

**FISCAL YEAR 2022**

**CONGRESSIONAL  
BUDGET  
JUSTIFICATION**

**SUBMITTED TO THE CONGRESS OF THE UNITED STATES  
MAY 2021**



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

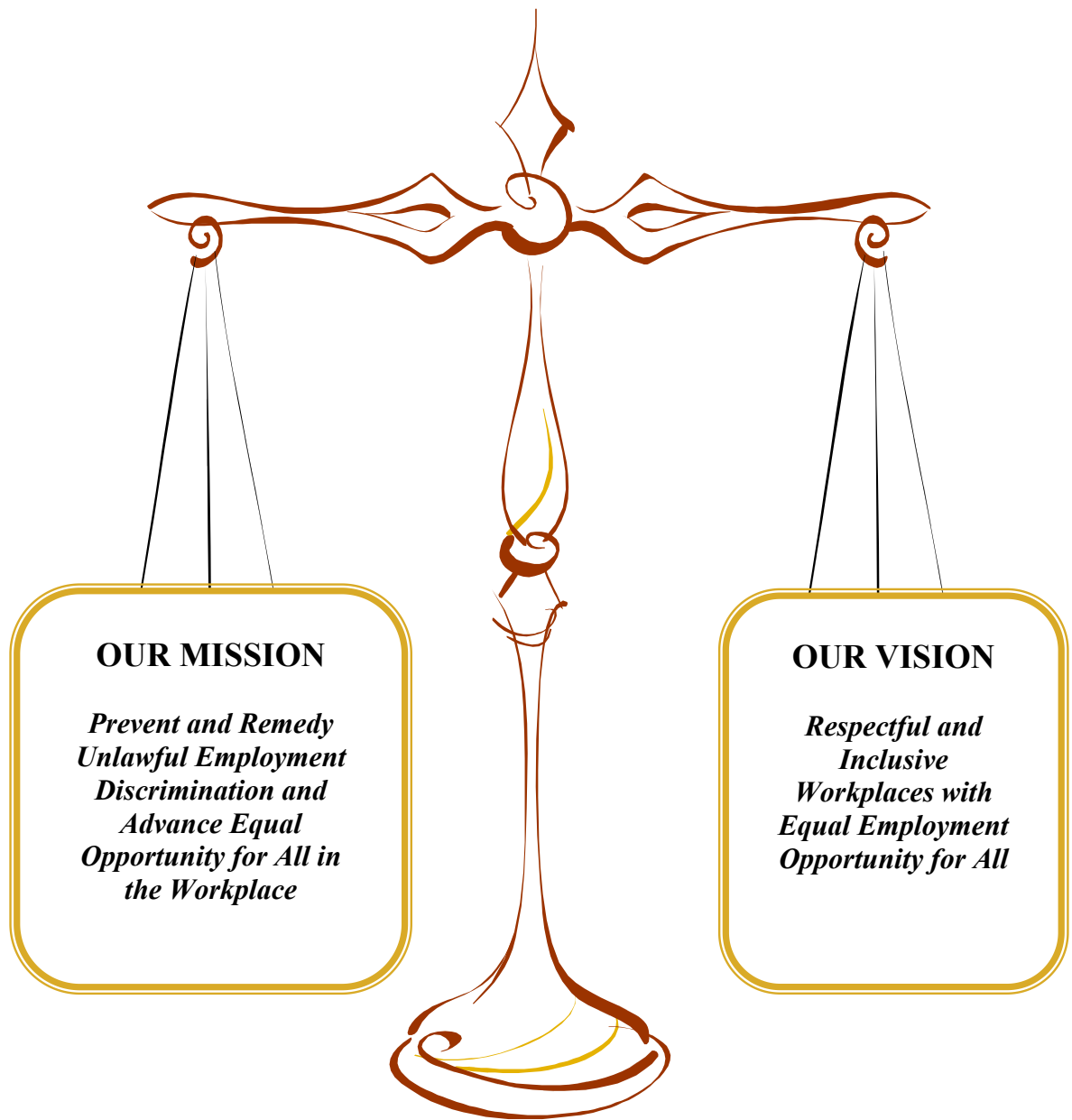
*Fiscal Year 2022*  
*Congressional Budget Justification*

*U.S. Equal Employment  
Opportunity Commission*

*May 28, 2021*

*Submitted to the  
Congress of the United States*





**OUR MISSION**

*Prevent and Remedy  
Unlawful Employment  
Discrimination and  
Advance Equal  
Opportunity for All in  
the Workplace*

**OUR VISION**

*Respectful and  
Inclusive  
Workplaces with  
Equal Employment  
Opportunity for All*



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## I. CHAIR'S REPORT

### A. Fiscal Year (FY) 2022 Budget Highlights

The U.S. Equal Employment Opportunity Commission (EEOC or Commission) is the leading federal law enforcement agency dedicated to preventing and addressing employment discrimination on the basis of race, color, religion, sex, pregnancy, national origin, age, disability, and genetic information or family medical history. The FY 2022 Budget requests \$445,933,000 for the EEOC, which includes up to \$31,500,000 for State and Local programs. This request reflects an increase of \$41,443,000 from the FY 2021 President's budget enacted level of \$404,490,000 million.

The EEOC was created by Title VII of the historic Civil Rights Act of 1964, which prohibited discrimination on the basis of race, color, religion, sex (including pregnancy, sexual orientation and gender identity), and national origin in private sector employment throughout the United States. During the past 56 years, our jurisdiction has grown and now includes the following areas:

- **Title VII of the Civil Rights Act of 1964 (Title VII)**, as amended, prohibits employment discrimination based on race, color, religion, sex, and national origin.
- **The Age Discrimination in Employment Act of 1967 (ADEA)**, as amended, prohibits employment discrimination against workers age 40 and older.
- **The Pregnancy Discrimination Act of 1978 (PDA)** amended Title VII to clarify that discrimination based on pregnancy, childbirth, or related medical conditions constitutes sex discrimination and requires employers to treat women affected by pregnancy and pregnancy-related medical conditions the same as any other employees with temporary disabilities with respect to terms and conditions of employment, including health benefits.
- **The Equal Pay Act of 1963 (included in the Fair Labor Standards Act) (EPA)**, as amended, prohibits sex discrimination in the payment of wages to men and women performing substantially equal work in the same establishment.
- **Titles I and V of the Americans with Disabilities Act of 1990 (ADA)**, as amended, prohibit employment discrimination based on disability by private and state and local government employers. Section 501 and 505 of the Rehabilitation Act of 1973 provide the same protections for federal employees and applicants for federal employment.
- **Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)**, prohibits employment discrimination based on an applicant's or employee's genetic information (including family medical history).

Together, these laws protect individuals from employment discrimination (including unlawful harassment) based on race, color, religion, sex (including pregnancy, sexual orientation and gender identity), national origin, age, disability, and genetic information. 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. Finally, provisions in the ADA, the Rehabilitation Act, and GINA strictly limit covered entities from obtaining health-related information from applicants and employees and require that any genetic or medical information a covered entity has about an applicant or employee be kept confidential.

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

I am pleased to present the Fiscal Year (FY) 2022 Congressional Budget Justification for the U.S. Equal Employment Opportunity Commission (EEOC or the Commission). The FY 2022 Budget request of \$445,933,000 includes \$31,500,000 for state and local fair employment practice agencies (FEPAs) and tribal employment rights organizations (TEROs).

The EEOC was created in direct response to the historic 1963 March on Washington for Jobs and Freedom. Established by the Civil Rights Act of 1964, the agency first opened its doors the following year with a simple mission — to prevent and remedy discrimination in our nation's workplaces. Since then, America has made great progress toward that goal, but history shows that we cannot take this progress for granted. Promoting equal employment opportunity and enforcing the nation's federal workplace anti-discrimination laws remains as necessary as ever. We must continue to work toward an America where all have a fair chance to work, provide for their family, and contribute to our economy. The Commission is firmly committed to this goal and will build on its proud legacy of civil rights accomplishments to help achieve it.

### **Fiscal Year 2022 Priorities**

The Biden Administration has called for a whole-of-government approach to addressing systemic discrimination and advancing equal opportunity, and the EEOC has a critical part in achieving that agenda. With the President's mark, the EEOC will focus in particular on three broad areas — racial justice and systemic discrimination, pay equity, and the civil rights impact of the pandemic. In addition, to fulfill the EEOC's mission, I will focus on strengthening and rebuilding the agency to ensure it has the resources needed to effectively enforce the law.

### **Racial Justice and Systemic Discrimination**

As the primary federal agency that enforces laws against employment discrimination, the EEOC will continue to play a large role in promoting racial justice and equity in the workplace. The nation is facing the very urgent issue of systemic discrimination. With this proposed budget, the Commission will provide renewed attention to tackling systemic discrimination in all forms and all bases — including but certainly not limited to racial and sexual harassment. Eliminating systemic barriers to equal opportunity in the workplace will allow the EEOC to leverage its work to achieve the greatest impact. The EEOC has numerous tools to combat racial discrimination, including outreach, technical assistance, and enforcement and will use all of them to achieve change on a broad scale.

Over the past five fiscal years, nearly a third of all charges filed with the agency have alleged some form of racial discrimination. As noted above, in addition to providing

outreach and technical assistance, the EEOC will also focus on developing systemic investigations and, where appropriate, will initiate systemic litigation to address patterns of discrimination. A robust systemic program allows the EEOC to make changes on a national, regional or industry level while helping large numbers of employees at once.

Combatting systemic discrimination need not always be adversarial, however. The EEOC will also continue to play an important role in working with those employers who seek guidance on how to appropriately respond to questions about fairness in their own practice through technical assistance, outreach and education and guidance. With the Commission's partners across the federal government, we can help employers eliminate systemic discrimination and proactively promote diversity, equity, and inclusion.

### Pay Equity

Although it has been more than 50 years since the Equal Pay Act and Title VII of the Civil Rights Act of 1964 outlawed pay discrimination, significant and unjustified pay disparities persist. Today, women working full-time all year make only 82 cents to the dollar when compared to white non-Hispanic males, and the gap is even wider for women of color, Native American and indigenous women, immigrants and workers with disabilities.

Although not all of pay disparities result from discrimination, discrimination in pay and promotions as well as other discriminatory factors like race and gender segregation in jobs and assignments contribute to the problem. In addition to traditional outreach and enforcement, including litigation, the Commission will pursue ways to address pay discrimination and unjustified wage gaps through pay data collection, working with the National Academies of Science and stakeholders to help the agency better understand how we can more effectively address discriminatory practices.

### Civil Rights Impact of the Pandemic

The COVID-19 pandemic has proved to be not only a public health crisis and economic crisis, but also a civil rights crisis. COVID-19 and its economic fallout has disproportionately impacted people of color, women, older workers, individuals with disabilities, and other vulnerable workers.

On April 28, 2021, I convened a public hearing to explore the many ways in which the COVID-19 pandemic has impacted civil rights in the workplace. In addition, the Commission has and will continue to provide numerous resources to assist employers and employees as they grapple with pandemic issues. As the health emergency subsides, increased questions arise surrounding re-entry, vaccinations, and the future of work. The EEOC stands poised to address this dynamic and emerging area of the law with our colleagues throughout the administration.

### Strengthening the Agency

Finally, I have made it a priority to rebuild and strengthen the agency. The Commission has a critical role in so many of the urgent issues facing our nation — from the civil rights impact of the COVID-19 pandemic, to racial justice, pay equity, and implementation of the

Supreme Court's historic decision in *Bostock v. Clayton County*, which affirmed protections against discrimination based on sexual orientation and gender identity — to name just a few. I am strongly committed to ensuring that the Commission has the resources and tools it needs to continue to protect and advance civil rights, both now and far into the future. First and foremost, that requires ensuring that the Commission has sufficient staff necessary to address its expanding workload.

In fiscal year 2020, EEOC's full-time staffing had dropped to its lowest level in four decades, from over 3,390 employees in 1980 to less than 2,000 employees last year. During that same period, even as the agency's resources declined, its workload was expanding due to the increase in the U.S. population and passage of important new legislation, such as the Americans with Disabilities Act of 1990 and the Genetic Information Nondiscrimination Act of 2008. Fortunately, Congress' support in the EEOC's FY 2021 budget has allowed me to begin rebuilding the agency's capacity. Early in my tenure in FY 2021, I authorized the hiring of more than 450 new staff throughout the agency — predominately front-line staff (investigators, mediators, attorneys, and administrative staff, among other positions) to help restore our ability to fulfill the agency's vital role in helping prevent and remedy employment discrimination. The addition of these new employees in mission-critical positions is a down payment on what I hope will be a long-term investment to ensure that the EEOC has resources commensurate with its task. With the President's mark and robust workforce planning, I plan to continue to invest in hiring and training to empower our staff to enforce the agency's mission.

While hiring will remain a priority, it is just as important that the EEOC's own employment practices embody the agency's values. The EEOC can best accomplish our mission if we continue our efforts to be a model workplace, with a productive, inclusive, and diverse workforce. The Commission continues to embrace the principles of equal employment in our own workplace, recognizing that doing so creates an environment that enhances the EEOC's overall effectiveness. The EEOC also supports our employees by providing them with the tools and resources they need to be successful in their jobs. In addition to providing workplace flexibilities, I have begun the process of conducting agency-wide climate assessments to understand employee experiences and identify internal policies, practices, and procedures that may promote or hinder a positive workplace environment. Working in partnership with internal stakeholders, including the EEOC's union and labor-management forums, this process will provide the self-assessments and tools to foster employee engagement, satisfaction, and productivity within the EEOC's workforce.

As I have said many times, the Commission was created as a result of America's bipartisan, national commitment to civil rights. As such, the institution serves as tangible proof that the causes of justice and equality are greater than hatred, division and bigotry. That legacy and our work are critically important to the American people and to this administration as we rebuild the economy to work for everyone and confront the urgent issue of systemic discrimination.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charlotte A. Burrows". The signature is fluid and cursive, with the first name being the most prominent.

Charlotte A. Burrows  
Chair  
U.S. Equal Employment Opportunity Commission

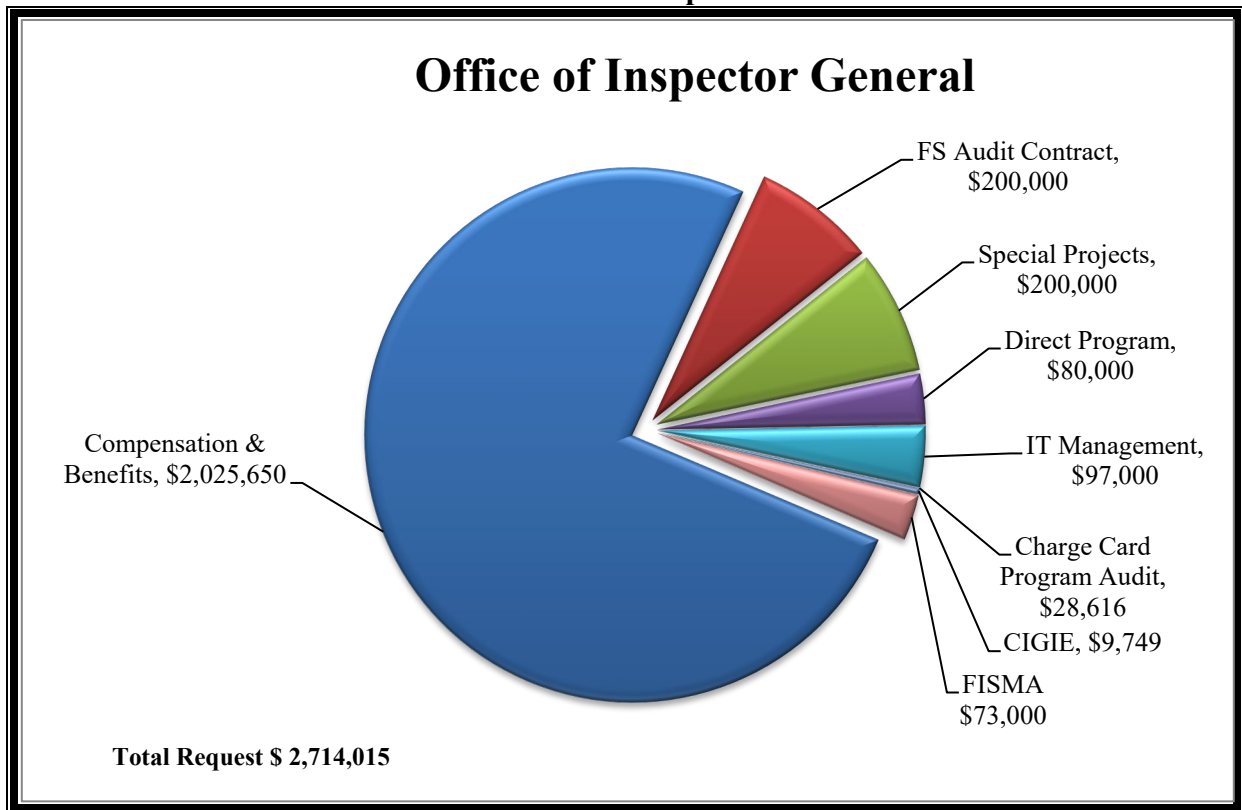
## II. OFFICE OF INSPECTOR GENERAL FUNDING INFORMATION

The EEOC 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 (OIG); 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	\$2,714,015
Aggregate amount of funds	\$2,714,015 <sup>1</sup>
Amount requested in OIG budget for training	\$62,000 <sup>2</sup>
Amount requested to support CIGIE	\$9,749 <sup>3</sup>

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

**Chart 1: Office of Inspector General**



<sup>1</sup> This is the total aggregate request for the OIG.

<sup>2</sup> The Inspector General certifies that this amount would satisfy all OIG training requirements for FY 2022.

<sup>3</sup> .0036 percent of \$2,714,015 or \$9,749 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 \$31,500,000 for payments to State and Local enforcement agencies for authorized services to the Commission, [\$404,490,000] \$445,933,000: Provided, That of this amount \$41,443,000 shall remain available until September 30, 2023: Provided further, 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.

## B. Staffing and Funding Profile

Table 1 below depicts the EEOC's total agency staffing and funding profile by Strategic Objectives and Programs for FYs 2020 through 2022.

**Table 1: Total Agency Staffing and Funding Profile**

<b>FY 2020 to FY 2022</b> <i>(Dollars in thousands*)</i>				
	<b>FY 2020 (Actual)</b>	<b>FY 2021 (Estimate)</b>	<b>FY 2022 (Request)</b>	<b>Change From FY 2021</b>
<b>Strategic Objective I: Combat and prevent employment discrimination through the strategic application of the EEOC's law enforcement authorities</b>				
1. Private Sector Enforcement	\$305,767	\$313,824	\$347,699	\$33,875
State, Local and Tribal	\$30,500	\$31,500	\$31,500	\$0
2. Federal Sector Enforcement	\$47,233	\$53,166	\$60,734	\$7,568
<b>Total Strategic Objective I</b>	<b>\$383,500</b>	<b>\$398,490</b>	<b>\$439,933</b>	<b>\$41,443</b>
<b>Strategic Objective II: Prevent employment discrimination and promote inclusive workplaces 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</b> <i>(includes Strategic Objective III Resources listed below)</i>	<b>\$389,500</b>	<b>\$404,490</b>	<b>\$445,933</b>	<b>\$41,443</b>
<b>Total Full-Time Equivalents**</b>	1,939	1,979	2,276	297
<b>Management Objective: Achieve organizational excellence</b>				
<b>Highlighted Resource Areas:</b> [Information Technology]	\$23,750	\$22,724	\$22,724	\$0
[Human Capital]	\$0	\$0	\$750	\$750

\*May not add due to rounding.

\*\*Includes 14 FTE Reimbursable from Revolving Fund.



**Table 1a: The American Jobs Plan to Bolster EEOC Enforcement**

<b>FY 2022 through FY 2031 Mandatory Supplemental</b> <i>(Dollars in millions)</i>										
FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	Total
\$0	\$46	\$67	\$92	\$117	\$133	\$175	\$237	\$296	\$337	\$1,500

The American Jobs Plan makes significant investments in the Nation’s infrastructure, and in the workers, who build it. To ensure that the good jobs created through these investments remain good jobs, the proposal includes funding for the Department of Labor, the Equal Employment Opportunity Commission, and the National Labor Relations Board to further safeguard workplace rights and protections. In the EEOC’s case, the proposal will help the Commission deliver on the promise of good jobs and equal employment opportunity by funding full-time staff and agency activities that protect, comprehensively and forcefully, against discrimination in terms and conditions of employment. The proposal supplements the EEOC’s annual appropriation, enabling the Commission to plan longer-term approaches and solutions in key areas such as racial discrimination, pay equity, sexual harassment matters, and LGBTQ protections, while still addressing the more immediate challenges those cases present. The proposal would also help to fund the EEOC’s participation in a multi-year, multi-agency effort to combat worker misclassification.

### C. Analysis of Change

The Analysis of Change, Table 2, below indicates the material changes to the EEOC's appropriation request for FY 2021 to FY 2022.

**Table 2: Analysis of Change**

<b>FY 2022</b> (Dollars in thousands)			
	<b>FY 2021 (Enacted)</b>	<b>FY 2022 (Request)</b>	<b>Net Change (+/-)</b>
<b>Spending Authority (Includes State, Local and Tribal)</b>	<b>\$404,490</b>	<b>\$445,933</b>	<b>\$41,443</b>
<b>Explanation of Changes:</b>			<b>Amount</b>
Compensation and Benefits	284,783	317,015	32,232
<b>Total Compensation and Benefits*</b>	284,783	317,015	32,232
<b>Subtotal Compensation Changes</b>			<b>\$32,232</b>
<b>Program Support Changes</b>			
1. State, Local and Tribal Programs	31,500	31,500	(0)
2. Information Technology Enterprise Systems	22,724	22,724	(0)
3. Chief Human Capital Officer (OCHCO)	5,304	5,304	(0)
4. Additional program increases**		9,211	9,211
<b>Program Support Changes</b>			<b>9,211</b>
<b>Total Net Change</b>			<b>\$41,443</b>

\* FY 2022 Compensation and Benefits (C&B) reflects agency estimates as of April 2021. The estimate includes a 2.7 percent pay increase - \$4,213; annualization of the FY 2021 pay increase of 1 percent effective January 2021 – \$503,208; employee performance awards – \$5,265.

\*\* Reflects funding for Presidential priorities and inflationary program increases. Does not include any supplemental funding.

#### D. Object Class – Agency Summary

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

**Table 3: Object Class Schedule – Agency Summary**

<b>Agency Summary Requirements by Object Class FY 2020 to FY 2022 (Dollars in thousands*)</b>			
<b>OBLIGATIONS BY OBJECT CLASS</b>	<b>FY 2020 (Actual)</b>	<b>FY 2021 (Enacted)</b>	<b>FY 2022 (Request)</b>
<b>Personnel Compensation</b>			
11.1 Full-time permanent (FTP)	\$196,702	\$196,090	\$217,881
11.3 Other than FTP	1,900	1,849	2,200
11.5 Other personnel compensation	4,039	4,257	5,000
<b>Total Personnel Compensation</b>	<b>202,641</b>	<b>202,196</b>	<b>225,081</b>
12.1 Civilian personnel benefits	69,868	82,587	91,934
<b>Total Compensation and Benefits</b>	<b>272,509</b>	<b>284,783</b>	<b>317,015</b>
21.1 Travel of persons	1,137	1,000	2,000
22.0 Transportation of things		25	25
23.1 Rental payment to GSA	32,199	32,600	32,420
23.2 Other rent/communications	7,525	4,500	4,500
24.0 Printing and reproduction	121	250	100
25.1 State, local and tribal contracts	30,500	31,500	31,500
25.2 Security services (including DHS)	3,919	3,504	3,589
25.2 Other services from non-federal sources	26,423	32,548	41,884
25.2 Litigation support	3,608	3,450	3,500
25.3 Other goods & services from federal sources	5,688	5,200	5,200
26.0 Supplies and materials	4,872	3,850	3,000
31.0 Equipment	999	1,280	1,200
<b>Total Other Object Classes</b>	<b>116,991</b>	<b>119,707</b>	<b>128,918</b>
<b>Agency Total</b>	<b>\$389,500</b>	<b>\$404,490</b>	<b>\$445,933</b>

\*May not add due to rounding

**E. Object Class Summary- Technology Modernization Fund (TMF)**

**Table 4: Object Class Schedule – Technology Modernization Fund Summary**  
(No Year Funding)

<b>OBLIGATIONS BY OBJECT CLASS</b>	<b>FY 2020 (Transferred)</b>	<b>FY 2021 (Pending)</b>
25.2 Other services from non-federal sources	2,000	2,000
<b>Total Object Classes</b>	<b>2,000</b>	<b>2,000</b>
<b>Technology Modernization Fund Total</b>	<b>\$2,000</b>	<b>\$2,000</b>

#### **IV. ENTERPRISE RISK MANAGEMENT PLAN**

During FY 2020, the EEOC continued to improve our enterprise risk management (ERM) framework, which identifies, prioritizes, and manages institutional risk at all levels of the agency. In FY 2020, the agency updated the ERM Handbook to reflect the importance of supply chain risks in developing the agency's risk registers and profiles. The agency will continue to incorporate ERM into decision-making and focus on the integration of risk management and internal controls.

Since internal controls and ERM are interrelated and necessary for long-term success of all organizations, beginning in December 2019, the EEOC initiated a comparative review of the agency's Federal Managers' Financial Integrity Act (FMFIA) reporting, monitoring, and annual Agency Head certification processes to modernize the EEOC's internal control program. A series of inter-governmental program review studies were conducted to ensure the agency's internal controls program aligned with a wide range of other public sector FMFIA programs, OMB Circular A-123 guidance, and the Commission's strategic objectives. Additionally, the existing directive outlining the EEOC's management accountability and controls policies and procedures was revised to continually improve the effectiveness of the agency's programs and operations and further highlight the EEOC managers' responsibility and accountability for establishing, assessing, correcting, and reporting on internal controls in the federal government.

In June 2020, the revised order was transmitted for internal review and comment. It was approved by the Chair on August 16, 2020. Also, in fourth QTR FY 2020, additional FMFIA modernization efforts continued and included the development of a new EEOC FMFIA Program Overview Training module for agency Office Directors. Following Office of the Chair approval, the training module was initiated on August 24, 2020. With the change in administration, the agency will be revisiting its risk-management profile in fiscal year 2021.

The agency's risk management approach supports our ability to identify, analyze, and appropriately respond to strategic risks across the full spectrum of the EEOC's activities. Through ERM, we:

- Provide a structured, disciplined, and consistent approach to assessing risk.
- Identify strategic risks that threaten the EEOC's achievement of its long-term objectives and goals and manage those risks at the enterprise level through an Enterprise Risk Steering Committee that is delineated in the ERSC Charter and the ERM Policy Handbook.
- Ensure that risks are managed in a manner that maximizes the value the EEOC provides to the nation consistent with defined risk appetite and risk tolerance levels.
- Align our strategy, processes, people, technology, and information to support agile risk management.
- Provide greater transparency into risk by improving our understanding of interactions and relationships between risks in support of improved risk-based decision making.
- Establish clear accountability and ownership of risk.

Risk management has become central to the EEOC's mission, vision, and culture. All employees are expected to adopt the principles of risk management developed through the ERM program as it is progressively expanded to all offices and program areas, and to apply the standards, tools, and techniques within their assigned responsibilities. With this commitment to ERM, the EEOC can ensure the widest application of equal employment practices throughout the nation in the most efficient and cost-effective manner. See Appendix C.

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## V. STRATEGIC PLAN AND PERFORMANCE MEASURES

### A. The Strategic Plan for Fiscal Years 2018 - 2022

#### 1. Introduction

*The U.S. Equal Employment Opportunity Commission Strategic Plan for Fiscal Years 2018-2022* (“Strategic Plan” or “Plan”) establishes a framework for achieving the EEOC’s mission to “Prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace,” so that the nation may realize the Commission’s vision of “Respectful and inclusive workplaces, with equal employment opportunity for all.”

Through enactment of the GPRA Modernization Act of 2010 (GPRAMA), Congress has directed executive departments, government corporations, and independent agencies to develop and post a Strategic Plan on their public websites every four fiscal years. The implementing guidance in Circular A-11 from the Office of Management and Budget (OMB) instructs agencies on the necessary elements required in an agency’s plan and the requirements to publish a new plan with the beginning of each new term of an administration. The Commission approved the EEOC’s Strategic Plan on February 12, 2018. It is located at [https://www.eeoc.gov/eeoc/plan/strategic\\_plan\\_18-22.cfm](https://www.eeoc.gov/eeoc/plan/strategic_plan_18-22.cfm).

To accomplish our mission and achieve the proposed vision, the EEOC is committed to pursuing the following strategic objectives and outcome goals:

Strategic Objective I – **Combat and prevent employment discrimination through the strategic application of the EEOC’s law enforcement authorities.** The corresponding outcome goals are: 1) Discriminatory employment practices are stopped and remedied, and victims of discrimination receive meaningful relief; and 2) Enforcement authorities are exercised fairly, efficiently, and based on the circumstances of each charge or complaint. The five performance measures and FY 2020 results for these measures are more fully described in Section VI.B., starting on Page 25.

Strategic Objective II – **Prevent employment discrimination and promote inclusive workplaces through education and outreach.** The corresponding outcome goals are: 1) Members of the public understand the employment discrimination laws and know their rights and responsibilities under these laws; and 2) Employers, unions, and employment agencies (covered entities) prevent discrimination, effectively address EEO issues, and support more inclusive workplaces. The three performance measures and FY 2020 results for these measures are more fully described in Section VII.B., starting on Page 56.

Strategic Objective III (Management Objective) – **Achieve Organizational Excellence.** The corresponding outcome goals are: 1) Staff exemplify a culture of excellence, respect and accountability; and 2) Resource allocations align with priorities to strengthen outreach, education, enforcement and service to the public.



The four performance measures and FY 2020 results for these measures are more fully described in Section VIII.B., starting on Page 66.

The Plan presents clear and realistic strategies for achieving each outcome goal and identifies 12 performance measures with annual targets to track the EEOC's progress as it approaches FY 2022. The agency's strategic objectives, outcome goals, and related performance measures are depicted in the following Strategic Plan Diagram.

<b>MISSION</b>		<b>VISION</b>
Prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace.		Respectful and inclusive workplaces with equal employment opportunity for all.
<b>Strategic Objective I</b> Combat and prevent employment discrimination through the strategic application of the EEOC's law enforcement authorities.	<b>Strategic Objective II</b> Prevent employment discrimination and promote inclusive workplaces through education and outreach.	<b>Management Objective</b> Achieve organizational excellence.
<p><b>Outcome Goal I.A:</b> Discriminatory employment practices are stopped and remedied, and victims of discrimination receive meaningful relief.</p> <p>Strategy I.A.1: Rigorously and consistently implement the Strategic Enforcement Plan to focus resources on the EEOC's priorities and to integrate agency responsibilities and activities.</p> <p>Strategy I.A.2: Use administrative and litigation mechanisms to identify and attack discriminatory policies and practices, including systemic practices.</p> <p>Strategy I.A.3: Use the EEOC's decisions and oversight activities to target discriminatory policies and practices in federal agencies.</p> <p>Strategy I.A.4: Seek remedies to end discriminatory practices and deter future discrimination.</p> <p>Strategy I.A.5: Seek remedies that provide meaningful relief to individual victims of discrimination.</p> <p><b>Outcome Goal I.B:</b> Enforcement authorities are exercised fairly, efficiently, and based on the circumstances of each charge or complaint.</p>	<p><b>Outcome Goal II.A:</b> Members of the public understand the employment discrimination laws and know their rights and responsibilities under these laws.</p> <p>Strategy II.A.1: Broaden the use of technology to expand our reach to diverse populations.</p> <p>Strategy II.A.2: Target outreach to vulnerable workers and underserved communities.</p> <p><b>Outcome Goal II.B:</b> Employers, unions, and employment agencies (covered entities) prevent discrimination, effectively address EEO issues, and support more inclusive workplaces.</p> <p>Strategy II.B.1: Utilize modern technology and media to expand our reach to employers and other covered entities.</p> <p>Strategy II.B.2: Promote promising practices that employers can adopt to prevent discrimination in the workplace.</p> <p>Strategy II.B.3: Target outreach to small and new employers.</p>	<p><b>Outcome Goal III.A:</b> Staff exemplify a culture of excellence, respect, and accountability.</p> <p>Strategy III.A.1: Recruit, develop, and retain skilled and committed employees.</p> <p>Strategy III.A.2: Advance performance management to maximize organizational improvement.</p> <p>Strategy III.A.3: Advance diversity and inclusion in the workplace.</p> <p>Strategy III.A.4: Develop and support innovation and collaboration to foster employee engagement and morale.</p> <p>Strategy III.A.5: Continuously implement quality practices in all programs.</p> <p>Strategy III.A.6: Foster constructive employee and labor management relations.</p>

<b>MISSION</b>		<b>VISION</b>
Prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace.		Respectful and inclusive workplaces with equal employment opportunity for all.
<b>Strategic Objective I</b> Combat and prevent employment discrimination through the strategic application of the EEOC's law enforcement authorities.	<b>Strategic Objective II</b> Prevent employment discrimination and promote inclusive workplaces through education and outreach.	<b>Management Objective</b> Achieve organizational excellence.
<p>Strategy I.B.1: Rigorously and consistently implement the Strategic Enforcement Plan to focus resources on the EEOC's priorities and to integrate agency responsibilities and activities.</p> <p>Strategy I.B.2: Rigorously and consistently implement the charge management systems for private sector and state and local government charges.</p> <p>Strategy I.B.3: Further develop and rigorously and consistently implement a case management system for federal sector hearings and appeals.</p>	<p>Correlated Strategies: Strategy II.A.3/II.B.4: Provide up-to-date, accessible guidance and training on the requirements of employment discrimination laws.</p> <p>Strategy II.A.4/II.B.5: Increase the knowledge of targeted audiences through focused, innovative collaborations with internal and external stakeholders.</p>	<p>Strategy III.A.7: Strive to model the workplace practices the EEOC promotes.</p> <p><b>Outcome Goal III.B:</b> Resource allocations align with priorities to strengthen outreach, education, enforcement, and service to the public.</p> <p>Strategy III.B.1: Embrace and invest in technology to transform the way the EEOC serves the public and to improve productivity.</p> <p>Strategy III.B.2: Expand the use of data and technology to support, evaluate, and improve the agency's programs and processes.</p> <p>Strategy III.B.3: Prioritize and actively manage available fiscal resources to best achieve the agency's mission.</p>

PERFORMANCE MEASURES		
<p><b>STRATEGIC OBJECTIVE I:</b> Combat and prevent employment discrimination through the strategic application of the EEOC’s law enforcement authorities.</p>	<p><b>STRATEGIC OBJECTIVE II:</b> Prevent employment discrimination and promote inclusive workplaces through education and outreach.</p>	<p><b>MANAGEMENT OBJECTIVE:</b> Achieve organizational excellence.</p>
<p><b>Performance Measure 1 for Outcome Goal I.A.:</b> By FY 2022, a significant proportion of the EEOC and FEPA’s resolutions contain targeted, equitable relief.</p> <p><b>Sub-Measure 1a.:</b> By FY 2022, 86-88 percent of the EEOC’s resolutions contain targeted, equitable relief.</p> <p><b>Sub-Measure 1b.:</b> By FY 2022, 17-19 percent of FEPA’s resolutions contain targeted, equitable relief.</p> <p><b>Performance Measure 2 for Outcome Goal I.A.:</b> In each year through 2022, the EEOC continues to favorably resolve at least 90 percent of enforcement lawsuits.</p> <p><b>Performance Measure 3 for Outcome Goal I.A.:</b> Each year through 2022, the EEOC reports on its efforts to identify and resolve systemic discrimination.</p> <p><b>Performance Measure 4 for Outcome Goal I.A.:</b> By FY 2022, an increased percentage of federal agencies subject to oversight activities or compliance reviews change their employment practices based on the EEOC’s recommendations.</p>	<p><b>Performance Measure 6 for Outcome Goal II.A. and II.B.:</b> By FY 2022, the EEOC modernizes and expands utilization of technology to ensure the public has greater access to information about their rights and responsibilities.</p> <p><b>Performance Measure 7 for Outcome Goal II.A. and II.B.:</b> By FY 2022, the EEOC leverages collaborations with significant partner organizations to assist in breaking employment barriers.</p> <p><b>Performance Measure 8 for Outcome Goal II.A.:</b> By FY 2022, the EEOC updates existing guidance and training materials, and creates new, user-friendly resource tools to address and prevent workplace discrimination.</p>	<p><b>Performance Measure 9 for Outcome Goal III.A.:</b> The EEOC’s performance improves with respect to employee engagement and inclusiveness.</p> <p><b>Performance Measure 10 for Outcome Goal III.A.:</b> Feedback surveys and other mechanisms provide baseline measures of services provided to those with whom the EEOC interacts.</p> <p><b>Performance Measure 11 for Outcome Goal III.B.:</b> Monitor yearly progress on modernization of charge/case management systems for program offices until completed in 2022.</p> <p><b>Performance Measure 12 for Outcome Goal III.B.:</b> The EEOC’s budgetary resources for FY 2018-2022 align with the Strategic Plan.</p>

PERFORMANCE MEASURES		
<p><b>STRATEGIC OBJECTIVE I:</b> Combat and prevent employment discrimination through the strategic application of the EEOC’s law enforcement authorities.</p>	<p><b>STRATEGIC OBJECTIVE II:</b> Prevent employment discrimination and promote inclusive workplaces through education and outreach.</p>	<p><b>MANAGEMENT OBJECTIVE:</b> Achieve organizational excellence.</p>
<p><b>Performance Measure 5 for Outcome Goal I.B.:</b> By FY 2022, a significant proportion of investigations, conciliations, hearings, and appeals meet established quality criteria.</p> <p><b>Sub-Measure 1a.:</b> By FY 2022, 88 percent of charge investigations and conciliations meet criteria established in the Quality Enforcement Practices Plan.</p> <p><b>Sub-Measure 1b.:</b> By FY 2022, 90 percent of federal sector hearings and appeals meet criteria established in the Federal Sector Quality Practices Plan.</p>		

## **VI. STRATEGIC OBJECTIVE I – Combat and prevent employment discrimination through the strategic application of the EEOC’s enforcement authorities**

### **A. Introduction**

Strategic Objective I, to combat and prevent employment discrimination through the strategic application of the EEOC’s law enforcement authorities, reflects the EEOC’s primary mission of preventing unlawful employment discrimination through: 1) the administrative (investigation and conciliation) and litigation enforcement mechanisms with which Congress has entrusted the agency in regard to private employers, labor organizations, employment agencies, and state and local government employers; and 2) the adjudicatory and oversight mechanisms with which Congress has entrusted the agency in regard to federal employers.

There are two outcome goals for Strategic Objective I:

**Outcome Goal I.A:** Discriminatory employment practices are stopped and remedied, and victims of discrimination receive meaningful relief; and

**Outcome Goal I.B:** Enforcement authorities are exercised fairly, efficiently, and based on the circumstances of each charge or complaint.

The EEOC currently conducts its enforcement activities under the guidance of the Strategic Enforcement Plan (SEP) for FYs 2017-2021. The SEP for FYs 2017-2021 was approved by vote of the Commission in December 2016. It was designed to allow the Commission to be transparent about its enforcement activity and priorities. The previous SEP for FYs 2013-2016, issued in December 2012, was the successor to the 1996 National Enforcement Plan (NEP). Both SEPs established substantive area priorities and set forth strategies to integrate all components of the EEOC's private, public, and federal sector enforcement to have a sustainable impact in advancing equal opportunity and freedom from discrimination in the workplace.

The current SEP focuses efforts on activities likely to advance equal opportunity and freedom from discrimination in the workplace. The SEP recognizes that to be an effective national law enforcement agency, the Commission must focus on activities that have strategic impact. Strategic impact is defined as a significant effect on the development of the law or on promoting compliance across a large organization, community, or industry. The significance of an issue and the potential outcome determine strategic impact, in addition to the number of individuals affected.

It also recognizes that an individual charge or case can have strategic impact. Effective strategic enforcement includes a balance of individual and systemic cases, and of national and local issues, acknowledging that each may have strategic impact in varied ways.

In addition, it clarifies how the SEP priorities will be integrated into the EEOC’s charge management system, the Priority Charge Handling Procedures (PCHP), created in 1995. Finally, it also reaffirms the importance of strengthening the integration of staff efforts

across programs and offices and ensuring accountability to operate as "One EEOC." These efforts are essential to ensure that the agency's resources are leveraged most effectively.

Performance Measures 1 through 5 were developed by the Commission, including their corresponding sub-measures, to track the agency's progress in achieving its outcome goals. Performance Sub-Measure 1b also tracks the performance of the EEOC's state and local partners.

Table 5, shown below, outlines our budget information for the agency's enforcement programs under Strategic Objective I.


**Table 5: Budget request Summary for Strategic Application of Law Enforcement Authorities**

FY 2020 to FY 2022 (Dollars in thousands*)			
	FY 2020 (Actual)	FY 2021 (Enacted)	FY 2022 (Request)
<b>Private Sector Enforcement</b>	<b>\$305,767</b>	<b>\$313,824</b>	<b>\$347,699</b>
Administrative Charge Resolution	207,748	213,222	236,435
Mediation	23,763	24,389	27,816
Litigation	74,256	76,213	83,448
State, Local and Tribal	30,500	31,500	31,500
<b>Federal Sector Enforcement</b>	<b>\$47,233</b>	<b>\$53,166</b>	<b>\$60,734</b>
Hearings	25,864	29,113	33,263
Appeals	15,070	16,963	19,381
Mediation	901	1,014	1,159
Oversight	5,398	6,076	6,931
<b>Total</b>	<b>\$383,500</b>	<b>\$398,490</b>	<b>\$439,933</b>

\*May not add due to rounding.


## B. Performance Measures and Results

**Performance Measure 1 for Outcome Goal I.A.:** By FY 2022, a significant proportion of the EEOC and Fair Employment Practices Agencies (FEPA) resolutions contain targeted, equitable relief (TER).

<b>Sub-Measure 1a: By FY 2022, 86-88 percent of the EEOC's resolutions contain targeted, equitable relief.</b>			
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Targets	82-84 percent	84-86 percent	Increase target to TBD%
Results	89.4 percent	93.3 percent	
			<b>Target Exceeded</b>

An important activity undertaken by both the EEOC and state and local FEPAs is negotiating resolutions of charges after an investigation has determined that there is reasonable cause to believe that unlawful employment discrimination has occurred. Because every investigation is dependent on the facts of the case, it is neither appropriate nor feasible to set a target for the number of reasonable cause determinations the agency makes. However, it is appropriate to set a goal for the type of relief that should be sought in resolutions of cases once reasonable cause has been found.

The FY 2020 target for Performance Sub-Measure 1a was for at least 84-86 percent of the EEOC's resolutions to contain targeted, equitable relief. 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. Such relief may include customized training for supervisors and employees, development of policies and practices to deter future discrimination, and external monitoring of employer actions, as appropriate. By fiscal year-end, the agency had far exceeded the targeted range; reporting 990 administrative resolutions and legal resolutions with TER out of a total of 1,061 resolutions, or 93.3 percent.


<b>Sub-Measure 1b: By FY 2022, 17-19 percent of FEPA resolutions contain targeted, equitable relief.</b>			
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Targets</b>	15.5-17.5 percent	16-18 percent	16.5-18.5 percent
<b>Results</b>	19.4 percent	20.7 percent	
			<b>Target Exceeded</b>

The FY 2020 target for Performance Sub-Measure 1b was for at least 16-18 percent of Fair Employment Practices Agencies (FEPA) resolutions contain targeted, equitable relief. At




fiscal year-end, the FEPAs had exceeded the targeted range of 16-18 percent; reporting 1,055 FEPA merit resolutions with TER out of 5,103 merit resolutions, or 20.7 percent.

Both Sub-Measures 1a and 1b under Performance Measure 1 were designed to encourage the EEOC and the FEPAs to seek relief that goes beyond monetary damages for individual victims of discrimination. Performance Measure 1b measures all FEPA resolutions, which acknowledges the differences in their administrative procedures. Unlike the EEOC, not all FEPAs engage in conciliation. This measure ensures that the protection of equitable relief that the FEPAs obtained is captured, without regard to where in their processes it happened.

<b>Performance Measure 2: By FY 2022, the EEOC favorably resolves at least 90 percent of the agency's enforcement lawsuits.</b>			
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Targets	90 percent	90 percent	90 percent
Results	94.8 percent	95.8 percent	
			<b>Target Exceeded</b>


Performance Measure 2 places a premium on maintaining the high level of successful resolutions in our litigation program. Successful resolutions include cases decided by favorable court order and those concluded through a consent decree or a settlement agreement in litigation. Achieving success for this measure ensures that we continue to exercise our prosecutorial discretion responsibly, while allowing us to take on challenging issues and litigate complex cases, including cases of systemic discrimination. As stated in the SEP for FYs 2017-2021, effective strategic enforcement includes a balance of individual and systemic cases, and those involving national and local priority issues, recognizing that each may have strategic impact in varied ways. This measure is significant because cases that involve priority issues under the SEP are often challenging and resource intensive, especially in cases involving emerging or developing issues and systemic cases.

The FY 2020 target for Performance Measure 2 was for 90 percent of the agency's enforcement lawsuits to be favorably resolved. As of September 30, 2020, the agency had exceeded the target; reporting that 158 out of 165, or 95.8 percent of its enforcement lawsuits were favorably resolved.

<b>Performance Measure 3: Each year through 2022, the EEOC reports on its efforts to identify and resolve systemic discrimination.</b>			
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Targets	Report issued.	Report issued.	Report issued.
Results	The report was issued October 29, 2019.	The report was issued on October 23, 2020.	
			<b>Target Met</b>

Performance Measure 3 focuses on the use and reporting of data to ensure the EEOC has a coordinated, strategic, and effective approach to systemic enforcement. To track the agency’s progress in identifying and resolving systemic discrimination, the FY 2020 target for this performance measure requires the EEOC to maintain data and release a report annually detailing the agency’s efforts to identify and resolve systemic discrimination.

The Systemic Annual Report was issued on October 23, 2020. It includes information on the number of ongoing systemic investigations, the number of systemic resolutions, the systemic conciliation rate, monetary relief recovered, and examples of systemic investigative resolutions. In addition, systemic activity necessary to generate the annual report was collected, tabulated, and reported to the Commission in SEP briefings throughout the fiscal year.

<b>Performance Measure 4: By FY 2022, an increased percentage of federal agencies subject to oversight activities or compliance reviews change their employment practices based on the EEOC's recommendations.</b>			
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Targets</b>	45 percent of federal agencies have compliant reasonable accommodation procedures.  55 percent of federal agencies have a compliant anti-harassment policy.  55 percent of recommendations made in agency program evaluations completed in FY 2017 are substantially implemented	60 percent of federal agencies have compliant reasonable accommodation procedures.  60 percent of federal agencies have a compliant anti-harassment policy.  60 percent of recommendations made in agency program evaluations completed in FY 2018 are substantially implemented.	75 percent of federal agencies have compliant reasonable accommodation procedures.  65 percent of federal agencies have a compliant anti-harassment policy.  65 percent of recommendations made in agency program evaluations completed in FY 2019 are substantially implemented.
<b>Results</b>	53 percent federal agencies have compliant reasonable accommodation procedures.  63 percent of federal agencies have a compliant anti-harassment policy.  65 percent of recommendations made in agency program evaluations completed in FY 2017 were substantially implemented as of September 30, 2019.	61.3 percent federal agencies have compliant reasonable accommodation procedures.  62.6 percent of federal agencies have a compliant anti-harassment policy.  76.5 percent of recommendations made in agency program evaluations completed in FY 2018 were substantially implemented as of September 30, 2020.	
			<b>Target Exceeded</b>


Performance Measure 4 recognizes that because the federal government is the largest employer in the United States, reducing unlawful employment discrimination in the federal sector is an integral part of combatting employment discrimination. Moreover, as the largest employer in the United States, the federal government has significant influence over the employment practices of private and public employers in the United States and around the world. Thus, the promotion of equal employment opportunity in the federal government can positively impact all employees and job-seekers.

The FY 2020 targets for Performance Measure 4 were designed to capture the percentage of reasonable accommodations procedures, anti-harassment procedures, and program evaluation recommendations from EEOC that were implemented by agencies during the fiscal year.

By fiscal year-end, of the 76 out of 124 agencies that received feedback from the EEOC on reasonable accommodation procedures, or 61.3 percent, reported their reasonable accommodation procedures complied with EEOC guidance. Also, as of September 30, 2020, 62.6 percent, or 124 agencies out of 198 that received EEOC feedback, had compliant anti-harassment policies. During the fiscal year, to ensure that 60 percent of federal agencies substantially implemented agency recommendations in program


evaluation reports, the EEOC reviewed compliance and recorded successful completion of targets based on prior recommendations. As a result, the agency exceeded its goal with 52 of 68, or 76.5 percent, of EEOC’s recommendations made in program evaluations completed in FY 2018 substantially implemented by the end of fiscal year 2020.

**Performance Measure 5 for Outcome Goal I.B.:** By FY 2022, a significant proportion of investigations, conciliations, hearings, and appeals meet established quality criteria.

<b>Performance Measure 5 Sub-Measure 1a: By FY 2022, 88 percent of charge investigations and conciliations meet criteria established in the Quality Enforcement Practices (QEP) Plan.</b>			
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Targets	85 percent	86 percent	87 percent
Results	88.6 percent	87.5 percent	
			<b>Target Exceeded</b>

Performance Measure 5 builds on the EEOC’s previous Strategic Plan with a metric focused on quality in both the private and federal sector programs. For the private sector, the Commission approved a plan for Quality Enforcement Practices for Effective Investigations and Conciliations (QEP) in September 2015. The QEP promotes the rigorous implementation of quality investigations and conciliations with progress goals established for each year of the Plan. In FY 2016, the EEOC applied the criteria established under the QEP to a sample of investigations and conciliations to establish benchmarks for offices to use in FY 2017. In FY 2018, the benchmarks were used to project future targets.

Despite agency-wide telework related to COVID-19, 13 on-site Technical Assistance visits were conducted, with over 1 percent of current inventory files reviewed for quality criteria. A total of 776 closed charge files were reviewed, including 337 conciliations. At the end of FY 2020, the agency exceeded its fiscal year 2020 target of 86 percent of investigations meeting established standards under Performance Sub-Measure 1a, with 87.5 percent of charge files reviewed meeting the criteria established in the QEP. The review also concluded that 92.9 percent of the conciliations reviewed met established quality standards.

<b>Performance Measure 5 Sub-Measure 1b: By FY 2022, 90 percent of federal sector hearings and appeals meet criteria in the Federal Sector Quality Practices Plan.</b>			
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Targets	85 percent	87 percent	88.5 percent
Results	86 percent*	87.6 percent	
			<b>Target Exceeded</b>

For the federal sector, Performance Sub-Measure 1b builds on the Federal Sector Quality Practices (FSQP) approved by the Commission on January 10, 2017, which includes quality components for hearings and appeals. In FY 2018, the agency established a baseline and projected future targets for federal sector hearings and appeals to meet criteria established in the FSQP. The agency implemented a checklist for assessing quality practices and applied it to a sampling of draft decisions to create a baseline from which to set FSQP quality improvement goals in the outlying years. The baseline established was 80 percent of the files to meet the quality standards.

The FY 2020 target for this measure was for the EEOC to increase the percentage of federal sector hearings and appeals that meet criteria established in the FSQP to 87 percent. After identifying the metrics to evaluate the quality of decisions and selected cases in FY 2020, 87.4 percent of federal sector hearings cases reviewed, and 87.7 percent of federal appeals reviewed met the quality standards. The combination produced an overall result of 87.6 percent, exceeding the annual target.

## C. Program Areas

### 1. Private Sector Enforcement

#### Management of the Charge Workload to Enforce the Nation's Federal Workplace Anti-Discrimination Laws

The public's demand for the 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. Since at least 2013-2014, EEOC has periodically renewed its focus on the enforcement of Priority Charge Handling Procedures (PCHP) and other strategies to achieve and maintain a balanced and sustainable inventory. Beginning in mid-2017 and continuing through FY 2019, senior leadership in the field incorporated a variety of strategies into their local management "tool kit" to meet their current workload and to maximize efficiencies in charge investigation and resolution. This included revisiting trainings on PCHP and conducting intake interviews with potential charging parties to help identify issues at an early stage and provide more information with which to categorize the charge.

In FY 2018, we maintained the trend of resolving more charges than received, resulting in a 19.5 percent drop in our pending inventory, to 49,607. In FY 2019, we reduced our pending inventory further, by 12.1 percent, achieving a level of 43,580. The EEOC has prioritized reductions in its inventory in order to build a more effective enforcement program. Strategic hiring was approved for FY 2019 and FY 2020, which combined with other inventory management strategies, allowed us to further reduce the inventory by the end of FY 2020 to 41,951. With significant hiring authorized for FY 2021, the inventory is projected to decrease to 41,158, with increased capacity providing more pronounced reductions in the following fiscal years, to 36,544 in FY 2022, and 32,961 in FY 2023, ending at and 32,427 in FY 2024. The budget levels for FY 2021 and 2022 will result in a significant increase in the agency's front-line staff, with 135 new investigators in FY 2021 and 75 additional investigators in FY 2022 and increases in mediator staffing with 25 new mediators in FY 2021 and 8 new mediators in FY 2022.

Management initiatives that helped maintain the pending inventory through FY 2020 will be further enhanced with the increases in investigator and mediator staffing levels in FY 2021 and going through FY 2022. We estimate that the pending inventory will decline by 9,000 charges by the end of FY 2023, which is a reduction of more than 21 percent.

These initiatives acknowledge that in addition to significant hiring to restore investigator and mediator staffing levels, we must also focus on additional approaches to reduce and maintain the inventory to a sustainable level. Throughout FYs 2021 and 2022, we will continue to utilize a multi-pronged effort to ensure that we are managing our inventory efficiently and providing quality service to charging parties and respondents, while focusing agency resources on charges where the government can have the greatest impact on workplace discrimination. We will continue to focus on

innovative approaches and to invest in systems to better manage the charge workload, better serve the public, and advance the agency's mission of preventing and remedying discrimination. The EEOC has devoted significant resources to transforming our paper system to a digital charge system with additional features to provide the parties with online capabilities to interact with agency staff, submit relevant documents, and review charge status. In early FY 2018, we fully migrated our Online Intake System to all of our field offices. This coupled with continued efforts to automate charge processing in FY 2021, commitments to incorporate PCHP throughout the charge lifecycle, strategies for managing inventory levels and effective staff training, will ensure that the EEOC will be positioned to assure sound workload management.

Training of staff in effective case management through the rigorous use of PCHP is critical to efficient resolution of charges and new investigator training also remains important for the newly hired investigators. The EEOC will continue to provide refresher training to investigators on PCHP. The agency trained 70 new investigators in FY 2019 and 30 new investigators hired in FY 2020. Training is scheduled for late FY 2021 for new investigators hired during the fiscal year. Additionally, training will be provided during FY 2021 and FY 2022 on new and emerging issues that all investigators will need to effectively handle, including matters related to COVID-19 (e.g., discrimination related to disability, religious accommodation, and discrimination and harassment against Asian-American and Pacific Islanders), increased awareness surrounding LGBTQ+ issues to ensure robust implementation of the Supreme Court's landmark decision in *Bostock v Clayton County*, and EEOC's alignment with Executive Order 13175 and our relationship with Native American Tribes and Tribal Employment Rights Offices (TEROs).

With regard to the agency's commitment to and focus on excellent public service, the EEOC has worked to bridge potential gaps in the intake process by creating a new position in 2018, the Senior Intake Support Assistant (SISA). Under the "One EEOC" framework, OFP's SISAs have assisted offices throughout the country with the most need, by providing timely intake services where otherwise it may not have been possible. SISAs provide administrative and technical support to field offices for the receipt of inquiries and conduct interviews for potential charges of discrimination under EEOC's laws. SISAs are responsible for conducting and documenting pre-charge interviews, conducting pre- and post-charge counseling, preparing charges of discrimination, and serving notices of charge filings to Respondents. Success of the SISA program over the past three years has been significant, as SISAs have been assigned to both large projects requiring extra intake support and small projects to accommodate temporary intake staffing challenges, and while taking on other tasks needing additional staff support. The number of staff in the SISA position is expected to increase by 120 percent in FY 2022, from five to eleven SISAs.

By focusing on efficient and effective charge management including operating on a fully digital platform, putting the most resources into potentially meritorious charges, conducting training to develop both new and tenured employees, and enhancing public service, EEOC will be positioned to make the greatest impact on eradicating workplace discrimination in FY 2022 and beyond.

Chart 2 below shows actual pending inventory decreases from FY 2018 through FY 2020 and continued expected decreases from FY 2021 through 2024. The projected future reductions to inventory are attributable in part to the increases in the number of investigators.

**Chart 2: Private Sector Charges Pending – Ending Inventory**

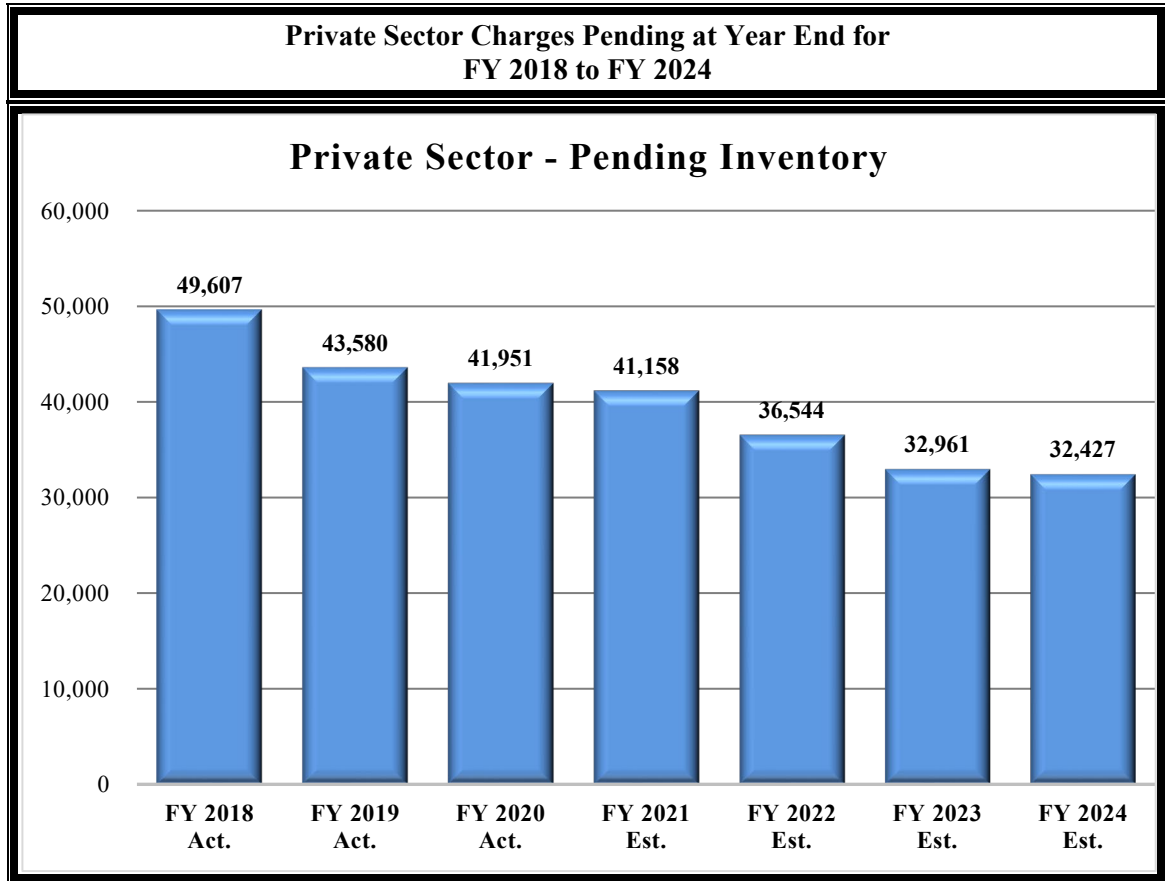
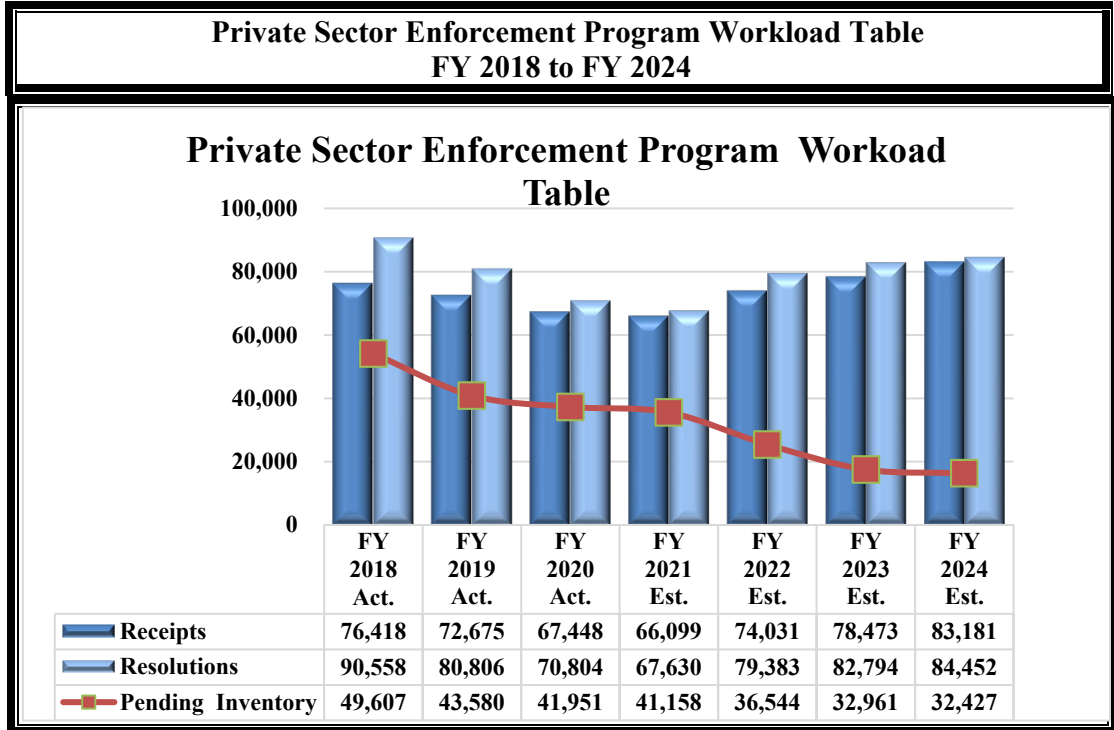


Chart 3 on the next page depicts the actual workload for private sector enforcement for FYs 2018 through 2020 and projected workload through FY 2024. Chart 3 illustrates the expected reversal in the decline in receipts the EEOC experienced from FY 2018 through FY 2021. We expect an increase in receipts to FY 2018 levels and higher due to the anticipated post-pandemic return to the workplace beginning in FY 2022. In spite of these conditions, we remain committed to directing efforts to manage the inventory levels by vigorously using priority charge handling procedures (PCHP) as well as incorporating other strategies.



**Chart 3: Private Sector Enforcement Program Workload Table**



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

Table 6 on the next page details private sector charges received by statute for FYs 2018 - 2020 and the projected charges through FY 2024, organized by statute.

**Table 6: Charges Filed by Statute**

<b>Charges Filed by Statute FY 2018 to FY 2024</b>							
	FY 2018 (Act.)	FY 2019 (Act.)	FY 2020 (Act.)	FY 2021 (Est.)	FY 2022 (Est.)	FY 2023 (Est.)	FY 2024 (Est.)
<b>Title VII Only</b>							
Charges filed	38,427	36,154	32,257	32,247	36,117	38,284	40,581
Charges resolved	45,392	40,926	34,280	33,498	39,319	41,009	41,830
<b>Title VII with Concurrents*</b>							
Charges filed	53,694	51,109	46,158	45,860	51,363	54,445	57,711
Charges resolved	63,948	57,285	49,206	47,472	55,722	58,117	59,280
<b>Age Discrimination in Employment Act Only</b>							
Charges filed	6,066	5,551	4,806	4,879	5,465	5,793	6,140
Charges resolved	6,953	6,009	5,340	5,065	5,945	6,201	6,325
<b>Age Discrimination in Employment Act w/Concurrents</b>							
Charges filed	16,911	15,573	14,183	14,032	15,715	16,658	17,658
Charges resolved	19,943	17,147	15,334	14,499	17,019	17,750	18,105
<b>Equal Pay Act Only</b>							
Charges filed	43	42	33	35	40	42	44
Charges resolved	39	53	34	38	45	47	48
<b>Equal Pay Act with Concurrents</b>							
Charges filed	1,066	1,117	980	988	1,107	1,173	1,244
Charges resolved	1,214	1,310	1,143	1,094	1,284	1,339	1,366
<b>Americans with Disabilities Act Only</b>							
Charges filed	14,207	13,860	13,932	13,130	14,705	15,587	16,523
Charges resolved	16,627	14,892	13,809	12,827	15,056	15,703	16,017
<b>Americans with Disabilities Act w/Concurrents</b>							
Charges filed	24,605	24,238	24,324	22,941	25,694	27,236	28,870
Charges resolved	29,511	26,270	24,546	22,716	26,664	27,810	28,366
<b>Genetic Information Nondiscrimination Act Only</b>							
Charges filed	16	14	9	11	12	13	14
Charges resolved	18	13	8	9	11	11	12
<b>Genetic Information Nondiscrimination Act w/Concurrents</b>							
Charges filed	220	209	440	311	348	369	391
Charges resolved	288	284	263	244	287	299	305
<b>Total*</b>							
Charges filed	76,418	72,675	67,448	66,099	74,031	78,473	83,181
Charges resolved	90,558	80,806	70,804	67,630	79,383	82,794	84,452

\*Totals do not reflect issues/bases filed 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 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 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 FY 2019, 96.8 percent of all participants indicated that they would utilize the mediation process in a future charge filed with the EEOC. This is a direct measure of the public's confidence in our mediation program. Furthermore, successes in our mediation program have a positive impact on our pending charge inventory levels. In FY 2020, the survey was placed on hold due to remote mediations, but it is slated to fully resume later in FY 2021 in an electronic-survey format to allow for the continued use of this feedback mechanism.

In late FY 2020, an electronic version of the survey was developed and piloted that continued to collect program information through early FY 2021. Based on feedback from that pilot survey period, the collection of responses was placed on hold so that revisions could be made that mirror the EEOC's adaptation to remote, video mediations from previously in-person sessions. The revised survey instrument is scheduled to be available during its annually scheduled collection period in June 2021.

The mediation program continues to enhance the Commission's efforts to timely resolve discrimination charges. In FY 2020, the agency achieved 6,272 successful resolutions out of 9,036 charges that were mediated. During FY 2020, mediations were completed in an average of 104 days with over \$156.5 million in benefits secured. Federal sector mediations were also conducted in FY 2020 by staff mediators, with 766 sessions conducted. These mediated resolutions not only assisted the Commission in reducing the federal sector workload, it also permitted administrative judges to further concentrate their efforts on conducting hearings and rendering decisions in the federal complaint process. The Commission had minimal hiring activity for new mediators in FY 2019 and 2020, however, beginning in FY 2021 through FY 2022, EEOC plans significant hiring of mediators.

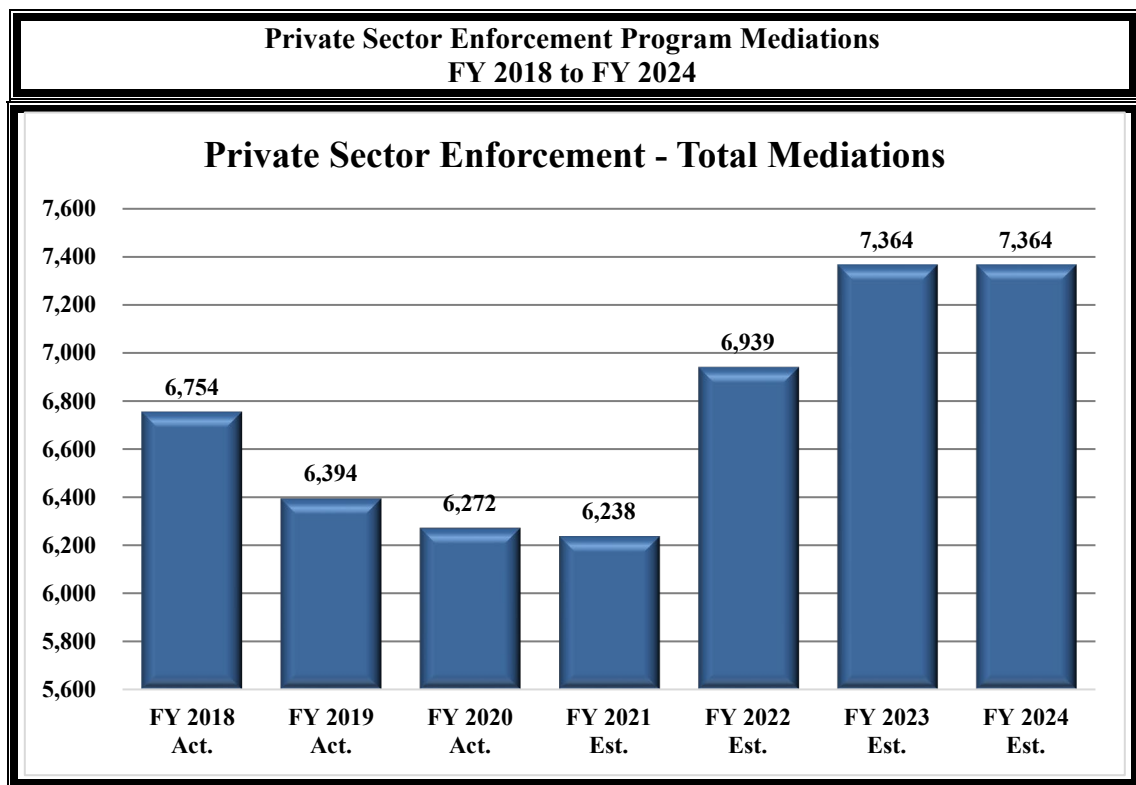
An outgrowth of the shift to remote work as a result of the pandemic, additional resources were made available to expand the use of appropriate technological practices that allowed mediations to be conducted virtually, via secure internet platforms. Prior to the pandemic health crisis, mediation sessions were conducted in face-to-face fashion, with the mediator and parties physically present. However, consistent with safety guidelines implemented during the pandemic, the in-person preference for such sessions became untenable. In mid-March 2020, offices began conducting pending mediation sessions by telephone, and by online platforms. The transition to an on-line

environment required modifications to previous face-to-face practices, including a revision to the participant Confidentiality Agreement, that enhanced and secured the required privacy of dispute resolution communications under the Administrative Dispute Resolution Act.

Outreach to employer representatives and other stakeholders highlights the value of ADR to resolve charges of discrimination filed with the Commission. The success of the mediation program encourages other employers to participate in our mediation program. To that end, the Commission hopes to maintain the progress achieved in FY 2020 where the Respondent participation rate increased to 31.7 percent from 30.7 percent in FY 2019, focusing on providing information to smaller employers that, in the past, have declined to participate in the program.

Chart 4 below reflects the level of mediations projected for FYs 2021 through FY 2024, indicating that total mediations will stay relatively stable in FY 2021. These will increase gradually in successive years, due largely to the additional hiring that increases estimated productivity and availability levels for mediators supplemented with contract mediation funds.

**Chart 4: Private Sector Enforcement Program Mediations**



\*May not add due to rounding

State, Local and Tribal Programs

The FY 2021 appropriation increased funding for State, Local and Tribal Programs activities to \$31,500,000 compared to FY 2020’s \$30,500,000. The FY 2022 request

maintains the funding level set in FY 2021 to fund our relationship with the Fair Employment Practices Agencies (FEPAs) and Tribal Employment Rights Organizations (TEROs).

The FEPAs help the EEOC resolve charges of employment discrimination and prevent duplication of effort, resulting in a more efficient use of resources for both the EEOC and the FEPAs. They also participate in the development and presentation of outreach and education events, frequently joining with the EEOC field staff to provide training on Federal, state and local employment discrimination laws. Similarly, TEROs help the EEOC in addressing issues of employment discrimination on or near Indian reservations.

We have strengthened our relationship with TEROs and FEPAs and identified areas where we can achieve efficiencies for all parties. The primary focus continues to be on information sharing, training and enhanced communication between the EEOC and its TERO and FEPA partners.

Further, the Administration has made a key priority of requiring all federal agencies to abide by our nation-to-nation federal government trust relationship with Native American Tribes. To this end, the EEOC in FY 2021, pursuant to Executive Order 13175, engaged for the first time in consultations with Tribal Leaders. This engagement is beyond what has previously been done as they affect our ability to reach people on tribal lands to ensure they know their rights under the laws enforced by the EEOC. This new EEOC endeavor involves outreach to all federally recognized tribes, well beyond the 62-64 TEROs with whom we have customarily contracted. The consultation process is expected to be ongoing and is being conducted via both online and telephonic means due to the ongoing pandemic. This is likely to increase the actual number of TEROs with whom the EEOC contracts in the future.

We have also continued to engage with our FEPA partners to implement the strategic goal that links the FEPAs accomplishments to the EEOC's Strategic Plan. This includes mechanisms such as model work-sharing agreements to encourage FEPA support of Strategic Enforcement Plan (SEP) priorities. During FYs 2018 through 2020, we continued to provide training and guidance to the staff of our FEPA partners on a range of topics including charge processing and technical discussions. We are continuing this work in FY 2021 and will continue it in FY 2022. Furthermore, in FY 2022, the EEOC will seek to increase the number of joint investigations conducted with FEPAs, in addition to outreach and training partnerships outlined in the EEOC's Strategic Plan.

Throughout FYs 2017 and 2018, the EEOC worked to enhance our Integrated Mission System (IMS) to provide electronic notifications and document exchange between the EEOC and FEPAs. Since the beginning of FY 2019, the EEOC and the FEPAs have been able to electronically exchange notifications of Charges of Discrimination (Form 5) that are dual-filed with the corresponding agency and have access to electronic copies of the Form 5 and Notice of Dual-Filing data (Form 212). Electronic document exchange is also being utilized to make the Substantial Weight Review process more efficient.

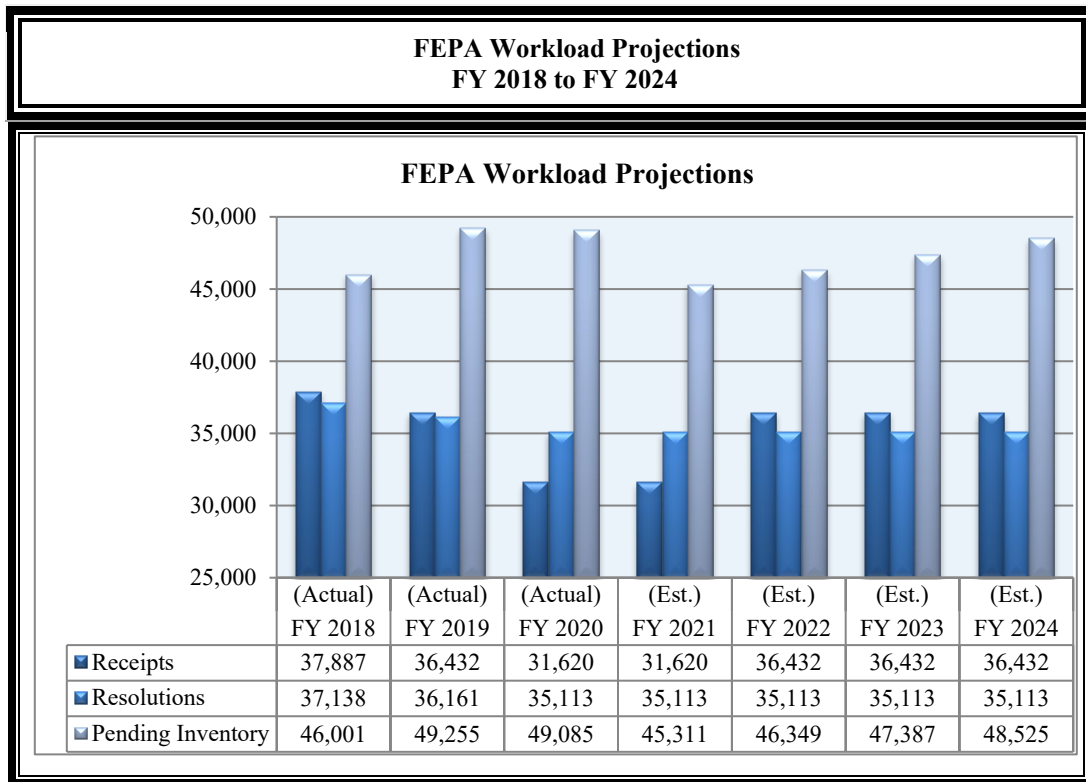
Modernization of the FEPA component of our IMS application was included in the EEOC’s Technology Modernization Fund proposal, which was approved at the end of FY 2019. With TMF resources and EEOC IT development and modernization funding, the current plan is for the modernized FEPA component of IMS, which includes an extension or gateway component as well, to be delivered in 2021, with dedicated technical resources for FEPA partners in FY 2022.

During FY 2020, State, Local and Tribal Programs received \$30.5 million as part of the agency’s overall appropriation. In FY 2020 and FY 2021, the reimbursement rate amount remained steady at \$800 per contract charge resolution.

During FY 2020, the EEOC continued to gather and monitor targeted equitable relief data reported by FEPAs. For FY 2020, the proportion of FEPA-reported resolutions containing TER exceeded the FY 2020 target of 16 to 18 percent, with 20.7 percent achieved.

Chart 5 below shows the actual FEPA receipts, total resolutions and pending inventory for FYs 2018 - 2020, and projections for FYs 2021- 2024.

**Chart 5: FEPA Workload Projections**



Systemic Program

Tackling systemic discrimination - where a discriminatory pattern or practice or policy has a broad impact on an industry, company or geographic area - is an integral and

critical part of the mission of the EEOC. Systemic discrimination creates barriers to opportunity that causes widespread harm to workers, workplaces, and our economy. Systemic investigations and lawsuits address significant legal issues that have a broad impact on an industry, profession, company or geographic area.

The EEOC has worked to remove discriminatory obstacles to equal opportunity and to institute promising practices in thousands of workplaces. As a direct result of the EEOC's systemic investigations and lawsuits over the past 15 years, thousands of workers have received jobs, wages, and benefits and many more have benefited from positive changes in workplace practices. Notably, the EEOC has significantly increased the success rate for conciliation of systemic matters from 21 percent to between 45 and 64 percent over the past decade. In those cases that the EEOC was not able to resolve in the conciliation process, the EEOC achieved a 100 percent success rate in the systemic lawsuits resolved in FY 2020.

In FY 2020, the EEOC field offices resolved over 412 systemic investigations and obtained over \$23 million in remedies during the administrative process. These resolutions included voluntary conciliation agreements in over 135 systemic investigations in which the Commission had found reasonable cause to believe that discrimination occurred. At the litigation phase, the EEOC resolved 33 systemic suits in FY 2020 for a total of \$69.9 million in remedies for 25,604 victims of discrimination.

To reinvigorate and expand the agency's systemic program, in FY 2022 additional lead systemic investigators will be hired across the country to augment the existing pool. These investigators are specially trained to identify and investigate systemic discrimination, obtain appropriate monetary relief for many aggrieved victims of discrimination, and non-monetary relief to effectively change workplaces and prevent future discrimination. The skills needed to perform these tasks are specialized and distinct from the skills needed to investigate an individual or small class case and more systemic lead investigators would contribute to improving the number and quality of our systemic investigations. Additional resources will be directed to key positions that will provide national systemic coordination.

The EEOC intends, when safety permits, to revive the in-person systemic conference, which was cancelled in FYs 2019 and 2020, to bring lead systemic investigators and systemic coordinators from around the country together with our staff of experts in the Office of Enterprise Data and Analytics (OEDA) and the Office of General Counsel's (OGC) Research and Analytical Services (RAS), and a select number of attorneys, for training and to discuss systemic issues. We expect to conduct one or two lead systemic investigator conferences annually which will be especially important as we promote investigators to lead positions or hire additional lead systemic investigators. These in-person conferences have been invaluable in the past to conduct training, exchange ideas, and develop working relationships. We will have a virtual systemic conference in FY 2021, but we believe an in-person conference will be even more valuable, allowing in-person discussion and comradery, and the ability to work together.

## Litigation

Since 1972, the Commission's litigation program has served a vital role in fulfilling our mandate to enforce the federal civil rights employment laws. The Commission has long emphasized that the litigation program should focus on cases that have the potential to impact multiple workplaces or large groups of applicants or employees, emerging issues where the agency's expertise may be especially critical to achieving a successful outcome, and individual cases where broader law enforcement goals can be advanced with the successful resolution of the case. In addition, the litigation program focuses on population groups and geographic locations where private enforcement of anti-discrimination laws is rare, and individuals have minimal access to the legal system to protect their rights. In all of our litigation, the EEOC seeks to secure targeted equitable relief as well as monetary relief for all aggrieved individuals.

In FY 2020, the agency recorded its most successful year of litigation resolutions in the past sixteen years. The EEOC obtained \$106 million in relief for 25,925 individuals, achieving a favorable result in 96 percent of all litigation resolutions. However, almost all of these cases had been filed in previous fiscal years. Over the last several years, the number of suit resolutions has far outpaced the number of new suit filings, resulting in a declining active docket each year. In each of the last several fiscal years, the EEOC's litigation program has experienced declines in staffing, overall suit filings, and systemic litigation. In FY 2020, the agency had only 118 trial attorneys, representing an 11 percent decline from FY 2019 and a 21 percent decline from FY 2018. In FY 2020, the agency filed 93 enforcement suits, representing a 34 percent decline from FY 2019 and a 53 percent decline from FY 2018. Of the FY 2020 suit filings, 13 were systemic cases, representing a 19 percent decline from FY 2019 and a 66 percent decline from FY 2018. The agency filed no suits in FY 2019 and only one suit in FY 2020 protecting the rights of LGBTQ individuals.

With this budget request, the agency intends to rebuild its litigation program. We intend to increase the overall number of enforcement suit filings by around 50 percent over the previous fiscal year. In the cases selected for litigation, the Commission plans to focus on cases that involve discriminatory barriers to employment, systemic racism, patterns of sexual and other forms of harassment, protecting the rights of immigrants and other vulnerable populations, expanding the rights of LGBTQ applicants and employees, and discriminatory pay practices.

To achieve these outcomes, we plan to rebuild our attorney ranks and to hire in-house expert staff to litigate complex and high priority cases and to provide legal support to investigators. In FY 2021, we are starting to rebuild by hiring 26 trial attorneys, 2 appellate attorneys, 9 legal assistants, and 6 paralegals to recoup some of our staffing losses. In FY 2022, we hope to hire another 40 attorneys, and to backfill any FY 2021 attorney losses. In FY 2022, we also hope to hire 10-15 additional paralegals, to increase our capacity to handle cross-district and high impact litigation. We hope to hire three additional experts, in the fields of labor economics and industrial psychology, as well as four headquarters attorneys and two support staff, to assist in the development and support of litigation.



In addition to these proposed staffing increases, we expect increases in litigation expenses as our docket expands. Much of our litigation requires depositions, expert contracts, and litigation support expenses. As the pandemic recedes, we expect some increase in travel expenses. We also plan to increase our investments in training and litigation technology, including new attorney and supervisory trial attorney training as well as new forensic software and technology training. These investments in infrastructure will better position us to advance civil rights.

## **2. Federal Sector Programs**

### *Federal Sector Enforcement Activities*

In the federal sector, the EEOC enforces statutes that mandate 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 programs of equal employment opportunity for all federal employees and job applicants. The 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 SEP, and the Federal Sector Complement Plan, the Commission's Office of Federal Operations is working with agencies' EEO Programs to ensure they are compliant with all of the Commission's regulations, decisions, policies and directives.

The 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 hire and promote talented and qualified employees 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 the EEOC oversight responsibility over EEO programs in the federal government to ensure that equality of opportunity is provided to the nearly three million people 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 equal employment opportunity so that the American people have a model federal work force that fully reflects the contributions of all its employees.

Additionally, Congress mandated that the 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.

### *Federal Sector Improvements – Hearings*

The overarching goal of the EEOC's federal sector program is to enforce of the nation's laws prohibiting 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 FY 2020, the EEOC secured over \$83.9 million dollars in relief for parties who requested hearings. At the end of FY 2020, there were a total of 8,167 hearings requests received, which reflects a decrease of 11 percent over the number received in FY 2019 (9,177). Additionally, in FY 2020, the Commission's hearings program resolved a total of 9,897 complaints, which is a decrease of 6.8 percent from the level in FY 2019 (10,608). Much of the progress in reducing inventories in FY 2018 through 2020 was due to the enhancements made to the hearings process. Additionally, as our workload table on the next page projects, with the full productivity of our new hires in FY 2021 and FY 2022, as well as the continuing enhancements to the hearings process, the FY 2022 resolutions are anticipated to increase to 11,040, a 7.3 percent increase over the FY 2021 levels. We project, as shown in Table 7 on the next page, that with the focus on the processing enhancements implemented during FYs 2018 and 2020 and additional staffing, the declines in the pending inventory levels will continue each year, so that by FY 2021, the inventory will stand at 9,179, and by FY 2022, it will be at 7,200. This will mean that between 2019 and 2022, the overall pending inventory will be reduced by 44.3 percent. This reduction will have a positive impact on the agency's ability to more timely process the hearings complaints received and better serve participants in the hearings process.

**Table 7: Hearings Workload Projections**

<b>Hearings Workload Projections FY 2018 to FY 2024</b>							
<b>Workload</b>	<b>FY 2018* (Actual)</b>	<b>FY 2019* (Actual)</b>	<b>FY 2020 (Actual)</b>	<b>FY 2021 (Estimate)</b>	<b>FY 2022 (Estimate)</b>	<b>FY 2023 (Estimate)</b>	<b>FY 2024 (Estimate)</b>
Hearings Beginning	15,465	14,536	12,674	10,905	9,179	7,200	6,581
Receipts	6,926	9,177	8,167	8,600	9,100	9,100	9,100
Consolidations	(118)	(173)	(39)	(39)	(39)	(39)	(39)
<b>Total Workload</b>	<b>22,273</b>	<b>23,540</b>	<b>20,802</b>	<b>19,466</b>	<b>18,240</b>	<b>16,261</b>	<b>15,642</b>
Resolutions	8,662	10,608	9,897	10,287	11,040	9,680	9,680
Pending	13,612	12,933	10,905	9,179	7,200	6,581	5,962

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

These workload projections include the positive impact we anticipate with the full implementation of the federal Case Management System. In accordance with the Strategic Plan for FYs 2012-2016, 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 and tailor case processing commensurate with agency resources.

The key feature of the hearings Case Management Plan is the requirement that the EEOC's Administrative Judges (AJ) hold an initial conference at the start of the hearings process. The underlying principle is 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 results from the hearings Case Management System are positive. The pre-hearing conferences facilitate settlement and 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. 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.

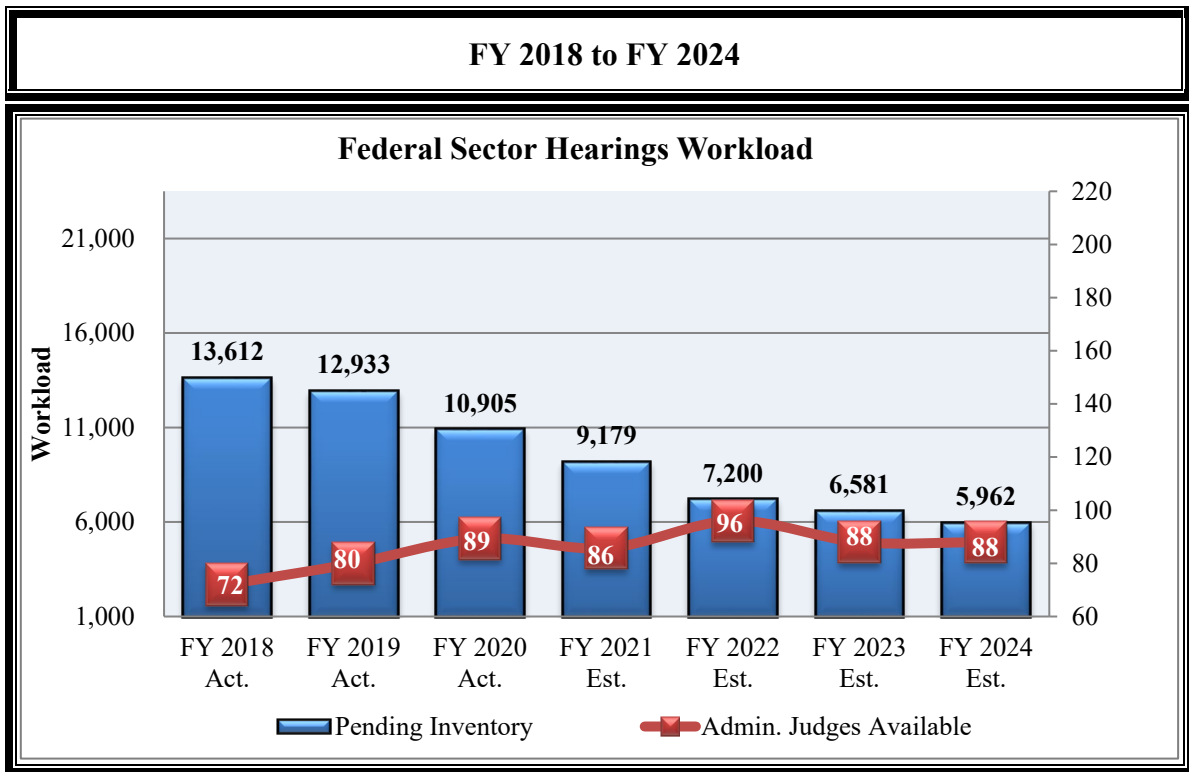
The agency continued its focus on expanding the use of technology to make the federal hearings and appeals process faster and more effective. For more than seven years, the EEOC has provided agencies with a digital method for submitting complaint-related documents. During FY 2015, this digital process was enhanced and integrated into our Federal Sector EEO Portal (FedSEP). Beginning in 2017,

administrative judges have been able to upload their orders and decisions for access by the agencies in cases before them. Using the FedSEP portal, agencies can easily upload all documents for both hearings and appeals. This laid the groundwork for plans to expand FedSEP access in FY 2018 to complainants which would give 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. These new digital complainant services were piloted and then formally rolled out in July 2019. 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 help 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 launched in FY 2018 and continuing through FY 2020 included 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. Such investments will further improve service and increase efficiencies for federal employees and federal agencies utilizing the federal sector hearings process.

Chart 6 on the next page demonstrates the workload and number of administrative judges assigned to handle hearing complaints for FYs 2018 through 2020 and projections for FYs 2021 through 2024. As outlined in Table 7 on the previous page, hearings receipts are projected to increase to 8,600 in FY 2021 and continue to rise to 9,100 in FYs 2022 through 2024. The increase in resolutions in FYs 2021 and 2022 reflect the continued use of the new case management procedures highlighted above. In addition, increased resolutions will result in part from the projected hiring in FY 2021 and FY 2022. The decline in inventory levels allows for more timely processing of newly filed charges using the enhanced procedures. The ability to increase the resolution rate in FY 2021 and 2022 will be enhanced by the expanded use of case management techniques and greater efficiencies achieved with technology in the hearings process. We anticipate this prompting a decline in the pending inventory through FY 2024.

**Chart 6: Federal Sector Hearings Workload**



*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.

The Commission ensures that its federal appellate adjudicatory functions are fair and efficient, and that the decisions issued apply relevant law and precedent to the unique facts presented in each individual case. The EEOC's federal sector appellate attorneys exercise this adjudicatory responsibility while at the same time recognizing their responsibility to effectively manage the appellate inventory to ensure that

decisions are issued as expeditiously as possible. The table below details the EEOC's appellate adjudication results and projections.

**Table 8: Appeals Workload Projections**

<b>FY 2018 to FY 2024</b>							
<b>Workload</b>	FY 2018 (Actual)	FY 2019 (Actual)	FY 2020 (Actual)	FY 2021 (Est.)	FY 2022 (Est.)	FY 2023 (Est.)	FY 2024 (Est.)
Appeals Beginning	3,658	2,942	3,072	3,381	4,421	4,763	4,903
Receipts	3,604	4,224	4,617	5,000	5,000	5,000	5,000
<b>Total Workload</b>	<b>7,262</b>	<b>7,166</b>	<b>7,689</b>	<b>8,381</b>	<b>9,421</b>	<b>9,763</b>	<b>9,903</b>
Resolutions	4,320	4,094	4,308	3,960	4,658	4,860	4,860
Pending	2,942	3,072	3,381	4,421	4,763	4,903	5,043

In its effort to eliminate discrimination in the federal sector, the EEOC’s appellate federal sector program issues appellate decisions; orders make whole relief to victims of discrimination; orders that responsible agency officials receive appropriate training; orders agencies to consider taking discipline against responsible agency employees; refers, as appropriate, appellate decisions to the Office of Special Counsel (OSC) for the consideration of discipline under OSC’s prohibited personnel action authority; requires agencies to post notices to all employees of decisions finding discrimination at the relevant agency facility; and ensures agency compliance with such orders.

As a result of the extraordinary circumstances – the national emergency related to the COVID-19 pandemic, the EEOC’s federal sector attorneys have been on 100 percent telework status since mid-March 2020. Nevertheless, they have continued their diligent efforts to eradicate and remedy discrimination occurring at federal agencies while seeking means to address the challenge of the unexpected work environment.

One consequence of the 100 percent telework environment was that the Commission was initially able to issue decisions in only a fraction of the cases that had been adjudicated. The Commission’s regulations require that decisions be “transmitted to the complainant and the agency by first class mail.” 29 C.F.R. § 1614.405(a).

Between mid-March 2020, through the end of July 2020, the Commission was unable to transmit decisions by mail. A small number of decisions were issued through the Public Portal, upon complainant’s waiver of the first-class mailing requirement. Beginning in late July 2020, the Commission’s federal sector staff began issuing appellate decisions by 1st class mail, and by the end of the fiscal year, had issued 4,308 appellate decisions.

In FY 2020, federal sector appellate attorneys made 90 findings of discrimination. During this same period, the EEOC's appellate program secured \$12.2 million in monetary relief for victims of discrimination in the federal sector. In addition, the EEOC's federal appellate program issued 89 decisions that addressed one or more of the priority issues identified in the EEOC's Strategic Enforcement Plan (SEP).

The EEOC also continues to explore operational improvements that can be achieved as the result of revisions to work processes. For example, for categories of appeals that have been identified as not having significant impact, the Commission has delegated greater authority to first- and second- level adjudicators with the goal of more expeditiously resolving these appeals. Through collaboration, training, and educational outreach, the Commission's federal sector appellate adjudicatory body has partnered with federal agencies to speed record submissions by leveraging technology, perfecting defective records, and reducing wasted efforts spent on records not ripe for adjudication.

The EEOC has been successful in managing its appellate inventory through improvements in technology. With regard to technological innovations, the EEOC has recognized the efficiency and cost savings that can be achieved by creating a digital infrastructure for the exchange of hearings and appeals related documentation. In FY 2015, the EEOC deployed the adjudicatory components of the Federal Sector EEO Portal (FedSEP). Using the FedSEP portal, agencies can upload documentation for hearings and appeals. The EEOC has continued to provide technical assistance to agencies and made numerous refinements to FedSEP based on federal agency stakeholder feedback.

In FY 2018, the EEOC deployed Phase 1 of the federal sector components of the EEOC Public Portal. Complainants can now use these components of the EEOC Public Portal to request a hearing or appeal online and submit appeal and hearing related documentation. In addition to the gains in efficiency and cost savings, these technological innovations make the appellate process more transparent for all parties and reduce the EEOC's reliance on appellate support staff to prepare and scan paper documentation received by the parties. During FY 2020, the Commission continued to disseminate information to federal agencies and the public on how to use the Portal, and its federal sector and information technology offices have continued to collaborate to improve the Portal experience. The Portal proved particularly beneficial in the initial months of the COVID-19 pandemic, as it provided a secure means of contacting parties while the use of regular mail was infeasible.

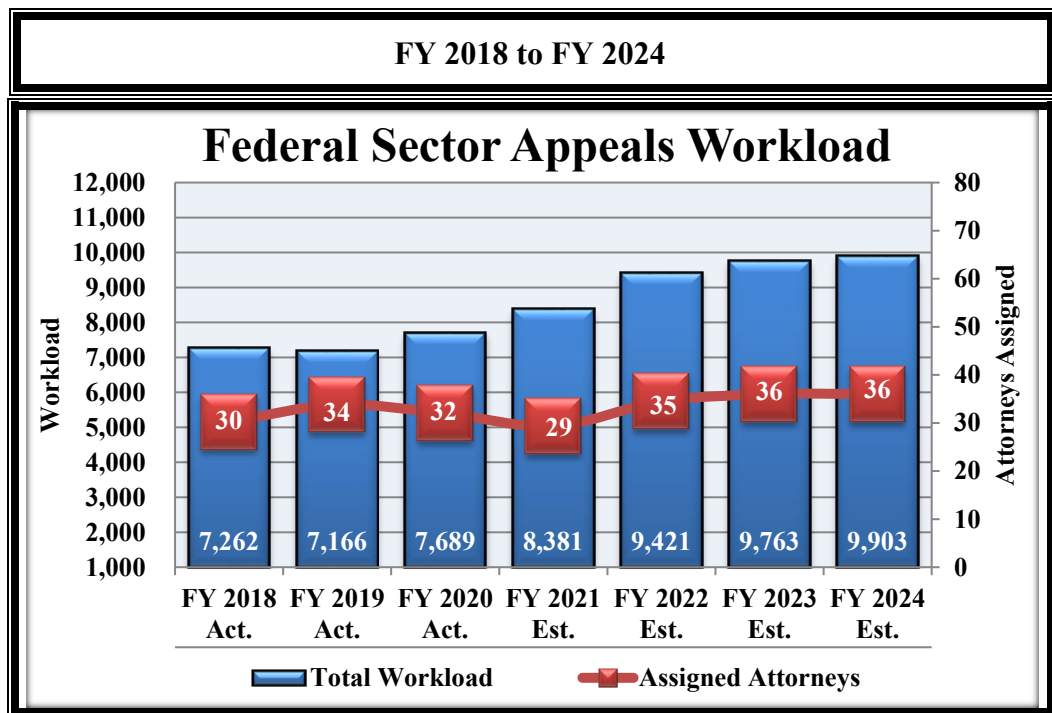
In addition to leveraging technology to improve the processing of appeals, the EEOC is using its Case Management System to bring consistency and greater efficiencies to the processing of federal sector complaints through the early categorization of incoming hearings and appeals. The EEOC continues to identify all "broad impact" appellate cases, as well as those that implicate areas of focus identified by the Commission.

A critical component called for by the Case Management System was the development and implementation of a Federal Sector Quality Practices Plan that was approved by the Commission in early FY 2017. The practices identified are designed to deliver excellent and consistent service in the EEOC’s adjudication of federal sector hearings and appeals and fulfill the Commission’s oversight responsibilities for ensuring federal agencies’ compliance with EEO laws. In FY 2020, the Commission’s appellate and hearings programs continued their collaboration on a variety of pilot efforts to reduce the hearings inventory.

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

Chart 7 below identifies the actual workload inventory and number of attorneys assigned to adjudicate appeals of EEO complaints for FYs 2018 through 2020, and projections for FYs 2021 through 2024.

**Chart 7: Federal Sector Appeals Workload**



The EEOC will continue to explore strategies to slow the rate of growth of its inventory by using sound case management principles and process improvement techniques without compromising quality. The EEOC will manage the appellate inventory by focusing on resolving its oldest cases; prioritizing cases with the broadest impact; and quickly addressing those appeals that seek to preserve access to



the EEO process. Cases in the last category represent about 40 percent of the incoming appeals. The office will continue to fulfill its responsibilities under the Strategic Enforcement Plan and the Federal Complement Plan and the Commission's Strategic Plan for FYs 2017-2021.

The EEOC will continue its assessment and categorization process to identify impactful issues, priority cases, and agencies in need of federal sector technical assistance, guidance and outreach, and program evaluations. Appeals will be assigned in a manner consistent with the Commission's strategic goals and commitment to excellence. The office will issue decisions that place improperly dismissed complaints back into the EEO process while evidence is readily available and assure that inappropriate cases are promptly removed from the process. At the same time, the office will systematically address its inventory control efforts by identifying methods to improve the quality of agency submissions. This will include providing technical assistance and guidance to federal agencies so that they submit the required record for an appeal, it is complete and properly formatted and organized to enable more efficient review by the appellate adjudicators

The EEOC's federal sector appellate attorneys will continue their education and outreach efforts and share their expertise with other offices and agencies to proactively prevent violations of equal employment opportunity law and help them attain model employer status.

#### *Oversight of Federal Agencies' EEO Programs*

The EEOC has oversight responsibility for ensuring that federal agencies maintain continuing affirmative programs to promote equal opportunity and to identify and eliminate any barriers to participation. The EEOC's Management Directive 715 (MD-715) provides both a roadmap and tool kit for agencies to achieve the overall goal of making the federal government a model EEO workplace. MD-715 requires agencies to assess their progress and programs on at least a yearly basis on: (1) agency leadership's demonstrated commitment to EEO; (2) integration of EEO into the agency's strategic mission; (3) management and program accountability; (4) proactive prevention of unlawful discrimination; (5) complaint processing efficiency; and (6) responsiveness and legal compliance with the EEOC's regulations and orders.

The EEOC works with agencies to promote model EEO program policies and practices that foster an inclusive work culture and prevent employment discrimination by using a number of oversight tools. These include technical assistance visits followed by written feedback, formal program evaluations, opportunities to pilot new complaint processing techniques designed to enhance efficiency, technology advances, improving compliance, researching and producing analytical reports on topics of interest to the federal EEO community, and providing fee based and no cost training and outreach to the federal community.

The EEOC sets new oversight goals each fiscal year that are tailored to address achieve improvements, address emerging issues and promote the government's goal of becoming a model EEO employer.

For FY 2020, the EEOC established several technical assistance goals. The first was to ensure that 60 percent of agencies have reasonable accommodation procedures that comply with the Rehabilitation Act by the end of FY 2020. To meet this goal, our staff discussed the status of the procedures with the agencies during technical assistance meetings and provided written feedback to agencies, upon request. As of September 30, 2020, 61 percent of the 124 agencies that received EEOC feedback had compliant reasonable accommodation procedures. The EEOC also established a goal of ensuring that 60 percent of agencies had a compliant anti-harassment policy by the end of FY 2020. As of September 30, 2020, the FY 2020 goal was met, and 63 percent of the 198 agencies that have received FSP feedback had compliant anti-harassment policies. The EEOC's federal sector oversight division also referred to the EEOC's federal sector appellate division seven agencies that had not made meaningful progress in correcting their anti-harassment procedures, thereby initiating a new process to leverage different areas of oversight to achieve meaningful compliance. In FY 2020, the EEOC established a goal to conduct 55 technical assistance visits with agencies and issue a feedback letter within 180 days of each visit. During FY 2020, EEOC staff conducted 65 technical assistance visits with agencies and timely issued feedback letters to all of them. In FY 2021 and 2022, the EEOC will continue its technical assistance efforts with a focus on reasonable accommodations for employees with disabilities and the prevention of workplace harassment.

The EEOC continues to conduct research, which it presents to agencies to assist them in maintaining continuing affirmative programs to promote equal opportunity and to identify and eliminate any barriers to full and fair workplace participation. In June 2020, the EEOC issued a report on best practices for handling EEO conflict cases and another report focusing on age discrimination in the federal workforce. The EEOC also completed an updated report on common errors made by federal agencies in dismissing complaints for failure to state a claim and untimeliness, analyzing three years of data on appellate reversals to identify whether agencies have reduced their procedural reversal rates in these two areas. The EEOC also began a study on the status of persons with disabilities in the federal workforce, commenced research on nonreporting of harassment in the federal sector, and began work on a root cause analysis tool to help agencies understand and eliminate barriers that lead to disparities in rates of separation of employees. For FY 2021 and 2022, the EEOC will conduct further research to assist federal agencies with a possible focus on STEM occupations, the structure of EEO programs, and younger workers in the federal workforce.

During FY 2020, the EEOC continued to advance technology to improve communication within the federal community and to enhance the EEOC's analytical capabilities. For example, the EEOC updated the Form 462 (complaint processing statistical report) and MD-715 dashboards to improve the reliability and retrievability of the EEOC's data. The Commission's continued development of this system gradually will incorporate its legacy data into the platform (Form 462 and MD-715 data from 2006 to 2012) and other sources of data, including complaint data for hearings and appeals, the Federal Employee Viewpoint Survey, the 2010 Census, and responses to correspondence. In FY 2021 and 2022, the EEOC will continue to work

with the large federal payroll providers, Interior Business Center, National Finance Center and Defense Civilian Personnel Advisory Service to facilitate digital upload of federal agency workforce data into the EEOC's FedSEP portal. This effort will eliminate hundreds of staff hours necessary for each federal agency to submit statutorily required reports to EEOC.

To provide ongoing legal updates to the entire EEO community, the EEOC published on its public website four issues of the *EEO Digest* in FY 2020. This publication is a summary of important federal sector EEO cases and generally contains an article on a topic of interest for federal sector EEO programs. In FY 2020, the EEO Digest included an article addressing the issue of fragmentation of harassment claims. Subsequent issues included an article on national origin discrimination, reasonable accommodation issues during COVID-19. In FY 2021 and 2022, the EEOC will continue to issue the *Digest* with focused articles that support current efforts in the federal sector EEO community.

Concurrent with these oversight responsibilities in the federal sector, the Commission continues its education efforts to assist all stakeholders by: (1) creating and conducting fee-based training through the Revolving Fund; (2) creating and conducting customized EEO training for EEO professionals, managers, employees and other stakeholders; (3) forming strategic partnerships, and (4) participating in free outreach activities, including conferences, summits, meetings and other events where the Commission's presence would add value.

During the current fiscal year, the EEOC has strengthened and expanded the impact of its federal training and outreach activities by leveraging the use of the internet and other technology approaches in an increasingly broad and progressive manner. The EEOC has transitioned 100 percent of its federal sector training course catalog of paid courses from traditional in-person only offerings to completely virtual courses, allowing it to seamlessly meet the needs of stakeholders during a period in which in-person training was not possible due to the pandemic. The EEOC's current catalog of 100 percent virtual courses marks a 69 percent increase of available virtual courses since fiscal year 2019. The transition to a 100 percent virtual course platform also has allowed the EEOC to provide training to increase the number of participant seats 67 percent per course at a lower cost than providing the same in-person course format (incurring no costs incurred for the rental of event space, course material printing costs eliminated, and no costs incurred for trainer travel expenses). Because of these efforts, the EEOC's revenue total for fee-based federal training in FY 2020, exceeded \$1.7 million. For FY 2021 and 2022, the Commission has secured additional online platforms that will allow broader reach and an increase in the quality of our online courses. The new platforms will allow for on-demand recording of training which allows the Commission to share information widely.

The EEOC also made significant strides in broadening the Commission's federal sector reach through no-cost outreach initiatives such as webinars, online information sessions, and social media. The EEOC has realized a combined 10 percent increase in participation in webinars and online information sessions from FY 2019. In FY 2020, the EEOC's federal sector programs also achieved a marked increase in

engagement across each of its social media platforms: (1) Facebook - a 643 percent increase in followers; (2) Instagram – a 66 percent increase in followers; (3) Twitter – a 48 percent increase in overall public engagement; and (4) YouTube – a 132 percent increase in overall public engagement. In addition to broadening its reach to stakeholders across the popular social media platforms during FY 2020, the EEOC also launched a federal sector podcast, “EEOC Micro-Learning Moments” which can be accessed across global platforms such as Apple iTunes, Google Podcast, and Spotify. Also, during FY 2020, the EEOC successfully developed and delivered the Commission’s first ever two-day virtual training conference in partnership with Federal Executive Association in Puerto Rico. As evidenced by these efforts, the EEOC far exceeded its goal of increasing participation and engagement by 20 percent from FY 2019. In FY 2021 and 2022, the Commission will continue to leverage technology to expand no-cost outreach to a broader audience. During FY 2020, the EEOC secured agreements with many large stakeholder groups to offer future no-cost outreach to their stakeholders using the Commission’s online platforms.

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## **VII. STRATEGIC OBJECTIVE II - Prevent employment discrimination and promote inclusive workplaces through education and outreach**

### **A. Introduction**

In Title VII, Congress expressly required 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. Strategic Objective II, to prevent employment discrimination and promote inclusive workplaces through education and outreach, reflects the EEOC's obligation to deter employment discrimination before it occurs. Investigations, conciliations, and litigation are only some of the means that the EEOC uses to fulfill its mission and vision. Educational and outreach programs, projects, and events are also cost-effective law enforcement tools because they promote understanding of the law and voluntary compliance. All parties benefit when the workplace is free of discrimination and everyone has access to equal employment opportunity.

There are two outcome goals for Strategic Objective II:

**Outcome Goal II.A:** Members of the public understand the employment discrimination laws and know their rights and responsibilities under these laws; and


**Outcome Goal II.B:** Employers, unions, and employment agencies (covered entities) prevent discrimination, effectively address EEO issues, and support more inclusive workplaces.

The EEOC targets its education and outreach program to individuals who historically have been victims of employment discrimination. The Commission also provides outreach and education to particularly vulnerable communities that may be unfamiliar with our laws, such as those who are new to the workforce or low-skilled workers and new immigrants. Moreover, it is important for the agency to provide technical assistance to underserved segments of the employer community, including small and new businesses. Given their size and limited resources, such businesses are often less able to take advantage of the EEOC's training programs and are less likely to have in-house human resources professionals to assist them with compliance.

The EEOC often cooperates with other departments and agencies in the performance of educational and outreach activities. The state and local FEPAs are important partners in this regard, as are the Department of Labor's Office of Federal Contract Compliance Programs and the Department of Justice's Civil Rights Division.

Moreover, the EEOC regularly reviews the agency's sub-regulatory documents and updates or augments these materials with plain language, as needed, on a priority basis each year. This reinforces the EEOC's continued focus on providing clear and easy to understand materials for the diverse array of audiences that the agency serves. Performance Measures 6 through 8 were developed by the Commission to track the agency's progress in achieving these outcomes.

## B. Performance Measures and Results

<b>Performance Measure 6: By FY 2022, the EEOC modernizes and expands utilization of technology to ensure that members of the public have greater access to information about their rights and responsibilities.</b>			
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Targets</b>	<p>Explore the use of surveys to measure the public's experience with, and usefulness of, its digital services, and to solicit ideas for improvements.</p> <p>Identify processes and implement a pilot project to increase access to information in at least two priority areas. Report on progress.</p>	<p>Implement user experience surveys. Identify and increase access to information in at least two additional priority areas.</p>	<p>Report on user experience surveys. Identify and increase access to information in at least two additional priority areas.</p>
<b>Results</b>	<p>The EEOC implemented numerous projects identified in the agency's technology plan to increase the public's access to information.</p> <p>The EEOC explored the use of surveys to measure the public's experience with, and the usefulness of, the EEOC's digital services.</p> <p>Additional pilot projects to increase access to information in at least two priority areas were identified. Implementation of these pilots will take place in FY 2020.</p>	<p>EEOC began implementation of surveys to measure the quality of the public's experience with, and the usefulness of, EEOC's digital services.</p> <p>The EEOC also worked to increase access to information, including migrating the EEOC website to a modern content management system and implementing social media campaigns about the EEOC's mediation program and for vulnerable populations.</p>	
			<b>Target Met</b>


Performance Measure 6 focuses on strengthening and expanding the impact of the EEOC's education and outreach activities by expanding use of technology. The implementation of a technology plan created in FY 2018 will better facilitate the dedication of resources to the most critical needs. The EEOC also focuses its technological advances on priority areas and specific communities to increase public access to information about rights and responsibilities under the laws the EEOC enforces.

During the fiscal year, the agency migrated the [www.eeoc.gov](http://www.eeoc.gov) website onto a modern content management system to increase access for all stakeholders, enhance the user experience.. The new website was launched on May 29, 2020.

Following the website migration, the agency began implementation of user experience surveys on the website by surveying internal users of the website through focus groups and establishing and publicizing a webpage to solicit feedback directly from website users.

The EEOC also developed and began implementation of a plan for more in depth user experience surveys throughout the agency’s website. In addition, the agency continues to implement the technology plan, expanding the use of social media, and tracking social media and website metrics.

The EEOC also implemented two additional social media campaigns to increase access to information in at least two priority areas; meeting the agency’s FY 2020 goals for: 1) increasing employers’ access to information about the EEOC’s mediation program; and 2) increased use of social media to effectively reach vulnerable populations to educate them about their rights.

<b>Performance Measure 7: By FY 2022, the EEOC leverages collaborations with significant partner organizations to assist in reducing and eliminating employment barriers.</b>			
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Targets	Increase baseline measure by 8 percent to 34 events	Conduct program evaluation to assess impact of these partnerships on employment in targeted communities. Reset baseline if needed.	Maintain or increase baseline measures by TBD percent.
Results	The agency conducted 70 events with significant partner organizations nationwide.	Self-assessment efforts and program evaluation steps have been completed and data from virtual events held during this period due to the pandemic are under review to determine if any adjustments to the baseline are needed.	
			<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 EEOC is in a unique position to serve as a conduit to promote effective partnerships and to strengthen relationships among diverse groups with common goals. As a result, the agency believes it can facilitate effective interactions that can lead to reducing or eliminating employment barriers. For example, connecting an employer association with an advocacy group seeking to eliminate recruitment and hiring barriers may help to prevent discrimination and create job opportunities for qualified job seekers. Performance Measure 7 leverages the agency’s long-term significant partnerships with advocacy groups (particularly those that represent vulnerable or underserved workers) and associations or organizations that represent employers to achieve sustained benefits for the communities the EEOC serves.

The FY 2020 target for Performance measure 7 was to conduct a program evaluation on the impact of these significant partnerships on employment in defined areas and adjust the baseline, as needed. During the fiscal year, the agency collaborated with key offices and stakeholders to identify the tools, data, and means required to determine the strategic impact of these partnerships on vulnerable and underserved communities. As a part of this effort, the agency completed District level, self-assessments of these EEOC partnerships.



The self-assessments examined partnership events, effectiveness in meeting partnership-related goals, and the impact of the Districts’ partnerships. The assessments were consolidated for management review; evaluating their purposes, goals, achievements, and impact measures for significant partnership efforts, partnership events, reports and feedback to be used for evaluations. The overarching purpose was to determine how best to accomplish Performance Measure 7 for the Outcome Goal II.A and II.B.

In addition, the agency continued to conduct an evaluation of partnership events during the fiscal year; cross-referencing currently defined or known vulnerable or underrepresented populations against events held. This measure of effectiveness was also used in FY 2019, which will provide the EEOC with two years of comparative data regarding the districts’ efforts to address target employers, industries, or geographic regions. The pandemic necessitated a recalibration of the data for review and those efforts are underway as the agency gathers data from the virtual events conducted late in FY 2020 and early in FY 2021 to determine whether the baseline requires resetting. The program evaluation to determine the impact of these partnerships on vulnerable or underserved communities and reset the baseline, if needed, will be finalized in FY 2021. The evaluation will include creating relevant databases and measures that can be used to evaluate the effectiveness of these partnerships.

<b>Performance Measure 8: By FY 2022, the EEOC updates existing guidance and training materials, and creates new, user-friendly resource tools to address and prevent workplace discrimination.</b>			
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Targets	Produce or update at least two resource or guidance documents on priority list.	Produce or update at least two additional resource or guidance documents on priority list. Reconfirm or reorder priorities	Produce or update at least two additional resource or guidance documents on updated priority list.
Results	The agency updated at least two current guidance and technical assistance documents.	The agency reordered its priorities and produced or updated at least two additional resource or guidance documents.	
			<b>Target Met</b>

Performance Measure 8 ensures that the EEOC’s sub-regulatory guidance documents and resource materials are reviewed and that, where necessary, they are updated and use plain language. 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 them. While the regulations issued by the Commission set the basic legal framework for the implementation of those laws, sub-regulatory materials, including the EEOC’s Compliance Manual, provide more tangible assistance to those with rights and responsibilities under such laws. These materials may or may not require a vote of the Commission and may include a range of guidance material, best practices, question and answer documents (Q and A’s), and fact sheets.

In FY 2020, guidance priorities were reordered to focus on rescinding or updating legally outdated guidance and issuing at least two new guidance or resource documents addressing stakeholder needs. Beginning in October 2019, the Commission voted to rescind 24 guidance documents. For a list of rescinded guidance documents, see <https://www.eeoc.gov/wysk/what-you-should-know-about-eeoc-and-ensuring-clear-and-accurate-guidance>.

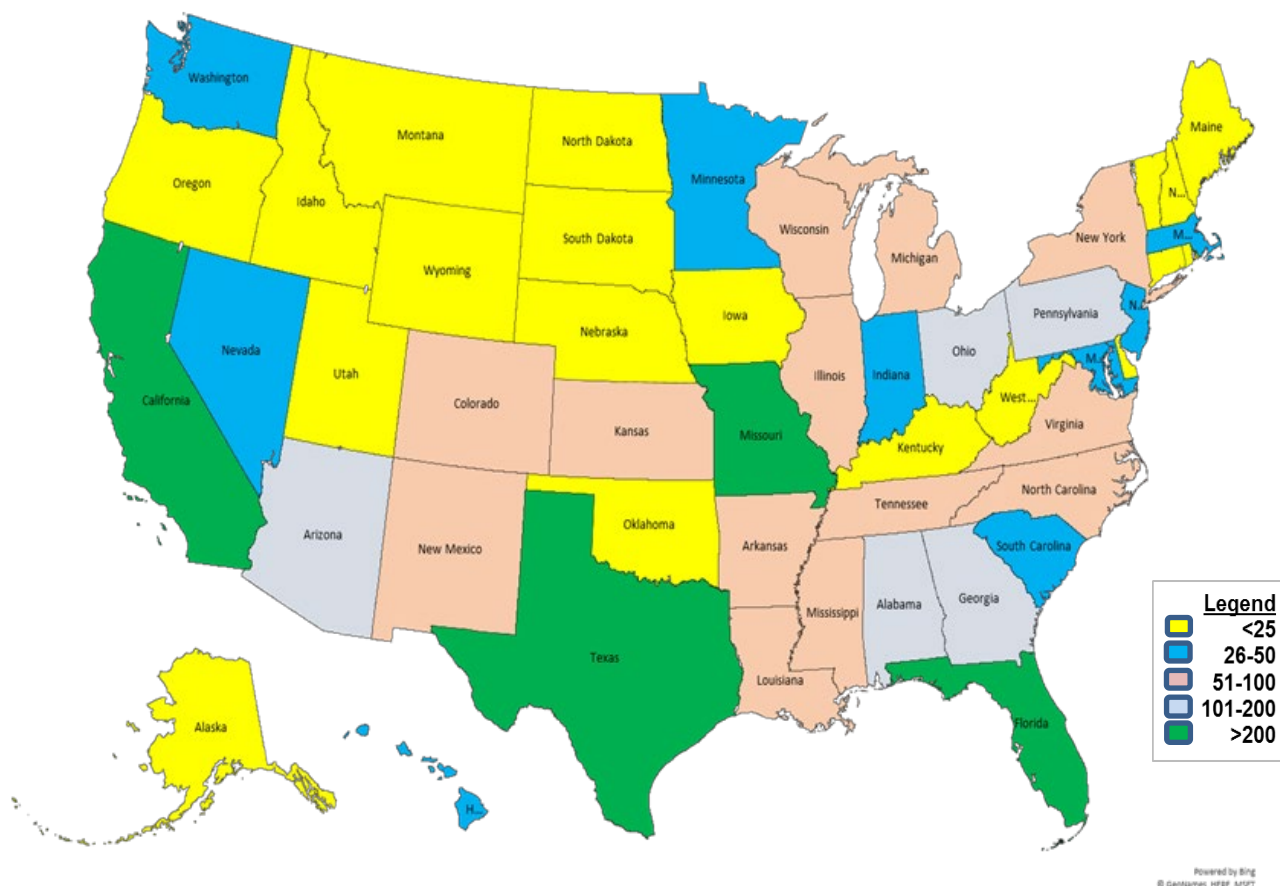
After the start of the public health emergency in March 2020, the EEOC's priority became providing technical assistance to stakeholders about the ramifications of the EEO laws (especially the ADA) for employers during the COVID-19 pandemic. To support this effort, the agency drafted a plain-English resource document, *What You Should Know about the ADA, the EEO Laws, and COVID-19* on March 17, 2020. To respond to emerging questions, the agency updated this document eight times during the fiscal year; most recently on December 20, 2020. For the COVID-19 What You Should Know document, with original issuance date and updates, see <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>. On August 5, 2020, the agency also finalized two new technical assistance documents concerning the ADA and Opioids – one for employees and one for health care providers. For the two opioids-related technical assistance documents, see <https://www.eeoc.gov/newsroom/eeoc-releases-technical-assistance-documents-opioid-addiction-and-employment>.

### **C. Outreach**

As the map on the next page 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. With the FY 2022 Budget for outreach activities, we will expand our outreach to individuals across the United States, including underserved areas. We plan to continue to target specific events to address the employment discrimination issues that are particular to geographic areas or stakeholder communities. In FY 2020, the EEOC conducted over 2,690 outreach events reaching 299,100 individuals nationwide with information about employment discrimination and their rights and responsibilities in the workplace, we anticipate similar outreach levels in FY 2021.

In FY 2020, the Commission's fee-based programs trained more than 11,200 individuals at more than 252 events. With the funding provided in this budget, the EEOC will continue to provide service to 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. The agency continues to survey attendees at our Technical Assistance Program Seminars to gauge the impact of training on improving and advancing equal employment opportunity in the workplace. We will continue this information collection and analysis to help guide us in our training efforts to measure the impact of our training and to make appropriate adjustments.

### Annual Outreach Events - Fee and Non-Fee



Through public relations, training and education, the EEOC enhances public awareness of employment discrimination and the importance of preventing such discrimination in America's workplaces. Our outreach is meant to provide knowledge and an understanding of workplace conditions that may give rise to violations of the statutes we enforce.

Approximately 34 percent of our outreach is conducted through partnerships with employee advocates, human resource professionals, employer groups, human rights commissions and fair employment practice agencies. Employers' 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.

Education and outreach programs to vulnerable communities was critically important to the work of the EEOC in FY 2020, as these efforts promote understanding of the law by workers who might not be familiar with their right to be free from employment discrimination. The EEOC strategically targeted outreach to vulnerable workers and underserved communities in FY 2020, conducting 905 outreach events and reaching 94,180 participants, which represented 34 percent of the EEOC's total outreach. This focused outreach includes immigrant and farm worker communities, as well as communities where individuals are reluctant to come forward to complain about

employment discrimination. Since mid-March of 2020, the EEOC has provided virtual/remote outreach, education and training for vulnerable communities.

Education and outreach programs to the small business community is also essential to promote compliance with the anti-discrimination laws, especially for those new and small businesses lacking the resources to maintain full-time professional human resources staff. In FY 2020, the EEOC conducted 422 outreach events for small businesses, reaching 18,393 small business representatives, which represented approximately 16 percent of the EEOC's total outreach. The EEOC also continued to promote the Small Business Resource Center. The site provides a user-friendly one-stop source for information on federal employment anti-discrimination laws tailored to meet the needs of small businesses. Working with the Small Business Administration's (SBA) Office of the National Ombudsman, the EEOC also participated in round table discussion at various locations around with country with small businesses and organizations that represent small businesses as well as a Regulatory Fairness Hearing held in Washington, DC.

The SBA Ombudsman's Annual Report to Congress grades all federal agencies on their responsiveness to small business concerns and their compliance with the Small Business Regulatory Enforcement Fairness Act of 1996. The Ombudsman's report for FY 2019, gives the EEOC an "A" rating across-the-board, the highest rating possible, reflecting the SBA's recognition of the EEOC's strong commitment to assist this important sector of the economy. Our submission to the SBA highlighted the wide-ranging assistance provided to small businesses by our Outreach and Education Coordinators and other staff, the growth of significant partnerships with small business organizations, and the simplified information and tools tailored to small businesses' needs now available online in the EEOC's Small Business Resource Center. During FYs 2021 and 2022, the EEOC expects to continue to build on its outreach to the small business community.

As part of the efforts to further strengthen collaborative efforts to provide immigrant, migrant, and otherwise vulnerable workers and their employers with guidance and information about their rights and responsibilities under anti-discrimination laws, the EEOC maintains a partnership through Memoranda of Understanding (MOU) with the Embassy of Ecuador. Several of the EEOC's field offices have MOUs with Mexican Consulates."

The EEOC's field offices engaged with HBCUs by participating in conferences, training sessions and job fairs to prepare the next generation of employees and employers at HBCUs to be models of excellence regarding equal opportunity in the American workforce. In FY 2020, the EEOC participated in coordinated outreach and education efforts to Asian Americans and Pacific Islanders across regions. Awareness about the issue of human trafficking was raised in outreach events involving vulnerable workers. In FY 2020, there were 107 outreach events with 5,175 attendees involving the HBCUs, there were 80 outreach events with 12,026 attendees involving the APPI community, and 120 outreach events with 12,020 attendees that addressed human trafficking issues.

The EEOC has upgraded and developed initiatives for targeted outreach, training and education. During FY 2016, the EEOC's Youth@Work initiative was updated to include new materials, fact sheets and presentations pertaining to topics such as the potential for

employment screens based on arrest and conviction history; protections for LGBTQ+ employees; immigrant, migrant/vulnerable workers, harassment and bullying, disabilities and the responsible use of social media issues. In FY 2020, 308 events were conducted involving the Youth@Work initiative, reaching 30,991 individuals.

In FY 2020, the issue of harassment in the workplace continued to be a focus of the agency. Since FY 2016, the EEOC has taken steps to study and address this issue. In FY 2017, fee based anti-harassment training programs for employees, as well as managers, were developed, and at the beginning of FY 2018, the EEOC began to offer these new dynamic anti-harassment training programs for employers. The training, known as “Respectful Workplaces,” goes above and beyond traditional anti-harassment training by providing context that is centered around the universal desire for a respectful workplace. These training modules are customizable, with industry-specific and workplace-specific hypotheticals and strategies. In FY 2019, the modules were updated and the EEOC continued to deliver the anti-harassment training to federal and private entities across the United States. FY 2020 Respectful Workplace Training events were held, initially in-person and then virtually, with 2,120 participants.

Preventing harassment through education and training was a primary focus of the EEOC’s outreach efforts in FY 2020:

	<b>2020*</b> <b>Total</b> <b>Events</b>	<b>2020*</b> <b>Total</b> <b>Attendees</b>
<b>All Harassment*</b>	870	112,575
<b>Harassment - Sexual</b>	416	71,316
<b>Harassment – Non-Sexual</b>	396	45,961

\* Columns may not add as many events covered both topics.

In FY 2020, there were 870 outreach events involving harassment, reaching 112,575 attendees. This includes 416 events which covered the topic of sexual harassment that were attended by 71,316 attendees. In FYs 2021 and 2022, the EEOC will continue to prioritize efforts to prevent harassment, including sexual harassment.

Finally, we remain prepared to respond to unanticipated issues that arise in the workplace. The 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 on the next page shows funding for Outreach (non-fee-based). Our Budget request for FY 2022 for Strategic Objective II is \$6 million. The proposed request for FY 2022 will support our existing outreach activities across the United States.

**Table 9: Budget request Summary through Outreach**

<b>FY 2020 to FY 2022</b> (Dollars in thousands)			
	<b>FY 2020 (Actual)</b>	<b>FY 2021 (Enacted)</b>	<b>FY 2022 (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)**

The EEOC Training Institute provides fee-based training and technical assistance to stakeholders from both the private and public sector. It offers diverse, high quality, reasonably-priced EEO expertise and training products to employers and employees in the private sector, state, and local government, and federal agencies. The operations of the institute are funded through the EEOC’s Revolving Fund, an instrument established by Congress in 1992.

In FY 2020, the Institute trained over 11,200 individuals at more than 252 events, which included 13 one and two-day Technical Assistance Program Seminars (TAPS), 18 half-day workshop, 42 federal courses, and 184 on-site trainings (customer - specific trainings) with 82 events delivered at the workplace for private sector employers and federal agencies and the remaining 112 held virtually.

The half-day, one-day and two-day TAPS seminars are responsive to employees’ and employers’ information and training needs; and address their respective rights and obligations in the workplace. The programs also provide detailed information about identifying and preventing workplace discrimination. Federal courses are designed to meet training requirements for EEO practitioners working throughout the federal government. There were more than 1,498 attendees this year for the 38 federal courses and 770 attendees for the 22 federal customer-specific training (CSTs) offered around the country and in Washington D.C. In addition, there were 18 federal courses with over 630 attendees focused on Respect in the Workplace and Leading for Respect, focused on preventing harassment in the federal workplace.

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

**Table 10: Summary of Financing for the Revolving Fund**

<b>FY 2018 to FY 2024</b> <i>(Dollars in thousands*)</i>							
	<b>FY 2018 Actual</b>	<b>FY 2019 Actual</b>	<b>FY 2020 Actual</b>	<b>FY 2021 Est.</b>	<b>FY 2022 Est.</b>	<b>FY 2023 Est.</b>	<b>FY 2024 Est.</b>
<b>Total Obligations</b>	4,786	4,557	3,776	4,500	4,500	4,500	4,000
<b>Offsetting collections from:</b>							
Federal Funds	1,725	1,901	1,421	1,700	1,850	1,850	1,700
Non-Federal Sources	3,062	3,563	1,734	2,300	2,750	2,800	2,800
Unobligated balance, start of year	2,092	2,298	3,266	2,645	2,145	2,245	2,395
Unobligated balance, end of year	2,093	3,205	2,645	2,145	2,245	2,395	2,895
Net Budget Authority	6,879**	7,762**	6,421	6,645	6,745	6,895	6,895

\*May not add due to rounding

\*\*Balanced Budget and Emergency Deficit Control Act (BBEDCA) Section 256(k) (2): Mandatory Sequestration for FY 2018 \$132,000, FY 2019 \$186,000 (included in the Net Budget Authority line above.)

## **EXAMINING CONFLICTS IN EMPLOYMENT LAWS CONFERENCE**

In FYs 2021 and 2022, the EEOC will build on the success of its annual Examining Conflicts in Employment Laws (EXCEL) Training Conference, which has been held for more than 20 years. EXCEL is directed at both federal sector and private sector EEO practitioners. In FY 2021, the EEOC successfully migrated the EXCEL conference to a virtual platform. The EXCEL conference offered 28 workshops and 4 discussion forums. The FY 2020 conference was held as a virtual conference continued to offer separate tracks for federal sector attendees and for private sector attendees (the latter group includes state and local governments). The conference offered plenary sessions with presentations by the EEOC Chair and Commissioners and other high-ranking agency officials, as well as leaders of other federal agencies and nationally renowned civil rights leaders and speakers. In addition, there were federal sector workshops that covered a wide array of subjects that are of interest to EEO practitioners. These sessions were presented by experts who are responsible for enforcing EEO laws as well as other federal officials who can discuss their agencies' priorities and regulatory agenda. The three days of workshops served to enhance attendees' knowledge, skills, and abilities, and the EEO "Hot Topic" for a heightened interaction and communication amongst attendees. Also, in the evenings and for 30 days after the conference, attendees had the opportunity to view sessions they may have missed, eliminating the restriction of having to select between courses of interest. The FY 2021 EXCEL will follow a similar format and is scheduled as a virtual conference again this year.

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**VIII. MANAGEMENT OBJECTIVE – Achieve organizational excellence**

**A. Introduction**

The EEOC’s Management Objective, achieving organizational excellence, seeks to improve management functions with a focus on information technology, infrastructure enhancement and accountable financial stewardship. These areas are cross-cutting and require integration and coordination across the agency to foster organizational excellence from internal and external perspectives.

The EEOC has developed two outcome goals for the agency’s Management Objective:


**Outcome Goal III.A:** Staff exemplify a culture of excellence, respect and accountability; and

**Outcome Goal III.B:** Resource allocations align with priorities to strengthen outreach, education, enforcement and service to the public.

Performance Measures 9 through 12 were developed to support these strategies.

**B. Performance Measures and Results**

<b>Performance Measure 9: The EEOC’s performance improves with respect to employee engagement and inclusiveness.</b>			
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
	Conduct annual focus groups with employees and climate assessments to obtain feedback on agency culture.	Conduct annual focus groups with employees and climate assessments to obtain feedback on agency culture.	Conduct annual focus groups with employees and climate assessments to obtain feedback on agency culture.
Targets	The EEOC FEVS scores for employee engagement and inclusiveness will maintain or increase in relation to the prior-to-current year changes in comparable government agency averages.	The EEOC FEVS scores for employee engagement and inclusiveness will maintain or increase in relation to the prior-to-current year changes in comparable government agency averages.	The EEOC FEVS scores for employee engagement and inclusiveness will maintain or increase in relation to the prior-to-current year changes in comparable government agency averages.
	Develop and adjust action plans, as necessary, in response to focus group feedback and prior year FEVS results	Develop and adjust action plans, as necessary, in response to focus group feedback and prior year FEVS results.	Develop and adjust action plans, as necessary, in response to focus group feedback and prior year FEVS

<b>Performance Measure 9: The EEOC's performance improves with respect to employee engagement and inclusiveness.</b>			
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Results	<p>The agency participated in over 50 focus groups facilitated by OPM with all levels of the agency's personnel related to the EEOC's climate, including organizational strengths, weaknesses, and communication.</p> <p>Agency directors received an evaluation tool from OPM to assist in a customized and comprehensive review and assessment of the agency's FEVS scores to identify strengths and opportunities for growth.</p> <p>The agency's FEVS and New IQ scores increased by four percentage points in FY 2019.</p>	<p>In August 2020, the agency recruited volunteers to help with its employee engagement efforts.</p> <p>In July 2020, OPM delayed the launch of the FY 2020 FEVS survey due to the COVID-19 pandemic, which corresponded to a delay in the availability of data from the FEVS and New IQ scores for review and assessment.</p>	
			<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.

Performance Measure 9 takes a holistic approach to assessing and strengthening the agency's efforts to improve employee engagement and inclusiveness. The EEOC does not focus solely on improving Federal Employment Viewpoint Survey (FEVS) scores because that is only one snapshot of agency performance. Annual focus groups and climate assessments enable ongoing feedback mechanism to engage with staff and seek their input on solutions to agency challenges.

The FY 2020 target for this measure was to conduct annual focus groups and climate assessment(s) with employees for feedback on agency culture and implement plans, as necessary, to maintain or increase the EEOC's FEVS scores. Baseline FEVS scores on EEOC staff engagement and inclusiveness quotients (New IQ) were established in FY 2018 and increased by 4 percentage points in FY 2019. A rolling comparison for FY 2020 was scheduled to be conducted. However, in July the Office of Personnel Management (OPM) announced it would postpone the 2020 OPM Federal Employee Viewpoint Survey (FEVS) to support critical agency missions during the COVID-19 pandemic. In August, the EEOC recruited approximately 60 employee volunteers from all grade levels across the agency to help with employee engagement.

On September 16, 2020, OPM launched the FY 2020 FEVS, which was scheduled to run through October 28, 2020. To encourage maximum participation, the EEOC disseminated information to all employees prior to the launch. The information emphasized the theme for the 2020 OPM FEVS, "Empowering Employees, Inspiring Change," and assured employees that by completing the survey their voices would be heard, and results of the survey would influence positive change in the agency. In May 2021, OPM released the FY 2020 FEVS results to Federal agencies. Through workgroups, EEOC will analyze the

data, collect additional data through focus groups, make recommendations, and help develop plans for the top five improvement/challenge areas. Actionable recommendations for improvement will be provided to the Chair by August 2021.

<b>Performance Measure 10: Feedback surveys and other mechanisms provide baseline measures of services provided to those with whom the EEOC interacts.</b>			
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Targets</b>	Continue to implement feedback surveys and other mechanisms, adjusting the measures and targets, as necessary.  Set goals for improvement or maintenance at the beginning of each fiscal year and review results at the end.	Continue to implement feedback surveys and other mechanisms, adjusting the measures and targets, as necessary. Set goals for improvement or maintenance at the beginning of each fiscal year and review results at the end.	Continue to implement feedback surveys and other mechanisms, adjusting the measures and targets, as necessary. Set goals for improvement or maintenance at the beginning of each fiscal year and review results at the end.
<b>Results</b>	The EEOC updated and enhanced its external services based on feedback received in FY 2018 and FY 2019.  The agency established an internal feedback option via an email for recommendations from staff to enhance systems.  The agency conducted the ADR program annual survey and surveyed participants in the EEOC's 22 <sup>nd</sup> Annual EXCEL conference held in August 2019.	The EEOC received the TMF award in January 2020 and assembled user requirements workgroups to help develop a new case management system for the agency.  The agency held internal discussions and established a new TMF project internal feedback option to solicit comments and ideas related to development of the modernized charge/case management system  The annual ADR satisfaction survey was not administered in FY 2020 due to the pandemic, which necessitated a shift by the agency to the development of an electronic survey for use beginning in FY 2021.  The EXCEL conference surveys are still under review.	
			<b>Target Met</b>

Performance Measure 10 focuses on obtaining feedback on services provided to the public. It also supports the goal of obtaining and evaluating feedback from the targeted audiences the Commission serves to allow better measurement of the agency's service delivery and increased accessibility.

The FY 2020 target for Performance Measure 10 was to continue to implement feedback surveys and related mechanisms from the public and targeted audiences the Commission serves, to adjust the measures and targets, as necessary, and set goals for improvement or maintenance of the agency's service delivery and increased accessibility annually. During

the second quarter of FY 2020 and as part of the Technology Modernization Fund (TMF) modernization project, the agency held feedback discussions with each district regarding current challenges with the legacy IMS system and received ideas about ways the new case management system could be enhanced. The agency also established a new TMF project internal feedback option – a tracking tool – via email to continue to receive ideas on how to create a new case management system. In addition, several small workgroups of internal and external FEPA users, including the Office of Field Programs (OFP), the Office of the General Counsel (OGC), OEDA, and others around the country were assembled to participate in requirements meetings for the new system with the Office of Information Technology (OIT) team.


Also, during the fiscal year, a feedback survey to gather the baselines upon which the EEOC will compare user feedback regarding the old versus the new case management system was completed. The agency received 46 percent survey participation and learned that 63 percent of users found that they cannot efficiently organize their workload tasks in the current system; only 42 percent believed they could run reports that met their needs in the current system. In addition, the agency received feedback from FEPAs about the current system through a “Tell Us About Your Experience” feedback format with similar responses about the limited functionality of the current system.

The annual in-person distribution of the ADR satisfaction survey was cancelled for fiscal year 2020 due to the health crisis. Instead, efforts focused on the development and testing of a parallel remote e-survey and e-link distribution process to be available for annual survey period in 2021.

In addition, the agency held its 23rd annual EXCEL Training Conference using a virtual platform. The EXCEL Conference Surveys were adjusted and utilized to assess the virtual training conference approach. Post conference feedback of conference workshops reveal significant satisfaction ratings from participants. The feedback will be used to design next year’s conference.

**Performance Measure 11 for Outcome Goal III.B:** Monitor yearly progress on modernization of charge/case management systems for program offices until completed in 2022.

<b>Performance Measure 11: Monitor yearly progress on modernization of charge/case management systems for program offices until completed in 2022.</b>			
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Targets</b>	Set goals for increasing the number/percentage of fully digital charge and case files from FYs 2019-2022.  Report on progress quarterly and adjust the plan, as necessary.	Report on progress quarterly and adjust the plan, as necessary.	Report on progress quarterly and adjust the plan, as necessary.


Results	<p>The number of inquiries received via the agency Portal increased by 11.1 percent.</p> <p>The EEOC continued efforts to develop (for deployment in FY 2020) the closure document module that will lead to the ability to have all digital files.</p> <p>The agency secured funding from the Technology Modernization Fund (TMF) to make a full-scale system change that will allow the EEOC to complete the goals of this measure well ahead of schedule.</p>	<p>TMF funding was received in January 2020 and, thereafter, supported the technical and management programs. As the funding was four months later than planned, the TMF Board approved a commensurate change in the program's dates.</p> <p>The EEOC met with and provided program oversight briefings to the TMF/GSA project team on a monthly basis and to the TMF Board each quarter. The agency hosted a US Digital Services Discovery Sprint review of its TMF program.</p> <p>The agency also received approval from the TMF Board to move the FEPA development efforts to coincide with the EEOC Private development/deployment efforts.</p> <p>The private/FEPA applications are targeted for delivery in 2021.</p>	
		<b>Target Met</b>	

Performance Measure 11 allows the agency to track and assess progress on migration to a fully digital charge/complaint environment. The benefits of such modernization include improved collaboration and knowledge sharing, enhanced data integrity, reduced paper file storage or manual archiving/disposition requirements; and allowing a more mobile workforce. Streamlined services and increased responsiveness to users throughout the process will be regularly evaluated.

In January 2020, TMF funding was received and the EEOC assembled user workgroups from field offices and headquarters to develop and review requirements. The workgroups held over 60 requirements gathering sessions and the program team conducted more than 20 requirements review sessions with program office stakeholders. Also, significant technical progress toward the modernized charge/case management system were made, including the deployment of the Employer Master List (EML), the agency's single source for employer data in February 2020. This new service is improving EEOC respondent data quality and integrity and spans both the legacy and modernized charge management systems. The current plan projects the deployment of the new Private Sector Charge System, supporting both the EEOC and FEPA offices, in 2021. Following this deployment, development will shift to modernizing Federal Sector and Litigation Services for delivery in 2022, successfully meeting this performance measure.

Additionally, the FY 2020 target for Performance Measure 11 required the agency to provide quarterly progress reports on the number/percentage of fully digital charge and case files from FYs 2019-2022; adjusting the plan, as necessary. As of fiscal year-end, the number of inquiries received via the Online Inquiry and Scheduling System was in line

with the prior year, with only a modest decrease due to external factors. The agency attributes this to COVID-19-related reasons as thousands of workers became unemployed due to the pandemic, while thousands made major shifts in their work life.

<b>Performance Measure 12: The budget process prioritizes funding for the EEOC’s strategic goals.</b>			
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Targets</b>	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement and management priorities as approved by agency head.  Meet all submission deadlines.	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement and management priorities as approved by agency head.  Meet all submission deadlines.	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement and management priorities as approved by agency head.  Meet all submission deadlines.
<b>Results</b>	The EEOC’s FY 2020 Congressional Budget was submitted to Congress on March 18, 2019.  The EEOC’s final FY 2019 Operating Plan was approved by the Acting Chair on September 28, 2018.  The EEOC’s FY 2021 Performance Budget was submitted to OMB on September 9, 2019.	The EEOC's FY 2021 Congressional Budget was submitted to Congress on February 10, 2020.  The EEOC's final FY 2020 Operating Plan was approved by the Chair on January 31, 2020.  The EEOC's FY 2022 Performance Budget was submitted to OMB on September 14, 2020.	
			<b>Target Met</b>

At every level within the EEOC, a common understanding of how the strategic priorities direct the work of the agency is necessary for success. The EEOC will achieve this common understanding in various ways, including integrating Strategic Plan goals within performance standards and ensuring that budget submissions from each component office explain how the agency’s resources will be used to implement the strategies and goals outlined in the Strategic Plan. By developing a strong and clear message for use in budget documents and other publications, the agency demonstrates the nexus between its budget requests, allocations, and operating plans and the achievement of its mission and vision.

The FY 2020 targets for Performance Measure 12 were to submit the *EEOC’s FY 2021 Congressional Budget Justification* and the 2020 Operating Plan and prepare the *EEOC’s FY 2022 Performance (OMB) Budget* that aligns resources with the Strategic Plan. The final FY 2020 Operating Plan was approved by the Chair on January 31, 2020. The agency’s FY 2021 Congressional Budget Justification was submitted to Congress on February 10, 2020. The FY 2022 Performance Budget was submitted to OMB on September 14, 2020.

## C. Program Areas

### 1. Highlighted Resource Area

Table 11 below shows our highlighted budgetary resources for Information Technology (IT) and Human Capital planning (OCHCO) 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.

**Table 11: Highlighted Resource Area**

<b>Excellent &amp; Consistent Services Through a Skilled and Diverse Workforce and Effective Systems</b> (Dollars in thousands*)				
	<b>FY 2020 (Actual)</b>	<b>FY 2021 (Enacted)</b>	<b>FY 2022 (Request)</b>	<b>Change From FY 2021</b>
<b>Human Resources</b>				
Workforce Planning	\$0	\$0	\$ 300	\$ 300
Training, Succession Planning, Retention (Programs/Incentives)	\$0	\$0	\$ 450	\$ 450
<b>Information Technology</b>	\$23,750	\$22,724	\$ 22,724	\$0
<b>Total</b>	\$23,750	\$22,724	\$ 23,474	\$750

### 2. Human Resources

#### a. Workforce Planning

The EEOC has undergone several changes to its operations and workforce over the years. As a result of the pandemic in FY 2020 and 2021, the EEOC successfully pivoted and adjusted operations and to effectively deliver its mission and results. In order to continue to service the public effectively, the EEOC must conduct workforce planning to holistically staff and analyze the impact changes in the laws and the workplace and develop and implement strategies to reshape/reform existing workforce structures, staffing, and functions for its Offices.

In August 2017, OPM conducted a human capital management evaluation. The purpose of the evaluation was to assess the EEOC’s strategic management of human capital, the efficiency and effectiveness of its human resources programs, and compliance with merit system principles, laws, and regulations. The findings indicated that the EEOC lacked comprehensive information and plans to recruit strategically its current workforce, plan for future staffing levels and leadership continuity, and ensure its training programs support agency needs. In FY 2018

through 2020, the EEOC started a workforce planning initiative and made comprehensive changes with improvements to hiring, recruitment, training, and retention. As a result of the pandemic, the EEOC effectively adjusted operations in FY 2020 and 2021 due to the pandemic but must now complete robust workforce planning with ongoing analysis and staffing plans that allow leadership to identify and use human capital (and technology) strategies best suited to support the EEOC's current and future organizational goals in FY 2022, 2023, and beyond.

#### **b. Training and Retention**

The EEOC is focused on training and developing employees at all levels – non-supervisory employees, team leads, supervisors, managers, and executive-level staff. The EEOC will accomplish this continuous learning at all levels through talent management, ensuring our Headquarters and Field Offices identifies and closes skills gaps, and implements and maintains programs to attract, recruit, develop, promote, and retain quality and diverse talent so the agency can accomplish its mission.

The EEOC will continue to provide all employees with a comprehensive training program through four primary approaches: 1) training activities responsive to their individual development plans (IDP); 2) internally-sponsored, instructor-led courses, workshops, and webinars; 3) training programs addressing position-related competency needs; and 4) online courses available through the EEOC Learning Management System (LMS). We will use a strategic approach to deliver these training programs for effective talent management. In FY 2022 and beyond, we will use agency strategic goals, focusing on necessary competencies, and develop a Talent Management and Leadership Succession Plan for employees at all levels. The plan will be the result of reviewing a variety of resources, including other agencies' leadership succession plans, Field and Headquarters perspectives, Office of Personnel Management (OPM) guidance, Government Accountability Office (GAO), the EEOC Office of Inspector General (OIG) Reports, and information regarding organizational planning for succession in both the private and public sectors. We will also consider the EEOC's performance reports, employee surveys, our Human Capital Operating Plan, and guidance/feedback on aspects of the plan from the EEOC Executive Resources Board.

We intend to address our future leadership needs in a coordinated and thoughtful manner. The Talent Management and Leadership Succession Plan will provide the reasoning and blueprint for addressing the anticipated loss of experienced leaders by providing a process to identify and prepare well-qualified individuals to lead the agency into the future. Strong leadership will ensure a continued commitment to the agency's mission and successful accomplishment of our goals.

During FY 2022, we will continue to expand web-based and virtual training as the EEOC continues to make significant investments in IT resources to increase bandwidth and modernize computer systems to handle increased traffic to train and develop employees at all levels. Due to the COVID-19 pandemic in FY 2020 and 2021, virtual training opportunities increased – allowing the EEOC to convey relevant



information and timely updates to our staff in all of our 15 Districts and Headquarters locations.

The EEOC launched a new, more robust LMS in FY 2021, that significantly aided the agency in strategically planning and administering learning and talent management activities for its staff, tracking employee course completions, conducting pre- and post-testing to measure results, and gathering data needed to submit required reports on agency training activities to OPM. In FY 2022, the EEOC plans to use additional system capabilities to deliver quality training for the workforce, to include a new authoring tool to allow for the creation of online course content and internal and external training programs.

In FY 2020, many training opportunities were cancelled or postponed due to the COVID-19 pandemic. However, the Agency quickly adapted to providing virtual training as needed. This was expanded in FY 2021, and all internal training is offered through virtual platforms (i.e., Microsoft Teams). The New Investigator Training for FY 2022 will track the format used in early FY 2021 as discussed below. For Fiscal Year 2022, we will develop and deliver training to address the needs of staff as they perform their investigative duties in an evolving environment of technological advances, Commission priorities, and legal developments. This training will equip staff with the skills and knowledge to continue to respond to dynamic changes to our processes and the resultant impact on their duties and responsibilities.

The EEOC conducted training in FY 2020 on organizing and managing electronic files. In FY 2021, training continues to be focused on enhancing staff skills in areas including conducting virtual on sites and conciliation conferences; identifying systemic discrimination, and other topical issues.

In FY 2021, the agency conducted two, three-day deposition skills training sessions for trial attorneys in field legal units, in collaboration with the National Institute for Trial Advocacy (NITA). In these two sessions, we trained 31 trial attorneys through a nationwide, virtual platform. In April 2021, OGC and NITA conducted a four-day trial skills training for 30 trial attorneys. OGC expects to conduct a third, skills-based training session in FY 2021, this one on advocacy. These learning-by-doing trainings enhance the ability of trial attorneys to litigate cases independently and bring quality advocacy to the litigation program. In FY 2022, we expect to repeat the trial skills training for approximately 30 additional trial attorneys.

In FY 2021, we held training for approximately 30 trial attorneys who have been designated as leads for electronic stored information (ESI) matters. The training covered the EEOC's internal ESI policies, litigation support services, preserving, collecting and producing ESI from claimants and aggrieved individuals, and obtaining ESI from defendants. In addition, we held basic and advanced Relativity training for approximately 100 attorneys. We expect to repeat this training for more attorneys in FY 2021 and 2022.

Because we are able to begin rebuilding the agency's capacity by hiring many new attorneys in FY 2021, we expect that we may conduct an in-person New Trial

Attorney Orientation training early in FY 2022. We also hope to have Supervisory Trial Attorneys (STAs) from across the country come together for a conference. This conference is vital to engagement and retention of the primary quality control members of the field legal units, as they share strategies and best practices about litigation and performance management.

In late FY 2021 and in FY 2022, we expect to conduct training regarding advanced litigation topics, such as bankruptcy and judgment collection, working with expert witnesses, and statistical analyses for attorneys. We also plan to conduct training for trial attorneys regarding systemic litigation. This training will develop critical skills for field attorneys as they rebuild our systemic litigation dockets.

The EEOC will strive to make continuous improvements to our training programs to ensure our employees at all levels have the knowledge and skills to effectively perform their duties. In FY 2022, the EEOC will also provide mandated training requirements to employees and basic software maintenance for training systems and partner with the Small Agency Council to provide expanded training courses from Shared Service providers Training Centers.

### **c. Performance Management**

In FY 2020 and 2021, the EEOC satisfied the requirements outlined in the Office of Management and Budget (OMB) memorandum (M-19-24) regarding “Guidance on Awards for Employee and Agency Workforce Fund Plan”. In accordance with M-19-24, the EEOC implemented a balance between performance/rating-based awards and individual/contribution awards that supported the strategic use of awards and recognition throughout the year and addressed workforce challenges by allocating rating-based awards in a manner that recognize high performing employees. Per OMB guidance, in FY 2022, the increase in awards spending will support agency pay for performance efforts and be no less than 1 percentage point of our General Schedule (GS) and Senior Executive Service (SES) levels salary spending in FY 2021.

### **d. Recruitment and Retention**

In FY 2022, in support of our Workforce Planning initiative, the EEOC will develop a Recruitment and Retention Strategic Plan for the field and headquarters offices to improve overall recruitment and retention to ensure we retain increased staffing levels.

The EEOC will continue to comply with OPM and OMB guidance and executive orders to streamline the Federal recruitment requirements, simplify the hiring process, providing tools and resources needed to attract and retain talent at all levels. To support our Recruitment and Retention strategy to fill and retain positions year-round, the EEOC will use hiring flexibilities to rebuild agency staffing including encouraging Schedule A hiring of persons with disabilities; continued use of non-competitive veterans hiring appointments; using the Pathways Programs (Internship, Recent Graduates, and Presidential Management Fellows) for entry level positions; Military Spouses appointments; collaborate with AmeriCorps VISTA/Peace Corps for various appointments; and build strategic partnerships and alliances with stakeholders such as

Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), Asian American and Pacific Islander Serving Institutions (AAPISIs), Tribal Nations, local high schools, and colleges/universities.

At the same time, as part of the Workforce Planning's recruitment and retention strategy the EEOC will closely monitor and analyze separations due to retirements, transfers to other agencies, and departure to the private sector by deploying retention programs such as training, hiring opportunities, and retention incentives to ensure we retain our talent and staffing numbers.

In FY 2022, the EEOC will continue to provide American Sign Language interpreting services, reasonable accommodations, Federal Occupational Health Work-Life programs, and Employee Assistance Programs for our entire workforce to support work-life balance that ultimately helps with employee retention to maintain and support the EEOC workforce.

#### **e. Addressing Internal Workplace Issues**

RESOLVE is the 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 at 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.

The Office of Equal Opportunity (OEO) processes federal sector complaints of discrimination submitted by EEOC employees and applicants. OEO is also responsible for implementing the Agency's Affirmative Employment Program (AEP) to proactively prevent potential discrimination before it occurs and to meet the congressionally mandated goal of making the EEOC a model workplace.

### **3. Public 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), the EEOC expanded the agency's public accessibility by phone, e-mail and video phone service for the deaf and hard of hearing. The IIG consists of in-house staff who serve 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 close to 500,000 calls in FY 2019 and 2020; and it is on track for a similar call volume in FY 2021. In FY 2018, an average of 43 percent of callers utilized the Interactive Voice Response (IVR) information system and needed no further assistance, and that percentage has increased to 45 percent in FY 2020. 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. In FY 2019, on average each month our Information Intake Representatives (IIRs) answered more than 9,000 calls, 2,700 emails and approximately 85 video phone transactions from individuals wanting more information or wishing to discuss their situation with an IIR. In FY 2019, approximately 78 percent of calls, emails and videophone calls answered by the IIRs were fully resolved by the IIR without being referred to other staff in the EEOC field offices. We saw an increase in volume in FY 2020; on average each month our Information Intake Representatives (IIRs) answered more than 10,500 calls, 3,100 emails, and approximately 66 video phone transactions. In FY 2020, approximately 76 percent of calls, emails and videophone calls answered by the IIRs were fully resolved by the IIR without being referred to other staff in the EEOC field offices. Assessing all contact channels combined, the IIG received more than 530,000 transactions in FY 2020 and we anticipate a higher volume in FY 2021 and FY 2022.

Investments made in the Intake Information Group have allowed the EEOC to expand its reach and more efficiently serve the public. Previously the EEOC's investigators in each EEOC office responded to calls from the public. In FY 2020, our staff of approximately 43 IIRs, handled over 390,000 contacts without the need to forward them to EEOC investigators. Using IIRs to handle calls allows investigators to be more productive and efficient and enhances our service to the public. In FY 2020, the EEOC's investigators maintained their productivity at an average of 129 cases, a significant accomplishment given that it was achieved with the migration to a fully remote workplace environment due to the pandemic and ultimately contributed to the lowered pending inventory level.

As noted above, the EEOC has also increased 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). When instituted, the EEOC was one of only three federal agencies (along with the Federal Communications Commission and the Small Business Administration) offering interactive video calls to the public. 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 the EEOC staff, rather than through intermediaries, such as interpreters or video relay service. In FY 2020 over 800 video calls were handled by the IIG and we anticipate that number to increase in FYs 2021 and FY 2022. We will continue to assess the public demand for ASL services to determine if additional staffing resources are needed to support this aspect of our service to the public.

The IIG continues to lead the way in advancing full-time telework, thus helping to reduce our physical footprint and reduce costs. What began as a partnership with the National Telecommuting Institute (NTI), a non-profit organization whose mission is to identify and develop work-at-home jobs for individuals who have physical disabilities, has now expanded. In addition to the seven individuals hired through NTI, the option for 100 percent telework had been expanded to all IIR's. Prior to the pandemic, 74 percent of the IIR's teleworked full-time. During the period of the agency's shift to 100 percent telework due to the pandemic, the IIG operations were able to successfully continue with all staff working remotely. The IIG was able to operate at optimal levels because of the experience gained during prior years of using telework.

Given the overall national shift to digital communication (email communication in particular), the IIG expects that email inquiries to the EEOC, via the IIG, will approach, if not exceed, 50,000 during FY 2022. To the extent the EEOC is equipped to address these email inquiries fully and accurately, without need to forward inquiries to investigative staff, the IIG's contributions to the EEOC's Public Service Capabilities will increase exponentially across all parts of the agency.

Beyond the contacts made through our IIG, another significant part of our work is addressing inquiries that do not ultimately become charges. These inquiries involve significant amount of staff time. In many instances where inquiries are submitted, staff interview the individual in depth and counsel the individual as to their rights, responsibilities and the process. In FY 2020, the EEOC received more than 187,000 inquiries in field offices, including 122,775 inquiries through the new online inquiry and appointment scheduling system, resulting in 30,294 charges being formalized out of the total 67,448 charges filed.

The EEOC has had a continual focus on enhancing its charge intake services, including through the expansion of walk-in hours, and issuance of a plain language brochure to assist potential charging parties in understanding their rights and the EEOC charge handling process. Individuals may now contact the agency by phone, by mail, by e-mail, and by facsimile, by going to the EEOC's website, or by visiting the EEOC field offices. In October 2018 the agency expanded the Online Inquiry and Scheduling System to all 53 field offices. This system allows potential charging parties to submit a pre-charge inquiry for review and provide on-line scheduling of appointments for intake interviews.

Likely do to the expansion of the online intake and scheduling system, there has been a 6.7 percent increase in the number of individuals who contacted us about their employment issue, but who ultimately decided not to file a charge. The technological advances also further emphasize the EEOC's priority charge handling procedures to manage the pending inventory, including pre-charge counseling and pre-determination interviews. Effective pre-charge counseling ensures individuals make informed decisions about whether to file a charge of discrimination and the pre-determination interview allows us to communicate the basis for our decisions to the parties. Both are essential for good public service and effective charge processing. Coupling pre-charge counseling with the online system's elimination of a paper intake questionnaire contributed to a 7.2 percent reduction in FY 2020 charge receipts, even though the

inquiries were down by 6.5 percent over the prior fiscal year. Additionally, increased focus on the reassessment of charges as soon as new evidence is obtained enables staff to make the critical decision as to whether additional investigation is likely to result in a cause finding. Offices also utilized and took advantage of technological advances designed to improve the efficiency of the processes.

#### **4. Information Technology - Building a Digital Workplace**

The EEOC is committed to building a digital workplace to increase our efficiency and to provide timely service to the public. This encompasses everything the agency does, from increasing the effectiveness of its administrative processes to better supporting mission-related activities in enforcement and litigation that are directed at stopping and remedying unlawful employment discrimination. These efforts are organized around three strategic IT goals:

- Transform the way the EEOC serves the public by making its charge complaint, and appeal processes transparent and providing information to its constituents online and on demand.
- Streamline processes to improve service for stakeholders, including individuals, state and local partners, Federal agencies, businesses and other organizations.
- Improve productivity by providing agency employees secure access to the tools, data and documents they require.

Operating its legacy case management applications while transitioning to new, more effective, digital systems is complex, and its success is essential to the agency's mission. These efforts have included:

- The EEOC previously launched Online Charge Status, Online Inquiry, Scheduling, and Digital Charge Processing applications in our Public Portal. In FY 2020, 122,775 potential charging parties initiated inquiries through the private sector component of the Public Portal and, of these, 30,294 were formalized into charges of discrimination. In each of these instances, agency personnel were relieved of the task of data entry. Conservatively, we estimate that this saved over 41,000 hours of investigator time (almost two weeks per investigator) in FY 2020, doubling our initial savings estimate. Also, in FY 2020, the agency served 59,663 charges electronically (up from 48,876 the prior year), conservatively saving the agency over \$37,000 in printing, postage, and related costs. Electronic service also resulted in savings for the field offices' clerical staff, freeing each enforcement office administrative assistant from more seven days of work to perform other tasks. In addition to the above referenced cost savings and efficiency gains, the EEOC's Public Portal proved to be a critical success factor in the agency's ability to provide continuity of services to the public during the COVID-19 pandemic.

- In FY 2019, the EEOC deployed new electronic services to our public sector constituents, bringing the EEOC’s federal sector online services to par with its private sector services. The companion Federal Sector EEO Portal (FedSEP), which provides online services to Federal Agency OEO offices, was also enhanced to integrate with the public sector side of the Public Portal, for information and document exchange.
- The agency’s strategic plan requires that we “complete a shared vision and develop high-level plans with resource requirements for modernizing [our] charge/case management systems.” To meet this goal the agency engaged in a year-long effort with the Technology Modernization Fund (TMF), an innovative funding vehicle that uses a competitive vetting process to make limited funds available to federal agencies for technology improvements consistent with the President’s Management Agenda. After a process that included developing project proposals, a high-level project plan, a technical architecture, and a full business case, the TMF Board awarded the agency \$4 million dollars – providing the EEOC with the resources to modernize the legacy technology and data structure of its now 20-year old Integrated Mission System (IMS) over a two-year period. TMF funds were received in early 2020 and development, infrastructure modernization, and change management efforts are nearing completion, with the projected delivery of the new Private Sector Charge Service to the EEOC and FEPAs during FY 2021. Following this deployment, development will shift to modernizing Federal Sector and Litigation Services, for delivery in FY 2022.

As its first TMF effort milestone, the EEOC developed and deployed an Employer Master List (EML), which provides a consistent, reliable source of employer information across all charges. The EML is accessible to businesses through the EEOC’s Respondent Portal for review and update, enhancing the accuracy and consistency of the EEOC’s employer information, aiding agency/employer transactions, and improving the EEOC’s analytic capabilities. The EML presently has over 12 million employer records, with more than one million of these master records linked to charges in legacy IMS.

- In FY 2020, the agency modernized its over ten-year old external website, eeoc.gov. The new website is based on secure open-source technologies and improves our users’ experience, better promotes the agency’s message, integrates more effectively with our social media activities, supports multi-language capabilities, provides a mobile responsive platform for easier viewing on phones and tablets, and is fully compliant with applicable accessibility standards. Additionally, this effort partially resolved an open OIG finding regarding “out-of-date infrastructure supporting legacy EEOC systems and services”.

For digital projects to achieve the goals of increased efficiency and improved service, the EEOC needed to invest in the infrastructure necessary to support a digital environment. Accomplishments and plans in this area include:

- The EEOC previously migrated Field Offices and Headquarters to an Ethernet-based Multi-Protocol Label Switching (MPLS) network expanded capacity to better support operations and prepare for the transition to unified communications and invested in the replacement of outdated network equipment. These efforts were undertaken in order to provide highly available, secure, data communication capabilities that are critical to our development of digital workplace. Bandwidth expansion will continue in FYs 2020 and 2021 via the EEOC's federal Enterprise Infrastructure Solutions (EIS) contract. In recent Congressional testimony, a GSA administrator highlighted the EEOC as one of three agencies that have made the most measurable progress in transitioning to the EIS contract. The EIS is expected to reduce the agency's annual data communications costs by nearly 50 percent which are being re-invested in increased bandwidth and will enable agency personnel to communicate with voice, video and data from all locations. These network investments enabled the EEOC to support fulltime remote telework necessary due to the COVID-19 pandemic.
- In FY 2020, the agency completed its shift from its aging Novell directory, email and file services to investments in Microsoft Office 365 and Azure. These efforts enabled the agency to begin updating its primary device operating system to Windows 10 in FY 2021. Despite the limitations of fulltime remote work, the EEOC has nearly completed this critical security upgrade. The EEOC developed a fully automated re-imaging/restore process that allowed laptop migrations to be performed via three methods, all following strict COVID-19 protocols: no-contact on-premise laptop swaps/upgrades, curbside (drive-through) laptop swaps, and shipped swaps. The new Win10 image significantly improves end-point security, provides modern web browsers and office tools, and enhances remote work performance through improved VPN access.
- To improve remote collaboration and communication capabilities during the COVID-19 pandemic, the EEOC aggressively deployed Microsoft Teams enterprise-wide. Deploying and utilizing Teams so rapidly, including developing written guidance, video presentations and remote training, has helped transform the way the EEOC communicates – as EEOC employees are now able to use the enhanced chat, file, meeting and videoconferencing capabilities in Teams.
- The EEOC continued the migration from on-premises and hosted data centers to cloud services. The agency previously migrated directory and file services, enterprise scanning and advanced analytics solutions to the Microsoft Azure government and commercial clouds (Azure). In FY 2021, the agency is eliminating hosting services from our infrastructure contracts and will



complete the migration of all hosted systems, including its legacy charge/case management system, to Azure.

- One of the significant challenges associated with the COVID-19 pandemic was provisioning laptops to the summer interns that were preparing to on-board during May and June 2020. Understanding the importance of this resource, and the time constraints related to their service, in less than one month the EEOC designed and provisioned a secure Windows Virtual Desktop (WVD) environment for the interns use. WVD allowed interns to securely connect to EEOC systems and services from their personal laptop at their remote location. While primarily implemented in response to the pandemic, this solution is expected to continue to provide EEOC interns and Continuity of Operations staff with reliable, secure and cost-effective remote access. Using the EEOC's Azure cloud infrastructure, WVD services can be ramped up or down to more efficiently and cost effectively meet these needs. Since its deployment, the EEOC has onboarded and serviced over 480 interns with its WVD platform.
- The EEOC began FY 2020 with plans to continue its implementation of unified communications to replace and consolidate telephone systems in use by the EEOC headquarters and field offices. As the pandemic forced the agency into full-time telework, the EEOC responded by to deploying Microsoft (previously Skype for Business) Phone Services to all offices that had no other agency-provided means with which to communicate with the public. At the end of 2020, the EEOC had successfully deployed Teams Phone Services to 42 Field Offices. Teams Phone Deployments, including delivering physical phones as offices reopen, will be completed in FY 2021. Completion of the migration to unified Teams communications will save the agency over \$1.2 million annually, which will be reinvested in other needed IT services.

Securing the EEOC's digital workplace is a critical part of the agency's plans, with priorities developed and put in place to protect data that is central to the agency's mission and the privacy of the people the EEOC serves. The EEOC acquired several systems and services what will enhance security capabilities to better identify, analyze, and resolve internal vulnerabilities.

- The EEOC is implementing Cisco Identity Services Engine to provide upgraded authentication for network, VPN and wireless access. Additional security and privacy controls will be implemented during FYs 2021 and 2022, including architecting and employing a layered, segmented network security model, and utilizing additional firewalls for internal routing.
- The EEOC is additionally expanding its Identity Management (IM) capabilities to bolster the EEOC's security controls against account compromise. In 2020, the EEOC automated the enforcement of least privilege for system administrators, requiring that escalated privileges be requested for a specific function and duration, reducing risk of compromise and expanding audit and log capabilities. In 2021, the EEOC is implementing a Hardware

Security Module (HSM) dedicated cryptographic components into the agency's infrastructure to provide enterprise PKI certificates for workstations, servers, applications and other IT security projects. These expanded capabilities will significantly reduce cybersecurity risk and allow the agency to better meet FISMA requirements and standards.

- The agency plans to follow the directory service migration and security enhancements with the implementation of multi-factor authentication. In FY 2018, the EEOC implemented both Office 365 multi-factor authentication (MFA) and PIV-based device authentication for privileged users. During FY 2020, Office 365 MFA was implemented enterprise wide. The EEOC will expand remote authentication protections and roll-out PIV-based device authentication to all users during FY 2022.
- In late FY 2021, the EEOC is scheduled to coordinate with DHS to conduct a "High Value Asset" (HVA) security assessment review of the new modernized IMS system running in Azure. IMS was designated as an HVA due to its support of the EEOC mission (charge/case management) essential functions.

On the privacy front, the EEOC implemented Office 365 Data Loss Prevention (DLP) technologies to monitor outgoing external email transmissions for content containing sensitive information, such as Social Security Numbers. The agency has also implemented EEOC Secure Share, a secure file transfer tool to enable external parties to exchange large files in a HIPPA and FIPS 140-2 compliant manner. The EEOC will continue to utilize data-at-rest encryption and other data loss prevention technologies within SharePoint and Azure to better protect and secure sensitive data.

Another key IT focus is Enterprise Analytics and Reporting, as the agency recognized the need to better utilize its data for analytics, such as to support decision making, and operational reporting, to support mission results. Presently the EEOC is migrating its core analytics to Microsoft Power BI. This work will be completed during FY 2021, replacing an aging and unsecure Hyperion environment. Future changes to data analytics will now be coordinated through the EEOC's Data Governance Board and with the Chief Data Officer.

As outlined above, in FYs 2021 and 2022, the EEOC will achieve many of our multi-year modernization milestones – realizing the related benefits, efficiencies, and cost savings. With adequate funding in FY 2022, the EEOC will continue to use its newly acquired technologies to their fullest potential – modernizing aging network infrastructure, improving digital services, enhancing information security and privacy, and migrating out-of-support legacy systems to modern cloud-based solutions.

## 5. Finance and Administration

### Office Rehabilitations and Relocations

The EEOC continues to collaborate 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 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.

The EEOC continues to incorporate space reduction or sustainment measures to comply with amended OMB memorandum M-12-12 "Promoting Efficient Spending to Support Agency Operations," Executive Order EO 13589 requirements to reduce operating costs and "Reduce the Footprint (RTF)." Measures we employ include, but are not limited to the following:

- The EEOC will employ measures to not increase our total square footage from the FY 2015 RTF baseline. 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 FY 2015 RTF baseline for one or more of the EEOC's offices.
- Adherence to Agency Space Allocation Guidelines, 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, the Commission continues to plan space requirements for both the short and long terms and "right-size" offices in conjunction with lease expiration operations. We also take advantage of re-programmed funds for independent space actions such as security and safety improvements and furniture replacement in offices that habitually renew leases in federal spaces.
- The EEOC will also undertake a review of all space needs, current and emerging to ensure that we maximize our space utilization and update our space allocation guidelines to adjust for a post-COVID work environment.

Based on the above, the following is a summary of FY 2020 completed space actions and FYs 2021-2023 planned space actions:

- FY 2020: Completed lease award, relocation and Tenant Improvement projects in: Denver, Minneapolis, and Philadelphia.
- FY 2021: Completed lease awards and Tenant Improvement projects: Oakland and San Jose. Expiring leases and lease awards, anticipated relocations and office wide re-configuration Commission projects in: Albuquerque, Dallas, Detroit,

Indianapolis, Little Rock, Los Angeles, Miami, Memphis, Nashville, New York, Norfolk, San Antonio, San Diego, Seattle (Information Intake Group), and Washington, D.C. (HQ and the Washington Field Division).

- FY 2022: Anticipated \$3.8M for expiring lease, relocation and office wide re-configuration Commission projects: Charlotte, Cincinnati, Cleveland, Greenville, Louisville, Milwaukee, and Savannah.
- FY 2023: Anticipated \$2.6M for expiring lease, relocation and office wide re-configuration Commission projects: Detroit, Newark, Pittsburgh, and Raleigh.

#### Financial Management and Data Analysis

The “Digital Accountability and Transparency Act of 2014” (DATA Act) requires agencies to designate Agency Senior Accountable Officer (SAO) to meet the legislative and regulatory requirements.

The EEOC’s designated SAO is the CFO. The EEOC is taking steps to improve budget, performance and financial data as prescribed by the “Digital Accountability and Transparency Act of 2014” (DATA Act).

#### Financial and Spending Data Analysis and Compliance

The EEOC currently uses an outdated Oracle Contract Life Cycle Management (CLM) System to procure goods and services. The CLM has many system and control limitations, does not produce 508-compliant documents, and is no longer in compliance with basic regulatory requirements, to include the DATA Act. Additional help desk support requests for data fix scripts are often required to resolve historical data inputs and revisions to prior workarounds for technical integration obstacles which were required for processing obligations prior to system upgrades. Examples which have surfaced include the following: draft modifications merging into the original award; FPDS-NG validation challenges due to reporting office code errors conflicting with later implemented FY 2016 Activity Address Codes (AACs); the inability to receive negative dollar amounts for processing modifications for de-obligations; and, the inability to override actions requiring the “technical connectivity failure” option after the FY 2018 system upgrade.

The EEOC is taking various complementary approaches and controls to overcome the CLM system limitation and non-compliance challenges to meet the legislative and regulatory mandates, and to satisfy the DATA Act requirements.

#### Security, Safety, Emergency Preparedness and Continuity of Operations

In FY 2022, the Commission will complete the installation of an Enterprise Physical Access Control System (ePACS) in all 52 Field Offices and Headquarters. This will bring the EEOC into compliance with HSDP-12, FIPS 201, NIST SP 800-116 and

DHS/Interagency Security Committee standards and guidance. Ongoing support, life cycle replacement, office relocation installation, service and maintenance are required.

In FY 2019, the Commission embarked on mitigating active shooter vulnerabilities within their Field Office's intake areas for offices located in buildings without physical security screening (x-ray and magnetometer) and armed Protective Security Officers. The EEOC, working with GSA, collaborated to install ballistic resistant glass transaction windows in 16 locations without physical security screening and armed Protective Security Officers. The final installation will be complete in FY 2022. Future office relocations into buildings without physical security screening and armed Protective Security Officers will include ballistic glass transaction window installations.

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## **IX. 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 the 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.

The 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.

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. The agency continues 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. Because several performance measures require data to assess the agency's achievements, it is significant that we can now obtain this data much more quickly and with greater data accuracy.

The EEOC's Office of Inspector General (OIG) continues to review the agency's data validity and verification procedures, information systems, and databases and offer recommendations for improvements. The Commission uses the OIG's information and recommendations to continually improve EEOC's systems and data.

In addition, many of the data-related tasks and projects called for by the agency's Research and Data Plan for 2016-2019 have now been superseded by the creation of the EEOC's Chief Data Officer position and reorganization of the former Office of Research Information and Planning (ORIP) into the new Office of Enterprise Data and Analytics—described more fully in Appendix D.

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## **X. PROGRAM EVALUATIONS**

Program evaluation is an important component of the 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 the EEOC's Strategic Plan for FYs 2018 - 2022 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.

Beginning in FY 2020, the agency initiated several evaluation projects: The Impact of COVID-19 on the EEOC's Mission Project; the Interagency Agreement (IAA) between the EEOC and The Committee on National Statistics (CNSTAT) of the National Academies of Sciences, Engineering, and Medicine for a Panel to Evaluate the Quality and Utility of Compensation and Hours Worked Data Collected from U.S. Employers by the EEOC through the EEO-1 project; and the Mediation Survey Modernization Project. See Appendix B for more detail.

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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. Freedom of Information Act Workload

The data suggests that the number of requests received under the Freedom of Information Act (FOIA) will stabilize at slightly under 16,000 by FY 2024.

Table 12 below depicts the actual FOIA workload for FYs 2018 - 2020, and projections for the number of requests received, processed, and pending for FYs 2020 - 2024.

Based on actual FY 2020 workload data, Table 12 below projects the number of FOIA requests to be received each year from FYs 2021 - 2024 as approximately 15,596 requests each year. Based on FY 2021 data, the number processed each year is estimated to be up to approximately 16,436 in both FYs 2021 and 2022, and slightly under 16,000 in FYs 2023 and 2024.

**Table 12: Freedom of Information Act (FOIA)**

FY 2018 to FY 2024*							
	FY 2018 (Actual)	FY 2019 (Actual)	FY 2020 (Actual)	FY 2021 (Est.)	FY 2022 (Est.)	FY 2023 (Est.)	FY 2024 (Est.)
Carryover Previous Year	3,516	3,698**	746****	1,935	1,095	255	0
Receipts	19,062	17,794	16,287	15,596	15,596	15,596	15,596
Total Workload	22,578	21,492	17,033	17,531	16,691	15,851	15,596
Processed***	19,134	20,559	15,098	16,436	16,436	15,851	15,596
Pending FOIA	3,444	933	1,935	1,095	255	0	0

\* May not add due to rounding

\*\* Carryover Previous Year inventory adjusted to reflect FOIA activity spanning FYs

\*\*\* Processed FOIA is the projected estimate for four quarters. As of December 31, 2020, the EEOC had received 3,899 FOIA requests and processed 4,109 requests. At this rate, when the requests processed is multiplied by four, the year end result is 16,436 processed FOIA requests.

\*\*\*\* Updated numbers are from the FY 2021 first quarterly report cleared by DOJ.

### **C. 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. To date, Congress has not designated any members. In order to abide by our statutory responsibilities, should such a 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.

To be known as the Genetic Nondiscrimination Study Commission, this commission would be located in a facility maintained by the 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 the EEOC as shall be necessary to carry out the requirements of Section 8.

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

The U.S. Equal Employment Opportunity Commission (the EEOC or Commission) was established under Title VII of the Civil Rights Act of 1964 (78 Stat. 253, 42 U.S.C. 2000e et seq.), and became operational on July 2, 1965. The EEOC is a bipartisan Commission comprised of five members, who are appointed by the President, 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.

The EEOC is charged with ensuring justice and equality in the workplace by *stopping and remedying unlawful discrimination*. The 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

The 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; by joint labor-management training and apprenticeship programs; 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 condition with respect to terms of employment, including health benefits.

In addition to Title VII; the 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; 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 ADEA protects individuals age 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 sex-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.

Titles I and V of the ADA prohibit employment discrimination against qualified individuals on the basis of an employee's or applicant's disability. The act covers both private sector and state or local government employers with 15 or more employees,

employment agencies, and labor organizations with 15 or more members, and joint labor-management training and apprenticeship programs. Sections 501 and 505 of the Rehabilitation Act protect qualified individuals from employment discrimination on the basis of disability by the federal government, and section 501 requires that federal employers undertake affirmative action on behalf of individuals with disabilities.

The ADA and the Rehabilitation Act both require employers to make reasonable accommodations for individuals with disabilities absent undue hardship (i.e. significant difficulty or expense). 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 an 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.

All of the EEOC-enforced laws prohibit retaliation. Title VII, ADEA, ADA, the Rehabilitation Act, and GINA prohibit 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 he has filed a complaint (internal or with an enforcement agency) or instituted or testified in a proceeding.

### 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 the EEOC’s Commissioners or, alternatively, “on behalf of” another person by an individual or organization, such as a union or civil rights group. After charges are filed, the EEOC’s staff members investigate and the EEOC may issue a determination of “reasonable cause” or dismiss the charge for a variety of reasons. If the agency determines there is reasonable cause to believe unlawful discrimination occurred, it attempts to resolve the charge through conciliation. The EEOC also attempts to settle charges through mediation, in lieu of an investigation or at any stage of an investigation. Under Title VII, the ADEA, ADA and GINA, filing a charge generally is a prerequisite to filing a lawsuit. Filing a charge of discrimination is not a prerequisite to filing a suit under the EPA.

EEOC-enforced laws authorize the EEOC to file suit in federal district court in order to remedy employment discrimination if it is unable to achieve resolution through voluntary

conciliation. If, however, the charge of discrimination involves allegations under Title VII, the ADA or GINA against a state or local government, the EEOC refers it to the Attorney General, who may file suit in federal court. The EEOC may bring its own suits alleging violations of the ADEA or EPA by state or local governments.

### Federal Agency Respondents

The 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 anti-discrimination requirements through Section 717 of Title VII; Section 15 of the ADEA; Section 501 of the Rehabilitation Act; the EPA; and Section 201 of GINA. These laws provide the 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, the EEOC has jurisdiction to review final administrative decisions of departments or agencies on their discrimination complaints.

The 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") – including the additional responsibilities under the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020 amendments – to help Congress, federal agencies, and the public assess whether and to what extent agencies are meeting their EEO responsibilities.

### Data Reporting and Record Keeping

Under section 709(c) of Title VII, the 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, the 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 memberships by gender and racial/ethnic categories. The EEOC uses this data in charge investigations and other enforcement activities. It also uses this data to produce reports about the status of workers by race, ethnicity, or gender in selected industries.

Section 709(e) of Title VII forbids the EEOC or any EEOC officer or employee from making public any information before a Title VII proceeding is instituted that involves that information. EEOC staff who violate this prohibition may be found guilty of a criminal misdemeanor and could be fined or imprisoned. The EEOC directly imposes this Title VII confidentiality requirement on all of its contractors, including contract workers and contractor companies, as a condition of their contracts. With respect to other federal agencies with a legitimate law enforcement purpose, the EEOC gives access to information collected under Title VII *only* if the agencies agree, by letter or memorandum of understanding, to comply with the confidentiality provisions of Title VII. For the EEOC,

its agents and contractors, Title VII only permits disclosure of information after suit is filed in a particular matter on the issues that were investigated at the administrative level.

With respect to data-sharing with FEPA's, Title VII states that the EEOC may give FEPAs information (including EEO-1 data) about employers in their jurisdiction on the condition that it not be made public prior to the institution of a proceeding under state or local law involving such information. The EEOC's current practice is to share with a contracted FEPA the EEO-1 data filed by an organization within the FEPA's jurisdiction. The contracts include provisions imposing obligations with respect to confidentiality, privacy and data security. The EEOC may also share data with a non-contracted FEPA only if specified internal review protocols are followed and such sharing is deemed appropriate. In such instances, non-contracted FEPAs will be required to formally agree to confidentiality, privacy and data security requirements. The general rule is that EEO-1 data for an employer within the FEPA's jurisdiction will be shared. However, the policy recognizes and allows for additional data to be shared to assist labor market analyses, in some instances. Title VII authorizes the EEOC to decline to honor a FEPA's subsequent requests for information if the FEPA violates Title VII's confidentiality requirements.

#### Leadership and Coordination of Federal EEO Efforts

Under Executive Order 12067, the 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. The executive order instructs the 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 the EEOC in performing these functions and are required to furnish the 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.



### **XIII. APPENDIX B: EVALUATION AND EVIDENCE**

#### **1. Agency Context**

##### **a. Current Efforts and Future Plans**

The 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 the EEOC's long-term strategic goals and objectives.

The EEOC recognizes the importance of data driven decision-making and the transformative role data can have to make the federal government more efficient and to better serve the American people. In FY 2018, the agency created the Office of Enterprise Data and Analytics (OEDA) headed by the EEOC's Chief Data Officer. The creation of OEDA, the Data Governance Board, and the expanded role of the CDO, were designed to provide executive leadership and oversight for the development and implementation of the policies and processes that govern the collection, creation, management, use, and disclosure of the EEOC's data. OEDA's new and additional functions are intended to help the EEOC achieve its mission, as well as allow OEDA to provide greater and improved services to those both inside and outside of the agency. The upgrade of the EEOC's data capabilities through the creation of OEDA has already resulted in agency-wide data modernization and innovation. These strategies will further develop the EEOC's capacity to use evidence, evaluation, and data tools to improve program outcomes.

##### **b. Recent Major Progress**

The EEOC continues to make great strides with its Data and Analytics Program that was implemented in FY 2018. The goals of this program include, for example, enhancing the transparency of agency functions and operations, reducing burden on our stakeholders, augmenting agency use of modern data analytics to drive data-driven decision making, and promoting greater public access to the data.

##### **c. Current Barriers**

The EEOC recognizes the importance of data-driven decision-making and the transformative role data can have to make the Federal government more efficient and to better serve the American people. Having made significant initial strides to modernize the EEOC's methods of data collection, reporting, and access in recent years, this effort will require additional funding in FYs 2022 and 2023 to continue the agency's work to implement data-driven decision-making, enterprise-wide, and to use data to deliver on the EEOC's mission and serve both the agency and the public. The agency's proposed FY 2022 funding request to modernize the EEOC's data and analytics directly support the President's Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking.

## 2. Evaluation Projects

In FY 2021, the agency continued work on the following evaluation projects: The Impact of COVID-19 on the EEOC's Mission Project; the Interagency Agreement (IAA) between the EEOC and The Committee on National Statistics (CNSTAT) of the National Academies of Sciences, Engineering, and Medicine for a Panel to Evaluate the Quality and Utility of Compensation and Hours Worked Data Collected from U.S. Employers by the EEOC through the EEO-1 project; and the Mediation e-Survey Modernization Project.

**The Impact of COVID-19 on the EEOC's Mission Project** is a research study being conducted by the Office of Enterprise Data and Analytics (OEDA) to determine whether there may be a correlation or causal relationship between unemployment during economic downturns and EEOC charge filings, and how EEOC charge filings may be affected by the economic downturn related to COVID-19. The study is divided into two phases. Phase I included literature review, data and descriptive analytics. Phase II is focused on model development and charge projections.

**The Interagency Agreement (IAA) between the EEOC and The Committee on National Statistics (CNSTAT) of the National Academies of Sciences, Engineering, and Medicine for a Panel to Evaluate the Quality and Utility of Compensation and Hours Worked Data Collected from U.S. Employers by the EEOC through the EEO-1 Project** will examine the EEOC's collection of employer compensation data for 2017 and 2018. The EEOC's large scale collection of pay information between July 15, 2019 and February 14, 2020 affords an opportunity to review the methods used and the circumstances of the collection, to document lessons learned, and to identify ways to improve potential future collections. The panel will consider existing data quality and data utility frameworks for this data and will conduct analyses of the compensation data to assess its quality and usefulness for various purposes. The final report will provide the expert panel's conclusions and recommendations to inform the agency's approach to future data collections.

**Mediation Survey Modernization Project.** Beginning in FY 2020, EEOC mediation participants will be able to share their perceptions by completing a survey electronically, in English or Spanish. The project benefits include fewer steps in the process of distributing the survey to participants, faster receipt of survey responses, reduced data entry and elimination of postage. The mediation program has conducted only telephone or video mediations since March 2020, a departure from the in-person model implemented in 1999.

**The EEOC's Data and Analytics Modernization Program:** Beginning in FY 2018 through 2021 and continuing into FY 2022, the goals of the modernization program – are to enhance transparency of agency functions and operations, reduce burden on our stakeholders, augment agency use of modern data analytics to drive data-driven decision making, and promote greater public access to the data.

Specific initiatives in phase one of the EEOC's Data and Analytics Modernization Program include:

***Modernize the EEOC's Data Collections.*** Conducted by the EEOC with assistance from National Opinion Research Center (NORC) at the University of Chicago, a leading federal survey data contractor, this project focuses on modernizing the EEO-1, 3, 4, and 5 data collections. Through this work, the EEOC has conducted an initial assessment of Paperwork Reduction Act (PRA) Information Clearance Request (ICR) packages, to identify potential opportunities to strengthen ICRs. In addition, the first phase of a comprehensive evaluation to conduct a full review of the EEOC's current methods of data collection and reporting with an eye toward identifying innovations and efficiencies has been completed. The EEOC issued a new five-year contract for the EEO Data Collections that will implement new strategies and innovations identified in the evaluation.

***Provide Secure Access to the EEOC's Restricted Data for Research and Statistical Purposes.*** To protect the EEOC's restricted-access data released for research purposes, the agency in collaboration with NORC at the University of Chicago is establishing a modern, secure, and privacy protected data enclave to ensure access to protected data for external researchers. The EEOC Data Enclave replaces the agency's use of the Intergovernmental Personnel Act (IPA) federal hiring authority previously utilized to allow researchers to access the EEOC's restricted, privacy protected data. The previous process was discontinued in January 2018. The EEOC successfully conducted and concluded a pilot test for a secure data enclave built by NORC in the fall of 2019. The EEOC is working on updating its policy guidance on the access to restricted data for research and statistical purposes.

***EEOC Explore.*** This project enhances the transparency of agency functions and operations by facilitating and simplifying access to agency publicly releasable data by creating easily accessible public use files, documentation, and a web-enabled, state-of-the-art, user-friendly, data query and mapping tool, to facilitate access, and encourage greater use of the EEOC's publicly available data. The initial public launch displays two years of EEO-1 aggregated files. Additional years of EEO-1 and other EEO data collection files will be added each year through FY 2023.

***Data Inventory.*** As part of the EEOC's ongoing collaboration with NORC at the University of Chicago to design and build an EEOC Data Enclave, the agency constructed a comprehensive and thorough agency Data Inventory. In FY 2020, a draft Data Source Inventory file was delivered to the EEOC and will be updated continuously by NORC for the duration of the Data Enclave contract (through FY 2023).

***Data Visualizations for Internal and External Stakeholders.*** The EEOC has created new data visuals to accompany the existing data summary product it releases to the public in tabular format. The purpose of these visuals is to display enforcement data in a simple, comprehensible, and visually appealing way for all our internal and external stakeholders. These products represent the EEOC's first major new type of data product in more than 20 years. These data visualizations

illustrate statistics for employment discrimination charges and resolutions for the general public as well as specialists in anti-discrimination law and are part of the agency's broader effort to bring greater transparency to the EEOC's operations. The agency also is creating customized visualizations for use by internal stakeholders in each district to support enforcement and outreach functions of the agency. For example, one application of the visualizations will be to identify demographic characteristics and counties of residence of populations more vulnerable to workplace discrimination.

***Improvements to Collection and Dissemination of Internal Data.*** The EEOC is leading the 396 Modernization Project, a robust internal evaluation of the 396 data collection and reporting process. The project is designed to explore opportunities to add efficiencies and innovation to the 396 process, which has largely remained unchanged and unassessed for the past 20 years. As part of this evaluation, the EEOC conducted key informant interviews, cross-agency focus groups and an agency-wide survey. The final report was issued to the Data Governance Board April 2021.

***Evaluate the Efficacy of Existing Relevant Federal Data Sets.*** The EEOC is working to identify other federal sources of administrative and survey data (e.g. Bureau of Labor Statistics, Census Bureau) that, alone or in combination with existing EEOC data, may allow exploration into detecting and developing new tools and models for increasing understanding and awareness, identifying solutions, and implementing actions targeting the reduction of illegal employment discrimination.

## **XIV. APPENDIX C: ENTERPRISE RISK MANAGEMENT**

### **BACKGROUND**

The EEOC Enterprise Risk Management Policy Handbook established formal Enterprise Risk Management (ERM) within the EEOC in accordance with Section II of OMB Circular A-123, ERM and Internal Control are components of a robust governance framework. ERM as a discipline deals with identifying, assessing, and managing risks. Through adequate risk management, agencies can concentrate efforts on key points of failure and reduce or eliminate the potential for disruptive events. OMB Circular No. A-123 defines management's responsibilities for ERM and includes requirements for identifying and managing risks.

The EEOC recognized that many risks within the organization are interrelated and cannot be effectively and efficiently managed independently within a given Headquarters or Field Office. The interconnected risks facing the EEOC must be managed across the organization and, in many instances, in coordination with the agency and its stakeholders. Therefore, the EEOC Enterprise Risk Steering Committee (ERSC) was established to oversee the development and implementation of processes used to analyze, prioritize, and address risks across the EEOC. The ERSC is composed of the following representatives:

- Chief Risk Officer (CRO) and Committee Chair
- Director, Office of Field Programs
- Director, Office of Federal Operations
- District Director Representative
- Regional Attorney Representative
- Field/Area/Local Office Director Representative
- Chief Information Officer (CIO)
- Chief Information Security Officer (CISO)
- Director, Office of Enterprise Data and Analytics
- Deputy General Counsel
- Associate Legal Counsel
- Chief Financial Officer (CFO)
- Chief Human Capital Officer (CHCO)
- Associate Director, Office of Communications and Legislative Affairs (OCLA)

**XV. APPENDIX D: AGENCY RESPONSES TO PL 115-414 GOOD ACCOUNTING OBLIGATION IN GOVERNMENT ACT (GAO-IG Act)**

This bill requires each federal agency, in its annual budget justification, to include a report on: (1) each public recommendation of the Government Accountability Office (GAO) that is classified as "open" or "closed, unimplemented"; (2) each public recommendation for corrective action from the agency's office of the inspector general (OIG) for which no final action has been taken; and (3) the implementation status of each such recommendation.

<b>Audit Report Name Month and Year Report was Issued</b>	<b>Date of Report</b>	<b>Recommendation</b>	<b>Implementation Status</b>
<b>Audit of the Equal Employment Opportunity Commission's FY 2019 Financial Statements (OIG Report No. 2019-002-AOIG)</b>	November 19, 2019	Recommend that the EEOC ensures the existing policy in place is followed and documentation of the process is reviewed by the CFO or their designee on a quarterly basis	<p>Completed. Testing and validation pending. Improved accountability for the Unliquidated Obligations Review (UDO) process by developing and implementing oversight procedures to promote accountability by the program offices and the proper administration of contract/obligation closeout procedure in accordance Federal Acquisition Regulations (FAR).</p> <p>Developed/enhanced an UDO review guide to assist those conducting the review.</p> <p>Provided clarity and guidance on the types of documentation needed to support a decision to retain or de-obligate funds.</p>
<b>Performance Audit of the EEOC Commercial Charge Card Program (OIG Report Number 2018-007-AOIG)</b>	May 31, 2019	<p>Purchase Cards - the Administrative Officer or District Resources Manager should maintain documentation of all account closures electronically or in hard copy.</p> <p>Travel Cards - The Charge Card Program Manager should maintain documentation of all account closures electronically or in hard copy.</p>	Completed. Test and validation pending. Correspondence circulated to Approving Officials and Purchase Card holders August 21, 2019 to enforce procedures that ensures the maintenance of documentation on all account closures electronically or in hard copy.

<b>Audit Report Name Month and Year Report was Issued</b>	<b>Date of Report</b>	<b>Recommendation</b>	<b>Implementation Status</b>
<b>Independent Evaluation of the U.S. Equal Employment Opportunity Commission's Compliance with Provisions of the Federal Information Security Modernization Act of 2014 (OIG Report Number 2018-004-AOIG)</b>	March 11, 2019	The OIT has not employed an automated mechanism that ensures full-encryption of sensitive data and Personally Identifiable Information (PII) on mobile devices.	Completed. Recommendation has been fully implemented.
		The Office of Chief Human Capital Officer and OIT need to conduct a baseline assessment of the EEOC's cyber security workforce.	Completed. Testing and validation pending. OIT has partnered with OCHCO to ensure EEOC compliance with the Federal Cyber-security Workforce Act of 2015; evaluated current position descriptions for existing OIT personnel and assessed against current role requirements while considering the National Initiative for Cyber-security Education framework.
		The OIT needs to analyze and resolve internal vulnerabilities.	Work in progress. OIT is working with the Office of the Chief Financial Officer to mitigate critical vulnerabilities identified with security cameras and EPAC services. Reviewing printer vulnerabilities and requirements related to Novell iPrint (device installer) printing utility software. These three items along with use of continued legacy software, accounted for the majority of the newly identified internal vulnerabilities. Analyzing and resolving internal vulnerabilities with the remaining infrastructure is on-going.
<b>Evaluation of the EEOC's Data Analytics Activities Final Report (OIG Report Number 2017-02-EOIG)</b>	September 5, 2018	Consider new approaches, such as web-enabled and cloud-based solutions, to support expanding IT infrastructure needs of both the analytics team as well as analytical product users.	Completed. Recommendation has been fully implemented.
		Establish a data warehouse to address data retention, versioning, and reporting needs	Completed. Recommendation has been fully implemented.
		Invest in the generation of new metrics that quantify opportunity costs and corresponding benefits of data collection and data assurance.	Completed. Recommendation has been fully implemented.

<b>Audit Report Name Month and Year Report was Issued</b>	<b>Date of Report</b>	<b>Recommendation</b>	<b>Implementation Status</b>
<b>Independent Evaluation of the EEOC Compliance with Provisions of the Federal Information Security Modernization Act of 2014 (FISMA) for FY 2017 (OIG Report Number 2017-07-AOIG)</b>	December 18, 2017	<p>Recommend the EEOC OIT implement an automated solution to provide a centralized, enterprise-wide of risk across the agency.</p> <p>Recommend the EEOC OIT develop and implement a Trusted Internet Connection (TIC) program in accordance with Office of Management and Budget requirements to assist in protecting the agency's network from cyber threats.</p> <p>Recommend EEOC OIT conduct an e-authentication risk assessment based on NIST SP 800-63-3 Digital Identity Guidelines suite, for the EEOC's digital services and fully implement multi-factor authentication for logical and remote access enterprise-wide.</p>	<p>Completed. The ERM and register is agency-wide, presents risk ratings, and response. The pending GRC application will aid OIT. Closure will be reflected on the Fall 2021 SAR.</p> <p>Work in progress.</p> <p>Completed. Testing and validation pending. OIT completed e-authentication assessments for its digital systems in FY 2019. Within the Microsoft Action Directory configuration, PIV-based access was implemented for the EEOC's highest risk users, OIT domain administrators. In addition to PIV, domain administrators must also use Microsoft's multi-factor authentication to execute administrative functions. The new Window 10 image removes Novell dependencies and PIV access will be deployed as a follow-on component to the Windows 10 roll-out during FY 2020.</p>
<b>Independent Evaluation of the U.S. EEOC's Compliance with Provisions of the Federal Information Security Modernization Act of 2014 (FISMA) (OIG Report Number 2016-08-EOIG)</b>	January 4, 2017	EEOC OIT should review and analyze critical, high, and medium vulnerabilities. These vulnerabilities should be resolved to avoid compromise of the EEOC's systems; or the agency should document acceptance of the risk or reclassification of the risk.	Work in progress. Completion is pending test and validation.



<b>Audit Report Name Month and Year Report was Issued</b>	<b>Date of Report</b>	<b>Recommendation</b>	<b>Implementation Status</b>
<b>Independent Evaluation of U.S. Equal Employment Opportunity Commission Compliance with Provisions of the Federal Information Security Management Act (FISMA) (OIG Report Number 2014-08-EOIG)</b>	December 16, 2014	<p>Implementation of background checks for student interns to ensure that international visas are current.</p> <p>Development of policies and procedures to properly manage physical security access cards.</p>	<p>Completed. EEOC Order, Background Investigation Exempt Positions personnel policy and procedures was issued September 23, 2020. Recommendation fully implemented.</p> <p>Completed. Policy and procedures have been completed to manage physical security access cards.</p>
<b>Performance Audit of the Agency's Personnel Security Program (OIG Report Number 2013-08-PSA)</b>	September 15, 2014	<p>Develop and implement policies and procedures to address the safeguarding, transfer, storage, or disposal of classified information. The policy should include the requirements for Memorandum of Understanding between agencies.</p> <p>Implement a formalized training program for individuals who use classified information as a part of their duties. If an external agency is to assume the responsibility of training these individuals, this agreement should be documented in an MOU.</p> <p>Immediately correct any known weaknesses. If the EEOC determines not to correct a noted weakness, the EEOC should document this analysis and their acceptance of the associated risk.</p>	<p>Work in progress. "Standard Operating Procedure for Classified National Security Information: A Procedural Handbook for the Proper Safeguarding of Classified National Security Information" was submitted in DRAFT form.</p> <p>Training slides are complete and are included in the draft policy.</p> <p>Implementing a Personnel Security Program for national security positions is on hold per Agency Head(s).</p> <p>Work in progress.</p>

<b>Audit Report Name Month and Year Report was Issued</b>	<b>Date of Report</b>	<b>Recommendation</b>	<b>Implementation Status</b>
<p><b>Performance Audit Report: EEOC Compliance with Data Act Submission Requirements (OIG Report Number 2019-003-AOIG)</b></p>	<p>November 6, 2019</p>	<p>The EEOC should enhance their current Data Act internal control procedures over the reliability and validity of the Data Act submission by ensuring they meet all aspects of OMB M-17-04, including documentation of all work performed to ensure the alignment of data in Files C and D1. The enhanced internal control policy and procedure developed should include categorical explanations for misalignments, including legitimate differences between files C and D1.</p>	<p>Work in progress. Conducting a supervisory review of the current Data Quality Plan (DQP).</p> <p>Acquisitions Services Division conducting reconciliations between Files C and D1 quarterly. Categorical explanations for misalignments, including legitimate differences between Files C and D1 documented quarterly.</p> <p>Contract specific data currently being manually input into FPDS-NG, and manually submitted in the contract file for review by internal reviewer. The internal reviewer will also review the FPDS-NG reports for accuracy quarterly when reconciling Files C &amp; D1 to include reviewing the 57 Field offices to validate FPDS-NG accuracy.</p>
<p><b>Evaluation of EEOC Federal Hearings and Appeals Process (OIG Report Number 2018-01-EOIG)</b></p>	<p>March 30, 2020</p>	<p>Ensure all major processes and procedures are documented accurately and reviewed on an annual basis. The AJ Handbook should be updated and disseminated to all new and current AJs.</p> <p>Standardize on-boarding activities and training programs required for new AJs and other staff working at the District and Field offices, so that the Federal hearings experience is consistent for both complainants and agencies across offices. The updated AJ Handbook can be used as a foundation for training materials and should include directions on how to access other standardized on-boarding activities and additional training programs.</p> <p>Ensure future process changes are implemented according to change management best practices noted by GAO.</p> <p>Standardize organizational structures used in the District and Field offices to include all resources required for major tasks. Create a guideline that describes the desired standard organizational structure of District and Field offices.</p>	<p>Completed. Recommendation fully implemented.</p> <p>Work in progress. Developing standardized training for new AJs. The revised AJ Handbook will be the foundation for the new AJ training. Training will also consist of the laws the EEOC enforces as well as standard operating procedures. Estimated completion time, End of the 4th Quarter FY 2020.</p> <p>Work in progress.</p> <p>Work in progress. The Office of Field Programs (OFP) will conduct an assessment of District office needs within all Hearing Units to ensure consistency of standardized staffing and budget needs. Estimated completion time, End of the 4th Quarter FY 2020.</p>

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
		Standardize the role of the administrative support for all District and Field offices.	Completed. Testing and validation pending. OFP conducted an assessment of District office's support staffing levels and needs within all Hearing Units. OFP conducted an assessment of the job duties of the support staff to ensure consistency nationwide. Estimated completion time, First Quarter FY 2021.
		Evaluate availability of resources dedicated to Alternative Dispute Resolution (ADR) per office and determine if the agreement between the EEOC and the Federal Mediation and Conciliation Service (FMCS) would Ensure all major processes and procedures are documented accurately and reviewed on an annual basis. The AJ Handbook should be updated and disseminated to all new and current AJs.	Completed. Testing and validation pending. Work in progress. OFP will conducted an assessment of all District Office ADR programs and initiatives to identify best practices. OFP will worked with offices to improve and implement standard templates for incorporating ADR in all offices. Estimated time of completion, End of 4th Quarter FY 2020.
		Office of Information Technology (OIT), in partnership with OFP and OFO re-evaluate IMS requirements, and requirements for the framework of its successor system, to determine what additional reporting functionalities are needed in order to analyze data about staff and office productivity	Work in progress. IMS is being replaced. OFP is working with OIT to develop requirements for the new IMS Modernization Project which includes the EEOC Public Portal. Estimated completion time, End of 2nd Quarter FY 2021.
		OIT developers should meet directly with software users, such as OFO attorneys and supervisory attorneys and OFP AJs and Supervisory AJs (SAJ) to determine additional requirements.	Work in progress. The Charge/Case Management Modernization Governance Charter outlines a governance framework to ensure that the TMF effort is led by the Agency's program offices in partnership with the IT organization. This framework outlines roles and responsibilities for small team workgroups, which will include application users such as those outlined in the recommendation, to transform current business processes to efficient digital workflows, recommend new policies and procedures, and assist with the change management process. Estimated time completion time, Federal Hearings 4th Quarter FY 2021; Federal Appeals 1st Quarter FY 2022.

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		<p>OIT should explore the inclusion of additional codes, events, and activities required in IMS tracking for specific user needs.</p> <p>OFO and OFP, in partnership with OIT should consider development of an IMS training guide or document that is consistently updated and reviewed following upgrades, enhancements or modifications of the software.</p> <p>Examine the staffing model of the appeals intake process to determine if the dedicated resources are sufficient for ensuring processes are completed in a timely manner.</p> <p>Examine whether full appeals packets from agencies and complainants can be submitted electronically so that OFO can drive agency compliance with the requirements to submit digital files and consider eliminating CDs and paper records as avenues for submitting documentation.</p> <p>Assign a target amount of days for intake so that management can determine if changes implemented impact the efficiency of the process.</p>	<p>Completed. The planned IMS modernization effort will enable the shift from recordation (action code) based legacy processes to event-driven transactions, accessed through a modern interface and implemented on a modern database architecture that can support the EEOC's reporting and business process management needs.</p> <p>Charge-Case Management Modernization Governance Charter highlighted the program risk associated with "Communication" and established the framework to help mitigate this risk through training and documentation. Estimated completion time, Federal Hearing 4th Quarter FY 2021; Federal Appeals 1st Quarter FY 2022.</p> <p>Work in progress. OFO will conduct additional reviews to determine appropriate staffing and looked to whether staff from ARP can assist in this function, or if additional staff is required.</p> <p>Completed. With the EEOC Public Portal, complainants have the ability to file an appeal, submit supporting documentation, and review the appellate record. Combined with the Federal Sector EEO Portal for federal agencies, the EEOC has created a fully digital adjudication environment.</p> <p>Work in progress. OFO has deployed an internal Lean Six Sigma (LSS) Team tasked with examining the appellate decision. Phase One focused on adjudication. Phase One 4th Quarter of FY 2020. Phase 2 – examining the current intake process from receipt of appeal documentation, through completion of the record and forwarding to AR for adjudication. 2nd Quarter FY 2021.</p>

<b>Audit Report Name Month and Year Report was Issued</b>	<b>Date of Report</b>	<b>Recommendation</b>	<b>Implementation Status</b>
		Evaluate and assess timeline improvement after the use of the new contractors.	Work in progress. Evaluation of OFO's need for contract support services currently underway. Recommendations to occur before the end of the 3rd Quarter of FY 2020. LSS Phase Two preliminary analysis available at the end of the 1st Quarter FY 2021.
<b>Evaluation of EEOC's Contracts Administration Activities (OIG Report Number 2019-001-EOIG)</b>	March 11, 2020	<p>OCFO should review and update the Contract File Content Checklist to reflect current documents maintained in the file.</p> <p>ASD should establish a mechanism to provide oversight of CORs to ensure compliance with documentation requirements consistent with the FAR and agency policy.</p> <p>ASD should review and update the COR Appointment Letter as needed and specifically address the maintenance of electronic contract files.</p> <p>OCFO should revise EEOC Order 360.001 as needed to assist CORs in performing their duties. Include implementation guidance for contract administration activities, such as submitting contract modifications.</p> <p>OCFO should develop a mechanism to ensure that CORs are notified when invoices are ready for their review, including reminder notifications when invoices remain in the system longer than five days.</p>	<p>Work in progress.</p> <p>Work in progress.</p> <p>Work in progress.</p> <p>Work in progress.</p> <p>Work in progress.</p>

<b>Audit Report Name Month and Year Report was Issued</b>	<b>Date of Report</b>	<b>Recommendation</b>	<b>Implementation Status</b>
<b>Transmittal of Management Letter Report for FY 2020 Financial Statement Audit (OIG Report Number 2020-002- AOIG)</b>	December 16, 2020	<p>Recommend that EEOC management create a control where management reviews, on a sample basis, at least quarterly, the approved Monthly Purchase Card Statement for conformity to EEOC Order 360.003 that states, “The cardholder must maintain a file of monthly credit card reconciled statements which indicates approval by the Approving Official including: printed name, signature, telephone number, and date. EEOC management should follow-up with Approving Official(s) who have been found to not adhere to requirements of the Commercial Purchase Card Program and require them to obtain additional training, to include certifying they have read the Approving Official’s responsibilities, as it relates to the aforementioned control.</p> <p>Recommend that EEOC management create a control where management reviews, on a sample basis, at least quarterly, the approved PP&amp;E disposals/retirements or conformity to the EEOC SOP for OIT Excess Property that states, “When equipment is disposed of and SF 120, SF 122, or SF 120 copy using GSAXcess, is approved by the EEOC Approving Official(s), CSD Backup or Property management who have been found to not adhere to requirements of the SOPs for OIT Excess Property and require them to obtain additional training, to include certifying they have read the Approval Officials responsibilities, as it relates to the aforementioned control.</p> <p>Recommend that EEOC ensures the existing policy in place is followed and documentation of the process is reviewed by the CFO or heir designee on a quarterly basis.</p>	<p>Work in progress. A memo was issued October 27, 2020, revising the requirement outlined in Chapter 8 of EEO Order 360.003, which will be incorporated into the Commercial Purchase Chard Card Program Practical User Guide at the next revision. Effective immediately, the requirement for the Approving Official to include their phone number is no longer required when using an electronic signature.</p> <p>Work in progress. When office conditions permit, the manual physical inventory will be conducted.</p> <p>Work in progress. A. FSSD to create/modify the existing OFF/OBILEE 1311 report to add more data elements to further assist offices with their quarterly review of all open obligations. FSSD will in turn generate the 1311 OBIEE modified report and provide the report to each office on a quarterly basis to perform their review in lieu of offices generating their own reports from OBIEE.  B. FSSD revised Standard Operating Procedure to reflect the change in report distributions.</p>

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
			<p>C. Issue Memo regarding change in report distribution process for the quarterly certification of open obligations.</p> <p>D. Training on the new modified 1311 Open Obligation report.</p> <p>E. Issue second Quarter Open Obligations review to the offices under the new process.</p> <p>F. Consolidate responses from offices for monitoring and management reporting.</p>
<p><b>Federal Information Security Modernization Act of 2014 (FISMA) FY 2019 Performance Audit (OIG Rpt. No. 2019-004-AOIG)</b></p>	<p>February 20, 2020</p>	<p>Recommend EEOC OIT conduct a privacy impact assessment of the SharePoint system to identify privacy issues and risks associated with the security settings; and to provide recommendations to mitigate potential privacy risk.</p> <p>Recommend EEOC OIT provide specialized training for SharePoint administrators and users to reduce the risk of exposing sensitive information and PII.</p> <p>Recommend EEOC OIT review and remediate critical-risk, high-risk and medium-risk vulnerabilities in accordance with EEOC OIT's assessment of risk. If risk is not remediated, then we recommend EEOC OIT document the acceptance of the risk.</p>	<p>Completed. Testing and validation pending. In May 2020, CSMD reconfigured SPO to limit external user access as well as the existence of privacy data. BSB creates guest accounts absent of (i.e., agency, legal entity) licensing. Assigned G3 license (Office 365 GCC G3 and Enterprise Mobility + Security E3) to all the EXT account which allow them to access the EEOC SP.</p> <p>Completed. Testing and validation pending. EEOC OIT continue to mature the training program a newly procured commercial AvePoint along with the SharePoint expertise, through the Agency's Learning Management System (LMS), OIT's Skillsbridge and CyberSecurity Workforce (CSWF) program for SharePoint Administrators, at minimum.</p> <p>Work in progress. EEOC security officers will continue efforts to mature OIT's software patching and vulnerability management program. OIT will increase efficiencies in (1) evaluating current vulnerability remediation lifecycles as well as scenarios which affect these lifecycles; (2) exploring vulnerability management timelines and remediation procedures; and (3) drafting, approving and implementing improved vulnerability management standard operating procedures (SOP).</p>

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
		<p>Recommend EEOC OIT enforce its mobile device management compliance policies for all enrolled mobile devices and report noncompliance to the user and OIT senior management for correction action.</p> <p>EEOC OIT develop an action plan to address related policy and procedural requirements of the SECURE Technology Act.</p>	<p>Completed. Testing and validation pending. Reconfiguration of setting executed in February 2020 with SAB Baselines visible in Microsoft. OIT has re-configured the mobile device management (MDM) for all enrolled mobile devices. A procedure was re-enforced to communicate regular updates to CISO and senior management for corrective courses of action (CoA).</p> <p>Completed. Testing and validation pending. CISO and DCIO addressed with June ERM update with OEDA.</p>
<p><b>Performance Audit of the EEOC’s Charge Card Program (OIG Rpt. No. 2020-004-AOIG)</b></p>	<p>March 18, 2021</p>	<p>Recommend that the Office of the Chief Financial Officer of the U.S. Equal Employment Opportunity Commission enhance the documentation, monitoring, and enforcement of its controls over the closure of charge card accounts.</p> <ul style="list-style-type: none"> <li>• For purchase cards, EEOC management should create a control where management reviews, on a sample basis, the purchase card account closure documentation to ensure it adheres to the EEOC Purchase Card Audit Finding Update Memo, sent August 21, 2019, that states, “Effective immediately, the AOs and DRMs must maintain documentation on all account closures electronically or in hard copy. The documentation must include the following: name of the AO or DRM who has received the employee’s charge card; date the card has been turned in; date the card has been physically destroyed; and date that account closure has been confirmed by Citibank.”</li> <li>• For travel cards, the Charge Card Program Manager (CCPM) should maintain documentation of all account closures electronically or in hard copy. Documentation should include evidence of the name of the immediate supervisor and/or servicing personnel officer who received the employee’s charge card, the date the card was turned in, the date the card was cut in half, and the date that account closure was confirmed by the Charge Card Vendor. The policy or procedure should include monitoring by the</li> </ul>	<p>New report. Work in progress.</p>



Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
		<p>CCPM and appropriate disciplinary actions for non-compliance.</p> <p>Recommend the EEOC ensure that emailed policy memos are promptly updated in the appropriate EEOC Directives Transmittal Order.</p> <p>Recommend that the Office of the Chief Financial Officer of the U.S. Equal Employment Opportunity Commission enhance the documentation and monitoring of controls over the validation process of charge card transactions.</p> <ul style="list-style-type: none"> <li>• For purchase cards, EEOC management should create a control where management reviews, on a sample basis, purchase cards transactions to ensure all obligating documents and purchase orders are in conformity with EEOC Directives Transmittal Order 360.003, Commercial Purchase Charge Card Program Practical User’s Guide.</li> <li>• For travel cards, EEOC management should create a control where management reviews, on a sample basis, travel card transactions to ensure all travel authorization or vouchers and receipts are in conformity with EEOC Directives Transmittal Order 345.001, Travel and Transportation Administrative Policies and Procedures Manual.</li> </ul> <p>We recommend EEOC management update its policies and procedures to include all required safeguards and internal controls to be compliant with the Government Charge Card Abuse Prevention Act of 2012. In addition, the EEOC should create a monitoring control to review the policy when changes or updates are made to federal law or Office of Management and Budget or General Services Administration guidance.</p>	<p>Work in progress.</p> <p>Work in progress.</p> <p>Work in progress.</p>

<b>Audit Report Name Month and Year Report was Issued</b>	<b>Date of Report</b>	<b>Recommendation</b>	<b>Implementation Status</b>
<b>Evaluation of the EEOC Compliance with Provisions of the Federal Information Security Modernization Act of 2014 (FISMA) for FY 2020 (OIG Report No. 2020-003-AOIG)</b>	May 18, 2021	We recommend the EEOC's Office of Information Technology (OIT) review and remediate critical-risk and high-risk vulnerabilities in accordance with the EEOC OIT's assessment of risk. Where risk acceptance is required for vulnerabilities based on EEOC's network operation, we recommend that EEOC formally document the risk acceptance along with any associated mitigation activities.	Work in progress.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

131 M Street NE

Washington, DC 20507

[www.EEOC.gov](http://www.EEOC.gov)