

No FEAR Act Annual Report FY 2013

Pursuant to Notification and Federal Employee Antidiscrimination
and Retaliation Act of 2002



Consumer Financial
Protection Bureau

March 2014

Message from Richard Cordray

Director of the CFPB



The value of our mission to help consumer financial markets work and empower consumers to take more control over their economic lives is being reinforced each day. As we enter our third year, we have achieved numerous successes demonstrating the difference we have made in the lives of consumers.

At the same time, the Bureau is also facing challenges. The CFPB detected differences in employee performance ratings for calendar year 2013 through an internal analysis, which we shared with our labor organization, the National Treasury Employees Union (NTEU), in January of this year. Since then, the Bureau has been doing its own deeper analysis, and is also engaging a third-party firm to do a comprehensive review. The firm will look at a range of possible root causes for the observed differences and will help us analyze what potential effect the ratings process may have had on CFPB employees.

We are taking concerns about employee ratings seriously, and the CFPB will move away from its current performance management system. The Bureau has agreed to work together with the NTEU on a system that is consistent with our shared commitment to excellence, equality, and fairness. We are fully committed to making sure that our talented and diverse staff are treated fairly and with the respect they deserve, and we hold the Bureau to the standards of fairness that we expect of the companies and industries it regulates.

I am excited to report on an organizational initiative that is helping to support the Bureau's important mission: the official launching of our Office of Equal Employment Opportunity (EEO Office). We named M. Stacey Bach the EEO Office Director in December 2013 to oversee accountability in providing equality under the law for all employees, former employees, and

applicants for employment. My full support is behind the EEO Office, and I will be working to cultivate a valuable partnership between it and the entire Bureau.

I am pleased to present our Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) Annual Report for FY 2013. It summarizes accomplishments in our emerging Equal Employment Opportunity (EEO) program and our commitment to abide by all civil rights laws and merit systems principles and to promote accountability. The EEO Office's work in FY 2013 will pave the way for continued improvements in our EEO program during FY 2014 and beyond.

Sincerely,

A handwritten signature in blue ink that reads "Richard Cordray".

Richard Cordray

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1. Purpose of report

The No FEAR Act (Pub. L. No. 107-174) is intended to reduce workplace discrimination within the Federal Government by holding federal agencies more accountable. Section 203 of the No FEAR Act requires that, not later than 180 days after the end of each fiscal year, each agency submit a report to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the Bureau, the Equal Employment Opportunity Commission (EEOC), and the Attorney General of the United States. The Office of Personnel Management's (OPM) regulations implementing the No FEAR Act, 5 C.F.R. Part 724, Subpart C, also require the submission of this annual report to the Director of OPM.

The annual report must provide the following information:¹

- The number of federal court cases, pending or resolved, arising under the No FEAR Act laws and the status and disposition of the cases;
- Judgment Fund reimbursements and adjustments to agency budgets to meet reimbursement requirements;
- The number and type of disciplinary actions related to discrimination, retaliation, or harassment and the Bureau's policy relating to appropriate disciplinary action;
- Year-end summary data related to federal sector EEO complaint activity;
- An analysis of trends, causation, and practical knowledge gained through experience and actions planned or taken to improve complaint or civil rights programs; and
- The agency's No Fear Act training.

¹ No FEAR Act, Section 203(a) (1); 5 C.F.R. § 724.302. The requirements are set forth in full at Appendix A.

2. Background

The Bureau is the nation's first federal agency focused solely on consumer financial protection. Title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) created the CFPB to protect consumers from unfair, abusive, and deceptive financial practices and to encourage fair and competitive consumer financial markets. The Bureau's mission is to help consumer finance markets work by making rules more effective, by consistently and fairly enforcing those rules, and by empowering consumers to take more control over their economic lives.

The CFPB officially opened its doors for business on July 21, 2011. At the end of FY 2013, the Bureau consisted of 1342 employees and will continue to grow and mature to meet its important mission.

The Bureau has worked to build a human and physical infrastructure that promotes -- and will continue to promote -- transparency, accountability, fairness, and service to the public. That includes:

- Demonstrating a strong commitment to openness and utilizing the Bureau's website to share information on its operations;
- Recruiting highly-qualified personnel;
- Providing training and engagement opportunities for CFPB staff to improve skills, increase knowledge, and maintain excellence;
- Promoting equal opportunity in all aspects of employment including recruitment, hiring, compensation, performance management, awards, training, career development, and promotions; and
- Promoting diversity in the CFPB workforce and among its contractors.

In February 2013, the Bureau established the EEO Office, which, among other items, provides policy and technical advice to Director Cordray and senior leadership on civil rights issues, works to promote equality and fairness throughout the Bureau and in the Bureau's everyday

business, and manages the Bureau's EEO complaint process. The developing EEO Program works to ensure the EEOC's six essential elements of a model EEO Program² are incorporated into the fabric of the Bureau, thus supporting the goal of maintaining a discrimination- and harassment-free workplace for all.

The permanent appointment of an EEO Director in December 2013 and staffing of the EEO Office to date will help establish the support necessary to identify and provide counsel on appropriate linkages of EEO goals to the goals supporting the CFPB Mission and Strategic Goals, Office of Human Capital (OHC) strategic goals, Office of Women and Minority Inclusion (OMWI) goals, and further EEO accountability for the Bureau. The Bureau is assessing the resource needs necessary to establish a more robust program, and the office intends to work toward achieving full capacity.

² See EEOC, Management Directive 715 (MD-715). The six elements are (1) demonstrated commitment from agency leadership; (2) integration of EEO into the agency's strategic mission; (3) management and program accountability; (4) proactive prevention of unlawful discrimination; (5) efficiency; and (6) responsiveness and legal compliance.

3. Results and data

The information in this Section meets the reporting requirements of the No FEAR Act and its implementing regulations. The information is presented as follows:

- Subsection 3.1 - EEO Complaint Activity in Federal Court and Disposition
- Subsection 3.2 - Judgment Fund Reimbursements and Budget Adjustments
- Subsection 3.3 - Number of Employees Disciplined and Discipline Policy
- Subsection 3.4 - Summary Data
- Subsection 3.5 - Analysis of Complaints
- Subsection 3.6 - No Fear Act Training

3.1 EEO complaint activity in federal court and disposition

The laws covered in the No FEAR Act include:

- Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. § 2000e-16 (race, color, religion, sex, national origin, and reprisal)
- The Age Discrimination in Employment Act of 1967, *as amended*, 29 U.S.C. § 633a (protections for individuals age 40 and over)
- The Equal Pay Act of 1963, 29 U.S.C. § 206(d) (gender-based wage differentials)
- Section 501 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 791 (physical or mental disability)
- The Genetic Information Nondiscrimination Act of 2008, Pub. L. No. 110-233 (genetic information about an individual or individual's family members)
- The Civil Service Reform Act of 1978, 5 U.S.C. § 2302(b) (race, color, religion, sex, national origin, age, disability, marital status, political affiliation, and whistleblowing)

During FY 2013, the Bureau had one civil action filed by three plaintiffs pending in federal court, which was resolved under the laws covered in the No FEAR Act. The civil action raised an issue under the Age Discrimination in Employment Act of 1967.

3.2 Judgment fund reimbursements and budget adjustments

The Bureau neither made reimbursements to the Judgment Fund nor needed to adjust its budget to comply with No FEAR Act reimbursement requirements.³

3.3 Number of employees disciplined and discipline policy

During FY 2013, the Bureau did not discipline any employees for discrimination, retaliation, harassment, or an infraction of any provision of law covered by the No FEAR Act. This is consistent with the fact that there were no findings of discrimination by Final Agency Decision, by order of the EEOC, the Merit Systems Protection Board, the Office of Special Counsel, or a federal court, or after a management inquiry conducted by OHC since the inception of the Bureau.

The Bureau is committed to maintaining a workplace that promotes professionalism and productivity and an environment that respects employees' dignity. Since its opening, it has established a "zero tolerance" policy for acts of discrimination, harassment or retaliation. That policy was relayed to Bureau employees by the executive head of the agency, first by then Special Advisor to the Secretary of the Treasury, Raj Date, and subsequently by Director Richard

³ The Judgment Fund is used to pay court judgments and Justice Department settlements of actual or imminent lawsuits against the government. It is a permanent appropriation and is administered by the Judgment Fund Branch, which is a part of the United States Department of the Treasury, Financial Management Service. The No FEAR Act requires federal agencies to reimburse the Judgment Fund for personnel discrimination payments made in accordance with 28 U.S.C. §§ 2414, 2517, 2672, or 2677. CFPB will not be accessing the Judgment Fund because other sources of funds are available for these purposes. See Consumer Financial Protection Act, Section 1017.

Cordray in both 2012 and 2013 (Appendix B). The EEO Office also stresses this requirement with each new CFPB employee at new employee orientation.

In addition, all Bureau employees must abide by the 13th Principle of Ethical Conduct⁴ requiring that employees adhere to all laws and regulations that provide equal opportunity regardless of race, color, religion, sex, national origin, age, or disability, and have been informed about the Bureau's conduct expectations through No FEAR Act and Core Competency trainings, an EEO poster, its No FEAR Act Notice, and by the CFPB's intranet.⁵ The Bureau's performance management process includes performance metrics for supervisors and managers related to promoting diversity and inclusion. The Bureau's Disciplinary and Adverse Action Policy reiterates these various directives by emphasizing that "engaging in discrimination, harassment, or other inappropriate conduct" is grounds for discipline, up to and including removal.

CFPB remains committed to disciplining and providing remedial training to any employee who fails to abide by these requirements, and the EEO Office and OHC, Employee and Labor Relations staff, work hand-in-hand to fulfill this commitment while abiding by applicable legal requirements.

3.4 Summary data

Appendix C contains a summary of the Bureau's EEO complaint activity for FY 2013.

3.5 Analysis of complaints

This subsection sets forth (1) an examination of trends and causal analysis for complaints and (2) practical knowledge gained through experience and actions planned to improve the Bureau's EEO Program.

⁴ 5 C.F.R. § 2635.101(b) (13). Employees are notified of this requirement in mandatory ethics training, posters, and through the intranet.

⁵ <http://www.consumerfinance.gov/no-fear-act/>; *see also* 77 Fed. Reg. 5241-01 (Feb. 2, 2012).

3.5.1 Trends and causal analysis

Because the CFPB officially opened on July 21, 2011, it does not yet have a five-year perspective of EEO data related to complaint-filing trends. The Bureau is committed, however, to monitoring trends and implementing any necessary corrective measures as its EEO Program matures.

During FY 2013, the Bureau experienced an 18 percent decrease in the number of formal complaints filed compared to FY 2012. Of the nine formal complaints filed during FY 2013, six complaints were closed, and one was withdrawn. The nine complainants who filed in FY 2013 represent .67 percent of CFPB's workforce, a decrease of approximately one-half compared to FY 2012 and slightly higher than the midsize agency⁶ rate of .54 percent.⁷

In FY 2013, there were no formal complaints alleging non-selection as an issue; this is significant because during FY 2012, 72 percent of formal complaints filed identified non-selection as a claim. As in FY 2012, during FY 2013, the Bureau's workforce grew substantially, from 970 employees at the end of FY 2012 to 1,342 at the end of FY 2013. To aid in interviewing in FY 2013, the OHC made available an enhanced Interview Guide to persons involved in the interview process, which the EEO Office believes may have helped contribute to the lower number of non-selection complaints made in FY 2013.

The most frequently cited bases of discrimination in FY 2013—equal at four complaints each—were: age, race, reprisal, and sex.⁸ In FY 2012, age was similarly the most frequently cited basis, with national origin and reprisal as the second most frequently cited basis for discrimination claims. This is consistent with government-wide trends in which age, race, and reprisal were the most frequently cited bases in both FY 2010 and FY 2011.⁹ The Bureau's FY

⁶ Midsize or medium agencies are those with 1000 to 14,999 employees. EEOC's FY 2011 Annual Report on the Federal Workforce (July 2011) (EEOC FY 2011 Report), available at <http://www.eeoc.gov/federal/reports/fsp2011/index.cfm>.

⁷ EEOC FY 2011 Report. EEOC has not yet issued a FY 2012 report.

⁸ Although there were nine formal complaints, there are more than nine bases of discrimination alleged because a complainant may assert more than one basis.

⁹ EEOC FY 2011 Report.

2013 staff demographics with respect to persons under 40 and persons 40 and over changed slightly when compared to FY 2012 (631 of the 1342 employees or 47% of employees in FY 2013 were 40 or older versus 480 of 970 or 49.48% of employees were 40 or older in FY 2012).

The most frequent complaint by issue in FY 2013 was assignment of duties, which was identified in 33 percent of complaints. In comparison, FY 2012's most frequent complaint by issue was non-selection, which was identified in 18 percent of complaints.

The Bureau will continue to monitor its complaint activity compared to government-wide activity and activity of agencies most similar to the Bureau. As the Bureau builds on its historical data, we will conduct trend analyses and, when warranted, determine approaches to respond to data that reveal barriers to equal employment opportunities.

The Bureau promotes early resolution of complaints and the use of alternative dispute resolution (ADR) as an option to its traditional administrative complaint processes and offers ADR at all stages of the complaint process. The commitment to ADR is communicated to employees through the intranet, training, and during individual meetings with parties seeking assistance from the EEO Office. During FY 2013, 3 or 33 percent of the Bureau's nine formal complaints were mediated. The parties reached resolution in the three formal cases that were mediated.

3.5.2 Practical knowledge gained and action plan

The OHC and OMWI continue to assess the Bureau's workforce demographics to ensure the development of initiatives, policies, and training aligns with a model EEO program. The EEO Office, working collaboratively with OHC and OMWI, is building upon this foundation with data-driven assessments and a focus on ensuring compliance with all EEO legislative and regulatory requirements. Through this ongoing analysis, the Bureau will gain practical knowledge and make determinations on how best to address shortcomings as they are identified over time and how best to advance the needs of our workforce.

The Bureau has also learned the following from assessing the EEO complaints filed during FY 2013:

- The need to continue to increase employee awareness of EEO statutes, particularly the Age Discrimination in Employment Act and Title VII protections, and to work with OHC and OMWI to ensure that the CFPB cultivates an inclusive work environment;

- The importance of management officials understanding the purpose and value of ADR;
- The importance of continued communication of information and early intervention to help Bureau officials identify the issues and bases that may give rise to EEO complaints;
- The importance of fostering open, continuous communication between employees and management to help resolve workplace conflicts at the earliest possible opportunity; and
- The need to continue to raise awareness of performance management best practices and to adjust Bureau policy to address assignment-of-duties issues raised in a number of FY 2013 EEO complaints.

The Bureau will incorporate the practical knowledge indicated above as it continues to build and fully staff the EEO program. We will focus on the following goals during FY 2014 and FY 2015:

- Continuing to incorporate the EEOC's six essential elements of a model EEO program to achieve greater program effectiveness;
- Continuing to process all informal and formal complaints and requests for ADR in compliance with 29 C.F.R. Part 1614 and EEOC Management Directive 110;
- 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;
- Collaborating with OHC to provide training to supervisors and managers that offers proactive approaches to resolving issues stemming from alleged violations of personnel policies and practices, including performance management;
- Leveraging communication by making EEO information available through the use of various media, including electronic, informational brochures, and individual and group training;
- Continuing to increase awareness about ADR as an option available in all phases of the complaint process and training management about its benefits;
- Reviewing feedback from employee surveys, exit interviews, and training to identify opportunities for improvement;
- Collaborating with OHC and OMWI to establish and administer affirmative plans that ensure the Bureau has a demographically diverse workforce reflective of the civilian labor force and address any identified barriers to full participation in employment opportunities and also work to ensure equal participation in CFPB programs once employees onboard; and

- Briefing senior leadership on the state of the EEO program to reaffirm support for the program; provide awareness of issues, systemic or otherwise; and to solicit input strengthening the Bureau's EEO program.

3.6 No FEAR Act training

All new Bureau employees must complete No FEAR Act training within 90 days of onboarding, and existing employees must complete refresher training biannually. For FY 2013, 93 percent of employees completed the training in a timely manner. Moreover, all employees are required to complete Sexual Harassment Prevention Training annually and 92 percent did so.

In FY 2013, the EEO Office began providing training during new employee orientation to ensure all employees are aware of their EEO rights and responsibilities, are familiar with EEO staff, and are knowledgeable about sources for EEO information. Additionally, all supervisors and managers are required to complete periodic EEO training as part of a newly launched OHC supervisor training module. During FY 2013 and going forth, the EEO Office is also collaborating with other offices to offer and provide in-person training to staff in Washington D.C. headquarters as well as field staff.

APPENDIX A: LEGISLATIVE AND REGULATORY REQUIREMENTS

Section 203 of the No FEAR Act (Pub. L. No. 107-174) requires:

(a) Annual Report. — Subject to subsection (b), not later than 180 days after the end of each fiscal year, each Federal agency shall submit to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the agency, the Equal Employment Opportunity Commission, and the Attorney General an annual report which shall include, with respect to the fiscal year —

- (1) The number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged;
- (2) The status or disposition of cases described in paragraph (1);
- (3) the amount of money required to be reimbursed by such agency under section 201 in connection with each of such cases, separately identifying the aggregate amount of such reimbursements attributable to the payment of attorneys' fees, if any;
- (4) The number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1);
- (5) The final year-end data posted under section 301(c)(1)(B) for such fiscal year (without regard to section 301(c)(2));
- (6) A detailed description of —
 - (A) The policy implemented by that agency relating to appropriate disciplinary actions against a Federal employee who —
 - (i) Discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2); or
 - (ii) Committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a)(1) or (2); and
 - (B) With respect to each of such laws, the number of employees who are disciplined in accordance with such policy and the specific nature of the disciplinary action taken;
- (7) An analysis of the information described under paragraphs (1) through (6) (in conjunction with data provided to the Equal Employment Opportunity Commission in compliance with Part 1614 of Title 29 of the Code of Federal Regulations) including —
 - (A) An examination of trends;
 - (B) Causal analysis;
 - (C) Practical knowledge gained through experience;

- (D) Any actions planned or taken to improve complaint or civil rights programs of the agency; and
- (8) Any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201.

Subpart C of 5 C.F.R. Part 724 requires:

§ 724.302 Reporting obligations.

- (a) Except as provided in paragraph (b) of this section, each agency must report no later than 180 calendar days after the end of each fiscal year the following items:
 - (1) The number of cases in Federal court pending or resolved in each fiscal year and arising under each of the respective provisions of the Federal Antidiscrimination Laws and Whistleblower Protection Laws applicable to them as defined in § 724.102 of subpart A of this part in which an employee, former Federal employee, or applicant alleged a violation(s) of these laws, separating data by the provision(s) of law involved;
 - (2) In the aggregate, for the cases identified in paragraph (a)(1) of this section and separated by provision(s) of law involved:
 - (i) The status or disposition (including settlement);
 - (ii) The amount of money required to be reimbursed to the Judgment Fund by the agency for payments as defined in § 724.102 of subpart A of this part;
 - (iii) The amount of reimbursement to the Fund for attorney's fees where such fees have been separately designated;
 - (3) In connection with cases identified in paragraph (a)(1) of this section, the total number of employees in each fiscal year disciplined as defined in § 724.102 of subpart A of this part and the specific nature, e.g., reprimand, etc., of the disciplinary actions taken, separated by the provision(s) of law involved;
 - (4) The final year-end data about discrimination complaints for each fiscal year that was posted in accordance with Equal Employment Opportunity Regulations at subpart G of title 29 of the Code of Federal Regulations (implementing section 301(c)(1)(B) of the No FEAR Act);
 - (5) Whether or not in connection with cases in Federal court, the number of employees in each fiscal year disciplined as defined in § 724.102 of subpart A of this part in accordance with any agency policy described in paragraph (a)(6) of this section. The specific nature, e.g., reprimand, etc., of the disciplinary actions taken must be identified.
 - (6) A detailed description of the agency's policy for taking disciplinary action against Federal employees for conduct that is inconsistent with Federal Antidiscrimination Laws and Whistleblower Protection Laws or for conduct that constitutes another prohibited personnel practice revealed in connection with agency investigations of alleged violations of these laws;
 - (7) An analysis of the information provided in paragraphs (a)(1) through (6) of this section in conjunction with data provided to the Equal Employment Opportunity Commission in

compliance with 29 CFR part 1614 subpart F of the Code of Federal Regulations. Such analysis must include:

- (i) An examination of trends;
 - (ii) Causal analysis;
 - (iii) Practical knowledge gained through experience; and
 - (iv) Any actions planned or taken to improve complaint or civil rights programs of the agency with the goal of eliminating discrimination and retaliation in the workplace;
- (8) For each fiscal year, any adjustment needed or made to the budget of the agency to comply with its Judgment Fund reimbursement obligation(s) incurred under § 724.103 of subpart A of this part; and
- (9) The agency's written plan developed under § 724.203(a) of subpart B of this part to train its employees.
- (b) The first report also must provide information for the data elements in paragraph (a) of this section for each of the five fiscal years preceding the fiscal year on which the first report is based to the extent that such data is available. Under the provisions of the No FEAR Act, the first report was due March 30, 2005 without regard to the status of the regulations. Thereafter, under the provisions of the No FEAR Act, agency reports are due annually on March 30th. Agencies that have submitted their reports before these regulations became final must ensure that they contain data elements 1 through 8 of paragraph (a) of this section and provide any necessary supplemental reports by April 25, 2007. Future reports must include data elements 1 through 9 of paragraph (a) of this section.
- (c) Agencies must provide copies of each report to the following:
- (1) Speaker of the U.S. House of Representatives;
 - (2) President Pro Tempore of the U.S. Senate;
 - (3) Committee on Governmental Affairs, U.S. Senate;
 - (4) Committee on Government Reform, U.S. House of Representatives;
 - (5) Each Committee of Congress with jurisdiction relating to the agency;
 - (6) Chair, Equal Employment Opportunity Commission;
 - (7) Attorney General; and
 - (8) Director, U.S. Office of Personnel Management.

APPENDIX B: THE DIRECTOR'S EEO STATEMENT (FEBRUARY 2013)

The Consumer Financial Protection Bureau's (CFPB) policy is to provide equal employment opportunities to all employees and applicants.

All CFPB employees are protected by federal equal employment opportunity (EEO) laws and are entitled to work in an environment where employees and applicants for employment are evaluated solely on the basis of merit and not based on race, color, disability, religion, national origin, age (40 and over), sex (including pregnancy and gender identity or expression), genetic information, or prior EEO activity. Similarly, other laws and Executive Orders are designed to protect federal employees and applicants from discrimination based on sexual orientation, marital status, parental status, political affiliation, military status, or any other non-merit based factor protected by federal law.

Quite simply, these legal safeguards boil down to one thing: we all deserve to work in an environment where we can and should expect to be treated fairly and equitably, and where we can participate fully in all benefits of employment including, but not limited to, recruitment, hiring, compensation, performance management, awards, training, career development, and promotions.

The Bureau supports the right of any employee who believes they have been discriminated against or harassed to exercise fully their right to file a complaint, or oppose unlawful discrimination or harassment, without fear of retaliation. The CFPB has zero tolerance for workplace discrimination, harassment, or retaliation, and takes all allegations of discrimination, harassment, and retaliation seriously. As Bureau employees, it is up to each one of us to ensure we understand and adhere to these principles. Each one of us will be held accountable for compliance with EEO laws and merit system principles and policies and for treating colleagues with respect, dignity, and professionalism.

Employees who believe they have experienced prohibited conduct should immediately contact the Office of Equal Employment Opportunity at 202-435-9EEO or CFPB_EEO@cfpb.gov or review http://team.cfpb.local/wiki/index.php/Equal_Employment_Opportunity. These resources provide important information about how to file a claim, including time limits and where to file.

Managers and supervisors are also reminded of their special responsibility to prevent, document, and promptly correct discriminatory or harassing conduct in the workplace. I expect managers to immediately contact Liza Strong, Lead Employee Relations Specialist, in the Office of Human Capital at (202) 435-7655 if they believe they have potentially or actually witnessed or have received information about any such behavior, whether by any CFPB managers, employees, or contractors.



Richard Cordray
Director

APPENDIX C: SUMMARY COMPLAINT DATA

Equal Employment Opportunity Data Posted Pursuant to the No FEAR Act

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

For period ending September 30, 2013 (FY2013)

****Mixed cases are included in this report****

**(Calculations begin day after triggering event action, but includes the last
day per 29 C.F.R. §1614.604)**

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data ¹⁰					FY2013 through 09-30
	2008	2009	2010	2011	2012	
Number of Complaints Filed	0	0	0	0	11	9
Number of Complainants	0	0	0	0	11	9
Repeat Filers	0	0	0	0	0	0
Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2013 through 09-30
	2008	2009	2010	2011	2012	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	0	0	0	0	3	4
Color	0	0	0	0	2	0_

¹⁰ Federal agencies must report data for the previous five fiscal years. CFPB opened officially on July 21, 2011 and accordingly, does not have data to report for FY2008-FY2010.

Religion	0	0	0	0	2	2
Reprisal	0	0	0	0	3	4
Sex	0	0	0	0	3	4
Pregnancy (PDA)	0	0	0	0	0	0
National Origin	0	0	0	0	4	1
Equal Pay Act	0	0	0	0	0	1
Age	0	0	0	0	9	4
Disability	0	0	0	0	2	2
Genetic Information	0	0	0	0	0	0
Non-EEO	0	0	0	0	1	1
Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2008	2009	2010	2011	2012	2013 through 9-30
Appointment/Hire	0	0	0	0	0	2

Assignment of Duties	0	0	0	0	2	3
Awards	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0

Disciplinary Action

Demotion	0	0	0	0	0	1
Reprimand	0	0	0	0	0	0
Suspension	0	0	0	0	0	0
Removal	0	0	0	0	0	1
Other - User Defined	0	0	0	0	1	0
Duty Hours	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	2
Examination/Test	0	0	0	0	0	0

Harassment

Non-Sexual	0	0	0	0	0	2
Sexual	0	0	0	0	0	0

Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	1
Promotion/Non-Selection	0	0	0	0	8	0
Reassignment						
Denied	0	0	0	0	0	0
Directed	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	0	0	0	1	1
Terms/Conditions of Employment	0	0	0	0	2	2
Time	0	0	0	0	0	1
Training	0	0	0	0	0	0
Other	0	0	0	0	0	0
Processing Time	Comparative Data					

	Previous Fiscal Year Data					2013 through 09-30¹¹
	2008	2009	2010	2011	2012	
Complaints pending (for any length of time) during fiscal year (This part refers to completed investigations only, see 29 CFR 1614.704[f]).						
Average number of days in investigation	0	0	0	0	209	176
Average number of days in final action	0	0	0	0	58	26
Complaint pending (for any length of time) during fiscal year where hearing was requested						
Average number of days in investigation	0	0	0	0	0	288
Average number of days in final action (Days in hearing process)	0	0	0	0	0	131
Complaint pending (for any length of time) during fiscal year where hearing was not requested						

¹¹ In FY11 and FY12, the Department of Treasury managed CFPB's complaint process. Beginning in FY13, the CFPB managed its own complaint process with one exception: cases that Treasury already began to process in a particular stage in FY12 would be completed by Treasury and then turned over to CFPB for processing at the next stage, as needed. Processing times reported combine Treasury-managed and CFPB-managed cases.

Average number of days in investigation	0	0	0	0	209	176
Average number of days in final action (Days in FAD process)	0	0	0	0	58	58
		Comparative Data				
Complaints Dismissed by Agency	Previous Fiscal Year Data					2013 through 09-30
Total Complaints Dismissed by Agency	0	0	0	0	0	1
Average days pending prior to dismissal	0	0	0	0	0	27
Complaints Withdrawn by Complainants						
Total Complaints Withdrawn by Complainants	0	0	0	0	1	1
Total Final Agency Actions Finding Discrimination	Comparative Data					
	Previous Fiscal Year Data					2013

	2008		2009		2010		2011		2012		through 09-30	
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0	
Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0_
With Hearing	0	0	0	0	0	0	0	0	0	0	0	0_
Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data						2013 through 9-30					
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	2008		2009		2010		2011		2012			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0	
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0

Sex	0	0	0	0	0	0	0	0	0	0	0	0
Pregnancy (PDA)	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	0		0		0		0		0		0	
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
Pregnancy (PDA)	0	0	0	0	0	0	0	0	0	0	0	0

National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
Pregnancy (PDA)	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0

Age	0	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0	0
Comparative Data													
Findings of Discrimination Rendered by Issue	Previous Fiscal Year Data										2013 through 09-30		
	2008	#	2009	#	2010	#	2011	#	2012	#			
		%		%		%							
Total Number Findings	0		0		0		0		0		0		0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action													
Demotion	0	0	0	0	0	0	0	0	0	0	0	0	0

Reprimand	0	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0	0
Harassment													
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment													
Denied	0	0	0	0	0	0	0	0	0	0	0	0	0

Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	0	0	0	0	0	0	0	0	0	0	0	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												

Demotion	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0	0
Harassment													
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment													

Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0

Disciplinary Action

Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0

Harassment

Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0

Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	0	0	0	0	0	0
Pending Complaints Filed in Previous Fiscal Years by Status (No FY 2013 cases are to be reported in this section)	Comparative Data											
	Previous Fiscal Year Data						2013 through 09-30					
Total complaints from previous	0	0	0	0	4	3						

Total Complainants	0	0	0	0	4	3
Number complaints pending						
	0	0	0	0	0	1
ROI issued, pending Complainant's action	0	0	0	0	0	0
Hearing	0	0	0	0	0	1
Final Agency Action	0	0	0	0	0	0
Appeal with EEOC Office of Federal Operations	0	0	0	0	0	0
Comparative Data						
Complaint Investigations	Previous Fiscal Year Data					2013 through 09-30
	2008	2009	2010	2011	2012	
Pending Complaints Where Investigations Exceed Required Time Frames	0	0	0	0	0	1 ¹²

¹² Complaint investigation managed by the Department of Treasury on behalf of CFPB.