

Equal Employment Opportunity (EEO) program status report for fiscal year (FY) 2020



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Overview

This Equal Employment Opportunity (EEO) Program Status Report for Fiscal Year (FY) 2020 is prepared and submitted under the Equal Employment Opportunity Commission (EEOC) Management Directive 715 (MD-715) and accompanying instructions and guidance (as updated).¹ “The overriding objective of [MD-715] is to ensure that all employees and applicants for employment enjoy equality of opportunity in the federal workplace regardless of race, sex, national origin, color, religion, disability or reprisal for engaging in prior protected activity.”² Consistent with this objective, MD-715 requires Federal agencies to conduct a self-assessment on at least an annual basis to evaluate the effectiveness of their overall Equal Employment Opportunity program, using EEOC-prescribed compliance indicators and measures. MD-715 also requires agencies to identify any institutional, structural, attitudinal, and/or physical barriers that may operate to exclude certain groups, and to develop strategic plans to eliminate identified barriers.

This report reflects the results of the Consumer Financial Protection Bureau (CFPB or the Bureau or the Agency) MD-715 self-assessment for FY 2020. This report also highlights CFPB accomplishments in advancing EEO and identifies additional actions the Bureau began in FY 2020 and will continue to take in FY 2021 and beyond to enhance its overall EEO program.

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

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

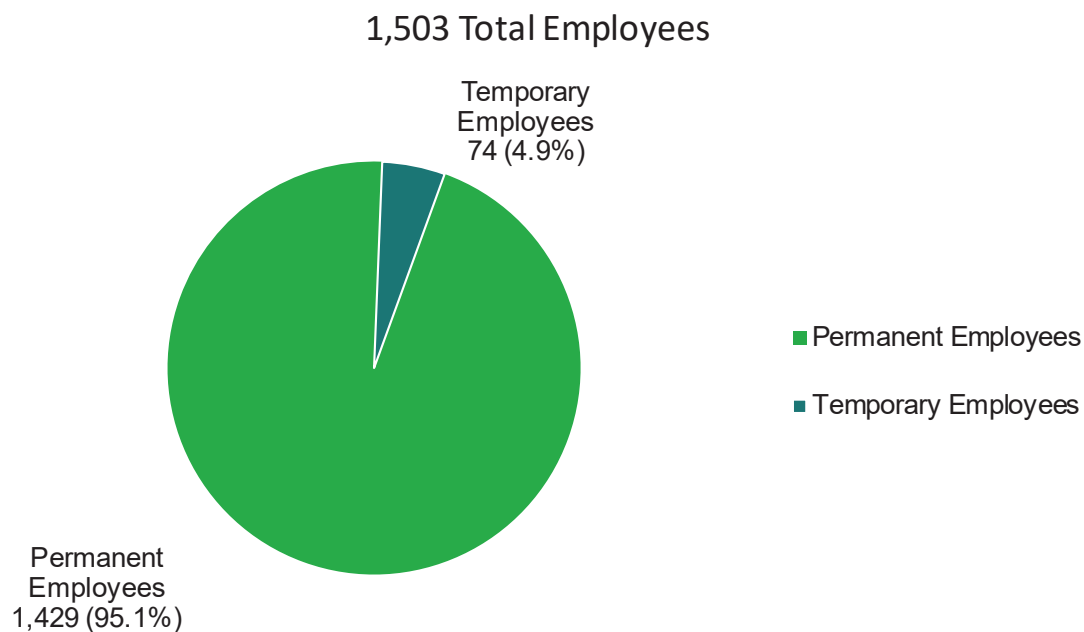
Part A – Agency identifying information

TABLE 1: AGENCY IDENTIFYING INFORMATION

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

Part B – Total employment

FIGURE 1: CFPB TOTAL EMPLOYMENT³



³ Data as of September 30, 2020. Workforce numbers for FY 2019 included in this FY 2020 EEO Program Status Report may differ slightly from corresponding data reported in the FY 2019 EEO Program 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 2019 EEO Program Status Report.

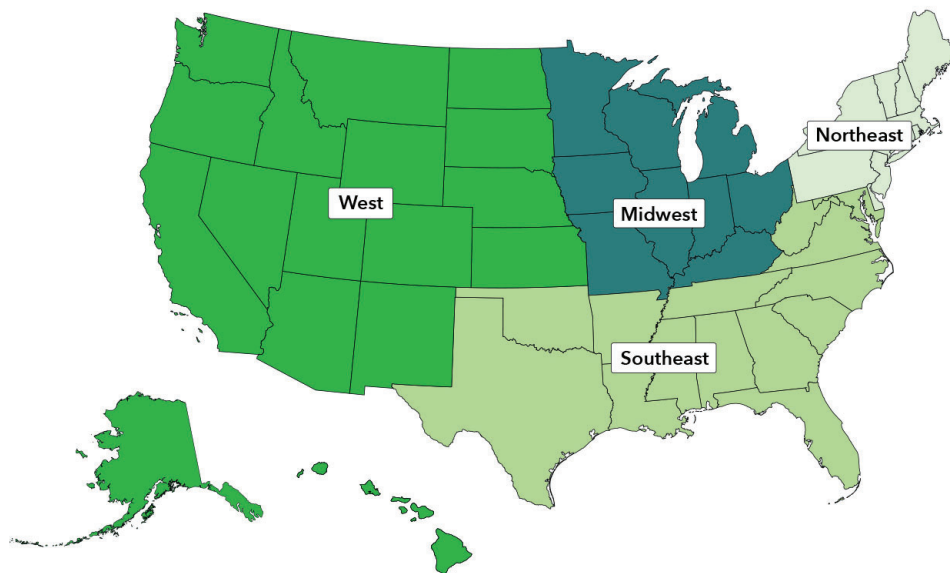
Part C – Leadership

TABLE 2: CFPB LEADERSHIP

CFPB Leadership	
Head of Agency	Dave Uejio Acting Director Bureau of Consumer Financial Protection
Agency Head Designee	Melissa S. Brand Director Office of Civil Rights Bureau of Consumer Financial Protection

Part D – List of subordinate components

FIGURE 2: CFPB SUPERVISION REGIONS



- Northeast
- Southeast
- Midwest
- West

Part E – Executive summary

Per MD-715 instructions,⁴ the purpose of this Executive Summary is to inform all CFPB managers and supervisors of their responsibilities regarding the status of the Agency's EEO program. This is to ensure their understanding of (1) the Agency's overall EEO program direction, and (2) the expected contributions necessary for the Agency to become a Model Employer. This Executive Summary also provides a quick and informative review of any EEO program deficiencies that will be addressed during the upcoming fiscal year, as well as any barriers to EEO that have been identified.

Accordingly, this Executive summary contains a brief narrative description of:

- the Bureau's mission and mission-related functions (Part E.1.);
- strengths (e.g., leading practices) and weaknesses (e.g., deficiencies) of the Agency's EEO Program when evaluated against each of the Six Essential Elements of a Model EEO Program (Parts E.2. – E.7.);
- activities undertaken in connection with the annual self-assessment and workforce analyses, including any barriers identified for elimination and program deficiencies that require correction and what has been accomplished from those activities (Parts E.8. and E.9.); and
- action items and plans to be implemented by the Agency during the upcoming year (Part E.10.).⁵

⁴ See MD-715 Instructions, at III.E. (Reporting and Line by Line Instructions for Executive Summary).

⁵ Id.

E.1. Mission of CFPB & EEO Program

Purpose and Structure of CFPB

The Dodd-Frank Wall Street Reform and Consumer Protection Act (including the Consumer Financial Protection Act of 2010) (Dodd-Frank Act or DFA) created the CFPB to regulate the offering and provision of consumer financial products or services under the Federal consumer financial laws.⁶ Under the Consumer Financial Protection Act, the Bureau “shall seek to implement and, where applicable, enforce Federal consumer financial law consistently for the purpose of ensuring that all consumers have access to markets for consumer financial products and services and that markets for consumer financial products and services are fair, transparent, and competitive.”⁷

CFPB exercises its authorities under Federal consumer financial law to ensure that, with respect to consumer financial products and services: (1) consumers are provided with timely and understandable information to make responsible decisions about financial transactions; (2) consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination; (3) outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens; (4) Federal consumer financial law is enforced consistently in order to promote fair competition; and (5) markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.⁸

Under the Consumer Financial Protection Act of 2010, the primary functions of the Bureau are (1) conducting financial education programs; (2) collecting, investigating, and responding to consumer complaints; (3) collecting, researching, monitoring, and publishing information

⁶ 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)).

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

⁸ *Id.* at § 1021(b) (codified at 12 U.S.C. § 5511(b)).

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.⁹

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

- Consumer Education & External Affairs (CEEA)
- Supervision, Enforcement, & Fair Lending (SEFL)
- Research, Markets, & Regulations (RMR)
- 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.¹⁰ CFPB officially began operations on July 21, 2011. A current Agency organizational chart is available on the Agency's public website at <https://www.consumerfinance.gov/about-us/the-bureau/bureau-structure>.

As of the end of FY 2020, the Bureau consisted of 1503 federal employees (permanent and temporary).

⁹ *Id.* at § 1021(c) (codified at 12 U.S.C. § 5511(c)).

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

CFPB's EEO program

CFPB has an Office of Equal Opportunity & Fairness (OEOF), which is housed in the Office of the CFPB Director. The head of OEOF is an Associate Director who reports directly to the head of the Bureau.

OEOF is comprised of four discrete program components:

- The Office of Civil Rights (OCR)¹¹ carries out functions required by Title VII of the Civil Rights Act of 1964 (and related EEO laws) and the EEOC's federal-sector regulations at 29 C.F.R. Part 1614 (Part 1614),¹² as well as EEOC Management Directives 110 (MD-110) and MD-715.¹³ OCR, the Bureau's Equal Employment Opportunity (EEO) office, has operated since February 2013.¹⁴
- The Office of Minority and Women Inclusion (OMWI),¹⁵ required under the Dodd-Frank Act, promotes diversity and inclusion at the Bureau and advances diversity and inclusion among the Bureau's contractors and regulated entities;¹⁶
- The Disability and Accessibility Program (DAP) coordinates the Bureau's responsibilities under the Rehabilitation Act of 1973; and

¹¹ Although a component of OEOF, OCR is led by the OCR Director who reports to the Bureau Director per 29 C.F.R. § 1614.102(b)(4).

¹² 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.

¹³ See EEOC Management Directive 110 for 29 C.F.R. Part 1614 (Aug. 5, 2015) (MD-110), available at <https://www.eeoc.gov/federal/directives/md110.cfm>.

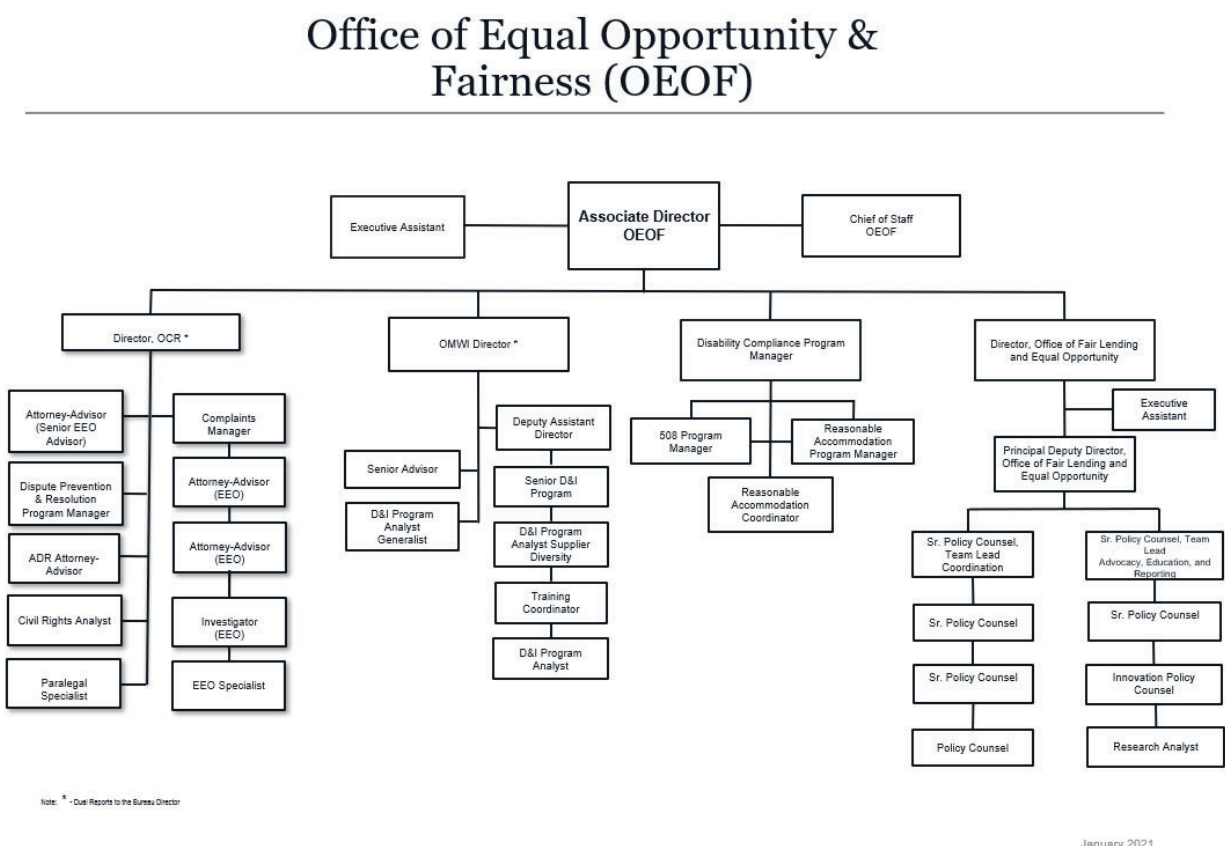
¹⁴ Prior to this, the Department of Treasury processed EEO complaints while the Bureau was being stood up.

¹⁵ Although a component of OEOF, OMWI is led by the OMWI Director who reports to the Bureau Director per the Dodd-Frank Act, Section 342 (b)(1).

¹⁶ See 12 U.S.C. §§ 5452(a)(1)(B), (b)(2)(A).

- The Office of Fair Lending and Equal Opportunity (OFLEO), required under the Bureau's organic statute within Dodd-Frank Act,¹⁷ leads the Bureau's effort to ensure fair, equitable, nondiscriminatory access to credit for both individuals and communities.

FIGURE 3: OEOF ORGANIZATIONAL CHART



¹⁷ See 12 U.S.C. § 5493(c)(2)(A).

OCR, as the Bureau’s EEO office, safeguards 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.

TABLE 3: MISSION, VISION, AND VALUES OF CFPB’S OFFICE OF CIVIL RIGHTS

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

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 and resolve specific workplace conflicts, including through robust alternative dispute prevention and resolution;

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

In addition, OCR provides technical assistance to internal stakeholders, such as Agency leadership, Bureau employees and applicants, the Bureau’s Workforce Effectiveness Committee (WEC), OMWI, DAP, the Bureau’s Office of Human Capital (OHC), the National Treasury Employees Union (NTEU),¹⁸ the Diversity and Inclusion Council of Employees (DICE), and Employee Resource Groups (ERGs) to achieve a model workplace. OCR partners with these stakeholders to carry out Bureau leadership priorities and implement the D&I and EEO aspects of the Bureau’s five-year Strategic Plan for FY 2018-2022,¹⁹ and also CFPB’s Diversity and Inclusion Strategic Plan for 2019-2022 (updated in July 2019).²⁰ Together, these plans provide the strategic framework for driving the Agency’s approach to EEO, D&I, and affirmative employment (including barrier-analysis efforts) under MD-715.

The OCR Director is an Assistant Director of CFPB and has a dual reporting structure to both the CFPB Director and to the OEOF Associate Director. The OCR Director reports to the CFPB Director on all issues related to the Bureau’s EEO Program, and reports to the OEOF Associate

¹⁸ NTEU is the exclusive representation of CFPB employees.

¹⁹ This five-year Agency-wide Strategic Plan is available at <https://www.consumerfinance.gov/about-us/budget-strategy/strategic-plan/>. It explicitly requires CFPB to “*Maintain comprehensive equal employment opportunity (EEO) compliance and diversity and inclusion programs, including those focused on minority and women inclusion.*” *Id.* at 13.

²⁰ This three-year D&I Strategic Plan is available at <https://www.consumerfinance.gov/data-research/research-reports/cfpb-diversity-and-inclusion-strategic-plan-update-2019-2022/>.

Director on administrative and personnel matters. The CFPB Director is the reviewing official for the OCR Director's annual performance review. In the EEOC's technical assistance letter dated January 25, 2021, the EEOC cited the recent passage of the Elijah E. Cummings Act²¹ as the reason the dual-reporting structure is now considered non-compliant as of 2021. The Bureau is reviewing the reporting structure in light of the Elijah E. Cummings Act. The OEOF Associate Director also reports directly to the CFPB Director. The OEOF Associate Director is not involved in, and is firewalled from, the processing of EEO complaints and/or issuance of Final Agency Decisions. Similarly, the OEOF Associate Director and the OCR Director are firewalled from the Disability Accessibility Program (DAP) and any involvement in disability reasonable accommodation requests. This mitigates actual and perceived conflicts between OCR and the OEOF Associate Director, between the DAP and the OEOF Associate Director, and between OCR and the DAP. This firewall was memorialized in a memorandum signed by the Bureau Chief of Staff on January 31, 2019. The reporting structure of the OCR Director was compliant during FY 2020.

The OCR Director leads a team of diverse professionals, including civil rights attorneys, and non-attorney experts, dispute prevention and resolution practitioners, and data and administrative support specialists. The OCR team has significant subject matter expertise and extensive experience in civil rights, labor and employment laws, conflict management, investigative techniques, and federal-sector rules and processes. The EEOC itself has often pointed to OCR-created policies, reports, practices, and templates as models for the rest of the federal-sector EEO community. In November 2020, OCR provided a list of best practices to the EEOC as a follow-up to the EEOC's technical assistance visit and some were highlighted in the EEOC's January 2021 technical assistance letter such as the Conflict Coaching Program.

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 Bureau's EEO program. For example, the OCR Director

²¹ On January 1, 2021, Congress enacted the Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020, Public Law 116-283, which is part of the National Defense Authorization Act (NDAA) for Fiscal Year 2021.

exercises full authority to carry out OCR's Part 1614 functions without Legal Division (i.e., General Counsel) involvement. The Legal Division defends the Bureau in EEO matters, and thus is firewalled from all activities within OCR. The Legal Division only participates during adversarial portions of the EEO process (hearings and appeals), during settlement negotiations (to include discussions occurring as a result of a request for mediation made through the Bureau's Alternative Dispute Resolution (ADR) Program), and/or to provide appropriate legal advice or assistance when a manager or supervisor requests it during the course of an EEO investigation (consistent with EEOC guidance and case law setting forth parameters for agency counsel involvement and professional responsibility rules governing attorney conduct²²). Other Bureau offices (such as OHC) are similarly firewalled and kept separate as necessary and appropriate to avoid conflicting or competing interests. During FY 2020, after OCR completed benchmarking on settlement authority at other agencies, the Bureau delegated settlement authority to the Chief Operating Officer (COO) on certain matters.

OCR staff conducts legal-sufficiency reviews of EEO matters.²³ Such reviews include, for example, preparing and issuing "Accept/Dismiss" determinations addressing jurisdiction over, and scope of, claims set forth in formal complaints;²⁴ conducting an impartial and appropriate investigation of accepted formal complaints; conducting substantive reviews of the Reports of

²² See, e.g., *Annalee D. v. Gen. Servs. Admin.*, EEOC Request No. 2019000778 (Nov. 27, 2019).

²³ Legal resources within OCR make this possible. The Bureau and OCR have adopted the EEOC's recommended best practice and OCR and the Legal Division signed an MOU to solidify the agreement. 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.").

²⁴ Under 29 C.F.R. Part 1614, the EEO process consists of two main parts – the "informal" or pre-complaint phase, and the "formal" complaint phase. Employees who wish to pursue an EEO matter under Part 1614 generally must complete the informal/pre-complaint stage before they may file a formal EEO complaint seeking redress for alleged workplace discrimination. The informal/pre-complaint stage consists of attempts to resolve the matter informally, typically through traditional "EEO counseling" or Alternative Dispute Resolution.

Investigations (ROIs) to ensure compliance with laws and regulations; and drafting of Final Agency Decisions (FADs) and Final Agency Orders (FAOs) (as required by 29 C.F.R. § 1614.110).

At the same time, while OCR maintains the primary responsibility for many aspects of the Agency's overall EEO program, it collaborates as appropriate with OMWI, DAP, and the Bureau's OHC and Legal Division to ensure fairness and equality under the law for all employees and applicants for employment. Under the Dodd-Frank Act, the OMWI Director must develop certain standards for EEO and diversity at the Bureau,²⁵ which OHC incorporates into CFPB Human Capital Management. OCR, OMWI, DAP, and OHC monitor the impacts and results of these standards, cultivate successful policies and practices to reinforce them, and develop enhancement strategies to strengthen all EEO and diversity and inclusion (D&I) programs Bureau-wide. OCR consults as appropriate with DAP and OHC in promoting the recruitment, hiring, development, advancement, and retention of individuals with disabilities and targeted disabilities, as required under the Rehabilitation Act of 1973 and related regulations, including EEOC's disability affirmative action regulations.²⁶ OCR also coordinates on a general basis with OHC on, among other topics, the harassment-prevention program, which OHC administers. In addition, OCR collaborates as appropriate with the Legal Division, which trains and advises Bureau managers and supervisors on merit system principles, prohibited personnel practices, and whistleblower protections under applicable civil services laws.

²⁵ The OMWI Director is an Assistant Director and, like the OCR Director, has dual reporting – to the CFPB Director and to the OEOF Associate Director. *See* 12 U.S.C. § 5452(b)(1). The OMWI Director develops standards for equal employment opportunity and the racial, ethnic, and gender diversity of the workforce and senior management of the Bureau, as well as standards to increase participation of minority-owned and women-owned businesses, and assesses the diversity policies and practices of entities regulated by the Bureau. *See* 12 U.S.C. § 5452(b)(2). Under the Dodd-Frank Act, OMWI's responsibilities do not include "enforcement of statutes, regulations, or executive orders pertaining to civil rights, except [that] each [OMWI] Director shall coordinate with the agency administrator, or the designee of the agency administrator, regarding the design and implementation of any remedies resulting from violations of such statutes, regulations, or executive orders." 12 U.S.C. § 5452(a)(3).

²⁶ *See* 29 U.S.C. § 791 *et seq.*; *see also* 29 C.F.R. § 1614.203.

E.2 – E.7. The Six Essential Elements of a Model EEO Program: CFPB self-assessment and action items

The Bureau’s Office of Civil Rights (OCR), in partnership with and through Bureau stakeholders, adheres to and promotes the Six Elements identified by EEOC and MD-715 as essential for a Model EEO Program under Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e-16, and Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. § 791 (as well as the Americans with Disabilities Act Amendments Act of 2008 (Pub. L. 110-325)). The Six Essential 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.²⁷

During FY 2020, OCR performed an annual EEO program self-assessment using the EEOC’s revised “MD-715 2.0 Part G” checklist (effective FY 2018).²⁸ 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. The Part G Self-Assessment Checklist “is a series of questions designed to provide federal agencies with an effective means for conducting the annual self-assessment

²⁷ See MD-715, at Section II; *see also* MD-715 Instructions, at Section I (The Model EEO Program).

²⁸ This checklist is available at <https://www.eeoc.gov/federal/directives/md715/partg.cfm>. The Bureau’s completed FY 2020 Part G checklist has been uploaded to the EEOC’s FedSEP portal.

required in Part F of MD-715” and “permits EEO Directors to recognize, and to highlight for their senior staff, deficiencies in their EEO program that the agency must address to comply with MD-715’s requirements.”²⁹ The Checklist contains 156 EEO program metrics for a model EEO program.

E.2 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.³⁰ 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 discriminatory harassment.³¹

During FY 2020, CFPB leadership continued to demonstrated commitment to ensuring that the Bureau’s talented and diverse staff have equal employment opportunities and are treated fairly and with respect. Notably:

²⁹ See MD-715 Part G, at Intro.

³⁰ 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”).

³¹ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.A.

- In March 2020, the former Bureau Director Kathleen Kraninger issued an Annual EEO and Anti-Harassment Policy Statement, as well as the Agency’s Annual No FEAR Act/Whistleblower Protection Notice. Both documents were issued directly to all Agency staff, along with a personal email message from former Director Kraninger making her commitment to these issues clear.³² The former Director’s Annual EEO and Anti-Harassment Policy Statement contains meets all requirements specified in MD-715 instructions and the related Part G checklist.
- In March 2020, former Director Kraninger shared the “What EEO Means at CFPB” video, available on *YouTube*,³³ that showcases the commitment of CFPB leaders to equal employment opportunity (EEO). The various senior leaders share what equal employment opportunity means at the Bureau and pledge to enforce civil rights protections for Bureau employees and applicants.
- In March 2020, the Bureau formed a Pandemic Working Group, led by the Office of Administrative Operations, to stay informed of the evolving public health crisis (COVID-19 or Coronavirus) and to advise and make recommendations to the Director. The OCR Director was asked to participate and provide input as a key member of this group along with various stakeholders such as the Office of Human Capital, Administrative Operations, and Technology & Innovation. Based on the recommendations of this group, the former Bureau Director instituted several initiatives to ensure the health, safety and well-being of the Bureau’s staff.³⁴
- On February 19, 2020, OCR developed and sponsored a One HQ event. The event was kicked off by former Director Kraninger. The event created an opportunity for staff at headquarters to meet and interact with each other, learn about the commonalities and differences and consider ways to leverage our diversity. OCR facilitated an ADR

³² A copy of Director Kraninger’s FY 2020 EEO and Anti-Harassment Policy Statement and FY 2020 No FEAR Act/Whistleblower Protections Notice are included at the end of this Report.

³³ Available at https://www.youtube.com/watch?v=Z_sc2JmxKC4.

³⁴ See Financial report of the Bureau of Consumer Financial Protection (Nov. 16, 2020), at 10-11, available at https://files.consumerfinance.gov/f/documents/cfpb_annual-financial-report_fy-2020.pdf.

presentation and set up a “Conflict Room” using a double office with numerous conflict scenarios. Employees could walk through the “Conflict Room”, to identify scenarios that could lead to conflict and explore options to avoid or resolve the conflict. The One HQ event also highlighted ERGs, Bureau initiatives, and various teams.

- In February 2020, the Bureau finalized the Religious Accommodation Policy and Procedures. The Religious Accommodations Policy and Procedures were highlighted in the former Director’s annual statement as a Bureau achievement for creating a fairer and more inclusive workplace. The information was conveyed to the workforce through various media and a “Top 10 EEO Tips” webinar by OCR.
- In February 2020, the Agency released its FY 2020 Annual Performance Plan and Report, and Budget Overview, which reinforces and echoes the Bureau’s unwavering leadership commitment to EEO and D&I.³⁵
- Throughout FY 2020, Bureau leadership enforced Agency-wide policies and procedures adopted to advance the Bureau’s EEO program.

TABLE 4: CFPB EEO AND AFFIRMATIVE EMPLOYMENT-RELATED POLICIES AND PROCEDURES

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

³⁵ See CFPB’s FY 2020 Annual Performance Plan and Report, and Budget Overview (Feb. 2020), at 88-95, available at https://www.consumerfinance.gov/documents/7238/cfpb_performance-plan-and-report_fy20.pdf.

EEO-Related Policies and Procedures

Employee Resource Group (ERG) Policy

Equal Employment Opportunity and Non-Discrimination Policy

Anti-Harassment Policy and Related Procedures

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

Standard Operating Procedures Related to Disability Reasonable Accommodation/PAS Requests

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

Procedures for Processing Complaints Based on Sexual Orientation and Parental Status

Non-Discrimination and Inclusion Policy for Transgender Applicants and Employees

Religious Accommodation Policy and Procedures

Cooperation with the Office of Inspector General Policy

- On July 10, 2020, former Director Kraninger and National Credit Union Administration Chairman Rodney Hood participated in a fireside chat as a follow-up to the multi-agency OMWI event, *Beyond Words: Race, Work, and Allyship amid the George Floyd Tragedy*. This session focused on racial justice and racial inequalities in America.
- During FY 2020, the Director's Mission Achievement Award for Excellence in Leadership criteria was updated from "models inclusivity" to "embraces diversity of perspectives and models inclusivity" to further clarify that the award recognizes those who embrace EEO principles.
- In 2020, CFPB again gauged Bureau culture and the efficacy of EEO and affirmative employment efforts through the Office of Personnel Management (OPM)-required Federal

Employee Viewpoint Survey (FEVS), as well as Exit surveys. The Bureau conducted its most recent comprehensive all-employee viewpoint survey through the CFPB's the Annual Employee Survey (AES) – in October 2020. 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. The Bureau used portions of the AES results to calculate what OPM has defined as the “Inclusion Quotient.”³⁶ In 2020, CFPB's Inclusion Quotient was 67.0%. This meets the Bureau's target for this metric (67.0%) which is reported annually in CFPB's Strategic Plan, Budget and Performance Plan and Report.³⁷ Since OPM delayed the FEVS administration period due to the COVID-19 pandemic, at this time the Bureau does not have the government-wide comparator for comparison purposes.

- In order to address the various reports, data and analyses that touch upon people and workforce issues in an integrated and effective manner, a “People Action Planning Working Group” (PWG) was proposed and approved by the WEC³⁸ to begin in FY 2021. This working group will address issues raised through statutorily mandated analyses of people issues (e.g., Annual Employee Survey, barrier analyses, MD-715, etc.) as well as other data collections and information sources (e.g., exit surveys, employee pulse surveys, industry trends, etc.).
- Throughout FY 2020, former Director Kraninger sent periodic all-staff emails on various topics of interest to Bureau employees, including regular updates on EEO and D&I-related events, activities, priorities, and accomplishments. These periodic messages – coming from

³⁶ OPM's Inclusion Quotient scores are calculated using a subset of 20 items from the AES that are also found on OPM's FEVS. 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/>.

³⁷ See https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/cfpb_performance-plan-and-report_fy20.pdf.

³⁸ See CFPB's FY 2019 Equal Employment Opportunity (EEO) program status report (May 2020), at 27, available at https://files.consumerfinance.gov/f/documents/cfpb_md-715_annual-report_fy2019.pdf.

the very top of CFPB leadership – reinforced the Director’s goal of embedding EEO and D&I principles into the Bureau’s everyday business.

- Throughout During FY 2020, OMWI communicated regularly with the workforce about diversity and inclusion activities and initiatives at the Bureau, as well as issues and activities in the public landscape. The OMWI Director sent out monthly messages to all Bureau employees that featured heritage months and commemorations related to diversity and inclusion and key diversity and inclusion topics. To acknowledge and honor commemorations, OMWI posted regular content on the Bureau’s intranet that included resources for further learning. For example, in the past year the Bureau featured tributes to Justice Ruth Bader Ginsberg and Congressman John Lewis. Additionally, OMWI published diversity and inclusion upcoming events and learning opportunities in the Bureau’s *Weekly Digest* and *Manager Minute* to promote and advance the Bureau’s cultural competency efforts.

E.3. Essential Element B: Integration of EEO into agency’s strategic mission

Management Directive 715 recognizes that equality of opportunity is essential to attracting, developing, and retaining the most qualified workforce to support an agency’s achievement of its strategic mission. To this end, agencies must (in addition to the regulatory requirements found at 29 C.F.R. § 1614.102(b)(4) as interpreted in the EEOC’s Management Directive 110):³⁹

- 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

³⁹ See MD-110, available at <https://www.eeoc.gov/federal/directives/md110.cfm>.

deployment of human resources. The EEO Director should be a regular participant in senior staff meetings and regularly consulted on human resources issues.

- Allocate sufficient resources to create and/or maintain Title VII and Rehabilitation Act programs that (1) identify and eliminate barriers that impair the ability of individuals to compete in the workplace because of race, national origin, sex, or disability; (2) establish and maintain training and education programs designed to provide maximum opportunity for all employees to advance; and (3) ensure that unlawful discrimination in the workplace is promptly corrected and addressed.
- Attract, develop, and retain EEO staff with the strategic competencies necessary to accomplish the Agency's EEO mission, and interface with Agency officials, managers and employees.
- Recruit, hire, develop, and retain supervisors and managers who have effective managerial, communications, and interpersonal skills. Provide managers and supervisors with appropriate training and other resources to understand and successfully discharge their duties and responsibilities.
- Involve managers and employees in the implementation of the Agency's Title VII and Rehabilitation Act programs.
- Use various media to distribute EEO information concerning federal EEO laws, regulations and requirements, rights, duties, and responsibilities and to promote best workplace practices.⁴⁰

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 agency's strategic mission. The success of an agency's EEO program ultimately depends on decisions made by individual managers. The EEO office serves as a resource

⁴⁰ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.B.

to these managers by providing direction, guidance, and monitoring of key activities to achieve a diverse workplace free of barriers to equal opportunity. Further, the agency's EEO program should be organized and structured to maintain a workplace that is free from discrimination in any of its management policies, practices, or procedures and supports the agency's mission, as reflected in the strategic plan.⁴¹

In FY 2020, CFPB adhered to these requirements:

- Throughout FY 2020, the OCR Director directly reported to the Bureau Director and for administrative matters also reported to the OEOF Associate Director. The CFPB's reporting structure allowed the OCR Director to have direct and regular access to CFPB's Director and other senior level management officials. Specifically, during the COVID-19 pandemic, a Pandemic Working Group was formed to stay informed of the evolving public health crisis (COVID-19 or Coronavirus) and to advise and make recommendations to the Director. The OCR Director served as a member of this working group.
- CFPB allocated FY 2020 funding and qualified staffing to successfully implement the EEO program. In FY 2020 OCR maintained a standalone budget, separate from the budgets of other Bureau offices. Currently, OCR consists of eleven permanent staff members, an increase of two full-time equivalents from FY 2019. In FY 2020, OCR hired a new Paralegal Specialist, as well as a staff EEO Investigator. In addition, in early FY 2021, OCR hired a Senior Attorney-Advisor to serve as an additional resource for the Bureau's ADR program and an EEO Counselor to focus on the informal complaints process. 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. OCR works extensively with an OHC Data Analyst who also supports DAP and OMWI by analyzing workforce demographics and gathering data for MD-715 (and other) reports. 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. In FY 2021, OCR has

⁴¹ See MD-715 Instructions, at Section I.II., Element B.

been authorized to hire an Attorney-Advisor for the formal complaints program to backfill an expected vacancy due to retirement.

- Throughout FY 2020, the OCR Director met monthly (or more if needed) with CFPB's Director and communicated regularly with Senior Leaders, including the OMWI Director, Chief Human Capital Officer (CHCO), and CFPB Associate Directors and other office leads to provide updates on the EEO program and enlist their support in promoting EEO principles agency-wide. 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, including barrier analysis efforts. The OEOF Associate Director, the OMWI and OCR Directors, the Disability Program Manager and members of OCR staff regularly met with top-level Executives, individual managers, and first-line supervisors to provide guidance and technical assistance on various EEO and D&I topics. OEOF staff, members of the six ERGs and members of the DICE engaged employees in the One HQ event that took place in February 2020.
- During the fiscal year, the WEC continued to meet in order to support the Bureau's efforts to improve diversity and inclusion, employee engagement, and overall workforce effectiveness. The OCR Director and OMWI Director serve as standing members of the WEC, giving them regular input into Agency personnel-related and resource-allocation decisions at the highest levels.
- During FY 2020 and prior to the pandemic, OHC, Legal, OCR and OMWI met bi-weekly to consult on issues that impact the workforce. These discussions continued to occur on an ad-hoc basis during the pandemic.
- On April 20, 2020, the OCR Director briefed the Bureau Director and the Bureau's Senior Leadership on the "State of the Agency EEO Program" based on the Bureau's FY 2019 EEO Program Status (MD-715) Report to EEOC. 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.
- As part of the FY 2020 budget-setting process, the OCR Director had the opportunity to review and provide feedback on possible EEO implications of proposed budgetary and

resource-allocation decisions impacting major Divisions and offices Bureau-wide.

- The Office of Human Capital offers the Supervisory Development Seminar (SDS), a three-day, mandatory training for all newly appointed Bureau supervisors. It covers content on leading people, making the transition to supervisor, human resources technical knowledge, performance management, and addressing performance problems and conduct issues. It also incorporates a module, presented by OCR and OMWI, on understanding and mitigating unconscious bias in the performance evaluation process and includes sample case studies, tips for supervisors to identify their own potential biases, and tools for further learning. To date, 89% of all supervisors onboarded as of December 2020, had completed the training. This training program will continue in FY 2021 for newly appointed Bureau supervisors.
- Eight days of OHC's Leadership Excellence Seminars (LES) is mandatory for all supervisors, managers, and senior leaders. OCR and OMWI worked with OHC in the development of these training programs to ensure that diversity and inclusion was infused in the content. At the end of FY 2020, the average completion rate of all Leadership Excellence Seminars training sessions was 80%. These sessions will continue in FY 2021 for newly appointed managers.
- Additionally, in FY 2020, the Bureau continued to providing training on the purpose and methods for Structured Interviews (including various types of biases that could infect the interview process) for all "lead interviews"; and annual mandatory No FEAR Act and harassment prevention training (required of all Bureau employees). These trainings along with SDS and LES ensures supervisors receive periodic training on the EEO process and principles, diversity and inclusion, reasonable accommodations procedures, the Bureau's anti-harassment policies and procedures, and the Bureau's ADR program.
- In FY 2020, the Bureau launched the *Mentoring for Success Program* which offered a Leadership Speaker series, which was made available to all Bureau employees. The series included Bureau leaders discussing topics such as personal values, leadership qualities, and life lessons. The topics covered during the year included: The Heart of Leadership, Workplace/Work Life Balance, Mentoring Lessons Learned, Living Your Values and Resilience.
- During FY 2020, the Bureau Director was the final approving official for the OCR Director's

performance review.

- In FY 2020, the Bureau adjusted to the evolving COVID-19 pandemic and provided materials that were previously provided in hard copy to the workforce in an electronic or digital format. With employees working from home as part of the maximum telework posture, adjustments were made in distribution methods to reach new and existing employees in the virtual environment.

TABLE 5: 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>Weekly Digest</i> and <i>Manager Minute</i> publications
Regular email messages to the entire workforce from the CFPB Director
“What EEO Means at CFPB” YouTube video from the CFPB Director and Senior Leaders
Monthly email messages to the entire workforce from the OMWI Director
Annual statements from the CFPB Director on the No FEAR Act and on the Bureau’s EEO Policy and Anti-Harassment Policy, provided in email to the entire workforce, 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, work rooms, and elevator banks as well as virtual copies in the <i>Guide to the Office of Civil Rights and Equal Employment Opportunity</i>
A brochure on EEO rights and responsibilities provided electronically during the pandemic as well as posted on the Bureau’s intranet
A brochure on Alternative Dispute Resolution and CFPB’s ADR Program provided electronically during the pandemic as well as posted on the Bureau’s intranet
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 and Equal Employment Opportunity</i> (distributed in hard copy immediately to all new employees pre-pandemic and electronically during the COVID-19 pandemic)
<i>EEO Resource Manual for Managers and Supervisors</i> (provided in hard copy and/or digitally to all new supervisors and during mandatory two-day EEO training and by email to all new supervisors and managers during the pay period in which they are hired or promoted)
Intranet and internet content, including all relevant policies and Frequently Asked Questions about OCR and discrimination-related topics, and periodic all-employee “Announcements” on the homepage of the Bureau’s intranet
“EEO Tip of the Week” and “ADR Tip of the Month” feature on the homepage of the Bureau’s intranet

Media Used to Distribute EEO Information to CFPB Employees

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 (e.g., What's your micro-trigger?; Unconscious Bias; and Generations Working Together)

OCR "Top Ten EEO Tips" webinars and OCR outreach webinars (e.g., Lavender Scare; How to be an Anti-Racist)

OMWI-led *Learn More/Take Action Dialogue* series open to all employees in a virtual setting

Presentations and materials throughout the agency and on the Bureau's intranet on the new Conflict Coaching Program

- Throughout FY 2020 CFPB leaders at all levels were intimately involved in all aspects of the Bureau's EEO program as appropriate, including strategic EEO planning, Special Emphasis Programs and initiatives, and barrier analysis investigations and follow-up (including any necessary remedial plans). Managers were also required to cooperate as necessary and appropriate with EEO-related counselings, investigations, and ADR efforts.
- CFPB's FY 2020 Annual Performance Plan and Report, and Budget Overview pledged the Bureau to "[s]upport the development of high-quality learning solutions including core competency training, various management trainings, EEO and diversity and inclusion training, and leadership and coaching and organization development services."⁴² The FY 2020 report also committed the Agency to "[f]oster a positive, diverse, inclusive workplace by providing advice to senior leaders on innovative diversity and inclusion practices for employees . . . as well as equal employment best practices supporting the Bureau's mission."⁴³

⁴² FY 2020 Performance Plan and Report, at 88-89.

⁴³ *Id.* at 89.

E.4. 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.⁴⁴

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.”⁴⁵ In FY 2020, the Bureau met these requirements:

- Bureau personnel-related policies and procedures aid in the proactive prevention of discrimination and increase management and program accountability. The Bureau holds supervisory and management officials accountable for complying with the EEO-specific policies listed in Table 4 above, and with the additional policies and procedures listed in Table 6 below.

TABLE 6: CFPB POLICIES GOVERNING MAJOR PERSONNEL ISSUES AND PROGRAMS

Policies Governing Major Personnel Issues and Programs
Hiring, Promotion, and Internal Personnel Movements Policy
Attorney Hiring and Promotion Policy
Performance Management Program Policy
Disciplinary and Adverse Action Policy
Policy and Procedures for Addressing Misconduct

⁴⁴ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.C.

⁴⁵ See MD-715 Instructions, at Section I.III. (Element C).

- In FY 2020, the Policy and Procedures for Addressing Misconduct were updated and shared with the workforce in the *Weekly Digest*. The updates clarified appropriate points of contact, reporting procedures and the process that will be followed once a complaint of misconduct is referred.
- In February 2020, the Religious Accommodation Policy and Procedures were finalized. This was shared with the workforce through the *Ops Digest*, *Manager Minute*, the Director's cover message that included the annual EEO policy statements and via a Top 10 Webinar.
- In FY 2020, appropriate Bureau staff were trained on the Bureau's revised *Disability Reasonable Accommodation and Personal Assistance Services Policy and Appendices* that were approved by the EEOC in August 2019. These procedures are found on the Bureau's external website.⁴⁶
- Additionally, in FY 2020, the OCR Director and staff regularly provided EEO updates to Executives, managers, and supervisors 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 2020, OCR in consultation with OMWI, DAP and OHC briefed all Division leadership, providing Division-specific and comparative workforce demographics data, aggregate EEO complaints data, disability activities data (such as aggregate reasonable accommodations), survey data, aggregate grievance data, as well as harassment and misconduct inquiries data. Each Division's leadership was also provided specific recommendations they can take to address the issues identified.
- During FY 2020, then Director Kraninger reviewed diversity and inclusion content that OEOF leadership prepared and presented to the respective Division head. The Director provided direct feedback to the leaders regarding areas where she is expecting division heads to improve.
- The Director's "Excellence in Leadership" award for 2020, which is valued at \$1500, contained the following as 1 of the 4 criteria: inspire and motivate people and teams; communicate with transparency, clarity and purpose; lead with integrity; embrace diversity

⁴⁶ The procedures are available at <https://www.consumerfinance.gov/office-civil-rights/reasonable-accommodation-persons-disabilities/>.

of perspectives and model inclusivity; and emphasize coaching and development.

- On June 5, 2020, the OCR Director issued an updated *Guide to the Office of Civil Rights and Equal Employment Opportunity* to all Bureau employees and contractors which covered information such as the purpose of OCR, key timelines, protected bases and traits, how to file various complaints or requests and definitions and examples of discrimination, harassment and retaliation.
- The OEOF Associate Director, OCR Director, OMWI Director, and the CHCO meet frequently on numerous Bureau-wide workforce issues. This partnership facilitates overall collaborative efforts between these offices and their respective staffs. For example, in FY 2020:
 - ✓ OCR, OMWI, DAP, and OHC served together on several working groups to identify barriers to equal opportunity in the workplace (e.g., conduct barrier analyses); assist with D&I/ EEO strategic planning; jointly draft the Bureau's Affirmative Action plan for people with disabilities; and prepare various annual reports for timely submission (e.g., MD-715, No FEAR Act, FEORP, DVAAP);
 - ✓ The OHC, with input from OCR and OMWI, created a three-part guide for managers about managing during a time of uncertainty which included: 1) A Guide for Managing Employees Remotely, 2) Caring for Your Employees (and Yourself) and 3) A Guide for Going Virtual;
 - ✓ The Legal Division, OCR, OHC and OMWI collaborated to create and publish a one-page Management Guide for Common Workplace Issues that indicates which offices handle particular issues and which office(s) may also serve as a resource along with current contact information. These offices also created a guide for managers on how to talk about racial issues in the workplace;
 - ✓ OEOF worked extensively with an OHC Data Analyst who supports the data requirements of OCR, OMWI and DAP. This Data Analyst has, and shares, expertise on the Bureau's human capital management systems (e.g., HR Connect/Workforce Analytics, USAJobs/Monster Analytics), and provides OCR, OMWI, and DAP with OHC data and operational insights on a regular basis. This resource has served as a human "bridge" between OCR, OMWI, DAP and OHC filling gaps in knowledge and enhancing

understanding across office and team boundaries;

- ✓ OCR partnered with OHC industrial organizational psychologists to review the survey instrument and individual interview/focus group protocols for the disability barrier analysis project;
- ✓ 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 entered into an MOU with the OHC Employee Labor Relations team (ELR) to facilitate sharing of grievance and complaints data as appropriate and necessary for assessing elections under 29 C.F.R. Section 1614.301;
- ✓ OCR collaborated with OHC's Anti-Harassment Program to encourage referrals to the ADR Program in the event mediation or conflict coaching could help the employee resolve the issue they are having, whether it is an EEO or non-EEO issue;
- ✓ 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 Senior Leaders 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.
- As lauded in the EEOC's January 25, 2021 technical assistance letter, OCR developed an After-Action Memoranda to raise issues identified during the complaint process, if appropriate. After issuing the final agency decision where issues were identified (even if they do not rise to the level of unlawful conduct), the OCR Director submits the memo to the agency Director and Division senior leader with recommendations on what senior leaders can do to address the issues in the future.

- 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* 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.”
- In addition, the Bureau’s Part 1614 complaints process (administered by OCR), safeguards employee civil rights and provides appropriate relief for statutory violations.⁴⁷ In FY 2020, there were no findings of discrimination and thus no employees received formal disciplinary action as defined in 5 C.F.R. § 724.102⁴⁸ in connection with cases pending or resolved in U.S. district court or for violating Bureau policies related to conduct that is inconsistent with whistleblower protection laws.⁴⁹ However, through an OHC process, one employee received a letter of reprimand for violating Bureau policies related to conduct that is inconsistent with Federal antidiscrimination laws. When there are findings OCR encourages Bureau officials to impose the maximum discipline supportable under the law and facts as relevant under the circumstances.⁵⁰ Where conduct was found to be inappropriate but not unlawful, the OCR Director may recommend particular improvements or corrections, including remedial or disciplinary actions, for managers and supervisors who have failed in their EEO responsibilities.

E.5. Essential Element D:

⁴⁷ 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).

⁴⁸ Under 5 C.F.R. § 724.102, “discipline” means any one or a combination of the following actions: reprimand, suspension without pay, reduction in grade or pay, or removal. Counseling is not a form of discipline.

⁴⁹ *See* 5 C.F.R. §§ 724.302(a)(5), (a)(6).

⁵⁰ *See* 29 C.F.R. § 1614.102(a)(6) (providing that, in supporting its EEO program, agencies shall “[t]ake appropriate disciplinary action against employees who engage in discriminatory practices”).

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.⁵¹

CFPB met these requirements in FY 2020:

- Throughout FY 2020, OCR continued to lead an affirmative employment “Barrier Analysis Working Group” (BAWG) with staff from OCR, OMWI, DAP, and OHC with expertise in MD-715, EEO requirements, demographic and data analytics, diversity and inclusion, ADR, disability and reasonable accommodations programs and human resources. The BAWG worked closely with the expert contractor to review CFPB policies, procedures, practices and data. The BAWG also reviewed focus group, individual interview and survey protocol and questions as well as benchmarking and best practices materials. The BAWG was intimately involved throughout the barrier analysis process. This group also helped the Bureau assess CFPB’s overall EEO program for compliance with the Six Essential Elements of a Model EEO Program, brief internal partners about MD-715 and barrier-analysis concepts, and coordinate requests for documents and other information needed to prepare the annual MD-715 report.
- In FY 2020, the Barrier Analysis Action Planning Working Group (BAAPWG) reviewed all recommendations, and brainstormed new ones, that could eliminate the six barriers to equal employment opportunity identified from the African American/Black and Hispanic/Latinx

⁵¹ 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).

barrier analysis studies that were completed in FY 2019. The BAAPWG briefed the CFPB's WEC to attain input on the four areas of focus on action planning: Workforce Communications Initiatives; Management Actions; Diversity & Inclusion Plans and Projects; and Selection-Process Enhancements. The BAAPWG prioritized possible actions based on the anticipated impact on barriers, employee visibility, and the availability of resources. An office or team owner was assigned to each barrier analysis recommendation and progress is reviewed quarterly in a master tracker. In FY 2021, the BAAPWG will become the People Action Planning Working Group (PWG), which is intended to address issues raised through statutorily mandated analyses of all "people issues" in the workplace (e.g., Annual Employee Survey, barrier analyses, MD-715, etc.) as well as other data collections and information sources (e.g., exit surveys, employee pulse surveys, industry trends, etc.). With a focus on communication and assistance from the CFPB's Chief Experience Office (CXO), the intention is to increase input and improve integration on these topics. The PWG will meet quarterly and have a standing membership as well as an advisory membership. More details about these barrier-analysis investigations and action plans are included in Part I-1 below.

- The Bureau continued a barrier-analysis investigation analyzing data related to the experiences and participation rates of employees with disabilities and targeted disabilities. This investigation comports with recommendations EEOC made to CFPB in a May 21, 2018 technical assistance letter approving the Bureau's first Section 501 Affirmative Action Plan. In FY 2021, the Bureau received the final report from the contractor which identified two barriers to equal employment opportunity - limited career advancement opportunities for Persons with a Disability (PWD) and opaque promotion and detail selection processes. Beginning in FY 2021, the PWG will begin action planning and implementation to eliminate these barriers.⁵² Some of the sources used for this project included:
 - ✓ Policy analysis, which included a review of over 35 documents, policies and procedures related to recruitment, hiring, development, promotion, facilities and

⁵² Additional details about this ongoing barrier-analysis investigation is included in Part J (submitted to EEOC and reflected in the Agency's Affirmative Action Plan for 2020 posted on www.consumerfinance.gov at <https://www.consumerfinance.gov/office-civil-rights/eo-policy-and-reports/>).

retention;

- ✓ Data analysis, which included a review of MD-715 data, Annual Employee Survey (AES) results, exit survey results, new employee survey results, EEO complaints, disability related grievances, etc.;
 - ✓ Data collection and analysis from multiple focus groups, individual subject matter expert interviews; individual employees' interviews;
 - ✓ Data collection and analysis from a disability barrier analysis survey that was available to all Bureau employees;
 - ✓ Benchmarking materials from five Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) agencies; and
 - ✓ Best practices research from the private sector and the federal sector, including resources from EEOC, OPM, and Employer Assistance and Resource Network on Disability Inclusion (EARN).
- In FY 2020, the OCR Director briefed Bureau-wide senior leaders on progress and accomplishments made in the four areas of the action items mentioned above to eliminate barriers for Black and Hispanic employees and applicants. The OCR Director also kept the Bureau Director apprised of progress made on barrier analysis efforts throughout the fiscal year.
 - At the end of FY 2020, OCR purchased software to assist the Bureau with more efficient trigger-identification in real-time. These efforts, which will continue in FY 2021, will aid the BAWG in conducting regular and interactive demographic analyses. These efforts will contribute to robust barrier-analysis and proactive prevention of discrimination.

E.6. 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 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.⁵³

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.”⁵⁴ In FY 2020, CFPB adhered to these requirements:

- CFPB maintains strict firewalls between OCR, Disability and Accessibility Program (DAP), Legal Division and the OEOF Associate Director regarding the EEO complaints process. To ensure EEO program independence and neutrality, in FY 2020 CFPB ensured OCR has adequate legal resources to conduct its own legal sufficiency reviews. As of FY 2020, seven of the eleven employees in OCR were attorneys.
- CFPB continued to use a combination of staff and contractors to carry out regulatory responsibilities related to both the informal and formal complaint processes. OCR employees 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, which were highlighted as a best practice in the EEOC’s technical assistance letter.
- In FY 2020, OCR hired a Paralegal Specialist to assist with the EEO Complaints Program and other OCR functions as well as a full-time staff EEO Investigator for the formal complaints process. In early FY 2021, OCR hired an EEO Counselor to focus on the informal complaints process. All aspects of the Part 1614 process are managed by a dedicated EEO Complaints Program Manager who conducts regular check-ins with staff overseeing investigations (when available and if assigned) as well as with the Investigator for all cases. Further, the EEO Complaints Program Manager meets regularly with all OCR staff with

⁵³ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.E.

⁵⁴ MD-715 Instructions, at Section I.V. (Element E).

complaints-related responsibilities to discuss all open cases, share necessary information, set priorities, and maintain a collective team focus on overall program success. The EEO Complaints Program Manager directly supervises two Attorney-Advisers focused on the formal complaints process, the EEO Counselor, and the Investigator.

- In addition, in FY 2020 OCR had a full-time ADR Attorney Adviser/Program Manager to focus on enhancements to EEO and non-EEO alternative dispute resolution (ADR) options. In early FY 2021, the ADR Program hired an additional full-time Senior Attorney-Advisor to support the growing program. 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 also 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 ADR program office authorize its use.
- In FY 2020, the ADR Program launched a new Conflict Coaching Program – an independent Bureau-wide program designed to help employees minimize workplace disputes at the lowest level possible. There are twelve employees in the first cadre of conflict coaches who were trained to serve as coaches. These individuals are from various divisions and offices, are supervisory and non-supervisory and encumber positions with a range of grade levels. The program officially opened to employees in August and employees began to receive conflict coaching before the end of the fiscal year.
- Throughout FY 2020 and continuing into FY 2021, OCR has placed the highest priority on delivering consistently excellent customer service and quality work products, while simultaneously adhering to all applicable Part 1614 timeframes and deadlines.

In FY 2020, OCR completed 29 EEO counselings under Part 1614. OCR received a total of 30 new informal complaints/requests for EEO counseling during FY 2020 (not all were completed before the end of FY 2020); this compares with 27 new counseling requests in FY 2019. All counselings completed in FY 2020 qualified as timely under 29 C.F.R. § 1614.105. Eighteen counselings were timely completed within 30 days; five traditional counselings were completed timely with written extensions of no longer than 60 days. Six counselings were processed through the Agency's ADR program and were timely completed within 90

days.⁵⁵ In each of these counselings, the Bureau provided the required notification to individuals on their various rights and responsibilities in the EEO process. This information was provided during the initial counseling session verbally and later in writing.⁵⁶

In FY 2020, 18 new formal EEO complaints were filed under Part 1614 and/or Executive Order 11478 (as amended), compared with 17 in FY 2019. In all new formal EEO complaints, CFPB issued acknowledgement letters immediately upon receipt of a formal complaint.⁵⁷ Of the 18 new formal EEO complaints that were filed in FY 2020, the average length of time for issuing the acknowledgement letter was three days. In addition, OCR issued all Acceptance letters/Dismissal decisions within a reasonable time (e.g., 60 days) after receipt of the formal complaint.⁵⁸ Of the 18 new formal EEO complaints that were filed in FY 2020, the average length of time for issuing the Accept/Dismiss communication was 19 days. In FY 2020, CFPB dismissed three formal complaints;⁵⁹ the average days such complaints were pending before dismissal was 19 days.

In FY 2020, OCR conducted investigations of formal EEO complaints within the regulatory timeframes, although the timeframes did increase.⁶⁰ The 9 investigations completed during FY 2020 were completed in an average of 254 days. With respect to formal complaint processing, in FY 2020:

- ✓ The average number of days in investigation for complaints pending for any length of time during the fiscal year (for which investigations were completed during the fiscal year) was 253.56, an increase from an average of 227.24 days in FY 2019;

⁵⁵ See 29 C.F.R. §§ 1614.105(d), (f).

⁵⁶ See 29 C.F.R. § 1614.105(b)(1).

⁵⁷ See MD-110, Chapter 5, at Section I.

⁵⁸ *Id.*

⁵⁹ In the agency's FY 2020 Form 462, there were two dismissals. An event was updated in iComplaints after the Form 462 was filed that changed the number of dismissals from two to three.

⁶⁰ See 29 C.F.R. § 1614.108(f).

- ✓ The average number of days in investigation for complaints pending for any length of time during FY 2020 where a hearing was requested was 277.33, an increase from an average of 229.00 days in FY 2019; and
- ✓ The average number of days in investigation for complaints pending for any length of time during FY 2020 where a hearing was not requested was 241.67, an increase from an average of 225.92 days in FY 2019.
- ✓ All investigations in FY 2020 were completed timely while the matters were within the jurisdiction of OCR.
- ✓ 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 9 investigations completed during FY 2020, seven exceeded 180 days due to amendments that extended processing timelines under applicable regulations; in all cases where ROIs were issued beyond 180 days, a “180-day letter” was issued.⁶¹
- ✓ As of the end of FY 2020, CFPB had zero pending complaints where investigations exceeded the required time frames.

The average number of days in final-action status for complaints pending for any length of time during FY 2020 was 47.27. All FADs and Final Agency Orders (FAOs) were issued on time. During FY 2020, OCR issued 12 FADs and 2 FAOs.

In FY 2020, OCR issued eight FADs on the merits. The average length of time for issuing these FADs was 53.62 days – under the regulatory requirement of 60 days.⁶²

As soon as OCR receives notice that a complainant has requested an EEOC hearing

⁶¹ See 29 C.F.R. §1614.108(g).

⁶² See 29 C.F.R. § 1614.110(b).

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).⁶³ The Agency also timely issues FAOs following receipt of any EEOC AJ decision and the associated hearings file.⁶⁴ In FY 2020, the average length of time for issuing FAOs (two were issued in FY 2020) was 29.5 days.

- In FY 2020, OCR continued to use 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. The ADR module for tracking and analyzing ADR program-related data was fully implemented. CFPB allocated funds to OCR to migrate iComplaints to the Entellitrak platform in FY 2021 and will work to implement additional tracking required under the Elijah E. Cummings Federal Employment Discrimination Act of 2020.
- In FY 2020, as in previous fiscal years, OCR partnered regularly with OHC to obtain employee demographics (e.g., race, national origin, sex or disability) for EEO cases, the required MD-715 reporting, to include applicant flow data, and barrier analysis efforts.

E.7 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.

⁶³ See 29 C.F.R. § 1614.403(g).

⁶⁴ See 29 C.F.R. § 1614.110(a).

- Ensure that management fully and timely complies with final EEOC orders for corrective action and relief in EEO matters.⁶⁵

Throughout FY 2020, CFPB met these requirements:

- CFPB had a system of management controls in place 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. Bureau Executives, managers, and supervisors are evaluated under Leader Performance Standards that require them to comply with settlements agreements and orders issued by the Agency (e.g., through OCR final actions, including final decisions on EEO complaints), EEOC (e.g., by AJs or by OFO on administrative appeals), and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority. Individuals who fail to adhere to these performance standards will be held accountable accordingly through the Bureau's performance management process. Relatedly, any Bureau employees responsible for compliance with EEOC orders will be held accountable for poor work product and/or delays connected to compliance with such orders as outlined above.
- When an EEO complainant requested a hearing or filed an appeal, OCR staff checked FedSEP regularly to ascertain whether the matter has been docketed. Regardless of docketing status, OCR staff uploads the complaint file as prescribed by EEOC orders and/or established regulatory timeframes for use by the EEOC (either by an EEOC AJ as part of hearing proceedings⁶⁶ or by OFO in adjudication of an appeal⁶⁷).
- Throughout FY 2020, CFPB timely responded and fully complied with all EEOC orders

⁶⁵ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.F.

⁶⁶ See 29 C.F.R. § 1614.108(g).

⁶⁷ See 29 C.F.R. § 1614.403(e).

issued as part of the hearings and/or appeals process.⁶⁸ Where necessary, the Bureau promptly provided EEOC with required documentation for completing compliance with any such orders.⁶⁹

- To date, CFPB has never been cited or sanctioned by the EEOC for non-compliance with any directives or orders.
- In FY 2020, the Bureau continued to meet all regulatory requirements to submit an annual Form 462 Report, EEOC MD-715 Report, the FEORP Report, the DVAAP Report, and quarterly and annual No FEAR Act reports. In FY 2020, all annual reports were accurate, complete and submitted on time. Also in FY 2020, OCR posted all four quarterly No FEAR Act data reports on its public website, www.consumerfinance.gov,⁷⁰ on time (i.e., within 30 days after the end of each fiscal year quarter).⁷¹

E.8 Workforce analyses

In FY 2020 the Bureau's total workforce increased by 79 employees bringing the total workforce to 1,503 employees as of the end of FY 2020. The total workforce nearly matches that of FY 2018. The total workforce is comprised of 1,429 permanent employees and 74 temporary employees.

The total workforce is diverse, with 50% Men and 50% Women and 59% White employees and 41% Minority employees. Black Women comprise the largest minority group (15%), followed by Black Men (8%), Asian Women (5%), Asian Men (5%), Hispanic Men (3%) and Hispanic Women (3%). There is representation for Men and Women who identify as Native Hawaiian/Other Pacific Islander, American Indian/Alaska Native, and Two or More Races

⁶⁸ See 29 C.F.R. § 1614.502.

⁶⁹ See 29 C.F.R. § 1614.502.

⁷⁰ 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/>.

⁷¹ See 29 C.F.R. § 1614.704.

(ranging from 0.07% to 0.53%).

When compared to the National Civilian Labor Force (CLF), ⁷² Hispanic Men and Women, and White Men and Women have a lower representation than this benchmark by greater than one percentage point. The Hispanic underrepresentation will continue to be monitored and reviewed as part of the ongoing barrier analysis work mentioned in Part I of this Report.

With respect to leadership, while 49% of Bureau executives are women, overall, only 37% of all executives are minorities. The Bureau's barrier analysis provides a mechanism to examine any barriers that may be preventing minority employees from advancing into executive-level positions.

Regarding the Bureau's permanent workforce:

- The Agency is meeting and exceeding the goals of 12% for a PWD and 2% for persons with a targeted disability (PWTD), as defined in 29 C.F.R. § 1614.203(a)(9), in the permanent workforce in both salary clusters (less than \$72,030 and \$72,030 or more). In the lower salary cluster, 25.00% are PWD and 6.25% are PWTD. In the higher salary cluster, 13.16% are PWD and 3.04% are PWTD. Additional information about PWD and PWTD can be found in Part J of this Report.
- Black Women comprise the largest minority group (15%).
- Compared with FY 2019, Black Men and White Women experienced the largest net loss of 2.58% and 1.74%, respectively. Black Women experienced the largest net gain of 2.74% followed by White Men of 1.62%. All remaining minority groups and Men and Women experienced a change of no more than 0.57% in either direction.
- In this order, White Women, Hispanic Women, and White Men were a higher representation

⁷² 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.

in the permanent employee separation pool when compared to their representation in the permanent workforce of greater than one percent. Generally, Women were a higher representation in the separation pool when compared to their representation in the workforce.

- Regarding new hires, 64% of new hires were White; 36% of new hires were non-White, with Black Women constituting the largest minority group among those hired (15%).
- White Men and White Women see a consistent increase in representation by pay band level when moving from CN-52 through CN-71. There are triggers for Black Men and Black Women who see the inverse when moving from CN-52 through CN-71. These triggers will continue to be monitored and considered as part of the ongoing barrier-analysis work mentioned in Part I of this report.
- The Bureau has four mission critical occupations: 0110/Economists, 0301/Miscellaneous Administration and Program series, 0570/Examiners and 0905/Attorneys. In the permanent workforce, there are 31 Economists, 305 Misc. Admin. and Program, 365 Examiners, and 293 Attorneys.
 - Among Economists, Women and Minority representation overall exceed their corresponding Occupational Civilian Labor Force (OCLF),⁷³ however, not all minority groups are represented.
 - In the Misc. Admin. and Program series, White Women, Hispanic Women, and Women in general are underrepresented when compared to the OCLF.
 - Among Examiners, White Men, White Women, Hispanic Women, Asian Women, and Women in general are underrepresented when compared to the OCLF.
 - Among Attorneys, Women and all Minority groups exceed their corresponding OCLF.

The FY 2020 data collected, as required by the EEOC, will be reviewed, considered, and analyzed as part of ongoing and future barrier-analysis projects.

⁷³ See <https://www.eeoc.gov/federal/directives/00-090pmcode.cfm>.

E.9 Accomplishments

In FY 2020, CFPB's EEO program achieved significant milestones and successes. These included:

- Implementing a new “Conflict Coaching Program” as part of the suite of conflict prevention and resolution solutions offered by the ADR Program which was lauded as a best practice in the EEOC’s January 25, 2021 technical assistance letter. Twelve employees at the Bureau are trained as conflict coaches.
- The One HQ event that OCR developed and sponsored on February 19, 2020. The event brought together the staff at HQ to learn more about each other, about the differences we have, and how to bond over those differences. OCR facilitated an ADR and also set up a “Conflict Room” using a double office with numerous conflict scenarios. Employees could walk through the “Conflict Room”, to identify scenarios that could lead to conflict and explore options to avoid the conflict. The One HQ event also highlighted ERGs, Bureau initiatives, and various teams.
- Awarding a contract for software-as-a service to facilitate more efficient (and automated) trigger identification for barrier-analysis purposes in September 2020. This project will continue into FY 2021.
- Further strengthening our model disability program to include hiring a Reasonable Accommodations Coordinator, receiving a centralized budget for 508 accessibility requests and enhancing our reasonable accommodations tracking system (Entellitrak) to include better visibility of case load assignments among RA resources, interactive ticklers with reminders for the RA team and the ability to see if a case is approaching the agency’s service level agreement.
- Finalizing the Religious Accommodation Policy and Procedures in February 2020. This was shared with the workforce through the *Weekly Digest*, *Manager Minute*, the Director’s cover message that included the annual EEO policy statements and via a Top 10 Webinar.
- The EEOC’s January 25, 2021 technical assistance letter highlighted as a best practice OCR’s development of After-Action Memoranda to raise issues identified during the complaint

process, if appropriate. The memo is submitted by the OCR Director to the agency Director and Division senior leader after issuing the final agency decision and it identifies the issues (even if they do not rise to level of unlawful conduct) and provides recommendations on what senior leaders can do to address similar issues in the future.

- On June 5, 2020, the OCR Director issued an updated *Guide to the Office of Civil Rights and Equal Employment Opportunity* to all Bureau employees and contractors which covered information such as the purpose of OCR, key timelines, protected bases and traits, how to file various complaints or requests and definitions and examples of discrimination, harassment and retaliation.
- The creation and release of the “What EEO Means at CFPB” video where Bureau senior leaders, including former Bureau Director Kraninger, reaffirm their collective pledge to equal employment opportunity as a priority within the workplace and vital to the Bureau’s ability to meet its mission. This was shared with the workforce as part of the former Director’s issuance of the annual statements on March 5, 2020.
- The OCR team recently hired a Paralegal Specialist, an in-house EEO Investigator, a Senior Attorney-Advisor to support the ADR program, and an EEO Counselor to backfill existing vacancies and/or further elevate the EEO program.
- The OCR team submitted a list of best practices to the EEOC. A few examples included:
 - ✓ Checklists created for the EEO complaints program to include the Standard Questions for Counseling for Contractors and the Investigation Plan Checklist.
 - ✓ OCR issues surveys to Complainants, witnesses and responsible management officials (RMOs) for each area of the EEO Complaints Process (Counseling, ADR, Investigations) and analyzes the responses on a quarterly basis to determine areas where we can improve.
 - ✓ OCR created a question bank that has basic questions to be asked for common employment scenarios and based on the models of proof. This ensures that all of the information is consistently gathered in all investigations for a fact finder to be able to make a determination as to whether or not discrimination existed. The questions are modified or added based on the facts of the case.

- ✓ The creation of the Barrier Analysis Action Planning Working Group with members from OCR, OMWI and OHC to implement action items to eliminate barriers identified through the barrier analysis process.
 - ✓ OCR entered into MOUs with numerous other Agencies to process conflict cases.
 - ✓ OCR entered into an MOU with the OHC Employee Labor Relations team to facilitate sharing of grievance and complaints data as appropriate and necessary for assessing elections under 29 C.F.R. Section 1614.301.
 - ✓ The agency Anti-Harassment Program refers employees to the ADR Program in the event mediation or conflict coaching could help the employee resolve the issue they are having, whether it is an EEO or non-EEO issue.
 - ✓ OCR conducts “barrier-analysis” roadshows and other presentations to crucial internal stakeholders, including all ERGS, DICE, and NTEU.
 - ✓ The Director’s “Excellence in Leadership” award for 2020, which is valued at \$1500, contained the following as 1 of the 4 criteria: inspire and motivate people and teams; communicate with transparency, clarity and purpose; lead with integrity; *embrace diversity of perspectives and model inclusivity*; and emphasize coaching and development.
- The OHC, with input from OCR OMWI, and the Legal Division, created a three-part guide for managers about managing during a time of uncertainty which included: 1) A Guide for Managing Employees Remotely, 2) Caring for Your Employees (and Yourself) and 3) A Guide for Going Virtual.
 - The Legal Division, OCR, OHC and OMWI collaborated to create and publish a one-page Management Guide for Common Workplace Issues that indicates which office handles particular issues and which office(s) may also serve as a resource along with current contact information. These offices also created a guide for managers on how to talk about racial issues in the workplace.
 - The Chief Operating Officer and various Bureau Deputies were delegated settlement authority within parameters based on the settlement authority benchmarking that OCR

conducted.

E.10 Planned Activities

In FY 2021 CFPB's OCR intends to:

- Address both items raised in EEOC's January 25, 2021 technical-assistance letter to include reviewing the OCR Director reporting structure in light of the recent passage of the Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020, Public Law 116-283, and the low Alternative Dispute Resolution (ADR) participation rate during the informal stage of the EEO complaints process.
- Continue to market the Bureau-wide ADR Program as a tool to de-escalate all types of workplace conflicts, and promote the Conflict Coaching Program.
- Continue to manage informal and formal EEO complaints appropriately.
- Participate in the People Action Planning Working Group (PWG), a newly created WEC subcommittee to begin the disability action planning and implementation of items to rectify barriers identified in the recently concluded barrier analysis study. This group will also continue to implement action items to rectify previous barriers identified.
- Utilize the trigger identification software for barrier analysis purposes.
- Migrate our existing EEO complaint system, iComplaints, to Entellitrak.
- Ensure compliance with the Elijah E. Cummings Federal Employment Discrimination Act of 2020 and implement additional tracking on disciplinary action in EEO complaints and on class complaints, prepare for the additional requirements under the No FEAR Act.
- Continue to collaborate with DAP, OHC and OMWI to combine data and present to Division leaders on their general and aggregate complaint activity, potential triggers or barriers identified in their Division, harassment inquiry data, grievance data, separation data, AES and exit survey data, demographic workforce data, and any other relevant data to help leaders identify issues within their respective Division.

More generally, the Bureau will focus on the following objectives during FY 2021:

- Continuing to incorporate the EEOC's Six Essential Elements of a Model EEO Program to

achieve greater program effectiveness;

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

- Ensuring CFPB management is accountable for the success of the EEO program through transparency, by emphasizing measurable EEO and affirmative employment goals and objectives that are incorporated into Divisional strategic plans, and through the performance assessment of supervisors and managers;
- Cultivating an inclusive work environment, including by participating in WEC efforts, supporting the implementation of ERGs, DICE, etc.; and
- Incorporating EEO best practices gained through the Bureau's coalitions with other Federal agencies, particularly financial regulatory agencies and other small- and medium-sized agencies.

Part F – Certification of establishment of continuing EEO programs

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

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

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

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




Melissa S. Brand
Director, Office of Civil Rights

April 8, 2021

Date

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



David Uejio
Acting Director, Bureau of Consumer Financial Protection

April 8, 2021
Date

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

Part G – EEO program self-assessment checklist





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

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MD-715 - PART G

MD-715 - PART G Agency Self-Assessment Checklist

Essential Element A: DEMONSTRATED COMMITMENT FROM AGENCY LEADERSHIP This element requires the agency head to communicate a commitment to equal employment opportunity and a discrimination-free workplace.				
 Compliance Indicator  Measures		Measure Met? (Yes/No/NA)	Comments	Current Part G Questions
A.1.a	Does the agency annually issue a signed and dated EEO policy statement on agency letterhead that clearly communicates the agency's commitment to EEO for all employees and applicants? If "yes", please provide the annual issuance date in the comments column. [see MD-715, II(A)]	Yes	The Director of CFPB issued the Bureau's FY 2020 EEO and Anti-Harassment Policy Statement on March 5, 2020.	A.1.a.2
A.1.b	Does the EEO policy statement address all protected bases (age, color, disability, sex (including pregnancy, sexual orientation and gender identity), genetic information, national origin, race, religion, and reprisal) contained in the laws EEOC enforces? [see 29 CFR § 1614.101(a)]	Yes		New
 Compliance Indicator  Measures	A.2 – The agency has communicated EEO policies and procedures to all employees.	Measure Met? (Yes/No/NA)	Comments	
A.2.a	Does the agency disseminate the following policies and procedures to all employees:			
A.2.a.1	Anti-harassment policy? [see MD 715, II(A)]	Yes		New
A.2.a.2	Reasonable accommodation procedures? [see 29 C.F.R § 1614.203(d)(3)]	Yes		New
A.2.b	Does the agency prominently post the following information throughout the workplace and on its public website:			

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A.2.b.1	The business contact information for its EEO Counselors, EEO Officers, Special Emphasis Program Managers, and EEO Director? [see 29 C.F.R § 1614.102(b)(7)]	Yes		New
A.2.b.2	Written materials concerning the EEO program, laws, policy statements, and the operation of the EEO complaint process? [see 29 C.F.R § 1614.102(b)(5)]	Yes		A.2.c
A.2.b.3	Reasonable accommodation procedures? [see 29 C.F.R. § 1614.203(d)(3)(i)] If so, please provide the internet address in the comments column.	Yes	CFPB's updated reasonable accommodation and Personal Assistance Services policy and procedures were approved by the EEOC on August 23, 2019. CFPB's policy is available at https://www.consumerfinance.gov/office-civil-rights/reasonable-accommodation-persons-disabilities/ .	A.3.c
A.2.c	Does the agency inform its employees about the following topics:			
A.2.c.1	EEO complaint process? [see 29 CFR §§ 1614.102(a)(12) and 1614.102(b)(5)] If "yes", please provide how often.	Yes	This information is provided to all employees in a variety of ways at multiple points throughout each fiscal year (e.g., at new employee orientations, when the Director issues the annual EEO and Anti-Harassment Policy Statement and No FEAR Act Notice to all employees, as part of mandatory annual No FEAR Act and Harassment-Prevent	A.2.a



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			training, etc.). This information is also available and maintained on the OCR intranet (wiki), accessible by all employees at any time. The OCR Director also issued the <i>Guide to OCR</i> on June 5, 2020 to all Bureau employees and contractors. Reminders are emailed to all staff a few times a year as part of the Bureau-wide weekly newsletter.	
A.2.c.2	ADR process? [see MD-110, Ch. 3(II)(C)] If “yes”, please provide how often.	Yes	This information is provided to all employees in a variety of ways at multiple points throughout each fiscal year. See answer to A.2.c.1.	New
A.2.c.3	Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If “yes”, please provide how often.	Yes	This information is provided to all employees in a variety of ways at multiple points throughout each fiscal year. See answer to A.2.c.1.	New
A.2.c.4	Anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1] If “yes”, please provide how often.	Yes	This information is provided to all employees in a variety of ways at multiple points throughout each fiscal year. See answer to A.2.c.1.	New



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A.2.c.5	Behaviors that are inappropriate in the workplace and could result in disciplinary action? [5 CFR § 2635.101(b)] If “yes”, please provide how often.	Yes	This information is provided to all employees in a variety of ways at multiple points throughout each fiscal year. An updated misconduct policy was issued to the workforce in September 2020. See answer to A.2.c.1.	A.3.b
 Compliance Indicator  Measures	A.3 – The agency assesses and ensures EEO principles are part of its culture.	Measure Met? (Yes/No/NA)	Comments New Compliance Indicator	
A.3.a	Does the agency provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in equal employment opportunity? [see 29 CFR § 1614.102(a) (9)] If “yes”, provide one or two examples in the comments section.	Yes	In March 2020, the Bureau Director Kathy Kraninger reminded employees to recognize a colleague through the Super EEO Achievement certificate program as part of her cover message accompanying the all-hands release of her official FY 2020 EEO and Anti-Harassment Policy Statement. As part of the 2020 Director's Mission Achievement Awards, one employee received a Leadership Excellence award under this program where the employee's	New

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			contribution to diversity and inclusion was highlighted. Language for this particular award was updated in 2020 from “model inclusivity” to “embraces diversity of perspectives and models inclusivity”.	
A.3.b	Does the agency utilize the Federal Employee Viewpoint Survey or other climate assessment tools to monitor the perception of EEO principles within the workforce? [see 5 CFR Part 250]	Yes		New
Essential Element B: INTEGRATION OF EEO INTO THE AGENCY’S STRATEGIC MISSION This element requires that the agency’s EEO programs are structured to maintain a workplace that is free from discrimination and support the agency’s strategic mission.				
 Compliance Indicator  Measures	B.1 - The reporting structure for the EEO program provides the principal EEO official with appropriate authority and resources to effectively carry out a successful EEO program.	Measure Met? (Yes/No/NA)	Comments	
B.1.a	Is the agency head the immediate supervisor of the person (“EEO Director”) who has day-to-day control over the EEO office? [see 29 CFR §1614.102(b)(4)]	Yes	The EEO Director has a dual reporting to the Agency head (Bureau Director) and administratively to the Associate Director, Office of Equal Opportunity and Fairness. Based on the EEOC’s Technical Assistance letter received on January 25, 2021 that references the recent passage of the Elijah E Cummings Federal Employee Anti-	B.1.a





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			Discrimination Act of 2020, the Bureau is reviewing its reporting structure.	
B.1.a.1	If the EEO Director does not report to the agency head, does the EEO Director report to the same agency head designee as the mission-related programmatic offices? If "yes," please provide the title of the agency head designee in the comments.	N/A		New
B.1.a.2	Does the agency's organizational chart clearly define the reporting structure for the EEO office? [see 29 CFR §1614.102(b)(4)]	Yes	See https://www.consumerfinance.gov/about-us/the-bureau/bureau-structure/	B.1.d
B.1.b	Does the EEO Director have a regular and effective means of advising the agency head and other senior management officials of the effectiveness, efficiency and legal compliance of the agency's EEO program? [see 29 CFR §1614.102(c)(1); MD-715 Instructions, Sec. I]	Yes	The OCR Director meets at least monthly with the Bureau Director. The OCR Director also meets with senior management officials, as needed.	B.2.a
B.1.c	During this reporting period, did the EEO Director present to the head of the agency, and other senior management officials, the "State of the agency" briefing covering the six essential elements of the model EEO program and the status of the barrier analysis process? [see MD-715 Instructions, Sec. I] If "yes", please provide the date of the briefing in the comments column.	Yes	The OCR Director conducted this briefing with Senior CFPB Leadership and the Bureau Director on April 20, 2020. This briefing also included a review of the Bureau's FY 2019 No FEAR Act Report.	B.2.b
B.1.d	Does the EEO Director regularly participate in senior-level staff meetings concerning personnel, budget, technology, and other workforce issues? [see MD-715, II(B)]	Yes		New



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 Compliance Indicator  Measures	B.2 – The EEO Director controls all aspects of the EEO program.	Measure Met? (Yes/No/NA)	Comments New Compliance Indicator	
B.2.a	Is the EEO Director responsible for the implementation of a continuing affirmative employment program to promote EEO and to identify and eliminate discriminatory policies, procedures, and practices? [see MD-110, Ch. 1(III)(A); 29 CFR §1614.102(c)]	Yes		B.3.a
B.2.b	Is the EEO Director responsible for overseeing the completion of EEO counseling [see 29 CFR §1614.102(c)(4)]	Yes		New
B.2.c	Is the EEO Director responsible for overseeing the fair and thorough investigation of EEO complaints? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]	Yes		New
B.2.d	Is the EEO Director responsible for overseeing the timely issuance of final agency decisions? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]	Yes		New
B.2.e	Is the EEO Director responsible for ensuring compliance with EEOC orders? [see 29 CFR §§ 1614.102(e); 1614.502]	Yes		F.3.b
B.2.f	Is the EEO Director responsible for periodically evaluating the entire EEO program and providing recommendations for improvement to the agency head? [see 29 CFR §1614.102(c)(2)]	Yes		New
B.2.g	If the agency has subordinate level components, does the EEO Director provide effective guidance and coordination for the components? [see 29 CFR §§ 1614.102(c)(2) and (c)(3)]	N/A	The Bureau does not have components or field offices.	New
 Compliance Indicator  Measures	B.3 - The EEO Director and other EEO professional staff are involved in, and consulted on, management/personnel actions.	Measure Met? (Yes/No/NA)	Comments	
B.3.a	Do EEO program officials participate in agency meetings regarding workforce changes that might impact EEO issues, including strategic planning, recruitment strategies, vacancy projections, succession planning, and selections for training/career development opportunities? [see MD-715, II(B)]	Yes		B.2.c & B.2.d

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B.3.b	Does the agency's current strategic plan reference EEO / diversity and inclusion principles? [see MD-715, II(B)] If "yes", please identify the EEO principles in the strategic plan in the comments column.	Yes	CFPB's Bureau-wide Strategic Plan for FY 2018-2022 issued in February 2018 makes Bureau leadership's commitment to EEO explicit in objective 3.2 which states the Bureau will maintain a talented, diverse, inclusive and engaged workforce. In July 2019, the Bureau updated its complementary Bureau's D&I Strategic Plan to be in alignment with the agency-wide Strategic Plan.	New
 Compliance Indicator  Measures	B.4 - The agency has sufficient budget and staffing to support the success of its EEO program.	Measure Met? (Yes/No/NA)	Comments	
B.4.a	Pursuant to 29 CFR §1614.102(a)(1), has the agency allocated sufficient funding and qualified staffing to successfully implement the EEO program, for the following areas:			
B.4.a.1	to conduct a self-assessment of the agency for possible program deficiencies? [see MD-715, II(D)]	Yes		B.3.b
B.4.a.2	to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)]	Yes		B.4.a
B.4.a.3	to timely, thoroughly, and fairly process EEO complaints, including EEO counseling, investigations, final agency decisions, and legal sufficiency reviews? [see 29 CFR § 1614.102(c)(5) & 1614.105(b) – (f); MD-110, Ch. 1(IV)(D) & 5(IV); MD-715, II(E)]	Yes		E.5.b





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





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

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Essential Element C: MANAGEMENT AND PROGRAM ACCOUNTABILITY				
This element requires the agency head to hold all managers, supervisors, and EEO officials responsible for the effective implementation of the agency's EEO Program and Plan.				
 Compliance Indicator  Measures	C.1 – The agency conducts regular internal audits of its component and field offices.	Measure Met? (Yes/No/NA)	Comments	
C.1.a	Does the agency regularly assess its component and field offices for possible EEO program deficiencies? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.	N/A	The Bureau does not have components or field offices.	New
C.1.b	Does the agency regularly assess its component and field offices on their efforts to remove barriers from the workplace? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.	N/A	The Bureau does not have components or field offices.	New
C.1.c	Do the component and field offices make reasonable efforts to comply with the recommendations of the field audit? [see MD-715, II(C)]	N/A	The Bureau does not have components or field offices.	New
 Compliance Indicator  Measures	C.2 – The agency has established procedures to prevent all forms of EEO discrimination.	Measure Met? (Yes/No/NA)	Comments New Indicator	
C.2.a	Has the agency established comprehensive anti-harassment policy and procedures that comply with EEOC's enforcement guidance? [see MD-715, II(C); Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]	Yes	On June 22, 2020, the EEOC approved the anti-harassment policy and procedures dated September 20, 2019.	New
C.2.a.1	Does the anti-harassment policy require corrective action to prevent or eliminate conduct before it rises to the level of unlawful harassment? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]	Yes		New
C.2.a.2	Has the agency established a firewall between the Anti-Harassment Coordinator and the EEO Director? [see EEOC Report, Model EEO Program Must Have an Effective Anti-Harassment Program (2006)]	Yes		New



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C.2.a.3	Does the agency have a separate procedure (outside the EEO complaint process) to address harassment allegations? [see Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]	Yes		New
C.2.a.4	Does the agency ensure that the EEO office informs the anti-harassment program of all EEO counseling activity alleging harassment? [see Enforcement Guidance, V.C.]	Yes		New
C.2.a.5	Does the agency conduct a prompt inquiry (beginning within 10 days of notification) of all harassment allegations, including those initially raised in the EEO complaint process? [see <u>Complainant v. Dep't of Veterans Affairs</u> , EEOC Appeal No. 0120123232 (May 21, 2015); <u>Complainant v. Dep't of Defense (Defense Commissary Agency)</u> , EEOC Appeal No. 0120130331 (May 29, 2015)] If "no", please provide the percentage of timely-processed inquiries in the comments column.	Yes		New
C.2.a.6	Do the agency's training materials on its anti-harassment policy include examples of disability-based harassment? [see 29 CFR 1614.203(d)(2)]	Yes		New
C.2.b	Has the agency established disability reasonable accommodation procedures that comply with EEOC's regulations and guidance? [see 29 CFR 1614.203(d)(3)]	Yes		New
C.2.b.1	Is there a designated agency official or other mechanism in place to coordinate or assist with processing requests for disability accommodations throughout the agency? [see 29 CFR 1614.203(d)(3)(D)]	Yes		E.1.d
C.2.b.2	Has the agency established a firewall between the Reasonable Accommodation Program Manager and the EEO Director? [see MD-110, Ch. 1(IV)(A)]	Yes		New
C.2.b.3	Does the agency ensure that job applicants can request and receive reasonable accommodations during the application and placement processes? [see 29 CFR 1614.203(d)(1)(ii)(B)]	Yes		New
C.2.b.4	Do the reasonable accommodation procedures clearly state that the agency should process the request within a maximum amount of time (e.g., 20 business days), as established by the agency in its affirmative action plan? [see 29 CFR 1614.203(d)(3)(i)(M)]	Yes		New
C.2.b.5	Does the agency process all accommodation requests within the time frame set forth in its reasonable accommodation procedures? [see MD-715, II(C)] If "no", please provide the percentage of timely-processed requests in the comments column.	Yes	CFPB's current reasonable accommodation SOPs <i>generally</i> require accommodations to be provided in no more	E.1.e

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			than 30 days, absent extenuating circumstances (which are strictly defined in the SOPs). Where extenuating circumstances exist, the Bureau will investigate whether there are temporary measures that can be taken to assist the requestor and provide temporary measures where feasible.	
C.2.c	Has the agency established procedures for processing requests for personal assistance services that comply with EEOC's regulations, enforcement guidance, and other applicable executive orders, guidance, and standards? [see 29 CFR 1614.203(d)(6)]	Yes		New
C.2.c.1	Does the agency post its procedures for processing requests for Personal Assistance Services on its public website? [see 29 CFR § 1614.203(d)(5)(v)] If "yes", please provide the internet address in the comments column.	Yes	The procedures are posted at https://www.consumerfinance.gov/office-civil-rights/reasonable-accommodation-persons-disabilities/ .	New
 Compliance Indicator  Measures	C.3 - The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity.	Measure Met? (Yes/No/NA)	Comments New Indicator	
C.3.a	Pursuant to 29 CFR §1614.102(a)(5), do all managers and supervisors have an element in their performance appraisal that evaluates their commitment to agency EEO policies and principles and their participation in the EEO program?	Yes		New
C.3.b	Does the agency require rating officials to evaluate the performance of managers and supervisors based on the following activities:			



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C.3.b.1	Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see MD-110, Ch. 3.I]	Yes		A.3.a.1
C.3.b.2	Ensure full cooperation of employees under his/her supervision with EEO officials, such as counselors and investigators? [see 29 CFR §1614.102(b)(6)]	Yes		A.3.a.4
C.3.b.3	Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see MD-715, II(C)]	Yes		A.3.a.5
C.3.b.4	Ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees? [see MD-715 Instructions, Sec. I]	Yes		A.3.a.6
C.3.b.5	Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]	Yes		A.3.a.7
C.3.b.6	Provide disability accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(8)]	Yes		A.3.a.8
C.3.b.7	Support the EEO program in identifying and removing barriers to equal opportunity. [see MD-715, II(C)]	Yes		New
C.3.b.8	Support the anti-harassment program in investigating and correcting harassing conduct. [see Enforcement Guidance, V.C.2]	Yes		A.3.a.2
C.3.b.9	Comply with settlement agreements and orders issued by the agency, EEOC, and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority? [see MD-715, II(C)]	Yes		New
C.3.c	Does the EEO Director recommend to the agency head improvements or corrections, including remedial or disciplinary actions, for managers and supervisors who have failed in their EEO responsibilities? [see 29 CFR §1614.102(c)(2)]	Yes		New
C.3.d	When the EEO Director recommends remedial or disciplinary actions, are the recommendations regularly implemented by the agency? [see 29 CFR §1614.102(c)(2)]	Yes	In general, the Bureau regularly implements the recommendations of its EEO Director. CFPB's Office of Civil Rights (OCR) does not have authority to <i>require</i> that the agency implement any specific disciplinary action – even for officials who have engaged in discriminatory acts.	New



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			OCR has no control over the process for determining appropriate discipline for (non-OCR) Bureau employees.	
 Compliance Indicator  Measures	C.4 – The agency ensures effective coordination between its EEO programs and Human Resources (HR) program.	Measure Met? (Yes/No/NA)	Comments	
C.4.a	Do the HR Director and the EEO Director meet regularly to assess whether personnel programs, policies, and procedures conform to EEOC laws, instructions, and management directives? [see 29 CFR §1614.102(a)(2)]	Yes		New
C.4.b	Has the agency established timetables/schedules to review at regular intervals its merit promotion program, employee recognition awards program, employee development/training programs, and management/personnel policies, procedures, and practices for systemic barriers that may be impeding full participation in the program by all EEO groups? [see MD-715 Instructions, Sec. I]	Yes		C.2.a, C.2.b, & C.2.c
C.4.c	Does the EEO office have timely access to accurate and complete data (e.g., demographic data for workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables? [see 29 CFR §1614.601(a)]	Yes		New
C.4.d	Does the HR office timely provide the EEO office with access to other data (e.g., exit interview data, climate assessment surveys, and grievance data), upon request? [see MD-715, II(C)]	Yes		New
C.4.e	Pursuant to Section II(C) of MD-715, does the EEO office collaborate with the HR office to:			
C.4.e.1	Implement the Affirmative Action Plan for Individuals with Disabilities? [see 29 CFR §1614.203(d); MD-715, II(C)]	Yes		New
C.4.e.2	Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]	Yes		New
C.4.e.3	Develop and/or provide training for managers and employees? [see MD-715, II(C)]	Yes		New
C.4.e.4	Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]	Yes		New



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C.4.e.5	Assist in preparing the MD-715 report? [see MD-715, II(C)]	Yes		New
 Compliance Indicator  Measures	C.5 – Following a finding of discrimination, the agency explores whether it should take a disciplinary action.	Measure Met? (Yes/No/NA)	Comments	
C.5.a	Does the agency have a disciplinary policy and/or table of penalties that covers discriminatory conduct? [see 29 CFR § 1614.102(a)(6); see also <u>Douglas v. Veterans Administration</u> , 5 MSPR 280 (1981)]	Yes	CFPB has a disciplinary policy and an updated misconduct policy (issued September 2020).	C.3.a.
C.5.b	When appropriate, does the agency discipline or sanction managers and employees for discriminatory conduct? [see 29 CFR §1614.102(a)(6)] If “yes”, please state the number of disciplined/sanctioned individuals during this reporting period in the comments.	Yes	OCR issued no findings of discrimination in FY 2020. In FY 2020, no employees received formal disciplinary action as defined in 5 C.F.R. § 724.102 in connection with cases pending or resolved in U.S. district court or for violating Bureau policies related to conduct that is inconsistent with whistleblower protection laws. One employee received a letter of reprimand for violating Bureau policies related to conduct that is inconsistent with Federal antidiscrimination laws.	C.3.c





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C.5.c	If the agency has a finding of discrimination (or settles cases in which a finding was likely), does the agency inform managers and supervisors about the discriminatory conduct? [see MD-715, II(C)]	Yes		New
 Compliance Indicator  Measures	C.6 – The EEO office advises managers/supervisors on EEO matters.	Measure Met? (Yes/No/NA)	Comments	
C.6.a	Does the EEO office provide management/supervisory officials with regular EEO updates on at least an annual basis, including EEO complaints, workforce demographics and data summaries, legal updates, barrier analysis plans, and special emphasis updates? [see MD-715 Instructions, Sec. I] If “yes”, please identify the frequency of the EEO updates in the comments column.	Yes	The OCR Director provides Senior Leadership with the “State of the Agency EEO Program” briefing once a year. The OCR Director meets regularly with senior leaders, divisions, offices, and team leads – some monthly. OCR staff also presents throughout each year to regions and regional offices. The OCR Director, in collaboration with leaders from the Office of Minority and Women Inclusion (OMWI), Disability and Accessibility Program (DAP) and the Office of Human Capital (OHC), present briefings annually to Division leaders on their specific data. Once a year, all employees also receive notice of	C.1.a

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			submission/publication of the Agency's FY MD-715 Report and annual No FEAR Act Report.	
C.6.b	Are EEO officials readily available to answer managers' and supervisors' questions or concerns? [see MD-715 Instructions, Sec. I]	Yes		New
Essential Element D: PROACTIVE PREVENTION				
This element requires that the agency head make early efforts to prevent discrimination and to identify and eliminate barriers to equal employment opportunity.				
 Compliance Indicator  Measures	D.1 – The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year.	Measure Met? (Yes/No/NA)	Comments	
D.1.a	Does the agency have a process for identifying triggers in the workplace? [see MD-715 Instructions, Sec. I]	Yes		New
D.1.b	Does the agency regularly use the following sources of information for trigger identification: workforce data; complaint/grievance data; exit surveys; employee climate surveys; focus groups; affinity groups; union; program evaluations; special emphasis programs; reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I]	Yes		New
D.1.c	Does the agency conduct exit interviews or surveys that include questions on how the agency could improve the recruitment, hiring, inclusion, retention and advancement of individuals with disabilities? [see 29 CFR 1614.203(d)(1)(iii)(C)]	Yes		New
 Compliance Indicator  Measures	D.2 – The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)	Measure Met? (Yes/No/NA)	Comments New Indicator	
D.2.a	Does the agency have a process for analyzing the identified triggers to find possible barriers? [see MD-715, (II)(B)]	Yes		New





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D.2.b	Does the agency regularly examine the impact of management/personnel policies, procedures, and practices by race, national origin, sex, and disability? [see 29 CFR §1614.102(a)(3)]	Yes		B.2.c.2
D.2.c	Does the agency consider whether any group of employees or applicants might be negatively impacted prior to making human resource decisions, such as re-organizations and realignments? [see 29 CFR §1614.102(a)(3)]	Yes		B.2.c.1
D.2.d	Does the agency regularly review the following sources of information to find barriers: complaint/grievance data, exit surveys, employee climate surveys, focus groups, affinity groups, union, program evaluations, anti-harassment program, special emphasis programs, reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I] If "yes", please identify the data sources in the comments column.	Yes	The Bureau's Barrier Analysis Working Group (BAWG) reviewed various sources of data, including the Bureau's MD-715 Reports; workforce data tables for multiple fiscal years; AES/New Employee/Exit Survey data results from recent years; CFPB's Form 462 and No FEAR act data and reports; complaints and reasonable accommodations data; "State of the Agency EEO Program briefing" materials; annual division briefing materials that included workforce data, complaint data, reasonable accommodations data, misconduct cases, grievance cases and anti-harassment program data. During FY 2020 as part of the Disability Barrier	New



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			Analysis a disability survey, individual subject matter expert interviews and focus groups were conducted and analyzed. Other anecdotal reports from Diversity and Inclusion Council of Employees (DICE), Bureau Employee Resource Groups (ERGs), the union, external news reports and audit findings, EEOC issued Technical Assistance letters and feedback, and OPM memoranda were reviewed as well.	
 Compliance Indicator  Measures	D.3 – The agency establishes appropriate action plans to remove identified barriers.	Measure Met? (Yes/No/NA)	Comments New Indicator	
D.3.a.	Does the agency effectively tailor action plans to address the identified barriers, in particular policies, procedures, or practices? [see 29 CFR §1614.102(a)(3)]	Yes		New
D.3.b	If the agency identified one or more barriers during the reporting period, did the agency implement a plan in Part I, including meeting the target dates for the planned activities? [see MD-715, II(D)]	Yes		New
D.3.c	Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]	Yes		New
 Compliance Indicator 	D.4 – The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities.	Measure Met? (Yes/No/NA)	Comments New Indicator	

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Measures				
D.4.a	Does the agency post its affirmative action plan on its public website? [see 29 CFR 1614.203(d)(4)] Please provide the internet address in the comments.	Yes	The AAP is available at https://www.consumerfinance.gov/office-civil-rights/eeo-policy-and-reports/ .	New
D.4.b	Does the agency take specific steps to ensure qualified people with disabilities are aware of and encouraged to apply for job vacancies? [see 29 CFR 1614.203(d)(1)(i)]	Yes		New
D.4.c	Does the agency ensure that disability-related questions from members of the public are answered promptly and correctly? [see 29 CFR 1614.203(d)(1)(ii)(A)]	Yes		New
D.4.d	Has the agency taken specific steps that are reasonably designed to increase the number of persons with disabilities or targeted disabilities employed at the agency until it meets the goals? [see 29 CFR 1614.203(d)(7)(ii)]	Yes	In FY 2020, CFPB met the regulatory goals for individuals with disabilities and targeted disabilities for both salary groupings.	New
<p style="text-align: center;">Essential Element E: EFFICIENCY</p> <p>This element requires the agency head to ensure that there are effective systems for evaluating the impact and effectiveness of the agency's EEO programs and an efficient and fair dispute resolution process.</p>				
 Compliance Indicator	E.1 - The agency maintains an efficient, fair, and impartial complaint resolution process.	Measure Met? (Yes/No/NA)	Comments	
 Measures				
E.1.a	Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105?	Yes		E.3.a.1
E.1.b	Does the agency provide written notification of rights and responsibilities in the EEO process during the initial counseling session, pursuant to 29 CFR §1614.105(b)(1)?	Yes		E.3.a.2
E.1.c	Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch. 5(l)?	Yes	Of the 18 formal complaints that were filed in FY 2020, the average length of time	New



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			for issuing the acknowledgement letter was 3 calendar days.	
E.1.d	Does the agency issue acceptance letters/dismissal decisions within a reasonable time (e.g., 60 days) after receipt of the written EEO Counselor report, pursuant to MD-110, Ch. 5(l)? If so, please provide the average processing time in the comments.	Yes	Of the formal complaints that were filed in FY 2020, the average length of time for issuing the Accept/Dismiss communication was 19 calendar days. In FY 2020, CFPB dismissed three formal complaints; the average days such complaints were pending before dismissal was 19 calendar days.	New
E.1.e	Does the agency ensure all employees fully cooperate with EEO counselors and EEO personnel in the EEO process, including granting routine access to personnel records related to an investigation, pursuant to 29 CFR §1614.102(b)(6)?	Yes		New
E.1.f	Does the agency timely complete investigations, pursuant to 29 CFR §1614.108?	Yes		E.3.a.3
E.1.g	If the agency does not timely complete investigations, does the agency notify complainants of the date by which the investigation will be completed and of their right to request a hearing or file a lawsuit, pursuant to 29 CFR §1614.108(g)?	Yes		New
E.1.h	When the complainant does not request a hearing, does the agency timely issue the final agency decision, pursuant to 29 CFR §1614.110(b)?	Yes		E.3.a.4
E.1.i	Does the agency timely issue final actions following receipt of the hearing file and the administrative judge's decision, pursuant to 29 CFR §1614.110(a)?	Yes		E.3.a.7
E.1.j	If the agency uses contractors to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays? [See MD-110, Ch. 5(V)(A)] If "yes", please describe how in the comments column.	Yes	In the event that any contractor provides poor work product or causes inexcusable	E.2.c

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			delays in processing times, the contract could be terminated and/or key personnel could be replaced. The contractors' performance would be reported via Contractor Performance Assessment Reporting System (CPARS).	
E.1.k	If the agency uses employees to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays during performance review? [See MD-110, Ch. 5(V)(A)]	Yes	Employees are held accountable for performance objectives through the Bureau's performance management process consistent with merit system principles, due process rights, Bureau policies, and related applicable requirements.	New
E.1.l	Does the agency submit complaint files and other documents in the proper format to EEOC through the Federal Sector EEO Portal (FedSEP)? [See 29 CFR § 1614.403(g)]	Yes		New
 Compliance Indicator  Measures	E.2 – The agency has a neutral EEO process.	Measure Met? (Yes/No/NA)	Comments Revised Indicator	
E.2.a	Has the agency established a clear separation between its EEO complaint program and its defensive function? [see MD-110, Ch. 1(IV)(D)]	Yes	The Bureau's EEO office (OCR) currently has eleven total permanent staff members. Seven of the eleven permanent	New



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			<p>staff members are attorneys including the OCR Director, EEO Complaints Program Manager, and ADR Program Manager are in attorney positions. In addition, OCR staff currently includes another Senior Attorney-Adviser (Senior EEO Advisor), two Attorney-Advisers who function as formal complaints managers, and another Attorney-Adviser who supports the ADR program. OCR staff attorneys conduct legal sufficiency reviews of all EEO matters/work product, including drafting and reviewing acceptance letters/dismissal decisions related to formal complaints, preparing and reviewing Investigative Plans and ROIs, and drafting FADs and FAOs.</p>	
E.2.b	When seeking legal sufficiency reviews, does the EEO office have access to sufficient legal resources separate from the agency representative? [see MD-110, Ch. 1(IV)(D)] If "yes", please identify the source/location of the attorney who conducts the legal sufficiency review in the comments column.	Yes	OCR staff attorneys conduct legal sufficiency reviews.	E.6.a





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E.2.c	If the EEO office relies on the agency's defensive function to conduct the legal sufficiency review, is there a firewall between the reviewing attorney and the agency representative? [see MD-110, Ch. 1(IV)(D)]	N/A	OCR staff attorneys conduct legal sufficiency reviews.	New
E.2.d	Does the agency ensure that its agency representative does not intrude upon EEO counseling, investigations, and final agency decisions? [see MD-110, Ch. 1(IV)(D)]	Yes		E.6.b
E.2.e	If applicable, are processing time frames incorporated for the legal counsel's sufficiency review for timely processing of complaints? [see EEOC Report, <i>Attaining a Model Agency Program: Efficiency</i> (Dec. 1, 2004)]	N/A	OCR staff attorneys conduct legal sufficiency reviews.	E.6.c
 Compliance Indicator  Measures	E.3 - The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program.	Measure Met? (Yes/No/NA)	Comments	
E.3.a	Has the agency established an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process? [see 29 CFR §1614.102(b)(2)]	Yes	In FY 2020, the ADR program added the Conflict Coaching Program to its suite of conflict resolution resources.	E.4.a
E.3.b	Does the agency require managers and supervisors to participate in ADR once it has been offered? [see MD-715, II(A)(1)]	Yes		E.4.c
E.3.c	Does the agency encourage all employees to use ADR, where ADR is appropriate? [see MD-110, Ch. 3(IV)(C)]	Yes		D.2.a
E.3.d	Does the agency ensure a management official with settlement authority is accessible during the dispute resolution process? [see MD-110, Ch. 3(III)(A)(9)]	Yes		New
E.3.e	Does the agency prohibit the responsible management official named in the dispute from having settlement authority? [see MD-110, Ch. 3(I)]	Yes	In FY 2020, the Chief Operating Officer was delegated settlement authority within parameters based on the settlement authority benchmarking that OCR conducted.	E.4.d

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



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			Every month in preparation for the OCR Director meeting with the Bureau Director, and annually in preparation for the Agency's 462 Report and the No FEAR Act year-end report, OCR carefully examines EEO complaint processing times, top issues and bases, and ADR resolution rates to identify potential problems, spot troubling trends, and develop action plans.	
E.5.b	Does the agency review other agencies' best practices and adopt them, where appropriate, to improve the effectiveness of its EEO program? [see MD-715, II(E)] If "yes", provide an example in the comments.	Yes	For instance, during FY 2020, EEO staff benchmarked other ADR programs including early conflict prevention and conflict coaching programs. As part of the Disability Barrier Analysis, other agencies (particularly other FIRREA agencies) were benchmarked and best practices collected on the topics of recruitment, hiring, advancement, retention, accessibility and reasonable accommodations. This information will	E.5.g





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			inform the implementation phase that will begin in FY 2021. Additional cross-agency collaboration occurs through various workgroups and channels on topics like the 501 regulations, data for annual reporting, racial issues, ADR, etc.	
E.5.c	Does the agency compare its performance in the EEO process to other federal agencies of similar size? [see MD-715, II(E)]	Yes		E.3.a
<p style="text-align: center;">Essential Element F: RESPONSIVENESS AND LEGAL COMPLIANCE</p> <p>This element requires federal agencies to comply with EEO statutes and EEOC regulations, policy guidance, and other written instructions.</p>				
 Compliance Indicator  Measures	F.1 – The agency has processes in place to ensure timely and full compliance with EEOC Orders and settlement agreements.	Measure Met? (Yes/No/NA)	Comments	
F.1.a	Does the agency have a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions? [see 29 CFR §1614.102(e); MD-715, II(F)]	Yes		F.1.a
F.1.b	Does the agency have a system of management controls to ensure the timely, accurate, and complete compliance with resolutions/settlement agreements? [see MD-715, II(F)]	Yes		E.3.a.6
F.1.c	Are there procedures in place to ensure the timely and predictable processing of ordered monetary relief? [see MD-715, II(F)]	Yes		F.2.a.1
F.1.d	Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]	Yes		F.2.a.2
F.1.e	When EEOC issues an order requiring compliance by the agency, does the agency hold its compliance officer(s) accountable for poor work product and/or delays during performance review? [see MD-110, Ch. 9(IX)(H)]	Yes		F.3.a.

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 Compliance Indicator  Measures	F.2 – The agency complies with the law, including EEOC regulations, management directives, orders, and other written instructions.	Measure Met? (Yes/No/NA)	Comments Indicator moved from E-III Revised	
F.2.a	Does the agency timely respond and fully comply with EEOC orders? [see 29 CFR §1614.502; MD-715, II(E)]	Yes		C.3.d
F.2.a.1	When a complainant requests a hearing, does the agency timely forward the investigative file to the appropriate EEOC hearing office? [see 29 CFR §1614.108(g)]	Yes		E.3.a.5
F.2.a.2	When there is a finding of discrimination that is not the subject of an appeal by the agency, does the agency ensure timely compliance with the orders of relief? [see 29 CFR §1614.501]	Yes		E.3.a.7
F.2.a.3	When a complainant files an appeal, does the agency timely forward the investigative file to EEOC's Office of Federal Operations? [see 29 CFR §1614.403(e)]	Yes		New
F.2.a.4	Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance?	Yes		F.3.d (1 to 9)
 Compliance Indicator  Measures	F.3 - The agency reports to EEOC its program efforts and accomplishments.	Measure Met? (Yes/No/NA)	Comments	
F.3.a	Does the agency timely submit to EEOC an accurate and complete No FEAR Act report? [Public Law 107-174 (May 15, 2002), §203(a)]	Yes		New
F.3.b	Does the agency timely post on its public webpage its quarterly No FEAR Act data? [see 29 CFR §1614.703(d)]	Yes	See https://www.consumerfinance.gov/office-civil-rights/no-fear-act/	New

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

TABLE 7: FY 2020 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 2020)
Statement of Model Program Essential Element Deficiency:	
Type of Program Deficiency	ADR Participation Rate
Brief Description of Program Deficiency	ADR Participation Rate, as defined by the EEOC on October 22, 2020, during the pre-complaint stage did not achieve EEOC's goal of 50% in FY 2019 and FY 2020.
Objective(s) and Dates for EEO Plan:	
Objective	Increase ADR Participation Rates during informal stage.
Date Initiated (mm/dd/yyyy)	10/26/2020
Target Date (mm/dd/yyyy)	09/30/2021
Modified Date (mm/dd/yyyy)	N/A
Date Completed (mm/dd/yyyy)	Not yet completed.
Responsible Official(s):	
Title	Director, Office of Civil Rights ADR Program Manager
Name	Melissa Brand Woody Anglade

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

Planned Activities Toward Completion of Objective:

Target Date (mm/dd/yyyy) 09/30/2021

Planned Activities

- Hire a new, in-house, full-time ADR professional to assist with, amongst other things, ADR Outreach, preparing the parties for mediations, ADR presentations and trainings. – By 12/01/2020 (completed 11/22/2020)
- Hire a new, in-house full-time Counselor, who will spend additional time during the Counseling stage to make Counselees aware of the benefits of ADR. – By 12/31/2020 (completed 12/6/2020)
- The ADR Program will contact all Counselees who request EEO Counseling (and waived anonymity) with information about the various ADR resources available, the benefits of ADR, and relaying their ability to speak to the Counselee further about ADR to help them make a fully informed decision between ADR and traditional Counseling. – By 09/30/2021
- After receiving employee consent, the ADR Program will reach out to any employee who has contacted the EEO office about questions related to the EEO process. The ADR Program will discuss with the employee any ADR-related questions that the employee may have. – By 09/30/2021
- Create a new and innovative ADR Outreach plan that highlights the benefits of participating in ADR. – By 09/30/2021
- Host recurring Office Hours open to Bureau workforce to make ADR Program and information more visible. – By 09/30/2021
- Update the surveys sent to everyone who goes through the Counseling process to determine areas for improvement in the ADR Program, and reasons why Counselees did NOT elect ADR (if appropriate). Will require OMB approval for updates. – By 09/30/2021
- Work with other stakeholders to analyze the customer experience in all areas of the EEO process, including ADR, to identify pain points and areas for improvement. – By 09/30/2021
- Work with the Legal Division, Chief Operating Officer and other stakeholders to consider possible innovative settlement resolutions that will be appealing to both parties and increase the likelihood of resolution. – By 09/30/2021

Sufficient Funding and Staffing
(Yes or No) Yes

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

Completion Date (mm/dd/yyyy) Not yet completed.

Report of Accomplishments:

Fiscal Year	2020
Accomplishments	<ul style="list-style-type: none">• Updated the ADR Policy and distributed it to all employees.• Posted an “ADR Tip of the Month” to the intranet every month to be viewed by all employees.• Conducted New Employee Orientation Briefings on a bi-weekly basis, which includes an overview of the ADR Program and benefits of ADR.• Created a “Conflict Coaching Program” and trained collateral duty Coaches to work one-on-one with employees on conflicts at the lowest level possible.• Presented on the new Conflict Coaching Program approximately 38 times between October 2019 and October 2020, reaching a large majority of all Bureau employees.• Held a Bureau-wide ADR event on mindfulness and wise speech to help reduce conflict.• During a Headquarters-wide event called “One HQ”, the ADR Program held a presentation and set up a “Conflict Room” in a double office, where numerous common (and uncommon) conflict scenarios were played out and Bureau employees had to identify the areas of potential conflict and brainstorm how to avoid them.• Conducted a webinar on the “Top 10 Things to Know About ADR.”• Presented on the ADR Program during Supervisor Development Seminars numerous times throughout the year.• ADR Program had entries in the Bureau-wide Weekly Newsletter three times over the year.

Part I – EEO plan to eliminate identified barriers

TABLE 8: FY 2020 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 2020)	
Statement of Condition That Was a Trigger for a Potential Barrier:	
Source of the Trigger	Workforce data tables for FY 2015, FY 2016, FY 2017, FY 2018; EEOC Technical Assistance Letter to CFPB (June 24, 2016); Memorandum from OPM/EEOC to Federal Agencies (Jan. 18, 2017) ⁷⁴
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 the requested information, the EEOC recommended barrier analyses to further investigate potential issues for Black/African American employees within CFPB – specifically, the representation of Black employees in Senior Level (i.e., Executive) positions at the Bureau. In 2017, due to what the EEOC and the Office of Personnel Management (OPM) deem persistent low representation of Hispanic/Latinos in the Federal workforce these agencies recommended that all agencies with at least 1,000 FTEs (such as the Bureau) conduct a barrier analysis on Hispanic/Latina(o) employment and participation rates in the equivalent of Grades 12 through SES (CN-52 through the Executive levels at the Bureau).
EEO Group(s) Affected by Trigger:	
EEO Group(s)	Black/African American men Black/African American women Hispanic/Latino men Hispanic/Latina women

⁷⁴ This memorandum is available at <https://www.eeoc.gov/federal/directives/memorandum-hispanics.cfm>.

Barrier Analysis Process:

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

Status of Barrier Analysis Process:

Barrier Analysis Process
Completed? (Yes or No)

No. CFPB created action plans and is implementing action items intended to eliminate the barriers.

Barrier(s) Identified?
(Yes or No)

Yes

Statement of Identified Barrier(s):

Description of Policy,
Procedure, or Practice

- Perceived unequal access to information regarding advancement opportunities – primarily due to disparities in the networking opportunities and mentoring experiences of minority and female employees.
- Inadequate documentation and justification requirements for hiring, detail, and promotion decisions (in order to combat unconscious biases, favoritism).
- Perceived overemphasis on Ivy League educational background in hiring and promotion decisions, which disadvantages African American/Black and Hispanic/Latinx employees/applicants.
- Inconsistency in the emphasis of inclusion/diversity strategies across offices/divisions.
- Lack of succession planning within the organization.
- Continued drop-off in selection rates of African-American applicants (particularly from referred to selection stages) for certain Bureau positions.

Objective(s) and Dates for EEO Plan:

Objective

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

Date Initiated (mm/dd/yyyy)

10/30/2018

Target Date (mm/dd/yyyy)

09/30/2021 and ongoing

Sufficient Funding & Staffing?
(Yes or No)

Yes

EEOC Form 715-01 Part I-1	U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report (FY 2020)
Modified Date (mm/dd/yyyy)	N/A
Date Completed (mm/dd/yyyy)	N/A
Responsible Official(s):	
Title	OEOF Acting Associate Director Chief Operating Officer Chief Human Capital Officer OMWI Director OCR Director
Name	Cassandra McConnell-Tatum Donna Roy Jeffrey Sumberg Lora McCray Melissa Brand
Performance Standards Address the Plan? (Yes or No)	No
Planned Activities Toward Completion of Objective:	
Target Date	09/30/2020
Planned Activities	<p>Work with internal stakeholders to continue implementation of action items for correcting identified barriers. Some of the planned activities include:</p> <ul style="list-style-type: none"> ✓ Having division leaders send communication to their workforce emphasizing the importance of D&I; ✓ Encouraging office/division leaders to send All-Hands for vacancy announcements; ✓ Conduct an in-depth evaluation of the selection process, specifically the steps from cert to selection, to identify where there are opportunities to increase consistency and accountability of selecting officials; ✓ Permitting and encouraging hiring managers to explain and to be transparent with internal applicants about why they were

not selected;

- ✓ Providing hiring managers with a guide on how to have these transparent conversations with internal applicants regarding their non-selection;
- ✓ Providing a “check your biases checklist” to anyone involved in resume review;
- ✓ Providing an overview of hiring process for staff;
- ✓ Strongly encourage exiting employees to respond to the exit interview survey; and
- ✓ Benchmarking other agencies to determine if they incorporate more prescribed processes in the selection process.

Sufficient Funding & Staffing?
(Yes or No)

Yes

Modified Date
(mm/dd/yyyy)

09/30/2021

Completion Date
(mm/dd/yyyy)

N/A

Report of Accomplishments:

Fiscal Year

2020

Accomplishments

The Barrier Analysis Action Planning Working Group (BAAPWG) met quarterly during FY 2020. This working group evaluated recommendations for feasibility, identified related initiatives already underway, brainstormed appropriate additional recommendations, prioritized all recommendations on pre-defined criteria, isolated recommendations requiring additional resources, and assigned internal office “owners” to be responsible for implementation of action items.

On December 17, 2019, the BAAPWG briefed the Workforce Effectiveness Committee (WEC) on all recommendations, progress and to solicit input and potential objections to the BAAPWG’s work and proposed next steps. BAAPWG did not receive any objections to its

OCR continues to oversee ongoing multi-office efforts to implement agreed-upon action items and evaluate efforts through pre-established metrics for success. Action items fall generally into four consolidated areas: Workforce Communications Initiatives; Management Actions; Diversity & Inclusion Plans/Projects; and Selection-Process Enhancements. While some items are still in progress or will get underway in FY 2021, some notable accomplishments included:

- ✓ Rolled out the Mentoring Program 2.0;
- ✓ Updated and expanded “Aspiring Leaders” resources available to all employees;
- ✓ Hosted OMWI & ERG race-related conversations/events;
- ✓ Provided leaders with D&I resources and guides to facilitate ongoing dialogue on race;
- ✓ Engaged with the Chief Experience Office (CXO) to craft overarching communications strategy for all “People” work;
- ✓ Conducted “360 Degree” briefings for Division leaders to inform them about D&I and EEO related issues and make recommendations for actions divisions can include in their D&I strategic plans;
- ✓ Adopted new process documentation requirements for how hiring panel members are selected;
- ✓ Required all interviewers to take streamlined structured interview training;
- ✓ Created job aids regarding combatting personal biases in employee decision-making;
- ✓ Implemented enhancements to detail selection process and eligibility criteria per the CBA Details Article; and
- ✓ Rolled out OCR’s Conflict Coaching Program.

Appropriate action items owners, either Division or Office leadership, will seek the CFPB Director’s approval for any additional resources, if

necessary, to complete action items that are in progress or have not yet been started.

On September 28, 2020, the OCR Director briefed senior leaders on the progress of the barrier analysis project. An overview of the project was provided, accomplishments to date and remaining planned actions items. Former Director Kraninger was also briefed throughout the fiscal year as part of her monthly check-ins with the OCR Director on the progress of the barrier analysis efforts.

The Bureau plans to upload relevant documentation regarding barrier-analysis recommendations, action items, project plans, and timeline to FedSEP with the submission of the Bureau's FY 2020 Management Directive (MD) 715 Report. The Bureau will also provide updates on progress related to this barrier analysis in its next MD-715 report to be filed in 2022 or if/as EEOC requests updates in other formats.

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

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

MD-715 – Part J

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

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

Section I: Efforts to Reach Regulatory Goals

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

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

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

While there is no trigger, please note that the CFPB does not fall under the GS pay clusters and therefore uses the following EEOC approved salary clusters:

Using the **salary clusters** and including data from completed Forms SF-256, data on 30% or more disabled veterans, and data on Schedule A(u) appointments which are allowable under the Section 501 regulations, there are no triggers for PWD. As of September 30, 2020, 25.00% of employees earning less than \$72,030 were PWD and 13.16% of employees earning \$72,030 and above were PWD.

* Salary threshold of \$72,030 represents salary for an employee paid at the GS-11 Step 1 level in the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA ("Washington DC") locality area as of September 30, 2020. See <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/DCB.pdf>.

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

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

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While there are no triggers, please note that the CFPB does not fall under the GS pay clusters and therefore uses the following EEOC approved salary clusters:

Using the **salary clusters** and including data from completed Forms SF-256, data on 30% or more disabled veterans, and data on Schedule A(u) appointments which are allowable under the Section 501 regulations, there are no triggers for PWTD. As of September 30, 2020, 6.25% of employees earning less than \$72,030 were PWTD and 3.04% of employees earning \$72,030 and above were PWTD.

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

The Disability Compliance Program Manager (DCPM) held Bureau-wide meetings to highlight the requirements under the Rehabilitation Act, including the 12% and 2% numerical goals.

The numerical goals were also communicated to all employees via digital distribution channels (e.g., in the Bureau's *Weekly/ Digest* and *Manager Minute* publications).

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

Finally, former Director Kraninger referenced the Agency's goals in an all managers communication and in a Bureau all hands during National Disability Employment Awareness Month (NDEAM) message highlighting the importance of, and commitment to leveraging Schedule A(u) and other non-competitive hiring authorities that promote disability hiring and advancement.

Section II: Model Disability Program

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

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

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

Yes X No 0

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NA

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

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

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Special Emphasis Program for PWD and PWTD	1			Nykea Bolton, Disability Compliance Program Manager, DAP, CFPB_DisabilityProgram@cfpb.gov
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Has the agency provided disability program staff with sufficient training to carry out their responsibilities during the reporting period? If “yes”, describe the training that disability program staff have received. If “no”, describe the training planned for the upcoming year.

Yes X No 0

In FY 2020, many trainings normally offered in-person were cancelled due to COVID-19 pandemic and safe distancing protocols. Bureau staff, required to work in a mandatory and/or maximum telework capacity with restricted travel, attended virtual trainings offered by organizations external to the Bureau. The Bureau did provide internal trainings offered annually, and plan to attend virtual trainings offered in FY2021. Disability program staff received the following targeted training:

- Members of DAP, OCR and Office of Human Capital (OHC) staff attended the following trainings:
- Employer Assistance and Resource Network (EARN) on Disability Inclusion sessions via webinars offered throughout the year on multiple disability services and program topics.
- Federal Dispute Resolution (FDR) training, which included various sessions on reasonable accommodation-related issues and case law updates along with panel discussions.
- EEOC’s EXCEL Training Conference.

Other training and events staff attended included: EEOC/Federal Exchange on Employment and Disability (FEED) training, Small Agency 501 Affirmative Action Regulation Working Group sessions, and the DVAAP Forum and Overview. There were also internal briefings hosted by DAP where the Bureau’s AAP and the Section 501 statutory and regulatory requirements were highlighted.

B. PLAN TO ENSURE SUFFICIENT FUNDING FOR THE DISABILITY PROGRAM

Has the agency provided sufficient funding and other resources to successfully implement the disability program during the reporting period? If “no”, describe the agency’s plan to ensure all aspects of the disability program have sufficient funding and other resources.

Yes ☒ No ☐

The Bureau provided sufficient funding and other resources to successfully implement the disability program during the reporting period. In FY 2020, the Bureau maintained funding and resources for disability programs and services and will continue to provide funding and resources. During this reporting period, the Bureau onboarded a new Reasonable Accommodations Coordinator (RAC) to provide additional program support for the Reasonable Accommodations Program. The Bureau continues to provide the budget to support and ensure sufficient resources are available for the entire disability program. The Bureau’s current budget supports Reasonable Accommodations ,which includes funding to support and implement enhancements to the reasonable accommodations tracking system (Entellitrak), Accessibility, and 508 efforts.

Section III: Plan to Recruit and Hire Individuals with Disabilities

Pursuant to 29 C.F.R. § 1614.203(d)(1)(i) and (ii), agencies must establish a plan to increase the recruitment and hiring of individuals with disabilities. The questions below are designed to identify outcomes of the agency’s recruitment program plan for PWD and PWTD.

A. PLAN TO IDENTIFY JOB APPLICANTS WITH DISABILITIES

5. Describe the programs and resources the agency uses to identify job applicants with disabilities, including individuals with targeted disabilities.

The Bureau continues to recruit PWD and PWTD using digital and social media outreach such as LinkedIn and the Bureau’s career page at www.consumerfinance.gov/jobs.

The Bureau encourages individuals with disabilities to apply under the Schedule A(u) Hiring Authority to open positions, which are posted on USAJOBS. The Bureau’s OHC Staffing and Talent Acquisition team and the DCPM also encourage hiring managers to utilize programs such as Workplace Recruitment Program (WRP) and OPM’s Bender List to identify, interview, and hire PWD and PWTD non-competitively without vacancy announcements when possible.

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6. Pursuant to 29 C.F.R. § 1614.203(a)(3), describe the agency's use of hiring authorities that take disability into account (e.g., Schedule A) to recruit PWD and PWTD for positions in the permanent workforce.

The Bureau encourages individuals with disabilities (e.g., Schedule A(u), 30% or more disabled veterans, etc.) to apply for positions that are posted via vacancy announcements on USAJobs. Individuals with disabilities who meet minimum qualifications and provide the appropriate documentation are referred to the hiring manager for consideration. This determination is made by the Bureau's third-party service provider, Department of Treasury's Bureau of the Fiscal Service (BFS).

With the continued use of the Schedule A(u) hiring authority, CFPB continues to leverage the WRP through the Department of Labor and existing registries housed on www.max.gov.

7. When individuals apply for a position under a hiring authority that takes disability into account (e.g., Schedule A), explain how the agency (1) determines if the individual is eligible for appointment under such authority and (2) forwards the individual's application to the relevant hiring officials with an explanation of how and when the individual may be appointed.

The Bureau requests hiring managers use non-competitive hiring authorities. As per the Bureau's Schedule A Directive, if an applicant with eligibility under a hiring authority that takes disability into account is selected, OHC provides guidance to the hiring manager on how the individual may be appointed.

If the candidates with disabilities who meet minimum qualifications and provide the appropriate documentation and are sourced through vacancy announcements on USAJOBS, are referred to the hiring manager for consideration. This determination is made by the Bureau's third-party service provider, Department of Treasury's Bureau of the Fiscal Service (BFS).

If a hiring manager identifies a position that they would like to fill outside of the vacancy announcement procedures, the Bureau's DCPM and Staffing Consultants in OHC work with the hiring manager to identify eligible candidates from pre-approved disability resume databases, such as the WRP database and existing registries housed on www.max.gov, as outlined in the Bureau's Schedule A(u) Directive.

In the non-vacancy announcement process, the eligibility is determined by the third-party database, verified by the DCPM and OHC Staffing and Talent Acquisition team. The hiring managers for these positions are provided with an overview of the hiring authorities that take disability into account prior to and throughout the hiring process, and they are provided with resumes of eligible disabled candidates for consideration. All medical documentation is collected by either the DCPM or OHC for eligibility

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verification only. No medical documentation is sent to or shared with the hiring manager.

8. Has the agency provided training to all hiring managers on the use of hiring authorities that take disability into account (e.g., Schedule A)? If "yes", describe the type(s) of training and frequency. If "no", describe the agency's plan to provide this training.

Yes X No 0 N/A 0

The OHC Talent Management team delivers Supervisory Development Seminars (SDS), a one-time training CFPB requires all supervisors/managers (at all levels) to take within their first supervisory year, and as a refresher course required for managers to complete every 2-3 years. This training includes a section on hiring authorities such as Schedule A(u).

The Office of Civil Rights (OCR) and DAP also circulate information to managers about this hiring flexibility through the digital (email) bi-weekly *Manager Minute* publication and on the Bureau's intranet site. Written materials (such as the EEOC brochures on using the Schedule A(u) hiring authority) are also made readily available on display stands throughout CFPB facilities.

The DCPM and Staffing Consultants assigned to each office also assist managers with all staffing related inquiries, to include Schedule A(u) and other hiring authorities that take disability into account. The DCPM also provides Schedule A(u) and other disability related hiring authority overviews annually during regional, leadership, and individual management meetings.

B. PLAN TO ESTABLISH CONTACTS WITH DISABILITY EMPLOYMENT ORGANIZATIONS

Describe the agency's efforts to establish and maintain contacts with organizations that assist PWD, including PWTD, in securing and maintaining employment.

The DCPM, along with other Bureau stakeholders in OHC and OMWI, continued to maintain contact and work with organizations/programs that assist PWD and PWTD, such as the Job Accommodation Network (JAN), Employer Assistance and Resource Network (EARN), Workplace Recruitment Program (WRP), Veterans, and Wounded Warrior programs to promote employment opportunities. The Bureau also continues to rank on the Top 20 Government Employers list of the *CAREERS & the disABLED* Magazine. The Bureau again ranked number 14th on the list featured in the Winter 2020 edition of the magazine. National readers of *CAREERS & the disABLED* magazine selected the top companies and/or government agencies in the country for

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which they'd most like to work or which they believe would provide a positive working environment for people with disabilities.

OHC, Office of Minority and Women Inclusion (OMWI), DAP, and OCR as appropriate, coordinate annually on outreach and recruitment strategies and priorities.

Along with the continued use of the Schedule A(u) hiring authority, the CFPB continues to explore how to best leverage WRP through the Department of Labor and existing registries housed on www.max.gov.

In FY 2021 on the recommendation of the EEOC Technical Assistance letter dated January 25, 2021, the agency plans to further build upon our relationships with other external stakeholders, such as; America Job Centers, State Vocational Rehabilitation Agencies, Centers for Independent Living, and Employment Network Service providers, in efforts to build partnerships to assist the Bureau in its efforts to employee PWD/PWTD. Please find more details on the plans highlighted and outlined in Section VII of this report.

C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)

9. Using the goals of 12% for PWD and 2% for PWTD as the benchmarks, do triggers exist for PWD and/or PWTD among the new hires in the permanent workforce? If "yes", please describe the triggers below.

a. New Hires for Permanent Workforce (PWD)	Yes X	No 0
b. New Hires for Permanent Workforce (PWTD)	Yes X	No 0

There were triggers identified in the permanent workforce in this category.

In FY 2020, the Bureau had 126 permanent new hires, 12 of which (9.52%) were PWD and 1 (0.79%) of which was a PWTD.

10. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the new hires for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below.

a. New Hires for MCO (PWD)	Yes X	No 0
b. New Hires for MCO (PWTD)	Yes X	No 0

The Bureau has four mission critical occupations (MCOs): 0110/Economists, 0301/Miscellaneous Administration & Program, 0570/Examiners, 0905/General Attorneys. In FY 2020, there are triggers for PWD for the permanent new hires when compared to the qualified applicant pool for all four MCOs. There were qualified PWD

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in all MCOs, except the 0110 series. There were new hires selected in three series with qualified PWD, but it was at a lower rate than the qualified applicant pool representation. There are triggers for PWTD for the permanent new hires when compared to the qualified applicant pool for 0110 and 0905 series. There were qualified PWTD in these series, but a PWTD was not selected.

11. Using the relevant applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the qualified *internal* applicants for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below.

a. Qualified Applicants for MCO (PWD)	Yes 0	No X
b. Qualified Applicants for MCO (PWTD)	Yes 0	No X

12. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among employees promoted to any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below.

a. Promotions for MCO (PWD)	Yes X	No 0
b. Promotions for MCO (PWTD)	Yes X	No 0

In FY 2020, triggers exist for PWD and PWTD when comparing internal selections in the 0301/Misc. Admin. & Program to the qualified applicant pool. There were zero internal selections made of PWD or PWTD in this series.

Section IV: Plan to Ensure Advancement Opportunities for Employees with Disabilities

Pursuant to 29 C.F.R §1614.203(d)(1)(iii), agencies are required to provide sufficient advancement opportunities for employees with disabilities. Such activities might include specialized training and mentoring programs, career development opportunities, awards programs, promotions, and similar programs that address advancement. In this section, agencies should identify, and provide data on programs designed to ensure advancement opportunities for employees with disabilities.

A. ADVANCEMENT PROGRAM PLAN

Describe the agency's plan to ensure PWD, including PWTD, have sufficient opportunities for advancement.

The OHC continued to post all internal advancement opportunities, details, temporary promotions and reassignments on the Bureau's internal website and ensure that these opportunities are listed on the Daily Announcements feed on the main page of the Agency's intranet so that all employees are informed. Additionally, the Bureau's DCPM will continue to encourage PWD and PWTD to apply to opportunities, and promote reassignment, promotion, detail, and temporary promotion opportunities that become available to ensure that PWD and PWTD are aware of them. The DCPM will also partner with OHC and OMWI to promote internal advancement opportunities.

Other advancement opportunities include:

- Promoting the use of training courses available through the Bureau's Learning Management System in efforts to improve professional development.
- Encouraging all employees to utilize the Bureau's Career Development Framework and other internal resources to enhance the growth and development of all employees.
- Promoting the development of personal learning and development goals and helping employees to develop and implement Individual Development Plans.

OCR and DAP will continue co-leading barrier analysis efforts to assist with providing or improving internal advancement opportunities for PWD and PWTD. The Bureau has plans outlined in Section VII of this report.

B. CAREER DEVELOPMENT OPPORTUNITIES

13. Please describe the career development opportunities that the agency provides to its employees.

The Bureau continues to offer career development tools and resources that assist all employees, to include PWD and PWTD, with skill development. The Bureau's Career Development Framework and other internal resources for professional growth and development continue to be available to all Bureau employees, including PWD and PWTD, interested in promoting their career and development goals. Examples include: Individual Development Planning and Career Development Workshops, continuation of the Bureau Team Leader training program, the matrix of courses for Aspiring Leaders, and continued availability of external training and development opportunities. Additionally, the Bureau advertised internal detail opportunities to Bureau employees using a Centralized Detail Posting Process.

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In FY 2020, Bureau managers leveraged internal details, temporary promotions, and reassignments to develop staff and augment work throughout the fiscal year. Internal career opportunities are posted on the Bureau's intranet site. External postings are posted on the Bureau's website as well as on the Daily Announcements feed on the Bureau's intranet, which is widely seen by all Bureau employees. Employees are also encouraged to apply for any position that they feel they may qualify in the competitive hiring process.

In FY 2020, CFPB provided external applicants opportunities through virtual competitive student internship opportunities and fellowship programs (such as the Honors Attorney Program, Research Assistant Program, and the Director's Financial Analysts Program). The Bureau used competitive details to provide general growth opportunities for existing employees.¹ Throughout FY 2020, internal employees were also able to participate in an internal mentorship program in efforts to identify professional skills and growth opportunity. Bureau managers also participate in mandatory management training and all Bureau executives are eligible to participate in the Bureau's executive coaching program.²

As part of the Bureau's ongoing barrier-analysis efforts, we are investigating the feasibility and need for creating disability-specific development programs and/or for more data collection. More details are provided below in Section VII.

14. In the table below, please provide the data for career development opportunities that require competition and/or supervisory recommendation/approval to participate. [Collection begins with the FY 2018 MD-715 report, which is due on February 28, 2019.]

Career Development Opportunities	Total Participants	PWD	PWTD
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¹ We reviewed the detail program data, but the row is marked as 'NA' on the next chart since there were zero selections made during FY 2020 where applicants provided their self-identification information pertaining to their disability status.

² The Bureau has Coaching Programs and Training Programs opportunities (ex. management training and executive coaching). These opportunities are marked NA on the chart below because the bureau doesn't currently use a competitive selection process for these opportunities. Employees are either eligible or not for these opportunities. You can only attend manager training if you are a manager and participation is available to and required of all managers, and you can only participate in the executive coaching opportunity if you are a Bureau executive.

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	Applicants (#)	Selectees (#)	Applicants (%)	Selectees (%)	Applicants (%)	Selectees (%)
Internship Programs	216	12	6.5%	8.3%	4.6%	0.0%
Fellowship Programs	715	10	9.8%	0.0%	4.6%	0.0%
Mentoring Programs	70	70	11.4%	11.4%	1.4%	1.4%
Coaching Programs	NA					
Training Programs	NA					
Detail Programs	NA					
Other Career Development Programs	NA					

15. Do triggers exist for PWD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.

a. Applicants (PWD) Yes 0 No X
b. Selections (PWD) Yes X No 0

In FY 2020, a trigger exists for selections in the Fellowship Programs (0.0% PWD selected compared with 9.8% PWD applied). Selections in this data set included Recent Graduates (Examiner), Fellows (Director's Financial Analyst) and Research Assistants.

16. Do triggers exist for PWTD among the applicants and/or selectees for any of the career development programs identified? (The appropriate benchmarks are the relevant applicant pool for applicants and the applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.

a. Applicants (PWTD) Yes 0 No X
b. Selections (PWTD) Yes X No 0

In FY 2020, a trigger exists for selections in the Internship and Fellowship Programs (0.0% PWTD selected versus 4.6% PWTD applied in both data sets).

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C. AWARDS

1. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for any level of the time-off awards, bonuses, or other incentives? If "yes", please describe the trigger(s) in the text box.

a. Awards, Bonuses, & Incentives (PWD)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
b. Awards, Bonuses, & Incentives (PWTD)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

For PWD and PTWD, the EEOC instructs agencies to use the Inclusion Rate (IR), which compares the number of people within the target population (e.g., PWTD or PWD) to the number of people within the benchmark population (e.g., Persons without a Targeted Disability (PWOTD) or Persons without a Disability (PWOD)). This is used because there is no Civilian Labor Force (CLF) category for PWD/PWTD.

In other words, EEOC instructs us to compare (1) the ratio of the number of PWD (or PWTD) who got a particular type of award vs. the total number of PWD (or PWTD) eligible for that award *with* (2) the ratio of the number of PWOD (or PWOTD) who got a particular type of award vs. the total number of PWOD (or PWOTD) eligible for that award. We compare the IR for the Target Population with the IR for the Benchmark Population.

The below analysis of the Bureau's award program is limited to spot awards, superior achievement awards, team achievement awards and the Director's Mission Achievement awards and is separate from the Bureau's compensation program where employees receive lump sum payments and merit increases based on their performance rating. All employees who receive an Accomplished Performer rating (on the pass/fail system) receive their lump sum and merit increases.

For Awards, when the IR percentage for the target is lower than IR percentage for the benchmark, there is a trigger. The triggers identified below are being analyzed through the Bureau's ongoing barrier analysis work.

Total Awards from \$501-\$999 given: 196

PWD Target (\$501-\$999): 17

PWD Benchmark: 161

PWOD Target (\$501-\$999): $196 - 17 = 179$

PWOD Benchmark: $1429 - 161 = 1268$

PWD IR 10.56% < PWOD 14.12%. This is a trigger.

Total Awards from \$2000-\$2999 given: 26

PWD Target (\$2000-\$2999): 1

PWD Benchmark: 161

PWOD Target (\$2000-\$2999): $26 - 1 = 25$

PWOD Benchmark: $1429 - 161 = 1268$

PWOD IR 0.62% < PWOD 1.97%. This is a trigger.

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Total Awards from 21-30 hours given: 11
PWD Target (21-30 hours): 1
PWD Benchmark: 161
PWOD Target (21-30 hours): $11-1=10$
PWOD Benchmark: $1429-161=1268$
PWD IR 0.62% < PWOD 0.79%. This is a trigger.

Total Awards from \$501-\$999 given: 196
PWTD Target (\$501-\$999): 4
PWTD Benchmark: 44
PWOTD Target (\$501-\$999): $196-4=192$
PWOTD Benchmark: $1429-44=1385$
PWTD IR 9.09% < PWOTD 13.86%. This is not a trigger.

Total Awards from \$2000-\$2999 given: 26
PWTD Target (\$2000-\$2999): 0
PWTD Benchmark: 44
PWOTD Target (\$2000-\$2999): $26-0=26$
PWOTD Benchmark: $1429-44=1385$
PWTD IR 0.00% < PWOTD 1.88%. This is a trigger.

Total Awards from 21-30 hours given: 14
PWTD Target (21-30 hours): 3
PWTD Benchmark: 44
PWOTD Target (21-30 hours): $14-3=11$
PWOTD Benchmark: $1429-44=1385$
PWOTD IR 6.82% < PWOTD 7.94%. This is a trigger.

There were no awards in the groupings of \$3000-\$3999, \$4000-\$4999 or \$5000 or more. There were no time off awards in the 41 or more hours category.

2. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for quality step increases or performance-based pay increases? If "yes", please describe the trigger(s) in the text box.

a. Pay Increases (PWD)	Yes 0	No 0
b. Pay Increases (PWTD)	Yes 0	No 0

NA. Due to the CFPB pay system which does not contain "steps" there are no "step increases."

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3. If the agency has other types of employee recognition programs, are PWD and/or PWTD recognized disproportionately less than employees without disabilities? (The appropriate benchmark is the inclusion rate.) If “yes”, describe the employee recognition program and relevant data in the text box.

a. Other Types of Recognition (PWD)	Yes 0	No 0	N/A
Other Types of Recognition (PWTD)	Yes 0	No 0	N/A

NA

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D. PROMOTIONS

17. Does your agency have a trigger involving PWD among the qualified *internal* applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box.

a. SES

i. Qualified Internal Applicants (PWD)	Yes 0	No X
ii. Internal Selections (PWD)	Yes 0	No X

b. Grade GS-15

i. Qualified Internal Applicants (PWD)	Yes 0	No X
ii. Internal Selections (PWD)	Yes X	No 0

c. Grade GS-14

i. Qualified Internal Applicants (PWD)	Yes 0	No X
ii. Internal Selections (PWD)	Yes X	No 0

d. Grade GS-13

i. Qualified Internal Applicants (PWD)	Yes 0	No X
ii. Internal Selections (PWD)	Yes X	No 0

CN-71 (GS-15 equivalent): There is a trigger for qualified internal selections. The qualified internal selections who are PWD (0.00%) are lower than the qualified applicant pool who are PWD (33.33%). There were only 3 internal selections in total.

CN-60 (GS-14 equivalent): There is a trigger for qualified internal selections. The qualified internal selections who are PWD (0.00%) are lower than the qualified applicant pool who are PWD (14.29%).

CN-53 (GS-13 equivalent): There is a trigger for qualified internal selections. The qualified internal selections who are PWD (0.00%) are lower than the qualified applicant pool who are PWD (15.38%).

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18. Does your agency have a trigger involving PWTD among the qualified *internal* applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box.

a. SES

i. Qualified Internal Applicants (PWTD)	Yes X	No 0
ii. Internal Selections (PWTD)	Yes 0	No X

b. Grade GS-15

i. Qualified Internal Applicants (PWTD)	Yes 0	No X
ii. Internal Selections (PWTD)	Yes X	No 0

c. Grade GS-14

i. Qualified Internal Applicants (PWTD)	Yes 0	No X
ii. Internal Selections (PWTD)	Yes X	No 0

d. Grade GS-13

i. Qualified Internal Applicants (PWTD)	Yes 0	No X
ii. Internal Selections (PWTD)	Yes X	No 0

CN-81/82/90 (SES equivalent): There is a trigger for qualified internal applicants. The qualified internal applicants who are PWTD (0.00%) are lower than the relevant applicant pool who are PWTD (2.33%).

CN-71 (GS-15 equivalent): There is a trigger for internal selections. The internal selections who are PWTD (0.00%) are lower than the qualified internal applicants who are PWTD (20.00%).

CN-60 (GS-14 equivalent): There is a trigger for internal selections. The internal selections who are PWTD (0.00%) are lower than the qualified internal applicants who are PWTD (14.29%).

CN-53 (GS-13 equivalent): There is a trigger for internal selections. The internal selections who are PWTD (0.00%) are lower than the qualified internal applicants who are PWTD (3.85%).

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19. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box.

a. New Hires to SES (PWD)	Yes X	No 0
b. New Hires to GS-15(PWD)	Yes X	No 0
c. New Hires to GS-14 (PWD)	Yes 0	No X
d. New Hires to GS-13(PWD)	Yes X	No 0

Executives (CN-81/82/90) (SES equivalent): 0.00% of new hires were PWD compared with 13.64% qualified applicants who were PWD.

CN-71 (GS-15 equivalent): 0.00% of new hires were PWD compared with 13.26% qualified applicants who were PWD.

CN-53 (GS-13 equivalent): 11.11% of new hires were PWD compared with 15.06% qualified applicants who were PWD.

20. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box.

a. New Hires to SES (PWTD)	Yes X	No 0
b. New Hires to GS-15 (PWTD)	Yes X	No 0
c. New Hires to GS-14(PWTD)	Yes 0	No X
d. New Hires to GS-13 (PWTD)	Yes 0	No X

Executives (CN-81/82/90) (SES equivalent): 0.00% of new hires were PWTD compared with 5.45% qualified applicants who were PWTD.

CN-71 (GS-15 equivalent): 0.00% of new hires were PWTD compared with 6.04% qualified applicants who were PWTD.

21. Does your agency have a trigger involving PWD among the qualified *internal* applicants and/or selectees for promotions to supervisory positions? (The

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appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box.

a. Executives

i. Qualified Internal Applicants (PWD)	Yes X	No 0
ii. Internal Selections (PWD)	Yes 0	No X

b. Managers

i. Qualified Internal Applicants (PWD)	Yes 0	No X
ii. Internal Selections (PWD)	Yes X	No 0

c. Supervisors

i. Qualified Internal Applicants (PWD)	Yes 0	No X
ii. Internal Selections (PWD)	Yes 0	No X

Executives: There is a trigger for qualified internal applicants. The qualified internal applicants who are PWD (0.00%) are lower than the relevant applicant pool who are PWD (9.30%).

Managers: There is a trigger for internal selections. The internal selections who are PWD (0.00%) are lower than the qualified internal applicants who are PWD (21.05%).

22. Does your agency have a trigger involving PWTD among the qualified *internal* applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box.

a. Executives

i. Qualified Internal Applicants (PWTD)	Yes X	No 0
ii. Internal Selections (PWTD)	Yes 0	No X

b. Managers

i. Qualified Internal Applicants (PWTD)	Yes 0	No X
ii. Internal Selections (PWTD)	Yes X	No 0

c. Supervisors

i. Qualified Internal Applicants (PWTD)	Yes 0	No X
ii. Internal Selections (PWTD)	Yes 0	No X

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Executives: There is a trigger for qualified internal applicants. The qualified internal applicants who are PWD (0.00%) are lower than the relevant applicant pool who are PWD (2.33%).

Managers: There is a trigger for internal selections. The internal selections who are PWD (0.00%) are lower than the qualified internal applicants who are PWD (10.53%).

23. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box.

a. New Hires for Executives (PWD)	Yes X	No 0
b. New Hires for Managers (PWD)	Yes X	No 0
c. New Hires for Supervisors (PWD)	Yes 0	No X

Executives: 0.00% of new hires were PWD compared with 13.64% qualified applicants who were PWD. There were only 4 external selections in total.

Managers: 9.09% of new hires were PWD compared with 12.45% qualified applicants who were PWD.

24. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box.

a. New Hires for Executives (PWTD)	Yes X	No 0
b. New Hires for Managers (PWTD)	Yes 0	No X
c. New Hires for Supervisors (PWTD)	Yes 0	No X

Executives: 0.00% of new hires were PWTD compared with 5.45% qualified applicants who were PWTD. There were only 4 external selections in total.

Section V: Plan to Improve Retention of Persons with Disabilities

To be a model employer for persons with disabilities, agencies must have policies and programs in place to retain employees with disabilities. In this section, agencies should: (1) analyze workforce separation data to identify barriers retaining employees with disabilities; (2) describe efforts to ensure accessibility of technology and facilities; and

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(3) provide information on the reasonable accommodation program and workplace personal assistance services.

A. VOLUNTARY AND INVOLUNTARY SEPARATIONS

25. In this reporting period, did the agency convert all eligible Schedule A employees with a disability into the competitive service after two years of satisfactory service (5 C.F.R. § 213.3102(u)(6)(i))? If “no”, please explain why the agency did not convert all eligible Schedule A employees.

Yes X No 0 N/A 0

26. Using the inclusion rate as the benchmark, did the percentage of PWD among voluntary and involuntary separations exceed that of persons without disabilities? If “yes”, describe the trigger below.

27. Voluntary Separations (PWD) Yes X No 0

28. Involuntary Separations (PWD) Yes 0 No X

Using the inclusion rate, triggers exist for PWD (8.07%) who voluntarily separated from the agency, as compared to the rate of persons without disabilities (5.28%).

29. Using the inclusion rate as the benchmark, did the percentage of PWTD among voluntary and involuntary separations exceed that of persons without targeted disabilities? If “yes”, describe the trigger below.

30. Voluntary Separations (PWTD) Yes X No 0

31. Involuntary Separations (PWTD) Yes 0 No X

Using the inclusion rate, triggers exist for PWTD (6.82%) who voluntarily separated from the agency, as compared to the rate of persons without disabilities (5.56%).

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32. If a trigger exists involving the separation rate of PWD and/or PWTD, please explain why they left the agency using exit interview results and other data sources.

For FY 2020, eleven out of 49 individuals identified as a person with a disability in the exit survey data. In reviewing the data, PWD indicated their experience at the Bureau compared to what they initially expected was worse or much worse than expected (54.5%). PWD indicated they were either dissatisfied or very dissatisfied with their job at the time of exit (63.6%). When combining responses for somewhat important and very important as being a factor for leaving the Bureau, below are how PWD responded compared with persons who did not identify as having a disability (PWOD). The top responses hit on various themes to include topics on diversity and inclusion, limited training/development/advancement, and underutilization or lack of clarity within job role.

- My job lacked clarity in roles and responsibilities. (81.8% PWD versus 32.4% PWOD)
- The CFPB had limited opportunities for advancement. (81.8% PWD versus 73.7% PWOD)
- Others' lack of holding themselves accountable for their own behavior. (81.8% PWD versus 26.3% PWOD)
- Lack of ability to manage or lead effectively. (72.7% PWD versus 42.1%
- My job lacked the opportunity to participate in decision-making. (72.7% PWD versus 31.6% PWOD)
- There were limited opportunities for general professional development or general core competency training. (72.7% PWD versus 29.0% PWOD)
- Arbitrary action or personal favoritism. (72.7% PWD versus 29.0% PWOD)
- Lack of clear accountability for achieving results. (72.7% PWD versus 29.0% PWOD)
- My job did not make good use of my skills and abilities. (72.7% PWD versus 50.0% PWOD)
- Discrimination based on race, ethnic origin, gender, age, disability, or other factors. (72.7% PWD versus 21.6% PWOD)

The exit survey comments from PWD indicated no issues with the reasonable accommodations processes or practices.

B. ACCESSIBILITY OF TECHNOLOGY AND FACILITIES

Pursuant to 29 C.F.R. § 1614.203(d)(4), federal agencies are required to inform applicants and employees of their rights under Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794(b), concerning the accessibility of agency technology, and the Architectural Barriers Act of 1968 (42 U.S.C. § 4151-4157), concerning the accessibility of agency facilities. In addition, agencies are required to inform individuals where to file complaints if other agencies are responsible for a violation.

1. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under Section 508 of the Rehabilitation Act, including a description of how to file a complaint.

<https://www.consumerfinance.gov/accessibility/>

<https://www.consumerfinance.gov/accessibility/file-accessibility-complaint/>

2. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under the Architectural Barriers Act, including a description of how to file a complaint.

<https://www.consumerfinance.gov/accessibility/>

<https://www.consumerfinance.gov/accessibility/file-accessibility-complaint/>

3. Describe any programs, policies, or practices that the agency has undertaken, or plans on undertaking over the next fiscal year, designed to improve accessibility of agency facilities and/or technology.

In FY 2020, the Bureau's DCPM led working group efforts to partner with Bureau Administrative Operations, Facilities, and Technology & Innovation (T&I) offices to ensure that accessibility to Bureau facilities and technology are considered in Bureau services and the procurement of supplies and services. Contact information for accessibility inquiries remain on the Bureau's external website. With the increase in virtual meetings due to mandatory and maximum telework requirements under COVID-19 safety precautions, the Bureau increased its closed captioning budget within T&I to ensure that Bureau-wide meetings and events have appropriate funding. During FY 2020, the DCPM and the 508 Program manager developed a thorough 508 program workplan that outlined metrics and milestones to create Bureau-wide 508 program policies and procedures that would improve the accessibility of technology for PWD and PWTD. While the CFPB was on mandatory and/or maximum telework for the majority of FY 2020 and continuing into FY 2021, all Bureau buildings and

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facilities remained compliant under the Architecture Barriers Act, maintaining equal access to buildings for PWD and PWTD.

C. REASONABLE ACCOMMODATION PROGRAM

Pursuant to 29 C.F.R. § 1614.203(d)(3), agencies must adopt, post on their public website, and make available to all job applicants and employees, reasonable accommodation procedures.

1. Please provide the average time frame for processing initial requests for reasonable accommodations during the reporting period. (Please do not include previously approved requests with repetitive accommodations, such as interpreting services.)

During FY 2020, the Reasonable Accommodation program processed 66 reasonable accommodation cases, with an average processing time of 13 calendar days (measured beginning with the date the relevant request was received until the time a decision on the accommodation was communicated). CFPB's current reasonable accommodation SOP generally requires accommodations to be provide in no more than 30 days, absent extenuating circumstances (which are strictly defined in the SOP). Where extenuating circumstances exist, the Bureau will investigate whether there are temporary measures that can be taken to assist the requestor and provide temporary measures where feasible.

2. Describe the effectiveness of the policies, procedures, or practices to implement the agency's reasonable accommodation program. Some examples of an effective program include timely processing requests, timely providing approved accommodations, conducting training for managers and supervisors, and monitoring accommodation requests for trends.

The Bureau remains committed to providing reasonable accommodations services to all employees and applicants for Bureau employment. Reasonable accommodations are centrally funded with a sufficient dedicated budget and employee resources.

Reasonable Accommodations and Personal Assistance Services policies and procedures, approved by the EEOC on August 23, 2019, ensure that applicants and employees know their rights under the Rehabilitation Act to receive a reasonable accommodation for disability-related limitations if needed to apply for a Bureau job, perform the essential functions of a job, or enjoy equal benefits and privileges of employment at the Bureau. The Bureau's policy also explains management's responsibilities when a supervisor or manager is put on notice that an employee requires a reasonable accommodation. The accompanying SOP lays out the

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interactive process used when an employee requests a reasonable accommodation for a disability.

In FY 2020, both the DCPM and the OCR Director the Reasonable Accommodations team continued to report to the OEOF Associate Director. However, to avoid the appearance or actual conflict of interest and under OEOF firewall, the OEOF Associate Director takes no part in any decisions pertaining to the providing of reasonable accommodations raising allegations of violations of the Rehabilitation Act.

The Reasonable Accommodation/PAS program also receive legal support from the Legal Division's Office of General Law and Ethics to ensure that the Reasonable Accommodation/PAS program is complying with all legal obligations; support from the Bureau's Section 508 Program Manager on technology issues; technical assistance from OCR staff as needed and appropriate; support from the Department of Treasury's Bureau of the Fiscal Service (BFS) for applicants seeking reasonable accommodations; and contractor medical professional advice when needed.

In FY 2020, the Bureau disseminated and trained appropriate staff on policy and procedures (and forms) and posted them on www.consumerfinance.gov, as required under the affirmative action regulations. The most updated, finalized policy and procedures are available at <https://www.consumerfinance.gov/office-civil-rights/reasonable-accommodation-persons-disabilities/>. The same policy and procedures are available on the Wiki (Bureau's intranet) for all employees.

During FY 2020, the Bureau also conducted general training on the Rehabilitation Act and reasonable accommodations during regional, division, and office meetings to ensure that managers and employees understand the Rehabilitation Act and their role in the reasonable accommodation process and to learn how to respond appropriately when an individual request a reasonable accommodation.

The Bureau utilizes the Entellitrak system, the Bureau's electronic database for reasonable accommodations, to track reasonable accommodations data. In FY 2020, the Bureau implemented enhanced tracking updates for reasonable accommodations to the Entellitrak system. Some of those enhancements include case load assignment to reasonable accommodations resources, interactive ticklers with reminders for the RA team and the ability to see if a case is approaching the agency's service level agreement. Some highlights from the Reasonable Accommodation Entellitrak reporting for FY 2020 are as follows:

Of the 66 RA cases processed in FY 2020 (average processing time of 13 days), the Bureau had 65 cases in which the accommodation was granted (including three cases in which the requestor was provided alternate accommodations) and one case where the request for accommodation was denied for failure to provide additional documentation to support the request. As of early FY 2021, of the requests made in FY 2020, one request is still "open". In providing ergonomic equipment and assistive

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technology accommodations requested in FY 2020, the Bureau spent approximately \$7,395.49 from its centralized reasonable accommodations budget, averaging \$113.78 per case across these types of accommodations granted, and averaging \$568.88 per case for each request that required an expenditure. The Bureau also spent \$62,000.00 for *American Sign Language* Interpretation accommodations and accessibility services, and \$94,000.00 for *Sprint* closed captioning accommodations and services in FY 2020.

D. PERSONAL ASSISTANCE SERVICES ALLOWING EMPLOYEES TO PARTICIPATE IN THE WORKPLACE

Pursuant to 29 C.F.R. § 1614.203(d)(5), federal agencies, as an aspect of affirmative action, are required to provide personal assistance services (PAS) to employees who need them because of a targeted disability, unless doing so would impose an undue hardship on the agency.

Describe the effectiveness of the policies, procedures, or practices to implement the PAS requirement. Some examples of an effective program include timely processing requests for PAS, timely providing approved services, conducting training for managers and supervisors, and monitoring PAS requests for trends.

The Bureau has an updated and EEOC approved Reasonable Accommodation Policy and SOP to include procedures for implementing the PAS requirement.

The PAS SOP provides that the process for requesting PAS, the Bureau's process for determining whether such services are required, and the Bureau's determination to deny PAS requests when it would pose an undue hardship, are the same processes as for reasonable accommodation.

The Bureau still has had no requests for PAS to date. The Bureau has a contract in place in the event that an employee requests PAS services. CFPB will review and analyze the effectiveness of the revised policy and SOP as appropriate.

Section VI: EEO Complaint and Findings Data

A. EEO COMPLAINT DATA INVOLVING HARASSMENT

33. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging harassment, as compared to the government-wide average?

Yes X³ No 0 N/A 0

34. During the last fiscal year, did any complaints alleging harassment based on disability status result in a finding of discrimination or a settlement agreement?

Yes X⁴ No 0 N/A 0

35. If the agency had one or more findings of discrimination alleging harassment based on disability status during the last fiscal year, please describe the corrective measures taken by the agency.

NA – there were no findings of discrimination during the last fiscal year.
--

B. EEO COMPLAINT DATA INVOLVING REASONABLE ACCOMMODATION

36. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging failure to provide a reasonable accommodation, as compared to the government-wide average?

Yes 0 No X⁵ N/A 0

37. During the last fiscal year, did any complaints alleging failure to provide reasonable accommodation result in a finding of discrimination or a settlement agreement?

Yes 0 No X N/A 0

³ According to the EEOC's benchmark, 20.82% of all formal EEO complaints filed government-wide included an allegation of (non-sexual) harassment based on either a mental or physical disability. According to CFPB Form 462 data for FY 2020, 4 out of the 18 formal complaints filed with CFPB's Office of Civil Rights under 29 C.F.R. Part 1614 (not including complaints filed alleging violations of Executive Order 11478) alleged disability-based (non-sexual) harassment. Thus, the CFPB percentage of such complaints is 22.22% (4/18) -- above the government-wide benchmark of 20.82%.

⁴ There were no findings of discrimination, but there were two settlement agreements in cases that included allegations of harassment based on disability.

⁵ According to the EEOC's benchmark, 14.02% of all formal EEO complaints filed government-wide included an allegation of failure to accommodate based on either a mental or physical disability. According to CFPB Form 462 data for FY 2020, 2 out of the 18 formal complaints filed with CFPB's Office of Civil Rights under 29 C.F.R. Part 1614 (not including complaints filed alleging violations of Executive Order 11478) alleged failure to accommodate either a mental or physical disability. Thus, the CFPB percentage of such complaints is 11.11% (2/18) -- below the government-wide benchmark of 14.02%.

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38. If the agency had one or more findings of discrimination involving the failure to provide a reasonable accommodation during the last fiscal year, please describe the corrective measures taken by the agency.

NA

Section VII: Identification and Removal of Barriers

Element D of MD-715 requires agencies to conduct a barrier analysis when a trigger suggests that a policy, procedure, or practice may be impeding the employment opportunities of a protected EEO group.

1. Has the agency identified any barriers (policies, procedures, and/or practices) that affect employment opportunities for PWD and/or PWTD?

Yes 0 No X

2. Has the agency established a plan to correct the barrier(s) involving PWD and/or PWTD?

Yes 0 No 0 N/A X

3. Identify each trigger and plan to remove the barrier(s), including the identified barrier(s), objective(s), responsible official(s), planned activities, and, where applicable, accomplishments.

In FY 2020, the Bureau continued its comprehensive Barrier Analysis (BA) study regarding disability employment-related efforts (conducted by the independent external vendor ICF, Inc.). The BA study focused on identifying any possible triggers and ultimately any barriers to equal employment opportunities, within the Bureau's hiring processes, targeted recruitment and outreach efforts, retention efforts, or the education of managers and employees on the benefits of employing persons with disabilities (PWD) and persons with targeted disabilities (PWTD). While triggers have been identified in this FY 2020 AAP, the barrier analysis investigation was still ongoing at the end of FY 2020, and thus, no barriers were identified in FY 2020.

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Trigger 1	N/A			
Barrier(s)				
Objective(s)				
Responsible Official(s)		Performance Standards Address the Plan? (Yes or No)		
Target Date (mm/dd/yyyy)	Planned Activities	Sufficient Staffing & Funding (Yes or No)	Modified Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
Fiscal Year	Accomplishments			

4. Please explain the factor(s) that prevented the agency from timely completing any of the planned activities.

NA

5. For the planned activities that were completed, please describe the actual impact of those activities toward eliminating the barrier(s).

NA

6. If the planned activities did not correct the trigger(s) and/or barrier(s), please describe how the agency intends to improve the plan for the next fiscal year.

NA

FY 2020 EEO and anti-harassment policy statement

Consumer Financial Protection Bureau
1700 G Street NW
Washington, D.C. 20552



March 2020

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

FROM: Kathleen L. Kraninger
Director

SUBJECT: FY 2020 EEO and Anti-Harassment Policy Statement

**CFPB Policy Statement on
Equal Employment Opportunity and Workplace Harassment**

General EEO Policy

CFPB has an [*Equal Employment Opportunity and Non-Discrimination Policy*](#). The CFPB-NTEU Collective Bargaining Agreement also contains an [*Equal Employment Opportunity Article*](#). It is the unequivocal and longstanding policy of the Consumer Financial Protection Bureau (CFPB or Bureau) to provide equal employment opportunity (EEO) to all employees and applicants for employment.

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 in 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 any discrimination against any employee or applicant for employment based on 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 (including harassment) on any of these protected bases also is prohibited by Federal statutes and/or Executive Orders.

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.

Anti-Harassment Policy

CFPB has an [Anti-Harassment Policy and Related Procedures](#). The goal of the Bureau's anti-harassment policy and related procedures is to prevent harassing conduct from occurring and to stop it *before* it becomes unlawful. Accordingly, it is the unequivocal and longstanding policy of the Bureau to maintain a workplace free from any harassing conduct on any of the protected characteristics or traits outlined above.

The Bureau will not tolerate harassing conduct against any applicant, employee, or contractor. The Bureau prohibits harassing conduct in the workplace by anyone, including senior leaders, managers, supervisors, coworkers, or non-employees such as staff at examination sites, contract workers, security guards, and delivery or maintenance staff.

Harassing conduct includes *unwelcome* conduct based on any (or a combination of) protected traits or characteristics. Such conduct may take the form of any of the following (whether occurring in person, online or by email, on social media, or in any other manner):

- Offensive jokes, comments, objects, or pictures
- Questions about a person's identity (e.g., disability status, gender identity, sexual orientation, national origin, etc.)
- Undue attention
- Ridicule or mockery
- Insults or put-downs
- Touching/physical contact
- Slurs or epithets
- Threats or other forms of intimidation
- Physical or sexual assault.

Examples include (but are not limited to), allegations that:

- My coworkers constantly make derogatory comments about my disability.
- My supervisor reassigned me when I declined his invitation to a dinner date.
- My supervisor makes racially insensitive remarks and jokes at work.

Bureau policy does not prohibit all workplace-related conduct or misconduct individuals may find objectionable. Conduct based on a characteristic or trait that is *not* protected under federal employment civil rights laws or related federal authorities falls outside the scope of the Bureau's anti-harassment policy. Similarly, harassing conduct does not include ordinary supervisory actions (such as telling an employee that they are not performing a job adequately) not based on a protected characteristic or trait. Generally, allegations concerning performance issues, merely impolite behavior, or personality conflicts not based on any, or a combination of, protected characteristics or traits will not fall under the Bureau's anti-harassment policy. Also, occasional and innocuous compliments generally will not constitute harassing conduct.

How to Report Possible Harassment

The Bureau cannot eliminate or address harassing conduct unless officials know about it. The best way to create a workplace culture free from harassing conduct is to ensure that individuals who witness or are the subject or object of such conduct feel encouraged, empowered, and obligated to report it. Every individual at the Bureau is in part responsible for creating this workplace culture.

Individuals who observe, experience, or otherwise learn about harassing conduct *must* report the conduct to any of the individuals or offices listed below. The Bureau will protect the confidentiality of the individuals making complaints to the fullest extent possible.

In general, anyone who is subjected to conduct that they experience as harassing should tell the person who engaged in the conduct to stop it. If the subject or object of the alleged harassing conduct is uncomfortable confronting the person who engaged in the conduct, or if the conduct continues following a request to stop, the subject or object of the alleged harassing conduct must come forward promptly and report the conduct to *any* of the following:

- The subject's immediate supervisor;
- The supervisor of the person responsible for the alleged conduct;
- Any management official with supervisory authority;
- The Office of Employee and Labor Relations (ELR), which can be reached at CFPB_harassmentreferral@cfpb.gov; and/or
- The Office of Civil Rights (OCR), which can be reached at CFPB_EEO@cfpb.gov or 202-435-9EEO, 1-855-233-0362, or 202-435-9742 (TTY).

These individuals and offices have been trained on how to respond to reports of harassing conduct and will be held accountable for responding appropriately to such reports. Managers and supervisors will also receive periodic mandatory anti-harassment training and are required to immediately report such conduct to ELR.

Protection Against Retaliation

The Bureau supports the right of any employee who believes they have been discriminated against or harassed (or who believes they have witnessed discrimination or harassment) to reasonably oppose such conduct, to file a complaint about it, or to participate in any related inquiry or investigation *without fear of retaliation*.

Accordingly, the Bureau will not tolerate retaliation against any applicant, employee, or contractor for opposing harassing conduct, reporting harassing conduct, or participating or assisting in any inquiry, investigation, lawsuit, or other proceeding concerning harassing conduct.

Any employee who engages in prohibited retaliation is subject to disciplinary action, as appropriate. Management will be held accountable for preventing and promptly stopping and correcting any retaliatory conduct.

Filing an EEO Complaint for Violations of Law and Executive Orders

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 a management official or to OHC/ELR does *not* satisfy your obligation to contact OCR within 45 calendar days to seek legal redress for violations of EEO laws and Executive Orders. Further, if you contact OCR to report unlawful harassment, OCR has an obligation to also refer the matter to OHC/ELR for investigation (as appropriate) under Bureau policy. OHC may undertake its own independent internal investigation of the allegations to satisfy its obligations to exercise due care to promptly eliminate all harassing conduct in the workplace.

Additional Information

You can [read the complete CFPB Anti-Harassment and Related Procedures](#).

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

You can [read the Equal Employment Opportunity Article](#) in the CFPB-NTEU Collective Bargaining Agreement.

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

You can find more information regarding Federal antidiscrimination, whistleblower protection, and retaliation laws on:

- the CFPB's intranet at <http://team.cfpb.local/wiki/index.php/EEO>
- the U.S. Equal Employment Opportunity Commission website at <http://www.eeoc.gov>
- the U.S. Office of Special Counsel website at <http://www.osc.gov>
- the U.S. Department of Labor Veterans' Employment and Training Service website at <https://www.dol.gov/vets/>
- the U.S. Merit Systems Protection Board website at <http://www.mspb.gov>
- the U.S. Federal Labor Relations Authority website at <http://www.flra.gov>

Contact Information for the CFPB's Office of Civil Rights

U.S. Postal Service Mail:

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

Hand-Delivery:

Office of Civil Rights
Consumer Financial Protection Bureau
1700 G Street, NW
Fourth 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

FY 2020 Notice on the No FEAR Act and whistleblower protection laws/prohibited personnel practices

Consumer Financial Protection Bureau
1700 G Street NW
Washington, D.C. 20552



March 2020

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

FROM: Kathleen L. Kraninger
Director

SUBJECT: FY 2020 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 such as 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. 107-174, Title I, General Provisions, § 101(1).

The No FEAR Act also requires Federal agencies, including the Bureau, to provide this notice to Federal employees, former Federal employees, and applicants for Federal employment. This notice is intended to inform you of the rights and protections available to you under Federal antidiscrimination, civil service, whistleblower protection, and anti-retaliation laws.

Antidiscrimination Laws

A federal agency cannot discriminate or tolerate harassment against any employee or applicant for employment on the basis of race, color, religion, sex (including pregnancy, sexual orientation, transgender status, gender identity or expression, gender non-conformity, or sex stereotyping of any kind), national origin, age (40 and above), disability, genetic information, marital status, parental status, political affiliation, military service, union activities, protected equal employment opportunity (EEO) activity, whistleblower activity, or any other non-merit factor. Discrimination and harassment on these bases are 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 States 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 of an alleged discriminatory act – 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

U.S. Department of Labor (DOL), the U.S. [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 U.S. [Federal Labor Relations Authority](#) (FLRA).

Whistleblower Protection Laws/Prohibited Personnel Practices

Federal employees have the right to be free from "[Prohibited Personnel Practices](#)" ("PPPs"), including retaliation for whistleblowing and exercising certain grievance, complaint, and appeal rights (and other protected activities). The Bureau is committed to making sure that all employees are aware of their rights, as well as the safeguards that are in place to protect them.

The Whistleblower Protection Act of 1989, the Whistleblower Protection Enhancement Act of 2012, the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017, and other laws collectively provide rights for all covered federal employees to make whistleblower disclosures and ensure that employees are protected from whistleblower retaliation. A Federal employee with authority to take, direct others to take, recommend, or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because that individual has engaged in whistleblowing.

For these purposes, [whistleblowing](#) is defined as the disclosure of information that an employee or applicant reasonably believes evidences (1) a violation of any law, rule, or regulation; (2) gross mismanagement; (3) a gross waste of funds; (4) an abuse of authority; (5) a substantial and specific danger to public health or safety; and/or (6) censorship related to research, analysis, or technical information, 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, Congress and committees of Congress and/or the [U.S. Office of Special Counsel](#) (OSC). This notice includes links below to information about OSC, which is an independent agency that protects federal employees from prohibited personnel practices, including whistleblower retaliation and unlawful hiring practices. OSC also provides an independent, secure channel for disclosing and resolving wrongdoing in federal agencies. [Information on the prohibition on retaliation for whistleblowing is available from this OSC fact sheet.](#)

Under 5 U.S.C. § 2302(b)(9), agency officials also are prohibited from retaliating against any covered employee because the employee (1) filed a lawful complaint, grievance or appeal; (2) testified for or helped someone else with one of these activities; (3) cooperated with or disclosed information to the Special Counsel or an Inspector General; or (4) refused to obey an order that would require the employee to violate a law, rule, or regulation. This [webpage](#) provides information on this type of retaliation.

Please also review the fact sheet, "[Your Rights as a Federal Employee](#)," which provides detailed information on the fourteen prohibited personnel practices and employees' rights to file complaints with OSC. You can also learn more about federal civil service merit systems principles and prohibited personnel practices in this [brief guide from the Merit Systems Protection Board](#), and this [fact sheet on prohibited personnel practices](#) from OSC.

Additionally, you are encouraged to review "[Know Your Rights When Reporting Wrongs](#)" – a fact sheet that describes avenues for making whistleblower disclosures and OSC's role in accepting complaints from federal employees, including how to make disclosures of information protected from public release by law.

If you believe that you have been the victim of a prohibited personnel practice, including whistleblower or other retaliation under 5 U.S.C. §§ 2302(b)(8) or (b)(9), you may file a written complaint ([OSC Form-14](#)) 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 more information regarding Federal antidiscrimination, whistleblower protection, and retaliation laws on:

- the CFPB's intranet at <http://team.cfpb.local/wiki/index.php/EEQ>
- the U.S. Equal Employment Opportunity Commission website at <http://www.eeoc.gov>
- the U.S. Office of Special Counsel website at <http://www.osc.gov>
- the U.S. Department of Labor Veterans' Employment and Training Service website at <https://www.dol.gov/vets/>
- the U.S. Merit Systems Protection Board website at <http://www.mspb.gov>
- the U.S. Federal Labor Relations Authority 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's Office of Civil Rights

U.S. Postal Service Mail:

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

Hand-Delivery:

Office of Civil Rights
Consumer Financial Protection Bureau
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