



FISCAL YEAR 2022
No FEAR Act

ANNUAL REPORT TO CONGRESS
U.S. Department of Housing and Urban Development





**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
THE SECRETARY**

WASHINGTON, DC 20410-0001

June 10, 2022

MEMORANDUM FOR: All U.S. Department of Housing and Urban Development Employees

FROM: Marcia L. Fudge, Secretary

SUBJECT: Equal Employment Opportunity Policy Statement

At the U.S. Department of Housing and Urban Development (HUD or Department), we are committed to equal employment opportunity (EEO), by celebrating diversity, and creating an inclusive and accessible work environment that prohibits and remedies discrimination and harassment of any kind. It is the policy of the Department to ensure that no employee or applicant for employment is denied equal opportunity because of race, color, religion, sex (including sexual orientation, gender identity and expressions, and pregnancy), national origin, age (40 and over), disability, marital status, parental status, veteran status, genetic information, or reprisal. These protections extend to all aspects of employment and management practices and decisions, including recruitment and hiring, pay, job assignments, appraisal systems, promotions, training, career development programs, and any other term, condition, or benefit of employment.

The Department aspires to be a diverse workforce representative of the public we serve. All HUD employees must comply with all nondiscrimination laws and policies, and actions inconsistent with these laws and policies could result in disciplinary action, including removal from Federal service. While all HUD employees are required to have at least two hours of mandatory EEO training annually, as part of the Department's ongoing efforts to foster and maintain a civil non-discriminatory work environment, additional EEO training opportunities will be available throughout the year, and employees are encouraged to participate as their work schedules permit.

All employees and applicants for employment are afforded legal protections against EEO violations and have the right to raise allegations of discrimination and harassment without fear of reprisal. Any employee, former employee, or applicant for employment who believes that they were subjected to discrimination, harassment, or retaliation based upon a protected class and elects to initiate an EEO complaint must do so within 45 calendar days of the alleged discriminatory event or action by contacting the Office of Departmental Equal Employment Opportunity at EEO@HUD.gov or (202) 708-5921. Additionally, HUD offers Alternative Dispute Resolution (ADR) services throughout every stage of the EEO complaint process. HUD will make every effort to address and resolve workplace disputes and EEO complaints at the

earliest possible opportunity. If an employee wishes to pursue ADR to resolve an EEO complaint, management must participate, in good faith, seeking a mutually agreeable resolution.

Thank you for your dedication to providing solutions that support fair, safe, accessible, and stable housing for our communities and your commitment to sustaining a civil, respectful, and discrimination-free work environment.

If you have a question or need assistance, please contact ODEEO at (202) 708-5921 or by email at EEO@HUD.gov.

Table of Contents

Introduction.....	5
Purpose of Report	5
HUD’s Mission	6
ODEEO.....	6
Fiscal Year (FY) 2022 EEO Complaint Data and Analysis	6
Pre-Complaint Data.....	6
Formal Complaint Data	7
Bases of Discrimination in Formal Complaints	8
Issues in Formal Complaints.....	8
Findings of Discrimination	9
Cases in Federal District Court.....	9
Judgment Fund Reimbursement	10
Disciplinary Actions	10
No FEAR Act Training FY 2022.....	10
Practical Knowledge Gained through Experience	11
Program Improvements in FY 2022	11
Improvement Plan for FY 2023 and 2024	15
Conclusion	16
Appendix A - Elijah E. Cummings Federal Employee Antidiscrimination Act.....	17
Appendix B - HUD FY 2022 No FEAR Act Data.....	18
Appendix C - Alternative Dispute Resolution Policy Statement.....	35

Introduction

Purpose of Report

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174¹ was enacted to reduce the incidence of workplace discrimination within the Federal Government by holding Federal agencies accountable for violations of Federal antidiscrimination and whistleblower protection laws.² The No FEAR Act requires a Federal agency to:

- Notify employees and applicants for employment about their rights under the Federal antidiscrimination and whistleblower laws.
- Provide training to its employees, including managers, on the rights and remedies available under antidiscrimination and whistleblower laws.
- Post quarterly on its public website, summary statistical data about equal employment opportunity (EEO) complaints filed against the agency.

In addition, Section 203 of the No FEAR Act requires each agency to submit to Congress, the U.S. Equal Employment Opportunity Commission (EEOC), the U.S. Department of Justice, and the U.S. Office of Personnel Management (OPM), an annual report that includes the following:³

- The number, status, and disposition of discrimination and whistleblower cases (including Federal court cases) filed against the agency.
- Judgment fund reimbursements and any agency budget adjustments to meet reimbursement requirements.
- The number and type of disciplinary actions related to discrimination, retaliation, harassment, or other prohibited personnel practices and the agency's disciplinary policy.
- Year-end summary of EEO complaint data.
- Analysis of trends, causation, practical knowledge gained through experience, and any actions planned or taken to improve agency complaint or civil rights programs.

¹ *The Elijah E. Cummings Federal Employee Antidiscrimination Act, which was enacted in January 2021, amends the No FEAR Act.*

² *See Pub. L. No. 107-174, 116 Stat. 566 (2002)*

³ *See Pub. L. No. 107-174, §203(a)(1); see also 5 CFR §724.302(a). Appendix A to this report sets forth the No FEAR Act statutory and regulatory reporting requirements in full.*

The U.S. Department of Housing and Urban Development (HUD) submits this No FEAR Act report for fiscal year (FY) 2022 (October 1, 2021 through September 30, 2022). HUD's No FEAR Act data for the fourth quarter of FY 2022 and for prior fiscal years can be accessed at https://www.hud.gov/program_offices/eo/nofearactfy.

HUD's Mission

HUD's mission is to create strong, sustainable, inclusive communities, and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination; and transform the way HUD does business.

Office of Departmental Equal Employment Opportunity (ODEEO)

HUD's ODEEO is comprised of three (3) programmatic areas: (1) Executive Administration; (2) EEO enforcement; and (3) affirmative employment functions. ODEEO enforces Federal laws, regulations, and directives that prohibit discrimination in the workplace and in HUD's programs and activities. ODEEO's vision is to be a premier civil rights program that inspires a culture of equal opportunity and equality within HUD. Its goal is to ensure an inclusive workplace free from unlawful discrimination through active engagement, training, and compliance with civil rights laws, regulations, and other guiding sources. Information can be accessed at https://www.hud.gov/program_offices/eo.

ODEEO ensures the enforcement of Federal laws relating to the elimination of all forms of discrimination in HUD's employment practices and to ensure EEO. ODEEO promotes diversity and inclusion, fosters a workplace culture that respects differences, and empowers the full and fair participation of all employees in all aspects of HUD work life. ODEEO fosters an agency culture in which disputes are resolved at the lowest possible level and before a formal complaint is filed. ODEEO continues to offer training to the HUD workforce on the EEO complaint process and the responsibilities of the workforce regarding EEO. Additionally, ODEEO serves as a resource to program office leadership by providing direction, guidance, and monitoring of key activities to ensure the successful implementation of the principles of EEO throughout the Department.

FY 2022 EEO Complaint Data and Analysis

See Appendix B to this report for HUD's FY 2022 year-end data along with comparative data for FY 2017 to 2021.⁴

Pre-Complaint Data

Pre-complaints (i.e., informal complaints) are not a required element of the No FEAR Act quarterly data reports but are included here to present an overall downward trend in EEO complaint activity at HUD, with FY 2022 being an anomaly. In 2018 through 2021 there was a

⁴ Appendix C includes FY 2018 data, consistent with the EEOC's No FEAR data reporting requirements. [This Report Does Not Contain an Appendix C, Also, 2018 Data is Included in Appendix B.]

decreasing trend in informal complaint activity. In FY 2018 relative to FY 2021, there was a 54 percent decrease in informal complaint activity. In 2022 relative to 2021, there was a 35 percent increase in informal complaint activity.

In FY 2022 the resolution rate was 46.15 percent (48 out of 104). The resolution rate decreased by 1.90 percent, as more pre-complaint filers elected to participate in the formal complaint process.⁵

Table 1. Pre-Complaints closed and resolved in FY 2018 thru 2022

Pre-complaint Activity	2018	2019	2020	2021	2022
Closed	166	115	104	77	104
Resolved	75	34	27	37	48
Resolution Rate	45.18%	29.57%	25.96%	48.05%	46.15%

Formal Complaint Data

Using data from HUD’s information management systems for EEO complaint processing (e.g., iComplaints), this section highlights trends in the EEO complaints filed with HUD.⁶ As Table 2 shows, Complainants filed 56 formal EEO complaints in FY 2022. That is a 30 percent increase from FY 2021.

In Table 2, formal complaints decreased between FY 2018 and 2021 and is commensurate with the trending pre-complaint filing decrease. In FY 2022 relative to FY 2021, the agency had a slight increase in formal complaints, as employees returned to the office after pandemic telework status. The increase from 43 to 56 formal complaints filed represents a 30 percent increase.

Table 2. Formal complaints filed between FY 2018 and FY 2022

Formal Complaint Activity	2018	2019	2020	2021	2022
Complaints Filed	93	86	54	43	56
Number of Complainants	90	82	54	41	56
Repeat Filers	3	4	0	2	0
HUD Total Workforce	7,478	7,447	7,575	7,997	7,687
Complaints Filed per 100 Employees	1.24%	1.15%	0.71%	0.54%	0.73%

Note: This table does not include complaints carried over from previous years.

Bases of Discrimination in Formal Complaints

As shown in Table 3, in FY 2022, the most alleged bases of discrimination were reprisal (33), disability (27), sex (22), age (20), and race (16). Reprisal, as a basis of discrimination, decreased

⁵ Resolved pre-complaints were withdrawn, settled by agreement, or not pursued as formal complaints.

⁶ The data is current as of October 15, 2022, and includes complaints filed between October 1 and September 30 of each year.

from FY 2018 to FY 2021. Specifically, this basis has decreased by 25 percent between FY 2018 (44) and 2022 (33). Similarly, the basis of race decreased by 68 percent between FY 2018 (50) and 2022 (16).

Table 3. Top Five bases alleged FY 2018 thru 2022

Bases	2018	2019	2020	2021	2022
Race	50	49	23	18	16
Sex	46	40	21	15	22
Age	38	33	20	12	20
Disability	38	45	28	18	27
Reprisal	44	47	35	32	33

Note: Each column does not add to the total number of complaints filed because complainants can identify more than one basis per complaint.

The top bases and issues in HUD’s formal complaint filings in FY 2022 were consistent with the current Government-wide data reported by the EEOC.⁷ The EEOC reported that in FY 2020, reprisal was the most frequently alleged basis followed by disability, sex, race, and age.

Issues in Formal Complaints

As shown in Table 4, in FY 2022, harassment (24) was the most alleged issue followed by promotion/non-selection (10), disciplinary action (9), reasonable accommodation disability (9), and performance evaluation/appraisal (8). By comparison, FY 2021’s most common issue was harassment (26), followed by performance evaluation/appraisal (12) and promotion/non-selection (12). In FY 2022 relative to FY 2018 allegations of harassment decreased by 56 percent.

The EEOC also reported the most frequently alleged issue was harassment followed by disciplinary action, terms and conditions of employment, promotion/non-selection, and reasonable accommodation.

Table 4. Top issues alleged in formal complaints filed in FY 2018 thru 2022

	2018	2019	2020	2021	2022
Harassment	54	57	33	26	24
Performance Evaluation/Appraisal	6	19	16	12	8
Promotion/Non-Selection	17	14	14	12	10
Reasonable Accommodation Disability	18	19	15	7	9
Disciplinary Action	13	12	10	6	9

⁷ See EEOC FY 2020 Annual Report on the Federal Workforce, Table B-8, at <https://www.eeoc.gov/no-fear/equal-employment-opportunity-data-posted-pursuant-title-iii-notification-and-federal>

As reflected in Table 5, in FY 2021 to FY 2022, HUD had an increase in formal complaints filed and the percentage of investigations timely processed increased by 4.92 in 2022 relative to 2021. The decrease in the average investigation days from FY 2021 to FY 2022 was 8.53.

Table 5. Investigations Completed in FY 2018 thru FY 2022

	2018	2019	2020	2021	2022
Complaints Filed	93	86	54	43	56
Investigations Average Days	250.34	200.30	218.51	256.42	247.89
Timely Processed	80.26%	87.50%	75.00%	64.52%	69.44%

Findings of Discrimination

As shown in Table 6, HUD had two findings of discrimination in FY 2022, which was an increase from FY 2021, when the Agency had no findings.

Table 6. Findings of discrimination from FY 2018 thru 2022

	2018	2019	2020	2021	2022
Number of Findings	2	2	1	0	2
Bases	Race	Race Reprisal Sex	Reprisal	-	Reprisal
Issues	Promotion/ Non- Selection	Sexual Harassment Promotion/Non-Selection Terms & Conditions of Employment	Harassment	-	Performance Evaluation/Appraisal Harassment (Non-sexual)

Cases in Federal District Court

In FY 2022, HUD had three (3) antidiscrimination and whistleblower protection cases filed in Federal District Court with ten (10) pending cases from the previous year for a total of thirteen (13) pending cases. Four (4) of the antidiscrimination cases closed in FY 2022, in which no HUD employees were disciplined for improper or illegal discrimination, retaliation, harassment, or other infraction prohibited by the No FEAR Act.

Judgment Fund Reimbursement

Table 7. Judgment Fund

Federal District Court Cases	Judgment Fund Reimbursements	Disciplinary Actions	Findings of Discrimination	Formal Complaints
10	\$83,500	0	2	56

The Judgment Fund pays court judgments, awards, and settlements of lawsuits against the Federal Government.⁸ The No FEAR Act requires Federal agencies to reimburse the Judgment Fund for payments made on their behalf to current employees, former employees, or applicants for employment due to claims alleging violations of Federal antidiscrimination laws, Federal whistleblower protection laws, or reprisal for legally protected activity related to those laws.⁹

HUD made \$83,500.00 in reimbursements to the Judgment Fund in FY 2022 (see Table 7). Between FY 2018 and FY 2022 HUD reimbursed the Judgment Fund \$143,500 in total (see Table 8).

Table 8. Reimbursements to the Judgment Fund for FY 2018 Through FY 2022

Reimbursements to the Judgment Fund	2018	2019	2020	2021	2022
Amount	\$0.00	\$60,000.00	\$0.00	\$0.00	\$83,500

Disciplinary Actions

A review of FY 2022 disciplinary records show no HUD employees were disciplined for improper or illegal discrimination, retaliation, harassment, or other infractions prohibited by the No FEAR Act. HUD’s policy directing disciplinary action against Federal employees for prohibited personnel practices and conduct inconsistent with the Federal antidiscrimination and whistleblower protection laws is available at HRM 9751.1 - Maintaining Discipline.

No FEAR Act Training FY 2022

In accordance with 5 Code of Federal Regulations (C.F.R.) §724.203, all HUD employees, including managers and supervisors, are required to complete No FEAR Act training biennially, with the last cycle completed in September 2021; thus, it will be a training requirement in FY 2023.

New employees are required to complete the No FEAR Act training within 90 calendar days of appointment. This training is available via the HUD Learning Portal. The Portal is HUD’s primary

⁸ See 31 U.S.C. §1304.

⁹ See Section 201 of the No FEAR Act.

electronic platform to capture training data. During FY 2022 HUD continued placing a strong emphasis on No FEAR Act compliance by offering training on the topic to its entire workforce, resulting in a 99.17 percent completion rate.

Practical Knowledge Gained through Experience

In analyzing HUD's EEO complaint trends and related information, ODEEO concluded the following:

- Of the 56 formal complaints filed in FY 2022, 58.93 percent (33) included allegations of reprisal. Since FY 2020, reprisal was the most alleged basis of discrimination. Additional training regarding retaliation may mitigate the number of claims citing reprisal, and help managers and supervisors perform their duties without giving rise to retaliation. Training can help managers and supervisors identify the pitfalls of retaliation and how to avoid such actions.
- Training involving the identification and prevention of harassment issues in the workforce may have lessened the number of claims citing harassment. Of the 56 formal complaints filed in FY 2022, 43.86 percent (24) included allegations of harassment, representing a continued decrease in these claims.
- Mediation is HUD's primary alternative dispute resolution (ADR) method. Used effectively, ADR can result in a win-win solution for all parties involved in an EEO dispute. In FY 2022, 12.5 percent of Complainants elected to participate in ADR. ODEEO is working to increase participation in the ADR program by highlighting the benefits to both the Agency and the employee.
- ODEEO is strengthening and coordinating its complaint process to accurately identify and process allegations in accordance with the EEO laws and regulations and providing continual training to the workforce on the EEO complaint process.

Program Improvements in FY 2022

Infrastructure

In FY 2022, ODEEO experienced several staffing shortages and challenges. However, in late FY 2021, ODEEO completed the hiring of the EEOD Director and three (3) EEO Specialists. ODEEO also hired its Deputy Director, and the Affirmative Employment Division Director. Additionally, a Senior Advisor, as well as, administrative staff detailed to the organization for 120 days. Despite these gains, ODEEO experienced losses of critical skill sets. Nevertheless, because of heavy recruiting efforts, and attracting talent at a senior level, and possessing the requisite skill sets, ODEEO is on the trajectory to be fully staffed next fiscal year.

In September 2021, ODEEO procured a contract to obtain iComplaints, an electronic complaint tracking system that fulfills all tracking and reporting requirements. In FY 2022, EEOD continued updating iComplaints to ensure accurate and complete complaint data.

Complaint Processing

In FY 2022, ODEEO improved its service to HUD stakeholders on many fronts. Specifically, ODEEO continued implementing the use of EEO service contractors to assist with timely complaints processing. Additionally, HUD managers and supervisors were offered training opportunities regarding the EEO Administrative Process and the Anti-Harassment Program to ensure an understanding of the process.

With respect to timeliness, HUD continues to have challenges meeting the EEOC's regulatory timeframes for processing complaints. As mentioned prior, HUD has faced significant staffing shortages that are being remedied; however, the impact on FY 2022 is reflected in the complaint processing timeframes. To mitigate the impact of not having sufficient staff, ODEEO is strategically hiring Equal Employment Specialists at the GS-13 level who have the expertise needed to the timeliness deficits. EEO is expected to be fully staffed by the end of the Second Quarter of FY23. Additionally, timeliness metrics are included in performance plans to ensure that regulatory timeframes are achieved, thus improving HUD's timeliness rates for complaints processing.

EEOC guidance provides that conflict cases are defined as those EEO complaints where the alleged responsible management official is the Agency head, a staff member or employee of the Agency head, someone who occupies a high-level position of influence at the Agency, the EEO Director, or a supervisor in the EEO office. In FY 2022, ODEEO established an Inter-Agency Agreement (IAA) with the General Services Administration (GSA) to ensure the timely processing of all EEO conflict complaints. Notably, in FY 2022, HUD did not experience any timeliness issues with the processing of EEO conflict complaints.

Proactive Engagement

In FY 2022, ODEEO kept employees engaged and informed about EEO by maintaining a regular training cadence. ODEEO continued its practice of providing training at New Employee Orientation sessions for new HUD employees. These sessions included information regarding the EEO complaints process, EEO Counselor contact information, and complaint processing regulatory timeframes. Additionally, ODEEO conducted quarterly briefings with program offices to discuss trends in the workplace, status of cases, and identified triggers. During these briefings, ODEEO provided recommendations regarding hiring women, persons with disabilities (PWDs) and Hispanics, and created a forum to promote cultural awareness that allowed offices to communicate concerns directly with ODEEO.

Quarterly General Deputy Assistant Secretary (GDAS) Briefings

ODEEO examines the HUD workforce, as a whole, by monitoring the participation rates of employees by race, national origin, sex, and disability, and reports this information to the affected program office on a quarterly basis. Specifically, ODEEO prepares a report for every program office and regional office, briefing them on their workforce as compared to the Civilian

Labor Force (CLF) and established hiring benchmarks for PWDs and Persons with Targeted Disabilities (PWTD).

The Federal Government is required by executive order to monitor participation rates of and manage employment programs for women, Hispanics, and PWDs. In doing so, HUD identifies barriers to equal opportunity and develops plans to eliminate those barriers. The quarterly GDAS meetings provide in-depth discussions with program offices regarding recruiting these groups using various hiring authorities as well as outreach and recruitment options. This FY 2022, HUD's Diversity Equity Inclusion and Accessibility (DEIA) Office was a part of the briefing team, providing updates on DEIA initiatives and partnerships. Additionally, during these briefings, each program office was invited to have one senior executive to serve as a Diversity Champion and those selected participated in a high-level training and overview of the Agency's DEIA plan previously submitted to OPM.

Promoting Alternative Dispute Resolution (ADR) and the Workplace Dispute Program

ODEEO's ADR Coordinator created and distributed informational materials (brochures) to employees and managers, as well as, a promotional video regarding the benefits of using ADR to resolve complaints and workplace disputes that may result in complaints. Additionally, ODEEO has been conducting ADR training for the HUD workforce to highlight how the ADR process works, and the benefits of using the resource. ADR benefits are discussed at every GDAS Quarterly EEO Activity Briefing with senior leaders in every program office. Additionally, the ADR Coordinator has collaborated with the union across HUD to market ADR to encourage participation for both EEO and non-EEO-related conflicts.

Collaboration with Office of Diversity, Equity, Inclusion, and Accessibility (ODEIA)

Since October 1, 2021, ODEIA, in collaboration with ODEEO, was able to achieve monumental initiatives pursuant to Executive Order (EO)14035, Advancing DEIA within the Federal Government.

On a quarterly basis, ODEEO and ODEIA conducted various briefings with HUD's senior leadership to discuss EEO/DEIA issues and initiatives. This includes regular meetings with the eight (8) Affinity/Employee Resource Groups (A/ERGs) of HUD to share information and discuss ways for the groups to support each other's planned initiatives. ODEIA also participated in quarterly GDAS briefings with each program office and HUD's ten regions.

ODEEO and ODEIA also collaborated to develop the DEIA Strategic Plan, as required by EO 14035. In addition to producing the DEIA Strategic Plan, the teams also developed and implemented the DEIA Program Office Self-Assessment Tool as a companion to the strategic plan. This tool allowed HUD to track and monitor Program Office progress towards accomplishing DEIA Strategic Goals and also identified additional Federal Equal Opportunity Recruitment Program (FEORP) activities, as well as, other promising practices occurring within the Program Offices.

ODEEO, on behalf of the Agency, also successfully implemented many inaugural initiatives on behalf of the Department. These included:

- Established HUD's first ODEEO/DEIA Secretary Award to recognize employees for exceptional work ensuring EEO and constantly advancing DEIA within HUD.
- Created Diversity Awareness Month, in which hybrid events occurred with guest speakers each week of July. Each week focused on one component of DEIA.
- Hosted the ODEEO/DEIA Coin of Excellence award ceremony recognizing individuals who have advanced EEO/DEIA throughout their Program Office at HUD.
- Identified senior-level champions to assist in implementing DEIA Program requirements.

HUD's EEO Training Program

In FY 2022, ODEEO announced the official launch of the HUD EEO Training Program via HUD's training site, InCompass. Through this resource, ODEEO was able to advertise upcoming training and provide the registration link for each course. Additionally, upon completion of the training, participants receive credit in their training portfolios.

In FY 2022, ODEEO conducted two-hour EEO training courses on the topics of ADR, Basics of EEO, Civility in the Workplace, EEO Essentials, Workplace Etiquette, and a four-hour course titled: Introduction to Myers-Briggs: Understanding and Working with Personality Type. These trainings were offered separately for leaders and non-supervisory employees. In total, for FY 2022, over 2,500 employees participated in the EEO-related training offerings.

In FY 2022, ODEEO began undertaking a barrier analysis effort. As part of this effort, the Barrier Analysis Team, which consists of the Affirmative Employment Division staff, Administrative Officers, Discrimination Complaint Managers, and Employee Resource Group leader/representatives were provided training by the EEOC. In this course, participants were taught the fundamentals of analysis and interpretations of workforce statistics found in MD-715 data tables; trigger identification; barrier analysis investigation; organizing findings and preparing action plans designed to eliminate barriers; and MD-715 report follow up.

As a general matter, ODEEO created a QR Code (QRC) that can be quickly scanned by HUD employees using their cell phones. When the QRC is scanned it takes employees and customers directly to ODEEO's HUD.Gov website, minimizing the process of searching for the website online.

ODEEO Newsletter

ODEEO publishes a quarterly newsletter, [The ODEEO Insider](#), which is targeted to internal HUD readers. The newsletter educates the HUD workforce on EEO-related trainings, current events, past events, and upcoming items of interest. Past FY 2022 issues informed key

stakeholders about significant EEO cases, general EEO complaint process information, best practices, EEO awards, and special observances.

Coin of Excellence Award

The “EEO/DEIA Coin of Excellence” award was utilized as an on-the-spot award to recognize employees who uphold HUD’s value of and commitment to the areas of EEO, Affirmative Employment, and DEIA. The award: (1) emphasizes the Federal Government’s policy of providing equal employment opportunity to all Federally employed citizens; (2) demonstrates that management values employees, supervisors, and managers who actively and effectively contribute to EEO and DEIA implementation and growth within the organization; and (3) encourages organization-wide commitment to the EEO and DEIA programs through publicizing the impact and positive effects of these contributions.

Each coin has a serial number engraved to distinguish it’s uniqueness (see picture 1). Secretary Marcia Fudge received the first coin and HUD’s Deputy Secretary received the second coin for their dedication to ODEEO’s mission. A ceremony was held on September 29, 2022, and twenty-five HUD employees were awarded coins during the inaugural ceremony.

Picture 1. Coin of Excellence



Improvement Plan for FY 2023 and 2024

Infrastructure

To assist in strategically preparing for staffing needs in the future, ODEEO created a staffing plan to reflect the needs of the office, taking into consideration current staffing levels combined with historic and anticipated workloads. ODEEO has steadfastly worked with HUD’s Office of the Chief Human Capital Officer (OCHCO) to advertise for vacancies, and it is anticipated that a full staff will be on board by the end of the second quarter of FY2023.

Complaint Processing Timeliness

ODEEO has instituted metrics for individual workloads and has also placed metrics in performance plans of EEOD staff members who are responsible for processing complaints. Additionally, ODEEO is enhancing its commitment to ensuring data accountability and transparency in tracking. ODEEO routinely encourages supervisors and managers to cooperate with EEO officials and investigators throughout the complaint process (e.g., to respond to requests for information and documents in a timely and accurate manner, to participate in mediation at any stage of the complaint process, and to participate in training, especially Title VII, and EEO training). These cumulative efforts will yield more effective and timely complaint processing.

Conclusion

The information in this report highlights HUD's EEO program successes, various challenges experienced during FY 2022, and strategic plans for future fiscal years. Despite the challenges presented because of the COVID-19 pandemic, implementing new technology, and staffing shortages, ODEEO continued instituting new initiatives and programs, and continued to engage the workforce through training.

This report also illustrates ODEEO's commitment to continue its mission of promoting DEIA, fostering a workplace culture that respects differences, and empowering the full and fair participation of all employees in all aspects of HUD's work life.

APPENDIX A

Elijah Cummings Federal Employee Antidiscrimination Act

As part of the National Defense Authorization Act of 2021, Congress enacted the Elijah E. Cummings Federal Employee Antidiscrimination Act (FEAA). Designed to promote greater accountability in federal agencies' decision-making processes with respect to imposing discipline on employees found to have engaged in discrimination, the law amends the No FEAR Act to include several new sections. The new sections to the No Fear Act are as follows:

- Section 202(d) requires agencies to post a notice on their public websites, no later than 90 days after any agency appeals have been exhausted, regarding each finding of discrimination at the agency. The notice must identify the date of the finding, the date of the discriminatory act, and each law that was violated, and advise employees of their rights and protections under antidiscrimination laws.
- Section 203(c) requires agencies to report to the EEOC, within 120 days of the agency's final action or Commission decision finding discrimination, whether disciplinary action had been proposed against an employee found to have engaged in discrimination and explain their rationale for taking such action. If the EEOC disagrees with an agency's decision not to impose discipline, pursuant to section 404, the EEOC can refer the matter to the Office of Special Counsel with a recommendation that they pursue disciplinary action against an employee.
- Section 207 provides agencies must have a complaint tracking system in place that can record whether disciplinary action was taken in a given case.
- Section 208 mandates that agencies place a notation in the official personnel record of any employee who receives an adverse action for engaging in conduct that violates an antidiscrimination law. The notation, which identifies the adverse action and explains the reason for the action, is placed in the employee's personnel file only after all appeals related to the adverse action are exhausted.
- Sections 401 and 403 codify the requirement that EEO directors report directly to the agency head, without being subject to control by the agency's Human Capital Officer or General Counsel. Previously, these requirements existed only in EEOC Management Directives 110 and 715 and other EEOC guidance.

The Act also amends existing provisions to require agencies to include, as part of their No FEAR Act data postings, additional information about findings of discrimination, including whether decisions regarding disciplinary action have been made, and information about pending class complaints. Finally, the Act requires agencies to ensure that their settlement agreements do not include nondisclosure provisions that would prevent employees from making disclosures to Congress, the IG, the Office of Special Counsel, or other internal investigative mechanisms related to violation of law or rules.

Appendix B – HUD FY 2022 No Fear Act Data

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					
	2017	2018	2019	2020	2021	2022
Number of Complaints Filed	83	93	86	54	43	56
Number of Complainants	81	90	82	54	41	56
Repeat Filers	2	3	4	0	2	0
Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2017	2018	2019	2020	2021	2022
Race	37	50	49	23	18	16
Color	27	28	19	14	12	13
Religion	4	10	8	3	1	5
Reprisal	41	44	47	35	32	33
Sex	37	46	40	21	15	22
PDA	0	0	0	0	0	0
National Origin	23	17	16	6	2	8

Equal Pay Act	7	5	5	3	0	0
Age	30	31	33	20	12	20
Disability	30	38	45	28	18	27
Genetics	1	0	2	2	0	0
Non-EEO	0	0	0	0	0	1
Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					
Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed. Starting in FY2022, issues marked with:* are reported under Other Terms / Conditions of Employment.** are reported under Other Disciplinary Actions.	2017	2018	2019	2020	2021	2022
Appointment/Hire	6	3	6	3	1	4
Assignment of Duties*	6	3	9	6	3	0
Awards	2	1	3	1	2	1
Conversion to Full Time/Perm Status*	0	0	0	0	0	0
Disciplinary Action						
Demotion	0	0	0	0	1	1

Reprimand**	2	3	3	5	3	0
Suspension	3	3	2	2	1	1
Removal	4	2	2	1	1	0
Disciplinary Warning**	0	0	0	0	0	0
Other Disciplinary Actions**	1	5	5	2	0	7
Other 2**	0	0	0	0	0	0
Duty Hours*	1	0	1	1	1	0
Perf. Eval. / Appraisal	21	6	19	16	12	8
Examination/Test	0	0	0	0	0	0
Harassment						
Non-Sexual	45	51	56	33	26	24
Sexual	1	3	1	0	0	1
Medical Examination	0	0	0	0	0	0
Pay including overtime	0	1	5	1	1	0
Promotion/Non-Selection	10	17	14	14	12	10
Reassignment						
Denied	2	4	0	0	0	1
Directed	0	2	7	3	1	1

Reasonable Accommodation Disability	15	18	19	15	7	9
Reinstatement*	0	0	0	0	0	0
Religious Accommodation	0	1	1	0	0	1
Retirement*	0	2	0	0	0	0
Sex-Stereotyping	0	1	1	0	0	1
Telework	9	4	13	5	0	1
Termination	2	5	2	1	2	4
Terms/Conditions of Employment*	10	14	15	4	5	0
Time and Attendance	7	7	15	9	2	4
Training	0	4	9	6	3	1
Other Terms/Conditions of Employment*	0	0	0	0	0	14
User Defined - Other 1*	0	0	0	0	0	0
User Defined - Other 2*	0	0	0	0	0	0
User Defined - Other 3*	0	0	0	0	0	0
User Defined - Other 4*	0	0	0	0	0	0
Processing Time	Comparative Data					
	Previous Fiscal Year Data					

	2017	2018	2019	2020	2021	2022
Complaints pending during fiscal year						
Average number of days in investigation	418.92	278.24	299.59	234.83	266.24	250.81
Average number of days in final action	180.33	47.11	30.96	40.38	41.23	38.28
Complaint pending during fiscal year where hearing was requested						
Average number of days in investigation	323.43	286.03	322.89	239.55	283.46	252.64
Average number of days in final action	137.30	48.92	18.56	30.17	25.48	25.73
Complaint pending during fiscal year where hearing was not requested						
Average number of days in investigation	518.71	210.31	253.95	231.24	236.00	239.64
Average number of days in final action	163.12	46.56	77.22	60.76	0	246.00
Complaints Dismissed by Agency	Comparative Data					
	Previous Fiscal Year Data					
	2017	2018	2019	2020	2021	2022
Total Complaints Dismissed by Agency	13	18	8	14	6	6
Average days pending prior to dismissal	328.46	261.83	40.13	576.14	201.5	513

Complaints Withdrawn by Complainants												
Total Complaints Withdrawn by Complainants	6	5	9	5	10	5						
Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous Fiscal Year Data											
	2017		2018		2019		2020		2021		2022	
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	1		2		2		1		0		2	
Without Hearing	1	100	1	50	0	0	0	0	0	0	0	0
With Hearing	0	0	1	50	2	100	1	100	0	0	2	100
Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data											
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	2017		2018		2019		2020		2021		2022	
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		1		2		1		0		2	
Race	0	0	1	100	1	50	0	0	0	0	0	0
Color	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

Reprisal	0	0	0	0	2	100	1	100	0	0	2	100
Sex	0	0	0	0	1	50	0	0	0	0	0	0
PDA	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
Equal Pay Act	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
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetics	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
Findings After Hearing	0		1		2		1		0		2	
Race	0	0	1	100	1	50	0	0	0	0	0	0
Color	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
Reprisal	0	0	0	0	2	100	1	100	0	0	2	100
Sex	0	0	0	0	1	50	0	0	0	0	0	0
PDA	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

Equal Pay Act	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
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetics	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
Findings Without Hearing	0		0		0		0		0		0	
Race	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
Religion	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
Sex	0	0	0	0	0	0	0	0	0	0	0	0
PDA	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
Equal Pay Act	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
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetics	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
---------	---	---	---	---	---	---	---	---	---	---	---	---

Starting in FY 2022, issues marked with:* are reported under Other Terms / Conditions of Employment.** are reported under Other Disciplinary Actions.

Findings of Discrimination Rendered by Issue	Comparative Data											
	Previous Fiscal Year Data											
	2017		2018		2019		2020		2021		2022	
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		1		2		1		0		2	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties*	0	0	0	0	1	50	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Perm Status*	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	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
Suspension	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
Other Disciplinary Actions**	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
Perf. Eval. / Appraisal	0	0	0	0	0	0	0	0	0	0	1	50
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	0	0	1	100	0	0	1	50
Sexual	0	0	0	0	1	50	0	0	0	0	0	0
Medical Examination	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
Promotion/Non-Selection	0	0	1	100	2	100	0	0	0	0	0	0
Reassignment												
Denied	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
Reasonable Accommodation Disability	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
Religious Accommodation	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
Sex-Stereotyping	0	0	0	0	0	0	0	0	0	0	0	0
Telework	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
Terms/Conditions of Employment*	0	0	0	0	1	50	0	0	0	0	0	0
Time and Attendance	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
Other Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 1*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 2*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 3*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 4*	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	0		1		2		1		0		2	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties*	0	0	0	0	1	50	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Perm Status*	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												

Demotion	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
Suspension	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
Other Disciplinary Actions**	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
Perf. Eval. / Appraisal	0	0	0	0	0	0	0	0	0	0	1	50
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	0	0	1	100	0	0	1	50
Sexual	0	0	0	0	1	50	0	0	0	0	0	0
Medical Examination	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
Promotion/Non-Selection	0	0	1	100	2	100	0	0	0	0	0	0
Reassignment												
Denied	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
Reasonable Accommodation Disability	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
Religious Accommodation	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
Sex-Stereotyping	0	0	0	0	0	0	0	0	0	0	0	0
Telework	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
Terms/Conditions of Employment*	0	0	0	0	1	50	0	0	0	0	0	0
Time and Attendance	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
Other Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 1*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 2*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 3*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 4*	0	0	0	0	0	0	0	0	0	0	0	0

Findings Without Hearing	0		0		0		0		0		0	
Appointment/Hire	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
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Perm Status*	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	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
Suspension	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
Other Disciplinary Actions**	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
Perf. Eval. / Appraisal	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
Harassment												
Non-Sexual	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

Medical Examination	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
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
Denied	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
Reasonable Accommodation Disability	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
Religious Accommodation	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
Sex-Stereotyping	0	0	0	0	0	0	0	0	0	0	0	0
Telework	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
Terms/Conditions of Employment*	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
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	0	0

User Defined - Other 1*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 2*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 3*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 4*	0	0	0	0	0	0	0	0	0	0	0	0
Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data											
	Previous Fiscal Year Data											
	2017	2018	2019	2020	2021	2022						
Total complaints from previous Fiscal Years	98	102	99	76	66	45						
Total Complainants	96	100	95	73	60	42						
Number complaints pending												
Investigation	2	2	1	7	8	0						
ROI issued, pending Complainant's action	6	0	1	0	0	0						
Hearing	84	98	87	65	40	29						
Final Agency Action	4	3	9	5	4	13						
Appeal with EEOC Office of Federal Operations	152	164	170	176	181	154						

Complaint Investigations	Comparative Data					
	Previous Fiscal Year Data					
	2017	2018	2019	2020	2021	2022
Pending Complaints Where Investigations Exceed Required Time Frames	7	1	0	18	19	1