

# Equal Employment Opportunity (EEO) program status report

Fiscal Year (FY) 2022

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# Overview

This Equal Employment Opportunity (EEO) Program Status Report for Fiscal Year (FY) 2022<sup>1</sup> is prepared and submitted under the Equal Employment Opportunity Commission (EEOC) Management Directive 715 (MD-715) and accompanying instructions and guidance (as updated).<sup>2</sup> “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 (including pregnancy, sexual orientation, transgender status, gender identity or expression, gender non-conformity, or sex stereotyping of any kind), national origin, color, religion, disability or reprisal for engaging in prior protected activity.”<sup>3</sup> 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 2022. This report also highlights CFPB’s accomplishments in advancing EEO and identifies additional actions the Bureau began in FY 2022 and will continue to take in FY 2023 and beyond to enhance its overall EEO program.

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<sup>1</sup> October 1, 2021 through September 30, 2022.

<sup>2</sup> 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).

<sup>3</sup> 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 2022,<sup>4</sup> the workforce encompassed 1,631 total employees. This included 1,524 employees on permanent appointments and 107 employees on temporary appointments.

<sup>4</sup> Data as of September 30, 2022. Workforce numbers for FY 2021 included in this FY 2022 EEO Program Status Report may differ slightly from corresponding data reported in the FY 2021 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 2021 EEO Program Status Report.

# Part C – Leadership

TABLE 2: CFPB LEADERSHIP

CFPB Leadership	
Head of Agency	Rohit Chopra Director Consumer Financial Protection Bureau
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 West.<sup>5</sup> 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 FY 2022-FY

<sup>5</sup> 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/>

2026,<sup>6</sup> the Bureau’s organizational chart,<sup>7</sup> the FY 2022 EEO and Anti-Harassment Policy Statement,<sup>8</sup> Anti-Harassment Policy and Related Procedures, Disability Reasonable Accommodation and Personal Assistance Services Policy,<sup>9</sup> and the Alternative Dispute Resolution Policy and Procedures. Optional documents such as the FY 2022 Disabled Veterans Affirmative Action Program (DVAAP), CFPB Diversity, Equity, Inclusion and Accessibility (DEIA) Strategic Plan FY 2022 – FY 2026,<sup>10</sup> and 2022 Annual Employee Survey (AES) results are also uploaded to FedSEP (EEOC’s online portal).

## Part E – Executive summary

Per MD-715 instructions,<sup>11</sup> 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 the EEOC and all Bureau employees a quick and informative review of the CFPB’s EEO program, including deficiencies that will be addressed during the upcoming fiscal year, and 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

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<sup>6</sup> 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 14.

<sup>7</sup> The Bureau’s organizational chart is available at <https://www.consumerfinance.gov/about-us/the-bureau/bureau-structure/>.

<sup>8</sup> The most recent statement is available at <https://www.consumerfinance.gov/office-civil-rights/eoo-policy-and-reports/>.

<sup>9</sup> A copy of the policy is available at <https://www.consumerfinance.gov/office-civil-rights/reasonable-accommodation-persons-disabilities/>.

<sup>10</sup> This five-year DEIA Strategic Plan is available at <https://www.consumerfinance.gov/data-research/research-reports/cfpb-diversity-equity-inclusion-and-accessibility-strategic-plan>.

<sup>11</sup> See MD-715 Instructions, at III.E. (Reporting and Line by Line Instructions for Executive Summary).

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.).<sup>12</sup>

## 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.<sup>13</sup> 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.”<sup>14</sup>

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)

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<sup>12</sup> *Id.*

<sup>13</sup> 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)).

<sup>14</sup> 124 Stat. 1980, § 1021(a) (codified at 12 U.S.C. § 5511(a)).



markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.<sup>15</sup>

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.<sup>16</sup>

The CFPB's structure includes the Office of the Director – which includes the Office of Civil Rights, among other components – and five Divisions:

- Consumer Education & External Affairs (CEEA)
- Supervision, Enforcement, & Fair Lending (SEFL)
- Research, Monitoring, & 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.<sup>17</sup> 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

In FY 2022, CFPB realigned the programmatic functions formerly housed in the Bureau's Office of Equal Opportunity & Fairness (OEOF). OEOF was an umbrella office in the Office of the Director comprised of four discrete program components (Office of Civil Rights, Office of Minority and Women Inclusion, Disability and Accessibility Program Section and the Office of

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<sup>15</sup> *Id.* at § 1021(b) (codified at 12 U.S.C. § 5511(b)).

<sup>16</sup> *Id.* at § 1021(c) (codified at 12 U.S.C. § 5511(c)).

<sup>17</sup> 124 Stat. 1964, § 1011(a) (codified at 12 U.S.C. § 5491(a)).

Fair Lending and Equal Opportunity). Currently, the Office of the Director includes a stand-alone Office of Civil Rights and separately, an Office of Minority and Women Inclusion, among other components not described below:

- The Office of Civil Rights (OCR) 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),<sup>18</sup> as well as EEOC Management Directives 110 (MD-110) and MD-715.<sup>19</sup> OCR, the Bureau’s Equal Employment Opportunity (EEO) office, has operated since February 2013.<sup>20</sup> The OCR Director reports to the Bureau Director.<sup>21</sup>
- The Office of Minority and Women Inclusion (OMWI), 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.<sup>22</sup> The OMWI Director reports to the Bureau Director.<sup>23</sup> As part of the realignment, the Disability and Accessibility Program Section (DAPS) was placed under OMWI and coordinates the Bureau’s responsibilities under the Rehabilitation Act of 1973.

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**

<b>CFPB’s Office of Civil Rights (OCR)</b>	
Mission	To support the Bureau in complying with civil rights laws and in applying best practices to achieve equal opportunity in the workplace.

<sup>18</sup> 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.

<sup>19</sup> 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>.

<sup>20</sup> Prior to this, the Department of Treasury processed EEO complaints while the Bureau was being stood up.

<sup>21</sup> OCR is led by the OCR Director who reports to the Bureau Director per 29 C.F.R. § 1614.102(b)(4) and the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, Public Law 116-283.

<sup>22</sup> See 12 U.S.C. §§ 5452(a)(1)(B), (b)(2)(A).

<sup>23</sup> OMWI is led by the OMWI Director who reports to the Bureau Director per the Dodd-Frank Act, Section 342 (b)(1).

## CFPB's Office of Civil Rights (OCR)

### 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.

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 People Action Planning Work Group (PAPWG), OMWI (including DAPS), OHC, the National Treasury Employees Union (NTEU),<sup>24</sup> 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 DEIA and EEO aspects of the Bureau's five-year Strategic Plan for FY 2022-2026, and also CFPB's Diversity, Equity, Inclusion and Accessibility

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<sup>24</sup> NTEU is the exclusive representation of CFPB employees.

(DEIA) Strategic Plan for 2022-2026. OMWI led the Bureau's effort to create the DEIA Strategic Plan in accordance with E.O. 14035 and OCR served as partner, among other Bureau offices. These plans provide the 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 2020<sup>25</sup> during FY 2022.

The OCR Director is 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 DAPS.

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. In December 2022, the U.S. Equal Employment Opportunity Commission (EEOC) presented at the *DEIA Summit: A Whole-of-Government Approach to Disability Employment* on "Promising Practices for Individuals with Disabilities" and highlighted the outstanding work the Bureau to hire and retain persons with a disability. Throughout FY 2022, the U.S. Office of Personnel Management (OPM) has indicated the Bureau is ahead of other agencies with regard to LGBTQ+ inclusion and has referred agencies to consult with our Office of Civil Rights on various initiatives. OPM also asked CFPB to pilot a voluntary and anonymous survey to collect feedback to sexual orientation and gender identity (SOGI) questions in order to help inform the coordinated government-wide approach to this data collection. CFPB launched the survey in FY 2023.

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<sup>25</sup> 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.

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 conduct).<sup>26</sup> 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.<sup>27</sup> Such reviews include, for example, preparing and issuing "Accept/Dismiss" determinations addressing jurisdiction over, and scope of, claims set forth in formal complaints;<sup>28</sup> 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 (including DAPS), and the Bureau's OHC and Legal Division to ensure fairness and equality under the law for all employees and applicants for employment. Under the Dodd-Frank Act, the OMWI Director must develop

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<sup>26</sup> See, e.g., *Annalee D. v. Gen. Servs. Admin.*, EEOC Request No. 2019000778 (Nov. 27, 2019).

<sup>27</sup> 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](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.").

<sup>28</sup> 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.

certain diversity, equity, inclusion and accessibility (DEIA) standards for the Bureau,<sup>29</sup> which is incorporated into CFPB Human Capital Management. Through the PAPWG, OCR, OMWI (including 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.<sup>30</sup> 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 2008 (Pub. L. 110-325)). The Six Essential Elements are:

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<sup>29</sup> 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). This position serves as the Bureau's Chief Diversity Officer.

<sup>30</sup> *See* 29 U.S.C. § 791 *et seq.*; *see also* 29 C.F.R. § 1614.203.

- 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.<sup>31</sup>

During FY 2022, OCR performed an annual EEO program self-assessment using the EEOC’s revised “MD-715 2.0 Part G” checklist (effective FY 2018).<sup>32</sup> 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.”<sup>33</sup> 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.<sup>34</sup> According to MD-715:

Agencies must translate equal opportunity into everyday practice and make those

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<sup>31</sup> See MD-715, at Section II; see also MD-715 Instructions, at Section I (The Model EEO Program).

<sup>32</sup> This checklist is available at <https://www.eeoc.gov/federal/directives/md715/partg.cfm>. The Bureau’s completed FY 2022 Part G checklist has been uploaded to the EEOC’s FedSEP portal.

<sup>33</sup> See MD-715 Part G, at Intro.

<sup>34</sup> This MD-715 mandate reinforces statutory requirements. See 42 U.S.C. § 2000e-16(e) (emphasizing the “primary responsibility” of agency heads “to assure nondiscrimination in employment as required by the Constitution and statutes” and his or her “responsibilities under Executive Order 11478 relating to equal employment opportunity in the Federal Government”).

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.<sup>35</sup>

During FY 2022, 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 26, 2022, Bureau Director Rohit Chopra 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 cover message from Director Chopra asking all employees to take the time to read the materials.<sup>36</sup> The Director's Annual EEO and Anti-Harassment Policy Statement meets all requirements specified in the MD-715 instructions and the related Part G checklist.
- In May 2022, Director Chopra encouraged employees to attend and participate in CFPB Unity Day, an OMWI-sponsored event opened to all employees that featured sessions on honoring diverse families, culture, and identity at the CFPB, confronting barriers, and empowering through self-awareness.
- In February 2022, Director Chopra shared details with the workforce about a Fireside Chat on the Stigma of Mental Health in the Black Community that was organized by OMWI and RISE ERG. Additionally, he reminded staff about a Lunch & Learn on the "Racial Wealth Divide."
- In March 2022, the CFPB's Deputy Director approved the Bureau's participation to pilot sexual orientation and gender identity (SOGI) questions with employees in order to help inform the U.S. Office of Personnel Management's (OPM) coordinated government-wide

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<sup>35</sup> See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.A.

<sup>36</sup> 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 2022 statements are uploaded in FedSEP to the EEOC.



approach. The Bureau’s Office of Civil Rights assembled an internal workgroup and worked with survey methodologists and experts at OPM, Census, and NIH to design the anonymous and voluntary pilot survey, which launched in FY 2023.

- Throughout FY 2022, the Deputy Director communicated with Bureau staff, as allowable under the Federal Labor-Management Relations Statute, on compensation reform and remained committed to the goal of advancing fairness, equity and transparency in compensation. In early FY 2023, CFPB and NTEU reached a final agreement on reforming CFPB’s compensation system.
- In November 2021, the Bureau’s 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.
- In June 2022, the Bureau’s Diversity, Equity, Inclusion and Accessibility (DEIA) strategic plan for FY 2022 – FY 2026 was published in alignment with Executive Order 14035. OMWI led this effort and collaborated with Bureau stakeholders, including OCR.
- Throughout FY 2022, 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

## EEO-Related Policies and 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 2022, the CFPB amended the *Cooperation with the Office of the Inspector General (OIG) Policy*, which provides guidelines to all Bureau staff. The revised policy reflects a few minor updates, including placing an emphasis on cooperating with the OIG on its requests and providing timely access to all requested information and resources, as appropriate.
- In February 2022, the Agency released its FY 2022 Annual Performance Plan and Report, and Budget Overview, which reinforces and echoes the Bureau’s unwavering leadership commitment to EEO and DEIA.<sup>37</sup>
- In 2022, 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 September 2022. 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

<sup>37</sup> See CFPB’s FY 2022 Annual Performance Plan and Report, and Budget Overview (Feb. 2022), at 105-113, available at [https://files.consumerfinance.gov/f/documents/cfpb\\_performance-plan-and-report\\_fy22.pdf](https://files.consumerfinance.gov/f/documents/cfpb_performance-plan-and-report_fy22.pdf).

Bureau used portions of the AES results to calculate what OPM has defined as the “Inclusion Quotient.”<sup>38</sup> In 2022, CFPB’s Inclusion Quotient was 71.4%. This exceeds the Bureau’s target for this metric (70.0%) which is reported annually in CFPB’s Strategic Plan, Budget and Performance Plan and Report. Since the FEVS did not include all of the survey items needed to produce the Inclusion Quotient Index results, the government-wide comparisons are not available.

- During FY 2022, 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. Ten individuals received this distinct honor.
- Throughout FY 2022, OMWI communicated regularly with the workforce about diversity, equity, inclusion and accessibility (DEIA) 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 DEIA and key DEIA topics. OMWI continued their Dialogue Series to foster open communication, engagement, and inclusion among Bureau employees. These sessions were 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 November 2022 the session was titled *Racism Has a Cost for Everyone*, in January 2023 the session was titled *Understanding Gender Diversity*, and in March the session was titled *Appraisal Bias: The Impact of Home Appraisals for Black and Brown Communities*.

### 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

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<sup>38</sup> In the 2022 Federal Employee Viewpoint Survey (FEVS), the core set of standard items was changed, thus, government-wide comparisons are not available for some of CFPB’s items, including the Inclusion Quotient.

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.<sup>39</sup>

In FY 2022, CFPB demonstrated this essential element:

- Throughout FY 2022, the OCR Director continued to report directly to the Bureau Director as explained in section E.1 of this report.
- In August 2022, the OCR Director shared the "State of the Agency EEO Program" briefing based on the Bureau's FY 2021 EEO Program Status (MD-715) Report to EEOC with the Director and executives. The briefing materials covered the six essential elements of a model EEO program and status update of barrier analysis projects, using OCR staff's U.S. National Park pictures to paint analogies and engage the audience.
- CFPB allocated FY 2022 funding and qualified staffing to successfully implement the EEO program. In FY 2022, OCR maintained a standalone budget, separate from the budgets of other Bureau offices. OCR consists of eleven permanent staff members. Seven of the eleven permanent staff members are attorneys including the OCR Director, OCR Deputy 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, and an ADR Program Manager (which is an Attorney position) and a Senior Advisor (EEO Data and Programs). 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

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<sup>39</sup> See MD-715 Instructions, at Section I.II., Element B.

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 paralegals, 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 2022, OCR permanently hired a Senior Advisor (EEO Data and Programs). The Senior Advisor (EEO Data and Programs) 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. Additionally, following the completion of the EEO process, the OCR Director may issue an After Action Memo as a tool to provide recommendations to leaders on effective change that can be made where there may not be a legal violation but where OCR identified areas where improvements can be made to proactively prevent unlawful discrimination from happening in the future.
- During FY 2022, 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). For FY 2022, the PAPWG set an internal goal to complete 25% of the disability barrier analysis action items to eliminate the barriers identified and met the goal.
- As part of the FY 2022 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.
- In FY 2022, the OCR Director provided guidance in her role as an advisory member of the CFPB Next working group (including pandemic response and re-entry), and also provided advisory guidance on compensation reform. Additionally, OCR provided guidance on work locations, and is advising on all Bureau policies as part of the new process outlined in the *Management of Internal Policies*.

- In June 2022, a pilot program was launched for administrative positions in Supervision, Enforcement and Fair Lending (SEFL) division. OCR and OMWI (including DAPS) serve as part of a working group with SEFL management and OHC employees on this pilot with the goal of using results of the SEFL pilot to inform broader decisions about how best to create career development opportunities for other positions in the Bureau.
  
- Throughout FY 2022, the OCR Director met with CFPB's Director or Deputy 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 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 DEIA 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, equity, inclusion and accessibility was infused in the content. Nearly all existing managers have completed both multi-day trainings. These training programs will continue in FY 2023 for newly appointed Bureau supervisors.
  
- During FY 2022, OCR offered a one-day EEO training for new Bureau supervisors and managers. 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 standalone trainings to many divisions and offices during the year, such as race and sex based microaggressions training, LGBTQ+ trainings, COVID and EEO trainings, and EEO rights for contractors training.

- Additionally, in FY 2022, 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, ensure supervisors receive periodic training on the EEO process and principles, DEIA, reasonable accommodations procedures, the Bureau’s anti-harassment policies and procedures, and the Bureau’s ADR program.
- Throughout FY 2022 CFPB leaders at all levels were intimately involved in all aspects of the Bureau’s EEO program as appropriate, including strategic EEO/DEIA 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.
- On May 25, 2022, OMWI hosted Unity Day, a unique, virtual, half-day conference that provided Bureau employees more opportunities to learn and gain awareness of important DEIA initiatives, topics, and resources available to them. General sessions featured a panel discussion hosted by Deputy Director Zixta Q. Martinez and a Fireside Chat with Chief of Staff Jan Singelmann.
- During FY 2022, OCR staff continued to communicate with the CFPB workforce through a variety of channels. OCR’s Top 10 Tip Series is offered to all CFPB employees. As part of the barrier analysis program, OCR presented one on Applicant Flow Data and Demographics and another on Employee Surveys and Demographics. Both were focused on sharing the information collected through these different data collection methods and how self-identification information is protected and used in the aggregate for identifying triggers (red flags) in the barrier analysis lifecycle. OCR re-released another Top 10 on Mental Health Awareness and You. OCR utilized the Weekly Digest, Manager Minute, Wiki announcements as well as other channels in the chart below to share information on EEO and DEIA topics.
- CFPB’s FY 2022 Annual Performance Plan and Report, and Budget Overview pledged the

Bureau to “[s]upport the development of high-quality people and team development solutions including core competency training, various management trainings, EEO and diversity and inclusion training, and leadership and coaching and organization development services.”<sup>40</sup> The FY 2022 report also committed the Agency to “[f]oster a positive, diverse, and inclusive workplace by providing advice to CFPB leadership on innovative diversity and inclusion practices for employees . . . as well as equal employment best practices supporting the Bureau’s mission.”<sup>41</sup>

- In August 2022, CFPB and the National Treasury Employees Union (NTEU) reached a final agreement regarding new flexibilities for staff as part of CFPB Next. The agreement covers work schedules, work location, office space, parking and equipment. With the majority of staff continuing to work from home throughout FY 2022, the Bureau provided materials to the workforce in an electronic or digital format in order to reach new and existing employees.

**TABLE 5: MEDIA USED TO DISTRIBUTE EEO INFORMATION TO CFPB EMPLOYEES**

<b>Media Used to Distribute EEO Information to CFPB Employees</b>
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 or Deputy Director
Monthly email messages to the entire workforce from the OMWI Director
Annual statements from the CFPB Director Chopra on the No FEAR Act and on the CFPB’s EEO Policy and Anti-Harassment Policy, provided in email to the entire workforce, posted on the CFPB’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 remote operating posture as well as posted on the Bureau’s intranet
A brochure on Alternative Dispute Resolution and CFPB’s ADR Program provided electronically during the remote operating posture as well as posted on the CFPB’s intranet
<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 remote operating posture)

<sup>40</sup> FY 2022 Performance Plan and Report, at 106.

<sup>41</sup> *Id.* at 107.



## Media Used to Distribute EEO Information to CFPB Employees

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

Intranet and internet content, including all relevant policies and Frequently Asked Questions about OCR and discrimination-related topics, and periodic all-employee “Announcements” on the homepage of the CFPB’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; DEIA workshops (e.g., Power Dynamics, Cultural Competence, Unconscious Bias, Navigating Bias in the Hiring Process, Microaggressions, etc.)

OCR “Top Ten Tips” webinars and OCR outreach webinars (e.g., Applicant Flow Data & Demographics; Employee Survey Data & Demographics)

OMWI-led *Learn More/Take Action Dialogue* series open to all employees in a virtual setting (e.g., *Racism Has a Cost for Everyone*, *Understanding Gender Diversity*; *Appraisal Bias: The Impact of Home Appraisals for Black and Brown Communities*)

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 CFPB’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 program<sup>42</sup> will hold managers, supervisors, EEO officials, and personnel officers accountable for the effective implementation and management of the agency’s EEO Program and Plan.<sup>43</sup> To uphold this essential element, the Bureau must take accountability with specific items described in the MD-

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

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

715. In FY 2022, the Bureau met these requirements:

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

**TABLE 6:** CFPB POLICIES GOVERNING MAJOR PERSONNEL ISSUES AND PROGRAMS

<b>Policies Governing Major Personnel Issues and Programs</b>
Hiring, Promotion, and Internal Personnel Movements Policy
Attorney Hiring and Promotion Policy
Disciplinary and Adverse Action Policy
Policy and Procedures for Addressing Misconduct
CFPB-NTEU Collective Bargaining Agreement Articles

- 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.<sup>44</sup>
- In February 2022, the *Procedures Related to Harassment* were shared with managers and supervisors 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 has a detailed policy for taking disciplinary action against CFPB employees – including for conduct that is inconsistent with Federal anti-discrimination laws and whistleblower protection laws (or for conduct that constitutes another prohibited personnel practice revealed in connection with agency investigations of alleged violations of laws). The Bureau’s *Disciplinary and Adverse Action Policy* provides examples of actions deemed

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

unacceptable, which may result in disciplinary or adverse action, up to and including removal from CFPB. The list includes “Engaging in discrimination, harassment, or other inappropriate conduct.” In FY 2022, the Bureau began updating its Anti-Harassment Policy and Related Procedures, which should be finalized and rolled-out in FY 2023.

- Additionally, in FY 2022, 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 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 2022:
  - ✓ OCR, OMWI (including 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 DEIA/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);
  - ✓ OCR’s Senior Advisor (EEO Data and Programs) supports the data requirements of OCR and OMWI (including DAPS) for particular projects. This Senior Advisor 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 and OMWI (including DAPS) with OHC demographic data and operational insights on a regular basis;
  - ✓ OCR works closely with OHC to get 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 and identifying trends 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.<sup>45</sup> In FY 2022, OCR issued no findings of discrimination. Additionally, there was no management initiated formal disciplinary action for any employees as defined in 5 C.F.R. § 724.102<sup>46</sup> 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.<sup>47</sup> When there are findings of discrimination OCR encourages Bureau officials to impose the maximum discipline supportable under the law and facts as relevant under the circumstances.<sup>48</sup> 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.
  - During FY 2022, OCR staff worked with the Office of Technology & Innovation (T&I) on three short videos to demystify the EEO complaints process. Each video focuses on the roles and responsibilities of either a complainant, a responsible management official, or a witness in the EEO process, informs them of their duty to cooperate, and informs them what to expect from the process. These videos were shared with the workforce and are given as a resource to Bureau staff at the appropriate stages of the EEO process.

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<sup>45</sup> When 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).

<sup>46</sup> 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.

<sup>47</sup> *See* 5 C.F.R. §§ 724.302(a)(5), (a)(6).

<sup>48</sup> *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").

## 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.<sup>49</sup>

CFPB met these requirements in FY 2022:

- Throughout FY 2022, OCR continued to assess various data inputs to identify triggers. OCR began a new barrier analysis study based on prioritized triggers identified in FY 2022. The barrier analysis investigation began in FY 2023 after a contract was awarded at the end of FY 2022.
- As in years past, during FY 2022, OCR reviewed publicly available No FEAR Act data from other Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) agencies to benchmark EEO activity, bases and issues that may be unique to CFPB as well as similar to these agencies. In addition to the benchmarking, OCR uses this multi-year data set to identify trends as part of the OCR's early warning system.
- OCR has worked as an "early warning system" for Bureau leadership, and has regularly analyzed Bureau-wide data (such as EEO complaints, grievances, harassment inquiries, etc.) to identify red flags or trends, and proposed actions for Bureau leadership to take to proactively prevent discrimination or other workplace issues from happening.
- At the end of FY 2022, 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 the Part J/Affirmative Action Plan Section 1).
- During FY 2022, OCR provided updates to the PAPWG on the implementation of barrier

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<sup>49</sup> 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).

analysis action plans related to the African America/Black and Hispanic/Latino barrier analysis study and the Disability barrier analysis study (detailed in Part I-1 and Part J/Affirmative Action Plan, respectively). 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.). The collaboration of this group is intended to improve integration on these topics.

- Throughout FY 2022, OCR continued to work with the software vendor and the internal technology team on the implementation of the trigger identification tool purchased. A temporary Authority to Operate (ATO) was granted in FY 2022 and a permanent ATO should be achieved during FY 2023. The software will assist the Bureau with more efficient trigger-identification 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.”<sup>50</sup> In FY 2022, CFPB adhered to these requirements:

- The Bureau maintains strict firewalls between OCR, DAPS, the Legal Division, OHC, and all other non-OCR Bureau leaders and staff regarding the EEO complaints process. To ensure EEO program independence and neutrality, in FY 2022 the Bureau ensured OCR had adequate legal resources to conduct its own legal sufficiency reviews. As of FY 2022, seven of the eleven employees in OCR were attorneys. This includes an OCR Deputy Director, who encumbers an attorney position and was hired at the end of the fiscal year.
- During FY 2022, 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

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<sup>50</sup> 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.

in place to ensure that contractors and employees 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, 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 2022, OCR had a full-time ADR Attorney-Advisor/Program Manager for 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. For the second year in a row, the Bureau exceeded the EEOC’s goal of 50% for its pre-complaint ADR participation rate. 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.
- During FY 2022, the full-time support for the ADR Program was reduced to one full-time position. This resulted in less outreach and active steps to improve conflict literacy at the Bureau, including the constant outreach needed to increase participation in the Conflict Coaching Program. During the fiscal year there were 35 individual Conflict Coaching sessions through the ADR Program’s Conflict Coaching Program, which was less than the previous year. This independent Bureau-wide program was designed to help employees minimize workplace disputes at the lowest level possible.
- Throughout FY 2022 and continuing into FY 2023, 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 2022, OCR conducted all investigations of formal EEO complaints within the regulatory timeframes, decreasing the timeframes from the previous fiscal year in some cases.<sup>51</sup> The 11 investigations completed during FY 2022 were completed in an average of 225 days. With respect to formal complaint processing, in FY 2022:

- ✓ 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 224.82, a slight increase from an average of 218.91 in FY 2021, and lower than the average of 253.56 days in FY 2020;
- ✓ 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 218.55 days, an increase from an average of 191.50 days in FY 2021, and lower than the average of 277.33 days in FY 2020;
- ✓ The average number of days in investigation for complaints pending for any length of time during FY 2022 where a hearing was not requested was 204.00, a decrease from an average of 276.75 days in FY 2021, and lower than the average of 241.67 days in FY 2020;
- ✓ All investigations that were processed by the Bureau's OCR in FY 2022 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 2022, 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;<sup>52</sup>
- ✓ As of the end of FY 2022, CFPB had zero pending complaints where investigations exceeded the required time frames;

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<sup>51</sup> See 29 C.F.R. § 1614.108(f).

<sup>52</sup> See 29 C.F.R. §1614.108(g).



- ✓ The average number of days in final-action status for complaints pending for any length of time during FY 2022 was 34.56, which was less than FY 2021 which was 42.83 and, which was lower than FY 2020 which was 47.27. All FADS and Final Agency Orders (FAOs) were issued on time. During FY 2022, OCR issued six FADs and four FAOs;
  - ✓ In FY 2022, OCR issued six FADs on the merits. The average length of time for issuing these FADs was 40.50 days – under the regulatory requirement of 60 days;<sup>53</sup> 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-protected) federal-sector EEO portal).<sup>54</sup>
- During FY 2022, OCR successfully migrated from iComplaints platform to Entellitrak’s ETK EEO platform and received an Authority to Operate. ETK EEO 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. 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 2022, OCR obtained a full-time position for a Senior Advisor (EEO Data & Programs), who permanently joined OCR from OHC. This position continues to partner regularly with OHC to obtain employee demographics (e.g., race, national origin, sex or disability) for EEO cases and 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,

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<sup>53</sup> See 29 C.F.R. § 1614.110(b).

<sup>54</sup> See 29 C.F.R. § 1614.403(g).

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.<sup>55</sup>

Throughout FY 2022, CFPB met these requirements:

- CFPB had a system of management controls in place to ensure that its officials timely comply with all EEOC orders/directives and final agency actions. OCR staff is tasked with monitoring and facilitating compliance (working with the Legal Division and other stakeholders) with all orders and directives issued by EEOC Administrative Judges (AJs) and the EEOC's Office of Federal Operations (OFO), as well as with any final agency actions issued by OCR, including monetary and other remedial relief. Bureau executives, managers, and supervisors are evaluated under Leader Performance Standards that require them to comply with settlements agreements and orders issued by the Agency (e.g., through OCR final actions, including final decisions on EEO complaints), EEOC (e.g., by AJs or by OFO on administrative appeals), and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority. Individuals who fail to adhere to these performance standards will be held accountable accordingly through the Bureau's performance management process. Relatedly, any Bureau employees responsible for compliance with EEOC orders will be held accountable for poor work product and/or delays connected to compliance with such orders as outlined above.
- When an EEO complainant requested a hearing or filed an appeal, OCR staff checked FedSEP regularly to ascertain whether the matter had 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 proceedings<sup>56</sup> or by OFO in adjudication of an appeal<sup>57</sup>).

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<sup>55</sup> See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.F.

<sup>56</sup> See 29 C.F.R. § 1614.108(g).

<sup>57</sup> See 29 C.F.R. § 1614.403(e).

- Throughout FY 2022, CFPB timely responded and fully complied with all EEOC orders issued as part of the hearings and/or appeals process.<sup>58</sup> Where necessary, the Bureau promptly provided EEOC with required documentation for completing compliance with any such orders.<sup>59</sup>
- To date, CFPB has never been cited or sanctioned by the EEOC for non-compliance with any directives or orders.
- In FY 2022, 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 2022, all annual reports were accurate, complete and submitted on time. Also in FY 2022, OCR posted all four quarterly No FEAR Act data reports on its public website, [www.consumerfinance.gov](http://www.consumerfinance.gov),<sup>60</sup> on time (i.e., within 30 days after the end of each fiscal year quarter).<sup>61</sup>

## E.8 Workforce analyses

In FY 2022 the Bureau's total workforce increased by 38 employees bringing the total workforce to 1,631 employees as of the end of FY 2022. The total workforce is comprised of 1,524 permanent employees and 107 temporary employees.

The total workforce is diverse, with 50% men and 50% women and 57% White employees and 43% minority employees and is unchanged from fiscal year 2021. Black women comprise the largest minority group (15%), followed by Black men (8%), 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 0.80%).

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<sup>58</sup> See 29 C.F.R. § 1614.502.

<sup>59</sup> See 29 C.F.R. § 1614.502.

<sup>60</sup> 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/>.

<sup>61</sup> See 29 C.F.R. § 1614.704.

When the overall workforce is compared to the National Civilian Labor Force (CLF),<sup>62</sup> 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:

- Executives are comprised of 53% women and 47% minorities. At the CN-71 (GS-15 equivalent) 51% of employees are women and 31% of employees are minorities, at the CN-60 (GS-14 equivalent) 49% of employees are women and 42% of employees are minorities and at the CN-53 (GS-13 equivalent) 50% of employees are women and 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 \$74,950 and \$74,950 or more). In the lower salary cluster, 22.45% are PWD and 6.12% are PWTD. In the higher salary cluster, 15.05% are PWD and 2.78% are PWTD. Additional information about PWD and PWTD can be found in the Bureau's Affirmative Action Plan.
- Black women comprise the largest minority group (16%) within the Bureau and are represented at a higher rate than their respective CLF of 6.6%. Black men comprise the second largest minority group (9%) within the Bureau and are represented at a higher rate than their respective CLF of 5.7%.
- Compared with FY 2021, White women experienced the largest representation loss of 0.47%. White men experienced the largest representation gain of 0.25% followed by women of two or more races of 0.19%. Each minority group experienced a ratio change of no more than 0.06% in either direction. Women experienced a representation loss of 0.30% and men experienced a net gain of 0.30%.

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<sup>62</sup> 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>.

- Regarding separations, 64% were White employees and 36% were minorities. White women were a higher representation in the permanent employee separation pool (32%) when compared to their representation in the permanent workforce (24%). Generally, women were a higher representation in the separation pool (53%) when compared to their representation in the workforce (50%).
- Regarding new hires, 53% were men and 47% were women. 60% of new hires were White and 40% of new hires were minorities, with Black women and Black men constituting the largest minority groups among those hired (15% and 7%, respectively). Hispanic men and Hispanic women comprised 2.7% and 0.9% of the new hires, respectively, which is lower than expected based on their respective CLF. The triggers for Hispanic new hires will continue to be monitored and considered as part of the ongoing barrier-analysis work mentioned in Part I of this report.
- White men and White women see a consistent increase in representation by pay band level when moving from CN-52 (GS-12 equivalent) 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 48 Economists, 308 Misc. Admin. and Program, 390 Examiners, and 325 Attorneys.
  - Among Economists, women and minority representation overall exceed their corresponding Occupational Civilian Labor Force (OCLF),<sup>63</sup> however, not all minority groups are represented. Hispanic men, Hispanic women and Black men are represented at a lower rate than expected when compared with their respective OCLF.
  - In the Misc. Admin. and Program series, Hispanic women, Hispanic men, White women and White men are represented at a lower rate than expected when compared to their respective 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 the relevant OCLF; however,

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<sup>63</sup> See <https://www.eeoc.gov/federal/directives/00-09opmcode.cfm>.

CFPB had 0 Native Hawaiian/Pacific Islander attorneys (the OCLF also is 0%).

The FY 2022 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 2022, the Bureau's EEO program achieved significant milestones and successes. These included, but are not limited to:

- OCR ensured timely issuance of the annual EEO policy statements by Bureau Director Chopra.
- OCR developed and the OCR Director presented a State of the Agency briefing for senior leaders that used national park imagery to connect the leadership themes and expectations of a model EEO program in a memorable and engaging way.
- The Deputy Director approved the Office of Civil Rights to work with experts and survey methodologists at the U.S. Office of Personnel Management (OPM), the National Institutes of Health (NIH), and the U.S. Census to create a voluntary and anonymous pilot survey to collect sexual orientation and gender identity (SOGI) information from CFPB federal employees to help inform the coordinated government-wide approach. The Office of Civil Rights assembled an internal workgroup for this effort to include OMWI, OHC, Strategy and PRIDE ERG. CFPB launched the pilot survey in FY 2023.
- The OCR Director was invited to be a standing member in the newly formed Technology Executive Steering Committee. The OCR Director also continues to serve as a member of the People Action Planning Work Group (PAPWG).
- The Barrier Analysis Program created and offered two Top Ten Tip series for the workforce. In July 2022, the bite-sized briefing covered Applicant Flow Data and Demographics and in September 2022, the briefing covered Employee Survey Data and Demographics. Additionally, the Barrier Analysis Roadshow was presented to various internal groups (e.g., Office of Human Capital, Office of Minority and Women Inclusion, Office of Civil Rights, Employee Resource Group leaders, etc.), the Barrier Analysis Wiki page was updated following last year's MD-715 publication and other communication channels (e.g., Weekly Digest and Manager Minute) were also used to share information.

- OCR conducted trigger identification and prioritized triggers for the next barrier analysis project. This work is underway and will continue into FY 2023.
- A career development pilot program for administrative positions in Supervision, Enforcement and Fair Lending (SEFL) was successfully launched. The working group which consists of staff from OCR, OMWI, DAPS, SEFL Management and OHC continues to meet periodically to share progress and lessons learned. The program will be evaluated in FY 2023 with a goal to leverage the learnings from the pilot to establish a cross-agency program.
- OCR was included in the creation of the *Management of Internal Policies*. As part of this new policy, which went into effect in October 2022, OCR serves as a mandatory reviewer and subject matter expert for reviewing new workplace policies, revisions to existing policies, and providing targeted feedback on policies in accordance with the newly established CFPB policy life cycle.
- Additionally, OCR was consulted in various big-impact processes, procedures and projects throughout the fiscal year and provided an opportunity to provide feedback or input for consideration. Additionally, OCR reviewed the EEOC's Women in STEM report and compared it with the relevant Bureau data in order to provide recommendations for consideration with the Bureau's effort to fill 25 technologist positions.
- T&I consulted with OCR to review their Bureau-wide mandatory compliance trainings prior to launching for FY 2023 in order to provide an opportunity to raise concerns and discuss any proposed changes.
- OHC included OCR and OMWI in reviewing and updating the Bureau's Leader Performance Standards for executives, manager of managers and first-line supervisors to further integrate EEO/DEIA into the standards, which will go into effect in FY 2024.
- OCR collaborated with Bureau stakeholders on the creation of the Bureau's Diversity, Equity, Inclusion, and Accessibility (DEIA) strategic plan in alignment with Executive Order 14035. The Bureau's DEIA strategic plan for FY 2022 – FY 2026 was published in June 2022.
- OCR finalized and shared three short, "just-in-time" videos for participating in the EEO complaints process to improve the experience of personnel involved and to prepare them for what to expect in the 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.

- OCR achieved over 50% pre-complaint ADR participation rate, exceeding the EEOC’s goal of 50%. Additionally, the ADR Program recruited and trained five new Conflict Coaches for the Bureau’s Conflict Coaching Program.
- OCR 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.
- The Bureau’s hiring and retention efforts for persons with a disability were highlighted as promising practices in the EEOC’s presentation at the DEIA Summit 2022: A Whole-of-Government Approach to Disability Employment.
- 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.
- OCR successfully migrated the EEO complaints management software from iComplaints to Entellitrak’s ETK EEO and achieved an Authority to Operate. OCR received a temporary Authority to Operate for the trigger identification software for barrier analysis purposes.
- OCR collaborated with T&I to roll-out a self-service option for employees to add their pronouns to all Microsoft platforms, including Outlook, Teams, Word, etc. Over 7% of employees have already chosen to add their pronouns. Other agencies have reached out to learn more about the CFPB’s effort.
- As part of the Office of the Director’s DEIA action plan, OCR achieved its two goals which were: 1) To improve access to personal and professional DEIA development opportunities and 2) To further inclusivity on the team by articulating clear roles and responsibilities of OCR team members. These were accomplished by having at least three personal and/or professional DEIA development opportunities as a team and having the team review and discuss OCR’s collective FY 2022 Work Plan which detailed the various work streams, tasks, owners, timing and metrics of success.

## E.10 Planned Activities

In FY 2023 CFPB’s OCR intends to:



- Analyze data obtained from the sexual orientation and gender identity (SOGI) pilot survey (which collected voluntary and anonymous responses from CFPB’s federal employees) and share summarized and aggregated results with OPM and the workforce, as appropriate.
- Continue promoting and increase use of the Bureau’s Conflict Coaching Program to de-escalate workplace conflict, resolve conflicts at the earliest stage, and enhance Bureau-wide proficiency in conflict resolution tools.
- Further enhance the ADR Program by focusing on preserving, rebuilding or repairing relationships and find additional resources to staff the program.
- Continue meeting the EEOC’s goal of 50% for the pre-complaint ADR participation rate.
- Launch a Bureau-wide multi-month initiative to “Explore and Disrupt Unconscious Bias” which is intended to creatively and interactively help the workforce, at all levels, recognize and disrupt unconscious bias.
- Collaborate with Bureau stakeholders to provide input and expertise on a gender neutral and gender inclusive language policy.
- Update existing policies such as the Anti-Harassment Policy, the EEO policy, the ADR policy, and the Non-Discrimination and Inclusion Policy for Transgender Applicants and Employees.
- Ensure timely issuance of the annual EEO policy statements by CFPB Director.
- Continue working on the trigger identification software for barrier analysis purposes in order to achieve a permanent Authority to Operate.
- Continue monitoring progress on the barrier analysis action items outlined in Parts I and J of this report. Progress was made on both action plans during FY 2022.
- Continue working with OHC and our third-party service provider to collect interview data in USStaffing, which is the applicant system the Bureau switched to during FY 2021.

More generally, the Bureau will focus on the following objectives during FY 2023:

- 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, analyze triggers, identify and eliminate barriers to equal employment and to administer affirmative employment plans that ensure equal employment opportunity for all consistent with applicable law, rules, regulations, and guidance;
- Proactively providing subject matter expertise at the earliest stages of the development and implementation of Bureau policies, procedures, practices, and decisions that impact the workforce;
- 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;
- Cultivating an inclusive work environment, including by participating in 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.

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**Melissa S. Brand**  
**Director, Office of Civil Rights**

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**Date**

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

\_\_\_\_\_  
**Rohit Chopra**  
**Director, Consumer Financial Protection Bureau**

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**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.**



 <b>Compliance Indicator</b>   <b>Measures</b>	<b>A.1 – The agency issues an effective, up-to-date EEO policy statement.</b>	<b>Measure Met?</b>  <b>(Yes/No/NA)</b>	<b>Comments</b>
<b>A.1.a</b>	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	CFPB Director Chopra issued the Bureau’s FY 2022 EEO and Anti-Harassment Policy Statement on September 26, 2022.
<b>A.1.b</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	

 <b>Compliance Indicator</b>   <b>Measures</b>	<b>A.2 – The agency has communicated EEO policies and procedures to all employees.</b>	<b>Measure Met?</b>  <b>(Yes/No/NA)</b>	<b>Comments</b>
<b>A.2.a</b>	Does the agency disseminate the following policies and procedures to all employees:		
<b>A.2.a.1</b>	Anti-harassment policy? [see MD 715, II(A)]	Yes	
<b>A.2.a.2</b>	Reasonable accommodation procedures? [see 29 C.F.R § 1614.203(d)(3)]	Yes	
<b>A.2.b</b>	Does the agency prominently post the following information throughout the workplace and on its public website:		
<b>A.2.b.1</b>	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	
<b>A.2.b.2</b>	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	







<b>A.2.b.3</b>	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 policy is available at <a href="https://www.consumerfinance.gov/office-civil-rights/reasonable-accommodation-persons-disabilities/">https://www.consumerfinance.gov/office-civil-rights/reasonable-accommodation-persons-disabilities/</a> .
<b>A.2.c</b>	Does the agency inform its employees about the following topics:		
<b>A.2.c.1</b>	EEO complaint process? [see 29 CFR §§ 1614.102(a)(12) and 1614.102(b)(5)] If "yes", please provide how often.	Yes	This information is provided to all employees in a variety of ways at multiple points throughout each fiscal year (e.g., at new employee orientations, when the Director 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.
<b>A.2.c.2</b>	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.
<b>A.2.c.3</b>	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.
<b>A.2.c.4</b>	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.
<b>A.2.c.5</b>	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.
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>A.3 – The agency assesses and ensures EEO principles are part of its culture.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>



<b>A.3.a</b>	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 2022 Director’s Mission Achievement Awards have award criteria that include “embrace diversity of perspectives and model inclusivity”. All employees are encouraged to recognize a colleague through the Superior EEO Achievement certificate program.
<b>A.3.b</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><b>Essential Element B: INTEGRATION OF EEO INTO THE AGENCY’S STRATEGIC MISSION</b></p> <p><b>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.</b></p>			
 <b>Compliance Indicator</b>   <b>Measures</b>	<b>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.</b>	<b>Measure Met?</b>  <b>(Yes/No/NA)</b>	<b>Comments</b>

<b>B.1.a</b>	Is the agency head the immediate supervisor of the person (“EEO Director”) who has day-to-day control over the EEO office? [see 29 CFR §1614.102(b)(4)]	Yes	
<b>B.1.a.1</b>	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>B.1.a.2</b>	Does the agency’s organizational chart clearly define the reporting structure for the EEO office? [see 29 CFR §1614.102(b)(4)]	Yes	See <a href="https://www.consumerfinance.gov/about-us/the-bureau/bureau-structure/">https://www.consumerfinance.gov/about-us/the-bureau/bureau-structure/</a>
<b>B.1.b</b>	Does the EEO Director have a regular and effective means of advising the agency head and other senior management officials of the effectiveness, efficiency and legal compliance of the agency’s EEO program? [see 29 CFR §1614.102(c)(1); MD-715 Instructions, Sec. I]	Yes	
<b>B.1.c</b>	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 August 10, 2022 for senior staff and the Director received it August 16, 2022.

<b>B.1.d</b>	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	
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">   <b>Compliance Indicator</b> </div> <div style="text-align: center;">   <b>Measures</b> </div> </div>			
<b>B.2</b>	<b>The EEO Director controls all aspects of the EEO program.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>B.2.a</b>	Is the EEO Director responsible for the implementation of a continuing affirmative employment program to promote EEO and to identify and eliminate discriminatory policies, procedures, and practices? [see MD-110, Ch. 1(III)(A); 29 CFR §1614.102(c)]	Yes	
<b>B.2.b</b>	Is the EEO Director responsible for overseeing the completion of EEO counseling [see 29 CFR §1614.102(c)(4)]	Yes	
<b>B.2.c</b>	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>B.2.d</b>	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>B.2.e</b>	Is the EEO Director responsible for ensuring compliance with EEOC orders? [see 29 CFR §§ 1614.102(e); 1614.502]	Yes	
<b>B.2.f</b>	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>B.2.g</b>	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.
 <b>Compliance Indicator</b>	<b>B.3 - The EEO Director and other EEO professional staff are involved in, and consulted on, management/personnel actions.</b>	<b>Measure Met?</b> <b>(Yes/No/NA)</b>	<b>Comments</b>
 <b>Measures</b>			
<b>B.3.a</b>	Do EEO program officials participate in agency meetings regarding workforce changes that might impact EEO issues,	Yes	



	including strategic planning, recruitment strategies, vacancy projections, succession planning, and selections for training/career development opportunities? [see MD-715, II(B)]		
<b>B.3.b</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	The CFPB Strategic Plan for FY 2022-2026 makes Bureau leadership's commitment to EEO explicit in goal 4 which states the Bureau will foster operational excellence and further commitment to workforce equity to advance the CFPB's mission. There are specific strategies under objectives 4.1, 4.2 and 4.3 to further EEO and DEIA. For example, one strategy under 4.1 is to "Foster a positive, innovative work environment that promotes diversity, equity, integrity, inclusion, and trust for all employees." In June 2022, the Bureau updated its complementary five-year DEIA Strategic Plan to be in alignment with the agency-wide Strategic Plan.



 <b>Compliance Indicator</b>   <b>Measures</b>	<b>B.4 - The agency has sufficient budget and staffing to support the success of its EEO program.</b>	<b>Measure Met?</b>  <b>(Yes/No/NA)</b>	<b>Comments</b>
<b>B.4.a</b>	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>B.4.a.1</b>	to conduct a self-assessment of the agency for possible program deficiencies? [see MD-715, II(D)]	Yes	
<b>B.4.a.2</b>	to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)]	Yes	
<b>B.4.a.3</b>	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>B.4.a.4</b>	to provide all supervisors and employees with training on the EEO program, including but not limited to retaliation, harassment, religious accommodations, disability	Yes	







	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>B.4.a.5</b>	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>B.4.a.6</b>	to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures)? [see MD-715, II(B)]	Yes	
<b>B.4.a.7</b>	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>B.4.a.8</b>	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>B.4.a.9</b>	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>B.4.a.10</b>	to effectively manage its reasonable accommodation program? [see 29 CFR § 1614.203(d)(4)(ii)]	Yes	
<b>B.4.a.11</b>	to ensure timely and complete compliance with EEOC orders? [see MD-715, II(E)]	Yes	
<b>B.4.b</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>B.4.c</b>	Are the duties and responsibilities of EEO officials clearly defined? [see MD-110, Ch. 1(III)(A), 2(III), & 6(III)]	Yes	
<b>B.4.d</b>	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>B.4.e</b>	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	

 <b>Compliance Indicator</b>   <b>Measures</b>	<b>B.5 – The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills.</b>	<b>Measure Met?</b>  <b>(Yes/No/NA)</b>	<b>Comments</b>
<b>B.5.a</b>	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>B.5.a.1</b>	EEO Complaint Process? [see MD-715(II)(B)]	Yes	
<b>B.5.a.2</b>	Reasonable Accommodation Procedures? [see 29 C.F.R. § 1614.102(d)(3)]	Yes	
<b>B.5.a.3</b>	Anti-Harassment Policy? [see MD-715(II)(B)]	Yes	
<b>B.5.a.4</b>	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>B.5.a.5</b>	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	

 <b>Compliance Indicator</b>   <b>Measures</b>	<b>B.6 – The agency involves managers in the implementation of its EEO program.</b>	<b>Measure Met?</b>  <b>(Yes/No/NA)</b>	<b>Comments</b>
<b>B.6.a</b>	Are senior managers involved in the implementation of Special Emphasis Programs? [see MD-715 Instructions, Sec. I]	Yes	
<b>B.6.b</b>	Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]	Yes	
<b>B.6.c</b>	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>B.6.d</b>	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	
<b>Essential Element C: MANAGEMENT AND PROGRAM ACCOUNTABILITY</b> <b>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.</b>			



 <b>Compliance Indicator</b>   <b>Measures</b>	<b>C.1 – The agency conducts regular internal audits of its component and field offices.</b>	<b>Measure Met?</b>  <b>(Yes/No/NA)</b>	<b>Comments</b>
<b>C.1.a</b>	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.
<b>C.1.b</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.
<b>C.1.c</b>	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.
 <b>Compliance Indicator</b>	<b>C.2 – The agency has established procedures to prevent all forms of EEO discrimination.</b>	<b>Measure Met?</b>  <b>(Yes/No/NA)</b>	<b>Comments</b>

 <b>Measures</b>			
<b>C.2.a</b>	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	
<b>C.2.a.1</b>	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	
<b>C.2.a.2</b>	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	
<b>C.2.a.3</b>	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	



<b>C.2.a.4</b>	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	
<b>C.2.a.5</b>	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	
<b>C.2.a.6</b>	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	
<b>C.2.b</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	
<b>C.2.b.1</b>	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	

<b>C.2.b.2</b>	Has the agency established a firewall between the Reasonable Accommodation Program Manager and the EEO Director? [see MD-110, Ch. 1(IV)(A)]	Yes	
<b>C.2.b.3</b>	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	
<b>C.2.b.4</b>	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	
<b>C.2.b.5</b>	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.
<b>C.2.c</b>	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)]		
<b>C.2.c.1</b>	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 <a href="https://www.consumerfinance.gov/office-civil-rights/reasonable-accommodation-persons-disabilities/">https://www.consumerfinance.gov/office-civil-rights/reasonable-accommodation-persons-disabilities/</a> .
 <b>Compliance Indicator</b>   <b>Measures</b>	<b>C.3 - The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>C.3.a</b>	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	
<b>C.3.b</b>	Does the agency require rating officials to evaluate the performance of managers and supervisors based on the following activities:		



<b>C.3.b.1</b>	Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see MD-110, Ch. 3.I]	Yes	
<b>C.3.b.2</b>	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	
<b>C.3.b.3</b>	Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see MD-715, II(C)]	Yes	
<b>C.3.b.4</b>	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	
<b>C.3.b.5</b>	Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]	Yes	
<b>C.3.b.6</b>	Provide disability accommodations when such accommodations do not cause an undue hardship? [ see 29 CFR §1614.102(a)(8)]	Yes	
<b>C.3.b.7</b>	Support the EEO program in identifying and removing barriers to equal opportunity. [see MD-715, II(C)]	Yes	



<b>C.3.b.8</b>	Support the anti-harassment program in investigating and correcting harassing conduct. [see Enforcement Guidance, V.C.2]	Yes	
<b>C.3.b.9</b>	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	
<b>C.3.c</b>	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	
<b>C.3.d</b>	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	
 <b>Compliance Indicator</b>   <b>Measures</b>	<b>C.4 – The agency ensures effective coordination between its EEO programs and Human Resources (HR) program.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>

<b>C.4.a</b>	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	
<b>C.4.b</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	
<b>C.4.c</b>	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	
<b>C.4.d</b>	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	
<b>C.4.e</b>	Pursuant to Section II(C) of MD-715, does the EEO office collaborate with the HR office to:		
<b>C.4.e.1</b>	Implement the Affirmative Action Plan for Individuals with Disabilities? [see 29 CFR §1614.203(d); MD-715, II(C)]	Yes	

<b>C.4.e.2</b>	Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]	Yes	
<b>C.4.e.3</b>	Develop and/or provide training for managers and employees? [see MD-715, II(C)]	Yes	
<b>C.4.e.4</b>	Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]	Yes	
<b>C.4.e.5</b>	Assist in preparing the MD-715 report? [see MD-715, II(C)]	Yes	
 <b>Compliance Indicator</b>	<b>C.5 – Following a finding of discrimination, the agency explores whether it should take a disciplinary action.</b>	<b>Measure Met?</b> <b>(Yes/No/NA)</b>	<b>Comments</b>
 <b>Measures</b>			
<b>C.5.a</b>	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	
<b>C.5.b</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 2022.





	disciplined/sanctioned individuals during this reporting period in the comments.		
<b>C.5.c</b>	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	
 <b>Compliance Indicator</b>   <b>Measures</b>	<b>C.6 – The EEO office advises managers/supervisors on EEO matters.</b>	<b>Measure Met?</b>  <b>(Yes/No/NA)</b>	<b>Comments</b>
<b>C.6.a</b>	Does the EEO office provide management/supervisory officials with regular EEO updates on at least an annual basis, including EEO complaints, workforce demographics and data summaries, legal updates, barrier analysis plans, and special emphasis updates? [see MD-715 Instructions, Sec. I] If “yes”, please identify the frequency of the EEO updates in the comments column.	Yes	The OCR Director provides the “State of the Agency EEO Program” briefing each 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 annual MD-715 Report and annual No FEAR Act Report.
<b>C.6.b</b>	Are EEO officials readily available to answer managers' and supervisors' questions or concerns? [see MD-715 Instructions, Sec. I]	Yes	
<b>Essential Element D: PROACTIVE PREVENTION</b>			
<b>This element requires that the agency head make early efforts to prevent discrimination and to identify and eliminate barriers to equal employment opportunity.</b>			
 <b>Compliance Indicator</b>	<b>D.1 – The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year.</b>	<b>Measure Met?</b> <b>(Yes/No/NA)</b>	<b>Comments</b>
 <b>Measures</b>			
<b>D.1.a</b>	Does the agency have a process for identifying triggers in the workplace? [see MD-715 Instructions, Sec. I]	Yes	
<b>D.1.b</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	Yes	


	accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I]		
<b>D.1.c</b>	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	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>D.2 – The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)</b>	<b>Measure Met?</b> <b>(Yes/No/NA)</b>	<b>Comments</b>
<b>D.2.a</b>	Does the agency have a process for analyzing the identified triggers to find possible barriers? [see MD-715, (II)(B)]	Yes	
<b>D.2.b</b>	Does the agency regularly examine the impact of management/personnel policies, procedures, and practices by race, national origin, sex, and disability? [see 29 CFR §1614.102(a)(3)]	Yes	
<b>D.2.c</b>	Does the agency consider whether any group of employees or applicants might be negatively impacted prior to making	Yes	





	human resource decisions, such as re-organizations and realignments? [see 29 CFR §1614.102(a)(3)]		
<b>D.2.d</b>	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	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; EEO complaint data, reasonable accommodations data, misconduct cases, grievance cases, performance action, disciplinary actions and anti-harassment program data are reviewed. 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.

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



Measures			
<b>D.4.a</b>	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 <a href="https://www.consumerfinance.gov/office-civil-rights/eo-policy-and-reports/">https://www.consumerfinance.gov/office-civil-rights/eo-policy-and-reports/</a> .
<b>D.4.b</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	
<b>D.4.c</b>	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	
<b>D.4.d</b>	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 2022, CFPB met the regulatory goals for individuals with disabilities and targeted disabilities for both salary groupings.
<b>Essential Element E: EFFICIENCY</b> <b>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.</b>			
			<b>Comments</b>

Compliance Indicator	E.1 - The agency maintains an efficient, fair, and impartial complaint resolution process.	Measure Met?	
 Measures		(Yes/No/NA)	
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 13 formal complaints that were filed in FY 2022, 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 2022, the average length of time for issuing the Accept/Dismiss communication was 24 calendar days. In FY 2022, CFPB dismissed 4 formal complaints; the average days such complaints were pending before dismissal was 39 calendar days.



<b>E.1.e</b>	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	
<b>E.1.f</b>	Does the agency timely complete investigations, pursuant to 29 CFR §1614.108?	Yes	
<b>E.1.g</b>	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	
<b>E.1.h</b>	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	
<b>E.1.i</b>	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	
<b>E.1.j</b>	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).
<b>E.1.k</b>	If the agency uses employees to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays during performance review? [See MD-110, Ch. 5(V)(A)]	Yes	Employees are held accountable for performance objectives through the Bureau's performance management process consistent with merit system principles, due process rights, Bureau policies, and related applicable requirements.
<b>E.1.l</b>	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	
 <b>Compliance Indicator</b>   <b>Measures</b>	<b>E.2 – The agency has a neutral EEO process.</b>	<b>Measure Met?</b>  <b>(Yes/No/NA)</b>	<b>Comments</b>
<b>E.2.a</b>	Has the agency established a clear separation between its EEO complaint program and its defensive function? [see MD-110, Ch. 1(IV)(D)]	Yes	The Bureau's EEO office (OCR) currently has eleven total permanent staff members. Seven of the eleven



			<p>permanent staff members are attorneys including the OCR Director, OCR Deputy Director and EEO Complaints Program Manager who 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 and an ADR Program Manager. OCR staff attorneys conduct legal sufficiency reviews of all EEO matters/work product, including drafting and reviewing acceptance letters/dismissal decisions related to formal complaints, preparing and reviewing Investigative Plans and ROIs, and drafting FADs and FAOs.</p>
<b>E.2.b</b>	<p>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.</p>	Yes	<p>OCR staff attorneys conduct legal sufficiency reviews.</p>
<b>E.2.c</b>	<p>If the EEO office relies on the agency’s defensive function to conduct the legal sufficiency review, is there a firewall</p>	N/A	<p>OCR staff attorneys conduct legal sufficiency reviews.</p>

	between the reviewing attorney and the agency representative? [see MD-110, Ch. 1(IV)(D)]		
<b>E.2.d</b>	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	
<b>E.2.e</b>	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.
 <b>Compliance Indicator</b>   <b>Measures</b>	<b>E.3 - The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program.</b>	<b>Measure Met?</b>  <b>(Yes/No/NA)</b>	<b>Comments</b>
<b>E.3.a</b>	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	







<b>E.3.b</b>	Does the agency require managers and supervisors to participate in ADR once it has been offered? [see MD-715, II(A)(1)]	Yes	
<b>E.3.c</b>	Does the agency encourage all employees to use ADR, where ADR is appropriate? [see MD-110, Ch. 3(IV)(C)]	Yes	
<b>E.3.d</b>	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	
<b>E.3.e</b>	Does the agency prohibit the responsible management official named in the dispute from having settlement authority? [see MD-110, Ch. 3(I)]	Yes	
<b>E.3.f</b>	Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]	Yes	
 <b>Compliance Indicator</b>   <b>Measures</b>	<b>E.4 – The agency has effective and accurate data collection systems in place to evaluate its EEO program.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>



<b>E.4.a</b>	Does the agency have systems in place to accurately collect, monitor, and analyze the following data:		
<b>E.4.a.1</b>	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	
<b>E.4.a.2</b>	The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)]	Yes	
<b>E.4.a.3</b>	Recruitment activities? [see MD-715, II(E)]	Yes	
<b>E.4.a.4</b>	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.
<b>E.4.a.5</b>	The processing of requests for reasonable accommodation? [29 CFR § 1614.203(d)(4)]	Yes	
<b>E.4.a.6</b>	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	

<b>E.4.b</b>	Does the agency have a system in place to re-survey the workforce on a regular basis? [MD-715 Instructions, Sec. I]	Yes	
 <b>Compliance Indicator</b>   <b>Measures</b>	<b>E.5 – The agency identifies and disseminates significant trends and best practices in its EEO program.</b>	<b>Measure Met?</b>  <b>(Yes/No/NA)</b>	<b>Comments</b>
<b>E.5.a</b>	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/or Deputy Director, and quarterly and/or 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.
<b>E.5.b</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 2022, OCR met and interacted regularly with other agencies to share best practices related to annual reporting, analyzing demographics data, barrier analysis and other topics. Separately, OPM asked CFPB to participate as an agency to pilot a sexual orientation and gender identity (SOGI) employee survey. The preparation throughout FY 2022, to include survey question formulation, was done with survey methodologies and experts at NIH, Census and OPM. This anonymous survey will launch in early 2023. During FY 2022, CFPB benchmarked other approaches to ADR that focused on preserving and restoring relationships in addition to resolving conflicts.
<b>E.5.c</b>	Does the agency compare its performance in the EEO process to other federal agencies of similar size? [see MD-715, II(E)]	Yes	

<b>Essential Element F: RESPONSIVENESS AND LEGAL COMPLIANCE</b>			
This element requires federal agencies to comply with EEO statutes and EEOC regulations, policy guidance, and other written instructions.			
 <b>Compliance Indicator</b>		<b>Measure Met?</b>  (Yes/No/NA)	<b>Comments</b>
 <b>Measures</b>			
<b>F.1.a</b>	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	
<b>F.1.b</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	
<b>F.1.c</b>	Are there procedures in place to ensure the timely and predictable processing of ordered monetary relief? [see MD-715, II(F)]	Yes	

<b>F.1.d</b>	Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]	Yes	
<b>F.1.e</b>	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	
 <b>Compliance Indicator</b>   <b>Measures</b>	<b>F.2 – The agency complies with the law, including EEOC regulations, management directives, orders, and other written instructions.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>F.2.a</b>	Does the agency timely respond and fully comply with EEOC orders? [see 29 CFR §1614.502; MD-715, II(E)]	Yes	
<b>F.2.a.1</b>	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	
<b>F.2.a.2</b>	When there is a finding of discrimination that is not the subject of an appeal by the agency, does the agency ensure	Yes	

	timely compliance with the orders of relief? [see 29 CFR §1614.501]		
<b>F.2.a.3</b>	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	
<b>F.2.a.4</b>	Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance?	Yes	
 <b>Compliance Indicator</b>   <b>Measures</b>	<b>F.3 - The agency reports to EEOC its program efforts and accomplishments.</b>	<b>Measure Met?</b>  <b>(Yes/No/NA)</b>	<b>Comments</b>
<b>F.3.a</b>	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	
<b>F.3.b</b>	Does the agency timely post on its public webpage its quarterly No FEAR Act data? [see 29 CFR §1614.703(d)]	Yes	See <a href="https://www.consumerfinance.gov/office-civil-rights/no-fear-act/">https://www.consumerfinance.gov/office-civil-rights/no-fear-act/</a>

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



# Part I – EEO plan to eliminate identified barriers

**TABLE 7:** FY 2022 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 2022)	
<b>Statement of Condition That Was a Trigger for a Potential Barrier:</b>			
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) <sup>64</sup>		
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).		
<b>EEO Group(s) Affected by Trigger:</b>			
EEO Group(s)	Black/African American men Black/African American women Hispanic/Latino men Hispanic/Latina women		
<b>Barrier Analysis Process:</b>			
Sources of Data	Source Reviewed (Yes or No)	Identify Information Collected	

<sup>64</sup> 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 2022)	
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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"> <li>▪ Perceived unequal access to information regarding advancement opportunities – primarily due to disparities in the networking opportunities and mentoring experiences of minority and female employees.</li> <li>▪ Inadequate documentation and justification requirements for hiring, detail, and promotion decisions (in order to combat unconscious</li> </ul>	
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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.

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**Objective(s) and Dates for EEO Plan:**


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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)	09/30/2024
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Date Completed (mm/dd/yyyy)	N/A
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**Responsible Official(s):**


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Title	Chief Operating Officer Chief Human Capital Officer Acting OMWI Director OCR Director
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Name	Adam Martinez Tyshawn Thomas Stacie Jones 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:**


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Target Date	09/30/2021 and ongoing
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Work with internal stakeholders to continue implementation of the remaining action items for correcting identified barriers. Some of the planned activities for FY 2023 include:

## Planned Activities

- ✓ Further enhancing the unconscious bias offerings to the entire workforce to include action-oriented recommendations for reducing unconscious bias;
- ✓ Evaluating the Supervision, Enforcement and Fair Lending (SEFL) career development pilot for administrative positions to identify best practices and lessons learned;
- ✓ Offering lunch and learns to provide an overview of the hiring process for staff; and
- ✓ Improving transparency and equity in the salary setting process.

Sufficient Funding & Staffing?  
(Yes or No)

Yes

Modified Date  
(mm/dd/yyyy)

09/30/2024

Completion Date  
(mm/dd/yyyy)

N/A

**Report of Accomplishments:**

Fiscal Year

2022

## Accomplishments

When implementation of action items for this barrier analysis study began in FY 2020, it contained a large number of action items to address the six barriers to equal employment opportunity. Significant progress was made during FY 2022. Based on the quarterly updates on the action plan items with the Barrier Analysis Action Planning Working Group (BAAPWG), significant progress was made during FY 2022.

Here are some notable accomplishments from FY 2022:

- ✓ OHC, OMWI and DICE partnered to redesign and relaunch the Recruitment Ambassador Program in January 2022. The program is a 2-year collateral duty for employees who are

selected and trained to assist with the Bureau's diversity recruiting.

- ✓ Updates made in the off-boarding process to emphasize completion of the voluntary exit survey. In FY 2021, participation was 77% and in FY 2022, participation was 70% compared with 59% participation in FY 2020. In FY 2022, a “Top 10 Series” presentation was also offered to the workforce on Employee Survey Data and Demographics, which included the exit survey and utility for the barrier analysis program.
  - ✓ OMWI, through its vendor, delivered mandatory DEIA training for managers and supervisors and separately for employees and is working on scheduling makeup sessions for anyone who missed the initial round of offerings.
  - ✓ Shared information about the barrier analysis program through an intranet Wiki page, offered a Barrier Analysis roadshow to multiple stakeholders, and offered a “Top 10 Series” presentation to the workforce on Applicant Flow Data and Demographics.
  - ✓ OHC updated its pre-posting checklist for vacancy announcements to include additional reminders such as encouraging leaders to widely sharing the opportunities (e.g., through division or office communications).
  - ✓ OMWI and the Office of Strategy collaborated to incorporate DEIA and Racial and Economic Equity (REE) elements into the Bi-annual Performance Review (BPR) process, the annual performance plan, and the Bureau Strategic Plan.
  - ✓ OHC provides a check your biases checklist to all hiring managers when certificates are issued.
  - ✓ OHC offered a pilot coaching program to first-line supervisors, similar to the one offered to Bureau executives.
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# 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](http://www.consumerfinance.gov) at <https://www.consumerfinance.gov/office-civil-rights/eo-policy-and-reports/>.

# FY 2022 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 2022 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/>.