



# FY 2020 NO FEAR ACT

ANNUAL REPORT TO CONGRESS



Office of Equal Opportunity and Fairness

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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 through the economic cycle. 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)<sup>2</sup> requires federal agency accountability 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 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) 2020 and the five-year reporting period between FY 2016 and FY 2020.

Throughout FY 2020, FHFA leaders demonstrated their commitment to the prevention and elimination of discrimination and harassment. Most notably, in January 2020, FHFA Director Mark Calabria created the Office of Equal Opportunity and Fairness (OEOF) to house the Agency’s EEO, internal Anti-Harassment, and Alternative Dispute Resolution (ADR) programs. In a message to employees announcing the FY 2020 EEO and Anti-Harassment policy statements, Director Calabria further demonstrated his commitment to EEO and No FEAR Act principles:

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

<sup>2</sup> We note that on January 1, 2021, Congress enacted the *Elijah E. Cummings Act*, in order to amend the *No Fear Act*. This report is reflective of FY20, so the requirements of the amendment are not reflected in the report.

*Fairness, diversity, and inclusion are core values for me personally and as head of this Agency. These policies reaffirm our commitment to fostering a culture where all FHFA employees feel safe, respected, and valued for our differences. They reaffirm our duty to prevent discrimination and harassment and to report it when we see it.*

This powerful message from the head of the Agency has communicated to the workforce that discrimination and harassment are not tolerated and that these matters will be addressed at FHFA.

## 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 and status of these five discrimination claims. The first case arose in FY 2015, alleging retaliation in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (Title VII). The district court dismissed this case for untimeliness on May 9, 2016, but the individual filed an appeal of the dismissal. Thus, the case is reflected as pending in FY 2016. The parties settled the matter in FY 2017, as reflected in the table. The second case involves a complaint filed on March 18, 2016, alleging retaliatory discrimination in violation of Title VII. The district court dismissed the case in FY 2017, and it is reflected as pending in FY 2016 and dismissed in FY 2017. The third case involves a FY 2018 complaint filed on October 2, 2017, based on race, age, and physical disability, in violation of Title VII, the Age Discrimination in Employment Act (ADEA), and the Rehabilitation Act of 1973. This case was still open at the end of FY 2020, so it is reflected in **Table 1** as pending in FY 2020. The fourth case alleges discrimination in violation of the Equal Pay Act. This case originated in district court on November 15, 2018 and progressed to the United States Court of Federal Claims on January 2, 2019. The parties settled this matter in FY 2019, so it is identified as pending in FY 2018 and settled in FY 2019. The fifth case was filed on April 25, 2020, alleging age discrimination and retaliation in violation of the ADEA. It was still open at the end of the fiscal year, so it is identified as pending during FY 2020.

**Table 1: Status of Federal Court Claims by Statute for the Period FY 2016 through FY 2020**

Status of Federal Claims by Statute	2016	2017	2018	2019	2020
<b>Title VII of the Civil Rights Act of 1964</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>
<i>Pending</i>	2	0	1	1	1
<i>Dismissed</i>	0	1	0	0	0
<i>Settled</i>	0	1	0	0	0
<b>Age Discrimination in Employment Act of 1967</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>2</b>
<i>Pending</i>	0	0	1	1	2
<i>Dismissed</i>	0	0	0	0	0
<i>Settled</i>	0	0	0	0	0
<b>Rehabilitation Act of 1973</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>
<i>Pending</i>	0	0	1	1	1
<i>Dismissed</i>	0	0	0	0	0
<i>Settled</i>	0	0	0	0	0
<b>Whistleblower Protection Act</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<i>Pending</i>	0	0	0	0	0
<i>Dismissed</i>	0	0	0	0	0
<i>Settled</i>	0	0	0	0	0
<b>Equal Pay Act of 1963</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
<i>Pending</i>	0	0	1	0	0
<i>Dismissed</i>	0	0	0	0	0
<i>Settled</i>	0	0	0	1	0

## II. The Judgment Fund

FHFA is a non-appropriated Agency and, therefore, does not use the Judgment Fund.<sup>3</sup> Accordingly, FHFA made no reimbursements to the Judgment Fund during the reporting period

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<sup>3</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 U.S.C. §§ 2414, 2517, 2672, or 2677.

because FHFA did not have any findings resulting in discrimination payments as set out by this statute.

### III. Disciplinary Action

In FY 2020, 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, and providing the individual charged with the misconduct due process as required by 5 U.S.C. Chapter 75 and 5 C.F.R. 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 2016 through FY 2020

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

**Table 2: FHFA Complaint Activity for the Period FY 2016 through FY 2020**

	2016	2017	2018	2019	2020
Number of FHFA Employees <sup>4</sup>	588	591	593	595	635
Number of complaints filed	0	1	6	5	15
Number of complainants	0	1	5	5	15
Repeat filers	0	0	1	0	0
Complaints Filed as a Percentage of Total FHFA Workforce	0.00	0.17	1.01	0.84	2.22

**Table 2** provides information about the number of formal EEO complaints filed during the five-year reporting period. During FY 2020, 15 individuals filed a total of 15 formal discrimination complaints, an increase from FY 2019 in which there were five formal complaints. Please note that observations regarding the increase in complaints will be discussed later on in the report.

**I. FY 2020 Discrimination Complaint Data**

**Table 3** reflects the bases and type(s) of discrimination alleged in the complaints filed from FY 2016 through FY 2020.

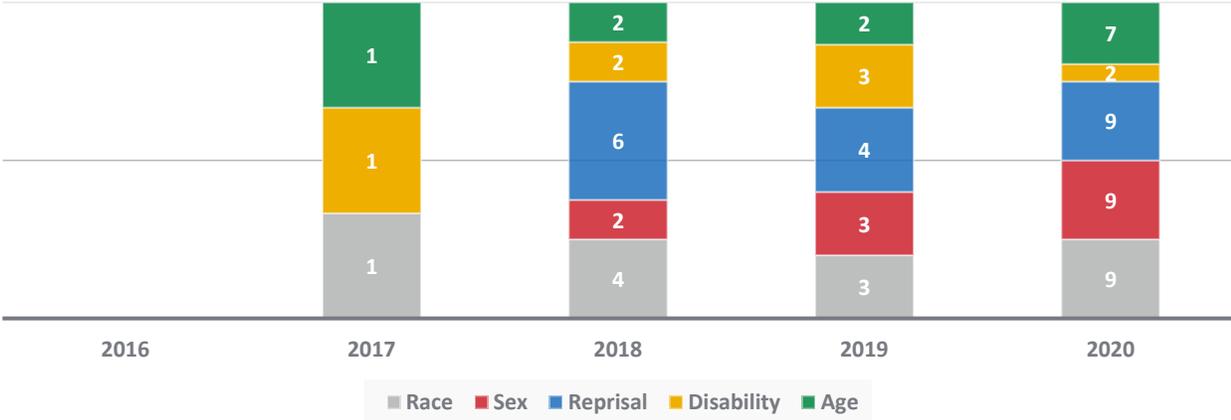
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<sup>4</sup> These numbers do not include employees of the FHFA Office of Inspector General (OIG), which posts its No FEAR Act data separately from FHFA and administers No FEAR Act compliance for OIG employees.

**Table 3: FHFA Complaint Activity for the Period FY 2016 through FY 2020 by Bases of Discrimination<sup>5</sup>**

	2016	2017	2018	2019	2020
Race	0	1	4	3	9
Color	0	0	2	2	4
Religion	0	0	1	0	0
Reprisal	0	0	6	4	9
Sex	0	0	2	3	9
National Origin	0	0	0	1	0
Equal Pay Act	0	0	1	1	2
Age	0	1	2	2	7
Disability	0	1	2	3	2
Genetic Information	0	0	0	0	0
Non-EEO	0	0	0	0	0

**Table 4: Frequently Alleged EEO Bases During 5-Year Reporting Period**



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

**Table 5** reflects formal EEO complaints by issue filed from FY 2016 through FY 2020.

**Table 5: FHFA Complaint Activity for FY 2016 through FY 2020 by Issue<sup>6</sup>**

	2016	2017	2018	2019	2020
Appointment/Hire	0	0	0	0	3
Assignment of Duties	0	0	0	0	3
Awards	0	0	0	0	0
Conversion to Full-Time	0	0	0	0	0
Disciplinary Action					
<i>Demotion</i>	0	0	1	0	0
<i>Reprimand</i>	0	0	1	1	2
<i>Removal</i>	0	0	1	0	0
<i>Suspension</i>	0	0	0	0	0
<i>Other</i>	0	0	1	0	1
Duty Hours	0	0	0	1	0
Evaluation/Appraisal	0	0	2	2	5
Examination/Test	0	0	0	0	0
Harassment					
<i>Non-sexual</i>	0	0	2	2	8
<i>Sexual</i>	0	0	1	0	0
Medical Examination	0	0	0	0	0
Pay (including Overtime)	0	0	1	1	6
Promotion/Non-Selection	0	1	2	0	5
Reassignment					
<i>Denied</i>	0	0	0	0	0
<i>Directed</i>	0	0	0	1	0
Reasonable Accommodation	0	0	0	2	0
Reinstatement	0	0	0	0	0
Retirement	0	0	0	0	0
Termination	0	0	0	0	0
Terms/Conditions of Employment	0	0	2	4	6
Time and Attendance	0	0	0	0	1
Training	0	0	0	1	0
Other	0	0	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.

## II. Examination of Trends and Causal Analysis

During the five-year reporting period, 26 individuals filed 27 complaints. Of the 27 complaints filed, 19 involved allegations of reprisal, 17 included allegations of race discrimination, 14 contained allegations of sex discrimination, 12 raised allegations of age discrimination, eight had allegations of disability discrimination, and eight made allegations of discrimination based on color<sup>7</sup> (see **Tables 3 & 4**). Women filed 11 of the 14 sex-based complaints, and African Americans filed 14 of the 17 race allegations. According to the most recent EEOC data, the most frequently alleged bases of discrimination in small agencies in the federal government were reprisal, sex, and race. More generally, the most alleged bases of discrimination across the entire federal government were reprisal, sex, and disability.<sup>8</sup>

As shown in **Table 5** above, the most common issues raised by FHFA employees over the 5-year period were non-sexual harassment (12), terms/conditions of employment<sup>9</sup> (12), and evaluation/appraisal (9). According to the most recently available EEOC data, the most frequently raised issues in the federal government were disciplinary actions, non-sexual harassment, and terms/conditions of employment. The EEOC data shows that small agencies in the federal government frequently raised issues in the category of non-sexual harassment, terms/conditions of employment, and performance evaluations/appraisals.<sup>10</sup> Below are observations about the complaints filed against FHFA in FY 2020:

- **Number of Complaints:** FHFA's formal complaint numbers increased by 10 in FY 2020 from FY 2019. The most frequently alleged bases at FHFA in FY20 were race, sex, and reprisal, and the most frequently alleged issue was non-sexual harassment. Complaints are not concentrated in one area of the Agency and there is no discernable pattern or trend to the specific bases and issues alleged. FHFA took additional proactive steps in FY 2020 to create a culture where employees know the available protections and feel confident enough in our processes to raise issues and file complaints rather than not wanting to take any action or not report workplace concerns. Most notably by creating

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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> 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.**

<sup>9</sup> Terms/conditions of employment is a broad issue category that encompasses items such as leave, breaks, office assignments, and telework issues.

<sup>10</sup> 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.**

the Office of Equal Opportunity and Fairness (OEOF), which has a program area specifically focused on addressing allegations of discrimination and harassment. This office is also responsible for educating the workforce on retaliation and EEO protections. OEOF also houses a dedicated ADR program to resolve disputes in both EEO and non-EEO matters. FHFA was able to leverage its ADR in several employment conflicts that arose in FY20. Further, the Agency partnered with the Federal Mediation and Conciliation Service (FMCS) to deliver ADR training to Agency supervisors/managers as well as a separate ADR training for non-supervisory employees. OEOF will continue to develop its ADR program and assess the program in the future to ensure that FHFA has a robust dispute resolution system in place to effectively address all workplace conflicts.

- **Harassment Prevention:** As noted above in **Table 5**, there were 13 total allegations of EEO harassment (non-sexual and sexual) during the five-year reporting period. During FY 2020, FHFA made significant efforts to strengthen harassment prevention programs at the Agency, particularly through the creation of OEOF. Through this new office, the Agency has worked to streamline the harassment prevention process by procuring a new contract service to conduct prompt harassment inquiries so that FHFA can address EEO and non-EEO allegations of harassment, and to ensure that each harassment claim is closely tracked from its initiation to its closure.

**Table 6** provides additional information about the timeframes associated with FHFA's processing of formal complaints of discrimination.

- **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> FHFA continues to meet these Final Action timeframes. In FY 2020, the Agency issued three FADs. These FADs were issued in an average of 53 days, which is within the 60-day EEOC timeframe.

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<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).

**Table 6: FHFA Complaint Processing Time for the Period FY 2016 through FY 2020**

	2016	2017	2018	2019	2020
<b>Complaints Pending During Fiscal Year</b>					
Average number of days in investigation stage	276	285	111	115	140
Average number of days in final action stage	41	34	59	32	53
<b>Complaints pending during Fiscal Year where hearing was requested</b>					
Average number of days in investigation stage	313	321	185	199 <sup>12</sup>	190
Average number of days in final action stage	24	15	0	7	60
<b>Complaints pending during Fiscal Year where hearing was not requested</b>					
Average number of days in investigation stage	192	189	81	110	105
Average number of days in final action stage	48	54	59	57	50

As **Table 6** reflects, the Agency was timely in taking final actions in FY 2020 in matters involving Final Agency Decisions (FADs). FHFA did not issue any Final Notices during the fiscal year.

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<sup>12</sup>The number of days in the investigation stage increased from FY 2018 to FY 2019 due to a conflict of interest EEO complaint that was handled by an outside agency that FHFA maintains a standard MOU with. Due to the complexity of the case and the Complainant’s amendment, the investigation was completed in FY 2019 and took a total of 277 days, thus increasing the Agency’s average timeframe for the entire year. Likewise, the investigations that exceeded 180 days during FY 2020 involved complaint amendments or were handled by an external agency.

## Practical Knowledge

FHFA recognizes the importance of having leadership model the behavior that it expects from its workforce and proactively engaging employees to prevent discrimination and timely resolve conflicts. Further, the Agency values a workplace in which employees know their rights and understand the various protections available to them. In FY 2020, FHFA continued to work to strengthen these areas in the following ways:

- As discussed throughout this report, during FY 2020 the Agency shifted the location of its anti-harassment program within the organization in order to maximize its effectiveness and ensure that there is a clear and efficient process in place for employees and managers to use.
- Effective training is an essential component to ensuring that managers and employees understand what types of behaviors are appropriate and how certain conduct can sometimes escalate into unwanted or improper conduct. Consequently, OEOF partnered with FMCS during FY 2020 to deliver comprehensive mandatory ADR training to managers and supervisors. Throughout FY 2020, OEOF delivered No FEAR Act training to all new employees during New Employee Orientation. This training includes a discussion on civility and respect. No FEAR Act training is required of all employees every two years. Since the Agency delivered the training to all employees during FY 2019, OEOF will offer a No FEAR Act training session to all employees in FY 2021.
- FHFA understands the value of employee engagement and its effort to enhance a respectful, proactive, and committed workforce. To this end, the Agency continued its efforts to improve employee engagement by working with the Partnership for Public Service to develop action plans based on Federal Employment Viewpoint Survey (FEVS) results. The Agency also continues to utilize an Employment Engagement team to identify, and address challenges related to a fair and equitable workplace. As it relates to the No FEAR Act, the team reviewed previous FEVS data which includes questions such as employees' comfortability with reporting violations of any law without fear of reprisal. In response to the survey, the Employment Engagement team created action plans to address these and other matters related to trust. Further, the Ambassadors worked with leadership in their Divisions or Offices to help respond to employee concerns and they presented status updates on their action plans at the FY 2020 Managers' Conference. FHFA also encouraged employees to make their voices heard by participating in the FY 2020 FEVS.

## 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 ADR training throughout the Agency. FHFA also publicly posted its Affirmative Action Plan. Further, to support affirmative action goals and a model EEO workplace, FHFA incorporated EEO action plan development into the Agency's Strategic Plan development process regarding the recruitment and hiring of underrepresented individuals. To ensure management is held accountable for the model work environment that FHFA seeks to maintain, the EEO/D&I performance measure was elevated from a competency to a critical element in the performance management system for managers and supervisors. In FY 21, FHFA will provide training to employees to assist them in evaluating performance under this critical element.

In the Agency's FY 2020 FEVS results, in response to the statement, "I can disclose a suspected violation of any law, rule or regulation without fear of reprisal," 66.1% of FHFA employees responded positively, up seven percentage points from 2019. FHFA will keep developing and implementing strategies to improve employee confidence in reporting issues and provide education to mitigate the fear of reprisal/retaliation. OEOF is currently developing additional ways such as toolkits and presentations to educate FHFA employees on identifying and preventing retaliation in the workplace. In FHFA's FY 2019 Diversity & Inclusion Climate Assessment, in response to the statement, "Managers and supervisors visibly challenge incidents of racism, sexism, or other forms of discrimination," 48% of respondents marked "Strongly Agree" or "Agree," while 31% marked "Disagree" or "Strongly Disagree." As with the above example from the FEVS results, FHFA will focus outreach and training efforts in these areas. To further reinforce its support of diversity and inclusion and an equitable workplace, at the end of the fiscal year, FHFA adopted new values: **F**airness, **A**ccountability, **I**ntegrity, and **R**espect (**FAIR**).

Another step taken to improve the EEO program is through educating employees routinely about the EEO complaint process. OEOF began issuing notifications and scheduling one-on-one, monthly case updates with parties, named officials, and witnesses. It is imperative that OEOF not only conduct a fair and impartial EEO process but also ensures all parties involved are well informed. OEOF has received positive feedback, particularly from named officials, regarding the installation of this process.

Likewise, the FHFA Director indicated to employees that the creation of OEOF emphasizes the importance of a safe work environment and his aim for the effective administration of workplace conflict resolution programs. This new structure should provide employees more confidence that their concerns will be heard and timely addressed and that they will be protected from retaliation when using Agency reporting processes.

### Training Efforts

As referenced earlier in this report, FHFA undertook a major No FEAR Act training effort in FY 2019, delivering in-person No FEAR Act training to 518 employees who were due for training in the fiscal year. This interactive session included an overview of the EEO complaint process, harassment prevention protocols/responsibilities, and whistleblower statutes and protections. The module also included FHFA employee survey data and reality-based scenarios to engage the audience and generate discussion. Further, the module incorporated audio and visual exercises to encourage respect and included a brief anti-harassment video to highlight behaviors to avoid in the workplace. The training concluded with a “lightning round” competition to reinforce participants’ knowledge of the fundamentals of the No FEAR Act. In order to ensure maximum attendance, the Agency offered both in-person and online training options and achieved 100% compliance. Additionally, throughout FY 2020, FHFA provided No FEAR Act, EEO, and ADR training to all new employees during their New Employee Orientation process.

### No FEAR Act Training Plan

Because FHFA offered Agency-wide training on the No FEAR Act in FY 2019, the Agency will next provide all employee training by the close of FY 2021. In accordance with FHFA’s practice requiring all new FHFA employees to complete No FEAR Act training within the first 80 days after coming onboard, all new employees received training during FY 2020. FHFA’s New Employee Orientation process includes a session on EEO and whistleblower protections<sup>13</sup> and the No FEAR Act. In addition to a live session, the training module has a subsequent knowledge check for new employees. This training approach allowed new employees to interact directly

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<sup>13</sup> Whistleblower Protection Guidance <https://www.fhfa.gov/AboutUs/Policies/Pages/Whistleblower-Protections.aspx>

with the trainer, ask questions, and enrich the information they obtained 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 recertified 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. As part of the new whistleblower training requirements, OSC conducted a whistleblower and prohibited personnel practices training for managers and executives on October 20, 2020.

### **Appendix**

- I. FHFA EEO Policy Statement – July 9, 2020**
- II. No FEAR Act Data – FY 2020**



# FHFA EEO POLICY STATEMENT

As the Director of the Federal Housing Finance Agency (FHFA or Agency), I unequivocally support Equal Opportunity and Fairness. FHFA is an equitable workplace where all persons have the right to work and advance on the basis of merit, ability, and potential. We prohibit discrimination based on race, color, religion, gender (including pregnancy, gender identity, and sexual orientation), national origin, disability (physical or mental), age (40 years of age or over), genetic information (including family medical history), retaliation, parental status, and marital status. Discriminatory or harassing behavior directed towards individuals due to anxiety about COVID-19 is not acceptable. All of us are subject to the Agency's equal employment, anti-harassment, and anti-discrimination processes and policies.

These protections apply to every aspect of personnel policies, program practices, operations, and working conditions, including, but not limited to, recruitment, hiring, merit promotion, transfer, reassignment, training, career development, benefits, and separation. Employees, former employees, and applicants for employment have the right to file Equal Employment Opportunity (EEO) complaints within **45 calendar days** of when an alleged discriminatory event or personnel action occurs, or within **45 calendar days** after they become aware of an alleged discriminatory event or action.

Managers and supervisors are responsible for reporting and promptly correcting harassing conduct in the workplace, and employees are reminded of their duty to avoid engaging in such behavior. Individuals can report harassment by contacting the harassment prevention program of the Office of Equal Opportunity and Fairness (OEOF) at [HarassmentPrevention@fhfa.gov](mailto:HarassmentPrevention@fhfa.gov) or at (202) 649-3964.

FHFA does not tolerate retaliation, which includes any action that might deter a reasonable person from engaging in protected EEO activity. Everyone at the Agency is expected to oppose discriminatory practices and cooperate with the EEO complaint process, investigations, and harassment inquiries. While FHFA takes all claims seriously and is committed to eliminating retaliation from the workplace, the EEO process does not immunize employees from Agency disciplinary actions for misconduct, nor does it excuse employees from their established job performance requirements.

As a proactive Agency, we recognize that many workplace issues can be addressed at an early stage before adversarial proceedings begin. Therefore, managers and supervisors are strongly encouraged to participate in alternative dispute resolution measures, such as mediation.

This Policy Statement will be posted in our workplace and be publicly available to promote awareness of FHFA's commitment to equity and fairness. For information on the EEO complaint process and counseling, contact OEOF at (202) 649-3816, via e-mail at [eeoservices@fhfa.gov](mailto:eeoservices@fhfa.gov), or on the FHFA intranet at <http://intranet.fhfa.gov/default.htm#/1197>.

Thank you for your efforts to fulfill the Agency's mission of maintaining a workplace free of discrimination.

A handwritten signature in black ink that reads 'Mark A. Calabria'.

Mark A. Calabria

7/9/2020

Date

# No FEAR Act Data – [FY 2020]

## 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

## Appendix II

<b>Complaint Activity</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Number of complaints filed	0	1	6	5	15
Number of complainants	0	1	5	5	15
Repeat filers	0	0	1	0	0

## Complaints by Basis

<b>Complaints by Basis</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Race	0	1	4	3	9
Color	0	0	2	2	4
Religion	0	0	1	0	0
Reprisal	0	0	6	4	9
Sex	0	0	2	3	9
National Origin	0	0	0	1	0
Equal Pay Act	0	0	1	1	2
Age	0	1	2	2	7
Disability	0	1	2	3	2
Genetic information	0	0	0	0	0
Non-EEO	0	0	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

## Appendix II

<b>Complaints by Issue</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Appointment/Hire	0	0	0	0	3
Assignment of Duties	0	0	0	0	3
Awards	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0
Disciplinary Action: Demotion	0	0	1	0	0
Disciplinary Action: Reprimand	0	0	1	1	2
Disciplinary Action: Removal	0	0	1	0	0
Disciplinary Action: Suspension	0	0	0	0	0
Disciplinary Action: Other	0	0	1	0	1
Duty Hours	0	0	0	1	0
Evaluation/Appraisal	0	0	2	2	5
Examination/Test	0	0	0	0	0
Harassment: Non-Sexual	0	0	2	2	8
Harassment: Sexual	0	0	1	0	0
Medical Examination	0	0	0	0	0
Pay (including Overtime)	0	0	1	1	6
Promotion/Non-Selection	0	1	2	0	5
Reassignment: Denied	0	0	0	0	0
Reassignment: Directed	0	0	0	1	0
Reasonable Accommodation	0	0	0	2	0
Reinstatement	0	0	0	0	0

**Appendix II**

<b>Complaints by Issue</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Retirement	0	0	0	0	0
Termination	0	0	0	0	0
Terms/Conditions of Employment	0	0	2	4	6
Time and Attendance	0	0	0	0	1
Training	0	0	0	1	0
Other	0	0	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>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Average number of days in investigation stage	276	285	111	155	140
Average number of days in final action stage	41	34	59	32	53

## Complaints Pending During Fiscal Year Where Hearing Was Requested

<b>Complaints Pending During Fiscal Year Where Hearing Was Requested</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Average number of days in investigation stage	313	321	185	199	190
Average number of days in final action stage	24	15	0	7	60

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

<b>Complaints Pending During Fiscal Year Where Hearing Was Not Requested</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Average number of days in investigation stage	192	189	81	110	105
Average number of days in final action stage	48	54	59	57	50





## Appendix II

<b>Findings After Hearing</b>	<b>2016 #</b>	<b>2016 %</b>	<b>2017 #</b>	<b>2017 %</b>	<b>2018 #</b>	<b>2018 %</b>	<b>2019 #</b>	<b>2019 %</b>	<b>2020 #</b>	<b>2020 %</b>
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

### Findings Without Hearing

<b>Findings Without Hearing</b>	<b>2016 #</b>	<b>2016 %</b>	<b>2017 #</b>	<b>2017 %</b>	<b>2018 #</b>	<b>2018 %</b>	<b>2019 #</b>	<b>2019 %</b>	<b>2020 #</b>	<b>2020 %</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>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Total Complaints from Previous Fiscal Years	13	10	1	5	2
Total Complainants	13	9	1	4	2

## Number Complaints Pending

<b>Number Complaints Pending</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Investigation	1	1	3	5	7
Hearing	6	7	2	1	5
Final Action	2	0	0	1	0
Appeal with EEOC Office of Federal Operations	4	3	0	0	0

## Complaint Investigations

<b>Complaint Investigations</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Pending complaints where investigations exceed required time frames	1	0	1	1	1