

**ANNUAL REPORT ON THE  
NOTIFICATION AND FEDERAL EMPLOYEE  
ANTIDISCRIMINATION AND RETALIATION ACT OF 2002**

**FISCAL YEAR 2023**



**U.S. FEDERAL TRADE COMMISSION**

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## EXECUTIVE SUMMARY

The Federal Trade Commission (FTC or Agency) enforces a variety of federal antitrust and consumer protection laws. Specifically, the FTC is a bipartisan federal agency with a unique, dual mission to protect consumers and promote competition.

To maximize its effectiveness and meet the objectives of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act or the Act), the FTC has an unyielding goal of achieving a model Equal Employment Opportunity Program. The No FEAR Act was enacted to ensure that federal agencies are accountable for violations of antidiscrimination and whistleblower protection laws and to reduce incidences of workplace discrimination in the federal government.

The FTC has prepared this Fiscal Year (FY) 2023 version of the Annual Report, as required by Section 203 of the No FEAR Act, Pub. L. No. 107-174, for submission to the Speaker of the United States House of Representatives, the President Pro Tempore of the United States 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 FTC, the U.S. Attorney General, and the Chair of the Equal Employment Opportunity Commission (EEOC). Additionally, the FTC has prepared this report in accordance with the Office of Personnel Management's (OPM) final regulations implementing the requirements of the No FEAR Act, 5 C.F.R. Part 724, and hereby submits this report to OPM in accordance with these regulatory requirements.

The FY 2023 Annual Report summarizes the FTC's activities in the following areas: the number and disposition of federal court cases that resulted in judgments, awards, or settlements; the amount of money the FTC has been required to reimburse the Judgment Fund; the number of employees disciplined for discrimination, retaliation, harassment, or other infractions of law covered by the No FEAR Act; the FTC's policy regarding such discipline; an analysis of trends, a causal analysis, practical knowledge gained through experience, actions taken and planned to improve the FTC's discrimination complaint program; and a written training plan.

As reflected in the FTC's previous No FEAR Act Annual Reports, the instant report shows that the FTC is a relatively small agency. At the end of FY 2023, the FTC had a permanent workforce of 1157, an increase of 10.3% percent from 1,038 permanent workforce in FY 2022. This Annual Report shows that the FTC continued to make substantial progress in promoting a workplace that is free of conduct, policies, practices, or decisions that are inconsistent with the antidiscrimination and whistleblower protection laws. This is supported by the fact that one formal complaint had been filed against the FTC in FY 2022 and one formal EEO complaint had been filed in FY 2023. Furthermore, in FY 2022 and FY 2023, the FTC was not a party to any federal court case involving alleged violations of federal antidiscrimination and retaliation laws.

Historically, the FTC's discrimination complaint levels have been low, and in FY 2023, a variety of factors contributed to the FTC's low number of complaints. These factors include but are not limited to: informal resolution of cases during pre-complaint counseling; FTC resources dedicated to proactive prevention of EEO complaints; and concerted efforts among the FTC Office

of Workplace Inclusivity and Opportunity (“OWIO” or “the Office of WIO”), the FTC Office of the General Counsel (OGC), and the FTC Human Capital Management Office (HCMO) to work together to address workplace issues.

The FY 2023 Annual Report shows that the FTC has continued the following efforts:

- Strengthening management-employee relations;
- Placing a clear emphasis on EEO and workplace diversity and inclusivity principles, and incorporating these concepts into the FTC’s culture;
- Creating sustainable methods to build trust and goodwill across the agency through various communication avenues (e.g., through FTC employee resource groups, regular meetings with senior management, and partnering with staff throughout the Agency on various commemorative events); and
- Using strategies for analyzing and removing the sources of workplace conflicts.

## **I. INTRODUCTION**

The No FEAR Act requires federal agencies to submit annual reports to the Speaker of the U.S. 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 FTC, the Attorney General, and the EEOC. OPM’s regulations implementing the reporting and best practices requirement of the No FEAR Act further provide that federal agencies must submit a copy of their annual report to OPM. The FTC’s FY 2023 Annual Report is submitted in accordance with these regulatory requirements.

## **II. BACKGROUND**

The No FEAR Act was enacted in 2002 to ensure that federal agencies remain accountable for violations of antidiscrimination and whistleblower protection laws and to reduce incidences of workplace discrimination within the federal government. In implementing the Act, Congress expressly found that “agencies cannot be run effectively if those agencies practice or tolerate discrimination[.]” Pub. L. No. 107-174 § 101(1). The Act, therefore, requires that “[F]ederal agencies be accountable for violations of antidiscrimination and whistleblower protection laws[.]” Pub. L. No. 107-174 (Summary). Title II of the Act specifically requires that each federal agency post quarterly, on its public website, summary statistical data pertaining to complaints of employment discrimination filed against the agency by its employees, former employees, and applicants for employment under 29 C.F.R. Part 1614. Title II of the Act further provides that each agency must submit an annual report regarding discrimination, whistleblower retaliation, and other related complaints to facilitate congressional oversight of agency compliance with these laws. This annual report must include the following information:

1. The number of cases against the agency arising under antidiscrimination and whistleblower protection laws;
2. The status or disposition of cases described in Item 1;

3. The amount of money the agency has been required to reimburse the Judgment Fund;
4. The number of employees disciplined for discrimination, retaliation, harassment, or any other infraction covered by the No FEAR Act;
5. The final year-end data posted on discrimination complaints;
6. A detailed description of: (a) the agency's policy for disciplining employees who violate any antidiscrimination and whistleblower protection laws or commits a prohibited personnel practice that is revealed in the investigation of a complaint alleging a violation of any such law; (b) the number of employees who are disciplined in accordance with such policy; and (c) the specific disciplinary action taken;
7. An analysis of the information provided in Items 1 - 6, including an examination of: (a) trends; (b) causal analysis; (c) the practical knowledge gained through the agency experience; and (d) any actions the agency has planned or taken to improve its complaint processing or civil rights programs; and
8. Any adjustment made in the agency's budget because of reimbursement to the Judgment Fund.

### **III. REPORTING REQUIREMENTS**

#### **A. Federal Court Litigation**

Under Section 203 of the No FEAR Act and OPM's implementing rule, 5 C.F.R. § 724.302(a), the FTC is required to annually report the number of pending or resolved federal court cases in which it was alleged to have violated the federal antidiscrimination and whistleblower protection laws applicable to the Agency.

The No FEAR Act and OPM's regulations direct each agency to report the number of federal court cases both in the aggregate and by the specific provision of law involved. These provisions also direct each agency to report on the status or disposition of all federal court cases and the amount of money, if any, the agency reimbursed to the Judgment Fund for payments made in connection with the reported cases.

#### **1. Number and Disposition of Cases in Federal Court**

During FY 2023, the FTC was not involved in any federal court cases alleging a violation of federal antidiscrimination or whistleblower protection laws.

#### **2. Reimbursement to the Judgment Fund**

The FTC did not enter any settlement agreement that involved the Judgment Fund in FY 2023. The FTC was also not responsible for any attorney's fees being paid from the Judgment Fund because of a judgment or settlement in any case. Therefore, the FTC was not required to reimburse any money to the Judgment Fund during the FY 2023 reporting period.

## **B. Disciplinary Actions**

Two subparts of Title II of the No FEAR Act require federal agencies to include in their annual reports information relating to disciplinary action against federal employees for conduct that is inconsistent with federal antidiscrimination or whistleblower protection laws. Section 203(a)(4) requires each agency to report annually on 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)(6)(A) also requires each agency to provide a detailed description of its policies relating to disciplinary actions against federal employees.

OPM’s No FEAR regulations direct federal agencies to report the number of employees disciplined in connection with federal court cases involving allegations of violations of antidiscrimination and whistleblower protection laws. 5 C.F.R. § 724.302(a)(3). OPM has clarified that this provision refers to the number of cases for which the Judgment Fund paid monies on behalf of an agency. In implementing the No FEAR Act provisions, OPM’s regulations further provide that, irrespective of cases in federal court, federal agencies are also required to report the total number of employees disciplined and the specific nature of the disciplinary action taken in accordance with an agency policy that prescribes disciplinary action for conduct inconsistent with federal antidiscrimination and whistleblower protection laws. 5 C.F.R. § 724.302(a)(5).

OPM defines discipline to consist of “any one or a combination of the following actions: reprimand, suspension without pay, reduction in grade or pay, or removal.” 5 C.F.R. § 724.102. Consistent with these statutory and regulatory provisions, the FTC reports the following:

### **1. Number of Employees Disciplined and Nature of Disciplinary Action Taken**

In FY 2023, there were no disciplinary actions taken against management-level employees that fell within OPM’s definition of the term discipline for conduct inconsistent with federal antidiscrimination or whistleblower protection laws.

Pursuant to the FTC’s policy on discipline, misconduct should be addressed at the earliest possible stage and at the least adverse level to the employee. Accordingly, instances of minor employee misconduct are dealt with through informal measures (i.e., counseling, admonishment, or letters of warning), which places employees on notice that further instances of misconduct may result in more severe disciplinary action. While the FTC is not required to report these types of measures as part of its annual No FEAR report, this disciplinary approach has proven to be highly effective in curbing more serious forms of misconduct, to include misconduct concerning antidiscrimination and whistleblower protection.

### **2. Description of Policy on Disciplinary Action**

The FTC is committed to promptly addressing employee conduct that is inconsistent with antidiscrimination and whistleblower protection laws and has specifically tailored its disciplinary

policy to include provisions relating to antidiscrimination and whistleblower protection. A critical objective of this policy is to strengthen management accountability for discriminatory or retaliatory conduct in a manner that is fully consistent with the requirements of the No FEAR Act.

The FTC disciplinary policy has many unique features. Disciplinary actions covered by the FTC's policy range from corrective measures, such as oral or written counselings and warnings in less serious situations, to suspensions, reductions in grade, or removals in more serious situations. The FTC's disciplinary policy is integral to the Agency's comprehensive effort to ensure that all employees work in an environment that is free from unlawful discrimination and retaliation. In support of this effort, the disciplinary policy is reviewed periodically to ensure that it remains effective and up-to-date.<sup>1</sup>

### **C. Final Year-End Data, Analysis of Trends, Causal Analysis, Practical Knowledge Gained Through Experience, and Actions Taken and Planned to Improve the Complaint Program**

Under Section 301(c)(1)(B) of the No FEAR Act, agencies must include in their annual reports, final year-end discrimination complaint data posted in accordance with EEOC regulations. In addition, Section 203(7) of the Act requires agencies to 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." OPM's rule regarding this provision further directs agencies to perform an analysis of the required data in conjunction with certain data provided to EEOC. This section presents the FTC's EEO complaint data and its analysis of the matters specified in Section 203(7). It also describes the actions that the FTC has taken or plans to take to improve its complaint process and civil rights programs. 5 C.F.R. §§ 724.302(a)(3), (a)(7)-(9).

#### **1. Final Year-End Data Regarding Discrimination Complaints**

The FTC has historically had a low number of discrimination complaints to report in its Annual Report, and, consistent with this history, the data for the current reporting period shows that the FTC only had one discrimination complaint filed against it in FY 2023.

The FTC attributes its level of complaint activity in FY 2023 to a variety of factors including, but not limited to: increased and continuous focus on the resolution of disputes at the lowest levels possible, including at the EEO pre-complaint counseling stage; and thorough and continuous training of managers, supervisors, and staff on compliance with Equal Employment Opportunity (EEO) laws. This included training on the rights and responsibilities under the No FEAR Act, the EEO complaint process, and sustaining a work environment where all employees

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<sup>1</sup> As stated in previous FTC No FEAR Act annual reports, the Agency had the privilege of being one of the agencies that participated in OPM's study of federal agencies' best practices with regard to taking disciplinary actions against employees for conduct that is inconsistent with antidiscrimination and whistleblower protection laws. In addition, when OPM issued its Disciplinary Best Practices and Advisory Guidelines under the No FEAR Act in 2008, the report favorably described (without attribution) the FTC's disciplinary policy, which incorporated specific procedures for responding to conduct that is inconsistent with applicable federal laws.

have an opportunity to thrive. Additionally, the Office of WIO, OGC, and HCMO collaborated throughout the year to provide training to managers and supervisors regarding strategies for improving the relationships and communications between management and staff.

## 2. Analysis of Trends

During FY 2023, the FTC continued to examine trends in complaint activity. The FTC found that from FY 2011 to FY 2013, there were two discrimination complaints filed, while in FY 2014 and FY 2015, no discrimination complaints were filed. There were two EEO complaints filed in FY 2016, three complaints filed in FY 2017, two complaints filed in FY 2018, and zero complaints filed in FY 2019. There were three complaints filed in FY 2020, two complaints filed in FY 2021, one complaint filed in FY 2022, and one complaint filed in FY 2023. Despite the continued decrease in complaint activity in FY 2023, the Office of WIO increased its efforts to engage in outreach with supervisors and managers across the FTC's various bureaus and offices. The purpose of these coordinated outreach efforts was to ensure that there were no underlying issues that would generate additional complaint activity. The rate of EEO complaint activity at the FTC has remained well below the average, government-wide rate of complaints filed since the FTC has been reporting its No FEAR data.

The FTC tracks and monitors the number of complaints filed, and the bases and issues alleged. The following is a summary of the issues raised in FTC discrimination complaints from FY 2003 through FY 2023:

FY 2003	Awards (3), Evaluation/Appraisal (3), Non-Sexual Harassment (1), Promotion/Non-Selection (1), Time and Attendance (2), and Training (1).
FY 2004	Assignment of Duties (2), Awards (3), Suspension (1), Evaluation/Appraisal (2), Non-Sexual Harassment (2), Reassignment (1), Termination (1), Time and Attendance (1), Training (1), and Other Category (1).
FY 2005	Assignment of Duties (1), Awards (3), Evaluation/Appraisal (1), Non-Sexual Harassment (2), Pay (1), Terms/Conditions of Employment (1), Time and Attendance (1), and Other Category (1).
FY 2006	Non-Sexual Harassment (1), Promotion (2), Reasonable Accommodation (1), Termination (1), Time and Attendance (1), and Training (1).
FY 2007	Assignment of Duties (1) and Training (1).
FY 2008	Evaluation/Appraisal (1), Non-Sexual Harassment (1), Reprimand (1), Suspension (2), and Time and Attendance (1).



FY 2009 Assignment of Duties (2), Awards (2), Reprimand (1), Suspension (1), Other Disciplinary Action (1), Evaluation/Appraisal (2), Non-Sexual Harassment (3), and Termination (3).

FY 2010 There were no complaints filed.

FY 2011 There were no complaints filed.

FY 2012 There were no complaints filed.

FY 2013 Denial of Promotion (1), Non-Sexual Harassment (1), Reasonable Accommodation (1), and Removal (1).

FY 2014 There were no complaints filed.

FY 2015 There were no complaints filed.

FY 2016 Assignment of Duties (1), Awards (1), Evaluation/Appraisal (1), Non-Sexual Harassment (2), Retirement (1), and Terms/Conditions of Employment (1).

FY 2017 Assignment of Duties (2), Evaluation/Appraisal (2), Non-Sexual Harassment (2), Pay (2), and Promotion (3).

FY 2018 Assignment of Duties (1), Awards (1), Evaluation/Appraisal (1), Non-Sexual Harassment (1), Reasonable Accommodation - Disability (1), and Terms/Conditions of Employment (1).

FY 2019 There were no complaints filed.

FY 2020 Assignment of Duties (1), Awards (1), Demotion (1), Detail (1), Disciplinary Action - Removal (1), Disciplinary Action - Suspension (1), Disciplinary Action - Other (1), Evaluation/Appraisal (3), Non-Sexual Harassment (2), Pay/Wage (1), Reasonable Accommodation (1), Terms/Conditions of Employment (2), Termination/Removal (1), Training (1).

FY 2021 Assignment of Duties (1), Disciplinary Action - Other (1), Evaluation/Appraisal (2), Non-Sexual Harassment (2), Reasonable Accommodation (1), Termination (1), Terms/Conditions of Employment (1), Time and Attendance (1), Other (2).

FY 2022 Non-Sexual Harassment (1) and Evaluation/Appraisal (1).

FY 2023 Performance (1), Evaluation (1), Work Assignments (1).

The FTC continues to monitor these trends and provides informal resolution and training as mechanisms for maintaining a low number of discrimination complaints.

### **3. Causal Analysis**

To identify the root cause of alleged discriminatory behavior and effectively prevent its recurrence, the FTC tracks and monitors complaint activity, particularly the alleged bases and issues as discussed above. The FTC conducts trend assessments and identifies underlying reasons for workplace disputes. In pursuit of a strong, proficient EEO process, the Office of WIO, along with OGC and other FTC offices, continued to apprise the FTC's Chair and the FTC's Executive Director of issues and concerns gleaned from various communication avenues between the Office of WIO and the FTC's managers, supervisors, and staff. The goal was to equip managers and supervisors with the tools to address workplace conflicts, help them identify deficiencies in their organizations, and underscore the availability of agency resources.

Additionally, during the FY 2023 reporting period, the FTC continued to analyze the data compiled from its Employee Exit Interview Surveys, which permanent employees complete electronically when they separate from the FTC. The Office of WIO compiled this information and presented it in aggregate form to protect the identities of the employees who elect to complete the survey. Periodically, the Office of WIO shared this aggregated employee exit data with managers and supervisors to provide them with information regarding employee attrition issues that their respective organizations may need to address.

The FTC had one complaint filed against it in FY 2023. The Office of WIO, OGC, and HCMO continued to work collaboratively to develop and implement systematic approaches for analyzing and addressing the causes of workplace disputes. FTC executives, managers, and supervisors worked closely with these offices to tailor proactive strategies in a variety of areas, including monitoring employment trends, and identifying and eliminating barriers to equal employment opportunities. The FTC's overall goal through proactive prevention is to assist management officials in the development of strategies to resolve issues at the earliest point possible to provide solutions that foster a work environment free of unlawful employment discrimination.

Management officials have recognized the benefits in collaborating with the Office of WIO before issues arise in the workplace, and in cases where issues do arise, managers have found it helpful to receive guidance on ways to resolve the issues before discrimination complaints are filed. In addition, training remains an excellent tool that the FTC uses to communicate information to managers so that they know when and how to intervene effectively.

To build awareness and understanding of the value of proactive prevention, the Office of WIO continued to integrate high profile case decisions and current events into training discussions with managers and supervisors to provide them with real-life examples generated by EEO issues from other federal agencies or from the private sector. By understanding what went awry in other

federal agencies and private sector workplaces, the Office of WIO increased management officials' effectiveness in recognizing and eliminating the underlying causes of workplace disputes at the FTC.

#### **4. Practical Knowledge Gained Through Experience**

The FTC has continued to benefit from practical knowledge gained through experience since the first year of implementing the No FEAR Act. In particular, trainings for managers and staff have helped the FTC achieve and maintain its low number of complaints. Many of these trainings have focused on the rights and issues referenced in the No FEAR Act, current events, and recent employment discrimination cases. Activities include:

- The FTC's Office of WIO re-started its Partnership in Education Program in June 2022, through which the Office hosted eight high school students for the summer internship program. In FY 2023, the Office hosted 14 high school students. This program is a branch of the FTC's larger Pathways Internship Program.
- The FTC hosted cultural emphasis programs throughout FY 2023. Specifically, the FTC celebrated the following months: Black History Month; Women's History Month; Asian American, Native Hawaiian, and Pacific Islander Heritage Month; LGBTQ+ Pride Month; National Hispanic Heritage Month; and Disability Employment Awareness Month.
- The FTC sponsored employees who wished to serve as FTC representatives by attending the virtual and in-person annual conferences organized by various bar associations. These included, but are not limited to, the National Bar Association Annual Convention, the National Asian Pacific American Bar Association Annual Convention, the Hispanic National Bar Association Annual Convention, and the Lavender Law Conference.
- The FTC awarded the A. Leon Higginbotham, Jr., Award at the Agency's annual awards ceremony. The award is named for A. Leon Higginbotham, Jr., who served as a Commissioner at the FTC. Commissioner Higginbotham was the first African American appointed as a commissioner on any United States regulatory commission. The award recognizes supervisors, employees, or groups who have made outstanding contributions toward fostering equal employment opportunity at the FTC.
- In FY 2023, HCMO continued to facilitate a bi-weekly orientation for new employees, featuring presentations from the FTC's various bureaus and offices. During this orientation, the agency provided new employees with an overview of the Office of WIO's EEO and workplace inclusivity functions.
- The Office of WIO conducted workshops for various offices within the FTC to ensure compliance with EEO laws. These sessions included employees and managers. The Office of WIO conducted all these workshops virtually.

- In FY 2023, the Office of WIO oversaw the creation of the FTC’s third and fourth official employee resource groups (ERG) – the Hispanic Employee Resource Group (HERG) and the Black Alliance Employee Resource Group (Black Alliance ERG), which consist of employees from across the Agency.

**5. Actions Planned or Taken to Improve the Complaint or Civil Rights Programs Pursuant to Section 203(a)(7)(D)**

**a. Actions Taken in FY 2023**

**1. Demonstrated EEO Commitment from Agency Leadership**

In February 2023 and again in August 2023, Chair Khan reaffirmed, on behalf of the entire Commission, the FTC’s commitment to equal employment opportunity and emphasized that the FTC would not tolerate discrimination in any of its forms (i.e., race, color, national origin, religion, sex, sexual orientation, parental status, disability, age, genetic information, or reprisal), and that FTC policy prohibits harassment. Chair Khan also communicated to managers and supervisors the need to take swift and appropriate action to correct and reduce the recurrence of any incidents of unlawful employment discrimination.

Additionally, Commissioners and other members of the FTC’s senior leadership team were active participants in the events, initiatives, and activities of the Office of WIO. The Executive Director has also met with the Office of WIO to create opportunities for direct communication and engagement.

**2. Integrating EEO Principles into the FTC’s Strategic Mission**

On a monthly basis, the Director of the Office of WIO briefed senior leadership on the state of EEO at the FTC. The OWIO Director’s briefings were designed to address areas of concern and discuss strategies to address these and other potential barriers and incorporate EEO into the strategic mission of the agency. Any additional concerns or problem areas, as identified by the Director, were presented during the monthly briefings, and as circumstances required.

The relationships across the FTC’s different bureaus and offices are an integral part of the FTC EEO program. The Office of WIO collaborated with HCMO, OGC, the Executive Director, and the

heads of the FTC's bureaus and offices. To foster these collaborative relationships, the Office of WIO scheduled meetings with management officials, conducted presentations on various EEO topics, and communicated with staff members.

### **3. Improving Management and Program Accountability for EEO**

During FY 2023, the FTC continued to include EEO as a critical element in the performance plans of supervisors and managers. In addition, the Office of WIO collaborated with OGC to ensure that managers and supervisors involved in informal and formal EEO complaints were timely and thorough in responding to information requests from the Office of WIO.

Further, the FTC continued its focus on its disability affirmative employment program. The Agency's Disability Program Manager (DPM) served as an FTC point-of-contact for employees and management regarding the Agency's Disability Program and information about reasonable accommodations. The DPM conducted training sessions for FTC supervisors in collaboration with the Office of WIO.

#### **b. Actions Planned for FY 2024**

1. In October 2023, the FTC appointed a career senior executive to serve as the Director of the Office of WIO (formerly the Office of Equal Employment Opportunity and Workplace Inclusion). The Director is hiring staff to support the Office's EEO compliance requirements, including the No FEAR Act.
2. Assist in the creation of additional official ERGs within the FTC, which will provide additional strategic partners for the Office of WIO. The FTC's WERG, PERG, HERG, and Black Alliance ERGs will serve as templates for future ERGs at the FTC. An example of a potential ERG for the future is a group focusing on FTC employees who are veterans.
3. Continue to offer training sessions and workshops at strategically selected times throughout the year to FTC staff, with the goal of supporting the FTC's EEO compliance requirements and explaining to managers, supervisors, and employees how the EEO process works and how the process intersects with other non-EEO processes available to federal employees, including the FTC's negotiated grievance procedure.

4. Continue to develop EEO training material in various formats for the FTC's regional offices throughout the country. These training formats may include virtual or in-person training sessions in the regional offices. Additionally, the Office of WIO will tailor material for these training opportunities toward issues and concerns that arise in each regional office.
5. Develop and present new training material for the FTC's eight collateral-duty EEO counselors who are positioned in each of the Agency's eight regional offices.
6. Create more collaboration opportunities between the Office of WIO and FTC's Diversity Council, the WERG, PERG, HERG, and Black Alliance ERG to develop professional development opportunities for FTC employees.
7. Create specific professional development opportunities for FTC employees. Additionally, provide continued support and guidance for existing development opportunities for FTC employees, particularly the Toastmasters Club at the FTC, which enhances various skills of Agency employees, including public speaking, communications, and leadership.
8. Assist HCMO as it continues to deliver its Reasonable Accommodation and Disability Awareness Training to managers, supervisors, and employees.
9. Continue to deliver timely and thorough pre-complaint counseling services, thereby ensuring excellent and responsive customer service, and sustained compliance with EEOC regulations.
10. Continue to conduct formal EEO investigations through in-house EEO staff, which will ensure the development of appropriate factual records, result in substantial savings for the FTC, and increase timeliness.
11. Continue to review the responses on the FTC's Employee Exit Interview Surveys from employees separating from the Agency for potential issues for the Agency to address regarding EEO, workplace inclusivity, and employee retention.
12. The Director of the Office of WIO will regularly communicate with senior leadership and keep them abreast of general EEO and workplace inclusivity issues, including trends and training

opportunities. The Director is also a member of the agency's Senior Management Council, Executive Resources Board, and Performance Review Board.

13. The Director of the Office of WIO will continue to collaborate with other EEO leaders in the federal space, serve as a member of the Small Agency Council EEO Committee, and provide support to other federal agencies throughout the year with the goal of explaining to managers, supervisors, and employees how the EEO process works and how the process intersects with other non-EEO processes available to federal employees.

#### **D. No FEAR Act Training**

OPM's final regulation on notification and training obligations under the No FEAR Act, 5 C.F.R. § 724.203(d), requires agencies to develop a written training plan that includes and describes instructional materials and methods of training, and to set out their training schedule and the means for documenting its completion. OPM's final rule on reporting and best practices, which complements the notification and training rule, 5 C.F.R. § 724.203, mandates agencies to submit an annual report to Congress, which must include a written training plan developed under the training obligations.

The FTC provided an online No FEAR Act training module to its staff in FY 2023, including new FTC employees soon after these employees began working at the FTC. This module continued the FTC's No FEAR Act training efforts as FY 2022 concluded and FY 2023 commenced. FTC employees are on a two-year cycle for the online No FEAR Act training, and the training cycle occurs in the fall of every even year for employees who have been with the FTC for a year or more (e.g., 2020, 2022, and 2024).

Additionally, the FTC has documented the completion of the online No FEAR Act training course through its e-Train2 Learning Management System, which tracked and created a record of employees' completion of the online No FEAR Act training course. The FTC continues to ensure that all employees are provided access to the No FEAR Act training course online. Specifically, new employees are required to complete No FEAR Act training within 90 days after their start date with the FTC.

The Office of WIO, with assistance from HCMO, monitors the completion of the No FEAR Act training. The Office of WIO contacts the bureau or office director of any employee who has not completed the mandatory training requirements in a timely manner.

**Appendix A - FTC Fiscal Year 2023  
No FEAR Act EEO Complaint Data**





**Equal Employment Opportunity Data Posted  
Pursuant  
to Title III of the Notification and Federal Employee  
Antidiscrimination and Retaliation Act of 2002 (No  
Fear Act), Pub. L. 107-174**

<b>Complaint Activity</b>						
	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Number of Complaints Filed	2	0	3	2	1	1
Number of Complainants	2	0	3	2	1	1
Repeat Filers	0	0	0	0	0	0

<b>Complaints by Basis</b>						
<i><b>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</b></i>						
	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Race	1	0	3	1	1	1
Color	0	0	1	0	0	1
Religion	0	0	0	0	0	0
Reprisal	1	0	1	2	1	0
Sex	1	0	2	0	1	0
National Origin	1	0	0	0	1	0
Equal Pay Act	0	0	0	0	0	0
Age	0	0	1	1	1	0
Disability	1	0	1	2	0	0
Genetic Information	0	0	0	0	0	0
Non-EEO basis	0	0	1	0	0	0

<b>Complaints by Issue</b>						
<i><b>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed .</b></i>						
	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>

Appointment/Hire	0	0	0	0	0	0
Assignment of Duties	1	0	1	1	0	1
Awards	1	0	1	0	0	0
Conversion to Full-time	0	0	0	0	0	0
<b>Disciplinary Action</b>						
Demotion	0	0	1	0	0	0
Reprimand	0	0	0	0	0	0
Removal	0	0	1	0	0	0
Suspension	0	0	1	0	0	0
Other	0	0	0	1	0	0
Duty Hours	0	0	0	0	0	0
Evaluation Appraisal	1	0	3	2	1	1
Examination/Test	0	0	0	0	0	0
<b>Harassment</b>						
Non-Sexual	1	0	2	2	1	0
Sexual	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	0	0	1	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0
<b>Reassignment</b>						
Denied	0	0	0	0	0	0
Directed	0	0	0	0	0	0
Reasonable Accommodation (Disability)	1	0	1	1	0	0
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	0	1	1	0	0
Terms/Conditions of Employment	1	0	2	1	0	0
Time and Attendance	0	0	0	1	0	0
Training	0	0	1	0	0	0

Religious Accommodation	0	0	0	0	0	0
Other	0	0	0	2	0	0

Processing Time						
	2018	2019	2020	2021	2022	2023
<b>Complaints pending for any length of time during fiscal year</b>						
Average number of days in investigation stage	0.0	26.0	0.0	64.0	0.0	18.0
Average number of days in final agency action stage	0.0	0.0	0.0	0.0	0.0	0.0
<b>Complaints pending for any length of time during fiscal year where hearing was not requested</b>						
Average number of days in investigation stage	26.0	0.0	163.0	0.0	233.0	18.0
Average number of days in final agency action stage	229.0	12.0	0.0	0.0	0.0	0.0

Complaints Dismissed by Agency						
	2018	2019	2020	2021	2022	2023
Total Complaints Dismissed by Agency	0	0	0	1	0	0
Average days pending prior to dismissal	0.0	0.0	0.0	19.0	0.0	0.0
<b>Complaints Withdrawn by Complainants</b>						
Total Complaints Withdrawn by Complainants	3	0	1	0	0	0

Total Final Actions Finding Discrimination												
	2018		2019		2020		2021		2022		2023	
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	0	0.0	0	0.0	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	0	0.0	0	0.0
With Hearing	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Findings of Discrimination Rendered by Basis Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.	2018		2019		2020		2021		2022		2023	
	#	%	#	%	#	%	#	%	#	%	#	%
	<b>Total Number of Findings</b>	0	0.0	0	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	0	0.0	0	0.0
Color	0	0.0	0	0.0	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	0	0.0	0	0.0
Reprisal	0	0.0	0	0.0	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	0	0.0	0	0.0
National Origin	0	0.0	0	0.0	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	0	0.0	0	0.0
Disability	0	0.0	0	0.0	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	0	0.0	0	0.0
Non-EEO	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Findings After Hearing</b>	0	0.0	0	0.0	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	0	0.0	0	0.0
Color	0	0.0	0	0.0	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	0	0.0	0	0.0
Reprisal	0	0.0	0	0.0	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	0	0.0	0	0.0
National Origin	0	0.0	0	0.0	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	0	0.0	0	0.0
Age	0	0.0	0	0.0	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	0	0.0	0	0.0
Genetic Information	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Non-EEO	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Findings Without Hearing</b>	0	0.0	0	0.0	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	0	0.0	0	0.0

Color	0	0.0	0	0.0	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	0	0.0	0	0.0
Reprisal	0	0.0	0	0.0	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	0	0.0	0	0.0
National Origin	0	0.0	0	0.0	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	0	0.0	0	0.0
Age	0	0.0	0	0.0	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	0	0.0	0	0.0
Genetic Information	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Non-EEO	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Findings of Discrimination Rendered by Issue	2018		2019		2020		2021		2022		2023	
	#	%	#	%	#	%	#	%	#	%	#	%
	<b>Total Number of Findings</b>	0	0.0	0	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	0	0.0	0	0.0
Assignment of Duties	0	0.0	0	0.0	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	0	0.0	0	0.0
Conversion to Full-time	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Disciplinary Action</b>												
Demotion	0	0.0	0	0.0	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	0	0.0	0	0.0
Suspension	0	0.0	0	0.0	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	0	0.0	0	0.0
Other	0	0.0	0	0.0	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	0	0.0	0	0.0
Evaluation Appraisal	0	0.0	0	0.0	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	0	0.0	0	0.0
<b>Harassment</b>												

Non-Sexual	0	0.0	0	0.0	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	0	0.0	0	0.0
Medical Examination	0	0.0	0	0.0	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	0	0.0	0	0.0
Promotion/Non-Selection	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Reassignment</b>												
Denied	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0	
Directed	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0	
Reasonable Accommodation (Disability)	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0	
Reinstatement	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0	
Retirement	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0	
Termination	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0	
Terms/Conditions of Employment	0	0.0	0	0.0	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	0	0.0	0.0	
Training	0	0.0	0	0.0	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	0	0.0	0.0	
Other	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0	
<b>Findings After Hearing</b>	0	0.0	0	0.0	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	0	0.0	0.0	
Assignment of Duties	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0	
Awards	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0	
Conversion to Full-time	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0	
<b>Findings of Discrimination Rendered by Issue</b>												
	<b>2018</b>		<b>2019</b>		<b>2020</b>		<b>2021</b>		<b>2022</b>		<b>2023</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
<b>Disciplinary Action</b>												
Demotion	0	0.0	0	0.0	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	0	0.0	0	0.0

Suspension	0	0.0	0	0.0	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	0	0.0	0	0.0
Other	0	0.0	0	0.0	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	0	0.0	0	0.0
Evaluation Appraisal	0	0.0	0	0.0	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	0	0.0	0	0.0
<b>Harassment</b>												
Non-Sexual	0	0.0	0	0.0	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	0	0.0	0	0.0
Medical Examination	0	0.0	0	0.0	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	0	0.0	0	0.0
Promotion/Non-Selection	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Reassignment</b>												
Denied	0	0.0	0	0.0	0	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	0	0.0	0.0	0.0
Reasonable Accommodation (Disability)	0	0.0	0	0.0	0	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	0	0.0	0.0	0.0
Retirement	0	0.0	0	0.0	0	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	0	0.0	0.0	0.0
Terms/Conditions of Employment	0	0.0	0	0.0	0	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	0	0.0	0.0	0.0
Training	0	0.0	0	0.0	0	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	0	0.0	0.0	0.0
Other	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0	0.0
<b>Findings Without Hearing</b>	0	0.0	0	0.0	0	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	0	0.0	0.0	0.0
Assignment of Duties	0	0.0	0	0.0	0	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	0	0.0	0.0	0.0
Conversion to Full-time	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0	0.0

<b>Disciplinary Action</b>											
Demotion	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0
Reprimand	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0
Suspension	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0
Removal	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0
Other	0	0.0	0	0.0	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	0	0.0	0.0
Evaluation Appraisal	0	0.0	0	0.0	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	0	0.0	0.0
<b>Harassment</b>											
Non-Sexual	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0
Sexual	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0
Medical Examination	0	0.0	0	0.0	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	0	0.0	0.0
Promotion/Non-Selection	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0
<b>Reassignment</b>											
Denied	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0
Directed	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0
Reasonable Accommodation (Disability)	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0
Reinstatement	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0
Retirement	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0
Termination	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0
Terms/Conditions of Employment	0	0.0	0	0.0	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	0	0.0	0.0
Training	0	0.0	0	0.0	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	0	0.0	0.0
Other	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0.0

<b>Pending Complaints Filed in Previous Fiscal Years by Status</b>						
	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>



Total Complaints from previous Fiscal Years	3	2	0	1	1	0
Total Complainants	3	2	0	1	1	0
<b>Number of Complaints Pending</b>						
Investigation	0	0	0	0	1	1
Hearing	2	1	0	1	0	0
Final Agency Action	1	0	0	0	0	0
Appeal with EEOC Office of Federal Operations	0	1	0	0	0	0

<b>Complaint Investigations</b>						
	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Pending Completion Where Investigation Exceeds Required Time Frames	0	0	0	0	0	0

**Appendix B - FTC Fiscal Year 2023  
No FEAR Act Report Training Plan**

## **FEDERAL TRADE COMMISSION NO FEAR ACT TRAINING PLAN**

Section 202(c) of Title II of the No FEAR Act provides: “Each Federal agency shall provide to the employees of such agency training regarding the rights and remedies applicable to such employees under the [federal antidiscrimination and retaliation statutes and other legal authority].”

The Office of Personnel Management’s (OPM) regulations on implementation of the training requirements of the No FEAR Act require each agency to develop a written plan for training all of its employees, including supervisors and managers. 5 C.F.R. § 724.203(a). The plan must describe:

1. The instructional materials and method of the training;
2. The training schedule; and
3. The means of documenting completion of training.

Title 5 C.F.R. § 724.203(b). Agencies were required to complete initial No FEAR training for all employees by December 17, 2006, and thereafter to place employees on a training cycle of no longer than every two years. 5 C.F.R. § 724.203(d). New employees should receive the applicable training as part of the agency’s orientation program. 5 C.F.R. § 724.203(e). If an agency does not have an orientation program, new employees must receive the applicable training within 90 calendar days of their appointment. 5 C.F.R. § 724.203(e).

The Federal Trade Commission’s written No FEAR Act Training Plan developed in compliance with OPM’s regulatory requirements is provided below.

### **I. The Instructional Materials and Method of the Training**

Based on OPM’s requirements, FTC contracted with a courseware content vendor to provide instruction to employees through the e-Train2 Learning Management System using an online No FEAR Act training course. Through the e-Train2 Learning Management System, FTC employees receive training on their rights and remedies available under the antidiscrimination, retaliation, and whistleblower protection laws. The course:

- Provided instruction on all topics required by the No FEAR Act and OPM; and
- Allowed users to interact with a series of audio-visual scenarios so that they were continuously engaged in the learning process.

### **II. The Training Schedule**

During the 2023 cycle, there were 616 employees who completed online No FEAR Act training, including new hires. All employees had access to this training through the FTC’s online e-Train2 Learning Management System. At least every two years, as required by OPM

regulations, FTC employees receive an online refresher course covering the major principles regarding the rights and remedies available under the employment discrimination and whistleblower protection laws. The FTC's Office of Workplace Inclusivity and Opportunity will assign this online refresher course to current FTC employees in the fall of 2024. Generally, FTC employees are on a two-year cycle for the online No FEAR Act training, and the training cycle occurs in the fall of every even year for employees who have been with the FTC for a year or more (e.g., 2020, 2022, and 2024).

### **III. The Means of Documenting Completion of Training**

The FTC documented completion of the No FEAR Act online training course through the e-Train2 Learning Management System. This system tracked and created a record of employees' completion of this training with monthly reports made by the Training Team to the Office of Workplace Inclusivity and Opportunity for accountability purposes.

### **IV. Accountability**

Anyone who was not able to comply with timely completion of the No FEAR Act online training course was reminded by the Office of Workplace Inclusivity and Opportunity to complete the training immediately. In addition, the employee's supervisor was informed of the issue. Prolonged noncompliance was escalated to the appropriate management level to ensure individual compliance was obtained. The FTC seldom encountered the necessity to remind individuals more than once.

## **Appendix C - Annual EEO Statement**



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

February 15, 2023

**MEMORANDUM**

**FROM:** Chair Lina M. Khan  
**TO:** Commission Staff and Commissioners  
**SUBJECT:** Annual Equal Employment Opportunity Statement

The FTC has long been committed to rooting out anticompetitive, deceptive, and unfair business practices that affect diverse communities, including communities of color, across the country. In addition to our law enforcement and policy work, it is also imperative that we advance fairness and equity in our own capacity as an employer. To that end, I want to reaffirm the FTC's commitment to equal employment opportunity (EEO) in the workplace.

As a federal agency, we strive toward a model EEO workplace that embraces diversity, equity, inclusiveness, and respect, and where all employees will have the freedom to compete on a fair and level playing field. A core component of our workplace is a zero-tolerance policy for unlawful employment discrimination (including harassment) based on race, color, national origin, sex (including pregnancy, sexual orientation, gender identity, and transgender status), age (40 years and over), disability, religion, genetic information, or reprisal. These protections extend to all management practices and decisions, including recruitment, hiring, merit promotions, transfers, reassignments, training, and career development programs. All FTC employees bear the responsibility for implementing the agency's EEO policies in our daily conduct, and in employment actions and decisions. Managers and supervisors in particular must take swift and appropriate action to correct and reduce the recurrence of any incidents of unlawful employment discrimination.

Employees who believe they have been discriminated against are encouraged to exercise their right to file an EEO complaint. You are protected from retaliation if you oppose employment discrimination, file a complaint of discrimination, or participate in the EEO complaint process. The *Administrative Manual*, Chapter 3, Section 300 and Chapter 5, Sections 400-420 provides further information regarding the 45-day filing requirement and other important information. These EEO policies apply to applicants, employees, and former employees and they cover all agency practices, procedures, and programs.

It is critical that we each commit to cultivating a fair, safe, equitable, and nondiscriminatory environment for all. If you have any questions, please contact the Office of Equal Employment and Workplace Inclusion at [eeo@ftc.gov](mailto:eeo@ftc.gov), or visit the [EEOWI Intranet Page](#).

SIGNED:

A handwritten signature in cursive script that reads "Lina Khan".

Lina M. Khan

Chair

## **Appendix D - Memo to Staff from Chair Khan**



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

August 15, 2023

**MEMORANDUM**

**FROM:** Chair Lina M. Khan  
**TO:** Commission Staff and Commissioners  
**SUBJECT:** Recent News

Press reports indicate that a former FTC Commissioner has been accused of engaging in sexual harassment while working at our agency. These allegations are deeply disturbing. I and my fellow Commissioners are fully committed to ensuring our agency is a safe workplace for all.

Power asymmetries between managers and subordinates can often chill reporting of harassment—and fear of professional reprisal or retaliation can allow abuse in the workplace to continue unchecked. I want to ensure the FTC is a place where this type of fear never keeps people from coming forward to report harassment or abuse. I'd like to remind Staff that the [FTC's Anti-Harassment Policy](#) states “retaliation against any employee who reports an incident of harassment or assists in any inquiry of such reported conduct will not be tolerated.”

If you have any information that you wish to bring to the attention of the FTC offices responsible for investigating workplace misconduct, including sexual harassment, please contact [wpvresponse@ftc.gov](mailto:wpvresponse@ftc.gov).

If today's news is affecting you, please know that FTC leadership and managers are here to support you. In particular, support is available from the Employee Assistance Program, which is available to staff 24/7, and offers counseling services and additional resources that are free and completely confidential (more information [here](#)).

Thank you for your dedication to the FTC and commitment to serving the American people.