



Federal Communications Commission

Fiscal Year 2023 Annual Report to Congress on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002

Prepared by:

Office of Workplace Diversity

Submitted to the:

Speaker of the House of Representatives President pro tempore of the Senate
Senate Committee on Governmental Affairs

House of Representatives Committee on Oversight and Reform Senate Committee on
Commerce, Science and Transportation House of Representatives Committee on Energy and
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I. INTRODUCTION

The Federal Communications Commission (FCC) Office of Workplace Diversity submits this report pursuant to Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-1741¹ and the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, H.R. 6395, Title XI, Subtitle B (Sections 1131-1138).² Section 203 of the No FEAR Act requires each Federal agency to submit the No FEAR Act Annual Report no later than 180 days after the end of each fiscal year.³ The No FEAR Act directs that the annual report include: (1) the number of Federal court cases arising under the No FEAR Act laws and the status or disposition of the cases; (2) the amount of Judgment Fund reimbursements and adjustments to the FCC's budget to meet the reimbursement requirements; (3) the number of disciplinary actions related to discrimination, retaliation, or harassment and the FCC's policy relating to appropriate disciplinary action; (4) the agency's plan to train employees on their rights under the No FEAR Act; (5) the year-end summary of data related to Federal sector equal employment opportunity (EEO) complaint activity; and (6) an analysis of trends, causation, and practical knowledge gained through experience and actions planned or taken to improve complaint or civil rights programs.

The No FEAR Act is intended to reduce workplace discrimination within the Federal government by holding Federal agencies accountable for violations of anti-discrimination and whistleblower protection laws and requiring Federal agencies to post certain statistical data relating to Federal sector EEO complaints filed with the agencies.⁴ Since submission of its Fiscal Year (FY) 2021 Annual Report,⁵ the FCC has continued its efforts to maintain a work environment free from discrimination and harassment. Accordingly, for FY 2022 (October 1, 2021 to September 30, 2022), we report on the number of cases filed in Federal court regarding alleged violations of federal anti-discrimination or whistleblower protection laws, the disposition of those cases, money required to be reimbursed to the Judgment Fund, the number of employees disciplined for discrimination, retaliation, harassment, or other infractions of law cited in Section 201(c) of the No FEAR Act, and the FCC's No FEAR Act training efforts. This report also provides an analysis of the FY 2022 complaints, including trends and causal analysis and the practical knowledge gained.

¹ Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, 5 U.S.C. § 2301 (No FEAR Act).

² The Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, which became law on January 1, 2021, amended the No FEAR Act by altering the reporting requirements to strengthen Federal antidiscrimination laws enforced by the Equal Employment Opportunity Commission and to expand accountability within the Federal Government. On January 1, 2021, as part of William M. Thornberry National Defense Authorization Act for Fiscal Year 2022, the No FEAR Act of 2002 was also amended, however reporting requirements did not change.

³ No FEAR Act, 5 U.S.C. § 2301 note at § 203.

⁴ On May 15, 2002, President George W. Bush signed the No FEAR Act into law. It became effective on October 1, 2003. On January 1, 2021, the No FEAR Act was amended. *See* footnote 2.

⁵ FCC Fiscal Year 2021 Annual Report to Congress on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002" (FCC, March 2023) (FCC FY 2022 Report).

II. BACKGROUND

The FCC is an independent regulatory agency of the United States Government charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.⁶ It also regulates telecommunications, advanced communication services and video programming for people with disabilities as set forth in the Communications Act of 1934, as amended.⁷ The FCC’s mission is “to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, rapid, efficient, Nationwide, and world-wide wire and radio communication service with adequate facilities at reasonable charges.”⁸ In addition, the agency has a strategic goal to “Promote Diversity, Equity, Inclusion and Accessibility,” in furtherance of which the agency will “seek to gain a deeper understanding of how the agency’s rules, policies, and programs may promote or inhibit advances in diversity, equity, inclusion, and accessibility.”⁹ As the FCC continues to fulfill its mission, in turn, it is cognizant of and committed to doing its part to ensure that workplace discrimination and retaliation is not tolerated through its compliance with the No FEAR Act.

III. DATA

A. Civil Cases

Section 203(a)(1) of the No FEAR Act requires that agencies include in their annual 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.” Section 724.302 of Office of Personnel Management’s (OPM’s) implementing regulations clarifies Section 203(a)(1) of the No FEAR Act, stating that Federal agencies must report on the “number of cases in Federal court [district or appellate] pending or resolved....arising under each of the respective provisions of the Federal Antidiscrimination Laws and Whistleblower Protection Laws applicable to them....in which an employee, former Federal employee, or applicant alleged violation(s) of these laws, separating data by the provision(s) of law involved.”¹⁰ The laws covered in the No FEAR Act include:

- Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. § 2000e-16 (race, color, religion, sex, and national origin) (Title VII).
- The Age Discrimination in Employment Act of 1967, *as amended*, 29 U.S.C. § (age (40 and over) and reprisal) (ADEA).
- The Equal Pay Act of 1963, *as amended*, 29 U.S.C. § 206(d) (sex-based differentials and

⁶ Federal Communications Commission Strategic Plan 2022 – 2026, <https://www.fcc.gov/document/strategic-plan-2022-2026> (FCC 2022-2026 Strategic Plan).

⁷ *Id.*

⁸ 47 U.S.C. § 151.

⁹ See FCC, Strategic Plan 2022-2026 at 1 (2023).

¹⁰ 5 C.F.R. § 724.302.

reprisal) (EPA).

- Section 501 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 791 (disabilities and reprisal) (Rehabilitation Act)
- The Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff et seq. (genetic information and reprisal) (GINA); and
- The Civil Service Reform Act of 1978, 5 U.S.C. §§ 2302(b)(1), (b)(8), (b)(9) (race, color, religion, sex, national origin, age, disability, marital status, political affiliation, and whistleblowing and related reprisal) (CSRA)

No civil cases under the respective provisions of law covered by paragraphs (1) and (2) of Section 201(a) alleging discrimination by the FCC arose in FY 2023.

B. Judgment Fund Reimbursements and Budget Adjustments

Section 724.103 of OPM's implementing regulations requires Federal agencies to reimburse the Judgment Fund for payments covered by the No FEAR Act.¹¹ Additionally, Federal agencies must include information regarding any adjustments to their budget in order to reimburse any Judgment Fund payments. During FY 2023, the FCC neither made reimbursements to the Judgment fund nor needed to adjust its budget to comply with No FEAR Act reimbursement requirements.

C. Disciplinary Policies and Actions

Section 203(a)(6) of the No FEAR Act requires that an agency include in its annual report a detailed description of the policies implemented by that 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 No FEAR Act requires that, with respect to each 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.

In March 2023, Chairwoman Rosenworcel issued three policy statements that reinforce the FCC's commitment to establishing a workplace free from discrimination, harassment, and retaliation. The FCC has promoted several training initiatives envisioned to reduce discrimination, harassment, and retaliation, as well as promote diversity, equity, inclusion and accessibility, in its workplace. These training initiatives include presentations by external and internal speakers, book and film discussions, video presentations, online training and instructor-led training.

¹¹ 5 C.F.R. § 724.302.

The *Equal Employment Opportunity Policy Statement* explains the FCC’s firm commitment to EEO and the promotion of a strong affirmative employment program.¹² Additionally, the policy emphasizes the FCC’s determination to hold managers and supervisors accountable for ensuring equal employment opportunity and for achieving progress toward a diverse work force at all levels that is more representative.

The *Anti-Harassment Policy Statement* communicates the FCC’s zero tolerance policy in the workplace concerning harassment against employees on the basis of race, color, religion, sex, and sexual orientation, national origin, age, disability, marital status, parental status, political affiliation, family medical history or any other basis protected by law. Moreover, it reiterates the responsibilities of both managers and supervisors to prevent and promptly correct harassing conduct in the workplace.¹³ Any FCC employee found to have engaged in harassment or discrimination in violation of this policy is subject to disciplinary action. In this regard, the FCC also maintains a written policy on disciplinary actions and adverse actions under its Basic Negotiated Agreement with the National Treasury Employees Union. These actions range from an oral admonishment to removal.

The *Alternative Dispute Resolution Policy Statement* encourages managers, supervisors and employees to explore resolution alternatives, specifically mediation, to address workplace conflict in a fair, amicable, timely, equitable and cost-effective manner. Guided by a third-party neutral in an informal confidential forum, FCC staff can voluntarily communicate concerns and arrive at solutions workable for all parties. In supporting mediation as an alternative method for employees to explore and manage workplace conflict at the earliest opportunity and lowest level, the FCC seeks to improve employee communication and collaboration to enhance the efficiency and cohesiveness of the FCC community.¹⁴

Section 203(a)(4) of the No FEAR Act also requires that Federal agencies include the number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law covered by the No FEAR Act.¹⁵ In this context, discipline means any one or a combination of the following actions: reprimand, suspension without pay, reduction in grade or pay, or removal.¹⁶ The OPM’s final regulation provides that irrespective of discrimination cases in Federal court, Federal agencies are to report the total number of employees disciplined and the specific nature of the disciplinary actions taken in accordance with agency policy that prescribes disciplinary action for discrimination, retaliation, or harassment, and whistleblower protection law violations.¹⁷ In FY2023, the FCC did not discipline any employees for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in Section 203(a)(1) of the No FEAR Act.

D. No FEAR Act Training

Section 202(c) of the No FEAR Act requires agencies to provide training for their employees on the rights and remedies under Federal anti-discrimination, retaliation, and whistleblower protection laws.

¹² See Appendix B.

¹³ See Appendix C.

¹⁴ See Appendix D.

¹⁵ Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 -- Reporting and Best Practices, 71 Fed. Reg. 78033, 78035 (2006).

¹⁶ *Id.* at 78037.

¹⁷ *Id.* at 78035.

Under Section 724.203 of OPM’s implementing regulations, 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. New employees must receive No FEAR Act training within ninety days of appointment, which is satisfied through the FCC’s New Employee Orientation program.

For FY 2023, all new employees received No FEAR Act training within ninety days of appointment. As reported in its FY 2022 Annual Report, the agency achieved a 99.65% completion rate of its No FEAR Act web-based training course. Thus, during FY 2023, the agency focused its No FEAR Act training efforts on those employees who had not completed the No FEAR Act web-based training by the end of FY 2022. In this connection, the Office of Workplace Diversity introduced instructor-led options, including in-person, virtual, and hybrid sessions. As a result of these efforts, to date, over 97% of FCC employees have completed No FEAR Act training. In addition, the FCC has continued to place strong emphasis on the rights and remedies that employees have under Federal antidiscrimination, retaliation, and whistleblower protection laws.

E. Final Year-End Data Posted Under Section 301(c)(1)(B)

Section 203(a)(5) of the No FEAR Act requires Federal agencies to include its final year-end data posted under Section 301(c)(1)(B) for such fiscal year. Moreover, Section 301(c)(2) of the No FEAR Act requires Federal agencies to include data for each of the five immediately preceding fiscal years. The FCC includes the final year-end data required under Section 301(b) of the No FEAR Act in Appendix A. During FY 2023, the FCC timely posted, and prominently displayed, a link to the No FEAR Act data on its main website not later than (30) days after the end of each quarter. Additionally, the FCC’s No FEAR Act data – including No FEAR Act annual reports, the FCC’s most recent No FEAR Act Notice, and quarterly data – can be accessed from the homepage of the FCC OWD website (<https://www.fcc.gov/workplace-diversity>) or directly at <https://www.fcc.gov/owd/no-fear-act-annual-report>.

IV. ANALYSIS OF COMPLAINTS

Section 203(a)(7) Section 203(a)(7) of the No FEAR Act requires that agencies undertake an examination of trends; causal analysis; practical knowledge gained through experience; and any actions planned or taken to improve complaint or civil rights programs of the agency.¹⁸ The FCC has examined the information reported. During FY 2023, there were three complaints filed alleging unlawful discrimination. From these three complaints, the FCC had one allegation of discrimination based on race, two allegations of discrimination based on color, two allegations of discrimination based on sex, one allegation of discrimination based on national origin, one allegation of discrimination based on disability, and three allegations of reprisal. None of the complaints has resulted in a finding of unlawful discrimination.

¹⁸ See *supra*, footnote 15 at 78038.

A. Trends and Causal Analysis of Complaints Filed

For FY 2023, the FCC received three formal complaints alleging discrimination based on race, color, sex, national origin, disability, and reprisal. The number of FY 2023 complaints, when compared to the number of complaints filed in FY 2022, was the same, representing a 0% change. Figure 1 shows the number of complaints filed each year for the four years preceding FY 2023 and the variance from the prior year's filing. Of note, FY 2023 matched the lowest number of complaints filed compared to the preceding four years. Excluding the sharp increase in number of complaints experienced in FY 2020, a review of the complaint numbers for the following three years reveal that the number of complaints filed in FY2023 sustains the general downward trend during the five-year period.

FIGURE 1: Number of complaints filed from FY 2019 to FY 2023

	2019	2020	2021	2022	2023
Formal EEO complaints	5	14	4	3	3
Complainants	5	13	4	3	3

The average number of complaints filed from FY 2018 to FY 2022 is 7¹⁹, while the average number of complaints filed from FY 2019 through FY 2023 is 5.8. The total number of complaints for FY 2023 represented an overall 17.14% decrease in the average number of formal complaints filed from the four preceding years. As a result, the downward trend in the number of complaints filed that was noted for FY 2022 remained in FY 2023.

The FCC's progress, demonstrated by a continued downward trend in number of complaints filed, is a direct result of sustained agency action and focus towards this end. Chairwoman Rosenworcel has reiterated agency leadership's commitment to reducing workplace discrimination within the Federal government in the FCC's Equal Employment Opportunity and Anti-Harassment Policy Statements. Such commitment is further demonstrated by the FCC Strategic Plan for FY 2022 through FY 2026, which states that the FCC is more effective when its workforce reflects the experience, judgment, and input of individuals from many different backgrounds and that advancing equity is core to the agency's management and policymaking processes.²⁰ Through dissemination of the agency's equal employment opportunity policies, and procedures complemented by new and recurring training initiatives, the FCC took measures to increase the awareness of senior leadership, supervisors, and managers regarding issues of diversity, equity, inclusion and accessibility. Additionally, the FCC continued its ongoing efforts to heighten employee awareness and knowledge of the EEO complaint process and the opportunity for employees to avail themselves of such process if and when they believe they have experienced disparate treatment in the workplace.

¹⁹ FCC FY2022 No FEAR Act Annual Report at 8.

²⁰ FCC Strategic Plan for FY2022 through FY2026 at 1.

B. Trends and Analysis of Bases

As depicted in Figure 2 below, for FY 2023, the most frequently cited basis in the formal complaints filed was reprisal, which was the named basis of three (3) complaints. This basis was followed by two (2) complaints involving color, two (2) complaints involving sex, one (1) complaint involving race, one complaint involving national origin, and one complaint involving disability.²¹

FIGURE 2: Chart of Bases/Allegations in FY 2023 (By Percentage)
(Bars order: Race, Reprisal, Sex, National Origin, Disability and Color)

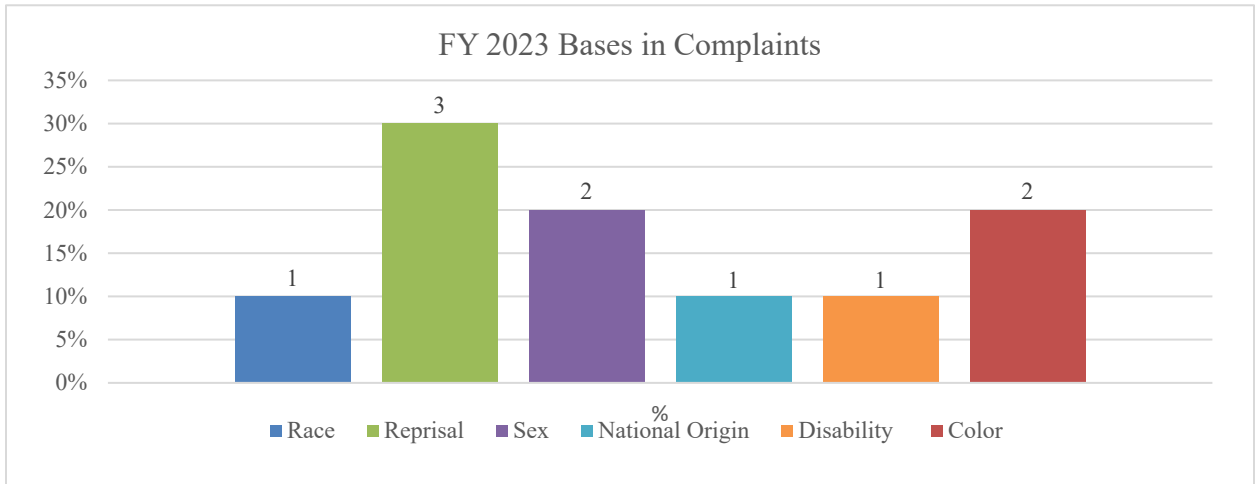
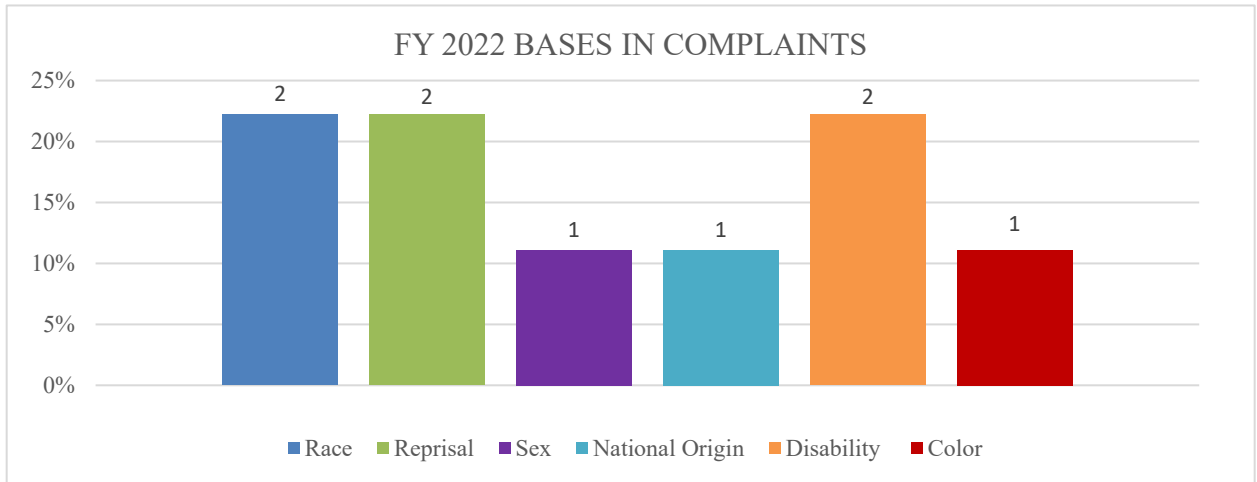


FIGURE 3: Comparison Chart of Bases/Allegations in FY 2022 (By Percentage)
(Bars order: Race, Reprisal, Sex, National Origin, Disability and Color)

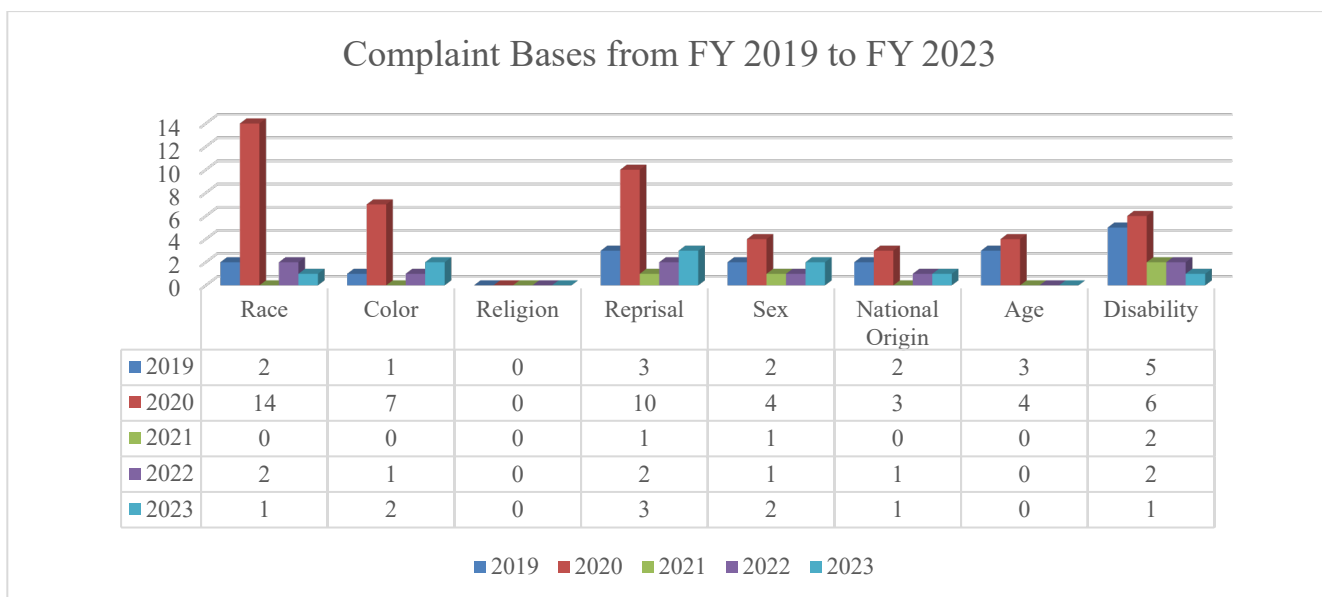


²¹ FCC's Strategic Plan for FY2022 through FY2026 at 1.

Comparatively, in FY 2022, the most frequently cited bases in the formal complaints were race, disability, and reprisal, which were the named basis of two (2) complaints. These bases were followed by one (1) complaint involving color, one (1) complaint involving sex, and one (1) complaint involving national origin.²² This analysis suggests a fluctuating trend in allegations of race, reprisal, sex, disability and color. For complaints concerning sex, reprisal, and color, the trend has been upward with an increase of 50% or more. For complaints concerning race and disability, the trend has been downward with a decrease of 50%. For complaints concerning national origin, the trend has been relatively consistent.

While the charts above reflect the year-to-year fluctuation in bases, they also show that with the exception of religion, Equal Pay Act, and genetic information, all bases have been alleged during two or more of the fiscal years since FY 2019. While the highest spikes in number of complaints have been for race, reprisal, color and disability, the number of complaints on other bases have not exceeded a total of five in any given fiscal year since FY 2019; moreover, the number of complaints on other bases either remained consistent with the previous fiscal year or have decreased. Further, for race and disability, there has been a downward trend with the number of FY 2023 complaints on these bases lower than those for FY 2019 complaints. For the bases of reprisal and sex, the number of FY 2023 complaints is consistent with the number of FY 2019 complaints. By contrast, for color, the number of FY 2023 complaints is only one greater than the number of FY 2019 complaints.

FIGURE 4: Trends in Complaint Issues Between FY 2019 - FY 2023
(Main Categories: Race, Reprisal, Sex, National Origin, Disability and Color. Under individual categories, bars go from 2019 to 2023)



²² Note that there were complaints that involved more than one basis.

As demonstrated by the graph above, with the exception of FY 2020, the overall number of allegations has generally decreased during the FY 2019 – 2023 period. For example, while race was the primary basis alleged in FY 2020 (with a high spike in number of complaints), and not alleged at all in FY 2021, the basis has otherwise been consistent with or lower than FY 2019; in fact, the single complaint with a race basis in FY 2023 reflects a decrease from FY 2022 (for which there were two (2) complaints). Thus, when viewing the overall data from the four preceding years, the numbers generally continue to trend downward from the high of fourteen (14) in FY 2020.

Similarly, while there were two (2) complaints filed in FY 2023 alleging color as a basis and two (2) complaints alleging sex as a basis, the number of complaints involving each have remained relatively consistent between FY 2019 and FY 2023. There is a notable exception of a 50% or more increase in each category for FY 2020, a year which saw a substantial increase in overall complaint activity.

Also, the graph demonstrates there was one (1) complaint concerning national origin and one (1) complaint concerning disability in FY 2023, which is on par with complaints concerning national origin in FY 2022 (1 complaint), but a 50% decrease from FY 2022 complaints alleging disability (2 complaints). When viewing the four preceding years, overall there is a downward trend overall for complaints involving national origin and disability.

C. Trends and Analyses of Issues

As demonstrated by Figure 5 below, the issues that formed the bases for complaints were varied and only two issues arose at least once during FY 2019 to FY 2023 – namely, assignment of duties and reasonable accommodations. The lowest incidence of these issues was in FY 2021 and FY 2022, where each had a single allegation. For FY 2023, the outcome remained consistent for reasonable accommodations but increased significantly for assignment of duties, a three-fold increase from one (1) to three (3).

To address these trends, the FCC has identified steps aimed at addressing potential issues in these areas. With regard to the assignment of duties, as noted in its FY 2022 Annual Report, the FCC has continued its efforts to examine actions pertaining to and/or likely to impact progress in this regard, including, but not limited to, reviewing position descriptions and policies and procedures concerning the assignment of duties for employees.²³ In this connection, the FCC has used the Employee Viewpoint Survey as a self- assessment tool and, going forward, will continue to do so.

In order to address these trends, the FCC has identified steps aimed at addressing potential issues in these areas. With regard to the assignment of duties, going forward, the FCC will continue its efforts including, but not be limited to, reviewing position descriptions, along with policies and procedures concerning the assignment of duties for employees, and using the Employee Viewpoint Survey as a self- assessment tool.

With regard to reasonable accommodations, the FCC continues to bolster its proactive efforts in the area of accessibility and the agency’s complementary efforts going forward will include, but not be limited to, providing increased training opportunities for employees, managers and supervisors, and increasing awareness of the FCC’s policies and procedures regarding reasonable accommodations. To this end, during FY 2022, the agency made orientation and mobility support services available at the FCC’s Headquarters facility to assist FCC employees with orientation or mobility-related disabilities.²³ In addition, during calendar year 2023, the agency launched an instructor-led training initiative about the FCC’s reasonable accommodations policy and procedures with both supervisor and employee courses, offering a total of five instructor-led reasonable accommodations training sessions.

By focusing on these steps, there is an increased likelihood that the number of formal complaints in these areas will continue to decline. The FCC will continue the following measures: (1) to reiterate the importance of supervisors improving communication with employees and providing effective feedback²⁴ regarding the assignment of duties; (2) to explore additional platforms to provide additional training concerning reasonable accommodations for FCC employees; and (3) to provide increased diversity, equity, inclusion, and accessibility training and resources.

D. Practical Knowledge Gained Through Experience and Action Plan

The trend analyses in the No FEAR Act reporting are shared with FCC Bureaus and Offices to encourage relevant action planning in the defined areas and to address a range of issues centered around diversity, equity, inclusion and accessibility. The FCC has promoted several training initiatives envisioned to reduce the potential of incidents of discrimination, harassment and retaliation, as well as promote diversity, equity, inclusion and accessibility, in its workplace. These training initiatives include presentations by external and internal speakers, book and film discussions, video presentations, online and instructor-led training.

In our last two reports, we recognized that the overall decrease in the number of formal complaints filed after the substantial peak in FY 2020, in part, may have been consequences of the agency’s telework status for employees in response to the COVID-19 pandemic. With more employees present in the “physical” workplace during FY 2021 and FY 2022, we have experienced a downward trend for the total number of complaints each fiscal year.

²³ FCC FY2022 No FEAR Act Annual Report at 11

²⁴ Orientation and mobility support services, as a general matter, include orientation and mobility evaluations of the area in and around the FCC’s Headquarters facility to assess challenges presented by the building, surrounding area, and transportation options available for employees who are blind or visually impaired or who have physical mobility challenges.

As part of its ongoing efforts to promote a continued downward trend in complaints, in FY 2022 and beyond, the FCC has continued to encourage conflict resolution and proactive measures to resolve issues of controversy or workplace conflict. Along these lines, the FCC Alternative Dispute Resolution (ADR) Program is promoted and made available to individuals involved in EEO and non-EEO related conflicts. The FCC had three FY 2023 pre-complaint activities that were either closed or withdrawn during the informal phase and did not rise to the level of a formal complaint. We attribute this outcome, at least in part, to the continuation of the agency's proactive efforts to offer ADR to all individuals initiating pre-complaints and all who initiate formal complaints of discrimination. The FCC also has continued to offer ADR training and informational sessions to foster awareness of the goals and benefits of mediation, familiarize senior leadership, managers and supervisors and employees with ADR, promote collaborative and positive work relationships, and introduce strategies for managing conflict. Through its efforts in these areas, the FCC seeks to increase ADR participation levels and conflict resolution rates in FY2024 and beyond. Further, our experience suggests that the number of filings that do not result in a formal complaint, due either to settlement by the parties or voluntary withdrawal from the EEO process, should continue to increase given the strides the FCC has made with its ADR program and the agency's ongoing promotion and offering of training for senior leadership, managers, supervisors and employees.

V. CONCLUSION

During FY 2023, the FCC continued to make strides in its efforts to foster and promote a workplace free from harassment and discrimination. There were three formal complaints filed alleging violations covered under the No FEAR Act. None of these complaints resulted in a finding of unlawful discrimination. No FCC employees were disciplined for discrimination, retaliation, harassment or other infractions of law in connection with a federal district court action. These outcomes demonstrate the FCC's continued movement in the right direction on these fronts..

Specific reasons exist for these FY 2023 outcomes. First, the FCC employs several training and other initiatives, including detailed trainings for FCC managers and employees on the No FEAR Act, EEO laws, Whistleblower Protection Act, prohibited personnel practices and ADR, and programs promoting diversity, equity, inclusion and accessibility in the FCC workplace. Second, the FCC has bolstered its emphasis on encouraging employees and supervisors to resolve workplace disputes at the earliest stages through ADR and coaching programs. This increased attention to the early resolution of workplace issues, coupled with periodic briefings and training, undoubtedly has had a favorable impact on the FCC's efforts to decrease the number of formal complaints filed. In addition, the FCC has endeavored to have proactive and effective communication with employees about major changes in the agency's organization, policies and practices. This approach has, in turn, allayed employee concerns that arise in the workplace. Finally, the FCC recognizes that emphasizing the benefits of ADR to managers, supervisors and employees will continue to yield enormous results on this front. Accordingly, the FCC will continue to finetune its efforts to promote and ensure a diverse, equitable, inclusive and accessible workplace free of harassment and discrimination and proactively leverage strategies to identify, address and resolve workplace conflicts before they become formal complaints.

APPENDIX A



**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
 First Quarter – Fiscal Year 2024
 October 1, 2023 through December 31, 2024**

Complaint Activity 29 C.F.R. § 1614.704(a) – (c)	Comparative Data					1st Qtr.
	Previous Fiscal Year Data					
	2019	2020	2021	2022	2023	
Number of Complaints Filed	5	14	4	3	3	2
Number of Complainants	5	13	4	3	3	2
Repeat Filers	0	1	0	0	0	0

Complaints by Basis 29 C.F.R. § 1614.704(d) <small>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</small>	Comparative Data					1st Qtr.
	Previous Fiscal Year Data					
	2019	2020	2021	2022	2023	
Race	2	14	0	2	1	1
Color	1	7	0	1	2	0
Religion	0	0	0	0	0	0
Reprisal	3	10	1	2	3	2
Sex	2	4	1	1	2	1
National Origin	2	3	0	1	1	0
Equal Pay Act	0	0	0	0	0	0
Age	3	4	0	0	0	1
Disability	5	6	2	2	1	1
Genetic Information	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0

Complaints by Issue 29 C.F.R. § 1614.704(e) <small>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</small>	Comparative Data					1st Qtr.
	Previous Fiscal Year Data					
	2019	2020	2021	2022	2023	
Appointment/Hire	0	0	0	0	0	0
Assignment of Duties	2	9	1	1	3	0
Awards	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0
Disciplinary Action						
Demotion	0	1	1	0	0	0
Reprimand (warning)	0	2	2	0	0	1

Removal	0	1	0	0	0	0
Suspension	0	1	0	0	0	0
Disciplinary Warning	0	2	0	0	0	0
Other	0	0	0	0	0	0
Duty Hours	0	3	0	0	0	0
Evaluation Appraisal	2	5	0	0	1	0
Examination/Test	0	0	0	0	0	0
Harassment						
Non-Sexual	2	12	0	0	3	2
Sexual	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0
Promotion/Non-Selection	1	3	0	0	0	0
Reassignment						
Denied	0	0	0	0	0	0
Directed	0	0	0	0	0	0
Reasonable Accommodation	2	4	1	1	1	1
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	1	0	2	0	0
Terms/Conditions of Employment	0	7	2	0	2	2
Time and Attendance	0	7	1	0	0	0
Training	0	4	0	1	1	0
Non-EEO	0	0	0	0	0	0

Processing Time 29 C.F.R. § 1614.704(f)	Comparative Data					1st Qtr.
	Previous Fiscal Year Data					
	2019	2020	2021	2022	2023	
Complaints Pending (for any length of time) During Fiscal Year						
Average Number of Days in Investigation Stage	180	153	213	296	154	52
Average Number of Days in Final Action Stage	57	87	0	0	0	0
Complaints Pending (for any length of time) During Fiscal Year Where Hearing Was Requested						
Average Number of Days in Investigation Stage	177	178	317	0	0	0

Average Number of Days in Final Action Stage	0	40	0	0	0	0
Complaints Pending (for any length of time) During Fiscal Year Where Hearing Was Not Requested						
Average Number of Days in Investigation Stage	0	150	178	296	0	0
Average Number of Days in Final Action Stage	57	87	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	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
Evaluation 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	0	0	0	0	0	0	0	0	0	0	0	0
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	0	0	0	0	0	0	0	0	0	0	0	0
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	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
Retirement	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	0	0	0	0	0	0	0	0	1	100	0	0

Pending Complaints Filed in Previous Fiscal Years and by Status 29 C.F.R. § 1614.704(l)	Comparative Data					1st Qtr.
	Previous Fiscal Year Data					
	2019	2020	2021	2022	2023	
Total Complaints from Previous Fiscal Years	6	3	6	8	5	8
Total Complainants	5	3	5	7	3	6
Number Complaints Pending						
Investigation	0	0	1	0	0	0
ROI Issued, Pending Complainants Action						0

Hearing	4	2	2	2	0	3
Final Action	0	1	3	2	1	0
Appeal with EEOC Office of Federal Operations	2	0	0	1	4	5

Complaint Investigations 29 C.F.R. § 1614.704(m)	Comparative Data					1st Qtr.
	Previous Fiscal Year Data					
	2018	2019	2020	2021	2022	
Pending Complaints Where Investigations Exceeds Required Time Frames	0	0	1	6	5	7

APPENDIX B



Federal Communications Commission
Equal Employment Opportunity Policy Statement
March 22, 2023

The Federal Communications Commission (FCC) regulates interstate and foreign commerce in communication by wire and radio so as to make communication services available to all people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex. The FCC's commitment to equal employment opportunity and the promotion of a strong affirmative employment program for its employees and applicants for employment is as firmly entrenched as the FCC's core mission to regulate communications without discrimination.

The Federal Communications Commission is stronger, more credible, and more effective when our workforce reflects the experience, judgment, and energy of individuals from diverse backgrounds. To be successful in fulfilling our vitally important mission, we must earn and retain the trust and confidence of the people we serve, and we must consistently demonstrate our strict adherence to these principles by:

- Fostering an environment in which diversity is valued, understood, and sought.
- Ensuring that all programs to recruit and hire applicants for employment, as well as programs to promote, train, develop, evaluate, reward, and discipline employees are conducted in a fair and consistent manner, solely on the basis of merit, and in compliance with equal employment opportunity laws and regulations.
- Ensuring equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, sex (including pregnancy and gender identity), sexual orientation, national origin, age, disability (mental, intellectual, or physical), marital status, parental status, political affiliation, genetic information including family medical history, or any other basis protected by law, such as retaliation, reprisal, and equal pay.
- Providing developmental opportunities to all employees to enable them to achieve their maximum potential and judging them fairly and treating them with dignity and respect.
- Providing reasonable accommodations for applicants and employees with disabilities.
- Maintaining policies that allow all employees to work in an environment that is free from discrimination and harassment and in which employees may exercise their rights without fear of reprisal.
- Resolving workplace conflicts, confrontations, and complaints in a prompt, impartial, respectful, and constructive manner.
- Educating managers, supervisors, and employees of their rights and responsibilities under Federal law and holding them accountable for the successful implementation of FCC Equal Employment Opportunity (EEO) and diversity programs.
- Upholding all EEO principles in the workplace.

Thank you for your commitment to equal employment opportunity and the promotion of a strong affirmative employment program at the FCC.

Jessica Rosenworcel
Chairwoman

APPENDIX C



Federal Communications Commission
Anti-Harassment Policy Statement
March 22, 2023

The Federal Communications Commission's *"Anti-Harassment Policy and Procedures"* is an internal policy for the prevention and elimination of workplace harassment. The policy outlines the rights and responsibilities of FCC employees in ensuring a workplace free of harassment and establishes a system of accountability to that end.

I encourage all employees to read the policy. Employees must not engage in conduct that creates a harassing environment for any other employee. Employees also have a duty to report acts of harassment they experience or witness to the proper officials, as outlined in the policy. FCC managers and supervisors are reminded of their responsibility to prevent and promptly correct harassing conduct in the workplace. All FCC employees are responsible for ensuring that the FCC is a model workplace that is free of harassment.

Thank you for your commitment to fostering a "harassment-free" zone in our workplace here at the FCC.

A handwritten signature in black ink, appearing to read "Jessica Rosenworcel".

Jessica Rosenworcel
Chairwoman

APPENDIX D



Federal Communications Commission
Alternative Dispute Resolution Policy Statement
March 22, 2023

The Federal Communications Commission's (FCC) Alternative Dispute Resolution (ADR) Program "Don't Escalate, Choose to Mediate" aims to prevent and resolve workplace conflict in a fair, amicable, timely, equitable and cost-effective manner. While workplace conflicts may be addressed through the Equal Employment Opportunity complaint process, the grievance processes, or other forums, I fully support and encourage managers, supervisors and employees to use ADR as a voluntary option to resolve conflicts at the earliest opportunity and without the need to escalate.

The FCC uses mediation to resolve workplace conflicts by providing a confidential process that involves a neutral third party (the mediator) who assists the parties in discussing their concerns in a productive manner. The mediator does not take sides, but helps the participants express their concerns and identify potential solutions that work for all parties.

The effective use of ADR techniques promotes and sustains professional growth and proficiency and has been linked to positive outcomes such as increased productivity, retention, and engagement. Accordingly, I challenge all staff to:

- Be knowledgeable about ADR;
- Examine the suitability of using ADR whenever issues in controversy arise; and
- Use ADR in a good faith effort to achieve consensual resolution of workplace conflicts.

Please contact the Office of Workplace Diversity for more information concerning ADR resources, and always opt to "Don't Escalate, Choose to Mediate!" before heading to a traditional, time-consuming process to resolve workplace conflicts. Thank you for your efforts in preventing or resolving workplace conflict at the earliest opportunity and without the need to escalate.

A handwritten signature in black ink, appearing to read "Jessica Rosenworcel".

Jessica Rosenworcel
Chairwoman