




**Office of Inspector General**

Board of Governors of the Federal Reserve System  
Consumer Financial Protection Bureau

## MEMORANDUM

**DATE:** September 21, 2022

**TO:** Jean Chang  
Acting Chief Operating Officer  
Consumer Financial Protection Bureau

**FROM:** Michael VanHuysen   
Associate Inspector General for Audits and Evaluations

**SUBJECT:** OIG Report 2022-MO-C-011: *The CFPB Implemented Safety Measures in Accordance With Its Reentry Plan*

### Executive Summary

We initiated a limited-scope evaluation in March 2022 to assess select vaccination, building access, and other return-to-office workplace safety protocols put in place by the Consumer Financial Protection Bureau at its headquarters building to ensure that these safety protocols were implemented in a manner consistent with the CFPB’s reentry plan. To assess these safety protocols, we reviewed relevant CFPB and executive branch guidance as well as CFPB communications and planning documents, analyzed the CFPB’s data dashboard for monitoring the number of individuals accessing the agency’s headquarters, and conducted interviews.

For the select workforce safety protocols that we assessed, we found that the CFPB’s safety measures aligned with applicable federal guidance and the agency’s reentry plan, so our report does not contain any recommendations. The CFPB implemented enhanced cleaning and air filtration practices in its headquarters building; social distancing measures to increase employee safety at headquarters during periods of mandatory and maximum telework; and building access controls, including monitoring the number of individuals in the headquarters building.

During our evaluation, CFPB leadership negotiated and tentatively reached an updated collective bargaining agreement with the National Treasury Employees Union, which addresses various workplace conditions, including telework policies. This effort was outside the scope of our evaluation.



**Office of Inspector General**

Board of Governors of the Federal Reserve System  
Consumer Financial Protection Bureau

Recommendations, 2022-MO-C-011, September 21, 2022

## The CFPB Implemented Safety Measures in Accordance With Its Reentry Plan

**Finding: The CFPB Implemented Safety Measures in Its Headquarters Building**

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Number	Recommendation	Responsible office
No recommendations.		

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## Objective, Scope, and Methodology

We initiated a limited-scope evaluation in March 2022 to assess select vaccination, building access, and other return-to-office (RTO) workplace safety protocols put in place by the Consumer Financial Protection Bureau at its headquarters building to ensure that these safety protocols were implemented in a manner consistent with the CFPB's reentry plan. After a discussion with CFPB officials to establish the limited scope of our evaluation, we focused our efforts on RTO protocols for CFPB headquarters, where the majority of CFPB employees are stationed. To understand the CFPB's RTO efforts, we reviewed the CFPB's pandemic and reentry plans and associated guidance to CFPB employees, and we interviewed responsible CFPB officials and staff. We also reviewed building access controls, the data dashboard used to monitor the number of individuals accessing CFPB facilities, social distancing practices, and modifications to applicable contracts. We reviewed samples of cleaning logs and inspection reports as well as documentation related to enhanced air filtration practices. We conducted our fieldwork from March 2022 through August 2022. We performed this evaluation in accordance with *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency.

## Background

### ***The CFPB's COVID-19 Response***

In March 2020, the CFPB director communicated to staff that the agency was monitoring COVID-19 developments and taking measures to increase employee safety. The CFPB's initial measures in response to COVID-19 included developing a pandemic plan and a reentry plan.

- The CFPB's pandemic plan sought to ensure the continuity of its essential functions should the COVID-19 pandemic worsen and references implementing recommendations from the Centers for Disease Control and Prevention (CDC), as appropriate. The CFPB created this plan in March 2020 to serve as an appendix to its *Continuity of Operations Plan*, which provides guidance for ensuring that the agency's mission-essential functions are executed under all threats or conditions.
- The CFPB's phased reentry plan increases onsite occupancy levels as it moves from phase 0 through phase 3 (table 1). The CFPB created this plan in response to Office of Management and Budget (OMB) guidance.<sup>1</sup>

As detailed in the pandemic plan, the CFPB established a COVID-19 coordination team to provide input and guidance on the agency's pandemic planning efforts. The COVID-19 coordination team included key CFPB officials, such as the deputy chief administrative officer and the director of security.<sup>2</sup> In addition, the CFPB hired an attorney-physician who provided medical advice. The COVID-19 coordination team

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<sup>1</sup> During this time, the CFPB was responding to new guidance from the White House, OMB, and the CDC. For example, in March 2020, the White House and the CDC provided guidance on preventing the spread of COVID-19. In April 2020, OMB directed federal agencies to plan to return to the office.

<sup>2</sup> The CFPB's COVID-19 coordination team also includes the chief operating officer, the deputy chief operating officer, a safety point of contact, a representative from the Office of Security Programs, a representative from the Office of Communications, and a representative from the Legal Division.

gathered information on updated COVID-19 guidance—issued by the CDC, the Safer Federal Workforce Task Force (SFWTF), OMB, and the White House—and presented that information and its pandemic and reentry plans to the CFPB’s Pandemic Advisory Group on a continual basis.<sup>3</sup> The Pandemic Advisory Group, which consists of representatives from each of the CFPB’s major offices and divisions, reviewed COVID-19 coordination team recommendations, and the CFPB director approved all pandemic-related decisions.<sup>4</sup>

The CFPB director mandated full-time telework for all headquarters staff starting March 16, 2020, and the CFPB’s Facilities group began implementing safety measures in the headquarters building to mitigate the risks associated with COVID-19, such as enhancing cleaning measures and installing social distancing signage.

In June 2020, the CFPB began phase 0 of its reentry plan. The director approved the transition to phase 1 beginning July 2020, which revoked mandatory telework and allowed staff to voluntarily return to the office with a 25 percent capacity limit at headquarters. During phase 1, the CFPB instituted a seat reservation system to maintain social distancing for employees who work in shared office spaces and open workplaces. Employees who volunteered to return to the office were assigned either a blue or a green seat, which indicated the weeks they were allowed to come into the office. Before entry, all employees accessing CFPB headquarters were required to complete a symptom screening form and may have been denied entry based on the result.

On September 9, 2021, Executive Order 14043, *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees*, mandated that all federal employees be fully vaccinated for COVID-19 by November 22, 2021. That executive order was enjoined in January 2022, and therefore, the CFPB has not and will not take action to enforce the COVID-19 vaccination requirement, in accordance with SFWTF guidance.

As of May 27, 2022, the CFPB had not advanced past phase 1 of its reentry plan. According to a CFPB official, the plan did not advance because of (1) collective bargaining negotiations with the employee union, which will affect telework and other workplace conditions, and (2) a lack of new guidance from OMB regarding federal building capacity limits.

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<sup>3</sup> The SFWTF is led by the White House COVID-19 Response Team and was created to give the heads of federal agencies ongoing guidance to keep their employees safe and their agencies operating during the COVID-19 pandemic. In January 2021, OMB and the SFWTF issued *Agency Model Safety Principles*. This guidance details the ways in which executive agencies can safely continue operations during the pandemic and allow employees to work onsite. Specifically, the guidance required (1) masks and physical distancing consistent with CDC recommendations and (2) agencies to establish a COVID-19 coordination team, among other things.

<sup>4</sup> In January 2021, the COVID-19 coordination team began briefing the chief operating officer, to whom the director had delegated pandemic-related decisionmaking responsibility.

**Table 1. The CFPB's Phased Reentry Plan**

Phase	Headquarters capacity limit	Employee telework status <sup>a</sup>
0	Director and select staff	Mandatory
1	25%	Maximum
2 <sup>b</sup>	50%	Maximum, with alternating telework for employees in shared offices who wish to come to the office
3 <sup>b</sup>	100%	Implementation of potential new collective bargaining agreement telework standards <sup>c</sup>

Source: OIG analysis of CFPB documents and interviews.

<sup>a</sup> During mandatory telework, most staff could not work at headquarters. During maximum telework, staff had the option to work in headquarters or to continue telework.

<sup>b</sup> The CFPB never transitioned to phase 2 or phase 3 of the reentry plan and ended maximum telework on May 21, 2022; however, CFPB employees were permitted to telework full time until July 30, 2022.

<sup>c</sup> During the reentry plan's implementation, the CFPB was negotiating a new collective bargaining agreement. On July 28, 2022, the CFPB reached a tentative agreement with the National Treasury Employees Union.

## Recent Changes to the CFPB's Reentry Plan

During the pandemic, the CDC continually published guidance on protecting oneself and others from COVID-19. In February 2022, the CDC began publishing weekly COVID-19 community levels, which incorporate data on hospital bed use, new hospital admissions, and the total number of new COVID-19 cases to assign a *low*, *medium*, or *high* rating to each county. The SFWTF created guidance for federal agencies on how to respond to these community levels. In April 2022, while the CFPB was in phase 1 of its reentry plan, the agency implemented a three-tiered safety protocol in response to the SFWTF guidance (table 2). This protocol outlines requirements for mask wearing, symptom screening, and testing based on the CDC's COVID-19 community level.<sup>5</sup>

By June 2022, the CFPB had ended maximum telework and implemented optional full-time telework, which was automatically granted for requesting individuals until July 30, 2022. In addition, the CFPB transitioned from phase 1 of its reentry plan to the three-tiered safety protocol and removed headquarters capacity limits and other social distancing measures, including the seat reservation system and signage encouraging social distancing. On July 28, 2022, the CFPB reached a tentative agreement with the National Treasury Employees Union, which includes allowing full-time telework until October 31, 2022. The CFPB intends to respond to any changes related to the COVID-19 pandemic in accordance with further guidance from the CDC, OMB, or the SFWTF.

<sup>5</sup> On August 17, 2022, the SFWTF issued updated guidance to reflect the CDC's new prevention strategies recommended for *low*, *medium*, and *high* community levels. We understand that the CFPB is in the process of implementing health and safety protocols in accordance with this new guidance.

**Table 2. The CFPB’s COVID-19 Community Level–Based Entry Requirements**

CDC community level	Mask wearing	Symptom screening	Testing <sup>a</sup>
<i>Low</i>	Will not require individuals to wear masks in headquarters	Will not use its screening program in headquarters	Will not use its testing program in headquarters
<i>Medium</i>	Will not require individuals to wear masks in headquarters	Will use its screening program for all individuals entering headquarters	Will use its testing program for individuals who are not fully vaccinated and wish to enter headquarters
<i>High</i>	Will require individuals to wear masks in headquarters regardless of vaccination status and consistent with CDC and White House guidance	Will use its screening program for all individuals entering headquarters	Will use its testing program for individuals who are not fully vaccinated and wish to enter headquarters

Source: OIG review of CFPB guidance.

<sup>a</sup> The CFPB’s testing program requires employees, contractors, and visitors who are not fully vaccinated to be tested for COVID-19 before entering CFPB offices.

## **Finding: The CFPB Implemented Safety Measures in Its Headquarters Building**

In response to the COVID-19 pandemic, the CFPB implemented several protocols to increase employee safety in its headquarters building. Specifically, the CFPB implemented enhanced cleaning and air filtration practices, implemented social distancing measures to create separation between individuals, and instituted building access controls. Further, the agency monitored building capacity to ensure that the number of individuals in the building was consistent with established capacity limits and updated its building entry protocols, which were implemented in April 2022 based on the CDC’s community-level transmission guidance. For the select workforce safety protocols we assessed, we found that the CFPB’s safety measures aligned with applicable federal guidance and the agency’s reentry plan.

**Table 3. Safety Measures Implemented in the CFPB's Headquarters Building**

Pandemic guidance	CFPB safety measures
<b>Cleaning</b>	
<p>The SFWTF recommends regular cleaning of common-use, high-touch, and high-density spaces, such as lobbies, restrooms, elevators, and stairwells.</p>	<p>In March 2020, the CFPB's cleaning contractor performed a disinfectant cleaning of high-touch areas at headquarters, such as bathrooms, elevators, and pantries.</p>
<p>The CDC recommends developing a cleaning plan and prioritizing the cleaning of high-touch surfaces at least once a day.</p>	<p>In May 2020, the CFPB developed and communicated a cleaning plan to its custodial contractor to increase the cleaning frequency of high-touch areas, offices, and workstations. We reviewed contractor cleaning logs and inspection reports, which identified a less than 2 percent cleaning deficiency rate that was corrected through follow-up work orders.</p>
<b>Air filtration</b>	
<p>The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) recommends using a combination of filters and air cleaners that achieve MERV-13 or better filtration for heating, ventilation, and air conditioning (HVAC) systems. The CDC also recommends using the highest-efficiency ventilation filters possible.</p>	<p>We reviewed the CFPB's MERV filter purchases and completed work orders showing the installation of MERV-13 or MERV-14 filters and replacement lights for the ultraviolet light system, which eliminates germs, bacteria, and viruses as they pass through the system. The agency also installed an ionization system that allows for easier filtration of airborne viruses and bacteria and obtained a certification from the Center for Active Design of the agency's air filtration measures, which indicates that the measures mitigate the spread of infectious diseases.</p>
<p>ASHRAE recommends providing and maintaining the minimum outdoor airflow rates for ventilation. In addition, the CDC suggests increasing outdoor air to reduce or eliminate HVAC air recirculation.</p>	<p>The CFPB increased outdoor air flow during low-humidity months. We reviewed renderings of one of the CFPB's air handling units from June 2020 and July 2022 that showed the percentage of outside air flow coming into the building and confirmed that outside air is managed through the building automation system.<sup>a</sup></p>

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**Pandemic guidance**
**CFPB safety measures**


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**Social distancing**


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As early as March 2020, the White House and the CDC issued guidance instructing agencies to implement safety protocols in agency buildings to increase employee's ability to maintain social distancing.

During phases 0 and 1 of its reentry plan, the CFPB implemented a variety of social distancing measures to increase employee safety in its facilities, such as placing signage throughout the building that advised individuals to stay home if they feel sick, wear a mask, stay 6 feet apart, and wash their hands, among other common COVID-19 precautions.

The CFPB also set capacity limits in elevators, conference rooms, and pantries; placed signs on tables to warn against sitting too close to others; and placed stickers on the floor guiding staff to maintain social distancing.

We reviewed documentation that evidenced that these safety measures were implemented.

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**Building access and monitoring**


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As early as March 2020, the White House and the CDC issued guidance instructing agencies to implement safety protocols in agency buildings.

The CFPB instituted a seating system for shared offices and open workspaces in which employees who volunteered to return to the office would have alternating weeks in the office. In addition, the CFPB implemented symptom screening and testing procedures for headquarters in accordance with CDC and SFWTF guidance and implemented building capacity limits for each reentry phase. We reviewed documentation that evidenced that these safety measures were implemented.

During phase 1 of the CFPB's reentry plan, the headquarters capacity limit was 25 percent.

The CFPB created a data dashboard to monitor the number of employees entering its headquarters building. We verified that the number of entries did not exceed the phase 1 capacity limit of 25 percent. Sixteen percent was the maximum occupancy level in February 2022 and in March 2022.

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Source: OIG review of CFPB documentation and interviews with CFPB officials.

<sup>a</sup> The CFPB uses a building automation system to access, control, and monitor connected buildings systems, such as the CFPB's multiple air handling units, from a single interface.

## Management Response

In response to our draft memorandum, the chief administrative officer stated that the CFPB was pleased that our review found that workplace safety measures aligned with applicable federal guidance and the agency's reentry plan.



## Closing

For the select workforce safety protocols we assessed, we found that the CFPB's safety measures aligned with applicable federal guidance and the agency's reentry plan. Protocols we reviewed included enhanced cleaning and air filtration, social distancing measures, and building access management. In addition, the CFPB is in the process of acquiring a contractor to conduct a lessons-learned review to identify any opportunities for improvements to its pandemic plan and *Continuity of Operations Plan*. In July 2022, the CFPB released a request for quotation and anticipates the lessons-learned work to be completed by March 2023.

We provided you with a draft of our memorandum report for review and comment, and your response is included as an attachment. We appreciate the cooperation we received from the CFPB during the evaluation. Please contact me if you would like to discuss this memorandum report or any related issues.

### Attachment

cc: Martin Michalosky  
Hoan Nguyen  
Larry Pauling  
Len Benning  
Dana James

**Attachment**

## Management Response



1700 G Street NW, Washington, D.C. 20552

September 7, 2022

Mr. Michael VanHuysen  
Associate Inspector General for Audits and Evaluations  
Board of Governors of the Federal Reserve System  
20th and Constitution Avenue, NW  
Washington, DC 20551

Dear Mr. VanHuysen,

Thank you for the opportunity to review and comment on the Office of Inspector General's (OIG) draft report, titled *The Bureau Implemented Safety Measures Consistent With Its Return-to-Office Plan*. We appreciate the OIG's partnership with the Office of Administrative Operations over the course of this audit.

We are pleased your limited-scope evaluation contained no recommendations and that you found the Consumer Financial Protection Bureau's (CFPB or Bureau) safety measures aligned with applicable federal guidance and the agency's reentry plan. The health and safety of all individuals accessing CFPB facilities remains a top priority. The Bureau will continue to actively monitor COVID-19 pandemic conditions and respond to any changes related to the COVID-19 pandemic in accordance with further guidance from the Centers for Disease Control and Prevention (CDC), the Safer Federal Workforce Task Force (SFWTF), Office of Management and Budget (OMB), or the White House.

Sincerely,

**Martin A. Michalosky**  
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Martin A. Michalosky  
Date: 2022.09.07  
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Martin Michalosky  
Chief Administrative Officer

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