

UNITED STATES INTERNATIONAL TRADE COMMISSION



**ANNUAL REPORT FOR
THE NOTIFICATION AND FEDERAL EMPLOYEE
ANTIDISCRIMINATION AND RETALIATION ACT
(No FEAR Act Annual Report)
FISCAL YEAR 2022**

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EXECUTIVE SUMMARY

The U.S. International Trade Commission (USITC or Agency) is headquartered in Washington, D.C., and is an independent, nonpartisan, and quasi-judicial federal agency that fulfills a range of trade-related mandates. Within this context, the USITC provides high-quality analysis on international trade issues to the President, Congress, and the United States Trade Representative. Additionally, the USITC is a central forum for the adjudication of intellectual property and trade disputes.

The USITC's mission flows across three substantive areas of international trade, which are listed below:

- To investigate and make determinations in proceedings involving imports claimed to injure a domestic industry or violate intellectual property rights in the United States;
- To provide independent analysis and information on tariffs, trade and competitiveness; and
- To maintain the Harmonized Tariff Schedule of the United States.

The USITC's workforce includes attorneys, economists, international trade analysts, human resource professionals, and an array of other professionals who provide the USITC with invaluable work in support of the USITC's mission.

To maximize its effectiveness and meet the objectives of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), the USITC and its Office of Equal Employment Opportunity (Office of EEO) has an unyielding goal of achieving a model Equal Employment Opportunity (EEO) Program. The U.S. Equal Employment Opportunity Commission (EEOC) set forth in its Management Directive 715 (MD-715) the six essential elements of a model EEO program. These elements are:

1. Demonstrated Commitment from Agency Leadership;
2. Integration of EEO into the Agency's Strategic Mission;
3. Management and Program Accountability;
4. Proactive Prevention of Unlawful Discrimination;
5. Efficiency; and
6. Responsiveness and Legal Compliance.

The elements of a model EEO program complement the No FEAR Act, which 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 USITC has prepared this Fiscal Year (FY) 2022 version of the Annual Report, as required by Section 203 of the No FEAR Act, Pub. L. No. 107-174, for submission to the following stakeholders:

- 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 over the USITC;
- The U.S. Attorney General;
- The Chair of the Equal Employment Opportunity Commission; and
- The Director of the Office of Personnel Management (OPM).

Additionally, the USITC has prepared this report in accordance with OPM's final regulations implementing the requirements of the No FEAR Act. 5 C.F.R. Part 724.

The FY 2022 Annual Report summarizes the USITC's activities in the following areas:

- the number and disposition of federal court cases, which resulted in judgments, awards, or settlements;
- the amount of money the USITC 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 USITC's policy regarding such discipline;
- an analysis of trends, a causal analysis, practical knowledge gained through experience, actions taken and planned to improve the USITC's discrimination complaint program; and
- a written training plan.

The instant report shows that the USITC is a relatively small agency. At the end of FY 2022, the USITC had 405 employees. In FY 2022, the USITC had four formal EEO complaints filed against it. However, in FY 2022, the USITC was not a party to any federal court case involving alleged violations of federal antidiscrimination and retaliation laws.

Historically, the USITC's formal discrimination complaint levels have been low. And in FY 2022, the Office of EEO continued to address discrimination issues through the use of various tools, including:

- assessing cases for informal resolution through pre-complaint EEO counseling;
- utilizing USITC resources dedicated to proactive prevention of EEO complaints; and
- coordinated communication efforts among the Office of EEO, the USITC's Office of the General Counsel (OGC), and the USITC's Office of Human Resources (OHR) to address workplace issues.

The FY 2022 Annual Report shows that the USITC has continued the following efforts:

- Strengthening management-employee relations;

- Placing a clear emphasis on EEO and supporting the USITC’s Diversity, Equity, and Inclusion (DEI) Council, and further incorporating EEO and DEI concepts into the USITC’s core business practices and processes;
- Creating sustainable methods to build trust and goodwill across the USITC through various communication avenues (e.g., through the Office of EEO’s presence at many of the Agency’s committees dedicated to the Agency’s different business functions); and
- Utilizing strategies for analyzing and addressing 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 USITC, 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 USITC’s FY 2022 Annual Report is submitted in accordance with these 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 USITC 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 2022, the USITC 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 USITC did not enter any settlement agreement that involved the Judgment Fund in FY 2022. The USITC 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 USITC was not required to reimburse any money to the Judgment Fund during the FY 2022 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 USITC reports the following:

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

In FY 2022, there were no disciplinary actions taken against USITC employees that fell within OPM’s definition of the term discipline for conduct inconsistent with federal antidiscrimination or whistleblower protection laws.

Pursuant to the USITC’s policy on discipline, misconduct should be addressed at the earliest possible stage. 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 USITC is not required to report these types of measures as part of its annual No FEAR Act Report, the Agency believes that this disciplinary approach can be effective in curbing more serious forms of misconduct, to include misconduct concerning antidiscrimination and whistleblower protection.

2. Description of Policy on Disciplinary Action

The USITC is committed to promptly addressing employee conduct that is inconsistent with antidiscrimination and whistleblower protection laws. Disciplinary and adverse actions under the USITC’s policy of disciplinary and adverse actions will be initiated in a prompt, uniform and equitable manner, in compliance with all applicable laws, regulations, and other applicable

authority. Where applicable, this policy can be utilized to uphold the requirements of management accountability for discriminatory or retaliatory conduct, consistent with the requirements of the No FEAR Act.

Disciplinary actions covered by the USITC'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 USITC's disciplinary policy can be utilized as part of the Agency's comprehensive effort to ensure that all of its employees work in an environment that is free from unlawful discrimination and retaliation.

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 USITC's EEO complaint data and its analysis of the matters specified in Section 203(7). It also describes the actions that the USITC 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 USITC has historically had a low number of discrimination complaints to report in its Annual Report. The data for the current reporting period shows that the USITC had four formal discrimination complaints filed against it in FY 2022. This reflects an increase in formal discrimination activity compared to each fiscal year going back to FY 2017.

This increase in complaint activity in FY 2022 may be due to a variety of factors including:

- Uncertainty within the USITC's workforce of how the Agency would navigate its re-entry into its physical workspace in FY 2022 with the ongoing presence of COVID-19.
- Uncertainty within the USITC's workforce of how the Agency would navigate the employment privileges of telework and remote work as some federal agencies require their workforces to have an in-office presence.
- Miscommunications that may have arisen due to the lack of consistent, in-person interactions between members of the USITC's workforce;
- Proximity bias – managers developing a preference for employees who have a higher in-office presence compared to employees with a higher virtual presence.

- Uncertainty within the USITC’s workforce of how the Agency would respond to requests for reasonable accommodations from employees with disabilities, when those accommodations do not create an undue hardship for the Agency or do not pose a significant risk of substantial harm to the health or safety of the employee or others that cannot be eliminated or reduced by reasonable accommodation.

2. Analysis of Trends

During FY 2022, the USITC continued to examine trends in complaint activities, including a six-year snapshot from FY 2017 to FY 2022. In this timeframe, there was one EEO complaint filed in each year between FY 2017 to FY 2019. There were no complaints filed in FY 2020. There were two complaints filed in FY 2021, and there were four complaints filed in FY 2022. The rate of EEO complaint activity at the USITC increased in FY 2022 compared to other years in the FY 2017 to FY 2022 snapshot.

Due to the complaint increase in FY 2022, the Office of EEO is assessing methods to address workplace conflict going into FY 2023. The methods may include implementing additional dispute resolution techniques at the lowest possible level when an EEO allegation arises. Additionally, the Office of EEO will continue its ongoing communications with USITC offices and the Agency’s union to seek collaborative tools to resolve disputes early, when appropriate.

The USITC tracks and monitors the number of complaints filed, and the bases and issues alleged. The following is a summary of the issues alleged in USITC discrimination complaints from FY 2017 through FY 2022:

FY 2017	Appointment/Hire (1)
FY 2018	Promotion/Non-Selection (1), Termination (1)
FY 2019	Harassment (1), Termination (1)
FY 2020	No complaints filed
FY 2021	Appointment/Hire (1), Terms/Conditions of Employment (1)
FY 2022	Assignment of Duties (2), Suspension (1), Duty Hours (1), Evaluation Appraisal (2), Harassment (5), Pay (1), Promotion/Non-Selection (1), Reasonable Accommodation (1), Terms/Conditions of Employment (2), Time and Attendance (1), Training (1)

The USITC continues to monitor these trends and assesses resolution at the lowest possible level and training as mechanisms for achieving and 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 USITC tracks and monitors complaint activity, particularly the alleged bases and issues as discussed above. The USITC assesses and identifies underlying reasons for workplace disputes. In pursuit of a strong, proficient EEO process, the Office of EEO, along with OGC and other USITC offices as appropriate, continued to apprise the USITC's Office of the Chair of issues and concerns gleaned from various communication avenues between the Office of EEO and the USITC's managers, supervisors, and staff. The ultimate goal is to equip managers and supervisors with the tools to address workplace conflicts, and underscore the availability of Agency resources.

The USITC had four complaints filed against it in FY 2022. The Office of EEO will work collaboratively with the appropriate USITC offices to develop and implement systematic approaches for analyzing and addressing the causes of workplace disputes, including proactive strategies to address barriers to equal employment opportunities. The USITC's overall goal through proactive prevention is to assist management officials in the development of strategies to resolve issues at the earliest point possible, which fosters a work environment free of unlawful employment discrimination.

To build awareness and understanding of the value of proactive prevention, the Office of EEO plans to integrate high profile EEO case decisions and current events into workshop discussions with staff, managers, and supervisors to provide them with real-life, real-time examples generated by EEO issues from other federal agencies or private sector employers. By understanding what went awry in other federal agencies and private sector workplaces, the Office of EEO aims to increase management officials' effectiveness in recognizing and addressing the underlying causes of workplace disputes at the USITC.

4. Practical Knowledge Gained Through Experience

In FY 2022, the USITC took the following actions to increase its investment in EEO, to raise employee awareness of antidiscrimination principles, and to highlight the benefits of EEO, and diversity equity, and inclusion:

- Through its Diversity, Equity, and Inclusion Council (DEI Council), the USITC recognized cultural emphasis months throughout FY 2022. Specifically, the USITC celebrated several commemorative events and months, including: Black History Month; Women's History Month, Asian American, Native Hawaiian, and Pacific Islander Heritage Month; LGBTQ+ Pride Month; Veterans Day; and National Hispanic Heritage Month.
- The USITC hired a new EEO Director, who started at the Agency in April 2022.

- The USITC approved a proposal from the Office of EEO to increase its staff from two full time employees to three full time employees. And the additional employee position was slotted for the Office’s first EEO Attorney Advisor. Note: The Office of EEO hired an EEO Attorney Advisor in FY 2023, and the person onboarded with at the USITC in December 2022.

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 2022

1. Demonstrated EEO Commitment from Agency Leadership

In FY 2022 the USITC experienced a transition at the Chair level. Former USITC Chair Jason E. Kearns, who began in FY 2020 as the Chair, concluded his tenure as the Chair in June 2022. He was succeeded by Chairman David S. Johanson, who began his second term as Chairman on June 17, 2022. Chairman Johanson earlier held the position of Chairman of the USITC from June 17, 2018, through June 16, 2020.

Both former Chair Kearns and current Chairman Johanson, and other members of the USITC’s senior leadership team were active participants in the events, initiatives, and activities of the USITC’s DEI Council and other events that highlighted diversity, equity, and inclusion across the Agency. Additionally, numerous USITC managers and executives, including the Chiefs of Staff for former Chair Kearns and current Chairman Johanson, have been vital members and supporters of the USITC’s DEI Council, and they were a constant presence at various special emphasis month events.

Former Chair Kearns and current Chairman Johanson also held monthly senior staff meetings, which included the Director of EEO, all office directors from across the USITC, and USITC staff. This was an additional avenue through which the Director of EEO could communicate with the USITC’s senior leadership. These meetings also kept the USITC workforce informed of general EEO and DEI issues, including trends, activities, events, and training opportunities.

2. Integrating EEO Principles into the USITC’s Strategic Mission

The USITC's Office of EEO engaged with the Chair, the managers, supervisors, and staff on various EEO topics. For example, the Agency assesses targeted recruitment ideas, activities, and events designed to encourage individuals from a wide demographic spectrum to apply to the USITC's job vacancies. This demographic spectrum includes, but is not limited to, minority groups, women, veterans, individuals who identify as LGBTQ+, and persons with disabilities. The USITC also assesses on a continuing basis whether there are ways to increase its various professional development opportunities for its employees, including opportunities for the USITC's leadership ranks and mission critical occupations (i.e., attorneys, economists, and international trade analysts).

In various ways the Office of EEO is integrated into the USITC's strategic mission and strategic planning. For example, the EEO Director is a member of the USITC's Human Capital Committee (HCC). The HCC's deliberations focus on a broad range of human resource issues, including workforce planning and organizational development, ideas to improve the employee performance framework, recruitment and retention ideas, and employee training and development. And diversity and inclusion are concepts that were incorporated directly into the USITC's Strategic Plan for FY 2018 - 2022, regarding the USITC's objective to attract and develop a skilled, diverse, and flexible workforce.

Furthermore, the EEO Director is a member of the USITC DEI Council's Advisory Board, along with the following USITC officials:

- The USITC Director of Human Resources, who serves as the Chair of the DEI Council;
- The USITC Chair's Chief of Staff or a designee;
- The USITC's Chief Human Capital Officer (CHCO);
- The USITC's Director of the Office of Operations; and
- The Assistant General Counsel for Administrative Law from the USITC's Office of the General Counsel (OGC), who serves as counsel to the DEI Council.

The DEI Council has two components - the DEI Advisory Board members and DEI Volunteer Council members. The volunteer council, which is comprised of ten volunteer members, are staff from across the Agency who serve one-year terms.

Additionally, the EEO Director is also a permanent member of the USITC's Budget and Finance Committee, and the USITC's Performance Management and Strategic Planning Committee (PMSPC). The EEO Director is also included as a member among agency-wide groups and committees that the USITC convenes to address agency-wide issues as they arise (e.g., committees formed to provide recommendations for a new remote work policy for the USITC workforce in a post-pandemic work environment).

The relationships across the USITC's different offices are an integral part of the USITC EEO program. To foster collaborative relationships with different offices across the Agency, the Office of EEO's new Director participated in meet-and-greet sessions with several USITC offices during their staff meetings. This was another method to communicate with staff members.

3. Improving Management and Program Accountability for EEO

During FY 2022, the Office of EEO 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 EEO.

Additionally, the USITC's new EEO Director held various discussions with various employees from across the USITC to get a sense of what program and management accountability measures they would like to see. Common themes arose on certain topics, including reasonable accommodations for employees with disabilities, an emphasis on accessibility for individuals with disabilities, and ensuring fairness and equity in the USITC's approaches to telework, remote work, and other workplace flexibilities.

b. Actions Planned for FY 2023

1. Integrate an attorney advisor into the Office of EEO's existing staff, which consisted of two full time employees at the end of FY 2022. The Office of EEO also will strategize with the USITC's Office of Human Resources to think about additional ways to further incorporate diversity, equity, inclusion, and accessibility (DEIA) and EEO principles into the USITC's core business processes, practices, and strategies.

2. Assist the Agency in updating its internal EEO policy, and other EEO-related policies.
3. Work with offices throughout the USITC to create an annual award that recognizes supervisors, employees, or groups who have made outstanding contributions toward fostering EEO at the USITC each year.
4. The USITC will update the name of its DEI Council to the DEIA Council, to reflect that accessibility is a central part of the Agency's business practices and strategies, along with diversity, equity, and inclusion.
5. Continue to update the Office of EEO's spaces on the USITC's intranet and the USITC's public website to include new EEO laws, regulations, and information.
6. Offer training sessions and workshops throughout the year to USITC staff, 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, including the USITC's negotiated grievance procedure.
7. Create collaboration opportunities between the Office of EEO and USITC's DEI Council to develop programs and events, and professional development opportunities for USITC employees.
8. Create specific professional development opportunities for USITC employees. Additionally, provide continued support and guidance for existing development opportunities for USITC employees.
9. Collaborate with HR to place an ongoing emphasis on the Agency's disability employment program, including conducting reasonable accommodation and disability awareness workshops for managers, supervisors, and employees.
10. Deliver timely and thorough pre-complaint EEO counseling services through an in-house specialist, thereby ensuring excellent work product and sustained compliance with all applicable EEOC regulations.
11. Conduct formal EEO investigations primarily through in-house resources, which will ensure the development of appropriate factual records that are timely and comprehensive.

12. Assess information from Agency resources for potential issues for the Agency to address regarding EEO, DEIA, and employee recruitment and retention.
13. The Director of EEO will continue to attend Chairman Johanson's monthly senior staff meetings, which includes all office directors from across the USITC, as an additional avenue to communicate with senior leadership and keep them abreast of general EEO topics.

D. No FEAR Act Training Plan

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 USITC provided an online, agency wide No FEAR Act training module to its staff in FY 2020. The Office of Human Resources assigns the No FEAR Act training to employees, and monitors the completion of the training. Specifically, the Office of Human Resources documented the completion of the online No FEAR Act training course through its electronic learning management system. The learning management system tracked and created a record of employees' completion of the online No FEAR Act training course. The Office of Human Resources shares that tracking information with the Office of EEO to ensure that employees complete their mandatory training requirements in a timely manner.

This No FEAR Act training module continued as FY 2022 concluded and FY 2023 commenced. And the most recent agency-wide, online No FEAR Act training assignment occurred in October 2023. USITC employees are on a two-year cycle for the online No FEAR Act training, and the agency-wide training cycle occurs generally in every even calendar year for employees who have been with the USITC for a year or more (e.g., 2020, 2022, 2024, etc.). New employees are required to complete the online No FEAR Act training within 90 days after their start date with the USITC.

APPENDIX



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

Complaint Activity	Fiscal Year Data					
	2017	2018	2019	2020	2021	2022
Number of Complaints Filed	1	1	1	0	2	4
Number of Complainants	1	1	1	0	2	4
Repeat Filers	0	0	0	0	0	0

Complaints by Basis <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
	2017	2018	2019	2020	2021	2022
Race	1	1	1	0	2	4
Color	1	0	0	0	1	4
Religion	0	0	0	0	0	0
Reprisal	0	0	0	0	1	4
Sex	0	1	1	0	0	4
National Origin	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	1
Age	0	0	0	0	1	3
Disability	1	0	1	0	0	2
Genetic Information	0	0	0	0	0	0
Non-EEO basis	0	0	0	0	0	0

Complaints by Issue <i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>						
	2017	2018	2019	2020	2021	2022
Appointment/Hire	1	0	0	0	1	0

Assignment of Duties	0	0	0	0	0	2
Awards	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0
Disciplinary Action						
Demotion	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0
Removal	0	0	0	0	0	0
Suspension	0	0	0	0	0	1
Other	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	1
Evaluation Appraisal	0	0	0	0	0	2
Examination/Test	0	0	0	0	0	0
Harassment						
Non-Sexual	0	0	1	0	0	4
Sexual	0	0	0	0	0	1
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	1
Promotion/Non-Selection	0	1	0	0	0	1
Reassignment						
Denied	0	0	0	0	0	0
Directed	0	0	0	0	0	0
Reasonable Accommodation (Disability)	0	0	0	0	0	1
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	1	1	0	0	0
Terms/Conditions of Employment	0	0	0	0	1	2
Time and Attendance	0	0	0	0	0	1
Training	0	0	0	0	0	1
Religious Accommodation	0	0	0	0	0	0
Other	0	0	0	0	0	0

Processing Time						
	2017	2018	2019	2020	2021	2022
Complaints pending for any length of time during fiscal year						
Average number of days in investigation stage	84.0	77.0	30.0	0.0	43.3	109.0
Average number of days in final agency action stage	0.0	0.0	0.0	0.0	35.0	62.0
Complaints pending for any length of time during fiscal year where hearing was requested						
Average number of days in investigation stage	0.0	0.0	0.0	0.0	0.0	149.5
Average number of days in final agency action stage	0.0	0.0	0.0	0.0	0.0	71.0
Complaints pending for any length of time during fiscal year where hearing was not requested						
Average number of days in investigation stage	0.0	0.0	0.0	0.0	73.0	72.0
Average number of days in final agency action stage	0.0	0.0	0.0	0.0	35.0	43.0

Complaints Dismissed by Agency						
	2017	2018	2019	2020	2021	2022
Total Complaints Dismissed by Agency	0	0	0	0	1	0
Average days pending prior to dismissal	0	0	0	0	1	0.0
Complaints Withdrawn by Complainants						
Total Complaints Withdrawn by Complainants	0	0	1	0	0	0

Total Final Actions Finding Discrimination												
	2017		2018		2019		2020		2021		2022	
	#	%	#	%	#	%	#	%	#	%	#	%
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

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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.	2017		2018		2019		2020		2021		2022	
	#	%	#	%	#	%	#	%	#	%	#	%
	Total Number of Findings	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
Findings After Hearing	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 Without Hearing	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												
	2017		2018		2019		2020		2021		2022	
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	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
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
Disciplinary Action												
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
Harassment												
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
Reassignment												
Denied	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
Reasonable Accommodation (Disability)	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
Retirement	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
Terms/Conditions of Employment	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
Training	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
Other	0	0.0	0	0.0	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	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
Findings of Discrimination Rendered by Issue												
	2017		2018		2019		2020		2021		2022	
	#	%	#	%	#	%	#	%	#	%	#	%
Disciplinary Action												
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
Harassment												
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
Reassignment												
Denied	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
Reasonable Accommodation (Disability)	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
Retirement	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
Terms/Conditions of Employment	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
Training	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
Other	0	0.0	0	0.0	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	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
Disciplinary Action												
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
Harassment												
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
Reassignment												
Denied	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
Reasonable Accommodation (Disability)	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
Retirement	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
Terms/Conditions of Employment	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
Training	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
Other	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Pending Complaints Filed in Previous Fiscal Years by Status						
	2017	2018	2019	2020	2021	2022
Total Complaints from previous Fiscal Years	0	1	0	0	0	0
Total Complainants	0	1	0	0	0	0
Number of Complaints Pending						
Investigation	0	0	0	0	0	0
Hearing	0	0	0	0	0	0
Final Agency Action	0	0	0	0	0	0

Appeal with EEOC Office of Federal Operations	0	1	0	0	0	0
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