



**NOTIFICATION AND  
FEDERAL EMPLOYEE  
ANTI-DISCRIMINATION  
AND RETALIATION  
ACT OF 2002**

**ANNUAL REPORT TO CONGRESS  
FISCAL YEAR 2023**

June 2024

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## INTRODUCTION

On May 15, 2002, Congress enacted the *Notification and Federal Employee Anti-Discrimination and Retaliation Act of 2002* (No FEAR Act), Public Law 107-174.<sup>1</sup> The No FEAR Act requires that federal agencies be accountable for violations of anti-discrimination and whistleblower protection laws; provide notice to employees, former employees, and applicants for employment of their rights under anti-discrimination, whistleblower protection and retaliation laws; and post quarterly on its public website certain statistical data relating to federal sector equal employment opportunity (EEO) complaints filed with federal agencies. On January 1, 2020, the *Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020* (Cummings Act), amended the No FEAR Act to strengthen federal anti-discrimination laws enforced by the U.S. Equal Employment Opportunity Commission (EEOC) and expanded accountability within the federal government.<sup>2</sup>

Section 203 of the No FEAR Act specifically requires that each federal agency submit an annual report to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and to each committee of Congress with jurisdiction relating to the agency, not later than 180 days after the end of each fiscal year (FY). Pursuant to the No FEAR Act, this annual report is also provided to the Chair of the EEOC, the Attorney General of the United States, and the Director of the U.S. Office of Personnel Management (OPM). The annual report must include the following information:

- The number of Federal court cases, pending or resolved, arising under No FEAR Act laws, and the status and disposition of the cases;
- The amount of money required to be reimbursed to the Judgment Fund;
- The number and type of disciplinary actions related to discrimination, retaliation, or harassment, and the agency's policy relating to appropriate disciplinary action;
- Year-end summary data related to the agency's EEO complaint activity for the fiscal year;
- An analysis of trends, causation, and practical knowledge gained through experience;
- Actions planned or taken to improve the agency's discrimination complaint programs; and
- The agency's No FEAR Act training plan.

The Commodity Futures Trading Commission (CFTC) is pleased to present its No FEAR Act Annual Report to Congress for FY 2023 (October 1, 2022, to September 30, 2023), in accordance with Section 203 of the No FEAR Act. The CFTC's Office of Minority and Women Inclusion (OMWI) prepared this Report.

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<sup>1</sup> Notification and Federal Employee Anti-Discrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174. <https://www.govinfo.gov/link/plaw/107/public/174>

<sup>2</sup> Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020 (Cummings Act), Public Law 116-283. <https://www.gsa.gov/system/files/Elijah-E-Cummings-Federal-Employee-Antidiscrimination-of-2020.pdf>

## BACKGROUND

The CFTC is an independent agency of the U.S. government that oversees the U.S. derivatives markets, which include futures, options, and swaps. The mission of the CFTC is to promote the integrity, resilience, and vibrancy of the U.S. derivatives markets through sound regulation. The CFTC consists of five Commissioners who are appointed by the President and confirmed by the Senate to serve staggered five-year terms. No more than three sitting Commissioners may be from the same political party, and with the advice and consent of the Senate, the President designates one of the Commissioners to serve as Chairman. The Office of the Chairman oversees the Commission's principal divisions and offices that administer and enforce the Commodity Exchange Act (CEA) and the regulations, policies, and guidance thereunder. During FY 2023, the Office of the Chairman included: the Office of Public Affairs (OPA); the Office of Legislative and Intergovernmental Affairs (OLIA); the Office of Technology Innovation (OTI); the Office of the Chief Economist (OCE); the Office of International Affairs (OIA); and OMWI.

During FY 2023, the CFTC's four programmatic divisions were: the Division of Clearing and Risk (DCR); Division of Enforcement (DOE); Division of Market Oversight (DMO); and the Market Participants Division (MPD). The programmatic divisions are supported by a number of divisions and offices, including the offices within the Office of the Chairman, the Division of Administration (DA), and the Office of General Counsel (OGC). The Office of the Inspector General (OIG) is an independent office of the CFTC.

The CFTC's mission was carried out by approximately 700 dedicated and professional employees in its Washington, D.C. headquarters office and its regional offices in Kansas City, Missouri; Chicago, Illinois; and New York City, New York.

Established by statute as an independent agency in 1974, the CFTC assumed responsibilities previously belonging to the U.S. Department of Agriculture since the 1920s. The CEA historically grants the CFTC regulatory authority over the commodity futures and options markets. These markets have existed since the 1860s, beginning with agricultural commodities. Over time, the markets regulated by the CFTC have grown to include energy and metals commodities such as crude oil, heating oil, gasoline, copper, gold, and silver. The CFTC also oversees markets for financial products such as interest rates, stock indexes, foreign currency, and, most recently, futures relating to digital assets. In addition, the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act directed the CFTC to oversee the U.S. swaps market, which is more than \$400 trillion in notional value and about 12 times the size of the futures market.

Futures, options, and swaps markets are essential to the U.S. economy and the way that businesses and investors manage the risk and uncertainties of future commodity price movements. Farmers, ranchers, commercial companies, municipalities, pension funds, and others use these markets to lock in a price or rate, helping them focus on innovating, producing goods and services, creating jobs, and reducing the risks of investing.

The CFTC's OMWI leads the agency's equal employment opportunity (EEO) program, as well as the diversity, equity, inclusion, and accessibility (DEIA) program, and the OMWI Director reports directly to the Chairman of the CFTC. OMWI works to align and integrate EEO and DEIA with the CFTC mission by:

- Providing agency-wide leadership, guidance, and standards for establishing and maintaining an effective EEO program, as required by civil rights statutes and regulations;

- Providing impartial and unbiased technical assistance to individuals who seek to resolve workplace conflict through the EEO process;
- Educating the workforce on employee rights and responsibilities in the EEO process and delivering training;
- Administering the EEO complaint process through the informal and formal stages of the administrative process, including adjudication, for all current and former CFTC employees and job applicants to the CFTC;
- Preparing and submitting annual reports;
- Providing leadership and direction in diversity talent attraction, recruitment, and retention;
- Fostering inclusive and welcoming work environments; and
- Partnering with CFTC talent and business leaders to ensure equitable policies and access to opportunities within the CFTC, and equitable access to benefits and opportunities pursuant to CFTC external facing policies and programs.

## RESULTS AND DATA

### Federal Court Cases

In FY 2023, there were no cases in federal court pending or resolved arising under the No FEAR Act.

### Judgment Fund Reimbursements

In FY 2023, there were no judgments made against the CFTC for cases pending or resolved; therefore, there were no reimbursements to the Judgment Fund.

### Employee Discipline

The CFTC administers a discipline and adverse action program in accordance with 5 C.F.R. Part 752 – Adverse Actions.<sup>3</sup> Disciplinary or adverse actions against employees for conduct that is inconsistent with federal anti-discrimination and whistleblower protection laws, or for conduct that constitutes a prohibited personnel practice, are determined based on the circumstances of each case, with penalties up to and including removal from federal service, if appropriate. The process and procedures covering CFTC disciplinary actions for bargaining unit employees are incorporated into the Master Collective Bargaining Agreement (CBA) between the CFTC and the National Treasury Employees Union – Chapter 337 (June 10, 2019). Section 1 of Article 40 of the CBA explains that disciplinary actions will only be taken “for such cause as will promote the efficiency of the service” and “such actions must be consistent with applicable laws and government-wide regulations.”

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<sup>3</sup> Adverse Action, 5 C.F.R. Part 752 (2020). <https://www.ecfr.gov/current/title-5/chapter-I/subchapter-B/part-752>

In FY 2023, there were no employees disciplined in accordance with the CBA in connection with cases arising under federal anti-discrimination or whistleblower protection laws.

## EXAMINATION OF TRENDS AND CAUSAL ANALYSIS

The final, year-end discrimination complaints data for FY 2023 can be found in Appendix 1.

In FY 2023, the CFTC experienced a slight increase in EEO complaints compared to the prior year. In FY 2023, there were a total of three (3) formal complaints filed, compared to one (1) formal complaint filed in FY 2022. The most common bases alleged in FY 2023 were: reprisal (3), disability (2), race (1), and age (1). The most common issues alleged in FY 2023 were: reasonable accommodation based on disability (2), followed by appointment / hire (1), non-sexual harassment (1), and other terms and conditions of employment (1).

From FY 2018 to FY 2023, a total of 24 formal EEO complaints were filed against the CFTC. During this period, the most common bases alleged in those complaints were:

- Reprisal (17)
- Race (12) and Age (12)
- Sex (5) and Color (5)

During the same period, the most common issues alleged were:

- Non-Sexual Harassment (11)
- Appointment / Hire (4); Performance Evaluation / Appraisal (4); Promotion / Non-Selection (4)
- Reasonable Accommodation Based on Disability (3)

Between FY 2018 and FY 2023, the average annual size of the workforce was approximately 700, and the average annual formal complaint filing volume was four (4). Although there was an increase of two (2) formal complaints in FY 2023 compared to the one (1) that was filed in FY 2022, an annual volume of three (3) formal complaints is still lower than the average over the six-year period from FY 2018 to FY 2023 and lower than in FY 2018, FY 2019, FY 2020, or FY 2021. In addition, there have been zero (0) findings of discrimination over the entire six-year period.

With a small number of complaints filed in a workforce the CFTC's size, there is insufficient data to draw meaningful conclusions as to trends or causal connections between FY 2023 complaints data and prior years' complaints data. Notwithstanding, the following presents observations made from the data we have, and identify several actions we have taken that may correlate with the CFTC's EEO complaint activity in FY 2023.

In the EEOC's Annual Report on the Federal Workforce for FY 2020 (FY 2020 Annual Report), which is the most current federal sector-wide data available from the EEOC, the top five bases alleged in EEO complaints across the federal government were reprisal, age, disability, race, and sex, and the top five issues alleged were non-sexual harassment, disciplinary action, promotion / non-selection, reasonable

accommodation based on disability, and assignment of duties.<sup>4</sup> Based on the EEOC’s FY 2020 Annual Report, the CFTC’s most common issues and bases alleged in EEO complaints in FY 2023 do not show a noteworthy trend that differs from that which is occurring at other federal agencies across the federal government.

Further, the minimal increase of complaints in FY 2023 over the prior fiscal year could be attributable to a positive reason—the increasing information, awareness, and guidance regarding EEO that was provided to the workforce. During FY 2023, the CFTC required all of its managers and supervisors to attend EEO compliance training on EEO laws, regulations, and the complaint process; harassment awareness, response, and prevention; and guidance on responding to requests for reasonable accommodation. In FY 2023, OMWI hired an Associate Director for the EEO Program to lead and advance the program. Also, the CFTC updated and issued agency-wide policies and procedures on anti-harassment and reasonable accommodation in 2023: 1) CFTC Policy: Anti-Harassment (Policy Number APP-250.1-POL), and CFTC Procedure: Anti-Harassment (Policy Number APP-250.1-PRO); and 2) CFTC Policy: Reasonable Accommodation Program (Policy Number APP-250.6-POL), with accompanying procedures for providing disability-based reasonable accommodations. Further, OMWI led ongoing support to the agency’s seven (7) affinity groups, totaling over 400 affinity group members, and continued to lead the planning and execution of the CFTC’s heritage month events programming as part of the CFTC’s Special Emphasis Program, including:

Event	Title	Attendees	Format
<b>National Disability Employment Awareness Month Event</b>	Disability Part of the Equation	82	Virtual
<b>Black History Month Event</b>	A Discussion on Recruitment and Retention of African-Americans in the Financial Industry	291	Hybrid
<b>Women’s History Month</b>	The Importance of Allyship	173	Virtual
<b>Asian American and Pacific Islander Heritage Month Event</b>	Advancing AANHPI Leaders Through Opportunity in Federal Financial Services	288	Hybrid
<b>Pride Month Event</b>	Beyond Inclusivity: LGBTQI+ Representation, Allyship, and Equity	150	Virtual
<b>Hispanic Heritage Month</b>	Todos Somos, Somos Uno (translated We are All, We are One)	199	Virtual

Lastly, OMWI engaged in multiple initiatives throughout FY 2023 to advance the development of the agency’s first DEIA strategic plan, including soliciting input and feedback from across the organization to craft a shared DEIA vision statement for the CFTC, leading monthly project team meetings, disseminating agency-wide DEIA communications, and launching an outreach and recruitment initiative. Cumulatively, these advancements in raising awareness regarding EEO rights and responsibilities, building infrastructural improvements, and aligning with DEIA initiatives have led to significant improvements in the agency’s EEO program and the workforce’s confidence that the EEO program administers an efficient, fair, and impartial complaint resolution process.

<sup>4</sup> EEOC Annual Report on the Federal Workforce for FY 2020. <https://www.eeoc.gov/fy-2020-annual-report-federal-workforce-part-1-eeo-complaint-processing-activity>

## **PRACTICAL KNOWLEDGE GAINED THROUGH EXPERIENCE AND ACTIONS PLANNED TO IMPROVE THE CFTC'S EEO PROGRAM**

The CFTC remains committed to developing a model EEO program, as required by the EEOC's Management Directive 715.<sup>5</sup> During FY 2023, the CFTC's Chairman and senior leadership demonstrated ongoing support to growing the EEO program by expanding OMWI's budget and staffing resources. OMWI hired an Associate Director to lead the agency's EEO program. The CFTC's Division of Data also hired and provided OMWI with an embedded data analyst to support the development of a strategy for collecting, evaluating, analyzing, and visualizing the agency's demographic data, while also providing for new insight through qualitative and quantitative examination of the CFTC's organizational practices, policies, and programs. This emphasis on creating and maturing a data-driven EEO program will allow for the CFTC to effectively identify trends, disparities, or anomalies that suggest the need for further inquiry into whether a particular policy, practice, procedure, or condition may operate to exclude certain groups, and to develop plans to eliminate identified barriers. Robust data analytics will also allow for the CFTC to take a strategic approach towards embracing and integrating EEO and DEIA principles and best practices into the agency's operations.

The CFTC also continued to lean into proactive prevention efforts to take affirmative steps towards creating a workplace that is free from unlawful discrimination, harassment, and reprisal. During FY 2023, the CFTC provided EEO trainings and briefings to all of the agency's managers and supervisors to ensure management and leadership support and accountability. The CFTC Policy: Anti-Harassment (Policy Number APP-250.1-POL) and CFTC Procedure: Anti-Harassment (Policy Number APP-250.1-PRO) affords employees an additional avenue for raising concerns about harassing conduct and allows for the agency to take corrective actions to prevent or eliminate conduct before it rises to the level of unlawful harassment. Similarly, CFTC Policy: Reasonable Accommodation Program (Policy Number APP-250.6-POL) allows for employees and applicants with disabilities a process for requesting accommodations, including personal assistance services, in order to perform the essential functions of the position and to enjoy the full privileges and benefits available to employees without disabilities. To provide education and awareness of these new policies and procedures to the workforce, OMWI and DA's Human Resources Branch coordinated on the development of a series of informational briefings for implementation in early FY 2024. Consistent and iterative proactive prevention of discrimination, harassment, retaliation (including whistleblower retaliation), and other prohibited personnel practices through future trainings and hands-on technical assistance remains vital to fostering EEO and upholding merit system principles across the CFTC.

Further, the CFTC maintained the independence, neutrality, efficiency, and effectiveness of the CFTC's EEO complaints process. In FY 2023, three (3) formal complaints were filed, and three (3) complaints were on hand at the beginning of FY 2023 for a total of six (6) complaints. Four (4) of those six (6) complaints were closed during FY 2023 by: settlement (2 complaints); issuance of a final agency decision finding no discrimination (1 complaint); and issuance of a final order fully implementing the administrative judge's finding of no discrimination (1). OMWI's EEO program timely processed all complaints within regulatory timeframes. OMWI's EEO program consists of the OMWI Director, who is

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<sup>5</sup> The EEOC's Management Directive 715 is available here: <https://www.eeoc.gov/federal-sector/management-directive/section-717-title-vii> and the CFTC's Management Directive 715 Reports are available here: <https://www.cftc.gov/eoo>



the CFTC's DEIA and EEO Officer and an attorney, the Associate Director, and an EEO Specialist, who are also attorneys. As attorneys, the OMWI Director, Associate Director, and EEO Specialist are capable of conducting internal legal sufficiency reviews of work products. The Associate Director also led the EEO Program's development of updated templates, improved records management, increased data tracking on the agency's EEO database, and an updated EEO Know Your Rights information poster that was disseminated virtually and posted in common areas in the CFTC's Washington, D.C. headquarters and the Kansas City, Chicago, and New York Regional Offices in early FY 2024.

Looking ahead to FY 2024, the CFTC seeks to continually identify and implement best practices that will allow for all employees to work in a fair and equitable workplace where they are able to advance and succeed based on merit. The following are initiatives that OMWI will explore in the coming year to enhance the EEO program:

- Partner with OGC and DA's Human Resources Branch to draft policy and procedures for reasonable accommodation requests based on religion;
- Partner with OGC to strengthen the CFTC's Alternative Dispute Resolution program to support early resolution of EEO concerns;
- Partner with the DOD on seeking support and identifying resources that will allow for the EEO program to better analyze and visualize data;
- Issue guidance to the CFTC workforce on the Pregnant Workers Fairness Act;<sup>6</sup>
- Launch a Barrier Analysis Working Group that identifies triggers, which are trends, disparities, or anomalies in workforce data or other sources of information that suggest the need for further inquiry into a particular policy, practice, procedure, or condition that may have created discriminatory barriers to EEO, and then to develop proactive steps towards identifying and removing those barriers to EEO;
- Develop and post new educational resources, guidance and information regarding EEO laws, policies, rights, and responsibilities on the CFTC's public facing website and internal intranet site; and
- Launch a campaign to resurvey the CFTC workforce by inviting employees to voluntarily check and update information regarding their race, sex, national origin, and disability status so that the agency can better understand the demographic make-up of the workforce.

## NO FEAR ACT TRAINING PLAN

The No FEAR Act's implementing regulations require each agency to develop a plan to train all employees (including managers and supervisors) about the rights, responsibilities, and remedies available under the anti-discrimination and whistleblower protection laws applicable to them.<sup>7</sup> Beginning in FY 2023, as part of the CFTC's new employee orientation sessions, OMWI provides a presentation that incorporates education and resources regarding anti-discrimination and whistleblower protection laws. Further, during FY 2023, OMWI successfully provided training to all of the agency's managers and supervisors on EEO rights and responsibilities.

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<sup>6</sup> Pregnant Workers Fairness Act (PWFA), Public Law 117-328. <https://www.eeoc.gov/statutes/pregnant-workers-fairness-act>

<sup>7</sup> Implementation of Title II of the No FEAR Act 5 C.F.R. Part 724 (2006). <https://www.ecfr.gov/current/title-5/chapter-I/subchapter-B/part-724>

Pursuant to 29 C.F.R. § 724.203, the CFTC is required to provide No FEAR Act training to all employees every two (2) years. The CFTC is working to develop and launch an online No FEAR Act Training during FY 2024 for all existing CFTC employees, including new employees to take within 90 days of onboarding. The training will be formally assigned and tracked through the CFTC’s online learning management system.

## APPENDIX 1: CFTC COMPLAINT DATA

**Table 1: Complaint Activity**

Complaint Activity	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Number of complaints filed	4	5	5	6	1	3
Number of complainants	4	5	3	5	1	3
Repeat Filers	0	1	1	1	0	0

**Table 2: Complaints by Bases (complaints can be filed alleging multiple bases, so the sum of the bases may not equal the total complaints filed)**

Bases	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Race	2	2	2	5	0	1
Color	1	1	1	2	0	0
Religion	0	0	0	0	0	0
Reprisal	2	3	3	5	1	3
Sex	1	1	1	2	0	0
Pregnancy	0	0	0	0	0	0
National Origin	0	1	1	0	0	0
Equal Pay Act	0	0	0	0	0	0
Age	2	3	3	3	0	1
Disability	1	0	0	1	0	2
Genetics	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0

**Table 3: Complaints by Issue (complaints can be filed alleging multiple issues, so the sum of the bases may not equal the total complaints filed)**

Complaints by Issues	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Appointment/Hire	0	0	0	2	1	1
Assignment of Duties	0	0	0	2	0	0
Awards	0	0	0	0	0	0
Conversion to Full Time/Perm Status	0	0	0	0	0	0
Disciplinary Action- Demotion	0	0	0	0	0	0
Disciplinary Action- Reprimand	0	0	0	0	0	0
Disciplinary Action- Suspension	0	0	0	0	0	0
Disciplinary Action- Removal	0	0	0	0	0	0
Disciplinary Action- Other	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0

<b>Performance Evaluation/Appraisal Examination/Test</b>	2	0	1	1	0	0
<b>Harassment- Non- Sexual</b>	1	5	2	2	0	1
<b>Harassment-Sexual</b>	0	0	0	0	0	0
<b>Medical Examination</b>	0	0	0	0	0	0
<b>Pay (including overtime)</b>	0	0	0	2	0	0
<b>Promotion/Non- Selection</b>	0	0	1	2	1	0
<b>Reassignment- Denied</b>	0	0	0	0	0	0
<b>Reassignment- Directed</b>	0	0	1	0	0	0
<b>Reasonable Accommodation- Disability</b>	1	0	0	0	0	2
<b>Reinstatement</b>	0	0	0	0	0	0
<b>Religious Accommodation</b>	0	0	0	0	0	0
<b>Retirement</b>	0	0	0	0	0	0
<b>Sex Stereotyping</b>	0	1	0	0	0	0
<b>Telework</b>	0	0	0	0	0	0
<b>Termination</b>	0	0	0	1	0	0
<b>Terms/Conditions of Employment</b>	0	0	0	1	0	0
<b>Time and Attendance</b>	0	0	0	0	0	0
<b>Training</b>	0	0	0	1	0	0
<b>Other Terms/Conditions of Employment</b>	0	0	0	0	0	1

**Table 4: Processing Time (for complaints pending during fiscal year)**

<b>Processing Time</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Average number of days in investigation</b>	149	33	117	153	164	204
<b>Average number of days in final action</b>	0	0	0	0	0	49

**Table 5: Processing Time (for complaints pending during fiscal year where hearing was requested)**

Processing Time	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Average number of days in investigation	156	45	167	135	140	0
Average number of days in final action	0	0	0	0	0	37

**Table 6: Processing Time (for complaints pending during fiscal year where hearing was not requested)**

Processing Time	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Average number of days in investigation	144	45	167	188	162	204
Average number of days in final action	0	0	0	0	0	60

**Table 7: Complaints Dismissed by Agency**

Agency Dismissals	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Complaints dismissed by agency	0	0	0	1	1	0
Average days pending prior to dismissal	0	0	0	262	235	0
Total Complaints Withdrawn by Complainants	0	0	0	0	0	0

**Table 8: Total Final Actions Finding Discrimination**

Type of Findings	FY 18 #	FY 18 %	FY 19 #	FY 19 %	FY 20 #	FY 20 %	FY 21 #	FY 21 %	FY 22 #	FY 22 %	FY 23 #	FY 23 %
Total Findings	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
With Hearing	0	0	0	0	0	0	0	0	0	0	0	0

**Table 9: Total Findings of Discrimination Rendered by Basis**

Basis	FY 18 #	FY 18 %	FY 19 #	FY 19 %	FY 20 #	FY 20 %	FY 21 #	FY 21 %	FY 22 #	FY 22 %	FY 23 #	FY 23 %
<b>Total findings</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Race</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Color</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Religion</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reprisal</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Sex</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Pregnancy</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>National Origin</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Equal Pay Act</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Age</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disability</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Genetics</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Non-EEO</b>	0	0	0	0	0	0	0	0	0	0	0	0

**Table 10: Total Findings of Discrimination Rendered After Hearing by Basis**

Basis	FY 18 #	FY 18 %	FY 19 #	FY 19 %	FY 20 #	FY 20 %	FY 21 #	FY 21 %	FY 22 #	FY 22 %	FY 23 #	FY 23 %
<b>Total findings</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Race</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Color</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Religion</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reprisal</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Sex</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Pregnancy</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>National Origin</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Equal Pay Act</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Age</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disability</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Genetics</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Non-EEO</b>	0	0	0	0	0	0	0	0	0	0	0	0

**Table 11: Total Findings of Discrimination Rendered Without Hearing by Basis**

Basis	FY 18 #	FY 18 %	FY 19 #	FY 19 %	FY 20 #	FY 20 %	FY 21 #	FY 21 %	FY 22 #	FY 22 %	FY 23 #	FY 23 %
<b>Total findings</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Race</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Color</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Religion</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reprisal</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Sex</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Pregnancy</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>National Origin</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Equal Pay Act</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Age</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disability</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Genetics</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Non-EEO</b>	0	0	0	0	0	0	0	0	0	0	0	0

**Table 12: Total Findings of Discrimination Rendered by Issue**

Issue	FY 18 #	FY 18 %	FY 19 #	FY 19 %	FY 20 #	FY 20 %	FY 21 #	FY 21 %	FY 22 #	FY 22 %	FY 23 #	FY 23 %
<b>Total findings</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Appointment/Hire</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Assignment of Duties</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Awards</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Conversion to Full Time/Perm Status</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disciplinary Action-Demotion</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disciplinary Action-Reprimand</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disciplinary Action-Suspension</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disciplinary Action-Removal</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disciplinary Action-Other</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Duty Hours</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Performance Evaluation/Appraisal Examination/Test</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Harassment- Non-Sexual</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Harassment-Sexual</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Medical Examination</b>	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
Reassignment-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

**Table 13: Total Findings of Discrimination Rendered After Hearing by Issue**

Issue	FY 18 #	FY 18 %	FY 19 #	FY 19 %	FY 20 #	FY 20 %	FY 21 #	FY 21 %	FY 22 #	FY 22 %	FY 23 #	FY 23 %
Total findings	0	0	0	0	0	0	0	0	0	0	0	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
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
Disciplinary Action-Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action-Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action-Removal	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action-Other	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
Performance Evaluation/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
Harassment-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
Reassignment-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

**Table 14: Total Findings of Discrimination Rendered Without Hearing by Issue**

Issue	FY 18 #	FY 18 %	FY 19 #	FY 19 %	FY 20 #	FY 20 %	FY 21 #	FY 21 %	FY 22 #	FY 22 %	FY 23 #	FY 23 %
Total findings	0	0	0	0	0	0	0	0	0	0	0	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
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
Disciplinary Action-Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action-Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action-Removal	0	0	0	0	0	0	0	0	0	0	0	0

Disciplinary Action-Other	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
Performance Evaluation/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
Harassment-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
Reassignment-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

**Table 15: Pending Complaints Filed in Previous Fiscal Year by Status**

Pending Complaints and Complainants	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Total complaints from previous fiscal years	4	1	2	8	2	0
Total complainants	4	1	2	8	2	0

**Table 16: Pending Complaints by Status**

<b>Complaint Status</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Investigation</b>	0	0	0	0	0	0
<b>ROI issued, pending complainant's action</b>	0	0	0	0	0	0
<b>Hearing</b>	0	0	0	3	2	0
<b>Final Agency Action</b>	0	0	0	1	0	0
<b>Appeal with EEOC Office of Federal Operations</b>	0	0	0	0	0	1

**Table 17: Pending Complaints Where Investigation Exceed Required Timeframes**

<b>Investigations</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Number of investigations exceeding timeframes</b>	0	0	0	0	0	0

## APPENDIX 2: CFTC EEO AND ANTI-HARASSMENT STATEMENT



### U.S. COMMODITY FUTURES TRADING COMMISSION

Three Lafayette Centre  
1155 21st Street, NW, Washington, DC 20581  
Telephone: (202) 418-5000  
Facsimile: (202) 418-5546  
[www.cftc.gov](http://www.cftc.gov)

**TO:** All CFTC Employees and Applicants  
**FROM:** Chairman Rostin Behnam  
**DATE:** February 14, 2024  
**SUBJECT:** Equal Employment Opportunity and Anti-Harassment Statement

\* \* \* \* \*

Inherent in our mission to promote the integrity, resilience, and vibrancy of derivative markets is the integrity, resilience, and vibrancy of our workforce. I believe that every individual deserves to be treated with dignity and respect and should have the right to obtain employment and advance in one's work at the Commission on the basis of merit and be free from discrimination and prejudice. As Chairman of the CFTC, I am deeply committed to protecting and promoting equal employment opportunity (EEO) for CFTC employees and applicants, and I remain resolved in maintaining a discrimination and harassment free workplace that is inclusively diverse and fair.

Federal EEO laws and regulations protect all CFTC employees and applicants from unlawful discrimination or harassment based on race, color, religion, national origin, sex (including pregnancy, sexual orientation, and gender identity), age (40 or older), disability, genetic information, or reprisal. In addition to these civil rights protections, Executive Orders protect against employment discrimination based on status as a parent. I support the right of all CFTC employees and applicants to exercise their rights under federal EEO laws and regulations as it relates to any term, condition, or privilege of employment occurring in personnel and employment programs and management practices including, but not limited to, recruitment, hiring, reward, merit promotions, training and development, and separations. To protect the exercise of these rights, retaliation against individuals who exercise their right to participate in EEO activity or to oppose discriminatory acts will not be tolerated. Lastly, and consistent with the commitment not to discriminate, the CFTC must also provide reasonable accommodations to employees and applicants with disabilities; for sincerely held religious beliefs, observances and practices; and for known limitations related to pregnancy, childbirth, or related medical conditions.

We must also maintain a work environment that is free from unlawful harassment, including sexual harassment, as well as harassing conduct in violation of [CFTC Anti-Harassment Policy](#) (APP-250.1-POL), which allows the agency to correct harassing conduct before it rises to the level of unlawful harassment. Hostile, abusive, or intimidating words or conduct are inconsistent

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with our agency's value of teamwork and undercuts our ability to foster the kind of collaboration and coordination that is critical to mission success. Retaliation against an individual for reporting harassment or for participating in an investigation into harassment will not be tolerated, and I am committed to enforcing the corrective measures outlined in the [CFTC Anti-Harassment Procedures](#) (APP-250.1-PRO), which may include appropriate disciplinary measures.

If you believe you have been discriminated, harassed, or retaliated against in violation of federal EEO laws, you may obtain information about your rights or initiate an EEO complaint by contacting the Office of Minority and Women Inclusion (OMWI) EEO Program within 45 calendar days of the alleged discriminatory action via email at [eeo@cftc.gov](mailto:eeo@cftc.gov) or via phone at (202) 416-5400. The EEO Program will process your complaint with neutrality and confidentiality, and encourage the use of alternative dispute resolution (ADR) to resolve EEO complaints.

I invite you to join me in upholding this commitment to EEO and anti-harassment and ensuring a fair and equitable workplace. As always, thank you for your ongoing dedication to advancing the important work of the CFTC.



Office of Minority and Women Inclusion  
Three Lafayette Centre  
1155 21st Street, NW  
Washington, DC 20581  
202.418.5000  
[eeo@cftc.gov](mailto:eeo@cftc.gov)