

FISCAL YEAR 2013  
PERFORMANCE AND ACCOUNTABILITY REPORT

HIGHLIGHTS



U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION



# UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## FISCAL YEAR 2013 PERFORMANCE AND ACCOUNTABILITY REPORT

### HIGHLIGHTS



## OUR VISION

**Justice and Equality in the Workplace**

## OUR MISSION

**Stop and Remedy Unlawful Employment Discrimination**



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## A MESSAGE FROM THE CHAIR



I am pleased to present the U.S. Equal Employment Opportunity Commission's (EEOC) Performance and Accountability Report (PAR) for fiscal year (FY) 2013. The EEOC is dedicated to the efficient and effective enforcement of the nation's equal employment laws through investigation, mediation, conciliation, litigation, education and outreach. The PAR highlights the agency's major achievements and progress toward advancing our mission to *stop and remedy unlawful employment discrimination in FY 2013.*

Created by the *Civil Rights Act of 1964*, the EEOC enforces federal laws that prohibit employment discrimination on the basis of race, color, national origin, sex, religion, age, disability and family medical history and genetic information. The EEOC's jurisdiction to enforce employment antidiscrimination laws and promote equal employment opportunity extends to private, state and local government, and federal sector employment. Because prevention of unlawful workplace discrimination is essential to effective enforcement, the agency also serves as a resource for all employers and provides training, technical assistance, and guidance concerning compliance with employment discrimination laws. The EEOC educates the public — particularly underserved communities and small businesses — concerning the requirements of the laws that we enforce. Indeed, the EEOC is the nation's premier champion of equal employment opportunity for all.

In FY 2013, the EEOC continued to implement its *Strategic Plan for Fiscal Years 2012 – 2016* and began implementing its Strategic Enforcement Plan (SEP). Significant agency accomplishments in FY 2013 include:

- **Adoption and Implementation of the SEP.** The SEP, developed with extensive input from agency staff and external stakeholders, was designed to focus agency enforcement and outreach efforts on priorities that will have a significant impact on equal employment opportunity in the 21st century and promote more efficient management of charge and complaint systems to improve customer service. The SEP identified six enforcement priorities for the private, public, and federal sectors: 1) eliminating barriers in recruitment and hiring; 2) protecting immigrant, migrant and other vulnerable workers; 3) addressing emerging and developing issues; 4) enforcing equal pay laws; 5) preserving access to the legal system; and 6) preventing harassment through systemic enforcement and targeted outreach.
- **Challenging Systemic Discrimination.** The EEOC also filed 21 systemic lawsuits in FY 2013 and 23 percent of the active docket focused on systemic matters. This is significant because systemic cases address patterns or practices that have a broad impact on a region, industry or entire class of employees or job applicants.
- **Extensive Outreach and Public Education Activities.** The agency's outreach programs reached more than 280,000 persons in FY 2013 through sponsorship and participation in more than 3,800 no-cost educational, training, and outreach events. The Training Institute trained 17,000 individuals at more than 370 events.



- **More Efficient Resolution of Discrimination Claims.** The average resolution time for private sector charges was reduced by 21 days and the inventory of pending aged appeals in the federal sector was reduced by 5.6 percent in FY 2013.

The EEOC secured a record \$372.1 million in monetary relief for victims of employment discrimination in private sector and state and local government workplaces through mediation, conciliation and other administrative enforcement. The EEOC also secured \$39 million in monetary relief for charging parties through litigation, \$56.3 million in monetary relief for federal employees and applicants who requested hearings, and more than \$11.3 million in monetary relief for federal employees and applicants through federal sector appellate orders. More importantly, in each of these categories, the agency obtained substantial equitable relief to remedy violations of equal employment opportunity laws and prevent future discriminatory conduct in the workplace.

The Commission also demonstrated good stewardship of taxpayer dollars, and received, for the tenth consecutive year, an unqualified opinion from independent auditors.

The EEOC's accomplishments are especially noteworthy in light of extraordinary fiscal constraints and operational challenges in FY 2013, including sequestration, a 40-hour furlough of the entire workforce, and threatened government shutdown. Following two years of significant budget reductions and hiring freezes, these challenges have endangered the hard won, but fragile progress reported in recent PARs and threatened the agency's ability to meet the demand for the services of the EEOC. As an example, the significant reductions in our private sector inventory gained in FY 2011 and FY 2012 could not be sustained in FY 2013 due to the decline in staffing and resources. Similarly, expenditures for enforcement programs, contract mediators, technology projects, professional service and administrative support contracts, and staff training have been significantly reduced or suspended due to the uncertain fiscal climate.

Despite these hurdles, the men and women of the EEOC remain committed to meeting the needs, addressing the challenges, and seizing upon the opportunities of the 21st century workforce. Ultimately, we hope to fulfill the dream of those who came to Washington, DC for the March for Jobs and Freedom in 1963 and those who commemorated the 50th Anniversary of the March on Washington earlier this year. Their dream is also our vision: to achieve justice and equality in the nation's workplaces. As Chair of the Commission, it is a privilege and honor to work with my fellow Commissioners, the General Counsel, and our more than 2,100 agency colleagues, as well as with the Administration, Congress, our federal, state, and local government enforcement partners, and many employers, workers, advocates, and other agency stakeholders to fulfill our mission of stopping and remedying unlawful employment discrimination.

A handwritten signature in black ink, reading "Jacqueline A. Berrien".

Jacqueline A. Berrien  
Chair  
U.S. Equal Employment Opportunity Commission  
December 16, 2013



# MANAGEMENT'S DISCUSSION AND ANALYSIS

## Introduction

**This *FY 2013 Performance and Accountability Report (PAR) Highlights* 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 highlights of the results of the U.S. Equal Employment Opportunity Commission's programs and financial performance, along with its management challenges.**

## Agency Overview

The U.S. Equal Employment Opportunity Commission ("EEOC" or "Commission" or "the agency") is the leading federal law enforcement agency dedicated to eradicating employment discrimination on the basis of race, color, national origin, sex, religion, pregnancy, age, disability, and family medical history or genetic information. The agency began its work nearly 50 years ago and while there have been significant changes in society and the workplace, the public continues to rely on the EEOC 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 the Strategic Plan Performance Measures

The Government Performance and Results Modernization Act, enacted on January 4, 2011, requires Federal agencies to prepare a Strategic Plan every four fiscal years, beginning in 2012. (5 USC 306, as amended). As a result, the EEOC developed a new Strategic Plan for Fiscal Years 2012–2016 (“Strategic Plan” or “Plan”). The Plan was approved by the Commission on February 22, 2012.

The FY 2013 PAR is based on the agency’s Fiscal Year’s 2012–2016 Strategic Plan, which is located at: [http://www.eeoc.gov/eeoc/plan/strategic\\_plan\\_12to16.cfm](http://www.eeoc.gov/eeoc/plan/strategic_plan_12to16.cfm). The Plan established an effective framework for achieving the EEOC’s mission to *stop and remedy unlawful employment discrimination*, in support of the Commission’s vision of *justice and equality in the workplace*. To that end, the EEOC has committed to pursuing the following strategic objectives and goals:

- **Strategic Objective I. Combat employment discrimination through strategic law enforcement.** The correlated goals are to: 1) have a broad impact on reducing employment discrimination at the national and local levels; and 2) remedy discriminatory practices and secure meaningful relief for victims of discrimination;
- **Strategic Objective II. Prevent employment discrimination through education and outreach.** The correlated goals are to have: 1) members of the public understand and know how to exercise their right to employment free of discrimination; and 2) employers, unions and employment agencies (covered entities) better address and resolve equal employment opportunity (EEO) issues, thereby creating more inclusive workplaces; and
- **Strategic Objective III. Deliver excellent and consistent service through a skilled and diverse workforce and effective systems.** The correlated goals are to have interactions with the public that are timely, of high quality, and informative.

The Plan also identified strategies for achieving each outcome goal and identified 14 performance measures for gauging the EEOC’s progress as it approaches FY 2016. The agency’s progress in meeting these measures is displayed below and discussed in detail in the Performance Results section of this report.

EEOC FY 2013 Performance				
Measures	Targets Met or Exceeded 	Targets Partially Met <sup>1</sup> 	Targets Not Met 	Not Applicable in FY 2013
14	7	7	0	0

<sup>1</sup> **Targets Partially Met:** A rating assigned to target results where (1) at least half of the activities targeted for completion were completed, or (2) EEOC was unable to assess the results because full year data was not yet available.

## Related Program Results and Activities Highlights

### Serving the Public More Efficiently

In concert with the goals established in the Strategic Plan is the need to serve the public efficiently. Managing the agency's charge, complaint, and appeals inventory is part of that obligation. In FY 2010, Chair Jacqueline Berrien initiated a multi-year approach of sustained management attention to reverse the growth of the private sector charge inventory which had increased from 18–38 percent between FY 2004 and FY 2009. As a result, the EEOC reduced its private sector inventory by nearly 20 percent from FY 2010 through FY 2012—the first decreases in nearly a decade.

Despite the impact of sequestration and limited resources, the EEOC was able to keep the increase to the private sector inventory to 469 charges. In FY 2013, the EEOC received 93,727 charges. This is approximately a 6,000 charge decrease from the prior three fiscal years; however it is still one of the top five fiscal years in terms of receipts. In addition, a total of 97,252 charges were resolved in FY 2013, a drop of nearly 14,000. While this is a significant decrease in resolutions, it is also a remarkable achievement given the decline in staffing and resources the agency faced in FY 2013.

Notably, the average processing time to resolve charges dropped by 21 days to 267 days. By improving the timeliness of charge resolution and the EEOC's customer service efforts, these results better position the agency for FY 2014. However, further gains may be tempered by the continuing hiring freeze and repercussions from the Government shutdown.

In the federal sector adjudicatory program, the EEOC received 7,077 requests for hearings in FY 2013. Additionally, the Commission's hearings program resolved a total of 6,789 complaints.

During the last fiscal year, the EEOC received 4,244 appeals of final agency actions in the federal sector, a 2.4 percent decrease from the 4,350 such appeals received in FY 2012. FY 2013 was the second year in which the EEOC applied a more balanced approach to the resolution of the newest and oldest appeals. The agency resolved 4,361 appeals, including 47.9 percent of them within 180 days of their receipt.

### Enforcing the Law More Effectively

The EEOC's private sector administrative enforcement activities secured \$372.1 million in monetary benefits in FY 2013, the highest level of monetary relief ever obtained by the Commission through the administrative process and \$6.7 million more than was recovered in FY 2012. Overall, the agency secured both monetary and non-monetary benefits for more than 70,522 people through administrative enforcement activities including mediation, settlements, conciliations, and withdrawals with benefits.

Field legal units of the agency filed 131 merits lawsuits during FY 2013. These included 89 individual suits, 21 non-systemic class suits, and 21 systemic suits. Legal staff resolved 209 merits lawsuits for a total monetary recovery of \$39 million. At the end of FY 2013, the EEOC had 231 cases on its active docket, of which 46 (20 percent) were non-systemic class cases and 54 (23 percent) involved challenges to systemic discrimination.

In FY 2013, the EEOC's field offices completed work on 300 systemic investigations resulting in 63 settlements or conciliation agreements, recovering approximately \$40 million. In addition, 106 reasonable cause determinations in systemic investigations were issued in FY 2013. Systemic suits comprised 16 percent of all merits filings, and by the end of the year represented 23.4 percent of all active merit suits—the largest proportion since tracking started in FY 2006.

In FY 2013, the EEOC secured more than \$56.3 million in relief for parties who requested hearings in the federal sector.



## Leadership in Federal Civil Rights Enforcement

During fiscally challenging times, the work of the Commission is made more efficient when the EEOC coordinates closely with other federal agencies. EEOC has active relationships with a number of federal agencies, the Office of Management and Budget, and the White House. These interagency partnerships provide opportunities to maximize the benefit of each agency's work to the public, to avoid duplication of effort, and ensure the most efficient use of agency resources. In FY 2013, the EEOC participated in a number of interagency partnerships, including the White House Initiative on Asian American and Pacific Islanders (WHIAPPI) ([www.whitehouse.gov/aapi](http://www.whitehouse.gov/aapi)), the National HIV/AIDS Strategy ([www.whitehouse.gov/administration/eop/onap/nhas](http://www.whitehouse.gov/administration/eop/onap/nhas)), the Federal Interagency Reentry Council ([www.eeoc.gov/eeoc/interagency/reentry\\_council.cfm](http://www.eeoc.gov/eeoc/interagency/reentry_council.cfm)), the National Equal Pay Enforcement Task Force (<http://www.whitehouse.gov/equal-pay/career>), the Tri-Agency (EEOC, Department of Justice, and Department of Labor) Working Group, the President's Interagency Task Force to Monitor and Combat Human Trafficking (PITF) (<http://state.gov/j/tip/rls/reports/pitf/index.htm>), and the Senior Policy Operating Group (SPOG).

In FY 2013, the Commission published final regulations and guidance or assistance on substantive issues under the laws enforced by the EEOC. A technical assistance document on *The Mental Health Provider's Role in a Client's Request for a Reasonable Accommodation at Work*, was published on May 1, 2013. A series of technical assistance documents—*Revisions to the Americans with Disabilities Act (ADA) Questions and Answers Series*—was released on May 15, 2013. The EEOC also issued its final rule on *Availability of Records* on June 19, 2013 and a final rule on *Correcting Procedural Regulations* was issued by the Commission on September 6, 2013.

## Extending the EEOC's Reach

The agency's outreach programs reached 283,000 persons in FY 2013 through participation in 3,854 no-cost educational, training, and outreach events. Additionally, in FY 2013, the EEOC Training Institute, which is managed under a separate statutory authority that enables the Commission to offer in-depth and specialized programs on a fee basis, supplementing the free general informational and outreach activities, trained 17,000 individuals at more than 370 events, including 121 field "Customer Specific Training" events with approximately 5,600 attendees.

These efforts targeted small businesses, vulnerable workers, underserved geographic areas and communities, and emphasized new statutory responsibilities, issues related to migrant workers, human trafficking and youth.

## Improved Labor–Management Relations

Pursuant to the President's Executive Order 13522, "Creating Labor-Management Forums to Improve Delivery of Government Services," the EEOC continued its work with the National Council of EEOC Locals No. 216 and the AFGE-AFL-CIO in expanding labor relations under the Order. During FY 2014, the agency expects to provide guidance to Local Management Forums on implementing cost savings issues and other programs directed at employee morale.

The Federal Employees' Viewpoint Survey shows that EEOC employees continue to like the kind of work they do, believe their work is important, are willing to give extra effort to get a job done and, are looking for ways to do their jobs better. In fact, employees rate the overall quality of work done in their work unit above 85 percent. Employees also say they are held accountable for achieving results and know how their work relates to agency goals. Supervisors/Team Leaders talk with their employees about their performance and treat them with respect.

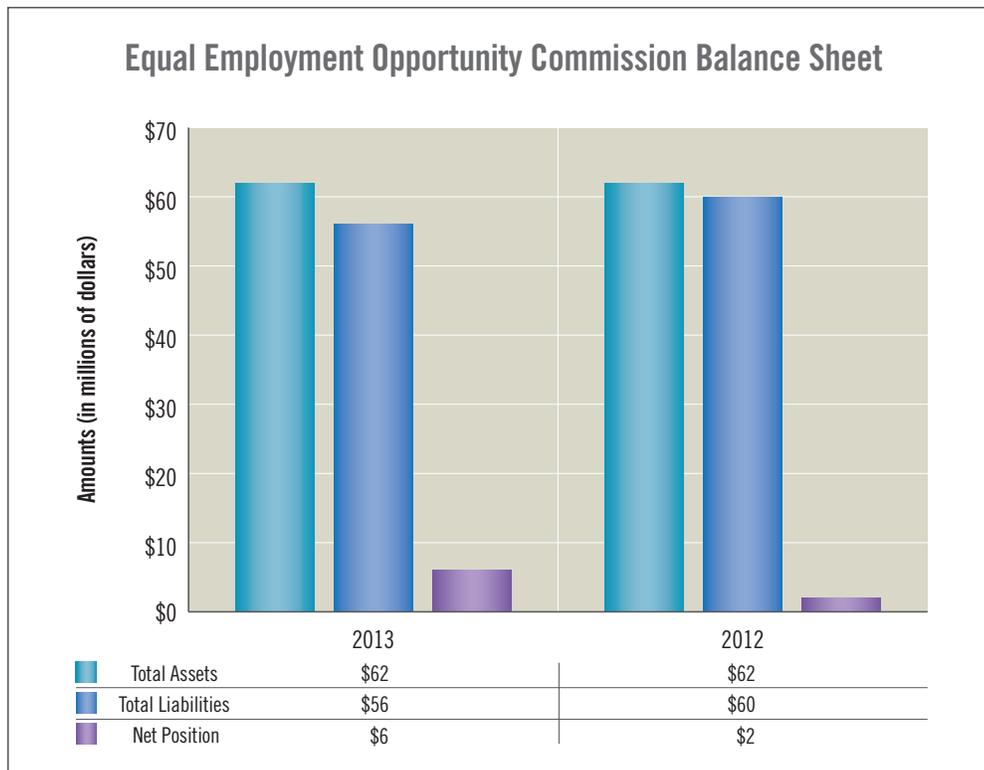
## Federal Managers' Financial Integrity Act

The EEOC's management controls and financial management systems were sound during FY 2013, with the exception of eight findings of financial non-conformances. The financial non-conformances were identified in several audit reports prepared by the Office of Inspector General (OIG): *OIG Report No. 2012-02-FIN*, December 19, 2012, *OIG Report No. 2012-01-FIN*, November 16, 2012, and *OIG Report No. 2011-03-FIN*, December 15, 2011. The agency has implemented corrective action plans to resolve all uncorrected financial, non-conformances in FY 2014.

Based on the actions taken, and considering the agency's controls environment as a whole, the agency concludes that during FY 2013, its financial and management controls systems were in compliance with the Federal Managers' Financial Integrity Act (FMFIA). The agency has plans in place to resolve the remaining financial non-conformances in FY 2014. 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

**EEOC prepares four financial statements: the Consolidated Balance Sheets, Consolidated Statements of Net Cost, Consolidated Statement of Changes in Net Position, and the 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 \$62 million at the end of FY 2013. This is no change from FY 2012.

The Net Position is the sum of Unexpended Appropriations and the



Cumulative Results of Operations. At the end of FY 2013, EEOC's Net Position on its Balance Sheets and the Statement of Changes in Net Position is \$6 million, an increase of \$4 million, or 200 percent changed from the FY 2012 ending Net Position of \$2 million. This increase is due primarily to a increase in EEOC's Unexpended Appropriations for Fiscal Year 2013.

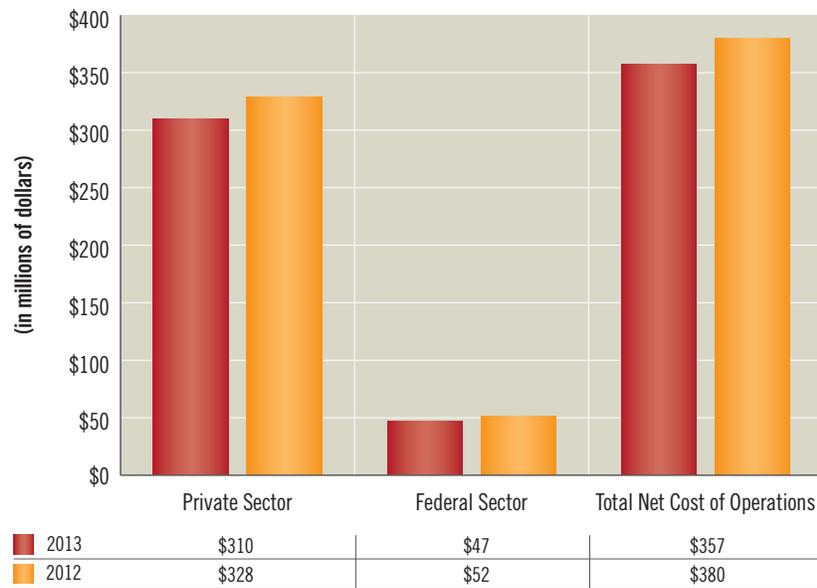
## Consolidated Statements of Net Cost

The Consolidated Statements of Net Cost presents the gross cost incurred by all programs less any revenue earned. Overall, in FY 2013, EEOC's Consolidated Statements of Net Cost of Operations decreased by \$23 million or 6 percent. The allocation of costs for FY 2013 shows that the net cost for the private sector and outreach decreased by \$18 million, or 5 percent, while the net cost for Federal Sector Programs decreased by \$5 million or 10 percent.

## Consolidated Statement of Changes in Net Position

The Consolidated Statement of Changes in Net Position represent the change in the net position for FY 2013 and FY 2012 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 \$4 million, or 200 percent. EEOC's total assets exceeded total liabilities (funded and unfunded) by approximately \$6 million, or 11 percent.

Consolidated Statement of Net Cost of Operations by Major Programs

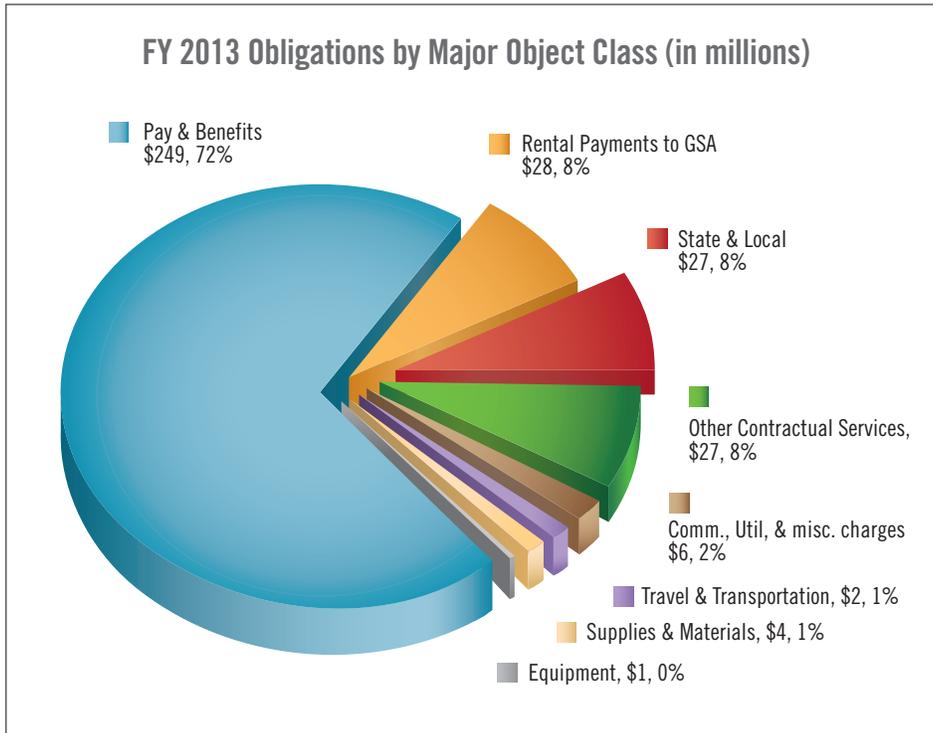


## Combined Statements of Budgetary Resources

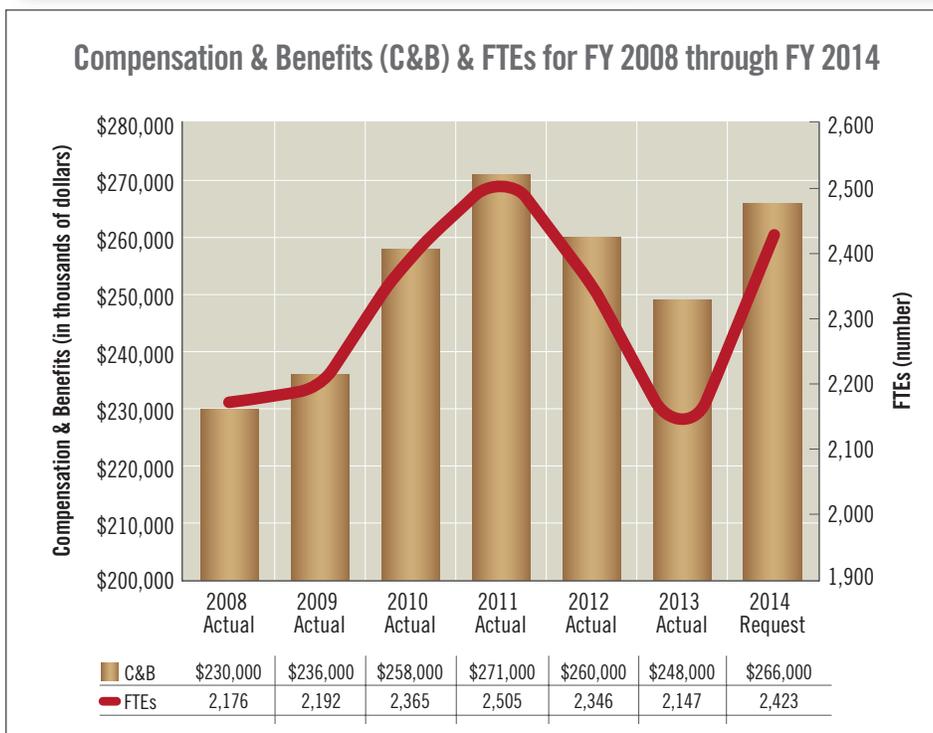
The Combined Statements of Budgetary Resources shows how budgetary resources were made available and the status of those resources at the end of the fiscal year. In FY 2013, EEOC received \$344 million in budget authority. EEOC ended FY 2013 with a decrease in total budgetary resources. Resources not available for new obligations at the end of the year totaled \$11 million and \$11 million in FY 2013 and FY 2012, 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 2013 use of resources by major object class. The chart shows that Pay and Benefits, State & Local, Rent to GSA and Other Contractual Services consumed 96 percent of EEOC's resources, and other expenses (e.g., travel & transportation, equipment, supplies & materials, etc.) consumed less than 4 percent of EEOC's resources for FY 2013.



The dual axis chart below depicts EEOC's compensation and benefits versus full-time equivalents (FTE) over the past six years. EEOC ended FY 2013 with 2147 FTEs, a net decrease of 199, or 8 percent, below FY 2012.





# INSPECTOR GENERAL'S STATEMENT

## Summary of Significant Management Challenges

Three of the most significant management challenges facing the U.S. Equal Employment Opportunity Commission (EEOC) in FY 2014 are in strategic performance management, reduction of the private-sector charge inventory, and strategic management of human capital.

### Strategic Performance Management

In FY 2012, the EEOC finalized its 2012–2016 Strategic Plan, which contains three strategic objectives. In FY 2013, the EEOC adopted both a Strategic Enforcement Plan and continued developing a Quality Control Plan for Investigations and Conciliations in pursuit of achieving its objective to: “Combat employment discrimination through strategic law enforcement.” However, in light of its financial and human resource limitations, the EEOC will be challenged in its efforts to sustain continuous progress in achieving this objective, while pursuing efforts to address the remaining objectives to: 1) Prevent employment discrimination through education and outreach; and 2) Deliver excellent and consistent service through a skilled and diverse workforce and effective systems.

In September 2012, the OIG commissioned an evaluation of the strategic plan’s performance measures (*Evaluation of EEOC’s Performance Measures, 2012–10–PMEV*). Noteworthy areas of the evaluation included whether: 1) There are performance measures for its key strategic goals and objectives; 2) The measures are effective gauges of the agency’s progress in achieving its strategic goals and objectives; and 3) The performance measures are objective, understandable (to all stakeholders), and outcome-based. In March 2013, the OIG issued its report, which concluded, in part, that “the current measures do not cover the nation’s progress towards achieving the [EEOC’s] overarching goal: to reduce employment discrimination in the United States.” The report also concluded that these measures were not outcome-based.

In our view, the EEOC can meet this challenge by adopting outcome measures for each of EEOC’s three strategic objectives and track progress towards reducing employment discrimination in the United States. Developing and tracking such measures may be daunting, but worth the investment so that EEOC can continually pursue the highest and best use of its resources in reducing employment discrimination.

### Reduction of the Private-Sector Charge Inventory

The EEOC again faces a major challenge in attacking the pending inventory of the private-sector discrimination charges, while improving the quality of charge processing. After reducing the inventory an aggregate 18.6 percent in FY 2011–2012, the inventory increased by less than one percent in FY 2013. At the end of FY 2013, the inventory stood at 70,781.



It is axiomatic that any substantial and sustainable effort to significantly reduce the charge inventory requires adequate numbers of staff (investigators in particular). However, in FY 2013, the EEOC's total workforce dropped from 2,346 to 2,147, a decline of 199 (8.5%). Indeed, the investigative staff, the primary staff responsible for handling private sector charges of discrimination, decreased from 726 to 656, a decline of 70 (9.6%). The combination of these net staff reductions and the impact of the FY 2013 furloughs resulting from the affects of the Budget Control Act of 2011 (i.e., BCA or sequestration), undoubtedly contributed to the EEOC's inability to sustain significant charge inventory reductions in FY 2013. If these conditions continue in FY 2014, and beyond, the EEOC will be faced with major challenges in managing this critical component of its operations.

A recent EEOC study concluded, in part, that it needs to improve its knowledge management to better administer its primary charge data system (i.e., IMS). The OIG completed an evaluation (*Review of Evaluations, 2012–09–REV*) in FY 2013, which was designed to provide EEOC with recommendations to improve the efficiency and effectiveness of private sector enforcement activities. Among its findings, the evaluation concludes that EEOC should undertake efforts to continue to review and assess its management of the IMS to ensure that information obtained from charging parties is essential, complete, and more effectively stored. In our view, this would enable the EEOC to leverage its existing technology to provide internal and external stakeholders with more accurate and complete data.

In addition, as noted under above, in FY 2014, the EEOC needs to successfully implement the Strategic Enforcement and Quality Control Plans. If both are successfully implemented, it could bring about more effective and efficient charge processing, which should result in a significant improvement in reducing the discrimination charge inventory.

## **Strategic Management of Human Capital Management**

Without a high-caliber workforce, the EEOC cannot accomplish its work effectively or efficiently. A continuation of Sequestration and other factors will challenge the EEOC in developing its workforce in FY 2014. The EEOC's management must be creative and conscientious in maintaining morale, and improving recruitment and retention in light of pay freezes and other fiscal impediments that affect its management of human capital.

The EEOC also needs to act promptly on recommendations in the recent OPM review of the EEOC's Office of Human Resource's strategic and other activities. Two key actions for the EEOC to consider as high priorities are: 1) The development of an accountability system for managing Human Capital; and 2) Conducting a competency gap analysis of mission-critical occupations so that staff recruitment is based on data-driven needs.



# OFFICE OF THE INSPECTOR GENERAL TO THE CHAIR



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

Office of  
Inspector General

December 11, 2013

## MEMORANDUM

**TO:** Jacqueline A. Berrien  
Chair

**FROM:** Milton A. Mayo, Jr.  
Inspector General

**SUBJECT:** FY 2013 Agency Compliance with the Federal Managers' Financial Integrity Act (OIG Report No. 2013-07-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 for management controls. 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 agency's system of internal accounting and administrative control fully comply with requirements established in FMFIA.

*EEOC Order 195.001, Internal Control Systems* requires the Office of Inspector General (OIG) to annually provide a written advisory to the Chair on whether the management control evaluation process complied with OMB guidelines. On November 29, 2013, the Office of Research, Information and Planning (ORIP) submitted EEOC's Fiscal Year 2013 FMFIA Assurance Statement to the Chair and to the OIG for review. The 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 complied with FMFIA; (2) all functional area summary tables, and functional area reports; and (3) ORIP's Fiscal year 2013 Federal Managers' Financial Integrity Act Assurance Statement, and Assurance Statement Letter, and attachments. Based on our limited 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 and FMFIA regulations.

Further, based on the results of audits, evaluations, and investigations conducted by OIG during Fiscal Year 2013, OIG concurs with ORIP's assertion that the Agency had no material weaknesses during this reporting cycle.

OIG concurs with ORIP's reporting of 8 instances of financial non-conformances. Of the 8 financial non-conformances, corrective action plans have been implemented to resolve them in FY 2014.



# APPENDICES

## 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 and the financial management and organizational development of the Commission. The Commissioners participate equally in the development and approval of Commission policies, issue charges of discrimination where appropriate, and authorize the filing of some lawsuits. 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 amended Title VII to clarify that discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes sex discrimination and requires employers to treat pregnancy and pregnancy-related medical conditions as any other medical disability with respect to terms and conditions of employment, including health benefits.
- **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**, 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 **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. Staff is responsible for achieving a wide range of objectives, which focus on the quality, timeliness, and



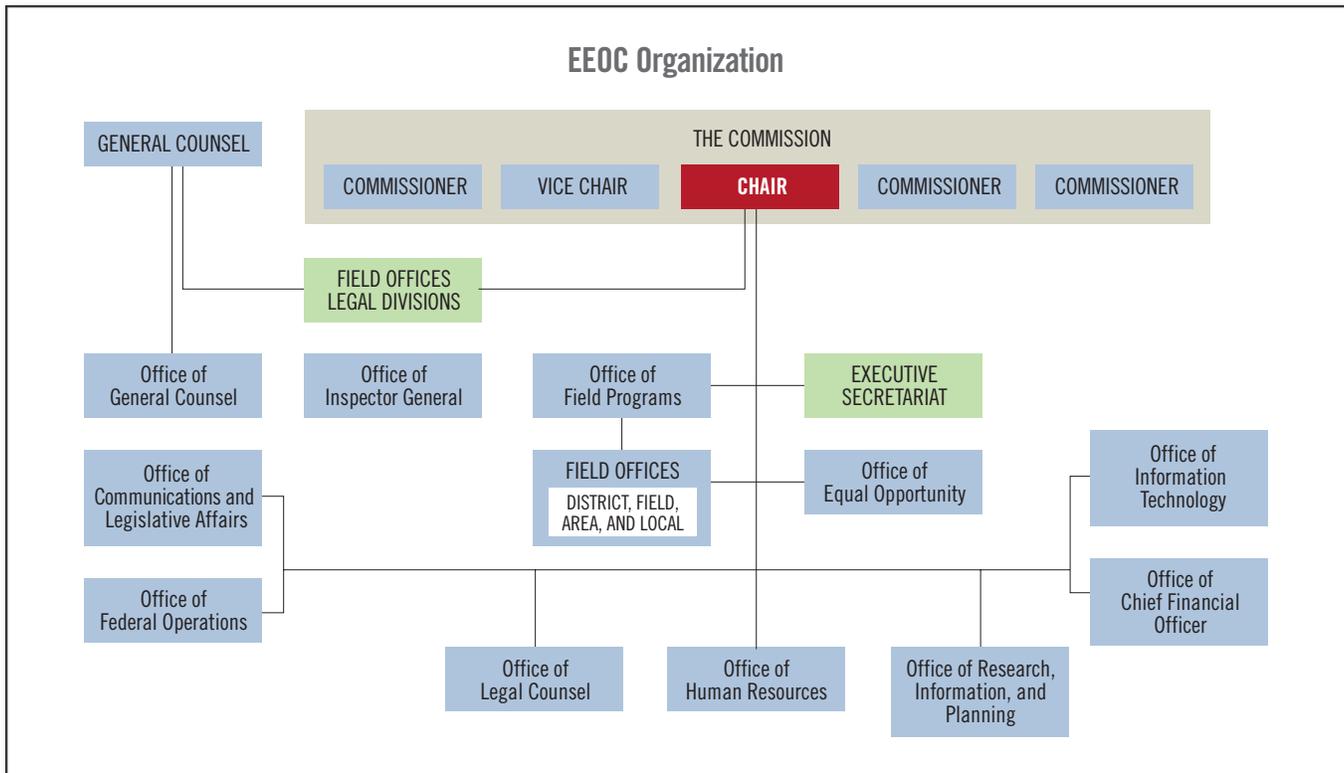
appropriateness of individual, class, and systemic charges and for securing relief for victims of discrimination in accordance with Commission policies. Staff also counsel individuals about their rights under the laws enforced by the EEOC and conduct outreach and technical assistance programs. The **Office of General Counsel** conducts litigation in federal district courts and in the federal courts of appeals.

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.



## Appendix B: Biographies of the Chair, Commissioners and General Counsel



### **Jacqueline A. Berrien, Chair**

Jacqueline A. Berrien was sworn in as Chair of the U.S. Equal Employment Opportunity Commission (EEOC) on April 7, 2010. President Barack Obama nominated Berrien on July 16, 2009, to a term ending July 1, 2014. In announcing her nomination, the President said that Berrien “has spent her entire career fighting to give voice to under-represented communities and protect our most basic rights.” President Obama signed a recess appointment for her on March 27, 2010. She received a recess appointment to the position on March, 27, 2010, and was confirmed by the Senate for her full term on December 22, 2010.

Chair Berrien comes to the EEOC from the NAACP Legal Defense and Educational Fund (LDF), where she served as Associate Director-Counsel for five and a half years. In that position, she reported directly to the organization’s President and Director-Counsel and assisted with the direction and implementation of LDF’s national legal advocacy and scholarship programs.

Chair Berrien is a graduate of Harvard Law School, where she served as a General Editor of the Harvard Civil Rights-Civil Liberties Law Review. She received her Bachelor of Arts degree with High Honors in government from Oberlin College and also completed a major in English. In her junior year at Oberlin she received the Harry S. Truman Scholarship in recognition of her leadership potential and commitment to a career in public service. She is a native of Washington, D.C. and has lived in Brooklyn, NY, with her husband, Peter M. Williams since 1987.

For more information about Chair Berrien, please see: [www.eeoc.gov/eeoc/berrien.cfm](http://www.eeoc.gov/eeoc/berrien.cfm)



### **Constance S. Barker, Commissioner**

Constance Smith Barker has been a member of the Commission since 2008. She was nominated by 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. On May 19, 2011, Ms. Barker was nominated by President Barack Obama to serve a second term to expire on July 1, 2016. The nomination to the second term was unanimously confirmed by the United States Senate on September 26, 2011.

Prior to her appointment to the Commission, Ms. Barker was a shareholder for 13 years at the law firm of Capell & Howard, P.C. in Montgomery, Alabama. As a member of the firm’s Labor and Employment Section, she provided advice and counsel to businesses and defended businesses sued for employment discrimination. She also provided training on state and federal employment discrimination laws. Her public sector experience includes serving for four years as a prosecutor in the 11th Judicial Circuit and later in the 13th Judicial Circuit of Alabama. As an Assistant District Attorney she tried numerous jury and bench trials. Ms. Barker also served for 11 years as General Counsel to the Mobile County Public School System, a large city and county school system. Ms. Barker also served as a part-time municipal judge for two municipalities in Mobile, Ala. and was actively involved in Mobile’s juvenile justice system.

A native of Florence, Ala., Ms. Barker was awarded a juris doctor from the University of Alabama School of Law in 1977. She received 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. While at Notre Dame, she also studied for a year in Angers, France at l’Université Catholique de l’Ouest.

For more information about Commissioner Barker, please see: [www.eeoc.gov/eeoc/barker.cfm](http://www.eeoc.gov/eeoc/barker.cfm)



### **Chai R. Feldblum, Commissioner**

Chai R. Feldblum has served as a Commissioner of the U.S. Equal Employment Opportunity Commission since 2010, having been nominated to serve by President Barack Obama, and confirmed by the Senate, initially for a term ending on July 1, 2013. President Obama nominated her to serve a second term ending on July 1, 2018, and she was confirmed by the Senate on December 12, 2013.

Prior to her appointment to the EEOC, Ms. Feldblum was a Professor of Law at the Georgetown University Law Center where she had taught since 1991. At Georgetown, she founded the Law Center's Federal Legislation and Administrative Clinic, a program designed to train students to become legislative lawyers. As Co-Director of Workplace Flexibility 2010, Ms. Feldblum has worked to advance flexible workplaces in a manner that works for employees and employers. Commissioner Feldblum also previously served as Legislative Counsel to the AIDS Project of the American Civil Liberties Union. In this role, she developed legislation, analyzed policy on various AIDS-related issues, and played a leading role in drafting the ground-breaking Americans with Disabilities Act of 1990. Later, as a law professor, she was equally instrumental helping in the passage of the ADA Amendments Act of 2008.

Ms. Feldblum has also worked on advancing lesbian, gay, bisexual and transgender rights and has been a leading expert on the Employment Nondiscrimination Act. She clerked for Judge Frank Coffin of the First Circuit Court of Appeals and for Supreme Court Justice Harry A. Blackmun after receiving her J.D. from Harvard Law School. She received her B.A. degree from Barnard College.

For more information about Commissioner Feldblum, please see: [www.eeoc.gov/eeoc/feldblum.cfm](http://www.eeoc.gov/eeoc/feldblum.cfm)



### **Victoria A. Lipnic, Commissioner**

Victoria A. Lipnic was nominated to serve as a Commissioner of the EEOC by President Barack Obama on November 3, 2009. She was nominated for a term ending on July 1, 2010, and has been confirmed by the Senate for a second term ending on July 1, 2015.

Immediately before coming to the EEOC, Ms. Lipnic was of counsel to the law firm of Seyfarth Shaw LLP in its Washington, DC, office. She brings to the EEOC a breadth of experience working with federal labor and employment laws, most recently as the U.S. Assistant Secretary of Labor for Employment Standards, a position she held from 2002 until 2009. In that position, Ms. Lipnic oversaw the Wage and Hour Division, the Office of Federal Contract Compliance Programs, the Office of Workers' Compensation Programs, and the Office of Labor Management Standards. Under her tenure, the Wage and Hour Division revised regulations regarding overtime under the Fair Labor Standards Act, reissued regulations under the Family and Medical Leave Act, and the Office of Federal Contract Compliance Programs issued new guidance and regulations for evaluating compensation discrimination.

A native of Carrolltown, Penn., where her late father was a teacher and long-serving mayor, Ms. Lipnic earned a B.A. degree in Political Science and History from Allegheny College and a J.D. degree from George Mason University School of Law.

For more information about Commissioner Lipnic, please see: [www.eeoc.gov/eeoc/lipnic.cfm](http://www.eeoc.gov/eeoc/lipnic.cfm)



## **Jenny Yang, Commissioner**

Ms. Yang was nominated by President Barack Obama on August 2, 2012, and was unanimously confirmed by the Senate on April 25, 2013, to serve a term expiring July 1, 2017. Throughout her career in the private, government, and nonprofit sectors, Ms. Yang has worked to ensure fairness and equal opportunity in the workplace. Ms. Yang was a partner of Cohen, Milstein, Sellers & Toll PLLC. She joined the firm in 2003, and has represented thousands of employees across the country in numerous complex civil rights and employment actions. As chair of the firm's hiring and diversity committee, Ms. Yang has experience with the numerous issues employers confront in making hiring and other personnel decisions.

Prior to that, Ms. Yang served as a Senior Trial Attorney with the U.S. Department of Justice, Civil Rights Division, Employment Litigation Section, where she enforced federal laws prohibiting discrimination in employment by state and local government employers from 1998 to 2003. Before that, she worked at the National Employment Law Project to enforce the workplace rights of garment workers. Ms. Yang clerked for the Honorable Edmund Ludwig on the United States District Court for the Eastern District of Pennsylvania.

Ms. Yang received her B.A. from Cornell University in Government. She received her J.D. from New York University School of Law, where she was a Note and Comment Editor of the Law Review and a Root-Tilden Public Interest Scholar.

For more information about Commissioner Yang, please see: [www.eeoc.gov/eeoc/yang.cfm](http://www.eeoc.gov/eeoc/yang.cfm)



## **P. David Lopez, General Counsel**

P. David Lopez was sworn in on April 8, 2010, as General Counsel of the U.S. Equal Employment Opportunity Commission (EEOC). He was nominated by President Obama on Oct. 22, 2009, and given a recess appointment on March 27, 2010, and confirmed by the Senate on December 22, 2010.

Mr. Lopez is the first field staff attorney to be appointed as General Counsel, having served in the Commission for 15 years in the field and at headquarters. Prior to his appointment, Mr. Lopez was a Supervisory Trial Attorney at the Commission's Phoenix District Office, where he oversaw the litigation of a team of trial attorneys. When Mr. Lopez initially joined the Commission 1996, he served as Special Assistant to then-Chairman Gilbert F. Casellas in Washington, D.C. In this capacity, he advised Chairman Casellas on policy and litigation matters and helped develop the agency's strategic plan for development of pattern or practice cases.

Immediately prior to joining the Commission, Mr. Lopez was a Senior Trial Attorney with the Civil Rights Division, Employment Litigation Division, of the U.S. Department of Justice in Washington, D.C. between 1991 and 1994. In this capacity, he litigated employment discrimination cases against state and local governments in numerous jurisdictions throughout the United States on behalf of the Department of Justice.

Mr. Lopez graduated from Harvard Law School in 1988 and graduated magna cum laude from Arizona State University in 1985, with a B.S. in Political Science. He has been married 19 years to Maria Leyva. They have three children, Javier David, Julian Diego and Luis Andres.

For more information about General Counsel Lopez, please see: [www.eeoc.gov/eeoc/lopez.cfm](http://www.eeoc.gov/eeoc/lopez.cfm)



## Appendix C: Glossary of Acronyms

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

## Appendix D: Internet Links

**EEOC:** <http://www.eeoc.gov/>

**Past EEOC Performance and Accountability Reports:** <http://www.eeoc.gov/eeoc/plan/archives/annualreports/index.cfm>

**EEOC Strategic Plan:** [http://www.eeoc.gov/eeoc/plan/strategic\\_plan\\_12to16.cfm](http://www.eeoc.gov/eeoc/plan/strategic_plan_12to16.cfm)

**EEOC FY 2014 Performance Budget:** <http://www.eeoc.gov/eeoc/plan/2014budget.cfm>

**Past EEOC Performance Budgets:** <http://www.eeoc.gov/eeoc/plan/archives/budgets/index.cfm>

**EEOC Annual Report on the Federal Workforce:** <http://www.eeoc.gov/federal/reports/fsp2011/index.cfm>

**EEOC Open Government Plan:** <http://www.eeoc.gov/open/index.cfm>

**EEOC Statistics:** <http://www.eeoc.gov/eeoc/statistics/index.cfm>

**Equal Employment Opportunity Commission**

15 Districts



**Atlanta District Office**

Savannah Local Office

**Birmingham District Office**

Jackson Area Office  
Mobile Local Office

**Charlotte District Office**

Raleigh Area Office  
Greensboro Local Office  
Greenville Local Office  
Norfolk Local Office  
Richmond Local Office

**Chicago District Office**

Milwaukee Area Office  
Minneapolis Area Office

**Dallas District Office**

San Antonio Field Office  
El Paso Area Office

**Houston District Office**

New Orleans Field Office

**Indianapolis District Office**

Detroit Field Office  
Cincinnati Area Office  
Louisville Area Office

**Los Angeles District Office**

Fresno Local Office  
Honolulu Local Office  
Las Vegas Local Office  
San Diego Local Office

**Memphis District Office**

Little Rock Area Office  
Nashville Area Office

**Miami District Office**

Tampa Field Office  
San Juan Local Office

**New York District Office**

Boston Area Office  
Newark Area Office  
Buffalo Local Office

**Philadelphia District Office**

Baltimore Field Office  
Cleveland Field Office  
Pittsburgh Area Office

**Phoenix District Office**

Albuquerque Area Office  
Denver Field Office

**San Francisco District Office**

Seattle Field Office  
Oakland Local Office  
San Jose Local Office

**St. Louis District Office**

Kansas City Area Office  
Oklahoma City Area Office

Washington Field Office



## ACKNOWLEDGMENTS

The EEOC's FY 2013 Performance and Accountability Report Highlights is a collaborative endeavor on the part of many EEOC employees and contractors. The Commission 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 2013 Performance and Accountability Report Highlights. 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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Office of the Executive Secretariat  
U.S. Equal Employment Opportunity Commission  
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Washington, DC 20507-0001

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