



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

**CHAIR ALEXANDER HOEHN-SARIC**

March 22, 2024

The Honorable Kiran Ahuja  
Director  
United States Office of Personnel Management  
Office of the Director  
Theodore Roosevelt Building  
1900 E. Street, NW Rm 5A09  
Washington, DC 20415

Dear Director Ahuja:

I am pleased to present the U.S. Consumer Product Safety Commission's (CPSC's or the Commission's) Fiscal Year (FY) 2023 Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) Annual Report.

During FY 2023, 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. We continued to provide anti-discrimination and anti-retaliation training for executives, managers, supervisors, and employees. In FY 2023, new employees received No FEAR Act training within 90 days of appointment to the agency. CPSC also stressed the importance of a fair and expeditious complaint process to ensure EEO compliance and accountability during FY 2023.

In accordance with goals set forth by CPSC's Strategic Plan, the Commission promoted workforce acceptance and celebration of cultural and individual differences. In FY 2023, CPSC hired a Diversity, Equity, Inclusion, and Access (DEIA) Specialist to manage all DEIA programs for the agency. CPSC also continued to conduct targeted outreach activities to ensure that our applicant pools are reflective of our nation's

The Honorable Kiran Ahuja

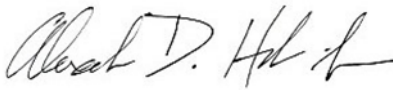
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diversity. CPSC remains fully committed to the preservation of merit system principles to guarantee that the federal government has an effective and professional civilian workforce.

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](mailto:bwoolfolk@cpsc.gov).

Very truly yours,

A handwritten signature in black ink, appearing to read "Alex D. Hoehn-Saric". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alexander Hoehn-Saric  
Chair

Attachment

# **No FEAR Act Notice FY2023**

## **Consumer Product Safety Commission Annual Notice Regarding the Federal Employee Antidiscrimination and Retaliation Act**

### **(No FEAR Act Notice)**

#### **No FEAR Act Notice**

On May 15, 2002, the President signed into law the “Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002,” which is now known as the No FEAR Act. (Pub. L. 107-174). The purpose of the Act is to “require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws.” In support of this, Congress found that “agencies cannot be run effectively if [they] practice or tolerate discrimination.” (Section 101(1)). The No FEAR Act also requires the Consumer Product Safety Commission (CPSC) to provide this notice to its employees, former employees, and applicants for CPSC employment to ensure awareness of the rights and protections available under Federal antidiscrimination and whistleblower protection laws.

#### **Antidiscrimination Laws**

A Federal agency cannot discriminate against an employee or applicant with respect to the terms, conditions, or privileges of employment on the basis of race, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, marital status or political affiliation. Discrimination on these bases is prohibited by one or more of the following statutes: 5 U.S.C. 2302(b)(1), 29 U.S.C 206(d), 29 U.S.C. 631, 29 U.S.C. 633a, 29 U.S.C. 791, and 42 U.S.C. 2000e-16.

If you believe that you have been the victim of unlawful discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, genetic information or disability, you must contact the Office of Equal Employment Opportunity, Diversity and Inclusion (OEEODI) within 45 calendar days of the alleged discriminatory action, or, in the case of personnel action, within 45 calendar days of the effective date of the action, before you can file a formal complaint of discrimination with the CPSC. If you believe that you have been the victim of unlawful discrimination on the basis of age, you must contact an Equal Employment Opportunity (EEO) counselor as noted above. If you are alleging discrimination based on marital status or political affiliation, you may file a written complaint with the U.S. Office of Special Counsel (OSC) (see contact information below). In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through the agency’s administrative or negotiated grievance procedures, if such procedures apply and are available.

#### **Whistleblower Protection Laws**

A Federal employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take, fail to take, or threaten to take a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule, or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or substantial and specific danger to public health or safety, unless disclosure of such information is specifically prohibited by law and such information is specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. 2302(b)(8). If you believe that you have been the victim of whistleblower retaliation, you may file a written

complaint (Form OSC-11) with the U.S. Office of Special Counsel at 1730 M. Street NW., Suite 218, Washington, D.C. 20036-4505 or online through the [OSC Website](#).

### **Retaliation for Engaging in Protected Activity**

A Federal agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protections laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections of this notice or, if applicable, the administrative or negotiated grievance procedures to pursue any legal remedy.

### **Disciplinary Actions**

Under the existing laws, each agency retains the right, where appropriate, to discipline a Federal employee for conduct that is inconsistent with Federal antidiscrimination and whistleblower protection laws up to and including removal. If OSC has initiated an investigation under 5 U.S.C. 1214, however, according to 5 U.S.C. 1214(f), agencies must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

### **Existing Rights Unchanged**

Pursuant to section 205 of the No FEAR Act, neither the Act nor this notice creates, expands, or reduces any rights otherwise available to any employee, former employee, or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. 2302(d).

### **Additional Information**

For further information regarding the No FEAR Act regulations, refer to 5 CFR part 724 (Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002). Additional information regarding Federal antidiscrimination, whistleblower protection and retaliation laws can be found at the [EEOC Website](#) and the [OSC Website](#).

The following No FEAR Act Notice and the No FEAR Charts are located on the [CPSC Website](#).

**Equal Employment Opportunity Data Posted Pursuant to the No FEAR Act 2023 (October 01, 2022, through September 30, 2023)**

<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>

<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>

# No FEAR Act Notice FY2023

Complaint Activity	Comparative Data					FY2018
	Previous Fiscal Year Data					
	FY2023	FY2022	FY2021	FY2020	FY2019	
Number of Complaints Filed	1	1	1	0	4	2
Number of Complainants	1	1	1	0	4	2
Repeat Filers	0	0	0	0	0	0

Complaints by Basis	Comparative Data					FY2018
	Previous Fiscal Year Data					
	FY2023	FY2022	FY2021	FY2020	FY2019	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	0	0	0	0	2	2
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	0	0	0	0	2	1
Sex	0	0	0	0	0	1
National Origin	0	0	0	0	0	1
Equal Pay Act	0	0	0	0	0	0
Age	1	0	1	0	2	1
Disability	0	1	0	0	0	0
Genetic Information	0	0	0	0	0	1
Non-EEO	0	0	0	0	0	0

Complaints by Issue	Comparative Data					FY2018
	Previous Fiscal Year Data					
	FY2023	FY2022	FY2021	FY2020	FY2019	
<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	1	0	0	0
Assignment of Duties	0	0	0	0	0	0
Awards	0	0	0	0	0	0
Conversion to Full-time						
<b>Disciplinary Action</b>						
Demotion	0	0	0	0	0	0
Reprimand	0	0	0	0	1	0
Removal	0	0	0	0	0	0
Suspension	0	0	0	0	0	0
Other	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Evaluation Appraisal	1	0	0	0	1	1
Examination/Test	0	0	0	0	0	0
<b>Harassment</b>						
Non-Sexual	0	1	0	0	1	2
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	0	0	0	0	2	0
<b>Reassignment</b>						
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	0	0	0	0	1
Time and Attendance	0	0	0	0	0	0
Training	0	0	0	0	0	0
Other	0	0	0	0	0	2

Processing Time	Comparative Data					FY2018
	Previous Fiscal Year Data					
	FY2023	FY2022	FY2021	FY2020	FY2019	
<b>Complaints pending during fiscal year</b>						
Average number of days in investigation	97	108	115	0	133	178
<b>Complaint pending during fiscal year where hearing was requested</b>						
Average number of days in final action	0	0	0	0	50	0

<b>Complaint pending during fiscal year where hearing was not requested</b>						
Average number of days in final action	50	0	51	560	56	074

Complaints Dismissed by Agency	Comparative Data					FY2018
	Previous Fiscal Year Data					
	FY2023	FY2022	FY2021	FY2020	FY2019	
Total Complaints Dismissed by Agency	0	0	0	0	0	0
Average days pending prior to dismissal	0	0	0	0	0	0
<b>Complaints Withdrawn by Complainants</b>						
Total Complaints Withdrawn by Complainants	0	0	0	0	0	0

Total Final Actions Finding Discrimination	Comparative Data										FY2018	
	Previous Fiscal Year Data											
	FY2023		FY2022		FY2021		FY2020		FY2019		#	%
	#	%	#	%	#	%	#	%	#	%		
Total Number Findings	0		0		0		0		0		0	
Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
With Hearing	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data											
	FY2023		FY2022		FY2021		FY2020		FY2019		FY2018	
	#	%	#	%	#	%	#	%	#	%		
<i>Note: Complaints can be filed alleging multiplebases. The sum of the bases may not equal total complaints and findings.</i>												
<b>Total Number Findings</b>	0		0		0		0		0		0	
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
<b>Findings After Hearing</b>	0	0	0	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
<b>Findings Without Hearing</b>	0	0	0	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue	Comparative Data										FY2018	
	Previous Fiscal Year Data											
	FY2023		FY2022		FY2021		FY2020		FY2019		#	%
#	%	#	%	#	%	#	%	#	%			
<b>Total Number Findings</b>	0		0		0		0		0		0	



Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	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

<b>Findings After Hearing</b>	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
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

<b>Findings Without Hearing</b>	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	0
Reasonable Accommodation	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
Retirement	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
Terms/Conditions of Employment	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
Training	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

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data					FY2018
	Previous Fiscal Year Data					
	FY2023	FY2022	FY2021	FY2020	FY2019	
Total complaints from previous Fiscal Years	0	0	1	2	2	1
Total Complainants	1	0	1	4	2	1
<b>Number complaints pending</b>						
Investigation	0	0	0	1	1	0
ROI issued, pending Complainant's action	1	0	0	0	0	0
Hearing	0	0	1	2	1	1
Final Action	0	0	0	0	0	0
Appeal with EEOC Office of Federal Operations	0	0	0	0	0	0

Complaint Investigations	Comparative Data					FY2018
	Previous Fiscal Year Data					
	FY2023	FY2022	FY2021	FY2020	FY2019	
Pending Complaints Where Investigations Exceeds Required Time Frames	0	0	0	0	0	0

## **Appendix B**

### **§724.302(A) (7) – 2022 Reporting Obligations - Analysis of Trends, Causal Analysis, and Practical Knowledge Gained Through Experience**

#### **Trend and Causal Analysis**

During Fiscal Year (FY) 2023, 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 case with no settlements and one (1) formal complaint.

All the cases were timely processed. At the end of FY23, there were zero (0) formal complaints awaiting hearings and zero (0) cases 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 February 8, 2023, Chair Alexander Hoehn-Saric issued the annual Equal Employment Opportunity (EEO) and Anti-Harassment Policy Statements. This reaffirmed his 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 FY23, CPSC achieved significant results in promoting merit system principles, including EEO and the strategic management of human capital. Some noteworthy achievements included:

- Held special observance programs, and continued special emphasis outreach activities;
- Hired a DEIA Specialist to manage all DEIA programs for the agency;
- Awarded a one-year contract for an outside contractor to assist with setting up a Diversity, Equity, Inclusion and Accessibility Council;
- In June 2023, updated CPSC's workforce on The Pregnancy Workers Fairness Act (PWFA) through training and distribution of educational materials;
- Encouraged the resolution of complaints at the lowest level possible; and

- Increased targeted recruiting for vacancies for mission critical full-time positions.

The following actions are planned to improve the agency's complaint and EEO program:

- Continue annual diversity training; and
- Conduct annual mandatory alternative dispute resolution training for supervisors and managers.

## Appendix C

### §724.302(A) (9) – 2022 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, 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). 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 and employees are notified to complete it via email.
- A brief overview of the No FEAR Act with the appropriate handouts is provided during all EEO type training.
- During FY23, 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.

## **Training Schedule**

### Follow-up training

- No FEAR Act mandatory training is conducted Biannually.
- In March 2024, an email will be sent to all employees providing the No FEAR Act Notice detailing instructions for completing the training no later than March 31, 2024. (Currently in progress)
- 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.

## Documenting Completion of Training

- Reports are produced from the appropriate database detailing the names 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.