

### Subpart A—Complaints, Investigations, Findings, and Preliminary Orders

#### § 1985.100 Purpose and scope.

(a) This part implements procedures of the employee protection provision of the Consumer Financial Protection Act of 2010, Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (CFPA or the Act), Public Law 111-203, 124 Stat. 1376, 1955 (July 21, 2010) (codified at 12 U.S.C. 5567). CFPA provides for employee protection from retaliation because the employee has engaged in protected activity pertaining to the offering or provision of consumer financial products or services.

(b) This part establishes procedures under CFPA for the expeditious handling of retaliation complaints filed by employees, or by persons acting on their behalf, and sets forth OSHA's interpretations of CFPA. These rules, together with those codified at 29 CFR part 18, set forth the procedures under CFPA for submission of complaints, investigations, issuance of findings and preliminary orders, objections to findings and orders, litigation before administrative law judges (ALJs), post-hearing administrative review, and withdrawals and settlements.

#### § 1985.101 Definitions.

As used in this part:

(a) *Affiliate* means any person that controls, is controlled by, or is under common control with another person.

(b) *Assistant Secretary* means the Assistant Secretary of Labor for Occupational Safety and Health or the person or persons to whom he or she delegates authority under CFPA.

(c) *Bureau* means the Bureau of Consumer Financial Protection.

(d) *Business days* means days other than Saturdays, Sundays, and Federal holidays.

(e) *CFPA* means Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, Public Law 111-203, 124 Stat. 1376, 1955 (July 21, 2010) (codified at 12 U.S.C. 5567).

(f) *Complainant* means the person who filed a CFPA complaint or on whose behalf a complaint was filed.

(g) *Consumer* means an individual or an agent, trustee, or representative acting on behalf of an individual.

(h) *Consumer financial product or service* means any financial product or service that is:

(1) Described in one or more categories in 12 U.S.C. 5481(15) and is offered or provided for use by consumers primarily for personal, family, or household purposes; or

(2) Described in clause (i), (iii), (ix), or (x) of 12 U.S.C. 5481(15)(A), and is delivered, offered, or provided in connection with a consumer financial product or service referred to in paragraph (h)(1) of this section.

(i) *Covered employee* means any individual performing tasks related to the offering or provision of a consumer financial product or service. The term "covered employee" includes an individual presently or formerly working for, an individual applying to work for, or an individual whose employment could be affected by a covered person or service provider where such individual was performing tasks related to the offering or provision of a consumer financial product or service at the time that the individual engaged in protected activity under CFPA.

(j) *Covered person* means—

(1) Any person that engages in offering or providing a consumer financial product or service, or

(2) Any affiliate of such a person if such affiliate acts as a service provider to such person, or

(3) Any service provider to the extent that such person engages in the offering or provision of its own consumer financial product or service.

(k) *Federal consumer financial law* means any law described in 12 U.S.C. 5481(14).

(l) *OSHA* means the Occupational Safety and Health Administration of the United States Department of Labor.

(m) *Person* means an individual, partnership, company, corporation, association (incorporated or unincorporated), trust, estate, cooperative organization, or other entity.

(n) *Respondent* means the person named in the complaint who is alleged to have violated the Act.