

Equal Employment Opportunity (EEO) program status report for fiscal year (FY) 2017



Consumer Financial
Protection Bureau

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1. Part A – Agency identifying information

TABLE 1: AGENCY IDENTIFYING INFORMATION

Part A	
1. Agency	Consumer Financial Protection Bureau (CFPB or Bureau)
2. Address	1700 G Street, NW
3. City, State, Zip code	Washington, DC 20552
4. CPDF Code	FRFT
5. ANSI codes	11001, 06075, 17031, 36061

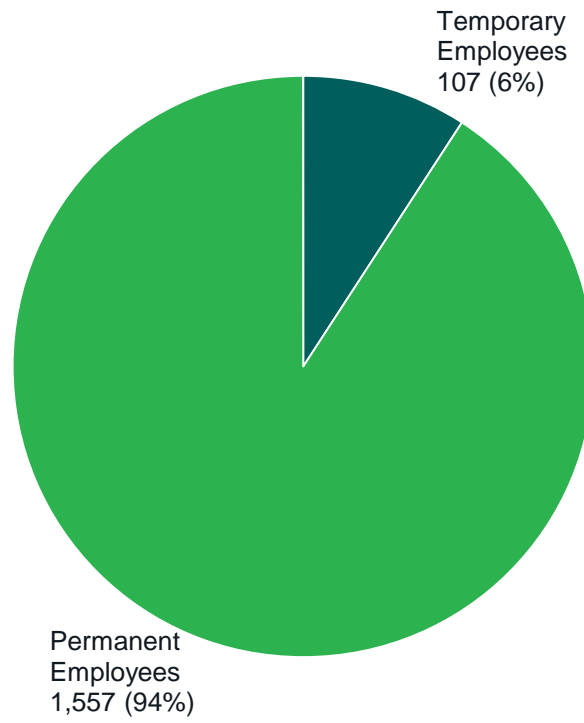
2. Part B – Total employment

TABLE 2: TOTAL EMPLOYMENT*

Part B	
Permanent full-time and part-time employees	1,557
Temporary employees	107
Employees paid from non-appropriated funds	0
Total employment	1,664

* Data as of September 30, 2017. Workforce numbers for FY 2016 included in this FY 2017 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 2016 Status Report.

FIGURE 1: TOTAL EMPLOYMENT



3. Part C – Leadership

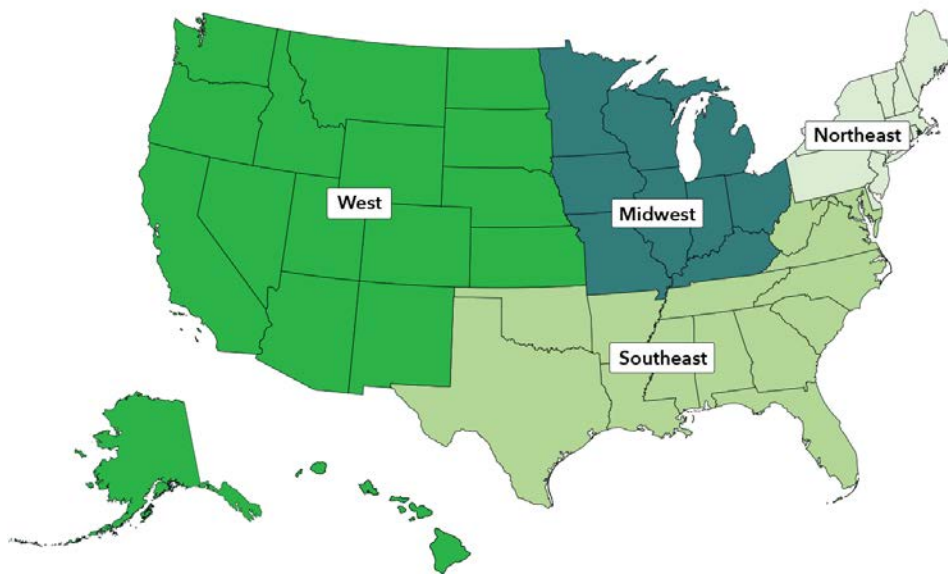
TABLE 3: LEADERSHIP

Part C.1	
Head of agency	Mick Mulvaney* Acting Director Consumer Financial Protection Bureau
Agency Head Designee	M. Stacey Bach Director Office of Civil Rights

* During FY 2017 (from October 1, 2016 through September 30, 2017) – the period covered by this report – CFPB’s Director was Richard Cordray. Mr. Cordray resigned as Director of the Bureau effective at the end of November 24, 2017. President Donald J. Trump named Mick Mulvaney to serve as CFPB’s Acting Director upon Mr. Cordray’s resignation.

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

FIGURE 2: CFPB SUPERVISION REGIONS



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) 2017 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 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.

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.

This report highlights accomplishments by the Consumer Financial Protection Bureau (CFPB or the Bureau or the Agency) in advancing equal employment opportunity (EEO) for the Bureau's employees and applicants for employment. This report also identifies additional actions the Bureau began, and will continue to take, to enhance its overall EEO program as required under applicable laws, regulations, and directives.

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) created CFPB to regulate the offering and provision of consumer financial products or services under the Federal consumer financial laws.³ According to 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 for the purposes of ensuring 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

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)).

transparently and efficiently to facilitate access and innovation.⁵

According to 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 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

To accomplish these goals, CFPB's structure includes the Office of the Director (which in turn includes an Office of Strategy and Office of Equal Opportunity & Fairness, 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

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

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)).

21, 2011.

At the end of FY 2017, the Bureau consisted of 1,664 employees (permanent and temporary). A CFPB organizational chart (in effect as of the end of the reporting period) is included in Figure 3.⁸

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

FIGURE 3: CFPB ORGANIZATIONAL CHART

Bureau structure

Last updated on Dec. 5, 2017

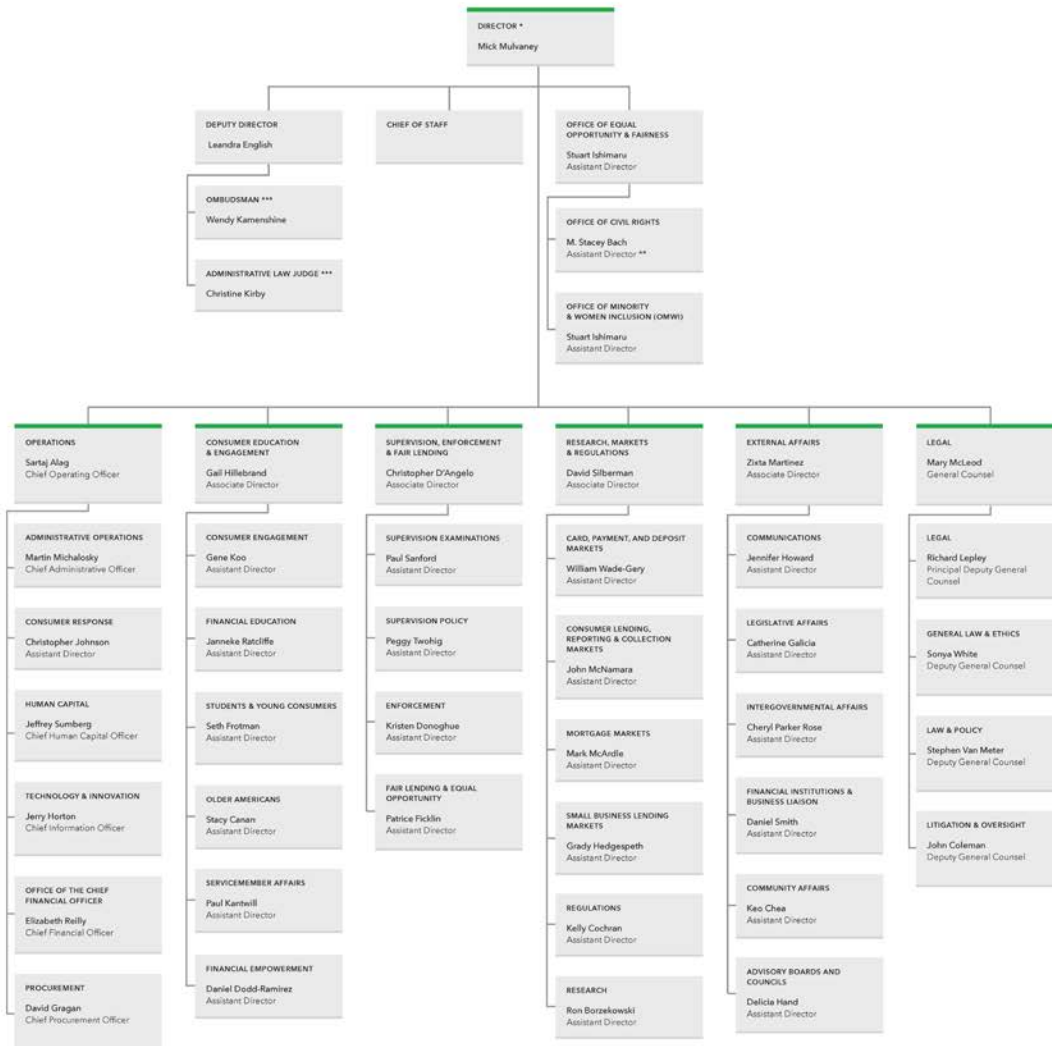


CHART LEGEND

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

5.3 Structure of CFPB's EEO program

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

CFPB has an Office of Equal Opportunity & Fairness (OEOF), which is housed in the executive (front) office of the Director of CFPB. OEOF is comprised of the Office of Civil Rights (OCR) – a function required by Title VII of the Civil Rights Act of 1964 and the EEOC's federal-sector regulations at 29 C.F.R. Part 1614 (Part 1614),⁹ and the Office of Minority and Women Inclusion (OMWI) – an office required under the Dodd-Frank Act.¹⁰ The Director of OEOF reports directly to the Director of CFPB. OCR, the Bureau's Equal Employment Opportunity (EEO) office, has operated since February 2013.

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

CFPB's Office of Civil Rights	
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 that is energized to carry out Bureau leadership's priorities.
How OCR works	With independence, integrity, competence, collaboration, and a commitment to quality and excellence.

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).

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 a robust alternative dispute prevention and resolution program;
- 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, OMWI, the Bureau's Office of Human Capital (OHC), the National Treasury Employees Union (NTEU),¹¹ diversity councils (such as the Agency's Executive Advisory Council (EAC) and staff-level Diversity and Inclusion Council of Employees (DICE)), and Employee Resource Groups (ERGs) to achieve a model workplace;
- Providing a neutral 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 taking targeted steps to prevent repeat violations and making individual discrimination victims "whole" with appropriate damages.

¹¹ This is CFPB employees' chosen labor organization.

As required under Part 1614,¹² the Director of OCR reports directly to the Director of CFPB on substantive EEO matters. The OCR Director is a CFPB Assistant Director.

The OCR Director leads a small team of diverse professionals, including civil rights attorneys, human capital experts, dispute prevention and resolution practitioners, and data and administrative support specialists. The 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 (General Counsel) involvement. The Legal Division, which defends the Bureau in EEO matters, is firewalled from all activities within OCR and only participates during adversarial portions of the EEO process (hearings and appeals), during settlement negotiations, 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 setting forth parameters for agency counsel involvement and professional responsibility rules governing attorney conduct). Other Bureau offices are similarly firewalled and kept separate as necessary and appropriate to avoid conflicting or competing interests.

Legal resources within OCR make this possible.¹³ OCR staff conducts legal-sufficiency reviews of EEO matters, which includes, for example, preparing and issuing "Accept/Dismiss"

¹² See 29 C.F.R. § 1614.102(b)(4).

¹³ 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.").

determinations addressing jurisdiction over, and scope of, claims set forth in formal complaints; 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).

At the same time, while OCR maintains the primary responsibility for many aspects of the Agency's overall EEO program, it collaborates with both OMWI and the Bureau's OHC to ensure fairness and equality under the law for all employees and applicants for employment. For instance, under the Dodd-Frank Act, OMWI must develop certain standards for EEO and diversity at the Bureau,¹⁴ which OHC incorporates into CFPB Human Capital Management. OCR, OMWI, and OHC monitor the impacts and results of these standards, cultivate successful policies and practices to reinforce them, and develop enhancement strategies to strengthen all EEO and diversity and inclusion (D&I) programs Bureau-wide. OCR also coordinates on a general basis with OHC, in particular, in connection with the disability reasonable accommodation and harassment prevention programs OHC administers.

In addition, OCR provides technical assistance to Bureau leadership, management, diversity committees, ERGs, other employees, and NTEU to help carry out Bureau leadership priorities and implement CFPB's Diversity and Inclusion Strategic Plan for 2016 through 2020 (updated in November 2016).¹⁵ This five-year D&I Strategic Plan outlines the Agency's affirmative employment and D&I goals and priorities and the specific actions that will support them. From

¹⁴ The OMWI Director reports to the Bureau's Director. *See* 12 U.S.C. § 5452(b)(1). OMWI 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).

¹⁵ The plan can be found at <https://www.consumerfinance.gov/data-research/research-reports/cfpb-diversity-and-inclusion-strategic-plan-2016-2020/>.

2016 until 2020, the D&I Strategic Plan will govern D&I in the Bureau's workforce, its supplier diversity efforts, and its work to promote workforce diversity at regulated entities.

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

Agency EEO programs succeed only when their goals integrate into and support the employer's overall strategic goals and priorities; leadership and managers are more likely to incorporate EEO into operations when they see the business case for doing so. 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, 42 U.S.C. § 2000e-16, and the Rehabilitation Act of 1973, 29 U.S.C. § 501. 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
- F. Responsiveness and legal compliance.¹⁶

During FY 2017, 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 2017 EEO program assessment using both the traditional "Part G" checklist from the longstanding MD-715

¹⁶ See MD-715, at Section II; *see also* MD-715 Instructions, at Section I (The Model EEO Program).

instructions¹⁷ and the EEOC's revised "MD-715 2.0 Part G" checklist (effective FY 2018).¹⁸

This Executive Summary recaps FY 2017 self-assessment findings and action items, organized by each Essential Element and by accompanying or related compliance indicators included in MD-715 Part G checklists.

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.¹⁹ According to MD-715:

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

¹⁷ See MD-715 Part G: Agency Self-Assessment Checklist, *available at* <https://www.eeoc.gov/federal/directives/md715/partg.cfm>.

¹⁸ As of the submission of this report, the revised Part G checklist has not yet been released publicly by EEOC. The revision is available through FedSEP – the EEOC's online (password-protected) federal-sector EEO portal. OCR used both checklists to best position the Bureau for full compliance in FY 2018 by proactively identifying new areas of EEOC focus and assessing the Bureau's current state in anticipation of the impending new requirements. The EEOC has endorsed this approach.

¹⁹ This MD-715 mandate reinforces statutory requirements. *See* 42 U.S.C. § 2000e-16(e) (emphasizing the "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").

discriminatory harassment.²⁰

During FY 2017, CFPB leadership again demonstrated deep 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. The CFPB Agency-wide Strategic Plan for FY 2013-2017 (in effect for the relevant period covered by this Report) and the Bureau's latest annual Strategic Plan, Budget, and Performance Plan and Report (released in May 2017) reflected a commitment to workforce diversity and inclusion. The FY 2013-2017 Bureau-wide Strategic Plan had four Goals, one of which was to "Advance the CFPB's performance by maximizing resource productivity and enhancing impact."²¹ To achieve this Goal, Bureau leadership pledged to "identify and adopt best practices from the private and public sectors to hire, train and develop a diverse world-class workforce with the knowledge, skills and abilities required to effectively achieve our mission."²² In the Bureau's May 2017 Strategic Plan, Budget, and Performance Plan and Report,²³ CFPB leadership again reiterated this priority.²⁴

CFPB's Strategic Plan for FY 2018-2022 – approved by current Bureau Acting Director Mick

²⁰ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.A.

²¹ See CFPB Strategic Plan for FY 2013-2017 (April 2013), at 28, *available at* <https://www.consumerfinance.gov/strategic-plan/>.

²² *Id.*

²³ See CFPB Strategic Plan, Budget, and Performance Plan and Report (May 2017), *available at* http://files.consumerfinance.gov/f/documents/201705_cfpb_report_strategic-plan-budget-and-performance-plan_FY2017.pdf.

²⁴ See *id.* at 79, 81-84.

Mulvaney and issued in February 2018 – makes this commitment even more explicit.²⁵ 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.”²⁶ The Strategic Plan states that “[t]o accomplish its mission, the Bureau needs to maintain a sustainable, high performing, diverse, inclusive, and engaged workforce.”²⁷ Accordingly, one Objective under the third Goal is “Maintain a talented, diverse, inclusive, and engaged workforce.”²⁸ 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.*”²⁹

The Bureau’s Diversity and Inclusion Strategic Plan for FY 2016 through FY 2020 – as updated and reissued in November 2016 – illuminates this leadership commitment in greater detail. Based on Executive Order No. 13583,³⁰ the Government-Wide Diversity and Inclusion Plan developed by the Office of Personnel Management (OPM) in 2011, existing regulations and

²⁵ This new five-year Agency-wide Strategic Plan is available at https://www.consumerfinance.gov/documents/6208/cfpb_strategic-plan_fy2018-fy2022.pdf.

²⁶ *Id.* at 12.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.* at 13 (emphasis added).

³⁰ Exec. Order No. 13583, 76 Fed. Reg. 52,847 (Aug. 18, 2011).

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.³¹ As the Bureau's then-Director noted upon re-release of this plan, Bureau 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.³²

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

³¹ CFPB D&I Strategic Plan, at 6-7.

³² *Id.* at 2.

- Involving employees as participants and responsible agents of diversity, mutual respect, and inclusion.³³

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

In September 2017, the Bureau’s then-Director reissued an Annual EEO and Anti-Harassment Policy Statement,³⁴ as well as the Agency’s Annual No FEAR Act Notice.³⁵ Both documents clearly communicate CFPB’s commitment to EEO for all applicants and employees. 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 Bureau’s new Director (current Acting Director Mick Mulvaney) recently approved and issued similar documents for FY 2018, as well.³⁶

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:

³³ See generally CFPB D&I Strategic Plan, at 7-16.

³⁴ A copy of the former Director’s FY 2017 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. CFPB’s notice also meets requirements for certification by the U.S. Office of Special Counsel under 5 U.S.C. § 2302(c). See OSC 2302(c) Certification Program Information, available at <https://osc.gov/Pages/Outreach-2302Cert.aspx>. A copy of the former Director’s FY 2017 notice is included in Section 14 below.

³⁶ The current Acting Director’s FY 2018 EEO and Anti-Harassment Policy Statement and FY 2018 Annual Notice on the No FEAR Act and Whistleblower Protection Laws/Prohibited Personnel Practices are included in Sections 13 and 14 (respectively) below.

- 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.
- All employees will have the freedom to compete on a fair and level playing field with equal opportunity for competition.
- Equal employment opportunity covers 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.
- Workplace harassment will not be tolerated, and the agency will correct the harassing conduct before it becomes severe or pervasive.
- Reprisal against one who engaged in protected activity will not be tolerated, and 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 to all CFPB employees. Upon their initial release, these two documents 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 FY 2017, the Bureau's then-Director referenced issuance of these documents in his "Weekly Message" (an email sent from the former Director to all Agency employees summarizing notable Bureau developments each week). 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.³⁷ Print copies of the 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 all new employees on their first day of work at the Bureau, and to all new supervisors as they are promoted.

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 (EEO Article)
Alternative Dispute Resolution Policy
Administrative Grievance Policy
Employee Resource Group (ERG) Policy
Equal Employment Opportunity and Non-Discrimination Policy
Procedures Related to Harassment and Inappropriate Conduct

³⁷ EEO policy information, such as the 45-calendar day time limit for seeking EEO counseling from OCR, can be found at <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/documents/5634/cfpb_memo_annual-No-FEAR-act-and-whistleblowers-protection_fy17.pdf.

EEO-Related Policies and Procedures

Reasonable Accommodation Policy, Procedures, and Forms

Standard Operating Procedures Related to Reasonable Accommodation 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

Whistleblower Information and Cooperation with the Office of Inspector General Policy

In FY 2017, CFPB and NTEU entered into a Collective Bargaining Agreement (CBA), which includes an “Equal Employment Opportunity Article.” This Article reaffirms the Bureau’s and NTEU’s commitment to EEO principles and workplace fairness. The Article commits CFPB to promoting a workplace environment that is free from discrimination on all legally protected bases, and which capitalizes on “respect, inclusion, dignity and integrity, and values the diversity of its workforce.”

Also in FY 2017, 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 1973³⁸ and related guidance, such as *Questions and Answers: Federal Agencies’ Obligation to Provide Personal Assistance Services (PAS) under Section 501 of the Rehabilitation Act* (issued September 18, 2017).³⁹ 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

³⁸ See 82 Fed. Reg. 654 (Jan. 3, 2017).

³⁹ This guidance is available at <https://www.eeoc.gov/federal/directives/personal-assistance-services.cfm>. PAS entails providing assistance to individuals with targeted disabilities with performing activities of daily living that an individual would typically perform if he or she did not have a disability, and that is not otherwise required as a reasonable accommodation, including, for example, assistance with removing and putting on clothing, eating, and using the restroom. *Id.* at Question 8.

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. 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. Relatedly, in FY 2017 the Bureau also finalized and implemented a new directive on the use of the Schedule A(u) Appointing Authority for Persons with Disabilities.

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*.⁴⁰

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 policy and procedures.

The Bureau's EEO Policy and Reasonable Accommodation Policy and related Standard Operating Procedures are posted on www.consumerfinance.gov.⁴¹ All EEO-related policies and procedures are posted on OCR's intranet page – a comprehensive portal for individuals 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

⁴⁰ This guidance is available at http://www.eeoc.gov/federal/preserving_access.cfm.

⁴¹ 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/>.

bases, definitions for unlawful discrimination (including harassment and retaliation), reasonable accommodation for 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.⁴²

Similarly, 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* to every new Bureau employee, in person, on or near his or her very first day of employment. This guide contains detailed information on discrimination, harassment, 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.

In addition, OCR created and distributes an *EEO Resource Manual for Managers and*

⁴² This can be found at <https://www.consumerfinance.gov/office-civil-rights/raise-eeo-issue/>.

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 also consult with managers and supervisors regularly 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:

- Approximately 171 new hires at the Bureau (97 percent) completed mandatory New Employee Orientation Training during FY 2017, 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), and OMWI staff summarizes the Bureau's D&I goals and initiatives and encourages employee engagement and support.
- A total of 37 supervisors and managers completed a mandatory two-day EEO Training conducted by the EEOC Training Institute in FY 2017, for a total of over 258 to date. This training helps all managers and supervisors strengthen their skills in leading and managing a diverse and inclusive workforce.
- A total of 46 supervisors and managers completed the mandatory Supervisory Development Seminar (SDS) in FY 2017, and approximately 98 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, 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 completed the EEO-related mandatory Leadership Excellence Seminar in FY 2017 if they had not previously taken the seminar. The Leadership Excellence Seminars (LES) are a series of eight day-long sessions that all CFPB supervisors, managers, and senior leaders attend after completing the mandatory SDS training. LES sessions 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 as meet needs specified in the Bureau's Leadership Competency Model and Leadership Performance Standards. Participation in LES and application of the content supports a common language and culture of leadership excellence for all Bureau leaders.
- CFPB's ADR Program offered "Crucial Conversations" training to approximately 138 managers and employees over eight different training sessions during FY 2017. 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 approximately 98 percent of participants agreeing or strongly agreeing that the course provided skills that would help with their professional duties.
- A total of 207 employees completed mandatory D&I training hosted by OMWI in FY

2017. 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 2017, 1046 employees had completed this training (a completion rate of 76.63 percent of current Bureau employees). The remainder of Bureau employees are scheduled to complete this training by mid-FY 2018.

- A total of 71 supervisors and managers completed mandatory two-day diversity training in FY 2017, and approximately 243 current supervisors have completed it through FY 2017 (a completion rate of 81.27 percent of current supervisory employees). OMWI hosted this mandatory training – “Leading Diversity and Inclusion at the Bureau” – to focus on D&I best practices, tips, and tools for managers.
- A total of 32 lead interviewers and/or hiring managers completed Structured Interview training. Overall, approximately 275 total employees have completed this training since the training began in 2014. Structured Interview training helps eliminate bias in the interviewing process, ensure a fair and open competition for CFPB jobs, and minimize legal risk. This training includes modules on key EEO and D&I concepts.
- A total of 1255 employees (92.2 percent) and 278 supervisors and managers (97.2 percent) completed mandatory performance-management training (also containing EEO and D&I components) in FY 2017.

In addition, each year all Bureau employees must take a one-hour, web-based training on the No FEAR Act, and a separate one-hour, web-based training on harassment prevention.

Approximately 97 percent of employees completed this mandatory No FEAR Act training in FY 2017, and almost 98 percent of employees completed the mandatory harassment prevention training in FY 2017.

In FY 2017, 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 2017, OCR offered webinars entitled “Top 10 Tips on Spotting and Avoiding Unlawful Workplace Retaliation” and “Top 10 Tips on Avoiding Common

EEO Pitfalls.” OCR will continue to offer new webinars as part of this series in FY 2018, with upcoming installments likely addressing topics such as Top 10 Tips on Disability Etiquette and Inclusion, and Top 10 Tips on reasonable accommodations (including for pregnancy-related limitations and religion). Further, during FY 2017, OMWI offered several “brown bag” training series on D&I topics, including sessions on working in intergenerational teams, the benefits of authenticity in the workplace, and building business relationships across difference. The webinars and seminars were well-received and more are being planned in FY 2018.

These and other means and media used to distribute EEO and D&I information are described in Table 6 below.

TABLE 6: 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
<i>Guide to the Office of Civil Rights</i> (distributed in hard copy immediately to all new employees)
<i>EEO Resource Manual for Managers and Supervisors</i> (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)

Media Used To Distribute EEO Information to CFPB Employees

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

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; and ADR-related “Crucial Conversations” training to prevent workplace conflicts

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.

In FY 2017, the Bureau’s then-Director and senior leadership publicly demonstrated commitment to the EEO program in additional ways, all of which help to inculcate EEO into the Bureau’s everyday business. 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 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.”⁴³ In FY 2017, as part of

⁴³ 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.

implementation of the Bureau's D&I Strategic Plan, the former Director and the Bureau's Office of Strategy⁴⁴ led Triannual Performance Review (TPR) discussions with leadership of each of the Bureau's various Divisions, as well as with the leadership in OMWI, OCR, and OHC. These TPR meetings included information and discussion on D&I topics. Through these triannual discussions, the former-Director communicated his D&I priorities to Division heads and related personnel. In addition, throughout FY 2017, the former 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 monthly with leadership from OMWI to help set strategy for D&I-focused initiatives

Also in FY 2017, as part of affirmative employment⁴⁵/D&I⁴⁶ 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 created a strategic planning working group.

⁴⁴ 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.

⁴⁵ 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)).

⁴⁶ 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 14 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).

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, and OHC. The working group assists OCR and OMWI leadership in ensuring that its personnel serve as D&I and EEO consultants to the Bureau's Divisions and Offices.

Through this group, OCR and OMWI are 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 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, and OHC help Divisions, Offices, and teams monitor their progress, in part through the annual TPR process. The EEO/D&I Lifecycle culminates each fiscal year with Divisions, Offices, and teams reporting out to Bureau leaders and to OCR, OMWI, OHC, assessing year-end results, sharing lessons learned, and assisting with the preparation of required annual reports, such as this MD-715 report, 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 2017 with Division leaders and points of contact, individually and collectively. Consistent with OMWI's and OCR'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 2018 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 also has deployed its "Workforce of the Future" initiative to promote a culture of EEO compliance, early conflict resolution, and workplace inclusion. Workforce of the Future (WFF)

brings together leaders and staff from the Office of the Director, OCR, OHC, OMWI, and other Bureau Divisions and Offices in a focused effort to create and maintain a culture where everyone is empowered to do their best work. WFF has both a Steering Committee and an operational Working Committee. WFF promotes four “norms” for Bureau culture:

- We will value diversity and inclusion.
- We will treat each other as partners, not adversaries.
- We will be disciplined in how we make decisions and set priorities.
- We will hold ourselves and each other accountable for these norms.

These norms help to define CFPB as an organization, and guide interactions between individual employees and units within the Agency. WFF has called on leaders at all levels – from the Bureau Director to first-line supervisors – to model these norms and to hold themselves and their colleagues accountable for upholding them.

In FY 2017, the WFF initiative focused on better defining and shaping CFPB culture and norms from the top down, and on reinforcing related effective CFPB management practices. For instance, WFF held a Bureau-wide “Norms Voting Challenge” soliciting feedback from all employees to identify everyday workplace behaviors that could help reinforce the four norms. The most popular suggestions – including recommended behaviors such as “During discussions, ask for perspectives not [yet] shared” – were then adopted and promoted Bureau-wide (e.g., in Bureau-wide digital publications, through posters and tent cards in meeting rooms, etc.). Also in FY 2017, WFF held periodic employee outreach sessions so that employees could provide feedback on the initiative’s progress and make recommendations for improvement. The intention is that, through regular solicitation of employee feedback, the Bureau’s culture will consistently represent the voices of its diverse pool of employees.

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 July and August 2017. 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.

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 2017, the former CFPB Director and Bureau leaders personally and repeatedly encouraged all employees to take the AES survey. The Bureau also shares AES results promptly, 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 2017, the Bureau's survey response rate was 77 percent.⁴⁷ The survey included 78 items/questions. In FY 2017, CFPB had more "strengths" than ever before, fewer items characterized as "challenges," and no declines in any areas from the previous fiscal year. Based on these results, CFPB placed 7th out of 25 mid-size agencies in the annual ranking of Best Places to Work from the Partnership for Public Service – an increase of one spot from last year. (CFPB's score was 76.9 in FY 2017 – up from 72.2 in FY 2016.)⁴⁸

CFPB's FY 2017 AES score on "support for diversity" (76.5) was the 2nd highest 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."⁴⁹ CFPB's FY 2017 "support for diversity" score showed a marked increase over FY 2016 (70.9); in both FY 2017 and FY 2016 this score was significantly higher than the mid-size agency average (66.0 and 61.4, respectively).⁵⁰ CFPB's "support for diversity" score in FY 2017 was the 3rd highest of all agencies ranked – behind only the National Aeronautics and Space Administration (NASA) (77.2, a large agency) and the Government Accountability Office

⁴⁷ See 2017 CFPB Annual Employee Survey – Bureau-wide Survey Report (Jan. 2018), at 3, *available at* <https://www.consumerfinance.gov/data-research/research-reports/2017-cfpb-annual-employee-survey-results/>.

⁴⁸ See Best Places to Work Agency Rankings, *available at* <http://bestplacetowork.org/BPTW/rankings/overall/mid>.

⁴⁹ See <http://bestplacetowork.org/BPTW/rankings/categories/mid/diversity>.

⁵⁰ See *id.*

(GAO) (81.8, another mid-sized agency).⁵¹

Similarly, CFPB ranked 3rd out of all mid-size agencies (and 4th out of all agencies ranked) in the Partnership for Public Service Best Places to Work score category for “Effective Leadership: Fairness.” This score category “measures the extent to which employees believe disputes are resolved fairly in their work units, whether employees believe arbitrary action and personal favoritism are tolerated and if employees feel comfortable reporting illegal activity without fear of reprisal.”⁵² CFPB’s FY 2017 “Fairness” score (67.5) went up significantly from FY 2016 (58.6). The Bureau’s FY 2017 “Fairness” score trailed only NASA (74.7), FTC (72.8), FDIC (68.8), and the Office of Management and Budget (67.8).⁵³

In FY 2017, CFPB 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.⁵⁴ OPM’s Inclusion Quotient scores are calculated using a subset of 20 items from the AES that are also found on OPM’s FEVS. CFPB has included the Inclusion Quotient in strategic reporting for FY 2017 and going forward. Goals and progress on this measure are reported annually in CFPB’s Strategic Plan, Budget, and Performance Plan and Report.⁵⁵

⁵¹ Compare <http://bestplacetowork.org/BPTW/rankings/categories/large/diversity>, <http://bestplacetowork.org/BPTW/rankings/categories/mid/diversity>, and <http://bestplacetowork.org/BPTW/rankings/categories/small/diversity>.

⁵² See http://bestplacetowork.org/BPTW/rankings/categories/mid/leadership_sub_fairness.

⁵³ See *id.*; see also http://bestplacetowork.org/BPTW/rankings/categories/large/leadership_sub_fairness; http://bestplacetowork.org/BPTW/rankings/categories/small/leadership_sub_fairness.

⁵⁴ 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/>.

⁵⁵ See, e.g., CFPB Strategic Plan, Budget, and Performance Plan and Report (May 2017), *available at*

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 2017 CFPB target for the Inclusion Quotient – 67.0 percent favorable – was established as part of the Bureau’s strategic planning. AES 2017 results exceed that established target. In FY 2017, the Bureau’s actual Inclusion Quotient (IQ) was 72.5 percent – an improvement upon the IQ of 67.5 percent in FY 2016 and 65.8 percent in FY 2015, and significantly higher than the FY 2017 government-wide IQ of 59.9 percent. CFPB’s scores on each of the five of the Inclusive habits are higher than the corresponding government-wide scores.

On the metric of “Open” specifically – questions dealing with whether diversity and inclusion are promoted by the Agency and/or managers – CFPB’s favorability score of 76.0 percent, increased from a score of 69.7 percent in FY 2016; this is higher than the government-wide FY 2017 average score of 59.5 percent. At the same time, Black or African American employees had less favorable perceptions of how open the CFPB environment is to promoting diversity and inclusion. Female employees had less favorable perceptions of how cooperative the CFPB environment is.

http://files.consumerfinance.gov/f/documents/201705_cfpb_report_strategic-plan-budget-and-performance-plan_FY2017.pdf.

Overall, FY 2017 AES results revealed 62 “Strengths,”⁵⁶ two “Challenges,”⁵⁷ four “Issues to Watch,”⁵⁸ 30 “Improvements,” and 0 “Declines.” Many survey items displayed no significant demographic differences. Of the 78 survey items, 55 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*, *my supervisor*, *management*, and *overall satisfaction*. (These include feeling that one’s work is important, that people in one’s work unit share knowledge and help each other, and feelings of overall job satisfaction.)

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 33 items were rated more favorably by males than females and zero items were 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, 20 items were rated more favorably by White employees than by Black or African American employees. Six items were rated more favorably by non-Hispanic Whites than by Hispanic or Latino(a) employees. Three 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.

As in past years, Bureau leaders will use FY 2017 AES results to inform efforts to improve CFPB culture and employee work experiences, as well as to illuminate ongoing barrier analyses. For

⁵⁶ Items that are 65 percent or more positive (percent favorable) are strengths. Percent favorable (positive ratings) is the sum of two categories (e.g., Strongly Agree/Agree or Very Satisfied/Satisfied).

⁵⁷ Items that are 35 percent or more negative (percent unfavorable) are areas of challenge. Percent unfavorable is the sum of two categories (e.g., Strongly Disagree/Disagree or Very Dissatisfied/Dissatisfied).

⁵⁸ Items that are 25 percent or more negative (percent unfavorable) are issues to watch. Percent unfavorable is the sum of two categories (e.g., Strongly Disagree/Disagree or Very Dissatisfied/Dissatisfied).

instance, each 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.

The demographic comparison results in particular can help ensure that culture-improvement efforts consider and value the diverse perspectives employees bring. Improvements in areas of particular concern to Black or African American employees, Hispanic or Latina(o) employees, and women may help lead to improvements in the experiences of those groups, as well as all Bureau employees. As required by MD-715, OCR is spearheading analysis to analyze the FY 2017 results to determine if there are any barriers to equal employment opportunity. (CFPB's specific barrier analysis efforts are summarized in Section 11, Part I-1 below.) Division heads also use AES results in annual strategic planning including D&I initiatives, affirmative employment efforts, EEO goals, and related implementation plans and action items.

Since July 2011, CFPB also has taken quarterly surveys of new employees (a best practice from EEOC's perspective). These surveys provide an innovative approach to help with ongoing barrier analysis. The surveys are given to employees every quarter during the first year of their employment (four times in the first year), and ask 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 are then analyzed by data experts who brief OCR, OMWI, and OHC on a quarterly basis on the results. These results are analyzed to assess the experiences of different demographic groups of employees. At the end of the year, these results are presented in the aggregate, and are used to inform ongoing barrier analysis investigations (e.g., to help determine whether any new triggers may exist⁵⁹), and overall affirmative employment efforts.

⁵⁹ 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.

Relatedly, exit surveys are provided 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 demographic groups of employees varies. When sufficient aggregate data exists, it is analyzed on a quarterly 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.

Bureau leadership monitors EEO concerns and seeks to embed EEO and affirmative employment principles into Agency culture in other ways. As noted above, in FY 2017 the Bureau's former Director sent out a "Weekly Message" to all employees highlighting important work the Bureau recently accomplished. To raise awareness of EEO and D&I principles, the former Director often included updates and reminders on these topics in his Weekly Message. The former Director sought to highlight for staff Bureau-wide how these principles relate in practice to the mission and operations of CFPB. Relevant examples are included in Table 7 below.

TABLE 7: EEO AND D&I TOPICS IN FORMER DIRECTOR'S WEEKLY MESSAGE DURING FY 2017

EEO Topics in Director's Weekly Message	Date of Weekly Message
Highlighting Hispanic Heritage Month and CFPB hosting of a Latino Community Leadership roundtable with members of the National Hispanic Leadership Agenda	October 17, 2016
Summarizing OMWI diversity and inclusion roundtable with financial industry leaders addressing best practices and perspectives about the foundations of the business case for diversity and inclusion in organizations	November 21, 2016
Summarizing meeting with ten civil rights organizations for a Fair Lending Civil Rights roundtable where Office of Fair Lending highlighted Bureau work under the Equal Credit Opportunity Act	December 12, 2016

EEO Topics in Director's Weekly Message	Date of Weekly Message
Reviewing highlights of CFPB Annual Employee Survey; sharing news that based on the AES results, the Partnership for Public Service ranked CFPB #8 out of 27 mid-size agencies in the 2016 report of Best Places to Work in the Federal Government; emphasizing that CFPB ranked highly in several categories, including supervisors, teamwork, and support for diversity	
Recapping West Region diversity event, during which Regional Director Edwin Chow, who serves on CFPB's Executive Advisory Council on Diversity and Inclusion (EAC), spoke about the importance of diversity to the successes of the West Region, and a panel of employees described their cultural heritages and traditions, including Mexican, Hawaiian, Chinese, and Russian, after which audience volunteers highlighted their diverse backgrounds by sharing cultural snippets and poems and greetings in 20 different languages, and managers and staff underwrote the cost of a reception with food from many cultures to allow time to celebrate and learn more about their diverse backgrounds	December 19, 2016
Discussing joint efforts with the FDIC to empower people with disabilities on consumer financial matters, the disability community roundtable held in October for National Disability Awareness Month, and creation of a <i>Your Money, Your Goals</i> companion guide to address challenges faced by consumers with disabilities	December 27, 2016
Remarking upon the legacy of Rev. Martin Luther King, Jr.	January 17, 2017
Explaining the purpose and value of Employee Resource Groups (e.g., providing insight to the Bureau on issues of concern to a particular group), mentioning the Bureau's current ERGs (Pride, focuses on LGBTQ+ issues, and Adelante, focusing on Hispanic issues), encouraging employees to consider joining an ERG as an interested member of the group or supportive ally	February 6, 2017
Commemorating Black History Month and visit by Congressman Emanuel Cleaver	
Discussing the Diversity and Inclusion Council of Employees (DICE), a staff-level volunteer council that provides recommendations to OMWI and feedback on Bureau initiatives	February 27, 2017

EEO Topics in Director's Weekly Message	Date of Weekly Message
and fostering diversity and inclusion; emphasizing the importance of maintaining a diverse, inclusive, and engaged workplace; announcing DICE's "I am CFPB" photo poster campaign designed to showcase the diverse people, skills sets, and experiences that exist at CFPB	
Announcing Workforce of the Future Norms Voting Challenge aimed at integrating the Norms – including Valuing Diversity and Inclusion – into activities across the Bureau; emphasizing that the Bureau's culture depends on each Bureau employee and this is a chance to invest in that culture	March 6, 2017
Announcing that Information Technology & Innovation Foundation ranked www.consumerfinance.gov 3 rd out of almost 300 federal agency public websites based on the performance aspects of the site, including accessibility for people with disabilities	March 13, 2017
Highlighting OMWI event "A Taste of CFPB, Celebrating World Diversity Day"; explaining "The World Day for Cultural Diversity for Dialogue and Development" is an international holiday sanctioned by the United Nations to promote diversity issues adopted in the wake of the 9/11 terrorist attacks; urging employees to review list of "10 simple things YOU can do to celebrate Diversity Day"; applauding "the vibrant cultural diversity that is CFPB!"	May 8, 2017
Noting release of a Request for Information to learn more about how CFPB can "best go about gathering and using new and existing information to identify the financing needs of small businesses, especially those owned by women and minorities"	
Recapping a two-day convening – co-hosted with FDIC – with consumers from (and individuals serving) the disability community at Gallaudet University	May 15, 2017
Reminding everyone that May is Older Americans Month	
Highlighting upcoming meeting of the Diversity and Inclusion Council of Employees (DICE) and the CFPB Culture Team open to all CFPB employees to learn more about DICE's achievements to help foster diversity and inclusion at the Bureau	May 22, 2017

EEO Topics in Director's Weekly Message	Date of Weekly Message
<p>Noting June is LGBTQ+ Pride Month; emphasizing “universal values of dignity, respect, and equality” and stating that “We seek to embrace diversity at the Bureau, which we believe makes us better advocates for consumers”; pointing out that the Bureau’s Employee Resource Groups (such as Pride, the Bureau’s first ERG) and DICE “promote our shared commitment to value diversity and inclusion, the first of our Workforce of the Future norms”; announcing CFPB will be hosting a roundtable with groups representing LGBTQ+ consumers; noting Bureau’s EEO policy makes clear discrimination or harassment against an employee based on sexual orientation or gender identity is unlawful and will not be tolerated, and reminding employees about Bureau’s Non-Discrimination and Inclusion Policy for Transgender Applicants and Employees; asking Bureau employees to “renew your personal commitment to inclusion here at the Bureau”; announcing Melissa Brand of the Office of Civil Rights will receive the EEOC Pride Chai Feldblum Award this week to honor her contributions to promote equal opportunity for the LGBTQ community</p>	June 12, 2017
<p>Reminding employees about Ramadan and the celebration of Eid-Al-Fitr; noting “as part of our efforts to ensure that the workplace here is inclusive of all employees” that OMWI developed a fact sheet “to help everyone understand the significance of this observance”; asking individuals “increase awareness of steps we can each take to foster an inclusive work environment for each and all of our colleagues”</p>	June 26, 2017
<p>Announcing Office of Civil Rights will host an event to offer educational information about the Caribbean region and its role in American history in observance of Caribbean American Heritage Month, which celebrates the contributions Caribbean “immigrants and their descendants have made and are making to the American story”</p>	
<p>Recapping Director’s remarks to the Rainbow/PUSH coalition about CFPB’s work as it relates to communities of color and those who are economically disadvantaged</p>	July 17, 2017
Addressing racial unrest in Charlottesville	August 21, 2017

EEO Topics in Director's Weekly Message	Date of Weekly Message
Highlighting Office of Financial Empowerment release of "Focus on People with Disabilities," a companion guide to our <i>Your Money, Your Goals</i> toolkit based on the idea that "everyone has a right to control their own money and make their own financial decisions"	September 11, 2017
Remarking upon upcoming National Hispanic Heritage Month, a "great opportunity for us to celebrate the culture, influence, and experience of Hispanic and Latino Americans and their positive effects on the social fabric of the United States"; reminding that Adelante is the CFPB Employee Resource Group that focuses on issues that are important to Hispanic and Latino employees, fosters professional and leadership development, and works to improve Hispanic and Latino representation in recruitment, retention, and recognition here; announcing Adelante, in partnership with DICE, will feature a number of Adelante members from across the Bureau in the "I am the CFPB" campaign, and host a "Trailblazer Luncheon" featuring Bureau employee Anthony Rodriguez	September 18, 2017

The EEOC's regulations require each Agency to provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in equal employment opportunity.⁶⁰ In his Weekly Message in FY 2017, the Bureau's then-Director occasionally recognized CFPB colleagues for their outstanding achievements related to EEO. For instance, in June 2017, the former 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

⁶⁰ See 29 C.F.R. § 1614.102(a)(9).

West Region). The Bureau does not currently have an official program or organized effort aimed at fulfilling this regulatory objective. As set forth in Part H-1, OCR will attempt to spearhead efforts to more comprehensively comply with this measure in FY 2018.

In addition to addressing EEO and D&I issues in a Weekly Message, the former CFPB Director also participated, often in a key role, in the Bureau's special observance celebrations in FY 2017. 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 2017 SPECIAL OBSERVANCE/D&I EVENTS

Event	Month
Latino Community Leadership roundtable with members of the National Hispanic Leadership Agenda	October 2016
OMWI diversity and inclusion roundtable with financial industry leaders	November 2016
SEFL – West Region Diversity Event featuring Regional Director Edwin Chow	December 2016
Women's History Month event (featuring Kia Meredith-Caballero, producer of films for the new Smithsonian National Museum of African American History and Culture)	February 2017
Black History Month event (featuring Rep. Emanuel Cleaver)	February 2017
"A Taste of CFPB" celebrating World Diversity Day	May 2017
Caribbean American Heritage Month Cultural Exchange	June 2017
Hispanic-Latino Heritage Month Trailblazers event (featuring Anthony Rodriguez, CFPB Acting Asst. Deputy for Consumer Reporting in Supervision Policy)	September 2017
SEFL – Southeast Region Hispanic Heritage event	September 2017
SEFL – West Region diversity event highlighting diversity of regional staff members	September 2017
SEFL - Midwest Region diversity event (featuring Stuart Ishimaru, Director of OMWI)	October 2017

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

Management Directive 715 states 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 110⁶¹):

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

⁶¹ See MD-110, available at <https://www.eeoc.gov/federal/directives/md110.cfm>.

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.⁶²

As the instructions to the MD-715 similarly explain:

To ensure that federal agencies achieve their goal of being a model workplace, all managers and employees must view EEO as an integral part of the [A]gency's strategic mission. The success of an [A]gency'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 [A]gency'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 [A]gency's mission, as reflected in the strategic plan.⁶³

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 2017, 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, OCR is located in the CFPB Director's front office and reports directly to the CFPB Director on substantive EEO matters. The OCR Director has day-to-day control over all aspects of the

⁶² See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.B.

⁶³ See MD-715 Instructions, at Section I.II., Element B.

Bureau's EEO office functions.⁶⁴ The Agency's organizational chart clearly defines this reporting structure for OCR.⁶⁵ 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 and OMWI and other internal Bureau EEO stakeholders (such as OHC).

In FY 2017, 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 2017, the OCR Director met monthly with CFPB's former 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 March 7, 2017, following submission to the EEOC of the Bureau's FY 2016 EEO Program Status (MD-715) Report, the OCR Director briefed the CFPB Director and 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 previewed results from the Agency's FY 2016 No FEAR Act report.

During other leadership meetings, the OCR Director provided additional EEO-related updates to management and supervisory officials. In FY 2017, the Bureau's Triannual Performance Review (TPR) process allowed a guided dialogue with individual Division heads and the CFPB Director where EEO, compliance, and D&I metrics were assessed. In addition, the OCR Director

⁶⁴ 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.

⁶⁵ See Figure 3 above; see also <https://www.consumerfinance.gov/about-us/the-bureau/bureau-structure>.

participated in meetings held by CFPB's Executive Advisory Council for Diversity and Inclusion (EAC), an OMWI-led cross-divisional group of senior leaders who work to strengthen and integrate D&I at the Bureau by providing strategic guidance, advocacy, and support to OEOF.

During FY 2017, the OCR Director also attended certain Senior-level staff meetings concerning workforce issues. However, the OCR Director is not yet a regular participant in all Senior-level meetings on personnel, budget, technology, and other workforce issues. In FY 2018, OCR intends to work with the CFPB 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 fully 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 will seek 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.⁶⁶ The Bureau's plan for compliance is provided in Section 11, Part H-2 below.

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 her 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 6 above). In addition, the OCR Director has assigned OCR staff members to work with OMWI 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.

⁶⁶ See also Section 5.4.4 below.

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”⁶⁷

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-110,⁶⁸ including the responsibilities assigned to EEO Directors of Executive agencies outlined in the EEOC’s regulations at 29 C.F.R. § 1614.102(c).⁶⁹

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 protected EEO group, including strategic planning, recruitment strategies, vacancy projections,

⁶⁷ See Bureau Order 02-2012 (Jan. 9, 2012); Chief Operating Officer Directive 2013-01 (Feb. 28, 2013).

⁶⁸ 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.”).

⁶⁹ 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).

succession planning, and selections for training/career development opportunities. OCR has taken a leading role in driving organizational change in these areas.

As noted in Section 5.3, to integrate EEO operationally into the Bureau's strategic mission, the OCR Director proactively collaborates with OHC and OMWI, 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 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 2017:

- OCR helped lead the Bureau's efforts to implement the affirmative employment-related goal (Goal 4) in the Agency's FY 2013-2017 Bureau-wide strategic plan and the Bureau's specific D&I Strategic Plan (revised in November 2016). 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.
- OCR formed a standing Management Directive 715 team with individuals from OCR, OMWI, and OHC to meet regularly throughout FY 2017 (and beyond) to 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, engage in ongoing review of workforce demographics for possible triggers, and coordinate requests for documents and other information needed to prepare the annual MD-715 report.
- Consistent with MD-715 and oversight requirements and recommendations, OCR created and leads an affirmative employment "Barrier Analysis Working Group" (BAWG) with staff from OCR, OMWI, 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. The BAWG's activities are discussed in greater detail in Section 5.4.4 and Part I-1 below.

- OCR spearheaded creation of a Disability Affirmative Action Implementation Plan (DAAIP) and related task force ultimately led by an OHC project manager to comply with the EEOC's new Rehabilitation Act Section 501 regulations. These efforts are discussed in greater detail in Section 5.4.4 and Part J below.
- OCR continued to 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. 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 OCR, OMWI, OHC, the CFPB Ombudsman's Office,⁷⁰ 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 staff played leading roles in the Workforce of the Future (WFF) initiative.
- 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

⁷⁰ The CFPB Ombudsman's Office is an independent, impartial, and confidential resource and, as such, is an ex officio member of this group.

Excellence Seminars, Structured Interview training, and annual performance management training, as well as mandatory compliance trainings on the No FEAR Act and harassment prevention.

- OCR provided technical assistance to the Bureau's Legal Division, OHC Employee and Labor Relations Team, and NTEU in the negotiation of EEO-related articles in the CFPB-NTEU CBA, and helped develop related training/rollout materials.
- OCR collaborated with OMWI and OHC to encourage and maintain relationships with professional organizations that represent Veterans, Disabled Veterans, Hispanics/Latinos, and other minority constituencies. This includes attending career fairs and professional association meetings throughout the year to meet and provide information on CFPB and on Bureau employment opportunities, including posting vacancies on bulletin boards geared to these groups of professionals.
- OCR partnered with OHC to analyze the results of the OPM-required Annual Employee Survey (AES) to 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.
- OCR collaborated with the Executive Advisory Council (EAC) to recommend improvements to CFPB's hiring processes to minimize the potential for barriers to employment by various demographic groups. During FY 2017, the Bureau's Senior Leadership team evaluated modified policy recommendations resulting from this collaboration, specifically (1) strongly endorsing hiring managers to conduct structured interviews for most Bureau vacancies (i.e., for positions posted externally via USAJobs and the CFPB jobs page on www.consumerfinance.gov); and (2) requiring hiring managers invite the OMWI Director (or designee) to participate in structured interviews of candidates for Executive-level positions. Process improvements identified as part of these OCR-led discussions are also underway:
 - Enhancing structured interviews, phone screening, and reference check tracking and guides;
 - Creating a structured interview question database, including standard D&I competency questions;
 - Creating a library of standardized benchmarks to evaluate qualifications based on

CFPB competency model;

- Creating interview guidance for hiring managers explaining the process and the roles of various CFPB personnel;
- Creating a standard form to better document hiring, interviews, and selections;
- Implementing a hiring close-out survey of applicants who select select-out, applicants, managers, and interviewers;
- Improving content of vacancy announcements, including providing clearer directions;
- Enhancing applicant hiring tools with more information about the Federal hiring process, including timing, allowing for receipt of supporting documentation later in application process, and using various methods to contact applicants;
- Clearly defining the roles and responsibilities of those involved in hiring, including resume review, interviewing, and selections;
- Capturing additional data, including data related to the hiring of attorneys, for further assessment; and
- Raising awareness regarding the importance of having multiple persons review resumes, blinding demographic data on resumes (as feasible), and using pre-determined criteria and of using diverse interview panels.

CFPB's Strategic Plan for FY 2013-2017, FY 2017 Strategic Plan, and its D&I Strategic Plan for FY 2016-2020 all commit the Bureau to securing and maintaining an exceptional diverse workforce. (See Section 5.4.1 above.) CFPB's D&I Strategic Plan references 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.⁷¹ The Bureau cannot achieve these objectives without OCR involvement in major management/personnel actions.

In FY 2018, OCR will request new 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). (*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 2017, CFPB allocated funding and qualified staffing to successfully implement the EEO program. In FY 2017 (as in previous years), OCR had a standalone budget, separate from the budgets of other Bureau offices. Despite the allocation of full-time employee positions (FTEs) during the reporting period, the Bureau has not yet been able to fill two vacancies related to core EEO program functions. (Another OCR staff member who performed formal complaint work retired and this position was not, and cannot be, backfilled by OCR.) As discussed below, a failure to fill vacancies will negatively impact EEO program operations in the affected areas.

OCR 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 is a civil rights attorney with extensive labor and employment compliance expertise from multiple sectors);

⁷¹ See CFPB D&I Strategic Plan, at 15. 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.

- 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 EEO Specialist (a former Chief Human Capital Officer at several Federal agencies who, among other items, handles EEO inquiries and the EEO informal complaint or counseling process⁷²);
- a Senior Counsel (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);
- a General Attorney (an attorney with investigative experience 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).

OCR shares other support staff with OMWI. OCR also works extensively with a Data Analyst

⁷² 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.").

employed in OHC who supports OCR and OMWI by analyzing workforce demographics and gathering data for MD-715 (and other) reports, among other duties.

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 2017 OCR formed 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 investigators to ensure that allegations of unlawful discrimination in the workplace are processed properly under 29 C.F.R. Part 1614. In FY 2017, all counselors and investigators satisfied the 32 hours of training and eight hours of refresher training required by MD-110. In FY 2017, to support cross-training and program enhancement efforts, three OCR employees received 32 hours of investigator training; two EEO counselors and one investigator also received eight hours of refresher training.

Similarly, in FY 2017 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. Table 9 below provides examples of OCR staff trainings attended in FY 2017.

TABLE 9: RECENT EEO STAFF TRAINING

Training
Leave & Telework as Reasonable Accommodations (November 3, 2016)
Navigating the World of Mixed Cases MSPB or EEOC (January 19, 2017)
Islamophobia and Other Religious Challenges (January 25, 2017)
The Hostile Work Environment: It's Broader than Sexual Harassment (February 2, 2017)
Case Law Update and Discussion on Disability Law and Reasonable Accommodation (February 15, 2017)

Damages & Remedies in the Federal Sector (February 23, 2017)

How to Use Audio, Web, and Video Conferencing in ADR (March 7, 2017)

Section 508 Training by CFPB 508 Coordinator (March 16, 2017)

Every Step of the Way: Accommodating Federal Employees Using the Interactive Process (March 29, 2017)

MD-715/Barrier Analysis (April 24-26, 2017)

New Investigator Training (April 24-28, 2017)

Complying with Disability Laws (May 10, 2017)

Info Law & Privacy (May 15, 2017)

Examining Conflicts in Employment Law Conference (EXCEL) (June 27-29, 2017)

Federal Dispute Resolution (FDR) Conference (August 7-10, 2017)

Annual CFPB Ethics Training (August 22, 2017)

EEO Investigator Certification Course (September 4-7, 2017)

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 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 of five Specialists and a Team Lead 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.

Relatedly, OCR coordinates with the OHC Work-Life team, which is responsible for CFPB's disability Reasonable Accommodation and Personal Assistance Services 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).

Working together, as appropriate, staff from these (and sometimes other) Bureau Offices and teams collectively enabled CFPB during FY 2017 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

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 statements, EEO policy, 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 programs; and
- Ensure timely and complete compliance with EEOC orders.

Despite the allocation of new resources in FY 2017, two positions critical to the CFPB EEO program remain vacant in FY 2018. At the end of FY 2017, OCR obtained approval to hire an employee to work on formal EEO complaints. In FY 2017, OEOF secured authorization to hire a Disability Program Manager (DPM).⁷⁵ In early FY 2018 – before the Bureau could fill these two positions – new CFPB leadership imposed a Bureau-wide hiring freeze as part of its strategic assessment and transition planning process. OEOF is pursuing all options to obtain staff to fill these vacancies within the parameters of the hiring freeze. Failing to fill the complaints processing position could negatively impact complaint-processing in FY 2018 (particularly if FY 2018 complaint-filing trends continue) and beyond, potentially leading to increased processing

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.

⁷⁵ The DPM is intended to be housed (at least initially for start-up purposes) within OEOF, but outside of OCR to avoid conflicts of interests related to providing reasonable accommodations and processing of possible related Rehabilitation Act complaints.

timeframes and impairing the quality of EEO investigations. Failing to hire a DPM hinders the Bureau's ability to comply comprehensively with the EEOC's new Section 501 affirmative action regulations and implement enhancements to existing programs. In the meantime, OEOF will continue to leverage existing resources as feasible given competing demands and portfolios and work with internal partners to facilitate disability-related programming and affirmative employment efforts.

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, annual, and D&I strategic plans all emphasize this imperative. The CFPB Agency-wide Strategic Plan for FY 2013-2017 required the Bureau to continue to identify and adopt best practices from the private and public sectors to hire, train and develop a diverse world-class workforce with the knowledge, skills and abilities required to effectively achieve our mission.⁷⁶ The plan committed CFPB to achieving this objective in part through effective workforce planning and talent acquisition methods, strong engagement, a comprehensive diversity and inclusion program, and a competitive compensation and benefits package, as well as through innovative workforce learning, development, and performance-management programs.⁷⁷

The Bureau's May 2017 Strategic Plan, Budget, and Performance Plan and Report reported that the Agency had achieved this outcome by (among other things):

- Investing in candidate outreach, sourcing, recruiting, and selection support services to

⁷⁶ CFPB Strategic Plan, at 28.

⁷⁷ *Id.* at 28-29.

reach, attract, and hire high-performing, diverse staff, using both traditional and digital outreach strategies;

- Maintaining strategic focus on developing diverse pipelines of talent and utilizing tailored candidate assessment methods to enhance quality of hire;
- Building and maintaining strategic partnerships with colleges, universities, professional organizations, and affinity groups that serve diverse populations; and
- Supporting the development of high-quality learning solutions including core competency training, new supervisor training, leadership training, diversity and inclusion training, and manager skill building through coaching and organization development services.⁷⁸

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.⁷⁹ 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.⁸⁰ In FY 2017, 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;
- Ensuring that D&I are included as core development competencies in CFPB leadership

⁷⁸ CFPB Annual Strategic Plan, at 80.

⁷⁹ CFPB D&I Strategic Plan, at 14.

⁸⁰ *Id.* at 15.

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.⁸¹

Each year, OHC's Talent Acquisition (TA) Team and OMWI, in consultation with OCR, collaborate to develop and execute a comprehensive recruiting program to promote Bureau job opportunities to a diverse range of candidates from all segments of society. This comprehensive approach aids in recruiting managers and supervisors with critical management, communication, and interpersonal skills; it also helps increase the Bureau's overall diversity.

As part of its recruitment strategy, CFPB focuses on cultivating relationships with institutions that best align with the Bureau's hiring needs; conducting targeted diversity outreach through student-based programs and affinity-affiliated industry events; and making special efforts to enhance the Bureau's visibility with organizations representing diverse populations (including people with disabilities and veterans). This outreach allows the Bureau to market CFPB as an employer of choice and to inform potential candidates of upcoming job openings. CFPB's recruitment activity serves as a key part of the Bureau's overall strategy to promote opportunities to a diverse range of candidates from all segments of society.

In FY 2017, the Bureau enlisted Senior Leadership and Bureau champions to promote the Bureau's employer identity at outreach events and to attract candidates to the CFPB as a best place to serve. CFPB also provided hiring managers with the tools and training needed (such as an OHC-prepared *Outreach Toolkit for Hiring Managers*, Schedule A(u) resources, etc.) to

⁸¹ D&I Strategic Plan, at 11, 14-15, 17.

conduct effective recruitment. OHC also enhanced a Bureau program that engages existing CFPB employees as ambassadors and provides them with the tools, messages, and resources to reach out to their own professional networks.

The Bureau established and maintained relationships with, and outreach to, targeted universities (such as Gallaudet University and Howard University) and professional organizations (including the Hispanic National Bar Association, the National Society of Hispanic MBAs, and the National Association of Black Accountants) which represent veterans, persons with disabilities, and other minority constituencies. Involvement with these organizations included attending career fairs and professional association meetings throughout the year to meet and provide information on CFPB and on employment opportunities to these groups, and posting vacancies on online bulletin boards geared to these groups of professionals. CFPB also attempted to reach a wide pool of highly qualified, diverse applicants for CFPB positions – including for managerial and supervisory roles – by engaging digital outreach services provided by DirectEmployers⁸² (and other organizations) to promote CFPB and publish all available job opportunities to diverse audiences.⁸³

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 and regular refresher 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, beginning in 2015, the Bureau has required all supervisors and managers to attend

⁸² For more information about DirectEmployers see www.directemployers.org.

⁸³ CFPB's FY 2017 recruiting plans and accomplishments are outlined in some greater detail in the FY 2017 CFPB Federal Equal Opportunity Recruitment Plan (December 2017) (FEORP Report), and the FY 2017 CFPB Disabled Veterans Affirmative Action Program Accomplishment Report (December 2017) (DVAAP). Both reports/plans were submitted to OPM.

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 2017 the Bureau continued to provide other training for 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). 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.

Finally, the FY 2017 performance standards for all Executives, managers, and supervisors at the Bureau included specific EEO and D&I competencies. In July 2015, the Bureau introduced a new Leader Competency Model to define behaviors, skills, and knowledge that CFPB leaders need to be 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 Leaders⁸⁴ 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[ying] 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 Managers⁸⁵ 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,

⁸⁴ 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.

⁸⁵ 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[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.”

- First Line Supervisors⁸⁶ 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[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.”

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

As these Leadership Performance Standards 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, and OHC engage Executives, managers, and supervisors in all

⁸⁶ First Line Supervisors are identified by pay band (60, 71) and/or direct report structure.

Divisions, Offices, and teams in the EEO Program and related efforts. As described in Section 5.4.1 above, throughout FY 2017 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, including strategic EEO planning, Special Emphasis Programs and initiatives, and barrier analysis investigations and follow-up (including any necessary remedial plans).

For example, in FY 2017, 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 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 EEO-related discussions as Triannual Performance Reviews (TPR) with CFPB's Director and other Senior Leadership.

In FY 2017, the Bureau also fostered strategic Executive engagement through the Executive Advisory Committee for Diversity and Inclusion (EAC). The EAC is a Senior Leadership group that provides guidance and support to OMWI as well as OCR and OHC and that advocates for EEO and D&I-related principles to be effectively incorporated into the policies, procedures, and practices of the Bureau. In its two-plus years of operation, the EAC has given strategic counsel on a range of EEO and D&I issues, including reviewing and advising on applicant flow analyses and related hiring process improvements, as well as in supporting Divisional strategic planning.

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 the EAC, other 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.

In FY 2017, DICE contributed substantially to advancing equality, fairness, and inclusion at CFPB, in part by raising the visibility of these issues and proposing solutions to Bureau Leadership. DICE was instrumental in supporting affirmative employment efforts and special emphasis programming. In FY 2017 DICE launched the “I am CFPB” Campaign – a Bureau-wide photo/poster campaign showcasing the diverse people, skills sets, backgrounds, and experiences that exist at the Bureau. This campaign helped to develop and strengthen relationships and dialogue among staff, including managers and supervisors. In FY 2017, DICE also held a Bureau-wide “Lunch and Learn” session (open to all employees) to share more about DICE and solicit input and involvement.

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). In FY 2016, the Bureau finalized and adopted an official ERG policy (spearheaded by OMWI with significant OCR input) to facilitate employee efforts to form these interest-based groups. In FY 2017, official ERG activity began. The Bureau now has three chartered ERGs under the ERG policy – CFPB Pride (for LGBTQ+ employees and allies), CFPB Adelante! (for Hispanic/Latino(a) employees and allies), and RISE (for African American and Black employees and allies). 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 2017, OCR, in collaboration with OHC, OMWI, 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 2017 is included in Table 8 above.

In addition, as noted at Table 6 above, OCR, OMWI, and OHC engaged Bureau managers and supervisors in FY 2017 through regular communications. OCR, OMWI, 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. A list of some of the topics for FY 2017 is included in Table 10 below. (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 2017, all *Manager Minute* editions included a standing link to the OCR wiki page, under the title of “Equal Employment Opportunity.”

TABLE 10: FY 2017 *MANAGER MINUTE* PUBLICATION MESSAGES ON EEO AND D&I

“MANGER MINUTE” TOPIC	PUBLISHED
Understand How You Can Help Prevent National Origin Discrimination	December 2016
Understand Schedule A Special Hiring Authority for Persons with Disabilities	December 2016
Mandatory Compliance Training Underway	January 2017
Documenting Declining Performance	February 2017
Training Opportunity on Leading a Generationally Diverse Workforce	March 2017
Workforce of the Future Norms Voting Challenge	March 2017
Training on Domestic Violence, Sexual Assault, and Stalking in the Workplace	April 2017
Addressing Employee Misconduct	May 2017
World Diversity Day	May 2017
Take Steps to Avoid the Improper Release of Medical Information	June 2017
Encourage Your DC Team to Attend Today’s Diversity Workshop	June 2017
Staff May Ask for Time Off During Upcoming Religious Holidays	September 2017
Remind Your Staff to Attend Annual Performance Management Training	September 2017
Encourage Your Staff to Apply for the DICE	September 2017

Throughout FY 2017, the OMWI Director and Deputy Director and the OCR Director (as well as members of OCR staff) regularly met with individual managers and 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. OCR and OMWI 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.

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.⁸⁷

According to the MD-715 instructions, this element “requires the agency head to hold all managers, supervisors, and EEO Officials responsible for effective implementation of the [A]gency’s EEO Program and Plan.”⁸⁸

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.⁸⁹ 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

⁸⁷ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.C.

⁸⁸ See MD-715 Instructions, at Section I.III. (Element C).

⁸⁹ See Section 4 and Figure 2 above.

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 2017 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 2018 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 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 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 – negotiated in FY 2017 (with an effective date of December 9, 2017) – has approximately 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 cases⁹⁰ and the EEOC’s *Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors*.⁹¹ CFPB’s procedures meet all the criteria established in this EEOC enforcement 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.⁹²

⁹⁰ See *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998); *Burlington Indus., Inc. v. Ellerth*, 524 U.S. 742 (1998).

⁹¹ This guidance is available at <https://www.eeoc.gov/policy/docs/harassment.html>.

⁹² *Id.* at Section V.C.1.; see also EEOC Guidance, *Model EEO Programs Must Have an Effective Anti-Harassment*

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 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

Program, available at https://www.eeoc.gov/federal/model_eeo_programs.cfm.

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 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; to date, for FY 2017, almost 98% of employees have completed the training. 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 has met with OHC to encourage adoption of recommendations contained in the *Report of Co-Chairs Commissioner Chai Feldblum and Victoria Lipnic of the EEOC's Select Task Force on the Study of Harassment in the Workplace* related to effective anti-harassment programs.⁹³

As part of the EEOC's oversight responsibility for Federal agency EEO programs and per the EEOC's Federal Sector Complement Plan (FCP), the EEOC's OFO conducts technical assistance visits to various Federal agencies each year. For FY 2016, EEOC selected 74 agencies, including CFPB, for technical assistance visits. On January 11, 2016, OFO staff met with personnel from OCR, OHC, and OMWI to review the status of CFPB's EEO program with respect to its: (1) Schedule A(u) conversions; (2) anti-harassment program; (3) reasonable accommodation program; (4) barrier analysis focused on access to executive level positions; and (5) compliance with EEOC's Management Directives. In a letter to the OCR Director dated June 24, 2016, the EEOC stated (among other things):

“We thank CFPB for submitting its anti-harassment policy, entitled *CFPB Procedures Related to Reporting Harassment and Inappropriate Conduct*. After reviewing the policy, we determined that the document cover[s] all types of harassment and addresses all six elements [essential for an effective anti-harassment program and procedures]. However, the policy does not specifically require periodic training to all managers and supervisors. We expect CFPB to establish a plan to update its policy statement to reflect the periodic training on harassment that is currently provided to all supervisor[s] and managers.”

OCR has advised OHC to update its anti-harassment policy to reflect that periodic training is

⁹³ This report can be found at https://www.eeoc.gov/eeoc/task_force/harassment/report.cfm.

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). OHC is in the process of updating its policy.

OHC reports that it is also working to reduce the average number of days to complete anti-harassment inquiries in line with EEOC guidance and case law. In FY 2017, OHC received twelve harassment allegations. In the majority of cases, OHC initiated a related management inquiry the same day or the next business day. In all cases, OHC initiated an investigation within six 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 2017, the shortest processing time to completion was the same day the allegation was received; the longest was 261 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.

In FY 2017, CFPB revised its reasonable accommodation policy and accompanying SOPs in light of lessons learned from the Agency's first Final Agency Decision finding discrimination (issued during FY 2016). As noted above, in FY 2017 and early FY 2018, the Bureau again 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. 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. OHC's Work-Life program is responsible for implementing CFPB's reasonable accommodation/PAS policy and related SOPs. OHC officials (in consultation with Bureau supervisors, as appropriate) make all decisions on reasonable accommodation requests, and OCR thus remains impartial in the event the requestor seeks to pursue a related complaint under the Rehabilitation Act.

OHC 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 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;⁹⁴ and contractor medical professional advice when needed. Accommodations are also centrally funded and have been since CFPB opened.

CFPB's current reasonable accommodation SOPs require accommodations to be provided in no more than 30 days, absent extenuating circumstances (which are strictly defined in the SOPs). If extenuating circumstances exist, CFPB must provide interim accommodations absent undue hardship. During FY 2017, OHC's Reasonable Accommodation program processed 91 reasonable accommodation cases, within an average processing time of 14 days (measured beginning the date the relevant request was received until the time a decision on the accommodation was communicated). Of the 91 cases, the Bureau had 66 cases in which the accommodation request was granted (including two cases in which the requestor was provided alternate accommodations), 21 cases where the request was withdrawn (no decision), and one case where the request for accommodation was denied for failure to provide additional

⁹⁴ Instructions and contact information to help applicants seeking disability reasonable accommodations is 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 OHC's Work-Life team ensure that applicant requests are processed promptly and appropriately.

documentation to support the request. As of early FY 2018, of the requests made in FY 2017 three requests are still “open”; the requests have been granted but CFPB is awaiting delivery of necessary equipment. In total the Bureau has spent approximately \$21,349 (approximately \$309 for each accommodation request granted) to provide accommodations requested in FY 2017.

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 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*) 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 5.2.1 above), which provide information about the reasonable accommodation 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, OHC’s 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.

In FY 2018, as part of ongoing efforts to implement the EEOC’s new Section 501 affirmative action obligations, OHC will identify opportunities for Reasonable Accommodations program staff to present information on the Reasonable Accommodation program directly to employees and supervisors.

Reasonable Accommodations program staff has also received targeted training:

- The EEOC provided onsite training on Reasonable Accommodations and Processes (April 19, 2017 for 8 hours).
- Select staff attended the Office of Disability Employment Policy and Employer Assistance and Resource Network on Disability Inclusion (EARN) session on the Workforce Recruitment Program (WRP) (May 2017).
- Select staff attended Federal Dispute Resolution (FDR) training in San Francisco, CA, which included various sessions on reasonable accommodation-related issues and case law updates along with panel discussions (August 7-10, 2017 for 27 hours).
- Select staff attended ergonomics training in Lanham, Maryland (September 12-13, 2017 for 16 hours).

Other training and events staff attended included: EEOC/FEED training, MD-715 instructions webinar, Small Agency 501 Affirmative Action Regulation Working Group, DVAAP Forum and Overview, and the Schedule A(u) Process Training Overview with BFS. There were also internal briefings that occurred hosted by OCR or OHC related to the Bureau's disability affirmative action plan and new Section 501 regulations.

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., 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 2017 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;⁹⁵
- Ensuring full cooperation of employees under the manager’s or supervisor’s supervision with EEO officials, such as counselors and investigators;⁹⁶
- 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;⁹⁷
- Providing religious accommodations when such accommodations do not cause an undue hardship;

⁹⁵ See also the discussion at Section 5.4.5 regarding CFPB’s ADR program.

⁹⁶ This is explicit in the Leader Performance Standards. Further, in FY 2017, the Bureau’s then-Director explicitly required all employees to cooperate with OCR and OHC investigations in a cover memo accompanying the FY 2017 EEO and Anti-Harassment Policy Statement. In FY 2018, the current Acting Director similarly instructed all Bureau 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.

⁹⁷ See also the discussion in Section 5.4.2.

- 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 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. During FY 2017, Associate Directors met with the Bureau's then-Director as part of the Triannual Performance Review (TPR) process. These regular reviews raised awareness at the highest leadership levels, facilitated prompt and immediate action when issues arose, 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), CFPB informs managers and supervisors involved about the discriminatory conduct. 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, 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 Chief Human Capital Officer 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 2017:

- OCR, OMWI, 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 new Section 501 affirmative action regulations (including OCR and OHC jointly developing a Disability Affirmation Action Implementation Plan (DAAIP)); 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);
- OCR and OHC's ERLR team consulted extensively on the EEO Article included in the CBA adopted by CFPB and NTEU and in developing related rollout training content;
- OCR and OHC's Work-Life and Talent Acquisition (TA) teams communicated regularly as appropriate to enhance disability-related policies and SOPs, including final adoption of a Schedule A(u) Directive and drafting of major revisions to the Agency's reasonable accommodation procedures, SOPs, and forms (e.g., to incorporate providing PAS);
- 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);
- OCR and OHC collaborated as OCR launched a reinvigorated ADR program to prevent and address both EEO and non-EEO conflicts;
- OHC, OMWI, and OCR consulted on outreach and recruitment strategies and priorities;
- OCR, OMWI, and OHC continued to advocate with Senior Leadership for the implementation of recommendations and improvements related to the Bureau's hiring process (based on results of a FY 2015 applicant flow study);
- OHC shared pertinent employee survey data (e.g., response breakdowns by demographics) with OCR and OMWI, and OHC – with input from OCR and OMWI –

started a process to revise its employee survey instruments, such as New Employee and Exit surveys, to obtain more meaningful results and actionable information;

- OCR provided input to OHC to enhance AES survey questions to obtain more demographic information and to frame questions to get the best responses to identify potential triggers and barriers in the workplace;
- 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);
- 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 2017, 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. 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 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 2018, OCR and OHC will continue to better 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.⁹⁸ (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 itself to rooting out and rectifying discriminatory acts (including harassment or retaliation). Its newly-adopted 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 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).

⁹⁸ Under CFPB’s “Policy on Policies” the Bureau is required to review all policies on a regular basis.

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.⁹⁹

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 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 above 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

⁹⁹ 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-content/uploads/2017/10/Tables-of-Penalties-Majority-Report.pdf>.

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.¹⁰⁰ 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.¹⁰¹ 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.¹⁰² 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 corrections, including remedial or disciplinary actions, for managers and supervisors who have failed in their EEO responsibilities. For instance, after the completion of any EEO investigation raising troubling conduct, the OCR Director will review the relevant record and provide specific suggestions 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, and only after determining that such information can be shared with officials consistent with OCR's role as a neutral arbiter.

¹⁰⁰ See 5 C.F.R. § 9401.101(b).

¹⁰¹ See 5 C.F.R. § 2635.101(b)(13).

¹⁰² 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).

OCR did not issue any findings of discrimination in FY 2017. However, during FY 2017, two CFPB employees received formal disciplinary action (as defined in 5 C.F.R. § 724.102) and two employees were counseled (not considered discipline¹⁰³) for violating Bureau policies related to conduct that is inconsistent with Federal anti-discrimination and whistleblower protection laws; these actions resulted from a FAD issued by OCR on behalf of the Agency in FY 2016.¹⁰⁴ CFPB's response in these matters demonstrates a commitment to comply with civil rights 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.

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 March 7, 2017, following the submission to the EEOC of the Bureau's FY 2016 EEO Program Status (MD-715) Report, the OCR Director gave the former CFPB Director and the Bureau's Senior Leadership Team a "State of the Agency EEO Program" briefing. This briefing on the FY 2016 MD-715 Report also included a preview of the Agency's FY 2016 No FEAR Act report (which had not yet been released as of the date of the briefing).

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

¹⁰³ Discipline includes reprimands and suspensions of 14 calendar days or less. Counseling is not a form of discipline.

¹⁰⁴ See 5 C.F.R. §§ 724.302(a)(5), (a)(6).

2017, 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 2017, for instance, OCR took in and responded to well over 200 inquiries from Bureau employees, applicants, and members of the public.

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.¹⁰⁵

¹⁰⁵ 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).

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

In FY 2017, OCR devised an enhanced approach to conduct barrier analyses. 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, 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” strategic planning group form an ad hoc Affirmative Employment standing committee, which met regularly beginning early in FY 2017 and continuing into FY 2018. The OCR-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;
- 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 2017, 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 2016 MD-715 Report; workforce data (A and B) tables for FY 2015-FY 2017; AES/New Employee/Exit Survey data results from recent years;¹⁰⁶ CFPB's FY 2016 and FY 2017 Form 462 Reports; CFPB's FY 2016 and FY 2017 No FEAR Act data/reports; the OCR Director's FY 2016 "State of the Agency EEO Program" briefing materials; negotiated grievance summary data; anecdotal reports from EAC, 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 2017, the OCR-led BAWG also briefed Bureau-wide stakeholders on 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's barrier analysis efforts are also addressed in Section 11, Part I-1.

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

Beginning in FY 2017 and continuing in FY 2018, the OCR-led BAWG has also been tasked with overseeing contractors as they conduct investigations into triggers identified. The BAWG and contractors will be looking for and isolating barriers (if any) to EEO for specific segments of the

¹⁰⁶ 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. 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. 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, OCR will explore adding survey questions related to the specific experiences, perceptions, and needs of people with disabilities. The Bureau's plan for compliance is provided in Section 10, Part H-3 below.

Bureau's workforce. Barriers will be identified using EEOC-recommended methodologies and tools, such as *Barrier Analysis: Questions to Guide the Process*,¹⁰⁷ and root-cause analysis software/spreadsheets EEOC releases on FedSEP as they become available. CFPB will conduct barrier analyses 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.

Further, in FY 2018, the BAWG – as directed by the OCR Director – will start the trigger and barrier identification process over again using the most recent data available. 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 OCR Director 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.)

OCR is also developing a preliminary multi-year barrier analysis schedule with related resource and cost estimates. This schedule will 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 2018 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 negative impacts (if any) of the barriers identified. The Bureau will devise remedial plans effectively tailored to specifically target particular problematic policies, procedures, and

¹⁰⁷ This guidance is available at <https://www.eeoc.gov/federal/directives/barrier-analysis.cfm>.

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.

To date, the Bureau has not identified any barriers to EEO, and thus has had no cause to develop responsive action plans. 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, 2017¹⁰⁸). Additional barrier analyses will be conducted as data and events dictate and resources allow. CFPB's current ongoing barrier analysis efforts are described in greater detail in Section I-1 of this Report.

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

The CFPB supports the efforts of Executive Order No. 13548¹⁰⁹ and the goals outlined in the EEOC's new Rehabilitation Act Section 501 affirmative action regulations to increase the Federal employment of individuals with disabilities and targeted disabilities.¹¹⁰

As of September 30, 2017, 9.56 percent of CFPB employees (permanent and temporary employees) identified as an individual with a disability. Out of the workforce, 2.70 percent of CFPB employees (permanent and temporary employees) identified as an individual with a targeted disability. The Bureau has already exceeded the 2.0 percent goal for employees with

¹⁰⁸ This memorandum is available at <https://www.eeoc.gov/federal/directives/memorandum-hispanics.cfm>.

¹⁰⁹ Exec. Order No. 13548, 75 Fed. Reg. 45039 (July 26, 2010).

¹¹⁰ *See generally* 29 C.F.R. § 1614.203.

targeted disabilities – including exceeding it in both salary categories as required in the EEOC’s Section 501 regulations.¹¹¹

During FY 2017, OCR, in conjunction with stakeholders, developed an all-agency Disability Affirmative Action Implementation Plan (DAAIP) and created a related Agency-wide task force to implement every aspect of the EEOC’s new Section 501 regulations. This group’s work is ongoing, and will continue in FY 2018 and beyond. Continuing into FY 2018, the task force is implementing a variety of strategies to enhance the recruitment, hiring, mentoring, advancement, and retention of people with disabilities, including in the specific areas of:

- Self-identification by employees of disability status (including targeted disability status);
- Disability data gathering and analysis;
- Targeted recruiting, including taking specific steps to ensure qualified people with disabilities are aware of and encouraged to apply for job vacancies;
- Use of Schedule A(u) and other hiring authorities that take disability status into account;
- Reasonable accommodation and Personal Assistance Services (PAS) policies and procedures;
- Ensuring disability-related questions from members of the public are answered promptly and correctly;
- Anti-harassment efforts;
- Enhanced awards and recognition;
- Training, mentoring, and development initiatives;
- Disability inclusion (including etiquette and awareness/education campaigns);
- Details and promotions; and

¹¹¹ See 29 C.F.R. §§ 1614.203(d)(7)(i)(C), (D).

- Additional specific steps that are reasonably designed to increase the number of persons with disabilities or targeted disabilities employed at the Bureau until the regulatory goals are met.

In early FY 2018, after the Bureau files this FY 2017 MD-715 Report through FedSEP, the Agency's first Affirmative Action Plan will be posted on the Bureau's public website, at www.consumerfinance.gov. Specific strategies the CFPB has employed in FY 2017 to enhance the participation, inclusion, and advancement of applicants and employees with disabilities include:

- *Outreach and Recruitment.* In a Technical Assistance letter to CFPB dated June 24, 2016, the EEOC stated: "We are pleased to note that in FY 2015, the CFPB implemented recruitment and outreach plan for individuals with targeted disability and it has established a goal of 2% to hire and retain individuals with targeted disability." The Bureau continues to establish and maintain relationships with, and outreach to, professional organizations that represent individuals with disabilities. Through attending various career fairs and community outreach efforts, the Bureau encourages individuals with disabilities to apply under the Schedule A(u) Hiring Authority to open positions at the CFPB. For example, the Bureau has attended various recruitment events specifically focusing on individuals with targeted disabilities. Employees in the Bureau's OHC Talent Acquisition team attended two events hosted by Equal Opportunity Publications in Washington, D.C., and the Gallaudet Fall Career Fair for student-based recruitment to share opportunities available at the CFPB.
- *Hiring.* In FY 2017, CFPB finalized a new Schedule A(u) directive to provide enhanced guidance to CFPB hiring managers on the use of the non-competitive hiring authority. All Schedule A(u) appointees at the Bureau who have worked two years or more have been converted to the competitive service. Along with the continued use of the Schedule A(u) hiring authority, the CFPB continues to explore how to best leverage the Workplace Recruitment Program (WRP) through the Department of Labor and existing registries housed on www.max.gov.
- *Retention.* OMWI also developed a mentoring bank program and launched it in 2015. A Mentoring Bank 2.0 launched in early FY 2018. The mentoring bank program is open to all employees with one year of tenure and at pay band CN-53 and below. The mentoring bank matches employees and mentors to meet over a three month time span for a total of six hours to discuss professional development and career interest topics. In addition, due

to the new Section 501 affirmative action regulations, the Bureau is currently reexamining its Exit Surveys and interviews to ensure it tracks Bureau departures of individuals with disabilities, which will better allow the Bureau to identify trends or barriers in the retention of individuals with disabilities.

- *Internal Communications & Education.* Each year (including in FY 2017), the Bureau sends out notices via electronic newsletters and on employee paystubs about important disability-related programs and milestones (including reminders about the anniversaries of the passage of the Rehabilitation Act of 1973 and the Americans with Disabilities Act) and rights and responsibilities (e.g., under Schedule A(u), related to reasonable accommodations, etc.). CFPB also celebrates National Disability Employment Awareness Month every year.
- *Cross-Divisional Collaboration.* OCR convened 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. 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 segments, including OCR, OMWI, OHC, the CFPB Ombudsman's Office,¹¹² 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.

¹¹² The CFPB Ombudsman's Office is an independent, impartial, and confidential resource and, as such, is an ex officio member of this group.

- *Resources.* In FY 2017, the Bureau granted approval to hire a Disability Program Manager (DPM). In early FY 2018, before this position could be filled, new Bureau leadership imposed a hiring freeze as part of its strategic assessment and transition planning process. As a direct result of the sustained and strategic focus of OCR, OHC, OMWI, and many other Bureau stakeholders, the Bureau has focused other limited resources in efforts to employ individuals with disabilities, with some positive results.

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.

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 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.¹¹³

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.”¹¹⁴

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

In 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

¹¹³ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.E.

¹¹⁴ MD-715 Instructions, at Section I.V. (Element E).

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 OEEEO [Office of Equal Employment Opportunity – i.e., OCR] and the processing of EEO complaints.”¹¹⁵

In its report, OIG made 17 recommendations for improving Bureau D&I-related efforts. During FY 2016 and FY 2017, CFPB made substantial progress on or completed almost all of these OIG recommendations including, for example, enhancing barrier analysis efforts, conducting mandatory D&I training, obtaining commercial software to support EEO complaint tracking and reporting requirements, creating a D&I Strategic Plan, and creating a *Succession Planning and Career Pathing* Guide. On March 31, 2017, the OIG wrote to the Bureau closing out an additional three recommendations and confirming that only three of the original 17 recommendations remain open. None of the remaining open recommendations pertain to OCR activities or the core EEO program.

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

In FY 2017 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

¹¹⁵ This report is available at <https://oig.federalreserve.gov/reports/cfpb-diversity-inclusion-mar2015.htm>.

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 2017 OCR hired an ADR Program Manager to focus on enhancements to EEO and non-EEO alternative dispute resolution (ADR) options. This individual onboarded early in FY 2017, and has brought extensive expertise from prior positions with the EEOC, the Employment Litigation Section in the Civil Rights Division of the U.S. Department of Justice, and (most recently) the Office of Compliance in Congress, where he led the nationwide ADR program for Congress (30,000+ employees). These newer resources add to the existing permanent, full-time OCR staff.

The OCR Director and the EEO Complaints Program Manager made several significant enhancements to the EEO complaints program in FY 2017, including:

- *Better automating complaints-program management 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. This 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. During FY 2017, OCR staff with complaints-related responsibilities continued to gain confidence and expertise using the platform, helping to maintain data integrity. Also in FY 2017, OCR began working with Micropact to procure a related "Executive Dashboard" solution that, when fully implemented, will enable OCR to conduct more in-depth and systematic analysis of case processing (e.g., basis, issue, timeframes, etc.) trends.
- *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. In FY 2017, OCR updated the *OCR Operations Manual*, which provides detailed guidance and CFPB-specific procedures for processing informal and formal complaints. CFPB uses a combination of

staff and contractors both for the informal and formal complaint process. An OCR employee is 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 performs contractual duties in OCR office space for up to several days most weeks. This onsite model 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. These efficiencies have improved the overall quality of OCR’s EEO investigations and related work products to date. OCR’s contract counselor and investigator provide consistent work product, have learned how the Agency works, and have adjusted to

OCR's demanding quality standards.¹¹⁶

These and other enhancements to the EEO complaints program implemented during FY 2017 have helped CFPB comply with all Part 1614 and MD-110 requirements and lower most overall processing times. In FY 2017, OCR's complaints program provided timely EEO counseling. In FY 2017, OCR conducted eight EEO counselings – all of which qualified as timely under 29 C.F.R. § 1614.105. Four counselings were timely completed within 30 days. Four counselings were processed through the Agency's ADR program and were timely completed within 90 days.¹¹⁷ 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.¹¹⁸

With respect to formal complaint processing, CFPB issued acknowledgement letters immediately upon receipt of a formal complaint.¹¹⁹ Of the five formal complaints that were filed in FY 2017, 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.¹²⁰ Of the five formal complaints that were filed in FY 2017, the average length of time for issuing the Accept/Dismiss communication was seven days.

CFPB also emphasizes to all employees the importance of cooperating with EEO counselors and

¹¹⁶ 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.

¹¹⁷ *See* 29 C.F.R. §§ 1614.105(d), (f).

¹¹⁸ *See* 29 C.F.R. § 1614.105(b)(1).

¹¹⁹ *See* MD-110, Chapter 5, at Section I.

¹²⁰ *Id.*

other EEO personnel as part of the EEO process. In FY 2017, the Bureau's then-Director (in a cover memo accompanying his Annual EEO Policy and Anti-Harassment Statement and in a letter issued with the FY 2016 No FEAR Act Report in March 2017) instructed all employees to be sure to cooperate "promptly and fully" with all EEO and anti-harassment investigations, noting that "responding swiftly to requests for information from OCR or OHC is an important part of everyone's job here, regardless of where in the Bureau we may work."¹²¹ Already in FY 2018, the current Acting Director has similarly instructed all Bureau employees to "cooperate fully and promptly with any and all investigations OCR or OHC may conduct into allegations of discrimination, harassment, and retaliation."¹²² 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.¹²³

In FY 2017, OCR generally conducted investigations of formal EEO complaints in a timely fashion.¹²⁴ Of the nine investigations conducted during FY 2017, one was untimely. That matter was investigated by another agency, and OCR had no control over the processing times of the investigation. 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 nine investigations conducted during FY 2017, five exceeded 180 days (due to amendments that extended processing timelines under applicable regulations). In all five matters OCR provided

¹²¹ See Section 13 below; *see also* CFPB FY 2016 No FEAR Act Report, at 2.

¹²² See Section 13 below.

¹²³ See *generally* 29 C.F.R. § 1614.102(b)(6).

¹²⁴ See 29 C.F.R. § 1614.108(f).

complainants the required “180-day letter” before the 180th day of the investigation.¹²⁵

In FY 2017, the average length of time for issuing a Final Agency Decision (FAD) where the complainant requested a FAD was 60 days.¹²⁶ The average length of time for issuing a FAD where the complainant failed to elect either a hearing or a FAD was 59 days. One FAD that was processed by another agency was issued in 78 days; the processing time for issuing this FAD was outside OCR’s control. As of the end of FY 2017, OCR was processing one complaint that had been pending a FAD for 395 days. This processing time resulted from OCR holding the matter in abeyance while the parties engaged in settlement negotiations.¹²⁷

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 uploads all documents to FedSEP (the EEOC’s online (password-protected) federal-sector EEO portal).¹²⁸ The Agency also timely issues final orders following receipt of any EEOC AJ decision and the associated hearings file.¹²⁹ In FY 2017, the average length of time for issuing final agency orders (three in FY 2017) was 38 days.

Necessary support and additional program efficiencies will be gained upon the hiring of a new complaints staff member (a position approved in FY 2017 but not yet filled).

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

¹²⁵ See 29 C.F.R. §1614.108(g).

¹²⁶ See 29 C.F.R. § 1614.110(b).

¹²⁷ The matter was not resolved, and the FAD ultimately was issued in FY 2018 by the OEOF Director on OCR’s behalf.

¹²⁸ See 29 C.F.R. § 1614.403(g).

¹²⁹ See 29 C.F.R. § 1614.110(a).

Bureau's Legal Division or OHC. OCR carefully safeguards its neutrality and impartiality, which 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.¹³⁰

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.¹³¹ The OCR Director and OCR staff reiterate this message in other routine briefings, trainings, and meetings.

Consistent with MD-110 and MD-715,¹³² the OCR Director exercises full authority to carry out

¹³⁰ 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.").

¹³¹ 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: "Every official in OCR is absolutely committed to preserving and promoting the independence and integrity of the EEO process here at the Bureau. By regulation, the Bureau's OCR *must* remain neutral in counseling potential EEO claimants and in investigating formal complaints alleging violations of federal anti-discrimination laws. The Director of OCR reports directly to the Director of the Bureau— not to any other intermediary or operational division, such as OHC or the Legal Division. This reporting structure highlights the Bureau's top-level commitment to guaranteeing a fair and robust EEO process and program."

¹³² 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

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. 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. The Legal Division, which defends the Bureau in these matters, is firewalled from all activities within OCR and only participates during adversarial portions of the EEO process (hearings and appeals), and during settlement negotiations, or to provide appropriate legal advice or assistance when a manager or supervisor requests it during the course of an EEO investigation. 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.

CFPB 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.

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").

In January 2017, CFPB onboarded an ADR Program Manager to establish an enhanced, 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. As noted above, the ADR Program Manager previously led the nationwide ADR program for Congress (30,000+ employees) and also worked as a Senior Trial Attorney at both the U.S. Department of Justice Civil Rights – Employment Litigation Section and the U.S. Equal Employment Opportunity Commission.

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. (Settlement authority for any disputes involving Legal Division personnel as responsible management officials are transferred to a different Bureau component.) 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*. These materials explain the ADR process, why employees should consider ADR, the different types of ADR, and/or how an employee can request ADR.

Throughout FY 2017, the ADR Program – including as part of “Lifecycle” strategic planning discussions with Divisions – strongly encouraged Bureau leaders to allow managers, employees, and teams to participate in “Crucial Conversations” training. This training is, in part, a conflict-prevention training intended to help individuals and teams have productive high-stakes conversations. As noted above, the ADR Program offered eight Crucial Conversations training to approximately 138 managers and employees in SEFL, RMR, CEE, Office of the Director, and OPS Divisions.

During FY 2017, OCR started to revise 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 2017, five of nine informal complaints were processed using ADR (a participation rate of 55 percent). Six of twelve formal complaints were processed using ADR (a participation rate of 50 percent). The ADR Program will be monitoring whether changes implemented will help CFPB parties resolve more workforce disputes. Early indications from FY 2018 suggest the new ADR Program is contributing to an increase in early resolution rates.

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. The Agency also is in the process of adding an “Executive Dashboard” feature that will allow case managers and leadership to have an overview of case status at each step of the EEO process and to 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 2017, the Bureau’s then-Director issued a Weekly Message explaining to employees the importance of providing the Agency with accurate demographic data and encouraging all employees to consider voluntarily updating this information using web-based personnel interfaces via their Employee Personnel Page or HR Connect. 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 2017, OCR staff met with OHC personnel who distribute, collect, and process documents for new employees (including SF-181 and SF-256) to emphasize the importance of encouraging new hires to voluntarily provide demographic data. OCR supplied OHC with talking points and answers to FAQs new employees might have about how the Bureau can and might use this data.
- 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 is responsible for the Bureau's Reasonable Accommodation/PAS program, also uses 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.¹³³ In mid-FY 2017, OCR reported that the Bureau would focus on the following objectives during FY 2017 and FY 2018:

- Continuing to incorporate the EEOC's Six Essential Elements of a Model EEO Program to achieve greater program effectiveness;

¹³³ 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).

- 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;
- Leveraging internal communication channels to distribute EEO-related information through the use of various media, including electronic media, informational brochures, and individual and group training, and promoting communication of information and early intervention to help Bureau officials identify the issues and bases that may give rise to EEO complaints;
- Training of 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;
- Increasing employee awareness of EEO statutes and ensuring that CFPB cultivates an inclusive work environment;
- 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;
- Using the Bureau's Triannual Performance Review (TPR) process as a management tool to address cultural change, and EEO, affirmative employment, diversity, and inclusion efforts within Divisions;
- Supporting the implementation of Employee Resource Groups (ERGs) and both executive-level and staff-level diversity councils (EAC and DICE); 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.¹³⁴

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.

For instance, during FY 2017, OCR staff participated in ad hoc inter-agency working groups formed to share best practices for implementing the EEOC's new Section 501 affirmative action

¹³⁴ See CFPB FY 2017 No FEAR Act Report, at 36-38.

regulations and preparing the FY 2017 MD-715 report. The resulting dialogue between experts from various agencies helped shape CFPB's first Affirmative Action plan for people with disabilities. 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.

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.¹³⁵

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

¹³⁵ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.F.

(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.

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. As soon as the matter has been docketed in FedSEP, OCR staff will immediately upload the complaint file for EEOC use either by an EEOC AJ as part of hearing proceedings¹³⁶ or by OFO in adjudication of an appeal¹³⁷ within established regulatory timeframes.

Throughout FY 2017, CFPB timely responded and fully complied with all EEOC orders issued as part of the hearings and/or appeals process.¹³⁸ Where necessary, the Bureau promptly provides EEOC with required documentation for completing compliance with any such orders.¹³⁹

In cases involving a finding of discrimination that is not the subject of an appeal by the Agency, OCR would work with the Legal Division to ensure timely and full compliance.¹⁴⁰ No such findings 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.

¹³⁶ See 29 C.F.R. § 1614.108(g).

¹³⁷ See 29 C.F.R. § 1614.403(e).

¹³⁸ See 29 C.F.R. § 1614.502.

¹³⁹ See 29 C.F.R. § 1614.502.

¹⁴⁰ 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 2017, all annual reports were accurate and complete and submitted on time (with any extensions granted). Also in FY 2017, OCR posted all four quarterly No FEAR Act data reports on its public website, www.consumerfinance.gov,¹⁴¹ on time (i.e., within 30 days after the end of each fiscal year quarter).¹⁴²

¹⁴¹ 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/>.

¹⁴² 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, 2017.

As of the end of FY 2017, the total CFPB workforce was 1,664 employees, including 1,557 permanent employees and 107 temporary employees. The total workforce grew by 12 employees during FY 2017, representing a rate of change of 0.73 percent.

Compared to the U.S. Census Civilian National Labor Force (CLF), overall CFPB demographics have not changed significantly since FY 2016.¹⁴³ White men, followed by White women, comprise the largest racial groups in CFPB, followed by Black women and Black men, respectively.

¹⁴³ 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 2016¹⁴⁴

	ALL	Hispanic	White	Black	Asian	NH/OPI	AI/AN	Two or More
ALL	1,652	99	1,041	331	157	3	10	11
%		5.99%	63.01%	20.04%	9.50%	0.18%	0.61%	0.67%
CLF		9.96%	72.36%	12.02%	3.90%	0.14%	1.08%	0.54%
Male	846	54	579	121	80	1	7	4
Female	806	45	462	210	77	2	3	7

TABLE 13: TOTAL WORKFORCE – FY 2017

	ALL	Hispanic	White	Black	Asian	NH/OPI	AI/AN	Two or More ¹⁴⁵
ALL	1,664	106	1,018	357	158	3	10	12

¹⁴⁴ In the data tables in this report, total percentages across rows may not always equal 100% due to rounding.

¹⁴⁵ 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.

	ALL	Hispanic	White	Black	Asian	NH/OPI	AI/AN	Two or More ¹⁴⁵
%		6.37%	61.18%	21.45%	9.50%	0.18%	0.60%	0.72%
CLF		9.96%	72.36%	12.02%	3.90%	0.14%	1.08%	0.54%
Male	853	58	572	130	82	1	7	3
Female	811	48	446	227	76	2	3	9

Data as of September 30, 2017. Workforce numbers for FY 2016 included in this FY 2017 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 2016 Status Report.

TABLE 14: TOTAL WORKFORCE – FY 2016 COMPARED TO FY 2017

	ALL	Hispanic	White	Black	Asian	NH/OPI	AI/AN	Two or More
Difference	+12	+7	-23	+26	+1	0	0	+1
Male	+7	+4	-7	+9	+2	0	0	-1
Female	+5	+3	-16	+17	-1	0	0	+2
Ratio Change								
Male	0.05%	0.22%	-0.67%	0.49%	0.09%	0.00%	0.00%	-0.06%
Female	-0.05%	0.16%	-1.16%	0.93%	-0.09%	0.00%	0.00%	0.12%
Net Change	0.73%							
Male	0.83%	7.41%	-1.21%	7.44%	2.50%	0.00%	0.00%	-25.00%
Female	0.62%	6.67%	-3.46%	8.10%	-1.30%	0.00%	0.00%	28.57%

At the close of FY 2017, CFPB employed a total of 1,664 employees – 1,557 permanent employees and 107 temporary employees. This was a decrease in temporary employees from 154 to 107. Temporary employees also decreased as a percentage of the total workforce. In FY 2016, temporary employees made up 9.32% of the workforce and in FY 2017, temporary employees made up 6.43% of the workforce. The number of permanent employees increased by 12 (93.57% of the total workforce in FY 2017).

Males totaled 797 or 51.19% of the permanent workforce – a slight decrease from 51.27% in FY 2016 and slightly lower when compared to the CLF availability of 51.84%. Females totaled 760 or 48.81% of the permanent workforce, an increase from 48.73% in FY 2016, and slightly higher

as compared to the CLF availability of 48.16%.

7.1 Permanent workforce: participation of class grouping

TABLE 15: PERMANENT WORKFORCE

Group	Total number FY 2017	Percentage	Total number FY 2016	Percentage	Net change	CLF
White Male	532	34.17%	520	34.71%	-1.21%	38.33%
White Female	413	26.53%	413	27.57%	-3.46%	34.03%
Black Male	125	8.03%	116	7.74%	7.44%	5.49%
Black Female	217	13.94%	197	13.15%	8.10%	6.53%
Hispanic Male	52	3.34%	47	3.14%	7.41%	5.17%
Hispanic Female	46	2.95%	41	2.74%	6.67%	4.79%
Asian Male	77	4.95%	74	4.94%	2.50%	1.97%
Asian Female	70	4.50%	68	4.54%	-1.30%	1.93%
NH/PI Male	1	0.06%	1	0.07%	0.00%	0.07%
NH/PI Female	2	0.13%	2	0.13%	0.00%	0.07%
AI/AN Male	7	0.45%	7	0.47%	0.00%	0.55%
AI/AN Female	3	0.19%	3	0.20%	0.00%	0.53%
2 or More Male	3	0.19%	3	0.20%	-25.00%	0.26%
2 or More Female	9	0.58%	6	0.40%	28.57%	0.28%

For the permanent workforce, White females are employed at CFPB at a rate of 26.53% (413), which is below the CLF of 34.03%. The percentage of White females slightly decreased from the FY 2016 rate of 27.57% (413) while the number of White females remained the same. Hispanic males are employed at a rate of 3.34% (52) and Hispanic females at 2.95% (46), which remain below the CLF of 5.17% and 4.79%, respectively. Males who identify as two or more races were

reported at 0.19% (3), which is essentially unchanged from FY 2016 (0.20%; 3). Females who identify as two or more races were reported at 0.58% (9), slightly above the CLF of 0.28%; this is a net change of 50.00% compared with FY 2016 when females of two or more races were employed at 0.40% (6).

Asian males are employed at a rate of 4.95% (77) and Asian females are employed at a rate of 4.50% (70), which are above the CLF of 1.97% and 1.93%, respectively. CFPB employed Black males at a rate of 8.03% (125) and Black females at 13.94% (217), which were above the CLF of 5.49% and 6.53%, respectively. The number of Native Hawaiian/Other Pacific Islander males and females remained unchanged at 1 (0.06%) and 2 (0.13%), respectively compared with FY 2016 (males: 0.07% (1) and females: 0.13% (2)). American Indian/Alaskan Native males and females also remained unchanged at 7 (0.45%) and 3 (0.19%), respectively compared with FY 2016 (males: 0.47% (7) and females: 0.20% (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 2017	Percentage	Total number FY 2016	Percentage	Net change	CLF
White Male	40	37.38%	59	38.31%	-32.20%	38.33%
White Female	33	30.84%	49	31.82%	-32.65%	34.03%
Black Male	5	4.67%	5	3.25%	0.00%	5.49%
Black Female	10	9.35%	13	8.44%	-23.08%	6.53%
Hispanic Male	6	5.61%	7	4.55%	-14.29%	5.17%
Hispanic Female	2	1.87%	4	2.60%	-50.00%	4.79%
Asian Male	5	4.67%	6	3.90%	-16.67%	1.97%
Asian Female	6	5.61%	9	5.84%	-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%	1	0.65%	-100.00%	0.26%
2 or More Female	0	0.00%	1	0.65%	-100.00%	0.28%

The temporary workforce significantly shrunk by 30.52% when compared with FY 2016 from 154 in FY 2016 to 107 employees in FY 2017. Due to the temporary workforce shrinking by 47 employees, there was an impact to the demographic makeup of this part of the workforce. At the end of FY 2017, 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. Hispanic females experienced a net change of -50.00% from 4 to 2 employees between FY 2016 to FY 2017 and Hispanic males experienced a net change of -14.29% from 7 to 6 employees between FYs. While males and females experienced similar net changes with males decreasing from 59 employees to 40 employees (-32.20% net change) and females decreasing from 49 to 33 employees (-32.65% net change). Black males did not experience a net change and Black females experienced a net change of -23.08% from 13 to 10 employees between FY 2016 to FY 2017. Asian male employees decreased from 6 to 5 employees causing a net change of -16.67% and Asian female employees decreased from 9 to 6 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 not represented in any senior bands between CN-53 to CN-81/82/90 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 and 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 at senior bands CN-60 and 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	163	152
	51.59%	48.41%
GS-14/CN-60	190	191
	49.87%	50.13%
GS-15/CN-71	141	134
	51.27%	48.73%
CN-81/82/90	35	28
	55.56%	44.44%

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

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
GS-13/ CN-53	98	77	24	47	15	11	22	17	0	0	3	0	0	0
%	31.21 %	24.52 %	7.64 %	14.97 %	4.78 %	3.50 %	7.01 %	5.41 %	0.00 %	0.00 %	0.96 %	0.00 %	0.00 %	0.00 %
GS-14/ CN-60	138	122	24	41	10	9	18	16	0	1	0	1	0	1
%	36.22 %	32.02 %	6.30 %	10.76 %	2.62 %	2.36 %	4.72 %	4.20 %	0.00 %	0.26 %	0.00 %	0.26 %	0.00 %	0.26 %
GS-15/ CN-71	111	90	13	17	7	5	7	18	0	0	1	1	2	3
%	40.36 %	32.73 %	4.73 %	6.18 %	2.55 %	1.82 %	2.55 %	6.55 %	0.00 %	0.00 %	0.36 %	0.36 %	0.73 %	1.09 %
CN-81/82/ 90	24	21	3	4	2	1	6	2	0	0	0	0	0	0

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
%	38.10 %	33.33 %	4.76 %	6.35 %	3.17 %	1.59 %	9.52 %	3.17 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %

7.4 New hires: permanent

Permanent new hires for FY 2017 consisted of 71 females (52.99%), which is higher than the CLF availability of 48.14%. However, White females were 20.90% (28) of the new hires, which is lower than the 34.03% CLF availability and consistent with FY 2016. Black females were 20.15% (27) of the new hires, which is above the 6.53% CLF availability. Black males were 9.70% (13) of the new hires, which is also above the 5.49% CLF availability. Hispanic females were 3.73% (5) of the new hires, which is lower than the 4.79% CLF availability. Hispanic males were 6.72% (9) of the new hires, which is higher than the 5.17% CLF availability, which is an improvement compared with FY 2016. Asian females and Asian males were 6.72% (9) and 5.97% (8), 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 of two or more races were not among the permanent new hires for FY 2016. Females who are two or more races were hired at 1.49% (2) which is higher than the 0.28% CLF availability and an improvement compared with FY 2016.

TABLE 19: NEW PERMANENT HIRES BY GENDER

	Male	Female
Number	63	71
Percent	47.01%	52.99%
CLF	51.86%	48.14%

TABLE 20: NEW PERMANENT HIRES BY GROUPING

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
#	33	28	13	27	9	5	8	9	0	0	0	0	0	2
%	24.63 %	20.90 %	9.70 %	20.15 %	6.72 %	3.73 %	5.97 %	6.72 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	1.49 %
CLF	38.33 %	34.03 %	5.49 %	6.53 %	5.17 %	4.79 %	1.97 %	1.93 %	0.07 %	0.07 %	0.55 %	0.53 %	0.26 %	0.28 %

7.5 New hires: temporary

Temporary hires for FY 2017 totaled 78 and consisted of 35 (44.87%) females, which is lower than the CLF availability of 48.14%. White females consisted of 20.90% (19) of the temporary hires, which is lower than the CLF availability of 34.03%. Black males consisted of 3.85% (3) of the temporary hires, which is lower than the CLF availability of 5.49%. Hispanic males made up 2.56% (2) of the temporary hires and Hispanic females consisted of 3.85% (3), which are both lower than the CLF availability of 5.17% and 4.79%, respectively. Asian males made up 8.97% (7) and Asian females comprised 6.41% (5) of the temporary hires, which both significantly exceed the CLF availability of 1.97% and 1.93%, respectively. 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 2017.

TABLE 21: NEW TEMPORARY HIRES BY GENDER

	Male	Female
Number	43	35
Percent	55.13%	44.87%
CLF	51.86%	48.14%

TABLE 22: NEW TEMPORARY HIRES BY GROUPING

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
#	31	19	3	8	2	3	7	5	0	0	0	0	0	0
%	39.74 %	24.36 %	3.85 %	10.26 %	2.56 %	3.85 %	8.97 %	6.41 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %
CLF	51.86 %	48.14 %	5.49 %	6.53 %	5.17 %	4.79 %	1.97 %	1.93 %	0.07 %	0.07 %	0.55 %	0.53 %	0.26 %	0.28 %

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 (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.¹⁴⁶

7.6.1 Examiner (0570)

During FY 2017, CFPB employed 434 examiners (0570 series) in the permanent workforce – 291 (67.05%) males and 143 (32.95%) females. There were zero examiners in the temporary workforce. The demographic breakdown was as follows:

- White males: 175 (40.32%)
- White females: 76 (17.51%)
- Black males: 64 (14.75%)

¹⁴⁶ See <https://www.eeoc.gov/federal/directives/00-09opmcode.cfm>.

- Black females: 41 (9.45%)
- Hispanic males: 19 (4.38%)
- Hispanic females: 11 (2.53%)
- Asian males: 27 (6.22%)
- Asian females: 10 (2.30%)
- Native Hawaiian/Pacific Islander males: 1 (0.23%)
- Native Hawaiian/Pacific Islander females: 1 (0.23%)
- American Indian/Alaska Native males: 5 (1.15%)
- American Indian/Alaska Native females: 1 (0.23%)
- Males of two or more races: 0 (0.00%)
- Females of two or more races: 3 (0.69%)

TABLE 23: EXAMINERS BY GENDER (PERMANENT)

	Male	Female
Number	291	143
Percent	67.05%	32.95%
Occ CLF	54.70%	45.30%
Total Workforce Participation (TWP)	51.26%	48.74%
Permanent Workforce	51.19%	48.81%

TABLE 24: EXAMINERS BY GROUPING (PERMANENT)

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
#	175	76	64	41	19	11	27	10	1	1	5	1	0	3

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
%	40.32 %	17.51 %	14.75 %	9.45 %	4.38 %	2.53 %	6.22 %	2.30 %	0.23 %	0.23 %	1.15 %	0.23 %	0.00 %	0.69 %
Occ CLF	44.10 %	28.30 %	3.60 %	8.70 %	3.10 %	3.70 %	3.70 %	4.00 %	0.00 %	0.00 %	0.10 %	0.30 %	0.20 %	0.30 %
TWP	34.38 %	26.80 %	7.81 %	13.64 %	3.49 %	2.88 %	4.93 %	4.57 %	0.06 %	0.12 %	0.42 %	0.18 %	0.18 %	0.54 %
Perm WF	34.17 %	26.53 %	8.03 %	13.94 %	3.34 %	2.95 %	4.95 %	4.50 %	0.06 %	0.13 %	0.45 %	0.19 %	0.19 %	0.58 %

7.6.2 General attorney (0905)

During FY 2017, CFPB employed 312 employees in the General Attorney (0905 series) occupational series for the permanent workforce – 46.79% (146) males and 53.21% (166) females. There is one General Attorney employed in the temporary workforce. The demographic breakdown for the Attorney permanent workforce was as follows:

- White males (115) comprised 36.86%
- White females (120) comprised 38.46%
- Black males (10) comprised 3.21%
- Black females (17) comprised 5.45%
- Hispanic males (9) comprised 2.88%
- Hispanic females (6) comprised 1.92%
- Asian males (9) comprised 2.88%
- Asian females (19) comprised 6.09%
- American Indian or Alaska Native males (1) comprised 0.32%
- American Indian or Alaska Native females (1) comprised 0.32%
- Males of two or more races (2) comprised 0.64%
- Females of two or more races (3) comprised 0.96%

TABLE 25: GENERAL ATTORNEYS BY GENDER (PERMANENT)

	Male	Female
Number	146	166
Percent	46.79%	53.21%
Occ CLF	66.70%	33.30%
Total Workforce Participation (TWP)	51.26%	48.74%
Permanent Workforce	51.19%	48.81%

TABLE 26: GENERAL ATTORNEYS BY GROUPING (PERMANENT)

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
#	115	120	10	17	9	6	9	19	0	0	1	1	2	3
%	36.86 %	38.46 %	3.21 %	5.45 %	2.88 %	1.92 %	2.88 %	6.09 %	0.00 %	0.00 %	0.32 %	0.32 %	0.64 %	0.96 %
Occ CLF	59.70 %	26.70 %	2.10 %	2.60 %	2.50 %	1.80 %	1.80 %	1.80 %	0.00 %	0.00 %	0.30 %	0.20 %	0.20 %	0.20 %
TWP	34.38 %	26.80 %	7.81 %	13.64 %	3.49 %	2.88 %	4.93 %	4.57 %	0.06 %	0.12 %	0.42 %	0.18 %	0.18 %	0.54 %
Perm WF	34.17 %	26.53 %	8.03 %	13.94 %	3.34 %	2.95 %	4.95 %	4.50 %	0.06 %	0.13 %	0.45 %	0.19 %	0.19 %	0.58 %

7.6.3 Economist (0110)

During FY 2017, CFPB employed 44 employees in the Economists (0110 series) occupational series. Of the 44 employees, 33 were in permanent positions and 11 were in temporary positions. In the permanent workforce – 69.70% (23) males and 30.30% (10) females. The demographic breakdown for the permanent workforce was as follows:

- White males (17) comprised 51.52%
- White females (7) comprised 21.21%
- Black males (2) comprised 6.06%

- Hispanic males (2) comprised 6.06%
- Asian males (2) comprised 6.06%
- Asian females (3) comprised 9.09%

TABLE 27: ECONOMISTS BY GENDER (PERMANENT)

	Male	Female
Number	23	10
Percent	69.70%	30.30%
Occ CLF	67.10%	32.90%
Total Workforce Participation (TWP)	51.26%	48.74%
Permanent Workforce	51.19%	48.81%

TABLE 28: ECONOMIST BY GROUPING (PERMANENT)

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
#	17	7	2	0	2	0	2	3	0	0	0	0	0	0
%	51.52 %	21.21 %	6.06 %	0.00 %	6.06 %	0.00 %	6.06 %	9.09 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %
Occ CLF	55.80 %	25.20 %	2.80 %	2.70 %	3.30 %	1.80 %	4.50 %	3.10 %	0.00 %	0.10 %	0.50 %	0.10 %	0.20 %	0.00 %
TWP	34.38 %	26.80 %	7.81 %	13.64 %	3.49 %	2.88 %	4.93 %	4.57 %	0.06 %	0.12 %	0.42 %	0.18 %	0.18 %	0.54 %
Perm WF	34.17 %	26.53 %	8.03 %	13.94 %	3.34 %	2.95 %	4.95 %	4.50 %	0.06 %	0.13 %	0.45 %	0.19 %	0.19 %	0.58 %

7.6.4 Miscellaneous administration and program (0301)

During FY 2017, CFPB employed 327 permanent employees and 10 temporary employees in the Miscellaneous Administration and Program (0301 series) occupational series. Of the permanent employees, 41.59% (136) males and 58.41% (191) females. The demographic breakdown for the

permanent workforce was as follows:

- White males (88) comprised 26.91%
- White females (91) comprised 27.83%
- Black males (23) comprised 7.03%
- Black females (67) comprised 20.49%
- Hispanic males (10) comprised 3.06%
- Hispanic females (12) comprised 3.67%
- Asian males (14) comprised 4.28%
- Asian females (18) comprised 5.50%
- Native Hawaiian or Pacific Islander females (1) comprised 0.31%
- American Indian or Alaska Native males (1) comprised 0.31%
- American Indian or Alaska Native females (1) comprised 0.31%
- Females of two or more races (1) comprised 0.31%

TABLE 29: MISC. ADMINISTRATION BY GENDER (PERMANENT)

	Male	Female
Number	136	191
Percent	41.59%	58.41%
Occ CLF	36.70%	63.30%
Total Workforce Participation (TWP)	51.26%	48.74%
Permanent Workforce	51.19%	48.81%

TABLE 30: MISC. ADMINISTRATION BY GROUPING (PERMANENT)

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
#	88	91	23	67	10	12	14	18	0	1	1	1	0	1
%	26.91 %	27.83 %	7.03 %	20.49 %	3.06 %	3.67 %	4.28 %	5.50 %	0.00 %	0.31 %	0.31 %	0.31 %	0.00 %	0.31 %
Occ CLF	27.10 %	43.80 %	3.60 %	8.90 %	2.80 %	5.80 %	2.60 %	3.60 %	0.00 %	0.10 %	0.20 %	0.50 %	0.20 %	0.30 %
TWP	34.38 %	26.80 %	7.81 %	13.64 %	3.49 %	2.88 %	4.93 %	4.57 %	0.06 %	0.12 %	0.42 %	0.18 %	0.18 %	0.54 %
Perm WF	34.17 %	26.53 %	8.03 %	13.94 %	3.34 %	2.95 %	4.95 %	4.50 %	0.06 %	0.13 %	0.45 %	0.19 %	0.19 %	0.58 %

7.7 Non-competitive promotion eligibility

Throughout FY 2017, 289 permanent employees were eligible for career ladder promotions, 161 of which were males and 128 of which were females.¹⁴⁷ Of the 289 who were eligible for career ladder promotions, 274 received the promotion within 1 to 12 months' in excess of time in band, 2 received the promotion within 12-24 months in excess of time in band, and 2 received the promotion in 25+ months of time in band. Of those who were eligible for promotion in FY 2017:

- 98 (35.78%) were White males
- 55 (19.03%) were White females
- 34 (11.76%) were Black males

¹⁴⁷ 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.

- 50 (17.30%) were Black females
- 16 (5.54%) were Hispanic males
- 14 (4.84%) were Hispanic females
- 13 (5.50%) were Asian males
- 6 (2.08%) were Asian females
- 3 (1.04%) was a female of two or more races

Of the 289 employees eligible to receive a career ladder promotion, 11 did not receive a career ladder promotion:

- 1 (9.09%) were White males
- 3 (27.27%) were White females
- 1 (9.09%) were Black males
- 2 (18.18%) were Black females
- 1 (9.09%) were Hispanic females
- 2 (18.18%) was Asian male s
- 1 (9.09%) was a female of two or more races

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

	Male	Female
Eligible for Promotions	161	128
Percent (of those eligible)	55.71%	44.29%
Did Not Receive	4	7
Percent (of those not receiving)	36.36%	63.64%

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

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
#	98	55	34	50	16	14	13	6	0	0	0	0	0	3
%	33.91 %	19.03 %	11.76 %	17.30 %	5.54 %	4.84 %	4.50 %	2.08 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	1.04 %
1-12 mos (#)	95	52	33	48	16	13	10	5	0	0	0	0	0	2
1-12 mos (%)	34.67 %	18.98 %	12.04 %	17.52 %	5.84 %	4.74 %	3.65 %	1.82 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.73 %
13-24 mos (#)	0	0	0	0	0	0	1	1	0	0	0	0	0	0
13-24 mos (%)	0.00%	0.00 %	0.00 %	75.00 %	0.00 %	0.00 %	50.0 0%	50.0 0%	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %
25+ mos (#)	2	0	0	0	0	0	0	0	0	0	0	0	0	0
25+ mos (%)	100.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %
Did not receive (#)	1	3	1	2	0	1	2	0	0	0	0	0	0	1
Did not receive (%) ¹⁴⁸	9.09%	27.27 %	9.09 %	18.18 %	0.00 %	9.09 %	18.1 8%	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	9.09 %

148 Under the Examiner Commission Program (ECP), it may take longer than 12 months for an examiner to be non-competitively promoted since commissioning is required to meet the minimum qualifications for non-competitive promotion to the CN-52. Examiners will still have the ability to non-competitively be promoted to the CN-52 once they fulfill the promotion requirements.

7.8 Separations

7.8.1 Total separations

A total of 112 permanent employees were separated during FY 2017 – 55 (or 49.11%) males and 57 (or 50.89%) females. Separations include resignations, terminations, transfers, retirements, and death¹⁴⁹. White males, at 41 (or 36.61%), were the largest group separated followed by White females, at 37 (or 33.04%). Other rates of separation include:

- Black males – 2 or 1.79%
- Black females – 9 or 8.04%
- Hispanic males – 5 or 4.46%
- Hispanic females – 3 or 2.68%
- Asian males – 7 or 6.25%
- Asian females – 8 or 7.14%

TABLE 33: TOTAL SEPARATIONS BY GENDER (PERMANENT)

	Male	Female
Number	55	57
Percent	49.11%	50.89%

¹⁴⁹Two employees passed away during FY 2017. Their demographic information is not displayed in a separate section.

TABLE 34: TOTAL SEPARATIONS BY GROUPING (PERMANENT)

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
#	41	37	2	9	5	3	7	8	0	0	0	0	0	0
%	36.61 %	33.04 %	1.79 %	8.04%	4.46 %	2.68 %	6.25 %	7.14 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %

7.8.2 Resignations

Of the 112 separations, 70 were resignations, the largest group of whom was White males (22) at 31.43% and White females (22) at 31.43%. Other resignation rates include:

- 7 or 10.00% Black females
- 4 or 5.71% Hispanic males
- 3 or 4.29% Hispanic females
- 5 or 7.14% Asian males
- 7 or 10.00% Asian females

TABLE 35: RESIGNATIONS BY GENDER (PERMANENT)

	Male	Female
Number	31	39
Percent	44.29%	55.17%

TABLE 36: RESIGNATIONS BY GROUPING (PERMANENT)

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
#	22	22	0	7	4	3	5	7	0	0	0	0	0	0
%	31.43 %	31.43 %	0.00 %	10.00 %	5.71 %	4.29 %	7.14 %	10.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %

7.8.3 Terminations

There were 0 terminations in FY 2017.¹⁵⁰

TABLE 37: TERMINATIONS BY GENDER

	Male	Female
Number	0	0
Percent	0.00%	0.00%

TABLE 38: TERMINATIONS BY GROUPING

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
#	0	0	0	0	0	0	0	0	0	0	0	0	0	0
%	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %

7.8.4 Transfers to another federal agency

In FY 2017 there were 22 transfers – 16 (or 72.73%) males and 6 (or 27.27%) females. Other transfer rates include:

- 12 White males (54.55%)
- 4 White females (18.18%)
- 2 Black males (9.09%)

¹⁵⁰ There were no actions processed with a termination code in FY 2017; however, two employees facing termination opted to voluntarily resign.

- 1 Black female (4.55%)
- 2 Asian males (9.09%)
- 1 Asian female (4.55%)

TABLE 39: TRANSFERS BY GENDER (PERMANENT)

	Male	Female
Number	16	6
Percent	72.73%	27.27%

TABLE 40: TRANSFERS BY GROUPING (PERMANENT)

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
#	12	4	2	1	0	0	2	1	0	0	0	0	0	0
%	54.55 %	18.18 %	9.09 %	4.55%	0.00 %	0.00 %	9.09 %	4.55 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %

7.8.5 Retirements

During FY 2017, there were 18 retirements: 6 males (or 33.33%) and 12 females (or 66.67%). Of the 18 retirements, 5 were White males (27.78%), 11 were White females (61.11%), 1 was a Black female (5.56%), and 1 was a Hispanic male (5.56%).

TABLE 41: RETIREMENTS BY GENDER (PERMANENT)

	Male	Female
Number	6	12
Percent	33.33%	66.67%

TABLE 42: RETIREMENTS BY GROUPING (PERMANENT)

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
#	5	11	0	1	1	0	0	0	0	0	0	0	0	0
%	27.78 %	61.11 %	0.00 %	5.56 %	5.56 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %

7.9 Awards

A new Awards and Recognition Article to the Bureau's Collective Bargaining Agreement was negotiated, adopted, and implemented last fiscal year. During FY 2017, 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 2017 to the permanent workforce, the different award breakdown averages were as follows:

- Cash awards (\$100-\$500), average \$424.25
- Cash awards (\$501 or more), average \$1,137.73
- Time off awards (9 hours or less), average 8 hours
- Time off awards (over 9 hours), average 22.4 hours

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

	Male	Female
Cash Award (#)	189	176
Cash Award (%)	51.78%	48.22%
Average Award	\$425.40	\$423.01

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

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
#	118	92	36	55	16	12	18	16	0	0	1	1	0	0
%	32.33 %	25.21 %	9.86 %	15.07 %	4.38 %	3.29 %	4.93 %	4.38 %	0.00 %	0.00 %	0.27 %	0.27 %	0.00 %	0.00 %

TABLE 45: CASH AWARDS (\$501 OR MORE) BY GENDER

	Male	Female
Cash Award (#)	163	159
Cash Award (%)	50.62%	49.38%
Average Award	\$1,126.44	\$1,149.31

TABLE 46: CASH AWARDS (\$501 OR MORE) BY GROUPING

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
#	116	107	17	27	10	7	17	17	0	0	2	0	1	1
%	36.02 %	33.23 %	5.28 %	8.39%	3.11 %	2.17 %	5.28 %	5.28 %	0.00 %	0.00 %	0.62 %	0.00 %	0.31 %	0.31 %

TABLE 47: TIME OFF AWARDS (9 HOURS OR LESS) BY GENDER

	Male	Female
Time Off, 9 hours or less (#)	2	7
Time Off, 9 hours or less (%)	22.22%	77.78%
Average Award	8 hours	8 hours

TABLE 48: TIME OFF AWARDS (9 HOURS OR LESS) BY GROUPING

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
#	2	4	0	3	0	0	0	0	0	0	0	0	0	0
%	22.22 %	44.44 %	0.00 %	33.33 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %

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

	Male	Female
Time Off, over 9 hours (#)	5	5
Time Off, over 9 hours (%)	50.00%	50.00%
Average Award	20.80 hours	24.00 hours

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

	WM	WF	BM	BF	HM	HF	AM	AF	NH/ PI M	NH/ PI F	AI/A N M	AI/A N F	2+M	2+F
#	4	3	1	1	0	0	0	1	0	0	0	0	0	0
%	40.00 %	30.00 %	10.0 0%	10.00 %	0.00 %	0.00 %	0.00 %	10.0 0%	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %

8. Part F – Certification of establishment of continuing equal employment opportunity programs

M. Stacey Bach, 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 Section 717 and 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 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 EEO Program Status Report.

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

M. Stacey Bach
Director of OCR

Date

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

Mick Mulvaney
Acting 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. CFPB will retain the checklist and supporting documentation and data, and make it available upon request by the EEOC.

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

TABLE 51: FY 2017 EEOC MD-715 REPORT PART H-1

EEOC Form 715-01 Part H-1	U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report (FY 2017)
Statement of Model Program Essential Element Deficiency:	
Type of Program Deficiency	Part G – 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.
Brief Description of Program Deficiency	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.

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.
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)	N/A

Responsible Official(s):

Title	Director of Office of Civil Rights
Name	M. Stacey Bach
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

EEOC Form 715-01 Part H-1**U.S. Equal Employment Opportunity Commission
Federal Agency Annual EEO Program Status Report (FY 2017)**

Completion Date (mm/dd/yyyy) N/A

Report of Accomplishments:

Fiscal Year 2017

Accomplishments None to date.

TABLE 52: FY 2017 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 2017)****Statement of Model Program Essential Element Deficiency:**

	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	During FY 2017, the OCR Director attended certain senior-level staff meetings 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:

	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.
Objective	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.

Date Initiated (mm/dd/yyyy) 09/30/2017

Target Date (mm/dd/yyyy) 06/30/2018

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

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

Responsible Official(s):

Title Bureau Chief of Staff
Bureau Deputy Chief of Staff

Name

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

Title Associate Director for Operations

Name Sartaj Alag

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

Title Chief Human Capital Officer

Name Jeffrey Sumberg

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

Title Chief Technology Officer

Name

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

Title Director of Office of Civil Rights

Name M. Stacey Bach

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

Planned Activities Toward Completion of Objective:

Target Date 06/30/2018

- Planned Activities
- 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
 - 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) N/A

Completion Date (mm/dd/yyyy) N/A

Report of Accomplishments:

Fiscal Year 2017

Accomplishments None to date.

TABLE 53: FY 2017 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 2017)
Statement of Model Program Essential Element Deficiency:	
Type of Program Deficiency	<p>Part G – D.1.c.:</p> <p>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)]</p>
Brief Description of Program Deficiency	<p>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.</p>
Objective(s) and Dates for EEO Plan:	
Objective	<p>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.</p>
Date Initiated (mm/dd/yyyy)	09/30/2017
Target Date (mm/dd/yyyy)	06/30/2019
Modified Date (mm/dd/yyyy)	N/A
Date Completed (mm/dd/yyyy)	N/A
Responsible Official(s):	

EEOC Form 715-01 Part H-3**U.S. Equal Employment Opportunity Commission
Federal Agency Annual EEO Program Status Report (FY 2017)**

Title	Chief Human Capital Officer
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Name	Jeffrey Sumberg
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Performance Standards Address the Plan? (Yes or No)	No
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Title	Director of Office of Civil Rights
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Name	M. Stacey Bach
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Performance Standards Address the Plan? (Yes or No)	No
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Planned Activities Toward Completion of Objective:

Target Date	06/30/2019
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Planned Activities

- 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
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Modified Date (mm/dd/yyyy)	N/A
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Completion Date (mm/dd/yyyy)	N/A
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Report of Accomplishments:

Fiscal Year	2017
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Accomplishments	None to date.
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11. Part I – EEO plan to eliminate identified barriers

TABLE 54: FY 2017 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 2017)
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; EEOC Technical Assistance Letter to CFPB (June 24, 2016); Memorandum from OPM/EEOC to Federal Agencies (Jan. 18, 2017) ¹⁵¹
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

¹⁵¹ This memorandum is available at <https://www.eeoc.gov/federal/directives/memorandum-hispanics.cfm>.

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).

EEO Group(s) Affected by Trigger:

EEO Group(s)	Black/African American men Black/African American women Hispanic/Latino men Hispanic/Latina women
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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 Form 462 Report FY 2016 No FEAR Act Annual Report
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 and FY 2017 Annual Employee Survey data by demographic breakdown
Exit Interview Data	Yes	Exit survey data from FY 2016 and FY 2017
Focus Groups	In progress	In progress
Interviews	In progress	In progress
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 contractor.
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Status of Barrier Analysis Process:

	No
Barrier Analysis Process Completed? (Yes or No)	Triggers have been identified. CFPB has procured the services of an outside contractor to conduct related barrier investigations (to include a policy/procedure review and focus groups/interviews with relevant personnel).

Barrier(s) Identified? (Yes or No)	No
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Statement of Identified Barrier(s):

Description of Policy, Procedure, or Practice	None to date
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Objective(s) and Dates for EEO Plan:

Objective	None yet applicable (no barriers identified to date)
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Date Initiated (mm/dd/yyyy)	N/A
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Target Date (mm/dd/yyyy)	N/A
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Sufficient Funding & Staffing? (Yes or No)	N/A
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Modified Date (mm/dd/yyyy)	
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Date Completed (mm/dd/yyyy)	
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Responsible Official(s):

Title	OCR Director
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Name	M. Stacey Bach
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Performance Standards
Address the Plan? (Yes or No) Yes

Planned Activities Toward Completion of Objective:

Target Date 05/31/18

Planned Activities Complete barrier investigation

Sufficient Funding & Staffing?
(Yes or No) Yes

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

Completion Date
(mm/dd/yyyy) N/A

Target Date 09/30/18

Planned Activities Work with internal stakeholders to develop strategies for correcting any 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 2017

Accomplishments The Office of Civil Rights (OCR) is conducting barrier analyses related to Hispanic/Latino(a) and Black employee populations consistent with requirements set forth in EEOC Management Directive 715, a technical assistance letter issued by the EEOC to CFPB on June 24, 2016, and a joint EEOC/OPM Memorandum addressing Hispanic employment in the federal government (January 2017). The work also supports the Government Performance Results Act of 1993 (GPRA) as amended,

and relates directly to implementation of CFPB's agency-wide and Diversity & Inclusion strategic plans.

In FY 2017, OCR created an affirmative employment "Barrier Analysis Working Group" (BAWG) with staff 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.

In FY 2017, members of the BAWG took EEOC training on MD-715 and the Barrier Analysis process. The BAWG also met with internal partners/stakeholders in OHC and OMWI to provide an overview on MD-715 and barrier analysis principles, and to outline the specific nature of the barrier analyses CFPB would be conducting. The BAWG also sought technical assistance directly from personnel in EEOC's Office of Federal Operations-Affirmative Employment Division on CFPB's methodology and appropriate approaches to conducting these barrier analyses. (BAWG members spoke with EEOC/OFO personnel at least twice during the fiscal year about CFPB's ongoing barrier analyses.)

Also in FY 2017, OCR analyzed demographic data from FY 2015 – FY 2017, with support from a third-party contractor, Personnel Decisions Research Institutes (PDRI). PDRI and the BAWG analyzed the data using the four main sets of preliminary analyses recommended by the EEOC.¹⁵² The analyses identified numerous "triggers"¹⁵³ warranting

¹⁵² Low Entry/High Exit analyses assessed rates of participation in, selection into, and separation from the Bureau overall. Glass Wall analyses assessed rates of participation in Mission Critical Occupations (MCOs) as well as applicant flow (at three stages of the hiring process) into MCOs. Glass Ceiling analyses assessed whether or not

further assessment, including gathering feedback from relevant individuals. The BAWG, in consultation with OEOF leadership and additional information sources (e.g., AES data), then narrowed the list of triggers to subject to a full-fledged barrier investigation.

OCR now is preparing, through Fors Marsh Group (like PDRI, a third-party contractor), to conduct focus groups with Black and Hispanic/Latino(a) employees from across the Bureau, and individual interviews with executives and personnel involved in developing and/or implementing CFPB's recruiting, hiring/selection, and promotion policies, practices, and procedures. As appropriate, the BAWG will seek to incorporate members of CFPB's Executive Advisory Committee on D&I, its Diversity and Inclusion Council of Employees, and members of relevant Employee Resource Groups (i.e., Adelante and RISE). Bargaining unit employees and non-bargaining unit employees will be invited to participate in focus groups/interviews, and participation will be voluntary and confidential to the extent possible.

OCR through Fors Marsh will also conduct a policy audit in which it will review recruitment, hiring, promotion, and separation policies to identify inadequate policies, problematic processes, and insufficient documentation of policies or processes pertaining to the employment lifecycle. This work is anticipated to occur between February and May 2018.

groups have sufficient participation at senior grade levels (i.e., the Executive level) within the Bureau. Blocked Pipeline analyses assessed grade level participation (Bureau-wide and within MCOs) and promotion rates to identify which grade levels employees have difficulty advancing.

¹⁵³ As noted previously, 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.

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

[CFPB's related Affirmative Action Plan for applicants and employees with disabilities will be available on www.consumerfinance.gov.]

13. Annual EEO and Anti-Harassment Policy Statement

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.

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 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

¹ You can also learn more about protections against various forms of retaliation for whistleblowers in our annual [No FEAR Act Notice](#).

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

September 2017

MEMORANDUM TO: All CFPB Employees

**FROM: Richard Cordray
Director**

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

Dear Colleagues:

Attached is the Bureau's Policy Statement on Equal Employment Opportunity (EEO) and Workplace Harassment. As in past years, I ask everyone in the Bureau to read it carefully.

The attached Policy Statement emphasizes the Bureau's institutional commitment to equal employment opportunity. Each and every one of us must reaffirm our personal commitment to do our part to uphold EEO principles and comply with the law. One act of discrimination is one too many. I've emphasized this in the past, but it bears repeating:

- Stand up to and stop acts of discrimination, harassment, and retaliation by contacting the Office of Civil Rights or the Office of Human Capital consistent with the Bureau's [Procedures Related to Harassment and Inappropriate Conduct](#) and our [EEO and NonDiscrimination Policy](#).
- Cooperate promptly and fully in all anti-harassment and EEO investigations. Responding swiftly to requests for information from OCR or OHC is an important part of everyone's job here, regardless of where in the Bureau we may work.
- Prioritize diversity and inclusion and EEO training, including the annual mandatory "No FEAR Act" and anti-harassment trainings. Every Bureau employee is responsible for learning about these issues and putting what you learn into practice every day.

As independent auditors have indicated, the policies and processes we have implemented to ensure compliance with EEO laws here at the Bureau are robust and effective. The data in our most recent [No FEAR Act report](#) shows that the numbers of informal and formal EEO complaints filed with OCR continue their two-year downward trajectory. Meanwhile, we will remain vigilant against any form of

discrimination, harassment, or retaliation at the Bureau. And we will continue our many and varied initiatives to foster the inclusive, discrimination-free culture the law demands and our employees deserve.

I want to thank all of you for implementing and adhering to our [Workplace of the Future Norms](#), which reflect our commitment to value diversity and inclusion. The Norms also underscore our efforts to deal appropriately and constructively with any workplace conflicts as they may arise.

To this end, one potent tool to keep in mind is [Alternative Dispute Resolution](#), or “ADR.” This past year, our Office of Civil Rights has worked hard to enhance the Bureau’s ADR program. Those efforts included bringing on a new ADR Program Manager, [Woody Anglade](#). I encourage Bureau employees – including all supervisors and managers – to learn more about the benefits and possible uses of ADR by contacting the Bureau’s ADR Program Manager and/or reviewing ADR-related resources on the wiki.

Thanks to each of you for doing your part to make the Bureau the type of fair, respectful, and collaborative workplace we can all be proud of.

The Director's 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, career development, promotions, and all the 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. *See* 5 U.S.C. §§ 2302(b); 5 U.S.C. §§ 7101-7135; 29 U.S.C. § 206(d); 29 U.S.C. § 631; 29 U.S.C. § 633a; 29 U.S.C. § 791; 38 U.S.C. §§ 4301-35; 42 U.S.C. § 2000e-16; 42 U.S.C. § 2000ff *et seq.*; E.O. 11478; E.O. 13087; E.O. 13145; E.O. 13152; E.O. 13672.

Discriminatory Harassment

CFPB will not tolerate any discriminatory harassment – *even when the hostile or abusive conduct does not rise to the level of a violation of Federal law*. Discriminatory harassment is 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

¹ You can also learn more about protections against retaliation and for whistleblowers in our annual No FEAR Act Notice [here](#).

materials, or making or disseminating comments or statements that are offensive to or show hostility toward an individual or group.

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

Employee Rights and Responsibilities

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

Employees who 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 or 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.

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.*

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. (Contact information for OCR is provided below.) However, even if you contact OCR to report unlawful harassment, OHC may still undertake its own independent internal investigation of the allegations to satisfy its obligations to exercise due care to promptly eliminate all hostile or abusive conduct in the workplace.

Richard Cordray
September 2017

Additional Information

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

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

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

You can find additional information regarding Federal antidiscrimination, whistleblower 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 DOL website at <http://www.dol.gov>
- the MSPB website at <http://www.mspb.gov>
- the FLRA website at <http://www.flra.gov>

Contact Information for the CFPB Office of Civil Rights

Mail:

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

Hand-Delivery:

Office of Civil Rights
Consumer Financial Protection Bureau
1275 1st Street, NE
Suite 261
Washington, D.C. 20002

NOTE: The above address for hand-delivery to OCR will only be applicable until September 6, 2017. After that time, OCR will be located at 1700 G Street, N.W., Washington, D.C. Check the [OCR wiki page](#) for details.

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 Notice

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

September 2017

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

**FROM: Richard Cordray
Director**

SUBJECT: FY17 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 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. § 631; 29 U.S.C. § 633a; 29 U.S.C. § 791; 38 U.S.C. §§ 4301-35; 42 U.S.C. § 2000e-16; 42 U.S.C. § 2000ff *et seq.*; E.O. 11478; E.O. 13087; E.O. 13145; E.O. 13152; E.O. 13672.

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

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

You must contact an EEO counselor *within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action*, before you may file a formal complaint of discrimination with the CFPB. See [29 C.F.R. Part 1614](#). In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through CFPB's [administrative](#) or [negotiated grievance procedures](#), if such procedures apply to you. For more information, you may 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 in violation of the Age Discrimination in Employment Act of 1967, you may proceed through the administrative EEO process by contacting an EEO counselor in the Bureau's OCR within 45 days. (This is the same as for an allegation of discrimination based on race, color, religion, sex, national origin, disability, genetic information, or parental status, as noted above.) *Alternatively*, you can choose to file an age-discrimination lawsuit in an appropriate United State district court. If you choose this direct-suit option, you must first give the [Equal Employment Opportunity Commission](#) (EEOC) notice that you intend to sue. You must give the EEOC this notice at least 30 days before you file your lawsuit in court. This notice-of-intent-to-sue may be filed in writing with the EEOC, at P.O. Box 77960, Washington, D.C. 20013. You may also file the notice by facsimile (if the fax is 10 pages or less), at (202) 663-7022. Finally, you may file this notice by personal delivery to the EEOC's Office of Federal Operations/Federal Sector Programs Branch at 131 M Street, NE, Washington, D.C. 20507.

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

- If you believe that you have been the victim of sex-based pay discrimination in violation of the Equal Pay Act of 1963, you may proceed through the administrative EEO process by contacting an EEO counselor in the Bureau's OCR within 45 days of an event you allege to be discriminatory. (This is the same as for an allegation of other bases of discrimination, as noted above.) *Alternatively*, you may file a civil action in a court of competent jurisdiction

within two years (or, if the violation is willful, three years) of the date of the alleged Equal Pay Act violation. Contacting an EEO Counselor in the Bureau's OCR does *not* suspend 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 an EEO counselor in the Bureau's OCR within 45 days of the event you allege to be discriminatory – even if you also file an Equal Pay Act civil action over the same alleged pay disparity.

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

Whistleblower Protection Laws/Prohibited Personnel Practices

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

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

For these purposes, whistleblowing is defined as the disclosure of information that an employee or applicant reasonably believes evidences (1) a violation of any law, rule, or regulation; (2) gross mismanagement; (3) a gross waste of funds; (4) an abuse of authority; (5) a substantial and specific danger to public health or safety; or

(6) censorship related to scientific research or analysis, if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

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

Please also review the fact sheet, “[Your Rights as a Federal Employee](#),” which provides detailed information on the thirteen prohibited personnel practices and employees’ rights to file complaints with OSC. Additionally, you are encouraged to review 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. Finally, you can 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.

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

Retaliation for Engaging in Protected Activity

A Federal agency cannot [retaliate](#) against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination (or whistleblower protections laws listed 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 described in the sections of this notice above entitled “Antidiscrimination Laws” and “Whistleblower Protection Laws/Prohibited Personnel Practices” – or, if applicable, relevant administrative or negotiated grievance procedures. 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. If OSC has initiated an investigation under 5 U.S.C. § 1214, however, according to 5 U.S.C. § 1214(f), agencies must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

Additional Information

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

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

Existing Rights Unchanged

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

Contact Information for the CFPB Office of Civil Rights

Mail:

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

Hand-Delivery:

Office of Civil Rights

Consumer Financial Protection Bureau
1275 1st Street, NE
Suite 261
Washington, D.C. 20002

NOTE: The above address for hand-delivery to OCR will only be applicable until September 6, 2017. After that time, OCR will be located at 1700 G Street, N.W., Washington, D.C. Check the [OCR wiki page](#) for details.

Phone:

202-435-9EEO
1-855-233-0362
202-435-9742 (TTY)

E-mail:

CFPB_EEO@cfpb.gov

Fax:

202-435-9598