



FY 2021 NO FEAR ACT

ANNUAL REPORT TO CONGRESS



Office of Equal Opportunity and Fairness

Table of Contents

- Introduction 1**
- Claims in Federal Court Arising Under Federal Antidiscrimination or Whistleblower Laws 2**
 - I. Types of Claims in Federal Court and Disposition Status 2
 - II. The Judgment Fund 3
 - III. Disciplinary Action 4
- Final Year-End No FEAR Act Data for FY 2017 through FY 2021 4**
 - I. FY 2021 Discrimination Complaint Data 5
 - II. Examination of Trends and Causal Analysis 8
- Practical Knowledge 11**
- Actions to Improve Equal Employment Opportunity Program 12**
- Training Efforts..... 13**
- No FEAR Act Training Plan..... 13**
- Appendix 14**
 - I. FHFA EEO Policy Statement
 - II. No FEAR Act Data - FY 2021



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 (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)² 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) 2021 and the five-year reporting period between FY 2017 and FY 2021.

FHFA Acting 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 August 19, 2021. An excerpt from the Acting Director’s message to staff stated the following:

The EEO Policy Statement represents an Agency-wide commitment that requires accountability from all of us, in order to have a workplace where employees can reach their potential in a safe

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

² On January 1, 2021, Congress enacted the *Elijah E. Cummings Act*, in order to amend the *No Fear Act*. This report is reflective of FY 2021, so the requirements of the amendment are not reflected in the report.

environment based on mutual respect and the freedom to exercise their civil rights. FHFA does not tolerate discrimination, including retaliation and harassment.

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

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 as untimely on May 9, 2016, but the individual filed an appeal of the dismissal. Thus, the case is reflected as pending in FY 2016 below. The parties settled the matter in FY 2017, as reflected in the table. The second case involved 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, dismissed in FY 2017, and closed in FY 2018. The third case involved a FY 2018 complaint filed on October 2, 2017, based on race, age, and physical disability discrimination, in violation of Title VII, the Age Discrimination in Employment Act (ADEA), and the Rehabilitation Act of 1973. This case was closed in FY 2021, when the D.C. District Court granted the Agency's Motion for Summary Judgment. The fourth case alleged discrimination in violation of the Equal Pay Act. This case was filed on November 15, 2018. After originating in D.C. District Court, it progressed to the United States Court of Federal Claims on January 2, 2019. The parties settled this matter in FY 2019; therefore, 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. The D.C. District Court dismissed this case with prejudice on July 14, 2021. In FY 2021, there were no new cases filed in Federal Court, and all cases mentioned above have now been closed, as reflected in the chart below.

Table 1: Status of Federal Court Claims by Statute for the Period FY 2017 through FY 2021

Status of Federal Claims by Statute	2017	2018	2019	2020	2021
Title VII of the Civil Rights Act of 1964	2	1	1	1	1
<i>Pending</i>	0	1	1	1	0
<i>Dismissed</i>	1	0	0	0	1
<i>Settled</i>	1	0	0	0	0
Age Discrimination in Employment Act of 1967	0	1	1	2	2
<i>Pending</i>	0	1	1	2	0
<i>Dismissed</i>	0	0	0	0	2
<i>Settled</i>	0	0	0	0	0
Rehabilitation Act of 1973	0	1	1	1	1
<i>Pending</i>	0	1	1	1	0
<i>Dismissed</i>	0	0	0	0	1
<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	1	0	0
<i>Pending</i>	0	1	0	0	0
<i>Dismissed</i>	0	0	0	0	0
<i>Settled</i>	0	0	1	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. During this reporting period, FHFA did not have any findings resulting in discrimination payments.

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 U.S.C. §§ 2414, 2517, 2672, or 2677.

III. Disciplinary Action

In FY 2021, FHFA did not discipline any employees for discrimination, retaliation, harassment, or other infractions under the Act.

In those instances where disciplinary action is warranted, FHFA's Conduct and Discipline Policy is available as a management tool. This policy applies to all employees, and it is located on the Agency's internal website. The Policy notes that FHFA employees are expected to:

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

FHFA's disciplinary procedures are designed to enable management to address misconduct appropriately, with the goal of ensuring the behavior is not repeated or emulated, while also providing the individual charged with the misconduct due process as required by 5 U.S.C. Chapter 75 and 5 CFR Part 752. The Conduct and Discipline Policy states "to correct misconduct or inappropriate behavior, FHFA will apply discipline in a fair and equitable manner that promotes the efficiency of the service."

Final Year-End No FEAR Act Data for FY 2017 through FY 2021

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 2017 through FY 2021	2017	2018	2019	2020	2021
Number of FHFA Employees ⁴	591	593	595	635	692
Number of formal complaints filed	1	6	5	15	4
Number of complainants	1	5	5	15	3
Repeat filers	0	1	0	0	1
Complaints Filed as a Percentage of Total FHFA Workforce	0.17	1.01	.84	2.22	.58

Table 2 provides information about the number of formal EEO complaints filed during the five-year reporting period. During FY 2021, 3 individuals filed a total of 4 formal discrimination complaints, a decrease from FY 2020 in which there were 15 formal complaints.

IV. FY 2021 Discrimination Complaint Data

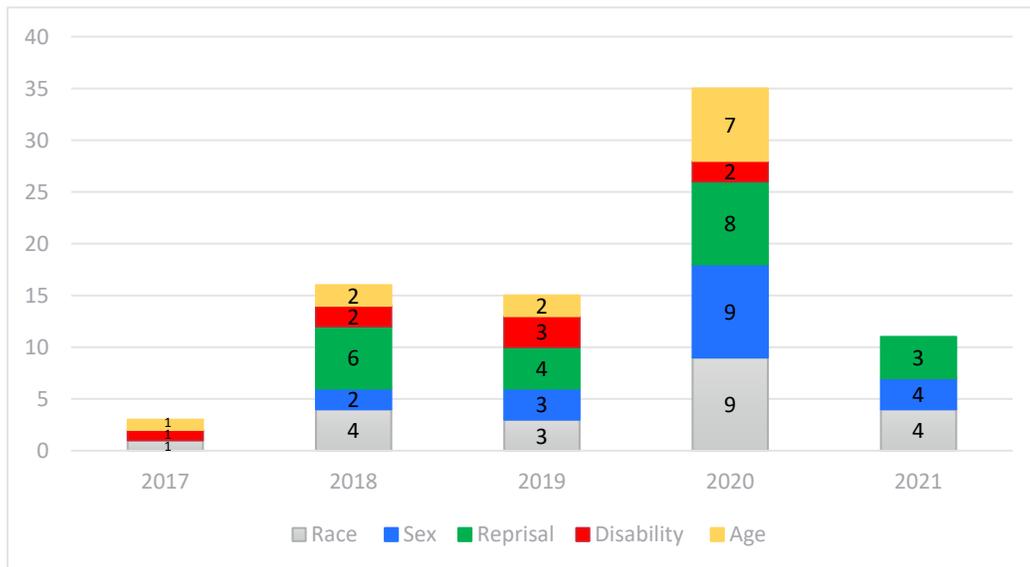
Table 3 reflects the bases and type(s) of discrimination alleged in the complaints filed from FY 2017 through FY 2021.

⁴ 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 2017 through FY 2021 by Bases of Discrimination⁵

	2017	2018	2019	2020	2021
Race	1	4	3	9	4
Color	0	2	2	4	0
Religion	0	1	0	0	0
Reprisal	0	6	4	9	3
Sex	0	2	3	9	4
National Origin	0	0	1	0	0
Equal Pay Act	0	1	1	2	0
Age	1	2	2	7	0
Disability	1	2	3	2	0
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



⁵ 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 2017 through FY 2021.

Table 5: FHFA Complaint Activity for FY 2017 through FY 2021 by Issue⁶

	2017	2018	2019	2020	2021
Appointment/Hire	0	0	0	3	0
Assignment of Duties	0	0	0	3	0
Awards	0	0	0	0	0
Conversion to Full-Time	0	0	0	0	0
Disciplinary Action					
<i>Demotion</i>	0	1	0	0	0
<i>Reprimand</i>	0	1	1	2	0
<i>Removal</i>	0	1	0	0	0
<i>Suspension</i>	0	0	0	0	0
<i>Other</i>	0	1	0	1	0
Duty Hours	0	0	1	0	0
Evaluation/Appraisal	0	2	2	5	1
Examination/Test	0	0	0	0	0
Harassment					
<i>Non-sexual</i>	0	2	2	8	1
<i>Sexual</i>	0	1	0	0	0
Medical Examination	0	0	0	0	0
Pay (including Overtime)	0	1	1	6	1
Promotion/Non-Selection	1	2	0	5	2
Reassignment					
<i>Denied</i>	0	0	0	0	0
<i>Directed</i>	0	0	1	0	0
Reasonable Accommodation	0	0	2	0	0
Reinstatement	0	0	0	0	0
Retirement	0	0	0	0	0
Termination	0	0	0	0	0
Terms/Conditions of Employment	0	2	4	6	2
Time and Attendance	0	0	0	1	0
Training	0	0	1	0	0
Other	0	0	0	0	0

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

V. Examination of Trends and Causal Analysis

During the five-year reporting period, 29 individuals filed 31 complaints. Of the 31 complaints filed, 22 involved allegations of reprisal, 21 included allegations of race discrimination, 18 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 color⁷ (see **Tables 3 & 4**). Women filed 15 of the 18 sex-based complaints, and African Americans filed 18 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, and race. More generally, the most alleged bases of discrimination across the entire federal government were reprisal, sex, and disability.⁸

As shown in **Table 5** above, the most common issues raised by FHFA employees over the 5-year period were non-sexual harassment (13), terms/conditions of employment⁹ (13), and promotion non/selection (11). 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.¹⁰ Below are observations about the complaints filed against FHFA in FY 2021:

- **Number of Complaints:** FHFA's formal complaint numbers decreased by 11 in FY 2021 from FY 2020. 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 2021 were race, sex, and reprisal, which conforms with a pattern regarding the protected bases alleged in past few years. FHFA took additional proactive steps during the mandatory remote work period to maintain a culture where employees knew about their available protections and could feel confident

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

⁸ 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.**

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

¹⁰ 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.**

enough in the Agency's processes to raise issues and file complaints rather than remaining silent and not reporting workplace concerns.

- The newly established Office of Equal Opportunity and Fairness (OEOF) has continued to educate the workforce on retaliation and EEO protections through educational articles posted regularly in the Agency's internal newsletter. OEOF has also created readily available toolkits to answer frequently asked questions employees may have regarding the subject of retaliation. OEOF revamped its home intranet page to better serve its customers and convey the Agency's commitment to civil rights, equal opportunity, and harassment prevention and alternative dispute resolution.
- OEOF hosted a Lunch and Learn with Dr. Mxolisi Siwatu, a psychologist from the EEOC, to address the social science of retaliation with the FHFA workforce. After the seminar, OEOF spent a week highlighting the substantive information discussed using articles and toolkits to better educate employees. These documents can be found on OEOF's intranet page.
- OEOF created an Action Plan to address employees' concerns surrounding retaliation and its effects on individuals' psychology, safety, and organizational trust.
- In FY 2021, OEOF continued its partnership with the Federal Mediation and Conciliation Service (FMCS) to assist with disputes in both EEO and non-EEO matters. OEOF 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 2021. Notably, there was a five-percent increase in ADR participation in FY 2021.
- **Harassment Prevention:** As part of OEOF's efforts to sustain a neutral and fair investigative process, the EEO Program and the Harassment Prevention Program (HPP) began operating as separate entities to eliminate the conflict of interest of having these two programs combined. Accordingly, OEOF hired an experienced subject matter expert in FY 21 to assist with the launch and re-design of the HPP. In FY 2021, 11 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.
- **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.¹¹ FHFA continues to meet its required Final Action timeframes. In FY 2021, the Agency issued three FADs. These FADs were issued within an average of 56 days, which is within the 60-day EEOC timeframe.

Table 6: FHFA Complaint Processing Time for the Period FY 2017 through FY 2021

	2017	2018	2019	2020	2021
Complaints Pending During Fiscal Year					
Average number of days in investigation stage	285	111	155	140	157
Average number of days in final action stage	34	59	32	53	56
Number of Complaints Pending					
Investigation	1	3	5	7	0
Hearing	7	2	1	3	5
Final Action	0	0	1	0	0
Appeal with EEOC Office of Federal Operation	3	0	0	0	2

As **Table 6** reflects, the Agency took timely final actions in FY 2021 in matters involving Final Agency Decisions (FADs) and the number of complaints currently pending.

Practical Knowledge

FHFA recognizes the importance of having leadership model the behavior that it expects from its workforce and proactively engage employees to prevent discrimination and resolve conflicts.

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.

Further, the Agency values a workplace in which employees know their rights and understand the various protections available to them. In FY 2021, FHFA continued to work to strengthen these areas in the following ways:

- As part of the development of the anti-harassment program, “Meet & Greet” presentations were conducted for the Agency’s Employee Engagement groups and the Diversity Advisory Committee to gain insight to formulate the new Harassment Prevention Policy. Similar meetings were held with the senior staff and with managers and supervisors. This input will inform the development of the new policy.
- Effective training is an essential component to ensuring that managers and employees understand appropriate workplace behaviors and recognize how certain conduct can sometimes escalate into unwanted or improper conduct. Consequently, OEOF developed a training script and audio for the agency’s FY 2021 No Fear Act training module, incorporating the new Elijah Cummings Federal Employee Anti-Discrimination Act of 2020.

Throughout FY 2021, 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 (Fairness, Accountability, Integrity, Respect), which are grounded on a foundation of competence, diversity, equity, and inclusion. 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 Federal Employment Viewpoint Survey (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).

- OEOF developed a variety of toolkits and articles that were shared with the FHFA workforce, highlighting employees' rights and responsibilities with respect to equal employment opportunity and retaliation. OEOF will continue to create guidance for the workforce on these important topics.

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 2021, FHFA provided training to employees to assist them in evaluating performance under this critical element.

In the Agency's FY 2021 FEVS results, the unadjusted response rate was 82.5 percent, which surpassed the government-wide unadjusted response rate of 28.9 percent and the small agencies' average response rate of 56.2 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 the 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

FHFA undertook a major No FEAR Act training effort in FY 2021, delivering virtual No FEAR Act training to 584 employees who were due for training during 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. Additionally, throughout FY 2021, FHFA provided No FEAR Act, EEO, and ADR training to all new employees during their New Employee Orientation process.

OEOF participated in an informational briefing about 508 compliance to better serve our diverse workforce. To secure compliance with accessibility requirements, two OEOF team members took extensive training and received access to CommonLook software to ensure that both OEOF's online and onsite documents and materials are accessible to all FHFA employees.

No FEAR Act Training Plan

FHFA launched the Agency-wide No FEAR Act training in FY 2021, and the training consisted of two sections this year. One was dedicated to the No FEAR Act requirements, and the second covered the Elijah Cummings 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 2021 in accordance with this practice. FHFA's New Employee Orientation process includes a session on EEO and whistleblower protections¹² 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.

¹² 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 is scheduled to go live in FY 2022.
- The creation of OEOF in FY 2020 demonstrates FHFA's effort to sustain a 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 amongst 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, it reports to the EEOC information relating to 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. 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 November 30, 2021.

Appendix

- I. **FHFA EEO Policy Statement – August 2021**
- II. **No FEAR Act Data – FY 2021**



FHFA EEO POLICY STATEMENT

As the Acting 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, has experienced an enormously important inflection point for civil rights. Many historical factors have shaped our nation and the communities we live in, including housing policies. There is a widespread lack of affordable housing and access to mortgage credit in our country, especially in communities of color. Nurturing diversity of thought within our workforce 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.

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

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. All of us must be diligent in maintaining a safe 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 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.

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 Susan Grimes Associates, Inc. at (202) 338-1468 or via email at office@susangrimes.com. To raise a harassment concern, contact (202) 649-3964 or 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.

Sandra L. Thompson, Acting Director

8/6/2021

Date



NO FEAR ACT DATA – [FY 2021]

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
Number of complaints filed	1	6	5	15	4
Number of complainants	1	5	5	15	3
Repeat filers	0	1	0	0	1

Complaints by Basis

Complaints by Basis	2017	2018	2019	2020	2021
Race	1	4	3	9	4
Color	0	2	2	4	0
Religion	0	1	0	0	0
Reprisal	0	6	4	8	3
Sex	0	2	3	9	4
National Origin	0	0	1	0	0
Equal Pay Act	0	1	1	2	0
Age	1	2	2	7	0
Disability	1	2	3	2	0
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 Issue¹

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

¹ 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.

² 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.

Complaints by Issue	2017	2018	2019	2020	2021
Promotion/Non-Selection	1	2	0	6	2
Reassignment: Denied	0	0	0	0	0
Reassignment: Directed	0	0	1	0	0
Reasonable Accommodation	0	0	2	0	0
Reinstatement	0	0	0	0	0
Retirement	0	0	0	0	0
Termination	0	0	0	0	0
Terms/Conditions of Employment	0	2	4	5	2
Time and Attendance	0	0	0	0	0
Training	0	0	1	0	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

Complaints Pending During the Fiscal Year	2017	2018	2019	2020	2021
Average number of days in investigation stage	285	111	155	140	157
Average number of days in final action stage	34	59	32	49	56

Complaints Pending During Fiscal Year Where Hearing Was Requested

Complaints Pending During Fiscal Year Where Hearing Was Requested	2017	2018	2019	2020	2021
Average number of days in investigation stage	321	185	199	175	177
Average number of days in final action stage	15	0	7	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
Average number of days in investigation stage	189	81	110	122	133
Average number of days in final action stage	54	59	57	49	56

Complaints Dismissed by Agency and Withdrawn by Complainants

Complaints Dismissed by Agency

Complaints Dismissed by Agency	2017	2018	2019	2020	2021
Total complaints dismissed by Agency	0	0	0	3	3
Average days pending prior to dismissal	0	0	0	39	256

Complaints Withdrawn by Complainants

Complaints Withdrawn by Complainants	2017	2018	2019	2020	2021
Total complaints withdrawn by complainants	0	1	2	8	1

Total Final Actions Finding Discrimination

Total Final Actions Finding Discrimination	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %	2021 #	2021 %
Total Number Findings	0	0	0	0	0	0	0	0	0	0
Without Hearing	0	0	0	0	0	0	0	0	0	0
With Hearing	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 %
Total Number Findings	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

Findings After Hearing

Findings After Hearing	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %	2021 #	2021 %
Findings After 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

Findings After Hearing	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %	2021 #	2021 %
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	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %	2021 #	2021 %
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.

Findings of Discrimination Rendered by Issue

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

Total Number Findings	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %
Promotion/Non-Selection	0	0	0	0	0	0	0	0
Reassignment: Total	0	0	0	0	0	0	0	0
Reassignment: Denied	0	0	0	0	0	0	0	0
Reassignment: Directed	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0

Findings After Hearing

Findings After Hearing	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %
Findings After Hearing	0	0	0	0	0	0	0	0
Appointment/Hire	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0
Conversion to Full time	0	0	0	0	0	0	0	0
Disciplinary action: Total	0	0	0	0	0	0	0	0
Disciplinary Action: Demotion	0	0	0	0	0	0	0	0
Disciplinary Action: Reprimand	0	0	0	0	0	0	0	0

Findings After Hearing	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %
Disciplinary Action: Suspension	0	0	0	0	0	0	0	0
Disciplinary Action: Removal	0	0	0	0	0	0	0	0
Disciplinary Action: Other	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0
Harassment: Total	0	0	0	0	0	0	0	0
Harassment: Non-Sexual	0	0	0	0	0	0	0	0
Harassment: Sexual	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0
Reassignment: Total	0	0	0	0	0	0	0	0
Reassignment: Denied	0	0	0	0	0	0	0	0
Reassignment: Directed	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0

Findings After Hearing	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %
Other	0	0	0	0	0	0	0	0

Findings Without Hearing

Findings Without Hearing	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %
Findings Without Hearing	0	0	0	0	0	0	0	0
Appointment/Hire	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0
Conversion to Full time	0	0	0	0	0	0	0	0
Disciplinary action: Total	0	0	0	0	0	0	0	0
Disciplinary Action: Demotion	0	0	0	0	0	0	0	0
Disciplinary Action: Reprimand	0	0	0	0	0	0	0	0
Disciplinary Action: Suspension	0	0	0	0	0	0	0	0
Disciplinary Action: Removal	0	0	0	0	0	0	0	0
Disciplinary Action: Other	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0
Harassment: Total	0	0	0	0	0	0	0	0
Harassment: Non-Sexual	0	0	0	0	0	0	0	0
Harassment: Sexual	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0

Findings Without Hearing	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %
Pay (Including Overtime)	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0
Reassignment: Total	0	0	0	0	0	0	0	0
Reassignment: Denied	0	0	0	0	0	0	0	0
Reassignment: Directed	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0

Pending Complaints Filed in Previous Fiscal Years by Status

Pending Complaints Filed in Previous Fiscal Years by Status	2017	2018	2019	2020	2021
Total Complaints from Previous Fiscal Years	10	1	5	8	5
Total Complainants	9	1	4	8	4

Number Complaints Pending

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

Complaint Investigations

Complaint Investigations	2017	2018	2019	2020	2021
Pending complaints where investigations exceed required time frames	0	1	1	1	2