

Equal Employment Opportunity (EEO) program status report for fiscal year (FY) 2018



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1. Part A – Agency identifying information

TABLE 1: AGENCY IDENTIFYING INFORMATION

| Agency identifying information | |
|--------------------------------|--|
| 1. Agency | Bureau of Consumer Financial Protection (CFPB or Bureau) |
| 2. Address | 1700 G Street, NW |
| 3. City, State, Zip code | Washington, D.C. 20552 |
| 4. CPDF Code | FRFT |
| 5. ANSI codes | 11001, 06075, 17031, 36061 |

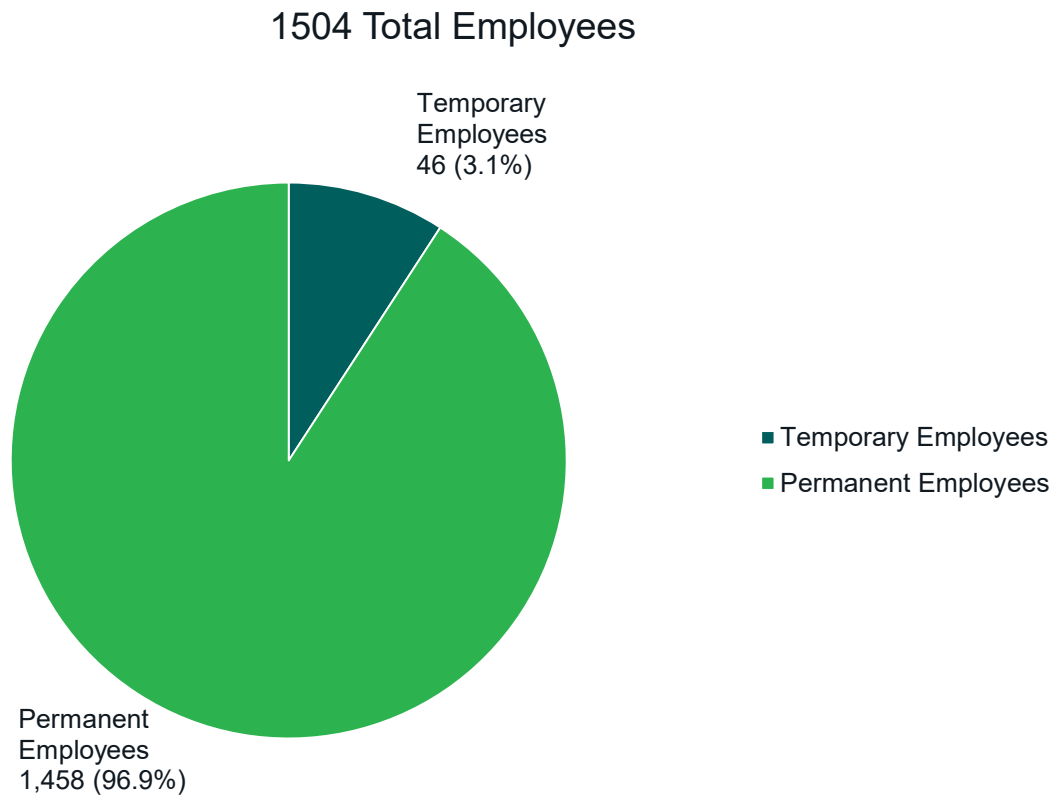
2. Part B – Total employment

TABLE 2: CFPB TOTAL EMPLOYMENT*

| CFPB total employment | |
|---|-------|
| Permanent full-time and part-time employees | 1,458 |
| Temporary employees | 46 |
| Employees paid from non-appropriated funds | 0 |
| Total employment | 1,504 |

* Data as of September 30, 2018. Workforce numbers for FY 2017 included in this FY 2018 Status Report may differ slightly from corresponding data reported in the FY 2017 Status Report. This is due to retroactive processing of personnel actions, late processing of personnel actions, or other changes made in applicable data systems since the data was finalized for the FY 2017 Status Report.

FIGURE 1: CFPB TOTAL EMPLOYMENT



3. Part C – Leadership

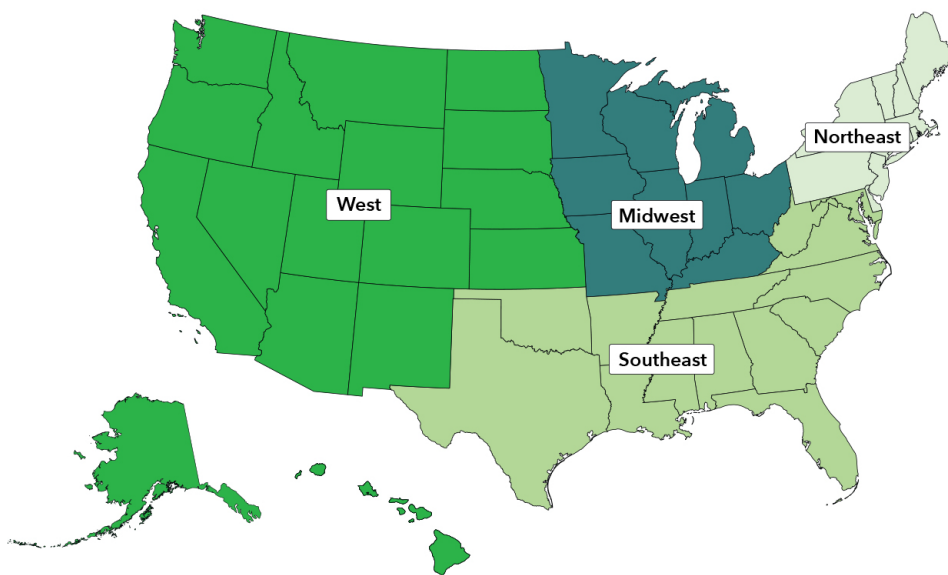
TABLE 3: CFPB LEADERSHIP

| CFPB Leadership | |
|----------------------|--|
| Head of agency | Kathleen Kraninger* Director Bureau of Consumer Financial Protection |
| Agency Head Designee | Melissa Brand Director Office of Civil Rights Bureau of Consumer Financial Protection |

* During FY 2018, the Bureau had two Directors: Richard Cordray served as Director of the Bureau through November 24, 2017; Mick Mulvaney served as Acting Director of the Bureau from November 25, 2017 through December 10, 2018. As of the date of the filing and publication of this report, the U.S. Senate had confirmed Kathleen Kraninger as the new, permanent Director of the Bureau (to serve a five-year term starting on or around December 11, 2018).

4. Part D – List of subordinate components covered in this report

FIGURE 2: CFPB SUPERVISION REGIONS



- Northeast
- Southeast
- Midwest
- West

5. Part E – Executive summary

5.1 Overview

This Equal Employment Opportunity (EEO) Program Status Report for Fiscal Year (FY) 2018 is prepared and submitted under the Equal Employment Opportunity Commission’s (EEOC’s) Management Directive 715 (MD-715) and accompanying instructions and guidance (as updated).¹ According to the EEOC, “[t]he overriding objective of [MD-715] is to ensure that all employees and applicants for employment enjoy equality of opportunity in the federal workplace regardless of race, sex, national origin, color, religion, disability or reprisal for engaging in prior protected activity.”² Consistent with this objective, MD-715 requires Federal agencies to conduct a self-assessment on at least an annual basis to evaluate the effectiveness of their overall Equal Employment Opportunity (EEO) program, using EEOC-prescribed compliance indicators and measures. MD-715 also requires agencies to identify any institutional, structural, attitudinal, and/or physical barriers that may operate to exclude certain groups, and to develop strategic plans to eliminate identified barriers.

This report highlights accomplishments by the Consumer Financial Protection Bureau (CFPB or the Bureau or the Agency) in advancing EEO. This report also identifies additional actions the

¹ See EEOC Management Directive 715 (Oct. 1, 2003) (MD-715), *available at* <https://www.eeoc.gov/federal/directives/md715.cfm>; Instructions to Federal Agencies for EEO MD-715 (MD-715 Instructions), *available at* <https://www.eeoc.gov/federal/directives/md715/index.cfm>. Per EEOC’s federal-sector regulations at 29 C.F.R. Part 1614, MD-715 is binding on all Executive agencies (including CFPB). See 29 C.F.R. § 1614.103(b)(2) (“This part applies to . . . Executive agencies as defined in 5 U.S.C. 105 . . .”); *see also* 29 C.F.R. § 1614.102(e) (“Agency [EEO] programs *shall* comply with this part and the Management Directives and Bulletins that the Commission issues.”) (emphasis added).

² MD-715, at Intro. at ¶ 7. Protected EEO bases under Federal law also include age (over 40) and genetic information, among others under varying statutes and Executive Orders.

Bureau began in FY 2018, and will continue to take, to enhance its overall EEO program.

5.2 Mission and Structure of CFPB

The Dodd-Frank Wall Street Reform and Consumer Protection Act (including the Consumer Financial Protection Act of 2010) (Dodd-Frank Act or DFA) created the CFPB to regulate the offering and provision of consumer financial products or services under the Federal consumer financial laws.³ Under the Consumer Financial Protection Act, the Bureau “shall seek to implement and, where applicable, enforce Federal consumer financial law consistently for the purpose of ensuring that all consumers have access to markets for consumer financial products and services and that markets for consumer financial products and services are fair, transparent, and competitive.”⁴

CFPB exercises its authorities under Federal consumer financial law to ensure that, with respect to consumer financial products and services: (1) consumers are provided with timely and understandable information to make responsible decisions about financial transactions; (2) consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination; (3) outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens; (4) Federal consumer financial law is enforced consistently in order to promote fair competition; and (5) markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.⁵

Under the Consumer Financial Protection Act of 2010, the primary functions of the Bureau are (1) conducting financial education programs; (2) collecting, investigating, and responding to

³ See Pub. L. No. 111-203, at Title X, § 1011(a), 124 Stat. 1376, 1964 (July 21, 2010) (codified at 12 U.S.C. § 5491(a)).

⁴ 124 Stat. 1980, § 1021(a) (codified at 12 U.S.C. § 5511(a)).

⁵ *Id.* at § 1021(b) (codified at 12 U.S.C. § 5511(b)).

consumer complaints; (3) collecting, researching, monitoring, and publishing information relevant to the functioning of markets for consumer financial products and services to identify risks to consumers and the proper functioning of such markets; (4) supervising covered persons for compliance with Federal consumer financial law, and taking appropriate enforcement action to address violations of Federal consumer financial law; (5) issuing rules, orders, and guidance implementing Federal consumer financial law; and (6) performing such support activities as may be necessary or useful to facilitate the other functions of the Bureau.⁶

The CFPB's structure includes the Office of the Director (which includes an Office of Equal Opportunity & Fairness and an Office of Strategy, among other components), and six Divisions:

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

By statute, the Bureau is an Executive agency (as defined in 5 U.S.C. § 105) that is an independent Bureau of the Federal Reserve System.⁷ CFPB officially began operations on July 21, 2011.

At the end of FY 2018, the Bureau consisted of 1,504 employees (permanent and temporary). A current Agency organizational chart is included in Figure 3 below.⁸

FIGURE 3: CFPB ORGANIZATIONAL CHART

⁶ *Id.* at § 1021(c) (codified at 12 U.S.C. § 5511(c)).

⁷ 124 Stat. 1964, § 1011(a) (codified at 12 U.S.C. § 5491(a)).

⁸ This chart is available on the Agency's public website at <https://www.consumerfinance.gov/about-us/the-bureau/bureau-structure>.

Bureau structure

Last updated on May 13, 2019

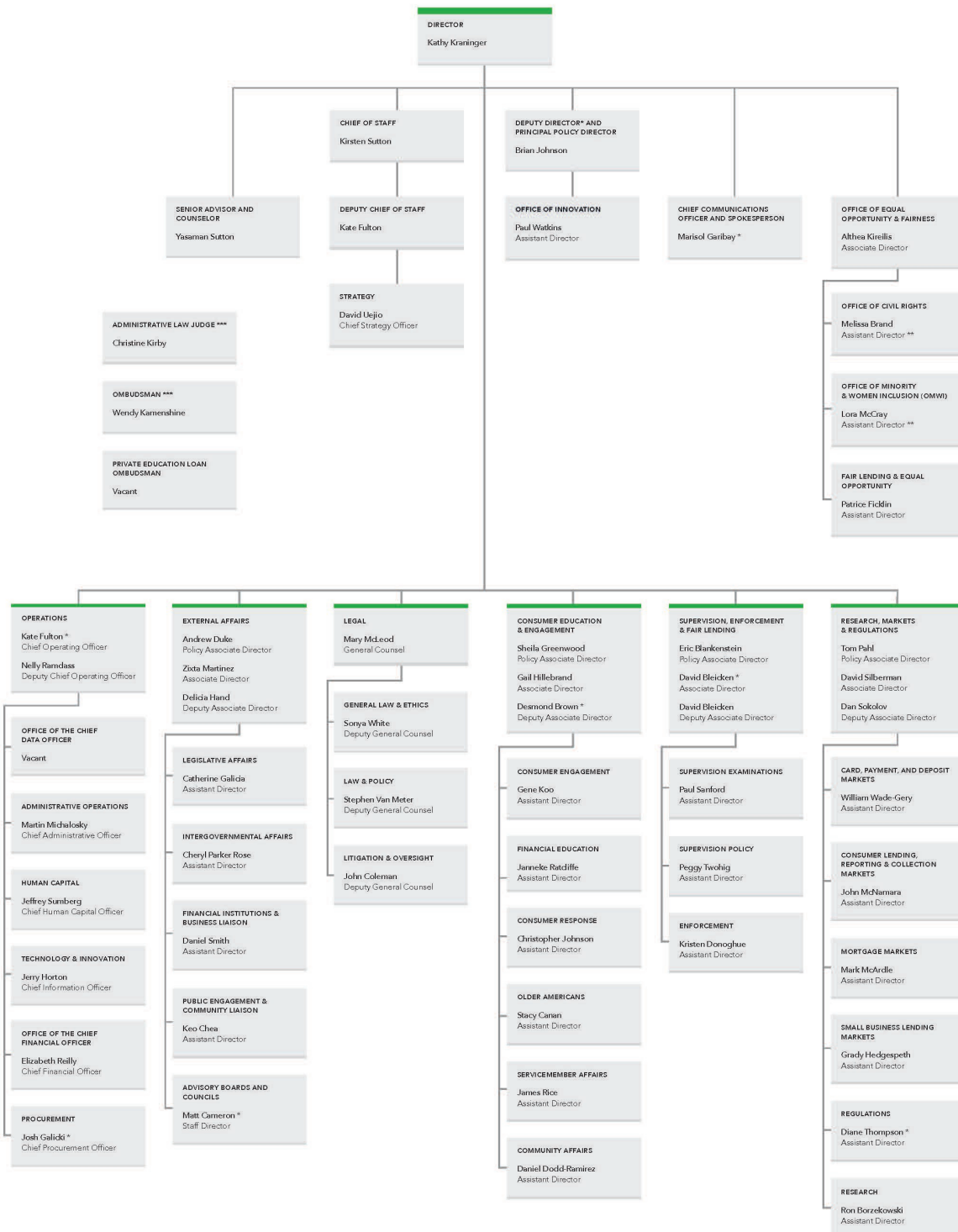


CHART LEGEND

- * Position currently filled on an acting basis
- ** Position has direct reporting responsibilities to the Director
- *** Position is not part of the Bureau's Director's Office

5.3 CFPB's EEO program

The accomplishments and developments highlighted in this report stem from collaboration between the various CFPB Divisions and offices responsible for aspects of the Agency's EEO program.

CFPB has an Office of Equal Opportunity & Fairness (OEOF), which is housed in the Office of the Director of CFPB. The head of OEOF is a CFPB Associate Director. OEOF is comprised of four independent program components: The Office of Civil Rights (OCR) – which carries out functions required by Title VII of the Civil Rights Act of 1964 (and related EEO laws) and the EEOC's federal-sector regulations at 29 C.F.R. Part 1614 (Part 1614);⁹ the Office of Minority and Women Inclusion (OMWI) – an office required under the Dodd-Frank Act charged with promoting diversity and inclusion at the Bureau;¹⁰ the Disability and Accessibility Program (DAP) – which coordinates the Bureau's responsibilities under the Rehabilitation Act of 1973; and the Office of Fair Lending – an office required under the Dodd-Frank Act,¹¹ which leads the Bureau's effort to ensure fair, equitable, nondiscriminatory access to credit for both individuals and communities.

In July 2018, a firewall was put in place to make clear that the head of OEOF has no involvement in the processing of EEO complaints and/or issuance of Final Agency Decisions. Similarly, the head of OEOF is firewalled from the Disability Accessibility Program and any involvement in disability reasonable accommodation requests. This mitigates perceptions of conflict between OCR and the OEOF Director, between the DAP and the OEOF Director, and between OCR and the DAP. This firewall was memorialized in a memorandum signed by the Bureau Chief of Staff on January 31, 2019.

OCR, the Bureau's Equal Employment Opportunity (EEO) office, has operated since February 2013.

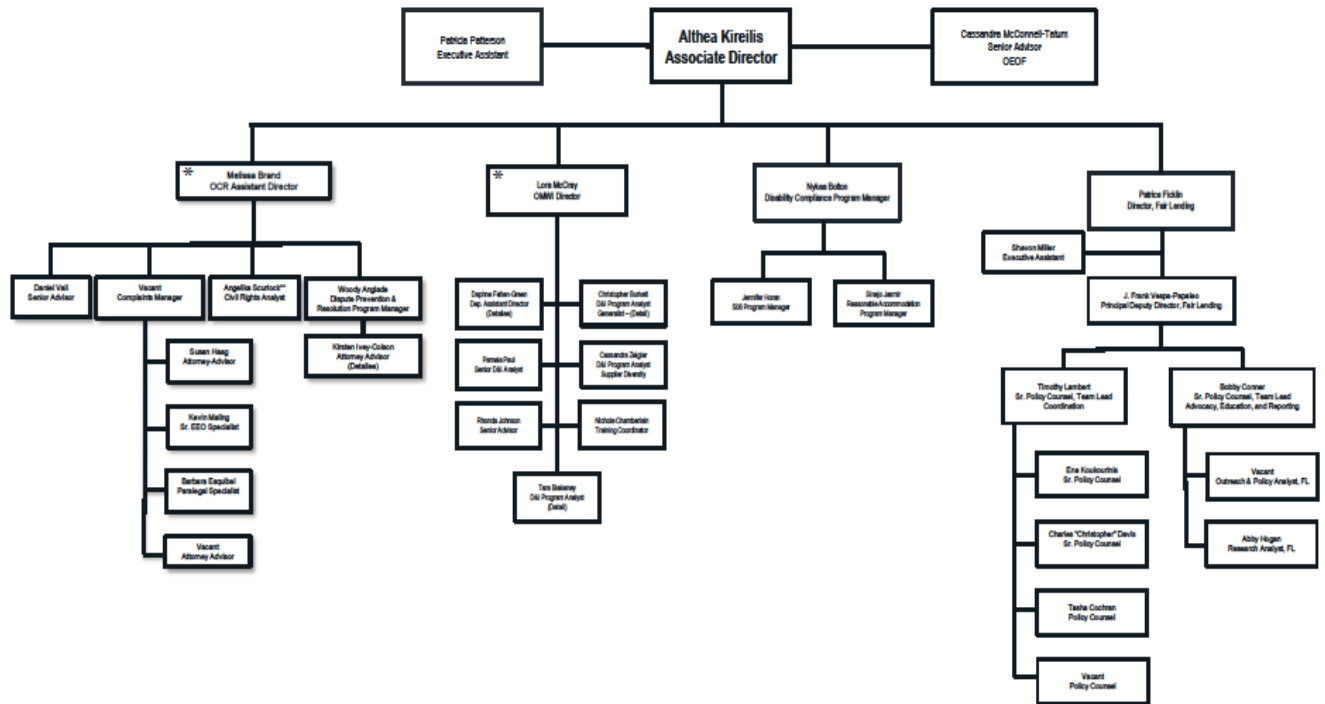
⁹ See generally 42 U.S.C. § 2000e-16; Exec. Order No. 11478, 34 Fed. Reg. 12985 (Aug. 8, 1969), as amended; see also 29 C.F.R. Part 1614.

¹⁰ See 12 U.S.C. §§ 5452(a)(1)(B), (b)(2)(A).

¹¹ See 12 U.S.C. § 5493(c)(2)(A).

FIGURE 4: OEOF ORGANIZATIONAL CHART

Office of Equal Opportunity & Fairness (OEOF)



* Also reports to Bureau Director

March 2019

TABLE 4: MISSION, VISION, AND VALUES OF CFPB'S OFFICE OF CIVIL RIGHTS

| CFPB's Office of Civil Rights (OCR) | |
|--|---|
| Mission | To support the Bureau in complying with civil rights laws and in applying best practices to achieve equal opportunity in the workplace. |
| Vision | The Bureau as a model, fair, and discrimination-free workplace – with an engaged and empowered workforce energized to carry out Bureau leadership's priorities. |
| How OCR works | With independence, integrity, competence, collaboration, and a commitment to quality and excellence. |

The Agency's EEO office exists to safeguard employment-related civil rights throughout the Agency. Given this legal mandate, OCR champions CFPB efforts to foster a fair and equitable workplace – one where employment decisions are based on individual merit, and where everyone has an equal chance to succeed as far as their talents will take them. OCR works to integrate EEO into the Bureau's everyday business by:

- Proactively identifying and removing potential physical, institutional, or attitudinal barriers to EEO within the Bureau;
- Helping to de-escalate specific workplace conflicts and resolve them, including through robust alternative dispute prevention and resolution;
- Contributing subject-matter expertise to aid the Bureau pragmatically with strategic thinking, problem-solving, policy development, and workforce planning;
- Providing technical assistance to internal stakeholders, such as Agency leadership, the Bureau's Workforce Effectiveness Committee (WEC), OMWI, DAP, the Bureau's Office of Human Capital (OHC), the National Treasury Employees Union (NTEU),¹² diversity councils (e.g., the Agency's staff-level Diversity and Inclusion Council of Employees

¹² This is CFPB employees' chosen labor organization.

(DICE)), and Employee Resource Groups (ERGs) to achieve a model workplace;

- Providing a neutral and fair forum (outside the Bureau’s Legal Division and OHC) for the discussion, investigation, adjudication, and resolution of EEO matters under Part 1614 and related Executive Orders; and
- Requiring CFPB to remedy violations of civil rights laws, including targeted steps to prevent repeat violations, recommending disciplinary action to hold individuals accountable, and making individual discrimination victims “whole” with appropriate damages.

The OCR Director is a CFPB Assistant Director. Consistent with Part 1614,¹³ the OCR Director has a dual reporting structure to both the CFPB Director and to the OEOF Associate Director. The OEOF Associate Director reports directly to the CFPB Director. The OEOF Associate Director is firewalled from involvement in EEO complaint processing, and also from involvement in making or approving any disability-related reasonable accommodation decisions.

The OCR Director leads a small team of diverse professionals, including civil rights attorneys, a human capital expert, dispute prevention and resolution practitioners, and data and administrative support specialists. The OCR team has significant subject matter expertise and extensive experience in civil rights, labor and employment laws, conflict management, investigative techniques, and federal-sector rules and processes.

To comply with Part 1614 and MD-715 requirements, OCR remains neutral and impartial, and (as required under EEOC regulations and guidance) safeguards its organizational autonomy. This helps to prevent institutional conflicts of interest that otherwise could arise, and to instill confidence in the integrity of the Agency’s EEO program. For example, the OCR Director exercises full authority to carry out OCR’s Part 1614 functions without Legal Division (i.e., General Counsel) involvement. The Legal Division, which defends the Bureau in EEO matters, is firewalled from all activities within OCR; the Legal Division only participates during adversarial portions of the EEO process (hearings and appeals), during settlement negotiations (to include discussions occurring as a result of a request for mediation made through the

¹³ See 29 C.F.R. § 1614.102(b)(4).

Bureau's Alternative Dispute Resolution (ADR) Program), and/or to provide appropriate legal advice or assistance when a manager or supervisor requests it during the course of an EEO investigation (consistent with EEOC guidance and recent updated case law setting forth parameters for agency counsel involvement and professional responsibility rules governing attorney conduct). Other Bureau offices (such as OHC) are similarly firewalled and kept separate as necessary and appropriate to avoid conflicting or competing interests.

Legal resources within OCR make this possible.¹⁴ OCR staff conducts legal-sufficiency reviews of EEO matters, which include, for example, preparing and issuing "Accept/Dismiss" determinations addressing jurisdiction over, and scope of, claims set forth in formal complaints;¹⁵ conducting an impartial and appropriate investigation of accepted formal complaints; conducting substantive reviews of the Reports of Investigations (ROIs) to ensure compliance with laws and regulations; and drafting of Final Agency Decisions (FADs) and Final Agency Orders (FAOs) (as required by 29 C.F.R. § 1614.110).

At the same time, while OCR maintains the primary responsibility for many aspects of the Agency's overall EEO program, it collaborates as appropriate with OMWI, DAP, and the Bureau's OHC and Legal Division to ensure fairness and equality under the law for all employees

¹⁴ The Bureau and OCR have adopted the EEOC's recommended best practice. *See* EEOC Management Directive for 29 C.F.R. Part 1614 (rev. Aug. 5, 2015) (MD-110), Chapter 1, at Section IV.D., available at https://www.eeoc.gov/federal/directives/md-110_chapter_1.cfm#_Toc425745116 ("It is important for the EEO Director to be provided with sufficient legal resources . . . so that the legal analyses necessary for reaching final agency decisions can be made within the autonomous EEO office. . . . The optimal situation is for the EEO office to have sufficient internal legal resources.").

¹⁵ Under 29 C.F.R. Part 1614, the EEO process consists of two main parts – the "informal" or pre-complaint phase, and the "formal" complaint phase. Employees who wish to pursue an EEO matter under Part 1614 generally must complete the informal/pre-complaint stage before they may file a formal EEO complaint seeking redress for alleged workplace discrimination. The informal/pre-complaint stage consists of attempts to resolve the matter informally, typically through traditional "EEO counseling" or Alternative Dispute Resolution.

and applicants for employment. For instance, under the Dodd-Frank Act, the OMWI Director must develop certain standards for EEO and diversity at the Bureau,¹⁶ which OHC incorporates into CFPB Human Capital Management. OCR, OMWI, DAP, 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 (D&I) programs Bureau-wide. OCR consults as appropriate with DAP (under the supervision of the Bureau's new Disability Compliance Program Manager) and OHC in promoting the recruitment, hiring, development, advancement, and retention of individuals with disabilities and targeted disabilities, as required under the Rehabilitation Act of 1973 and related regulations, including EEOC's disability affirmative action regulations.¹⁷ OCR also coordinates on a general basis with OHC on (among other topics) the harassment-prevention program OHC administers. In addition, OCR collaborates as appropriate with the Legal Division, which trains and advises Bureau managers and supervisors on merit system principles, prohibited personnel practices, and whistleblower protections under applicable civil services laws.

In addition, OCR provides technical assistance to Bureau leadership, the Agency's new Workforce Effectiveness Committee, management, DICE, ERGs, other employees, and NTEU to help carry out Bureau leadership priorities and implement the D&I and EEO aspects of the

¹⁶ The OMWI Director is an Assistant Director and (like the OCR Director) has dual reporting – to the CFPB Director and to the OEOF Associate Director. *See* 12 U.S.C. § 5452(b)(1). The OMWI Director develops standards for equal employment opportunity and the racial, ethnic, and gender diversity of the workforce and senior management of the Bureau, as well as standards to increase participation of minority-owned and women-owned businesses, and assesses the diversity policies and practices of entities regulated by the Bureau. *See* 12 U.S.C. § 5452(b)(2). Under the Dodd-Frank Act, OMWI's responsibilities do not include "enforcement of statutes, regulations, or executive orders pertaining to civil rights, except [that] each [OMWI] Director shall coordinate with the agency administrator, or the designee of the agency administrator, regarding the design and implementation of any remedies resulting from violations of such statutes, regulations, or executive orders." 12 U.S.C. § 5452(a)(3).

¹⁷ *See* 29 U.S.C. § 791 *et seq.*; *see also* 29 C.F.R. § 1614.203.

Bureau's five-year Strategic Plan for FY 2018-2022,¹⁸ and also CFPB's Diversity and Inclusion Strategic Plan for 2016-2020 (updated in November 2016).¹⁹ Together, these plans provide the strategic framework for driving the Agency's approach to EEO, D&I, and affirmative employment (including barrier-analysis efforts under MD-715).

5.4 The Six Essential Elements of a Model EEO Program: CFPB self-assessment and action items

The Bureau's Office of Civil Rights (OCR), in partnership with and through necessary Bureau stakeholders, adheres to and promotes the Six Elements identified by EEOC and MD-715 as essential for a Model EEO Program under Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e-16, and Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. § 791 (as well as the Americans with Disabilities Act Amendments Act of 2008 (Pub. L. 110-325)). The Six Elements are:

- A. Demonstrated commitment from Agency leadership;
- B. Integration of EEO into the Agency's strategic mission;
- C. Management and program accountability;
- D. Proactive prevention of unlawful discrimination;
- E. Efficiency; and

¹⁸ This five-year Agency-wide Strategic Plan is available at https://www.consumerfinance.gov/documents/6208/BCFP_strategic-plan_fy2018-fy2022.pdf.

¹⁹ This five-year D&I Strategic Plan is available at <https://www.consumerfinance.gov/data-research/research-reports/BCFP-diversity-and-inclusion-strategic-plan-2016-2020/>. The Bureau currently is in the process of updating this D&I Strategic Plan to align it more closely with the Bureau-wide Strategic Plan.

F. Responsiveness and legal compliance.²⁰

During FY 2018, OCR again performed an annual EEO program self-assessment. As required by MD-715 and related instructions, the Bureau reviewed its EEO and personnel programs, policies, and performance standards against all Six Essential Elements to identify where the Agency's EEO program could become more effective. CFPB conducted its FY 2018 EEO program assessment using the EEOC's revised "MD-715 2.0 Part G" checklist (effective FY 2018).²¹ According to the EEOC, the Part G Self-Assessment Checklist "is a series of questions designed to provide federal agencies with an effective means for conducting the annual self-assessment required in Part F of MD-715" and "permits EEO Directors to recognize, and to highlight for their senior staff, deficiencies in their EEO program that the agency must address to comply with MD-715's requirements."²²

This Executive Summary recaps the Bureau's FY 2018 self-assessment findings and action items, organized by each Essential Element and by accompanying or related compliance indicators included in MD-715 Part G checklist.

5.4.1 Essential Element A: Demonstrated commitment from agency leadership

Management Directive 715 requires agency heads and other senior management officials to demonstrate a firm commitment to equality of opportunity for all employees and applicants for employment.²³ According to MD-715:

²⁰ See MD-715, at Section II; *see also* MD-715 Instructions, at Section I (The Model EEO Program).

²¹ This checklist is available at <https://www.eeoc.gov/federal/directives/md715/partg.cfm>. The Bureau's completed FY 2018 Part G checklist has been uploaded to the EEOC's FedSEP portal.

²² See MD-715 Part G, at Intro.

²³ This MD-715 mandate reinforces statutory requirements. *See* 42 U.S.C. § 2000e-16(e) (emphasizing the

Agencies must translate equal opportunity into every day practice and make those principles a fundamental part of agency culture. This commitment to equal opportunity must be embraced by agency leadership and communicated through the ranks from the top down. It is the responsibility of each agency head to take such measures as may be necessary to incorporate the principles of equal employment opportunity into the agency's organizational structure. To this end, agency heads must issue a written policy statement expressing their commitment to equal employment opportunity (EEO) and a workplace free of discriminatory harassment.²⁴

During FY 2018, CFPB leadership again demonstrated commitment to ensuring that the Bureau's talented and diverse staff have equal employment opportunities and are treated fairly and with respect. CFPB leadership also emphasized its desire to require Executives, managers, and supervisors to enforce the standards of fairness the Bureau expects of the companies and industries it regulates.

CFPB strategic plans underscore this approach. CFPB's Agency-wide Strategic Plan for FY 2018-2022 – approved by then-Acting Director Mick Mulvaney and issued in February 2018 – makes Bureau leadership's commitment to EEO explicit. This new Bureau-wide five-year Strategic Plan contains three Goals and accompanying Objectives and Strategies. The Plan's third Goal is "Foster operational excellence through efficient and effective processes, governance and security of resources and information."²⁵ The Strategic Plan states that "[t]o accomplish its mission, the Bureau needs to maintain a sustainable, high performing, diverse, inclusive, and

"primary responsibility" of agency heads "to assure nondiscrimination in employment as required by the Constitution and statutes" and his or her "responsibilities under Executive Order 11478 relating to equal employment opportunity in the Federal Government").

²⁴ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.A.

²⁵ See Agency-wide Strategic Plan at 12, available at https://www.consumerfinance.gov/documents/6208/CFPB_strategic-plan_fy2018-fy2022.pdf.

engaged workforce.”²⁶ Accordingly, one Objective under the third Goal is “Maintain a talented, diverse, inclusive, and engaged workforce.”²⁷ To achieve this Objective, the new Strategic Plan outlines various Strategies, including:

- “Establish and maintain human capital policies and programs to help the [A]gency effectively and efficiently manage a talented, diverse, and inclusive workforce”;
- “Build a positive work environment that engages employees and enables them to continue doing their best work”; and
- “*Maintain comprehensive equal employment opportunity (EEO) compliance and diversity and inclusion programs, including those focused on minority and women inclusion.*”²⁸

The Bureau’s Diversity and Inclusion Strategic Plan for FY 2016 through FY 2020 – as updated and reissued in November 2016 – further exemplifies and details this leadership commitment. Based on Executive Order No. 13583,²⁹ the Government-Wide Diversity and Inclusion Plan developed by the Office of Personnel Management (OPM) in 2011, existing regulations and guidance from the EEOC, and section 342 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Bureau’s D&I strategic plan is built around six pillars: (1) workforce diversity; (2) workplace inclusion; (3) sustainability; (4) minority and women-owned businesses; (5) diversity practices of regulated entities; and (6) employment practices of regulated entities.³⁰ As the Bureau’s then-Director noted upon re-release of this plan, Bureau

²⁶ Id.

²⁷ Id.

²⁸ *Id.* at 13 (emphasis added to last bullet).

²⁹ Exec. Order No. 13583, 76 Fed. Reg. 52,847 (Aug. 18, 2011).

³⁰ CFPB D&I Strategic Plan, at 6-7.

leadership was eager:

to work[] together with all CFPB employees to continue to develop an environment where we recognize how our own backgrounds, experiences, and values influence interactions with others, and in which we solicit, consider, and integrate diverse perspectives and viewpoints including those that challenge the status quo.³¹

The CFPB D&I Strategic Plan specifically lists the following (among others) as Bureau-wide priorities:

- Demonstrating leadership commitment and accountability to fostering a workplace culture of diversity and inclusion, in part by affirming the value of legal compliance, workforce diversity, and inclusion efforts in CFPB's strategic plan and related efforts to build a sustainable workplace culture;
- Promoting D&I in leadership development programs;
- Cultivating a supportive, welcoming, inclusive, and fair work environment;
- Ensuring full and timely compliance with all Federal laws, regulations, Executive orders, management directives, and policies related to promoting D&I in the Federal workforce – including by requiring managers to ensure compliance with all anti-discrimination laws, regulations, policies, and guidance, and with accountability through performance plans; and
- Involving employees as participants and responsible agents of diversity, mutual respect, and inclusion.³²

The Bureau is updating this D&I Strategic Plan in FY 2019 to align it more closely to the Bureau-

³¹ *Id.* at 2.

³² *See generally* CFPB D&I Strategic Plan, at 7-16.

wide Strategic Plan. Relatedly, the Agency's recently released FY 2019 Annual Performance Plan and Report, and Budget Overview reinforces and echoes the Bureau's unwavering leadership commitment to EEO and D&I.³³

Compliance Indicator A.1. – The agency issues an effective, up-to-date EEO policy statement.

In February 2018, the Bureau's then-Acting Director Mick Mulvaney issued an Annual EEO and Anti-Harassment Policy Statement,³⁴ as well as the Agency's Annual No FEAR Act/Whistleblower Protection Notice.³⁵ Both documents clearly communicate CFPB's commitment to EEO for all applicants and employees. In February 2019, Director Kraninger once again issued these two documents to all Agency staff, along with an email message making clear her commitment to these issues.³⁶

³³ See CFPB FY 2019 Annual Performance Plan and Report, and Budget Overview (Feb. 2019), at 81-82, 83-84, 86, available at https://www.consumerfinance.gov/documents/7238/cfpb_performance-plan-and-report_fy19.pdf.

³⁴ A copy of the former Acting Director's FY 2018 EEO and Anti-Harassment Policy Statement is included in Section 13 below.

³⁵ Congress enacted the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," which is known as the No FEAR Act. Pub. L. No. 107-174, 116 Stat. 566 (2002). One purpose of the No FEAR Act was to increase the accountability of Federal agencies for acts of discrimination, harassment, or retaliation against employees, former employees, and applicants. Among other items, the statute requires federal agencies to post and provide to employees annually a notice of rights and protections available under Federal anti-discrimination and whistleblower protection laws. *Id.* at § 202; see also 5 C.F.R. §§ 724.201, 202 (OPM regulations implementing the No FEAR Act describing agency notice requirements). The notice must also be issued to all new employees within 90 days of the start of their tenure. See 5 C.F.R. § 724.202(d). The Bureau's notice reflects the language from OPM's model No FEAR Act notice, 5 C.F.R. § 724.202, as updated to reflect intervening legal developments since OPM issued its model notice. A copy of the former Acting Director's FY 2018 notice is included in Section 14 below.

³⁶ A copy of Director Kraninger's FY 2019 EEO and Anti-Harassment Policy Statement and FY 2019 No FEAR Act Notice are included in Sections 13 and 14 (respectively) below.

These documents affirm that the CFPB Director, the OCR Director, CFPB managers, and front-line supervisors will uphold and enforce EEO and merit system principles. The Director's Annual EEO and Anti-Harassment Policy Statement contains all content specified in MD-715 instructions and the related Part G checklist, including:

- A commitment to EEO for all employees and applicants for employment, regardless of their 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, disability, genetic information, prior protected EEO-related activity, and/or whistleblower activity.
- A commitment that all employees and applicants will have the freedom to compete on a fair and level playing field with equal opportunity for competition.
- A guarantee that equal employment opportunity encompasses all personnel/employment programs, management practices, and decisions, including, but not limited to, recruitment/hiring, merit promotion, transfer, reassignments, training and career development, benefits, and separation.
- A guarantee that workplace harassment will not be tolerated, and that the agency will correct the harassing conduct before it becomes severe or pervasive.
- A guarantee that reprisal against anyone who engaged in protected activity will not be tolerated, and that the agency supports the rights of all employees to exercise their rights under the civil rights statutes.

The Bureau's Annual EEO Policy and Anti-Harassment Statement and Annual No FEAR Act Notice were issued on Agency letterhead. The Agency's then-Acting Director issued the statements via email directly to all employees with a message stating:

Every CFPB employee (and applicant for employment) deserves an equal chance to compete and to succeed in the workplace as far as their talents and hard work will take them. That's what "EEO" and the civil service merit system are about. I am personally committed to making this a fair and discrimination-free place to work. I'll do my part, and as Bureau colleagues you each must also do yours.

I am issuing my first statement of Policy on Equal Employment Opportunity and

Workplace Harassment, and a notice of rights and obligations under the whistleblower protection laws and No FEAR Act. Please review these documents carefully; you can find them [here](#) [a link to the Agency’s EEO intranet page]. Both contain important information about CFPB’s policies, practices, and processes regarding workplace discrimination, whistleblower rights, and prohibited personnel practices. You can always contact our Office of Civil Rights with any questions or concerns.³⁷

Upon their initial release, the annual statement and notice also were posted on the “Announcements” feed on CFPB’s intranet homepage, and also on OCR’s intranet page under a section entitled “Commitment from Leadership.” In addition, the documents were disseminated to all employees via the Bureau-wide weekly digital (email) publication *Ops Digest*, and also to all supervisors and managers via the Agency’s bi-weekly digital (email) publication *Manager Minute*. EEO policy information and the Annual No FEAR Act notice are available on www.consumerfinance.gov – CFPB’s external-facing, public website.³⁸ Print copies of the

³⁷ Similarly demonstrating top-level leadership commitment to EEO, in a cover letter included with the Agency’s FY 2017 No FEAR Act Report (released in March 2018), then-Acting Director Mulvaney stated: “Under my leadership, CFPB is steadfastly committed to complying with the federal civil rights laws, regulations, and Executive Orders that protect Bureau employees and applicants for employment. To this end, the Bureau’s new Strategic Plan for FY 2018-2022 contains specific EEO-related strategies to guide the Bureau’s operations. I also recently released an EEO and Anti-Harassment Policy Statement and No FEAR Act Notice and encouraged all Bureau staff to familiarize (or re-familiarize) themselves with pertinent information about their EEO rights and obligations and to speak up to prevent and quickly correct any discriminatory – including harassing – behaviors in our workplace. I will be working with OCR and other Bureau stakeholders to pave the way for continued success in our EEO program during FY 2018 and beyond. I expect all Bureau employees to embrace and foster EEO and merit system principles as part of their everyday work.” See No FEAR Act report for fiscal year (FY) 2017 at 2-3, available at <https://www.consumerfinance.gov/data-research/research-reports/no-fear-act-annual-report-fiscal-year-2017/>.

³⁸ Additional EEO-related information, such as information about the Part 1614 process (including the 45-calendar day time limit for seeking EEO counseling from OCR), can be found at

Annual EEO and Anti-Harassment Policy Statement and the Annual No FEAR Act Notice were placed on display stands on each floor of all Bureau offices/facilities, as well as in OCR office space. Both documents also have been provided throughout the year directly to new employees on or around their first day of work at the Bureau, and to all new supervisors as they are promoted or join the Bureau.

The CFPB's annual statement and notice also helped the Agency to meet requirements for recertification by the U.S. Office of Special Counsel under 5 U.S.C. § 2302(c). Under 5 U.S.C. § 2302(c), agency heads are required to ensure, in consultation with the Special Counsel and the Inspector General of the agency, that employees of the agency are informed of the rights and remedies available to them under the Civil Service Reform Act (CSRA), the Whistleblower Protection Act (WPA), the Whistleblower Protection Enhancement Act (WPEA), and related laws, such as the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017 and the National Defense Authorization Act of Fiscal Year 2018 (NDAA). Together, these statutes provide important rights and remedies regarding federal-sector Prohibited Personnel Practices (PPPs) and whistleblower protections.³⁹

OSC's 2302(c) Certification Program allows federal agencies to meet the statutory obligation to inform their workforces about the rights and remedies available to them under the CSRA, the WPA, the WPEA, and satisfy the new requirements of the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017 and the NDAA. The program consists of four steps: (1) registration, (2) completion of five certification requirements, (3) submission of annual certification checklist, and (4) application for certification or recertification every three years.⁴⁰

<https://www.consumerfinance.gov/office-civil-rights/eo-policy-and-reports/>. The most recently issued Annual No FEAR Act Notice (and related No FEAR Act information and data) can be found at <https://www.consumerfinance.gov/office-civil-rights/no-fear-act/>.

³⁹ See OSC 2302(c) Certification Program Information, available at <https://osc.gov/Pages/Outreach-2302Cert.aspx>.

⁴⁰ The five recertification requirements include: Placing informational posters at agency facilities; providing information about the 14 PPPs and whistleblower disclosures to new employees as part of the

In FY 2018, the Bureau’s OCR, with assistance from the Agency’s Legal Division and other stakeholders, submitted necessary documentation demonstrating CFPB’s compliance with OSC’s certification requirements. As a result, in May 2018 the Agency received re-certification.⁴¹ This prompt re-certification further underscores Agency leadership’s ongoing commitment to promote EEO and help ensure a discrimination-free work environment for all CFPB employees and applicants for CFPB employment.

Compliance Indicator A.2. – The agency has communicated EEO policies and procedures to all employees.

CFPB has promulgated various policies and procedures to advance the Bureau’s EEO program. Table 5 below contains a list of all of the Bureau’s specific EEO/D&I-related policies and procedures.

TABLE 5: CFPB EEO AND AFFIRMATIVE EMPLOYMENT-RELATED POLICIES AND PROCEDURES

| EEO-Related Policies and Procedures |
|---|
| CFPB-NTEU Collective Bargaining Agreement Equal Employment Opportunity Article |
| Affirmative Action Plan for Individuals with Disabilities and Targeted Disabilities |
| Alternative Dispute Resolution Policy |
| Administrative Grievance Policy |
| Employee Resource Group (ERG) Policy |

orientation process and no later than 180 days after the date the new employee begins performing service as an employee; providing information to current employees about the 14 PPPs and whistleblower disclosures on annual basis; training supervisors, in consultation with OSC, on the 14 PPPs and whistleblower disclosures every three years and providing annual supervisory training on how to respond to complaints alleging a violation of whistleblower protections; and displaying a link to OSC’s website on the agency’s website and intranet. *See id.*

⁴¹ *See* List of Federal Agencies Certified by OSC under 5 U.S.C. § 2302(c), at <https://osc.gov/Pages/2302status.aspx>.

EEO-Related Policies and Procedures

Equal Employment Opportunity and Non-Discrimination Policy

Procedures Related to Harassment and Inappropriate Conduct

Reasonable Accommodation/Personal Assistance Services Policy, Procedures, and Forms

Standard Operating Procedures Related to Reasonable Accommodation/PAS Requests

Directive on Schedule A(u) Appointing Authority for Persons with Disabilities

Procedures for Processing Complaints Based on Sexual Orientation and Parental Status

Non-Discrimination and Inclusion Policy for Transgender Applicants and Employees

Cooperation with the Office of Inspector General Policy

OCR, in partnership with other Bureau offices such as OHC and the Legal Division, works to ensure all employees are aware of, have physical copies of, and/or know where to access all EEO policies and procedures and related information. 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*.⁴²

The Bureau places particular emphasis on disseminating information about, and training on, the EEO complaint process, Alternative Dispute Resolution (ADR) and CFPB's ADR program, the Bureau's anti-harassment policy and procedures (including behaviors that are inappropriate in the workplace and could result in disciplinary action), anti-retaliation protections (including whistleblower rights), and the Bureau's reasonable accommodation/Personal Assistance Services (PAS) policy and procedures.

⁴² This guidance is available at http://www.eeoc.gov/federal/preserving_access.cfm.

The Bureau's EEO and Non-Discrimination Policy and its Reasonable Accommodation Policy and related Standard Operating Procedures are posted on www.consumerfinance.gov.⁴³ In FY 2018, the Bureau also overhauled the D&I content on this external website, providing a new and robust web hub showcasing the Agency's commitment to D&I and EEO.⁴⁴

In addition, all EEO-related policies and procedures are posted on OCR's intranet page – a comprehensive portal for Bureau employees needing information about the EEO process. The OCR intranet page describes the Part 1614 process and offers flowcharts and other learning aids for employees and contractors. The OCR intranet also contains plain-language Frequently Asked Questions (FAQs) with answers, which are updated and augmented routinely. These FAQs address dozens of EEO-related topics including protected bases, definitions for unlawful discrimination (including harassment and retaliation), reasonable accommodations for

⁴³ These can be found at <https://www.consumerfinance.gov/office-civil-rights/eo-policy-and-reports/> and <https://www.consumerfinance.gov/office-civil-rights/reasonable-accommodation-persons-disabilities/>. Recently, the Bureau reviewed and revised its disability-related reasonable accommodation policy and standard operating procedures to comply with EEOC's new affirmative action regulations under Section 501 of the Rehabilitation Act of 1973 and related guidance. *See* 82 Fed. Reg. 654 (Jan. 3, 2017); *see also* Questions and Answers: Federal Agencies' Obligation to Provide Personal Assistance Services (PAS) under Section 501 of the Rehabilitation Act (issued September 18, 2017), available at <https://www.eeoc.gov/federal/directives/personal-assistance-services.cfm>. In a letter dated February 9, 2018, the EEOC informed CFPB that its revised policy, SOPs, and forms had been approved in their entirety (without the need for any additional revisions), and comply with applicable EEOC regulations and guidance. The Bureau is now finalizing these documents internally to conform to recent programmatic and personnel changes – including the hiring of the DPM and Reasonable Accommodations Program Manager. The Bureau will disseminate and train appropriate staff on the revised policy and procedures (and forms), and post them on www.consumerfinance.gov (at <https://www.consumerfinance.gov/office-civil-rights/reasonable-accommodation-persons-disabilities/>), as required under the new affirmative action regulations.

⁴⁴ This new content can be found at <https://www.consumerfinance.gov/about-us/diversity-and-inclusion/>.

disability and religion, the EEO complaint process (including the 45-calendar day time limit for seeking EEO counseling from OCR), OCR’s role and responsibilities (including its emphasis on impartiality and independence from the Bureau’s Legal Division and OHC and the scope of its authority related to ordering interim relief), the use of “official” or work time for EEO matters, ADR, negotiated grievance procedures, and more. This section of the intranet also welcomes and solicits ideas for additional FAQs, encouraging those visiting the site to email OCR with suggestions for topics about which additional guidance or clarification could be helpful.

The OCR intranet page also contains contact and location information for OCR, including the OCR Director, Complaints Program Manager, ADR Program Manager, and EEO counselors. This helps ensure that Bureau employees can easily seek OCR’s assistance – including EEO counseling – in person or virtually. The Bureau also provides OCR contact information to members of the public on www.consumerfinance.gov.⁴⁵

Further, in FY 2018 OCR began an initiative to provide quick, bite-size EEO tips to all Bureau employees regularly through a new “EEO Tip of the Week” posted each week on the Announcements feed on the Agency’s main intranet page. OCR also periodically posted an “ADR Tip of the Month” on this same, highly visible all-employee platform. Some of the tips posted in FY 2018 are listed in Table 6 below.

TABLE 6: EEO “TIPS OF THE WEEK”

| Select EEO Tips of the Week Posted on CFPB Intranet Homepage |
|---|
| Remember the 45-Calendar Day Time Limit for Seeking EEO Counseling from OCR |
| Know about "PPPs"! |
| Help Ensure a Harassment-free Workplace |
| Read the Acting Director's EEO and No FEAR Act Statements |
| Check and Update Your Demographic Info in HRConnect |

⁴⁵ This can be found at <https://www.consumerfinance.gov/office-civil-rights/raise-eeo-issue/>.

Select EEO Tips of the Week Posted on CFPB Intranet Homepage

Learn about CFPB's Affirmative Action Efforts for Employees with Disabilities

Spot and Stop Sexual Harassment in the Workplace

Read Your Paystubs! [E]very Earnings-and-Leave Statement you get has an EEO tip at the bottom

Check Out the Bureau's EEO-Related Annual Reports

Take "Respect in the Workplace" Training from EEOC

Spot and Avoid National Origin Discrimination

Managers -- Attend "Leading for Respect" Training

Check Out FAQs on the OCR Wiki

Avoid "Stereotyping" at Work

Discrimination Based on Sexual Orientation or Gender Identity is Unlawful

Keep All Medical Information Strictly Confidential

Don't Retaliate for EEO or Whistleblower Activity

Beware of Age Discrimination!

Quick Tips from OCR Webinars

Know Your Rights

Contractor Rights

Today is National Whistleblower Appreciation Day!

Don't Miss Tomorrow's Anti-Harassment Webinar

Know Your Rights (II)

Recognize Race/Color Discrimination

Select EEO Tips of the Week Posted on CFPB Intranet Homepage

Complete the AES Survey!

Curious About What the Office of Civil Rights Does?

OCR will continue posting these tips throughout FY 2019.

The Director's Annual EEO and Anti-Harassment Policy Statement and Annual No FEAR Act Notice – disseminated in various ways to all employees as described above – reference EEO-related policies and contain detailed information about related rights, responsibilities, and procedures, including the EEO complaint and anti-harassment processes. CFPB provides all new employees with copies of pertinent policies and procedures (including the Bureau's *Procedures on Harassment and Inappropriate Conduct* and *Reasonable Accommodation Policy* and related Standard Operating Procedures) during their onboarding and orientation through a live presentation. During this briefing, OCR staff distributes a hard copy *Guide to the Office of Civil Rights* (or equivalent information) to every new Bureau employee, in person, on or near his or her very first day of employment. This includes detailed information on discrimination, harassment, retaliation, reasonable accommodations, and the EEO process, including the Part 1614 process and the 45-calendar day time limit for seeking EEO counseling from OCR. It also contains handouts and fact sheets from the U.S. Office of Special Counsel and Merit Systems Protection Board on merit system principles, prohibited personnel practices, whistleblower protections, and the prohibition on whistleblower (and related) retaliation. OCR is updating the guide in FY 2019, and hopes to update and reissue it to all employees at least annually.

In addition, OCR created and distributes an *EEO Resource Manual for Managers and Supervisors* containing EEO policies and providing practical guidance on EEO compliance. OCR circulates this manual to new supervisors during the first pay period in which they are onboarded or promoted. OHC also sends each new manager a *CFPB New Manager Onboarding Information* guide also containing critical EEO and D&I information. Further, OHC maintains a CFPB Leadership Development Portal – a management-only online hub containing these and additional resources, facilitating easy virtual access to this information at any time. The Legal Division and OHC, as well as OMWI and DAP, also consult with managers and supervisors on an as-needed basis about personnel-related issues, including EEO matters, and provide advice and counsel on relevant policies, practices, and procedures. OCR conducts,

collaborates with the Legal Division and OHC in presenting, and/or sponsors numerous in-person trainings on EEO-related topics, as well. For example:

- Consistent with the EEOC's renewed focus on preventing and eliminating workplace harassment, in FY 2018 CFPB offered the EEOC's new "Leading for Respect" (for supervisors) and "Respect in the Workplace" (for all employees) training. Further, in FY 2018 and continuing into FY 2019, the OCR Director and staff have conducted various half-day sessions on workplace harassment prevention for leadership and staff in the Bureau's various Regions.
- Approximately 10 new hires at the Bureau completed mandatory New Employee Orientation Training during FY 2018, during which OCR staff provides an overview of EEO rights and responsibilities (including explaining the Part 1614 process and emphasizing the 45-calendar day timeframe for contacting an EEO counselor). Typically, New Employee Orientation Training is conducted monthly or bi-monthly at the Bureau. Due to the current hiring freeze, only one Orientation training session was conducted in FY 2018 (Jan. 9, 2018).
- A total of 18 supervisors and managers completed a mandatory two-day EEO Training conducted by the EEOC Training Institute in FY 2018, for a total of over 248 to date. This training helps all managers and supervisors strengthen their skills in leading and managing a diverse and inclusive workforce.
- A total of 36 newly appointed supervisors completed the mandatory Supervisory Development Seminar (SDS) in FY 2018, and approximately 93 percent of all supervisors and managers have completed this seminar to date. SDS prepares new supervisors to navigate the transition to leadership by providing knowledge and skills for managing human resources in the Federal and CFPB environment, effectively using the CFPB performance management process, and addressing performance and conduct issues as they arise. OCR presented an EEO module during SDS covering workplace civil rights basics, practical EEO pitfalls for supervisors and managers, 29 C.F.R. Part 1614, and advanced considerations on complex topics (such as disability reasonable accommodations and Personal Assistance Services, differences between the Bureau's anti-harassment policy and procedures and the EEO process, and EEO considerations and sample scenarios related to performance management). OMWI and OCR co-presented a diversity and inclusion and EEO pitfalls module during the training covering

the topic of Mitigating Bias in the Performance Management system, which included sample case studies, tips for managers to identify their own potential biases, and tools for further learning and practice about how to mitigate such biases and avoid common pitfalls. The Bureau's Legal Division also presented a module at the seminar on merit systems principles and Prohibited Personnel Practices, including retaliation against whistleblowers. SDS covers CFPB policies and practices using scenarios, role plays, and discussions in a safe learning environment of CFPB manager peers. This experiential learning allows new Bureau leaders to translate concepts, policies, and processes acquired during instruction into understanding and practical application. SDS meets the U.S. Office of Personnel Management (OPM) mandate requiring that newly appointed supervisors complete training within the first year of their appointment to a formal supervisory position.

- Supervisors and managers also participate in additional mandatory leadership development courses that support EEO-related competencies as well as leadership competencies and the Bureau's leadership performance standards. 81 percent of all Bureau managers completed these mandatory courses as of December 2018. The Bureau's leadership development courses are designed to meet specific leadership development needs as identified in the OPM Employee Viewpoint Survey results (referred to at the Bureau as the "Annual Employee Survey" (AES)), as well the performance expectations outlined in the Bureau's leadership competency model.
- CFPB's ADR Program offered "Crucial Conversations" training to approximately 306 managers and employees over six different training sessions during FY 2018. Crucial Conversations is a conflict-prevention training intended to help individuals have important (and sometimes difficult) high-stakes conversations. The Bureau has offered Crucial Conversations to all Divisions and teams, and the training has been provided to managers and employees in the Office of CFPB Director, and in SEFL, RMR, CEE, and OPS Divisions. Feedback thus far on the course has been overwhelmingly positive with virtually all participants agreeing or strongly agreeing that the course provided skills that would help with their professional duties.
- In FY 2018, CFPB's ADR Program also provided a "Managing Stressful Situations in the Workplace" presentation to the Bureau's SEFL Northeast Region employees (in Boston, Massachusetts), and to SEFL Midwest Region employees (in Chicago, Illinois). Each session was attended by over 100 employees.

- A total of 211 employees completed mandatory D&I training hosted by OMWI in FY 2018. CFPB offers this two-hour awareness-raising workshop to non-managerial employees to help develop a shared understanding of diversity and inclusion at the Bureau. The workshop focuses on the importance of D&I in strengthening individual competence for interacting effectively in a diverse workplace and the ways in which an understanding of D&I contributes to the effectiveness of the Bureau's work. As of the end of FY 2018, 1596 employees had completed this training (a completion rate of 89.5 percent of current Bureau employees).
- The training entitled, "Leading Diversity and Inclusion at the Bureau," focuses on diversity and inclusion best practices, tips, and tools for managers. Between 2015, when the training began, through FY 2018, approximately 270 supervisors have completed this mandatory two-day diversity training. A total of 24 supervisors and managers completed the training in FY 2018.
- A total of 20 lead interviewers and/or hiring managers completed Structured Interview training. Overall, approximately 295 total employees have completed this training since the training began in 2014. Structured Interviews is a tool to assist in elimination of bias in the interview process. Currently all hiring teams are encouraged to use a structured interview process to hire new employees. The objective of the training is to help ensure that Bureau hiring managers make selection decisions based on objective, job-related information that minimizes bias and provides a level playing field to help maintain and increase workforce diversity. This training includes modules on key EEO and D&I concepts.
- A total of 1175 employees (97.8 percent) and 287 rating officials (98.6 percent) completed mandatory performance-management training (also containing EEO and D&I components) in FY 2018.
- A total of 263 (87 percent) of all Bureau Supervisors, Managers, and Executives completed mandatory training on reasonable accommodations practices and procedures.

In FY 2018, OCR also continued to offer its "Top 10 EEO Tips" series of optional webinars for all Bureau employees. This series of virtual brownbag presentations by OCR is designed to be relevant to all CFPB personnel (managers/supervisors and non-supervisory employees), and provides easily accessible – 30 minutes maximum – training in the form of practical tips on EEO rights and responsibilities. During FY 2018, OCR offered webinars entitled "#MeToo -

What You Should Know About Workplace Harassment” and “Top 10 Tips to Know About the Office of Civil Rights.” OCR will continue to offer new webinars as part of this series in FY 2019. Further, during FY 2018, OMWI offered several workshops to teams in Divisions on topics including Unconscious Bias, Micro-Triggers, and Generational Difference in the Workplace. These workshops increased awareness and understanding of D&I and helped to strengthen cohesion among teams. The workshops were well received, and more are being planned in FY 2019.

In addition, each year all Bureau employees must take a one-hour, web-based training on the No FEAR Act, and a separate web-based training on harassment prevention. Approximately 96.21 percent of employees completed this mandatory No FEAR Act training in FY 2018, and 96.70 percent of employees completed the mandatory Sexual Harassment Prevention training in FY 2018.

These and other means and media used to distribute EEO and D&I information are described in Table 7 below.

TABLE 7: MEDIA USED TO DISTRIBUTE EEO INFORMATION TO CFPB EMPLOYEES

| Media Used To Distribute EEO Information to CFPB Employees |
|--|
| Regular email notifications via email/digital <i>Ops Digest</i> and <i>Manager Minute</i> publications |
| Regular email messages from the CFPB Director and OCR Director |
| Periodic messages in <i>OMWI Perspectives</i> (a digital diversity and inclusion newsletter) |
| 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, posted on the Bureau’s intranet, distributed in hard copy, and displayed on physical stands throughout Bureau workspaces |
| Posters placed throughout all Agency facilities in break rooms and work rooms |
| A brochure on EEO rights and responsibilities |
| A brochure on Alternative Dispute Resolution and CFPB’s ADR Program |
| Display stands with relevant hard-copy information placed near every elevator bank in CFPB facilities, in OHC, and in OCR office space |
| Digital Display Boards (i.e., large monitors) in elevator banks in CFPB headquarters featuring rotating slides including brief messages on EEO and D&I inclusion-related topics |

Media Used To Distribute EEO Information to CFPB Employees

Guide to the Office of Civil Rights (distributed in hard copy immediately to all new employees)

EEO Resource Manual for Managers and Supervisors (provided in hard copy to all new supervisors and during mandatory two-day EEO training and by email to all new supervisors and managers during the pay period in which they are hired or promoted)

Intranet and internet content, including all relevant policies and Frequently Asked Questions about OCR and discrimination-related topics, and periodic all-employee “Announcements” on the homepage of the Bureau’s intranet

New “EEO Tip of the Week” and “ADR Tip of the Month” feature on the homepage of the Bureau’s intranet

EEO-related notices on employee paystubs (containing a new notice each pay period)

Formal training and workshops including New Employee Orientation (NEO); mandatory annual No FEAR Act and harassment prevention trainings; mandatory Supervisory Development Seminar (SDS); mandatory Leadership Excellence Seminars (LES); mandatory two-day manager EEO training led by the EEOC Training Institute; mandatory two-day diversity and inclusion training for new supervisors; mandatory diversity and inclusion training for all employees; mandatory Performance Management training; Structured Interview training for lead interviewers; D&I workshops; ADR-related “Crucial Conversations” training to prevent workplace conflicts; EEOC-led “Leading for Respect” and “Respect in the Workplace” workshops

OCR “Top Ten EEO Tips” Webinars

OMWI D&I Brownbag Sessions

Compliance Indicator A.3. – The agency assesses and ensures EEO principles are part of its culture.

Senior Bureau leaders have made a sustained and visible commitment to fostering a positive organizational culture and to integrating EEO compliance, fairness, diversity, and inclusion into Agency actions and decisions.

The Bureau’s Diversity and Inclusion Strategic Plan for FY 2016-2020 requires the Agency to “[d]emonstrate leadership commitment and accountability to fostering a workplace culture of diversity and inclusion” in part by “incorporat[ing] diversity and inclusion into the fabric of the

CFPB's work environment through policies, programs, and initiatives."⁴⁶ In FY 2018, as part of implementation of the Bureau's D&I Strategic Plan, the then-Acting Director and the Bureau's Office of Strategy⁴⁷ led discussions with leadership of each of the Bureau's various Divisions, as well as with the leadership in OMWI, OCR, and OHC. These meetings included information and discussion on D&I topics. Through these discussions, the Agency's Director communicated D&I priorities to Division heads and related personnel.

In addition, throughout FY 2018, the former Acting Director met monthly with the OCR Director to stay apprised of important EEO program developments, complaints, and trends, including EEOC-required affirmative employment efforts. Similarly, the former Director met regularly with the OEOF Director to help set strategy for D&I-focused and EEO programs and initiatives.

⁴⁶ CFPB D&I Strategic Plan, at 13. As noted above, the newly adopted Bureau-wide Strategic Plan for FY 2018-2022 similarly expresses an explicit commitment to EEO compliance and diversity and inclusion programs.

⁴⁷ The Office of Strategy, part of the CFPB Director's front office, drives strategic goal-setting and prioritization, ensures accountability, and manages risk to continuously improve performance throughout the Bureau. The Office of Strategy monitors compliance with the Government Performance and Results Act (GPRA) of 1993, as amended in the GPRA Modernization Act (GPRAMA) of 2010, and leads the Bureau's overall strategic planning process, including development and drafting of the CFPB five-year Strategic Plan, Annual Performance Plan, and Annual Performance Report, as well as development and implementation of the CFPB D&I Strategic Plan. The Chief Strategy Officer serves as the Bureau's Performance Improvement Officer.

Also in FY 2018, as part of affirmative employment⁴⁸/D&I⁴⁹ strategic planning efforts – and to ensure the Director’s priorities were incorporated throughout CFPB leadership ranks and into line-level activities – OCR and OMWI leadership continued to deploy a strategic planning working group. The working group’s activities build upon affirmative employment/D&I efforts from over the past several years. The working group includes employees from OMWI, OCR, DAP, and OHC. The working group assists OEOF leadership in ensuring that its personnel serve as D&I and EEO consultants to the Bureau’s top leadership and to its Divisions and Offices.

Through this group, OEOF is working to integrate important EEO and D&I principles into the Bureau’s operations through a “Lifecycle” approach to strategic D&I planning and EEO program evaluation. The working group’s goal is to help leaders throughout CFPB consider and embed affirmative employment/D&I concepts and EEO awareness seamlessly into the Agency’s everyday work on a year-round basis. The “Lifecycle” begins each year with Division, Office, and team-specific strategic planning and goal setting, followed by the drafting of implementation plans including detailed action items, followed by actual plan/goals implementation throughout the year. The working group provides data and practical insights to help Bureau leaders understand the composition and needs of their respective workforces; facilitates the sharing of

⁴⁸ OCR is responsible for enforcing Federal laws and Executive Orders prohibiting unlawful employment discrimination on specific proscribed bases and for enforcing legal mandates requiring affirmative employment efforts based on race, national origin, sex, and disability. *See, e.g.*, 42 U.S.C. § 2000e-16(b)(1) (requiring Federal agencies to “maintain an affirmative program of equal employment opportunity for all . . . employees and applicants for employment”); 29 C.F.R. § 1614.102(a) (similarly requiring each Executive agency “to maintain a continuing affirmative program to promote equal opportunity and to identify and eliminate discriminatory practices and policies”); *id.* at § 1614.102(c)(1) (stating that the Agency’s EEO Director “shall be responsible for . . . [a]dvising the head of the agency with respect to the preparation of national and regional equal employment opportunity plans, procedures, regulations, reports and other matters”); *see also* MD-110, Chapter 1, at Section III.A.1. (“Federal Agencies Must Appoint an EEO Director Who Shall Be Responsible for . . . implementing continuing affirmative employment programs to promote equal employment opportunity . . .”) (citing 29 C.F.R. 1614.102(c)(1)).

⁴⁹ OMWI does not enforce workplace civil rights protections (e.g., EEO laws and related affirmative employment mandates), and is charged with responsibility for matters relating to diversity and management. *See* note 16 above. OMWI’s diversity portfolio often extends beyond characteristics protected by applicable EEO requirements, to other, sometimes-related considerations (such as socio-economic status, geographic location, and workstyles).

promising practices (and pitfalls) across Divisions and Offices; and ensures Division heads set and execute on targeted goals and follow-up activities. Throughout the annual lifecycle, OCR, OMWI, DAP, and OHC help Divisions, Offices, and teams monitor their progress. The EEO/D&I Lifecycle culminates each fiscal year with Divisions, Offices, and teams reporting out to Bureau leaders and to OCR, OMWI, DAP, and OHC, assessing year-end results, sharing lessons learned, and assisting with the preparation of required annual reports, such as this MD-715 report, the OMWI Annual Report (required under the Dodd-Frank Act), EEOC's annual Form 462 Report, the Federal Equal Opportunity Recruitment Program (FEORP) Report, the Disabled Veterans Affirmative Action Program (DVAAP) Report, and quarterly and annual No FEAR Act reports.

To this end, the working group met throughout FY 2018 with Division leaders and points of contact, individually and collectively. Consistent with OMWI's, OCR's, and DAP's complementary mandates, the working group provided each Division with Division-specific (non-confidential, aggregate) demographic data, corresponding strategies, and other D&I and EEO-related technical assistance. The group then helped Divisions create their own Division-specific goals, implementation plans, and associated action items. The working group will continue working with Divisions and Offices throughout FY 2019 to help these Bureau components implement their plans and assess progress and next steps – all as part of the overall Bureau strategic planning process and “Lifecycle” approach.

CFPB gauges Bureau culture and the efficacy of EEO and affirmative employment efforts through the OPM-required Federal Employee Viewpoint Survey (FEVS), as well as New-Hire and Exit surveys. The Bureau conducted its most recent comprehensive all-employee viewpoint survey – what CFPB calls the Annual Employee Survey (AES) – in August 2018. AES measures employee engagement and satisfaction throughout the Bureau, and provides crucial insight on employee perceptions about fairness and equality at CFPB broken down by key EEO demographic groups. In FY 2018, OCR and DAP worked with OHC and other stakeholders to revise the AES to include a new question pertaining to the experiences of Bureau employees with disabilities, specifically, as envisioned by EEOC's new affirmative action regulations and MD-715

Part G.⁵⁰ Also in FY 2018, the OCR Director reached out directly to the NTEU and all ERGs, asking these organizations leaders to encourage their respective memberships to participate in the AES.

CFPB dedicates significant resources and attention to soliciting AES participation by all employees and to evaluating AES feedback. The Bureau maintains an intranet portal dedicated to AES feedback and related action items. In FY 2018, the then-Acting Director and Bureau leaders personally and repeatedly encouraged all employees to take the AES survey.

In FY 2018, the Bureau's survey response rate was 72.5 percent.⁵¹ (This compares quite favorably to the overall government-wide response rate of 40.6 percent.) The Bureau's FY 2018 survey included 77 items/questions.

The Bureau again used portions of the AES results to calculate what OPM has defined as the "Inclusion Quotient." OPM's research shows that fostering inclusive work environments and realizing the full potential provided by a diverse workforce requires agencies to employ effective management practices. Research confirms that workplace inclusion is a contributing factor to employee engagement and organizational performance.⁵² OPM's Inclusion Quotient scores are calculated using a subset of 20 items from the AES that are also found on OPM's FEVS. Goals

⁵⁰ The new AES question stated: "The Bureau is interested in gathering feedback on the work experiences of people with disabilities. If you are an individual with a disability, please use the following space to tell us how the Bureau is doing with respect to your work experience. For example, what are we doing well and how could we improve in hiring, inclusion, retention and/or advancement of people with disabilities? *Please do not include any information that could identify a particular individual, including yourself. (Enter up to 1000 characters).*" A detailed update about the Bureau's actions in this area is provided in Section 10, Part H-3 below.

⁵¹ See 2018 BCFP Annual Employee Survey Results, at 3, available at <https://www.consumerfinance.gov/data-research/research-reports/2018-bcfp-annual-employee-survey-results/>

⁵² More information about the Inclusion Quotient can be found on OPM's Diversity and Inclusion website at <https://www.opm.gov/policy-data-oversight/diversity-and-inclusion/federal-workforce-at-a-glance/>.

and progress on this measure are reported annually in CFPB's Strategic Plan, Budget, and Performance Plan and Report.⁵³

Inclusion Quotient items measure workplace practices or habits related to inclusiveness. This metric is separated into several factors, or five Inclusive habits:

- *Fair*: Items deal with fairness in performance evaluation, rules, and procedures.
- *Open*: Items deal with whether diversity and inclusion are promoted by the agency and/or managers.
- *Cooperative*: Items deal with whether managers promote communication and support collaboration.
- *Supportive*: Items deal with management and leadership style.
- *Empowering*: Items deal with participation in decision-making.

The FY 2018 CFPB target for the Inclusion Quotient – 70.0 percent favorable – was established as part of the Bureau's strategic planning. AES 2018 results fell short of that established target with an IQ of 67.2 percent (down 5.3 percent from 2017). However, the Bureau's overall score on the IQ was 6.2 percentage points higher than the overall government-wide results. Further, CFPB's scores on three of the five of the Inclusive habits, Open, Cooperative, and Supportive are equal to or higher than the corresponding government-wide scores by five percentage points or more. CFPB's scores on the Fair habit are higher than the corresponding government-wide score by 3.6 percentage points. At the same time, Black or African American employees had less favorable perceptions of how open, fair, and supportive the CFPB environment is to promoting

⁵³ See, e.g., CFPB FY 2019 Annual Performance Plan and Report, and Budget Overview (Feb. 2019), at 85-86, available at https://www.consumerfinance.gov/documents/7238/cfpb_performance-plan-and-report_fy19.pdf; BCFP Annual Performance Plan and Report (Mar. 2018), at 65-67, available at https://www.consumerfinance.gov/documents/6340/cfpb_performance-plan-and-report_fy18.pdf.

diversity and inclusion. There were no significant differences on the Inclusion Quotient item responses by gender or age.

In FY 2018, the Bureau had 41 strengths⁵⁴ and 11 challenges. Staff were most positive about their supervisors and their work and expressed concern about senior leaders in 4 out of the 10 items with the most unfavorable results. Of the 77 survey items, 33 were identified as strengths for all groups across ethnicity, race, gender, and age. Shared strengths across ethnicity, race, gender, and age are concentrated in survey items/topics *my work experience*, *my work unit*, and *my supervisor*. (These include feeling that one's work is important, that people in one's work unit share knowledge and help each other, and that one's supervisor is supportive, respectful and attentive to employee work needs.)

There are some areas of difference across demographic groups. A number of items were identified as challenges for women, racial/ethnic minority, or older respondents but not for respective comparison groups (i.e., male, White, or under 30 respondents). Some of the biggest differences involve gender, where 36 items were rated more favorably by males than females and one item was rated more favorably by females than males. These differences occurred across a variety of topics, but were concentrated in areas pertaining to *my work experience*, *my supervisor*, and *diversity and inclusion*.

Regarding race and ethnicity, 27 items were rated more favorably by White employees than by Black or African American employees. Two items were rated more favorably by non-Hispanic Whites than by Hispanic or Latino (a) employees. Six items were rated more favorably by White employees than by Asian employees. These differences are concentrated in the area of *diversity and inclusion*, though differences were observed in other areas as well.

Relatedly, in the 2018 annual study of "Best Places to Work" conducted by the nonprofit

⁵⁴ Strengths are defined as items with 65% or more positive (percent favorable) responses; Challenges are defined as items with 35% or more negative (percent unfavorable) responses; Unknown/Neutral items are defined as items with 30% or more neutral or "do not know" responses.

Partnership for Public Service, the Bureau placed 26th out of 27 for mid-size agencies overall. Notably however, for the second year in a row CFPB's FY 2018 AES score on "support for diversity" (74.2 in 2018) resulted in the Bureau being ranked 2nd out of all mid-size agencies ranked by Partnership for Public Service. This score category "measures the extent to which employees believe that actions and policies of leadership and management promote and respect diversity."⁵⁵ Similarly, the Bureau ranked 6th out of mid-size agencies in the Best Places to Work score category for "Effective Leadership: Supervisors." This score category "measures employee opinions about their immediate supervisor's job performance, how well supervisors give employees the opportunity to demonstrate leadership skills and the extent to which employees feel supervisors support employee development and provide worthwhile feedback about job performance."⁵⁶

As in past years, Bureau leaders will use FY 2018 AES and Partnership for Public Service "Best Places to Work" results to inform efforts to improve CFPB culture and employee work experiences, as well as to illuminate ongoing barrier analyses. (CFPB's specific barrier analysis efforts are summarized in Section 11, Part I-1 below.) The Bureau shares AES results with staff, solicits ideas from the workforce on how best to respond to challenges reported on AES, and reports back out to all employees on lessons learned and actions taken to address survey results. In FY 2019, Director Kraninger formed an AES working group to evaluate the 2018 AES results and develop recommendations for action; one of the working group's recommendations is to analyze demographic differences in responses to determine root causes for such differences and devise action plans as appropriate. Further, each CFPB Division head has received the Bureau-wide results and also Division-specific breakdowns of responses and related analysis, allowing for a more targeted approach to applying lessons learned. Division heads use AES results in annual strategic planning including D&I initiatives, affirmative employment efforts, EEO goals, and related implementation plans and action items.

In addition, the Bureau provides an exit survey to each individual who leaves the Agency for any reason, to help identify any trends and triggers related to reasons for departure. OPM provides the survey results to CFPB, and the aggregate data is compared by race, ethnicity, and gender to again facilitate the Bureau's understanding of whether (and how) the experience of different

⁵⁵ See <http://bestplacetowork.org/BPTW/rankings/categories/mid/diversity>.

⁵⁶ See https://bestplacetowork.org/rankings/categories/mid/leadership_sub_supervisors.

demographic groups of employees varies. When sufficient aggregate data exists, it is analyzed on a semi-annual and annual basis and compared to results from previous fiscal years. It is then used in ongoing barrier analysis efforts. Further, if any of the individual anonymized responses on any survey indicate potential discrimination, the OCR Director would be notified. In FY 2018, as with the AES, OCR and DAP worked with OHC and other stakeholders to revise the Exit survey to add new questions pertaining to the experiences of Bureau employees with disabilities, as envisioned by EEOC's new affirmative action regulations and MD-715 Part G. These new questions were shared with the EEOC and other federal-sector agencies to help promote awareness and compliance with the new regulations and EEOC guidance. (A detailed update about the Bureau's actions in this area is provided in Section 10, Part H-3 below.)

In the past, CFPB also has taken periodic surveys of new employees (a best practice from EEOC's perspective). While these surveys were not administered during FY 2018 due to budget constraints, the surveys have provided an innovative approach to help with ongoing barrier analysis. The surveys had been given to employees every quarter during the first year of their employment (four times in the first year), and asked questions about the employees' satisfaction with various areas of employment, including the recruitment experience, the application and hiring process, new employee orientation and training, supervision, and engagement. The surveys were then analyzed by data experts who briefed internal stakeholders (e.g., OCR, OMWI, and OHC) on a quarterly basis on the results. These results were then analyzed to assess the experiences of different demographic groups of employees. At the end of the year, these results were presented in the aggregate, and used to inform ongoing barrier analysis investigations (e.g., to help determine whether any new triggers or barriers exist⁵⁷), and overall affirmative employment efforts. The Bureau will seek to reinstate these surveys of new employees in the future as budget and resources permit.

Bureau leadership monitors EEO concerns and seeks to embed EEO and affirmative

⁵⁷ The EEOC defines a "trigger" to mean merely a data point "which alerts the agency to the possible existence of a barrier to equal opportunity." See Frequently Asked Questions About Management Directive 715, at Question 7 (emphasis added), *available at* https://www.eeoc.gov/federal/directives/qanda_md715.cfm. A "barrier" is a specific agency policy, procedure, or practice that limits employment opportunities for members of a particular EEO group. The presence of a "trigger" does not necessarily suggest that a barrier to equal employment opportunity exists, much less that any possible barrier is unlawful.

employment principles into Agency culture in other ways. For instance, during FY 2018, the Bureau's Director and Acting Director emailed all staff on important EEO-related occasions (including Martin Luther King, Jr. Day, Asian American Pacific Islander Heritage Month, National Disability Employment Awareness Month, and Conflict Resolution Day). In addition in FY 2018, the Acting CFPB Director personally participated, often in a key role, in the Bureau's live special observance celebrations. The former Director and/or members of the Bureau's Senior Leadership Team spoke at or attended all of the Bureau's major diversity events this past fiscal year. A list of those events is included in Table 8 below.

TABLE 8: FY 2018 SPECIAL OBSERVANCE/D&I EVENTS

| Event | Month |
|---|----------------|
| Women's History Month, featuring Hon. Linda McMahon (Administrator, Small Business Administration) | March 2018 |
| Asian Pacific American Heritage Month, featuring Kenneth Lin (CEO, Credit Karma) | May 2018 |
| World Day for Cultural Diversity Celebration | May 2018 |
| LGBTQ+ Pride Month featuring Hon. Kyrsten Sinema (then-U.S. Representative , Arizona 9th Congressional District, currently U.S. Senator from Arizona) | June 2018 |
| Hispanic Heritage Month, featuring Hon. Henry Cuellar (U.S. Representative, Texas 28th Congressional District) | September 2018 |
| Hispanic Heritage Month, featuring Anthony Tijerino (President and CEO, Hispanic Heritage Foundation) | October 2018 |
| Hispanic Heritage Month, featuring Pablo Molina (Chief Information Security Officer, Drexel University) | October 2018 |
| Veterans Day Celebration | November 2018 |

Further, on occasion, the Bureau's Director or Acting Director emailed all Bureau staff to highlight other important D&I or EEO topics. For instance, in early FY 2018, the Bureau's then-Director emailed all staff stating:

In light of recent news events raising awareness of sexual harassment in and out of the workplace, we want to remind everyone of our [Anti-Harassment Policy](#), which strictly forbids harassment. Any employee who finds himself or herself to be subject to harassment of any kind is encouraged to reach out to the Offices of Human Capital and/or Civil Rights to provide assistance in dealing with these issues. For more information, please visit the Wiki to refresh your memory on the Bureau's [Procedures Related to Harassment and Inappropriate Conduct](#).

The Bureau's Director also emailed all staff to issue the annual EEO Policy Statement and No FEAR Act/Whistleblower Protection Notice (as described above), and to inform staff about the Bureau's adoption of its first-ever Affirmative Action Plan for people with disabilities and targeted disabilities – including CFPB's adoption of the EEOC's 12%/2% participation goals.⁵⁸

The EEOC's regulations require each Agency to provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in equal employment opportunity.⁵⁹ In FY 2018, OCR proposed the creation of a new EEO Superior Achievement Award, and organized efforts to encourage Bureau leaders and employees to provide certificates of recognition for outstanding EEO-related contributions. (The Bureau's efforts in this area are outlined in greater detail in Section 10, Part H-1 below.)

5.4.2 Essential Element B: Integration of EEO into agency's strategic mission

Management Directive 715 recognizes that equality of opportunity is essential to attracting, developing, and retaining the most qualified workforce to support an agency's achievement of its strategic mission. To this end, agencies must (in addition to the regulatory requirements found at 29 C.F.R. § 1614.102(b)(4) as interpreted in the EEOC's Management Directive 110⁶⁰):

- Maintain a reporting structure that provides the Agency's EEO Director with regular

⁵⁸ See 29 C.F.R. §1614.203(d)(7).

⁵⁹ See 29 C.F.R. § 1614.102(a)(9).

⁶⁰ See MD-110, available at <https://www.eeoc.gov/federal/directives/md110.cfm>.

access to the Agency head and other senior management officials for reporting on the effectiveness, efficiency, and legal compliance of the Agency's Title VII and Rehabilitation Act programs. To emphasize the importance of the position, the Agency head should be involved in the selection and performance review of the EEO Director.

- Ensure EEO professionals are involved with, and consulted on, the management and deployment of human resources. The EEO Director should be a regular participant in senior staff meetings and regularly consulted on human resources issues.
- Allocate sufficient resources to create and/or maintain Title VII and Rehabilitation Act programs that (1) identify and eliminate barriers that impair the ability of individuals to compete in the workplace because of race, national origin, sex, or disability; (2) establish and maintain training and education programs designed to provide maximum opportunity for all employees to advance; and (3) ensure that unlawful discrimination in the workplace is promptly corrected and addressed.
- Attract, develop, and retain EEO staff with the strategic competencies necessary to accomplish the Agency's EEO mission, and interface with Agency officials, managers and employees.
- Recruit, hire, develop, and retain supervisors and managers who have effective managerial, communications, and interpersonal skills. Provide managers and supervisors with appropriate training and other resources to understand and successfully discharge their duties and responsibilities.
- Involve managers and employees in the implementation of the Agency's Title VII and Rehabilitation Act programs.
- Use various media to distribute EEO information concerning federal EEO laws, regulations and requirements, rights, duties, and responsibilities and to promote best workplace practices.⁶¹

As the instructions to the MD-715 similarly explain:

To ensure that federal agencies achieve their goal of being a model workplace, all

⁶¹ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.B.

managers and employees must view EEO as an integral part of the agency's strategic mission. The success of an agency's EEO program ultimately depends on decisions made by individual managers. The EEO office serves as a resource to these managers by providing direction, guidance, and monitoring of key activities to achieve a diverse workplace free of barriers to equal opportunity. Further, the agency's EEO program should be organized and structured to maintain a workplace that is free from discrimination in any of its management policies, practices, or procedures and supports the agency's mission, as reflected in the strategic plan.⁶²

Compliance Indicator B.1. – The reporting structure for the EEO program provides the principal EEO official with appropriate authority and resources to effectively carry out a successful EEO program.

During FY 2018, CFPB's reporting structure allowed the OCR Director to have direct and regular access to CFPB's Director and other senior level management officials. As described in Section 5.3 above, OCR is located in the CFPB Director's front office and the OCR Director reports directly to the CFPB Director on substantive EEO matters. (The OCR Director also reports to the OEOF Director on matters impacting the EEO program. However The OEOF Director is firewalled from involvement in EEO complaint processing, and also from involvement in making or approving any disability-related reasonable accommodation decisions.) The OCR Director has day-to-day control over all aspects of the Bureau's EEO office functions; the major duties and responsibilities of the OCR Director are clearly defined and include developing, implementing, and managing comprehensive, broad-scope CFPB EEO policies, programs, and services. The Agency's organizational chart clearly defines this reporting structure for OCR.⁶³ This structure allows OCR to coordinate the Agency's overall EEO program activities efficiently and effectively and with the autonomy and authority needed to carry out a successful EEO Program, while also leveraging synergies between the work of OCR, OMWI, DAP and other internal Bureau EEO stakeholders (such as OHC).

⁶² See MD-715 Instructions, at Section I.II., Element B.

⁶³ See Figure 3 above; see also <https://www.consumerfinance.gov/about-us/the-bureau/bureau-structure>.

In FY 2018, the OCR Director had regular access and effective means for advising the CFPB Director and other senior management officials for reporting on the effectiveness, efficiency, and legal compliance of the Bureau's EEO program. In addition to generally overseeing the daily activities of the Agency's EEO office, the OCR Director serves as the principal technical advisor to the CFPB Director and to the Bureau's leadership on EEO and civil rights issues and policies. Throughout FY 2018, the OCR Director met regularly with CFPB's former Director and Acting Director and the CFPB Chief of Staff, and also communicated regularly with Senior Leadership, including the OMWI Director, Chief Human Capital Officer (CHCO), and CFPB Associate Directors and other office leads to provide updates on the EEO program.

For example, on May 9, 2018, following submission to the EEOC of the Bureau's FY 2017 EEO Program Status (MD-715) Report, the OCR Director briefed the Bureau's Senior Leadership on the "State of the Agency EEO Program." This briefing covered all components of the Bureau's EEO Program Status Report, including a discussion of the Six Essential Elements of a Model EEO Program and an update on barrier analysis efforts. In this briefing, the OCR Director also reviewed highlights from the Agency's FY 2017 No FEAR Act report.

During FY 2018, the OCR Director also attended certain Senior-level staff meetings concerning workforce issues. The OCR Director proactively raises EEO issues with CFPB leadership, remains readily accessible to consult with Bureau Executives, managers, supervisors, and employees whenever the need may arise, and regularly encourages all Bureau personnel to contact the OCR Director with concerns and questions or for technical assistance. This accessibility is conveyed through the OCR Director's ongoing interactions with Bureau leaders and staff, at regular "All Hands" employee meetings, and with affirmative messaging on the OCR wiki and via other media/distribution channels (as outlined in Table 7 above). In addition, the OCR Director has assigned OCR staff members to work with OMWI, DAP, and OHC as part of a strategic planning working group (discussed in Section 5.4.1) that consults regularly with Division leaders to help them implement EEO and related action items.

Compliance Indicator B.2. – The EEO director controls all aspects of the EEO program.

Under a delegation of authority as implemented by the OCR Director, the OCR Director is responsible for coordinating all aspects of the Agency's EEO program. Citing 29 C.F.R. Part 1614 as authority, the operative delegation conveys the "authority to act with full authority of the [CFPB] Director on all matters related to administration of the Bureau's Equal Employment

Opportunity (EEO) programs and civil rights compliance programs”⁶⁴

The OCR Director thus has ample authority to conduct all aspects of the Agency’s EEO program required by 29 C.F.R. Part 1614, MD-715, and MD-110,⁶⁵ including the responsibilities assigned to EEO Directors of Executive agencies outlined in the EEOC’s regulations at 29 C.F.R. § 1614.102(c).⁶⁶

Compliance Indicator B.3. – The EEO director and other EEO professional staff are involved in, and consulted on, management/personnel actions.

In general, the OCR Director and staff participate in major Agency meetings and initiatives regarding workforce changes that might implicate EEO issues or negatively impact any

⁶⁴ See Bureau Order 02-2012 (Jan. 9, 2012); Chief Operating Officer Directive 2013-01 (Feb. 28, 2013). As discussed in greater detail below, as of early FY 2019, the Bureau also was in the process of hiring a new EEO Director. The vacancy announcement for this position reaffirms that the Agency’s EEO Director will “[p]rovide direction and leadership over the Bureau’s Equal Employment Opportunity Program assuring that policies and services fully comply with the letter and intent of law, regulations, executive orders and EEOC management directive.” See Vacancy Announcement No. 19-CFPB-46-X, available at <https://www.usajobs.gov/GetJob/ViewDetails/520433700>. A permanent OCR Director was hired effective April 28, 2019.

⁶⁵ See 29 C.F.R. § 1614.102(e) (“Agency programs shall comply with this part and the Management Directives and Bulletins that the Commission issues.”).

⁶⁶ Those are: (1) Advising the head of the Agency with respect to the preparation of national and regional equal employment opportunity plans, procedures, regulations, reports, and other matters pertaining to the Agency’s EEO policy and the Agency program; (2) Evaluating from time to time the sufficiency of the total Agency program for equal employment opportunity and reporting to the head of the Agency with recommendations as to any improvement or correction needed, including remedial or disciplinary action with respect to managerial, supervisory or other employees who have failed in their responsibilities; (3) When authorized by the head of the Agency, making changes in programs and procedures designed to eliminate discriminatory practices and to improve the Agency’s program for equal employment opportunity; (4) Providing for counseling of aggrieved individuals and for the receipt and processing of individual and class complaints of discrimination; and (5) Assuring that individual complaints are fairly and thoroughly investigated and that final action is taken in a timely manner in accordance with 29 C.F.R. Part 1614. See 29 C.F.R. §§ 1614.102(c)(1)-(5).

protected EEO group, including strategic planning, recruitment strategies, vacancy projections, succession planning, and selections for training/career development opportunities. OCR has taken a leading role in driving organizational change in these areas, and continues to look for opportunities to ensure that OCR becomes a regular participant in these discussions.

As noted in Section 5.3, to integrate EEO operationally into the Bureau's strategic mission, the OCR Director proactively collaborates with OMWI, DAP, and OHC, as well as other stakeholders across CFPB (e.g., NTEU, the Office of Strategy, etc.). The CHCO and OCR Director meet to discuss whether personnel programs, policies, and procedures conform with EEOC regulations, Management Directives, and other guidance. OHC also confers with OMWI, DAP, and OCR on affirmative employment and D&I strategy and approach, recruitment goals and reports, training curriculum and objectives, and operational improvements before making final decisions.

For instance, in FY 2018:

- OCR helped lead the Bureau's efforts to implement the D&I and EEO components of the Agency's Strategic Plan for FY 2018-2022 and the Bureau's specific D&I Strategic Plan for FY 2016-2020. OCR participated in a working group, along with OMWI and OHC, that consulted regularly with CFPB Divisions and Offices to provide pertinent affirmative employment/D&I and EEO data, devise Division-level goals, develop implementation plans for those goals (including action items and measures), and monitor progress and compliance as part of a holistic Bureau-wide affirmative employment "Lifecycle" approach.
- Consistent with MD-715 and oversight requirements and recommendations, OCR created and continued to lead an affirmative employment "Barrier Analysis Working Group" (BAWG) with staff from OCR, OMWI, DAP, and OHC with expertise in MD-715, EEO requirements, demographic and data analytics, ADR, and industrial organizational psychology. The BAWG was tasked with reviewing the Bureau's workforce demographics, comparing the data to appropriate benchmarks, identifying triggers in this and other data (e.g., AES data, EEO complaint trends, anecdotal reports, etc.), briefing Bureau-wide stakeholders on barrier analysis concepts and plans, overseeing necessary investigations to identify barriers to EEO for specific segments of the Bureau's workforce, and formulating solutions to eliminate and address effects of any barriers uncovered. This group also helped the Agency assess CFPB's overall EEO program for compliance with the Six Essential Elements of a Model EEO Program, brief internal

partners about MD-715 and barrier analysis concepts, and coordinate requests for documents and other information needed to prepare the annual MD-715 report. (The BAWG's activities are discussed in greater detail in Section 5.4.4 and Part I-1 below.)

- Until the establishment of the Agency's Disability and Accessibility Program (DAP), OCR helped lead a working group of various internal champions for disability-related issues. This forum allows persons to raise issues, share information, and brainstorm strategies to create positive change at CFPB. The purpose of the group is to set priorities for safeguarding and promoting the rights of applicants, employees, contractors, and consumers with disabilities in all Bureau activities. Currently overseen by the Agency's new Disability Program Manager, the group is exploring better ways to recruit and retain workers with disabilities, enhance appropriate reasonable accommodations provided to workers and consumers who contact the Bureau with financial complaints, educate managers and supervisors on disability topics (including Schedule A(u)), and enhance data collection efforts, among other priorities. The group consists of thought leaders from major CFPB offices and teams, including DAP, OCR, OMWI, OHC, the CFPB Ombudsman's Office,⁶⁷ the Bureau's Office of Consumer Response, the Legal Division, and others. Members include experts on the employment provisions of the Americans with Disabilities Act and Section 501 of the Rehabilitation Act, on Sections 504 and 508 of the Rehabilitation Act, and on recruitment, retention, and compensation policy issues.
- OCR continued to collaborate with OHC to enhance supervisory and employee training offered by OHC to ensure that EEO compliance and affirmative employment concepts are addressed in New Employee Orientation, Supervisory Development and Leadership Excellence Seminars, Structured Interview training, and annual performance management training, as well as mandatory compliance trainings on the No FEAR Act and harassment prevention. OEOF staff served as trainers in most OHC agency-wide trainings.
- Despite an Agency-wide hiring freeze in effect through most of FY 2018, OMWI, DAP, and OHC worked to maintain relationships with professional organizations that represent Veterans, Disabled Veterans, Hispanics/Latinos, and other minority

⁶⁷ The CFPB Ombudsman's Office is an independent, impartial, and confidential resource and, as such, is an ex officio member of this group.

constituencies. This includes attending career fairs and professional association meetings to meet and provide information on CFPB and on Bureau employment opportunities, including posting any relevant vacancies on bulletin boards geared to these groups of professionals.

- OCR partnered with OHC to revise major employee survey instruments, including the OPM-required Annual Employee Survey (AES), New Employee survey, and Exit surveys to ask new disability-related questions and to generally examine employee perceptions of the Bureau across demographic groups, and to use the Inclusion Quotient index, included in the AES, to inform Bureau-wide employee engagement efforts.
- As part of the FY 2019 budget-setting process, the OCR Director had the opportunity to review and provide feedback on possible EEO implications of proposed budgetary decisions impacting major Divisions and offices Bureau-wide.

CFPB's Strategic Plan for FY 2018-2022 and its D&I Strategic Plan for FY 2016-2020 commit the Bureau to securing and maintaining an exceptional diverse workforce. (*See* Section 5.4.1 above.) Both plans reference EEO principles, committing the Bureau to full and timely compliance with all Federal laws, regulations, Executive orders, management directives, and policies related to promoting diversity and inclusion in the Federal workforce – including by requiring managers to ensure compliance with all anti-discrimination laws, regulations, policies, and guidance, and with accountability through performance plans.⁶⁸ The Bureau cannot achieve these objectives without OCR involvement in major management/personnel actions.

As of the end of FY 2018, the OCR Director had not yet officially been made a regular participant in all Senior-level meetings on personnel, budget, technology, and other workforce issues. In FY 2018 and early FY 2019, OEOF and OCR worked with the CFPB Director (and previous Acting Director), the Agency Chief of Staff, the Director of Strategy, the heads of the Bureau's OPS Division (which includes the Bureau's Technology and Innovation team), and the CHCO to

⁶⁸ *See* CFPB D&I Strategic Plan, at 15. As noted above, the Bureau-wide Strategic Plan for FY 2018-2022 similarly expresses an explicit commitment to EEO compliance and diversity and inclusion programs.

better integrate OCR into all strategic personnel-related decisions since many, if not most, will implicate EEO considerations. Relatedly, as required by the MD-715 instructions and Part G checklist, the OCR Director sought to assist OHC and the Bureau's Senior Leadership team in regularly considering whether any group of employees or applicants might be negatively impacted before making Human Capital resource decisions, such as reorganizations and realignments.⁶⁹ In FY 2018, OCR also requested OEOF and Bureau leadership to further integrate OCR into all Bureau-wide, cross-cutting personnel-related initiatives and meetings, such as discussions on workforce realignments or operational restructuring (if any).

Notably, Director Kraninger established a new Workforce Effectiveness Committee (WEC) in February 2019 to support the Bureau's efforts to improve diversity and inclusion, employee engagement, and overall workforce effectiveness. The WEC is a senior advisory and coordinating governance body that works across all Divisions and offices to ensure that new and existing workforce initiatives and risks are managed and identified in support of the Bureau's mission and strategic goals. The WEC is chaired by the Chief Operating Officer and is comprised of Deputy Associate Directors from each Division, the Chief Human Capital Officer, and the Chief Strategy Officer. The OCR Director and OMWI Director also will serve as standing members of the WEC, giving them regular input into Agency personnel-related and resource-allocation decisions at the highest levels. (*See also* the Bureau's related plan for compliance provided in Section 10, Part H-2 below.)

Compliance Indicator B.4. – The agency has sufficient budget and staffing to support the success of its EEO program.

During FY 2018, CFPB allocated funding and qualified staffing to successfully implement the EEO program. In FY 2018 (as in previous years), OCR had a standalone budget, separate from the budgets of other Bureau offices. Despite a Bureau-wide hiring freeze in effect throughout most of FY 2018, OEOF obtained approval to hire and onboard a new Disability Program Manager to lead the new OEOF Disability and Accessibility Program (DAP), and a new Attorney-Adviser to help OCR process formal EEO complaints and provide other legal support. Both individuals transferred from other positions at CFPB into their new OEOF roles during FY 2018. As of early FY 2019, OCR had secured approval to hire an additional OCR staff attorney to

⁶⁹ *See also* Section 5.4.4 below.

help oversee formal EEO complaints and develop and conduct EEO-related training. Further, in FY 2019 the Bureau has hired and onboarded a new Reasonable Accommodation Program Manager as part of the DAP.

OCR itself is a small team of diverse professionals with significant expertise in civil rights laws, the EEO federal-sector process, conducting investigations, administrative adjudication, Executive branch human capital principles and requirements, dispute prevention and resolution techniques, and demographic analysis. The duties and responsibilities of EEO officials are clearly defined in position descriptions, annual performance plans, in OCR's *Operations Manual and Complaint Processing Guide*, and in related standard operating procedures OCR has developed. The staff includes:

- The OCR Director (a CFPB Assistant Director who, during FY 2018, was a civil rights attorney with extensive labor and employment compliance expertise from multiple sectors; this individual transferred to a larger federal FIRREA agency and EEO office in early FY 2019⁷⁰);
- An EEO Complaints Program Manager (a former EEOC Administrative Judge and attorney with the EEOC's Office of Federal Operations (OFO)-Appellate Review Division, with supervisory responsibility for all aspects of the CFPB EEO informal and formal complaints process and other special projects related to policy and training);
- A Bureau-wide Alternative Dispute Prevention/Resolution Program Manager (a former attorney with the EEOC's Office of General Counsel, the Employment Litigation Section in the Civil Rights Division of the U.S. Department of Justice, and the Office of Compliance in Congress who manages all aspects of ADR for workplace-related disputes at the Bureau);
- A senior Equal Opportunity Specialist (a former Chief Human Capital Officer at several

⁷⁰ As of publication of this report, the Bureau was in the process of permanently filling the role of OCR Director.

Federal agencies who, among other items, handles EEO inquiries and the EEO informal complaint or counseling process⁷¹);

- An Attorney-Adviser/Senior EEO Adviser (a former EEOC appellate attorney and Special Assistant to various EEOC Commissioners, an EEOC Chair and Acting Chair, and the EEOC's General Counsel, who prepares and conducts training, drafts mandatory reports, provides legal and policy advice on a range of EEO issues in all of OCR's lines of business, and leads OCR's trigger identification, barrier analysis, and affirmative employment work);
- An Attorney-Adviser (EEO) (the new Attorney-Adviser mentioned above, who helps oversee formal EEO complaint investigations and provides general legal support); and
- A Paralegal Specialist (who also serves as OCR's records officer and contracting officer for various procurements).
- A Civil Rights Analyst (who provide budget, training, and administrative support).

OCR also works extensively with a Data Analyst employed in OHC who supports OCR, DAP, and OMWI by analyzing workforce demographics and gathering data for MD-715 (and other) reports, among other duties. OCR shares administrative and budget support staff with OEOF.

In addition, resources (through non-OCR staff in OMWI and OHC, contractors, and detailees) are available to assist OCR in identifying and working to eliminate identified barriers to employment for all protected groups. As noted above, in FY 2018 OCR continued to lead a working group to gather and analyze relevant data (e.g., workforce statistics, complaints data, surveys, focus groups, exit interviews, anecdotal accounts), identify triggers and barriers, devise action plans, and then follow-up to determine the success of the action plans.

OCR also has resources available through staff and external contract counselors and

⁷¹ Consistent with EEOC guidance, this employee does not work on formal complaint processing for OCR. See MD-110, Chapter 2, at Section I.D. ("The EEO Counselor's role is to provide an environment for open dialogue leading to an informal resolution prior to the filing of a complaint. The role is compromised if the EEO Counselor also serves as an investigator of the complaint, as the role of the investigator is that of a neutral fact finder who collects and discovers factual information concerning the claim(s) in the complaint under investigation and prepares an investigative summary.").

investigators to ensure that allegations of unlawful discrimination in the workplace are processed properly under 29 C.F.R. Part 1614. In FY 2018, all counselors and investigators satisfied the 32 hours of training and/or eight hours of refresher training required by MD-110.

Similarly, in FY 2018 OCR staff received extensive training to maintain and enhance competencies necessary for carrying out the Bureau's EEO functions. The OCR Director has authorized various types of training (including webinars and presentations on significant EEOC cases) and procured helpful resources (such as current-awareness periodicals, treatises, and advanced research tools) to equip EEO staff with the knowledge and skills essential for a successful EEO program. For instance, OCR staff members typically attend either the annual Examining Conflicts in Employment Law (EXCEL) or the Federal Dispute Resolution (FDR) conference. Table 9 below provides examples of other OCR staff trainings attended in FY 2018.

TABLE 9: RECENT EEO STAFF TRAINING

| OCR Staff Training |
|---|
| Micropact Executive Dashboard Training (November 6, 2017) |
| Significant Federal Sector Updates: Recent Cases and Developments from the EEOC, FLRA and MSPB (November 9, 2017) |
| COR Refresher Course (March 6-8, 2018) |
| EEOC Federal Case Updates (April 25, 2018) |
| When Contractors File EEO Complaints: Q&A for Federal Agencies (April 26, 2018) |
| Current State of Sex Discrimination in the Federal Government; Gender Identity and LGBT Status (May 10, 2018) |
| Counselor Refresher Course (May 24, 2018) |
| Rehab Act & Psychiatric Disabilities Webinar (May 30, 2018) |
| Respectful Workplace Training (May 31, 2018) |
| Investigator Refresher (June 15, 2018) |

Micro Triggers Workshop (July 12, 2018)

FAA EEO Programs, Complaint Process, and D&I Info Exchange Forum (July 18, 2018)

What You Should Know About Workplace Harassment Webinar (August 1, 2018)

Hatch Act (August 8, 2018)

EEO Case Law and Administrative Process Guidance (January 9, 2019)

In coordinating the Bureau's overall EEO activities, the OCR Director also leverages the efforts of staff in other Bureau Offices with primary responsibility for aspects of the EEO program not controlled by OCR. OCR coordinates with the Bureau's Office of Strategy to request that EEO and affirmative employment principles are included in Agency-wide strategic planning discussions. OCR collaborates with OMWI on all major workforce D&I issues, including the Bureau's affirmative employment efforts led by OCR (e.g., barrier analyses). OCR works closely with DAP to implement the Agency's Affirmative Action Plan for people with disabilities and targeted disabilities. OCR consults with the Legal Division to ensure compliance with OCR and EEOC decisions and orders. OCR coordinates with the Legal Division and OHC's Talent Management team to encourage sufficient workforce training on whistleblower protections and prohibited personnel practices under federal civil service laws, and on other topics such as reasonable accommodation and harassment.

OCR also works with the OHC Employee Relations and Labor Relations (ERLR) team, which oversees the Bureau's anti-harassment policy and program. OCR consults with ERLR as appropriate on harassment issues and makes referrals to ERLR under the Bureau's anti-harassment procedures. OCR also works with ERLR on EEO-connected CBA and negotiated grievance matters. The ERLR team is staffed with a team to manage the Bureau's anti-harassment program. This staff works closely with Legal Division staff to ensure adherence to relevant EEOC guidance and requirements. ERLR specialists regularly provide advice and guidance to managers and employees, including, but not limited to, retaliation, harassment, religious accommodations, and ADR, and provide relevant contact information to individuals regarding the EEO complaint process and disability accommodations. The ERLR team is properly staffed for a normal workload; however, a spike in harassment allegations may lead to a delay in processing investigations and the need for prioritizing those allegations that pose the most risk to the Bureau.

Relatedly, OCR coordinates with the OHC Work-Life team, which during FY 2018 was responsible for CFPB's disability Reasonable Accommodation and Personal Assistance Services (PAS) program, as well as other programs touching on EEO principles (e.g., religious compensatory time, telework, short- and long term disability, workers' compensation, and the Family and Medical Leave Act requirements). In FY 2019, the Bureau transferred most responsibilities for reasonable accommodations and PAS to the DAP in OEOF, under the supervision of the Agency's new DPM.⁷² Both the DPM and OCR Director now report to the OEOF Director. However, to avoid the appearance of any conflict of interest, the OEOF Director takes no part in any decisions pertaining to the providing of reasonable accommodations or the processing or adjudication of EEO complaints raising allegations of violations of the Rehabilitation Act.

Working together, as appropriate, staff from these (and sometimes other) Bureau Offices and teams collectively enabled CFPB during FY 2018 to successfully:

- Conduct the annual MD-715 agency self-assessment to identify possible EEO program deficiencies;
- Conduct a barrier analysis of the Bureau's workforce;
- Timely, thoroughly, and fairly process EEO complaints, including EEO counseling, investigations, final agency decisions, and legal-sufficiency reviews;⁷³
- Provide all supervisors and employees with training on the EEO program (including on retaliation, harassment, religious accommodations, disability accommodations, the EEO complaint process, and ADR);
- Conduct thorough, accurate, and effective field audits of EEO programs in Bureau

⁷² CFPB officials designed the structure for the Agency's new DAP after consultation with EEOC personnel regarding best practices in designing disability programs.

⁷³ See also Section 5.4.5 below for more details on the EEO complaints program activities.

components and field offices (if and where necessary);

- Publish and distribute EEO materials (e.g., Director messages, EEO and anti-harassment policies, EEO posters, reasonable accommodation procedures, etc.);
- Maintain accurate data collection and tracking systems for, e.g., EEO and harassment complaints, workforce demographics, and applicant flow;⁷⁴
- Effectively administer required special emphasis programs (such as the Federal Women's Program, Hispanic Employment Program, and People with Disabilities program);
- Effectively manage the Bureau's anti-harassment and reasonable accommodation/PAS programs; and
- Ensure timely and complete compliance with EEOC orders.

Compliance Indicator B.5. – The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills.

CFPB devotes considerable attention to recruiting, hiring, developing, and retaining supervisors and managers with the managerial, communication, and interpersonal skills needed to supervise effectively in a workplace with diverse employees.

The Bureau's five-year and D&I strategic plans emphasize this imperative. As noted above, Objective 3.2 of the Agency-wide Strategic Plan for FY 2018-2022 commits the Bureau to "maintain a talented, diverse, inclusive and engaged workforce." The Strategic Plan outlines numerous strategies the Bureau will use to obtain this objective, including:

- Establish and maintain human capital policies and programs to help the agency

⁷⁴ As discussed in Section 5.4.6 below, CFPB uses Micropact's iComplaints to track and manage the EEO complaint program. OHC's ERLR team uses Entellitrak to track and manage the Bureau's anti-harassment program. OHC's Data and Systems Operations team uses HR Connect/Workforce Analytics and USAJobs/Monster Analytics to track and analyze workforce demographics and applicant flow data, respectively.

effectively and efficiently manage a talented, diverse, and inclusive workforce;

- Offer learning and development opportunities that foster a climate of professional growth and continuous improvement;
- Develop human capital processes, tools, and technologies that continue to support the maturation of the Bureau and the effectiveness of human resource operations;
- Build a positive work environment that engages employees and enables them to continue doing their best work; and
- Maintain comprehensive equal employment opportunity (EEO) compliance and diversity and inclusion programs, including those focused on minority and women inclusion.⁷⁵

Similarly, CFPB's current D&I Strategic Plan requires the Agency to develop strategies and processes to promote a workplace culture of diversity and inclusion, and to equip leaders with the ability to manage diversity, create a culture of inclusion, articulate expectations for accountability, measure results, and adjust and refine approaches on the basis of collected data.⁷⁶ This plan outlines the Bureau's commitment to ensuring that all Executives, senior officials, managers, supervisors, and employees are held accountable for the proper execution of the D&I plan and related efforts.⁷⁷ In FY 2018, as in previous years, CFPB achieved this objective by:

- Ensuring that accountability for hiring, retaining, and developing a diverse, high-performing workforce is included in the performance management systems for managers and supervisors;

⁷⁵ See CFPB Strategic Plan for FY 2018-2022, at 65.

⁷⁶ CFPB D&I Strategic Plan, at 14.

⁷⁷ *Id.* at 15.

- Ensuring that D&I are included as core development competencies in CFPB leadership training programs for supervisors and managers;
- Advancing managerial and employee understanding of the inherent value of D&I practices by developing, delivering, and evaluating attendance at, and feedback on, D&I and EEO training;
- Conducting an intensive EEO course for supervisors and managers to ensure visibility and awareness of all relevant laws and responsibilities; and
- Conducting annual Senior-level management briefings to discuss disaggregated findings of Annual Employee Survey (AES) results, including on D&I workplace issues.⁷⁸

To develop and retain managers and supervisors, the Bureau provides appropriate and critical training. This helps ensure CFPB managers and supervisors have, and feel properly equipped with, the skills and competencies needed to fulfill their responsibilities and duties under the Bureau's EEO program, as well as the ability to properly supervise a diverse staff of employees. The Agency provides all managers and supervisors with initial, comprehensive training to understand their responsibilities under civil rights laws, and how those responsibilities figure into the success of the Bureau's EEO program and overall mission.

For instance, since 2015 the Bureau has required all supervisors and managers to attend an OMWI-led two-day workshop (delivered by Ivy Planning Group) entitled, "Leading Diversity and Inclusion at the Bureau." This workshop focuses on providing managers the awareness, knowledge, and skills needed to give due consideration to differences in culture, backgrounds, and experiences of staff and managers in managerial/supervisory processes, decisions, and actions. The training content includes the business case for managing diversity; the subtle behaviors that signal unconscious bias; the manager's role in creating an inclusive workplace; equitable and bias-free approaches for managing diverse teams; giving effective feedback to diverse teams; managing disagreements across cultural differences; and action planning. Evaluations of the training have indicated that participants have a very high level of satisfaction with the content and with the workshop facilitators.

As noted in Section 5.4.1 above, in FY 2018 the Bureau continued to provide other training for

⁷⁸ D&I Strategic Plan, at 11, 14-15, 17.

managers and supervisors to ensure EEO and D&I competencies, including a mandatory two-day EEO training delivered by EEOC personnel through the EEOC Training Institute; a mandatory three-day Supervisory Development Seminar (SDS); eight days of mandatory Leadership Excellence Seminars (LES); training on the purpose and methods for Structured Interviews (including various types of biases that could infect the interview process) for all “lead interviewers”; training on identifying possible biases in the performance-management process; and annual mandatory No FEAR Act and harassment prevention training (required of all Bureau employees). In FY 2018, OCR offered Bureau managers the option to take EEOC’s new “Leading for Respect” workshop. In FY 2018 and continuing into FY 2019, OCR also conducted workplace harassment prevention sessions for Bureau leaders and staff in the Agency’s various Regions. OCR also has offered and delivered “Crucial Conversations” training to managers in various Divisions to enhance communication skills and defuse workplace conflicts. Taken together, this comprehensive training approach ensures managers and supervisors receive periodic training on the EEO process and principles, D&I, reasonable accommodation procedures, the Bureau’s anti-harassment policies and procedures, CFPB’s ADR program, and effective leadership and communication skills.⁷⁹

As also noted in Section 5.4.1 above, OCR created and distributes an *EEO Resource Manual for Managers and Supervisors* containing EEO policies and providing practical guidance on EEO compliance. OCR circulates this manual to new supervisors during the first pay period in which they are onboarded or promoted. OHC also sends each new manager a *CFPB New Manager Onboarding Information* guide also containing critical EEO and D&I information. Further, OHC maintains a CFPB Leadership Development Portal – a management-only online hub containing these and additional resources, facilitating easy virtual access to this information at any time. The Legal Division and OHC, as well as OMWI and DAP, also consult with managers and supervisors on an as-needed basis about personnel-related issues, including EEO matters, and provide advice and counsel on relevant policies, practices, and procedures.

Moreover, the FY 2018 performance standards for all Executives, managers, and supervisors at the Bureau included specific EEO and D&I competencies. The Bureau uses a Leader Competency Model to define behaviors, skills, and knowledge that CFPB leaders need to be

⁷⁹ In FY 2019, OCR is exploring feasibility of mandatory periodic refresher EEO training for Executives, managers, and supervisors, as well as EEO training for all Bureau employees. OCR also is working with the Legal Division to implement new statutory requirements for additional mandatory training on whistleblower rights and the statutory prohibitions on related retaliation.

successful. This model shapes how the Bureau hires, develops, and assesses leaders. The Leader Performance Standards fall into three categories: First Line Supervisor, Manager of Managers, and Senior Leader. Each group has Leader Performance Standards that must be met and upon which individuals will be rated – including standards directly related to EEO and affirmative employment. For instance:

- Senior Leaders⁸⁰ must “Work[] Through People” by “Managing and Inspiring High Performance.” This includes managing staff “in a fair, consistent, and equitable manner.” They also must “Manage[] Resources” in part by “[n]egotiat[ing] or advocate[ing] for resource requests from others and mak[ing] resource decisions based on strategic needs (e.g., diversity and inclusion initiatives, stakeholder priorities).” Senior Leaders must “Model[] Inclusive Communications and Relationships” and “Build[] Team and Organizational Capacity” in part by “identif[ing] and advocate[ing] on-going approaches to developing group capacity by including and leveraging diversity of thought.” And Senior Leaders also must “Leverage[] Expertise” through “Management Accountability” – by “[c]ompl[ying] with, and ensur[ing] staff complies with, laws, regulations, federal directives, merit system principles, and negotiated agreements” and by “[s]upport[ing] diversity and inclusion programs and cooperat[ing] with EEO investigations.”
- Managers of Managers⁸¹ must “Work[] Through People” by “Managing and Inspiring High Performance.” This includes managing staff “in a fair, consistent, and equitable manner.” They also must “Manag[e] Resources” in part by “[f]orecast[ing] the short- and long-term human capital needs of the office, Division, and/or Bureau, considering skill mix, expertise, diversity, work requirements, and other similar factors.” Managers of Managers must “Model[] Inclusive Communications and Relationships” in part by “model[ing] and reinforc[ing] respect in all interactions with others[,]” “[a]ddress[ing] disrespectful behaviors[,]” and “[s]upport[ing] and hold[ing] first line supervisors accountable for creating a work environment characterized by collaboration,

⁸⁰ Senior Leaders are identified by pay band (81, 82, 90) (Executives: Associate Directors, Deputy Associate Directors, Assistant Directors, Deputy Assistant Directors) and/or direct report structure. The Bureau’s Director, who is at an “02” pay band, is also counted as an Executive.

⁸¹ Manager of Managers are identified by pay band (60, 71) and/or direct report structure.

inclusiveness, and respect for differences.” They must “Build[] Team and Organizational Capacity” by “[m]onitor[ing] skill levels and tak[ing] steps to ensure necessary skill sets are acquired (e.g., recruiting individuals with required skills, training staff)” and by “[d]evelop[ing] team, office, or program capabilities by ensuring inclusive processes and diversity of thought are incorporated into approaches and systems.” And Managers of Managers also must “Leverage[] Expertise” through “Management Accountability” – by “[c]ompl[y]ing with, and ensur[ing] staff complies with, laws, regulations, federal directives, merit system principles, and negotiated agreements” and by “[s]upport[ing] diversity and inclusion programs and cooperat[ing] with EEO investigations.”

- First Line Supervisors⁸² must “Work [] Through People” by “Managing and Inspiring High Performance.” This includes managing staff “in a fair, consistent, and equitable manner” and “[m]anag[ing] cross-cultural and inclusion related conflicts, tensions and misunderstandings amongst staff.” They must “Model[] Inclusive Communications and Relationships” in part by “ensur[ing] opportunities are allocated in an equitable manner” and by “by seeking, supporting, and leveraging diverse abilities, beliefs, and characteristics.” And First Line Supervisors must “Leverag[e] Expertise” through “Management Accountability” by “[c]ompl[y]ing with and manag[ing] internal control systems (e.g., policies and procedures, organizational rules, diversity and inclusion standards, communication channels)[,]” “[c]ompl[y]ing with, and ensur[ing] staff complies with, laws, regulations, federal directives, merit system principles, and negotiated agreements[,],” and “[s]upport[ing] diversity and inclusion programs and cooperat[ing] with EEO investigations.”

Bureau annual performance plans and reports set out clear targets for leadership and management training, and reflect progress made on recruiting and developing Executives, supervisors, and managers with requisite skills in EEO and D&I. For instance, the Agency’s FY 2018 annual performance plan and report emphasizes that “[t]o accomplish its mission, the Bureau needs to maintain a sustainable, high performing, diverse, inclusive, and engaged

⁸² First Line Supervisors are identified by pay band (60, 71) and/or direct report structure.

workforce.”⁸³ One of the Agency’s related performance goals is to “[m]aintain high-performing diverse employees with the right skills and abilities.”⁸⁴ The “Bureau assesses progress and performance on this goal by measuring management training outcomes, and employee perceptions of the technical competence of the workforce and diversity and inclusion.”⁸⁵

Likewise, CFPB’s FY 2019 annual performance plan and report again emphasizes these objectives, strategies, and metrics.⁸⁶ This report pledges to “[s]upport the development of high-quality learning solutions including core competency training, various management trainings, EEO and diversity and inclusion training, and leadership and coaching and organization development services.” The FY 2019 report also commits the Agency to “[f]oster a positive, diverse, inclusive workplace by providing advice to senior leaders on innovative diversity and inclusion practices for employees . . . as well as equal employment best practices supporting the Bureau’s mission.”⁸⁷

According to the FY 2019 report:

One of the measures that the Bureau uses to assess progress is the extent to which managers are able to apply the skills they have learned from management training to their day-to-day management responsibilities. Combining feedback from several training assessment surveys, this metric provides information that is used to evaluate and improve management training opportunities. This metric, along with other data sources, is used to determine the effectiveness of current management training, assess the resources needed to promote and facilitate training, and identify the type of management training needed in the future.

In FY 2018, the Bureau exceeded its target on this metric. As the report notes, in FY 2018, the Bureau offered several leadership and management development courses that contributed to the success on this metric, including:

⁸³ FY 2018 Performance Plan and Report, at 61.

⁸⁴ *Id.* at 65 (Performance Goal 3.2.1).

⁸⁵ *Id.*

⁸⁶ FY 2019 Performance Plan and Report, at 78.

⁸⁷ *Id.* at 83.

- Supervisor Development Seminars that covers workplace topics required for all senior leaders and managers by the Office of Personnel Management
- Leadership Excellence Seminars that covers best management practices to help senior leaders and managers engage and motivate individuals and teams
- Leadership resiliency training for senior leaders and managers
- Executive coaching for senior leaders and some mid-level managers
- Diversity and Inclusion training sessions for employees, managers, and senior leaders.

Moving forward, the Bureau will continue to deliver management training solutions to meet Federal mandates and Bureau requirements. The Bureau will continue to offer proven and successful leadership training programs that leverage leading management practices while building new programs to meet the evolving needs of the Bureau.⁸⁸

Compliance Indicator B.6. – The agency involves managers in the implementation of its EEO program.

As these performance plans and reports make clear, CFPB’s EEO program could not succeed without support for EEO and affirmative employment from the Agency’s managers and supervisors. OCR, OMWI, DAP, and OHC engage Executives, managers, and supervisors in all Divisions, Offices, and teams in the EEO Program and related efforts. As described in Section 5.4.1 above, throughout FY 2018 Bureau leadership demonstrated meaningful commitment to EEO principles and to affirmative employment. And CFPB leaders at all levels were intimately involved in all aspects of the Bureau’s EEO program as appropriate, including strategic EEO planning, Special Emphasis Programs and initiatives, and barrier analysis investigations and follow-up (including any necessary remedial plans). (Managers also are required to cooperate as necessary and appropriate with EEO-related counselings, investigations, and ADR efforts.)

For example, again in FY 2018, OCR, OMWI, and OHC engaged Executives and managers to advance EEO and affirmative employment initiatives by consulting with each Division’s leadership, providing Division-specific EEO and related data, soliciting Division personnel to

⁸⁸ *Id.* at 84-85.

participate in strategic planning discussions, brainstorming appropriate goals and related implementation plans for each Division's annual strategic plan, and helping each Division prepare for any EEO-related discussions with CFPB's Director and other Senior Leadership.

CFPB also engaged Bureau managers and supervisors through the OMWI-led Diversity and Inclusion Council of Employees (DICE). DICE is a group of roughly 20 employees from various demographics, pay band levels, positions, and geographic locations across the Bureau. The goal of DICE is to support CFPB's efforts in "maintaining a diverse, inclusive, and engaged environment." DICE periodically engages with Senior Leaders and the Agency's Director on various diversity and inclusion related topics. DICE focuses on supporting recruitment and retention efforts of underrepresented groups; engaging employees to generate ideas on how to address critical inclusion challenges; facilitating opportunities for employees to participate in meaningful professional development activities such as through Heritage Month/Special Observance celebrations and other means; increasing awareness of workplace flexibility options; increasing awareness of mentorship opportunities for employees that lead to talent advancement; and other workforce priorities that support the Bureau's D&I Strategic Plan. Notably, in FY 2018, OCR leadership met with DICE leadership to brainstorm effective ways to share D&I and EEO best practices and enhance overall workplace culture.

CFPB also encouraged managers and supervisors to engage with EEO, affirmative employment, and general D&I-related issues through the Bureau's Employee Resource Groups (ERGs). As of the end of FY 2018, the Bureau had five chartered ERGs under the Bureau's official ERG policy – Pride (for LGBTQ+ employees and allies), Adelante! (for Hispanic/Latino(a) employees and allies), RISE (for African American and Black employees and allies); ASPIRE (for Asian American and Pacific Islander employees and allies); and SPARK (focused on addressing issues that are of importance to women at the Bureau). These groups serve as advocates for equality, diversity, and inclusion. ERGs also provide a means for employees to be active in supporting programs aligned with the Bureau's mission, such as the EEO Program. Each ERG has an Executive sponsor, and all ERGs have fostered employee engagement throughout CFPB by hosting various "Lunch and Learn" activities, targeted messaging, and/or generally strengthening inclusion and understanding of cultural differences.

Further, in FY 2018, OCR, in collaboration with OHC, OMWI, DAP, External Affairs, and CFPB's Culture Team, has been successful in getting employees and managers involved in Heritage Months/Special Observances and other diversity-related events. A list of events held in FY 2018 is included in Table 8 above.

In addition, as noted at Table 7 above, OCR, OMWI, DAP and OHC engaged Bureau managers and supervisors in FY 2018 through regular communications. OEOF and/or OHC drafted and published almost a dozen short messages in the *Manager Minute* – the CFPB’s digital bi-weekly publication for managers. These *Manager Minute* articles provide quick EEO and/or D&I tips and reminders, with links managers can access for additional information. (OCR rotates topics included in the *Manager Minute* from year to year depending on developments and current issues/needs; all prior *Manager Minute* editions from previous fiscal years are readily accessible by CFPB supervisors and managers in an intranet repository.) In FY 2018, all *Manager Minute* editions included a standing link to the OCR wiki page, under the title of “Equal Employment Opportunity.” Table 10 below provides a list of select topics covered in FY 2018 in the *Manager Minute*.

TABLE 10: FY 2018 *MANAGER MINUTE* PUBLICATION MESSAGES ON EEO AND D&I

| “MANGER MINUTE” TOPIC |
|--|
| Encouraging subordinate employees to complete annual Mandatory Compliance Training (including No FEAR Act and Harassment Prevention training) |
| Summarizing a Harvard Business Review article exploring the business case for diversity |
| Providing tips on preventing workplace retaliation (including link to EEOC resources) |
| Asking managers to circulate Director’s Annual EEO and Anti-Harassment Policy Statement and No FEAR Act/Whistleblower Protection Notice to staff |
| Requiring managers to plan to attend mandatory reasonable-accommodations training |
| Explaining supervisors’ role in the “interactive process” for disability accommodations |
| Advertising EEOC “Leading for Respect” workshop |
| Helping managers to identify requests for reasonable accommodations |

“MANGER MINUTE” TOPIC

Sharing tips for inclusion for individuals with “invisible disabilities”

Throughout FY 2018, the OEOF Director, the OMWI Deputy Director, and the OCR Director (as well as members of OCR staff) regularly met with top-level Executives, individual managers, and first-line supervisors to provide guidance and technical assistance on various EEO and D&I topics. The OCR Director also met with Division leaders and provided Division and Office-specific briefings to raise EEO awareness and engage with managers and supervisors on these issues. OEOF staff also traveled to “All Hands” regional conferences to hold office hours, make presentations, and be available for any manager, supervisor, or employee who had questions about EEO-related topics.

Further, in FY 2018 and continuing into FY 2019, OCR staff engaged and briefed Senior agency leaders (including the Agency’s Director, CHCO, and senior staff) on ongoing barrier analysis efforts and action plans.

5.4.3 Essential Element C: Management and program accountability

Management Directive 715 explains that a model Title VII and Rehabilitation Act program will hold managers, supervisors, EEO officials, and personnel officers accountable for the effective implementation and management of the Agency’s program. Per MD-715, in ensuring such accountability, the Bureau must:

- Conduct regular internal audits, on at least an annual basis, to assess the effectiveness and efficiency of the Title VII and Rehabilitation Act programs and to ascertain whether the Agency has made a good faith effort to identify and remove barriers to equality of opportunity in the workplace.
- Establish procedures to prevent all forms of discrimination, including harassment, retaliation, and failure to provide reasonable accommodation to qualified individuals with disabilities.
- Evaluate managers and supervisors on efforts to ensure equality of opportunity for all

employees.

- Maintain clearly defined, well-communicated, consistently applied, and fairly implemented personnel policies, selection and promotion procedures, evaluation procedures, rules of conduct, and training systems.
- Implement effective reasonable accommodation procedures that comply with applicable executive orders, EEOC guidance, the Architectural and Transportation Barriers Compliance Board's Uniform Federal Accessibility Standards and Electronic and Information Technology Accessibility Standards (and ensure that EEOC has reviewed those procedures when initially developed and if procedures are later significantly modified).
- Be mindful of the Agency's disability program obligations, including the provision of reasonable accommodations, when negotiating collective bargaining agreements with recognized labor organization(s) representing Agency employees.
- Ensure effective coordination between the Agency's EEO programs and related human resource programs, including the Federal Equal Opportunity Recruitment Program (FEORP), the Selective Placement Programs, and the Disabled Veterans Affirmative Action Program (DVAAP).
- Review each finding of discrimination to determine the appropriateness of taking disciplinary action against Agency officials involved in the matter. Track these decisions and report trends, issues, and problems to Agency leadership for appropriate action.
- Ensure compliance with settlement agreements and orders issued by the Agency, EEOC, and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority.⁸⁹

According to the MD-715 instructions, this element "requires the agency head to hold all

⁸⁹ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.C.

managers, supervisors, and EEO Officials responsible for effective implementation of the [A]gency's EEO Program and Plan.”⁹⁰

Compliance Indicator C.1. – The agency conducts regular internal audits of its component and field offices.

CFPB is not organized in “field components” but does have various “Regions,” out of which assigned Bureau employees perform mission-related work for the SEFL Division.⁹¹ Regional Directors in charge of these Regions report to officials at the Bureau's headquarters in Washington, D.C. Few Bureau employees have duty stations at regional offices; most CFPB employees in the field are Examiners (one of CFPB's Mission Critical Occupations) who travel extensively around the country and whose duty station is their home. Thus, for EEO Program purposes, these Regions and regional offices need not be and are not audited separately.

However, in FY 2018 as part of OCR's strategic planning efforts, OCR staff did meet with Regional Directors about specific EEO and affirmative employment needs. These consultations continue in FY 2019 as part of the Agency's “Lifecycle” approach to EEO Program evaluation. Relatedly, the Bureau's OCR-led Barrier Analysis Working Group (BAWG) involves Division, office, and teams throughout the Agency in barrier analysis investigations and follow-up.

Compliance Indicator C.2. – The agency has established procedures to prevent all forms of EEO discrimination.

As explained in Section 5.4.1 and Table 5 above, CFPB has promulgated various policies and procedures to advance the Bureau's EEO program. These and other personnel-related policies and procedures 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/programs within the Bureau, and creates an environment and expectation of consistency in personnel decision-making Agency-wide. In addition to the policies listed in Table 5, management officials

⁹⁰ See MD-715 Instructions, at Section I.III. (Element C).

⁹¹ See Section 4 and Figure 2 above.

are held accountable for complying with the following the policies and procedures listed in Table 11 below.

TABLE 11: CFPB POLICIES GOVERNING MAJOR PERSONNEL ISSUES AND PROGRAMS

| Policies Governing Major Personnel Issues and Programs |
|---|
| Procedures Related to Harassment and Inappropriate Conduct |
| 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 |
| Administrative Grievance Policy |

The CFPB-NTEU collective bargaining agreement, which became effective December 9, 2017, has 47 articles, including an article addressing Equal Employment Opportunity, which affirms the parties' commitment to the principles of EEO and workplace fairness. The CBA also includes articles on Performance Management, Probationary/Trial Period Employees, Unacceptable Performance, Adverse Actions, Disciplinary Actions, and Grievance and Arbitration Procedures.

As noted in Section 5.4.1 and at Table 5, the Bureau has in place *Procedures Related to Harassment and Inappropriate Conduct*, which set forth the Bureau's anti-harassment policy and program pursuant to the *Faragher-Ellerth* line of Supreme Court cases⁹² and the EEOC's *Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors*.⁹³ CFPB's procedures meet all the criteria established in this EEOC enforcement

⁹² See *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998); *Burlington Indus., Inc. v. Ellerth*, 524 U.S. 742 (1998).

⁹³ This guidance is available at <https://www.eeoc.gov/policy/docs/harassment.html>.

guidance. The Bureau's anti-harassment policy provides:

- A clear explanation of prohibited conduct;
- Assurance that employees who make complaints of harassment or provide information related to such complaints will be protected against retaliation;
- A clearly described complaint process that provides accessible avenues of complaint;
- Assurance that the Bureau will protect the confidentiality of harassment complaints to the extent possible;
- A complaint process that provides a prompt, thorough, and impartial investigation; and
- Assurance that CFPB will take immediate and appropriate corrective action when it determines that harassment has occurred.⁹⁴

The Bureau's policy was modeled after the EEOC recommendations for anti-harassment procedures. The Bureau's procedures provide a clear explanation of prohibited conduct, specifying that even inappropriate conduct that is not of sufficient severity to constitute unlawful harassment as a matter of law is considered misconduct under the Bureau's policy.

The Bureau's procedures define discriminatory harassment, stating that harassment of a non-sexual nature occurs when an employee engages in unwelcome verbal or physical conduct toward another employee based on that employee's protected trait(s). The procedures further explain that prohibited harassment may take many forms, providing examples such as jokes or stereotypes based on the characteristics of a protected group; offensive or degrading remarks based on protected characteristics; threats based on protected characteristics; and displaying images, such as cartoons, pictures, and images on the internet that are offensive on the basis of protected characteristics. The procedures explain that harassing behavior occurs when an employee denigrates or shows hostility towards another employee that is so severe or pervasive that it creates a hostile, intimidating or abusive work environment or unreasonably interferes with that employee's work performance, or where an employment decision affecting the

⁹⁴ *Id.* at Section V.C.1.; see also EEOC Guidance, *Model EEO Programs Must Have an Effective Anti-Harassment Program*, available at https://www.eeoc.gov/federal/model_eeo_programs.cfm.

employee is based on whether the employee accepts or rejects the harassing conduct.

The Bureau's procedures also clearly define sexual harassment, providing that sexual harassment occurs when an employee directs unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature at another employee; when submission to the conduct is made an explicit or implicit condition of that employee's continued employment; when an employment decision affecting that employee's advancement or opportunities is based on whether the employee accepts or rejects the harassing conduct; or where the conduct is so severe or pervasive that it has the effect of substantially interfering with that employee's work performance or creating an intimidating, hostile or offensive work environment.

The procedures also explicitly prohibit retaliation. They state that the Bureau "forbids retaliation against any employee who reports harassment or who cooperates with an investigation of a harassment complaint." Under the policy/procedures, any such retaliatory action will result in disciplinary action as appropriate.

Further, the Bureau's procedures assure that CFPB will take harassment complaints seriously and will protect the confidentiality of the individual making the complaint to the fullest extent possible. The procedures provide that upon receiving a complaint of harassment, CFPB will initiate a prompt, thorough, and impartial investigation.

In addition, the procedures provide a clear description of the Anti-Harassment Program's complaint process. First, procedures explain that employees may, but are not required, to make their objections known to the offending party. If the employee does not wish to discuss the matter with the offending party, or the harassment continues, the employee should report the matter to a higher-level manager or the lead of Employee Relations and Labor Relations (ERLR) within OHC. (The name for this individual is provided directly in the procedures.) The procedures also explain that employees have a duty to report harassment, and supervisors who receive reports of harassment are also required to immediately report such behavior to OHC. The procedures then provide that OHC will initiate a prompt, thorough, and impartial investigation into the matter.

Finally, the anti-harassment procedures state that CFPB will take appropriate corrective action as needed based on the results of the investigation.

As noted, CFPB requires all employees to complete an online harassment prevention training

annually. OCR, with OHC's help, tracks completion rates and follows up with non-compliant employees and/or their supervisors as necessary to ensure compliance with this mandatory requirement.

On paper and in practice, the Agency has established a firewall between the anti-harassment program/coordinator and the EEO Director/OCR staff. Under these procedures, OHC's ERLR team – not OCR – oversees the Agency's anti-harassment program. The anti-harassment procedures provide the name, title, email, and phone number of the point of contact for reporting harassment allegations (i.e., the "Anti-Harassment Coordinator"). That individual is in OHC – an office within the Operations Division (OPS), which is separate from the OCR. This structure maintains OCR's independence from the decision-making process on harassment complaints lodged under the Bureau's policy, thus eliminating the potential for any conflict of interest that could arise if the complainant were to also file an EEO complaint involving the same or similar acts of alleged harassment. This structure also allows CFPB management to prevent harassing conduct before it escalates, to hold employees accountable in real-time, and to intervene promptly to prevent possible retaliation.

At the same time, OCR refers all allegations of harassment received as part of the informal or formal EEO complaint process to OHC, as required by the EEOC. OCR and OHC also consult frequently about the anti-harassment program generally, including to discuss continuous enhancements to the program. For instance, OCR advised OHC to update its anti-harassment policy to reflect that periodic training is required for all managers and supervisors, and to increase examples of disability-based harassment included in applicable Bureau-wide training materials (consistent with the EEOC's new Section 501 affirmative action regulations). In FY 2018 and continuing into FY 2019, OHC, the Bureau's Legal Division, and OCR began discussions regarding updates to the Bureau's anti-harassment policy.

OHC reports that it continues to work to reduce the average number of days to complete anti-harassment inquiries in line with EEOC guidance and case law. In FY 2018, OHC received 46 complaints raising harassment allegations. In 44 of these cases, OHC initiated a related management inquiry the same day or the next business day. In 2 of the 46 total cases, OHC initiated an investigation within 6 calendar days. The length of time to complete the inquiries varies widely depending on the number of allegations made, the complexity of the allegations, the number of witnesses interviewed, and whether or not an outside investigator was procured to conduct the investigation. In FY 2018, the shortest processing time to completion was the same day the allegation was received; the longest was 318 days. The average length of time to

complete an anti-harassment inquiry conducted under the Bureau's anti-harassment policy and procedures was approximately 41 days.

The Bureau also has in place a *Reasonable Accommodation Policy* – approved by the EEOC – to ensure that applicants and employees know about 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. Accompanying *Standard Operating Procedures Related to Reasonable Accommodation Requests* (SOPs) lay out the interactive process used when an employee requests a reasonable accommodation for a disability.

As noted above, in FY 2017 and early FY 2018, the Bureau reviewed and revised its policy and SOPs to comply with the EEOC's new Section 501 affirmative action regulations, including to incorporate rights and responsibilities pertaining to providing Personal Assistance Services (PAS). In a letter dated February 9, 2018, the EEOC informed CFPB that its revised policy, SOPs, and forms had been approved in their entirety (without the need for any additional revisions), and comply with applicable EEOC regulations and guidance. CFPB is now finalizing these documents internally to conform to recent programmatic and personnel changes – including the hiring of a new Disability Program Manager (DPM) to lead the new DAP in OEOF and hiring of a new Reasonable Accommodation Program Manager. The Bureau will disseminate and train appropriate staff on the revised policy and procedures (and forms), and post them on www.consumerfinance.gov, as required under the new affirmative action regulations.

As with the Agency's anti-harassment program, there is a firewall between OCR and the Bureau's disability reasonable accommodation/PAS program. In FY 2018, OHC's Work-Life program implemented CFPB's reasonable accommodation/PAS policy and related SOPs. OHC officials (in consultation with Bureau supervisors, as appropriate) made all decisions on reasonable accommodation requests. In FY 2019, the Bureau transferred the reasonable accommodation/PAS responsibilities to the (newly created) DAP in OEOF, under the

supervision of the Agency's new DPM.⁹⁵ Now, both the DPM and OCR Director report to the OEOF Director. Critically, however, to avoid the appearance of any conflict of interest, the OEOF Director takes no part in any decisions pertaining to the providing of reasonable accommodations/PAS or the processing or adjudication of EEO complaints raising allegations of violations of the Rehabilitation Act (or any other EEO complaint).

Under current Bureau policy, the Bureau has designated two specific individuals to carry out the main responsibilities of the Bureau's reasonable accommodation/PAS program – a Reasonable Accommodation Coordinator (RAC) and a Reasonable Accommodation Deciding Official (DO). The Reasonable Accommodation/PAS program also receives legal support from the Legal Division's Office of General Law and Ethics to ensure it is complying with all legal obligations; support from the Bureau's Section 508 Program Manager on technology issues; technical assistance from OCR staff as needed (and consistent with OCR's neutrality obligations under Part 1614 and MD-110); support from the Department of Treasury's Bureau of the Fiscal Service (BFS) for applicants seeking reasonable accommodations;⁹⁶ and contractor medical professional advice when needed. Accommodations are also centrally funded and have been since CFPB opened.

CFPB's current reasonable accommodation SOPs generally require accommodations to be provided in no more than 30 days, absent extenuating circumstances (which are strictly defined in the SOPs). Where extenuating circumstances exist the Bureau will investigate whether there are temporary measures that can be taken to assist the requestor and provide temporary measures where feasible. During FY 2018, OHC's Reasonable Accommodation program processed 100 reasonable accommodation cases, within an average processing time of 17 days (measured beginning the date the relevant request was received until the time a decision on the accommodation was communicated). Of the 100 cases, the Bureau had 86 cases in which the accommodation request was granted (including 12 cases in which the requestor was provided

⁹⁵ CFPB officials designed the structure for the Agency's new DAP after consultation with EEOC personnel regarding best practices in designing disability programs.

⁹⁶ Instructions and contact information to help applicants seeking disability reasonable accommodations are listed on the front of all job postings and at the end of each vacancy announcement. Protocols between BFS (the Bureau's shared service provider that processes job postings) and DAP team ensure that applicant requests are processed promptly and appropriately.

alternate accommodations); 12 cases where the request was withdrawn (no decision); and 2 cases where the request for accommodation was denied for failure to provide additional documentation to support the request. As of early FY 2019, of the requests made in FY 2018, zero requests are still “open.” In total, in providing accommodations requested in FY 2018, the Bureau spent approximately \$18,783.34, averaging \$218.41 per case across all accommodations granted, and averaging \$751.33 per case for each request that required an expenditure.

As noted in Section 5.4.1, CFPB provides a wide range of information and resources through both training and communications to managers and employees about disability-related employment topics, including providing reasonable accommodations and about the Bureau’s Reasonable Accommodation/PAS policy and SOPs, specifically. From the first day employees begin working at the Bureau, they are informed about their rights and obligations with respect to disability-related reasonable accommodations. As part of CFPB’s New Employee Orientation (NEO) and onboarding sessions, OCR provides a briefing to all newly onboarded employees about EEO at the Bureau. At these sessions, employees are specifically told about their right to disability-related reasonable accommodations and PAS, and about the Bureau’s policy and SOPs on reasonable accommodations. OCR staff gives employees the name and contact information for the RAC. Employees also receive a binder of EEO materials (the *Guide to the Office of Civil Rights* or equivalent information) that describes the reasonable accommodation process. New employees also are told that all of this information is readily available on the Bureau’s intranet.

All CFPB managers and supervisors are also required to attend the various training sessions (described in Section 5.4.1 above), which provide information about the reasonable accommodation/PAS process and legal obligations. This mandatory training includes a two-day EEO training led by the EEOC Training Institute. Relatedly, OCR’s intranet page has detailed information, including plain-language FAQs, about disability-related reasonable accommodations. OCR also provides supervisors and managers with an *EEO Resource Manual* containing information about compliance obligations, including information about complying with disability-related requirements, and a copy of the Bureau’s reasonable accommodation policy and SOPs. Further, Reasonable Accommodation program personnel attend “All Hands” meetings held in the Bureau’s regions and hold “office hours” enabling interested employees or supervisors to raise questions or learn about the program. Finally, information about disability issues and the reasonable accommodation/PAS process is disseminated to managers via the *Manager Minute* and OCR’s “EEO Tip of the Week” feature, as well as through other communications channels listed in Table 7 above.

In FY 2018, the Bureau’s Legal Division provided mandatory reasonable-accommodations training for all agency leaders. All supervisors, managers, and executives were required to attend the training to understand the Rehabilitation Act and their role in the reasonable accommodation process and learn how to respond appropriately when an individual requests a reasonable accommodation. This live training occurred at numerous sessions during February through April 2018. (OCR staff had an opportunity to provide input on the content of the training, and also attended certain training sessions as well.) As of the end of the reporting period, a total of 263 Bureau supervisors, managers, and executives (87 percent) completed this mandatory training on reasonable accommodations practices and procedures.

Disability program staff also attended and received targeted training in FY 2018 (as outlined in Part J of this report.)

Compliance Indicator C.3. – The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity.

The successful performance of all CFPB managers and supervisors includes their efforts to achieve a workplace free from discrimination, including their efforts to identify and rectify barriers to EEO and to participate meaningfully in the Agency’s overall EEO program. As described in detail in Section 5.4.2. above, rating officials evaluate CFPB managers and supervisors on their efforts to ensure equal opportunity for all employees and applicants for employment. Relevant measures are included in managers’ and supervisors’ performance plans.

The Bureau’s FY 2018 Leader Performance Standards for all Executives, managers, and supervisors included specific EEO and D&I competencies. Executives and managers must “Leverag[e] Expertise” through “Management Accountability” by “[c]ompl[ying] with, and ensur[ing] staff complies with, laws, regulations, federal directives, merit system principles, and negotiated agreements” and by “[s]upport[ing] diversity and inclusion programs and cooperat[ing] with EEO investigations.” Similarly, First Line Supervisors must “Leverag[e] Expertise” through “Management Accountability” by “[c]ompl[ying] with and manag[ing] internal control systems (e.g., policies and procedures, organizational rules, diversity and inclusion standards, communication channels),” “[c]ompl[ying] with, and ensur[ing] staff complies with, laws, regulations, federal directives, merit system principles, and negotiated agreements[,]” and “[s]upport[ing] diversity and inclusion programs and cooperat[ing] with EEO investigations.”

The specific language in Leader Performance Standards does not explicitly list all of the leaders' myriad day-to-day EEO responsibilities. Nonetheless, the language included is intended to require – and require rating officials to assess all leaders on – all aspects of EEO compliance, such as:

- Resolving EEO problems/disagreements/conflicts, including by participating in ADR proceedings;⁹⁷
- Ensuring full cooperation of employees under the manager's or supervisor's supervision with EEO officials, such as counselors and investigators;⁹⁸
- Ensuring a workplace that is free from all forms of discrimination, including harassment and retaliation;
- Ensuring that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees;⁹⁹
- Providing religious accommodations when such accommodations do not cause an undue hardship;
- Providing disability accommodations when such accommodations do not cause an undue hardship;
- Supporting the EEO program in identifying and removing barriers to equal opportunity;
- Supporting the anti-harassment program in investigating and correcting harassing conduct; and
- Complying with settlements agreements and orders issued by the Agency (e.g., through

⁹⁷ See also the discussion at Section 5.4.5 regarding CFPB's ADR program.

⁹⁸ This is explicit in the Leader Performance Standards. Further, in FY 2018, the Bureau's then-Acting Director instructed all Agency employees to cooperate fully and promptly with any and all investigations OCR or OHC may conduct into allegations of discrimination, harassment, and retaliation. See Section 13 below.

⁹⁹ See also the discussion in Section 5.4.2.

OCR final actions, including final decisions on EEO complaints), EEOC (e.g., by Administrative Judges or by OFO on administrative appeals), and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority.

The Bureau's Associate Directors – top-level Division heads – are held directly accountable for fostering EEO compliance and D&I within their Divisions. In FY 2018, the former Acting Bureau Director met monthly with the OCR Director to stay apprised of important EEO program developments, complaints, and trends, including EEOC-required affirmative employment efforts. During these meetings (and in other channels), the OCR Director provided recommendations to the Bureau Director regarding improvements or corrections, including remedial or disciplinary actions, for managers and supervisors who have failed in their EEO responsibilities.

Similarly, the former Bureau Director met regularly with the OEOF Director to help set strategy for D&I-focused and EEO programs and initiatives. The OEOF Director also met regularly with Senior Bureau leadership (including political leadership) to update them on EEO concerns and trends. These regular briefings raised awareness at the highest leadership levels and incentivized Associate Directors to in turn hold their management teams accountable for successful implementation of EEO principles and goals.

Further, when OCR finds discrimination (or if there is a settlement in which a finding was likely), OCR recommends the maximum appropriate discipline for responsible management officials. (OCR issued one finding of discrimination in FY 2018.) However, OCR cannot and does not control the extent to which these recommendations are followed. Where appropriate and permissible (given the general need to keep EEO information confidential), the Agency also shares findings – and/or resulting policy or practice changes – with other Bureau staff. Agency personnel may learn about findings through posted notices, appropriate discussions in trainings, or references in webinars, brochures, emails, or other types of written communication. In sharing such information, the Bureau seeks to share crucial lessons learned and to avoid additional similar violations in the future. In all instances, CFPB takes care to keep identities of victims and wrongdoers confidential to the extent permitted by law.

Compliance Indicator C.4. – The agency ensures effective coordination between its EEO programs and Human Resources program.

The Bureau's various Divisions, offices, and teams collaborate in implementing the Agency's EEO program and related activities. As noted throughout this Report, OCR, OMWI, DAP, and OHC work together regularly on a range of EEO, D&I, and personnel-related matters. Each Agency component provides its unique subject matter expertise, data and information, and personnel to achieve shared Bureau objectives.

The OCR Director and the CHCO meet frequently on numerous Bureau-wide issues. This partnership facilitates overall collaborative efforts between the two offices and their respective staffs. For example, in FY 2018:

- OEOF worked with OHC to focus on retention of the Bureau's talented and diverse workforce. (OHC continued to post internal advancement opportunities, such as details, temporary promotions, and reassignments on the Bureau's internal website and made sure to list those opportunities on the Bureau's daily internal announcement feed to reach employees across the country.);¹⁰⁰
- OCR, OMWI, DAP, and OHC served together on several working groups to identify barriers to equal opportunity in the workplace (e.g., conduct barrier analyses); assist with strategic planning (as part of CFPB's "Lifecycle" approach); spearhead implementation of the EEOC's Section 501 affirmative action regulations; jointly draft the Bureau's first Affirmative Action plan for people with disabilities; and prepare various annual reports (e.g., MD-715, No FEAR Act, FEORP, DVAAP);
- OEOF, the Legal Division, and OHC – in consultation with EEOC experts – worked together to design and implement the Bureau's new Disability and Accessibility Program in OEOF (led by the newly hired Disability Program Manager);
- OCR partnered with OHC to revise major employee survey instruments, including the

¹⁰⁰ On November 27, 2017, the Bureau instituted a hiring freeze on all positions. As a result of the freeze and significant budget cuts that resulted in changing priorities, OHC's recruitment program was impacted, which resulted in the Bureau reducing all recruitment efforts, including diversity outreach. OHC began to focus on digital media recruitment strategies to continue to sustain the Bureau's employment branding during the freeze. OHC anticipates that investing in digital media recruitment will enable the Bureau to quickly attract diverse talent as the Bureau engages in external hiring.

OPM-required Annual Employee Survey (AES), New Employee survey, and Exit surveys to ask new disability-related questions and to generally examine employee perceptions of the Bureau across demographic groups. Relatedly, OHC routinely provides detailed survey-related data (e.g., responses by demographic group) to facilitate OEOF D&I and EEO efforts;

- OCR and the OHC Talent Management team worked together to revise and enhance various management and employee training modules (e.g., New Employee Orientation, Supervisory Development Seminars, and Structured Interviewing, among others). (In FY 2019, OCR is working with OHC and the Legal Division to meet new statutory training requirements for supervisors and managers on whistleblower protections);
- OCR staff collaborated with OHC Talent Acquisition and Staffing team and the Legal Division to create a standard set of instructions for use by Bureau staff in correctly processing SF-181 and SF-256 forms completed by new (or current) employees. OCR supplied OHC with talking points and answers to FAQs new employees might have about how the Bureau can and might use this data.
- OCR and OHC's ERLR team coordinated regularly on negotiated grievances and related EEO complaints (e.g., to ensure the same matter is not dual-processed inappropriately under applicable legal authorities);
- OCR worked with OHC's Work-Life team to revise documentation provided by OHC to individuals who request extended leave or telework to ensure that individuals fully understand different options available in requesting such assistance – including the option to have such requests processed as reasonable-accommodation requests;
- OHC provided OCR with demographic workforce data, applicant flow data, and information on fiscal year recruitment/selections/promotions/compensation rates/awards/training and development programs needed to complete the annual MD-715 Report (e.g., workforce data tables, Executive Summary, Part J), and similar annual reports; and
- OCR prepared and delivered briefings on MD-715 and barrier analysis to OHC and other internal stakeholders to raise awareness of the cross-cutting nature of this work, highlight intersections and areas for collaboration in report-writing and data gathering, and increase buy-in from partners across the Bureau to the emerging "Lifecycle" approach to strategic planning.

During FY 2018, OHC, OCR, and OMWI continued efforts to allocate personnel resources, as necessary, to support the Agency's overall EEO program. OCR works with a Data Analyst who is situated and reports to a supervisor in OHC but who supports the data requirements of both OCR and OMWI (and now DAP). This Data Analyst has, and shares, expertise on the Agency's human capital management systems (e.g., HR Connect/Workforce Analytics, USAJobs/Monster Analytics), and provides OCR and OMWI (and now DAP) with OHC data and operational insights on a regular basis. This resource has served as a human "bridge" between OCR, OMWI, and OHC filling gaps in knowledge and enhancing understanding across office and team boundaries.

In FY 2019, OEOF is working to continue to integrate OCR into all Bureau-wide, cross-cutting personnel-related initiatives and meetings, such as discussions on workforce realignments or operational restructuring (if any). This will include discussions on establishing or revising timetables to review at regular intervals the Agency's merit promotion program, employee recognition awards program, employee career development/training programs, succession planning, and management/personnel policies, procedures, and practices for systemic barriers that may be impeding full participation in the program by all EEO groups.¹⁰¹ This integration will be enhanced by OEOF participation on the newly formed WEC (of which the CHCO and OEOF Director are standing members.) (*See also* the Bureau's related plan for compliance provided in Section 10, Part H-2 below.)

Compliance Indicator C.5. – Following a finding of discrimination, the agency explores whether it should take a disciplinary action.

CFPB has committed to rooting out and rectifying discriminatory acts (including harassment or retaliation). The CFPB-NTEU CBA and longstanding Bureau policies reflect this commitment.

The CBA includes a "Disciplinary Action" Article providing that disciplinary action will be taken "for such cause as will promote the efficiency of the federal service." The Article also states that:

In effecting disciplinary actions, the [Bureau] endorses the use of like penalties for like offenses and progressive discipline. The [CFPB] will consider the existence of any mitigating and/or aggravating circumstances, the nature of the

¹⁰¹ Under CFPB's "Policy on Policies" the Bureau is required to review all policies on a regular basis.

position occupied by the employee at issue, and any other factors bearing upon the incident(s) or act(s) underlying the action. The degree of discipline administered will be proportionate to the offense and will be determined on a case-by-case basis.

The CBA also includes an “Adverse Action” Article for matters potentially appealable to the Merit Systems Protection Board (e.g., suspensions of more than 14 days, reductions in pay, removals, etc.). This Article again expresses support for progressive discipline, but also states that the Bureau “will evaluate each situation warranting adverse action individually and, in instances involving serious offenses, progressive discipline may not be appropriate.” While the Article does not contain a Table of Penalties, the Article incorporates penalty mitigation/aggravation factors from *Douglas v. Veterans Administration*, 5 M.S.P.R. 280 (1981).

Similarly, as noted in Table 11, CFPB has a detailed policy for taking disciplinary action against CFPB employees – including for conduct that is inconsistent with Federal anti-discrimination laws and whistleblower protection laws (or for conduct that constitutes another prohibited personnel practice revealed in connection with agency investigations of alleged violations of laws). The Bureau’s *Disciplinary and Adverse Action Policy* outlines CFPB’s commitment to:

- Foster positive and effective supervisor-employee relations through frequent, constructive communication, including a clear statement of organizational and office work rules and expectations;
- Equitably employ discipline, and, whenever appropriate, utilize progressive discipline to discourage employee misconduct;
- Identify problems early and constructively counsel employees to effect a positive change in behavior;
- Ensure that the corrective action is commensurate with the seriousness of the misconduct and that similar offenses under like circumstances are treated uniformly; and
- Take or not take actions without regard to race, color, religion, national origin, disability, protected genetic information, marital status, age, sex (including pregnancy, gender identity, and gender nonconformity), sexual orientation, reprisal, parental status,

political affiliation, or any other non-merit factor prohibited by 5 U.S.C. § 2302, except as required by law.

This policy also explains that:

To ensure that all employees are working in a safe and productive environment and that the CFPB is able to operate at optimum efficiency, CFPB has established certain expectations for the personal conduct of its employees. These expectations are uniform throughout the CFPB. Employees are expected to be professional, courteous and respectful at all times while on duty. CFPB also may consider an employee's off-duty conduct to constitute misconduct if there is a nexus between the off-duty conduct and the efficiency of the service. While it is anticipated that most problems will be resolved informally through the cooperation of employees with their supervisors, misconduct may result in disciplinary or adverse action. Appropriate action may include a reprimand, suspension, demotion, or other actions, up to and including removal from CFPB, depending on the offense and circumstances. CFPB is committed to complying with all federal laws governing the discipline of its employees, including applicable due process and appeal rights.

The Bureau's policy provides examples of actions deemed unacceptable, which may result in disciplinary or adverse action, up to and including removal from CFPB. The list includes "Engaging in discrimination, harassment, or other inappropriate conduct." The policy does not contain a Table of Penalties, but (like the CBA Adverse Action Article) incorporates the *Douglas* factors for arriving at appropriate penalties for infractions.¹⁰²

The Bureau's *Procedures Related to Harassment and Inappropriate Conduct* similarly prohibit discriminatory harassment. According to these procedures:

It is CFPB's policy to ensure that every employee enjoys a work environment free

¹⁰² In FY 2018, OCR provided OHC with a Congressional Report suggesting agencies create Table of Penalties, at least with respect to sexual misconduct. See <https://oversight.house.gov/wp-content/uploads/2017/10/Tables-of-Penalties-Majority-Report.pdf>. In early FY 2019, OEOF held discussions with senior Bureau leadership regarding the possible adoption of a CFPB table of penalties.

from discriminatory harassment. Discriminatory harassment is a violation of the Federal civil rights laws and will not be tolerated at CFPB. Even inappropriate conduct that is not of sufficient severity to constitute harassment as a matter of law is considered misconduct. CFPB will address complaints about such inappropriate conduct when first reported and will discipline employees where necessary for the protection and benefit of all employees.

The procedures also “forbid[] retaliation against any employee who reports harassment or who cooperates with an investigation of a harassment complaint.” Under these anti-harassment procedures, any such retaliation “will result in appropriate disciplinary action . . .” As noted repeatedly throughout this Report, the Bureau trains all CFPB managers and supervisors on these policies. As also noted, the Bureau also trains all employees on EEO laws, the Part 1614 complaint process, and related avenues for seeking redress for policy and statutory violations (including ADR).

Bureau policy also requires all employees to follow CFPB Ethics Regulations. Those ethics regulations in turn require all Bureau employees to abide by the Standards of Ethical Conduct for Employees of the Executive Branch.¹⁰³ The General Principles of Ethical Conduct require that employees adhere to all laws and regulations that provide equal opportunity for all regardless of race, color, religion, sex, national origin, age, or disability.¹⁰⁴ Employees are notified of this ethical requirement in mandatory ethics training, via posters, and through the Bureau’s intranet.

In addition, the Bureau’s Part 1614 complaints process, which is administered by OCR, safeguards employee civil rights and provides appropriate relief for statutory violations.¹⁰⁵ Where there is a finding – and even in certain cases where conduct was found not to be unlawful but nonetheless problematic – the OCR Director will recommend particular improvements or

¹⁰³ See 5 C.F.R. § 9401.101(b).

¹⁰⁴ See 5 C.F.R. § 2635.101(b)(13).

¹⁰⁵ Where OCR finds discrimination has occurred, OCR coordinates with the OMWI Director regarding the design and implementation of any remedies resulting from violations of civil rights statutes, regulations, or Executive orders (as required by the Dodd-Frank Act). See 12 U.S.C. § 5452(a)(3).

corrections, including remedial or disciplinary actions, for managers and supervisors who have failed in their EEO responsibilities. For instance, after the completion of an EEO investigation, the OCR Director will review the relevant record and provide specific feedback to Agency officials with oversight responsibilities for the involved program or team/employee to improve EEO knowledge and share lessons learned. The OCR Director provides this type of technical assistance on a strict need-to-know basis, only after carefully evaluating the propriety and necessity of giving this type of feedback, only after redacting certain information to maintain confidentiality where possible and as required by law, and only after determining that such information can be shared with officials consistent with OCR's role as a neutral arbiter.

OCR's approach in these matters demonstrates a commitment to comply with civil rights and civil service laws and Bureau policies, and to provide equal employment opportunity and a professional, inclusive work environment. OCR encourages Bureau officials to impose the maximum discipline supportable under the law and facts as relevant under the circumstances.¹⁰⁶

OCR issued one finding of discrimination in FY 2018. In conjunction with that finding, the OCR Director ordered the Bureau to take appropriate disciplinary action against responsible management officials.¹⁰⁷

In FY 2018, no employees received formal disciplinary action as defined in 5 C.F.R. § 724.102¹⁰⁸ in connection with cases pending or resolved in U.S. district court or for violating Bureau policies related to conduct that is inconsistent with Federal antidiscrimination and whistleblower protection laws.¹⁰⁹ One employee was counseled for such conduct (not considered discipline).

¹⁰⁶ See 29 C.F.R. § 1614.102(a)(6) (providing that, in supporting its EEO program, agencies shall "[t]ake appropriate disciplinary action against employees who engage in discriminatory practices").

¹⁰⁷ The Bureau's FY 2018 No FEAR Act Report contains data concerning this finding (e.g., bases, issues) and provides a summary of the rest of the Bureau's Part 1614 EEO complaint activity for FY 2018 and five preceding fiscal years. This report is available at https://www.consumerfinance.gov/documents/7389/cfpb_No-FEAR-Act_annual-report_FY2018.pdf.

¹⁰⁸ Under 5 C.F.R. § 724.102, "discipline" means any one or a combination of the following actions: reprimand, suspension without pay, reduction in grade or pay, or removal. Counseling is not a form of discipline.

¹⁰⁹ See 5 C.F.R. §§ 724.302(a)(5), (a)(6).

Compliance Indicator C.6. – The EEO office advises managers/supervisors on EEO matters.

While the Bureau holds all managers and supervisors accountable for EEO-related violations, the Agency also invests significant effort into equipping them proactively with information to avoid infractions in the first place. In addition to the training, materials, and communications described throughout this Report, OCR also gives targeted EEO program briefings and presentations throughout the fiscal year.

On May 9, 2018, following the submission to the EEOC of the Bureau's FY 2017 EEO Program Status (MD-715) Report, the OCR Director gave the Bureau's Senior Leadership Team a "State of the Agency EEO Program" briefing. This briefing on the FY 2017 MD-715 Report also included a review of highlights from the Agency's FY 2017 No FEAR Act report.

In addition, the OCR Director and staff regularly provide EEO updates to other leaders across the Bureau. The OCR Director meets regularly with Division heads and Office leads – some monthly – to provide regular reports on EEO metrics and consult on EEO-related issues. In FY 2018, OCR briefed all Division points of contact, providing Division-specific and comparative workforce demographics data and aggregate EEO complaints data. (This information also is distributed to all employees via the *Ops Digest*, and to all managers via the *Manager Minute*, when links to final published MD-715 and annual No FEAR Act Reports are distributed in these communications vehicles in March or early April of each year.) OCR managers and staff, such as the ADR Program Manager and the EEO Complaints Program Manager, also present to the regions and regional offices during their respective "All Hands" meetings or offer office hours throughout the year.

Finally, the OCR intranet page, the Agency's public website (www.consumerfinance.gov), and posters and EEO pamphlets distributed on display stands throughout Agency facilities invite all managers, supervisors, and employees to contact OCR (and the OCR Director, specifically) with any questions, at any time – virtually, by phone, or in person. OCR personnel are readily available to provide technical assistance and EEO program-related info, and do so frequently throughout the year. In FY 2018, for instance, OCR took in and responded to hundreds of inquiries from Bureau employees, applicants, and members of the public on numerous EEO-related issues.

5.4.4 Essential Element D: Proactive prevention

According to Management Directive 715:

Agencies have an ongoing obligation to prevent discrimination on the bases of race, color, national origin, religion, sex, age, reprisal and disability, and eliminate barriers that impede free and open competition in the workplace. As part of this on-going obligation, agencies must conduct a self-assessment on at least an annual basis to monitor progress, identify areas where barriers may operate to exclude certain groups and develop strategic plans to eliminate identified barriers.¹¹⁰

Compliance Indicator D.1. – The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year.

As noted in Section 5.4.3, OCR created and leads an affirmative employment “Barrier Analysis Working Group” (BAWG) to identify triggers, investigate barriers, and devise and implement corrective action plans (as needed) on a year-round basis. The BAWG is led by OCR’s Senior EEO Counsel and includes other staff from OCR, OMWI, DAP, and OHC who are necessary partners in conducting effective analyses. The BAWG works with outside contractors who have expertise in personnel analytics and prepare barrier analysis reports.

Collectively, the BAWG and the “Lifecycle” D&I strategic planning group (spearheaded by OMWI) effectively form an ad hoc Affirmative Employment standing committee, which met regularly throughout FY 2018. The OEOF-led efforts have helped the Bureau to:

- assess the status of the EEO program;
- map out the pace and scope of the Agency’s affirmative employment efforts for the coming year;

¹¹⁰ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.D.; *see also* MD-715 Instructions, at Section I.IV. (Element D).

- review the EEOC’s MD-715 Part G checklist and barrier analysis instructions;
- monitor for updates and discuss new guidance from EEOC as it is released;
- attend EEOC and stakeholder-presented webinars (e.g., from the Job Accommodation Network (JAN) and the Employer Assistance and Resource Network on Disability Inclusion (EARN)); and
- analyze all available data for possible triggers.

In FY 2018, the BAWG coordinated and reviewed the work of contractors, collected and shared data with contractors as necessary, helped analyze the Bureau’s workforce demographics, and compared the workforce data to appropriate benchmarks.

The BAWG and contractors identified triggers using various sources of data, including the Bureau’s FY 2017 MD-715 Report; workforce data (A and B) tables for FY 2015-FY 2018; AES/New Employee/Exit Survey data results from recent years;¹¹¹ CFPB’s FY 2016-2018 Form 462 Reports; CFPB’s FY 2016 and FY 2017 No FEAR Act data/reports, and complete complaints data for FY 2018; the OCR Director’s FY 2017 and FY 2018 “State of the Agency EEO Program” briefing materials; negotiated grievance summary data; anecdotal reports from DICE, Bureau ERGs, external news reports and audit findings, reasonable accommodation and anti-harassment program data, Bureau personnel policies and procedures, EEOC-issued Technical Assistance letters and feedback, and OPM memoranda.

In FY 2018, the OCR-led BAWG also briefed Bureau-wide stakeholders on MD-715

¹¹¹ The CFPB’s various workforce and climate assessment surveys, such as AES, the New Employee survey, and the Exit survey, allow analysis of results by certain demographic characteristics, such as analysis of how particular EEO groups (e.g., individuals with disabilities) responded to particular survey items. Further, as already noted above, in FY 2018 OCR worked with OMWI, DAP to help OHC revise the AES and Exit surveys to include additional questions regarding the specific experiences of employees with disabilities and targeted disabilities. An update about the Bureau’s actions in this area is provided in Section 10, Part H-3 below.

requirements and barrier analysis concepts, plans, and status. These briefings enhanced general understanding across the Bureau about the nature and purposes of barrier analysis, and helped to build buy-in from partners for ongoing barrier analysis investigations and related reporting, and ultimately for solution implementation.

CFPB currently is conducting barrier analyses regarding participation by African American/Black employees in Senior Level Bureau positions (specifically recommended by the EEOC in a Technical Assistance Letter to CFPB dated June 24, 2016), as well as general workforce participation, development, advancement, and retention of Hispanic/Latino(a) employees (as recommended by the EEOC and OPM in a memorandum to agencies dated January 18, 2017¹¹²). In early FY 2019, CFPB received reports from two external vendors who have helped CFPB conduct barrier analyses, including updated applicant-flow analyses. CFPB currently is reviewing the results of these reports for next steps.

In late FY 2018, the Bureau awarded a new five-year Blanket Purchase Agreement contract (BPA) to a third vendor. This new BPA will allow for greater continuity and efficiency in the Bureau's barrier-analysis efforts. The Bureau has already issued the first call under this BPA, tasking the new contractor with analyzing data related to the experiences and participation rates of employees with disabilities and targeted disabilities, as recommended in a May 21, 2018 EEOC technical assistance letter approving the Bureau's first Affirmative Action Plan. More details about CFPB's barrier analysis efforts are included in Section 11, Part I-1 below and in Part J (submitted to EEOC and reflected in the Agency's Affirmative Action Plan for 2019 to be posted on www.consumerfinance.gov at <https://www.consumerfinance.gov/office-civil-rights/eo-policy-and-reports/>).

Also in FY 2018, OEOF officials met with data experts from other federal agencies to explore enhancements to the Bureau's methods for collecting and analyzing workforce demographic information. In FY 2019, OEOF also met with a commercial vendor to explore deploying software to assist in more efficient trigger-identification. These efforts should aid the BAWG in conducting regular and interactive demographic analyses, which will contribute to robust barrier-analysis efforts.

¹¹² This memorandum is available at <https://www.eeoc.gov/federal/directives/memorandum-hispanics.cfm>.

Compliance Indicator D.2. – The agency identifies areas where barriers may exclude EEO groups.

In FY 2018 and continuing into FY 2019, the OCR-led BAWG has been tasked with overseeing external contractors – including the new vendor awarded the five-year BPA in FY 2018 – as they conduct investigations into triggers identified. The BAWG and Bureau contractor(s) will continue to look for barriers (if any) to EEO for specific segments of the Bureau’s workforce. Barriers will be identified using EEOC-recommended methodologies and tools, such as *Barrier Analysis: Questions to Guide the Process*,¹¹³ and root-cause analysis software/spreadsheets EEOC releases on FedSEP as they become available. CFPB continues to conduct barrier analyses throughout the fiscal year using the same data sources used to identify triggers (see above), as well as through additional means including focus groups and individual interviews with decision makers or individuals from relevant EEO groups. This process will repeat itself each year, feeding into the Agency’s annual Lifecycle strategic planning. Each year, the BAWG will consult all available and relevant data, and work with internal partners as feasible to examine the impact of management/personnel policies, procedures, and practices by race, national origin, sex, and disability (as required by MD-715). The OEOF Director, OMWI Director, OCR Director, DPM, and BAWG members will encourage the Bureau’s Director, Senior Leadership Team, and OHC leadership to regularly consider whether any group of employees or applicants might be negatively impacted before making human capital resource decisions, such as reorganizations and realignments. (See also the Bureau’s related plan for compliance provided in Part H-2 of this report.)

In FY 2019, OCR hopes to develop a preliminary multi-year barrier analysis schedule with related resource and cost estimates. This schedule could provide a flexible framework to allow planning over multiple years while allowing adjustments as data, events, and resources require. Triggers will be triaged and priorities revisited as necessary.

Compliance Indicator D.3. – The agency establishes appropriate action plans to remove identified barriers.

In FY 2019 and beyond, OCR and the BAWG will also work with contractors and all relevant internal Bureau partners to develop strategies to root out any barriers and remediate the

¹¹³ This guidance is available at <https://www.eeoc.gov/federal/directives/barrier-analysis.cfm>.

negative impacts (if any) of the barriers identified. The Bureau will devise remedial plans effectively tailored to specifically target particular problematic policies, procedures, and practices consistent with EEO requirements and other applicable laws. Further, as part of the regular required barrier analysis process, remedial plans will call for periodic reviews of the effectiveness of the plans in eradicating the effects of barriers identified. Plans will be revised or replaced as appropriate to fulfill the purposes of MD-715 and safeguard EEO for employees and applicants. Again, CFPB's current ongoing barrier analysis efforts are described in greater detail in Section 11, Part I-1 below and in Section 12, Part J (submitted to EEOC and reflected in the Agency's Affirmative Action Plan for 2019 to be posted on www.consumerfinance.gov at <https://www.consumerfinance.gov/office-civil-rights/eo-policy-and-reports/>).

Compliance Indicator D.4. – The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities.

The CFPB enthusiastically supports the efforts of Executive Order No. 13548¹¹⁴ and the goals outlined in the EEOC's new Rehabilitation Act Section 501 affirmative action regulations to increase the Federal employment of people with disabilities (PWD) and targeted disabilities (PWTD).¹¹⁵ Reflecting the Bureau's commitment to disability inclusion, *Careers & the disABLED* magazine ranked CFPB 15th in its 28th Annual "Top 20 Government Employers" for persons with disabilities in FY 2018, a one-point increase over 2017.

The Bureau has already exceeded the 12.0 percent/2.0 percent goals for PWD/PWTD in the permanent workforce, using data from employees who have completed OPM SF-256 and including other sources permitted under the EEOC's disability affirmative-action regulations (e.g., records on hiring authorities that take disability – including veterans with disabilities – into account). The Bureau exceeded the regulatory goals in *both* salary categories that must be

¹¹⁴ Exec. Order No. 13548, 75 Fed. Reg. 45039 (July 26, 2010).

¹¹⁵ See generally 29 C.F.R. § 1614.203.

evaluated under the EEOC's Section 501 regulations.¹¹⁶ As of September 30, 2018, when including 30-percent or more disabled veterans and Schedule A(u) disability appointments (in addition to the SF-256 self-identification form data): Of permanent employees in the salary grouping below \$68,036, 24.14 percent were PWD and 6.90 percent were PWTD. Of permanent employees in the salary grouping of \$68,036 or more, 12.18 percent were PWD and 3.15 percent were PWTD.¹¹⁷

OCR submitted the Bureau's first-ever Affirmative Action Plan (AAP) for people with disabilities and targeted disabilities to the EEOC for review in March 2018, in conjunction with filing the Bureau's FY 2017 MD-715 report. In a May 21, 2018 letter from the Commission, the EEOC approved the Bureau's AAP. The EEOC also provided direction to the Bureau on specific parts of the Bureau's disability program requiring additional focus and resources. More specifically, the May 21, 2018 letter stated:

The EEOC approved the Bureau's AAP because CFPB had complied with the following minimum regulatory requirements: (1) the Bureau revised its reasonable accommodation policy and procedures and sought and received EEOC approval of these procedures; (2) the Bureau has created Personal Assistance Services (PAS) procedures and sought and received EEOC approval of these procedures; and (3) the Bureau has adopted numerical goals for people with disabilities and people with targeted disabilities as outlined in the EEOC's new regulations.

¹¹⁶ Under the EEOC's regulations, because the Bureau uses paybands (not the GS system), it must calculate the regulatory goals by considering two salary groupings or clusters – one for employees paid at or above the salary for the GS-11 Step 1 level in the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA ("Washington DC") locality area, and one for employees paid below that level. *See* 29 C.F.R. §§ 1614.203(d)(7)(i)(C), (D). As of September 30, 2018, the salary for an employee paid at the GS-11 Step 1 level in the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA ("Washington DC") locality area was the salary threshold of \$68,036. *See* <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/DCB.pdf>.

¹¹⁷ As of September 30, 2018, 10.24 percent of CFPB employees (permanent and temporary employees) self-identified as an individual with a disability on the SF-256. Out of the workforce, 3.19 percent of CFPB employees (permanent and temporary employees) self-identified as an individual with a targeted disability on the SF-256.

In its approval letter, the Commission complimented the Bureau on various aspects of its AAP and overall disability program, stating:

- “We commend CFPB for developing an all-agency Disability Affirmative Action Implementation Plan (DAAIP) and creating a task force to implement the new . . . regulations.”
- “We commend CFPB for ensuring that its disability program has sufficient staffing, training, and other resources.” (At the same time, the EEOC also reminded the Bureau that “failing to hire a DPM may hinder the Bureau’s ability to comply comprehensively with the new Section 501 affirmative action regulations.”)
- “We applaud the agency for planning” to “ensure that the agency includes exit interview questions related to the specific experiences, perceptions, and needs of people with disabilities.”
- “[W]e are pleased to note that CFPB has established and maintained contacts with the various organizations, including the Workplace Recruitment Program (WRP) and existing registries housed on www.max.gov that assist PWD in securing employment.”
- “We commend CFPB for creating new protocols related to Schedule A hires and look forward to reviewing the agency’s progress in its next MD-715 report. Moreover, we commend CFPB for effectively implementing its reasonable accommodation program and [PAS] program, and for providing sufficient accessibility to technology and facilities. Finally, CFPB has accurately identified triggers involving voluntary separations among PWTD.”

The EEOC also provided additional technical assistance and feedback (as set forth in the full letter) to ensure the Bureau’s Disability Program fully complies with the letter and spirit of EEOC regulations and guidance. The EEOC stated, “we expect the agency to incorporate our recommendations into its next MD-715 report” and next year’s AAP. Notable areas of guidance in the letter include:

Barrier Work. The EEOC encouraged the Bureau to examine whether barriers exist in the recruitment process for PWD as well as the selection process for PWD and PWTD. It found that “the agency has not established a plan to investigate triggers for potential barriers involving PWD and PWTD.” EEOC specifically stated:

- “In its next AAP, we expect CFPB to continue to examine its recruitment and hiring processes for potential barriers involving external applicants with disabilities in the 0110, 0301, and 0905 series. Even if barriers are not identified, the agency should seek to improve its recruitment of qualified PWD to its mission-critical occupations.”
- “In its next AAP, we expect CFPB to investigate whether PWD are experiencing barriers that either prevent them from applying for and/or receiving promotions to the senior grade levels. Moreover, once CFPB has access to applicant flow data for new hires to the senior grade levels, the agency should assess whether triggers exist in the recruiting and/or hiring processes for external applicants with disabilities.”
- “We urge CFPB to identify the proportion of mission-critical occupations that lead to supervisory positions. If PWD have a low participation rate in the occupations with the highest proportion of supervisory positions, that could explain these triggers. Moreover, once CFPB has access to applicant flow data for supervisory positions, the agency should assess whether triggers exist in the recruiting and/or hiring processes for internal and external applicants with disabilities. We look forward to reviewing the results of CFPB’s barrier analysis efforts in its next AAP.”¹¹⁸

Career Advancement Plan. The EEOC noted the lack of an agency-wide career development program. It stated that “[b]ased on the triggers that exist for PWD and PWTD among CFPB’s internal competitive promotions and awards, we expect the agency to establish a comprehensive plan designed to ensure career advancement opportunities for PWD and PWTD.”¹¹⁹

¹¹⁸ CFPB’s barrier-analysis plans and action items taken in response to the EEOC’s letter are outlined in greater detail in Section 12, Part J (to be posted as the agency’s Affirmative Action Plan at <https://www.consumerfinance.gov/office-civil-rights/eo-policy-and-reports/>).

¹¹⁹ In FY 2018 the Bureau continued to offer career development programs. Examples include: Individual Development Planning and Career Development Workshops, continuation of the Bureau Team Leader training program, the matrix of courses for Aspiring Leaders, and continued availability of external training and development opportunities. Additionally, the Bureau advertised 53 internal detail opportunities to Bureau employees using a Centralized Detail Posting Process.

Data Collection. EEOC also noted that the Bureau currently has insufficient exit survey data to analyze with respect to identified triggers and assessing possible barriers to equal opportunity. It stated, “We look forward to reviewing the agency’s progress in collecting this data in Part H-3 of its next MD-715 report.”¹²⁰

OCR promptly shared the Commission’s technical assistance letter with major internal stakeholders (including the OEOF Director, CHCO, then-Acting Chief Operating Officer, and reasonable-accommodation officials), and outlined recommendations to comply with the EEOC’s recommendations. Throughout the rest of FY 2018 and into early FY 2019, the Bureau has been implementing the EEOC’s recommendations.

Most notably, in FY 2018, the Bureau hired a new Disability Program Manager (DPM), who will lead the Agency’s Disability and Accessibility Program (DAP) – a new business unit within OEOF. This new program, once fully stood up, will direct all aspects of the Bureau’s disability program, including overseeing updates to the Agency’s AAP; taking specific steps that are reasonably designed to increase or retain the number of PWD/PWTD to ensure the Agency meets or exceeds its utilization goals; taking specific steps to ensure qualified people with disabilities are aware of and encouraged to apply for any CFPB job vacancies; coordinating with OHC to enhance data collection and analysis; working with the BAWG on disability-related barrier analyses (including specific inquiries required in the May 21, 2018 EEOC letter); helping to prepare agency FEORP, DVAAP, MD-715, and OMWI annual reports; ensuring disability-related questions from members of the public are answered promptly and correctly; assisting (as appropriate) with anti-harassment efforts as they pertain to PWD/PWTD; developing appropriate training, mentoring, and development initiatives; running the Bureau’s reasonable accommodation, PAS, and Section 504/508 programs to ensure legal compliance; and fostering disability inclusion (including disability etiquette and awareness/education campaigns) to maximize EEO and retention for people with disabilities and targeted disabilities.

¹²⁰ CFPB has now rectified the deficiency first identified in its FY 2018 EEO Program Status Report. *See* Part H-3 of this report below.

Near-term action items for FY 2019 include:

- Posting the AAP on www.consumerfinance.gov (after first ensuring that individual identifying information is removed from the public version of the plan and that the plan is Section 508 compliant¹²¹);
- Again revising the Bureau's reasonable accommodation/PAS policy and procedures to reflect the new DAP structure and the hiring of the DPM (as well as the replacement for the former Reasonable Accommodation Coordinator), and posting the updated, approved documents on www.consumerfinance.gov;
- Implementing and raising awareness about the revised reasonable accommodation/PAS procedures;
- Working under the new barrier-analysis BPA and third-party contractor to conduct necessary barrier analyses relating to PWD/PWTD;
- Assessing the feasibility of disability-specific mentoring and career development initiatives as part of an overall career advancement plan;
- Maintaining recruiting relationships even during the hiring freeze. As made clear in the EEOC's letter, the Commission expects the Bureau to continue to establish and maintain

¹²¹ The Bureau posted its first AAP (as auto-generated by FedSEP) on the agency's external website, at <https://www.consumerfinance.gov/office-civil-rights/eo-policy-and-reports/>. See MD-715 Instructions, at Section III, Part J, available at <https://www.eeoc.gov/federal/directives/md715/section3.cfm> ("FedSEP will automatically generate the Affirmative Action Plan, using the information from PART J. Agencies are required to post the Affirmative Action Plan on their public website.") In FY 2018, Bureau officials informed the EEOC that the AAP auto-generated from the FedSEP portal is not Section-508 compliant. In May 2019, EEOC informed CFPB that this error has been fixed for the FY 2018 reporting cycle and going forward.

relationships with disability organizations to assist it in recruiting and hiring PWD and PWTD. Despite the Bureau-wide hiring freeze in effect, DAP, OMWI, and OHC is evaluating the best methods for continuing appropriate recruitment/outreach efforts consistent with the parameters of the hiring freeze;¹²²

- Conducting necessary training for DAP personnel and managers/supervisors (e.g., on disability concepts and Schedule A(u));
- Carrying out disability awareness campaigns for the entire workforce, including encouraging the workforce to self-identify disability through agency-wide re-survey campaigns.

More details on the Bureau's current efforts regarding individuals with disabilities and targeted disabilities – including details on the Agency's first Affirmative Action plan – are included in Section 10, Part H-3, and in Section 12, Part J (submitted to EEOC and reflected in the Agency's Affirmative Action Plan for 2019 to be posted on www.consumerfinance.gov at <https://www.consumerfinance.gov/office-civil-rights/eo-policy-and-reports/>). Additional related information can be found in the Bureau's most recent DVAAP and FEORP reports (available upon request).

5.4.5 Essential Element E: Efficiency

Management Directive 715 explains that agencies must:

- Have an efficient and fair dispute resolution process and effective systems for evaluating the impact and effectiveness of their EEO programs.
- Maintain an efficient, fair, and impartial complaint resolution process. Agencies should benchmark against EEOC regulations at 29 C.F.R. Part 1614 and other federal agencies of similar size highly ranked in EEOC's Annual Report on the federal sector complaints

¹²² In FY 2018, the Bureau continued to utilize a digital recruitment/outreach strategy, which included posting on social media sites, such as LinkedIn, Indeed, and Direct Hire to allow for ongoing connections with wide-range and diverse audiences. The Bureau also revamped the Bureau's Student Volunteer program to assist in building a pipeline of diverse talent to meet emerging and future workforce needs.

process.

- Ensure that the investigation and adjudication function of the Agency's complaint resolution process are kept separate from the legal defense arm of the agency or other agency offices with conflicting or competing interests.
- Establish and encourage the widespread use of a fair alternative dispute resolution (ADR) program that facilitates the early, effective, and efficient informal resolution of disputes. Appoint a senior official as the dispute resolution specialist of the agency charged with implementing a program to provide significant opportunities for ADR for the full range of employment-related disputes. Whenever ADR is offered in a particular workplace matter, ensure that managers at all appropriate levels will participate in the ADR process.
- Use a complaint tracking and monitoring system that permits the Agency to identify the location, status, and length of time elapsed at each stage of the Agency's complaint resolution process, the issues and the bases of the complaints, the aggrieved individuals/complainants, the involved management officials, and other information necessary to analyze complaint activity and identify trends.
- Identify, monitor, and report significant trends reflected in complaint processing activity. Analysis of data relating to the nature and disposition of EEO complaints can provide useful insight into the extent to which an agency is meeting its obligations under Title VII and the Rehabilitation Act.
- Ensure timely and complete compliance with EEOC orders and the provisions of settlement/resolution agreements.
- Maintain a system that collects and maintains accurate information on the race, national origin, sex, and disability status of agency employees.
- Maintain a system that tracks applicant flow data, which identifies applicants by race, national origin, sex, and disability status and the disposition of all applications.
- Maintain a tracking system of recruitment activities to permit analyses of these efforts in any examination of potential barriers to equality of opportunity.

- Identify and disseminate best workplace practices.¹²³

According to the MD-715 instructions, “[t]his element requires the agency head to ensure that there are effective systems for evaluating the impact and effectiveness of the agency’s EEO programs and an efficient and fair dispute resolution process.”¹²⁴

Compliance Indicator E.1. – The agency maintains an efficient, fair, and impartial complaint resolution process.

Since OCR was established in 2013, the office has worked to create a best-in-class EEO program at CFPB. These efforts have proven fruitful. For instance, during FY 2015, the Office of the Inspector General (OIG) of the Board of Governors of the Federal Reserve released the results of its audit to assess the efficiency and effectiveness of the Bureau’s EEO D&I initiatives and EEO complaint processing program. The report, *CFPB Can Enhance Its Diversity and Inclusion Efforts*, issued on March 9, 2015, states that regarding the 29 C.F.R. Part 1614 complaint process:

- “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.”
- “CFPB adheres to several laws and regulations related to its OEEO [Office of Equal Employment Opportunity – i.e., OCR] and the processing of EEO complaints.”¹²⁵

These OIG findings underscore the impact of OCR efforts to build a best-in-class EEO complaints program. Year over year the OCR EEO complaints program continues to improve.

¹²³ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.E.

¹²⁴ MD-715 Instructions, at Section I.V. (Element E).

¹²⁵ This report is available at <https://oig.federalreserve.gov/reports/cfpb-diversity-inclusion-mar2015.htm>.

OCR has taken important steps to reduce case-processing times, where feasible, while also increasing quality.

In FY 2018 OCR had a full-time EEO Complaints Program Manager – a first line supervisor formerly from the EEOC’s Office of Federal Operations (OFO) with extensive experience as an Appellate Review Attorney and also as an EEOC Administrative Judge. This program manager is dedicated exclusively to maintaining and enhancing the quality and timeliness of all aspects of the Bureau’s Part 1614 complaint process. OCR also has access to a data analyst (sited within OHC) to perform trend and other data analyses, such as identifying triggers and barriers to EEO throughout the Bureau. In addition, in FY 2018 OCR had a full-time ADR Program Manager to focus on enhancements to EEO and non-EEO alternative dispute resolution (ADR) options. Necessary support and additional program efficiencies will be gained given the hiring in FY 2018 of a new Attorney-Adviser (EEO) to help with processing formal complaints.

The OCR Director, the EEO Complaints Program Manager, and the ADR Program Manager (with help from other OCR staff) continued to make enhancements to the EEO complaints program in FY 2018, including:

- *Automating complaints-program management and analysis through use of the Micropact iComplaints platform.* This is a web-based EEO case management solution that provides a broad range of capabilities for reporting (including No FEAR Act and Form 462), processing, tracking, and managing the overall effectiveness of the CFPB’s EEO complaints program. Since CFPB adopted this EEO complaints management solution in FY 2016, the platform has been instrumental in enhancing case-related processing efficiencies and easing the administrative burden associated with program-reporting obligations. The software has allowed OCR to more quickly and easily 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. In FY 2018, OCR procured a new iComplaints “Executive Dashboard” add-on module that has begun to help OCR conduct more in-depth and systematic analysis of case processing (e.g., basis, issue, timeframes, etc.) trends. OCR also procured funds in FY 2018 to create an additional module to track and analyze ADR program-related data. (Development of this module began in FY 2019 and is underway.)
- *Updating complaints program standard operating procedures and creating new complaints-related tools.* OCR’s complaints program follows the requirements, standards, and practices in 29 C.F.R. Part 1614. OCR has also developed additional tools

to promote uniformity in all complaints program activities. For instance, OCR has developed and continues to update as needed an *OCR Operations Manual*, which provides detailed guidance and CFPB-specific procedures for processing informal and formal complaints. OCR also has developed more granular “Standard Operating Procedures” covering virtually every aspect of the EEO complaints process. In FY 2018, OCR added several new discrete SOPs dealing with topics including processing EEO complaints filed by alleged contractor personnel and processing “conflict” complaints. These resources facilitate consistent, timely processing of EEO matters.

In FY 2018, CFPB continued to use a combination of staff and contractors to carry out regulatory responsibilities related to both the informal and formal complaint processes. OCR employees are assigned to oversee the work of the contractors, and quality control measures have been put in place to ensure that contractors are providing quality work. These quality control measures include the use of “sufficiency” checklists for EEO Counselor Reports, Accept/Dismiss Letters, Investigative Plans, and Reports of Investigation (ROIs), and detailed reviews of all affidavits provided by witnesses to ensure responsiveness and completeness. The OCR Complaints Program Manager conducts regular check-ins with staff overseeing investigations (when available and if assigned) as well as with the investigator for all cases. Further, the OCR Complaints Program Manager meets regularly (weekly on average) with all OCR staff with complaints-related responsibilities to discuss all open cases, share necessary information, set priorities, and maintain a collective team focus on overall program success.

- *Fully implementing an onsite single-contractor model for EEO investigations.* In FY 2017, OCR entered into a Blanket Purchase Agreement with one contractor to assist OCR with counselings, and with a separate contractor to conduct all formal complaint investigations. The contract investigator (and any related subcontractor) performs contractual duties in OCR office space for up to several days most weeks. This onsite model, which OCR continued to use throughout FY 2018, has improved data security by requiring the use of CFPB-issued equipment and email and has enabled the contractor to gain greater first-hand exposure to and familiarity with the culture and practices of CFPB. This crucial background knowledge helps inform Investigative Plans and expedite completion of ROIs. This onsite model also enables greater use of in-person witness interviews (OCR’s preferred method). Similarly, the model facilitates ad hoc, time-

sensitive, in-person consultations between the contract investigator and OCR staff.¹²⁶

These and other enhancements to the EEO complaints program implemented during FY 2018 have helped CFPB comply with all Part 1614 and MD-110 requirements and lower most overall processing times. This occurred despite a substantial increase in EEO complaint activity at CFPB in FY 2018.

In FY 2018, OCR completed 48 EEO counselings under Part 1614. (OCR received a total of 54 informal complaints/requests for EEO counseling during FY 2018; not all were completed before the end of FY 2018.) All counselings completed in FY 2018 qualified as timely under 29 C.F.R. § 1614.105. Eighteen counselings were timely completed within 30 days; 11 traditional counselings were completed timely with written extensions of no longer than 60 days. Nineteen counselings were processed through the Agency's ADR program and were timely completed within 90 days.¹²⁷ In each of these counselings, the Bureau provided the regulatorily required notification to individuals of their various rights and responsibilities in the EEO process. This information was provided during the initial counseling session verbally and also later in writing.¹²⁸

In FY 2018, 21 new formal EEO complaints were filed under Part 1614 – compared with only five in FY 2017. In all new formal complaints, CFPB issued acknowledgement letters immediately upon receipt of a formal complaint.¹²⁹ Of the 21 new formal complaints that were

¹²⁶ In the event that any contractor or employee of OCR provides poor work product or causes inexcusable delays in processing times, OCR would hold the responsible individual accountable. Contractors performing deficient work would not be used again. And employees are held accountable for performance objectives through the Bureau's performance management process and consistent with merit system principles, due process rights, Bureau policies, and related applicable requirements. *See, e.g.*, MD-110, Chapter 5, at Section V.A.

¹²⁷ *See* 29 C.F.R. §§ 1614.105(d), (f).

¹²⁸ *See* 29 C.F.R. § 1614.105(b)(1).

¹²⁹ *See* MD-110, Chapter 5, at Section I.

filed in FY 2018, the average length of time for issuing the acknowledgement letter was one day. In addition, OCR issued all Acceptance letters/Dismissal decisions within a reasonable time (e.g., 60 days) after receipt of the written EEO counselor's report.¹³⁰ Of the 21 new formal complaints that were filed in FY 2018, the average length of time for issuing the Accept/Dismiss communication was 13.4 days. In FY 2018, CFPB dismissed four formal complaints; the average days such complaints were pending before dismissal was 13.5.

In FY 2018, OCR generally conducted investigations of formal EEO complaints in a timely fashion.¹³¹ Of the seven investigations completed during FY 2018, none were untimely; these investigations were completed in an average of 160 days. Thus, in FY 2018, 100 percent of Bureau formal complaints were processed within regulatory timeframes. This compares favorably with the government-wide average of 78 percent for the most recent year for which data is available.¹³²

With respect to formal complaint processing, in FY 2018:

- Investigations of formal complaints were completed within an average of 160.00 days.
- 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 142.86, a decrease from an average of 238.20 days in FY 2017;
- The average number of days in investigation for complaints pending for any length of time during FY 2018 where a hearing was requested was 190.33, a decrease from an average of 240.83 days in FY 2017; and

¹³⁰ Id.

¹³¹ See 29 C.F.R. § 1614.108(f).

¹³² See EEOC FY 2015 Annual Report on the Federal Workforce, at B Table 7, available at https://www.eeoc.gov/federal/reports/fsp2015/462_b_tables.cfm#b-7 (Government-wide, a total of 10,983 investigations were completed in an average of 184 days in FY 2015. 77.76 percent of the investigations were completed in a timely manner. Without the United States Postal Service's (USPS) investigations, the government-wide average was 70.05 percent.).

- The average number of days in investigation for complaints pending for any length of time during FY 2018 where a hearing was not requested was 107.25, a decrease from an average of 243.33 days in FY 2017.

OCR also provides complainants with the regulatorily required “180-day letter” if an investigation is expected to go over 180 days. This letter notifies complainants of the date by which OCR expects to complete the investigation and informs complainants of their immediate right to request a hearing before an EEOC Administrative Judge or to file a lawsuit. Of the seven investigations completed during FY 2018, only one exceeded 180 days due to amendments that extended processing timelines under applicable regulations; in this matter, OCR provided the complainant the required “180-day letter” on or before the 180th day of the investigation.¹³³

As of the end of FY 2018, CFPB had zero pending complaints where investigations exceeded the required time frames.

The average number of days in final-action status for complaints pending for any length of time during FY 2018 was 158.67. OCR issued three Final Agency Decisions (FADs) on the merits. The average length of time for issuing these FADs was 168 days. Two of the FADs were issued within an average of 54 days after the complainants’ election (or no election) – under the regulatory requirement of 60 days.¹³⁴ One FAD issued in early FY 2018 involved a finding of discrimination. It was issued after 395 days (significantly increasing the overall average days for FAD-issuance). This processing time resulted from OCR holding the matter in abeyance while the parties engaged in settlement negotiations.¹³⁵ In FY 2018, the average length of time for issuing a FAD where the complainant failed to elect either a hearing or a FAD was 54.50 days.

As soon as OCR receives notice that a complainant has requested an EEOC hearing before an Administrative Judge (AJ) or has filed an appeal of a final agency action with EEOC’s OFO, OCR

¹³³ See 29 C.F.R. §1614.108(g).

¹³⁴ See 29 C.F.R. § 1614.110(b).

¹³⁵ The matter was not resolved, and the FAD ultimately was issued in early FY 2018 by the OEOF Director on OCR’s behalf.

uploads all documents to FedSEP (the EEOC’s online (password-protected) federal-sector EEO portal).¹³⁶ The Agency also timely issues Final Agency Orders (FAOs) following receipt of any EEOC AJ decision and the associated hearings file.¹³⁷ In FY 2018, the average length of time for issuing FAOs (only one was issued in FY 2018) was 36 days.

CFPB also emphasizes to all employees the importance of cooperating with EEO counselors and other EEO personnel as part of the EEO process. In FY 2018, the Bureau’s then-Acting Director Mick Mulvaney (in a cover memo accompanying his Annual EEO Policy and Anti-Harassment Statement) instructed all employees to be sure to cooperate “fully and promptly with any and all investigations OCR or OHC may conduct into allegations of discrimination, harassment, and retaliation.”¹³⁸ In addition, as discussed above, the Bureau’s Leader Performance Standards require all Executives, managers, and supervisors to cooperate with EEO investigations. Further, in individual EEO investigations, each witness is given a letter notifying them that the EEO investigator is authorized to conduct the investigation and informing them about the requirement that Federal employees fully cooperate with EEO investigator and EEO personnel in the EEO process.¹³⁹

Necessary support and additional program efficiencies will be gained given the hiring in FY 2018 of a new Attorney-Adviser (EEO) to help with processing formal complaints.

Compliance Indicator E.2. – The agency has a neutral EEO process.

As noted in Section 5.3, OCR is part of the CFPB Director’s front office. The Director of OCR reports directly to the Director of CFPB on substantive EEO matters – not to anyone in the Bureau’s Legal Division or OHC. OCR carefully safeguards its neutrality and impartiality, which

¹³⁶ See 29 C.F.R. § 1614.403(g).

¹³⁷ See 29 C.F.R. § 1614.110(a).

¹³⁸ See Section 13 below.

¹³⁹ See generally 29 C.F.R. § 1614.102(b)(6).

is critical to having an efficient and fair EEO complaint resolution process. OCR neutrality ensures that employees and managers know that the pre-complaint and investigation stages of the Part 1614 process are not adversarial, 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 one or more of the applicable employment discrimination laws have been violated.¹⁴⁰

OCR works to ensure that all Bureau staff understand the importance of OCR independence. As part of CFPB New Employee Orientation (NEO), OCR conducts an EEO overview briefing and explains OCR's place within the CFPB organizational structure, emphasizes that OCR is not part of the Legal Division or OHC, and discusses why this institutional autonomy is vital. This message is contained in written materials distributed at training and also is relayed on OCR's intranet page.¹⁴¹ The OCR Director and OCR staff reiterate this message in other routine

¹⁴⁰ See MD-110, Chapter 1, at Section IV.D. ("Ensuring a clear separation between the agency's EEO complaint program and the agency's defensive function is . . . the essential underpinning of a fair and impartial investigation, enhancing the credibility of the EEO office and the integrity of the EEO complaints process. There must be a firewall between the EEO function and the agency's defensive function. The firewall will ensure that actions taken by the agency to protect itself from legal liability will not negatively influence or affect the agency's process for determining whether discrimination has occurred and, if such discrimination did occur, for remedying it at the earliest stage possible.").

¹⁴¹ For example, one FAQ on the OCR intranet page asks "Is OCR really unbiased? Doesn't it work for management and cooperate closely with OHC and the Legal Division?" The answer provided states in relevant part: "By regulation, OCR must remain neutral in counseling potential EEO claimants, in investigating formal complaints alleging violations of federal anti-discrimination laws, and when writing final agency decisions determining whether or not discrimination occurred. EEOC regulations require the EEO Director to be "under the immediate supervision of the agency head." According to a [binding EEOC directive](#) [MD-110, Chapter 1], the EEO Director is supposed to be 'able to act with the greatest degree of independence' and have 'unfettered' access to the Agency's head. According to the EEOC, '[p]lacing the EEO Director under the authority of others within the agency may undermine the EEO Director[']s independence, especially where the person or entity to which the EEO Director reports is involved in, or would be affected by, the actions of the EEO Director in the performance of his/her implementation of the

briefings, trainings, and meetings. For instance, in FY 2018, OCR staff conducted a virtual webinar on “Top 10 Tips to Know About the Office of Civil Rights” open to all Bureau employees (approximately 100 participated). This webinar also emphasized the importance of OCR’s neutrality and the resulting reporting relationships within the Bureau’s organizational structure.

Consistent with MD-110 and MD-715 and as explained previously, the OCR Director exercises full authority to carry out core EEO complaint program functions, thus ensuring impartiality and removing any possible conflict of interest. OCR does not consult with, preview decisions, or gain approval from the General Counsel or any Legal Division staff related to administration of Part 1614 EEO activities at the Bureau. This includes activities such as the preparation or issuance of Accept/Dismiss determinations on formal EEO complaints and the drafting, decision-making, and release of FADs on complaints of discrimination filed against the Bureau.

Legal resources within OCR make this possible.¹⁴² OCR lawyers (sometimes with the help of outside contractors who may prepare rough initial drafts) perform legal-sufficiency reviews of EEO matters, which includes drafting and reviewing Acceptance letters/Dismissal decisions related to formal complaints, preparing and reviewing ROIs, and drafting FADs. As already noted above, the Legal Division, which defends the Bureau in EEO matters, is firewalled from all activities within OCR; the Legal Division only participates during adversarial portions of the EEO process (hearings and appeals), during settlement negotiations (to include discussions

agency [EEO] program . . .’ The Director of OCR reports to the Director of the Office of Equal Opportunity and Fairness and to the Director of the Bureau – not to any other operational division such as OHC or the Legal Division. The Legal Division, which defends the Bureau in EEO matters, is firewalled from all activities within OCR Other Bureau offices, such as OHC, are similarly firewalled and kept separate as necessary and appropriate to avoid conflicting or competing interests in the EEO complaints program. OCR neutrality ensures that employees and managers know that OCR will provide an impartial factual record and that, when requested, OCR will issue a final decision assessing the facts and law to determine whether or not one or more of the applicable employment discrimination laws have been violated.”

¹⁴² See MD-715, Essential Elements of Model Agency Title VII and Rehabilitation Act Programs, at Section II.B. (stating that “agencies *must* . . . [a]ttract, develop and retain EEO staff with the strategic competencies necessary to accomplish the agency’s EEO mission, and interface with agency officials, managers and employees”) (emphasis added); cf. MD-715 Instructions, at Section I.V.B.2. (explaining “the EEO office must have access to sufficient legal resources separate from the agency representative”).

occurring as a result of a request for mediation made through the Bureau's Alternative Dispute Resolution (ADR) Program), and/or to provide appropriate legal advice or assistance when a manager or supervisor requests it during the course of an EEO investigation (consistent with EEOC guidance and recent updated case law setting forth parameters for agency counsel involvement and professional responsibility rules governing attorney conduct). All other Bureau offices are similarly firewalled and kept separate as necessary and appropriate to avoid conflicting or competing interests.

Compliance Indicator E.3. – The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program.

The CFPB-NTEU CBA EEO Article specifically provides for the use of Alternative Dispute Resolution to prevent and resolve workplace conflicts. The EEO Article states:

The Employer may offer as appropriate alternative dispute resolution (ADR), which provides voluntary dispute resolution options for using a neutral (e.g., mediator) to assist in the resolution of allegations of discrimination raised in the Part 1614 EEO complaint process. The Employee may be accompanied by a Union representative to formal meetings that occur throughout the EEO process. The Union has the right to attend any EEO-related meeting that constitutes a formal meeting under the Statute, to the extent provided by law.

CFPB also has an Alternative Dispute Resolution (ADR) policy. Under this policy, CFPB is committed to resolving workplace disputes in an appropriate, fair, and efficient manner and to using alternative methods for resolving employment-related disputes where appropriate and feasible. Resolving issues early and expeditiously helps maintain a work environment that fosters open communication, trust, and engagement. Used properly in appropriate circumstances, ADR can provide faster, less expensive and contentious, and more productive results in eliminating workplace disputes, including claims of discrimination, harassment, and retaliation and workstyle or personality conflicts that may arise.

CFPB has a full-time ADR Program Manager to oversee the independent CFPB-wide ADR Program for EEO and non-EEO disputes. This ADR Program Manager is CFPB's designated dispute resolution specialist, and is charged with implementing a program to provide significant opportunities for ADR for the full range of employment-related disputes. Some key objectives of the Bureau's conflict prevention and resolution program include resolving workplace conflicts at

an early stage if possible, improving workplace communication and morale, and creating a more efficient EEO program. The CFPB-wide ADR Program also provides conflict-resolution coaching and training, collects and uses data to identify trends and systemic issues, recommends best practices for workplace conflict prevention, and supports CFPB culture change initiatives.

OCR offers and encourages the use of ADR during the pre-complaint and formal complaint stages of the EEO process, including (on occasion) while cases are pending before the EEOC for hearing or on appeal. The ADR Program offers mediation for non-EEO workplace disputes. 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 and the program office authorizes its use.

The Agency has allocated funding to use contract ADR professionals to resolve workplace disputes. Consistent with MD-110, 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.¹⁴³ The ADR Program works with the Legal Division to ensure that an official with settlement authority is accessible during the dispute-resolution process.

OCR promotes the benefits of ADR on the Bureau's intranet, in training materials for NEO and SDS, during the two-day mandatory supervisory EEO training conducted by the EEOC Training Institute, as part of the "Crucial Conversations" course the ADR Program sponsors, in hard copy brochures/posters distributed throughout Agency facilities, and in periodic messages distributed to the workforce on employee paystubs and in digital publications such as the *Ops Digest* and *Manager Minute*. In FY 2018, the ADR Program Manager began posting ADR "Tips of the Month" on the Announcement feed of the Bureau's main intranet homepage. These tips explain the ADR process, why employees should consider ADR, the different types of ADR, and/or how an employee can request ADR.

Throughout FY 2018, the ADR Program – including as part of "Lifecycle" D&I strategic planning discussions with Divisions – strongly encouraged Bureau leaders to allow managers, employees, and teams to participate in "Crucial Conversations" training. Crucial Conversations is a conflict-

¹⁴³ Authority to settle administrative matters has been delegated to the Bureau's General Counsel, who has redelegated the authority to the Deputy General Counsel for General Law and Ethics.

prevention training intended to help individuals have important (and sometimes difficult) high-stakes conversations. The Bureau has offered Crucial Conversations to all Divisions and teams, and the training has been provided to managers and employees in the Office of CFPB Director, and in SEFL, RMR, CEE, and OPS Divisions. As noted above, CFPB's ADR Program offered "Crucial Conversations" training to approximately 306 managers and employees over six different training sessions during FY 2018. Feedback thus far on the course has been overwhelmingly positive with virtually all participants agreeing or strongly agreeing that the course provided skills that would help with their professional duties.

During FY 2018, OCR continued to evaluate revisions to its ADR Policy as part of an overall effort to:

- approve and coordinate requests for ADR services for EEO complaints and to address other workplace disputes as set forth in the Policy;
- clarify that the ADR Program is responsible for assessing the appropriate ADR technique or method for particular matters;
- provide appropriate training and education on ADR and/or conflict prevention to CFPB employees; and
- evaluate the ADR Program to determine whether it is achieving its goals and how to improve it.

OCR evaluates the effectiveness of its ADR Program through voluntary and confidential program participant surveys, which are reviewed periodically to uncover possible areas for program improvements. The ADR Program also reviews course evaluations from "Crucial Conversations" sessions. Further, OCR and the ADR Program Manager assess internal data related to the success of the ADR program (including resolution rates and results) on an ongoing basis. The ADR Program is collecting information about best practices and benchmarks related to possible structures that may help better support openness and willingness to employ creative and early resolution options.

During FY 2018, OCR offered ADR in 36 EEO counselings; individuals accepted the offer of ADR in 20 of these matters (an acceptance rate of 55 percent). OCR offered ADR in four formal EEO complaints; individuals accepted the offer of ADR in three of these four matters (an acceptance rate of 75 percent). Two of the three matters were successfully resolved – a resolution rate of 66 percent for formal complaints for which ADR was offered and accepted.

Compliance Indicator E.4. – The agency has effective and accurate data collection systems in place to evaluate its EEO program.

CFPB has systems in place to accurately collect, monitor, and analyze various sorts of data critical to a successful EEO program:

- As previously noted, OCR uses the Micropact iComplaints platform to track and analyze complaint activity, including the issues and bases of the complaints, the aggrieved individuals/complainants, and the alleged responsible management officials. In FY 2018, the Agency procured a new “Executive Dashboard” feature that has allowed case managers and leadership to have an overview of case status at each step of the EEO process and to better look for trends in discrimination issues and bases.
- The OHC Systems and Operations team uses HR Connect/Workforce Analytics to store employee demographic data by sex, race, national origin, and disability status. This demographic information is voluntarily supplied by employees who complete or update certain forms, including Selective Service registrations, SF-181, and SF-256. In FY 2018, OCR posted an “Tip of the Week” on the Agency’s Announcements feed on the main intranet homepage and ran an article in the all-agency *Ops Digest* digital publication, encouraging all Bureau employees to update their demographic information via their Employee Personnel Page or HR Connect to assist barrier-analysis and affirmative employment efforts. The Bureau plans to repeat similar messaging and use related re-survey methods, including tools provided by OPM for this purpose, each fiscal year. Also in FY 2018, OCR staff collaborated with OHC and the Legal Division to create a standard set of instructions Bureau staff can use to ensure consistent, accurate processing of SF-181 and SF-256 forms completed by new (or current) employees.
- The OHC Systems and Operations team uses USAJobs/Monster Analytics to collect internal and external applicant flow data by sex, race, national origin, and disability status for all vacancies posted through USAJobs.
- The OHC ERLR team uses an automated system, Entellitrak, to track allegations of harassment and subsequent investigations and disciplinary action. OHC’s ERLR team tracks numerous data points for all harassment allegations and related management inquiries, including: Date Allegation Received; Date Investigation Assigned; Date Investigation Assigned to Third Party Investigator (if applicable); Date Investigation Initiated; Dates Interviews Conducted; Date Submitted for Legal Review; Date

Investigation Completed; Date ROI/Findings submitted to the responsible manager; and Date Case Completed. There is also an event field for notes for the investigator to include other relevant information. The Entellitrak system capabilities include the ability to attach relevant documents, such as the ROI, documentary evidence, etc.

- OHC's Work-Life program, which in FY 2018 was responsible for the Bureau's Reasonable Accommodation/PAS program, also used Entellitrak to track and analyze processing of requests for reasonable accommodation or PAS.
- Finally, OMWI and OHC track the Bureau's recruitment efforts through Microsoft Excel and similar tools. This helps OCR facilitate data analysis on whether recruitment programs may be creating barriers to equal opportunity.

All data collected by OCR and OHC is treated in accordance with applicable Federal law and Bureau policies for data protection, including but not limited to the Privacy Act.

Compliance Indicator E.5. – The agency identifies and disseminates significant trends and best practices in its EEO program.

CFPB regularly monitors trends in its EEO program to determine whether the Bureau is meeting its obligations under the workplace anti-discrimination laws. Every year in preparing the Agency's No FEAR Act year-end report, OCR carefully examines EEO complaint processing times, top issues and bases, and ADR resolution rates to identify potential problems, spot troubling trends, and develop action plans for the next fiscal year.¹⁴⁴ OCR also uses the iComplaints "Executive Dashboard" module (as well as other OCR tracking methods) to help in this analysis.

As reported in the Bureau's FY 2018 No FEAR Act report, over the past several years of enforcing EEO laws and Executive Orders at the Bureau, OCR has gained invaluable insights that have helped improve the Agency's overall EEO program. Lessons learned include:

¹⁴⁴ See 5 C.F.R. §§ 724.302(a)(7)(iii), (iv) (No FEAR Act implementing regulations requiring agencies to report annually on practical knowledge gained through experience in the operation of its EEO program and 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).

- To sustain a viable EEO program, the EEO office must be authorized and empowered to drive a whole-of-agency strategy, by collaborating with Agency leaders, the diversity-and-inclusion office (OMWI), human capital management (OHC), and related stakeholders such as the union (NTEU), diversity councils (e.g., DICE), and Employee Resource Groups.
- A commitment from top-level leadership to EEO – including a commitment to affirmative employment (e.g., barrier analysis) efforts – shapes workplace culture, inspires employee confidence, and aids legal compliance. This commitment is best manifested through tangible actions by the Agency head and Senior Leaders to support EEO and visibly and actively incorporate the EEO program as a valued partner.
- Many substantive EEO concepts are complex, and new supervisors may sometimes struggle to apply complicated rules (e.g., those involving disability and anti-retaliation laws). Consistent proactive prevention of discrimination, harassment, retaliation (including whistleblower retaliation), and other prohibited personnel practices – through repeated training, targeted technical assistance, and year-round EEOC-required barrier analysis – remains vital to guaranteeing workplace civil rights and upholding merit system principles.
- The federal-sector EEO process itself can seem confusing to new Executive branch employees, and often even to career civil servants. There are numerous, sometimes-overlapping sources of legal protection (e.g., via statutes, regulations, and Executive Orders) and various related enforcement processes (e.g., the 29 C.F.R. Part 1614 process, intra-agency harassment procedures, union grievances, Office of Special Counsel/Merit Systems Protection Board complaints). Accordingly, regular messaging reinforced through outreach can aid understanding and minimize confusion. In particular, explaining the differences between filing an EEO complaint alleging violations of federal law (through OCR) and reporting harassment under the Bureau’s anti-harassment policy (enforced by OHC) is important.
- Maintaining EEO office independence – e.g., preserving organizational autonomy from the Legal Division, the Office of Human Capital, and others with conflicting interests – is indispensable to safeguarding the statutory enforcement mechanisms Federal law and the EEOC require agencies to establish and maintain to remedy civil rights violations. This independence also is vital to fostering trust that the EEO program both is (and appears) impartial and separate from other Bureau offices with potentially conflicting interests. So, too, is vigorous enforcement of anti-retaliation rules designed to protect individuals who oppose discrimination, participate in EEO proceedings, or engage in

protected whistleblowing activity.

- All organizational leaders must consider EEO and civil service protections before and while implementing new or changed policies, practices, procedures, and organizational matters that could affect the workforce; reaching out to the EEO Director early and often to obtain crucial input and feedback on personnel, budget, technology, and other workforce issues can help prevent potential EEO missteps and ensure EEO best practices are adopted.
- Resolving issues early and expeditiously helps maintain a work environment that fosters open communication, trust, and engagement. Used properly in appropriate circumstances, Alternative Dispute Resolution (e.g., mediation) can provide faster, less expensive and contentious, and more productive results in eliminating workplace disputes, including claims of discrimination, harassment, and retaliation and workstyle or personality conflicts that may arise. The Agency must be open to and make reasonable efforts to settle complaints of discrimination as early as possible in, and throughout, the administrative processing of complaints.

OCR has applied – and will continue to apply – the above experience and insights gained as the Bureau matures and the EEO program evolves. In FY 2019 the Agency will:

- Continue to manage informal and formal EEO complaints appropriately;
- Support the ongoing stand-up of the OEOF's DAP, including DAP efforts to continue implementing the EEOC's affirmative action regulations under Section 501 of the Rehabilitation Act of 1973;
- Conduct ongoing barrier analyses required by the EEOC and OPM, including implementing actions plans that effectively address identified barriers;
- Create a strategic training plan to pilot new ways to educate the CFPB workforce on EEO, the No FEAR Act, and related concepts;
- Continue to market the emerging Bureau-wide ADR Program as a tool to de-escalate all types of workplace conflicts, including the implementation of a conflict coaching program;
- Collaborate with other offices to combine data and present to Division leaders on a quarterly basis to brief them on their general and aggregate complaint activity, potential triggers or barriers identified in their Division, harassment inquiry data, grievance data, separation data, AES and exit survey data, demographic data, and any other relevant

data to help leaders identify issues within their offices; and

- Network with the federal sector EEO community to learn new best practices and innovative approaches that can be used in the Bureau's workplace.

More generally, the Bureau will focus on the following objectives during FY 2019 and FY 2020:

- Continuing to incorporate the EEOC's Six Essential Elements of a Model EEO Program to achieve greater program effectiveness;
- 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 solicit input on strengthening the Bureau's EEO program;
- Continuing to process all informal and formal complaints and requests for ADR in compliance with 29 C.F.R. Part 1614 and MD-110;
- Maintaining accuracy and efficiency of EEO complaint data monitoring, tracking, and reporting through continued use of iComplaints and continued enforcement of robust internal controls related to data tracking and monitoring;
- Increasing employee awareness of EEO statutes, including by distributing EEO-related information via various means and media (e.g., digital channels, informational brochures and fact sheets, individual and group training and outreach);
- Promoting communication and early intervention to help Bureau officials identify the issues and bases that may give rise to EEO complaints;
- Training supervisors and managers to provide proactive approaches to resolving issues stemming from alleged violations of personnel policies and practices;
- Fostering constructive, open, continuous communication between employees and management to help resolve workplace conflicts at the earliest possible opportunity, and ensuring that employees, management officials, and persons with settlement authority understand the purpose and value of ADR;
- Continuing to collaborate with stakeholders across the Agency to analyze workforce demographic data and to establish and administer affirmative employment plans that ensure equal employment opportunity for all consistent with applicable law, rules, regulations, and guidance;
- Reviewing feedback from employee surveys, exit interviews, listening sessions, and

training to identify opportunities for improvement;

- Training supervisors and managers on leadership, management principles, communication techniques, legal compliance, and fostering diversity and inclusion;
- Ensuring CFPB management is accountable for the success of the EEO program through transparency, by emphasizing measurable EEO and affirmative employment goals and objectives that are incorporated into Divisional strategic plans, and through the performance assessment of supervisors and managers;
- Cultivating an inclusive work environment, including by participating in WEC efforts, supporting the implementation of Employee Resource Groups (ERGs) and staff-level diversity councils (e.g., DICE), etc.; and
- 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.

Consistent with these objectives, to identify and stay on top of significant external EEO complaint processing trends and best practices, OCR compares CFPB data with data for similar size agencies using existing and available government-wide federal sector reports. OCR personnel also review new EEOC regulations, guidance, and case law updates (such as the EEOC's *Digest of EEO Law*); monitor current development periodicals; and consult other external expert resources. In addition, the OCR Director attends EEOC's Quarterly EEO Director Meetings to learn from other EEO directors and share innovative ideas. Similarly, OCR employees take advantage of OPM knowledge-sharing vehicles, present and participate in Special Observance/Heritage Month events at other agencies, and network with EEO professionals in numerous other contexts (such as at annual FDR and EXCEL conferences). OCR staff also participates in numerous inter-agency EEO councils (such as the Small Agency EEO Council) and more informal cross-government task forces.

This concerted, sustained engagement with EEO peers and other colleagues (within CFPB and across the government) help OCR learn about, and share, EEO best practices. For instance, during FY 2018, OCR, DAP, and OHC staff participated in ad hoc inter-agency working groups formed to share best practices for implementing the EEOC's new Section 501 affirmative action regulations and preparing the FY 2017 and 2018 MD-715 reports. The resulting dialogue between experts from various agencies helped shape CFPB's first Affirmative Action plan for people with disabilities. Additional cross-agency collaboration (particularly with other FIRREA agencies) on barrier analysis is also occurring in FY 2019.

5.4.6 Essential Element F: Responsiveness and legal compliance

According to Management Directive 715, Federal agencies must:

- Ensure that they are in full compliance with the law, including EEOC regulations, orders, and other written instructions.
- Report Agency program efforts and accomplishments to EEOC and respond to EEOC directives and orders in accordance with EEOC instructions and time frames.
- Ensure that management fully and timely complies with final EEOC orders for corrective action and relief in EEO matters.¹⁴⁵

Compliance Indicator F.1. – The agency has processes in place to ensure timely and full compliance with EEOC Orders and settlement agreements.

CFPB has a system of management controls to ensure that its officials timely comply with all EEOC orders/directives and final agency actions. OCR staff is tasked with monitoring and facilitating compliance (working with the Legal Division and other stakeholders) with all orders and directives issued by EEOC Administrative Judges (AJs) and the EEOC's Office of Federal Operations (OFO), as well as with any final agency actions issued by OCR, including monetary and other remedial relief. In addition, as explained in Section 5.4.3., Bureau Executives, managers, and supervisors are evaluated under Leader Performance Standards that are interpreted to require them to comply with settlements agreements and orders issued by the Agency (e.g., through OCR final actions, including final decisions on EEO complaints), EEOC (e.g., by AJs or by OFO on administrative appeals), and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority. Individuals who fail to adhere to these performance standards would be held accountable accordingly through the Bureau's performance management process. Relatedly, any Bureau employees responsible for compliance with EEOC orders would be held accountable for poor work product and/or delays connected to compliance with such orders as outlined above.

¹⁴⁵ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.F.

Compliance Indicator F.2. – The agency complies with the law, including EEOC regulations, management directives, orders, and other written instructions.

As a general matter, when an EEO complainant requests a hearing or files an appeal, OCR staff will check FedSEP regularly to ascertain whether the matter has been docketed. Regardless of docketing status, OCR staff will upload the complaint file as prescribed by EEOC orders and/or established regulatory timeframes for use by the EEOC (either by an EEOC AJ as part of hearing proceedings¹⁴⁶ or by OFO in adjudication of an appeal¹⁴⁷).

Throughout FY 2018, CFPB timely responded and fully complied with all EEOC orders issued as part of the hearings and/or appeals process.¹⁴⁸ Where necessary, the Bureau promptly provides EEOC with required documentation for completing compliance with any such orders.¹⁴⁹

While we have not received such an Order to date, in any cases involving an EEOC finding of discrimination that would not be the subject of an appeal by the Agency, OCR would work with the Legal Division and other necessary stakeholders to ensure timely and full compliance and to promptly provide EEOC with any required documentation substantiating such compliance.¹⁵⁰ (No such EEOC findings or related orders have been issued to date.)

To date, to the best of OCR's knowledge, CFPB has never been cited or sanctioned by the EEOC for non-compliance with any directives or orders.

¹⁴⁶ See 29 C.F.R. § 1614.108(g).

¹⁴⁷ See 29 C.F.R. § 1614.403(e).

¹⁴⁸ See 29 C.F.R. § 1614.502.

¹⁴⁹ See 29 C.F.R. § 1614.502.

¹⁵⁰ See 29 C.F.R. § 1614.501.

Compliance Indicator F.3. – The agency reports to EEOC its program efforts and accomplishments.

The Bureau regularly complies with regulatory requirements to submit an annual Form 462 Report, EEOC MD-715 Report, the Federal Equal Opportunity Recruitment Program (FEORP) Report, the Disabled Veterans Affirmative Action Program (DVAAP) Report, and quarterly and annual No FEAR Act reports. In FY 2018, all annual reports were accurate and complete and submitted on time (with any extensions granted). Also in FY 2018, OCR posted all four quarterly No FEAR Act data reports on its public website, www.consumerfinance.gov,¹⁵¹ on time (i.e., within 30 days after the end of each fiscal year quarter).¹⁵²

¹⁵¹ The Bureau's most recent quarterly and annual No FEAR Act data and reports can be found at <https://www.consumerfinance.gov/office-civil-rights/no-fear-act/>.

¹⁵² See 29 C.F.R. § 1614.704.

6. Summary of workforce profiles

The workforce profile data represents the demographics of the CFPB workforce by race, sex, national origin, and disability and was retrieved from CFPB database systems. The data is based on information as of September 30, 2018.

As of the end of FY 2018, the total CFPB workforce was 1,504 employees, including 1,458 permanent employees and 46 temporary employees. The total workforce contracted by 139 employees during FY 2018, representing a rate of change of 8.46 percent.

Compared to the U.S. Census Civilian National Labor Force (CLF), overall CFPB demographics have not changed significantly since FY 2017.¹⁵³ White men, followed by White women, comprise the largest racial groups in CFPB, followed by Black women and Black men, respectively.

¹⁵³ The CLF is derived from the 2006-2010 American Community Survey (ACS) Equal Employment Opportunity Tabulation (EEO Tabulation). The EEO Tabulation was originally released by the U.S. Census Bureau on November 29, 2012. It provides external benchmarks to assist federal agencies in monitoring employment practices and enforcing workforce civil rights laws. Federal agencies are required to use the EEO Tabulation in preparing their annual MD-715 EEO Program Status reports. *See* https://www1.eeoc.gov/federal/directives/tech_assistance_06-10_EEO_tabulation.cfm.

7. Workplace analysis

TABLE 12: TOTAL WORKFORCE – FY 2017¹⁵⁴

| | ALL | Hispanic | White | Black | Asian | NH/OPI | AI/AN | Two or More¹⁵⁵ |
|--------|------------|-----------------|--------------|--------------|--------------|---------------|--------------|----------------------------------|
| ALL | 1,643 | 105 | 1,003 | 352 | 158 | 3 | 10 | 12 |
| % | | 6.39% | 61.05% | 21.42% | 9.62% | 0.18% | 0.61% | 0.73% |
| CLF | | 9.96% | 72.36% | 12.02% | 3.90% | 0.14% | 1.08% | 0.54% |
| Male | 842 | 57 | 563 | 129 | 82 | 1 | 7 | 3 |
| Female | 801 | 48 | 440 | 223 | 76 | 2 | 3 | 9 |

¹⁵⁴ In the data tables in this report, total percentages across rows may not always equal 100% due to rounding.

¹⁵⁵ Race-related employee data (including data on employees who identify as two or more races) in this report is tabulated using methodologies prescribed by the Office of Management and Budget for civil rights monitoring and enforcement. See Revisions to the Standards for Classification of Federal Data on Race and Ethnicity (Oct. 30, 1997); OMB Bulletin No. 2, Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement (March 9, 2000). Depending upon its purpose, race data (including data on employees who identify as two or more races) prepared and included in other CFPB reports may not use the same methodology. In this report, individuals who selected two or more races (e.g., Asian and White), were counted as the minority race (e.g., Asian). Individuals who selected Hispanic, regardless of race, were counted as Hispanic.

TABLE 13: TOTAL WORKFORCE – FY 2018

| | ALL | Hispanic | White | Black | Asian | NH/OPI | AI/AN | Two or More |
|--------|------------|-----------------|--------------|--------------|--------------|---------------|--------------|--------------------|
| ALL | 1,504 | 100 | 908 | 334 | 137 | 4 | 10 | 11 |
| % | | 6.65% | 60.37% | 22.21% | 9.11% | 0.27% | 0.66% | 0.73% |
| CLF | | 9.96% | 72.36% | 12.02% | 3.90% | 0.14% | 1.08% | 0.54% |
| Male | 772 | 52 | 519 | 122 | 67 | 2 | 7 | 3 |
| Female | 732 | 48 | 389 | 212 | 70 | 2 | 3 | 8 |

Data as of September 30, 2018. Workforce numbers for FY 2017 included in this FY 2018 Status Report may differ slightly from corresponding data reported in the FY 2016 Status Report. This is due to retroactive processing of personnel actions, late processing of personnel actions, or other changes made in applicable data systems since the data was finalized for the FY 2017 Status Report.

TABLE 14: TOTAL WORKFORCE – FY 2017 COMPARED TO FY 2018

| | ALL | Hispanic | White | Black | Asian | NH/OPI | AI/AN | Two or More |
|--------------|------------|-----------------|--------------|--------------|--------------|---------------|--------------|--------------------|
| Difference | -139 | -5 | -95 | -18 | -21 | +1 | 0 | -1 |
| Male | -70 | -5 | -44 | -7 | -15 | +1 | 0 | 0 |
| Female | -69 | 0 | -51 | -11 | -6 | 0 | 0 | -1 |
| Ratio Change | | | | | | | | |
| Male | 0.08% | -0.01% | +0.24% | +0.26% | -0.54% | +0.07% | +0.04% | +0.02% |
| Female | -0.08% | 0.27% | -0.92% | +0.52% | +0.03% | +0.01% | +0.02% | -0.0-2% |
| Net Change | -8.46% | | | | | | | |
| Male | -8.31% | -8.77% | -7.82% | -5.43% | -18.29% | 100.00% | 0.00% | 0.00% |

| | ALL | Hispanic | White | Black | Asian | NH/OPI | AI/AN | Two or More |
|--------|--------|----------|---------|--------|--------|--------|-------|-------------|
| Female | -8.61% | 0.00% | -11.59% | -4.93% | -7.89% | 0.00% | 0.00% | -11.11% |

At the close of FY 2018, CFPB employed a total of 1,504 employees – 1,458 permanent employees and 46 temporary employees. This was a decrease in temporary employees from 84 to 46. Temporary employees also decreased as a percentage of the total workforce. In FY 2017, temporary employees made up 5.11% of the workforce and in FY 2018, temporary employees made up 3.06% of the workforce. The number of permanent employees decreased by 101 (permanent employees comprise 96.94% of the total workforce in FY 2018).

Males totaled 745 or 51.10% of the permanent workforce – a slight decrease from 51.25% in FY 2017 and slightly lower when compared to the CLF availability of 51.86%. Females totaled 713 or 48.90% of the permanent workforce, an increase from 48.75% in FY 2017, and slightly higher as compared to the CLF availability of 48.14%.

7.1 Permanent workforce: participation of class grouping

TABLE 15: PERMANENT WORKFORCE

| Group | Total number FY 2018 | Percentage | Total number FY 2017 | Percentage | Net change | CLF |
|--------------|----------------------------|------------|-------------------------|------------|------------|--------|
| White Male | 496 | 34.02% | 534 | 34.25% | -7.12% | 38.33% |
| White Female | 378 | 25.93% | 413 | 26.49% | -8.47% | 34.03% |
| Black Male | 122 | 8.37% | 125 | 8.02% | -2.40% | 5.49% |
| Black Female | 208 | 14.27% | 217 | 13.92% | -4.15% | 6.53% |

| | | | | | | |
|------------------|----|-------|----|-------|---------|-------|
| Hispanic Male | 50 | 3.43% | 52 | 3.34% | -6.58% | 5.17% |
| Hispanic Female | 48 | 3.29% | 46 | 2.95% | -3.85% | 4.79% |
| Asian Male | 65 | 4.46% | 77 | 4.94% | -15.58% | 1.97% |
| Asian Female | 66 | 4.53% | 70 | 4.49% | -5.71% | 1.93% |
| NH/PI Male | 2 | 0.14% | 1 | 0.06% | 100.00% | 0.07% |
| NH/PI Female | 2 | 0.14% | 2 | 0.13% | 0.00% | 0.07% |
| AI/AN Male | 7 | 0.48% | 7 | 0.45% | 0.00% | 0.55% |
| AI/AN Female | 3 | 0.21% | 3 | 0.19% | 0.00% | 0.53% |
| 2 or More Male | 3 | 0.21% | 3 | 0.19% | 0.00% | 0.26% |
| 2 or More Female | 8 | 0.55% | 9 | 0.58% | -11.11% | 0.28% |

For the permanent workforce, White females are employed at CFPB at a rate of 25.93% (378), which is below the CLF of 34.03%. The percentage of White females slightly decreased from the FY 2017 rate of 26.49% (413). Hispanic males are employed at a rate of 3.43% (50) and Hispanic females at 3.29% (48), which remain below the CLF of 5.17% and 4.79%, respectively. Males who identify as two or more races were reported at 0.21% (3), which is essentially unchanged from FY 2017 (0.19%; 3). Females who identify as two or more races were reported at 0.55% (8), slightly above the CLF of 0.28%.

Asian males are employed at a rate of 4.46% (65) and Asian females are employed at a rate of 4.53% (66), which are above the CLF of 1.97% and 1.93%, respectively. Asian males experienced the largest net decrease of 15.58% during FY 2018 with a net loss of twelve employees. CFPB employed Black males at a rate of 8.37% (122) and Black females at 14.27% (208), which were above the CLF of 5.49% and 6.53%, respectively. The number of Native Hawaiian/Other Pacific Islander males increased by one (0.14%; 2) and Native Hawaiian/Other Pacific Islander females remained unchanged at 2 (0.14%). American Indian/Alaskan Native males and females remained unchanged at 7 (0.48%) and 3 (0.21%), respectively compared with FY 2017 (males:

0.45% (7) and females: 0.19% (3)). American Indian/Alaska Native males and females are represented below the CLF of 0.55% and 0.53%, respectively.

7.2 Temporary workforce: participation of class grouping

TABLE 16: TEMPORARY WORKFORCE

| Group | Total number FY 2018 | Percentage | Total number FY 2017 | Percentage | Net change | CLF |
|-----------------|-------------------------------------|-------------------|-------------------------------------|-------------------|-----------------------|------------|
| White Male | 23 | 50.00% | 29 | 34.52% | -20.69% | 38.33% |
| White Female | 11 | 23.91% | 27 | 32.14% | -59.26% | 34.03% |
| Black Male | 0 | 0.00% | 4 | 4.76% | -100.00% | 5.49% |
| Black Female | 4 | 8.70% | 6 | 7.14% | -33.33% | 6.53% |
| Hispanic Male | 2 | 4.35% | 5 | 5.95% | -60.00% | 5.17% |
| Hispanic Female | 0 | 0.00% | 2 | 2.38% | -100.00% | 4.79% |
| Asian Male | 2 | 4.35% | 5 | 5.95% | -60.00% | 1.97% |
| Asian Female | 4 | 8.70% | 6 | 7.14% | -33.33% | 1.93% |
| NH/PI Male | 0 | 0.00% | 0 | 0.00% | 0.00% | 0.07% |
| NH/PI Female | 0 | 0.00% | 0 | 0.00% | 0.00% | 0.07% |
| AI/AN Male | 0 | 0.00% | 0 | 0.00% | 0.00% | 0.55% |
| AI/AN Female | 0 | 0.00% | 0 | 0.00% | 0.00% | 0.53% |
| 2 or More Male | 0 | 0.00% | 0 | 0.00% | 0.00% | 0.26% |

| | | | | | | |
|---------------------|---|-------|---|-------|-------|-------|
| 2 or More Female | 0 | 0.00% | 0 | 0.00% | 0.00% | 0.28% |
|---------------------|---|-------|---|-------|-------|-------|

The temporary workforce significantly shrunk by 45.24% when compared with FY 2017 from 84 in FY 2017 to 46 employees in FY 2018. Due to the temporary workforce shrinking by 38 employees, there was an impact to the demographic makeup of this part of the workforce. At the end of FY 2018, there were no Native Hawaiian/Pacific Islander males or females, no American Indian/Alaska Native males or females and no males or females of two or more races in the temporary workforce, which was the same as FY 2017. Hispanic females experienced a net change of -100.00% from 2 to 0 employees between FY 2017 to FY 2018 and Hispanic males experienced a net change of -60.00% from 5 to 2 employees between FYs. White males and females experienced similar net changes with males decreasing from 29 employees to 23 employees (-20.69% net change) and females decreasing from 27 to 11 employees (-59.26% net change). Black males experience a net change of -100.00% from 4 to 0 employees and Black females experienced a net change of -33.33% from 6 to 4 employees between FY 2017 to FY 2018. Asian male employees decreased from 5 to 2 employees causing a net change of -60.00% and Asian female employees decreased from 6 to 4 employees causing a net change of -33.33%.

7.3 Analysis of senior pay bands by grouping (permanent employees)

In the permanent workforce, White males and females, Black males and females, Hispanic males and females, and Asian males and females are represented in all senior bands CN-53 to CN-81/92/90.

Native Hawaiian/Pacific Islander males are represented only in senior band CN-53 and Native Hawaiian/Pacific Islander females are represented only in senior band CN-60.

American Indian/Alaska Native males are represented in senior band CN-53 to CN-71.

American Indian/Alaska Native females are represented in senior bands CN-60 and CN-71.

Females of two or more races are represented in senior bands CN-53 to CN-71, while males of two or more races are only represented at senior band CN-71.

TABLE 17: SENIOR PAY BANDS BY GENDER (PERMANENT WORKFORCE)

| | Male | Female |
|-------------|-------------|---------------|
| GS-13/CN-53 | 154 | 145 |
| | 51.51% | 48.49% |
| GS-14/CN-60 | 201 | 195 |
| | 50.76% | 49.24% |
| GS-15/CN-71 | 141 | 140 |
| | 50.18% | 49.82% |
| CN-81/82/90 | 29 | 25 |
| | 53.70% | 46.30% |

TABLE 18: SENIOR PAY BANDS BY GROUPING (PERMANENT WORKFORCE)

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|-----------------|------------|------------|-----------|------------|----------------|-----------|-----------|-----------|-------------------------|-------------------------|-------------------------|-------------------------|-----------------|-----------------|
| GS-13/ CN-53 | 95 | 73 | 26 | 46 | 12 | 11 | 17 | 14 | 1 | 0 | 3 | 0 | 0 | 1 |
| % | 31.7 7% | 24.41 % | 8.7 0% | 15.3 8% | 4.01 % | 3.6 8% | 5.69 % | 4.6 8% | 0.3 3% | 0.0 0% | 1.00 % | 0.0 0% | 0.0 0% | 0.3 3% |
| GS-14/ CN- | 138 | 111 | 27 | 45 | 14 | 14 | 21 | 22 | 0 | 1 | 1 | 1 | 0 | 1 |

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|-------------------------|------------|------------|-----------|------------|-----------|-----------|-----------|-----------|----------------|----------------|----------------|----------------|-----------|-----------|
| 60 | | | | | | | | | | | | | | |
| % | 34.8 5% | 28.03 % | 6.8 2% | 11.36 % | 3.5 4% | 3.5 4% | 5.30 % | 5.56 % | 0.0 0% | 0.2 5% | 0.0 5% | 0.2 5% | 0.0 0% | 0.2 5% |
| GS- 15/ CN- 71 | 109 | 96 | 15 | 19 | 8 | 5 | 6 | 16 | 0 | 0 | 1 | 1 | 2 | 3 |
| % | 38.7 9% | 34.16 % | 5.34 % | 6.76 % | 2.8 5% | 1.78 % | 2.14 % | 5.69 % | 0.0 0% | 0.0 0% | 0.3 6% | 0.3 6% | 0.71 % | 1.07 % |
| CN- 81/8 2/ 90 | 21 | 16 | 2 | 5 | 2 | 2 | 4 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| % | 38.8 9% | 29.63 % | 3.7 0% | 9.26 % | 3.7 0% | 3.7 0% | 7.41 % | 3.7 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% |

7.4 New hires: permanent

On November 27, 2017, the Bureau instituted a hiring freeze on all positions. Only limited exceptions to this freeze were permitted.

Permanent new hires for FY 2018 consisted of 8 females (50.00%), which is higher than the CLF availability of 48.14%. However, White females were 18.75% (3) of the new hires, which is lower than the 34.03% CLF availability. Black females were 18.75% (3) of the new hires, which is above the 6.53% CLF availability. Black males were 6.25% (1) of the new hires, which is also

above the 5.49% CLF availability. Hispanic females were 6.25% (1) of the new hires, which is higher than the 4.79% CLF availability. Hispanic males were 0.00% (0) of the new hires, which is lower than the 5.17% CLF availability, but understandable given the limited hiring during FY 2018. Asian females and Asian males were 12.50% (2) and 6.25% (1), respectively, of the new hires, which are above the respective 1.93% and 1.97% CLF availability. Native Hawaiian/Pacific Islander females and males were 0.00% (0) of the permanent new hires, which is below the 0.07% CLF availability for females and males. American Indian/Alaska Native females and males were 0.00% (0) of the new hires, which is lower than the respective 0.53% and 0.55% CLF availability. Males and females of two or more races were not among the permanent new hires for FY 2018 and their CLF availability is 0.26% and 0.28%, respectively.

TABLE 19: NEW PERMANENT HIRES BY GENDER

| | Male | Female |
|---------|--------|--------|
| Number | 8 | 8 |
| Percent | 50.00% | 50.00% |
| CLF | 51.86% | 48.14% |

TABLE 20: NEW PERMANENT HIRES BY GROUPING

| | WM | WF | B M | BF | H M | HF | AM | AF | N H/ PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|-----|------------|------------|-----------|------------|-----------|-----------|------------|-----------|--------------------|----------------|----------------|----------------|-----------|-----------|
| # | 5 | 3 | 1 | 3 | 0 | 1 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| % | 31.25 % | 18.75 % | 6.2 5% | 18.7 5% | 0.0 0% | 6.2 5% | 12.5 0% | 6.25 % | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% |
| CLF | 38.33 % | 34.0 3% | 5.4 9% | 6.53 % | 5.17 % | 4.7 9% | 1.97 % | 1.93 % | 0.0 7% | 0.0 7% | 0.5 5% | 0.5 3% | 0.2 6% | 0.2 8% |

7.5 New hires: temporary

Temporary hires for FY 2018 totaled 23 and consisted of 11 (47.83%) females, which is lower than the CLF availability of 48.14%. White females consisted of 34.79% (8) of the temporary hires, which is higher than the CLF availability of 34.03%. Black males consisted of 0.00% (0) of the temporary hires, which is lower than the CLF availability of 5.49% and Black females consisted of 8.70% (2) of the temporary hires, which is higher than the CLF availability of 6.53%. Hispanic males and females made up 0.00% (0) of the temporary hires, which are both lower than the CLF availability of 5.17% and 4.79%, respectively. Asian males made up 0.00% (0), which is lower than the CLF availability of 1.97%. Asian females comprised 4.35% (1) of the temporary hires, which exceeded the CLF availability of 1.93%. Native Hawaiian/Pacific Islander males and females, American Indian/Alaska Native males and females and males and females who were two or more races were not among the temporary hires for FY 2018.

TABLE 21: NEW TEMPORARY HIRES BY GENDER

| | Male | Female |
|---------|--------|--------|
| Number | 12 | 11 |
| Percent | 52.17% | 47.83% |
| CLF | 51.86% | 48.14% |

TABLE 22: NEW TEMPORARY HIRES BY GROUPING

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|---|----|----|----|----|--------|----|----|----|----------------|----------------|----------------|----------------|---------|---------|
| # | 31 | 19 | 3 | 8 | 2 | 3 | 7 | 5 | 0 | 0 | 0 | 0 | 0 | 0 |

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|-----|-------|-------|-----|-------|--------|-----|------|------|----------------|----------------|----------------|----------------|---------|---------|
| % | 39.74 | 24.36 | 3.8 | 10.26 | 2.5 | 3.8 | 8.9 | 6.41 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| | % | % | 5% | % | 6% | 5% | 7% | % | 0% | 0% | 0% | 0% | 0% | 0% |
| CLF | 51.86 | 48.14 | 5.4 | 6.53 | 5.17 | 4.7 | 1.97 | 1.93 | 0.0 | 0.0 | 0.5 | 0.5 | 0.2 | 0.2 |
| | % | % | 9% | % | % | 9% | % | % | 7% | 7% | 5% | 3% | 6% | 8% |

7.6 Mission critical occupations

CFPB has four key occupational groups that are instrumental and deemed “mission critical” to performing the Bureau’s mandates: Examiner (0570), General Attorney (0905), Economist (0110), and Miscellaneous Administration and Program series (0301). Each of the mission critical occupations is mapped to a relevant U.S. Census occupation code. The EEO tabulation tool then outputs the relevant occupational CLF based on the cross-walk of codes for citizens in the nation-wide database.¹⁵⁶

7.6.1 Examiner (0570)

During FY 2018, CFPB employed 401 examiners (0570 series) in the permanent workforce – 272 (67.83%) males and 129 (32.17%) females. There were zero examiners in the temporary workforce. The demographic breakdown was as follows:

- White males: 163 (40.65%)
- White females: 68 (16.96%)
- Black males: 62 (15.46%)

¹⁵⁶ See <https://www.eeoc.gov/federal/directives/00-09opmcode.cfm>.

- Black females: 37 (9.23%)
- Hispanic males: 17 (4.24%)
- Hispanic females: 11 (2.74%)
- Asian males: 23 (5.74%)
- Asian females: 9 (2.24%)
- Native Hawaiian/Pacific Islander males: 2 (0.50%)
- Native Hawaiian/Pacific Islander females: 1 (0.25%)
- American Indian/Alaska Native males: 5 (1.25%)
- American Indian/Alaska Native females: 1 (0.25%)
- Males of two or more races: 0 (0.00%)
- Females of two or more races: 2 (0.50%)

TABLE 23: EXAMINERS BY GENDER (PERMANENT)

| | Male | Female |
|--|-------------|---------------|
| Number | 272 | 129 |
| Percent | 67.83% | 32.17% |
| Occ CLF | 54.70% | 45.30% |
| Total Workforce Participation (TWP) | 51.33% | 48.67% |
| Permanent Workforce | 51.10% | 48.90% |

TABLE 24: EXAMINERS BY GROUPING (PERMANENT)

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|------|------------|------------|------------|------------|----------------|-----------|-----------|-----------|-------------------------|-------------------------|-------------------------|-------------------------|-----------------|-----------------|
| # | 163 | 68 | 62 | 37 | 17 | 11 | 23 | 9 | 2 | 1 | 5 | 1 | 0 | 2 |
| % | 40.6 5% | 16.9 6% | 15.4 6% | 9.23 % | 4.2 4% | 2.7 4% | 5.74 % | 2.2 4% | 0.5 0% | 0.2 5% | 1.25 % | 0.2 5% | 0.0 0% | 0.5 0% |
| Occ | 44.1 | 28.3 | 3.60 | 8.70 | 3.10 | 3.7 | 3.70 | 4.0 | 0.0 | 0.0 | 0.1 | 0.3 | 0.2 | 0.3 |
| CLF | 0% | 0% | % | % | % | 0% | % | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| TWP | 34.5 1% | 25.8 6% | 8.11 % | 14.1 0% | 3.4 6% | 3.19 % | 4.45 % | 4.6 5% | 0.13 % | 0.1 3% | 0.4 7% | 0.2 0% | 0.2 0% | 0.5 3% |
| Perm | 34.0 | 25.9 | 8.37 | 14.2 | 3.4 | 3.2 | 4.46 | 4.5 | 0.14 | 0.1 | 0.4 | 0.21 | 0.21 | 0.5 |
| WF | 2% | 3% | % | 7% | 3% | 9% | % | 3% | % | 4% | 8% | % | % | 5% |

7.6.2 General attorney (0905)

During FY 2018, CFPB employed 285 employees in the General Attorney (0905 series) occupational series for the permanent workforce – 46.32% (132) males and 53.68% (153) females. There are three General Attorneys employed in the temporary workforce. The demographic breakdown for the Attorney permanent workforce was as follows:

- White males (103) comprised 36.14%
- White females (107) comprised 37.54%
- Black males (8) comprised 2.81%
- Black females (17) comprised 5.96%
- Hispanic males (9) comprised 3.16%
- Hispanic females (7) comprised 2.46%

- Asian males (9) comprised 3.16%
- Asian females (18) comprised 6.32%
- American Indian or Alaska Native males (1) comprised 0.35%
- American Indian or Alaska Native females (1) comprised 0.35%
- Males of two or more races (2) comprised 0.70%
- Females of two or more races (3) comprised 1.05%

TABLE 25: GENERAL ATTORNEYS BY GENDER (PERMANENT)

| | Male | Female |
|-------------------------------------|-------------|---------------|
| Number | 132 | 153 |
| Percent | 46.32% | 53.68% |
| Occ CLF | 66.70% | 33.30% |
| Total Workforce Participation (TWP) | 51.33% | 48.67% |
| Permanent Workforce | 51.10% | 48.90% |

TABLE 26: GENERAL ATTORNEYS BY GROUPING (PERMANENT)

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|---|------------|------------|-----------|-----------|----------------|-----------|-----------|-----------|-------------------------|-------------------------|-------------------------|-------------------------|-----------------|-----------------|
| # | 103 | 107 | 8 | 17 | 9 | 7 | 9 | 18 | 0 | 0 | 1 | 1 | 2 | 3 |
| % | 36.14 % | 37.54 % | 2.81 % | 5.96 % | 3.16 % | 2.4 6% | 3.16 % | 6.3 2% | 0.0 0% | 0.0 0% | 0.3 5% | 0.3 5% | 0.7 0% | 1.05 % |

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|------|-------|-------|------|-------|--------|------|-----|-----|----------------|----------------|----------------|----------------|---------|---------|
| Occ | 59.70 | 26.70 | 2.10 | 2.60 | 2.5 | 1.8 | 1.8 | 1.8 | 0.0 | 0.0 | 0.3 | 0.2 | 0.2 | 0.2 |
| CLF | % | % | % | % | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| TWP | 34.51 | 25.86 | 8.11 | 14.10 | 3.4 | 3.19 | 4.4 | 4.6 | 0.13 | 0.13 | 0.4 | 0.2 | 0.2 | 0.5 |
| | % | % | % | % | 6% | % | 5% | 5% | % | % | 7% | 0% | 0% | 3% |
| Perm | 34.02 | 25.93 | 8.3 | 14.27 | 3.4 | 3.2 | 4.4 | 4.5 | 0.1 | 0.1 | 0.4 | 0.21 | 0.21 | 0.5 |
| WF | % | % | 7% | % | 3% | 9% | 6% | 3% | 4% | 4% | 8% | % | % | 5% |

7.6.3 Economist (0110)

During FY 2018, CFPB employed 40 employees in the Economists (0110 series) occupational series. Of the 40 employees, 30 were in permanent positions and 10 were in temporary positions. In the permanent workforce – 73.33 % (22) males and 26.67% (8) females. The demographic breakdown for the permanent workforce was as follows:

- White males (16) comprised 53.33%
- White females (6) comprised 20.00%
- Black males (2) comprised 6.67%
- Hispanic males (3) comprised 10.00%
- Asian males (1) comprised 3.33%
- Asian females (2) comprised 6.67%

TABLE 27: ECONOMISTS BY GENDER (PERMANENT)

| | Male | Female |
|-------------------------------------|-------------|---------------|
| Number | 22 | 8 |
| Percent | 73.33% | 26.67% |
| Occ CLF | 67.10% | 32.90% |
| Total Workforce Participation (TWP) | 51.33% | 48.67% |
| Permanent Workforce | 51.10% | 48.90% |

TABLE 28: ECONOMIST BY GROUPING (PERMANENT)

| | W M | WF | BM | BF | HM | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|------------|----------------|------------|-----------|------------|------------|-----------|-----------|---------------|-------------------------|-------------------------|-------------------------|-------------------------|-----------------|-----------------|
| # | 16 | 6 | 2 | 0 | 3 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| % | 53.3 3% | 20.0 0% | 6.67 % | 0.00 % | 10.0 0% | 0.0 0% | 3.3 3% | 6.6 7 % | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% |
| Occ CLF | 55.8 0% | 25.2 0% | 2.80 % | 2.70 % | 3.30 % | 1.8 0% | 4.5 0% | 3.10 % | 0.0 0% | 0.1 0% | 0.5 0% | 0.1 0% | 0.2 0% | 0.0 0% |
| TWP | 34.5 1% | 25.8 6% | 8.11 % | 14.1 0% | 3.46 % | 3.19 % | 4.4 5% | 4.6 5% | 0.13 % | 0.13 % | 0.4 7% | 0.2 0% | 0.2 0% | 0.5 3% |
| Perm WF | 34.0 2% | 25.9 3% | 8.37 % | 14.2 7% | 3.43 % | 3.2 9% | 4.4 6% | 4.5 3% | 0.1 4% | 0.1 4% | 0.4 8% | 0.21 % | 0.21 % | 0.5 5% |

7.6.4 Miscellaneous administration and program (0301)

During FY 2018, CFPB employed 300 permanent employees and 10 temporary employees in the Miscellaneous Administration and Program (0301 series) occupational series. Of the permanent employees, 42.33% (127) males and 57.67% (173) females. The demographic breakdown for the permanent workforce was as follows:

- White males (83) comprised 27.67%
- White females (75) comprised 25.00%
- Black males (21) comprised 7.00%
- Black females (67) comprised 22.33%
- Hispanic males (9) comprised 3.00%
- Hispanic females (12) comprised 4.00%
- Asian males (13) comprised 4.33%
- Asian females (16) comprised 5.33%
- Native Hawaiian or Pacific Islander females (1) comprised 0.33%
- American Indian or Alaska Native males (1) comprised 0.33%
- American Indian or Alaska Native females (1) comprised 0.33%
- Females of two or more races (1) comprised 0.33%

TABLE 29: MISC. ADMINISTRATION AND PROGRAM SERIES BY GENDER (PERMANENT)

| | Male | Female |
|---------|--------|--------|
| Number | 127 | 173 |
| Percent | 42.33% | 57.67% |
| Occ CLF | 36.70% | 63.30% |

| | Male | Female |
|-------------------------------------|--------|--------|
| Total Workforce Participation (TWP) | 51.33% | 48.67% |
| Permanent Workforce | 51.10% | 48.90% |

TABLE 30: MISC. ADMINISTRATION AND PROGRAM SERIES BY GROUPING (PERMANENT)

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|------------|------------|------------|-----------|------------|-----------|-----------|-----------|-----------|----------------|----------------|----------------|----------------|-----------|-----------|
| # | 83 | 75 | 21 | 67 | 9 | 12 | 13 | 16 | 0 | 1 | 1 | 1 | 0 | 1 |
| % | 27.67 % | 25.0 0% | 7.0 0% | 22.33 % | 3.0 0% | 4.0 0% | 4.3 3% | 5.3 3% | 0.0 0% | 0.3 3% | 0.3 3% | 0.3 3% | 0.0 0% | 0.3 3% |
| Occ CLF | 27.10 % | 43.8 0% | 3.6 0% | 8.90 % | 2.8 0% | 5.8 0% | 2.6 0% | 3.6 0% | 0.0 0% | 0.1 0% | 0.4 0% | 0.6 0% | 0.2 0% | 0.3 0% |
| TWP | 34.51 % | 25.86 % | 8.11 % | 14.10 % | 3.4 6% | 3.19 % | 4.4 5% | 4.6 5% | 0.13 % | 0.13 % | 0.4 7% | 0.2 0% | 0.2 0% | 0.5 3% |
| Perm WF | 34.0 2% | 25.93 % | 8.3 7% | 14.27 % | 3.4 3% | 3.2 9% | 4.4 6% | 4.5 3% | 0.1 4% | 0.1 4% | 0.4 8% | 0.21 % | 0.21 % | 0.5 5% |

7.7 Non-competitive promotion eligibility

Throughout FY 2018, 221 permanent employees were eligible for career ladder promotions, 127

of which were males and 94 of which were females.¹⁵⁷ Of the 221 who were eligible for career ladder promotions, 217 received the promotion within 1 to 12 months' in excess of time in band, three received the promotion within 12-24 months in excess of time in band, and one received the promotion in 25+ months of time in band. Of those who were eligible for promotion in FY 2018:

- 78 (35.29%) were White males
- 44 (19.91%) were White females
- 27 (12.22%) were Black males
- 35 (15.84%) were Black females
- 13 (5.88%) were Hispanic males
- 11 (4.98%) were Hispanic females
- 9 (4.07%) were Asian males
- 2 (0.90%) were Asian females
- 2 (0.90%) were females of two or more races

TABLE 31: NON-COMPETITIVE PROMOTIONS BY GENDER (PERMANENT)

| | Male | Female |
|-------------------------|------|--------|
| Eligible for Promotions | 127 | 94 |

¹⁵⁷ The term “eligible” in this section refers only to those employees who have met the time-in-grade (pay band) requirement for a career ladder promotion. Under Bureau policy, there are several other requirements that must be met before an employee may be promoted on a career ladder, including standards related to performance and sufficient availability of work at the next higher band level. Additionally, promotions for employees in 0905-series Attorney positions are not considered career ladder promotions and are therefore not included in this section.

| | Male | Female |
|-----------------------------|--------|--------|
| Percent (of those eligible) | 57.47% | 42.53% |

TABLE 32: ELIGIBLES FOR NON-COMPETITIVE PROMOTIONS BY GROUPING (PERMANENT)

| | W M | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|---------------------|------------|------------|------------|------------|-----------|-----------|-----------|-----------|----------------|----------------|----------------|----------------|-----------|-----------|
| # | 78 | 44 | 27 | 35 | 13 | 11 | 8 | 2 | 0 | 0 | 0 | 0 | 0 | 2 |
| % | 35.2 9% | 19.91 % | 12.22 % | 15.8 4% | 5.8 8% | 4.9 8% | 4.0 7% | 0.9 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.9 0% |
| 1-12 mos (#) | 76 | 44 | 25 | 35 | 13 | 11 | 9 | 2 | 0 | 0 | 0 | 0 | 0 | 2 |
| 1-12 mos (%) | 35.0 2% | 20.2 8% | 11.52 % | 16.13 % | 5.9 9% | 5.0 7% | 4.15 % | 0.9 2% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.9 2% |
| 13-24 mos (#) | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 13-24 mos (%) | 66.6 7% | 0.00 % | 33.33 % | 0.00 % | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% |
| 25+ mos (#) | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | W M | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|-------------------|-----------|-----------|-------------|-----------|-----------|-----------|-----------|-----------|----------------|----------------|----------------|----------------|-----------|-----------|
| 25+ mos (%) | 0.00 % | 0.00 % | 100.0 0% | 0.00 % | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% |

7.8 Separations

A total of 142 permanent employees were separated during FY 2018 – 76 (or 53.52%) males and 66 (or 46.48%) females. Separations include resignations, terminations, transfers, retirements, and death.¹⁵⁸ White males, at 50 (or 35.21%), were the largest group separated followed by White females, at 43 (or 30.28%). Other rates of separation include:

- Black males – 7 or 4.93%
- Black females – 15 or 10.56%
- Hispanic males – 6 or 4.23%
- Hispanic females – 1 or 0.70%
- Asian males – 13 or 9.15%
- Asian females – 6 or 4.23%
- Females of two or more races – 1 or 0.70%

¹⁵⁸ Two employees passed away during FY 2018.

TABLE 33: TOTAL SEPARATIONS BY GENDER (PERMANENT)

| | Male | Female |
|---------|--------|--------|
| Number | 76 | 66 |
| Percent | 53.52% | 46.48% |

TABLE 34: TOTAL SEPARATIONS BY GROUPING (PERMANENT)

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|---|------------|------------|-----------|------------|-----------|-----------|-----------|-----------|----------------|----------------|----------------|----------------|-----------|-----------|
| # | 50 | 43 | 7 | 15 | 6 | 1 | 13 | 6 | 0 | 0 | 0 | 0 | 0 | 1 |
| % | 35.21 % | 30.2 8% | 4.9 3% | 10.56 % | 4.2 3% | 0.7 0% | 9.15 % | 4.2 3% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.7 0% |

7.8.1 Resignations

Of the 142 separations, 81 were resignations, the largest group of whom were White males (27) at 33.33% and White females (27) at 33.33%. Other resignation rates include:

- 4 or 4.94% Black males
- 4 or 4.94% Black females
- 4 or 4.94% Hispanic males
- 1 or 1.23% Hispanic females
- 8 or 9.88% Asian males
- 5 or 6.17% Asian females
- 1 or 1.23% Female of two or more races

TABLE 35: RESIGNATIONS BY GENDER (PERMANENT)

| | Male | Female |
|---------|--------|--------|
| Number | 43 | 38 |
| Percent | 53.09% | 46.91% |

TABLE 36: RESIGNATIONS BY GROUPING (PERMANENT)

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|---|------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|----------------|----------------|----------------|----------------|-----------|-----------|
| # | 27 | 27 | 4 | 4 | 4 | 1 | 8 | 5 | 0 | 0 | 0 | 0 | 0 | 1 |
| % | 33.33 % | 33.33 % | 4.9 4% | 4.94 % | 4.9 4% | 1.23 % | 9.8 8% | 6.17 % | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 1.23 % |

7.8.2 Terminations

There were 0 terminations in FY 2018.¹⁵⁹

TABLE 37: TERMINATIONS BY GENDER

| | Male | Female |
|---------|-------|--------|
| Number | 0 | 0 |
| Percent | 0.00% | 0.00% |

¹⁵⁹ There were no actions processed with a termination code in FY 2018.

TABLE 38: TERMINATIONS BY GROUPING

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|----------------|----------------|----------------|----------------|-----------|-----------|
| # | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| % | 0.00 % | 0.00 % | 0.0 0% | 0.00 % | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% |

7.8.3 Transfers to another federal agency

In FY 2018 there were 35 transfers – 16 (or 45.71%) males and 19 (or 54.29%) females. Other transfer rates include:

- 10 White males (28.57%)
- 7 White females (20.00%)
- 2 Black males (5.71%)
- 11 Black females (31.43%)
- 1 Hispanic male (2.86%)
- 3 Asian males (8.57%)
- 1 Asian female (2.86%)

TABLE 39: TRANSFERS BY GENDER (PERMANENT)

| | Male | Female |
|---------|--------|--------|
| Number | 16 | 19 |
| Percent | 45.71% | 54.29% |

TABLE 40: TRANSFERS BY GROUPING (PERMANENT)

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|---|------------|------------|-----------|------------|------------|-----------|-----------|-----------|----------------|----------------|----------------|----------------|-----------|-----------|
| # | 10 | 7 | 2 | 11 | 1 | 0 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| % | 28.57 % | 20.0 0% | 5.71 % | 31.43 % | 2.8 6 % | 0.0 0% | 8.5 7% | 2.8 6% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% |

7.8.4 Retirements

During FY 2018, there were 24 retirements: 17 males (or 70.83%) and 7 females (or 29.17%). Of the 24 retirements, 13 were White males (54.17%), 7 were White females (29.17%), 1 was a Black male (4.17%), 1 was a Hispanic male (4.17%) and 2 were Asian males (8.33%).

TABLE 41: RETIREMENTS BY GENDER (PERMANENT)

| | Male | Female |
|---------|--------|--------|
| Number | 17 | 7 |
| Percent | 70.83% | 29.17% |

TABLE 42: RETIREMENTS BY GROUPING (PERMANENT)

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|---|-------|-------|------|------|--------|-----|-----|-----|----------------|----------------|----------------|----------------|---------|---------|
| # | 13 | 7 | 1 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| % | 54.17 | 29.17 | 4.17 | 0.00 | 4.17 | 0.0 | 8.3 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|----|----|----|----|--------|----|----|----|----------------|----------------|----------------|----------------|---------|---------|
| % | % | % | % | % | 0% | 3% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |

7.9 Awards¹⁶⁰

During FY 2018, time off awards (NOA 846), individual spot awards (NOA 887), Superior Achievement awards (also NOA 887) and Team Achievement awards (NOA 889) were processed. CFPB's Awards program year will always span two fiscal years, so a full program year analysis will be conducted using a more complete data set than shown here.

For the awards paid out in FY 2018 to the permanent workforce, the different award breakdown averages were as follows:

- Cash awards (\$100-\$500), average \$397.01
- Cash awards (\$501-\$1,500), average \$960.45
- Cash awards (\$1,501 or more), average \$2,208.62
- Time off awards (9 hours or less), average 8 hours
- Time off awards (over 9 hours), average 19.31 hours

TABLE 43: CASH AWARDS (\$100-\$500) BY GENDER

| | Male | Female |
|----------------|------|--------|
| Cash Award (#) | 360 | 393 |

¹⁶⁰ Information provided below about the Bureau's Awards and Recognition program does not include data on the Bureau's new effort (initiated in FY 2018) to encourage leaders and staff to recognize superior EEO-related achievements. See Part H-1 below.

| | Male | Female |
|----------------|----------|----------|
| Cash Award (%) | 47.81% | 52.19% |
| Average Award | \$400.13 | \$394.15 |

TABLE 44: CASH AWARDS (\$100-\$500) BY GROUPING

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|---|------------|------------|-----------|------------|-----------|-----------|-----------|-----------|----------------|----------------|----------------|----------------|-----------|-----------|
| # | 259 | 208 | 43 | 121 | 23 | 31 | 30 | 30 | 0 | 1 | 4 | 0 | 1 | 2 |
| % | 34.4 0% | 27.62 % | 5.71 % | 16.07 % | 3.0 5% | 4.12 % | 3.9 8% | 3.9 8% | 0.0 0% | 0.13 % | 0.5 3% | 0.0 0% | 0.13 % | 0.2 7% |

TABLE 45: CASH AWARDS (\$501-\$1,500) BY GENDER

| | Male | Female |
|----------------|----------|----------|
| Cash Award (#) | 202 | 169 |
| Cash Award (%) | 54.45% | 45.55% |
| Average Award | \$960.57 | \$960.31 |

TABLE 46: CASH AWARDS (\$501-\$1,500) BY GROUPING

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|---|-----|-----|----|----|--------|----|----|----|----------------|----------------|----------------|----------------|---------|---------|
| # | 145 | 102 | 18 | 30 | 17 | 15 | 21 | 19 | 0 | 0 | 1 | 1 | 0 | 2 |

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|---|------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|----------------|----------------|----------------|----------------|-----------|-----------|
| % | 39.0 8% | 27.49 % | 4.8 5% | 5.09 % | 4.5 8% | 4.0 4% | 5.6 6% | 5.12 % | 0.0 0% | 0.0 0% | 0.2 7% | 0.2 7% | 0.0 0% | 0.5 4% |

TABLE 47: CASH AWARDS (\$1,501 OR MORE) BY GENDER

| | Male | Female |
|----------------|------------|------------|
| Cash Award (#) | 13 | 9 |
| Cash Award (%) | 59.09% | 40.91% |
| Average Award | \$2,290.38 | \$2,090.52 |

TABLE 48: CASH AWARDS (\$1,501 OR MORE) BY GROUPING

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|---|------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|----------------|----------------|----------------|----------------|-----------|-----------|
| # | 12 | 8 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| % | 54.55 % | 36.36 % | 4.5 5% | 0.00 % | 0.0 0% | 4.5 5% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% |

TABLE 49: TIME OFF AWARDS (9 HOURS OR LESS) BY GENDER

| | Male | Female |
|-------------------------------|-------------|---------------|
| Time Off, 9 hours or less (#) | 73 | 86 |
| Time Off, 9 hours or less (%) | 45.91% | 54.09% |
| Average Award | 8 hours | 8 hours |

TABLE 50: TIME OFF AWARDS (9 HOURS OR LESS) BY GROUPING

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|---|------------|------------|-----------|------------|----------------|-----------|-----------|-----------|-------------------------|-------------------------|-------------------------|-------------------------|-----------------|-----------------|
| # | 58 | 47 | 6 | 22 | 2 | 3 | 6 | 14 | 0 | 0 | 0 | 0 | 1 | 0 |
| % | 36.4 8% | 29.56 % | 3.77 % | 13.84 % | 1.26 % | 1.89 % | 3.77 % | 8.8 1% | 0.0 0% | 0.0 0% | 0.0 0% | 0.0 0% | 0.6 3% | 0.0 0% |

TABLE 51: TIME OFF AWARDS (OVER 9 HOURS) BY GENDER

| | Male | Female |
|----------------------------|-------------|---------------|
| Time Off, over 9 hours (#) | 60 | 68 |
| Time Off, over 9 hours (%) | 46.88% | 53.12% |
| Average Award | 19.33 hours | 19.29 hours |

TABLE 52: TIME OFF AWARDS (OVER 9 HOURS) BY GROUPING

| | WM | WF | BM | BF | H M | HF | AM | AF | NH /PI M | NH /PI F | AI/ AN M | AI/ AN F | 2+ M | 2+ F |
|---|------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|----------------|----------------|----------------|----------------|-----------|-----------|
| # | 42 | 42 | 6 | 12 | 3 | 6 | 7 | 7 | 0 | 0 | 2 | 0 | 0 | 1 |
| % | 32.81 % | 32.81 % | 4.6 9% | 9.38 % | 2.3 4% | 4.5 9% | 5.47 % | 5.47 % | 0.0 0% | 0.0 0% | 1.56 % | 0.0 0% | 0.0 0% | 0.7 8% |

8. Part F – Certification of establishment of continuing EEO programs

Melissa Brand, Director of the Office of Civil Rights, is the Principal EEO Official for the Consumer Financial Protection Bureau.

The Agency has conducted an annual self-assessment of Title VII Section 717 and Rehabilitation Act Section 501 programs against the essential elements as prescribed by EEO MD-715. If an essential element was not fully compliant with the standards of EEO MD-715, a further evaluation was conducted and, as appropriate, EEO Plans for Attaining the Essential Elements of a Model EEO Program are included with this Federal Agency Annual EEO Program Status Report.

The Agency has also analyzed its workforce profiles and conducted barrier analyses aimed at detecting whether any management or personnel policy, procedure, or practice is operating to disadvantage any group based on race, national origin, gender, or disability. EEO Plans to Eliminate Identified Barriers, as appropriate, are included with this Federal Agency Annual EEO Program Status Report.

I certify that proper documentation of this assessment is in place and is being maintained for EEOC review upon request.

Melissa Brand
Director of OCR

Date

I certify that this Federal Agency Annual EEO Program Status Report is in compliance with EEO MD-715.

Kathleen Kraninger
Director of CFPB

Date

[Signed versions are on file with the U.S. Equal Employment Opportunity Commission.]

9. Part G – EEO program self-assessment checklist

CFPB conducted the mandatory self-assessment of its EEO Program by completing MD-715 Part G, the Self-Assessment Checklist. This checklist and supporting documentation and data have also been submitted to the EEOC via FedSEP.

MD-715 - PART G
Agency Self-Assessment Checklist

The Part G Self-Assessment Checklist is a series of questions designed to provide federal agencies with an effective means for conducting the annual self-assessment required in Part F of MD-715. This self-assessment permits EEO Directors to recognize, and to highlight for their senior staff, deficiencies in their EEO program that the agency must address to comply with MD-715's requirements. Nothing in Part G prevents agencies from establishing additional practices that exceed the requirements set forth in this checklist.

All agencies will be required to submit Part G to EEOC. Although agencies need not submit documentation to support their Part G responses, they must maintain such documentation on file and make it available to EEOC upon request.

The Part G checklist is organized to track the MD-715 essential elements. As a result, a single substantive matter may appear in several different sections, but in different contexts. For example, questions about establishing an anti-harassment policy fall within Element C (Management and Program Accountability), while questions about providing training under the anti-harassment policy are found in Element A (Demonstrated Commitment from Agency Leadership).

For each MD-715 essential element, the Part G checklist provides a series of "compliance indicators." Each compliance indicator, in turn, contains a series of "yes/no" questions, called "measures." To the right of the measures, there are two columns, one for the agency to answer the measure with "Yes", "No", or "NA;" and the second column for the agency to provide "comments", if necessary. Agencies should briefly explain any "N/A" answer in the comments. For example, many of the sub-component agencies are not responsible for issuing final agency decisions (FADs) in the EEO complaint process, so it may answer questions about FAD timeliness with "NA" and explain in the comments column that the parent agency drafts all FADs.

A "No" response to any measure in Part G is a program deficiency. For each such "No" response, an agency will be required in Part H to identify a plan for correcting the identified deficiency. If one or more sub-components answer "No" to a particular question, the agency-wide/parent agency's report should also include that "No" response.

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MD-715 - PART G

Agency Self-Assessment Checklist

| Essential Element A: DEMONSTRATED COMMITMENT FROM AGENCY LEADERSHIP This element requires the agency head to communicate a commitment to equal employment opportunity and a discrimination-free workplace. | | | | |
|---|---|------------------------------------|---|---------------------------------|
| Compliance Indicator Measures | A.1 – The agency issues an effective, up-to-date EEO policy statement. | Measure Met? (Yes/No/NA) | Comments | Current Part G Questions |
| A.1.a | Does the agency annually issue a signed and dated EEO policy statement on agency letterhead that clearly communicates the agency's commitment to EEO for all employees and applicants? If "yes", please provide the annual issuance date in the comments column. [see MD-715, II(A)] | Yes | The then-Acting Director of CFPB issued the Bureau's FY 2018 EEO and Anti-Harassment Policy Statement on February 28, 2018. | A.1.a.2 |
| A.1.b | Does the EEO policy statement address all protected bases (age, color, disability, sex (including pregnancy, sexual orientation and gender identity), genetic information, national origin, race, religion, and reprisal) contained in the laws EEOC enforces? [see 29 CFR § 1614.101(a)] | Yes | | New |
| | | | | |
| Compliance Indicator Measures | A.2 – The agency has communicated EEO policies and procedures to all employees. | Measure Met? (Yes/No/NA) | Comments | |
| A.2.a | Does the agency disseminate the following policies and procedures to all employees: | | | |
| A.2.a.1 | Anti-harassment policy? [see MD 715, II(A)] | Yes | | New |
| A.2.a.2 | Reasonable accommodation procedures? [see 29 C.F.R § 1614.203(d)(3)] | Yes | | New |
| A.2.b | Does the agency prominently post the following information throughout the workplace and on its public website: | | | |

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| A.2.b.1 | The business contact information for its EEO Counselors, EEO Officers, Special Emphasis Program Managers, and EEO Director? [see 29 C.F.R § 1614.102(b)(7)] | Yes | | New |
| A.2.b.2 | Written materials concerning the EEO program, laws, policy statements, and the operation of the EEO complaint process? [see 29 C.F.R § 1614.102(b)(5)] | Yes | | A.2.c |
| A.2.b.3 | Reasonable accommodation procedures? [see 29 C.F.R. § 1614.203(d)(3)(i)] If so, please provide the internet address in the comments column. | Yes | <p>The most updated, finalized policy and procedures are available at https://www.consumerfinance.gov/office-civil-rights/reasonable-accommodation-persons-disabilities/.</p> <p>Recently, the Bureau reviewed and revised its disability-related reasonable accommodation policy and standard operating procedures to comply with EEOC's new affirmative action regulations under Section 501 of the Rehabilitation Act of 1973 and related guidance. See 82 Fed. Reg. 654 (Jan. 3, 2017); see also Questions and Answers: Federal Agencies' Obligation to Provide Personal Assistance Services (PAS) under Section</p> | A.3.c |

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| | | | <p>501 of the Rehabilitation Act (issued September 18, 2017), available at https://www.eeoc.gov/federal/directives/personal-assistance-services.cfm. In a letter dated February 9, 2018, the EEOC informed CFPB that its revised policy, SOPs, and forms had been approved in their entirety (without the need for any additional revisions), and comply with applicable EEOC regulations and guidance. The Bureau is now finalizing these documents internally to conform to recent programmatic and personnel changes – including the hiring of a new Disability Program Manager and Reasonable Accommodations Program Manager. The Bureau will disseminate and train appropriate staff on the revised policy and procedures (and forms), and post them, as required under the</p> | |
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| | | | new affirmative action regulations, as the web address included above. | |
| A.2.c | Does the agency inform its employees about the following topics: | | | |
| A.2.c.1 | EEO complaint process? [see 29 CFR §§ 1614.102(a)(12) and 1614.102(b)(5)] If “yes”, please provide how often. | Yes | This information is provided to all employees in a variety of ways at multiple points throughout each fiscal year. Employees are told about their EEO rights and responsibilities – including the EEO complaint process, Alternative Dispute Resolution, the Bureau’s anti-harassment policy and procedures, and reasonable accommodation requirements and procedures – on their very first day of employment when officials from the CFPB’s Office of Civil Rights (OCR) conduct an orientation briefing for onboarding employees. All employees also are required to take an annual No FEAR Act training and a separate anti-harassment training. OCR posts an “EEO | A.2.a |

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| | | | <p>Tip of the Week” most weeks on the Agency intranet homepage. OCR also offers webinars a few times a year for various EEO topics, including important information about the EEO complaints process. All employees receive the Director’s Annual EEO Policy and Anti-Harassment Statement and Annual No FEAR Act Notice, both of which also explain the basics of the EEO and related topics. Further, throughout the fiscal year, OCR places updates and reminders about EEO-related topics in the CFPB “Ops Digest” (a weekly digital publication emailed to all employees weekly). Information about these issues (e.g., the 45-calendar day deadline for seeking EEO counseling, ADR) also is placed on employee paystubs throughout the year. In addition, hard copies of EEO posters and related EEO</p> | |
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| | | | pamphlets and documents (e.g., a complaint process overview, the Director's annual statements, an ADR program brochure, annual MD-715 and No FEAR Act reports, etc.) are posted and/or placed on display stands on floors throughout CFPB facilities, as well as in OCR and Office of Human Capital (OHC) office space. Detailed EEO information is available permanently and constantly updated on OCR's intranet page, as well as on the Bureau's public-facing website www.consumerfinance.gov . | |
| A.2.c.2 | ADR process? [see MD-110, Ch. 3(II)(C)] If "yes", please provide how often. | Yes | This information is provided to all employees in a variety of ways at multiple points throughout each fiscal year. See answer to A.2.c.1. | New |
| A.2.c.3 | Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If "yes", please provide how often. | Yes | This information is provided to all employees in a variety of ways at multiple points throughout each fiscal year. See answer to A.2.c.1. | New |



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| A.2.c.4 | Anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1] If “yes”, please provide how often. | Yes | This information is provided to all employees in a variety of ways at multiple points throughout each fiscal year. See answer to A.2.c.1. | New |
| A.2.c.5 | Behaviors that are inappropriate in the workplace and could result in disciplinary action? [5 CFR § 2635.101(b)] If “yes”, please provide how often. | Yes | This information is provided to all employees in a variety of ways at multiple points throughout each fiscal year. See answer to A.2.c.1. | A.3.b |
| | | | | |
|  Compliance Indicator  Measures | A.3 – The agency assesses and ensures EEO principles are part of its culture. | Measure Met? (Yes/No/NA) | Comments New Compliance Indicator | |
| A.3.a | Does the agency provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in equal employment opportunity? [see 29 CFR § 1614.102(a) (9)] If “yes”, provide one or two examples in the comments section. | Yes | This was listed as a deficiency in CFPB's FY 2017 EEO Program Status Report. The deficiency has now been rectified. See Part H-1. | New |
| A.3.b | Does the agency utilize the Federal Employee Viewpoint Survey or other climate assessment tools to monitor the perception of EEO principles within the workforce? [see 5 CFR Part 250] | Yes | | New |
| | | | | |
| Essential Element B: INTEGRATION OF EEO INTO THE AGENCY'S STRATEGIC MISSION This element requires that the agency's EEO programs are structured to maintain a workplace that is free from discrimination and support the agency's strategic mission. | | | | |





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|  Compliance Indicator  Measures | B.1 - The reporting structure for the EEO program provides the principal EEO official with appropriate authority and resources to effectively carry out a successful EEO program. | Measure Met? (Yes/No/NA) | Comments | |
|--|--|---------------------------------|---|-------|
| B.1.a | Is the agency head the immediate supervisor of the person ("EEO Director") who has day-to-day control over the EEO office? [see 29 CFR §1614.102(b)(4)] | Yes | | B.1.a |
| B.1.a.1 | If the EEO Director does not report to the agency head, does the EEO Director report to the same agency head designee as the mission-related programmatic offices? If "yes," please provide the title of the agency head designee in the comments. | N/A | | New |
| B.1.a.2 | Does the agency's organizational chart clearly define the reporting structure for the EEO office? [see 29 CFR §1614.102(b)(4)] | Yes | See https://www.consumerfinance.gov/about-us/the-bureau/bureau-structure/ | B.1.d |
| B.1.b | Does the EEO Director have a regular and effective means of advising the agency head and other senior management officials of the effectiveness, efficiency and legal compliance of the agency's EEO program? [see 29 CFR §1614.102(c)(1); MD-715 Instructions, Sec. I] | Yes | | B.2.a |
| B.1.c | During this reporting period, did the EEO Director present to the head of the agency, and other senior management officials, the "State of the agency" briefing covering the six essential elements of the model EEO program and the status of the barrier analysis process? [see MD-715 Instructions, Sec. I] If "yes", please provide the date of the briefing in the comments column. | Yes | The OCR Director conducted this briefing with Senior CFPB Leadership on May 9, 2018. This briefing also included a review of the FY 2017 No FEAR Act Report. | B.2.b |
| B.1.d | Does the EEO Director regularly participate in senior-level staff meetings concerning personnel, budget, technology, and other workforce issues? [see MD-715, II(B)] | Yes | This was listed as a deficiency in CFPB's FY 2017 EEO Program Status Report. The deficiency has now been rectified. See Part H-2. | New |
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|  Compliance Indicator  Measures | B.2 – The EEO Director controls all aspects of the EEO program. | Measure Met? (Yes/No/NA) | Comments New Compliance Indicator | |
| B.2.a | Is the EEO Director responsible for the implementation of a continuing affirmative employment program to promote EEO and to identify and eliminate discriminatory policies, procedures, and practices? [see MD-110, Ch. 1(III)(A); 29 CFR §1614.102(c)] | Yes | | B.3.a |
| B.2.b | Is the EEO Director responsible for overseeing the completion of EEO counseling [see 29 CFR §1614.102(c)(4)] | Yes | | New |
| B.2.c | Is the EEO Director responsible for overseeing the fair and thorough investigation of EEO complaints? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.] | Yes | | New |
| B.2.d | Is the EEO Director responsible for overseeing the timely issuance of final agency decisions? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.] | Yes | | New |
| B.2.e | Is the EEO Director responsible for ensuring compliance with EEOC orders? [see 29 CFR §§ 1614.102(e); 1614.502] | Yes | | F.3.b |
| B.2.f | Is the EEO Director responsible for periodically evaluating the entire EEO program and providing recommendations for improvement to the agency head? [see 29 CFR §1614.102(c)(2)] | Yes | | New |
| B.2.g | If the agency has subordinate level components, does the EEO Director provide effective guidance and coordination for the components? [see 29 CFR §§ 1614.102(c)(2) and (c)(3)] | Yes | | New |
|  Compliance Indicator  Measures | B.3 - The EEO Director and other EEO professional staff are involved in, and consulted on, management/personnel actions. | Measure Met? (Yes/No/NA) | Comments | |
| B.3.a | Do EEO program officials participate in agency meetings regarding workforce changes that might impact EEO issues, including strategic planning, recruitment strategies, vacancy projections, succession planning, and selections for training/career development opportunities? [see MD-715, II(B)] | Yes | See related details regarding compliance with Measure B.1.d. provided at Part H-2. | B.2.c & B.2.d |

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| B.3.b | Does the agency's current strategic plan reference EEO / diversity and inclusion principles? [see MD-715, II(B)] If "yes", please identify the EEO principles in the strategic plan in the comments column. | Yes | CFPB's Agency-wide Strategic Plan for FY 2018-2022 issued in February 2018 makes Bureau leadership's commitment to EEO explicit. The Strategic Plan states that "[t]o accomplish its mission, the Bureau needs to maintain a sustainable, high performing, diverse, inclusive, and engaged workforce." Accordingly, one Objective under the Plan's third Goal is "Maintain a talented, diverse, inclusive, and engaged workforce." To achieve this Objective, the new Strategic Plan outlines various Strategies, including: <i>"Maintain comprehensive equal employment opportunity (EEO) compliance and diversity and inclusion programs, including those focused on minority and women inclusion."</i> Similarly, the Bureau's D&I Strategic Plan for FY 2016-2020 commits the Bureau to | New |
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| | | | full and timely compliance with all Federal laws, regulations, Executive orders, management directives, and policies related to promoting diversity and inclusion in the Federal workforce – including by requiring managers to ensure compliance with all anti-discrimination laws, regulations, policies, and guidance, and with accountability through performance plans. (The Bureau is now updating the D&I Strategic Plan to align it more closely with the newer Bureau-wide Strategic Plan.) | |
| | | | | |
| | | | | |
|  Compliance Indicator  Measures | B.4 - The agency has sufficient budget and staffing to support the success of its EEO program. | Measure Met? (Yes/No/NA) | Comments | |
| B.4.a | Pursuant to 29 CFR §1614.102(a)(1), has the agency allocated sufficient funding and qualified staffing to successfully implement the EEO program, for the following areas: | | | |
| B.4.a.1 | to conduct a self-assessment of the agency for possible program deficiencies? [see MD-715, II(D)] | Yes | | B.3.b |
| B.4.a.2 | to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)] | Yes | | B.4.a |





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| B.4.a.3 | to timely, thoroughly, and fairly process EEO complaints, including EEO counseling, investigations, final agency decisions, and legal sufficiency reviews? [see 29 CFR § 1614.102(c)(5) & 1614.105(b) – (f); MD-110, Ch. 1(IV)(D) & 5(IV); MD-715, II(E)] | Yes | | E.5.b |
| B.4.a.4 | to provide all supervisors and employees with training on the EEO program, including but not limited to retaliation, harassment, religious accommodations, disability accommodations, the EEO complaint process, and ADR? [see MD-715, II(B) and III(C)] If not, please identify the type(s) of training with insufficient funding in the comments column. | Yes | The Bureau plans to make its anti-harassment training program more robust in the future, leveraging resources in OHC, LD, and OEOF. | B.4.f & B.4.g |
| B.4.a.5 | to conduct thorough, accurate, and effective field audits of the EEO programs in components and the field offices, if applicable? [see 29 CFR §1614.102(c)(2)] | Yes | | E.1.c |
| B.4.a.6 | to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures)? [see MD-715, II(B)] | Yes | | B.4.c |
| B.4.a.7 | to maintain accurate data collection and tracking systems for the following types of data: complaint tracking, workforce demographics, and applicant flow data? [see MD-715, II(E)]. If not, please identify the systems with insufficient funding in the comments section. | Yes | | New |
| B.4.a.8 | to effectively administer its special emphasis programs (such as, Federal Women's Program, Hispanic Employment Program, and People with Disabilities Program Manager)? [5 USC § 7201; 38 USC § 4214; 5 CFR § 720.204; 5 CFR § 213.3102(t) and (u); 5 CFR § 315.709] | Yes | | B.3.c, B.3.c.1, B.3.c.2, & B.3.c.3 |
| B.4.a.9 | to effectively manage its anti-harassment program? [see MD-715 Instructions, Sec. I); EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1] | Yes | | New |
| B.4.a.10 | to effectively manage its reasonable accommodation program? [see 29 CFR § 1614.203(d)(4)(ii)] | Yes | | B.4.d |
| B.4.a.11 | to ensure timely and complete compliance with EEOC orders? [see MD-715, II(E)] | Yes | | New |
| B.4.b | Does the EEO office have a budget that is separate from other offices within the agency? [see 29 CFR § 1614.102(a)(1)] | Yes | | New |
| B.4.c | Are the duties and responsibilities of EEO officials clearly defined? [see MD-110, Ch. 1(III)(A), 2(III), & 6(III)] | Yes | | B.1.b |
| B.4.d | Does the agency ensure that all new counselors and investigators, including contractors and collateral duty employees, receive the required 32 hours of training, pursuant to Ch. 2(II)(A) of MD-110? | Yes | | E.2.d |





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| B.4.e | Does the agency ensure that all experienced counselors and investigators, including contractors and collateral duty employees, receive the required 8 hours of annual refresher training, pursuant to Ch. 2(II)(C) of MD-110? | Yes | | E.2.e |
|  Compliance Indicator  Measures | B.5 – The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills. | Measure Met? (Yes/No/NA) | Comments New Indicator | |
| B.5.a | Pursuant to 29 CFR § 1614.102(a)(5), have all managers and supervisors received training on their responsibilities under the following areas under the agency EEO program: | | | |
| B.5.a.1 | EEO Complaint Process? [see MD-715(II)(B)] | Yes | | New |
| B.5.a.2 | Reasonable Accommodation Procedures? [see 29 C.F.R. § 1614.102(d)(3)] | Yes | | A.3.d |
| B.5.a.3 | Anti-Harassment Policy? [see MD-715(II)(B)] | Yes | | New |
| B.5.a.4 | Supervisory, managerial, communication, and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications? [see MD-715, II(B)] | Yes | | New |
| B.5.a.5 | ADR, with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR? [see MD-715(II)(E)] | Yes | | E.4.b |
|  Compliance Indicator  Measures | B.6 – The agency involves managers in the implementation of its EEO program. | Measure Met? (Yes/No/NA) | Comments New Indicator | |
| B.6.a | Are senior managers involved in the implementation of Special Emphasis Programs? [see MD-715 Instructions, Sec. I] | Yes | | New |
| B.6.b | Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I] | Yes | | D.1.a |
| B.6.c | When barriers are identified, do senior managers assist in developing agency EEO action plans (Part I, Part J, or the Executive Summary)? [see MD-715 Instructions, Sec. I] | Yes | | D.1.b |

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| B.6.d | Do senior managers successfully implement EEO Action Plans and incorporate the EEO Action Plan Objectives into agency strategic plans? [29 CFR § 1614.102(a)(5)] | Yes | | D.1.c |
| <p style="text-align: center;">Essential Element C: MANAGEMENT AND PROGRAM ACCOUNTABILITY</p> <p style="text-align: center;">This element requires the agency head to hold all managers, supervisors, and EEO officials responsible for the effective implementation of the agency's EEO Program and Plan.</p> | | | | |
|  Compliance Indicator  Measures | C.1 – The agency conducts regular internal audits of its component and field offices. | Measure Met? (Yes/No/NA) | Comments | |
| C.1.a | Does the agency regularly assess its component and field offices for possible EEO program deficiencies? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section. | N/A | | New |
| C.1.b | Does the agency regularly assess its component and field offices on their efforts to remove barriers from the workplace? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section. | N/A | | New |
| C.1.c | Do the component and field offices make reasonable efforts to comply with the recommendations of the field audit? [see MD-715, II(C)] | N/A | | New |
|  Compliance Indicator  Measures | C.2 – The agency has established procedures to prevent all forms of EEO discrimination. | Measure Met? (Yes/No/NA) | Comments New Indicator | |
| C.2.a | Has the agency established comprehensive anti-harassment policy and procedures that comply with EEOC's enforcement guidance? [see MD-715, II(C); Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)] | Yes | | New |
| C.2.a.1 | Does the anti-harassment policy require corrective action to prevent or eliminate conduct before it rises to the level of unlawful harassment? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1] | Yes | | New |



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| C.2.a.2 | Has the agency established a firewall between the Anti-Harassment Coordinator and the EEO Director? [see EEOC Report, Model EEO Program Must Have an Effective Anti-Harassment Program (2006)] | Yes | | New |
| C.2.a.3 | Does the agency have a separate procedure (outside the EEO complaint process) to address harassment allegations? [see Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)] | Yes | | New |
| C.2.a.4 | Does the agency ensure that the EEO office informs the anti-harassment program of all EEO counseling activity alleging harassment? [see Enforcement Guidance, V.C.] | Yes | | New |
| C.2.a.5 | Does the agency conduct a prompt inquiry (beginning within 10 days of notification) of all harassment allegations, including those initially raised in the EEO complaint process? [see <u>Complainant v. Dep't of Veterans Affairs</u> , EEOC Appeal No. 0120123232 (May 21, 2015); <u>Complainant v. Dep't of Defense (Defense Commissary Agency)</u> , EEOC Appeal No. 0120130331 (May 29, 2015)] If "no", please provide the percentage of timely-processed inquiries in the comments column. | Yes | | New |
| C.2.a.6 | Do the agency's training materials on its anti-harassment policy include examples of disability-based harassment? [see 29 CFR 1614.203(d)(2)] | Yes | | New |
| C.2.b | Has the agency established disability reasonable accommodation procedures that comply with EEOC's regulations and guidance? [see 29 CFR 1614.203(d)(3)] | Yes | | New |
| C.2.b.1 | Is there a designated agency official or other mechanism in place to coordinate or assist with processing requests for disability accommodations throughout the agency? [see 29 CFR 1614.203(d)(3)(D)] | Yes | | E.1.d |
| C.2.b.2 | Has the agency established a firewall between the Reasonable Accommodation Program Manager and the EEO Director? [see MD-110, Ch. 1(IV)(A)] | Yes | | New |
| C.2.b.3 | Does the agency ensure that job applicants can request and receive reasonable accommodations during the application and placement processes? [see 29 CFR 1614.203(d)(1)(ii)(B)] | Yes | | New |
| C.2.b.4 | Do the reasonable accommodation procedures clearly state that the agency should process the request within a maximum amount of time (e.g., 20 business days), as established by the agency in its affirmative action plan? [see 29 CFR 1614.203(d)(3)(i)(M)] | Yes | | New |
| C.2.b.5 | Does the agency process all accommodation requests within the time frame set forth in its reasonable accommodation procedures? [see MD- | Yes | | E.1.e |

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| | 715, II(C)] If “no”, please provide the percentage of timely-processed requests in the comments column. | | | |
| C.2.c | Has the agency established procedures for processing requests for personal assistance services that comply with EEOC’s regulations, enforcement guidance, and other applicable executive orders, guidance, and standards? [see 29 CFR 1614.203(d)(6)] | Yes | | New |
| C.2.c.1 | Does the agency post its procedures for processing requests for Personal Assistance Services on its public website? [see 29 CFR § 1614.203(d)(5)(v)] If “yes”, please provide the internet address in the comments column. | Yes | See answer to A.2.b.3. The procedures will be posted at https://www.consumerfinance.gov/office-civil-rights/reasonable-accommodation-persons-disabilities/ . | New |
|  Compliance Indicator  Measures | C.3 - The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity. | Measure Met? (Yes/No/NA) | Comments New Indicator | |
| C.3.a | Pursuant to 29 CFR §1614.102(a)(5), do all managers and supervisors have an element in their performance appraisal that evaluates their commitment to agency EEO policies and principles and their participation in the EEO program? | Yes | | New |
| C.3.b | Does the agency require rating officials to evaluate the performance of managers and supervisors based on the following activities: | | | |
| C.3.b.1 | Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see MD-110, Ch. 3.I] | Yes | | A.3.a.1 |
| C.3.b.2 | Ensure full cooperation of employees under his/her supervision with EEO officials, such as counselors and investigators? [see 29 CFR §1614.102(b)(6)] | Yes | | A.3.a.4 |
| C.3.b.3 | Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see MD-715, II(C)] | Yes | | A.3.a.5 |
| C.3.b.4 | Ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees? [see MD-715 Instructions, Sec. I] | Yes | | A.3.a.6 |
| C.3.b.5 | Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)] | Yes | | A.3.a.7 |

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| C.3.b.6 | Provide disability accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(8)] | Yes | | A.3.a.8 |
| C.3.b.7 | Support the EEO program in identifying and removing barriers to equal opportunity. [see MD-715, II(C)] | Yes | | New |
| C.3.b.8 | Support the anti-harassment program in investigating and correcting harassing conduct. [see Enforcement Guidance, V.C.2] | Yes | | A.3.a.2 |
| C.3.b.9 | Comply with settlement agreements and orders issued by the agency, EEOC, and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority? [see MD-715, II(C)] | Yes | | New |
| C.3.c | Does the EEO Director recommend to the agency head improvements or corrections, including remedial or disciplinary actions, for managers and supervisors who have failed in their EEO responsibilities? [see 29 CFR §1614.102(c)(2)] | Yes | | New |
| C.3.d | When the EEO Director recommends remedial or disciplinary actions, are the recommendations regularly implemented by the agency? [see 29 CFR §1614.102(c)(2)] | Yes | In general, the Bureau regularly implements the recommendations of its EEO Director. CFPB's Office of Civil Rights (OCR) does not have authority to <i>require</i> that the agency implement any specific disciplinary action – even for officials who have engaged in discriminatory acts. OCR has no control over the process for determining appropriate discipline for (non-OCR) Bureau employees. Discipline is decided upon by other relevant Bureau components (e.g., with the guidance of the Bureau's OHC and Legal Division), | New |

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| | | | <p>consistent with civil service rules and due-process safeguards. That said, OCR has issued two findings of discrimination to date – one in FY 2018, and another in a previous fiscal year. In both cases, OCR ordered significant remedial and make-whole relief (e.g., as appropriate to the case, leave restoration, non-pecuniary compensatory damages, injunctive relief, a posting notice, mandatory training, and expunction of discrimination-related content in the complainant's personnel file and performance rating documents, among other things), which was implemented by the agency. In both cases, OCR also recommended that the Bureau impose the maximum supportable discipline for CFPB officials involved in the acts of unlawful discrimination. In both cases, OCR provided a possible range of</p> | |
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| | | | appropriate penalties (based on benchmarking research of tables of penalties from other agencies) to proposing and deciding officials. In the finding issued in FY 2018, no employee was disciplined (as defined in the No FEAR Act regulations); in the finding issued in a prior fiscal year, two of the four employees recommended for discipline by OCR were disciplined via a letter of reprimand. <i>See also</i> Comments below in connection with Compliance Indicators C.4. and C.5. | |
|  Compliance Indicator | C.4 – The agency ensures effective coordination between its EEO programs and Human Resources (HR) program. | Measure Met? (Yes/No/NA) | Comments | |
|  Measures | | | | |
| C.4.a | Do the HR Director and the EEO Director meet regularly to assess whether personnel programs, policies, and procedures conform to EEOC laws, instructions, and management directives? [see 29 CFR §1614.102(a)(2)] | Yes | See related details regarding compliance with Measure B.1.d. provided at Part H-2. | New |
| C.4.b | Has the agency established timetables/schedules to review at regular intervals its merit promotion program, employee recognition awards program, employee development/training programs, and management/personnel policies, procedures, and practices for systemic | Yes | See related details regarding compliance with Measure B.1.d. provided at Part H-2. | C.2.a, C.2.b, & C.2.c |

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| | barriers that may be impeding full participation in the program by all EEO groups? [see MD-715 Instructions, Sec. I] | | | |
| C.4.c | Does the EEO office have timely access to accurate and complete data (e.g., demographic data for workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables? [see 29 CFR §1614.601(a)] | Yes | | New |
| C.4.d | Does the HR office timely provide the EEO office with access to other data (e.g., exit interview data, climate assessment surveys, and grievance data), upon request? [see MD-715, II(C)] | Yes | | New |
| C.4.e | Pursuant to Section II(C) of MD-715, does the EEO office collaborate with the HR office to: | | | |
| C.4.e.1 | Implement the Affirmative Action Plan for Individuals with Disabilities? [see 29 CFR §1614.203(d); MD-715, II(C)] | Yes | | New |
| C.4.e.2 | Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)] | Yes | | New |
| C.4.e.3 | Develop and/or provide training for managers and employees? [see MD-715, II(C)] | Yes | | New |
| C.4.e.4 | Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)] | Yes | | New |
| C.4.e.5 | Assist in preparing the MD-715 report? [see MD-715, II(C)] | Yes | | New |
|  Compliance Indicator  Measures | C.5 – Following a finding of discrimination, the agency explores whether it should take a disciplinary action. | Measure Met? (Yes/No/NA) | Comments | |
| C.5.a | Does the agency have a disciplinary policy and/or table of penalties that covers discriminatory conduct? [see 29 CFR § 1614.102(a)(6); see also <u>Douglas v. Veterans Administration</u> , 5 MSPR 280 (1981)] | Yes | CFPB has a disciplinary policy, but no Table of Penalties. OCR has provided OHC with a Congressional Report suggesting agencies create Table of Penalties, at least with respect to sexual misconduct. See https://oversight.house.gov/wp- | C.3.a. |

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| | | | content/uploads/2017/10/Tables-of-Penalties-Majority-Report.pdf | |
| C.5.b | When appropriate, does the agency discipline or sanction managers and employees for discriminatory conduct? [see 29 CFR §1614.102(a)(6)] If “yes”, please state the number of disciplined/sanctioned individuals during this reporting period in the comments. | | OCR encourages Bureau officials to impose the maximum discipline supportable under the law and facts as relevant under the circumstances. OCR issued one finding of discrimination in FY 2018. In conjunction with that finding, the OCR Director ordered the Bureau to take appropriate disciplinary action against responsible management officials. In FY 2018, no employees received formal disciplinary action as defined in 5 C.F.R. § 724.102 in connection with cases pending or resolved in U.S. district court or for violating Bureau policies related to conduct that is inconsistent with Federal antidiscrimination and whistleblower protection laws. One employee was | C.3.c |

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| | | | counseled for such conduct. | |
| C.5.c | If the agency has a finding of discrimination (or settles cases in which a finding was likely), does the agency inform managers and supervisors about the discriminatory conduct? [see MD-715, II(C)] | Yes, as appropriate. | | New |
|  Compliance Indicator  Measures | C.6 – The EEO office advises managers/supervisors on EEO matters. | Measure Met? (Yes/No/NA) | Comments | |
| C.6.a | Does the EEO office provide management/supervisory officials with regular EEO updates on at least an annual basis, including EEO complaints, workforce demographics and data summaries, legal updates, barrier analysis plans, and special emphasis updates? [see MD-715 Instructions, Sec. I] If “yes”, please identify the frequency of the EEO updates in the comments column. | Yes | The OCR Director provides Senior Leadership with the “State of the Agency EEO Program” briefing once a year. The OCR Director meets regularly with Division, office, and team leads – some monthly. OCR staff also presents throughout each year to regions and regional offices. Once a year, all employees also receive notice of submission/publication of the Agency’s FY MD-715 Report and annual No FEAR Act Report. | C.1.a |
| C.6.b | Are EEO officials readily available to answer managers’ and supervisors’ questions or concerns? [see MD-715 Instructions, Sec. I] | Yes | | New |
| Essential Element D: PROACTIVE PREVENTION This element requires that the agency head make early efforts to prevent discrimination and to identify and eliminate barriers to equal employment opportunity. | | | | |

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|  Compliance Indicator  Measures | D.1 – The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year. | Measure Met? (Yes/No/NA) | Comments | |
| D.1.a | Does the agency have a process for identifying triggers in the workplace? [see MD-715 Instructions, Sec. I] | Yes | | New |
| D.1.b | Does the agency regularly use the following sources of information for trigger identification: workforce data; complaint/grievance data; exit surveys; employee climate surveys; focus groups; affinity groups; union; program evaluations; special emphasis programs; reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I] | Yes | | New |
| D.1.c | Does the agency conduct exit interviews or surveys that include questions on how the agency could improve the recruitment, hiring, inclusion, retention and advancement of individuals with disabilities? [see 29 CFR 1614.203(d)(1)(iii)(C)] | Yes | This was listed as a deficiency in CFPB's FY 2017 EEO Program Status Report. The deficiency has now been rectified. See Part H-3. | New |
| | | | | |
|  Compliance Indicator  Measures | D.2 – The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.) | Measure Met? (Yes/No/NA) | Comments New Indicator | |
| D.2.a | Does the agency have a process for analyzing the identified triggers to find possible barriers? [see MD-715, (II)(B)] | Yes | | New |
| D.2.b | Does the agency regularly examine the impact of management/personnel policies, procedures, and practices by race, national origin, sex, and disability? [see 29 CFR §1614.102(a)(3)] | Yes | | B.2.c.2 |
| D.2.c | Does the agency consider whether any group of employees or applicants might be negatively impacted prior to making human resource decisions, such as re-organizations and realignments? [see 29 CFR §1614.102(a)(3)] | Yes | | B.2.c.1 |





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| D.2.d | Does the agency regularly review the following sources of information to find barriers: complaint/grievance data, exit surveys, employee climate surveys, focus groups, affinity groups, union, program evaluations, anti-harassment program, special emphasis programs, reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I] If “yes”, please identify the data sources in the comments column. | Yes | The Bureau’s Barrier Analysis Working Group (BAWG) and contractors identified triggers using various sources of data, including the Bureau’s FY 2017 MD-715 Report; workforce data (A and B) tables for FY 2015-FY 2018; AES/New Employee/Exit Survey data results from recent years; CFPB’s FY 2016-2018 Form 462 Reports; CFPB’s FY 2016 and FY 2017 No FEAR Act data/reports, and complete complaints data for FY 2018; the OCR Director’s FY 2017 and FY 2018 “State of the Agency EEO Program” briefing materials; negotiated grievance summary data; anecdotal reports from DICE, Bureau ERGs, external news reports and audit findings, reasonable accommodation and anti-harassment program data, Bureau personnel policies and procedures, EEOC-issued Technical | New |
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| | | | Assistance letters and feedback, and OPM memoranda. | |
|  Compliance Indicator  Measures | D.3 – The agency establishes appropriate action plans to remove identified barriers. | Measure Met? (Yes/No/NA) | Comments New Indicator | |
| D.3.a. | Does the agency effectively tailor action plans to address the identified barriers, in particular policies, procedures, or practices? [see 29 CFR §1614.102(a)(3)] | Yes | | New |
| D.3.b | If the agency identified one or more barriers during the reporting period, did the agency implement a plan in Part I, including meeting the target dates for the planned activities? [see MD-715, II(D)] | Yes | | New |
| D.3.c | Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)] | Yes | | New |
|  Compliance Indicator  Measures | D.4 – The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities. | Measure Met? (Yes/No/NA) | Comments New Indicator | |
| D.4.a | Does the agency post its affirmative action plan on its public website? [see 29 CFR 1614.203(d)(4)] Please provide the internet address in the comments. | Yes | The AAP is available at https://www.consumerfinance.gov/office-civil-rights/eeo-policy-and-reports/ . | New |
| D.4.b | Does the agency take specific steps to ensure qualified people with disabilities are aware of and encouraged to apply for job vacancies? [see 29 CFR 1614.203(d)(1)(i)] | Yes | | New |
| D.4.c | Does the agency ensure that disability-related questions from members of the public are answered promptly and correctly? [see 29 CFR 1614.203(d)(1)(ii)(A)] | Yes | | New |
| D.4.d | Has the agency taken specific steps that are reasonably designed to increase the number of persons with disabilities or targeted disabilities employed at the agency until it meets the goals? [see 29 CFR 1614.203(d)(7)(ii)] | Yes | In FY 2018, CFPB met the regulatory goals for individuals with disabilities and | New |

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| | | | targeted disabilities for both salary groupings. | |
| Essential Element E: EFFICIENCY | | | | |
| This element requires the agency head to ensure that there are effective systems for evaluating the impact and effectiveness of the agency's EEO programs and an efficient and fair dispute resolution process. | | | | |
|  Compliance Indicator | E.1 - The agency maintains an efficient, fair, and impartial complaint resolution process. | Measure Met? (Yes/No/NA) | Comments | |
|  Measures | | | | |
| E.1.a | Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105? | Yes | | E.3.a.1 |
| E.1.b | Does the agency provide written notification of rights and responsibilities in the EEO process during the initial counseling session, pursuant to 29 CFR §1614.105(b)(1)? | Yes | | E.3.a.2 |
| E.1.c | Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch. 5(I)? | Yes | Of the 21 new formal complaints that were filed in FY 2018, the average length of time for issuing the acknowledgement letter was one day. | New |
| E.1.d | Does the agency issue acceptance letters/dismissal decisions within a reasonable time (e.g., 60 days) after receipt of the written EEO Counselor report, pursuant to MD-110, Ch. 5(I)? If so, please provide the average processing time in the comments. | Yes | Of the 21 new formal complaints that were filed in FY 2018, the average length of time for issuing the Accept/Dismiss communication was 13.4 days. In FY 2018, CFPB dismissed four formal complaints; the average days such complaints were pending before dismissal was 13.5. | New |

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| E.1.e | Does the agency ensure all employees fully cooperate with EEO counselors and EEO personnel in the EEO process, including granting routine access to personnel records related to an investigation, pursuant to 29 CFR §1614.102(b)(6)? | Yes | | New |
| E.1.f | Does the agency timely complete investigations, pursuant to 29 CFR §1614.108? | Yes | No investigations were untimely in FY18. | E.3.a.3 |
| E.1.g | If the agency does not timely complete investigations, does the agency notify complainants of the date by which the investigation will be completed and of their right to request a hearing or file a lawsuit, pursuant to 29 CFR §1614.108(g)? | Yes | | New |
| E.1.h | When the complainant does not request a hearing, does the agency timely issue the final agency decision, pursuant to 29 CFR §1614.110(b)? | Yes | | E.3.a.4 |
| E.1.i | Does the agency timely issue final actions following receipt of the hearing file and the administrative judge's decision, pursuant to 29 CFR §1614.110(a)? | Yes | | E.3.a.7 |
| E.1.j | If the agency uses contractors to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays? [See MD-110, Ch. 5(V)(A)] If "yes", please describe how in the comments column. | Yes | In the event that any contractor or employee of OCR provides poor work product or causes inexcusable delays in processing times, OCR would hold the responsible individual accountable. Contractors performing deficient work would not be used again. | E.2.c |
| E.1.k | If the agency uses employees to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays during performance review? [See MD-110, Ch. 5(V)(A)] | Yes | Employees are held accountable for performance objectives through the Bureau's performance management process consistent with merit system principles, due process rights, Bureau policies, and related | New |

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| | | | applicable requirements. | |
| E.1.I | Does the agency submit complaint files and other documents in the proper format to EEOC through the Federal Sector EEO Portal (FedSEP)? [See 29 CFR § 1614.403(g)] | Yes | | New |
| | | | | |
|  Compliance Indicator  Measures | E.2 – The agency has a neutral EEO process. | Measure Met? (Yes/No/NA) | Comments Revised Indicator | |
| E.2.a | Has the agency established a clear separation between its EEO complaint program and its defensive function? [see MD-110, Ch. 1(IV)(D)] | Yes | The OCR Director and EEO Complaints Program Manager are in attorney positions. In addition, OCR staff includes a Senior Attorney-Advisor (Senior EEO Advisor), and a General Attorney. OCR staff itself (sometimes with the help of outside contractors who may prepare rough initial drafts) perform legal sufficiency reviews of EEO matters, which includes drafting and reviewing acceptance letters/dismissal decisions related to formal complaints, preparing and reviewing ROIs, and drafting FADs. | New |
| E.2.b | When seeking legal sufficiency reviews, does the EEO office have access to sufficient legal resources separate from the agency representative? [see MD-110, Ch. 1(IV)(D)] If “yes”, please identify the | N/A | | E.6.a |





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| | source/location of the attorney who conducts the legal sufficiency review in the comments column. | | | |
| E.2.c | If the EEO office relies on the agency's defensive function to conduct the legal sufficiency review, is there a firewall between the reviewing attorney and the agency representative? [see MD-110, Ch. 1(IV)(D)] | N/A | | New |
| E.2.d | Does the agency ensure that its agency representative does not intrude upon EEO counseling, investigations, and final agency decisions? [see MD-110, Ch. 1(IV)(D)] | Yes | | E.6.b |
| E.2.e | If applicable, are processing time frames incorporated for the legal counsel's sufficiency review for timely processing of complaints? [see EEOC Report, <i>Attaining a Model Agency Program: Efficiency</i> (Dec. 1, 2004)] | N/A | | E.6.c |
|  Compliance Indicator  Measures | E.3 - The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program. | Measure Met? (Yes/No/NA) | Comments | |
| E.3.a | Has the agency established an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process? [see 29 CFR §1614.102(b)(2)] | Yes | | E.4.a |
| E.3.b | Does the agency require managers and supervisors to participate in ADR once it has been offered? [see MD-715, II(A)(1)] | Yes | | E.4.c |
| E.3.c | Does the agency encourage all employees to use ADR, where ADR is appropriate? [see MD-110, Ch. 3(IV)(C)] | Yes | | D.2.a |
| E.3.d | Does the agency ensure a management official with settlement authority is accessible during the dispute resolution process? [see MD-110, Ch. 3(III)(A)(9)] | Yes | | New |
| E.3.e | Does the agency prohibit the responsible management official named in the dispute from having settlement authority? [see MD-110, Ch. 3(I)] | Yes | OCR is assessing ADR data and will be conducting benchmarking to identify best practices with respect to who should hold settlement authority to maximize openness and success with respect | E.4.d |

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| | | | to early resolution of disputes. | |
| E.3.f | Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)] | Yes | | New |
| | | | | |
|  Compliance Indicator  Measures | E.4 – The agency has effective and accurate data collection systems in place to evaluate its EEO program. | Measure Met? (Yes/No/NA) | Comments | |
| E.4.a | Does the agency have systems in place to accurately collect, monitor, and analyze the following data: | | | |
| E.4.a.1 | Complaint activity, including the issues and bases of the complaints, the aggrieved individuals/complainants, and the involved management official? [see MD-715, II(E)] | Yes | | E.5.a |
| E.4.a.2 | The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)] | Yes | | E.5.c |
| E.4.a.3 | Recruitment activities? [see MD-715, II(E)] | Yes | | E.5.f |
| E.4.a.4 | External and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status? [see MD-715, II(E)] | Yes | | New |
| E.4.a.5 | The processing of requests for reasonable accommodation? [29 CFR § 1614.203(d)(4)] | Yes | | New |
| E.4.a.6 | The processing of complaints for the anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.2] | Yes | | New |
| E.4.b | Does the agency have a system in place to re-survey the workforce on a regular basis? [MD-715 Instructions, Sec. I] | Yes | | New |
| | | | | |
|  Compliance Indicator  Measures | E.5 – The agency identifies and disseminates significant trends and best practices in its EEO program. | Measure Met? (Yes/No/NA) | Comments | |
| E.5.a | Does the agency monitor trends in its EEO program to determine whether the agency is meeting its obligations under the statutes EEOC enforces? [see MD-715, II(E)] If "yes", provide an example in the comments. | Yes | CFPB regularly monitors trends in its EEO program to determine whether the Bureau is meeting its obligations under the | E.5.e |

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| | | | workplace anti-discrimination laws. Every year in preparing the Agency's 462 Report and the No FEAR Act year-end report, OCR carefully examines EEO complaint processing times, top issues and bases, and ADR resolution rates to identify potential problems, spot troubling trends, and develop action plans for the next fiscal year. | |
| E.5.b | Does the agency review other agencies' best practices and adopt them, where appropriate, to improve the effectiveness of its EEO program? [see MD-715, II(E)] If "yes", provide an example in the comments. | Yes | For instance, during FY 2018, OCR, DAP, and OHC staff participated in ad hoc inter-agency working groups formed to share best practices for implementing the EEOC's new Section 501 affirmative action regulations and preparing the FY 2017 and 2018 MD-715 reports. The resulting dialogue between experts from various agencies helped shape CFPB's first Affirmative Action plan for people with disabilities. Additional cross-agency collaboration | E.5.g |

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| | | | | |
|--|--|---------------------------------|---|---------|
| | | | (particularly with other FIRREA agencies) on barrier analysis is also occurring in FY 2019. | |
| E.5.c | Does the agency compare its performance in the EEO process to other federal agencies of similar size? [see MD-715, II(E)] | Yes | | E.3.a |
| Essential Element F: RESPONSIVENESS AND LEGAL COMPLIANCE | | | | |
| This element requires federal agencies to comply with EEO statutes and EEOC regulations, policy guidance, and other written instructions. | | | | |
|  Compliance Indicator  Measures | F.1 – The agency has processes in place to ensure timely and full compliance with EEOC Orders and settlement agreements. | Measure Met? (Yes/No/NA) | Comments | |
| F.1.a | Does the agency have a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions? [see 29 CFR §1614.102(e); MD-715, II(F)] | Yes | | F.1.a |
| F.1.b | Does the agency have a system of management controls to ensure the timely, accurate, and complete compliance with resolutions/settlement agreements? [see MD-715, II(F)] | Yes | | E.3.a.6 |
| F.1.c | Are there procedures in place to ensure the timely and predictable processing of ordered monetary relief? [see MD-715, II(F)] | Yes | | F.2.a.1 |
| F.1.d | Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)] | Yes | | F.2.a.2 |
| F.1.e | When EEOC issues an order requiring compliance by the agency, does the agency hold its compliance officer(s) accountable for poor work product and/or delays during performance review? [see MD-110, Ch. 9(IX)(H)] | Yes | | F.3.a. |
|  Compliance Indicator  Measures | F.2 – The agency complies with the law, including EEOC regulations, management directives, orders, and other written instructions. | Measure Met? (Yes/No/NA) | Comments Indicator moved from E-III Revised | |
| F.2.a | Does the agency timely respond and fully comply with EEOC orders? [see 29 CFR §1614.502; MD-715, II(E)] | Yes | | C.3.d |

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| | | | | |
|--|--|---------------------------------|-----------------|----------------|
| F.2.a.1 | When a complainant requests a hearing, does the agency timely forward the investigative file to the appropriate EEOC hearing office? [see 29 CFR §1614.108(g)] | Yes | | E.3.a.5 |
| F.2.a.2 | When there is a finding of discrimination that is not the subject of an appeal by the agency, does the agency ensure timely compliance with the orders of relief? [see 29 CFR §1614.501] | Yes | | E.3.a.7 |
| F.2.a.3 | When a complainant files an appeal, does the agency timely forward the investigative file to EEOC's Office of Federal Operations? [see 29 CFR §1614.403(e)] | Yes | | New |
| F.2.a.4 | Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance? | Yes | | F.3.d (1 to 9) |
| | | | | |
|  Compliance Indicator  Measures | F.3 - The agency reports to EEOC its program efforts and accomplishments. | Measure Met? (Yes/No/NA) | Comments | |
| F.3.a | Does the agency timely submit to EEOC an accurate and complete No FEAR Act report? [Public Law 107-174 (May 15, 2002), §203(a)] | Yes | | New |
| F.3.b | Does the agency timely post on its public webpage its quarterly No FEAR Act data? [see 29 CFR §1614.703(d)] | Yes | | New |

10. Part H – EEO plan to attain the essential elements of a model EEO program

TABLE 53: FY 2018 EEOC MD-715 PART H-1

| EEOC Form 715-01 Part H-1 | | U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report (FY 2018) |
|--|---|---|
| Statement of Model Program Essential Element Deficiency First Reported in FY 2017: | | |
| | Part G – A.3.a.: | |
| Type of Program Deficiency | Does the agency provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in equal employment opportunity? [see 29 CFR § 1614.102(a)(9)] If “yes”, provide one or two examples in the comments section. | |
| Brief Description of Program Deficiency (as described in FY 2017) | <p>In his Weekly Messages sent to all Agency staff in FY 2017, the Bureau’s former Director occasionally recognized CFPB colleagues for their outstanding achievements related to EEO. For instance, in June 2017, the then-Director recognized Melissa Brand of OCR, who received the EEOC Pride Chai Feldblum Award to honor Ms. Brand’s contributions to promote equal opportunity for the LGBTQ community. In December 2016, the then-Director highlighted a diversity event that had been held in the Bureau’s West Region, and applauded the contributions of West Regional Director Edwin Chow (who serves on CFPB’s Executive Advisory Council on Diversity and Inclusion (EAC) and shared at the event about the importance of diversity to the successes of the West Region). However, the Bureau the does not currently have an official program or organized effort aimed at fulfilling the regulatory objective.</p> | |
| Objective(s) and Dates for EEO Plan: | | |
| Objective | CFPB will develop and implement a concrete action plan to recognize employees, supervisors, managers, and units demonstrating superior accomplishment in EEO. | |

| EEOC Form 715-01 Part H-1 | | U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report (FY 2018) | |
|---|---|---|--|
| Date Initiated (mm/dd/yyyy) | 09/30/2017 | | |
| Target Date (mm/dd/yyyy) | 09/30/2018 | | |
| Modified Date (mm/dd/yyyy) | N/A | | |
| Date Completed (mm/dd/yyyy) | O/A 02/19/19 | | |
| Responsible Official(s): | | | |
| Title | Director of Office of Equal Opportunity and Fairness | | |
| Name | Althea Kireilis | | |
| Performance Standards Address the Plan? (Yes or No) | No | | |
| Planned Activities Toward Completion of Objective: | | | |
| Target Date | 09/30/2018 | | |
| Planned Activities | <ul style="list-style-type: none"> ▪ Meet with CFPB Acting Director staff, Chief Human Capital Officer (and staff), Director of OMWI (and staff) to brainstorm ideas and formulate ideas – By 05/31/18 ▪ Develop one-page idea proposal; secure approvals – By 05/31/18 ▪ Rollout plan on pilot basis – By 06/30/18 ▪ Solicit feedback and adjust ideas accordingly – By 08/30/18 ▪ Implement final recognition plan – By 09/30/18 | | |
| Sufficient Funding & Staffing? (Yes or No) | Yes | | |
| Modified Date (mm/dd/yyyy) | N/A | | |
| Completion Date (mm/dd/yyyy) | O/A 02/19/19 | | |
| Report of Accomplishments: | | | |

| EEOC Form 715-01 Part H-1 U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report (FY 2018) | |
|---|---|
| Fiscal Year | 2018 |
| Accomplishments | <p>This deficiency first reported in the FY 2017 EEO Program Status Report has been rectified. During FY 2018, the Bureau's Office of Equal Opportunity and Fairness spearheaded meetings with the Chief Human Capital Officer (CHC) and officials charged with implementing the Bureau's awards and recognition program to develop a formal means to enable CFPB to recognize superior EEO achievements by employees. These meetings culminated in the rollout in February 2019 of a new "Superior EEO Achievement" certificate program. The program was announced to all employees in the all-hands <i>Ops Digest</i> publication, to all managers and supervisors in the <i>Manager Minute</i> publication, and as an "EEO Tip of the Week" posted on the Announcements feed on the Agency's main intranet page. Bureau Director Kathy Kraninger encouraged employees to consider using the new certificate program in a cover message accompanying the all-hands release of her official FY 2019 EEO and Anti-Harassment Policy Statement. OCR staff created a certificate program description and answers to "Frequently Asked Questions" about the program. These descriptive materials were provided to all staff and posted on the OCR wiki page for ongoing awareness. To date, various certificates have been issued to employees under this new initiative.</p> |

TABLE 54: FY 2018 EEOC MD-715 REPORT PART H-2

| EEOC Form 715-01 Part H-2 U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report (FY 2018) | |
|---|--|
| Statement of Model Program Essential Element Deficiency First Reported in FY 2017: | |
| | Part G – B.1.d.: |
| Type of Program Deficiency | Does the EEO Director regularly participate in senior-level staff meetings concerning personnel, budget, technology, and other workforce issues? [see MD-715, II(B)] |
| Brief Description of Program Deficiency (<i>as described in FY 2017</i>) | During FY 2017, the OCR Director attended certain senior-level staff meetings and was consulted on certain issues concerning personnel, budget, technology, and other workforce issues. However, the OCR Director is not yet a "regular participant" in all senior-level meetings on these topics. |
| Objective(s) and Dates for EEO Plan: | |

| | |
|--|---|
| EEOC Form 715-01 Part H-2 | U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report (FY 2018) |
| Objective | <p>OEOF leadership will work with the Agency Chief of Staff and Deputy Chief of Staff, the Director of Strategy, the heads of the Bureau's OPS Division (which includes the Bureau's Technology and Innovation team), and the Chief Human Capital Officer (CHCO) to fully integrate OCR into all strategic personnel-related decisions that might implicate EEO considerations.</p> <p>In particular, OCR will be integrated into any and all discussions on establishing or revising timetables to review at regular intervals the Agency's merit promotion program, employee recognition awards program, employee career development/training programs, succession planning, and management/personnel policies, procedures, and practices for systemic barriers that may be impeding full participation in the program by all EEO groups.</p> |
| Date Initiated (mm/dd/yyyy) | 09/30/2017 |
| Target Date (mm/dd/yyyy) | 06/30/2018 |
| Modified Date (mm/dd/yyyy) | 04/01/2019 |
| Date Completed (mm/dd/yyyy) | Not yet completed. |
| Responsible Official(s): | |
| Title | Bureau Chief of Staff Bureau Deputy Chief of Staff |
| Name | Kirsten Sutton Brian Johnson |
| Performance Standards Address the Plan? (Yes or No) | No |
| Title | Chief Operating Officer |
| Name | Kate Fulton |
| Performance Standards Address the Plan? (Yes or No) | No |

| | |
|---|--|
| EEOC Form 715-01 Part H-2 | U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report (FY 2018) |
| Title | Chief Human Capital Officer |
| Name | Jeffrey Sumberg |
| Performance Standards Address the Plan? (Yes or No) | No |
| | |
| Title | Chief Information Officer |
| Name | Jerry Horton |
| Performance Standards Address the Plan? (Yes or No) | No |
| | |
| Title | Director of Office of Equal Opportunity and Fairness |
| Name | Althea Kireilis |
| Performance Standards Address the Plan? (Yes or No) | No |
| | |
| Title | Director of Office of Civil Rights |
| Name | Melissa Brand |
| Performance Standards Address the Plan? (Yes or No) | No |
| | |
| Planned Activities Toward Completion of Objective: | |
| Target Date | 06/30/2018 |
| Planned Activities | <ul style="list-style-type: none"> Meet with Chief of Staff/Deputy Chief of Staff to explain MD-715 requirement, identify all pertinent standing meetings or decision points, and formulate protocol for ensuring attendance and/or inclusion of OCR Director – By 04/30/18 |

| | |
|---|--|
| EEOC Form 715-01 Part H-2 | U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report (FY 2018) <ul style="list-style-type: none"> Memorialize agreement – By 05/31/18 Commence attendance at required identified meetings and inclusion in relevant decisions – By 06/01/18 Evaluate and revise approach as necessary – By 08/30/18 |
| Sufficient Funding & Staffing? (Yes or No) | Yes |
| Modified Date (mm/dd/yyyy) | 04/01/2019 |
| Completion Date (mm/dd/yyyy) | O/A 05/01/2019 |
| Report of Accomplishments: | |
| Fiscal Year | 2018 |
| Accomplishments | <p>This deficiency first reported in the FY 2017 EEO Program Status Report has been rectified. In FY 2018, OEOF Director Althea Kireillis and former OCR Director M. Stacey Bach raised awareness about this deficiency with senior leadership at the Bureau. In early calendar year 2019, the U.S. Senate confirmed a new permanent Director for the CFPB, Kathy Kraninger. During the first few months of Director Kraninger's tenure, she has been evaluating the most efficient and impactful means of coordinating workforce-related initiatives. Notably, Director Kraninger established a new Workforce Effectiveness Committee (WEC) in February 2019 to support the Bureau's efforts to improve diversity and inclusion, employee engagement, and overall workforce effectiveness. The WEC is a senior advisory and coordinating governance body that works across all Divisions and offices to ensure that new and existing workforce initiatives and risks are managed and identified in support of the Bureau's mission and strategic goals. The WEC is chaired by the Chief Operating Officer and is comprised of Deputy Associate Directors from each Division, the Chief Human Capital Officer, and the Chief Strategy Officer. According to the WEC charter, the OCR Director and OMWI Director also will serve as standing members of the WEC, giving them regular input into Agency personnel-related and resource-allocation decisions at the highest levels. Further, the OEOF Associate Director and the OCR Director are working with heads of all Bureau Divisions (e.g., the Operations Division, which houses the Bureau's Office of Human Capital and Technology and Innovation team) to set up regular</p> |

| | |
|---------------------------|--|
| EEOC Form 715-01 Part H-2 | U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report (FY 2018) |
| | standing meetings to enable the OCR Director to provide EEO-related input on budget, procurement, staffing, etc. These efforts enable the Bureau to satisfy the MD-715 Part G requirement that “the EEO Director regularly participate in senior-level staff meetings concerning personnel, budget, technology, and other workforce issues.” |

TABLE 55: FY 2018 MD-715 REPORT PART H-3

| | |
|---|--|
| EEOC Form 715-01 Part H-3 | U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report (FY 2018) |
| Statement of Model Program Essential Element Deficiency First Reported in FY 2017: | |
| | Part G – D.1.c.: |
| Type of Program Deficiency | Does the agency conduct exit interviews or surveys that include questions on how the agency could improve the recruitment, hiring, inclusion, retention and advancement of individuals with disabilities? [see 29 CFR 1614.203(d)(1)(iii)(C)] |
| Brief Description of Program Deficiency (<i>as described in FY 2017</i>) | The CFPB’s various workforce and climate assessment surveys, such as AES, the New Employee survey, and the Exit survey, allow analysis of results by certain demographic characteristics, such as analysis of how particular EEO groups, e.g., individuals with disabilities, responded to particular survey items. However, the Agency does not currently use interviews or surveys that explicitly include questions on how the agency could improve the recruitment, hiring, inclusion, retention, and advancement of individuals with disabilities, or any other specific demographic group. |
| Objective(s) and Dates for EEO Plan: | |
| Objective | OHC recently initiated a process to revise its workforce/climate assessment tools to elicit more insightful and actionable data. In FY 2018, as part of this effort and to assist in implementation of the EEOC’s new Section 501 affirmative action regulations, the Bureau will explore adding survey questions related to the specific experiences, perceptions, and needs of people with disabilities. |
| Date Initiated (mm/dd/yyyy) | 09/30/2017 |

| EEOC Form 715-01 Part H-3 | | U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report (FY 2018) | |
|---|--|---|--|
| Target Date (mm/dd/yyyy) | 06/30/2019 | | |
| Modified Date (mm/dd/yyyy) | N/A | | |
| Date Completed (mm/dd/yyyy) | 10/01/2018 | | |
| Responsible Official(s): | | | |
| Title | Chief Human Capital Officer | | |
| Name | Jeffrey Sumberg | | |
| Performance Standards Address the Plan? (Yes or No) | No | | |
| | | | |
| Title | Director of Office of Civil Rights | | |
| Name | Melissa Brand | | |
| Performance Standards Address the Plan? (Yes or No) | No | | |
| Planned Activities Toward Completion of Objective: | | | |
| Target Date | 06/30/2019 | | |
| Planned Activities | <ul style="list-style-type: none"> ▪ Meet with OHC team responsible for revision of climate assessment surveys to discuss feasibility of adding various questions to survey instruments – By 05/31/18 ▪ Assuming feasibility, identify specific instruments to revise and new survey items – By 06/30/18 ▪ Revise instruments with new items – By 09/30/18 ▪ Evaluate response rates and adjust revisions as necessary – By 06/30/19 | | |
| Sufficient Funding & Staffing? (Yes or No) | Yes | | |
| Modified Date (mm/dd/yyyy) | N/A | | |

Completion Date (mm/dd/yyyy) 10/01/2018

Report of Accomplishments:

Fiscal Year 2018

This deficiency first reported in the FY 2017 EEO Program Status

Report has been rectified. During FY 2018, OCR staff met with appropriate counterparts in OHC to revise both the CFPB Annual Employee Survey and the Bureau's Exit Survey to include questions soliciting information about the experiences of employees with disabilities.

As a result, in 2018 for the first time the all-employee (voluntary) AES asked:

The Bureau is interested in gathering feedback on the work experiences of people with disabilities. If you are an individual with a disability, please use the following space to tell us how the Bureau is doing with respect to your work experience. For example, what are we doing well and how could we improve in hiring, inclusion, retention and/or advancement of people with disabilities? *Please do not include any information that could identify a particular individual, including yourself. (Enter up to 1000 characters)*

Accomplishments

Relatedly, the Bureau added additional questions to its Exit Survey (provide to all employees who leave the Bureau). This appears on the Agency's Exit Survey as follows (the questions below populate on the web-based survey if the participant indicates they are an individual with a disability on a previous question):

Experiences of People with Disabilities

The Bureau is interested in gathering feedback on the work experiences of people with disabilities. You indicated that you are a person with a disability.

Please share your feedback by responding to the items below, but do not include any information that could identify a particular individual, including yourself.

71. In the space below, provide feedback about your experiences regarding the Bureau's processes or practices for providing Reasonable Accommodations or Personal Assistance Services. If you do not have feedback to share, write

"none." (Enter up to 2000 characters)

72. In the space below, provide feedback about your experiences regarding accessibility related to one or more of the following:

- Electronic documents or forms (for example, 508 compliant forms for requesting disability-related services and accommodations, surveys)
- Software applications
- Technology hardware
- Physical or structural features of the work environment (for example, work spaces, doors, hallways, restrooms)

If you do not have feedback to share, write *"none."* *(Enter up to 2000 characters)*

73. While you were employed at the Bureau, did you ever have an experience where you did not feel included in a Bureau activity or program because of your disability?: Never, Rarely, Occasionally, Frequently, Very Frequently, Do No Know

74. In the space below, describe what the Bureau is doing well regarding the recruitment, hiring, inclusion, career development, and/or retention of people with disabilities. *(Enter up to 2000 characters)*

75. In the space below, provide any suggestions you have to improve the recruitment, hiring, inclusion, career development, and/or retention of people with disabilities at the Bureau. *(Enter up to 2000 characters)*

CFPB shared these questions with the EEOC and other federal-sector stakeholders to potentially serve as model questions to meet this regulatory and MD-715 Part G requirement. The Bureau will review the survey data at appropriate intervals to assess improvements in its overall disability inclusion efforts (and as part of its Affirmative Action Plan).

11. Part I – EEO plan to eliminate identified barriers

TABLE 56: FY 2018 EEOC MD-715 REPORT PART I-1

| EEOC Form 715-01 Part I-1 U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report (FY 2018) | |
|---|---|
| Statement of Condition That Was a Trigger for a Potential Barrier: | |
| Source of the Trigger | Workforce data tables for FY 2015, FY 2016, FY 2017, FY 2018; EEOC Technical Assistance Letter to CFPB (June 24, 2016); Memorandum from OPM/EEOC to Federal Agencies (Jan. 18, 2017) ¹⁶¹ |
| Specific Workforce Data Table | Various A Tables |
| Narrative Description of Trigger | In January, 2016, the Equal Employment Opportunity Commission (EEOC) Office of Federal Operations (OFO) met with CFPB personnel to review several aspects of CFPB's EEO program. CFPB also provided additional information in response to a request for information (RFI) from the EEOC. After reviewing all of the requested information, the EEOC recommended barrier analyses to further investigate potential issues for Black/African American employees within CFPB – specifically, the representation of Black employees in Senior Level (i.e., Executive) positions at the Bureau. In 2017, due to what the EEOC and the Office of Personnel Management (OPM) deem persistent low representation of Hispanic/Latinos in the Federal workforce these agencies recommended that all agencies with at least 1,000 FTEs (such as the Bureau) conduct a barrier analysis on Hispanic/Latina(o) employment and participation rates in the equivalent of Grades 12 through SES (CN-52 through the Executive levels at the Bureau). |

¹⁶¹ This memorandum is available at <https://www.eeoc.gov/federal/directives/memorandum-hispanics.cfm>.

EEO Group(s) Affected by Trigger:

| | |
|--------------|------------------------------|
| EEO Group(s) | Black/African American men |
| | Black/African American women |
| | Hispanic/Latino men |
| | Hispanic/Latina women |

Barrier Analysis Process:

| Sources of Data | Source Reviewed (Yes or No) | Identify Information Collected |
|---|--------------------------------|---|
| Workforce Data Tables | Yes | Participation rates of affected groups Bureau-wide, in Mission Critical Occupations (MCOs), by Pay-Band Level, etc. |
| Complaint Data (Trends) | Yes | FY 2016/FY 2017/FY 2018 Form 462 Reports FY 2016/FY 2017/FY 2018 No FEAR Act Annual Reports |
| Grievance Data (Trends) | Yes | CFPB Office of Human Capital Employee and Labor Relations team grievance description spreadsheet |
| Findings from Decisions (e.g., EEO, Grievance, MSPB, Anti-Harassment Processes) | Yes | No relevant data identified to date. |
| Climate Assessment Survey (e.g., FEVS) | Yes | FY 2016/FY 2017/FY 2018 Annual Employee Survey data by demographic breakdown |
| Exit Interview Data | Yes | Exit survey data from FY 2016/FY 2017/FY2018 |
| Focus Groups | Yes | Detailed qualitative data on employee |

| | | |
|---|--|---|
| EEOC Form 715-01 Part I-1 | | U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report (FY 2018) |
| perceptions. | | |
| Interviews | Yes | Detailed qualitative data on employee perceptions. |
| Reports (e.g., Congress, EEOC, MSPB, GAO, OPM) | Yes | No relevant data identified to date. |
| Other (Please Describe) | Yes | Other sources of data include analyses of CFPB workforce data and applicant flow studies prepared by outside contractors. |
| Status of Barrier Analysis Process: | | |
| Barrier Analysis Process Completed? (Yes or No) | Not yet. Triggers and barriers have been identified. CFPB is now creating, evaluating, and implementing action plans. | |
| Barrier(s) Identified? (Yes or No) | Yes | |
| Statement of Identified Barrier(s): | | |
| | <ul style="list-style-type: none"> Perceived unequal access to information regarding advancement opportunities – primarily due to disparities in the networking opportunities and mentoring experiences of minority and female employees. | |
| Description of Policy, Procedure, or Practice | <ul style="list-style-type: none"> Inadequate documentation and justification requirements for hiring, detail, and promotion decisions (in order to combat unconscious biases, favoritism). Perceived overemphasis on Ivy League educational background in hiring and promotion decisions, which disadvantages African American/Black and Hispanic/Latino(a) employees/applicants. | |

- Inconsistency in the emphasis of inclusion/diversity strategies across offices/divisions.
- Lack of succession planning within the organization.

Objective(s) and Dates for EEO Plan:

| | |
|-----------|--|
| Objective | Develop and implement action plans to eliminate barriers identified; review impact to assess follow-up |
|-----------|--|

| | |
|-----------------------------|------------|
| Date Initiated (mm/dd/yyyy) | 10/30/2018 |
|-----------------------------|------------|

| | |
|--------------------------|------------|
| Target Date (mm/dd/yyyy) | 09/30/2020 |
|--------------------------|------------|

Sufficient Funding & Staffing?

Yes

(Yes or No)

| | |
|----------------------------|-----|
| Modified Date (mm/dd/yyyy) | N/A |
|----------------------------|-----|

| | |
|-----------------------------|-----|
| Date Completed (mm/dd/yyyy) | N/A |
|-----------------------------|-----|

Responsible Official(s):

| | |
|-------|--|
| Title | CFPB Chief of Staff OEOF Director Chief Operating Officer Chief Human Capital Officer OCR Director |
|-------|--|

| | |
|------|--|
| Name | Kirsten Sutton Althea Kireilis Kate Fulton Jeffrey Sumberg Melissa Brand |
|------|--|

| | |
|--|----|
| Performance Standards Address the Plan? (Yes or No) | No |
|--|----|

Planned Activities Toward Completion of Objective:

| | |
|---|--|
| Target Date | 09/30/2019 |
| Planned Activities | Work with internal stakeholders to develop strategies for correcting identified barriers |
| Sufficient Funding & Staffing? (Yes or No) | Yes |
| Modified Date (mm/dd/yyyy) | N/A |
| Completion Date (mm/dd/yyyy) | N/A |

Report of Accomplishments:

| | |
|-----------------|---|
| Fiscal Year | 2018 |
| Accomplishments | <p>During FY 2017 and FY 2018, the Bureau conducted barrier analyses as required (i) by the EEOC in a June 2016 technical assistance letter and a May 2018 technical assistance letter to the Bureau; (ii) in a joint EEOC/Office of Personnel Management (OPM) Memorandum addressing Hispanic employment in the federal government issued in January 2017 to all agencies;¹⁶² and (iii) by other oversight entities (e.g., by the Inspector General of the Federal Reserve in <i>The CFPB Can Enhance Its Diversity and Inclusion Efforts</i>, 2015-MO-C-002, Recommendation 1 (March 4, 2015)).¹⁶³ More specifically, over the past two years Bureau personnel from OCR, OMWI, DAP, and OHC have worked with two contractors – Personnel Decisions Research Inc. (PDRI) and Fors Marsh Group (Fors Marsh) – to examine:</p> |

¹⁶² Available at <https://www.eeoc.gov/federal/directives/memorandum-hispanics.cfm>.

¹⁶³ Available at <https://oig.federalreserve.gov/reports/cfpb-diversity-inclusion-mar2015.htm>.

- Bureau-wide representation of African American/Black and Hispanic female/Latina employees in the Executive ranks;
- Bureau-wide advancement opportunities (or lack thereof) for African American/Black and Hispanic/Latino[a] males and females, particularly between CN-52 to Executive; and
- Female African American/Black and Hispanic female/Latina representation in the Examiner series.

In FY 2018 Bureau personnel also worked with PDRI to update an “applicant flow” study (first completed in FY 2015 by OHC and PDRI). This study examined the demographic profile of the applicant pool at major milestones of the Bureau’s hiring process – i.e., Applied, Eligible, Best Qualified, Referred, and Selected. This study was designed to determine if the Bureau is using any selection procedures or practices that may pose barriers to EEO based on race or national origin.

In late October 2019, Fors Marsh issued a report to the Bureau concluding CFPB’s explicit policies, practices, and procedures follow EEO best practices. Fors Marsh also commended CFPB for developing an inclusive recruitment strategy, implementing the use of structured interviews, switching to a performance evaluation system aimed at reducing adverse impact on women and minorities, piloting an initial mentoring program, and requiring diversity and inclusion training for all employees. However, Fors Marsh also identified five discrete barriers to EEO at the Bureau, namely:

- Perceived unequal access to information regarding advancement opportunities – primarily due to disparities in the networking opportunities and mentoring experiences of minority and female employees.
- Inadequate documentation and justification requirements for hiring, detail, and promotion decisions (in order to combat unconscious biases, favoritism).

- Perceived overemphasis on Ivy League educational background in hiring and promotion decisions, which disadvantages African American/Black and Hispanic/Latino(a) employees/applicants.
- Inconsistency in the emphasis of inclusion/diversity strategies across offices/divisions.
- Lack of succession planning within the organization.

Fors Marsh also provided 53 recommendations aimed at eliminating these barriers to EEO. Key themes of recommendations include increasing standardization and documentation in detail, hiring, and promotion decisions; enhancing the existing unconscious bias training and diversity training; developing additional opportunities to augment employees' networking and mentoring opportunities; and implementing several career development initiatives.

Also in late October 2019, PDRI issued its updated applicant-flow study. PDRI based its conclusions on the best available Bureau applicant-flow data (e.g., the data set did not include sufficiently detailed information on Executive hires, attorney hires, or other positions filled outside the USAJobs process). The updated study's findings echoed and amplified the findings contained in the original study from FY 2015.

PDRI's expert analyses indicated that Black/African American, Hispanic, and "Other" candidates experienced adverse impact for the total hiring process overall, and within many occupations. Across racial/ethnic groups, the IT occupation exhibited the most consistent and strongest evidence of adverse impact, whereas the Administrative Assistants occupation exhibited the least evidence of adverse impact. Evidence of adverse impact was strongest later in the Bureau's hiring process, specifically between the Referred and Selected phases. These patterns generally held across fiscal years from 2011 through 2017, across the majority of job groupings, and even after excluding

PDRI advised the Bureau to examine the role of hiring managers in the selection process. In particular, PDRI recommended that CFPB scrutinize hiring managers' approaches to evaluating candidates between Referred and Selected phase (e.g., interview protocols), and to scrutinize any other assessments of candidates referred on the hiring-manager certificate (e.g., reference checks, work sample evaluations). Oral conversations with PDRI revealed the vendor's informed conjecture that unconscious bias likely would explain the study's conclusions.

OEOF staff have now briefed the Bureau Director (and her senior staff), as well as OHC and the Legal Division, on the results of these barrier analyses. OEOF recommended that Director Kraninger establish and champion an Executive-level task force to review and prioritize the reports' recommendations and develop action plans to promptly and effectively address the barriers identified. OEOF recommend that the task force be led by Director Kraninger or members of her immediate front-office staff to convey top-level leadership commitment, and that it should also include representatives from OEOF (such as OCR, OMWI and DAP), as well as the Chief Human Capital Officer, the Chief Strategy Officer (who can help facilitate the task force's work), and other relevant stakeholders (e.g., from the Legal Division and all other Divisions and major Bureau offices).

Director Kraninger subsequently formed the Workforce Effectiveness Committee, which may be used to vet next steps. In the meantime, OEOF is assessing unilateral actions it can take on any of the recommendations outlined in the reports.

12. Part J – Special program plan for the recruitment, hiring, advancement, and retention of persons with disabilities

[CFPB's related Affirmative Action Plan for applicants and employees with disabilities will be available on www.consumerfinance.gov at <https://www.consumerfinance.gov/office-civil-rights/eo-policy-and-reports/>.]

MD-715 – Part J

Special Program Plan for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities

To capture agencies' affirmative action plan for persons with disabilities (PWD) and persons with targeted disabilities (PWTD), EEOC regulations (29 C.F.R. § 1614.203(e)) and MD-715 require agencies to describe how their plan will improve the recruitment, hiring, advancement, and retention of applicants and employees with disabilities. All agencies, regardless of size, must complete this Part of the MD-715 report.

Section I: Efforts to Reach Regulatory Goals

EEOC regulations (29 C.F.R. § 1614.203(d)(7)) require agencies to establish specific numerical goals for increasing the participation of persons with reportable and targeted disabilities in the federal government.

1. Using the goal of 12% as the benchmark, does your agency have a trigger involving PWD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.

| | | |
|--------------------------------|-------|------|
| a. Cluster GS-1 to GS-10 (PWD) | Yes 0 | No X |
| b. Cluster GS-11 to SES (PWD) | Yes 0 | No X |

Using the **salary clusters** and including data from completed Forms SF-256, data on 30% or more disabled veterans, and data on Schedule A(u) appointments which are allowable under the Section 501 regulations, there are no triggers for PWD. As of September 30, 2018, 24.14% of employees earning less than \$68,036 were PWD and 12.18% of employees earning \$68,036 and above were PWD.

* Salary threshold of \$68,036 represents salary for an employee paid at the GS-11 Step 1 level in the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA ("Washington DC") locality area as of September 30, 2018. See <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/DCB.pdf>.

2. Using the goal of 2% as the benchmark, does your agency have a trigger involving PWTD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.

| | | |
|---------------------------------|-------|------|
| a. Cluster GS-1 to GS-10 (PWTD) | Yes 0 | No X |
| b. Cluster GS-11 to SES (PWTD) | Yes 0 | No X |

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Using the **salary clusters** and including data from completed Forms SF-256, data on 30% or more disabled veterans, and data on Schedule A(u) appointments which are allowable under the Section 501 regulations, there are no triggers for PWTD. As of September 30, 2018, 6.90% of employees earning less than \$68,036 were PWD and 3.15% of employees earning \$68,036 and above were PWD.

3. Describe how the agency has communicated the numerical goals to the hiring managers and/or recruiters.

The Bureau's new DPM held kick-off and multiple planning meetings for stakeholders, to include staffing and talent acquisition (i.e., recruitment) leadership, to highlight requirements in the final regulations under Section 501 of the Rehabilitation Act, including the 12%/2% numerical goals. The Bureau's recruiters and staffing team are key stakeholder participants in all disability affirmative action planning, including consideration of the numerical goals in the hiring process planning for each fiscal year.

Relatedly, the Bureau included and discussed the numerical goals and other Section 501 final rule requirements in both the 2018 Federal Equal Opportunity Recruitment Program and Disabled Veteran Affirmative Action Program Plan.

The numerical goals also were communicated to all agency employees – including hiring managers – via digital distribution channels (e.g., in the Bureau's *Ops Digest* and *Manager Minute* publications).

Further, the Office of Equal Opportunity and Fairness (OEOF) informed all Division leaders about the Bureau's Section 501 Affirmative Action Plan (AAP) and numerical goals as part of ongoing D&I strategic planning discussions, and encouraged Division leaders to socialize the goals within their Divisions (including to hiring managers).

Most recently, Director Kraninger explicitly referenced the Agency's AAP, encouraging Bureau employees to support it, in a cover email distributing her annual EEO and Anti-Harassment Policy statement (in February 2019). Her email linked to an "EEO Tip of the Week" posted on the Announcements page of the Agency's intranet in March 2018. That announcement stated:

"The Equal Employment Opportunity Commission requires Federal agencies to engage in affirmative action to recruit, hire, train, advance, and retain employees with disabilities. As part of these efforts, and consistent with Federal regulations, CFPB has adopted the goal of having 12% of the Bureau's workforce be people with disabilities, and 2% of the workforce be people with "targeted" disabilities. (Targeted disabilities are a subset of the larger disability category; they include impairments that traditionally have posed significant barriers to employment, above and beyond the barriers faced by people with the broader range of disabilities, often due to myths, fears, and stereotypes about such conditions.) Learn more – including how "disabilities" and "targeted disabilities" are defined – in this [EEOC Q&A document](#). And consider helping by [updating your](#)

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[personal disability demographic info](#) in HRConnect so the Bureau has an accurate picture of the composition of our workforce.”

Section II: Model Disability Program

Pursuant to 29 C.F.R. §1614.203(d)(1), agencies must ensure sufficient staff, training and resources to recruit and hire persons with disabilities and persons with targeted disabilities, administer the reasonable accommodation program and special emphasis program, and oversee any other disability hiring and advancement program the agency has in place.

A. PLAN TO PROVIDE SUFFICIENT & COMPETENT STAFFING FOR THE DISABILITY PROGRAM

1. Has the agency designated sufficient qualified personnel to implement its disability program during the reporting period? If “no”, describe the agency’s plan to improve the staffing for the upcoming year.

Yes X No 0

In FY 2018, the Bureau hired a Disability Compliance Program Manager (DPM). The new DPM assumed this position on August 4, 2018. The DPM manages the newly created Disability and Accessibility Program (DAP), a business unit in the Bureau’s OEOF. The DAP centralizes the disability program services into one office to better leverage expertise and to coordinate all Bureau disability-related programs to ensure employees with disabilities are enabled to do their best work to meet the Bureau’s mission. The DPM supervises both the Reasonable Accommodations Program Manager (RAPM) and 508 Program Manager. This required a reorganization/transfer of the 508 program from the Office of Technology and Innovation (T&I) effective January 2019, and the Reasonable Accommodations (RA)/Personal Assistance Services (PAS) program from the Office of Human Capital (OHC) effective February 2019 to OEOF. This reorganization of disability and accessibility services enables the Bureau to continue to build and support a productive work environment that proactively recruits, hires, retains, and promotes persons with disabilities.

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To prevent perceived or actual conflicts of interests related to administration of the RA/PAS program, the DPM and RAPM are housed in the DAP, rather than in OCR (the Bureau's EEO office). A firewall is in place to make clear that the head of OEOF has no involvement in the processing of EEO complaints and/or issuance of Final Agency Decisions. The head of OEOF is also firewalled from the DAP and any involvement in disability reasonable accommodation requests. This mitigates perceptions of conflict between OCR and the OEOF Director, between the DAP and the OEOF Director, and between OCR and the DAP. This firewall was memorialized in a memorandum signed by the Bureau Chief of Staff on January 31, 2019.

2. Identify all staff responsible for implementing the agency's disability employment program by the office, staff employment status, and responsible official.

| Disability Program Task | # of FTE Staff by Employment Status | | | Responsible Official (Name, Title, Office, Email) |
|--|-------------------------------------|-----------|-----------------|---|
| | Full Time | Part Time | Collateral Duty | |
| Processing applications from PWD and PWTD | 0-3 | | | Department of Treasury's Bureau of the Fiscal Service (BFS), CFPB's third-party service provider, CFPBINQUIRIES@BPD.TREAS.GOV |
| Answering questions from the public about hiring authorities that take disability into account | 0-3 | | | Department of Treasury's Bureau of the Fiscal Service (BFS), CFPB's third-party service provider, CFPBINQUIRIES@BPD.TREAS.GOV |
| Processing reasonable accommodation requests from applicants and employees | 1 | 1 | | Sinajo Jasmir, Reasonable Accommodations Program Manager, DAP, CFPB_REASONABLEACCOMMODATIONS@cfpb.gov |
| Section 508 Compliance | 1 | | | Jennifer Horan, 508 Program Manager, DAP, CFPB_Accessibility@cfpb.gov |
| Architectural Barriers Act Compliance | | | 1 | Jane Engvall, Administrative Operations, CFPBFacilities@cfpb.gov |

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| | | | | |
|---|--|--|---|--|
| Special Emphasis Program for PWD and PWTD | | | 1 | Robyn Pettiford, Management and Program Analyst, Office of Human Capital, CFPB_HR@cfpb.gov |
|---|--|--|---|--|

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Has the agency provided disability program staff with sufficient training to carry out their responsibilities during the reporting period? If “yes”, describe the training that disability program staff have received. If “no”, describe the training planned for the upcoming year.

Yes X No 0

In FY2018, disability program staff received the following targeted training:

- Select staff attended Employer Assistance and Resource Network (EARN) on Disability Inclusion sessions via webinars offered throughout the year on multiple disability services and program topics.
- Select staff attended Federal Dispute Resolution (FDR) training, which included various sessions on reasonable accommodation-related issues and case law updates along with panel discussions.
- Select staff attended the EEOC’s EXCEL Training Conference.

Other training and events staff attended included: EEOC/Federal Exchange on Employment and Disability (FEED) training, Small Agency 501 Affirmative Action Regulation Working Group sessions, and the DVAAP Forum and Overview. There were also internal briefings hosted by OEOF or OHC related to the Disability and Accessibility Program (DAP) stand-up, where the Bureau’s AAP and the Section 501 statutory and regulatory requirements were highlighted.

CFPB provides a wide range of information and resources both through training and electronic communications to managers and employees about disability-related employment topics, including reasonable accommodations (RA) and Personal Assistance Services (PAS) and about the Bureau’s RA/PAS policy and SOPs, specifically. As part of CFPB’s New Employee Orientation (NEO) and onboarding sessions, OCR provides a briefing to all new employees about EEO at the Bureau. At these sessions, employees are specifically told about their right to disability-related RA and PAS, and about the Bureau’s related policy and SOPs. OCR staff gives employees the name and contact information for the Reasonable Accommodation Program Manager. Employees also receive a binder of EEO materials that describes the RA and PAS process. New employees also are told that all of this information is readily available on the Bureau’s intranet.

All CFPB managers and supervisors are required to attend various training sessions, which provide information about the RA/PAS process and legal obligations. This mandatory training includes a 2-day EEO training led by the EEOC Training Institute. OCR also provides supervisors and managers with an EEO Resource Manual containing information about compliance obligations, including information about complying with disability-related requirements, and a copy of the Bureau’s RA/PAS policy and SOPs. In the past, RA program staff also have attended “All Hands”

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meetings held in the Bureau's regions to hold "office hours" enabling interested employees or supervisors to raise questions or learn about the program.

B. PLAN TO ENSURE SUFFICIENT FUNDING FOR THE DISABILITY PROGRAM

Has the agency provided sufficient funding and other resources to successfully implement the disability program during the reporting period? If "no", describe the agency's plan to ensure all aspects of the disability program have sufficient funding and other resources.

Yes X No 0

In FY 2018, the Bureau maintained funding and resources for disability programs and services, and will continue to provide funding and resources through FY 2019. The Bureau hired a DPM in August 2018, and onboarded a new Reasonable Accommodations Program Manager (RAPM) in FY 2019. OHC and OEOF both have budgetary support to ensure sufficient disability service resources, such as the DPM, RAPM, and 508 program manager.

Section III: Plan to Recruit and Hire Individuals with Disabilities

Pursuant to 29 C.F.R. § 1614.203(d)(1)(i) and (ii), agencies must establish a plan to increase the recruitment and hiring of individuals with disabilities. The questions below are designed to identify outcomes of the agency's recruitment program plan for PWD and PWTD.

A. PLAN TO IDENTIFY JOB APPLICANTS WITH DISABILITIES

1. Describe the programs and resources the agency uses to identify job applicants with disabilities, including individuals with targeted disabilities.

In FY 2018, a Bureau-wide hiring freeze limited external hiring and internal competitive promotions. The freeze began on November 27, 2017, and remains in place. However, exceptions are approved when business needs require staff.

While under the hiring freeze, the Bureau remains committed to the employment and advancement of PWD and PWTD. The Bureau continues to recruit PWD and PWTD using digital media outreach such as LinkedIn, Glassdoor, Indeed and the Bureau's career page at www.consumerfinance.gov/jobs.

The Bureau encourages individuals with disabilities to apply under the Schedule A(u) Hiring Authority to open positions. The Bureau's OHC Staffing and Talent Acquisition team and the DPM also encourage hiring managers to utilize programs such as

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Workplace Recruitment Program (WRP) and OPM's Bender list to identify, interview, and hire PWD and PWTD non-competitively when possible.

2. Pursuant to 29 C.F.R. § 1614.203(a)(3), describe the agency's use of hiring authorities that take disability into account (e.g., Schedule A) to recruit PWD and PWTD for positions in the permanent workforce.

The Bureau encourages individuals with disabilities (e.g., Schedule A(u), 30% or more disabled veterans, etc.) to apply for positions that are posted via vacancy announcements on USAJobs. Individuals with disabilities who meet minimum qualifications and provide the appropriate documentation are referred to the hiring manager for consideration. This determination is made by the Bureau's third-party service provider, Department of Treasury's Bureau of the Fiscal Service (BFS).

With the continued use of the Schedule A(u) hiring authority, CFPB continues to leverage the Workplace Recruitment Program (WRP) through the Department of Labor and existing registries housed on www.max.gov.

3. When individuals apply for a position under a hiring authority that takes disability into account (e.g., Schedule A), explain how the agency (1) determines if the individual is eligible for appointment under such authority and (2) forwards the individual's application to the relevant hiring officials with an explanation of how and when the individual may be appointed.

The Bureau encourages individuals with disabilities (e.g., Schedule A(u), 30% or more disabled veterans, etc.) to apply for positions that are posted via vacancy announcement. Individuals with disabilities who meet minimum qualifications and provide the appropriate documentation are referred to the hiring manager for consideration. This determination is made by our third-party service provider, Department of Treasury's Bureau of the Fiscal Service (BFS). If an applicant with eligibility under a hiring authority that takes disability into account is selected, BFS will provide guidance to the hiring manager on how the individual may be appointed.

The Bureau also promotes the use of non-competitive hiring authorities to hiring managers. Once a hiring manager identifies a position that they would like to fill non-competitively outside of vacancy announcement procedures, the Bureau's DPM and Staffing Consultants in OHC work with the hiring manager to identify eligible candidates. The hiring managers for these positions are provided with an overview of the hiring authorities that take disability into account prior to and throughout the hiring process.

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4. Has the agency provided training to all hiring managers on the use of hiring authorities that take disability into account (e.g., Schedule A)? If “yes”, describe the type(s) of training and frequency. If “no”, describe the agency’s plan to provide this training.

Yes X No 0 N/A 0

The OHC Talent Management team delivers Supervisory Development Seminars (SDS) – a one-time training CFPB requires all supervisors/managers (at all levels) to take within their first supervisory year. This training includes a section on hiring authorities such as Schedule A(u). OCR also circulates information to managers about this hiring flexibility through the digital (email) bi-weekly *Manager Minute* publication and on OCR’s intranet site. Written materials (such as the EEOC brochures on using the Schedule A (u) hiring authority) are also made readily available on display stands throughout CFPB facilities. The DPM and Staffing Consultants assigned to each office also assist managers with all staffing related inquiries, to include Schedule A(u) and other hiring authorities that take disability into account.

B. PLAN TO ESTABLISH CONTACTS WITH DISABILITY EMPLOYMENT ORGANIZATIONS

Describe the agency’s efforts to establish and maintain contacts with organizations that assist PWD, including PWTD, in securing and maintaining employment.

The Bureau hired a DPM in August 2018. The DPM, along with other Bureau Stakeholders in OHC and OMWI, continued to work with organizations/programs that assist PWD and PWTD, such as the Job Accommodation Network (JAN), EARN, Workplace Recruitment Program (WRP), and Wounded Warrior program to maintain contact. The Bureau also continues to rank on the Top 20 Government Employers list of the *CAREERS & the disABLED* Magazine. The Bureau ranked 15th on the list featured in the Winter 2018/2019 edition of the magazine. The readers of *CAREERS & the disABLED* magazine selected the top companies and/or government agencies in the country for which they’d most like to work or which they believe would provide a positive working environment for people with disabilities.

OHC, OMWI, and OCR consult at least annually on outreach and recruitment strategies and priorities.

Along with the continued use of the Schedule A(u) hiring authority, the CFPB continues to explore how to best leverage WRP through the Department of Labor and existing registries housed on www.max.gov.

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C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)

1. Using the goals of 12% for PWD and 2% for PWTD as the benchmarks, do triggers exist for PWD and/or PWTD among the new hires in the permanent workforce? If "yes", please describe the triggers below.

| | | |
|---|-------|------|
| a. New Hires for Permanent Workforce (PWD) | Yes 0 | No X |
| b. New Hires for Permanent Workforce (PWTD) | Yes X | No 0 |

The Bureau hiring freeze went into effect November 27, 2017, and is expected to continue throughout FY 2019; however, exceptions are approved when the need exists to hire. The Bureau had 16 permanent new hires in FY 2018, 2 of which (12.5%) were PWD and 0 (0.0%) of which were PWTD.

2. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the new hires for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below.

| | | |
|-----------------------------|-------|------|
| a. New Hires for MCO (PWD) | Yes X | No 0 |
| b. New Hires for MCO (PWTD) | Yes X | No 0 |

The Bureau has four MCOs: 0110/Economists, 0301/Miscellaneous Administration & Program, 0570/Examiners, 0905/General Attorneys. There are triggers for PWD and PWTD for the permanent new hires when compared to the qualified applicant pool for all MCOs except for the Economists and PWD for Examiners. No one who self-identified as a PWD or PWTD was selected for the Misc. Admin. & Program or Attorney positions.

3. Using the relevant applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the qualified *internal* applicants for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below.

| | | |
|--|-------|------|
| a. Qualified Applicants for MCO (PWD) | Yes 0 | No 0 |
| b. Qualified Applicants for MCO (PWTD) | Yes 0 | No 0 |

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Very limited hiring occurred during FY 2018 before the hiring freeze was put into place. For internal applicants, there is only data for the 0301/ Misc. Admin & Program series. While there is a trigger for PWD and PWTD for this series, there was a very small sample size with only five total applications received and 3 qualified applicants. Zero applications (0%) received were from PWD or PWTD.

4. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among employees promoted to any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below.

| | | |
|------------------------------|-------|------|
| a. Promotions for MCO (PWD) | Yes 0 | No X |
| b. Promotions for MCO (PWTD) | Yes 0 | No X |

For Table B9, there were only internal promotions data for the 0301/ Misc. Admin & Program series. Since there were only five applicants who self-identified, three who were deemed qualified and one selection, there is insufficient data to determine if a trigger exists amongst PWD and PWTD.

Section IV: Plan to Ensure Advancement Opportunities for Employees with Disabilities

Pursuant to 29 C.F.R §1614.203(d)(1)(iii), agencies are required to provide sufficient advancement opportunities for employees with disabilities. Such activities might include specialized training and mentoring programs, career development opportunities, awards programs, promotions, and similar programs that address advancement. In this section, agencies should identify, and provide data on programs designed to ensure advancement opportunities for employees with disabilities.

A. ADVANCEMENT PROGRAM PLAN

Describe the agency's plan to ensure PWD, including PWTD, have sufficient opportunities for advancement.

The OHC will continue to post all internal advancement opportunities, details, temporary promotions and reassignments on the Bureau's internal website and ensure that these opportunities are listed on the Daily Announcements feed on the Agency's intranet so that all employees are informed. Additionally the Bureau hired a DPM in August 2018, who will promote reassignment, promotion, detail, and temporary promotion opportunities that become available to ensure that PWD and PWTD are aware of them. The DPM will also partner with other offices that promote internal advancement opportunities, such as OHC and OMWI.

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Other advancement opportunities will include:

- Access to core competency training classes and other on-line learning tools such as Skillsoft courses, Books 24x7, and training courses available through the Bureau's Learning Management System.
- Encouraging all employees to utilize the Bureau's Career Development Framework and other internal resources to enhance the growth and development of all employees.
- Promoting the development of personal learning and development goals and helping employees to develop and implement Individual Development Plans.

OCR will continue leading barrier analysis efforts to assist with directing efforts providing or improving internal advancement opportunities for PWD and PWTD.

B. CAREER DEVELOPMENT OPPORTUNITIES

1. Please describe the career development opportunities that the agency provides to its employees.

To support and enhance career development, all employees, including PWD and PWTD, were encouraged to access a myriad of training resources and online learning tools such as Skillsoft courses, Book 24x7, and training courses through CFPB's Learning Management System. The Career Development Framework and other internal resources for professional growth and development continued to be available to employees interested in promoting their career and development goals.

Because of the hiring freeze, Bureau managers have relied on internal details, temporary promotions, and reassignments to develop staff and augment work. Internal career opportunities are posted on the Bureau's website as well as on the Daily Announcements feed on the Agency's internet, which is widely seen by all Bureau employees.

While the Bureau does not currently have a formal career development program, stakeholders across the Bureau are working to identify internal Bureau programs, such as the details program, that will be considered for formal development in future planning.

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2. In the table below, please provide the data for career development opportunities that require competition and/or supervisory recommendation/approval to participate. [Collection begins with the FY 2018 MD-715 report, which is due on February 28, 2019.]

| Career Development Opportunities | Total Participants | | PWD | | PWTD | |
|-----------------------------------|--------------------|---------------|----------------|---------------|----------------|---------------|
| | Applicants (#) | Selectees (#) | Applicants (%) | Selectees (%) | Applicants (%) | Selectees (%) |
| Internship Programs | NA | | | | | |
| Fellowship Programs | NA | | | | | |
| Mentoring Programs | NA | | | | | |
| Coaching Programs | NA | | | | | |
| Training Programs | NA | | | | | |
| Detail Programs | NA | | | | | |
| Other Career Development Programs | NA | | | | | |

3. Do triggers exist for PWD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box.

a. Applicants (PWD) Yes 0 No 0
b. Selections (PWD) Yes 0 No 0

N/A: Bureau does not have a formal career development program.

4. Do triggers exist for PWTD among the applicants and/or selectees for any of the career development programs identified? (The appropriate benchmarks are the relevant applicant pool for applicants and the applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box.

a. Applicants (PWTD) Yes 0 No 0
b. Selections (PWTD) Yes 0 No 0

N/A: Bureau does not have a formal career development program.

C. AWARDS

1. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for any level of the time-off awards, bonuses, or other incentives? If "yes", please describe the trigger(s) in the text box.

| | | |
|---|-------|------|
| a. Awards, Bonuses, & Incentives (PWD) | Yes X | No 0 |
| b. Awards, Bonuses, & Incentives (PWTD) | Yes X | No 0 |

For PWD and PTWD, the EEOC instructs agencies to use the Inclusion Rate (IR), which compares the number of people within the target population (e.g., PWTD or PWD) to the number of people within the benchmark population (e.g., Persons without a Targeted Disability (PWOTD) or Persons without a Disability (PWOD)). This is used because there is no Civilian Labor Force (CLF) category for PWD/PWTD. For Awards, when the IR percentage for the target is lower than the benchmark, there is a trigger.

PWD Target (\$100-\$500): 78

PWD Benchmark: 151

PWOD Target (\$100-\$500): $753 - 78 = 675$

PWOD Benchmark: $1458 - 151 = 1307$

PWD IR 51.66% > PWOD 51.64%. No trigger.

For everything (except separations), when the inclusion rate (IR) percentage is lower than the PWOD, there's a trigger.

PWD Target (\$501-\$1500): 35

PWD Benchmark: 151

PWOD Target (\$501-\$1500): $371 - 35 = 336$

PWOD Benchmark: $1458 - 151 = 1307$

PWD IR 23.18% < PWOD 25.71%. This is a trigger.

PWD Target (\$1501+): 1

PWD Benchmark: 151

PWOD Target (\$1501+): $22 - 1 = 21$

PWOD Benchmark: $1458 - 151 = 1307$

PWD IR 0.66% < PWOD 1.61%. This is a trigger.

PWD Target (1-9 hours): 12

PWD Benchmark: 151

PWOD Target (1-9 hours): $159 - 12 = 147$

PWOD Benchmark: $1458 - 151 = 1307$

PWD IR 7.95% < PWOD 11.25%. This is a trigger.

PWD Target (9+ hours): 14

PWD Benchmark: 151

PWOD Target (9+ hours): $128 - 14 = 114$

PWOD Benchmark: $1458 - 151 = 1307$

PWD IR 9.27% > PWOD 8.72%. No trigger.

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PWTD Target (\$100-\$500): 22
PWTD Benchmark: 47
PWOTD Target (\$100-500): $753-22=731$
PWOTD Benchmark: $1458-47=1411$
PWTD IR 46.81% < PWOTD 51.81%. This is a trigger.

PWTD Target (\$501-\$1500): 14
PWTD Benchmark: 47
PWOTD Target (\$501-\$1500): $371-14=357$
PWOTD Benchmark: $1458-47=1411$
PWTD IR 29.79% > PWOTD 25.30%. No trigger.

PWTD Target (\$1501+): 1
PWTD Benchmark: 47
PWOTD Target (\$1501+): $22-1=21$
PWOTD Benchmark: $1458-47=1411$
PWTD IR 2.13% > PWOTD 1.49%. No trigger.

PWTD Target (1-9 hours): 1
PWTD Benchmark: 47
PWOTD Target (1-9 hours): $159-1=158$
PWOTD Benchmark: $1458-47=1411$
PWTD IR 2.13% < PWOTD 11.20%. This is a trigger.

PWTD Target (9+ hours): 5
PWTD Benchmark: 47
PWOTD Target (9+ hours): $128-5=123$
PWOTD Benchmark: $1458-47=1411$
PWOTD IR 10.64% > PWOTD 8.72%. No trigger.

2. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for quality step increases or performance-based pay increases? If "yes", please describe the trigger(s) in the text box.

| | | |
|-------------------------|-------|------|
| a. Pay Increases (PWD) | Yes 0 | No 0 |
| b. Pay Increases (PWTD) | Yes 0 | No 0 |

N/A

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3. If the agency has other types of employee recognition programs, are PWD and/or PWTD recognized disproportionately less than employees without disabilities? (The appropriate benchmark is the inclusion rate.) If “yes”, describe the employee recognition program and relevant data in the text box.

| | | | |
|-------------------------------------|-------|------|-----|
| a. Other Types of Recognition (PWD) | Yes 0 | No 0 | N/A |
| Other Types of Recognition (PWTD) | Yes 0 | No 0 | N/A |

N/A

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D. PROMOTIONS

1. Does your agency have a trigger involving PWD among the qualified *internal* applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box.

a. SES

| | | |
|--|-------|------|
| i. Qualified Internal Applicants (PWD) | Yes 0 | No X |
| ii. Internal Selections (PWD) | Yes 0 | No X |

b. Grade GS-15

| | | |
|--|-------|------|
| i. Qualified Internal Applicants (PWD) | Yes X | No 0 |
| ii. Internal Selections (PWD) | Yes 0 | No X |

c. Grade GS-14

| | | |
|--|-------|------|
| i. Qualified Internal Applicants (PWD) | Yes X | No 0 |
| ii. Internal Selections (PWD) | Yes 0 | No X |

d. Grade GS-13

| | | |
|--|-------|------|
| i. Qualified Internal Applicants (PWD) | Yes 0 | No X |
| ii. Internal Selections (PWD) | Yes X | No 0 |

CN-71 (GS-15 equivalent): There is a trigger for qualified internal applicants. The qualified internal applicants (4.17%) are lower than the relevant applicant pool (8.84%). For internal selections, while the selections (4.00%) are lower than the qualified applicant pool (4.17%), we would not consider this a trigger based on discretion that the percentages are nearly identical.

CN-60 (GS-14 equivalent): There is a trigger for qualified internal applicants. The qualified internal applicants (0.00%) are lower than the relevant applicant pool (10.03%).

CN-53 (GS-13 equivalent): There is a trigger for internal selections. The selections (0.00%) are lower than the qualified applicant pool (1.79%).

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2. Does your agency have a trigger involving PWTD among the qualified *internal* applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box.

a. SES

| | | |
|---|-------|------|
| i. Qualified Internal Applicants (PWTD) | Yes 0 | No X |
| ii. Internal Selections (PWTD) | Yes 0 | No X |

b. Grade GS-15

| | | |
|---|-------|------|
| i. Qualified Internal Applicants (PWTD) | Yes X | No 0 |
| ii. Internal Selections (PWTD) | Yes 0 | No X |

c. Grade GS-14

| | | |
|---|-------|------|
| i. Qualified Internal Applicants (PWTD) | Yes X | No 0 |
| ii. Internal Selections (PWTD) | Yes 0 | No X |

d. Grade GS-13

| | | |
|---|-------|------|
| i. Qualified Internal Applicants (PWTD) | Yes X | No 0 |
| ii. Internal Selections (PWTD) | Yes 0 | No X |

CN-71 (GS-15 equivalent): There is a trigger for qualified internal applicants. The qualified internal applicants (2.08%) are lower than the relevant applicant pool (3.54%).

CN-60 (GS-14 equivalent): There is a trigger for qualified internal applicants. The qualified internal applicants (0.00%) are lower than the relevant applicant pool (3.01%).

CN-53 (GS-13 equivalent): There is a trigger for qualified internal applicants. The qualified internal applicants (0.00%) are lower than the relevant applicant pool (2.55%).

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3. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box.

| | | |
|-----------------------------|-------|------|
| a. New Hires to SES (PWD) | Yes 0 | No X |
| b. New Hires to GS-15(PWD) | Yes 0 | No X |
| c. New Hires to GS-14 (PWD) | Yes 0 | No X |
| d. New Hires to GS-13(PWD) | Yes 0 | No X |

This data is not available or required for FY 2018 data tables. This data is part of the B7-1 new table required for FY 2019. We can see the percentage of new hires by pay band level, but do not have the benchmark for comparison purposes.

GS-13/CN-53: 14.29% of New Hires were PWD (1 of 7 in permanent new hires)

GS-14/CN-60: 33.33% of New Hires were PWD (1 of 3 in permanent new hires)

GS-15/CN-71: 0.00% of New Hires were PWD (0 of 1 in permanent new hires)

SES/CN-81/82/90: 0.00% of New Hires were PWD (0 of 1 in permanent new hires)

4. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box.

| | | |
|------------------------------|-------|------|
| a. New Hires to SES (PWTD) | Yes 0 | No X |
| b. New Hires to GS-15 (PWTD) | Yes 0 | No X |
| c. New Hires to GS-14 (PWTD) | Yes 0 | No X |
| d. New Hires to GS-13 (PWTD) | Yes 0 | No X |

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This data is not available or required for FY 2018 data tables. This data is part of the B7-1 new table required for FY 2019. We can see the percentage of new hires by pay band level, but do not have the benchmark for comparison purposes.

GS-13/CN-53: 0.00% of New Hires were PWD (0 of 7 in permanent new hires)

GS-14/CN-60: 0.00% of New Hires were PWD (0 of 3 in permanent new hires)

GS-15/CN-71: 0.00% of New Hires were PWD (0 of 1 in permanent new hires)

SES/CN-81/82/90: 0.00% of New Hires were PWD (0 of 1 in permanent new hires)

5. Does your agency have a trigger involving PWD among the qualified *internal* applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.

a. Executives

| | | |
|--|-------|------|
| i. Qualified Internal Applicants (PWD) | Yes 0 | No X |
| ii. Internal Selections (PWD) | Yes 0 | No X |

b. Managers

| | | |
|--|-------|------|
| i. Qualified Internal Applicants (PWD) | Yes 0 | No X |
| ii. Internal Selections (PWD) | Yes 0 | No X |

c. Supervisors

| | | |
|--|-------|------|
| i. Qualified Internal Applicants (PWD) | Yes 0 | No X |
| ii. Internal Selections (PWD) | Yes 0 | No X |

This data is not available or required for FY 2018 data tables. This data is part of the B8-1 new table required for FY 2019.

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6. Does your agency have a trigger involving PWTD among the qualified *internal* applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.

a. Executives

i. Qualified Internal Applicants (PWTD) Yes 0 No X

ii. Internal Selections (PWTD) Yes 0 No X

b. Managers

i. Qualified Internal Applicants (PWTD) Yes 0 No X

ii. Internal Selections (PWTD) Yes 0 No X

c. Supervisors

i. Qualified Internal Applicants (PWTD) Yes 0 No X

ii. Internal Selections (PWTD) Yes 0 No X

This data is not available or required for FY 2018 data tables. This data is part of the B8-1 new table required for FY 2019.

7. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box.

a. New Hires for Executives (PWD) Yes 0 No X

b. New Hires for Managers (PWD) Yes 0 No X

c. New Hires for Supervisors (PWD) Yes 0 No X

This data is not available or required for FY 2018 data tables. This data is part of the B8-1 new table required for FY 2019.

8. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box.

a. New Hires for Executives (PWTD) Yes 0 No X

b. New Hires for Managers (PWTD) Yes 0 No X

c. New Hires for Supervisors (PWTD) Yes 0 No X

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This data is not available or required for FY 2018 data tables. This data is part of the B8-1 new table required for FY 2019.

Section V: Plan to Improve Retention of Persons with Disabilities

To be a model employer for persons with disabilities, agencies must have policies and programs in place to retain employees with disabilities. In this section, agencies should: (1) analyze workforce separation data to identify barriers retaining employees with disabilities; (2) describe efforts to ensure accessibility of technology and facilities; and (3) provide information on the reasonable accommodation program and workplace personal assistance services.

A. VOLUNTARY AND INVOLUNTARY SEPARATIONS

1. In this reporting period, did the agency convert all eligible Schedule A employees with a disability into the competitive service after two years of satisfactory service (5 C.F.R. § 213.3102(u)(6)(i))? If “no”, please explain why the agency did not convert all eligible Schedule A employees.

Yes X No 0 N/A 0

N/A

2. Using the inclusion rate as the benchmark, did the percentage of PWD among voluntary and involuntary separations exceed that of persons without disabilities? If “yes”, describe the trigger below.

| | | |
|----------------------------------|-------|------|
| a. Voluntary Separations (PWD) | Yes 0 | No X |
| b. Involuntary Separations (PWD) | Yes 0 | No X |

The Bureau only had voluntary separations during the reporting period. (There were no actions processed with a termination code in FY 2018.) For PWD and PTWD, the EEOC instructs agencies to use the Inclusion Rate (IR), which compares the number of people within the target population (e.g, PWTD or PWD) to the number of people within the benchmark population (e.g., Persons without a Targeted Disability (PWOTD) or Persons without a Disability (PWOD)). This is used because there is no Civilian Labor Force (CLF) category for PWD/PWTD. For Separations, when the IR percentage for the target is greater than the benchmark, there is a trigger.

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PWD Target (Table B14): 13

PWD Benchmark (Table B1): 151

PWOD Target (Table B14): $142 - 13 = 129$

PWOD Benchmark (Table B1): $1458 - 151 = 1307$

PWD IR 8.61% < PWOD 9.87%

For separations, when the inclusion rate (IR) percentage is higher than the PWOD, there's a trigger. Since the IR for PWD is lower than the PWOD, there is not a trigger.

3. Using the inclusion rate as the benchmark, did the percentage of PWTD among voluntary and involuntary separations exceed that of persons without targeted disabilities? If "yes", describe the trigger below.

| | | |
|-----------------------------------|-------|------|
| a. Voluntary Separations (PWTD) | Yes 0 | No X |
| b. Involuntary Separations (PWTD) | Yes 0 | No X |

The agency only had voluntary separations during the reporting period. (There were no actions processed with a termination code in FY 2018.)

PWTD Target (Table B14): 2

PWTD Benchmark (Table B1): 47

PWOTD Target (Table B14): $142 - 2 = 140$

PWOTD Benchmark (Table B1): $1458 - 47 = 1411$

PWTD IR 4.23% < PWOTD 9.92%.

For separations, when the inclusion rate (IR) percentage is higher than the PWOTD, there's a trigger. Since the IR for PWTD is lower than the PWOTD, there is not a trigger.

4. If a trigger exists involving the separation rate of PWD and/or PWTD, please explain why they left the agency using exit interview results and other data sources.

N/A

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B. ACCESSIBILITY OF TECHNOLOGY AND FACILITIES

Pursuant to 29 C.F.R. § 1614.203(d)(4), federal agencies are required to inform applicants and employees of their rights under Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794(b), concerning the accessibility of agency technology, and the Architectural Barriers Act of 1968 (42 U.S.C. § 4151-4157), concerning the accessibility of agency facilities. In addition, agencies are required to inform individuals where to file complaints if other agencies are responsible for a violation.

1. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under Section 508 of the Rehabilitation Act, including a description of how to file a complaint.

<https://www.consumerfinance.gov/accessibility/>

<https://www.consumerfinance.gov/accessibility/file-accessibility-complaint/>

2. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under the Architectural Barriers Act, including a description of how to file a complaint.

<https://www.consumerfinance.gov/accessibility/>

<https://www.consumerfinance.gov/accessibility/file-accessibility-complaint/>

3. Describe any programs, policies, or practices that the agency has undertaken, or plans on undertaking over the next fiscal year, designed to improve accessibility of agency facilities and/or technology.

The Bureau assigned a designated individual to receive and take necessary action on any facilities-related accessibility matters, including creating a designated email inbox individuals can use to inform the Bureau of potential problems. This contact information was placed on the Agency's external website.

In FY 2019, The Bureau's DPM will lead working group efforts to partner with Bureau Administrative Operations, Faculties, and T&I offices to ensure that accessibility to Bureau facilities and technology are considered in Bureau services and the procurement of supplies and services.

C. REASONABLE ACCOMMODATION PROGRAM

Pursuant to 29 C.F.R. § 1614.203(d)(3), agencies must adopt, post on their public website, and make available to all job applicants and employees, reasonable accommodation procedures.

1. Please provide the average time frame for processing initial requests for reasonable accommodations during the reporting period. (Please do not include previously approved requests with repetitive accommodations, such as interpreting services.)

CFPB's current reasonable accommodation SOPs generally require accommodations to be provided in no more than 30 days, absent extenuating circumstances (which are strictly defined in the SOPs). Where extenuating circumstances exist the Bureau will investigate whether there are temporary measures that can be taken to assist the requestor and provide temporary measures where feasible. During FY 2018, OHC's Reasonable Accommodation program processed 100 reasonable accommodation cases, within an average processing time of 17 days (measured beginning the date the relevant request was received until the time a decision on the accommodation was communicated).

2. Describe the effectiveness of the policies, procedures, or practices to implement the agency's reasonable accommodation program. Some examples of an effective program include timely processing requests, timely providing approved accommodations, conducting training for managers and supervisors, and monitoring accommodation requests for trends.

Of the 100 RA cases processed in FY2018 (average processing time of 17 days), the Bureau had 86 cases in which the accommodation request was granted (including twelve cases in which the requestor was provided alternate accommodations), 12 cases where the request was withdrawn (no decision), and 2 cases where the request for accommodation was denied for failure to provide additional documentation to support the request. As of early FY2019, of the requests made in FY2018, zero requests are still "open." In total the Bureau has spent approximately \$18,783.34, averaging \$218.41 per case across all accommodations granted, to provide accommodations requested in FY2018.

The Bureau has in place a Reasonable Accommodation Policy – approved by the EEOC – to ensure that applicants and employees know about their rights 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. Accompanying Standard Operating Procedures Related to Reasonable Accommodation Requests

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(SOPs) lay out the interactive process used when an employee requests a reasonable accommodation for a disability.

In FY 2018, the Bureau reviewed and revised its reasonable accommodation policy and standard operating procedures to comply with EEOC's new affirmative action regulations under Section 501. In a letter dated February 9, 2018, the EEOC informed CFPB that its revised policy, SOPs, and forms had been approved in their entirety (without the need for any additional revisions), and comply with applicable EEOC regulations and guidance. The Bureau is now finalizing these documents internally to conform to recent programmatic and personnel changes – including the hiring of the DPM and Reasonable Accommodations Program Manager. The Bureau will disseminate and train appropriate staff on the revised policy and procedures (and forms), and post them on www.consumerfinance.gov, as required under the new affirmative action regulations. The most updated, finalized policy and procedures will be available at <https://www.consumerfinance.gov/office-civil-rights/reasonable-accommodation-persons-disabilities/>.

During FY 2018, OEOF coordinated with the OHC Work-Life team, which during FY 2018 was responsible for CFPB's disability Reasonable Accommodation and Personal Assistance Services (PAS) program. In FY 2019, the Bureau transferred responsibilities for reasonable accommodations and PAS to the DAP in OEOF, under the supervision of the Agency's new DPM.¹ Both the DPM and OCR Director now report to the OEOF Director. However, to avoid the appearance of any conflict of interest, the OEOF Director takes no part in any decisions pertaining to the providing of reasonable accommodations or the processing or adjudication of EEO complaints raising allegations of violations of the Rehabilitation Act.

The Reasonable Accommodation/PAS program also receives legal support from the Legal Division's Office of General Law and Ethics to ensure it is complying with all legal obligations; support from the Bureau's Section 508 Program Manager on technology issues; technical assistance from OCR staff as needed; support from the Department of Treasury's Bureau of the Fiscal Service (BFS) for applicants seeking reasonable accommodations; and contractor medical professional advice when needed.

Accommodations are also centrally funded and have been since CFPB opened.

The Bureau remains committed to providing reasonable accommodations to all employees. During FY 2018, the Bureau conducted mandatory training on the Rehabilitation Act and reasonable accommodations. All supervisors, managers and executives were required to attend this training to understand the Rehabilitation Act

¹ CFPB officials designed the structure for the Agency's new DAP after consultation with EEOC personnel regarding best practices in designing disability programs.

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and their role in the reasonable accommodation process and to learn how to respond appropriately when an individual requests a reasonable accommodation.

Since the realignment of the Reasonable Accommodations Program to the OEOF team in February 2019, the Bureau has plans for FY 2020 to leverage the Entellitrak system, the Bureau's system of record for reasonable accommodations, to identify any trends in accommodations requests.

D. PERSONAL ASSISTANCE SERVICES ALLOWING EMPLOYEES TO PARTICIPATE IN THE WORKPLACE

Pursuant to 29 C.F.R. § 1614.203(d)(5), federal agencies, as an aspect of affirmative action, are required to provide personal assistance services (PAS) to employees who need them because of a targeted disability, unless doing so would impose an undue hardship on the agency.

Describe the effectiveness of the policies, procedures, or practices to implement the PAS requirement. Some examples of an effective program include timely processing requests for PAS, timely providing approved services, conducting training for managers and supervisors, and monitoring PAS requests for trends.

The Bureau has updated its reasonable accommodation policy and SOP to include procedures for implementing the PAS requirement. The SOP provides that the process for requesting PAS, the Bureau's process for determining whether such services are required, and the Bureau's right to deny PAS requests when it would pose an undue hardship, are the same as for reasonable accommodation. The revised policy and SOPs (and accompanying forms) were submitted to EEOC for review in December 2017. In a letter dated February 9, 2018, the EEOC informed CFPB that its revised policy, SOPs, and forms had been approved in their entirety (without the need for any additional revisions), and comply with applicable EEOC regulations and guidance. CFPB is now finalizing these documents internally. CFPB will review and analyze the effectiveness of the revised policy and SOPs on an ongoing basis and as appropriate.

The Bureau has had no requests for PAS to date.

Section VI: EEO Complaint and Findings Data

A. EEO COMPLAINT DATA INVOLVING HARASSMENT

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging harassment, as compared to the government-wide average?
Yes X² No 0 N/A 0
2. During the last fiscal year, did any complaints alleging harassment based on disability status result in a finding of discrimination or a settlement agreement?
Yes 0 No X N/A 0
3. If the agency had one or more findings of discrimination alleging harassment based on disability status during the last fiscal year, please describe the corrective measures taken by the agency.

In a final agency decision issued in early FY 2018, the Bureau's OCR found that the Bureau had unlawfully discriminated against one individual in violation of the Rehabilitation Act of 1973 by failing to provide reasonable accommodations for the individual's disability. The underlying formal complaint had also alleged disability-based harassment, but OCR concluded that no unlawful harassment had occurred.

B. EEO COMPLAINT DATA INVOLVING REASONABLE ACCOMMODATION

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging failure to provide a reasonable accommodation, as compared to the government-wide average?
Yes 0 No X³ N/A 0
2. During the last fiscal year, did any complaints alleging failure to provide reasonable accommodation result in a finding of discrimination or a settlement agreement?
Yes X No 0 N/A 0

² According to the EEOC's benchmark, 18.05% of all formal EEO complaints filed government-wide included an allegation of (non-sexual) harassment based on either a mental or physical disability. According to CFPB data for FY 2018, 4 out of the 21 formal EEO complaints filed alleged disability-based (non-sexual) harassment. Thus, the CFPB percentage of such complaints is 19.04% -- only slightly above the government-wide benchmark.

³ According to the EEOC's benchmark, 12.50% of all formal EEO complaints filed government-wide included an allegation of failure to accommodate based on either a mental or physical disability. According to CFPB data for FY 2018, 1 out of the 21 formal EEO complaints filed alleged disability-based failure to accommodate. Thus, the CFPB percentage of such complaints is 4.76% -- below the government-wide benchmark.

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3. If the agency had one or more findings of discrimination involving the failure to provide a reasonable accommodation during the last fiscal year, please describe the corrective measures taken by the agency.

In a final agency decision issued in early FY 2018, the Bureau's OCR found that the Bureau had unlawfully discriminated against one individual in violation of the Rehabilitation Act of 1973 by failing to provide reasonable accommodations for the individual's disability. (The underlying formal complaint had also alleged disability-based harassment, but OCR concluded that no unlawful harassment had occurred.) OCR ordered significant remedial and make-whole relief (including imposition of appropriate discipline, leave restoration, non-pecuniary compensatory damages, injunctive relief, a posting notice, mandatory training on reasonable accommodations for agency managers, and expunction of discrimination-related content in the complainant's personnel file and performance rating documents, among other things).

Section VII: Identification and Removal of Barriers

Element D of MD-715 requires agencies to conduct a barrier analysis when a trigger suggests that a policy, procedure, or practice may be impeding the employment opportunities of a protected EEO group.

1. Has the agency identified any barriers (policies, procedures, and/or practices) that affect employment opportunities for PWD and/or PWTD?

Yes 0 No X

2. Has the agency established a plan to correct the barrier(s) involving PWD and/or PWTD?

Yes 0 No 0 N/A X

3. Identify each trigger and plan to remove the barrier(s), including the identified barrier(s), objective(s), responsible official(s), planned activities, and, where applicable, accomplishments.

OCR submitted the Bureau's first-ever Affirmative Action Plan (AAP) for people with disabilities and targeted disabilities to the EEOC for review in March 2018, in conjunction with filing the Bureau's FY 2017 MD-715 report. In a May 21, 2018 letter from the Commission, the EEOC approved the Bureau's AAP. The EEOC also provided direction to the Bureau on specific parts of the Bureau's disability program requiring additional focus and resources. More specifically, the May 21, 2018 letter stated:

The EEOC approved the Bureau's AAP because CFPB had complied with the following minimum regulatory requirements: (1) the Bureau revised its reasonable accommodation policy and procedures and sought and

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received EEOC approval of these procedures; (2) the Bureau has created Personal Assistance Services (PAS) procedures and sought and received EEOC approval of these procedures; and (3) the Bureau has adopted numerical goals for people with disabilities and people with targeted disabilities as outlined in the EEOC's new regulations.

In its approval letter, the Commission complimented the Bureau on various aspects of its AAP and overall disability program, stating:

- “We commend CFPB for developing an all-agency Disability Affirmative Action Implementation Plan (DAAIP) and creating a task force to implement the new . . . regulations.”
- “We commend CFPB for ensuring that its disability program has sufficient staffing, training, and other resources.” (At the same time, the EEOC also reminded the Bureau that “failing to hire a DPM may hinder the Bureau’s ability to comply comprehensively with the new Section 501 affirmative action regulations.”)
- “We applaud the agency for planning” to “ensure that the agency includes exit interview questions related to the specific experiences, perceptions, and needs of people with disabilities.”
- “[W]e are pleased to note that CFPB has established and maintained contacts with the various organizations, including the Workplace Recruitment Program (WRP) and existing registries housed on www.max.gov that assist PWD in securing employment.”
- “We commend CFPB for creating new protocols related to Schedule A hires and look forward to reviewing the agency’s progress in its next MD-715 report. Moreover, we commend CFPB for effectively implementing its reasonable accommodation program and [PAS] program, and for providing sufficient accessibility to technology and facilities. Finally, CFPB has accurately identified triggers involving voluntary separations among PWTD.”

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The EEOC also provided additional technical assistance and feedback (as set forth in the full letter) to ensure the Bureau's Disability Program fully complies with the letter and spirit of EEOC regulations and guidance. The EEOC stated, "we expect the agency to incorporate our recommendations into its next MD-715 report" and next year's AAP. Notable areas of guidance in the letter include:

Barrier Work. The EEOC encouraged the Bureau to examine whether barriers exist in the recruitment process for PWD as well as the selection process for PWD and PWTD. It found that "the agency has not established a plan to investigate triggers for potential barriers involving PWD and PWTD." EEOC specifically stated:

- "In its next AAP, we expect CFPB to continue to examine its recruitment and hiring processes for potential barriers involving external applicants with disabilities in the 0110, 0301, and 0905 series. Even if barriers are not identified, the agency should seek to improve its recruitment of qualified PWD to its mission-critical occupations."
- "In its next AAP, we expect CFPB to investigate whether PWD are experiencing barriers that either prevent them from applying for and/or receiving promotions to the senior grade levels. Moreover, once CFPB has access to applicant flow data for new hires to the senior grade levels, the agency should assess whether triggers exist in the recruiting and/or hiring processes for external applicants with disabilities."
- "We urge CFPB to identify the proportion of mission-critical occupations that lead to supervisory positions. If PWD have a low participation rate in the occupations with the highest proportion of supervisory positions, that could explain these triggers. Moreover, once CFPB has access to applicant flow data for supervisory positions, the agency should assess whether triggers exist in the recruiting and/or hiring processes for internal and external applicants with disabilities. We look forward to reviewing the results of CFPB's barrier analysis efforts in its next

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AAP.”⁴

Career Advancement Plan. The EEOC noted the lack of an agency-wide career development program. It stated that “[b]ased on the triggers that exist for PWD and PWTD among CFPB’s internal competitive promotions and awards, we expect the agency to establish a comprehensive plan designed to ensure career advancement opportunities for PWD and PWTD.”⁵

Data Collection. EEOC also noted that the Bureau currently has insufficient exit survey data to analyze with respect to identified triggers and assessing possible barriers to equal opportunity. It stated, “We look forward to reviewing the agency’s progress in collecting this data in Part H-3 of its next MD-715 report.”⁶

OCR promptly shared the Commission’s technical assistance letter with major internal stakeholders (including the OEOF Director, CHCO, Acting Chief Operating Officer, and reasonable-accommodation officials), and outlined recommendations to comply with the EEOC’s recommendations. Throughout the rest of FY 2018 and into early FY 2019, the Bureau has been implementing the EEOC’s recommendations.

Most notably, in FY 2018, the Bureau hired a new Disability Program Manager (DPM), who will lead the Agency’s Disability and Accessibility Program (DAP) – a new business unit within OEOF. This new program, once fully stood up, will direct all aspects of the Bureau’s disability program, including overseeing updates to the Agency’s AAP; taking specific steps that are reasonably designed to increase or retain the number of PWD/PWTD to ensure the Agency meets or exceeds its utilization goals; taking specific

⁴ CFPB’s barrier-analysis plans and action items taken in response to the EEOC’s letter are outlined in greater detail in Section 12, Part J (to be posted as the agency’s Affirmative Action Plan at <https://www.consumerfinance.gov/office-civil-rights/eo-policy-and-reports/>).

⁵ In FY 2018 the Bureau continued to offer career development programs. Examples include: Individual Development Planning and Career Development Workshops, continuation of the Bureau Team Leader training program, the matrix of courses for Aspiring Leaders, and continued availability of external training and development opportunities. Additionally, the Bureau advertised 53 internal detail opportunities to Bureau employees using a Centralized Detail Posting Process.

⁶ CFPB has now rectified the deficiency first identified in its FY 2018 EEO Program Status Report. See Part H-3 of this report below.

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steps to ensure qualified people with disabilities are aware of and encouraged to apply for any CFPB job vacancies; coordinating with OHC to enhance data collection and analysis; working with the BAWG on disability-related barrier analyses (including specific inquiries required in the May 21, 2018 EEOC letter); helping to prepare agency Federal Equal Opportunity Recruitment Program (FEORP), Disabled Veterans Affirmative Action Program (DVAAP), MD-715, and OMWI annual reports; ensuring disability-related questions from members of the public are answered promptly and correctly; assisting (as appropriate) with anti-harassment efforts as they pertain to PWD/PWTD; developing appropriate training, mentoring, and development initiatives; running the Bureau's reasonable accommodation, PAS, and Section 504/508 programs to ensure legal compliance; and fostering disability inclusion (including disability etiquette and awareness/education campaigns) to maximize EEO and retention for people with disabilities and targeted disabilities.

Near-term action items for FY 2019 include:

- Posting the AAP on www.consumerfinance.gov (after first ensuring that individual identifying information is removed from the public version of the plan and that the plan is Section 508 compliant⁷);
- Again revising the Bureau's reasonable accommodation/PAS policy and procedures to reflect the new DAP structure and the hiring of the DPM (as well as the replacement for the former Reasonable Accommodation Coordinator), and posting the updated, approved documents on www.consumerfinance.gov;

⁷ The Bureau posted its first AAP (as auto-generated by FedSEP) on the agency's external website, at <https://www.consumerfinance.gov/office-civil-rights/eo-policy-and-reports/>. See MD-715 Instructions, at Section III, Part J, available at <https://www.eeoc.gov/federal/directives/md715/section3.cfm> ("FedSEP will automatically generate the Affirmative Action Plan, using the information from PART J. Agencies are required to post the Affirmative Action Plan on their public website.") In FY 2018, Bureau officials informed the EEOC that the AAP auto-generated from the FedSEP portal is not Section-508 compliant. In May 2019, EEOC informed CFPB that this error has been fixed for the FY 2018 reporting cycle and going forward.

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- Implementing and raising awareness about the revised reasonable accommodation/PAS procedures;
- Assessing the feasibility of disability-specific mentoring and career development initiatives as part of an overall career advancement plan;
- Maintaining recruiting relationships even during the hiring freeze. As made clear in the EEOC's letter, the Commission expects the Bureau to continue to establish and maintain relationships with disability organizations to assist it in recruiting and hiring PWD and PWTD. Despite the Bureau-wide hiring freeze in effect, DAP, OMWI, and OHC is evaluating the best methods for continuing appropriate recruitment/outreach efforts consistent with the parameters of the hiring freeze;⁸
- Conducting necessary training for DAP personnel and managers/supervisors (e.g., on disability concepts and Schedule A(u));

Carrying out disability awareness campaigns for the entire workforce, including encouraging the workforce to self-identify disability through agency-wide re-survey campaigns.

As for disability-related barrier analysis efforts in particular: In late FY 2018, the Bureau awarded a new five-year Blanket Purchase Agreement contract (BPA) to a third-party contractor. This new BPA will allow for greater continuity and efficiency in the Bureau's barrier-analysis efforts. The Bureau has already issued the first call under this BPA, tasking the new contractor with analyzing data related to the experiences and participation rates of employees with disabilities and targeted disabilities, as recommended in the May 2018 EEOC technical assistance letter approving the Bureau's first Affirmative Action Plan.

After reviewing CFPB's first AAP, a draft of this second AAP, workforce data, complaints data, and other data sources, this contractor has now completed a plan for conducting a wide-ranging barrier analysis concerning applicants and

⁸ In FY 2018, the Bureau continued to utilize a digital recruitment/outreach strategy, which included posting on social media sites, such as LinkedIn, Indeed, and Direct Hire to allow for ongoing connections with wide-range and diverse audiences. The Bureau also revamped the Bureau's Student Volunteer program to assist in building a pipeline of diverse talent to meet emerging and future workforce needs.

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employees with disabilities at the Bureau. The barrier analysis investigation will look at a variety of facets of the Agency's overall disability program, and specifically investigate each of the items listed in the EEOC's letter. The Bureau anticipates that this barrier investigation will be completed during FY 2019 or by early FY 2020. A copy of the full barrier-analysis plan will be uploaded to FedSEP with the submission of this AAP on or before May 31, 2019.

No barriers pertaining to applicants or employees with disabilities have been identified to date.

| | | | | |
|-----------------------------|--------------------|--|-------------------------------|---------------------------------|
| Trigger 1 | N/A | | | |
| Barrier(s) | | | | |
| Objective(s) | | | | |
| Responsible Official(s) | | Performance Standards Address the Plan? (Yes or No) | | |
| | | | | |
| Target Date (mm/dd/yyyy) | Planned Activities | Sufficient Staffing & Funding (Yes or No) | Modified Date (mm/dd/yyyy) | Completion Date (mm/dd/yyyy) |
| | | | | |
| | | | | |
| | | | | |
| Fiscal Year | Accomplishments | | | |
| | | | | |
| | | | | |

4. Please explain the factor(s) that prevented the agency from timely completing any of the planned activities.

| |
|-----|
| N/A |
|-----|

5. For the planned activities that were completed, please describe the actual impact of those activities toward eliminating the barrier(s).

| |
|-----|
| N/A |
|-----|

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6. If the planned activities did not correct the trigger(s) and/or barrier(s), please describe how the agency intends to improve the plan for the next fiscal year.

N/A

13. Annual EEO and Anti-Harassment Policy Statements



1700 G Street NW, Washington, D.C. 20552

February 2019

MEMORANDUM TO: All CFPB Employees

FROM: Kathleen L. Kraninger
Director

SUBJECT: FY 2019 EEO and Anti-Harassment Policy Statement

Dear Colleagues:

I am pleased to re-issue the Bureau's Policy Statement on Equal Employment Opportunity (EEO) and Workplace Harassment. It is attached to this memorandum.

Every CFPB employee should be able to compete on a level career playing field. That's what "EEO" is all about. Eliminating discrimination and harassment and building and retaining a diverse and inclusive workplace – these are top priorities for me as a leader, and important values to me as a person.

Throughout my federal career, I've worked in many different settings and interacted with all kinds of colleagues. Some universal workplace truths have become crystal clear to me: First, high-performing organizations need and seek out all kinds of perspectives and personalities to solve their most vexing problems. We can't afford to leave anyone on our team out or behind. Second, no one – and I mean no one – can do their best work if they are distracted and demoralized by discrimination, such as harassment or retaliation. Third, workers need to believe that leadership has committed itself to continual improvement, and that managers will hold *all* team members – regardless of grade or position – accountable for mistreatment and misconduct. Fourth, an energized and engaged team working collaboratively towards a worthy shared goal can accomplish more together than individual team players alone ever could. The whole truly is greater than the sum of the parts. And fifth and finally, most of the time the right thing to do is the hard thing to do. Bringing about workplace culture changes can be arduous and frustrating. But taking the easy road rarely leads to lasting improvements.

The Bureau's Office of Civil Rights, Office of Women and Minority Inclusion, Office of Human Capital, and Legal Division have experts who are available to assist you with any specific questions you may have. So let's roll up our sleeves together to do the things we need to do to make this the best workplace it can be for *all* of us. Thank you.

Kathleen L. Kraninger
Director

The CFPB Policy Statement on Equal Employment Opportunity and Workplace Harassment

General EEO Policy

It is the 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.¹ 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 and career development, promotions, transfers, reassignments, and other terms, conditions, and privileges of employment.

Accordingly, the Bureau does not and will not tolerate discrimination or 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, protected EEO activity, whistleblower activity, or any other non-merit factor. Discrimination and harassment on these bases is prohibited by Federal statutes and Executive Orders.

Discriminatory Harassment Defined

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 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 that a reasonable person would consider

¹ You can also learn more about protections against various forms of retaliation and for whistleblowers in our [FY 2019 No FEAR Act Notice](#).

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 towards, an individual or group.

Harassment can violate Bureau policy if it occurs because of *any* of the protected bases outlined above. For instance, harassment prohibited under Bureau policy includes (but is not limited to) denigrating someone because of their religion, mocking someone because of a physical or mental disability, and uttering offensive racial epithets.

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 believe 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 the [Employee and Labor Relations team](#) in the [Office of Human Capital](#) (OHC) (currently [Ari Taragin](#)).

Employees who believe they have been harassed have a duty to report the incident so the Bureau can investigate the allegations and take necessary 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 the [Employee and Labor Relations team](#) in the [Office of Human Capital](#) (OHC) (currently [Ari Taragin](#)).

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.

Protection Against Retaliation

The Bureau supports the right of any employee who believes they have been discriminated against or harassed (or witnessed discrimination or harassment) 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 retaliatory action will result in appropriate disciplinary action against the manager or supervisor.*

Filing an EEO Complaint for Violations of Law

Employees who believe they have experienced *unlawful* prohibited conduct should promptly contact the [Office of Civil Rights](#) (OCR) to discuss their rights under the EEO laws. ***You must contact OCR to request EEO counseling within 45 calendar days of the occurrence of conduct you believe is unlawful; failure to meet these timeframes could result in the forfeiture of your legal right to redress the harassment.*** (Contact information for OCR is provided below.)

Reporting harassment to OHC does *not* satisfy your obligation to contact OCR within 45 calendar days to seek legal redress for violations of EEO laws. Further, 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.

Additional Information

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

You can [read the Equal Employment Opportunity Article](#) in the CFPB-NTEU Collective Bargaining Agreement.

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

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

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>
- the EEOC website at <http://www.eeoc.gov>
- the OSC website at <http://www.osc.gov>
- the Veterans' Employment and Training Service website at <https://www.dol.gov/vets/>
- the MSPB website at <http://www.mspb.gov>
- the FLRA website at <http://www.flra.gov>

Contact Information for the CFPB's Office of Civil Rights

U.S. Postal Service 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
1700 G Street, NW
Sixth Floor
Washington, D.C. 20552

Phone:

202-435-9EEO
1-855-233-0362
202-435-9742 (TTY)

E-mail:

CFPB_EEO@cfpb.gov

Fax:

202-435-9598

February 2018

MEMORANDUM TO: All CFPB Employees

**FROM: Mick Mulvaney
Acting Director**

**SUBJECT: FY 2018 EEO and Anti-Harassment Policy
Statement**

Dear Colleagues:

I am pleased to issue the Bureau's Policy Statement on Equal Employment Opportunity (EEO) and Workplace Harassment. It is attached to this memorandum.

Every CFPB employee (and applicant for employment) deserves an equal chance to compete and to succeed in the workplace as far as their talents and hard work will take them. That's what "EEO" is all about. And I am personally committed to making this a fair and discrimination-free place to work.

We have all seen the news reports in recent months about the sexual harassment that has occurred at various companies and industries across the country. The federal government certainly is not immune to this problem. But as the attached policy statement makes perfectly clear, under my watch here at the CFPB we will not tolerate any form of harassment — sexual or otherwise. Instead, we will act aggressively to prevent, stop, and remedy it.

I understand that the Office of Civil Rights (OCR) and the Office of Human Capital (OHC) provide training and educational resources on harassment and other discrimination topics. I expect all of you to take these trainings and to take them seriously. I also expect you to read this EEO policy statement and the Bureau's related anti-harassment procedures, and to become very familiar with them. They're short, and understanding and complying with them is crucial.

Speak out when you see some sort of harassment happening here. Confront the perpetrator directly if you are able. Report the misconduct through appropriate channels (e.g., to a supervisor or OHC or OCR). And cooperate fully and promptly with any and all investigations OCR or OHC may conduct into allegations of discrimination, harassment, and retaliation.

Rooting out distracting and demoralizing workplace discrimination is on all of us. I'll do my part, and as Bureau colleagues you each must also do yours.

Thank you.

Mick Mulvaney
Acting Director

The CFPB Policy Statement on Equal Employment Opportunity and Workplace Harassment

General EEO Policy

It is the 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.¹ 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 and career development, promotions, transfers, reassignments, and other terms, conditions, and privileges of employment.

Accordingly, the Bureau does not and will not tolerate discrimination or 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, protected EEO activity, whistleblower activity, or any other non-merit factor. Discrimination and harassment on these bases is prohibited by Federal statutes and Executive Orders.

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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 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 that 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

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materials, or making or disseminating comments or statements that are offensive to, or show hostility towards, an individual or group.

Harassment can violate Bureau policy if it occurs because of *any* of the protected bases outlined above. For instance, harassment prohibited under Bureau policy includes (but is not limited to) denigrating someone because of their religion, mocking someone because of a physical or mental disability, and uttering offensive racial epithets.

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 believe 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 the [Employee and Labor Relations team](#) in the [Office of Human Capital](#) (OHC) (currently [Ari Taragin](#)).

Employees who believe they have been harassed have a duty to report the incident so the Bureau can investigate the allegations and take necessary 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 the [Employee and Labor Relations team](#) in the [Office of Human Capital](#) (OHC) (currently [Ari Taragin](#)).

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.

Protection Against Retaliation

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 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 retaliatory action will result in appropriate disciplinary action against the manager or supervisor.*

Filing an EEO Complaint for Violations of Law

Employees who believe they have experienced *unlawful* prohibited conduct should promptly contact the [Office of Civil Rights](#) (OCR) to discuss their rights under the EEO laws. ***You must contact OCR to request EEO counseling within 45 calendar days of the occurrence of conduct you believe is unlawful; failure to meet these timeframes could result in the forfeiture of your legal right to redress the harassment.*** (Contact information for OCR is provided below.)

Reporting harassment to OHC does *not* satisfy your obligation to contact OCR within 45 calendar days to seek legal redress for violations of EEO laws. Further, 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.

Additional Information

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

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

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

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>
- the EEOC website at <http://www.eeoc.gov>
- the OSC website at <http://www.osc.gov>

- the Veterans' Employment and Training Service website at <https://www.dol.gov/vets/>
- 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

U.S. Postal Service 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
1700 G Street, NW
Sixth Floor
Washington, D.C. 20552

Phone:

202-435-9EEO
1-855-233-0362
202-435-9742 (TTY)

E-mail:

CFPB_EEO@cfpb.gov

Fax:

202-435-9598

14. Annual No FEAR Act/Whistleblower Protection Notices

1700 G Street NW, Washington, D.C. 20552

February 2019

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

**FROM: Kathleen L. Kraninger
Director**

**SUBJECT: FY 2019 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 anti-retaliation 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, protected equal employment opportunity (EEO) activity, 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. § 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 may file a formal complaint of discrimination with the CFPB's Office of Civil Rights (OCR). To file a complaint of discrimination with OCR, you first must contact an Equal Employment Opportunity (EEO) counselor in OCR. (See contact information for OCR at the bottom of this notice.)

You must contact OCR to request EEO counseling *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.* Failure to meet these timeframes could result in the forfeiture of your legal right to redress the discrimination. See [29 C.F.R. Part 1614](#).

- In the alternative, if you are a bargaining unit employee and you believe that you have been the victim of unlawful discrimination 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+), disability, or genetic information you may file a grievance through CFPB's [negotiated grievance procedures](#). **You may not file both a timely written grievance under the negotiated grievance procedures and a formal complaint of discrimination with OCR on the same matter. If you file a timely written grievance over an issue but fail to include a related discrimination allegation, you still could be precluded from filing a formal complaint of discrimination with OCR over the same matter.**

For more information, read the [Equal Employment Opportunity Article](#) in the CFPB-NTEU collective bargaining agreement. You may also contact OCR or the [Employee and Labor Relations team](#) in the [Office of Human Capital](#) (OHC).

- If you believe that you have been the victim of unlawful discrimination on the basis of age (40+) in violation of the Age Discrimination in Employment Act of 1967, you may proceed through the administrative EEO process by contacting

OCR to request EEO counseling within 45 calendar 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 OCR to request EEO counseling within 45 calendar days. (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 or toll 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 OCR to request EEO counseling within 45 calendar days – 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 and exercising certain grievance, complaint, and appeal rights (and other protected activities). 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, the Whistleblower Protection Enhancement Act of 2012, the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017, and other laws collectively provide rights 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. [Information on the prohibition on retaliation for whistleblowing is available from this OSC fact sheet.](#)

Under 5 U.S.C. § 2302(b)(9), agency officials also are prohibited from retaliating against any covered employee because the employee (1) filed a lawful complaint, grievance or

appeal; (2) testified for or helped someone else with one of these activities; (3) cooperated with or disclosed information to the Special Counsel or an Inspector General; or (4) refused to obey an order that would require the employee to violate a law, rule, or regulation. This [fact sheet from OSC](#) provides information on this type of retaliation.

Please also review the fact sheet, “[Your Rights as a Federal Employee](#),” which provides detailed information on the fourteen prohibited personnel practices and employees’ rights to file complaints with OSC. You can also learn more about federal civil service merit systems principles and prohibited personnel practices in this [brief guide from the Merit Systems Protection Board](#), and this [fact sheet on prohibited personnel practices](#) from OSC.

Additionally, you are encouraged to review these other 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 or other retaliation under 5 U.S.C. §§ 2302(b)(8) or (b)(9), 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 EEO-Related 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 and as discussed 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 and timeframes described in the sections of this notice above entitled “Antidiscrimination Laws” and “Whistleblower Protection Laws/Prohibited Personnel Practices” – or, if applicable, relevant negotiated grievance procedures.

Read this [brief guide from the EEOC](#) on some of the causes of, and manager tips for avoiding, [EEO-related retaliation](#).

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 from federal service. 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.

However, under the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017, an agency *must* propose certain disciplinary actions against supervisors who have engaged in certain specified acts of whistleblower retaliation or other forms of retaliation and prohibited personnel practices under civil service laws. For more information on these mandatory discipline requirements, contact OCR or the Bureau's Legal Division.

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 complete 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. 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 MSPB website at <http://www.mspb.gov>, on the VETS website at <https://www.dol.gov/vets/>, 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

U.S. Postal Service 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
1700 G Street, NW
Sixth Floor
Washington, D.C. 20552

Phone:

202-435-9EEO
1-855-233-0362
202-435-9742 (TTY)

E-mail:

CFPB_EEO@cfpb.gov

Fax:

202-435-9598

February 2018

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

**FROM: Mick Mulvaney
Acting Director**

SUBJECT: FY 2018 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, protected equal employment opportunity (EEO) activity, 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. § 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 may file a formal complaint of discrimination with the CFPB's Office of Civil Rights (OCR). To file a complaint of discrimination with OCR, you first must contact an Equal Employment Opportunity (EEO) counselor in OCR. (See contact information for OCR at the bottom of this notice.)

You must contact OCR to request EEO counseling *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.* Failure to meet these timeframes could result in the forfeiture of your legal right to redress the discrimination. See [29 C.F.R. Part 1614](#).

- In the alternative, if you are a bargaining unit employee and you believe that you have been the victim of unlawful discrimination 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+), disability, or genetic information you may file a grievance through CFPB's [negotiated grievance procedures](#). ***You may not file both a timely written grievance under the negotiated grievance procedures and a formal complaint of discrimination with OCR on the same matter. If you file a timely written grievance over an issue but fail to include a related discrimination allegation, you still could be precluded from filing a formal complaint of discrimination with OCR over the same matter.***

For more information, read the [Equal Employment Opportunity Article](#) in the CFPB-NTEU collective bargaining agreement. You may also contact OCR or the [Employee and Labor Relations team](#) in the [Office of Human Capital](#) (OHC).

- If you believe that you have been the victim of unlawful discrimination on the basis of age (40+) in violation of the Age Discrimination in Employment Act of 1967, you may proceed through the administrative EEO process by contacting OCR to request EEO counseling within 45 calendar 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 OCR to request EEO counseling within 45 calendar days. (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 or toll 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 OCR to request EEO counseling within 45 calendar days – 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 and exercising certain grievance, complaint, and appeal rights (and other protected activities). 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, the Whistleblower Protection Enhancement Act of 2012, and the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017 collectively provide rights 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. This [fact sheet](#) from OSC provides information on the prohibition on retaliation for whistleblowing.

Under 5 U.S.C. § 2302(b)(9), agency officials also are prohibited from retaliating against any covered employee because the employee (1) filed a lawful complaint, grievance or appeal; (2) testified for or helped someone else with one of these activities; (3) cooperated with or disclosed information to the Special Counsel or an Inspector General; or (4) refused to obey an order that would require the employee to violate a law, rule, or regulation. This [fact sheet](#) from OSC provides information on this type of retaliation.

Please also review the fact sheet, "[Your Rights as a Federal Employee](#)," which provides detailed information on the fourteen prohibited personnel practices and employees' rights to file complaints with OSC. You can also learn more about federal

civil service merit systems principles and prohibited personnel practices in this [brief guide](#) from the Merit Systems Protection Board, and this [fact sheet](#) from OSC.

Additionally, you are encouraged to review these other 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 or other retaliation under 5 U.S.C. §§ 2302(b)(8) or (b)(9), 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 EEO-Related 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 and as discussed 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 and timeframes described in the sections of this notice above entitled “Antidiscrimination Laws” and “Whistleblower Protection Laws/Prohibited Personnel Practices” – or, if applicable, relevant negotiated grievance procedures.

Read this [brief guide](#) from the EEOC on some of the causes of, and manager tips for avoiding, [EEO-related retaliation](#).

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 from federal service. 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.

However, under the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017, an agency *must* propose certain disciplinary actions against supervisors who have engaged in certain specified acts of whistleblower retaliation or other forms of retaliation and prohibited personnel practices under civil service laws. For more information on these mandatory discipline requirements, contact OCR or the Bureau’s Legal Division.

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 complete 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. 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 MSPB website at <http://www.mspb.gov>, on the VETS website at <https://www.dol.gov/vets/>, 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

U.S. Postal Service 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
1700 G Street, NW
Sixth Floor
Washington, D.C. 20552

Phone:

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

202-435-9742 (TTY)

E-mail:

CFPB_EEO@cfpb.gov

Fax:

202-435-9598