



COMMODITY FUTURES  
TRADING COMMISSION

**ANNUAL  
EQUAL EMPLOYMENT  
OPPORTUNITY  
PROGRAM STATUS  
REPORT**

FISCAL YEAR 2020

## **Data Privacy Notice**

In an effort to balance transparency with privacy, the Office of Minority and Women Inclusion (OMWI) has masked the counts in certain data fields in an effort to reduce the risk of re-identification of individuals and prevent the disclosure of sensitive personally identifiable information about the CFTC workforce.

To that end, any value of less than 10, or from which a value of less than 10 can be derived, has been redacted. We have determined that masking data where the value is less than 10 is a relatively well-recognized practice; however, we are continuing to evaluate the most effective methodology to provide maximum transparency in future MD-715 reports while also preserving individual privacy.

Commodity Futures Trading Commission

For period covering October 1, 2019 to September 30, 2020

<b>PART A</b> Department or Agency Identifying Information	1. Agency	1. Commodity Futures Trading Commission		
	1.a 2nd level reporting component			
	2. Address	2. 1155 21st Street, NW		
	3. City, State, Zip Code	3. Washington, DC 20581		
	4. Agency Code	5. FIPS code(s)	4. CT00	5. 11001

<b>PART B</b> Total Employment	1. Enter total number of permanent full-time and part-time employees	1. 691
	2. Enter total number of temporary employees	2. ■
	3. TOTAL EMPLOYMENT [add lines B 1 through 2]	4. ■■

<b>PART C</b> Agency Official(s) Responsible For Oversight of EEO Program(s)	Title Type	Name	Title
		Head of Agency	Rostin Behnam
	Principal EEO Director/Official	Sarah Summerville	Director, Office of Minority and Women Inclusion
	Affirmative Employment Program Manager	Sarah Pauly	Equal Employment Opportunity Specialist
	Complaint Processing Program Manager	Sarah Summerville	Director, Office of Minority and Women Inclusion
	Diversity & Inclusion Officer	Sarah Pauly	Equal Employment Opportunity Specialist
	Hispanic Program Manager (SEPM)	Derrick Wilson	Diversity and Inclusion Specialist
	Women's Program Manager (SEPM)	Derrick Wilson	Diversity and Inclusion Specialist
	Disability Program Manager (SEPM)	Derrick Wilson	Diversity and Inclusion Specialist
	Special Placement Program Coordinator (Individuals with Disabilities)	KerriLaine Prunella	Chief Human Capital Officer
	Reasonable Accommodation Program Manager	Lauren Colón	Chief, Workforce Relations
	Anti-Harassment Program Manager	Lauren Colón	Chief, Workforce Relations
	ADR Program Manager	Sarah Summerville	Director, Office of Minority and Women Inclusion
	ADR Program Manager	KerriLaine Prunella	Chief Human Capital Officer
	Compliance Manager	Sarah Summerville	Director, Office of Minority and Women Inclusion
	Principal MD-715 Preparer	Sarah Pauly	EEO Specialist
	Other EEO Staff	Derrick Wilson	Diversity and Inclusion Specialist

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PART D List of Subordinate Components Covered in This Report	Subordinate Component and Location (City/State)	Country	Agency Code
EEOC FORMS and Documents	Required	Uploaded	
Personal Assistance Services Procedures	Y	Y	
Agency Strategic Plan	Y	Y	
Anti-Harassment Policy and Procedures	Y	Y	
Alternative Dispute Resolution Procedures	Y	Y	
EEO Policy Statement	Y	Y	
Organization Chart	Y	Y	
Reasonable Accommodation Procedure	Y	Y	
Disabled Veterans Affirmative Action Program (DVAAP) Report	N	N	
Federal Equal Opportunity Recruitment Program (FEORP) Report	N	N	
Diversity Policy Statement	N	N	
EEO Strategic Plan	N	N	
Human Capital Strategic Plan	N	N	
Results from most recent Federal Employee Viewpoint Survey or Annual Employee Survey	N	N	

**EXECUTIVE SUMMARY: MISSION**

Congress created the Commodity Futures Trading Commission (CFTC) in 1974 as an independent agency with the mandate to regulate commodity futures and option markets in the United States. The agency's mandate has been renewed and expanded several times since then, most recently by the Dodd-Frank Wall Street Reform and Consumer Protection Act, which includes regulating swaps and educating consumers about commodities fraud.

The CFTC's mission is to promote the integrity, resilience, and vibrancy of the U.S. derivatives markets through sound regulation. It envisions the agency to be the global standard for sound derivatives regulation. The agency's core values are:

1. Commitment: Bringing our best to work every day and holding ourselves to the highest professional standards.
2. Forward-thinking: Challenging ourselves to stay ahead of the curve.
3. Teamwork: Valuing diverse skill sets and backgrounds to achieve our mission.
4. Clarity: Providing transparency to market participants about our rules and processes.

**EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F**

EEOC Management Directive 715 (MD-715) defines the essential elements of a model equal employment opportunity (EEO) program as: (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 CFTC assessed its FY20 EEO program compliance using the self-assessment checklist located in Part G of this report. This checklist includes 27 compliance indicators and 100 performance measures.

Below, an overview is first provided of the performance measures requiring further agency action in order to achieve full compliance, followed by a narrative description of key accomplishments and activities under the 6 model EEO program elements.

**Measures Requiring Agency Action to Achieve Full Compliance:**

The FY20 self-assessment found the CFTC met 84 of the 100 performance measures. The 16 performance measures that require action are listed below. Information regarding the activities the agency plans to take to remedy the below 16 deficient performance measures and the agency official responsible for addressing the performance measures are listed in Part G and H of the report as required.

**A.2.c.5.** The agency does not yet inform employees of behaviors that are inappropriate in the workplace and that could result in disciplinary action.

**C.2.a. and C.2.a.1** Though there is an anti-harassment article in the Collective Bargaining Agreement, the agency has not yet established a comprehensive anti-harassment policy and procedures that comply with the EEOC's enforcement guidance. Additionally, the agency's anti-harassment policy does not require corrective action to prevent or eliminate conduct before it rises to the level of unlawful harassment.

**C.2.b., C.2.c., and C.2.c.1** The agency has not established disability reasonable accommodation procedures or personal assistance services procedures that comply with the EEOC's regulations and guidance. It also has not posted its procedures for processing Personal Assistance Services on its public website.

**C.3.b.1. through C.3.b.9.** Though the agency rates all supervisors on adherence to EEO principles and promoting diversity and inclusion in general terms, it does not yet specifically require rating officials to evaluate the performance of managers and supervisors based on the following activities:

- Resolve EEO problems/disagreements/conflicts, including participation in ADR proceedings
- Ensure full cooperation of employees under their supervision with EEO officials, such as counselors and investigators
- Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation
- Ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees
- Provide religious accommodations when such accommodations do not cause an undue hardship
- Provide disability accommodations when such accommodations do not cause an undue hardship
- Support the EEO program in identifying and removing barriers to equal opportunity
- Support the anti-harassment program in investigating and correcting harassing conduct
- Comply with settlement agreements and orders issued by the agency, EEOC, and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority

**C.4.c** Though the agency has made progress in terms of workforce demographic data collection, the EEO office does not have timely access to accurate and complete data (e.g. demographic data for the workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables.

**B.4.a.3.** The agency has not allocated sufficient budget and staffing to timely, thoroughly, and fairly process EEO complaints, including EEO counseling, investigations, final agency decisions, and legal sufficiency reviews.

A succinct narrative of key activities under the Commission's EEO program by essential element follows.

**Essential Element A – Demonstrated Commitment from Agency Leadership.** Though much work remains in front of the agency, CFTC leadership took some concrete actions in FY20 to promote an environment that supports diversity, equity, inclusion, and accessibility. During FY20, after hearing from employee stakeholders such as leaders of the Association of African Americans, Women @ Work, and labor union, former Chairman Tarbert took several significant steps to demonstrate that commitment. For example, former Chairman Tarbert:

- Supported the launch of a new Veterans' Affinity Group.

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EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F

- Approved a policy to compensate agency employees for leave under the Families First Coronavirus Response Act at their full salary, rather than being subject to pay caps and reduced pay rates.
- Implemented the agency's pay reassessment program, which was designed to address concerns related to the potential unfair impact of agency pay-setting standards that were historically often based on an employee's prior salary, a practice that has been widely criticized for potentially disparately impacting women and minorities. The program was a one-time opportunity for most CFTC employees to have their pay reviewed and, if eligible, re-set based on their actual experience, rather than on their prior pay.
- Announced plans to strengthen the agency's approach to diversity, equity, inclusion, and accessibility by:
  - 1) contracting with an outside consultant to conduct a 360-degree analysis of the agency's diversity and inclusion programs, structure, and culture and also conduct an agency-wide barrier analysis;
  - 2) require all agency employees to complete a mandatory diversity and inclusion training and require all supervisors, who generally serve as hiring officials, to attend further training on diversity and inclusion;
  - 3) make diversity and inclusion a fundamental component of the human capital plan, including consideration of features such as ensuring diversity in hiring panels where possible, approaches for sourcing and recruiting diverse talent, and potentially establishing and strengthening mentorship and internship opportunities; and
  - 4) formalizing the CFTC's Diversity Workgroup.

Furthermore, during FY20 the CFTC continued to support legislative recommendations developed by the office of then-Commissioner Rostin Behnam (now CFTC Acting Chair) that were introduced in House Resolution 4257 that would bring the CFTC under the diversity mandates of Section 342 of the 2010 Dodd-Frank Act, which requires covered agencies to, for example: 1) assess the diversity policies and practices of their regulated entities; and 2) develop and implement standards and procedures to ensure, to the maximum extent possible, the fair inclusion and utilization of minorities, women, and minority-owned and women-owned businesses in all business and activities of the agency at all levels, including in procurement, insurance, and contracts. The legislation would also establish a paid internship program for students from 1890's land grant institutions, which would diversify the CFTC's applicant pipeline.

**Essential Element B – Integration of EEO into Agency Mission.** EEO is integrated into the agency's mission and is included in the agency's 2020 – 2024 Strategic Plan. Strategic Goal 5.4 commits the organization to "attract, retain, and promote a diverse workforce of the best and the brightest." The plan also includes teamwork as a core value, which is defined as "valuing diverse skill sets and backgrounds to achieve our mission."

Furthermore, as described above, the CFTC's Office of Human Resources will be creating a new human capital strategic plan that will integrate diversity, equity, and inclusion principles as a fundamental component. The CFTC also will develop an overarching Diversity, Equity, and Inclusion Strategic Plan.

The CFTC's EEO programs are structured to maintain a workplace that is free from discrimination. The principal EEO official has appropriate authority to effectively carry out a successful EEO program. The EEO Director controls all aspects of the EEO program, is involved in and consulted on management and personnel actions, and involves managers in the implementation of its EEO program.

**Essential Element C – Management and Program Accountability.** The CFTC's Office of Minority and Women Inclusion (OMWI) advises managers/supervisors on EEO matters and effectively coordinates with the Human Resources Branch. In the event of a finding of discrimination, the CFTC will explore whether it should take a disciplinary action.

In FY20, the agency provided the opportunity for employees committed to diversity to be recognized with two awards: 1) the **Excellence in Management Award** for managers and supervisors who recruit, hire and promote a diverse workforce, including within the summer internship program; and 2) the **Staff Excellence Award** for non-supervisory employees who support diversity. In FY20, OMWI nominated all affinity group leaders for an award, and during FY21 twenty employees were honored with an 8-hour time off awards for their work to further diversity at the agency.

The CFTC is working to ensure that all of its policies and procedures comply with EEOC mandates. The CFTC's Human Resources Branch drafted updated reasonable accommodation and personal assistance services procedures and submitted a draft of them to the EEOC for review on 7/29/2019; the EEOC provided its feedback on 2/08/2021. The CFTC is incorporating the EEOC's feedback and will then post the procedures on the CFTC's public-facing website to comply with C.2.b., C.2.c., and C.2.c.1. Additionally, an anti-harassment policy has been incorporated into the CFTC's collective bargaining agreement; the CFTC's Human Resources Branch is currently working on an update to the CFTC's anti-harassment policy and procedures to comply with C.2.a. and C.2.a.1.

CFTC is working to better comply with indicator C.4.c to ensure that the EEO office has timely access to accurate and complete data (e.g. demographic data for the workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables. CFTC's

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Human Resources Branch will place an increased emphasis on encouraging employee self-identification to ensure that all of the quantitative workforce data provided to the EEO office is accurate and will work to establish practices for collecting required data under its purview where such practices may not already be in place.

The Commission evaluates managers and supervisors on their efforts to ensure equal employment opportunity. Though not fully compliant with EEOC requirements due to the deficiencies described under Part G C.3.b.1. through C.3.b.9 of this report, rating officials do evaluate the performance of supervisors and managers based on general EEO elements. The CFTC Performance Assessment (Form 442) used for all employees, includes elements that assess whether the manager and supervisors: 1) encourage and recognize others in the areas of diversity and equal opportunity; 2) demonstrate adherence to EEO and diversity principles within the agency and when representing the agency outside the CFTC; 3) respond constructively and proactively when employees make protected disclosures; and 4) take responsible actions to resolve such disclosures and foster a comfortable work environment for making such disclosures. Additionally, all employees, even non-supervisors, are rated on whether or not they demonstrate adherence to EEO and diversity principles. The agency is working to update its performance management system to fully comply with the criteria in Part G C.3.b.1. through C.3.b.9.

**Essential Element D – Proactive Prevention.** The CFTC makes early efforts to prevent discrimination and to identify and eliminate barriers to equal employment opportunity. In FY20, the CFTC's OMWI office spearheaded the agency's first cross-office workforce barrier analysis effort directed towards two agency divisions. As described above, that effort was later expanded to address the entire agency with the assistance of a team of contractors hired by the CFTC.

Furthermore, the CFTC works to foster a culture of inclusion that values diversity. OMWI organizes seven observance events and supports a community of six internal employee affinity groups: the Association of Asian Americans & Pacific Islanders, the Latino-Hispanic Employee Association, the Association of African Americans, CFTC Pride: Gay, Lesbian, Bisexual, Transgender & Allied Employees, Women @ Work, and the Veterans' Affinity Group. Affinity groups play an important role in promoting a sense of belonging and providing networking and leadership development opportunities. With supervisor approval, affinity group leaders and employee members may use up to six pre-approved hours per month of official time to fulfill their duties and obligations; interns may devote up to two hours of official time per month.

During FY20, the affinity groups, along with labor union leaders, played a particularly important role in advocating for some of the key steps that agency leadership took to promote inclusive practices. For example, Women @ Work leaders as well as the labor union advocated for payment of full salaries under the Families First Coronavirus Response Act and implementation of the pay reassessment program; the leaders of the Association of African Americans as well as the labor union advocated for the agency to hire a contractor to perform a 360-degree diversity review and agency-wide barrier analysis, make diversity and inclusion training mandatory, formalize the agency's diversity workgroup, and integrate diversity and inclusion principles into the agency's human capital plan. Affinity group leaders also shared vital resources to promote well-being amongst their members during the challenges of 2020 by, for example, sharing resources on mental-health, wellness, and educational resources for families with children working at home due to school closures.

During FY20, after receiving a request from Regional Office Directors, the CFTC's OMWI staff developed an agency-wide training for the Commission's Learning Circle "Diversity in the Legal Profession: Busting Cognitive and Structural Biases" which was approved for continuing legal education credit in both Illinois and Missouri. It was attended by over 180 employees and over sixty agency attorneys were able to use it to fulfill the diversity training requirements of their local bar associations.

**Essential Element E – Efficiency.** The CFTC continues to maintain an efficient, fair, and impartial complaint resolution process and in FY20 processed 100% of complaint actions within the timeframes defined in EEOC regulations for processing EEO complaints. The agency has established a fair alternative dispute resolution (ADR) program and applies this program to resolve issues at the earliest stage possible.

The CFTC's OMWI has an effective and accurate data collection process in place to evaluate its EEO program and to identify significant trends and best practices. One of these best practices is the use of high-quality contractor support for EEO counseling and investigations. The use of quality contractor support with extensive experience in EEO complaint processing is cost-beneficial and ensures that quality work product is consistently delivered. Using internal due dates more aggressive than MD-110 requirements ensures all case actions are processed timely.

**Essential Element F – Responsiveness and Legal Compliance.** The CFTC continues to comply with EEO statutes, regulations, policy, guidance, and other written instructions. Processes are in place to ensure timely and full compliance with EEOC Orders and settlement agreements and efforts and accomplishments are reported to the EEOC.



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## EXECUTIVE SUMMARY: WORKFORCE ANALYSES

**Workforce Profile.** During FY20, the Commission employed 698 employees total. The majority of Commission staff are analytical professionals with strong academic records, advanced degrees, and specialized skills in commodities and derivatives industries.

Major Occupations at CFTC include attorneys (0905 Series), auditors (0511 and 1801 Series), economists and data analysts (0110 and 1101 Series) and management professionals (0301 and 2210 Series).

**Attorneys** across the CFTC's divisions and offices represent the Commission in administrative and civil proceedings, assist U.S. Attorneys in criminal proceedings related to CEA violations, assist other domestic and international criminal and regulatory authorities, develop regulations and policies governing clearinghouses, exchanges and intermediaries, and monitor compliance with applicable rules. The General Attorney Series (0905) represents 39% of the workforce.

**Economists and Data Analysts (0110 Series and 1101 Series)** monitor trading activities and price relationships in derivatives markets to detect and deter price manipulation and other potential market disruptions. Economists also analyze the economic effect of various Commission and industry actions and events, evaluate policy issues, and advise the Commission accordingly. The Economist (0110) and General Business and Industry (1101) Series represent 20% of the workforce.

**Auditors, Investigators, Risk Analysts, and Trade Practice Analysts** examine records and operations of derivatives exchanges, clearinghouses, and serve as intermediaries for compliance with the provisions of the CEA and the Commission's regulations. The Auditing (0511) and General Inspection, Investigation and Compliance (1801) Series represent 11% of the workforce.

**Management Professionals** support the CFTC mission by performing strategic planning, information technology, human resources, staffing, training, accounting, budgeting, procurement, contracting, and other management operations. The Miscellaneous Administration and Program (0301) and Information Technology Management (2210) Series represent 16% of the workforce.

The Commission is headquartered in Washington, DC, and has three regional offices: Central - Chicago, IL; Eastern - New York, NY; and Southwestern - Kansas City, MO.

**Trigger Identification and Barrier Analysis.** This year, as described above, the CFTC contracted with a consultant to conduct an agency-wide barrier analysis. The contractor's findings regarding agency triggers<sup>[1]</sup> and barriers are<sup>[2]</sup>: "A review of the CFTC's employment data indicates that the CFTC's workforce reflects the diversity of the relevant civilian labor force (RCLF) in some respects. For example:

- 41.69% of the total CFTC workforce are female compared to 40.6% of the RCLF;
- 5.73% of the total CFTC workforce are Black males compared to 4.5% of the RCLF;
- 10.46% of the total CFTC workforce are Black females compared to 6.8% of the RCLF;
- 5.44% of the total CFTC workforce are Asian males compared to 4.8% of the RCLF;
- 5.16% of the total CFTC workforce are Asian females compared to 3.6% of the RCLF.

Nevertheless, analysis revealed three triggers:

**Trigger 1 - Participation of Hispanic or Latino male and female employees.** Hispanic or Latino males participate at █ %\* in the permanent workforce as compared to a RCLF of 3.4%. Hispanic or Latina females participate at █ % in the permanent workforce as compared to a RCLF of 3.1%. Barriers identified that likely contributed to this trigger are: 1) lack of hiring due to the Coronavirus Pandemic; 2) the lack of funding and staff dedicated to diversity recruitment; and 3) the lack of an agency-wide diversity recruitment strategy.

**Trigger 2 – Lower than expected representation of racial and ethnic minorities overall in senior-level permanent positions.** Only 22% of individuals in CT16+ permanent positions are racial and ethnic minorities compared to their representation in the RCLF at 27%. The largest gap between representation in CT16+ permanent positions and the RCLF exists for Hispanic employees: █ % of CT16+ permanent positions are filled by Hispanic employees, despite their representation in the RCLF at 6.5%. Positively, the % of Two or More Races females at CT16+ has risen to █ % which exceeds the RCLF benchmark of 0.34%. In addition to the barriers listed in Trigger 1 above, a barrier of lack of a comprehensive formal development strategy has been identified in previous MD-715 reports.

Finally, the representation of women in CT16+ permanent positions increased to 44% in FY20 and is now above the RCLF of 41%, no longer indicating a trigger for gender representation in senior-level permanent positions.

**Trigger 3 – Participation Below Goal for People with Disabilities (PWD) and People with Targeted Disabilities (PWTD)**

\*Note that for privacy purposes, derived values of nine or less have been redacted from the public posting of this report.

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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

In FY20, the 12% participation rate goal for PWD was not met for grades CT10 and below nor for grades CT11 and above; instead, the participation rates were █% and 5.7% respectively. The 2% participation rate goal for PWTD was not met for grades CT10 and below or CT11 and above and was instead █% and █% respectively. Positively, CT11 -13 was close to the 2% participation rate goal for PWTD at █%.

Based on American Community Survey (ACS) data, the major occupations at the CFTC have a much smaller population of individuals with disabilities. The FY 2011-FY 2015 ACS reports that 12.8 percent of the population as 'disabled' (using the ACS definition of disabled), however, limiting this to CFTC occupational categories resulted in only about 4 percent of the relevant labor force for CFTC major occupations identifying as 'disabled'. Achieving representation rates for the CT1 to CT10 cluster will not be possible given the fact that the CFTC workforce plan includes no federal employee backfill at these grade levels. The barriers identified are: 1) PWD and PWTD are underrepresented in the CFTC's applicant pipeline; and 2) societal attitudinal barriers may create a reluctance to self-disclose disability status."

Furthermore, the contractor also identified the below potential barriers:

- "No Commission wide D&I strategy: No specific D&I strategy exists to guide initiatives and programming;"
- "Talent Processes do not Effectively Mitigate Bias: Standard Operating Procedures for talent processes do not actively remove barriers and bias" and "Hiring, performance management, and promotions are highly subjective with no measures to combat biases. This reduces the ability for the CFTC to actively promote DEI through talent processes."
- "No development programs for underrepresented groups: no programs exist to actively support the development of employees from underrepresent backgrounds;"
- "Approach to hiring and recruitment is rudimentary: there are no explicit D&I focused hiring and recruiting programs" and "Hiring is limited to a few positions, mainly high grade, and is done by individual hiring managers who own the roles. This leaves the hiring process open to bias. Additionally, the recruitment processes at the Commission do not proactively source a diverse pool of candidates."
- "Data only used to meet federal reporting requirements: workforce data is not strategically collected or leveraged to drive decision-making."

[1] It was reported to the EEO office this year that some of the quantitative demographic data reported to it for this and previous MD-715 reports is likely inaccurate, as mentioned in Part G of this report, due a portion of the workforce that has not self-identified having been assigned a default demographic category; the Human Resources Branch is working to update their processes in regards to demographic data collection and reporting to improve data accuracy, including increasingly emphasizing self-identification of staff. Note this problem likely does not apply to the data points that allow employees to not self-identify, such as the disability data and some applicant flow data.

[2] The contractor also provided the conclusions regarding triggers and barriers listed throughout parts I and J of this report.

EXECUTIVE SUMMARY: ACCOMPLISHMENTS

The CFTC remains committed to a diverse workforce and preventing and addressing barriers to equal opportunity in the workplace and made positive progress in advancing the EEO program in FY20. Some examples of key steps taken include:

**Announced agency-wide initiatives to strengthen the agency's approach to diversity, equity, inclusion, and accessibility.** Those initiatives include planning to 1) contract with an outside consultant to conduct a 360-degree analysis of the agency's diversity and inclusion programs, structure, and culture and to also conduct an agency-wide barrier analysis; 2) require all agency employees to complete a mandatory diversity and inclusion training and require all supervisors, who generally serve as hiring officials, to attend further training on diversity and inclusion; 3) make diversity and inclusion a fundamental component of the human capital plan, including consideration of features such as ensuring diversity in hiring panels where possible, approaches for sourcing and recruiting diverse talent, and establishing and strengthening mentorship and internship opportunities; and 4) formalizing the CFTC's Diversity Workgroup.

**Increased paid benefits for employees with Covid-related leave needs.** The CFTC approved a policy to compensate agency employees for the Families First Coronavirus Response Act at their full salary, rather than being subject to pay caps and reduced pay rates.

**Began to implement the agency's pay reassessment program.** The pay reassessment program was designed to address concerns related to the potential unfair impact of agency pay-setting standards that were historically often based on an employee's prior salary, a practice that has been widely criticized for potentially disparately impacting women and minorities. The program was a one-time opportunity for most CFTC employees to have their pay reviewed and, if eligible, re-set based on their actual experience, rather than on their prior pay.

**Monitored pending legislation, policies, and procedures.** OMWI continued to monitor and report on the agency's update of its Reasonable Accommodation and Personal Assistance Services procedures as well as its Anti-Harassment policy and procedures. OMWI drafted and submitted a compliance update to the EEOC in March of 2020 regarding the agency's status on updating its anti-harassment policy and procedures. The CFTC will also monitor the legislative proposal House Resolution 4257 to ensure that the agency is prepared to implement its mandates should it pass and be signed into law.

**Delivered new training.** In FY20, OMWI collaborated with the Human Resources Branch's Learning Officer to develop and deliver an agency-wide training *Diversity in the Legal Profession: Busting Cognitive and Structural Biases*. This training was requested by the agency's regional offices and allowed participants to fulfill the Diversity and Inclusion Continuing Legal Education Requirements for the Missouri, Illinois, and New York bars associations. The training covered cognitive and structural biases, provided examples of how they manifest in the legal profession, proposed action items that every person can take to address barriers, and connected the importance of diversity and inclusion to the Agency's mission.

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**EXECUTIVE SUMMARY: PLANNED ACTIVITIES**

The CFTC plans to complete the following activities during FY21. However, the execution of these activities is subject to the availability of funds, and may be modified.

**Listening Sessions.** OMWI will partner with CFTC Commissioner Berkovitz to organize listening sessions for the CFTC's Affinity Groups. The listening sessions will provide an opportunity for each of the agency's six Affinity Groups to speak directly with Commissioner Berkovitz about issues that may be affecting their members, including how the agency can best support diversity, equity, inclusion, and accessibility within its workforce.

**Training.** The agency will plan to hold further training related to diversity, equity, inclusion, and accessibility, such as training on unconscious bias.

**Formalize the Diversity Workgroup.** The agency will formalize its Diversity Workgroup by drafting a charter.

**Address potential barriers and compliance deficiencies.** The agency will work to address potential barriers as well as the compliance deficiencies listed in Part G as described in parts H, I and J of this report.

**Contractor recommendations.** A report was submitted during FY21 from the contractor that conducted the 360-degree analysis of the agency's approach to diversity, equity, and inclusion. Agency leadership is developing an implementation plan to cover the next two years, broken down into 30, 60, 90 day increments.

**Human Capital Plan.** A human capital strategic plan will be developed that integrates diversity, equity, and inclusion principles as a key component. The plan will include, where possible, approaches for sourcing and recruiting diverse talent, ensuring diversity in hiring panels, and establishing and strengthening mentorship and internship opportunities.

**Diversity, Equity, and Inclusion Strategic Plan.** The agency will start to develop an overarching Diversity, Equity, and Inclusion Strategic Plan.

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**CERTIFICATION of ESTABLISHMENT of CONTINUING  
EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS**

[Redacted] am the  
(Insert Name Above) (Insert official title/series/grade above)

Principal EEO Director/Official for

[Redacted]  
(Insert Agency/Component Name above)

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

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

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

Signature of Principal EEO Director/Official  
Certifies that this Federal Agency Annual EEO Program Status Report is in compliance with EEO MD-715.

Date

Signature of Agency Head or Agency Head Designee



Date

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Agency Self-Assessment Checklist



Essential Element: A Demonstrated Commitment From agency Leadership

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	A.1. The agency issues an effective, up-to-date EEO policy statement.				
A.1.a. Does the agency annually issue a signed and dated EEO policy statement on agency letterhead that clearly communicates the agency's commitment to EEO for all employees and applicants? If "Yes", please provide the annual issuance date in the comments column. [see MD-715, II(A)]		X			12/02/2020 12/2/2020
A.1.b. Does the EEO policy statement address all protected bases (age, color, disability, sex (including pregnancy, sexual orientation and gender identity), genetic information, national origin, race, religion, and reprisal) contained in the laws EEOC enforces? [see 29 CFR § 1614.101(a)] If the EEO policy statement covers any additional bases (e.g., marital status, veteran status and political affiliation), please list them in the comments column.		X			The EEO statement also covers any other non-merit based factors.

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	A.2. The agency has communicated EEO policies and procedures to all employees.				
A.2.a. Does the agency disseminate the following policies and procedures to all employees:					
A.2.a.1. Anti-harassment policy? [see MD 715, II(A)]		X			
A.2.a.2. Reasonable accommodation procedures? [see 29 CFR § 1614.203(d)(3)]		X			
A.2.b. Does the agency prominently post the following information throughout the workplace and on its public website:					
A.2.b.1. The business contact information for its EEO Counselors, EEO Officers, Special Emphasis Program Managers, and EEO Director? [see 29 C.F.R § 1614.102(b)(7)]		X			
A.2.b.2. Written materials concerning the EEO program, laws, policy statements, and the operation of the EEO complaint process? [see 29 CFR §1614.102(b)(5)]		X			
A.2.b.3. Reasonable accommodation procedures? [see 29 CFR § 1614.203(d)(3)(i)] If so, please provide the internet address in the comments column.		X			<a href="http://cftcnet/Commission/About/Policies/CFTCPolicies/">http://cftcnet/Commission/About/Policies/CFTCPolicies/</a>
A.2.c. Does the agency inform its employees about the following topics:					
A.2.c.1. EEO complaint process? [see 29 CFR §§ 1614.102(a)(12) and 1614.102(b)(5)] If "yes", please provide how often and the means by which such training is delivered.		X			Biennially. Offered in person and through video conference.
A.2.c.2. ADR process? [see MD-110, Ch. 3(II)(C)] If "yes", please provide how often.		X			Biennially
A.2.c.3. Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If "yes", please provide how often.		X			Training will be provided as part of the CBA training across the agency.
A.2.c.4. Anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1] If "yes", please provide how often.		X			Training will be provided as part of the CBA training across the agency.
A.2.c.5. Behaviors that are inappropriate in the workplace and could result in disciplinary action? [5 CFR §2635.101(b)] If "yes", please provide how often.			X		The agency will develop guidance that lists examples of such behaviors.

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	A.3. The agency assesses and ensures EEO principles are part of its culture.			N/A	
A.3.a. Does the agency provide recognition to employees, supervisors, managers and units demonstrating superior accomplishment in equal employment opportunity? [see 29 CFR § 1614.102(a)(9)] If "yes", provide one or two examples in the comments section.		X			See Executive Summary for examples.
A.3.b. Does the agency utilize the Federal Employee Viewpoint Survey or other climate assessment tools to monitor the perception of EEO principles within the workforce? [see 5 CFR Part 250]		X			





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Essential Element: B Integration of EEO into the agency's Strategic Mission

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.1. The reporting structure for the EEO program provides the principal EEO official with appropriate authority and resources to effectively carry out a successful EEO program.				
	B.1.a. Is the agency head the immediate supervisor of the person ("EEO Director") who has day-to-day control over the EEO office? [see 29 CFR §1614.102(b)(4)]	X			
	B.1.a.1. If the EEO Director does not report to the agency head, does the EEO Director report to the same agency head designee as the mission-related programmatic offices? If "yes," please provide the title of the agency head designee in the comments.			X	Not Applicable
	B.1.a.2. Does the agency's organizational chart clearly define the reporting structure for the EEO office? [see 29 CFR §1614.102(b)(4)]	X			
	B.1.b. Does the EEO Director have a regular and effective means of advising the agency head and other senior management officials of the effectiveness, efficiency and legal compliance of the agency's EEO program? [see 29 CFR §1614.102(c)(1); MD-715 Instructions, Sec. I]	X			
	B.1.c. During this reporting period, did the EEO Director present to the head of the agency, and other senior management officials, the "State of the agency" briefing covering the six essential elements of the model EEO program and the status of the barrier analysis process? [see MD-715 Instructions, Sec. I] If "yes", please provide the date of the briefing in the comments column.	X			08/05/2020
	B.1.d. Does the EEO Director regularly participate in senior-level staff meetings concerning personnel, budget, technology, and other workforce issues? [see MD-715, II(B)]	X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.2. The EEO Director controls all aspects of the EEO program.				
	B.2.a. Is the EEO Director responsible for the implementation of a continuing affirmative employment program to promote EEO and to identify and eliminate discriminatory policies, procedures, and practices? [see MD-110, Ch. 1(III)(A); 29 CFR §1614.102(c)] If not, identify the office with this authority in the comments column.	X			
	B.2.b. Is the EEO Director responsible for overseeing the completion of EEO counseling? [see 29 CFR §1614.102(c)(4)]	X			
	B.2.c. Is the EEO Director responsible for overseeing the fair and thorough investigation of EEO complaints? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]	X			
	B.2.d. Is the EEO Director responsible for overseeing the timely issuance of final agency decisions? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]	X			
	B.2.e. Is the EEO Director responsible for ensuring compliance with EEOC orders? [see 29 CFR §§ 1614.102(e); 1614.502]	X			
	B.2.f. Is the EEO Director responsible for periodically evaluating the entire EEO program and providing recommendations for improvement to the agency head? [see 29 CFR §1614.102(c)(2)]	X			
	B.2.g. If the agency has subordinate level components, does the EEO Director provide effective guidance and coordination for the components? [see 29 CFR §§ 1614.102(c)(2); (c)(3)]			X	Not Applicable
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	B.3. The EEO Director and other EEO professional staff are involved in, and consulted on, management/personnel actions.	Yes	No	N/A	
	B.3.a. Do EEO program officials participate in agency meetings regarding workforce changes that might impact EEO issues, including strategic planning, recruitment strategies, vacancy projections, succession planning, and selections for training/career development opportunities? [see MD-715, II(B)]	X			
	B.3.b. Does the agency's current strategic plan reference EEO / diversity and inclusion principles? [see MD-715, II(B)] If "yes", please identify the EEO principles in the strategic plan in the comments column.	X			EEO is integrated into the agency's mission and is included in the 2020-2024 Strategic Plan under Strategic Goal 5. See Executive Summary for more details.

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 Compliance Indicator	 Measures	Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
B.4. The agency has sufficient budget and staffing to support the success of its EEO program.					
B.4.a. Pursuant to 29 CFR §1614.102(a)(1), has the agency allocated sufficient funding and qualified staffing to successfully implement the EEO program, for the following areas:					
B.4.a.1. to conduct a self-assessment of the agency for possible program deficiencies? [see MD-715, II(D)]		X			
B.4.a.10. to effectively manage its reasonable accommodation program? [see 29 CFR §1614.203(d)(4)(ii)]		X			
B.4.a.11. to ensure timely and complete compliance with EEOC orders? [see MD-715, II(E)]		X			
B.4.a.2. to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)]		X			
B.4.a.3. to timely, thoroughly, and fairly process EEO complaints, including EEO counseling, investigations, final agency decisions, and legal sufficiency reviews? [see 29 CFR §§ 1614.102(c)(5); 1614.105(b) – (f); MD-110, Ch. 1(IV)(D) & 5(IV); MD-715, II(E)]			X		Decision is pending on additional staff.
B.4.a.4. to provide all supervisors and employees with training on the EEO program, including but not limited to retaliation, harassment, religious accommodations, disability accommodations, the EEO complaint process, and ADR? [see MD-715, II(B) and III(C)] If not, please identify the type(s) of training with insufficient funding in the comments column.		X			
B.4.a.5. to conduct thorough, accurate, and effective field audits of the EEO programs in components and the field offices, if applicable? [see 29 CFR §1614.102(c)(2)]		X			
B.4.a.6. to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures)? [see MD-715, II(B)]		X			
B.4.a.7. to maintain accurate data collection and tracking systems for the following types of data: complaint tracking, workforce demographics, and applicant flow data? [see MD-715, II(E)] If not, please identify the systems with insufficient funding in the comments section.		X			
B.4.a.8. to effectively administer its special emphasis programs (such as, Federal Women's Program, Hispanic Employment Program, and People with Disabilities Program Manager)? [5 USC § 7201; 38 USC § 4214; 5 CFR § 720.204; 5 CFR § 213.3102(t) and (u); 5 CFR § 315.709]		X			
B.4.a.9. to effectively manage its anti-harassment program? [see MD-715 Instructions, Sec. I; EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C. 1]		X			
B.4.b. Does the EEO office have a budget that is separate from other offices within the agency? [see 29 CFR § 1614.102(a)(1)]		X			
B.4.c. Are the duties and responsibilities of EEO officials clearly defined? [see MD-110, Ch. 1(III)(A), 2(III), & 6(III)]		X			
B.4.d. Does the agency ensure that all new counselors and investigators, including contractors and collateral duty employees, receive the required 32 hours of training, pursuant to Ch. 2(II) (A) of MD-110?		X			
B.4.e. Does the agency ensure that all experienced counselors and investigators, including contractors and collateral duty employees, receive the required 8 hours of annual refresher training, pursuant to Ch. 2(II)(C) of MD-110?		X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.5. The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills				
	B.5.a. Pursuant to 29 CFR §1614.102(a)(5), have all managers and supervisors received orientation, training, and advice on their responsibilities under the following areas under the agency EEO program:				
	B.5.a.1. EEO complaint process? [see MD-715(II)(B)]	X			
	B.5.a.2. Reasonable Accommodation Procedures? [see 29 CFR § 1614.102(d)(3)]	X			
	B.5.a.3. Anti-harassment policy? [see MD-715(II)(B)]	X			
	B.5.a.4. Supervisory, managerial, communication and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications? [see MD-715, II(B)]	X			
	B.5.a.5. ADR, with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR? [see MD-715(II)(E)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	B.6. The agency involves managers in the implementation of its EEO program.				
	B.6.a. Are senior managers involved in the implementation of Special Emphasis Programs? [see MD-715 Instructions, Sec. I]	X			
	B.6.b. Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]	X			
	B.6.c. When barriers are identified, do senior managers assist in developing agency EEO action plans (Part I, Part J, or the Executive Summary)? [see MD-715 Instructions, Sec. I]	X			
	B.6.d. Do senior managers successfully implement EEO Action Plans and incorporate the EEO Action Plan Objectives into agency strategic plans? [29 CFR §1614.102(a)(5)]	X			

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Essential Element: C Management and Program Accountability

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.1. The agency conducts regular internal audits of its component and field offices.				
	C.1.a. Does the agency regularly assess its component and field offices for possible EEO program deficiencies? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.	X			Assessments of components and field offices are conducted annually.
	C.1.b. Does the agency regularly assess its component and field offices on their efforts to remove barriers from the workplace? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.	X			Assessments of components and field offices are conducted annually.
	C.1.c. Do the component and field offices make reasonable efforts to comply with the recommendations of the field audit? [see MD-715, II(C)]	X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.2. The agency has established procedures to prevent all forms of EEO discrimination.				
C.2.a. Has the agency established comprehensive anti-harassment policy and procedures that comply with EEOC's enforcement guidance? [see MD-715, II(C); Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]			X		The agency has an anti-harassment article in its Collective Bargaining Agreement. It is currently working on updating its anti-harassment policy and procedures to comply with the EEOC's guidance.
C.2.a.1. Does the anti-harassment policy require corrective action to prevent or eliminate conduct before it rises to the level of unlawful harassment? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]			X		The agency has an anti-harassment article in its Collective Bargaining Agreement. It is currently working on updating its anti-harassment policy and procedures to comply with the EEOC's guidance.
C.2.a.2. Has the agency established a firewall between the Anti-Harassment Coordinator and the EEO Director? [see EEOC Report, Model EEO Program Must Have an Effective Anti-Harassment Program (2006)]		X			
C.2.a.3. Does the agency have a separate procedure (outside the EEO complaint process) to address harassment allegations? [see Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]		X			
C.2.a.4. Does the agency ensure that the EEO office informs the anti-harassment program of all EEO counseling activity alleging harassment? [See Enforcement Guidance, V.C.]		X			
C.2.a.5. Does the agency conduct a prompt inquiry (beginning within 10 days of notification) of all harassment allegations, including those initially raised in the EEO complaint process? [see Complainant v. Dep't of Veterans Affairs, EEOC Appeal No. 0120123232 (May 21, 2015); Complainant v. Dep't of Defense (Defense Commissary Agency), EEOC Appeal No. 0120130331 (May 29, 2015)] If "no", please provide the percentage of timely-processed inquiries in the comments column.		X			
C.2.a.6. Do the agency's training materials on its anti-harassment policy include examples of disability-based harassment? [see 29 CFR §1614.203(d)(2)]		X			

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<p>C.2.b. Has the agency established disability reasonable accommodation procedures that comply with EEOC's regulations and guidance? [see 29 CFR §1614.203(d)(3)]</p>		<p>X</p>	<p>The CFTC sent its draft procedures to the EEOC for review on 7/29/2019 and received the EEOC's feedback regarding the procedures on 2/8/2021. The agency is updating its procedures in accordance with the EEOC's feedback.</p>
<p>C.2.b.1. Is there a designated agency official or other mechanism in place to coordinate or assist with processing requests for disability accommodations throughout the agency? [see 29 CFR §1614.203(d)(3)(D)]</p>	<p>X</p>		
<p>C.2.b.2. Has the agency established a firewall between the Reasonable Accommodation Program Manager and the EEO Director? [see MD-110, Ch. 1(IV)(A)]</p>	<p>X</p>		
<p>C.2.b.3. Does the agency ensure that job applicants can request and receive reasonable accommodations during the application and placement processes? [see 29 CFR §1614.203(d)(1)(ii)(B)]</p>	<p>X</p>		
<p>C.2.b.4. Do the reasonable accommodation procedures clearly state that the agency should process the request within a maximum amount of time (e.g., 20 business days), as established by the agency in its affirmative action plan? [see 29 CFR §1614.203(d)(3)(i)(M)]</p>	<p>X</p>		
<p>C.2.b.5. Does the agency process all initial accommodation requests, excluding ongoing interpretative services, within the time frame set forth in its reasonable accommodation procedures? [see MD-715, II(C)] If "no", please provide the percentage of timely-processed requests, excluding ongoing interpretative services, in the comments column.</p>	<p>X</p>		
<p>C.2.c. Has the agency established procedures for processing requests for personal assistance services that comply with EEOC's regulations, enforcement guidance, and other applicable executive orders, guidance, and standards? [see 29 CFR §1614.203(d)(6)]</p>		<p>X</p>	<p>The CFTC sent its draft procedures to the EEOC for review on 7/29/2019 and received the EEOC's feedback regarding the procedures on 2/8/2021. The agency is updating its procedures in accordance with the EEOC's feedback.</p>

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C.2.c.1. Does the agency post its procedures for processing requests for Personal Assistance Services on its public website? [see 29 CFR §1614.203(d)(5)(v)] If "yes", please provide the internet address in the comments column.

X



The CFTC sent its draft procedures to the EEOC for review on 7/29/2019 and received the EEOC's feedback regarding the procedures on 2/8/2021. The agency is updating its procedures in accordance with the EEOC's feedback. Procedures will be posted once that update is complete.



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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.3. The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity.				
	C.3.a. Pursuant to 29 CFR §1614.102(a)(5), do all managers and supervisors have an element in their performance appraisal that evaluates their commitment to agency EEO policies and principles and their participation in the EEO program?	X			
	C.3.b. Does the agency require rating officials to evaluate the performance of managers and supervisors based on the following activities:				
	C.3.b.1. Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see MD-110, Ch. 3.I]		X		While all supervisors are rated on their adherence to EEO principles and promoting diversity and inclusion in general per C.3.a, the specific activities listed from C.3.b.1 through C.3.b.9 are not part of supervisor ratings yet, but will be incorporated into future updates of the performance form. Exact wording is TBD.
	C.3.b.2. Ensure full cooperation of employees under his/her supervision with EEO officials, such as counselors and investigators? [see 29 CFR §1614.102(b)(6)]		X		While all supervisors are rated on their adherence to EEO principles and promoting diversity and inclusion in general per C.3.a, the specific activities listed from C.3.b.1 through C.3.b.9 are not part of supervisor ratings yet, but will be incorporated into future updates of the performance form. Exact wording is TBD.

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C.3.b.3. Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see MD-715, II(C)]

X

While all supervisors are rated on their adherence to EEO principles and promoting diversity and inclusion in general per C.3.a, the specific activities listed from C.3.b.1 through C.3.b.9 are not part of supervisor ratings yet, but will be incorporated into future updates of the performance form. Exact wording is TBD.

C.3.b.4. Ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees? [see MD-715 Instructions, Sec. I]

X

While all supervisors are rated on their adherence to EEO principles and promoting diversity and inclusion in general per C.3.a, the specific activities listed from C.3.b.1 through C.3.b.9 are not part of supervisor ratings yet, but will be incorporated into future updates of the performance form. Exact wording is TBD.

C.3.b.5. Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]

X

While all supervisors are rated on their adherence to EEO principles and promoting diversity and inclusion in general per C.3.a, the specific activities listed from C.3.b.1 through C.3.b.9 are not part of supervisor ratings yet, but will be incorporated into future updates of the performance form. Exact wording is TBD.

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C.3.b.6. Provide disability accommodations when such accommodations do not cause an undue hardship? [ see 29 CFR §1614.102(a)(8)]

X

While all supervisors are rated on their adherence to EEO principles and promoting diversity and inclusion in general per C.3.a, the specific activities listed from C.3.b.1 through C.3.b.9 are not part of supervisor ratings yet, but will be incorporated into future updates of the performance form. Exact wording is TBD.

C.3.b.7. Support the EEO program in identifying and removing barriers to equal opportunity?. [see MD-715, II(C)]

X

While all supervisors are rated on their adherence to EEO principles and promoting diversity and inclusion in general per C.3.a, the specific activities listed from C.3.b.1 through C.3.b.9 are not part of supervisor ratings yet, but will be incorporated into future updates of the performance form. Exact wording is TBD.

C.3.b.8. Support the anti-harassment program in investigating and correcting harassing conduct?. [see Enforcement Guidance, V.C.2]

X

While all supervisors are rated on their adherence to EEO principles and promoting diversity and inclusion in general per C.3.a, the specific activities listed from C.3.b.1 through C.3.b.9 are not part of supervisor ratings yet, but will be incorporated into future updates of the performance form. Exact wording is TBD.

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C.3.b.9. Comply with settlement agreements and orders issued by the agency, EEOC, and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority? [see MD-715, II(C)]

X

While all supervisors are rated on their adherence to EEO principles and promoting diversity and inclusion in general per C.3.a, the specific activities listed from C.3.b.1 through C.3.b.9 are not part of supervisor ratings yet, but will be incorporated into future updates of the performance form. Exact wording is TBD.

C.3.c. Does the EEO Director recommend to the agency head improvements or corrections, including remedial or disciplinary actions, for managers and supervisors who have failed in their EEO responsibilities? [see 29 CFR §1614.102(c)(2)]

X



C.3.d. When the EEO Director recommends remedial or disciplinary actions, are the recommendations regularly implemented by the agency? [see 29 CFR §1614.102(c)(2)]

X

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		Yes	No	N/A	
 Measures	C.4. The agency ensures effective coordination between its EEO program and Human Resources (HR) program.				
	C.4.a. Do the HR Director and the EEO Director meet regularly to assess whether personnel programs, policies, and procedures conform to EEOC laws, instructions, and management directives? [see 29 CFR §1614.102(a)(2)]	X			
	C.4.b. Has the agency established timetables/schedules to review at regular intervals its merit promotion program, employee recognition awards program, employee development/training programs, and management/personnel policies, procedures, and practices for systemic barriers that may be impeding full participation in the program by all EEO groups? [see MD-715 Instructions, Sec. I]	X			
	C.4.c. Does the EEO office have timely access to accurate and complete data (e.g., demographic data for the workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables? [see 29 CFR §1614.601(a)]		X		The agency will place an increased emphasis on encouraging employee self-identification to ensure that all of the quantitative workforce data provided to the EEO office is accurate and will work to establish practices for collecting required data where such practices may not already be in place.
	C.4.d. Does the HR office timely provide the EEO office with access to other data (e.g., exit interview data, climate assessment surveys, and grievance data), upon request? [see MD-715, II(C)]	X			
	C.4.e. Pursuant to Section II(C) of MD-715, does the EEO office collaborate with the HR office to:				
	C.4.e.1. Implement the Affirmative Action Plan for Individuals with Disabilities? [see 29 CFR §1614.203(d); MD-715, II(C)]	X			
	C.4.e.2. Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]	X			
	C.4.e.3. Develop and/or provide training for managers and employees? [see MD-715, II(C)]	X			
	C.4.e.4. Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]	X			
	C.4.e.5. Assist in preparing the MD-715 report? [see MD-715, II(C)]	X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.5. Following a finding of discrimination, the agency explores whether it should take a disciplinary action.			N/A	
	C.5.a. Does the agency have a disciplinary policy and/or table of penalties that covers discriminatory conduct? [see 29 CFR §1614.102(a)(6); see also Douglas v. Veterans Administration, 5 MSPR 280 (1981)]	X			
	C.5.b. When appropriate, does the agency discipline or sanction managers and employees for discriminatory conduct? [see 29 CFR §1614.102(a)(6)] If "yes", please state the number of disciplined/sanctioned individuals during this reporting period in the comments.	X			Zero (0) individuals were disciplined/sanctioned during this reporting period for discriminatory conduct.
	C.5.c. If the agency has a finding of discrimination (or settles cases in which a finding was likely), does the agency inform managers and supervisors about the discriminatory conduct (e.g., post mortem to discuss lessons learned)? [see MD-715, II(C)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	C.6. The EEO office advises managers/supervisors on EEO matters.			N/A	
	C.6.a. Does the EEO office provide management/supervisory officials with regular EEO updates on at least an annual basis, including EEO complaints, workforce demographics and data summaries, legal updates, barrier analysis plans, and special emphasis updates? [see MD-715 Instructions, Sec. I] If "yes", please identify the frequency of the EEO updates in the comments column.	X			Regular briefings are provided on an annual basis with biweekly status reports provided to the Chairman.
	C.6.b. Are EEO officials readily available to answer managers' and supervisors' questions or concerns? [see MD-715 Instructions, Sec. I]	X			

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Essential Element: D Proactive Prevention

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	D.1. The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year.				
	D.1.a. Does the agency have a process for identifying triggers in the workplace? [see MD-715 Instructions, Sec. I]	X			
	D.1.b. Does the agency regularly use the following sources of information for trigger identification: workforce data; complaint/grievance data; exit surveys; employee climate surveys; focus groups; affinity groups; union; program evaluations; special emphasis programs; and/or external special interest groups? [see MD-715 Instructions, Sec. I]	X			
	D.1.c. Does the agency conduct exit interviews or surveys that include questions on how the agency could improve the recruitment, hiring, inclusion, retention and advancement of individuals with disabilities? [see 29 CFR §1614.203(d)(1)(iii)(C)]	X			
 Compliance Indicator	D.2. The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)	Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	D.2.a. Does the agency have a process for analyzing the identified triggers to find possible barriers? [see MD-715, (II)(B)]	X			
	D.2.b. Does the agency regularly examine the impact of management/personnel policies, procedures, and practices by race, national origin, sex, and disability? [see 29 CFR §1614.102(a)(3)]	X			
	D.2.c. Does the agency consider whether any group of employees or applicants might be negatively impacted prior to making human resource decisions, such as re-organizations and realignments? [see 29 CFR §1614.102(a)(3)]	X			
	D.2.d. Does the agency regularly review the following sources of information to find barriers: complaint/grievance data, exit surveys, employee climate surveys, focus groups, affinity groups, union, program evaluations, anti-harassment program, special emphasis programs, and/or external special interest groups? [see MD-715 Instructions, Sec. I] If "yes", please identify the data sources in the comments column.	X			Complaint data, employee climate surveys (FEVS), focus groups, affinity groups, and special emphasis programs.

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	D.3. The agency establishes appropriate action plans to remove identified barriers.				
	D.3.a. Does the agency effectively tailor action plans to address the identified barriers, in particular policies, procedures, or practices? [see 29 CFR §1614.102(a)(3)]	X			
	D.3.b. If the agency identified one or more barriers during the reporting period, did the agency implement a plan in Part I, including meeting the target dates for the planned activities? [see MD-715, II(D)]	X			
	D.3.c. Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	D.4. The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities.	Yes	No	N/A	
	D.4.a. Does the agency post its affirmative action plan on its public website? [see 29 CFR §1614.203(d)(4)] If yes, please provide the internet address in the comments.	X			<a href="https://www.cftc.gov/WebPolicy/EEONoFearAct/index.htm">https://www.cftc.gov/WebPolicy/EEONoFearAct/index.htm</a>
	D.4.b. Does the agency take specific steps to ensure qualified people with disabilities are aware of and encouraged to apply for job vacancies? [see 29 CFR §1614.203(d)(1)(i)]	X			
	D.4.c. Does the agency ensure that disability-related questions from members of the public are answered promptly and correctly? [see 29 CFR §1614.203(d)(1)(ii)(A)]	X			
	D.4.d. Has the agency taken specific steps that are reasonably designed to increase the number of persons with disabilities or targeted disabilities employed at the agency until it meets the goals? [see 29 CFR §1614.203(d)(7)(ii)]	X			





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Essential Element: E Efficiency

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.1. The agency maintains an efficient, fair, and impartial complaint resolution process.				
E.1.a. Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105?		X			
E.1.b. Does the agency provide written notification of rights and responsibilities in the EEO process during the initial counseling session, pursuant to 29 CFR §1614.105(b)(1)?		X			
E.1.c. Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch. 5(I)?		X			
E.1.d. Does the agency issue acceptance letters/dismissal decisions within a reasonable time (e.g., 60 days) after receipt of the written EEO Counselor report, pursuant to MD-110, Ch. 5(I)? If so, please provide the average processing time in the comments.		X			The average processing time to issue acceptance letters/dismissal decisions after receipt of a formal complaint in FY20 was 13 days.
E.1.e. Does the agency ensure that all employees fully cooperate with EEO counselors and EEO personnel in the EEO process, including granting routine access to personnel records related to an investigation, pursuant to 29 CFR §1614.102(b)(6)?		X			
E.1.f. Does the agency timely complete investigations, pursuant to 29 CFR §1614.108?		X			
E.1.g. If the agency does not timely complete investigations, does the agency notify complainants of the date by which the investigation will be completed and of their right to request a hearing or file a lawsuit, pursuant to 29 CFR §1614.108(g)?		X			
E.1.h. When the complainant did not request a hearing, does the agency timely issue the final agency decision, pursuant to 29 CFR §1614.110(b)?		X			
E.1.i. Does the agency timely issue final actions following receipt of the hearing file and the administrative judge's decision, pursuant to 29 CFR §1614.110(a)?		X			
E.1.j. If the agency uses contractors to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays? [See MD-110, Ch. 5(V)(A)] If "yes", please describe how in the comments column.		X			Contractors are held accountable through firm deadlines and quality assurance reviews conducted by CFTC prior to accepting the work product.
E.1.k. If the agency uses employees to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays during performance review? [See MD-110, Ch. 5(V)(A)]		X			
E.1.l. Does the agency submit complaint files and other documents in the proper format to EEOC through the Federal Sector EEO Portal (FedSEP)? [See 29 CFR § 1614.403(g)]		X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.2. The agency has a neutral EEO process.				
E.2.a. Has the agency established a clear separation between its EEO complaint program and its defensive function? [see MD-110, Ch. 1(IV)(D)] If "yes", please explain.		X			CFTC ensures this clear separation by providing the EEO Office Director with sufficient legal resources, within the autonomous EEO office, for reaching final agency decisions.
E.2.b. When seeking legal sufficiency reviews, does the EEO office have access to sufficient legal resources separate from the agency representative? [see MD-110, Ch. 1(IV)(D)] If "yes", please identify the source/ location of the attorney who conducts the legal sufficiency review in the comments column.		X			The EEO Director conducts this analysis.
E.2.c. If the EEO office relies on the agency's defensive function to conduct the legal sufficiency review, is there a firewall between the reviewing attorney and the agency representative? [see MD-110, Ch. 1(IV)(D)]		X			
E.2.d. Does the agency ensure that its agency representative does not intrude upon EEO counseling, investigations, and final agency decisions? [see MD-110, Ch. 1(IV)(D)]		X			
E.2.e. If applicable, are processing time frames incorporated for the legal counsel's sufficiency review for timely processing of complaints? [see EEOC Report, Attaining a Model Agency Program: Efficiency (Dec. 1, 2004)]		X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.3. The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program.				
E.3.a. Has the agency established an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process? [see 29 CFR §1614.102(b)(2)]		X			
E.3.b. Does the agency require managers and supervisors to participate in ADR once it has been offered? [see MD-715, II(A)(1)]		X			The Chairman delegates settlement authority to the CFTC Resolving Official. This Official is required to participate in ADR on behalf of the Commission.
E.3.c. Does the Agency encourage all employees to use ADR, where ADR is appropriate? [See MD-110, Ch. 3(IV)(C)]		X			
E.3.d. Does the agency ensure a management official with settlement authority is accessible during the dispute resolution process? [see MD-110, Ch. 3(III)(A)(9)]		X			
E.3.e. Does the agency prohibit the responsible management official named in the dispute from having settlement authority? [see MD-110, Ch. 3(I)]		X			
E.3.f. Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]		X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.4. The agency has effective and accurate data collection systems in place to evaluate its EEO program.				

E.4.a. Does the agency have systems in place to accurately collect, monitor, and analyze the following data:

E.4.a.1. Complaint activity, including the issues and bases of the complaints, the aggrieved individuals/complainants, and the involved management official? [see MD-715, II(E)]

X

E.4.a.2. The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)]

X

E.4.a.3. Recruitment activities? [see MD-715, II(E)]

X

E.4.a.4. External and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status? [see MD-715, II(E)]

X

E.4.a.5. The processing of requests for reasonable accommodation? [29 CFR §1614.203(d)(4)]



X

E.4.a.6. The processing of complaints for the anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.2]

X

E.4.b. Does the agency have a system in place to re-survey the workforce on a regular basis? [MD-715 Instructions, Sec. I]

X

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.5. The agency identifies and disseminates significant trends and best practices in its EEO program.				

E.5.a. Does the agency monitor trends in its EEO program to determine whether the agency is meeting its obligations under the statutes EEOC enforces? [see MD-715, II(E)] If "yes", provide an example in the comments.

X

Trends in complaint activity are monitored regularly and reported annually.

E.5.b. Does the agency review other agencies' best practices and adopt them, where appropriate, to improve the effectiveness of its EEO program? [see MD-715, II(E)] If "yes", provide an example in the comments.

X

CFTC participates in the Small Agency Council (SAC), and other working groups where EEO best practices are shared.

E.5.c. Does the agency compare its performance in the EEO process to other federal agencies of similar size? [see MD-715, II(E)]





X

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Agency Self-Assessment Checklist



Essential Element: F Responsiveness and Legal Compliance

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	F.1. The agency has processes in place to ensure timely and full compliance with EEOC orders and settlement agreements.				
	F.1.a. Does the agency have a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions? [see 29 CFR §1614.102(e); MD-715, II(F)]	X			
	F.1.b. Does the agency have a system of management controls to ensure the timely, accurate, and complete compliance with resolutions/settlement agreements? [see MD-715, II(F)]	X			
	F.1.c. Are there procedures in place to ensure the timely and predictable processing of ordered monetary relief? [see MD-715, II(F)]	X			
	F.1.d. Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]	X			
	F.1.e. When EEOC issues an order requiring compliance by the agency, does the agency hold its compliance officer(s) accountable for poor work product and/or delays during performance review? [see MD-110, Ch. 9(IX)(H)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	F.2. The agency complies with the law, including EEOC regulations, management directives, orders, and other written instructions.	Yes	No	N/A	
	F.2.a. Does the agency timely respond and fully comply with EEOC orders? [see 29 CFR §1614.502; MD-715, II(E)]	X			
	F.2.a.1. When a complainant requests a hearing, does the agency timely forward the investigative file to the appropriate EEOC hearing office? [see 29 CFR §1614.108(g)]	X			
	F.2.a.2. When there is a finding of discrimination that is not the subject of an appeal by the agency, does the agency ensure timely compliance with the orders of relief? [see 29 CFR §1614.501]	X			
	F.2.a.3. When a complainant files an appeal, does the agency timely forward the investigative file to EEOC's Office of Federal Operations? [see 29 CFR §1614.403(e)]	X			
	F.2.a.4. Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance?	X			

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 Compliance Indicator		Measure Has Been Met			
 Measures		Yes	No	N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
	F.3. The agency reports to EEOC its program efforts and accomplishments.				
	F.3 a. Does the agency timely submit to EEOC an accurate and complete No FEAR Act report? [Public Law 107-174 (May 15, 2002), §203(a)]	X			
	F.3 b. Does the agency timely post on its public webpage its quarterly No FEAR Act data? [see 29 CFR §1614.703(d)]	X			

Essential Element:  Other

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Plan to Attain Essential Elements

PART H.1

Brief Description of Program Deficiency: A.2.c.5. Behaviors that are inappropriate in the workplace and could result in disciplinary action? [5 CFR §2635.101(b)] If "yes", please provide how often.

The agency does not inform its employees of behaviors that are inappropriate in the workplace.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	09/30/2022			Inform agency employees of behaviors that are inappropriate in the workplace.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Human Capital Officer	KerriLaine Prunella	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2022	The agency will develop guidance that lists examples of behaviors that are not appropriate in the workplace.	Yes		

Accomplishments

Fiscal Year	Accomplishment

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Plan to Attain Essential Elements

PART H.2

Brief Description of Program Deficiency:	B.4.a.3. to timely, thoroughly, and fairly process EEO complaints, including EEO counseling, investigations, final agency decisions, and legal sufficiency reviews? [see 29 CFR §§ 1614.102(c)(5); 1614.105(b) – (f); MD-110, Ch. 1(IV)(D) & 5(IV); MD-715, II(E)]
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The EEO office does not have sufficient resources to timely, thoroughly, and fairly process EEO complaints, including EEO counseling, investigations, final agency decisions, and legal sufficiency reviews.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
03/17/2021	09/30/2021			Provide the EEO office with sufficient resources to timely, thoroughly, and fairly process EEO complaints, including EEO counseling, investigations, final agency decisions, and legal sufficiency reviews.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Chair	Rostin Behnam	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
03/17/2021	A business case for an additional staff person has been submitted for review.	Yes		

Accomplishments

Fiscal Year	Accomplishment



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Plan to Attain Essential Elements

PART H.3

Brief Description of Program Deficiency: C.2.b. Has the agency established disability reasonable accommodation procedures that comply with EEOC's regulations and guidance? [see 29 CFR §1614.203(d)(3)]

The agency has not established disability reasonable accommodation procedures that comply with EEOC's regulations and guidance.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/08/2021	09/30/0022			Establish disability reasonable accommodation procedures that comply with the EEOC's regulations and guidance.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Human Capital Officer	KerriLaine Prunella	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2022	The CFTC sent its draft procedures to the EEOC for review on 7/29/2019 and received the EEOC's feedback regarding the procedures on 2/8/2021. The agency will update its procedures in accordance with the EEOC's feedback and then adopt them.	Yes		

Accomplishments

Fiscal Year	Accomplishment
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Plan to Attain Essential Elements

PART H.4

Brief Description of Program Deficiency:

C.3.b.8. Support the anti-harassment program in investigating and correcting harassing conduct?. [see Enforcement Guidance, V.C.2]

The agency does not require rating officials to evaluate the performance of managers and supervisors based on the activities listed in C.3.b1-C.3.b.9.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	11/30/2021			Require rating officials to evaluate the performance of managers and supervisors based on the activities listed in C.3.b1-C.3.b.9

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Human Capital Officer	KerriLaine Prunella	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
11/30/2021	Reminders throughout year of the performance rating process. Updates to the performance form are underway.	Yes		

Accomplishments

Fiscal Year	Accomplishment

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Plan to Attain Essential Elements

PART H.5

Brief Description of Program Deficiency: C.3.b.4. Ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees? [see MD-715 Instructions, Sec. I]

The agency does not require rating officials to evaluate the performance of managers and supervisors based on the activities listed in C.3.b1-C.3.b.9.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	11/30/2021			Require rating officials to evaluate the performance of managers and supervisors based on the activities listed in C.3.b1-C.3.b.9

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Human Capital Officer	KerriLaine Prunella	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
11/30/2021	Reminders throughout year of the performance rating process. Updates to the performance form are underway.	Yes		

Accomplishments

Fiscal Year	Accomplishment

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Plan to Attain Essential Elements

PART H.6

Brief Description of Program Deficiency:	C.2.a. Has the agency established comprehensive anti-harassment policy and procedures that comply with EEOC's enforcement guidance? [see MD-715, II(C); Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]
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Though the agency has an anti-harassment article in the collective bargaining agreement, the agency has not established a comprehensive anti-harassment policy and procedures that comply with the EEOC's enforcement guidance.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	09/30/2022			Though the agency has an anti-harassment article in the collective bargaining agreement, the agency has not established a comprehensive anti-harassment policy and procedures that comply with the EEOC's enforcement guidance.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Human Capital Officer	KerriLaine Prunella	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2022	The agency's anti-harassment policy and procedures will be updated to comply with the EEOC's enforcement guidance.	Yes		

Accomplishments

Fiscal Year	Accomplishment

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Plan to Attain Essential Elements

PART H.7

Brief Description of Program Deficiency:	C.2.a.1. Does the anti-harassment policy require corrective action to prevent or eliminate conduct before it rises to the level of unlawful harassment? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]
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Though the agency has an anti-harassment article in the collective bargaining agreement, there is no requirement for corrective action to prevent or eliminate conduct before it rises to the level of unlawful harassment.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	09/30/2022			Include a requirement within the anti-harassment policy to prevent or eliminate conduct before it rises to the level of unlawful harassment.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Human Resources Officer	KerriLaine Prunella	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
02/04/2021	The agency will update its anti-harassment policy/procedures to include a requirement to prevent or eliminate conduct before it rises to the level of unlawful harassment.	Yes		

Accomplishments

Fiscal Year	Accomplishment
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Plan to Attain Essential Elements

PART H.8

Brief Description of Program Deficiency: C.2.c.1. Does the agency post its procedures for processing requests for Personal Assistance Services on its public website? [see 29 CFR §1614.203(d)(5)(v)] If "yes", please provide the internet address in the comments column.

The agency does not post its procedures for processing requests for Personal Assistance Services on its public website.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	09/30/0022			The agency will post its procedures for processing requests for Personal Assistance Services on its public website.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Human Capital Officer	KerriLaine Prunella	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2022	The CFTC sent its draft procedures to the EEOC for review on 7/29/2019 and received the EEOC's feedback regarding the procedures on 2/8/2021. The agency is updating its procedures in accordance with the EEOC's feedback. Procedures will be posted once that update is complete.	Yes		

Accomplishments

Fiscal Year	Accomplishment
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Plan to Attain Essential Elements

PART H.9

Brief Description of Program Deficiency:	C.2.c. Has the agency established procedures for processing requests for personal assistance services that comply with EEOC's regulations, enforcement guidance, and other applicable executive orders, guidance, and standards? [see 29 CFR §1614.203(d)(6)]
The agency has not established procedures for processing personal assistance services that comply with EEOC's regulations and guidance.	

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/08/2021	09/30/0022			Establish procedures for processing personal assistance services that comply with EEOC's regulations and guidance.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Human Capital Officer	KerriLaine Prunella	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/0022	The CFTC sent its draft procedures to the EEOC for review on 7/29/2019 and received the EEOC's feedback regarding the procedures on 2/8/2021. The agency is updating its procedures in accordance with the EEOC's feedback and will then adopt them.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.10

Brief Description of Program Deficiency:

C.3.b.1. Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see MD-110, Ch. 3.I]

The agency does not require rating officials to evaluate the performance of managers and supervisors based on the activities listed in C.3.b1-C.3.b.9.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2020	11/30/2021			Require rating officials to evaluate the performance of managers and supervisors based on the activities listed in C.3.b1-C.3.b.9

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Human Capital Officer	KerriLaine Prunella	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
11/30/2021	Reminders throughout year of the performance rating process. Updates to the performance form are underway.	Yes		

Accomplishments

Fiscal Year	Accomplishment



Commodity Futures Trading Commission

For period covering October 1, 2019 to September 30, 2020

Plan to Attain Essential Elements

PART H.11

Brief Description of Program Deficiency:

C.3.b.3. Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see MD-715, II(C)]

The agency does not require rating officials to evaluate the performance of managers and supervisors based on the activities listed in C.3.b1-C.3.b.9.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	11/30/2021			Require rating officials to evaluate the performance of managers and supervisors based on the activities listed in C.3.b1-C.3.b.9

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Human Capital Officer	KerriLaine Prunella	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
11/30/2021	Reminders throughout year of the performance rating process. Updates to the performance form are underway.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.12

Brief Description of Program Deficiency:

C.3.b.7. Support the EEO program in identifying and removing barriers to equal opportunity?. [see MD-715, II(C)]

The agency does not require rating officials to evaluate the performance of managers and supervisors based on the activities listed in C.3.b1-C.3.b.9.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	11/30/2021			Require rating officials to evaluate the performance of managers and supervisors based on the activities listed in C.3.b1-C.3.b.9

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Human Capital Officer	KerriLaine Prunella	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
11/30/2021	Reminders throughout year of the performance rating process. Updates to the performance form are underway.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.13

Brief Description of Program Deficiency: C.3.b.2. Ensure full cooperation of employees under his/her supervision with EEO officials, such as counselors and investigators? [see 29 CFR §1614.102(b)(6)]

The agency does not require rating officials to evaluate the performance of managers and supervisors based on the activities listed in C.3.b1-C.3.b.9.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	11/30/2021			Require rating officials to evaluate the performance of managers and supervisors based on the activities listed in C.3.b1-C.3.b.9

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Human Capital Officer	KerriLaine Prunella	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
11/30/2021	Reminders throughout year of the performance rating process. Updates to the performance form are underway.	Yes		

Accomplishments

Fiscal Year	Accomplishment
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Plan to Attain Essential Elements

PART H.14

Brief Description of Program Deficiency: C.3.b.6. Provide disability accommodations when such accommodations do not cause an undue hardship? [ see 29 CFR §1614.102(a)(8)]

The agency does not require rating officials to evaluate the performance of managers and supervisors based on the activities listed in C.3.b1-C.3.b.9.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	11/30/2021			Require rating officials to evaluate the performance of managers and supervisors based on the activities listed in C.3.b1-C.3.b.9

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Human Capital Officer	KerriLaine Prunella	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
11/30/2021	Reminders throughout year of the performance rating process. Updates to the performance form are underway.	Yes		

Accomplishments

Fiscal Year	Accomplishment
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Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.15

Brief Description of Program Deficiency: C.3.b.5. Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]

The agency does not require rating officials to evaluate the performance of managers and supervisors based on the activities listed in C.3.b1-C.3.b.9.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	11/30/2021			Require rating officials to evaluate the performance of managers and supervisors based on the activities listed in C.3.b1-C.3.b.9

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Human Capital Officer	KerriLaine Prunella	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
11/30/2021	Reminders throughout year of the performance rating process. Updates to the performance form are underway.	Yes		

Accomplishments

Fiscal Year	Accomplishment
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Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.16

Brief Description of Program Deficiency: C.3.b.9. Comply with settlement agreements and orders issued by the agency, EEOC, and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority? [see MD-715, II(C)]

The agency does not require rating officials to evaluate the performance of managers and supervisors based on the activities listed in C.3.b1-C.3.b.9.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	11/30/2021			Require rating officials to evaluate the performance of managers and supervisors based on the activities listed in C.3.b1-C.3.b.9

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Human Capital Officer	KerriLaine Prunella	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
11/30/2021	Reminders throughout year of the performance rating process. Updates to the performance form are underway.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.17

Brief Description of Program Deficiency: C.4.c. Does the EEO office have timely access to accurate and complete data (e.g., demographic data for the workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables? [see 29 CFR §1614.601(a)]

The Agency is unable to provide the EEO office with all of the accurate data points needed for the MD-715 report.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
04/10/2020	09/30/2021			Create systems needed to accurately collect all data points required for the MD-715 report.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Human Resources Officer	KerriLaine Prunella	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
04/10/2020	The Human Resources Branch will place an increased emphasis on encouraging employee self-identification to ensure that all of the quantitative workforce data provided to the EEO office is accurate and will work to establish practices for collecting required data under it's purview where such practices may not already be in place.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

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Plan to Eliminate Identified Barriers

PART I.1

<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)					
<b>Specific Workforce Data Table:</b>	Workforce Data Table - A4					
<b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b>  Provide a brief narrative describing the condition at issue.  How was the condition recognized as a potential barrier?	Lower than expected representation of racial and ethnic minorities overall in senior-level permanent positions. Only 22% of individuals in CT16+ permanent positions are racial and ethnic minorities compared to their representation in the RCLF at 27%. The largest gap between representation in CT16+ permanent positions and the RCLF exists for Hispanic employees: █% of CT16+ permanent positions are filled by Hispanic employees, despite their representation in the RCLF at 6.5%. Positively, the % of Two or More Races females at CT16+ has risen to █% which exceeds the RCLF benchmark of 0.34%					
<b>STATEMENT OF BARRIER GROUPS:</b>	<p><i>Barrier Group</i></p> <p>Hispanic or Latino Males Hispanic or Latino Females Black or African American Males Black or African American Females Asian Males Asian Females Native Hawaiian or Other Pacific Islander Males Native Hawaiian or Other Pacific Islander Females American Indian or Alaska Native Males American Indian or Alaska Native Females Two or More Races Males Two or more Races Females</p>					
<b>Barrier Analysis Process Completed?:</b>	Y					
<b>Barrier(s) Identified?:</b>	Y					
<b>STATEMENT OF IDENTIFIED BARRIER:</b>  Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	<table border="1"> <thead> <tr> <th>Barrier Name</th> <th>Description of Policy, Procedure, or Practice</th> </tr> </thead> <tbody> <tr> <td>Lack of measures to mitigate potential bias in talent process standard operating procedures</td> <td>Standard Operating Procedures for talent processes do not actively mitigate barriers and bias. Hiring, performance management, and promotions are highly subjective with no measures to minimize biases. This reduces the ability for CFTC to actively promote DEI through talent processes.</td> </tr> </tbody> </table>	Barrier Name	Description of Policy, Procedure, or Practice	Lack of measures to mitigate potential bias in talent process standard operating procedures	Standard Operating Procedures for talent processes do not actively mitigate barriers and bias. Hiring, performance management, and promotions are highly subjective with no measures to minimize biases. This reduces the ability for CFTC to actively promote DEI through talent processes.	
Barrier Name	Description of Policy, Procedure, or Practice					
Lack of measures to mitigate potential bias in talent process standard operating procedures	Standard Operating Procedures for talent processes do not actively mitigate barriers and bias. Hiring, performance management, and promotions are highly subjective with no measures to minimize biases. This reduces the ability for CFTC to actively promote DEI through talent processes.					



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Plan to Eliminate Identified Barriers

Objective(s) and Dates for EEO Plan

Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description
10/01/2016	09/30/2024	Yes			Eliminate potential barriers to career advancement for underrepresented groups to senior-level positions.

Responsible Official(s)

Title	Name	Standards Address The Plan?
Chief Human Capital Officer	KerriLaine Prunella	Yes
OMWI Director	Sarah Summerville	Yes

Planned Activities Toward Completion of Objective

Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
04/30/2018	Partner with Women at Work (WAW) affinity group to conduct a panel discussion about career advancement in the financial industry.	Yes		02/28/2018
07/30/2018	Conduct unconscious bias briefing for executives and training for employees	Yes		02/28/2018
09/28/2018	Validate data in Table A11, Internal Selections for Senior-Level Positions, to use FY16 as baseline data.	Yes		09/28/2018
09/30/2020	Hire a new full time employee to continue to conduct a robust barrier analysis and monitor selections to senior grade positions (Table A11).	Yes		06/14/2019
09/30/2020	Launch an inter-office barrier analysis working group.	Yes		01/29/2020
09/30/2020	Create and deliver new agency-wide training "Diversity in the Legal Profession: Busting Cognitive and Structural Biases" to allow participants to receive Continuing Legal Education Credits.	Yes		07/15/2020
03/01/2021	Hire a consultant to conduct a 360 degree diversity, equity, and inclusion review along with an agency-wide barrier analysis	Yes		
09/30/2021	Formalize the Diversity Workgroup	Yes		
09/30/2021	Make diversity and inclusion training mandatory for supervisors and employees; with additional targeted training required for supervisors	Yes		
12/31/2021	The agency will create a human capital strategic plan with diversity, equity, and inclusion principles woven into it.	Yes		

Report of Accomplishments

Fiscal Year	Accomplishments
2016	The CFTC promoted its executive coaching training program among women in positions CT-14 and higher and has seen increased participation rates for women. Unconscious bias training was not conducted, but plans are in place to commence the subject training during FY18. OMWI continues to work with affinity group to prepare relevant briefings and panel discussions regarding career advancement in the financial industry. Table A11 now contains relevant information to conduct better analysis of internal selections for senior level positions.

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Plan to Eliminate Identified Barriers

Report of Accomplishments

Fiscal Year	Accomplishments
2017	<p>After several years of partnering with the Women in Derivatives (WIND) organization CFTC commenced and chartered its own group in April 2017 - Association of Women at Work (WAW). WAW will assist the Agency with promoting and fostering a diverse and inclusive workplace and will provide mentoring and networking opportunities for women.</p>
2018	<p>CFTC OMWI provided unconscious bias briefing to executives, senior staff and employees and provided No FEAR and EEO training (which included training in sexual harassment and reprisal). Reasonable Accommodation training is scheduled to be included in the Collective Bargaining Agreement training. OMWI drafted and submitted proposed language to OED to establish and recognize diversity standards in two Awards. The Excellence in Management Award will recognize supervisors and managers who recruit, hire and promote diversity: including in the internship program. The Staff Excellence Award will recognize nonsupervisory/managerial employees who support diversity. OMWI worked with Divisions to conduct outreach and recruit volunteer interns for the 2018 Spring and Summer resulting in 17 women being selected to participate in the intern program.</p>
2019	<p>Though the Diversity Manager position was vacant throughout nearly three fourths of FY19, the CFTC succeeded in onboarding a new full-time Diversity Manager in late June of 2019. The position is housed in the CFTC's OMWI office and will increase the capacity of that office and the agency to maintain a model EEO program, identify and address potential barriers to equal employment opportunity, provide trainings, and promote an organizational culture that values diversity and inclusion. After onboarding, the Diversity Manager planned and executed introductory focus group meetings with affinity group leaders to ask them about perceived barriers to equal opportunity that their members may have faced. Input from those meetings, along with other feedback collected from agency stakeholders, will be incorporated into the FY20 MD-715 report.</p> <p>Additionally, the CFTC filled another position that had been vacant-- the Agency's Learning Officer, housed in the CFTC's Human Resources Branch, on-boarded in July of 2019. The Learning Officer will help ensure that individuals have the training and resources they need to equitably access promotions and that leaders are trained in practices that promote equal opportunity, diversity, and inclusion.</p> <p>OMWI also organized multiple events and supported a community of five internal employee affinity groups: the Association of Asian Americans &amp; Pacific Islanders, the Hispanic Employee Association, the Association of African Americans, CFTC Pride: Gay, Lesbian, Bisexual, Transgender &amp; Allied Employees, and Women @ Work. As mentioned above, OMWI and the Chairman's Office also planned for the launch of a new Veterans affinity group. Affinity groups played an important role in FY19 in promoting a sense of belonging and providing networking and leadership development opportunities for staff. For example, Women @ Work hosted a book club and regular mentorship coffee-hours for members; the Association of Asian Americans and Pacific Islanders planned agency-wide Lunar New Year and Diwali Celebrations and hosted a tea for new interns. OMWI worked with the affinity groups during FY19 to co-sponsor agency-wide observance month events that brought a diverse array of accomplished speakers from throughout the financial sector to the Commission to speak and provide guidance and mentorship to staff.</p>

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Plan to Eliminate Identified Barriers

Report of Accomplishments

Fiscal Year	Accomplishments
2020	<p>As described in the executive summary and as planned, during FY2020, the agency launched the agency's first inter-office workgroup to conduct a barrier analysis focused on two agency divisions, and also provided an agency-wide training "Diversity in the Legal Profession: Busting Cognitive and Structural Biases." After the George Floyd tragedy, leaders of the African American Affinity Group and labor union made recommendations to the agency Chairman to take further action on diversity, equity, and inclusion.</p> <p>The CFTC Chairman then announced 4 steps during FY2020 that will help to address this barrier:</p> <ol style="list-style-type: none"><li>1) the agency hired a consultant to conduct a 360 degree diversity, equity, and inclusion review along with an agency-wide barrier analysis;</li><li>2) the agency will plan to formalize the Diversity Workgroup;</li><li>3) the agency will make diversity and inclusion training mandatory for supervisors and employees; and</li><li>4) the agency will create a human capital strategic plan with diversity, equity, and inclusion principles woven into it.</li></ol>

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Plan to Eliminate Identified Barriers

PART I.2

<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)	
<b>Specific Workforce Data Table:</b>	Workforce Data Table - A1	
<b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b>  Provide a brief narrative describing the condition at issue.  How was the condition recognized as a potential barrier?	Hispanic or Latino males participate at █ % in the permanent workforce as compared to a RCLF of 3.4%. Hispanic or Latina females participate at █ % in the permanent workforce as compared to a RCLF of 3.1%.	
<b>STATEMENT OF BARRIER GROUPS:</b>	<i>Barrier Group</i> Hispanic or Latino Males Hispanic or Latino Females	
<b>Barrier Analysis Process Completed?:</b>	Y	
<b>Barrier(s) Identified?:</b>	Y	
<b>STATEMENT OF IDENTIFIED BARRIER:</b>  Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	<b>Barrier Name</b> Lack of strategy, resources, transparency, and processes	<b>Description of Policy, Procedure, or Practice</b> Barriers identified that likely contributed to this trigger are: 1) lack of hiring due to the Coronavirus Pandemic; 2) the lack of funding and staff dedicated to diversity recruitment; and 3) the lack of an agency-wide diversity recruitment strategy. Additionally, there are no explicit DEI focused hiring and recruiting programs. Hiring is limited to a few positions, mainly high grade, and is done by individual hiring managers who own the roles. This leaves the hiring process open to bias. Additionally, the recruitment processes at the Commission do not proactively source a diverse pool of candidates.

Objective(s) and Dates for EEO Plan

Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description
07/19/2019	09/30/2024	Yes			Remove barriers to the workplace for Hispanic male and female employees.

Responsible Official(s)

Title	Name	Standards Address The Plan?
Director, OMWI	Sarah Summerville	Yes
Chief Human Capital Officer	KerriLaine Prunella	Yes

Planned Activities Toward Completion of Objective

Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2020	Partner with agency affinity groups to continue to identify and address potential barriers.	Yes		12/31/2020
09/30/2020	Launch an interoffice barrier analysis working group.	Yes		01/29/2020

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Plan to Eliminate Identified Barriers

Planned Activities Toward Completion of Objective

Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2020	Create and deliver new agency-wide training "Diversity in the Legal Profession: Busting Cognitive and Structural Biases" to allow participants to receive Continuing Legal Education Credits.	Yes		07/15/2020
03/01/2021	Hire a consultant to conduct a 360 degree diversity, equity, and inclusion review along with an agency-wide barrier analysis.	Yes		
09/30/2021	Make diversity and inclusion training mandatory for supervisors and employees; with additional targeted training required for supervisors.	Yes		
12/31/2021	The agency will create a human capital strategic plan with diversity, equity, and inclusion principles woven into it.	Yes		
09/30/2021	Formalize the Diversity Workgroup	Yes		

Report of Accomplishments

Fiscal Year	Accomplishments
2019	The CFTC hired a new full-time Diversity Manager in its OMWI office. The position is housed in the CFTC's OMWI office and will increase the capacity of that office and the agency to maintain a model EEO program, identify and address potential barriers to equal employment opportunity, provide trainings, and promote an organizational culture that values diversity and inclusion. After onboarding, the Diversity Manager planned and executed introductory focus group meetings with affinity group leaders, including the leaders of the Hispanic Affinity Group, to ask them about perceived barriers to equal opportunity that their members may have faced. Input from those meetings, along with other feedback collected from agency stakeholders, will be incorporated into the FY20 MD-715 report. The agency held a Hispanic Heritage Month event featuring speaker Sergio Rodriguera Jr., a financial technology leader.
2020	As described in the executive summary and as planned, during FY2020, the agency launched the agency's first inter-office workgroup to conduct a barrier analysis focused on two agency divisions, and also provided an agency-wide training "Diversity in the Legal Profession: Busting Cognitive and Structural Biases." After the George Floyd tragedy, leaders of the African American Affinity Group and labor union made recommendations to the agency Chairman to take further action on diversity, equity, and inclusion. The CFTC Chairman then announced 4 steps during FY2020 that will help to address this barrier: 1) the agency hired a consultant to conduct a 360 degree diversity, equity, and inclusion review along with an agency-wide barrier analysis; 2) the agency will plan to formalize the Diversity Workgroup; 3) the agency will make diversity and inclusion training mandatory for supervisors and employees; and 4) the agency will create a human capital strategic plan with diversity, equity, and inclusion principles woven into it.

**MD-715 – Part J**  
**Special Program Plan**  
**for the Recruitment, Hiring, Advancement, and**  
**Retention of Persons with Disabilities**

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

**Section I: Efforts to Reach Regulatory Goals**

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

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

- |                               |        |     |
|-------------------------------|--------|-----|
| a.Cluster GS-1 to GS-10 (PWD) | Answer | Yes |
| b.Cluster GS-11 to SES (PWD)  | Answer | Yes |

Within the cluster of 19 permanent employees in grades CT-1 to CT-10, 11% (21 employees) are people with disabilities, a decrease from 15% (28 employee) in FY19. Of the 677 employees in the cluster of CT 11 and higher, 5.47% are people with disabilities (37 employees), an increase from 4.76% (31 employees) in FY19. Both clusters are below the 12% benchmark goal.

\*For GS employees, please use two clusters: GS-1 to GS-10 and GS-11 to SES, as set forth in 29 C.F.R. § 1614.203(d) (7). For all other pay plans, please use the approximate grade clusters that are above or below GS-11 Step 1 in the Washington, DC metropolitan region.

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

- |                                |        |     |
|--------------------------------|--------|-----|
| a.Cluster GS-1 to GS-10 (PWTD) | Answer | Yes |
| b.Cluster GS-11 to SES (PWTD)  | Answer | Yes |

Within the cluster of 19 permanent employees in grades CT-1 to CT-10, 11% (21 employees) are people with targeted disabilities, a decrease from 15% (28 employee) in FY19. Of the 677 permanent employees in the cluster of CT 11 and higher, 5.47% (37 employees) are PWTD. Both clusters are beneath the 2% targeted goal.

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

The agency continues to take steps to ensure that key stakeholders know that the CFTC has adopted the mandatory 2% and 12% employment goals. For example HR Specialists provided and discussed the various options available to hiring officials for hiring PWDs and PWTDs. OMWI also reviews the goals with the Chief Human Capital Officer, and briefs the CFTC Chairman, Chief of Staff and labor union to ensure that they are aware of the goals and what the agency can do to reach them.

**Section II: Model Disability Program**

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

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

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

Answer    Yes

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

Disability Program Task	# of FTE Staff By Employment Status			Responsible Official (Name, Title, Office Email)
	Full Time	Part Time	Collateral Duty	
Section 508 Compliance	0	1	0	Kennet Ake IT Specialist Section508@cftc.gov
Processing applications from PWD and PWTD	0	1	0	Sarata Head Employment Manager SHead@cftc.gov
Answering questions from the public about hiring authorities that take disability into account	0	1	0	Sarata Head Employment Manager SHead@cftc.gov
Processing reasonable accommodation requests from applicants and employees	0	1	0	Lauren Colón Chief, Workforce Relations LColon@cftc.gov
Architectural Barriers Act Compliance	0	0	1	Wesley French Manager - Programs and Planning dclohelpdesk@cftc.gov
Special Emphasis Program for PWD and PWTD	0	1	0	Derrick Wilson Diversity and Inclusion Specialist dwilson@cftc.gov

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

Answer Yes

CFTC staff has sufficient training to carry out their responsibilities, including training and extensive experience in the application of federal human resource requirements and best practices regarding reasonable accommodations, non-competitive hiring authorities, accessibility, and disability inclusion. Staff also continues to engage in no-cost activities designed to increase their knowledge and skill including online training and reviewing material posted to the EEOC website. Disability Program Staff has full access to cutting-edge legal research tools such as Lexis Nexis to continue to build on their extensive experience and educate themselves on how to address complex disability issues. For example, staff members recently conducted negotiations for the agency's collective bargaining agreement. Through that process, staff conducted in-depth research on reasonable accommodation requirements under Section 501 of the Rehabilitation Act in order to effectively negotiate with the union.

**B. PLAN TO ENSURE SUFFICIENT FUNDING FOR THE DISABILITY PROGRAM**

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

Answer Yes

N/A

**Section III: Plan to Recruit and Hire Individuals with Disabilities**

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

**A. PLAN TO IDENTIFY JOB APPLICATIONS WITH DISABILITIES**

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

The agency utilizes a variety of recruitment strategies to increase the number of qualified applicants with disabilities and applicants with targeted disabilities within the major occupations. These include sourcing Schedule A, subpart (u) qualified applicants via State Vocational Rehabilitation Services and Veteran organizations, utilizing Veteran hiring programs, and attending local career fairs that focus on disability hiring, and identifying and reaching out to professional associations that include people with disabilities such as the National Association of Attorneys with Disabilities and the Deaf and Hard of Hearing Bar Association.

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

The Human Resources Branch provides qualified Schedule A and disabled Veteran applicants to hiring officials when appropriate.

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

(1) CFTC determines if the individual is eligible for appointment under such authority by requiring certification for the appropriate disability resource. (2) Qualified schedule A, subpart (u) and Veterans applicant information (certs) are forwarded to hiring officials as part of the list of eligible candidates. HR Specialists are available to discuss all parts of the Schedule A and other PWD-type of hiring authorities.

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

Answer Yes

Instruction and use of hiring authorities – including Schedule A, subpart (u) and Veteran Hiring Authorities – are provided to new supervisors during their required 40 hours of training. Online courses are also made available and encouraged. Periodic refresher courses are also available and provided to hiring officials.

## B. PLAN TO ESTABLISH CONTACTS WITH DISABILITY EMPLOYMENT ORGANIZATIONS

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

During FY20 and FY21 the CFTC will expand its outreach and find additional resources to increase the recruitment and hiring of PWD and PWTD to mission critical occupations. Two potential resources that have been identified include the National Association of Attorneys with Disabilities and the Deaf and Hard of Hearing Bar Association.

## C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)

1. Using the goals of 12% for PWD and 2% for PWTD as the benchmarks, do triggers exist for PWD and/or PWTD among the new hires in the permanent workforce? If "yes", please describe the triggers below.

a. New Hires for Permanent Workforce (PWD) Answer No  
b. New Hires for Permanent Workforce (PWTD) Answer Yes

Among the 10 hires in FY2020, [redacted] identified as a PWD ([redacted]%), which is above the benchmark of 12%. [redacted] hires in FY2020 identified as a PWTD ([redacted]%), which is below the 2% benchmark resulting in a trigger.

2. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the new hires for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires for MCO (PWD) Answer N/A  
b. New Hires for MCO (PWTD) Answer N/A

Data unavailable for this analysis. See Part H for plan to collect it.



3. Using the relevant applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the qualified internal applicants for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Qualified Applicants for MCO (PWD) Answer N/A
- b. Qualified Applicants for MCO (PWTD) Answer N/A

Data unavailable for this analysis. See Part H for plan to collect it.

4. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among employees promoted to any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Promotions for MCO (PWD) Answer Yes
- b. Promotions for MCO (PWTD) Answer Yes

Of the 31 MCO employees promoted in FY2020, [redacted] identified as a Person with a Disability ([redacted] %); while higher than the 5.3% participation in the workforce, it is still below the 12% benchmark. [redacted] identified as a Person with a Targeted Disability, below the 2% benchmark.

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

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

#### A. ADVANCEMENT PROGRAM PLAN

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

To ensure that people with disabilities can access all learning opportunities, the CFTC processes all requests for reasonable accommodations regarding training appropriately and ensures that trainings disseminated through its Learning Management System are compliant with Section 508 of the Rehabilitation Act. Though opportunities for training and development programs do not exclude PWD or PWTD and all employees are afforded the same opportunities for advancement as appropriate, the CFTC will work to further develop a comprehensive plan to ensure advancement opportunities for PWD. The plan will include the use of details and job assignments as well as mentoring to advance PWD.

#### B. CAREER DEVELOPMENT OPPORTUNITIES

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

The Commission offered a number of regulatory learning engagements that were delivered through eLearning training sessions. The Commission continued to offer Continued Legal Educations (CLE) and Continued Professional Education (CPE) training access to all employees. These courses afford staff with relevant information in: Accounting, Auditing, Dodd-Frank legislation, Swaps, Derivatives, Financial Market essentials, Project Management, Financial Management and ethics. Using blended learning techniques, CFTC staff participated in mission-related seminars available via in-person training, forums, seminars, live webcasts, audio CD's and DVDs, MP3s, course handbooks and on-demand learning. This training opportunity is offered to all qualified employees, including persons with disabilities. The CFTC goes to law schools and colleges to recruit unpaid (voluntary) interns. CFTC trained these interns on the transition from being an Intern to federal employee and provided training on the OPM hiring authorities for internship programs: including the Pathways Program, Student Volunteer Program, Unpaid Intern Program and Disability Employment. Additionally, the CFTC utilizes competitive and non-competitive detail assignments both internally and with other agencies as opportunities for advancement.

2. In the table below, please provide the data for career development opportunities that require competition and/or supervisory recommendation/approval to participate.

Career Development Opportunities	Total Participants		PWD		PWTD	
	Applicants (#)	Selectees (#)	Applicants (#)	Selectees (#)	Applicants (#)	Selectees (#)
Internship Programs	0	0	0	0	0	0
Fellowship Programs	0	0	0	0	0	0
Mentoring Programs	0	0	0	0	0	0
Coaching Programs	0	0	0	0	0	0
Training Programs	0	0	0	0	0	0
Detail Programs	0	0	0	0	0	0
Other Career Development Programs	0	0	0	0	0	0

3. Do triggers exist for PWD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Applicants (PWD) Answer N/A
- b. Selections (PWD) Answer N/A

No triggers were identified as the CFTC does not have a formal career development program.

4. Do triggers exist for PWTD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Applicants (PWTD) Answer N/A
- b. Selections (PWTD) Answer N/A

No triggers were identified as the CFTC does not have a formal career development program.

### C. AWARDS

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

- a. Awards, Bonuses, & Incentives (PWD) Answer No
- b. Awards, Bonuses, & Incentives (PWTD) Answer No

PWD are 5.3% of the workforce, they received 4.8% of time off awards (1-9 hours), 5.7% of time off awards (9+ hours), and 5.0% of cash awards. PWTD are [redacted] % of the workforce, they received [redacted] % of time off awards (1-9 hours), [redacted] % of time off awards (9+ hours), and [redacted] % of cash awards.

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

- a. Pay Increases (PWD) Answer No
- b. Pay Increases (PWTD) Answer No

The CFTC is not a title 5 agency and does not have or use QSI's.

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

- a. Other Types of Recognition (PWD) Answer N/A
- b. Other Types of Recognition (PWTD) Answer N/A

### D. PROMOTIONS

1. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. SES
- i. Qualified Internal Applicants (PWD) Answer N/A

ii. Internal Selections (PWD)	Answer	N/A
b. Grade GS-15		
i. Qualified Internal Applicants (PWD)	Answer	N/A
ii. Internal Selections (PWD)	Answer	N/A
c. Grade GS-14		
i. Qualified Internal Applicants (PWD)	Answer	N/A
ii. Internal Selections (PWD)	Answer	N/A
d. Grade GS-13		
i. Qualified Internal Applicants (PWD)	Answer	N/A
ii. Internal Selections (PWD)	Answer	N/A

Data unavailable for this analysis. See Part H for plan to collect it.

2. Does your agency have a trigger involving PWTD among the qualified internal applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. SES		
i. Qualified Internal Applicants (PWTD)	Answer	N/A
ii. Internal Selections (PWTD)	Answer	N/A
b. Grade GS-15		
i. Qualified Internal Applicants (PWTD)	Answer	N/A
ii. Internal Selections (PWTD)	Answer	N/A
c. Grade GS-14		
i. Qualified Internal Applicants (PWTD)	Answer	N/A
ii. Internal Selections (PWTD)	Answer	N/A
d. Grade GS-13		
i. Qualified Internal Applicants (PWTD)	Answer	N/A
ii. Internal Selections (PWTD)	Answer	N/A

Data unavailable for this analysis. See Part H for plan to collect it.

3. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires to SES (PWD)	Answer	N/A
b. New Hires to GS-15 (PWD)	Answer	N/A
c. New Hires to GS-14 (PWD)	Answer	N/A
d. New Hires to GS-13 (PWD)	Answer	N/A

Data unavailable for this analysis. See Part H for plan to collect it.

4. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires to SES (PWTD)	Answer	N/A
b. New Hires to GS-15 (PWTD)	Answer	N/A
c. New Hires to GS-14 (PWTD)	Answer	N/A
d. New Hires to GS-13 (PWTD)	Answer	N/A

Data unavailable for this analysis. See Part H for plan to collect it.

5. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Executives		
i. Qualified Internal Applicants (PWD)	Answer	N/A
ii. Internal Selections (PWD)	Answer	N/A
b. Managers		
i. Qualified Internal Applicants (PWD)	Answer	N/A
ii. Internal Selections (PWD)	Answer	N/A
c. Supervisors		
i. Qualified Internal Applicants (PWD)	Answer	N/A
ii. Internal Selections (PWD)	Answer	N/A

Data unavailable for this analysis. See Part H for plan to collect it.

6. Does your agency have a trigger involving PWTB among the qualified internal applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Executives		
i. Qualified Internal Applicants (PWTB)	Answer	N/A
ii. Internal Selections (PWTB)	Answer	N/A
b. Managers		
i. Qualified Internal Applicants (PWTB)	Answer	N/A
ii. Internal Selections (PWTB)	Answer	N/A
c. Supervisors		
i. Qualified Internal Applicants (PWTB)	Answer	N/A
ii. Internal Selections (PWTB)	Answer	N/A

Data unavailable for this analysis. See Part H for plan to collect it.

7. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires for Executives (PWD)	Answer	N/A
b. New Hires for Managers (PWD)	Answer	N/A
c. New Hires for Supervisors (PWD)	Answer	N/A

Data unavailable for this analysis. See Part H for plan to collect it.

8. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTB among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires for Executives (PWTB)	Answer	N/A
b. New Hires for Managers (PWTB)	Answer	N/A
c. New Hires for Supervisors (PWTB)	Answer	N/A

Data unavailable for this analysis. See Part H for plan to collect it.

## Section V: Plan to Improve Retention of Persons with Disabilities

To be model employer for persons with disabilities, agencies must have policies and programs in place to retain employees with disabilities. In this section, agencies should: (1) analyze workforce separation data to identify barriers retaining employees with disabilities; (2) describe efforts to ensure accessibility of technology and facilities; and (3) provide information on the reasonable accommodation program and workplace assistance services.

### A. VOLUNTARY AND INVOLUNTARY SEPARATIONS

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

Answer N/A

No employees have been eligible for conversion during this reporting period. Any employees that are eligible are converted as appropriate.

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

a. Voluntary Separations (PWD)	Answer	No
b. Involuntary Separations (PWD)	Answer	No

Data unavailable for this analysis. See Part H for plan to collect it.

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

a. Voluntary Separations (PWTD)	Answer	No
b. Involuntary Separations (PWTD)	Answer	No

Data unavailable for this analysis. See Part H for plan to collect it.

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

## B. ACCESSIBILITY OF TECHNOLOGY AND FACILITIES

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

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

<https://www.cftc.gov/WebPolicy/EEONoFearAct/index.htm>

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

<https://www.cftc.gov/WebPolicy/EEONoFearAct/index.htm>

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

Facilities comply with accessibility requirements in all Offices: Washington, DC; New York, NY; Chicago, IL; Kansas City, MO.

## C. REASONABLE ACCOMMODATION PROGRAM

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

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

The average time frame for processing initial requests for reasonable accommodation during the reporting period is seven (7) business days.

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

CFTC has consistently provided responses to reasonable accommodation requests, both approved and not approved. Managers and supervisors have been trained on reasonable accommodation responsibilities, including the process.

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

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

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

One of the strengths of the CFTC's personal assistance services procedures is that they are integrated into the CFTC's reasonable accommodation procedures to ensure consistency and efficiency. The CFTC did not receive any requests for Personal Assistance Services in FY 2019, but will continue to evaluate the effectiveness of its procedures in FY 2020 and FY 2021.

## Section VI: EEO Complaint and Findings Data

### A. EEO COMPLAINT DATA INVOLVING HARASSMENT

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

Answer No

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

Answer No

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

CFTC did not have any findings of discrimination in FY 2020.

### B. EEO COMPLAINT DATA INVOLVING REASONABLE ACCOMMODATION

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

Answer No

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

Answer No

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

N/A

## Section VII: Identification and Removal of Barriers

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

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

Answer Yes

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

Answer Yes

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

<b>Source of the Trigger:</b>		Workforce Data (if so identify the table)				
<b>Specific Workforce Data Table:</b>		Workforce Data Table - B4				
<b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b>		Trigger 1: PWD/PWTD by Grade level cluster in the permanent workforce - Within the cluster of 19 permanent employees in grades CT-1 to CT-10, █% (█ employees) are people with disabilities, a decrease from █% (█ employee) in FY19. Of the 677 employees in the cluster of CT 11 and higher, 5.47% are people with disabilities (37 employees), an increase from 4.76% (31 employees) in FY19. Both clusters are below the 12% benchmark goal. Within the cluster of 19 permanent employees in grades CT-1 to CT-10, █% (█ employees) are people with targeted disabilities, a decrease from █% (█ employee) in FY19. Of the 677 permanent employees in the cluster of CT 11 and higher, █% (█ employees) are PWTD. Trigger 2: PWD/PWTD by new hires in the permanent workforce – Among the 10 hires in FY2020, █ identified as a PWD (█%), which is above the benchmark of 12% resulting in a trigger. █ hires in FY2020 identified as a PWTD (█%), which is below the 2% benchmark resulting in a trigger. Trigger 3: PWD/PWTD by employees promoted to any MCO – Of the 31 MCO employees promoted in FY2020, █ identified as a Person with a Disability (█%); while higher than the 5.3% participation in the workforce, it is still below the 12% benchmark. █ identified as a Person with a Targeted Disability, below the 2% benchmark. Trigger 4: Participation Below Goal for People with Disabilities (PWD) and People with Targeted Disabilities (PWTD) - In FY20, the 12% participation rate goal for PWD was not met for grades CT10 and below nor for grades CT11 and above; instead, the participation rates were █% and 5.7% respectively. The 2% participation rate goal for PWTD was not met for grades CT10 and below or CT11 and above and was instead █% and █% respectively. Positively, CT11 -13 was closest to the 2% participation rate goal for PWTD at █%.				
Provide a brief narrative describing the condition at issue.						
How was the condition recognized as a potential barrier?						
<b>STATEMENT OF BARRIER GROUPS:</b>		<i>Barrier Group</i>				
		People with Disabilities				
		People with Targeted Disabilities				
<b>Barrier Analysis Process Completed?:</b>		Y				
<b>Barrier(s) Identified?:</b>		Y				
<b>STATEMENT OF IDENTIFIED BARRIER:</b>		<b>Barrier Name</b>		<b>Description of Policy, Procedure, or Practice</b>		
Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.		PWD and PWTD are underrepresented in applicant pipeline; attitudinal barriers.		1) PWD and PWTD are underrepresented in the CFTC's applicant pipeline; and 2) societal attitudinal barriers may create a reluctance to self-disclose disability status.		
<b>Objective(s) and Dates for EEO Plan</b>						
<b>Date Initiated</b>	<b>Target Date</b>	<b>Sufficient Funding / Staffing?</b>	<b>Date Modified</b>	<b>Date Completed</b>	<b>Objective Description</b>	
08/07/2019	09/20/2021	Yes			Increase the number of PWD and PWTD employed by the CFTC.	
<b>Responsible Official(s)</b>						
<b>Title</b>		<b>Name</b>		<b>Standards Address The Plan?</b>		
Chief Human Capital Officer		KerriLaine Prunella		Yes		
OMWI Director		Sarah Summerville		Yes		
<b>Planned Activities Toward Completion of Objective</b>						
<b>Target Date</b>	<b>Planned Activities</b>			<b>Sufficient Staffing &amp; Funding?</b>	<b>Modified Date</b>	<b>Completion Date</b>
09/30/2019	Research disability organizations to target for recruitment.			Yes		09/30/2019
09/30/2020	Resurvey the workforce's disability status.			Yes		10/01/0019

**Planned Activities Toward Completion of Objective**

Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2020	Create and conduct disability inclusion training.	Yes		10/01/0019
03/01/2021	Hire a consultant to conduct a 360 degree diversity, equity, and inclusion review along with an agency-wide barrier analysis.	Yes		
09/30/2021	Make diversity and inclusion training mandatory for supervisors and employees; with additional targeted training required for supervisors.	Yes		
12/31/2021	The agency will create a human capital strategic plan with diversity, equity, and inclusion principles woven into it.	Yes		
09/30/2021	Formalize the Diversity Workgroup	Yes		

**Report of Accomplishments**

Fiscal Year	Accomplishments
2020	As described in the executive summary and as planned, during FY2020, the agency launched the agency's first inter-office workgroup to conduct a barrier analysis focused on two agency divisions, and also provided an agency-wide training "Diversity in the Legal Profession: Busting Cognitive and Structural Biases." After the George Floyd tragedy, leaders of the African American Affinity Group and labor union made recommendations to the agency Chairman to take further action on diversity, equity, and inclusion. The CFTC Chairman then announced 4 steps during FY2020 that will help to address this barrier: 1) the agency hired a consultant to conduct a 360 degree diversity, equity, and inclusion review along with an agency-wide barrier analysis; 2) the agency will plan to formalize the Diversity Workgroup; 3) the agency will make diversity and inclusion training mandatory for supervisors and employees; and 4) the agency will create a human capital strategic plan with diversity, equity, and inclusion principles woven into it.
2018	The CFTC's OMWI spearheaded a training on anxiety and depression in the workplace in order to address stigmas regarding those conditions and to create a more inclusive environment.
2019	The CFTC's OMWI: 1) conducted a campaign to resurvey the workforce's disability status by sending an email blast to all agency employees and handing out fliers and candy in the lobby to promote awareness; 2) developed and led a training "Disability Inclusion 101" for agency employees; and 3) researched disability organizations to target for potential recruitment.

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

N/A

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

Further steps are needed to address the barriers, as the triggers still remain.

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

During FY2021, 1) the agency will hire a consultant to conduct a 360 degree diversity, equity, and inclusion review along with an agency-wide barrier analysis; 2) the agency will plan to formalize the Diversity Workgroup; 3) the agency will make diversity and inclusion training mandatory for supervisors and employees; and 4) the agency will create a human capital strategic plan with diversity, equity, and inclusion principles woven into it. The agency will ensure that people with disabilities and people with targeted disabilities are included throughout all of these initiatives.