



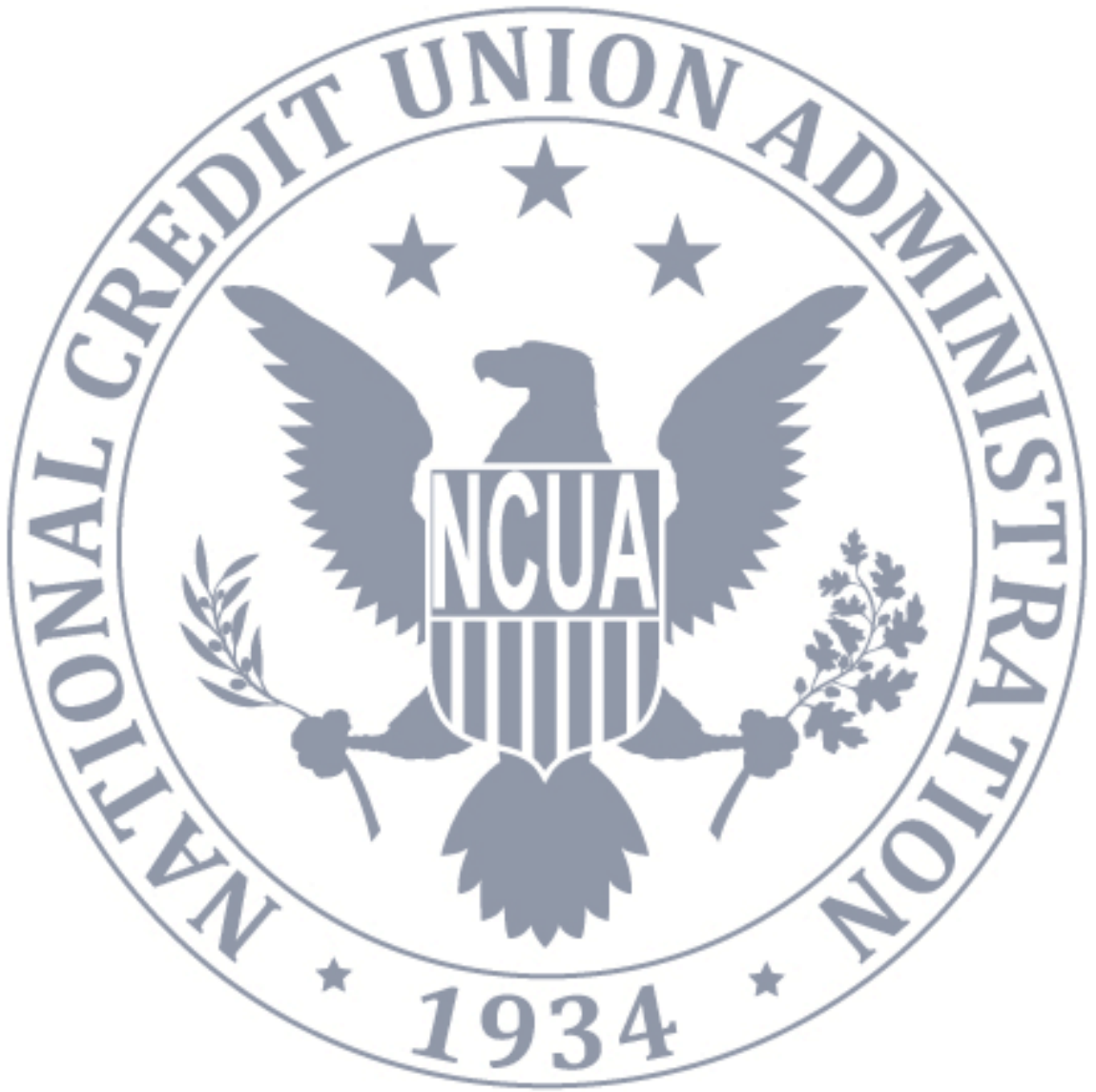
**NCUA**  
National Credit Union Administration

# Congressional Report on Notification and Federal Employee Antidiscrimination and Retaliation Act

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March 2018

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## No FEAR Act Report • 2017

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## Introduction

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The National Credit Union Administration 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 110 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).

The NCUA values each employee and is committed to creating and sustaining an environment where each employee can contribute to fulfilling the mission of the agency. The NCUA has zero tolerance for discrimination. The agency's policies and procedures are in line with all anti-discrimination laws and merit promotion principles. The NCUA's Equal Employment Opportunity 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 prepared this Congressional Report.

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## Background

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The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, 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 post certain statistical data relating to federal sector EEO complaints filed with the agency.

Section 203 of the No FEAR Act requires that each federal agency 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.
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## Data

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- 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 12.
  
- 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. The NCUA does not have a table of penalties. 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.
  
- 7. An analysis of the information described under paragraphs (1) through (6) (in conjunction with data provided to the Equal Employment Opportunity Commission 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 16 for plan. The NCUA has fully implemented its No FEAR Act training for staff as directed by the law and Office of Personnel Management regulations.
  - Pursuant to agency policy, the NCUA provides regular EEO training to managers. The agency also provides EEO training to all new hires and EEO information is posted on the agency's internal website for all employees to view.



## EEO Complaint Activity Analysis

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### Trend and Causal Analysis

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During fiscal year 2017, NCUA employees filed a total of six formal complaints. The NCUA takes numerous steps to keep staff informed of their right to initiate pre-complaint EEO counseling for discrimination allegations.

EEO information is visibly maintained throughout the agency in various formats. The NCUA's Office of Minority and Women Inclusion 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 EEO Policy Statement (see Appendix III, page 19 for full statement).

New employees are provided a copy of the agency's EEO policy statements and information on their rights under applicable EEO laws. All NCUA staff receive No FEAR Act training during onboarding and annually thereafter. Examiners also receive an in-person briefing during the agency's Skills Training and Examiner Practice program. Applicants for employment can access links to the No FEAR Act Data, EEO policy statement, No FEAR Act Notice, reasonable accommodation procedures, and EEO complaint process guidance from the [career page](#) on NCUA's public website. They may also select "contact us" from the contacts page for further information.

EEO posters containing antidiscrimination and EEO counseling information are posted throughout the NCUA's Central Office, regional offices, and the Office of Human Resources. EEO information is also provided to staff at agency conferences, as well as through newsletters, emails, the agency's internal website, and online training.

During fiscal year 2017, the bases and allegations made in the six complaints follow:

- **Case 1:** The complainant alleged discrimination based on race, sex, age, and reprisal when he became aware of non-selection for a position. The agency issued the complainant a final decision of no discrimination based on the merits of this case. The complainant did not appeal the decision to the EEOC.
- **Case 2:** The complainant alleged discrimination based on physical disability when management failed to provide an effective reasonable accommodation per a doctor's recommendation. The complainant requested a hearing before an EEOC administrative judge and the complaint is pending a hearing.





- **Case 3:** The complainant alleged discrimination based on race, sex, color, age, and disability for non-selection. The complaint is pending a final agency decision based on the merits of the case.
- **Case 4:** The complainant alleged discrimination based on age and disability for a proposed removal from federal service. In addition, discrimination was alleged based on age and disability for a denied accommodation in the form of a reassignment. The complaint is pending the complainant's election of a hearing or a final agency decision.
- **Case 5:** The complainant alleged discrimination based on race for not being considered fairly in the application and hiring process, for notification of non-selection, and notification of ineligibility for another position. The complaint is pending a final agency decision based on the merits of the case.
- **Case 6:** The complainant alleged discrimination based on race, sex, and the equal pay act for being paid less than a male employee with comparable duties. Furthermore, the complainant alleged she was subjected to reprisal when changes were made to her position. The complaint is pending completion of the investigation.

Seven complaints carried over into 2017 from prior fiscal years. Three complaints are pending a hearing before an EEOC administrative judge and four complaints are pending a decision from an appeal with EEOC's Office of Federal Operations.

Over the past 10 fiscal years (2007–2017), the basis most frequently alleged by complainants is age discrimination (24), followed by reprisal (21). Disability discrimination claims (15) were not as common over the past 10 fiscal years; however, half (3) of the complaints filed during fiscal year 2017 alleged disability discrimination.

For fiscal year 2017, two of the six complaints alleged discrimination based on both age and reprisal, which is consistent with the trends noted above. However, race, which is alleged in four of the six complaints, was the most prevalent basis for complaints filed in fiscal year 2017.



## **Practical Knowledge Gained through Experience**

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

During the reporting period, the NCUA provided EEO training opportunities for managers and employees. New managers and supervisors received EEO and diversity training conducted by staff from the Office of Minority and Women Inclusion. All new hires were provided EEO training during new employee orientation or during one-on-one briefings.

In 2017, all NCUA employees took online No FEAR Act training. The No FEAR Act training is required to be completed within 30 days of onboarding for all new employees. The majority of persons responsible for hiring, including supervisors, also took the Uniformed Services Employment and Re-employment Rights Act course.

## **Actions Taken or Planned to Improve Agency Complaint or Civil Rights Program**

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### **Actions Taken**

*Policy Statements:* As previously noted, the NCUA's leadership demonstrated its commitment to the EEO program by releasing annual policy statements for both EEO and diversity and inclusion. The EEO policy statement was updated and reissued to all staff in March. The diversity and inclusion policy statement was updated and reissued in September. In December, the NCUA issued a memo reiterating the agency's zero tolerance policy for discrimination or harassment in any form and reinforcing the agency's commitment to maintaining a workplace of inclusion and respect.

*Adverse Impact Analysis of Principal Examiner Test:* The NCUA requested assistance from the Office of Personnel Management to analyze its principal examiner promotional process for adverse impact. OPM psychologists evaluated whether the NCUA assessment process violated the four-fifths rule, which is a guideline that shows whether disparate impact exists and demonstrates whether a less preferred group was selected at least 80 percent as often as the most preferred group was selected. As part of its analysis, OPM examined gender, race and ethnicity, age, and disability status, comparing the selection rate of minority candidates to the selection rate of majority candidates. OPM concluded there were no significant areas of concern and that the



assessment used by the agency was valid. The NCUA plans to continue to conduct the assessment annually and use the results to improve the process.

*Disability Employment:* The recent revision of Standard Form 256 served as a catalyst to request that all employees review and make any necessary changes to their disability status. Conducting this resurvey of the workforce provided updated data, which allows more accurate reporting on the number of NCUA employees with disabilities. The new data reflects that 14 percent of the agency's workforce report having a disability and three percent report having a targeted disability. This was the first time the NCUA achieved the federal goals for disability employment: 10 percent people with disabilities and 2 percent people with targeted disabilities.

*OMWI Talks:* Beginning in February 2017, the Office of Minority and Women Inclusion hosted a monthly, semi-facilitated, open discussion for NCUA employees. These OMWI Talks provided a safe space for employees to discuss sensitive diversity and inclusion related topics. These conversations were an opportunity to analyze complex issues and learn how to manage the differences that can lead to challenges in the workplace environment. They also fostered higher engagement and greater inclusion among employees.

During 2017, the Office of Minority and Women Inclusion hosted OMWI Talks featuring these topics:

- Disabilities (October)
- Gender (March)
- Personality (December)
- Privilege (April)
- Race (February, May, September, November)
- Sexual Orientation (June)

*Diversity Advisory Council:* The Diversity Advisory Council is a sub-committee of the agency's Talent Management Council, which is led by the NCUA's executive director. The council provides advice and recommendations to senior leadership on areas related to the fair inclusion of all groups in the agency's workforce. This year, the council focused on developing its strategic approach to supporting diversity throughout the agency. The council received extensive diversity and inclusion training and worked with a consultant to identify areas of opportunity in which it can have the most impact moving forward.



***Mentor Program:*** The inaugural year of the NCUA’s mentorship program wrapped up in April 2017. This program was created to provide development opportunities, build cross-cultural understanding, and cultivate greater inclusion among employees. The year-long program served 25 mentoring pairs in its first year. Ninety-three percent of participants reported the experience was both positive and productive.

In May 2017, the program launched its second year with a class of 18 mentoring pairs. The second class of mentoring pairs has also reported having a positive experience.

***Student Interns:*** The Office of Minority and Women Inclusion continues to provide college students the opportunity to gain career experience while completing their undergraduate and graduate education. In 2017, the NCUA hosted 12 interns selected from the following organizations that serve groups historically underrepresented in the federal government:

- Hispanic Access Foundation,
- Hispanic Association of Colleges and Universities,
- INROADS,
- Minority Access,
- The Washington Center, and
- Thurgood Marshall College Fund.

Students participating in the program represented colleges and universities from seven states, Puerto Rico, and the District of Columbia. In 2017, one intern successfully transitioned into a permanent position within the NCUA. In addition, a number of internships were extended well beyond the initial summer timeframe, allowing for additional substantive experience for the students.

## **Actions Planned**

As all of the actions mentioned above have resulted in creating a more inclusive environment and a workplace free of discrimination, the agency will continue to invest in these initiatives in 2018. In addition, the agency plans to also focus on the following in 2018.

***Barrier Analysis:*** The NCUA will continue to focus on collecting and analyzing various workforce data to comply with the EEOC’s guidelines for a model EEO program, particularly by incorporating mechanisms for identifying triggers, analyzing barriers, and developing action plans to eliminate barriers. The agency will evaluate identified barriers for groups that show low participation rates in the workforce, particularly among the credit union examiner positions, which is the agency’s major occupation. The agency continues to coordinate with the Office of Personnel Management to receive applicant flow data from USA Staffing. The Office of Minority



and Women Inclusion has designated money in its 2018 budget to conduct a root cause analysis as a follow-on to the initial barrier analysis work done two years ago.

*Disability Inclusion:* As a follow up to the increase in employees' self-identification of disabilities, the Office of Minority and Women Inclusion conducted a satisfaction survey targeted to employees with disabilities. The survey responses provided actionable data that will be used in 2018 to help the agency further address physical, cultural, and environmental challenges experienced by employees with disabilities.

*Employee Resource Groups:* The NCUA established the Employee Resource Group program in December 2017. In 2018, the agency intends to establish at least three ERGs which will contribute to creating a more inclusive work environment for employees.

*Outreach and Education:* The Office of Minority and Women Inclusion will continue to promote the business case for diversity in our internal communications and will continue to build understanding around the value diversity and inclusion bring to the agency in terms of growth, innovation, and talent.

*Diversity Advisory Council:* The council has scheduled a two-day meeting in early 2018 to develop an action plan to support the NCUA's 2018-2022 Diversity and Inclusion Strategic Plan.





## Appendix I: No FEAR Act Data for Fiscal Year 2017

1st Quarter: October 1, 2016 to December 31, 2016

2nd Quarter: January 1, 2017 to March 31, 2017

3rd Quarter: April 1, 2017 to June 30, 2017

4th Quarter: July 1, 2017 to September 30, 2017

	2012	2013	2014	2015	2016	FY 17 1st qtr	FY 17 2nd qtr	FY 17 3rd qtr	FY 17 4th qtr
Number of Complaints Filed	3	6	5	5	3	1	3	6	6
Number of Complainants	3	6	5	5	3	1	3	6	6
Repeat Filers in Fiscal Year	0	0	0	0	0	0	0	0	0

Complaints by Basis	2012	2013	2014	2015	2016	FY 17 1st qtr	FY 17 2nd qtr	FY 17 3rd qtr	FY 17 4th qtr
Race	0	5	3	1	2	1	1	4	4
Color	0	1	1	1	1	0	0	1	1
Religion	0	1	1	0	0	0	0	0	0
Reprisal	1	2	4	2	1	1	1	2	2
Sex	1	2	1	2	1	1	1	3	3
National Origin	1	2	1	0	1	0	0	0	0
Equal Pay Act	0	1	0	0	0	0	0	1	1
Age	2	2	2	4	0	1	2	3	3
Disability	1	2	2	2	0	0	2	3	3
Non-EEO	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 filed.

Complaints by Issue	2012	2013	2014	2015	2016	FY 17 1st qtr	FY 17 2nd qtr	FY 17 3rd qtr	FY 17 4th qtr
Appointment/Hire	0	1	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	2	0	0	1	1
Awards	0	0	0	0	1	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0
Demotion	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	1	0	3	0	2	0	0	0	0
Examination/Test	0	0	2	0	0	0	0	0	0

Harassment	2012	2013	2014	2015	2016	FY 17 1st qtr	FY 17 2nd qtr	FY 17 3rd qtr	FY 17 4th qtr
Non-Sexual	2	0	2	0	0	0	0	0	0
Sexual	0	0	0	0	1	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	1	0	0	1	0	0	1	1
Promotion/Non-Selection	1	2	1	3	1	1	1	4	4

Reassignment	2012	2013	2014	2015	2016	FY 17 1st qtr	FY 17 2nd qtr	FY 17 3rd qtr	FY 17 4th qtr
Denied	0	0	1	3	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	1	1	1	0	0	2	2	2
Reinstatement	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0
Termination	1	2	0	1	0	0	1	1	1
Terms/Conditions of Employment	0	0	0	0	1	0	0	0	0
Time and Attendance	0	0	3	0	0	0	0	0	0
Training	0	0	1	0	0	0	0	0	0
Other (Verbal Remarks)	0	2	3	1	0	0	0	0	0

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



# NCUA

National Credit Union Administration

Processing Time	2012	2013	2014	2015	2016	FY 17 1st qtr	FY 17 2nd qtr	FY 17 3rd qtr	FY 17 4th qtr
Complaints pending during fiscal year	4	6	9	10	10	6	7	10	8
Average number of days in investigation stage	182	133	190	196	201	194	174	153	198
Average number of days in final action stage	0	0	0	0	0	0	0	0	0
Complaint pending during fiscal year where hearing was requested	2	3	2	3	6	3	3	4	4
Average number of days in investigation stage	216	149	0	229	206	221	221	247	245
Average number of days in final action stage	0	219	342	200	335	287	374	374	293
Complaint pending during fiscal year where hearing was not requested	0	1	5	3	1	1	0	1	1
Average number of days in investigation stage	n/a	175	222	176	178	178	0	166	166
Average number of days in final action stage	n/a	104	0	230	155	223	0	58	58

Complaints Dismissed by Agency	2012	2013	2014	2015	2016	FY 17 1st qtr	FY 17 2nd qtr	FY 17 3rd qtr	FY 17 4th qtr
Total Complaints Dismissed by Agency	0	1	0	0	0	0	0	0	0
Average days pending prior to dismissal	0	132	0	0	0	0	0	0	0

Complaints Withdrawn by Complainants	2012	2013	2014	2015	2016	FY 17 1st qtr	FY 17 2nd qtr	FY 17 3rd qtr	FY 17 4th qtr
Total Complaints Withdrawn by Complainants	0	0	1	0	0	0	0	0	0

Total Final Actions Finding Discrimination	2012		2013		2014		2015		2016		FY 17 1st qtr		FY 17 2nd qtr		FY 17 3rd qtr		FY 17 4th qtr		
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total Number Findings	0	0	0	0	0	0	0	0	0	0	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	0
With Hearing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	2012		2013		2014		2015		2016		FY 17 1st qtr		FY 17 2nd qtr		FY 17 3rd qtr		FY 17 4th qtr		
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total Number Findings	0	0	0	0	0	0	0	0	0	0	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	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 After Hearing	2012		2013		2014		2015		2016		FY 17 1st qtr		FY 17 2nd qtr		FY 17 3rd qtr		FY 17 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	2012		2013		2014		2015		2016		FY 17 1st qtr		FY 17 2nd qtr		FY 17 3rd qtr		FY 17 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

	2012		2013		2014		2015		2016		FY 17 1st qtr		FY 17 2nd qtr		FY 17 3rd qtr		FY 17 4th qtr	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
<b>Total Number Findings</b>	0	0	0	0	0	0	0	0	0	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

	2012		2013		2014		2015		2016		FY 17 1st qtr		FY 17 2nd qtr		FY 17 3rd qtr		FY 17 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**

	2012		2013		2014		2015		2016		FY 17 1st qtr		FY 17 2nd qtr		FY 17 3rd qtr		FY 17 4th qtr		
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Appointment/Hire	0	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	0
Awards	0	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	0
Disciplinary Action	0	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	0
Reprimand	0	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	0
Removal	0	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	0
Duty Hours	0	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	0
Examination/Test	0	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	0
Non-Sexual	0	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	0
Medical Examination	0	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	0
Promotion/Non-Selection	0	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	0
Denied	0	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	0
Reasonable Accommodation	0	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	0
Retirement	0	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	0
Terms/Conditions of Employment	0	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	0
Training	0	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	0

**Pending Complaints Filed in Previous Fiscal Years by Status**

	2012	2013	2014	2015	2016	FY 17 1st qtr	FY 17 2nd qtr	FY 17 3rd qtr	FY 17 4th qtr
Total complaints from previous Fiscal Years	1	2	2	4	5	9	8	7	7
Total Complainants	1	2	2	4	5	9	8	7	7

**Number of Previous Complaints Pending at Close of Quarter**

	2012	2013	2014	2015	2016	FY 17 1st qtr	FY 17 2nd qtr	FY 17 3rd qtr	FY 17 4th qtr
Investigation	0	0	0	0	0	1	1	0	0
Hearing	1	0	0	2	2	3	2	4	3
Final Action	0	1	1	0	0	2	0	0	0
Appeal with EEOC Office of Federal Operations	2	1	1	2	3	3	5	3	4

**Complaint Investigations**

	2012	2013	2014	2015	2016	FY 17 1st qtr	FY 17 2nd qtr	FY 17 3rd qtr	FY 17 4th qtr
Pending Complaints Where Investigations Exceeds Required Time Frames	0	0	0	0	0	0	0	0	0



## Appendix II: No FEAR Training Plan

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### 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 of 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

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### Annual Equal Employment Opportunity Policy Statement

March 31, 2017

The National Credit Union Administration supports and promotes the principles of Equal Employment Opportunity in the workforce, where each employee is treated fairly and with dignity and respect. The agency prohibits discrimination on the basis of race, color, religion, national origin, sex (including sexual harassment, sexual orientation, pregnancy, and gender identity), age (40 years and over), mental and physical disability, genetic information, and retaliation for prior involvement in protected EEO activity. This policy covers all current employees, former employees, and applicants for employment. It also includes all agency employment programs, management practices, and decisions.

NCUA 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 they extend to all management practices and decisions, including recruitment, hiring practices, appraisals, promotion, training, and career development programs.

As a federal agency, NCUA is responsible for promoting and practicing workplace fairness and maintaining a workplace free of retaliation and harassment. Managers and supervisors must continue to monitor the work environment and ensure an environment free of unlawful employment practices. Managers and supervisors are required to take swift action when unlawful practices are identified. In addition to federal laws, NCUA complies with applicable state and local laws governing nondiscrimination in employment in every location in which we operate.

NCUA protects the rights and freedom of individuals who exercise their rights under EEO antidiscrimination statutes. Employees who 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 NCUA a workplace of choice, where employees are valued, respected, and included.

J. Mark McWatters  
Acting Chairman



## Appendix IV: Prevention of Harassment in the Workplace Instruction

# NCUA



# INSTRUCTION

<b>NO. 1235.08 (REV)</b>	<b>DATE: June 26, 2015</b>
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**SUBJ: Prevention of Harassment in the Workplace**

**TO: All NCUA Staff**

- 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.
- 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.
- 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.**

- 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.<sup>1</sup> 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.

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<sup>1</sup> 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](mailto: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](http://www.eeoc.gov) or contact NCUA's OMWI at 703-518-6325 or [OMWIMail@ncua.gov](mailto: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