



FDIC DIRECTIVE 2710.01

Equal Opportunity

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Co-Approval Authority: Amanda Lavis, Director, Office of Equal Employment Opportunity

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PURPOSE

This Directive reaffirms the FDIC's commitment to equal opportunity, affirmative employment, and accessibility principles. It further asserts policy prohibiting discriminatory practices in the FDIC workplace and in any of its programs or activities and promoting the participation of minority and women-owned businesses (MWOBs) in procurement opportunities and business activities at all levels.

SCOPE

This Directive applies to all FDIC Divisions/Offices, including applicants for employment, former employees, and persons doing business with or for the FDIC or attending any FDIC-sponsored or FDIC-conducted education and training.

AUTHORITIES

See [Appendix A – Authorities](#).

FORMS

[FDIC Form 2710/02, Request for Reasonable Accommodation or Barrier Removal](#)

SUMMARY OF CHANGES

This Directive supersedes FDIC Circular 2710.1, Corporation's Policy on Equal Opportunity, dated October 19, 2010.

PEDESTRIAN CHANGE, approved on September 24, 2025

This Directive has been revised to:

- Add a Responsibility Section to clarify responsibilities of Division/Offices, Supervisors/Managers, and Employees;
- Change Appendix C – Contact Information;
- Add updates to Authorities and amendments to laws;
- Update the Accountability and Monitoring Section to include latest changes to performance standards for supervisors/managers;
- Add a training section to identify required trainings related to equal opportunity; and
- Update language to comply with Executive Orders.

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BACKGROUND

The FDIC is committed to the principles of equal opportunity and accessibility in all of its programs, policies, and practices. The Directors of the Office of Minority and Women Inclusion (OMWI) and Office of Equal Employment Opportunity (OEEO) have the delegated responsibility for the following FDIC programs: equal opportunity, civil rights, and corporate outreach. These programs ensure that the FDIC workplace is free from unlawful discrimination and harassment, and provides equal opportunity and access to all employment and business activities.

POLICY

It is FDIC policy to prohibit discrimination and harassment in its workplace, programs, policies, and activities in accordance with EEO principles as well as applicable laws and regulations.

A. Equal Opportunity Compliance

1. Discrimination and harassment is prohibited in the FDIC's workplace, programs, and activities based on race, color, religion, sex (including pregnancy and equal pay), national origin, disability (physical and mental), age (40 years or older), genetic information (information about an individual's genetic tests, or information about the genetic tests, or the manifestation of a disease or disorder in the individual's family medical history), status as a parent, and retaliation [taking a materially adverse action against an individual for participating in the Equal Employment Opportunity (EEO) complaint process, opposing discriminatory practices or requesting accommodation of a disability or for a religious practice].
2. Any unlawful discrimination is prohibited in the FDIC's employment and personnel policies, procedures, programs, practices, and operations. All aspects of personnel operations (including recruitment, hiring, promotions, training, awards, reorganizations, and retention of employees) are conducted consistent with EEO principles, FDIC policies, and applicable federal laws, regulations, and Executive Orders.
3. Consistent standards and procedures are used to ensure the participation and utilization of MWOBs in FDIC procurement opportunities and business activities, to the maximum extent possible.
4. All employees have a responsibility to implement this Directive by their conduct, decisions, and actions. Furthermore, every effort is made to resolve complaints at the lowest level possible.

B. Accountability and Monitoring

1. Workforce statistics are reviewed annually to adjust strategies, as appropriate.
2. Supervisors/managers are assessed for their performance regarding:
 - a. Cultivating a constructive, and harassment-free work environment built upon transparent communication, mutual trust, and respect for all to succeed;
 - b. Adhering to equal opportunity and merit system principles in decisions impacting employee working conditions in accordance with the objectives set forth in the FDIC's strategic plans;

- c. Upholding and applying EEO policies and principles and participating in the FDIC's EEO program; and
- d. Promoting the protection of employees when making protected disclosures by fostering an environment in which employees feel comfortable making such disclosures, responding constructively when employees make protected disclosures, and taking responsible actions to resolve these disclosures.

C. Training

- 1. Supervisors/Managers
 - a. Take required Anti-Harassment Program training, which educates them about identifying and responding to allegations of harassment in the workplace; and
 - b. Take required training to obtain a broad understanding of their EEO responsibilities.
- 2. Employees
 - a. Take mandatory training, including No FEAR Act training pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, 5 U.S.C. 2301, as amended; and
 - b. Take required training on the Anti-Harassment Program policy and how to report allegations of harassment in the workplace.

D. Disciplinary Action

Any unlawful or improper conduct that constitutes prohibited discrimination is not tolerated. Violations of this Directive may include disciplinary action up to and including termination from employment.

RESPONSIBILITIES

A. Director, Office of Minority and Women Inclusion:

1. Develops standards that ensure equal employment opportunity and MWOB participation consistent with Section 342 of the Dodd-Frank Wall Street Reform and Consumer Protection Act;
2. Ensures the affirmative employment efforts and corporate outreach program within the FDIC conform to established laws, rules, regulations, policies, and procedures;
3. Ensures that sufficient personnel and fiscal resources are provided to administer the program; and
4. Works with Divisions/Offices to develop and implement the program.

B. Director, Office of Equal Employment Opportunity:

1. Sets equal employment opportunity policies;
2. Oversees EEO complaint processing;
3. Ensures the EEO program within the FDIC conforms to established laws, rules, regulations, policies, and procedures;
4. Ensures that sufficient personnel and fiscal resources are provided to administer an effective EEO program;
5. Has the delegated authority to issue Final Agency Decisions on behalf of the Agency;
6. Provides advice and guidance to management on appropriate preventive action(s) to take in connection with allegations of discrimination; and
7. Reports complaints of discriminatory harassment to the Office of Professional Conduct (OPC) for concurrent investigation and action, if appropriate.

C. Deputy Director, Acquisition Services Branch:

Prepares a quarterly Award Profile Report detailing high level contracting activity and disseminates this information to the Office of the Chairperson and Division/Office Directors.

D. Division/Office Directors:

1. Ensure compliance with all applicable laws, Executive Orders, and regulations that prohibit discrimination, and provide EEO for all employees and applicants (to the maximum extent possible); and
2. Exercise personal leadership regarding EEO and Corporate Outreach programs to ensure fair treatment in every aspect of FDIC policy and practice, including recruitment, selection, employee development, promotion, awards, and other terms and conditions of employment.

E. Supervisors/Managers:

1. Maintain a workplace free from discriminatory practices and harassment or retaliatory conduct;
2. Immediately report allegations of discriminatory harassment to OPC;
3. Take immediate action to stop any harassment or retaliatory conduct; and
4. Participate in training programs designed to enhance the ability to identify allegations of harassment and understand general EEO policies.

F. Employees:

1. Ensure compliance with this Directive;
2. Report allegations of violations of this Directive immediately to:
 - a. The alleged victim's immediate supervisor/manager;
 - b. The supervisor/manager of the person responsible for the alleged conduct;
 - c. Any management official with supervisory/managerial responsibility;
 - d. OPC; or
 - e. OEOO.
3. Cooperate in the EEO investigative process and OPC investigative process there is knowledge of a matter involving allegations of discrimination or harassment.

G. Contracting Officers:

Notify the appropriate Division/Office and OPC upon receiving allegations of any violations of this Directive from a contractor and ensure FDIC contract awards contain clauses which require the following:

1. Compliance with this Directive;
2. Completion of required EEO Training;
3. Reporting of EEO concerns to the appropriate Oversight Manager; and
4. Duty to Cooperate with OEEO and OPC in conducting investigations of discrimination and discriminatory harassment.

APPENDIX A – AUTHORITIES

- Public Law (PL) 101-173, Section 1216(a) and (c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, applies Executive Order 11478, as amended, to the FDIC, and 12 U.S.C. 1833e(a) provides for a Minority and Women Outreach Program to ensure inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women, in all contracts entered into by the FDIC.
- PL 107-174, Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the No FEAR Act)
- PL 111-203, Section 342 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, provides for the development of standards for equal employment opportunity in the FDIC workforce, increased participation of MWOBs in FDIC programs and activities, and assessing the diversity policies and practices of entities regulated by the FDIC.
- Title 5, United States Code (U.S.C.), Section 2301, Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, (the No FEAR Act), 5 U.S.C. 2301, as amended (Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020), requires each federal agency to post summary statistical data pertaining to complaints of employment discrimination filed against it by employees and applicants for employment.
- Title 29, U.S.C. Chapter 14, Age Discrimination in Employment, as amended, makes it unlawful to discriminate or retaliate against an employee (or applicant for employment) who is 40 years of age or older.
- Title 29, U.S.C. Section 206(d), Equal Pay Act of 1963 as amended, and Lilly Ledbetter Fair Pay Act of 2009, prohibit sex-based wage discrimination between men and women in the same establishment who perform jobs that require substantially equal skill, effort, and responsibility under similar working conditions.
- Title 29, U.S.C. Section 791, The Rehabilitation Act of 1973 as amended, makes it unlawful to discriminate or retaliate against qualified individuals with disabilities including federal employees, applicants for employment, or the public and requires federal agencies to provide reasonable accommodations and accessibility to all FDIC programs and activities, including employment and facilities.

- Title 42, U.S.C., Title II of the Genetic Information Nondiscrimination Act of 2008, makes it unlawful for an employer to discriminate against an employee (or applicants for employment) based on genetic information (information about an individual's genetic tests, or information about the genetic tests, or the manifestation of a disease or disorder in the individual's family medical history).
- Title 42, U.S.C. Section 1981a, Civil Rights Act of 1991, as amended, provides monetary damages for employees (and applicants for employment) in cases of intentional employment discrimination based on race, color, religion, sex, sexual harassment, national origin, or disability.
- Title 42, U.S.C. Section 2000e-16, Title VII of the Civil Rights Act of 1964 as amended, makes it unlawful for a federal employer to discriminate against an employee (or applicant for employment) based on race, color, religion, sex (including pregnancy), national origin, or in retaliation for prior protected EEO activity.
- Title 42, U.S.C. 12101, Americans with Disabilities Act Amendments Act of 2008, expands the definition of a disability by reinstating a broad scope of protection to be available under the Americans with Disabilities Act.
- Titles I and V of the Americans with Disabilities Act of 1990, 42 U.S.C. 12102 and 12114, as amended, define "a qualified individual with a disability" for purposes of the Rehabilitation Act of 1973, as amended, and exclude individuals engaged in the illegal use of drugs.
- Title 5, Code of Federal Regulations (CFR), Part 724, Office of Personnel Management's No FEAR Act notice posting and training requirements.
- Title 12, CFR Part 352, Nondiscrimination on the Basis of Disability.
- Title 12, CFR Part 361, Minority and Women Outreach Program Contracting.
- Title 29, CFR Part 1604, Guidelines on Discrimination Because of Sex, Equal Employment Opportunity Commission's (EEOC) sex discrimination guidelines.
- Title 29, CFR Part 1605, Guidelines on Discrimination Because of Religion.
- Title 29, CFR Part 1606, Guidelines on Discrimination Because of National Origin.
- Title 29, CFR Part 1614, Federal Sector Equal Employment Opportunity, EEOC's federal sector EEO guidelines including No FEAR Act public website postings.

- Executive Order (EO) 11478, Equal Employment Opportunity in the Federal Government, dated August 8, 1969, as amended, prohibits discrimination against federal employees (and applicants for employment) based on race, color, religion, sex, age, national origin, disability, sexual orientation, gender identity, or status as a parent.
- EO 13087, Equal Employment Opportunity in the Federal Government, dated May 28, 1998, prohibits discrimination against federal employees (and applicants for employment) based on sexual orientation
- EO 13145, To Prohibit Discrimination in Federal Employment Based on Genetic Information, dated February 8, 2000, prohibits discrimination against federal employees (and applicants for employment) based on genetic information.
- EO 13152, Equal Employment Opportunity in Federal Government, dated May 2, 2000, prohibits discrimination against federal employees (and applicants for employment) based on the individual's status as a parent.
- EO 13160, Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a parent in Federally Conducted Education and Training Programs, dated June 23, 2000, prohibits discrimination based on race, color, religion, sex, national origin, disability, age, sexual orientation, or status as a parent in federally conducted education and training programs.
- EO 13163, Increasing the Opportunity for Individuals with Disabilities to be Employed in the Federal Government, dated July 26, 2000, increases employment opportunities in the Federal Government for 100,000 individuals with disabilities.
- EO 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation, dated July 26, 2000, requires federal agencies to establish procedures to facilitate the provision of reasonable accommodation for individuals with disabilities.
- EO 13171, Hispanic Employment in the Federal Government, dated October 12, 2000, improves the representation of Hispanics in federal employment.
- EO 13548, Increasing Federal Employment of Individuals with Disabilities, dated July 26, 2010, increases federal employment of individuals with disabilities.

APPENDIX B – COMPLAINT PROCESS

A. Complaints of Discrimination

1. The procedures for initiating and processing EEOC complaints of alleged employment discrimination (complaints covered by 29 CFR Part 1614) are contained in FDIC Directive 2710.02, Equal Employment Opportunity Commission Discrimination Complaint Process.
2. The procedures for initiating and processing FDIC complaints of alleged employment discrimination (complaints that may not adhere to provisions set forth by EEOC and complaints covered by Executive Orders) are contained in FDIC Directive 2710.04, Discrimination Complaint Process.
3. The procedures for initiating a complaint of harassment are contained in FDIC Directive 2710.03, Anti-Harassment Program.

B. Equal Employment Opportunity Program

The EEO Program ensures equal access to employment for all qualified individuals through the implementation of the EEOC's Management Directive 715, and the Office of Personnel Management's Disabled Veterans Affirmative Action Program. These programs assist in the identification and elimination of barriers to recruitment, hiring, retention, and promotion of women, minorities, individuals with disabilities, and disabled veterans.

C. Reasonable Accommodation

The procedures for providing reasonable accommodation to individuals with disabilities are contained in FDIC Directive 2710.05, Reasonable Accommodation Program.

D. Contracting Outreach Program

Information on the FDIC's Contracting Outreach Program is available in FDIC Directive 3700.16, FDIC Acquisition Policy Manual (APM).

E. Minority and Women Outreach Program

The Minority and Women Outreach Program establishes, and may amend from time to time, strategies for the participation of MWOBs. See 12 CFR Part 361, Section 342 of the Dodd-Frank Act, and FDIC Directive 2710.14, Corporate Outreach Program.

APPENDIX C – CONTACT INFORMATION

Questions relating to Equal Employment Opportunity may be referred to the:

- Assistant Director, Informal Complaints and Resolution at (703) 562-6100;
- OMWI at (202) 898-7060 or (703) 562-6098

For additional information or questions regarding this Directive, contact OEEO by:

- Address: FDIC Office of Equal Employment Opportunity
3501 Fairfax Drive, VSP-3701-4020
Arlington, VA 22226
- Phone: (703) 562-6100
- Email: FDIC-EEO@fdic.gov

GLOSSARY OF TERMS

Discrimination: The practice of unfairly treating a person or group differently from other people or groups of people.

Equity: Consistent, systematic, fair, just, and impartial treatment, access, opportunity, and advancement for all individuals, including individuals who historically have been denied such treatment, while striving to identify and eliminate barriers that might prevent any employee's full and equitable participation in the workplace.

Harassment: Unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, genetic information, or retaliation.

Merit System Principles: Standards intended to ensure fairness when hiring and promoting federal employees based on their ability to perform a job.

Retaliation: A form of unlawful discrimination that occurs when an employer takes a materially adverse action against an individual for participating in the EEO complaint process, opposing discriminatory practices, or requesting accommodation of a disability or for a religious practice.

LIST OF ABBREVIATIONS

CFR: Code of Federal Regulations

EEO: Equal Employment Opportunity

EEOC: Equal Employment Opportunity Commission

EO: Executive Order

MWOB: Minority and Women-Owned Business

OMWI: Office of Minority and Women Inclusion

OPC: Office of Professional Conduct

PL: Public Law

U.S.C.: United States Code