



NO FEAR ACT
ANNUAL REPORT TO CONGRESS

October 1, 2015 – September 30, 2016



Office of Minority and Women Inclusion

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Introduction

The Federal Housing Finance Agency (FHFA or Agency) was established by the Housing and Economic Recovery Act of 2008 (HERA).¹ 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. FHFA'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 primarily focuses on Fiscal Year (FY) 2016 but also includes the five-year reporting period between FY 2012 and FY 2016. 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).² 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. Federal agencies must also notify employees and applicants for employment about their rights under the federal antidiscrimination and whistleblower laws.

FHFA Director Melvin L. Watt signed FHFA's EEO Policy Statement on August 12, 2016, highlighting the Agency's commitment to employee rights and protections:

As the Director of FHFA, I unequivocally support Equal Employment Opportunity (EEO) and seek to ensure that FHFA prohibits discrimination based on race, color, religion, gender (including pregnancy, gender identity, and sexual orientation), national origin, disability (physical or mental), age (40 years of age or over), genetic information (including family medical history), retaliation, parental status, and marital status. I am fully committed to ensuring that all employees are aware of the protections available to them.

Director Watt further stated: "I fully support the implementation of FHFA EEO Standards that demonstrate the Agency's commitment to the principles of EEO, and that promote diversity and inclusion (D&I) of the Agency's workforce and senior management."

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

² Public Law 107-174, 107th Congress, 116 Stat. 566.



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.

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 2012 – FY 2016, three employees brought federal court cases against FHFA concerning federal antidiscrimination laws. The first case, initiated in FY 2013, alleged a violation of the Age Discrimination in Employment Act (ADEA) of 1967, 29 U.S.C. Chapter 14.³ In the chart below, this case is reflected as pending in FY 2013 and settled in FY 2014. The second case was initiated in FY 2015, alleging retaliation in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e. This case was dismissed for untimeliness on May 9, 2016 and is reflected as pending in FY 2015 and dismissed in FY 2016. The third case involves an individual who filed a complaint in district court on March 18, 2016, alleging retaliatory discrimination in violation of Title VII. This case was still pending at the end of FY 2016 and is reflected as such in the chart below. **Table 1** shows the disposition status of the various discrimination claims in federal court.

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



Table 1: Disposition Status of Federal Court Claims by Statute for the Period FY 2012 through FY 2016

Status of Federal Claims by Statute	2012	2013	2014	2015	2016
Title VII of the Civil Rights Act of 1964	0	0	0	1	2
<i>Pending</i>	0	0	0	1	1
<i>Dismissed</i>	0	0	0	0	1
<i>Settled</i>	0	0	0	0	0
Age Discrimination in Employment Act of 1967	0	1	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
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.⁴ Accordingly, FHFA made no budget adjustments relating to the Judgment Fund during the period FY 2012 through FY 2016.

Final Year-End No FEAR Act Data for FY 2012 through FY 2016

Table 2 reflects administrative complaint activity for the past five fiscal years. This information was posted quarterly and annually on the Agency’s public website in accordance with EEOC regulations at 29 C.F.R. Part 1614, subpart G.

Table 2: FHFA Complaint Activity for the Period FY 2012 through FY 2016

	2012	2013	2014	2015	2016
Number of FHFA Employees ⁵	572	594	587	554	588
Number of complaints filed	10	4	12	6	0
Number of complainants	10	4	11	6	0
Repeat filers	0	0	1	0	0
Complaints Filed as a Percentage of Total FHFA Workforce	1.75	0.67	2.04	1.08	0.00

⁴ 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.

⁵ 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.



Data Analysis

I. FY 2016 Discrimination Complaint Data

Table 2 provides information about the number of complaints filed during the five-year reporting period of FY 2012 through FY 2016. During FY 2016 no FHFA employees filed formal discrimination complaints, a decrease from the number of formal complaints filed in each of the other years in the reporting period.

Table 3 reflects the bases and type(s) of discrimination alleged in the complaints filed from FY 2012 through FY 2016.

Table 3: FHFA Complaint Activity for the Period FY 2012 through FY 2016 by Bases of Discrimination⁶

	2012	2013	2014	2015	2016
Race	9	0	3	3	0
Color	1	0	1	2	0
Religion	0	0	0	1	0
Reprisal	3	2	6	6	0
Gender	6	2	5	3	0
National Origin	0	0	0	0	0
Equal Pay Act	3	0	0	1	0
Age	5	2	3	2	0
Disability	1	0	4	2	0
Genetic Information	0	0	0	0	0
Non-EEO	0	0	0	2	0

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



Table 4 reflects complaints by issue filed from FY 2012 through FY 2016.

Table 4: FHFA Complaint Activity for FY 2012 through FY 2016 by Issue⁷

	2012	2013	2014	2015	2016
Appointment/Hire	0	1	0	0	0
Assignment of Duties	5	2	5	4	0
Awards	0	0	1	0	0
Conversion to Full-Time	0	1	0	0	0
Disciplinary Action					
<i>Demotion</i>	0	0	0	0	0
<i>Reprimand</i>	0	1	0	0	0
<i>Removal</i>	0	0	0	0	0
<i>Suspension</i>	0	0	1	0	0
<i>Other</i>	0	0	0	0	0
Duty Hours	0	1	0	0	0
Evaluation/Appraisal	2	1	4	1	0
Examination/Test	0	0	0	0	0
Harassment					
<i>Non-sexual</i>	2	2	3	5	0
<i>Sexual</i>	3	1	0	0	0
Medical Examination	0	0	0	0	0
Pay (including Overtime)	4	1	1	3	0
Promotion/Non-Selection	8	1	5	1	0
Reassignment					
<i>Denied</i>	0	0	0	2	0
<i>Directed</i>	0	0	0	0	0
Reasonable Accommodation	0	0	0	1	0
Reinstatement	0	0	0	0	0
Retirement	0	0	0	0	0
Termination	2	1	0	0	0
Terms/Conditions of Employment	0	1	0	1	0
Time and Attendance	0	1	1	1	0
Training	1	2	0	0	0
Other	0	0	1	2	0

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



II. Examination of Trends and Causal Analysis

From FY 2012 through FY 2016, 28 individuals filed 32 complaints in the aggregate, resulting in an average of six complaints filed per year. Of the 32 complaints filed during this five-year period, there were 17 allegations of reprisal, 16 allegations of gender discrimination, and 15 allegations of race discrimination.⁸ (See **Table 3**). Women filed nine of the gender-based complaints and men filed seven. African-Americans filed fourteen of the 15 race allegations. **Table 4** shows that the most common issues raised by employees were assignment of duties (16), promotion/non-selection (15), harassment (non-sexual) (12), and pay/compensation (9). There were no formal complaints for FY 2016. While the low number of cases makes it difficult to do a comprehensive examination of trends and causal analysis, we make the following observations.

Decrease in Number of Complaints: The significant decrease in the number of formal complaints filed in 2016 suggests a positive trend. EEOC also reported an overall trend of decreasing complaints throughout the federal government, with a 14.6 percent decrease in filings since FY 2010.⁹ FHFA's complaint activity has reflected a similar trend, with complaints falling from 12 to six between FY 2014 and FY 2015 and from six to zero between FY 2015 and FY 2016. FHFA attributes the decrease to increased usage of proactive measures, such as providing alternative options (e.g., ADR) for addressing workplace concerns, EEO training for managers and employees, and the Agency's efforts to resolve workplace concerns quickly and at the lowest level.

Investigation Processing Time: The average EEO investigation length for FHFA cases remaining open during FY 2016 was 276 days. 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.¹⁰ While FHFA's average is higher than the federal average, the duration of the most recent investigations has come closer to the EEOC average. The Agency has one complaint that was filed in FY 2012 with an investigation length of 849 days. This extensive processing time was primarily the result of that formal complaint filing being lost during the Agency's move from its former office location. When this case is resolved, the Agency's overall processing time will decrease substantially.

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

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

¹⁰ *Id.* at I-12.



The Agency continues to use its case management database and internal EEO procedures to help with case tracking, monitoring, and reporting. These systems help the Agency to identify the dates for all stages of EEO investigations and quickly recognize any investigation areas that are experiencing significant delays. These factors will also allow FHFA to reduce processing times steadily to be consistent with the EEOC’s requirements.¹¹

Table 5 provides additional information about the timeframes associated with FHFA’s processing of formal complaints of discrimination.

Table 5: FHFA Complaint Processing Time for the Period FY 2012 through FY 2016

	2012	2013	2014	2015	2016
Complaints pending during Fiscal Year					
Average number of days in investigation stage	206	284	237	238	276
Average number of days in final action stage	91	160	63	40	41
Complaints pending during Fiscal Year where hearing was requested					
Average number of days in investigation stage	221	369	344	314	313
Average number of days in final action stage	15	114	34	34	24
Complaints pending during Fiscal Year where hearing was not requested					
Average number of days in investigation stage	203	265	184	178	192
Average number of days in final action stage	108	173	72	41	48

Final Action: The EEOC identifies two types of final actions that are taken by agencies: a Final Notice by an agency following a decision by an Administrative Judge or a Final Agency Decision in all other circumstances.¹² The Agency must take a Final Notice by

¹¹ 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>.

¹² EEOC Management Directive 110, Chapter 5, Agency Processing of Formal Complaints, Part VI Final Actions, http://www.eeoc.gov/federal/directives/md-110_chapter_5.cfm#_Toc425745246.



issuing an order within 40 days after receipt of an Administrative Judge’s decision on a case. For Final Agency Decisions, the Agency must issue a decision within 60 days.¹³

As **Table 5** reflects, the Agency was timely in taking final actions in FY 2016 both in matters involving Final Notices and Final Agency Decisions. The Agency average for issuing Final Notices in 2016 was 24 days, well below the 40-day requirement and a significant decrease from the 34-day average in 2015. Likewise, in FY 2016 the Agency issued Final Agency Decisions within 48 days, well 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 to educate the workforce on their rights and to establish consistent standards and promote accountability. In FY 2016, FHFA made considerable strides in these areas.

FHFA took a number of proactive steps regarding harassment prevention. A collaborative intra-agency team developed the FHFA Anti-Harassment Policy, Procedures, and Responsibilities (hereafter “Anti-Harassment Policy”), which became effective on April 8, 2016. This policy covers all types of harassment regardless of form, and articulates FHFA’s commitment to preventing harassment and holding people accountable for violations of the policy. This policy is aligned with EEOC’s harassment prevention guidance in that it outlines “a clearly described complaint process that provides multiple avenues of complaint” and “a complaint process that provides a prompt, thorough, and impartial investigation.”¹⁴ FHFA also established a Harassment Prevention Hotline telephone number and a dedicated email address which provide employees options outside the supervisory chain for reporting harassment allegations. The telephone number preserves the anonymity of callers who desire anonymity. The Agency also promptly responds to reported allegations and determines the appropriate next steps.

During FY 2016 FHFA piloted Anti-Harassment training to educate employees and managers about the Agency’s new policy and to provide specific examples of harassing behavior.

¹³ Id.

¹⁴ Select Task Force on the Study of Harassment in the Workplace, Report of Co-Chairs Chai R. Feldblum and Victoria A. Lipnic, Executive Summary and Recommendations, June 2016, https://www.eeoc.gov/eeoc/task_force/harassment/report_summary.cfm, https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf.



The Agency created two separate training modules for supervisors/managers and employees. Both training modules use case scenarios and group activities to create engaging and interactive learning sessions. Participants provided valuable feedback on the training modules, which was then incorporated into the materials to make them more effective. During 2017 FHFA plans to offer similar training for the entire Agency.

In 2016, FHFA also updated its EEO Anti-Harassment Policy Statement, effective on May 23, 2016. The policy statement reinforces the Agency's commitment to a workplace free from EEO-based harassment and provides a link to the Anti-Harassment Policy and contact information for the Anti-Harassment Program.

FHFA also updated its EEO Policy Statement on August 12, 2016, modifying it to reflect the decision in the EEOC's *Baldwin v. Department of Transportation* case.¹⁵ The 2016 EEO Policy Statement now places discrimination based on sexual orientation under the overall umbrella of gender discrimination, rather than identifying it as its own separate basis.

FHFA has also started developing an independent ADR program and expects to complete and implement it in FY 2017. Recognizing that a strong ADR program is a critical component of a successful workforce, OMWI has dedicated a full-time employee to serve as the Agency's ADR Program Coordinator who will coordinate a model ADR program to help employees and managers resolve disputes before they reach the EEO complaint process.

The Agency will also continue to promote accountability through the performance management system and manager training in FY 2017. OMWI is collaborating with the Agency's Office of Human Resources Management (OHRM) to elevate measures of diversity and inclusion to a more prominent and visible level within the performance system. This will drive greater accountability on the part of managers and supervisors.

¹⁵ *Baldwin v. Dept. of Transportation* (EEOC Appeal No. 0120133080 (July 15, 2015)).



Actions to Improve Equal Employment Opportunity Program

Pursuant to the requirements of EEOC Management Directive (MD) 715, the Agency evaluates its EEO program on an annual basis. These self-evaluations have highlighted areas that need more attention, which FHFA has already begun to address by developing a number of MD 715 action plans for improving its EEO program. These plans were submitted to the EEOC in conjunction with the Agency's FY 2015 MD 715 Report and implementation of some of the plans will continue in FY 2017.

Data Analysis

Based on EEOC recommendations, the Agency will increase its efforts to gather and analyze applicant flow data to enhance recruitment efforts of groups with low participation rates. In FY 2016, FHFA acquired an applicant tracking system that will allow the Agency to better track and understand the demographic make-up of FHFA's applicant pool. While this new system will be fully implemented in FY 2017, OHRM has already started to provide applicant flow data from USAJOBS and selected internal vacancies. FHFA is also conducting an impact analysis of FY 2015 performance evaluations and performance-based bonus distributions.

New and Updated Policies and Policy Statements

As noted earlier in this Report, in FY 2016 FHFA developed an Anti-Harassment Policy. FHFA issued an updated EEO Policy Statement in August 2016 that reaffirmed its stance against discrimination. OMWI also drafted EEO Complaint Procedures to provide employees a resource to guide them during the EEO Complaint process. On June 17, 2016 FHFA issued a written Reasonable Accommodation Policy and Procedures. This policy designates an official Agency Reasonable Accommodation Coordinator, so that all employees know the point of contact for information on reasonable accommodations. The policy further affirms the Agency's commitment to creating "an inclusive workplace that accommodates people with disabilities."

FHFA also has several draft policies to finalize in FY 2017. The Agency's written ADR policy will provide information about the process and about different mechanisms available to individuals to resolve disputes. FHFA is also developing an EEO Official Time Policy, which will provide definitive guidance to managers and employees on official time requests during the formal EEO process.



EEO Standards

The Agency's updated EEO Policy Statement contains EEO Standards that the Agency developed pursuant to Section 342 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act).¹⁶ These standards are designed to promote Agency accountability, and to complement and formalize principles of equity and fairness to integrate them into the routine employment practices of the Agency. The EEO Standards are based on core diversity and inclusion values such as collaboration and integrity and the key competency of emotional intelligence. In addition, they directly correlate to the EEOC's six pillars for a model EEO program. The Agency Director signed the Agency's EEO Standards on August 12, 2016.

Training Efforts

The Agency is developing additional communication strategies and objectives to ensure that employees can easily learn about their rights and responsibilities. These strategies include redesign of the OMWI-EEO intranet site and development of educational materials. During the year, OMWI developed an EEO workplace resolution brochure to provide employees with a quick reference guide to aid them in deciding which avenue to take to resolve their workplace conflict or issue.

As discussed earlier, FHFA conducted pilot Anti-Harassment training sessions. In addition, at the request of senior management, OMWI conducted "Developing Awareness in the Workplace" training. The purpose of this training is to improve interactions and behavior among colleagues by encouraging employees to acknowledge and accept the differences in each other's beliefs, values and experiences, and to appreciate and respect these differences. FHFA updated its new employee orientation program in FY 2016 to include a comprehensive training session on EEO discrimination, the No FEAR Act, and whistleblower protections. OMWI has also partnered with FHFA's Learning Academy to develop proposed learning modules to measure the commitment of managers and supervisors to EEO and D&I practices.

Special Emphasis Programs

FHFA worked diligently in FY 2016 to develop and establish its own Special Emphasis Program (SEP), and appointed a dedicated Agency SEP Coordinator. The Coordinator's efforts allowed the Agency to recognize specific groups and foster conversations about diversity. For example, the Agency observed Holocaust Remembrance Day in May 2016 at which an FHFA employee

¹⁶ Public Law 111-203, 111th Congress, 12 U.S.C. § 5452(b)(2)(A).



shared stories about his parents' survival in Greece during the Holocaust. FHFA also celebrated Women's History Month in March 2016 by inviting all women employees to discuss their experiences in public service and government and participate in a group picture. FHFA will continue to work to advance its SEP to promote employee engagement, recruitment and advancement efforts.

No FEAR Act Training Plan

FHFA plans to offer Agency-wide training on the No FEAR Act again in FY 2017 and 2018. FHFA 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. In addition to this online requirement, FHFA revamped its in-person new employee orientation training to include a session on EEO and whistleblower protections and the No FEAR Act. This live training session allows new employees to interact with the trainer, ask questions and reinforce their knowledge during the online training.

In FY 2015, the Agency was 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. The Agency updated its No FEAR Act Notice during FY 2016 and issued it to all employees. This notice provides employees with an understanding of antidiscrimination laws, retaliation, and whistleblower protections. FHFA posted this notice on the Agency internal and external websites.





FHFA EEO Policy Statement

As the Director of FHFA, I unequivocally support Equal Employment Opportunity (EEO) and seek to ensure that FHFA prohibits discrimination based on race, color, religion, gender (including pregnancy, gender identity, and sexual orientation), national origin, disability (physical or mental), age (40 years of age or over), genetic information (including family medical history), retaliation, parental status, and marital status. I am fully committed to ensuring that all employees are aware of the protections available to them.

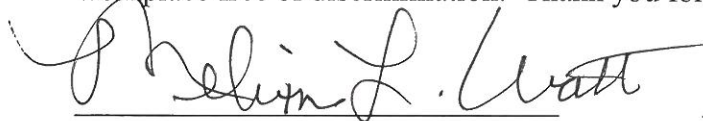
FHFA seeks to prohibit discrimination in every aspect of personnel policies, program practices, and operations. This prohibition also applies to working conditions, including, but not limited to, recruitment, hiring, merit promotion, transfer, reassignment, training, career development, benefits, and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

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

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

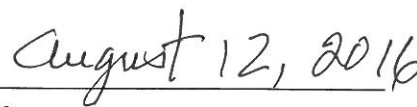
This EEO Policy Statement will be posted in our workplace and be publicly available to promote awareness of FHFA's commitment to EEO. For information on the EEO complaint process and counseling, contact EEO Services at (202) 649-3816, via e-mail at eeoservices@fhfa.gov, or on the FHFA intranet at <http://intranet.fhfa.gov/Default.aspx?Page=312>.

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



Melvin L. Watt
Director, FHFA

Date





FHFA EEO Anti-Harassment Policy Statement

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

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

EEO-based harassment includes, but is not limited to, sexual harassment, offensive jokes, slurs, epithets or name-calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. It includes any unwelcome severe or pervasive conduct that adversely affects the terms, conditions, and privileges of employment; unreasonably interferes with a person's work performance; or creates an intimidating, hostile, or offensive work environment. Sexual harassment is characterized by unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

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

An employee who reports harassment and wishes to file a separate EEO complaint must contact EEO Services and/or an EEO Counselor **within 45 calendar days after the incident**. For more information about the EEO counseling process, view the EEO Services intranet website at <http://intranet.fhfa.gov/Default.aspx?Page=312>. To obtain additional information about FHFA's [Anti-Harassment Policy, Procedures, and Responsibilities](#), or to report harassment, contact the Harassment Prevention Hotline at (202) 649-3964 or by email at HarassmentPrevention@fhfa.gov.

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


Melvin L. Watt, Director


Date

No FEAR Act Data – FY 2016

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 report addresses the following:

- [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	2012	2013	2014	2015	2016
Number of complaints filed	10	4	12	6	0
Number of complainants	10	4	11	6	0
Repeat filers	0	0	1	0	0

Complaints by Basis

Complaints by Basis	2012	2013	2014	2015	2016
Race	9	0	3	3	0
Color	1	0	1	2	0
Religion	0	0	0	1	0
Reprisal	3	2	6	6	0
Sex	6	2	5	3	0
National Origin	0	0	0	0	0
Equal Pay Act	3	0	0	1	0
Age	5	2	3	2	0
Disability	1	0	4	2	0
Genetic Information	0	0	0	0	0
Non-EEO	0	0	0	2	0

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

Complaints by Issue

Complaints by Issue	2012	2013	2014	2015	2016
Appointment/Hire	0	1	0	0	0
Assignment of Duties	5	2	5	4	0
Awards	0	0	1	0	0
Conversion to Full-time	0	1	0	0	0
Disciplinary Action: Demotion	0	0	0	0	0
Disciplinary Action: Reprimand	0	1	0	0	0
Disciplinary Action: Removal	0	0	0	0	0
Disciplinary Action: Suspension	0	0	1	0	0
Disciplinary Action: Other	0	0	0	0	0
Duty Hours	0	1	0	0	0
Evaluation/Appraisal	2	1	4	1	0
Examination/Test	0	0	0	0	0
Harassment: Non-Sexual	2	2	3	5	0
Harassment: Sexual	3	1	0	0	0
Medical Examination	0	0	0	0	0
Pay (Including Overtime)	4	1	1	3	0
Promotion/Non-Selection	8	1	5	1	0
Reassignment: Denied	0	0	0	2	0
Reassignment: Directed	0	0	0	0	0
Reasonable Accommodation	0	0	0	1	0
Reinstatement	0	0	0	0	0

Complaints by Issue	2012	2013	2014	2015	2016
Retirement	1	0	0	0	0
Termination	2	1	0	0	0
Terms/Conditions of Employment	0	1	0	1	0
Time and Attendance	0	1	1	1	0
Training	1	2	0	0	0
Other	1	0	1	2	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	2012	2013	2014	2015	2016
Average number of days in investigation stage	206	284	237	238	276
Average number of days in final action stage	91	160	63	40	41

Complaints Pending During Fiscal Year Where Hearing Was Requested

Complaints Pending During Fiscal Year Where Hearing Was Requested	2012	2013	2014	2015	2016
Average number of days in investigation stage	221	369	344	314	313
Average number of days in final action stage	15	114	34	34	24

Complaints Pending During Fiscal Year Where Hearing Was Not Requested

Complaints Pending During Fiscal Year Where Hearing Was Not Requested	2012	2013	2014	2015	2016
Average number of days in investigation stage	203	265	184	178	192
Average number of days in final action stage	108	173	72	41	48

Findings After Hearing	2012 #	2012 %	2013 #	2013 %	2014 #	2014 %	2015 #	2015 %	2016 #	2016 %
National Origin	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0

Findings Without Hearing

Findings Without Hearing	2012 #	2012 %	2013 #	2013 %	2014 #	2014 %	2015 #	2015 %	2016 #	2016 %
Findings Without Hearing	0	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0

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

Pending Complaints Filed in Previous Fiscal Years by Status

Pending Complaints Filed in Previous Fiscal Years by Status	2012	2013	2014	2015	2016
Total Complaints from Previous Fiscal Years	4	9	9	7	13
Total Complainants	4	9	9	7	13

Number Complaints Pending

Number Complaints Pending	2012	2013	2014	2015	2016
Investigation	4	7	6	0	1
Hearing	0	0	3	4	6
Final Action	0	1	0	0	2
Appeal with EEOC Office of Federal Operations	0	1	0	3	4

Complaint Investigations

Complaint Investigations	2012	2013	2014	2015	2016
Pending complaints where investigations exceed required time frames	7	7	3	4	1