

# No FEAR Act quarterly data of the Consumer Financial Protection Bureau

Pursuant to Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, as amended by the Elijah E. Cummings Act.

# Summary of complaint data

Equal Employment Opportunity Data Posted Pursuant to Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174, as amended by the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020. See H.R. 6395, The National Defense Authorization Act for Fiscal Year 2021, Pub. L. 116-283 (Cummings Act), at Subtitle B § 1135, 134 Stat. 3902. for the Consumer Financial Protection Bureau (the CFPB or CFPB).

For the period ending September 30, 2023.

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

# 1. Complaint activity

TABLE 1: COMPLAINT ACTIVITY

| Complaint Activity         | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 Q4 |
|----------------------------|------|------|------|------|------|---------|
| Number of complaints filed | 21*  | 17** | 18   | 19   | 13   | 18***   |
| Number of complainants     | 19   | 14   | 17   | 16   | 12   | 14      |
| Repeat filers <sup>1</sup> | 2    | 3    | 1    | 3    | 1    | 3       |

\* One of these complaints alleged a violation of Executive Order 11478 (as amended) only. The OCR processed this complaint pursuant to a policy the Agency has established to address such allegations. In FY 2018, the CFPB received 20 new formal complaints filed (in whole or in part) under 29 C.F.R. Part 1614.

\*\* Two of these reported matters involve alleged violations of Executive Order 11478 (as amended) only. In FY 2019, the CFPB received 15 new formal complaints filed (in whole or in part) under 29 C.F.R. Part 1614.

\*\*\*Three of these complaints are class complaints. All three filed individual complaints, which are also reflected in this total.

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<sup>1</sup> For this purpose, “repeat filers” include only individuals who have filed more than one complaint during the relevant fiscal year. This data does not include individuals who may have filed more than one formal complaint but who have never filed more than one complaint in any single fiscal year.

# 1.1 Complaints by basis

**TABLE 2: COMPLAINTS BY BASIS\***

| Complaints by Basis | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 Q4 |
|---------------------|------|------|------|------|------|---------|
| Race                | 13   | 9    | 8    | 14   | 8    | 9       |
| Color               | 5    | 4    | 5    | 4    | 2    | 3       |
| Religion            | 2    | 0    | 2    | 1    | 1    | 0       |
| Reprisal            | 12   | 9    | 14   | 12   | 6    | 6       |
| Sex                 | 11   | 9    | 7    | 9    | 5    | 6       |
| Pregnancy (PDA)     | 0    | 0    | 1    | 0    | 0    | 0       |
| National Origin     | 0    | 2    | 3    | 3    | 2    | 5       |
| Equal Pay (EPA)     | 0    | 1    | 0    | 1    | 1    | 0       |
| Age                 | 5    | 7    | 5    | 8    | 2    | 4       |
| Disability          | 5    | 4    | 6    | 4    | 2    | 4       |
| Genetic Information | 0    | 0    | 0    | 0    | 0    | 0       |
| Non-EEO             | 2    | 3    | 1    | 0    | 1    | 0       |

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

## 1.2 Complaints by issue

**TABLE 3: COMPLAINTS BY ISSUE**

| Complaints by Issue                      | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 Q4 |
|--|------|------|------|------|------|---------|
| Appointment/Hire                         | 0    | 1    | 0    | 1    | 0    | 0       |
| Assignment of Duties                     | 8    | 6    | 4    | 3    | 1    | 0       |
| Awards                                   | 2    | 0    | 0    | 0    | 0    | 0       |
| Conversion to Full Time/Permanent Status | 0    | 1    | 0    | 0    | 0    | 0       |
| Disciplinary Action – Demotion           | 0    | 0    | 0    | 0    | 0    | 0       |
| Disciplinary Action – Reprimand          | 0    | 0    | 3    | 2    | 0    | 0       |
| Disciplinary Action – Suspension         | 0    | 0    | 0    | 0    | 0    | 0       |
| Disciplinary Action – Removal            | 1    | 0    | 0    | 2    | 1    | 0       |
| Disciplinary Action – Other              | 0    | 0    | 0    | 0    | 0    | 0       |
| Duty Hours                               | 3    | 4    | 1    | 0    | 0    | 0       |
| Performance Evaluation/Appraisal         | 2    | 1    | 2    | 0    | 1    | 1       |
| Examination/Test                         | 0    | 0    | 0    | 0    | 0    | 1       |
| Harassment – Non-Sexual                  | 12   | 11   | 10   | 11   | 8    | 8       |
| Harassment – Sexual                      | 2    | 0    | 0    | 1    | 1    | 0       |
| Medical Examination                      | 0    | 1    | 0    | 0    | 0    | 0       |
| Pay (Including Overtime)                 | 4    | 9    | 1    | 2    | 2    | 6       |
| Promotion/Non-Selection                  | 3    | 3    | 4    | 4    | 0    | 2       |
| Reassignment – Denied                    | 0    | 0    | 0    | 0    | 0    | 0       |
| Reassignment – Directed                  | 3    | 1    | 0    | 2    | 0    | 0       |
| Reasonable Accommodation – Disability    | 1    | 4    | 2    | 0    | 0    | 3       |

| <b>Complaints by Issue</b>             | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023<br/>Q4</b> |
|--|-------------|-------------|-------------|-------------|-------------|--------------------|
| Reinstatement                          | 0           | 0           | 0           | 0           | 0           | 0                  |
| Reasonable<br>Accommodation – Religion | 0           | 0           | 0           | 0           | 0           | 0                  |
| Retirement                             | 0           | 0           | 0           | 1           | 0           | 0                  |
| Sex Stereotyping                       | 0           | 0           | 0           | 0           | 0           | 0                  |
| Telework                               | 0           | 0           | 1           | 0           | 0           | 0                  |
| Termination                            | 0           | 1           | 0           | 2           | 1           | 0                  |
| Terms/Conditions of<br>Employment      | 7           | 6           | 4           | 1           | 0           | 1                  |
| Time and Attendance                    | 2           | 3           | 2           | 0           | 0           | 0                  |
| Training                               | 2           | 0           | 1           | 0           | 0           | 0                  |
| Other                                  | 0           | 0           | 0           | 0           | 0           | 0                  |

## 2. Complaint processing times

**TABLE 4:** PROCESSING TIMES FOR COMPLAINTS PENDING (FOR ANY LENGTH OF TIME) DURING FISCAL YEAR

| Type of Processing Time                 | 2018    | 2019   | 2020   | 2021   | 2022   | 2023 Q4 |
|---|---------|--------|--------|--------|--------|---------|
| Average number of days in investigation | 142.86  | 227.24 | 253.56 | 218.91 | 224.82 | 160.50  |
| Average number of days in final action  | 133.00* | 39.94  | 47.27  | 42.83  | 34.56  | 31.60   |

\* This processing time resulted in part from the CFPB's Office of Civil Rights (OCR) holding one matter in abeyance while the parties engaged in settlement negotiations. The matter was not resolved, and the CFPB ultimately issued the FAD in FY 2018.

**TABLE 5:** PROCESSING TIMES FOR COMPLAINTS PENDING (FOR ANY LENGTH OF TIME) DURING FISCAL YEAR WHERE HEARING WAS REQUESTED

| Type of Processing Time                 | 2018   | 2019   | 2020   | 2021   | 2022   | 2023 Q4 |
|---|--------|--------|--------|--------|--------|---------|
| Average number of days in investigation | 190.33 | 229.00 | 277.33 | 191.50 | 218.55 | 177.00  |
| Average number of days in final action  | 35.00  | 24.33  | 44.80  | 0.00   | 32.29  | 26.50   |

**TABLE 6:** PROCESSING TIMES FOR COMPLAINTS PENDING (FOR ANY LENGTH OF TIME) DURING FISCAL YEAR WHERE HEARING WAS NOT REQUESTED

| Type of Processing Time                 | 2018    | 2019   | 2020   | 2021   | 2022   | 2023 Q4 |
|---|---------|--------|--------|--------|--------|---------|
| Average number of days in investigation | 107.25  | 225.92 | 241.67 | 276.75 | 204.00 | 111.00  |
| Average number of days in final action  | 165.67* | 49.30  | 49.33  | 44.20  | 42.50  | 52.00   |

\* This processing time resulted in part from the CFPB’s Office of Civil Rights (OCR) holding one matter in abeyance while the parties engaged in settlement negotiations. The matter was not resolved, and the CFPB ultimately issued the FAD in FY 2018.



### 3. Complaint dismissals and withdrawals

**TABLE 7:** COMPLAINTS DISMISSED BY AGENCY

| <b>Agency Dismissal Information</b>     | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023 Q4</b> |
|---|-------------|-------------|-------------|-------------|-------------|----------------|
| Total complaints dismissed by agency    | 4           | 4           | 2           | 5           | 4           | 2              |
| Average days pending prior to dismissal | 13          | 15          | 21          | 24          | 39          | 25.50          |

**TABLE 8:** COMPLAINTS WITHDRAWN BY COMPLAINANTS

| <b>Complaints Withdrawn</b>                | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023 Q4</b> |
|--|-------------|-------------|-------------|-------------|-------------|----------------|
| Total complaints withdrawn by complainants | 0           | 1           | 4           | 3           | 1           | 2              |

# 4. Findings of discrimination

**TABLE 9:** TOTAL FINAL AGENCY ACTIONS FINDING DISCRIMINATION

| Type of Findings | 2018<br># | 2018<br>% | 2019<br># | 2019<br>% | 2020<br># | 2020<br>% | 2021<br># | 2021<br>% | 2022<br># | 2022<br>% | 2023<br>Q4#    | 2023<br>Q4% |
|------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|----------------|-------------|
| Total findings   | 1         | 100       | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1 <sup>2</sup> | 100         |
| Without hearing  | 1         | 100       | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0              | 0           |
| With hearing     | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1              | 100         |

## 4.1 Findings by basis\*

**TABLE 10:** TOTAL FINDINGS OF DISCRIMINATION RENDERED BY BASIS

| Basis              | 2018<br># | 2018<br>% | 2019<br># | 2019<br>% | 2020<br># | 2020<br>% | 2021<br># | 2021<br>% | 2022<br># | 2022<br>% | 2023<br>Q4# | 2023<br>Q4% |
|--------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-------------|-------------|
| Total findings     | 1         | 100       | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1           | 100         |
| Race               | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1           | 100         |
| Color              | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Religion           | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Reprisal           | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Sex                | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1           | 100         |
| Pregnancy<br>(PDA) | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| National Origin    | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Equal Pay<br>(EPA) | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |

<sup>2</sup> Section 301(b) of the No FEAR Act (as amended by the Cummings Act) requires federal agencies to provide additional data regarding any findings of discrimination. Per this requirement CFPB notes with respect to the one (1) finding of discrimination reported here: (i) The date of the finding of discrimination was January 26, 2023. (ii) The affected Federal agency is CFPB. (iii) The laws violated were Title VII of the Civil Rights Act of 1964 as amended, and the Age Discrimination in Employment Act of 1967 as amended. (iv) The CFPB has made a decision regarding disciplinary action as a result of the finding, the details of which have been provided to the EEOC in a Disciplinary Action Report.

| Basis               | 2018<br># | 2018<br>% | 2019<br># | 2019<br>% | 2020<br># | 2020<br>% | 2021<br># | 2021<br>% | 2022<br># | 2022<br>% | 2023<br>Q4# | 2023<br>Q4% |
|---------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-------------|-------------|
| Age                 | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1           | 100         |
| Disability          | 1         | 100       | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Genetic Information | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Non-EEO             | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |

**TABLE 11:** FINDINGS OF DISCRIMINATION RENDERED AFTER HEARING BY BASIS

| Basis               | 2018<br># | 2018<br>% | 2019<br># | 2019<br>% | 2020<br># | 2020<br>% | 2021<br># | 2021<br>% | 2022<br># | 2022<br>% | 2023<br>Q4# | 2023<br>Q4% |
|---------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-------------|-------------|
| Total findings      | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1           | 100         |
| Race                | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1           | 100         |
| Color               | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Religion            | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Reprisal            | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Sex                 | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1           | 100         |
| Pregnancy (PDA)     | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| National Origin     | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Equal Pay (EPA)     | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Age                 | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1           | 100         |
| Disability          | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Genetic Information | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Non-EEO             | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |

**TABLE 12:** FINDINGS OF DISCRIMINATION RENDERED WITHOUT HEARING BY BASIS

| Basis          | 2018<br># | 2018<br>% | 2019<br># | 2019<br>% | 2020<br># | 2020<br>% | 2021<br># | 2021<br>% | 2022<br># | 2022<br>% | 2023<br>Q4# | 2023<br>Q4% |
|----------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-------------|-------------|
| Total findings | 1         | 100       | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |

| <b>Basis</b>        | <b>2018</b> | <b>2018</b> | <b>2019</b> | <b>2019</b> | <b>2020</b> | <b>2020</b> | <b>2021</b> | <b>2021</b> | <b>2022</b> | <b>2022</b> | <b>2023</b> | <b>2023</b> |
|---------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
|                     | <b>#</b>    | <b>%</b>    | <b>#</b>    | <b>%</b>    | <b>#</b>    | <b>%</b>    | <b>#</b>    | <b>%</b>    | <b>#</b>    | <b>%</b>    | <b>Q4#</b>  | <b>Q4%</b>  |
| Race                | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Color               | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Religion            | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Reprisal            | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Sex                 | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Pregnancy (PDA)     | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| National Origin     | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Equal Pay (EPA)     | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Age                 | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Disability          | 1           | 100         | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Genetic Information | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Non-EEO             | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |

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

## 4.2 Findings by issue

**TABLE 13:** TOTAL FINDINGS OF DISCRIMINATION RENDERED BY ISSUE

| <b>Issue</b>                             | <b>2018</b> | <b>2018</b> | <b>2019</b> | <b>2019</b> | <b>2020</b> | <b>2020</b> | <b>2021</b> | <b>2021</b> | <b>2022</b> | <b>2022</b> | <b>2023</b> | <b>2023</b> |
|--|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
|  | <b>#</b>    | <b>%</b>    | <b>#</b>    | <b>%</b>    | <b>#</b>    | <b>%</b>    | <b>#</b>    | <b>%</b>    | <b>#</b>    | <b>%</b>    | <b>Q4#</b>  | <b>Q4%</b>  |
| Total findings                           | 1           | 100         | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 1           | 100         |
| Appointment/Hire                         | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Assignment of Duties                     | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Awards                                   | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Conversion to Full Time/Permanent Status | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |

| <b>Issue</b>                          | <b>2018</b> | <b>2018</b> | <b>2019</b> | <b>2019</b> | <b>2020</b> | <b>2020</b> | <b>2021</b> | <b>2021</b> | <b>2022</b> | <b>2022</b> | <b>2023</b> | <b>2023</b> |
|---------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
|                                       | <b>#</b>    | <b>%</b>    | <b>#</b>    | <b>%</b>    | <b>#</b>    | <b>%</b>    | <b>#</b>    | <b>%</b>    | <b>#</b>    | <b>%</b>    | <b>Q4#</b>  | <b>Q4%</b>  |
| Disciplinary Action – Demotion        | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Disciplinary Action – Reprimand       | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Disciplinary Action – Suspension      | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Disciplinary Action – Removal         | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Disciplinary Action – Other           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Duty Hours                            | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Performance Evaluation/Appraisal      | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Examination/Test                      | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Harassment – Non-Sexual               | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Harassment – Sexual                   | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Medical Examination                   | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Pay (Including Overtime)              | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Promotion/Non-Selection               | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 1           | 100         |
| Reassignment – Denied                 | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Reassignment – Directed               | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Reasonable Accommodation – Disability | 1           | 100         | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Reinstatement                         | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Reasonable Accommodation – Religion   | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Retirement                            | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Sex Stereotyping                      | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Telework                              | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |

| Issue                          | 2018<br># | 2018<br>% | 2019<br># | 2019<br>% | 2020<br># | 2020<br>% | 2021<br># | 2021<br>% | 2022<br># | 2022<br>% | 2023<br>Q4# | 2023<br>Q4% |
|--------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-------------|-------------|
| Termination                    | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Terms/Conditions of Employment | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Time and Attendance            | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Training                       | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Other                          | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |

**TABLE 14:** FINDINGS OF DISCRIMINATION RENDERED AFTER HEARING BY ISSUE

| Issue                                    | 2018<br># | 2018<br>% | 2019<br># | 2019<br>% | 2020<br># | 2020<br>% | 2021<br># | 2021<br>% | 2022<br># | 2022<br>% | 2023<br>Q4# | 2023<br>Q4% |
|--|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-------------|-------------|
| Total findings                           | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1           | 100         |
| Appointment/Hire                         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Assignment of Duties                     | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Awards                                   | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Conversion to Full Time/Permanent Status | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Disciplinary Action – Demotion           | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Disciplinary Action – Reprimand          | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Disciplinary Action – Suspension         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Disciplinary Action – Removal            | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Disciplinary Action – Other              | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Duty Hours                               | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Performance Evaluation/Appraisal         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Examination/Test                         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Harassment – Non-Sexual                  | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |
| Harassment – Sexual                      | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0           | 0           |

| <b>Issue</b>                          | <b>2018</b> | <b>2018</b> | <b>2019</b> | <b>2019</b> | <b>2020</b> | <b>2020</b> | <b>2021</b> | <b>2021</b> | <b>2022</b> | <b>2022</b> | <b>2023</b> | <b>2023</b> |
|---------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
|                                       | <b>#</b>    | <b>%</b>    | <b>#</b>    | <b>%</b>    | <b>#</b>    | <b>%</b>    | <b>#</b>    | <b>%</b>    | <b>#</b>    | <b>%</b>    | <b>Q4#</b>  | <b>Q4%</b>  |
| Medical Examination                   | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Pay (Including Overtime)              | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Promotion/Non-Selection               | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 1           | 100         |
| Reassignment – Denied                 | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Reassignment – Directed               | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Reasonable Accommodation – Disability | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Reinstatement                         | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Reasonable Accommodation – Religion   | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Retirement                            | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Sex Stereotyping                      | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Telework                              | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Termination                           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Terms/Conditions of Employment        | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Time and Attendance                   | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Training                              | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Other                                 | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |

**TABLE 15: FINDINGS OF DISCRIMINATION RENDERED WITHOUT HEARING BY ISSUE**

| Issue                                    | 2018 | 2018 | 2019 | 2019 | 2020 | 2020 | 2021 | 2021 | 2022 | 2022 | 2023 | 2023 |
|--|------|------|------|------|------|------|------|------|------|------|------|------|
|  | #    | %    | #    | %    | #    | %    | #    | %    | #    | %    | Q4#  | Q4%  |
| Total findings                           | 1    | 100  | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Appointment/Hire                         | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Assignment of Duties                     | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Awards                                   | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Conversion to Full Time/Permanent Status | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Disciplinary Action – Demotion           | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Disciplinary Action – Reprimand          | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Disciplinary Action – Suspension         | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Disciplinary Action – Removal            | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Disciplinary Action – Other              | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Duty Hours                               | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Performance Evaluation/Appraisal         | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Examination/Test                         | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Harassment – Non-Sexual                  | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Harassment – Sexual                      | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Medical Examination                      | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Pay (Including Overtime)                 | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Promotion/Non-Selection                  | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Reassignment – Denied                    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Reassignment – Directed                  | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Reasonable Accommodation – Disability    | 1    | 100  | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Reinstatement                            | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |



| Issue                               | 2018 | 2018 | 2019 | 2019 | 2020 | 2020 | 2021 | 2021 | 2022 | 2022 | 2023 | 2023 |
|-------------------------------------|------|------|------|------|------|------|------|------|------|------|------|------|
|                                     | #    | %    | #    | %    | #    | %    | #    | %    | #    | %    | Q4#  | Q4%  |
| Reasonable Accommodation – Religion | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Retirement                          | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Sex Stereotyping                    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Telework                            | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Termination                         | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Terms/Conditions of Employment      | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Time and Attendance                 | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Training                            | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Other                               | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |

# 5. Pending complaints

**TABLE 16:** PENDING COMPLAINTS FILED IN PREVIOUS FISCAL YEARS BY STATUS

| Pending Complaints and Complainants         | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 Q4 |
|---|------|------|------|------|------|---------|
| Total complaints from previous fiscal years | 14   | 10   | 5    | 7    | 7    | 5       |
| Total complainants                          | 12   | 10   | 5    | 7    | 7    | 4       |

**TABLE 17:** PENDING COMPLAINTS FILED IN PREVIOUS FISCAL YEARS BY STATUS

| Where in EEO Process Complaints Are Pending   | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 Q4 |
|---|------|------|------|------|------|---------|
| Investigation                                 | 0    | 0    | 0    | 0    | 1    | 0       |
| ROI issued, pending complainant's action      | 0    | 0    | 0    | 0    | 0    | 0       |
| Hearing                                       | 14   | 9    | 5    | 7    | 5*   | 2**     |
| Final Agency Action                           | 0    | 1    | 0    | 0    | 0    | 0       |
| Appeal with EEOC Office of Federal Operations | 3    | 7    | 7    | 3    | 6    | 5***    |

\* This total does not include one case that was at Hearing but has been remanded pending district court class action proceedings and is now being held in abeyance.

\*\* This total does not include one case that was at Hearing but has been remanded because it is pending district court class action, and one pending MSPB proceedings and are now being held in abeyance. However, this total includes two cases filed by the same filer, bifurcated by the U.S. Equal Employment Opportunity Commission (EEOC).

\*\*\* This total includes four cases that are pending Request for Reconsideration (RFR) from the EEOC.

**TABLE 18: INVESTIGATIONS THAT EXCEED TIME FRAMES**

| Investigations  | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 Q4 |
|---|------|------|------|------|------|---------|
| Pending complaints where investigations exceed required time frames | 0    | 0    | 0    | 0    | 0    | 0       |

In FY2023, three class complaints were filed, which are described in the following three tables.<sup>3</sup>

- Information regarding the date on which each complaint was filed;
- a general summary of the allegations alleged in the complaint;
- an estimate of the total number of plaintiffs joined in the complaint, if known;
- the current status of the complaint, including whether the class has been certified; and
- the case numbers for the civil actions in which discrimination (including retaliation) has been found.

**TABLE 19: CLASS COMPLAINT 1**

| Class Complaints                      | 2023 Q4- Class Complaint 1   |
|---------------------------------------|--|
| Date complaint filed                  | 8/14/2023  |
| Allegations alleged (including bases) | CFPB violated Title VII by discriminating against minority (non-white) NTEU Bargaining Unit employees in terms of their compensation based on the class members' race and, for female minority (non-white) NTEU Bargaining Unit employees, on the basis of their race and sex.<br>a) Assigning minorities to a lower pay band and/or pay grade at time of their transfer into CFPB from other federal agencies, or at the time of their hire, than white employees.<br>b) Denying promotions to qualified minority employees while promoting less or equally qualified white employees.<br>c) Utilizing subjective criteria to qualify employees for positions and promotions to the disadvantage of minority employees. |

<sup>3</sup> This information is provided in accordance with § 301(b) of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002, 5 U.S.C. 2301 note, Pub. L. 107-174 (No FEAR Act), as amended by the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020. See H.R. 6395, The National Defense Authorization Act for Fiscal Year 2021, Pub. L. 116-283 (Cummings Act), at Subtitle B § 1135, 134 Stat. 3902.

| <b>Class Complaints</b>   |  |
|---|--|
| <b>2023 Q4- Class Complaint 1</b>                               |  |
|   | <p>d) Failing to credit minorities and, in particular, minority women, for their work experience on the same basis as white or white male employees.</p> <p>e) Systematically paying minorities, and in particular minority women, lower wages and denying minority employees' requests to adjust their pay to make it commiserate with their white counterparts.</p> <p>f) Employing bureau-wide performance evaluation policies that disproportionately resulted in higher performance ratings for white employees and lower performance ratings for minority employees, which in turn negatively impacted compensation for minority employees and, in particular, minority women.</p> <p>g) In conjunction with the 2023 Pay Resetting Process, failing to adjust minority employees' pay bands to place them in the same pay bands as white employees with the same level of direct and indirect job experience.</p> |
| Estimate of total Class   | Unknown  |
| Current status  | Pending EEOC class certification   |
| Case number(s) for civil actions where discrimination was found | N/A  |

**TABLE 20:** CLASS COMPLAINT 2

| <b>Class Complaints</b>               |   |
|---------------------------------------|---|
| <b>2023 Q4- Class Complaint 2</b>     |   |
| Date complaint filed                  | 9/11/2023   |
| Allegations alleged (including bases) | <p>CFPB violated Title VII by discriminating against minority (non-white) NTEU Bargaining Unit employees in terms of their compensation based on the class members' race and, for female minority (non-white) NTEU Bargaining Unit employees, on the basis of their race and sex.</p> <p>a) Assigning minorities to a lower pay band and/or pay grade at time of their transfer into CFPB from other federal agencies, or at the time of their hire, than white employees.</p> <p>b) Denying promotions to qualified minority employees while promoting less or equally qualified white employees.</p> <p>c) Utilizing subjective criteria to qualify employees for positions and promotions to the disadvantage of minority employees.</p> |

| <b>Class Complaints</b>   |  |
|---|--|
|   | <b>2023 Q4- Class Complaint 2</b>  |
|   | <p>d) Failing to credit minorities and, in particular, minority women, for their work experience on the same basis as white or white male employees.</p> <p>e) Systematically paying minorities, and in particular minority women, lower wages and denying minority employees' requests to adjust their pay to make it commiserate with their white counterparts.</p> <p>f) Employing bureau-wide performance evaluation policies that disproportionately resulted in higher performance ratings for white employees and lower performance ratings for minority employees, which in turn negatively impacted compensation for minority employees and, in particular, minority women.</p> <p>g) In conjunction with the 2023 Pay Resetting Process, failing to adjust minority employees' pay bands to place them in the same pay bands as white employees with the same level of direct and indirect job experience.</p> |
| Estimate of total Class   | Unknown  |
| Current status  | Pending EEOC class certification   |
| Case number(s) for civil actions where discrimination was found | N/A  |

**TABLE 21:** CLASS COMPLAINT 3

| <b>Class Complaints</b>               |   |
|---------------------------------------|---|
|                                       | <b>2023 Q4- Class Complaint 3</b>   |
| Date complaint filed                  | 9/29/2023   |
| Allegations alleged (including bases) | <p>CFPB violated Title VII by discriminating against minority (non-white) NTEU Bargaining Unit employees in terms of their compensation based on the class members' race and, for female minority (non-white) NTEU Bargaining Unit employees, on the basis of their race and sex.</p> <p>a) Assigning minorities to a lower pay band and/or pay grade at time of their transfer into CFPB from other federal agencies, or at the time of their hire, than white employees.</p> <p>b) Denying promotions to qualified minority employees while promoting less or equally qualified white employees.</p> <p>c) Utilizing subjective criteria to qualify employees for positions and promotions to the disadvantage of minority employees.</p> |

**Class Complaints****2023 Q4- Class Complaint 3**

d) Failing to credit minorities and, in particular, minority women, for their work experience on the same basis as white or white male employees.

e) Systematically paying minorities, and in particular minority women, lower wages and denying minority employees' requests to adjust their pay to make it commiserate with their white counterparts.

f) Employing bureau-wide performance evaluation policies that disproportionately resulted in higher performance ratings for white employees and lower performance ratings for minority employees, which in turn negatively impacted compensation for minority employees and, in particular, minority women.

g) In conjunction with the 2023 Pay Resetting Process, failing to adjust minority employees' pay bands to place them in the same pay bands as white employees with the same level of direct and indirect job experience.

|   |                                  |
|---|----------------------------------|
| Estimate of total Class   | Unknown                          |
| Current status  | Pending EEOC class certification |
| Case number(s) for civil actions where discrimination was found | N/A                              |