



# Management Advisory: EXIM's Equal Employment Opportunity Function



OIG-O-26-01  
January 7, 2026

Office of Inspector General  
Export-Import Bank of the United States



## Management Advisory

To: The Honorable John Jovanovic  
President and Chairman of the EXIM Board of Directors

From: Ami Schaefer  
Assistant Inspector General for Special Reviews

Subject: Management Advisory: EXIM's Equal Employment Opportunity Function (OIG-O-26-01)

Date: January 7, 2026

## Executive Summary

In response to two complaints, the Office of Inspector General (OIG) for the Export-Import Bank of the United States (EXIM) assessed EXIM's compliance with federal regulations regarding the placement and staffing of its Equal Employment Opportunity (EEO) function between October 2022 through July 2025.<sup>1</sup>

OIG found that EXIM's EEO function is not housed within a dedicated office. Instead, its responsibilities are distributed across staff within the Office of Human Capital (OHC) and the Office of General Counsel (OGC). The current structure is the result of staffing constraints at EXIM after the two employees who worked in a dedicated EEO office were separated from federal service. According to EXIM officials, EXIM needed to use existing staff to perform the duties to maintain an EEO function due to a government-wide hiring freeze.<sup>2</sup>

While EXIM took interim steps to ensure that it could continue to have an EEO function, the current structure may limit the EEO function's operational independence, or, at a minimum, create the appearance of compromised impartiality—potentially chilling participation and undermining confidence in the integrity of the EEO process. EXIM officials told OIG they were aware that the structure may not fully align with guidelines for federal EEO programs but noted that it was important to maintain an EEO function regardless.

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<sup>1</sup> OIG conducted this review in accordance with the [Quality Standards for Federal Offices of Inspector General](#), as issued by the Council of the Inspectors General on Integrity and Efficiency in August 2012.

<sup>2</sup> A freeze on hiring for civilian positions across the executive branch (i.e., a hiring freeze) began on January 20, 2025. The hiring freeze continued throughout 2025, being extended until October 15, 2025.

## OIG Received Complaints Related to EXIM's EEO Function

OIG initiated this review based upon two complaints concerning EXIM's EEO function—one complaint in 2023 about the independence of the function and one complaint in 2025 about the structure and potential conflicts of interest of the function. During interviews, EXIM OIG inquired about both complaints, requested related documentation, and reviewed relevant email communications. OIG did not identify any information pertinent to the 2023 complaint during this review because the individuals involved and named in the complaint are no longer employed at EXIM; as a result, OIG could not substantiate or validate that allegation. However, as described below, for the 2025 complaint, OIG's review substantiated that the current legal advisor's role in the EEO process presented a conflict of interest.

## EXIM is Required to Maintain an Independent EEO Function

The Equal Employment Opportunity Commission's (EEOC) Management Directive 110 (MD-110)<sup>1</sup> outlines the policies, procedures, and guidance federal agencies must follow when processing employment discrimination complaints, as governed by 29 CFR Part 1614.<sup>2</sup> As a covered federal agency, EXIM is responsible for implementing its own EEO programs and complaint procedures in accordance with these regulations and MD-110.<sup>3</sup> MD-110 requires that the EEO complaint program be structurally and functionally independent from both the personnel function (e.g., Office of Human Capital) and the defensive function (e.g., Office of General Counsel). This separation ensures impartiality and maintains the integrity of the EEO process. MD-110 further emphasizes the need for a clear firewall between the EEO function and the agency's defensive legal function. This ensures that efforts to protect the agency from liability do not interfere with the fair adjudication of discrimination complaints.

## Actual and Perceived Structural Conflicts May Undermine the Independence of EXIM's EEO Function

OIG identified structural concerns with EXIM's EEO function that may compromise its independence and impartiality. Prior to January 2025, EXIM's Office of Equal Opportunity and Diversity Programs implemented the agency's EEO function. The office reported directly to EXIM's President and Chairman and was organizationally separate from OGC and OHC. In January 2025, the two employees working in the Office of Equal Opportunity and Diversity Programs were separated from federal service. EXIM senior officials subsequently reassigned EEO responsibilities so that EXIM could maintain an operating EEO function. Specifically, the EEO function was distributed among staff in both OHC and OGC. This does not align with MD-

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<sup>1</sup> *Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO MD-110)* (Equal Emp. Opportunity Commission, August. 5, 2015).

<sup>2</sup> Federal Sector Equal Employment Opportunity, Part 1614, Title 29, Code of Federal Regulations.

<sup>3</sup> MD-110 is binding on agencies.

110, which requires the EEO complaint program to be structurally and functionally independent from both the personnel function and the defensive function.

Under EXIM's current structure, once an EEO complaint is filed, an OHC employee and an OGC attorney work together to ensure that the complaint is assigned to one of EXIM's EEO contractors for processing. EXIM's utilization of employees in OHC and OGC to perform EEO functions has the potential to create real or perceived conflicts of interest. According to EXIM officials, the OGC attorney who supports the EEO function works on administrative law issues for the agency but has been "firewalled" from the OGC defensive function. However, the OHC employee who currently administers the initial intake process and answers employee questions or concerns related to the EEO process also advises the agency on personnel and employee relations matters. This arrangement presents actual and perceived conflicts of interest, as personnel staff involved in employment decisions also participate in the EEO complaint process, and the legal staff is a member of the legal unit handling personnel advice to management. While the attorney now reports to the Deputy Counsel, the Deputy Counsel also oversees the attorney handling personnel advice and litigation. Such overlap can erode trust in the process, discourage participation, and undermine the credibility of EXIM's EEO program. EXIM officials acknowledged that the current structure did not fully align with MD-110 but expressed a preference to maintain an operational EEO function despite the misalignment.

### **EXIM Planned but Had Not Implemented Actions to Bring EEO Function into Alignment with Federal Guidelines**

EXIM officials told OIG they were taking steps to contract additional EEO roles and responsibilities as a way to separate the duties and bring its EEO function into compliance with MD-110. At the time of OIG's review, EXIM had not taken any additional contract actions to separate EEO duties. In addition, EXIM remained subject to the government-wide hiring freeze and had not requested a waiver from the Office of Personnel Management to hire an EEO Director or another individual not working in OHC or OGC to perform EEO duties.

The lack of dedicated staff to manage EXIM's EEO function mirrors broader challenges that EXIM faces with respect to its management of human capital. OIG previously identified that EXIM faces challenges filling key positions within the agency.<sup>4</sup> Recent OIG reports identify specific staffing challenges across the agency, including critical vacancies and staff shortages in the Office of Human Capital<sup>5</sup> and the Engineering and Environment Division<sup>6</sup>. The current government-wide hiring freeze limits EXIM's ability to address these vacancies.

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<sup>4</sup> OIG, [Fiscal Year 2024 Major Management Challenges](#) (OIG-O-24-12, September 30, 2024).

<sup>5</sup> OIG, [Evaluation of EXIM's Human Capital Function](#) (OIG-EV-24-03, August 14, 2024).

<sup>6</sup> OIG, [Evaluation of EXIM's Environmental Effects Consideration](#) (OIG-EV-25-01, September 29, 2025).

## EEO Function Subject to Review by Equal Employment Opportunity Commission

While conducting this review, OIG learned of a routine technical assistance meeting conducted by EEOC with EXIM in July 2025.<sup>7</sup> During this meeting, EXIM staff discussed the current EEO function structure and staffing challenges with EEOC personnel. EEOC officials orally advised EXIM to prioritize full alignment with MD-110. OIG is not making a recommendation because the EEOC has not yet issued its report on the technical assistance meeting. In the interim, OIG encourages EXIM to prioritize steps to bring its EEO function in alignment with MD-110 so that EXIM employees who engage in the EEO process feel protected and believe the results will be impartial and fair.

We appreciate the cooperation and courtesies provided to this office throughout this review. EXIM's formal management response to the management advisory can be found in Appendix A. If you have questions, please contact me at 202-460-2128 or at [Ami.Schaefer@exim.gov](mailto:Ami.Schaefer@exim.gov).

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<sup>7</sup> EEOC Technical Assistance meetings are conducted every three years and seek to assess agencies' compliance with the EEOC's regulations and management directives, including correcting deficiencies, such as revising their policies to reflect current applicable regulations. After the meeting occurs, EEOC staff have 180 days to prepare and submit a formal, written product about their observations to EXIM. Once received, EXIM staff have 180 days to prepare and submit a formal, written response about their planned actions to EEOC.

## APPENDIX A: MANAGEMENT RESPONSE



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**DATE:** December 19, 2025

**TO:** Ami Schaefer, Assistant Inspector General for Special Reviews, Office of Inspector General

**THROUGH:** Ravi Singh, Senior Vice President and Chief Financial Officer **RAVI SINGH**  
Digitally signed by RAVI SINGH  
Date: 2025.01.06  
09:10:57 -05'00'

**FROM:** Victoria Coleman, Deputy General Counsel **VICTORIA COLEMAN**  
Digitally signed by VICTORIA COLEMAN  
Date: 2025.12.19  
15:06:00 -05'00'  
Nakia Burton, Acting Senior Vice President and Chief Human Capital Officer **NAKIA BURTON**  
Digitally signed by NAKIA BURTON  
Date: 2025.12.19 15:26:44 -05'00'

**SUBJECT:** EXIM Management Response to the draft *Management Advisory: EXIM's Equal Employment Opportunity Function (OIG-O-26-01)*.

Dear Mrs. Schaefer,

Thank you for providing the Export-Import Bank of the United States ("EXIM" or "EXIM Bank") management with the Office of Inspector General's ("OIG") draft *Management Advisory: EXIM's Equal Employment Opportunity Function (OIG-O-26-01)*, dated October 2, 2025 (the "Report"). EXIM's leadership and management continue to fully support the OIG's work, which we believe complements and enhances EXIM's efforts to continually improve its processes. EXIM Bank is proud of the strong and cooperative relationship it has with the OIG and shares the OIG's commitment to improving EXIM's policies, procedures and operations.

EXIM takes its Equal Employment Opportunity function seriously and is committed to the independence and impartiality of this function.

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## Management Response

EXIM appreciates the Office of Inspector General's findings and reaffirms the importance of maintaining an effective Equal Employment Opportunity (EEO) program that enables employees to pursue complaints under Title VII.

During the review period, EXIM faced severe staffing shortages and was subject to a government-wide hiring freeze, which significantly limited management's ability to immediately backfill vacancies in the EEO office. While the Office of General Counsel (OGC) and Office of Human Capital (OHC) provided interim support, these were the only viable options to maintain EEO operations without creating greater conflicts of interest. Involving staff from EXIM's business divisions would have posed a higher risk if employees were required to process complaints involving their own colleagues.

Since the review, EXIM has implemented concrete measures to strengthen its EEO function. Contracting actions have been finalized, and dedicated contractor staff are onboarding and will soon be available onsite to meet with employees. The onboarding process experienced additional delays due to the recent lapse in appropriations. Furthermore, the new Chairman has signed a hiring freeze exemption memo, and EXIM plans to post the EEO Director position before the end of calendar year 2025. The Strategic Hiring Committee is actively evaluating enhancements to the EEO program, including adding career staff to ensure continuity, eliminating single points of failure, and integrating succession planning into EXIM's broader human capital strategy.

**Clarifications regarding complaints and OIG's findings:** EXIM has reviewed the draft report and wishes to address concerns regarding the characterization of an "actual conflict of interest" and the discussion of prior complaints.

First, the statement on page two, lines 69–70, that "this arrangement presents actual and perceived conflicts of interest" is inaccurate. The attorney assigned to facilitate EEO complaint processing in 2025 has no role in providing legal advice on employment decisions. This attorney's primary duties pertain to procurement contracting. Because all of EXIM's EEO complaint processing relies on contractor support, the procurement law attorney is required to advise the Contracting Office on each contracted requirement. Ensuring that a contracted action is accurately requested and performed is not equivalent to providing employment law advice to management officials regarding the substance of the complaint subject to the contract action. The OIG should also note that the use of contractors for EEO complaint processing was standard practice even when the EEO office was fully staffed with federal employees.

Second, it is unclear whether the 2023 and 2025 complaints were made regarding the same issue—specifically, the operational independence of the EEO office and the manner in which EEO complaints were or are processed. The 2023 complaint was made during a time when the EEO office was fully staffed with federal employees, including a director. If the 2023 complaint concerns the same subject matter as the 2025 complaint, this suggests that having a compliant staffing structure did not satisfy the complainant. The OIG report should clarify whether these complaints relate to the same issue, such as alleged operational bias or lack of independence of the EEO office. If the complaints are related, it is inconsistent to reference the earlier complaint without fully addressing it.

Additionally, the origin of the complaints should be examined. This is particularly relevant if the complainant was (b) (3) (A), (b) (6).

Finally, EXIM recommends that the report clearly distinguish the type of conflict it believes exists for each role. The current arrangement—while not ideal—should be characterized as a potential or perceived conflict, not an actual conflict.

Management remains committed to ensuring compliance with federal regulations pertaining to federal sector EEO complaint processing and the EEOC's MD-110 and will continue to provide updates on progress in subsequent reporting cycles.



CC:

The Honorable John Jovanovic, President and Chair of the Board of Directors

Katherine Bowles, Senior Vice President and Chief of Staff, Office of the President and Chairman

David Slade, Lead and Senior Counselor, Office of the President and Chairman

Thad Brock, White House Liaison and Senior Advisor, Office of the President and Chairman

Tony Onorato, Senior Vice President and General Counsel

Michaela Smith, Director of Audit and Internal Controls Programs

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