

MARCH 29, 2013

# No FEAR Act Annual Report

NOTIFICATION AND FEDERAL EMPLOYEE ANITDISCRIMINATION AND RETALIATION  
ACT OF 2002



Consumer Financial  
Protection Bureau

# Message from Richard Cordray

Director of the CFPB



The Consumer Financial Protection Bureau (CFPB or Bureau) is the nation's first federal agency focused solely on consumer financial protection. Our mission is to make consumer financial markets work for American consumers, honest businesses, and the economy as a whole. Our Office of Equal Employment Opportunity supports this mission by helping to ensure fairness and equality under the law for employees and applicants for employment and by cultivating a working environment that supports staff in their efforts to protect consumers. I firmly believe that in order to be a great organization, we must reflect the fabric of America and work to ensure that people are treated with dignity and respect.

I am pleased to present the Bureau's Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) Annual Report for Fiscal Year (FY) 2012. This report summarizes the most significant accomplishments in our developing EEO program and our strong commitment to abide by civil rights laws and merit systems principles and to promote accountability. Successes achieved during FY 2012 have paved the way for continued improvements in our EEO program during FY 2013 and beyond. I look forward to continuing to provide information on this important program.

A handwritten signature of Richard Cordray in blue ink, written in a cursive style.

Sincerely,  
Richard Cordray

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# 1. Purpose of Report

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

The annual report must provide the following information:<sup>1</sup>

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

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

## 2. Background

The Bureau is the nation's first federal agency focused solely on consumer financial protection. The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) created the CFPB to protect consumers and to encourage fair and competitive consumer financial markets. The Bureau's mission is to make consumer financial markets work for American consumers, honest businesses, and the economy as a whole.

The CFPB officially opened its doors for business on July 21, 2011. By its first anniversary, the number of employees had grown to nearly 900 employees, and at the end of FY 2012, the Bureau consisted of 970 employees. The CFPB workforce growth has been fueled by experienced staff from Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA)<sup>2</sup> agencies; other Federal, state, and local government agencies; and from the private sector as well as by 232 employees who transferred to the Bureau under the Dodd-Frank Act.<sup>3</sup>

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

- Demonstrating a strong commitment to openness and utilizing the Bureau's website to share information on its operations;
- Recruiting highly qualified personnel;

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<sup>2</sup> FIRREA agencies include the Federal Deposit Insurance Corporation, National Credit Union Administration, Farm Credit Administration, former Office of Thrift Supervision, Office of the Comptroller of the Currency, and Federal Housing Finance Agency.

<sup>3</sup> The Bureau received employees from the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and the Department of Housing and Urban Development.

- Providing training and engagement opportunities for CFPB staff to improve skills, increase knowledge and maintain excellence;
- Promoting equal employment opportunity in all aspects of employment including recruitment, hiring, compensation, performance management, awards, training, career development, and promotions; and
- Promoting diversity in the CFPB's workforce and among its contractors.

Since the Bureau's inception, equal employment opportunity has been a cornerstone of the culture and values of CFPB and will continue to serve as a guidepost for all of its activities. Before the Bureau's Office of Equal Employment Opportunity (EEO Office) opened in FY 2013, the United States Department of Treasury, and select staff within the Bureau's Offices of Human Capital and Minority and Women Inclusion, provided EEO programmatic support to the Bureau. The Department of Treasury managed the Bureau's EEO Program in FY 2011 and FY 2012 including the assignment of counselors and mediators and the investigation of formal complaints of discrimination.

The Bureau's new EEO Office provides policy and technical advice to Director Cordray and senior leadership on civil rights issues, works to promote equality and fairness throughout the Bureau and in the Bureau's everyday business, and manages the Bureau's EEO complaint process. In order to meet its mission goals, the Bureau will put into place a model EEO program that will create and strive to maintain a discrimination- and harassment-free workplace for all.

# 3. Results and Data

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

- Subsection 3.1 - The number of Federal court cases arising under the No FEAR Act laws and the status or disposition of the cases
- Subsection 3.2 - Judgment Fund reimbursements and adjustments to budgets to meet reimbursement requirements
- Subsection 3.3 - The number of disciplinary actions related to discrimination, retaliation, or harassment and the Bureau's policy relating to appropriate disciplinary action
- Subsection 3.4 - Year-end summary data related to the Bureau's EEO complaint activity
- Subsection 3.5 - An analysis of trends, causation, and practical knowledge gained and actions planned to improve the EEO Program
- Subsection 3.6 - The Bureau's training plan

## 3.1 EEO Complaint Activity in Federal Court and Disposition

The laws covered in the No FEAR Act include:

- Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. § 2000e-16 (race, color, religion, sex, and national origin)
- The Age Discrimination in Employment Act of 1967, *as amended*, 29 U.S.C. § 633a (age)
- The Equal Pay Act of 1963, 29 U.S.C. § 206(d) (gender-based wage differentials)

- o Section 501 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 791 (disability)
- o The Genetic Information Nondiscrimination Act of 2008, Pub. L. No. 110-233 (genetic information)
- o The Civil Service Reform Act of 1978, 5 U.S.C. §§ 2302(b) (race, color, religion, sex, national origin, age, disability, marital status, political affiliation, and whistleblowing)

During FY 2012, the Bureau did not have any civil actions in Federal court, pending or resolved, under the laws covered in the No FEAR Act.

## 3.2 Judgment Fund Reimbursements and Budget Adjustments

The Bureau neither made any reimbursements to the Judgment Fund<sup>4</sup> nor needed to adjust its budget to comply with No FEAR Act reimbursement requirements because there were no cases pending or resolved in Federal court in FY 2012.

## 3.3 Number of Employees Disciplined and Discipline Policy

During FY 2012, the Bureau did not discipline any employees for discrimination, retaliation, harassment, or an infraction of any provision of law covered by the No FEAR Act. This is consistent with the fact that there were no findings of discrimination by Final Agency Decision,

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<sup>4</sup> The Judgment Fund is used to pay court judgments and Justice Department settlements of actual or imminent lawsuits against the government. It is a permanent appropriation and is administered by the Judgment Fund Branch, which is a part of the United States Department of the Treasury, Financial Management Service. The No FEAR Act requires federal agencies to reimburse the Judgment Fund for personnel discrimination payments made in accordance with 28 U.S.C. §§ 2414, 2517, 2672, or 2677. CFPB will not be accessing the Judgment Fund because other sources of funds are available for these purposes. *See* Consumer Financial Protection Act, Section 1017.

by order of the Equal Employment Opportunity Commission (EEOC), the Merit Systems Protection Board, the Office of Special Counsel, or a Federal court, or after a management inquiry conducted by the Office of Human Capital in either FY 2011 or FY 2012.

The Bureau is committed to maintaining a workplace that promotes professionalism and productivity and an environment that respects employees' dignity. It has a "zero tolerance" policy for acts of discrimination, harassment or retaliation. That fact was relayed to Bureau employees by the effective head of the agency, first by the Special Advisor to the Secretary of the Treasury, Raj Date, and subsequently by Director Richard Cordray in 2012 following his appointment (Appendix B).<sup>5</sup>

In addition, all Bureau employees must abide by the 13<sup>th</sup> Principle of Ethical Conduct requiring that employees adhere to all laws and regulations that provide equal opportunity regardless of race, color, religion, sex, national origin, age, or disability,<sup>6</sup> and have been informed about the Bureau's conduct expectations through No FEAR Act and Excellence in Communication and Collaboration trainings, an EEO poster, its No FEAR Act Notice,<sup>7</sup> and use of its intranet. The Bureau's performance management process includes performance metrics for supervisors and managers related to promoting diversity and inclusiveness. The Bureau's Discipline and Adverse Action Policy reiterates these various directives by emphasizing that "engaging in discrimination, harassment, or other inappropriate conduct" is grounds for discipline, up to and including removal.<sup>8</sup>

CFPB remains committed to disciplining and providing remedial training to any employee who fails to abide by these requirements, and the EEO Office and the Office of Human Capital,

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<sup>5</sup> Director Cordray re-issued a policy statement to support equal employment opportunity in February 2013.

<sup>6</sup> 5 C.F.R. § 2635.101(b)(13). Employees are notified of this requirement in mandatory ethics training, posters, and through the intranet.

<sup>7</sup> 77 Fed. Reg. 5241-01 (Feb. 2, 2012).

<sup>8</sup> This policy was officially released in February 2013. Pending its release, the CFPB followed all legal requirements and No FEAR Act guidance related to imposing discipline on federal employees and followed the provisions set forth in the draft policy as a guide for its day-to-day disciplinary and adverse action program.

Employee and Labor Relations, will work hand-in-hand to fulfill this commitment while abiding by applicable legal requirements.

## 3.4 Summary Data

Appendix C contains a summary of the Bureau's EEO complaint activity during FY 2012. During FY 2012, the Department of Treasury managed the Bureau's complaint processing obligations.

## 3.5 Analysis of Complaints

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

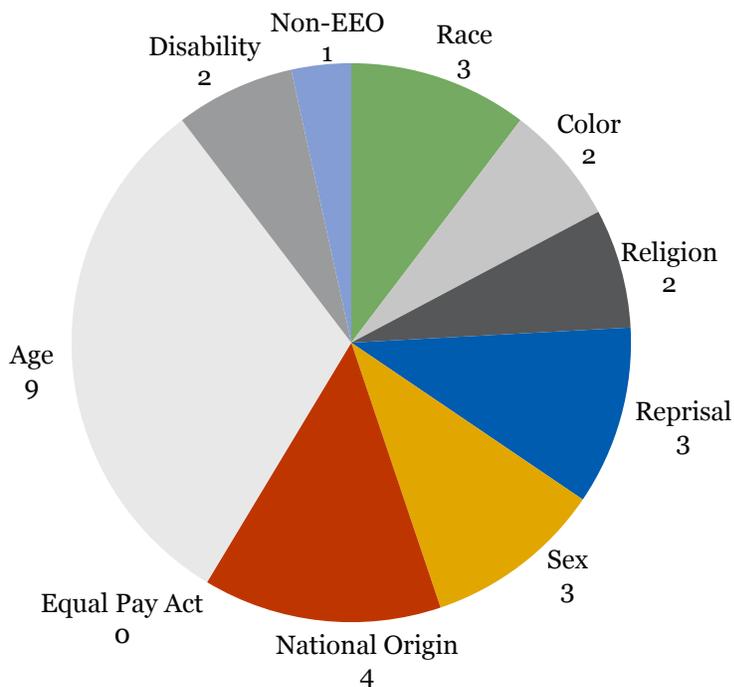
### 3.5.1 Trends and Causal Analysis

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

Since its creation, the Bureau has received several EEO complaints and has amicably resolved some of them. During FY 2012, 11 formal complaints were filed; four of these were resolved and one was withdrawn. This represents an increase from the zero formal complaints the Bureau received in FY 2011 and also reflects the expansion in total number of employees from 663 at the end of FY 2011 to 970 at the end of FY 2012. The most frequently cited bases of discrimination

in FY 2012 were: age (9), national origin (4), and an equal number alleging race, retaliation, and sex (3) (Figure 1)<sup>9</sup> with the most frequently issue raised involving non-selection.

**FIGURE 1: COMPLAINTS BY BASIS**



The complaint filings in FY 2012 are largely consistent with government-wide trends. According to the EEOC’s FY 2011 Annual Report on the Federal Workforce (July 2011) (EEOC FY 2011 Report), age was the second most frequently cited basis for discrimination claims and promotion/non-selection was the second most cited issue.<sup>10</sup>

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<sup>9</sup> Although there are 11 complaints, there are more than 11 bases of discrimination alleged because a complainant may assert more than one basis.

<sup>10</sup> Available at <http://www.eeoc.gov/federal/reports/fsp2010/index.cfm#IB1>.

Complainants (11) as a percentage of the Bureau's total workforce (970 employees at the end of FY 2012) was 1.13%, and the government-wide average in FY 2011 was .53% and the small agency<sup>11</sup> average was .54%.<sup>12</sup>

Due to the relatively small number of complaints filed and dearth of historical data, CFPB notes as a challenge its ability to assess causation for the complaints filed. One possible cause is the large percentage of hiring undertaken by the Bureau in a compressed amount of time. In FY 2011, the Bureau grew from a staff of 58 to a staff of 663, and in FY 2012, it onboarded an additional 307 employees. Assuming that three to five individuals were interviewed to fill each slot in FY 2011 and FY 2012, the Bureau likely completed approximately 2,700 to 4,500 interviews. Of the 11 complaints filed, 6 were filed by applicants alleging discrimination related to their non-selection, which is consistent with the large amount of hiring by the Bureau. The increasing number of persons employed by the Bureau could also explain the increase in filing rate from FY 2011 to FY 2012.

Age discrimination was the most frequently cited basis during FY 2012, and the Bureau's staff demographics during the same period of time were evenly distributed between persons under 40 and persons 40 and over (480 of the 970 employees, or 49.48% of employees, were 40 or older).<sup>13</sup>

The Bureau will continue to monitor its complaint rates over time and how they compare to government-wide and other comparator agency averages in successive years. The EEO Office will craft proactive steps to address trends as appropriate.

The Bureau also promotes alternative dispute resolution as an option at all stages of the EEO process. It actively attempts to resolve matters through the use of mediation and settlements.

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<sup>11</sup> Small and micro agencies are those with between 1 and 999 employees. Medium-sized agencies include those with between 1,000 and 14,999 employees, which will be the appropriate comparator for the Bureau in FY 2013. See EEOC FY 2011 Report, at I-6.

<sup>12</sup> See EEOC FY 2011 Report, at Table B-1. The EEOC determines this percentage for each agency, but ranks only those agencies with a threshold of 25 complaints per year. See EEOC FY 2011 Report, at I-6.

<sup>13</sup> The Bureau's workforce was comprised of 50.05% women, 31.03% minority employees, and 6.7% persons with disabilities (based on voluntary self-disclosures of targeted and other disabilities) in FY 2012.

During FY2012, the Bureau amicably resolved four matters or approximately 36% of its claims, and the Bureau remains committed to resolving EEO matters early where feasible.

### 3.5.2 Practical Knowledge Gained and Action Plan

Since its inception, the Bureau's Offices of Human Capital and Minority and Women Inclusion have assessed the Bureau's workforce demographics to ensure it is putting in place the right human capital and EEO initiatives, policies, and training programs. The EEO Office will build upon this foundation with data-driven assessments and a focus on ensuring compliance with all legislative and regulatory requirements related to equal employment opportunity. Through this ongoing analysis, the Bureau will gain practical knowledge and make determinations on how best to address any shortcomings that may be identified over time and how best to advance the needs of our workforce.

The Bureau has also learned the following from assessing the EEO complaints filed during FY 2012:

- o The possible need to raise awareness about how to avoid behaviors that are or could be perceived as discriminatory related to persons who are 40 years or older and about the protections available under the Age Discrimination in Employment Act;
- o The importance of management officials entering mediation with an openness to settlement and a willingness to entertain creative settlement terms;
- o The importance of continued communication of information to help identify the issues and bases that may give rise to EEO complaints;
- o The importance of offering mediation throughout all stages of the statutory complaint process;
- o The importance of fostering open, continuous communication between employees and management to help resolve workplace conflicts early by offering mediation for non-EEO workplace conflicts; and
- o The critical role that training about EEO compliance plays so that all parties can make well-informed decisions based on legal requirements.

The Bureau will incorporate this knowledge as it continues to build the EEO Office and intends to focus on the following goals in FY 2013 and FY 2014:

- Incorporating the EEOC's six essential elements of a model EEO program<sup>14</sup> into the fabric of the Bureau;
- Processing all informal and formal complaints, and requests for alternative dispute resolution, in compliance with regulatory deadlines and the EEOC's Management Directive 110;
- Incorporating best practices into the evolving EEO Program by exchanging ideas and benchmarking with other agencies;
- Improving process efficiencies by developing policies, procedures, and forms and leveraging contractor support;
- Improving efficiencies and tracking capabilities by acquiring a complaint-tracking software program;
- Conducting trainings to heighten awareness about how EEO issues may arise in the workplace and during the selection process;
- Leveraging communication means to relay EEO-related information, including the intranet, training pamphlets and briefing materials, and brown bag lunches as well as formal training;
- Fully staffing the EEO Office and training its staff;
- Building awareness about alternative dispute resolution as a tool available through both the EEO process and through the Office of Human Capital, Employee and Labor Relations, for workplace disputes;
- Reviewing information in employee viewpoint, exit, and other surveys to identify opportunities for improvement;
- Collaborating with the Offices of Human Capital and Minority and Women Inclusion to put into place and execute upon affirmative plans to ensure the inclusion of a diverse segment of people (including women, minorities, persons with disabilities, veterans, persons 40 or older, and other underrepresented groups) in the CFPB workforce and to address any barriers that may exist to full participation; and
- Briefing senior leadership to ensure accountability in the Bureau's EEO Program.

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<sup>14</sup> See EEOC, Management Directive 715 (MD-715). The six elements are (1) demonstrated commitment from agency leadership; (2) integration of EEO into the agency's strategic mission; (3) management and program accountability; (4) proactive prevention of unlawful discrimination; (5) efficiency; and (6) responsiveness and legal compliance.

The Bureau is also finalizing its first report for submission to the EEOC pursuant to Management Directive 715 and will use that report to help refine its strategic goals. As a federal agency still in its infancy, the Bureau is keenly aware of its obligations regarding equal employment opportunity as it continues to grow, and it will continue to be mindful of these obligations and to be thoughtful in its personnel actions.

## 3.6 Training Plan

All new Bureau employees must complete No FEAR Act training and all existing employees must complete refresher training on an annual basis.

782 individuals or approximately 81% percent of the Bureau's employees onboard in FY 2012 completed No FEAR Act online training through the Department of Treasury's Learning Management System (TLMS).<sup>15</sup> The Bureau also requires all employees to complete Sexual Harassment Prevention Training through TLMS, and in FY 2012 730 employees did so.

In FY 2013, the Acting Director of the EEO Office began presenting an overview of EEO laws and the federal sector complaint process during new employee orientation. The Bureau will also continue to require all new hires to complete supplemental No FEAR Act training offered through TLMS within 90 days of onboarding. All supervisors and managers must complete mandatory supervisory training that will address, among other items, EEO compliance issues in the workplace.

In FY 2013 and FY 2014, the EEO Office intends to make more training options available to employees and managers in an effort to raise awareness of EEO obligations.

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<sup>15</sup> In FY 2013, all new employees were also required to complete No FEAR Act training in TLMS within 90 days of onboarding and all existing employees had to complete such training by March 1, 2013. To date, 97% of employees completed No FEAR Act and Sexual Harassment Prevention trainings for FY 2013.

# APPENDIX A: LEGISLATIVE AND REGULATORY REQUIREMENTS

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

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

(1) the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged;

(2) the status or disposition of cases described in paragraph (1);

(3) the amount of money required to be reimbursed by such agency under section 201 in connection with each of such cases, separately identifying the aggregate amount of such reimbursements attributable to the payment of attorneys' fees, if any;

(4) the number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1);

(5) the final year-end data posted under section 301(c)(1)(B) for such fiscal year (without regard to section 301(c)(2));

(6) a detailed description of —

(A) the policy implemented by that agency relating to appropriate disciplinary actions against a Federal employee who —

(i) discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2); or

(ii) committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a)(1) or (2); and

(B) with respect to each of such laws, the number of employees who are disciplined in accordance with such policy and the specific nature of the disciplinary action taken;

(7) an analysis of the information described under paragraphs (1) through (6) (in conjunction with data provided to the Equal Employment Opportunity Commission in compliance with Part 1614 of Title 29 of the Code of Federal Regulations) including —

(A) an examination of trends;

(B) causal analysis;

(C) practical knowledge gained through experience;

(D) any actions planned or taken to improve complaint or civil rights programs of the agency; and

(8) any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201.

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

§ 724.302 Reporting obligations.

(a) Except as provided in paragraph (b) of this section, each agency must report no later than 180 calendar days after the end of each fiscal year the following items:

(1) The number of cases in Federal court pending or resolved in each fiscal year and arising under each of the respective provisions of the Federal Antidiscrimination Laws and Whistleblower Protection Laws applicable to them as defined in § 724.102 of subpart A of this part in which an employee, former Federal employee, or applicant alleged a violation(s) of these laws, separating data by the provision(s) of law involved;

(2) In the aggregate, for the cases identified in paragraph (a)(1) of this section and separated by provision(s) of law involved:

(i) The status or disposition (including settlement);

(ii) The amount of money required to be reimbursed to the Judgment Fund by the agency for payments as defined in § 724.102 of subpart A of this part;

(iii) The amount of reimbursement to the Fund for attorney's fees where such fees have been separately designated;

(3) In connection with cases identified in paragraph (a)(1) of this section, the total number of employees in each fiscal year disciplined as defined in § 724.102 of subpart A of this part and the specific nature, e.g., reprimand, etc., of the disciplinary actions taken, separated by the provision(s) of law involved;

(4) The final year-end data about discrimination complaints for each fiscal year that was posted in accordance with Equal Employment Opportunity Regulations at subpart G of title 29 of the Code of Federal Regulations (implementing section 301(c)(1)(B) of the No FEAR Act);

(5) Whether or not in connection with cases in Federal court, the number of employees in each fiscal year disciplined as defined in § 724.102 of subpart A of this part in accordance with any agency policy described in paragraph (a)(6) of this section. The specific nature, e.g., reprimand, etc., of the disciplinary actions taken must be identified.

(6) A detailed description of the agency's policy for taking disciplinary action against Federal employees for conduct that is inconsistent with Federal Antidiscrimination Laws and Whistleblower Protection Laws or for conduct that constitutes another prohibited personnel practice revealed in connection with agency investigations of alleged violations of these laws;

(7) An analysis of the information provided in paragraphs (a)(1) through (6) of this section in conjunction with data provided to the Equal Employment Opportunity Commission in compliance with 29 CFR part 1614 subpart F of the Code of Federal Regulations. Such analysis must include:

(i) An examination of trends;

(ii) Causal analysis;

(iii) Practical knowledge gained through experience; and

(iv) Any actions planned or taken to improve complaint or civil rights programs of the agency with the goal of eliminating discrimination and retaliation in the workplace;

(8) For each fiscal year, any adjustment needed or made to the budget of the agency to comply with its Judgment Fund reimbursement obligation(s) incurred under § 724.103 of subpart A of this part; and

(9) The agency's written plan developed under § 724.203(a) of subpart B of this part to train its employees.

(b) The first report also must provide information for the data elements in paragraph (a) of this section for each of the five fiscal years preceding the fiscal year on which the first report is based to the extent that such data is available. Under the provisions of the No FEAR Act, the first report was due March 30, 2005 without regard to the status of the regulations. Thereafter, under the provisions of the No FEAR Act, agency reports are due annually on March 30th. Agencies that have submitted their reports before these regulations became final must ensure that they contain data elements 1 through 8 of paragraph (a) of this section and provide any necessary supplemental reports by April 25, 2007. Future reports must include data elements 1 through 9 of paragraph (a) of this section.

(c) Agencies must provide copies of each report to the following:

(1) Speaker of the U.S. House of Representatives;

(2) President Pro Tempore of the U.S. Senate;

(3) Committee on Governmental Affairs, U.S. Senate;

(4) Committee on Government Reform, U.S. House of Representatives;

(5) Each Committee of Congress with jurisdiction relating to the agency;

(6) Chair, Equal Employment Opportunity Commission;

(7) Attorney General; and

(8) Director, U.S. Office of Personnel Management.

## APPENDIX B: THE DIRECTOR'S EEO STATEMENT (AUGUST 2012)

**MEMORANDUM TO:** All CFPB Employees

**FROM** Richard Cordray  
Director, CFPB

**SUBJECT** Equal Employment Opportunity Policy Statement

Dear Colleagues:

As we fulfill our vital mission of protecting the American consumer, we must always keep in mind our continuing obligation - as public servants and coworkers - to treat each other fairly, equitably, and with the utmost respect and appreciation for the diverse perspectives, expertise, and experience we each bring to the Bureau. After all, our responsibility to serve the diverse communities that represent today's American consumers also extends to serving each other. It is in this context that I issue an important policy statement on Equal Employment Opportunity.

I expect each of us to foster a work environment that is fair, equitable, respectful, collaborative, diverse, and inclusive and which recognizes and values the knowledge, perspectives, and experiences each of us contribute to the accomplishment of our goals. By doing so, we will fulfill our values to serve, lead and innovate on behalf of American consumers.

Richard Cordray

## **The Director's Policy Statement on Equal Employment Opportunity**

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

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

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

The CFPB has zero tolerance for workplace discrimination, harassment, or retaliation, and takes all allegations of discrimination, harassment, and retaliation seriously. As Bureau employees, it is up to each one of us to ensure we understand and adhere to these principles. Each one of us will be held accountable for compliance with EEO laws and merit system principles and policies and for treating colleagues with respect, dignity, and professionalism.

Employees who believe they have experienced conduct prohibited have the right to file a complaint and to have their concerns addressed. Under EEO laws and regulations, employees must adhere to applicable filing requirements, including stated deadlines. Employees can obtain more information (including time limits for pursuing concerns) by reviewing CFPB's No FEAR Act notice and on the CFPBedia at [http://team.cfpb.local/wiki/index.php/Equal\\_Employment\\_Opportunity](http://team.cfpb.local/wiki/index.php/Equal_Employment_Opportunity).

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

Richard Cordray

# APPENDIX C: SUMMARY COMPLAINT DATA

## Equal Employment Opportunity Data Posted Pursuant to the No Fear Act

### Consumer Financial Protection Bureau

For period ending September 30, 2012

**\*\*Mixed Cases are Included in this report.\*\***

**\*\*This report is based on the Complaint Against hierarchy.\*\***

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data <sup>16</sup>					2012 Thru 09-30
	2007	2008	2009	2010	2011	
Number of Complaints Filed	0	0	0	0	0	11
Number of Complainants	0	0	0	0	0	11
Repeat Filers	0	0	0	0	0	0

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<sup>16</sup> CFPB must report data for the previous five fiscal years. CFPB opened officially on July 21, 2011 and accordingly does not have any data to report for FY 2007-2010.

Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2012 Thru 09-30
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2007	2008	2009	2010	2011	
Race	0	0	0	0	0	3
Color	0	0	0	0	0	2
Religion	0	0	0	0	0	2
Reprisal	0	0	0	0	0	3
Sex	0	0	0	0	0	3
National Origin	0	0	0	0	0	4
Equal Pay Act	0	0	0	0	0	0
Age	0	0	0	0	0	9
Disability	0	0	0	0	0	2
Non-EEO	0	0	0	0	0	1

Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					2012 Thru 09-30
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2007	2008	2009	2010	2011	
Appointment/Hire	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	2
Awards	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0
<b>Disciplinary Action</b>						
Demotion	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0
Suspension	0	0	0	0	0	0
Removal	0	0	0	0	0	0
Other	0	0	0	0	0	1

Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					2012 Thru 09-30
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2007	2008	2009	2010	2011	
Duty Hours	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0
<b>Harassment</b>						
Non-Sexual	0	0	0	0	0	0
Sexual	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	8
<b>Reassignment</b>						
Denied	0	0	0	0	0	0

Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					2012 Thru 09-30
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2007	2008	2009	2010	2011	
Directed	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Termination	0	0	0	0	0	1
Terms/Conditions of Employment	0	0	0	0	0	2
Time and Attendance	0	0	0	0	0	0
Training	0	0	0	0	0	0
Other	0	0	0	0	0	0

Processing Time	Comparative Data					
	Previous Fiscal Year Data					2012 Thru 09-30
	2007	2008	2009	2010	2011	
Complaints pending during fiscal year						
Average number of days in investigation	0	0	0	0	0	209.00
Average number of days in final action	0	0	0	0	0	58.00
Complaint pending during fiscal year where hearing was requested						
Average number of days in investigation	0	0	0	0	0	0
Average number of days in final action	0	0	0	0	0	0
Complaint pending during fiscal year where hearing was not requested						
Average number of days in investigation	0	0	0	0	0	209.00
Average number of days in final action	0	0	0	0	0	58.00

<b>Complaints Dismissed by Agency</b>	<b>Comparative Data</b>											
	<b>Previous Fiscal Year Data</b>										<b>2012 Thru 09-30</b>	
	<b>2007</b>		<b>2008</b>		<b>2009</b>		<b>2010</b>		<b>2011</b>			
Total Complaints Dismissed by Agency	0		0		0		0		0		0	
Average days pending prior to dismissal	0		0		0		0		0		0	
<b>Complaints Withdrawn by Complainants</b>												
Total Complaints Withdrawn by Complainants	0		0		0		0		0		1	
<b>Total Final Agency Actions Finding Discrimination</b>	<b>Comparative Data</b>											
	<b>Previous Fiscal Year Data</b>										<b>2012 Thru 09-30</b>	
	<b>2007</b>		<b>2008</b>		<b>2009</b>		<b>2010</b>		<b>2011</b>			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		0	
Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
With Hearing	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2012 Thru 09-30	
	2007		2008		2009		2010		2011			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
<b>Total Number Findings</b>	0		0		0		0		0		0	
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2012 Thru 09-30	
	2007		2008		2009		2010		2011			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
<b>Findings After Hearing</b>	0		0		0		0		0		0	
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2012 Thru 09-30	
	2007		2008		2009		2010		2011			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
<b>Findings Without Hearing</b>	0		0		0		0		0		0	
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Issue	Comparative Data											
	Previous Fiscal Year Data										2012 Thru 09-30	
	2007		2008		2009		2010		2011			
	#	%	#	%	#	%	#	%	#	%	#	%
<b>Total Number Findings</b>	0		0		0		0		0		0	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2012 Thru 09-30	
	2007		2008		2009		2010		2011			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2012 Thru 09-30	
	2007		2008		2009		2010		2011			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2012 Thru 09-30	
	2007		2008		2009		2010		2011			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
<b>Findings After Hearing</b>	0		0		0		0		0		0	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2012 Thru 09-30	
	2007		2008		2009		2010		2011			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2012 Thru 09-30	
	2007		2008		2009		2010		2011			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2012 Thru 09-30	
	2007		2008		2009		2010		2011			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
<b>Findings Without Hearing</b>	0		0		0		0		0		0	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2012 Thru 09-30	
	2007		2008		2009		2010		2011			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2012 Thru 09-30	
	2007		2008		2009		2010		2011			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	0	0	0	0	0	0

<b>Pending Complaints Filed in Previous Fiscal Years by Status</b>	<b>Comparative Data</b>					
	<b>Previous Fiscal Year Data</b>					<b>2012 Thru 09-30</b>
	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	
Total complaints from previous Fiscal Years	0	0	0	0	0	0
Total Complainants	0	0	0	0	0	0
<b>Number complaints pending</b>						
Investigation	0	0	0	0	0	0
ROI issued, pending Complainant's action	0	0	0	0	0	0
Hearing	0	0	0	0	0	0
Final Agency Action	0	0	0	0	0	0
<b>Complaint Investigations</b>	<b>Comparative Data</b>					
	<b>Previous Fiscal Year Data</b>					<b>2012 Thru 09-30</b>
	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	
Pending Complaints Where Investigations Exceed Required Time Frames	0	0	0	0	0	0