

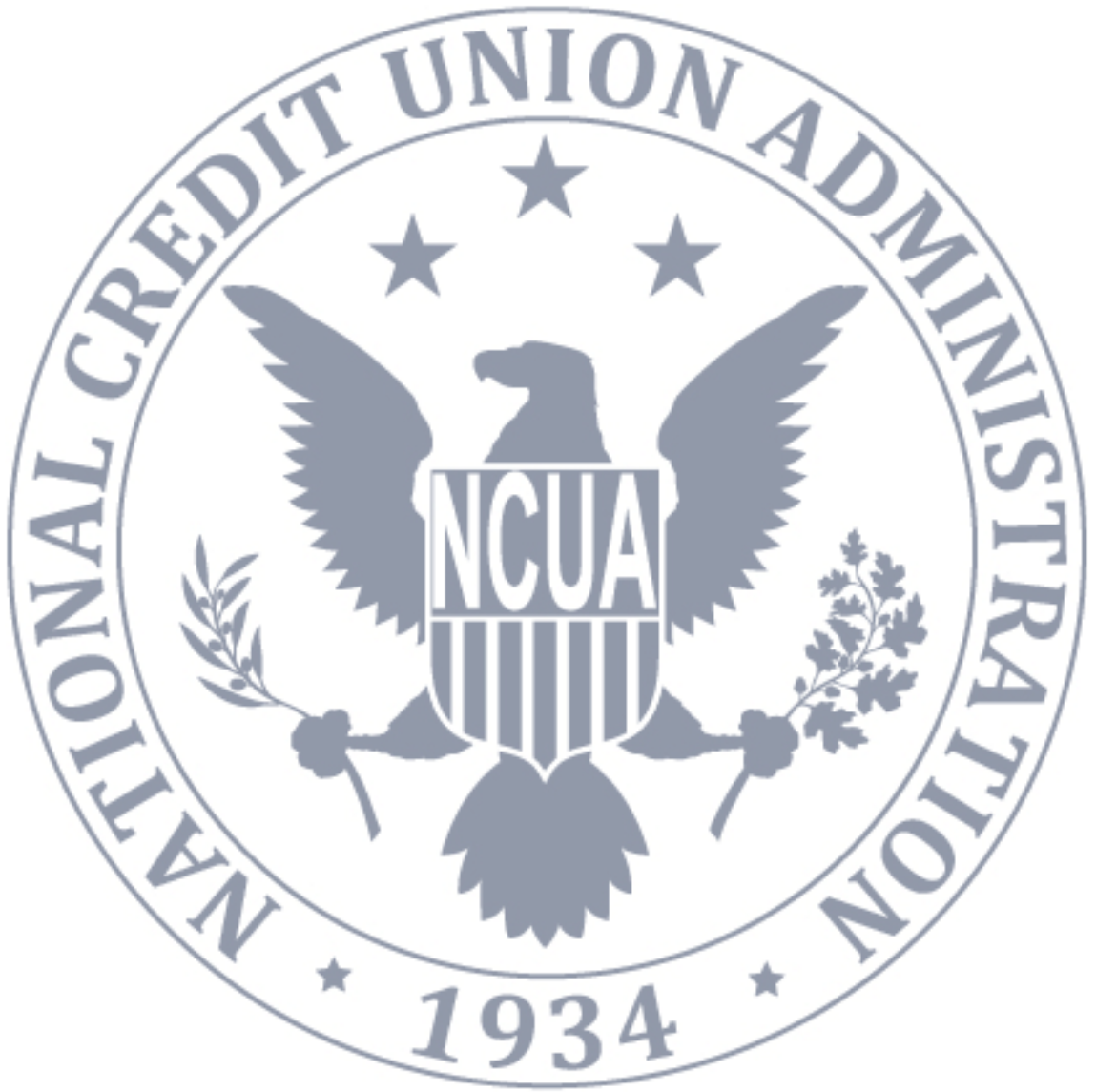


NCUA
National Credit Union Administration

Congressional Report on Notification and Federal Employee Antidiscrimination and Retaliation Act

March 2019

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No FEAR Act Report • 2018

Table of Contents

Introduction.....	2
Background.....	3
Data.....	4
EEO Complaint Activity Analysis.....	6
• Trend and Causal Analysis.....	6
• Practical Knowledge Gained through Experience.....	8
• Actions Taken or Planned to Improve Agency Complaint or Civil Rights Program.....	8
Appendix I: No FEAR Act Data for Fiscal Year 2018.....	12
Appendix II: No FEAR Training Plan.....	21
Appendix III: Annual EEO Policy Statement.....	24
Appendix III: Prevention of Harassment in the Workplace Instruction.....	25



Introduction

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 116 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 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.



Background

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.
-



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 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 the plan. The NCUA has fully implemented No FEAR Act training for staff as directed by law and by 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

Trend and Causal Analysis

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 Annual 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 shortly after onboarding and biennially 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.

The EEO poster was updated and redesigned during the reporting period. The poster, containing antidiscrimination and EEO counseling information, is 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 2018, NCUA employees filed five formal complaints. The bases and allegations made in the five complaints are:

- **Case 1:** The complainant alleged discrimination based on race, color, and reprisal when she was subjected to a hostile work environment and when she did not receive a performance award. The complainant requested a hearing before an EEOC administrative judge and the complaint is pending a hearing.
- **Case 2:** The complainant alleged discrimination based on race and reprisal when she was marked down certain critical elements of her performance appraisal. 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 age, race, color, and national origin when she received an inaccurate and unfair performance appraisal and when she was allegedly asked about her retirement plans. The complainant requested a hearing before an EEOC administrative judge and the complaint is pending a hearing.
- **Case 4:** The complainant alleged discrimination based on age and sex when he was not selected for a position. The complainant requested a hearing before an EEOC administrative judge and the complaint is pending a hearing.
- **Case 5:** The complainant alleged discrimination based on disability when he was not provided a reasonable accommodation. The complaint was dismissed based on untimeliness.

Twelve complaints carried over into 2018 from prior fiscal years. Three complaints are pending a hearing before an EEOC administrative judge and three complaints are pending a decision from an appeal with EEOC's Office of Federal Operations. Furthermore, three complaints were closed by hearings and three complaints were closed by appeals.

Over the past ten fiscal years (2009–2018), the bases most frequently alleged by complainants are age and disability discrimination (21 each), followed by reprisal (18). During fiscal year 2018, one out of the five complaints filed alleged disability discrimination; and two out of the five complaints filed alleged age discrimination and reprisal, separately. Race discrimination, which is alleged in three of the five complaints filed, was the most prevalent basis for complaints filed in fiscal year 2018.



Practical Knowledge Gained through Experience

The NCUA's leadership remains committed to equal employment opportunity, diversity, and inclusion. 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. All managers and leaders are provided with training and are held accountable through performance measurements in these areas. 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. New hires were provided EEO training during new employee orientation or during one-on-one briefings.

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

Actions Taken

Employee Resource Groups: The NCUA established a new employee resource group program in December 2017. In 2018, the agency launched three new groups, which will contribute to creating a more inclusive work environment for employees. The new groups established charters, recruited members and leadership, selected executive sponsors, and set goals for the group's work. In addition to these three approved groups, two additional groups are in the formative stage and will launch in early 2019.

The NCUA's three employee resource groups include:

- **CULTURA (Creating Unity, Learning to Understand, Recognizing All):** This group's name is also their mission. They are working to develop and retain Latino talent and build greater cultural awareness among the NCUA workforce.
- **NCUA Pride (People Recognizing Individual Differences Equally):** NCUA PRIDE's mission is to promote and support an accepting environment, and to provide assistance to achieving and celebrating full inclusion of all employees. The group also promotes understanding and awareness of the benefits diversity brings to building and sustaining a strong and thriving workforce.
- **UMOJA (Unity):** Recognizing a common African ancestry, UMOJA embraces the principle of unity through connectivity and community by intentionally including all employees desiring to increase awareness and respect for differences, pursue opportunities for innovation and change, and align with others to build and sustain a thriving workforce.



Policy Statements: The NCUA’s leadership demonstrated its commitment to equal employment opportunity by releasing annual policy statements for both EEO and diversity and inclusion. The EEO policy statement was updated and reissued to all staff in August 2018. The diversity and inclusion policy statement was updated and reissued in September 2018.

OMWI Talks: Each month, the Office of Minority and Women Inclusion hosts a semi-facilitated open discussion for NCUA employees. These OMWI Talks are intended to create a safe space for employees to discuss sensitive diversity and inclusion related topics. By having conversations about our differences, employees can broaden their awareness and understanding of others, leverage their 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.

The OMWI Talks are hosted in the Central Office and resources are posted on the agency’s internal website for regional offices to host their own OMWI Talks for field employees. In 2018, OMWI Talks were made available to field employees during an agency-wide training event in May. These were extremely well attended and significantly increased the reach of this program.

During 2018, the Office of Minority and Women Inclusion hosted OMWI Talks featuring these topics:

- Age (January, November)
- Race (February, May)
- Sexual Harassment (March)
- Inclusion (April, May)
- Gender (May)
- Culture (July, October)
- Allies (September)
- Appearance (December)

Diversity Advisory Council: The Diversity Advisory Council is a sub-committee of the agency’s Talent Management Council, which is led by the agency’s Executive Director. The council met during the fiscal year, both in-person and by conference call, to provide advice and recommendations to senior leadership on areas related to the fair inclusion of all groups in the agency’s workforce. The council was also instrumental in drafting the diversity and inclusion strategic plan, and in consulting on new agency initiatives.

Mentor Program: The NCUA created the mentor program in 2016 to provide developmental opportunities, build cross-cultural understanding, and cultivate greater inclusion of all employees. The year-long program served 18 mentoring pairs in its



second full year. In May 2018, the program launched its third year with a class of 26 mentoring pairs.

Student Interns: Since 2010, the Office of Minority and Women Inclusion has provided college students opportunities to gain career experience while completing their undergraduate and graduate education. In 2018, the agency hosted 15 interns selected from organizations that serve groups historically underrepresented in the federal government. These organizations include:

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

Students participating in the program represented colleges and universities from seven states, Puerto Rico and the District of Columbia. The agency extended a number of internships well beyond the initial summer timeframe, allowing for additional substantive experience for the students.

Special Emphasis Programs: The NCUA’s Special Emphasis Program is a significant component of the agency’s efforts to build inclusion in its workplaces. For each of the eight programs, the Office of Minority and Women Inclusion hosts an event featuring guest speakers who provide a range of experience and insight into how the NCUA can be more intentionally inclusive of each special population featured throughout the year. These events are very well attended, both in person and virtually. The following list includes details of each event.

Special Emphasis Observance	Event	Speaker
National African American History Month	Engaging in Bold, Inclusive Conversations	Mary-Francis Winters, diversity expert
National Women’s History Month	GenderSpeak Workshop	Tammy Hughes, gender communication expert
National Asian/Pacific Islander Heritage Month	Myth of the Model Minority: Asian Americans Facing Racism	Rosalind Chou, sociology professor and author
LGBT Pride Month	Finding Similarities in Our Differences	Ryan Sallans, transgender speaker and author
National Hispanic Heritage Month	The Growing Impact of the Latino Community in the United States	Dr. Robert Rodriguez, diversity expert
National Disability Employment Awareness Month	America’s Workforce: Empowering All	Billy W. Wright, federal employee
National American Indian/Alaska Native Heritage Month	A Tribute to Virginia Indians	Frances Broaddus Crutchfield, Native American advocate and author
Veterans Day	Diversity and Inclusion the Submarine Way	John Vincent Gregory, diversity expert and author



Actions Planned

In addition to the continuation of ongoing programs and education, some new initiatives that will launch during 2019, include:

Barrier Analysis: The NCUA will continue to focus on collecting and analyzing 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 remains committed to evaluating 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 will continue to coordinate with the Office of Personnel Management to receive applicant flow data from USA Staffing.

The Office of Minority and Women Inclusion is also in the process of hiring a management analyst who will be responsible for conducting barrier analyses within the agency.

Diversity and Inclusion Dashboard: The Office of Minority and Women Inclusion plans to begin issuing a quarterly diversity and inclusion dashboard that will be used internally to measure the effectiveness of the agency's diversity and inclusion efforts. The dashboard will track workforce demographics, workplace inclusion through OPM's Inclusion Index, supplier diversity, EEO activity, and reasonable accommodation activity.



Appendix I: No FEAR Act Data for Fiscal Year 2018

1st Quarter: October 1, 2017 to December 31, 2017

2nd Quarter: January 1, 2018 to March 31, 2018

3rd Quarter: April 1, 2018 to June 30, 2018

4th Quarter: July 1, 2018 to September 30, 2018

	2013	2014	2015	2016	2017	FY 18 1st qtr	FY 18 2nd qtr	FY 18 3rd qtr	FY 18 4th qtr
Number of Complaints Filed	6	5	5	3	6	1	3	5	5
Number of Complainants	6	5	5	3	6	1	3	5	5
Repeat Filers in Fiscal Year	0	0	0	0	0	0	0	0	0

Complaints by Basis	2013	2014	2015	2016	2017	FY 18 1st qtr	FY 18 2nd qtr	FY 18 3rd qtr	FY 18 4th qtr
Race	5	3	1	2	4	1	3	3	3
Color	1	1	1	1	1	1	3	3	3
Religion	1	1	0	0	0	0	0	0	0
Reprisal	2	4	2	1	2	1	2	2	2
Sex	2	1	2	1	3	0	0	1	1
National Origin	2	1	0	1	0	0	1	1	1
Equal Pay Act	1	0	0	0	1	0	0	0	0
Age	2	2	4	0	3	0	1	2	2
Disability	2	2	2	0	3	0	0	1	1
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	2013	2014	2015	2016	2017	FY 18 1st qtr	FY 18 2nd qtr	FY 18 3rd qtr	FY 18 4th qtr
Appointment/Hire	1	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	2	1	1	1	1	1
Awards	0	0	0	1	0	1	1	1	1
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	0	3	0	2	0	0	2	2	2
Examination/Test	0	2	0	0	0	0	0	0	0

Harassment	2013	2014	2015	2016	2017	FY 18 1st qtr	FY 18 2nd qtr	FY 18 3rd qtr	FY 18 4th qtr
Non-Sexual	0	2	0	0	0	0	0	0	0
Sexual	0	0	0	1	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	1	0	0	1	1	0	0	0	0
Promotion/Non-Selection	2	1	3	1	4	0	0	1	1



Reassignment	2013	2014	2015	2016	2017	FY 18 1st qtr	FY 18 2nd qtr	FY 18 3rd qtr	FY 18 4th qtr
Denied	0	1	3	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	1	1	1	0	2	0	0	1	1
Reinstatement	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	1	1	1
Termination	2	0	1	0	1	0	0	0	0
Terms/Conditions of Employment	0	0	0	1	0	1	1	1	1
Time and Attendance	0	3	0	0	0	0	0	0	0
Training	0	1	0	0	0	0	0	0	0
Other (Verbal Remarks)	2	3	1	0	0	1	1	1	1

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

Processing Time	2013	2014	2015	2016	2017	FY 18 1st qtr	FY 18 2nd qtr	FY 18 3rd qtr	FY 18 4th qtr
Complaints pending during fiscal year	6	9	10	10	8	9	11	13	13
Average number of days in investigation stage	133	190	196	201	198	224	159	195	229
Average number of days in final action stage	0	0	0	0	0	0	0	2	90
Complaint pending during fiscal year where hearing was requested	3	2	3	6	4	5	6	5	8
Average number of days in investigation stage	149	0	229	206	245	231	242	256	261
Average number of days in final action stage	219	342	200	335	293	459	455	476	333
Complaint pending during fiscal year where hearing was not requested	1	5	3	1	1	2	2	2	2
Average number of days in investigation stage	175	222	176	178	166	179	179	179	179
Average number of days in final action stage	104	0	230	155	58	21	54	54	54



Complaints Dismissed by Agency

	2013	2014	2015	2016	2017	FY 18 1st qtr	FY 18 2nd qtr	FY 18 3rd qtr	FY 18 4th qtr
Total Complaints Dismissed by Agency	1	0	0	0	0	0	0	0	1
Average days pending prior to dismissal	132	0	0	0	0	0	0	0	90

Complaints Withdrawn by Complainants

	2013	2014	2015	2016	2017	FY 18 1st qtr	FY 18 2nd qtr	FY 18 3rd qtr	FY 18 4th qtr
Total Complaints Withdrawn by Complainants	0	1	0	0	0	0	0	0	0

Total Final Actions Finding Discrimination

	2013		2014		2015		2016		2017		FY 18 1st qtr		FY 18 2nd qtr		FY 18 3rd qtr		FY 18 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

	2013		2014		2015		2016		2017		FY 18 1st qtr		FY 18 2nd qtr		FY 18 3rd qtr		FY 18 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	2013		2014		2015		2016		2017		FY 18 1st qtr		FY 18 2nd qtr		FY 18 3rd qtr		FY 18 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	2013		2014		2015		2016		2017		FY 18 1st qtr		FY 18 2nd qtr		FY 18 3rd qtr		FY 18 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	2013		2014		2015		2016		2017		FY18 1st qtr		FY18 2nd qtr		FY18 3rd qtr		FY18 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	2013		2014		2015		2016		2017		FY 18 1st qtr		FY 18 2nd qtr		FY 18 3rd qtr		FY 18 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	2013		2014		2015		2016		2017		FY18 1st qtr		FY18 2nd qtr		FY18 3rd qtr		FY18 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

	2013	2014	2015	2016	2017	FY 18 1st qtr	FY 18 2nd qtr	FY 18 3rd qtr	FY 18 4th qtr
Total complaints from previous Fiscal Years	2	2	4	5	7	12	12	8	7
Total Complainants	2	2	4	5	7	12	12	8	7

Number of Previous Complaints Pending at Close of Quarter

	2013	2014	2015	2016	2017	FY 18 1st qtr	FY 18 2nd qtr	FY 18 3rd qtr	FY 18 4th qtr
Investigation	0	0	0	0	0	2	2	1	0
Hearing	0	0	2	2	3	4	4	3	3
Final Action	1	1	0	0	0	2	2	0	0
Appeal with EEOC Office of Federal Operations	1	1	2	3	4	4	4	4	4

Complaint Investigations

	2013	2014	2015	2016	2017	FY 18 1st qtr	FY 18 2nd qtr	FY 18 3rd qtr	FY 18 4th qtr
Pending Complaints Where Investigations Exceeds Required Time Frames	0	0	0	0	0	1	1	1	1



Appendix II: No FEAR Training Plan

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

Annual Equal Employment Opportunity Policy Statement

August, 2018

The National Credit Union Administration supports and promotes the principles of Equal Employment Opportunity (EEO) 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. 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 employment programs, management practices and decisions, including recruitment, hiring practices, appraisals, promotions, training, and career development programs.

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 a zero tolerance for both sexual and non-sexual harassment. Managers and supervisors must continue to monitor the work environment and ensure 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. 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 the NCUA a workplace of choice where employees are valued, respected, and included.

J. Mark McWatters
Chairman



Appendix IV: Prevention of Harassment in the Workplace Instruction

NCUA



INSTRUCTION

NO. 1235.08 (REV)	DATE: June 26, 2015
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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.

- 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.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