

# No FEAR Act Annual Report for fiscal year 2015

Pursuant to Notification and Federal Employee Antidiscrimination  
and Retaliation Act of 2002

# Message from Richard Cordray



Director of the CFPB

On behalf of the Consumer Financial Protection Bureau (CFPB or Bureau), I am pleased to present our Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) Annual Report for FY 2015. This report summarizes accomplishments in our Equal Employment Opportunity (EEO) program and our commitment to abide by all civil rights laws and merit systems principles and to promote accountability. While we are pleased with the progress we have made, we continue to engage in the hard work of institution building and are aware that we can do more to improve. I am pleased that our employees are availing themselves of the services of our Office of Civil Rights (OCR), reflecting both the outreach work of OCR and confidence in the EEO Program we have put into place, and am also interested in continuing to work toward aligning ourselves with government-wide filing rates over time.

In July 2015, I issued my annual statement of our Policy on Equal Employment Opportunity and Workplace Harassment, and a notice of our rights and obligations under the whistleblower protection laws and No FEAR Act. As I said at that time, I always welcome the chance to explicitly reaffirm the Bureau's obligation and my own commitment to the principles and values of EEO, fairness, diversity, and inclusion. I expect everyone to practice these principles every day at the Bureau. How we treat one another is fundamental to our core institutional character. We will succeed or fail together, as one multi-faceted team.

I emphasized in my annual statements that when a worker feels marginalized or mistreated — or senses a need to suppress or apologize for his or her authentic identity in the workplace — an organization can never truly tap that individual's full potential. We strive for a workplace where no individual feels marginalized or mistreated in this way. Disrespect, discrimination, and

retaliation inhibit our ability to protect consumers and are contrary to the kind of culture and institution we are striving to build.

I also have reminded Bureau employees about a series of common sense, practical steps we can take each day to help us live out our commitment to these values:

- Remaining vigilant for unconscious biases.
- Seeking out and celebrating the unique talents and perspectives of every member of our workforce.
- Standing up to and stopping discrimination, harassment, and retaliation in all its insidious and sometimes subtle forms by contacting the Offices of Equal Opportunity and Fairness and Human Capital.
- Embedding EEO principles into everything we do here, until it becomes second nature.

I expect no less, because Bureau employees, their colleagues, and American consumers deserve no less.

Over the past year we've had many opportunities to deepen our knowledge of and commitment to these core principles and values. This report is a celebration of our successes, and a transparent accounting of areas where we still have work to do.

Sincerely,



Richard Cordray

# Table of contents

Message from Richard Cordray .....	1
1. Purpose of report.....	4
2. Background.....	6
3. Results and data .....	11
3.1 EEO complaint activity in federal court and disposition.....	11
3.2 Judgment fund reimbursements and budget adjustments.....	12
3.3 Number of employees disciplined and discipline policy.....	12
3.4 Summary data .....	17
3.5 Analysis of complaints .....	18
3.6 No FEAR Act training .....	28
Appendix A: .....	30
Legislative and regulatory requirements .....	30
Appendix B: .....	35
The Director’s Annual EEO and Anti-Harassment Policy Statement .....	35
The Director’s FY 2015 Annual Notice on the No FEAR Act and Whistleblower Protection Laws/Prohibited Personnel Practices .....	42
Appendix C: .....	49
Summary of complaint data .....	49
Total number findings.....	55
Findings after hearing .....	57
Findings without hearing .....	60

# 1. Purpose of report

The No FEAR Act (Pub. L. No. 107-174) is intended to reduce workplace discrimination within the Federal Government by holding federal agencies more accountable. Section 203 of the No FEAR Act requires that, no later than 180 days after the end of each fiscal year, each agency submit a 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, each committee of Congress with jurisdiction relating to the agency, the Equal Employment Opportunity Commission (EEOC), and the Attorney General of the United States. Regulations from the Office of Personnel Management (OPM) implementing the No FEAR Act, 5 Code of Federal Regulations (C.F.R.) Part 724, Subpart C, also require the submission of this annual report to the Director of OPM.

The annual report must provide the following information:<sup>1</sup>

- The number of federal court cases, pending or resolved, arising under the No FEAR Act laws and the status and disposition of the cases;
- Judgment Fund reimbursements and adjustments to agency budgets to meet reimbursement requirements;

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<sup>1</sup> No FEAR Act, Section 203(a)(1); 5 C.F.R. § 724.302. The requirements are set forth in full at Appendix A.

- The number and type of disciplinary actions related to discrimination, retaliation, or harassment and the Bureau's policy relating to appropriate disciplinary action;
- Year-end summary data related to federal sector EEO complaint activity;
- An analysis of trends, causation, and practical knowledge gained through experience, and actions planned or taken to improve complaint or civil rights programs; and
- The agency's No FEAR Act training.

## 2. Background

### Mission

The Consumer Financial Protection Bureau (CFPB or Bureau) is the nation's first federal agency focused solely on consumer financial protection. The Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. No. 111-203) (2010) (Dodd-Frank Act) created CFPB to protect consumers and to encourage fair and competitive consumer financial markets. CFPB officially began operations on July 21, 2011. At the end of FY 2015, the Bureau consisted of 1527 employees (permanent and temporary) and will continue to grow and mature to meet its important mission.

CFPB's mission is to make markets for consumer financial products and services work for people in America—whether they are applying for a mortgage, choosing among credit cards, or using any number of other consumer financial products. CFPB helps consumer finance markets work by making rules more effective, by consistently and fairly enforcing those rules, and by empowering consumers to take more control over their financial lives. When CFPB achieves its mission, it will have facilitated the development of a consumer finance marketplace where consumers can see prices and risks and can easily make product comparisons. The envisioned consumer finance marketplace will work for consumers in America, responsible providers, and the economy.

CFPB is achieving its mission and vision through data-driven analysis, innovative use of technology, and valuing great teamwork and top talent. CFPB is using data purposefully to support informed decision-making in all internal and external functions. CFPB strives to be an innovative, 21st century agency in its approach to technology. Finally, CFPB invests in world-class training, development, and support to create an environment that encourages employees at all levels to tackle complex challenges.

To accomplish these goals, CFPB is divided into six Divisions:

- Consumer Education & Engagement (CEE)
- Supervision, Enforcement, & Fair Lending (SEFL)
- Research, Markets, & Regulations (RMR)
- External Affairs (EA)
- Legal (LD)
- Operations (OPS)

These Divisions work together to:

- Write rules, supervise regulated entities, and enforce federal consumer financial protection laws;
- Restrict unfair, deceptive, or abusive acts or practices;
- Take consumer complaints;
- Promote financial education;
- Research consumer behavior;
- Monitor financial markets for new risks to consumers; and
- Enforce laws that outlaw discrimination and other unfair treatment in consumer finance.

Further, the Bureau has worked to build a human and physical infrastructure that promotes—and will continue to promote—transparency, accountability, fairness, and service to the public. That includes:

- Demonstrating a strong commitment to openness and using the Bureau’s website to share information on its operations;
- Recruiting highly qualified personnel;
- Providing training and engagement opportunities for CFPB staff to improve skills, increase knowledge, and maintain excellence;



- Promoting equal opportunity in all aspects of employment including recruitment, hiring, compensation, performance management, awards, training, career development, and promotions; and
- Promoting diversity in the CFPB workforce and among the Bureau's contractors.

## EEO Structure

Since the Bureau's inception, equal employment opportunity has been a stated value of CFPB and will continue to serve as a guidepost for its activities. During FY 2015, CFPB demonstrated its commitment to ensuring that talented and diverse staff have equal employment opportunities and are treated fairly and with respect, and that Bureau leadership enforced the standards of fairness that it expects of the companies and industries it regulates.

The Bureau has an Office of Equal Opportunity and Fairness (OEOF), which is housed directly in the Office of the Director of CFPB. OEOF is comprised of the Office of Civil Rights (OCR) (formerly known as the EEO Office) and the Office of Minority and Women Inclusion (OMWI).

OCR has internally operated since February 2013. OCR works to ensure that CFPB complies with all federal EEO laws and related civil rights protections; provides a neutral forum for the discussion, investigation, and resolution of certain EEO matters; and strives to integrate EEO into CFPB's everyday work. OCR also strives to empower individuals to participate constructively to their fullest potential in support of the CFPB's mission. OCR endeavors to ensure that CFPB reflects the rich diversity of the nation and provides a full and fair opportunity for all employees and applicants, and that CFPB employees have the working environment that will support them in their efforts to protect consumers.

Among other services, OCR provides policy and technical advice on equal employment opportunity and civil rights to the CFPB Director and senior leadership, and manages the

Bureau's EEO complaint process pursuant to 29 C.F.R. Part 1614. The Bureau's EEO Program works to ensure the EEOC's six essential elements of a model EEO Program<sup>2</sup> are incorporated into the fabric of the Bureau, thus supporting the goal of maintaining a discrimination-free workplace for all.

The Director of OCR reports directly to the Director of CFPB. OCR emphasizes—and guards—its neutrality and impartiality, which is critical to having an efficient and fair EEO complaint resolution process. This ensures that employees and managers know that the pre-complaint phase and the investigation stage are not adversarial processes, that OCR will provide a neutral and impartial factual record, and that, when requested, OCR will issue a final decision assessing the facts and law to determine whether or not illegal conduct occurred.

The CFPB's Director has granted the OCR Director full authority to carry out the Part 1614 functions of OCR without Legal Division (i.e., General Counsel) involvement, thus ensuring impartiality and removing any possible conflict of interest. Legal resources within OCR make this possible by internally conducting legal sufficiency reviews of EEO matters, including issuing accept/dismiss decisions related to formal complaints, Reports of Investigations (ROIs), and Final Agency Decisions (FADs). The Legal Division, which defends the Bureau in these matters, is firewalled from all activities within OCR and only participates during adversarial portions of the EEO process (hearings and appeals), and during settlement negotiations. All other Bureau offices are similarly firewalled and kept separate as necessary and appropriate to avoid conflicting or competing interests.

At the same time, while OCR maintains primary responsibility for the Agency's overall EEO program, it collaborates extensively with both OMWI and the Bureau's Office of Human Capital (OHC) to ensure fairness and equality under the law for all employees and applicants for employment. Pursuant to Section 342 of the Dodd-Frank Act, OMWI develops standards for

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<sup>2</sup> See EEOC, Management Directive 715 (MD-715). The six elements are (1) demonstrated commitment from agency leadership; (2) integration of EEO into the agency's strategic mission; (3) management and program accountability; (4) proactive prevention of unlawful discrimination; (5) efficiency; and (6) responsiveness and legal compliance.

equal employment opportunity and diversity, which OHC incorporates into CFPB Human Capital Management. OCR, OMWI, and OHC monitor the impacts and results of these standards, cultivate successful policies and practices to reinforce them, and develop enhancement strategies to strengthen all EEO and diversity and inclusion programs Bureau-wide. OCR cooperates with OHC, in particular, related to the reasonable accommodation and harassment prevention programs OHC administers. OCR maximizes appropriate partnerships with Bureau leadership, management, other employees, and the National Treasury Employees Union (NTEU) to achieve its mission and vision.

## 3. Results and data

The information in this section meets the reporting requirements of the No FEAR Act and its implementing regulations. The information is presented as follows:

- Subsection 3.1 - EEO Complaint Activity in Federal Court and Disposition
- Subsection 3.2 - Judgment Fund Reimbursements and Budget Adjustments
- Subsection 3.3 - Number of Employees Disciplined and Discipline Policy
- Subsection 3.4 - Summary Data
- Subsection 3.5 - Analysis of Complaints

### 3.1 EEO complaint activity in federal court and disposition

The laws covered in the No FEAR Act include:

- Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. § 2000e-16 (race, color, religion, sex, national origin, and reprisal)
- The Age Discrimination in Employment Act of 1967, *as amended*, 29 U.S.C. § 633a (age (40 and over) and reprisal)
- The Equal Pay Act of 1963, *as amended*, 29 U.S.C. § 206(d) (gender-based wage differentials and reprisal)
- Section 501 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 791 (physical and mental disabilities and reprisal)

- The Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff *et seq.* (genetic information about an individual or individual’s family members and reprisal)
- The Civil Service Reform Act of 1978, 5 U.S.C. § 2302(b) (race, color, religion, sex, national origin, age, disability, marital status, political affiliation, and whistleblowing)

During FY 2015, the Bureau had no civil actions pending in federal court related to the No FEAR Act laws.

## 3.2 Judgment fund reimbursements and budget adjustments

The Bureau neither made reimbursements to the Judgment Fund nor needed to adjust its budget to comply with No FEAR Act reimbursement requirements.<sup>3</sup>

## 3.3 Number of employees disciplined and discipline policy

There has not been a finding of discrimination by the Bureau, the EEOC, or other authorities against the Bureau to date. However, the Bureau is fully ready to ensure effective compliance with any future orders in the event that the Bureau itself, the EEOC, or other authorities find discrimination at a future time. During FY 2015, the Bureau did not discipline any employees

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<sup>3</sup> The Judgment Fund is used to pay court judgments and Justice Department settlements of actual or imminent lawsuits against the government. It is a permanent appropriation and is administered by the Judgment Fund Branch, which is a part of the United States Department of the Treasury, Financial Management Service. The No FEAR Act requires federal agencies to reimburse the Judgment Fund for personnel discrimination payments made in accordance with 28 U.S.C. §§ 2414, 2517, 2672, or 2677. CFPB will not be accessing the Judgment Fund because other sources of funds are available for these purposes. *See* Consumer Financial Protection Act, Section 1017.

for discrimination, retaliation, harassment, or an infraction of any provision of law covered by the No FEAR Act. However, CFPB remains committed to disciplining and providing remedial training to any employee who fails to abide by any of these laws. Since FY 2014, the Bureau has determined that counselings about appropriate conduct and best practices have been necessary for several individual managers, even though no finding was made of illegal activity or actionable misconduct.

To help proactively prevent discrimination—and warn employees of the consequences for committing acts of discrimination—the Bureau has promulgated and enforces clear and concise EEO and anti-discrimination policies and procedures. These policies detail employee rights and responsibilities under EEO laws. Managers and supervisors share the responsibility for successful implementation of these policies, and as a result, the EEO Program. The OCR Director, along with OHC, regularly reviews these policies and procedures to ensure that they are up-to-date, legally sufficient, well communicated, applied consistently, and implemented fairly.

For instance, the Bureau has in place an *Equal Employment Opportunity (EEO) and Non-Discrimination Policy*, which is easily accessible on the Bureau’s intranet and is physically given to all new employees during New Employee Orientation (NEO) training (as part of an overall “Guide to the Office of Civil Rights”), and during employee and supervisor refresher trainings. This policy clearly explains the EEO process, including how to begin the process, pertinent regulatory timeframes, and the roles and responsibilities of various offices. This policy also makes clear that discrimination, harassment, and retaliation will not be tolerated at the Bureau.

The Bureau also has in place *Procedures Related to Harassment and Inappropriate Conduct*, which sets forth the Bureau’s anti-harassment program pursuant to the *Faragher-Ellerth* line of Supreme Court cases and the EEOC’s “Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors.”<sup>4</sup> These Bureau procedures clearly define harassment

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<sup>4</sup> This guidance is available at <http://www.eeoc.gov/policy/docs/harassment.html>.

and inappropriate conduct, and make clear that harassment and/or inappropriate conduct will not be tolerated at CFPB. To ensure as inclusive a workplace as possible, this policy is purposefully broad and states, “Even inappropriate conduct that is not of sufficient severity to constitute harassment as a matter of law is considered misconduct.” This policy identifies a Bureau point-of-contact that should be used if an employee is subjected to or witnesses harassment. This policy provides multiple avenues of redress for claims of harassment, and does not limit employees to the EEO process. It also makes clear that retaliation is not tolerated.

The Bureau also has in place a *Reasonable Accommodation Policy*—approved by the EEOC—to ensure that applicants and employees know of their right under the Rehabilitation Act to receive a reasonable accommodation for disability-related limitations if needed to apply for a Bureau job, perform the essential functions of a job, or enjoy equal benefits and privileges of employment at the Bureau. This policy also explains management’s responsibilities when a supervisor or manager is put on notice that an employee requires a reasonable accommodation. An accompanying *Standard Operating Procedures Related to Reasonable Accommodation Requests* clearly lays out the interactive process that will be used when an employee requests a reasonable accommodation for a disability. On an ongoing basis, OHC reviews disability accommodation decisions and actions to ensure that discrimination is not occurring, to confirm compliance with its written procedures, and to analyze the information tracked for trends and problems.

CFPB has put in place various other personnel-related policies and procedures that aid in the proactive prevention of discrimination and increase management and program accountability. Having clear and concise policies and procedures minimizes subjectivity, prevents misunderstandings about what CFPB expects from its employees and management officials, clarifies the roles and responsibilities of the various offices within the Bureau, and creates an environment and expectation of consistency in personnel decisionmaking Bureau-wide. Management officials must follow the policies and procedures listed in the table below.

**TABLE 1: BUREAU POLICIES GOVERNING MAJOR PERSONNEL ISSUES AND PROGRAMS**

<b>Bureau Policies Governing Major Personnel Issues and Programs</b>
Hiring, Promotion, and Internal Personnel Movements Policy
Attorney Hiring and Promotion Policy
Performance Management Program Policy
Disciplinary and Adverse Action Policy
Alternative Dispute Resolution Policy
Open Door and Administrative Grievance Policy

The Bureau’s Disciplinary and Adverse Action Policy emphasizes that “engaging in discrimination, harassment, or other inappropriate conduct” is grounds for discipline, “up to and including removal.” Further, all Bureau employees must abide by the U.S. Office of Government Ethics’ 13<sup>th</sup> Principles of Ethical Conduct<sup>5</sup> requiring that employees adhere to all laws and regulations that provide equal opportunity regardless of race, color, religion, sex, national origin, age, or disability.

In addition to formal policies, several other tools exist to assist with evenhanded implementation of personnel-related matters including, for example, a Hiring Manager’s Guide, recruitment-related resources, career planning resources, and procedures for documenting declining performance.

The Bureau trains all employees on these laws, regulations, and policies—and continually reinforces and reminds employees of their EEO-related rights and responsibilities—throughout the fiscal year. CFPB uses various media to distribute EEO information to make sure that EEO

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<sup>5</sup> 5 C.F.R. § 2635.101(b)(13). Employees are notified of this requirement in mandatory ethics training, posters, and through the Bureau’s intranet.



is integrated into the agency’s strategic mission and is readily accessible. The Bureau makes use of virtually all of the ideas suggested by the EEOC in its September 2014 publication entitled “Preserving Access to the Legal System: A Practical Guide to Providing Employees with Adequate Information about Their Rights under Federal Equal Employment Opportunity (EEO) Laws and Regulations.”<sup>6</sup> The various media used to distribute information are described in the table below.

**TABLE 2: MEDIA USED TO DISTRIBUTE EEO INFORMATION**

<b>Media Used To Distribute EEO Information</b>
Regular email notifications via “Ops Digest” and “Manager Minute” publications (email publications designed for and distributed regularly to all employees and supervisors, respectively)
Regular email messages from the CFPB Director and OCR Director
Annual statements from the CFPB Director on the No FEAR Act and on the Bureau’s EEO Policy and Anti-Harassment Policy, provided in email format and printed format, and posted on the Bureau’s intranet <sup>7</sup>
“Know Your Rights” posters posted throughout all agency facilities in break and work rooms
A tri-fold brochure on EEO rights and responsibilities
Display stands with relevant information placed near every elevator bank
Intranet and internet content, including all relevant policies and Frequently Asked Questions about OCR and discrimination-related topics
EEO-related notices on employee paystubs
Formal training including: New Employee Orientation (NEO); mandatory annual No FEAR Act and sexual harassment prevention trainings; mandatory Supervisory Development Seminar (SDS); and mandatory 2-day manager EEO training led by the EEOC Training Institute

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<sup>6</sup> This guidance is available at [http://www.eeoc.gov/federal/preserving\\_access.cfm](http://www.eeoc.gov/federal/preserving_access.cfm).

<sup>7</sup> See Appendix B.

A member of OCR staff distributes a hard copy “Guide to the Office of Civil Rights” to every new Bureau employee, in person, on or near his or her very first day of employment. This guide contains detailed information on discrimination, harassment, and retaliation, and the EEO process—including the Part 1614 process and the 45-day timeframe for initiating EEO counseling.

Further, OCR’s intranet page is an excellent resource for individuals who want to access information about the EEO process. It clearly describes the process, contains links to all pertinent policies and procedures, and offers a section of plain-language Frequently Asked Questions (FAQs) that is updated and further developed by OCR staff routinely. (This section also solicits ideas for additional FAQs, encouraging those visiting the site to email OCR with suggestions for areas on which additional guidance or clarification could be helpful.) The OCR intranet page also contains contact and location information for OCR (including contact information for all OCR staff) to ensure that employees can easily seek OCR’s assistance in person or virtually. Finally, information about the Bureau’s EEO program is readily available on the CFPB’s external website.<sup>8</sup>

## 3.4 Summary data

Appendix C contains a summary of the Bureau’s EEO complaint activity for FY 2015 and prior fiscal years.

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<sup>8</sup> <http://www.consumerfinance.gov/equal-employment-opportunity/whistleblowers/>  
<http://www.consumerfinance.gov/no-fear-act/>  
<http://www.consumerfinance.gov/equal-employment-opportunity/>

## 3.5 Analysis of complaints

This subsection sets forth (1) an examination of trends and causal analysis for complaints, and (2) practical knowledge gained through experience and actions planned to improve the Bureau's EEO Program.

### 3.5.1 Trends and causal analysis

Because the CFPB officially opened on July 21, 2011, and began reporting information related to FY 2012, it does not yet have a complete five-year perspective of EEO data on complaint-filing trends. The Bureau is committed, however, to monitoring trends and implementing any necessary corrective measures as its EEO Program matures.

#### Workforce Demographics

The total CFPB workforce as of the end of FY 2015 was 1,527 employees, including 1,389 permanent employees and 138 temporary employees (including interns). The total workforce grew by approximately 100 employees during FY 2015, representing a rate of change of 7.01%.

White men, followed by White women, comprise the largest racial groups in CFPB, followed by Black men and Black women.

During FY 2015, all EEO group populations experienced net growth with the exception of males and females of two or more races, Native Hawaiian males and females, and Asian males. The Bureau's FY 2015 staff demographics with respect to minorities decreased slightly relative to FY 2014; roughly 35.60% of employees as of the end of FY 2014 were non-White, whereas 542 of 1527, or 35.49% of employees, are non-White as of the end of FY 2015. However, compared to the 2010 U.S. Census Civilian National Labor Force (CLF), overall CFPB demographics have not changed significantly since FY 2014.

As a result of CFPB's Special Program Plan for the Recruitment, Hiring and Advancement of Individuals with Targeted Disabilities, there was a growth of 11 new employees with reportable disabilities from the beginning of FY 2015 to the close of FY 2015, representing a net change of 9.17%, which exceeds the rate of change for the total workforce. In January 2016, Careers and the disABLED Magazine, a magazine targeted to the recruitment of persons with disabilities, named the Bureau the 13th Best Federal Agency Employer for persons with disabilities.

TABLE 3: TOTAL WORKFORCE FOR FISCAL YEAR 2015<sup>9</sup>

Workforce Type	ALL <sup>10</sup>	Hispanic	White	Black	Asian	NH/OPI	AI/AN	Two or More
ALL	1,527	91	985	285	142	2	12	10
%		5.96%	64.51%	18.66%	9.3%	0.13%	.78%	0.65%
CLF		9.96%	72.36%	12.02%	3.9%	0.14%	1.08%	0.54%
Male	803	48	561	110	72	0	8	4
Female	724	43	424	175	70	2	4	6

## Total Complaint Filings and Complainants

During FY 2015, the Bureau experienced a decrease in the number of formal complaints filed compared to FY 2014 (from 25 to 22). This follows a substantial increase in the number of formal complaints that had been filed in FY 2014 (25) compared with formal complaints filed in FY 2013 (9).

The 19 complainants<sup>11</sup> who filed formal complaints in FY 2015 represent 1.24% of CFPB's total workforce of 1527 individuals. This represents a decrease of 0.44% compared to FY 2014, when the ratio (of 24 complainants as a percentage of the total workforce of 1428 individuals) was

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<sup>9</sup> Racial and ethnic minority populations include Asian American, Black or African American, Hispanic or Latino, Native Hawaiian and Other Pacific Islander, American Indian or Alaska Native, and Two or more races.

<sup>10</sup> This includes permanent and temporary employees (including interns).

<sup>11</sup> Three employees each filed more than one formal complaint in FY 2015.

1.68%. Both the FY 2015 and the FY 2014 ratio of complainants/total workforce<sup>12</sup> are higher than the last-published midsize agency<sup>13</sup> ratio of 0.51% and the government-wide ratio of .49%.<sup>14</sup>

**TABLE 4: COMPLAINANTS, COMPLAINTS, AND TOTAL WORKFORCE FIGURES AND RATIOS FOR CFPB FOR THE PAST THREE FISCAL YEARS**

	FY 2013	FY 2014	FY 2015
CFPB Formal Complaints	9	25	22
CFPB Complainants	9	24	19
CFPB Total Workforce	1345	1428	1527
CFPB Formal Complaints as Percentage of Total Workforce	.67	1.75	1.44
CFPB Complainants as Percentage of Total Workforce	.67	1.68	1.24
All Medium-Size Agencies (Complainants as Percentage of Total Workforce)	.50	.51	NOT YET REPORTED

<sup>12</sup> In its FY 2014 Annual Report on the Federal Workforce, the EEOC noted that for those agencies receiving a ranking “[a]mong the medium sized agencies (1,000 to 14,999 employees), the Consumer Financial Protection Bureau reported the highest complainant rate of 1.7 percent.” The EEOC ranks only those agencies of any size with a minimum of 25 formal complaints; some agencies had higher ratios, but were excluded from ranking by the EEOC. The EEOC will likely not rank the Bureau for FY 2015 in its FY 2015 Annual Report, when issued, because the Bureau does not have the minimum number of complaints needed to trigger inclusion in the ranking.

<sup>13</sup> Midsize or medium agencies are those with 1000 to 14,999 employees. EEOC’s FY 2014 Annual Report on the Federal Workforce (August 2014), available at <http://www.eeoc.gov/federal/reports/fsp2014/index.cfm>.

<sup>14</sup> The most recent government-wide statistics are contained in the EEOC’s FY 2014 Annual Report on the Federal Work Force. See <http://www.eeoc.gov/federal/reports/fsp2014/upload/Final-FY-2014-Annual-Report-Part-I.pdf>; see also [http://www.eeoc.gov/federal/reports/fsp2014/table\\_b\\_1.cfm](http://www.eeoc.gov/federal/reports/fsp2014/table_b_1.cfm).

Government-wide (Complainants as Percentage of Total Workforce)	.50	.49	NOT YET REPORTED
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## Bases and Issues

In FY 2015, the most frequently cited bases of discrimination in CFPB formal complaints were Reprisal (16), Race (14), Sex (13), Disability (10), and Color (10).<sup>15</sup> These most frequently cited bases changed from FY 2014, when they were Race (17), Reprisal (16), Sex (10), Age (9), and National Origin (8).

The most frequently raised issues in FY 2015 involved Terms/Conditions of Employment (13), Harassment (10) (Non-Sexual (9) and Sexual (1)), Training (8), and Evaluation/Appraisal (7). In comparison, FY 2014's most frequently alleged issue was Non-Sexual Harassment (15), followed by Evaluation/Appraisal (13), Promotion/Non-Selection (10), and Disciplinary Action (10) (Reprimands (9) and Removal (1)).

Bases and issues in CFPB formal complaint filings in FY 2015 were somewhat consistent with the most recent, available government-wide statistics. According to the EEOC, in FY 2014 reprisal was the most frequently cited basis, followed by age, race (Black/African American), and Disability (physical).<sup>16</sup> The number of sex-based claims is higher compared to the government-wide bases and will continue to be monitored. The EEOC also reported that in FY 2014, the most frequently alleged issue in formal complaints was Non-Sexual Harassment, followed by Terms/Conditions of Employment and then Promotion/Non-Selection.<sup>17</sup>

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<sup>15</sup> Although there were 22 formal complaints filed in FY 2015, there are more than 22 total bases of discrimination alleged because a complainant may (and often does) assert more than one basis per complaint.

<sup>16</sup> See EEOC FY 2014 Annual Report on the Federal Workforce, Executive Summary, at Section B Table 7, p. I-11, available at <http://www.eeoc.gov/federal/reports/fsp2014/upload/Final-FY-2014-Annual-Report-Part-I.pdf>.

<sup>17</sup> See *id.* at Table 8, p. I-12.

## Processing Times

OCR works to ensure that its counselings and investigations are done within the regulatory timeframes, and that the EEO counselor's report and ROI are created with a high standard of quality and fairness to both parties. In FY 2015, OCR ensured that all counseling and mediations were completed within regulatory time limits. All Final Agency Decisions (FADs) issued by OCR in FY 2015 were also timely. (Another FAD scheduled to be issued in FY 2015 was delayed due to a supplemental investigation.)

Further, in FY 2015, most investigations of formal complaints were completed within regulatory timeframes (including timeframes extended due to amendments or permissible extensions). In FY 2015, the average number of days in investigation for complaints:

- pending for any length of time during the fiscal year (for which investigations were completed during the fiscal year) was 247, an increase from an average of 230 days in FY 2014.
- pending for any length of time during FY 2015 where a hearing was requested was 183, a decrease from an average of 278 days in FY 2014.
- pending for any length of time during FY 2015 where a hearing was not requested was 293, an increase from an average of 214 days in FY 2014.

These average processing times for investigations are attributable to a variety of factors: (1) The need to procure outside contractors to conduct EEO investigations; (2) an increased emphasis on enhancing the quality of EEO investigations, which requires review of contractor work and thus lengthier investigations; (3) a higher-than-government ratio of complainants-to-total workforce and open cases from prior fiscal years; (4) the filing of amendments in a significant portion of all formal complaints; and (5) allocation of existing staff resources to other needs including external audits and manual data tracking and reporting.

The Bureau is concerned with any increase in investigation processing times and committed to ensuring that all regulatory timeframes are met. To that end, in FY 2016 OCR has renewed and increased focus on completing all investigations on time and early wherever possible. OCR also has implemented new managerial approaches and technological solutions to create greater efficiencies in investigations and case processing in general. OCR received approval to obtain a vendor-supported software system that allows it to track and analyze EEO complaint data. Once the change management process is complete in FY 2016/2017, this software will allow OCR to

more efficiently comply with EEOC regulations and reporting obligations, identify and monitor internal EEO trends, and redirect staff time away from manual tracking and reviewing complaints data and towards work on other mission-critical projects.

During FY 2015, the Bureau also allocated additional resources OCR requested to ensure that the EEO Program remains successful and operates in an effective manner. OCR secured approval to onboard additional full-time personnel resources, including a shared administrative resource with OMWI; a shared data analyst resource with OMWI (sited within OHC) to perform trend and other data analyses; and a Conflict Prevention Program Manager to focus on enhancements to EEO and non-EEO alternative dispute resolution (ADR) options.

## Alternative Dispute Resolution

The Bureau has in place an ADR Policy, and OCR provides additional information about the benefits of ADR on the intranet and to EEO complainants, at both the informal and formal stages. These materials explain the ADR process, why employees should consider ADR, the different types of ADR, and how an employee can request ADR. The Bureau's ADR Policy makes clear that although ADR is voluntary for EEO filers, supervisors and managers must participate in good faith if a filer elects ADR. The goals in having this strong ADR policy include resolving conflicts at an early stage, improving workplace communication and morale, and creating a more efficient EEO Program.

OCR offers ADR during the pre-complaint and formal complaint stages of the EEO process, including while cases are pending before the EEOC for hearing or on appeal. The Bureau also offers mediation on an ad hoc basis for non-EEO workplace disputes through OHC, under its *Open Door and Administrative Grievance Policy*, and through its negotiated grievance process. During FY 2015, OCR administered 12 mediations.

OCR is in the process of updating, to the extent needed, its ADR Policy to ensure that it complies with the clarified standards in the revised EEOC Management Directive 110 (MD-110) (effective August 5, 2015). The Legal Division—not the responsible management official directly involved in the dispute—has settlement authority for EEO cases at the administrative level, including during EEO counseling. OCR, however, continues to assess internal data related to the success of the ADR program, including resolution rates, and is collecting information about best practices and benchmarks related to a recommendation for settlement authority protocols to



create a structure that may help better support openness and willingness to employ creative and early resolution options.

### 3.5.2 Practical knowledge gained and action plan

The Bureau continues to monitor its complaint activity compared to government-wide activity and activity of agencies most similar to the Bureau. As the Bureau builds on its historical data, it will conduct trend analyses and, when warranted, determine approaches to respond to data that reveal barriers to equal employment opportunities.

One of the methods the Bureau uses to ensure management and program accountability is audits and assessments. The Bureau conducted or participated in audits in FY 2015 related to the complaint process and to ascertain whether it has made a good faith effort to identify and remove barriers to equal opportunities in the workplace.

In FY 2015, the Office of the Inspector General (OIG) of the Board of Governors of the Federal Reserve and the Consumer Financial Protection Bureau released its results of its audit<sup>18</sup> to assess the efficiency and effectiveness of the Bureau's EEO diversity and inclusion efforts and its EEO complaint processing program. The report, issued on March 9, 2015, states regarding the 29 C.F.R. Part 1614 complaint process that:

- “CFPB has policies and procedures for each of its employee complaint processes [e.g., EEO complaints].”
- These “processes give employees the opportunity to have their complaints heard, investigated, and redressed in a fair and equitable manner.”

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<sup>18</sup> Inspector General of the Board of Governors of the Federal Reserve System, *CFPB Can Enhance Its Diversity and Inclusion Efforts*, Report No. 2015-MO-C-002 (dated March 5, 2015) (IG Report).

- “CFPB adheres to several laws and regulations related to its OEEO [Office of Equal Employment Opportunity—OCR] and the processing of EEO complaints.”<sup>19</sup>

Since the report’s issuance, CFPB has completed or made progress on all OIG recommendations including, for example, obtaining commercial software (iComplaints) to support EEO complaint tracking and reporting requirements, mandating diversity training, creating a D&I Strategic Plan, and creating a Succession Planning and Career Pathing Guide.

In November 2015, the minority staff of the U.S. House of Representatives Committee on Financial Services issued a report titled *The Dodd-Frank Act Five Years Later: Diversity in the Financial Services Agencies*. This report reviewed audits of seven financial regulatory agencies including the OIG audit of CFPB discussed above. The various OIGs for financial regulatory agencies had been asked to review the agencies’ internal operations to determine whether any personnel practices have created a discriminatory workplace or have otherwise systematically disadvantaged minorities and women employees, particularly from obtaining senior-management level positions. The report highlighted the number of changes CFPB has instituted to its workforce practices designed to remedy perceived past shortcomings and proactively prevent future discrimination. The report commended CFPB for evaluating its Performance Management Review (PMR) program, and determined that CFPB’s willingness to hold itself accountable for achieving a non-discriminatory work environment was an “agency best practice.”

## Summary of Lessons Learned and Ongoing Areas of Focus

Based on an assessment of complaint activity, the EEO Program, and employee feedback in FY 2015, the Bureau learned of the importance of:

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<sup>19</sup> IG Report, at 47.

- Increasing employee awareness of EEO statutes and working with OHC and OMWI to ensure that the CFPB cultivates an inclusive work environment;
- Continued communication of information and early intervention to help Bureau officials identify the issues and bases that may give rise to EEO complaints;
- Ensuring CFPB management is accountable for the success of the EEO program through transparency, by developing measurable EEO, diversity, and inclusion goals and objectives that are incorporated into divisional strategic plans, and through the performance assessment of supervisors and managers;
- Training supervisors and managers on leadership, management principles, communication techniques, legal compliance, and fostering diversity and inclusion;
- Ensuring that employees, management officials, and persons with settlement authority understand the purpose and value of ADR;
- Fostering constructive, open, continuous communication between employees and management to help resolve workplace conflicts at the earliest possible opportunity;
- Monitoring performance evaluation data, continuing to raise awareness of performance management best practices, and adjusting Bureau policy and practices, as needed, to address harassment and evaluation/appraisal issues raised in a number of FY 2015 complaints; and
- Supporting the Bureau's on-going culture change initiatives, including valuing and leveraging diversity and promoting an inclusive workplace.

The Bureau will incorporate these lessons learned as it continues to build and staff the EEO program. It will focus on the following goals during FY 2016 and FY 2017:

- Continuing to incorporate the EEOC's six essential elements of a model EEO program to achieve greater program effectiveness;
- Continuing to process all informal and formal complaints and requests for ADR in compliance with 29 C.F.R. Part 1614 and EEOC Management Directive 110;
- Enhancing accuracy and efficiency of EEO complaint data monitoring, tracking, and reporting by continuing migration to iComplaints and maintaining robust internal controls related to data tracking and monitoring;

- Incorporating EEO best practices gained through the Bureau's coalitions with other Federal agencies, particularly financial regulatory agencies and other small- and medium-sized agencies;
- Collaborating with OHC and OMWI to provide training to supervisors and managers that offers proactive approaches to resolving issues stemming from alleged violations of personnel policies and practices, including performance management, hiring, and paysetting;
- Leveraging internal communication channels to make EEO-related information available through the use of various media, including electronic, informational brochures, and individual and group training;
- Continuing to increase awareness about ADR as an option available to resolve all types of workplaces disputes, including EEO complaints, and training CFPB personnel about its benefits by leveraging a new FTE authorized in FY 2016 dedicated solely to dispute prevention and resolution;
- Reviewing feedback from employee surveys, exit interviews, listening sessions, and training to identify opportunities for improvement;
- Monitoring data and demographics with OHC and OMWI and leveraging a new FTE authorized in FY 2016 that will be dedicated solely to OCR/OMWI data analysis needs;
- Collaborating with OHC and OMWI to establish and administer affirmative plans that ensure the Bureau has a demographically diverse workforce reflective of the civilian labor force and address any identified barriers to full participation in employment opportunities and also work to ensure equal participation in CFPB programs once employees onboard;
- Briefing senior leadership on the state of the EEO program to reaffirm support for the program; provide awareness of issues and trends, systemic or otherwise; and to solicit input strengthening the Bureau's EEO program;
- Using the Quarterly Performance Review process as a management tool to address cultural change, and EEO, diversity, and inclusion efforts within Divisions;
- Continuing to enhance training and development opportunities for all staff, including making available a team-based communications training related to engaging in

difficult workplace conversations to help support the Bureau's workplace culture change initiatives; and

- Supporting the implementation of employee resource groups and both executive-level and staff-level diversity councils.

## 3.6 No FEAR Act training

OCR recognizes the critical role that training plays in raising awareness and fostering appropriate behavior. In FY 2015, OCR provided training during new employee orientation to ensure all employees are aware of their EEO rights and responsibilities, are familiar with OCR staff, and are knowledgeable about sources for EEO information. All new Bureau employees must also complete online No FEAR Act training within 90 days of onboarding, and existing employees must complete refresher training annually. For FY 2015, 92% of employees completed this training. Moreover, all employees are required to complete Sexual Harassment Prevention Training annually, and 85% did so.

CFPB provides mandatory training to managers and supervisors to ensure understanding of individual supervisors' responsibilities under the No FEAR Act laws. During FY 2015 OCR offered a two-day seminar titled, "Employment Civil Rights Training for Managers and Supervisors" presented by the EEOC Training Institute. The EEOC Training Institute covered topics including:

- A History and Overview of EEO Laws;
- The Federal EEO Complaint Process;
- ADR;
- Reasonable Accommodation;
- Management Responsibilities in Providing Effective Leadership; and
- Management Responsibilities in Preventing Harassment and Retaliation.

Over 90% of CFPB supervisors and managers have attended the EEOC Training Institute training. In FY 2015, the Office of Civil Rights also worked closely with OMWI and the External Affairs (EA) Division to provide opportunities for public and private sector leaders to address the CFPB workforce in support of heritage month celebrations, including Hispanic Heritage, Native American Heritage, African American History, Women's History, Asian Pacific American Heritage, and LGBT Pride.

In addition, OCR conducts or sponsors numerous other in-person trainings, as well. In FY 2015, other live trainings containing EEO components included, for example:

- mandatory Leadership Excellence Seminars (LES) training completed by 78% of supervisors and managers;
- mandatory Supervisory Development Seminar (SDS) completed by 68% of supervisors;
- mandatory supervisor 2-day diversity training completed by 46% of supervisors in FY 2015 and 89% of all supervisors through January 2016;
- mandatory diversity training completed by an additional 21.2% of employees in FY 2015;
- mandatory New Employee Orientation (NEO) completed by 185 new employees;
- structured interview training completed by 50 interviewers in FY 2015, adding to the 200 interviewers trained in FY 2014;
- mandatory performance management training for employees and supervisors completed by 88.2% of all employees; and
- diversity and inclusion issues in performance management training completed by over 58% of managers.

## APPENDIX A:

# Legislative and regulatory requirements

Section 203 of the No FEAR Act (Pub. L. No. 107-174) requires:

(a) Annual Report. — Subject to subsection (b), not later than 180 days after the end of each fiscal year, each Federal agency shall submit 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 an annual report which shall include, with respect to the fiscal year —

- (1) The number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged;
- (2) The status or disposition of cases described in paragraph (1);
- (3) the amount of money required to be reimbursed by such agency under section 201 in connection with each of such cases, separately identifying the aggregate amount of such reimbursements attributable to the payment of attorneys' fees, if any;
- (4) The number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1);
- (5) The final year-end data posted under section 301(c)(1)(B) for such fiscal year (without regard to section 301(c)(2));
- (6) A detailed description of —

(A) The policy implemented by that agency relating to appropriate disciplinary actions against a Federal employee who —

(i) Discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2); or

(ii) Committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a)(1) or (2); and

(B) With respect to each of such laws, the number of employees who are disciplined in accordance with such policy and the specific nature of the disciplinary action taken;

(7) An analysis of the information described under paragraphs (1) through (6) (in conjunction with data provided to the Equal Employment Opportunity Commission in compliance with Part 1614 of Title 29 of the Code of Federal Regulations) including —

(A) An examination of trends;

(B) Causal analysis;

(C) Practical knowledge gained through experience;

(D) Any actions planned or taken to improve complaint or civil rights programs of the agency; and

(8) Any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201.

Subpart C of 5 C.F.R. Part 724 requires:

§ 724.302 Reporting obligations.

(a) Except as provided in paragraph (b) of this section, each agency must report no later than 180 calendar days after the end of each fiscal year the following items:

(1) The number of cases in Federal court pending or resolved in each fiscal year and arising under each of the respective provisions of the Federal Antidiscrimination Laws and Whistleblower Protection Laws applicable to them as defined in § 724.102 of subpart A of



this part in which an employee, former Federal employee, or applicant alleged a violation(s) of these laws, separating data by the provision(s) of law involved;

(2) In the aggregate, for the cases identified in paragraph (a)(1) of this section and separated by provision(s) of law involved:

(i) The status or disposition (including settlement);

(ii) The amount of money required to be reimbursed to the Judgment Fund by the agency for payments as defined in § 724.102 of subpart A of this part;

(iii) The amount of reimbursement to the Fund for attorney's fees where such fees have been separately designated;

(3) In connection with cases identified in paragraph (a)(1) of this section, the total number of employees in each fiscal year disciplined as defined in § 724.102 of subpart A of this part and the specific nature, e.g., reprimand, etc., of the disciplinary actions taken, separated by the provision(s) of law involved;

(4) The final year-end data about discrimination complaints for each fiscal year that was posted in accordance with Equal Employment Opportunity Regulations at subpart G of title 29 of the Code of Federal Regulations (implementing section 301(c)(1)(B) of the No FEAR Act);

(5) Whether or not in connection with cases in Federal court, the number of employees in each fiscal year disciplined as defined in § 724.102 of subpart A of this part in accordance with any agency policy described in paragraph (a)(6) of this section. The specific nature, e.g., reprimand, etc., of the disciplinary actions taken must be identified.

(6) A detailed description of the agency's policy for taking disciplinary action against Federal employees for conduct that is inconsistent with Federal Antidiscrimination Laws and Whistleblower Protection Laws or for conduct that constitutes another prohibited personnel practice revealed in connection with agency investigations of alleged violations of these laws;

(7) An analysis of the information provided in paragraphs (a)(1) through (6) of this section in conjunction with data provided to the Equal Employment Opportunity Commission in compliance with 29 CFR part 1614 subpart F of the Code of Federal Regulations. Such analysis must include:

- (i) An examination of trends;
- (ii) Causal analysis;
- (iii) Practical knowledge gained through experience; and
- (iv) Any actions planned or taken to improve complaint or civil rights programs of the agency with the goal of eliminating discrimination and retaliation in the workplace;

(8) For each fiscal year, any adjustment needed or made to the budget of the agency to comply with its Judgment Fund reimbursement obligation(s) incurred under § 724.103 of subpart A of this part; and

(9) The agency's written plan developed under § 724.203(a) of subpart B of this part to train its employees.

(b) The first report also must provide information for the data elements in paragraph (a) of this section for each of the five fiscal years preceding the fiscal year on which the first report is based to the extent that such data is available. Under the provisions of the No FEAR Act, the first report was due March 30, 2005 without regard to the status of the regulations. Thereafter, under the provisions of the No FEAR Act, agency reports are due annually on March 30th. Agencies that have submitted their reports before these regulations became final must ensure that they contain data elements 1 through 8 of paragraph (a) of this section and provide any necessary supplemental reports by April 25, 2007. Future reports must include data elements 1 through 9 of paragraph (a) of this section.

(c) Agencies must provide copies of each report to the following:

- (1) Speaker of the U.S. House of Representatives;
- (2) President Pro Tempore of the U.S. Senate;
- (3) Committee on Governmental Affairs, U.S. Senate;
- (4) Committee on Government Reform, U.S. House of Representatives;
- (5) Each Committee of Congress with jurisdiction relating to the agency;
- (6) Chair, Equal Employment Opportunity Commission;

(7) Attorney General; and

(8) Director, U.S. Office of Personnel Management.

## APPENDIX B:

# The Director's annual EEO and anti-harassment policy statement

**July 2015**

**MEMORANDUM TO: All CFPB Employees, Former Employees, and Applicants for Employment at CFPB**

**FROM: Richard Cordray  
Director**

**SUBJECT: Annual EEO and Anti-Harassment Policy Statement**

Dear Colleagues:

Every year I make a statement on the CFPB's Policy on Equal Employment Opportunity (EEO) and Workplace Harassment. I enthusiastically welcome this chance to explicitly reaffirm the Bureau's obligation and my personal commitment to the principles and values of EEO, fairness, diversity, and inclusion. I expect all CFPB employees to live up to this commitment and to practice these principles each and every day wherever we work. How we treat one another is fundamental to our core institutional character. We will succeed or fail here as one multi-faceted, multicultural team – together.

Over the past year we've had many opportunities to deepen our knowledge of and commitment to these core values. At our recent lunch-and-learn for Asian American and Pacific Islander

Heritage Month and Fair Lending Month, Acting Assistant Attorney General for Civil Rights Vanita Gupta inspired us with compelling remarks about social justice. She reminded us of the importance of “connecting the dots” between the Bureau’s core mission and the larger challenges facing our society, such as the lack of equal economic opportunity for all Americans. Similarly, when American Express Chairman and CEO Kenneth Chenault visited us back in February for Black History Month, he shared some wisdom on EEO, diversity, and inclusion. He observed that these topics aren’t just lofty ideals to strive for as an abstract moral matter. Mr. Chenault explained that when a worker feels marginalized or mistreated – or senses a need to suppress or apologize for his or her authentic identity in the workplace – an organization can never truly tap that individual’s full potential.

I want to reaffirm unequivocally that we strive for a workplace where no individual feels marginalized or mistreated in this way. Disrespect, discrimination, and retaliation inhibit our ability to protect consumers and are contrary to the kind of culture and institution we are striving to build.

There are a series of common sense, practical steps we can take each day to help us live out our commitment to these values:

- I encourage you to remain vigilant for unconscious biases.
- Seek out and celebrate the unique talents and perspectives of every member of our workforce.
- Stand up to and stop discrimination, harassment, and retaliation in all its insidious and sometimes subtle forms by contacting the Offices of Equal Opportunity and Fairness and Human Capital.
- Embed EEO principles into everything you do here, until it becomes second nature. I expect no less, because you, your colleagues, and American consumers deserve no less.

To learn more or seek help, you can reach out to our Office of Equal Opportunity and Fairness, comprised of the Office of Civil Rights (formerly the EEO Office) and the Office of Minority and Women Inclusion.

Finally, I want to thank those supervisors and managers who already have taken the required supervisory EEO training that our Office of Civil Rights (OCR) has sponsored this fiscal year. As of now, the compliance rate for this mandatory training stands at roughly 91%. As impressive as that may sound, we need to be at 100%; I expect each and every supervisor/manager to take this

critical course as soon as possible. Those who have not yet done so must contact OCR to determine how to comply with this requirement. This is a mission-critical priority.

## The Director's policy statement on equal employment opportunity and workplace harassment

### **GENERAL POLICY**

It is the clear policy of the Consumer Financial Protection Bureau (CFPB or Bureau) to provide equal employment opportunity (EEO) to all employees and applicants for employment. The CFPB has no tolerance for workplace discrimination, harassment, or retaliation.

We take all allegations of discrimination, harassment, and retaliation seriously. We all deserve to work in an environment where we will be treated fairly and equitably, and where we can participate fully in all benefits of employment, including recruitment, hiring, compensation, appraisals, awards, training, career development, promotions, and all the terms, conditions, and privileges of employment.

Accordingly, the Bureau does not and will not discriminate or tolerate harassment against any employee or applicant for employment on the basis of race, color, religion, sex (including pregnancy, sexual orientation, transgender status, gender identity or expression, gender non-conformity, or sex stereotyping of any kind), national origin, age (40 and above), disability, genetic information, marital status, parental status, political affiliation, military service, union activities, whistleblower activity, or any other non-merit factor. Discrimination and harassment on these bases is prohibited by Federal statutes and Executive Orders. See 5 U.S.C. §§ 2302(b); 5 U.S.C. §§ 7101-7135; 29 U.S.C. § 206(d); 29 U.S.C. § 631; 29 U.S.C. § 633a; 29 U.S.C. § 791; 38 U.S.C. §§ 4301-35; 42 U.S.C. § 2000e-16; 42 U.S.C. § 2000ff et seq.; E.O. 11478; E.O. 13087; E.O. 13145; E.O. 13152; E.O. 13672.

### **DISCRIMINATORY HARASSMENT**

CFPB will not tolerate any discriminatory harassment – even when the hostile or abusive conduct does not rise to the level of a violation of Federal law. Discriminatory harassment is any unwelcome or offensive treatment, behavior, or conduct – whether sexual or non-sexual, and whether verbal, physical, visual, or psychological – that denigrates, shows hostility or aversion towards, or otherwise marginalizes an individual based on that individual's protected status, and which a reasonable person would consider intimidating, hostile, or abusive or that interferes with an individual's work performance.

Offensive conduct includes unwelcome sexual overtures, propositions, or contact; basing employment decisions (or conditioning any benefit or privilege of employment) on acquiescence to verbal or physical sexual or romantic conduct; telling inappropriate jokes or stories; ridiculing, insulting, or mocking a colleague or co-worker; using slurs or epithets; or physically assaulting, bullying, or intimidating others. Offensive conduct also could include displaying objects, pictures, or graphic materials, or making or disseminating comments or statements that are offensive to or show hostility toward an individual or group.

The Bureau prohibits discriminatory harassment by anyone in the workplace – including harassment by managers, supervisors, and co-workers. In addition, the Bureau will not tolerate discriminatory harassment by non-employees, such as contractors and employees of regulated entities.

## Employee Rights and Responsibilities

As Bureau employees, it is up to each one of us to ensure we understand and adhere to these principles. Each one of us will be held accountable for compliance with EEO laws and merit system principles and policies, and for treating colleagues with respect, dignity, and professionalism.

Employees who feel that they are being harassed or otherwise have been subjected to offensive (e.g., hostile or abusive) conduct may (but are not required to) make their objections known to the offending party. If employees do not want to talk to the offending party, or if the harassment continues even after doing so, employees should also contact their supervisor, manager, a higher level management official, or the Lead of Employee and Labor Relations in the Office of Human Capital (OHC), or call 202-435-7655.

Employees who feel they have been harassed have a duty to report the incident so the Bureau can take steps to stop the offensive conduct. Employees should report any harassment before it becomes so severe or pervasive that it violates Federal law. (While isolated incidents of harassment generally do not violate federal law, a pattern of such incidents may be unlawful.) Similarly, employees who believe they have witnessed harassing conduct also have a duty to report the incident. CFPB will protect the confidentiality of individuals reporting such conduct to the fullest extent possible.

## Manager/Supervisor Rights and Responsibilities

Managers and supervisors have a special responsibility to prevent, document, and promptly correct harassing conduct in the workplace. Managers and supervisors receiving reports of alleged harassment or who believe they have potentially or actually witnessed any such behavior must immediately contact the Lead of Employee and Labor Relations in the Office of Human Capital (OHC), or call 202- 435-7655.

The Bureau will take appropriate and immediate action in response to complaints about or knowledge of violations, in accordance with the Bureau's Procedures Related to Harassment and Inappropriate Conduct. Management will take appropriate corrective action as needed.

The Bureau supports the right of any employee who believes she or he has been discriminated against or harassed (or witnessed discrimination or harassment) to exercise the right to oppose unlawful discrimination or harassment, to file a complaint about it, or to participate in any related inquiry or investigation without fear of retaliation. Managers and supervisors must not retaliate against an employee for reporting harassment or for cooperating with any harassment investigation. Any such action will result in appropriate disciplinary action against the manager or supervisor.

Employees who believe they have experienced unlawful prohibited conduct should promptly contact the Office of Civil Rights (OCR) to discuss your rights under the EEO laws. However, even if you contact OCR to report unlawful harassment, OHC may still undertake its own independent internal investigation of the allegations to satisfy its obligations to exercise due care to promptly eliminate all hostile or abusive conduct in the workplace.

Richard Cordray  
July 2015

## Additional Information

[You can read our complete EEO and Non-Discrimination Policy here.](#)

[You can read some FAQs about the Office of Civil Rights and its work here.](#)

You can find the complete *CFPB Procedures Related to Harassment and Inappropriate Conduct* [here](#).



[You can find](#) additional information regarding Federal antidiscrimination, whistleblower protect

- the CFPB's intranet at <http://team.cfpb.local/wiki/index.php/EEO>
- the EEOC website at <http://www.eeoc.gov>
- the OSC website at <http://www.osc.gov>
- the DOL website at <http://www.dol.gov>
- the MSPB website at <http://www.mspb.gov>
- the FLRA website at <http://www.flra.gov>

## Contact Information for the CFPB Office of Civil Rights

### MAIL:

Office of Civil Rights  
Consumer Financial Protection Bureau  
1700 G Street, NW  
Washington, D.C. 20552

### HAND-DELIVERY:

Office of Civil Rights  
Consumer Financial Protection Bureau  
1275 1st Street, NE  
Washington, D.C. 20002

### PHONE:

202-435-9EEO  
1-855-233-0362

202-435-9742 (TTY)

### E-MAIL:

CFPB\_EEO@cfpb.gov

**FAX:**  
**202-435-9598**

# The Director's FY 2015 annual notice on the No FEAR Act and whistleblower protection laws/prohibited personnel practices

**July 2015**

**MEMORANDUM TO: All CFPB Employees, Former Employees, and Applicants for Employment at CFPB**

**FROM: Richard Cordray  
Director**

**SUBJECT: FY 2015 Annual Notice on the No FEAR Act and Whistleblower Protection Laws/Prohibited Personnel Practices**

The "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," otherwise known as the "No FEAR Act," requires Federal agencies like the CFPB to "be accountable for violations of antidiscrimination and whistleblower protection laws." Pub. L. 107-174, Summary. Congress found in passing the No FEAR Act that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." Pub. L. 107-74, Title I, General Provisions, § 101(1). The No FEAR Act also requires Federal agencies, including the Bureau, to provide this notice to Federal employees, former Federal employees, and applicants for Federal

employment. This notice is intended to inform you of the rights and protections available to you under Federal antidiscrimination, civil service, whistleblower protection, and antiretaliation laws.

## Antidiscrimination Laws

A federal agency cannot discriminate or tolerate harassment against any employee or applicant for employment on the basis of race, color, religion, sex (including pregnancy, sexual orientation, transgender status, gender identity or expression, gender non-conformity, or sex stereotyping of any kind), national origin, age (40 and above), disability, genetic information, marital status, parental status, political affiliation, military service, union activities, whistleblower activity, or any other nonmerit factor. Discrimination and harassment on these bases is prohibited by Federal statutes and Executive Orders. See 5 U.S.C. §§ 2302(b); 5 U.S.C. §§ 7101-7135; 29 U.S.C. § 206(d); 29 U.S.C. § 631; 29 U.S.C. § 633a; 29 U.S.C. § 791; 38 U.S.C. §§ 4301-35; 42 U.S.C. § 2000e-16; 42 U.S.C. § 2000ff et seq.; E.O. 11478; E.O. 13087; E.O. 13145; E.O. 13152; E.O. 13672.

To pursue your rights under these statutes and executive orders, you may need to follow specific rules and meet certain deadlines. For instance:

- If you believe that you have been the victim of unlawful discrimination and wish to pursue a discrimination claim on the basis of race, color, religion, sex (including pregnancy, sexual orientation, transgender status, gender identity or expression, gender non-conformity, or sex stereotyping of any kind), national origin, disability, genetic information, or parental status you first must contact an Equal Employment Opportunity (EEO) counselor in the CFPB's [Office of Civil Rights](#) (OCR). (See contact information for OCR at the bottom of this notice.)

You must contact an EEO counselor *within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action*, before you may file a formal complaint of discrimination with the CFPB. See, e.g., [29 C.F.R. Part 1614](#). In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through CFPB's [administrative](#) or [negotiated grievance procedures](#), if such procedures apply to you.

- If you believe that you have been the victim of unlawful discrimination on the basis of age in violation of the Age Discrimination in Employment Act of 1967, you may proceed through the administrative EEO process by contacting an EEO counselor in the Bureau's OCR within 45 days. (This is the same as for an allegation of discrimination based on race, color, religion, sex, national origin, disability, genetic information, or parental status, as noted above). *Alternatively*, you can choose to file an age-discrimination lawsuit in an appropriate United State district court. If you choose this direct-suit option, you must first give the [Equal Employment Opportunity Commission](#) (EEOC) notice that you intend to sue. You must give the EEOC this notice at least 30 days before you file your lawsuit in court. This notice-of-intent-to-sue may be filed in writing with the EEOC, at P.O. Box 77960, Washington, D.C. 20013. You may also file the notice by facsimile (if the fax is 10 pages or less), at (202) 663-7022. Finally, you may file this notice by personal delivery to the EEOC's Office of Federal Operations/Federal Sector Programs Branch at 131 M Street, NE, Washington, D.C. 20507.

*You must file this notice of intent to sue within 180 calendar days of the alleged discriminatory action. See 29 C.F.R. § 1614.201(a).*

- If you believe that you have been the victim of sex-based pay discrimination in violation of the Equal Pay Act of 1963, you may proceed through the administrative EEO process by contacting an EEO counselor in the Bureau's OCR within 45 days of an event you allege to be discriminatory. (This is the same as for an allegation of other bases of discrimination, as noted above). *Alternatively*, you may file a civil action in a court of competent jurisdiction *within two years (or, if the violation is willful, three years) of the date of the alleged Equal Pay Act violation*. Contacting an EEO Counselor in the Bureau's OCR does *not* suspend the two- or three-year deadline for filing a civil action. *See 29 C.F.R. § 1614.408.*

Sex-based pay disparities also may violate Title VII of the Civil Rights Act of 1964, and individuals may challenge sex-based pay discrimination simultaneously under both the Equal Pay Act and Title VII. However, if you wish to allege that a pay disparity violates Title VII, you *must* raise the Title VII allegation in the administrative EEO process by contacting an EEO counselor in the Bureau's OCR within 45 days of the event you

allege to be discriminatory – even if you also file an Equal Pay Act civil action over the same alleged pay disparity.

- If you are alleging discrimination based on marital status, political affiliation, or any other non-merit factor you may file a written complaint with the [U.S. Office of Special Counsel](#) (OSC). (See also “Whistleblower Protection Laws/Prohibited Personnel Practices” below.)
- If you are alleging discrimination based on military service, you may request assistance from the [Veterans’ Employment and Training Service](#) (VETS) at the Department of Labor (DOL), the [Merit Systems Protection Board](#) (MSPB), or OSC, depending on the circumstances.
- If you are alleging discrimination based on membership or non-membership in a union, or for union activities, you may request assistance from your union (if applicable) or the [Federal Labor Relations Authority](#) (FLRA).

## Whistleblower Protection Laws/Prohibited Personnel Practices

Federal employees have the right to be free from prohibited personnel practices, including retaliation for whistleblowing. The Bureau is committed to making sure that all employees are aware of their rights, as well as the safeguards that are in place to protect them.

The Whistleblower Protection Act of 1989 and the Whistleblower Protection Enhancement Act of 2012 provide the right for all covered federal employees to make whistleblower disclosures and ensure that employees are protected from whistleblower retaliation. A Federal employee with authority to take, direct others to take, recommend, or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because that individual has engaged in whistleblowing.

For these purposes, whistleblowing is defined as the disclosure of information that an employee or applicant reasonably believes evidences (1) a violation of any law, rule, or regulation; (2) gross mismanagement; (3) a gross waste of funds; (4) an abuse of authority; (5) a substantial and specific danger to public health or safety; or (6) censorship related to scientific research or analysis, if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. § 2302(b)(8). Employees may make lawful disclosures to anyone, including, for example, management officials, the Inspector General of an agency, and/or the [U.S. Office of Special Counsel](#) (OSC). This notice includes links below to information about OSC, which is an independent agency that protects federal employees from prohibited personnel practices, including whistleblower retaliation and unlawful hiring practices. OSC also provides an independent, secure channel for disclosing and resolving wrongdoing in federal agencies.

Please also review the following fact sheet, “[Your Rights as a Federal Employee](#),” which provides detailed information on the thirteen prohibited personnel practices and employees’ rights to file complaints with OSC. Additionally, you are encouraged to review the following materials: “[Know Your Rights When Reporting Wrongs](#)” and “[The Role of the U.S. Office of Special Counsel](#),” which describe different avenues for making whistleblower disclosures and OSC’s role in accepting complaints from federal employees.

If you believe that you have been the victim of whistleblower retaliation, you may file a written complaint ([Form OSC-11](#)) with OSC at 1730 M Street NW., Suite 218, Washington, D.C. 20036-4505, or [online](#) through the OSC website.

## Retaliation for Engaging in Protected Activity

A Federal agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protections laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity and wish to pursue a legal remedy, you must follow, as appropriate, the procedures described in the sections of this notice above entitled “Antidiscrimination Laws” and “Whistleblower Protection Laws/Prohibited Personnel Practices” – or, if applicable, relevant administrative or negotiated grievance procedures.

## Disciplinary Actions

Under the existing laws, each agency retains the right, where appropriate, to discipline a Federal employee who has engaged in discriminatory or retaliatory conduct, up to and including removal. If OSC has initiated an investigation under 5 U.S.C. § 1214, however, according to 5 U.S.C. § 1214(f), agencies must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal

employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

## Additional Information

For further information regarding the No FEAR Act rules, see [5 C.F.R. Part 724](#) or contact the Bureau's [Office of Civil Rights](#). (See contact information for OCR at the bottom of this notice.) You can find additional information about the No FEAR Act on the CFPB's intranet at [http://team.cfpb.local/wiki/index.php/No\\_FEAR\\_Act\\_Notice](http://team.cfpb.local/wiki/index.php/No_FEAR_Act_Notice). The CFPB's No FEAR Act statistics can be found on the Bureau's external website at <http://www.consumerfinance.gov/no-fear-act/>.

You can find additional information regarding Federal antidiscrimination, whistleblower protection, and retaliation laws on the CFPB's intranet at <http://team.cfpb.local/wiki/index.php/EEO>, on the EEOC website at <http://www.eeoc.gov>, on the OSC website at <http://www.osc.gov>, on the DOL website at <http://www.dol.gov>, on the MSPB website at <http://www.mspb.gov>, or on the FLRA website at <http://www.flra.gov>.

## Existing Rights Unchanged

Pursuant to section 205 of the No FEAR Act, neither the Act nor this notice creates, expands, or reduces any rights otherwise available to any employee, former employee or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. § 2302(d).

## Contact Information for the CFPB Office of Civil Rights

### **MAIL:**

Office of Civil Rights  
Consumer Financial Protection Bureau  
1700 G Street, NW  
Washington, D.C. 20552

### **HAND-DELIVERY:**

Office of Civil Rights  
Consumer Financial Protection Bureau  
1275 1st Street, NE  
Washington, D.C. 20002



**PHONE:**

202-435-9EEO

1-855-233-0362

202-435-9742 (TTY)

**E-MAIL:**

CFPB\_EEO@cfpb.gov

**FAX:**

202-435-9598

## APPENDIX C:

# Summary of complaint data

Equal Employment Opportunity Data Posted Pursuant to the No FEAR Act for the Consumer Financial Protection Bureau (CFPB) for period ending September 30, 2015 (FY 2015)

- Mixed-case complaints are included in this report.
- Calculations begin day after triggering event but include the last day of event per 29 C.F.R. § 1614.604.

**TABLE 5:** COMPARATIVE DATA OF COMPLAINTS, COMPLAINANTS, AND REPEAT FILERS<sup>20</sup>

<b>Complaint Activity</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015 (reporting year)</b>
Number of complaints filed	0	0	11	9	25	22
Number of complainants	0	0	11	9	24	19
Repeat filers	0	0	0	0	1	3

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<sup>20</sup> Federal agencies must report data for the previous five fiscal years. CFPB opened officially on July 21, 2011, and accordingly does not have data to report for FY 2010-FY 2011.

**TABLE 6: COMPARATIVE DATA OF COMPLAINTS BY BASIS**

<b>Complaints by Basis</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015 (reporting year)</b>
Race	0	0	3	4	17	14
Color	0	0	2	0	5	10
Religion	0	0	2	2	1	2
Reprisal	0	0	3	4	16	16
Sex	0	0	3	4	10	13
National Origin	0	0	4	1	8	5
Equal Pay Act	0	0	0	1	0	2
Age	0	0	9	4	9	7
Disability	0	0	2	2	3	10
Genetic Information	0	0	0	0	0	0
Non-EEO	0	0	1	1	2	0
Pregnancy	0	0	0	0	0	0

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

**TABLE 7: COMPARATIVE DATA BY MISCELLANEOUS ISSUE**

<b>Complaints by Issue</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015 (reporting year)</b>
Appointment/Hire	0	0	0	2	3	1
Assignment of Duties	0	0	2	3	8	5
Awards	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	3
Medical Examination	0	0	0	0	0	0

Pay (Including Overtime)	0	0	0	1	4	5
Promotion/Non-Selection	0	0	8	0	10	6
Duty Hours	0	0	0	0	1	0
Evaluation/Appraisal	0	0	0	2	13	7
Examination/Test	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	2
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	0	1	1	2	0
Terms/Conditions of Employment	0	0	2	2	3	13
Time and Attendance	0	0	0	1	4	2
Training	0	0	0	0	6	8
Other	0	0	0	0	2	1

**TABLE 8: COMPARATIVE DATA BY DISCIPLINARY ACTION**

Type of Disciplinary Action	2010	2011	2012	2013	2014	2015 (reporting year)
Demotion	0	0	0	1	0	0
Reprimand	0	0	0	0	9	2
Suspension	0	0	0	0	0	0
Removal	0	0	0	1	1	0
Other - User Defined	0	0	0	1	0	0

**TABLE 9: COMPARATIVE DATA OF COMPLAINTS THAT ALLEGED HARASSMENT**

Type of Harassment	2010	2011	2012	2013	2014	2015 (reporting year)
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Non-Sexual	0	0	0	2	15	9
Sexual	0	0	0	0	0	1

**TABLE 10: COMPARATIVE DATA OF COMPLAINTS THAT ALLEGED REASSIGNMENT**

Type of Reassignment	2010	2011	2012	2013	2014	2015 (reporting year)
Denied	0	0	0	0	1	1
Directed	0	0	0	0	1	1

**TABLE 11: COMPARATIVE DATA OF COMPLAINTS PENDING (FOR ANY LENGTH OF TIME) DURING FISCAL YEAR (THIS PART REFERS TO COMPLETED INVESTIGATIONS ONLY, SEE 29 C.F.R. § 1614.704[F]).**

Type of Processing Time	2010	2011	2012	2013	2014	2015 (reporting year)
Average number of days in investigation	0	0	209	176	230	247
Average number of days in final action	0	0	58	26	17	119

**TABLE 12: COMPARATIVE DATA OF COMPLAINTS PENDING (FOR ANY LENGTH OF TIME) DURING FISCAL YEAR WHERE HEARING WAS REQUESTED**

Type of Processing time	2010	2011	2012	2013	2014	2015 (reporting year)
Average number of days in investigation	0	0	0	288	278	183
Average number of days in final action	0	0	0	131	178	219

**TABLE 13: COMPARATIVE DATA OF COMPLAINTS PENDING (FOR ANY LENGTH OF TIME) DURING FISCAL YEAR WHERE HEARING WAS NOT REQUESTED**

<b>Type of Processing Time</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015 (reporting year)</b>
Average number of days in investigation	0	0	209	176	214	293
Average number of days in final action	0	0	58	58	90	52

**TABLE 14: COMPARATIVE DATA OF COMPLAINTS DISMISSED BY AGENCY**

<b>Agency Dismissal Information</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015 (reporting year)</b>
Total Complaints Dismissed by Agency	0	0	0	1	2	2
Average days pending prior to dismissal	0	0	0	27	293 <sup>21</sup>	26

**TABLE 15: COMPARATIVE DATA OF COMPLAINTS WITHDRAWN BY COMPLAINANTS**

<b>Complaints Withdrawn</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015 (reporting year)</b>
Total Complaints Withdrawn by Complainants	0	0	1	1	0	1

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<sup>21</sup> One of the two cases (499 days pending prior to dismissal) was managed by the Department of Treasury on CFPB's behalf.

**TABLE 16: COMPARATIVE DATA OF TOTAL FINAL AGENCY ACTIONS FINDING DISCRIMINATION**

Type of Findings	2010		2011		2012		2013		2014		2015 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
Total number 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 17: COMPARATIVE DATA OF FINDINGS OF DISCRIMINATION RENDERED BY BASIS**

Basis	2010		2011		2012		2013		2014		2015 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
Total number 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 (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
Genetic Information	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	0	0	0	0	0	0	0	0	0	0	0
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*Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.*

# Total number findings

**TABLE 18: COMPARATIVE DATA OF FINDINGS OF DISCRIMINATION RENDERED BY ISSUE**

Issue	2010		2011		2012		2013		2014		2015 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
Total number 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	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
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
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
Reasonable Accommod.	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



Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0	0
Terms/ Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0

**TABLE 19: COMPARATIVE DATA OF FINDINGS OF DISCRIMINATION RENDERED BY ISSUE – TOTAL DISCIPLINARY ACTION**

Type of Disciplinary Action	2010		2011		2012		2013		2014		2015 (reporting year)		
	#	%	#	%	#	%	#	%	#	%	#	%	
Demotion	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0

**TABLE 20: COMPARATIVE DATA OF FINDINGS OF DISCRIMINATION RENDERED BY ISSUE – TOTAL HARRASSMENT**

Type of Harassment	2010		2011		2012		2013		2014		2015 (reporting year)		
	#	%	#	%	#	%	#	%	#	%	#	%	
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0

**TABLE 21: COMPARATIVE DATA OF FINDINGS OF DISCRIMINATION RENDERED BY ISSUE – TOTAL REASSIGNMENT**

Type of Reassignment	2010		2011		2012		2013		2014		2015 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
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

## Findings after hearing<sup>22</sup>

**TABLE 22: COMPARATIVE DATA OF FINDINGS OF DISCRIMINATION RENDERED BY ISSUE**

Issue	2010		2011		2012		2013		2014		2015 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
Findings after hearing	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

<sup>22</sup> The Bureau has not yet participated in a hearing before the EEOC.

Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/ Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/ Test	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
Reasonable Accommod.	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
Retirement	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	0	0	0	0	0	0	0	0	0	0	0	0

**TABLE 23: COMPARATIVE DATA OF FINDINGS OF DISCRIMINATION RENDERED BY ISSUE – DISCIPLINARY ACTION, FINDINGS AFTER HEARING**

Type of Disciplinary Action	2010		2011		2012		2013		2014		2015 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
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	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0

**TABLE 24:** COMPARATIVE DATA OF FINDINGS OF DISCRIMINATION RENDERED BY ISSUE – HARASSMENT, FINDINGS AFTER HEARING

Type of Harassment	2010		2011		2012		2013		2014		2015 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
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

**TABLE 25:** COMPARATIVE DATA OF FINDINGS OF DISCRIMINATION RENDERED BY ISSUE – REASSIGNMENT, FINDINGS AFTER HEARING

Type of Reassignment	2010		2011		2012		2013		2014		2015 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
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

# Findings without hearing

**TABLE 26: COMPARATIVE DATA OF FINDINGS OF DISCRIMINATION RENDERED BY ISSUE**

Type of Issue	2010		2011		2012		2013		2014		2015 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
Findings without hearing	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	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
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
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
Reasonable Accommod.	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
Retirement	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	0	0	0	0	0	0	0	0	0	0	0	0

**TABLE 27: COMPARATIVE DATA OF FINDINGS OF DISCRIMINATION RENDERED BY ISSUE – DISCIPLINARY ACTION, FINDINGS WITHOUT HEARING**

Type of Discipline	2010		2011		2012		2013		2014		2015 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
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	0	0	0	0	0	0	0	0	0	0	0	0

**TABLE 28: COMPARATIVE DATA OF FINDINGS OF DISCRIMINATION RENDERED BY ISSUE – HARASSMENT, FINDINGS WITHOUT HEARING**

Type of Harassment	2010		2011		2012		2013		2014		2015 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
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

**TABLE 29: COMPARATIVE DATA OF FINDINGS OF DISCRIMINATION RENDERED BY ISSUE – REASSIGNMENT, FINDINGS WITHOUT HEARING**

Type of Reassignment	2010		2011		2012		2013		2014		2015 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%

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

**TABLE 30: COMPARATIVE DATA OF PENDING COMPLAINTS AND COMPLAINANTS FILED IN PREVIOUS FISCAL YEARS BY STATUS**

<b>Pending Complaints and Complainants</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015 (reporting year)</b>
Total complaints from previous Fiscal Year	0	0	4	3	20	32
Total Complainants	0	0	4	3	20	25

**TABLE 31: COMPARATIVE DATA OF NUMBER OF COMPLAINTS PENDING**

<b>Where in EEO Process Complaints Are Pending</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015 (reporting year)</b>
Investigation	0	0	0	2	19	8
ROI issued, pending Complainant's action	0	0	0	1	1	2
Hearing	0	0	0	0	0	12
Final Agency Action	0	0	0	0	0	6
Appeal with EEOC Office of Federal Operations	0	0	0	0	0	4

**TABLE 32: COMPARATIVE DATA OF INVESTIGATIONS THAT EXCEED TIME FRAMES**

<b>Investigations</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015 (reporting year)</b>
Pending Complaints Where Investigations Exceed Required Time Frames	0	0	0	0	0	2

