

NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION ACT OF 2002

FISCAL YEAR 2022
ANNUAL REPORT TO CONGRESS



CFTC

COMMODITY FUTURES TRADING COMMISSION

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INTRODUCTION

The Commodity Futures Trading Commission (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 fiscal year 2022 (FY 2022), 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); and the Office of Minority and Women Inclusion (OMWI).

During FY 2022, 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 and the Office of the Chief Economist (OCE), Division of Administration (DA), Office of General Counsel (OGC), and the Office of International Affairs (OIA). The Office of the Inspector General (OIG) is an independent office of the CFTC.

The CFTC's mission is carried out by approximately 676 dedicated and professional employees in its Washington, DC headquarters office and its regional offices in Kansas City, Missouri; Chicago, Illinois; and Manhattan, New York.

Established by statute as an independent agency in 1974, the CFTC assumed responsibilities previously belonging to the Department of Agriculture since the 1920s. The Commodity Exchange Act (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 Office of Minority and Women Inclusion (OMWI) leads the CFTC's equal employment opportunity (EEO) and diversity, equity, inclusion, and accessibility programs. OMWI works to align and integrate equal employment opportunity and diversity, equity, inclusion and accessibility with the CFTC mission by:

- Providing leadership, guidance, and impartial and unbiased guidance and 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 the two stages of the CFTC administrative EEO complaint process;
- Administering the informal stage and formal stage of the EEO process for all current and former CFTC employees and job applicants;
- Providing leadership and direction in diversity talent attraction, recruitment, and retention;
- Fostering inclusive and welcoming work environments;
- Partnering with CFTC talent and business leaders to ensure equitable policies and access to opportunities within the CFTC; and
- Partnering with CFTC talent and business leaders to ensure equitable access to benefits and opportunities pursuant to CFTC external facing policies and programs.

BACKGROUND

On May 15, 2002, Congress enacted the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (Public Law 107-174) (No FEAR Act). The No FEAR Act requires that federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws; provide notice to employees, former employees and applicants for employment of their rights under antidiscrimination, 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, 2021, Congress passed the Elijah E. Cummings Federal Employee AntiDiscrimination Act of 2020, which amended the No FEAR Act to strengthen federal antidiscrimination laws enforced by the EEOC and expanded accountability within the federal government.

Section 203 of the No FEAR Act specifically requires federal agencies to report annually 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, each committee of Congress with jurisdiction relating to the agency, the Equal Employment Opportunity Commission, and the Attorney General, not later than 180 days after the end of each fiscal year, on the agency's efforts to improve compliance with employment discrimination and whistleblower protection laws and detail the status of complaints brought against the agency under these laws. Specifically, agencies must include the following information in their annual reports:

- The number of Federal court cases, pending or resolved, arising under No FEAR Act laws, and the status and disposition of the cases;
- Judgment Fund reimbursements and adjustments to the agency's budget to meet reimbursement requirements;
- 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 Equal Employment Opportunity (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 CFTC is pleased to present its Annual No FEAR Act Report to Congress for FY 2022, in accordance with Title II, Section 203 of the No FEAR Act, Public Law 108-174.

The CFTC's Office of Minority and Women Inclusion prepared this Report.

RESULTS AND DATA

Federal Court Cases

In FY 2022, there were no cases in federal court pending or resolved 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.

Judgment Fund

There were no judgments against the CFTC for cases pending or resolved in Federal district court in FY 2022. Therefore, there were no reimbursements to the Judgement Fund required for payments or for attorney's fees where such fees are separately designated.

Employee Discipline

The CFTC administers a discipline and adverse action program in accordance with 5 CFR Part 752. Disciplinary or adverse actions against employees for conduct that is inconsistent with federal antidiscrimination and whistleblower protection laws, or for conduct which 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 2019 Collective Bargaining Agreement (CBA) between the CFTC and its Union. 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."

In FY 2022, there were no employees disciplined in accordance with the CBA in connection with cases arising under federal antidiscrimination or whistleblower protection laws.

TRENDS AND ANALYSIS

The final year-end discrimination complaints data for FY 2022 can be found in Appendix I.

For the reporting period FY 2020 - FY 2022, a total of 12 formal EEO complaints were filed against the CFTC. During FY 2020 – FY 2022, the most common bases alleged in those complaints were:

- Reprisal (9 complaints);
- Race (7 complaints); and
- Age (6 complaints)

During FY 2020 – FY 2022, the most common issues alleged were:

- Promotion/non-selection (4 complaints); and
- Non-sexual harassment (4 complaints)

In FY 2022 specifically, there was a total of only one formal EEO complaint filed against the CFTC. Notably, the number of formal EEO complaints filed increased from five to six formal complaints filed from FY 2020 to FY 2021, respectively, and decreased to only one formal complaint filed in FY 2022.

This decrease may be attributed to the fact that during FY 2022, the CFTC increased its alternative dispute resolution (ADR) participation rate during EEO counselings to 40%. From FY 2019 through FY 2021, the CFTC had a 0% ADR participation rate during EEO counselings. The decrease in complaints in FY 2022 may also be attributed to the actions the CFTC initiated in FY 2022 to advance diversity, equity, inclusion, and accessibility (DEIA) and equal employment opportunity (EEO). In January 2022, CFTC Chairman Rostin Behnam onboarded the CFTC's first Chief Diversity, Equity, Inclusion and EEO Officer (Chief Diversity Officer) to lead the agency's equal employment opportunity (EEO) and diversity, equity, inclusion and accessibility (DEIA) programs. During FY 2022, the new Chief Diversity Officer spearheaded a number of initiatives to advance EEO and DEIA at the CFTC, including, for example:

- Offering EEO compliance training, required for all CFTC managers and supervisors. The training provided managers and supervisors with tools to:
 - 1) recognize, respond to, and prevent harassment in the workplace;
 - 2) identify and act on requests for reasonable accommodations; and
 - 3) understand the EEO complaint process and manager/supervisor rights and responsibilities. The following modules were offered:
 - Prevention and elimination of harassment/hostile work environments;
 - Responding to requests for reasonable accommodations; and
 - The EEO Complaint Process – rights and responsibilities.
- Establishing a variety of opportunities for employees to engage with the OMWI team,

learn more about EEO and DEIA, and provide input and feedback, including: quarterly meetings with CFTC affinity group leaders; regular Chief Diversity Officer meetings with Division and Office Directors; and leading six agency-wide “Voice your Vision” sessions. The sessions served as the kickoff to the CFTC’s DEIA strategic planning process as the CFTC works towards the issuance of the CFTC’s first ever stand-alone DEIA Strategic Plan in FY 2023. The sessions were an opportunity to participate in the development of a shared vision statement for DEIA at the CFTC that is forward-looking, inspirational, and aspirational. All CFTC employees were invited to provide input on EEO and DEIA by:

- Attending one of the six OMWI “Voice your Vision” sessions;
 - Providing input and feedback through an electronic anonymous suggestion box;
 - Sending an email to OMWI's office email inbox;
 - Scheduling a small group or private appointment with an OMWI staff member.
- Launching an agency-wide project team to develop and deliver the CFTC’s first ever stand-alone DEIA Strategic Plan; and
 - Expanding and strengthening the CFTC’s EEO-related programming. During FY 2022, the special emphasis program observances at the CFTC included:

Month	Event	Attendees
February	Black History Month Program <i>“Black Health and Wellness”</i>	187 attendees
March	Women’s History Month Program <i>“Women Providing Healing, Promoting Hope”</i>	147 attendees
May	Asian American Pacific Islander Heritage Month Program <i>“Advancing Leaders through Collaboration”</i>	Hybrid Event - 120 virtual attendees plus in-person attendees
June	LGBTQIA+ Program <i>“Resilience and Pride in Public Service”</i>	110 attendees
June	Juneteenth <i>“Inclusion in the Digital Asset EcoSystem”</i>	226 attendees
September	Hispanic Heritage Month Program <i>“Unidos-Inclusivity for a Stronger Nation”</i>	163 attendees

PRACTICAL KNOWLEDGE GAINED

Although the CFTC's equal employment opportunity (EEO) complaints trended downward in FY 2022, the CFTC will continue to focus resources on training and proactive prevention, and EEO policy revisions and development of compliant EEO policies in partnership with the Office of the Chairman, the Human Resources Branch and the Office of General Counsel. Consistent proactive prevention of discrimination, harassment, retaliation (including whistleblower retaliation), and other prohibited personnel practices through training and hands-on technical assistance remains vital to fostering EEO and diversity, equity, inclusion and accessibility (DEIA) and upholding Merit System Principles across the CFTC.

The CFTC will also continue to improve its resources, capacity and efforts to conduct comprehensive demographic and EEO barrier analysis, identify EEO related trends within the workplace and develop data-driven proactive prevention measures at CFTC Headquarters and Regional Offices. Robust data analytics will assist the CFTC in implementing an enterprise-wide strategic approach to EEO training, barrier analysis and proactive prevention. Engaging with CFTC Headquarters and Regional Office organizational leaders and stakeholders early and often to obtain crucial input and feedback on personnel, budget, technology, and other workforce issues will enhance proactive prevention efforts and ensure EEO and DEIA best practices are integrated into talent and business operations across the CFTC.

In addition, the CFTC is working to expand the Office of Minority and Women Inclusion's (OMWI's) budget and staffing. OMWI is hiring a new Associate Director, EEO to lead the CFTC's EEO program within the CFTC's OMWI. The CFTC will also onboard an additional EEO Specialist and a full-time data analyst who will support the CFTC's OMWI and Human Resources Branch to further accelerate the CFTC's progress in developing an effective and accurate demographic data collection system and expanding its barrier demographic data analysis efforts.

NO FEAR ACT TRAINING PLAN

The No FEAR Act requires each agency to develop a plan to train all employees (including managers and supervisors) about the rights and remedies available under the antidiscrimination and whistleblower protection laws applicable to them. As part of the CFTC's ongoing effort to train all CFTC employees on their rights, remedies, and responsibilities under the No FEAR Act, with the launch of the CFTC's new employee onboarding program in FY 2023, new employees receive information about their rights and responsibilities under antidiscrimination and whistleblower protection laws during new employee orientation.

In compliance with the requirement to provide No FEAR Act training to all CFTC employees every two years, the CFTC is working to develop and launch an online No FEAR Act Training in 2023. All CFTC employees will be required to complete the training, and new employees will be required to complete the training within 90 days after joining the CFTC. The training will be formally assigned and tracked through the CFTC's online learning management system.

APPENDIX I: Equal Employment Opportunity Complaint Data¹

TABLE 1: COMPLAINT ACTIVITY

Complaint Activity	2017	2018	2019	2020	2021	2022 thru 9-30
Number of complaints filed	5	4	5	5	6	1
Number of complainants	5	4	5	3	5	1
Repeat Filers	0	0	1	1	1	0

TABLE 2: COMPLAINTS BY BASIS*

Complaints by Basis	2017	2018	2019	2020	2021	2022 thru 9-30
Race	1	2	2	2	5	0
Color	2	1	1	1	2	0
Religion	0	0	0	0	0	0
Reprisal	2	2	3	3	5	1
Sex	1	1	1	1	2	0
Pregnancy	0	0	0	0	0	0
National Origin	0	0	1	1	0	0
Equal Pay Act	0	0	0	0	0	0
Age	3	2	3	3	3	0
Disability	1	1	0	0	1	0
Genetics	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0

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

¹ Since this report's submission, the numbers in the published version of Appendix I have been updated to fix a minor error. The No FEAR Act data for the CFTC can be accessed from the CFTC's homepage (CFTC.gov), or directly at https://www.cftc.gov/WebPolicy/EEONoFearAct/nofearreportFY23_Q1.

TABLE 3: COMPLAINTS BY ISSUE

Complaints by Issue	2017	2018	2019	2020	2021	2022 thru 9-30
Appointment/Hire	0	0	0	0	2	1
Assignment of Duties	0	0	0	0	2	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
Performance Evaluation/Appraisal	0	2	0	1	1	0
Examination/Test	0	0	0	0	0	0
Harassment- Non-Sexual	5	1	5	2	2	0
Harassment-Sexual	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0
Pay (including overtime)	0	0	0	0	2	0
Promotion/Non-Selection	0	0	0	1	2	1
Reassignment-Denied	0	0	0	0	0	0
Reassignment-Directed	0	0	0	1	0	0
Reasonable Accommodation-Disability	0	1	0	0	0	0
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0
Complaints by	2017	2018	2019	2020	2021	2022 thru

Issue	9-30					
Telework	0	0	0	0	0	0
Termination	0	0	0	0	1	0
Terms/Conditions of Employment	0	0	0	0	1	0
Time and Attendance	0	0	0	0	0	0
Training	0	0	0	0	1	0
Other Terms/Conditions of Employment	0	0	0	0	0	0

TABLE 4: PROCESSING TIME (FOR COMPLAINTS PENDING DURING THE FISCAL YEAR)

Processing Time	2017	2018	2019	2020	2021	2022 thru 9-30
Average number of days in investigation	29	149	33	117	152.6	164.33
Average number of days in final action	0	0	0	0	0	0

TABLE 5: PROCESSING TIME (FOR COMPLAINTS PENDING DURING FISCAL YEAR WHERE HEARING WAS REQUESTED)

Processing Time	2017	2018	2019	2020	2021	2022 thru 9-30
Average number of days in investigation	0	156	45	167	135.33	140.14
Average number of days in final action	0	0	0	0	0	0

TABLE 6: PROCESSING TIME (FOR COMPLAINTS DURING FISCAL YEAR WHERE HEARING WAS NOT REQUESTED)

Processing Time	2017	2018	2019	2020	2021	2022 thru 9-30
Average number of days in investigation	0	144	45	167	188	162
Average number of days in final action	0	0	0	0	0	0

TABLE 7: COMPLAINTS DISMISSED BY AGENCY

Agency Dismissal Information	2017	2018	2019	2020	2021	2022 thru 9-30
Complaints dismissed by agency	0	0	0	0	1	1
Average days pending prior to dismissal	0	0	0	252	262	235
Total Complaints Withdrawn by Complainants	0	0	0	0	0	0

TABLE 8: TOTAL FINAL AGENCY ACTIONS FINDING DISCRIMINATION

Type of Findings	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %	2021 #	2021 %	2022 thru 9-30 #	2022 thru 9-30 %
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	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %	2021 #	2021 %	2022 thru 9-30 #	2022 thru 9-30 %
Total findings	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
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
Pregnancy	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

TABLE 10: TOTAL FINDINGS OF DISCRIMINATION RENDERED AFTER HEARING BY BASIS

Basis	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %	2021 #	2021 %	2022 thru 9-30 #	2022 thru 9-30 %
Total findings	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
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
Pregnancy	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

TABLE 11: TOTAL FINDINGS OF DISCRIMINATION RENDERED WITHOUT HEARING BY BASIS

Basis	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %	2021 #	2021 %	2022 thru 9-30 #	2022 thru 9-30 %
Total findings	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
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
Pregnancy	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

TABLE 12: TOTAL FINDINGS OF DISCRIMINATION RENDERED BY ISSUE

Issue	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %	2021 #	2021 %	2022 thru 9-30 #	2022 thru 9-30 %
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-Sexual	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
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

Issue	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %	2021 #	2021 %	2022 thru 9-30 #	2022 thru 9-30 %
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	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %	2021 #	2021 %	2022 thru 9-30 #	2022 thru 9-30 %
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-Sexual	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
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

Issue	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %	2021 #	2021 %	2022 thru 9-30 #	2022 thru 9-30 %
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-Sterotyping	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	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %	2021 #	2021 %	2022 thru 9-30 #	2022 thru 9-30 %
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-Sexual	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

Issue	2017 #	2017 %	2018 #	2018 %	2019 #	2019 %	2020 #	2020 %	2021 #	2021 %	2022 thru 9-30 #	2022 thru 9-30 %
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 YEARS BY STATUS

Pending Complaints and Complainants	2017	2018	2019	2020	2021	2022 thru 9-30
Total complaints from previous fiscal years	1	4	1	2	8	2
Total complainants	1	4	1	2	8	2

TABLE 16: PENDING COMPLAINTS BY STATUS

Complaint Status	2017	2018	2019	2020	2021	2022 thru 9-30
Investigation	0	0	0	0	0	0
ROI issued, pending complainant's action	0	0	0	0	0	0
Hearing	0	0	0	0	3	2
Final Agency Action	0	0	0	0	1	0
Appeal with EEOC Office of Federal Operations	0	0	0	0	0	0

TABLE 17: PENDING COMPLAINTS WHERE INVESTIGATION EXCEED REQUIRED TIME FRAMES

Investigations	2017	2018	2019	2020	2021	2022 thru 9-30
Number of investigations exceeding timeframes	0	0	0	0	0	0

APPENDIX II: CFTC Equal Employment Opportunity and Anti-Harassment Statement

To: All CFTC Employees

From: Chairman Rostin Behnam

Date: April 14, 2022

Subject: CFTC Equal Employment Opportunity and Anti-Harassment Statement

Equal Employment Opportunity

As CFTC Chairman, I believe that the CFTC should be a model workplace where all employees have the right to work and advance on the bases of merit and ability. Federal Equal Employment Opportunity (EEO) laws and regulations protect all employees and applicants for employment from discrimination or harassment based on race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), age (40 or older), national origin, disability, genetic information, or retaliation. I support the right of all CFTC employees to exercise their rights under Federal EEO laws and regulations. Moreover, I reaffirm the CFTC's commitment to ensuring that the CFTC provides employees and applicants for employment equal employment opportunity across all personnel and employment programs, and terms, conditions and privileges of employment including, but not limited to, recruitment, hiring, merit promotion, training, and career development and ask that you join me in this commitment. Consistent with this commitment, the CFTC also provides reasonable accommodations to employees and applicants with disabilities and for sincerely held religious beliefs, observances and practices.

Unlawful Harassment

The CFTC is committed to maintaining a work environment that is free of harassment. Harassment is a form of employment discrimination that violates Federal EEO laws and regulations and is defined as unwelcome verbal, non-verbal, or physical conduct that is based on race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), age (40 or older), national origin, disability, genetic information, or retaliation. Sexual harassment is a form of harassment defined as unwelcome sexual advances, request for sexual favors, or other verbal, non-verbal, or physical conduct of a sexual nature. Harassment becomes unlawful where: (1) enduring the offensive conduct becomes a condition of continued employment; or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Workplace harassment will not be tolerated, and the CFTC is committed to implementing policy and procedures to uncover and correct harassing conduct at the earliest possible stage to avoid or limit potential harm to any employee before it rises to the level of unlawful harassment

Protection Against Retaliation

CFTC employees and applicants are also protected against retaliation. Consistent with Federal EEO laws and regulations, retaliation against individuals for their participation in the EEO complaint process or opposition to discriminatory practices is prohibited and will not be tolerated.

How To Report

CFTC employees or applicants for employment who believe they have been subjected to or observed harassing conduct should contact their immediate supervisor, the supervisor of the alleged perpetrator or any member of management. CFTC employees or applicants who believe they have been subjected to unlawful harassment, including sexual harassment, discrimination, or retaliation based on race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), age (40 or older), national origin, disability, genetic information, may initiate a complaint by contacting the Office of Minority and Women Inclusion (OMWI), Equal Employment Opportunity Program within 45 days of the alleged discriminatory action via email at CivilRights@cftc.gov.

Together, we all play a part in making the CFTC an employer of choice where we strive to ensure equal employment opportunity and a workplace free of harassment. All CFTC employees are responsible for maintaining public trust and are held to high conduct standards including honesty, integrity, and impartiality while supporting the Commission in achieving its mission and serving as an exemplar in the markets we regulate and the financial industry we serve. It is incumbent on all of us, regardless of our positions within the CFTC, to do our part to ensure that the CFTC is a safe and fair workplace, where individual differences are respected and valued; this includes cooperating fully in any matter related to equal employment opportunity. CFTC supervisors and managers must take a lead role in advancing and embedding fairness in our decision-making processes and proactively identifying and rectifying barriers to equal employment opportunity. Thank you for your hard work and dedication to fulfilling the CFTC's mission.



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