



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

FY 2009 Performance and Accountability Report Highlights





FY 2009 Performance and Accountability Report Highlights

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 Highlights

United States Equal Employment Opportunity Commission

**FISCAL YEAR 2009
PERFORMANCE AND ACCOUNTABILITY REPORT HIGHLIGHTS**



FY 2009 Performance and Accountability Report Highlights

TABLE OF CONTENTS

A Message from the Acting Chairman	1
Highlights of Management’s Discussion and Analysis & Performance Results	3
Agency Overview	3
Agency Results Under Strategic Plan Performance Measures	3
Overview of Strategic Plan and Performance Measures	3
Related Program Results and Activities	7
Rebuilding Resources	7
Securing Unprecedented Relief through Administrative Enforcement.....	7
Managing Private Sector Charge Inventory	7
Mediating to Win-Win.....	7
Litigating High Impact Cases.....	8
Targeting Systemic Discrimination	8
Promoting EEO in the Federal Sector.....	8
Reaching, Training, and Educating Stakeholders	8
Drafting Regulations, Enforcement Guidance, and Technical Assistance	8
Increasing Access to the EEOC	8
Enforcing New Laws, Tackling New Challenges	9
Special Commission Initiatives	9
Federal Managers’ Financial Integrity Act	9
Program Evaluations	10
Financial Highlights	11
Consolidated Balance Sheets	11
Consolidated Statements of Net Cost.....	12
Consolidated Statement of Changes in Net Position	12
Combined Statements of Budgetary Resources	12
Use of Resources	13
A Message From the Chief Financial Officer	15
Inspector General’s Statements.....	17
Summary of Significant Management Challenges	17
Change in EEOC Management	17
Strategic Management of Human Capital.....	17
Private Sector Charge Inventory	18
Budget and Performance Integration	18
State and Local Partner Performance Management	19
Change in Information Technology Culture and Security.....	19
Inspector General’s Audit Report	20
Appendixes	22
Appendix A: Organization and Jurisdiction.....	22
Appendix B: Biographies of the Commissioners.....	25
Appendix C: Glossary of Acronyms.....	28
Appendix D: Internet Links	29
Appendix E: EEOC Field Offices.....	30
Acknowledgments	31
We Welcome Your Comments	31



FY 2009 Performance and Accountability Report Highlights

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) Highlights for fiscal year 2009. This report contains portions of the agency's assessment of its FY 2009 program and its 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. For the full report, consult <http://www.eeoc.gov/eeoc/plan/2009par.cfm>.

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.

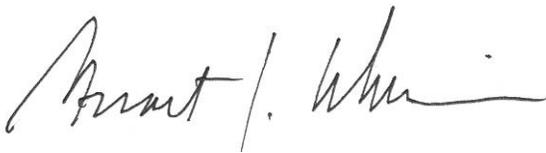


Stuart J. Ishimaru,
Acting Chairman,
U.S. Equal Employment
Opportunity Commission

FY 2009 Performance and Accountability Report Highlights

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 became 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



FY 2009 Performance and Accountability Report Highlights

Highlights of Management's Discussion and Analysis & Performance Results

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 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.

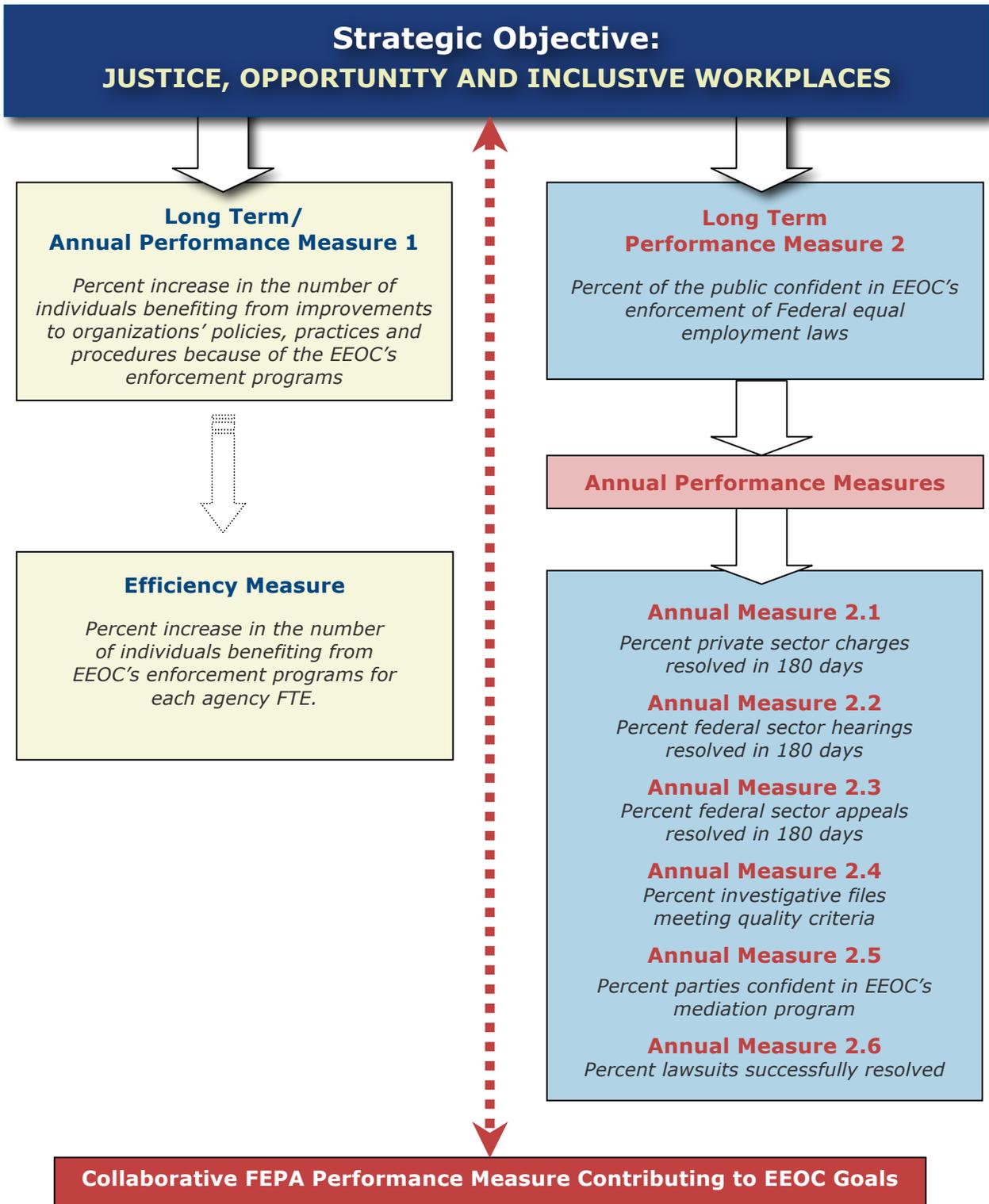
AGENCY RESULTS UNDER STRATEGIC PLAN PERFORMANCE MEASURES

The 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 the PAR and these Highlights are linked to the performance measures contained in the agency's current modified Strategic Plan which were in effect during FY 2009.

Overview of Strategic Plan and Performance Measures

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.



FY 2009 Performance and Accountability Report Highlights

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.

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

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 the PAR, 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
<i>Long-Term/Annual Measure 1</i> Percent increase of individuals benefited from enforcement programs	Target	Baseline Established	2.0%	10.0%
	Result		222.9%	234.3%
<i>Efficiency Measure</i> 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 the PAR.

FY 2009 Performance and Accountability Report Highlights

		FY 2007	FY 2008	FY 2009
2.3 <i>Federal Sector Appellate Resolutions Measure</i> 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 <i>Quality Measure</i> 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 <i>ADR Measure</i> 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 <i>Litigation Measure</i> 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 meet 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:

		FY 2007	FY 2008	FY 2009
2.1 <i>Private Sector Charge Resolutions Measure</i> 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 <i>Federal Sector Hearings Resolutions Measure</i> Percent of hearings resolutions completed within 180 days or less	Target	50.0%	50.0%	50.0%
	Result	42.8%	38.6%	40.6%

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 the PAR, the agency is focused intensely on reducing the time it takes to process private sector charges.

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.

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 began to enforce 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.

FY 2009 Performance and Accountability Report Highlights

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 also began 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).

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.

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-

FY 2009 Performance and Accountability Report Highlights

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.

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



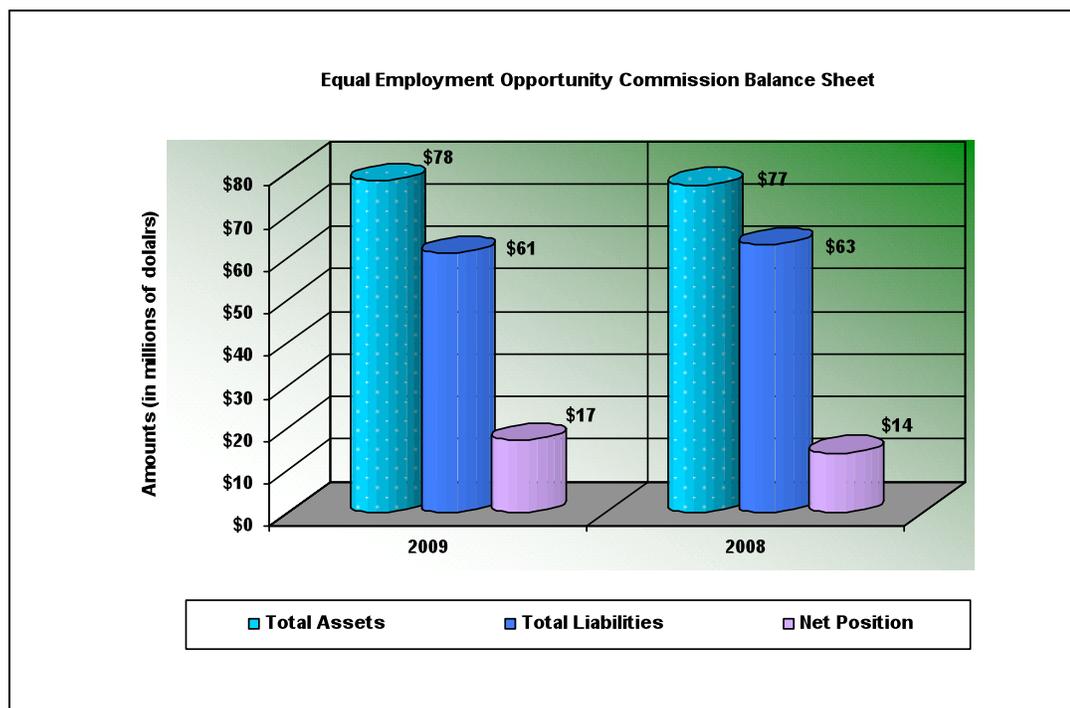
FY 2009 Performance and Accountability Report Highlights

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 financial statements in the PAR. 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.

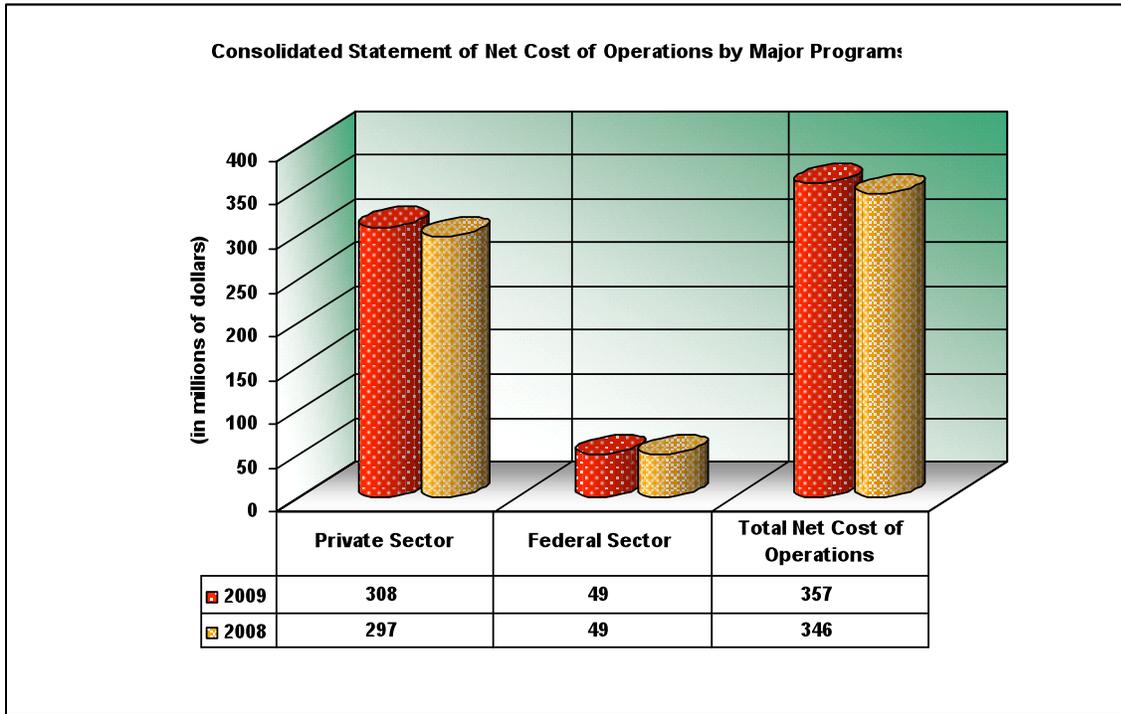


EEOC's balance sheets show total assets of \$78 million at the end of FY 2009. This is an increase of \$1 million, or approximately 1 percent, over EEOC's total assets of \$77 million for FY 2008. This increase is due primarily to an increase in Property, Plant, and Equipment, including leasehold improvements, 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.

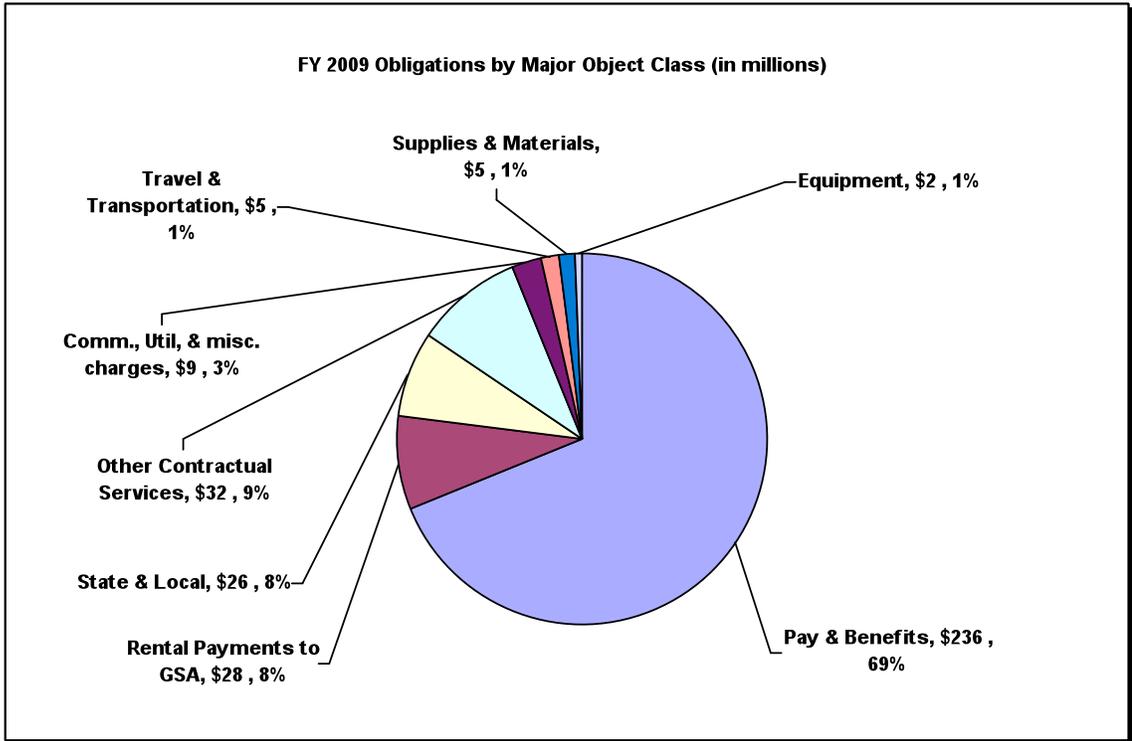
COMBINED STATEMENTS OF BUDGETARY RESOURCES

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.

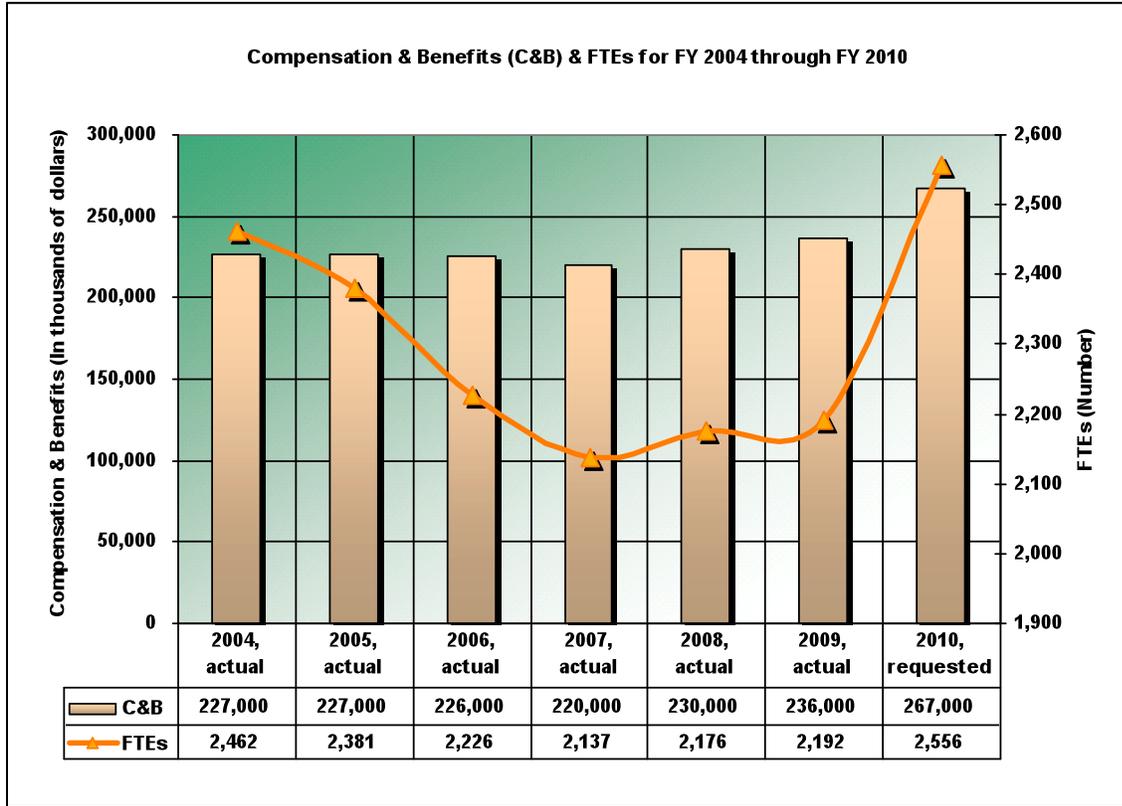
USE OF RESOURCES

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.



FY 2009 Performance and Accountability Report Highlights

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.

A MESSAGE FROM THE CHIEF FINANCIAL OFFICER

I am pleased to present in the PAR 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.

FY 2009 Performance and Accountability Report Highlights

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



FY 2009 Performance and Accountability Report Highlights

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

INSPECTOR GENERAL'S AUDIT REPORT



Office of
Inspector General

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

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



FY 2009 Performance and Accountability Report Highlights

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 of 2008**, 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.

FY 2009 Performance and Accountability Report Highlights

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 through its field-based trial attorneys and in the courts of appeals through its appellate attorneys in headquarters.

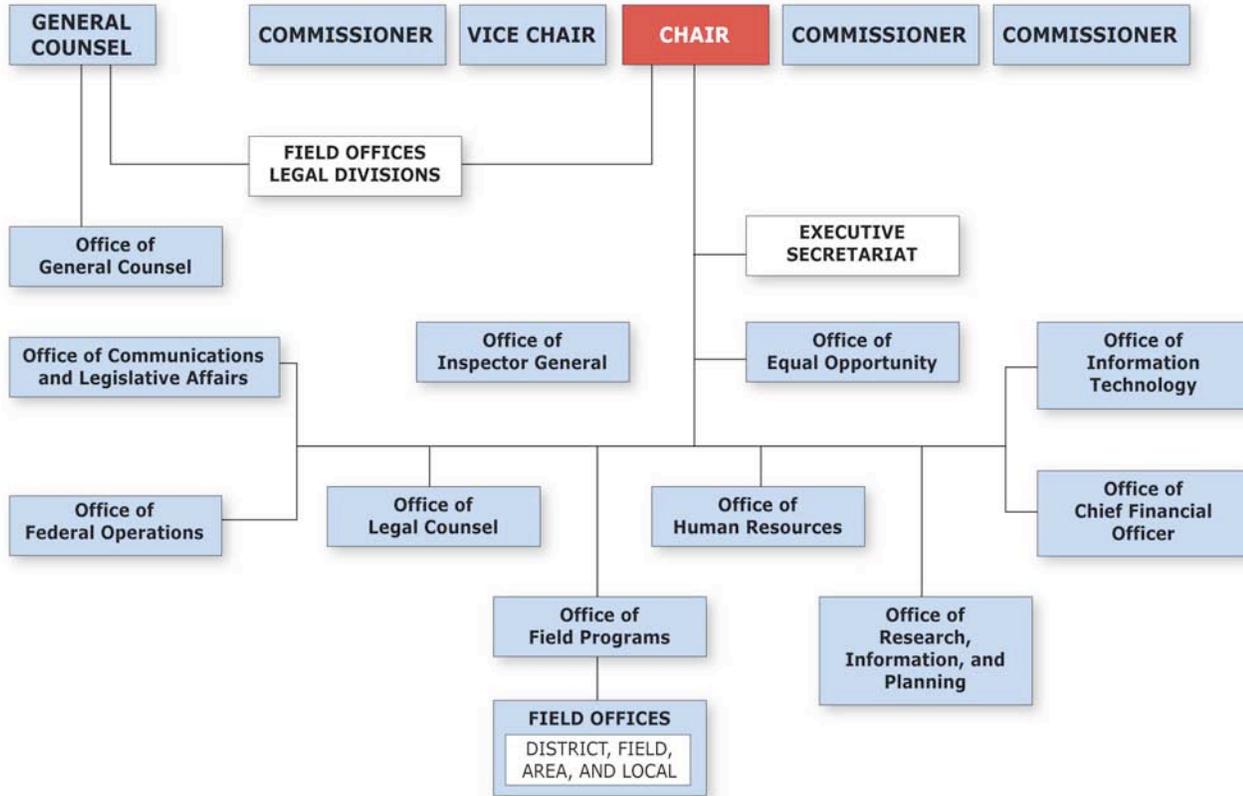
Additionally, through the **Office of Field Program's State and Local Program**, the EEOC maintains work sharing agreements and a contract services program with 94 state and local Fair Employment Practices Agencies (FEPAs) for the purpose of coordinating the investigation of charges dual-filed under 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.

FY 2009 Performance and Accountability Report Highlights

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
OFFP	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 2009 Performance and Accountability Report Highlights:
<http://www.eeoc.gov/eeoc/plan/2009parhighlights.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>



FY 2009 Performance and Accountability Report Highlights

Acknowledgments

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

Executive Officer
Office of the Executive Secretariat
U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507-0001
(202) 663-4070

TTY (202) 663-4494



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

131 M Street, N.E., Washington, D.C. 20507-0001

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