



# FY 2019 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. Since 2008, FHFA has also served as conservator for the Enterprises.

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) requires that federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws. Federal agencies must notify employees and applicants for employment about their rights under the federal antidiscrimination and whistleblower laws. The No FEAR Act requires each federal agency to report quarterly on its public website certain summary statistical data related to equal employment opportunity (EEO) complaints filed against it and to report annually on the agency’s efforts to improve compliance with employment discrimination and whistleblower protection laws, and detail the status of complaints brought against the agency under these laws. This report covers Fiscal Year (FY) 2019 and the five-year reporting period between FY 2015 and FY 2019.

Throughout FY 2019, FHFA leaders demonstrated their commitment to the prevention and elimination of discrimination and harassment. During his tenure, FHFA’s Acting Director, Joseph Otting, along with senior leaders, issued an Equal Employment Opportunity, Anti-Discrimination, and Anti-Harassment Statement to all Agency employees. An excerpt is included as it highlights the Agency’s pledge to uphold EEO and No FEAR Act principles:

*As Acting Director of the Federal Housing Finance Agency, I am pleased to affirm to you my commitment, and that of the entire senior leadership of the Agency, to the principles of equal employment opportunity... We also reaffirm our commitment to maintaining an environment in which employees are safe, free*

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

*from harassment and bullying, and feel confident that if issues arise they will be investigated and addressed appropriately.*

Soon after he was sworn in as FHFA Director in April 2019, Dr. Mark Calabria signed new EEO and Anti-Harassment policy statements for the Agency, further affirming Agency leadership's renewed commitment to a workplace free from discrimination and harassment. In the EEO policy statement, Director Calabria stated:

*As the Director of the Federal Housing Finance Agency, I unequivocally support Equal Employment Opportunity. FHFA is an equitable workplace where all persons have the right to work and advance on the basis of merit, ability, and potential...I believe that I, along with all of us, am subject to the Agency's equal employment processes, anti-harassment, and anti-discrimination policies.*

These strong messages from the Agency's top leaders have communicated to the workforce that discrimination and harassment are not tolerated and that these matters will be addressed at FHFA.

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

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

During the reporting period, four employees brought federal court cases against FHFA concerning federal antidiscrimination laws. **Table 1** shows the disposition status of these four discrimination claims. The first case arose in FY 2015, alleging retaliation in violation of Title VII of the Civil Rights Act of 1964, 42 USC §2000e (Title VII). The district court dismissed this case for untimeliness on May 9, 2016, but the individual filed an appeal of the dismissal so the case is reflected as pending in FY 2015 and FY 2016. The parties settled the matter in FY 2017, as reflected in the table. The second case involves a complaint filed on March 18, 2016, alleging retaliatory discrimination in violation of Title VII. The district court dismissed the case in FY 2017 and it is reflected as pending in FY 2016 and dismissed in FY 2017. The third case involves a FY 2018 complaint filed on October 2, 2017 on the bases of race, age, and physical disability, in violation of Title VII, the ADEA, and the Rehabilitation Act of 1973. This case is reflected in **Table 1** as pending in 2019. The final case alleges discrimination in violation of the Equal Pay Act. This case originated in district court on November 15, 2018, and progressed to the United States Court of Federal Claims on January 2, 2019. The court dismissed this matter in FY 2019.

Table 1: Status of Federal Court Claims by Statute for the Period FY 2015 through FY 2019

Status of Federal Claims by Statute	2015	2016	2017	2018	2019
<b>Title VII of the Civil Rights Act of 1964</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>
<i>Pending</i>	1	2	0	1	1
<i>Dismissed</i>	0	0	1	0	0
<i>Settled</i>	0	0	1	0	0
<b>Age Discrimination in Employment Act of 1967</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>
<i>Pending</i>	0	0	0	1	1
<i>Dismissed</i>	0	0	0	0	0
<i>Settled</i>	0	0	0	0	0
<b>Rehabilitation Act of 1973</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>
<i>Pending</i>	0	0	0	1	1
<i>Dismissed</i>	0	0	0	0	0
<i>Settled</i>	0	0	0	0	0
<b>Whistleblower Protection Act</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<i>Pending</i>	0	0	0	0	0
<i>Dismissed</i>	0	0	0	0	0
<i>Settled</i>	0	0	0	0	0
<b>Equal Pay Act of 1963</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<i>Pending</i>	0	0	0	1	0
<i>Dismissed</i>	0	0	0	0	1
<i>Settled</i>	0	0	0	0	0

II. The Judgment Fund

FHFA is a non-appropriated Agency and, therefore, does not use the Judgment Fund.<sup>2</sup> Accordingly, FHFA made no reimbursements to the Judgment Fund during the reporting period

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<sup>2</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 USC §§ 2414, 2517, 2672, or 2677.

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

### III. Disciplinary Action

In FY 2019, FHFA did not discipline any employees for discrimination, retaliation, harassment, or other infractions under the Act.<sup>3</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, 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. 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 2015 through FY 2019

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** reflects formal EEO complaint activity for the past five fiscal years.

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<sup>3</sup> FHFA strongly supports the tenets of the No FEAR Act and would take appropriate disciplinary action against any employee within its authority who violates the Act.

**Table 2: FHFA Complaint Activity for the Period FY 2015 through FY 2019**

	2015	2016	2017	2018	2019
Number of FHFA Employees <sup>4</sup>	554	588	591	593	595
Number of complaints filed	6	0	1	6	5
Number of complainants	6	0	1	5	5
Repeat filers	0	0	0	1	0
Complaints Filed as a Percentage of Total FHFA Workforce	1.08	0.00	0.00 <sup>5</sup>	1.01	0.84

**Table 2** provides information about the number of formal EEO complaints filed during the five-year reporting period. During FY 2019, five individuals filed a total of five formal discrimination complaints against FHFA, a slight decrease from FY 2018 in which six formal complaints were filed. FHFA’s FY 2019 complaint volume is generally consistent with the average annual number of complaints the Agency typically receives.

## Data Analysis

### I. FY 2019 Discrimination Complaint Data

**Table 3** reflects the bases and type(s) of discrimination alleged in the complaints filed from FY 2015 through FY 2019.

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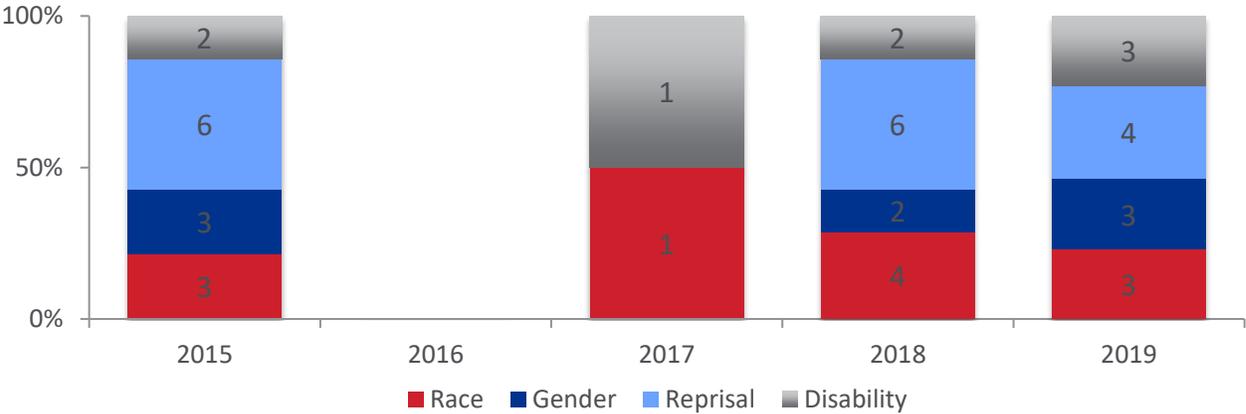
<sup>4</sup> These numbers do not include employees of the FHFA Office of Inspector General (OIG), which posts its No FEAR data separately from FHFA and administers No FEAR compliance for OIG employees.

<sup>5</sup> The individual who filed a formal complaint against FHFA in FY 2017 was an applicant for a vacancy and was not an FHFA employee. Therefore, the calculation of complaints as a percentage of total FHFA workforce is 0.00 for that reporting year.

**Table 3: FHFA Complaint Activity for the Period FY 2015 through FY 2019 by Bases of Discrimination<sup>6</sup>**

	2015	2016	2017	2018	2019
Race	3	0	1	4	3
Color	2	0	0	2	2
Religion	1	0	0	1	0
Reprisal	6	0	0	6	4
Gender	3	0	0	2	3
National Origin	0	0	0	0	1
Equal Pay Act	1	0	0	1	1
Age	2	0	1	2	2
Disability	2	0	1	2	3
Genetic Information	0	0	0	0	0
Non-EEO	2	0	0	0	0

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



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

**Table 5** reflects formal EEO complaints by issue filed from FY 2015 through FY 2019.

**Table 5: FHFA Complaint Activity for FY 2015 through FY 2019 by Issue<sup>7</sup>**

	2015	2016	2017	2018	2019
Appointment/Hire	0	0	0	0	0
Assignment of Duties	4	0	0	0	0
Awards	0	0	0	0	0
Conversion to Full-Time	0	0	0	0	0
Disciplinary Action					
<i>Demotion</i>	0	0	0	1	0
<i>Reprimand</i>	0	0	0	1	1
<i>Removal</i>	0	0	0	1	0
<i>Suspension</i>	0	0	0	0	0
<i>Other</i>	0	0	0	1	0
Duty Hours	0	0	0	0	1
Evaluation/Appraisal	1	0	0	2	2
Examination/Test	0	0	0	0	0
Harassment					
<i>Non-sexual</i>	5	0	0	2	2
<i>Sexual</i>	0	0	0	1	0
Medical Examination	0	0	0	0	0
Pay (including Overtime)	3	0	0	1	1
Promotion/Non-Selection	1	0	1	2	0
Reassignment					
<i>Denied</i>	2	0	0	0	0
<i>Directed</i>	0	0	0	0	1
Reasonable Accommodation	1	0	0	0	2
Reinstatement	0	0	0	0	0
Retirement	0	0	0	0	0
Termination	0	0	0	0	0
Terms/Conditions of Employment	1	0	0	2	4
Time and Attendance	1	0	0	0	0
Training	0	0	0	0	1
Other	2	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.

## II. Examination of Trends and Causal Analysis

During the five-year reporting period, 17 individuals filed 18 complaints. Of the 18 complaints filed, 16 involved allegations of reprisal, 11 included allegations of race discrimination, eight contained allegations of gender discrimination, eight had allegations of disability discrimination, and seven involved allegations of age discrimination<sup>8</sup> (See **Table 3**). Women filed seven of the eight gender-based complaints, and African-Americans filed all 11 of the race allegations. According to the most recent EEOC data, the most frequently alleged bases of discrimination in small agencies in the federal government were reprisal, gender, and race.<sup>9</sup>

As shown in **Table 5** above, the most common issues raised by FHFA employees were non-sexual harassment (9), terms/conditions of employment<sup>10</sup> (7), disciplinary actions (5), and pay (5). According to the most recently available EEOC data, the most frequently alleged bases across the federal government were non-sexual harassment, terms/conditions of employment, and performance evaluations/appraisals.<sup>11</sup> We make the following observations about the bases and issues filed against FHFA in FY 2019:

- **Number of Complaints:** FHFA's formal complaint numbers decreased slightly in FY 2019 from FY 2018. The data trends indicate that this complaint volume aligns with the average number of complaints the Agency saw in the earlier part of this five-year reporting cycle and in earlier reporting periods. As noted above, the most frequently alleged basis at FHFA was reprisal, and the most frequently alleged issue was non-sexual harassment. FHFA took steps in FY 2019 to address these trends, including the delivery of agency-wide No FEAR Act training which included specific information on reprisal. The Agency's training and development branch (Learning Academy) offered the Essential Supervisory Skills Program to managers, and offered numerous webinars throughout the year on topics such as preventing EEO discrimination, hostile work environment, and reprisal. The Agency also provided Agency leaders with tools in the FY 2019 Managers' Conference and discussed the value of proactive prevention in EEO and Anti-Harassment matters. FHFA continued its partnership with EEOC, completing a

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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> EEOC Form 462 data tables for FY 2018 for small agencies, <https://www.eeoc.gov/federal/reports/tables.cfm>

<sup>10</sup> Terms/conditions of employment is a broad issue category that encompasses items such as leave, breaks, office assignments, and telework issues.

<sup>11</sup> Id.

series of EEOC-led Respect in the Workplace and Leading with Respect courses for FHFA employees and supervisors in February 2019. FHFA continues to use proactive measures to resolve workplace conflicts before they reach the formal complaint stage. Furthermore, by engaging with management officials at an early stage in the informal complaint process, FHFA was able to use Alternative Dispute Resolution (ADR) to resolve employee issues in FY 2019 before the individuals filed formal complaints.

- **Harassment Prevention:** As noted above, there were 10 total allegations of EEO harassment (non-sexual and sexual) during the five-year reporting period. Throughout FY 2019 and in FY 2020, FHFA made significant efforts to strengthen harassment prevention programs at the Agency, including a discussion of harassment processes during the Agency’s No FEAR Act training, EEOC-led harassment training for managers and employees, and a new office and reporting structure for the Agency’s internal anti-harassment program. FHFA also has a process designed to promptly address allegations of harassment, regardless of whether the claims have an EEO basis. A discussion of the Agency’s efforts to increase the efficiency of the anti-harassment process is included later in this report.
- **Final Action:** The EEOC identifies two types of final actions taken by agencies: 1) a Final Notice by an agency following a decision by an Administrative Judge, or 2) a Final Agency Decision (FAD) in all other circumstances.<sup>12</sup> The Agency must take a Final Notice by issuing an order within 40 days after receipt of an Administrative Judge’s decision on a case. For Final Agency Decisions, the Agency must issue a decision within 60 days.<sup>13</sup> FHFA continues to meet these Final Action timeframes.

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

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<sup>12</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>13</sup> Id.

**Table 6: FHFA Complaint Processing Time for the Period FY 2015 through FY 2019**

	2015	2016	2017	2018	2019
<b>Complaints pending during Fiscal Year</b>					
Average number of days in investigation stage	238	276	285	111	155
Average number of days in final action stage	40	41	34	59	32
<b>Complaints pending during Fiscal Year where hearing was requested</b>					
Average number of days in investigation stage	314	313	321	185	199 <sup>14</sup>
Average number of days in final action stage	34	24	15	0	7
<b>Complaints pending during Fiscal Year where hearing was not requested</b>					
Average number of days in investigation stage	178	192	189	81	110
Average number of days in final action stage	41	48	54	59	57

As **Table 6** reflects, the Agency was timely in taking final actions in FY 2019 in matters involving FADs. FHFA did not issue any Final Notices during the fiscal year. In FY 2019, the Agency issued one FAD. This FAD was issued in 57 days, which was within the 60-day timeframe required by EEOC.

**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. Further, we value a workplace in which employees know their rights and understand the various protections available to them. In FY 2019, FHFA continued to work to strengthen these areas in the following ways:

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<sup>14</sup> The number of days in the investigation stage increased from FY 2018 to FY 2019 due to a conflict EEO complaint that was handled by an outside agency. Due to the complexity of the case and the Complainant’s amendment, the investigation was completed in FY 2019 and took a total of 277 days, thus increasing the Agency’s average time frame for the entire year.

- As discussed later in this report, the Agency has shifted the location of its anti-harassment program within the organization in order to maximize its effectiveness and ensure that there is a clear and efficient process in place for employees and managers to use.
- Effective training is an essential component to ensuring that managers and employees understand what types of behaviors are appropriate and how certain conduct can sometimes escalate into unwanted or improper conduct. Consequently, FHFA's EEO Services office developed in-person modules for its biannual No FEAR Act Training. The EEO office conducted in-depth training sessions in FY 2019 to educate participants of their rights and responsibilities under the No FEAR Act. A more detailed description of this training effort is included in the training section below. The Agency also highlighted D&I and EEO topics at the FY 2019 Managers' Conference and offered the Essential Supervisory Skills Program in FY 2019. In FY 2020, the Agency will be holding mandatory ADR and anti-harassment training sessions.
- FHFA understands the value of employee engagement and its effort to enhance an inclusive, efficient, and committed workforce. To this end, the Agency took several steps to improve employee engagement, including holding focus groups to discuss the results of the FY 2018 Federal Employee Viewpoint Survey (FEVS), encouraging employees to make their voices heard in the FY 2019 FEVS, and circulating the Agency's second biannual Diversity and Inclusion (D&I) climate assessment survey.

### **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 FY 2019, FHFA focused its efforts on the areas noted in its FY 2018 MD 715 report, as well as in the EEOC's Technical Assistance letters. In response to its MD 715 Action Plans and EEOC recommendations, FHFA issued and publicly posted its Reasonable Accommodation Policy which included Personal Assistance Services Procedures, as required by 29 C.F.R. §1614.203(d)(3). FHFA also publicly posted its Affirmative Action Plan pursuant to EEOC's requirement. Further, to support affirmative action goals FHFA incorporated EEO action plan development into the Agency's Annual Performance Plan for the recruitment and hiring of individuals with disabilities.

FHFA is making significant organizational changes in FY 2020 that will result in role clarity and process improvement for the resolution of workplace concerns. On January 30, 2020, FHFA announced an Agency-wide reorganization that included moving the Agency's EEO program, previously part of the Office of Minority and Women Inclusion, to a newly established office, the Office of Equal Opportunity and Fairness (OEOF). This new office reports directly to the FHFA Director, and it houses the Agency's EEO program, anti-harassment process, and ADR functions.

In the Agency's FY 2019 Federal Employee Viewpoint Survey (FEVS) results, in response to the statement: "I can disclose a suspected violation of any law, rule or regulation without fear of reprisal," 59.3% of FHFA employees responded positively whereas 20.9% responded negatively. Although the positive response is much greater than the negative response, FHFA's ultimate objective is to reduce the negative response. In FHFA's FY 2019 D&I Climate Assessment, in response to the statement "Managers and supervisors visibly challenge incidents of racism, sexism, or other forms of discrimination," 48% of respondents marked "Strongly Agree" or "Agree," while 31% marked "Disagree" or "Strongly Disagree." As with the above example from the FEVS results, FHFA wants to decrease the negative response.

To address these concerns, the new Office of Equal Opportunity and Fairness (OEOF) is planning to launch new mandatory anti-harassment and ADR trainings. Likewise, the FHFA Director indicated at an employee town hall that this new organizational structure with the OEOF emphasizes the importance of these programs and creates a direct line of communication with the head of the Agency to promote the prompt and effective resolution of workplace concerns. This new structure should provide employees more confidence that their concerns will be heard and addressed and that they will not be subject to retaliation for using Agency reporting processes.

### **Employee Engagement**

In FY 2019, FHFA enhanced its efforts to improve employee engagement. The Agency engaged employees through focus groups and launched a campaign to encourage employees to complete the FEVS. This effort was successful in encouraging survey participation, with 88% of employees filling out the survey in FY 2019, which was 44% higher than the government-wide response rate. The Agency has been reviewing these results and is creating dedicated action plans to address the concerns raised in the survey.

The Agency also focused on employee engagement through the initiation of a barrier analysis in FY 2019. FHFA engaged the services of an outside contractor to evaluate the workplace to

determine whether there are any barriers to promotion or employment for any particular groups. Agency leadership strongly supported this effort, and sent the following message to employees to encourage them to assist with the barrier analysis:

“Diversity is a key value at FHFA – one that it is critical to the success of our mission. An integral part of our commitment involves ongoing action to ensure we continue to foster diversity and inclusion in the FHFA workplace . . . The Equal Employment Opportunity Commission (EEOC) urges agencies to conduct barrier analyses to identify root causes of disparities in equal employment opportunities and remedy any policies, procedures, or practices that may potentially lead to such disparities. As part of the barrier analysis, [we] will be conducting confidential small-group interviews with a cross-section of FHFA employees over the next several weeks. If you are invited, please make time to participate. Your open and candid insights are critical to ensuring the process is successful and results in meaningful progress toward our commitment to diversity and a model EEO work environment for all of us.”

The results of the barrier analysis were presented to leadership in December 2019, so that the Agency can develop action plans and incorporate objectives into its strategic plan to address the items raised by the process.

### **Training Efforts**

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

In June 2019, FHFA hosted its fourth annual Managers' Conference, which provided an opportunity for FHFA managers, including outstationed examiners, to come together for a day of collaboration, sharing, and learning. In order to educate leadership on their responsibilities under the mandatory D&I/EEO performance competency for all managers, the Agency's EEO Director provided tools and guidance on preventing and responding to claims of discrimination and harassment. He also gave practical tips on how managers could meet the Agency's D&I/EEO performance element. The Agency also engaged an external presenter to conduct a training for managers entitled "Emotional Intelligence through a Diversity & Inclusion Lens." The goal of this session was to increase managers' awareness and understanding of emotional intelligence and allow participants to develop an action plan for maximizing individual and team performance. In addition to these efforts, managers were encouraged to build their emotional intelligence through participation in the Agency's coaching program through the Treasury Executive Institute.

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

Because FHFA offered Agency-wide training on the No FEAR Act in FY 2019, the Agency will next provide Agency-wide training again in FY 2021. In accordance with FHFA's practice requiring all new FHFA employees to complete No FEAR training within the first 80 days after employment, FHFA also trained all new employees coming onboard during FY 2019. In addition to a required online training module with a knowledge check for new employees, FHFA's New Employee Orientation process includes a session on EEO and whistleblower protections and the No FEAR Act. This in-person training session allows new employees to interact directly with the trainer, ask questions, and strengthen their knowledge to enrich the information they obtain during the online training. FHFA maintains records of individuals who participate in these trainings in order to ensure complete records for tracking purposes.

On January 3, 2018, the Agency was recertified under the Office of Special Counsel's 5 U.S.C. §2302(c) certification program as compliant with its obligations to inform the Agency's employees of their rights and remedies under the whistleblower protection laws. As part of the new whistleblower training requirements, during the FY 2019 Managers' Conference FHFA managers viewed a video on whistleblower protections and the prohibitions on retaliation against whistleblowers.

During those years when No Fear Act Training is not offered Agency-wide, we will focus on other training areas such as Harassment Prevention and ADR.

## **Appendix**

**I. FHFA EEO Policy Statement – June 13, 2019**

**II. No FEAR Act Data – FY 2019**



# FHFA EEO POLICY STATEMENT

As the Director of the Federal Housing Finance Agency (FHFA or Agency), I unequivocally support Equal Employment Opportunity (EEO). FHFA is an equitable workplace where all persons have the right to work and advance on the basis of merit, ability, and potential. We prohibit discrimination based on race, color, religion, gender (including pregnancy, gender identity, and sexual orientation), national origin, disability (physical or mental), age (40 years of age or over), genetic information (including family medical history), retaliation, parental status, and marital status. I believe that I, along with all of us, am subject to the Agency's equal employment processes, anti-harassment, and anti-discrimination policies.

FHFA seeks to prohibit discrimination in every aspect of personnel policies, program practices, and operations. This prohibition also applies to working conditions, including, but not limited to, recruitment, hiring, merit promotion, transfer, reassignment, training, career development, benefits, and separation. FHFA recognizes that employees, former employees, and applicants for employment have the right to file EEO complaints within **45 calendar days** after an alleged discriminatory event or personnel action occurs, or within **45 calendar days** after they become aware of an alleged discriminatory event or action.

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

Further, FHFA has implemented [EEO Standards](#) that demonstrate the Agency's commitment to the principles of EEO, and diversity and inclusion (D&I) of the Agency's workforce and senior management. The Standards provide the foundation for a workplace community that delivers EEO and D&I accountability, programs, and services. The Agency will continue to use these Standards as a basis for improvement and growth as we support a model EEO program.

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

Thank you for your support of EEO and D&I at FHFA, and for helping to fulfill the Agency's mission of maintaining a workplace free of discrimination.

Mark A. Calabria

Date

# No FEAR Act Data – [FY 2019]

## 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

<b>Complaint Activity</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Number of complaints filed	6	0	1	6	5
Number of complainants	6	0	1	5	5
Repeat filers	0	0	0	1	0

## Complaints by Basis

<b>Complaints by Basis</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Race	3	0	1	4	3
Color	2	0	0	2	2
Religion	1	0	0	1	0
Reprisal	6	0	0	6	4
Sex	3	0	0	2	3
National Origin	0	0	0	0	1
Equal Pay Act	1	0	0	1	1
Age	2	0	1	2	2
Disability	2	0	1	2	3
Genetic information	0	0	0	0	0
Non-EEO	2	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

<b>Complaints by Issue</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Appointment/Hire	0	0	0	0	0
Assignment of Duties	4	0	0	0	0
Awards	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0
Disciplinary Action: Demotion	0	0	0	1	0
Disciplinary Action: Reprimand	0	0	0	1	1
Disciplinary Action: Removal	0	0	0	1	0
Disciplinary Action: Suspension	0	0	0	0	0
Disciplinary Action: Other	0	0	0	1	0
Duty Hours	0	0	0	0	1
Evaluation/Appraisal	1	0	0	2	2
Examination/Test	0	0	0	0	0
Harassment: Non-Sexual	5	0	0	2	2
Harassment: Sexual	0	0	0	1	0
Medical Examination	0	0	0	0	0
Pay (including Overtime)	3	0	0	1	1
Promotion/Non-Selection	1	0	1	2	0
Reassignment: Denied	2	0	0	0	0
Reassignment: Directed	0	0	0	0	1
Reasonable Accommodation	1	0	0	0	2
Reinstatement	0	0	0	0	0

**Appendix II**

<b>Complaints by Issue</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Retirement	0	0	0	0	0
Termination	0	0	0	0	0
Terms/Conditions of Employment	1	0	0	2	4
Time and Attendance	1	0	0	0	0
Training	0	0	0	0	1
Other	2	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>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Average number of days in investigation stage	238	276	285	111	155
Average number of days in final action stage	40	41	34	59	32

## Complaints Pending During Fiscal Year Where Hearing Was Requested

<b>Complaints Pending During Fiscal Year Where Hearing Was Requested</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Average number of days in investigation stage	314	313	321	185	199
Average number of days in final action stage	34	24	15	0	7

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

<b>Complaints Pending During Fiscal Year Where Hearing Was Not Requested</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Average number of days in investigation stage	178	192	189	81	110
Average number of days in final action stage	41	48	54	59	57





<b>Findings After Hearing</b>	<b>2015 #</b>	<b>2015 %</b>	<b>2016 #</b>	<b>2016 %</b>	<b>2017 #</b>	<b>2017 %</b>	<b>2018 #</b>	<b>2018 %</b>	<b>2019 #</b>	<b>2019 %</b>
National Origin	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0

Findings Without Hearing

<b>Findings Without Hearing</b>	<b>2015 #</b>	<b>2015 %</b>	<b>2016 #</b>	<b>2016 %</b>	<b>2017 #</b>	<b>2017 %</b>	<b>2018 #</b>	<b>2018 %</b>	<b>2019 #</b>	<b>2019 %</b>
Findings Without Hearing	0	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0

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











## Pending Complaints Filed in Previous Fiscal Years by Status

<b>Pending Complaints Filed in Previous Fiscal Years by Status</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Total Complaints from Previous Fiscal Years	7	13	10	1	5
Total Complainants	7	13	9	1	4

## Number Complaints Pending

<b>Number Complaints Pending</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Investigation	0	1	1	3	5
Hearing	4	6	7	2	1
Final Action	0	2	0	0	1
Appeal with EEOC Office of Federal Operations	3	4	3	0	0

## Complaint Investigations

<b>Complaint Investigations</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Pending complaints where investigations exceed required time frames	4	1	0	1	1