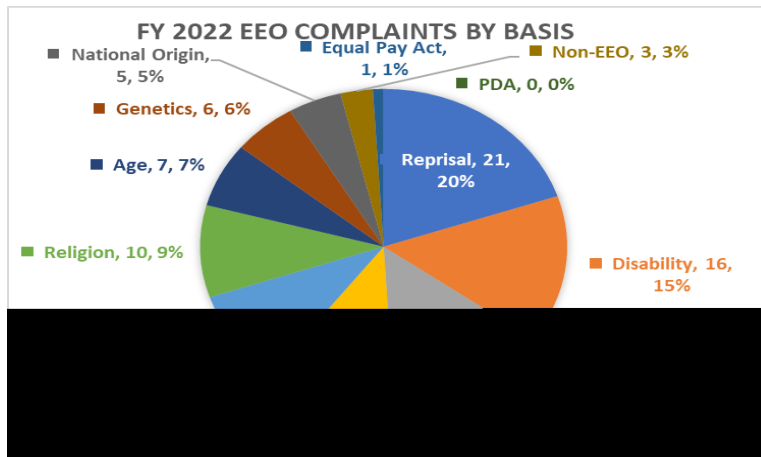
Trends and Analysis

USAID’s complaint activity data in Figure 1, below, shows that complainants filed 39 formal complaints in FY 2022, compared to 31 filed in FY 2021.

Figure 1. Complaints Filed FY 2017 to FY 2022

	Previous Fiscal Year Data					2022
	2017	2018	2019	2020	2021	
Number of Complaints Filed	19	30	25	29	31	39
Number of Complainants	18	30	25	26	29	38
Repeat Filers	1	0	0	3	2	1

Figure 2. FY 2022 EEO Complaints by Basis



In FY 2022, as presented in Figure 2, the most frequently alleged bases were reprisal (21, or 20 percent); disability (16, or 15 percent); and race (15, or 14 percent). The top issues were terms and conditions of employment (22, or 35 percent); non-sexual harassment (10, or 16 percent); and promotion/non-selection (6, or 10 percent).

In FY 2022, USAID completed 19 investigations of formal EEO complaints, all of which were completed timely as shown in Figure 3, below. Figure 3 shows that the average number of days

a complaint was under investigation in FY 2022 increased slightly from FY 2021, but was still timely and lower than previous fiscal years. Additionally, as shown below, the average number of days cases remained in final action is the lowest when compared to the previous five fiscal years.

Figure 3. Processing Time

	Previous Fiscal Year Data					2022
	2017	2018	2019	2020	2021	
Complaints pending during fiscal year						
Average number of days in investigation	0	319.93	310.80	219.07	149.70	157.33
Average number of days in final action	163.60	313.00	129.78	111.50	37.26	31.11
Complaint pending during fiscal year where hearing was requested						
Average number of days in investigation	0	286.43	332.33	246.57	151.25	167.50
Average number of days in final action	0	0	81.67	48.42	28.82	10.38
Complaint pending during fiscal year where hearing was not requested						
Average number of days in investigation	0	353.43	260.56	146.88	147.93	158.00
Average number of days in final action	163.60	313.00	226.00	201.64	48.88	53.62

In FY 2022, USAID closed 36 cases. Nine (9) cases closed by settlement agreements, eight (8) of which included monetary benefits. The Agency issued 25 final agency actions, and two (2) complainants withdrew their complaints. The Agency did not make findings of discrimination in any of the cases.

In FY 2022, 60 cases went through informal EEO counseling. Two individuals were counseled twice, which makes a total of 59 counseled individuals. All informal complaints were processed timely: 23 were completed within 30 days, and 37 were completed between 31 and 90 days with granted extensions. Twelve of those cases went through ADR.

Practical Knowledge Gained and Actions Planned or Taken to Improve the Complaint Program

Under the No FEAR Act, agencies in their annual reports must analyze certain complaint-related data, providing practical knowledge gained through experience and any actions planned or taken to improve the agency's complaint or civil rights programs to eliminate discrimination and retaliation in the workplace.

The FY 2022 No FEAR Act Report showcases the numerous efforts and improvements the Agency has made in fulfilling its obligations pursuant to 29 C.F.R. Part 1614, EEOC Management Directive 110, and related laws and regulations. The following accomplishments and actions were taken to improve the Agency's EEO complaint program:

- **Senior Leadership Commitment.** Senior leadership showed commitment to the EEO program and diversity, equity, inclusion, and accessibility (DEIA) through dissemination of Agency-wide notices, small- and large-group discussions with members of the domestic and overseas workforce, and other initiatives.
- **EEO Training Campaign and Proactive Prevention.** USAID is committed to preventing discriminatory and harassing actions and eliminating barriers to EEO in the workplace by implementing a myriad of robust and proactive prevention efforts. OCR conducted training for all new federal and non-federal employees through the Agency's New Employee Orientation. In FY 2022, OCR also conducted training for all new Foreign Service Officers through the Career Candidates Corps Orientation to promote the EEO program and provided avenues to report discriminatory and harassing behavior and retaliation. Additionally, OCR conducts awareness training for the workforce to help prevent and eliminate discrimination, harassment, and retaliation. OCR collaborated with other entities, such as the Administrator's Action Alliance for the Prevention of Sexual Misconduct, to provide training and increase awareness of EEO laws and regulations. In FY 2022, OCR continued with the training campaign to provide proactive training to bolster resiliency around EEO, ADR, and anti-harassment issues. In FY 2022, this training included OCR's Disability Employment Division on procedures for requesting reasonable accommodation in the workplace.
- **EEO Collateral Duty Counselors Cadre.** In FY 2022, the EEO Collateral Duty Counseling program continued its customer-focused approach to manage the EEO pre-complaint process more effectively. Customer service is at the forefront of the Program as counselors assist aggrieved individuals in going through the EEO complaint process efficiently and strive to resolve complaints at the lowest level possible while ensuring that all parties are treated with fairness, respect, and dignity. In FY 2023, OCR will increase the cadre to around 30 certified EEO Collateral Duty Counselors to serve the entire Agency.
- **ADR Engagement.** In FY 2022, the ADR program took efforts to increase engagement across the workforce. ADR continued to be offered starting from the informal stage and throughout the entire EEO complaint process. OCR conducted a survey to assess the program and provide further feedback to bolster participation as a tool to explore engagement.

- **Anti-Harassment Program.** OCR manages the [Anti-Harassment Program](#). Once a harassment allegation is received, the report is referred to the Anti-Harassment Program for action. While the EEO complaint process is optional, generally, once the Agency is on notice of harassment allegations, the Anti-Harassment Program takes prompt and appropriate corrective action to address alleged harassing behavior, including conducting administrative inquiries.
- **Increasing Diversity, Ensuring Equity, Improving Inclusion, and Expanding Access.** In alignment with Executive Order (E.O.) 14035, issued in June 2021, DEIA in the Federal Workforce, USAID separated the role and responsibilities of the Chief Diversity Officer (CDO) from the Equal Employment Opportunity Officer. The Office of the Chief Diversity, Equity, Inclusion, and Accessibility Officer (A/DEIA) was established in February 2022 led by the CDO, a politically appointed senior executive in the Office of the Administrator. A/DEIA advances USAID's efforts to foster more respectful, inclusive, and safe environments across USAID's workplaces and programs by investing in people, updating policies and processes, and strengthening and diversifying programs and partnerships.

Diversity, Equity, Inclusion, and Accessibility Strategy. In FY 2022, the Agency's current DEIA Strategic Plan, an update to an earlier version Administrator Power signed on her first day in office, provided a framework outlining key implementation and evaluation areas that will move USAID forward to DEIA outcomes. This strategy represented the collective efforts of USAID's global workforce from all hiring mechanisms. Diverse Agency-wide working groups are working to implement and provide guidance for decentralized implementation of all aspects of the DEIA strategy under the direction of A/DEIA.

USAID's Respectful, Inclusive, and Safe Environments (RISE) Platform utilizes an innovative, cross-disciplinary, scenario-driven model to promote foundational knowledge and skills related to USAID's workplace and programs. The RISE Platform includes content related to: defining respect and civility; promoting DEIA by exploring implicit biases and micromessaging; promoting employee accountability; promoting empathy and awareness around LGBTQI+ issues including gender identity; preventing harassment and misconduct, including sexual misconduct; promoting inclusive development approaches in USAID's programs and inclusion principles in USAID processes; integrating safeguarding measures in USAID programs to protect beneficiaries from harm, including sexual exploitation and abuse; and advancing staff safety, security, wellness, and resilience. In FY 2022, RISE:

- Trained 4,200+ USAID Staff, including 43 percent of all supervisors and managers.
 - Conducted 428 training sessions, events, and seminars on DEIA issues.
 - Increased its reach by 55 percent from FY 2021.
- **The Reasonable Accommodation (RA Program) Division** was restructured to the Disability Employment (DE) Division effective February 14, 2022, and houses three programs: (1) reasonable accommodation process; (2) recruitment and retention of individuals with disabilities; and (3) policy and data analysis.

In FY 2022, the OCR/DE RA Program processed all but one accommodation request within the time frame of 30 business days, as set forth in the USAID RA policy - ADS 111: Procedures for Providing Reasonable Accommodations to Individuals with Disabilities.

- a. The average processing time in FY 2022 was nine days.
- b. The total contacts were 456, and one was outside of the 30-day limit.
- c. The RA program collaborated with HCTM, GC, and the Bureau for Management to process 27 COVID-19 vaccination exception and/or extension requests.
- d. The top five accommodation types were: transportation (parking and business class travel); telework/remote work; ergonomics; assistive technology; and flexible work schedule.

The Disability Resource Center (DRC) is a centralized tool OCR rolled out and became live via the intranet on November 5, 2021. It offers a one-stop shop for information to managers, employees, and HR officials that supports the hiring, retention, development, and advancement of individuals with disabilities and increased access to USAID's virtual and physical work environments, all in one convenient location. DRC will establish an on-site demonstration center on assistive technology and ergonomics in support of the OCR/DE division.

OCR/DE collaborated with HCTM/External Outreach and Strategic Recruitment (HCTM/XOSR), A/DEIA, and the Human Capital Services Center (HCTM/HCSC) in support of President Biden's Executive Order 14035, *DEIA in the Federal Workforce* in the sourcing and hiring of veterans and persons with disabilities via non-competitive hiring authorities. In the last quarter of the fiscal year, OCR/DE, A/DEIA, HCTM/XOSR, and HCTM/HCSC held several events: (1) internal Schedule A hiring authority sessions for the USAID workforce and the employee with disabilities employee resource group to respond to a hiring surge to fill available civil service positions; (2) the collaboration continued with HCTM/XOSR to assist with two external virtual career fairs: USAID's first Veterans and Persons with Disabilities Career Fair and HCTM's regular host vendor Equal Opportunity Publications Careers & the disAbled Magazine's Expo for People with Disabilities.

The OCR/DE team also collaborated with HCTM/HCSC and A/DEIA on documenting and circulating a new Standard Operating Procedure designed to source and hire veterans and persons with disabilities. This new procedure ensures USAID is intentional in considering, interviewing, and hiring eligible and qualified candidates.

The OCR/DE team, in collaboration with A/DEIA and the HCTM's Office of Workforce Planning, Policy, and Systems Management (HCTM/PPSM), continued to provide guidance and assistance in targeted outreach and recruitment of individuals with disabilities. The OCR/DE and A/DEIA developed an Agency Notice on "Reviewing, Validating, and Updating Your Disability Status Code" to encourage direct hires and U.S. personal services contractors to voluntarily self-report their status to assist USAID in correctly documenting its compliance with the federal hiring and retention goals.

In FY 2022, ADS 111 had partial revisions to add the definition of “accessibility,” more inclusive gender-neutral language and Policies and Procedures for Recording Audio and Video Meetings.

Finally, the OCR/DE team developed and provided virtual training to 3,870 members of the workforce, including managers and supervisors, on their responsibilities and rights with regards to RA, accessibility, and other disability matters in the workplace.

In FY 2022, USAID took the following additional actions in support of its EEO Program:

- Adhered to [EEOC Management Directive 715](#), which evaluates its EEO program on an annual basis.
- Reissued its [EEO Policy Statement](#), which reaffirms the Agency’s commitment against discrimination, harassment, and retaliation. Administrator Samantha Power issued the most recent EEO Policy Statement on October 24, 2022.
- Posted quarterly complaints data on USAID’s website pursuant to the No FEAR Act.

XI. Adjustment to Budget

Section 203(a)(8) of the No FEAR Act requires that agencies include in their No FEAR Act 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.” This section requires federal agencies to reimburse the Judgment Fund for any discrimination and whistleblower related settlements or judgments reached in Federal Court.

In FY 2022, USAID had no discrimination or whistleblower-related settlements, or judgments reached in Federal Court.

XII. Conclusion

USAID is fully committed to creating a work environment free from discrimination, harassment, and retaliation. The Agency’s senior leadership demonstrated a commitment to EEO and DEIA principles by ensuring the workforce is aware of the applicable EEO laws, policies and procedures, and DEIA principles and best practices through various initiatives. On an annual basis, the USAID Administrator issues a policy statement on EEO, harassment, and retaliation to renew the Agency’s commitment to prohibiting discrimination in all protected categories. In addition, senior leadership promotes an inclusive and accessible workplace, cultivating the freedom to compete in a fair and level playing field while maintaining a model EEO program.

Appendix A

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT POLICY STATEMENT ON EQUAL EMPLOYMENT OPPORTUNITY

Thursday, October 7, 2021

USAID’s ability to create a safer, healthier, more democratic, and more prosperous world relies on our ability to foster a diverse, equitable, inclusive, and accessible workforce and culture where all members of our workforce can thrive. To this end, I reaffirm USAID’s commitment to addressing inequality—including by tackling discrimination—and working tirelessly to ensure that all employees receive equal treatment under the law.

Our aim is to ensure that all employees can achieve their fullest potential and applicants for employment can compete on an equitable basis regardless of race, color, religion, sex (including pregnancy, sexual orientation, gender identity, or transgender status), national origin, age, physical or mental disability, genetic information, religion, marital or parental status, veteran

status, membership in an employee organization, political affiliation, or involvement in protected equal employment opportunity (EEO) activity.

Federal law and USAID policy prohibit discrimination, harassment, and EEO-related retaliation in the workplace and all employment-related decisions, including, but not limited to, hiring, tenure, retention, promotion, assignments, career development, and benefits. Members of USAID’s workforce and applicants for employment who believe they have been subjected to discrimination or retaliation—or who are seeking additional information about their EEO rights and responsibilities—may contact the Office of Civil Rights (OCR) or an EEO Counselor at EEOcomplaints@usaid.gov within 45 days from the date the discrimination was believed to have occurred, or, if the discrimination involved a personnel action, from the date the action took effect.

Further, USAID does not tolerate workplace harassment, including sexual harassment, of any kind and will address such misconduct before it becomes severe or pervasive enough to be unlawful. I encourage all members of USAID’s workforce to report suspected or alleged harassment. USAID management officials must report allegations of harassment based on an EEO protected class within one business day to OCR at OCRharassment@usaid.gov or via the USAID Misconduct Reporting Portal. All members of USAID’s workforce are subject to corrective or disciplinary action if found to have engaged in misconduct.

Maintaining an Agency atmosphere that is free from discrimination, harassment, and retaliation is essential to our credibility when promoting democratic values, human rights, and rule of law with our partner countries. When we exemplify these seminal values as an Agency, we not only celebrate our diversity, but become more inclusive and equitable as well as more effective in all we do.

Administrator Samantha Power

Appendix B

Equal Employment Opportunity Data Posted Pursuant to the No Fear Act:

USAID

For 4th Quarter 2022 for period ending September 30, 2022

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
	2017	2018	2019	2020	2021	

Number of Complaints Filed	19	30	25	29	31	39
Number of Complainants	18	30	25	26	29	38
Repeat Filers	1	0	0	3	2	1
Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2017	2018	2019	2020	2021	
Race	6	14	13	15	16	15
Color	1	5	7	7	6	10
Religion	0	3	2	2	3	10
Reprisal	6	13	11	16	20	21
Sex	8	18	16	12	12	12
PDA	1	1	1	1	0	0
National Origin	0	8	5	6	5	5
Equal Pay Act	0	0	0	0	0	1
Age	1	10	10	8	7	7

Disability	2	8	3	6	6	16
Genetics	0	0	0	0	0	6
Non-EEO	0	1	2	2	2	3

Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
<p>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</p> <p>Starting in FY2022, issues marked with:</p> <p>* are reported under Other Terms / Conditions of Employment.</p>	2017	2018	2019	2020	2021	

** are reported under Other Disciplinary Actions.						
Appointment/Hire	1	0	0	0	7	1
Assignment of Duties*	2	1	8	4	3	0
Awards	0	0	0	0	0	0
Conversion to Full Time/Perm Status*	0	0	0	0	0	0
Disciplinary Action						
Demotion	0	0	0	0	0	0
Reprimand**	1	0	0	0	0	0
Suspension	0	0	0	1	0	0
Removal	0	0	1	0	0	1
Disciplinary Warning**	0	0	0	0	0	0
Other Disciplinary Actions**	0	0	1	0	0	2
Other 2**	0	0	0	0	0	0
Duty Hours*	0	0	0	0	0	1
Perf. Eval./ Appraisal	2	5	1	0	6	3
Examination/Test	0	0	0	0	0	0
Harassment						
Non-Sexual	0	1	3	5	4	10

Sexual	1	1	0	0	0	0
Medical Examination	0	0	0	0	0	0
Pay including overtime	4	2	1	1	0	4
Promotion/Non-Selection	0	3	1	5	10	6
Reassignment						
Denied	0	0	0	0	0	2
Directed	1	0	1	1	0	0
Reasonable Accommodation Disability	2	3	0	2	1	1
Reinstatement*	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0
Retirement*	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	0	0	0	0
Termination	1	2	0	4	1	3
Terms/Conditions of Employment*	0	4	3	7	4	9
Time and Attendance	1	1	0	2	0	2
Training	0	0	0	0	0	5
Other Terms/Conditions of Employment*	0	0	0	0	0	13

User Defined - Other 1*	1	3	3	0	0	0
User Defined - Other 2*	0	1	0	0	0	0
User Defined - Other 3*	0	0	0	0	0	0
User Defined - Other 4*	0	0	0	0	0	0
Processing Time	Comparative Data					
	Previous Fiscal Year Data					2022
	2017	2018	2019	2020	2021	Thru 09-30
Complaints pending during fiscal year						
Average number of days in investigation	0	319.93	310.80	219.07	149.70	157.53
Average number of days in final action	163.60	313.00	129.78	111.50	37.26	31.11
Complaint pending during fiscal year where hearing was requested						
Average number of days in investigation	0	286.43	332.33	246.57	151.25	167.50

Average number of days in final action	0	0	81.67	48.42	28.82	10.38
Complaint pending during fiscal year where hearing was not requested						
Average number of days in investigation	0	353.43	260.56	146.88	147.93	158.00
Average number of days in final action	163.60	313.00	226.00	201.64	48.88	53.62

Complaints Dismissed by Agency	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
	2017	2018	2019	2020	2021	
Total Complaints Dismissed by Agency	1	2	5	4	2	7
Average days pending prior to dismissal	32	224	107	98	48	59
Complaints Withdrawn by Complainants						

Total Complaints Withdrawn by Complainants	1	2	1	2	2	2						
Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous Fiscal Year Data										2022 Thru 09-30	
	2017		2018		2019		2020		2021			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0	
Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
With Hearing	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2022 Thru 09-30	
<i>Note: Complaints can be filed alleging multiple bases.</i> <i>The sum of the bases may not equal total complaints and findings.</i>	2017		2018		2019		2020		2021			
	#	%	#	%	#	%	#	%	#	%	#	%

Total Number Findings	0	<input type="checkbox"/>	0	<input type="checkbox"/>	0	<input type="checkbox"/>	0	<input type="checkbox"/>	0	<input type="checkbox"/>	0	<input type="checkbox"/>
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetics	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	0	<input type="checkbox"/>	0	<input type="checkbox"/>	0	<input type="checkbox"/>	0	<input type="checkbox"/>	0	<input type="checkbox"/>	0	<input type="checkbox"/>
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0

Sex	0	0	0	0	0	0	0	0	0	0	0	0
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetics	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	0	<input type="checkbox"/>	0	<input type="checkbox"/>	0	<input type="checkbox"/>	0	<input type="checkbox"/>	0	<input type="checkbox"/>	0	<input type="checkbox"/>
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0

Disability	0	0	0	0	0	0	0	0	0	0	0	0	0
Genetics	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0	0

Starting in FY2022, issues marked with:

* are reported under Other Terms / Conditions of Employment.

** are reported under Other Disciplinary Actions.

Findings of Discrimination Rendered by Issue	Comparative Data											
	Previous Fiscal Year Data										2022	
	2017		2018		2019		2020		2021		Thru 09-30	
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties*	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Perm Status*	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												

Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand **	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other Disciplinary Actions**	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours*	0	0	0	0	0	0	0	0	0	0	0	0
Perf. Eval./ Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Te st	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay including overtime	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non -Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0

Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation Disability	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement*	0	0	0	0	0	0	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Retirement*	0	0	0	0	0	0	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0	0	0	0	0	0	0
Telework	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 1*	0	0	0	0	0	0	0	0	0	0	0	0

User Defined - Other 2*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 3*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 4*	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	0		0		0		0		0		0	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties*	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Perm Status*	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand**	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0

Other Disciplinary Actions**	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours*	0	0	0	0	0	0	0	0	0	0	0	0
Perf. Eval./ Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/ Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay including overtime	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation Disability	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement*	0	0	0	0	0	0	0	0	0	0	0	0

Religious Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Retirement*	0	0	0	0	0	0	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0	0	0	0	0	0	0
Telework	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 1*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 2*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 3*	0	0	0	0	0	0	0	0	0	0	0	0

User Defined - Other 4*	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	0		0		0		0		0		0	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties*	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Perm Status*	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand**	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other Disciplinary Actions**	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours*	0	0	0	0	0	0	0	0	0	0	0	0

Perf. Eval./ Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/ Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay including overtime	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation Disability	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement*	0	0	0	0	0	0	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Retirement*	0	0	0	0	0	0	0	0	0	0	0	0

Sex-Stereotyping	0	0	0	0	0	0	0	0	0	0	0	0
Telework	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 1*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 2*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 3*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 4*	0	0	0	0	0	0	0	0	0	0	0	0
	Comparative Data											

Pending Complaints Filed in Previous Fiscal Years by Status	Previous Fiscal Year Data					2022 Thru 09-30
	2017	2018	2019	2020	2021	
Total complaints from previous Fiscal Years	32	31	42	21	16	13
Total Complainants	30	29	40	19	13	9
Number complaints pending						
Investigation	13	9	6	0	0	0
ROI issued, pending Complainant's action	0	1	1	1	0	0
Hearing	25	20	32	20	15	8
Final Agency Action	6	6	4	0	1	5
Appeal with EEOC Office of Federal Operations	0	0	0	8	10	15

Complaint Investigations	Comparative Data					
	Previous Fiscal Year Data					2022 Thru 09-30
	2017	2018	2019	2020	2021	

Pending Complaints Where Investigations Exceed Required Time Frames	17	6	7	0	0	0
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