

Statement of Florine M. Williams
Before the Committee on Financial Services
Oversight and Investigations Subcommittee hearing entitled
“Examining Continuing Allegations of Discrimination and Retaliation at the
Consumer Financial Protection Bureau”
U.S. House of Representatives
June 25, 2015

I am Florine Williams. I have served as a Senior Equal Employment Specialist in the Office of Civil Rights (OCR) at the Consumer Financial Protection Bureau (CFPB, Bureau, or agency) since October 2013. Thank you for allowing me this opportunity to testify today about my experience at the CFPB and to share with you my concerns about the Bureau’s culture and the inadequate measures the CFPB has taken to address its discrimination problems during the year since this Subcommittee’s three hearings uncovered them. I also want to thank my family and friends for their continued support and prayers, especially during the last year.

I take great pride in my 32 years of federal service, 20 of which I spent as a civil rights and equal employment opportunity (EEO) professional. I have worked for federal EEO and civil rights offices in the U.S. Postal Service, U.S. Department of Housing and Urban Development, U.S. Department of Defense, and U.S. Nuclear Regulatory Commission. I have worked for agencies that have achieved model EEO programs. I have witnessed agencies take swift, remedial action, up to and including termination of employment for violators of EEO law. I have also worked in environments that were in a perpetual struggle for fairness and equality. But, never until my employment at the CFPB have I witnessed such blatant and willful disregard for the law, merit systems principles, and the well-being of its employees.

Because of the CFPB's mission, I believed I was joining an EEO program where the rule of law was respected, and the workforce would be treated with civility, dignity, and professionalism. Unfortunately, my experience at the Bureau has been a radical departure from the 32 years that preceded it. The level of unprofessional treatment and dysfunction that I have observed and endured has not only hurt me, but has hurt countless CFPB employees who would naturally look to an Office of Civil Rights for protection against discrimination.

Ironically, the agency that was created to provide comprehensive consumer protections and strong remedies for consumer harm has unequivocally failed to protect its own employees and remedy the harms we have suffered, especially

those who have availed themselves to the administrative EEO process. In Fiscal Year (FY) 2014 alone, EEO complaint activity for the Bureau's nearly 1,400 employees was almost triple that of any prior year at the agency. And yet, complaint activity for FY 2015, particularly as it pertains to harassment and retaliation, is on par with complaint activity for FY 2014. Despite the continuing financial and emotional toll inflicted by the problems uncovered by this Subcommittee last year, the CFPB remains in a state of denial. I believe the Bureau's apathy has contributed to the normalization and legitimization of blatant discrimination within the agency. The CFPB's failure to promote equal employment opportunity and diversity, and managers' discrimination and retaliation against their own employees, has made a mockery of the Bureau's EEO program, and in particular the Office of Civil Rights.

The Office of Civil Rights is charged, amongst other things, with performing four major functions:

- 1) Providing guidance and training on EEO law and agency policy;
- 2) Processing EEO complaints;
- 3) Reporting on EEO activity; and
- 4) Making available an alternative dispute resolution program.

The Bureau, however, struggles to perform these basic functions, in part because of the critical lack of subject matter expertise within the Office of Civil Rights. Until just weeks ago, of the five permanent OCR employees, I was the only one with any prior EEO experience. Before being promoted to her current position, the Assistant Director in charge of OCR had never served as a neutral EEO professional, and had only served as an advocate for the Bureau against complainants in EEO and grievance disputes. In other words, she is the epitome of "the fox guarding the hen house."

I am not alone in the belief that the Assistant Director's stated goal of creating a new kind of EEO office without "seasoned" EEO employees was simply a rationalization of her desire to exclude experienced EEO officers. According to the Assistant Director:

"My perspective, based on observations of other EEO programs and experience with seasoned EEO professionals detailed to the EEO Office from other agencies during the summer of 2013, is that many EEO programs appear to have staff or contractors who may have 29 C.F.R. Part 1614 expertise, but who are not cross-trained on, or knowledgeable about, the

sometimes arcane and complicated federal sector rules that apply to federal hiring, promotions, and discipline – topics that often form the basis of EEO complaints. These programs, in my opinion, are therefore ill equipped to effectively direct and manage counseling and investigation inquiries into these matters, or review records compiled, to ascertain whether inappropriate or illegal conduct is occurring. Further, the ability to effectively understand and communicate with human capital personnel by demonstrating technical competence is crucial to building trust and thus proactively integrating EEO into human capital programs and policies.”

Her statement infers ageism and racism inasmuch as seasoned EEO employees are typically older and Black. As a result of her counterproductive plan and overt discrimination, most of the OCR staff lacks the necessary qualifications and abilities to conduct EEO duties, and approximately 80 percent of all relevant EEO work—including training, complaint processing, and report writing—is outsourced. OCR’s employees primarily function as contracting officers relegated to reviewing the work of vendors. In addition to being fiscally wasteful, OCR’s lack of internal expertise has hindered the Bureau’s ability to timely and appropriately process complaints. The troubling if not surprising result of appointing one of the Bureau’s defenders against EEO claims to be the face of equality and fairness and to staff and run its EEO office is that OCR currently serves the best interests of CFPB’s management, not the best interests of its employees.

When I first joined the CFPB, I was so excited to be part of a new agency that I believed to be an advocate and strong enforcer of consumer protections and civil rights for the American people. Unfortunately, the culture of discrimination and intimidation at the Bureau, and especially within the Office of Civil Rights under the leadership of its current Assistant Director, led to my filing a formal complaint of employment discrimination in October 2014.

Despite my repeated attempts to bring to the attention of CFPB’s senior management the improper personnel practices and discrimination I have been subjected to for almost two years, not a single individual has been reprimanded. My February 23, 2015, letter to Director Cordray describing these issues, copies of which I sent to Deputy Director Antonakes and several prominent government officials and legislators, including Chairman Hensarling, has finally resulted in the issues I raised being given the attention they deserve.

I understand this is the Committee's fourth hearing on discrimination and retaliation at the Bureau. It is disheartening that after three Congressional hearings and nearly two years of my attempts to address these issues internally that no appreciable progress has been made.

I am frequently approached by colleagues who tell me they are being subjected to maltreatment and discrimination, but who fear they will face reprisal if they seek help through OCR's EEO process. I cannot adequately describe the pervasive and chilling atmosphere that prevails throughout CFPB.

I am compelled to testify before you today because of the unique perspective I bring not only being an EEO practitioner and being able to articulate concerns other practitioners have voiced over time, but also, as a complainant. Unfortunately, I am representative of scores of CFPB employees and federal employees whose frustrations with the administrative EEO complaint process continue to go unnoticed and unarticulated. I am also representative of CFPB employees and other federal sector employees who are forced to fight discrimination and unfair management practices with little to no resources against agencies with seemingly limitless resources, including a ready and eager legal staff and legal defense funds to support management officials, even those who violate the law and the rights of others.

I believe in CFPB's mission to root out discrimination and predatory practices adversely impacting the American public. I believe, also, that the effort used to enforce the law externally should be made with the same vigor internally.

Finally, it is my hope that the testimony given today will be used in a constructive and positive manner to right the injustices and inequitable treatment of employees. It also is my hope that today's testimony will give voice to my colleagues and other federal employees who, like me, continue to suffer from improper management, discrimination, and retaliation.

Thank you again for allowing me to share my concerns.

Very respectfully,

Florine M. Williams

TRANSMITTAL by EMAIL

Ms. Florine M. Williams
[REDACTED]

February 23, 2015

Mr. Richard Cordray
Director
Consumer Financial Protection Bureau
1275 First St., NW
Washington, DC 20052

RE: Discrimination and Reprisal within the CFPB Office of Civil Rights

Dear Mr. Cordray:

I have been employed at the CFPB since October 2013 as a senior equal employment specialist, Office of Civil Rights. I have worked as a civil rights and equal employment opportunity (EEO) practitioner for 20 years, and this year I will achieve my 32nd year of federal service. Despite my experience, I find myself in uncharted territory.

I cannot express the initial excitement I had upon joining the CFPB team and becoming a part of an agency that is perceived as an advocate and strong enforcer of civil rights for the American people. I share your enthusiasm when the bureau triumphantly exposes and remediates unfair, deceptive, and abusive practices in the marketplace. Ironically, shortly after coming onboard with the CFPB, and continuing to present, I personally became aware of glaring unfair, deceptive, abusive, and unlawful practices. Unfortunately, I am describing the CFPB Office of Civil Rights.

The purpose of this letter is to ensure that you are aware of: 1) the unlawful discrimination and retaliation I am being subjected to; 2) my view regarding the lack of leadership within the Office of Civil Rights; and 3) the Office of Civil Rights' inability to promote and carry out your declarations of equal employment opportunity, fairness, diversity and inclusion, and neutrality. My situation cannot be viewed as the ranting of a disgruntled employee or as an isolated event. This matter must be treated as a serious concern by a tax-paying citizen, a federal employee of 32 years who has dedicated the majority of her career to EEO and civil rights, and a valid concern by one who is a staunch supporter of this agency's mission.

In October 2014, I filed a formal complaint of employment discrimination identifying [REDACTED] Director, Office of Civil Rights, and [REDACTED] Chief Operating Officer, as responsible management officials concerning pay discrimination and inequitable distribution of work. A week later I filed a complaint of reprisal again identifying [REDACTED] as responsible due to her bullying, intimidation, and demeaning treatment toward me. A forthcoming report of investigation (Agency

Case No. [REDACTED] details my complaint of discrimination and describes the issues highlighted in this letter.

The Civil Rights Office is supposed to perform four major functions: 1) provide guidance and training on EEO law and agency policy; 2) process EEO complaints; 3) report on EEO activity; and 4) make available an ADR program. It is my experience that an EEO office must maintain a neutral posture in its endeavors as well.

[REDACTED] lacks substantive knowledge in the areas of EEO, affirmative employment, alternative dispute resolution (ADR), supervision, management, and leadership and is incapable of ensuring that the program meets its core objectives. She has ignored and refused to replicate established processes outlined at 29 Code of Federal Regulations 1614 and the Equal Employment Opportunity Commission's Management Directive 110 to assess performance, recalibrate, and retool with skilled EEO employees. And while the office flounders, she has taken no meaningful steps to right the ship. Her leadership is shockingly lax, and [REDACTED] continually engages in divisive and denigrating behavior. [REDACTED]'s inability to promote equal employment opportunity and diversity and perpetrating discrimination and retaliation within her own ranks is making a mockery of your EEO program and the Civil Rights Office.

There is also a critical lack of subject matter expertise within the Office of Civil Rights. The current staff is incapable of performing work to meet the program's core objectives. Of the total staff, I am the only one with any prior EEO experience. And, in spite of the organizational climate, the growing number of employee grievances, the large number of previously non-Federal sector employees in the workforce, and [REDACTED]'s extensive absence, she intentionally and admittedly selects staff that does not possess requisite EEO expertise. As a result, she outsources approximately 80 percent of all relevant EEO work, i.e., training, complaint processing, and report writing. Thus, to a large extent, the Civil Rights' staff functions as contracting officers relegated to reviewing the work of vendors. This lack of internal expertise will have a fiscal and cumulative impact on the agency's ability to timely and appropriately process complaints.

While the agency has achieved comprehensive consumer protections and strong consumer remedies, in large measure it continues to miss the mark with its own employees. In FY 2014, EEO complaint activity almost tripled that of any prior year. In fact, the number of EEO complaints filed as a percentage of the CFPB workforce was nearly 2 percent. This percentage is more than double that of even the largest, worst performing federal sector agencies. And now, [REDACTED] has adopted a strategy of skewing the statistical data to disguise the fact that formal complaint activity to date is on par with FY 2014. In spite of the financial and emotional cost of discrimination, this agency remains in denial concerning its internal existence. I believe this apathy has contributed to the normalization and legitimization of blatant discrimination within the CFPB.

When I first met you during new employee orientation you expressed a personal commitment to establishing a model agency; strengthening the organizational culture and performance management; striving to achieve a discrimination and harassment-free work environment; and holding management officials accountable regarding their "special responsibility" to prevent, document, and promptly correct discriminatory and harassing behavior. These ideals are consistent with my personal beliefs regarding the terms, conditions, and privileges of employment that all employees should be afforded.

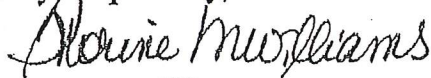
What is especially troubling is the intentional discrimination and reprisal that I suffer in the Office of Civil Rights at the hand of the Civil Rights Director. [REDACTED] has openly expressed her disdain for

me as a seasoned EEO professional and team member. The way I have been treated by [REDACTED] is deplorable, inconsistent with your policies, and most importantly - unlawful. I have not realized your promise of compliance with EEO laws and merit system principles or being treated with respect, dignity, and professionalism. I have also not realized your commitment to holding management officials accountable for wilful disregard of your policies and the law.

I was certain, partly because of the agency's mission; your stated commitment to equality and fairness for not only external, but internal customers; and even accolades from President Obama, that my time at CFPB would rank amongst the best of my Federal sector experience. I cannot "pretty up" the discriminatory treatment that I have been subjected to; this treatment has marginalized me. Were it not for my years of field experience and commitment not only to equal employment opportunity, but also to this agency, this situation would have eroded my morale.

Nevertheless, it is my hope that this EEO complaint will be used in a constructive and positive manner to help create a path forward and establish solid footing in your quest for equality and fairness.

Very Respectfully,



Florine M. Williams

Attachments:

Affidavits and Rebuttal Statements

cc:

Mr. Steven Antonakes, Deputy Director
and Associate Director, Division of Supervision,
Enforcement, and Fair Lending, CFPB

Mr. Don Beyer
U.S. House of Representatives

Mr. Mark Bialek
Office of the Inspector General
Board of Governors of the Federal Reserve
System

Mr. Martin Castro
U.S. Commission on Civil Rights

Ms. Valerie Jarrett, Senior Advisor to the
President and Chairperson, the White House
Council on Women and Girls

Ms. Carolyn Lerner
Office of Special Counsel

Ms. Katherine Siggerud
U.S. Government Accountability Office

Ms. Reeve Walters
Offit Kurman, Bethesda, MD

Mr. Mark Warner
U.S. Senate

Ms. Maxine Waters
U.S. House of Representatives
Committee on Financial Services
(and committee members)