



FISCAL YEAR 2017

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# CONGRESSIONAL BUDGET JUSTIFICATION

SUBMITTED TO THE CONGRESS OF THE UNITED STATES  
FEBRUARY 2016

**U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**



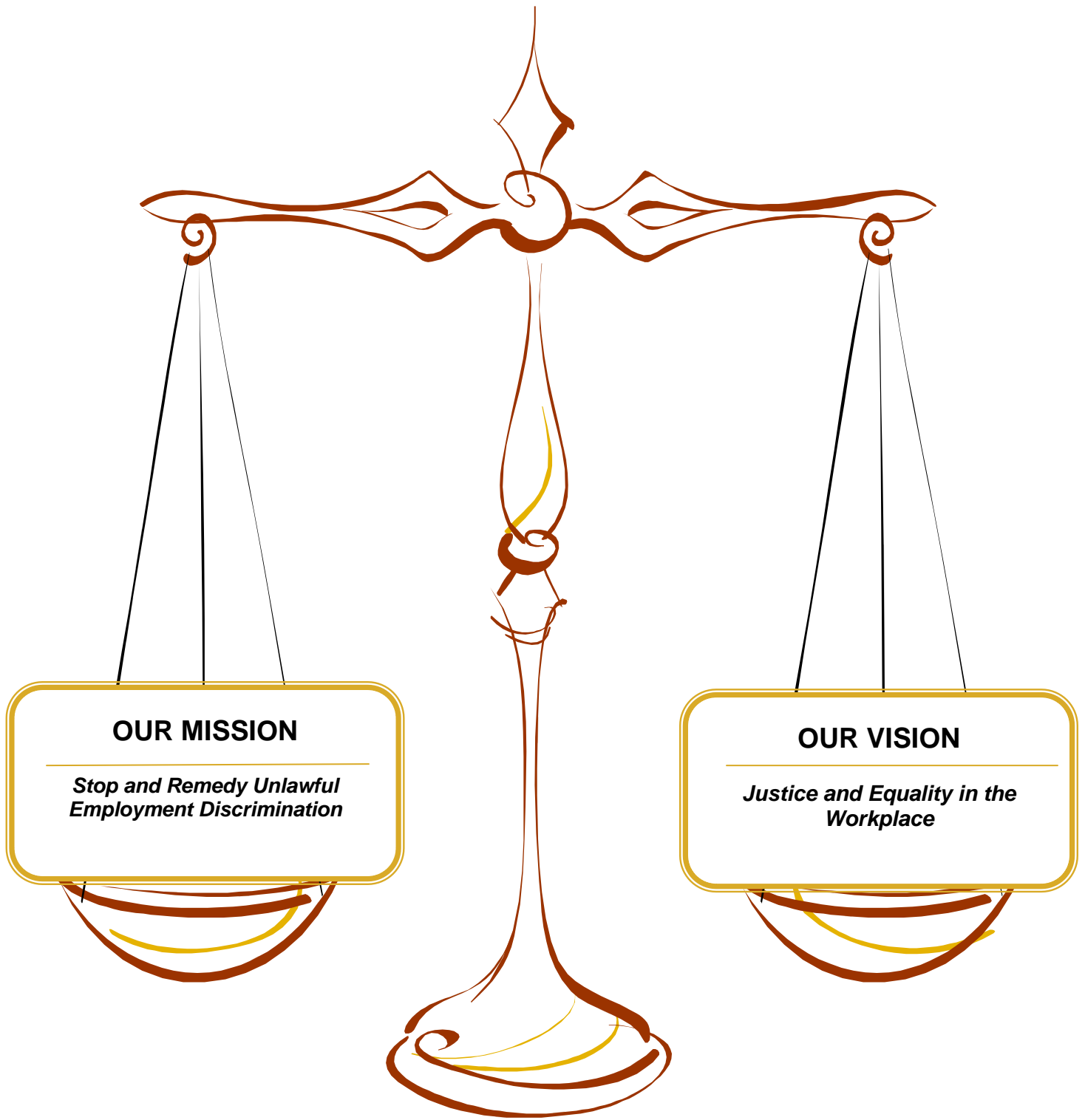
***Fiscal Year 2017  
Congressional Budget Justification***

***U.S. Equal Employment  
Opportunity Commission***

***February 2016***

***Submitted to the  
Congress of the United States***





**OUR MISSION**

*Stop and Remedy Unlawful  
Employment Discrimination*

**OUR VISION**

*Justice and Equality in the  
Workplace*



## Table of Contents

I.	CHAIR’S REPORT	1
	A. Fiscal Year 2017 Congressional Budget Highlights	1
	B. Chair’s Message	2
	C. Fiscal Year 2017 Priorities	3
II.	OFFICE OF INSPECTOR GENERAL FUNDING INFORMATION	11
	Chart 1: Office of Inspector General	11
III.	BUDGETING AND ACCOUNTING INFORMATION	13
	A. Appropriation Language	13
	B. Staffing and Funding Profile	14
	Table 1: Total Agency Staffing and Funding Profile	14
	C. Analysis of Change	15
	Table 2: Analysis of Change	15
	D. Object Class – Agency Summary	16
	Table 3: Object Class Schedule – Agency Summary	16
IV.	STRATEGIC PLAN AND PERFORMANCE MEASURES	17
	A. The Fiscal Years 2012-2016 Strategic Plan	17
	1. Introduction	17
	2. Strategic Objectives, Goals, and Strategies Overview	17
V.	STRATEGIC OBJECTIVE I	21
	A. Introduction	21
	Table 4: Budget Request Summary for Strategic Law Enforcement -- Fiscal Year 2015 to Fiscal Year 2017	22
	B. Performance Measures and Results	22
	C. Programs Areas	29
	1. Private Sector Enforcement	29
	Chart 2: Private Sector Charges Pending Ending Inventory	30
	Chart 3: Private Sector Enforcement Program Workload Table Fiscal Year 2013 to Fiscal Year 2019	31
	Table 5: Charges Filed by Statute Fiscal Year 2013 to Fiscal Year 2019	32
	Chart 4: Private Sector Enforcement Program Mediations Fiscal Year 2013 to Fiscal Year 2019	34
	a. State and Local	34
	Table 6: State and Local Workload Projections Fiscal Year 2013 to Fiscal Year 2019	35
	Table 7: Systemic Program Fiscal Year 2013 to Fiscal Year 2015	36
	b. Litigation	37
	2. Federal Sector Programs	38
	a. Federal Sector Enforcement Activities	38
	b. Federal Sector Improvements – Hearings	39
	Table 8: Hearings Workload Projections	41
	Chart 5: Federal Sector Hearings Workload Fiscal Year 2013 to Fiscal Year 2019	41
	c. Federal Sector Appeals Programs	42
	Chart 6: Federal Sector Appeals Workload Fiscal Year 2013 to Fiscal Year 2019	43
	d. Oversight of Federal Agencies EEO Programs	44

## Table of Contents

VI. STRATEGIC OBJECTIVE II	47
A. Introduction	47
B. Performance Measures and Results	48
C. Outreach	51
1. Non-fee based Outreach	53
Table 9: Budget Request Summary through Education and Outreach - Fiscal Year 2015 to Fiscal Year 2017	54
2. Fee Based (Revolving Fund – Education, Technical Assistance and Training)	54
Table 10: Summary of Financing for the Revolving Fund	54
VII. STRATEGIC OBJECTIVE III	57
A. Introduction	57
B. Performance Measures and Results	58
C. Program Areas	63
1. Highlighted Resource Area	63
Table 11: Highlighted Resource Area	63
2. Human Resources Function	63
a. Workforce Planning	63
b. Training	64
c. Telework Program	65
d. Mentoring Program	65
e. Labor Management Forums	66
f. Implementing the Collective Bargaining Agreement	67
g. Performance Management	67
h. Communication	67
3. Addressing Internal Workplace Issues	68
4. Customer Service	68
5. Information Technology	70
VIII. VERIFICATION AND VALIDATION OF DATA	73
IX. PROGRAM EVALUATIONS	75
X. INTERIM ADJUSTMENTS TO THE STRATEGIC PLAN	77
XI. ADMINISTRATION AND SUPPORT	83
A. Introduction	83
B. File Disclosure Workload	83
Table 12: Freedom of Information Act (FOIA) Fiscal Year 2014 to Fiscal Year 2019	83
Table 13: Section 83 Disclosures Fiscal Year 2014 to Fiscal Year 2019	84
C. Finance and Administration	84
D. GINA Study Commission	85
APPENDIX A: GENERAL STATEMENT OF LAWS	87
APPENDIX B: EVALUATION AND EVIDENCE	91



## I. CHAIR'S REPORT

### A. Fiscal Year 2017 Congressional Budget Highlights

The U.S. Equal Employment Opportunity Commission (EEOC) is the leading federal law enforcement agency dedicated to stopping and remedying employment discrimination on the basis of race, color, religion, sex, pregnancy, national origin, age, disability, and genetic information or family medical history. The 2017 budget requests \$376,646,000 for EEOC, which includes \$29,500,000 for State and Local programs. This request represents an increase of \$12.146 million above the enacted fiscal year 2016 appropriation.

EEOC was created as part of the historic Civil Rights Act of 1964. Title VII of the Civil Rights Act prohibited discrimination on the basis of race, color, religion, sex, and national origin in private sector employment throughout the United States. During the past 50 years, our jurisdiction has grown and now includes the following areas:

- **Equal Pay Act of 1963 (included in the Fair Labor Standards Act)**, as amended, prohibits sex discrimination in the payment of wages to men and women performing substantially equal work in the same establishment.
- **Title VII of the Civil Rights Act of 1964**, as amended, prohibits employment discrimination on the basis of race, color, religion, sex, and national origin.
- **Pregnancy Discrimination Act of 1978**, which amended Title VII to clarify that discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes sex discrimination and requires employers to treat pregnancy and pregnancy-related medical conditions as any other medical disability with respect to terms and conditions of employment, including health benefits.
- **Age Discrimination in Employment Act of 1967**, as amended, protects workers 40 and older from age-based discrimination in hiring, discharge, pay, promotions, fringe benefits, and other aspects of employment. The Age Discrimination in Employment Act also prohibits the termination of pension contributions and accruals on account of age and governs early retirement incentive plans and other aspects of benefits planning and integration for older workers.
- **Sections 501 and 505 of the Rehabilitation Act of 1973**, as amended, prohibit discrimination against a qualified person with a disability in the federal government and in some cases require reasonable accommodation on the basis of disability in federal government programs.
- **Titles I and V of the Americans with Disabilities Act of 1990**, as amended, prohibit employment discrimination on the basis of disability by private and state and local government employers; require covered employers to provide reasonable accommodations for qualified individuals with disabilities unless it creates an undue hardship for the employer; limit the circumstances under which they may conduct medical examinations or make inquiries about disabilities; and require that any medical information about applicants and employees be kept confidential, subject to limited exceptions.

- **Title II of the Genetic Information Nondiscrimination Act of 2008**, prohibits employment discrimination on the basis of an applicant's or employee's genetic information, generally prohibits acquisition of genetic information from applicants and employees, and requires covered entities to keep such information confidential, subject to limited exceptions.
- **Lilly Ledbetter Fair Pay Act of 2009**, which codified EEOC's long-held position that each paycheck that contains discriminatory compensation is a separate violation of federal law, regardless of when the discrimination began.

Together, these laws protect individuals from employment discrimination on the basis of race, color, religion, sex, national origin, age, disability, genetic information, and family medical history. They also make it illegal to retaliate against a person for opposing employment discrimination, filing a charge of discrimination, or participating in an investigation or lawsuit regarding employment discrimination.

## **B. Chair's Message**

I am pleased to present the U.S. Equal Employment Opportunity Commission's (EEOC's) fiscal year 2017 Performance Budget Justification. The fiscal year 2017 budget request of \$376,646,000, including \$29,500,000 for state and local fair employment practice agencies and tribal employment rights organizations, will provide crucial investments to strengthen America's workplaces. This budget will support hiring and training front-line staff critically needed to address our demanding workload, essential upgrades to the agency's technology infrastructure, and significant enhancements in our service to the public.

At the EEOC, our job is to advance opportunity for all in the workplace. We celebrated the agency's 50th anniversary last July, and our mission remains as vital today as it was 50 years ago. As a country, we still have important work to do to live up to our American ideals of equality, fairness, and justice. In the years ahead, the EEOC will advance these ideals by tackling persistent barriers to equal employment opportunity and addressing the needs of a changing workplace. We are building robust partnerships with employers, employees, academics, and other federal, state, and local agencies to develop innovative solutions to our most difficult workplace challenges. Together, we are advancing evidence-based solutions that work to promote equal employment opportunity. By fostering transparency in our work and engaging those with a broad range of perspectives, we are building on our collective expertise to expand our impact and open more doors to opportunity in the workplace.

The fiscal year 2017 budget request supports our nation's economic growth by helping employers take effective steps to build productive and inclusive workplaces that fully utilize the talents of all those in the workforce. EEOC accomplishes its work through enforcement, guidance, and public education. The Commission understands that the best way to eliminate discrimination is to prevent it. To further this objective, the Commission has made it a priority to provide updated guidance and user-friendly resources to help employers and employees take action to prevent discrimination. In fiscal year 2016, the Commission launched a new online process to obtain public input on proposed guidance documents interpreting federal anti-discrimination laws. This public input process will increase transparency and expand the range of perspectives the Commission considers in preparing the final guidance. Additionally, the

EEOC's Small Business Task Force is making the agency's resources more accessible and more directly responsive to the real-life issues that confront many small businesses.

To assist the federal government, in August 2015, for the first time in 15 years, the Commission approved comprehensive revisions to Management Directive 110 (MD-110), which provide federal agencies with vital updated guidance relating to the federal sector complaint process set forth in 29 C.F.R. Part 1614. These revisions reflect new developments and support agencies interested in creating programs to pilot new complaint processing procedures.

Congress' support for the EEOC's fiscal year 2015 budget enabled the agency to invest in hiring and training front-line staff to better serve the public. These efforts led to tangible results for thousands of individuals, including opening up job opportunities and recovering over \$525 million in relief for employees across private, state and local, and federal workplaces. The agency deployed our resources strategically, promoting voluntary compliance and achieving record success rates in our voluntary resolutions of private and public sector charges of discrimination.

The EEOC also launched new technology using secure online systems that enable the public and EEOC to communicate online more efficiently. This will facilitate a faster resolution of charges, conserve staff time, and save costs on printing, postage, and paper. In addition, the agency recently expanded access to our services by hiring staff to provide information and referrals to our deaf and hard of hearing public through direct videophone access. EEOC also broadened its use of telework through an expanded Memorandum of Understanding (MOU) with AFGE, our union, which will allow the Commission to facilitate office sharing and hoteling to reduce our agency footprint. The EEOC also launched a new effort to employ full-time teleworkers for our internal contact center. Many of these individuals have physical disabilities that require them to work from home. This initiative enables us to utilize the talents of a highly qualified workforce, wherever they are located, while also reducing our agency's footprint. In fiscal year 2017, the EEOC will build on these efforts to expand our service to the public while also increasing our efficiency by re-conceptualizing how we work.

EEOC continually strives to ensure that we resolve discrimination charges as promptly as possible. To do so, the agency must have the staff and resources to deliver a high level of service. In fiscal year 2015, the agency focused on hiring and training staff as well as rigorous charge management - achieving a 6 percent increase in charge resolutions, even as workers filed more charges of discrimination compared to fiscal year 2014 (92,641 charges resolved and 89,385 charges received in fiscal year 2015). The fiscal year 2017 Congressional Budget Justification provides funding that will allow the EEOC to sustain our staffing levels and further reduce our charge workload. It also provides needed funding to cover rent increases and mandatory office relocations.

### **C. Fiscal Year 2017 Priorities**

EEOC's priorities for fiscal year 2017 are to make critical investments needed to 1) expand our impact through strategic law enforcement; 2) strengthen partnerships across the government and with stakeholder communities; 3) leverage technology and streamline operations; and 4) transform our workplace at EEOC to promote inclusion, collaboration, and innovation.

## *Strategic Law Enforcement*

A central objective of this budget request is to strategically deploy our resources to priority areas where we can achieve broad and sustained compliance with our anti-discrimination laws. The agency is committed to early voluntary resolution of charges of discrimination to focus our resources effectively and help employers put practices in place to prevent discrimination from recurring. The fiscal year 2017 budget enables the EEOC to strengthen our infrastructure, including by increasing our front-line staff, providing advanced training, modernizing technology, and enhancing the data and analytical tools available to support our work and inform the public.

In fiscal year 2017, EEOC will continue to invest our resources strategically in our mediation, settlement and conciliation efforts to resolve workplace disputes early, efficiently, and with lasting impact without resorting to litigation. In fiscal year 2015, these informal voluntary settlement methods secured \$356.6 million in benefits for individuals. Over the past three years, EEOC has worked with employers to conciliate and voluntarily resolve a greater percentage of those charges where the EEOC found reasonable cause to believe that discrimination occurred—with successful conciliations rising to 44 percent in fiscal year 2015, up from 27 percent in fiscal year 2010. The success rate for conciliation of systemic charges was even higher and rose to 64 percent in fiscal year 2015, up nearly 20 percent from the year before. This success rate is particularly notable because systemic charges are more complex and have the potential to improve practices for a significant number of workers. In our mediation program, we reached a 78 percent success rate in fiscal year 2015 - a historic high - with 97 percent of participants expressing satisfaction with the program.

Strategic law enforcement requires priority setting. The Commission has identified national priorities in our Strategic Enforcement Plan (SEP) for enforcement in the private, public, and federal sectors based on the following criteria: 1) Issues that will have broad impact because of the number of individuals, employers or employment practices affected; 2) Issues involving developing areas of the law, where the expertise of the Commission is particularly salient; 3) Issues affecting workers who may lack an awareness of their legal protections, or who may be reluctant or unable to exercise their rights; 4) Issues involving discriminatory practices that impede or impair full enforcement of employment anti-discrimination laws; and 5) Issues that may be best addressed by government enforcement, based on the Commission's access to information, data, and research.

Strategic law enforcement begins with providing guidance, technical assistance, and training to help employers and employees alike, better understand and comply with our anti-discrimination laws. Preventing employment discrimination through outreach and education is the focus of Strategic Objective II in EEOC's Strategic Plan. In the coming fiscal year, we will work to implement the EEOC's new Communications and Outreach Plan to better coordinate and integrate our outreach throughout the country. We will be launching innovative efforts to inform the public about the requirements of the law, with the goal of providing practical and user-friendly materials to explain rights and responsibilities and promote voluntary compliance. In addition, we are, and will continue to use, technology to increase our communication with the public. EEOC will be implementing GovDelivery (discussed further below) in the second quarter of fiscal year 2016 to enhance the agency's ability to effectively reach our stakeholders from a broad range of communities about the agency's work.

One way that the Commission has ensured the strategic use of our law enforcement resources is by strengthening EEOC's systemic program. Systemic cases allow the agency to deploy our resources to address patterns of discrimination and problems that are larger in scope. EEOC has a strong history of bipartisan support for systemic enforcement. In 2006, the Commission unanimously adopted the recommendations of the Systemic Task Force, which established a nationwide systemic program as a top priority of the Commission. Based on the Task Force's recommendations, the Commission increased the resources devoted to systemic work. In 2012, through its adoption of the SEP, the Commission reaffirmed the approach and principles of the Systemic Task Force, that systemic enforcement must be strategic, nationwide, coordinated and adequately resourced. Our systemic efforts in fiscal year 2017 will be guided by the focus outlined in the Strategic Plan and the SEP, along with the District Complement Plans that supplement the SEP.

In fiscal year 2017, the EEOC will continue to invest in its systemic infrastructure to identify emerging trends and remedy persistent patterns of discrimination across the workforce. The agency has provided increased headquarters support for the systemic work of the field offices as well as the training, analytical resources, and technology needed for the development of systemic cases. Continued investment in data analysis and analytical support through social scientists and labor economists in EEOC's field offices will make the most efficient use of investigators' time by allowing them to focus on areas where significant problems have been identified.

The EEOC engages in rigorous research and data collection both to inform our work and educate the public about industry and workforce trends. Pursuant to the agency's Strategic Plan, the Commission adopted a multi-year Research and Data Plan beginning in fiscal year 2016 and continuing through 2019. This plan authorizes a series of research, data collection, and reporting initiatives to inform, integrate, and strengthen the agency's work. The agency's research and data repository also serves as an important resource for the public about occupational trends and potential barriers in particular industries. For example, last July, in conjunction with our 50th anniversary, the agency release a report entitled, *American Experiences versus American Expectations*, which examines how employment participation has changed across demographic groups from 1966 to 2013. This analysis uses the Employer Information Report (EEO-1), which annually collects workforce demographic data by race, ethnicity, sex, and job category from certain private employers. The agency plans to build on this work to provide updated analytical tools and reports to inform employers and the public about employment and occupational trends.

### ***Strengthening Partnerships across the Government and with Employer, Employee and Academic Communities***

The EEOC has strengthened collaborative efforts with enforcement partners in federal, state, and local government as well as with employer, employee, and academic communities to maximize the impact of our collective knowledge and resources.

Rather than simply treating the symptoms of problems after they occur, we are examining the underlying causes of discriminatory patterns, and we are focusing on developing solutions to our most complex problems. One of the ways we are doing this is by building partnerships with employers, employees and academicians, as well as across the federal government to develop innovative solutions to the workplace challenges facing many employers and employees today.

For example, 30 percent of the charges filed with the agency in fiscal year 2014 alleged workplace harassment. In January 2015, the Commission convened a public meeting to hear from experts on preventing and addressing workplace harassment. To develop a comprehensive strategy to address this issue, EEOC Commissioners Victoria A. Lipnic and Chai R. Feldblum have co-chaired a Select Task Force on the Study of Harassment in the Workplace. They have brought together employers, workers' advocates, academicians, and others experienced with harassment issues to participate in discussions and public meetings to identify underlying problems leading to harassment claims and effective strategies for preventing and remedying workplace harassment. In fiscal year 2017, the EEOC will invest in further partnerships to incorporate diverse perspectives and identify practical strategies that are working to prevent and remedy our most difficult workplace problems.

In addition, working in partnership with other enforcement agencies allows us to achieve savings and strengthen our collective impact by combining resources, eliminating duplication of efforts and advancing common objectives. For example, in early September, as a result of a successful partnership and joint investigation, EEOC and a State Attorney General announced a \$3.8 million joint settlement agreement with a major utility company resolving allegations of ongoing sexual harassment and discrimination against women in field positions.

Effective collaboration also minimizes burdens for employers by preventing adoption of duplicative or conflicting compliance measures that can frustrate employers in their attempts to comply with related federal, state, and local laws and regulations. Consistent with this priority, we will continue to collaborate with the Office of Federal Contract Compliance Programs of the Department of Labor, the Department of Justice (DOJ), state and local Fair Employment Practice Agencies (FEPAs), and Tribal Employment Rights Organizations (TEROs) to coordinate investigative and enforcement strategies and activities. In fiscal year 2015, we entered into two MOUs with the Civil Rights Division of the Department of Justice, in order to maximize effort, promote efficiency, and eliminate duplication and inconsistency in the enforcement of the federal employment discrimination laws.

The EEOC will continue to work with our enforcement partners to develop and conduct joint outreach, public education, and staff training programs. For example, EEOC will be engaging in robust training and outreach to promote equal pay compliance, to support the Commission's SEP priorities. Concurrently, the agency will supplement our stakeholder outreach, increasing the agency's presence in social media, public events, online, and in the communities we serve.

The EEOC has also collaborated with other federal government agencies and contributed to the work of intergovernmental efforts such as the National Equal Pay Enforcement Task Force, the Cabinet-level Reentry Council, the White House Initiative on Asian Americans and Pacific Islanders, the Presidential Inter-agency Task Force on Human Trafficking, the President's HIV/AIDS Strategy Work Group, and the Interagency Working Group for the Consistent Enforcement of Federal Labor, Employment and Immigration Laws. We have also partnered with DOJ on a research project to support the work of the 21st Century Policing Taskforce, which assists police forces across the country in advancing diversity in policing.

Finally, the EEOC's federal sector responsibilities include advising and training a wide range of officials across the federal government in the fundamentals and complexities of compliance with our anti-discrimination laws. The EEOC strategically partners with other federal agencies to

promote workplace policies and practices that remove barriers to equal employment opportunity and foster an inclusive work environment. In partnership with the Office of Personnel Management, the Department of Labor, and the Office of Management and Budget, as the EEOC's Chair, I am pleased to serve on the Steering Committee for the recently launched Government-wide Diversity and Inclusion Council. This effort promotes collaboration among federal agencies to develop approaches that achieve model equal employment opportunity programs and broad inclusion throughout the federal government.

### ***Leveraging Technology and Enhancing Our Service to the Public***

Across the agency, we are investing in and leveraging technology to transform the way EEOC serves the public, including making its processes more transparent and providing information to its constituents electronically, online and on demand. With the fiscal year 2017 funding requested, EEOC will be able to expand these digital services to federal employees to streamline the systems for discrimination complaints and appeals, bringing efficiencies to the process and savings to other federal agencies. Making these critical technology investments in support of our mission will accelerate productivity across our program areas, and will result in savings for years to come.

Investments in our technological infrastructure are critical to meeting the goals of digital services and increasing the agency's responsiveness and capacity to more readily resolve claims of discrimination. The agency has limited discretionary resources for information technology investments and needed improvements have already been delayed because of prior budget challenges. With sufficient funds in 2017 for infrastructure and equipment, the agency can exchange its relatively expensive-to-maintain email and collaboration software with more efficient cloud-based services; provide the necessary network access to cultivate digital business processes; and deliver mission-enabling systems to our employees. In short, to maximize the digital services we are developing, the agency must invest in corresponding infrastructure and equipment.

In fiscal year 2015, the agency piloted the first phase of our Digital Charge System, which provides for online transmittal of documents and communications between EEOC and employers for private sector charges. In fiscal year 2016, the agency rolled out this system to all our offices, and we will expand the system to provide similar online communication for workers. In fiscal year 2016, we will also launch additional online capabilities, including allowing workers and employers to check the status of their charge online, and to provide workers with online self-screening and the ability to submit inquiries and schedule an appointment for an intake interview or pre-charge counseling. These initiatives will provide improved and faster access to our services that will ultimately bring substantial savings by freeing up staff resources to more timely investigate cases and reduce our pending inventory. In addition, maintaining this charge information online will enhance data integrity, reduce paper file storage and manual archiving requirements, and enable a more mobile workforce. During fiscal year 2015, we also enhanced our Federal Sector EEO Portal (FedSEP), which allows agencies to easily upload all documents for both hearings and appeals. In 2016, FedSEP will be expanded to complainants, giving all parties easy transmission and receipt of documents; allowing complainants to request a hearing or appeal online; and allowing parties to review the status of the hearing or appeal online.

In addition, EEOC focused fiscal year 2015 resources on expanding our telecommunications infrastructure to provide adequate network performance for our geographically dispersed organization, which includes our headquarters and 53 field offices. This expansion, which began in fiscal year 2015, was completed in early fiscal year 2016, and has quadrupled our current wide-area-network (WAN) bandwidth capacity and will allow EEOC to meet the increased demands of accessing cloud-based tools and improve access to externally hosted information systems and internet-based video conferencing and streaming services.

Finally, we are requesting fiscal year 2017 funds to address cyber security challenges in order to safeguard the integrity of EEOC systems enterprise-wide against malware attacks and the threats against information systems that are increasing and constantly evolving.

### ***Transforming our Workplace to Promote Inclusion, Collaboration, and Innovation***

The EEOC is working to transform how we operate as an agency to promote inclusion, collaboration, and innovation. Because of our mission, we have a unique role to play in showing the country as well as the world, what diversity and inclusion is and why it is important. Living out these concepts and principles everyday here at the EEOC is essential -- not only to serve as a model -- but also to strengthen our workplace so that we can accomplish more for the people we serve. Strategic Objective III of EEOC's Strategic Plan is delivering "excellent and consistent service through a skilled and diverse workforce and effective systems."

At all levels across our agency, we are working to foster an inclusive work culture that emphasizes collaboration and innovation. This commitment promotes the sharing of diverse perspectives and experiences as we develop more effective solutions to address the challenges facing our communities. In fiscal year 2015, the agency launched the Innovation Awards, which recognize EEOC employees who have created a new product, program or project to further our mission while saving costs, improved an existing technology or process, or adapted a tried and true idea to a new context. We are working to empower our employees to share their critical insights in order to inform our agency's efforts to continually improve the way we operate.

We are developing data-driven strategies that tell us more about who we are as an agency and how diversity and inclusion through employee engagement can be better understood and advanced throughout the EEOC. Across the agency, we are examining how we operate to identify opportunities to support our workforce and deliver more for the communities we serve. For example, in fiscal year 2015, EEOC dedicated resources to making the workplace a safe and healthy environment for employees. Finding that a significant percentage of employee concerns involved reasonable accommodation requests, EEOC developed an ergonomic program as a proactive initiative to prevent common workplace injuries, while at the same time working to streamline its internal reasonable accommodation program.

EEOC employees are highly committed to the mission of the Agency, with over 94 percent of employees expressing this commitment in the 2015 Federal Employee Viewpoint Survey. The continual shortage of resources and increasing workload, however, diminishes productivity and morale. Over 45 percent of our staff reported they do not have sufficient resources to get their job done, compared to the government-wide average of 37.7 percent. In addition, 37.6 percent of EEOC staff expressed concern that their workload is not reasonable, substantially higher than the government-wide average of 26.5 percent. The EEOC has redoubled our efforts to address these



fundamental issues that impact employee morale and retention, and the fiscal year 2017 budget request provides much needed support for these efforts.

Full implementation of Executive Order 13522 is an important part of our work to improve labor-management relations and facilitate collaboration between managers and employees around improved delivery of service to the public and agency performance. The proposed fiscal year 2017 budget includes support for continued operation of our national and field-level joint labor-management councils, which are actively working to collect and analyze feedback from employees on workplace challenges as well as innovative strategies to promote engagement and retention. Our national Joint Labor Management Council has developed surveys and conducted focus groups to hear from employees and craft recommendations to improve job satisfaction.

In conclusion, EEOC employees continue to go above and beyond each day to fulfill the promise of equal employment opportunity. The requested budget of \$376,646,000 for fiscal year 2017 would support our ability to hire and train the front-line staff critically needed to serve the public, provide essential technology upgrades that will accelerate our productivity, support the Commission's efforts to help employers build inclusive workplaces that fulfill their responsibilities under the law and fund increased rent and mandatory office relocations. With the ongoing support of the administration and our congressional partners, together, we can move closer to our goal of a workplace with equal opportunity for all.

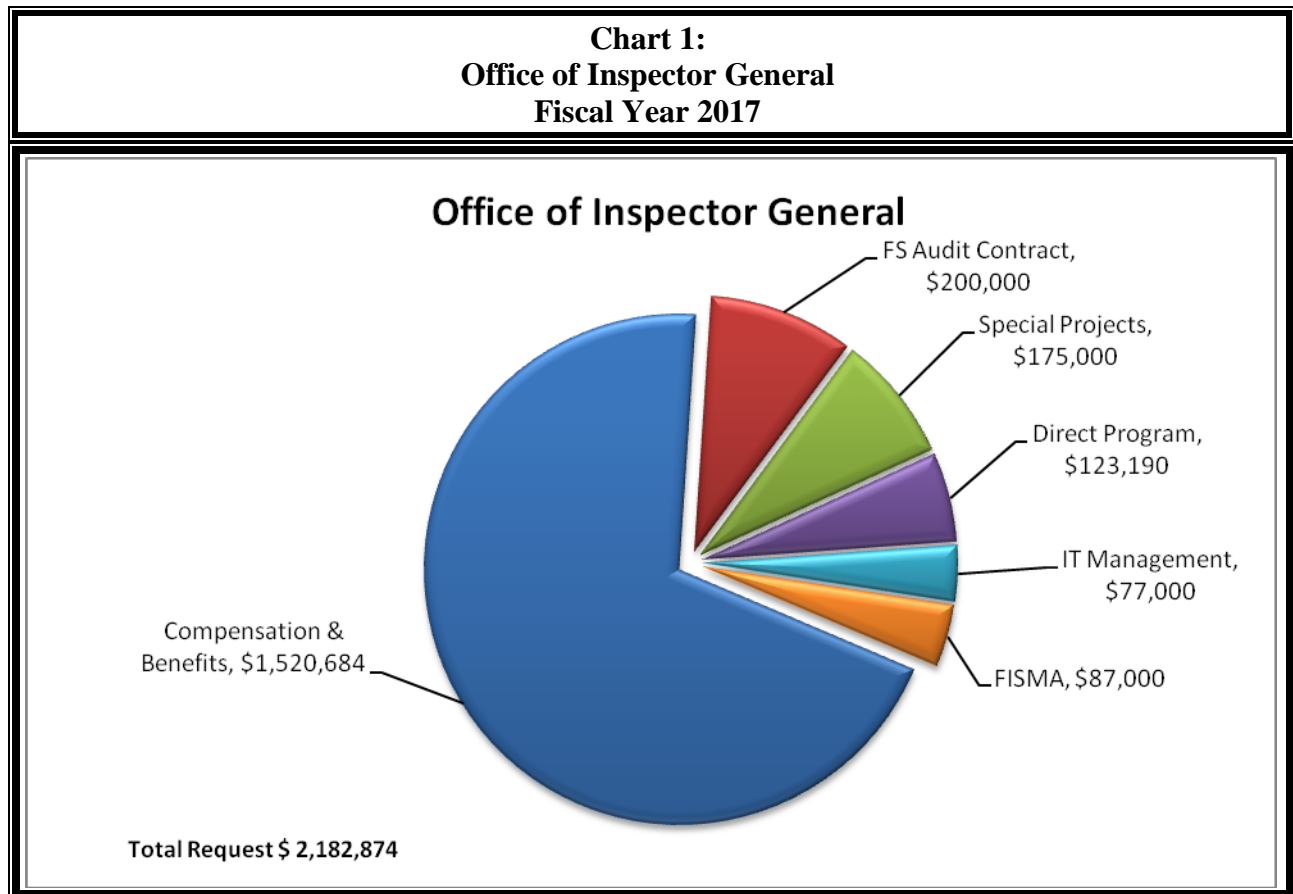
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## II. OFFICE OF INSPECTOR GENERAL FUNDING INFORMATION

The Equal Employment Opportunity Commission is covered by the Inspector General Act of 1978, as amended (U.S.C. App), and the table below provides the following information under the Inspector General Reform Act of 2008 (Pub. L. No. 110-409): an aggregate request for the Office of Inspector General; amounts required for OIG training; and amounts in support of the Council of the Inspectors General on Integrity and Efficiency (CIGIE).

Office of Inspector General Initial Request	\$2,182,874
Aggregate amount of funds	\$2,182,874 <sup>1</sup>
Portion of amount for training	\$65,000 <sup>2</sup>
Amount needed to support CIGIE	\$5,894 <sup>3</sup>

Chart 1 below shows the Inspector General's Funding Request by Operating Plan line items.



<sup>1</sup> This is the total aggregate request for the Office of Inspector General.

<sup>2</sup> The Inspector General certifies that this amount would satisfy all OIG training requirements for fiscal year 2017.

<sup>3</sup> .27% of \$2,182,874 or \$5,894 will support the Council of Inspectors General on Integrity and Efficiency (CIGIE).

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### **III. BUDGETING AND ACCOUNTING INFORMATION**

#### **A. Appropriation Language**

U.S. Equal Employment Opportunity Commission

##### **Salaries and Expenses**

For necessary expenses of the Equal Employment Opportunity Commission as authorized by Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621), the Equal Pay Act of 1963 (29 U.S.C. § 206), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101), Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. § 705), the Civil Rights Act of 1991 (Pub. L. 102-166), the Genetic Information Nondiscrimination Act (GINA) of 2008 (42 U.S.C. § 2000ff), the ADA Amendments Act of 2008 (Public Law 110-325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111-2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and up to [\$29,500,000] \$29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission,[\$373,112,000] \$376,646,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,250 from available funds: [*Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act:] *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission. (*Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016*).

**B. Staffing and Funding Profile**

Table 1 below depicts EEOC’s total agency staffing and funding profile by Strategic Objectives and Programs for fiscal years 2015 through 2017.

<b>Table 1: Total Agency Staffing and Funding Profile Fiscal Year 2015 to Fiscal Year 2017 (Dollars in thousands*)</b>				
	<b>FY 2015 (Actual)</b>	<b>FY 2016 ( Enacted)</b>	<b>FY 2017 (Request)</b>	<b>Change From FY 2016</b>
<b>Strategic Objective I: Combat employment discrimination through strategic law enforcement</b>				
1. Private Sector Enforcement	\$286,871	\$287,125	\$296,929	9,804
State and Local	29,979	29,500	29,500	0
2. Federal Sector Enforcement	41,650	41,875	44,217	2,342
<b>Total Strategic Objective I</b>	<b>\$358,500</b>	<b>\$358,500</b>	<b>\$370,646</b>	<b>12,146</b>
<b>Strategic Objective II: Prevent employment discrimination through education and outreach</b>				
Outreach (Non Fee based)	\$6,000	\$6,000	\$6,000	0
<b>Total Strategic Objective II</b>	<b>6,000</b>	<b>6,000</b>	<b>6,000</b>	<b>0</b>
<b>Agency Total (includes Strategic Objective III Resources)</b>	<b>\$364,500</b>	<b>\$364,500</b>	<b>\$376,646</b>	<b>\$12,146</b>
<b>Total Full Time Equivalents**</b>	<b>2,191</b>	<b>2,250 ***</b>	<b>2,347</b>	<b>97</b>
<b>Strategic Objective III: Deliver excellent and consistent service through a skilled and diverse workforce and effective systems</b>				
<b>Highlighted Resource Areas [Information Technology]</b>	<b>\$14,363</b>	<b>\$14,363</b>	<b>\$15,053</b>	<b>690</b>

\*May not add due to rounding

\*\*Includes 14 FTE Reimbursable From Revolving Fund

\*\*\* 2,250 represents the estimated actual for FY 2016 Enacted. 2,347 is the Commission’s total FTE Ceiling, as entered in MAX.

### C. Analysis of Change

The Analysis of Change, Table 2, below indicates the material changes to EEOC's appropriation request for fiscal year 2016 to fiscal year 2017.

<b>Table 2: Analysis of Change Fiscal Year 2017 (Dollars in thousands*)</b>			
	<b>FY 2016 (Enacted)</b>	<b>FY 2017 (Request)</b>	<b>Net Change (+/-)</b>
<b>Spending Authority – Includes funding for State and Local</b>	<b>\$364,500</b>	<b>\$376,646</b>	<b>\$12,146</b>
<b>Explanation of Changes:</b>			<b>Amount</b>
<b>Total Compensation and Benefits</b>	\$264,867	\$273,562	\$8,695
1. Annualization of FY 2016 pay raise of 1.3%, effective January 2016**		746	
2. FY 2017 Pay Raise - Provides 1.6% pay increase, effective January 2017**		2,451	
<b>Subtotal, Base Changes</b>			<b>8,695</b>
<b>Program Support Increases</b>			
1. Rent***	29,670	30,445	775
2. Relocation****	1,000	2,986	1,986
3. Information Technology Administrative Systems*****	14,363	15,053	690
<b>Subtotal, Program Support</b>			<b>3,451</b>
<b>Total Net Change FY 2016 – FY 2017</b>			<b>\$12,146</b>

\*May not add due to rounding

\*\*Included in FY 2017 total Compensation and Benefits

\*\*\*Rent increase is based on anticipated increases provided by GSA.

\*\*\*\*Increase in FY 2017 needed to fund deferred FY 2015 Detroit planned space reduction, and anticipated lease expiration activity for Boston and Jackson.

\*\*\*\*\*IT increase is required to meet recurring costs associated with the agency's transition to the Department of Interior's shared services financial system and the expansion of bandwidth across the agency distributed telecommunication infrastructure.

**D. Object Class – Agency Summary**

Table 3 - below shows the changes in EEOC’s object class funding over three fiscal years.

<b>Table 3: Object Class Schedule – Agency Summary Requirements by Object Class Fiscal Year 2015 to Fiscal Year 2017 (Dollars in thousands*)</b>			
<b>OBLIGATIONS BY OBJECT CLASS</b>	<b>FY 2015 (Actual)</b>	<b>FY 2016 (Enacted)</b>	<b>FY 2017 (Request)</b>
<b>Personnel Compensation</b>			
11.1 Full-time permanent (FTP)	<b>\$193,839</b>	<b>\$186,004</b>	<b>\$191,915</b>
11.3 Other than FTP	1,908	2,400	2,750
11.5 Other personnel compensation	2,345	2,300	2,300
<b>Total Personnel Compensation</b>	198,092	190,704	196,965
12.1 Civilian personnel benefits	62,163	74,163	76,597
<b>Total Compensation and Benefits</b>	<b>260,255</b>	<b>264,867</b>	<b>273,562</b>
21.1 Travel of persons	3,715	3,000	3,000
22.0 Transportation of things	140	25	25
23.1 Rental payment to GSA	29,023	29,670	30,445
23.2 Other rent/communications	3,782	6,700	6,700
24.0 Printing and reproduction	163	250	250
25.1 State and Local contracts	29,978	29,500	29,500
25.2 Security services (including DHS)	2,777	2,875	2,875
25.2 Other services from non-federal sources	22,419	12,283	14,959
25.2 Litigation support	3,012	3,450	3,450
25.3 Other goods & serv. from federal sources	3,130	6,500	6,500
26.0 Supplies and materials	4,214	4,100	4,100
31.0 Equipment	1,892	1,280	1,280
<b>Total Other Objects</b>	<b>104,245</b>	<b>99,633</b>	<b>103,084</b>
<b>Agency Total</b>	<b>\$364,500</b>	<b>\$364,500</b>	<b>\$376,646</b>

\*May not add due to rounding



## **IV. STRATEGIC PLAN AND PERFORMANCE MEASURES**

### **A. The Fiscal Years 2012-2016 Strategic Plan (as modified on February 2, 2015<sup>4</sup>)**

#### **1. Introduction**

On February 22, 2012, the U.S. Equal Employment Opportunity Commission (EEOC) approved a new Strategic Plan (“Strategic Plan” or “Plan”) for fiscal years 2012-2016 grounded on three values: 1) a commitment to justice; 2) accountability; and 3) integrity. The plan sets strategic objectives, goals, and performance measures and addresses the requirements set in the Government Performance and Results Modernization Act of 2010 (P.L. 111-352), also known as the GPRA Modernization Act, or GPRAMA. To synchronize the cycle of EEOC’s Strategic Plan with OMB’s cycle, EEOC received authorization from OMB to extend the agency’s current Strategic Plan two years after its expiration in fiscal year 2016 and to include targets for performance in fiscal years 2017 and 2018. (See Section X, Interim Adjustments to the Strategic Plan)

#### **2. Strategic Objectives, Goals, and Strategies Overview**

The Plan sets forth the agency’s mission: to stop and remedy unlawful employment as well as the agency’s vision of justice and equality in the workplace. The Plan continues to serve as a framework for EEOC to achieve our mission by focusing on the following three strategic objectives:

**Strategic Objective I:** To combat employment discrimination through strategic law enforcement. This objective reflects our primary mission of preventing unlawful employment discrimination through the use of: 1) administrative (investigation, mediation and conciliation) and litigation enforcement mechanisms with regard to private employers, labor organizations, employment agencies, and state and local government employers; and 2) adjudicatory and oversight mechanisms with regard to federal employers. In keeping with the agency’s statutory mandate, the majority of EEOC’s resources will be devoted to Strategic Objective I. The seven performance measures and fiscal year 2015 results for these measures are more fully described in Section V.B., starting on page 22.

**Strategic Objective II:** To prevent employment discrimination through education and outreach. This objective reflects the importance of our efforts to prevent employment discrimination before it occurs. Investigations, conciliations, and litigation are only some of the means by which the agency fulfills its mission and vision. Title VII also authorizes the agency to engage in education and outreach activities, including providing training and technical assistance, for those with rights and responsibilities under employment antidiscrimination laws. The four performance measures and fiscal year 2015 results for these measures are more fully described in Section VI.B., starting on page 48.

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<sup>4</sup> February 2, 2015, is the date EEOC’s Fiscal Year 2016 Congressional Budget Justification was issued. The modification was reported as an addendum to EEOC’s Fiscal Year 2016 Budget as per the Government Performance and Results Modernization Act of 2010 (GPRAMA) and Circular A-11 (2013), OMB Guidance for Strategic Planning. The interim modification was authorized by OMB on December 10, 2013, pursuant to OMB Circular A-11 (2013), Section 230.17.

Strategic Objective III: To deliver excellent and consistent service through a skilled and diverse workforce and effective systems. This objective recognizes that our ability to deliver excellent and consistent service is dependent upon a qualified and well-trained workforce and the use of effective systems such as innovative technology and streamlined agency processes. The two performance measures and fiscal year 2015 results for these measures are more fully described in Section VII.B., starting on page 58. Performance Measure 14, which ensures that the agency's budgetary resources align with the Strategic Plan, is more fully described in Section VII.B., on page 62.

The outcome goals related to these strategic objectives and the 14 performance measures identified in the Plan will help gauge our progress as we approach fiscal year 2017. The agency's strategic objectives, outcome goals, and related performance measures are depicted in the Strategic Plan Diagram on the following pages.

**STRATEGIC PLAN DIAGRAM**

<b>MISSION</b> Stop and Remedy Unlawful Employment Discrimination		<b>VISION</b> Justice and Equality in the Workplace
<b>STRATEGIC OBJECTIVE I</b> Combat employment discrimination through strategic law enforcement.	<b>STRATEGIC OBJECTIVE II</b> Prevent employment discrimination through education and outreach.	<b>STRATEGIC OBJECTIVE III</b> Deliver excellent and consistent service through a skilled and diverse workforce and effective systems.
<p><b>Outcome Goal I.A</b> Have a broad impact in reducing employment discrimination at the national and local levels.</p> <p><b>Strategy I.A.1:</b> Develop and implement a Strategic Enforcement Plan that: (1) establishes EEOC priorities and (2) integrates EEOC’s investigation, conciliation and litigation responsibilities in the private and state and local government sectors; adjudicatory and oversight responsibilities in the federal sector; and research, policy development, and education and outreach activities.</p> <p><b>Strategy I.A.2:</b> Rigorously and consistently implement charge and case management systems to focus resources and enforcement on EEOC’s priorities.</p> <p><b>Strategy I.A.3:</b> Use administrative and litigation mechanisms to identify and attack discriminatory policies and other instances of systemic discrimination.</p> <p><b>Strategy I.A.4:</b> Use EEOC decisions and oversight activities to target pervasive discriminatory practices and policies in federal agencies.</p> <p><b>Outcome Goal I.B</b> Remedy discriminatory practices and secure meaningful relief for victims of discrimination.</p> <p><b>Strategy I.B.1:</b> Ensure that remedies end discriminatory practices and deter future discrimination.</p> <p><b>Strategy I.B.2:</b> Seek remedies that provide meaningful relief to individual victims of discrimination.</p>	<p><b>Outcome Goal II.A</b> Members of the public understand and know how to exercise their right to employment free of discrimination.</p> <p><b>Outcome Goal II.B</b> Employers, unions and employment agencies (covered entities) prevent discrimination and better resolve EEO issues, thereby creating more inclusive workplaces.</p> <p><b>Strategy II.A.1:</b> Target outreach to vulnerable workers and underserved communities.</p> <p><b>Strategy II.B.1:</b> Target outreach to small and new businesses.</p> <p><b>Strategy II.A.2 and II.B.2:</b> Provide up-to-date and accessible guidance on the requirements of employment antidiscrimination laws.</p>	<p><b>Outcome Goal III.A</b> All interactions with the public are timely, of high quality, and informative.</p> <p><b>Strategy III.A.1:</b> Effectively engage in workforce development and planning, including identifying, cultivating, and sustaining a skilled and diverse workforce.</p> <p><b>Strategy III.A.2:</b> Rigorously and consistently implement charge and case management systems to deliver excellent service.</p> <p><b>Strategy III.A.3:</b> Use innovative technology to facilitate responsive interactions and streamline agency processes.</p>

STRATEGIC OBJECTIVE I Performance Measures	STRATEGIC OBJECTIVE II Performance Measures	STRATEGIC OBJECTIVE III Performance Measures
<p><b>Performance Measure 1 for Strategy I.A.1</b> By FY 2018, EEOC develops, issues, implements, evaluates, and revises, as necessary, a Strategic Enforcement Plan.</p> <p><b>Performance Measure 2 for Strategy I.A.2 and Strategy III.A.2</b> By FY 2018, TBD% of investigations and conciliations meet the criteria established in the new Quality Control Plan.</p> <p><b>Performance Measure 3 for Strategy I.A.2 and Strategy III.A.2</b> By FY 2018, 100% of federal sector case inventory is categorized according to a new case management system and TBD% of hearings and appeals meet the criteria established in the new federal sector Quality Control Plan.</p> <p><b>Performance Measure 4 for Strategy I.A.3</b> By FY 2018, 22-24% of the cases in the agency's litigation dockets are systemic cases.</p> <p><b>Performance Measure 5 for Strategy I.A.4</b> By FY 2018, EEOC uses an integrated data system to identify potentially discriminatory policies or practices in federal agencies and has issued and evaluated TBD number of compliance plans to address areas of concern.</p> <p><b>Performance Measure 6 for Strategies I.B.1 and I.B.2</b> By FY 2018, a 65-70% of EEOC's administrative and legal resolutions contain targeted, equitable relief.</p> <p><b>Performance Measure 7 for Strategies I.B.1 and I.B.2</b> By FY 2018, a 15-17% of resolutions by FEPAs contain targeted, equitable relief.</p>	<p><b>Performance Measure 8 for Strategy II.A.1</b> By FY 2018, EEOC is maintaining the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities.</p> <p><b>Performance Measure 9 for Strategy II.B.1</b> By FY 2018, EEOC is maintaining the number of significant partnerships with organizations that represent small or new business (or with businesses directly).</p> <p><b>Performance Measure 10 for Strategies II.A.1 and II.B.1</b> By FY 2013, EEOC implements a social media plan.</p> <p><b>Performance Measure 11 for Strategies II.A.2 and II.B.2</b> EEOC reviews, updates, and/or augments with plain language materials its sub-regulatory guidance, as necessary.</p>	<p><b>Performance Measure 12 for Strategy III.A.1</b> EEOC strengthens the skills and improves the diversity of its workforce.</p> <p><b>Performance Measure 2 for Strategy I.A.2 and Strategy III.A.2</b> By FY 2018, TBD% of investigations and conciliations meet the criteria established in the new Quality Control Plan.</p> <p><b>Performance Measure 3 for Strategy I.A.2 and Strategy III.A.2</b> By FY 2018, 100% of federal sector case inventory are categorized according to a new case management system and TBD% of hearings and appeals meet the criteria established in the new federal sector Quality Control Plan.</p> <p><b>Performance Measure 13 for Strategy III.A.3</b> EEOC improves the private sector charge process to streamline services and increase responsiveness to customers throughout the process.</p>

<p><b>BUDGETARY RESOURCES MEASURE</b> <b>Performance Measure 14</b> EEOC's budgetary resources for FY 2014 – 2018 align with the Strategic Plan.</p>
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## **V. STRATEGIC OBJECTIVE I - Combat employment discrimination through strategic law enforcement.**

### **A. Introduction**

The agency adopted two outcome goals to further the objective of strategic law enforcement: 1) to have a broad impact in reducing employment discrimination at the national and local levels; and 2) to remedy discriminatory practices and secure meaningful relief for victims of discrimination.

We also identified and are implementing four key strategies:

- Develop and implement a Strategic Enforcement Plan that: 1) establishes EEOC priorities; and 2) integrates EEOC's investigation, conciliation, and litigation responsibilities in the private and state and local government sectors; adjudicatory and oversight responsibilities in the federal sector; and research, policy development, and education and outreach activities;
- Rigorously and consistently implement charge and case management systems to focus resources and enforcement on agency priorities;
- Use administrative and litigation mechanisms to identify and attack discriminatory policies and other instances of systemic discrimination; and
- Use agency decisions and oversight activities to target discriminatory practices and policies in federal agencies.

EEOC has developed Performance Measures 1 through 6 to track our progress in pursuing these strategies and Performance Measure 7 to track the progress of our state and local partners.


Table 4 outlines our budget information for the agency’s enforcement programs under Strategic Objective I.

<b>Table 4: Budget Request Summary for Strategic Law Enforcement Fiscal Year 2015 to Fiscal Year 2017 (Dollars in thousands*)</b>			
	<b>FY 2015 (Actual)</b>	<b>FY 2016 (Enacted)</b>	<b>FY 2017 (Request)</b>
<b>Private Sector Enforcement</b>	<b>\$ 286,871</b>	<b>\$ 287,125</b>	<b>\$296,929</b>
Administrative Charge Resolution	196,522	196,681	203,397
Mediation	23,235	22,970	23,754
Litigation	67,114	67,474	69,778
State and Local	29,979	29,500	29,500
<b>Federal Sector Enforcement</b>	<b>\$ 41,650</b>	<b>\$ 41,875</b>	<b>\$ 44,217</b>
Hearings	22,040	22,612	23,885
Appeals	13,514	13,400	14,011
Mediation	796	838	826
Oversight	5,300	5,025	5,495
<b>Total</b>	<b>\$358,500</b>	<b>\$358,500</b>	<b>\$370,646</b>

\*May not add up to 100% due to rounding.

## B. Performance Measures and Results

### Strategic Enforcement Plan

<b>Performance Measure 1: By FY 2018, EEOC develops, issues, implements, evaluates, and revises, as necessary, a Strategic Enforcement Plan.</b>			
	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
Targets	The Commission evaluates the Strategic Enforcement Plan.	The Commission revises and votes on a new Strategic Enforcement Plan, as necessary.	The agency distributes implementation guidance for the new Strategic Enforcement Plan.  The agency begins to implement the Strategic Enforcement Plan.  If required in the Strategic Enforcement Plan, District Offices and the Office of Federal Operations develop local and federal sector enforcement plans by March 31, 2017.
Results	The Commission held quarterly briefings with program staff to evaluate the progress of the Strategic Enforcement Plan.  A preliminary evaluation of the Strategic Enforcement Plan is currently in progress.		
			<b>Target Partially Met*</b>

\* Target(s) Partially Met: A rating assigned to target results where: 1) at least half of the activities targeted for completion were completed; or 2) we were unable to assess the results because full year data was not yet available.

Under its first objective, the Strategic Plan directed the Commission to develop a Strategic Enforcement Plan (SEP), which was approved on December 17, 2012. The SEP: 1) establishes EEOC's national priorities, and 2) integrates the agency's investigation, conciliation, and litigation responsibilities in the private and public sectors; adjudicatory and oversight responsibilities in the federal sector; and research, policy development, and education and outreach activities. The six SEP priorities are: 1) eliminating barriers in recruitment and hiring; 2) protecting immigrant, migrant and other vulnerable workers; 3) addressing emerging and developing issues; 4) enforcing equal pay laws; 5) preserving access to the legal system; and 6) preventing harassment through systemic enforcement and target outreach. The Plans implementation will ensure a targeted, concentrated, and deliberate effort to pursue priority issues and practices that significantly affect applicants, employees, and employers.

For fiscal year 2015, the agency's goal was to conduct a preliminary evaluation of the SEP approved by the Commission in December 2012. To work toward that goal, the Chair approved a plan to conduct an evaluation of the SEP's implementation. The evaluation started in late September by distributing surveys to Commissioners, to be followed in fiscal year 2016 by surveys of program directors, all field directors, and regional attorneys. The evaluation will also include an analysis of data on charges, litigation, hearings and appeals, as well as outreach. An analysis of the survey results is projected for mid fiscal year 2016.

The Commission assesses the progress of the SEP through quarterly briefings and reports from the lead program offices responsible for implementing the SEP. The briefings also include updates on other significant matters and on the effectiveness of the delegations of authority to field offices, the Office of Federal Operations, and the General Counsel. For example, in fiscal year 2015, as a result of the briefings, the Chair issued an operational directive clarifying the scope of the SEP priority concerning emerging and developing issues based on feedback from staff.

In February 2015, the Commission held a first quarter briefing with program staff to assess implementation of the SEP and provide Commissioners with an opportunity to ask questions concerning the agency's work. The combined second and third quarter briefings were held on September 16, 2015. During the quarterly briefings, program offices reported their enforcement and outreach efforts implementing the SEP priority issues. The quarterly briefings serve to keep the Commission informed about the implementation of SEP priority areas in the field. The briefings have highlighted increased collaboration among the program offices on priority issues across private and federal sector enforcement, one of the key goals of the SEP.


The SEP authorized the development and approval of several plans as follows:

An agency-wide Communications and Outreach Plan to enhance the clarity, consistency, and coordination of EEOC's vital communications and outreach efforts. The Communications and Outreach Plan was finalized in September 2015.

A Research and Data Plan to better educate the public about trends and challenges in achieving equal employment opportunity that will enable us to use data to enhance our enforcement work, as well. The Research and Data Plan was approved on September 30, 2015.

A Federal Sector Organization Plan. The SEP also required a full evaluation of the current structure of the agency’s federal sector hearings program, including the placement and status of Administrative Judges in that structure. This evaluation, which also looked at related issues affecting the effectiveness of the program, was completed by the Administrative Conference of the United States in fiscal year 2014. The agency is considering all of the input received on this and other federal sector reform projects in order to present a plan to the Commission for review and consideration.

### Quality Control Plan


<b>Performance Measure 2: By FY 2018, TBD% of investigations and conciliations meet the criteria established in the new Quality Control Plan.</b>			
	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
Targets	A revised Quality Control Plan will be submitted to the Commission for a vote in FY 2015.	TBD% of investigations and conciliations meet targets for quality.	TBD% of investigations and conciliations meet targets for quality.
Results	A revised Plan, <i>Practices for Effective Investigations and Conciliations</i> , was approved by the Commission on September 30, 2015.		
			<b>Target Met</b>

The fiscal year 2015 target for Performance Measure 2 was to revise the agency’s draft Quality Control Plan (QCP) for submission to the Commission for a vote in fiscal year 2015. A renewed effort in fiscal year 2015 by the agency to reach consensus on a QCP resulted in extensive and additional input from Commissioners and staff. The resulting revised plan was approved by the Commission on September 30, 2015. The revised QCP provides effective enforcement practices to promote quality investigations and conciliations with progress goals for fiscal years 2016 and 2017.

In addition, the Chair directed program staff to update the agency’s internal procedures to provide guidance in conducting quality investigations and conciliations of charges of discrimination. The Chair also made developing and implementing training on QCP a priority to strengthen the quality of EEOC’s investigations and conciliations.



## Case Management System

<b>Performance Measure 3: By FY 2018, 100% of federal sector case inventory is categorized according to a new case management system and 50% of hearings and appeals meet the criteria established in the new federal sector Quality Control Plan.</b>			
	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>Targets</b>	100% of incoming and old case inventory is categorized.  Apply the quality criteria to a statistically significant sample of federal sector decisions (hearings and appeals), develop a baseline of quality standards, and set targets for improved quality.	100% of incoming and old case inventory are categorized.  TBD% of hearings and appeals meet targets for quality.	100% of incoming and old case inventory are categorized.  TBD% of hearings and appeals meet targets for quality.
<b>Results</b>	100% of both the agency's pending appellate case inventory and new inventory were categorized.  80% of 4 pilot office hearings receipts were categorized.  A federal sector QCP will be developed and informed by the quality standards in the private sector QCP; which was approved in September 2015.		
			<b>Target Partially Met*</b>

\* Target(s) Partially Met: A rating assigned to target results where: 1) at least half of the activities targeted for completion were completed; or 2) we were unable to assess the results because full year data was not yet available.

For fiscal year 2015, Performance Measure 3 required the agency have 100 percent of all incoming hearings requests and appeals as well as 100 percent of old case inventory categorized according to the new case management system. The measure also required the agency to apply the Federal Sector Quality Control Plan criteria to a statistically significant sample of federal sector decisions (hearings and appeals) in order to formulate a baseline of quality for EEOC's federal sector hearings and appeals and set targets for improved quality.


With respect to federal sector appeals, at the start of fiscal year 2015, the agency's appellate inventory consisted of 4,545 appeals. By September 30, the agency had categorized 4,404, or nearly 100 percent, of EEOC's old appeals where the records were complete under the new case management system. There were 137 pre-fiscal year 2015 appeals that were not categorized because their records were not complete. The 4,404 categorized appeals consisted of 2,700 pre-fiscal year 2015 appeals that were closed in fiscal year 2015, and 1,704 pre-fiscal year 2015 appeals that were pending as of October 1, 2015. Regarding the new inventory, the agency categorized 2,548, or 100 percent, of the new appeals where the records were complete. The 2,548 categorized appeals consisted of 1,150 fiscal year 2015 appeals resolved this year, and 1,398 fiscal year 2015 appeals docketed in the first three quarters of fiscal year 2015, where the records were complete, which were pending as of October 1, 2015.

A case management plan was piloted in fiscal year 2014 for EEOC’s hearings program, categorizing complaints in four offices. The categorization requires conducting an initial conference as the first step in the process. The agency’s focus in fiscal year 2015 was to have all offices participate in the new case management plan, specifically conducting an initial conference. For all hearings closures in fiscal year 2015, SEP and FCP categories were identified, and 80 percent of incoming cases for the four pilot offices were categorized during an initial conference.

EEOC’s Strategic Plan Performance Measure 3 also provides that the Federal Sector Quality Control Plan (the federal sector QCP) will set criteria for measuring the quality of hearing decisions and appeals. The development of the federal sector QCP will be informed by the quality standards in the private sector QCP, allow the agency to finalize the federal sector QCP, and establish the requisite baseline of quality standards necessary to set targets for improved quality in fiscal year 2016.


In the interim, our focus on quality was also carried out through the review of selected hearings cases. In fiscal year 2015, the hearings coordination section continued its focus on enhancing the quality of administrative judge (AJ) work products by conducting the annual quality review of AJ decisions. Hundreds of decisions from all field hearings units were reviewed, assessed, and scored using objective criteria. In addition to the quality review process, Hearings Coordination conducted monthly conference calls with AJs throughout the fiscal year. These communicated important information identified by hearings coordination oversight, as well as gave an opportunity to provide training through case updates on substantive legal or procedural matters.

### Systemic Cases

<b>Performance Measure 4: By FY 2018, 22-24% of the cases on the agency’s active litigation docket are systemic cases.</b>			
	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
Targets	Increase targets (i.e., the percentage of systemic cases on the active docket) to 20-22%.	Increase targets (i.e., the percentage of systemic cases on the active docket) to 22-24%.	Maintain targets at 22-24%.
Results	22%		
			<b>Target Met</b>

The fiscal year 2015 target for Performance Measure 4 was to increase the percentage of systemic cases on the agency’s litigation docket to approximately 20-22 percent of all active cases. Under EEOC’s Strategic Plan, systemic cases are defined as pattern or practice, policy, or class cases where the alleged discrimination has a broad impact on the industry, occupation, or geographic area. The agency established a baseline of 20 percent in fiscal year 2012, which represented the proportion of systemic cases on the active litigation docket at the end of the fiscal year. By fiscal year end 2015, the agency reported that 48 out of 218, or 22 percent, of the cases on its litigation docket were systemic, exceeding the annual target. Because of the consistently high degree of success in achieving targets for this measure, the agency will reconsider this measure in connection with its preliminary evaluation of the SEP.

## Federal Sector Workforce Analysis


<b>Performance Measure 5: By FY 2018, EEOC uses an integrated data system to identify potentially discriminatory policies or practices in federal agencies and has issued and evaluated a TBD number of compliance plans to address areas of concern.</b>			
	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
Targets	Conduct TBD number of on-site program evaluations focused on identified priorities and issue compliance plans.	Review compliance plans to determine if they have been implemented, and if not, determine what corrective action should be taken.	Conduct TBD number of on-site program evaluations focused on identified priorities and issue compliance plans.
Results	The agency conducted several critical evaluations on priority initiatives. Two resulting reports are slated for issuance in FY 2016.		
			<b>Target Partially Met*</b>

\*Target(s) Partially Met: A rating assigned to target results where: 1) at least half of the activities targeted for completion were completed; or 2) we were unable to assess the results because full year data was not yet available.

The Federal Government is the largest employer in the United States. Therefore, reducing unlawful employment discrimination in the federal sector is an integral part of achieving Strategic Objective I and fulfilling the mission of the agency. The fiscal year 2015 target for Performance Measure 5 required the agency to conduct a number of on-site program evaluations focused on federal sector priorities identified in fiscal year 2013 and issue compliance plans. The initiative that began in fiscal year 2013 required EEOC to create and implement a data system of complaint, hearing, appeal and statistical employee data in order to establish priorities in the federal sector; i.e., an integrated data system that can identify discriminatory policies or practices in those agencies and help set priorities for the prevention of discrimination in the Federal government. Development of a fully operational, integrated data system is anticipated to continue through fiscal year 2016.


During the fiscal year, the agency implemented a series of initiatives under the auspices of Performance Measure 5. For instance, we reviewed federal agencies' recruitment and hiring practices for senior executives; initiated analyses of their employment of individuals under Schedule A; and continued the review of agencies' anti-harassment policies and reasonable accommodation procedures. As part of these efforts, we conducted 60 technical assistance visits to obtain information concerning these and other initiatives. The information obtained from these visits provided additional input for the agency's integrated data system. Based on this data, EEOC expects to issue two government-wide reports concerning diversity within the Senior Executive Service and the effectiveness of anti-harassment programs in fiscal year 2016.

## Administrative and Legal Resolutions with Targeted Relief

<b>Performance Measure 6: By FY 2018, 65-70% of EEOC's administrative and legal resolutions contain targeted, equitable relief.</b>			
	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
Targets	Increase targets to 64-68% or maintain targets.	Increase targets to 65-70% or maintain targets	Maintain targets at 65-70%.
Results	The proportion of administrative and legal resolutions containing targeted, equitable relief increased to 81.2%.		
			<b>Target Exceeded</b>

The fiscal year 2015 target for Performance Measure 6 was to increase the proportion of administrative and legal resolutions currently containing targeted, equitable relief (TER) to within a range of 64-68 percent. Targeted, equitable relief means any non-monetary and non-generic relief (other than the posting of notices in the workplace about the case and its resolution), which explicitly addresses the discriminatory employment practices at issue in the case, and which provides remedies to the aggrieved individuals or prevents similar violations in the future. The achievements at year end are well above the targeted range for fiscal year 2015. Specifically, the agency had 1,270 administrative and legal resolutions with TER out of a total of 1,565 resolutions, or 81.2 percent. We will continue to promote the inclusion of TER benefits in agency resolutions.

## FEPA Resolutions with Targeted Relief

<b>Performance Measure 7: By FY 2018, 15-17% of resolutions by FEPAs contain targeted, equitable relief.</b>			
	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
Targets	FEPAs increase targets to 14-16% or maintain targets.	FEPAs increase targets to 15-17% or maintain targets.	FEPAs maintain targets at 15-17%.
Results	The proportion of FEP-reported resolutions containing targeted, equitable relief increased to 19.7%.		
			<b>Target Exceeded</b>

The fiscal year 2015 target for Performance Measure 7 was to increase the proportion of resolutions reported by the state and local Fair Employment Practices Agencies (FEPAs) that contained targeted, equitable relief (TER) to within a range of 14-16 percent. In fiscal year 2013 the agency determined the baseline percentage of merit factor resolutions containing TER by reporting FEPAs was 14 percent. To better capture the variance in the number of FEPA resolutions achieved through TER, we developed a series of ranges for future targets through fiscal year 2018 to include an increase in FEPA resolutions with TER within a range of 13-15 percent in fiscal year 2014; 14-16 percent in fiscal year 2015; and 15-17 percent in fiscal year

2016 to be maintained through fiscal year 2018. (Baseline percentages established under Performance Measure 7 for FEPAs are different from Performance Measure 6 due to variations between charge processing systems at the FEPAs with whom EEOC has work-sharing agreements).

In fiscal year 2015, FEPAs exceeded the targeted range of 14-16 percent; reporting 1,305 FEPA merit resolutions with TER out of 6,640 merit resolutions, or 19.7 percent. We will continue to review our data and monitor TER activity for the FEPAs. The topic of TER was also addressed by District Offices with their respective FEPAs during the annual EEOC-FEPA National Training Conference in Atlanta, GA during the first week of August 2015. We will continue to promote the inclusion of FEPA-reported TER benefits in agency resolutions.

## **C. Program Areas**

### **1. Private Sector Enforcement**

#### *Management of the Charge Workload*

The public's demand for EEOC's services to resolve charges of discrimination continues to challenge the agency, even as we invest in staff and systems to strengthen our enforcement, deliver excellent service to the public, and promote compliance with federal civil rights laws. In fiscal year 2015, EEOC resolved 92,641 charges, as 89,385 new charges were filed with the agency. In both fiscal year 2016, and fiscal year 2017; we expect charge receipts to slightly outpace the number of charge resolutions. We project that there will be slight uptick in charge resolutions between fiscal year 2016 (89,008 resolutions) and fiscal year 2017 (89,821 resolutions), with the more significant impact achieved in fiscal year 2018 (95,791 resolutions), when the newly hired staff from fiscal year 2017 become fully productive. As a result, we are projecting a corresponding decline in the inventory in fiscal year 2018, to 77,983 charges.

We attribute this long-term positive trend in our managing the pending charge workload to several factors, including the earlier efforts to hire new staff beginning in mid-fiscal year 2014, increased staff productivity, and a continued emphasis on effective and efficient case management. Our 2014 enacted appropriation allowed us to hire approximately 116 investigators and 12 mediators during the third and fourth quarters of fiscal year 2014. This hiring helped restore some of the prior years' losses to front-line staffing levels and rebuilt our enforcement capacity in our field offices. The gains in our charge resolutions in fiscal year 2015 are attributable to these new hires reaching full productivity and contributing to our inventory management efforts. Even as we received more new charges in fiscal year 2015 compared to fiscal year 2014, we have made steady progress both in handling newly filed charges and in resolving those charges already in the workload.

Our fiscal year 2015 appropriation allowed EEOC to increase its investigator staffing levels by a net of 6 investigators over fiscal year 2014. The limited hiring provided in the fiscal year 2016 budget and the expected attrition of staff will likely result in a net loss of 32 investigators and 6 mediators. The fiscal year 2017 request assumes more expanded hiring, which will produce a net gain of 40 investigators and 2 mediators, which will provide the momentum reflected in the workload projections of a declining inventory beginning in fiscal year 2018.

In fiscal year 2017, we will continue to focus on innovative approaches and to invest in training and systems to better manage the charge workload and better serve the public. EEOC is committed to fully utilizing Priority Charge Handling Procedures (PCHP), which focus agency

resources on charges where the government can have the greatest impact on workplace discrimination. Training of staff in effective case management through the rigorous use of PCHP is critical to efficient resolution of charges. The agency trained over 100 new investigators in both fiscal years 2014 and 2015 and plans to conduct similar training in fiscal years 2016 and 2017 for all newly hired investigators.

EEOC is also developing technology platforms to increase responsiveness to employees and employers, and to streamline and automate services to the public. By the end of calendar year 2015, EEOC had rolled out the first phase of our digital charge system to all our offices and later in fiscal year 2016, our plans are to expand the system to provide similar online communication for charging parties. Also, at the end of calendar year 2015, the EEOC launched the Online Charge Status system, which is designed to allow Charging Parties and their representatives to track the progress of EEOC’s investigation of a charge, including the mediation and conciliation stages. Through this system, they can view an up-to-date status on their charge, as well as get an overview of the process that charges follow from intake to resolution plus contact information for EEOC staff assigned to the charge. In fiscal year 2016, we will also launch additional online capabilities, including allowing charging parties to submit a pre-charge inquiry and schedule an appointment for an intake interview or pre-charge counseling. Through these systems development, the EEOC is achieving its goal to transform the current paper system into a digital charge system, allow charging parties and employers to check the status of their charge online, and to provide individuals with online-scheduling options for intake appointments. Adequate funding to continue these investments is critical.

Chart 2 below shows fiscal year 2016 pending inventory increases, because hiring will slow and the replacement of staff will be limited. The fiscal year 2017 level shows minimal growth of pending inventory and a decrease in 2018 – 2019 from fiscal year 2017 front line staff hires becoming fully productive in fiscal year 2018.

**Chart 2:  
Private Sector Charges Pending  
at Year End for Fiscal Year 2013 to Fiscal Year 2019**

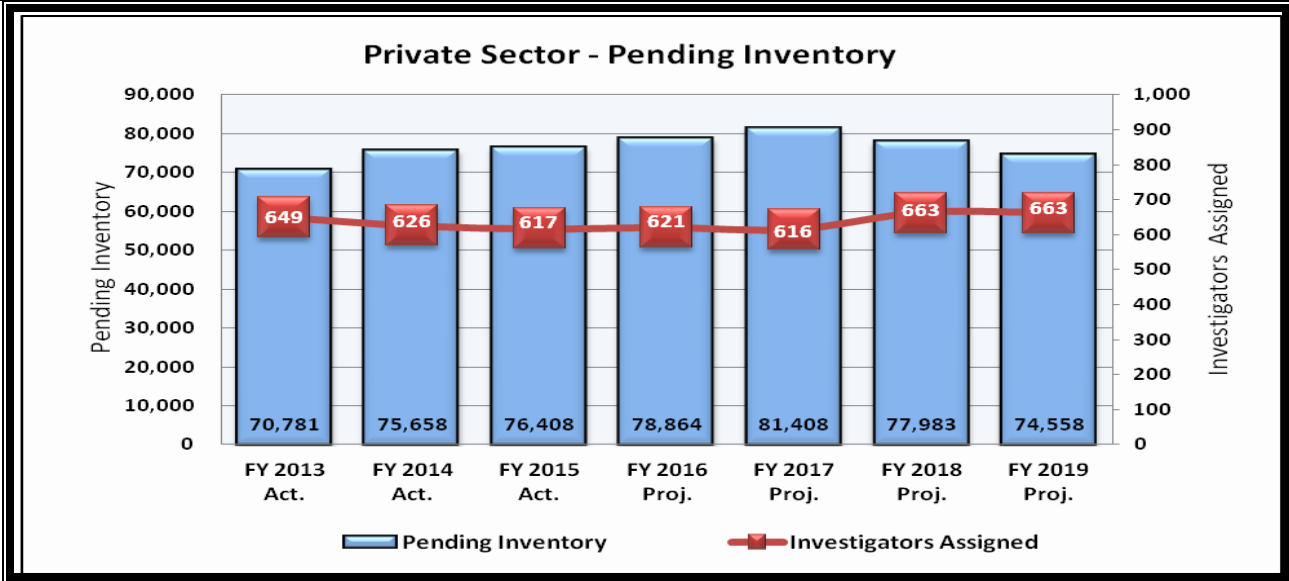
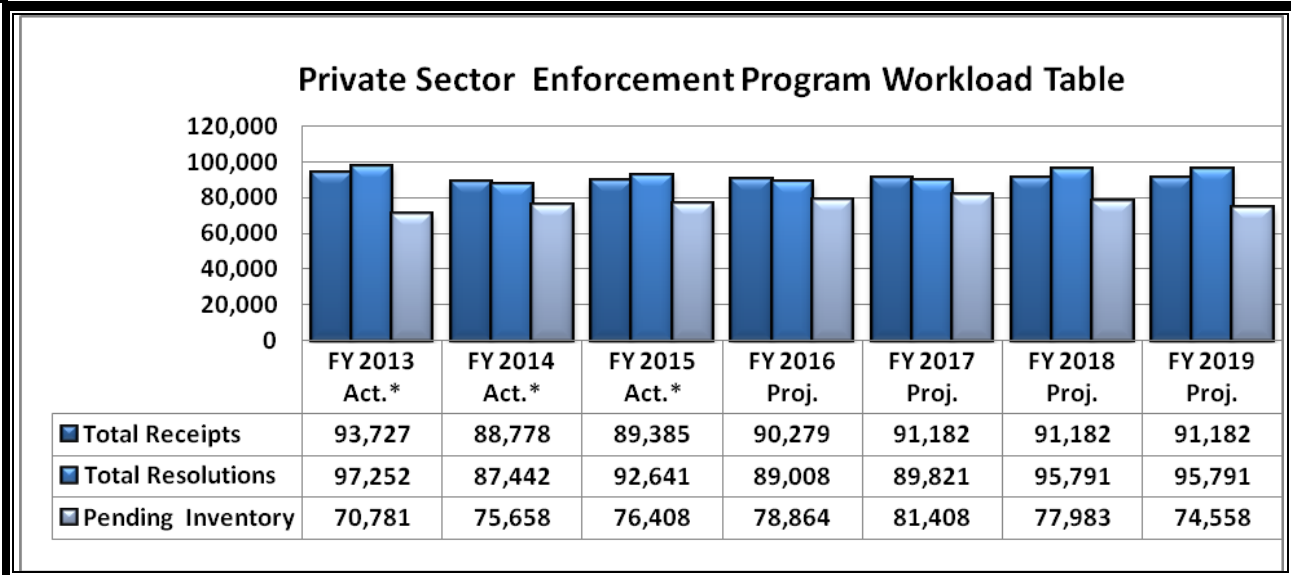


Chart 3 below depicts the actual Workload for Private Sector Enforcement for fiscal years 2013 through 2015 and projected Workload through fiscal year 2019. As Chart 3 demonstrates, we had reduced receipts in fiscal year 2014, an increase in fiscal year 2015, followed by a projected slight uptick for fiscal years 2016 – 2017, and then a level rate in fiscal years 2018- 2019. Although we realized a lower level of resolutions in fiscal year 2014 due to the impact of the shutdown, this was followed by an increase in resolutions in fiscal year 2015, as we realized the productivity of hires made in the latter half of fiscal year 2014 and the hiring in fiscal year 2015. Fiscal year 2016 resolutions are projected to decline due to the minimal level of front-line hiring feasible under the fiscal year 2016 budget, but fiscal years 2017-2019 reflect continuing increases in the level of resolutions and a corresponding decrease in the pending inventory each year.

**Chart 3:  
Private Sector Enforcement Program Workload Table  
Fiscal Year 2013 to Fiscal Year 2019**



\*Pending beginning inventory adjusted to reflect charge activity spanning fiscal years.

Table 5 shows the actual private sector charges received by Statute for fiscal year 2013 – fiscal year 2015 and the projected charges through fiscal year 2019. As can be seen by Table 5 the largest portion of the charges received by the agency involves those with allegations covered by Title VII.

**Table 5:  
Charges Filed by Statute Fiscal Year 2013 to Fiscal Year 2019**

	FY 2013 (Act.)	FY 2014 (Act.)	FY 2015 (Act.)	FY 2016 (Est.)	FY 2017 (Est.)	FY 2018 (Est.)	FY 2019 (Est.)
<b>Title VII Only</b>							
Charges filed	50,760	47,134	46,675	47,536	48,012	48,012	48,012
Charges resolved	52,797	46,841	48,446	47,113	47,543	50,703	50,703
<b>Title VII With Concurrents*</b>							
Charges filed	67,558	63,589	63,900	63,061	63,637	67,867	67,867
Charges resolved	70,175	63,061	66,046	63,823	64,406	68,687	68,687
<b>Age Discrimination in Employment Act Only</b>							
Charges filed	8,269	7,852	7,558	7,627	7,697	8,208	8,208
Charges resolved	8,643	7,697	7,985	7,753	7,824	8,344	8,344
<b>Age Discrimination in Employment Act w/Concurrents</b>							
Charges filed	21,396	20,588	20,144	20,155	20,340	21,691	21,691
Charges resolved	22,371	20,148	21,273	20,474	20,661	22,034	22,034
<b>Equal Pay Act Only</b>							
Charges filed	90	31	41	35	36	38	38
Charges resolved	95	54	43	48	49	52	52
<b>Equal Pay Act with Concurrents</b>							
Charges filed	1,019	938	973	945	953	1,017	1,017
Charges resolved	1,063	1,024	1,018	1,010	1,019	1,087	1,087
<b>Americans with Disabilities Act Only</b>							
Charges filed	15,125	14,509	15,344	14,756	14,890	15,880	15,880
Charges resolved	15,309	13,916	15,447	14,503	14,636	15,608	15,608
<b>Americans with Disabilities Act w/Concurrents</b>							
Charges filed	25,957	25,369	27,077	25,919	26,156	27,894	27,894
Charges resolved	26,410	24,441	27,429	25,616	25,850	27,568	27,568
<b>Genetic Information Nondiscrimination Act Only</b>							
Charges filed	27	25	23	24	24	26	26
Charges resolved	24	19	29	24	24	25	25
<b>Genetic Information Nondiscrimination Act w/Concurrents</b>							
Charges filed	333	333	257	293	296	315	315
Charges resolved	294	308	257	280	283	302	302
<b>Total*</b>							
Charges filed	93,727	88,778	89,385	90,279	91,182	91,182	91,182
Charges resolved	97,252	87,442	92,641	89,008	89,821	95,791	95,791

\*Totals for all charges do not equal the sum of all statutes because many charge filings allege issues/bases under more than one statute.



### Mediation Program

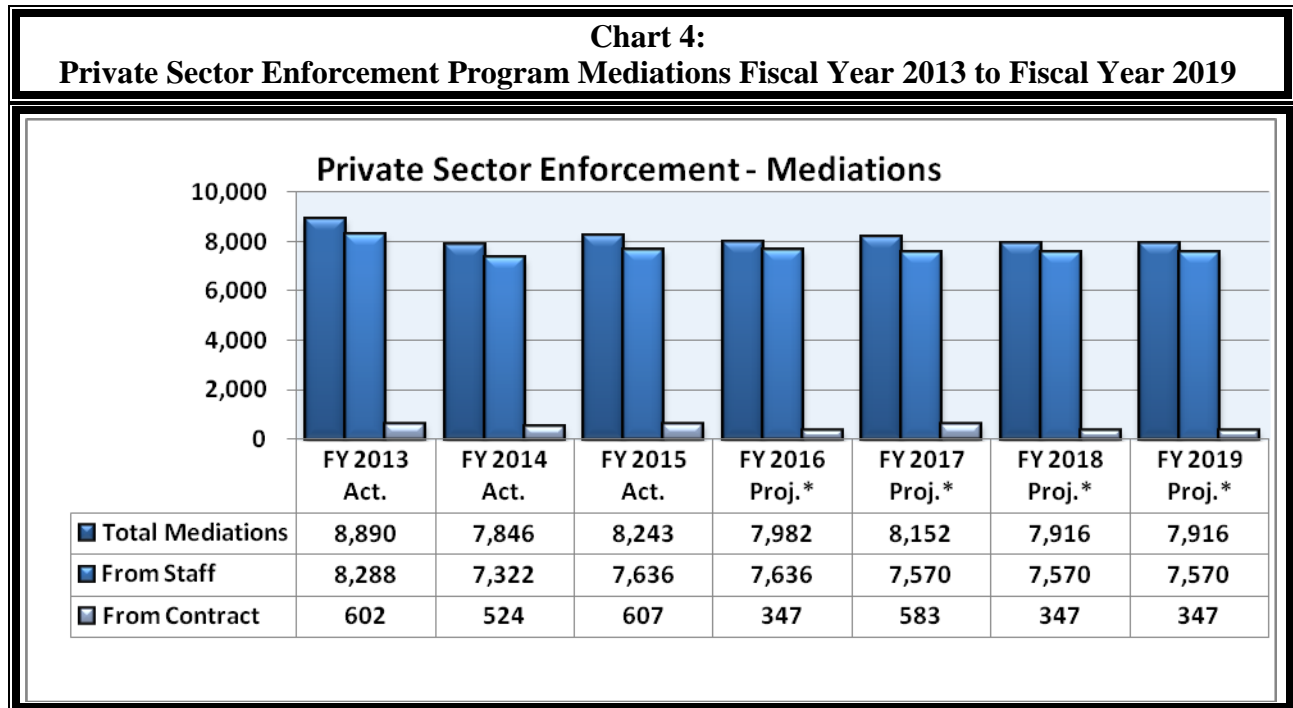
A key component of the Commission's enforcement strategy is the continued emphasis on the use of Alternate Dispute Resolution (ADR) as an effective tool to quickly resolve charges of discrimination when appropriate. We continue to pursue efforts to secure greater participation by employers, through the use of our Universal Agreements to Mediate (UAM), informational materials and outreach events that highlight the benefits of mediation for employers.

The mediation program continues to enhance the Commission's efforts to timely resolve discrimination charges. At the conclusion of fiscal year 2015, the agency achieved 8,243 successful resolutions out of 10,579 conducted. Mediations were completed in an average of 98 days and with over \$157.4 million in benefits secured. The Commission expects to hire 8 mediators in fiscal year 2017 (due to budget constraints, there is no projected hiring of mediators in fiscal year 2016). EEOC is projecting \$440,000 in contract mediation funds for fiscal year 2016 and \$740,000 for fiscal year 2017, which allows us to continue to provide a fair, efficient and timely forum to resolve charges where staff mediators may not be available.

Additionally, the program continues to receive positive feedback from participants. Based on the responses to an annual survey of participants in our mediation program, Charging Parties (employees, job applicants, and retirees) and respondents continue to express their confidence in the level of service provided under this process. In fiscal year 2015, 97 percent of all participants indicated that they would utilize the mediation process in a future charge filed with EEOC. This is a direct measure of the public's confidence in our mediation program. Furthermore, successes in our mediation program result in fewer charges that remain in our inventory for investigation, thus alleviating the growth of the overall charge inventory.

Through our outreach to employer representatives and other stakeholders, we will continue to emphasize and highlight the value of ADR where appropriate to resolve charges of discrimination filed with the Commission. The success of the mediation program builds a persuasive case to help convince employers to participate in our mediation program. By the conclusion of fiscal year 2015, the agency secured a cumulative total of 2,456 agreements to mediate (UAMs), a 7.64 percent increase over the prior year.

Chart 4 below depicts the division of mediations between staff and contractors. As can be seen in Chart 4 staff are responsible for most of the mediations conducted.



\*May not add due to rounding

**a. State and Local**

The President’s request for fiscal year 2017 is to maintain the fiscal year 2016 funding for State and Local activities totaling \$29,500,000. The fiscal year 2017 request will continue to fund our relationship with the Fair Employment Practices Agencies (FEPAs) and Tribal Employment Rights Organizations (TEROs). Both groups play a major role in supporting EEOC’s mission to stop and remedy unlawful employment discrimination. The FEPAs help EEOC to resolve charges of employment discrimination and to prevent duplication of effort, resulting in a more efficient use of resources for both EEOC and the FEPAs. They also participate in the development and presentation of outreach and education events, frequently joining with EEOC field staff, to explain the provisions of Federal, state and local laws regarding employment discrimination to various groups and other members of the public.

During fiscal year 2015, we continued efforts to strengthen our relationship with the FEPAs and TEROs and to identify areas where we can achieve efficiencies for all parties. Our primary focus continues to be on information sharing, training and enhanced communication between EEOC and its FEPA and TERO partners. EEOC offices continued to have for use the model MOU, approved by the Commission just before fiscal year 2013, which may be used as a template for agreements with individual Indian tribes. Under the MOU, each tribe wishing to enter into an MOU with EEOC first has to adopt a non-discrimination ordinance covering employment on the tribe’s reservation or land.

We have also continued to engage in more focused dialogue with our FEPA partners to implement the strategic goal that links the FEPAs accomplishments to EEOC’s Strategic Plan including previously redeveloping mechanisms such as model work-sharing agreements to

encourage FEPA support of Strategic Enforcement Plan (SEP) priorities. Specifically, since fiscal year 2014, EEOC and FEPAs have entered into work-sharing agreements or extensions, which included agreements to work together to further provisions of EEOC’s Strategic Plan, and EEOC and FEPAs have continued to cooperate in compliance and enforcement efforts as well as identify, plan or conduct joint enforcement, outreach, and technical assistance/training activities in support of SEP priorities or EEOC district level priorities. Moreover, during fiscal year 2015, we continued to provide training and guidance to the staff of our FEPA partners either in person or via webinars on a range of topics including but not limited to charge processing and technical discussions.

During fiscal year 2015, State and Local Programs received \$30 million as part of the agency’s overall appropriation. The per charge reimbursement rate increased to \$700 per charge. With respect to Performance Measure 7, EEOC continued to gather and monitor targeted equitable relief (TER) data reported by FEPA agencies. At the conclusion of fiscal year 2015, the proportion of FEPA-reported resolutions containing TER increased to 19.7 percent which exceeded the fiscal year target.

EEOC field offices will continue to invite FEPAs in their jurisdiction to participate in training offered to EEOC staff. In addition, EEOC has continued to facilitate communications between the FEPAs and EEOC, and continues to explore new technologies that would even more effectively enhance communication. This will remain a focal point in fiscal year 2016 and 2017, as we continue to identify opportunities to link technology advances with improved interactions with our partners.

Table 6 below depicts the actual State and Local receipts, total resolutions and pending inventory for fiscal years 2013 - 2015, and projections for fiscal years 2016 - 2019.

<b>Table 6: State and Local Workload Projections Fiscal Year 2013 to Fiscal Year 2019</b>							
<b>Workload</b>	<b>FY 2013* (Actual)</b>	<b>FY 2014* (Actual)</b>	<b>FY 2015* (Actual)</b>	<b>FY 2016 (Enacted)</b>	<b>FY 2017 (Estimate)</b>	<b>FY 2018 (Estimate)</b>	<b>FY 2019 (Estimate)</b>
Charges Beginning	47,299	44,693	43,432	43,970	44,508	45,046	45,584
Receipts	43,954	40,424	41,391	41,391	41,391	41,391	41,391
Total Workload	<b>91,253</b>	<b>85,117</b>	<b>84,823</b>	<b>85,361</b>	<b>85,899</b>	<b>86,437</b>	<b>86,975</b>
Resolutions	42,476	42,114	39,669	39,669	39,669	39,669	39,669
Charges Deferred to EEOC	1,452	1,188	1,184	1,184	1,184	1,184	1,184
Pending Inventory	<b>47,325</b>	<b>41,815</b>	<b>43,970</b>	<b>44,508</b>	<b>45,046</b>	<b>45,584</b>	<b>46,122</b>

\*Pending beginning inventory adjusted to reflect charge activity spanning fiscal years.

Systemic Program

Supporting and strengthening the EEOC’s systemic program is a top priority of the Commission. Systemic cases enhance the EEOC’s ability to deploy our resources to strategically address patterns of discrimination and problems that are larger in scope. In 2006, the EEOC unanimously adopted the recommendations of the Systemic Task Force, which established a nationwide systemic program as a top priority of the Commission. Based on the Task Force’s recommendations, the Commission increased the resources devoted to systemic work. In 2012, through its adoption of the SEP, the Commission reaffirmed the approach and principles of the Systemic Task Force, that systemic enforcement must be strategic, nationwide, coordinated and adequately resourced. Our systemic efforts in fiscal years 2016 -2017 will be guided by the focus outlined in Strategic Plan and Strategic Enforcement Plan, along with the District Complement Plans that supplement the SEP.

Through this request, EEOC will continue to focus our resources where they are most needed to address complex and significant employment issues with the goal of fostering broad and sustained compliance with our anti-discrimination laws. Developing systemic cases are resource intensive; yet, by bringing systemic cases, EEOC is able to address not only individual actions of discrimination, but also the underlying problem, such as discriminatory employment practices that serve as barriers to large groups of workers. Systemic work is thus a highly efficient use of agency resources. In addition, as a law enforcement agency with investigative powers, EEOC has resources to combat discrimination that individual parties do not. This affords the government the opportunity to have a substantial impact on eliminating discrimination across an industry or region.

In fiscal year 2015, EEOC field offices resolved 268 systemic investigations and obtained over \$33.5 million in remedies. These resolutions included voluntary conciliation agreements in 70 systemic investigations in which the Commission had found reasonable cause to believe that discrimination occurred. In addition, the agency issued reasonable cause determinations finding discrimination in 99 systemic investigations.

	FY 2013	FY 2014	FY 2015
Systemic Resolutions	300 Investigations	260 investigations	268 investigations
Systemic Cause Findings	106 Investigations	118 investigations	99 investigations
Systemic Litigation Filed	21	17	16
Pending Systemic Inventory	526 Investigations	526 investigations	515 investigations

EEOC places a high priority on redressing systemic discrimination, focusing on charges in which the alleged discrimination has a broad impact on an industry, profession, company, or geographic area, including allegations of a pattern or practice of discrimination, a discriminatory policy, and discrimination against numerous individuals. Although these cases are often highly complex and resource-intensive, a finding of discrimination in these cases typically provides relief for a large number of employees or job seekers. In addition, the resolution of these cases can benefit untold

numbers of workers and employers through changes to employment practices, and indirectly by increasing public awareness and fostering changes in industry standards. EEOC continued to invest in resources dedicated to systemic work in fiscal year 2015. At the end of fiscal year 2014, EEOC employed more lead systemic investigators whose work is dedicated exclusively to development and coordination of systemic investigations. Additionally, the agency employed more social science research staff to support field systemic investigations. The results of these investments in staff are evident in the fiscal year 2015 systemic program, which produced an increase in monetary benefits and consistently strong equitable relief. In fiscal year 2015, EEOC continued to evaluate and refine systemic efforts. As a result, every EEOC district now has a plan in place, addressing, among other things, resources and coordination, for investigating systemic discrimination. The agency has also continued technology initiatives as an effective, low-cost method of better integrating enforcement functions, as set out in the agency's Strategic Enforcement Plan. The Systemic Watch List, a software tool that matches ongoing investigations or lawsuits, has proven integral to improved coordination in the development of systemic investigations.

## **b. Litigation**

The Commission's litigation program serves a vital role in fulfilling our mandate to enforce the federal civil rights employment laws. Recognizing its resource limitations, the Commission has long emphasized that the litigation program should focus on issues that have the potential to impact multiple workplaces or large groups of employees, address emerging or novel issues where the agency's expertise may be especially critical to achieving a successful outcome, and encompass individual cases where broader law enforcement goals can be advanced with the successful resolution of the case.

One of the Commission's top priorities, as evidenced by its adoption of the agency's Strategic Plan for Fiscal Years 2012-2016, is to continue its focus on cases of systemic discrimination, which typically involve broad-based employment practices affecting large numbers of individuals. As required by the Strategic Plan, the Commission expects to increase slightly the representation of systemic cases on its active docket over the next several budget cycles. Consistent with the Commission's SEP, we expect many of our systemic cases to challenge discriminatory barriers to employment (chiefly recruitment and hiring practices), and we expect many of our cases generally (both large and small) to focus on emerging and developing legal issues, protecting the rights of immigrants and other vulnerable populations, and discriminatory pay practices.

Systemic cases involve challenges to discriminatory policies or challenges to practices that affect anywhere from 20 to thousands of individuals. These types of cases often continue in active litigation over a multi-year period and last far longer than smaller-sized cases. The Commission's active docket of litigation changes from day to day but at the end of fiscal year 2015 we were actively litigating 48 systemic cases representing 22% of our total active litigation docket.

As a greater proportion of our docket is focused on systemic cases, the cost of funding the litigation program will rise. Systemic cases can be highly efficient, by addressing significant barriers for many workers in one proceeding; yet, they also require considerable resources in terms of professional staff time and litigation expenses, such as retaining expert witnesses, voluminous motion and discovery practice, extensive travel and high interpreter costs for cases involving immigrant workers. The length and cost of these cases has increased in recent

years, and even a modest increase in systemic litigation activity has a major impact on the resources needed.

The Commission hired eight trial attorneys and an economist in fiscal year 2015 and plans to hire an additional seven trial attorneys in fiscal year 2016. These additional resources will be directed to handling the increasing volume of systemic litigation, as well as litigating cases that present high priority issues as described in the SEP. In addition, consistent with the SEP, Commission attorneys will continue to spend a significant portion of their time working closely with investigators to develop investigation plans, interview witnesses, analyze evidence and assist in charge resolutions.

With the requested appropriation, the Commission will increase slightly the representation of systemic cases on the active docket over the next several years. The Commission will also continue to bring cases that reach communities, population groups and geographic locations where private enforcement of anti-discrimination laws is rare. Absent litigation by EEOC, victims of discrimination in these areas would have minimal access to the legal system to protect their rights. The Commission projects filing 140 new merits lawsuits in fiscal year 2016 which is a small increase in filings from the previous year.

The Commission carefully identifies where to focus its limited litigation resources. Since fiscal year 2010, the EEOC has averaged a favorable outcome in over 90 percent of its suits. Even in its systemic litigation, which is more complex, EEOC has averaged a favorable outcome in approximately 92 percent of its systemic suits since 2010. In all of our litigation, the Commission seeks to secure substantial injunctive and equitable relief as well as appropriate monetary relief for all aggrieved individuals. In fiscal years 2010-2015, the Commission recovered approximately \$340 million in damages and back pay for more than 35,000 victims of discrimination through its litigation program.

## **2. Federal Sector Programs**

### **a. Federal Sector Enforcement Activities**

In the federal sector, EEOC enforces statutes that mandate that all federal personnel decisions be made free of discrimination on the basis of race, color, religion, age, sex, national origin, reprisal, genetic information or disability. These statutes require that agencies establish a program of equal employment opportunity for all federal employees and job applicants. EEOC has adjudicatory responsibilities in the federal EEO complaints process and oversight responsibilities for federal programs.

As a result of the 2012 revisions to Commission regulations at 29 C.F.R. § 1614.102(e), the Commission's Strategic Plan, Strategic Enforcement Plan, and the Federal Sector Complement Plan, the Commission's federal sector program is working with agencies' EEO Programs to ensure they are compliant with all of the Commission's regulations, decisions, policies and directives. This makes collaboration and coordination by all of the Commission's federal sector components especially critical.

In the federal sector, EEOC works to ensure that the federal government is the leader in creating an inclusive, barrier-free workplace that empowers employees to achieve superior results in service to our country. Concurrent with these efforts, agencies must position themselves to attract, develop and retain a highly qualified workforce that can deliver results to the American

people. Equal opportunity in the federal workplace is key to accomplishing this goal; agencies must fully utilize the talents of all, without regard to race, color, religion, national origin, sex, age, disability or genetic information.

Title VII of the Civil Rights Act of 1964 and Section 501 of the Rehabilitation Act of 1973 provide the Commission with its mandate that all federal personnel decisions be made free of discrimination, and require federal agencies to establish affirmative programs of equal employment opportunity (EEO) for all federal employees and job applicants (42 U.S.C. §2000e-16 and 29 U.S.C. §791). Under these laws, and through subsequent statutes and amendments, Congress gave EEOC oversight responsibility over EEO programs in the federal government to ensure that equality of opportunity is provided to the nearly three million men and women across the country and around the world who have dedicated their careers to public service. EEOC Management Directive 715 (MD-715) is the roadmap that guides agencies in identifying and removing barriers to equality of employment opportunity so that the American people have a model federal work force that fully reflects everyone's contributions.

Additionally, Congress mandated that EEOC act as the enforcement authority for complaints of discrimination brought by applicants and employees in the federal sector. The Commission implements this authority through regulations that establish procedures for federal employees or job applicants to file complaints of employment discrimination. The agency charged with discrimination is responsible for informal counseling; and, if a complaint is filed and that complaint is accepted, the agency is also responsible for investigating the claims raised therein. At the conclusion of the investigation, or after 180 days following the filing of a complaint, the complainant may request a hearing before an EEOC Administrative Judge (AJ). Instead of requesting a hearing, the complainant may request that the agency issue a final decision on the matter. The agency's final decision, or final action after a hearing, may be appealed to the Commission.

#### **b. Federal Sector Improvements – Hearings**

The overarching goal of the federal sector program is enforcement of the nation's laws outlawing employment discrimination in the federal workplace. One way the Commission fulfills this mandate is through its vigorous federal sector hearings program. With 24 hearing units located throughout the United States, the program provides federal sector complainants with a full, fair, and impartial adjudication of their EEO complaints.

In fiscal year 2015, EEOC secured \$95 million dollars in relief for parties who requested hearings. At the end of fiscal year 2015, there were a total of 7,752 hearings requests received, which reflects a decrease over the number received in fiscal year 2014 (8,086). Additionally in fiscal year 2015, the Commission's hearings program resolved a total of 6,360 complaints, which is 1 percent below the level in the same period in fiscal year 2014, (6,347). As our workload table below projects, with the full productivity of our new hires made in fiscal year 2015, resolutions are anticipated to climb 21 percent over the fiscal year 2015 level to 7,708 in fiscal year 2016 and a further 12 percent increase in fiscal year 2017, to 8,633 resolutions. We then project a slight uptick to 8,787 resolutions in fiscal years 2018-2019. These workload projections are also based on the positive impact we anticipate with the full implementation of the federal Case Management System, which was piloted in an initial four of our field offices in fiscal year 2014 and which was expanded field-wide by the end of fiscal year 2015.

In accordance with Performance Measure 3 of the Strategic Plan, the federal sector working group created a Case Management System to provide a mechanism for identifying and categorizing the federal sector hearings and appeals inventory and for tracking Commission priorities. The goal of the system is to expedite case processing and to tailor case processing commensurate with agency resources.

In January 2014, EEOC began a pilot of the Case Management System for federal sector hearings, starting with four district field offices, and in April 2015, expanded the pilot to all our offices. The key feature of the hearings Case Management Plan is the requirement that EEOC Administrative Judges (AJ)s hold an initial conference at the start of the hearings process, consistent with the principle that early proactive intervention by the AJ, especially prior to the start of discovery by the parties, will lead to more efficient adjudication of cases and an overall reduction in the time and resources spent on a case. The anticipated benefits of the initial conference are: reduction in discovery disputes; discovery tailored to the needs of a particular case; improved allocation of resources; earlier settlements; earlier resolution of procedural issues; better control of the case; assurance of the adequacy of the record; and an increase in quality of the ultimate adjudication. Preliminary results from the hearings Case Management System are positive. The initial pilot offices report that the pre-hearing conferences facilitate settlement set the parties' expectations and provide an opportunity to discuss how much discovery is needed. Identified benefits include: 1) early education; 2) early mediation; 3) early identification of issues/partial dismissals/amendments; 4) fewer motions; and 5) greater time to dedicate to the more substantial and complicated cases, and to conduct research on novel issues. For all hearings closures in fiscal year 2015, SEP and Federal Complement Plan (FCP) categories were identified, and 80 percent of incoming cases for the four pilot offices were categorized during an initial conference. In fiscal years 2016 and 2017, we will continue to evaluate and quantify the efficiencies gained through this Case Management System while also working to identify the most effective practices to increase efficiencies across the agency.

In a related effort, in fiscal year 2014, the agency implemented modifications to IMS to allow EEOC federal sector hearings staff to identify and track those cases that reflect SEP/FCP priorities and provided training to all staff on this new feature.

The agency continued its focus on expanding the use of technology to make the federal hearings and appeals process faster and more effective. For more than three years, EEOC has provided agencies with a digital method for submitting complaint-related documents. During fiscal year 2015, this digital process was enhanced and integrated into our Federal Sector EEO Portal (FedSEP). Using the FedSEP portal, agencies can now easily upload all documents for both hearings and appeals. EEOC also laid the groundwork for expanding FedSEP access in fiscal year 2016 to complainants, giving all parties easy transmission and receipt of documents; allowing complainants to request a hearing or appeal online; and allowing parties to review the status of the hearing or appeal online. In addition to the gains in efficiency and cost savings, these technological innovations will make the hearings and appeals process more transparent for all parties and will reduce the agency's reliance on support staff to prepare and scan paper documents received by the parties.

Priorities for the federal sector hearings program in fiscal year 2016, 2017 and 2018 include exploring additional tools to leverage technology in order to increase both the quality and efficiency of decisions issued by its AJs, thereby helping to manage the growing hearings inventory. By building on initiatives such as Hot Docs, which involves the creation of



standardized Orders and Decisions that Administrative Judges can utilize as templates; as well as expanding efforts to encourage informal resolution of claims at the hearings stage. Such investments will further improve customer service and increase efficiencies for individuals and federal agencies utilizing the federal sector hearings process.

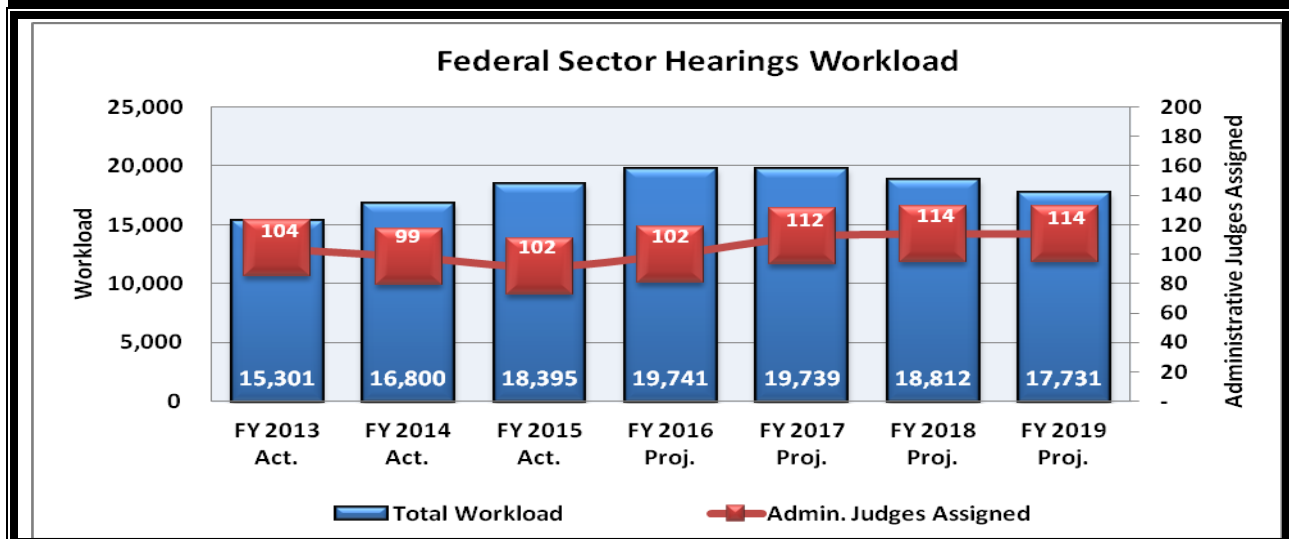
**Table 8: Hearings Workload Projections  
Fiscal Year 2013 to Fiscal Year 2019**

Workload	FY 2013* (Actual)	FY 2014* (Actual)	FY 2015* (Actual)	FY 2016 (Enacted)	FY 2017 (Estimate)	FY 2018 (Estimate)	FY 2019 (Estimate)
Hearings Beginning	8,313	8,756	10,689	12,035	12,033	11,106	10,025
Receipts	7,077	8,086	7,752	7,752	7,752	7,752	7,752
Consolidations	(89)	(42)	(46)	(46)	(46)	(46)	(46)
Net Received	6,988	8,044	7,706	7,706	7,706	7,706	7,706
<b>Total Workload</b>	<b>15,301</b>	<b>16,800</b>	<b>18,395</b>	<b>19,741</b>	<b>19,739</b>	<b>18,812</b>	<b>17,731</b>
Resolutions	6,789	6,347	6,360	7,708	8,633	8,787	8,787
Pending	8,512	10,453	12,035	12,033	11,106	10,025	8,944

\*Pending beginning inventory adjusted to reflect charge activity spanning fiscal years.

Chart 5 below demonstrates the actual workload and number of Administrative Judges assigned to handle hearing complaints for fiscal years 2013 through 2015 and projections for fiscal years 2016 through 2019. Based on recent data, hearings receipts are projected to remain steady in fiscal years 2016 through 2019 and resolutions will increase beginning in fiscal year 2016 due to the hiring that occurred in fiscal years 2014 and 2015.

**Chart 5:  
Federal Sector Hearings Workload Fiscal Year 2013 to Fiscal Year 2019**



### **c. Federal Sector Appeals Programs**

The Commission has the responsibility for serving as the neutral arbiter in the federal sector for appeals from agency decisions on EEO complaints, collective bargaining agreement grievances alleging discrimination against federal agencies, and reviewing decisions by the Merit Systems Protection Board containing allegations of discrimination in appealable actions under 29 C.F.R. Part 1614.

The appellate decisions issued by the Commission serve as a vehicle for the development and promulgation of the Commission's EEO policy in the federal sector. Moreover these appellate decisions express policy and legal interpretation on emerging and evolving EEO law that impact workers and employers throughout the nation. Finally, they serve to educate federal sector complainants, agencies, and the public sector about the law, guide agencies in their efforts to become model workplaces, and vindicate the public interest in eradicating discrimination in federal employment.

Each of the 3,850 appellate decisions issued in fiscal year 2015 applied relevant law and precedent to the unique facts presented in each individual case. The Commission's federal sector appellate attorneys must exercise this adjudicatory responsibility while at the same time recognizing their responsibility to effectively manage the appellate inventory to ensure that justice delayed is not justice denied.

During the last five fiscal years, EEOC's appellate federal sector program has issued 497 decisions finding discrimination and provided "make whole" relief to these victims of discrimination. In fiscal year 2015, there were 93 findings of discrimination issued by EEOC's federal sector appellate attorneys. In addition, EEOC's federal appellate program also issued 115 decisions that addressed one or more of the priority issues identified in EEOC's Strategic Enforcement Plan.

The Commission has been successful in managing its appellate inventory through the use of targeted management techniques and improvements in technology. With regard to technological innovations, in fiscal year 2012, the Commission issued regulations requiring agencies to submit appeal-related documentation in digital format. Further, these regulations encouraged complainants and their representatives to submit their appeals and briefs in digital format.

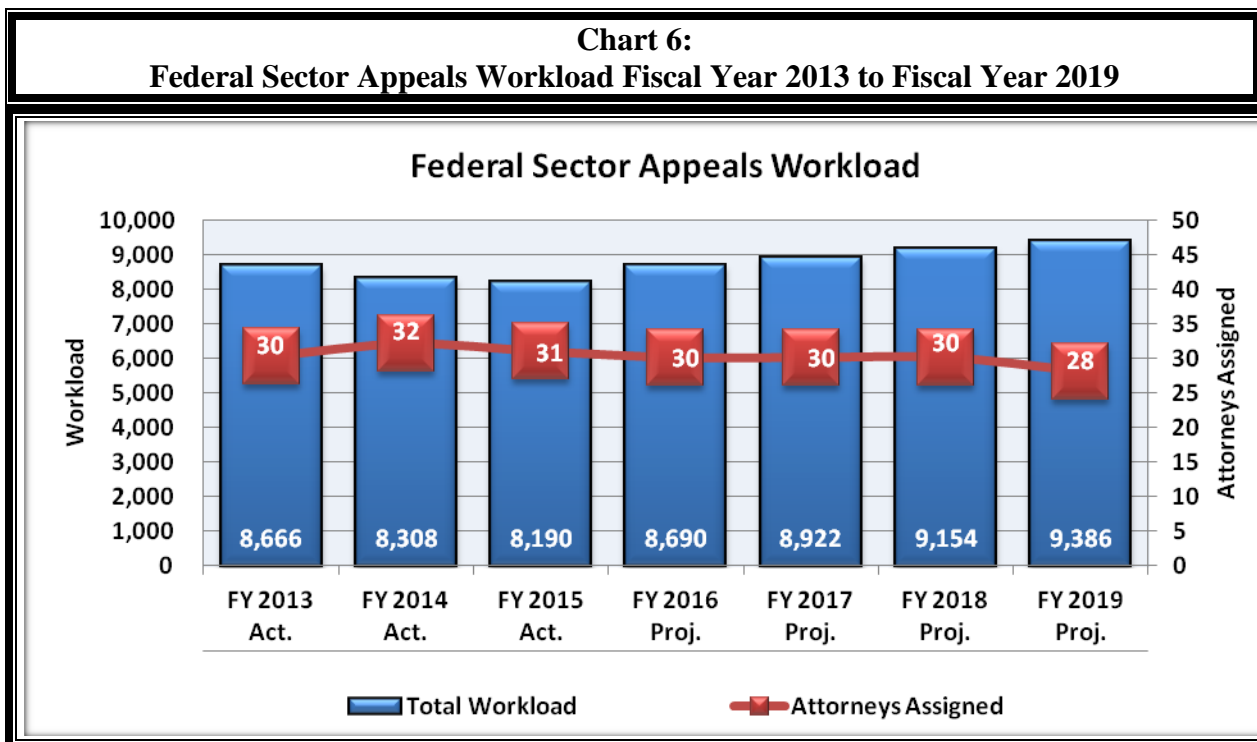
For more than three years, the Commission's EEO File Exchange (EFX) portal has provided agencies with a seamless method of digitally submitting all complaint-related documents. In fiscal year 2014 the Commission designed, developed, and piloted a digital portal through which complainants and their representatives can submit appeal-related documentation to the Commission. In fiscal year 2015, EEOC enhanced the process for agencies to submit all required documentation and supporting materials to the hearings and appellate programs. EEOC designed, developed, and deployed in the 4<sup>th</sup> quarter of fiscal year 2015 the adjudicatory components of the Federal Sector EEO Portal (FedSEP). Using the FedSEP portal, agencies can easily upload documentation for hearings and appeals. The Commission is planning additional enhancements that will enable it to seamlessly transmit documents to the parties, allow complainants to request a hearing or appeal online, and allow parties to review the status of the hearing or appeal online. In addition to the gains in efficiency and cost savings, these technological innovations will make the appellate process more transparent for all parties and

will reduce the Commission’s reliance on appellate support staff to prepare and scan paper documentation received by the parties.

In addition to leveraging technology to improve the processing of appeals, EEOC is also using its Case Management System to bring consistency and greater efficiencies to the processing of federal sector complaints through the early categorization of incoming hearings and appeals. Performance Measure 3 of the Commission’s Strategic Enforcement Plan calls for all federal sector appeals to be categorized pursuant to the priorities identified by the Commission’s Strategic Enforcement and Federal Complement plans. As part of this effort, staff identified “broad impact” cases, as well as those that implicate topics of interest identified by the Commission.

While the implementation of the Case Management System has permitted the Commission to identify priority cases, and new technology has created greater efficiency in processing appeals, the Commission still needs to effectively manage its appellate inventory by employing targeted management techniques. As part of this effort, in fiscal year 2015 the Commission targeted for adjudication the oldest appeals in the inventory, while simultaneously resolving a significant percentage of appeals within 180 days.

Chart 6 below identifies the actual workload inventory and number of attorneys assigned to adjudicate appeals of EEO complaints for fiscal years 2013 through 2015, and projections for fiscal years 2016 through 2019.



As depicted in the chart above, the appellate inventory is projected to slowly grow over the next few years. The growth of the appellate inventory is influenced by the number of appellate receipts per year and the number of appellate attorneys available to adjudicate the appeals. While, with the exception of an almost 14 percent increase in fiscal year 2011, appellate receipts

have slightly decreased during each of the last 10 years; this decrease is offset by the projected continuing decrease in the number of assigned attorneys starting in fiscal year 2016 and the beginning of fiscal year 2017. This, along with the deployment of attorney resources to focus on the older, more complex appeals in the pending inventory, means that while receipts are declining, the inventory is projected to grow. In fiscal year 2015, the agency filled a long-vacant senior executive position responsible for the federal sector appellate program. The senior executive is leading an effort to reduce delays in appeals processing while addressing the increased inventory. In fiscal year 2016, the agency will escalate its in-depth analysis to identify strategic opportunities to increase the efficiency and effectiveness of its appellate process.

#### **d. Oversight of Federal Agencies EEO Programs**

To implement the federal government's policy prohibiting employment discrimination, agencies are required to maintain continuing affirmative programs to promote equal opportunity and to identify and eliminate any barriers to participation by all federal employees. EEOC, serving in its oversight capacity for these efforts, implemented EEO MD-715, which details strategies for identifying and removing barriers to free and open workplace competition and requires agencies to incorporate EEO principles into their missions. If an agency identifies barriers to equal employment opportunity, the Commission assists the agency in eliminating those barriers. EEOC works with agencies to promote model EEO program policies and practices that foster an inclusive work culture and prevent employment discrimination by reviewing their annual MD-715 submissions, providing in-person and telephonic technical assistance, and issuing written feedback.

Performance Measure 5 of the Commission's Strategic Plan mandates the design and implementation of an integrated data system intended to identify pervasive discriminatory practices and policies in federal agencies. The Commission's development of an integrated data system under this Measure will be the culmination of recent efforts to collect, analyze, and respond to information about agencies' efforts to create model EEO programs. The Commission has developed the Federal Sector EEO Portal (FedSEP) to capture statistical data contained in agencies' MD-715 reports, and allow for the upload and analysis of EEO complaint data (EEOC Form 462), as well as supporting narrative documentation. Information available to the hearings and appellate units will be combined with agency complaint data, workforce data, and barrier analyses to build a more complete picture of how agencies are progressing in their development of model EEO programs.

One of the Commission's most important oversight mechanisms is the authority to conduct evaluations of federal agency EEO programs. To better implement the Commission's objective of establishing effective relationships with federal employers, and in furtherance of the Commission's Strategic Plan, Strategic Enforcement Plan and the Federal Complement plan, the Commission initiated several program evaluations for this and future fiscal years. Using targeted evaluations and the variety of self-assessment tools and checklists in MD-715, the Commission helps federal agencies assess the effectiveness and efficiency of their EEO programs and identify potential barriers to equality of employment opportunity.

In addition to conducting program evaluations, the Commission implemented a series of initiatives under the auspices of the Federal Sector Complement Plan. For example, the Commission began reviewing federal agencies' recruitment and hiring practices for senior executives; initiated analyses of agencies' employment of individuals under Schedule A; and

continued review of agencies' anti-harassment policies and reasonable accommodation procedures. As part of these information gathering initiatives, the Commission conducted 60 technical assistance visits to obtain relevant information. Using this data, the Commission expects to issue two government-wide reports concerning diversity within the senior executive service and the effectiveness of anti-harassment programs.

Concurrent with these oversight responsibilities in the federal sector, the Commission continues its education efforts to assist all stakeholders. The Commission delivers relevant and helpful information, training, and EEO solutions to federal agencies, and continues to disseminate federal sector research materials through placement of Commission decisions and other helpful federal sector information on EEOC's web site.

Additionally, EEOC offers an extensive catalog of training courses to help agencies meet their training needs. The courses offered cover all the laws the Commission enforces and meet regulatory training requirements for certain federal EEO staff. The Commission offers both open enrollment and customized courses.

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## **VI. STRATEGIC OBJECTIVE II - Prevent employment discrimination through education and outreach.**

### **A. Introduction**

In fiscal year 2015, the agency engaged in increased outreach efforts to ensure that the needs of the diverse audiences we serve across the nation are met. We continued our partnerships with employers, colleges and universities, advocacy groups, immigrant and farm worker communities, governmental entities, and other stakeholders to foster strategies to recognize and prevent discrimination in the workplace.

Under Strategic Objective II of the Plan, the agency established the following outcome goals: 1) members of the public understand and know how to exercise their right to employment free of discrimination; and 2) employers, unions, and employment agencies (covered entities) better address and resolve EEO issues, thereby creating more inclusive workplaces.

The three strategies for achieving the goals of Strategic Objective II can be summarized as follows:

- Target outreach to vulnerable workers and underserved communities;

“Vulnerable workers” are those workers who are unaware of their rights under the equal employment laws, or are reluctant or unable to exercise their rights. This includes, but is not limited to, low wage earners, farm workers, refugees, victims of human trafficking, and youth in their first jobs.

“Underserved communities” have been defined as those communities whose demographics, geographic location, or economic characteristics impede or limit their access to services provided by EEOC.


- Target outreach to small and new businesses; and
- Provide up-to-date and accessible guidance on the requirements of employment antidiscrimination laws.

Performance Measures 8 through 11 were developed to track our progress in pursuing these strategies under Strategic Objective II.

## B. Performance Measures and Results

Performance Measures 8 and 9 focus on rewarding and encouraging interactive and sustained partnerships with community organizations and businesses that are in the communities we are trying to reach. For these two measures, we defined “significant partnerships” as an interactive and sustained relationship with an organization, community group, advocacy group, etc., that represents or serves vulnerable or underserved communities and enhances EEOC’s ability to reach those communities.

### Vulnerable and Underserved Communities


<b>Performance Measure 8: By FY 2018, EEOC is maintaining the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities.</b>			
	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
Targets	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities is maintained, nationally.	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities is maintained, nationally.	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities is maintained, nationally.
Results	The agency is currently maintaining 130 significant partnerships with organizations that represent vulnerable workers and/or underserved communities.		
			<b>Target Exceeded</b>

The baseline established in fiscal year 2012 identified approximately 90 significant partnerships within the vulnerable worker and underserved communities for Performance Measure 8. In fiscal year 2014, the agency exceeded its target of 108 significant partnerships and established a new fiscal year total of 116 relationships. The fiscal year 2015 target for this measure is to maintain the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities.

By fiscal year-end, the agency had increased the number of significant partnerships to 130, a 12 percent increase over the 116 established relationships in fiscal year 2014; adding 14 new partnerships to the agency’s expanding vulnerable and underserved community network in fiscal year 2015. This includes the addition of the national MOU signed by EEOC and the Department of Foreign Affairs of the Republic of the Philippines. The MOU is designed to further strengthen collaborative efforts to provide immigrant, migrant, and otherwise vulnerable Filipino workers and their employers with guidance and information and access to education about their rights and responsibilities under the laws enforced by EEOC. The agency continues to provide support and guidance to outreach efforts and partnership development strategies within the vulnerable worker and underserved communities.




## Small and New Businesses

<b>Performance Measure 9: By FY 2018, EEOC is maintaining the number of significant partnerships with organizations that represent small or new business (or with businesses directly).</b>			
	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
Targets	The number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) is maintained nationally.	The number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) is maintained, nationally.	The number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) is maintained, nationally.
Results	The agency is currently maintaining 109 significant partnerships with organizations that represent small or new businesses (or with businesses directly).		
			<b>Target Exceeded</b>

In fiscal year 2012, the agency established a baseline of approximately 71 significant partnerships with organizations that represent small and new businesses (or with businesses directly), which contributes to the agency's objective of preventing employment discrimination through education and outreach to employers. In fiscal year 2014, the agency exceeded its target of 86 significant partnerships and established a new fiscal year total of 92 relationships. The fiscal year 2015 target for this measure was to maintain the number of significant partnerships with organizations that represent small or new business communities (or with businesses directly). By fiscal year-end, the agency had increased the number of significant partnerships to 109, an 18 percent increase over the 92 established relationships in fiscal year 2014; adding 17 new partnerships to the agency's expanding small and new business community network in fiscal year 2015.

Efforts to ensure continued relations included preparing and coordinating EEOC's report to the Small Business Association (SBA) Office of the National Ombudsman for its Annual Report to Congress. The Report grades all federal agencies on their responsiveness to small business concerns and their compliance with the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). The Ombudsman's most recent report issued for fiscal year 2014 gives EEOC the highest possible rating of "A". Throughout the year, we have also facilitated the participation of field staff in roundtables and other interactive practices by the regional SBA Regulatory Fairness Boards, which are comprised of small business leaders in the community. The agency continues through regular conference calls and other interactions to provide support and guidance to Districts in their continued efforts with significant partnerships in the small business community.

## Social Media Plan


<b>Performance Measure 10: By FY 2013, EEOC implements a social media plan.</b>			
	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
Targets	Assess the social media plan and update as necessary.	N/A****	N/A****
Results	A final assessment is currently underway.		
			<b>Target Partially Met*</b>

\*Target(s) Partially Met: A rating assigned to target results where: 1) at least half of the activities targeted for completion were completed; or 2) we were unable to assess the results because full year data was not yet available. \*\*\*\* N/A – Not applicable for FYs 2016 and 2017; Established targets met in FYs 2013 and 2015.

Performance Measure 10 ensures that the agency moves into the 21<sup>st</sup> century by utilizing social media technologies to reach EEOC's stakeholders. It also helps to reinforce that EEOC's social media strategies are consistent with the agency's Strategic Enforcement Plan, the Chair's priorities, and other appropriate directives.

The fiscal year 2015 target for performance under this measure was to assess the effectiveness of EEOC's social media plan and make appropriate adjustments as needed for improvement. The agency's Communications and Outreach Plan was finalized at the close of fiscal year 2015. This communications roadmap calls for the agency to enhance the use of social media to reach primary audiences as well as the broader public. Specifically, EEOC should provide training for staff in the use of social media, increase the use and elevate content, incorporate social media in regular media planning and include tips in the upcoming, updated EEOC Communications and Legislative Affairs Guide. Additionally, the procurement of the GovDelivery platform at the end of the fiscal year will enhance EEOC's ability to coordinate social media with agency updates and further grow the agency's social media efforts. In the interim, we continue to develop our social media presence, including supporting offices that wish to establish and use social media tools and monitoring and assessing the availability and viability of social media content.

## Sub-regulatory Guidance Review and Revision

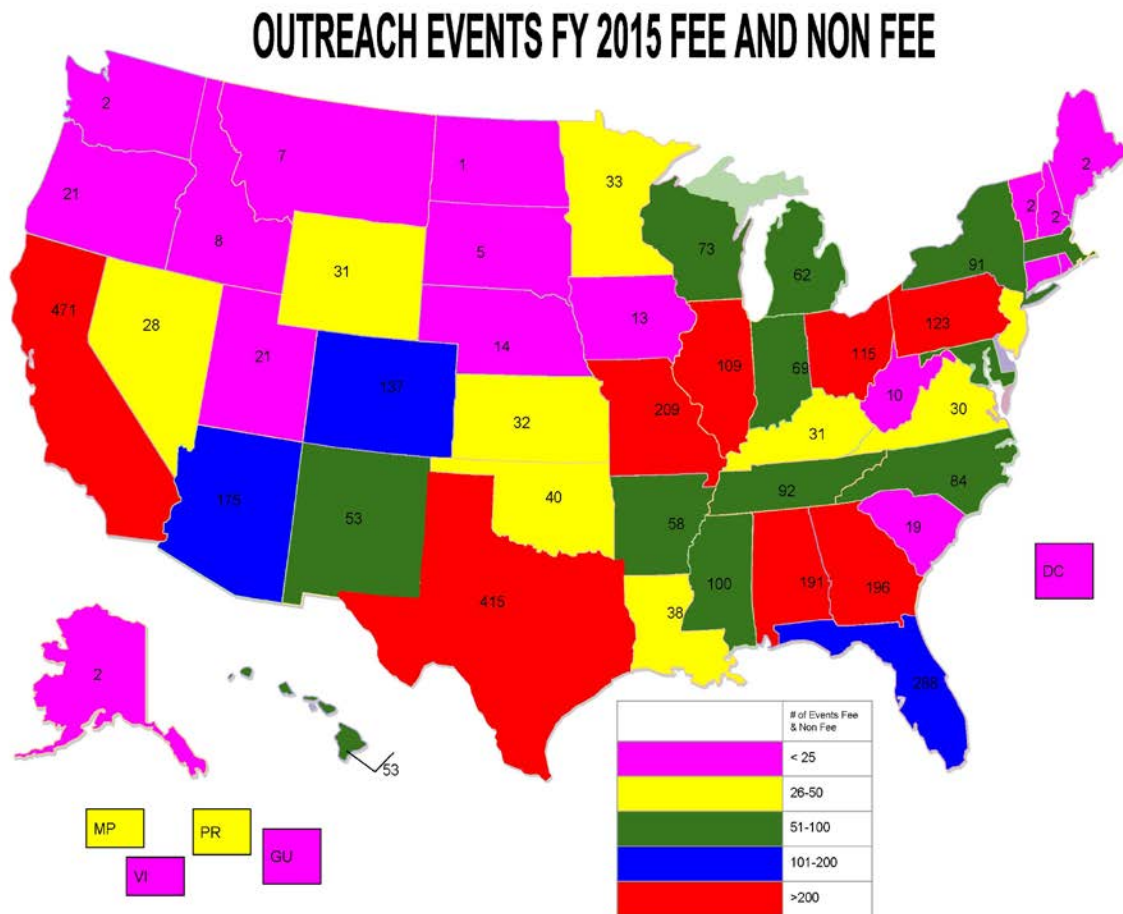
<b>Performance Measure 11: EEOC reviews, updates, and/or augments with plain language materials its sub-regulatory guidance, as necessary.</b>			
	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
Targets	Consistent with Commission priorities, submit at least two plain language revisions of substantive policy documents to replace at least two other outdated guidance documents.	Consistent with Commission priorities, submit at least two plain language revisions of substantive policy documents to replace at least two other outdated guidance documents.	Consistent with Commission priorities, submit at least two plain language revisions of substantive policy documents to replace at least two other outdated guidance documents.
Results	Three substantive policy documents were approved and released to the public.		
			<b>Target Exceeded</b>

Performance Measure 11 provides for the agency's sub-regulatory guidance and documents to be reviewed and, where necessary, updated and accompanied by plain language text. The agency's enforcement work in the private sector, its adjudicatory and oversight work in the federal sector, and its outreach and education work all depend on the availability of up-to-date and accessible materials explaining the laws it enforces and how to comply with those laws. Although the regulations the agency issues set the basic legal framework for the implementation of those laws, sub-regulatory materials, including EEOC's guidance documents, provide more tangible assistance to those with rights and responsibilities under such laws.

In fiscal year 2015, the agency exceeded the target for performance under this measure and approved and released three sub-regulatory documents to the public. On June 25, 2015, the Commission issued: Enforcement Guidance on Pregnancy Discrimination and Related Issues; Questions and Answers about EEOC's Enforcement Guidance on Pregnancy Discrimination and Related Issues; and a Fact Sheet for Small Businesses: Pregnancy Discrimination. These documents are located at [http://www.eeoc.gov/laws/guidance/enforcement\\_guidance.cfm](http://www.eeoc.gov/laws/guidance/enforcement_guidance.cfm).

### C. Outreach

Building upon efforts to prevent employment discrimination through education and outreach in the nation's workplaces, we will continue a vigorous and far-reaching outreach program to meet the needs of diverse audiences.



As the above map shows, we have provided and will continue to provide outreach and education to individuals in all 50 states as well as the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands and the U.S. Possessions of American Samoa, Guam, the Commonwealth of Northern Mariana Islands, and Wake Island. This is in line with our efforts in prior years. In fiscal year 2015, EEOC conducted over 3,700 outreach events reaching 336,855 individuals nationwide. Additionally, in fiscal year 2015, the Commission's fee-based programs trained 12,000 individuals at more than 140 events. Additional funding will provide EEOC with needed resources to expand its presence further to service vulnerable communities and underserved areas and to assist the small or new employer community as well as provide outreach and education on other important topics that arise throughout the year in an overall effort to fulfill the goals and objectives of the agency.

Through public relations, training and education, EEOC enhances public awareness of emerging issues of employment discrimination in America's workplaces. Our outreach provides knowledge and an understanding of workplace conditions that may give rise to violations of the statutes we enforce. Approximately 35 percent of our outreach is conducted through partnerships with employee advocates, human resource professionals, employer groups, human rights commissions and fair employment practice agencies. Employer knowledge of our laws contributes to their ability to independently identify, prevent and eliminate workplace discrimination. Employees' and job applicants' knowledge of our laws also contributes to their ability to understand their rights and responsibilities in the workplace.

July 2, 2015 marked the 50<sup>th</sup> year anniversary of EEOC opening its doors to the public and beginning its vital role in the American workplace of enforcing civil rights laws that provide protections to workers from discrimination. EEOC Headquarters held multiple events commemorating this milestone, including a Commission Meeting which examined the future of EEOC with the theme "*EEOC at 50: Progress and Continuing Challenges in Eradicating Employment Discrimination*," At the meeting, the Commission heard from invited panelists about persistent and evolving forms of discrimination that continue in today's workplaces as well as about employment practices that can reduce barriers to equal opportunity. Also during the month of July 2015, EEOC field offices across the country celebrated the EEOC and its accomplishments over the past half century with 50<sup>th</sup> Anniversary Open Houses. These events commemorated the 50th Anniversary with open houses for the public and stakeholder representatives. The celebrations reflected on the EEOC's mission, activities, and landmark and/or significant cases resolved by the EEOC specifically within the District where the field office celebrations were held. Many of the event programs included guest speakers and remarks from staff, former employees and stakeholders, as well as commentaries from former Charging Parties, employers and advocates. They discussed how EEOC made a positive difference in their lives and their organizations.

EEOC has significantly increased its outreach to small and new businesses, especially those lacking the resources to maintain full-time professional human resources staff. Approximately 15 percent of outreach conducted is to small employers. Agency staff conducted 555 no-cost outreach events for small businesses in fiscal year 2015, reaching 23,790 small business representatives. The most popular topics for small business audiences were an overview of the laws enforced by EEOC, charge processing procedures, sexual harassment, Title VII, LGBT and the ADA. Also, working with the Small Business Administration's Office of the National Ombudsman, EEOC participated in several round table discussions at various locations around the country with small businesses and organizations that represent small businesses as well as a

Regulatory Fairness Hearing held in Washington, DC. Under the leadership of Commissioner Constance S. Barker, the Small Business Task Force is working diligently to not only continue to reach out to small employers but also to make online access to information from us easier, more comprehensible and more directly responsive to the real life issues that they face in the workplace.

In addition, EEOC is strongly committed to providing outreach and technical assistance to stakeholders in underserved communities across the nation, including those with limited English proficiency. Approximately 35 percent of the outreach conducted is to these vulnerable communities. Immigrant and farm worker communities are included as a priority for outreach. Consistent with the SEP, the issue of human trafficking of those from vulnerable communities is a focus for EEOC. We are working diligently and consistently with several governmental and non-governmental organizations, to help stamp out the trafficking of vulnerable groups as well as pave the way for other groups to have access to employment such as those who are released from incarceration and are trying to re-enter the workforce. Staff members travel to areas without EEOC offices and/or where certain communities are reluctant to file charges of employment discrimination. In addition, in fiscal year 2015, EEOC partnered with local community organizations, consulates, and other entities to reach vulnerable workers. For example, EEOC conducted 347 events, reaching 11,018 individuals targeting migrant farm worker communities and their advocates in order to provide education and information about discrimination. In fiscal year 2015, EEOC conducted 232 events focused on human trafficking issues, partnering with community-based organizations, and reaching 11,673 people. There were also 166 events hosted by EEOC that reached 6,679 people and focused on the topics of limited English proficiency. EEOC also provided 148 off-site intake and counseling services in neighborhoods where persons with limited English proficiency may be less likely to visit agency offices. In addition, in fiscal year 2015, EEOC conducted 268 events, reaching 13,459 people. These events focused on the use of arrest and conviction records in employment and raising awareness about the impact of their use on the formerly incarcerated trying to re-enter the workforce. Finally, EEOC also provided 148 off-site intake and counseling services in neighborhoods where persons with limited English proficiency may be less likely to visit agency offices.

In fiscal year 2015, EEOC signed a National MOU with the Department of Foreign Affairs of the Republic of the Philippines. The agreement is designed to further strengthen their collaborative efforts to provide immigrant, migrant and otherwise vulnerable Filipino workers and their employers with guidance, information, and access to education about rights and responsibilities under the laws enforced by EEOC. Under the national framework of the MOU, the two entities will cooperate to provide outreach and training, as well as assist with enforcement efforts as needed. The agency has also entered into similar local agreements in various areas with the Consulates of Mexico, Ecuador, Guatemala, and El Salvador.

Finally, we remain prepared to respond to unanticipated issues that arise in the workplace. EEOC must be on the forefront in informing both employees and employers alike of their rights and responsibilities in the ever-changing workplace environment.

### **1. Non-fee based Outreach**

Table 9 below shows funding for Outreach (non-fee based). Our budget request for fiscal year 2016 for Strategic Objective II was \$6.0 million. The proposed request for fiscal year 2017 reflects no increase over the fiscal year 2016 level.

<b>Table 9: Budget Request Summary through Outreach Fiscal Year 2015 to Fiscal Year 2017 (Dollars in thousands)</b>			
	<b>FY 2015 (Actual)</b>	<b>FY 2016 (Enacted)</b>	<b>FY 2017 (Request)</b>
<b>Outreach (Non-fee based)</b>	\$6,000	\$6,000	\$6,000
<b>Total</b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>\$6,000</b>

## 2. Fee based (Revolving Fund – Education, Technical Assistance and Training)

EEOC Training Institute (the Institute) provides fee-based training and technical assistance to stakeholders from both the private and public sector. The operations of the Institute are funded through EEOC's Revolving Fund, which is an instrument established by Congress in 1992 to enable EEOC to charge "reasonable fees" for specialized products and services developed and delivered as part of the Commission's training and technical assistance efforts. The Revolving Fund serves as the mechanism through which EEOC is able to collect payments, thus offsetting some of the costs devoted to training and technical assistance to external entities and allowing the agency to offer more non-fee based outreach events to those populations less able to pay for training. In fiscal year 2015, the Institute trained over 12,000 individuals at more than 140 events, which included 28 Technical Assistance Program Seminars (TAPS) that were attended by over 5,000 participants. The one- and two-day TAP Seminars are responsive to employers' information and training needs. Through the TAP Seminars, EEOC educated employers and employees about their respective rights and obligations, and provided detailed information about identifying and preventing workplace discrimination.

Table 10 below shows the financial summary of the Revolving Fund.

<b>Table 10: Summary of Financing for the Revolving Fund Fiscal Year 2013 to Fiscal Year 2019 (Dollars in thousands*)</b>							
	<b>FY 2013 Act.</b>	<b>FY 2014 Act.</b>	<b>FY 2015 Act.</b>	<b>FY 2016 Enacted.</b>	<b>FY 2017 Proj.</b>	<b>FY 2018 Proj.</b>	<b>FY 2019 Proj.</b>
<b>Total Obligations</b>	<b>\$3,094</b>	<b>\$3,781</b>	<b>\$2,644</b>	<b>\$4,200</b>	<b>\$3,743</b>	<b>\$3,743</b>	<b>3,743</b>
<b>Offsetting collections from:</b>							
Federal Funds	828	1,286	1,216	1,211	1,211	1,401	1,705
Non Federal Sources	2,282	1,916	2,887	2,000	2,393	2,393	2,554
Unobligated balance, start of year	1,970	1,986	1,407	2,866	1,877	1,738	1,789
Unobligated balance, end of year	1,986	1,407	2,866	1,877	1,738	1,789	2,305
Net Budget Authority	\$5,080**	\$5,188**	\$5,510**	\$6,077	\$5,481	\$5,532	\$6,048

\*May not add due to rounding

\*\*Balanced Budget and Emergency Deficit Control Act (BBEDCA) Section 256(k) (2): Mandatory Sequestration for FY 2013 \$204,000; FY 2014 \$288,000 and FY 2015 \$146,000 (included in the Net Budget Authority line above.)

## **EXAMINING CONFLICTS IN EMPLOYMENT LAWS CONFERENCE - FISCAL YEAR 2015**

In August 2015, the agency held its 18th annual Examining Conflicts in Employment Laws (EXCEL) Conference directed at both federal sector and private sector practitioners. This format continues to expand the event to a larger audience base that is comprised of EEO managers, HR professionals, attorneys, union officials, and other EEO professionals. Overall, the event attracted more than 1,000 attendees. This consolidated approach to blending various audiences at a single site had at its foundation the goal to promote cost savings in a limited budgetary environment. Among the highlights of the 2015 EXCEL conference, which had as its theme “EEOC @50: Building on a Legacy— Looking to a Future of Innovation,” were the presentations by keynote speakers journalist Charlayne Hunter-Gault, U.S. Department of Labor Secretary Thomas Perez, U.S. Department of Transportation Secretary Anthony Foxx, and the first Chief Technology Officer of the U.S., Aneesh Chopra.

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## **VII. STRATEGIC OBJECTIVE III - Deliver Excellent and Consistent Service through a Skilled and Diverse Workforce and Effective Systems.**

### **A. Introduction**

This objective is intended to ensure that the agency delivers excellent and consistent service through its efforts to support a skilled workforce while deploying effective systems – many of which service the public directly. Effective customer service and operating systems can positively influence the general public’s understanding of our ability to address their employment discrimination concerns in the workplace. This measure was designed to focus on issues regarding staff and infrastructure, which are mission critical components of any successful organization.

The goal of this strategic objective is that all interactions with the public are timely, of high quality, and are informative. As noted in Strategic Objective I, it is a significant agency priority to enhance the timeliness and ensure the continued quality of our enforcement activities in the private, state and local government, and federal sectors. However, to meet the evolving needs of the modern workplace and any changes in EEO law interpretation, it is necessary to invest adequately in workforce development and planning. Moreover, given the agency’s mission, it is also important that our workforce be diverse. We must serve not only as an example to other private, state and local government, and federal employers, but also reflect the populations we serve. Finally, to improve the agency’s customer service, EEOC must ensure the effectiveness of our systems by leveraging technology to streamline, standardize, and expedite critical functions.


To these ends, we developed three strategies for achieving Strategic Objective III:


- Effectively engage in workforce development and planning, including identifying, cultivating, and sustaining a skilled and diverse workforce;
- Rigorously and consistently implement charge and case management systems to deliver excellent and consistent service; and
- Use innovative technology to facilitate responsive interactions and streamline agency processes.



For this objective, we adopted Performance Measures 12 and 13 to support and monitor the agency’s progress toward our fiscal year 2016 targets (along with two previously identified measures, Performance Measures 2 and 3, starting on page 24 and cross-referenced under Strategic Objective I).

## B. Performance Measures and Results

### Workforce Quality, Diversity, and Skills

<b>Performance Measure 12: EEOC strengthens the skills and improves the diversity of its workforce.</b>			
<b>Target (a)</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
Number of employees with disabilities	471	500	500
<b>Results</b>	464		
			<b>Target Partially Met</b>

<b>Target (b)</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
Number of employees with targeted disabilities	112	123	123
<b>Results</b>	94		
			<b>Target Partially Met</b>

<b>Target (c)</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
Percentage of hires made within 78 days	80%	85%	85%
<b>Results</b>	61%		
			<b>Target Not Met</b>
			<b>Overall Targets Partially Met*</b>

\*Target(s) Partially Met: A rating assigned to target results where: 1) at least half of the activities targeted for completion were completed; or 2) we were unable to assess the results because full year data was not yet available.

The fiscal year 2015 target for Performance Measure 12, Subpart (a) is to increase the number of persons hired with disabilities by 20 percent over 5 years, or at least 29 employees with disabilities each year over the fiscal year 2014 target of 442 employees with disabilities, to 471 total. Successful performance under Subpart (b) is to increase the number of employees with targeted disabilities by 5 percent, or at least 11 individuals each year over the fiscal year 2014 target of 101 employees with targeted disabilities, to 112 total. And finally, Subpart (c) required the agency to improve and streamline the hiring process to increase the percentage of all hires made within 78 days to 80 percent in fiscal year 2015.

By the end of fiscal year 2015, the agency had partially met its targets for Performance Measure 12. Overall, hiring and recruitment increased in fiscal year 2015. As of September 30, the agency had exceeded its administrative target of hiring at least 29 employees with disabilities in fiscal year 2015 under Subpart (a), by hiring 87 persons with disabilities. These new hires raised the total to 464 staff with disabilities at the end of the fourth quarter, which was slightly short of the fiscal year 2015 goal of 471. Similar progress was made relative to the number of employees

hired with targeted disabilities under Subpart (b). By the end of the fiscal year, the agency had exceeded its administrative target of hiring at least 11 persons with targeted disabilities – bringing on board 31 new staff members. This resulted in a total of 94 persons hired with targeted disabilities, which was slightly less than the 112 fiscal year 2015 goal.

In fiscal year 2015, the agency continued to implement significant strategies, which proved to be effective for increasing the number of employees with disabilities, and helped EEOC move considerably closer to meeting its annual human capital goals under Subparts (a) and (b). Such strategies included, but were not limited to, creating a Schedule A Repository; allowing easier access to qualified Schedule A applicants; specialized training initiatives, such as Webinars that focused on “best practices” and “lessons learned” for increasing the number of individuals with disabilities, including those with targeted disabilities.

Timely hires under Subpart (c) were impacted by a number of factors both internal and external to the agency. A top priority for EEOC has been to put in place the staff and procedures to ensure more timely hires. Of the reported 342 new hires-to-date, approximately 207, or 61 percent, were made within 78 days, which is considerably below the 2015 target for timely hires. Due to the volume of hiring requests, which included replacement hires for departing staff through retirement and attrition, and challenges in procuring a qualified contractor to assist with the large volume of hiring requests until late in the fiscal year, the agency was not able to meet the goal that 80 percent of EEOC’s new hires be made within 78 days.

To streamline the hiring process moving forward, we implemented a new policy to reduce the number of extension and re-announcement requests approved in the past. In addition, two contractors were procured to assist with posting announcements and issuing certificates in fiscal year 2015. Finally, we coordinated with OPM to ensure that the agency was using the full range of features within USAStaffing to streamline our hiring practices and procedures. We anticipate an improvement in the agency’s time-to-hire response as a result of streamlined procedures and the agency’s investments in increased staffing capacity. Meeting these aggressive targets will continue to be a priority for the agency throughout the fiscal year.

The Human Capital Goals for fiscal year 2015, as identified in the agency’s Human Capital Management Plan included the following:

1. Workforce planning – enhance our ability to plan further into the future and better integrate FTE’s, budget, and workload metrics into the planning process to acquire the necessary resources and systems to effectively fulfill our human capital responsibilities.
2. Performance management – continue to redesign the current non-SES performance management program to foster a high performance culture: encourage clear expectations and continuous feedback; differentiate high, satisfactory, and poor performers in a clear and meaningful way; and align employee performance with the agency's Strategic Plan and other key administrative priorities.
3. Diverse and Inclusive Workforce – enhance our ability to attract, hire, and retain highly skilled and highly motivated staff through employee engagement and the implementation of a communication strategy to familiarize all EEOC managers and employees with Human Capital objectives and outcomes.

In fiscal year 2014, the agency developed a workforce analysis and plan by utilizing workforce data to assist leadership in human resources decision making, closing competency gaps, and projecting the future human capital needs of the agency. In fiscal year 2015, our human capital goals extended beyond the agency's formalized mentoring program to include implementation of a situational mentoring program that enhanced our ability to develop and retain a highly skilled and motivated workforce. In fiscal year 2016, EEOC will incorporate strategic workforce planning and human capital management into our basic business operations to ensure continual improvement and effectiveness.

Fiscal year performance management efforts in the first quarter of 2015 allowed EEOC to partner with OPM to train 120 employees and supervisors on developing results-oriented performance plans for numerous agency positions. In the second fiscal quarter, OPM delivered additional training on developing performance plans to approximately 500 employees – mainly supervisors. A performance standards library was established in the third fiscal quarter as a management tool for supervisors to use as a platform for implementing and operating the agency's new performance management program. As the new program is developed, additional performance plans will be established for the remaining positions within the agency. Also, during the fiscal year, we implemented an automated system for senior executive performance plans. The long-term goal is to create a performance culture that builds our capacity as a high performing agency.

By leveraging diversity and promoting inclusion, EEOC moves closer to achieving our mission to “stop and remedy unlawful employment discrimination” and the vision of “justice and equality in the workplace”. In compliance with Executive Order 13583 on Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce, EEOC developed a Diversity and Inclusion Strategic Plan (the “D&I Strategic Plan”) and a policy statement, which were issued agency-wide in the second quarter of fiscal year 2013. To help implement the action items in the D&I Strategic Plan, EEOC convened a Diversity and Inclusion Council. In addition, Chair Jenny R. Yang serves as a member of the Diversity and Inclusion Government Council Steering Committee that was established to focus on government-wide policies and practices related to talent recruitment and development, education and training, barrier identification, partnership building and diversity and inclusion measurement.


In addition, the Diversity and Inclusion Council developed several strategic objectives and plans targeting the development of a more inclusive workforce that were implemented in fiscal year 2015. Several Headquarters' offices worked jointly on the Diversity & Inclusion Work plan that, along with the Diversity Council Charter, will guide the work of the Council. The Diversity and Inclusion Council partnered with the Office of Equal Opportunity to educate managers and supervisors on EEOC's workforce demographics and provided them with information tools to use during the recruiting and hiring cycle in fiscal year 2015. These efforts will increase in fiscal year 2016 to include barrier analysis training.

Finally, EEOC committed funds to provide diversity and inclusion training for all non-supervisory employees beginning in the second quarter of fiscal year 2015. As a result, employees will continue to receive diversity and inclusion training through fiscal year 2016. Over 1,300 non-supervisory employees have been trained-to-date. In fiscal year 2016, the agency will host agency leaders and non-supervisory employees in agency-wide town hall discussions and strategic action planning based on qualitative feedback provided by non-supervisory employees during their diversity and inclusion training during fiscal year 2015. These sessions are designed to empower leaders and employees to have meaningful

conversations about issues of concern to employees and to develop action plans than can be easily implemented to effect positive changes to foster and support a more inclusive work environment. These training and action planning efforts will continue into fiscal year 2017.

We will continue to work with OPM and the Office of Management and Budget in implementing Executive Order 13583, including working to reconcile the Presidential Administration's diversity and inclusion efforts with EEOC's Management Directive 715 requirements. (See Management Directive 715, Equal Employment Opportunity Commission (Oct, 2003) <http://www.eeoc.gov/federal/directives/md715.cfm>).

**Streamlining and Increasing Agency Responsiveness in the Charge System through Technology**

<b>Performance Measure 13: EEOC improves the private sector charge process to streamline services and increase responsiveness to customers throughout the process.</b>			
	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
Targets	Meet targets determined in FY 2012.	Meet targets determined in FY 2012.	N/A****
Results	ACT Digital successfully began a pilot in 11 field offices to allow respondents to a charge to access documents related to a charge and upload their position statements.  Online Charge Status (aka Milestones) is positioned to be released in 1 <sup>st</sup> QTR FY 2016.		
			<b>Target Partially Met*</b>

\*Target(s) Partially Met: A rating assigned to target results where: 1) at least half of the activities targeted for completion were completed; or 2) we were unable to assess the results because full year data was not yet available.

\*\*\*\* N/A – Not applicable for FY 2017; Established targets met in FY 2016.

Performance Measure 13 requires the agency to leverage technology to improve the private and state and local government sectors' charge process, including streamlining services and increasing responsiveness to customers throughout the process. This measure includes three primary projects: 1) Act Digital (aka Digital Charge System); 2) Online Charge Status; and 3) Online Intake.

*ACT Digital:* The ACT Digital project will allow the parties to submit and receive documents electronically and will ultimately result in a digital charge system. On May 5, 2015, the first phase of ACT Digital was launched in 11 of EEOC's 53 offices. It allows an employer against whom a charge has been filed to communicate with EEOC through a secure portal in order to download the charge, review and respond to an invitation to mediate, submit a position statement, and provide and verify contact information. The newly designed EEOC notice of charge provides a password-protected login for the employer in the pilot offices to access the system. By the end of the first quarter of fiscal year 2016, all EEOC offices launched the first phase of ACT Digital.


The *Digital Charge System* aims to enhance customer service, ease the administrative burden on staff, and reduce the use of paper submissions and files. This initiative will also provide long-term benefits of improving collaboration and knowledge sharing, enhancing data integrity, reducing paper file storage and manual archiving/destruction requirements, and enabling a more

mobile workforce. In fiscal year 2016, the second phase of Act Digital will focus on providing similar online communications and capabilities to EEOC’s charging parties, focusing on the most commonly used communications. In addition, EEOC will continue to expand the online services provided to employers.

*Online Charge Status:* The Online Charge Status is expected to be deployed early in fiscal year 2016, and will provide charging parties and respondents with open charges the ability to access information regarding the status of their charge(s) online. This will improve customer service by giving customers 24/7 access to their charge status along with details about the activity taken on their charge and the possible next steps. The system will also provide contact information for EEOC staff assigned to the charge and general information about the charge process. Throughout fiscal year 2015, the agency has been diligent in its efforts to complete the roll-out of the Online Charge Status system.

*Online Intake System:* The first phase of the third project, the Online Intake System, which is scheduled for release in early 2016, utilizes technology to provide the public with the option to perform self-screening, submit a pre-charge inquiry, schedule an appointment for an intake interview, and receive pre-charge counseling via an in-person visit, a phone call or a teleconference. Later in 2016, Phase II of Online Intake will allow charging parties to schedule and receive pre-charge counseling via web/video conferencing and to submit information to EEOC online. In both of these phases, the process will culminate in the EEOC investigator drafting a charge after the intake interview for the charging party to sign electronically.

### Budgetary Resource Alignment

<b>Performance Measure 14: EEOC’s budgetary resources for FY 2014-2018 align with the Strategic Plan.</b>			
	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>Targets</b>	Prepare EEOC’s FY 2017 Performance (OMB) Budget that aligns resources with the Strategic Plan.  Prepare EEOC’s FY 2016 Congressional Budget.  Develop a final FY 2015 Operating Plan based on approved FY 2015 appropriations	Prepare EEOC’s FY 2018 Performance (OMB) Budget that aligns resources with the Strategic Plan.  Prepare EEOC’s FY 2017 Congressional Budget.  Develop a final FY 2016 Operating Plan based on approved FY 2016 appropriations.	Prepare EEOC’s FY 2019 Performance (OMB) Budget that aligns resources with the Strategic Plan.  Prepare EEOC’s FY 2018 Congressional Budget.  Develop a final FY 2017 Operating Plan based on approved FY 2016 appropriations.
<b>Results</b>	EEOC’s final FY 2015 Operating Plan was issued on December 19, 2014.  EEOC’s FY 2016 Congressional Budget was submitted to Congress on February 2, 2015.  EEOC’s FY 2017 Performance (OMB) Budget Data Call was issued on June 5, 2015.		
			<b>Target Met</b>

The agency’s budget strives to adequately fund priority programs, grow such programs and protect against diminution when budgets are reduced. Under the Chair’s direction, annual budget submissions from each program office are assessed to ensure that agency resources implement the strategies and goals of EEOC.

The fiscal year target for Performance Measure 14 was to prepare EEOC’s Fiscal Year 2016 Congressional Budget Justification (CBJ) and EEOC’s Fiscal Year 2017 Performance (OMB) Budget that aligns with the agency’s Strategic Plan for Fiscal Years 2012-2016 as modified on February 2, 2015 – See Section X, Interim Adjustments to the Strategic Plan). As part of the annual budget formulation cycle, the agency’s final fiscal year 2015 Operating Plan was approved and signed by the Chair on December 19, 2014 and EEOC’s Fiscal Year 2016 CBJ was submitted to Congress on February 2, 2015. The Fiscal Year 2017 Performance Budget Data Call was issued to Headquarters and Field Directors on June 5, 2015.

**C. Program Areas**

**1. Highlighted Resource Area**

Table 11 shows our highlighted budgetary resources for Information Technology (IT) under Strategic Objective III. For this strategic objective, the agency’s resources are allocated between Strategic Objective I and Strategic Objective II to identify the full cost of conducting our front-line programs, including all of the elements of our operations supporting those programs. The additional \$690,000 in fiscal year 2017 is required to meet increased recurring costs associated with EEOC’s transition to the Department of Interior’s shared services financial system and the expansion of bandwidth across the agency’s distributed telecommunications infrastructure.

<b>Table 11: Highlighted Resource Area Excellent &amp; Consistent Services Through a Skilled and Diverse Workforce and Effective Systems</b>				
	<b>FY 2015 (Actual)</b>	<b>FY 2016 (Enacted)</b>	<b>FY 2017 (Request)</b>	<b>Change From FY 2016</b>
<b>Information Technology</b>	\$14,363	\$14,363	\$15,053	\$690
<b>Total</b>	\$14,363	\$14,363	\$15,053	\$690

**2. Human Resources Function**

**a. Workforce Planning**

EEOC has improved its ability to provide timely and in-depth analysis of workforce data. This includes timeliness in hiring, reducing turnover rates, and tighter integration with the budget process. These analyses are an important source of input for workforce planning.

In fiscal year 2015, EEOC continued to implement workforce planning that: includes conducting an annual review of positions to ensure the proper mix of positions is achieved; developing a process to identify organizational trends and conducting an annual refresh of workforce data to identify new or emerging trends; identifying and tracking key categories of information that

impact allocation of resources; leveraging hiring selection and training processes, tools and flexibilities for better recruitment and retention; and ensuring that decisions made in one fiscal year are analyzed for their impact and consequences in future years. We are using our Workforce Plan to ensure a systematic approach to workforce planning. EEOC will institutionalize strategic workforce planning and human capital management into its basic business operations to ensure continual improvement by the fourth quarter 2016 and full implementation by the second quarter 2017. The agency will continue to review staffing needs and workforce deployments. As part of our effort to change our recruitment and hiring culture to where managers understand their responsibilities as it relates to human capital, we will continue to include the overall fundamentals of workforce planning in our training for new managers and mid-level managers. As reports and projections regarding workforce planning become available, we post them on EEOC's intranet for the benefit of all our employees.

Performance management will be a key part of our preparations for workforce and succession planning. We made significant progress in this arena and will continue those efforts during fiscal year 2016. In addition to the standards established for mission critical positions, during fiscal year 2015 we finalized standards for seven positions that support our mission critical occupations. During fiscal year 2016 we expect to have identified standards and proficiency levels for all positions and to have developed a methodology to assess competency gaps. The results of the competency assessment will be used in our new performance management program, and to evaluate and modify training and development needs to ensure employees receive competency gap training and developmental opportunities. Moreover, this work will guide future human capital management initiatives that impact performance management, employee engagement, recruitment and retention at EEOC.

#### **b. Training**

The agency provides its employees with a comprehensive training program through three primary approaches: 1) training activities responsive to their individual development plans (IDPs), 2) national training programs addressing position-related competency need, and, 3) online courses available through EEOC Employee Development Center (EDC) Skillsoft training portal.

Each employee is expected to collaborate with their supervisor to prepare an IDP addressing identified competency needs as well as their short and long term career goals-- approximately \$520,000 was committed during fiscal year 2015 to strengthen core skills. In fiscal year 2016, the Agency will focus on systemic training, and training for EEOC employees in mission critical occupations (MCOs). In fiscal years 2016 and 2017, we will build upon our IDP program to address individual training needs.

In addition, EEOC delivers mandatory training such as: leadership development for supervisors, managers and executives to meet OPM and federal requirements; retirement planning education in compliance with the Federal Financial Literacy initiative; online training courses addressing compliance with the No FEAR Act; certification training for Contracting Officer Representatives (CORs); ethics training; knowledge management through mentoring; and training in Cultural Competency and Diversity Awareness. Online courses are offered through the agency's Employee Development Center (EDC) to provide business skills curricula to help address requirements in the Presidential Memorandum on Job-Driven Training for Workers.



In addition, training resources support agency-wide initiatives and priorities. During fiscal year 2015, we delivered technical training to field enforcement and legal staff on our front lines including: New Investigator Training, Intermediate Skills Training for Investigators, New Trial Attorney Orientation, Appellate Advocacy Training, Freedom of Information Act (FOIA) Training, and Training for Systemic Analysts and Investigators.

During fiscal year 2016, EEOC will research requirements for an Agency-wide Learning Management System (LMS) to strategically plan and administer the learning activities of its staff with the expectation of purchasing an LMS in fiscal year 2017. It is imperative that we increase the use of technology as a way to effectively leverage our learning resources.

Implementation of our Training Program during fiscal year 2016 will enable us to support EEOC's Strategic Plan for Fiscal Years 2012-2016 and its Strategic Objective III: "Deliver excellent and consistent service through a skilled and diverse workforce and effective systems." Our three training approaches work together to assure that our employees and agency leaders are prepared to meet today's challenges and tomorrow's opportunities.

#### **c. Telework Program**

EEOC, through its telework program, supports improved air quality through reduced traffic congestion; reduced real-estate cost for office space and, where appropriate, provides telework as a reasonable accommodation. According to the most recent Employee View Point survey, 76 percent of the agency's employees indicated their satisfaction with the program. EEOC remains committed to current and expanded programs which will allow for reduction in office space in order to reduce the agency's foot print by sharing office and reducing the requirement for private offices in order to reduce rents and associated cost. In fiscal year 2015, EEOC partnered with Local 216 and signed telework MOUs with the Atlanta, Birmingham, Miami, Phoenix, Chicago, Dallas, Houston, New York and St. Louis District Offices. Further, during fiscal year 2015, EEOC and Local 216 agreed to implement a Maxiflex Work Schedule Pilot program in which employees may complete the 80 hour work obligation in less than 10 work days. Additionally, the agency intends to start a Telework Training Campaign in fiscal year 2016 by providing training to all district, field, area and local offices. This will be accomplished by face to face training, webinars, training materials and Frequently Asked Questions (FAQs). EEOC also plans to work with the National Labor Management Council on a telework pilot for Intake Information Representatives in fiscal year 2016 in the Kansas City Office. A survey will be conducted at the end of the pilot to determine if the pilot should be expanded to include more IIRs nationwide in the future.

#### **d. Mentoring Program**

The Mentoring Program continues to provide a formal mentoring experience to facilitate knowledge transfer, increase retention of valuable employees, increase representation of women and underrepresented groups in management positions, and develop and broaden the core competencies and leadership skills of participants. In fiscal year 2015 the agency partnered 40 EEOC employees (mentors) who understand the agency and its culture with 40 junior employees (mentees) to provide opportunities for mentees to learn more about the organization and strengthen core competencies and leadership skills to enhance their professional growth and development. The mentoring program is part of the agency's commitment to develop and sustain a high performance, diverse workforce that is continually learning and expanding its

capacity to support the mission of the agency. Mentors and mentees were matched based on mutual interest, career goals and compatibility and included a cross section of employees from the field and headquarters. During the 12-month program, the agency provides formal training, opportunities for self and program assessment, and developmental activities. EEOC has committed funds to extend this program through fiscal year 2016 and will continue to make this an ongoing opportunity for career development and an important element in succession planning. The program has grown in visibility and credibility amongst agency employees as a means of employee development and knowledge transference, resulting in demand that exceeds present capacity. Accordingly, we explored mechanisms to expand mentoring in the agency to reach a wider number of our employees through efforts such as situational mentoring. EEOC launched its Situational Mentoring program in the fourth quarter of fiscal year 2014 for the purpose of providing GS-13-15 grade level employees, entry and mid-level supervisory employees with resources and guidance to improve their managerial skills and enhance the level of support that they, in turn provide to their staff. The preliminary results of this program offering in fiscal year 2015 have been promising and provide foundational support for continuing this program. These efforts will continue through fiscal year 2016 and into fiscal year 2017.

The agency's formal mentoring program only reaches approximately 2% of our workforce. In fiscal year 2016, the Mentoring Program is expanding its efforts to reach more employees by offering two flash mentoring sessions. The first effort is through the Executive Women in Motion Mentoring event sponsored jointly with the Office of Personnel Management in October 2015, which is focused on increasing the participation of women in the Senior Executive Service and includes presentations from OPM and volunteer SES mentors from across the federal government who participated in two 30 minute flash mentoring sessions. The second event, scheduled for January 2016 is targeting our entire workforce both in headquarters and in our 53 field offices. This session will include the Chair, EEOC Commissioners and our senior leaders talking about the importance of mentoring and effective leadership to an inclusive workforce, as well as two 30 minute flash mentoring sessions with senior leadership and their management teams pairing up with staff. Through these efforts we hope to continue to demonstrate the importance of mentoring, show appreciation to our employees and increase the dialogue between management and staff about opportunities for growth and development at the EEOC.

#### **e. Labor Management Forums**

During fiscal year 2015, we continued to implement Executive Order 13522, through EEOC's National Joint Labor Management Council (JLMC). The JLMC is comprised of eight agency management representatives and eight local presidents of the National Council of EEOC Locals No. 216, AFGE-AFL-CIO. During fiscal year 2015, the EEOC Union Council President and the Agency's Chair signed a national agreement that rededicated the agency to the principles of the Executive Order: 1) Improving labor management relations, 2) Improving and evaluating customer service, and 3) establishing cost savings programs. During fiscal year 2016, the JLMC is committed to work on matters related to morale. Specifically, it will focus on Information Intake Group Program Assessment, energizing local JLMC's and identifying and developing cost saving measures including the use of technology and video conferencing for meetings to assist with cost. Further in fiscal year 2016, the JLMC will cover matters related to Diversity and Inclusion (nationally and /or locally), and will continue to work with BEST (Building Employee Satisfaction Together). Also, it will continue its focus on various legal and enforcement matters.

## **f. Implementing the Collective Bargaining Agreement**

During fiscal years 2014 and 2015, Headquarters, Districts and Union Locals worked to activate in their respective areas, various initiatives provided by the National Collective Bargaining Agreement (CBA) effective November 4, 2013. In fiscal year 2015, at least 95 percent of offices and districts in the agency have completed local negotiations on telework and hours of work. At the national level, the Space Allocation Guidelines were finalized to include using telework to reduce future obtained real estate square footage by 20 percent. This is viewed by both parties as a cost saving measure. Labor and Management have signed a MOU to pilot a new Maxiflex Program. Almost all locally or nationally negotiated MOUs that were noncompliant and negotiated before the current CBA and government-wide regulations have been abolished and brought into compliance.

## **g. Performance Management**

EEOC has developed a Human Capital strategy linked with the agency strategic plan. The Plan recognizes that human resource management is a key strategy for realizing organizational success and understanding emerging strategies, trends, and changes that will drive EEOC as an organization. In as much as the agency's initiatives rely heavily on the contributions of its people, all employees are held accountable for achieving results that support the agency's strategic plan goals and objectives. Accordingly, appropriate and consistent assessment of personnel, as well as, effective communication of expectations and feedbacks are essential to maintaining a results-oriented, high-performing workforce, thereby ensuring excellent customer service and high quality performance in every aspect of the agency's work.

For these reasons, the agency continues to work to improve the performance management program. The agency has been laying the ground work for the new program by identifying standards and competencies required of its employees. An experienced consultant was hired to facilitate the development of mission critical performance plans and standards during fiscal year 2014 and the agency worked with the OPM to train employees in writing performance standards that were objective, measurable, realistic, and stated clearly in writing. The standards were written in terms of specific measures that will be used to appraise performance in fiscal year 2016. The agency plans to continue to evaluate available automated performance management systems for supervisors and their employees to use as a platform to implement and operate the performance management program in the near future.

## **h. Communication**

We are constantly looking to improve the ways in which we provide information to employees and share knowledge within the agency on topics vital to the agency's mission and of concern to employees. For example, we have redesigned inSite, our intranet, to make it more user friendly.

EEOC participates in the OPM's Federal Employee Viewpoint Survey (FEVS). EEOC participated during the first wave of the 2015 FEVS administration which spanned April 27, 2015 to June 5, 2015. EEOC's response rate for the 2015 FEVS was 60.9 percent, our highest since fiscal year 2011 and 5.8 percentage points over our 2014 response rate. In addition, EEOC's response rate was 11.2 percentage points higher than the government-wide response rate of 49.7 percent. We attribute the increase in our response rate to our aggressive communications strategy and intense focus on the four areas employees expressed as concerns

according to fiscal year 2014 FEVS results. Employee issues were addressed by BEST (Building Employee Satisfaction Together), an employee workgroup re-commissioned by Chair Jenny R. Yang to address employee concerns identified in FEVS survey results.

Another way we provide information to field office personnel is through on-site visits to conduct Human Capital Accountability reviews. While on site we determine to what extent staff understand and comply with OPM and EEOC regulations and Human Resources program requirements. We then provide technical assistance for improving the quality of human resources programs within the agency and communicate results to appropriate officials.

### **3. Addressing Internal Workplace Issues**

RESOLVE is EEOC's internal Alternative Dispute Resolution (ADR) program that provides a forum for the informal resolution of workplace disputes (including grievances and EEO complaints) among the Commission's staff in Headquarters and the 53 field offices. Mediation is the most commonly used ADR process within the program. Informal resolution can also be used in lieu of, prior to, or after mediation. If several employees are involved in a conflict, group facilitation may be used to address office-wide concerns. We have seen that addressing workplace issues early and effectively helps foster amicable working relationships, enhances employee morale and productivity, and reduces the financial and other resources associated with workplace conflict. Our ADR program will: 1) continue outreach to all of the Commission's staff, 2) will serve as a resource for individual employees and groups of employees, and 3) continue to conduct seminars to help employees develop conflict resolution skills.

To fulfill the Commission's vision "of justice and equality in the workplace," and as a key component of EEOC's model workplace initiative, the Commission is exploring an expansion of its internal workplace dispute resolution program by creating an ombud's office. Through confidential employee engagement, the ombud would promote better communication, foster constructive dialogue, increase collaboration, identify systemic issues, facilitate equitable outcomes, and improve transparency of the organization.

### **4. Customer Service**

Across the agency, we are working to better serve the public by making our services easier to access, reducing wait times and providing information in plain language that is readily understood .

Through our Intake Information Group (IIG), EEOC expanded the agency's public accessibility by phone and e-mail. The IIG consists of in-house staff that serves as the first line of contact for many members of the public and is accessible via toll-free phone lines and e-mail. The IIG received over 600,000 calls in fiscal year 2015. An average of 50 percent of callers utilized the Interactive Voice Response system and needed no further assistance. Centralizing this first point of access to the public to a single entity has a significant impact on our field offices by enabling them to spend more time on investigating and resolving charges of discrimination. Many of these callers seek general information about their rights, office locations and phone numbers and other types of information more efficiently provided through this centralized service. Each month our Information Intake Representatives (IIRs) answered more than 9,000 calls and more than 2,000 emails from individuals wanting more information or wishing to discuss their situation with an IIR. In fiscal year 2015, approximately 80 percent of calls and emails answered

by the IIRs were fully resolved by the IIR without being referred to other staff in EEOC field offices.

The agency undertook a number of actions to enhance the operations of the IIG. The first action was to restructure the operation and consolidate the functions to allow for greater adaptability to changing requirements and technology; a reduction in operational and training travel costs; and improved morale with a team-structured environment conducive to peer-to-peer feedback and support. EEOC also took steps to increase the agency's accessibility to individuals who are deaf and hard of hearing. As technology has moved forward, video phones have become the preferred method of communication for many individuals whose primary language is American Sign Language (ASL). EEOC is one of only three federal agencies (along with Federal Communications Commission and the Small Business Administration) offering interactive video calls to the public. Two new staff members were hired to answer and respond to calls using ASL through videophones. Callers who are deaf or hard of hearing are able to have direct access to EEOC staff, rather than through intermediaries, such as interpreters or video relay service. Additionally, to achieve a goal of employing staff that could perform their work 100 percent remotely, EEOC partnered with the National Telecommuting Institute (NTI) to hire individuals who, because of their limited mobility, need to work from home. NTI is a non-profit organization whose mission is to identify and develop work-at-home jobs for home-based individuals who are physically disabled. By the end of the fiscal year, EEOC hired five staff through NTI, all of whom are part of the Social Security Administration's (SSA) Ticket to Work Program. EEOC is the first federal agency with which NTI has placed full-time employees.

Additionally, in the last five years, EEOC has concentrated on revamping its charge intake services, expanding walk-in hours, and issuing a plain language brochure to assist potential charging parties in understanding their rights and EEOC's intake, investigation and resolution of charges. Individuals may now contact the agency by phone, by mail, by e-mail, by going to EEOC's website, or by visiting EEOC field offices. We are continuing to explore additional avenues to ensure that our access to the public utilizes evolving technologies and other streamlined approaches to enhance customer service. By fiscal year 2016, we are projecting the full implementation of an electronic intake project. Among other things, this system will allow potential charging parties to submit a pre-charge inquiry for review and provide on-line scheduling of appointments for intake interviews.

We have also maintained a focus on providing our staff with on-going training and sharing of case management techniques that prepare them to investigate and resolve the charges that come through our doors. This has included a nationwide training program on Compensation Discrimination, which was developed in partnership with the U.S. Department of Justice and U.S. Department of Labor (OFCCP and Wage and Hour Division) to promote more effective enforcement of the Equal Pay Act, the Lily Ledbetter Fair Pay Act and Title VII. Although the fiscal year 2013 sequestration impacted the availability of training funds, additional resources provided in fiscal year 2014 allowed us to provide staff with on-going training to ensure that they are prepared to effectively meet the public demand for our services. During fiscal years 2014 and 2015, i-Class training was provided on updated procedures for entering and maintaining accurate information tracking and reporting on SEP issues and other topics of interest. This training included more than 30 i-classes delivered to each of our 15 Districts. In addition, available funds were used to complete the Intermediate Skills training project for delivery to investigators with a minimum of 12 years of experience. The workshop format was delivered in small group sessions in 52 of our 53 offices, with the final session scheduled for second quarter

fiscal year 2016. During both 2014 and 2015, the agency trained its new investigators through a two-week session focusing on core skills necessary for conducting interviews, drafting charges, analyzing data and making recommendations for findings on the merits. More than 100 new investigators were trained at each annual session. The training also provided participants with an overview of the Commission, its SEP Priorities, training on LGBT basics, and legal/enforcement interaction.

## **5. Information Technology**

EEOC's strategic vision provides a roadmap for leveraging the power of technology to transform agency operations and improve the customer experience. This vision has direct alignment to EEOC's strategic goals and OMB directives. EEOC will use innovative cloud technologies, modern tele- and data-communications, agile methods, shared services, and the application of best practices to create the foundation for achievement of this vision. The vision includes technology modernization and the deployment of high-impact digital services to improve the efficiency and effectiveness of EEOC's operations, streamline services, and improve responsiveness to our customers.

The new digital systems that support in the above referenced Strategic Plan priorities will provide EEOC with the foundation required to eliminate our paper files and move toward electronic recordkeeping, in compliance with OMB memorandum M-12-18, "Managing Government Records Directive." During 2016, EEOC will be implementing systems that will allow the Commission to centrally manage and archive email records in electronic format.

EEOC focused fiscal year 2015 resources to expand our telecommunications infrastructure to provide adequate network performance for our geographically dispersed organization (Headquarters and 53 field offices). This expansion, which was completed in early 2016, quadrupled our current wide-area-network (WAN) bandwidth capacity and enables the EEOC to meet the increased demands of accessing cloud- and hosting-based tools and services, and improves access to video conferencing and streaming services.

With the completion of the WAN and Internet expansions during fiscal years 2015/2016, EEOC plans to migrate to cloud-based office automation, email and collaboration tools to promote a more mobile workforce. Additionally, in fiscal year 2017, EEOC must complete the replacement of our enterprise laptops, which will be over seven years old, and modernize our enterprise network servers, which will be over five years old.

EEOC maintains a robust cyber security and privacy program, in compliance with the Federal Information Security Modernization Act (FISMA). During fiscal year 2015, the Commission updated our Information Security Continuous Monitoring (ISCM) Program to ensure compliance with OMB M-14-03, "Enhancing the Security of Federal Information and Information Systems", NIST 800-137, "Risk Management Guide for IT Systems" and other federal directives. Since fiscal year 2014, EEOC has been an active partner in the Department of Homeland Security's (DHS) Continuous Diagnostics and Mitigation program, which led to the implementation of additional monitoring tools and DHS security services within EEOC during fiscal year 2015. During fiscal year 2016, EEOC plans on utilizing the DHS CDM program to initiate implementation of two-factor authentication, for compliance with Homeland Security Presidential Directive 12 (HSPD-12).

Additionally, in fiscal year 2016, EEOC will enhance our cyber security analysis, situational awareness, and security response through full implementation of the DHS Einstein 3 Accelerated Program. However, with the increase in cyber security tools and services comes the responsibility of providing improved response and mitigation of identified vulnerabilities, monitoring network and desktop traffic to proactively identify possible threats, and performing forensics to better determine the cause of attacks. Malware attacks and the threats against information systems are increasing and constantly evolving. The government's awareness of this top priority and related security requirements and regulations are also increasing. In fiscal year 2015, the EEOC hired two additional cyber security professionals to address the evolving cyber security-related activities and incident response.

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## VIII. VERIFICATION AND VALIDATION OF DATA

The agency's private sector, federal sector, and litigation programs require accurate enforcement data, as well as reliable financial and human resources information, to assess EEOC's operations and performance results and make sound management decisions. We will continue efforts to ensure the accuracy of program information and any analysis of the information.

EEOC continually reviews the information we collect in our databases for accuracy by using software editing programs and program reviews of a sample of records during field office technical assistance visits. In addition, headquarters offices regularly conduct analyses to review the information collected in order to identify any anomalies that indicate erroneous entries requiring correction to collection procedures. In fiscal year 2015, we developed a new system for informing reporting employees of their login credentials in order to make that information more secure.

Greater use of the EEO-1 by field staff continues to assist in identifying non-filers, which has enabled the agency to collect information more rapidly and completely. Recent implementation of the Federal Sector EEO Portal that enables all Federal agencies to electronically submit annual equal employment opportunity statistics (EEOC Form 462 and MD-715) continues to improve the quality and timeliness of the information received electronically. Finally, we continue to improve the collection and validation of information for our Integrated Mission System (IMS), which consolidates our mission data on charge intake, investigation, mediation, litigation, and outreach functions into a single shared information system. IMS includes many automated edit checks and rules to enhance data integrity. Since several of our performance measures require us to use data to assess our achievements, it is significant that we can now obtain this data much more quickly and with greater data accuracy.

EEOC's Office of Inspector General (OIG) continues to review aspects of the status of the agency's data validity and verification procedures, information systems, and databases and offer recommendations for improvements in our reports. We use the OIG's information and recommendations to continually improve our systems and data. Additionally the agency's Research and Data Plan calls for the conduct of a data inventory that when completed will provide the EEOC with: 1) a clear overview of what data we have in our databases, what the data are used for; what opportunities there are for streamlining EEOC's databases, and what data categories not previously addressed need to be added to our databases; 2) an information baseline to inform the development of an EEOC knowledge management capability that would assist EEOC management to know what our data means; and 3) a foundation for moving forward in a well-informed proactive, operational mode.

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## IX. PROGRAM EVALUATIONS

Program evaluation is an important component of EEOC's effort to assure that its programs are operating as intended and achieving results. Program evaluation is a thorough examination of program design and/or operational effectiveness that uses rigorous methodologies and statistical and analytical tools. These evaluations also use expertise internal and external to the agency and the program under review to enhance the analytical perspectives and lend credence to the methodologies employed, the evaluation processes and findings, and any subsequent recommendations.

Independent program evaluations continue to play an important role in formulating the strategic objectives and performance goals detailed in EEOC's Fiscal Years 2012-2016 Strategic Plan (as modified on February 2, 2015<sup>5</sup>) and helped shape some of the program issues and key focus areas for improvement. They are an invaluable management tool to guide the agency's strategic efforts in attaining overall productivity and program efficiency, effectiveness, and accountability. To that end, we have undertaken the following program evaluations to advance our performance-based management initiatives under the Government Performance and Results Modernization Act of 2010, and to improve the effectiveness of key agency programs:

*Evaluation of EEOC's Outreach and Education*, U.S. Equal Employment Opportunity Commission (EEOC), Office of Inspector General Report 2014-00-OE (May 2015, The Urban Institute). The Office of Inspector General at the U.S. Equal Employment Opportunity Commission (EEOC) contracted with the Urban Institute to provide an evaluation of EEOC's Outreach and Education activities from a broad perspective. The five-month evaluation included a broad overview, examining EEOC's outreach and education efforts and, where appropriate, suggested areas where EEOC might improve its effectiveness or efficiency.

*Final Report: To Conduct a Pilot Study for How Compensation Earning Data Could Be Collected From Employers on EEOC's Survey Collection Systems (EEO-1, EEO-4, and EEO-5 Survey Reports) and Develop Burden Cost Estimates for Both EEOC and Respondents for Each of EEOC Surveys (EEO-1, EEO-4, and EEO-5 (September 2015, Sage Computing))*. In fiscal year 2015, the agency completed a Pilot Pay Study for how compensation data could be collected from employers on its Survey Collection Systems and to develop EEOC processing costs and estimate respondent burden hour costs for analyzing and transferring compensation data from respondents to EEOC for the agency's EEO-1, EEO-4, and EEO-5 surveys. The 2014 pilot was one of three recommendations resulting from EEOC-commissioned study conducted by the National Academy of Sciences (NAS) on *Collecting Compensation Data from Employers*. NAS released the final study on August 15, 2012.

Consistent with the Administration's focus on improving the effectiveness of Government through rigorous evaluation and evidence-based policy initiatives, we intend to identify appropriate program areas for future evaluation. This will ensure that the agency's efforts align with EEOC's budget and other programmatic priorities.

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<sup>5</sup> February 2, 2015, is the date EEOC's FY 2016 Congressional Budget Justification was issued. The modification was reported as an addendum to EEOC's FY 2016 Budget, as per the Government Performance and Results Modernization Act of 2010 (GPRAMA) and Circular A-11 (2013), OMB Guidance for Strategic Planning. The interim modification was authorized by OMB on December 10, 2013, pursuant to OMB Circular A-11 (2013), Section 230.17.

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## X. INTERIM ADJUSTMENTS TO THE STRATEGIC PLAN

To fully realize the benefits of implementing EEOC's newly adopted strategic plan, approved by the Commission in February 2012, in November 2013, the agency requested a waiver from the Office of Management and Budget (OMB) to permit the agency to forego the development of an entirely new strategic plan that would have begun in 2014. On December 10, 2013, OMB granted a deferral from the requirement to formulate a new strategic plan on December 10, 2013. Moreover, on January 22, 2014, EEOC and OMB agreed that the agency would provide an interim modification, authorized under Circular A-11 section 230.17 that would: 1) permit an extension of the agency's current plan; 2) fill the two-year gap after our Plan expires in fiscal year 2016; and 3) "position [EEOC] to join the rest of the Federal Government in releasing an updated strategic plan in February 2018" (i.e., the beginning of the next government-wide strategic plan cycle).

Consistent with the waiver granted by OMB, the agency has made interim modifications to its February 22, 2012 Strategic Plan for Fiscal Years 2012-2016 modified on February 2, 2015. The bases for these modifications are twofold: 1) to include the previously to be determined baseline and/or target statistics not yet established at the time the Strategic Plan was approved by the Commission; and 2) to extend the performance period of the agency's current Strategic Plan two years past its expiration in fiscal year 2016 to include targets for performance in fiscal years 2017 and 2018, as authorized by the Office of Management and Budget on December 10, 2013. As the modifications were adopted, they were included in the agency's Performance and Accountability Report (PAR) and its performance budget. The modifications made to the Strategic Plan are described below.

### *Established Final Goals for Predetermined Performance Measures*

The performance measures in the Strategic Plan published on February 22, 2012, did not include final goals for a limited number of new performance measures adopted by the agency, primarily because baseline data did not exist for these measures and data collection and assessments were slated to begin at the onset of the new Strategic Plan's reporting period, beginning in fiscal year 2012. Since that time, the agency has developed annual targets and final goals for those performance measures identified below. As targets and/or final goals were adopted for measures, they were incorporated into other agency reports; such as EEOC's fiscal years 2012 and 2013 PARs published in November 2012 and December 2013, respectively, and its fiscal years 2014 and 2015 budget submissions to Congress.

**Performance Measure 4:** By the end of fiscal year 2018, 22-24 percent of the cases in the agency's litigation docket are systemic cases.

Consistent with this measure, during fiscal year 2012, the agency established a baseline for performance under this measure of 20 percent because it represented the proportion of systemic cases on the active litigation docket at the end of the fiscal year. Utilizing the baseline, as well as a comprehensive review of historical suit filing, resolution, and systemic case development trends, the agency projected targets for performance through fiscal year 2016, as expressed in a series of target ranges.

**Performance Measure 6:** By fiscal year 2018, 65-70 percent of EEOC's administrative and legal resolutions contain targeted, equitable relief.

In 2013, EEOC enhanced its Integrated Mission System (IMS) database to collect data and generate reports on resolutions with different types of TER. Based on TER data captured in IMS during the fiscal year, the agency formulated a baseline of 64 percent of TER resolutions containing TER. However, to more fully capture the variance in the number of resolutions involving TER, the agency also developed a series of ranges for its future targets through fiscal year 2016 to include an increase in resolutions with TER within a range of 63-67 percent in fiscal year 2014; 64-68 percent in fiscal year 2015; and 65-70 percent in fiscal year 2016; maintained through fiscal year 2018.

**Performance Measure 7:** By fiscal year 2018, 15-17 percent of resolutions by FEPAs contain targeted, equitable relief.

As with Performance Measure 6, the agency also determined the baseline percentage of merit factor resolutions containing TER by reporting FEPAs was 14 percent in fiscal year 2013. To better capture the variance in the number of FEPA resolutions achieved through TER, we developed a series of ranges for future targets through fiscal year 2016 to include an increase in FEPA resolutions with TER within a range of 13-15 percent in fiscal year 2014; 14-16 percent in fiscal year 2015; and 15-17 percent in fiscal year 2016; maintained through fiscal year 2018. (Baseline percentages established under Performance Measure 7 for FEPAs are different from Performance Measure 6 due to variations between charge processing systems at the FEPAs with whom EEOC has work-sharing agreements).

**Performance Measure 8:** By fiscal year 2018, EEOC is maintaining the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities.

The baseline established in fiscal year 2012 identified approximately 90 significant partnerships within the vulnerable worker and underserved communities for Performance Measure 8. Annual target performance requires EEOC to increase the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities by 10 percent, nationally, over the baseline through fiscal year 2018.

**Performance Measure 9:** By fiscal year 2018, EEOC is maintaining the number of significant partnerships with organizations that represent small or new businesses (or with businesses directly).

In fiscal year 2012, the agency established a baseline of approximately 71 significant partnerships with organizations that represent small and new businesses (or with businesses directly), which contributes to the agency's objective of preventing employment discrimination through education and outreach to employers. Annual target performance requires EEOC to increase the number of significant partnerships with organizations that represent small or new business communities (or with businesses directly) by 10 percent nationally, nationally, over the baseline through fiscal year 2018.

*Established Extended Performance Targets for Fiscal Years 2017-2018*

As noted earlier, EEOC and OMB agreed the agency would provide an interim modification, authorized under Circular A-11 section 230.17. Consistent with the approved extension, the performance targets for fiscal years 2017 and 2018 are detailed in the graphics below.

<b>Performance Measure 1:</b> By FY 2018, EEOC develops, issues, implements, evaluates, and revises, as necessary, a Strategic Enforcement Plan.		
	<b>FY 2017</b>	<b>FY 2018</b>
<b>TARGETS</b>	<p>The agency distributes implementation guidance for the new Strategic Enforcement Plan.</p> <p>The agency begins to implement the Strategic Enforcement Plan.</p> <p>If required in the Strategic Enforcement Plan, District Offices and the Office of Federal Operations develop local and federal sector enforcement plans by March 31, 2017.</p>	<p>The agency fully implements the new Strategic Enforcement Plan.</p>

<b>Performance Measure 2:</b> By FY 2018, TBD % of investigations and conciliations meet the criteria established in the new Quality Control Plan.		
	<b>FY 2017</b>	<b>FY 2018</b>
<b>TARGETS</b>	<p>TBD% of investigations and conciliations meet targets for quality.</p>	<p>TBD% of investigations and conciliations meet targets for quality.</p>

<b>Performance Measure 3:</b> By FY 2018, 100 % of federal sector case inventory are categorized according to a new case management system and TBD % of hearings and appeals meet the criteria established in the new federal sector Quality Control Plan.		
	<b>FY 2017</b>	<b>FY 2018</b>
<b>TARGETS</b>	<p>100% of incoming and old case inventory are categorized</p> <p>TBD% of hearings and appeals meet targets for quality.</p>	<p>100% of incoming and old case inventory are categorized</p> <p>TBD% of hearings and appeals meet targets for quality.</p>

<b>Performance Measure 4:</b> By the end of FY 2018, 22-24 % of the cases in the agency’s litigation docket are systemic cases.		
	<b>FY 2017</b>	<b>FY 2018</b>
<b>TARGETS</b>	<p>Maintain targets at 22-24%.</p>	<p>Maintain targets at 22-24%.</p>

<b>Performance Measure 5:</b> By FY 2018, EEOC uses an integrated data system to identify potentially discriminatory policies or practices in federal agencies and has issued and evaluated TBD number of compliance plans to address areas of concern.		
	<b>FY 2017</b>	<b>FY 2018</b>
<b>TARGETS</b>	<p>Conduct TBD number of on-site program evaluations focused on identified priorities and issue compliance plan.</p>	<p>Review compliance plans to determine if they have been implemented, and if not, determine what corrective action should be taken.</p>

<b>Performance Measure 6:</b> By FY 2018, 65-70 % of EEOC's administrative and legal resolutions contain targeted, equitable relief.		
	<b>FY 2017</b>	<b>FY 2018</b>
<b>TARGETS</b>	Maintain targets at 65-70%.	Maintain targets at 65-70%.

<b>Performance Measure 7:</b> By FY 2018, 15-17 % of resolutions by FEPAs contain targeted, equitable relief.		
	<b>FY 2017</b>	<b>FY 2018</b>
<b>TARGETS</b>	Maintain targets at 15-17%.	Maintain targets at 15-17%.

<b>Performance Measure 8:</b> By FY 2018, EEOC is maintaining the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities.		
	<b>FY 2017</b>	<b>FY 2018</b>
<b>TARGETS</b>	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities is maintained, nationally.	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities is maintained, nationally.

<b>Performance Measure 9:</b> By FY 2018, EEOC is maintaining the number of significant partnerships with organizations that represent small or new businesses (or with businesses directly).		
	<b>FY 2017</b>	<b>FY 2018</b>
<b>TARGETS</b>	The number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) is maintained, nationally.	The number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) is maintained, nationally.

<b>Performance Measure 10:</b> By FY 2013, EEOC implements a social media plan.		
	<b>FY 2017</b>	<b>FY 2018</b>
<b>TARGETS</b>	N/A***	N/A***

\*\*\* Not applicable for FYs 2017 and 2018; Established targets met in FYs 2013 and 2015.

<b>Performance Measure 11:</b> EEOC reviews, updates, and/or augments with plain language materials its sub-regulatory guidance, as necessary.		
	<b>FY 2017</b>	<b>FY 2018</b>
<b>TARGETS</b>	Consistent with Commission priorities, submit at least two plain language revisions of substantive policy documents to replace at least two other outdated guidance documents.	Consistent with Commission priorities, submit at least two plain language revisions of substantive policy documents to replace at least two other outdated guidance documents.



<b>Performance Measure 12: EEOC strengthens the skills and improves the diversity of its workforce.</b>		
<b>TARGETS</b>	<b>FY 2017</b>	<b>FY 2018</b>
a) Number of employees with disabilities	500	500
b) Number of employees with targeted disabilities	123	123
c) Percentage of hires made within 78 days	85%	85%

<b>Performance Measure 13: EEOC improves the private sector charge process to streamline services and increase responsiveness to customers throughout the process.</b>		
	<b>FY 2017</b>	<b>FY 2018</b>
<b>TARGETS</b>	N/A***	N/A***

\*\*\*Not applicable for FYs 2017 and 2018; Established targets met in 2016.

<b>Performance Measure 14: EEOC's budgetary resources for FY 2014-2018 align with the Strategic Plan.</b>		
	<b>FY 2017</b>	<b>FY 2018</b>
<b>TARGETS</b>	Prepare EEOC's FY Performance (OMB) Budget that aligns resources with the Strategic Plan.  Prepare EEOC's FY Congressional Budget.  Develop a final operating plan for the fiscal year.	Prepare EEOC's FY Performance (OMB) Budget that aligns resources with the Strategic Plan.  Prepare EEOC's FY Congressional Budget.  Develop a final operating plan for the fiscal year.

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**XI. ADMINISTRATION AND SUPPORT**

**A. Introduction**

We are constantly seeking ways to achieve organizational excellence by improving our organizational capacity through sound management of our resources. Maximizing effective use of our resources is essential to achieving our enforcement and outreach goals.

**B. File Disclosure Workload**

The data suggests that the number of requests received under the Freedom of Information Act (FOIA) and Section 83 of EEOC’s Compliance Manual (Section 83) will stabilize at slightly over 23,000 through fiscal year 2019.

Table 12 below depicts the actual FOIA workload for fiscal years 2014 and 2015, and projections for fiscal years 2016 through 2019 for requests received, processed and pending. Based on fiscal year 2015 actual workload, the number of FOIA requests both received and processed each year from fiscal year 2016-2019 will exceed 17,000 and that the number processed each of those years will approach 17,500.

<b>Table 12: Freedom of Information Act (FOIA) Fiscal Year 2014 to Fiscal Year 2019*</b>						
	<b>FY 2014 (Actual)</b>	<b>FY 2015 (Actual)</b>	<b>FY 2016 (Enacted)</b>	<b>FY 2017 (Estimate)</b>	<b>FY 2018 (Estimate)</b>	<b>FY 2019 (Estimate)</b>
Carryover Previous Year	1,103	1,160	1,562	1,964	2,366	2,768
Receipts	17,213	17,883	17,883	17,883	17,883	17,883
Total Workload	18,316	19,043	19,445	19,847	20,249	20,651
Processed	17,314	17,481	17,481	17,481	17,481	17,481
Pending FOIA	1,002	1,562	1,964	2,366	2,768	3,170

\*May not add due to rounding

As of fiscal year 2015, the data indicates that the number of Section 83 charge file disclosure requests received will be approximately 5,215 annually. The data also suggests that the number of requests processed annually will be slightly over 4,360.

Table 13 depicts the Section 83 actual workload for fiscal years 2014 and 2015, and projections from fiscal years 2016 through 2019 for requests received, processed, and pending at the end of the fiscal year.

<b>Table 13: Section 83 Disclosures Fiscal Year 2014 to Fiscal Year 2019*</b>						
	<b>FY 2014 (Actual)</b>	<b>FY 2015 (Actual)</b>	<b>FY 2016 (Enacted)</b>	<b>FY 2017 (Estimate)</b>	<b>FY 2018 (Estimate)</b>	<b>FY 2019 (Estimate)</b>
Carryover Previous Year	8,134	8,651	9,506	10,361	11,216	12,071
Receipts	4,877	5,215	5,215	5,215	5,215	5,215
Total Workload	13,011	13,866	14,721	15,576	16,431	17,286
Processed	4,360	4,360	4,360	4,360	4,360	4,360
Pending Section 83	8,651	9,506	10,361	11,216	12,071	12,926

\*May not add due to rounding

### **C. Finance and Administration**

#### Office Expansions, Rehabilitations, and Relocations\*

Since 2005, we have collaborated with the General Services Administration to right-size space to achieve optimum assigned staff and space capacity ratio of a 70 percent or more capacity utilization rate of EEOC-occupied space.

We continue to maximize a finite budget for competing space operations to prioritize, plan, and execute imminent lease expiration, opportune space reductions, and other major space management operations in support of the Agency’s strategic objectives and overall mission.

EEOC has continued, since fiscal year 2013, to incorporate space reduction or sustainment measures to comply with OMB memorandum “Promoting Efficient Spending to Support Agency Operations”, Executive Orders (EO) 13514 and EO 13589 requirements to reduce operating costs and “Freeze the Fiscal Year 2012 Footprint.” Measures we employ include, but are not limited to the following:

- EEOC will not increase our total square footage from the fiscal year 2012 “footprint.” The agency will return to GSA or lessor unneeded or underutilized space (rightsizing); and identify “off-setting” office space to reduce when we must exceed the 2012 “footprint” for one or more of EEOC’s offices.
- Adherence to Agency Space Allocation Guidelines, with updates in July 2015, for universal application of personnel and office space requirements that include a designated number of two-person private offices dependent upon the total square feet of the office.

- For maximum economic efficiency, we will continue to plan space requirements for both the short and long terms and “right-size” offices in conjunction with lease expiration operations; and take advantage of re-programmed funds for independent space actions such as safety improvements and furniture replacement in offices that habitually renew leases in federal spaces.

Based on the above, the following is a summary of 2015 completed space actions and 2016-2018 planned space actions:

2015: Completed or scheduled for completion expiring lease, relocation and office-wide re-configuration Commission projects: San Francisco, Houston, Newark, and New Orleans. St. Louis continues to be deferred for space reduction at the request of GSA, Planned office-wide re-configuration project: Atlanta.

2016: Previously funded or to be funded expiring lease, relocation and office-wide re-configuration Commission projects: Cincinnati, Cleveland, El Paso, Greensboro, Honolulu, Las Vegas, Oklahoma City, Phoenix , Seattle (Information Intake Group) and San Juan.

2017: Anticipated expiring lease, relocation and office-wide re-configuration Commission projects: Baltimore, Boston, Buffalo, Chicago, Fresno, Indianapolis, Jackson, Kansas City (Office and Information Intake Group), Detroit, Memphis, Mobile and Philadelphia.

2018: Anticipated expiring lease, relocation and office-wide re-configuration Commission projects: Albuquerque, Denver, New York, Oakland and Headquarters/Washington, D.C.

\*Some expiring lease, relocation, and re-configuration space projects may have been funded in the previous fiscal year prior to the lease expiration, occupancy, or scheduled project completion date. Projects include those implemented for improved office environmental and safety conditions, right-sizing (increase or decrease), and reducing space.

#### **D. GINA Study Commission**

Section 8 of Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008 requires that a commission designated by members of Congress be established on May 21, 2014 to review the developing science of genetics and to make recommendations to Congress regarding whether to provide a disparate impact cause of action under GINA. In order to abide by our statutory responsibilities, should the Commission be established, we anticipate that we would need to cover the following costs for the eight-member Commission: shared rent and security; IT services; per diem, including air fare; postal services; and other miscellaneous expenses. We are requesting funding in the amount of \$209,000.

To be known as the Genetic Nondiscrimination Study Commission, this commission would be located in a facility maintained by EEOC. Although members will not receive compensation for the performance of services for the Commission, the statute requires that members receive travel expenses, including per diem, while away from their homes or regular places of business in the course of performing services for the Commission. The statute authorizes sums to be appropriated to EEOC as shall be necessary to carry out the requirements of Section 8.

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## **APPENDIX A: GENERAL STATEMENT OF LAWS**

The Equal Employment Opportunity Commission (EEOC) was established under Title VII of the Civil Rights Act of 1964 (78 Stat. 253, 42 U.S.C. 2000e et seq.), (Title VII) and became operational on July 2, 1965. EEOC is a bipartisan Commission comprised of five members, who are appointed by the President, by and with the advice and consent of the Senate for rotating five-year terms. No more than three members may come from the same political party. The President designates one commissioner to serve as Chair and another commissioner to serve as Vice Chair. In addition to the Commissioners, the President appoints a General Counsel to a four-year term to support the Commission and oversee the agency's litigation programs.

EEOC is charged with ensuring justice and equality in the workplace by *stopping and remedying unlawful discrimination*. EEOC fulfills its mission through the implementation of a vigorous law enforcement program that includes investigation, conciliation, mediation, and litigation, complemented by an outreach program that provides information, guidance, and technical assistance to help prevent discrimination.

### Statutes Enforced

EEOC enforces the employment provisions of Title VII, which prohibit discrimination on the basis of race, color, religion, sex, or national origin by private and state or local employers with 15 or more employees, by employment agencies, by labor organizations with 15 or more members, and by the federal government. In 1978, Title VII was amended to enact the Pregnancy Discrimination Act (PDA), which requires employers to treat pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, as any other medical disability with respect to terms of employment, including health benefits.

In addition to Title VII, EEOC enforces the Age Discrimination in Employment Act of 1967 (ADEA), the Equal Pay Act of 1963 (EPA), sections 501 and 505 of the Rehabilitation Act of 1973 (Rehabilitation Act), Titles I and V of the Americans with Disabilities Act of 1990 (ADA), and Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA). The Civil Rights Act of 1991 codified methods of proof and expanded the damages available to prevailing complainants. Most recently, President Obama signed the Lilly Ledbetter Fair Pay Act of 2009, to supersede the Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co., Inc.*, 550 U.S. 618 (2007). The Act restores EEOC's longstanding position that each paycheck delivering discriminatory compensation is a wrong actionable under the federal EEO statutes, regardless of when the discrimination began. The Lilly Ledbetter Act amends Title VII, the ADEA, the Rehabilitation Act, and the ADA.

The ADEA protects individuals 40 and older from age-based employment discrimination. It covers private employers with at least 20 or more employees, state and local governments, employment agencies, labor organizations with 25 or more members, and the federal government. The ADEA was amended in 1990 by the Older Workers Benefit Protection Act to prohibit age discrimination in fringe benefits and to limit waivers of ADEA claims. The EPA prohibits gender-based discrimination in the payment of wages to men and women performing substantially equal work in the same establishment. The EPA applies to most employers.

EEOC enforces Titles I and V of the ADA, which, prohibits employment discrimination against qualified individuals on the basis of an employee or applicant's disability. The act covers both private sector and state or local government - with 15 or more employees and also employment agencies, and labor organizations with 15 or more members. Similarly, Sections 501 and 505 of the Rehabilitation Act protect qualified individuals from employment discrimination on the basis of disability by the federal government. The ADA and the Rehabilitation Act both require employers to make reasonable accommodations for individuals with disabilities absent undue hardship. The laws also regulate when employers may ask for certain medical information, require medical testing, and disclose employee medical records, regardless of whether the affected individual is a qualified individual with a disability. The ADA Amendments Act of 2008 broadened the definition of "disability" under the ADA and the Rehabilitation Act.

Title II of GINA protects individuals against employment discrimination based on genetic information, including information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any individual's family medical history. GINA covers employers with 15 or more employees, including state and local governments as well as employment agencies, labor organizations, joint labor-management training and apprenticeship programs, and the federal government. GINA also strictly limits access to genetic information and requires that covered entities maintain the confidentiality of any genetic information that they obtain.

GINA includes a requirement that a Genetic Nondiscrimination Study Commission be established to review the developing science of genetics. The Study Commission would make recommendations to Congress regarding whether to provide a disparate impact cause of action under GINA.

All of EEOC-enforced laws prohibit retaliation. Title VII, ADEA, ADA, Rehabilitation Act, and GINA prohibits retaliation against individuals who have reasonably opposed discrimination, or who have filed a charge, served as a witness, or otherwise participated in an EEO proceeding. The EPA prohibits retaliation against an individual because s/he has "filed a claim."

### Enforcement Methods

#### *Private Employers, State and Local Government Respondents*

Members of the public may file charges alleging employment discrimination in violation of EEOC-enforced laws with an EEOC field office. Charges also may be initiated by EEOC Commissioners or, alternatively, by an individual or organization, such as a union or civil rights group, "on behalf of" another person. After charges are filed, EEOC staff members investigate and EEOC may issue a determination of "reasonable cause" or dismiss the charge for a variety of reasons. If the agency finds cause, it attempts to resolve the charge through conciliation. EEOC also attempts to settle charges through mediation, in lieu of an investigation. Under Title VII, the ADEA, ADA, and GINA, filing a charge generally is a prerequisite to filing a lawsuit.

EEOC-enforced laws authorize EEOC to file suit in Federal District Court in order to remedy employment discrimination if it is unable to achieve conciliation. If, however, the case involves allegations under Title VII, the ADA, or GINA against a state or local government, EEOC refers



it to the Attorney General, who may file suit in federal court. EEOC may bring its own suits alleging violations of the ADEA or EPA against state or local governments.

### Federal Agency Respondents

EEOC also oversees a separate administrative process for employment discrimination claims against the federal government. The federal government, as an employer, is subject to these antidiscrimination requirements through Section 717 of Title VII, Section 15 of the Age Discrimination in Employment Act, Section 501 of the Rehabilitation Act of 1973, the Equal Pay Act, and Section 201 of GINA. These laws provide EEOC with oversight responsibility, including the authority to maintain procedures used by federal departments and agencies in processing internal complaints of employment discrimination. In addition, EEOC has jurisdiction to review final administrative decisions of departments or agencies on their discrimination complaints. EEOC may award relief to federal employees, applicants, and former employees to remedy harm suffered by violations of these laws and may monitor federal agencies' compliance. It also is responsible for ensuring that federal departments and agencies maintain programs of equal employment opportunity, including by posting equal employment opportunity data pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the "No FEAR Act") to help Congress, federal agencies, and the public assess whether and to what extent agencies are meeting their EEO responsibilities.

### Data Reporting and Recordkeeping

Under section 709(c) of Title VII, EEOC may require covered entities to keep records that are relevant to determining whether the law has been violated, and may require reporting from this information. Pursuant to this authority, EEOC requires covered private employers, state or local governments, and labor organizations to file periodic reports providing data on the makeup of their workforces or membership by gender and racial/ethnic categories. EEOC uses this data in charge investigation and other enforcement activities. It also uses this data to produce reports about the status of workers by ethnicity or gender in selected industries. Further, the data are shared with other federal, state, and local agencies charged with enforcement of equal employment opportunity laws, and in aggregate form with non-government organizations and researchers concerned with equal employment opportunity. Under special arrangements to protect data confidentiality, the data is shared with academic researchers that results in numerous articles in academic journals as well as research products that assist EEOC programs.

### Leadership and Coordination of Federal EEO Efforts

Under Executive Order 12067, EEOC provides leadership and coordination to all federal departments and agencies' programs enforcing federal statutes, executive orders, regulations, and policies that require equal employment opportunity without regard to race, color, religion, sex, national origin, age, or disability. The Executive Order instructs EEOC to eliminate conflict, competition, duplication, and inconsistency when coordinating these programs and to promote efficiency and effectiveness. All federal departments and agencies are required to cooperate with and assist EEOC in performing these functions and are required to furnish EEOC with such reports and information as it may require, including any proposed rules, regulations, policies, procedures or orders concerning equal employment opportunity during their development and in final at least 15 working days before issuance.

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## APPENDIX B: EVALUATION AND EVIDENCE

### I. Agency Context

#### Agency Strategy to Advance the Use of Evidence in Decision Making

EEOC is committed to building our capacity to provide viable evidence and better integrate our information and data policy into budget, performance, and management decision-making. As a basis for this emphasis, we are guided by the agency's Strategic Plan and its prioritization across EEOC's long-term strategic goals and objectives. Those efforts are further reinforced by the administrative focus on the six priority areas detailed in the agency's Strategic Enforcement Plan (SEP), which was adopted by the agency in December 2012 in response to the Strategic Plan's first objective of "Combating employment discrimination through strategic law enforcement". The combined strategies will further develop EEOC's capacity to use evidence, evaluation, and data tools to improve program outcomes.

#### Recent Progress

The agency has promoted, and continues to promote, the use and value of harnessing empirical research findings from the social and behavioral sciences in order to implement efficient and effective low-cost approaches to improving program results. We have collaborated with academic experts, including using externally funded no cost Intergovernmental Personnel Act (IPA) agreements, to receive conceptual advice on cutting-edge research findings that should inform how policies are designed.

Specifically, EEOC has used IPA agreements to provide our employer survey and charge data to academic researchers, who have published a number of articles in leading journals. In May of 2014, the headquarters Office of Research, Information and Planning hosted its first EEO DATANet Conference – Building Community and Capacity Programs. EEOC staff jointly sponsored the conference funded by the U.S. National Science Foundation's *Building Data Capacity Program* via a grant to the University of Massachusetts, Amherst. This project accomplished two tasks. The first step was to create an interdisciplinary social science network to advance organizational-level analyses of employment dynamics. The second was to create a mechanism plan for allowing access to EEOC data while maintaining its statutorily required confidentiality. The overall goal was to provide large scale data capacity and access to future generations of scientists and policy makers, with information spillovers to citizens and employers.

A second EEO DATANET conference – Building an Interdisciplinary Equal Employment Opportunity Research Network and Data Capacity – was held on May 14-15, 2015, which included a focus on longitudinal data in recognition of the Commission's 50<sup>th</sup> Anniversary; as well as a special panel addressing research using EEO-4 data to examine diversity in police departments and general research examining best practices conducted by researchers, and research that has been completed concerning the identification of best practices.

To commemorate the 50<sup>th</sup> Anniversary of EEOC, a special report, *American Experiences versus American Expectations*, was released. It illustrates the significant changes to the demographics of the workforce since EEOC's inception in 1965, as well as the continuing challenges to equal opportunity in employment.

The research network will continue to collaborate in the development and scientific use of data collected by EEOC. Since 1966, EEOC has collected panel data on employment patterns from private sector workplaces, referral unions, state and local governments, and elementary and secondary schools. Collectively, these represent the largest and longest collection of organizational panel datasets in the world and are an extraordinary source of data for scientific and policy studies of organizational employment dynamics.

*A Final Report: To Conduct a Pilot Study for How Compensation Earning Data Could Be Collected from Employers on EEOC's Survey Collection Systems (EEO-1, EEO-4, and EEO-5 Survey Report) and Develop Burden Cost Estimates for Both EEOC and Respondents for Each of EEOC Surveys (EEO-1, EEO-4, and EEO-5) was issued in September 2015.* The report details the results of the agency's pilot pay study to evaluate the most efficient means of collecting compensation data from employers and the associative costs. The 2014 pilot was one of three recommendations resulting from EEOC-commissioned study conducted by the National Academy of Sciences (NAS) on *Collecting Compensation Data from Employers*. NAS released the final study on August 15, 2012.

The Commission approved a Research and Data Plan in September 2015 – as set forth by the SEP. It is a multi-year research plan that identifies research needs for the SEP priority areas and includes an integrated approach for working with all offices within the agency. It includes, but is not limited to, the need for: 1) an EEOC program data inventory, 2) the creation of an annual Integrated Mission System (IMS) charge database extract that can be used to post on Data.gov and other agency reporting; 3) additional data collection; 4) research addressing the following issues: immigrant, migrant and vulnerable workers; harassment; hiring and recruitment practices; equal pay' assessing emerging trends; access to protection provided in the statutes EEOC enforces; and the development of EEOC performance measurement standards.

The Plan was developed by an advisory group of EEOC staff and academic researchers. A number of data and research proposals were developed by the group and were prioritized based on agency resources and other administrative considerations.

### Current Barriers

The critical barriers to expanding the integration of EEOC's information and data policy into budget, performance, and management decision-making continues to be a lack of resources and staff capacity to: 1) negotiate new contracts with outside academics and vendors that specialize in data collection and analyses; and 2) analyze data once received. Moreover, increased demand for investigative support work has also limited our ability to conduct these complex studies. In addition, there is currently a lack of identified and secured funding streams to support newly directed program evaluations that would increase the agency's ability to build and use evidence for additional statistical purposes. Initial steps have been taken to increase staffing with expertise in operations research and evaluation. Funding availability is pending.

## **II. Top priority proposals**

EEOC is considering several top priority evaluation proposals that may be conducted in fiscal year 2017.





# U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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