



FY 2024 NO FEAR ACT

ANNUAL REPORT TO CONGRESS



Table of Contents

Introduction	1
Purpose of the No FEAR Act Report.....	1
Claims in Federal Court Arising Under Federal Antidiscrimination or Whistleblower Laws	3
I. Types of Claims in Federal Court and Disposition Status	3
II. The Judgment Fund	3
Disciplinary Action.....	3
Final Year-End No FEAR Act Data for FY 2020 through FY 2024	4
I. FY 2024 Discrimination Complaint Data	4
II. Examination of Trends and Causal Analysis	7
Practical Knowledge	8
Actions to Improve Equal Employment Opportunity Program	9
No FEAR Act Training Plan.....	9
Appendix	10
I. No FEAR Act Data - FY 2024	

Introduction

U.S. Federal Housing FHFA (FHFA, Agency, or “Federal Housing Finance Agency”) was established by the Housing and Economic Recovery Act of 2008 (HERA)¹ 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 through the economic cycle. Since 2008, FHFA has also served as conservator for the Enterprises.

Purpose of the No FEAR Act Report

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act)² requires federal agency accountability for violations of antidiscrimination and whistleblower protection laws.

Accordingly, the No FEAR Act requires each agency, no later than 180 days after the end of each fiscal year, to submit a report to the Speaker of the U.S. House of Representatives, the President pro tempore of the U.S. Senate, the Committee on Governmental Affairs of the Senate,³ the Committee on Government Reform of the House of Representatives,⁴ each committee of Congress with jurisdiction relating to the agency, the Chair of the Equal Employment Opportunity Commission (EEOC), and the Attorney General of the United States.⁵ Regulations from the Office of Personnel Management (OPM) implementing the No FEAR Act,

¹ Pub. L. 110-289, §1101.

² On January 1, 2021, Congress enacted the *Elijah E. Cummings Act*, to amend the *No Fear Act*.

³ This Committee is now named the U.S. Senate Committee on Homeland Security and Governmental Affairs.

⁴ This Committee is now named the U.S. House of Representatives Committee on Oversight and Government Reform.

⁵ Pub. L. 107-174, §203(a).

No FEAR Act Annual Report to Congress

5 Code of Federal Regulations (C.F.R.) Part 724, Subpart C, also require the submission of this annual report to the Director of OPM.⁶

The annual report must provide the following information:

- The number of federal court cases, pending or resolved, arising under the No FEAR Act laws and the status and disposition of the cases;
- The status and disposition of cases described above;
- Judgment Fund reimbursements and adjustments to agency budgets to meet reimbursement requirements;
- The number of employees disciplined for discrimination, retaliation, harassment, or and any other infractions under the Act;
- Year-end summary data related to federal-sector EEO complaint activity;
- An analysis of trends, causation, and practical knowledge gained through experience, and actions planned or taken to improve agency complaint or civil rights programs; and
- The agency's plan for No FEAR Act-related training.⁷

U.S. Federal Housing FHFA prepares and submits this report to comply with these statutory and regulatory requirements.

This Report covers Fiscal Year (FY) 2024 and the five-year reporting period between FY 2020 and FY 2024.

⁶ 5 C.F.R. §724.302(c)(8)

⁷ See Pub. L. 107-174, §203(a)(1); see also 5 C.F.R. §724.302(a). Appendix A to this report sets forth these requirements in full.

Claims in Federal Court Arising Under Federal Antidiscrimination or Whistleblower Laws

I. Types of Claims in Federal Court and Status

In FY 2024, there were no new cases filed in Federal Court. One case alleging Equal Pay Act violations filed in FY 2023 in the D.C. District Court continues. One case alleging that FHFA unlawfully discharged an employee in retaliation for prior protected activity was filed in FY 2022 and continues.

II. The Judgment Fund

FHFA is a non-appropriated Agency and therefore does not use the Judgment Fund. During this reporting period, FHFA did not have any discrimination findings resulting in payments.

Disciplinary Action

In FY 2024, FHFA did not discipline any employees for discrimination, retaliation, harassment, or other infractions under the Act.

In those instances where disciplinary action is warranted, FHFA's Conduct and Discipline Policy is available as a management tool. This policy applies to all employees, and it is located on the Agency's internal website. The Policy notes that FHFA 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, while also providing the individual charged with the misconduct due process as required by 5 U.S.C. Chapter 75 and 5 CFR Part 752. The Conduct and Discipline Policy states, "to correct misconduct or inappropriate behavior, FHFA will apply discipline in a fair and equitable manner that promotes the efficiency of the service."

Final Year-End No FEAR Act Data for FY 2020 through FY 2024

I. FY 2024 Discrimination Complaint Data

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 1 provides information about the number of formal EEO complaints filed during the five-year reporting period. During FY 2024, 11 individuals filed a total of 11 formal discrimination complaints.

Table 1: FHFA Complaint Activity for the Period FY 2020 through FY 2024

	2020	2021	2022	2023	2024
Number of FHFA Employees ⁸	635	692	703	723	745
Number of formal complaints filed	15	4	6	6	11
Number of complainants	15	3	6	6	11
Repeat filers	4	1	0	0	0
Complaints Filed as a Percentage of Total FHFA Workforce	2.36	.58	.85	.83	1.47

⁸ These numbers do not include employees of the FHFA Office of Inspector General (OIG) which posts its No FEAR Act data separately from FHFA and administers No FEAR Act compliance for OIG employees.

No FEAR Act Annual Report to Congress

Table 2 reflects the bases and type(s) of discrimination alleged in the complaints filed from FY 2020 through FY 2024.

Table 2: FHFA Complaint Activity for the Period FY 2020 through FY 2024 by Bases of Discrimination⁹

	2020	2021	2022	2023	2024
Race	9	4	2	5	6
Color	4	0	0	4	4
Religion	0	0	0	0	1
Reprisal	9	3	1	4	6
Sex	9	4	3	3	2
National Origin	0	0	0	1	3
Equal Pay Act	2	0	2	2	0
Age	7	0	2	4	7
Disability	2	0	1	0	5
Genetic Information	0	0	1	0	0
Non-EEO	0	0	0	0	0

Table 3 reflects formal EEO complaints by issue filed from FY 2020 through FY 2024.

Table 3: FHFA Complaint Activity for FY 2020 through FY 2024 by Issue¹⁰

	2020	2021	2022	2023	2024
Appointment/Hire	3	0	0	1	0
Assignment of Duties	3	0	1	0	0
Awards	0	0	0	0	1
Conversion to Full-Time	0	0	0	0	0
Disciplinary Action					

¹⁰ Complaints can be filed alleging multiple issues. The aggregate number of issues may not equal the total number of complaints filed.

No FEAR Act Annual Report to Congress

	2020	2021	2022	2023	2024
<i>Demotion</i>	0	0	0	0	0
<i>Reprimand</i>	2	0	0	0	0
<i>Removal</i>	0	0	0	0	1
<i>Suspension</i>	0	0	0	0	0
<i>Other</i>	1	0	0	1	3
Duty Hours	0	0	0	0	0
Evaluation/Appraisal	5	1	1	2	4
Examination/Test	0	0	0	0	0
Harassment					
<i>Non-sexual</i>	8	1	0	3	6
<i>Sexual</i>	0	0	0	0	0
Medical Examination	0	0	0	0	0
Pay (including Overtime)	6	1	1	1	1
Promotion/Non-Selection	5	2	0	3	3
Reassignment					
<i>Denied</i>	0	0	0	0	0
<i>Directed</i>	0	0	0	0	0
Reasonable Accommodation	0	0	1	0	2
Reinstatement	0	0	0	0	0
Religious Accommodation	0	0	0	0	0
Retirement	0	0	0	0	0
Sex Stereotyping	0	0	0	1	1
Telework	0	0	0	0	0
Termination	0	0	1	0	2
Terms/Conditions of Employment	6	2	2	0	0
Time and Attendance	1	0	0	0	1
Training	0	0	0	1	2
Other	0	0	0	0	6

II. Examination of Trends and Causal Analysis

During the five-year reporting period, 41 individuals filed 42 complaints. Of the 42 complaints filed, 23 involved allegations of reprisal, 26 included allegations of race discrimination, 21 contained allegations of sex discrimination, 20 raised allegations of age discrimination, 8 had allegations of disability discrimination, and 12 made allegations of discrimination based on color¹¹ (see **Tables 2 & 3**). More generally, the most alleged bases of discrimination across the entire federal government were reprisal, age, and disability.¹²

As shown in **Table 3** above, the most common issues raised by FHFA employees over the 5-year period were non-sexual harassment (18), promotion/non-selection (13), and evaluation/appraisal (13). According to the most recently available EEOC data, the most frequently raised issues in the federal government were disciplinary actions, non-sexual harassment, and promotion/non-selection. The EEOC data shows that employees in small agencies in the federal government frequently raised issues in the category of non-sexual harassment, terms/conditions of employment, and performance evaluations/appraisals.¹³ Below are observations about the complaints filed against FHFA in FY 2024.

Number of Complaints: FY 2024 formal complaint numbers rose in comparison to FY 2023 data. The number of formal complaints filed this fiscal year appears to align with the FY 2020 spike, although the cause of the rise may differ. The most frequently alleged bases at FHFA in FY 2024 were race, reprisal, and age.

¹¹ Since employees can allege multiple issues in a single complaint, the aggregate number of issues is more than the total number of complaints filed.

¹² U.S. Equal Employment Opportunity Commission, Statistical Report of Discrimination Complaints Data (Form 462 FY 2021 for federal agencies and grand total, <https://www.eeoc.gov/federal/reports/tables.cfm>). This is the most recent data available.

¹³ EEOC Form 462 data tables for FY 2018 for small agencies and grand total, <https://www.eeoc.gov/federal/reports/tables.cfm>. This is the most recent data available.

Table 4. reflects that the Agency took timely final actions in FY 2024 in matters involving Final Agency Decisions (FADs) and the number of complaints currently pending.

Table 4: FHFA Complaint Processing Time for the Period FY 2020 through FY 2024

	2020	2021	2022	2023	2024
Complaints Pending During Fiscal Year					
Average number of days in investigation stage	140	157	128.8	147	175.88
Average number of days in final action stage	53	56	25	20.25	51.50
Number of Complaints Pending					
Investigation	7	0	0	4	4
180-Day Investigation Notice	0	0	0	1 ¹⁴	0
Hearing	3	5	3	1	3
Final Action	0	0	0	0	2
Appeal with EEOC Office of Federal Operations	0	2	0	1	0

Practical Knowledge

FHFA recognizes the importance of having leadership model the behavior that it expects from its workforce and proactively engages employees to prevent discrimination and resolve conflicts. Further, the Agency values a workplace in which employees know their rights and understand the various protections available to them. In FY 2024, FHFA continued work in the following areas:

- **Training:** Throughout FY24, FHFA delivered No Fear Act training to all new employees during New Employee Orientation.
- **Conflict Resolution:** FHFA welcomed a new workforce Ombuds as part of the Agency's effort to support employee participation in workplace conflict resolution.

¹⁴ Pursuant to 29 C.F.R. § 1614.108(g), agencies are still required to issue a 180-day notice to the complainant where 180 days has passed since the original EEO complaint filing, even in the case where there has been an amended complaint.

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. In response to its MD 715 Action Plans and EEOC recommendations, FHFA created plans for providing anti-harassment training and delivered comprehensive Alternative Dispute Resolution training throughout the Agency.

FHFA continues to promote the Agency's FAIR values and ensure integration of these values into all FHFA operations. This reinforcement helps improve employee confidence in reporting issues to leadership and mitigates the fear of reprisal/retaliation, which has been recorded as one of the most alleged protected bases filed across the entire federal government.

In FY 2024, the National Treasury Employees Union (NTEU) worked with FHFA on a Collective Bargaining Agreement. FHFA will continue to work with NTEU to ensure bargaining unit employees are aware of their rights when participating in the EEO process.

FHFA will continue to develop additional methods, including toolkits, articles, and presentations to educate FHFA employees on identifying and preventing retaliation in the workplace.

FHFA has worked to improve its EEO process to ensure fairness and impartiality while maintaining strong communication with all parties, named officials, and witnesses. FHFA made significant organizational changes in FY 2024 to promote a fair EEO process, including reorganizing the Harassment Prevention Program (HPP) to the Office of General Counsel (OGC) to separate it from the Agency's EEO program. This reorganization was effected to fully eliminate any real or perceived conflict of interest between a neutral and impartial EEO program and the Agency's obligation to have a harassment prevention program that could potentially lead to disciplinary action. This move aligns with EEOC's guidance to clearly distinguish between the EEO and harassment prevention functions.

No FEAR Act Training Plan

FHFA requires all new employees to complete No FEAR Act training within their first 90 days of employment with FHFA, and all new employees received training during FY 2024 in accordance with this practice.

FHFA's New Employee Orientation process includes a session on EEO, the No FEAR Act, the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, and whistleblower

protections.¹⁵ This training approach allows new employees to interact directly with the trainer and ask questions. FHFA maintains records of employee participation in these trainings to ensure compliance with No FEAR Act requirements.

Every three years, the Agency is obligated to recertify under the Office of Special Counsel's 5 U.S.C. § 2302(c) compliance certification. This certification includes annual training for supervisors on whistleblowing rights of employees.

As part of the new whistleblower training requirements, OSC approved the Agency's online mandatory supervisory training on how to respond to complaints involving whistleblower protection. FHFA's leadership completed the training by November 30, 2023.

Appendix

I. No FEAR Act Data – FY 2024

¹⁵ Whistleblower Protection Guidance <https://www.fhfa.gov/AboutUs/Policies/Pages/Whistleblower-Protections.aspx>