



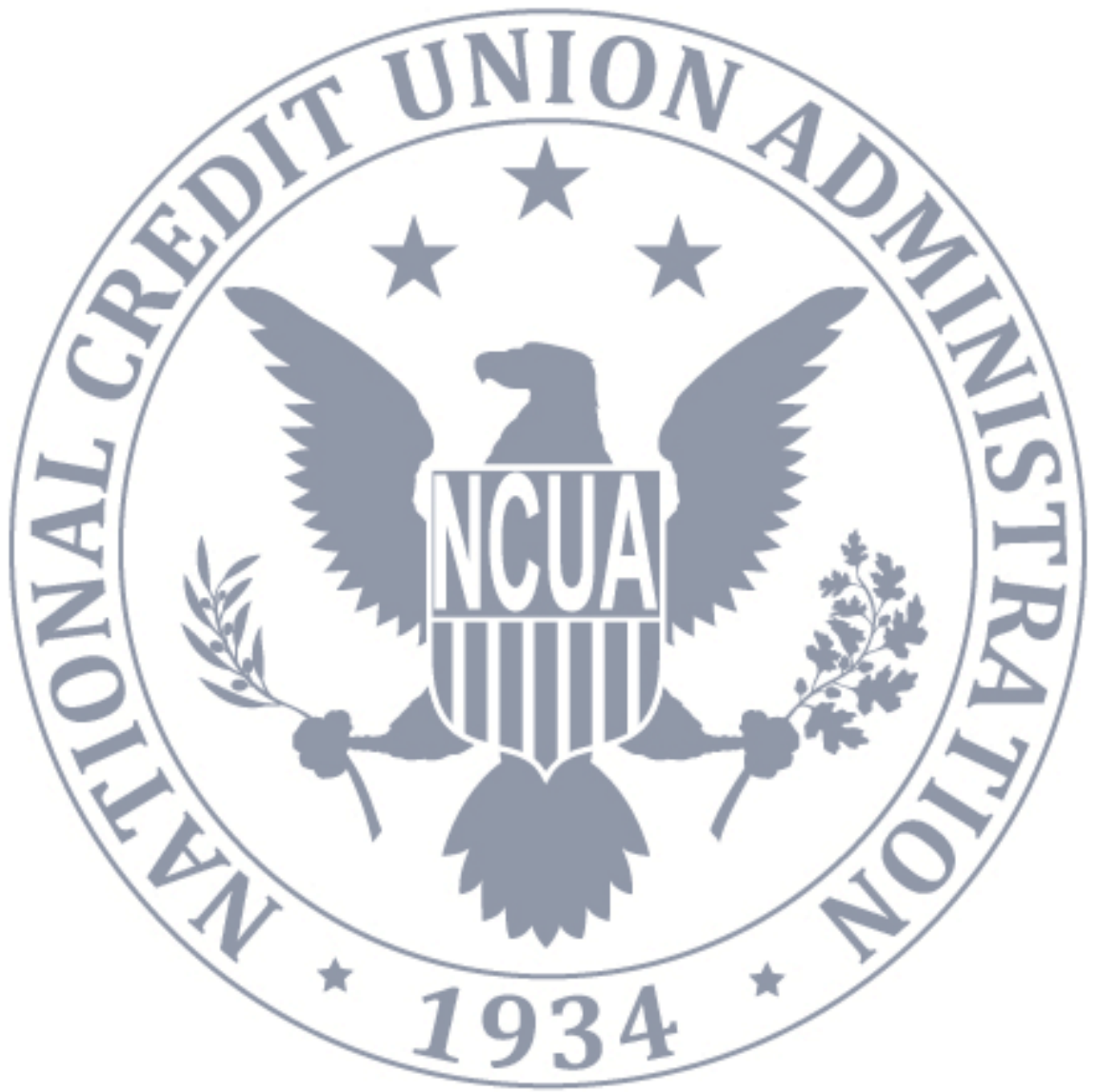
NCUA

National Credit Union Administration

Congressional Report on Notification and Federal Employee Antidiscrimination and Retaliation Act

March 2021

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No FEAR Act Report • 2020

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Introduction

The National Credit Union Administration (NCUA) is the independent federal agency created by the U.S. Congress to regulate, charter, and supervise federal credit unions. With the backing of the full faith and credit of the United States, the NCUA operates and manages the National Credit Union Share Insurance Fund, insuring the deposits of more than 124.3 million account holders in all federal credit unions and the overwhelming majority of state-chartered credit unions. In addition, the NCUA educates the public on consumer protection and financial literacy issues through [MyCreditUnion.gov](https://www.ncua.gov/MyCreditUnion.gov).

The NCUA values each employee and is committed to creating and sustaining an environment where each employee can contribute to fulfilling the agency's mission. The NCUA has zero tolerance for discrimination. The agency's policies and procedures are in line with all antidiscrimination laws and merit promotion principles. The NCUA's Equal Employment Opportunity (EEO) policy prohibits discrimination based on race, color, religion, national origin, sex (including sexual harassment and sexual orientation), age (40 years and over), disability (mental and physical), genetic information, or reprisal for any protected activity. The agency is also committed to affording employees their rights and protections available under federal antidiscrimination, whistleblower protection, and retaliation laws.

The Office of Minority and Women Inclusion (OMWI) prepared this Congressional Report.



Background

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174, went into effect on October 1, 2003. The Act requires federal agencies to be accountable for violations of antidiscrimination and whistleblower protection laws and to post certain statistical data relating to federal-sector EEO complaints filed with the agency.

Section 203 of the No FEAR Act requires each federal agency to submit an annual report to Congress. Agencies must report:

- The number of federal court cases arising under each of the respective areas of law specified in the act in which discrimination was alleged;
- The status or disposition of cases;
- The amount of money required to be reimbursed;
- The number of employees disciplined;
- Any policies implemented related to appropriate disciplinary actions against a federal employee who discriminated against any individual, or committed a prohibited personnel practice; and
- An analysis of the data collected with respect to trends, causal analysis, and other forms for analysis.

Section 203 of the No FEAR Act requires federal agencies to submit annual reports to:

- The Speaker of the House of Representatives;
 - The President Pro Tempore of the Senate;
 - The Committees on Governmental Affairs of the Senate and Government Reform of the House of Representatives;
 - Each committee of Congress with jurisdiction relating to the agency;
 - The Attorney General;
 - The Chair of the Equal Employment Opportunity Commission; and
 - The Director of the Office of Personnel Management.
-



Data

- 1. The number of cases in federal court pending or resolved in each fiscal year and arising under each of the respective provisions of the federal antidiscrimination laws and whistleblower protection laws applicable to them as defined in 5 C.F.R. 724.102, in which an employee, former employee, or applicant alleged a violation(s) of these laws, separating data by the provision(s) of law involved.**
 - None.
- 2. (a) The status or disposition of cases described in question (1); (b) the amount of money required to be reimbursed to the Judgment Fund by the agency for payments as defined in 5 C.F.R. 724.102; and (c) the amount of reimbursement to the Fund for attorney's fees where such fees have been separately designated.**
 - (a) None.
 - (b) None.
 - (c) None.
- 3. In connection with the cases identified above, the total number of employees in each fiscal year disciplined (reprimand, suspension without pay, reduction in grade or pay, or removal) and the specific nature of the disciplinary actions taken, separated by the provision(s) of law involved.**
 - None.
- 4. The final year-end data about discrimination complaints for each fiscal year that was posted in accordance with Equal Employment Opportunity Regulations 29 C.F.R. 1614.701, and what follows.**
 - See Appendix I, page 16.
- 5. Whether in connection with cases in federal court, the number of employees in each fiscal year disciplined in accordance with agency policy. The specific nature—for example, a reprimand—of the disciplinary actions taken must be identified.**
 - None.



- 6. A detailed description of the agency’s policy for taking disciplinary action against federal employees for conduct that is inconsistent with federal antidiscrimination laws and whistleblower protection laws or for conduct that constitutes another prohibited personnel practice revealed in connection with agency investigations of alleged violations of these laws.**
 - The NCUA administers the Discipline and Adverse Action program in accordance with 5 C.F.R. 752. Disciplinary actions against employees for conduct inconsistent with federal antidiscrimination laws and whistleblower protections or for conduct which constitutes a prohibited personnel practice are determined based on the circumstances of each case.

- 7. An analysis of the information described under paragraphs (1) through (6) (in conjunction with data provided to the Equal Employment Opportunity Commission (EEOC) in compliance with part 1614 of title 29 of the Code of Federal Regulations) including:**
 - a. an examination of trends;**
 - b. causal analysis;**
 - c. practical knowledge gained through experience; and**
 - d. any actions planned or taken to improve the complaint or civil rights programs of the agency.**
 - See the analysis provided in the EEO Complaint Activity Analysis section of this report, beginning on page 6.

- 8. For each fiscal year, any adjustment needed or made to the agency’s budget to comply with its Judgment Fund reimbursement obligations incurred under 5 C.F.R. 724.103.**
 - None.

- 9. The agency’s written plan developed under 5 C.F.R. 724.203(a) to train its employees.**
 - The agency formalized its training plan in writing on March 23, 2007. See Appendix II, page 26, for the plan. Since then, the NCUA has fully implemented No FEAR Act training for staff as directed by law and by Office of Personnel Management regulations.
 - Every two years, the NCUA disseminates the required “No FEAR Act” training course, as well as the anti-harassment training course, in the agency’s learning management system. The training courses include the elements required to meet



the EEO training requirements. At that time, the Division of Training and Development announces the beginning of the training cycle and requires all employees and contractors to complete the training within 60 days. During the 2019 training cycle, 100 percent of NCUA employees completed the training.

- Pursuant to agency policy, the NCUA provides EEO training to new supervisors. The agency also makes EEO training available to all new hires following the orientation process and requires completion of the No FEAR training within 90 days from their hiring date. Additionally, EEO information is posted on the agency's internal website for all employees to view.

EEO Complaint Activity Analysis and Training

Trend and Causal Analysis

During fiscal year 2020, NCUA employees filed five formal complaints. This represents no increase in complaint activity compared to five EEO complaints filed in both FY 2018 and 2019. The bases and allegations made in the five complaints in FY 2020 are:

- **Case 1:** The complainant alleged discrimination based on sex and hostile work environment and alleged she was marginalized, bullied, and called names by her supervisor. In addition, she alleged unfair allocation of duties prevented her from excelling on the job. Furthermore, the complainant alleged she was treated as an adversary, which affected her work performance. The complainant requested and received a final agency decision without a hearing. The complaint is now closed.
- **Case 2:** The complainant alleged discrimination based on mental disability, reprisal (prior EEO activity), and the Genetic Information Nondiscrimination Act of 2008 (unauthorized personal and family medical history) when she was subjected to a hostile work environment due to an ongoing pattern and practice of harassment regarding her work performance, work assignments, terms and conditions of her employment, and time and attendance. The complainant requested a hearing before an EEOC administrative judge. The complaint is pending a hearing.



- **Case 3:** The complainant alleged discrimination based on sex and hostile work environment when she was subjected to sexual comments and other inappropriate sexual behavior by her supervisor. Furthermore, the complainant alleged discrimination based on retaliation when she was the subject of an Inspector General investigation, placed on administrative leave, and proposed for indefinite suspension. The complainant accepted a settlement. The complaint is now closed.
- **Case 4:** The complainant alleged discrimination based on sex, age, disability, and reprisal when she was not selected for a position. The complainant withdrew her complaint and it is now closed.
- **Case 5:** The complainant alleged discrimination based on race, age, and physical disability when she was not selected for a position. The complainant requested a hearing before an EEOC administrative judge. The complaint is pending a hearing.

Ten complaints carried over into 2020 from prior fiscal years. The status of these complaints is:

- Four complaints are pending hearings at the EEOC;
- One complaint was closed by a dismissal; and
- Five complaints were closed by settlements.

Over the past ten fiscal years (2011–2020), the bases most frequently alleged by complainants are disability (24) and age (22) discrimination, followed by reprisal (21). During fiscal year 2020, disability, sex, and reprisal discrimination were each named as bases in three complaints, making them the most prevalent bases for complaints filed.

Management Commitment to Training

One of the NCUA’s strategic priorities is creating a workplace that is inclusive, where all employees are valued and able to contribute to their fullest. The NCUA’s leadership remains committed to equal employment opportunity, diversity, and inclusion. EEO and diversity and inclusion policy statements are updated and reissued annually to all agency staff. Further, all managers and leaders are provided with training and are held accountable through performance measurements in these areas.



The NCUA takes numerous steps to keep staff informed of their right to initiate pre-complaint EEO counseling for discrimination allegations. EEO information is maintained throughout the agency in various formats. It is provided to staff through newsletters, emails, the agency's internal website, and online training. OMWI maintains an internal SharePoint site that includes all EEO guidance, agency instructions, and policies. Additionally, the NCUA's website contains No FEAR Act data, and stakeholders can view reasonable accommodation and EEO-related instructions and the agency's Annual EEO Policy Statement (see Appendix III, page 29 for full statement). New employees are provided a copy of the agency's EEO policy statement and information on their rights under applicable EEO laws. Posters containing antidiscrimination and EEO counseling information are located throughout the NCUA's central and regional offices, including the Office of Human Resources (OHR).

Applicants for employment can access links to the No FEAR Act Data, EEO Policy Statement, the No FEAR Act Notice, reasonable accommodation procedures, and the EEO complaint process guidance from the [career page](#) on the NCUA's public website. Contact information is also available online if further details are required.

During the reporting period, the NCUA provided EEO training opportunities for managers and employees. All NCUA staff receive No FEAR Act training shortly after onboarding and biennially thereafter. Examiners also receive an in-person or virtual briefing during the agency's Skills Training and Examiner Practice program. New managers and supervisors receive EEO and diversity training conducted by OMWI staff. New examiners and new employees in the central office are provided EEO training during new employee orientation or during one-on-one briefings.

The Prevention of Harassment training was provided to managers and supervisors during this reporting period with a participation rate of 100 percent. The NCUA staff is required to take Prevention of Sexual Harassment training shortly after onboarding and biennially thereafter.

Program Improvements

OMWI conducts numerous programs that provide employees with a deeper understanding of the value of diversity, equity, and inclusion in the workplace. These proactive programs contribute to a more equitable environment. Ultimately, programs such as those listed below improve the agency's EEO program by raising awareness and reducing discriminatory practices.



Actions Taken to Improve Agency Complaint Program

Culture, Diversity, and Inclusion Council: The newly formed Culture, Diversity, and Inclusion Council (CDI Council) includes employee representatives at all levels (for example, executives, supervisors, and non-supervisors from multiple grade levels) and a diverse spectrum of functional areas (such as the examination program, legal, human resources, and technology). In addition, members are comprised of a cross-section of the agency's staff representing different types of diversity (including race, ethnicity, gender, age, sexual orientation, disability, veteran status, experience). A National Treasury Employees Union representative is also a member. In addition, CDI Council membership includes up to eight presidents of the agency's employee resource groups (ERGs).

During the calendar year, the agency embarked on a significant effort to assess the culture of the agency with the deployment of a culture climate survey covering all staff within the agency. The NCUA designed the survey with guidance from CDI Council representatives. The majority of the NCUA's staff (59 percent) responded to the survey. These survey results were combined with results from subsequent focus groups to provide an assessment of employee perceptions of the NCUA's culture.

Because of the pandemic, the CDI Council's efforts were limited, but the Council was able to achieve its yearly training requirement. The virtual training was divided into six two-hour sessions over a two-month period. The training was intended to provide the CDI Council with a strong foundation for cultivating an inclusive organizational culture and assist the group in the planning and prioritizing process to focus the CDI Council's efforts for the next several months.

Some of the training topics covered were:

- Introduction and CDI Council formation;
- Teambuilding and Introduction to Culture;
- Components of Culture; and
- Engagement.

ERG Program: The NCUA's ERG program has continued to grow and evolve while adapting to the current COVID-19 pandemic challenges. In 2020, the groups served as a bridge to connect employees by providing additional resources, coordinating special presentations, and creating a support system for the workforce to help with the challenges of the COVID-19 pandemic.



As of December 2020, the agency had seven ERGs serving Asian Americans and Pacific Islanders, Blacks and African Americans, Hispanics and Latinos, LGBTQ+ employees, employees with disabilities, veterans, women, and their allies. The number of employees engaged in ERG activities and efforts increased. As of December 2020, ERGs comprised 269 members, or approximately 23 percent of NCUA employees. This figure more than doubles the industry benchmark of 10 percent employee membership in ERGs within an organization. In addition to the work necessary to continue to provide the essential tools and support to these groups, the ERGs successfully engaged members in more than 50 initiatives and activities designed to provide professional development efforts, networking, employee retention, and other benefits. The ERGs have continuously contributed in meaningful ways to foster a more inclusive work environment for all employees. Below is an overview of some of the initiatives executed by these groups:

- Umoja, the Black and African American ERG, hosted a membership meeting that included the agency’s Chairman and a Board member to discuss challenges and areas of opportunities for its membership;
- SWAN, the women’s ERG, provided a special presentation for members in collaboration with multiple agency offices to discuss the process for reporting inappropriate behaviors;
- MPower, the ERG for employees with disabilities, sponsored an educational presentation on emergency response and virtual teams for employees with disabilities;
- CULTURA, the Hispanic and Latino ERG, launched new programs, such as the ERG Network Ambassador Program and Spanish Assistance Committee;
- Umoja and OMWI co-hosted 15 facilitated conversations to discuss racial justice in the aftermath of the killing of George Floyd;
- VANS, the veterans ERG, and CULTURA co-hosted a Veterans Day membership event - *Veteran’s Day Morale and Diversity Celebration* (featuring Captain Isis Rosario-Nieves, “The Salsa Nurse”); and
- VANS developed a mentorship program.

Ongoing membership activities, such as cross-ERG collaboration movie club discussions, newsletters, and presentations also took place regularly, including:

- *And the Band Played On* and *PRIDE* movie club discussions hosted by NCUA PRIDE, the LGBTQ+ ERG;



- *The Color Purple* movie club discussion co-hosted by NCUA PRIDE, SWAN, and Umoja;
- *And Yet They Persisted: How American Women Won the Right to Vote, What the U.S. Can Learn from Germany About Facing the Past, and Brave, Not Perfect: Fear Less, Fail More, and Live Bolder* book club discussions hosted by SWAN;
- CULTURA’s “Café con Leche” presentations on *Unconscious Bias* and *What Does It Mean to Be Latinx*;
- A monthly newsletter for CULTURA members;
- Pride Month newsletter by the NCUA PRIDE;
- Juneteenth newsletter by Umoja;
- Mid-Autumn Festival newsletter by APIC, the Asian American and Pacific Islander ERG; and
- A Veterans Day newsletter for VANS members.

In addition, all ERGs worked with OMWI on the coordination of the 2020 Special Emphasis Program (SEP) observances while navigating the challenges of the pandemic. MPower is currently identifying barriers and solutions for employees with disabilities as well as coordinating efforts to educate members and NCUA employees about the importance of understanding and implementing Section 508 of the Rehabilitation Act of 1973, which requires federal agencies to make electronic and information technology accessible to people with disabilities. These are only a few examples of how ERGs contribute to the improvement of the NCUA’s organizational culture.

Special Emphasis Programs: The NCUA SEP series is a significant component of efforts to build inclusion and understanding within the agency’s workplaces. For nearly all observances, OMWI hosted an event featuring a guest speaker who provided a range of experiences and insights into how to be more intentionally inclusive in the workplace. This year OMWI included a special event to commemorate the 30-year anniversary of the Americans with Disabilities Act (ADA). Many employees attend these events, both in-person (prior to the pandemic) and virtually. The following list includes details of each event.

Special Emphasis Observance	Event	Speaker
National Black History	Black Capitalism in America: Black Wall Street and Beyond	Clifton Taulbert, Pulitzer Prize nominated author and entrepreneur
National Women’s History	Courage in Corsets: Documentary (Central Office Only)	PBS Entertainment



Special Emphasis Observance	Event	Speaker
Asian/Pacific Islander Heritage	Mass Imprisonment in America: A presentation by former prisoner and national lecturer Sam Mihara	Sam Mihara, survivor of Japanese internment and national lecturer
LGBTQ+ Pride	Beyond Male and Female	Kate Bornstein, non-binary trailblazer and author
Americans with Disabilities Act Anniversary	Celebrate the ADA Anniversary	Michael Morris, National Disability Institute director; Jennifer Laszlo Mizrah, disabilities rights advocate and president of RespectAbility
National Hispanic Heritage	Hispanics and Latinx Success Stories and Contributions	NCUA staff panel with representatives from the Office of Business Innovation, the Office of the Chief Information Officer, and the Western Region
National Disability Employment Awareness	Invisible Disabilities Awareness	Christina Irene, educator, entertainer, and author
National American Indian/Alaska Native Heritage	Nation to Nation: Treaties Between the United States and American Indian Nations	Mandy Van Heuvelen, Cultural Interpreter Coordinator at the National Museum of the American Indian
Veterans Day	Military Women, Our Invisible Veterans	Dr. Kate Hendricks Thomas, academic researcher, storyteller, and U.S. Marine Corps veteran

OMWI Talks: OMWI continued to host facilitated, open discussions for NCUA employees in 2020. These OMWI Talks aim to create a safe space for employees to discuss sensitive diversity and inclusion-related topics. By having conversations about differences, employees can broaden awareness and understanding of others, leverage diversity, and foster greater inclusion. These discussions give employees opportunities to analyze and discuss complex topics and learn how to manage challenges that may affect the workplace environment.

After OMWI Talks took place in January and February, the COVID-19 pandemic disrupted the remaining OMWI Talks that were scheduled in the ensuing months.



However, following the killing of George Floyd, OMWI clearly needed to create an outlet to help employees talk through the racial challenges facing the nation. OMWI Talks were the perfect vehicle for this type of conversation. Initially, OMWI scheduled five virtual OMWI Talk sessions. Demand for these conversations was so high that 10 more sessions were added. In all, OMWI and Umoja hosted 15 OMWI Talks in June and July, with 378 employees participating in at least one session but many joining multiple sessions. Participation in each session was limited to 25 employees to allow all participants to use their video cameras during the session. Former Chairman Rodney E. Hood participated in each of the 15 sessions and more than 60 percent of the agency's senior leaders, including current Chairman Todd M. Harper, participated in one or more sessions.

Through these conversations, NCUA employees were able to discuss perspectives on racial injustice openly. It created a safe space for employees to share their experiences with discrimination while giving others an opportunity to support their colleagues, ask questions and learn how they could act as allies and act against inequities in the workplace and beyond.

Internship Program: Despite the impact of the COVID-19 pandemic, the NCUA sponsored students in three distinct internship programs during 2020. First, OHR used the Pathways Program to attract six students from a variety of backgrounds to participate in its summer intern program. The program participants performed meaningful projects and tasks, making for an enriching and educational experience. This past year, the NCUA converted one summer intern into a full-time employee through the competitive process.

In addition, OMWI hosted four summer interns from two minority-serving organizations: the Hispanic Association of Colleges and Universities, and The Washington Center. Like Pathways, the goal of the summer internship program is to provide current college students a brief experience performing in a federal government setting, providing meaningful projects and an enriching learning opportunity.

Further, the NCUA also partnered with the Office of the Comptroller of the Currency on its High School Scholars Internship Program to sponsor four high school student interns. The program provided students from the economically disadvantaged backgrounds enrolled in targeted Washington, D.C. public and charter schools with an opportunity to work, explore career paths, and gain an understanding of the missions and important work federal regulatory agencies do for the financial services industry.

Mentoring Program: OMWI's formal mentorship program has experienced continuous growth over the last three cycles, with 2020 experiencing the highest number of participants to date at 39 pairings. The program was created in 2016 to provide developmental opportunities, build cross-cultural understanding, and cultivate greater inclusion of all employees. The program's success can be directly attributed to the agency's leadership staff's willingness to devote time to assist new or lesser experienced NCUA personnel reach their career goals.



2020 Mentor Program Participation

	Number of participants in grades 12 and below	Number of participants in grades 13 15	Number of senior staff participants	Women	Men	White	Black/ African American	Asian/ Pacific Islander	Hispanic/ Latino	American Indian/ Alaska Native	Multi racial
Mentee	22	17	0	23	16	21	7	6	4	0	1
Mentor	4	25	10	16	23	33	2	0	3	0	1

Source: NCUA

Actions Planned to Improve Agency Complaint Program

In addition to the continuation of ongoing programs and education, some new initiatives that will launch during 2021, include:

Belonging: In 2021, OMWI will focus on how effectively diversity, equity, and inclusion lead to a sense of belonging. This initiative will highlight how belonging is different from inclusion and how belonging enhances the workplace, leading to better results for the agency. While inclusion creates an environment where employees can bring their whole selves to work and a culture that values and celebrates differences, belonging is the feeling employees have when inclusion is done right. When a sense of belonging is achieved, there is an increase in on-the-job effort, engagement, and intent to stay. The NCUA wants employees to feel they belong here.

CDI Council: In 2021, the CDI Council will create an action plan to address the results obtained from the culture climate assessment survey and focus groups conducted in late 2020.

ERGs: The NCUA will continue to support ERGs to align their work with the NCUA's goals related to diversity and inclusion. This will include the development and launch of the ERG Ambassador Program, which is designed to identify ERG member volunteers willing to support agency-wide recruitment efforts, aid in developing the SEP, and to support the efforts in launching the young professionals ERG in 2021.

OMWI has identified strategies for improving and measuring the program's effectiveness. These include quarterly meetings with ERG officers and executive sponsors to discuss current challenges, concerns, and needs, and hosting similar meetings with the full membership of each group at the end of the year. OMWI will continue to assess the ERG program and help identify ways in which the groups can be more effective.



As part of OMWI's efforts to increase visibility and awareness of the value and positive impact of these groups, OMWI plans to develop and launch an external ERG Program web page on the NCUA's official website. This will serve as a space to share information, resources, and highlights of each of the agency's ERGs.

Recruitment and Outreach: OMWI will continue to use new communications tools to reach out to prospective applicants identified during recruitment outreach events. OMWI is building a robust list of potential employment candidates where they can opt-in and receive current NCUA vacancy announcements by providing their name and email address. Every time a new NCUA vacancy announcement is released to the public, the posting will be sent to members of the email list. Additionally, OHR and OMWI will continue their collaborative recruitment and outreach efforts using a modified approach considering the ongoing offsite posture due to the COVID-19 pandemic. The new approach will continue the use of virtual platforms and the expansion of relationships with organizations holding events during the COVID-constrained environment.

The NCUA will also be using social media to enhance recruitment efforts. OMWI will tie recruitment efforts into SEP and work with the agency's ERGs to ensure broad distribution of social media content, in partnership with the Office of External Affairs and Communications.

In 2021, OMWI will focus on coordinating and executing a targeted barrier analysis to identify challenges in the hiring and retention of women within the agency.



APPENDIX I: No FEAR Act Data for Fiscal Year 2020

1st Quarter - October 1, 2019 - December 31, 2019

2nd Quarter - January 1, 2020 - March 31, 2020

3rd Quarter - April 1, 2020 - June 30, 2020

4th Quarter - July 1, 2020 - September 30, 2020

	2015	2016	2017	2018	2019	FY 20 1st qtr	FY 20 2nd qtr	FY 20 3rd qtr	FY 20 4th qtr
Number of Complaints Filed	5	3	6	5	5	1	3	5	5
Number of Complainants	5	3	6	5	4	1	3	5	5
Repeat Filers in Fiscal Year	0	0	0	0	1	0	0	0	0

Complaints by Basis	2015	2016	2017	2018	2019	FY 20 1st qtr	FY 20 2nd qtr	FY 20 3rd qtr	FY 20 4th qtr
Race	1	2	4	3	4	0	0	1	1
Color	1	1	1	3	2	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Reprisal	2	1	2	2	3	0	2	3	3
Sex	2	1	3	1	3	1	2	3	3
National Origin	0	1	0	1	0	0	0	0	0
Equal Pay Act	0	0	1	0	0	0	0	0	0
Age	4	0	3	2	3	0	0	2	2
Disability	2	0	3	1	4	0	0	3	3
Non-EEO	0	0	0	0	0	0	1	1	1

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



Complaints by Issue	2015	2016	2017	2018	2019	FY 20 1st qtr	FY 20 2nd qtr	FY 20 3rd qtr	FY 20 4th qtr
	Appointment/Hire	0	0	0	0	0	0	0	0
Assignment of Duties	0	2	1	1	0	1	2	2	2
Awards	0	1	0	1	1	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0
Demotion	0	0	0	0	1	0	0	0	0
Reprimand	0	0	0	0	1	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	1	0	1	1	1
Other	0	0	0	0	0	0	1	1	1
Duty Hours	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	2	0	2	1	1	2	2	2
Examination/Test	0	0	0	0	0	0	0	0	0

Harassment	2015	2016	2017	2018	2019	FY 20 1st qtr	FY 20 2nd qtr	FY 20 3rd qtr	FY 20 4th qtr
	Non-Sexual	0	0	0	0	2	1	2	2
Sexual	0	1	0	0	0	0	1	1	1
Medical Examination	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	1	1	0	0	0	0	0	0
Promotion/Non-Selection	3	1	4	1	2	0	0	2	2



Reassignment	2015	2016	2017	2018	2019	FY 20 1st qtr	FY 20 2nd qtr	FY 20 3rd qtr	FY 20 4th qtr
Denied	3	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	1	0	2	1	1	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	1	0	0	0	0	0
Termination	1	0	1	0	0	0	0	0	0
Terms/Conditions of Employment	0	1	0	1	1	1	3	3	3
Time and Attendance	0	0	0	0	1	0	1	1	1
Training	0	0	0	0	1	0	0	0	0
Other (Verbal Remarks)	1	0	0	1	1	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	2015	2016	2017	2018	2019	FY 2020 1st qtr	FY 2020 2nd qtr	FY 2020 3rd qtr	FY 2020 4th qtr
	Complaints pending during fiscal year	10	10	8	13	12	10	12	13
Average number of days in investigation stage	196	201	198	229	157	200	182	175	204
Average number of days in final action stage	0	0	0	90	0	0	0	69	69
Complaint pending during fiscal year where hearing was requested	3	6	4	8	9	8	8	8	9
Average number of days in investigation stage	229	206	245	261	238	230	230	236	228
Average number of days in final action stage	200	335	293	333	213	336	424	431	424
Complaint pending during fiscal year where hearing was not requested	3	1	1	2	0	0	0	1	1
Average number of days in investigation stage	176	178	166	179	0	0	0	180	180
Average number of days in final action stage	230	155	58	54	0	0	0	1	57

Complaints Dismissed by Agency	2015	2016	2017	2018	2019	FY 2020 1st qtr	FY 2020 2nd qtr	FY 2020 3rd qtr	FY 2020 4th qtr
	Total Complaints Dismissed by Agency	0	0	0	1	0	1	1	1
Average days pending prior to dismissal	0	0	0	90	0	69	69	69	69

Complaints Withdrawn by Complainants	2015	2016	2017	2018	2019	FY 2020 1st qtr	FY 2020 2nd qtr	FY 2020 3rd qtr	FY 2020 4th qtr
	Total Complaints Withdrawn by Complainants	0	0	0	0	0	0	0	0



Total Final Actions Finding Discrimination	2015		2016		2017		2018		2019		FY 20 1st qtr		FY 20 2nd qtr		FY 20 3rd qtr		FY 20 4th qtr	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0		0		0		0	
Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
With Hearing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	2015		2016		2017		2018		2019		FY 20 1st qtr		FY 20 2nd qtr		FY 20 3rd qtr		FY 20 4th qtr	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0		0		0		0	
Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



Findings After Hearing	2015		2016		2017		2018		2019		FY 20 1st qtr		FY 20 2nd qtr		FY 20 3rd qtr		FY 20 4th qtr		
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Findings Without Hearing	2015		2016		2017		2018		2019		FY 20 1st qtr		FY 20 2nd qtr		FY 20 3rd qtr		FY 20 4th qtr		
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0	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.



NCUA

National Credit Union Administration

Findings of Discrimination Rendered by Issue	2015		2016		2017		2018		2019		FY 20 1st qtr		FY 20 2nd qtr		FY 20 3rd qtr		FY 20 4th qtr	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0		0		0		0	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Demotion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Denied	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



Findings After Hearing	2015		2016		2017		2018		2019		FY 20 1st qtr		FY 20 2nd qtr		FY 20 3rd qtr		FY 20 4th qtr	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Demotion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Denied	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



Findings Without Hearing	2015		2016		2017		2018		2019		FY 20 1st qtr		FY 20 2nd qtr		FY 120 3rd qtr		FY 20 4th qtr	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Demotion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Denied	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



Pending Complaints Filed in Previous Fiscal Years by Status	2015	2016	2017	2018	2019	FY 20	FY 20	FY 20	FY 20
						1st qtr	2nd qtr	3rd qtr	4th qtr
Total complaints from previous Fiscal Years	4	5	7	7	5	9	8	5	4
Total Complainants	4	5	7	7	5	8	7	4	4

Number of Previous Complaints Pending at Close of Quarter	2015	2016	2017	2018	2019	FY 20	FY 20	FY 20	FY 20
						1st qtr	2nd qtr	3rd qtr	4th qtr
Investigation	0	0	0	0	0	1	1	0	0
Hearing	2	2	3	3	5	8	7	5	4
Final Action	0	0	0	0	0	0	0	0	0
Appeal with EEOC Office of Federal Operations	2	3	4	4	0	0	0	0	0

Complaint Investigations	2015	2016	2017	2018	2019	FY 20	FY 20	FY 20	FY 20
						1st qtr	2nd qtr	3rd qtr	4th qtr
Pending Complaints Where Investigations Exceeds Required Time Frames	0	0	0	1	1	0	0	0	0



Appendix II: No FEAR Training Plan, 2007

TRAINING PLAN

NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2002 (**NO FEAR ACT**)

Title II of the No FEAR Act requires that each Federal agency “provide to the employees of such agency training regarding the rights and remedies applicable to such employees” under the antidiscrimination and whistleblower protection statutes. The Office of Personnel management (OPM) is assigned responsibility for issuing rules to carry out the Title II training requirements.

On February 28, 2005, OPM issued proposed rules (5 Code of Federal Regulations, Part 724) requiring that each Federal agency develop a written plan to train all of its employees. As of July 6, 2005, the final rule has not been issued. To ensure NCUA compliance with the No FEAR Act requirements, this training plan follows the guidance contained in OPM’s proposed rule. Should the final rule, when issued, provide different guidance, this plan will be revised accordingly. The proposed rule requires that all agencies complete an initial training of all employees by the end of fiscal year 2005 (September 30, 2005) and complete a retraining all employees using a cycle of no longer than every two years.

The proposed 5 CFR Section 724.203(b) requires development of a training plan, as follows:

Each agency shall have the discretion to develop the content and method of its training plan. Each agency training plan shall describe:

- (1) The content and method of the training,
- (2) The training schedule, and
- (3) The means of documenting completion of training.

Section 724.203(c) provides that an agency “may contact EEOC and/or OSC for information and/or assistance regarding the agency’s training program” but neither the EEOC nor OSC can review or approve the agency’s plan. As Part 724 does not allow for review or approval of agency plans by the EEOC or OSC, this plan was developed with no direct input from either the EEOC or OSC. Indirect input was achieved by



using the information on antidiscrimination laws and whistleblower protection laws posted on the websites of both the EEOC and OSC.

A. CONTENT AND METHOD OF TRAINING

Title II of the No FEAR Act and 5 CFR section 724.203 require that the training of all agency employees of the rights and remedies available under the Antidiscrimination Laws and Whistleblower Protection Laws.

1. Content

COURSE OUTLINE

Background

What does the No FEAR Act require?

What claims are covered by the antidiscrimination laws?

What are the procedures for filing a complaint under the antidiscrimination laws?

What are the available remedies under the antidiscrimination laws?

What is protected whistleblowing?

What is whistleblower retaliation?

What can I do if I believe whistleblower retaliation has occurred?

2. Method

The office of Equal Opportunity Programs (EOP) has considered a number of methods by which training can be delivered. Consideration included both classroom and online approaches, provided by either in-house or contractor. To ensure that the information meets all of the requirements identified in OPM's proposed rule and to tailor the training to NCUA, EOP has decided to use in-house personnel.

EOP staff will collect the required information from the EEOC and OSC and format it into a presentation format. Initially, the method of presentation will be by PowerPoint. Based on employee feedback, the effectiveness of the training will be reviewed before the re-training cycle is completed in fiscal year 2007.



B. TRAINING SCHEDULE

Part 724 requires training in three categories: (1) initial training for all current employees, (2) re-training every other year, and (3) training of new employees as part of the orientation program. The schedule for each category is, as follows:

Initial Training

Training of all current NCUA employees will be completed between August 1, 2005 and close of the 2005 fiscal year (September 30, 2005).

Re-training

The retraining of current employees will be conducted between August 1 and September 30 of each fiscal year ending in an odd number (e.g., 2007, 2009, 2011, 2013, etc.).

New Employee Training

The training of new employees will be accomplished during the agency's orientation program.

C. DOCUMENTING COMPLETION OF TRAINING

Upon completing the No FEAR Act PowerPoint presentation, each employee must provide a self-certification of completion. The agency's Office of Chief Information Officer will provide EOP with updated information on those having completed the training. EOP staff will track completion and ensure that all employees complete the training and provide certification. New employees will certify their No FEAR Act training as part of their orientation.



APPENDIX III: Annual EEO Policy Statement

Office of the Chairman

Annual Equal Employment Opportunity Policy Statement

September 22, 2020

The National Credit Union Administration supports and promotes the principles of Equal Employment Opportunity in the workforce. The agency strives to maintain an environment where every employee is treated fairly with dignity and respect at all times. The agency prohibits discrimination on the basis of age, color, disability, sex (pregnancy, sexual orientation, and gender identity), genetic information, national origin, race, religion, and reprisal. The NCUA also prohibits discrimination based on political affiliation, parental and marital status, military service, or any other non-merit based factor.

These protections apply to all employees, applicants for employment and former employees; and extend to all agency personnel and employment programs, management practices and decisions, including, but not limited to, recruitment, hiring practices, appraisals, merit promotions, transfers, reassignments, training, and career development programs, benefits and separations. These protections ensure all employees have the freedom to perform their job duties and compete for development and promotional opportunities on a fair and level playing field.

As a federal agency, the NCUA is responsible for promoting and practicing workplace fairness and maintaining a workplace free of retaliation and harassment. The NCUA prohibits and has zero tolerance for both sexual and non-sexual harassment. Managers and supervisors responsible and held accountable for monitoring the work environment and ensuring it is free of unlawful employment practices. Managers and supervisors are required to take swift action when unlawful practices are identified. In addition to federal laws, the NCUA complies with applicable state and local laws governing nondiscrimination in employment in every location in which we operate.

The NCUA protects the rights and freedom of individuals who exercise their rights under EEO antidiscrimination statutes. Reprisal against employees who engage in protected activities is prohibited. Employees are subjected to unlawful practices must be able to use any of the agency's dispute resolution processes and seek redress in an atmosphere free of retaliation.

All NCUA employees are responsible for implementing the agency's EEO policies and instructions in their daily conduct and activities, and for abiding by the letter, intent, and spirit of the equal opportunity laws and policies.

This statement reaffirms the principles of equal employment opportunity, which enhance the agency's ability to accomplish its mission. I am committed to making the NCUA a workplace of choice where employees are valued, respected, and included.



Appendix IV: Prevention of Harassment in the Workplace Instruction

NCUA



INSTRUCTION

NO. 1235.08 (REV. 1)

DATE: June 26, 2015

SUBJ: Prevention of Harassment in the Workplace

TO: All NCUA Staff

1. **PURPOSE.** The Instruction establishes NCUA’s policy on preventing harassment (including sexual harassment) in the workplace, and the procedure for employees and contractors to report harassment complaints.
2. **CANCELLATION.** NCUA Instruction No. 1235.08 dated July 6, 2006 and Instruction No. 1235.2 (REV) dated June 10, 2004 are cancelled and replaced by this revised Instruction.
3. **BACKGROUND.** The U.S. Equal Employment Opportunity Commission (EEOC) enforces the prohibitions against employment discrimination in Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Titles I and Title V of the Americans with Disabilities Act of 1990, Sections 501 and 505 of the Rehabilitation Act of 1973, Title II of the Genetic Information Nondiscrimination Act of 2008, and the Civil Rights Act of 1991. These laws prohibit discrimination based on race, color, gender, sexual orientation, religion, national origin, age, disability, status as a parent, and genetic information, as well as reprisal for protected activity.

Title 29 Code of Federal Regulations 1604.11, issued by the U.S. Equal Employment Opportunity Commission recognizes sexual harassment as a violation of Section 703 of Title VII.

Guidance issued by the EEOC established harassment as a form of discrimination prohibited under each anti-discrimination statute. NCUA is committed to equal employment opportunity and a workplace free of discriminatory harassment.

4. **DEFINITIONS.**

- A. **Employee.** The term “employees” applies to all NCUA employees and non-employees in NCUA workspace while performing their official duties.



- B. **Harassment.** Violation of federal law that involves discriminatory conduct on the basis of an individual's membership in a protected class, where such conduct is so objectively offensive as to alter the conditions of the victim's employment (i.e., the harassment culminates in a tangible employment action or was sufficiently severe or pervasive to create a hostile work environment). For purposes of this Instruction, harassment includes sexual harassment.
- C. **Harassing Conduct.** Harassing conduct is defined as unwelcome verbal or physical conduct based on one's protected class, i.e., race, color, sex, sexual orientation, religion, national origin, age, disability, status as a parent, and genetic information, or reprisal for involvement in a protected Equal Employment Opportunity (EEO) activity when:
1. The behavior creates an offensive or intimidating environment that unreasonably interferes with work performance; or
 2. The conduct adversely affects employment opportunities based on the employee's acceptance or rejection of such conduct.
- D. **Hostile Work Environment.** Examples of repeated, extreme, or pervasive conduct that may form the basis of a hostile work environment claim include:
1. Making disparaging remarks about an individual's gender that are not sexual in nature;
 2. Expressing negative stereotypes regarding an employee's birthplace or ancestry;
 3. Derogatory or intimidating references to an employee's mental or physical impairment;
 4. Comments about an individual's skin color or other racial/ethnic characteristics;
 5. Negative comments about an employee's religious beliefs (or lack of religious beliefs);
 6. Negative comments regarding an employee's age when referring to employees 40 and over; and
 7. Use of racially derogatory words, phrases, and epithets.
- E. **Sexual Harassment.** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct:
- 1) Explicitly or implicitly affects an individual's employment;



- 2) Unreasonably interferes with an individual's work performance; or
- 3) Creates an intimidating, hostile, or offensive work environment.

Unwelcome sexual conduct can occur by any form of communication. Sexual harassment includes, but is not limited to:

- 1) Any implicit or explicit sexual conduct to influence or affect the career, pay, or job of another employee;
 - 2) Sexually oriented comments about an individual's body or sexual prowess;
 - 3) Sexually offensive comments, gestures, jokes, advances, physical contact, or propositions; or
 - 4) Any display of sexually suggestive objects or pictures in the workplace.
5. **POLICY.** NCUA is committed to maintaining a work environment free of harassing conduct in the workplace and correcting harassing conduct that does occur before it becomes severe or pervasive. In keeping with its commitment to maintain a work environment that is free of discriminatory harassment, NCUA will not tolerate unlawful harassment of employees by any supervisor, co-worker, or third party.
- A. **Scope.** This policy covers all forms of harassment, including sexual harassment, and applies to both NCUA employees and non-employees in NCUA workspace while performing their official duties. It also applies to the conduct of third parties who visit NCUA facilities and to third parties at facilities visited by NCUA employees on official NCUA business. Third parties include vendors, contractors, and credit union officials or staff.

NCUA's harassment policy includes sexual harassment that may include employees' conduct outside of NCUA workspace, because conduct between NCUA employees occurring outside of the agency's workplace may adversely impact the agency's work environment. Conduct outside of NCUA workspace will be considered on a case-by-case basis.

NCUA's prevention of sexual harassment policy also applies to the conduct of third parties who visit NCUA facilities and to third parties at facilities visited by NCUA employees on official NCUA business. Third parties include vendors, contractors, and credit union officials or staff.



6. **RESPONSIBILITIES.**

- A. **Employees.** Each employee is responsible for adhering to this policy and for cooperating fully in its enforcement. Employees are responsible for ensuring that their language and conduct is considerate of the rights and privileges of others in the conduct of their official duties. Employees must not engage in harassing conduct. All NCUA staff members are responsible for adhering to NCUA's anti-harassment policy and for cooperating fully in its enforcement, including the investigation of alleged incidents of harassment, sexual or otherwise.

Employees have the right to oppose any allegedly discriminatory employment practice or decision and to participate in the discrimination complaint process, including participation as a witness when complaints are filed by others.

Employees are responsible for reporting any incident of harassing conduct they experience *before* it becomes a pattern of misconduct that is pervasive and offensive as to constitute a hostile work environment. When an employee unreasonably fails to take advantage of this procedure and does not promptly report an incident of harassing conduct as set forth herein, NCUA reserves the right to raise this failure to report as a defense against a suit for harassment.

- B. **Supervisors.** NCUA supervisors are responsible for ensuring that the NCUA workplace meets the requirements of federal anti-discrimination policies and directives and is free of offensive language or conduct.¹ Supervisors must continuously monitor their work environment to ensure compliance with this policy.

All supervisors and managers are responsible for acting promptly and appropriately to prevent harassment in the workplace when they observe harassing conduct or are otherwise made aware of such conduct. Likewise, they are responsible for acting appropriately to prevent retaliation against those who complain of harassment.

When an employee complains to management about alleged harassment, management is obligated to investigate the allegation regardless of whether the complaint conforms to a particular format or is made in writing. Supervisors, therefore, must immediately advise the Director of NCUA's Office of Minority and Women Inclusion (OMWI) about any incident of harassing conduct that they witness or is otherwise brought to their attention.

- C. **Office of Inspector General.** All harassment allegations brought by a non-employee against an NCUA employee will be handled by the Office of Inspector General.

¹ This Instruction uses the term "supervisor" throughout to cover all individuals serving in both managerial and supervisory positions.



D. **Office of Minority and Women Inclusion (OMWI)**. All harassment allegations brought by an NCUA employee or job applicant will be handled by OMWI. OMWI will also refer all complaints involving an employee and non-employee to the Office of Inspector General for consideration.

7. **PROCEDURES FOR RESOLVING COMPLAINTS.**

Sexual Harassment Claims: An employee who believes they have experienced sexual harassment should first inform the offending person that such conduct is unwelcome and must stop. If the employee is not convinced the offending conduct will stop, the employee should immediately report the matter to their supervisor or the OMWI Director. An employee may select either the Internal NCUA Complaint Process or the Formal EEO Complaint Process for sexual harassment claims.

All Other Claims: Employees may select either the Internal NCUA Complaint Process for non-basis harassment claims or the Formal EEO Complaint Process for harassment claims based on race, color, religion, gender (including sexual, nonsexual, pregnancy, or same sex), national origin, disability, age (40 years or older), sexual orientation, protected genetic information (information about an individual's genetic tests, or the manifestation of a disease or disorder in the individual's family members), status as a parent, and retaliation for participating in the EEO complaint process or opposing discriminatory practices.

A. **Internal NCUA Process for Harassment Claims.** An NCUA employee who alleges harassment by either an offending NCUA employee or third party must notify their supervisor or the OMWI Director before the conduct becomes severe or pervasive. OMWI will conduct an inquiry and attempt to informally resolve the matter with appropriate NCUA officials. The OMWI Director, at his or her discretion, will assign an independent fact-finder who will conduct a prompt, thorough, and impartial inquiry into the claim. After completion of the fact-finding inquiry, the independent fact-finder will determine whether harassment occurred and offer remedies or options for resolution.

1. **Corrective Action.** Harassment may take different forms and, therefore, require different corrective actions. The circumstances of each case will dictate the corrective action required.

If a fact-finding inquiry reveals that unlawful harassment occurred, the supervisor of the offending NCUA employee will consult with NCUA's Office of Human Resources to determine immediate and appropriate corrective action, including any warranted disciplinary action. This responsibility normally rests with the first-line supervisor of the employee alleged to have engaged in the harassing conduct unless such supervisor is involved in the allegation.



If the offending party is not from NCUA, the agency will take action reasonably calculated to ensure that the conduct does not recur. In either circumstance, the Office of Human Resources will inform the OMWI Director of the corrective action decision, including a decision not to act.

2. **Confidentiality.** All information involving harassment allegations will remain confidential. Documents containing information collected during an inquiry or investigation of such allegations will be stored consistent with personally identifiable information security standards. The information collected is to be kept confidential and shall only be shared with individuals having an official need to know. An individual's identity will remain confidential unless such disclosure is authorized by the individual or the disclosure is unavoidable due to the nature of the allegations.
3. **Protection from Retaliation.** It is unlawful for an individual to be retaliated against for filing harassment allegations, participating in the complaint process, and any other protected activity. NCUA will not tolerate any retaliation against an employee because they engaged in a protected activity or made allegations of harassment, witnessed harassing conduct, or provided information concerning harassment claims. NCUA will take prompt corrective action in any situation involving retaliation.

- B. **Formal EEO Complaint Process.** NCUA employees and applicants for employment who wish to preserve their right to a specific legal remedy for harassment may forego NCUA's internal process and file a harassment complaint under the discrimination complaint procedures of Title 29 Code of Federal Regulations, Part 1614.

The first step in the complaint process requires that the individual contact the OMWI Intake Line at 703-518-6325 or OMWIMail@ncua.gov within 45 days of the most recent incident of harassment. Failure to contact OMWI within the 45-day timeframe may result in the loss of the right to a legal remedy. OMWI will assign the case to an EEO Counselor who will conduct an inquiry and attempt to informally resolve the matter with appropriate NCUA officials. If the matter cannot be resolved, the EEO Counselor will provide the individual with a notice of their right to file a formal complaint.

Once an individual is provided with the right to file a formal complaint, the individual may file a formal harassment complaint with OMWI. When OMWI receives the complaint, it will determine if the complaint is timely filed and acceptable for investigation. If the complaint is investigated, OMWI will issue a Report of Investigation to the complainant and inform him or her of the right to a decision on the merits by NCUA (with or without an administrative hearing), with right of appeal to the EEOC and subsequent review by a Federal District Court. If the ultimate decision (by NCUA, EEOC, or Court) finds that harassment occurred, the complainant will be provided an appropriate remedy. For more information on the formal complaint process, visit the EEOC's website at www.eeoc.gov or contact NCUA's OMWI at 703-518-6325 or OMWIMail@ncua.gov.



8. **EXPIRATION:** This Instruction is effective immediately and will remain in effect until canceled.

/s/
Mark A. Treichel
Executive Director

OMWI/EEO