



# FY 2022 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, and the Agency executes these responsibilities by demonstrating the values of fairness, accountability, integrity, and respect grounded on a foundation of competence, diversity, equity, inclusion, and accessibility.

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) 2022 and the five-year reporting period between FY 2018 and FY 2022.

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

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

FHFA Director Sandra L. Thompson confirmed the Agency's commitment to the principles of equality and fairness in all aspects of the employment lifecycle through the issuance of the annual Equal Employment Opportunity Policy statement on October 3, 2022. An excerpt from the Director's message to staff stated the following:

*This Equal Employment Opportunity (EEO) Policy Statement, along with Federal laws and statutes, serve as confirmation that all FHFA employees and applicants are protected from unlawful discrimination on the basis of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), family/parental status, national origin, age (40 and over), disability, genetic information (including family medical history), prior protected EEO activity, political affiliation, military service, and other non-merit-based factors.*

The updated policy statement and message to employees confirmed that discrimination and harassment will not be tolerated at FHFA and that FHFA is committed to fostering a 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

In FY 2022, one new case was filed in Federal court in which the plaintiff alleged, in part, that FHFA unlawfully discharged him in retaliation for his prior protected activity.<sup>3</sup> Cases filed in Federal court prior to FY 2021 have since been closed.

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<sup>3</sup> In FY 2023, the United States District Court for the District of Columbia dismissed the plaintiff's retaliation claim and transferred the remaining, non-retaliation claims to the Federal Circuit for adjudication. Though the plaintiff's remaining claims do not arise under Federal antidiscrimination or whistleblower laws, the case is ongoing at the Federal Circuit.

## II. The Judgment Fund

FHFA is a non-appropriated Agency and, therefore, does not use the Judgment Fund.<sup>4</sup> Accordingly, FHFA made no reimbursements to the Judgment Fund during the reporting period. During this reporting period, FHFA did not have any findings resulting in discrimination payments.

## III. Disciplinary Action

In FY 2022, there were no findings of discrimination in the EEO program.<sup>5</sup>

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."

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<sup>4</sup> The Judgment Fund is a permanent 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.

<sup>5</sup> While there were no EEO findings, it should be noted that in FY22, FHFA's Harassment Prevention Program had a finding of discriminatory harassment. Authorized officials were notified to evaluate proper disciplinary actions, and the Agency has since removed that employee.

### Final Year-End No FEAR Act Data for FY 2018 through FY 2022

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 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 2022, 4 individuals filed a total of 4 formal discrimination complaints, which is the same number of complaints filed in FY 2021.

**Table 1: FHFA Complaint Activity for the Period FY 2018 through FY 2022**

	2018	2019	2020	2021	2022
Number of FHFA Employees <sup>6</sup>	593	595	635	692	703
Number of formal complaints filed	6	5	15	4	4
Number of complainants <sup>7</sup>	5	5	15	3	4
Repeat filers	1	0	0	1	0
Complaints Filed as a Percentage of Total FHFA Workforce	1.01	.84	2.22	.58	.57

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<sup>6</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.

<sup>7</sup> Please note in FY 2018 and 2021, the difference in the number of complainants, is a result of repeat filing.

I. FY 2022 Discrimination Complaint Data

Table 2 reflects the bases and type(s) of discrimination alleged in the complaints filed from FY 2018 through FY 2022.

Table 2: FHFA Complaint Activity for the Period FY 2018 through FY 2022 by Bases of Discrimination<sup>8</sup>

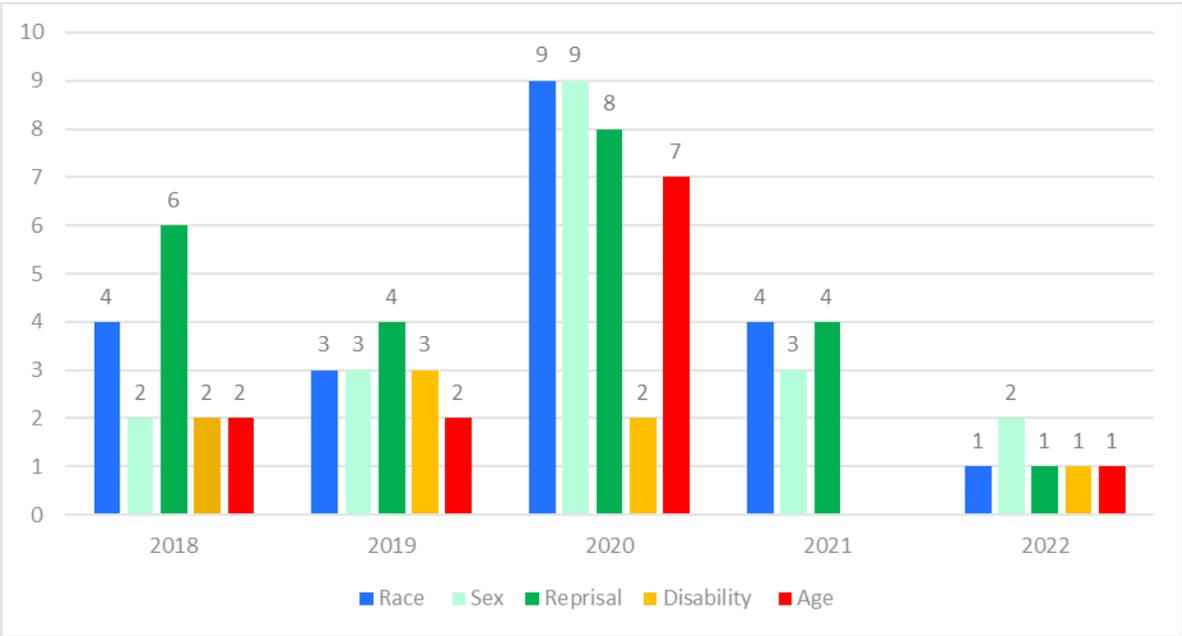
	2018	2019	2020	2021	2022
Race	4	3	9	4	1
Color	2	2	4	0	0
Religion	1	0	0	0	0
Reprisal	6	4	9	3	1
Sex	2	3	9	4	2
National Origin	0	1	0	0	0
Equal Pay Act	1	1	2	0	2
Age	2	2	7	0	1
Disability	2	3	2	0	1
Genetic Information	0	0	0	0	1
Non-EEO	0	0	0	0	0

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<sup>8</sup> Complaints can be filed alleging multiple issues. The aggregate number of issues may not equal the total number of complaints filed.

Table 3: Frequently Alleged EEO Bases During 5-Year Reporting Period

	2018	2019	2020	2021	2022
Race	4	3	9	4	1
Sex	2	3	9	3	2
Reprisal	6	4	8	4	1
Disability	2	3	2	0	1
Age	2	2	7	0	1



# No FEAR Act Annual Report to Congress

(In percentages)

	2018	2019	2020	2021	2022
Race	25%	20%	26%	36%	17%
Sex	19%	20%	26%	27%	33%
Reprisal	28%	27%	23%	36%	17%
Disability	13%	20%	6%	0%	17%
Age	19%	13%	20%	0%	17%

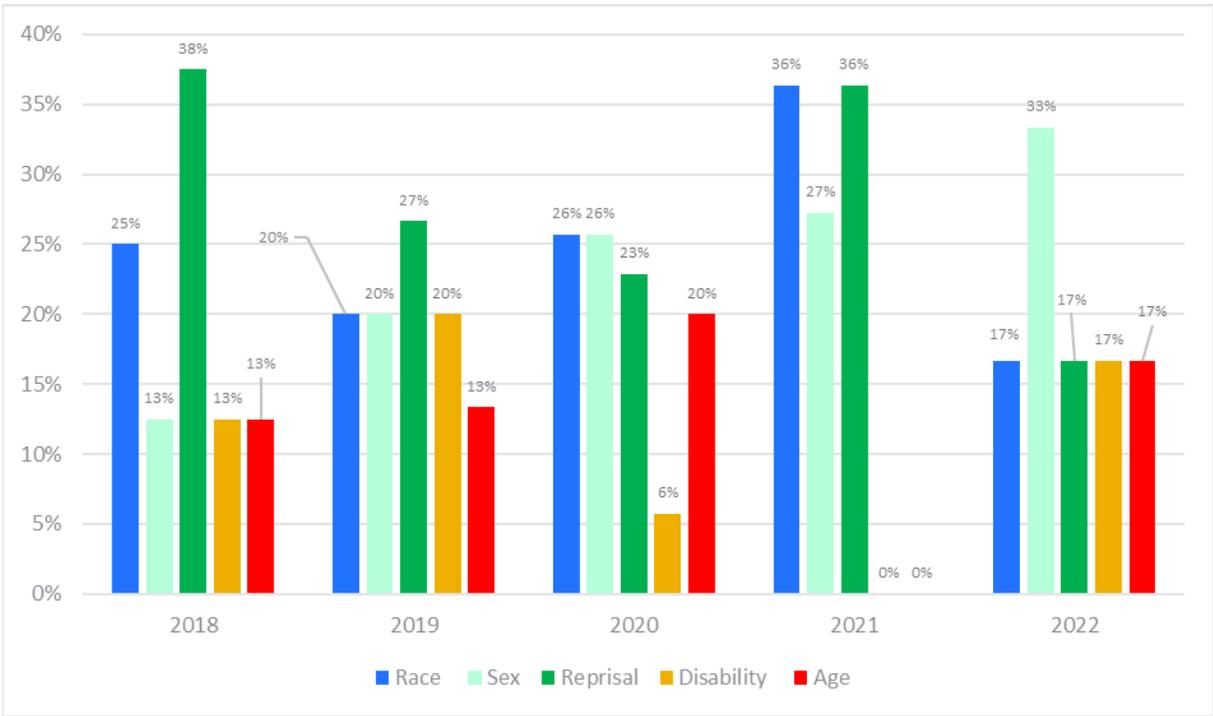


Table 4 reflects formal EEO complaints by issue filed from FY 2018 through FY 2022.

Table 4: FHFA Complaint Activity for FY 2018 through FY 2022 by Issue

	2018	2019	2020	2021	2022
Appointment/Hire	0	0	3	0	0
Assignment of Duties	0	0	3	0	1
Awards	0	0	0	0	0
Conversion to Full-Time	0	0	0	0	0
Disciplinary Action					
<i>Demotion</i>	1	0	0	0	0
<i>Reprimand</i>	1	1	2	0	0
<i>Removal</i>	1	0	0	0	0
<i>Suspension</i>	0	0	0	0	0
<i>Other</i>	1	0	1	0	0
Duty Hours	0	1	0	0	0
Evaluation/Appraisal	2	2	5	1	1
Examination/Test	0	0	0	0	0
Harassment					
<i>Non-sexual</i>	2	2	8	1	0
<i>Sexual</i>	1	0	0	0	0
Medical Examination	0	0	0	0	0
Pay (including Overtime)	1	1	6	1	1
Promotion/Non-Selection	2	0	5	2	0
Reassignment					
<i>Denied</i>	0	0	0	0	0
<i>Directed</i>	0	1	0	0	0
Reasonable Accommodation	0	2	0	0	1
Reinstatement	0	0	0	0	0
Retirement	0	0	0	0	0
Termination	0	0	0	0	1
Terms/Conditions of Employment	2	4	6	2	2
Time and Attendance	0	0	1	0	0
Training	0	1	0	0	0
Other	0	0	0	0	0

## II. Examination of Trends and Causal Analysis

During the five-year reporting period, 32 individuals filed 34 complaints. Of the 34 complaints filed, 23 involved allegations of reprisal, 21 included allegations of race discrimination, 20 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>9</sup> (see **Tables 2 & 3**). Women filed 17 of the 20 sex-based complaints, and African Americans filed 19 of the 21 race allegations. According to the most recent Equal Employment Opportunity Commission (EEOC) data, the most frequently alleged bases of discrimination in small agencies in the federal government were reprisal, sex, race, and age. More generally, the most alleged bases of discrimination across the entire federal government were reprisal, sex, and disability.<sup>10</sup>

As shown in **Table 4** above, the most common issues raised by FHFA employees over the 5-year period were non-sexual harassment (13), terms/conditions of employment<sup>11</sup> (16), and pay (including overtime) (10). 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 promotion/non-selection.<sup>12</sup> Below are observations about the complaints filed against FHFA in FY 2022:

- **Number of Complaints:** FY 2022 formal complaint numbers remained the same as in FY 2021. The number of formal complaints filed this fiscal year appears to align with the historical average number of complaints prior to the FY 2020 spike. The most frequently alleged bases at FHFA in FY 2022 were race and equal pay, unlike FY 2021 when FHFA saw a more even share of alleged bases brought by complainants.
- As employees transitioned from virtual to a hybrid workspace in FY 2022, FHFA has taken additional proactive steps to maintain a culture where employees know about their

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<sup>9</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>10</sup> EEOC Form 462 data tables for FY 2020 for small agencies and grand total, <https://www.eeoc.gov/federal-sector/reports>. This is the most recent data available.

<sup>11</sup> Terms/conditions of employment is a broad issue category that encompasses items such as leave, breaks, office assignments, and telework issues.

<sup>12</sup> EEOC Form 462 data tables for FY 2020 for small agencies and grand total, <https://www.eeoc.gov/federal-sector/reports>. This is the most recent data available.

available protections and can feel confident enough in the Agency's processes to raise issues and file complaints rather than remain silent and not report workplace concerns.

- To focus on FHFA's culture, the Agency launched the Values-Based Culture Initiative (VBCI) to examine the current state of FHFA's culture, begin to define the behaviors that support each of our FAIR (fairness, accountability, integrity, and respect) values, and complete a Current State Assessment. This initiative encourages the collective responsibility of the workforce to help bring our values to life in all our interactions and, in doing so, improve organizational trust and psychological safety.
- FHFA has continued to educate the workforce on retaliation and EEO protections through educational articles posted regularly in the Agency's internal newsletter. The Agency has continuously created toolkits, guidance, and articles to answer frequently asked questions employees may have regarding the subject of retaliation. The regularly updated its home intranet page to better serve its customers and convey its commitment to civil rights, equal opportunity, harassment prevention, and alternative dispute resolution.
- OEOF's approach to personalized customer service is another vehicle to educate the workforce on the EEO process and harassment prevention process. Each month, EEO specialists reach out to employees who have filed complaints or harassment concerns, named officials, and witnesses to explain what is occurring in the case and what they can expect next. The EEO specialists are available to answer questions that any of the parties may have and in this way are educating the parties during the course of the case.
- In FY 2022, FHFA hired a total of six federal employees to further grow OEOF and support the Agency's mission.
- In FY 2022, FHFA continued its partnership with the Federal Mediation and Conciliation Service (FMCS) to assist with disputes in both EEO and non-EEO matters. FHFA also developed an Interagency Agreement with FMCS for the provision of Ombud's services for the FHFA workforce. FHFA leveraged alternative dispute resolution (ADR) in several employment conflicts that arose in FY 2022.
- To ensure that EEO complaint data is accurate, OEOF has started an ongoing project to scan paper files to digital files while simultaneously entering the historical complaints data into our web-based tracking system.
- In FY 2022, both EEO and the Harassment Prevention Program (HPP) launched an online application (eFile) as an additional method for complainants to initiate a pre-complaint of discrimination or a harassment-related concern.
- **Harassment Prevention:** As part of OEOF's efforts to sustain a neutral and fair investigative process and to eliminate the conflict of interest, the EEO Program and HPP began operating as separate entities and built firewalls between the two programs. In FY

2022, 32 harassment allegations were filed, and HPP completed 11 inquiries. Each inquiry was reviewed and processed in accordance with the FHFA Anti-Harassment Policy, Procedures, and Responsibilities.

- In FY 2022 HPP launched EntelliTrak (ETK) as its official case tracking system to capture data.
- **Final Action:** The EEOC identifies three 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, and 3) full dismissals as it relates to Acceptance Letters.<sup>13</sup> FHFA continues to meet its required Final Action timeframes. In FY 2022, the Agency issued three FADs. These FADs were issued within an average of 25 days, which is within the 60-day EEOC timeframe.

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<sup>13</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).

As **Table 6** reflects, the Agency took timely final actions in FY 2022 in matters involving Final Agency Decisions (FADs) and the number of complaints currently pending.

**Table 6: FHFA Complaint Processing Time for the Period FY 2018 through FY 2022**

	2018	2019	2020	2021	2022
<b>Complaints Pending During Fiscal Year</b>					
Average number of days in investigation stage	111	155	140	157	128.8
Average number of days in final action stage	59	32	53	56	25
<b>Number of Complaints Pending</b>					
Investigation	3	5	7	0	0
Hearing	2	1	3	5	3
Final Action	0	1	0	0	0
Appeal with EEOC Office of Federal Operation	0	0	0	2	0

## Practical Knowledge

FHFA recognizes the importance of having leadership model the behavior that it expects from its workforce and the importance of proactively engaging 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 2022, FHFA continued to work to strengthen these areas in the following ways:

- Effective training is an essential component to ensuring that managers and employees understand the importance of building a professional and collaborative workplace culture. Consequently, in FY 2022, all OEOF employees became Employment Learning Innovations (ELI) Certified Instructors. The goal is for OEOF employees to begin training employees within the Agency in FY 2023.
- Throughout FY 2022, OEOF delivered No FEAR Act training to all new employees during New Employee Orientation. This training includes a discussion on civility and respect and specifically highlights FHFA's FAIR values. OEOF amended the orientation discussion to include the Elijah Cummings Act provisions. No FEAR Act training is required of all employees every two years.
- FHFA understands the value of employee engagement and is committed to enhancing 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 the FEVS results. The Agency also continues to utilize Employment Engagement teams to identify and address challenges related to ensuring a fair and equitable workplace. As it relates to the No FEAR Act, the teams reviewed previous FEVS data, which included questions such as employees' level of comfort with reporting violations of any law without fear of reprisal. In response to the survey, the Employment Engagement teams created action plans to address these concerns and other matters related to trust. OEOF has also developed an agency-wide Action Plan related to retaliation/psychological safety/organizational trust in partnership with the Office of Human Resources Management (OHRM).
- FHFA developed a variety of toolkits and articles that were shared with the workforce, highlighting employees' rights and responsibilities with respect to equal employment opportunity and retaliation. OEOF will continue to create guidance in response to employees' needs.
- At the end of FY 2022, FHFA introduced the Valued-Based Culture Initiative (VBCI) to ensure the FAIR values are integrated into everything FHFA does.

## 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 for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities. To ensure management is held accountable for the model work environment that FHFA seeks to maintain, management's EEO performance measure was elevated from a competency element to a critical element in the performance management system for managers and supervisors. In FY 2022, FHFA provided training to employees to assist them in evaluating performance under this critical element.

In the Agency's FY 2022 FEVS results, the unadjusted response rate was 83.3 percent, which far surpassed the government-wide unadjusted response rate of 35.3 percent. FHFA will continue developing and implementing strategies designed to improve employee confidence in reporting issues and to mitigate the fear of reprisal/retaliation. OEOF will continue to develop additional methods, such as the toolkits mentioned above and presentations, to educate FHFA employees on identifying and preventing retaliation in the workplace.

OEOF has taken steps to improve both the EEO program and HPP. OEOF has continued to schedule one-on-one, monthly case updates with parties, named officials, and witnesses. It is imperative for OEOF to conduct a fair and impartial EEO process and to ensure all parties involved are well-informed about the process and what to expect. OEOF has received positive feedback, particularly from named officials, regarding these process improvements.

## Training Efforts

Throughout FY 2022, FHFA provided No FEAR Act, EEO, and ADR training to all new employees during the New Employee Orientation process. Additionally, a few existing employees completed training during the fiscal year. These interactive sessions included an overview of the EEO complaint process, harassment prevention protocols/responsibilities, and whistleblower statutes and protections.

## No FEAR Act Training Plan

In FY 2022, FHFA has continued to implement an Agency-wide No FEAR Act training which consisted of two sections this year. One was dedicated to the No FEAR Act requirements, and the second covered the Elijah Cummings Act amendments to the No FEAR Act, which created additional agency accountability for acts of discrimination.

FHFA requires all new employees to complete No FEAR Act training within their first 90 days of coming onboard, and all new employees received training during FY 2022 in accordance with this practice. This fiscal year, FHFA new employee orientation transitioned from virtual training to in-person training. FHFA's New Employee Orientation process includes a session on EEO and whistleblower protections<sup>14</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 allows new employees to interact directly with the trainer, ask questions, and build on the information they obtain during the online training. FHFA maintains records of employee participation in these trainings to ensure compliance with No FEAR Act requirements.

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<sup>14</sup> Whistleblower Protection Guidance <https://www.fhfa.gov/AboutUs/Policies/Pages/Whistleblower-Protections.aspx>

On January 1, 2021, Congress enacted the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, which amends the No FEAR Act. All agencies are required by statute to implement these changes no later than one year after the amendment was enacted. To date, FHFA has fulfilled most of the terms as follows:

- Although FHFA has utilized iComplaints as its official EEO complaint tracking system since 2014, OEOF is in the process of migrating to Entellitrak as a more effective way of capturing EEO complaints. This tracking system became operational in FY 2022.
- The creation of OEOF in FY 2020 demonstrates FHFA's effort to sustain fair and impartial processing and resolution of EEO complaints. OEOF has established itself as an independent and neutral office, remaining separate from the Office of General Counsel and the Office of Human Resources Management. Information is distributed among these offices on an as-needed basis.
- The Director of EEO reports directly to the FHFA Director.
- As part of OEOF's Standard Operating Procedures, the office notifies EEOC of any instances where FHFA takes adverse actions against employees and also refers discrimination findings to the Office of Special Counsel (OSC).

On December 16, 2020, the Agency was recertified under OSC's 5 U.S.C. § 2302(c) certification program, signifying its compliance with obligations to inform the Agency's employees of their rights and remedies under the whistleblower protection laws. (Recertification will occur in FY 2023).

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 was required to view the training by October 31, 2022.

## Appendix

- I. FHFA EEO Policy Statement – October 2022
- II. No FEAR Act Data – FY 2022



# FHFA EEO POLICY STATEMENT

October 3, 2022

As Director, I want to affirm my commitment to the values of equality enshrined in civil rights legislation. Equality does not simply provide for equal treatment, but also encompasses equality of opportunity.

Our nation, which encompasses many diverse populations, experienced an enormously important inflection point for civil rights in 2020. Many historical features have shaped our nation and the communities we live in, including housing policies. Despite some successes, our country still has a widespread lack of affordable housing and access to mortgage credit, especially in communities of color. Nurturing a workforce that reflects the nation and communities we serve, FHFA strives to leverage the diversity of thought that will best position us to develop solutions that address these challenges. Here at FHFA, I want to reinforce that I am committed to ensuring our employees and applicants for employment have an equal opportunity to apply to and compete for FHFA positions, and to develop and advance their careers free from unlawful discrimination, harassment, and retaliation.

The FHFA Strategic Plan highlights the values of fairness, accountability, integrity, and respect (FAIR Values). In addition, the Agency has obtained the expertise of an external organization to help define the behaviors that encapsulate what the FAIR Values represent to employees and how they can be woven into Agency culture, policies, practices, and procedures.

This Equal Employment Opportunity (EEO) Policy Statement, along with Federal laws and statutes, serve as confirmation that all FHFA employees and applicants are protected from unlawful discrimination on the basis of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), family/parental status, national origin, age (40 and over), disability, genetic information (including family medical history), prior protected EEO activity, political affiliation, military service, and other non-merit based factors. These protections extend to all management decisions and practices made during the employment life cycle, including, but not limited to, recruitment and hiring, merit promotion, transfer, reassignments, training and career development, benefits, and separations. FHFA also provides reasonable accommodations to employees and applicants with disabilities and for those with sincerely held religious beliefs, observances, and practices.

FHFA strives to exemplify a respectful and fair workplace. Managers and supervisors are responsible for reporting and promptly correcting harassing conduct in the workplace, and employees are reminded of their obligation to avoid engaging in such behavior. We all must work diligently to maintain a workplace where discrimination, including harassment and retaliation against those who engage in protected EEO activity, is addressed. Employees, former employees, and applicants for employment may file an EEO complaint of discrimination by contacting the Office of Equal Opportunity and Fairness (OEOF) within 45 calendar days of the alleged discriminatory event or personnel action or within 45 calendar days of becoming aware of an alleged discriminatory event or action.

It is also important to remember that many workplace issues can be addressed at an early stage before adversarial proceedings begin. Therefore, all employees are strongly encouraged to participate in alternative dispute resolution measures, such as mediation.

This Statement will be disseminated in our workplace and will be publicly available to promote awareness of FHFA's commitment to equity, fairness, and respect. For EEO counseling, contact [EEO@fhfa.gov](mailto:EEO@fhfa.gov) or (202) 649-3500. To file a complaint using the online complaint process system and initiate EEO counseling process, visit the EEO efile webpage at <https://fhfa-eeoefile.entellitrak.com/etkeeo-efile-fhfa-prod/login.request.do>. Contractors also may seek EEO counseling either through FHFA or their employer's complaint process. To raise a harassment concern, contact (202) 649-3964 or [HarassmentPrevention@fhfa.gov](mailto:HarassmentPrevention@fhfa.gov). All inquiries will be treated confidentially.

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

10/25/2022

**X** Sandra L. Thompson

Sandra L. Thompson

Director

Signed by: SANDRA THOMPSON



# NO FEAR ACT DATA – [FY 2022]

## **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	2017	2018	2019	2020	2021	2022
Number of complaints filed	1	6	5	15	4	4
Number of complainants	1	5	5	15	3	4
Repeat filers	0	1	0	4	1	0

## Complaints by Basis

Complaints by Basis	2017	2018	2019	2020	2021	2022
Race	1	4	3	9	4	1
Color	0	2	2	4	0	0
Religion	0	1	0	0	0	0
Reprisal	0	6	4	8	3	1
Sex	0	2	3	9	4	2
PDA	0	0	0	0	0	0
National Origin	0	0	1	0	0	0
Equal Pay Act	0	1	1	2	0	2
Age	1	2	2	7	0	1
Disability	1	2	3	2	0	1
Genetic information	0	0	0	0	0	1
Non-EEO	0	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<sup>1</sup>

Complaints by Issue	2017	2018	2019	2020	2021	2022
Appointment/Hire	0	0	0	2	0	0
Assignment of Duties	0	0	0	2	0	1
Awards	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0
Disciplinary Action: Demotion	0	1	0	0	0	0
Disciplinary Action: Reprimand	0	1	1	2	0	0
Disciplinary Action: Removal	0	1	0	1 <sup>2</sup>	0	0
Disciplinary Action: Suspension	0	0	0	0	0	0
Disciplinary Action: Other	0	1	0	2	0	0
Duty Hours	0	0	1	0	0	0
Evaluation/Appraisal	0	2	2	5	1	1
Examination/Test	0	0	0	0	0	0
Harassment: Non-Sexual	0	2	2	8	1	1
Harassment: Sexual	0	1	0	0	0	0
Medical Examination	0	0	0	0	0	0
Pay (including Overtime)	0	1	1	6	1	1

<sup>1</sup> Based on EEOC guidance and after careful review of issues alleged in complaints this year, we have changed some issues, thus causing a discrepancy in the total number of alleged issues in FY2020.

<sup>2</sup> Based on EEOC guidance and upon review of Q2 cases, we are adding "Disciplinary removal" to one of the issues alleged in formal complaints filed this year.

<b>Complaints by Issue</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Promotion/Non-Selection	1	2	0	6	2	0
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	0	0	1	0	0	0
Reasonable Accommodation	0	0	2	0	0	1
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	0	0	0	0	1
Terms/Conditions of Employment	0	2	4	5	2	2
Time and Attendance	0	0	0	0	0	0
Training	0	0	1	0	0	0
Other	0	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>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Average number of days in investigation stage	285	111	155	140	159	128.75
Average number of days in final action stage	34	59	32	49	46	25

### Complaints Pending During Fiscal Year Where Hearing Was Requested

Complaints Pending During Fiscal Year Where Hearing Was Requested	2017	2018	2019	2020	2021	2022
Average number of days in investigation stage <sup>1</sup>	321	185	199	175	177	257.57
Average number of days in final action stage	15	0	7	0	0	0

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

Complaints Pending During Fiscal Year Where Hearing Was Not Requested	2017	2018	2019	2020	2021	2022
Average number of days in investigation stage	189	81	110	122	138	103
Average number of days in final action stage	54	59	57	49	46	25

## Complaints Dismissed by Agency and Withdrawn by Complainants

### Complaints Dismissed by Agency

Complaints Dismissed by Agency	2017	2018	2019	2020	2021	2022
Total complaints dismissed by Agency	0	0	0	3	2	1
Average days pending prior to dismissal	0	0	0	39	0	504 <sup>2</sup>

### Complaints Withdrawn by Complainants

<b>Complaints Withdrawn by Complainants</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Total complaints withdrawn by complainants	0	1	2	8	1	0

### Total Final Actions Finding Discrimination

<b>Total Final Actions Finding Discrimination</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>	<b>2021 #</b>	<b>2021 %</b>	<b>2022 #</b>	<b>2022 %</b>
Total Number Findings	0	0	0	0	0	0	0	0	0	0	0	0
Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
With Hearing	0	0	0	0	0	0	0	0	0	0	0	0

## Findings of Discrimination Rendered by Basis

### Total Number Findings

Total Number Findings	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %	2021 #	2021 %	2022 #	2022 %
Total Number Findings	0	0	0	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0

### Findings After Hearing

Findings After Hearing	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %	2021 #	2021 %	2022 #	2022 %
Findings After Hearing	0	0	0	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0

<b>Findings After Hearing</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>	<b>2021 #</b>	<b>2021 %</b>	<b>2022 #</b>	<b>2022 %</b>
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0

**Findings Without Hearing**

<b>Findings Without Hearing</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>	<b>2021 #</b>	<b>2021 %</b>	<b>2022 #</b>	<b>2022 %</b>
Findings Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	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.*

## Findings of Discrimination Rendered by Issue

### Total Number Findings

Total Number Findings	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %	2021 #	2021 %	2022 #	2022 %
Total Number Findings	0	0	0	0	0	0	0	0	0	0	0	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action: Total	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action: Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action: Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action: Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action: Removal	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action: Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment: Total	0	0	0	0	0	0	0	0	0	0	0	0
Harassment: Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Harassment: Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0

<b>Total Number Findings</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>	<b>2021 #</b>	<b>2021 %</b>	<b>2022 #</b>	<b>2022 %</b>
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment: Total	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment: Denied	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment: Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0

**Findings After Hearing**

<b>Findings After Hearing</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>	<b>2021 #</b>	<b>2021 %</b>	<b>2022 #</b>	<b>2022 %</b>
Findings After Hearing	0	0	0	0	0	0	0	0	0	0	0	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary action: Total	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action: Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action: Reprimand	0	0	0	0	0	0	0	0	0	0	0	0

<b>Findings After Hearing</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>	<b>2021 #</b>	<b>2021 %</b>	<b>2022 #</b>	<b>2022 %</b>
Disciplinary Action: Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action: Removal	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action: Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment: Total	0	0	0	0	0	0	0	0	0	0	0	0
Harassment: Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Harassment: Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment: Total	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment: Denied	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment: Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0

<b>Findings After Hearing</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>	<b>2021 #</b>	<b>2021 %</b>	<b>2022 #</b>	<b>2022 %</b>
Other	0	0	0	0	0	0	0	0	0	0	0	0

**Findings Without Hearing**

<b>Findings Without Hearing</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>	<b>2021 #</b>	<b>2021 %</b>	<b>2022 #</b>	<b>2022 %</b>
Findings Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary action: Total	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action: Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action: Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action: Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action: Removal	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action: Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment: Total	0	0	0	0	0	0	0	0	0	0	0	0
Harassment: Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Harassment: Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0

<b>Findings Without Hearing</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>	<b>2021 #</b>	<b>2021 %</b>	<b>2022 #</b>	<b>2022 %</b>
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment: Total	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment: Denied	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment: Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0

## Pending Complaints Filed in Previous Fiscal Years by Status

<b>Pending Complaints Filed in Previous Fiscal Years by Status</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Total Complaints from Previous Fiscal Years	10	1	5	8	5	3
Total Complainants	9	1	4	8	4	2

### Number Complaints Pending

<b>Number Complaints Pending</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Investigation	1	3	5	7	0	0
Hearing	7	2	1	3	5	3
Final Action	0	0	1	0	2	0
Appeal with EEOC Office of Federal Operations	3	0	0	0	2	0

## Complaint Investigations

<b>Complaint Investigations</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Pending complaints where investigations exceed required time frames	0	1	1	1	2	0