



NO FEAR ACT  
ANNUAL REPORT TO CONGRESS

October 1, 2014 – September 30, 2015



Office of Minority and Women Inclusion

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## Introduction

The Federal Housing Finance Agency (FHFA) was established by the Housing and Economic Recovery Act of 2008 (HERA). The Agency 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 these 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 of Fannie Mae and Freddie Mac (together, the Enterprises).

This report focuses on Fiscal Year (FY) 2015 and also covers the period FY 2011 through FY 2015. It was prepared in accordance with the requirements of Title II, Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act).<sup>1</sup> The No FEAR Act and regulations at 5 C.F.R. Part 724 require that federal agencies be publicly accountable for violations of antidiscrimination and whistleblower protection laws by posting both quarterly and annual statistical data relating to federal sector Equal Employment Opportunity (EEO) complaints on their public websites. Federal agencies must also notify employees and applicants for employment about their rights under the federal antidiscrimination and whistleblower laws.

FHFA's EEO Policy Statement, signed by Director Melvin L. Watt on January 23, 2015, highlights the Agency's commitment to FHFA employees:

*I fully support diversity and inclusion policies and programs at FHFA. With your engagement and commitment, we can maintain an inclusive workplace in which all employees are valued and treated with dignity and respect. Together, we can be a model workplace community that is inclusive and delivers programs and services with excellence, integrity and respect.*<sup>2</sup>

To best serve the Agency's mission, FHFA is committed to fostering an inclusive work environment where employees are valued and diversity in people, ideas, and policies is fully supported.

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<sup>1</sup> Public Law 107-174.

<sup>2</sup> <http://www.fhfa.gov/AboutUs/DiversityInclusion/Documents/EEOPolicy1232015.pdf>.



## Claims in Federal Court Arising Under Federal Antidiscrimination or Whistleblower Laws

### I. Types of Claims in Federal Court and Disposition Status

During the reporting period, FY 2011 – FY 2015, two employees brought federal court cases against FHFA concerning federal antidiscrimination laws. FHFA has one case that was initiated in FY 2013 alleging a violation of the Age Discrimination in Employment Act (ADEA) of 1967, 29 U.S.C. Chapter 14.<sup>3</sup> Therefore, on the chart below, this case is reflected as pending in 2013 and settled in 2014, as it was resolved through a settlement agreement 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 U.S.C. §2000e. This case is still pending. No cases or claims alleging a violation of whistleblower laws were filed between FY 2011 and FY 2015. **Table 1** shows the disposition status of related claims in federal court.

**Table 1: Disposition Status of Federal Court Claims by Statute for the Period FY 2011 through FY 2015**

Status of Federal Claims by Statute	2011	2012	2013	2014	2015
Title VII of the Civil Rights Act of 1964	0	0	0	0	1
<i>Pending</i>	0	0	0	0	1
<i>Dismissed</i>	0	0	0	0	0
<i>Settled</i>	0	0	0	0	0
Age Discrimination in Employment Act of 1967	0	0	1	1	0
<i>Pending</i>	0	0	1	0	0
<i>Dismissed</i>	0	0	0	0	0
<i>Settled</i>	0	0	0	1	0

<sup>3</sup> Although the case was pending in FY 2013, the Agency was not served until FY 2014.



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 and Any Budget Adjustments**

FHFA is a non-appropriated Agency and, therefore, does not utilize the Judgment Fund.<sup>4</sup> Accordingly, FHFA made no budget adjustments relating to the Judgment Fund during the period FY 2011 through FY 2015.

**III. Findings of Misconduct and Disciplinary Actions**

In FY15, there were no findings of discrimination by Final Agency Decision, orders of the Equal Employment Opportunity Commission (EEOC), the Merit Systems Protection Board, the Office of Special Counsel (OSC), or a federal court.

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<sup>4</sup> The Judgment Fund is a permanent, indefinite appropriation used to pay court judgments and U.S. Department of Justice settlements of actual or imminent lawsuits against the U.S. government. It is a permanent appropriation and is administered by the Judgment Fund Branch, which is part of the U.S. Department of Treasury, Financial Management Service. The No FEAR Act requires federal agencies to reimburse the Judgment Fund for personnel discrimination payments made in accordance with 28 U.S.C. §§ 2414, 2517, 2672, or 2677.



**Table 2: Number of Employees Disciplined in Connection with Federal Court and Administrative Cases for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws for the Period FY 2011 through FY 2015**

A. Employees Disciplined in Connection with Federal Court Cases					
	2011	2012	2013	2014	2015
Number of Findings	0	0	0	0	0
Number of Employees Disciplined	0	0	0	0	0

  

B. Employees Disciplined in Connection with Administrative Cases					
	2011	2012	2013	2014	2015
Number of Findings	0	0	0	0	0
Number of Employees Disciplined	0	0	0	0	0

In February 2015, the Agency finalized a Conduct and Discipline policy that is available to all employees on the Agency’s internal website. The policy notes that employees are expected to:

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

FHFA’s disciplinary procedures are designed to enable management to address misconduct appropriately, with the goal of ensuring the behavior is not repeated or emulated, and providing the individual charged with the misconduct with due process as required by 5 U.S.C. Chapter 75 and 5 C.F.R. Part 752. Although there were no findings, the Agency is proactive in its EEO efforts and works to ensure that strong EEO processes and values are in place. In FY 2015, FHFA disciplined one employee, in part for making statements that were reasonably likely to deter other employees from exercising their rights under the EEO process. While the Agency disciplined this employee under its Conduct and Discipline policy, the action was not taken because of a finding of discrimination from a federal court or administrative case. Therefore, it was not reported in **Table 2**.



## Final Year-End No FEAR Act Data for FY 2011 through FY 2015

**Table 3** provides administrative complaint activity for the past five fiscal years. This information was posted on the Agency’s public website in accordance with EEOC regulations at 29 C.F.R. Part 1614; subpart G.

### Data Analysis

#### I. FY 2015 Discrimination Complaint Data

During FY 2015, six FHFA employees filed a total of six formal discrimination complaints. This is a 50 percent decrease from the 12 formal complaints filed in FY 2014. **Table 3** provides information about the number of complaints that were filed during the period FY 2011 through FY 2015.

**Table 3: FHFA Complaint Activity for the Period FY 2011 through FY 2015**

	2011	2012	2013	2014	2015
Number of FHFA Employees <sup>5</sup>	519	572	594	587	554
Number of complaints filed	3	10	4	12	6
Number of complainants	3	10	4	11	6
Repeat filers	0	0	0	1	0
Complaints Filed as a Percentage of Total FHFA Workforce	0.58	1.75	0.67	2.04	1.08

The leading bases or types of discrimination alleged in the FY 2015 complaints were: reprisal (6), race (3) and gender (3).

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<sup>5</sup> These numbers do not include OIG employees. The OIG posts its No FEAR Data separately from FHFA and administers No FEAR compliance for OIG employees.



The data in **Table 4** reflect the bases and type(s) of discrimination alleged in the complaints filed from FY 2011 through FY 2015.

**Table 4: FHFA Complaint Activity for the Period FY 2011 through FY 2015 by Bases of Discrimination<sup>6</sup>**

	2011	2012	2013	2014	2015
Race	2	9	0	3	3
Color	0	1	0	1	2
Religion	0	0	0	0	1
Reprisal	3	3	2	6	6
Gender	2	6	2	5	3
National Origin	0	0	0	0	0
Equal Pay Act	1	3	0	0	1
Age	2	5	2	3	2
Disability	1	1	0	4	2
Genetic Information	0	0	0	0	0
Non-EEO	0	0	0	0	2

<sup>6</sup> Complaints can be filed alleging multiple bases of discrimination. The sum of the bases may not equal total complaints filed.



The three leading issues alleged in the FY 2015 formal complaints were concerns about harassment (non-sexual) (5), assignment of duties (4), and pay (4). **Table 5** shows the number of issues alleged during the past five fiscal years.

**Table 5: FHFA Complaint Activity for FY 2011 through FY 2015 by Issue<sup>7</sup>**

	2011	2012	2013	2014	2015
Appointment/Hire	0	0	1	0	0
Assignment of Duties	1	5	3	5	4
Awards	1	0	0	1	0
Conversion to Full Time	0	0	0	0	0
Disciplinary Action					
<i>Demotion</i>	1	0	0	0	0
<i>Reprimand</i>	0	0	1	0	0
<i>Removal</i>	0	0	0	0	0
<i>Suspension</i>	1	0	0	1	0
<i>Other</i>	0	0	0	0	0
Duty hours	0	0	1	0	0
Evaluation/Appraisal	2	2	1	4	1
Examination/Test	0	0	0	0	0

<sup>7</sup> Complaints can be filed alleging multiple issues. The aggregate number of issues may not equal the total number of complaints filed.



Table 5: FHFA Complaint Activity for FY 2011 through FY 2015 by Issue

	2011	2012	2013	2014	2015
Harassment					
<i>Nonsexual</i>	1	2	2	3	5
<i>Sexual</i>	1	3	1	0	0
Medical examination	0	0	0	0	0
Pay (including overtime)	1	4	1	1	4
Promotion/Non-Selection	1	8	1	5	1
Reassignment					
<i>Denied</i>	1	0	0	0	2
<i>Directed</i>	0	0	0	0	0
Reasonable accommodation	0	0	0	0	1
Reinstatement	0	0	0	0	0
Retirement	0	0	1	0	0
Termination	1	0	2	1	0
Terms/Conditions of employment	0	0	0	1	1
Time and attendance	0	0	0	1	1
Training	0	0	1	2	0
Other	1	0	1	0	2



## II. Examination of Trends and Causal Analysis

From FY 2011 through FY 2015, 31 individuals filed 35 complaints in the aggregate, resulting in an average of 7 complaints filed per year. Of the 35 complaints filed during this five year period, there were 20 allegations of reprisal, 18 allegations of gender discrimination, and 17 allegations of race discrimination.<sup>8</sup> (See **Table 4**). Ten of the gender-based complaints were filed by women and eight were filed by men. Sixteen of the 17 race allegations were filed by African-Americans. **Table 5** shows that the most common issues raised by employees concerned assignment of duties (18), promotion/non-selection (16), harassment (non-sexual) (13), and pay/compensation (11).

As reflected in the data, the Agency does not have a large number of cases to assess and has not found that the complaints derive generally from a common or predominant cause. The Agency, however, has reviewed the data and made several observations to guide our actions, efforts, and plans in the coming years.

### A. Reprisal

Reprisal is the most frequently alleged basis of discrimination in formal complaints throughout the federal government.<sup>9</sup> Likewise, reprisal is the most frequently alleged basis of discrimination at FHFA, appearing in all six formal EEO complaints filed in FY15.

The reprisal complaints included claims such as removal of an employee's job duties after filing a complaint, exclusion from meetings, and inquiries from managers about their employees' EEO complaints. While there have been no findings of discrimination against the Agency in any of these matters, FHFA takes all allegations seriously. Going forward, the Agency will continue to equip its managers with the knowledge and skills to effectively manage employees who have filed EEO complaints.

The EEOC has recognized that retaliation is a significant issue facing employers and is taking steps to address it across the federal government, including issuing updated enforcement guidance on retaliation. Through previous training efforts, FHFA employees are becoming more

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<sup>8</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>9</sup> See U.S. EEOC Office of Federal Operations, Annual Report on the Federal Workforce Part I, EEO Complaints Processing, Part 1, page 1-11, <http://www.eeoc.gov/federal/reports/fsp2014/upload/Final-FY-2014-Annual-Report-Part-I.pdf>.



aware of reprisal as a complaint basis and thus may more frequently raise reprisal in their EEO complaints. The Agency will continue to coach employees and managers on how to maintain an effective employment relationship during pending EEO complaints and activity to ensure that the Agency's mission is fulfilled and employee rights are protected, concurrently.

FHFA's actions in FY15 demonstrate its commitment to ensuring that employees are held accountable for taking actions that would deter employees from using the EEO process. As mentioned earlier, the Agency disciplined an employee who made statements that would be reasonably likely to dissuade other employees from making complaints of discrimination. FHFA takes such misconduct seriously and continually works to eliminate impediments to employees who are involved in or decide to use the EEO process.

### **B. Harassment**

Harassment (non-sexual) was one of the leading issues raised by FHFA complainants both in FY15 and in all the complaints filed from FY11 to FY15. According to the EEOC's *FY 2014 Annual Report on the Federal Workforce*, non-sexual harassment is the most frequently alleged issue in EEO complaints across agencies.<sup>10</sup>

Most FHFA harassment cases are non-sexual and deal with work assignments, communication styles, promotions, and employee accountability, none of which are protected EEO categories. The Agency has provided information during trainings so that employees are aware of the applicable legal definitions and anti-harassment protections. Further, all new employees are provided with the Anti-Harassment policy statement during new employee orientation. The Agency is also updating its anti-harassment policy to provide the most current information on this issue to employees. Once the policy is approved, the Agency will provide comprehensive training so that employees know what harassment is and managers know how to address it before it rises to the level that leads to an EEO complaint.

### **C. Pay**

Pay, including compensation, was raised as an issue in 11 out of the 35 Agency complaints over the past five years. FHFA plans to use the Agency's Human Resources Information System (HRIS) to conduct relevant assessments and trend analyses of workforce information, including compensation and salary levels, to determine whether a number of these complaints could have

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<sup>10</sup> Id.



EEO implications. A further discussion of this issue is included in the part of this report entitled “Actions to Improve Equal Employment Opportunity Program.”

### **D. Decrease in Number of Complaints**

FHFA demonstrated a very positive trend in FY15 with a significant decrease in the number of formal complaints filed by 50 percent. Complaints decreased from 12 in FY14 to just six in FY15. Two of the six FY15 complainants were individuals who had also filed previously in the FY11 to FY15 period.

EEOC reported an overall trend of decreasing complaints throughout the federal government, with a 14.6 percent decrease in filings in FY 2014.<sup>11</sup> FHFA attributes the Agency’s decrease to its efforts to provide employees with non-EEO options for addressing workplace concerns, manager training, and employee education efforts. The Agency continues to educate its managers on effectively managing employees and appropriately addressing employment issues, with the objective of reducing its formal complaints even further in FY16.

### **E. Investigation Processing Time**

In FY15, the Agency spent an average of 238 days to complete an investigation. This is one day more than the 237-day average in FY14. With the consent of the complainant, the Agency can extend the 180-day investigation time period. This does happen on occasion and plays a factor in the current average. The past two years are a significant improvement from FY 2013, when it took FHFA an average of 284 days to complete the investigation stage for each formal complaint. The EEOC’s *FY 2014 Annual Report on the Federal Workforce* listed the average time federal agencies took to complete an investigation as 196 days.<sup>12</sup> Although FHFA is still slightly higher than the federal average, the positive downward trend the Agency has shown in the last three years demonstrates that FHFA is on track to satisfy the 180-day requirement for the investigation period.

FHFA is committed to resolving employee issues at the earliest stage possible. FHFA intends to continue to proactively address workplace complaints and strengthen communication between managers and employees. See **Table 6** for additional information about the timeframes associated with FHFA’s processing of formal complaints of discrimination.

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<sup>11</sup> Id.

<sup>12</sup> Id. at I-12.



Table 6: FHFA Complaint Processing Time for the Period FY 2011 through FY 2015

	2011	2012	2013	2014	2015
<b>Complaints pending during Fiscal Year</b>					
Average number of days in investigation stage	102	206	284	237	238
Average number of days in final action stage	302	91	160	63	40
<b>Complaints pending during Fiscal Year where hearing was requested</b>					
Average number of days in investigation stage	96	221	369	344	314
Average number of days in final action stage	0	15	114	34	34
<b>Complaints pending during Fiscal Year where hearing was not requested</b>					
Average number of days in investigation stage	104	203	265	184	178
Average number of days in final action stage	353	108	173	72	41

FHFA’s improvement in the timeliness of investigations is more apparent when looking at only those investigations begun in FY15. The average time for the investigations in those six complaints is 205 days. This is evidence of a very positive downward shift in the overall length of investigations. The Agency will continue to assess the timeframes for each phase of the investigation stage in an effort to reduce them and bring them below the federal average of 196 days and below 180 days.

FHFA achieved reductions in the amount of time it takes to process formal complaints of discrimination by adhering to new internal monitoring procedures for conducting investigations during FY 2015. In addition, the Agency updated its case management database to help with EEO case tracking, monitoring and reporting. FHFA will use this database to carefully monitor the dates for all stages of EEO investigations. This system will help the Agency to quickly recognize any investigation stages that are experiencing significant delays and rapidly address the factors that are leading to such delays. Further, in FY15, OMWI initiated the process to hire an experienced employment attorney to oversee the EEO complaint process. These steps will allow FHFA to reduce processing times steadily to be consistent with the EEOC’s requirements



and more aligned with those of the overall federal government workforce.<sup>13</sup>

### F. Final Action

The EEOC identifies two types of final actions that are taken by agencies. These are either a final action by an agency following a decision by an Administrative Judge or a final action in all other circumstances.<sup>14</sup> Under 29 C.F.R. §1614.109(b), (g) or (i), or §1614.204(d)(7), an agency must take final action by issuing an order within 40 days after receipt of an Administrative Judge's decision on a case. For final actions by an agency not pursuant to an Administrative Judge's order, agencies must issue a final agency decision within 60 days after a complainant's request for a final decision or within 60 days from the end of the 30-day period for a complainant to request a hearing or final agency decision when the complainant has requested neither.<sup>15</sup>

As shown in **Table 6**, the Agency was timely in taking final actions in 2015 both in matters involving Administrative Judge decisions and final agency decisions. The Agency average for taking final actions pursuant to an Administrative Judge order in 2015 was 34 days, which is below the 40-day requirement. Likewise, in FY15, the Agency issued final agency decisions within 41 days, which is within the 60-day timeframe required by EEOC.

## Practical Knowledge

The Agency recognizes the importance of having updated EEO, human resources, and alternative dispute resolution (ADR) policies in place in order to establish consistent standards and to foster an effective and engaged workforce. FHFA is working to develop anti-harassment policies and procedures in FY16, and OMWI will conduct employee training sessions on the final policy.

FHFA expects to formalize its ADR program in FY16, which includes developing an ADR policy statement and written procedures. Because the Agency recognizes that a strong ADR program is a critical component of a successful workforce, OMWI has reallocated resources to establish a full-time ADR specialist position. This specialist will design and promote a model ADR program to help employees and managers resolve disputes before they reach the EEO complaint process. To raise awareness, OMWI promoted the use of ADR in employee trainings

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<sup>13</sup> U.S. EEOC Office of Federal Operations, Annual Report on the Federal Work Force Part 1, <http://www.eeoc.gov/federal/reports/fsp2012/upload/FY-2012-Annual-Report-Part-I-Complete.pdf>.

<sup>14</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).

<sup>15</sup> *Id.*



on the No FEAR Act and “Developing Awareness in the Workplace.”

FHFA is also working to finalize its reasonable accommodation policies and procedures. After approval of these written policies and procedures, OHRM will begin training employees and disseminating information to the workforce.

The Agency will continue to promote accountability through the performance management system and manager training in FY16. OMWI is collaborating with OHRM to elevate measures of diversity and inclusion to a more prominent and visible level within the performance system, which will drive greater accountability on the part of managers and supervisors.

OMWI is also currently developing FHFA EEO standards in collaboration with other Agency stakeholders. The Agency plans to finalize the EEO standards in FY16. OMWI has also started a partnership with FHFA’s Learning Academy to develop proposed learning modules to measure the commitment of managers and supervisors to EEO and D&I practices.

### **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 illuminated areas in need of improvement. FHFA has developed a number of MD 715 action plans for improving its EEO program. These plans were submitted to the EEOC in conjunction with the MD 715 Report.

First, as part of its MD 715 action plans, the Agency will evaluate ways to effectively gather and analyze relevant job applicant flow data to improve recruitment efforts in areas of low participation. The improvement of data collection is an essential part of FHFA’s strategy to achieve a model EEO program. To improve recruitment tracking efforts, OHRM posted a Request for Information/Statement of Work seeking to acquire a system that can track applicant flow. In addition, OMWI and OHRM will continue to review data transferred to the HRIS system to ensure that it is accurate. Once the Agency is confident of the quality and accuracy of its data, it will perform basic reviews to analyze workforce demographic data, including salary levels, the distribution of awards, and the approval of training and career development opportunities, by race, ethnicity, gender, age, and disability status.



Ultimately, FHFA plans to conduct trend analyses of compensation, performance ratings, promotions, and other terms and benefits of employment, to identify potential barriers and appropriately address them. Further, FHFA will initiate a review and analysis of hiring practices for people with disabilities, and improve accessibility of employment information and recruitment materials as a way of advancing employment opportunities. The Agency will also perform an analysis of career advancement opportunities for employee groups with lower participation at the senior management level.

Second, to educate employees about appropriate workplace behavior and to promote a positive, productive work environment, the Agency issued a Conduct and Discipline policy on February 23, 2015. As discussed previously in this report, the Agency is also currently finalizing its anti-harassment policy and procedures to include the six elements required by the EEOC. Consistent with the EEOC requirement, the Agency's anti-harassment policy and complaint procedure will contain: 1) a clear explanation of prohibited conduct; 2) assurance that employees who make complaints of harassment or provide information related to such complaints will be protected against retaliation; 3) a clearly described complaint process that provides accessible avenues of complaint; 4) assurance that the employer will protect the confidentiality of harassment complaints, to the extent possible; 5) a description of a complaint process that provides a prompt, thorough, and impartial investigation; and 6) assurance that the employer will take immediate and appropriate corrective action when it determines that harassment has occurred.<sup>16</sup> The Agency intends to issue its updated policy and procedures in FY 2016.

FHFA also issued an updated EEO Policy Statement in January 2015 that communicated its stance against discrimination, retaliation, and harassment. This policy statement asserts that:

*FHFA prohibits discrimination based on race, color, religion, gender (including pregnancy and gender identity), national origin, disability (physical or mental), age (40 years of age or over), sexual orientation, genetic information, parental status, marital status, and prior protected EEO activity.*

The policy also notes that “discrimination is prohibited in every aspect of FHFA personnel policies, program practices, and operations.” FHFA has developed this policy to convey its support of EEO and to ensure the Agency's compliance with EEO laws.

Third, FHFA recognizes the importance of providing employees with regular training to raise

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<sup>16</sup> EEOC's June 18, 1999 Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors, <http://www.eeoc.gov/policy/docs/harassment.html>.



awareness, and support effective application, of new and updated policies. As part of raising awareness, the Agency is developing marketing initiatives to ensure that employees have transparent access to their rights and responsibilities. These marketing initiatives include redesign of the OMWI intranet site, development of educational materials, and implementation of new policies and procedures for reasonable accommodations, ADR, and harassment prevention.

In FY15, at the request of senior management, OMWI began conducting a series of live trainings entitled “Developing Awareness in the Workplace.” The purpose of this training is to improve interactions and behavior among colleagues by encouraging employees to acknowledge and accept the differences in employees’ beliefs, values, and experiences, and to appreciate and respect these differences. The training also focuses on effective communication strategies, emphasizing the importance of honesty, empathy, and courtesy. It provides participants with crucial ADR tools to recognize and resolve conflict.

### **No FEAR Act Training Plan**

In compliance with the recurring training and documentation requirements of 5 C.F.R. §724.203(b) and (d), FHFA offers regular training to employees at all levels. During the onboarding process, new employees are provided with the No FEAR Act Notice and relevant EEO information. In addition, during FY15 EEO Services conducted over 16 live and in-person No FEAR Act training sessions for 358 total employees, including FHFA non-supervisors and OIG employees. The training sessions covered the FHFA EEO process and informed employees of the rights and remedies available under antidiscrimination, retaliation, and whistleblower protection laws. These 90-minute interactive sessions included hypothetical scenarios, true/false questions, and discussions of major 2015 legal changes regarding sexual orientation, transgender issues, and pregnancy rights. Additionally, FHFA managers and supervisors were required to complete an online version of the No FEAR Act training. OMWI also implemented an internal policy that requires all new FHFA employees to complete online No FEAR Act training within the first 80 days of employment.

During the reporting period, the Agency Director also issued a No FEAR Act Notice to all employees. This notice provides employees with an understanding of antidiscrimination laws, retaliation and whistleblower protections. FHFA also placed this notice on the Agency websites and included it in the new employee orientation package. The Agency is also certified under the Office of Special Counsel’s 5 U.S.C. § 2302(b) certification program as compliant with its obligations to inform the Agency’s workforce of their rights and remedies under the whistleblower protection laws. As part of this certification process, all management officials



were required to attend whistleblower training provided by the OSC. Posters were also displayed at strategic locations throughout the Agency, including in the EEO Services office.



# Appendix 1

## 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

\* The Federal Housing Finance Agency (FHFA) was created on July 30, 2008, when the President signed into law the Housing and Economic Recovery Act of 2008.

- **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	Comparative Data				
	Previous Fiscal Year Data				
	2011	2012	2013	2014	2015
Number of complaints filed	3	10	4	12	6
Number of complainants	3	10	4	11	6
Repeat filers	0	0	0	1	0

## Complaints by Basis

<b>Complaints by Basis</b>	Comparative Data				
	Previous Fiscal Year Data				
	2011	2012	2013	2014	2015
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>					
Race	2	9	0	3	3
Color	0	1	0	1	2
Religion	0	0	0	0	1
Reprisal	3	3	3	6	6
Sex	2	6	2	5	3
National Origin	0	0	0	0	0
Equal Pay Act	1	3	0	0	1
Age	2	5	2	3	2
Disability	1	1	0	4	2
Genetic information	0	0	0	0	0
Non-EEO	0	0	0	0	2

## Complaints by Issue

<b>Complaints by Issue</b>		Comparative Data				
		Previous Fiscal Year Data				
		2012	2012	2013	2014	2015
<i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>						
Appointment/hire		0	0	1	0	0
Assignment of duties		1	5	3	5	4
Awards		1	0	0	1	0
Conversion to full time		0	0	0	0	0
Disciplinary action						
	Demotion	1	0	0	0	0
	Reprimand	0	0	1	0	0
	Removal	0	0	0	0	0
	Suspension	1	0	0	1	0
	Other	0	0	0	0	0
Duty hours		0	0	1	0	0
Evaluation appraisal		2	2	1	4	1
Examination/test		0	0	0	0	0

Harassment						
	Nonsexual	1	2	2	3	5
	Sexual	1	3	1	0	0
Medical examination		0	0	0	0	0
Pay (including overtime)		1	4	1	1	3
Promotion/nonselection		1	8	1	5	1
Reassignment						
	Denied	0	0	0	0	2
	Directed	0	0	0	0	0
Reasonable accommodation		0	0	0	0	1
Reinstatement		0	0	0	0	0
Retirement		0	1	0	0	0
Termination		0	2	1	0	0
Terms/conditions of employment		0	0	1	0	1
Time and attendance		0	0	1	1	1
Training		0	1	2	0	0
Other		0	1	0	1	2

### Processing Time

Processing Time	Comparative Data				
	Previous Fiscal Year Data				
	2011	2012	2013	2014	2015
Complaints pending during fiscal year					
Average number of days in investigation stage	102	206	284	237	238
Average number of days in final action stage	302	91	160	63	40
Complaints pending during fiscal year where hearing was requested					
Average number of days in investigation stage	96	221	369	344	314
Average number of days in final action stage	0	15	114	34	34



## Findings of Discrimination Rendered by Basis

<b>Findings of Discrimination Rendered by Basis</b>  <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>		Comparative Data									
		Previous Fiscal Year Data									
		2011		2012		2013		2014		2015	
		#	%	#	%	#	%	#	%	#	%
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		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







Reinstatement	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0
Termination	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
Time and attendance	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	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	Comparative Data				
	Previous Fiscal Year Data				
	2011	2012	2013	2014	2015
Total complaints from previous fiscal years	3	4	9	9	7
Total complainants	3	4	9	9	7
Number complaints pending					
Investigation	0	4	7	6	0
Hearing	2	0	0	3	4
Final action	1	0	1	0	0
Appeal with EEOC Office of Federal Operations	0	0	1	0	3

### Complaint Investigations

Complaint Investigations	Comparative Data				
	Previous Fiscal Year Data				
	2011	2012	2013	2014	2015
Pending complaints where investigations exceed required time frames	1	7	7	3	4