

Equal Employment Opportunity (EEO) program status report

Fiscal Year (FY) 2021

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Overview

This Equal Employment Opportunity (EEO) Program Status Report for Fiscal Year (FY) 2021¹ is prepared and submitted under the Equal Employment Opportunity Commission (EEOC) Management Directive 715 (MD-715) and accompanying instructions and guidance (as updated).² “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.”³ 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) MD-715 self-assessment for FY 2021. This report also highlights CFPB accomplishments in advancing EEO and identifies additional actions the Bureau began in FY 2021 and will continue to take in FY 2022 and beyond to enhance its overall EEO program.

¹ October 1, 2020 through September 30, 2021.

² 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).

³ MD-715, at Intro. at ¶ 7. Protected EEO bases under Federal law also include age (40 and over), sexual orientation and genetic information under Title VII’s sex discrimination prohibition, and genetic information, among others, under varying statutes and Executive Orders.

Part A – Bureau’s identifying information

TABLE 1: AGENCY IDENTIFYING INFORMATION

Agency identifying information	
1. Agency	Consumer Financial Protection Bureau (CFPB or Bureau)
2. Address	1700 G Street, NW
3. City, State, Zip code	Washington, D.C. 20552
4. Agency Code	FRFT
5. FIPS codes	11001, 06075, 17031, 36061, 13121

Part B – Total employment

At the end of FY 2021⁴, the workforce encompassed 1,593 total employees. This included 1,511 employees on permanent appointments and 82 employees on temporary appointments.

⁴ Data as of September 30, 2021. Workforce numbers for FY 2020 included in this FY 2021 EEO Program Status Report may differ slightly from corresponding data reported in the FY 2020 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 2020 EEO Program Status Report.

Part C – Leadership

TABLE 2: CFPB LEADERSHIP

CFPB Leadership	
Head of Agency	Rohit Chopra Director Consumer Financial Protection Bureau ⁵
Agency Head Designee	Melissa S. Brand Director Office of Civil Rights Consumer Financial Protection Bureau

Part D – List of subordinate components and mandatory documents

The Bureau’s report includes employees located in the four regions – Midwest, Northeast, Southeast, and West⁶. The relevant FIPS codes are listed in Part A.

All mandatory documents are uploaded to the Equal Employment Opportunity Commission’s (EEOC’s) online portal called FedSEP. These include the CFPB’s Strategic Plan FY2018-FY2022, the Bureau’s organizational chart, the FY 2021 EEO and Anti-Harassment Policy Statement, Anti-Harassment Policy and Related Procedures, Disability Reasonable Accommodation and Personal Assistance Services Policy, and the Alternative Dispute Resolution Policy and

⁵ Rohit Chopra was confirmed as the CFPB Director by the Senate on September 30, 2021. During FY 2021, Acting Director David Uejio served as the agency head from January 2021 through September 2021 and Director Kathleen Kraninger served as the agency head from October 2020 through January 2021.

⁶ The states that comprise each region can be found here: <https://www.consumerfinance.gov/about-us/the-bureau/bureau-structure/supervision-enforcement-fair-lending/supervision-regional-directors/>

Procedures. Optional documents such as the FY 2021 Disabled Veterans Affirmative Action Program (DVAAP), CFPB Diversity and Inclusion Strategic Plan Update FY 2019 – FY 2022, and 2021 Annual Employee Survey (AES) results are also uploaded to FedSEP.

Part E – Executive summary

Per MD-715 instructions,⁷ the purpose of this Executive Summary is to inform all CFPB managers and supervisors of their responsibilities regarding 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.).⁸

⁷ See MD-715 Instructions, at III.E. (Reporting and Line by Line Instructions for Executive Summary).

⁸ Id.

E.1. Mission of CFPB & EEO Program

Mission and Mission Related Functions

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.⁹ 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.”¹⁰

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.¹¹

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 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.¹²

⁹ 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)).

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

¹¹ *Id.* at § 1021(b) (codified at 12 U.S.C. § 5511(b)).

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

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.¹³ 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>.

CFPB's EEO program

CFPB has an Office of Equal Opportunity & Fairness (OEOF), which is a part of the Office of the Director.

OEOF is comprised of four discrete program components:

- The Office of Civil Rights (OCR)¹⁴ 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),¹⁵ as well as EEOC Management Directives 110 (MD-110) and MD-715.¹⁶ OCR, the Bureau's Equal Employment Opportunity (EEO) office, has operated since February 2013.¹⁷ The OCR Director reports to the Bureau Director.

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

¹⁴ 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).

¹⁵ 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.

¹⁶ 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>.

¹⁷ Prior to this, the Department of Treasury processed EEO complaints while the Bureau was being stood up.

- The Office of Minority and Women Inclusion (OMWI),¹⁸ required under the Dodd-Frank Act, is responsible for all matters relating to diversity and inclusion at the Bureau and among the Bureau’s contractors and regulated entities. ¹⁹The OMWI Director reports to the Bureau Director.
- The Disability and Accessibility Program Section (DAPS) coordinates the Bureau’s responsibilities under the Rehabilitation Act of 1973; and
- The Office of Fair Lending and Equal Opportunity (OFLEO), required under Dodd-Frank Act,²⁰ leads the Bureau’s effort to ensure fair, equitable, nondiscriminatory access to credit for both individuals and communities.

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 serves 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.

¹⁸ 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).

¹⁹ See 12 U.S.C. §§ 5452(a)(1)(B), (b)(2)(A).

²⁰ See 12 U.S.C. § 5493(c)(2)(A).

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 Office of Human Capital (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 Bureau leadership, employees and applicants, the Workforce Effectiveness Committee (WEC), the People Action Planning Working Group (PAPWG), OMWI, DAPS, OHC, the National Treasury Employees Union (NTEU),²¹ 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 2018-2022,²² and also CFPB’s Diversity and Inclusion Strategic Plan for 2019-2022 (updated in July 2019).²³ OMWI is leading Bureau stakeholders in the drafting the new Diversity, Equity, Inclusion and Accessibility Strategic Plan which will contain strategic goals and actions related to diversity, inclusion, racial and economic equity, and accessibility for the entire Bureau and relate directly to the Bureau’s overall Strategic Plan. OCR serves as a partner in this Bureau-wide effort. Together, these plans provide the

²¹ NTEU is the exclusive representation of CFPB employees.

²² 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.

²³ 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/>.

strategic framework for driving the Agency’s approach to EEO, DEIA, and affirmative employment (including barrier-analysis efforts) under MD-715.

The OCR Director is an Assistant Director of CFPB and reports directly to the CFPB Director on all issues related to the Bureau’s EEO Program. The Bureau Director provides direction, feedback and coaching, as needed, to the OCR Director. Further, the Bureau Director is responsible for other Bureau supervisory functions including serving as the final approving official for mid-year and annual performance evaluations for the OCR Director, assigning work to the OCR Director, and approving the OCR operating budget and staffing to effectively operate a model EEO program. The OCR Director acts with the greatest degree of independence and is the final decisionmaker over EEO complaint matters. The reporting structure of the OCR Director was compliant with the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020²⁴ during FY 2021.

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 Section (DAPS) and any involvement in disability reasonable accommodation requests. This mitigates actual and perceived conflicts between OCR and the OEOF Associate Director, between the DAPS and the OEOF Associate Director, and between OCR and the DAPS. This firewall was memorialized in a memorandum signed by the Bureau Chief of Staff on January 31, 2019.

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, workforce data analyses, 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. On November 22, 2021, the OCR Director, presented on behalf of the Bureau at the White House Domestic Policy Council’s (DPC) Diversity, Equity, Inclusion and Accessibility (DEIA) initiative webinar titled “Promising Practices from Agencies.” The presentation highlighted the outstanding work the Bureau has done to promote LGBTQ+ equity and inclusion within the Bureau. The Bureau was recommended to DPC by the EEOC, who noted that the Bureau has a model EEO Program. In December 2021, the Office of Personnel Management (OPM) said the Bureau is ahead of other

²⁴ On January 1, 2021, Congress enacted the Elijah E Cummings Federal Employee Antidiscrimination Act of 2020, Public Law 116-283, which is part of the National Defense Authorization Act (NDAA) for Fiscal Year 2021.

agencies with regard to LGBTQ+ inclusion, and asked OCR to assist them in developing and implementing government-wide strategies on LGBTQ+ policies and trainings, using the Bureau's work as a foundation.

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 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 conduct²⁵). Other Bureau offices (such as OHC) are similarly firewalled and kept separate as necessary and appropriate to avoid conflicting or competing interests.

OCR staff conducts legal-sufficiency reviews of EEO matters.²⁶ Such reviews include, for example, preparing and issuing "Accept/Dismiss" determinations addressing jurisdiction over, and scope of, claims set forth in formal complaints;²⁷ conducting an impartial and appropriate investigation of accepted formal complaints; conducting substantive reviews of the Reports of Investigations (ROIs) to ensure compliance with laws and regulations; and drafting of Final Agency Decisions (FADs) and Final Agency Orders (FAOs) (as required by 29 C.F.R. § 1614.110).

At the same time, while OCR maintains the primary responsibility for the Agency's overall EEO program, it collaborates as appropriate with OMWI, DAPS, and the Bureau's OHC and Legal

²⁵ See, e.g., *Annalee D. v. Gen. Servs. Admin.*, EEOC Request No. 2019000778 (Nov. 27, 2019).

²⁶ 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.").

²⁷ 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.

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 diversity and inclusion standards for the Bureau,²⁸ which is incorporated into CFPB Human Capital Management. Through the PAPWG, OCR, OMWI, DAPS, 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, equity, inclusion, and accessibility (DEIA) programs Bureau-wide. The PAPWG was formed to ensure the Bureau takes a holistic, consistent approach to considering and planning Bureau-wide people-related plans and initiatives, including those statutorily required (e.g., MD-715, barrier analysis and AES). OCR consults as appropriate with DAPS 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.²⁹ 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 service laws.

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

²⁸ The OMWI Director is an Assistant Director and 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).

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

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.³⁰

During FY 2021, OCR performed an annual EEO program self-assessment using the EEOC's revised "MD-715 2.0 Part G" checklist (effective FY 2018).³¹ 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 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."³² 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.³³ According to MD-715:

³⁰ See MD-715, at Section II; *see also* MD-715 Instructions, at Section I (The Model EEO Program).

³¹ This checklist is available at <https://www.eeoc.gov/federal/directives/md715/partg.cfm>. The Bureau's completed FY 2021 Part G checklist has been uploaded to the EEOC's FedSEP portal.

³² See MD-715 Part G, at Intro.

³³ This MD-715 mandate reinforces statutory requirements. *See* 42 U.S.C. § 2000e-16(e) (emphasizing the "primary

Agencies must translate equal opportunity into everyday 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.³⁴

During FY 2021, CFPB leadership continued to demonstrate commitment to ensuring that the Bureau's talented and diverse staff have equal employment opportunities and are treated fairly and with respect. Notably:

- On September 15, 2021, the former Acting Bureau Director David Uejio 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 Acting Director Uejio highlighting his commitment to these issues, inside and outside of the Bureau.³⁵ The former Acting Director's Annual EEO and Anti-Harassment Policy Statement meets all requirements specified in the MD-715 instructions and the related Part G checklist.
- During FY 2021, former Acting Director Uejio set two priorities for the Bureau (1) relief for consumers facing hardship due to COVID-19 and the related economic crisis and (2) racial equity. A Racial Equity webpage³⁶ was launched to highlight the Bureau's external work. His email to staff to share the webpage creation was also used to emphasize the Bureau-wide salary review and reset to promote pay equity and targeted outreach efforts by the Bureau in recruitment activities at Historically Black Colleges and Universities (HBCUs), Hispanic

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").

³⁴ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.A.

³⁵ The most recent copy of the EEO and Anti-Harassment Policy Statement and No FEAR Act/Whistleblower Protections Notice are linked at the end of this Report. Copies of the FY 2021 statements are uploaded in FedSEP to the EEOC.

³⁶ The Bureau's Racial Equity webpage can be found here: <https://www.consumerfinance.gov/about-us/racial-equity/>.

Serving Institutions (HSIs) and other, more diverse recruiting venues. Former Acting Director Uejio also recorded and shared a video addressing financial discrimination and racial equity to convey his commitment to the Bureau's priorities.

- In February 2021, former Acting Director Uejio established a cross-agency Racial and Economic Equity (REE) Taskforce which developed a REE definition to guide the Bureau's work in this area and proposed a framework to advance Bureau internal and external REE goals.
- In June 2021, former Acting Director Uejio raised the Pride flag at the Bureau's headquarters building for the first time. Acknowledging this gesture as overdue, he wanted to ensure it was clear that the Bureau is committed to the LGBTQ+ community.
- In March 2021, the Bureau's OCR Director served as a panelist alongside other federal agency leaders at the Securities and Exchange Commission (SEC) sponsored FIRREA LGBTQ+ Pride event. Over 750 federal employees from financial regulatory agencies attended.
- In April 2021, OMWI and the ASPIRE ERG hosted a Fireside Chat about the rise in hate attacks and violence against the AAPI community featuring John Yang, the President and Executive Director of Asian Americans Advancing Justice (AAJC) and Acting Director Uejio who moderated the conversation. Additionally, in April, the ASPIRE ERG invited their members to attend a joint inter-agency discussion entitled, Unmasking Anti-Asian Violence, Xenophobia, and Bias featuring speaker Dr. Steve L. Robbins with introductory remarks from Acting Director Uejio. The event broadened awareness around the issues surrounding violence and hate against Asian Americans.
- In alignment with Executive Order 13985 and guidance from the White House Domestic Policy Council, the Bureau voluntarily submitted a 60-day progress report in March 2021 and a 90-day progress report to the Office of Management and Budget (OMB) on April 20, 2021. The Bureau also voluntarily submitted a 200-day equity assessment report to OMB on August 6, 2021. The OCR Director and relevant staff collaborated with other stakeholders and the OMWI Director in the preparation of these Bureau documents.
- In January 2021, former Director Kraninger signed an updated ERG policy that established ERGs as part of the Bureau's structure and provides that ERG members can use Bureau time for ERG activities, with supervisory approval.

- Throughout FY 2021, 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
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

- In February 2021, the Agency released its FY 2021 Annual Performance Plan and Report, and Budget Overview, which reinforces and echoes the Bureau’s unwavering leadership

commitment to EEO and D&I.³⁷

- In 2021, 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 2021. 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.”³⁸ In 2021, CFPB's Inclusion Quotient was 72.7%. This exceeds the Bureau's target for this metric (67.0%) which is reported annually in CFPB's Strategic Plan, Budget and Performance Plan and Report. Since OPM delayed the FEVS administration period, at this time the Bureau does not have the government-wide comparator for comparison purposes.
- In December 2020, the Bureau issued the Director's Mission Achievement Award, which is the Consumer Financial Protection Bureau's highest honor for Leadership Excellence. Leadership Excellence recipients supervised one or more team members; and provided colleagues with an environment where everyone can do their best work, develop and grow their own talents, and feel a sense of belonging; inspired and motivated people and teams; communicated with transparency, clarity and purpose; led with integrity; embraced a diversity of perspectives and modeled inclusivity; and emphasized coaching and development. Five individuals received this distinct honor.
- Throughout FY 2021, 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. OMWI continued their Dialogue Series to foster open communication, engagement, and inclusion among Bureau employees. These sessions were

³⁷ See CFPB's FY 2021 Annual Performance Plan and Report, and Budget Overview (Feb. 2021), at 99-108, available at https://files.consumerfinance.gov/f/documents/cfpb_performance-plan-and-report_fy21.pdf.

³⁸ 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/>.

offered to all employees; however, the number of attendees was limited to encourage candid conversation and allow all participants to engage in the dialogue. In April the session was titled *How Underserved Communities and Consumers Have Been Affected by the COVID-19 Pandemic*, in June the session was titled *Why Black Lives Matter Impacts Everyone*, and in August the session was titled *The Fight Against Colorism*.

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. As the instructions to the MD-715 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 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.³⁹

In FY 2021, CFPB demonstrated this essential element:

- Throughout FY 2021, the OCR Director continued to report directly to the Bureau Director as explained in section E.1 of this report.
- On February 11, 2021, the OCR Director conducted the "State of the Agency EEO Program" briefing based on the Bureau's FY 2020 EEO Program Status (MD-715) Report to EEOC. This briefing covered all components of the Bureau's EEO Program Status Report, including

³⁹ See MD-715 Instructions, at Section I.II., Element B.

a discussion of the Six Essential Elements of a Model EEO Program and an update on barrier analysis efforts.

- CFPB allocated FY 2021 funding and qualified staffing to successfully implement the EEO program. In FY 2021 OCR maintained a standalone budget, separate from the budgets of other Bureau offices. OCR consists of ten permanent staff members. Seven of the ten permanent staff members are attorneys including the OCR Director and EEO Complaints Program Manager. In addition, OCR staff includes a Senior Attorney-Adviser (Senior EEO Advisor), two Attorney-Advisers who function as formal complaints managers, ADR Program Manager and an 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 Reports of Investigations (ROIs), and drafting Final Agency Decisions (FADs) and Final Agency Orders (FAOs). The OCR team also includes a staff EEO Investigator, a Paralegal Specialist and an EEO Counselor. OCR also has resources available through staff and external contract counselors and investigators to ensure that allegations of unlawful discrimination in the workplace are processed properly under 29 C.F.R. Part 1614.
- In FY 2021, OCR created a Senior Advisor, EEO Data and Programs detail. The Senior Advisor (EEO Data and Programs) detailee analyzed workforce demographics and gathered data for the MD-715 (and other) reports and worked with stakeholders on barrier analysis action planning and implementation. 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.
- 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 2021, the PAPWG continued to meet and develop the Bureau's People Strategy. The OCR Director and OMWI Director serve as members. This group formed to ensure that the Bureau takes a holistic, consistent approach to considering and planning Bureau-wide people-related plans and initiatives, including those statutorily required (e.g., MD-715, barrier analysis and AES).

- As part of the FY 2021 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.
- During FY 2021, the OCR Director, OMWI Director, and DAPS Section Chief served as part of a working group with Supervision, Enforcement and Fair Lending (SEFL) management and OHC employees to develop a career development pilot program for administrative positions in the division. The pilot program is expected to begin in FY 2022 after conducting informational interviews with eligible participants and managers.
- Throughout FY 2021, 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 DAPS Section Chief 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.
- The CFPB Supervisory Development Seminar (SDS), is a one-time three-day, mandatory training for all newly appointed Bureau supervisors at all levels (supervisors, managers, and senior leaders). OHC delivers this training twice each year. 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 OMWI, on understanding and mitigating unconscious bias and practicing inclusive management and includes a sample case study, tips for supervisors to identify their own potential biases and non-inclusive behavior, and tools for further learning. Following completion of the three-day SDS, Bureau supervisors (all levels) complete a one-day SDS Refresher course every three years. Additionally, OHC's five-day CFPB Leadership Excellence Seminars (LES) series is conducted annually. This one-time program is also mandatory for all newly appointed CFPB supervisors at all levels, following their completion of the three-day SDS program. OCR and OMWI worked with OHC in the development of these training programs to ensure that diversity and inclusion was infused in the content. Nearly all existing managers have completed both multi-day

trainings. These training programs will continue in FY 2022 for newly appointed Bureau supervisors.

- At the end of FY 2021, OCR developed and offered a one-day EEO training for Bureau supervisors and managers on three separate dates. This training replaced the one previously conducted by the EEOC. The training covered EEO laws, harassment, and retaliation, microaggressions, the EEO process, ADR, and reasonable and religious accommodations. It included many case scenarios to help solidify the breadth of material covered. OCR separately offered and conducted a microaggressions stand-alone training to many divisions and offices during the year.
- Additionally, in FY 2021, the Bureau continued providing training on the purpose and methods for Structured Interviews (including various types of biases that could infect the interview process) for all “lead interviewers;” and an updated annual mandatory No FEAR Act and harassment prevention training (required of all Bureau employees). These trainings along with the ones listed above 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 2021, the Bureau continued the *Mentoring for Success Program* which offered a Leadership Speaker series and career discussion session offered in tandem and were made available to all Bureau employees. The speaker series included Bureau leaders discussing topics such as personal values, leadership qualities, and life lessons. The topics covered during the fiscal year included: Thriving and Surviving Change, Resilience, Living Your Values, Thinking about your Career During a Pandemic and Ways to Future Proof your Career. The career discussions focused on topics like branding, interview skills, etc. In 2021, OMWI added a speed mentoring component to the program or increase the opportunities for employees to engage with leaders.
- Throughout FY 2021 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 2021 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.”⁴⁰ The FY 2021 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.”⁴¹

- In FY 2021, the Bureau continued to adjust 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
Monthly email messages to the entire workforce from the OMWI Director
Annual statements from the CFPB Acting Director Uejio 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)

⁴⁰ FY 2021 Performance Plan and Report, at 100.

⁴¹ *Id.* at 100.

Media Used to Distribute EEO Information to CFPB Employees

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

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

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

Formal training and workshops including New Employee Orientation (NEO); mandatory annual No FEAR Act and harassment prevention trainings; mandatory Supervisory Development Seminar (SDS); mandatory Leadership Excellence Seminars (LES); mandatory one-day manager EEO training led by the OCR team; 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., Cultural competence; Emotional Intelligence in Diverse Settings; Microaggressions; etc.)

OCR “Top Ten EEO Tips” webinars and OCR outreach webinars (e.g., Religious Accommodations)

OMWI-led *Learn More/Take Action Dialogue* series open to all employees in a virtual setting (e.g., *Why Black Lives Matter Impacts Everyone*)

OMWI resources on race (e.g., CFPB Race and Equity Resource Guide, Navigation Guide for Difficult Conversations about Race)

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

E.4. Essential Element C: Management and program accountability

Management Directive 715 explains that a model Title VII and Rehabilitation Act program⁴² will hold managers, supervisors, EEO officials, and personnel officers accountable for the effective implementation and management of the agency’s EEO Program and Plan.⁴³ To uphold this essential element, the Bureau must take accountability with specific items described in the MD-715. In FY 2021, 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

⁴² See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.C.

⁴³ See MD-715 Instructions, at Section I.III. (Element C).

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

- Appropriate Bureau staff were trained on the Bureau’s revised *Disability Reasonable Accommodation and Personal Assistance Services Policy and Procedures* that were approved by the EEOC on October 6, 2021. These procedures are found on the Bureau’s external website.⁴⁴
- In February 2021 and again in August 2021, the *Procedures Related to Harassment* were shared with managers in the *Manager Minute*. It included a reminder that if a supervisor or manager witnesses or receives a report of alleged harassing conduct, the supervisor or manager must document any information that was reported and report the matter to OHC’s Employee Relations immediately.
- The Bureau updated its 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.”

⁴⁴ The procedures are available at <https://www.consumerfinance.gov/office-civil-rights/reasonable-accommodation-persons-disabilities/>.

- In November 2020, OCR and OHC co-presented a Top 10 Things to Know Webinar on Religious Accommodations, which covered the Bureau’s policy and procedures.
- 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 Bureau Director and Division senior leader with recommendations on what senior leaders can do to address the issues in the future.
- Additionally, in FY 2021, 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.
- The OEOF Associate Director, OCR Director, OMWI Director, and the CHCO collaborate on numerous Bureau-wide workforce issues. This partnership facilitates overall collaborative efforts between these offices and their respective staffs. For example, in FY 2021:
 - ✓ OCR, OMWI, DAPS, 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, OMWI Annual Report, FEORP, DVAAP);
 - ✓ The Legal Division, OCR, OHC and OMWI collaborated to create and publish a one-page Management Guide for Common Workplace Issues that indicates for supervisors which offices handle particular issues and which office(s) may also serve as a resource along with current contact information. This resource was reshared periodically during the fiscal year. 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 DAPS. This Data Analyst has, and shares, expertise on the Bureau’s human capital management systems (e.g., HR Connect/Workforce Analytics, USAJobs/Monster Analytics/USASTaffing), and provides OCR, OMWI, and DAPS with OHC data and operational insights on a regular basis. This resource has served as a human “bridge” between OCR, OMWI, DAPS and OHC filling gaps in knowledge and enhancing understanding across office and team boundaries;

- ✓ 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;
 - ✓ OCR prepared and delivered briefings on MD-715 and barrier analysis to Senior Leaders and other internal stakeholders, including the PAPWG, 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;
 - ✓ OCR and OHC 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 continued its 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; and
 - ✓ 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.
- In addition, the Bureau's Part 1614 complaints process (administered by OCR), safeguards employee civil rights and provides appropriate relief for statutory violations.⁴⁵ In FY 2021, OCR issued no findings of discrimination. During the fiscal year, management initiated formal disciplinary action for two individuals as defined in 5 C.F.R. § 724.102⁴⁶ 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.⁴⁷ In addition, the Bureau sanctioned one employee with a counseling for misconduct that did not rise to the level of unlawful harassment. When there are findings of discrimination OCR encourages Bureau officials to impose the maximum discipline supportable under the law

⁴⁵ 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).

⁴⁶ 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.

⁴⁷ *See* 5 C.F.R. §§ 724.302(a)(5), (a)(6).

and facts as relevant under the circumstances.⁴⁸ 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. In the event of future findings of discrimination, OCR will follow the new requirements in the Elijah E. Cummings Act.

E.5. Essential Element D: Proactive prevention

According to Management Directive 715:

Agencies have an ongoing obligation to prevent discrimination on the bases of race, color, national origin, religion, sex, age, reprisal and disability, and eliminate barriers that impede free and open competition in the workplace. As part of this on-going obligation, agencies must conduct a self-assessment on at least an annual basis to monitor progress, identify areas where barriers may operate to exclude certain groups and develop strategic plans to eliminate identified barriers.⁴⁹

CFPB met these requirements in FY 2021:

- Throughout FY 2021, OCR continued to lead an affirmative employment “Barrier Analysis Working Group” (BAWG) with staff from OCR, OMWI, DAPS 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. This group worked with a contractor to finalize the disability barrier analysis investigation that analyzed data related to the experiences and participation rates of employees with disabilities and targeted disabilities. The investigation comports with recommendations the EEOC made to the Bureau in a May 21, 2018 technical assistance letter approving the Bureau’s first Section 501 Affirmative Action Plan. The barrier analysis investigation revealed two barriers to equal employment opportunity - limited career advancement opportunities and opaque promotion and detail selection processes for Persons with a Disability (PWD). The action plan to

⁴⁸ 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”).

⁴⁹ 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).

eliminate these barriers are detailed in Part J.⁵⁰ 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 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 (EARN) on Disability Inclusion.
- At the end of FY 2021, the Bureau met or exceeded the EEOC's 12% goal for Persons with a Disability and the 2% goal for Persons with a Targeted Disability in both salary groupings of the permanent workforce (detailed in Part J Section 1).
 - During FY 2021, OCR briefed the PAPWG on the MD-715, the African American/Black and Hispanic/Latino barrier analysis action plan (detailed in Part I-1) and the Disability barrier analysis investigation (detailed in Part J). As mentioned under Essential Element B, the PAPWG 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 Bureau's Chief Experience Office (CXO), the intention is to increase input and improve integration on these topics.
 - Throughout FY 2021, OCR worked with the software vendor and the internal technology

⁵⁰ Additional details about this barrier-analysis investigation is included in Part J (submitted to EEOC and reflected in the Agency's Affirmative Action Plan for 2021 posted on www.consumerfinance.gov at <https://www.consumerfinance.gov/office-civil-rights/eo-policy-and-reports/>).

team on the implementation of the trigger identification tool purchased. Once the Authority to Operate is granted in FY 2022, the software will assist the Bureau with more efficient trigger-identification in real-time which will aid OCR in conducting regular and interactive demographic analyses. The software's capability is expected to contribute to robust barrier-analysis and proactive prevention of discrimination.

E.6. Essential Element E: Efficiency

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.”⁵¹ In FY 2021, CFPB adhered to these requirements:

- The Bureau maintains strict firewalls between OCR, DAPS, the Legal Division and the OEOF Associate Director regarding the EEO complaints process. To ensure EEO program independence and neutrality, in FY 2021 the Bureau ensured OCR had adequate legal resources to conduct its own legal sufficiency reviews. As of FY 2021, seven of the ten employees in OCR were attorneys.
- With hiring conducted in OCR between FY 2020 and FY 2021, including a Paralegal Specialist, a full-time staff EEO Investigator and an EEO Counselor, the Bureau used staff as well as 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.
- 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. Further, the EEO Complaints Program Manager meets regularly with all OCR staff with complaints-related responsibilities to discuss all open cases, share necessary information, set priorities,

⁵¹ See MD-715 Instructions, at Section I.V. (Element E); see also MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.E.

and maintain a collective team focus on overall program success. The EEO Complaints Program Manager directly supervises two Attorney-Advisers focused on the legal compliance of the formal complaints process, the EEO Counselor focused on the informal complaints process, and the EEO Investigator.

- During FY 2021, OCR had a full-time ADR Attorney-Advisor/Program Manager and a Senior Attorney-Advisor to support the ADR Program, which offers EEO and non-EEO ADR options as well as a Conflict Coaching 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 Bureau was able to increase its pre-complaint ADR participation rate from 20.7% in FY 2020 to 65.0% within the fiscal year, exceeding the EEOC's goal of 50% (detailed in Part H-1). 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 authorizes its use.
- Since the inception of the ADR Program's Conflict Coaching Program in late FY 2020 through FY 2021, there have been almost 60 individual Conflict Coaching sessions. This independent Bureau-wide program was designed to help employees minimize workplace disputes at the lowest level possible.
- Throughout FY 2021 and continuing into FY 2022, 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 2021, OCR conducted all investigations of formal EEO complaints within the regulatory timeframes, decreasing the timeframes from the previous fiscal year in some cases.⁵² The 11 investigations completed during FY 2021 were completed in an average of 219 days. With respect to formal complaint processing, in FY 2021:

- ✓ 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 218.91, a decrease from an average of 253.56 in FY 2020 and lower than the average of 227.24 days in FY 2019;

⁵² See 29 C.F.R. § 1614.108(f).

- ✓ The average number of days in investigation for complaints pending for any length of time during the fiscal year where a hearing was requested was 191.50 days, a decrease from an average of 277.33 in FY 2020 and lower than the average of 229.00 days in FY 2019;
- ✓ The average number of days in investigation for complaints pending for any length of time during FY 2021 where a hearing was not requested was 276.75, an increase from an average of 241.67 in FY 2020;
- ✓ All investigations that were processed by the Bureau’s OCR in FY 2021 were completed timely;
- ✓ OCR 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 11 investigations completed during FY 2021, 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;⁵³
- ✓ As of the end of FY 2021, 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 2021 was 42.83, which was lower than FY 2020 which was 47.27. All FADS and Final Agency Orders (FAOs) were issued on time. During FY 2021, OCR issued 12 FADs and zero FAOs;
- ✓ In FY 2021, OCR issued seven FADs on the merits. The average length of time for issuing these FADs was 48.86 days – under the regulatory requirement of 60 days⁵⁴; and
- ✓ As soon as OCR receives notice that a complainant has requested an EEOC hearing before an Administrative Judge (AJ) or has filed an appeal of a final agency action with EEOC’s OFO, OCR uploads all documents to FedSEP (the EEOC’s online (password-

⁵³ See 29 C.F.R. §1614.108(g).

⁵⁴ See 29 C.F.R. § 1614.110(b).

protected) federal-sector EEO portal).⁵⁵

- In FY 2021, 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. There is a separate ADR module for tracking and analyzing ADR program-related data. During FY 2021, CFPB began working with the vendor and the internal technology team to migrate iComplaints to the Entellitrak platform (called ETK EEO). Once the Authority to Operate is granted, the data will be migrated from iComplaints to ETK EEO. OCR is also working with the vendor to implement additional tracking required under the Elijah E. Cummings Federal Employment Antidiscrimination Act of 2020.
- In FY 2021, 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.
- Ensure that management fully and timely complies with final EEOC orders for corrective action and relief in EEO matters.⁵⁶

Throughout FY 2021, CFPB met these requirements:

⁵⁵ See 29 C.F.R. § 1614.403(g).

⁵⁶ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.F.

- 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 proceedings⁵⁷ or by OFO in adjudication of an appeal⁵⁸).
- Throughout FY 2021, CFPB timely responded and fully complied with all EEOC orders issued as part of the hearings and/or appeals process.⁵⁹ Where necessary, the Bureau promptly provided EEOC with required documentation for completing compliance with any such orders.⁶⁰
- To date, CFPB has never been cited or sanctioned by the EEOC for non-compliance with any directives or orders.

⁵⁷ See 29 C.F.R. § 1614.108(g).

⁵⁸ See 29 C.F.R. § 1614.403(e).

⁵⁹ See 29 C.F.R. § 1614.502.

⁶⁰ See 29 C.F.R. § 1614.502.

- In FY 2021, 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 2021, all annual reports were accurate, complete and submitted on time. Also in FY 2021, OCR posted all four quarterly No FEAR Act data reports on its public website, www.consumerfinance.gov,⁶¹ on time (i.e., within 30 days after the end of each fiscal year quarter).⁶²

E.8 Workforce analyses

In FY 2021 the Bureau's total workforce increased by 90 employees bringing the total workforce to 1,593 employees as of the end of FY 2021. The total workforce is comprised of 1,511 permanent employees and 82 temporary employees.

The total workforce is diverse, with 50% Men and 50% Women and 57% White employees and 43% Minority employees. Black Women comprise the largest minority group (15%), followed by Black Men (9%), Asian Women (5%), Asian Men (5%), Hispanic Men (4%) and Hispanic Women (4%). There is representation for Men and Women who identify as Native Hawaiian/Other Pacific Islander, American Indian/Alaska Native, and Two or More Races (ranging from 0.06% to 0.56%).

When the overall workforce is compared to the National Civilian Labor Force (CLF),⁶³ 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.

Regarding the Bureau's permanent workforce:

⁶¹ 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/>.

⁶² See 29 C.F.R. § 1614.704.

⁶³ The CLF is derived from the 2014-2018 American Community Survey (ACS) Equal Employment Opportunity Tabulation (EEO Tabulation). The most recent EEO Tabulation was released by the U.S. Census Bureau on March 1, 2021. 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://www.eeoc.gov/federal-sector/management-directive/eeoc-federal-sector-occupation-cross-classification-table>.

- Executives are comprised of 49% women and 45% minorities. At the CN-71 (GS-15 equivalent) 30% of employees are minorities, at the CN-60 (GS-14 equivalent) 40% of employees are minorities and at the CN-53 (GS-13 equivalent) 45% are minorities. The Bureau's barrier analysis provides a mechanism to examine any barriers that may be preventing minority employees from advancing into senior level positions.
- The Bureau is meeting and exceeding the EEOC's goals of 12% for persons with a disability (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 \$72,750 and \$72,750 or more). In the lower salary cluster, 19.64% are PWD and 6.25% are PWTD. In the higher salary cluster, 15.05% are PWD and 3.02% are PWTD. Additional information about PWD and PWTD can be found in Part J of this Report.
- Black Women comprise the largest minority group (16%) within the Bureau and exceed the CLF of 6.6%.
- Compared with FY 2020, White Men and White Women experienced the largest net loss of 1.12% and 1.07%, respectively. Black Women experienced the largest net gain of 0.55% followed by Black Men and Hispanic Men of 0.35%. All remaining minority groups and Men and Women experienced a change of no more than 0.34% in either direction.
- In this order, White Men, White Women, and Asian Women were a higher representation 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, 47% of new hires were White; 53% of new hires were minorities, with Black Women constituting the largest minority group among those hired (19%).
- 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 42 Economists, 310 Misc. Admin. and Program, 398

Examiners, and 301 Attorneys.

- Among Economists, Women and Minority representation overall exceed their corresponding Occupational Civilian Labor Force (OCLF),⁶⁴ however, not all minority groups are represented.
- In the Misc. Admin. and Program series, Hispanic Women, Hispanic Men, White Women and White Men are underrepresented when compared to the OCLF.
- Among Examiners, Hispanic Women, White Men, White Women, and Women in general are underrepresented when compared to the OCLF.
- Among Attorneys, Women and Minority groups exceed their corresponding OCLF; however, there are no Native Hawaiian/Other Pacific Islanders represented.

The FY 2021 data collected, as required by the EEOC, will be reviewed, considered, and analyzed as part of ongoing and future barrier-analysis projects.

E.9 Accomplishments

In FY 2021, the Bureau's EEO program achieved significant milestones and successes. These included, but are not limited to:

- Achieving a 65% pre-complaint ADR participation rate, which exceeds the EEOC's goal of 50%. The Bureau implemented many actions during the fiscal year which improved participation and allowed the Bureau to close out its action plan (detailed in Part H-1). The Bureau's ADR Program is viewed as a "top tier agency" ADR program and many agencies have reached out to learn more about the Bureau's best practices.
- Creating a presentation on "The Guide to Getting Pronouns Right" which include ten tips for the workforce. One of the tips covers how to add one's pronouns in WebEx, one's email signature block and the Wiki (CFPB intranet). OCR also includes this information in the New Employee Orientation presentation and it's available on the New Employee Portal Wiki.
- Updating the Counselor intake form and Formal Complaint form to ask what an individual's pronouns are to be more inclusive and avoid assumptions.

⁶⁴ See <https://www.eeoc.gov/federal/directives/00-090pmcode.cfm>.

- During the month of June, the PRIDE flag was raised for the first time at Headquarters.
- OCR and DAPS briefed the PAPWG on the disability barriers identified and then solicited their input before finalizing the action plan in September 2021. The Bureau will begin implementing action items in FY 2022. Additional details are in Part J Section VII.
- The Office of Technology and Innovation (T&I) consulted with the OCR Director and DAPS Chief prior to the launch of large initiatives that impact the workforce to provide an opportunity to raise concerns and discuss changes. For example, T&I briefed them before switching to PIV cards to access laptops as part of the Bureau’s cybersecurity efforts.
- The Bureau’s hiring efforts for persons with a disability were highlighted as promising practices in the EEO Director’s meeting hosted by the EEOC on April 27, 2021.
- OCR created and published a Barrier Analysis Wiki page for the workforce that was shared in the Acting Director’s cover message that issued the annual EEO policy statements.
- OCR developed and offered a one-day EEO training for Bureau supervisors and managers. The training covered everything from EEO laws, to harassment and retaliation, microaggressions, the EEO process, ADR, and reasonable and religious accommodations. It included many case scenarios to help solidify the breadth of material covered. OCR separately offered a microaggressions stand-alone training to many divisions and offices during the year.
- The WEC provided input on the recommendations and next steps on the project to improve the experience of complicated personnel matters for those involved. As a result, OCR worked with T&I to draft storyboards that will be turned into three, short “just-in-time” videos for the EEO complaints process.
- Awarding a contract to migrate our existing EEO complaint system, iComplaints, to Entellitrak’s ETK EEO platform.
- OMWI previously engaged the Legal Division, OCR, and OHC when finalizing *A Race and Equity Resource Guide*. The guide was updated during FY 2021 to include a resource section on *How to Deal with Majority Bias*.
- The Office of the Director was included as a division in the D&I strategic planning process for the first time. The Office of Civil Rights was included in the process and identified goals and action items that will be implemented in FY 2022.

- The OCR Director continued to serve on the Bureau’s Pandemic Advisory Group and the Future of Work Tiger Team which was created to monitor the pandemic and advise the Director on decisions that impact the workforce during and after the pandemic.
- OCR, OMWI, and DAPS served as part of a working group with Supervision, Enforcement and Fair Lending (SEFL) management and OHC to develop a career development pilot program for administrative positions in the division. The program is expected to begin in FY 2022.
- OCR, OMWI, and DAPS worked with OHC, SEFL, and the Attorney Council for a centralized attorney hiring effort to include best practices throughout the process. These best practices included improvements to documentation and justification for hires, requiring structured interviews, diverse interview panels, third party review if the selecting official chooses someone the interview panel did not recommend, blinding resumes, and increasing the number of qualified disabled candidates that are interviewed.
- OHC collaborated with OCR and OMWI on inclusive language for the Bureau’s Careers page and while preparing the FY 2022 recruitment strategy.
- Implementing a new process for retention of hiring records. Managers must send information to OHC who in turn send the information to Records Management. This new process will improve the Bureau’s ability to receive documentation that may be requested for various process such as the EEO complaints process.

E.10 Planned Activities

In FY 2022 CFPB’s OCR intends to:

- Further communicate about the Bureau’s barrier analysis efforts. This includes delivering a Barrier Analysis Roadshow to Bureau employees to breakdown terminology and sharing information about ongoing efforts, updating the recently launched Barrier Analysis Wiki page and delivering bite sized information in the Weekly Digest and Manager Minute communication channels with the assistance of the CXO.
- Conduct trigger identification and prioritize triggers to identify the next barrier analysis project.

- Gather information on how to conduct a pilot for voluntarily collecting employee sexual orientation and gender identity (SOGI) data for future analysis.
- Monitor progress on the barrier analysis action items outlined in Parts I and J of this report.
- Collaborate with Bureau stakeholders on the creation of the Bureau’s Diversity Equity, Inclusion and Accessibility (DEIA) strategic plan in alignment with Executive Order 14035.
- Achieve an Authority to Operate for the trigger identification software for barrier analysis purposes and ETK EEO for managing EEO complaints in order to begin utilizing both tools.
- Continue to meet the EEOC’s goal of 50% for the pre-complaint ADR participation rate.
- Continue promoting the Bureau’s Conflict Coaching Program to de-escalate workplace conflict.
- Finalize and share the three short, “just-in-time” videos for participating in the EEO complaints process. One video is intended for the EEO counselee or complainant, the second video is for the person who has been implicated in an EEO case, and the third video is for a person who has been identified as a witness in an EEO case.
- Work with OHC and our third-party service provider to collect interview data in USAStaffing. This is the applicant system the Bureau switched to during FY 2021.
- Ensure timely issuance of the annual EEO policy statements by the newly confirmed Bureau Director.

More generally, the Bureau will focus on the following objectives during FY 2022:

- 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 EEOC’s 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;

- Ensuring continued compliance with the Elijah E. Cummings Federal Employment Antidiscrimination Act of 2020;
- 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 Bureau 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, equity, inclusion, and accessibility;
- Ensuring Bureau 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;
- Increase the usage of the Conflict Coaching Program to resolve conflicts at the earliest stage and to increase Bureau-wide proficiency in conflict resolution tools;

- Cultivating an inclusive work environment, including by participating in the WEC efforts, the PAPWG efforts, and 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

February 4, 2022

Date

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

Rohit Chopra

Rohit Chopra
Director, Consumer Financial Protection Bureau

February 14, 2022

Date



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



Part G – EEO program self-assessment checklist

The Bureau 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.


Essential Element A: DEMONSTRATED COMMITMENT FROM AGENCY LEADERSHIP


This element requires the agency head to communicate a commitment to equal employment opportunity and a discrimination-free workplace.



 Compliance Indicator  Measures	A.1 – The agency issues an effective, up-to-date EEO policy statement.	Measure Met? (Yes/No/NA)	Comments
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 CFPB Acting Director Uejio issued the Bureau’s FY 2021 EEO and Anti-Harassment Policy Statement on September 15, 2021.
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	



 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	
A.2.a.2	Reasonable accommodation procedures? [see 29 C.F.R § 1614.203(d)(3)]	Yes	
A.2.b	Does the agency prominently post the following information throughout the workplace and on its public website:		
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	
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.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 revised Reasonable Accommodation and Personal Assistance Services Policy and Procedures were approved by the EEOC on October 6, 2021. CFPB's policy is available at https://www.consumerfinance.gov/office-civil-rights/reasonable-accommodation-persons-disabilities/ .
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 Acting Director issued 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-Prevention training, etc.). This information is also available and maintained on the OCR intranet (wiki), accessible by all employees at any time. 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.
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.
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.
A.2.c.5	Behaviors that are inappropriate in the workplace and could result in disciplinary action? [5 CFR § 2635.101(b)] If “yes”, please provide how often.	Yes	This information is provided to all employees in a variety of ways at multiple points throughout each fiscal year. See answer to A.2.c.1.
	A.3 – The agency assesses and ensures EEO principles are part of its culture.	Measure Met?	Comments



Compliance Indicator  Measures		(Yes/No/NA)	
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	The 2021 Director’s Mission Achievement Awards have award criteria that include “embraces diversity of perspectives and models inclusivity”. All employees are encouraged to recognize a colleague through the Superior EEO Achievement certificate program.
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	
<p style="text-align: center;">Essential Element B: INTEGRATION OF EEO INTO THE AGENCY’S STRATEGIC MISSION</p> <p style="text-align: center;">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.</p>			

 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	Acting Director Uejio’s letter to the EEOC on May 13, 2021 confirmed that the reporting structure of the Bureau’s EEO Director complies with the Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020.
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	
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.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	Yes	

	of the agency's EEO program? [see 29 CFR §1614.102(c)(1); MD-715 Instructions, Sec. I]		
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 on February 11, 2021.
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	
 Compliance Indicator	B.2 – The EEO Director controls all aspects of the EEO program.	Measure Met? (Yes/No/NA)	Comments
 Measures			
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,	Yes	



	procedures, and practices? [see MD-110, Ch. 1(III)(A); 29 CFR §1614.102(c)]		
B.2.b	Is the EEO Director responsible for overseeing the completion of EEO counseling [see 29 CFR §1614.102(c)(4)]	Yes	
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	
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	
B.2.e	Is the EEO Director responsible for ensuring compliance with EEOC orders? [see 29 CFR §§ 1614.102(e); 1614.502]	Yes	
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	
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 subcomponents.



 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.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.




 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.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.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	
B.4.a.4	to provide all supervisors and employees with training on the EEO program, including but not limited to retaliation,	Yes	


	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.		
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	
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.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	
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.4.a.9	to effectively manage its anti-harassment program? [see MD-715 Instructions, Sec. I); EEOC Enforcement Guidance on	Yes	

	Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]		
B.4.a.10	to effectively manage its reasonable accommodation program? [see 29 CFR § 1614.203(d)(4)(ii)]	Yes	
B.4.a.11	to ensure timely and complete compliance with EEOC orders? [see MD-715, II(E)]	Yes	
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	
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.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	
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	

 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
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	
B.5.a.2	Reasonable Accommodation Procedures? [see 29 C.F.R. § 1614.102(d)(3)]	Yes	
B.5.a.3	Anti-Harassment Policy? [see MD-715(II)(B)]	Yes	
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	
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	



 Compliance Indicator  Measures	B.6 – The agency involves managers in the implementation of its EEO program.	Measure Met? (Yes/No/NA)	Comments
B.6.a	Are senior managers involved in the implementation of Special Emphasis Programs? [see MD-715 Instructions, Sec. I]	Yes	
B.6.b	Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]	Yes	
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	
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	
<p style="text-align: center;"> 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. </p>			

 Compliance Indicator  Measures	C.1 – The agency conducts regular internal audits of its component and field offices.	Measure Met? (Yes/No/NA)	Comments
C.1.a	Does the agency regularly assess its component and field offices for possible EEO program deficiencies? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.	N/A	The Bureau does not have components or field offices.
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.
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.
 Compliance Indicator	C.2 – The agency has established procedures to prevent all forms of EEO discrimination.	Measure Met? (Yes/No/NA)	Comments



 Measures			
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	
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	
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	
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	

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	
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	
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	
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	
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	



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	
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	
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	
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 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	Yes	



	applicable executive orders, guidance, and standards? [see 29 CFR 1614.203(d)(6)]		
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/ .
 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
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	
C.3.b	Does the agency require rating officials to evaluate the performance of managers and supervisors based on the following activities:		



C.3.b.1	Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see MD-110, Ch. 3.I]	Yes	
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	
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	
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	
C.3.b.5	Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]	Yes	
C.3.b.6	Provide disability accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(8)]	Yes	
C.3.b.7	Support the EEO program in identifying and removing barriers to equal opportunity. [see MD-715, II(C)]	Yes	



C.3.b.8	Support the anti-harassment program in investigating and correcting harassing conduct. [see Enforcement Guidance, V.C.2]	Yes	
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	
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	
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	
 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	
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.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	
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	
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	



C.4.e.2	Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]	Yes	
C.4.e.3	Develop and/or provide training for managers and employees? [see MD-715, II(C)]	Yes	
C.4.e.4	Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]	Yes	
C.4.e.5	Assist in preparing the MD-715 report? [see MD-715, II(C)]	Yes	
 Compliance Indicator	C.5 – Following a finding of discrimination, the agency explores whether it should take a disciplinary action.	Measure Met? (Yes/No/NA)	Comments
 Measures			
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	
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	Yes	OCR issued no findings of discrimination in FY 2021. In FY 2021, management initiated formal disciplinary action for two



	disciplined/sanctioned individuals during this reporting period in the comments.		individuals 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. In addition, the Bureau sanctioned one employee with a counseling for misconduct that did not rise to the level of unlawful harassment.
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	
 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	Yes	The OCR Director provides the “State of the Agency EEO Program” briefing once



	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.		a year. The OCR Director meets regularly with the Bureau Director, senior leaders, divisions, offices, and team leads. OCR staff also presents throughout each year to regions and regional offices. Once a year, all employees also receive notice of submission/publication of the Agency’s FY MD-715 Report and annual No FEAR Act Report.
C.6.b	Are EEO officials readily available to answer managers’ and supervisors’ questions or concerns? [see MD-715 Instructions, Sec. I]	Yes	
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 	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

Measures			
D.1.a	Does the agency have a process for identifying triggers in the workplace? [see MD-715 Instructions, Sec. I]	Yes	
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	
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	
 Compliance Indicator 	D.2 – The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)	Measure Met? (Yes/No/NA)	Comments

Measures			
D.2.a	Does the agency have a process for analyzing the identified triggers to find possible barriers? [see MD-715, (II)(B)]	Yes	
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	
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	
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) reviews 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; 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. 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

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	
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	
D.3.c	Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]	Yes	
 Compliance Indicator  Measures	D.4 – The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities.	Measure Met? (Yes/No/NA)	Comments
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/ .



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	
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	
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 2021, CFPB met the regulatory goals for individuals with disabilities and targeted disabilities for both salary groupings.
Essential Element E: EFFICIENCY			
This element requires the agency head to ensure that there are effective systems for evaluating the impact and effectiveness of the agency's EEO programs and an efficient and fair dispute resolution process.			
 Compliance Indicator	E.1 - The agency maintains an efficient, fair, and impartial complaint resolution process.	Measure Met? (Yes/No/NA)	Comments
 Measures			



E.1.a	Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105?	Yes	
E.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.1.c	Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch. 5(I)?	Yes	Of the 19 formal complaints that were filed in FY 2021, the average length of time for issuing the acknowledgement letter was 4 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(I)? If so, please provide the average processing time in the comments.	Yes	Of the formal complaints that were filed in FY 2021, the average length of time for issuing the Accept/Dismiss communication was 18 calendar days. In FY 2021, CFPB dismissed 5 formal complaints; the average days such complaints were pending before dismissal was 24 calendar days.
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	


E.1.f	Does the agency timely complete investigations, pursuant to 29 CFR §1614.108?	Yes	
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	
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.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.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 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	Yes	Employees are held accountable for performance objectives through the Bureau's performance management


	accountable for poor work product and/or delays during performance review? [See MD-110, Ch. 5(V)(A)]		process consistent with merit system principles, due process rights, Bureau policies, and related applicable requirements.
E.1.1	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	
 Compliance Indicator  Measures	E.2 – The agency has a neutral EEO process.	Measure Met? (Yes/No/NA)	Comments
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 ten total permanent staff members. Seven of the ten permanent staff members are attorneys including the OCR Director and EEO Complaints Program Manager whom are in attorney positions. In addition, OCR staff currently includes a Senior Attorney-Adviser (Senior EEO Advisor), two Attorney-

			Advisers who function as formal complaints managers, ADR Program Manager and an Attorney-Advisor 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.
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.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.
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.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.
 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 2021, the ADR program achieved an informal EEO complaint ADR participation rate of 65% (exceeding the EEOC's goal of 50%). Part H is submitted to close out the action plan developed in FY 2020.
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.3.c	Does the agency encourage all employees to use ADR, where ADR is appropriate? [see MD-110, Ch. 3(IV)(C)]	Yes	



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	
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	
E.3.f	Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]	Yes	
 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.4.a.2	The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)]	Yes	
E.4.a.3	Recruitment activities? [see MD-715, II(E)]	Yes	
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	In April 2021, the CFPB transitioned applicant flow systems from Monster Analytics to USAStaffing. Currently, USAStaffing does not allow for reporting on interview data, which is one of the five stages reported to the EEOC.
E.4.a.5	The processing of requests for reasonable accommodation? [29 CFR § 1614.203(d)(4)]	Yes	
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	
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	
	E.5 – The agency identifies and disseminates significant trends and best practices in its EEO program.	Measure Met?	Comments

Compliance Indicator  Measures		(Yes/No/NA)	
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. 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 2021, the group of stakeholders working on the SEFL career development pilot program benchmarked the upward mobility program at various agencies to consider their best practices as part of the pilot

			development. 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. In FY 2021, this information was considered during the action planning phase. 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	
Essential Element F: RESPONSIVENESS AND LEGAL COMPLIANCE This element requires federal agencies to comply with EEO statutes and EEOC regulations, policy guidance, and other written instructions.			

 Compliance Indicator  Measures	F.1 – The agency has processes in place to ensure timely and full compliance with EEOC Orders and settlement agreements.	Measure Met? (Yes/No/NA)	Comments
F.1.a	Does the agency have a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions? [see 29 CFR §1614.102(e); MD-715, II(F)]	Yes	
F.1.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	
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.1.d	Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]	Yes	
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	

 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
F.2.a	Does the agency timely respond and fully comply with EEOC orders? [see 29 CFR §1614.502; MD-715, II(E)]	Yes	
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	
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	
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	

F.2.a.4	Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance?	Yes	
 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	
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/

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

TABLE 7: FY 2021 EEOC MD-715 REPORT PART H-1

EEOC Form 715 Part H-1	U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report (FY 2021)
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)	09/30/2021
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:	

EEOC Form 715 Part H-1	U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report (FY 2021)
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Target Date (mm/dd/yyyy)	N/A
Planned Activities	Goal exceeded – closing out action plan
Sufficient Funding and Staffing (Yes or No)	N/A
Modified Date (mm/dd/yyyy)	N/A
Completion Date (mm/dd/yyyy)	N/A

Report of Accomplishments:

Fiscal Year	2021
Accomplishments	<ul style="list-style-type: none"> ▪ Achieved an informal EEO complaint ADR participation rate of 65%. ▪ Hired 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. ▪ Hired a new, in-house full-time Counselor, who spends additional time during the Counseling stage to make Counselees aware of the benefits of ADR. ▪ The ADR Program contacts all Counselees who request EEO Counseling (and waived anonymity) and consent to hearing from the ADR Program. The ADR Program shares information about the various ADR resources available, the benefits of ADR, and relays their ability to speak to the Counselee further about ADR to help them make a fully informed decision between ADR and traditional Counseling. ▪ After receiving employee consent, the ADR Program reaches out to any employee who has contacted the EEO office about questions related to the EEO process. The ADR Program discusses with the employee any ADR-related questions that the employee may have. ▪ Created a new and innovative ADR Outreach plan that highlights the benefits of participating in ADR.

- Hosted recurring Office Hours open to Bureau workforce to make ADR Program and information more visible.
- Updated 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).
- Worked 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.
- Engaged the Legal Division and other stakeholders to consider possible innovative settlement resolutions that will be appealing to both parties and increase the likelihood of resolution.
- Posted an “ADR Tip of the Month” to the intranet every month to be viewed by all employees.
- Conducted New Employee Orientation Briefings and Supervisor Trainings, which included an overview of the ADR Program and benefits of ADR.
- Maintained a fully operational “Conflict Coaching Program” staffed with collateral duty Coaches to work one-on-one with employees on conflicts at the lowest level possible.
- Conducted ongoing refresher trainings for the Conflict Coaches.
- Presented on the ADR Program/Conflict Coaching Program approximately 22 times between October 2020 and October 2021, reaching a large majority of all Bureau employees.
- Presented on the ADR Program during Supervisor Development Seminars (SDS) numerous times throughout the year.
- Provided microaggression trainings throughout the Bureau that include the benefits of ADR.
- ADR Program had entries in the Bureau-wide Weekly Newsletter three times during the fiscal year.

- Conducted 128 one-on-one manager outreach meetings to discuss the benefits of using the ADR Program.
 - Updated intranet page to include testimonials/quotes from ADR participants.
 - Confirmed October 19, 2021 for The Essential Role of Dignity in Resolving Conflict: Hosted by the Bureau's ADR Program for Conflict Resolution Day 2021.
 - Met with Union leadership and Union Stewards to help them give their members accurate information about the benefits of the ADR Program.
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Part I – EEO plan to eliminate identified barriers

TABLE 8: FY 2021 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 2021)	
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) ⁶⁵	
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	
Barrier Analysis Process:		
Sources of Data	Source Reviewed (Yes or No)	Identify Information Collected

⁶⁵ This memorandum is available at <https://www.eeoc.gov/federal/directives/memorandum-hispanics.cfm>.

EEOC Form 715-01 Part I-1	U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report (FY 2021)	
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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 continues 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	<ul style="list-style-type: none"> ▪ Perceived unequal access to information regarding advancement opportunities – primarily due to disparities in the networking opportunities and mentoring experiences of minority and female employees. ▪ Inadequate documentation and justification requirements for hiring, detail, and promotion decisions (in order to combat unconscious 	
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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	Eliminate barriers identified; review impact to assess follow-up
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Date Initiated (mm/dd/yyyy)	10/30/2018
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Target Date (mm/dd/yyyy)	09/30/2021 and ongoing
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Sufficient Funding & Staffing? (Yes or No)	Yes
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Modified Date (mm/dd/yyyy)	09/30/2022
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Date Completed (mm/dd/yyyy)	N/A
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Responsible Official(s):

Title	Acting OEOF Associate Director Acting Chief Operating Officer Chief Human Capital Officer OMWI Director OCR Director
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Name	Cassandra McConnell-Tatum Jean Chang Jeffrey Sumberg Lora McCray Melissa Brand
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Performance Standards Address the Plan? (Yes or No)	No
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Planned Activities Toward Completion of Objective:

Target Date

09/30/2021

Planned Activities

Work with internal stakeholders to continue implementation of action items for correcting identified barriers. Some of the planned activities include:

- ✓ Incorporating Diversity, Equity, Inclusion and Accessibility (DEIA) and Racial and Economic Equity (REE) into division bi-annual performance reviews (BPRs) and adding key performance indicators (KPIs) to the Bureau's annual performance plan;
- ✓ Analyzing the centralized attorney pilot to see if diversity increased as a result of the process;
- ✓ Implementing a Recruitment Ambassador program to ensure consistent recruitment practices across the Bureau;
- ✓ Providing hiring managers with a guide on how to have transparent conversations with internal applicants regarding their non-selection;
- ✓ Finalizing a "check your biases checklist" to provide to anyone involved in resume review;
- ✓ Expanding a presentation on the hiring process for details and temporary promotions in order to provide an overview of hiring process for staff; 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)

09/30/2022

Completion Date
(mm/dd/yyyy)

N/A

Report of Accomplishments:

Fiscal Year

2021

Accomplishments

The Barrier Analysis Action Planning Working Group (BAAPWG) met or exchanged updates on the action plan items quarterly during FY

2021. This working group re-evaluated outstanding 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 validated internal office “owners” responsible for implementation of action items.

On April 27, 2021, OCR briefed the People Action Planning Working Group (PAPWG) on the MD-715 and ongoing barrier analysis work as many members are stakeholders and action item owners. The PAPWG oversees the Bureau’s People Strategy to better address and coordinate activities the CFPB will take to address aspects of the work and work environment that impact the employee experience, employee engagement, and organizational climate and culture.

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. Here are some notable accomplishments from FY 2021:

- ✓ Created divisional guidance on REE and the DEIA strategic planning processes;
- ✓ Developed in-house EEO training for first time supervisors and managers that was delivered on three different dates;
- ✓ Delivered new mandatory D&I training for managers/supervisors and separately for employees for some divisions and will continue into FY 2022;
- ✓ Launched via the Acting Director’s annual EEO statement a Barrier Analysis Wiki page (internal website) to share with the workforce the work the Bureau is doing to ensure equal employment opportunity;
- ✓ Developed a Barrier Analysis Roadshow to explain the terminology and process in layman’s terms to the workforce that will be rolled out in FY 2022;
- ✓ Crafted a communications plan with the Chief Experience Office

(CXO) to provide weekly and bi-weekly snippets of information about barrier work in the *Weekly Digest* and *Manager Minute*, respectively;

- ✓ Piloted resume blinding for a centralized Attorney hiring effort and required structured interviews;
- ✓ Issued a briefing to one division on the detail and temporary promotion hiring process that will be expanded in FY 2022; and
- ✓ Encouraged exiting employees to complete the exit survey as part of the off-boarding process.

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. The modified date for this action plan is now the end of FY 2022 to allow action item owners to complete items that were overtaken by other priorities during a year of leadership transition and priority fluctuation while awaiting a confirmed Director.

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/>.

FY 2021 EEO and anti-harassment policy statement

CFPB's latest version is available here, <https://www.consumerfinance.gov/office-civil-rights/eo-policy-and-reports/>.

FY 2021 Notice on the No FEAR Act and whistleblower protection laws/prohibited personnel practices

CFPB's latest version is available here, <https://www.consumerfinance.gov/office-civil-rights/whistleblowers/>.