



FY 2017 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)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 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) 2017 and the five-year reporting period between FY 2013 and FY 2017.

FHFA Director Melvin L. Watt signed FHFA's annual EEO Policy Statement on August 15, 2017, confirming the Agency's commitment to employee rights and protections:

As the Director of FHFA, I unequivocally support Equal Employment Opportunity (EEO) and want to ensure that FHFA prohibits 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. I am fully committed to ensuring that all employees are aware of the protections available to them.

¹ Public Law 110-289, 110th Congress, 122 Stat. 2654.

Director Watt also signed the Agency's updated annual No FEAR Notice on September 19, 2017. This notice informs employees about their rights and protections under federal antidiscrimination, whistleblower protection, and retaliation laws, and provides them with relevant links and timelines, as well as contact information for reporting unlawful discrimination and harassment. The updated policy statement and notice confirm that FHFA is committed to fostering an inclusive and equitable work environment where employees are aware of their rights and protections.

Claims in Federal Court Arising Under Federal Antidiscrimination or Whistleblower Laws

I. Types of Claims in Federal Court and Status

During the reporting period, three employees brought federal court cases against FHFA concerning federal antidiscrimination laws. **Table 1** shows the disposition status of these three discrimination claims. The first case, initiated in FY 2013, alleged a violation of the Age Discrimination in Employment Act (ADEA) of 1967, 29 USC Chapter 14.² In **Table 1**, this case is reflected as pending in FY 2013 and 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. 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 chart. 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.

² Although the case was pending in FY 2013, the Agency was not served until FY 2014.

Table 1: Status of Federal Court Claims by Statute for the Period FY 2013 through FY 2017

Status of Federal Claims by Statute	2013	2014	2015	2016	2017
Title VII of the Civil Rights Act of 1964	0	0	1	2	2
<i>Pending</i>	0	0	1	2	0
<i>Dismissed</i>	0	0	0	0	1
<i>Settled</i>	0	0	0	0	1
Age Discrimination in Employment Act of 1967	1	1	0	0	0
<i>Pending</i>	1	0	0	0	0
<i>Dismissed</i>	0	0	0	0	0
<i>Settled</i>	0	1	0	0	0
Rehabilitation Act of 1973	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
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	0
<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.³ Accordingly, FHFA made no reimbursements to the Judgment Fund during the reporting period.

³ 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.

Final Year-End No FEAR Act Data for FY 2013 through FY 2017

The following section includes the number of formal EEO complaints filed against the Agency; the number of persons filing those complaints; the number of persons filing multiple complaints; the bases and issues alleged in the complaints; the average length of time it took FHFA to complete certain stages of the complaint process; the number of final agency actions in which discrimination was found (broken down by issue, basis, and whether a hearing was held); the number of pending complaints filed in previous fiscal years, including the number of persons who filed those complaints; and the number of complaints in which an investigation was not completed in a timely manner. In accordance with EEOC regulations at 29 CFR Part 1614, subpart G, FHFA posts on its public website current fiscal year data, updated quarterly, as well as data for the past five fiscal years.

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

Table 2: FHFA Complaint Activity for the Period FY 2013 through FY 2017

	2013	2014	2015	2016	2017
Number of FHFA Employees ⁴	594	587	554	588	591
Number of complaints filed	4	12	6	0	1
Number of complainants	4	11	6	0	1
Repeat filers	0	1	0	0	0
Complaints Filed as a Percentage of Total FHFA Workforce	0.67	2.04	1.08	0.00	0.00 ⁵

⁴ 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.

⁵ 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 this reporting year.

Data Analysis

I. FY 2017 Discrimination Complaint Data

Table 2 provides information about the number of formal EEO complaints filed during the five-year reporting period. During FY 2017, one individual filed a formal discrimination complaint against FHFA, an increase from FY 2016 in which no formal complaints were filed, but a decrease from the number of formal complaints filed in each of the other years in the reporting period.

Table 3 reflects the bases and type(s) of discrimination alleged in the complaints filed from FY 2013 through FY 2017.

Table 3: FHFA Complaint Activity for the Period FY 2013 through FY 2017 by Bases of Discrimination⁶

	2013	2014	2015	2016	2017
Race	0	3	3	0	1
Color	0	1	2	0	0
Religion	0	0	1	0	0
Reprisal	2	6	6	0	0
Gender	2	5	3	0	0
National Origin	0	0	0	0	0
Equal Pay Act	0	0	1	0	0
Age	2	3	2	0	1
Disability	0	4	2	0	1
Genetic Information	0	0	0	0	0
Non-EEO	0	0	2	0	0

⁶ 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 2013 through FY 2017.

Table 4: FHFA Complaint Activity for FY 2013 through FY 2017 by Issue⁷

	2013	2014	2015	2016	2017
Appointment/Hire	1	0	0	0	0
Assignment of Duties	2	5	4	0	0
Awards	0	1	0	0	0
Conversion to Full-Time	1	0	0	0	0
Disciplinary Action					
<i>Demotion</i>	0	0	0	0	0
<i>Reprimand</i>	1	0	0	0	0
<i>Removal</i>	0	0	0	0	0
<i>Suspension</i>	0	1	0	0	0
<i>Other</i>	0	0	0	0	0
Duty Hours	1	0	0	0	0
Evaluation/Appraisal	1	4	1	0	0
Examination/Test	0	0	0	0	0
Harassment					
<i>Non-sexual</i>	2	3	5	0	0
<i>Sexual</i>	1	0	0	0	0
Medical Examination	0	0	0	0	0
Pay (including Overtime)	1	1	3	0	0
Promotion/Non-Selection	1	5	1	0	1
Reassignment					
<i>Denied</i>	0	0	2	0	0
<i>Directed</i>	0	0	0	0	0
Reasonable Accommodation	0	0	1	0	0
Reinstatement	0	0	0	0	0
Retirement	0	0	0	0	0
Termination	1	0	0	0	0
Terms/Conditions of Employment	1	0	1	0	0
Time and Attendance	1	1	1	0	0
Training	2	0	0	0	0
Other	0	1	2	0	0

⁷ 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 reporting period, 23 complaints were filed by 22 individual complainants. Of the 23 complaints filed during this period, there were 14 allegations of reprisal, 10 allegations of gender discrimination, 8 allegations of age discrimination, and 7 allegations each of race and disability discrimination⁸ (See **Table 3**). Women filed seven of the gender-based complaints, men filed three, and African-Americans filed all seven of the race allegations.

Table 4 shows that the most common issues raised by employees were assignment of duties (11), harassment (non-sexual) (10), and promotion/non-selection (8). One formal complaint was filed in FY 2017. The low number of cases makes it difficult to perform a comprehensive examination of trends and causal analysis. However, we make the following observations:

- **Decrease in Number of Complaints:** The low number of formal complaints filed in FY 2017 suggests a continued encouraging trend. EEOC has reported an overall trend of decreasing complaints throughout the federal government, with a 14.6 percent decrease in filings since FY 2010.⁹ FHFA's complaint activity has reflected a similar trend. Complaints decreased from 12 to 6 between FY 2014 and FY 2015, from 6 to 0 between FY 2015 and FY 2016, and only 1 complaint was filed in FY 2017. FHFA attributes the decrease in formal complaints to the Agency's increased usage of proactive measures, such as EEO training, cultural surveys and initiative meetings, data analyses, D&I training, and increased education on workplace resolution procedures including Alternative Dispute Resolution (ADR). By engaging the appropriate management officials at an early stage, FHFA has been able to resolve many employee issues before formal complaints were filed.
- **Investigation Processing Time:** The average length of EEO investigations for FHFA cases remaining open during FY 2017 was 285 days. In those cases in which a hearing was not requested, however, the average FY 2017 investigation length was 189 days. The EEOC's *FY 2014 Annual Report on the Federal Workforce* reported that the average time federal agencies took to complete an investigation was 196 days.¹⁰ While FHFA's overall average is slightly higher than the federal average, the durations of the Agency's

⁸ Since employees can allege multiple issues in a single complaint, the aggregate number of issues is more than the total number of complaints filed.

⁹ See U.S. EEOC Office of Federal Operations, Annual Report on the Federal Workforce Part I, EEO Complaints Processing, Part 1, page 1-5, <http://www.eeoc.gov/federal/reports/fsp2014/upload/Final-FY-2014-Annual-Report-Part-I.pdf>.

¹⁰ *Id.* at I-12.

most recent investigations have been significantly shorter than the EEOC average. For instance, the single complaint filed in FY 2017 had an investigation length of 156 days. The Agency’s current average investigation length results from an older complaint filed in FY 2012 that had an investigation length of 849 days, primarily due to the filing’s misdelivery during the Agency’s move from its former office location. Removing this case from the calculation would result in the Agency’s processing timeframe decreasing to 228 days. We expect FHFA to experience a decrease in the average timeframe reported in FY 2018 since several of these cases were resolved in FY 2017.

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 2013 through FY 2017

	2013	2014	2015	2016	2017
Complaints pending during Fiscal Year					
Average number of days in investigation stage	284	237	238	276	285
Average number of days in final action stage	160	63	40	41	34
Complaints pending during Fiscal Year where hearing was requested					
Average number of days in investigation stage	369	344	314	313	321
Average number of days in final action stage	114	34	34	24	15
Complaints pending during Fiscal Year where hearing was not requested					
Average number of days in investigation stage	265	184	178	192	189
Average number of days in final action stage	173	72	41	48	54

- 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 in all other circumstances.¹¹ The Agency must take a Final Notice by

¹¹ 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.

issuing an order within 40 days after receipt of an Administrative Judge's decision on a case. For Final Agency Decisions, the Agency must issue a decision within 60 days.¹²

- **Case Resolution:** In 2017, FHFA resolved seven complaints that had been open for many years by entering into settlement agreements. The Agency also received decisions in its favor from the EEOC's Office of Federal Operations in three complaints, resulting in the closure of these matters.

As **Table 5** reflects, the Agency was timely in taking final actions in FY 2017 both in matters involving Final Notices and in matters involving Final Agency Decisions. The Agency average for issuing Final Notices in FY 2017 was 15 days, well below the 40-day requirement and a 9-day decrease from the 24-day average in FY 2016. Likewise, in FY 2017, the Agency issued Final Agency Decisions within 54 days, well 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 2017, FHFA continued to work to strengthen these areas in the following ways:

- FHFA updated its EEO Anti-Harassment Policy Statement, effective August 16, 2017. The policy statement reinforces the Agency's commitment to a workplace free from EEO-based harassment, and provides a link to the Anti-Harassment Policy and contact information for the Anti-Harassment Program.
- FHFA updated its EEO Policy Statement on August 15, 2017, reaffirming Agency leadership's support of its EEO program and prohibition of discrimination and retaliation. This policy statement also references FHFA's 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." The Agency made strides in FY 2017 toward implementing these Standards.

¹² Id.

- FHFA continued to promote accountability for diversity and inclusion (D&I) and EEO through its performance management system in FY 2017, by expanding the performance measures in the Job Performance Plans of FHFA managers and supervisors to include D&I competencies.

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 its FY 2016 MD 715 report, FHFA noted the following areas for improvement: management and program accountability for EEO and D&I, special emphasis programs, and evaluation of compensation and reward systems.

Data Collection and Analysis

In FY 2017, FHFA partnered with the Office of Personnel Management (OPM) to analyze data and conduct a trend analysis of performance evaluations, compensation, and awards. The Agency will use this data and future information to identify potential barriers and improve processes that may have an adverse impact on equal employment.

At the request of FHFA, OPM administered an Agency-wide Diversity and Inclusion Climate Survey (D&I Survey) to all employees in FY 2017. Several survey questions were devoted to the EEO process and whether employees had experienced inappropriate workplace behaviors. OPM designed the D&I Survey specifically for FHFA to establish a baseline to measure progress on FHFA's performance in its D&I objectives and on employee perceptions of the Agency's performance. Sixty percent of FHFA employees responded to the D&I Climate Survey and the Agency is using the results to support improvement in its D&I and EEO programs.

Management Accountability

As noted above, FHFA adjusted its Job Performance Plan competency for all executives, managers, and supervisors to include D&I and EEO performance expectations. The new competencies require executives, managers, and supervisors to: 1) support equal employment principles, policies, and programs; 2) recruit, retain, and develop the talent needed to achieve a high-quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity and workplace inclusion; and 3) provide and model values of an inclusive workplace that foster the development

of others to their full potential, allow for full participation by all employees, facilitate collaboration, cooperation, and teamwork, and support constructive resolution of conflicts.

Adoption of these competencies has created a tool that enables the Agency to evaluate management's commitment to EEO and D&I principles and hold management more accountable through the compensation process.

EEO Standards and Policies

FHFA's updated EEO Policy Statement references the EEO Standards developed by the Agency pursuant to Section 342 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act).¹³ These standards are designed to promote Agency accountability, to complement and formalize principles of equity and fairness, and to integrate these principles into the day-to-day employment practices of the Agency. During FY 2017, the Agency established a workgroup made up of representatives from various divisions and offices to collect data to help assess how the Agency is currently meeting the Standards and where there may be additional areas of improvement.

In FY 2017, FHFA also prepared an EEO Official Time Policy to provide definitive guidance to managers and employees on official time requests during the formal EEO process. The Director signed this policy and EEO Services disseminated it to FHFA employees early in FY 2018.

Training Efforts

FHFA provided additional No FEAR Act training to the workforce in FY 2017. EEO Services provided offices with *ad hoc* training on EEO and related issues. During New Employee Orientation, the Agency continues to educate all new employees on the resources and information they need to file EEO and harassment complaints, as well as to request ADR. In addition, the Agency's annual Managers' Conference in September 2017 included a presentation on the topic of courageous conversations about race, culture, gender, sexual orientation, and gender identity, and how to address unconscious biases.

During FY 2017, FHFA's Office of Human Resources Management (OHRM) also produced a Knowledge in Minutes (KIM) video on the Agency's Reasonable Accommodation Policy, which is designed as a micro-learning tool to provide an overview of the Reasonable Accommodation Program and the respective roles and responsibilities of both staff and managers.

¹³ Public Law 111-203, 111th Congress, 12 USC § 5452(b)(2)(A).

Special Emphasis Programs

In FY 2017, FHFA's Special Emphasis Program was instrumental in supporting employee education, engagement, and inclusion efforts. Events included employee panel discussions in celebration of Women's History Month in March and Women's Equality Day in August 2017. In addition, the Agency offered specialized diverse and culturally educational programming and supported national heritage and history commemorations during Martin Luther King, Jr. Day, Black History Month, Holocaust Remembrance Day, Asian American & South Pacific Islander Heritage Month, National Hispanic Heritage Month, National Disability Awareness Month, Veterans Day, and Native American Heritage Month.

No FEAR Act Training Plan

FHFA offered Agency-wide training on the No FEAR Act in FY 2017 in accordance with FHFA's policy requiring all new FHFA employees to complete the online training within the first 80 days of employment. 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 support the online training.

On January 3, 2018, the Agency was re-certified under the Office of Special Counsel's (OSC) 5 USC §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. FHFA updated its No FEAR Act Notice during FY 2017 and issued it to all employees in September 2017. FHFA posted the notice on the Agency's internal and external websites. During the 2017 FHFA Manager's Conference, two OSC speakers provided FHFA managers refresher training on whistleblower protections and prohibited personnel practices. The training reinforced employees' understanding of laws covering antidiscrimination, retaliation, and whistleblower protections. The Agency is also currently in the process of updating policies and procedures in accordance with OSC guidance on the new legislation on whistleblowing.

Appendix

- I. FHFA EEO Policy Statement
- II. FHFA EEO Anti-Harassment Policy Statement
- III. No FEAR Act Data – FY 2017



Appendix I

FHFA EEO Policy Statement

As the Director of FHFA, I unequivocally support Equal Employment Opportunity (EEO) and want to ensure that FHFA prohibits 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. I am fully committed to ensuring that all employees are aware of the protections available to them.

FHFA seeks to prohibit discrimination in every aspect of personnel policies, program practices, and operations. This prohibition also applies to 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 EEO complaints within 45 calendar days after an alleged discriminatory event or personnel action occurs, or within 45 calendar days after they become aware of an alleged discriminatory event or action.

FHFA does not tolerate retaliation against anyone who engages in protected EEO activity. Everyone at the Agency is expected to oppose discriminatory practices and cooperate with the EEO complaint process. Managers and supervisors are encouraged to participate fully in alternative dispute resolution, investigations, and harassment inquiries, as the need may arise. In addition, managers and supervisors are responsible for documenting and promptly correcting harassing conduct in the workplace, and employees are reminded of their duty to avoid engaging in harassing behavior. FHFA employees can report harassment by contacting Harassment Prevention by e-mail at HarassmentPrevention@fhfa.gov or by phone at (202) 649-3964.

Further, I fully support the implementation of FHFA EEO Standards that demonstrate the Agency's commitment to the principles of EEO, and that promote diversity and inclusion (D&I) of the Agency's workforce and senior management. The Standards provide the foundation for a workplace community that delivers EEO and D&I accountability, programs, and services with excellence, integrity, and respect.

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

I look forward to working with each of you to fulfill the Agency's mission of maintaining a workplace free of discrimination. Thank you for your support of EEO and D&I at FHFA.

Melvin L. Watt
Director, FHFA

8/15/2017
Date



Appendix II

FHFA EEO Anti-Harassment Policy Statement

The Federal Housing Finance Agency (FHFA or Agency) is committed to a professional work environment free from unwelcome or offensive behavior. Employees and contractors are responsible for cultivating a workplace that values all individuals and treats everyone with dignity and respect. When unwelcome or offensive behavior is based on an Equal Employment Opportunity (EEO) protected status such as race, color, religion, gender (including pregnancy, gender identity, and sexual orientation), national origin, age (40 years of age or older), disability (physical or mental), genetic information (including family medical history), retaliation, parental status, or marital status, and is severe or pervasive enough to create a hostile or abusive working environment, such behavior is unlawful discriminatory harassment. FHFA specifically prohibits harassment based on disability and on the basis of each protected status enumerated above.

FHFA will proactively prevent and address workplace harassment, will conduct impartial inquiries into allegations of harassment, and will take corrective action as needed. FHFA will hold all employees accountable for harassment and related misconduct regardless of whether the conduct rises to the level of a violation of law and, when appropriate, will take disciplinary or corrective action to ensure compliance with applicable laws, regulations, EEOC management directives, and policies.

Harassment includes, but is not limited to, offensive jokes, slurs, epithets or name-calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. It includes any unwelcome severe or pervasive conduct that adversely affects the terms, conditions, and privileges of employment; unreasonably interferes with a person's work performance; or creates an intimidating, hostile, or offensive work environment. Sexual harassment is characterized by unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Disability-based harassment may include unfair treatment due to speech impairments, behavioral, learning, or intellectual disabilities, disfigurements, dwarfism, traumatic brain injuries, or hearing impairments.

Anyone experiencing or witnessing these behaviors should report them immediately to a supervisor, manager, Harassment Prevention, or EEO Services. FHFA will not tolerate retaliation against anyone who reports harassment or participates in subsequent inquiries. FHFA works diligently to prevent and address unwelcome or offensive behavior by conducting prompt and thorough inquiries and taking appropriate corrective action. FHFA will address harassment violations under its [Conduct and Discipline Policy](#) and may take disciplinary actions, up to and including termination of persons engaged in harassing or retaliatory behavior.

An employee who reports harassment and wishes to file a separate EEO complaint must contact EEO Services and/or an EEO Counselor **within 45 calendar days after the incident**. For more information about the EEO counseling process, view the EEO Services intranet website at <http://intranet.fhfa.gov/default.htm#/1197>. To obtain additional information about FHFA's [Anti-Harassment Policy, Procedures, and Responsibilities](#), or to report harassment, contact Harassment Prevention at (202) 649-3964 or by email at HarassmentPrevention@fhfa.gov.

Each of us is responsible for treating one another with professionalism and respect, and we must all cooperate to maintain a workplace free from harassment.

Melvin L. Watt, Director

8/16/2017
Date

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	2013	2014	2015	2016	2017
Number of complaints filed	4	12	6	0	1
Number of complainants	4	11	6	0	1
Repeat filers	0	1	0	0	0

Complaints by Basis

Complaints by Basis	2013	2014	2015	2016	2017
Race	0	3	3	0	1
Color	0	1	2	0	0
Religion	0	0	1	0	0
Reprisal	2	6	6	0	0
Sex	2	5	3	0	0
National Origin	0	0	0	0	0
Equal Pay Act	0	0	1	0	0
Age	2	3	2	0	1
Disability	0	4	2	0	1
Genetic information	0	0	0	0	0
Non-EEO	0	0	2	0	0

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

Complaints by Issue

Complaints by Issue	2013	2014	2015	2016	2017
Appointment/Hire	1	0	0	0	0
Assignment of Duties	2	5	4	0	0
Awards	0	1	0	0	0
Conversion to Full-time	1	0	0	0	0
Disciplinary Action: Demotion	0	0	0	0	0
Disciplinary Action: Reprimand	1	0	0	0	0
Disciplinary Action: Removal	0	0	0	0	0
Disciplinary Action: Suspension	0	1	0	0	0
Disciplinary Action: Other	0	0	0	0	0
Duty Hours	1	0	0	0	0
Evaluation/Appraisal	1	4	1	0	0
Examination/Test	0	0	0	0	0
Harassment: Non-Sexual	2	3	5	0	0
Harassment: Sexual	1	0	0	0	0
Medical Examination	0	0	0	0	0
Pay (including Overtime)	1	1	3	0	0
Promotion/Non-Selection	1	5	1	0	1
Reassignment: Denied	0	0	2	0	0
Reassignment: Directed	0	0	0	0	0
Reasonable Accommodation	0	0	1	0	0
Reinstatement	0	0	0	0	0

Complaints by Issue	2013	2014	2015	2016	2017
Retirement	0	0	0	0	0
Termination	1	0	0	0	0
Terms/Conditions of Employment	1	0	1	0	0
Time and Attendance	1	1	1	0	0
Training	2	0	0	0	0
Other	0	1	2	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

Complaints Pending During the Fiscal Year	2013	2014	2015	2016	2017
Average number of days in investigation stage	284	237	238	276	285
Average number of days in final action stage	160	63	40	41	34

Complaints Pending During Fiscal Year Where Hearing Was Requested

Complaints Pending During Fiscal Year Where Hearing Was Requested	2013	2014	2015	2016	2017
Average number of days in investigation stage	369	344	314	313	321
Average number of days in final action stage	114	34	34	24	15

Complaints Pending During Fiscal Year Where Hearing Was Not Requested

Complaints Pending During Fiscal Year Where Hearing Was Not Requested	2013	2014	2015	2016	2017
Average number of days in investigation stage	265	184	178	192	189
Average number of days in final action stage	173	72	41	48	54

Findings After Hearing	2013 #	2013 %	2014 #	2014 %	2015 #	2015 %	2016 #	2016 %	2017 #	2017 %
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

Findings Without Hearing	2013 #	2013 %	2014 #	2014 %	2015 #	2015 %	2016 #	2016 %	2017 #	2017 %
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

Pending Complaints Filed in Previous Fiscal Years by Status	2013	2014	2015	2016	2017
Total Complaints from Previous Fiscal Years	9	9	7	13	10
Total Complainants	9	9	7	13	9

Number Complaints Pending

Number Complaints Pending	2013	2014	2015	2016	2017
Investigation	7	6	0	1	1
Hearing	0	3	4	6	7
Final Action	1	0	0	2	0
Appeal with EEOC Office of Federal Operations	1	0	3	4	3

Complaint Investigations

Complaint Investigations	2013	2014	2015	2016	2017
Pending complaints where investigations exceed required time frames	7	3	4	1	0