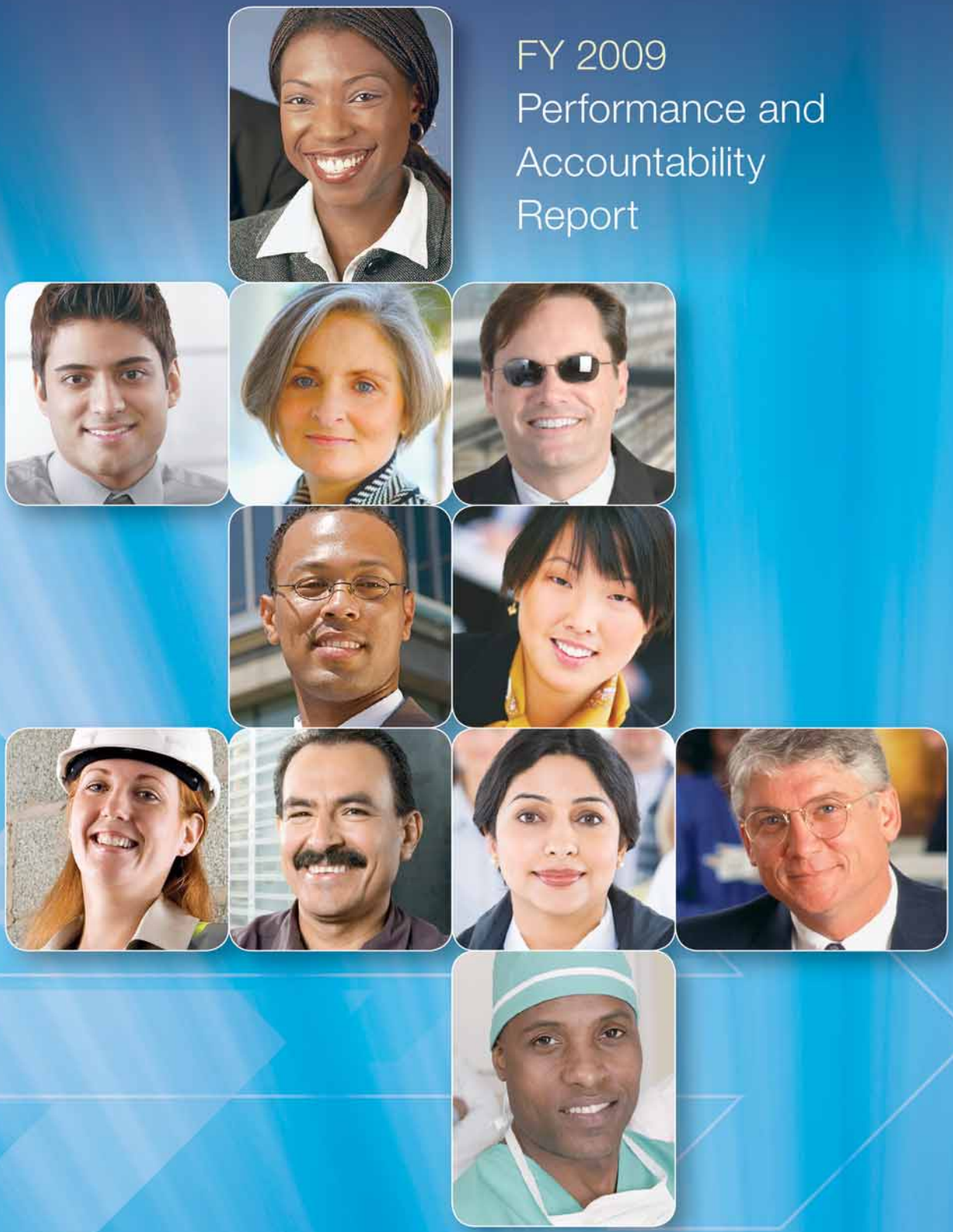
U.S. Equal Employment Opportunity Commission

FY 2009 Performance and Accountability Report



FY 2009 Performance and Accountability Report

United States Equal Employment Opportunity Commission

FISCAL YEAR 2009
PERFORMANCE AND ACCOUNTABILITY REPORT

Our Vision

A strong and prosperous nation secured through a fair and inclusive workplace.

Our Mission

We promote equality of opportunity in the workplace and enforce federal laws prohibiting employment discrimination.

FY 2009 Performance and Accountability Report

TABLE OF CONTENTS

A Message from the Acting Chairman **1**

Management's Discussion and Analysis **3**

Introduction 3
Agency Overview 3
Agency Results Under Strategic Plan Performance Measures 4
Related Program Results and Activities 6
Rebuilding Resources 6
Securing Unprecedented Relief through Administrative Enforcement 6
Managing Private Sector Charge Inventory 6
Mediating to Win-Win 6
Litigating High Impact Cases 7
Targeting Systemic Discrimination 7
Promoting EEO in the Federal Sector 7
Reaching, Training, and Educating Stakeholders 7
Drafting Regulations, Enforcement Guidance, and Technical Assistance 7
Increasing Access to the EEOC 7
Enforcing New Laws, Tackling New Challenges 8
Federal Managers' Financial Integrity Act 8
Financial Highlights 9
Consolidated Balance Sheets 9
Consolidated Statements of Net Cost 10
Consolidated Statement of Changes in Net Position 10
Combined Statements of Budgetary Resources 10
Use of Resources 11

Performance Results **13**

Results Achieved in FY 2009 Under Strategic Plan Performance Measures 13
Overview of Strategic Plan and Performance Measures 13
Results Achieved Under Specific Performance Measures 15
Annual Measures 2.1, 2.2, 2.3: Processing Charges, Hearings, and Appeals 17
Annual Measure 2.4: Quality of Private Sector Investigations 18
Annual Measure 2.5: Confidence in Private Sector Mediation Program 18
Annual Measure 2.6: Success in Litigation 19
Potential FEPA Measure 19
Related Program Results and Activities 20
Private Sector Enforcement 20
Litigation 23
Systemic Initiative 23
Federal Sector Enforcement 26
Outreach, Education and Technical Assistance 27
Special Commission Initiatives 29
Regulations, Enforcement Guidance and Technical Assistance Documents 29
Compliance with FOIA and Section 83 31
Agency Infrastructure and Operations 31
Human Resources 31
Information Technology 33
Office Space 33
Enhanced Public Access to EEOC 34
Program Evaluations 34
Verification and Validation of Data 35

Inspector General's Statements **36**
Summary of Significant Management Challenges 36
Change in EEOC Management 36
Strategic Management of Human Capital 36
Private Sector Charge Inventory 37
Budget and Performance Integration 37
State and Local Partner Performance Management 38
Change in Information Technology Culture and Security 38
Agency Compliance with FMFIA 38

Financial Statements **41**
A Message From the Chief Financial Officer 41
Inspector General's Audit Report 43
Independent Auditor's Report 45
Independent Auditor's Report on Internal Control with Comments 47
Independent Auditor's Report on Compliance with Laws and Regulations 57
Limitations of the Financial Statements 58
Equal Employment Opportunity Commission Consolidated Balance Sheets 59
Equal Employment Opportunity Commission Consolidated Statements of Net Cost 60
Equal Employment Opportunity Commission Consolidated Statement of Changes in Net Position 61
Equal Employment Opportunity Commission Combined Statement of Budgetary Resources 62
Notes to the Consolidated Financial Statements 63

Appendixes **83**
Appendix A: Organization and Jurisdiction 83
Appendix B: Biographies of the Commissioners 86
Stuart J. Ishimaru, Acting Chairman 86
Christine M. Griffin, Acting Vice Chair 87
Constance S. Barker, Commissioner 87
Naomi Churchill Earp, Former Chair 88
Ronald S. Cooper, Former General Counsel 88
Appendix C: Glossary of Acronyms 89
Appendix D: Internet Links 90
Appendix E: EEOC Field Offices 91

Acknowledgments **92**

We Welcome Your Comments **92**

A Message from the Acting Chairman

I am pleased to present the U.S. Equal Employment Opportunity Commission's (EEOC's) Performance and Accountability Report (PAR) for fiscal year 2009. This report contains the agency's assessment of its FY 2009 program and financial performance. As this report will show, over the past year, the new Administration has brought a renewed commitment to vigorous enforcement of our nation's civil rights laws, and the EEOC shares in and has benefited from that focus.

Stuart J. Ishimaru,
Acting Chairman,
U.S. Equal Employment Opportunity Commission

Critically, on the budgetary front, the agency's FY 2009 allocation was $343,925,000, a level that allowed us to begin the difficult process of rebuilding after eight years of inadequate funding. Most notably, we embarked on an ambitious hiring program. During FY 2009, we set out to hire an additional 125 investigators, 22 trial attorneys, 50 support staff, 10 paralegals and five expert statisticians and labor economists to support our systemic enforcement and litigation programs. By the end of the fiscal year, our workforce had grown by 155 net new hires (not including "backfills"). And that is just a start. We anticipate continued additional hiring in FY 2010.

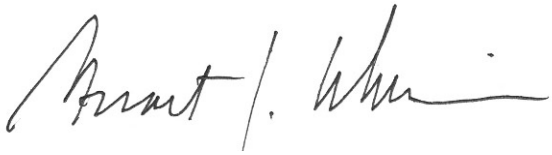
This past fiscal year we also dedicated $2.5 million to address dire gaps in training for our investigators, attorneys, program analysts, and other employees, many of whom had not attended a formal training in their entire employment with the EEOC. In this training effort—the largest the agency has conducted in at least a decade—we equipped our employees with essential skills and knowledge for investigating and litigating cases involving systemic discrimination, and did so while maximizing the use of technology to conduct low-cost training where appropriate.

In FY 2009, we also achieved unprecedented results in our private sector enforcement program. We obtained an historic level of relief for victims of discrimination through our administrative enforcement process—over $294 million in monetary benefits, an all-time record. This year we continued to receive near-historic levels of private sector charges—93,277 total in FY 2009 (the second highest level of receipts in 20 years, second only to last fiscal year). At the same time, we also started working smarter and harder to reduce our charge inventory through a series of actions, including focusing on pre-charge counseling, identifying and implementing best practices for charge-handling, and re-training staff on Priority Charge Handling Procedures.

Throughout the past year, the agency also continued its concerted effort to build a strong national systemic litigation program. Since the Commission launched its Systemic Initiative in FY 2006, the agency has been directing resources toward staffing, technology and training related to this important component of our enforcement activities. The early results of this focus have been positive, with the number of systemic investigations and lawsuits increasing substantially. Notably, in FY 2009, we filed 111 lawsuits on behalf of classes of individuals. Efforts like these are contributing to a revitalized systemic program and are having a broad impact on entire industries, professions and companies across the country.

During this past fiscal year, the EEOC also received expanded enforcement responsibilities. We began to enforce and issued proposed regulations under the Americans with Disabilities Act Amendments Act of 2008, which became effective in January 2009, and greatly expanded protections against disability discrimination by expanding the scope of coverage under the ADA. We also began to enforce and issued guidance on the Lilly Ledbetter Fair Pay Act of 2009. This landmark legislation—the first major bill signed by President Obama—overturned adverse Supreme Court precedent and restored the EEOC's long-held position on the timeliness of pay discrimination claims. In FY 2010, we will continue to add to our statutory responsibilities when we officially begin to enforce Title II of the Genetic Information Nondiscrimination Act of 2008, which becomes effective on November 21, 2009. We also anticipate the possible passage of the Employment Nondiscrimination Act, which would preclude discrimination in employment on the basis of sexual orientation and gender identity. Should this landmark legislation become law, the EEOC would have primary responsibility for enforcing it.

Finally, I am pleased to report that for the sixth consecutive year, we have received an unqualified opinion from independent auditors. Also, the agency effectively managed its internal controls environment during FY 2009. The agency's management and financial controls environment under the Federal Managers' Financial Integrity Act was sound, with the exception of findings of several financial non-conformances, based on a review of agency-wide materials and the assurances of the agency's senior managers. The agency identified 18 financial non-conformances, including four that carried over from the previous fiscal year. Of the 18 identified, the agency fully corrected eight financial non-conformances in FY 2009, including one that had carried over from FY 2008. Of the 10 remaining financial non-conformances, the agency has implemented corrective action plans to resolve the findings in FY 2010. I am reasonably assured that the financial information contained in this report is complete and accurate. Also, I am reasonably assured that the data measuring EEOC's performance is complete and accurate.



Stuart J. Ishimaru
Acting Chairman,
U.S. Equal Employment Opportunity Commission

November 16, 2009

Management's Discussion and Analysis

INTRODUCTION

This *FY 2009 Performance and Accountability Report* (PAR) was prepared in accordance with the Reports Consolidation Act of 2000 and the Office of Management and Budget's (OMB) Circular A-136, Financial Reporting Requirements. It presents the results of the U.S. Equal Employment Opportunity Commission's programs and financial performance, along with its management challenges. This section of the PAR summarizes agency efforts in each of these areas. A more detailed discussion can be found in the following sections of the report:

- **Performance Results:** highlight the progress made in meeting the Commission's performance measures, which are articulated in its modified Strategic Plan for FY 2007 through FY 2012.
- **The Inspector General's Statements:** present key management challenges identified by the Inspector General, the agency's progress and plans to address them, and a statement of compliance with the Federal Managers' Financial Integrity Act (FMFIA).
- **The Consolidated Financial Statements:** demonstrate the EEOC's efforts to be good stewards over the funds the agency receives to carry out its mission. Included in this section is an independent auditor's opinion on the agency's financial statements.

This report also satisfies the Commission's obligation to provide Congress with annual reports of the agency's significant accomplishments achieved during the fiscal year. This report is available on the EEOC's website at http://www.eeoc.gov/eeoc/plan/2009par.cfm.

AGENCY OVERVIEW

The Equal Employment Opportunity Commission (EEOC or Commission) is the federal agency responsible for enforcing federal laws prohibiting employment discrimination on the basis of race, color, sex, national origin, religion, age, disability, and (soon) genetic information. The agency began its work in 1965. More than 40 years later, the public continues to rely on the Commission to carry out its responsibility to bring justice and equal opportunity to the workplace.

The Commission receives, investigates, and resolves charges of employment discrimination filed against private sector employers, employment agencies, labor unions, and state and local governments. Where the Commission does not resolve these charges through conciliation or other informal methods, it may also file suit in court against private sector employers, employment agencies and labor unions (and against state and local governments in cases alleging age discrimination or equal pay violations). The EEOC also leads and coordinates equal employment opportunity efforts across the federal government, and conducts administrative hearings and issues appellate decisions on complaints of discrimination filed by federal employees and applicants for federal employment. Finally, the Commission engages in extensive communication and outreach, provides technical assistance, and promulgates regulations and written enforcement guidance to help employers and employees better understand their rights and responsibilities under the laws the EEOC enforces.

A more detailed explanation of the EEOC's structure and the laws it enforces can be found in Appendix A.

AGENCY RESULTS UNDER STRATEGIC PLAN PERFORMANCE MEASURES

This PAR is based on the EEOC's current modified Strategic Plan for FY 2007 through FY 2012. The modified Strategic Plan can be found at: http://www.eeoc.gov/eeoc/plan/strategic_plan_07to12_mod.cfm. Because of the change of Administration and the pending confirmation of a new Chair of the Commission (as of the time of this report), the EEOC intends to issue a new and completely revised Strategic Plan before the end of FY 2010. However, the results reported in this PAR are linked to the performance measures contained in the agency's current modified Strategic Plan which were in effect during FY 2009.

The agency's current strategic plan provides one strategic objective: Justice, Opportunity and Inclusive Workplaces. The plan contains nine performance measures under this Strategic Objective. These measures were used to drive results and accountability throughout the agency. The EEOC achieved or exceeded its targets for six measures and did not meet its targets for two measures. A multi-year measure did not require the agency to collect results data this year.

EEOC FY 2009 Performance			
Measures	**Targets Met or Exceeded**	**Targets Not Met**	**Agency Not Required to Report This FY**
9	6	2	1

The agency's nine performance measures are directly related to its three front-line enforcement operations—processing private sector charges, litigating private sector cases, and conducting hearings and appeals of federal sector cases—in order to achieve its strategic objective of ensuring that employment opportunities are not based on impermissible factors and encouraging inclusive workplaces nationwide.

The EEOC's current Strategic Plan incorporated three measures which were new to the Commission in FY 2007: an indicator of the yearly percentage increase in the number of individuals benefiting from agency enforcement activities, beyond the actual people who filed a charge of discrimination; an indicator to measure the efficiency the agency attained based upon the number of individuals receiving benefits, compared to the size of the agency's total workforce; and, finally, a measure of the public's confidence in the agency's enforcement of federal employment discrimination laws.

The first two of these measures seek to identify the degree to which the agency's enforcement programs enhance the workplace for other employees when it obtains relief for the people who originally claimed employment discrimination, as well as how efficient the Commission was in obtaining that broad relief. As noted in the table below and further described in the Performance Section of this report, the agency was extremely successful in achieving results for these two measures, when compared to the established targets. (The Commission did not have to report on the "public confidence" measure this fiscal year.)

		FY 2007	FY 2008	FY 2009
Long-Term/Annual Measure 1 Percent increase of individuals benefited from enforcement programs	Target	Baseline Established	2.0%	10.0%
	Result		222.9%	234.3%
Efficiency Measure Percent increase of individuals benefited for each agency employee (in FTEs)	Target	Baseline Established	1.8%	2.2%
	Result		220.2%	229.1%

Although both of these areas reflect important aspects of the agency's work, the Commission will be reviewing these measures for their efficacy as it develops a new Strategic Plan in FY 2010.

The four remaining measures that the EEOC met or exceeded also reflect key aspects of the agency's enforcement and litigation programs. They involve the agency's success in:

- Completing a high percentage of its federal sector appellate cases within 180 days or less;
- Ensuring that the agency achieves a high level of quality in its investigations of private sector discrimination charges;
- Continuing to ensure that charging parties and respondents who choose to participate in the Commission's alternative dispute resolution (ADR) program are satisfied with the ADR process; and
- Maintaining a high level of success in the Commission's litigation program.

The results for these measures are summarized below and are more fully described in the Performance Section of this report.

		FY 2007	FY 2008	FY 2009
2.3 Federal Sector Appellate Resolutions Measure Percent of appellate resolutions completed within 180 days or less	Target	60.0%	62.0%	64.0%
	Result	60.7%	63.3%	65.0%
2.4 Quality Measure Percent of charge investigation files that meet quality criteria	Target	88.0%	90.0%	90.0%
	Result	93.5%	97.0%	95.1%
2.5 ADR Measure Percent of respondents and charging parties confident in ADR program	Target	90.0%	91.0%	92.0%
	Result	95.8%	96.5%	96.0%
2.6 Litigation Measure Percent of litigation successfully resolved	Target	90% or higher	90% or higher	90% or higher
	Result	91.5%	91.2%	90.3%

EEOC's final two measures involve the resolution of private sector charges and federal sector hearings within 180 days or less. It has become increasingly more difficult over the past years to meet the established targets for these two measures, and the Commission did not meets its targets for the measures in FY 2009. The agency will carefully evaluate these measures as it explores in FY 2010 the focus and approach for its new Strategic Plan.

The results for these measures are summarized below and are more fully described in the Performance Section of this report:

		FY 2007	FY 2008	FY 2009
2.1 Private Sector Charge Resolutions Measure Percent of private sector charge resolutions completed within 180 days or less	Target	72.0%	48.0%	48.0%
	Result	55.7%	48.5%	39.7%
2.2 Federal Sector Hearings Resolutions Measure Percent of hearings resolutions completed within 180 days or less	Target	50.0%	50.0%	50.0%
	Result	42.8%	38.6%	40.6%

RELATED PROGRAM RESULTS AND ACTIVITIES

Rebuilding Resources

Fiscal Year 2009 was a time for the EEOC to regroup and rebuild. During the previous eight years of flat funding and hiring freezes, the Commission's staff had declined by nearly 25 percent. This severely hindered its ability to carry out its critical enforcement functions. However, this past year, as a result of increased appropriations, the EEOC was able to begin replenishing its depleted ranks. During FY 2009, the agency set out to hire an additional 125 investigators, 22 trial attorneys, 50 support staff, 10 paralegals and five expert statisticians and labor economists to support the agency's systemic enforcement and litigation programs. By the end of FY 2009, the Commission had brought on board 155 net new hires.

In addition, during FY 2009, the agency dedicated $2.5 million to train its investigators, attorneys, program analysts, and other employees. This training initiative was the largest the agency has conducted in at least a decade, and provided EEOC employees with critical skills and knowledge for investigating and litigating cases involving systemic discrimination. The effort also maximized the use of technology to carry out localized, low-cost training where appropriate.

Securing Unprecedented Relief through Administrative Enforcement

The EEOC secured, through its private sector administrative enforcement activities, more than $294.1 million in monetary benefits—the highest level of monetary relief obtained through administrative enforcement in the Commission's history. Overall, the EEOC secured both monetary and non-monetary benefits for more than 17,491 people through charge processing.

In FY 2009, the EEOC received 93,277 private sector charges of discrimination, which was the second highest amount received in the past 20 years (second only to FY 2008). The agency also received 2,728 charges through net transfers from state and local Fair Employment Practices Agencies (FEPAs).

The agency achieved 85,980 resolutions, with a merit factor resolution rate of 20.3 percent. (Merit factor resolutions include mediation and other settlements and cause findings, which, if not successfully conciliated, are considered for litigation.) In comparison, the merit factor resolution rate for FY 2008 was 21.4 percent.

Managing Private Sector Charge Inventory

The near-record number of receipts in FY 2009 left the Commission with a pending inventory at the end of the fiscal year of 85,768 charges, compared with the FY 2008 figure of 73,951 (an increase of 11,817 charges, or a 15.9 percent increase over the number of charges pending at the end of FY 2008). The agency took a number of steps in FY 2009 aimed at reducing this inventory, and these efforts will continue into FY 2010. These measures include aggressive hiring of front-line staff, reinvigorating the Commission's Priority Charge Handling Procedures (including a significant agency-wide training initiative), renewing emphasis on pre-charge counseling, and identifying and implementing best practices in charge handling.

Mediating to Win-Win

In FY 2009, the EEOC's private sector national mediation program secured 8,498 resolutions which, while 3.9 percent less than the 8,840 reported in FY 2008, was the third highest total in the history of the program. The EEOC obtained more than $121.6 million in monetary benefits for complainants from mediation resolutions, which is slightly below the $124 million in monetary benefits in FY 2008.

Litigating High Impact Cases

In FY 2009, EEOC field legal units filed 281 merits lawsuits and 32 subpoena enforcement and other actions. Of these new filings, 170 were individual suits and 111 were class suits. Legal staff resolved 319 merits lawsuits for a total monetary recovery of $80,628,935. Of these resolutions, 249 contained Title VII claims, 40 contained Americans with Disabilities Act claims, 38 contained Age Discrimination in Employment Act claims, and five contained Equal Pay Act claims.

Targeting Systemic Discrimination

In FY 2009, the agency continued its concerted effort to build a strong national systemic enforcement program. At the end of FY 2009, 39 Commissioners' charges were under investigation, compared with only 15 Commissioners' charges in investigation as of March 2006, when the initiative began. Systemic investigations based on charges filed by the public have also increased significantly. Further, in FY 2009, the Commission filed 19 new systemic cases, each of which is expected to benefit substantial numbers of victims of discrimination.

Promoting EEO in the Federal Sector

In FY 2009, the EEOC received a total of 7,277 requests for hearings, which is less than the 8,036 received in FY 2008. Additionally, the Commission's hearings program resolved a total of 6,779 complaints and secured more than $44.5 million in relief for parties in these complaints. During FY 2009, the EEOC received 4,745 requests for appeals of final agency actions in the federal sector. The agency resolved 4,287 appeals—65 percent of which were resolved within 180 days of receipt.

Reaching, Training, and Educating Stakeholders

The agency's outreach programs reached 238,017 persons in FY 2009. EEOC offices participated in 4,240 educational, training, and outreach events (a decrease in the number of events over the same period in FY 2008, when there were 5,360 events). In addition, in FY 2009 the EEOC Training Institute (formerly the Revolving Fund) trained over 20,000 individuals from the private sector, local, state, and federal governments at more than 500 events.

Drafting Regulations, Enforcement Guidance, and Technical Assistance

In FY 2009, the Commission approved a Notice of Proposed Rulemaking and later submitted a final regulation to the Office of Management and Budget under Title II of the Genetic Information Nondiscrimination Act of 2008, which the EEOC will begin enforcing on November 21, 2009. This past fiscal year the EEOC also approved a Notice of Proposed Rulemaking to implement the employment provisions of the Americans with Disabilities Act Amendments Act of 2008. Further, in FY 2009 the agency also issued several important technical assistance documents, which provide plain-language explanations of EEOC policy on discrete issues, including: Best Practices for Workers with Caregiving Responsibilities; a web-based document providing employers with information on ADA-Compliant Employer Preparedness for the H1N1 Flu Virus; and a Questions and Answers document on Understanding Waivers of Discrimination Claims in Employee Severance Agreements.

Increasing Access to the EEOC

While the EEOC has continually initiated activities designed to better serve the public through its 53 field offices, including e-mail access and website enhancements, the agency has also become much more accessible through the establishment of the Intake Information Group (IIG), an in-house customer service operation. The full transition of this function from the former National Contact Center to the IIG began in FY 2008 with the hiring and training of EEOC staff and the acquisition of technology to support this program. The full transition was completed in February 2009.

Enforcing New Laws, Tackling New Challenges

This past fiscal year, the EEOC was given increased statutory authority through the passage of the Americans with Disabilities Act Amendments Act of 2008 and the Lilly Ledbetter Fair Pay Act of 2009, both currently in effect. On November 21, 2009, the Commission will also begin to enforce Title II of the Genetic Information Nondiscrimination Act of 2008. These additional statutory responsibilities likely will cause an increase in the number of charges the EEOC receives (indeed, the agency already has noticed an uptick in the number of charges filed under the Americans with Disabilities Act).

FEDERAL MANAGERS' FINANCIAL INTEGRITY ACT

The EEOC's management controls and financial management systems were sound during FY 2009, with the exception of 18 findings of financial non-conformances. Four financial non-conformances were carried over from FY 2008. The financial non-conformances were identified in several audit reports prepared by the Office of Inspector General: OIG Report No. 2007-09-FIN, January 16, 2008; OIG Report No. 2008-05-FIN, November 14, 2008; and OIG Report No. 2008-06-FIN, December 11, 2008.

In FY 2009, the agency identified 18 financial non-conformances, including four that carried over from the previous fiscal year. Of the 18 identified, the agency fully corrected eight financial non-conformances in FY 2009, including one that had carried over from FY 2008. Of the 10 remaining financial non-conformances, the agency has implemented corrective action plans to resolve the findings in FY 2010.

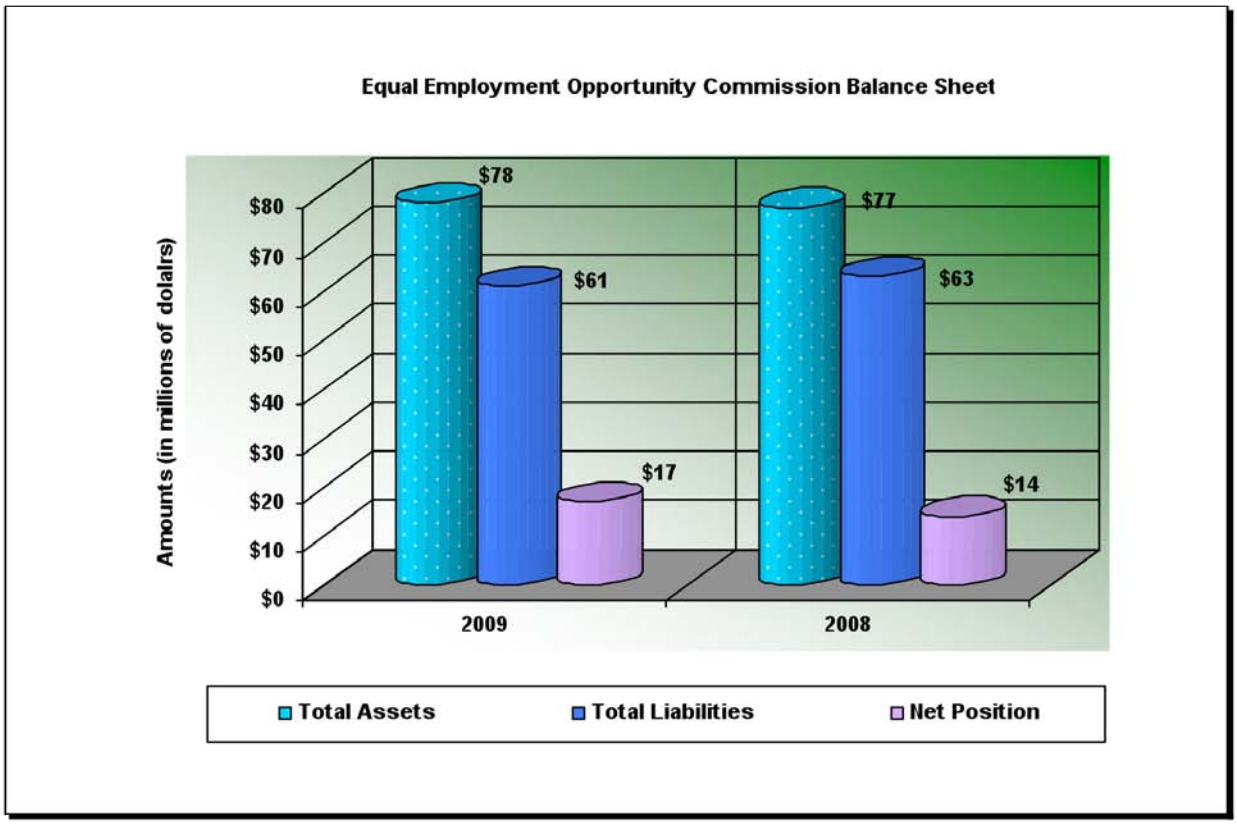
Based on the actions taken, and considering the agency's controls environment as a whole, the agency concludes that during FY 2009, its financial and management controls systems were in compliance with the Federal Managers' Financial Integrity Act (FMFIA). Forty-four percent of the identified non-conformances were resolved during the fiscal year, and it has plans in place to resolve the remaining financial non-conformances in FY 2010. The controls systems were effective; agency resources were used consistent with the agency's mission; the resources were used in compliance with laws and regulations; and, there was minimal potential for waste, fraud, and mismanagement of the resources.

FINANCIAL HIGHLIGHTS

The Office of Management and Budget (OMB) Circular Number A-136 Revised dated June 10, 2009, was used as guidance for the preparation of the accompanying financial statements. EEOC prepares four financial statements: Consolidated Balance Sheets, Consolidated Statements of Net Cost, Consolidated Statement of Changes in Net Position, and Combined Statements of Budgetary Resources.

Consolidated Balance Sheets

The Consolidated Balance Sheets present amounts that are owned or managed by EEOC (assets); amounts owed (liabilities); and the net position of the agency divided between the cumulative results of operations and unexpended appropriations.

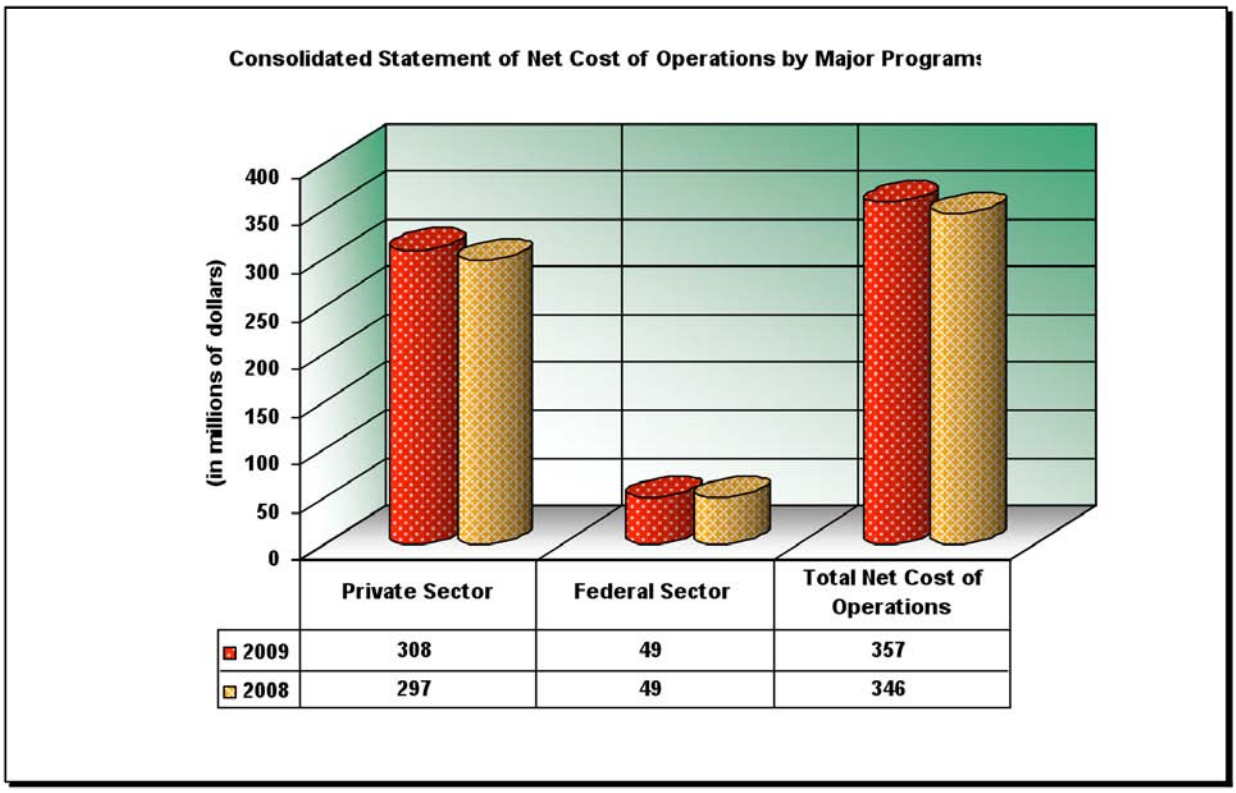


EEOC's balance sheets show total assets of $78 million at the end of FY 2009. This is an increase of $1 million, or approximately 1 percent, over EEOC's total assets of $77 million for FY 2008. This increase is due primarily to an increase in Property, Plant, and Equipment, including leasehold improvements, of $10 million offset by a decrease in EEOC's Fund Balance with Treasury of $9 million.

The Net Position is the sum of Unexpended Appropriations and the Cumulative Results of Operations. At the end of FY 2009, EEOC's Net Position on its Balance Sheets and the Statement of Changes in Net Position is $17 million, an increase of $3 million, or 21 percent, over the FY 2008 ending Net Position of $14 million. This increase is due primarily to a decrease in EEOC's Cumulative Results of Operations for Fiscal Year 2009 and an offsetting increase in its Appropriations Used the same year.

Consolidated Statements of Net Cost

The Consolidated Statements of Net Cost presents the gross cost incurred by major programs less any revenue earned. Overall, in FY 2009, EEOC's Consolidated Statements of Net Cost increased by $11 million or 3 percent. The allocation of costs for FY 2009 shows that Private Sector resources used for Enforcement and Litigation increased $11 million, or 3 percent, while the Federal Sector Programs was the same as for the past fiscal year.



Consolidated Statement of Changes in Net Position

The Consolidated Statement of Changes in Net Position represent the change in the net position for FY 2009 and FY 2008 from the cost of operations, appropriations received and used, net of rescissions, and the financing of some costs by other government agencies. The Consolidated Statement of Changes in Net Position increased over last year by $3 million, or 19 percent. EEOC's total assets exceeded total liabilities (funded and unfunded) by $17 million, or 27 percent.

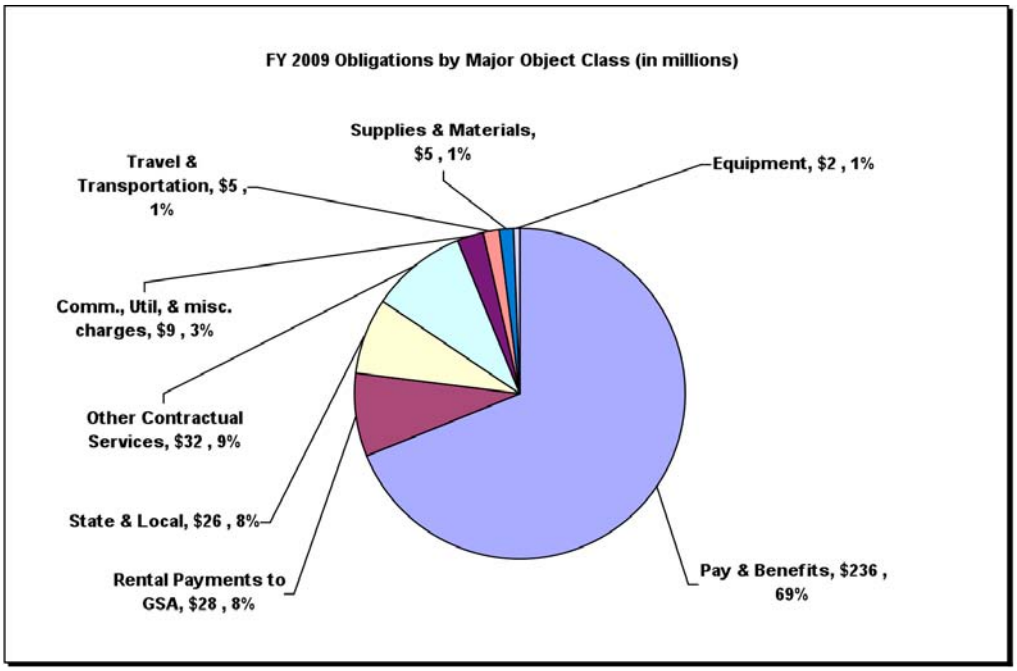
Combined Statements of Budgetary Resources

The Combined Statements of Budgetary Resources shows how budgetary resources were made available and the status of those resources at the end of the fiscal year. In FY 2009, EEOC received a $343.9 million appropriation, with no rescission.

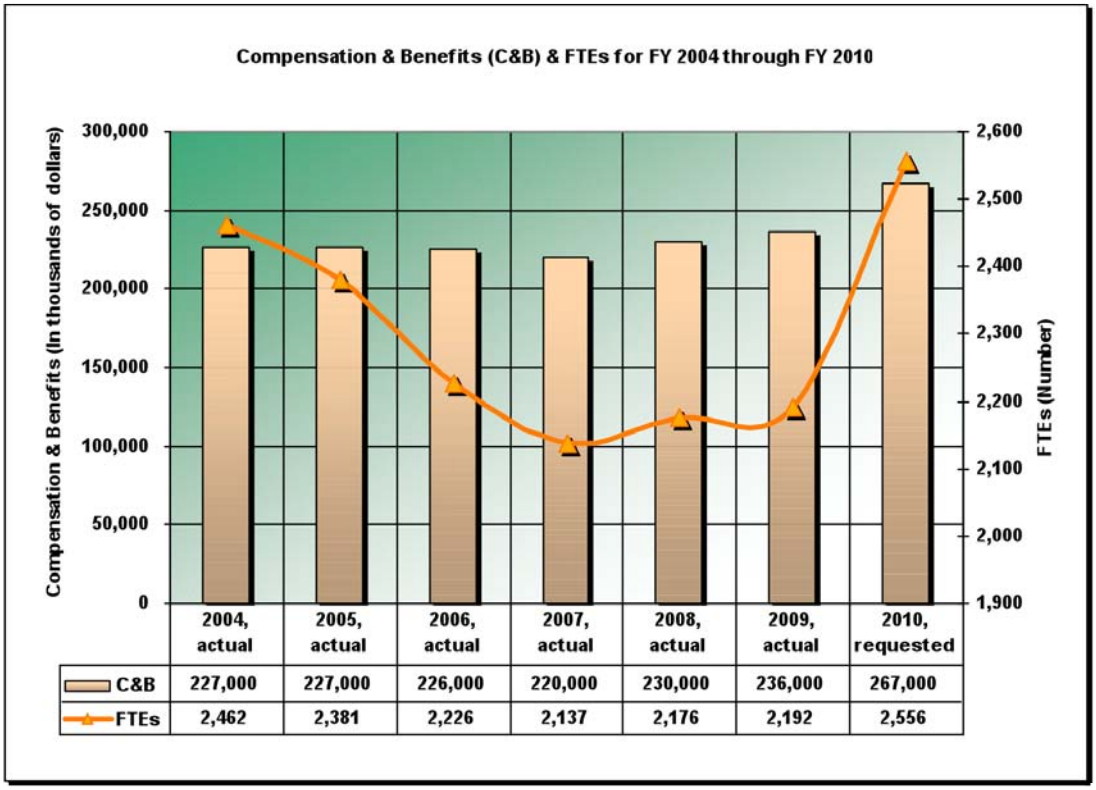
EEOC ended FY 2009 with an increase in total budgetary resources of $14 million, or 4 percent, over last year. Resources not available for new obligations at the end of the year totaled $10 million and $9 million in FY 2009 and FY 2008, respectively. The unobligated balance not available represents expired budget authority from prior years that are no longer available for new obligations.

Use of Resources

The **pie chart** displays EEOC's FY 2009 use of resources by major object class. The chart shows that Pay and Benefits, State & Local, Rent to GSA and Other Contractual Services consumed 94 percent of EEOC's resources, and other expenses (e.g., travel & transportation, equipment, supplies & materials, etc.) consumed less than 6 percent of EEOC's resources for FY 2009.



The **dual axis** chart below depicts EEOC's compensation and benefits versus full-time equivalents (FTE) over the past six years. EEOC ended FY 2009 with 2,192 FTEs, a net increase of 16, or less than 1 percent, above FY 2008.



Note: A Full Time Equivalent (FTE) is an employee who works a full-time schedule for the entire fiscal year. The number of FTEs in the above chart may not equal the actual number of employees because, for example, if an employee were hired in the middle of the fiscal year, that position would be counted as half of an FTE.

Performance Results

RESULTS ACHIEVED IN FY 2009 UNDER STRATEGIC PLAN PERFORMANCE MEASURES

Overview of Strategic Plan and Performance Measures

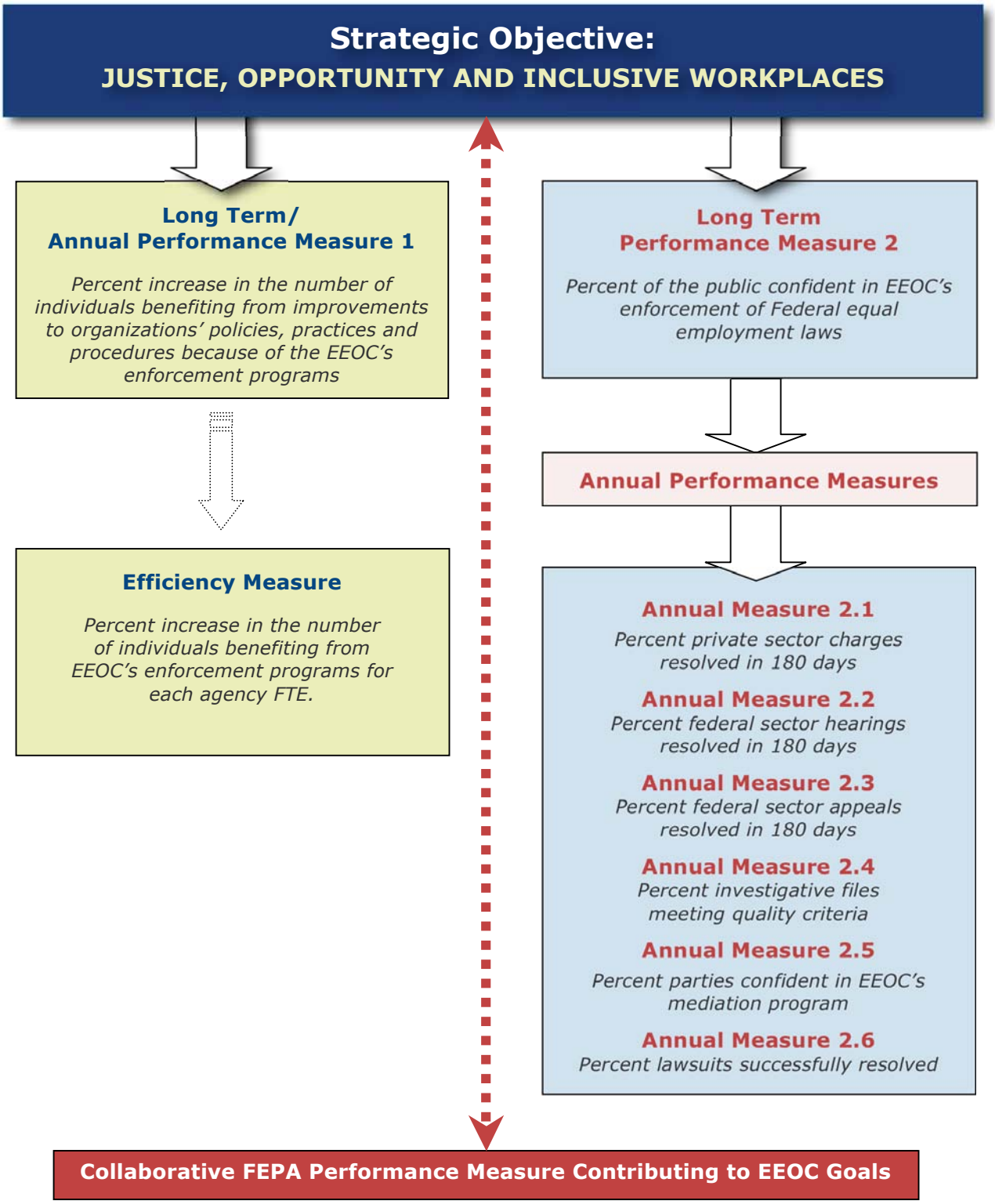
This *Performance and Accountability Report* is based on the EEOC's current modified Strategic Plan for FY 2007 through FY 2012. The agency's Strategic Plan was first published on October 1, 2006 (FY 2007). Over several years, the agency made interim modifications resulting in the current version of its Strategic Plan, which was approved by the Commission on July 28, 2008. A description of the specific modifications is available on the agency's website at http://www.eeoc.gov/eeoc/plan/strategic_plan_07to12_changes.cfm.

Because of the change of Administration and the pending confirmation of a new Chair of the Commission (as of the time of this report), the EEOC intends to issue a new and completely revised Strategic Plan before the end of FY 2010. However, the results reported in this PAR are linked to the performance measures contained in the agency's current modified Strategic Plan, which were in effect during FY 2009.

The agency's current strategic plan provides one strategic objective: Justice, Opportunity and Inclusive Workplaces. The plan contains nine performance measures under this Strategic Objective. These measures were used to drive results and accountability throughout the agency.

The EEOC achieved or exceeded its targets for six measures and did not meet its targets for two measures. A multi-year measure did not require the agency to collect results data this year. These performance measures, and the results the EEOC achieved under each measure for FY 2009, are analyzed in greater detail below.

EEOC FY 2009 Performance			
Measures	**Targets Met or Exceeded**	**Targets Not Met**	**Agency Not Required to Report This FY**
9	6	2	1


Strategic Objective:
JUSTICE, OPPORTUNITY AND INCLUSIVE WORKPLACES
Long Term/
Annual Performance Measure 1
Percent increase in the number of individuals benefiting from improvements to organizations' policies, practices and procedures because of the EEOC's enforcement programs
Efficiency Measure
Percent increase in the number of individuals benefiting from EEOC's enforcement programs for each agency FTE.
Long Term
Performance Measure 2
Percent of the public confident in EEOC's enforcement of Federal equal employment laws
Annual Performance Measures
Annual Measure 2.1
Percent private sector charges resolved in 180 days
Annual Measure 2.2
Percent federal sector hearings resolved in 180 days
Annual Measure 2.3
Percent federal sector appeals resolved in 180 days
Annual Measure 2.4
Percent investigative files meeting quality criteria
Annual Measure 2.5
Percent parties confident in EEOC's mediation program
Annual Measure 2.6
Percent lawsuits successfully resolved
Collaborative FEPA Performance Measure Contributing to EEOC Goals

Results Achieved Under Specific Performance Measures

Long-Term/Annual Measure 1

By FY 2012, the number of individuals benefiting from improvements to organizations' policies, practices and procedures because of EEOC's enforcement programs increases by 20.2%.			
	FY 2007	**FY 2008**	**FY 2009**
Target	Establish Baseline	2%	10%
Result	1,626,000 individuals	222.9%	234.3%
			Exceeded Target

This Long-Term/Annual measure focuses on tracking the improvements that are made in the workplace as a direct result of EEOC enforcement programs. It is important to measure the Commission's success by looking beyond the monetary relief secured through enforcement actions. When the EEOC secures changes in employment policies, practices and procedures through enforcement programs, the positive impact extends not only to the immediate victims of discrimination, but also to all individuals in the affected workplace. Through organization-wide changes, individuals benefit from a more diverse workplace and have greater equal employment opportunities. With the agency's renewed emphasis on combating systemic discrimination, the agency expects to make significant increases over time in the number of individuals who benefit from these enforcement activities.

Long-Term/Annual Measure 1 was developed to focus on all enforcement services provided to the public that result in workplace benefits. These results include benefits from administrative resolutions (including mediation), litigation resolutions, and federal sector hearings and appeals resolutions. The Commission established a baseline value for FY 2007 and the annual targets and a final goal for the remaining years of the Strategic Plan, based upon the limited experience with collecting data for the administrative charge processing program. It was important to include all enforcement programs in the measure, but it was difficult to estimate their effect on the final results. In addition, there was the strong possibility that one or two large enforcement actions against a nationwide entity could affect the results in a significant way in any one year.

The FY 2009 annual target for this measure was to increase the number of individuals benefiting from improvements to organizations' policies, practices and procedures by 10 percent over the FY 2007 baseline. Although the result for FY 2008, 222.9 percent, was already substantially above the annual target established for FY 2009 (and even FY 2010's target of 12.2 percent), the Commission retained the targets to collect an additional year of data. The FY 2009 result was 234.3 percent above the baseline value, or over 5.4 million individuals who benefited from workplace improvements obtained through enforcement programs, once again substantially surpassing the target level.

The Commission will reevaluate the utility of this performance measure and the targets established for FY 2010 in conjunction with its Strategic Plan review process.

Efficiency Measure

By FY 2012, the number of individuals benefiting from improvements to organizations' policies, practices and procedures because of EEOC's enforcement programs for each agency FTE increases by 11.7%.			
	FY 2007	**FY 2008**	**FY 2009**
Target	Establish Baseline	1.8%	2.2%
Result	753.5 individuals per FTE	220.2%	229.1%
			Exceeded Target

Approximately 69 percent of the agency's budget is dedicated to compensation and benefits. Linking the external impact of EEOC enforcement programs to the Full-Time Equivalent (FTE) number of positions is thus a measure of agency efficiency.

As of the end of FY 2009, the agency had 2,192 FTE positions. Since over 5.4 million individuals benefited from EEOC enforcement programs due to improvements to policies, practices or procedures in their workplaces, approximately 2,480 individuals benefited for every FTE. This was an increase of 229.1 percent over the FY 2007 baseline, compared to the 2.2 percent increase targeted for FY 2009. As with Long-Term/Annual Measure 1, the EEOC retained its FY 2009 target until an additional year of data could be collected, even though the result for FY 2008 was already substantially above the annual target established for FY 2009 (and even the FY 2010 target of 4.3 percent).

The Commission will reevaluate the utility of this performance measure and the targets for FY 2010 in conjunction with its Strategic Plan review process.

Long-Term Measure 2

By FY 2012, the public rates its confidence in EEOC's enforcement of federal equal employment laws at 65% or higher.		
	FY 2007	**By the End of FY 2010**
Target	Establish Baseline	63%
Result	61%	Measure in FY 2010
		Multi-year measure—data required in FY 2010

If members of the public are aware of EEOC's enforcement activities and believe that the agency has handled discrimination complaints effectively, they will be more likely to rely on the Commission to investigate, mediate, litigate, adjudicate, and/or otherwise resolve allegations of discrimination. Additionally, if the agency has a reputation for fair and responsible enforcement of the federal employment discrimination laws, then employers, attorneys and other members of the public will be more likely to defer to the EEOC's assessment of discrimination complaints and commit to voluntary compliance through mediation, settlement or conciliation.

To measure the public's confidence in the EEOC's enforcement of federal equal employment opportunity laws, the agency engaged a private organization to conduct a survey in FY 2007 of a representative sample of individuals nationwide. From that survey, the EEOC was able to establish a baseline value for FY 2007, and a two-staged multi-year approach to reach a final goal by FY 2012. The multi-year approach provides enough time to measure reasonable changes in the public confidence in the EEOC in the nationwide results. Under the current Strategic Plan, the agency is to conduct a follow-up survey during FY 2010 to measure any change in the overall confidence level first reported in the FY 2007 survey.

As with Long-Term Measure 1 and the Efficiency Measure, the Commission will reevaluate the utility of Long-Term Measure 2 and the utility of six annual performance measures contributing to this measure (discussed below) as part of the agency's Strategic Plan review process.

Annual Measures 2.1, 2.2, 2.3: Processing Charges, Hearings, and Appeals

The EEOC has identified six Annual Measures under Long-Term Measure 2 that contribute to the public's confidence in the agency. http://www.eeoc.gov/eeoc/plan/2010budget.cfm

In recognition of the maxim that "justice delayed is justice denied," Annual Measures 2.1, 2.2, and 2.3 focus on the time it takes for the EEOC to resolve private sector charges, federal sector hearing requests, and federal sector appeals, respectively.

Annual Measure 2.1 **At least 54% of private sector charges are resolved in 180 days or fewer by FY 2012.**					
	FY 2005	**FY 2006**	**FY 2007**	**FY 2008**	**FY 2009**
Target	70.0%	70.0%	72.0%	48.0%	48.0%
Result	65.9%	60.7%	55.7%	48.5%	39.7%
					Not Met Target

Under Annual Measure 2.1, by FY 2012, the EEOC is to resolve 54 percent of its private sector charges within 180 days. To move the agency toward that final goal, the target under Annual Measure 2.1 for FY 2009 requires the agency to resolve 48 percent of private sector charges within 180 days. As of the end of FY 2009, the Commission had processed 39.7 percent of charges in 180 days or less. Thus, the EEOC has not met its target for FY 2009. The EEOC's inability to meet this target was due to inadequate staff and increasing charge receipts. As described in greater detail in subsequent sections of this PAR, the agency is focused intensely on reducing the time it takes to process private sector charges.

Annual Measure 2.2 **At least 54% of federal sector hearings are resolved in 180 days or fewer by FY 2012.**					
	FY 2005	**FY 2006**	**FY 2007**	**FY 2008**	**FY 2009**
Target	38.0%	50.0%	50.0%	50.0%	50.0%
Result	51.3%	43.6%	42.8%	38.6%	40.6%
					Not Met Target

Under Annual Measure 2.2, by FY 2012, the EEOC is to resolve 54 percent of its federal sector hearings within 180 days. To reach this final goal, the target under Annual Measure 2.2 for FY 2009 requires the agency to resolve 50 percent of federal sector hearings within 180 days. As of the end of 2009, the Commission had processed 40.6 percent of federal sector hearings in 180 days or less. Thus, the EEOC has not met its target for FY 2009. The Commission's efforts to achieve this goal have become more difficult because of increasing workloads, as well as greater attention being focused on enhancing the quality of hearings.

Annual Measure 2.3 At least 70% of federal sector appeals are resolved in 180 days or fewer by FY 2012.					
	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Target	50.0%	55.0%	60.0%	62.0%	64.0%
Result	52.0%	59.7%	60.7%	63.3%	65.0%
					Exceeded Target

Under Annual Measure 2.3, by FY 2012, the EEOC is to resolve 70 percent of its federal sector appeals within 180 days or less. To reach the final goal, the target under Annual Measure 2.3 for FY 2009 requires the agency to resolve 64 percent of federal sector appeals within 180 days. The annual targets for this measure have consistently increased and the agency has been able to achieve them every year. For FY 2009, the EEOC continued this successful effort by resolving 65 percent of federal sector appeals within 180 days or less. Thus, the EEOC has exceeded its target for FY 2009.

Annual Measure 2.4: Quality of Private Sector Investigations

Annual Measure 2.4 At least 93% of investigative files meet established criteria for quality by FY 2012.					
	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Target	Establish FY 2005 baseline & targets for FY 2006–2009.	87.0%	88.0%	90.0%	90.0%
Result	Established Baseline (88.5%) & targets.	88.1%	93.5%	97.0%	95.1%
					Exceeded Target

Annual Measure 2.4 ensures that investigative files meet quality standards. A large proportion of sampled investigative files are reviewed to determine whether they meet two critical quality criteria: (1) the appropriate charge categorization and file documentation support the actions taken on the charge; and (2) the resolution of the charge is supported. This measure is intended to ensure that the Commission does not complete its work quickly at the expense of performing that work well. The annual targets for this measure have increased since the baseline was established in FY 2005 and the Commission has exceeded these targets each year. In FY 2009, 95.1 percent of investigative files met the requisite quality standards, exceeding the target established for FY 2009 of 90 percent.

Annual Measure 2.5: Confidence in Private Sector Mediation Program

Annual Measure 2.5 At least 95% of respondents and charging parties report confidence in EEOC's private sector mediation/ADR program by FY 2012.					
		FY 2005	FY 2006	FY 2007	FY 2008
Target	90.0%	90.0%	90.0%	91.0%	92.0%
Result	96.3%	96.8%	95.8%	96.5%	96.0%
					Exceeded Target

Annual Measure 2.5 focuses on the EEOC's private sector mediation/ADR program. The agency has recognized since the program's inception that the public's confidence in its mediation efforts has a significant impact on the perception of the EEOC as a whole. The EEOC obtains information for this measure by surveying participants in the EEOC's mediation program and tabulating responses about their experience with the program. This measure and methodology have been utilized by the agency since 2004, and thus the agency has gathered significant trend data upon which to base its targets. The results show a consistently high level of confidence in the agency's mediation program.

FY 2009 was no exception. As of the end of this fiscal year, 96.0 percent of all participants would return to EEOC's mediation program in the future. This exceeds the target for Annual Measure 2.5 of maintaining a 92 percent rate. The EEOC believes this high confidence level helps with continuing efforts to convince parties to charges, particularly employer representatives, of the value of the mediation approach. The target for FY 2010 increases to a 93 percent rate as the agency strives toward a final goal of 95 percent by FY 2012.

Annual Measure 2.6: Success in Litigation

Annual Measure 2.6 **At least 90% of EEOC lawsuits are successfully resolved during the period ending in FY 2012.**					
	FY 2005	**FY 2006**	**FY 2007**	**FY 2008**	**FY 2009**
Target	90.0% or higher 6-year rolling average	90.0% or higher 6-year rolling average	90.0% or higher 3-year rolling average	90.0% or higher 3-year rolling average	90.0% or higher 3-year rolling average
Result	92.8%	92.7%	91.5%	91.2%	90.3%
◻					Met Target

Annual Measure 2.6 places a premium on maintaining a high level of successful resolutions in the EEOC's 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 on this measure ensures that the Commission has continued to exercise its prosecutorial discretion responsibly and has litigated cases skillfully. Based on the results of a three-year weighted average (FY 2007 to FY 2009), the EEOC's litigation success rate is 90.3 percent—slightly above the target.

Potential FEPA Measure

A work group comprised of EEOC and state and local Fair Employment Practices Agencies (FEPAs) recently recommended a potential performance measure that could assess the FEPAs' contribution to the EEOC's achievement of its strategic objective and mission. The EEOC will review the recommendation in FY 2010, as part of the Commission's overall review of its Strategic Plan.

RELATED PROGRAM RESULTS AND ACTIVITIES

Private Sector Enforcement

1. Private Sector Charge Processing Highlights

In FY 2009, the EEOC, through its private sector administrative enforcement activities, secured more than $294.1 million in monetary benefits, higher than the $274.4 million obtained in FY 2008 and indeed the highest level of monetary relief ever obtained through the administrative process. Overall, the agency secured both monetary and non-monetary benefits for more than 17,491 people through charge processing.

This past fiscal year, the EEOC received 93,277 private sector charges of discrimination, a two percent decrease from FY 2008, but still the second highest level of receipts in the past 20 years. The agency also received 2,728 charges through net transfers from state and local Fair Employment Practices Agencies. The agency achieved 85,980 resolutions, with a merit factor resolution rate of 20.3 percent. (Merit factor resolutions include mediation and other settlements and cause findings, which, if not successfully conciliated, are considered for litigation.) In comparison, the merit factor resolution rate for FY 2008 was 21.4 percent.

2. Status of Private Sector Charge Inventory

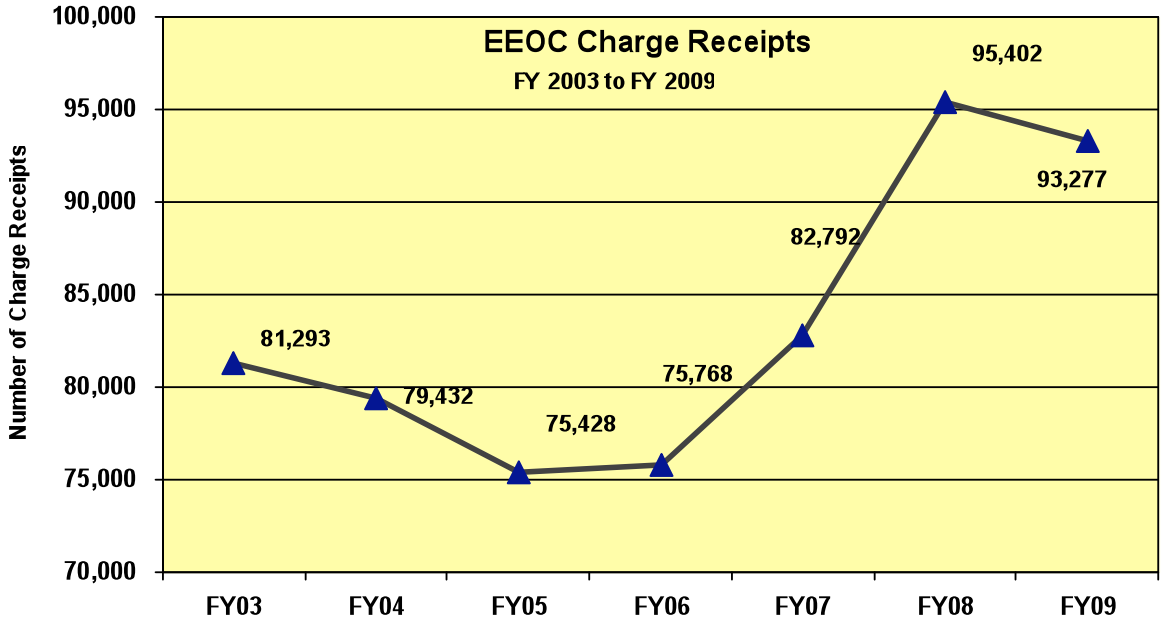
In the last few years, the EEOC's inventory has risen significantly. From FY 2004 to FY 2005, the inventory rose by 3,596 charges, a 12 percent increase. The increase in each subsequent fiscal year, from FY 2005 through FY 2008, was even larger: from FY 2005 to FY 2006, the inventory increased by 6,384 charges, a 19 percent increase; from FY 2006 to FY 2007, it rose by 15,024 charges, a 38 percent increase; and from FY 2007 to FY 2008, it rose by 18,981 charges, a 36 percent increase. Overall, comparing the inventory in FY 2002 to the inventory in FY 2008, pending charges rose by 44,910, an increase of 155 percent. As of the end of FY 2009, the inventory increased by 11,817 charges to 85,768, a 15.9 percent increase over the number of charges pending at the end of FY 2008.

The rise in inventory can be explained in part by a decline in the number of frontline investigators from FY 2000 through FY 2008. During this time period, EEOC lost a total of 271 frontline investigators—more than 33 percent of its total investigative workforce. Due to budgetary constraints, at the time, the agency did not backfill these positions. As the number of investigators declined, the charge inventory rose. The length of time it took to resolve charges also grew with the decrease in the numbers of frontline investigators.

As the number of investigators declined, new charge receipts also began to rise. In FY 2007, receipts rose by 9 percent over the previous year and in FY 2008, they rose again by 15.2 percent over FY 2007. (See table "Recent Growth in Charge Receipts" below.) Although the Commission received two percent fewer charges in FY 2009 compared with FY 2008, the number of receipts in FY 2009 is still the second highest in the past twenty years.

The agency believes this increase may have resulted in part from the EEOC becoming a more accessible agency. Individuals can now contact the agency by phone, by mail, by e-mail, by going to the EEOC website, or by visiting EEOC field offices. This accessibility, which is a positive development for the agency's stakeholders and victims of discrimination, in all probability has resulted in the filing of additional charges.

Recent Growth in Charge Receipts



The growth in the charge inventory has been augmented by the increased statutory authority given to the agency through the passage of the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) and the Lilly Ledbetter Fair Pay Act of 2009. The agency may already have begun to see the effects of the ADAAA. In FY 2009, there was a 10.6 percent rise in the number of ADA charges filed (21,451) in comparison to the number filed in FY 2008 (19,401). In addition, the EEOC anticipates a small increase in the number of charges filed with EEOC as a result of the enactment of the Genetic Information Nondiscrimination Act of 2008 (GINA). The EEOC begins to enforce Title II of GINA on November 21, 2009.

3. Reducing the Charge Inventory

The agency took a number of steps in FY 2009 aimed at reducing its charge inventory, and these efforts will continue into 2010. These measures include aggressive hiring of front-line staff; reinvigoration of the Commission's Priority Charge Handling Procedures (including a significant agency-wide training initiative); renewed emphasis on pre-charge counseling; and identifying and implementing best practices in charge handling.

New Hires. By the end of FY 2009, the agency authorized the hiring of at least 125 new investigators and six new mediators, most of whom were on-board at the start of FY 2010. By the end of FY 2009, the Commission had hired 155 net new hires. This is in addition to backfilling vacancies that had occurred.

Pending finalization of the FY 2010 and FY 2011 operating plans, other new hiring may be authorized. The agency expects that this new staff, when fully productive, will process over 15,000 charges a year, which will significantly impact the inventory.

Reinvigorating PCHP. Further, the agency has recently reinvigorated its Priority Charge Handling Procedures (PCHP). Under PCHP, a triage process is used to sort charges into three categories: A, B, or C. Category A charges are those where it appears that further investigation may result in a finding of discrimination. These charges have the highest priority. Category B charges initially appear to have

some merit, but require additional investigation, as resources permit. Category C charges are suitable for immediate dismissal, *e.g.*, they are non-jurisdictional, fail to state a claim, or are untimely.

Although various field offices over the years provided their staffs with PCHP training from time to time, it became apparent that the lines between A, B and C charges had became blurred and staff was finding it more difficult to make judgments about categorizing charges. Accordingly, the agency launched an ambitious program during the summer of 2009 to provide all staff in its 53 field offices with PCHP training. The agency's PCHP manual was revised and updated for staff to use during this training and after, as they continued to conduct charge intake and to review charges already in the inventory. Hypothetical case examples enriched the training sessions. A team from agency headquarters and the field then conducted twenty PCHP refresher training courses between July and early August 2009. The courses consisted of an in-depth review of PCHP principles, a reemphasis on intake counseling of potential charging parties, and an interactive discussion. PCHP principles were applied to actual cases that field staff were currently investigating, as well as hypothetical cases.

In conjunction with these training sessions on PCHP, field managers were instructed to review the oldest B and C charges in their offices' inventories and to reassess their prioritization decisions in light of the merits of the available evidence and resource constraints. At fiscal year-end, the review resulted in the resolution of 3,318 of the 4,018 oldest B and C charges.

Reemphasizing Pre-charge Counseling. Where field offices have been able to provide individuals with pre-charge counseling, whether by phone or in person, the agency has found that they are able to make better, more informed decisions as to whether to file a charge. Therefore, part of the PCHP refresher training reemphasized the importance and principles of conducting intake interviews. With the additional frontline investigative staff that the EEOC is in the process of hiring, field offices will be able to increase the opportunity for potential charging parties to benefit from pre-charge counseling. This will result in a greater efficiency at charge intake and could result in fewer charges being filed, as individuals would gain a more realistic understanding of their issues and the EEOC's jurisdiction. Additionally, pre-charge counseling allows staff to obtain better information and begin the investigation more quickly and efficiently when individuals decide to file charges. In the end, this should help the agency to manage its charge inventory more effectively.

Identifying and Implementing Best Practices. To improve and standardize charge handling procedures across the agency's field offices, a leadership team worked closely with 15 District Directors and other key field managers to identify and implement best practices in charge handling. To accomplish this, a Backlog Reduction Best Practices Work Group was created. The work group, composed of headquarters and field staff, was given the task of compiling the most effective and efficient means of reviewing and resolving older charges in the inventory. These practices were disseminated through a memorandum and through conferences with field managers. They are expected to be used extensively in the coming fiscal year.

4. Internal Training

Training New Investigators. The EEOC held two intensive, two-week training courses for new investigators hired in FY 2008-FY 2009. The training acquainted new investigators with the EEOC's mission and goals and the laws enforced by the EEOC. The courses also focused on applying legal theory, as well as implementing the investigative tools and techniques used by the EEOC. Course topics included fact-finding conferences, investigative interviewing, assessing credibility, remedies and negotiation skills. A significant amount of time was spent on case studies and the application of sound investigative techniques. This training should help frontline enforcement staff to process new and existing charges more quickly and competently.

Training all Employees on New Statutory Responsibilities. To prepare front line staff for the significant statutory changes brought by the Americans with Disabilities Act Amendments Act of 2008, the Genetic Information Nondiscrimination Act of 2008, and the Lilly Ledbetter Fair Pay Act of 2009, the EEOC's Office of Legal Counsel created and delivered a customized training program for investigative and legal unit staff at EEOC's field offices. This program provides field staff with practical information on how these statutory developments affect their investigatory and enforcement duties. This training program will continue in FY 2010 and expand to include headquarters and employees in other program offices.

5. Private Sector Mediation Program

The EEOC's mediation program has been very successful and has contributed to its ability over the past few years to better manage the growing inventory and resolve charges in 180 days or less. In FY 2009, the EEOC's private sector national mediation program secured 8,498 resolutions, which, while 3.8 percent less than the 8,840 resolutions reported in FY 2008, is the third highest total in the history of the program. The EEOC obtained more than $121.6 million in monetary benefits for complainants from mediation resolutions, slightly below the $124 million in monetary benefits in FY 2008.

Although participants almost uniformly view the mediation program favorably (with 96 percent reporting confidence in the program this year), the agency continues to focus efforts on increasing the participation of employers. To that end, the agency encourages the employer community to enter into Universal Agreements to Mediate (UAMs). These agreements reflect employers' commitment to mediate charges. At the conclusion of FY 2009, the agency obtained a cumulative multi-year total of 1,603 UAMs (192 National/Regional UAMS and 1,411 Local UAMs). This is a 10.4 percent increase from the FY 2008 level of 1,452 UAMs.

Litigation

The Commission's litigation program is conducted by the agency's Office of General Counsel (OGC). In FY 2009, EEOC field legal units filed 281 merits lawsuits and 32 subpoena enforcement and other actions. Of these new filings, 170 were individual suits and 111 were class suits. Legal staff resolved 319 merits lawsuits for a total monetary recovery of $80,628,935. ("Merits" lawsuits include direct suits and interventions alleging violations of the substantive provisions of the statutes enforced by the Commission and suits to enforce administrative settlements.) Of these resolutions, 249 contained Title VII claims, 40 contained Americans with Disabilities Act of 1990 claims, 38 contained Age Discrimination in Employment Act of 1967 claims, and five contained Equal Pay Act of 1964 claims. The number of total merits lawsuits is less than the sum of suits based on each individual law as some suits are filed on multiple bases. The Commission also resolved 28 subpoena enforcement and other actions during the fiscal year.

In terms of dollars recovered in direct, indirect and intervention lawsuits by statute, EEOC recovered $63,415,742 in Title VII resolutions, $6,745,543 in ADEA resolutions, $9,548,761 in ADA resolutions, $20,000 in EPA resolutions and $898,889 in resolutions involving more than one statute. At the end of FY 2009, the number of cases on the EEOC's active docket involving multiple aggrieved parties or challenges to discriminatory employment policies was 226, or 46% of the total year-end caseload.

Systemic Initiative

Launched in April 2006, the EEOC's Systemic Initiative prescribes comprehensive measures to improve all aspects of the agency's work in combating systemic discrimination. The Commission's objective is to strengthen and modernize its nationwide approach to identifying, investigating, and litigating systemic cases, which a systemic task force report defines as "pattern or practice, policy and/or class cases where the alleged discrimination has a broad impact on an industry, profession, company, or geographic location." More details about the Systemic Initiative can be found at http://www.eeoc.gov/eeoc/task_reports/systemic.cfm.

Systemic cases are significantly more complex. They require greater resources, more highly trained investigators and attorneys, and sophisticated expert analysis by statisticians, industrial psychologists, and labor market economists. To begin addressing these needs, in FY 2009, the Commission devoted significant resources to start developing a strong systemic-oriented skill set in EEOC staff. The agency hired several experts in the fields of statistics, industrial psychology and labor market economics that will partner with district offices to work on larger cases. The agency will continue to assess whether additional or different types of expertise would aid in building the systemic program. The Commission also conducted three regional systemic training sessions this year for investigators and attorneys in New York, Chicago, and Los Angeles, as well as six training webinars on systemic investigation skills.

In addition, the agency invested in the technology tools that are critical to a vigorous nationwide enforcement and litigation practice. The Commission successfully linked its two major databases: the EEO-1 reports and IMS, its charge and case management database. An EEO-1 analytical tool (EEO-1 Analytics) was added to the IMS application that allows investigators and attorneys to compare an employer with others in the same geographic area and industry. This will allow investigative and legal staff to better analyze workforce data, which in turn will lead to better identification and development of systemic cases.

All of these developments are expected to invigorate the Commission's systemic initiative. Early results have been positive. Since the inception of the systemic initiative, the number of systemic investigations has increased substantially. At the end of FY 2009, 39 Commissioners' charges were under investigation, compared with only 15 Commissioners' charges in investigation as of March 2006, when the initiative began. Systemic investigations based on charges filed by the public have also increased significantly.

Further, the agency's Office of General Counsel continues to make implementation of the agency's systemic program a chief priority. In FY 2009, the Commission filed 19 new systemic cases, each of which is expected to benefit potentially hundreds of victims of discrimination. These cases cover a broad range of current issues, such as the use of credit history and criminal conviction records to exclude applicants for employment and the use of inflexible leave policies to deny reasonable accommodations to qualified employees with disabilities. Below is a sampling of significant resolutions of systemic discrimination lawsuits in FY 2009:

EEOC v. Gold'n Plump Poultry, Inc. and *EEOC v. The Work Connection* (D. Minn.) (resolved Mar. 31, 2009). In companion suits against a mid-west poultry processor and a staffing agency, EEOC alleged failure to accommodate Muslim employees' religious prayer requirements and objection to handling pork. A consent decree provided $215,000 to 128 employees, and required the employer to add a 10-minute break, the time of which will vary according to the daily Muslim prayer schedule. The staffing agency was required to pay $150,000 to 28 applicants, along with offering placement with the employer as positions become available.

EOC v. Pitt Ohio Express, LLC (N.D. Ohio) (resolved Jan. 22, 2009). A suit against a regional transportation carrier alleged failure to hire women as truck drivers and dockworkers at four Ohio terminals, as well as failure to retain employment applications as required. A five-year consent decree provided a $2.43 million class settlement fund, and 40 offers of employment to eligible claimants (26 for drivers and 14 for dockworkers).

EEOC v. Area Erectors, Inc. (N.D. Ill.) (resolved May 27, 2009). A midwest steel and precast concrete erection company discriminated against an apprentice ironworker and a class of African Americans in union referrals when they were laid off or fired after much shorter periods of work than white referrals; the company also failed to file EEO-1 reports. The consent decree provided $630,000 to be allocated among 24 claimants and immediate or priority reinstatement. EEOC named seven unions as Rule 19 nonaligned parties, all of whom were signatories to the decree, which gave the decree's mandates priority to the extent they conflict with any provision of the unions' collective bargaining agreements.

EEOC v. Sears, Roebuck and Co. (N.D. Ill.) (resolved Sept. 29, 2009). EEOC filed suit against a national retailer alleging that it failed to accommodate and discharged a class of employees with disabilities whose leave needs exceeded an inflexible one-year maximum workers' compensation leave policy. A consent decree establishes a $6.2 million settlement fund to be allocated by the EEOC among about 400 qualified claimants. The decree further provides for revision of the employer's workers' compensation and reasonable accommodation policies to ensure compliance with the ADA.

EEOC v. First Wireless Group, Inc. (E.D.N.Y.) (resolved Oct. 29, 2008). A suit against a New York cell phone re-manufacturer alleged that a class of Hispanic employees was paid lower wages than similarly-situated Asian employees and then given unequal discipline and discharged in retaliation for complaining. A consent decree awarded $435,000 in back pay or compensatory damages to 38 claimants plus 8 hours of annual training to specified management staff and review of the compensation system to ensure that it does not discriminate against Hispanic employees.

EEOC v. Allstate Insurance Co. (E.D. Mo.) (resolved Sept. 11, 2009). EEOC sued a national insurance company for implementing a rehire moratorium policy, following a company-wide reorganization plan that had an adverse impact on former employee-agents who were 40 years of age or older. A settlement order provided for $4.5 million in back pay to be paid into a settlement fund and distributed in EEOC's sole discretion.

EEOC v. L&T International Corporation et al. (D.C.N.M.I.) (resolved July 28, 2009). Four related suits against a garment manufacturer alleged discrimination on the basis of national origin, age, pregnancy, and retaliation. The national origin claims asserted that a class of Filipino packers was discriminated against in favor of Chinese workers, confined to work groups segregated by national origin, and subjected to adverse treatment concerning overtime opportunities and lunch conditions. Two consent decrees resolved the four lawsuits and provide for a total of around $1.7 in compensatory damages to 177 individuals (including interveners).

To accomplish the goals of the systemic initiative, OGC anticipates a shift in the composition of its litigation docket over time. OGC expects fewer small, individual cases and more cases on behalf of larger groups. While this is leading to a decline in the total number of lawsuits filed each year, compared to previous years, OGC expects that the overall impact of agency litigation will be enhanced as larger cases are filed and resolved. Of course, individual cases, particularly those affected by new legislation, such as the Americans with Disabilities Act Amendments Act of 2008,and the Genetic Information Nondiscrimination Act of 2008, will be an important component of the agency's docket. All suits will continue to be strategically selected to have impact beyond their individual circumstances.

Federal Sector Enforcement

1. Federal Sector Hearings and Appeals

Unlike its responsibilities in the private sector, the Commission does not process complaints of discrimination for federal employees. In the federal sector, individuals file complaints with their own federal agencies and those agencies are to conduct a full and appropriate investigation of the claims raised in the complaints. Complainants can then request a hearing before an EEOC administrative judge (AJ). The EEOC, through its Office of Field Programs (OFP), is responsible for processing these hearing requests. Further, the Commission, largely through the efforts of its Office of Federal Operations (OFO), adjudicates appeals of federal agency actions on discrimination complaints, and ensures agency compliance with decisions issued on those appeals.

In FY 2009, OFP received a total of 7,277 requests for hearings, which is less than the 8,036 received in FY 2008. Additionally, the Commission's hearings program resolved a total of 6,779 complaints and secured more than $44.5 million in relief for parties in these complaints.

In an effort to tap technology to improve internal processes for federal sector hearings, the agency expanded the HECAPS (Hearings Electronic Case Processing System) project from the initial pilot location in the San Antonio hearings unit, to Dallas, Miami, Philadelphia, and New York. Once the agency fine-tunes the system, it will expand HECAPS to all Commission hearings units in FY 2010. The agency has also launched the development of "Hot Docs," an automated template system for drafting AJ decisions and orders. Hot Docs is modeled on a program first developed and utilized in OFO in the processing of federal sector appeals, which has resulted in greater efficiency and consistency in processing appeals. This is expected to improve significantly the quality of hearings orders and decisions, and to expedite this aspect of the hearings process overall. Additionally, Hot Docs will result in nationwide consistency in the decisions and orders issued. Finally, based on recommendations in the 2006 Federal Sector Report (http://www.eeoc.gov/federal/reports/fsp2006/index.html), an expert group of supervisory AJs is working on a Three-Track Case Processing System. These tracks will not only expedite case processing, but will also tailor processing to better suit the complexity of the case, as well as the concerns of the parties.

During FY 2009, OFO received 4,745 requests for appeals of final agency actions in the federal sector, fewer than the 5,082 such requests received in FY 2008. In FY 2009, the agency resolved 4287 appeals, 65 percent of them within 180 days of their receipt. This compares with 5,303 appeals resolved in FY 2008 (63.3 percent of which were resolved within 180 days of receipt). The agency achieved these results by leveraging technology and successfully managing the appellate inventory.

2. Internal Training

A national conference held this year gave EEOC's administrative judges—who are also under the jurisdiction of the Office of Field Programs—substantive training in judicial writing (provided by the National Judicial College), ADAAA updates, e-discovery, summary judgment, sanctions, and class actions. The conference also provided an opportunity for the AJs to meet with one another to exchange ideas and to start work on drafting a Best Practices Manual for federal sector hearings.

3. Federal Sector Mediation Program

Using Alternative Dispute Resolution (ADR) techniques to resolve workplace disputes throughout the federal government can have a powerful impact on agencies' EEO complaint inventories and, in turn, the Commission's hearings and appeals inventories. Resolving disputes as early as possible in the federal sector EEO process improves the work environment and reduces the number of formal complaints, allowing all agencies, including the EEOC, to redeploy resources that otherwise would be devoted to these activities. In addition, a growing number of agencies have incorporated dispute prevention techniques into their ADR programs, further increasing productivity and reducing the overall number of employment disputes.

Data submitted by federal agencies at the close of FY 2008, the most recent data available, indicate that there were 38,898 instances of pre-complaint EEO counseling across the federal government. Of that number, the parties participated in ADR in 19,267 cases, or 49.5 percent of the time, an increase from FY 2007's 48.3 percent ADR participation rate.

The EEOC continues to actively pursue a variety of ways to assist federal agencies in improving ADR, such as identifying and sharing best practices; providing assistance in program development and improvements; training federal employees and managers on the benefits of ADR; and maintaining a web page that serves as a clearinghouse for information related to federal sector ADR. The Commission will continue to expand its technical assistance to agencies to encourage the development of effective ADR programs and promote ADR training among government managers and staff.

Outreach, Education and Technical Assistance

The Commission's outreach, education and technical assistance efforts focused on increasing voluntary compliance with federal equal employment laws and on improving employee and employer awareness of rights and responsibilities under federal employment discrimination laws.

1. Outreach

The agency's outreach programs reached 238,017 persons in FY 2009. EEOC offices participated in 4,240 educational, training, and outreach events. This is a decrease in the number of events over the same period in FY 2008, when there were 5,360 of these events. The agency also held 295 field Customer Specific Training events in 2009, with about 9,100 attendees.

Offices distributed information about EEO laws and represented the Commission at 937 other public events that reached 42,115 people. These events included information booths at job fairs, conventions, cultural expositions, and conferences. Informational materials were distributed to 70,340 people through participation in many community organization meetings. Commission employees also made 422 media presentations, including newspaper, radio and TV interviews, talk shows, and press conferences that provided substantive equal employment opportunity (EEO) information to millions of stakeholders.

Mediation Outreach. In FY 2009, EEOC offices conducted 161 outreach events directed toward the private sector employer community to promote the agency's mediation program. Events included workshops, mock mediations, and panel discussions with employer representatives, as well as representatives from the plaintiff and defense bars.

Small Business Outreach. The Commission worked collaboratively with the small business community to prevent employment discrimination and promote voluntary compliance. EEOC offices conducted 390 no-cost outreach events directed toward small businesses in FY 2009, reaching over 17,000 small business representatives. The most popular topics for small business audiences were an overview of the laws enforced by EEOC, charge processing procedures, sexual harassment, Title VII and the ADA.

Federal Sector Outreach. Management Directive (MD)-715 embodies the EEOC-championed approach for agencies to use in identifying and removing barriers to equality of employment opportunity. The goal is to have a model federal work force that fully reflects all Americans' contributions. MD-715 also imposes on agencies the requirement to examine their workforces and to develop strategies for eliminating impediments to equal employment opportunity. During FY 2009, the Commission continued to provide agencies with the tools and technical assistance to conduct effective barrier analyses and create remedial action plans.

Using the guidance and principles contained in MD-715, the Commission continued to evaluate the progress of federal agencies in creating effective equal employment opportunity programs. This included delivering relevant and helpful information, training, and EEO solutions to federal agencies, including more advanced barrier analysis techniques; and using targeted EEO program evaluations,

and the self-assessment tools and checklists in MD-715, to help federal agencies assess the effectiveness and efficiency of their EEO programs. The goal is to help agencies identify whether they are utilizing their entire workforces in accomplishing their missions.

In recent fiscal years, the Commission provided feedback to agencies on their MD-715 submissions via various means, including single and three-year trend analysis letters. In response to comments from federal agency stakeholders, the Commission continues to provide these trend letters to agencies on a rotating basis. They are designed to provide a comprehensive analysis that tracks each reviewed agency's progress toward establishing a model EEO program. This year, the agency's Office of Federal Operations provided three-year trend analysis letters to 20 percent of the reporting agencies under MD-715. In addition, OFO provided an initial version of a scorecard to 60 federal agencies that addressed the agencies' progress in creating model EEO programs. OFO is refining this scorecard to help the public and agencies' leadership quickly gauge the government's progress in establishing fair and inclusive workplaces.

2. Education, Technical Assistance and Training

The EEOC Training Institute, formerly named "the Revolving Fund," is a separate statutory authority that enables the EEOC to offer in-depth and specialized programs on a fee basis to supplement free general informational and outreach activities that are an ongoing aspect of the EEOC's mission. The Training Institute offers diverse, high quality, reasonably priced EEO expertise and training products to private sector employers, state and local government personnel, and employees of federal agencies. In FY 2009 the Institute trained over 20,000 individuals at more than 450 events. The Training Institute offered the following products/service lines:

Training Products. The Training Institute develops low-cost direct-sales training products and resource materials to foster the agency's overall training and technical assistance responsibilities. It will expand its product line during FY 2010 to include other training materials that address the changing needs of customers, such as webinars and hearings preparation training.

Technical Assistance Program Seminars (TAPS). The one- and two-day TAP Seminars offered by the Training Institute are responsive to employers' information and training needs and allow EEOC to educate employers and employees about how to identify, prevent and eliminate workplace discrimination. In FY 2009, 38 TAPS were conducted throughout the country with 5,142 participants. This number is lower than the 6,693 people who participated in TAPS in FY 2008, due to reduced TAPS goals for FY 2009 for some of the EEOC's district offices, as well as difficult economic conditions that reduced employer spending for training. Attendance averaged about 140 participants per event.

National Federal Sector Conference. An annual national federal sector conference, the Examining Conflicts in Employment Laws (EXCEL) Conference, has become a widely anticipated and highly acclaimed event for federal EEO managers, attorneys, union officials, and other EEO professionals. This year's conference marked the 12th anniversary of this event and attracted more than 1,100 attendees.

Customer Specific Training. The Customer Specific Training (CST) program trains employees, managers, supervisors and human resource professionals from large, mid-size and small employers on their EEO responsibilities and how to prevent and correct workplace discrimination. Standardized courses are available, or the Institute can design customized courses to be delivered at employers' worksites. In FY 2009, the Training Institute held 295 field CST events that reached approximately 9,100 attendees.

Special Commission Initiatives

In FY 2009, the EEOC continued to pursue various special initiatives it launched in previous fiscal years. These include the LEAD Initiative and Youth@Work.

LEAD Initiative. In the federal sector, the EEOC continued to conduct its LEAD (Leadership for the Employment of Americans with Disabilities) Initiative. The overarching goal of LEAD is to significantly increase the population of individuals with disabilities employed by the federal government—currently less than one percent. This national outreach and education campaign is designed to:

- Increase the awareness of federal hiring officials about the declining numbers of people with disabilities in federal employment;
- Reverse the trend of decreasing participation in federal employment;
- Educate federal hiring officials about how to use special hiring authorities to bring people with disabilities on board, particularly those with severe disabilities;
- Educate applicants with severe disabilities about how to apply using the special hiring authorities available; and
- Provide information and resources on reasonable accommodation.

Youth@Work. The Commission's Youth@Work Initiative seeks to educate teenage employees and their employers about workplace discrimination and harassment, and to equip them with the information they need to create positive first work experiences.

Regulations, Enforcement Guidance and Technical Assistance Documents

EEOC regulations and enforcement guidance represent the Commission's official positions on a range of issues that arise under the employment discrimination laws that the agency enforces. These documents aid EEOC employees who enforce the laws through charge investigation and litigation, are looked to by many courts when resolving novel legal issues, and inform employers and individuals of their legal rights and responsibilities. EEOC also publishes technical assistance documents, which promote awareness of and voluntary compliance with EEOC-enforced laws. These technical assistance documents provide the public with explanations of EEOC-enforced laws and policy that are easy to understand and that avoid excessively technical or legalistic language. Technical assistance documents do not establish new EEOC policy, but rather apply existing policy in specific contexts to promote better understanding of EEOC policy and, often, identify employer best practices.

In FY 2009, the agency initiated or issued the following:

*Regulations under The Genetic Information Nondiscrimination Act of 2008 (GINA)***.** The EEOC will begin enforcing Title II of GINA on November 21, 2009. GINA requires the Commission to issue implementing regulations. Pursuant to this obligation, the Commission approved a Notice of Proposed Rulemaking (NPRM) that was published in the Federal Register for 60 days of public notice and comment on March 2, 2009. This proposal addresses substantive matters covered by GINA, such as what constitutes "genetic information," the prohibition against using genetic information in employment decisions, and the limited circumstances in which employers may acquire this information. It also details employers' obligation to keep genetic information confidential and explains when claims should be raised under Title I of GINA (covering health insurers and enforced by other

federal agencies), instead of under Title II (the employment title), which will be enforced by the EEOC. To help the public better understand these proposed rules, the Commission contemporaneously issued a plain-language technical assistance document entitled "Background Information for EEOC Notice of Proposed Rulemaking on Title II of the Genetics Information Nondiscrimination Act of 2008."

After considering public input regarding the proposed rule, the Commission approved a final regulation, and in September 2009, sent it to the Office of Information and Regulatory Affairs in the Office of Management and Budget for review and clearance. This submission places the Commission on track to publish its final rule before GINA becomes effective and the Commission begins enforcement. The Commission also approved a separate NPRM to amend its procedural and administrative regulations to reflect the Commission's charge-processing responsibilities under GINA. This NPRM was published in the Federal Register on May 20, 2009, for public notice and comment.

Regulations under the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). The ADAAA instructs the EEOC to amend its regulations under the ADA. Congress passed the ADAAA in response to a series of Supreme Court decisions that interpreted the ADA coverage requirements very narrowly. In September 2009, the Commission approved a Notice of Proposed Rulemaking for Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act, as Amended. The NPRM would amend the EEOC's existing regulations to address the ADAAA's expanded coverage, including its lowered standard for "substantial limitation," expanded definition of "major life activities" to include "major bodily functions," analysis of impairments that are episodic or in remission as substantially limiting if they would be so when active, and determination of substantial limitation without regard to mitigating measures (except for ordinary eyeglasses and contact lenses). The public notice and comment period for this proposal closes on November 23, 2009. As with the proposed rule under GINA, a technical assistance Question and Answer document was released contemporaneously with the ADAAA proposed regulations.

Technical Assistance on Best Practices for Workers with Caregiving Responsibilities. As a follow-up to the Commission's 2007 Enforcement Guidance on Disparate Treatment of Workers with Caregiving Responsibilities, which explained how discrimination against caregivers may violate the laws enforced by EEOC, the Commission issued technical assistance on Best Practices for Workers with Caregiving Responsibilities in April 2009. As the so-called "sandwich generation" who care for both children and aging parents grows, and evidence mounts that sex-based stereotyping can affect how employers handle workplace conflicts that involve caregiving, the Commission has released this document to identify strategies for employers to avoid potential discrimination claims while addressing both their business needs and the needs of workers with caregiving responsibilities.

Technical Assistance on H1N1 Flu Virus. The Commission also issued (and prominently posted on its public website) a technical assistance document providing employers with information on ADA-Compliant Employer Preparedness for the H1N1 Flu Virus. This document was drafted in response to many questions EEOC received from employers about how the ADA may apply to flu pandemic workplace policies. The H1N1 technical assistance explains when employers may make disability-related inquiries or conduct medical examinations during an influenza pandemic, when employers may send employees home because of influenza-like symptoms during a pandemic, and whether employers may require all employees to take an influenza vaccine during a pandemic without violating the ADA.

Technical Assistance on Waivers of Discrimination Claims in Severance Agreements. At a July 2009, public meeting addressing age discrimination concerns in light of the recent economic downturn and accompanying mass layoffs, the Commission also issued a Questions and Answers on Understanding Waivers of Discrimination Claims in Employee Severance Agreements. This waivers document responds to many questions from laid-off workers about the rules and limitations on employers who encourage soon-to-be laid off employees to waive their right to file employment discrimination lawsuits in exchange

for benefits such as severance pay. This document, based on the Commission's existing regulations under the Older Workers Benefit Protection Act, clarifies a very complicated issue of great importance to the over one million workers who were laid off during the recession in 2008-2009.

Compliance with FOIA and Section 83

EEOC discloses records under two separate mechanisms—the Freedom of Information Act (FOIA), and an internal mechanism created in Section 83 of EEOC's Compliance Manual. Historically, 95 percent of the disclosure requests made under these mechanisms concern closed charge files, and this disclosure pattern is expected to continue into the future, The number of charges filed with the EEOC is expected to continue increasing during FY 2011–2013, with a concomitant projection that the number of charges resolved during those years will increase as well. As a result, EEOC forecasts that its FOIA and Section 83 activity also will increase.

Based upon the anticipated number of resolutions, the number of Freedom of Information Act (FOIA) requests received by EEOC is projected to increase by six percent in FY 2011 to the low to mid-17,000s, rising by FY 2013 to the mid-18,000s. Despite this growth, the EEOC anticipates that the number of FOIA requests pending at the end of each fiscal year will continue to moderate. This is due in large part to the EEOC's hiring of 31 dedicated records disclosure staff in FY 2009 and the acquisition of technology updates, such as redaction software and a comprehensive unified FOIA tracking system that captures FOIA data and permits the public to file requests and access status information concerning their request on-line.

The data also indicate that the number of charge file disclosure requests under Section 83 of the EEOC Compliance Manual will increase to approximately 8,000 requests in 2011 and to the mid-8,000 range by FY 2015. The growth in the number of Section 83 requests is a direct result of revisions to Section 83 of the EEOC Compliance Manual expanding its coverage to the Equal Pay Act, the Age Discrimination in Employment Act, and the newly enacted Genetic Information Nondiscrimination Act of 2008. Before this expansion, Section 83 requests only applied to records under Title VII and the ADA.

AGENCY INFRASTRUCTURE AND OPERATIONS

The EEOC is constantly seeking ways to achieve organizational excellence through sound management of its resources—human, financial and technological.

Human Resources

1. Hiring and Hiring Reform

During FY 2009, the agency embarked on an ambitious hiring program to rebuild the EEOC after eight years of inadequate funding. This past year, the agency set out to hire an additional 125 investigators, 22 trial attorneys, 50 support staff, 10 paralegals and five expert statisticians and labor economists to support the agency's systemic enforcement and litigation programs. By the end of the fiscal year, the agency had brought on 155 net new hires. This is in addition to backfilling numerous vacancies that had occurred. The agency anticipates continued additional hiring in 2010.

Pursuant to initiatives from the Office of Personnel Management (OPM) and the Office of Management and Budget (OMB), EEOC's Office of Human Resources is working together with agency hiring managers and senior officials to implement hiring reforms. These include mapping the Commission's current hiring process. Carefully mapping the hiring process from the date of a vacancy to the date a new employee is brought on board helps to identify bottlenecks, redundancies, and unnecessary steps. The goal is for the agency's hiring process to average no more than 80 calendar days. An action plan to achieve that goal is expected to be completed by December 15, 2009.

The EEOC is also revising its Job Opportunity Announcements (JOAs) for the positions that are mission-critical and most frequently posted. The agency is revising these announcements to make them shorter, simpler, less burdensome, and easier for job applicants to read. Consistent with direction from the Office of Management and Budget and the Office of Personnel Management, the agency will begin to use the revised JOAs as they are completed. Five have already been completed and an additional five will be completed no later than December 15, 2009.

2. Employee Recognition and Development

Employees are recognized through the agency's Awards and Recognition Program for significant achievements and ideas that benefit the EEOC. Employees are eligible for special act/achievement awards, Cash in Your Account (CIYA) Awards, time-off awards and the Chairman's individual and organizational awards.

Also, the agency dedicated $2.5 million in FY 2009 to address critical gaps in knowledge and skills needed by agency investigators, attorneys, program analysts, and other employees, many of whom had not attended a formal training in their entire tenure with the EEOC. In this training effort, which was the largest the agency has conducted in more than a decade, the EEOC focused on tools and approaches for investigating and litigating cases involving systemic discrimination. The agency conducted this training initiative in part by maximizing the use of technology resources to carry out remote, low-cost training where appropriate.

Investments in training and employee development programs and activities will continue to permeate and enhance customer service efforts through emphasis on mission-critical occupations and other key support areas. As new talent comes to the agency through strengthened hiring initiatives, these investments will promote organizational excellence, support the achievement of strategic objectives, and enable the Commission to lay a solid foundation for the future. Ensuring that agency employees are prepared to perform their jobs at a high level will enable the Commission to deliver top-notch customer service.

The EEOC also will build a legacy for the future by ensuring that its succession plans are fully realized and that a leadership cadre vital to its success is properly trained, as the agency implements new aspects of the laws it enforces.

The Commission will maximize its resources by continuing to leverage the use of technology in meeting its employee development needs through online training, blended learning, video conferencing and video streaming, its internal web site and other mechanisms. The agency will emphasize best practices and continue important partnership with state-of-the art providers, including SkillSoft, Cyber Feds, the National Business Center and others, to meet these needs and to make training opportunities more flexible and accessible in a fluid work environment.

3. Improving Employee Satisfaction and Wellness

The Commission carefully reviewed the 2008 Federal Human Capital Survey results to identify: (1) the 10 items on which EEOC had scored lowest compared to the rest of government; (2) any item(s) on which employee satisfaction decreased since the 2006 FHCS; and (3) those Human Capital Assessment and Accountable Framework indices in which the EEOC scored lower than the rest of the government. In response, the agency polled its senior managers to identify the reasons for employee dissatisfaction and selected areas for improvement that are important to the EEOC. The agency then prepared an action plan to address these findings. This action was submitted to OMB in September 2009 as part of the FY 2011 budget process and will be implemented by EEOC's Office of Human Resources.

The EEOC's Wellness Program is an example of the agency's attempts to improve employee satisfaction. This program supports and promotes a healthier lifestyle for EEOC employees. Many EEOC facilities have onsite fitness clubs and health units that offer various education and physical fitness programs. As required, the agency has prepared a wellness inventory and submitted it through OPM's "Well Check" System.

Information Technology

During the first half of FY 2009, EEOC successfully moved the EEOC Data Center and core nationwide network to a new headquarters location. This move involved coordination across the agency and was completed in a seamless manner with very limited downtime. During the second half of FY 2009, EEOC focused on identifying strategies to avoid the escalation of IT maintenance costs and to lower the operational risks associated with the agency's aging infrastructure. Market research was conducted to assess managed services, virtualization, consolidation, cloud-computing (software-as-a-service) and improved IT service management.

These studies resulted in the introduction of several new infrastructure initiatives, including: a nationwide managed services contract to refresh desktop/laptop computers and support; selection of a new operating system for agency network file and printer servers; optimization of wide-area network routing; replacement of aging network servers; and consolidation of e-government hosting services to a new managed service provider.

To improve systemic data analysis capabilities further, EEOC developed a new web-based statistical tool to help staff analyze data from multiple EEO-1 Employer Information Reports. To augment e-government efforts and reduce inefficiencies associated with paper processing, EEOC piloted secure electronic transmission of hearings documents between EEOC and federal agencies and implemented a new Freedom of Information Act application for public use. EEOC also refreshed out-dated video conferencing equipment and implemented additional scanning capabilities in field offices to enhance communication and electronic collaboration.

In addition, the agency embarked on a "CaseWorks" pilot project. This project integrated remote access technology with litigation support software and electronic documents/discovery in a centralized environment. This software, including the CaseSoft suite, Summation, and Concordance, is designed for client/server architecture. With this CaseWorks project, attorneys from multiple offices can access the software remotely and work collaboratively.

In FY 2010, EEOC will fully implement the new desktop and network infrastructure referenced above, expand the CaseWorks pilot, refresh aging application hardware, and continue to modify applications to meet new legislative requirements. The focus will be on leveraging new and existing technologies to increase staff efficiency. This includes enhancing user skills related to video conferencing and desktop tools, helping business units define their technology needs and risks, enhancing customer service through rigorous relationship management, and continuing to unleash the power of technology to meet new programmatic demands.

Office Space

In FY 2009, the agency completed the relocation of its headquarters from 1801 L Street, N.W., Washington, D.C., to One NoMa Station at 131 M Street, N.E. The agency continues to face challenges in meeting the office space demands at its 53 field office locations. Because of the significant increase in hiring, the agency is short of office space at some locations, while carrying excess capacity space at other office locations. The agency continues to plan space requirements for all offices for both the short- and long-term. The EEOC has seven offices with expiring leases in FY 2011 (New Orleans, Cincinnati, Norfolk, San Juan, Greenville, Raleigh and Detroit), and will continue to assess appropriate space allocations and requirements in other offices as required by staffing levels.

Enhanced Public Access to EEOC

While the EEOC has continuously initiated activities designed to better serve the public through its 53 field offices, including e-mail access and web site enhancements, the agency has also become much more accessible through the establishment of the Intake Information Group, an in-house customer service operation. The full transition of this function from the former National Contact Center to the IIG began in FY 2008, with the hiring and training of EEOC staff and the acquisition of technology to support this program. The full transition was completed in February 2009.

PROGRAM EVALUATIONS

Program evaluation is an important component of an agency's effort to assure that a program is operating as intended and achieving results. A program evaluation is a thorough examination of program design or operational effectiveness that uses a rigorous methodology and statistical and analytical tools. It also uses expertise within and outside the program under review to enhance the analytical perspectives and to add credence to the evaluation and recommendations.

In FY 2008, the Commission initiated a nationwide program evaluation of the Priority Charge Handling Procedures, first adopted in 1995, to improve private sector charge process while simultaneously remaining cognizant of the workload demands of the charge inventory. This evaluation is proceeding, and the agency expects a final report with recommendations in FY 2010.

The EEOC currently has the following schedule of program evaluations for completion during the next several years. This schedule will be reviewed as permanent leadership arrives at the EEOC and the agency explores opportunities to conduct additional evaluations.

Program Evaluation	Statement of Parameters of the Program Evaluation.	Expected Initiation and Completion
Priority Charge Handling Procedures	Evaluate how well the Priority Charge Handling Procedures are working and ways to improve their implementation.	Initiate FY 2007 Complete FY 2010
Outreach/Technical Assistance	Evaluate the effectiveness of fee and non-fee based outreach/technical assistance efforts; for example, agency Technical Assistance Program Seminars (TAPS), Youth@Work activities, speakers at meetings, forums, panels or other activities designated as outreach or technical assistance.	Postponed
EEOC External Communications	Evaluate the impact and effectiveness of the EEOC's external communications efforts, including publicity, the agency's activities with the media, the external web site, and other public communications efforts.	Initiate FY 2010 Complete FY 2011
Effect of EEOC's Federal Sector evaluations and assistance	Evaluate the results achieved from EEOC's evaluation and assistance activities with federal agencies that changed policies, practices or procedures.	Initiate FY 2011 Complete FY 2012
Systemic Enforcement	Evaluate the effectiveness of the EEOC's systemic enforcement initiative.	Initiate FY 2012 Complete FY 2013

VERIFICATION AND VALIDATION OF DATA

The Commission's activities require accurate enforcement data, as well as reliable financial and human resources information, to assess agency operations and performance results and make good management decisions. The EEOC will continue its efforts to ensure the accuracy of program information and any analysis of the information.

The agency continually reviews the information it collects in various databases for accuracy by using software editing programs and program reviews of a sample of records during field office technical assistance visits. In addition, agency headquarters offices conduct analyses regularly to review the information collected in order to identify any anomalies that indicate erroneous entries requiring correction to collection procedures.

The EEOC has implemented approaches that enable the agency to collect information more rapidly and accurately by eliminating the need to enter information multiple times before it can be reviewed and analyzed. For example, the agency previously deployed a secure, web-based application that enabled businesses to electronically submit their annual Employer Information Report (EEO-1) to EEOC. This system continues to reduce the need for the manual entry of report data. It also includes automated edits to validate data, calculate totals, and compare statistics against the employer's prior year submission.

Two additional steps have been taken to improve the accuracy of EEO-1 data received from employers. First, a series of edit checks created for use in the online system have now been applied to EEO-1 reports uploaded by employers. Second, the structure of the online reporting system was restructured for multiple establishment employers required to provide lists of facilities with fewer than 50 employees. These employers had some difficulty in reconciling the numbers in their reports; now an error report is created for them, so they can easily correct such errors.

Similarly, the EEO-4 online system was significantly revised to improve the ease of data entry and incorporates a number of checks to prevent the entry of incorrect data. Additionally, the system was subjected to a security audit to ensure it is compliant with federal standards.

In another effort to ensure the accuracy of data collected and analyzed, the agency implemented a secure, web-based system that enabled all federal agencies to electronically submit annual equal employment opportunity statistics (Form 462). This system continues to improve the quality and timeliness of the information EEOC receives.

Finally, the EEOC continues to improve the collection and validation of information for its Integrated Mission System (IMS), which consolidates mission data on charge intake, investigation, mediation, litigation, and outreach functions into a single shared information system. The IMS includes many automated edit checks and rules to enhance data integrity.

Since several of the Commission's performance measures require the use of data to assess achievements, it is significant that the agency can now obtain those data much more quickly and with greater data accuracy.

The agency also implemented information quality guidelines and adopted internal procedures which strengthen its ability to verify and validate the quality of data before it is released to the public. In addition, the agency's Office of Inspector General continues to review aspects of the status of the agency's data validity and verification procedures, information systems, and databases and offer recommendations for improvements in its reports. The agency uses that information and those recommendations to continually improve its systems and data.

Inspector General's Statements

SUMMARY OF SIGNIFICANT MANAGEMENT CHALLENGES

The following is a summary of the six issues the Inspector General considers the most serious management challenges the Agency is confronting. Most of these were included in earlier OIG reports. They include Change in EEOC Management, Strategic Management of Human Capital, Private Sector Charge Inventory, Budget and Performance Integration, State and Local Partner Performance Management, and Information Technology Culture and Security. Only a fundamental change in management culture can enable the Agency to effectively meet all major challenges. Change in culture comes from the top of an organization. Meeting these challenges requires commitment of significant Agency resources, sound decision-making by the Agency's leadership, and continued oversight by the OIG and GAO. Those senior Agency managers opposing development of a performance culture within EEOC must change or EEOC cannot become a high-performing organization.

CHANGE IN EEOC MANAGEMENT

Turnover in senior leadership positions pose an immediate challenge to EEOC. The Agency has an Acting Chair, Stuart Ishimaru. In addition, President Obama has nominated both a Chair and a Commissioner, and a new Chief Human Capital Officer was recently hired. Agency leaders must address the six challenges, particularly private sector backlog. In addition, the Agency, first led by the Acting Chair, and then the new Chair, will need to build the confidence of congressional appropriators in the leadership and judgment of the EEOC to ensure adequate support of the Agency. The new Chairperson and other EEOC management need to break the cycle of using inefficient methods such as activity-based program management instead of performance-based management and instead, embrace and implement genuine strategic planning and innovative work processes such as finishing and implementing a human capital plan.

STRATEGIC MANAGEMENT OF HUMAN CAPITAL

Since our last reporting period, little action has taken place to improve the strategic management of human capital. The Agency did not finalize its draft human capital plan or its draft leadership succession plan, both of which were developed in September 2008. During this reporting period, Agency leadership decided to present the draft documents to the new Chief Human Capital Officer (CHCO) for review and any additional input before submitting it to the future Chair of the agency.

The new CHCO, who officially started at the Agency on September 28, 2009, will be challenged to ensure that the final draft plan includes all of the components of the Office of Personnel Management's (OPM) Human Capital Assessment and Accountability Framework (HCAAF). This may include developing a human capital planning committee comprised of the CHCO, senior leaders and managers from human resources, information technology, finance, and mission specific areas. Also, assignment of responsibility and the establishment of timelines for completion will help ensure the implementation of a sound strategic management of human capital program for the Agency.

The Agency also needs to improve management of overtime. A mediator ruled that the Agency intentionally failed to pay overtime compensation to bargaining unit employees in Field, Area, and Local Offices. To improve its performance in overtime compensation, the Agency issued Interim guidance on Overtime for Travel on Non-workdays on July 27, 2009. Also, the Agency provided training on overtime rules, including training sessions for new investigators and investigator support assistants. Additionally, by 2011, the Agency plans to have a web based time and attendance system in place that will require employees to report their time and attendance information including all overtime hours worked.

PRIVATE SECTOR CHARGE INVENTORY

EEOC continues to face a major challenge in adequately addressing the backlog of private-sector discrimination cases. This backlog, known as "charge inventory," is quite large. EEOC projects end of FY 2010 charge inventory of 87,807, almost 14,000 higher than the inventory at the end of FY 2008 (73,951). The primary negative effect of increased inventory is the delay in case resolution for thousands of EEOC customers, the people who believe they have been discriminated against.

Fiscal year 2009 data shows that EEOC received over almost 93,277 new private-sector charges, 2,125 less than in FY 2008. However, FY 2010 charge receipts are expected to increase significantly, exceeding 100,000.

To help address the backlog, EEOC has begun hiring staff, including investigators and mediators. EEOC increased agency staff by 155 for FY 2009, and plans an increase of 140 for FY 2010. The Director, Office of Field Programs, expects the increase in staff to result in about 15,000 additional case resolutions a year. The Director also stated that in 2010, a backlog reduction effort will be launched, including revised training, guidance, and clarifications to EEOC's Priority Charge Handling Processing.

However, regardless of impact on inventory from the anticipated additional staff, EEOC needs to develop major improvements in case processing in order to come closer to its mission of eliminating employment discrimination. Without focus on major improvements (i.e., refinements are helpful but are not enough) in case processing, there will not be a fundamental change in how well EEOC succeeds in its most important and resource-intensive activity. We agree with one of the key findings of a GAO report stating EEOC needs to develop criteria for identifying offices that ensure quality outcomes in a timely manner and share promising practices across the Agency.

In its FY 2009 budget justification, EEOC did not propose major improvements in charge processing and no such proposals are anticipated in FY 2010. EEOC has not embarked on major program initiatives to reduce the inventory or to reduce the growth of the inventory in over 10 years. The last major initiative was the Priority Charge Handling Process (PCHP), instituted in 1995.

BUDGET AND PERFORMANCE INTEGRATION

Integrating budget and performance remains a key challenge. Without better performance data, Agency managers cannot know how well EEOC performs given the resources it expends. Common sense changes would allow the Agency to stop making many resource and management requests and decisions without vital information. Fortunately, much of the most useful performance data can be captured by adding more detail to EEOC's existing primary cost accounting system—a biweekly worksheet (the Cost Accounting Sheet) filled out by each employee. The weaknesses in accounting practices are vividly illustrated by:

- the inconsistent and vague cost accounting methods used in EEOC Field Offices that are now the subject of settlement negotiations, (see *Labor Standards Act And United States Equal Employment Opportunity Commission: Case No. 071012-00226-A)*
- EEOC's inability to provide adequate support to the former Chair for systemic litigation resource requests, making budget requests less robust
- an Office of Chief Financial Officer's proposal to add a systemic litigation category was rejected, resulting in a missed opportunity for capturing key performance data
- EEOC has not adopted a performance measure in the State and Local Program area (see State and Local Partner Performance Management challenge below).

Regarding case inventory target levels, EEOC still lacks solid performance data to support lowering target performance levels. Therefore, EEOC will likely face renewed and major challenges in determining and justifying short-term and long-term performance targets. Until EEOC senior managers, particularly those responsible for private-sector case processing, accept the need to gather and use performance data, this challenge is likely to remain.

STATE AND LOCAL PARTNER PERFORMANCE MANAGEMENT

EEOC continues to inadequately address the need to assess the performance of its state and local partners. The EEOC provides substantial annual funding ($26,000,000 for FY 2009) to these partners, known as Fair Employment Practice Agencies or FEPAs, to conduct investigations and resolutions of employment discrimination charges. Work performed by FEPAs, both EEOC funded and non-EEOC funded, is critical to fighting employment discrimination. In 2007, EEOC agreed with OMB to develop such a measure, but has not done so, despite a workgroup report and accompanying recommendations for a performance measure. Therefore, EEOC needs to develop a management culture that recognizes objective assessment of FEPA's work as a critical element in improving efforts to eradicate employment discrimination. To assist in managing FEPAs efficiently and effectively, OIG will begin a review of EEOC's oversight of FEPA performance in FY 2010.

CHANGE IN INFORMATION TECHNOLOGY CULTURE AND SECURITY

EEOC continues to improve its information technology culture. However, important work remains. Financial constraints and managerial resistance has hampered the Agency's Office of Information Technology efforts of employing new technologies and achieving cultural change. But OIT has made significant headway in developing solid business relationships with internal stakeholders to aid in the identification of critical information technology needs of program offices.

OIT is focused on two major multi-million dollar information technology procurements: (1) replacing its aging field office network servers, and (2) procuring new laptops, monitors, and port replicators to replace its aging desktop/laptop inventory. While these procurements are critical, they do not address the large private sector caseload inventory and a critical information security upgrade. In order to effectively assist in reducing the caseload, newer and more innovative use of information technology, web based technologies, existing off the shelf software, and information systems must be identified, explored, tested, and implemented. This effort is necessary for the Agency's program offices to more strategically, effectively and efficiently approach their work.

Further, protecting Agency information that is accessed remotely is a challenge. For many field offices, the Agency has not implemented Homeland Security Presidential Directive (HSPD)-12. This directive calls for standard, secure, and reliable forms of identification for federal employees and contractors in accessing federal networks and facilities. According to the Office of Human Resources, implementation of HSPD-12 is delayed due to various issues such as procurement of enrollment and activation equipment, lack of General Services Administration assistance, and potential employee issues that may require union negotiation. The lack of progress adversely affects the Agency's ability to adequately provide secure remote access to the Agency network. The Office of Human Resources, in collaboration with OIT, must continue to address these obstacles to implementation.

Aletha L. Brown
Inspector General
U.S. Equal Employment Opportunity Commission

AGENCY COMPLIANCE WITH FMFIA

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Office of
Inspector General

November 10, 2009

MEMORANDUM

TO: Stuart J. Ishimaru
Acting Chairman

FROM: Aletha L. Brown
Inspector General

SUBJECT: Agency Compliance with the Federal Managers' Financial Integrity Act
(OIG Report No. 2009-04-AIC)

The *Federal Managers' Financial Integrity Act* (FMFIA), *P.L. 97-255*, as well as the Office of Management and Budget's (OMB) Circular A-123, Management Accountability and Control, establish specific requirements with regard to management controls. Accordingly, each agency head must establish controls to reasonably ensure that: (1) obligations and costs are in compliance with applicable laws; (2) funds, property and other assets are safeguarded against waste, loss, unauthorized use, or misappropriation; and (3) revenues and expenditures applicable to agency operations are properly recorded and accounted for, in order to permit the preparation of reliable financial and statistical reports, as well as to maintain accountability over the assets. FMFIA further requires each executive agency head, on the basis of an evaluation conducted in accordance with applicable guidelines, to prepare and submit a signed statement to the President disclosing that their agency's system of internal accounting and administrative controls fully comply with requirements established in FMFIA.

On November 5, 2009, the Office of Research, Information and Planning (ORIP) submitted EEOC's Fiscal Year 2009 Federal Managers' Financial Integrity Act Assurance Statement to the President, to the Office of Inspector General (OIG) for review. Agency regulation, *EEOC Order 195.001, Internal Control Systems* requires this office to annually provide a written advisory to the Chair on whether the management control evaluation process complied with OMB guidelines. To make this determination OIG reviewed: (1) assurance statements submitted by headquarters and district directors attesting that their systems of management accountability and control were effective and that resources under their control were used consistent with the agency's mission and in compliance with the laws and regulations set out in the FMFIA of 1982; (2) all functional area summary tables, and functional area reports; and (3) ORIP's Fiscal year 2009 Federal Managers' Financial Integrity Act Assurance Statement and Assurance Statement Letter, with attachments. Based on our independent assessment of this year's process, OIG is pleased to advise you that the Agency's management control evaluation was conducted in accordance with OMB's standards.

Further, based on the results of audits, evaluations, and investigations conducted by OIG during Fiscal Year 2009, OIG concurs with ORIP's assertion that the Agency had no material weaknesses during this reporting cycle.

OIG concurs with ORIP's reporting of eighteen instances of financial non-conformances. Four of those financial non-conformances were identified in FY 2008. The Agency has or is in the process of implementing corrective action plans to resolve the remaining non-conformances in FY 2010.

Financial Statements

A MESSAGE FROM THE CHIEF FINANCIAL OFFICER

I am pleased to present the U.S. Equal Employment Opportunity Commission's financial statements for FY 2009. Our financial statements are an integral component of our Performance and Accountability Report. The Accountability of Tax Dollars Act of 2002 extends to the agency a requirement to prepare and submit audited financial statements. The President's Management Agenda, Improved Financial Performance component among other standards, requires us to obtain and sustain clean audit opinions on our financial statements. The Office of Management and Budget (OMB) issued an updated Circular A-136, Financial Reporting Requirements, on June 10, 2009, which further refined reporting requirements for the PAR submission.

Our FY 2009 financial statements received an unqualified opinion through the hard work of the dedicated financial and administrative staff in the agency. This is the sixth consecutive year that the EEOC has received an unqualified opinion and represents our continuing successful efforts to improve the financial management of the agency. The Department of the Interior's National Business Center won a competition to replace the existing financial software with CGI's Momentum® software package. The conversion and implementation were completed for operations beginning in FY 2008. However, hosting and application support costs at the National Business Center have risen faster than current appropriation levels can sustain. As we look ahead, we will re-compete the requirements for the Agency's financial line of business software and accounting operations support in FY 2011 for implementation effective October 1, 2012, FY 2013.

For FY 2009, the agency received a $343.9 million budget. We completed the fiscal year within budget with improved financial management. Compensation and benefit costs continue to consume a substantial portion of the budget. Some additional progress has been made to bring rising office space rent costs under control by leasing less office space consistent with the number of employees onboard. Additional rent costs are expected based on the number of approved vacancies. Rent costs are about 8% of our total budget. With 8% of the budget dedicated to the State and local program, only 14% of the budget is available for technology, programs, travel, and other general expenses.

The agency has made some progress on attacking program workload backlogs by embarking on a hiring program to rebuild staffing levels that were at a historically low level. Beginning at mid-year of FY 2009, we began the process to hire investigators, trial attorneys, and other staff to support our systemic enforcement and litigation programs. We anticipate additional hiring in 2010, including the hiring of additional investigators, trial attorneys and support staff. We dedicated $2.5 million to address gaps in training for our investigators, attorneys, program analysts, and other employees.

Working with the General Services Administration, the agency relocated the Headquarters office and the Washington Field Office to 131 M Street, NE in Washington, D.C. in the first quarter of FY 2009. A ten-year occupancy agreement took effect in January 2009. The rent at this new location ensures the agency will not pay more than the annual lease cost at our previous location. The area where the new office is located is called NoMa (North of Massachusetts Avenue). Our agency, along with the Department of Justice, is pleased to be part of an area for economic re-development within the District of Columbia.

Working with our Office of Information Technology, the agency competed and awarded two important orders in the fourth quarter. The first order is for Managed Services for End-User Computing through the GSA Alliant Government-wide Acquisition Contract (GWAC). The potential contract value is $21.4 million

dollars for 84 months, if the option period and all optional contract line items are funded. The scope of the contract provides for the replacement and servicing of all desktop computers throughout the agency and related hardware, software and services. The second order was for network engineering services to evaluate future requirements for data and video bandwidth and related services.

As reported in the past, I have identified several critical issues for the agency to focus on to continue to improve its long-term financial health. An update on each item is provided below.

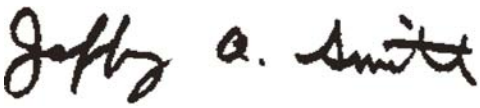
- **Execute a disciplined analysis of future workforce and infrastructure requirements.** Unfortunately for several years, the government as well as the agency have been unable to slow the growth of the current and future cost of compensation and benefits for current employees. Costs are on a path to increase to over 70% of the EEOC's budget. These costs include salary, health and life insurance, agency contributions for retirement plans, social security, medicare, worker's compensation, unemployment insurance, and transit subsidies. The continuing inability of the agency to implement any form of position management means that it will be very difficult to substantially change the cost of the compensation and benefits in future years.

  The agency contracted for an independent top-down study of the information technology infrastructure and staffing. The report called for substantial changes in the organization, use of contracts, operations, and the skill mix of staff in order to more effectively spend the $23 million annual budget for the information technology function. The agency is pursuing competitive IT services to consolidate contracts for additional managed hosting and managed operations and maintenance. This is an effort to better focus current government IT employees on strategic, budget, and acquisition planning, contract oversight, system security and end user needs.

- **Recognize and manage competing budget priorities.** We have kept spending controls in place for discretionary line items. Non-payroll costs continue to increase for homeland security, rent, facility services, and government-wide programs such as financial management services with a shared service provider. The agency continues discussions to determine the underlying causes for cost increases in its hosting and software services. There remains a clear need for improved strategic sourcing for software licensing, upgrades, and warranties on commercial off-the-shelf software by leveraging the consolidated requirements and resources under the management control of our shared services provider.

- **Formulate a long-term performance budget strategy.** The agency continues to look into improved communication approaches for annual budget justifications. There is a need for more transparency of workload metrics and the methodologies for supporting the metrics. The backlog of casework and workload by activity makes this an important task as we move forward. Also, substantial work is required to re-engineer and update a Strategic Plan.

In FY 2010, we will continue our focus on accountability, financial transparency, and results through improved budget planning, performance metrics and financial management.



Jeffrey A. Smith, CPA, CGFM
Chief Financial Officer
U.S. Equal Employment Opportunity Commission

November 15, 2009

INSPECTOR GENERAL'S AUDIT REPORT

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Office of
Inspector General

November 13, 2009

MEMORANDUM

TO: Stuart J. Ishimaru
Acting Chair

FROM: Aletha L. Brown
Inspector General

SUBJECT: Audit of the Equal Employment Opportunity Commission's Fiscal Year 2009 and 2008 Financial Statements (OIG Report No. 2009-04-FIN)

The Office of Inspector General (OIG) contracted with the independent certified public accounting firm of Cotton and Company LLP to audit the financial statements of the U.S. Equal Employment Opportunity Commission (EEOC) for fiscal years 2009 and 2008. The contract required that the audit be done in accordance with U.S. generally accepted government auditing standards; Office of Management and Budget's Bulletin 07-04, *Audit Requirements for Federal Financial Statements,* and the Government Accountability Office/President's Council on Integrity and Efficiency's *Financial Audit Manual.*

Cotton and Company LLP issued an unqualified opinion on EEOC's FY 2009 and 2008 financial statements. In its Report on Internal Control, Cotton and Company LLP noted two areas involving internal control and its operation that were considered to be significant deficiencies. These included time and attendance controls and controls over revenue and receivables. In its Report on Compliance, Cotton and Co. LLP noted no instances of non compliance with certain laws and regulations applicable to the agency.

In connection with the contract, OIG reviewed Cotton and Company LLP's report and related documentation and inquired of its representatives. Our review, as differentiated from an audit in accordance with U.S. generally accepted government auditing standards, was not intended to enable us to express, and we do not express, opinions on EEOC's financial statements or conclusions about the effectiveness of internal controls or on whether EEOC's financial management systems substantially complied with FFMIA; or conclusions on compliance with laws and regulations. Cotton and Company LLP is responsible for the attached auditor's report dated November 13, 2009 and the conclusions expressed in the report. However, OIG's review disclosed no instances where Cotton and Company LLP did not comply, in all material respects, with generally accepted government auditing standards.

EEOC management was given the opportunity to review the draft report and to provide comments. Management comments are included with the report as an attachment.

cc: Richard Roscio
Jeffrey A. Smith
Raj Mohan
Nicholas Inzeo
John Schmelzer
Anna Middlebrook
Lisa Williams
Kimberly Hancher
Peggy Mastroianni

INDEPENDENT AUDITOR'S REPORT

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Inspector General
Equal Employment Opportunity Commission

INDEPENDENT AUDITOR'S REPORT

We have audited the Balance Sheets of the U.S. Equal Employment Opportunity Commission (EEOC) as of September 30, 2009, and 2008, and the related Statements of Net Cost, Changes in Net Position, and Budgetary Resources for the years then ended. These financial statements are the responsibility of EEOC management. Our responsibility is to express an opinion on the financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America; standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States; and Office of Management and Budget (OMB) Bulletin 07-04, *Audit Requirements for Federal Financial Statements*. These standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting amounts and disclosures in the financial statements. An audit also includes assessing accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of EEOC as of September 30, 2009, and 2008, and its net costs, changes in net position, and budgetary resources for the years then ended, in conformity with accounting principles generally accepted in the United States of America.

Management's Discussion and Analysis (MD&A) and other accompanying information are not required as part of EEOC's basic financial statements. For MD&A, which is required by OMB Circular A-136, *Financial Reporting Requirements*, and the Federal Accounting Standards Advisory Board's Statement of Federal Financial Accounting Standards No. 15, *Management's Discussion and Analysis*, we made certain inquiries of management and compared the information for consistency with EEOC's audited financial statements and against other knowledge we obtained during our audits. For other accompanying information, we compared the information with the financial statements. On the basis of this limited work, we found no material inconsistencies with the financial statements, U.S. generally accepted accounting principles, or OMB guidance. We did not audit the MD&A or other accompanying information, and therefore express no opinion on them.

In accordance with *Government Auditing Standards*, we have also issued separate reports dated November 13, 2009, on our consideration of EEOC's internal control over financial reporting, and on our tests of its compliance with certain provisions of laws and regulations. The purpose of those reports is to describe the scope of our testing of internal control over financial reporting and compliance, and the results of that testing; not to provide an opinion on internal control over financial reporting or on compliance. Those reports are an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing results of our audits.

COTTON & COMPANY LLP

Colette Y. Wilson, CPA
Partner

November 13, 2009
Alexandria, Virginia

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL WITH COMMENTS

Cotton & Company

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Inspector General
Equal Employment Opportunity Commission

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL

We have audited the Balance Sheets of the U.S. Equal Employment Opportunity Commission (EEOC) as of September 30, 2009, and 2008, and the related Statements of Net Cost, Changes in Net Position, and Budgetary Resources for the years then ended. We have issued our report thereon dated November 13, 2009. We conducted our audits in accordance with auditing standards generally accepted in the United States of America; standards applicable to financial audits, contained in *Government Auditing Standards,* issued by the Comptroller General of the United States; and Office of Management and Budget (OMB) Bulletin 07-04, *Audit Requirements for Federal Financial Statements*.

In planning and performing our audits, we considered EEOC's internal control over financial reporting as a basis for designing audit procedures for the purpose of expressing an opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of EEOC's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of EEOC's internal control over financial reporting.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably, in accordance with generally accepted accounting principles, such that there is more than a remote likelihood that a misstatement of the entity's financial statements that is more than inconsequential will not be prevented or detected by the entity's internal control.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the entity's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described above and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above. We did, however, note two matters involving internal control and its operation, which we considered to be significant deficiencies.

1

1. TIME-AND-ATTENDANCE CONTROLS

Inaccurate Timekeeping

During fiscal year (FY) 2009, EEOC continued to experience difficulties in correctly recording time and attendance information. In addition, timekeepers and certifiers did not perform thorough reviews of information entered into EEOC's timekeeping system to ensure that it accurately reflected work performed by employees.

We noted the following during our testing:

- 55 timesheets were not signed by the employee
- 32 timesheets were not signed by the supervisor
- 33 instances in which the activity coding and/or hours per the timesheet did not tie to the information in Federal Personnel Payroll System (FPPS)
- 69 instances in which the program coding per the timesheet did not tie to information in the FPPS
- 13 SF-71 Request for Leave forms were not properly approved
- 14 instances in which the information per the SF-71 did not tie to the information in FPPS.

Per EEOC policy, each employee is required to complete a Cost Accounting Bi-weekly Timesheet each pay period. The employee is required to record and allocate time worked using activity codes that represent EEOC program areas. In addition, certifiers are expected to review and approve the assignment of hours to activity codes.

Failure to properly record hours worked and activity codes on the Bi-weekly Timesheet or entering incorrect data into EEOC's accounting system could lead to improper calculations of accrued annual leave liability as presented on the Balance Sheets, as well as incorrect program cost allocation on the Statements of Net Cost.

Recommendation: We recommend that the EEOC Office of Human Resources (OHR) review and refine controls in place over time-and-attendance reporting to ensure that all employees report accurate and complete information to timekeepers. Additionally, we recommend that OHR implement a policy requiring timesheets with incorrect or incomplete information to be returned to employees for correction before certifying time-and-attendance information in EEOC's online timekeeping system.

Management Response: Management concurred with the finding and recommendation. See appendix B for management's detailed response.

2. CONTROLS OVER REVENUE AND RECEIVABLES

Untimely Revenue Recognition

Revenue transactions for the Revolving Fund (RF) were recorded in the wrong period. Our testing of RF training-event transactions identified revenues of $12,694 recorded in FY 2008 for training events that occurred in FY 2009. This error was noted during the FY 2008 audit, but an adjustment was not processed in FY 2009 to properly record the revenue.

Statement of Federal Financial Accounting Standards (SFFAS) No. 7, *Accounting for Revenue and Other Financing Sources*, Paragraph 36, states:

> *When services are provided to the public or another Government entity (except for specific services produced to order under a contract), revenue should be recognized when the services are performed.*

SFFAS No. 7 also states in Paragraph 37:

> *When advance fees or payments are received… revenue should not be recognized until costs are incurred from providing the goods and services (regardless of whether the fee or payment is refundable). An increase in cash and an increase in liabilities, such as "unearned revenue," should be recorded when the cash is received.*

The Revolving Fund Division (RFD) recognizes exchange revenue at the time a customer registers for a training course. In FY 2008, an accrual was processed at yearend to recognize that income that had not yet been earned was deferred for reporting purposes. This accrual did not, however, capture all unearned revenue at yearend. In FY 2009, an adjustment was not processed to properly recognize the revenue in FY 2009.

Recommendation: We recommend that the Chief Financial Officer (CFO), along with the Director of the RFD, review accrual procedures in place and refine these procedures to ensure that all revenue not earned at yearend is properly classified as deferred in the financial statements.

Management Response: Management concurred with the finding and recommendation. See appendix B for management's detailed response.

Incorrect Amounts and Ineffective Reconciliations over Revenue

Reconciliations are ineffective between Momentum and Certain Registration, the feeder system used to record event registrations and product orders for the RF. Momentum activity reconciled for FY 2009 did not tie to the yearend revenue balance reported on the financial statements. Additionally, differences in reconciliations were not resolved in a timely manner.

Results of testing also noted unsupported revenue amounts recorded in the general ledger. During substantive testing of revenue balances, RF personnel could not provide documentation to support revenue amounts recorded in the general ledger. This resulted in a known $2,392 overstatement of revenue and a projected overstatement of $272,440.

The Government Accountability Office's (GAO) *Standards for Internal Control in the Federal Government, GAO/AIMD-00-21.3.1,* p. 15, states that control activities should be in place *"…to ensure that all transactions are completely and accurately recorded."*

The failure to ensure that financial system data are complete and accurate could lead to inaccurate and incomplete information being reported in the financial statements.

Recommendation: We recommend that the CFO work with the Director of RFD to ensure that documentation is maintained to support all transactions recorded in the general ledger. Additionally, we recommend that the CFO coordinate with the Director of RFD to ensure that timely, complete, and accurate reconciliations are performed between the general ledger and the subsidiary ledger, and that differences identified are researched and resolved.

Management Response: Office of Field Program (OFP) Management provided the following response:

"We believe this matter was resolved and need more information on the alleged discrepancies in order to determine if this finding is correct as we provided you with timely reconciled reports for FY 2009 from the Certain Registration System via Willie Eggleston on October 20, 2009. Additionally, we provided you with copies of the consolidated reconciliations from our current registration system managed by Kinsail Inc. on October 16, 2009."

Auditor Response: We received the documentation referenced in OFP's response and noted that the information included in the reconciliations provided did not tie to the yearend trial balance. We followed up with OFP personnel on 11/03/2009 regarding the discrepancies noted. Additionally, the 11/03/2009 email was forwarded to OFP management on 11/13/2009 upon receipt of OFP's comments. No response was received thus we still consider this matter unresolved.

The status of recommendations included in the FY 2008 Report on Internal Control is detailed in appendix A.

We noted other matters involving internal control and its operation that we will report to EEOC management in a separate letter.

This report is intended solely for the information and use of EEOC management, others within EEOC, OMB, and Congress. It is not intended to be and should not be used by anyone other than these specified parties.

COTTON & COMPANY LLP

Colette Y. Wilson, CPA
Partner

November 13, 2009
Alexandria, Virginia

4

APPENDIX A

STATUS OF MANAGEMENT'S ACTIONS ON PRIOR-YEAR RECOMMENDATIONS FISCAL YEAR 2009 FINANCIAL STATEMENT AUDIT U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Recommendation	Status as of 11-13-2009
We recommend that the EEOC Office of Human Resources (OHR) review and refine controls in place over time-and-attendance reporting to ensure that all employees report accurate and complete information to timekeepers. Additionally, we recommend that OHR implement a policy requiring return of timesheets with incorrect or incomplete information to employees for correction before certification of time-and-attendance information in EEOC's online timekeeping system.	Unresolved: Repeat Condition
We recommend that the CFO, along with the Director of the RFD, review accrual procedures in place and refine these procedures to ensure that all revenue not earned at yearend is properly classified as deferred in the financial statements.	Unresolved: Repeat Condition
We recommend that the CFO work with the Director of RFD to ensure that documentation is maintained to support all transactions recorded in the general ledger. Additionally, we recommend that the CFO coordinate with the Director of RFD to ensure that timely, complete, and accurate reconciliations are performed between the general ledger and the subsidiary ledger and that differences identified are researched and resolved.	Unresolved: Repeat Condition

APPENDIX B

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Office of
Human Resources

November 13, 2009

MEMORANDUM

TO : Aletha L. Brown
Inspector General

FROM : Lisa M. Williams
Chief Human Capital Officer

SUBJECT : Response to Draft FY 2009 Financial Statement Audit of the EEOC

This is in response to the draft audit reports from Cotton & Company dated November 12, 2009. By way of this memorandum, our response is as follows:

Original Entry in the Draft letter:

Time and Attendance Reporting – Recommendation

We recommend that the EEOC Office of Human Resources (OHR) review and refine controls in place over time-and-attendance reporting to ensure that all employees report accurate and complete information to timekeepers. Additionally, we recommend that OHR implement a policy requiring timesheets with incorrect or incomplete information to be returned to employees for correction before certification of time-and-attendance information in EEOC's online timekeeping system.

Response to Recommendation:

As we reported in our response to the FY 08 audit report, in early October 2008, the update for the FY 09 Time Attendance Guidance was produced and placed on EEOC's internal website for reference. It dictates that "Timekeepers will review time and attendance documentation to determine that they are complete and accurate. If any documentation is missing or if the Bi-Weekly Worksheet is coded inaccurately, the Timekeeper must return the form to the employee for correction." Also at that time, OHR sent an email through the FPPS GroupWise Mailbox to all timekeepers and certifiers; a reminder that this has been an issue in past audit results and advised them to review those documents that may be requested of them. One piece of good news is that the Agency has purchased a web based time and attendance system which will alleviate most of these problems. It will be completely paperless and will provide a number of edits which will ensure the accuracy of the data. It is set for implementation in January 2011. In the meantime, OHR would like to request a list of the specific offices involved in the audit and any other information that can be provided. We would like to

2

communicate the information directly to Office and District Directors to ensure a better outcome of next year's audit.

If you have any questions, please feel free to contact Arlethia Monroe of my staff at (202) 663-4340.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Office of
Field Programs

NOV 1 3 2009

TO: Aletha L. Brown
Inspector General

FROM: Nicholas M. Inzeo
Director, Office of Field Programs

SUBJECT: November 12, 2009 Transmittal-Draft FY 2009 Financial Statement Audit of The EEOC

Following is management's response to the Untimely Revenue Recognition noted for the Revolving Fund:

We agree with your findings. However, please note that although the $12,694 of revenue was not properly identified as deferred it was reported as earned. Therefore, we could not reclassify the amount as unearned or deferred and ultimately correct the error.

Following is management's response to Incorrect Amounts and Ineffective Reconciliations over Revenue:

We believe this matter was resolved and need more information on the alleged discrepancies in order to determine if this finding is correct as we provided you with timely reconciled reports for FY 2009 from the Certain Registration System via Willie Eggleston on October 20, 2009. Additionally, we provided you with copies of the consolidated reconciliations from our current registration system managed by Kinsail Inc. on October 16, 2009.

In response to the unsupported revenue amounts recorded in the general ledger:

We agree with this finding and implemented controls on December 2, 2008 with our new contractor to insure that proper documentation is being kept to support all revenue amounts in the general ledger. We have had at least two internal control reviews to test this system of controls the week of May 19, 2009 and the week of June 25, 2009 and found that our new registration contractor is properly maintaining support documentation.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Office of the Chief Financial Officer

November 13, 2009

MEMORANDUM

TO: Aletha L. Brown
Inspector General

FROM: Jeffrey A. Smith
Chief Financial Officer

SUBJECT: November 12, 2009 Transmittal – Draft FY 2009 Financial Statement Audit of the EEOC

We have no comments on the draft reports for the financial audit and compliance with laws and regulations.

For the draft internal control report, we have no comments on the "Inaccurate Timekeeping" findings and "Recommendation."

For the draft internal control report, we have no comments on the "Untimely Revenue Recognition" and "Incorrect Amounts and Ineffective Reconciliations over Revenue" findings. Similar recommendations carried forward without resolution from the fiscal year 2008 internal control report. The Office of the Chief Financial Officer (OCFO) accounting staff went to considerable lengths during fiscal year 2009 to assist the Office of Field Programs (OFP) staff with hands-on reconciliations and technical meetings on these accounting issues. We thought our technical assistance would help clear the findings. We suggest OFP, possibly with a third party, conduct a detail review of the revolving fund accounting processes and procedures. This review and subsequent action plan may help eliminate these findings for the fiscal year 2010 financial audit.

We thank Cotton & Company LLP management and staff for their professional audit services for fiscal year 2009 and the prior six years.

INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE WITH LAWS AND REGULATIONS

Cotton & Company

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Inspector General
Equal Employment Opportunity Commission

INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE WITH LAWS AND REGULATIONS

We have audited the Balance Sheets of the U.S. Equal Employment Opportunity Commission (EEOC) as of September 30, 2009, and 2008, and the related Statements of Net Cost, Changes in Net Position, and Budgetary Resources, for the years then ended. We have issued our report thereon dated November 13, 2009. We conducted our audits in accordance with auditing standards generally accepted in the United States of America; standards applicable to financial audits, contained in *Government Auditing Standards,* issued by the Comptroller General of the United States; and Office of Management and Budget (OMB) Bulletin 07-04, *Audit Requirements for Federal Financial Statements*.

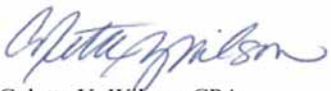
EEOC management is responsible for complying with laws and regulations applicable to the agency. As part of obtaining reasonable assurance about whether EEOC's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts, and certain other laws and regulations specified in OMB Bulletin 07-04.

Results of our tests of compliance disclosed no instances of noncompliance with certain provisions of laws and regulations described in the preceding paragraph that we are required to report under *Government Auditing Standards* or OMB Bulletin 07-04.

Providing an opinion on compliance with those provisions was not an objective of our audits, and accordingly, we do not express such an opinion.

This report is intended solely for the information and use of EEOC management, others within EEOC, OMB, and Congress. It is not intended to be and should not be used by anyone other than these specified parties.

COTTON & COMPANY LLP



Colette Y. Wilson, CPA
Partner

November 13, 2009
Alexandria, Virginia

LIMITATIONS OF THE FINANCIAL STATEMENTS

EEOC has prepared its financial statements to report its financial position and results of operations, pursuant to the requirements of the Accountability of Tax Dollars Act of 2002, the Government Management Reform Act of 1994, and OMB Circular A-136, *Financial Reporting Requirements.*

While the EEOC statements have been prepared from its books and records in accordance with the formats prescribed by the Office of Management and Budget, the statements are in addition to the financial reports used to monitor and control budgetary resources, which are prepared from the same books and records.

These statements should be read with the understanding that they are for a component of the United States Government, a sovereign entity. Liabilities, not covered by budgetary resources, cannot be liquidated without the enactment of an appropriation by Congress and payment of all liabilities, other than for contracts, can be abrogated by the federal government.

Equal Employment Opportunity Commission
Consolidated Balance Sheets

As of September 30, 2009 and 2008

(in dollars)

	FY 2009	FY 2008
ASSETS		
Intragovernmental:		
Fund balance with treasury (Note 2)	$ 67,020,955	$ 75,898,063
Accounts receivable (Note 3)	35,446	175,135
Advances	30,475	53,250
Total intragovernmental assets	67,086,876	76,126,448
Accounts receivable, net (Note 3)	242,277	218,111
General property and equipment, net (Note 4)	10,721,177	836,651
Advances and prepaid expenses	192,407	210,264
TOTAL ASSETS	78,242,737	77,391,474
LIABILITIES		
Intragovernmental		
Accounts payable (Note 6)	2,136,357	1,811,954
Employer payroll taxes	2,463,234	2,050,655
Worker's compensation liability (Note 7)	2,448,172	2,203,419
Amounts due to Treasury for non-entity assets (Note 5)	158	5,486
Other	65	—
Total intragovernmental liabilities	7,047,986	6,071,514
Accounts payable	15,035,936	21,131,474
Accrued payroll	10,521,260	8,293,380
Accrued annual leave (Note 7)	18,254,091	17,353,028
Future worker's compensation liability (Note 7)	10,416,049	10,095,229
Contingent liabilities (Note 9)	—	—
Capital lease liability (Note 10)	97,967	244,527
Amounts Collected for Restitution	13,629	5,692
Deferred revenue	92,961	76,859
TOTAL LIABILITIES	61,479,879	63,271,703
NET POSITION		
Unexpended appropriations	33,679,695	38,806,307
Cumulative results of operations—earmarked funds (Note 15)	3,501,721	4,248,975
Cumulative results of operations—other funds	(20,418,558)	(28,935,511)
Total net position	16,762,858	14,119,771
TOTAL LIABILITIES AND NET POSITION	$ 78,242,737	$ 77,391,474

The accompanying notes are an integral part of these statements

Equal Employment Opportunity Commission
Consolidated Statements of Net Cost

For the Years Ended September 30, 2009 and 2008

(in dollars)

	FY2009	FY2008
JUSTICE, OPPORTUNITY, AND INCLUSIVE WORKPLACES		
Private Sector:		
Enforcement	$ 174,642,554	$ 162,493,249
Mediation	23,511,571	24,509,355
Litigation	65,684,810	61,962,714
Outreach	10,944,770	12,249,362
Training	2,979,274	3,457,428
State and Local	32,395,350	35,059,597
Total program costs—Private Sector	310,158,329	299,731,705
Revenue	(2,068,152)	(2,536,228)
Net cost—Private Sector	308,090,177	297,195,477
Federal Sector:		
Hearings	28,672,078	28,868,877
Appeals	14,788,592	13,869,829
Mediation	635,200	884,957
Oversight	4,227,175	5,224,927
Training	2,750,099	2,716,551
Total Program costs—Federal Sector	51,073,144	51,565,141
Revenue	(2,094,083)	(2,660,606)
Net cost—Federal Sector	48,979,061	48,904,535
Totals all programs		
Program costs	361,231,473	351,296,846
Revenue (Note 11)	(4,162,235)	(5,196,834)
Net Cost of Operations	$ 357,069,238	$ 346,100,012

The accompanying notes are an integral part of these statements

Equal Employment Opportunity Commission
Consolidated Statement of Changes in Net Position

For the Years Ended September 30, 2009 and 2008

(in dollars)

	FY2009			FY2008		
	Earmarked Funds (Note 15)	**All Other Funds**	**Consolidated**	**Earmarked Funds (Note 15)**	**All Other Funds**	**Consolidated**
Cumulative Results of Operations						
Beginning Balances:	$4,248,975	$(28,935,511)	$(24,686,536)	$3,113,811	$(27,164,265)	$(24,050,454)
Adjustments:						
Correction of errors (Note 12)	—	—	—	—	(2,917)	(2,917)
Beginning balances, as adjusted	4,248,975	(28,935,511)	(24,686,536)	3,113,811	(27,167,182)	(24,053,371)
Budgetary Financing Sources:						
Unexpended appropriations—used	—	346,903,037	346,903,037	—	328,663,798	328,663,798
Other Financing Sources:						
Imputed financing sources (Note 16)	—	17,935,900	17,935,900	—	16,803,049	16,803,049
Transfers in/out without reimbursement	—	—	—			—
Total Financing Sources	—	364,838,937	364,838,937	—	345,466,847	345,466,847
Net Cost of Operations	(747,254)	(356,321,984)	(357,069,238)	1,135,164	(347,235,176)	(346,100,012)
Net Change	(747,254)	8,516,953	7,769,699	1,135,164	(1,768,329)	(633,165)
Cumulative Results of Operations	3,501,721	(20,418,558)	(16,916,837)	4,248,975	(28,935,511)	(24,686,536)
Unexpended Appropriations						
Beginning Balances:	$—	$38,806,307	$38,806,307	$—	$40,455,171	40,455,171
Budgetary Financing Sources:						
Appropriations received (Note 13)	—	343,925,000	343,925,000	—	329,300,000	329,300,000
Recissions and canceled appropriations	—	(2,148,575)	(2,148,575)	—	(2,285,066)	(2,285,066)
Unexpended appropriations—used	—	(346,903,037)	(346,903,037)	—	(328,663,798)	(328,663,798)
Total Budgetary Financing Sources	—	(5,126,612)	(5,126,612)	—	(1,648,864)	(1,648,864)
Total Unexpended Appropriations	—	33,679,695	33,679,695	—	38,806,307	38,806,307
Net Position	$3,501,721	$13,261,138	$16,762,858	$4,248,975	$9,870,796	$14,119,771

The accompanying notes are an integral part of these statements

Equal Employment Opportunity Commission
Combined Statement of Budgetary Resources

For the Years ending September 30, 2009 and 2008

(in dollars)

	FY2009	FY2008
Budgetary Resources		
Unobligated balance, brought forward, October 1:	$10,036,948	$8,891,905
Recoveries of prior year unpaid obligations	2,617,976	2,535,159
Budget authority:		
Appropriation (Note 13)	343,925,000	329,300,000
Spending authority from offsetting collections:		
Earned:		
Collected	4,357,071	6,275,341
Change in receivables from Federal sources	(2,437)	140,159
Change in unfilled customer orders:		
Advance received	92,961	—
Subtotal	348,372,595	335,715,500
Permanently not available	(2,148,575)	(2,285,066)
Total Budgetary Resources	$358,878,944	$344,857,498
Status of Budgetary Resources		
Obligations incurred		
Direct obligations (Note 14)	343,332,356	329,845,399
Reimbursable obligations	4,590,689	4,975,151
Subtotal	347,923,045	334,820,550
Unobligated balance		
Apportioned	1,112,688	1,336,965
Unobligated balance not available	9,843,211	8,699,983
Total Status of Budgetary Resources	$358,878,944	$344,857,498
Change in Obligated Balance:		
Obligated balance, net		
Unpaid obligations brought forward October 1	66,139,861	57,560,861
Less: Uncollected customer payments from Federal sources, brought forward, October 1:	(284,438)	(144,279)
Total unpaid obligated balance	65,855,423	57,416,582
Obligations incurred, net	347,923,045	334,820,550
Less: Gross outlays	(355,111,568)	(323,706,391)
Less: Recoveries of prior year unpaid obligations, net	(2,617,976)	(2,535,159)
Change in uncollected customer payments from Federal sources	2,437	(140,159)
Obligated balance, net, end of period		
Unpaid obligations	56,333,363	66,139,861
Less: Uncollected customer payments from Federal sources	(282,002)	(284,438)
Total, unpaid obligation balance, net, end of period	56,051,361	65,855,423
Net Outlays:		
Net Outlays:		
Gross outlays	355,111,568	323,706,391
Less: Offsetting collections	(4,450,032)	(6,275,341)
Net Outlays	$350,661,536	$317,431,050

The accompanying notes are an integral part of these statements

NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS
September 30, 2009 and September 30, 2008

(In Dollars)

(1) Summary of Significant Accounting Policies

(a) Reporting Entity

The Equal Employment Opportunity Commission (EEOC) was created by Title VII of the Civil Rights Act of 1964 (78 Stat. 253:42 U.S.C. 2000e et seq.) as amended by the Equal Employment Opportunity Act of 1972 (Public Law 92261), and became operational on August 2, 1965. Title VII requires that the Commission be composed of five members, not more than three of whom shall be of the same political party. The members are appointed by the President of the United States of America, by and with the consent of the Senate, for a term of 5 years. The President designates one member to serve as Chairman and one member to serve as Vice Chairman. The General Counsel is also appointed by the President, by and with the advice and consent of the Senate for a term of 4 years.

In addition, based on the EEOC Education Technical Assistance and Training Revolving Fund Act of 1992 (P.L. 102-411), the EEOC is authorized to charge and receive fees to offset the costs of education, technical assistance and training.

The Commission is concerned with discrimination by public and private employers of 15 or more employees (excluding elected or appointed officials of state and local governments), public and private employment agencies, labor organizations with 15 or more members or agencies which refer persons for employment or which represent employees of employers covered by the Act, and joint labor-management apprenticeship programs of covered employers and labor organizations. The Commission carries out its mission through investigation, conciliation, litigation, coordination, regulation in the federal sector, and through education, policy research, and provision of technical assistance.

(b) Basis of Presentation

These financial statements have been prepared to report the consolidated financial position of the EEOC, consistent with the Chief Financial Officers' Act of 1990 and the Government Management Reform Act of 1994. This means that any intra-agency transactions have been eliminated. These financial statements have been prepared from the books and records of the EEOC in accordance with generally accepted accounting principles (GAAP) using guidance issued by the Federal Accounting Standards Advisory Board (FASAB), the Office of Management and Budget (OMB) and the EEOC's accounting policies, which are summarized in this note. These consolidated financial statements present proprietary information while other financial reports also prepared by the EEOC pursuant to OMB directives are used to monitor and control the EEOC's use of federal budgetary resources.

(c) Basis of Accounting

The Commission's integrated Financial Management System uses CGI's Momentum, which is a highly flexible financial accounting, funds control, management accounting, and financial reporting system designed specifically for federal agencies. Momentum complies with the Financial Systems Integration Office's core requirements for federal financial systems.

Financial transactions are recorded in the financial system, using both an accrual and a budgetary basis of accounting. Under the accrual method, revenues are recognized when earned and expenses are recognized when a liability is incurred, without regard to the receipt or payment of cash. Budgetary accounting facilitates compliance with legal requirements and mandated controls over the use of federal funds. It generally differs from the accrual basis of accounting in that obligations are recognized when new orders are placed, contracts awarded, and services received that will require payments during the same or future periods. Any EEOC intra-entity transactions have been eliminated in the consolidated financial statements.

(d) Revenues, User Fees and Financing Sources

The EEOC receives the majority of the funding needed to support its programs through congressional appropriations. Financing sources are received in direct and indirect annual and no-year appropriations that may be used, within statutory limits for operating and capital expenditures. Appropriations used are recognized as an accrual-based financing source when expenses are incurred or assets are purchased.

The EEOC also has a permanent, indefinite appropriation. These additional funds are obtained through fees charged to offset costs for education, training and technical assistance provided through the revolving fund. The fund is used to pay the cost (including administrative and personnel expenses) of providing education, technical assistance, and training by the Commission. Revenue is recognized as earned when the services have been rendered.

An imputed financing source is recognized to offset costs incurred by the EEOC and funded by another federal source, in the period in which the cost was incurred. The types of costs offset by imputed financing are: (1) employees' pension benefits; (2) health insurance, life insurance and other post-retirement benefits for employees; and (3) losses in litigation proceedings. Funding from other federal agencies is recorded as an imputed financing source.

(e) Assets and Liabilities

Assets and liabilities presented on the EEOC's balance sheets include both entity and non-entity balances. Entity assets are assets that the EEOC has authority to use in its operations. Non-entity assets are held and managed by the EEOC, but are not available for use in operations. The EEOC's non-entity assets represent receivables that, when collected, will be transferred to the United States Treasury.

Intra-governmental assets and liabilities arise from transactions between the Commission and other federal entities. All other assets and liabilities result from activity with non-federal entities.

Liabilities covered by budgetary or other resources are those liabilities of the EEOC for which Congress has appropriated funds, or funding is otherwise available to pay amounts due. Liabilities not covered by budgetary or other resources represent amounts owed in excess of available congressionally appropriated funds or other amounts. The liquidation of liabilities not covered by budgetary or other resources is dependent on future congressional appropriations or other funding.

(f) Fund Balance with the U.S. Treasury

Fund Balances with Treasury are cash balances remaining as of the fiscal year-end from which the EEOC is authorized to make expenditures and pay liabilities resulting from operational activity, except as restricted by law. The balance consists primarily of appropriations. The EEOC records and tracks appropriated funds in its general funds. Also included in Fund Balance with Treasury are fees collected for services which are recorded and accounted for in the EEOC's revolving fund.

(g) Accounts Receivable

Accounts receivable consists of amounts owed to the EEOC by other federal agencies and from the public.

Intra-governmental accounts receivable represents amounts due from other federal agencies. The receivables are stated net of an allowance for estimated uncollectible amounts. The method used for estimating the allowance is based on analysis of aging of receivables and historical data.

Accounts receivable from non-federal agencies are stated net of an allowance for estimated uncollectible amounts. The allowance is determined by considering the debtor's current ability to pay, their payment record, and willingness to pay and an analysis of aged receivable activity. The allowance for accounts receivable is computed as follows: Accounts receivable between 365 days and 720 days old are computed at 50% and those older than 720 days are calculated at 100%.

(h) Property, Plant and Equipment

Property, plant and equipment consist of equipment, leasehold improvements and capitalized software. There are no restrictions on the use or convertibility of property, plant and equipment.

For property, plant and equipment, the EEOC capitalizes equipment (including capital leases), and software purchases with a useful life of more than 2 years and an acquisition cost of $25,000 or more. Leasehold improvements are capitalized with a useful life of 2 years or more and an acquisition cost of at least $100,000.

Expenditures for normal repairs and maintenance are charged to expense as incurred unless the expenditure is equal to or greater than $25,000 and the improvement increases the asset's useful life by more than 2 years.

During fiscal year 2008, the capitalization threshold for equipment and software and repairs and maintenance meeting the criteria has been changed from $15,000 to $25,000. For fiscal year 2007 and prior years, the threshold is $15,000.

Depreciation or amortization of equipment is computed using the straight-line method over the assets' useful lives ranging from 5 to15 years. Copiers are depreciated using a 5-year life. Lektriev power files are depreciated over 15 years and computer hardware is depreciated over 10 to 12 years. Capitalized software is amortized over a useful life of 2 years. Amortization of capitalized software begins on the date it is put in service, if purchased, or when the module or component has been successfully tested if developed internally. Leasehold improvements are amortized over the remaining life of the lease.

The EEOC leases the majority of its office space from the General Services Administration. The lease costs approximate commercial lease rates for similar properties.

(i) Advances and Prepaid Expenses

Amounts advanced to EEOC employees for travel are recorded as an advance until the travel is completed and the employee accounts for travel expenses.

Expenses paid in advance of receiving services are recorded as a prepaid expense until the services are received.

(j) Accrued Annual, Sick and Other Leave and Compensatory Time

Annual leave, compensatory time and other leave time, along with related payroll costs, are accrued when earned, reduced when taken, and adjusted for changes in compensation rates. Sick leave is not accrued when earned, but rather expensed when taken.

(k) Retirement Benefits

EEOC employees participate in the Civil Service Retirement System (CSRS) or the Federal Employees' Retirement System (FERS). On January 1, 1987, FERS went into effect pursuant to Public Law 99-335. Most employees hired after December 31, 1983, are automatically covered by FERS and Social Security. Employees hired prior to January 1, 1984 could elect to either join FERS and Social Security or remain in CSRS.

For employees under FERS, the EEOC contributes an amount equal to 1% of the employee's basic pay to the tax deferred thrift savings plan and matches employee contributions up to an additional 4% of pay. FERS and CSRS employees can contribute $16,500 and $15,500 of their gross earnings to the plan, for the calendar years 2009 and 2008, respectively. However, CSRS employees receive no matching agency contribution. There is also an additional $5,500 and $5,000 that can be contributed as a "catch-up" contribution for those 50 years of age or older, for the calendar years 2009 and 2008, respectively.

The EEOC recognizes the full cost of providing future pension and Other Retirement Benefits (ORB) for current employees as required by SFFAS No. 5, *Accounting for Liabilities of the Federal Government.* Full costs include pension and ORB contributions paid out of EEOC appropriations and costs financed by the U.S. Office of Personnel Management (OPM). The amount financed by OPM is recognized as an imputed financing source. Reporting amounts such as plan assets, accumulated plan benefits, or unfunded liabilities, if any, is the responsibility of OPM.

Liabilities for future pension payments and other future payments for retired employees who participate in the Federal Employees Health Benefits Program (FEHBP) and the Federal Employees Group Life Insurance Program (FEGLI) are reported by OPM rather than EEOC.

(l) Workers' Compensation

A liability is recorded for estimated future payments to be made for workers' compensation pursuant to the Federal Employees' Compensation Act (FECA). The FECA program is administered by the U.S. Department of Labor (DOL), which initially pays valid claims and subsequently seeks reimbursement from federal agencies employing the claimants. Reimbursements to the DOL on payments made occur approximately 2 years subsequent to the actual disbursement. Budgetary resources for this intra-governmental liability are made available to the EEOC as part of its annual appropriation from Congress in the year that reimbursement to the DOL takes place. A liability is recorded for actual un-reimbursed costs paid by DOL to recipients under FECA.

Additionally, an estimate of the expected future liability for death, disability, medical and miscellaneous costs for approved compensation cases, is recorded. The EEOC employs an actuary to compute this estimate using a method that utilizes historical benefit payment

patterns related to a specific period to predict the ultimate payments related to the current period. The estimated liability is not covered by budgetary resources and will require future funding. This estimate is recorded as a future liability.

(m) Contingent Liabilities

Contingencies are recorded when losses are probable, and the cost is measurable. When an estimate of contingent losses includes a range of possible costs, the most likely cost is reported, but where no cost is more likely than any other, the lowest possible cost in the range is reported.

(n) Amounts Collected for Restitution

The courts directed an individual to pay amounts to the EEOC as restitution to several claimants named in a court case. These monies will be paid to claimants as directed by the courts.

(o) Cost Allocations to Programs

Costs associated with the EEOC's various programs consist of direct costs consumed by the program, including personnel costs, and a reasonable allocation of indirect costs. The indirect cost allocations are based on actual hours devoted to each program from information provided by EEOC employees.

(p) Unexpended Appropriations

Unexpended appropriations represent the amount of EEOC's unexpended appropriated spending authority as of the fiscal year-end that is unliquidated or is unobligated and has not lapsed, been rescinded or withdrawn.

(q) Income Taxes

As an agency of the federal government, EEOC is exempt from all income taxes imposed by any governing body, whether it is a federal, state, commonwealth, local, or foreign government.

(r) Use of Estimates

Management has made certain estimates and assumptions in reporting assets and liabilities and in the footnote disclosures. Actual results could differ from these estimates. Significant estimates underlying the accompanying financial statements include the allowance for doubtful accounts receivable, contingent liabilities and future workers' compensation costs.

(2) Fund Balance with Treasury

Treasury performs cash management activities for all federal agencies. The net activity represents Fund Balance with Treasury. The Fund Balance with Treasury represents the right of the EEOC to draw down funds from Treasury for expenses and liabilities. Fund Balance with Treasury by fund type as of September 30, 2009 and 2008 consists of the following:

	FY 2009	FY 2008
Fund Type		
Revolving funds	$ 3,698,564	$ 4,118,095
Appropriated funds	63,308,696	71,774,276
Other fund types	13,695	5,692
Totals	**$ 67,020,955**	**$ 75,898,063**

The status of the fund balance is classified as unobligated available, unobligated unavailable, or obligated. Unobligated funds, depending on budget authority, are generally available for new obligations in the current year of operations. The unavailable amounts are those appropriated in prior fiscal years, which are not available to fund new obligations. The obligated, but not yet disbursed, balance represents amounts designated for payment of goods and services ordered but not yet received, or goods and services received, but for which payment has not yet been made.

The Fund Balance with Treasury includes items for which budgetary resources are not recorded, such as deposit funds and miscellaneous receipts. These funds are shown in the table below as a Non-budgetary Fund Balance with Treasury.

The undelivered orders at the end of the period consist of $26,399,459 and $33,115,913 for FY 2009 and FY 2008, respectively.

For fiscal years ended September 30, 2009 and 2008, funds in closed accounts of $2,148,575 and $2,285,066 were returned to Treasury.

Status of Fund Balance with Treasury as of September 30, 2009 and 2008 consists of the following:

	FY 2009	FY 2008
Status of Funds		
Unobligated balance:		
Available	$ 1,112,688	$ 1,336,965
Unavailable	9,843,211	8,699,983
Obligated balance not yet disbursed	56,051,361	65,855,423
Non-budgetary Fund Balance with Treasury	13,695	5,692
Totals	**$ 67,020,955**	**$ 75,898,063**

(3) Accounts Receivable, Net

Intra-governmental accounts receivable due from federal agencies arise from the sale of services to other federal agencies. This sale of services generally reduces the duplication of effort within the federal government resulting in a lower cost of federal programs and services. While all receivables from federal agencies are considered collectible, an allowance for doubtful accounts is sometimes used to recognize the occasional billing dispute. In FY 2009 and FY 2008, this was not deemed necessary.

Accounts receivable due to EEOC from the public arise from enforcement or prevention and training services provided to public and private entities or state and local agencies. An analysis of accounts receivable is performed to determine collectability and an appropriate allowance for uncollectible receivables is recorded. The allowance for accounts receivable is computed as follows: Accounts receivable between 365 days and 720 days old are computed at 50% and those older than 720 days years are calculated at 100%. Accounts receivable as of September 30, 2009 and 2008 are as follows:

	FY 2009	FY 2008
Intra-governmental:		
Accounts receivable (see detail below)	$ 35,446	$ 175,135
Allowance for uncollectible receivables	—	—
Totals	**$ 35,446**	**$ 175,135**

	FY 2009	FY 2008
With the public:		
Accounts receivable	$ 487,942	$ 331,980
Allowance for uncollectible receivables	(245,665)	(113,869)
Totals	**$ 242,277**	**$ 218,111**

Amounts due from various federal agencies are for accounts receivable as of September 30, 2009 and 2008. These are related to registered participants' training fees due to the revolving fund and appropriated interagency agreements as shown in the table below:

	FY 2009	FY 2008
Agency		
Department of Treasury	$ 9,690	$ 12,365
Department of the Army	8,069	13,520
Department of Agriculture	4,690	5,580
Department of the Navy	1,945	3,625
Environmental Protection Agency	1,395	43,599
Department of State	1,095	2,025
Department of Veterans Affairs	1,095	696
Department of Housing and Urban Development	1,095	670
Department of Health and Human Services	874	1,220
Agency for International Development	850	—
Architect of the Capital	350	—
Department of Homeland Security	300	10,632
Executive Office of the President	300	18,120
Department of the Interior	—	4,470
Department of Justice	—	3,350
Securities and Exchange Commission	—	35
Department of Labor	—	1,235
Department of Transportation	—	29,655
Defense Agencies	—	16,073
Department of Education	—	3,700
National Labor Relations Board	—	3,525
Other agencies	3,698	1,040
Totals	**$ 35,446**	**$ 175,135**

(4) Property, Plant and Equipment, Net

Property, plant and equipment consist of that property which is used in operations and consumed over time. The following tables summarize cost and accumulated depreciation of property, plant and equipment.

As of September 30, 2009	Cost	Accumulated Depreciation	Net Book Value
Equipment	$ 911,642	$ (744,927)	$ 166,715
Capital leases	286,857	(207,855)	79,002
Internal use software	4,134,204	(4,026,147)	108,057
Leasehold improvements	11,772,261	(1,404,858)	10,367,403
Totals	**$ 17,104,964**	**$ (6,383,787)**	**$ 10,721,177**

As of September 30, 2008	Cost	Accumulated Depreciation	Net Book Value
Equipment	$ 1,207,664	$ (784,396)	$ 423,268
Capital leases	865,257	(656,968)	208,289
Internal use software	4,018,975	(4,018,975)	—
Leasehold improvements	2,924,120	(2,719,026)	205,094
Totals	**$ 9,016,016**	**$ (8,179,365)**	**$ 836,651**

Depreciation expense for the periods ended September 30, 2009 and September 30, 2008 is:

FY 2009	FY 2008
$ 1,134,782	**$ 1,054,161**

(5) Non-Entity Assets

The EEOC has $158 of net receivables to collect on behalf of the U.S. Treasury as of September 30, 2009 and $5,486 of net receivables to collect on behalf of the U.S. Treasury as of September 30, 2008. Cash collections of $236,055 were returned to Treasury as of September 30, 2009 and $138,018 were returned to Treasury as of September 30, 2008 as instructed by Treasury.

(6) Liabilities Owed to Other Federal Agencies

As of September 30, 2009 and 2008, the following amounts were owed to other federal agencies:

Agency:	FY 2009	FY 2008
Department of Homeland Security	$ 1,179,392	$ 86,461
General Services Administration	825,400	1,391,137
Department of Interior	86,000	57,267
Department of the Treasury	16,125	43,325
Office of Personnel Management	15,047	74,787
National Archives and Records	12,051	15,583
Department of Agriculture	1,580	10,200
Department of Health and Human Services	762	19,081
Department of Justice	—	114,105
Other agencies	—	8
Totals	**$ 2,136,357**	**$ 1,811,954**

(7) Liabilities Not Covered by Budgetary Resources

Liabilities not covered by budgetary resources represent amounts owed in excess of available congressionally appropriated funds or other amounts.

Liabilities not covered by budgetary resources as of September 30, 2009 and 2008 are shown in the following table:

	FY 2009	FY 2008
Intra-governmental:		
Accrued worker's compensation	$ 2,448,172	$ 2,203,419
Total intra-governmental	2,448,172	2,203,419
Accrued annual leave	18,254,091	17,353,028
Worker's compensation due in the future	10,416,049	10,095,229
Capital lease liability	97,967	244,527
Total liabilities not covered by budgetary resources	31,216,279	29,896,203
Total liabilities covered by budgetary resources	30,263,600	33,375,500
Total liabilities	**$ 61,479,879**	**$ 63,271,703**

The EEOC employs an actuary to determine the future workers' compensation liability.

(8) Liabilities Analysis

Current and non-current liabilities as of September 30, 2009 are shown in the following table:

	Current	Non-Current	Totals
Covered by budgetary resources:			
Intra-governmental:			
Accounts payable	$ 2,136,357	$ —	$ 2,136,357
Payroll taxes	2,463,234	—	2,463,234
Due to Treasury	158	—	158
Other	65	—	65
Total Intra-governmental	4,599,814	—	4,599,814
Accounts payable	15,035,936	—	15,035,936
Accrued payroll	10,521,260	—	10,521,260
Amounts collected for	13,629	—	13,629
Unearned revenue	92,961	—	92,961
Liabilities covered by budgetary resources	30,263,600	—	30,263,600
Liabilities not covered by budgetary resources:			
Intra-governmental:			
Worker's compensation	866,464	1,581,708	2,448,172
Total Intra-governmental	866,464	1,581,708	2,448,172
Accrued annual leave	18,254,091	—	18,254,091
Actuarial worker's		10,416,049	10,416,049
Capital lease liability	53,229	44,738	97,967
Liabilities not covered by budgetary resources	19,173,784	12,042,495	31,216,279
Total liabilities	**$ 49,437,384**	**$ 12,042,495**	**$ 61,479,879**

Current and non-current liabilities as of September 30, 2008 are shown in the following table:

	Current	Non-Current	Totals
Covered by budgetary resources:			
Intra-governmental:			
Accounts payable	$ 1,811,954	$ —	$ 1,811,954
Payroll taxes	2,050,655	—	2,050,655
Due to Treasury	5,486	—	5,486
Total Intra-governmental	3,868,095	—	3,868,095
Accounts payable	21,131,474	—	21,131,474
Accrued payroll	8,293,380	—	8,293,380
Amounts collected for restitution	5,692	—	5,692
Unearned revenue	76,859	—	76,859
Liabilities covered by budgetary resources	33,375,500	—	33,375,500
Liabilities not covered by budgetary resources:			
Intra-governmental:			
Worker's compensation	1,054,223	1,149,196	2,203,419
Total Intra-governmental	1,054,223	1,149,196	2,203,419
Accrued annual leave	17,353,028	—	17,353,028
Actuarial worker's compensation	—	10,095,229	10,095,229
Capital lease liability	146,560	97,967	244,527
Liabilities not covered by budgetary resources	18,553,811	11,342,392	29,896,203
Total liabilities	**$ 51,929,311**	**$ 11,342,392**	**$ 63,271,703**

(9) Contingent Liabilities

EEOC is a party to various administrative proceedings, legal actions and claims that may eventually result in the payment of substantial monetary claims to third parties, or in the reallocation of material budgetary resources. Any financially unfavorable administrative or court decision could be funded from either the various claims to judgment funds maintained by Treasury or paid by EEOC. In FY 2009 and FY 2008 $0 and $0, respectively was recorded for contingent liabilities, which are the amounts considered probable and measurable by EEOC's management and legal counsel. In addition, for FY 2009, there are two claims for which it is reasonably possible that damages will be paid. These pending claims are for overtime to which employees claim they were entitled and for the removal of an employee which was found not to be supported by evidence. The estimated amount of these claims is between three hundred and fifty thousand ($350,000) and five million ($5,000,000). The chance of these claims succeeding is less than probable, but more than remote. The agency has and will continue to vigorously contest these claims. In the opinion of EEOC's management, the ultimate resolution of pending claims and litigation will not have a material effect on the EEOC's financial statements.

(10) Leases

Capital Leases

The EEOC has several capital leases for copiers in the amount of $286,857 for FY 2009. These leases can be canceled without penalty. The future lease payments and net capital lease liability as of September 30, 2009 is as follows:

Fiscal Year		Future Payments
2010	$	58,423
2011		58,423
2012		—
2013		—
2014		—
Thereafter		—
Total future lease payments		116,846
Less: imputed interest		(18,879)
Net capital lease liability	$	97,967

None of the future lease payments are covered by budgetary resources.

Operating leases

The EEOC has several cancelable operating leases with the General Services Administration (GSA), for office space that do not have a stated expiration. The GSA charges rent that is intended to approximate commercial rental rates. Rental expenses for operating leases during FYs 2009 and 2008 are $28,249,730 and $26,563,033, respectively. The EEOC has estimated its future minimum liability on GSA operating leases by adding inflationary adjustments to the FY 2009 lease rental expense. Future estimated minimum lease payments, for 5 fiscal years under GSA as of September 30, 2009 are:

Fiscal Year		Estimated Payments
2010	$	27,930,985
2011		31,826,985
2012		32,270,416
2013		32,722,202
2014		33,180,313
Total	**$**	**157,930,901**

(11) Earned Revenue

The EEOC charges fees to offset costs for education, training and technical assistance. These services are provided to other federal agencies, the public, and to some State and Local agencies, as requested. In the chart below, the fees from services does not include intra-agency transactions. The Commission also has a small amount of reimbursable revenue from contracts with other federal agencies to provide on-site personnel. Revenue earned by the Commission as of September 30, 2009 and 2008 was as follows:

	FY 2009	FY 2008
Reimbursable revenue	$ 54,000	$ 175,078
Fees from services	4,108,234	5,021,756
Total Revenue	**$ 4,162,234**	**$ 5,196,834**

(12) Correction of Errors

During FY 2008, it was discovered during the reconciliation between the Fixed Asset System and the general ledger that a copier that had been leased in 2004 was not recorded in the general ledger. The correction below is to record the remaining portion of the capital lease liability as of September 30, 2008.

Cumulative Results of Operations	FY 2009	FY 2008
Reclassify principle payments on capital lease obligation	—	2,917
Totals	$ —	$ 2,917

(13) Appropriations Received

Warrants received by the Commission as of September 30, 2009 and 2008 are:

FY 2009	FY 2008
$ 343,925,000	**$ 329,300,000**

There was no rescission for the warrant received by the EEOC for FY 2009 and FY 2008.

(14) Apportionment Categories of Obligations Incurred: Direct vs. Reimbursable Obligations

Direct and Reimbursable obligations as of September 30, 2009 and 2008 are:

Obligations	FY 2009	FY 2008
Direct A	$ 317,633,031	$ 301,205,348
Direct B	25,699,325	28,640,051
Subtotal Direct Obligations	343,332,356	329,845,399
Reimbursable—Direct A	4,590,689	4,975,151
Total Obligations	$ 347,923,045	$ 334,820,550

(15) Earmarked Funds (Permanent Indefinite Appropriations)

The Commission has permanent, indefinite appropriations from fees earned from services provided to the public and to other federal agencies. These fees are charged to offset costs for education, training and technical assistance provided through the revolving fund. This fund is an earmarked fund and is accounted for separately from the other funds of the Commission. The fund is used to pay the cost (including administrative and personnel expenses) of providing education, technical assistance, and training by the Commission. Revenue is recognized as earned when the services have been rendered by the EEOC.

Balance Sheet as of September 30,		**2009**		**2008**
ASSETS				
Fund balance with Treasury	$	3,698,564	$	4,118,095
Accounts receivable (net of allowance)		201,021		263,718
Advances and prepaid expenses		53,271		111,591
TOTAL ASSETS	$	3,952,856	$	4,493,405
LIABILITIES				
Accounts payable		358,174		167,571
Deferred revenue		92,961		76,859
TOTAL LIABILITIES		451,135		244,430
NET POSITION				
Cumulative results of operations		3,501,721		4,248,975
TOTAL LIABILITIES AND NET POSITION	$	3,952,856	$	4,493,405

Statement of Net Cost for the Period Ended September 30,		**2009**		**2008**
Program Costs	$	5,098,263	$	4,934,523
Revenue		(4,351,009)		(6,069,687)
Net Cost (Revenue)	$	747,254	$	(1,135,164)

The Revenue includes $242,774 and $1,047,931 of intra-agency revenue for fiscal years ended September 30, 2009 and 2008, respectively that is eliminated in the Principal Statements.

(16) Imputed Financing

OPM pays pension and other future retirement benefits on behalf of federal agencies for federal employees. OPM provides rates for recording the estimated cost of pension and other future retirement benefits paid by OPM on behalf of federal agencies. The costs of these benefits are reflected as imputed financing in the consolidated financial statements. The U.S. Treasury's Judgment Fund paid certain judgments on behalf of the EEOC. Expenses of the EEOC paid or to be paid by other federal agencies at **September 30, 2009 and 2008** consisted of:

	FY 2009	FY 2008
Office of Personnel Management:		
Pension expenses	$ 7,151,267	$ 6,856,778
Federal employees health benefits (FEHB)	10,753,053	9,783,585
Federal employees group life insurance (FEGLI)	31,580	30,722
Subtotal OPM	17,935,900	16,671,085
Treasury Judgment Fund	—	131,964
Total Imputed Financing	$ **17,935,900**	$ **16,803,049**

(17) Intragovernmental Costs and Exchange Revenue:

	FY 2009	FY 2008
Costs		
Office of Personnel Management	$ 49,023,789	$ 46,341,576
General Services Administration	48,444,292	33,786,061
Social Security Administration	10,560,337	9,844,705
Federal Retirement Thrift Investment Board	5,462,791	5,268,598
Department of the Interior	3,719,215	4,465,135
Department of Homeland Security	3,186,614	1,732,863
Department of Labor	1,431,707	1,126,024
Department of Transportation	1,080,592	897,485
Department of Health and Human Services	284,370	475,442
Department of the Treasury	183,536	304,549
Government Printing Office	146,962	238,531
Library of Congress	92,966	101,972
National Archives and Records Administration	72,581	84,577
Other agencies	80,202	17,204
Intragovernmental Costs	123,769,954	104,684,722
Public costs	237,461,519	246,612,124
Total Program costs	**$ 361,231,473**	**$ 351,296,846**

	FY 2009	FY 2008
Revenue		
Defense Agencies	$ 492,130	$ —
Other Agencies	365,615	11,817
Department of Homeland Security	261,371	331,272
Environmental Protection Agency	202,503	201,752
Department of the Treasury	134,217	22,417
Department of Agriculture	117,735	67,251
Department of Health and Human Services	91,833	—
Social Security Administration	82,414	—
Department of Justice	77,705	74,723
Department of Veterans Affairs	72,995	67,251
Department of Transportation	66,873	216,697
Department of Interior	61,457	201,752
Department of Labor	54,000	315,251
Department of Commerce	37,675	122,047
Department of the Air Force	37,675	—
Department of Energy	35,556	—
Department of the Army	35,320	438,375
U.S. Nuclear Regulatory Commission	30,611	—
United States Postal Service	24,253	74,723
Department of Housing and Urban Development	23,547	—
Department of the Navy	14,128	433,393
Securities and Exchange Commission	—	37,361
Federal Maritime Commission	—	35,399
Department of Education	—	9,125
National Aeronautics and Space Administration	—	—
Intragovernmental earned revenue	2,319,613	2,660,606
Public earned revenue	1,842,622	2,536,228
Total Program earned revenue (Note 11)	**4,162,235**	**5,196,834**
Net Cost of Operations	**$ 357,069,238**	**$ 346,100,012**

(18) Explanation of Differences between the Statement of Budgetary Resources and the Budget of the United States Government

The EEOC's budget is allocated to Justice, Opportunity, and Inclusive Workplaces.

Information from the President's Budget and the Combined Statement of Budgetary Resources for the period ended September 30, 2008 is shown in the following tables. A reconciliation is not presented for the period ended September 30, 2009, since the President's Budget for this period has not been issued by Congress.

Dollars in millions	President's Budget FY 2008 actual as of 9/30/08	Statement of Budgetary Resources FY 2008 as of 9/30/08	Estimated FY 2009	Estimated FY 2010
Budgetary resources	$ 329	$ 345	$ 344	$ 367
Total new obligations	329	335	344	367
Total outlays	319	317	319	364

The differences between the President's 2008 budget and the Combined Statement of Budgetary Resources for 2008 are shown below:

Dollars in millions		Budgetary Resources	Obligations	Outlays (g)
As reported on the Combined Statement of Budgetary Resources for FY 2008		$345	$335	$317
Revolving fund collections not reported in the budget	(a)	(6)		6
Obligations in the revolving fund and no-year fund not included in the President's budget	(b)		(5)	(5)
Carry-forwards and recoveries in the revolving fund and no-year fund not included in the President's Budget	(c)	(3)		
Carry-forwards and recoveries in expired funds	(d)	(9)		
Obligations in expired funds	(e)		(1)	
Canceled appropriations	(f)	2		
Rounding differences	(g)			1
As reported in the President's Budget for FY 2008		**$329**	**$329**	**$319**

(a) The EEOC's revolving fund provides training and charges fees to offset the cost. The collections are reported on the Combined Statement of Budgetary Resources as a part of total budgetary resources, but are not reported in the President's Budget.

(b) The obligations incurred by the revolving fund and no-year fund are not a part of the President's Budget, but are included in total obligations incurred in the Combined Statement of Budgetary Resources.

(c) Revolving funds and no-year funds have carry-overs of unobligated balances and recoveries of obligations that are included in total resources on the Combined Statement of Budgetary Resources, but are not included in the President's Budget.

(d) Expired funds have carry-overs of unobligated balances and recoveries of obligations that are included in total resources on the Combined Statement of Budgetary Resources until they are canceled, but are not included in the President's Budget.

(e) New obligations in expired funds are shown as a part of obligations incurred on the Combined Statement of Budgetary Resources, but are not included in the President's Budget.

(f) Canceled appropriations are not shown in the President's Budget, but are reported as a reduction to resources in the Combined Statement of Budgetary Resources.

(g) Difference due to rounding by millions.

(19) Reconciliation of Net Cost of Operations to Budget

Equal Employment Opportunity Commission
Reconciliation of Net Cost of Operations (Proprietary) to Budget
For the Month Ended September 30, 2009 and 2008

	FY 2009	FY 2008
Resources Used to Finance Activities		
Current Year Gross Obligations	**$ 347,923,045**	**$ 334,820,550**
Budgetary Resources from Offsetting Collections		
Spending Authority from Offsetting Collections		
Earned		
Collected	(4,357,071)	(6,275,341)
Change in Receivable from Federal Sources	2,437	(140,159)
Recoveries of Prior Year Unpaid Obligations	(2,617,976)	(2,535,159)
Other Financing Resources		
Imputed Financing Sources	17,935,900	16,803,049
Total Resources Used to Finance Activity	$ 358,886,335	$ 342,672,940
Resources Used to Finance Items Not Part of the Net Cost of Operations		
Change in Unfilled Customer Orders	92,961	—
Change in Undelivered Orders	6,716,453	1,579,694
Current Year Capitalized Purchases	(11,282,666)	(311,515)
Deferred Revenue	(92,961)	76,859
Components of the Net Cost of Operations which do not or Use Resources in the Reporting Period		
Revenues without Current Year Budgetary Effect		
Other Financing Sources Not in the Budget	(17,935,900)	(16,803,049)
Costs without Current Year Budgetary Effect		
Depreciation and Amortization	1,134,782	1,054,161
Disposition of Assets	34,740	—
Future Funded Expenses	1,145,815	316,804
Imputed costs	17,935,900	16,803,049
Bad Debt Expense	122,290	60,882
Other Expenses Not Requiring Budgetary Resources	311,489	650,187
Net Cost of Operations	$ 357,069,238	$ 346,100,012

Appendixes

APPENDIX A: ORGANIZATION AND JURISDICTION

The U.S. Equal Employment Opportunity Commission is a bipartisan Commission comprised of five presidentially-appointed members, including the Chair, Vice Chair, and three Commissioners. The Chair is responsible for the administration and implementation of policy for and the financial management and organizational development of the Commission. The Vice Chair and the Commissioners participate equally in the development and approval of Commission policies, issue charges of discrimination where appropriate, and authorize the filing of suits. In addition to the Commissioners, the President appoints a General Counsel to support the Commission and provide direction, coordination, and supervision to the EEOC's litigation program. A brief description of major program areas is provided on the following pages.

When the Commission first opened its doors in 1965, it was charged with enforcing the employment provisions of the landmark Civil Rights Act of 1964. The EEOC's jurisdiction over employment discrimination issues has since grown and now includes the following areas:

- **Title VII of the Civil Rights Act of 1964,** which prohibits employment discrimination on the basis of race, color, religion, sex, and national origin.
- **Pregnancy Discrimination Act,** which requires employers to treat pregnancy and pregnancy-related medical conditions as any other medical disability with respect to terms and conditions of employment, including health benefits.
- **Equal Pay Act of 1963 (included in the Fair Labor Standards Act),** which prohibits sex discrimination in the payment of wages to men and women performing substantially equal work in the same establishment.
- **Age Discrimination in Employment Act of 1967,** which protects workers 40 and older from discrimination in hiring, discharge, pay, promotions, fringe benefits, and other aspects of employment. ADEA also prohibits the termination of pension contributions and accruals on account of age and governs early retirement incentive plans and other aspects of benefits planning and integration for older workers.
- **Title I and Title V of the Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities Act Amendments Act of 2008,** which prohibits discrimination by private sector respondents and state and local governments against qualified individuals on the basis of disability.
- **Rehabilitation Act of 1973,** which prohibits discrimination on the basis of disability in the federal government.
- **Title II of the Genetic Information Nondiscrimination Act** [as of November 21, 2009], which prohibits employment discrimination on the basis of an applicant's or employee's genetic information, generally prohibits acquisition of genetic information from applicants and employees, and requires covered entities to keep such information confidential.
- **Lilly Ledbetter Fair Pay Act of 2009**, which overturned adverse Supreme Court precedent and restored the EEOC's long-held position on the timeliness of pay discrimination claims.

The Headquarters-based **Office of Field Programs**, the **Office of General Counsel**, and **53 field offices**, insure that the EEOC effectively enforces the statutory, regulatory, policy, and program responsibilities of the Commission through a variety of resolution methods tailored to each charge. The field staff is responsible for achieving a wide range of objectives, which focus on the quality, timeliness, and appropriateness of individual, class, and systemic charges and for securing relief for victims of discrimination in accordance with Commission policies. The field staff also counsel individuals about their rights under the laws enforced by the EEOC and conduct outreach and technical assistance programs. The **Office of General Counsel** conducts litigation in district courts though its field-based trial attorneys and in the courts of appeals though its appellate attorneys in headquarters.

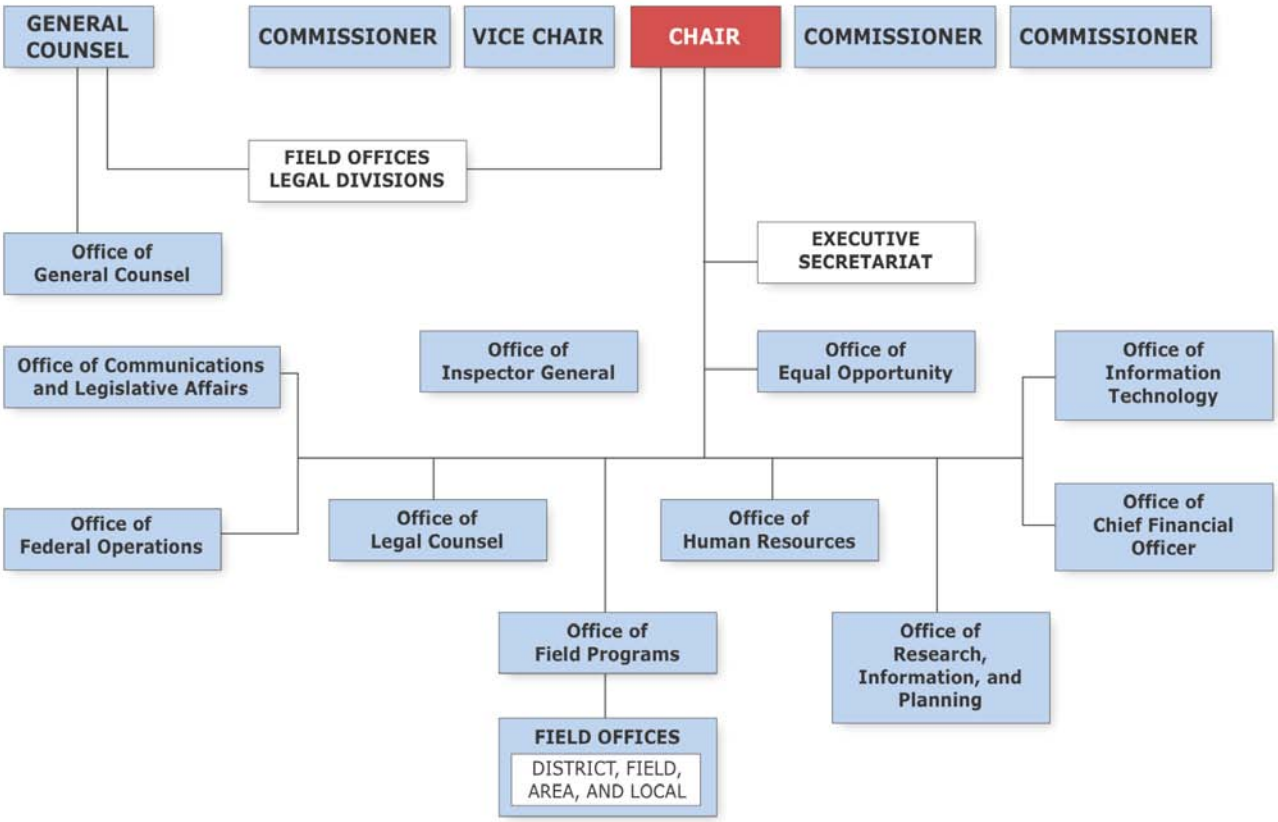
Additionally, through the **Office of Field Program's State and Local Program**, the EEOC maintains work sharing agreements and a contract services program with 94 state and local Fair Employment Practices Agencies (FEPAs) for the purpose of coordinating the investigation of charges dual-filed under state and local laws and federal law, as appropriate. The EEOC partners with more than 60 **Tribal Employment Rights Offices (TEROs)**, to promote equal employment opportunity on or near Indian reservations.

The **Office of Legal Counsel** develops policy guidance, provides technical assistance to employers and employees, and coordinates with other agencies and stakeholders regarding the statutes and regulations enforced by the Commission. The Office of Legal Counsel also includes an external litigation and advice division and a Freedom of Information Act unit.

Through its **Office of Federal Operations,** the EEOC provides leadership and guidance to federal agencies on all aspects of the federal government's equal employment opportunity program. This office assures federal agency and department compliance with EEOC regulations, provides technical assistance to federal agencies concerning EEO complaint adjudication, monitors and evaluates federal agencies' affirmative employment programs, develops and distributes federal sector educational materials and conducts training for stakeholders, provides guidance and assistance to EEOC administrative judges who conduct hearings on EEO complaints, and adjudicates appeals from administrative decisions made by federal agencies on EEO complaints.

The EEOC receives a congressional appropriation to fund the necessary expenses of enforcing civil rights legislation, as well as performing the prevention, outreach, and coordination of activities within the private and public sectors. In addition, the EEOC maintains a Training Institute for technical assistance programs. These programs provide fee-based education and training relating to the laws administered by the Commission.

EEOC Organization



APPENDIX B: BIOGRAPHIES OF THE COMMISSIONERS

Stuart J. Ishimaru, Acting Chairman

Stuart J. Ishimaru was designated by President Obama as Acting Chairman of the U.S. Equal Employment Opportunity Commission on January 20, 2009. Mr. Ishimaru has been a Commissioner since 2003, and is serving a second term that expires July 1, 2012.

Mr. Ishimaru has worked with his colleagues in pushing the Commission to focus on large, systemic cases and in reinvigorating the agency's work on race discrimination issues. He was instrumental in the Commission's adoption of groundbreaking guidance on gender discrimination against workers who have caregiving responsibilities.

Mr. Ishimaru opposed the Commission's actions to weaken age discrimination protections as well as to suppress collection of full data on workers of two or more races. Mr. Ishimaru also opposed misguided efforts to outsource and reorganize key EEOC functions.

Mr. Ishimaru previously served as Deputy Assistant Attorney General in the Civil Rights Division of the U.S. Department of Justice between 1999 and 2001, where he served as a principal advisor to the Assistant Attorney General for Civil Rights, advising on management, policy, and political issues involving the Civil Rights Division. He supervised the Division's attorneys in high-profile litigation, including employment discrimination cases, fair housing and fair lending cases, criminal police misconduct, hate crime and slavery prosecutions, and enforcement of the Americans with Disabilities Act. From 1994-1999, Mr. Ishimaru served as Counsel to the Assistant Attorney General for Civil Rights and provided advice on a broad range of issues.

In 1993, Mr. Ishimaru was appointed by President Clinton to be the Acting Staff Director of the U.S. Commission on Civil Rights, and from 1984–1993 served on the professional staffs of the House Judiciary Subcommittee on Civil and Constitutional Rights and two House Armed Services Subcommittees of the U.S. Congress.

Mr. Ishimaru, a native of San Jose, California, received his A.B. in Political Science and in Economics from the University of California, Berkeley, and his law degree from the George Washington University.

Christine M. Griffin, Acting Vice Chair

Christine M. Griffin, nominated by former President George W. Bush on July 28, 2005, and unanimously confirmed by the U.S. Senate, was sworn in on January 3, 2006.

As a member of the Commission, Ms. Griffin participates with the other Commissioners on all matters which come before the Commission, including the development and approval of enforcement policies, authorization of litigation, issuance of Commissioners' charges of discrimination, and performance of such other functions as may be authorized by law, regulation, or order.

Since joining the Commission, Ms. Griffin has been vocal in her support of increasing diversity in the federal workforce, as well as promoting greater efficiency and fairness in the federal EEO process. She has also been a strong advocate for women's rights and the rights of individuals with disabilities. Notably, in June 2006 Ms. Griffin launched the LEAD Initiative—Leadership for the Employment of Americans with Disabilities—to address the significant under-employment of individuals with severe disabilities in the federal government.

Prior to joining the Commission, Ms. Griffin worked extensively in labor and employment law positions in both the public and private sectors. Most recently, she served as the Executive Director of the Disability Law Center in Boston from 1996 to 2005. Prior to that, Ms. Griffin served from 1995 to 1996 as an Attorney Advisor to the former Vice Chair of the EEOC, Paul M. Igasaki, advising him on legal matters and policy issues. Ms. Griffin is also a Vietnam-era veteran of the U.S. Army, serving on active duty from 1974–1977.

A native of Boston, Ms. Griffin received her undergraduate degree from the Massachusetts Maritime Academy in 1983. Ms. Griffin received her law degree from the Boston College Law School, and was awarded the prestigious Skadden Arps Fellowship upon graduation. In December 2005, Ms. Griffin was selected as one of the nation's eleven "Lawyers of the Year" by Lawyers Weekly USA newspaper.

Ms Griffin has recently been nominated by President Obama and confirmed by the Senate to serve as Deputy Director of the Office of Personnel Management. Ms. Griffin will be leaving EEOC and joining OPM soon.

Constance S. Barker, Commissioner

Constance Smith Barker was sworn in July 14, 2008, as a Commissioner of the U.S. Equal Employment Opportunity Commission (EEOC). Commissioner Barker was nominated by former President George W. Bush on March 31, 2008, and unanimously confirmed by the Senate on June 27, 2008 to serve the remainder of a five-year term expiring on July 1, 2011.

Commissioner Barker has a strong interest in women's issues and is focusing her efforts on the continuing problem of workplace sexual violence against migrant farmworker women. Commissioner Barker is committed to strengthening the EEOC's enforcement efforts against this heinous form of unlawful discrimination.

Prior to her appointment to the Commission, Commissioner Barker was a shareholder for 13 years at the law firm of Capell & Howard, P.C. in Montgomery, Alabama. Her public sector experience includes serving for 11 years as General Counsel for the Mobile County Public School

System, a large city and county-wide school system in Mobile, Alabama. While in private practice in Mobile, she also served as a part-time municipal judge for two Alabama municipalities and was actively involved in the juvenile justice system. Commissioner Barker also worked for four years as a prosecutor, serving as an Assistant District Attorney, first for the 11th Judicial Circuit of Alabama and later for the 13th Judicial Circuit. In her role as a prosecutor, she tried numerous jury as well as bench trials.

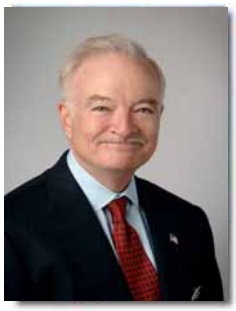
In 2007, Commissioner Barker was awarded the Alabama State Bar's Award of Merit for outstanding constructive service to the legal profession. She was cited for her work as Co-Chairman of the Alabama Judicial Campaign Oversight Committee which monitored Alabama judicial election campaigns in 2006.

A native of Florence, Alabama, Commissioner Barker was awarded a juris doctor from the University of Alabama School of Law in 1977. She attended St. Mary's College in South Bend, Indiana, and was awarded a bachelor's degree from Notre Dame University in 1973, where she was in the first class of women to graduate from that previously all-male institution.

Naomi Churchill Earp, Former Chair

Naomi Churchill Earp assumed the role of Chair of the U.S. Equal Employment Opportunity Commission on August 31, 2006, serving until January 20, 2009. Prior to her position as Chair, she served as Vice Chair starting April 28, 2003. After January 2009 she reverted to the position of Commissioner, which she held until her resignation from the Commission on June 5, 2009.

Ronald S. Cooper, Former General Counsel



Ronald S. Cooper was sworn in Aug. 11, 2006, to a four-year term as General Counsel of the U.S. Equal Employment Opportunity Commission. He resigned his post on January 30, 2009.

APPENDIX C: GLOSSARY OF ACRONYMS

ADA	Americans with Disabilities Act of 1990
ADAAA	Americans with Disabilities Act Amendments Act of 2008
ADEA	Age Discrimination in Employment Act of 1967
ADR	Alternative Dispute Resolution
AJ	Administrative Judge
CFO	Chief Financial Officer
CHCO	Chief Human Capital Officer
DMS	Document Management System
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
EPA	Equal Pay Act of 1963
EXCEL	Examining Conflicts in Employment Laws
FEPA	Fair Employment Practice Agency
FLSA	Fair Labor Standards Act
FMFIA	Federal Managers Financial Integrity Act
FOIA	Freedom of Information Act
FTE	Full-Time Equivalent
GINA	Genetic Information Nondiscrimination Act of 2008
GSA	General Services Administration
IIG	Intake Information Group
IFMS	Integrated Financial Management System
IMS	Integrated Mission System
LEAD	Leadership for the Employment of Americans with Disabilities
OFO	Office of Federal Operations
OFP	Office of Field Programs
OGC	Office of General Counsel
OIG	Office of Inspector General
OMB	Office of Management and Budget
OPM	Office of Personnel Management
PMA	President's Management Agenda
PCHP	Priority Charge Handling Procedures
TAPS	Technical Assistance Program Seminar
TERO	Tribal Employment Rights Offices
UAM	Universal Agreement to Mediate

APPENDIX D: INTERNET LINKS

EEOC: http://www.eeoc.gov/

EEOC FY 2009 Performance and Accountability Report: http://www.eeoc.gov/eeoc/plan/2009par.cfm

EEOC FY 2008 Performance and Accountability Report:
http://www.eeoc.gov/eeoc/plan/archives/annualreports/par/2008/index.html

EEOC Strategic Plan: http://www.eeoc.gov/eeoc/plan/strategic_plan_07to12_mod.cfm

EEOC FY 2010 Performance Budget: http://www.eeoc.gov/eeoc/plan/2010budget.cfm

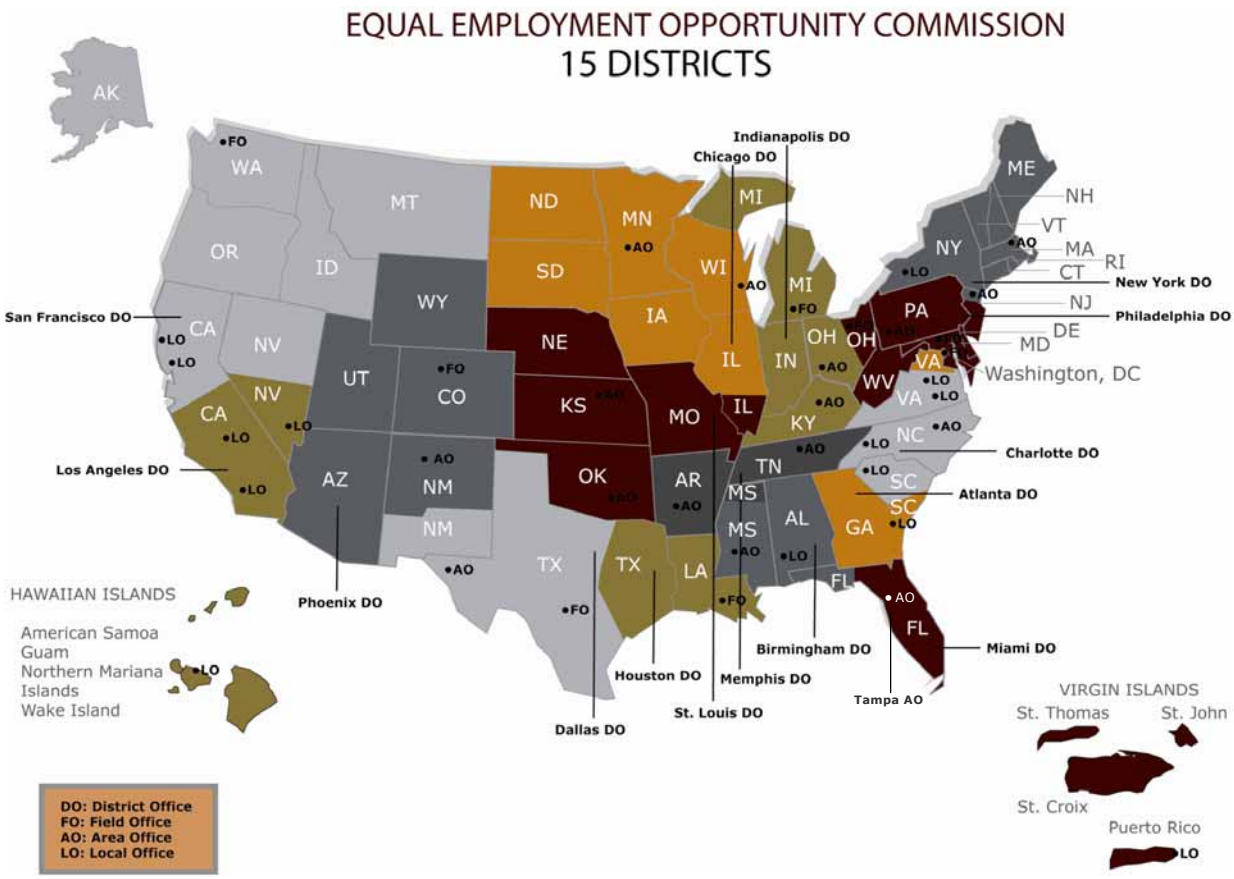
EEOC FY 2009 Performance Budget:
http://www.eeoc.gov/eeoc/plan/archives/budgets/2009budget/index.cfm

EEOC Annual Report on the Federal Workforce:
http://www.eeoc.gov/federal/reports/fsp2008/index.html

Youth@Work Initiative: http://www.eeoc.gov/eeoc/initiatives/youth/index.cfm

LEAD Initiative: http://www.eeoc.gov/eeoc/initiatives/lead/index.cfm

APPENDIX E: EEOC FIELD OFFICES



Acknowledgments

The EEOC's FY 2009 Performance and Accountability Report is a collaborative endeavor on the part of many EEOC employees and contractors. We would like to acknowledge and thank them for their hard work and commitment in successfully preparing this report and in supporting the audit of the financial statements.

We Welcome Your Comments

Thank you for your interest in the EEOC's FY 2009 Performance and Accountability Report. We welcome your comments on how we can make this report more informative for our readers. Please send your comments to:

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