



December 1, 2023

The Honorable Maxine Waters
Ranking Member
Committee on Financial Services
U.S. House of Representatives
Washington, D.C. 20515

Dear Ranking Member Waters:

This letter is a follow up to your request at the hearing in the House Financial Services Committee on November 15, 2023 entitled, “*Oversight of Prudential Regulators.*” In the hearing, you requested, and Federal Deposit Insurance Corporation (FDIC) Chairman Gruenberg agreed to provide, a plan on the steps the FDIC will take to address workplace issues related to sexual harassment and misconduct and to ensure that all employees are provided a safe work environment. Enclosed, please find the *FDIC Action Plan for a Safe, Fair, and Inclusive Work Environment (Plan)*, which was prepared at the Chairman’s request by FDIC senior leadership and staff led by Nikita Pearson, Deputy to the Chairman for External Affairs and Director of the Office of Minority and Women Inclusion.

The Plan reflects comments and suggestions received during listening sessions held with FDIC employees in November. The Plan also reflects input from a range of FDIC stakeholders, including the Diversity and Inclusion Executive Advisory Council, personnel in the Office of Minority and Women Inclusion, and the employee resource groups Partnership of Women in the Workplace and Networking, Inclusion, and Advancement for African American Women. As a part of implementing the Plan, FDIC will meet all bargaining obligations with NTEU.

Your interest in this matter is appreciated. If you or your staff have comments or questions on this matter, the FDIC Office of Legislative Affairs may be reached at (202) 898-7055.

Sincerely,

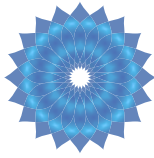
Andy Jiminez
Director
Office of Legislative Affairs

cc: The Honorable Patrick McHenry, Chairman



**ACTION PLAN FOR A
SAFE, FAIR, AND
INCLUSIVE WORK
ENVIRONMENT**

FDIC



Support for Victims and Survivors

1

HOTLINE

Establish a toll-free number staffed 24-hour with specialized federal and contractor staff to discreetly intake reports of harassing behavior to ensure immediate assistance for individuals in distress.

PROJECTED COMPLETION
1.31.2024

2

COUNSELING

Enhance the free services currently provided by the FDIC by securing counselors with expertise related to sexual harassment and discrimination to address emotional and mental well-being.

PROJECTED COMPLETION
1.31.2024

3

SUPPORT GROUPS

Connect victims with external resources such as local support groups specializing in sexual harassment support.

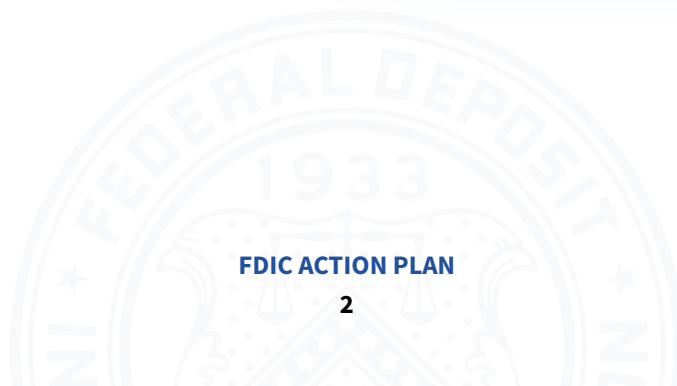
PROJECTED COMPLETION
12.15.2023

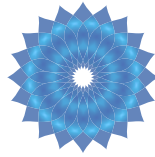
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SUPPORT PROGRAM

Establish support program to help survivors remain integrated in the workplace and equipped to take advantage of professional development opportunities post-harassment.

PROJECTED COMPLETION
3.31.2024





Prompt Investigation, Identification, and Correction of Current Problems

1

THIRD PARTY REVIEW

A Special Committee of the FDIC Board will conduct an independent, third party review of the FDIC's workplace culture and response to allegations of harassment and misconduct.

PROJECTED COMPLETION
2.29.2024

2

INVESTIGATION OF BARRIERS

Engage an Equal Employment Opportunity (EEO) firm to conduct an in-depth analysis of ongoing challenges in workforce representation, as identified in the Executive Summary of the FDIC's Annual Equal Employment Opportunity Program Status Report for Fiscal Year 2022. In accordance with Equal Employment Opportunity Commission Management Directive 715, the firm will conduct Barrier Analysis

Step Two - Investigate to Pinpoint Actual Barriers, assist the FDIC in implementing

Step Three - Eliminate Barriers, and recommend a plan to implement

Step Four - Plan Assessment. Results will be shared with employees.

PROJECTED COMPLETION
12.31.2024

3

PROMPT CORRECTIVE ACTION

If the analysis identifies a barrier that adversely affected a subset of employees, the FDIC will promptly take corrective action to address and remedy the identified harm, which may include compensatory damages in cases involving discrimination.

PROJECTED COMPLETION
Ongoing

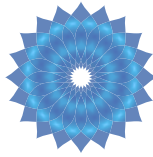
4

COMPENSATION PRACTICES

Engage an EEO firm to conduct a review of performance-based cash awards and retention bonuses to determine if discriminatory practices exist. If any discriminatory practices exist, the FDIC will take prompt corrective action to address and remedy the identified harm, which may include compensatory damages.

PROJECTED COMPLETION
12.31.2024





Repercussions for Harasser

1

CONSEQUENCES

Ensure consequences for individuals found liable of sexual harassment align with the seriousness of the misconduct.

PROJECTED COMPLETION

Ongoing

2

TABLE OF PENALTIES

Consider expanding the use of tables of penalties or other tools or framework to ensure that disciplinary action is consistently applied for like or similar misconduct.

PROJECTED COMPLETION

7.31.2024

3

NO ENTRY FOR HARASSER

To the extent legally supportable and feasible, implement policies to prohibit hiring those who have previously engaged in sexual harassment or other serious misconduct (including procedures to ensure due diligence in hiring), or establish procedures to safeguard employees if the law prohibits such actions.

PROJECTED COMPLETION

7.31.2024

4

REMOVE BONUS OPPORTUNITY

Update policies to prohibit the payment of bonuses to any individual found to have committed sexual harassment and to delay bonuses for any employee being investigated for sexual harassment or other serious misconduct, until they are cleared of any wrongdoing. Determine whether other actions are appropriate for individuals found to have engaged in sexual harassment (e.g., demotion, restricting promotion opportunities).

PROJECTED COMPLETION
6.30.2024

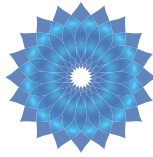
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RISK ASSESSMENT

Assess whether any aversion to risk, including litigation risk, associated with taking adverse personnel actions unduly impacts addressing sexual harassment or other serious misconduct in a manner that aligns with organizational values.

PROJECTED COMPLETION
4.30.2024





Leadership Accountability

1

WITHHOLDING BONUSES

Update applicable criteria and withhold bonus opportunities for failure to implement or follow the FDIC Action Plan for a Safe, Fair, and Inclusive Work Environment.

PROJECTED COMPLETION
7.31.2024

2

PERFORMANCE STANDARDS

Update leadership performance standards to better support accountability for sexual harassment detection and prevention.

PROJECTED COMPLETION
5.30.2024

3

DIVERSITY AND INCLUSION EXECUTIVE ADVISORY COUNCIL (EAC)

Hold special meetings for the EEO firm that conducts the barrier analysis discussed above to present to EAC members, all Regional Directors, Chairs of Field Supervisor and Supervisory Examiner Councils, and the Executive Sponsor(s) of each Employee Resource Group.

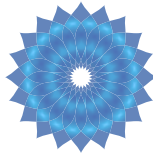
PROJECTED COMPLETION
Ongoing

4

TRACKING SYSTEMS

Enhance the centralized tracking system for monitoring sexual harassment claims to provide the agency with better data on the scope and nature of sexual harassment claims and improve decision making around how to best prevent and address sexual harassment.

PROJECTED COMPLETION
2.29.2024



Policies, Procedures, and Operations Review and Enhancement

1

ANTI-HARASSMENT DIRECTIVE

Issue revised draft directive on anti-harassment to include a more detailed definition of sexual harassment and provide a plain language explanation of existing anti-retaliation protections for individuals who report cases of sexual harassment or otherwise expose discriminatory practices

PROJECTED COMPLETION
2.29.2024

2

HARASSMENT COMPLAINTS

Develop procedures and guidelines to prepare close-out letters to be issued to filers of harassment complaints.

PROJECTED COMPLETION
3.31.2024

3

STUDENT RESIDENCE CENTER (SRC)

Update policies related to SRC to establish a residence-specific code of conduct and increase monitoring by security guards in common areas. Consider implementing a Resident Assistant Program to serve as a single point of contact for any issues that arise amongst employees residing at the SRC.

PROJECTED COMPLETION
3.31.2024

4

GRIEVANCE POLICIES

Review grievance policies and examine options for extending timelines for processing harassment claims to increase time for victims to file a grievance for matters associated with sexual trauma.

PROJECTED COMPLETION
4.30.2024

5

CODE OF CONDUCT

Review and update code of conduct to better reflect FDIC core values and expectations for diversity, equity, inclusion, accessibility, and belonging.

PROJECTED COMPLETION
5.30.2024

6

EXIT SURVEYS

Seek opportunities to enhance all exit surveys conducted at the agency to better identify harassment as a factor in an employee leaving agency.

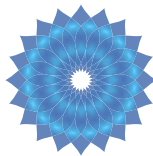
PROJECTED COMPLETION
6.30.2024

7

TRAVEL POLICIES

Review travel policies to determine if any of these policies are negatively impacting the FDIC's culture and environment. Develop needed modifications based on this assessment to improve employee's safety and well-being, and retention.

PROJECTED COMPLETION
12.31.2024



Training Programs

1

SEXUAL HARASSMENT TRAINING

Conduct mandatory, “live” training on preventing and addressing sexual harassment for all employees, managers, and executives. Implement a process to regularly assess effectiveness of trainings and revise as needed.

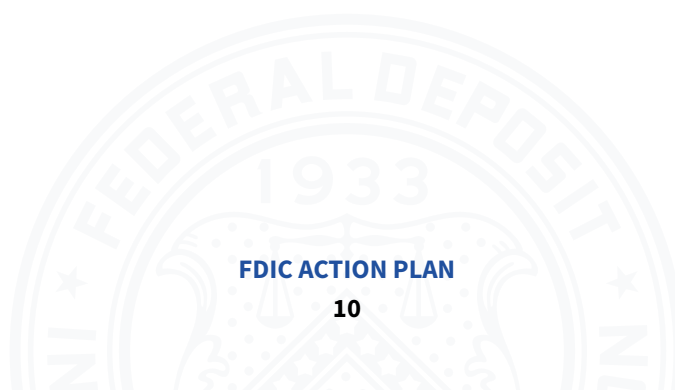
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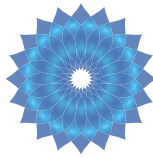
2

NEW EMPLOYEE ORIENTATION

Require training on preventing and addressing sexual harassment at new employee orientation.

PROJECTED COMPLETION
Ongoing





Communication and Outreach Strategy

1

INTERNAL COMMUNICATION AND OUTREACH STRATEGY

Develop and implement internal communication and outreach strategy with the goals of informing employees, rebuilding trust through transparency, and transforming culture.

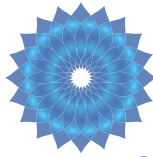
PROJECTED COMPLETION
12.31.2023 • And Ongoing

2

EXTERNAL COMMUNICATION AND OUTREACH STRATEGY

Develop and implement external communication and outreach strategy to communicate FDIC's commitment to creating and maintaining a harassment and discrimination-free environment and restoring our stakeholders' faith in our ability to fulfill our mission.

PROJECTED COMPLETION
12.31.2023 • And Ongoing



Cultural Transformation

1

FEMALE RECRUITMENT AND RETENTION TASKFORCE

Create a taskforce to develop recommendations to address issues primarily impacting females in the workforce as described in the Executive Summary of the FDIC's Annual Equal Employment Opportunity Program Status Report for Fiscal Year 2022. The Taskforce will include representation from Employee Resource Groups focused on these issues.

PROJECTED COMPLETION
1.31.2024

2

CULTURAL ASSESSMENT AND CHANGE

Conduct a culture assessment on a periodic basis to gain insight into organizational dynamics, employee engagement, and overall work environment, monitor progress in improving culture, and identify areas needing improvement.

PROJECTED COMPLETION
5.30.2024

3

EMPOWER LOCAL LEADERSHIP AND ENGAGE EMPLOYEES

Consider providing additional resources to supervisors, Chairman's Diversity Advisory Councils, and Employee Resource Groups to help improve culture within their local teams while ensuring alignment with overall FDIC goals.

PROJECTED COMPLETION
6.30.2024

4

AGENCY-WIDE RESOURCES

Consider expanding cadre of EEO counselors to include locations in regional offices to better understand local dynamics, address issues specific to each location, and provide better accessibility and support to employees located outside of Headquarters.

PROJECTED COMPLETION
7.31.2024

5

LISTENING SESSIONS

Implement Safe Space Conversations Program and other facilitated listening sessions across the FDIC to foster an environment of open and respectful dialogue.

PROJECTED COMPLETION
Ongoing

6

FIELD, REGIONAL AND HEADQUARTER REVIEWS

Conduct regular reviews of Field, Region, and Headquarters offices to ensure compliance and consistency with FDIC directives related to sexual harassment, anti-harassment, and equal employment opportunity.

PROJECTED COMPLETION
Ongoing

The FDIC Board of Directors chartered a Special Committee to direct and oversee an independent, third-party review of allegations of sexual harassment and interpersonal misconduct at the FDIC and any management response. The review will evaluate the FDIC's workplace culture, including any practices that might discourage or deter reports of or responses to sexual harassment and other misconduct. This Action Plan refers to that independent, third-party review but does not refer to other actions expected to be within the scope of the Special Committee's work. Also, the Plan does not include items projected to be within the scope of reviews conducted by the Office of Inspector General.

FDIC will meet all bargaining obligations with NTEU.