

June 27, 2025

Comment Intake - Notice of Information Collection
OMB Control Number 1505-0262
c/o Treasury PRA Clearance Officer
1750 Pennsylvania Ave. NW, Suite 8100
Washington, DC 20220

Re: Equal Employment Opportunity (EEO) Complaint Forms

Dear Assistant Secretary York, Mr. Page, and Mr. Clark,

I write to you as a regulatory expert, Treasury employee, and former President of Treasury's LGBTQIA+ Employee Resource Group (ERG) from November 2020 to March 2025. Those roles lend me a unique perspective on the Notice of Information Collection published in the Federal Register by Treasury's Departmental Offices on April 28, 2025.

The Notice primarily relates to the Department's removal of gender identity and sexual orientation as bases for sex discrimination on EEO forms. The ten forms affected by this decision include those central to determining if the employee wants to file a complaint against the Department during pre-complaint counseling as well as the forms used by the Department and EEO to "frame the claims for investigation and determine whether the claims are within the parameters established in 29 CFR Part 1614."¹

While the Department describes the changes to the form as "minor," the removal of gender identity and sexual orientation as bases for sex discrimination represents a major departure from existing case law and Departmental policy with outside impacts on current, former, and future employees. In practice, the change will discourage LGBTQIA+ employees from filing complaints about homophobia and transphobia and adjudicators will now be forced to find those complaints baseless. In fact, EEO professionals at Treasury report being given instructions to counsel LGBTQIA+ employees against filing because there are no longer bases for their claims.

From my experience leading the LGBTQIA+ ERG for nearly five years, I can assure you that **homophobia and transphobia are very real problems at Treasury** that result in discrimination, job loss, harassment, and worse. Mr. Snider's office retains the results of the 2024 Federal Employee Viewpoint Survey (FEVS), which detail the impact of homophobia and transphobia on Treasury employees. Comparative data from the survey revealed that **transgender employees at Treasury have an almost twenty point worse experience across all FEVS metrics than their cisgender peers**. This is worse than any other minority group at

¹ 90 F.R. 17689

Treasury, including veterans, people with disabilities, and people of color. Other LGBTQIA+ employees average a ten point worse experience across all FEVS metrics. Despite soliciting and reviewing this data, Treasury's Office of Civil Rights and EEO is now pursuing a form change that will further marginalize our most vulnerable employees.

From a procedural standpoint, the burden calculation in the Notice is grossly underestimated. According to the 2024 Federal Employee Viewpoint Survey (FEVS) conducted by the U.S. Department of the Treasury, approximately 8% of respondents identified as gay, lesbian, bisexual, or a related term with additional employees identifying as transgender. Actual representation may be higher due to fear of disclosure. Extrapolating this data across Treasury's 200,000 employees, one could assume over 15,000 Treasury employees are LGBTQIA+. This is further supported by data from Gallup on the general population of LGBTQIA+ adults in the United States as well as anecdotal data provided to me as president of the ERG.²

Thus, the "affected public" is far larger than the twenty people who sought EEO counselings in FY2024. Removing gender identity and sexual orientation from these forms affects thousands of current and former Treasury employees. It also burdens many future employees and job applicants who may face homophobia and transphobia during the hiring process. It further burdens the Department itself because it will lose talented current and prospective employees due to hostile workplace policies such as this one.

Treasury cannot safeguard America's national or economic security without the best people on the job. The best people will not be on the job if the Department discriminates against them and then fails to provide recourse for addressing that discrimination. Additional supporting material is also necessary to determine how many claims in the past 3+ years relate to gender identity and sexual orientation. I also raise concerns about any decision to not display the OMB expiration date on the forms associated with this information collection because the Department does not expect to revise the form. Since this change was driven by a political change, it is possible the Department will reverse course following the 2028 presidential election.

The intent of this form change is clearly to implement a policy targeting a community that is already disproportionately affected by workplace harassment and discrimination. This decision will set thousands of employees back. It is shameful that an office called the Office of Human Rights and EEO is not dedicated to honoring the lived experiences of all Treasury employees.

Sincerely,

Christen Boas Hayes

² Gallup, [LGBTQ+ Identification in U.S. Now at 7.6%](#), March 13, 2024.