



**USAID**  
FROM THE AMERICAN PEOPLE

**UNITED STATES AGENCY FOR INTERNATIONAL  
DEVELOPMENT**

**OFFICE OF CIVIL RIGHTS AND DIVERSITY**

**Notification and Federal Employee  
Anti-Discrimination and Retaliation Act of 2002**

**Annual Report for Fiscal Year 2021**



**Message from Ismael Martinez**  
**Acting Director, USAID Office of Civil Rights and Diversity**

It is my pleasure to present the United States Agency for International Development's (USAID) Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) Annual Report for Fiscal Year 2021.

The report primarily focuses on USAID's equal employment opportunity (EEO) complaints program covering reporting requirements for FY 2021. While the report provides an overview of the Agency's EEO complaints process, it also demonstrates USAID's commitment to adhere to merit systems principles, provide protection from prohibited personnel practices, and promote accountability.



Pursuant to the statutory requirements, this report is being provided to the following members of Congress and the Executive Branch:

The Honorable Nancy Pelosi  
Speaker of the House of Representatives

The Honorable Patrick Leahy  
President Pro Tempore, United States Senate

The Honorable Gary Peters  
Chair, Senate Committee on Homeland Security and Governmental Affairs

The Honorable Rob Portman  
Ranking Minority Member, Senate Committee on Homeland Security and Governmental Affairs

The Honorable Carolyn Maloney  
Chair, House Committee on Oversight and Government Reform

The Honorable James Comer  
Ranking Minority Member, House Committee on Oversight and Government Reform

The Honorable Gerald E. Connolly  
Chair, Subcommittee on Government Operations, House Committee on Oversight and Government Reform

The Honorable Jody Hice  
Ranking Minority Member, Subcommittee on Government Operations, House Committee on Oversight and Government Reform

The Honorable Robert Menendez  
Chairman, Senate Committee on Foreign Relations

The Honorable Jim Risch  
Ranking Minority Member, Senate Committee on Foreign Relations

The Honorable Patrick Leahy  
Chairman, Senate Committee on Appropriations

The Honorable Richard C. Shelby  
Ranking Minority Member, Senate Committee on Appropriations

The Honorable Gregory Meeks  
Chairman, House Committee on Foreign Affairs

The Honorable Michael T. McCaul  
Ranking Minority Member, House Committee on Foreign Affairs

The Honorable Rosa DeLauro  
Chairwoman, House Committee on Appropriations

The Honorable Kay Granger  
Ranking Minority Member, House Committee on Appropriations

The Honorable Barbara Lee  
Chairwoman, House Committee on Appropriations, Subcommittee on State, Foreign Operations  
and Related Programs

The Honorable Harold Dallas Rogers  
Ranking Minority Member, House Committee on Appropriations, Subcommittee on State,  
Foreign Operations and Related Programs

The Honorable Merrick B. Garland  
Attorney General, U.S. Department of Justice

Ms. Janet Dhillon  
Chair, U.S. Equal Employment Opportunity Commission

Mr. Kiran Ahuja  
Acting Director, U.S. Office of Personnel Management

*Ismael Martinez*

Ismael Martinez  
OCRD Acting Director

03/29/2022

Date

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## I. EXECUTIVE SUMMARY

USAID provides its Annual Report to Congress as required by Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (“No FEAR Act”), Public Law 107-174. This report covers data for FY 2021. (*Appendix B*)

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

In FY 2021, USAID employed 4,209 Civil and Foreign Service employees. The [Office of Civil Rights and Diversity \(OCRD\)](#) 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 the fully revised USAID’s EEO Program Policy, [Automated Directives System Chapter 110](#).

In FY 2021, USAID timely processed 51 informal complaints compared to 49 informal complaints in FY 2020. The Agency completed 22 complaints within 30 days and completed the remaining 29 complaints between 31 and 90 days with extensions. Seven out of those 51 complaints went through alternative dispute resolution (ADR).

There were 31 formal complaints filed in FY 2021, as compared to 29 in FY 2020. The most frequently alleged bases for complaints were sex (12), race (16), and reprisal (20). The most frequently alleged issues were appointment/hire (7), promotion/non-selection (10), and performance evaluation/appraisal (6). Please refer to Figure 1 later in this report to compare this information with data from previous years.

USAID timely completed 29 investigations and closed 34 cases in FY 2021. Twelve (12) cases were closed by settlement agreements, eleven (11) of which included monetary benefits. The Agency issued 21 final agency actions, and one complainant withdrew their complaint.

In FY 2021, complainants filed two cases in Federal District Court. One case is still pending in Federal District Court, while the appeal is pending for the other case. USAID made no reimbursements to the U.S. Department of Treasury’s Judgment Fund in FY 2021.

There were no findings of discrimination, harassment, or retaliation made by the Equal Employment Opportunity Commission (EEOC) and Federal Courts against the Agency in FY 2021. Separately, the Agency took immediate and appropriate action to address allegations of harassment through its Anti-Harassment Program, which is an internal Agency process. In FY 2021, the Anti-Harassment Program addressed 103 contacts and conducted 51 inquiries into allegations of harassment. Over 70 contacts including inquiries were referred for further action to USAID’s Human Capital and Talent Management (HCTM)’s Employee and Labor Relations

Office, resident legal officers, and USAID managers and supervisors. Through this Program, 97 percent of the 103 contacts were closed by the end of the fiscal year.

## **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.”<sup>1</sup>

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

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

The annual report must provide the following information:

- The number of federal court cases, pending or resolved, arising under the No FEAR Act laws and the status and disposition of the cases.
- Judgment Fund reimbursements and adjustments to agency budgets to meet reimbursement requirements.
- The number and type of disciplinary actions related to discrimination, retaliation, or harassment and the agency’s policy relating to appropriate disciplinary action.
- Year-end summary data related to federal-sector EEO complaint activity.

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<sup>1</sup> Pub. L. No. 107-174, § 101(7).

- An analysis of trends, causation, and practical knowledge gained through experience and actions planned or taken to improve complaint or civil rights programs.
- The agency’s plan for No FEAR Act–related training.

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

OCRD is responsible for providing leadership, strategic direction, guidance, technical expertise, and advisory services to carry out USAID’s EEO and diversity, equity, and inclusion (DEI) programs responsibilities. OCRD plays a neutral, advisory role in the Agency to help foster and support a work environment that is free from discrimination, harassment, and retaliation and that promotes equitable, fair, and inclusive policies and practices. OCRD 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 2021, the Office had four functional divisions to support its programmatic and management operations functions: the Complaints and Resolution Division; the Reasonable Accommodation Division; the Diversity, Equity, and Inclusion Division;<sup>2</sup> and the Strategic Programs Operations Division.

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

- EEO Complaints Program, including oversight of EEO Collateral Duty Counselors
- Anti-Harassment Program
- Alternative Dispute Resolution Program
- Affirmative Employment Program
- Reasonable Accommodations Program
- Employee Resource Groups
- USAID DEI Strategic Plan development and monitoring and evaluation
- Commemorative Events
- USAID’s Executive Diversity Council
- EEO and DEI 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 2021**

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

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<sup>2</sup> In 2022, the Diversity, Equity, and Inclusion Division moved to the Front Office and became the Diversity, Equity, Inclusion and Accessibility Office (DEIA). Henceforth, OCRD became OCR as of February 2022. This new structure will be noted in the FY 2022 report. See page 12.

## **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 2021, six cases involving USAID were pending in Federal District Court. All cases relate to [Title VII of the Civil Rights Act of 1964](#). Two cases also relate to the [Rehabilitation Act of 1973](#). One case was dismissed, and one was resolved in favor of USAID. A fifth case includes allegations related to the [Age Discrimination in Employment Act of 1967](#). The District Court dismissed this case as untimely.

## **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 2021.

## **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 2021.



## **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.

In 2018, USAID released the [Leadership Philosophy](#), which enables leadership at all levels to foster a culture of respect, learning, and accountability. Specifically, consistent with the principle of “Advance Accountability” of the Leadership Philosophy, leaders hold themselves, colleagues, and their team accountable. This framework embodies the idea that USAID cultivates a model EEO program and fosters equity and inclusion in the workplace.

[Chapters 485, Disciplinary Action - Foreign Service](#), and [487, Disciplinary and Adverse Actions Based Upon Employee Misconduct - Civil Service](#), of USAID’s Automated Directives System (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. The Office of Employee and Labor Relations within [HCTM](#) assists the Agency’s management in understanding and implementing such disciplinary policies. In FY 2021, the EEOC and federal courts issued no findings of discrimination, harassment, or retaliation. 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.

Mandatory No FEAR Act training will be available in FY 2022 through USAID University, which is the Agency’s online learning management system. This training is required for all employees every two years. In FY 2021, OCRD conducted live training for more than 2,200 staff members, representing over 20 percent of the workforce, including federal and non-federal employees.

## 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

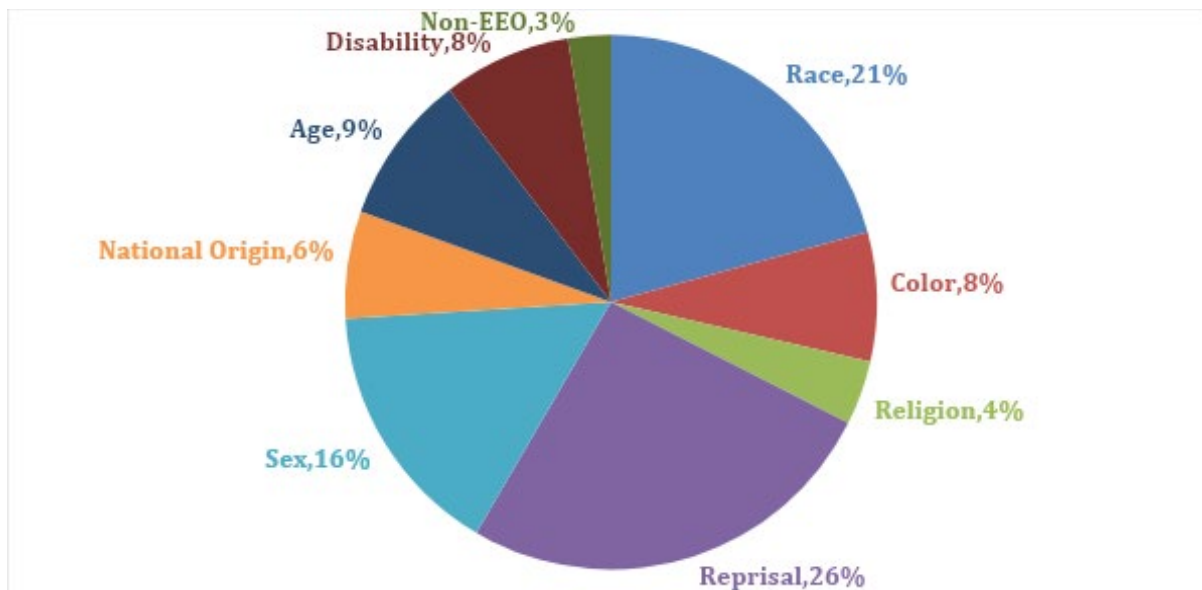
USAID’s complaint activity data in Figure 1, below, shows that complainants filed 31 formal complaints in FY 2021, compared to 29 filed in FY 2020.

**Figure 1. Complaints Filed FY 2016 to FY 2021**

	Previous Fiscal Year Data					2021
	2016	2017	2018	2019	2020	
Number of Complaints Filed	20	19	30	25	29	31
Number of Complainants	20	18	30	25	26	29
Repeat Filers	0	1	0	0	3	2

In FY 2021, as presented in Figure 2, below, the most frequently alleged bases were sex (12 or 16 percent), race (16 or 21 percent) and reprisal (20 or 26 percent). Notably, non-sexual harassment as a cited issue decreased in FY 2021. The low number of non-sexual harassment complaints might be attributed to OCRD managing the [Anti-Harassment Program](#). Once a harassment allegation is received, the report is referred to the Anti-Harassment Program for action. While the EEO complaint process is optional, generally, once the Agency is on notice of harassment allegations, the Anti-Harassment Program takes prompt and appropriate corrective action to address alleged harassing behavior, including conducting administrative inquiries.

**Figure 2. FY 2021 EEO Complaints by Basis**



In FY 2021, USAID completed 29 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 2021 was the lowest when compared to the previous five fiscal years. In FY 2021, the average number of days to complete investigations was 149 days, compared to 219 days in FY 2020, a reduction of more than 30 percent. This was accomplished by the improvements made of establishing new internal metrics for processing EEO complaints as well as providing additional training to the staff.

**Figure 3. Processing Time**

	Previous Fiscal Year Data					2021
	2016	2017	2018	2019	2020	
<b>Complaints pending during fiscal year</b>						
Average number of days in investigation	328.30	0	319.93	310.80	219.07	149.70
Average number of days in final action	104.45	163.60	313.00	129.78	111.50	37.26
<b>Complaint pending during fiscal year where hearing was requested</b>						
Average number of days in investigation	360.25	0	286.43	332.33	246.57	151.25
Average number of days in final action	38.50	0	0	81.67	48.42	28.82

<b>Complaint pending during fiscal year where hearing was not requested</b>						
Average number of days in investigation	307.00	0	353.43	260.56	146.88	147.93
Average number of days in final action	183.60	163.60	313.00	226.00	201.64	48.88

In FY 2021, USAID closed 34 cases. Twelve (12) cases closed by settlement agreements, eleven (11) of which included monetary benefits. The Agency issued 21 final agency actions, and one (1) complainant withdrew their complaint. The Agency did not make findings of discrimination in any of the cases.

In FY 2021, 51 cases went through pre-complaint EEO counseling. Two individuals were counseled twice, which makes a total of 48 counseled individuals. All informal complaints were completed timely. Twenty-nine (29) were completed within 30 days, and 22 were completed between 31 and 90 days with granted extensions. Seven (7) out of those cases went through Alternative Dispute Resolution.

### **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 2021 No FEAR Act Report showcases the numerous efforts and improvements the Agency has made in fulfilling its obligations pursuant to 29 C.F.R. Part 1614, EEOC Management Directive 110, and related laws and regulations. The following accomplishments and actions were taken to improve the Agency’s EEO complaint program:

- **Senior Leadership Commitment.** Senior leadership showed commitment to the EEO program and diversity, equity, inclusion, and accessibility (DEIA) through dissemination of Agency-wide notices, small- and large-group discussions with members of the domestic and overseas workforce, and other initiatives. During FY 2021, USAID provided additional staffing resources to OCRD in the way of Administrative Management Officers, who enabled greater efficiency and effectiveness in managing the Office budget, hiring, and contracts. As a result, OCRD has a greater capacity to provide better customer service and support worldwide and improve its proactive reach.
- **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 will separate the role and responsibilities of the Chief Diversity Officer (CDO) from the Equal Employment Opportunity Officer. The CDO will be a senior executive in the Office of the Administrator with sufficient seniority to

coordinate efforts to promote DEIA in support of the Agency's overall mission and to improve EEO.

- **The Reasonable Accommodation (RA) Division**, a function required by law in each federal agency, provides technical advice, guidance, and recommendations on workplace accommodations and disability employment issues to current USAID employees as well as applicants for employment. Over the course of the past fiscal year, the RA Division facilitated the interactive process between agency officials and applicants (Civil Service and Foreign Service) to ensure they were able to fully participate in interviews and pre-employment examinations, and access all essential functions, benefits, and privileges of employment. To meet the Agency's demand for virtual access for our workforce, the RA team has added information and policy on reasonable accommodation, which were developed and communicated internally. These related support services are available on the Agency's webpages as the "Disability Resource Center." The resources include:
  1. a series of ADA30 celebration webinars on different topics;
  2. a training module showcasing the RA process from the start of the request to the implementation of the accommodation;
  3. a downloadable PDF copy of a Reasonable Accommodation Program Brochure; and
  4. a host of resource links and factsheets on various topics, including a link to the Job Accommodation Network (JAN).

On May 7, 2021, the RA Division released a revised [ADS Chapter 111](#) - Procedures for Providing Reasonable Accommodation for Individuals with Disabilities. This chapter lays out the Agency's policy for processing requests for reasonable accommodation for qualified individuals and job applicants with disabilities. With the release of the revised ADS Chapter 111, OCRD will continue to streamline the reasonable accommodation request process by releasing new and revised [USAID forms](#). Further, OCRD is committed to spreading awareness of the revised Chapter 111 and the Reasonable Accommodation Program.

- The Agency established **Personal Assistance Services (PAS)** to employees or applicants with targeted disabilities who require such assistance to work or participate in work-related travel as part of the affirmative action requirements under Section 501 of the Rehabilitation Act of 1973 and 29 C.F.R. 1614.203(d)(5). PAS are non-medical assistants who assist with activities of daily living, such as removing and putting on clothing, eating, and using the restroom. These services are needed by individuals whose specific targeted disabilities make it difficult for them to perform such activities on their own. USAID provides PAS primarily via a contract managed by OCRD using a full-time, part-time, or intermittent contractor.
- **EEO Training Campaign and Proactive Prevention**. USAID is committed to preventing discriminatory and harassing actions and eliminating barriers to EEO in the workplace by implementing a myriad of robust and proactive prevention efforts. The Agency's New Employee Orientation includes information about the Agency's EEO programs, including individuals' rights and responsibilities. OCRD conducts training for all new Foreign Service Officers through the Career Candidates Corps Orientation, promotes the EEO

program, creates awareness of how bias and microaggressions affect people and the workplace, and provides the avenues to report discriminatory and harassing behavior and retaliation. In addition, OCRD conducts awareness training for the workforce to help prevent and eliminate discrimination, harassment, and retaliation. OCRD collaborates with other entities, such as the Administrator's Action Alliance for the Prevention of Sexual Misconduct, to provide additional training and increase awareness of EEO laws and regulations. In FY 2021, OCRD launched a training campaign to provide proactive training to bolster resiliency around EEO, ADR, and anti-harassment issues. More than 2,200 staff members, including over 500 senior leaders, attended and benefited from the extensive efforts of OCRD. This training campaign will continue in FY 2022 with an expanded offering to include OCRD's RA Division.

- **The DEIA Trainer Task Force** consisted of more than 25 trainers with worldwide expertise in training/facilitation. This Task Force led repeat presentations of five unique training courses that addressed topics such as the history of anti-Black racism in the United States, applying inclusion principles to hiring practices, and the importance of empathy around gender identity. During the Calendar Year 2021, this Task Force provided 1,458 DEIA training sessions to 825 unique individuals, which represents nearly 6 percent of Agency staff across all hiring mechanisms. Additionally, of the 825 unique individuals, 83 were senior leaders (defined as FS-01, GS-15, Senior Executive Service [SES], and Senior Foreign Service [SFS]), which represents nearly 11 percent of senior leaders within the Agency.
- **USAID's Respectful, Inclusive, and Safe Environments (RISE) Platform** utilizes an innovative, cross-disciplinary, scenario-driven model to promote foundational knowledge and skills related to USAID's workplace and programs. The RISE Platform includes content related to: defining respect and civility; promoting DEIA by exploring implicit biases and micro-messaging; promoting employee accountability; preventing harassment and misconduct, including sexual misconduct; promoting inclusive development approaches in USAID's programs; integrating safeguarding measures in USAID programs to protect beneficiaries from harm, including sexual exploitation and abuse; and advancing staff safety, security, wellness, and resilience. Since RISE's inception in FY 2020, RISE has reached:
  - 4,300+ USAID Staff
  - 40 Operating Units - including 1 in 3 overseas Missions
  - 50 percent of Senior Leaders
- **Diversity and Inclusion Strategy.** In FY 2021, the Agency's current [DEIA Strategic Plan](#), signed by Administrator Power on her first day in office, provided a framework outlining key implementation and evaluation areas that will move USAID forward to DEIA outcomes. This strategy represented the collective efforts of USAID's global workforce from all hiring mechanisms. Diverse Agency-wide working groups are working to implement and provide guidance for decentralized implementation of all aspects of the DEIA strategy, including a training campaign that has served 668 staff members or 4.7 percent of the workforce.



- ***Executive Order (EO) 13988, “Preventing and Combating Discrimination on the Basis of Sexual Orientation or Gender Identity.”*** As the coordinator of USAID’s intra-agency Working Group on EO 13988, issued on January 20, 2021, OCRD has played a pivotal role in ensuring that the Agency remains in compliance with the EO. In FY 2021, working group members achieved some of the following outcomes: reviewed the Agency’s entire series of operational policies and procedures contained in the ADS for exclusionary language; updated EEO Complaint Program forms, guidance material, and ADS Chapter 110 with gender-inclusive language and the broader protected categories of pregnancy, gender identity, transgender status, and sexual orientation; and established a plan to assess the feasibility of installing gender-neutral restrooms in the Agency’s headquarters building.
- ***ADR Engagement.*** In FY 2021, the ADR program took efforts to increase engagement across the workforce. ADR continued to be offered starting from the pre-complaint stage and throughout the entire EEO complaint process. OCRD conducted a survey to assess the program and provide further feedback to bolster participation as a tool to explore engagement.
- ***EEO Collateral Duty Counselors Cadre.*** In FY 2021, OCRD’s Complaints and Resolution Division staff reviewed and updated the EEO Collateral Duty Counseling program to better serve the needs of the Agency by providing better-trained counselors to manage the EEO pre-complaint process more effectively. Customer service is at the forefront of the Program as counselors assist aggrieved individuals in going through the EEO complaint process efficiently and strive to resolve complaints at the lowest level possible while ensuring that all parties are treated with fairness, respect, and dignity. The EEO Complaints Team revamped the Program after listening to feedback from individuals who had gone through the process and following guidance from the EEOC. For FYs 2022-2024, OCRD will provide more than 20 certified EEO Collateral Duty Counselors to serve the entire Agency.

In FY 2021, USAID took the following additional actions in support of its EEO Program:

- Adhered to [EEOC Management Directive 715](#), which evaluates its EEO program on an annual basis.
- Reissued its [EEO Policy Statement](#), which reaffirms the Agency’s commitment against discrimination, harassment, and retaliation. Administrator Samantha Power issued the most recent EEO Policy Statement on October 7, 2021.
- Posted quarterly complaints data on USAID’s website pursuant to the No FEAR Act.

## **XI. Adjustment to Budget**

Section 203(a)(8) of the No FEAR Act requires that agencies include in their No FEAR Act Report to Congress information about “any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201.” This section requires federal agencies to reimburse the Judgment Fund for any discrimination and whistleblower related settlements or judgments reached in Federal Court.

In FY 2021, 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 has 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

### USAID POLICY STATEMENT ON EQUAL EMPLOYMENT OPPORTUNITY

Thursday, January 28, 2021

USAID is committed to ensuring equal opportunity and addressing inequality, including addressing overlapping forms of discrimination and fostering diversity, equity, and inclusion. As an Agency, we ensure all employees have the freedom to compete equitably on a fair and level playing field and create and maintain a work environment free from discrimination, harassment, and retaliation for individuals of all backgrounds. Doing so enables us to achieve our mission and promote and demonstrate our democratic values abroad.

To this end, I reaffirm USAID's commitment to equal employment opportunity (EEO) for all employees and applicants for employment, regardless of race, color, religion, sex (including pregnancy, sexual orientation, gender identity, or transgender status), national origin, age (40 or older), physical or mental disability, genetic information, religion, marital or parental status, veteran status, membership in an employee organization, political affiliation, involvement in protected EEO activity, or other non-merit factor.

Federal law and USAID policy prohibit discrimination, harassment, and EEO-related retaliation in the workplace and all employment-related decisions, including, but not limited to, recruitment, hiring, retention, merit promotion, transfers, assignments and reassignments, training and career development, benefits, and separation. Employees and applicants for employment who believe they have been subjected to discrimination or retaliation—or who are seeking additional information about their EEO rights and responsibilities—may contact the Office of Civil Rights and Diversity (OCRD) or an EEO Counselor at [EEOcomplaints@usaid.gov](mailto:EEOcomplaints@usaid.gov) within 45 days from the date the discrimination was believed to have occurred, or if the discrimination involved a personnel action from the date it takes effect.

Further, USAID does not tolerate workplace harassment, including sexual harassment, of any degree, and will address such behavior before it becomes severe or pervasive enough to be unlawful. I encourage all members of USAID's workforce to report suspected or alleged harassment. USAID management officials must report allegations of harassment based on a protected class within one business day to OCRD at [OCRDharassment@usaid.gov](mailto:OCRDharassment@usaid.gov) or via the USAID Misconduct Reporting Portal. Management officials and staff could be subject to corrective or disciplinary action if found to have engaged in misconduct.

All members of the USAID workforce must be free to exercise their EEO rights and receive equal treatment under the law. By safeguarding these EEO rights, USAID fosters and maintains respect for human dignity, individual rights, and the rule of law. When we embrace and exemplify these seminal values as an Agency, we benefit from our diversity, and we are not simply more inclusive and equitable, we are also more effective and resilient.

Acting Administrator Gloria D. Steele

**Appendix B:**

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

**USAID**

**As of period ending September 30, 2021**

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2021
	2016	2017	2018	2019	2020	
Number of Complaints Filed	20	19	30	25	29	31
Number of Complainants	20	18	30	25	26	29
Repeat Filers	0	1	0	0	3	2
Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2021
	2016	2017	2018	2019	2020	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	4	6	14	13	15	16
Color	0	1	5	7	7	6
Religion	0	0	3	2	2	3
Reprisal	2	6	13	11	16	20
Sex	5	8	18	16	12	12
PDA	0	1	1	1	1	0
National Origin	5	0	8	5	6	5
Equal Pay Act	0	0	0	0	0	0
Age	1	1	10	10	8	7
Disability	6	2	8	3	6	6
Genetics	0	0	0	0	0	0
Non-EEO	1	0	1	2	2	2

Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					2021
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2016	2017	2018	2019	2020	
Appointment/Hire	2	1	0	0	0	7
Assignment of Duties	0	2	1	8	4	3
Awards	0	0	0	0	0	0
Conversion to Full Time/Perm Status	0	0	0	0	0	0
<b>Disciplinary Action</b>						
Demotion	0	0	0	0	0	0
Reprimand	0	1	0	0	0	0
Suspension	1	0	0	0	1	0
Removal	4	0	0	1	0	0
Other	1	0	0	1	0	0
Duty Hours	0	0	0	0	0	0
Perf. Eval./ Appraisal	1	2	5	1	0	6
Examination/Test	0	0	0	0	0	0
<b>Harassment</b>						
Non-Sexual	4	0	1	3	5	4
Sexual	0	1	1	0	0	0
Medical Examination	0	0	0	0	0	0
Pay including overtime	0	4	2	1	1	0
Promotion/Non-Selection	4	0	3	1	5	10
<b>Reassignment</b>						
Denied	0	0	0	0	0	0
Directed	0	1	0	1	1	0
Reasonable Accommodation Disability	0	2	3	0	2	1
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0

Retirement	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	0	0	0	0
Termination	0	1	2	0	4	1
Terms/Conditions of Employment	4	0	4	3	7	4
Time and Attendance	0	1	1	0	2	0
Training	0	0	0	0	0	0
<b>Other</b>						
User Defined - Other 1	0	1	3	3	0	0
User Defined - Other 2	0	0	1	0	0	0
User Defined - Other 3	0	0	0	0	0	0
User Defined - Other 4	0	0	0	0	0	0
<b>Processing Time</b>	<b>Comparative Data</b>					
	<b>Previous Fiscal Year Data</b>					<b>2021</b>
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	
Complaints pending during fiscal year						
Average number of days in investigation	328.30	0	319.93	310.80	219.07	149.70
Average number of days in final action	104.45	163.60	313.00	129.78	111.50	37.26
Complaint pending during fiscal year where hearing was requested						
Average number of days in investigation	360.25	0	286.43	332.33	246.57	151.25
Average number of days in final action	38.50	0	0	81.67	48.42	28.82
Complaint pending during fiscal year where hearing was not requested						
Average number of days in investigation	307.00	0	353.43	260.56	146.88	147.93
Average number of days in final action	183.60	163.60	313.00	226.00	201.64	48.88

Complaints Dismissed by Agency	Comparative Data											
	Previous Fiscal Year Data										2021	
	2016		2017		2018		2019		2020			
Total Complaints Dismissed by Agency	1		1		2		5		4		2	
Average days pending prior to dismissal	50		32		224		107		98		48	
<b>Complaints Withdrawn by Complainants</b>												
Total Complaints Withdrawn by Complainants	6		1		2		1		2		1	
Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous Fiscal Year Data										2021	
	2016		2017		2018		2019		2020			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	1		0		0		0		0		0	
Without Hearing	1	100	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										2021	
	2016		2017		2018		2019		2020			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
<b>Total Number Findings</b>	1		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	1	100	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
<b>Findings After Hearing</b>	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
<b>Findings Without Hearing</b>	1		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	1	100	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 of Discrimination Rendered by Issue	Comparative Data											
	Previous Fiscal Year Data										2021	
	2016		2017		2018		2019		2020			
	#	%	#	%	#	%	#	%	#	%	#	%
<b>Total Number Findings</b>	1		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	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	1	100	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 - User Define												
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
<b>Findings After Hearing</b>	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	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 - User Define												
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
<b>Findings Without Hearing</b>	1		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	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	1	100	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 - User Define												
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

<b>Pending Complaints Filed in Previous Fiscal Years by Status</b>	<b>Comparative Data</b>					
	<b>Previous Fiscal Year Data</b>					<b>2021</b>
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	
Total complaints from previous Fiscal Years	27	32	31	42	21	17
Total Complainants	25	30	29	40	19	14
<b>Number complaints pending</b>						
Investigation	2	13	9	6	0	0
ROI issued, pending Complainant's action	1	0	1	1	1	0
Hearing	24	25	20	32	20	16
Final Agency Action	1	6	6	4	0	1
Appeal with EEOC Office of Federal Operations	0	0	0	0	8	10
<b>Complaint Investigations</b>	<b>Comparative Data</b>					
	<b>Previous Fiscal Year Data</b>					<b>2021</b>
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	
Pending Complaints Where Investigations Exceed Required Time Frames	5	17	6	7	0	0