

March 2017

No FEAR Act Annual Report for fiscal year 2016

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



Message from Richard Cordray

Director of the CFPB



On behalf of the Consumer Financial Protection Bureau (CFPB or Bureau), I am pleased to present our Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) Annual Report for FY 2016. This report summarizes accomplishments in the Bureau's Equal Employment Opportunity (EEO) program. The report also underscores our commitment to abide by all civil rights laws and merit systems principles, and to promote accountability for compliance with both the letter and the spirit of these obligations.

In September 2016, the Bureau issued the annual EEO and Anti-Harassment Policy Statement, along with the annual No FEAR Act and Whistleblower Protection Notice. (You can find these documents at Appendix B at the end of this Report.) At that time, I asked every Bureau employee to read these statements with care, as they contain important information about our EEO and anti-harassment policies and practices and related procedures. As I explained, each one of us must continuously reaffirm our personal commitment to do our part to uphold EEO principles and comply with the law. I conveyed my expectation that all Bureau employees would:

- Stand up to and stop acts of discrimination, harassment, and retaliation by contacting the Bureau's Office of Civil Rights (OCR) (our EEO office) or the Office of Human Capital (OHC), consistent with the Bureau's *Procedures Related to Harassment and Inappropriate Conduct* and our *EEO and NonDiscrimination Policy*.
- Cooperate promptly and fully in all anti-harassment and EEO investigations, because responding swiftly to requests for information from OCR or OHC is an important part of everyone's job here, regardless of where in the Bureau we may work.

- Prioritize diversity and inclusion and EEO training, including the annual mandatory No FEAR Act and anti-harassment trainings, as every Bureau employee is responsible for learning about these issues and putting what you learn into practice every day.

As independent auditors have indicated, the policies and processes we have implemented to ensure compliance with EEO laws here at the Bureau are robust and working. The data in this annual No FEAR Act report shows that the numbers of informal and formal EEO complaints filed with OCR continue their two-year downward trajectory. Meanwhile, we will remain vigilant against any form of discrimination, harassment, or retaliation at the Bureau. And we will continue our many and varied efforts to foster the inclusive, discrimination-free culture the law demands and our employees deserve.

Sincerely,

A handwritten signature in blue ink that reads "Richard Cordray". The signature is fluid and cursive, with "Richard" on top and "Cordray" below it, both starting with a capital letter.

Richard Cordray

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1. Purpose of report

Congress passed the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 – the “No FEAR Act” – to hold federal agencies more accountable for violations of antidiscrimination and whistleblower protection laws.¹ Congress found that “requiring annual reports to Congress on the number and severity of discrimination and whistleblower cases brought against each Federal agency should enable Congress to improve its oversight over compliance by agencies with the law.”²

Therefore, the No FEAR Act requires each agency, no later than 180 days after the end of each fiscal year, to 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 agency, the Equal Employment Opportunity Commission (EEOC), and the Attorney General of the United States.³ Regulations from the Office of Personnel Management (OPM) implementing the No FEAR Act, 5 Code of Federal Regulations (C.F.R.) Part 724, Subpart C, also require the submission of this annual report to the Director of OPM.⁴

The annual report must provide the following information:

¹ See Pub. L. No. 107-174, 116 Stat. 566 (2002).

² Pub. L. No. 107-174, Section 101(7).

³ Pub. L. No. 107-174, Section 203(a).

⁴ 5 C.F.R. § 724.302(c)(8).

- 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 plan for No FEAR Act-related training.⁵

The Bureau has prepared and submits this report to comply with these statutory and regulatory requirements.

⁵ See Pub. L. No. 107-174, Section 203(a)(1); see also 5 C.F.R. § 724.302(a). Appendix A to this report sets forth these requirements in full.

2. Background

CFPB Mission

CFPB is the nation's first federal agency focused solely on consumer financial protection. The Dodd-Frank Wall Street Reform and Consumer Protection Act⁶ created CFPB to protect consumers and to encourage fair and competitive consumer financial markets. CFPB officially began operations on July 21, 2011. At the end of FY 2016, the Bureau consisted of 1,645 employees (permanent and temporary).

CFPB's mission is to make markets for consumer financial products and services work for people in America – whether they are applying for a mortgage, choosing among credit cards, or using any number of other consumer financial products. CFPB helps 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 lives. When CFPB achieves its mission, it will have facilitated the development of a consumer finance marketplace where consumers can see prices and risks and can easily make product comparisons. The envisioned consumer finance marketplace will work for consumers in America, responsible providers, and the economy.

CFPB is achieving its mission and vision through data-driven analysis, innovative use of technology, and valuing great teamwork and top talent. CFPB is using data purposefully to support informed decision-making in all internal and external functions. CFPB strives to be an innovative, 21st century agency in its approach to technology. Finally, CFPB invests in world-

⁶ See Pub. L. No. 111-203, 124 Stat. 1376 (July 21, 2010).

class training, development, and support to create an environment that encourages employees at all levels to tackle complex challenges.

To accomplish these goals, CFPB is divided into six Divisions:

- Consumer Education & Engagement (CEE)
- Supervision, Enforcement, & Fair Lending (SEFL)
- Research, Markets, & Regulations (RMR)
- External Affairs (EA)
- Legal (LD)
- Operations (OPS)

These Divisions work together to:

- Write rules, supervise regulated entities, and enforce federal consumer financial protection laws;
- Restrict unfair, deceptive, or abusive acts or practices;
- Take consumer complaints;
- Promote financial education;
- Research consumer behavior;
- Monitor financial markets for new risks to consumers; and
- Enforce laws that prohibit discrimination and other unfair treatment in consumer finance.

CFPB EEO Structure

The Bureau has an Office of Equal Opportunity & Fairness (OEOF), which is housed directly in the Office of the Director of CFPB. OEOF is comprised of the Office of Civil Rights (OCR) and

the Office of Minority and Women Inclusion (OMWI). The Director of OEOF reports directly to the Director of CFPB.

OCR, the Bureau’s Equal Employment Opportunity (EEO) office, has operated since February 2013. It works to ensure that CFPB complies with all federal EEO laws and related civil rights protections. OCR provides a neutral forum for the discussion, investigation, and resolution of certain EEO matters and manages the Bureau’s EEO complaint process pursuant to 29 C.F.R. Part 1614. OCR also strives to integrate EEO into CFPB’s everyday work. Through its daily activities, OCR preserves and enhances the six elements identified by the Equal Employment Opportunity Commission as essential for a Model EEO Program – demonstrated commitment from Agency leadership; integration of EEO into the Agency’s strategic mission; management and program accountability; proactive prevention of unlawful discrimination; efficiency; and responsiveness and legal compliance.⁷

OCR works to empower individuals to participate constructively to their fullest potential in support of CFPB’s mission. OCR endeavors to ensure that CFPB reflects the rich diversity of the nation and provides a full and fair opportunity for all employees and applicants, and that CFPB employees have the working environment that will support them in their efforts to protect consumers. To facilitate these objectives, OCR provides policy and technical advice on EEO and civil rights to the CFPB Director and senior leadership.

The Director of OCR (like the Director of OEOF) reports directly to the Director of CFPB. OCR emphasizes and maintains its neutrality and impartiality, which is critical to having an efficient and fair EEO complaint resolution process. This ensures that employees and managers know that the pre-complaint and investigation stages of the Part 1614 process are not adversarial, that OCR will provide a neutral and impartial factual record, and that, when requested, OCR will issue a final decision assessing the facts and law to determine whether or not one or more of the applicable employment discrimination laws have been violated.

⁷ See EEOC Management Directive 715 (Oct. 2003) (MD-715), Model Agency Title VII and Rehabilitation Act Programs, at Section II, available at <https://www.eeoc.gov/federal/directives/715.cfm>.

The OCR Director exercises full authority to carry out the Part 1614 functions of OCR without Legal Division (i.e., General Counsel) involvement, thus ensuring impartiality and removing any possible conflict of interest. Legal resources within OCR make this possible. OCR staff, sometimes with the assistance of contractors, conducts legal sufficiency reviews of EEO matters, which includes issuing accept/dismiss decisions addressing jurisdiction over, and scope of, claims set forth in formal complaints, Reports of Investigations (ROIs), and Final Agency Decisions (FADs). The Legal Division, which defends the Bureau in these matters, is firewalled from all activities within OCR and only participates during adversarial portions of the EEO process (hearings and appeals), and during settlement negotiations, or to provide appropriate legal advice or assistance when a manager or supervisor requests it during the course of an EEO investigation. All other Bureau offices are similarly firewalled and kept separate as necessary and appropriate to avoid conflicting or competing interests.

At the same time, while OCR maintains primary responsibility for the Agency's overall EEO program, it collaborates extensively with both OMWI and the Bureau's Office of Human Capital (OHC) to ensure fairness and equality under the law for all employees and applicants for employment. Pursuant to Section 342 of the Dodd-Frank Act, OMWI develops standards for equal employment opportunity and diversity, which OHC incorporates into CFPB Human Capital Management. OCR, OMWI, and OHC monitor the impacts and results of these standards, cultivate successful policies and practices to reinforce them, and develop enhancement strategies to strengthen all EEO and diversity and inclusion programs Bureau-wide. OCR cooperates with OHC, in particular, related to the disability reasonable accommodation and harassment prevention programs OHC administers. OCR maximizes appropriate partnerships with Bureau leadership, management, diversity committees (such as the Agency's Executive Advisory Council (EAC) and Diversity and Inclusion Council of Employees (DICE)), Employee Resource Groups, other employees, and with the National Treasury Employees Union (NTEU) to achieve OCR's and the Bureau's mission and vision.

3. Data and Analysis

The information in this section meets the reporting requirements of the No FEAR Act and its implementing regulations. The information presented includes:

- Subsection 3.1 - EEO Complaint Activity in Federal Court and Status/Disposition
- Subsection 3.2 - Judgment Fund Reimbursements and Budget Adjustments
- Subsection 3.3 - Number of Employees Disciplined and Applicable Discipline Policy
- Subsection 3.4 - Summary of Complaint Data
- Subsection 3.5 - Analysis of Data Provided

3.1 EEO complaint activity in federal court and status/disposition

The laws covered by 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 (including pregnancy, gender identity, and sexual orientation), national origin, and reprisal);
- The Age Discrimination in Employment Act of 1967, *as amended*, 29 U.S.C. §§ 631, 633a (age (40 and over) and reprisal);
- The Equal Pay Act of 1963, *as amended*, 29 U.S.C. § 206(d) (sex-based wage differentials and reprisal);

- Section 501 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 791 (physical and mental disabilities and reprisal);
- The Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff *et seq.* (genetic information about an individual or individual's family members and reprisal);⁸ and
- The Civil Service Reform Act of 1978, 5 U.S.C. §§ 2302(b)(1), (b)(8), (b)(9) (race, color, religion, sex, national origin, age, disability, marital status, political affiliation, and whistleblowing and related reprisal).

In FY 2016, the Bureau had two civil actions pending or resolved in United State district court related to one or more of these No FEAR Act laws. One case, involving allegations under the Equal Pay Act Of 1963, remained pending as of the end of FY 2016. The other case, which involved allegations under Title VII of the Civil Rights Act of 1964, was dismissed by the district court at the end of FY 2016 and is no longer pending.

3.2 Judgment fund reimbursements and budget adjustments

The Judgment Fund is a permanent, indefinite appropriation available to pay final money judgments and awards against the United States. The Judgment Fund Branch in the Bureau of the Fiscal Service of the U.S. Department of the Treasury administers the Judgment Fund.⁹

⁸ Neither the No FEAR Act (enacted in 2002) nor implementing regulations (finalized and published in the Federal Register in 2006) have been amended to include reference to the Genetic Information Nondiscrimination Act of 2008 (GINA). Nonetheless, in the interests of completeness, CFPB will include relevant data here on any federal court cases or EEO complaints alleging violations of GINA. No such cases or complaints have been filed to date.

⁹ See <https://www.fiscal.treasury.gov/fsservices/gov/pmt/jdgFund/questions.htm>.

The No FEAR Act requires federal agencies to reimburse the Judgment Fund for payments to an employee, former employee, or applicant for Federal employment, in accordance with 28 U.S.C. §§ 2414, 2517, 2672, 2677, or with 31 U.S.C. § 1304, that involves alleged discriminatory or retaliatory conduct described in 5 U.S.C. §§ 2302(b)(1) and (b)(8) or (b)(9) as applied to conduct described in 5 U.S.C. §§ 2302(b)(1) and/or (b)(8), or conduct described in 29 U.S.C. § 206(d), 29 U.S.C. §§ 631 and 633a, 29 U.S.C. § 791, and 42 U.S.C. § 2000e-16.¹⁰

In FY 2016, the Bureau neither made reimbursements to the Judgment Fund nor needed to adjust its budget to comply with No FEAR Act reimbursement requirements. CFPB will not be accessing the Judgment Fund; other sources of funds are available for these purposes.¹¹

3.3 Number of employees disciplined and discipline policy

CFPB has put in place various personnel-related policies and procedures that aid in the proactive prevention of discrimination and increase management and program accountability. Having clear and concise policies and procedures minimizes subjectivity, prevents misunderstandings about what CFPB expects from its employees and management officials, clarifies the roles and responsibilities of the various offices within the Bureau, and creates an environment and expectation of consistency in personnel decision-making Bureau-wide. Management officials follow the policies and procedures listed in Table 1 below.

¹⁰ See Pub. L. No. 107-174, Section 201(b); *see also* 5 C.F.R. §§ 724.102, 103.

¹¹ See Pub. L. No. 111-203, Section 1017.

TABLE 1: BUREAU POLICIES GOVERNING MAJOR PERSONNEL ISSUES AND PROGRAMS

Bureau Policies Governing Major Personnel Issues and Programs
Disciplinary and Adverse Action Policy
Procedures Related to Harassment and Inappropriate Conduct
Hiring, Promotion, and Internal Personnel Movements Policy
Attorney Hiring and Promotion Policy
Performance Management Program Policy
Alternative Dispute Resolution Policy
Administrative Grievance Policy

CFPB has a detailed 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 laws. The Bureau's *Disciplinary and Adverse Action Policy* outlines CFPB's commitment to:

- Foster positive and effective supervisor-employee relations through frequent, constructive communication, including a clear statement of organizational and office work rules and expectations;
- Equitably employ discipline, and, whenever appropriate, utilize progressive discipline to discourage employee misconduct;
- Identify problems early and constructively counsel employees to effect a positive change in behavior;
- Ensure that the corrective action is commensurate with the seriousness of the misconduct and that similar offenses under like circumstances are treated uniformly; and

- Take or not take actions without regard to race, color, religion, national origin, disability, protected genetic information, marital status, age, sex (including pregnancy, gender identity, and gender nonconformity), sexual orientation, reprisal, parental status, political affiliation, or any other non-merit factor prohibited by 5 U.S.C. § 2302, except as required by law.

This policy also explains that:

To ensure that all employees are working in a safe and productive environment and that the CFPB is able to operate at optimum efficiency, CFPB has established certain expectations for the personal conduct of its employees. These expectations are uniform throughout the CFPB. Employees are expected to be professional, courteous and respectful at all times while on duty. CFPB also may consider an employee's off-duty conduct to constitute misconduct if there is a nexus between the off-duty conduct and the efficiency of the service. While it is anticipated that most problems will be resolved informally through the cooperation of employees with their supervisors, misconduct may result in disciplinary or adverse action. Appropriate action may include a reprimand, suspension, demotion, or other actions, up to and including removal from CFPB, depending on the offense and circumstances. CFPB is committed to complying with all federal laws governing the discipline of its employees, including applicable due process and appeal rights.

The Bureau's policy provides a list of actions deemed unacceptable, which may result in disciplinary or adverse action, up to and including removal from CFPB. The list includes "Engaging in discrimination, harassment, or other inappropriate conduct."

The Bureau's *Procedures Related to Harassment and Inappropriate Conduct* similarly prohibit discriminatory harassment. According to these procedures:

It is CFPB's policy to ensure that every employee enjoys a work environment free from discriminatory harassment. Discriminatory harassment is a violation of the Federal civil rights laws and will not be tolerated at CFPB. Even inappropriate conduct that is not of sufficient severity to constitute harassment as a matter of law is considered misconduct. CFPB will address complaints about such inappropriate conduct when first reported and will discipline employees where necessary for the protection and

benefit of all employees.

The procedures also “forbid[] retaliation against any employee who reports harassment or who cooperates with an investigation of a harassment complaint.” Under these anti-harassment procedures, any such retaliation “will result in appropriate disciplinary action . . .” The Bureau trains all CFPB managers and supervisors on these policies. The Bureau also trains *all* employees on EEO laws, the Part 1614 complaint process, and related avenues for seeking redress for policy and statutory violations (including Alternative Dispute Resolution).

Bureau policy also requires all employees to follow CFPB Ethics Regulations. Those ethics regulations in turn require all Bureau employees to abide by the Standards of Ethical Conduct for Employees of the Executive Branch.¹² The General Principles of Ethical Conduct require that employees adhere to all laws and regulations that provide equal opportunity for all regardless of race, color, religion, sex, national origin, age, or disability.¹³ Employees are notified of this ethical requirement in mandatory ethics training, posters, and through the Bureau’s intranet.

During FY 2016 two employees were disciplined (as defined in 5 C.F.R. § 724.102) for violating Bureau policies related to conduct that is inconsistent with Federal antidiscrimination and whistleblower protection laws.¹⁴ (These matters involved violations of Bureau policy, but not findings that antidiscrimination statutes had been violated.) In one case, CFPB ordered a three-day suspension for Conduct Unbecoming of a Federal Supervisor. In another case, the Bureau issued a Letter of Reprimand for Inappropriate Conduct. CFPB’s response in these matters demonstrates its ongoing commitment to comply with the letter and spirit of civil rights laws and Bureau policies, and to providing equal employment opportunity and a professional, inclusive work environment.

¹² See 5 C.F.R. § 9401.101(b).

¹³ See 5 C.F.R. § 2635.101(b)(13).

¹⁴ See 5. C.F.R. §§ 724.302(a)(5), (a)(6).

3.4 Summary data

Appendix C contains a summary of the Bureau's Part 1614 EEO complaint activity for FY 2016 and prior fiscal years.

3.5 Analysis of complaints

Under the No FEAR Act, agencies in their annual reports must analyze certain complaint-related data, including (1) an examination of trends; (2) causal analysis; (3) practical knowledge gained through experience; and (4) any actions planned or taken to improve complaint or civil rights programs of the agency.¹⁵ This analysis, along with an overview of CFPB's workforce data (for context), is provided below.

Workforce Demographics

As of the end of FY 2016, the total CFPB workforce was 1,645 employees, including 1,494 permanent employees and 151 temporary employees (including staff on temporary appointments and interns). The total workforce grew by 112 employees during FY 2016, representing a rate of change of 7.31 percent.

During FY 2016, all EEO group populations¹⁶ experienced net growth with the exception of males and females of two or more races and American Indian/Alaska Native males and females.

¹⁵ See Pub. L. No. 107-174, Section 203(a)(7); see also 5 C.F.R. § 724.302(a)(7).

¹⁶ Federal agencies generally must report statistical information on the racial and ethnic categories of employees and applicants as prescribed by the Office of Management and Budget (OMB) in Statistical Policy Directive No. 15, Race and Ethnic Standards for Federal Statistics and Administrative Reporting (OMB Directive 15). See https://obamawhitehouse.archives.gov/omb/fedreg_race-ethnicity. Under these standards, employees self-identify as belonging to one or more of the following racial groups: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian and Other Pacific Islander, and/or White. Regardless of race(s) selected, employees may identify as Hispanic or Latino as well.

Compared to the U.S. Census Civilian National Labor Force (CLF),¹⁷ overall CFPB demographics have not changed significantly since FY 2015. White men, followed by White women, comprise the largest racial groups in CFPB, followed by Black women and Black men, respectively.

Males totaled 767 or 51.34% of the permanent workforce – a decrease from 52.56% in FY 2015 and slightly lower when compared to the CLF availability of 51.86%. Females totaled 727 or 48.66% of the permanent workforce, an increase from 47.44% in FY 2015, and slightly higher as compared to the CLF availability of 48.14%.

There was a growth of 11 new employees with reportable disabilities from the beginning to the close of FY 2016, representing a net change of 8.27 percent, which exceeds the rate of change for the total workforce.

TABLE 2: TOTAL WORKFORCE – FY 2015

Workforce Type	ALL ¹⁸	Hispanic	White	Black	Asian	NH/OPI	AI/AN	Two or More
ALL	1,533	95	983	289	141	2	12	11
%		6.20%	64.12%	18.85%	9.20%	0.13%	0.78%	0.72%
CLF		9.96%	72.36%	12.02%	3.90%	0.14%	1.08%	0.54%
Male	805	50	560	110	72	0	8	5
Female	728	45	423	179	69	2	4	6

¹⁷ The CLF is derived from the 2006-2010 American Community Survey (ACS) Equal Employment Opportunity Tabulation (EEO Tabulation). The EEO Tabulation was originally released by the U.S. Census Bureau on November 29, 2012. It provides external benchmarks to assist federal agencies in monitoring employment practices and enforcing workforce civil rights laws. See https://www1.eeoc.gov//federal/directives/tech_assistance_06-10_EEO_tabulation.cfm.

¹⁸ This includes permanent and temporary employees (including staff on temporary appointments and interns).

TABLE 3: TOTAL WORKFORCE – FY 2016

Workforce Type	ALL	Hispanic	White	Black	Asian	NH/OPI	AI/AN	Two or More
ALL	1,645	99	1,038	328	156	3	10	11
%		6.02%	63.10%	19.94%	9.48%	0.18%	0.61%	0.67%
CLF		9.96%	72.36%	12.02%	3.90%	0.14%	1.08%	0.54%
Male	844	54	577	121	80	1	7	4
Female	801	45	461	207	76	2	3	7

TABLE 4: TOTAL WORKFORCE – FY 2015 COMPARED TO FY 2016

	ALL	Hispanic	White	Black	Asian	NH/OPI	AI/AN	Two or More
Difference	+112	+4	+55	+39	+15	+1	-2	0
Male	+39	+4	+17	+11	+8	+1	-1	-1
Female	+73	0	+38	+28	+7	+0	-1	+1
Ratio Change								
Male	-1.20%	0.02%	-1.45%	0.18%	0.17%	0.06%	-0.10%	-0.08%
Female	1.20%	-0.20%	0.43%	0.91%	0.12%	-0.01%	-0.08%	0.03%
Net Change	7.31%							
Male	4.84%	8.00%	3.04%	10.00%	11.11%	100.00%	-12.50%	-20.00%
Female	10.03%	0.00%	8.98%	15.64%	10.14%	0.00%	-25.00%	16.67%

Trends and causal analysis

Because the CFPB officially opened on July 21, 2011, and began reporting information related to FY 2012, FY 2016 is the first year in which CFPB can provide a complete five-year perspective of EEO data on complaint-filing trends.

Pending Complaints

In FY 2016, the Bureau saw a decrease in the number of formal complaints pending at the end of the fiscal year compared with previous fiscal years (21 pending at the end of FY 2016 compared to 32 at the end of FY 2015), and in the corresponding number of complainants (17, compared to 25 in FY 2015).

As of the end of FY 2016, there were zero formal complaints filed in previous fiscal years remaining in the investigation or ROI-issued/election phases. By contrast, at the end of FY 2015, eight formal complaints filed in previous years remained pending in the investigation phase, and two filed in previous years remained pending in the ROI-issued/election phase. As of the end of FY 2016, only two formal complaints remained pending in the Final Agency Action phase, down from six in FY 2015. Complaints pending at the hearing phase (18, compared to 12 in FY 2015) and appeal phase (six, compared to four in FY 2015) increased from FY 2015.¹⁹

Figure 1 and Figure 2 present this data and related data for other previous fiscal years.

¹⁹ Hearings and appeal stages of the Part 1614 EEO complaint process are managed by the EEOC. If a complainant requests an EEOC hearing the matter becomes adversarial and the Bureau's Legal Division (not OCR) represents CFPB as a party in the proceeding, including on any administrative appeal filed with EEOC's Office of Federal Operations.

FIGURE 1: PENDING COMPLAINTS AND COMPLAINANTS FY 2012 – FY 2016

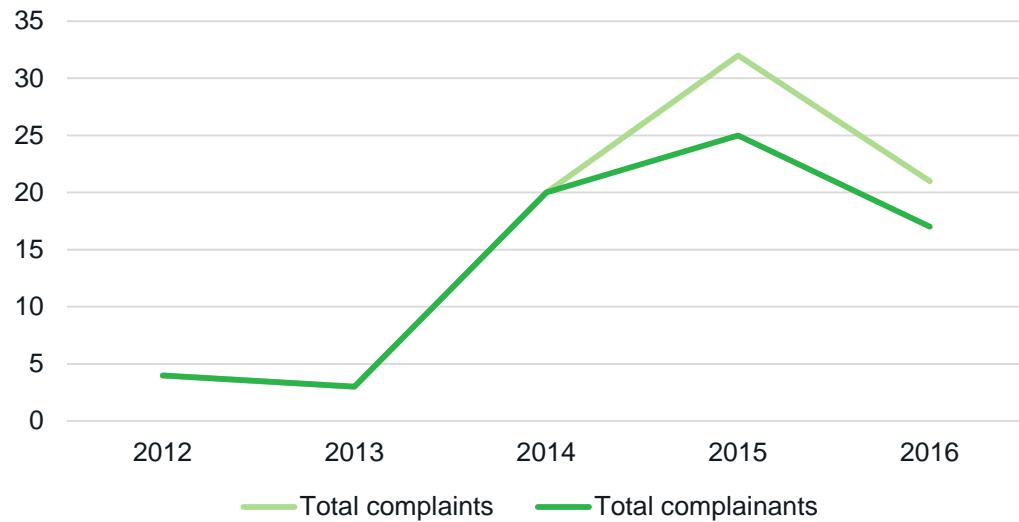
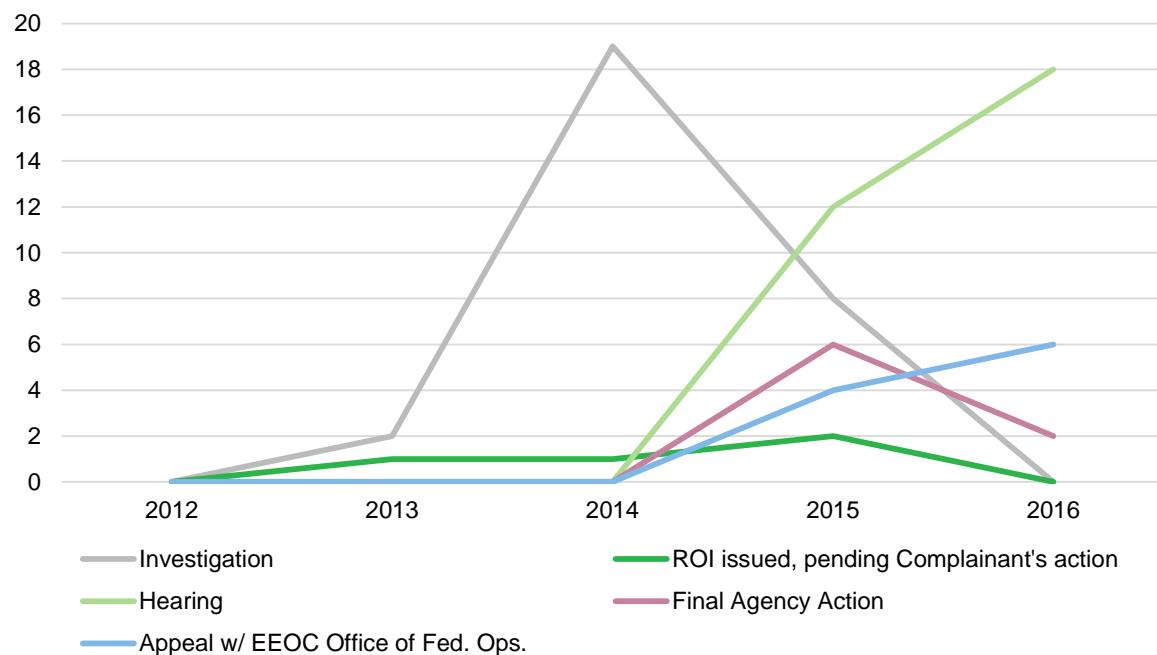


FIGURE 2: PENDING COMPLAINT STATUSES FY 2012 – FY 2016



Total New Complaint Filings and Number of Complainants

During FY 2016, the Bureau experienced a decrease in the number of formal complaints filed compared with FY 2015 (from 22 to 19).²⁰ This follows a similar decrease in formal complaints filed in FY 2015 compared with FY 2014 (from 25 to 22).

The 18 complainants²¹ who filed formal complaints in FY 2016 represent 1.09 percent of CFPB's total workforce of 1645 individuals.²² This represents a decrease of 0.15 percent compared to FY 2015, when the ratio (of 19 complainants as a percentage of the total workforce of 1533 individuals) was 1.24 percent.

²⁰ Three of the 19 formal complaints listed as having been filed in FY 2016 began as putative class complaints filed in a previous fiscal year. In FY 2016, an EEOC Administrative Judge (AJ) denied class certification in all three matters, requiring the matters to then be processed as individual complaints. *See* 29 C.F.R. § 1614.204(d)(7). Total new formal complaints filed in FY 2016 thus equal 16.

²¹ One employee filed more than one formal complaint in FY 2016.

²² This ratio drops to 0.91 percent if complainants who filed class complaints in previous fiscal years are excluded in calculating the FY 2016 ratio. (15 complainants/1645 total employees = 0.91 percent.)

TABLE 5: COMPLAINANTS, COMPLAINTS, AND TOTAL WORKFORCE FIGURES AND RATIOS FOR CFPB FOR THE PAST FIVE FISCAL YEARS

	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
CFPB Formal Complaints	11	9	25	22 ²³	19
CFPB Complainants	11	9	24	19	18
CFPB Total Workforce ²⁴	970	1343	1419	1533	1645
CFPB Formal Complaints as Percentage of Total Workforce	1.13	0.67	1.75	1.44	1.16
CFPB Complainants as Percentage of Total Workforce	1.13	0.67	1.68	1.24	1.09
All Similarly Sized (Mid-Size) ²⁵					
Agencies (Complainants as Percentage of Total Workforce)	0.56	0.50	0.51	NOT YET REPORTED	NOT YET REPORTED
Government-wide (Complainants as Percentage of Total Workforce) ²⁶	0.51	0.50	0.49	NOT YET REPORTED	NOT YET REPORTED

²³ In FY 2015, an individual also filed two notices with the EEOC signaling the individual's intention to file a civil suit against the Bureau under the Age Discrimination in Employment Act of 1967 (ADEA). Such notices of intent to file a civil action under the ADEA are not considered official EEO complaints under 29 C.F.R. Part 1614 and thus are not included in the total of formal EEO complaints filed in FY 2015. See 29 C.F.R. § 1614.201(a) ("As an alternative to filing a complaint under this part, an aggrieved individual may file a civil action in a United States district court under the ADEA against the head of an alleged discriminating agency after giving the [EEOC] not less than 30 days' notice of the intent to file such an action.").

²⁴ Workforce numbers for previous fiscal year No FEAR Act report may differ slightly from corresponding data reported in this FY 2016 Report. This is due to retroactive processing of personnel actions, late processing of personnel actions, or other changes made in applicable data systems since those reports were published.

²⁵ Midsize or medium agencies are those with 1000 to 14,999 employees. See EEOC's FY 2014 Annual Report on the Federal Workforce (August 2014), available at <http://www.eeoc.gov/federal/reports/fsp2014/index.cfm>.

²⁶ The most recent available government-wide statistics are contained in the EEOC's FY 2014 Annual Report on the Federal Work Force. See <http://www.eeoc.gov/federal/reports/fsp2014/upload/Final-FY-2014-Annual-Report-Part-I.pdf>; see also http://www.eeoc.gov/federal/reports/fsp2014/table_b_1.cfm.

Figure 3 presents two graphs showing trends in informal and formal complaint activity from FY 2012 through FY 2016, along with corresponding figures for the total workforce at the end of each fiscal year (FYE). These graphs allow a visual comparison of complaint volume for the past five fiscal years and data on the growth of the Bureau's workforce over the same period.

FIGURE 3: CFPB INFORMAL AND FORMAL COMPLAINT ACTIVITY AND TOTAL WORKFORCE FY 2012 - FY 2016

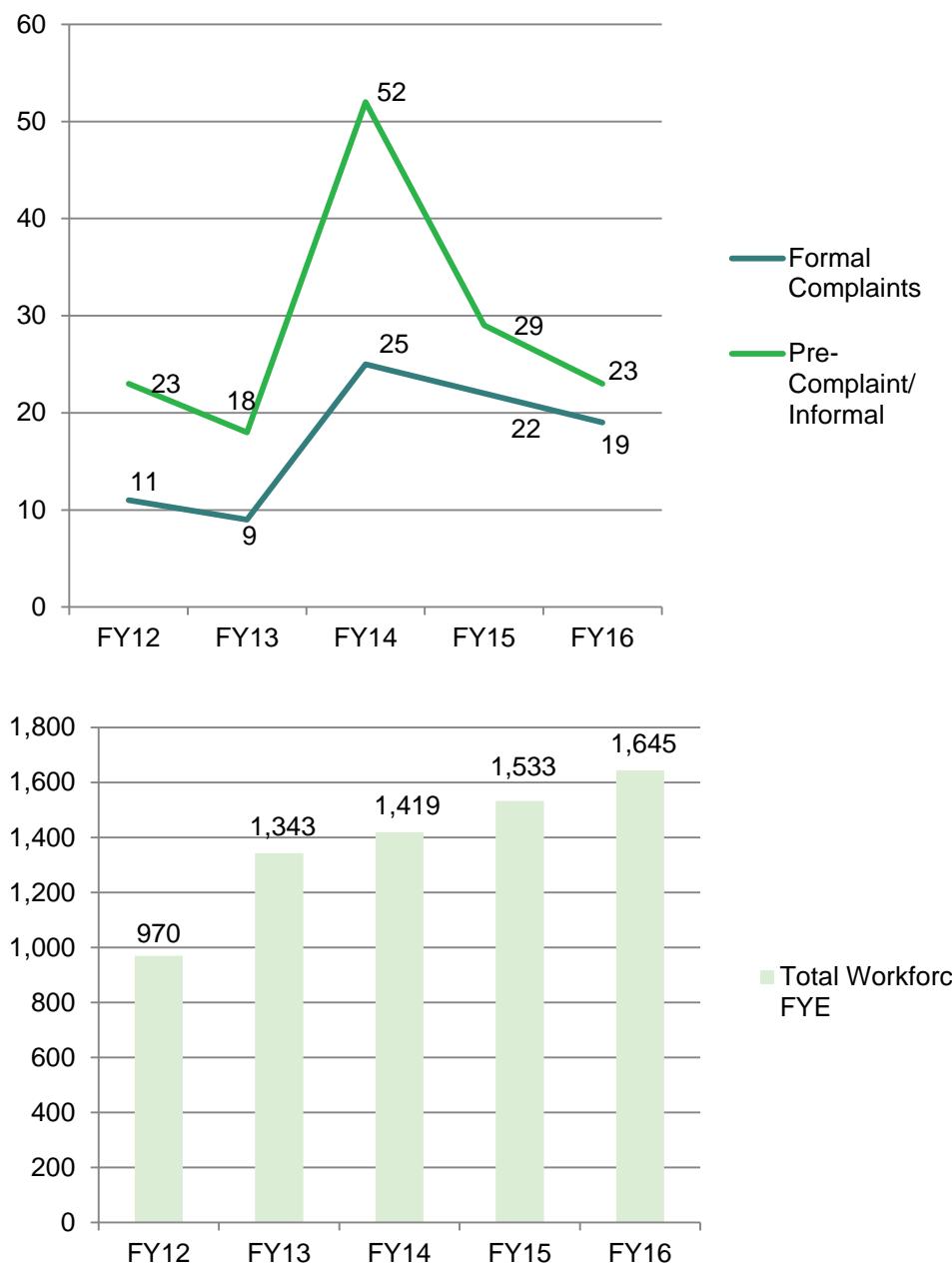
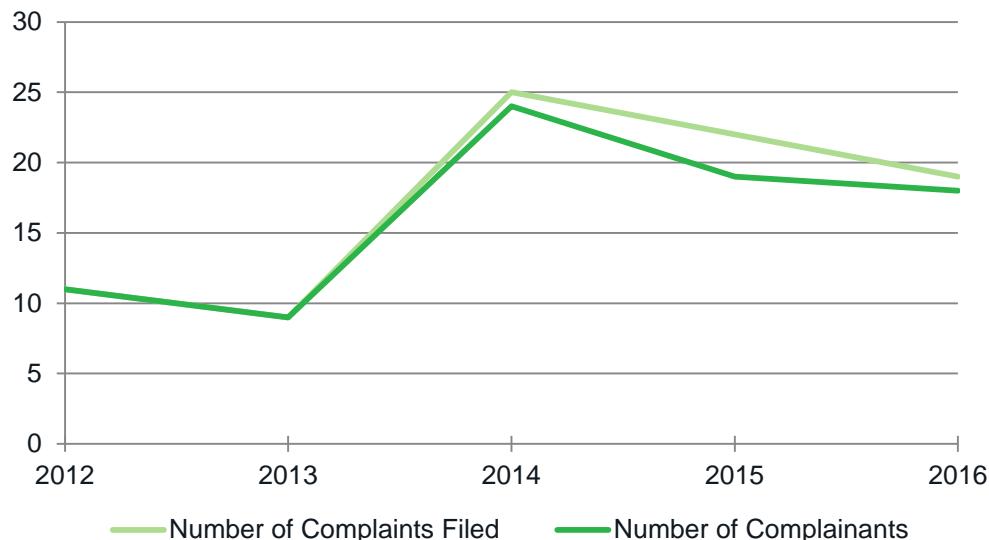


Figure 4 provides a graphical representation of formal complaint activity and complainant figures since FY 2012.

FIGURE 4: CFPB COMPLAINT ACTIVITY FY 2012 – FY 2016



Bases and Issues

In FY 2016, the most frequently cited bases of discrimination in formal complaints filed were Reprisal (13), Sex (10), Race (8), Color (6), and Equal Pay Act (5).²⁷ These most frequently cited bases changed from FY 2015, when they were Reprisal (16), Race (14), Sex (13), Color (10), and Disability (10).

Figure 5 presents formal complaints by basis for FY 2016.

²⁷ Although there were 19 formal complaints filed in FY 2016, there are more than 19 total bases of discrimination alleged because a complainant may (and often does) assert more than one basis per complaint.

FIGURE 5: COMPLAINT ACTIVITY BY BASIS FY 2016

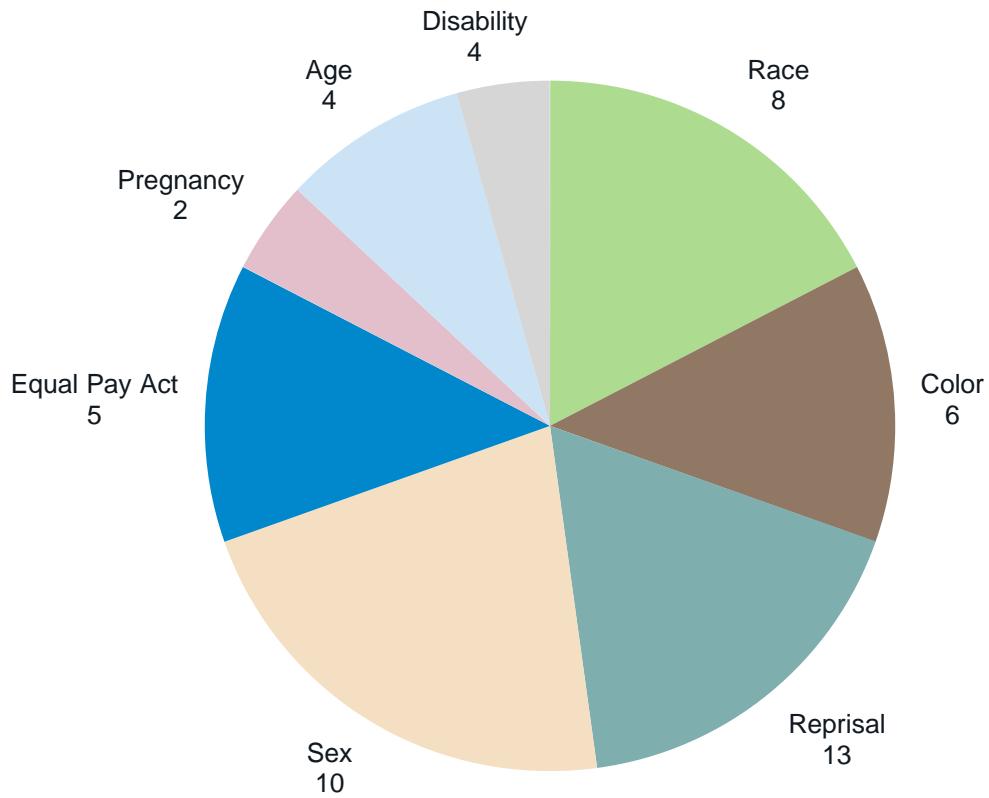
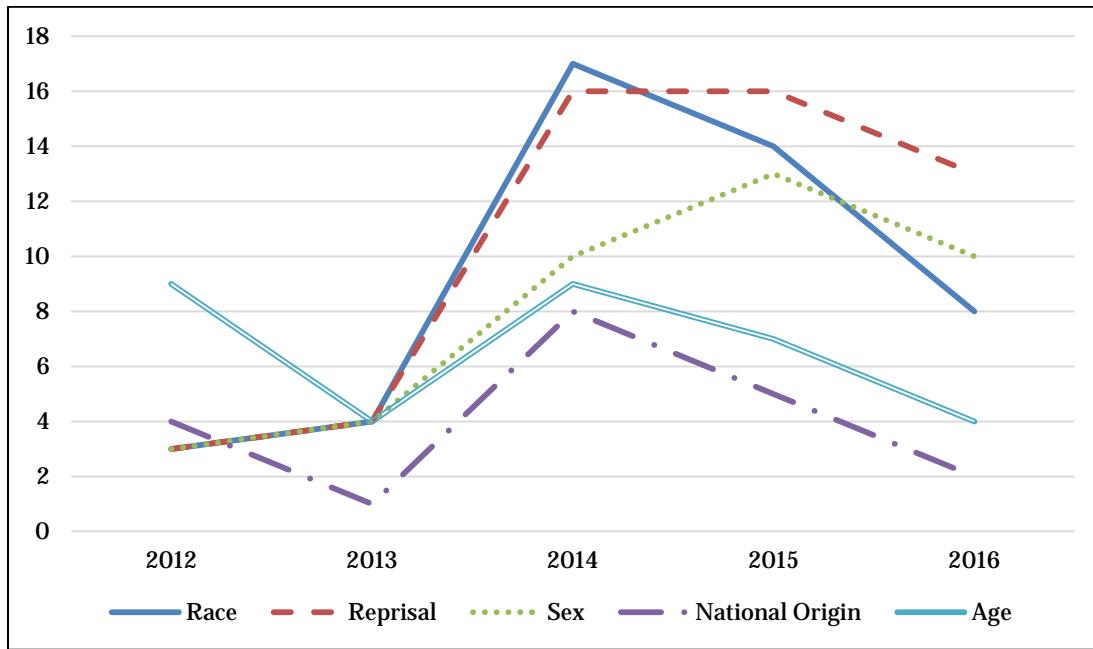


Figure 6 presents frequencies of bases appearing in the top three for any year from FY 2012 - FY 2016.

FIGURE 6: COMPLAINT ACTIVITY BY BASIS FY 2012 – FY 2016



The most frequently raised issues in formal complaints in FY 2016 were Promotion/Non-Selection (11), Terms/Conditions of Employment (8), Pay (Including Overtime) (7), Performance Evaluation/Appraisal (7), and Assignment of Duties (6). In comparison, FY 2015's most frequently alleged issue was Terms/Conditions of Employment (13), followed by Harassment (10; Non-Sexual (9) and Sexual (1)), Training (8), and Performance Evaluation/Appraisal (7).

Figure 7 presents formal complaints by issue for FY 2016.

FIGURE 7: COMPLAINT ACTIVITY BY ISSUE FY 2016

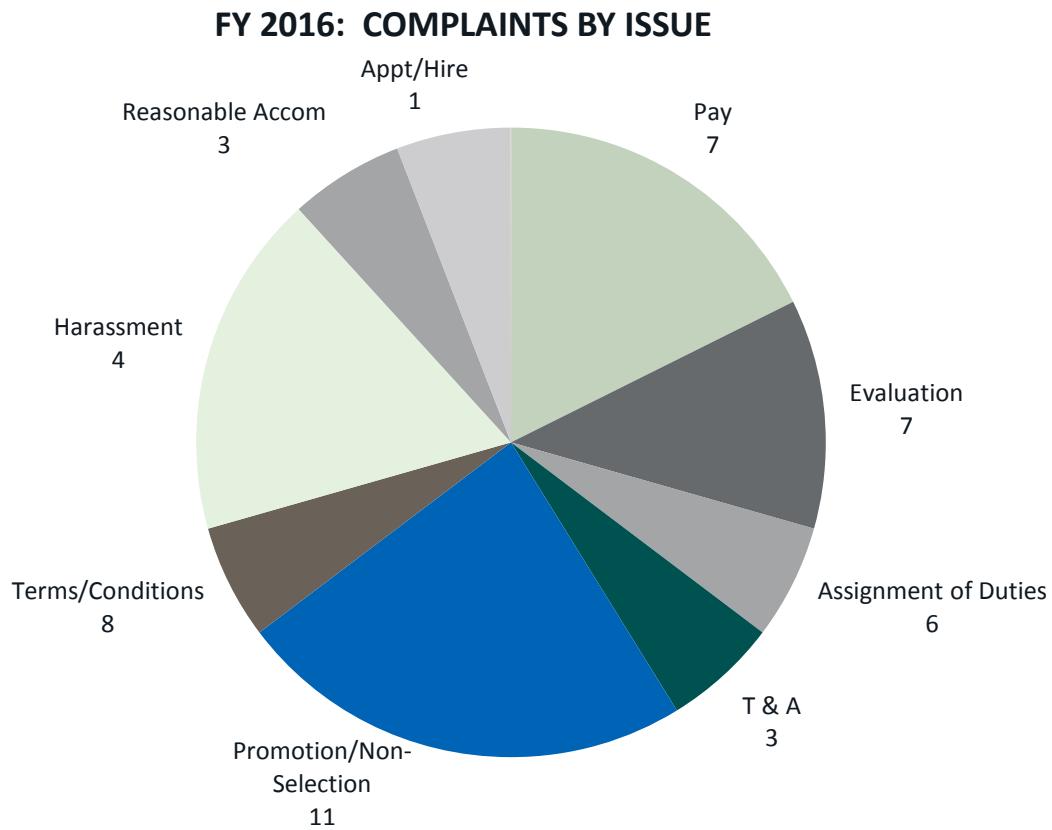
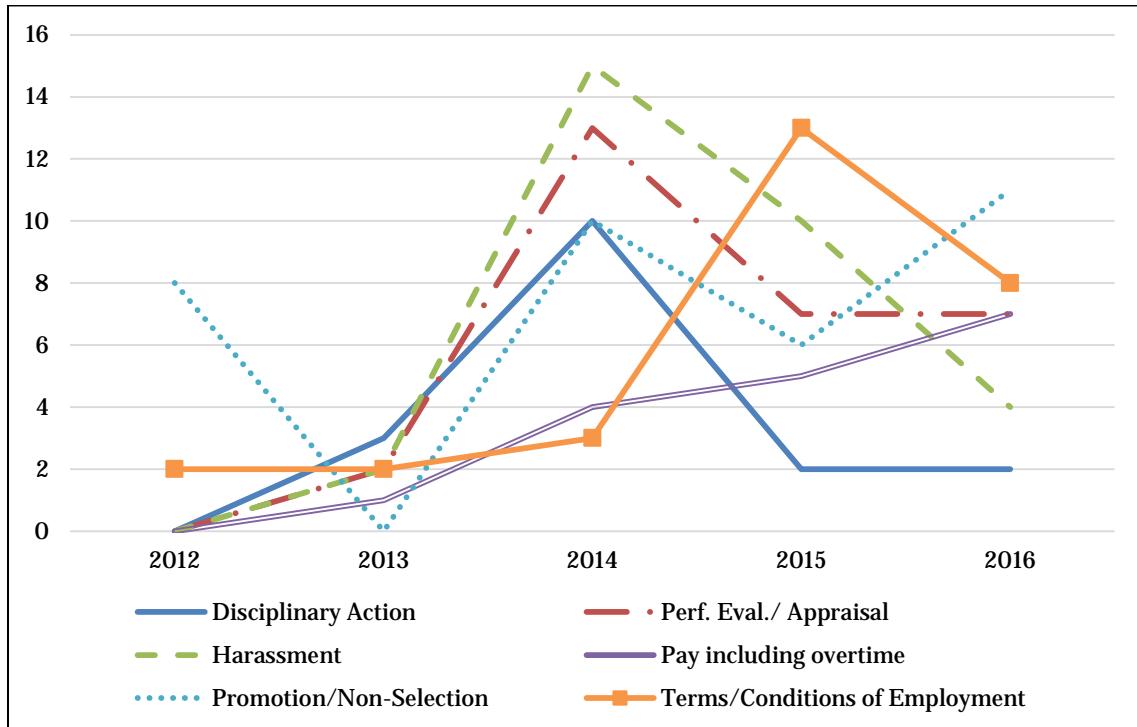


Figure 8 presents frequencies of issues appearing in the top three for any year from FY 2012 – FY 2016.

FIGURE 8: COMPLAINT ACTIVITY BY ISSUE FY 2012 – FY 2016



Bases and issues in CFPB formal complaint filings in FY 2016 were somewhat consistent with government-wide and comparable agency statistics. According to the EEOC, across the Federal government in FY 2014, reprisal was the most frequently cited basis, followed by age, race (Black/African American), and Disability (physical).²⁸ Additionally, in FY 2016, reprisal, sex, and age were among the most common complaint bases among other medium-sized financial regulatory agencies with at least 10 complaints (e.g., Federal Deposit Insurance Corporation

²⁸ See EEOC FY 2014 Annual Report on the Federal Workforce, Executive Summary, at Section B Table 7, p. I-11, available at <http://www.eeoc.gov/federal/reports/fsp2014/upload/Final-FY-2014-Annual-Report-Part-I.pdf>.

(FDIC), Office of the Comptroller of the Currency (OCC), and the Securities and Exchange Commission (SEC).²⁹

The EEOC also reported that in FY 2014, the most frequently alleged issue in formal complaints was Non-Sexual Harassment, followed by Terms/Conditions of Employment and then Promotion/Non-Selection.³⁰ In FY 2016, non-sexual harassment, performance evaluation/appraisal, and appointment/hire were all among the most common issues for certain medium-sized financial regulatory agencies (i.e., FDIC, OCC, and SEC).

Processing Times

OCR works to ensure that its counselings and investigations are done within the regulatory timeframes, and that all EEO counselor reports and ROIs are created with a high standard of quality and with fairness to both parties. In FY 2016, OCR completed all counselings and related mediations within the prescribed regulatory timeframes.

During FY 2016, investigations of formal complaints were completed within an average of 267 days. In FY 2016, 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 270.05, an increase from an average of 247 days in FY 2015;
- pending for any length of time during FY 2016 where a hearing was requested was 242.83, an increase from an average of 183 days in FY 2015; and
- pending for any length of time during FY 2016 where a hearing was not requested was 316.71, an increase from an average of 293 days in FY 2015.

²⁹ FDIC data is located at <https://www.fdic.gov/about/diversity/nofear/nfreport.html>. OCC data is located at <https://www.treasury.gov/No-Fear-Act/Documents/OCC%20FY16%20QTR%204%20Nofear.pdf>. SEC data is located at <https://www.sec.gov/eeoinfo/nofeardata.htm>.

³⁰ See EEOC FY 2014 Annual Report on the Federal Workforce, Executive Summary, at Section B Table 8, p. I-12, available at <http://www.eeoc.gov/federal/reports/fsp2014/upload/Final-FY-2014-Annual-Report-Part-I.pdf>.

These average processing times for investigations of formal complaints are attributable to a variety of factors: (1) The need to procure outside contractors to conduct EEO investigations; (2) an increased emphasis on enhancing the quality of EEO investigations, which requires review of contractor work and thus lengthier investigations; (3) the volume of complaints and open cases from prior fiscal years; (4) the filing of amendments in a significant portion of all formal complaints; and (5) allocation of existing staff resources to other needs, including external audits and change-management initiatives related to complaint tracking (discussed below).

Almost all investigations of formal complaints completed in FY 2016 were completed within regulatory timeframes (including timeframes extended due to amendments or permissible extensions). In FY 2016, OCR processed 89.5 percent of its formal complaints within regulatory timeframes.³¹ This compares favorably with the government-wide average of 73 percent for the most recent year for which data is available.³²

As of the end of FY 2016, CFPB had zero pending complaints where investigations exceeded the required time frames.

In FY 2016, Final Agency Decisions (FADs) were completed in an average of 60.83 days. The Agency issued six FADs in FY16. Two of these were complicated FADs that needed

³¹ CFPB closed investigations in 19 matters during FY 2016. Seven of those cases had amendments, two of which had multiple amendments, which elongated investigation times. Seven of the 19 cases had complainant-approved extensions ranging from 15-90 days, which elongated investigation times. Many of these cases involved complex and numerous claims, which contributed to longer investigation times (e.g., the number of claims in the 19 cases ranged from one to 16 claims per case). Further, two cases were held in abeyance for a portion of the investigation time. Two of the 19 investigations were considered untimely by EEOC regulations, and another 2 exceeded 360 days, which is permitted under guidance from the EEOC. See EEOC Management Directive 110 (Aug. 2015), at Chapter 5, Section II.A.1, available at https://www.eeoc.gov/federal/directives/md-110_chapter_5.cfm#_Toc425745226 ("Regardless of amendment or consolidation of complaints, the investigation shall be complete in not more than 360 days, unless there is a written extension of not more than 90 days.").

³² See EEOC FY 2014 Annual Report on the Federal Workforce, at Executive Summary, available at <https://www.eeoc.gov/federal/reports/fsp2014/index.cfm#executive> ("Government-wide, a total of 11,281 investigations were completed in an average of 196 days in FY 2014. Seventy-three percent of the investigations were completed in a timely manner, up from 67.2 percent the previous year. Without the United States Postal Service's (USPS) investigations, the government-wide average was 64.7 percent, which is an increase from the 55.7 percent average in FY 2013.").

supplementary inquiries in order for a fact finder to make a determination on the merits, and one was ultimately a finding of discrimination.

EEO Resources and Staffing

OCR has taken important steps to reduce case-processing times, where feasible, while also increasing quality. During FY 2016, the Bureau allocated additional resources OCR requested to ensure that the EEO Program remains successful and operates in an effective manner. OCR hired an individual formerly from the EEOC's Office of Federal Operations (OFO) – with extensive experience as an Appellate Review Attorney and as an Administrative Judge – to serve as the Bureau's EEO Complaints Program Manager. This new program manager focuses on maintaining and enhancing the quality and timeliness of all aspects of the Part 1614 complaint process. OCR also now has a data analyst (sited within OHC and shared with OMWI) to perform trend and other data analyses, such as identifying triggers and barriers to EEO throughout the Bureau. In addition, OCR procured approval to hire a Conflict Prevention Program Manager to focus on enhancements to EEO and non-EEO alternative dispute resolution (ADR) options. This individual onboarded early in FY 2017, and has brought extensive expertise from prior positions with the EEOC, the Employment Litigation Section in the Civil Rights Division of the U.S. Department of Justice, and (most recently) the Office of Compliance in Congress, where he led the nationwide ADR program for Congress (30,000+ employees). In an attempt to leverage expertise from within the Bureau, OCR also has detailed a Senior Attorney and leader from another CFPB division for a four-month period to assist OCR in evaluating ADR efforts.

These newer resources add to the existing permanent, full-time OCR staff, which includes the OCR Director, a Senior Counsel, a General Attorney, an Equal Employment Specialist, a Paralegal Specialist, and a Senior Administrative Officer. OCR also shares an Administrative Assistant with OMWI.

Complaint and workforce tracking and monitoring systems

During FY 2016, OCR staff also spent a significant amount of time and resources related to change management for implementing and using the Micropact iComplaints platform. This is a web-based EEO case management solution that provides a broad range of capabilities for reporting (including No FEAR Act and Form 462), processing, tracking, and managing the overall effectiveness of the CFPB's EEO Program. Throughout the first two quarters of FY 2016, OCR staff migrated case-related data (including legacy data from the Bureau and the U.S.

Department of Treasury) into the iComplaints system. OCR also provided all staff with training directly from Micropact (the software vendor), and created and disseminated detailed protocols and SOPs for using the new system to ensure consistency in system inputs and data integrity. In light of these extensive change-management initiatives, the software has proven immensely helpful in enhancing case-related processing efficiencies and easing the administrative burden associated with program reporting obligations. The software already has allowed OCR to more efficiently comply with EEOC regulations and reporting obligations, identify and monitor internal EEO trends, and redirect staff time away from manual tracking and reviewing complaints data and towards work on other mission-critical projects. During FY 2017, OCR intends to procure a related complaints “executive dashboard” solution that will enable OCR, along with its new data analyst, to conduct more granular and systematic analysis of case processing (e.g., basis, issue, timeframes, etc.) trends.

Finding of Discrimination

The Bureau’s robust Part 1614 complaints process, administered by OCR, safeguards employee civil rights and provides appropriate relief for statutory violations. OCR issued a Final Agency Decision in FY 2016 finding violations of the Rehabilitation Act and Title VII of the Civil Rights Act with respect to one individual. This was the first finding of discrimination against the Bureau to date; no other findings have been issued against the Bureau (e.g., from the Bureau itself, the EEOC, the Merit Systems Protection Board, the Office of Special Counsel, labor arbitrators, the Federal Labor Relations Authority, the Department of Labor, or a federal court). In its Final Agency Decision, OCR ordered appropriate remedies, including consideration of appropriate disciplinary action, training, a posting notice, and make-whole relief for the individual victim. This finding and accompanying relief order underscore the Bureau’s ability to ensure effective compliance with applicable EEO laws.

Alternative Dispute Resolution

CFPB also has an *Alternative Dispute Resolution Policy*, and OCR provides additional information about the benefits of ADR on the Bureau’s intranet. These materials explain the ADR process, why employees should consider ADR, the different types of ADR, and how an employee can request ADR. 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. The goals in having this strong ADR policy include resolving conflicts at an early stage, improving workplace communication and morale, and creating a more efficient EEO Program.

OCR offers ADR during the pre-complaint and formal complaint stages of the EEO process, including while cases are pending before the EEOC for hearing or on appeal. The Bureau also offers mediation on an ad hoc basis for non-EEO workplace disputes through OHC, under its *Administrative Grievance Policy*, and through its negotiated grievance process. During FY 2016, OCR held approximately 12 mediations in connection with Part 1614 complaints.

OCR is in the process of updating, to the extent needed, its ADR policy to ensure that it complies with the clarified standards in the revised EEOC's Management Directive 110 (effective August 5, 2015). Consistent with the revised MD-110, the Legal Division – not the responsible management official directly involved in the dispute – has settlement authority for EEO cases at the administrative level, including during EEO counseling. OCR continues to assess internal data related to the success of the ADR program, including resolution rates, and is collecting information about best practices and benchmarks related to a recommendation for protocols to create a structure that may help better support openness and willingness to employ creative and early resolution options. The Agency has authorized ample funding for OCR and OHC to use contract ADR professionals to resolve workplace disputes.

In addition, and as already described above, OCR procured approval to hire a Conflict Prevention Program Manager to enhance EEO and non-EEO ADR initiatives. This individual onboarded early in FY 2017 and previously led the nationwide ADR program for Congress (30,000+ employees). OCR also detailed a Senior Attorney and leader from another CFPB division for a four-month period to assist OCR in improving its ADR efforts.

Practical knowledge gained and action plans

In analyzing complaint trends and related information, CFPB concluded the following:

- Informal and formal complaints continued on a significant downward trajectory. Preliminary data from early FY 2017 suggests this trend is accelerating. CFPB will continue programmatic efforts to proactively prevent acts of discrimination (including harassment and retaliation) leading to complaints whenever possible, and is enhancing its ADR efforts to encourage informal resolution of disputes in all appropriate circumstances.
- Retaliation remained the top basis alleged in formal complaints filed. The Bureau will continue to train and educate employees (particularly managers and supervisors) about

anti-retaliation rules and best practices for avoiding it, as well as vigorously enforce Bureau policy and federal law prohibiting it.

- The number of formal complaints filed alleging race discrimination declined again in FY 2016 (a two-year downward trend that began after FY 2014). The number of formal complaints filed alleging color, sex, and/or disability discrimination also declined in FY 2016. CFPB will continue to robustly enforce all anti-discrimination statutes and emphasize training on legal requirements that may be more complex, such as in the area of disability discrimination law (including the need to provide reasonable accommodations).
- When practicable, given the Bureau's current slightly higher-than-government-wide average complainant/total workforce ratio and its focus on increasing work product quality, complaint processing times should be reduced. The Bureau will continue to leverage available personnel resources and technology to align complaint processing times with all regulatory requirements, wherever possible. CFPB also will deploy a Blanket Purchase Agreement (BPA) for investigative services and evaluate its effectiveness in reducing complaint processing times while enhancing work product (e.g., Report of Investigation) quality.

The Bureau will focus on these and the following objectives during FY 2017 and FY 2018:

- Continuing to incorporate the EEOC's six essential elements of a model EEO program to achieve greater program effectiveness;
- 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 to 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 Management Directive 110;
- Maintaining accuracy and efficiency of EEO complaint data monitoring, tracking, and reporting through continued use of iComplaints and continued enforcement of robust internal controls related to data tracking and monitoring;
- Leveraging internal communication channels to distribute EEO-related information through the use of various media, including electronic media, informational brochures,

and individual and group training, and promoting communication of information and early intervention to help Bureau officials identify the issues and bases that may give rise to EEO complaints;

- Training of supervisors and managers to provide proactive approaches to resolving issues stemming from alleged violations of personnel policies and practices;
- Fostering constructive, open, continuous communication between employees and management to help resolve workplace conflicts at the earliest possible opportunity, and ensuring that employees, management officials, and persons with settlement authority understand the purpose and value of ADR;
- Continuing to collaborate with stakeholders across the agency to analyze workforce demographic data and to establish and administer affirmative employment plans that ensure equal employment opportunity for all consistent with applicable law, rules, regulations, and guidance;
- Increasing employee awareness of EEO statutes and ensuring that CFPB cultivates an inclusive work environment;
- Reviewing feedback from employee surveys, exit interviews, listening sessions, and training to identify opportunities for improvement;
- Training supervisors and managers on leadership, management principles, communication techniques, legal compliance, and fostering diversity and inclusion;
- Ensuring CFPB management is accountable for the success of the EEO program through transparency, by emphasizing measurable EEO, diversity, and inclusion goals and objectives that are incorporated into divisional strategic plans, and through the performance assessment of supervisors and managers;
- Using the Bureau’s Triannual Performance Review process as a management tool to address cultural change, and EEO, diversity, and inclusion efforts within Divisions;
- Supporting the implementation of employee resource groups and both executive-level and staff-level diversity councils; 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.

3.6 No FEAR Act training

The No FEAR Act requires each Federal agency to train all employees regarding the rights and remedies applicable to them under the relevant antidiscrimination and whistleblower protection laws.³³ OCR, OMWI, and OHC recognize the indispensable role training and education play in raising awareness of EEO-related rights and responsibilities and fostering a civil, respectful, and inclusive work environment.

The Bureau uses various media and other innovative means to train and educate CFPB Executives, managers, supervisors, and employees about EEO concepts, rights, and policies. These efforts assist in ensuring that EEO is integrated into the Agency's strategic mission and crucial EEO-related information is readily accessible at all times. The Bureau makes use of virtually all of the ideas suggested by the EEOC in its September 2014 publication entitled "Preserving Access to the Legal System: A Practical Guide to Providing Employees with Adequate Information about Their Rights under Federal Equal Employment Opportunity (EEO) Laws and Regulations."³⁴ The various means used to distribute information are described in the table below.

³³ See Pub. L. No. 107-174, Section 202(c); *see also* 5 C.F.R. § 724.203.

³⁴ This guidance is available at https://www.eeoc.gov/federal/preserving_access.cfm.

TABLE 5: MEDIA USED TO DISTRIBUTE EEO INFORMATION

Media Used To Distribute EEO Information
Regular email notifications via “Ops Digest” and “Manager Minute” publications
Regular email messages from the CFPB Director and OCR Director
Annual statements from the CFPB Director on the No FEAR Act and on the Bureau’s EEO Policy and Anti-Harassment Policy, provided in email and printed formats, and posted on the Bureau’s intranet
Posters placed throughout all Agency facilities in break rooms and work rooms
A tri-fold brochure on EEO rights and responsibilities
Display Stands with relevant hard-copy information placed near every elevator bank, in OHC, and in OCR office space
Digital Display Boards (i.e., large monitors) in elevator banks in CFPB headquarters featuring rotating slides including brief messages on EEO and diversity and inclusion-related topics
Guide to the Office of Civil Rights (distributed immediately to all new employees)
EEO Resource Manual for Managers and Supervisors (provided to all new supervisors and during mandatory 2-day EEO training)
Intranet and internet content, including all relevant policies and Frequently Asked Questions about OCR and discrimination-related topics, and periodic All-Employee “Announcements” on the homepage of the Bureau’s intranet
EEO-related notices on employee paystubs (containing a new notice each pay period)
Formal training including: New Employee Orientation (NEO); mandatory annual No FEAR Act and harassment prevention trainings; mandatory Supervisory Development Seminar (SDS); and mandatory 2-day manager EEO training led by the EEOC Training Institute; mandatory two-day diversity and inclusion training for new supervisors; mandatory diversity and inclusion training for all employees

In-person dissemination of information is perceived by many as the most effective means to distribute EEO information. To that end, a member of OCR staff presents and distributes a hard copy “Guide to the Office of Civil Rights” to every new Bureau employee, in person, on or near his or her very first day of employment during New Employee Orientation. This guide contains detailed information on discrimination, harassment, and retaliation, and the EEO process – including the Part 1614 process and the 45-calendar day timeframe for initiating EEO counseling. In addition, OCR created and distributes an “EEO Resource Manual for Managers

and Supervisors” providing practical guidance on EEO compliance. Further, OHC sends each new manager a “CFPB New Manager Onboarding Information” guide that also contains critical EEO and diversity and inclusion information.

OCR also conducts, collaborates in presenting, and/or sponsors numerous in-person trainings, as well. In his FY 2016 EEO Policy/Anti-Harassment Statement, Director Cordray conveyed his expectation that all Bureau employees prioritize diversity and inclusion and EEO training and put what they learn into practice every day. For example:

- All 246 new hires at the Bureau (100%) completed mandatory New Employee Orientation Training during FY 2016, during which OCR staff provides an overview of EEO rights and responsibilities (including explaining the Part 1614 process and emphasizing the 45 calendar day timeframe for contacting an EEO counselor).
- A total of 234 employees completed mandatory diversity training in FY 2016. CFPB began offering this two-hour awareness raising workshop to non-managerial employees to help develop a shared understanding of diversity and inclusion at the Bureau. The workshop focuses on the importance of diversity and inclusion in strengthening individual competence for interacting effectively in a diverse workplace and the ways in which an understanding of diversity and inclusion contributes to the effectiveness of the Bureau’s work in serving consumers. As of the end of FY 2016, 1,099 CFPB employees had completed this training, with the remainder scheduled to complete it by the end of calendar year 2016. Evaluations of the training indicated that it was well received and effective in increasing employees’ awareness of the importance of diversity and inclusion to the Bureau’s overall effectiveness.
- A total of 65 supervisors and managers completed a mandatory 2-day EEO Training conducted by the EEOC Training Institute in FY 2016, for a total of over 250 to date.
- A total of 47 supervisors and managers completed mandatory Leadership Excellence Seminars (LES) in FY 2016, and over 200 total supervisors and managers have completed these seminars to date.
- A total of 56 supervisors and managers completed the mandatory Supervisory Development Seminar (SDS) in FY 2016, and approximately 265 total supervisors and managers have completed this seminar to date – almost 95 percent.
- A total of 112 supervisors and managers completed the mandatory supervisor 2-day

diversity training in FY 2016, and approximately 230 total supervisors and managers have completed this training to date – approximately 83 percent.

- A total of 44 employees completed structured interview training mandatory for all “lead interviews” in FY 2016, and approximately 294 total employees have completed this training to date.
- A total of 1132 employees (69 percent) and 236 supervisors and managers (82 percent) completed mandatory performance management training containing EEO and diversity and inclusion components in FY 2016.

In addition, after New Employee Orientation, each year all Bureau employees must take a one-hour web-based training on the No FEAR Act, and a separate one-hour, web-based training on harassment prevention. Approximately 85 percent of employees completed this mandatory No FEAR Act training in FY 2016, and over 95 percent of employees completed the mandatory harassment prevention training in FY 2016. By FY 2018, OCR hopes, depending on resource availability, to begin offering live annual mandatory No FEAR Act and harassment and retaliation training for employees, in addition to the live New Employee Orientation training, and to develop and rollout an EEO “refresher” training curriculum for experienced supervisors and managers.

In FY 2016, OCR also launched a new “Top 10 EEO Tips” series of optional webinars for all Bureau employees. This series of virtual brownbag presentations by OCR is designed for all CFPB personnel (managers/supervisors and non-supervisory employees), and provides “bite size” – 30 minutes maximum – training in the form of practical tips on EEO rights and responsibilities. The first installment of the series was for Mental Health Awareness Month in May 2016, and offered tips on “Mental Health Awareness and You.” OCR will continue to offer new webinars as part of this series in FY 2017, with upcoming installments likely addressing topics such as Top 10 EEO Pitfalls, reasonable accommodations (including for pregnancy-related limitations and religion), and retaliation.

Further, the OCR intranet page is an excellent resource for individuals wanting information about the EEO process. The OCR intranet page clearly describes the Part 1614 process, contains links to all pertinent policies and procedures, and offers a section of plain-language Frequently Asked Questions (FAQs) that is updated and augmented routinely. (This section of the intranet also welcomes and solicits ideas for additional FAQs, encouraging those visiting the site to email OCR with suggestions for topics about which additional guidance or clarification could be

helpful.) The OCR intranet page also contains contact and location information for OCR, including contact information for all OCR staff, to ensure that employees can easily seek OCR's assistance in person or virtually.

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 annual EEO and anti-harassment policy statement



1700 G Street, N.W., Washington, DC 20552

September 2016

MEMORANDUM TO: All CFPB Employees
FROM: Richard Cordray
DIRECTOR
SUBJECT: Annual EEO and Anti-Harassment Policy Statement

Dear Colleagues:

Attached is my annual Policy Statement on Equal Employment Opportunity (EEO) and Workplace Harassment. I ask everyone in the Bureau to read it carefully.

I am proud of our recent accomplishments that have helped to make the Bureau a fairer, more inclusive, diverse, and welcoming workplace. As the Government Accountability Office (GAO) recently explained in a report that reflected its recognition of the extensive work that we have been doing around these issues, the Bureau:

has expanded management training, developed new guidance on personnel practices, and developed a new performance management system. CFPB has made progress in adopting leading diversity management practices identified in prior GAO work, such as finalizing a diversity strategic plan, creating employee diversity groups, and expanding diversity training. In addition, CFPB launched a new initiative to strengthen its organizational culture that includes obtaining employee input on ideas for improving CFPB's culture and addressing employee concerns. Finally, CFPB has strengthened its employee complaint processes by providing new training and guidance and creating feedback mechanisms to help evaluate progress in some areas.

More specifically, we have (among other things):

- Studied the results of the annual AES survey and taken concrete steps to respond to this invaluable feedback;
- Established Workforce of the Future norms to strengthen CFPB culture;

- Launched the [Diversity and Inclusion Council for Employees](#);
- Finalized and implemented an [Employee Resource Group](#) policy;
- Continued to mandate diversity and inclusion and EEO training for all new supervisors and managers;
- Provided in-person briefings to *all* new employees on their EEO rights and related processes; and
- Adopted a new [Non-Discrimination and Inclusion Policy for Transgender Applicants and Employees](#).

We will continue our work to foster the inclusive culture we want at CFPB. I want to reaffirm unequivocally that we strive for a workplace where no individual feels marginalized or mistreated. Disrespect, discrimination, and retaliation inhibit our ability to protect consumers and they are contrary to the kind of culture and institution we are striving to build. Last month, the Office of Civil Rights (OCR), acting under authority delegated by me to OCR, issued a decision concluding that the Bureau had engaged in unlawful retaliation and disability discrimination with respect to one employee. This was the first finding of discrimination against the Bureau to date.

The attached Policy Statement emphasizes the Bureau's institutional commitment to equal employment opportunity. Each and every one of us must reaffirm our personal commitment to do our part to uphold EEO principles and comply with the law. Therefore, I expect you all to:

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

To learn more or seek help, you can reach out to our Office of Equal Opportunity and Fairness, which is comprised of the Office of Civil Rights (OCR) and the Office of Minority and Women Inclusion (OMWI). OCR serves as a neutral arbiter in EEO

complaint-related matters, and OMWI and OCR together help us all in our ongoing work to make the Bureau a fairer and more inclusive workplace. I am confident that the processes in place to root out and rectify violations of EEO laws are robust and working, and I thank OEOF for its important work on these matters.

The Director's Policy Statement on Equal Employment Opportunity and Workplace Harassment

General EEO Policy

It is the clear policy of the Consumer Financial Protection Bureau (CFPB or Bureau) to provide equal employment opportunity (EEO) to all employees and applicants for employment. The CFPB has no tolerance for workplace discrimination, harassment, or retaliation.¹ We take all allegations of discrimination, harassment, and retaliation seriously.

We all deserve to work in an environment where we will be treated fairly and equitably, and where we can participate fully in all benefits of employment, including recruitment, hiring, compensation, appraisals, awards, training, career development, promotions, and all the terms, conditions, and privileges of employment.

Accordingly, the Bureau does not and will not discriminate or tolerate harassment against any employee or applicant for employment on the basis of race, color, religion, sex (including pregnancy, sexual orientation, transgender status, gender identity or expression, gender non-conformity, or sex stereotyping of any kind), national origin, age (40 and above), disability, genetic information, marital status, parental status, political affiliation, military service, union activities, whistleblower activity, or any other non-merit factor. Discrimination and harassment on these bases is prohibited by Federal statutes and Executive Orders. *See 5 U.S.C. §§ 2302(b); 5 U.S.C. §§ 7101-7135; 29 U.S.C. § 206(d); 29 U.S.C. § 631; 29 U.S.C. § 633a; 29 U.S.C. § 791; 38 U.S.C. §§ 4301-35; 42 U.S.C. § 2000e-16; 42 U.S.C. § 2000ff et seq.; E.O. 11478; E.O. 13087; E.O. 13145; E.O. 13152; E.O. 13672.*

Discriminatory Harassment

CFPB will not tolerate any discriminatory harassment – *even when the hostile or abusive conduct does not rise to the level of a violation of Federal law.* Discriminatory harassment is unwelcome or offensive treatment, behavior, or conduct – whether sexual or non-sexual, and whether verbal, physical, visual, or psychological – that denigrates, shows hostility or aversion towards, or otherwise marginalizes an individual based on that individual’s protected status, that a reasonable person would consider intimidating, hostile, or abusive or that interferes with an individual’s work performance.

Offensive conduct includes unwelcome sexual overtures, propositions, or contact; basing employment decisions (or conditioning any benefit or privilege of employment) on acquiescence to verbal or physical sexual or romantic conduct; telling inappropriate jokes or stories; ridiculing, insulting, or mocking a colleague or co-worker; using slurs or epithets; or physically assaulting, bullying, or intimidating others. Offensive conduct also could include displaying objects, pictures, or graphic

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

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

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

Employee Rights and Responsibilities

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

Employees who feel that they are being harassed or otherwise have been subjected to offensive (e.g., hostile or abusive) conduct may (but are not required to) make their objections known to the offending party. If employees do not want to talk to the offending party, or if the harassment continues even after doing so, employees should also contact their supervisor, manager, a higher level management official, or the Lead of Employee and Labor Relations in the Office of Human Capital (OHC), or call 202-435-7655.

Employees who feel they have been harassed have a duty to report the incident so the Bureau can take steps to stop the offensive conduct. Employees should report any harassment before it becomes so severe or pervasive that it violates Federal law. (While isolated incidents of harassment generally do not violate federal law, a pattern of such incidents may be unlawful.) Similarly, employees who believe they have witnessed harassing conduct also have a duty to report the incident. CFPB will protect the confidentiality of individuals reporting such conduct to the fullest extent possible.

Manager/Supervisor Rights and Responsibilities

Managers and supervisors have a special responsibility to prevent, document, and promptly correct harassing conduct in the workplace. Managers and supervisors receiving reports of alleged harassment or who believe they have potentially or actually witnessed any such behavior must immediately contact the Lead of Employee and Labor Relations in the Office of Human Capital (OHC), or call 202-435-7655.

The Bureau will take appropriate and immediate action in response to complaints about or knowledge of violations, in accordance with the Bureau's Procedures Related to Harassment and Inappropriate Conduct. Management will take appropriate corrective action as needed.

The Bureau supports the right of any employee who believes she or he has been discriminated against or harassed (or witnessed discrimination or harassment) to

exercise the right to oppose unlawful discrimination or harassment, to file a complaint about it, or to participate in any related inquiry or investigation without fear of retaliation. *Managers and supervisors must not retaliate against an employee for reporting harassment or for cooperating with any harassment investigation. Any such action will result in appropriate disciplinary action against the manager or supervisor.*

Employees who believe they have experienced unlawful prohibited conduct should promptly contact the [Office of Civil Rights](#) (OCR) to discuss your rights under the EEO laws. (Contact information for OCR is provided below.) However, even if you contact OCR to report unlawful harassment, OHC may still undertake its own independent internal investigation of the allegations to satisfy its obligations to exercise due care to promptly eliminate all hostile or abusive conduct in the workplace.

Richard Cordray
September 2016

Additional Information

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

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

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

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

- the CFPB's intranet at <http://team.cfpb.local/wiki/index.php/EEO>
- the EEOC website at <http://www.eeoc.gov>
- the OSC website at <http://www.osc.gov>
- the DOL website at <http://www.dol.gov>
- the MSPB website at <http://www.mspb.gov>
- the FLRA website at <http://www.flra.gov>

Contact Information for the CFPB Office of Civil Rights

Mail:

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

Hand-Delivery:

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

Phone:

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

E-mail:

CFPB_EEO@cfpb.gov

Fax:

202-435-9598

The Director's FY 2016 annual notice on the No FEAR Act and whistleblower protection laws/prohibited personnel practices



1700 G Street, N.W., Washington, DC 20552

September 2016

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

FROM: Richard Cordray
Director

SUBJECT: FY16 Annual Notice on the No FEAR Act and Whistleblower Protection Laws/Prohibited Personnel Practices

The “[Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002](#),” otherwise known as the “No FEAR Act,” requires Federal agencies like the CFPB to “be accountable for violations of antidiscrimination and whistleblower protection laws.” Pub. L. 107-174, Summary. Congress found in passing the No FEAR Act that “agencies cannot be run effectively if those agencies practice or tolerate discrimination.” Pub. L. 107-74, Title I, General Provisions, § 101(1).

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

Antidiscrimination Laws

A federal agency cannot discriminate or tolerate harassment against any employee or applicant for employment on the basis of race, color, religion, sex (including pregnancy, sexual orientation, transgender status, gender identity or expression, gender non-conformity, or sex stereotyping of any kind), national origin, age (40 and above), disability, genetic information, marital status, parental status, political affiliation, military service, union activities, whistleblower activity, or any other non-merit factor. Discrimination and harassment on these bases is prohibited by Federal statutes and Executive Orders. *See* 5 U.S.C. §§ 2302(b); 5 U.S.C. §§ 7101-7135; 29 U.S.C. § 206(d); 29 U.S.C. § 631; 29 U.S.C. § 633a; 29 U.S.C. § 791; 38 U.S.C. §§ 4301-35; 42 U.S.C. § 2000e-16; 42 U.S.C. § 2000ff *et seq.*; E.O. 11478; E.O. 13087; E.O. 13145; E.O. 13152; E.O. 13672.

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

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

You must contact an EEO counselor *within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action*, before you may file a formal complaint of discrimination with the CFPB. See, e.g., [29 C.F.R. Part 1614](#). In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through CFPB's [administrative](#) or [negotiated grievance procedures](#), if such procedures apply to you.

- If you believe that you have been the victim of unlawful discrimination on the basis of age in violation of the Age Discrimination in Employment Act of 1967, you may proceed through the administrative EEO process by contacting an EEO counselor in the Bureau's OCR within 45 days. (This is the same as for an allegation of discrimination based on race, color, religion, sex, national origin, disability, genetic information, or parental status, as noted above). *Alternatively*, you can choose to file an age-discrimination lawsuit in an appropriate United States district court. If you choose this direct-suit option, you must first give the [Equal Employment Opportunity Commission](#) (EEOC) notice that you intend to sue. You must give the EEOC this notice at least 30 days before you file your lawsuit in court. This notice-of-intent-to-sue may be filed in writing with the EEOC, at P.O. Box 77960, Washington, D.C. 20013. You may also file the notice by facsimile (if the fax is 10 pages or less), at (202) 663-7022. Finally, you may file this notice by personal delivery to the EEOC's Office of Federal Operations/Federal Sector Programs Branch at 131 M Street, NE, Washington, D.C. 20507.

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

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

Bureau's OCR does *not* suspend the two- or three-year deadline for filing a civil action. *See* 29 C.F.R. § 1614.408.

Sex-based pay disparities also may violate Title VII of the Civil Rights Act of 1964, and individuals may challenge sex-based pay discrimination simultaneously under both the Equal Pay Act and Title VII. However, if you wish to allege that a pay disparity violates Title VII, you *must* raise the Title VII allegation in the administrative EEO process by contacting an EEO counselor in the Bureau's OCR within 45 days of the event you allege to be discriminatory – even if you also file an Equal Pay Act civil action over the same alleged pay disparity.

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

Whistleblower Protection Laws/Prohibited Personnel Practices

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

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

For these purposes, whistleblowing is defined as the disclosure of information that an employee or applicant reasonably believes evidences (1) a violation of any law, rule, or regulation; (2) gross mismanagement; (3) a gross waste of funds; (4) an abuse of authority; (5) a substantial and specific danger to public health or safety; or (6) censorship related to scientific research or analysis, if such disclosure is not specifically prohibited by law and if such information is not specifically required by

Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

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

Please also review the following fact sheet, “[Your Rights as a Federal Employee](#),” which provides detailed information on the thirteen prohibited personnel practices and employees’ rights to file complaints with OSC. Additionally, you are encouraged to review the following materials: “[Know Your Rights When Reporting Wrongs](#)” and “[The Role of the U.S. Office of Special Counsel](#),” which describe different avenues for making whistleblower disclosures and OSC’s role in accepting complaints from federal employees.

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

Retaliation for Engaging in Protected Activity

A Federal agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protections laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity and wish to pursue a legal remedy, you must follow, as appropriate, the procedures described in the sections of this notice above entitled “Antidiscrimination Laws” and “Whistleblower Protection Laws/Prohibited Personnel Practices” – or, if applicable, relevant administrative or negotiated grievance procedures.

Disciplinary Actions

Under the existing laws, each agency retains the right, where appropriate, to discipline a Federal employee who has engaged in discriminatory or retaliatory conduct, up to and including removal. If OSC has initiated an investigation under 5 U.S.C. § 1214, however, according to 5 U.S.C. § 1214(f), agencies must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

Additional Information

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

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

Existing Rights Unchanged

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

Contact Information for the CFPB Office of Civil Rights

Mail:

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

Hand-Delivery:

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

Phone:

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

E-mail:

CFPB_EEO@cfpb.gov

Fax:

202-435-9598

APPENDIX C:

Summary of complaint data

Equal Employment Opportunity Data Posted Pursuant to Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174, for the Consumer Financial Protection Bureau (CFPB).

For the period ending September 30, 2016.

- Mixed-case complaints are included in this report.
- Calculations begin day after triggering event but include the last day of event per 29 C.F.R. § 1614.604.

1. Complaint activity

TABLE 6: COMPLAINT ACTIVITY³⁵

Complaint Activity	2012	2013	2014	2015	2016
Number of complaints filed	11	9	25	22	19*
Number of complainants	11	9	24	19	18
Repeat filers ³⁶	0	0	1	3	1

* Three of these complaints were putative class complaints filed in a previous fiscal year. In FY 2016, an EEOC Administrative Judge (AJ) denied class certification in all three matters, requiring the matters to be processed currently as individual complaints. See 29 C.F.R. § 1614.204(d)(7). Total new formal complaints filed in FY 2016 thus equal 16.

³⁵ The No FEAR Act and implementing regulations require agencies to report data for the previous five fiscal years. CFPB opened officially on July 21, 2011, and accordingly does not have data to report for FY 2011.

³⁶ For this purpose, “repeat filers” include only individuals who have filed more than one complaint during the relevant fiscal year. This data does not include individuals who may have filed more than one formal complaint but who have never filed more than one complaint in any single fiscal year.

1.1 Complaints by basis

TABLE 7: COMPLAINTS BY BASIS*

Complaints by Basis	2012	2013	2014	2015	2016
Race	3	4	17	14	8
Color	2	0	5	10	6
Religion	2	2	1	2	0
Reprisal	3	4	16	16	13
Sex	3	4	10	13	10
Pregnancy (PDA)	0	0	0	0	2
National Origin	4	1	8	5	2
Equal Pay (EPA)	0	1	0	2	5
Age	9	4	9	7	4
Disability	2	2	3	10	4
Genetic Information	0	0	0	0	0
Non-EEO	1	1	2	0	2

* Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.

1.2 Complaints by issue

TABLE 8: COMPLAINTS BY ISSUE

Complaints by Issue	2012	2013	2014	2015	2016
Appointment/Hire	0	2	3	1	1
Assignment of Duties	2	3	8	5	6
Awards	0	0	0	0	0
Conversion to Full Time/Permanent Status	0	0	0	3	2
Duty Hours	0	0	1	0	0
Performance Evaluation/Appraisal	0	2	13	7	7
Examination/Test	0	0	0	0	0
Medical Examination	0	0	0	0	0
Pay (Including Overtime)	0	1	4	5	7
Promotion/Non-Selection	8	0	10	6	11
Reasonable Accommodation – Disability	0	0	0	2	3
Reinstatement	0	0	0	0	0
Reasonable Accommodation – Religion	0	0	0	0	0
Retirement	0	0	0	0	0
Sex Stereotyping	0	0	0	0	0
Telework	0	0	0	0	0
Termination	1	1	2	0	1
Terms/Conditions of	2	2	3	13	8

Employment

Time and Attendance	0	1	4	2	3
Training	0	0	6	8	3
Other	0	0	2	1	0

TABLE 9: COMPLAINTS INVOLVING DISCIPLINARY ACTION

Type of Disciplinary Action	2012	2013	2014	2015	2016
Demotion	0	1	0	0	1
Reprimand	0	0	9	2	1
Suspension	0	0	0	0	0
Removal	0	1	1	0	0
Other	0	1	0	0	0

TABLE 10: COMPLAINTS INVOLVING HARASSMENT

Type of Harassment	2012	2013	2014	2015	2016
Non-Sexual	0	2	15	9	4
Sexual	0	0	0	1	0

TABLE 11: COMPLAINTS INVOLVING REASSIGNMENT

Type of Reassignment	2012	2013	2014	2015	2016
Denied	0	0	1	1	0
Directed	0	0	1	1	1

2. Complaint processing times

TABLE 12: PROCESSING TIMES FOR COMPLAINTS PENDING (FOR ANY LENGTH OF TIME) DURING FISCAL YEAR

Type of Processing Time	2012	2013	2014	2015	2016
Average number of days in investigation	209.00	176.00	230.00	247.00	270.05
Average number of days in final action	58.00	26.00	17.00	119.00	91.83

TABLE 13: PROCESSING TIMES FOR COMPLAINTS PENDING (FOR ANY LENGTH OF TIME) DURING FISCAL YEAR WHERE HEARING WAS REQUESTED

Type of Processing time	2012	2013	2014	2015	2016
Average number of days in investigation	0.00	288.00	278.00	183.00	242.83
Average number of days in final action	0.00	131.00	178.00	219.00	0.00

TABLE 14: COMPLAINTS PENDING (FOR ANY LENGTH OF TIME) DURING FISCAL YEAR WHERE HEARING WAS NOT REQUESTED

Type of Processing Time	2012	2013	2014	2015	2016
Average number of days in investigation	209.00	176.00	214.00	293.00	316.71
Average number of days in final action	58.00	58.00	90.00	52.00	91.83

3. Complaint dismissals and withdrawals

TABLE 15: COMPLAINTS DISMISSED BY AGENCY

Agency Dismissal Information	2012	2013	2014	2015	2016
Total complaints dismissed by agency	0	1	2	2	1
Average days pending prior to dismissal	0.00	27.00	293.00	26.00	34.00

TABLE 16: COMPLAINTS WITHDRAWN BY COMPLAINANTS

Complaints Withdrawn	2012	2013	2014	2015	2016
Total complaints withdrawn by complainants	1	1	0	1	2

4. Findings of discrimination

TABLE 17: TOTAL FINAL AGENCY ACTIONS FINDING DISCRIMINATION

Type of Findings	2012		2013		2014		2015		2016	
	#	%	#	%	#	%	#	%	#	%
Total findings	0	0	0	0	0	0	0	0	0	0
Without hearing	0	0	0	0	0	0	0	0	1	100
With hearing	0	0	0	0	0	0	0	0	0	0

4.1 Findings by basis*

TABLE 18: TOTAL FINDINGS OF DISCRIMINATION RENDERED BY BASIS

Basis	2012		2013		2014		2015		2016	
	#	%	#	%	#	%	#	%	#	%
Total findings	0	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	1	100	
Sex	0	0	0	0	0	0	0	0	0	0

Pregnancy (PDA)	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0
Equal Pay (EPA)	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	1	100	
Genetic Information	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0

TABLE 19: FINDINGS OF DISCRIMINATION RENDERED AFTER HEARING BY BASIS

Basis	2012		2013		2014		2015		2016	
	#	%	#	%	#	%	#	%	#	%
Total findings	0	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0
Pregnancy (PDA)	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0
Equal Pay (EPA)	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0

TABLE 20: FINDINGS OF DISCRIMINATION RENDERED WITHOUT HEARING BY BASIS

Basis	2012		2013		2014		2015		2016	
	#	%	#	%	#	%	#	%	#	%
Total findings	0	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	1	100
Sex	0	0	0	0	0	0	0	0	0	0
Pregnancy (PDA)	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0
Equal Pay (EPA)	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	1	100
Genetic Information	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0

* Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.

4.2 Findings by issue

TABLE 21: TOTAL FINDINGS OF DISCRIMINATION RENDERED BY ISSUE

Issue	2012		2013		2014		2015		2016	
	#	%	#	%	#	%	#	%	#	%

Total findings	0	0	0	0	0	0	0	0	1	100
Appointment/Hire	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	1	100
Awards	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Permanent Status	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0
Performance Evaluation/Appraisal	0	0	0	0	0	0	0	0	1	100
Examination/Test	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation – Disability	0	0	0	0	0	0	0	0	1	100
Reinstatement	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation – Religion	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0
Sex Stereotyping	0	0	0	0	0	0	0	0	0	0
Telework	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0

TABLE 22: FINDINGS OF DISCRIMINATION RENDERED BY ISSUE – DISCIPLINARY ACTION

Type of Disciplinary Action	2012	2013	2014	2015	2016					
	#	%	#	%	#	%	#	%	#	%
Demotion	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0

TABLE 23: FINDINGS OF DISCRIMINATION RENDERED BY ISSUE – HARRASSMENT

Type of Harassment	2012	2013	2014	2015	2016					
	#	%	#	%	#	%	#	%	#	%
Non-Sexual	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0

TABLE 24: FINDINGS OF DISCRIMINATION RENDERED BY ISSUE – REASSIGNMENT

Type of Reassignment	2012	2013	2014	2015	2016					
	#	%	#	%	#	%	#	%	#	%
Denied	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0

TABLE 25: FINDINGS OF DISCRIMINATION RENDERED AFTER HEARING BY ISSUE

Issue	2012	2013	2014	2015	2016					
	#	%	#	%	#	%	#	%	#	%

Total findings after hearing	0	0	0	0	0	0	0	0	0
Appointment/Hire	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Permanent Status	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0
Performance Evaluation/Appraisal	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0
Reasonable Accommodation – Disability	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0
Reasonable Accommodation – Religion	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0
Sex Stereotyping	0	0	0	0	0	0	0	0	0
Telework	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0

TABLE 26: FINDINGS OF DISCRIMINATION RENDERED AFTER HEARING BY ISSUE – DISCIPLINARY ACTION

Type of Disciplinary Action	2012	2013	2014	2015	2016					
	#	%	#	%	#	%	#	%	#	%
Demotion	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0

TABLE 27: FINDINGS OF DISCRIMINATION RENDERED AFTER HEARING BY ISSUE – HARASSMENT

Type of Harassment	2012	2013	2014	2015	2016					
	#	%	#	%	#	%	#	%	#	%
Non-Sexual	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0

TABLE 28: FINDINGS OF DISCRIMINATION RENDERED AFTER HEARING BY ISSUE – REASSIGNMENT

Type of Reassignment	2012	2013	2014	2015	2016					
	#	%	#	%	#	%	#	%	#	%
Denied	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0

TABLE 29: FINDINGS OF DISCRIMINATION RENDERED WITHOUT HEARING BY ISSUE

Type of Issue	2012		2013		2014		2015		2016	
	#	%	#	%	#	%	#	%	#	%
Total findings without hearing	0	0	0	0	0	0	0	0	1	100
Appointment/Hire	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	1	100
Awards	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Permanent Status	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0
Performance Evaluation/Appraisal	0	0	0	0	0	0	0	0	1	100
Examination/Test	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation – Disability	0	0	0	0	0	0	0	0	1	100
Reinstatement	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation – Religion	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0
Sex Stereotyping	0	0	0	0	0	0	0	0	0	0
Telework	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0

Time and Attendance	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0

TABLE 30: FINDINGS OF DISCRIMINATION RENDERED WITHOUT HEARING BY ISSUE – DISCIPLINARY ACTION

Type of Discipline	2012		2013		2014		2015		2016	
	#	%	#	%	#	%	#	%	#	%
Demotion	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0

TABLE 31: FINDINGS OF DISCRIMINATION RENDERED WITHOUT HEARING BY ISSUE – HARASSMENT

Type of Harassment	2012		2013		2014		2015		2016	
	#	%	#	%	#	%	#	%	#	%
Non-Sexual	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0

TABLE 32: FINDINGS OF DISCRIMINATION RENDERED WITHOUT HEARING BY ISSUE – REASSIGNMENT

Type of Reassignment	2012		2013		2014		2015		2016	
	#	%	#	%	#	%	#	%	#	%
Denied	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0

5. Pending complaints

TABLE 33: PENDING COMPLAINTS FILED IN PREVIOUS FISCAL YEARS BY STATUS

Pending Complaints and Complainants	2012	2013	2014	2015	2016
Total complaints from previous fiscal years	4	3	20	32	21
Total complainants	4	3	20	25	17

TABLE 34: PENDING COMPLAINTS BY STATUS

Where in EEO Process Complaints Are Pending	2012	2013	2014	2015	2016
Investigation	0	2	19	8	0
ROI issued, pending complainant's action	0	1	1	2	0
Hearing	0	0	0	12	18
Final Agency Action	0	0	0	6	2
Appeal with EEOC Office of Federal Operations	0	0	0	4	6

6. Investigation timeframes

TABLE 35: INVESTIGATIONS THAT EXCEED TIME FRAMES

Investigations	2012	2013	2014	2015	2016
Pending complaints where investigations exceed required time frames	0	0	0	2	0