



Fiscal Year 2020 Annual Report to Congress
on the
Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (as amended)

Prepared by the:
Office of Workplace Diversity

Submitted to the:
Speaker of the House of Representatives
President *pro tempore* of the Senate
Senate Committee on Governmental Affairs
House of Representatives Committee on Oversight and Reform
Senate Committee on Commerce, Science and Transportation
House of Representatives Committee on Energy and Commerce
Senate Committee on Appropriations
House of Representatives Committee on Appropriations
Senate Committee on Judiciary
House of Representatives Committee on Judiciary

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I. INTRODUCTION

The Office of Workplace Diversity of the Federal Communications Commission (FCC) submits this report pursuant to Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174¹ and Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, H.R. 6395, Title XI, Subtitle B (Sections 1131-1138).² Section 203 of the No FEAR Act requires each Federal agency to submit the No FEAR Act Annual Report no later than 180 days after the end of each fiscal year.³ The No FEAR Act directs that the annual report include: (1) the number of Federal court cases arising under the No FEAR Act laws and the status or disposition of the cases; (2) the amount of Judgment Fund reimbursements and adjustments to the FCC's budget to meet the reimbursement requirements; (3) the number of disciplinary actions related to discrimination, retaliation, or harassment and the FCC's policy relating to appropriate disciplinary action; (4) the agency's plan to train employees on their rights under the No FEAR Act; (5) the year-end summary of data related to Federal sector equal employment opportunity (EEO) complaint activity; and (6) an analysis of trends, causation, and practical knowledge gained through experience and actions planned or taken to improve complaint or civil rights programs.

Since submission of its Fiscal Year (FY) 2019 Annual Report,⁴ the FCC has continued its efforts to maintain a work environment free from discrimination and harassment. Accordingly, for FY 2020, we report on the number of cases filed in Federal court regarding alleged violations of federal anti-discrimination or whistleblower protection laws, the disposition of those cases, money required to be reimbursed to the Judgment Fund, the number of employees disciplined for discrimination, retaliation, harassment, or other infractions of law cited in Section 201(c) of the No FEAR Act, and the FCC's No FEAR Act training efforts. This report also provides an analysis of the FY 2020 complaints, including trends and causal analysis and the practical knowledge gained.

¹ Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, 5 U.S.C. § 2301 note (2015) (No FEAR Act).

² On January 1, 2021, as part of William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, the No FEAR Act of 2002 was amended. We note that such amendment does not alter the reporting requirements.

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

⁴ "Fiscal Year 2019 Annual Report to Congress on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002" (FCC, March 2020) (FCC FY 2019 Report).

II. BACKGROUND

The FCC, an independent regulatory agency of the United States Government, is charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.⁵ It also regulates telecommunications, advanced communication services and video programming for people with disabilities as set forth in the Communications Act of 1934, as amended.⁶ The FCC’s mission is “to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, rapid, efficient, Nationwide, and world-wide wire and radio communication service with adequate facilities at reasonable charges.”⁷ To this end, the FCC’s strategic vision and focus centers on bringing the benefits of the digital age to all Americans by emphasizing four priorities:

- Closing the Digital Divide;
- Promoting Innovation;
- Protecting Consumers and Public Safety; and
- Reforming the FCC’s Processes.⁸

The No FEAR Act is intended to reduce workplace discrimination within the Federal government by holding Federal agencies accountable for violations of anti-discrimination and whistleblower protection laws and requiring Federal agencies to post certain statistical data relating to Federal sector EEO complaints filed with the agencies.⁹ As it continues to fulfill its mission, the FCC, in turn, is cognizant of and committed to doing its part to ensure that workplace discrimination and retaliation is not tolerated through its compliance with the No FEAR Act.

III. DATA

A. Civil Cases

Section 203(a)(1) of the No FEAR Act requires that agencies include in their annual report “the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of Section 201(a) in which discrimination on the part of such agency was alleged.”

⁵ Federal Communications Commission Strategic Plan 2018 – 2022, <https://www.fcc.gov/document/strategic-plan-2018-2022> (FCC 2018-2022 Strategic Plan).

⁶ *Id.*

⁷ 47 U.S.C. § 151.

⁸ FCC 2018-2022 Strategic Plan at *i*.

⁹ On May 15, 2002, President George W. Bush signed the No FEAR Act into law. It became effective on October 1, 2003. On January 1, 2021, the No FEAR Act was amended. *See* footnote 2.

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

- Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-16 (race, color, religion, sex, and national origin) (Title VII);
- The Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 633a (age) (ADEA);
- The Equal Pay Act of 1963, 29 U.S.C. § 206(d) (gender-based wage differentials);
- Section 501 of the Rehabilitation Act of 1973, amended, 29 U.S.C. § 791 (disability) (Rehabilitation Act)
- The Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (genetic information) (GINA); and
- The Civil Service Reform Act of 1978, 5 U.S.C. § 2302(b) (race, color, religion, sex, national origin, age, disability, marital status, political affiliation, and whistleblowing).

During FY 2020, the FCC was a party to one Federal district court case. The case alleged a violation of Title VII and the Rehabilitation Act and remains pending.

B. Judgment Fund Reimbursements and Budget Adjustments

Section 724.103 of OPM’s implementing regulations requires Federal agencies to reimburse the Judgment Fund for payments covered by the No FEAR Act.¹¹ Additionally, Federal agencies must include information regarding any adjustments to their budget in order to reimburse Judgment Fund payments. No expenditures from the Judgment Fund were made on behalf of the FCC during FY 2020. Accordingly, the FCC did not adjust its budget, as the FCC did not have to reimburse the Judgment Fund.

C. Disciplinary Policy and Actions

Section 203(a)(6) of the No FEAR Act requires that an agency include in its annual report a detailed description of the policy implemented by that agency relating to disciplinary actions

¹⁰ 5 C.F.R. § 724.302.

¹¹ 5 C.F.R. § 724.302.

imposed against a Federal employee who discriminated against any individual in violation of any of the laws cited under Section 201(a) (1) or (2), or committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under Section 201(a) (1) or (2). Further, the No FEAR Act requires that, with respect to each such law, the Federal agency report on the number of employees who were disciplined in accordance with such policy and the specific nature of the disciplinary action taken.

The Acting Chairwoman of the FCC has issued three policy statements that reinforce the FCC's commitment to establishing a workplace free from discrimination, harassment and retaliation.¹² The FCC has promoted several training initiatives envisioned to reduce discrimination, harassment and retaliation, as well as promote diversity and inclusion, in its workplace. These training initiatives include presentations by external and internal speakers, book and film discussions, video presentations, online training and classroom training.

The *Equal Employment Opportunity Policy Statement* explains the FCC's firm commitment to EEO and the promotion of a strong affirmative employment program.¹³ Additionally, the policy emphasizes the FCC's determination to hold managers and supervisors accountable for ensuring EEO and for achieving progress toward a diverse work force at all levels that is more representative.

The *Anti-Harassment Policy Statement* communicates the FCC's zero tolerance policy in the workplace concerning harassment against employees on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, parental status, political affiliation, family medical history or any other basis protected by law. Moreover, it reiterates the responsibilities of both managers and supervisors to prevent and promptly correct harassing conduct in the workplace.¹⁴ Any FCC employee found to have engaged in harassment or discrimination in violation of this policy is subject to disciplinary action. In this regard, the FCC also maintains a written policy on disciplinary actions and adverse actions under its Basic Negotiated Agreement with the National Treasury Employees Union. These actions range from an oral admonishment to removal.

The *Alternative Dispute Resolution Policy Statement* encourages managers, supervisors and employees to explore resolution alternatives, specifically mediation, to address workplace conflict in a fair, amicable, timely, equitable and cost-effective manner. Guided by a third-party

¹² On January 21, 2021, President Biden designated then FCC Commissioner Jessica Rosenworcel as the Acting FCC Chairwoman. On January 22, 2021, the Acting Chairwoman issued three policy statements – namely, the Equal Employment Opportunity Policy Statement, the Anti-Harassment Policy Statement and the Alternative Dispute Resolution Policy Statements. The substantive content of these statements is the same as those which were effective under former Chairman Pai during FY 2021. For purposes of this Report, the FCC policy statements included are those that were effective during FY 2020.

¹³ See Appendix B.

¹⁴ See Appendix C.

neutral in an informal confidential forum, FCC staff can voluntarily communicate concerns and arrive at solutions workable for all parties. In supporting mediation as an alternative method for employees to explore and manage workplace conflict at the earliest opportunity and lowest level, the FCC seeks to improve employee communication and collaboration to enhance the efficiency and cohesiveness of the FCC community.¹⁵

Section 203(a)(4) of the No FEAR Act also requires that agencies include the number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law covered by the No FEAR Act.¹⁶ In this context, discipline means any one or a combination of the following actions: reprimand, suspension without pay, reduction in grade or pay, or removal.¹⁷ The OPM's final regulation provides that irrespective of discrimination cases in Federal court, Federal agencies are to report the total number of employees disciplined and the specific nature of the disciplinary actions taken in accordance with agency policy that prescribes disciplinary action for discrimination, retaliation, or harassment, and whistleblower protection law violations.¹⁸ In FY 2020, the FCC did not discipline any employees for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in Section 203(a)(1) of the No FEAR Act.

D. No FEAR Act Training

Section 202(c) of the No FEAR Act requires agencies to provide training for their employees on the rights and remedies under Federal anti-discrimination, retaliation, and whistleblower protection laws. Under Section 724.203 of OPM's implementing regulations, Federal agencies were required to develop a written training plan and to have trained their employees by December 17, 2006, and every two years thereafter. New employees must receive No FEAR Act training within ninety days of appointment, which is satisfied through the FCC's New Employee Orientation program. For FY 2020, all new employees received No FEAR Act training within ninety days of appointment. While the FCC's FY 2020 No FEAR Act training efforts for the remainder of FCC employees were adversely impacted by the COVID-19 pandemic, over 99% of FCC employees have completed the No FEAR Act web-based training course. Further, over 99% of FCC employees also completed web-based whistleblower and prohibited personnel practices training. In FY 2020, the FCC continued to place strong emphasis on the rights and remedies that employees have under Federal anti-discrimination, retaliation and whistleblower

¹⁵ See Appendix D.

¹⁶ 5 U.S.C. § 2301 note at § 203(a)(4).

¹⁷ 5 C.F.R. § 724.102.

¹⁸ Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 -- Reporting and Best Practices, 71 Fed. Reg. 78033, 78035 (2006).

protection laws. During this current fiscal year, the FCC began its planning efforts for offering a No FEAR Act web-based training course in FY 2022.¹⁹

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

Section 203(a)(5) of the No FEAR Act requires Federal agencies to include its final year-end data posted under Section 301(c)(1)(B) for such fiscal year. Moreover, Section 301(c)(2) of the No FEAR Act requires Federal agencies to include data for each of the five immediately preceding fiscal years. The FCC includes the final year-end data required under Section 301(b) of the No FEAR Act in Appendix A.

IV. ANALYSIS OF COMPLAINTS

Section 203(a)(7) of the No FEAR Act requires that agencies undertake “an examination of trends; causal analysis; practical knowledge gained through experience; and any actions planned or taken to improve complaint or civil rights programs of the agency.” The FCC has examined the information reported. During FY 2020, there were fourteen complaints filed alleging unlawful discrimination. From those fourteen complaints, the FCC had fourteen allegations of discrimination based on race, four allegations of discrimination based on sex, seven allegations of discrimination based on color, six allegations of discrimination based on disability, ten allegations of reprisal, four allegations of discrimination based on age, and three allegations of discrimination based on national origin.²⁰ None of the complaints resulted in a finding of unlawful discrimination. Further, since the effective date of the No FEAR Act, there have been no Federal district court cases filed by FCC employees resulting in judgments, awards or compromise settlements paid by the Judgment Fund.

A. Trends and Causal Analysis

For FY 2020, the FCC received fourteen formal complaints involving allegations of discrimination based on race, sex, national origin, disability, reprisal, color and age. Indeed, the number of FY 2020 formal complaints represents a significant increase when compared to the five complaints filed in FY 2019. However, in its FY 2019 No FEAR Act Report, the FCC noted that FY 2019 “mark[ed] the lowest number of complaints filed in the preceding four years[;]”²¹ thus,

¹⁹ The No FEAR Act training requirement is for every two years. Thus, the FCC provided agency-wide training in FY 2020 and plans to provide such training in FY 2022.

²⁰ Each complainant may allege more than one basis for discrimination. Accordingly, the number of bases alleged may exceed the number of complaints filed.

²¹ See FCC FY 2019 Report at pg. 9.

the trend analysis here should also take into account the experience during the three years preceding FY 2019. In doing so, the average number of complaints filed from FY 2016 through FY 2020 was 9.6. Comparatively, the FY 2020 total number of complaints represented a 46% increase over the average number of formal complaints for the five-year period and a 40% increase over the largest number of complaints during any of the four years preceding FY 2020. This spike in formal complaint filings may be attributed to the agency’s ongoing efforts to heighten employee awareness and knowledge of the EEO complaint process and the opportunity for them to avail themselves of such process if and when they believe they have experienced inappropriate or illegal treatment in the workplace. In addition, it is unclear what, if any, impact events which garnered national and local attention may have had on individual employee decisions to use the EEO process. As the data demonstrates,²² this uptick in complaints did not result in any findings of discrimination.

FIGURE 1: Number of complaints filed from FY 2016 to FY 2020

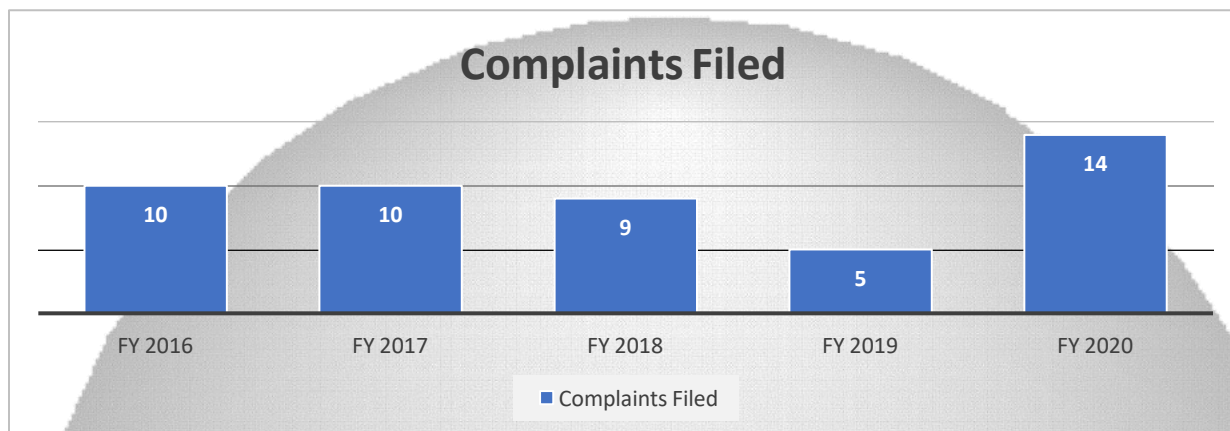


Figure 1 shows the number of complaints filed each year for the past four years and the variance from the prior year’s filing. Even with FY 2020’s increase in the number of complaints filed, a review of the complaint allegations for the last four years reveals that the number of complaints filed in FY 2020 is relatively on par with the number of cases filed in the preceding three years before FY 2019. The FCC’s strides could be bolstered by additional targeted training of senior leadership, supervisors and managers concerning the FCC’s EEO policy, the law and policies regarding discrimination on the basis of reprisal, disability and race, and diversity awareness. For example, reprisal averages 27.02% of the allegations, disability averages 19.81% of the allegations, and race averages 11.71% of the allegations.²³ Combined, these three areas account for 58.56% of the complaint allegations.

²² See Appendix A

²³ No complaints were filed alleging violations under the Equal Pay Act or the Genetic Information Nondiscrimination Act.

For FY 2020, the most frequently cited basis in the formal complaints filed was race (14), followed by reprisal (ten) and color (7). By comparison, FY 2019's most frequently cited basis was disability (5), followed by reprisal and age (3). Although the numbers have fluctuated from year to year, disability and reprisal have been frequently alleged bases since FY 2016.

FIGURE 2: FY 2020 Allegations in Complaints

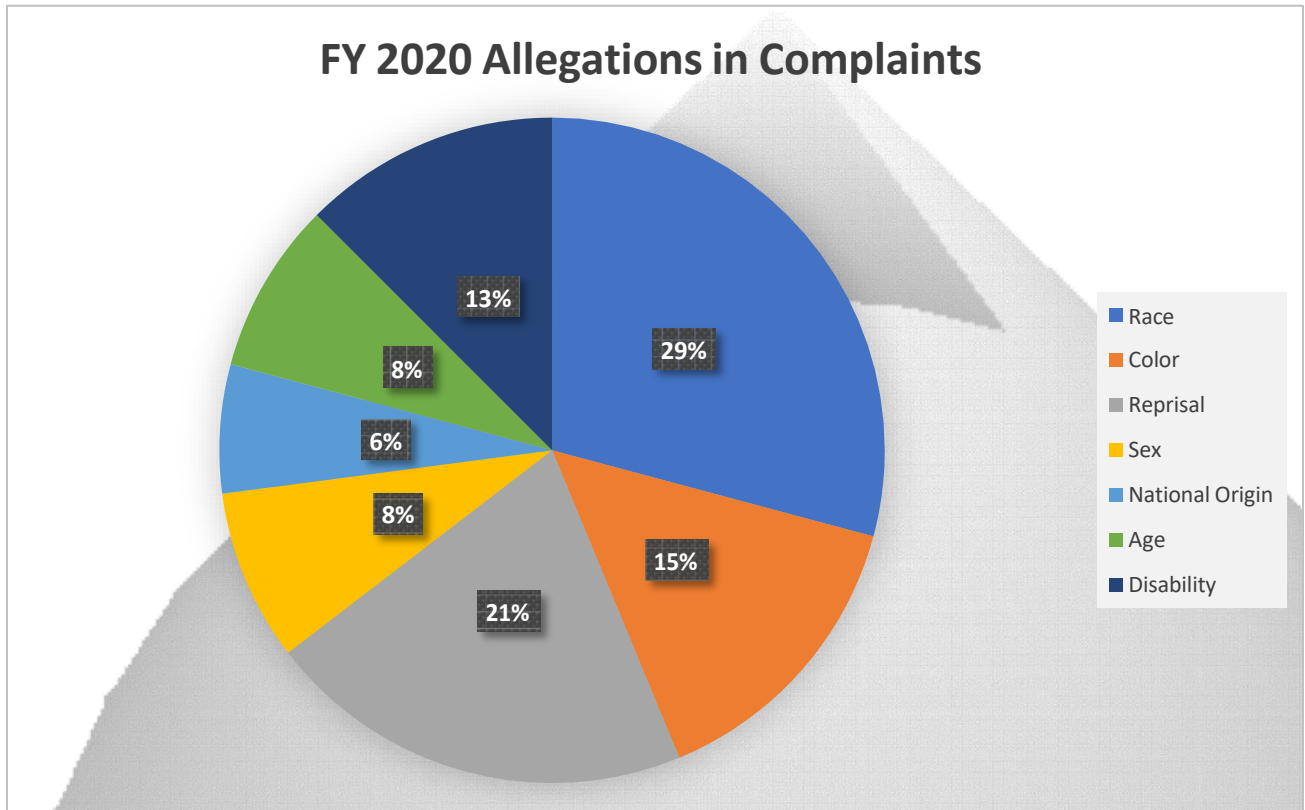
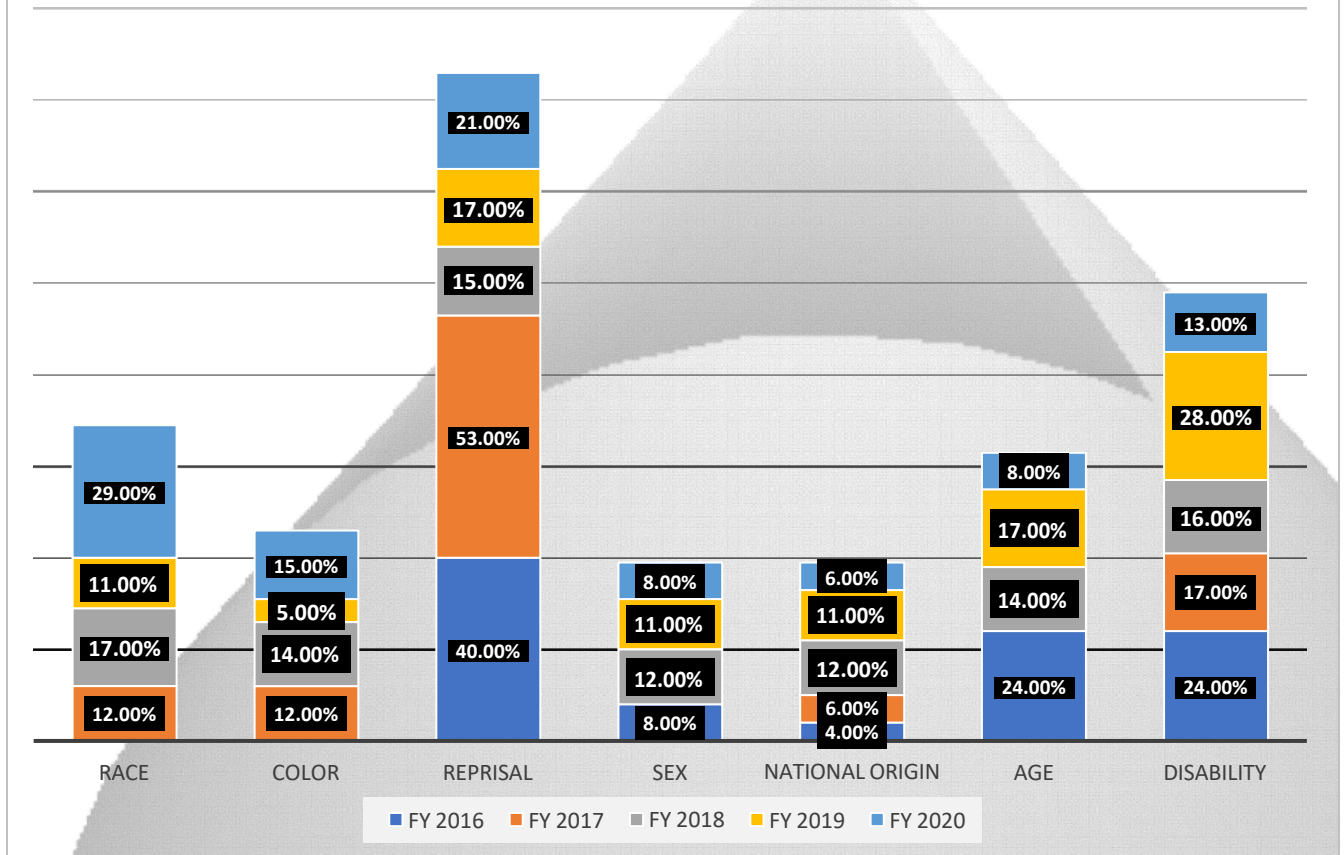


FIGURE 3: Allegations from FY 2016 – FY 2020

Allegations from FY 2016 - FY 2020



Although the issues that formed the bases for complaints were varied, the following issues arose at least once over the last four years:

- Evaluation/Appraisal
- Harassment (Non-Sexual)
- Promotion/Non-Selection
- Reasonable Accommodation

To respond to this outcome, the FCC has identified steps aimed at addressing potential issues in these areas. With regard to evaluation/appraisal and promotion/non-selection, the FCC’s efforts going forward will include, but not be limited to, reviewing its evaluation/appraisal and promotion/non-selection procedures and policies, using the Employee Viewpoint Survey as a self-assessment tool, and developing, providing and reiterating the importance of training for managers and supervisors in these areas. With regard to harassment and reasonable accommodation, the FCC’s efforts will include, but not be limited to, providing training opportunities for employees, managers and supervisors, increasing awareness of the FCC’s policies and procedures aimed to reduce harassment incidents and provide reasonable accommodations.

By focusing on these steps, there is an increased likelihood that the number of formal complaints will decline and the instances of allegations in the four areas identified above – namely, evaluation/appraisal, harassment (non-sexual), promotion/non-selection, and reasonable accommodation – would be fewer. In this regard, the FCC will: (1) reiterate the importance of supervisors providing effective feedback to employees regarding expectations; (2) explore increased training for skills to perform at higher grades as part of its current efforts to develop a workforce for the 21st century; (3) seek to partner with the Equal Employment Opportunity Commission to provide additional training concerning harassment and reasonable accommodations for FCC employees; and (4) provide increased diversity, inclusion and awareness training.

B. Practical Knowledge Gained Through Experience and Action Plan

During FY 2020, the FCC continued to encourage participation in the ADR Program for individuals involved in EEO and non-EEO related conflicts. In an effort to resolve issues at the earliest stage of the EEO process, ADR was offered to 100 percent of individuals initiating pre-complaints. ADR was also offered to 100 percent of individuals initiating formal complaints of discrimination. In FY 2020, the agency continued to offer ADR training and informational sessions to foster awareness of the goals and benefits of mediation and familiarize senior leadership, managers and supervisors and employees with the mediation process. To this end, during FY 2020, the FCC conducted a targeted initiative by which any managers or supervisors who had not previously received ADR training were trained. Through its efforts in these areas, the FCC hopes to increase its ADR participation and resolution rates in FY 2021.

While use of the FCC's ADR program is still growing, the FCC's collateral duty EEO Counselors have played a critical role in assisting to resolve complaints early and at the lowest level possible. In FY 2020, the agency added five collateral duty EEO Counselors to its cadre to assist with counseling informal complaints. Indicators of the importance and effectiveness of their contributions in this regard are as follows: six complainants either withdrew an informal complaint or did not file a complaint in FY 2016; ten complainants either withdrew an informal complaint or did not file a complaint in FY 2017; eight complainants either withdrew an informal complaint, did not file a formal complaint or settled an informal complaint in FY 2018; and, eight complainants withdrew a formal complaint or did not file a formal complaint in FY2019. In FY 2020, four complainants withdrew an informal complaint or did not file a formal complaint. This trend reflects that the FCC is moving in the right direction. Further, our experience suggests that the number of filings that do not result in a formal complaint, due either to settlement by the parties or withdrawal from the EEO process, should continue to increase given the strides the FCC has made with its ADR program and the agency's ongoing promotion and offering of training for senior leadership, managers and supervisors and employees as stated previously.

V. CONCLUSION

During FY 2020, the FCC continued to make strides in its efforts to foster and promote a workplace free from harassment and discrimination. There were fourteen formal complaints filed alleging violations covered under the No FEAR Act. None of these complaints resulted in a finding of unlawful discrimination. In addition to the formal complaints, there was only one case pending during FY 2020, in which the complainants alleged violations under the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. No FCC employees were disciplined for discrimination, retaliation, harassment or other infractions of law in connection with a Federal district court action. Further, the FCC had no cases that resulted in a judgment, award or compromised settlement. Accordingly, no expenditures from the Judgment Fund were made on behalf of the FCC.

Specific reasons exist for these outcomes resulting in the absence of Federal district court judgments, awards and compromise settlements reported during FY 2020. First, the FCC employs several training and other initiatives, including detailed trainings and briefings for FCC managers and employees on the No FEAR Act, EEO laws, Whistleblower Protection Act, prohibited personnel practices and ADR, and diversity and inclusion programs. Second, the FCC continues to increase its emphasis on encouraging employees to resolve workplace disputes at the earliest stages through ADR and coaching programs. This increased attention to the early resolution of workplace issues, coupled with periodic briefings and training, undoubtedly has had a favorable impact on the FCC's efforts to decrease the number of formal complaints filed. Third, when cases do arise, the FCC has been successful in litigating them, as allegations of discrimination have not been proven and/or claims have been dismissed at both the administrative and Federal court levels. In addition, the FCC has endeavored to have proactive and effective communication with employees about major changes in the agency's organization, policies and practices. This approach has, in turn, allayed employee concerns that arise in the workplace. Finally, the FCC recognizes that emphasizing the benefits of ADR to managers, supervisors and employees will continue to yield enormous results on this front. Accordingly, the FCC will continue to finetune its efforts to promote and ensure a workplace free of harassment and discrimination and proactively leverage strategies to identify, address and resolve workplace conflicts before they become formal complaints.

APPENDIX A
FCC No FEAR Act Activity Data, Fiscal Years
2016 – 2020
and First Quarter Fiscal Year 2021

Complaint Activity 29 C.F.R. § 1614.704(a) – (c)	Comparative Data					1st Qtr.
	Previous Fiscal Year Data					
	2016	2017	2018	2019	2020	
Number of Complaints Filed	10	10	9	5	14	1
Number of Complainants	9	8	4	5	13	1
Repeat Filers	1	2	1	0	1	0

Complaints by Basis 29 C.F.R. § 1614.704(d) Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.	Comparative Data					1st Qtr.
	Previous Fiscal Year Data					
	2016	2017	2018	2019	2020	
Race	0	2	9	2	14	0
Color	0	2	7	1	7	0
Religion	2	1	0	0	0	0
Reprisal	10	9	8	3	10	1
Sex	2	0	6	2	4	1
National Origin	1	1	6	2	3	0
Equal Pay Act	0	0	0	0	0	0
Age	6	0	7	3	4	0
Disability	6	3	8	5	6	1
Genetic Information	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0

Complaints by Issue 29 C.F.R. § 1614.704(e) Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.	Comparative Data					1st Qtr.
	Previous Fiscal Year Data					
	2016	2017	2018	2019	2020	
Appointment/Hire	0	1	2	0	0	0
Assignment of Duties	7	3	8	2	9	0
Awards	3	0	6	0	0	0
Conversion to Full-time	0	0	0	0	0	0
Disciplinary Action						
Demotion	0	1	0	0	1	0
Reprimand (warning)	1	2	0	0	2	0

Removal	0	0	0	0	1	0
Suspension	1	1	0	0	1	0
Disciplinary Warning	1	1	2	0	2	0
Other	0	0	0	0	0	0
Duty Hours	0	3	0	0	3	1
Evaluation Appraisal	3	2	8	2	5	0
Examination/Test	0	0	1	0	0	0
Harassment						
Non-Sexual	3	9	9	2	12	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	6	1	2	1	3	0
Reassignment						
Denied	1	0	6	0	0	0
Directed	0	0	0	0	1	0
Reasonable Accommodation	1	5	6	2	4	1
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	0	0	0	1	0
Terms/Conditions of Employment	0	3	1	0	7	1
Time and Attendance	0	3	1	0	7	1
Training	0	0	0	0	4	0
Non-EEO	0	2	0	0	0	0

Processing Time 29 C.F.R. § 1614.704(f)	Comparative Data					1st Qtr.
	Previous Fiscal Year Data					
	2016	2017	2018	2019	2020	
Complaints Pending (for any length of time) During Fiscal Year						
Average Number of Days in Investigation Stage	250	163	308	180	153	45
Average Number of Days in Final Action Stage	120	49	38	57	87	0
Complaints Pending (for any length of time) During Fiscal Year Where Hearing Was Requested						
Average Number of Days in Investigation Stage	254	251	270	177	178	0

Average Number of Days in Final Action Stage	21	43	37	0	40	0
Complaints Pending (for any length of time) During Fiscal Year Where Hearing Was Not Requested						
Average Number of Days in Investigation Stage	241	119	372	0	150	45
Average Number of Days in Final Action Stage	318	63	39	57	87	0

Complaints Dismissed by Agency 29 C.F.R. § 1614.704(g)	Comparative Data					1st Qtr.
	Previous Fiscal Year Data					
	2016	2017	2018	2019	2020	
Total Complaints Dismissed by Agency	2	0	6	1	2	0
Average Days Pending Prior to Dismissal	65	0	54	57	116	0
Complaints Withdrawn by Complainants						
Total Complaints Withdrawn by Complainants	1	0	0	0	2	0

Total Final Actions Finding Discrimination 29 C.F.R. § 1614.704(j)	Comparative Data										1st Qtr.	
	Previous Fiscal Year Data											
	2016		2017		2018		2019		2020			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	0	0	0	0	0	0	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 29 C.F.R. § 1614.704(j) Note: Complaints can be filed Alleging Multiple Bases. The Sum of the Bases may not Equal Total Complaints and Findings.	Comparative Data										1st Qtr.	
	Previous Fiscal Year Data											
	2016		2017		2018		2019		2020			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	0	0	0	0	0	0	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
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
Genetic Information	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	0	0	0	0	0	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
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
Genetic Information	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	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
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
Genetic Information	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 29 C.F.R. § 1614.704(k)	Comparative Data										1st Qtr.	
	Previous Fiscal Year Data											
	2016		2017		2018		2019		2020			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of 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	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

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 and by Status 29 C.F.R. § 1614.704(l)	Comparative Data					1st Qtr.
	Previous Fiscal Year Data					
	2016	2017	2018	2019	2020	
Total Complaints from Previous Fiscal Years	23	10	12	6	3	13
Total Complainants	20	11	10	5	3	12
Number Complaints Pending						
Investigation	4	1	0	0	0	6
ROI Issued, Pending Complainants Action						0
Hearing	19	9	6	4	2	2
Final Action	0	0	3	0	1	5
Appeal with EEOC Office of Federal Operations	0	1	3	2	0	0

Complaint Investigations 29 C.F.R. § 1614.704(m)	Comparative Data					1st Qtr.
	Previous Fiscal Year Data					
	2016	2017	2018	2019	2020	
Pending Complaints Where Investigations Exceeds Required Time Frames	9	3	3	0	0	1

APPENDIX B
EEO POLICY STATEMENT



Federal Communications Commission
Equal Employment Opportunity Policy
May 12, 2020

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

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

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

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

A handwritten signature in black ink that reads "Ajit V. Pai".

Ajit V. Pai
Chairman

APPENDIX C
ANTI-HARASSMENT POLICY STATEMENT



Federal Communications Commission
Anti-Harassment Policy Statement
May 12, 2020

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

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

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

A handwritten signature in black ink that reads "Ajit V. Pai".

Ajit V. Pai
Chairman

APPENDIX D
ALTERNATIVE DISPUTE RESOLUTION
POLICY STATEMENT



Federal Communications Commission
Alternative Dispute Resolution Policy Statement
May 12, 2020

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

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

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

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

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

A handwritten signature in black ink that reads "Ajit V. Pai".

Ajit V. Pai
Chairman