

**UNITED STATES  
EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**

**DRAFT STRATEGIC PLAN FOR  
FISCAL YEARS 2012 - 2016**

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## INTRODUCTION

The United States Equal Employment Opportunity Commission (“the EEOC”) is pleased to release its Fiscal Years 2012-2016 Strategic Plan (“the Strategic Plan”). Since 1965, the EEOC has served as the nation’s lead enforcer of employment antidiscrimination laws and chief promoter of equal employment opportunity (EEO). The Strategic Plan establishes a framework for achieving the EEOC’s mission “to stop and remedy unlawful employment discrimination,” so that the nation might soon realize the Commission’s vision of “justice and equality in the workplace.”

To accomplish this mission and achieve this vision in the 21<sup>st</sup> Century, the EEOC is committed to pursuing the following objectives and outcome goals:

1. **Combat employment discrimination through strategic law enforcement**, with the outcome goals of: 1) having a broad impact in reducing employment discrimination at the national and local levels; and 2) remedying discriminatory practices and securing meaningful relief for victims of discrimination;
2. **Prevent employment discrimination through education and outreach**, with the outcome goals of: 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) prevent discrimination and better resolve EEO issues, thereby creating more inclusive workplaces; and
3. **Deliver excellent service through effective systems, updated technology, and a skilled and diverse workforce**, with the outcome goal of all interactions with the public being timely, of high quality, and informative.

The plan also identifies strategies for achieving each outcome goal and identifies 13 performance measures for gauging the EEOC’s progress as it approaches FY 2016. This plan requires significant changes in the agency’s approach to fulfilling its mission. As a result, during the first 1-2 years of the plan, the agency will establish new baselines so that it can finalize the milestones and targets for its measures. The plan will be updated accordingly in its Annual Performance Plans.

While greater resources would likely result in expedited progress, these lean budgetary times require the EEOC to prioritize its objectives and goals and be realistic in identifying strategies and setting measures. Thus, while this plan is rigorous and forward-looking, it assumes the current level of fiscal resources.

## THE STRATEGIC PLANNING PROCESS

The Congress of the United States requires Executive departments, Government corporations, and independent establishments to develop and post a strategic plan on their public website every four fiscal years.<sup>i</sup> The plan must include items such as:

- a mission statement covering the major functions and operations of the agency;
- general goals and objectives, including outcome-oriented goals, for the agency;
- a description of how these goals and objectives are to be achieved; and
- an identification of key factors external to the agency and beyond its control that could significantly affect the achievement of its general goals and objectives.

Congress also requires that the head of each agency issue an annual performance plan covering each program activity set forth in the agency's budget. This performance plan must establish performance goals that define the level of performance that will be achieved during the year in which the plan is submitted and the next fiscal year; express such goals in an objective, quantifiable, and measurable form; describe how the performance goals will contribute to the general goals and objectives established in the agency's strategic plan; and finally, describe how the performance goals will be achieved. In addition, the performance plan must establish a balanced set of performance indicators to be used in measuring or assessing progress toward each performance goal; provide a basis for comparing actual program results with the established performance goals; describe how the agency will ensure the accuracy and reliability of the data used to measure progress towards its performance goals; and describe major management challenges the agency faces and identify how the agency plans to address such challenges.<sup>ii</sup>

The development of a four-year strategic plan, as well as the development of annual performance plans, require the leadership of an agency to reflect upon the statutory mission of the agency and reassess old and identify new goals and objectives that will enable the agency to meet that statutory mission. The plans also alert Congress and stakeholders to any key factors external to the agency that may affect the agency's ability to carry out its mandate.

In July 2011, Chair Berrien launched the FY 2012 Strategic Planning Process for the agency in a memorandum directed to all employees. The memorandum outlined the steps related to the strategic planning process and described how employees could become involved through an internal web site created expressly for employees to respond to requests for comments.

Chair Berrien also created two work groups to lay the foundation for the Strategic Plan – the Strategic Planning Work Group and the Performance Measurement Group. Both groups were comprised of staff from headquarters and field offices, with a broad range of expertise and understanding of the programs and activities conducted within the EEOC.

As the Performance Improvement officer (PIO) and the Chief Operating Officer (COO), Claudia Withers was designated as Chair of the Strategic Plan Workgroup and the strategic planning process, generally. Commissioner Chai R. Feldblum was selected to lead the Performance Measurement Group. A full list of participants of both groups was posted on the agency's internal web site dedicated to FY 2012-2016 Strategic Planning and appears in Appendix A. In

addition, each Commissioner had a Special Assistant represented on either one of the two work groups.

From August 2011 through November 2011, the two groups worked first independently, and then collaboratively, to develop the agency's Vision, Mission, Strategic Objectives and Goals, and Performance Measures for the FY 2012-2016 Strategic Plan. All facets of the agency's operations were engaged in the development process of the Strategic Plan, including the Commissioners and their senior staff, Office Directors, District Directors, Regional Attorneys, and the Union, as well as individual employees via the agency's internal website.

In January 2012, a draft of the Strategic Plan was posted on the EEOC's external website at <http://www.eeoc.gov/> for public comment.

[This process is current through the posting of this draft plan, and will be updated through the Commission's vote on the final plan.]

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## ABOUT THE EEOC

The United States Equal Employment Opportunity Commission was established by Title VII of the *Civil Rights Act of 1964* (“Title VII”) and began operating on July 2, 1965. The mandate and authority of the EEOC was set forth in Title VII and cross-referenced in later laws enacted by Congress.<sup>iii</sup> The agency enforces federal laws prohibiting workplace discrimination on the basis of race, color, religion, sex, national origin, age, disability or genetic information.

### *Leadership*

The Commission is composed of five members, not more than three of whom may be members of the same political party. Members of the bipartisan Commission are appointed by the President and confirmed by the Senate for a set term of five years. The President designates one member of the Commission to serve as Chair. The Chair is responsible, on behalf of the Commission, for the administrative operations of the agency and for the hiring of personnel.

EEOC’s General Counsel is also appointed by the President and confirmed by the Senate but for a set term of four years. The General Counsel is responsible for the conduct of litigation pursuant to the agency’s statutory authority.

### *Laws Enforced*

The EEOC enforces the following laws (listed in the order EEOC obtained authority):

- Title VII of the *Civil Rights Act of 1964* (Title VII), as amended, which prohibits employment discrimination on the basis of race, color, religion, sex, or national origin;<sup>iv</sup>
- The *Age Discrimination in Employment Act of 1967* (ADEA), as amended, which prohibits employment discrimination against individuals 40 years of age and older;<sup>v</sup>
- The *Equal Pay Act of 1963* (EPA), as amended, which prohibits discrimination on the basis of sex in compensation for substantially equal work performed under similar conditions;<sup>vi</sup>
- Section 501 of the *Rehabilitation Act of 1973*, as amended, which prohibits employment discrimination against federal employees with disabilities;<sup>vii</sup>
- Title I and Title V of the *Americans with Disabilities Act of 1990* (ADA), as amended, which prohibits employment discrimination on the basis of disability in the private sector and in state and local government;<sup>viii</sup> and
- The *Genetic Information Non-Discrimination Act of 2008* (GINA), which prohibits employment discrimination based on genetic information.<sup>ix</sup>

Most of these laws apply to private and state and local government employers with 15 or more employees, labor organizations, employment agencies, and the Federal government (covered entities). (The ADEA applies to employers with 20 or more employees; there is no minimum

employee requirement under the EPA.) Title VII and Executive Order 12067 also authorize the EEOC to coordinate and lead the Federal government's efforts to combat workplace discrimination.<sup>x</sup>

### ***Enforcement***

**Private and State and Local Government Sectors.** There are two major enforcement mechanisms available to the EEOC in the private and state and local government sectors. The first is the investigation and conciliation process (also called the "administrative process"): the investigation and resolution of charges brought by an individual or by a Commissioner alleging discrimination. The second is the litigation process: the bringing of individual, class, and systemic (pattern or practice cases) in federal or state court by the EEOC against a covered entity accused of violating one or more of the laws the EEOC enforces.

Before an individual may file a private discrimination lawsuit against a covered entity under most of these laws, he or she must first file a charge of discrimination with the EEOC. Congress created this administrative exhaustion requirement to provide the EEOC with the opportunity to determine if there is reasonable cause to believe discrimination has occurred and to provide an opportunity for voluntary resolution where possible. A member of the Commission may also file a charge alleging discrimination by a covered entity, known as a Commissioner's Charge.

In 1995, the EEOC created an Alternative Dispute Resolution process. Under this system, some charges are dealt with prior to the initiation of any investigation. With regard to these charges, the respondent-covered entity and charging party are invited to mediate the dispute. During mediation, the focus of attention is not on whether the law has been violated, but rather, whether the issue can be resolved to the parties' mutual satisfaction.

If mediation is declined or is unsuccessful, or if the charge is not sent to the ADR program in the first place, the agency investigates the charge to determine if there is reasonable cause to believe discrimination has occurred. If such cause is found, the Commission provides the respondent-covered entity with an opportunity to remedy the discriminatory practice(s) through conciliation.

If conciliation is unsuccessful, the agency is authorized to bring a civil action against the respondent-covered entity in federal or state court. If the entity is a state or local employer and the case is under Title VII, the ADA, or GINA, the Attorney General is authorized to bring suit. If neither the EEOC nor the Attorney General chooses to sue, a charging party can bring a private suit against the covered entity in court. The agency and the Attorney General are also authorized to issue Notices of Right to Sue to charging parties who wish to institute private litigation under Title VII, the ADA, or GINA. Notices of Right to Sue are not necessary for a charging party to file suit under the ADEA or EPA.<sup>xi</sup>

The EEOC is also authorized to investigate and act on a charge alleging a pattern or practice of discrimination filed by a member of the Commission or by an individual. In addition, the EEOC may initiate directed investigations under the EPA and the ADEA.

Congress has also authorized the agency to cooperate with State and local Fair Employment Practices Agencies (FEPAs), which are responsible for administering state fair employment laws, and to enter into agreements with these agencies to undertake investigations and conciliations of charges that would otherwise be investigated and conciliated by the EEOC.<sup>xii</sup> The agency also works with Tribal Employment Rights Organizations.

**Federal Government Sector.** There are two different enforcement mechanisms available to the EEOC in the federal sector. The first is adjudication of claims brought by federal employees and the second is the oversight authority regarding the federal agencies' equal opportunity and affirmative action plans.

Title VII and subsequent employment antidiscrimination laws guarantee that “[a]ll personnel actions” affecting employees or applicants for employment by the federal agencies “shall be made free from any discrimination” based on race, color, religion, sex, national origin, age, disability or genetic information. The EEOC is charged with both adjudicatory and oversight responsibilities with regard to this guarantee.

A federal employee or applicant who believes he or she has been subjected to unlawful employment discrimination must first contact his or her agency's equal employment opportunity (EEO) counselor, who will provide the complainant with the choice of participating either in EEO counseling or in an alternative dispute resolution (ADR) program. If the dispute is not settled during counseling or through ADR, the complainant must file a formal complaint with his or her agency's EEO office. The agency must investigate the complaint. At the conclusion of the investigation, the complainant is given the option of requesting a hearing with an EEOC administrative judge, who will adjudicate and rule on the claim, or a final decision by his or her agency as to whether discrimination occurred.

If dissatisfied with the judge's decision, either the complainant or the agency may file an appeal with the EEOC. If dissatisfied with the agency's decision, the complainant may file an appeal with the EEOC. The EEOC will review the ruling by the Administrative Judge or decision by the agency, adjudicate the claim, and issue a final decision. The EEOC has authority to provide appropriate remedies to a federal employee, including reinstatement, back pay, and damages. Relief ordered by the EEOC is binding on an agency, except in limited circumstances, and the agency may not appeal an adverse decision in federal court. As with a charging party in the private sector, the federal complainant may file a lawsuit in federal court to resolve the claims of discrimination once the EEOC's final decision has been issued.

The EEOC also has oversight responsibilities in the federal sector. The EEOC is authorized to review, approve, and evaluate each federal agency's equal employment opportunity plan and affirmative action program and to review and evaluate the operation of all federal agency EEO programs.

### ***Education & Outreach***

In addition to administrative and litigation enforcement, the EEOC is also required to provide technical assistance and training regarding the laws and regulations it enforces. The EEOC fulfills this mandate in both the federal and private sectors by conducting no-cost outreach and

education programs, as well as fee-based training and technical assistance programs through the EEOC Training Institute.

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# STRATEGIC PLAN DIAGRAM

**MISSION**  
**Stop and Remedy Unlawful  
Employment Discrimination**

**VISION**  
**Justice and Equality in the Workplace**

**STRATEGIC OBJECTIVE I**  
Combat employment  
discrimination through strategic  
law enforcement.

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

**STRATEGIC OBJECTIVE III**  
Deliver excellent service through  
effective systems, updated  
technology, and a skilled and  
diverse workforce.

## **Outcome Goal I.A**

Have a broad impact in reducing employment discrimination at the national and local levels.

**Strategy I.A.1:** Develop and implement a Strategic Enforcement Plan that: (1) establishes EEOC priorities and (2) integrates the EEOC's investigation, conciliation and litigation responsibilities in the private and state and local government sectors; adjudicatory and oversight responsibilities in the federal sector; and research, policy development, and education and outreach activities.

**Strategy I.A.2:** Rigorously and consistently implement charge and case management systems to focus resources and enforcement on the EEOC's priorities.

**Strategy I.A.3:** Use administrative and litigation mechanisms to identify and attack discriminatory policies and other instances of systemic discrimination.

**Strategy I.A.4:** Use EEOC decisions and oversight activities to target pervasive discriminatory practices and policies in federal agencies.

## **Outcome Goal I.B**

Remedy discriminatory practices and secure meaningful relief for victims of discrimination.

**Strategy I.B.1:** Ensure that remedies end discriminatory practices and deter future discrimination.

**Strategy I.B.2:** Seek remedies that provide meaningful relief to individual victims of discrimination.

## **Outcome Goal II.A**

Members of the public understand and know how to exercise their right to employment free of discrimination.

## **Outcome Goal II.B**

Employers, unions and employment agencies (covered entities) prevent discrimination and better resolve EEO issues, thereby creating more inclusive workplaces.

## **Strategy II.A.1:**

Target outreach to vulnerable workers and underserved communities.

## **Strategy II.B.1**

Target outreach to small and new businesses.

## **Strategy II.A.2 and II.B.2**

Provide up-to-date and accessible guidance on the requirements of employment antidiscrimination laws.

## **Outcome Goal III.A**

All interactions with the public are timely, of high quality, and informative.

## **Strategy III.A.1**

Rigorously and consistently implement charge and case management systems to deliver excellent service.

## **Strategy III.A.2**

Use innovative technology to facilitate responsive interactions and streamline agency processes.

## **Strategy III.A.3**

Effectively engage in workforce development and planning, including identifying, cultivating, and sustaining a skilled and diverse workforce.

**STRATEGIC OBJECTIVE I**  
**Performance Measures**

**Performance Measure 1 for Strategy I.A.1**

By FY 2016, a Strategic Enforcement Plan is developed, issued, implemented, evaluated, and revised, as necessary.

**Performance Measure 2 for Strategy I.A.3**

By the end of FY 2016, at least TBD% of the agency's litigation docket are systemic cases.

**Performance Measure 3 for Strategy I.A.4**

By the end of FY 2016, the EEOC is using an integrated data system to identify discriminatory policies or practices in federal agencies and has issued and evaluated TBD number of compliance plans to address those areas of concern.

**Performance Measure 4 for Strategies I.B.1 and I.B.2**

By the end of FY 2016, the number of administrative and legal resolutions containing targeted, equitable relief is at least TBD%.

**Performance Measure 5 for Strategies I.B.1 and I.B.2**

By the end of FY 2016, the number of resolutions by FEPA's containing targeted, case-specific equitable relief is at least TBD%.

**STRATEGIC OBJECTIVE II**  
**Performance Measures**

**Performance Measure 6 for Strategy II.A.1**

By the end of FY 2016, the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities increases by TBD%.

**Performance Measure 7 for Strategy II.B.1**

By the end of FY 2016, the number of significant partnerships with organizations that represent small or new businesses increases by TBD%.

**Performance Measure 8 for Strategies II.A.1 and II.B.1**

By the end of FY 2014, a social media plan is implemented.

**Performance Measure 9 for Strategies II.A.2 and II.B.2**

By the end of FY 2016, all current sub-regulatory guidance is reviewed and updated and/or augmented with plain language materials, as necessary.

**STRATEGIC OBJECTIVE III**  
**Performance Measures**

**Performance Measure 10 for Strategy III.A.1**

By the end of 2016, a new quality control system for investigations and conciliations is implemented.

**Performance Measure 11 for Strategy III.A.1**

By the end of FY 2016, a new case management process and system to ensure the appropriate and timely resolution of federal sector hearings and appeals is implemented.

**Performance Measure 12 for Strategy III.A.2**

By the end of FY 2016, the private sector charge process is improved to ensure appropriate pre-charge counseling, streamlined services, and better responsiveness to customers throughout the process.

**Performance Measure 13 for Strategy III.A.3**

The agency's Strategic Human Capital Plan, the Plan for the Hiring of People with Disabilities, and the Diversity and Inclusion Plan are fully implemented within the time frames set forth in those plans.

## MISSION AND VISION STATEMENTS

The EEOC's mission is to:

Stop and Remedy Unlawful Employment Discrimination.

The EEOC's vision is:

Justice and Equality in the Workplace.

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## STRATEGIC OBJECTIVE I

### **Combat employment discrimination through strategic law enforcement.**

Strategic Objective I, to combat employment discrimination through strategic law enforcement, reflects the EEOC's primary mission of preventing unlawful employment discrimination through: 1) the administrative (investigation and conciliation) and litigation enforcement mechanisms Congress has given the Commission with regard to private employers, labor organizations, employment agencies, and state and local government employers; and 2) the adjudicatory and oversight mechanisms Congress has given the Commission with regard to federal employers. As a result, Strategic Objective I will consume the bulk of the EEOC's financial and human resources.

There are two outcome goals for Strategic Objective I:

**Outcome Goal I.A:** Have a broad impact in reducing employment discrimination at the national and local levels; and

**Outcome Goal I.B:** Remedy discriminatory practices and secure meaningful relief for victims of discrimination.

In the past two years, the EEOC has annually received nearly 100,000<sup>xiii</sup> individual private sector charges of discrimination and 14,000 federal sector requests for hearings and appeals. Indeed, throughout its existence, the agency has received more individual charges of discrimination, and more federal sector requests for hearings and appeals, than anticipated by Congress. This has created a need for the EEOC to think strategically about how best to target its efforts to ensure the strongest and broadest impact possible in its efforts to stop unlawful employment discrimination.

In 1996, the Commission adopted a National Enforcement Plan and required District Offices to develop Local Enforcement Plans. These plans reviewed EEOC charge data, reassessed national and local enforcement needs, and set substantive priorities for equal employment law enforcement at both the national and local levels. In 2000, the Commission developed an internal Comprehensive Enforcement Program that built on the National Enforcement Plan and created best practices for the internal workings of the agency.

In 2006, the Commission adopted its Systemic Initiative.<sup>xiv</sup> This Initiative makes the identification, investigation, and litigation of systemic discrimination cases -- pattern or practice, policy, and/or class cases where the alleged discrimination has a broad impact on an industry, profession, company, or geographic area -- a top priority. The Systemic Initiative also seeks to ensure that the EEOC has a coordinated, strategic, and effective approach to such cases. The Initiative requires the agency to effectively use its administrative and litigation tools -- including Commissioner charges, directed investigations, and the strategic use of empirical data -- to identify and stop discriminatory policies and other instances of systemic discrimination.

The EEOC has not updated its National Enforcement Plan since its adoption and many District Offices no longer prepare Local Enforcement Plans. Instead, the administrative and litigation enforcement priorities of the Commission have been updated through other means, such as the Systemic Initiative and the priorities announced by each Chair. While these means of priority setting are critical, they should complement and augment, not replace, an overall enforcement strategy.

With this in mind, the EEOC’s strategies for achieving Outcome Goal I.A are:

**Strategy I.A.1:** Develop and implement a Strategic Enforcement Plan that: (1) establishes EEOC priorities and (2) integrates the EEOC’s investigation, conciliation and litigation responsibilities in the private and state and local government sectors; adjudicatory and oversight responsibilities in the federal sector; and research, policy development, and education and outreach activities;

**Strategy I.A.2:** Rigorously and consistently implement charge and case management systems to focus resources and enforcement on EEOC priorities;

**Strategy I.A.3:** Use administrative and litigation mechanisms to identify and attack discriminatory policies and other instances of systemic discrimination; and

**Strategy I.A.4:** Use EEOC decisions and oversight activities to target discriminatory practices and policies in federal agencies.

The strategies for achieving Outcome Goal I.B are:

**Strategy I.B.1:** Ensure that remedies end discriminatory practices and deter future discrimination; and

**Strategy I.B.2:** Seek remedies that provide meaningful relief to individual victims of discrimination.

The Commission has developed six performance measures to track its progress in pursuing these strategies.

**Performance Measure 1 for Strategy I.A.1:** A Strategic Enforcement Plan is developed, issued, implemented, evaluated, and revised, as necessary.

FY 2012	The Commission approves a Strategic Enforcement Plan by September 30, 2012.
FY 2013	Strategic Enforcement Plan implementation guidance is distributed. If required by the Strategic Enforcement Plan, local and federal sector plans are developed by March 31, 2013.
FY 2014	The Strategic Enforcement Plan is fully implemented.
FY 2015	The Commission evaluates the Strategic Enforcement Plan.
FY 2016	The Commission revises the Strategic Enforcement Plan, as appropriate.

A Strategic Enforcement Plan, which would replace the current National Enforcement Program, will ensure a targeted, concentrated, and deliberate effort to identify and pursue priority issues and practices that have a significant impact on employees and employers. In addition to outlining substantive priorities, the plan may prioritize types of investigations and cases. The Commission will develop this plan based on data derived from charges, as well as other research.

The plan will also further an integrated, holistic approach to enforcement from beginning to end, without separating the investigation and conciliation stage of the EEOC’s work from its litigation stage. Moreover, the plan will integrate the EEOC’s work in the federal sector, and its work in education and outreach, so as to create a synergistic approach to achieving its mission of stopping and remedying unlawful employment discrimination.

The plan will also define “targeted, equitable relief,” which is referenced in Performance Measure 4.

Work on the Strategic Enforcement Plan will begin in March 2012 and will be approved by the Commission no later than September 2012. The Commission will draw on the expertise of its staff from both Headquarters and throughout the field to ensure that a diversity of views is heard. In addition, the Commission will solicit the views of a range of public stakeholders.

As part of the development of the plan, the Commission will decide whether District Offices should develop local strategic enforcement plans and whether the Commission’s Office of Federal Operations should develop a federal sector enforcement plan. If so, these local and federal sector plans will complement and augment the national plan.

**Performance Measure 2 for Strategy I.A.3:** By the end of FY 2016, at least TBD% of the cases in the agency’s litigation docket are systemic cases.

FY 2012	Establish a baseline and project future targets.
FY 2013	Increase targets by TBD%.
FY 2014	Increase targets by TBD%.
FY 2015	Increase targets by TBD%.
FY 2016	Increase targets by TBD%.

Systemic cases are those that address a pattern, practice or policy of alleged discrimination and/or class cases where the alleged discrimination has a broad impact on an industry, profession, company, or geographic area.

This performance measure will work in tandem with Performance Measure 1 by requiring the Commission to vigorously pursue investigations of systemic discrimination and to prioritize the litigation of policy or other systemic cases as it chooses which cases to litigate.

Even as the EEOC gradually increases its percentage of these cases, it will continue to pursue individual cases of discrimination. Strategic selection of individual cases furthers the agency’s statutory mandate of preventing unlawful employment discrimination. Also, in certain regions of

the country, the federal government will be needed to ensure individual victims of employment discrimination can seek legal redress.

**Performance Measure 3 for Strategy I.A.4:** By the end of FY 2016, the EEOC is using an integrated data system to identify discriminatory policies or practices in federal agencies and has issued and evaluated TBD number of compliance plans to address those areas of concern.

FY 2013	Create and implement a data system of complaint, hearing, and statistical employee data in order to establish priorities in the federal sector.
FY 2014	Conduct TBD on-site program evaluations focused on identified priorities and issue compliance plans.
FY 2015	Conduct TBD on-site program evaluations focused on identified priorities and issue compliance plans.
FY 2016	Review compliance plans to determine if they have been implemented, and if not, determine what corrective action should be taken.

This performance measure requires the EEOC to use the various data it already collects from federal agencies to develop an integrated data system that can identify potentially discriminatory policies or practices in the federal agencies and help set priorities for the prevention of discrimination in the federal government.

The EEOC currently collects data regarding appeals and compliance with appellate orders, aggregate data about EEO complaints from federal agencies, and information about agency diversity efforts. An integrated data system, however, will allow the agency to collect, store, and link data that previously has been maintained in separate systems. This will permit staff to perform more meaningful and comparative analyses of federal agencies' equal employment opportunity and affirmative action programs.

In keeping with the its oversight authority, in FY 2014 and FY 2015, the EEOC will conduct a number of on-site program evaluations of federal agencies regarding priority areas that have been identified through the integrated data system and will issue compliance plans. These plans will include a series of steps for federal agencies to take to correct any discriminatory practices. The number of on-site evaluations will be determined based on the baseline set in FY 2013.

In FY 2016, the EEOC will review the compliance plans issued in FY 2014 and FY 2015 to determine if they have been implemented successfully, and if not, what corrective action should be taken.

The federal government is the largest employer in the United States. Thus, reducing unlawful employment discrimination in the federal sector is an integral part of achieving Strategic Objective I and fulfilling the mission of the agency. Moreover, as the largest employer in the United States, the federal government has tremendous influence over the employment practices of private and public employers in the United States and around the world. Thus, the promotion of equal employment opportunity in the federal government can positively impact all employees and job-seekers.

**Performance Measure 4 for Strategies I.B.1 and I.B.2:** By the end of FY 2016, the number of EEOC’s administrative and legal resolutions containing targeted, equitable relief is at least TBD%.

FY 2012	Collect data, establish baseline, and project future targets for FY 2016.
FY 2013	Increase targets by TBD%.
FY 2014	Increase targets by TBD%.
FY 2015	Increase targets by TBD%.
FY 2016	Increase targets by TBD%.

**Performance Measure 5 for Strategy I.B.1 and 1.B.2:** By the end of FY 2016, the number of resolutions by FEPAs containing targeted, equitable relief is at least TBD%

FY 2012	Identify, design, and implement reporting process(es) to capture this data from FEPAs.
FY 2013	Collect data, establish baseline, and project future targets for FY 2016.
FY 2014	Increase targets by TBD%.
FY 2015	Increase targets by TBD%.
FY 2016	Increase targets by TBD%.

These performance measures ensure that the EEOC and the FEPAs will seek relief that goes beyond compensatory or punitive damages for individual victims of discrimination. While it is important that the agency seek meaningful relief for individuals, the EEOCs ultimate interest is in protecting not only the original charging parties, but all employees and job-seekers from unlawful discriminatory practices.

Targeted, equitable relief will be defined in the Strategic Enforcement Plan. Such relief may include training for supervisors and employees, development of policies and practices to deter future discrimination, , and external monitoring of employer actions, as appropriate. In addition, the EEOC will use the resolutions to discourage employers, other than the respondent, from engaging in similar discriminatory practices.

This measure will also provide the agency feedback on the efficacy of its annual commitment of roughly \$30 million to the FEPAs.

**The Performance Measures for Strategy I.A.2 are in Strategic Objective III.** The plan’s third objective is to deliver excellent service through effective systems, updated technology, and a skilled and diverse workforce.

Strategy I.A.2 requires the EEOC to engage in a rigorous and consistent implementation of its charge system for handling private and state and local government charges, called the Priority Charge Handling Procedures (PCHP) system, and to create and implement a similar system for handling federal sector hearings and appeals. The two performance measures designed to evaluate the success of this strategy are the same as the measures needed to evaluate Strategic Objective III, with respect to delivering excellent service through effective systems. They are:

**Performance Measure 10:** By the end of FY 2016, fully implement a new quality control system for investigations and conciliations.

**Performance Measure 11:** By the end of FY 2016, fully implement a new case management process and system to ensure the appropriate and timely resolution of federal sector hearings and appeals.

These measures will ensure that the EEOC focuses its resources and enforcement on Commission priorities. Without rigorous and consistent implementation of charge and case management systems, the agency will be unable to target its resources on the charges and cases that will have the broadest impact on stopping unlawful employment discrimination and that will ultimately help the Commission fulfill its mission.

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## STRATEGIC OBJECTIVE II

### **Prevent employment discrimination through education and outreach.**

Strategic Objective II, to prevent employment discrimination through education and outreach, reflects the fact that even as the EEOC works to combat employment discrimination when it occurs, it must also work to prevent employment discrimination before it occurs.

Investigations, conciliations and litigation are only some of the means by which the EEOC fulfills its mission and vision. In Title VII, Congress expressly required the agency to engage in education and outreach activities, including providing training and technical assistance, for those with rights and responsibilities under employment antidiscrimination laws.

Educational and outreach programs, projects, and events are also cost effective law enforcement tools because they promote understanding of the law and voluntary compliance with the law, which can result in less discrimination and fewer charges filed. All parties, including the American taxpayer, benefit when the workplace is free of discrimination and everyone has access to equal employment opportunity.

To this end, the two outcome goals for Strategic Objective II are:

**Outcome Goal II.A:** Members of the public understand and know how to exercise their right to employment free of discrimination; and

**Outcome Goal II.B:** Employers, unions and employment agencies prevent discrimination and better resolve EEO issues, thereby creating more inclusive workplaces.

In FY 2011, the EEOC's outreach program organized more than 6,200 no-cost outreach and education activities across the nation for those in both the public and private sector, and the EEOC Training Institute conducted 480 fee-based training and technical assistance events for employers and other covered entities. In total, these activities were attended by more than 538,000 individuals. Included in that number are representatives of more than 63,000 employers or other covered entities.

While well attended and successful, the agency is continually evaluating its education and outreach program to ensure that it is impacting those persons "who historically have been victims of employment discrimination and have not been equitably served by the Commission," as required under Title VII. This may include targeting certain persons within a protected class, including persons of color under the age of 30, low-skilled workers, and new immigrants, who may be unfamiliar with the nation's equal employment laws.

Moreover, it is also important that the EEOC target underserved subsets of the employer community, including small and new businesses, which, given their size and limited resources, are often less able to take advantage of the EEOC's training programs and are less likely to have in-house human resources professionals to assist them with compliance. In early FY 2012, the

agency launched a Small Business Task Force to address issues faced by small businesses. It is clear, based on preliminary information collected by that Task Force, that additional efforts are needed to reach small businesses. In addition, the agency has found that new businesses, many of which are small businesses, also need greater targeted outreach.

Part of the EEOC’s efforts to strengthen and target its education and outreach activities will also include an improved Internet and social media presence. The EEOC’s current website provides critical educational materials, including information on the laws that the agency enforces, the private sector charge and federal sector complaint processes, and various publications. Moreover, the agency is engaged in an ongoing effort to make its website more user-friendly and accessible.

Despite these efforts to modernize, the EEOC is not fully leveraging the Internet to directly reach its customers – employees; job-seekers; private, state, local and federal employers; unions; employment agencies; attorneys; issue advocates; and policymakers. In addition, the EEOC has not yet used social media to conduct education and outreach activities and to encourage greater use of its website.

Finally, many of the agency’s sub-regulatory documents need to be reviewed and updated and/or augmented with plain language materials. This is of critical importance if all members of the public are to understand what the law requires of them and what rights the law provides to employees and applicants.

To this end, there are four strategies for achieving the goals of Strategic Objective II:

**Strategy II.A.1:** Target outreach to vulnerable workers and underserved communities;

**Strategy II.B.1:** Target outreach to small and new businesses;

**Strategy II.A.2 and II.B.2:** Provide up-to-date and accessible guidance on the requirements of employment antidiscrimination laws.

The Commission has developed four performance measures to track its progress in pursuing these strategies.

**Performance Measure 6 for Strategy II.A.1:** By the end of FY 2016, the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities increases by TBD%.

FY 2012	Define significant partnerships, provide instructions for identifying vulnerable workers and/or underserved communities, and create baselines and set targets for FY 2016.
FY 2013	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities increases by TBD%.
FY 2014	The number of significant partnerships with organizations that represent vulnerable

	workers and/or underserved communities increases by TBD% or is maintained.
FY 2015	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities is maintained.
FY 2016	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities is maintained.

This performance measure tracks significant partnerships with organizations that have trusted relationships with vulnerable workers and/or underserved communities to ensure the EEOC’s education and outreach efforts are efficient and effective.

In the first year, the EEOC will issue instructions on this performance measure, including instructions for identifying these populations, a definition of “significant partnerships,” and yearly targets. A “significant partnership” may include efforts such as appearing at an organization’s events throughout the year or engaging in a substantive project with the organization. The key element is that the activity must result in an ongoing relationship with the organization.

**Performance Measure 7 for Strategy II.B.1:** By the end of FY 2016, the number of significant partnerships with organizations that represent small or new businesses increases by TBD%.

FY 2012	Define significant partnerships and create baselines and set targets for FY 2016.
FY 2013	The number of significant partnerships with organizations that represent small or new businesses increases by TBD%.
FY 2014	The number of significant partnerships with organizations that represent small or new businesses increases by TBD%.
FY 2015	The number of significant partnerships with organizations that represent small or new businesses is maintained.
FY 2016	The number of significant partnerships with organizations that represent small or new businesses is maintained.

Like the performance measure above, this measure will track significant partnerships with organizations that have trusted relationships with small or new businesses to ensure the EEOC’s education and outreach efforts are efficient and effective.

In the first year, the EEOC will issue instructions on this performance measure, including a definition of “significant partnerships” and yearly targets. As with employee organizations, a “significant partnership” may include efforts such as appearing at the organization’s events or programs throughout the year or engaging in a substantive project with the organization. The key element is that the activity must result in an ongoing relationship with the organization.

**Performance Measure 8 for Strategies II.A.1 and II.B.1:** By the end of FY 2014, a social media plan is implemented.

FY 2012	Establish a Social Media Advisory Board; set a baseline and determine the appropriate technology needed to implement social media and information distribution systems; and draft initial social media strategy.
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FY 2013	Implement the social media plan.
FY 2014	Assess success of plan and update, as necessary.

This performance measure will ensure that the EEOC moves into the 21<sup>st</sup> Century by utilizing social media technologies to reach EEOC’s customers.

The social media plan will build upon existing efforts to make the content on EEOC’s website more accessible and user-friendly and better use the Internet and other technology in the private and state and local government sectors charge processes. It will utilize multiple forms of social media platforms and create educational content appropriate for each platform with the goal of informing users about their rights and responsibilities under the laws the agency enforces. The plan will also drive EEOC’s customers to the agency’s website where appropriate for more information. Moreover, the plan will ensure that the EEOC’s social media strategies are consistent with the Strategic Enforcement Plan, the Chair’s priorities, and other appropriate directives.

**Performance Measure 9 for Strategies II.A.2 and II.B.2:** By the end FY 2016, all current sub-regulatory guidance is reviewed and updated and/or augmented with plain language materials, as necessary.

This performance measure will ensure that the EEOC’s sub-regulatory guidance and documents are reviewed and that, where necessary, they are updated and accompanied by plain language text.

The agency’s enforcement work in the private sector, its adjudicatory and oversight work in the federal sector, and its outreach and education work all depend on the availability of up-to-date and accessible materials explaining the laws it enforces and how to comply with those laws. While the regulations issued by the Commission set the basic legal framework for the implementation of those laws, sub-regulatory materials provide more tangible assistance to those with rights and responsibilities under them. These materials may or may not require a vote of the Commission and may include a range of guidances, best practices, Q & A’s, and fact sheets. The EEOC’s Compliance Manual is also a sub-regulatory document.

## STRATEGIC OBJECTIVE III

### **Deliver excellent service through effective systems, updated technology, and a skilled and diverse workforce.**

Strategic Objective III is intended to ensure that the EEOC delivers excellent service through effective systems, updated technology, and a skilled and diverse workforce. Much of this objective is operational in nature and will be addressed in greater detail in plans external to the Strategic Plan, such as the agency's Charge Inventory Management Plan and the Human Capital Plan. This does not, however, diminish the importance of this objective. The EEOC cannot accomplish Strategic Objectives I and II without addressing operational issues. In recognition of this, and to ensure that the agency is held accountable for improving its operations where necessary, the Commission is including Strategic Objective III in its Strategic Plan.

For the purposes of this Strategic Plan, Strategic Objective III's primary goal is:

**Outcome Goal III.A:** All interactions with the public are timely, of high quality, and informative.

#### *Effective Systems – Private and State and Local Government Sectors*

It is clear from the EEOC's program evaluations and feedback from charging parties, respondent-covered entities, and other external stakeholders, including Congress, that the agency's greatest customer service concerns relate to delays in the investigation and conciliation process. Within that process, the period between intake of a charge and a determination about the charge is critical because that is the point at which the EEOC has the greatest control over processing time. Reducing this time period will provide greater certainty for charging parties and respondents, who are often in limbo until the agency makes a determination and issues a right to sue letter or refers the case to the Department of Justice. Moreover, it will ensure that the agency can focus the bulk of its attention on pursuing charges of discrimination with merit.

The charge process was designed to be a means to the end of identifying and preventing unlawful employment practices. Unfortunately, the demand for the EEOC's assistance has always outmatched its supply of employees available to provide that assistance.<sup>xv</sup>

In 1995, the Commission adopted a Priority Charge Handling Procedures (PCHP) system to categorize and expedite the handling of its charge inventory and to allow the agency to focus its resources on strategic enforcement.<sup>xvi</sup>

Initially, the PCHP system resulted in a drastic reduction of the agency's pending charge inventory.<sup>xvii</sup> In the years that followed, however, the EEOC experienced significant budget cuts, dramatically reducing the number of available investigators.<sup>xviii</sup> This occurred at the same time the agency began to receive a record number of charges.<sup>xix</sup> This mismatch between demand and resources, coupled with other factors, quickly impacted the ability of offices to rigorously

enforce PCHP, resulting in an increase in the pending inventory, an increase in the average investigator caseload, and an increase in the average charge processing time.<sup>xx</sup>

In FY 2009, the EEOC began to reverse this upward trend. Modest budgetary increases allowed the agency to hire additional front-line staff, including investigators. Moreover, the agency refocused efforts on reinvigorating PCHP, beginning with training new and retraining experienced investigators on how to implement the procedures. Additionally, the agency began working on a Plan to Manage and Reduce the Charge Inventory, which identifies barriers to proper PCHP implementation and recommends solutions that will enable PCHP to be fully implemented again.

As a result of the renewed focus on PCHP implementation, the EEOC's field offices slowed the growth of the pending charge inventory in FY 2010 and reduced the pending charge inventory by nearly 8,000 charges in FY 2011.<sup>xxi</sup> To ensure that this trend continues, it will be critical for the agency to continue to invest in the rigorous implementation of PCHP and to hold its field offices accountable for such implementation.

Rigorous implementation of the PCHP system, however, need not correlate with a reduction in the quality of investigations or the premature closure of meritorious charges. One of the EEOC's greatest challenges has always been to create a system that rewards effective investigations and conciliations and does not incentivize the closure of charges simply to achieve closures. The agency's mission is to stop and remedy unlawful employment discrimination through the appropriate investigation of charges. Full implementation of PCHP and a quality control system will ensure that charges filed with the agency are handled appropriately based on the substance of the charge.

#### *Effective Systems – Federal Sector*

While the EEOC has established a categorization system for managing its private and state and local government sector charges and has explored and implemented a variety of different strategies for managing federal sector hearings and appeals, a PCHP-like system does not exist for the federal sector. As in the private sector, budgetary constraints have led to fewer available Administrative Judges and Office of Federal (OFO) Appellate Attorneys at a time when requests for hearings and appeals are increasing.<sup>xxii</sup> These factors, coupled with a targeted focus on new appeals, contributed to a steady rise in the number of older appeals, as well as the overall age of the appellate inventory.

Recent years have seen improvements. In FY 2011, the agency instituted a more balanced approach to the resolution of appeals, focusing on both new and old appeals, and employed innovative strategies to address the federal sector workload, including transferring appeals from offices with larger workloads to offices with smaller workloads. The effect of this approach was dramatic.<sup>xxiii</sup> It is clear, however, that in the absence of greater budgetary resources, additional innovations will be needed to continue this trend.

Creating an appropriate case management system for federal sector hearings and appeals, coupled with the federal sector strategies discussed in Strategic Objective I, will improve the effectiveness of the federal sector and reduce pending inventory.

*Updated Technology*

In addition to fully implementing charge and complaint handling procedures, the EEOC must leverage technology to streamline, standardize, and expedite the charge process across its field offices – from the pre-charge intake to the start of the litigation process. Moreover, technology should be used to keep parties informed about the progress of a charge throughout the enforcement process.

*A Skilled and Diverse Workforce*

While it is important to invest in systems and technology, systems and technology are only as good as the people who deploy them. It is therefore critical that the EEOC effectively engage in workforce development and planning, including identifying, cultivating, and sustaining a skilled and diverse workforce.

As a result, there are three strategies for achieving Strategic Objective III’s outcome goal:

**Strategy III.A.1:** Rigorously and consistently implement charge and case management systems to deliver excellent service;

**Strategy III.A.2:** Use innovative technology to facilitate responsive interactions and streamline agency processes; and

**Strategy III.A.3:** Effectively engage in workforce development and planning, including identifying, cultivating, and sustaining a skilled and diverse workforce.

There are four performance measures for these strategies:

**Performance Measure 10 for Strategy III.A.1:** By the end of 2016, a new quality control system for investigations and conciliations is implemented.

FY 2013	Develop criteria to measure the quality of investigations and conciliations and develop a peer review assessment system.
FY 2014	Apply the criteria and the peer review assessment system to a statistically significant sample, develop a baseline, and set targets.
FY 2015	TBD% of investigations and conciliations meet targets.
FY 2016	TBD% of investigations and conciliations meet targets.

This performance measure is designed to ensure that the quality of investigations and conciliations are high, even as the EEOC seeks to make its process more efficient.

Over the past several years, the agency has consistently met existing quality control goals for its investigations – usually achieving a performance rate of approximately 90%. However, the existing criteria used to rate quality do not capture the full range of components that must be present to guarantee a quality investigation and conciliation. For example, the current criteria measure whether a charge has been correctly categorized within the PCHP system and whether the charge has been correctly filed and updated in the agency’s data system. These criteria do not, however, measure whether charges are appropriately re-assessed on a timely basis, how efficient and timely the investigation has been, what the investigation actually consisted of, and whether the investigator correctly applied the law to the facts of the charge.

This performance measure will require the agency to develop appropriate criteria for measuring the quality of investigations and conciliations, including rigorous and consistent implementation of the charge and case management systems. In addition, this measure will require the EEOC to develop a peer review assessment system that will be used to judge the quality of investigations and conciliations.

**Performance Measure 11 for Strategy III.A.1:** By the end of FY 2016, a new case management process and system to ensure the appropriate and timely resolution of federal sector hearings and appeals is implemented.

FY 2013	Develop categories for federal sector cases. Develop, pilot and implement new processes and technology, ensuring appropriate guidance, documentation, and staff training.
FY 2014	100% of all incoming hearings requests and appeals and 50% of old case inventory are categorized. Create measures for timeliness and inventory reduction.
FY 2015	100% of incoming and old case inventory are categorized. Timeliness and inventory reduction measures are implemented
FY 2016	100% of incoming and old case inventory are categorized. Timeliness and inventory reduction measures are implemented. The case management system is reviewed and modified as appropriate.

This performance measure will gauge the EEOC’s success in designing and implementing a case management system for the hearings and appeals of federal sector complaints. As noted above, the Commission has never established a categorization system for federal sector complaints.

The Commission will begin by developing categories for federal sector hearings and appeals. Although the Commission will consider lessons learned from the design and implementation of PCHP, the statutory responsibilities of the EEOC in the federal sector are sufficiently different that the approach to the development of a federal sector system will not be limited to the PCHP model.

**Performance Measure 12 for Strategy III.A.2:** By the end of FY 2016, the private sector charge process is improved to streamline services and increase responsiveness to customers throughout the process.

FY 2012	Define technology requirements, automated workflow, customer self-service opportunities, and system design specifications and establish targets.
FY 2013	Develop, pilot and implement new processes and technology in a phased and iterative manner, ensuring appropriate guidance, documentation and staff training.
FY 2014	Meet targets determined in FY 2012.
FY 2015	Meet targets determined in FY 2012.
FY 2016	Meet targets determined in FY 2012.

This performance measure will require the EEOC to leverage technology to improve the private and state and local government sectors charge process, including streamlining services and increasing responsiveness to customers throughout the process.

Initiatives that are currently in the requirements phase include: 1) developing an on-line system that will allow potential charging parties to submit a pre-charge inquiry for review; 2) providing on-line scheduling of appointments for intake interviews (via on-site meetings, web cams, and/or teleconference); 3) providing charging parties on-line access to check the status of their charge; 4) streamlining the intake process through automated workflow and data analysis; and 5) establishing a secure portal for electronic transmittal and receipt of charge-related documents. EEOC is also reviewing requirements related to data collection, integration, and automated analysis that will increase efficiency and cross-office communication in two core areas: EEOC's Mediation Program and Systemic Charge Processing.

**Performance Measure 13 for Strategy III.A.3:** The agency's Strategic Human Capital Plan, the Plan for the Hiring of People with Disabilities, and the Diversity and Inclusion Plan are fully implemented within the time frames set forth in those plans.

While there are no yearly targets for this measure and the drafting of these plans is already underway, inclusion of this measure in the Strategic Plan signals to EEOC's internal and external stakeholders that the Commission takes seriously its commitment to have a skilled and diverse workforce.

The Strategic Human Capital Plan (SHCP) outlines the agency's structure, strategic goals, standards for success, and major human capital initiatives. Its alignment with this Strategic Plan will ensure that EEOC employees understand and support the agency's goals and approach, and have the skills, knowledge, and competencies necessary to perform their important work. The SHCP is developed, monitored, and modified pursuant to the principles and requirements set forth in the Human Capital Assessment and Accountability Framework (HCAAF). Beginning in FY 2012, and annually thereafter, the agency will establish human capital goals for the ensuing fiscal year that are aligned with the Strategic Plan and linked with the HCAAF measures. At the end of each target year, the agency will complete an assessment of its progress and publish its findings in the Performance Accountability Report.

The EEOC's Operational Plan for Increasing Employment of Individuals with Disabilities was released in FY 2012 and is currently being implemented. As a means of implementing Executive Order 13548 on Increasing Federal Employment of Individuals with Disabilities, the plan sets a target of increasing the percentage of employees with disabilities to 20% and increasing the

percentage of employees with targeted disabilities to 5% of the EEOC workforce in five years.

The Commission's Diversity and Inclusion Plan is currently under development pursuant to Executive Order 13583 on Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce. The plan is expected to be released in FY 2012 and will be modeled after the government-wide plan, which was developed in FY 2012 by the Office of Personnel Management (OPM) in partnership with the EEOC, in keeping with its federal sector authority. The EEOC will continue to work with OPM and the Office of Management and Budget in implementing this Government-wide initiative, including reviewing executive agency plans and working to reconcile the Administration's diversity and inclusion efforts with the Commission's Management Directive 715<sup>xxiv</sup> requirements.

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## EXTERNAL FACTORS AFFECTING ACHIEVEMENT OF STRATEGIC PLAN

Many factors outside the EEOC's control will affect its ability to achieve the objectives set forth in this Strategic Plan, including budgetary, economic, social, demographic, technology, political, and legal factors. As a result, the plan has been flexibly designed to allow the Commission to respond appropriately. Though unforeseen factors are likely, the Commission contemplated the following external factors in drafting the plan.

- **Budgetary Factors.** As noted above, the Strategic Plan assumes FY 2012 level funding for years FY 2013 - 2016. As a result, a reduction in budgetary resources could significantly impact the Commission's ability to achieve the plan's objectives. Regardless of budgetary changes, the Commission will continue to review available resources and priorities to ensure the appropriate allocation of funds across program area.
- **Demographic Factors.** Given EEOC's mission, demographic changes, including migration, education, aging and population size, will always impact its work. For example, national origin discrimination is often centered in areas with large immigrant populations. An office located in that area will naturally develop an expertise in the workplace discrimination issues facing immigrants and will tailor its education and outreach efforts accordingly. As that population migrates around the country, new offices will have to do the same. Moreover, as populations shift, the agency will have to reassess the location of its offices. With respect to priorities, the growth of certain populations will also impact its focus. For example, as the Baby Boomer generation has aged, the EEOC has seen an increase in discrimination charges under the ADEA.

As it moves forward, the EEOC will continue to review the 2010 Census to gauge how recent demographic changes will impact its operational and substantive priorities. These changes will certainly be taken into account as the Commission develops the Strategic Enforcement Plan and as it identifies vulnerable and underserved communities to target in its education and outreach efforts.

- **Economic Factors.** Changes to the nation's economy also impact the Commission's work. During more difficult economic times, the EEOC may see an increase in overall charges as more people are laid-off, an increase in certain types of charges, and a decrease in other types of charges. For example, while most employers honor their responsibilities under the law, some may begin enacting policies to save time or money that have an unlawful disparate impact on certain protected groups, e.g. bans on hiring currently or long-term unemployed workers, which may impact racial and ethnic groups with high unemployment, and changes in medical leave policies, which may impact persons with disabilities. Moreover, some employers may cut back on human resources personnel or be less willing to implement best practices to ensure compliance with equal employment opportunity laws, which will impact the success of EEOC's education and outreach efforts and lead to an increase in charges. With this in mind, the Strategic Plan includes education and outreach objectives, goals, and measures aimed at responding to emerging issues and encouraging voluntary compliance by employers and other covered entities.

- **Technology Factors.** Changes in technology will impact how EEOC interacts with its customers. When its previous Strategic Plan was drafted, Facebook was not as pervasive as it is today, Twitter had only been in existence a few months, and hand-held tablets, did not exist. Each of these technologies is now commonplace and much of the public expects the EEOC to utilize them in its enforcement and education and outreach activities. While this Strategic Plan requires the creation and implementation of a social media plan to use these technologies, future technologies are likely to emerge that will require a response.
- **Legal Factors.** All federal agencies may be impacted by legal changes, but this is particularly true of law enforcement agencies, such as the EEOC. As new laws are passed, the Commission may have to shift the substantive priorities in the Strategic Enforcement Plan, which includes education and outreach efforts, and divert its resources to issue new regulations or implement new Executive Orders. Moreover, Supreme Court and lower court decisions will always impact the agency's administrative and litigation enforcement programs.

Given all of the above factors, the EEOC will continually assess and prioritize its resources to successfully accomplish its mission over the next five years.

## CONGRESSIONAL CONSULTATIONS

[The EEOC is in the process of consulting with the following Congressional committees during the development of its Fiscal Years 2012 - 2016 Strategic Plan: the Senate Committee on Health Education Labor and Pensions (oversight); Senate Committee on Homeland Security and Governmental Affairs (government operations); Senate Subcommittee on Commerce Justice and Science and Related Agencies, Committee on Appropriations; House Committee on Education and the Workforce (oversight); House Committee on Oversight and Government Reform (government operations); and the House Subcommittee on Commerce Justice and Science and Related Agencies, Committee on Appropriations. This section will be finalized once the Congressional consultation is complete.]

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## PROGRAM EVALUATIONS

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

Independent program evaluations have played an important role in formulating the strategic objectives and performance goals for its new FY 2012-2016 Strategic Plan. They have helped to shape some of the program issues and key focus areas for improvement, thereby increasing the Plan's value as a management tool to guide the agency's strategic efforts in attaining overall productivity and program efficiency, effectiveness, and accountability. To that end, EEOC has undertaken the following program evaluations to advance its performance-based management initiatives under GPRAMA, and to improve the effectiveness of key agency programs. The findings and recommendations in these independent assessments of the agency's programs were used to guide development of its new strategic direction and objectives for the next four to five years.

*Equal Employment Opportunity Commission: Organizing for the Future*, National Academy of Public Administration (NAPA). February 2003.

*Evaluation of Intake and End of Fiscal Year Closure of the Equal Employment Opportunity Commission Private Sector Charge Process*, Development Services Group (DSG), Inc. November 2006.

*Equal Employment Opportunity Commission Customer Satisfaction and Knowledge of Law Study Final Report*, Federal Consulting Group (FCG). December 2008.

The Equal Employment Opportunity Commission (EEOC)-Office of Inspector General, *Evaluation of the Management of the EEOC's State and Local Programs*, Williams, Adley & Company-DC, LLP. March 2011.

*U.S. Equal Employment Opportunity Commission Evaluation of the Priority Charge Handling Procedures Report*, Federal Consulting Group (FCG). December 2010.

Consistent with the Administration's focus on improving the effectiveness of Government through rigorous evaluation and evidence-based policy initiatives, the EEOC will identify appropriate program areas for evaluation during the preparation of its GPRAMA Annual Performance Plans. This will ensure that its efforts align with its budget and other programmatic priorities. Each year, the agency will assess its progress and reaffirm its commitment to fulfilling its mission.

## ACKNOWLEDGEMENTS

The EEOC's Fiscal Years 2012–2016 Strategic Plan was a collaborative endeavor, involving many EEOC employees and contractors. A special thank you is owed the leaders and members of the Strategic Planning Workgroup and Performance Measure Group (Appendix A). The Commission would like to acknowledge and thank everyone who contributed for their hard work and commitment to completing this plan and to fulfilling the mission and realizing the vision of the agency.

[The final plan will include instructions for submitting additional comments. To submit comments on this draft plan, please follow the instructions included in the accompanying advisory located on the <http://www.eeoc.gov/>.]

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## APPENDIX A – STRATEGIC PLANNING WORKGROUPS

### Strategic Plan Workgroup and Performance Measure Group

#### Leadership

Claudia Withers, *Chief Operating Officer*

Chai Feldblum, *Commissioner*

Deidre Flippen, *Director, Office of Research, Information and Planning*

#### Executive Team

Dona Bland, *Senior Analyst, Office of Research Information and Planning*

Joi Chaney, *Special Assistant, Office of the Chair*

Sharon Masling, *Chief of Staff, Office of Commissioner Chai Feldblum*

#### Members

Brett Brenner, *Deputy Director, Office of Communication of Legislative Affairs*

Dexter Brooks, *Director of Federal Sector Programs, Office of Federal Operations*

Robert Canino, *Regional Attorney, Dallas District Office*

Ronald Crenshaw, *Human Resources Specialist, Office of Human Resources*

Reuben Daniels, *District Director, Charlotte District*

Marty Ebel, *Deputy Director, Houston District Office*

Lynn Gagy, *Lead Investigator, Cleveland Field Office*

Elizabeth Grossman, *Regional Attorney, New York District Office*

Irene Hill, *Attorney Advisor to the Director of Office of Field Programs*

Keith Hill, *Director, New Orleans Field Office*

Patricia Jaramillo, *Enforcement Manager, Chicago District Office*

Paul Kehoe, *Attorney Advisor, Commissioner Victoria Lipnic*

Christopher Lage, *Assistant General Counsel, Office General Counsel*

Kerry Leibig, *Senior Attorney Advisor*

Spencer Lewis, *District Director, Philadelphia District Office*

Gabrielle Martin, *President, National Council of EEOC Locals No. 216*

Pierrette McIntire, *Deputy Chief Information Officer and Chief Security Officer*

Melissa Miller, *Division Director, Appeals Division B, Office of Federal Operations*

Levi Morrow, *Chief Negotiator, National Council of EEOC Locals No. 216*

Susan Murphy, *Special Assistant, Office of Commissioner Constance Barker*

Sue Noh, *Trial Attorney, Los Angeles District Office*

Christine Park-Gonzalez, *Program Analyst, Los Angeles District Office*

Gerald Patterson, *Human Resources Specialist, Office of Human Resources*

Joy Pentz, *Enforcement Manager, Indianapolis District Office*

Francis Polito, *Supervisory Administrative Judge, Philadelphia District Office*

Rosemarie Rhodes, *ADR Coordinator, Atlanta District Office*

Germaine Roseboro, *Director, Planning and Systems Services Division, Office of the Chief Financial Officer*

Valerie Sandy, *IT Project Manager, Immediate Office of the Chief Information Officer, Office of Information Technology,*

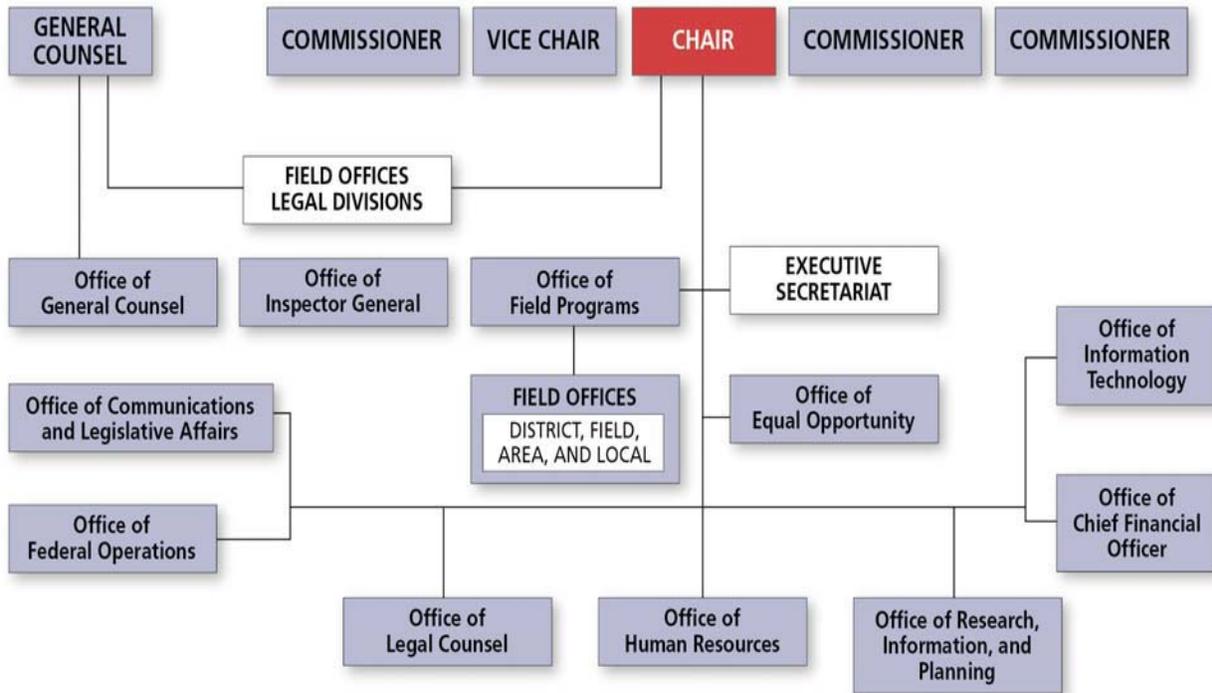
Jerome Scanlan, *Assistant General Counsel, Office of General Counsel*

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Cathy Ventrell-Monsees, *Senior Attorney Advisor, Office of Commissioner Stuart Ishimaru*  
Steven Zanowic, *Special Assistant, Office of Commissioner Chai Feldblum*

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**APPENDIX B – EEOC ORGANIZATIONAL CHART**

**EEOC Organization**



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## ENDNOTES

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i See 5 U.S.C. §306.

ii See 31 U.S.C. §115.

iii See 42 U.S.C. §2000e-4.

iv See 42 U.S.C. §2000e.

v See 29 U.S.C. §621.

vi See 29 U.S.C. §206(d).

vii See 29 U.S.C. §791.

viii See 42 U.S.C. §12101.

ix See P.L. 110-233.

x Exec. Order No. 12067, 3 C.F.R., 1978 Comp., p. 206.

xi See 42 U.S.C. §2000e-5(f)(1).

xii See 42 U.S.C. §2000e-8(b).

xiii See EEOC, Charge Statistics FY 1997 through 2010, available at <http://www.eeoc.gov/eeoc/statistics/enforcement/charges.cfm>; Fiscal Year 2011 Performance and Accountability Report, available at <http://www.eeoc.gov/eeoc/plan/2011par.cfm>.

xiv See EEOC, Systemic Task Force Report (2006), available at [http://www.eeoc.gov/eeoc/task\\_reports/systemic.cfm](http://www.eeoc.gov/eeoc/task_reports/systemic.cfm).

xv For example, while it was projected that the EEOC would receive approximately 2,000 charges in the first year of its existence, the agency received 1,000 charges on the first day it opened and received 8,852 charges during its first year. In nearly every year since then, the agency has ended the fiscal year with a large pending inventory of charges. By the mid 1990s, the EEOC's pending inventory had grown to more than 98,000 charges. Part of that increase was due to additional laws passed by Congress, such as the *Americans with Disabilities Act of 1990* and the *Civil Rights Act of 1991*, and other changes in EEO law.

xvi See EEOC, Priority Charge Handling Task Force and Litigation Task Force Report (1998), available at [http://www.eeoc.gov/eeoc/task\\_reports/charge\\_handling.cfm](http://www.eeoc.gov/eeoc/task_reports/charge_handling.cfm). (Reviews both the PCHP system and the National Enforcement Plan.) The PCHP system created three tiers of charges:

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Category A charges, defined as charges that “fall within the national or local enforcement plans as well as other charges in which it also appears ‘more likely than not’ that discrimination has occurred;”

Category B charges, defined as charges “where further evidence is required to determine whether it is more likely than not that a violation has occurred;” and

Category C charges, defined as charges where further investigation is not likely to result in a reasonable cause finding.

Category A charges were to receive priority treatment. Category C charges were to be dismissed based on information received during the receipt and early development of the charge. Category B charges were to be investigated “as resources permitted” to determine whether they should be promoted to the A Category or dismissed as part of the C Category.

<sup>xvii</sup> In fiscal years 1996 through 2000, the EEOC received approximately 80,000 charges per year, similar to the number of charges it received each year in the four years prior to the implementation of PCHP. In addition, the number of investigators available to investigate charges prior to 2000 – approximately 800 – remained relatively constant. Nonetheless, despite similar resources, there was a significant decrease in the pending inventory of charges following implementation of PCHP – from 98,269 pending charges in June 1995 to 52,011 at the end of FY 1998 to 34,297 at the end of FY 2000. The hiring of additional staff in FY 2000 – in that year, the agency had 917 assigned investigators – allowed it to reduce the pending charge inventory to 29,041 by FY 2002. In FY 2002, the average caseload per available investigator was 47 cases and the average time before a charge was resolved was 171 days.

<sup>xviii</sup> The number of available investigators decreased from 857 to 565 investigators.

<sup>xix</sup> The EEOC received 84,442 charges in FY 2002. The number of charges increased to 95,402 in FY 2008.

<sup>xx</sup> By FY 2008, there were 73,951 pending charges; and by FY 2009, there were 85,768 pending charges. Moreover, the average workload of an investigator in 2009 was 300 charges, leading to an average time before a charge was resolved in FY 2010 of 313 days.

<sup>xxi</sup> This was the first reduction in nearly a decade, even as the Commission received nearly 100,000 charges in FY 2010 and FY 2011.

<sup>xxii</sup> For example, in FY 2011 there were 5,176 new appeals filed, an increase of 13.8% from FY 2010, and the largest percentage increase in appellate receipts in 12 years. During this same 12-year period, the number of available OFO Appellate Attorneys decreased from a high of 49 in FY 2002 to 33 in FY 2011.

<sup>xxiii</sup> By the end of FY 2011, the EEOC reduced the age of the open appellate inventory by 20.6%, resolved 76.34% of the oldest appeals, and reduced the number of 500+ day-old appeals by 30.1%.

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<sup>xxiv</sup> Management Directive 715 (MD-715) is EEOC’s policy guidance to federal agencies for their use in establishing and maintaining effective equal employment opportunity and affirmative action programs. See EEOC, Management Directive 715 (2003), available at <http://www.eeoc.gov/federal/directives/md715.cfm>.

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