



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

Office of the Chair

April 20, 2020

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

SENT VIA EMAIL TO OFFICE OF MANAGEMENT AND BUDGET

Dear Mr. President:

Section 10 of Executive Order 13892 requires each federal agency to submit a report “demonstrating that its civil administrative enforcement activities, investigations, and other actions comply with SBREFA, including section 223 of that Act.”¹ I therefore submit the following report on behalf of the Equal Employment Opportunity Commission (EEOC or Commission).

The EEOC is responsible for enforcement of Title VII of the Civil Rights Act of 1964 (Title VII); Age Discrimination in Employment Act (ADEA); Equal Pay Act (EPA); titles I and V of the Americans with Disabilities Act, as amended (ADA); and title II of the Genetic Information Nondiscrimination Act of 2008 (GINA). These laws prohibit employment discrimination based on race, color, sex, religion, national origin, age, disability, and genetic information. They further prohibit retaliation for opposing job discrimination, filing a charge, or participating in proceedings pursuant to these laws.

Pursuant to the EEOC Strategic Plan for Fiscal Years 2018-2022, one of the Commission’s strategic priorities is providing technical assistance to small businesses.² It therefore maintains a robust education and outreach program to provide information regarding the EEOC mission, the employment discrimination laws it enforces, and the charge/complaint process. This outreach is of particular importance, since small businesses are less likely to participate in EEOC training programs or have in-house human resources personnel to ensure compliance. Furthermore, as I have recently articulated, one of my main priorities as Chair is to ensure the Commission provides robust compliance assistance. Compliance assistance is especially important for small businesses who lack the resources of larger businesses. Therefore, I have prioritized the Commission’s outreach to small business.

¹ Exec. Order 13892, 84 Fed. Reg. 55,239 (October 9, 2019).

² EEOC Strategic Plan for Fiscal Years 2018-2022, available at https://www.eeoc.gov/eeoc/plan/strategic_plan_18-22.cfm.

Section 212: Compliance Guides

Section 212 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) requires the EEOC to publish one (or more) small entity compliance guides for each rule or group of related rules for which the EEOC is required to prepare a final regulatory flexibility analysis under Section 5 U.S.C. 605(b).³ The EEOC issues many documents to assist employers in complying with the equal employment under its jurisdiction. These range from guidance approved by the Commission, to technical assistance or resource documents that explain existing legal requirements in non-technical language. A number of these documents are intended specifically for small business.

On February 25, 2016, the EEOC published a one-page fact sheet, *Preventing Discrimination is Good Business*. It provides a brief, user-friendly overview of the legal obligations of small businesses under the federal employment anti-discrimination laws, as well as information regarding other EEOC resources available for small business owners.⁴

In FY 2017, the EEOC's Small Business Task Force launched the Small Business Resource Center, a comprehensive website that provides a one-stop, user-friendly source for information on federal employment anti-discrimination laws tailored specifically to meet the needs of small businesses.⁵ It provides a host of critical educational materials, including information on the laws that the agency enforces, the private sector charge and federal sector complaint processes, and various research publications.⁶ EEOC's Small Business Liaisons have also posted videos available through the EEOC Small Business Resource Center with the small business owner in mind and the simple straightforward information.

The EEOC also uses social media to enhance and better target its education and outreach activities. In summer 2019, the EEOC launched a campaign to provide easy-to-use information from our Small Business Resource Center to human resources professionals on LinkedIn. This resulted in 11,000 followers and helped boost the web traffic to the Small Business Resource Center by 22 percent.

EEOC representatives are also available on a limited, no-cost basis to make presentations and participate in meetings, conferences and seminars, including those intended for small businesses.

³ An overview of EEOC Regulatory Flexibility Act procedures is available at <https://www.eeoc.gov/eeoc/plan/regflexibilityact.cfm>.

⁴ Fact Sheet: Preventing Discrimination is Good Business is available at https://www.eeoc.gov/eeoc/publications/upload/small_business_english.pdf.

These guides are printed in 30 languages: English, Amharic, Arabic, Bengali, Burmese, Chinese, French Canadian, French, German, Greek, Haitian Creole, Hindi, Hmong, Japanese, Karen, Khmer, Korean, Lao, Marshallese, Nepali, Polish, Punjabi, Russian, Somali, Spanish, Tagalog, Thai, Ukrainian, Urdu, and Vietnamese.

⁵ The Small Business Resource Center is available at: <https://www.eeoc.gov/employers/smallbusiness/index.cfm>.

⁶ The SBA Ombudsman's Annual Report to Congress grades all federal agencies on their responsiveness to small business concerns and their compliance with the Small Business Regulatory Enforcement Fairness Act of 1996. The Ombudsman's report for FY 2017 gives the EEOC an "A" rating across-the-board, the highest rating possible, reflecting the SBA's recognition of the EEOC's strong commitment to assist this important sector of the economy. The EEOC's Small Business Resource Center was also highlighted as an example of agency compliance assistance initiatives.

They are also available to participate in business conferences and seminars to provide a general overview of the laws enforced by EEOC and EEOC charge processing procedures, including mediation. In FY 2019, EEOC employees conducted 485 outreach events for small businesses, reaching over 33,000 small business representatives, representing approximately 13 percent of the EEOC's total outreach.

Section 213: Informal Small Entity Guidance

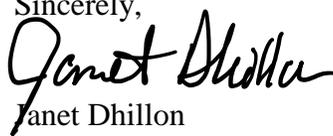
Section 213(b) of SBREFA requires each agency regulating the activities of small entities to establish a program for responding to informal questions from small entities. In consequence, the EEOC has designated Small Business Liaisons in each of its 53 field offices nationwide to assist small business owners with their questions or concerns regarding equal employment opportunity laws under its jurisdiction. They are available to answer questions about the laws enforced by the EEOC, explain the EEOC charge process, and provide information about employment discrimination. These Small Business Liaisons may be contacted either through the online EEOC Small Business Resource Center, or the outreach program coordinator in field offices nationwide. Contact information for each field office is posted on the EEOC Small Business Resource webpage.

Small businesses may also contact EEOC's Office of Legal Counsel to request informal guidance. The office maintains a rotating "Attorney of the Day", which businesses, including small businesses, may contact regarding any matter related to the federal anti-discrimination laws that EEOC enforces. The Office of Legal Counsel also publishes Informal Advisory Letters based on questions that businesses, including small business, have about anti-discrimination employment laws.

Sec. 223: Rights of Small Entities in Enforcement Actions

Section 223 of SBREFA requires federal agencies to "establish a policy or program...to provide for the reduction, and under appropriate circumstances for the waiver, of civil penalties for violations of a statutory or regulatory requirement by a small entity." Because the EEOC does not issue civil penalties for violations of a statutory or regulatory requirement, it has no such policy or program to reduce or waive penalties.

I hope you find this information helpful. If you or your staff need any further information about any of the statements in this report, please do not hesitate to contact the Commission's Legal Counsel Andrew Maunz at andrew.maunz@eoc.gov.

Sincerely,

Janet Dhillon
Chair