

No FEAR Act Annual Report for fiscal year 2014

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



Consumer Financial
Protection Bureau

March 2015

Message from Richard Cordray

Director of the CFPB



Each day since the Bureau's existence, we have reinforced the value of our mission to help consumer financial markets work and to empower consumers to take more control over their economic lives. Now in our fourth year, we have achieved numerous successes demonstrating the difference we have made in the lives of consumers.

FY 2014 presented challenges to, and also identified opportunities for growth in, our Equal Employment Opportunity (EEO) Program. When we uncovered differences in employee performance ratings for FY 2012 and FY 2013, we corrected those issues and began to focus with additional rigor on our internal policies and practices that promote equal opportunity and fairness among employees. During FY 2014, I reaffirmed my commitment to ensuring that our talented and diverse staff is treated fairly and with respect and to enforcing the standards of fairness that CFPB expects of the companies and industries we regulate.

I am excited to announce in this year's report a recent organizational shift that I believe will help to address concerns about the Bureau's previous performance management system and issues raised by some employees in FY 2014. In FY 2013, CFPB officially launched its EEO Program with the opening of the Office of Equal Employment Opportunity (EEO Office). In November 2014, to further underscore the importance of equal employment opportunity and fairness at CFPB, I moved the EEO Office from being administratively housed within the Operations Division to my office, renamed it the "Office of Civil Rights" to reflect the internal- and external-focused civil rights compliance role it undertakes, and more closely aligned it with our Office of Minority and Women Inclusion under a new umbrella organization called the "Office of Equal Opportunity and Fairness." This new structure is intended to create greater synergy and

alignment between the two functions. My full support is behind this new office and its programs, and I will be working to strengthen a valuable partnership between it and the entire Bureau.

I am pleased to present our Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) Annual Report for FY 2014. It summarizes accomplishments in our evolving EEO program and our commitment to abide by all civil rights laws and merit systems principles and to promote accountability. The Office of Civil Rights' work in FY 2014 will pave the way for continued improvements in our EEO program during FY 2015 and beyond.

Sincerely,

A handwritten signature in blue ink that reads "Richard Cordray". The signature is written in a cursive, flowing style.

Richard Cordray

Table of contents

Message from Richard Cordray	1
Table of contents.....	3
1. Purpose of report.....	5
2. Background.....	7
3. Results and data	10
3.1 EEO complaint activity in federal court and disposition.....	10
3.2 Judgment fund reimbursements and budget adjustments	11
3.3 Number of employees disciplined and discipline policy.....	11
3.4 Summary data.....	12
3.5 Analysis of complaints.....	13
3.6 No FEAR Act training.....	17
Appendix A:	19
Legislative and regulatory requirements	19
Appendix B:	24
The Director's EEO Statement (April 2014)	24
Appendix C:	26

Summary of complaint data 26

Total number findings 34

Findings after hearing 36

Findings without hearing 38

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, no later than 180 days after the end of each fiscal year, each agency submit a report to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the Bureau, the Equal Employment Opportunity Commission (EEOC), and the Attorney General of the United States. The Office of Personnel Management's (OPM) regulations implementing the No FEAR Act, 5 C.F.R. Part 724, Subpart C, also require the submission of this annual report to the Director of OPM.

The annual report must provide the following information:¹

- The number of federal court cases, pending or resolved, arising under the No FEAR Act laws and the status and disposition of the cases;
- Judgment Fund reimbursements and adjustments to agency budgets to meet reimbursement requirements;
- The number and type of disciplinary actions related to discrimination, retaliation, or harassment and the Bureau's policy relating to appropriate disciplinary action;
- Year-end summary data related to federal sector EEO complaint activity;

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

- An analysis of trends, causation, and practical knowledge gained through experience and actions planned or taken to improve complaint or civil rights programs; and
- The agency's No FEAR Act training.

2. Background

The Consumer Financial Protection Bureau (CFPB or Bureau) is the nation's first federal agency focused solely on consumer financial protection. The Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111-203) (July 21, 2010) (Dodd-Frank Act) created the CFPB to protect consumers and to encourage fair and competitive consumer financial markets.

The CFPB's mission is to make markets for consumer financial products and services work for Americans—whether they are applying for a mortgage, choosing among credit cards, or using any number of other consumer financial products and services. CFPB helps consumer finance markets work by making rules more effective, by consistently and fairly enforcing those rules, and by empowering consumers to take more control over their lives.

The CFPB officially opened its doors for business on July 21, 2011, and is in its fourth year of operations. At the end of FY 2014, the Bureau consisted of 1419 employees and will continue to grow and mature to meet its important mission.

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

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

- Promoting diversity in the CFPB workforce and among its contractors.

The Office of Civil Rights, among other services, provides policy and technical advice to Director Cordray and senior leadership on civil rights compliance and manages the Bureau's EEO complaint process pursuant to 29 C.F.R. Part 1614. The Bureau's developing EEO Program works to ensure the EEOC's six essential elements of a model EEO Program² are incorporated into the fabric of the Bureau, thus supporting the goal of maintaining a discrimination- and harassment-free workplace for all.

Since the Bureau's inception, equal employment opportunity has been a stated value of CFPB and will continue to serve as a guidepost for its activities. The Bureau's Office of Civil Rights identifies and provides counsel on appropriate linkages of EEO goals to the goals supporting the CFPB mission and strategic goals, as well as the strategic goals of the Office of Human Capital (OHC) and the Office of Women and Minority Inclusion (OMWI); and works to further EEO accountability for the Bureau. The Office of Civil Rights also 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.

During FY 2014, the Bureau conducted extensive internal review and data analysis to determine where improvements could be made in its culture and its EEO and diversity and inclusion programs. The results of these assessments are being used to establish priorities for program development and to drive positive change at the Bureau in support of EEO, diversity, and inclusion objectives.

The Inspector General of the Board of Governors of the Federal Reserve System also conducted an audit of activities related to diversity and inclusion and complaint processing at the Bureau.³ The report, issued on March 9, 2015, states regarding the 29 C.F.R. Part 1614 complaint process that:

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

³ See Inspector General of the Board of Governors of the Federal Reserve System, *CFPB Can Enhance Its Diversity and Inclusion Efforts*, Report No. 2015-MO-C-002 (dated March 4, 2015) ("IG Report").

- “CFPB has policies and procedures for each of its employee complaint processes [e.g., EEO complaints].”
- The “processes give employees the opportunity to have their complaints heard, investigated, and redressed in a fair and equitable manner.”
- “CFPB adheres to several laws and regulations related to its OEEO [Office of Equal Employment Opportunity] and the processing of EEO complaints.”⁴

The report recommends that the Office of Civil Rights implement actions that would improve the Bureau's EEO Program such as enhancing internal controls and auditing its complaint data, which the Bureau accepted and is implementing. As it continues to mature, the Bureau will continue to make a concerted effort to support a fair, equitable, and inclusive environment that is reflective of the consumers that we serve and incorporates EEO best practices into day-to-day operations.

⁴ IG Report, at 47.

3. Results and data

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

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

3.1 EEO complaint activity in federal court and disposition

The laws covered in the No FEAR Act include:

- Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. § 2000e-16 (race, color, religion, sex, national origin, and reprisal)
- The Age Discrimination in Employment Act of 1967, *as amended*, 29 U.S.C. § 633a (protections for individuals age 40 and over)
- The Equal Pay Act of 1963, *as amended*, 29 U.S.C. § 206(d) (gender-based wage differentials)
- Section 501 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 791 (physical or mental disability)

- The Genetic Information Nondiscrimination Act of 2008, Pub. L. No. 110-233 (genetic information about an individual or individual's family members)
- The Civil Service Reform Act of 1978, 5 U.S.C. § 2302(b) (race, color, religion, sex, national origin, age, disability, marital status, political affiliation, and whistleblowing)

During FY 2014, the Bureau had no civil actions pending in federal court related to the No FEAR Act laws.

3.2 Judgment fund reimbursements and budget adjustments

The Bureau neither made reimbursements to the Judgment Fund nor needed to adjust its budget to comply with No FEAR Act reimbursement requirements.⁵

3.3 Number of employees disciplined and discipline policy

During FY 2014, 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.

The Bureau is committed to maintaining a workplace that promotes professionalism and productivity and an environment that respects employees' dignity. It has established a "zero tolerance" policy for acts of discrimination, harassment, or retaliation. This policy has been relayed on numerous occasions since CFPB opened in 2011. Director Cordray re-issued the policy to Bureau employees in April 2014 (Appendix B) and information about the EEO program

⁵ 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.

is readily available on the CFPB's website⁶ and its intranet. The Director also issues an annual No FEAR Act statement, a policy statement establishing CFPB as a harassment-free workplace, and an annual notice about whistleblowing protection. The Office of Civil Rights also stresses these anti-discrimination and anti-retaliation requirements with each new CFPB employee at new employee orientation and again to employees promoted to supervisory ranks.

In addition, all Bureau employees must abide by the 13th Principle of Ethical Conduct⁷ requiring that employees adhere to all laws and regulations that provide equal opportunity regardless of race, color, religion, sex, national origin, age, or disability, and have been informed about the Bureau's conduct expectations through No FEAR Act and Core Competency trainings, various EEO and prohibited personnel practice posters, its No FEAR Act notice, all hands communications targeted to employees and managers, the Director's weekly message to all employees, and a rotating NewsFeed on CFPB's intranet.⁸ The Bureau's performance management process includes performance metrics for supervisors and managers related to promoting diversity and inclusion and initiatives are underway for further enhancing accountability through the performance management program and the Quarterly Performance Review (QPR) process. The Bureau's Disciplinary and Adverse Action Policy reiterates these various directives by emphasizing that "engaging in discrimination, harassment, or other inappropriate conduct" is grounds for discipline, up to and including removal.

CFPB remains committed to disciplining and providing remedial training to any employee who fails to abide by these requirements.

3.4 Summary data

Appendix C contains a summary of the Bureau's EEO complaint activity for FY 2014.

⁶ <http://www.consumerfinance.gov/equal-employment-opportunity/whistleblowers/>
<http://www.consumerfinance.gov/no-fear-act/>
<http://www.consumerfinance.gov/equal-employment-opportunity/>

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

⁸ <http://www.consumerfinance.gov/no-fear-act/>; *see also* 77 Fed. Reg. 5241-01 (Feb. 2, 2012).

3.5 Analysis of complaints

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

3.5.1 Trends and causal analysis

Because the CFPB officially opened on July 21, 2011, and began reporting information related to FY 2012, it does not yet have a five-year perspective of EEO data related to complaint-filing trends. The Bureau is committed, however, to monitoring trends and implementing any necessary corrective measures as its EEO Program matures.

During FY 2014, the Bureau experienced an increase in the number of formal complaints filed compared to FY 2013 (from nine to 25). The 24 complainants⁹ who filed formal complaints in FY 2014 represent 1.69 percent of CFPB's workforce, an increase of 1.02 percent compared to FY 2013 and higher than the midsize agency¹⁰ average rate of 0.56 percent.¹¹

The most frequently cited bases of discrimination in FY 2014 were race (17) and reprisal (16), which is similar to FY 2013 where age, race, sex and reprisal were equally the most frequently cited bases of discrimination.¹² The complaint filings in FY 2014 are largely consistent with government-wide trends. According to the EEOC FY 2012 Report, reprisal was the most frequently cited basis for discrimination claims and race was the third most frequently cited basis for discrimination claims. The Bureau's FY 2014 staff demographics with respect to minorities increased slightly relative to FY 2013 (453 of the 1342 employees or 33.71% of

⁹ There was one person who filed two complaints.

¹⁰ Midsize or medium agencies are those with 1000 to 14,999 employees. EEOC's FY 2012 Annual Report on the Federal Workforce (August 2014) (EEOC FY 2012 Report), available at <http://www.eeoc.gov/federal/reports/fsp2012/index.cfm>.

¹¹ EEOC FY 2012 Report. EEOC has not yet issued a FY 2013 report.

¹² Although there were 25 formal complaints, there are more than 25 bases of discrimination alleged because a complainant may assert more than one basis.

employees in FY 2013 were minorities,¹³ whereas 498 of 1419 or 35.09% of employees were minorities in FY 2014).

The most frequently raised issues in FY 2014 involved non-sexual harassment (14) and evaluation/appraisal (13). In comparison, FY 2013's most frequent complaint by issue was assignment of duties, which was identified in 33 percent of complaints. This is consistent both with government trends in which non-sexual harassment was the most cited issue,¹⁴ and with the concerns raised about the implementation of the Bureau's previous performance management system. The Bureau will continue to educate the workforce on the EEO policies and monitor supervisors and managers diversity and inclusion efforts through the Bureau's performance management and QPR process. The Bureau recently mandated performance management and diversity and inclusion awareness training for all employees. The Bureau will continue to emphasize its zero tolerance for discrimination and harassment and administer discipline and/or adverse action to those who engage in discrimination, harassment or other inappropriate conduct.

In FY 2014, all EEO counseling and investigations were completed within permissible regulatory timeframes, and one Final Agency Decision (FAD) was issued untimely. Days in investigation averaged 214—an increase from FY 2013—caused by the increased formal complaint caseload compared to FY 2013.

The Bureau promotes early resolution of complaints and the use of alternative dispute resolution (ADR) as an option to its traditional administrative complaint processes and offers ADR at all stages of the complaint process. The commitment to ADR is communicated to employees through the intranet, training, and during individual meetings with parties seeking assistance from the Office of Civil Rights. Employees agreed to mediate in 17 informal cases and in five formal cases during FY 2014.

The Bureau will continue to monitor its complaint activity compared to government-wide activity and activity of agencies most similar to the Bureau. As the Bureau builds on its

¹³ Racial and ethnic minority populations include Asian American, Black or African American, Hispanic or Latino, Native Hawaiian and Other Pacific Islander, and American Indian and Alaska Native.

¹⁴ EEOC FY 2012 Report.

historical data, we will conduct trend analyses and, when warranted, determine approaches to respond to data that reveal barriers to equal employment opportunities.

3.5.2 Practical knowledge gained and action plan

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

Based on an assessment of complaint activity, the EEO Program, and employee feedback in FY 2014, the Bureau learned of the importance of:

- Increasing employee awareness of EEO statutes and working with OHC and OMWI to ensure that the CFPB cultivates an inclusive work environment;
- Ensuring CFPB management is accountable for the success of the EEO program through transparency, by developing measurable EEO, diversity, and inclusion goals and objectives that are incorporated into divisional strategic plans, and through the performance assessment of supervisors and managers;
- Training supervisors and managers on leadership, management principles, communication techniques, legal compliance, and fostering diversity and inclusion;
- Ensuring that management officials understand the purpose and value of ADR;
- Continued communication of information and early intervention to help Bureau officials identify the issues and bases that may give rise to EEO complaints;
- Fostering constructive, open, continuous communication between employees and management to help resolve workplace conflicts at the earliest possible opportunity; and
- Monitoring performance evaluation data, continuing to raise awareness of performance management best practices, and adjusting Bureau policy and practices, as needed, to

address harassment and evaluation/appraisal issues raised in a number of FY 2014 complaints.

The Bureau will incorporate the practical knowledge indicated above as it continues to build and staff the EEO program. We will focus on the following goals during FY 2015 and FY 2016:

- Continuing to incorporate the EEOC's six essential elements of a model EEO program to achieve greater program effectiveness;
- Continuing to process all informal and formal complaints and requests for ADR in compliance with 29 C.F.R. Part 1614 and EEOC Management Directive 110;
- Enhancing accuracy and efficiency of EEO complaint data monitoring, tracking, and reporting by procuring a commercial software system and establishing robust internal controls related to data tracking and monitoring;¹⁵
- 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;
- Obtaining certification from the Office of Special Counsel through its Section 2302(c) Certification Program;
- Collaborating with OHC to provide training to supervisors and managers that offers proactive approaches to resolving issues stemming from alleged violations of personnel policies and practices, including performance management;
- Leveraging internal communication channels to make EEO-related information available through the use of various media, including electronic, informational brochures, and individual and group training;
- Continuing to increase awareness about ADR as an option available in all phases of the complaint process and training management about its benefits;

¹⁵ This goal implements the recommendations in the IG Report.

- Reviewing feedback from employee surveys, exit interviews, listening sessions, and training to identify opportunities for improvement;
- Collaborating with OHC and OMWI to establish and administer affirmative plans that ensure the Bureau has a demographically diverse workforce reflective of the civilian labor force and address any identified barriers to full participation in employment opportunities and also work to ensure equal participation in CFPB programs once employees onboard;
- Briefing senior leadership on the state of the EEO program to reaffirm support for the program; provide awareness of issues and trends, systemic or otherwise; and to solicit input strengthening the Bureau's EEO program;
- Using the QPR process as a management tool to address cultural change, and EEO, diversity, and inclusion efforts within Divisions;
- Continuing to enhance training and development opportunities for all staff; and
- Supporting the implementation of employee resource groups, a mentoring bank, and both executive-level and staff-level diversity councils.

3.6 No FEAR Act training

The Office of Civil Rights recognizes the critical role that training plays in raising awareness and fostering appropriate behavior. In FY 2014, the Office of Civil Rights provided training during new employee orientation to ensure all employees are aware of their EEO rights and responsibilities, are familiar with EEO staff, and are knowledgeable about sources for EEO information. All new Bureau employees must also complete online No FEAR Act training within 90 days of onboarding, and existing employees must complete refresher training annually. For FY 2014, 89.8% percent of employees completed this training. Moreover, all employees are required to complete Sexual Harassment Prevention Training annually, and 88.4% did so.

CFPB provides training to managers and supervisors in order to ensure understanding of individual supervisors' responsibilities under the No FEAR Act laws. During FY 2014, the Office

of Civil Rights obtained institutional support for a new and mandatory, two-day supervisory training led by the EEOC Training Institute that covered topics including:

- A History of EEO Laws;
- The Federal EEO Complaint Process;
- Reasonable Accommodation;
- ADR; and
- Management Responsibilities in Preventing Harassment and Retaliation

By November 2014, approximately 85% of CFPB supervisors had attended training with the EEOC, and plans exist to offer additional sessions during FY 2015 and subsequent fiscal years to train all remaining and new supervisors. The Bureau also recently mandated performance management and diversity and inclusion awareness training for all employees.

During FY 2014 and continuing, the Office of Civil Rights also collaborates with other offices to offer and provide in-person training to staff in Washington D.C. headquarters as well as field staff. Anti-discrimination and anti-retaliation training, including information about merit principles and prohibited personnel practices, is incorporated into structured interviewing, new supervisor, and other training modules presented by OHC. Additionally, the Office of Civil Rights and OMWI arranged in FY 2014 for internal presentations on topics including disability rights, providing reasonable accommodation, the Part 1614 Complaint Process, retaliation prevention, preventing and responding to harassment, avoiding age discrimination claims, unconscious bias, diversity awareness, and complying with EEO laws when hiring.

In FY 2014, the Office of Civil Rights also worked closely with OMWI and the External Affairs (EA) Division to provide opportunities for public and private sector leaders to address the CFPB workforce in support of heritage month celebrations, including Hispanic Heritage, Native American, African American History, Women's History, Asian Pacific American Heritage, and LGBT Pride.

APPENDIX A:

Legislative and regulatory requirements

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

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

- (1) The number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged;
- (2) The status or disposition of cases described in paragraph (1);
- (3) the amount of money required to be reimbursed by such agency under section 201 in connection with each of such cases, separately identifying the aggregate amount of such reimbursements attributable to the payment of attorneys' fees, if any;
- (4) The number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1);
- (5) The final year-end data posted under section 301(c)(1)(B) for such fiscal year (without regard to section 301(c)(2));
- (6) A detailed description of —

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

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

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

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

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

(A) An examination of trends;

(B) Causal analysis;

(C) Practical knowledge gained through experience;

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

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

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

§ 724.302 Reporting obligations.

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

(1) The number of cases in Federal court pending or resolved in each fiscal year and arising under each of the respective provisions of the Federal Antidiscrimination Laws and Whistleblower Protection Laws applicable to them as defined in § 724.102 of subpart A of

this part in which an employee, former Federal employee, or applicant alleged a violation(s) of these laws, separating data by the provision(s) of law involved;

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

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

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

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

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

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

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

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

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

(i) An examination of trends;

(ii) Causal analysis;

(iii) Practical knowledge gained through experience; and

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

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

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

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

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

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

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

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

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

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

(6) Chair, Equal Employment Opportunity Commission;

(7) Attorney General; and

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

APPENDIX B:

The Director's EEO Statement (April 2014)

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

At the Bureau, we are all protected by federal 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, sex stereotyping, 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, membership in a labor organization or union activities, whistleblower 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 without limitation recruitment, hiring, compensation, appraisals, awards, training, career development, and promotions.

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

Employees who believe they have experienced prohibited conduct should immediately contact the Office of Equal Employment Opportunity at 202-435-9EEO, 1-855-233-0362, 202-435-9742 (TTY) or CFPB_EEO@cfpb.gov or review http://team.cfpb.local/wiki/index.php/Equal_Employment_Opportunity. These resources provide important information about how to file a claim, including time limits and where to file.

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

Richard Cordray

Director

APPENDIX C:

Summary of complaint data

Equal Employment Opportunity Data Posted Pursuant to the No FEAR Act for the Consumer Financial Protection Bureau (CFPB) for period ending September 30, 2014 (FY 2014)

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

TABLE 1: COMPARATIVE DATA¹⁶

Complaint activity	2009	2010	2011	2012	2013	2014 (reporting year)
Number of complaints filed	0	0	0	11	9	25
Number of complainants	0	0	0	11	9	24
Repeat filers	0	0	0	0	0	1

¹⁶ Federal agencies must report data for the previous five fiscal years. CFPB opened officially on July 21, 2011, and accordingly does not have data to report for FY 2009-FY 2010.

TABLE 2: COMPARATIVE DATA

Complaints by basis	2009	2010	2011	2012	2013	2014 (reporting year)
Race	0	0	0	3	4	17
Color	0	0	0	2	0	5
Religion	0	0	0	2	2	1
Reprisal	0	0	0	3	4	16
Sex	0	0	0	3	4	10
National Origin	0	0	0	4	1	8
Equal Pay Act	0	0	0	0	1	0
Age	0	0	0	9	4	9
Disability	0	0	0	2	2	3
Genetic Information	0	0	0	0	0	0
Non-EEO	0	0	0	1	1	2
Pregnancy	0	0	0	0	0	0

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

TABLE 3: COMPARATIVE DATA

Complaints by basis	2009	2010	2011	2012	2013	2014 (reporting year)
Appointment/Hire	0	0	0	0	2	3
Assignment of Duties	0	0	0	2	3	8
Awards	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0

TABLE 4: DISCIPLINARY ACTION

Complaints by basis	2009	2010	2011	2012	2013	2014 (reporting year)
Demotion	0	0	0	0	1	0
Reprimand	0	0	0	0	0	9
Suspension	0	0	0	0	0	0
Removal	0	0	0	0	1	1
Other - User Defined	0	0	0	1	0	0
Duty Hours	0	0	0	0	0	1
Evaluation/Appraisal	0	0	0	0	2	13
Examination/Test	0	0	0	0	0	0

TABLE 5: HARASSMENT

Complaints by basis	2009	2010	2011	2012	2013	2014 (reporting year)
Non-Sexual	0	0	0	0	2	14
Sexual	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	1	4
Promotion/Non- Selection	0	0	0	8	0	10

TABLE 6: REASSIGNMENT

Complaints by basis	2009	2010	2011	2012	2013	2014 (reporting year)
Denied	0	0	0	0	0	1
Directed	0	0	0	0	0	1
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	1	1	2
Terms/Conditions of Employment	0	0	0	2	2	3
Time and Attendance	0	0	0	0	1	4
Training	0	0	0	0	0	6
Other constructive discharge	0	0	0	0	0	2

TABLE 7: COMPLAINTS PENDING (FOR ANY LENGTH OF TIME) DURING FISCAL YEAR (THIS PART REFERS TO COMPLETED INVESTIGATIONS ONLY, SEE 29 CFR 1614.704[F]).

Processing time	2009	2010	2011	2012	2013	2014 (reporting year)
Average number of days in investigation	0	0	0	209	176	230
Average number of days in final action	0	0	0	58	26	17

TABLE 8: COMPLAINT PENDING (FOR ANY LENGTH OF TIME) DURING FISCAL YEAR WHERE HEARING WAS REQUESTED

Processing time	2009	2010	2011	2012	2013	2014 (reporting year)
Average number of days in investigation	0	0	0	0	288	278
Average number of days in final action	0	0	0	0	131	178

TABLE 9: COMPLAINT PENDING (FOR ANY LENGTH OF TIME) DURING FISCAL YEAR WHERE HEARING WAS NOT REQUESTED

Processing time	2009	2010	2011	2012	2013	2014 (reporting year)
Average number of days in investigation	0	0	0	209	176	214
Average number of days in final action	0	0	0	58	58	90

TABLE 10: COMPLAINTS DISMISSED BY AGENCY

Processing time	2009	2010	2011	2012	2013	2014 (reporting year)
Total Complaints Dismissed by Agency	0	0	0	0	1	2
Average days pending prior to dismissal	0	0	0	0	27	293 ¹⁷

¹⁷ One of the two cases (499 days pending prior to dismissal) was managed by the Department of Treasury on CFPB's behalf.

TABLE 11: COMPLAINTS WITHDRAWN BY COMPLAINANTS

Processing time	2009	2010	2011	2012	2013	2014 (reporting year)
Total Complaints Withdrawn by Complainants	0	0	0	1	1	0

TABLE 12: TOTAL FINAL AGENCY ACTIONS FINDING DISCRIMINATIONS

	2009		2010		2011		2012		2013		2014 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
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

TABLE 13: FINDINGS OF DISCRIMINATION RENDERED BY BASIS

	2009		2010		2011		2012		2013		2014 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
Total number findings	0		0		0		0		0		0	
Race	0	0	0	0	0	0	0	0	0	0	0	0

Color	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	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	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0	0
Pregnancy (PDA)	0	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	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	0
Age	0	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0	0
Findings after hearing	0		0		0		0		0		0		
Race	0	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	0
Religion	0	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	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0	0
Pregnancy (PDA)	0	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	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	0
Age	0	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0	0

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

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

Total number findings

TABLE 14: FINDINGS OF DISCRIMINATION RENDERED BY ISSUE

	2009		2010		2011		2012		2013		2014 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
Total number findings	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

TABLE 15: FINDINGS OF DISCRIMINATION RENDERED BY BASIS – TOTAL DISCIPLINARY ACTION

	2009		2010		2011		2012		2013		2014 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/ Appraisal	0	0	0	0	0	0	0	0	0	0	0	0

Examination/ Test	0	0	0	0	0	0	0	0	0	0	0	0	0
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TABLE 16: FINDINGS OF DISCRIMINATION RENDERED BY BASIS – TOTAL HARRASSMENT

	2009		2010		2011		2012		2013		2014 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
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

TABLE 17: FINDINGS OF DISCRIMINATION RENDERED BY BASIS – TOTAL REASSIGNMENT

	2009		2010		2011		2012		2013		2014 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
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	0
Training	0	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	0

Findings after hearing

TABLE 18: FINDINGS OF DISCRIMINATION RENDERED BY ISSUE

	2009		2010		2011		2012		2013		2014 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
Findings after hearing	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

TABLE 19: FINDINGS OF DISCRIMINATION RENDERED BY BASIS – FINDINGS AFTER HEARING DISCIPLINARY ACTION

	2009		2010		2011		2012		2013		2014 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
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	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/ Appraisal	0	0	0	0	0	0	0	0	0	0	0	0	0
Examination/ Test	0	0	0	0	0	0	0	0	0	0	0	0	0

TABLE 20: FINDINGS OF DISCRIMINATION RENDERED BY BASIS – FINDINGS AFTER HEARING HARRASSMENT

	2009		2010		2011		2012		2013		2014 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
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

TABLE 21: FINDINGS OF DISCRIMINATION RENDERED BY BASIS – FINDINGS AFTER HEARING REASSIGNMENT

	2009		2010		2011		2012		2013		2014 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
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	0
Retirement	0	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	0
Terms/ Conditions of Employment	0	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	0
Training	0	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	0

Findings without hearing

TABLE 22: FINDINGS OF DISCRIMINATION RENDERED BY ISSUE

	2009		2010		2011		2012		2013		2014 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
Findings without hearing	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

TABLE 23: FINDINGS OF DISCRIMINATION RENDERED BY BASIS – FINDINGS WITHOUT HEARING DISCIPLINARY ACTION

	2009		2010		2011		2012		2013		2014 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/ Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/ Test	0	0	0	0	0	0	0	0	0	0	0	0

TABLE 24: FINDINGS OF DISCRIMINATION RENDERED BY BASIS – FINDINGS WITHOUT HEARING HARRASSMENT

	2009		2010		2011		2012		2013		2014 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
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

TABLE 25: FINDINGS OF DISCRIMINATION RENDERED BY BASIS – FINDINGS WITHOUT HEARING REASSIGNMENT

	2009		2010		2011		2012		2013		2014 (reporting year)	
	#	%	#	%	#	%	#	%	#	%	#	%
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

TABLE 26: PENDING COMPLAINTS FILED IN PREVIOUS FISCAL YEARS BY STATUS

	2009	2010	2011	2012	2013	2014 (reporting year)
Total complaints from previous Fiscal Year	0	0	0	4	3	2
Total Complainants	0	0	0	4	3	2

TABLE 27: NUMBER OF COMPLAINTS PENDING

	2009	2010	2011	2012	2013	2014 (reporting year)
Investigation	0	0	0	0	1	0
ROI issued, pending Complainant's action	0	0	0	0	0	0
Hearing	0	0	0	0	1	1
Final Agency Action	0	0	0	0	0	0
Appeal with EEOC Office of Federal Operations	0	0	0	0	0	1

TABLE 28: COMPLAINT INVESTIGATIONS

	2009	2010	2011	2012	2013	2014 (reporting year)
Pending Complaints Where Investigations Exceed Required Time Frames	0	0	0	0	0	0