

Equal Employment Opportunity (EEO) program status report for fiscal year (FY) 2019



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Overview

This Equal Employment Opportunity (EEO) Program Status Report for Fiscal Year (FY) 2019 is prepared and submitted under the Equal Employment Opportunity Commission (EEOC) Management Directive 715 (MD-715) and accompanying instructions and guidance (as updated).¹ “The overriding objective of [MD-715] is to ensure that all employees and applicants for employment enjoy equality of opportunity in the federal workplace regardless of race, sex, national origin, color, religion, disability or reprisal for engaging in prior protected activity.”² Consistent with this objective, MD-715 requires Federal agencies to conduct a self-assessment on at least an annual basis to evaluate the effectiveness of their overall Equal Employment Opportunity program, using EEOC-prescribed compliance indicators and measures. MD-715 also requires agencies to identify any institutional, structural, attitudinal, and/or physical barriers that may operate to exclude certain groups, and to develop strategic plans to eliminate identified barriers.

This report reflects the results of the Consumer Financial Protection Bureau (CFPB or the Bureau or the Agency) MD-715 self-assessment for FY 2019. This report also highlights CFPB accomplishments in advancing EEO and identifies additional actions the Bureau began in FY 2019 and will continue to take in FY 2020 and beyond to enhance its overall EEO program.

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

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

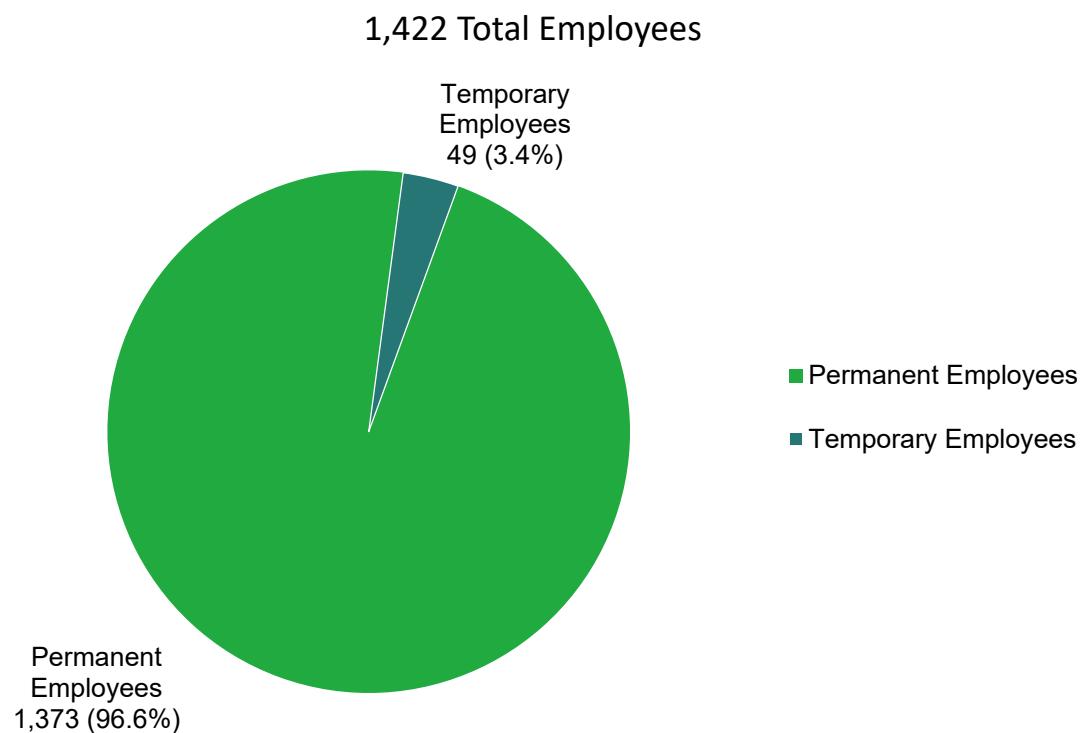
Part A – Agency identifying information

TABLE 1: AGENCY IDENTIFYING INFORMATION

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

Part B – Total employment

FIGURE 1: CFPB TOTAL EMPLOYMENT*



* Data as of September 30, 2019. Workforce numbers for FY 2018 included in this FY 2019 Status Report may differ slightly from corresponding data reported in the FY 2018 EEO Program Status Report. This is due to retroactive processing of personnel actions, late processing of personnel actions, or other changes made in applicable data systems since the data was finalized for the FY 2018 Report.

Part C – Leadership

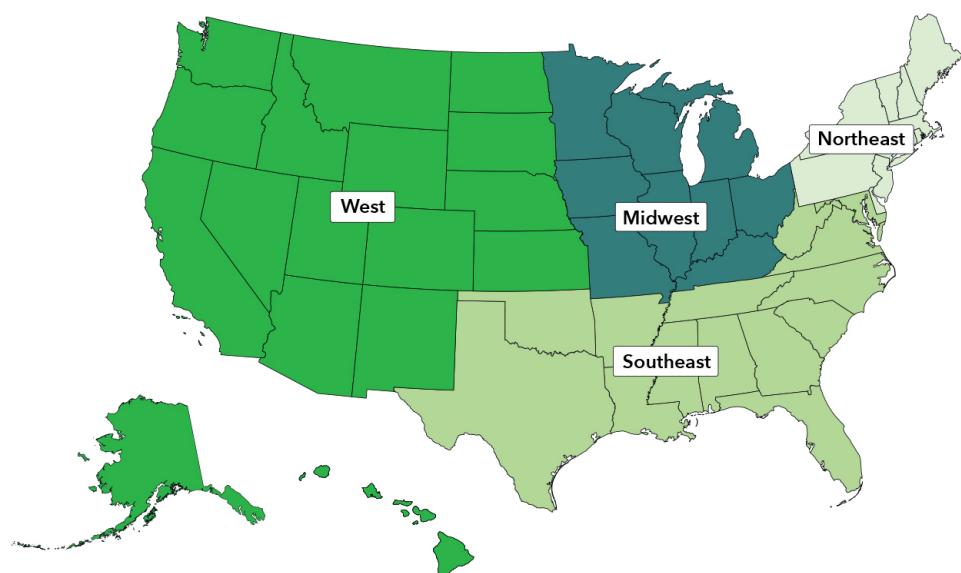
TABLE 2: CFPB LEADERSHIP

CFPB Leadership	
Head of Agency	Kathleen L. Kraninger* Director Bureau of Consumer Financial Protection
Agency Head Designee	Melissa S. Brand Director Office of Civil Rights Bureau of Consumer Financial Protection

* During FY 2019, the Bureau had two Directors: Mick Mulvaney served as Acting Director of the Bureau from November 25, 2017 through December 10, 2018. Kathleen Kraninger became the permanent Director of the Bureau on December 11, 2018.

Part D – List of subordinate components

FIGURE 2: CFPB SUPERVISION REGIONS



- Northeast
- Southeast
- Midwest
- West

Part E – Executive summary

Per MD-715 instructions,³ the purpose of this Executive Summary is to inform all CFPB managers and supervisors of their responsibilities regarding the status of the Agency’s EEO program. This is to ensure their understanding of (1) the Agency’s overall EEO program direction, and (2) the expected contributions necessary for the Agency to become a Model Employer. This Executive Summary also provides a quick and informative review of any EEO program deficiencies that will be addressed during the upcoming fiscal year, as well as any barriers to EEO that have been identified.

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

- the Bureau’s mission and mission-related functions (Part E.1.);
- strengths (e.g., leading practices) and weaknesses (e.g., deficiencies) of the Agency’s EEO Program when evaluated against each of the Six Essential Elements of a Model EEO Program (Parts E.2. – E.7.);
- activities undertaken in connection with the annual self-assessment and workforce analyses, including any barriers identified for elimination and program deficiencies that require correction and what has been accomplished from those activities (Parts E.8. and E.9.); and
- action items and plans to be implemented by the Agency during the upcoming year (Part E.10.).⁴

³ See MD-715 Instructions, at III.E. (Reporting and Line by Line Instructions for Executive Summary).

⁴ *Id.*

E.1. Mission of CFPB & EEO Program

Purpose and Structure of CFPB

The Dodd-Frank Wall Street Reform and Consumer Protection Act (including the Consumer Financial Protection Act of 2010) (Dodd-Frank Act or DFA) created the CFPB to regulate the offering and provision of consumer financial products or services under the Federal consumer financial laws.⁵ Under the Consumer Financial Protection Act, the Bureau “shall seek to implement and, where applicable, enforce Federal consumer financial law consistently for the purpose of ensuring that all consumers have access to markets for consumer financial products and services and that markets for consumer financial products and services are fair, transparent, and competitive.”⁶

CFPB exercises its authorities under Federal consumer financial law to ensure that, with respect to consumer financial products and services: (1) consumers are provided with timely and understandable information to make responsible decisions about financial transactions; (2) consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination; (3) outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens; (4) Federal consumer financial law is enforced consistently in order to promote fair competition; and (5) markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.⁷

⁵ See Pub. L. No. 111-203, at Title X, § 1011(a), 124 Stat. 1376, 1964 (July 21, 2010) (codified at 12 U.S.C. § 5491(a)).

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

⁷ *Id.* at § 1021(b) (codified at 12 U.S.C. § 5511(b)).

Under the Consumer Financial Protection Act of 2010, the primary functions of the Bureau are (1) conducting financial education programs; (2) collecting, investigating, and responding to consumer complaints; (3) collecting, researching, monitoring, and publishing information relevant to the functioning of markets for consumer financial products and services to identify risks to consumers and the proper functioning of such markets; (4) supervising covered persons for compliance with Federal consumer financial law, and taking appropriate enforcement action to address violations of Federal consumer financial law; (5) issuing rules, orders, and guidance implementing Federal consumer financial law; and (6) performing such support activities as may be necessary or useful to facilitate the other functions of the Bureau.⁸

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

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

By statute, the Bureau is an Executive agency (as defined in 5 U.S.C. § 105) that is an independent Bureau of the Federal Reserve System.⁹ CFPB officially began operations on July 21, 2011. A current Agency organizational chart is available on the Agency's public website at <https://www.consumerfinance.gov/about-us/the-bureau/bureau-structure>.

As of the end of FY 2019, the Bureau consisted of 1422 employees (permanent and temporary).

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

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

CFPB's EEO program

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

OEOF is comprised of four discrete program components:

- The Office of Civil Rights (OCR) carries out functions required by Title VII of the Civil Rights Act of 1964 (and related EEO laws) and the EEOC's federal-sector regulations at 29 C.F.R. Part 1614 (Part 1614),¹⁰ as well as EEOC Management Directives 110 (MD-110) and MD-715.¹¹ OCR, the Bureau's Equal Employment Opportunity (EEO) office, has operated since February 2013.
- The Office of Minority and Women Inclusion (OMWI), required under the Dodd-Frank Act, promotes diversity and inclusion at the Bureau and advances diversity and inclusion among the Bureau's contractors and regulated entities;¹²
- The Disability and Accessibility Program (DAP) coordinates the Bureau's responsibilities under the Rehabilitation Act of 1973; and
- The Office of Fair Lending and Equal Opportunity (OFLEO), required under the Dodd-Frank Act,¹³ leads the Bureau's effort to ensure fair, equitable, nondiscriminatory access to credit for both individuals and communities.

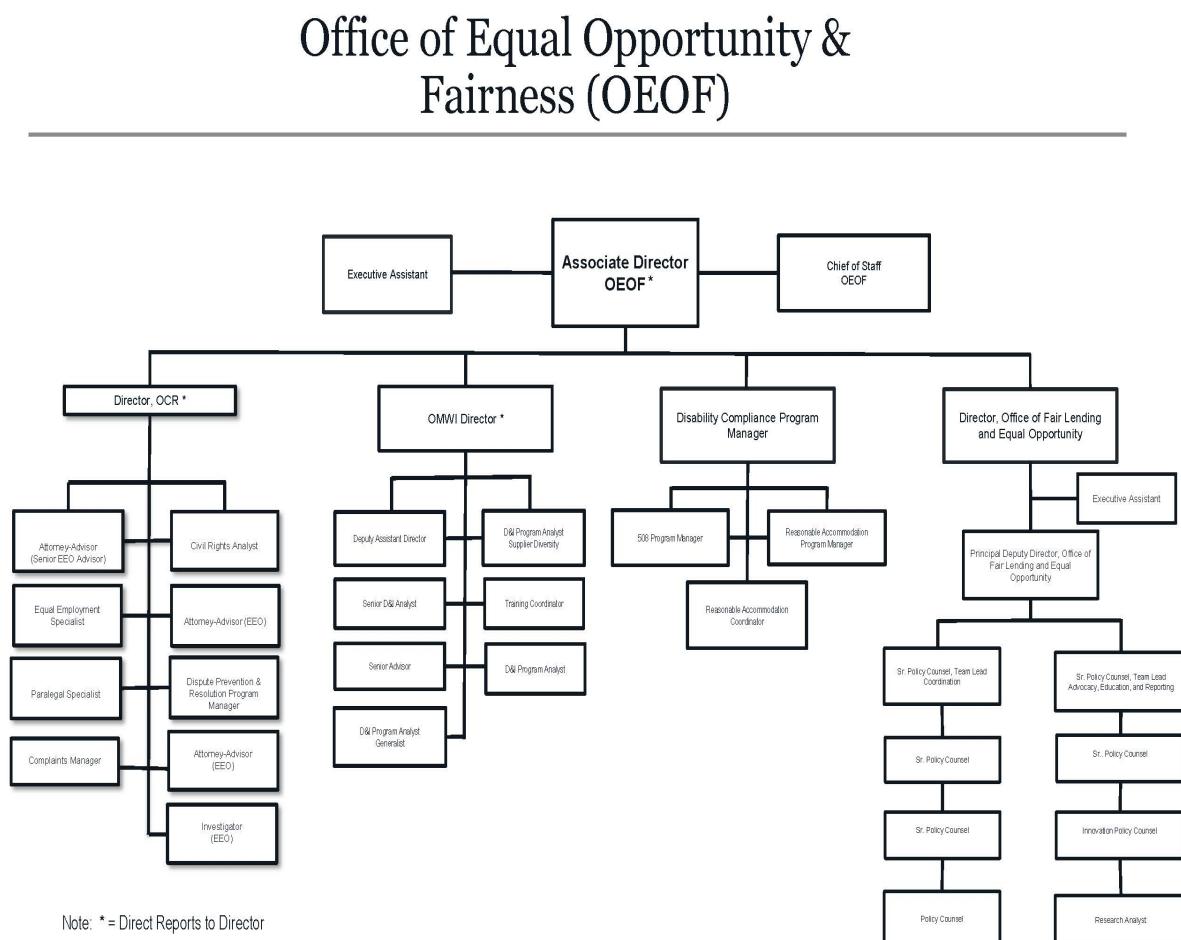
¹⁰ See generally 42 U.S.C. § 2000e-16; Exec. Order No. 11478, 34 Fed. Reg. 12985 (Aug. 8, 1969), as amended; see also 29 C.F.R. Part 1614.

¹¹ See EEOC Management Directive 110 for 29 C.F.R. Part 1614 (Aug. 5, 2015) (MD-110), available at <https://www.eeoc.gov/federal/directives/mdi110.cfm>.

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

¹³ See 12 U.S.C. § 5493(c)(2)(A).

FIGURE 3: OEOF ORGANIZATIONAL CHART



May 2020

OCR, as the Bureau’s EEO office, safeguards employment-related civil rights throughout the Agency. Given this legal mandate, OCR champions CFPB efforts to foster a fair and equitable workplace – one where employment decisions are based on individual merit, and where everyone has an equal chance to succeed as far as their talents will take them.

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

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

OCR works to integrate EEO into the Bureau’s everyday business by:

- Proactively identifying and removing potential physical, institutional, or attitudinal barriers to EEO within the Bureau;
- Helping to de-escalate specific workplace conflicts and resolve them, including through robust alternative dispute prevention and resolution;
- Contributing subject-matter expertise to aid the Bureau pragmatically with strategic thinking, problem-solving, policy development, and workforce planning;
- Providing a neutral and fair forum (outside the Bureau’s Legal Division and OHC) for the discussion, investigation, adjudication, and resolution of EEO matters under Part 1614 and related Executive Orders; and

- Requiring CFPB to remedy violations of civil rights laws, including targeted steps to prevent repeat violations, recommending disciplinary action to hold individuals accountable, and making individual discrimination victims “whole” with appropriate damages.

In addition, OCR provides technical assistance to internal stakeholders, such as Agency leadership, Bureau employees and applicants, the Bureau’s Workforce Effectiveness Committee (WEC) established during FY 2019, OMWI, DAP, the Bureau’s Office of Human Capital (OHC), the National Treasury Employees Union (NTEU),¹⁴ diversity councils (e.g., the Agency’s staff-level Diversity and Inclusion Council of Employees (DICE)), and Employee Resource Groups (ERGs) to achieve a model workplace. OCR partners with these stakeholders to carry out Bureau leadership priorities and implement the D&I and EEO aspects of the Bureau’s five-year Strategic Plan for FY 2018-2022,¹⁵ and also CFPB’s Diversity and Inclusion Strategic Plan for 2019-2022 (updated in July 2019).¹⁶ Together, these plans provide the strategic framework for driving the Agency’s approach to EEO, D&I, and affirmative employment (including barrier-analysis efforts) under MD-715.

The OCR Director is an Assistant Director of CFPB and, consistent with Part 1614,¹⁷ has a dual reporting structure to both the CFPB Director and to the OEOF Associate Director. The OEOF Associate Director reports directly to the CFPB Director. The OEOF Associate Director is not involved in, and is firewalled from, the processing of EEO complaints and/or issuance of Final Agency Decisions. Similarly, the head of OEOF and the OCR Director are firewalled from the Disability Accessibility Program (DAP) and any involvement in disability reasonable accommodation requests. This mitigates actual and perceived conflicts between OCR and the OEOF Director, between the DAP and the OEOF Director, and between OCR and the DAP. This

¹⁴ This is CFPB employees’ chosen labor organization.

¹⁵ This five-year Agency-wide Strategic Plan is available at <https://www.consumerfinance.gov/about-us/budget-strategy/strategic-plan/>. It explicitly requires CFPB to “*Maintain comprehensive equal employment opportunity (EEO) compliance and diversity and inclusion programs, including those focused on minority and women inclusion.*” *Id.* at 13.

¹⁶ This five-year D&I Strategic Plan is available at <https://www.consumerfinance.gov/data-research/research-reports/cfpb-diversity-and-inclusion-strategic-plan-update-2019-2022/>.

¹⁷ See 29 C.F.R. § 1614.102(b)(4).

firewall was memorialized in a memorandum signed by the Bureau Chief of Staff on January 31, 2019.

The OCR Director leads a small team of diverse professionals, including civil rights attorneys, a human capital expert, a dispute prevention and resolution practitioner, and data and administrative support specialists. The OCR team has significant subject matter expertise and extensive experience in civil rights, labor and employment laws, conflict management, investigative techniques, and federal-sector rules and processes. Five of OCR's eight permanent staff members have worked directly for the EEOC. The EEOC itself has often pointed to OCR-created policies, reports, practices, and templates as models for the rest of the federal-sector EEO community.

To comply with Part 1614 and MD-715 requirements, OCR remains neutral and impartial, and (as required under EEOC regulations and guidance) safeguards its organizational autonomy. This helps to prevent institutional conflicts of interest that otherwise could arise, and to instill confidence in the integrity of the Agency's EEO program. For example, the OCR Director exercises full authority to carry out OCR's Part 1614 functions without Legal Division (i.e., General Counsel) involvement. The Legal Division defends the Bureau in EEO matters, and thus is firewalled from all activities within OCR. The Legal Division only participates during adversarial portions of the EEO process (hearings and appeals), during settlement negotiations (to include discussions occurring as a result of a request for mediation made through the Bureau's Alternative Dispute Resolution (ADR) Program), and/or to provide appropriate legal advice or assistance when a manager or supervisor requests it during the course of an EEO investigation (consistent with EEOC guidance and case law setting forth parameters for agency counsel involvement and professional responsibility rules governing attorney conduct¹⁸). Other

¹⁸ See, e.g., *Annalee D. v. Gen. Servs. Admin.*, EEOC Request No. 2019000778 (Nov. 27, 2019).

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

OCR staff conducts legal-sufficiency reviews of EEO matters.¹⁹ Such reviews include, for example, preparing and issuing “Accept/Dismiss” determinations addressing jurisdiction over, and scope of, claims set forth in formal complaints;²⁰ conducting an impartial and appropriate investigation of accepted formal complaints; conducting substantive reviews of the Reports of Investigations (ROIs) to ensure compliance with laws and regulations; and drafting of Final Agency Decisions (FADs) and Final Agency Orders (FAOs) (as required by 29 C.F.R. § 1614.110).

At the same time, while OCR maintains the primary responsibility for many aspects of the Agency’s overall EEO program, it collaborates as appropriate with OMWI, DAP, and the Bureau’s OHC and Legal Division to ensure fairness and equality under the law for all employees and applicants for employment. Under the Dodd-Frank Act, the OMWI Director must develop certain standards for EEO and diversity at the Bureau,²¹ which OHC incorporates into CFPB

¹⁹ Legal resources within OCR make this possible. The Bureau and OCR have adopted the EEOC’s recommended best practice. See EEOC Management Directive for 29 C.F.R. Part 1614 (rev. Aug. 5, 2015) (MD-110), Chapter 1, at Section IV.D., available at https://www.eeoc.gov/federal/directives/md-110_chapter_1.cfm#_Toc425745116 (“It is important for the EEO Director to be provided with sufficient legal resources . . . so that the legal analyses necessary for reaching final agency decisions can be made within the autonomous EEO office. . . . The optimal situation is for the EEO office to have sufficient internal legal resources.”).

²⁰ Under 29 C.F.R. Part 1614, the EEO process consists of two main parts – the “informal” or pre-complaint phase, and the “formal” complaint phase. Employees who wish to pursue an EEO matter under Part 1614 generally must complete the informal/pre-complaint stage before they may file a formal EEO complaint seeking redress for alleged workplace discrimination. The informal/pre-complaint stage consists of attempts to resolve the matter informally, typically through traditional “EEO counseling” or Alternative Dispute Resolution.

²¹ The OMWI Director is an Assistant Director and (like the OCR Director) has dual reporting – to the CFPB Director and to the OEOF Associate Director. See 12 U.S.C. § 5452(b)(1). The OMWI Director develops standards for equal employment opportunity and the racial, ethnic, and gender diversity of the workforce and senior management of the Bureau, as well as standards to increase participation of minority-owned and women-owned businesses, and assesses the diversity policies and practices of

Human Capital Management. OCR, OMWI, DAP, and OHC monitor the impacts and results of these standards, cultivate successful policies and practices to reinforce them, and develop enhancement strategies to strengthen all EEO and diversity and inclusion (D&I) programs Bureau-wide. OCR consults as appropriate with DAP (under the supervision of the Bureau's Disability Compliance Program Manager) and OHC in promoting the recruitment, hiring, development, advancement, and retention of individuals with disabilities and targeted disabilities, as required under the Rehabilitation Act of 1973 and related regulations, including EEOC's disability affirmative action regulations.²² OCR also coordinates on a general basis with OHC on (among other topics) the harassment-prevention program OHC administers. In addition, OCR collaborates as appropriate with the Legal Division, which trains and advises Bureau managers and supervisors on merit system principles, prohibited personnel practices, and whistleblower protections under applicable civil services laws.

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

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

entities regulated by the Bureau. See 12 U.S.C. § 5452(b)(2). Under the Dodd-Frank Act, OMWI's responsibilities do not include "enforcement of statutes, regulations, or executive orders pertaining to civil rights, except [that] each [OMWI] Director shall coordinate with the agency administrator, or the designee of the agency administrator, regarding the design and implementation of any remedies resulting from violations of such statutes, regulations, or executive orders." 12 U.S.C. § 5452(a)(3).

²² See 29 U.S.C. § 791 *et seq.*; see also 29 C.F.R. § 1614.203.

- A. Demonstrated commitment from Agency leadership;
- B. Integration of EEO into the Agency’s strategic mission;
- C. Management and program accountability;
- D. Proactive prevention of unlawful discrimination;
- E. Efficiency; and
- F. Responsiveness and legal compliance.²³

During FY 2019, OCR again performed an annual EEO program self-assessment using the EEOC’s revised “MD-715 2.0 Part G” checklist (effective FY 2018).²⁴ As required by MD-715 and related instructions, the Bureau reviewed its EEO and personnel programs, policies, and performance standards against all Six Essential Elements to identify where the Agency’s EEO program could become more effective. The Part G Self-Assessment Checklist “is a series of questions designed to provide federal agencies with an effective means for conducting the annual self-assessment required in Part F of MD-715” and “permits EEO Directors to recognize, and to highlight for their senior staff, deficiencies in their EEO program that the agency must address to comply with MD-715’s requirements.”²⁵ The Checklist contains 156 EEO program metrics.

²³ See MD-715, at Section II; *see also* MD-715 Instructions, at Section I (The Model EEO Program).

²⁴ This checklist is available at <https://www.eeoc.gov/federal/directives/md715/partg.cfm>. The Bureau’s completed FY 2018 Part G checklist has been uploaded to the EEOC’s FedSEP portal.

²⁵ See MD-715 Part G, at Intro.

E.2 Essential Element A: Demonstrated commitment from agency leadership

Management Directive 715 requires agency heads and other senior management officials to demonstrate a firm commitment to equality of opportunity for all employees and applicants for employment.²⁶ According to MD-715:

Agencies must translate equal opportunity into every day practice and make those principles a fundamental part of agency culture. This commitment to equal opportunity must be embraced by agency leadership and communicated through the ranks from the top down. It is the responsibility of each agency head to take such measures as may be necessary to incorporate the principles of equal employment opportunity into the agency’s organizational structure. To this end, agency heads must issue a written policy statement expressing their commitment to equal employment opportunity (EEO) and a workplace free of discriminatory harassment.²⁷

During FY 2019, CFPB leadership again demonstrated commitment to ensuring that the Bureau’s talented and diverse staff have equal employment opportunities and are treated fairly and with respect. Notably:

- In February 2019, the Bureau’s Director Kathy Kraninger issued an Annual EEO and Anti-Harassment Policy Statement, as well as the Agency’s Annual No FEAR Act/Whistleblower Protection Notice. Both documents were issued directly to all Agency staff, along with a

²⁶ This MD-715 mandate reinforces statutory requirements. *See 42 U.S.C. § 2000e-16(e)* (emphasizing the “primary responsibility” of agency heads “to assure nondiscrimination in employment as required by the Constitution and statutes” and his or her “responsibilities under Executive Order 11478 relating to equal employment opportunity in the Federal Government”).

²⁷ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.A.

personal email message from Director Kraninger making her commitment to these issues clear.²⁸ The Director’s Annual EEO and Anti-Harassment Policy Statement contains all content and meet all requirements specified in MD-715 instructions and the related Part G checklist.

- In February 2019, the Agency released its FY 2019 Annual Performance Plan and Report, and Budget Overview, which reinforces and echoes the Bureau’s unwavering leadership commitment to EEO and D&I.²⁹
- In May 2019, Director Kraninger participated in the first-ever “Joint OMWI Symposium.” The OMWI offices from CFPB, the Federal Deposit Insurance Corporation (FDIC), Federal Housing Finance Agency (FHFA), Federal Reserve Board of Governors (FRB), Office of the Comptroller of the Currency (OCC), National Credit Union Association (NCUA), Securities Exchange Commission (SEC) and Department of Treasury (DOT) hosted this first joint symposium. The symposium entitled “OMWI: Leading the Way to Cultural Transformation” created an opportunity for skill-building and networking for staff from the OMWIs, the Offices of Equal Employment Opportunity and the Offices of Human Capital/Human Resources across the agencies. The agenda included four different tracks covering EEO, Regulated Entities, Supplier Diversity, and Workforce Diversity. Director Kathy Kraninger and FHFA Director Mark Calabria welcomed participants and provided their support for the event as well as their support for D&I generally.
- In July 2019, Director Kraninger approved an update to the Agency’s Diversity and Inclusion

²⁸ A copy of Director Kraninger’s FY 2019 EEO and Anti-Harassment Policy Statement and FY 2019 No FEAR Act/Whistleblower Protections Notice are included at the end of this Report.

²⁹ See CFPB FY 2019 Annual Performance Plan and Report, and Budget Overview (Feb. 2019), at 81-82, 83-84, 86, available at https://www.consumerfinance.gov/documents/7238/cfpb_performance-plan-and-report_fy19.pdf.

Strategic Plan to align it with the Bureau’s Strategic Plan, which explicitly commits CFPB and its senior leaders to a robust and pervasive D&I and EEO program. In a message announcing the release of the updated D&I Strategic Plan, Director Kraninger stated “As Director, I am personally committed to building on and improving the Bureau’s tradition of diversity, equal opportunity, and inclusion. I believe it is only with a diverse and inclusive workplace that we can perform our best, carry out our mission, and make a difference for the consumers that we serve.”³⁰

- Throughout FY 2019, Bureau leadership enforced and reinforced Agency-wide policies and procedures adopted to advance the Bureau’s EEO program.

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

EEO-Related Policies and Procedures
CFPB-NTEU Collective Bargaining Agreement Equal Employment Opportunity Article
Affirmative Action Plan for Individuals with Disabilities and Targeted Disabilities
Alternative Dispute Resolution Policy
Administrative Grievance Policy
Employee Resource Group (ERG) Policy
Equal Employment Opportunity and Non-Discrimination Policy
Anti-Harassment Policy and Related Procedures
Disability Reasonable Accommodation/Personal Assistance Services Policy, Procedures, and Forms
Standard Operating Procedures Related to Disability Reasonable Accommodation/PAS Requests

³⁰ D&I Strategic Plan, at 2.

EEO-Related Policies and Procedures

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

Procedures for Processing Complaints Based on Sexual Orientation and Parental Status

Non-Discrimination and Inclusion Policy for Transgender Applicants and Employees

Cooperation with the Office of Inspector General Policy

- In February 2019, CFPB rolled out a new “Superior EEO Achievement” certificate program. The program was announced to all employees in the all-hands *Weekly Digest* email publication, to all managers and supervisors in the *Manager Minute* email publication, and as an “EEO Tip of the Week” posted on the Announcements feed on the Agency’s main intranet page. Director Kraninger encouraged employees to consider using the new certificate program in a cover message accompanying the all-hands release of her official FY 2019 EEO and Anti-Harassment Policy Statement. OCR staff created a certificate program description and answers to “Frequently Asked Questions” about the program. These descriptive materials were provided to all staff and posted on the OCR wiki page for ongoing awareness. To date, various certificates have been issued to employees under this new initiative, and OCR continues to publicize this idea to all employees.
- In FY 2019, CFPB again gauged Bureau culture and the efficacy of EEO and affirmative employment efforts through the OPM-required Federal Employee Viewpoint Survey (FEVS), as well as Exit surveys. The Bureau conducted its most recent comprehensive all-employee viewpoint survey – what CFPB calls the Annual Employee Survey (AES) – in August-September 2019. AES measures employee engagement and satisfaction throughout the Bureau, and provides crucial insight on employee perceptions about fairness and equality at CFPB broken down by key EEO demographic groups. In FY 2019, the Bureau used portions

of the AES results to calculate what OPM has defined as the “Inclusion Quotient.”³¹ Goals and progress in this measure are reported annually in CFPB’s Strategic Plan, Budget and Performance Plan and Report.³² In FY 2019, CFPB’s Inclusion Quotient was 66.6%. Although this is lower than the Bureau’s target for this metric (70%), the CFPB Inclusion Quotient is higher than the government-wide average of 62.1%. The Bureau formed a working group to evaluate AES results and develop recommendations for action; one of the working group’s recommendations is to analyze demographic differences in responses to determine root causes for such differences and devise action plans as appropriate. OEOF, working with OHC, plans to conduct a series of focus groups with relevant populations to carry out this directive, and will examine demographic differences on both the FY 2018 and FY 2019 AES results.

- In September 2019, Bureau Senior Staff participated in a comprehensive four-hour live EEO training presented by the EEOC. This demonstrated CFPB senior leadership’s strong commitment to EEO compliance and principles.
- Throughout FY 2019, Director Kraninger has sent periodic all-staff emails on various topics of interest to Bureau employees, including regular updates on EEO and D&I-related events, activities, priorities, and accomplishments. These periodic messages – coming from the very top of CFPB leadership – reinforce the Director’s goal of embedding EEO and D&I principles into the Bureau’s everyday business.

³¹ OPM’s Inclusion Quotient scores are calculated using a subset of 20 items from the AES that are also found on OPM’s FEVS. More information about the Inclusion Quotient can be found on OPM’s Diversity and Inclusion website at <https://www.opm.gov/policy-data-oversight/diversity-and-inclusion/federal-workforce-at-a-glance/>.

³² See https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/cfpb_performance-plan-and-report_fy19.pdf.

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

Management Directive 715 recognizes that equality of opportunity is essential to attracting, developing, and retaining the most qualified workforce to support an agency's achievement of its strategic mission. To this end, agencies must (in addition to the regulatory requirements found at 29 C.F.R. § 1614.102(b)(4) as interpreted in the EEOC's Management Directive 110³³):

- Maintain a reporting structure that provides the Agency's EEO Director with regular access to the Agency head and other senior management officials for reporting on the effectiveness, efficiency, and legal compliance of the Agency's Title VII and Rehabilitation Act programs. To emphasize the importance of the position, the Agency head should be involved in the selection and performance review of the EEO Director.
- Ensure EEO professionals are involved with, and consulted on, the management and deployment of human resources. The EEO Director should be a regular participant in senior staff meetings and regularly consulted on human resources issues.
- Allocate sufficient resources to create and/or maintain Title VII and Rehabilitation Act programs that (1) identify and eliminate barriers that impair the ability of individuals to compete in the workplace because of race, national origin, sex, or disability; (2) establish and maintain training and education programs designed to provide maximum opportunity for all employees to advance; and (3) ensure that unlawful discrimination in the workplace is promptly corrected and addressed.
- Attract, develop, and retain EEO staff with the strategic competencies necessary to accomplish the Agency's EEO mission, and interface with Agency officials, managers and employees.
- Recruit, hire, develop, and retain supervisors and managers who have effective managerial, communications, and interpersonal skills. Provide managers and supervisors with appropriate training and other resources to understand and successfully discharge their

³³ See MD-110, available at <https://www.eeoc.gov/federal/directives/md110.cfm>.

duties and responsibilities.

- Involve managers and employees in the implementation of the Agency's Title VII and Rehabilitation Act programs.
- Use various media to distribute EEO information concerning federal EEO laws, regulations and requirements, rights, duties, and responsibilities and to promote best workplace practices.³⁴

As the instructions to the MD-715 similarly explain:

To ensure that federal agencies achieve their goal of being a model workplace, all managers and employees must view EEO as an integral part of the agency's strategic mission. The success of an agency's EEO program ultimately depends on decisions made by individual managers. The EEO office serves as a resource to these managers by providing direction, guidance, and monitoring of key activities to achieve a diverse workplace free of barriers to equal opportunity. Further, the agency's EEO program should be organized and structured to maintain a workplace that is free from discrimination in any of its management policies, practices, or procedures and supports the agency's mission, as reflected in the strategic plan.³⁵

In FY 2019, CFPB adhered to these requirements:

- Bureau Director Kraninger hired OCR's current Director in April 2019. Throughout FY 2019, CFPB's reporting structure allowed the OCR Director to have direct and regular access

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

³⁵ See MD-715 Instructions, at Section I.II., Element B.

to CFPB's Director and other senior level management officials.

- In July 2019, CFPB Director Kraninger formally designated the OCR Director with authority to “coordinate and manage the CFPB’s EEO Program pursuant to the responsibilities set forth for the EEO Director in 29 C.F.R. § 1614.102(c).”³⁶ This written designation allows OCR to coordinate the Agency’s overall EEO program activities efficiently and effectively and with the autonomy and authority needed to carry out a successful EEO Program, while also leveraging synergies between the work of OCR, OMWI, DAP and other internal Bureau EEO stakeholders (such as OHC).
- CFPB allocated FY 2019 funding and qualified staffing to successfully implement the EEO program. In FY 2019 OCR maintained a standalone budget, separate from the budgets of other Bureau offices. Currently, OCR consists of eight permanent staff members. In FY 2019, the Bureau appointed a new OCR Director. In addition, OCR hired a new EEO Complaints Program Manager, as well as a new Attorney-Advisor to oversee the investigation of formal complaints. OCR also has resources available through staff and external contract counselors and investigators to ensure that allegations of unlawful discrimination in the workplace are processed properly under 29 C.F.R. Part 1614. OCR works extensively with an OHC Data Analyst who also supports DAP and OMWI by analyzing workforce demographics and gathering data for MD-715 (and other) reports. In addition, resources (through non-OCR staff in OMWI and OHC, contractors, and detailees) are available to assist OCR in identifying and working to eliminate identified barriers to employment for all protected groups. In FY 2020, OCR has been authorized to hire a

³⁶ These include “(1) Advising the head of the agency with respect to the preparation of national and regional equal employment opportunity plans, procedures, regulations, reports and other matters pertaining to the policy in § 1614.101 and the agency program; (2) Evaluating from time to time the sufficiency of the total agency program for equal employment opportunity and reporting to the head of the agency with recommendations as to any improvement or correction needed, including remedial or disciplinary action with respect to managerial, supervisory or other employees who have failed in their responsibilities; (3) When authorized by the head of the agency, making changes in programs and procedures designed to eliminate discriminatory practices and to improve the agency’s program for equal employment opportunity; (4) Providing for counseling of aggrieved individuals and for the receipt and processing of individual and class complaints of discrimination; and (5) Assuring that individual complaints are fairly and thoroughly investigated and that final action is taken in a timely manner in accordance with this part.” 29 C.F.R. § 1614.102(c).

paralegal and a dedicated full-time EEO investigator.

- Throughout FY 2019, the OCR Director met regularly with CFPB's Director and Chief of Staff, and also communicated regularly with Senior Leaders, including the OMWI Director, Chief Human Capital Officer (CHCO), and CFPB Associate Directors and other office leads to provide updates on the EEO program and enlist their support in promoting EEO principles agency-wide. The OCR Director also met with Division leaders and provided Division and Office-specific briefings to raise EEO awareness and engage with managers and supervisors on these issues, including barrier analysis efforts. The OEOF Director, the OMWI and OCR Directors , and members of OCR staff regularly met with top-level Executives, individual managers, and first-line supervisors to provide guidance and technical assistance on various EEO and D&I topics. OEOF staff also traveled to "All Hands" regional conferences to hold office hours, make presentations, and answer EEO-related questions from any manager, supervisor, or employee.
- In February 2019, Director Kraninger established a new Workforce Effectiveness Committee (WEC) to support the Bureau's efforts to improve diversity and inclusion, employee engagement, and overall workforce effectiveness. The WEC is a senior advisory and coordinating governance body that works across all Divisions and offices to ensure that new and existing workforce initiatives and risks are managed and identified in support of the Bureau's mission and strategic goals. The WEC currently is chaired by the Bureau's Chief Experience Officer and is comprised of Deputy Associate Directors from each Division, the Chief Human Capital Officer, and the Chief Strategy Officer. The OCR Director and OMWI Director serve as standing members of the WEC, giving them regular input into Agency personnel-related and resource-allocation decisions at the highest levels.
- On July 22, 2019, following submission of the Bureau's FY 2018 EEO Program Status (MD-715) Report to EEOC, the OCR Director briefed the Bureau's Senior Leadership on the "State of the Agency EEO Program." This briefing covered all components of the Bureau's EEO Program Status Report, including a discussion of the Six Essential Elements of a Model EEO Program and an update on barrier analysis efforts.
- As part of the FY 2019 budget-setting process, the OCR Director had the opportunity to review and provide feedback on possible EEO implications of proposed budgetary and

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

- In FY 2019 the Bureau continued to provide and require training for managers and supervisors to ensure EEO and D&I competencies, including a mandatory two-day EEO training delivered by EEOC personnel through the EEOC Training Institute; a mandatory three-day Supervisory Development Seminar (SDS) (containing modules on EEO, D&I, and prohibited personnel practices); eight days of mandatory Leadership Excellence Seminars (LES); training on the purpose and methods for Structured Interviews (including various types of biases that could infect the interview process) for all “lead interviewers”; training on identifying possible biases in the performance-management process; and annual mandatory No FEAR Act and harassment prevention training (required of all Bureau employees). In FY 2019, OCR also conducted workplace harassment prevention sessions for Bureau leaders and staff in the Agency’s various Regions. Taken together, this comprehensive training approach ensures managers and supervisors receive periodic training on the EEO process and principles, D&I, reasonable accommodation procedures, the Bureau’s anti-harassment policies and procedures, CFPB’s ADR program, and effective leadership and communication skills.
- Throughout FY 2019, OCR, in partnership with other Bureau offices such as OHC and the Legal Division, worked to ensure Bureau managers, supervisors, and all employees are aware of, have physical copies of, and/or know where to access all EEO policies and procedures and related information. The Bureau made use of virtually all of the ideas suggested by the EEOC in its 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*.³⁷

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

Media Used To Distribute EEO Information to CFPB Employees
Regular email notifications via email/digital <i>Weekly Digest</i> and <i>Manager Minute</i> publications

³⁷ This guidance is available at http://www.eeoc.gov/federal/preserving_access.cfm.

Media Used To Distribute EEO Information to CFPB Employees

Regular email messages to the entire workforce from the CFPB Director

Periodic messages to the entire workforce in *OMWI Perspectives* (a digital diversity and inclusion newsletter)

Annual statements from the CFPB Director on the No FEAR Act and on the Bureau's EEO Policy and Anti-Harassment Policy, provided in email to the entire workforce, posted on the Bureau's intranet, distributed in hard copy, and displayed on physical stands throughout Bureau workspaces

Posters placed throughout all Agency facilities in break rooms and work rooms

A brochure on EEO rights and responsibilities

A brochure on Alternative Dispute Resolution and CFPB's ADR Program

Display stands with relevant hard-copy information placed near every elevator bank in CFPB facilities, 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 D&I inclusion-related topics

Guide to the Office of Civil Rights (distributed in hard copy immediately to all new employees)

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

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

New "EEO Tip of the Week" and "ADR Tip of the Month" feature on the homepage of the Bureau's intranet

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

Formal training and workshops including New Employee Orientation (NEO); mandatory annual No FEAR Act and harassment prevention trainings; mandatory Supervisory Development Seminar (SDS); mandatory Leadership Excellence Seminars (LES); mandatory two-day manager EEO training led by the EEOC Training Institute; mandatory two-day diversity and inclusion training for new supervisors; mandatory diversity and inclusion training for all employees; mandatory Performance Management training; Structured Interview training for lead interviewers; D&I workshops; ADR-related "Crucial Conversations" training to prevent workplace conflicts; EEOC-led "Leading for Respect" and "Respect in the Workplace" workshops

Media Used To Distribute EEO Information to CFPB Employees

OCR “Top Ten EEO Tips” Webinars

OMWI D&I Brownbag Sessions

- Throughout FY 2019 CFPB leaders at all levels were intimately involved in all aspects of the Bureau’s EEO program as appropriate, including strategic EEO planning, Special Emphasis Programs and initiatives, and barrier analysis investigations and follow-up (including any necessary remedial plans). (Managers also are required to cooperate as necessary and appropriate with EEO-related counselings, investigations, and ADR efforts.)
- CFPB’s FY 2019 Annual Performance Plan and Report, and Budget Overview pledged the Bureau to “[s]upport the development of high-quality learning solutions including core competency training, various management trainings, EEO and diversity and inclusion training, and leadership and coaching and organization development services.”³⁸ The FY 2019 report also committed the Agency to “[f]oster a positive, diverse, inclusive workplace by providing advice to senior leaders on innovative diversity and inclusion practices for employees . . . as well as equal employment best practices supporting the Bureau’s mission.”³⁹

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

Management Directive 715 explains that a model Title VII and Rehabilitation Act program will hold managers, supervisors, EEO officials, and personnel officers accountable for the effective implementation and management of the Agency’s program. Per MD-715, in ensuring such accountability, the Bureau must:

- Conduct regular internal audits, on at least an annual basis, to assess the effectiveness and

³⁸ FY 2019 Performance Plan and Report, at 78.

³⁹ *Id.* at 83.

efficiency of the Title VII and Rehabilitation Act programs and to ascertain whether the Agency has made a good faith effort to identify and remove barriers to equality of opportunity in the workplace.

- Establish procedures to prevent all forms of discrimination, including harassment, retaliation, and failure to provide reasonable accommodation to qualified individuals with disabilities.
- Evaluate managers and supervisors on efforts to ensure equality of opportunity for all employees.
- Maintain clearly defined, well-communicated, consistently applied, and fairly implemented personnel policies, selection and promotion procedures, evaluation procedures, rules of conduct, and training systems.
- Implement effective reasonable accommodation procedures that comply with applicable executive orders, EEOC guidance, the Architectural and Transportation Barriers Compliance Board's Uniform Federal Accessibility Standards and Electronic and Information Technology Accessibility Standards (and ensure that EEOC has reviewed those procedures when initially developed and if procedures are later significantly modified).
- Be mindful of the Agency's disability program obligations, including the provision of reasonable accommodations, when negotiating collective bargaining agreements with recognized labor organization(s) representing Agency employees.
- Ensure effective coordination between the Agency's EEO programs and related human resource programs, including the Federal Equal Opportunity Recruitment Program (FEORP), the Selective Placement Programs, and the Disabled Veterans Affirmative Action Program (DVAAP).
- Review each finding of discrimination to determine the appropriateness of taking disciplinary action against Agency officials involved in the matter. Track these decisions and report trends, issues, and problems to Agency leadership for appropriate action.
- Ensure compliance with settlement agreements and orders issued by the Agency, EEOC, and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the

Federal Labor Relations Authority.⁴⁰

According to the MD-715 instructions, this element “requires the agency head to hold all managers, supervisors, and EEO Officials responsible for effective implementation of the [A]gency’s EEO Program and Plan.”⁴¹ In FY 2019, the Bureau met these requirements:

- Bureau personnel-related policies and procedures aid in the proactive prevention of discrimination and increase management and program accountability. The Bureau holds supervisory and management officials accountable for complying with the EEO-specific policies listed in Table 5 above, and with the additional policies and procedures listed in Table 6 below.

TABLE 6: CFPB POLICIES GOVERNING MAJOR PERSONNEL ISSUES AND PROGRAMS

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

- In FY 2019, OHC in consultation with the Bureau’s Legal Division and OCR, updated the Agency’s Anti-Harassment Policy and Related Procedures, which now are modeled closely on the EEOC’s own policy/procedures. The Bureau’s newly revised anti-harassment program documents meet all the criteria established in EEOC’s federal-sector anti-harassment enforcement guidance.⁴² On paper and in practice, the Agency has established a firewall between the anti-harassment program/coordinate and the EEO Director/OCR

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

⁴¹ See MD-715 Instructions, at Section I.III. (Element C).

⁴² See EEOC Guidance, *Model EEO Programs Must Have an Effective Anti-Harassment Program*, available at https://www.eeoc.gov/federal/model_eeo_programs.cfm.

staff. Under these procedures, OHC’s Employee and Labor Relations (ELR) team oversees the Agency’s anti-harassment program. This structure maintains OCR’s independence from the decision-making process on harassment complaints lodged under the Bureau’s policy, thus eliminating the potential for any conflict of interest that could arise if the complainant were to also file an EEO complaint involving the same or similar acts of alleged harassment. This structure also allows CFPB management to prevent harassing conduct before it escalates, to hold employees accountable in real-time for harassment, and to intervene promptly to prevent possible retaliation. At the same time, OCR refers all allegations of harassment received to OHC, as required by the EEOC.

- In FY 2019, the Bureau transferred the disability reasonable accommodation/Personal Assistance Services (PAS) responsibilities to the (newly created) DAP in OEOF, under the supervision of the Agency’s new Disability Program Compliance Manager (DPM).⁴³
- In a letter dated August 23, 2019, the EEOC approved CFPB’s revised *Disability Reasonable Accommodation and Personal Assistance Services Policy and Appendices*, which reflect new legal requirements and the operational/programmatic changes to the overall disability program within CFPB. The EEOC stated that “CFPB’s accommodation procedures comply with EEOC regulations implementing Section 501 of the Rehabilitation Act of 1973 (Section 501), as amended, 29 U.S.C. § 791(b); 29 C.F.R. § 1614.203, and Executive Order 13164, 65 Fed. Reg. 46565 (2000).” After receiving this EEOC approval, the Bureau’s DAP posted the revised procedures on the Agency’s external website,⁴⁴ and disseminated and distributed the documents to all managers and employees. The Bureau will train appropriate staff on the revised policy and procedures (and forms) throughout FY 2020.
- The FY 2019 performance standards for all Executives, managers, and supervisors at the Bureau included specific EEO and D&I competencies. Executives and managers must “Leverag[e] Expertise” through “Management Accountability” by “[c]ompl[ying] with, and ensur[ing] staff complies with, laws, regulations, federal directives, merit system principles, and negotiated agreements” and by “[s]upport[ing] diversity and inclusion programs and cooperat[ing] with EEO investigations.” Similarly, First Line Supervisors must “Leverag[e]

⁴³ CFPB officials designed the structure for the Agency’s new DAP after consultation with EEOC personnel regarding best practices in designing disability programs.

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

Expertise” through “Management Accountability” by “[c]ompl[y]ing with and manag[ing] internal control systems (e.g., policies and procedures, organizational rules, diversity and inclusion standards, communication channels)[,]” “[c]ompl[y]ing with, and ensur[ing] staff complies with, laws, regulations, federal directives, merit system principles, and negotiated agreements[,]” and “[s]upport[ing] diversity and inclusion programs and cooperat[ing] with EEO investigations.”

- The OEOF Director, OCR Director, OMWI Director, and the CHCO meet frequently on numerous Bureau-wide workforce issues. This partnership facilitates overall collaborative efforts between the two offices and their respective staffs. For example, in FY 2019:
 - ✓ OCR, OMWI, DAP, and OHC served together on several working groups to identify barriers to equal opportunity in the workplace (e.g., conduct barrier analyses); assist with D&I/EEO strategic planning; jointly draft the Bureau’s Affirmative Action plan for people with disabilities; and prepare various annual reports (e.g., MD-715, No FEAR Act, FEORP, DVAAP).
 - ✓ OEOF worked extensively with an OHC Data Analyst who supports the data requirements of both OCR and OMWI (and now DAP). This Data Analyst has, and shares, expertise on the Agency’s human capital management systems (e.g., HR Connect/Workforce Analytics, USAJobs/Monster Analytics), and provides OCR and OMWI (and now DAP) with OHC data and operational insights on a regular basis. This resource has served as a human “bridge” between OCR, OMWI, and OHC filling gaps in knowledge and enhancing understanding across office and team boundaries.
 - ✓ OEOF, the Legal Division, and OHC – in consultation with EEOC experts – worked together to design and implement the Bureau’s new Disability and Accessibility Program in OEOF (led by the newly hired Disability Program Manager).
 - ✓ OCR partnered with OHC to review and revise major employee survey instruments, including the OPM-required Annual Employee Survey (AES) and Exit surveys. Relatedly, OHC provided detailed survey data (e.g., responses by demographic group) to facilitate OEOF D&I and EEO efforts.
 - ✓ OCR and the OHC Talent Management team worked together to revise and enhance various management and employee training modules (e.g., New Employee Orientation,

Supervisory Development Seminars, and Structured Interviewing, among others);

- ✓ OCR and OHC's ELR team coordinated regularly on negotiated grievances and related EEO complaints (e.g., to ensure the same matter is not dual-processed inappropriately under applicable legal authorities);
- ✓ OHC provided OCR with demographic workforce data, applicant flow data, and information on fiscal year recruitment/selections/promotions/compensation rates/awards/training and development programs needed to complete the annual MD-715 Report (e.g., workforce data tables, Executive Summary, Part J), and similar annual reports; and
- ✓ OCR prepared and delivered briefings on MD-715 and barrier analysis to OHC and other internal stakeholders to raise awareness of the cross-cutting nature of this work, highlight intersections and areas for collaboration in report-writing and data gathering, and increase buy-in from partners across the Bureau.
- CFPB has a detailed policy for taking disciplinary action against CFPB employees – including for conduct that is inconsistent with Federal anti-discrimination laws and whistleblower protection laws (or for conduct that constitutes another prohibited personnel practice revealed in connection with agency investigations of alleged violations of laws). The Bureau's *Disciplinary and Adverse Action Policy* provides examples of actions deemed unacceptable, which may result in disciplinary or adverse action, up to and including removal from CFPB. The list includes "Engaging in discrimination, harassment, or other inappropriate conduct."
- In addition, the Bureau's Part 1614 complaints process (administered by OCR), safeguards employee civil rights and provides appropriate relief for statutory violations.⁴⁵ In FY 2019,

⁴⁵ Where OCR finds discrimination has occurred, OCR coordinates with the OMWI Director regarding the design and implementation of any remedies resulting from violations of civil rights statutes, regulations, or Executive orders (as required by the Dodd-Frank Act). See 12 U.S.C. § 5452(a)(3).

no employees received formal disciplinary action as defined in 5 C.F.R. § 724.102⁴⁶ in connection with cases pending or resolved in U.S. district court or for violating Bureau policies related to conduct that is inconsistent with Federal antidiscrimination and whistleblower protection laws.⁴⁷ The Bureau had no findings of unlawful discrimination in FY 2019. When there are findings OCR encourages Bureau officials to impose the maximum discipline supportable under the law and facts as relevant under the circumstances.⁴⁸ Where conduct was found to be inappropriate but not unlawful, the OCR Director may recommend particular improvements or corrections, including remedial or disciplinary actions, for managers and supervisors who have failed in their EEO responsibilities.

- In addition in FY 2019, the OCR Director and staff regularly provided EEO updates to Executives, managers, and supervisors across the Bureau. The OCR Director meets regularly with Division heads and Office leads – some monthly – to provide regular reports on EEO metrics and consult on EEO-related issues. In FY 2019, OCR briefed all Division leadership, providing Division-specific and comparative workforce demographics data and aggregate EEO complaints data.

E.5. Essential Element D: Proactive prevention

According to Management Directive 715:

Agencies have an ongoing obligation to prevent discrimination on the bases of race, color, national origin, religion, sex, age, reprisal and disability, and

⁴⁶ Under 5 C.F.R. § 724.102, “discipline” means any one or a combination of the following actions: reprimand, suspension without pay, reduction in grade or pay, or removal. Counseling is not a form of discipline.

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

⁴⁸ See 29 C.F.R. § 1614.102(a)(6) (providing that, in supporting its EEO program, agencies shall “[t]ake appropriate disciplinary action against employees who engage in discriminatory practices”).

eliminate barriers that impede free and open competition in the workplace. As part of this on-going obligation, agencies must conduct a self-assessment on at least an annual basis to monitor progress, identify areas where barriers may operate to exclude certain groups and develop strategic plans to eliminate identified barriers.⁴⁹

CFPB met these requirements in FY 2019:

- Throughout FY 2019, OCR continued to lead an affirmative employment “Barrier Analysis Working Group” (BAWG) with staff from OCR, OMWI, DAP, and OHC with expertise in MD-715, EEO requirements, demographic and data analytics, ADR, and industrial organizational psychology. The BAWG was tasked with reviewing the Bureau’s workforce demographics, comparing the data to appropriate benchmarks, identifying triggers in this and other data (e.g., AES data, EEO complaint trends, anecdotal reports, etc.), briefing Bureau-wide stakeholders on barrier-analysis concepts and plans, overseeing necessary investigations to identify barriers to EEO for specific segments of the Bureau’s workforce, and formulating solutions to eliminate and address effects of any barriers uncovered. This group also helped the Agency assess CFPB’s overall EEO program for compliance with the Six Essential Elements of a Model EEO Program, brief internal partners about MD-715 and barrier-analysis concepts, and coordinate requests for documents and other information needed to prepare the annual MD-715 report.
- In FY 2019, the BAWG worked with outside contractors who have expertise in personnel analytics and prepare barrier-analysis reports. The BAWG coordinated and reviewed the contractors’ deliverables, collected and shared other data with them as necessary, helped analyze the Bureau’s workforce demographics, and compared the workforce data to appropriate benchmarks. In the past, the BAWG and contractors have identified triggers

⁴⁹ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.D.; see also MD-715 Instructions, at Section I.IV. (Element D).

using various sources of data, including:

- ✓ the Bureau’s FY 2018 MD-715 Report;
 - ✓ workforce data (A and B) tables;
 - ✓ AES/Exit Survey data results from recent years;⁵⁰
 - ✓ CFPB’s Form 462 Reports;
 - ✓ CFPB’s No FEAR Act data/reports and complete complaints data for FY 2018;
 - ✓ the OCR Director’s “State of the Agency EEO Program” briefing materials;
 - ✓ negotiated grievance summary data;
 - ✓ anecdotal reports from DICE, Bureau ERGs, external news reports, and audit findings;
 - ✓ reasonable accommodation and anti-harassment program data;
 - ✓ Bureau personnel policies and procedures;
 - ✓ EEOC-issued Technical Assistance letters and feedback; and
 - ✓ OPM memoranda.
- In early FY 2019, CFPB finalized a study addressing participation by African American/Black employees in Senior Level Bureau positions (specifically recommended by the EEOC in a Technical Assistance Letter to CFPB dated June 24, 2016), as well as general workforce participation, development, advancement, and retention of Hispanic/Latino(a) employees (as required by the EEOC and OPM of all agencies with 1000+ employees in a memorandum to agencies dated January 18, 2017⁵¹). The study found five barriers to EEO

⁵⁰ The CFPB’s various workforce and climate assessment surveys, such as AES, the New Employee survey, and the Exit survey, allow analysis of results by certain demographic characteristics, such as analysis of how particular EEO groups (e.g., individuals with disabilities) responded to particular survey items. Further, as already noted above, in FY 2018 OCR worked with OMWI, DAP to help OHC revise the AES and Exit surveys to include additional questions regarding the specific experiences of employees with disabilities and targeted disabilities. An update about the Bureau’s actions in this area is provided in Section 10, Part H-3 below.

⁵¹ This memorandum is available at <https://www.eeoc.gov/federal/directives/memorandum-hispanics.cfm>.

at CFPB. Also in early FY 2019 CFPB finalized a detailed updated applicant-flow analysis, which identified a sixth barrier involving CFPB’s hiring process. More details about these barrier-analysis investigations and action plans are included in Part I-1 below.

- In FY 2019, the Bureau (through an expert contractor) began a separate barrier-analysis investigation analyzing data related to the experiences and participation rates of employees with disabilities and targeted disabilities. This new investigation comports with recommendations EEOC made to CFPB in a May 21, 2018 technical assistance letter approving the Bureau’s first Section 501 Affirmative Action Plan.⁵²
- In FY 2019, the BAWG briefed Bureau-wide stakeholders in the Legal Division and OHC on MD-715 requirements and barrier-analysis concepts, plans, and status. These briefings enhanced general understanding across the Bureau about the nature and purposes of barrier analysis, and helped to build buy-in from partners for ongoing barrier analysis investigations and related reporting, and ultimately for solution implementation.
- The BAWG will continue to look for barriers (if any) to EEO for specific segments of the Bureau’s workforce. Barriers will be identified using EEOC-recommended methodologies and tools, such as *Barrier Analysis: Questions to Guide the Process*,⁵³ and root-cause analysis software/spreadsheets EEOC releases on FedSEP as they become available. CFPB continues to conduct barrier analyses throughout the fiscal year using the same data sources used to identify triggers, as well as through additional means including focus groups and individual interviews with decision makers or individuals from relevant EEO groups. Each year, the BAWG will consult all available and relevant data, and work with internal partners as feasible to examine the impact of management/personnel policies, procedures, and practices by race, national origin, sex, and disability (as required by MD-715). The OEOF Director, OMWI and OCR Directors, DPM, and BAWG members will continue to advise the

⁵² Additional details about this ongoing barrier-analysis investigation is included in Part J (submitted to EEOC and reflected in the Agency’s Affirmative Action Plan for 2019 posted on www.consumerfinance.gov at <https://www.consumerfinance.gov/office-civil-rights/eeo-policy-and-reports/>).

⁵³ This guidance is available at <https://www.eeoc.gov/federal/directives/barrier-analysis.cfm>.

Bureau's Director, Senior Leadership Team, and OHC leadership as necessary and appropriate to regularly consider whether any group of employees or applicants might be negatively impacted before making human capital resource decisions, such as reorganizations and realignments. The Bureau will devise remedial plans effectively tailored to specifically target particular problematic policies, procedures, and practices consistent with EEO requirements and other applicable laws, and will conduct periodic assessments of the effectiveness of those plans as appropriate.

- In FY 2019, OCR began to explore procuring software to assist in more efficient trigger-identification. These efforts, which continue in FY 2020, should aid the BAWG in conducting regular and interactive demographic analyses, which will contribute to robust barrier-analysis and proactive prevention of discrimination.

E.6. Essential Element E: Efficiency

Management Directive 715 explains that agencies must:

- Have an efficient and fair dispute resolution process and effective systems for evaluating the impact and effectiveness of their EEO programs.
- Maintain an efficient, fair, and impartial complaint resolution process. Agencies should benchmark against EEOC regulations at 29 C.F.R. Part 1614 and other federal agencies of similar size highly ranked in EEOC's Annual Report on the federal sector complaints process.
- Ensure that the investigation and adjudication function of the Agency's complaint resolution process are kept separate from the legal defense arm of the agency or other agency offices with conflicting or competing interests.
- Establish and encourage the widespread use of a fair alternative dispute resolution (ADR) program that facilitates the early, effective, and efficient informal resolution of disputes. Appoint a senior official as the dispute resolution specialist of the agency charged with implementing a program to provide significant opportunities for ADR for the full range of employment-related disputes. Whenever ADR is offered in a particular workplace matter, ensure that managers at all appropriate levels will participate in the ADR process.

- Use a complaint tracking and monitoring system that permits the Agency to identify the location, status, and length of time elapsed at each stage of the Agency’s complaint resolution process, the issues and the bases of the complaints, the aggrieved individuals/complainants, the involved management officials, and other information necessary to analyze complaint activity and identify trends.
- Identify, monitor, and report significant trends reflected in complaint processing activity. Analysis of data relating to the nature and disposition of EEO complaints can provide useful insight into the extent to which an agency is meeting its obligations under Title VII and the Rehabilitation Act.
- Ensure timely and complete compliance with EEOC orders and the provisions of settlement/resolution agreements.
- Maintain a system that collects and maintains accurate information on the race, national origin, sex, and disability status of agency employees.
- Maintain a system that tracks applicant flow data, which identifies applicants by race, national origin, sex, and disability status and the disposition of all applications.
- Maintain a tracking system of recruitment activities to permit analyses of these efforts in any examination of potential barriers to equality of opportunity.
- Identify and disseminate best workplace practices.⁵⁴

According to the MD-715 instructions, “[t]his element requires the agency head to ensure that there are effective systems for evaluating the impact and effectiveness of the agency’s EEO programs and an efficient and fair dispute resolution process.”⁵⁵ In FY 2019, CFPB adhered to these requirements:

- CFPB maintains a strict firewall between OCR and the Legal Division as well as with the OEOF Associate Director in regards to the EEO complaints process. To ensure EEO

⁵⁴ See MD-715, Model Agency Title VII and Rehabilitation Act Programs, at Section II.E.

⁵⁵ MD-715 Instructions, at Section I.V. (Element E).

program independence and neutrality, in FY 2019 CFPB ensured OCR has adequate legal resources to conduct its own legal sufficiency reviews. As of FY 2020, six of the eight full-time employees in OCR were attorneys.

- CFPB continued to use a combination of staff and contractors to carry out regulatory responsibilities related to both the informal and formal complaint processes. OCR employees oversee the work of the contractors, and quality control measures have been put in place to ensure that contractors are providing quality work. These quality control measures include the use of “sufficiency” checklists for EEO Counselor Reports, Accept/Dismiss Letters, Investigative Plans, and Reports of Investigation (ROIs), and detailed reviews of all affidavits provided by witnesses to ensure responsiveness and completeness.
- In FY 2019, OCR hired a new dedicated Complaints Program Manager to manage all aspects of the Part 1614 process, and a new Attorney-Advisor to oversee formal complaint investigations on a daily basis. OCR has an additional Attorney-Advisor who also oversees formal complaint investigations on a daily basis, and a senior EEO specialist who manages the informal complaint process. The Complaints Program Manager conducts regular check-ins with staff overseeing investigations (when available and if assigned) as well as with the investigator for all cases. Further, the EEO Complaints Program Manager meets regularly (weekly on average) with all OCR staff with complaints-related responsibilities to discuss all open cases, share necessary information, set priorities, and maintain a collective team focus on overall program success. Additional efficiencies will be gained in FY 2020, when OCR intends to hire a full-time staff investigator. In FY 2020, OCR will also be hiring a new paralegal to assist with EEO Complaints Program and other OCR functions.
- In addition, in FY 2019 OCR had a full-time ADR Program Manager to focus on enhancements to EEO and non-EEO alternative dispute resolution (ADR) options. OCR offers and encourages the use of ADR during the pre-complaint and formal complaint stages of the EEO process, including (on occasion) while cases are pending before the EEOC for hearing or on appeal. The ADR Program also offers mediation for non-EEO workplace disputes. The Bureau’s ADR Policy makes clear that although ADR is voluntary for EEO filers, supervisors and managers must participate in good faith if a filer elects ADR and the program office authorizes its use.

- Throughout FY 2019, the ADR Program developed a new “Communication and Conflict Coaching Program” (CCCP) – an independent Bureau-wide program designed to help employees minimize workplace disputes at the lowest level possible. This CCCP launched in FY 2020 and is part of the ADR Program’s suite of options for conflict resolution management.
- Throughout FY 2019 and continuing into FY 2020, OCR has placed the highest priority on delivering consistently excellent customer service and quality work products, while simultaneously adhering to all applicable Part 1614 timeframes and deadlines.

In FY 2019, OCR completed 30 EEO counselings under Part 1614. OCR received a total of 27 new informal complaints/requests for EEO counseling during FY 2019 (not all were completed before the end of FY 2019); this compares with 52 new counseling requests in FY 2018. All counselings completed in FY 2019 qualified as timely under 29 C.F.R. § 1614.105. Ten counselings were timely completed within 30 days; seven traditional counselings were completed timely with written extensions of no longer than 60 days. Thirteen counselings were processed through the Agency’s ADR program and were timely completed within 90 days.⁵⁶ In each of these counselings, the Bureau provided the required notification to individuals on their various rights and responsibilities in the EEO process. This information was provided during the initial counseling session verbally and later in writing.⁵⁷

In FY 2019, 17 new formal EEO complaints were filed under Part 1614 and/or Executive Order 11478 (as amended), compared with 21 in FY 2018. In all new formal EEO complaints, CFPB issued acknowledgement letters immediately upon receipt of a formal complaint.⁵⁸ Of the 17 new formal EEO complaints that were filed in FY 2019, the average

⁵⁶ See 29 C.F.R. §§ 1614.105(d), (f).

⁵⁷ See 29 C.F.R. § 1614.105(b)(1).

⁵⁸ See MD-110, Chapter 5, at Section I.

length of time for issuing the acknowledgement letter was three days. In addition, OCR issued all Acceptance letters/Dismissal decisions within a reasonable time (e.g., 60 days) after receipt of the written EEO counselor's report.⁵⁹ Of the 17 new formal EEO complaints that were filed in FY 2019, the average length of time for issuing the Accept/Dismiss communication was 11.7 days. In FY 2019, CFPB dismissed four formal complaints; the average days such complaints were pending before dismissal was 15 days.

In FY 2019, OCR conducted investigations of formal EEO complaints within the regulatory timeframes, although the timeframes did increase.⁶⁰ The 18 investigations completed during FY 2019 were completed in an average of 229 days. With respect to formal complaint processing, in FY 2019:

- ✓ 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 227.24, an increase from an average of 142.86 days in FY 2018;
- ✓ The average number of days in investigation for complaints pending for any length of time during FY 2019 where a hearing was requested was 229.00, an increase from an average of 190.33 days in FY 2018; and
- ✓ The average number of days in investigation for complaints pending for any length of time during FY 2019 where a hearing was not requested was 225.92, an increase from an average of 107.25 days in FY 2018.
- ✓ All investigations in FY 2019 were completed timely while the matters were within the jurisdiction of OCR. One investigation was completed after an AJ hearing was requested and the matter thus was within the jurisdiction of the EEOC. (The ROI was provided to the complainant and the EEOC only a few days beyond what would have been the due date for the completion of the investigation had no hearing been requested.)

⁵⁹ *Id.*

⁶⁰ See 29 C.F.R. § 1614.108(f).

- ✓ OCR also provides complainants with the regulatorily required “180-day letter” if an investigation is expected to go over 180 days. This letter notifies complainants of the date by which OCR expects to complete the investigation and informs complainants of their immediate right to request a hearing before an EEOC Administrative Judge or to file a lawsuit. Of the 18 investigations completed during FY 2019, 14 exceeded 180 days due to amendments that extended processing timelines under applicable regulations; in these matters, OCR provided the complainants the required “180-day letter” on or before the 180th day of the investigations.⁶¹
- ✓ As of the end of FY 2019, CFPB had zero pending complaints where investigations exceeded the required time frames.

The average number of days in final-action status for complaints pending for any length of time during FY 2019 was 39.94. All Final Agency Decisions (FADs) and Final Agency Orders (FAOs) were issued on time. The highest number of Final Agency Actions issued by OCR across all Fiscal Years was during FY 2019, during which OCR issued 22 FADs and 4 FAOs. This is more than double the number of decisions issued in a year compared to all other fiscal years.

In FY 2019, OCR issued nine FADs on the merits. The average length of time for issuing these FADs was 54 days – under the regulatory requirement of 60 days.⁶²

As soon as OCR receives notice that a complainant has requested an EEOC hearing before an Administrative Judge (AJ) or has filed an appeal of a final agency action with EEOC’s OFO, OCR uploads all documents to FedSEP (the EEOC’s online (password-protected) federal-sector EEO portal).⁶³ The Agency also timely issues FAOs following receipt of any EEOC AJ decision and the associated hearings file.⁶⁴ In FY 2019, the

⁶¹ See 29 C.F.R. §1614.108(g).

⁶² See 29 C.F.R. § 1614.110(b).

⁶³ See 29 C.F.R. § 1614.403(g).

⁶⁴ See 29 C.F.R. § 1614.110(a).

average length of time for issuing FAOs (five were issued in FY 2019) was 20 days.

- In FY 2019, OCR continued to use the Micropact iComplaints platform. This is a web-based EEO case management solution that provides a broad range of capabilities for reporting (including No FEAR Act and Form 462), processing, tracking, and managing the overall effectiveness of the CFPB's EEO complaints program. CFPB allocated funds for OCR to procure an additional iComplaints module to track and analyze ADR program-related data. Development of this module began in FY 2019 and should be complete in FY 2020.

E.7 Essential Element F: Responsiveness and legal compliance

According to Management Directive 715, Federal agencies must:

- Ensure that they are in full compliance with the law, including EEOC regulations, orders, and other written instructions.
- Report Agency program efforts and accomplishments to EEOC and respond to EEOC directives and orders in accordance with EEOC instructions and time frames.
- Ensure that management fully and timely complies with final EEOC orders for corrective action and relief in EEO matters.⁶⁵

Throughout FY 2019, CFPB met these requirements:

- CFPB had a system of management controls in place to ensure that its officials timely comply with all EEOC orders/directives and final agency actions. OCR staff is tasked with monitoring and facilitating compliance (working with the Legal Division and other stakeholders) with all orders and directives issued by EEOC Administrative Judges (AJs) and the EEOC's Office of Federal Operations (OFO), as well as with any final agency actions issued by OCR, including monetary and other remedial relief. Bureau Executives, managers, and supervisors are evaluated under Leader Performance Standards that require them to

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

comply with settlements agreements and orders issued by the Agency (e.g., through OCR final actions, including final decisions on EEO complaints), EEOC (e.g., by AJs or by OFO on administrative appeals), and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority. Individuals who fail to adhere to these performance standards would be held accountable accordingly through the Bureau's performance management process. Relatedly, any Bureau employees responsible for compliance with EEOC orders would be held accountable for poor work product and/or delays connected to compliance with such orders as outlined above.

- When an EEO complainant requested a hearing or filed an appeal, OCR staff checked FedSEP regularly to ascertain whether the matter has been docketed. Regardless of docketing status, OCR staff uploads the complaint file as prescribed by EEOC orders and/or established regulatory timeframes for use by the EEOC (either by an EEOC AJ as part of hearing proceedings⁶⁶ or by OFO in adjudication of an appeal⁶⁷).
- Throughout FY 2019, CFPB timely responded and fully complied with all EEOC orders issued as part of the hearings and/or appeals process.⁶⁸ Where necessary, the Bureau promptly provided EEOC with required documentation for completing compliance with any such orders.⁶⁹
- To date, CFPB has never been cited or sanctioned by the EEOC for non-compliance with any directives or orders.
- Again in FY 2019, the Bureau met all regulatory requirements to submit an annual Form 462

⁶⁶ See 29 C.F.R. § 1614.108(g).

⁶⁷ See 29 C.F.R. § 1614.403(e).

⁶⁸ See 29 C.F.R. § 1614.502.

⁶⁹ See 29 C.F.R. § 1614.502.

Report, EEOC MD-715 Report, the Federal Equal Opportunity Recruitment Program (FEORP) Report, the Disabled Veterans Affirmative Action Program (DVAAP) Report, and quarterly and annual No FEAR Act reports. In FY 2019, all annual reports were accurate and complete and submitted on time (with any extensions granted). Also in FY 2019, OCR posted all four quarterly No FEAR Act data reports on its public website, www.consumerfinance.gov,⁷⁰ on time (i.e., within 30 days after the end of each fiscal year quarter).⁷¹

E.8 Workforce analyses

In FY 2019 the Bureau's total workforce decreased by 80 employees bringing the total workforce to 1,422 employees as of the end of FY 2019. The total workforce is comprised of 1,373 permanent employees and 49 temporary employees.

The total workforce is diverse, with 50% Men and 50% Women and 59% White employees and 41% Minority employees. Black Women comprise the largest minority group (15%), followed by Black Men (8%), Asian Women (5%), Asian Men (4%), Hispanic Men (3%) and Hispanic Women (3%). There is representation for Men and Women who identify as Native Hawaiian/Other Pacific Islander, American Indian/Alaska Native, and Two or More Races (ranging from 0.14% to 0.63%).

When compared to the National Civilian Labor Force (CLF)⁷², Hispanic Men, Hispanic Women, and White Men have a lower representation than this benchmark by greater than one percentage point. The Hispanic underrepresentation will continue to be monitored and

⁷⁰ The Bureau's most recent quarterly and annual No FEAR Act data and reports can be found at <https://www.consumerfinance.gov/office-civil-rights/no-fear-act/>.

⁷¹ See 29 C.F.R. § 1614.704.

⁷² The CLF is derived from the 2006-2010 American Community Survey (ACS) Equal Employment Opportunity Tabulation (EEO Tabulation). The EEO Tabulation was originally released by the U.S. Census Bureau on November 29, 2012. It provides external benchmarks to assist federal agencies in monitoring employment practices and enforcing workforce civil rights laws. Federal agencies are required to use the EEO Tabulation in preparing their annual MD-715 EEO Program Status reports. See https://www1.eeoc.gov/federal/directives/tech_assistance_06-10_EEO_tabulation.cfm.

reviewed as part of the ongoing barrier analysis work mentioned in Part I of this Report.

Regarding the Bureau's permanent workforce:

- The Agency is meeting and exceeding the goals of 12% for persons with a disability (PWD) and 2% for persons with a targeted disability (PWTD), as defined in 29 C.F.R. § 1614.203(a)(9), in the permanent workforce in both salary clusters (less than \$69,581 and \$69,581 or more). In the lower salary cluster, 33.33% are PWD and 13.33% are PWTD. In the higher salary cluster, 12.67% are PWD and 3.24% are PWTD. Additional information about PWD and PWTD can be found in Part J of this Report.
- Black Women comprise the largest minority group (15%).
- Compared with FY 2018, none of the minority groups and neither Men nor Women changed by more than 1%. White Men experienced the largest net loss of 0.98% and Men in general experienced a net loss of 0.87%.
- Asian Men, White Men, and White Women were a higher representation in the permanent employee separation pool when compared to their representation in the permanent workforce of greater than one percent. Generally, Men were a higher representation in the separation pool when compared to their representation in the workforce.
- Sixty percent of new hires were White; 40% of new hires were non-White, with Black Women constituting the largest minority group among those hired (15%).
- White Men and White Women see a consistent increase in representation by pay band level when moving from CN-52 through CN-71. There are triggers for Black Men and Black Women who see the inverse when moving from CN-52 through CN-71. These triggers will continue to be monitored and addressed as part of the ongoing barrier-analysis work mentioned in Part I of this report.
- The Bureau has four mission critical occupations: 0110/Economists, 0301/Miscellaneous Administration and Program series, 0570/Examiners and 0905/Attorneys. In the permanent workforce, there are 27 Economists, 285 Misc. Admin. and Program, 370 Examiners, and 272 Attorneys.

- In the Misc. Admin. and Program series, White Women, Hispanic Women, and Women in general are underrepresented when compared to the Occupational Civilian Labor Force (OCLF).⁷³
- Among Examiners, White Men, White Women, Hispanic Women, Asian Women, and Women in general are underrepresented when compared to the OCLF.
- Among Attorneys, Women and all Minority groups exceed their corresponding OCLF.

The FY 2019 data collected as required by the EEOC will be reviewed and analyzed as part of ongoing and future barrier-analysis projects.

E.9 Accomplishments

In FY 2019, CFPB’s EEO program achieved significant milestones and successes. These included:

- Hosting EEOC officials on June 25, 2019 as part of an EEOC routine technical assistance visit. In a letter dated December 17, 2019 following up on this visit, the EEOC thanked CFPB for correcting *all six* EEOC program deficiencies identified and reported in previous fiscal years. As a result, in the December 17, 2019 letter EEOC determined “CFPB’s EEO program has complied with [all] 156 measures in Part G [i.e., MD-715’s Checklist].” After completing the Part G self-assessment again in FY 2019, CFPB is pleased to report that *no new deficiencies were identified in FY 2019*.
- In its December 17, 2019 letter, the EEOC also applauded CFPB for “best practices” the Commission was “pleased to highlight,” including Director Kraninger’s creation of the Workforce Effectiveness Committee (WEC) and CFPB’s efforts to improve its recruitment and hiring of people with disabilities.
- Hiring EEO program staff, including a new OCR Director, EEO Complaints Program Manager, and Attorney-Advisor.
- Developing a new “Communication and Conflict Coaching Program” as part of the suite of

⁷³ See <https://www.eeoc.gov/federal/directives/oo-09opmcode.cfm>.

conflict prevention and resolution solutions offered by the ADR Program.

- Completing two multi-year barrier-analysis investigations and applicant-flow analyses regarding African American and Hispanic employees. Action planning to implement solutions to barriers identified is ongoing.
- Starting a comprehensive barrier analysis of the Bureau’s disability program and related activities. Work on this continues into FY 2020.
- Contributing to updates of the Agency’s Diversity and Inclusion Strategic Plan for FY 2019-2022. This updated plan explicitly emphasizes the importance of EEO compliance.
- Partnering with the OHC’s Employee and Labor Relations (ELR) team and the Legal Division to revise the Bureau’s Anti-Harassment Policy and related procedures to reflect legal requirements, EEOC guidance, and best practices.
- Securing final EEOC approval of the Bureau’s disability Reasonable Accommodation and Personal Assistance Services Policy and procedures, disseminating the new policy/procedures to all staff, and posting the documents on the Bureau’s external website.
- Participating in a Joint OMWI Symposium in May 2019 to share best practices across the D&I and EEO communities in federal financial regulatory agencies.
- Achieving a 98% completion rate for mandatory annual all-employee No FEAR Act and Harassment Prevention training.

E.10 Planned Activities

In FY 2020 CFPB’s OCR intends to:

- Address an item raised in EEOC’s December 17, 2019 technical-assistance letter regarding the role of the Agency’s Legal Division in the allocation of 0905 (Attorney) positions in non-LD Divisions/offices (e.g., OCR). EEOC “commended CFPB for providing the EEO office with its own attorneys who can perform the legal sufficiency review of decisions.” In addition, EEOC asked whether the General Counsel’s authority to approve OCR attorney hires and promotions “may constitute a conflict of interest because the agency representative could leverage EEO staff for more favorable or fewer decisions.” In April 2020, OEOF and

the Legal Division signed an MOU on attorney hiring and promotion-related issues addressing EEOC's concern. Under this MOU, OCR now has the "authority to exercise independent hiring and promotion authority" in accordance with the standards and procedures established by the Bureau's Office of Human Capital regarding the hiring and promotion of attorneys within OCR, "including qualifications and eligibility of the incumbents for promotion." OCR and the Legal Division have agreed that OCR attorneys will give no advice on questions of law, policy, or practice that are "within the responsibility or authority of the General Counsel or any office within the Legal Division."

- Continue to manage informal and formal EEO complaints appropriately.
- Develop and begin to deliver a 90-minute training to provide live EEO refresher training for *all* CFPB employees by the end of FY 2021.
- Create and deploy a new, interactive mandatory annual online No FEAR Act training to be taken by *all* CFPB employees. OCR, in partnership with the Legal Division, will develop one version of an online module for supervisors and a separate version for non-supervisory employees. This training will also meet new requirements adopted in the Dr. Chris Kirkpatrick Act of 2017 requiring agencies to provide training to supervisors on how to respond to complaints alleging violations of whistleblower protection laws.
- Support the ongoing work of the OEOF's OMWI and DAP, including DAP efforts to continue implementing the EEOC's affirmative action regulations under Section 501 of the Rehabilitation Act of 1973.
- Continue to implement action items to rectify barriers identified to date.
- Conduct a new disability-focused barrier analysis.
- Partner with OWMI and OHC to conduct focus groups to pinpoint root causes of demographic disparities in AES results and responses.
- Research vendors to provide software-as-a-service to facilitate more efficient (and automated) trigger identification for barrier-analysis purposes.
- Continue to market the Bureau-wide ADR Program as a tool to de-escalate all types of workplace conflicts, and promote the new Communication and Conflict Coaching Program.
- Collaborate with other offices to combine data and present to Division leaders to brief them

on their general and aggregate complaint activity, potential triggers or barriers identified in their Division, harassment inquiry data, grievance data, separation data, AES and exit survey data, demographic data, and any other relevant data to help leaders identify issues within their offices.

- Network with the federal sector EEO community to learn new best practices and innovative approaches that can be used in the Bureau’s workplace, including through participation in the EEOC’s emerging Education Consortium for Federal-Sector EEO Practitioners.

More generally, the Bureau will focus on the following objectives during FY 2020:

- Continuing to incorporate the EEOC’s Six Essential Elements of a Model EEO Program to achieve greater program effectiveness;
- Briefing senior leadership on the state of the EEO program to reaffirm support for the program, provide awareness of issues and trends (systemic or otherwise), and solicit input on strengthening the Bureau’s EEO program;
- Continuing to process all informal and formal complaints and requests for ADR in compliance with 29 C.F.R. Part 1614 and MD-110;
- Maintaining accuracy and efficiency of EEO complaint data monitoring, tracking, and reporting through continued use of iComplaints and continued enforcement of robust internal controls related to data tracking and monitoring;
- Increasing employee awareness of EEO statutes, including by distributing EEO-related information via various means and media (e.g., digital channels, informational brochures and fact sheets, individual and group training and outreach);
- Promoting communication and early intervention to help Bureau officials identify the issues and bases that may give rise to EEO complaints;
- Training supervisors and managers to provide proactive approaches to resolving issues stemming from alleged violations of personnel policies and practices;
- Fostering constructive, open, continuous communication between employees and management to help resolve workplace conflicts at the earliest possible opportunity, and ensuring that employees, management officials, and persons with settlement authority understand the purpose and value of ADR;

- Continuing to collaborate with stakeholders across the Agency to analyze workforce demographic data and to establish and administer affirmative employment plans that ensure equal employment opportunity for all consistent with applicable law, rules, regulations, and guidance;
- Reviewing feedback from employee surveys, exit interviews, listening sessions, and training to identify opportunities for improvement;
- Training supervisors and managers on leadership, management principles, communication techniques, legal compliance, and fostering diversity and inclusion;
- Ensuring CFPB management is accountable for the success of the EEO program through transparency, by emphasizing measurable EEO and affirmative employment goals and objectives that are incorporated into Divisional strategic plans, and through the performance assessment of supervisors and managers;
- Cultivating an inclusive work environment, including by participating in WEC efforts, supporting the implementation of Employee Resource Groups (ERGs) and staff-level diversity councils (e.g., DICE), etc.; and
- Incorporating EEO best practices gained through the Bureau’s coalitions with other Federal agencies, particularly financial regulatory agencies and other small- and medium-sized agencies.

Part F – Certification of establishment of continuing EEO programs

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

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

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

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



Melissa S. Brand
Director, Office of Civil Rights

05/08/2020

Date

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


Kathleen L. Kraninger
Director, Bureau of Consumer Financial Protection

5/08/2020
Date

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

Part G – EEO program self-assessment checklist

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

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MD-715 - PART G

MD-715 - PART G
Agency Self-Assessment Checklist

Essential Element A: DEMONSTRATED COMMITMENT FROM AGENCY LEADERSHIP				
This element requires the agency head to communicate a commitment to equal employment opportunity and a discrimination-free workplace.				
Compliance Indicator Measures	A.1 – The agency issues an effective, up-to-date EEO policy statement.	Measure Met? (Yes/No/NA)	Comments	Current Part G Questions
A.1.a	Does the agency annually issue a signed and dated EEO policy statement on agency letterhead that clearly communicates the agency's commitment to EEO for all employees and applicants? If "yes", please provide the annual issuance date in the comments column. [see MD-715, II(A)]	Yes	The Director of CFPB issued the Bureau's FY 2019 EEO and Anti-Harassment Policy Statement on March 6, 2019.	A.1.a.2
A.1.b	Does the EEO policy statement address all protected bases (age, color, disability, sex (including pregnancy, sexual orientation and gender identity), genetic information, national origin, race, religion, and reprisal) contained in the laws EEOC enforces? [see 29 CFR § 1614.101(a)]	Yes		New
Compliance Indicator Measures	A.2 – The agency has communicated EEO policies and procedures to all employees.	Measure Met? (Yes/No/NA)	Comments	
A.2.a	Does the agency disseminate the following policies and procedures to all employees:			
A.2.a.1	Anti-harassment policy? [see MD 715, II(A)]	Yes		New
A.2.a.2	Reasonable accommodation procedures? [see 29 C.F.R § 1614.203(d)(3)]	Yes		New
A.2.b	Does the agency prominently post the following information throughout the workplace and on its public website:			

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

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			FEAR Act and Harassment-Prevent training, etc.). This information is also available and maintained on the OCR intranet (wiki), accessible by all employees at any time.	
A.2.c.2	ADR process? [see MD-110, Ch. 3(II)(C)] If "yes", please provide how often.	Yes	This information is provided to all employees in a variety of ways at multiple points throughout each fiscal year. See answer to A.2.c.1.	New
A.2.c.3	Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If "yes", please provide how often.	Yes	This information is provided to all employees in a variety of ways at multiple points throughout each fiscal year. See answer to A.2.c.1.	New
A.2.c.4	Anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1] If "yes", please provide how often.	Yes	This information is provided to all employees in a variety of ways at multiple points throughout each fiscal year. See answer to A.2.c.1.	New
A.2.c.5	Behaviors that are inappropriate in the workplace and could result in disciplinary action? [5 CFR § 2635.101(b)] If "yes", please provide how often.	Yes	This information is provided to all employees in a variety of ways at multiple points throughout each fiscal year. See answer to A.2.c.1.	A.3.b

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 Compliance Indicator  Measures	A.3 – The agency assesses and ensures EEO principles are part of its culture.	Measure Met? (Yes/No/NA)	Comments New Compliance Indicator	
A.3.a	Does the agency provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in equal employment opportunity? [see 29 CFR § 1614.102(a) (9)] If “yes”, provide one or two examples in the comments section.	Yes	In February 2019, CFPB rolled out a new “Superior EEO Achievement” certificate program. The program was announced to all employees in the all-hands <i>Ops Digest</i> email publication, to all managers and supervisors in the <i>Manager Minute</i> email publication, and as an “EEO Tip of the Week” posted on the Announcements feed on the Agency’s main intranet page. Bureau Director Kathy Kraninger encouraged employees to consider using the new certificate program in a cover message accompanying the all-hands release of her official FY 2019 EEO and Anti-Harassment Policy Statement. OCR staff created a certificate program description and answers to “Frequently Asked	New

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			Questions" about the program. These descriptive materials were provided to all staff and posted on the OCR wiki page for ongoing awareness. To date, various certificates have been issued to employees under this new initiative.	
A.3.b	Does the agency utilize the Federal Employee Viewpoint Survey or other climate assessment tools to monitor the perception of EEO principles within the workforce? [see 5 CFR Part 250]	Yes		New
Essential Element B: INTEGRATION OF EEO INTO THE AGENCY'S STRATEGIC MISSION				
This element requires that the agency's EEO programs are structured to maintain a workplace that is free from discrimination and support the agency's strategic mission.				
Compliance Indicator  Measures	B.1 - The reporting structure for the EEO program provides the principal EEO official with appropriate authority and resources to effectively carry out a successful EEO program.	Measure Met? (Yes/No/NA)	Comments	
B.1.a	Is the agency head the immediate supervisor of the person ("EEO Director") who has day-to-day control over the EEO office? [see 29 CFR §1614.102(b)(4)]	Yes	As reported on CFPB's FY 2019 Form 462 Report, the EEO Director has dual reporting and reports both to the Agency head (Bureau Director) and to the Associate Director, Office of Equal Opportunity and Fairness.	B.1.a
B.1.a.1	If the EEO Director does not report to the agency head, does the EEO Director report to the same agency head designee as the mission-	N/A		New

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	related programmatic offices? If "yes," please provide the title of the agency head designee in the comments.			
B.1.a.2	Does the agency's organizational chart clearly define the reporting structure for the EEO office? [see 29 CFR §1614.102(b)(4)]	Yes	See https://www.consumerfinance.gov/about-us/the-bureau/bureau-structure/	B.1.d
B.1.b	Does the EEO Director have a regular and effective means of advising the agency head and other senior management officials of the effectiveness, efficiency and legal compliance of the agency's EEO program? [see 29 CFR §1614.102(c)(1); MD-715 Instructions, Sec. I]	Yes		B.2.a
B.1.c	During this reporting period, did the EEO Director present to the head of the agency, and other senior management officials, the "State of the agency" briefing covering the six essential elements of the model EEO program and the status of the barrier analysis process? [see MD-715 Instructions, Sec. I]] If "yes", please provide the date of the briefing in the comments column.	Yes	The OCR Director conducted this briefing with Senior CFPB Leadership on July 22, 2019. This briefing also included a review of the Bureau's FY 2018 No FEAR Act Report.	B.2.b
B.1.d	Does the EEO Director regularly participate in senior-level staff meetings concerning personnel, budget, technology, and other workforce issues? [see MD-715, II(B)]	Yes		New
 Compliance Indicator  Measures	B.2 – The EEO Director controls all aspects of the EEO program.	Measure Met? (Yes/No/NA)	Comments New Compliance Indicator	
B.2.a	Is the EEO Director responsible for the implementation of a continuing affirmative employment program to promote EEO and to identify and eliminate discriminatory policies, procedures, and practices? [see MD-110, Ch. 1(III)(A); 29 CFR §1614.102(c)]	Yes		B.3.a
B.2.b	Is the EEO Director responsible for overseeing the completion of EEO counseling [see 29 CFR §1614.102(c)(4)]	Yes		New
B.2.c	Is the EEO Director responsible for overseeing the fair and thorough investigation of EEO complaints? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]	Yes		New

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B.2.d	Is the EEO Director responsible for overseeing the timely issuance of final agency decisions? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]	Yes		New
B.2.e	Is the EEO Director responsible for ensuring compliance with EEOC orders? [see 29 CFR §§ 1614.102(e); 1614.502]	Yes		F.3.b
B.2.f	Is the EEO Director responsible for periodically evaluating the entire EEO program and providing recommendations for improvement to the agency head? [see 29 CFR §1614.102(c)(2)]	Yes		New
B.2.g	If the agency has subordinate level components, does the EEO Director provide effective guidance and coordination for the components? [see 29 CFR §§ 1614.102(c)(2) and (c)(3)]	Yes		New
  Compliance Indicator  Measures	B.3 - The EEO Director and other EEO professional staff are involved in, and consulted on, management/personnel actions.	Measure Met? (Yes/No/NA)	Comments	
B.3.a	Do EEO program officials participate in agency meetings regarding workforce changes that might impact EEO issues, including strategic planning, recruitment strategies, vacancy projections, succession planning, and selections for training/career development opportunities? [see MD-715, II(B)]	Yes		B.2.c & B.2.d
B.3.b	Does the agency's current strategic plan reference EEO / diversity and inclusion principles? [see MD-715, II(B)] If "yes", please identify the EEO principles in the strategic plan in the comments column.	Yes	CFPB's Agency-wide Strategic Plan for FY 2018-2022 issued in February 2018 makes Bureau leadership's commitment to EEO explicit. In July 2019, the Bureau updated its complementary Bureau's D&I Strategic Plan to be in alignment with the agency-wide Strategic Plan.	New

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 Compliance Indicator  Measures	B.4 - The agency has sufficient budget and staffing to support the success of its EEO program.	Measure Met? (Yes/No/NA)	Comments	
B.4.a	Pursuant to 29 CFR §1614.102(a)(1), has the agency allocated sufficient funding and qualified staffing to successfully implement the EEO program, for the following areas:			
B.4.a.1	to conduct a self-assessment of the agency for possible program deficiencies? [see MD-715, II(D)]	Yes		B.3.b
B.4.a.2	to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)]	Yes		B.4.a
B.4.a.3	to timely, thoroughly, and fairly process EEO complaints, including EEO counseling, investigations, final agency decisions, and legal sufficiency reviews? [see 29 CFR § 1614.102(c)(5) & 1614.105(b) – (f); MD-110, Ch. 1(IV)(D) & 5(IV); MD-715, II(E)]	Yes		E.5.b
B.4.a.4	to provide all supervisors and employees with training on the EEO program, including but not limited to retaliation, harassment, religious accommodations, disability accommodations, the EEO complaint process, and ADR? [see MD-715, II(B) and III(C)] If not, please identify the type(s) of training with insufficient funding in the comments column.	Yes		B.4.f & B.4.g
B.4.a.5	to conduct thorough, accurate, and effective field audits of the EEO programs in components and the field offices, if applicable? [see 29 CFR §1614.102(c)(2)]	Yes		E.1.c
B.4.a.6	to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures)? [see MD-715, II(B)]	Yes		B.4.c
B.4.a.7	to maintain accurate data collection and tracking systems for the following types of data: complaint tracking, workforce demographics, and applicant flow data? [see MD-715, II(E)]. If not, please identify the systems with insufficient funding in the comments section.	Yes		New
B.4.a.8	to effectively administer its special emphasis programs (such as, Federal Women's Program, Hispanic Employment Program, and People with Disabilities Program Manager)? [5 USC § 7201; 38 USC § 4214; 5 CFR § 720.204; 5 CFR § 213.3102(t) and (u); 5 CFR § 315.709]	Yes		B.3.c, B.3.c.1, B.3.c.2, & B.3.c.3
B.4.a.9	to effectively manage its anti-harassment program? [see MD-715 Instructions, Sec. I]; EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]	Yes		New

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B.4.a.10	to effectively manage its reasonable accommodation program? [see 29 CFR § 1614.203(d)(4)(ii)]	Yes		B.4.d
B.4.a.11	to ensure timely and complete compliance with EEOC orders? [see MD-715, II(E)]	Yes		New
B.4.b	Does the EEO office have a budget that is separate from other offices within the agency? [see 29 CFR § 1614.102(a)(1)]	Yes		New
B.4.c	Are the duties and responsibilities of EEO officials clearly defined? [see MD-110, Ch. 1(III)(A), 2(III), & 6(III)]	Yes		B.1.b
B.4.d	Does the agency ensure that all new counselors and investigators, including contractors and collateral duty employees, receive the required 32 hours of training, pursuant to Ch. 2(II)(A) of MD-110?	Yes		E.2.d
B.4.e	Does the agency ensure that all experienced counselors and investigators, including contractors and collateral duty employees, receive the required 8 hours of annual refresher training, pursuant to Ch. 2(II)(C) of MD-110?	Yes		E.2.e
 Compliance Indicator  Measures	B.5 – The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills.	Measure Met? (Yes/No/NA)	Comments New Indicator	
B.5.a	Pursuant to 29 CFR § 1614.102(a)(5), have all managers and supervisors received training on their responsibilities under the following areas under the agency EEO program:			
B.5.a.1	EEO Complaint Process? [see MD-715(II)(B)]	Yes		New
B.5.a.2	Reasonable Accommodation Procedures? [see 29 C.F.R. § 1614.102(d)(3)]	Yes		A.3.d
B.5.a.3	Anti-Harassment Policy? [see MD-715(II)(B)]	Yes		New
B.5.a.4	Supervisory, managerial, communication, and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications? [see MD-715, II(B)]	Yes		New
B.5.a.5	ADR, with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR? [see MD-715(II)(E)]	Yes		E.4.b

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 Compliance Indicator  Measures	B.6 – The agency involves managers in the implementation of its EEO program.	Measure Met? (Yes/No/NA)	Comments New Indicator	
B.6.a	Are senior managers involved in the implementation of Special Emphasis Programs? [see MD-715 Instructions, Sec. I]	Yes		New
B.6.b	Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]	Yes		D.1.a
B.6.c	When barriers are identified, do senior managers assist in developing agency EEO action plans (Part I, Part J, or the Executive Summary)? [see MD-715 Instructions, Sec. I]	Yes		D.1.b
B.6.d	Do senior managers successfully implement EEO Action Plans and incorporate the EEO Action Plan Objectives into agency strategic plans? [29 CFR § 1614.102(a)(5)]	Yes		D.1.c
Essential Element C: MANAGEMENT AND PROGRAM ACCOUNTABILITY This element requires the agency head to hold all managers, supervisors, and EEO officials responsible for the effective implementation of the agency's EEO Program and Plan.				
 Compliance Indicator  Measures	C.1 – The agency conducts regular internal audits of its component and field offices.	Measure Met? (Yes/No/NA)	Comments	
C.1.a	Does the agency regularly assess its component and field offices for possible EEO program deficiencies? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.	N/A		New
C.1.b	Does the agency regularly assess its component and field offices on their efforts to remove barriers from the workplace? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.	N/A		New
C.1.c	Do the component and field offices make reasonable efforts to comply with the recommendations of the field audit? [see MD-715, II(C)]	N/A		New

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 Compliance Indicator  Measures	C.2 – The agency has established procedures to prevent all forms of EEO discrimination.	Measure Met? (Yes/No/NA)	Comments New Indicator	
C.2.a	Has the agency established comprehensive anti-harassment policy and procedures that comply with EEOC's enforcement guidance? [see MD-715, II(C); Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]	Yes		New
C.2.a.1	Does the anti-harassment policy require corrective action to prevent or eliminate conduct before it rises to the level of unlawful harassment? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]	Yes		New
C.2.a.2	Has the agency established a firewall between the Anti-Harassment Coordinator and the EEO Director? [see EEOC Report, Model EEO Program Must Have an Effective Anti-Harassment Program (2006)]	Yes		New
C.2.a.3	Does the agency have a separate procedure (outside the EEO complaint process) to address harassment allegations? [see Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]	Yes		New
C.2.a.4	Does the agency ensure that the EEO office informs the anti-harassment program of all EEO counseling activity alleging harassment? [see Enforcement Guidance, V.C.]	Yes		New
C.2.a.5	Does the agency conduct a prompt inquiry (beginning within 10 days of notification) of all harassment allegations, including those initially raised in the EEO complaint process? [see <u>Complainant v. Dep't of Veterans Affairs</u> , EEOC Appeal No. 0120123232 (May 21, 2015); <u>Complainant v. Dep't of Defense</u> (Defense Commissary Agency), EEOC Appeal No. 0120130331 (May 29, 2015)] If "no", please provide the percentage of timely-processed inquiries in the comments column.	Yes		New
C.2.a.6	Do the agency's training materials on its anti-harassment policy include examples of disability-based harassment? [see 29 CFR 1614.203(d)(2)]	Yes		New
C.2.b	Has the agency established disability reasonable accommodation procedures that comply with EEOC's regulations and guidance? [see 29 CFR 1614.203(d)(3)]	Yes		New
C.2.b.1	Is there a designated agency official or other mechanism in place to coordinate or assist with processing requests for disability	Yes		E.1.d

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	accommodations throughout the agency? [see 29 CFR 1614.203(d)(3)(D)]			
C.2.b.2	Has the agency established a firewall between the Reasonable Accommodation Program Manager and the EEO Director? [see MD-110, Ch. 1(IV)(A)]	Yes		New
C.2.b.3	Does the agency ensure that job applicants can request and receive reasonable accommodations during the application and placement processes? [see 29 CFR 1614.203(d)(1)(ii)(B)]	Yes		New
C.2.b.4	Do the reasonable accommodation procedures clearly state that the agency should process the request within a maximum amount of time (e.g., 20 business days), as established by the agency in its affirmative action plan? [see 29 CFR 1614.203(d)(3)(i)(M)]	Yes		New
C.2.b.5	Does the agency process all accommodation requests within the time frame set forth in its reasonable accommodation procedures? [see MD-715, II(C)] If “no”, please provide the percentage of timely-processed requests in the comments column.	Yes	CFPB's current reasonable accommodation SOPs <i>generally</i> require accommodations to be provided in no more than 30 days, absent extenuating circumstances (which are strictly defined in the SOPs). Where extenuating circumstances exist the Bureau will investigate whether there are temporary measures that can be taken to assist the requestor and provide temporary measures where feasible.	E.1.e
C.2.c	Has the agency established procedures for processing requests for personal assistance services that comply with EEOC's regulations, enforcement guidance, and other applicable executive orders, guidance, and standards? [see 29 CFR 1614.203(d)(6)]	Yes		New
C.2.c.1	Does the agency post its procedures for processing requests for Personal Assistance Services on its public website? [see 29 CFR §	Yes	The procedures are posted at https://www.consumerfinance.gov	New

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	1614.203(d)(5)(v)] If "yes", please provide the internet address in the comments column.		inance.gov/office-civil-rights/reasonable-accommodation-persons-disabilities/ .	
 Compliance Indicator  Measures	C.3 - The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity.	Measure Met? (Yes/No/NA)	Comments New Indicator	
C.3.a	Pursuant to 29 CFR §1614.102(a)(5), do all managers and supervisors have an element in their performance appraisal that evaluates their commitment to agency EEO policies and principles and their participation in the EEO program?	Yes		New
C.3.b	Does the agency require rating officials to evaluate the performance of managers and supervisors based on the following activities:			
C.3.b.1	Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see MD-110, Ch. 3.I]	Yes		A.3.a.1
C.3.b.2	Ensure full cooperation of employees under his/her supervision with EEO officials, such as counselors and investigators? [see 29 CFR §1614.102(b)(6)]	Yes		A.3.a.4
C.3.b.3	Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see MD-715, II(C)]	Yes		A.3.a.5
C.3.b.4	Ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees? [see MD-715 Instructions, Sec. I]	Yes		A.3.a.6
C.3.b.5	Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]	Yes		A.3.a.7
C.3.b.6	Provide disability accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(8)]	Yes		A.3.a.8
C.3.b.7	Support the EEO program in identifying and removing barriers to equal opportunity. [see MD-715, II(C)]	Yes		New
C.3.b.8	Support the anti-harassment program in investigating and correcting harassing conduct. [see Enforcement Guidance, V.C.2]	Yes		A.3.a.2
C.3.b.9	Comply with settlement agreements and orders issued by the agency, EEOC, and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority? [see MD-715, II(C)]	Yes		New

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C.3.c	Does the EEO Director recommend to the agency head improvements or corrections, including remedial or disciplinary actions, for managers and supervisors who have failed in their EEO responsibilities? [see 29 CFR §1614.102(c)(2)]	Yes		New
C.3.d	When the EEO Director recommends remedial or disciplinary actions, are the recommendations regularly implemented by the agency? [see 29 CFR §1614.102(c)(2)]	Yes	In general, the Bureau regularly implements the recommendations of its EEO Director. CFPB's Office of Civil Rights (OCR) does not have authority to <i>require</i> that the agency implement any specific disciplinary action – even for officials who have engaged in discriminatory acts. OCR has no control over the process for determining appropriate discipline for (non-OCR) Bureau employees.	New
 Compliance Indicator  Measures	C.4 – The agency ensures effective coordination between its EEO programs and Human Resources (HR) program.	Measure Met? (Yes/No/NA)	Comments	
C.4.a	Do the HR Director and the EEO Director meet regularly to assess whether personnel programs, policies, and procedures conform to EEOC laws, instructions, and management directives? [see 29 CFR §1614.102(a)(2)]	Yes		New
C.4.b	Has the agency established timetables/schedules to review at regular intervals its merit promotion program, employee recognition awards program, employee development/training programs, and management/personnel policies, procedures, and practices for systemic	Yes		C.2.a, C.2.b, & C.2.c

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	barriers that may be impeding full participation in the program by all EEO groups? [see MD-715 Instructions, Sec. I]			
C.4.c	Does the EEO office have timely access to accurate and complete data (e.g., demographic data for workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables? [see 29 CFR §1614.601(a)]	Yes		New
C.4.d	Does the HR office timely provide the EEO office with access to other data (e.g., exit interview data, climate assessment surveys, and grievance data), upon request? [see MD-715, II(C)]	Yes		New
C.4.e	Pursuant to Section II(C) of MD-715, does the EEO office collaborate with the HR office to:			
C.4.e.1	Implement the Affirmative Action Plan for Individuals with Disabilities? [see 29 CFR §1614.203(d); MD-715, II(C)]	Yes		New
C.4.e.2	Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]	Yes		New
C.4.e.3	Develop and/or provide training for managers and employees? [see MD-715, II(C)]	Yes		New
C.4.e.4	Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]	Yes		New
C.4.e.5	Assist in preparing the MD-715 report? [see MD-715, II(C)]	Yes		New
 Compliance Indicator	C.5 – Following a finding of discrimination, the agency explores whether it should take a disciplinary action.	Measure Met? (Yes/No/NA)	Comments	
 Measures				
C.5.a	Does the agency have a disciplinary policy and/or table of penalties that covers discriminatory conduct? [see 29 CFR § 1614.102(a)(6); see also <i>Douglas v. Veterans Administration</i> , 5 MSPR 280 (1981)]	Yes	CFPB has a disciplinary policy, but no Table of Penalties.	C.3.a.
C.5.b	When appropriate, does the agency discipline or sanction managers and employees for discriminatory conduct? [see 29 CFR §1614.102(a)(6)] If “yes”, please state the number of disciplined/sanctioned individuals during this reporting period in the comments.	Yes	OCR issued no findings of discrimination in FY 2019. In FY 2019, no employees received formal disciplinary action as defined in 5 C.F.R. § 724.102 in connection with cases pending or resolved in	C.3.c

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			U.S. district court or for violating Bureau policies related to conduct that is inconsistent with Federal antidiscrimination and whistleblower protection laws.	
C.5.c	If the agency has a finding of discrimination (or settles cases in which a finding was likely), does the agency inform managers and supervisors about the discriminatory conduct? [see MD-715, II(C)]	Yes, as appropriate.		New
 Compliance Indicator  Measures	C.6 – The EEO office advises managers/supervisors on EEO matters.	Measure Met? (Yes/No/NA)	Comments	
C.6.a	Does the EEO office provide management/supervisory officials with regular EEO updates on at least an annual basis, including EEO complaints, workforce demographics and data summaries, legal updates, barrier analysis plans, and special emphasis updates? [see MD-715 Instructions, Sec. I] If "yes", please identify the frequency of the EEO updates in the comments column.	Yes	The OCR Director provides Senior Leadership with the "State of the Agency EEO Program" briefing once a year. The OCR Director meets regularly with Division, office, and team leads – some monthly. OCR staff also presents throughout each year to regions and regional offices. Once a year, all employees also receive notice of submission/publication of the Agency's FY MD-715 Report and annual No FEAR Act Report.	C.1.a

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C.6.b	Are EEO officials readily available to answer managers' and supervisors' questions or concerns? [see MD-715 Instructions, Sec. I]	Yes		New
Essential Element D: PROACTIVE PREVENTION This element requires that the agency head make early efforts to prevent discrimination and to identify and eliminate barriers to equal employment opportunity.				
 Compliance Indicator  Measures	D.1 – The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year.	Measure Met? (Yes/No/NA)	Comments	
D.1.a	Does the agency have a process for identifying triggers in the workplace? [see MD-715 Instructions, Sec. I]	Yes		New
D.1.b	Does the agency regularly use the following sources of information for trigger identification: workforce data; complaint/grievance data; exit surveys; employee climate surveys; focus groups; affinity groups; union; program evaluations; special emphasis programs; reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I]	Yes		New
D.1.c	Does the agency conduct exit interviews or surveys that include questions on how the agency could improve the recruitment, hiring, inclusion, retention and advancement of individuals with disabilities? [see 29 CFR 1614.203(d)(1)(iii)(C)]	Yes		New
 Compliance Indicator  Measures	D.2 – The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)	Measure Met? (Yes/No/NA)	Comments New Indicator	
D.2.a	Does the agency have a process for analyzing the identified triggers to find possible barriers? [see MD-715, (II)(B)]	Yes		New
D.2.b	Does the agency regularly examine the impact of management/personnel policies, procedures, and practices by race, national origin, sex, and disability? [see 29 CFR §1614.102(a)(3)]	Yes		B.2.c.2
D.2.c	Does the agency consider whether any group of employees or applicants might be negatively impacted prior to making human resource	Yes		B.2.c.1

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	decisions, such as re-organizations and realignments? [see 29 CFR §1614.102(a)(3)]			
D.2.d	Does the agency regularly review the following sources of information to find barriers: complaint/grievance data, exit surveys, employee climate surveys, focus groups, affinity groups, union, program evaluations, anti-harassment program, special emphasis programs, reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I] If "yes", please identify the data sources in the comments column.	Yes	The Bureau's Barrier Analysis Working Group (BAWG) and contractors identified triggers using various sources of data, including the Bureau's FY 2018 MD-715 Report; workforce data (A and B) tables for FY 2015-FY 2019; AES/New Employee/Exit Survey data results from recent years; CFPB's FY 2018-2019 Form 462 Reports; CFPB's FY 2017 and FY 2018 No FEAR Act data/reports, and complete complaints data for FY 2019; the OCR Director's FY 2018 "State of the Agency EEO Program briefing" materials; negotiated grievance summary data; anecdotal reports from DICE, Bureau ERGs, external news reports and audit findings, reasonable accommodation and anti-harassment program data, Bureau personnel policies and procedures, EEOC-	New

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			issued Technical Assistance letters and feedback, and OPM memoranda.	
 Compliance Indicator  Measures	D.3 – The agency establishes appropriate action plans to remove identified barriers.	Measure Met? (Yes/No/NA)	Comments New Indicator	
D.3.a.	Does the agency effectively tailor action plans to address the identified barriers, in particular policies, procedures, or practices? [see 29 CFR §1614.102(a)(3)]	Yes		New
D.3.b	If the agency identified one or more barriers during the reporting period, did the agency implement a plan in Part I, including meeting the target dates for the planned activities? [see MD-715, II(D)]	Yes		New
D.3.c	Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]	Yes		New
 Compliance Indicator  Measures	D.4 – The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities.	Measure Met? (Yes/No/NA)	Comments New Indicator	
D.4.a	Does the agency post its affirmative action plan on its public website? [see 29 CFR 1614.203(d)(4)] Please provide the internet address in the comments.	Yes	The AAP is available at https://www.consumerfinance.gov/office-civil-rights/eeo-policy-and-reports/ .	New
D.4.b	Does the agency take specific steps to ensure qualified people with disabilities are aware of and encouraged to apply for job vacancies? [see 29 CFR 1614.203(d)(1)(i)]	Yes		New
D.4.c	Does the agency ensure that disability-related questions from members of the public are answered promptly and correctly? [see 29 CFR 1614.203(d)(1)(ii)(A)]	Yes		New
D.4.d	Has the agency taken specific steps that are reasonably designed to increase the number of persons with disabilities or targeted disabilities	Yes	In FY 2019, CFPB met the regulatory goals for individuals with	New

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	employed at the agency until it meets the goals? [see 29 CFR 1614.203(d)(7)(ii)]		disabilities and targeted disabilities for both salary groupings.	
Essential Element E: EFFICIENCY This element requires the agency head to ensure that there are effective systems for evaluating the impact and effectiveness of the agency's EEO programs and an efficient and fair dispute resolution process.				
 Compliance Indicator	E.1 - The agency maintains an efficient, fair, and impartial complaint resolution process.	Measure Met? (Yes/No/NA)	Comments	
 Measures				
E.1.a	Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105?	Yes		E.3.a.1
E.1.b	Does the agency provide written notification of rights and responsibilities in the EEO process during the initial counseling session, pursuant to 29 CFR §1614.105(b)(1)?	Yes		E.3.a.2
E.1.c	Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch. 5(l)?	Yes	Of the 15 new Part 1614 formal complaints that were filed in FY 2019, the average length of time for issuing the acknowledgement letter was 2.87 days.	New
E.1.d	Does the agency issue acceptance letters/dismissal decisions within a reasonable time (e.g., 60 days) after receipt of the written EEO Counselor report, pursuant to MD-110, Ch. 5(l)? If so, please provide the average processing time in the comments.	Yes	Of the 15 new Part 1614 formal complaints that were filed in FY 2019, the average length of time for issuing the Accept/Dismiss communication was 14.4 days. In FY 2019, CFPB dismissed four formal complaints; the average days such	New

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			complaints were pending before dismissal was 15 days.	
E.1.e	Does the agency ensure all employees fully cooperate with EEO counselors and EEO personnel in the EEO process, including granting routine access to personnel records related to an investigation, pursuant to 29 CFR §1614.102(b)(6)?	Yes		New
E.1.f	Does the agency timely complete investigations, pursuant to 29 CFR §1614.108?	Yes	Only one investigation of 18 investigations completed in FY 2019 was untimely. This investigation was completed only after an AJ hearing was requested, and the ROI was provided to the Complainant and the EEOC only a few days beyond what would have been the due date for the completion of the investigation had no hearing been requested.	E.3.a.3
E.1.g	If the agency does not timely complete investigations, does the agency notify complainants of the date by which the investigation will be completed and of their right to request a hearing or file a lawsuit, pursuant to 29 CFR §1614.108(g)?	Yes		New
E.1.h	When the complainant does not request a hearing, does the agency timely issue the final agency decision, pursuant to 29 CFR §1614.110(b)?	Yes		E.3.a.4
E.1.i	Does the agency timely issue final actions following receipt of the hearing file and the administrative judge's decision, pursuant to 29 CFR §1614.110(a)?	Yes		E.3.a.7
E.1.j	If the agency uses contractors to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays? [See MD-110, Ch. 5(V)(A)] If "yes", please describe how in the comments column.	Yes	In the event that any contractor or employee of OCR provides poor work	E.2.c

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			product or causes inexcusable delays in processing times, OCR would hold the responsible individual accountable. If a contractor were to provide deficient work, the contract would be terminated and/or the contractor would not be used again (consistent with applicable procurement requirements).	
E.1.k	If the agency uses employees to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays during performance review? [See MD-110, Ch. 5(V)(A)]	Yes	Employees are held accountable for performance objectives through the Bureau's performance management process consistent with merit system principles, due process rights, Bureau policies, and related applicable requirements.	New
E.1.l	Does the agency submit complaint files and other documents in the proper format to EEOC through the Federal Sector EEO Portal (FedSEP)? [See 29 CFR § 1614.403(g)]	Yes		New
 Compliance Indicator  Measures	E.2 – The agency has a neutral EEO process.	Measure Met? (Yes/No/NA)	Comments Revised Indicator	

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E.2.a	Has the agency established a clear separation between its EEO complaint program and its defensive function? [see MD-110, Ch. 1(IV)(D)]	Yes	The Bureau's EEO office (OCR) currently has eight total permanent staff members, and one detailee. Six of the eight permanent staff members are attorneys. The OCR Director, EEO Complaints Program Manager, and ADR Program Manager are in attorney positions. In addition, OCR staff currently includes another Senior Attorney-Adviser (Senior EEO Advisor), and two Attorney-Advisers who function as formal complaints managers. Another attorney is temporarily detailed to OCR to assist with ADR program and barrier-analysis activities. OCR staff attorneys conduct legal sufficiency reviews of all EEO matters/work product, including drafting and reviewing acceptance letters/dismissal decisions related to formal complaints, preparing and reviewing Investigative	New
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			Plans and ROIs, and drafting FADs and FAOs.	
E.2.b	When seeking legal sufficiency reviews, does the EEO office have access to sufficient legal resources separate from the agency representative? [see MD-110, Ch. 1(IV)(D)] If "yes", please identify the source/location of the attorney who conducts the legal sufficiency review in the comments column.	N/A		E.6.a
E.2.c	If the EEO office relies on the agency's defensive function to conduct the legal sufficiency review, is there a firewall between the reviewing attorney and the agency representative? [see MD-110, Ch. 1(IV)(D)]	N/A		New
E.2.d	Does the agency ensure that its agency representative does not intrude upon EEO counseling, investigations, and final agency decisions? [see MD-110, Ch. 1(IV)(D)]	Yes		E.6.b
E.2.e	If applicable, are processing time frames incorporated for the legal counsel's sufficiency review for timely processing of complaints? [see EEOC Report, <i>Attaining a Model Agency Program: Efficiency</i> (Dec. 1, 2004)]	N/A		E.6.c
 Compliance Indicator  Measures	E.3 - The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program.	Measure Met? (Yes/No/NA)	Comments	
E.3.a	Has the agency established an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process? [see 29 CFR §1614.102(b)(2)]	Yes		E.4.a
E.3.b	Does the agency require managers and supervisors to participate in ADR once it has been offered? [see MD-715, II(A)(1)]	Yes		E.4.c
E.3.c	Does the agency encourage all employees to use ADR, where ADR is appropriate? [see MD-110, Ch. 3(IV)(C)]	Yes		D.2.a
E.3.d	Does the agency ensure a management official with settlement authority is accessible during the dispute resolution process? [see MD-110, Ch. 3(III)(A)(9)]	Yes		New
E.3.e	Does the agency prohibit the responsible management official named in the dispute from having settlement authority? [see MD-110, Ch. 3(I)]	Yes	OCR is assessing ADR data and will be conducting benchmarking to identify best practices	E.4.d

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			with respect to who should hold settlement authority to maximize openness and success with respect to early resolution of disputes.	
E.3.f	Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]	Yes		New
 Compliance Indicator	E.4 – The agency has effective and accurate data collection systems in place to evaluate its EEO program.	Measure Met? (Yes/No/NA)	Comments	
 Measures	E.4.a Does the agency have systems in place to accurately collect, monitor, and analyze the following data:			
E.4.a.1	Complaint activity, including the issues and bases of the complaints, the aggrieved individuals/complainants, and the involved management official? [see MD-715, II(E)]	Yes		E.5.a
E.4.a.2	The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)]	Yes		E.5.c
E.4.a.3	Recruitment activities? [see MD-715, II(E)]	Yes		E.5.f
E.4.a.4	External and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status? [see MD-715, II(E)]	Yes		New
E.4.a.5	The processing of requests for reasonable accommodation? [29 CFR § 1614.203(d)(4)]	Yes		New
E.4.a.6	The processing of complaints for the anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.2]	Yes		New
E.4.b	Does the agency have a system in place to re-survey the workforce on a regular basis? [MD-715 Instructions, Sec. I]	Yes		New
 Compliance Indicator	E.5 – The agency identifies and disseminates significant trends and best practices in its EEO program.	Measure Met? (Yes/No/NA)	Comments	
 Measures				

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E.5.a	<p>Does the agency monitor trends in its EEO program to determine whether the agency is meeting its obligations under the statutes EEOC enforces? [see MD-715, II(E)] If “yes”, provide an example in the comments.</p>	Yes	<p>CFPB regularly monitors trends in its EEO program to determine whether the Bureau is meeting its obligations under the workplace anti-discrimination laws. Every year in preparing the Agency’s 462 Report and the No FEAR Act year-end report, OCR carefully examines EEO complaint processing times, top issues and bases, and ADR resolution rates to identify potential problems, spot troubling trends, and develop action plans for the next fiscal year.</p>	E.5.e
E.5.b	<p>Does the agency review other agencies’ best practices and adopt them, where appropriate, to improve the effectiveness of its EEO program? [see MD-715, II(E)] If “yes”, provide an example in the comments.</p>	Yes	<p>For instance, during FY 2019, Bureau EEO staff participated in ad hoc inter-agency working groups formed to share best practices for implementing the EEOC’s Section 501 affirmative action regulations and for preparing the FY 2018 and 2019 MD-715 reports. Bureau EEO staff also participated in an all-FIRREA “OMWI Symposium”</p>	E.5.g

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			during FY 2019. Additional cross-agency collaboration (particularly with other FIRREA agencies) on barrier analysis is also occurring in FY 2020.	
E.5.c	Does the agency compare its performance in the EEO process to other federal agencies of similar size? [see MD-715, II(E)]	Yes		E.3.a
Essential Element F: RESPONSIVENESS AND LEGAL COMPLIANCE This element requires federal agencies to comply with EEO statutes and EEOC regulations, policy guidance, and other written instructions.				
 Compliance Indicator  Measures	F.1 – The agency has processes in place to ensure timely and full compliance with EEOC Orders and settlement agreements.	Measure Met? (Yes/No/NA)	Comments	
F.1.a	Does the agency have a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions? [see 29 CFR §1614.102(e); MD-715, II(F)]	Yes		F.1.a
F.1.b	Does the agency have a system of management controls to ensure the timely, accurate, and complete compliance with resolutions/settlement agreements? [see MD-715, II(F)]	Yes		E.3.a.6
F.1.c	Are there procedures in place to ensure the timely and predictable processing of ordered monetary relief? [see MD-715, II(F)]	Yes		F.2.a.1
F.1.d	Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]	Yes		F.2.a.2
F.1.e	When EEOC issues an order requiring compliance by the agency, does the agency hold its compliance officer(s) accountable for poor work product and/or delays during performance review? [see MD-110, Ch. 9(IX)(H)]	Yes		F.3.a.
 Compliance Indicator  Measures	F.2 – The agency complies with the law, including EEOC regulations, management directives, orders, and other written instructions.	Measure Met? (Yes/No/NA)	Comments Indicator moved from E-III Revised	

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

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

No deficiencies identified in FY 2019 necessitating Part H plans.

Part I – EEO plan to eliminate identified barriers

TABLE 7: FY 2019 EEOC MD-715 REPORT PART I-1

EEOC Form 715-01 Part I-1	U.S. Equal Employment Opportunity Commission Federal Agency Annual EEO Program Status Report (FY 2019)
Statement of Condition That Was a Trigger for a Potential Barrier:	
Source of the Trigger	Workforce data tables for FY 2015, FY 2016, FY 2017, FY 2018; EEOC Technical Assistance Letter to CFPB (June 24, 2016); Memorandum from OPM/EEOC to Federal Agencies (Jan. 18, 2017) ⁷⁴
Specific Workforce Data Table	Various A Tables
Narrative Description of Trigger	In January, 2016, the Equal Employment Opportunity Commission (EEOC) Office of Federal Operations (OFO) met with CFPB personnel to review several aspects of CFPB's EEO program. CFPB also provided additional information in response to a request for information (RFI) from the EEOC. After reviewing all of the requested information, the EEOC recommended barrier analyses to further investigate potential issues for Black/African American employees within CFPB – specifically, the representation of Black employees in Senior Level (i.e., Executive) positions at the Bureau. In 2017, due to what the EEOC and the Office of Personnel Management (OPM) deem persistent low representation of Hispanic/Latinos in the Federal workforce these agencies recommended that all agencies with at least 1,000 FTEs (such as the Bureau) conduct a barrier analysis on Hispanic/Latina(o) employment and participation rates in the equivalent of Grades 12 through SES (CN-52 through the Executive levels at the Bureau).
EEO Group(s) Affected by Trigger:	
EEO Group(s)	Black/African American men Black/African American women Hispanic/Latino men Hispanic/Latina women

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

Barrier Analysis Process:

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

Status of Barrier Analysis Process:

Barrier Analysis Process Completed? (Yes or No) Not yet. Triggers and barriers have been identified. CFPB is now creating, evaluating, and implementing action plans.

Barrier(s) Identified?
(Yes or No) Yes

Statement of Identified Barrier(s):

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

Description of Policy,
Procedure, or Practice

Objective(s) and Dates for EEO Plan:

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

Date Initiated (mm/dd/yyyy) 10/30/2018

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

Sufficient Funding & Staffing?
(Yes or No) Yes

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

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

Responsible Official(s):

Title	CFPB Chief of Staff OEOF Director Chief Operating Officer Chief Human Capital Officer OCR Director
Name	Kirsten Sutton Althea Kireilis Kate Fulton Jeffrey Sumberg Melissa Brand
Performance Standards Address the Plan? (Yes or No)	No

Planned Activities Toward Completion of Objective:

Target Date	09/30/2019
Planned Activities	Work with internal stakeholders to develop strategies for correcting identified barriers
Sufficient Funding & Staffing? (Yes or No)	Yes
Modified Date (mm/dd/yyyy)	09/30/2020
Completion Date (mm/dd/yyyy)	N/A

Report of Accomplishments:

Fiscal Year 2019

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During FY 2017 and FY 2018, the Bureau conducted barrier analyses as required (i) by the EEOC in a June 2016 technical assistance letter and a May 2018 technical assistance letter to the Bureau; (ii) in a joint EEOC/Office of Personnel Management (OPM) Memorandum addressing Hispanic employment in the federal government issued in January 2017 to all agencies;⁷⁵ and (iii) by other oversight entities (e.g., by the Inspector General of the Federal Reserve in *The CFPB Can Enhance Its Diversity and Inclusion Efforts*, 2015-MO-C-002, Recommendation 1 (March 4, 2015)).⁷⁶ More specifically, over the past two years Bureau personnel from OCR, OMWI, DAP, and OHC have worked with two contractors – Personnel Decisions Research Inc. (PDRI) and Fors Marsh Group (Fors Marsh) – to examine:

- Bureau-wide representation of African American/Black and Hispanic female/Latina employees in the Executive ranks;
- Bureau-wide advancement opportunities (or lack thereof) for African American/Black and Hispanic/Latino[a] males and females, particularly between CN-52 to Executive; and
- Female African American/Black and Hispanic female/Latina representation in the Examiner series.

Accomplishments

In FY 2018 Bureau personnel also worked with PDRI to update an “applicant flow” study (first completed in FY 2015 by OHC and PDRI). This study examined the demographic profile of the applicant pool at major milestones of the Bureau’s hiring process – i.e., Applied, Eligible, Best Qualified, Referred, and Selected. This study was designed to determine if the Bureau is using any selection procedures or practices that may pose barriers to EEO based on race or national origin.

In late October 2019, Fors Marsh issued a report to the Bureau concluding CFPB’s explicit policies, practices, and procedures follow EEO best practices. Fors Marsh also commended CFPB for developing an inclusive recruitment strategy, implementing the use of structured interviews, switching to a performance evaluation system aimed at reducing adverse impact on women and minorities, piloting an initial mentoring program, and requiring diversity and inclusion training for all employees. However, Fors Marsh also identified five discrete barriers to EEO at the Bureau, namely:

- Perceived unequal access to information regarding advancement opportunities – primarily due to disparities in the networking opportunities and mentoring experiences of

⁷⁵ Available at <https://www.eeoc.gov/federal/directives/memorandum-hispanics.cfm>.

⁷⁶ Available at <https://oig.federalreserve.gov/reports/cfpb-diversity-inclusion-mar2015.htm>.

minority and female employees.

- Inadequate documentation and justification requirements for hiring, detail, and promotion decisions (in order to combat unconscious biases, favoritism).
- Perceived overemphasis on Ivy League educational background in hiring and promotion decisions, which disadvantages African American/Black and Hispanic/Latino(a) employees/applicants.
- Inconsistency in the emphasis of inclusion/diversity strategies across offices/divisions.
- Lack of succession planning within the organization.

Fors Marsh also provided 53 recommendations aimed at eliminating these barriers to EEO. Key themes of recommendations include increasing standardization and documentation in detail, hiring, and promotion decisions; enhancing the existing unconscious bias training and diversity training; developing additional opportunities to augment employees' networking and mentoring opportunities; and implementing several career development initiatives.

Also in late October 2019, PDRI issued its updated applicant-flow study. PDRI based its conclusions on the best available Bureau applicant-flow data (e.g., the data set did not include sufficiently detailed information on Executive hires, attorney hires, or other positions filled outside the USAJobs process). The updated study's findings echoed and amplified the findings contained in the original study from FY 2015.

PDRI's expert analyses indicated that Black/African American, Hispanic, and "Other" candidates experienced adverse impact for the total hiring process overall, and within many occupations. Across racial/ethnic groups, the IT occupation exhibited the most consistent and strongest evidence of adverse impact, whereas the Administrative Assistants occupation exhibited the least evidence of adverse impact. Evidence of adverse impact was strongest later in the Bureau's hiring process, specifically between the Referred and Selected phases. These patterns generally held across fiscal years from 2011 through 2017, across the majority of job groupings, and even after excluding applicants who self-selected out of the hiring process.

PDRI advised the Bureau to examine the role of hiring managers in the selection process. In particular, PDRI recommended that CFPB scrutinize hiring managers' approaches to evaluating candidates

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between Referred and Selected phase (e.g., interview protocols), and to scrutinize any other assessments of candidates referred on the hiring-manager certificate (e.g., reference checks, work sample evaluations). Oral conversations with PDRI revealed the vendor's informed conjecture that unconscious bias likely would explain the study's conclusions.

In early FY 2019, OEOF staff briefed the Bureau Director (and her senior staff), as well as OHC and the Legal Division, on the results of these barrier analyses. OEOF recommended that Director Kraninger establish and champion an Executive-level task force to review and prioritize the reports' recommendations and develop action plans to promptly and effectively address the barriers identified. OEOF recommended that the task force be led by Director Kraninger or members of her immediate front-office staff to convey top-level leadership commitment, and that it should also include representatives from OEOF (such as OCR, OMWI and DAP), as well as the Chief Human Capital Officer, the Chief Strategy Officer (who can help facilitate the task force's work), and other relevant stakeholders (e.g., from the Legal Division and all other Divisions and major Bureau offices).

Director Kraninger subsequently formed the Workforce Effectiveness Committee (WEC), which will be used to vet next steps. OCR briefed the WEC on the barrier-analysis findings and recommendations. To reduce or eliminate the identified barriers and monitor remedial steps taken for efficacy, the WEC requested that a working group consisting of the relevant offices review the contractor findings and recommendations and develop an action plan. The working group consists of representatives from OCR, OMWI, OEOF, and OHC.

After this WEC briefing, the WEC requested that a working group be created consisting of the relevant offices to review the contractor findings and recommendations and to develop an action plan. This Barrier Analysis Action Planning Working Group (BAAPWG) consists of representatives from OCR, OMWI, OEOF, and OHC.

This BAAPWG met throughout the rest of FY 2019 and FY 2020 Q1 and Q2. This working group evaluated recommendations for feasibility, identified related initiatives already underway, brainstormed appropriate additional recommendations, prioritized all recommendations on pre-defined criteria, isolated recommendations requiring additional resources, and assigned internal office "owners" to be responsible for implementation of action items.

On December 17, 2019, the BAAPWG briefed the WEC on all recommendations, progress and to solicit input and potential objections

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to the BAAPWG's work and proposed next steps. At the briefing, BAAPWG highlighted nine specific recommendations in greatest need of WEC considerations. WEC members discussed the recommendation and provided feedback. BAAPWG did not receive any objections to its recommendation.

OCR will now oversee ongoing multi-office efforts to implement agreed-upon action items, and evaluate efforts through pre-established metrics for success. Action items fall generally into four "buckets": Workforce Communications Initiatives; Management Actions; Diversity & Inclusion Plans/Projects; and Selection-Process Enhancements. Some items are in progress, some require additional resources before implementation can begin, and some for which resources are sufficient have not yet been started. Appropriate Division/office leadership will seek CFPB Director approval for any necessary additional resources for specific action items as owner implementation proceeds and requests for Director review become ripe.

The Bureau plans to upload relevant documentation regarding barrier-analysis recommendations, action items, project plans, and timeline to FedSEP with the submission of the Bureau's FY 2019 Management Directive (MD) 715 Report. The Bureau will also provide updates on progress related to this barrier analysis in its next MD-715 report to be filed in 2021 or if/as EEOC requests updates in other formats.

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

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

MD-715 – Part J

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

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

Section I: Efforts to Reach Regulatory Goals

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

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

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

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

Using the **salary clusters** and including data from completed Forms SF-256, data on 30% or more disabled veterans, and data on Schedule A(u) appointments which are allowable under the Section 501 regulations, there are no triggers for PWD. As of September 30, 2019, 33.33% of employees earning less than \$69,581 were PWD and 12.67% of employees earning \$69,581 and above were PWD.

* Salary threshold of \$69,581 represents salary for an employee paid at the GS-11 Step 1 level in the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA ("Washington DC") locality area as of September 30, 2019. See <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/DCB.pdf>.

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

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

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

Using the **salary clusters** and including data from completed Forms SF-256, data on 30% or more disabled veterans, and data on Schedule A(u) appointments which are allowable under the Section 501 regulations, there are no triggers for PWTD. As of September 30, 2019, 13.33% of employees earning less than \$69,581 were PWTD and 3.24% of employees earning \$69,581 and above were PWTD.

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

The Disability Compliance Program Manager (DCPM) held meetings with the Office of Human Capital's (OHC) staffing and talent acquisition leadership to highlight the requirements in the final regulations under Section 501 of the Rehabilitation Act, including the 12% and 2% numerical goals.

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

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

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

Section II: Model Disability Program

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

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

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

Yes X No 0

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NA

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

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

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Has the agency provided disability program staff with sufficient training to carry out their responsibilities during the reporting period? If “yes”, describe the training that disability program staff have received. If “no”, describe the training planned for the upcoming year.

Yes X No 0

In FY 2019, disability program staff received the following targeted training:

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

Other training and events staff attended included: EEOC/Federal Exchange on Employment and Disability (FEED) training, Small Agency 501 Affirmative Action Regulation Working Group sessions, and the DVAAP Forum and Overview. There were also internal briefings hosted by OEOF or Office of Human Capital (OHC) related to the Disability and Accessibility Program (DAP) stand-up, where the Bureau’s AAP and the Section 501 statutory and regulatory requirements were highlighted.

The Bureau’s Legal Division also held a Federal Employment Law Training Group LLC webinar series on *Reasonable Accommodation in the Federal Workplace*, which allowed designated disability program staff, OHC, and Legal Division employees to attend to further their knowledge on topics related to undue hardship, effective accommodations, and disability case law.

B. PLAN TO ENSURE SUFFICIENT FUNDING FOR THE DISABILITY PROGRAM

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

Yes X No 0

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The Bureau provided sufficient funding and other resources to successfully implement the disability program during the reporting period. In FY 2019, the Bureau maintained funding and resources for disability programs and services and will continue to provide funding and resources. During this reporting period, the Bureau onboarded a new Reasonable Accommodations Program Manager (RAPM), selected an internal employee for a 120-day detail to perform Accessibilities Specialist duties, and intends to fill a Reasonable Accommodations Coordinator (RAC) position in FY 2020. The Bureau also allocated a new budget line to support the Bureau's FY 2020 508 Program implementation. The Bureau continues to provide the budget to support and ensure sufficient resources are available for the entire disability program.

Section III: Plan to Recruit and Hire Individuals with Disabilities

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

A. PLAN TO IDENTIFY JOB APPLICANTS WITH DISABILITIES

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

EEOC conducted a Technical Assistance (TA) visit with CFPB in June 2019. In a letter dated December 17, 2019 from EEOC following up this visit, they stated: "We also applaud CFPB's efforts to improve its recruitment and hiring of people with disabilities (PWD)."

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

The Bureau encourages individuals with disabilities to apply under the Schedule A(u) Hiring Authority to open positions, which are posted on USAJOBS. The Bureau's OHC Staffing and Talent Acquisition team and the DCPM also encourage hiring managers to utilize programs such as Workplace Recruitment Program (WRP) and OPM's Bender list to identify, interview, and hire PWD and PWTD non-competitively when possible.

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

The Bureau encourages individuals with disabilities (e.g., Schedule A(u), 30% or more disabled veterans, etc.) to apply for positions that are posted via vacancy

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

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

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

If an applicant with eligibility under a hiring authority that takes disability into account is selected, OHC provides guidance to the hiring manager on how the individual may be appointed.

The Bureau requests hiring managers use non-competitive hiring authorities where possible. Once a hiring manager identifies a position that they would like to fill non-competitively outside of vacancy announcement procedures, the Bureau's DCPM and Staffing Consultants in OHC work with the hiring manager to identify eligible candidates from pre-approved disability resume databases, such as the WRP data base and existing registries housed on www.max.gov, as outlined in the Bureau's Schedule A (u) Directive.

In this non-competitive process, the eligibility is determined by the third-party database, verified by the DCPM and OHC Staffing and Talent Acquisition team. The hiring managers for these positions are provided with an overview of the hiring authorities that take disability into account prior to and throughout the hiring process, and they are provided with resumes of eligible disabled candidates for consideration. All medical documentation is collected by either the DCPM or OHC for eligibility verification only. No medical documentation is sent to the hiring manager.

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

Yes X No 0 N/A 0

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

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

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

B. PLAN TO ESTABLISH CONTACTS WITH DISABILITY EMPLOYMENT ORGANIZATIONS

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

The DCPM, along with other Bureau Stakeholders in OHC and OMWI, continued to maintain contact and work with organizations/programs that assist PWD and PWT, such as the Job Accommodation Network (JAN), Employer Assistance and Resource Network (EARN), Workplace Recruitment Program (WRP), Veterans, and Wounded Warrior programs to promote employment opportunities. The Bureau also continues to rank on the Top 20 Government Employers list of the *CAREERS & the disABLED* Magazine. The Bureau again ranked number 15th on the list featured in the Winter 2018/2019 edition of the magazine. National readers of *CAREERS & the disABLED* magazine selected the top companies and/or government agencies in the country for which they'd most like to work or which they believe would provide a positive working environment for people with disabilities.

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

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

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C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)

1. Using the goals of 12% for PWD and 2% for PWTM as the benchmarks, do triggers exist for PWD and/or PWTM among the new hires in the permanent workforce? If "yes", please describe the triggers below.
 - a. New Hires for Permanent Workforce (PWD) Yes 0 No X
 - b. New Hires for Permanent Workforce (PWTM) Yes 0 No X

There were no triggers identified in the permanent workforce in this category. The following data is provided for reference:

In FY 2019, the Bureau had 40 permanent new hires, 7 of which (17.50%) were PWD and 1 (2.50%) of which was a PWTM.

2. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTM among the new hires for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below.
 - a. New Hires for MCO (PWD) Yes X No 0
 - b. New Hires for MCO (PWTM) Yes X No 0

The Bureau has four mission critical occupations (MCOs): 0110/Economists, 0301/Miscellaneous Administration & Program, 0570/Examiners, 0905/General Attorneys. In FY 2019, there are triggers for PWD and PWTM for the permanent new hires when compared to the qualified applicant pool for all four MCOs. There were qualified PWD and PWTM in all four MCOs, but no PWD or PWTM new hires.

3. Using the relevant applicant pool as the benchmark, do triggers exist for PWD and/or PWTM among the qualified *internal* applicants for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below.
 - a. Qualified Applicants for MCO (PWD) Yes X No 0
 - b. Qualified Applicants for MCO (PWTM) Yes X No 0

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In FY 2019, triggers exist for PWD and PWTM when comparing qualified internal applicants in the 0570/Examiner and 0905/Attorney series to the relevant applicant pool. The qualified internal applicants in the 0110/Economist series were too limited to determine whether triggers exist.

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

a. Promotions for MCO (PWD)	Yes <input checked="" type="checkbox"/>	No 0
b. Promotions for MCO (PWTM)	Yes <input checked="" type="checkbox"/>	No 0

In FY 2019, triggers exist for PWD and PWTM when comparing internal selections in the 0301/Misc. Admin. & Program, 0570/Examiner and 0905/Attorney series to the qualified applicant pool. There were zero internal selections made of PWTM or PWTM in the MCOs.

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

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

A. ADVANCEMENT PROGRAM PLAN

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

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

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Other advancement opportunities include:

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

OCR will continue leading barrier analysis efforts to assist with providing or improving internal advancement opportunities for PWD and PWTD.

B. CAREER DEVELOPMENT OPPORTUNITIES

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

While the Bureau does not have a formal competitive career development program, the Bureau continues to offer career development tools and resources that assist employees with skill development. The Bureau's Career Development Framework and other internal resources for professional growth and development continue to be available to all Bureau employees, including PWD and PWTD, interested in promoting their career and development goals. Examples include: Individual Development Planning and Career Development Workshops, continuation of the Bureau Team Leader training program, the matrix of courses for Aspiring Leaders, and continued availability of external training and development opportunities. Additionally, the Bureau advertised internal detail opportunities to Bureau employees using a Centralized Detail Posting Process.

In FY 2019, Bureau managers relied heavily on internal details, temporary promotions, and reassignments to develop staff and augment work for most of the fiscal year. Internal career opportunities are posted on the Bureau's website as well as on the Daily Announcements feed on the Bureau's internet, which is widely seen by all Bureau employees.

In FY 2019, CFPB provided limited competitive student volunteer opportunities and used competitive details to provide general growth opportunities for existing employees. As part of the Bureau's ongoing barrier-analysis efforts, we are investigating the feasibility and need for creating disability-specific development programs and/or for more data collection. More details will be provided as the barrier-analysis investigation proceeds. (See Section VII below.)

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

Career Development Opportunities	Total Participants		PWD		PWTd	
	Applicants (#)	Selectees (#)	Applicants (%)	Selectees (%)	Applicants (%)	Selectees (%)
Internship Programs	NA					
Fellowship Programs	NA					
Mentoring Programs	NA					
Coaching Programs	NA					
Training Programs	NA					
Detail Programs	NA					
Other Career Development Programs	NA					

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

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

See above.

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

a. Applicants (PWTd)	Yes 0	No 0
b. Selections (PWTd)	Yes 0	No 0

See above.

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C. AWARDS

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

a. Awards, Bonuses, & Incentives (PWD)	Yes X	No 0
b. Awards, Bonuses, & Incentives (PWTD)	Yes X	No 0

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

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

The below analysis of the Bureau's award program is limited to spot and superior achievement awards and is separate from the Bureau's compensation program where employees receive lump sum payments based on their performance rating.

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

Total Awards from \$501-\$999 given: 172

PWD Target (\$501-\$999): 9

PWD Benchmark: 154

PWOD Target (\$501-\$999): $172 - 9 = 163$

PWOD Benchmark: $1373 - 154 = 1219$

PWD IR 5.84% < PWOD 13.37%. This is a trigger.

Total Awards from \$1000-\$1999 given: 167

PWD Target (\$1000-\$1999): 14

PWD Benchmark: 154

PWOD Target (\$1000-\$1999): $167 - 14 = 153$

PWOD Benchmark: $1373 - 154 = 1219$

PWD IR 9.09% < PWOD 12.55%. This is a trigger.

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Total Awards from \$2000-\$2999 given: 18

PWD Target (\$2000-\$2999): 2

PWD Benchmark: 154

PWOD Target (\$2000-\$2999): $18-2=16$

PWOD Benchmark: $1373-154=1219$

PWOD IR 1.30% < PWOD 1.31%. This is a trigger; however, the percentages are nearly identical for a small number of awards.

Total Awards from 1-10 hours given: 101

PWD Target (1-10 hours): 10

PWD Benchmark: 154

PWOD Target (1-10 hours): $101-10=91$

PWOD Benchmark: $1373-154=1219$

PWD IR 6.49% < PWOD 7.47%. This is a trigger.

Total Awards from 21-30 hours given: 30

PWD Target (21-30 hours): 2

PWD Benchmark: 154

PWOD Target (21-30 hours): $30-2=28$

PWOD Benchmark: $1373-154=1219$

PWD IR 1.30% < PWOD 2.30%. This is a trigger.

Total Awards from \$501-\$999 given: 172

PWTD Target (\$501-\$999): 2

PWTD Benchmark: 46

PWOTD Target (\$501-\$999): $172-2=170$

PWOTD Benchmark: $1373-46=1327$

PWTD IR 4.35% < PWOTD 12.81%. This is a trigger.

Total Awards from \$1000-\$1999 given: 167

PWTD Target (\$1000-\$1999): 4

PWTD Benchmark: 46

PWOTD Target (\$1000-\$1999): $167-4=163$

PWOTD Benchmark: $1373-46=1327$

PWTD IR 8.70% < PWOTD 12.28%. This is a trigger.

Total Awards from 21-30 hours given: 30

PWTD Target (21-30 hours): 0

PWTD Benchmark: 46

PWOTD Target (21-30 hours): $30-0=30$

PWOTD Benchmark: $1373-46=1327$

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PWOTD IR 0% < PWOTD 2.26%. This is a trigger.

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

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

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

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

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

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

N/A. The Bureau does have a program allowing for colleagues and supervisors to recognize individuals for work-related accomplishments (e.g., through certificates of appreciation). However, data are not collected on the demographics of these forms of employee recognition.

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D. PROMOTIONS

1. Does your agency have a trigger involving PWD among the qualified *internal* applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box.
 - a. SES
 - i. Qualified Internal Applicants (PWD) Yes 0 No X
 - ii. Internal Selections (PWD) Yes 0 No X
 - b. Grade GS-15
 - i. Qualified Internal Applicants (PWD) Yes X No 0
 - ii. Internal Selections (PWD) Yes 0 No X
 - c. Grade GS-14
 - i. Qualified Internal Applicants (PWD) Yes X No 0
 - ii. Internal Selections (PWD) Yes X No 0
 - d. Grade GS-13
 - i. Qualified Internal Applicants (PWD) Yes X No 0
 - ii. Internal Selections (PWD) Yes X No 0

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CN-71 (GS-15 equivalent): There is a trigger for qualified internal applicants. The qualified internal applicants who are PWD (0%) are lower than the relevant applicant pool who are PWD (8.33%).

CN-60 (GS-14 equivalent): There is a trigger for qualified internal applicants. The qualified internal applicants who are PWD (7.69%) are lower than the relevant applicant pool who are PWD (12.42%). There is a trigger for internal selections. The selectees who are PWD (0.00%) are lower than the qualified internal applicants who are PWD (7.69%).

CN-53 (GS-13 equivalent): There is a trigger for qualified internal applicants. The qualified internal applicants who are PWD (1.25%) are lower than the relevant applicant pool who are PWD (11.33%). There is a trigger for internal selections. The selectees who are PWD (0.00%) are lower than the qualified internal applicants who are PWD (1.25%).

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2. Does your agency have a trigger involving PWTD among the qualified *internal* applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box.
- a. SES
- | | | |
|---|-------|------|
| i. Qualified Internal Applicants (PWTD) | Yes 0 | No X |
| ii. Internal Selections (PWTD) | Yes 0 | No X |
- b. Grade GS-15
- | | | |
|---|-------|------|
| i. Qualified Internal Applicants (PWTD) | Yes X | No 0 |
| ii. Internal Selections (PWTD) | Yes 0 | No X |
- c. Grade GS-14
- | | | |
|---|-------|------|
| i. Qualified Internal Applicants (PWTD) | Yes 0 | No X |
| ii. Internal Selections (PWTD) | Yes X | No 0 |
- d. Grade GS-13
- | | | |
|---|-------|------|
| i. Qualified Internal Applicants (PWTD) | Yes X | No 0 |
| ii. Internal Selections (PWTD) | Yes X | No 0 |

CN-71 (GS-15 equivalent): There is a trigger for qualified internal applicants. The qualified internal applicants who are PWTD (0.00%) are lower than the relevant applicant pool who are PWTD (2.86%).

CN-60 (GS-14 equivalent): There is a trigger for internal selections. The internal selections who are PWTD (0.00%) are lower than the qualified internal applicants who are PWTD (7.69%).

CN-53 (GS-13 equivalent): There is a trigger for qualified internal applicants. The qualified internal applicants who are PWTD (1.25%) are lower than the relevant applicant pool who are PWTD (2.67%). There is a trigger for internal selections. The internal selections who are PWTD (0.00%) are lower than the qualified internal applicants who are PWTD (1.25%).

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

- | | | |
|-----------------------------|---|------|
| a. New Hires to SES (PWD) | Yes <input checked="" type="checkbox"/> | No 0 |
| b. New Hires to GS-15(PWD) | Yes <input checked="" type="checkbox"/> | No 0 |
| c. New Hires to GS-14 (PWD) | Yes <input checked="" type="checkbox"/> | No 0 |
| d. New Hires to GS-13(PWD) | Yes <input checked="" type="checkbox"/> | No 0 |

Executives (CN-81, 82, 90) (SES): 0.00% of new hires were PWD compared with 4.46% qualified applicants who were PWD.

CN-71 (GS-15 equivalent): 0.00% of new hires were PWD compared with 7.05% qualified applicants who were PWD.

CN-60 (GS-14 equivalent): 0.00% of new hires were PWD compared with 4.86% qualified applicants who were PWD.

CN-53 (GS-13 equivalent): 0.00% of new hires were PWD compared with 5.15% qualified applicants who were PWD.

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

- | | | |
|------------------------------|---|------|
| a. New Hires to SES (PWTD) | Yes <input checked="" type="checkbox"/> | No 0 |
| b. New Hires to GS-15 (PWTD) | Yes <input checked="" type="checkbox"/> | No 0 |
| c. New Hires to GS-14(PWTD) | Yes <input checked="" type="checkbox"/> | No 0 |
| d. New Hires to GS-13 (PWTD) | Yes <input checked="" type="checkbox"/> | No 0 |

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Executives (CN-81, 82, 90) (SES): 0.00% of new hires were PWTD compared with 1.98% qualified applicants who were PWTD.

CN-71 (GS-15 equivalent): 0.00% of new hires were PWTD compared with 3.59% qualified applicants who were PWTD.

CN-60 (GS-14 equivalent): 0.00% of new hires were PWTD compared with 2.85% qualified applicants who were PWTD.

CN-53 (GS-13 equivalent): 0.00% of new hires were PWTD compared with 2.33% qualified applicants who were PWTD.

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

a. Executives

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

b. Managers

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

c. Supervisors

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

Managers: There is a trigger for qualified internal applicants. The qualified internal applicants who are PWD (6.06%) are lower than the relevant applicant pool who are PWD (10.14%). There is a trigger for internal selections. The internal selections who are PWD (0.00%) are lower than the qualified internal applicants who are PWD (6.06%).

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6. Does your agency have a trigger involving PWTD among the qualified *internal* applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box.
- a. Executives
- | | | |
|---|-------|------|
| i. Qualified Internal Applicants (PWTD) | Yes 0 | No X |
| ii. Internal Selections (PWTD) | Yes 0 | No X |
- b. Managers
- | | | |
|---|-------|------|
| i. Qualified Internal Applicants (PWTD) | Yes 0 | No X |
| ii. Internal Selections (PWTD) | Yes X | No 0 |
- c. Supervisors
- | | | |
|---|-------|------|
| i. Qualified Internal Applicants (PWTD) | Yes 0 | No X |
| ii. Internal Selections (PWTD) | Yes 0 | No X |

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Managers: There is a trigger for internal selections. The internal selections who are PWTD (0.00%) are lower than the qualified internal applicants who are PWTD (6.06%).

7. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box.
- | | | |
|------------------------------------|---|--|
| a. New Hires for Executives (PWD) | Yes <input checked="" type="checkbox"/> | No 0 |
| b. New Hires for Managers (PWD) | Yes <input checked="" type="checkbox"/> | No 0 |
| c. New Hires for Supervisors (PWD) | Yes 0 | No <input checked="" type="checkbox"/> |

Executives: 0.00% of new hires were PWD compared with 4.46% qualified applicants who were PWD.

Managers: 0.00% of new hires were PWD compared with 7.09% qualified applicants who were PWD.

8. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box.
- | | | |
|-------------------------------------|---|--|
| a. New Hires for Executives (PWTD) | Yes <input checked="" type="checkbox"/> | No 0 |
| b. New Hires for Managers (PWTD) | Yes <input checked="" type="checkbox"/> | No 0 |
| c. New Hires for Supervisors (PWTD) | Yes 0 | No <input checked="" type="checkbox"/> |

Executives: 0.00% of new hires were PWTD compared with 1.98% qualified applicants who were PWTD.

Managers: 0.00% of new hires were PWD compared with 2.80% qualified applicants who were PWD.

Section V: Plan to Improve Retention of Persons with Disabilities

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

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

A. VOLUNTARY AND INVOLUNTARY SEPARATIONS

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

Yes 0 No 0 N/A 0

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

a. Voluntary Separations (PWD) Yes 0 No
b. Involuntary Separations (PWD) Yes 0 No

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

a. Voluntary Separations (PWTD) Yes 0 No
b. Involuntary Separations (PWTD) Yes 0 No

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

B. ACCESSIBILITY OF TECHNOLOGY AND FACILITIES

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

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

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

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

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

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

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

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

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In FY 2019, the Bureau's DCPM led working group efforts to partner with Bureau Administrative Operations, Facilities, and T&I offices to ensure that accessibility to Bureau facilities and technology are considered in Bureau services and the procurement of supplies and services. Contact information for accessibility inquiries was placed on the Bureau's external website. The Bureau also created a captioning Budget within T&I to ensure that Bureau-wide meetings and events have funding outside of the Reasonable Accommodation budget. During FY 2019, the DCPM and the 508 Program manager developed a thorough 508 program workplan that outlined metrics and milestones to create Bureau-wide 508 program policies and procedures that would improve the accessibility of technology for PWD and PWTD. The results of the workplan attributed to the FY 2020 508 Budget allocation (FY 2020 is the first year the Bureau received a 508 budget).

C. REASONABLE ACCOMMODATION PROGRAM

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

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

During FY 2019, the Reasonable Accommodation program processed 86 reasonable accommodation cases, with an average processing time of 24 days (measured beginning the date the relevant request was received until the time a decision on the accommodation was communicated). CFPB's current reasonable accommodation SOP generally requires accommodations to be provided in no more than 30 days, absent extenuating circumstances (which are strictly defined in the SOP). Where extenuating circumstances exist, the Bureau will investigate whether there are temporary measures that can be taken to assist the requestor and provide temporary measures where feasible.

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

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

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In FY 2019, the Bureau revised its Reasonable Accommodations/Personal Assistance Services (PAS) Policy and related Standard Operating Procedures (SOP) and forms. These revised documents were approved by the EEOC in a letter dated August 23, 2019.

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

In FY 2019, the Bureau transferred responsibilities for reasonable accommodations and PAS to the DAP in OEOF, under the supervision of the Agency's new DCPM.¹ Both the DCPM and OCR Director now report to the OEOF Director. However, to avoid the appearance of any conflict of interest, the OEOF Director takes no part in any decisions pertaining to the providing of reasonable accommodations or the processing or adjudication of EEO complaints raising allegations of violations of the Rehabilitation Act.

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

In FY 2019, the Bureau disseminated and trained appropriate staff on the revised policy and procedures (and forms) and posted them on www.consumerfinance.gov, as required under the affirmative action regulations. The most updated, finalized policy and procedures are available at <https://www.consumerfinance.gov/office-civil-rights/reasonable-accommodation-persons-disabilities/>.

During FY 2019, the Bureau also conducted general training on the Rehabilitation Act and reasonable accommodations during regional, division, and office meetings to ensure that managers and employees understand the Rehabilitation Act and their role in the reasonable accommodation process and to learn how to respond appropriately when an individual request a reasonable accommodation.

¹ CFPB officials designed the structure for the Agency's new DAP after consultation with EEOC personnel regarding best practices in designing disability programs.

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Since the realignment of the Reasonable Accommodations Program to the OEOF team in February 2019, the Bureau continues to utilize the Entellitrak system, the Bureau's electronic database for reasonable accommodations, to track reasonable accommodations data. The Bureau conducts ongoing efforts to develop plans in FY 2020 to leverage the Entellitrak system to identify any trends in accommodations requests.

Of the 86 RA cases processed in FY 2019 (average processing time of 24 days): The Bureau had 79 cases in which the accommodation request was granted (including seven cases in which the requestor was provided alternate accommodations); six cases where the request was withdrawn (no decision) or where the request for accommodation was denied for failure to provide additional necessary documentation to support the request; and one case that was still open due to extenuating circumstances (interim accommodation provided).

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

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

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

The Bureau has updated its Reasonable Accommodation Policy and SOP to include procedures for implementing the PAS requirement. As noted above, the EEOC approved the revised Policy and SOP (and forms) on August 23, 2019.

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

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

Section VI: EEO Complaint and Findings Data

A. EEO COMPLAINT DATA INVOLVING HARASSMENT

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

Yes 0 No X² N/A 0

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

Yes 0 No X N/A 0

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

N/A

B. EEO COMPLAINT DATA INVOLVING REASONABLE ACCOMMODATION

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

Yes X³ No 0 N/A 0

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

Yes X No 0 N/A 0

² According to the EEOC's benchmark, 19.69% of all formal EEO complaints filed government-wide included an allegation of (non-sexual) harassment based on either a mental or physical disability. According to CFPB Form 462 data for FY 2019, 2 out of the 15 formal complaints filed with CFPB's Office of Civil Rights under 29 C.F.R. Part 1614 (not including complaints filed alleging violations of Executive Order 11478) alleged disability-based (non-sexual) harassment. Thus, the CFPB percentage of such complaints is 13.33% (2/15) -- below the government-wide benchmark of 19.69%.

³ According to the EEOC's benchmark, 13.53% of all formal EEO complaints filed government-wide included an allegation of failure to accommodate based on either a mental or physical disability. According to CFPB Form 462 data for FY 2019, 3 out of the 15 formal complaints filed with CFPB's Office of Civil Rights under 29 C.F.R. Part 1614 (not including complaints filed alleging violations of Executive Order 11478) alleged failure to accommodate either a mental or physical disability. Thus, the CFPB percentage of such complaints is 20.00% (3/15) -- above the government-wide benchmark of 13.53%.

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

The Bureau had no findings of discrimination of any kind in FY 2019. However, the Bureau settled 2 matters alleging (at least in part) a failure to provide a disability reasonable accommodation.

Section VII: Identification and Removal of Barriers

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

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

Yes 0 No X

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

Yes 0 No 0 N/A X

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

While triggers have been identified, the project is still underway to determine if any of the triggers are causing barriers to equal employment at the Bureau. No barriers regarding applicants or employees with disabilities have been identified to date. The Bureau continues working on completing a multi-year disability barrier analysis (disability barrier analysis efforts started at the end of FY 2018 and are expected to wrap up in the early part of FY 2021) with the assistance of the contractor, ICF Incorporated, LLC. As explained in more detail below, this disability-specific barrier analysis is examining areas previously highlighted by EEOC, as well as additional issues revealed in workforce data tables, AES survey results and responses, and other sources of information.

In late FY 2018, the Bureau awarded a new five-year Blanket Purchase Agreement contract (BPA) to a third-party contractor. This new BPA allowed for greater continuity

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and efficiency in the Bureau's barrier-analysis efforts. In FY 2019, the Bureau issued the first call under this BPA, tasking the new contractor with analyzing data related to the experiences and participation rates of employees with disabilities and targeted disabilities, as recommended in the May 2018 EEOC technical assistance letter approving the Bureau's AAP.

After reviewing CFPB's first and second AAP, workforce, complaints, and other data sources, the contractor completed a plan for conducting a wide-ranging barrier analysis concerning applicants and employees with disabilities at the Bureau. The Bureau issued a second call under the BPA at the end of FY 2019 focused on continuing the efforts in the first call, identifying all triggers and any possible barriers for PWD and PWTD, and providing a plan with the results and recommendations to remediate any identified barriers by the end of FY 2020. The barrier analysis is examining a variety of facets of the Bureau's overall disability program and will specifically investigate each of the items listed in the EEOC's letter and all triggers identified in this (and previous) AAPs.

The Bureau plans to upload a copy of the contractor's detailed barrier-analysis project plans and timeline to FedSEP with the submission of the AAP and the Bureau's FY 2019 Management Directive (MD) 715 Report, to be filed with EEOC on or before May 15, 2020. The Bureau will also provide updates on progress, conclusions, recommendations, and action steps related to this barrier analysis in its next AAP and MD-715 report to be filed in 2021.

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

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		(Yes or No)		
Fiscal Year	Accomplishments			

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

N/A

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

N/A

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

N/A

FY 2019 EEO and anti-harassment policy statement



1700 G Street NW, Washington, D.C. 20552

February 2019

MEMORANDUM TO: All CFPB Employees
FROM: Kathleen L. Kraninger
Director
SUBJECT: FY 2019 EEO and Anti-Harassment Policy Statement

Dear Colleagues:

I am pleased to re-issue the Bureau's Policy Statement on Equal Employment Opportunity (EEO) and Workplace Harassment. It is attached to this memorandum.

Every CFPB employee should be able to compete on a level career playing field. That's what "EEO" is all about. Eliminating discrimination and harassment and building and retaining a diverse and inclusive workplace – these are top priorities for me as a leader, and important values to me as a person.

Throughout my federal career, I've worked in many different settings and interacted with all kinds of colleagues. Some universal workplace truths have become crystal clear to me: First, high-performing organizations need and seek out all kinds of perspectives and personalities to solve their most vexing problems. We can't afford to leave anyone on our teams out or behind. Second, no one – and I mean no one – can do their best work if they are distracted and demoralized by discrimination, such as harassment or retaliation. Third, workers need to believe that leadership has committed itself to continual improvement, and that managers will hold *all* team members – regardless of grade or position – accountable for mistreatment and misconduct. Fourth, an energized and engaged team working collaboratively towards a worthy shared goal can accomplish more together than individual team players alone ever could. The whole truly is greater than the sum of the parts. And fifth and finally, most of the time the right thing to do is the hard thing to do. Bringing about workplace culture changes can be arduous and frustrating. But taking the easy road rarely leads to lasting improvements.

The Bureau's Office of Civil Rights, Office of Women and Minority Inclusion, Office of Human Capital, and Legal Division have experts who are available to assist you with any specific questions you may have. So let's roll up our sleeves together to do the things we need to do to make this the best workplace it can be for *all* of us. Thank you.

Kathleen L. Kraninger
Director

consumerfinance.gov



The CFPB Policy Statement on Equal Employment Opportunity and Workplace Harassment

General EEO Policy

It is the 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 and career development, promotions, transfers, reassignments, and other terms, conditions, and privileges of employment.

Accordingly, the Bureau does not and will not tolerate discrimination or harassment against any employee or applicant for employment on the basis of race, color, religion, sex (including pregnancy, sexual orientation, transgender status, gender identity or expression, gender non-conformity, or sex stereotyping of any kind), national origin, age (40 and above), disability, genetic information, marital status, parental status, political affiliation, military service, union activities, protected EEO activity, whistleblower activity, or any other non-merit factor. Discrimination and harassment on these bases is prohibited by Federal statutes and Executive Orders.

Discriminatory Harassment Defined

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, and that a reasonable person would consider

¹ You can also learn more about protections against various forms of retaliation and for whistleblowers in our [FY 2019 No FEAR Act Notice](#).



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

Harassment can violate Bureau policy if it occurs because of *any* of the protected bases outlined above. For instance, harassment prohibited under Bureau policy includes (but is not limited to) denigrating someone because of their religion, mocking someone because of a physical or mental disability, and uttering offensive racial epithets.

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 believe 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 the [Employee and Labor Relations team](#) in the [Office of Human Capital](#) (OHC) (currently [Ari Taragin](#)).

Employees who believe they have been harassed have a duty to report the incident so the Bureau can investigate the allegations and take necessary 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 the [Employee and Labor Relations team](#) in the [Office of Human Capital](#) (OHC) (currently [Ari Taragin](#)).

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.

Protection Against Retaliation

The Bureau supports the right of any employee who believes they have been discriminated against or harassed (or witnessed discrimination or harassment) 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 retaliatory action will result in appropriate disciplinary action against the manager or supervisor.*

Filing an EEO Complaint for Violations of Law

Employees who believe they have experienced *unlawful* prohibited conduct should promptly contact the [Office of Civil Rights](#) (OCR) to discuss their rights under the EEO laws. ***You must contact OCR to request EEO counseling within 45 calendar days of the occurrence of conduct you believe is unlawful; failure to meet these timeframes could result in the forfeiture of your legal right to redress the harassment.*** (Contact information for OCR is provided below.)

Reporting harassment to OHC does *not* satisfy your obligation to contact OCR within 45 calendar days to seek legal redress for violations of EEO laws. Further, 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.



Additional Information

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

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

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

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

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 Veterans' Employment and Training Service website at <https://www.dol.gov/vets/>
- the MSPB website at <http://www.mspb.gov>
- the FLRA website at <http://www.flra.gov>

Contact Information for the CFPB's Office of Civil Rights

U.S. Postal Service Mail:

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

Hand-Delivery:

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



Phone:

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

E-mail:

CFPB_EEO@cfpb.gov

Fax:

202-435-9598

FY 2019 Notice on the No FEAR Act and whistleblower protection laws/prohibited personnel practices

February 2019

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

FROM: Kathleen L. Kraninger
Director

SUBJECT: FY 2019 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. 107-174, Title I, General Provisions, § 101(1).

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

Antidiscrimination Laws

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

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

- If you believe that you have been the victim of unlawful discrimination and wish to pursue a discrimination claim on the basis of race, color, religion, sex (including pregnancy, sexual orientation, transgender status, gender identity or expression, gender non-conformity, or sex stereotyping of any kind), national origin, disability,

genetic information, or parental status you may file a formal complaint of discrimination with the CFPB's Office of Civil Rights (OCR). To file a complaint of discrimination with OCR, you first must contact an Equal Employment Opportunity (EEO) counselor in OCR. (See contact information for OCR at the bottom of this notice.)

You must contact OCR to request EEO counseling *within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action.* Failure to meet these timeframes could result in the forfeiture of your legal right to redress the discrimination. See [29 C.F.R. Part 1614](#).

- In the alternative, if you are a bargaining unit employee and you believe that you have been the victim of unlawful discrimination on the basis of race, color, religion, sex (including pregnancy, sexual orientation, transgender status, gender identity or expression, gender non-conformity, or sex stereotyping of any kind), national origin, age (40+), disability, or genetic information you may file a grievance through CFPB's [negotiated grievance procedures](#). **You may not file both a timely written grievance under the negotiated grievance procedures and a formal complaint of discrimination with OCR on the same matter. If you file a timely written grievance over an issue but fail to include a related discrimination allegation, you still could be precluded from filing a formal complaint of discrimination with OCR over the same matter.**

For more information, read the [Equal Employment Opportunity Article](#) in the CFPB-NTEU collective bargaining agreement. You may also contact OCR or the [Employee and Labor Relations team](#) in the [Office of Human Capital](#) (OHC).

- If you believe that you have been the victim of unlawful discrimination on the basis of age (40+) in violation of the Age Discrimination in Employment Act of 1967, you may proceed through the administrative EEO process by contacting OCR to request EEO counseling within 45 calendar days. (This is the same as for an allegation of discrimination based on race, color, religion, sex, national origin, disability, genetic information, or parental status, as noted above.) *Alternatively*, you can choose to file an age-discrimination lawsuit in an appropriate United States district court. If you choose this direct-suit option, you must first give the [Equal Employment Opportunity Commission](#) (EEOC) notice that you intend to sue. You must give the EEOC this notice at least 30 days before you file your lawsuit in court. This notice-of-intent-to-sue may be filed in writing with the EEOC, at P.O. Box 77960, Washington, D.C. 20013. You may also file the notice by facsimile (if the fax is 10 pages or less), at (202) 663-7022. Finally, you may file this notice by personal delivery to the EEOC's Office of Federal Operations/Federal Sector Programs Branch at 131 M Street, NE, Washington, D.C. 20507.

You must file this notice of intent to sue within 180 calendar days of

the alleged discriminatory action. See 29 C.F.R. § 1614.201(a).

- If you believe that you have been the victim of sex-based pay discrimination in violation of the Equal Pay Act of 1963, you may proceed through the administrative EEO process by contacting OCR to request EEO counseling within 45 calendar days. (This is the same as for an allegation of other bases of discrimination, as noted above.) *Alternatively*, you may file a civil action in a court of competent jurisdiction *within two years (or, if the violation is willful, three years) of the date of the alleged Equal Pay Act violation.* Contacting an EEO Counselor in the Bureau's OCR does *not* suspend or toll the two- or three-year deadline for filing a civil action. See 29 C.F.R. § 1614.408.

Sex-based pay disparities also may violate Title VII of the Civil Rights Act of 1964, and individuals may challenge sex-based pay discrimination simultaneously under both the Equal Pay Act and Title VII. However, if you wish to allege that a pay disparity violates Title VII, you *must* raise the Title VII allegation in the administrative EEO process by contacting OCR to request EEO counseling within 45 calendar days – 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 and exercising certain grievance, complaint, and appeal rights (and other protected activities). The Bureau is committed to making sure that all employees are aware of their rights, as well as the safeguards that are in place to protect them.

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

For these purposes, [whistleblowing](#) is defined as the disclosure of information that an employee or applicant reasonably believes evidences (1) a violation of any law, rule, or regulation; (2) gross mismanagement; (3) a gross waste of funds; (4) an abuse of authority; (5) a substantial and specific danger to public health or safety; 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. This [fact sheet](#) from OSC provides information on the prohibition on retaliation for whistleblowing.

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

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

Additionally, you are encouraged to review these other 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 or other retaliation under 5 U.S.C. §§ 2302(b)(8) or (b)(9), 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 EEO-Related Activity

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

Read this [brief guide](#) from the EEOC on some of the causes of, and manager tips for avoiding, [EEO-related retaliation](#).

Disciplinary Actions

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

However, under the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017, an agency *must* propose certain disciplinary actions against supervisors who have engaged in certain specified acts of whistleblower retaliation or other forms of retaliation and prohibited personnel practices under civil service laws. For more information on these mandatory discipline requirements, contact OCR or the Bureau’s Legal Division.

Additional Information

For further information regarding the No FEAR Act rules, see [5 C.F.R. Part 724](#) or contact the Bureau's [Office of Civil Rights](#). (See complete contact information for OCR at the bottom of this notice.) You can find additional information about the No FEAR Act on the CFPB's intranet at http://team.cfpb.local/wiki/index.php/No_FEAR_Act_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 MSPB website at <http://www.mspb.gov>, on the VETS website at <https://www.dol.gov/vets/>, 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

U.S. Postal Service Mail:

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

Hand-Delivery:

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

Phone:

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

E-mail:

CFPB_EEO@cfpb.gov

Fax:

202-435-9598