



COMMODITY FUTURES  
TRADING COMMISSION

# ANNUAL EQUAL EMPLOYMENT OPPORTUNITY PROGRAM STATUS REPORT

FISCAL YEAR 2021

## **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, 2020 to September 30, 2021

PART A 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

PART B Total Employment	1. Enter total number of permanent full-time and part-time employees	1. 679
	2. Enter total number of temporary employees	2. 11
	3. TOTAL EMPLOYMENT [add lines B 1 through 2]	4. 690

PART C	Title Type	Name	Title
Agency Official(s) Responsible For Oversight of EEO Program(s)	Head of Agency	Rostin Behnam	Chairman, Commodity Futures Trading Commission
	Principal EEO Director/Official	Tanisha Cole Edmonds	Chief Diversity, Equity, Inclusion and EEO Officer, Office of Minority and Women Inclusion
	Diversity & Inclusion Officer	Tanisha Cole Edmonds	Chief Diversity, Equity, Inclusion and EEO Officer, Office of Minority and Women Inclusion
	Principal MD-715 Preparer	Sarah Pauly	EEO Specialist
	Other EEO Staff	Darlene Thompson	EEO Complaints Manager (Detail)
	Other EEO Staff	Derrick Wilson	Diversity Specialist

For period covering October 1, 2020 to September 30, 2021

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	
Organization Chart	Y	Y	
Anti-Harassment Policy and Procedures	Y	Y	
Alternative Dispute Resolution Procedures	Y	Y	
Agency Strategic Plan	Y	Y	
EEO Policy Statement	Y	Y	
Reasonable Accommodation Procedure	Y	Y	
Human Capital Strategic Plan	N	N	
Results from most recent Federal Employee Viewpoint Survey or Annual Employee Survey	N	N	
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	

**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.

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

**Essential Element A – Demonstrated Commitment from Agency Leadership.**

CFTC leadership took concrete actions in FY21 to promote an environment that supports diversity, equity, inclusion, and accessibility (DEIA). During FY21, the CFTC's new agency head Chairman Rostin Behnam (formerly titled "Acting Chairman") took several significant steps that demonstrate his ongoing commitment to DEIA. For example, Chairman Behnam:

- Released the results of the CFTC's DEIA study to the agency's workforce (Former CFTC Chairman Tarbert announced the commencement of the study on September 1, 2020; the report was completed February 1, 2021);
- Hosted an agency-wide townhall focused on DEIA;
- Announced plans to hire a new Chief Diversity, Equity, Inclusion and Equal Employment Opportunity Officer to lead the CFTC's Office of Minority and Women Inclusion (OMWI) and started the hiring process for that position;
- Announced plans to establish an agency-wide DEIA strategic plan;
- Announced the expansion of the scope of the OMWI office to include not just workforce DEIA, but also advancing equity within the agency's business (procurement and contracting) operations;
- Sponsored a panel session of the CFTC's Market Risk Advisory Committee Meeting titled "Can We Talk: Diversity, Equity and Inclusion in the Derivatives Industry;"
- Attended and provided introductory remarks for special emphasis program events;
- Sent emails to the workforce highlighting the importance of DEIA, including emails announcing the launch of the agency's new mandatory DEIA training sessions for all employees; ("*Understanding and Addressing: Unconscious Bias*") and additional mandatory DEIA training for supervisors ("*Building Inclusive Teams*;"
- Continued to support the planned formalization of the CFTC's diversity working group.

Additionally, other CFTC leaders demonstrated their commitment to advancing DEIA. For example, former CFTC Chairman Berkovitz hosted listening sessions for agency affinity group members and sponsored a panel discussion under the Energy and Environmental Markets Advisory Committee on "Environmental, Social, and Governance Initiatives in the Energy and Environmental Markets" in which experts spoke on efforts to advance workforce EEO and DEIA throughout their industry. Furthermore, the agency unanimously approved technical amendments to rules governing its reparations proceedings to ensure that the rules incorporated gender neutral language.

**Essential Element B – Integration of EEO into Agency Mission.**

EEO is integrated into the agency's mission and is included in the agency's current 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 lists one of the agency's core values as teamwork, which is defined as "valuing diverse skill sets and backgrounds to achieve our mission." Furthermore, as described above, Chairman Behnam announced plans in FY21 to create a Commission-wide DEIA strategic plan.

The CFTC's EEO program is 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 principal EEO official controls all aspects of the EEO program 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. The agency provides 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 FY21, twenty employees were honored with an 8-hour time off awards for their work to further diversity at the agency.

All employees, even non-supervisors, are rated on whether or not they demonstrate adherence to EEO and diversity principles. 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.

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

**Essential Element D – Proactive Prevention.**

The CFTC makes early efforts to prevent discrimination and to identify and eliminate barriers to equal employment opportunity. In FY21, after announcing its launch in September of 2020, the agency completed a DEIA study; agency leadership then shared the results of the study with the CFTC workforce and hosted a townhall to discuss it and hear employee responses.

Furthermore, the CFTC works to foster a culture of inclusion that values diversity. The CFTC has seven active internal employee affinity groups: the Association of African Americans, the Association of Asian Americans & Pacific Islanders, CFTC Pride: Gay, Lesbian, Bisexual, Transgender & Allied Employees, the Latino-Hispanic Employee Association, People with Disabilities Affinity Group, 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 FY21, the agency conducted a variety of educational events, such as observance events and trainings, to advance inclusive workplace practices. OMWI hosts agency-wide observance events each year that provide consciousness-raising and educational opportunities on DEIA subjects. During FY21, the agency also held its first mandatory DEIA training for all agency employees titled "Understanding and Addressing Unconscious Bias" and additionally conducted a separate mandatory DEIA training for all agency supervisors titled "Building Inclusive Teams." The agency's learning and development team provided a variety of further opportunities for supervisors to ensure that they have the skills they need to effectively and inclusively manage and support the agency's workforce. For example:

- Developmental training sessions were made available for all employees designated as a supervisor or manager; approximately 95 supervisors/managers attended the sessions;
- The CFTC's Learning and Development team offered a CFTC "Leaders' Learning Series" which included sessions on a variety of subjects such as "Ethical Decision Making" and "Our Thinking Capacity;"
- Executive Coaching opportunities were provided to supervisory staff.

**Essential Element E – Efficiency.**

The CFTC continues to maintain an efficient, fair, and impartial complaint resolution process and in FY21 processed 100% of complaint actions within the timeframes defined in EEOC regulations for processing EEO complaints.

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 work to comply with EEO statutes, regulations, policy, guidance, and other written instructions. Processes are in place to ensure timely, accurate, and complete compliance with resolutions/settlement agreements as well as predictable processing of ordered monetary relief.

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

Nevertheless, the agency has a number of deficiencies under these elements that it is working to address. The FY21 self-assessment revealed the CFTC met 47 of the 100 performance measures. The 53 performance measures that require action are listed throughout Part G. A description of the actions the CFTC plans to take to address the 53 deficiencies and the agency officials responsible for addressing the deficiencies are listed in Parts G and H of this report as required.

Commodity Futures Trading Commission

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## EXECUTIVE SUMMARY: WORKFORCE ANALYSES

**Workforce Profile- Introduction.**<sup>[1]</sup> The Workforce Profile section provides an overview of the CFTC's demographics in respect to sex, race, ethnicity, and disability status during FY21. It also describes "triggers" and potential "barriers" that the CFTC has identified by analyzing its workforce profile and workplace. A "trigger" is a trend, difference, variance, outlier, or anomaly that suggests the need for further inquiry into a particular policy, practice, procedure, or condition; a "barrier" is an agency policy, principle, or practice that limits or tends to limit employment opportunities for members of a particular EEO group based on their sex, race, ethnic background, or disability status. After identifying triggers and potential barriers, federal agencies must develop and implement action plans to address the barriers. Only once the agency implements the action plan that eliminates the triggers first observed, can it then be safe to assume that the employment policy, practice, procedure, or condition in question was a barrier.

**Workforce Profile- Overview.** The CFTC consists of the offices of the Chairman and Commissioners as well as the agency's 13 operating divisions and offices. The CFTC organization is led by the Chairman in the Chairman's capacity as the agency's Chief Executive. The Commission is headquartered in Washington, DC, and has three regional offices located in Chicago, New York, and Kansas City.

At the end of FY21, the Commission employed 690 employees total: 679 in the permanent workforce and 11 in the temporary workforce. Within the permanent workforce, 39% (265 employees) were Attorneys (General Attorney Series 0905); 21% (144 employees) were Economists and Data Analysts (Economist 0110 Series and General Business and Industry 1101 Series); 12% (79 employees) were Auditors, Investigators, Risk Analysts, and Trade Practice Analysts (Auditing 0511 and General Inspection, Investigation and Compliance 1801 Series); and 16% (103 employees) were Management Professionals (Miscellaneous Administration and Program 0301 and Information Technology Management 2210 Series).

During FY21, the CFTC hired 44 total new employees: ■ in the permanent workforce and ■ in the temporary workforce. There were 49 separations total: 32 in the permanent workforce and 17 in the temporary workforce.

Within the overall total CFTC FY21 workforce:

- 58.26% were Male; 41.74% were Female;
- 5.36% were Asian Male; 5.20% were Asian Female;
- 6.09% were Black or African American Male; 11.01% were Black or African American Female;
- 2.17% were Hispanic or Latino Male; 1.45% were Hispanic or Latina Female;
- 44.49% were White Male; 23.77% were White Female;
- Less than ■% were Native Hawaiian or Other Pacific Islander, American Indian or Alaska Native, or Two or more races;
- 5.8% were people with disabilities; and ■% were people with targeted disabilities (targeted disabilities are defined as disabilities that the government has, for several decades, emphasized in hiring because they face the greatest barriers to employment, such as blindness, deafness, paralysis, and mental illnesses.)

See Workforce Data Tables "Table A1" and "Table B1" for further details.

**Workforce Profile- Potential Barriers.** During FY20, the CFTC conducted a study that included a 360-degree DEI review and an agency-wide barrier analysis. The FY20 study identified the below potential barriers and the CFTC has found that those potential barriers continue to persist in FY21. The EEOC advised that the CFTC should resolve the previously identified barriers from FY20 before conducting a new barrier analysis in FY21 and the CFTC has been working diligently to resolve them throughout FY21. The barriers identified were:

- "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 "Hiring, performance management, and promotions are highly subjective with no measures to combat biases. This reduces the ability of 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 underrepresented 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 decisionmaking."



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## EXECUTIVE SUMMARY: WORKFORCE ANALYSES

**Workforce Profile- Trigger Identification Process.** During FY20, as described above, the CFTC conducted a study that included a 360-degree DEI review and an agency-wide barrier analysis. The study identified "triggers" that the CFTC listed in the FY20 MD-715 report. A "trigger" is a trend, difference, variance, outlier, or anomaly that suggests the need for further inquiry into a particular policy, practice, procedure, or condition; statistics are only a starting point for analysis that must consider the totality of the circumstances. To identify triggers from demographic quantitative data, the EEOC asks agencies to compare specific data points within the agency's workforce profile against a variety of specified benchmarks, such as the nation's overall Civilian Labor Force data (CLF), occupational labor force data, and the agency's own permanent workforce. Though in past years the CFTC's MD-715 report has utilized an alternative benchmark (the relevant civilian labor force or "RCLF"), for this year's report, the CFTC is reverting to using the standard CLF benchmark to best ensure that the agency's workforce represents the American public that we serve. In accordance with the FY20 study, the CFTC determined that a trigger existed when there was any difference of 1% or greater between the CFTC's workforce participation and the applicable benchmark.

**Workforce Profile- Triggers Persisting between FY20 and FY21.** The CFTC has examined the agency's FY21 employment data to see if the triggers identified by the study during FY20 continued to exist in FY21, and has found that they do. Triggers identified by the study in FY20 that persisted during FY21 were:

**FY20 and FY21 Trigger 1. Participation of Hispanic employees is below benchmarks.** Hispanic or Latino employees were only 3.62% of the total FY21 workforce, well below the benchmark of 12.98% of the CLF. Nevertheless, despite lower than expected representation, the numbers are trending upwards with an increase in Hispanic or Latino employment in the total workforce from [REDACTED] % of the total workforce in FY20 to 3.62% of the total workforce in FY21, an increase of [REDACTED] Hispanic or Latino employees overall.

See Workforce Data Tables "Table A1" for further details.

**FY20 and FY21 Trigger 2. Lower than expected representation of racial and ethnic minorities in senior-level (CT16 and above) permanent positions.** In FY20, 22% of individuals in CT16+ permanent positions were found to be racial and ethnic minorities, and this rate remained the same in FY21. This rate is less than would be expected because 32% of the CFTC's permanent workforce were racial and ethnic minorities. Further, during FY21:

- [REDACTED] % of senior-level permanent positions were Hispanic or Latino Males, though Hispanic Males were 2.21% of the permanent workforce;
- [REDACTED] % of senior-level permanent positions were Black Males though Black Males were 6.19% of the permanent workforce;
- [REDACTED] % of senior-level permanent positions were Black Females though Black Females were 11.19% of the permanent workforce;
- [REDACTED] % of senior-level permanent positions were Asian Females though Asian Females were 5.15% of the permanent workforce.

See Workforce Data Table "AltPay CFTC" for further details.

**FY20 and FY21 Trigger 3. Participation Below Goals for People with Disabilities (PWD) and People with Targeted Disabilities (PWTD) in permanent positions.** The CFTC did not meet its 12% goal for PWD or the 2% goal for PWTD. [REDACTED] % of permanent employees in grades CT-1 to CT-10, were PWD or PWTD in FY21, holding constant compared to FY20. Only 6.02% of employees in grades CT 11 and higher in the permanent workforce were PWD in FY21, an increase from 5.47% (37 employees) in FY20 and from 4.76% (31 employees) in FY19; [REDACTED] % [REDACTED] employees) were PWTD, a decrease from [REDACTED] % [REDACTED] employees) in FY20. Further triggers regarding PWD and PWTD are noted in Part J of the report.

See Workforce Data Tables "Table A1: Total Workforce" and "Table B1: Total Workforce" for further details.

**Workforce Profile- New FY21 Triggers.** Additionally, new triggers noted by the analysis of the CFTC's demographic data are listed below.

**FY21 Trigger 1. Lower than expected representation of Black or African Americans, Hispanic or Latinos Males, and Asian Females at the Executive Level (defined as CT 16 and above and supervisory) in the permanent workforce.** Some people of color tend to have lower than expected representation in Executive positions, while White employees tend to have higher than expected representation. Of 41 Executives in the permanent workforce only:

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

- % are Hispanic or Latino Male compared to 2.17% of the permanent workforce;
- % are Black or African American Male compared to 6.09% of the permanent workforce;
- % were Black or African American Female compared to 11.01% of the permanent workforce;
- % are Asian Female compared to 5.07% of the permanent workforce.

In contrast, 78.05% of the Executives in the permanent workforce were White, though White employees were only 68.26% of the permanent workforce. There were no triggers for Asian Males or Hispanic Females amongst Executives.

See Workforce Data Tables "Table A3: Occupational Categories" [Permanent] for further details.

**FY21 Trigger 2. Lower than expected representation of Females overall, Hispanic or Latina Females, Black or African American Females, White Females, and Asians in management positions (defined as CT15 and supervisory).** Females and people of color tend to have lower than expected representation in management positions, while White Males tend to have higher than expected representation. Of the 90 managers in the permanent workforce only:

- 28.89% were Female compared to 41.83% of the permanent workforce;
- % were Hispanic or Latina Female compared to 1.47% of the permanent workforce;
- 21.11% were White Female compared to 23.56% of the permanent workforce;
- % were Black or African American Female compared to 11.19% of the permanent workforce;
- % were Asian Male compared to 5.3% of the permanent workforce;
- % were Asian Female compared to 5.15% of the permanent workforce.

In contrast, 57.78% of managers were White Males, though White Males were only 44.33% of the permanent workforce.

See Workforce Data Tables "Table A3: Occupational Categories" [Permanent] for further details.

**FY21 Trigger 3. Underrepresentation of females, and racial and ethnic minorities within non-administrative, mission critical occupations.** Analysis of FY21 data found that females and racial and ethnic minorities tended in some cases to be represented below benchmarks in non-administrative, mission critical occupations, and that White Males tended to have higher than expected representation in non-administrative, mission critical occupations. For example, out of 112 employees in the 1101 (Data Analysts) series, only:

- 24.11% were Female compared to 54.50% of the occupational CLF;
- % were Hispanic or Latina Female compared to 5.50% of the occupational CLF;
- 15.18% were White Female compared to 36.2% of the occupational CLF;
- % were Black or African American Female compared to 7.3% of the occupational CLF;
- % were Two or More Races Female compared to 1.3% of the occupational CLF.

In contrast, 75.89% were Male compared to 45.5% of the occupational CLF, and 58.04% were White Males compared to 32.2% of the occupational CLF. No triggers were found within this series for Hispanic or Latino Males, Black Males, or Asian Males.

See Workforce Data Tables "Table A6P: Mission-Critical Occupations" [Permanent] for further details.

**FY21 Trigger 4. Representation within the permanent workforce in the CFTC's largest, non-administrative divisions.** The CFTC's largest, non-administrative Divisions (Division of Enforcement, Division of Clearing and Risk, Division of Market Oversight, and Market Participants Division) tend to have higher than expected representation of White and Male employees, and less than expected representation of females and some people of color in their permanent workforce. For example, of the 172 permanent employees in the Division of Enforcement:

- 40% are Female, compared to 48.21% of the CLF;
- % are Hispanic or Latino Male compared to 6.82% of the CLF;
- % are Hispanic or Latina Female, compared to 6.16% of the CLF;
- % are Black or African American Male compared to 5.7% of the CLF;
- % are Black or African American Female compared to 6.61% of the CLF;
- % are Two or More Races Male compared to 1.05% of the CLF;
- % are Two or More Races Female compared to 1.05% of the CLF.

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

In contrast:

- 59.88% of employees were Male, though Males are only 51.79% of the CLF;
- 80% of employees were White, though Whites are only 67.47% of the CLF.

See Workforce Data Tables "Table A2 Permanent Workforce by Component" for further details.

**FY21 Trigger 5. Applicant Flow Data. Lower than expected representation for Females and some categories of people of color in the application processes for the CFTC's mission critical occupations, overall new hires, and internal competitive promotions for mission critical occupations in the CFTC's permanent workforce.** For example:

- Amongst new hires for mission critical occupations in the permanent workforce, out of 24 selections █% were Black or African American Male, though Black or African American Males were 12.42% of the total qualified external applicants; (Positively, █% of the selections were Black or African American Female, compared to 9.18% of the qualified external applicants and compared to █% of the selections for FY20 and FY19, reversing past trends);
- Amongst internal competitive promotions for mission critical occupations in the permanent workforce, of the 18 selections, █% were Female, though females were 38.86% of the qualified internal applicants; █% were Black or African American Male though Black or African American males were 18.96% of the qualified applicants;
- Amongst the total new hires in the permanent and temporary workforce, out of the 44 new hires, █% were Hispanic or Latina Female compared to 6.16% of the CLF.

See Workforce Data Tables "Table A6P: Mission Critical Occupations " for further details.

**FY21 Trigger 6. Lower than expected representation of Black or African American employees overall in pay of \$180,001 or greater in the Permanent Workforce.** Black or African American employees have lower than expected representation amongst the permanent workforce earning \$180,001 or greater, while White employees have higher than expected representation at that pay level.

- Though 17.1% of the permanent workforce was Black or African American, only 12.26% of individuals earning \$180,001 or greater were Black or African American;
- In contrast, though White employees were only 68.26% of the permanent workforce, they were 73.15% of the permanent employees earning \$180,001 or greater.

See Workforce Data Tables "Table A5P- Salary " for further details.

[1] The quantitative data throughout this report is the best available data. For privacy purposes, derived values of nine or less have been redacted from the report. The agency is working to continue to improve its data collection and analysis in the longterm. The agency has made progress and has resolved a number of data issues that were present last year such as including separation data, data on Executives, Managers, and Supervisors for the agency, and increased applicant flow data. Data issues that remain include, for example: a) it was reported to the EEO office during the FY20 reporting cycle 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, 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. b) Interview data is not systematically collected yet for hires or promotions, but the agency is working to implement systems to do so. c) For applicant flow data, Monster reported there is no way to distinguish internal from external applicants; d) the agency is currently not tracking hires through the Schedule A subpart u process-- however the Human Resources Branch reports that it does not recollect any hires made through Schedule A subpart u; e) due to problems with NFC's MD-715 reporting system not functioning for alternate pay scale agencies, some of the data was pulled from NFC reports and some was manually tallied; therefore, there may be minor inconsistencies in the data; f) breakdowns of occupational categories (professional, administrative, etc.) will need to be re-assessed, as the codes do not seem to align with EEOC definitions.

**EXECUTIVE SUMMARY: ACCOMPLISHMENTS**

The CFTC remains committed to preventing and addressing barriers to equal opportunity in the workplace and made positive progress in advancing EEO and DEIA in FY21. The following provides an update and overview of activity completed by the CFTC to correct previously-identified program deficiencies and barriers. Please note that in FY21 the Office of Minority and Women Inclusion was under previous leadership, but the agency will work to continue to address previous as well as newly-identified deficiencies and barriers under the leadership of the agency's new Chief Diversity and EEO Officer in future years.

**Accomplishments Under Element A- Demonstrated Commitment from Agency Leadership.**

During FY21, the agency continued to work on its pay and performance reform efforts in order to ensure that the agency informs its employees of behaviors that are inappropriate in the workplace and that could result in disciplinary action, as required by A.2.c.5.

**Accomplishments Under Element B- Integration of EEO into Agency Mission.**

During FY21, the agency worked to resolve compliance deficiency B.4.a.3, which requires the EEO Office to have sufficient resources to timely, thoroughly, and fairly process EEO complaints. The agency's new Chief Diversity and EEO Officer found in FY22 that this deficiency had been resolved.

**Accomplishments Under Element C- Management and Program Accountability.**

In FY21, the CFTC worked to ensure that all of its policies and procedures comply with EEOC mandates. The CFTC addressed the EEOC's feedback on its draft reasonable accommodation and personal assistance services procedures and the EEOC approved the CFTC's updated draft procedures on 8/11/2021. The CFTC routing the procedures internally for final approval and will then post the procedures on the CFTC's public-facing website to comply with C.2.b, C2.c.1, and C.2.c. 2, which require the CFTC to have compliant reasonable accommodation and personal assistance services procedures and to post them on the agency's public facing website. Additionally, the CFTC's Human Resources Branch has been working on an update to the CFTC's anti-harassment policy and procedures to incorporate feedback provided by the EEOC and to ensure the policy and procedures meet EEOC mandates, in compliance with C.2.a and C.2.a.1.

The CFTC made progress to better comply with indicator C.4.c, which requires that the EEO office has timely access to accurate and complete data required to prepare the MD-715 workforce data tables. For example, the agency now has separation data that was not previously provided in FY19.

Finally, the agency has continued to work on its performance management reform initiative to fully comply with the criteria in Part G C.3.b.1 through C.3.b.9, which require all supervisors to be rated on specific EEO criteria.

**Accomplishments to Address Barriers.**

To address barriers listed in the FY20 report, the CFTC's Chairman Behnam announced plans to hire its first Chief Diversity and EEO Officer Officer and started the application process for that position. The Chief Diversity and EEO Officer will be tasked with leading agency efforts to develop the agency's first DEIA strategic plan and address other identified barriers. Additionally, during FY21, the CFTC:

- **Delivered new training.** OMWI, with the support of the agency's learning and training team, launched the agency's first mandatory DEIA training. All CFTC employees were required to attend a 60-minute introductory session titled "Understanding and Addressing Unconscious Bias." The CFTC required all supervisory employees to attend an additional 90-minute training session titled "Building Inclusive Teams." Furthermore, the agency's Human Resources Branch provided a number of training opportunities to supervisors to strengthen their inclusive management skills
- **DEIA study results released and discussed in a townhall.** After finishing the diversity and inclusion study that was announced in FY20, the CFTC released a report of the results to the agency's workforce. Chairman Behnam then held an agency-wide townhall focused on DEIA to review and discuss the results.
- **Launch of PDA.** The agency planned a launch of a new affinity group for people with disabilities "PDA" for FY22.

**EXECUTIVE SUMMARY: PLANNED ACTIVITIES**

The CFTC plans to engage in a number of tasks to work towards a model EEO program. The actions the CFTC plans to take to address deficiencies and barriers are described below. The performance indicator number that each activity will address is listed in parentheses.

**Planned Activities Under Element A- Demonstrated Commitment from Agency Leadership.**

To ensure that the CFTC provides training to its employees on the EEO complaint process, the CFTC will launch a new EEO complaint process training. The agency will also determine how often employees will need to complete the training, and when new employees will be required to complete it (A.2.c.1). To ensure that employees know what behaviors are not appropriate in the workplace and could result in disciplinary action, the CFTC will develop such a list as part of its pay and performance reform effort (A.2.c.5). Finally, to ensure that all employees and applicants for employment can access the agency's reasonable accommodation process, the CFTC will continue to vet the reasonable accommodation procedures through internal review and will post them on the CFTC's public facing website when they are complete (A.2.b.3).

**Planned Activities Under Element B- Integration of EEO into Agency Mission.**

The new Chief Diversity and EEO Officer will continue to assess the EEO office's resource needs and will submit additional resource requests for consideration so that the EEO Office has sufficient staff and funding 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; effectively administer its special emphasis programs (such as, Federal Women's Program, Hispanic Employment Program, and People with Disabilities Program Manager); maintain accurate data collection and tracking systems; conduct a thorough barrier analysis of its workforce; and participate in agency meetings regarding workforce changes (B.3.a, B.4.a.7, B.4.a.2, B.4.a.4, B.4.a.8).

The Chief Diversity and EEO Officer will coordinate with the training office and other stakeholders on creating systems to train managers and supervisors on their responsibilities under the agency's EEO complaint process pursuant to 29 CFR §1614.102(a)(5), ADR with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR, and the agency's reasonable accommodation procedures (B.5.a.1, B.5.a.5, B.5.a.2).

**Planned Activities Under Element C- Management and Program Accountability.**

Updates to the performance management form are underway and are anticipated to be completed as part of the agency's pay and performance management reform initiative. That reform effort will ensure that rating officials evaluate the performance of managers and supervisors based on: their ability to resolve EEO problems/disagreements/conflicts, including participation in ADR proceedings; provide religious accommodations when such accommodations do not cause an undue hardship; 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; ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees; ensure full cooperation of employees under his/her supervision with EEO officials, such as counselors and investigators; ensure a workplace that is free from all forms of discrimination, including harassment and retaliation; provide disability accommodations when such accommodations do not cause an undue hardship; support the EEO program in identifying and removing barriers to equal opportunity; and support the anti-harassment program in investigating and correcting harassing conduct. Moreover, the CFTC will develop a disciplinary policy and/or table of penalties that covers discriminatory conduct. (C.3.b.1, C.3.b.5, C.3.b.9, C.3.b.4, C.3.b.8, C.3.b.6, C.3.b.2, C.3.b.3, C.3.b.7, C.5.a).

The Chief Diversity and EEO Officer will start to regularly conduct field audits to assess the CFTC's regional offices for possible EEO program deficiencies, their efforts to remove barriers from the workplace, and the regional office's efforts to comply with the recommendations of the field audit (C.1.a, C.1.b, C.1.c).

The CFTC's Chief Diversity and EEO Officer and Human Resources Branch will collaborate to develop a strategy and process to conduct outreach and recruitment initiatives and to implement the CFTC's Affirmative Action Plan for Individuals with Disabilities (C.4.e.2, C.4.e.1).

The agency will continue to work to establish an anti-harassment policy and disability reasonable accommodation and

**EXECUTIVE SUMMARY: PLANNED ACTIVITIES**

personal assistance services procedures that comply with EEOC's regulations and guidance-- the agency will finish the internal review process that those drafts are currently undergoing. Once the reasonable accommodation and personal assistance services procedures are approved, they will be posted on the public facing website. Additionally, the EEO Office will consider internal standard operating procedures for the OMWI office to determine what changes may need to be made to inform the anti-harassment program of all EEO counseling activity alleging harassment, the Chief Diversity and EEO Officer will assess a way to establish a firewall between the Anti-harassment Coordinator and the EEO Director, and the agency will ensure that its anti-harassment training materials include examples of disability-based harassment (C.2.b, C.2.c, C.2.a, C.2.a.1, C.2.c.1, C.2.a.4, C.2.a.2, C.2.a.5, C.2.a.6).

The agency will develop a strategy and a process for establishing 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 (C.4.b).

The Chief Diversity and EEO Officer will start to inform managers and supervisors about discriminatory conduct if it has a finding of discrimination or settles cases in which a finding was likely (C.5.c).

The Human Resources Branch will reach out to employees on a regular basis to encourage employee self-identification and 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 Office of Minority and Women Inclusion will develop an education campaign around the importance of self-identification (C.4.c.).

**Planned Activities under Element D- Proactive Prevention.**

The agency will work to ensure that the plans to address barriers listed in Part I are implemented (D.3.b). The CFTC will also evaluate and start to implement the steps it needs to take to increase the number of persons with disabilities or targeted disabilities employed at the agency until it meets the goals (D.4.d).

**Planned Activities under Element E- Efficiency.**

The CFTC will engage in a number of activities to strengthen its approach to alternative dispute resolution (ADR). The Chief Diversity and EEO Officer will take steps to coordinate with stakeholder offices to develop systems, processes, and policies to: ensure a management official with settlement authority is accessible during the dispute resolution process; ensure that there is a policy to mandate that managers and supervisors participate in ADR once it has been offered; prohibit the responsible management official named in the dispute from having settlement authority; annually evaluate the effectiveness of the CFTC's ADR program; encourage all employees to use ADR, where ADR is appropriate; and establish an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process (E.3.d, E.3.b, E.3.f, E.3.e).

The CFTC will also work to improve its data collection. The Chief Diversity and EEO Officer will coordinate with appropriate offices to develop policy and/or procedures to fully collect, monitor, and analyze external and internal applicant flow data concerning applicants' race, national origin, sex, and disability status as well as its recruitment activities. The CFTC will assess and start to implement next steps to create a system to re-survey the workforce on a regular basis. (E.4.a.4, E.4.b, E.4.a.3, E.4.a.2)

**Planned Activities under Element F- Responsiveness and Legal Compliance.**

The CFTC will identify an individual or individuals who are responsible for compliance with EEOC orders, so that they can be held accountable for poor work product or delays during performance review; the CFTC also will assess and start to implement next steps to ensure that the CFTC has a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions and that it timely posts its quarterly No FEAR Act data (F.1.e, F.1.a, F.3.b)

EXECUTIVE SUMMARY: PLANNED ACTIVITIES

**Planned Activities to Address Barriers.**

To address the barriers identified in this report, the CFTC plans to create an agency-wide DEIA strategic plan. As part of the DEIA strategic planning process, we will identify further actions/activities that we will implement to address potential barriers. Additionally, the agency will:

- Create a diversity recruitment plan;
- Formalize the Diversity Workgroup;
- Integrate bias mitigation measures and DEIA best practices into the hiring and selection processes;
- Use strategic talent acquisitions platforms to build an intentional and strategic approach to attracting diverse applicants;
- Continue to analyze applicant flow data to better understand by grade, position, and division where potential issues may be.

**Planned Disability Program Activities.**

The CFTC will evaluate what further training is needed for Disability Program Staff in order to carry out their responsibilities. The new Chief Diversity and EEO Officer will begin briefing and bringing awareness to the gap in expertise, funding, and staffing at the agency to best make the case for further needed resources, and she will work with stakeholder offices to ensure that hiring managers are trained on the use of hiring authorities that take disability into account.

The CFTC has launched a new employee affinity group for People with Disabilities (PWD) and will work with that group to establish and maintain contacts with organizations that can connect the agency with PWD and People with Targeted Disabilities (PWTD). The CFTC will work through its DEIA strategic plan to further develop an approach to ensure advancement opportunities for PWD, including consideration of the use of details, job assignments, and mentoring.

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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			02/03/2021 2/3/2021
	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			

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Agency Self-Assessment Checklist

 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.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		An online training is being developed and will be launched by end of 2023.
	A.2.c.2. ADR process? [see MD-110, Ch. 3(II)(C)] If "yes", please provide how often.	X			The agency's internal policy page outlines guidance on the agency's ADR process.
	A.2.c.3. Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If "yes", please provide how often.	X			Reasonable accommodation information is found within the collective bargaining agreement and on the agency intranet.
	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			Anti-harassment information is disseminated through collective bargaining agreement and EEO and anti-harassment statement issued annually.

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Agency Self-Assessment Checklist

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.

 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
	A.3. The agency assesses and ensures EEO principles are part of its culture.				

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

Employees are eligible for an award based on their contributions to diversity, equity, and inclusion each year through the Chairman's honorary awards program.

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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Agency Self-Assessment Checklist



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			04/06/2021
	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

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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.3. The EEO Director and other EEO professional staff are involved in, and consulted on, management/personnel actions.				
	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		EEO program officials were not included in meetings regarding workforce changes that might impact EEO issues, such as strategic planning, recruitment strategies, vacancy projections, succession planning, and selections for training/career development opportunities.
	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. Strategic Goal 5.4 commits the organization to "attract, retain, and promote a diverse workforce of the best and the brightest." The plan also affirms that teamwork is a core value, and defines it as "valuing diverse skill sets and backgrounds to achieve our mission."

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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.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		There are not sufficient resources for a thorough barrier analysis of the CFTC's workforce.
	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			
	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		There were not sufficient resources for training on retaliation, harassment, religious accommodations, disability accommodations, the EEO complaint process, and ADR.
	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	There are not separate EEO programs in our regional offices.
	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		There are not sufficient resources for to maintain accurate data collection and tracking systems for workforce demographics and applicant flow data.

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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	We utilize a vendor who ensures these requirements are met.
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	We utilize a vendor who ensures these requirements are met.

 Compliance Indicator	B.5. The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills	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	
 Measures				



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		A new training is being developed and will be launched by the end of 2023.
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		



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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.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		The CFTC does not regularly assess its component and field offices for possible EEO program deficiencies.
	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		The CFTC does not regularly assess its component and field offices on their efforts to remove barriers from the workplace.
	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		The component and field offices do not yet make reasonable efforts to comply with the recommendations of the field audit, as the field audits do not yet currently take place.

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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. The agency has drafted a new anti-harassment policy and procedures that comply with EEOC guidance and that are in the final stages of internal review.
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. The agency has drafted a new anti-harassment policy and procedures that comply with EEOC guidance and that are in the final stages of internal review.
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		The CFTC has not established a firewall between the Anti-Harassment Coordinator and the EEO Director.
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		The agency's pending new anti-harassment policy will incorporate this step.

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<p>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.</p>		X	The agency will be able to provide a percentage after it finalizes its pending anti-harassment procedures.
<p>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)]</p>		X	The agency will develop anti-harassment training materials that include such examples.
<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>		X	The CFTC has drafted reasonable accommodation and personal services procedures that comply with the EEOC's regulations and guidance. They are in the final stages of internal review and will be posted as soon as they are finalized.
<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>	X		
<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>	X		
<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>	X		
<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>	X		
<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>	X		
<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>		X	The CFTC has drafted reasonable accommodation and personal services procedures that comply with the EEOC's regulations and guidance. They are in the final stages of internal review and will be posted as soon as they are finalized.

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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 has drafted reasonable accommodation and personal services procedures that comply with the EEOC's regulations and guidance. They are in the final stages of internal review and will be posted as soon as they are finalized.

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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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<p>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)]</p>		X	<p>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.</p>
<p>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)]</p>	X		
<p>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)]</p>	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.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		The CFTC does not have 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.
	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.

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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		During FY21, the EEO office did not collaborate with the HR office to implement the Affirmative Action Plan for Individuals with Disabilities.
C.4.e.2. Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]		X		During FY21, the EEO office did not collaborate with the HR to develop and/or conduct outreach and recruiting initiatives,
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.				
	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		The agency has a disciplinary policy within its collective bargaining agreement, but it does not explicitly refer to discriminatory conduct. The agency will explore options on how to remedy this.
	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		The agency does not inform managers and supervisors about the discriminatory conduct (e.g., post mortem to discuss lessons learned) if it has a finding of discrimination (or settles cases in which a finding was likely).

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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.6. The EEO office advises managers/supervisors on EEO matters.				
	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		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.2. The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)	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.			N/A	
	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		While the CFTC did implement the plans, not all of the target dates were met.
	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		Yes	No	N/A	
	D.4. The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities.			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		The CFTC has not 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.

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Essential Element: E Efficiency



 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	
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 FY21 was 13.3 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	The CFTC utilizes a vendor to implement the EEO complaint process.
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 ensured 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 conducted 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	The CFTC does not rely on the agency's defensive function.
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	The CFTC does not rely on the agency's defensive function.

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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		The CFTC has not established an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process.
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 CFTC does not require managers and supervisors to participate in ADR once it has been offered.
E.3.c. Does the Agency encourage all employees to use ADR, where ADR is appropriate? [See MD-110, Ch. 3(IV)(C)]			X		The CFTC does not encourage all employees to use ADR, where ADR is appropriate.
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		The CFTC does not ensure a management official with settlement authority is accessible during the dispute resolution process.
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		The CFTC does not prohibit the responsible management official named in the dispute from having settlement authority.
E.3.f. Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]			X		The CFTC does not annually evaluate the effectiveness of its ADR program.

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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	
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		The CFTC does not have systems in place to accurately collect, monitor, and analyze the race, national origin, sex, and disability status of agency employees.
E.4.a.3. Recruitment activities? [see MD-715, II(E)]			X		The CFTC does not have systems in place to accurately collect, monitor, and analyze recruitment activities.
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		The CFTC does not have systems in place to accurately collect, monitor, and analyze external and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status.
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		The CFTC does not have a system in place to re-survey the workforce on a regular basis.

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For period covering October 1, 2020 to September 30, 2021

Agency Self-Assessment Checklist



 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			

Commodity Futures Trading Commission

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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		The CFTC does not have a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions.
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		When EEOC issues an order requiring compliance by the agency the agency does not hold its compliance officer(s) accountable for poor work product and/or delays during performance review.

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Agency Self-Assessment Checklist

 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.2. The agency complies with the law, including EEOC regulations, management directives, orders, and other written instructions.				
	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			
 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.3. The agency reports to EEOC its program efforts and accomplishments.	Yes	No	N/A	
	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		The agency is working on systems and processes to ensure timely posting of quarterly No FEAR Act data.

Essential Element: O Other

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Plan to Attain Essential Elements

PART H.1

Brief Description of Program Deficiency: 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.

The CFTC does not currently provide a training to its employees on the EEO complaint process.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/07/0022	12/31/2023			Provide a training to all agency employees on the EEO complaint process.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity, Equity, Inclusion, and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
12/31/2023	The agency will launch a new EEO complaint process training for all CFTC employees. The agency will also determine how often employees will need to complete the training, and when new employees will be required to complete it.	Yes		

Accomplishments

Fiscal Year	Accomplishment
2021	The agency has drafted an online training on the EEO complaint process that is awaiting internal review.

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Plan to Attain Essential Elements

PART H.2

Brief Description of Program Deficiency: 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.

The CFTC does not post its reasonable accommodation procedures on its public facing website.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
07/19/2022	09/30/0023			Post the agency's reasonable accommodation procedures on its public facing website, once they are approved internally.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Executive Director	Tomeka Gilbert	Yes
Lauren Colon	Acting Chief Human Capital Officer	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/0023	The agency will continue to vet the reasonable accommodation procedures through internal review and will post them when they are complete.	Yes		

Accomplishments

Fiscal Year	Accomplishment
2021	A draft of the agency's new reasonable accommodation procedures was reviewed and found compliant by the EEOC.



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Plan to Attain Essential Elements

PART H.3

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	09/30/2023			Inform agency employees of behaviors that are inappropriate in the workplace.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Executive Director	Tomeka Gilbert	Yes
Acting Chief Human Capital Officer	Lauren Colón	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The agency will develop guidance that lists examples of behaviors that are not appropriate in the workplace.	Yes		

Accomplishments

Fiscal Year	Accomplishment
2021	The agency is working on its pay and performance reform efforts and is planning to integrate this as part of that process.

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Plan to Attain Essential Elements

PART H.4

Brief Description of Program Deficiency: 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)]

EEO program officials do not regularly 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.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Ensure that 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

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes
Acting Executive Director	Tomeka Gilbert	Yes
Acting Chief Human Resource Officer	Lauren Colón	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The agency has allocated additional staffing to the Office of Minority and Women Inclusion. The new Chief Diversity and EEO Officer has assessed what additional resources are needed and submitted additional funding and staffing requests for consideration.	No		

Accomplishments

Fiscal Year	Accomplishment

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Plan to Attain Essential Elements

PART H.5

Brief Description of Program Deficiency:	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.
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The CFTC does not have sufficient budget and staffing to support the success of its EEO program to maintain accurate data collection and tracking systems for workforce demographics and applicant flow data.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Ensure the agency has sufficient budget and staffing to maintain accurate data collection and tracking systems for the following types of data: workforce demographics and applicant flow data.

Responsible Officials

Title	Name	Standards Address the Plan?
Chairman	Rostin Behnam	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The agency has allocated additional staffing to the Office of Minority and Women Inclusion. The new Chief Diversity and EEO Officer has assessed what additional resources are needed and submitted additional funding and staffing requests for consideration.	No		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.6

Brief Description of Program Deficiency:

B.4.a.2. to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)]

The EEO program does not have sufficient resources to enable the agency to conduct a thorough barrier analysis of its workforce.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/28/2022	09/30/2023			Allocate sufficient resources to to enable the agency to conduct a thorough barrier analysis of its workforce.

Responsible Officials

Title	Name	Standards Address the Plan?
Chairman	Rostin Behnam	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The agency has allocated additional staffing to the Office of Minority and Women Inclusion. The new Chief Diversity and EEO Officer has assessed what additional resources are needed and submitted additional funding and staffing requests for consideration.	No		

Accomplishments

Fiscal Year	Accomplishment
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Plan to Attain Essential Elements

PART H.7

Brief Description of Program Deficiency: B.4.a.6. to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures)? [see MD-715, II(B)]

The EEO program does not have sufficient resources to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures.)

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/28/2022	09/30/2023			Ensure the EEO program has sufficient resources to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures.)

Responsible Officials

Title	Name	Standards Address the Plan?
Chairman	Rostin Behnam	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The agency has allocated additional staffing to the Office of Minority and Women Inclusion. The new Chief Diversity and EEO Officer has assessed what additional resources are needed and submitted additional funding and staffing requests for consideration.	No		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.8

Brief Description of Program Deficiency:	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.
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The EEO program does not have sufficient staffing and resources 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.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/28/2022	09/30/2023			Allocate sufficient resources 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.

Responsible Officials

Title	Name	Standards Address the Plan?
Chairman	Rostin Behnam	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The agency has allocated additional staffing to the Office of Minority and Women Inclusion. The new Chief Diversity and EEO Officer has assessed what additional resources are needed and submitted additional funding and staffing requests for consideration.	No		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.9

Brief Description of Program Deficiency:	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]
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The EEO program does not have sufficient resources to effectively administer its special emphasis programs (such as, Federal Women’s Program, Hispanic Employment Program, and People with Disabilities Program Manager).

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/28/2022	09/30/2023			Ensure the EEO program has sufficient resources to effectively administer its special emphasis programs (such as, Federal Women’s Program, Hispanic Employment Program, and People with Disabilities Program Manager).

Responsible Officials

Title	Name	Standards Address the Plan?
Chairman	Rostin Behnam	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The agency has allocated additional staffing to the Office of Minority and Women Inclusion. The new Chief Diversity and EEO Officer has assessed what additional resources are needed and submitted additional funding and staffing requests for consideration.	No		

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:

B.5.a.1. EEO complaint process? [see MD-715(II)(B)]

Not all managers and supervisors have received orientation, training, and advice on their responsibilities under the agency's EEO complaint process pursuant to 29 CFR §1614.102(a)(5).

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/07/2022	12/31/2023			Ensure that all managers and supervisors have received orientation and training on their responsibilities under the agency's EEO complaint process pursuant to 29 CFR §1614.102(a)(5).

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity, Equity, Inclusion, and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
12/31/2023	The agency will launch a new EEO complaint process training for all agency employees, including supervisors and managers, pursuant to 29 CFR §1614.102(a)(5).	Yes		

Accomplishments

Fiscal Year	Accomplishment
2021	The agency has drafted a new online EEO complaint process training that is under internal review.



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Plan to Attain Essential Elements

PART H.11

Brief Description of Program Deficiency: 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)]

During FY21, not all managers and supervisors received orientation, training, and advice on their responsibilities regarding ADR, with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
09/12/2022	09/30/2023			Ensure that all managers and supervisors receive orientation, training, and advice on their responsibilities regarding ADR, with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Executive Director	Tomeka Gilbert	Yes
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes
Acting Chief Human Capital Officer	Lauren Colon	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The Chief Diversity and EEO Officer will coordinate with the training office and other stakeholders to ensure that all managers and supervisors receive training on ADR.	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:

B.5.a.2. Reasonable Accommodation Procedures? [see 29 CFR § 1614.102(d)(3)]

During FY21, not all managers and supervisors had received orientation, training, and advice on their responsibilities under the agency's reasonable accommodation procedures.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
09/15/2022	09/30/2023			Ensure all agency managers and supervisors receive orientation, training, and advice on the agency's reasonable accommodation procedures.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Executive Director	Tomeka Gilbert	Yes
Acting Chief Human Capital Officer	Lauren Colón	Yes
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The CFTC will schedule an EEO compliance training for supervisors and managers that includes reasonable accommodation procedures.	Yes		

Accomplishments

Fiscal Year	Accomplishment
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Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.13

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 their ability to resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2020	09/30/2023			Require rating officials to evaluate the performance of managers and supervisors based on their ability to resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Chief Human Capital Officer	Lauren Colón	Yes
Acting Executive Director	Tomeka Gilbert	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/0023	Updates to the performance form are underway and are anticipated to be completed as part of the agency's pay and performance management reform initiative.	Yes		

Accomplishments

Fiscal Year	Accomplishment
2021	The agency has continued to work on its pay and performance management reform process, including examining the EEO and DEIA language that other agencies have integrated into their supervisory ratings systems.

Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.14

Brief Description of Program Deficiency: 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.

The agency does not regularly assess the efforts of the regional offices to remove barriers from the workplace.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Start to regularly assess the CFTC's component and field offices on their efforts to remove barriers from the workplace.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The Chief Diversity and EEO Officer will assess the CFTC's regional offices on their efforts to remove barriers from the workplace.	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.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)]
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The component and field offices do not yet make reasonable efforts to comply with the recommendations of the field audit, as the field audits do not yet currently take place.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Start to conduct field audits so that component and field offices can make a reasonable effort to comply with their recommendations.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The Chief Diversity Officer will start to conduct field audits to ensure that regional offices make a reasonable effort to comply with their recommendations.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.16

Brief Description of Program Deficiency:

C.4.e.2. Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]

The Chief Diversity and EEO Officer did not collaborate with the HR office to develop and/or conduct outreach and recruiting initiatives.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			The CFTC's Chief Diversity and EEO Officer and HR Office will start to collaborate on developing and conducting outreach and recruitment initiatives.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes
Acting Chief Human Capital Officer	Lauren Colón	Yes
Acting Executive Director	Tomeka Gilbert	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The CFTC's Chief Diversity and EEO Officer and HR Offices will collaborate to develop a strategy and process to conduct outreach and recruitment initiatives.	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.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 their ability to provide religious accommodations when such accommodations do not cause an undue hardship.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	09/30/2023			Require rating officials to evaluate the performance of managers and supervisors based on their ability to provide religious accommodations when such accommodations do not cause an undue hardship.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Chief Human Capital Officer	Lauren Colón	Yes
Acting Executive Director	Tomeka Gilbert	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	Updates to the performance form are underway and are anticipated to be completed as part of the agency's pay and performance management reform initiative.	Yes		

Accomplishments

Fiscal Year	Accomplishment
2021	The agency has continued to work on its pay and performance management reform process, including examining the EEO and DEIA language that other agencies have integrated into their supervisory ratings systems.

Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.18

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 their ability to 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.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	09/30/2023			Require rating officials to evaluate the performance of managers and supervisors based on their ability to 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.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Chief Human Capital Officer	Lauren Colón	Yes
Acting Executive Director	Tomeka Gilbert	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	Updates to the performance form are underway and are anticipated to be completed as part of the agency's pay and performance management reform initiative.	Yes		

Accomplishments

Fiscal Year	Accomplishment
2021	The agency has continued to work on its pay and performance management reform process, including examining the EEO and DEIA language that other agencies have integrated into their supervisory ratings systems.



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Plan to Attain Essential Elements

PART H.19

Brief Description of Program Deficiency: 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.

The CFTC does not regularly assess its component and field offices for possible EEO program deficiencies.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Start to regularly assess the CFTC's component and field offices for possible EEO program deficiencies.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The Chief Diversity and EEO Officer will assess the CFTC's regional offices for possible EEO program deficiencies.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.20

Brief Description of Program Deficiency:

C.4.e.1. Implement the Affirmative Action Plan for Individuals with Disabilities? [see 29 CFR §1614.203(d); MD-715, II(C)]

During FY21, the EEO office did not collaborate with the HR office to implement the Affirmative Action Plan for Individuals with Disabilities.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Ensure the Chief Diversity Officer and the HR Office collaborate to implement the Affirmative Action Plan for Individuals with Disabilities.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Chief Human Capital Officer	Lauren Colón	Yes
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes
Acting Executive Director	Tomeka Gilbert	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The CFTC's Chief Diversity and EEO Officer and HR Office will collaborate to develop a strategy and process for implementation of the Affirmative Action Plan for Individuals with Disabilities.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.21

Brief Description of Program Deficiency: 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)]

The CFTC has not established a firewall between the Anti-Harassment Coordinator and the EEO Director.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Establish a Firewall between the Anti-harassment Coordinator and the EEO Director.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The Chief Diversity and EEO Officer will assess a way to establish a firewall between the Anti-harassment Coordinator and the EEO Director.	Yes		

Accomplishments

Fiscal Year	Accomplishment
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Plan to Attain Essential Elements

PART H.22

Brief Description of Program Deficiency:	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]
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The agency does not have 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.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Ensure the CFTC establishes 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.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes
Acting Human Capital Officer	Lauren Colón	Yes
Acting Executive Director	Tomeka Gilbert	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The agency will develop a strategy and a process for establishing 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.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.23

Brief Description of Program Deficiency: 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)]

The agency does not inform managers and supervisors about the discriminatory conduct (e.g., post mortem to discuss lessons learned) if it has a finding of discrimination (or settles cases in which a finding was likely).

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Start to inform managers and supervisors about discriminatory conduct (e.g. post mortem to discuss lessons learned) if it has a finding of discrimination (or settles cases in which a finding was likely.)

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	Start to inform managers and supervisors about discriminatory conduct (e.g. post mortem to discuss lessons learned) if it has a finding of discrimination (or settles cases in which a finding was likely.)	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.24

Brief Description of Program Deficiency: 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.]

The agency doesn't yet ensure that the EEO Office informs the anti-harassment program of all EEO counseling activity alleging harassment.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/07/2022	09/30/2023			Ensure the EEO office informs the anti-harassment program of all EEO counseling activity alleging harassment.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity, Equity, Inclusion and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The agency will examine its policies and procedures as well as consider internal standard operating procedures for the OMWI office to determine what changes may need to be made to comply with this requirement.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.25

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	09/30/2023			Create systems needed to accurately collect all data points required for the MD-715 report.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Chief Human Resources Officer	Lauren Colón	Yes
Acting Executive Director	Tomeka Gilbert	Yes
Chief Data Officer	Tammy Roust	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The Human Resources Branch will reach out to employees on a regular basis to encourage employee self-identification and 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. OMWI will develop an education campaign around the importance of self-identification	Yes		

Accomplishments

Fiscal Year	Accomplishment
2021	Progress has been made in providing data that was not previously provided in FY20: for example, the required MD-715 separation data is now being provided to the EEO office.

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Plan to Attain Essential Elements

PART H.26

Brief Description of Program Deficiency: 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)]

The agency's training materials on its anti-harassment policy do not include examples of disability based harassment.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/10/2022	12/31/2023			Ensure that the agency's training materials on its anti-harassment policy include examples of disability-based harassment.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Chief Human Capital Officer	Lauren Colón	Yes
Acting Executive Director	Tomeka Gilbert	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
12/31/2023	Once the agency finalizes its pending draft of its anti-harassment policy and procedures, it will update its existing training materials and ensure examples of disability-based harassment are included.	Yes		

Accomplishments

Fiscal Year	Accomplishment



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Plan to Attain Essential Elements

PART H.27

Brief Description of Program Deficiency: 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)]

The agency does not have a disciplinary policy and/or table of penalties that covers discriminatory conduct.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/17/2022	12/31/2023			Ensure that the agency has a disciplinary policy and/or table of penalties that covers discriminatory conduct.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Chief Human Capital Officer	Lauren Colón	Yes
Acting Executive Director	Tomeka Gilbert	Yes
General Counsel	Rob Schwartz	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
12/31/2023	The agency will review and update its disciplinary policy and/or table of penalties to ensure that they explicitly cover discriminatory conduct.	Yes		

Accomplishments

Fiscal Year	Accomplishment
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Plan to Attain Essential Elements

PART H.28

Brief Description of Program Deficiency:	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.
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The agency does not conduct a prompt inquiry (beginning within 10 days of notification) of all harassment allegations, including those initially raised in the EEO complaint process.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/07/2022	09/30/2023			Ensure the agency conducts a prompt inquiry (beginning within 10 days of notification) of all harassment allegations, including those initially raised in the EEO complaint process.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Chief Human Capital Officer	Lauren Colón	Yes
Acting Executive Director	Tomeka Gilbert	Yes
Chief Diversity, Equity, Inclusion and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The agency will implement new draft anti-harassment policies and procedures once they are approved internally and will also consider internal standard operating procedures for harassment allegations raised in the EEO complaint process within the Office of Minority and Women Inclusion.	Yes		

Accomplishments

Fiscal Year	Accomplishment

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Plan to Attain Essential Elements

PART H.29

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 on their ability to ensure subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	09/30/2023			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?
Acting Executive Director	Tomeka Gilbert	Yes
Acting Chief Human Capital Officer	Lauren Colón	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	Updates to the performance form are underway and are anticipated to be completed as part of the agency's pay and performance management reform initiative.	Yes		

Accomplishments

Fiscal Year	Accomplishment
2021	The agency has continued to work on its pay and performance management reform process, including examining the EEO and DEIA language that other agencies have integrated into their supervisory ratings systems.

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Plan to Attain Essential Elements

PART H.30

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 their ability to support the anti-harassment program in investigating and correcting harassing conduct.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	09/30/2023			Require rating officials to evaluate the performance of managers and supervisors based on their ability to support the anti-harassment program in investigating and correcting harassing conduct.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Chief Human Capital Officer	Lauren Colón	Yes
Acting Executive Director	Tomeka Gilbert	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	Updates to the performance form are underway and are anticipated to be completed as part of the agency's pay and performance management reform initiative.	Yes		

Accomplishments

Fiscal Year	Accomplishment
2021	The agency has continued to work on its pay and performance management reform process, including examining the EEO and DEIA language that other agencies have integrated into their supervisory ratings systems.

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Plan to Attain Essential Elements

PART H.31

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	09/30/2023			Establish disability reasonable accommodation procedures that comply with the EEOC's regulations and guidance.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Executive Director	Tomeka Gilbert	Yes
General Counsel	Rob Schwartz	Yes
Acting Chief Human Capital Officer	Lauren Colón	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	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.32

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	09/30/2023			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?
Acting Executive Director	Tomeka Gilbert	Yes
General Counsel	Rob Schwartz	Yes
Acting Chief Human Capital Officer	Lauren Colón	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The agency's anti-harassment policy and procedures will be updated to comply with the EEOC's enforcement guidance.	Yes		

Accomplishments

Fiscal Year	Accomplishment
2021	The agency worked on drafting an update to its anti-harassment policy and procedures and researched practices from other agencies. The agency's new draft anti-harassment policy and procedures are being reviewed internally.

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Plan to Attain Essential Elements

PART H.33

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	09/30/2023			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?
General Counsel	Rob Schwartz	Yes
Acting Executive Director	Tomeka Gilbert	Yes
Acting Chief Human Resources Officer	Lauren Colón	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
02/04/2023	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
2021	The agency worked on drafting an update to its anti-harassment policy and procedures that includes this requirement. The agency's updated draft anti-harassment policy and procedures are being reviewed internally.

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Plan to Attain Essential Elements

PART H.34

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	09/30/0023			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?
Acting Executive Director	Tomeka Gilbert	Yes
General Counsel	Rob Schwartz	Yes
Acting Chief Human Capital Officer	Lauren Colón	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The CFTC received notice from the EEOC that its draft reasonable accommodation and personal assistance services procedures were in compliance on 9/11/2021. The draft procedures are in the final stages of internal review and will be posted once they are finalized.	Yes		

Accomplishments

Fiscal Year	Accomplishment



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Plan to Attain Essential Elements

PART H.35

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	09/30/0023			Establish procedures for processing personal assistance services that comply with EEOC's regulations and guidance.

Responsible Officials

Title	Name	Standards Address the Plan?
General Counsel	Rob Schwartz	Yes
Acting Executive Director	Tomeka Gilbert	Yes
Acting Chief Human Capital Officer	Lauren Colón	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The CFTC received notice from the EEOC that its draft reasonable accommodation and personal assistance services procedures were in compliance on 9/11/2021. The draft procedures are in the final stages of internal review and will be posted once they are finalized.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.36

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 their ability to provide disability accommodations when such accommodations do not cause an undue hardship.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	09/30/2023			Require rating officials to evaluate the performance of managers and supervisors based on their ability to provide disability accommodations when such accommodations do not cause an undue hardship.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Executive Director	Tomeka Gilbert	Yes
Acting Chief Human Capital Officer	Lauren Colón	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	Updates to the performance form are underway and are anticipated to be completed as part of the agency's pay and performance management reform initiative.	Yes		

Accomplishments

Fiscal Year	Accomplishment
2021	The agency has continued to work on its pay and performance management reform process, including examining the EEO and DEIA language that other agencies have integrated into their supervisory ratings systems.

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Plan to Attain Essential Elements

PART H.37

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 their ability to ensure full cooperation of employees under their supervision with EEO officials, such as counselors and investigators.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	09/30/2023			Require rating officials to evaluate the performance of managers and supervisors based on their ability to ensure full cooperation of employees under their supervision with EEO officials, such as counselors and investigators.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Executive Director	Tomeka Gilbert	Yes
Acting Chief Human Capital Officer	Lauren Colón	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	Updates to the performance form are underway and are anticipated to be completed as part of the agency's pay and performance management reform initiative.	Yes		

Accomplishments

Fiscal Year	Accomplishment
2021	The agency has continued to work on its pay and performance management reform process, including examining the EEO and DEIA language that other agencies have integrated into their supervisory ratings systems.

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Plan to Attain Essential Elements

PART H.38

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 their ability to ensure a workplace that is free from all forms of discrimination, including harassment and retaliation.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	09/30/2023			Require rating officials to evaluate the performance of managers and supervisors based on their ability to ensure a workplace that is free from all forms of discrimination, including harassment and retaliation

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Executive Director	Tomeka Gilbert	Yes
Acting Chief Human Capital Officer	Lauren Colón	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	Updates to the performance form are underway and are anticipated to be completed as part of the agency's pay and performance management reform initiative.	Yes		

Accomplishments

Fiscal Year	Accomplishment
2021	The agency has continued to work on its pay and performance management reform process, including examining the EEO and DEIA language that other agencies have integrated into their supervisory ratings systems.

Commodity Futures Trading Commission

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Plan to Attain Essential Elements

PART H.39

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 their ability to support the EEO program in identifying and removing barriers to equal opportunity.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2021	09/30/2023			Require rating officials to evaluate the performance of managers and supervisors based on their ability to support the EEO program in identifying and removing barriers to equal opportunity.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Executive Director	Tomeka Gilbert	Yes
Acting Chief Human Capital Officer	Lauren Colón	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	Updates to the performance form are underway and are anticipated to be completed as part of the agency's pay and performance management reform initiative.	Yes		

Accomplishments

Fiscal Year	Accomplishment
2021	The agency has continued to work on its pay and performance management reform process, including examining the EEO and DEIA language that other agencies have integrated into their supervisory ratings systems.

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Plan to Attain Essential Elements

PART H.40

Brief Description of Program Deficiency: 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)]

The CFTC has not 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.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Ensure the CFTC has 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.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes
Acting Chief Human Capital Officer	Lauren Colón	Yes
Acting Executive Director	Tomeka Gilbert	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The CFTC received notice from the EEOC that its draft reasonable accommodation and personal assistance services procedures were in compliance on 9/11/2021. The draft procedures are in the final stages of internal review and will be posted once they are finalized.	Yes		

Accomplishments

Fiscal Year	Accomplishment

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Plan to Attain Essential Elements

PART H.41

Brief Description of Program Deficiency: 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)]

While the CFTC did start to implement the plans in Part I, not all of the target dates were met.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Implement the plans in Part I, and work to ensure the target dates are met.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	Implement the plans in Part I, and work to ensure the target dates are met.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.42

Brief Description of Program Deficiency:	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)]
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The CFTC does not ensure a management official with settlement authority is accessible during the dispute resolution process.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Ensure that a management official with settlement authority is accessible during the dispute resolution process.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Executive Director	Tomeka Gilbert	Yes
General Counsel	Robert Schwartz	Yes
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The Chief Diversity and EEO Officer will assess and start to implement next steps to ensure that a management official with settlement authority is accessible during the dispute resolution process.	Yes		

Accomplishments

Fiscal Year	Accomplishment



Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.43

Brief Description of Program Deficiency:

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)]

The CFTC does not require managers and supervisors to participate in ADR once it has been offered.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Ensure that the CFTC requires managers and supervisors to participate in ADR once it has been offered.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Executive Director	Tomeka Gilbert	Yes
General Counsel	Robert Schwartz	Yes
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The Chief Diversity and EEO Officer will coordinate with OGC and HR to implement policy requiring managers and supervisors to participate in ADR once it has been offered.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.44

Brief Description of Program Deficiency: 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)]

The CFTC does not have systems in place to accurately collect, monitor, and analyze external and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Ensure that the CFTC has systems in place to accurately collect, monitor, and analyze external and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Data Officer	Tammy Roust	Yes
Acting Executive Director	Tomeka Gilbert	Yes
Acting Chief Human Capital Officer	Lauren Colon	Yes
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The Chief Diversity and EEO Officer will coordinate with appropriate offices to develop policy and/or procedures to collect, monitor, and analyze external and internal applicant flow data concerning applicants' race, national origin, sex, and disability status.	Yes		

Accomplishments

Fiscal Year	Accomplishment
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Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.45

Brief Description of Program  
Deficiency:

E.3 f. Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]

The CFTC does not annually evaluate the effectiveness of its ADR program.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Annually evaluate the effectiveness of the CFTC's ADR program.

Responsible Officials

Title	Name	Standards Address the Plan?
General Counsel	Rob Schwartz	Yes
Acting Chief Human Capital Officer	Lauren Colón	Yes
Acting Executive Director	Tomeka Gilbert	Yes
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2022	The Chief Diversity and EEO Officer will work with appropriate offices to develop a process for annual evaluation of the effectiveness of its ADR program.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.46

Brief Description of Program  
Deficiency:

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]

The CFTC does not have a system in place to re-survey the workforce on a regular basis.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Ensure the CFTC has a system in place to re-survey the workforce on a regular basis.

Responsible Officials

Title	Name	Standards Address the Plan?
Acting Chief Human Capital Officer	Lauren Colon	Yes
Acting Executive Director	Tomeka Gilbert	Yes
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The CFTC will assess and start to implement next steps to create a system to re-survey the workforce on a regular basis.	Yes		

Accomplishments

Fiscal Year	Accomplishment
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Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.47

Brief Description of Program  
Deficiency:

E.3.c. Does the Agency encourage all employees to use ADR, where ADR is appropriate? [See MD-110, Ch. 3(IV)(C)]

The CFTC does not encourage all employees to use ADR, where ADR is appropriate.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Ensure that the CFTC encourages all employees to use ADR, where ADR is appropriate.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The Chief Diversity Officer will assess and start to implement next steps to ensure that the CFTC encourages all employees to use ADR, where ADR is appropriate.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.48

Brief Description of Program Deficiency:	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)]
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The CFTC has not yet established an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Establish an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The Chief Diversity and EEO Officer will assess what resources and steps are needed to establish an ADR program and start to implement them.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.49

Brief Description of Program  
Deficiency:

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

The CFTC does not have systems in place to accurately collect, monitor, and analyze recruitment activities.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Ensure that the CFTC has systems in place to accurately collect, monitor, and analyze recruitment activities.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes
Chief Risk Officer	Edward Padula	Yes
Acting Executive Director	Tomeka Gilbert	Yes
Chief Human Capital Officer	Lauren Colón	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The Chief Diversity and EEO Officer will coordinate with appropriate offices and identified responsible officials to develop a process for accurately, collecting, monitoring and analyzing recruitment activities.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.50

Brief Description of Program Deficiency:	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)]
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The CFTC does not prohibit the responsible management official named in the dispute from having settlement authority.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Ensure the responsible management official named in the dispute does not have settlement authority.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes
Acting Executive Director	Tomeka Gilbert	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The Chief Diversity and EEO Officer will assess and start to implement the next steps that are needed to ensure the responsible management official named in the dispute does not have settlement authority.	Yes		

Accomplishments

Fiscal Year	Accomplishment



Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.51

Brief Description of Program Deficiency:

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

The CFTC does not have systems in place to accurately collect, monitor, and analyze the race, national origin, sex, and disability status of agency employees.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Ensure the CFTC has systems in place to accurately collect, monitor, and analyze the race, national origin, sex, and disability status of agency employees.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Human Capital Officer	Lauren Colón	Yes
Chief Diversity Officer	Tanisha Cole Edmonds	Yes
Chief Data Officer	Tammy Roust	Yes
General Counsel	Rob Schwartz	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The Chief Diversity and EEO Officer will coordinate with stakeholder offices to develop a policy and process to ensure the CFTC has systems in place to accurately collect, monitor, and analyze the race, national origin, sex, and disability status of agency employees.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.52

Brief Description of Program Deficiency: 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)]

When the EEOC issues an order requiring compliance by the CFTC, the CFTC does not hold its compliance officer(s) accountable for poor work product and/or delays during performance review.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Ensure that when the EEOC issues an order requiring compliance by the CFTC, the CFTC holds its compliance officer(s) accountable for poor work product and/or delays during performance review.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The CFTC will assess and start to implement the next steps that are needed to ensure that when the EEOC issues an order requiring compliance by the CFTC, the CFTC holds its compliance officer(s) accountable for poor work product and/or delays during performance review. One step will include identifying the compliance officer(s).	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.53

Brief Description of Program Deficiency:	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)]
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The CFTC does not have a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
08/22/2022	09/30/2023			Ensure that the CFTC has a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity and EEO Officer	Tanisha Cole Edmonds	Yes
General Counsel	Rob Schwartz	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The agency will assess and start to implement next steps to ensure that the CFTC has a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.54

Brief Description of Program  
Deficiency:

F.3 b. Does the agency timely post on its public webpage its quarterly No FEAR Act data? [see 29 CFR §1614.703(d)]

The agency does not post on its public webpage its quarterly No Fear data.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/17/2022	09/30/2023			Ensure that quarterly No Fear data is posted on he agency's public webpage.

Responsible Officials

Title	Name	Standards Address the Plan?
Chief Diversity, Equity, Inclusion and EEO Officer	Tanisha Cole Edmonds	Yes
Director of the Office of Public Affairs	Steven Adamske	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	The agency is working on systems and processes to ensure timely posting of quarterly No FEAR Act data.	Yes		

Accomplishments

Fiscal Year	Accomplishment

Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

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					
<p><b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b></p> <p>Provide a brief narrative describing the condition at issue.</p> <p>How was the condition recognized as a potential barrier?</p>	<p>Lower than expected representation of racial and ethnic minorities in senior-level (grade CT-16 and higher) permanent positions. In FY20, 22% of individuals in CT16+ permanent positions were found to be racial and ethnic minorities, and this rate remained the same in FY21. This rate is less than would be expected because 32% of the CFTC's permanent workforce were racial and ethnic minorities. Further, during FY21: █ % of senior-level permanent positions were Hispanic or Latino Males, though Hispanic Males were 2.21% of the permanent workforce; █ % of senior-level permanent positions were Black Males though Black Males were 6.19% of the permanent workforce; █ % of senior-level permanent positions were Black Females though Black Females were 11.19% of the permanent workforce; and █ % of senior-level permanent positions were Asian Females though Asian Females were 5.15% of the permanent workforce.</p>					
<p><b>STATEMENT OF BARRIER GROUPS:</b></p>	<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					
<p><b>STATEMENT OF IDENTIFIED BARRIER:</b></p> <p>Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.</p>	<table border="1"> <thead> <tr> <th data-bbox="381 1459 711 1501">Barrier Name</th> <th data-bbox="711 1459 1568 1501">Description of Policy, Procedure, or Practice</th> </tr> </thead> <tbody> <tr> <td data-bbox="381 1501 711 1768">Lack of measures to mitigate potential bias in talent process standard operating procedures</td> <td data-bbox="711 1501 1568 1768">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.					

Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

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			Actively mitigate potential barriers and biases within talent processes.

Responsible Official(s)

Title	Name	Standards Address The Plan?
Acting Executive Director	Tomeka Gilbert	Yes
Acting Chief Human Capital Officer	Lauren Colón	Yes
Chief Diversity, Equity, Inclusion and EEO Officer	Tanisha Cole Edmonds	Yes

Planned Activities Toward Completion of Objective

Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
03/01/2021	Hire a consultant to conduct a DEIA study along with an agency-wide barrier analysis	Yes		06/04/0021
09/30/2023	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		11/12/2021
09/30/2023	Create an agency-wide DEIA strategic plan. As part of the DEIA strategic planning process, we will identify further actions/activities that we will implement to address potential barriers to senior level permanent positions.	Yes		
09/30/2024	Create a diversity recruitment plan.	Yes		
09/30/2024	Integrate bias mitigation measures and DEI best practices into the hiring and selection processes.	Yes		
09/30/2024	Use strategic talent acquisitions platforms to build an intentional and strategic approach to attracting diverse applicants.	Yes		
09/30/2024	Continue to analyze applicant flow data to better understand by grade, position, and division, where potential issues may be.	Yes		

Report of Accomplishments

Fiscal Year	Accomplishments
2021	During FY21, the agency completed the DEIA study that was announced in FY20 and released a report of the results to the agency's workforce. Chairman Behnam then held an agency-wide townhall focused on DEIA to review and discuss the results with the agency's workforce. Furthermore, the agency announced plans to hire its first Chief Diversity Officer and completed its first mandatory DEIA training for both employees and supervisors. Since the Chief Diversity Officer onboarded in FY22, she has been working closely with the Human Resources Branch to introduce and strengthen bias-mitigation measures within the agency's talent processes.

Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

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 employees were only 3.62% of the total FY21 workforce, well below the benchmark of 12.98% of the CLF. Nevertheless, despite lower than expected representation, the numbers are trending upwards with an increase in Hispanic or Latino employment in the total workforce from █ % of the total workforce in FY20 to 3.62% of the total workforce in FY21, an increase of █ Hispanic or Latino employees overall.	
<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?
Acting Executive Director	Tomeka Gilbert	Yes
Chief Diversity, Equity, Inclusion and EEO Officer	Tanisha Cole Edmonds	Yes
Acting Chief Human Capital Officer	Lauren Colón	Yes

Commodity Futures Trading Commission

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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
03/01/2021	Hire a consultant to conduct a DEIA study along with an agency-wide barrier analysis.	Yes		06/04/0021
09/30/2021	Make diversity and inclusion training mandatory for supervisors and employees; with additional targeted training required for supervisors.	Yes		11/12/0021
09/30/2023	Formalize the Diversity Workgroup	Yes		
09/30/2023	The agency will create a DEIA strategic plan. As part of the DEIA strategic planning process, we will identify further actions/activities that we will implement to address potential barriers to Hispanic employees.	Yes		
09/30/2024	Integrate bias mitigation measures and DEI best practices into the hiring and selection processes.	Yes		
09/30/2024	Use strategic talent acquisitions platforms to build an intentional and strategic approach to attracting diverse applicants.	Yes		
09/30/2024	Create a diversity recruitment plan.	Yes		
09/30/2024	Continue to analyze applicant flow data to better understand by grade, position, and division, where potential issues may be.	Yes		

Report of Accomplishments

Fiscal Year	Accomplishments
2021	During FY21, the agency completed the DEIA study that was announced in FY20 and released a report of the results to the agency's workforce. Chairman Behnam then held an agency-wide townhall focused on DEIA to review and discuss the results with the agency's workforce. Furthermore, the agency announced plans to hire its first Chief Diversity Officer and completed its first mandatory DEIA training for both employees and supervisors. Since the Chief Diversity Officer onboarded in FY22, she has been working closely with the Human Resources Branch to strengthen the agency's diversity recruitment efforts.



Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Eliminate Identified Barriers

PART I.3

<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)				
<b>Specific Workforce Data Table:</b>	Workforce Data Table - A3				
<p><b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b></p> <p>Provide a brief narrative describing the condition at issue.</p> <p>How was the condition recognized as a potential barrier?</p>	<p>Lower than expected representation of Black or African Americans, Hispanic or Latinos Males, and Asian Females at the Executive Level (defined as CT 16 and above and supervisory) in the permanent workforce. Some people of color tend to have lower-than-expected representation in Executive positions, while White employees tend to have higher-than-expected representation. Of 41 Executives in the permanent workforce only: █% are Hispanic or Latino Male compared to 2.17% of the permanent workforce; █% are Black or African American Male compared to 6.09% of the permanent workforce; █% were Black or African American Female compared to 11.01% of the permanent workforce; █% are Asian Female compared to 5.07% of the permanent workforce. In contrast, 78.05% of the Executives in the permanent workforce were White, though White employees were only 68.26% of the permanent workforce. There were no triggers for Asian Males or Hispanic Females amongst Executives.</p>				
<b>STATEMENT OF BARRIER GROUPS:</b>	<p><i>Barrier Group</i></p> <p>Hispanic or Latino Males</p> <p>Black or African American Males</p> <p>Black or African American Females</p> <p>Asian Females</p>				
<b>Barrier Analysis Process Completed?:</b>	N				
<b>Barrier(s) Identified?:</b>	N				
<p><b>STATEMENT OF IDENTIFIED BARRIER:</b></p> <p>Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.</p>	<table border="1"> <thead> <tr> <th>Barrier Name</th> <th>Description of Policy, Procedure, or Practice</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Barrier Name	Description of Policy, Procedure, or Practice		
Barrier Name	Description of Policy, Procedure, or Practice				

Objective(s) and Dates for EEO Plan

Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description	
<b>Responsible Official(s)</b>						
Title		Name		Standards Address The Plan?		
<b>Planned Activities Toward Completion of Objective</b>						
Target Date	Planned Activities			Sufficient Staffing & Funding?	Modified Date	Completion Date

Report of Accomplishments

Fiscal Year	Accomplishments
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Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Eliminate Identified Barriers

PART I.4

<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)
<b>Specific Workforce Data Table:</b>	Workforce Data Table - A1
<p><b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b></p> <p>Provide a brief narrative describing the condition at issue.</p> <p>How was the condition recognized as a potential barrier?</p>	<p>Underrepresentation of females, and racial and ethnic minorities within non-administrative, mission critical occupations. Analysis of FY21 data found that females and racial and ethnic minorities tended in some cases to be represented below benchmarks in non-administrative, mission critical occupations, and that White Males tended to have higher than expected representation in non-administrative, mission critical occupations. For example, out of 112 employees in the 1101 (Data Analysts) series, only: • 24.11% were Female compared to 54.50% of the occupational CLF; • █ % were Hispanic or Latina Female compared to 5.50% of the occupational CLF; • 15.18% were White Female compared to 36.2% of the occupational CLF; • █ % were Black or African American Female compared to 7.3% of the occupational CLF; and █ % were Two or More Races Female compared to 1.3% of the occupational CLF. In contrast, 75.89% were Male compared to 45.5% of the occupational CLF, and 58.04% were White Males compared to 32.2% of the occupational CLF. No triggers were found within this series for Hispanic or Latino Males, Black Males, or Asian Males.</p>

<b>STATEMENT OF BARRIER GROUPS:</b>	<p><i>Barrier Group</i></p> <p>All Women</p> <p>Hispanic or Latino Males</p> <p>Hispanic or Latino Females</p> <p>White Females</p> <p>Black or African American Females</p> <p>Asian Males</p> <p>Two or More Races Males</p> <p>Two or more Races Females</p>
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<b>Barrier Analysis Process Completed?:</b>	N
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<b>Barrier(s) Identified?:</b>	N
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<p><b>STATEMENT OF IDENTIFIED BARRIER:</b></p> <p>Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.</p>	<b>Barrier Name</b>	<b>Description of Policy, Procedure, or Practice</b>

Objective(s) and Dates for EEO Plan

Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description
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Responsible Official(s)

Title	Name	Standards Address The Plan?
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Planned Activities Toward Completion of Objective

Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
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Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Eliminate Identified Barriers

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Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Eliminate Identified Barriers

PART I.5

<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)
<b>Specific Workforce Data Table:</b>	Workforce Data Table - A3
<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 Females overall, Hispanic or Latina Females, Black or African American Females, White Females, and Asians in management positions (defined as CT15 and supervisory). Females and people of color tend to have lower-than-expected representation in management positions, while White Males tend to have higher-than-expected representation. Of the 90 managers in the permanent workforce only: 28.89% were Female compared to 41.83% of the permanent workforce; █% were Hispanic or Latina Female compared to 1.47% of the permanent workforce; 21.11% were White Female compared to 23.56% of the permanent workforce; █% were Black or African American Female compared to 11.19% of the permanent workforce; █% were Asian Male compared to 5.3% of the permanent workforce; █% were Asian Female compared to 5.15% of the permanent workforce. In contrast, 57.78% of managers were White Males, though White Males were only 44.33% of the permanent workforce.

<b>STATEMENT OF BARRIER GROUPS:</b>	<i>Barrier Group</i> All Women Hispanic or Latino Females White Females Black or African American Females Asian Males Asian Females
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<b>Barrier Analysis Process Completed?:</b>	N
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<b>Barrier(s) Identified?:</b>	N
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<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>	<b>Description of Policy, Procedure, or Practice</b>
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Objective(s) and Dates for EEO Plan

Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description
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Responsible Official(s)

Title	Name	Standards Address The Plan?
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Planned Activities Toward Completion of Objective

Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
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Plan to Eliminate Identified Barriers

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Plan to Eliminate Identified Barriers

PART I.6

<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)
<b>Specific Workforce Data Table:</b>	Workforce Data Table - A2
<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?	Representation within the permanent workforce in the CFTC's largest, non-administrative divisions. The CFTC's largest, non-administrative Divisions (Division of Enforcement, Division of Clearing and Risk, Division of Market Oversight, and Market Participants Division) tend to have higher than expected representation of White and Male employees, and less than expected representation of females and some people of color in their permanent workforce. For example, of the 172 permanent employees in the Division of Enforcement: 40% are Female, compared to 48.21% of the CLF; ████% are Hispanic or Latino Male compared to 6.82% of the CLF; ████% are Hispanic or Latina Female, compared to 6.16% of the CLF; ████% are Black or African American Male compared to 5.7% of the CLF; ████% are Black or African American Female compared to 6.61% of the CLF; ████% are Two or More Races Male compared to 1.05% of the CLF; and ████% are Two or More Races Female compared to 1.05% of the CLF. In contrast: 59.88% of employees were Male, though Males are only 51.79% of the CLF; and 80% of employees were White, though Whites are only 67.47% of the CLF.

<b>STATEMENT OF BARRIER GROUPS:</b>	<i>Barrier Group</i> All Women Hispanic or Latino Males Hispanic or Latino Females White Females Black or African American Males Black or African American Females Two or More Races Males Two or more Races Females
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<b>Barrier Analysis Process Completed?:</b>	N
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<b>Barrier(s) Identified?:</b>	N
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<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> </td> <td> </td> </tr> </tbody> </table>	Barrier Name	Description of Policy, Procedure, or Practice		
Barrier Name	Description of Policy, Procedure, or Practice				

Objective(s) and Dates for EEO Plan

Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description

Responsible Official(s)

Title	Name	Standards Address The Plan?

Planned Activities Toward Completion of Objective

Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date

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Plan to Eliminate Identified Barriers

PART I.7

<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?	Applicant Flow Data. Less-than-expected representation for Females and some categories of people of color in the application processes for the CFTC's mission critical occupations, overall new hires, and internal competitive promotions for mission critical occupations in the CFTC's permanent workforce. For example: Amongst new hires for mission critical occupations in the permanent workforce, out of 24 selections, █% were Black or African American Male, though Black or African American Males were 12.42% of the total qualified external applicants (Positively, █% of the selections were Black or African American Female, compared to 9.18% of the qualified external applicants and compared to █% of the selections for FY20 and FY19, reversing past trends); Amongst internal competitive promotions for mission critical occupations in the permanent workforce, of the 18 selections, █% were Female, though females were 38.86% of the qualified internal applicants; █% were Black or African American Male though Black or African American males were 18.96% of the qualified applicants; Amongst the total new hires in the permanent and temporary workforce, out of the 44 new hires, █% were Hispanic or Latina Female compared to 6.16% of the CLF.

<b>STATEMENT OF BARRIER GROUPS:</b>	<i>Barrier Group</i> All Women Hispanic or Latino Males Hispanic or Latino Females White Females Black or African American Males Black or African American Females Asian Females Two or More Races Males Two or more Races Females
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<b>Barrier Analysis Process Completed?:</b>	N
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<b>Barrier(s) Identified?:</b>	N
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<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> </td> <td> </td> </tr> </tbody> </table>	Barrier Name	Description of Policy, Procedure, or Practice		
Barrier Name	Description of Policy, Procedure, or Practice				

Objective(s) and Dates for EEO Plan

Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description
<b>Responsible Official(s)</b>					
Title		Name		Standards Address The Plan?	



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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
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Commodity Futures Trading Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Eliminate Identified Barriers

PART I.8

<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)				
<b>Specific Workforce Data Table:</b>	Workforce Data Table - A5				
<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 Black or African American employees overall in pay of \$180,001 or greater in the Permanent Workforce. Black or African American employees have less-than-expected representation amongst the permanent workforce earning \$180,001 or greater, while White employees have higher-than expected representation at that pay level. Though 17.1% of the permanent workforce was Black or African American, only 12.26% of individuals earning \$180,001 or greater were Black or African American. In contrast, though White employees were only 68.26% of the permanent workforce, they were 73.15% of the permanent employees earning \$180,001 or greater.				
<b>STATEMENT OF BARRIER GROUPS:</b>	<i>Barrier Group</i> Black or African American Males Black or African American Females				
<b>Barrier Analysis Process Completed?:</b>	N				
<b>Barrier(s) Identified?:</b>	N				
<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> </td> <td> </td> </tr> </tbody> </table>	Barrier Name	Description of Policy, Procedure, or Practice		
Barrier Name	Description of Policy, Procedure, or Practice				

Objective(s) and Dates for EEO Plan

Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description	
<b>Responsible Official(s)</b>						
Title		Name		Standards Address The Plan?		
<b>Planned Activities Toward Completion of Objective</b>						
Target Date	Planned Activities			Sufficient Staffing & Funding?	Modified Date	Completion Date

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**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 15 permanent employees in grades CT-1 to CT-10, 11% (17 employees) are people with disabilities in FY21, holding constant compared to FY20. Of the 664 employees in the cluster of CT 11 and higher, 6.02% (40 employees) are people with disabilities in FY21, an increase from 5.47% (37 employees) in FY20 and 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 15 permanent employees in grades CT-1 to CT-10, 0% (0 employees) are people with targeted disabilities in FY21, holding constant from FY20. Of the 664 permanent employees in the cluster of CT 11 and higher, 1% (7 employees) are people with targeted disabilities, a decrease from 2% (13 employees) in FY20. 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. During FY21, OMWI leadership and staff reviewed the goals with the Chief Human Capital Officer and briefed the CFTC Chairman, Chief of Staff and labor union to ensure that they were aware of the goals.

**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 No

The agency will request staffing/funding for a fulltime Disability Employment Program Manager within OMWI and a Selective Placement Program Coordinator in the Human Resources Branch.

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	
Answering questions from the public about hiring authorities that take disability into account	0	1	0	Connie Adkins HR Specialist CAdkins@CFTC.gov
Processing reasonable accommodation requests from applicants and employees	0	1	0	Lauren Colón Chief, Workforce Relations LColon@cftc.gov
Section 508 Compliance	0	1	0	Kennet Ake IT Specialist Section508@cftc.gov
Architectural Barriers Act Compliance	0	0	1	Edward Busse Manager - Facilities Operations and Services ebusse@cftc.gov
Processing applications from PWD and PWTD	0	1	0	Connie Adkins HR Specialist CAdkins@CFTC.gov
Special Emphasis Program for PWD and PWTD	0	0	0	

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 No

The CFTC will evaluate what further training is needed for Disability Program Staff in order to carry out their responsibilities.

## 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 No

The new Chief Diversity and EEO Officer will begin briefing and bringing awareness to the gap in expertise, funding, and staffing at the agency to best make the case for further needed resources.

## 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 CFTC's Human Resources Branch reports that it works with Schedule A, subpart (u) qualified applicants and utilizes Veteran hiring authorities to identify job applicants with disabilities.

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 No

The Chief Diversity and EEO Officer will work with stakeholder offices to ensure that hiring managers are trained on the use of hiring authorities that take disability into account.

## 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.

The CFTC has launched a new employee affinity group for People with Disabilities and will work with that group to establish and maintain contacts with organizations that assist PWD and PWTD.

## 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 40 new hires in FY21, ■ identified as a PWD (■%), which is above the benchmark of 12%. ■ hires in FY21 identified as a PWTD (■%), 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 Yes  
b. New Hires for MCO (PWTD) Answer Yes

For FY21, out of the 272 qualified applicants who self-identified for the permanent 0905 positions, 15.4% were PWD (42 applicants) and 5.1% (14 applicants) were PWTD, but PWD and PWTD were ■% of the ■ selections made from the self-identified applicants. Out of the 123 qualified applicants who self-identified for the permanent 1101 positions, 15% were PWD (19 applicants) and 8.9% (11 applicants) were PWTD, but PWD and PWTD were ■% of the ■ selection made from the self-identified applicants. Out of the 73 qualified applicants who self-identified for the permanent 2210 positions, ■% were PWD (■ applicants) and ■% (■ applicants) were PWTD, but PWD and PWTD were ■% of the ■ selection made from the self-identified applicants. The 0301, 0511 series did not have triggers. Please note the small number of selections made, however.

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 No  
b. Qualified Applicants for MCO (PWTD) Answer No

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

For FY21, of the [redacted] qualified applicants who self-identified for internal competitive promotions to the permanent 0905 positions, [redacted]% ([redacted] applicant) was a PWD and [redacted]% were PWTD, but PWD were [redacted]% of the [redacted] selection made from the self-identified applicants. Of the [redacted] qualified applicants who self-identified for the internal competitive promotions for the permanent 1801 positions, [redacted]% ([redacted] applicants) were PWD and [redacted]% ([redacted] applicant) were PWTD, but PWD and PWTD were [redacted]% of the [redacted] selections made from the self-identified applicants. Of the 31 qualified applicants who self-identified for the internal competitive promotions for the permanent 0301 positions, 32.2% (10 applicants) were PWD and [redacted]% ([redacted] applicants) were PWTD, but PWD and PWTD were [redacted]% of the [redacted] selection made from the self-identified applicants. Please note the small number of selections made however.

#### 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 through its DEIA strategic plan to further develop an approach 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 OPPORTUNITES

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. 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 5.64% of the workforce; they received 4.7% of time off awards and 5.8% of cash awards. PWTD are [redacted] % of the workforce, they received [redacted] % of time off awards 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 No
- ii. Internal Selections (PWD) Answer No

b. Grade GS-15

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

ii. Internal Selections (PWD) Answer Yes

c. Grade GS-14

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

ii. Internal Selections (PWD) Answer Yes

d. Grade GS-13

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

ii. Internal Selections (PWD) Answer Yes

Out of the 11 qualified self-identified applicants to CT-15 internal competitive promotions, █% (█ individual) was a PWD, but █% of the █ self-identified selectees was a PWD. Out of the 46 qualified self-identified applicants to CT-14 internal competitive promotions, 26.1% (12 individuals) were PWD, but █% of the █ self-identified selectees was a PWD. Out of the █ qualified self-identified applicants to CT-13 internal competitive promotions, █% (█ individuals) were PWD, but █% of the █ self-identified selectees was a PWD.

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 No

ii. Internal Selections (PWTD) Answer No

b. Grade GS-15

i. Qualified Internal Applicants (PWTD) Answer N/A

ii. Internal Selections (PWTD) Answer No

c. Grade GS-14

i. Qualified Internal Applicants (PWTD) Answer N/A

ii. Internal Selections (PWTD) Answer Yes

d. Grade GS-13

i. Qualified Internal Applicants (PWTD) Answer N/A

ii. Internal Selections (PWTD) Answer Yes

Out of the 46 qualified self-identified applicants to CT-14 internal competitive promotions, █% (█ individuals) were PWTD, but █% of the █ self-identified selectees was a PWTD. Out of the 11 qualified self-identified applicants to CT-13 internal competitive promotions, █% (█ individual) were PWTD, but █% of the █ self-identified selectees was a PWTD.

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 No

b. New Hires to GS-15 (PWD) Answer No

c. New Hires to GS-14 (PWD) Answer Yes

d. New Hires to GS-13 (PWD) Answer Yes

Out of the 120 qualified self-identified applicants to CT-14 new hire positions, █% (█ individuals) were PWD, but █% of the █ self-identified selectees was a PWD. Out of the 121 qualified self-identified applicants to CT-13 new hire positions, 15.7% (19 individuals) were PWD, but █% of the █ self-identified selectees was a PWD.

4. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box. 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 No
- b. New Hires to GS-15 (PWTD) Answer No
- c. New Hires to GS-14 (PWTD) Answer Yes
- d. New Hires to GS-13 (PWTD) Answer Yes

Out of the 120 qualified self-identified applicants to CT-14 new hire positions, █% (█ individuals) were PWTD, but █% of the █ self-identified selectees was a PWTD. Out of the 121 qualified self-identified applicants to CT-13 new hire positions, █% (█ individuals) were PWTD, but █% of the █ self-identified selectees was a PWTD.

5. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If "yes", describe the trigger(s) in the text box. 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 No
  - ii. Internal Selections (PWD) Answer No
- 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 Yes

Out of the 23 qualified self-identified applicants to supervisory internal competitive promotion positions, █% (█ individuals) were PWD, but █% of the █ self-identified selectees was a PWD.

6. 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 (PWTD) Answer No
  - ii. Internal Selections (PWTD) Answer No
- b. Managers
  - i. Qualified Internal Applicants (PWTD) Answer N/A
  - ii. Internal Selections (PWTD) Answer N/A
- c. Supervisors
  - i. Qualified Internal Applicants (PWTD) Answer N/A
  - ii. Internal Selections (PWTD) Answer Yes

Out of the 23 qualified self-identified applicants to supervisory internal competitive promotion positions █% (█ individuals) were PWTD, but █% of the █ self-identified selectees was a PWTD.

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 No
- b. New Hires for Managers (PWD) Answer No
- c. New Hires for Supervisors (PWD) Answer No

8. 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 (PWTB)	Answer	No
b. New Hires for Managers (PWTB)	Answer	No
c. New Hires for Supervisors (PWTB)	Answer	No

## 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 (PWTB)	Answer	No
b. Involuntary Separations (PWTB)	Answer	No

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

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

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

N/A

### 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.

The CFTC's Section 508 Coordinator reports that "The CFTC information technology organization has several strategic initiatives in process and ensures that accessibility requirements are embedded in these new solutions and assessed prior to acquisition. For instance, the CFTC is in the process of relocating our offices to newer facilities, and the underlying technology is being improved to enhance accessibility for these new offices. As other initiatives are completed, these projects will ensure that accessibility requirements are met and/or exceeded, with examples including cloud adoption of new software, upgraded collaboration software, and a laptop refresh." The CFTC's Manager of Facilities and Operational Services reports that "all CFTC facilities are in full compliance with applicable building codes, laws, etc. governing disabled persons' access. In addition, as CFTC renovates and relocates from old facilities to new, every effort is made to ensure not only full compliance but any supplemental guidance regarding disabled access is reviewed and implemented when possible."

### 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.

### 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 draft personal assistance services procedures is that they are integrated into the CFTC's draft reasonable accommodation procedures to ensure consistency and efficiency. The CFTC did not receive any requests for Personal Assistance Services in FY 2021, but will continue to evaluate the effectiveness of its procedures in FY 2022.

## 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 FY21.

### 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>  Provide a brief narrative describing the condition at issue.  How was the condition recognized as a potential barrier?	Triggers include: PWD and PWTD in Permanent Workforce, New Hires in Permanent Workforce (PWD and PWTD), New Hires for MCO (PWD and PWTD), Promotions for MCO (PWD and PWTD), Promotions Senior Grade Levels. (PWD and PWTD), New Hires to Senior Grade Levels. (PWD and PWTD), Promotions to Supervisory Positions. (PWD and PWTD). Please see Part J for full description of triggers, as this space does not allow for full description.				
<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>  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>  PWD and PWTD are underrepresented in applicant pipeline; attitudinal barriers.	<b>Description of Policy, Procedure, or Practice</b>  "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...diverse [candidates.]"			
<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	09/30/2023	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>	
Acting Executive Director		Tomeka Gilbert		Yes	
IT Specialist		Kennet Ake		Yes	
Chief Information Officer		Janaka Perera		Yes	
Manager - Facilities Operations and Services		Edward Busse		Yes	
HR Specialist		Connie Adkins		Yes	
Acting Chief Human Capital Officer		Lauren Colón		Yes	
Chief Diversity, Equity, Inclusion and EEO Officer		Tanisha Cole Edmonds		Yes	

**Planned Activities Toward Completion of Objective**

Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
03/01/2021	Hire a consultant to conduct a DEIA study along with an agency-wide barrier analysis.	Yes		06/04/2021
09/30/2021	Make diversity and inclusion training mandatory for supervisors and employees; with additional targeted training required for supervisors.	Yes		11/12/0021
09/30/2023	Formalize the Diversity Workgroup	Yes		
09/30/2023	The agency will create a DEIA strategic plan. As part of the DEIA strategic planning process, we will identify further actions/activities that we will implement to address potential barriers to people with disabilities.	Yes		
09/30/2024	Integrate bias mitigation measures and DEI best practices into the hiring and selection processes.	Yes		
09/30/2024	Use strategic talent acquisitions platforms to build an intentional and strategic approach to attracting diverse applicants.	Yes		
09/30/2024	Create a diversity recruitment plan.	Yes		
09/30/2024	Continue to analyze applicant flow data to better understand by grade, position, and division, where potential issues may be.	Yes		
10/30/2021	Charter an Affinity Group for People with Disabilities	Yes		10/30/2021

**Report of Accomplishments**

Fiscal Year	Accomplishments
2021	During FY21, the agency completed the DEIA study that was announced in FY20 and released a report of the results to the agency's workforce. Chairman Behnam then held an agency-wide townhall focused on DEIA to review and discuss the results with the agency's workforce. Furthermore, the agency announced plans to hire its first Chief Diversity Officer and completed its first mandatory DEIA training for both employees and supervisors. The agency also chartered a new employee affinity group centered on people with disabilities.

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

The agency has undergone leadership changes in its OMWI office.

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 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 FY22, the agency will: charter an affinity group focused on people with disabilities; start to create a DEIA strategic plan-- as part of the DEIA strategic planning process, we will identify further actions/activities that we will implement to address potential barriers to people with disabilities; integrate bias mitigation measures and DEI best practices into the hiring and selection processes; use strategic talent acquisitions platforms to build an intentional and strategic approach to attracting diverse applicants; create a diversity recruitment plan; formalize the diversity workgroup; and continue to analyze applicant flow data to better understand by grade, position, and division, where potential issues may be.