



USAID
FROM THE AMERICAN PEOPLE

FY 2023
Notification and Federal Employee Antidiscrimination
and Retaliation Report



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I. Executive Summary

USAID provides its annual No FEAR 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 2023 (Appendix B).

USAID’s mission is, on behalf of the American people, to 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 2023, USAID employed 5,200 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 2023, USAID timely processed 56 informal complaints compared to 60 informal complaints in FY 2022. The Agency completed the processing of 24 informal complaints within 30 days and completed the processing of the remaining 32 informal complaints between 31 and 90 days with the respective extensions. Thirteen of the fifty-six informal complaints processed went through alternative dispute resolution (ADR).

There were 25 formal complaints filed in FY 2023, as compared to 39 in FY 2022. The most frequently alleged bases for formal complaints were:

- race (10);
- reprisal (8); and
- sex (8).

The most frequently alleged issues were:

- terms and conditions of employment (6);
- non-sexual harassment (5); and
- appointment/hire (5).

Please refer to Figure I, below, to compare this information with data from previous years.

USAID timely completed 19 investigations and closed 36 cases in FY 2023. Seven cases were closed by settlement agreements, five of which included monetary benefits. The Agency issued

25 final agency actions, and 2 complainants withdrew their complaints.

In FY 2023, six cases were pending in Federal District Court. USAID made no reimbursements to the U.S. Department of the Treasury's Judgment Fund in FY 2023.

The Equal Employment Opportunity Commission (EEOC) made no findings of discrimination in FY 2023 against USAID. There were no findings in Federal Courts against USAID in FY 2023.

Separately, USAID 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 2023, the Anti-Harassment Program addressed 130 contacts and conducted 41 inquiries into allegations of harassment. Over 26 contacts, including inquiries, were referred for further action to:

- the USAID [Office of Human Capital and Talent Management](#) (HCTM)/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 122 of the 130 contacts by the end of the fiscal year. HCTM/ELR, in turn, assisted managers with providing guidance, training, counseling, 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 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 their 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 their public websites.

The annual report must provide the following information:

- 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.

¹ Pub. L. No. 107-174, § 101(7).

- 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 USAID's policy 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 2023, the Office had four functional divisions to support its programmatic and management operations functions:

1. Complaints and Resolution Division
2. Disability Employment Division
3. Affirmative Employment Division
4. 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 Accommodation Program
- EEO training development and implementation
- Mandated agency reporting (MD-715, No FEAR Act, Annual Federal EEO Statistical Report of Discrimination Complaints (Form 462))

IV. Final Year-End Data for FY 2023

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 2023, six cases against USAID were pending in Federal District Court, one of which was dismissed on summary judgment and subsequently appealed to a U.S. Circuit Court (appeal is pending). All six cases involve [Title VII of the Civil Rights Act of 1964](#). One case also involves the [Age Discrimination in Employment Act of 1967](#). Another case also involves the [Rehabilitation Act of 1973](#).

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 2023.

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 (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 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 2023.

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.

On January 1, 2021, Congress amended the No FEAR Act with the Elijah Cummings Federal Employee Antidiscrimination Act of 2020, to require the head of the Federal agency to post final agency actions that result in a finding of discrimination on the Agency’s public website within 90 days of the date the decision becomes final. In FY 2023, the EEOC and federal courts did not issue any findings of discrimination, harassment, or retaliation against USAID. 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 its 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 FY 2023, OCR’s Complaints and Resolution Division conducted mandatory training for 1,270 managers, supervisors, executive officers, administrative management services officers, and attorneys from the [Office of the General Counsel](#) on EEO, anti-harassment, and ADR.

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.”

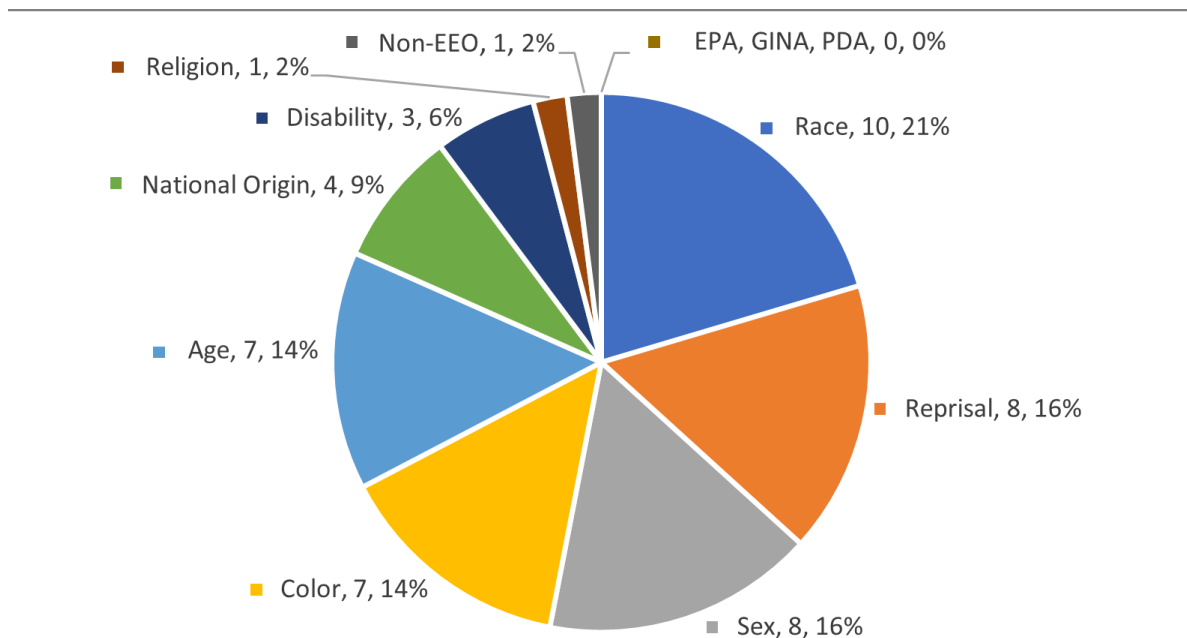
Trends and Analysis

USAID’s complaint activity data in Figure 1, below, shows that complainants filed 25 formal complaints in FY 2023, compared to 39 filed in FY 2022.

Figure 1. Complaints Filed FY 2018 to FY 2023

	Previous Fiscal Year Data					2023
	2018	2019	2020	2021	2022	
Number of Complaints Filed	30	25	29	31	39	25
Number of Complainants	30	25	26	29	38	25
Repeat Filers	0	0	3	2	1	0

Figure 2. FY 2023 EEO Complaints by Basis



In FY 2023, as presented in Figure 2, the most frequently alleged bases were:

- race (10, or 21 percent);
- reprisal (8, or 16 percent); and
- sex (8, or 16 percent).

The top issues were:

- terms and conditions of employment (6, or 20 percent);
- non-sexual harassment (5, or 17 percent); and
- appoint/hire (5, or 17 percent).

In FY 2023, USAID completed 15 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 2023 increased slightly from FY 2022, but was still timely and lower than previous fiscal years.

Figure 3. Processing Time

	Previous Fiscal Year Data					2023
	2018	2019	2020	2021	2022	
Complaints pending during fiscal year						
Average number of days in investigation	319.93	310.80	219.07	149.70	157.33	183.00
Average number of days in final action	313.00	129.78	111.50	37.26	31.31	30.68
Complaint pending during fiscal year where hearing was requested						
Average number of days in investigation	286.43	332.33	246.57	151.25	167.50	193.50
Average number of days in final action	0	81.67	48.42	28.82	10.38	21.57
Complaint pending during fiscal year where hearing was not requested						
Average number of days in investigation	353.43	260.56	146.88	147.93	158.00	169.20
Average number of days in final action	313.00	226.00	201.64	48.88	53.62	57.00

In FY 2023, USAID closed 36 cases, of which 7 closed by settlement agreements (5 of these

settlements included monetary benefits). The Agency issued 13 final agency actions, and 4 complainants withdrew their complaints. The Agency did not make findings of discrimination in any of the cases.

In FY 2023, 56 cases went through informal EEO counseling. All informal complaints were processed timely, of which 24 were completed within 30 days, and 32 were completed between 31 and 90 days with granted extensions. Thirteen 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 2023 No FEAR Act Report showcases the numerous efforts and improvements USAID 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 as demonstrated by implementing myriad 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 2023, OCR conducted mandatory training for 1,270 managers, supervisors, administrative management services officers, executive officers, and attorneys from the Office of the General Counsel. OCR collaborated with other entities, such as the Respectful, Inclusive, and Safe Environments (RISE) platform, to provide training and increase awareness of EEO laws and regulations.
- **EEO Collateral Duty Counselors Cadre.** In FY 2023, the EEO Collateral Duty Counselor program continued its customer-focused approach to manage the EEO pre-complaint process more effectively. Customer service is at the forefront of the Program. Counselors assist aggrieved individuals through the informal 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.

- **ADR Engagement.** In FY 2023, 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. ADR acceptance increased from 12 (of 60 informal cases) in FY 2022 to 13 (of 56 informal cases) in FY 2023.
- **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 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 a more respectful, inclusive, and safe environment 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 DEIA Strategic Plan, which was an update from the version Administrator Power signed on her first day in office, provided a framework outlining key implementation and evaluation areas to move USAID forward to DEIA outcomes. This strategy represented the collective efforts of USAID's global workforce from all hiring mechanisms. Priority Action/Goal leads from various Bureaus and Independent Offices 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 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 2023, RISE:

- Trained more than 2,200 additional USAID staff, including supervisors and managers, through RISE’s Inclusive Leadership Seminar.
- Conducted 329 training sessions, events, and seminars on DEIA issues.

- **The Reasonable Accommodation Program** sits within the Disability Employment (OCR/DE) Division, and houses three programs:
 - a. reasonable accommodation process;
 - b. recruitment and retention of individuals with disabilities; and
 - c. policy and data analysis.

In FY 2023, the OCR/DE Reasonable Accommodation Program processed all but three accommodation requests within the 30-business-days time frame, as set forth in the USAID policy: ADS III, [Procedures for Providing Reasonable Accommodation](#).

- a. The average processing time in FY 2023 was 11 days.
- b. The total contacts were 752, and 3 were outside of the 30-business-day limit.
- c. The top five accommodation types were:
 - i. transportation (parking and business-class travel);
 - ii. telework/remote work;
 - iii. ergonomics;
 - iv. assistive technology; and
 - v. flexible work schedule.

OCR/DE will continue to improve the program to ensure timeliness, increase efficiency, and improve overall customer service by rolling out a new web-based portal for reasonable accommodation requests. This new portal will launch before the end of CY 2023. Employees and supervisors will be able to track their accommodation requests using the new portal.

On June 1, 2023, OCR/DE released an update to ADS III. The revision includes:

- the title change from “Procedures for Providing Reasonable Accommodations to Individuals with a Disability” to “Procedures for Providing Reasonable Accommodation,” incorporating a new federal law, the Pregnant Workers Fairness Act, effective June 27, 2023; and
- updates to the Agency’s management of the American Sign Language Interpreters and Communication Access Real-Time Translation Captioning Services.

In September, OCR/DE hosted three reasonable accommodation training sessions for senior staff. This refresher course provided senior staff the opportunity to ask questions to OCR/DE staff related to the agency’s return to the workplace policy and reasonable accommodations. OCR/DE participated in three Work Environment Resource Fairs on reasonable accommodation to support the transition to increased in-person presence.

On October 31, 2023, OCR/DE launched a Disability Resource Center (DRC), an on-site demonstration center in the Ronald Reagan Building, to offer hands-on experience to Agency employees. In the DRC, employees can test, train, and provide feedback on assistive technology solutions in an environment similar to their workspace or fitted to accommodate their workspace. OCR/DE expanded centralized intranet pages with more and updated disability-related information for managers, employees, and human capital officials. OCR/DE also updated the [Reasonable Accommodations: What Should You Know](#) careers internet page by adding the Affirmative Action Plan for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities. 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 E.O. 14035, *DEIA in the Federal Workforce*, in the sourcing and hiring of veterans and persons with disabilities via non-competitive hiring authorities. Throughout 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 Employees with Disabilities employee resource group to respond to a hiring surge to fill available Civil Service positions; and
 2. The Crisis Operations Staffing Hiring Webinar and Discovering New Employment Opportunities.
- **EEO Program Additional Actions.** In FY 2023, 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](#) (Appendix A), which reaffirms the Agency's commitment against discrimination, harassment, and retaliation. Administrator Samantha Power issued the most recent EEO Policy Statement on October 16, 2023.
 - Posted [quarterly complaints data](#) on USAID's website pursuant to the No FEAR Act.
 - **The OCR Diversity Division** was restructured to the Affirmative Employment (OCR/AE) Division and fully staffed during FY 2023. It houses three programs:
 1. Religious accommodation process;
 2. Special emphasis programs (commemorative events and messages); and
 3. Workforce and data analysis.

OCR/AE acts as the proactive prevention side of the EEO Program, responsible for the annual management directive 715 (MD-715) report and subsequent barrier analysis. As such, several initiatives were started in FY 2023 with the intention of connecting with the workforce:

- **Staff Assistance Visits (SAVs):** The SAV's purpose is to assess USAID's EEO Program. The SAV team works to reinforce existing training and assist with barrier analysis. The program assists staff with understanding their EEO rights

and responsibilities and USAID's requirements for creating and maintaining a model EEO program.

- **Employee Lifecycle Activity Form (ELAF):** This form was created to gather accomplishments from the workforce related to their efforts in diversity, equity, and inclusion. Accomplishments would be included in the annual MD-715 to highlight efforts that support a more inclusive and equitable workplace and workforce.
- **Barrier Analysis Working Groups (BAWGs):** These working groups rely on collaboration across USAID to look into barriers that might be present for traditionally underrepresented groups throughout the employee lifecycle (recruitment to separation). Barrier analysis is necessary so that USAID knows what policies, practices, or procedures may be causing barriers to a fair and equitable workplace.
- **OCR Connection Program.** In FY 2023, OCR/AE began developing a Program to develop connections with the workforce. Connectors will act as liaisons from their respective Missions, Bureaus, and Independent Offices to OCR.
- **Religious Accommodation.** OCR/AE developed an ADS Chapter to explain the religious accommodation processes, which will be released by the end of FY 2024.
- **13988 Working Group.** In support of President Biden's E.O. 13988, *Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation*, OCR/AE reconvened a USAID-wide working group. This group will begin meeting again in FY 2024 and will provide quarterly updates to the White House initiative.

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 2023, 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: [Reaffirming USAID's Commitment to Equal Employment Opportunity](#)

October 16, 2023

Each year, we at USAID reaffirm our commitment to Equal Employment Opportunity, to make clear that we each have a responsibility to address inequality, tackle discrimination, and help create a workplace that is free of discrimination, harassment, and retaliation. At USAID, our ability to help create a safer, healthier, more democratic, and more prosperous world relies on our capability to foster a diverse, equitable, and inclusive workforce and culture, where everyone can thrive—so we must work tirelessly to help all members of USAID's workforce receive equal treatment under the law.

At USAID, our goal is that all employees can achieve their fullest potential and that 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,
- 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 in all employment-related decisions, including, but not limited to, recruitment, hiring, training, development and advancement, benefits, employee engagement and retention, and separations.

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—should 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 when they became aware of it, 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 promptly report suspected or alleged harassment to OCR at ocrharassment@usaid.gov or via the USAID Misconduct Reporting Portal. USAID management officials must report allegations of harassment based on

an EEO-protected class within one business day to OCR. All members of USAID's workforce may be subject to corrective or disciplinary action if found to have engaged in misconduct. Management officials may be subject to corrective or disciplinary action if they fail to promptly report allegations of EEO-based harassment.

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 fundamental values as an Agency, we not only celebrate our diversity, but become more inclusive, equitable, and accessible. This ultimately makes us more effective in all we do.

Administrator Samantha Power

Appendix B

Equal Employment Opportunity Data Posted Pursuant to the No Fear Act

For 4th Quarter 2023 for period ending September 30, 2023

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2023 Through 09-30
	2018	2019	2020	2021	2022	
Number of Complaints Filed	30	25	29	31	39	25
Number of Complainants	30	25	26	29	38	25
Repeat Filers	0	0	3	2	1	0
Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2023 Through 09-30
	2018	2019	2020	2021	2022	
<p>Note: Complaints can be filed alleging multiple bases.</p> <p>The sum of the bases may not equal total complaints filed.</p>						
Race	14	13	15	16	15	10
Color	5	7	7	6	10	7
Religion	3	2	2	3	10	1

Reprisal	13	11	16	20	21	8
Sex	18	16	12	12	12	8
PDA	1	1	1	0	0	0
National Origin	8	5	6	5	5	4
Equal Pay Act	0	0	0	0	1	0
Age	10	10	8	7	7	7
Disability	8	3	6	6	16	3
Genetics	0	0	0	0	6	0
Non-EEO	1	2	2	2	3	1

Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					2023 Through 09-30
	2018	2019	2020	2021	2022	
<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> <p>** are reported under Other Disciplinary Actions.</p>						

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

Medical Examination	0	0	0	0	0	0
Pay including overtime	2	1	1	0	4	1
Promotion/Non-Selection	3	1	5	10	6	2
Reassignment						
Denied	0	0	0	0	2	1
Directed	0	1	1	0	0	1
Reasonable Accommodation Disability	3	0	2	1	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	1
Termination	2	0	4	1	3	2
Terms/Conditions of Employment*	4	3	7	4	9	0
Time and Attendance	1	0	2	0	2	0
Training	0	0	0	0	5	0
Other Terms/Conditions of Employment*	0	0	0	0	13	6
User Defined - Other I*	3	3	0	0	0	0

User Defined - Other 2*	1	0	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					2023 Through 09-30
	2018	2019	2020	2021	2022	
Complaints pending during fiscal year						
Average number of days in investigation	319.93	310.80	219.07	149.70	157.53	183.00
Average number of days in final action	313.00	129.78	111.50	37.26	31.11	30.68
Complaint pending during fiscal year where hearing was requested						
Average number of days in investigation	286.43	332.33	246.57	151.25	167.50	193.50
Average number of days in final action	0	81.67	48.42	28.82	10.38	21.57

Complaint pending during fiscal year where hearing was not requested						
Average number of days in investigation	353.43	260.56	146.88	147.93	158.00	168.20
Average number of days in final action	313.00	226.00	201.64	48.88	53.62	57.00

Complaints Dismissed by Agency	Comparative Data					
	Previous Fiscal Year Data					2023 Through 09-30
	2018	2019	2020	2021	2022	
Total Complaints Dismissed by Agency	2	5	4	2	7	7
Average days pending prior to dismissal	224	107	98	48	59	37
Complaints Withdrawn by Complainants						
Total Complaints	2	1	2	2	2	4

Withdrawn by Complainants												
Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous Fiscal Year Data										2023 Through 09-30	
	2018		2019		2020		2021		2022			
	#	%	#	%	#	%	#	%	#	%	#	%
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										2023 Through 09-30	
	2018	2019	2020	2021	2022							
	#	%	#	%	#	%	#	%	#	%	#	%
Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.	0		0		0		0		0		0	
Total Number Findings	0		0		0		0		0		0	

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		0		0		0		0		0	
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	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										2023 Through 09-30	
	2018		2019		2020		2021		2022		#	%
	#	%	#	%	#	%	#	%	#	%		
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/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 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
Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data											
	Previous Fiscal Year Data										2023 Through 09-30	

	2018	2019	2020	2021	2022	
Total complaints from previous Fiscal Years	31	42	21	16	13	5
Total Complainants	29	40	19	13	9	5
Number complaints pending						
Investigation	9	6	0	0	0	0
ROI issued, pending Complainant's action	1	1	1	0	0	0
Hearing	20	32	20	15	8	4
Final Agency Action	6	4	0	1	5	1
Appeal with EEOC Office of Federal Operations	0	0	8	10	15	18

Complaint Investigations	Comparative Data					
	Previous Fiscal Year Data					2023 Through 09-30
	2018	2019	2020	2021	2022	
Pending Complaints Where Investigations Exceed Required Time Frames	6	7	0	0	0	0