



**Annual Report for Fiscal Year 2022
as required by the
Notification and Federal Employee
Anti-Discrimination and Retaliation (No FEAR)
Act of 2002**

I. Introduction

Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) requires federal agencies to submit an annual report to the Speaker of the House of Representatives, the President *pro tempore* of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the agency, the Attorney General, the Director U.S. Office of Personnel Management, and the Chair of the Equal Employment Opportunity Commission.¹ The United States Trade and Development Agency (USTDA) submits this report to satisfy the Fiscal Year (FY) 2022 No FEAR Act requirements.

II. Civil Cases Filed

Section 203(a)(1) of the No FEAR Act requires that agencies include in their annual reports 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; the status of disposition of these cases; and the amount of money the agency was required to reimburse under section 201. During FY 2022, USTDA had no new, pending or completed cases in federal court under the various laws covered by the No FEAR Act.

III. Reimbursement to the Judgement Fund

On May 10, 2006, the Office of Personnel Management (OPM) published final regulations in the *Federal Register* clarifying the agency reimbursement provisions of Title II of the No FEAR Act. These regulations, among other things, state that the Federal Management Service, US 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 either to reimburse the Judgment Fund within 45 business days after receiving the notice from FMS or to contact FMS in writing to plan for reimbursement. During FY 2022, USTDA did not have any discrimination cases in federal court and did not have any cases that resulted in payments from the Judgment Fund.

IV. Disciplinary Actions

Section 203(a)(4) of the No FEAR Act requires that agencies include in their annual reports 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

¹The Office of Personnel Management (OPM) issued regulations on the reporting and best practices requirements of Title II of the No FEAR Act in December 2006 (See Title 5 *Code of Federal Regulations* (CFR) Part 724).

which discrimination on the part of such agency was alleged. During FY2022, USTDA did not discipline any employees for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1) and did not have any cases which alleged agency discrimination.

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

The final year-end data posted pursuant to Section 301(c)(1)(B) of the No FEAR Act is included in this report in Appendix 1.

VI. Policy Description on Disciplinary Action

Section 203(a)(6) of the No FEAR Act requires that agencies include in their annual report 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 the federal agency report on the number of employees who were disciplined in accordance with the policy and the specific nature of the disciplinary action taken.

USTDA's Discipline and Adverse Actions Policy provides a Table of Offenses and Penalties (see abstract in Appendix 2) to guide disciplinary action. USTDA employees may be subject to disciplinary action, up to and including removal, for engaging in any prohibited personnel practice, including discrimination because of race, age, sex, color, national origin, religion, disability, or reprisal. Annually, the Agency Director issues a statement reaffirming USTDA's commitment to a diverse workplace and to Title VII of the Civil Rights Act of 1964, free from discrimination, harassment, and retaliation. The Director's annual EEO Statement and USTDA's EEO Policy are posted on its public website here: [USTDA EEO](#). During FY 2022, USTDA did not have any cases which alleged discrimination or harassment, and no employees were disciplined for violating these policies.

VII. Analysis of Trends, Causal Analysis, and Practical Knowledge Gained through Experience

Section 203(a)(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.

Since the effective date of the No FEAR Act, no cases have been filed against the agency that resulted in judgments, awards, and/or compromise settlements paid by the Judgment Fund on behalf of USTDA.

Furthermore, during this same period, the number of administrative Equal Employment Opportunity (EEO) complaints filed at the USTDA has remained constant at zero, with no new formal complaints.

USTDA emphasizes training as an important tool, especially as it relates to the following: (i) informing employees of their rights and protections under EEO, retaliation and whistleblower laws; (ii) improving communication and conflict resolution skills; and (iii) working in a diverse workforce free from discrimination and harassment. All supervisors and employees are required to participate in annual EEO training. USTDA recognizes that providing appropriate training to managers and supervisors is critical in resolving workplace conflicts before they become formal EEO complaints.

VIII. Budgetary Adjustments

Section 203(a)(8) of the No FEAR Act requires that agencies include in their annual report to Congress information about any adjustment (to the extent that the adjustment can be ascertained in the budget of the agency) to comply with the requirements under Section 201. As stated earlier, there were no FY 2022 discrimination cases in federal court that resulted in a payment from the Judgment Fund therefore USTDA was not required to make any payments to the Judgment Fund to comply with Section 203.

IX. No Fear Act Training Plan

In accordance with Section 202(c) of the No FEAR Act, all USTDA employees, including managers and supervisors, are required to complete No FEAR Act training biennially. New employees are required to complete the No FEAR Act training within 90 calendar days of their appointment. USTDA utilizes a combination of internal, shared service, and contract trainers to deliver this training. Additionally, USTDA provides all employees with an annual subscription to unlimited live, online, and on demand, webinars, seminars, and training resources thru a learning solutions contract provider. This learning solutions subscription provides training on a wide range of topics including professional development, personal development, leadership and management, emotional intelligence, and DEIA related topics.

This No FEAR Act Report was prepared by the Acting EEO Director.

Matt Cox
Acting EEO Director,
Director of Management Operations
US Trade and Development Agency

**USTDA Equal Employment Opportunity Data Posted
Pursuant to the No FEAR Act**

Complaint Activity	Comparative Data					2023 Thru 12-31
	Previous Fiscal Year Data					
	2018	2019	2020	2021	2022	
Number of Complaints Filed	0	0	0	0	0	0
Number of Complainants	0	0	0	0	0	0
Repeat Filers	0	0	0	0	0	0

Complaints by Basis	Comparative Data					2023 Thru 12-31
	Previous Fiscal Year Data					
	2018	2019	2020	2021	2022	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed .</i>						
Race	0	0	0	0	0	0
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0
Sex	0	0	0	0	0	0
National Origin	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0
Age	0	0	0	0	0	0
Disability	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0

Complaints by Issue	Comparative Data					2023 Thru 12-31
	Previous Fiscal Year Data					
	2018	2019	2020	2021	2022	
<i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed .</i>						
Appointment/Hire	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0
Awards	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0
Disciplinary Action						
Demotion	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0
Removal	0	0	0	0	0	0
Suspension	0	0	0	0	0	0
Other	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0
Harassment						
Non-Sexual	0	0	0	0	0	0
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	0	0	0	0	0	0
Reassignment						
Denied	0	0	0	0	0	0
Directed	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0
Training	0	0	0	0	0	0
Other	0	0	0	0	0	0

Processing Time	Comparative Data					2023 Thru 12-31
	Previous Fiscal Year Data					
	2018	2019	2020	2021	2022	

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	0	0	0	0
Findings Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
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	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
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	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	0	0	0	0

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data					2023 Thru 12-31
	Previous Fiscal Year Data					
	2018	2019	2020	2021	2022	
Total complaints from previous Fiscal Years	0	0	0	0	0	0
Total Complainants	0	0	0	0	0	0
Number complaints pending						
Investigation	0	0	0	0	0	0
Hearing	0	0	0	0	0	0
Final Action	0	0	0	0	0	0
Appeal with EEOC Office of Federal Operations	0	0	0	0	0	0

Complaint Investigations	Comparative Data					2023 Thru 12-31
	Previous Fiscal Year Data					
	2018	2019	2020	2021	2022	
Pending Complaints Where Investigations Exceeds Required Time Frames	0	0	0	0	0	0

APPENDIX 2

Table of Offenses and Penalties Abstract

Nature of Offense (General Misconduct)	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense	Remarks
9. Misconduct of a sexual nature that includes, but is not limited to, unwelcome sexual remarks, indecent comments/jokes, offensive sexual banter, unwanted sexual advances, or unwelcome physical touching.	Written Reprimand to removal	14- day suspension to removal	Removal	Refer to the Department’s Zero Tolerance Policy; penalty may include mandatory training. More severe discipline is appropriate for egregious misconduct.
10. Failure to provide equal opportunity regardless of race, color, religion, gender, national origin, age, marital status, political affiliation, sexual orientation, or handicapping condition.	Written Reprimand to removal	14-day suspension to removal	Removal	Refer to 5 CFR 2635.101(13).
18. Misrepresentation, falsification, exaggeration, concealment or withholding of material fact in connection with an official Government investigation, inquiry, or other administrative proceeding.	14-day suspension to removal	30-day suspension to removal	Removal	Refer to 43 CFR 20.510. Referral to OIG may be appropriate.
19. Refusal to testify or cooperate in connection with any administrative investigation, inquiry, or other proper proceeding (when criminal charges are not anticipated).	5-day suspension to removal	14-day suspension to removal	30-day suspension to removal	
Nature of Offense (Supervisory Misconduct)	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense	Remarks

<p>1. Taking, directing others to take, recommending, or approving any action which may be considered a “prohibited personnel practice” (e.g., reprisal against an employee for engaging in protected activities; discrimination based on race, color, gender, age, religion, national origin, marital status, political affiliation, sexual orientation, or handicapping condition).</p>	<p>5-day suspension to removal</p>	<p>14-day suspension to removal</p>	<p>Removal</p>	<p>Refer to 5 USC 2302, 5 CFR 2635.101(13), and related Department policies. Action may be taken regardless of whether there was an official “finding” of discrimination (or other prohibited personnel practice).</p>
<p>2. Taking reprisal action against an employee for exercising rights provided by the Federal Service Labor-Management Relations Statute.</p>	<p>5- to 30-day suspension</p>	<p>14-day suspension to removal</p>	<p>Removal</p>	<p>Refer to 5 USC, Chapter 71.</p>
<p>3. Neglecting to recommend/take corrective action upon receipt of information regarding the job-related misconduct of a subordinate employee.</p>	<p>Written Reprimand to 30-day suspension</p>	<p>14-day suspension to removal</p>	<p>Removal</p>	
<p>5. Misconduct of a sexual nature that includes, but is not limited to, unwelcome sexual remarks, indecent comments/jokes, offensive sexual banter, unwanted sexual advances, or unwelcome physical touching.</p>	<p>5-day suspension to removal</p>	<p>14-day suspension to removal</p>	<p>Removal</p>	<p>Refer to the Department’s Zero Tolerance Policy; penalty may include mandatory training. More severe discipline is appropriate for egregious misconduct.</p>