



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

ACTING CHAIRMAN ROBERT ADLER

March 23, 2020

The Honorable William Barr
Attorney General of the United States
United States Department of Justice
925 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Barr:

I am pleased to present the U.S. Consumer Product Safety Commission's (CPSC) Fiscal Year (FY) 2019 Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) Annual Report.

During FY 2019, the CPSC continued to work diligently to promote policies and initiatives to prevent violations of federal anti-discrimination and whistleblower laws. This work included the issuance of agency policy statements on non-discrimination in employment and harassment prevention. The CPSC also disseminated important information through quarterly Web postings of its complaint data, as required by the No FEAR Act. We continued to provide anti-discrimination and anti-retaliation training for executives, managers, supervisors, and employees. In FY 2019, new employees received No FEAR Act training within 90 days of appointment to the agency. The CPSC also stressed the importance of a fair and expeditious complaint process to ensure EEO compliance and accountability during FY 2019.

In accordance with goals set forth by the CPSC Strategic Plan, the CPSC promoted workforce acceptance and celebration of cultural and individual differences. The CPSC's tenth annual Diversity Day celebration focused on increasing exposure and awareness of different cultures while emphasizing the agency's commitment to workforce diversity. The CPSC also continued to conduct targeted outreach activities to ensure that our applicant pools are reflective of our nation's diversity. The CPSC remains fully committed to the preservation of merit system principles to guarantee that the federal government has an effective and professional civilian workforce.

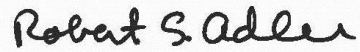
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Should you or your staff have any questions, please feel free to contact our EEO Director, Ms. Brittany Woolfolk, by telephone at (301) 504-7596 or by e-mail at bwoolfolk@cpsc.gov.

Very truly yours,

A handwritten signature in black ink that reads "Robert S. Adler". The signature is written in a cursive style and is placed on a light gray rectangular background.

Robert Adler
Acting Chairman

Enclosure

**Equal Employment Opportunity Data Posted Pursuant to the No Fear Act
FY 2019 (October 01, 2018 through September 30, 2019)**

<p>1. The number of cases in Federal court pending or resolved in each fiscal year and arising under each of the respective provisions of the No FEAR laws applicable to them as defined in § 724.102 of subpart A of this part in which an employee, former Federal employee, or applicant alleged a violation(s) of these laws, separating data by the provision(s) of law involved.</p>	<p>None</p>
<p>2. In the aggregate, for the cases identified in paragraph (a)(1) of this section and separated by provision(s) of law involved:</p> <p>(i) the status of disposition (including settlement);</p> <p>(ii) the amount of money required to be reimbursed to the Judgment Fund by the agency for payments as defined in § 724.102 of subpart A of this part; and</p> <p>(iii) the amount of reimbursement to the Fund for attorney's fees where such fees have been separately designated.</p>	<p>N/A</p> <p>None</p> <p>None</p>
<p>3. In connection with the cases identified in paragraph (a)(1) of this section, the total number of employees in each fiscal year disciplined as defined in § 724.102 of subpart A of this part and the specific nature, e.g., reprimand, etc., of the disciplinary actions taken, separated by the provision(s) of law involved.</p>	<p>None</p>
<p>4. The final year-end data about discrimination complaints for each fiscal year that was posted in accordance with the Equal Employment Opportunity Regulations of subpart G of title 29 of the Code of Federal Regulations (implementing section 301(c)(1)(B) of the No FEAR Act.</p>	<p>See Appendix A</p>
<p>5. Whether or not in connection with cases in federal court, the number of employees in each fiscal year disciplined as defined in § 724.102 of subpart A of this part in accordance with any agency policy described in paragraph (a)(6) of this section. The specific nature, e.g., reprimand, etc., of the disciplinary actions taken must be identified.</p>	<p>None</p>
<p>6. A detailed description of the agency's policy for taking disciplinary action against federal employees for conduct that is inconsistent with Federal Antidiscrimination Laws and Whistleblower Protection Laws or for conduct that constitutes another prohibited personnel practice revealed in connection with agency investigations of alleged violations of these laws.</p>	<p>The Agency has adopted and follows the Office of Personnel Management (OPM) Advisory Guidelines to take appropriate disciplinary actions against employees for conduct inconsistent with Antidiscrimination and Whistleblower Protection Laws.</p>

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<p>7. An analysis of the information provided in paragraphs (a)(1)-(6) of this section in conjunction with data provided to the Equal Employment Opportunity Commission in compliance with 29 CFR part 1614 subpart F of this Code of Federal Regulations. Such analysis must include: (i) an examination of trends; (ii) causal analysis; (iii) practical knowledge gained through experience; and (iv) any actions planned or taken to improve complaint or civil rights programs of the agency with the goal of eliminating discrimination and retaliation in the workplace.</p>	<p>See Appendix B</p>
<p>8. For each fiscal year, any adjustment needed or made to the budget of the agency to comply with its Judgment Fund reimbursement obligation(s) incurred under § 724.103 of subpart A of this part.</p>	<p>N/A</p>
<p>9. The agency's written plan developed under § 724.203(a) of subpart B of this part to train its employees.</p>	<p>See Appendix C</p>

Appendix A
Administrative Equal Employment (EEO) Complaint Data (FY2019 - FY2014)

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					
	FY2019	FY2018	FY2017	FY2016	FY2015	FY2014
Number of Complaints Filed	4	2	1	5	1	3
Number of Complainants	4	2	1	4	1	3
Repeat Filers	0	0	0	1	0	0

Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					
	FY2019	FY2018	FY2017	FY2016	FY2015	FY2014
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	2	2	0	3	0	2
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	1
Reprisal	2	1	1	4	0	1
Sex	0	1	0	0	1	1
National Origin	1	1	0	0	0	0
Equal Pay Act	0	0	0	0	0	0
Age	2	1	1	4	1	1
Disability	0	0	0	1	0	1
Genetic Information	0	1	0	0	0	0
Non-EEO	0	0	0	0	0	1

Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					
	FY2019	FY2018	FY2017	FY2016	FY2015	FY2014
<i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>						
Appointment/Hire	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	1	0
Awards	0	0	1	0	0	0
Conversion to Full-time						
Disciplinary Action						
Demotion		0	0	0	0	0
Reprimand	1	0	0	0	0	0
Removal	0	0	0	0	0	0
Suspension	1	0	0	0	0	0
Other	0	0	1	0	0	0
Duty Hours	0	0	0	0	0	1
Evaluation Appraisal	1	1	1	1	0	2
Examination/Test						
Harassment						
Non-Sexual	1	2	1	0	1	1
Sexual	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0
Promotion/Non-Selection	2	0	0	1	0	0
Reassignment						
Denied	0	0	0	0	0	0
Directed	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	0	0	0	0	0
Terms/Conditions of Employment	0	1	0	0	0	1
Time and Attendance	0	0	0	0	0	0
Training	0	0	0	0	0	1
Other	0	2	0	0	0	1

Processing Time	Comparative Data					
	Previous Fiscal Year Data					
	FY2019	FY2018	FY2017	FY2016	FY2015	FY2014
Complaints pending during fiscal year						

Appendix A
Administrative Equal Employment (EEO) Complaint Data (FY2019 - FY2014)

Findings Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0	0	0	0	0	0
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment	0	0	0	0	0	0	0	0	0	0	0	0
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data					
	Previous Fiscal Year Data					
	FY2019	FY2018	FY2017	FY2016	FY2015	FY2015
Total complaints from previous Fiscal Years	2	2	1	3	2	4
Total Complainants	4	2	1	3	2	4
Number complaints pending						
Investigation	1	1	0	1	0	2
ROI issued, pending Complainant's action	0	0	0	0	0	0
Hearing	2	1	1	2	2	2
Final Action	0	0	0	0	0	0
Appeal with EEOC Office of Federal Operations	1	0	0	0	1	3

Complaint Investigations	Comparative Data					
	Previous Fiscal Year Data					
	FY2019	FY2018	FY2017	FY2016	FY2015	FY2014
Pending Complaints Where Investigations Exceeds Required Time Frames	0	0	0	0	0	0

Appendix B

§724.302(A) (7) – 2019 Reporting Obligations - Analysis of Trends, Causal Analysis, and Practical Knowledge Gained Through Experience

Trend and Causal Analysis

During Fiscal Year (FY) 2019, no cases were in federal district court. In addition, administrative EEO complaints filed against the Consumer Product Safety Commission (CPSC) remained low. The agency completed one (1) informal counseling cases and three (3) formal complaints.

All of the cases were timely processed. At the end of FY19, there were two (2) formal complaints awaiting hearings and one (1) case in the appeal stage.

CPSC consistently endeavors to resolve complaints at the lowest level and offers Alternative Dispute Resolution (ADR) during the informal and formal stages of the EEO process.

Integration of EEO into the Agency Strategic Mission

On April 30, 2019, Acting Chairman Buerkle issued the annual Equal Employment Opportunity (EEO) and Anti-Harassment Policy Statements. This reaffirmed her commitment to uphold EEO principles and ensure that CPSC complies with all workplace federal discrimination laws and regulations.

Actions planned or taken to improve complaint or civil rights programs of the agency

CPSC is committed to eliminating discrimination and creating conditions that promote diversity and inclusion in the workplace. CPSC is also committed to EEO principles and practices in all of its management decisions and personnel activities. Fostering and building a diverse workforce is a necessity, and to that end CPSC has continued its efforts to attract underrepresented candidates and improve its diversity hiring initiatives. From training its managers and employees on their EEO rights and responsibilities, providing equal opportunities to all individuals, and providing a prompt, fair, and impartial review and adjudication of all allegations of discrimination, CPSC further assures that every effort will be made to ensure a workplace free of discrimination and harassment.

During FY19, CPSC achieved significant results in promoting merit system principles, including EEO and the strategic management of human capital. Some noteworthy achievements are set forth as follows:

- Conducted diversity and inclusion training on micro-triggers and inclusive language;
- Held special observance programs, and continued special emphasis outreach activities;
- Conducted reasonable accommodation training for managers;
- Encouraged the resolution of complaints at the lowest level possible; and
- Increased targeted recruiting for vacancies for mission critical full time positions.

CPSC plans the following actions to improve the agency's complaint and EEO program:

- Expand the Special Emphasis Program to include a Veterans Program Coordinator;
- Continue ongoing diversity training; and
- Develop process to file EEO complaints online.

Appendix C

§724.302(A) (9) – 2019 Reporting Obligations – Training Plan

Instructional materials and method of training

- The No FEAR Act Notice and a fact sheet are posted on both the CPSC intranet and external website and on agency bulletin boards.
- The No FEAR Act Notice is distributed to new employees upon in-processing and a mandatory training notice is sent to employees.
- The New Employee Checklist (for supervisor use) includes the No FEAR Act training as an employee responsibility within 90 days of entrance on duty at the agency.
- Mandatory training is delivered online through the CPSC FedTalent System (an eLearning development tool) and employees may access the training at any time from their desktop. The training is interactive with testing at the end of each training module. Employees must score 70 percent or higher on each test to receive credit for course completion.
- No FEAR Act training is assigned to new employees automatically by the training system via email.
- A brief overview of the No FEAR Act with the appropriate handouts is provided during all EEO type training.
- During FY19, new employee orientation continued to include an overview of EEO rights and responsibilities, emphasizing that an aggrieved person must contact an EEO counselor with 45 calendar days of the matter alleged to be discriminatory.

The training schedule

Initial Training

- In June 2020, an email will be sent to all employees providing the No FEAR Act Notice detailing instructions for completing the training no later than September 2020.
- Supervisors of new employees are provided a quarterly email reminder that their new employee must complete the training within 90 days of entrance on duty at the agency.

Follow-up training

- An email to all employees providing the No FEAR Act notice and detailing instructions for completing the training no later than a date in each of the calendar years (date is to be determined). CPSC last conducted the No FEAR Act refresher training for 100% of the workforce in FY18.

The means of documenting completion of training

- Reports are produced from the appropriate database detailing the name of employees that have completed the training. For new employees, these reports are compared to the new hire report to determine who, if any, must complete the training. The report serves as the means for documenting the training completion.
- Supervisors are held accountable for ensuring their employees complete the training.