



FY 2018 NO FEAR ACT  
ANNUAL REPORT TO CONGRESS



Office of Minority and Women Inclusion

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## Introduction

The Federal Housing Finance Agency (FHFA or Agency) was established by the Housing and Economic Recovery Act of 2008 (HERA)<sup>1</sup> and is responsible for the effective supervision, regulation, and housing mission oversight of the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), and the Federal Home Loan Bank System, which includes 11 Federal Home Loan Banks (FHLBanks) and the Office of Finance. The Agency’s mission is to ensure that Fannie Mae and Freddie Mac (the Enterprises) and the FHLBanks (together, “the regulated entities”) operate in a safe and sound manner so that they serve as a reliable source of liquidity and funding for housing finance and community investment. Since 2008, FHFA has also served as conservator for the Enterprises.

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) requires that federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws. Federal agencies must notify employees and applicants for employment about their rights under the federal antidiscrimination and whistleblower laws. The No FEAR Act requires each federal agency to report quarterly on its public website certain summary statistical data related to equal employment opportunity (EEO) complaints filed against it and to report annually on the agency’s efforts to improve compliance with employment discrimination and whistleblower protection laws, and detail the status of complaints brought against the agency under these laws. This report covers Fiscal Year (FY) 2018 and the five-year reporting period between FY 2014 and FY 2018.

At the outset of his tenure, FHFA’s Acting Director, Joseph Otting, issued an Equal Employment Opportunity, Anti-Discrimination, and Anti-Harassment Statement to all Agency employees. Although this issuance was not within the FY18 reporting period, we are including an excerpt below because it reaffirms the Agency’s strong commitment to EEO and No FEAR principles:

*As Acting Director of the Federal Housing Finance Agency, I am pleased to affirm to you my commitment, and that of the entire senior leadership of the Agency, to the principles of equal employment opportunity. It is an organization-wide commitment to provide every individual an equal opportunity in all of our employment programs and professional activities and to maintain an environment that is free from unlawful discrimination in all aspects of our operations, including recruitment, hiring, promotions, career development, awards, and*

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<sup>1</sup> Public Law 110-289, 110<sup>th</sup> Congress, 122 Stat. 2654.



*retention efforts. We also reaffirm our commitment to maintaining an environment in which employees are safe, free from harassment and bullying, and feel confident that if issues arise they will be investigated and addressed appropriately.*

## Claims in Federal Court Arising Under Federal Antidiscrimination or Whistleblower Laws

### I. Types of Claims in Federal Court and Status

During the reporting period, five employees brought federal court cases against FHFA concerning federal antidiscrimination laws. **Table 1** shows the disposition status of these five discrimination claims. The first case, initiated in FY 2013, alleged a violation of the Age Discrimination in Employment Act (ADEA) of 1967, 29 U.S.C. Chapter 14. In **Table 1**, this case is reflected as settled in FY 2014. The second case was initiated in FY 2015, alleging retaliation in violation of Title VII of the Civil Rights Act of 1964, 42 USC §2000e (Title VII). The case was dismissed for untimeliness on May 9, 2016, but the individual filed an appeal of the dismissal and, therefore, it is reflected as pending in FY 2015 and FY 2016. The case was settled in FY 2017, as reflected in the table. The third case involves an individual who filed a complaint in district court on March 18, 2016, alleging retaliatory discrimination in violation of Title VII. The case was dismissed in FY 2017 and is reflected as pending in FY 2016 and dismissed in FY 2017. The fourth case involves an individual who filed a complaint in district court on October 2, 2017 on the bases of race, age, and physical disability, in violation of Title VII, the ADEA, and the Rehabilitation Act of 1973. This case was filed in FY18 and is reflected in **Table 1** as pending in 2018. The fifth case alleges discrimination in violation of the Equal Pay Act. The individual filed in district court on November 15, 2018, and then transferred the case to the United States Court of Federal Claims on January 2, 2019. This case is reflected in the table as pending in 2018.





**Table 1: Status of Federal Court Claims by Statute for the Period FY 2014 through FY 2018**

Status of Federal Claims by Statute	2014	2015	2016	2017	2018
Title VII of the Civil Rights Act of 1964	0	1	2	2	1
<i>Pending</i>	0	1	2	0	1
<i>Dismissed</i>	0	0	0	1	0
<i>Settled</i>	0	0	0	1	0
Age Discrimination in Employment Act of 1967	1	0	0	0	1
<i>Pending</i>	0	0	0	0	1
<i>Dismissed</i>	0	0	0	0	0
<i>Settled</i>	1	0	0	0	0
Rehabilitation Act of 1973	0	0	0	0	1
<i>Pending</i>	0	0	0	0	1
<i>Dismissed</i>	0	0	0	0	0
<i>Settled</i>	0	0	0	0	0
Whistleblower Protection Act	0	0	0	0	0
<i>Pending</i>	0	0	0	0	0
<i>Dismissed</i>	0	0	0	0	0
<i>Settled</i>	0	0	0	0	0
Equal Pay Act of 1963	0	0	0	0	0
<i>Pending</i>	0	0	0	0	1
<i>Dismissed</i>	0	0	0	0	0
<i>Settled</i>	0	0	0	0	0

## II. The Judgment Fund

FHFA is a non-appropriated Agency and, therefore, does not use the Judgment Fund.<sup>2</sup> Accordingly, FHFA made no reimbursements to the Judgment Fund during the reporting period.

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<sup>2</sup> The Judgment Fund is a permanent, indefinite appropriation used to pay court judgments and U.S. Department of Justice settlements of actual or imminent lawsuits against the U.S. government. It is a permanent appropriation and is administered by the Judgment Fund Branch, which is part of the U.S. Department of Treasury, Financial Management Service. The No FEAR Act requires federal agencies to reimburse the Judgment Fund for personnel discrimination payments made in accordance with 28 USC §§ 2414, 2517, 2672, or 2677.



**III. Disciplinary Action**

In FY 2018, FHFA did not discipline any employees for discrimination, retaliation, harassment, or other infractions under the Act.

FHFA’s Conduct and Discipline Policy is available to all employees on the Agency’s internal website. The Policy notes that employees are expected to:

*Demonstrate high standards of integrity, both on and off the job, and to abide by the Standards of Ethical Conduct for Executive Branch Employees and other applicable laws, rules, and regulations, as well as all Federal anti-discrimination and anti-retaliation laws and policies.*

FHFA’s disciplinary procedures are designed to enable management to address misconduct appropriately, with the goal of ensuring the behavior is not repeated or emulated, and providing the individual charged with the misconduct with due process as required by 5 U.S.C. Chapter 75 and 5 C.F.R. Part 752.

**Final Year-End No FEAR Act Data for FY 2014 through FY 2018**

The following section provides a detailed look at the formal complaints filed against the Agency during the reporting period, including the number of complaints and complainants and the bases and issues alleged.

**Table 2** reflects administrative EEO complaint activity for the past five fiscal years.

**Table 2: FHFA Complaint Activity for the Period FY 2014 through FY 2018**

	2014	2015	2016	2017	2018
Number of FHFA Employees <sup>3</sup>	587	554	588	591	593
Number of complaints filed	12	6	0	1	6
Number of complainants	11	6	0	1	5
Repeat filers	1	0	0	0	1

<sup>3</sup> These numbers do not include employees of the FHFA Office of Inspector General (OIG), which posts its No FEAR data separately from FHFA and administers No FEAR compliance for OIG employees.



Complaints Filed as a Percentage of Total FHFA Workforce	2.04	1.08	0.00	0.00 <sup>4</sup>	1.01
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**Table 2** provides information about the number of formal EEO complaints filed during the five-year reporting period. During FY 2018, five individuals filed a total of six formal discrimination complaints against FHFA, an increase from FY 2017 in which one formal complaint was filed. However, FHFA’s FY 2018 complaint volume is generally consistent with the average annual number of complaints filed in the earlier years of this five-year reporting period.

## Data Analysis

### I. FY 2018 Discrimination Complaint Data

**Table 3** reflects the bases and type(s) of discrimination alleged in the complaints filed from FY 2014 through FY 2018.

**Table 3: FHFA Complaint Activity for the Period FY 2014 through FY 2018 by Bases of Discrimination<sup>5</sup>**

	2014	2015	2016	2017	2018
Race	3	3	0	1	4
Color	1	2	0	0	2
Religion	0	1	0	0	1
Reprisal	6	6	0	0	6
Gender	5	3	0	0	2
National Origin	0	0	0	0	0
Equal Pay Act	0	1	0	0	1
Age	3	2	0	1	2
Disability	4	2	0	1	2
Genetic Information	0	0	0	0	0
Non-EEO	0	2	0	0	0

<sup>4</sup> The individual who filed a formal complaint against FHFA in FY 2017 was an applicant for a vacancy and was not an FHFA employee. Therefore, the calculation of complaints as a percentage of total FHFA workforce is 0.00 for that reporting year.

<sup>5</sup> Complaints can be filed alleging multiple bases of discrimination. The sum of the bases may not equal total complaints filed.



**Table 4** reflects formal EEO complaints by issue filed from FY 2014 through FY 2018.

**Table 4: FHFA Complaint Activity for FY 2014 through FY 2018 by Issue<sup>6</sup>**

	2014	2015	2016	2017	2018
Appointment/Hire	0	0	0	0	0
Assignment of Duties	5	4	0	0	0
Awards	1	0	0	0	0
Conversion to Full-Time	0	0	0	0	0
Disciplinary Action					
<i>Demotion</i>	0	0	0	0	1
<i>Reprimand</i>	0	0	0	0	1
<i>Removal</i>	0	0	0	0	1
<i>Suspension</i>	1	0	0	0	0
<i>Other</i>	0	0	0	0	1
Duty Hours	0	0	0	0	0
Evaluation/Appraisal	4	1	0	0	2
Examination/Test	0	0	0	0	0
Harassment					
<i>Non-sexual</i>	3	5	0	0	2
<i>Sexual</i>	0	0	0	0	1
Medical Examination	0	0	0	0	0
Pay (including Overtime)	1	3	0	0	1
Promotion/Non-Selection	5	1	0	1	2
Reassignment					
<i>Denied</i>	0	2	0	0	0
<i>Directed</i>	0	0	0	0	0
Reasonable Accommodation	0	1	0	0	0
Reinstatement	0	0	0	0	0
Retirement	0	0	0	0	0
Termination	0	0	0	0	0
Terms/Conditions of Employment	0	1	0	0	2
Time and Attendance	1	1	0	0	0
Training	0	0	0	0	0
Other	1	2	0	0	0

<sup>6</sup> Complaints can be filed alleging multiple issues. The aggregate number of issues may not equal the total number of complaints filed.





## IV. Examination of Trends and Causal Analysis

During the five-year reporting period, 25 complaints were filed by 23 individual complainants. Of the 25 complaints filed during this period, there were 18 allegations of reprisal, 11 allegations of race discrimination, 10 allegations of gender discrimination, nine allegations of disability discrimination, and eight allegations of age discrimination<sup>7</sup> (See **Table 3**). Women filed nine of the 10 gender-based complaints, and African-Americans filed all 11 of the race allegations. These five complaint bases correspond to the EEOC's data on the top five most alleged bases across the federal government.<sup>8</sup>

As shown in **Table 4** above, the most common issues raised by employees were harassment (11), assignment of duties (9), and promotion/non-selection (9). These three issues are all in the top five issues raised government-wide, according to EEOC's data.<sup>9</sup> We make the following observations about the bases and issues filed against FHFA in FY 2018:

- **Number of Complaints:** FHFA's formal complaint numbers increased in FY 2018 from FY 2017. Although the number of complaints increased, the data trends indicate that this complaint volume aligns with the average number of complaints the Agency saw in the earlier part of this five-year reporting cycle. As noted above, the most frequently alleged basis at FHFA was reprisal, and the most frequently alleged issue was harassment. FHFA took steps in FY 2018 to address the emergence of these trends, including partnering with the EEOC to deliver respect and anti-harassment training to employees and Agency leaders. FHFA has continued these proactive steps in FY 2019, by offering more training sessions from the EEOC, revising its Anti-Harassment Policy, and through leadership's strong affirmation of anti-discrimination and anti-harassment principles. (See Appendix I). FHFA continues to use proactive measures to resolve workplace conflicts before they reach the formal complaint stage. These measures include offering employees alternative forums to resolve workplace concerns such as Alternative Dispute Resolution (ADR), Performance Management Appeals Process, EEO training, data analyses, diversity and inclusion (D&I) training, and increased manager and employee

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<sup>7</sup> Since employees can allege multiple issues in a single complaint, the aggregate number of issues is more than the total number of complaints filed.

<sup>8</sup> According to the Annual Report on the Federal Workforce Fiscal Year 2015, reprisal/retaliation was the most frequently alleged basis, followed by age, disability (physical), sex (female), and race (African-American). [https://www.eeoc.gov/federal/reports/fsp2015/#\\_bookmark70](https://www.eeoc.gov/federal/reports/fsp2015/#_bookmark70)

<sup>9</sup> *Id.* According to the EEOC, the top five issues are harassment (non-sexual), disciplinary action, terms/conditions of employment, promotion/non-selection, and assignment of duties.



education on workplace resolution procedures like ADR. By engaging the appropriate management officials at an early stage in the informal complaint process, FHFA was able to resolve many employee issues in FY 2018 before the individuals filed formal complaints.

- **Harassment Prevention:** As noted above, there were 11 total allegations of harassment (non-sexual and sexual) during the five-year reporting period. Throughout FY 2018, FHFA made significant efforts to strengthen harassment prevention programs at the Agency, including new training opportunities involving the EEOC and the Managers' Conference. A discussion of these efforts is included later in this report.
- **Decrease in Investigation Processing Time:** In FY 2018, FHFA made significant strides in reducing the length of its EEO investigations. 29 C.F.R. §1614.108(f) requires agencies to complete investigations within 180 days. The average length of EEO investigations for FHFA cases remaining open during FY 2018 was 111 days. For cases where a hearing was requested, the average was 185 days, and for cases where a hearing was not requested, the average days in investigation was 81 days. These numbers represent a drastic decrease in investigation time from FY 2017, when the average length of investigations for cases remaining open during the fiscal year was 285 days. The Agency has been steadfastly working to decrease the length of its investigations and, in the final quarter of FY 2017, the Agency was able to resolve several older cases that had been included in the Agency's records for many years and had increased the Agency's overall average investigation processing times. The EEOC's *FY 2015 Annual Report on the Federal Workforce* reported that the average time federal agencies took to complete an investigation was 184 days.<sup>10</sup> Due to the improved processing times noted above as well as the closure of some older cases with lengthy investigation times, FHFA's average processing time is well below the federal average.
- **Final Action:** The EEOC identifies two types of final actions taken by agencies: 1) a Final Notice by an agency following a decision by an Administrative Judge, or 2) a Final Agency Decision (FAD) in all other circumstances.<sup>11</sup> The Agency must take a Final Notice by issuing an order within 40 days after receipt of an Administrative Judge's

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<sup>10</sup> *Id.*

<sup>11</sup> EEOC Management Directive 110, Chapter 5, Agency Processing of Formal Complaints, Part VI Final Actions, [http://www.eeoc.gov/federal/directives/md-110\\_chapter\\_5.cfm#\\_Toc425745246](http://www.eeoc.gov/federal/directives/md-110_chapter_5.cfm#_Toc425745246).



decision on a case. For Final Agency Decisions, the Agency must issue a decision within 60 days.<sup>12</sup> FHFA continues to meet these Final Action timeframes.

**Table 5** provides additional information about the timeframes associated with FHFA’s processing of formal complaints of discrimination.

**Table 5: FHFA Complaint Processing Time for the Period FY 2014 through FY 2018**

	2014	2015	2016	2017	2018
<b>Complaints pending during Fiscal Year</b>					
Average number of days in investigation stage	237	238	276	285	111
Average number of days in final action stage	63	40	41	34	59
<b>Complaints pending during Fiscal Year where hearing was requested</b>					
Average number of days in investigation stage	344	314	313	321	185
Average number of days in final action stage	34	34	24	15	0
<b>Complaints pending during Fiscal Year where hearing was not requested</b>					
Average number of days in investigation stage	184	178	192	189	81
Average number of days in final action stage	72	41	48	54	59

As **Table 5** reflects, the Agency was timely in taking final actions in FY 2018 in matters involving FADs. FHFA did not issue any Final Notices during the fiscal year. In FY 2018, the Agency issued one FAD. This FAD was issued in 59 days, which was within the 60-day timeframe required by EEOC.

## Practical Knowledge

FHFA recognizes the importance of having a workplace in which employees know their rights and understand the various protections available to them. In addition, FHFA fosters an inclusive and diverse work environment that supports conflict resolution. In FY 2018, FHFA continued to

<sup>12</sup> Id.



work to strengthen these areas in the following ways:

- In FY 2018, the Agency continued its work of implementing the FHFA EEO Standards, which “provide the foundation for a workplace community that delivers EEO and D&I accountability, programs, and services with excellence, integrity, and respect.”<sup>13</sup> The Agency formed a working group made up of members from different FHFA offices/Divisions. The team members met with the FHFA Divisions and offices to determine whether existing activities met the EEO Standards. The group compiled a detailed summary of activities and events that demonstrated the Agency’s baseline for the EEO Standards. The working group plans to continue gathering data in order to evaluate the status of the Agency’s progress with the EEO Standards throughout FY 2019.
- FHFA made significant efforts to strengthen its Anti-Harassment Policy and Procedures to ensure a harassment-free workplace. Key stakeholders agreed on several updates to improve the policy’s effectiveness and efficiency of its procedures, and the Agency is currently incorporating these changes into the revised policy.

### Actions to Improve Equal Employment Opportunity Program

Pursuant to the requirements of EEOC Management Directive (MD) 715, the Agency evaluates its EEO program on an annual basis. These self-evaluations have highlighted areas within the Agency that need more attention, and FHFA has already begun to address these areas through its MD 715 Action Plans for improving its EEO program. In FY 2018, FHFA focused its efforts on the areas noted in its FY 2017 MD 715 report, as well as in the EEOC’s July 2018 feedback letter on the Agency’s Affirmative Action Plan. In response to its MD 715 Action Plans and the feedback letter, FHFA issued and publicly posted its Reasonable Accommodation Policy which included Personal Assistance Services Procedures, as required by 29 C.F.R. §1614.203(d)(3). FHFA also concentrated on the development of its model disability program by beginning to incorporate EEO action plans into the Agency’s Annual Performance Plan and assessing its plan to recruit and hire individuals with disabilities.

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<sup>13</sup> An excerpt from FHFA’s FY 2017 EEO Policy Statement, which introduced the EEO Standards to the FHFA workforce. The six FHFA EEO Standards are Assessment, Communication, Talent, Inclusion, Oversight, and Network. They were designed around the EEOC MD-715’s six pillars of a model EEO program, and their goal is to formalize and complement principles of equity and fairness so that they are integrated into all Agency employment actions. The EEO Standards align with EEO principles and diversity and inclusion best practices. They support FHFA’s core values of Respect, Excellence, Integrity, and Diversity, and the Strategic Plans of both FHFA and OMWI.



The Agency has made strides and continues to improve in the following areas: data collection to evaluate compensation, promotion, and reward systems and applicant flow; management and program accountability for EEO and D&I; and enhancement of special emphasis programs (SEP). FHFA also worked throughout FY 2018 to implement its recently developed EEO Standards, and focused on broadening its employee and management training efforts.

### **Data Collection and Analysis**

In FY 2018, FHFA worked with the Office of Personnel Management (OPM) to analyze data and conduct a trend analysis of performance evaluations and awards. At the end of the fiscal year, OPM provided the Agency with the results and findings from its data analysis. OPM presented this data to the FHFA senior management team to help Agency leadership identify potential barriers and improve processes that may have an adverse impact on equal employment. FHFA has continued its partnership with OPM in the new fiscal year to analyze a new data set. Currently, OPM is evaluating data FHFA provided on ratings and awards given to employees in FY 2017.

In FY 2018 and early FY 2019, the Agency was able to start using the USA Staffing applicant flow system. The Agency has begun evaluating the data gathered from this system to determine how many employment applications FHFA is receiving from minority and other traditionally underrepresented groups, and the rate at which these applicants are being referred to selecting officials and ultimately selected for employment. In addition, the Agency has an internal application flow system to capture applicant flow for non-USA Staffing vacancies. The Agency will continue to evaluate the data gathered from this system over the coming months and years to determine whether there are any barriers to employment for particular groups.

### **Management Accountability**

In FY 2017, FHFA enhanced its accountability measures through the adoption of a new job performance plan competency for managers and supervisors that evaluates them on D&I and EEO efforts. Further, OMWI developed and provided Agency leaders with examples of activities that would meet the performance element. The Agency continued to track progress under this accountability measure throughout FY 2018.

### **Agency Policies**

In FY 2018, FHFA finalized its EEO Official Time Policy to provide definitive guidance to managers and employees on official time requests during the formal EEO process.

Throughout FY 2018, FHFA worked on developing a comprehensive ADR policy. This policy,



which provided step-by-step approaches to reaching collaborative solutions for workplace conflicts, was signed into effect in January 2019.

As discussed earlier in this report, the Acting Director of FHFA has issued a strong EEO and Anti-Harassment Policy Statement to all employees that affirms Agency leadership's commitment to a model EEO workplace. Further, the Agency is in the process of updating its Anti-Harassment policy and procedures in order to make the anti-harassment process as helpful as possible for employees to use and effective at eliminating harassment in the workplace.

### **Training Efforts**

Throughout FY 2018, FHFA provided No FEAR, EEO, and ADR training to all new employees during New Employee Orientation. The Agency also provided No FEAR biannual refresher training to several Agency offices.

In June 2018, FHFA hosted its third annual Managers' Conference, which provided an opportunity for FHFA managers to come together for a day of collaboration, sharing, and learning. In order to educate leadership on their responsibilities in addressing harassment, the Agency invited the EEOC to attend and conduct a presentation on harassment prevention. As part of FHFA's focus on D&I, another presenter taught participants about unconscious bias and provided practical strategies for Agency leaders to apply in their day-to-day work. Finally, the conference included a session on job selection procedures to promote a diverse workforce.

During FY 2018, FHFA partnered with the EEOC to deliver the "Respect in the Workplace" training to Agency employees and the "Leading with Respect" training to Agency managers. Skilled EEOC trainers came to FHFA for multiple sessions during the year to provide this training. These seminars were very well-received and provided participants with new tools for recognizing and eliminating workplace behaviors that might progress into harassment situations.

In FY 2018, FHFA paid for five employees, including two D&I Examiners, to attend various courses at Cornell University's ILR D&I and EEO Professionals Certificate Program. The program is aimed at developing individuals' knowledge, skills, and abilities for D&I/EEO to advance the mission of and create a culture of inclusion at their organization.

### **Special Emphasis Programs**

In FY 2018, FHFA's Special Emphasis Program continued to be instrumental in supporting employee education, engagement, and inclusion efforts. Events included specialized diverse and culturally educational programming and supported national heritage and history commemorations during Martin Luther King, Jr. Day, African American History Month,





Women’s History Month, Holocaust Remembrance Day, Asian American & South Pacific Islander Heritage Month, Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month, National Hispanic Heritage Month, National Disability Awareness Month, Veterans Day, and Native American Heritage Month. While all the FY 2018 SEP events were well-received by Agency staff, several programs stood out: the African American History Month presentation by the Civil War Museum Director, Dr. Frank Smith and two historic interpreters; the LGBT Pride Month presentation with Jim Obergefell, who discussed his experience in the landmark U.S. Supreme Court case on marriage equality; and the Native American Heritage Month presentation by the Piscataway Indians, who shared their dance and culture in an educational and engaging presentation.

### **No FEAR Act Training Plan**

Since FHFA last offered Agency-wide training on the No FEAR Act in FY 2017, the Agency will be rolling out Agency-wide training again in FY 2019. This training will be offered both in-person and in an online module to ensure maximum attendance. In accordance with FHFA’s practice requiring all new FHFA employees to complete No FEAR training within the first 80 days after employment, FHFA also trained all new employees coming onboard during FY 2018. In addition to a required online training module for new employees, FHFA’s New Employee Orientation includes a session on EEO and whistleblower protections and the No FEAR Act. This in-person training session allows new employees to interact directly with the trainer, ask questions, and strengthen their knowledge to enrich the information they obtain during the online training. FHFA maintains records of individuals who participate in these trainings in order to ensure complete records for tracking purposes.

On January 3, 2018, the Agency was re-certified under the Office of Special Counsel’s 5 U.S.C. §2302(c) certification program as compliant with its obligations to inform the Agency’s employees of their rights and remedies under the whistleblower protection laws.



## Appendix

I. FHFA Equal Employment Opportunity, Anti-Discrimination, and Anti-Harassment Statement January 14, 2019

II. No FEAR Act Data – FY 2018





**Equal Employment Opportunity, Anti-Discrimination, and Anti-Harassment Statement**

January 14, 2019

As Acting Director of the Federal Housing Finance Agency, I am pleased to affirm to you my commitment, and that of the entire senior leadership of the Agency, to the principles of equal employment opportunity. It is an organization-wide commitment to provide every individual an equal opportunity in all of our employment programs and professional activities and to maintain an environment that is free from unlawful discrimination in all aspects of our operations, including recruitment, hiring, promotions, career development, awards, and retention efforts. We also reaffirm our commitment to maintaining an environment in which employees are safe, free from harassment and bullying, and feel confident that if issues arise they will be investigated and addressed appropriately.

From top to bottom, our FHFA teammates are professional, dedicated, public servants who care about our mission and each other. Together, we must continue to ensure that FHFA is inclusive, supportive of diversity, and free from unlawful harassment and retaliation. Attracting, developing, and retaining a highly engaged workforce remains an FHFA priority and requires we ensure everyone has the opportunity to compete on a fair and level playing field. To achieve that goal, our Agency has clear policies against discrimination and harassment of any kind. Rest assured, the senior leadership of the Agency and I take workplace issues seriously and will take appropriate action to ensure employees treat each other with respect, without harassment and bullying.

Everyone is responsible for knowing the Agency's equal employment policies and supporting them in practice. Together, we also share in maintaining a fear-free work environment. We each must do our part to ensure our Agency is inclusive, supports diversity, and is free from harassment and bullying. I am confident in our ability to uphold these standards and to conduct ourselves in a manner that demonstrates the principles of equal opportunity, professionalism, and mutual respect. Finally, I believe that I, along with all of us, am subject to the Agency's equal employment, anti-harassment, and anti-discriminatory policies. In these commitments, I am joined by the entire leadership team.

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//S//  
Joseph Otting  
Acting Director

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//S//  
Bao Nguyen  
Acting Chief of Staff

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//S//  
Sandra Thompson  
Deputy Director, DHMG

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//S//  
Andre D. Galeano  
Deputy Director, DBR

//S//

Nina Nichols  
Deputy Director, DER

//S//

Robert Fishman  
Deputy Director, DOC

//S//

Sharron Levine  
Director, OMWI

//S//

Alfred Pollard  
General Counsel

//S//

Bob Ryan  
Special Advisor

//S//

Lawrence Stauffer  
Acting Chief Operating Officer

# No FEAR Act Data – [FY 2018]

## Equal Employment Data Pursuant to Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107–174

- [Complaint Activity](#)
- [Complaints by Basis](#)
- [Complaints by Issue](#)
- [Processing Time](#)
- [Complaints Dismissed by Agency and Withdrawn by Complainants](#)
- [Total Final Actions Finding Discrimination](#)
- [Findings of Discrimination Rendered by Basis](#)
- [Findings of Discrimination Rendered by Issue](#)
- [Pending Complaints Filed in Previous Fiscal Years by Status](#)
- [Complaint Investigations](#)

## Complaint Activity

Complaint Activity	2014	2015	2016	2017	2018
Number of complaints filed	12	6	0	1	6
Number of complainants	11	6	0	1	5
Repeat filers	1	0	0	0	1

## Complaints by Basis

Complaints by Basis	2014	2015	2016	2017	2018
Race	3	3	0	1	4
Color	1	2	0	0	2
Religion	0	1	0	0	1
Reprisal	6	6	0	0	6
Sex	5	3	0	0	2
National Origin	0	0	0	0	0
Equal Pay Act	0	1	0	0	1
Age	3	2	0	1	2
Disability	4	2	0	1	2
Genetic information	0	0	0	0	0
Non-EEO	0	2	0	0	0

*Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.*



## Complaints by Issue

<b>Complaints by Issue</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Appointment/Hire	0	0	0	0	0
Assignment of Duties	5	4	0	0	0
Awards	1	0	0	0	0
Conversion to Full-time	0	0	0	0	0
Disciplinary Action: Demotion	0	0	0	0	1
Disciplinary Action: Reprimand	0	0	0	0	1
Disciplinary Action: Removal	0	0	0	0	1
Disciplinary Action: Suspension	1	0	0	0	0
Disciplinary Action: Other	0	0	0	0	1
Duty Hours	0	0	0	0	0
Evaluation/Appraisal	4	1	0	0	2
Examination/Test	0	0	0	0	0
Harassment: Non-Sexual	3	5	0	0	2
Harassment: Sexual	0	0	0	0	1
Medical Examination	0	0	0	0	0
Pay (including Overtime)	1	3	0	0	1
Promotion/Non-Selection	5	1	0	1	2
Reassignment: Denied	0	2	0	0	0
Reassignment: Directed	0	0	0	0	0
Reasonable Accommodation	0	1	0	0	0
Reinstatement	0	0	0	0	0

## Appendix II

<b>Complaints by Issue</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Retirement	0	0	0	0	0
Termination	0	0	0	0	0
Terms/Conditions of Employment	0	1	0	0	2
Time and Attendance	1	1	0	0	0
Training	0	0	0	0	0
Other	1	2	0	0	0

*Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.*

## Processing Time

## Complaints Pending During the Fiscal Year

<b>Complaints Pending During the Fiscal Year</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Average number of days in investigation stage	237	238	276	285	111
Average number of days in final action stage	63	40	41	34	59

## Complaints Pending During Fiscal Year Where Hearing Was Requested

<b>Complaints Pending During Fiscal Year Where Hearing Was Requested</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Average number of days in investigation stage	344	314	313	321	185
Average number of days in final action stage	34	34	24	15	0

## Complaints Pending During Fiscal Year Where Hearing Was Not Requested

<b>Complaints Pending During Fiscal Year Where Hearing Was Not Requested</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Average number of days in investigation stage	184	178	192	189	81
Average number of days in final action stage	72	41	48	54	59





<b>Findings After Hearing</b>	<b>2014 #</b>	<b>2014 %</b>	<b>2015 #</b>	<b>2015 %</b>	<b>2016 #</b>	<b>2016 %</b>	<b>2017 #</b>	<b>2017 %</b>	<b>2018 #</b>	<b>2018 %</b>
National Origin	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0

Findings Without Hearing

<b>Findings Without Hearing</b>	<b>2014 #</b>	<b>2014 %</b>	<b>2015 #</b>	<b>2015 %</b>	<b>2016 #</b>	<b>2016 %</b>	<b>2017 #</b>	<b>2017 %</b>	<b>2018 #</b>	<b>2018 %</b>
Findings Without Hearing	0	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0

*Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.*













Pending Complaints Filed in Previous Fiscal Years by Status

<b>Pending Complaints Filed in Previous Fiscal Years by Status</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Total Complaints from Previous Fiscal Years	9	7	13	10	1
Total Complainants	9	7	13	9	1

Number Complaints Pending

<b>Number Complaints Pending</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Investigation	6	0	1	1	3
Hearing	3	4	6	7	2
Final Action	0	0	2	0	0
Appeal with EEOC Office of Federal Operations	0	3	4	3	0

Complaint Investigations

<b>Complaint Investigations</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Pending complaints where investigations exceed required time frames	3	4	1	0	1