



**FY 2023**

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# **CONGRESSIONAL BUDGET JUSTIFICATION**

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**SUBMITTED TO THE CONGRESS OF THE UNITED STATES  
MARCH 2022**

***Fiscal Year 2023  
Congressional Budget Justification***

***U.S. Equal Employment  
Opportunity Commission***

***March 2022***

***Submitted to the  
Congress of the United States***





### **OUR MISSION**

*Prevent and Remedy  
Unlawful Employment  
Discrimination and  
Advance Equal  
Opportunity for All in  
the Workplace*

### **OUR VISION**

*Respectful and  
Inclusive  
Workplaces with  
Equal Employment  
Opportunity for All*



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## **I. CHAIR’S REPORT**

### **A. Fiscal Year (FY) 2023 Budget Highlights**

The U.S. Equal Employment Opportunity Commission (EEOC or Commission) is the leading federal law enforcement agency dedicated to preventing and addressing employment discrimination on the basis of race, color, religion, sex (including pregnancy, sexual orientation and gender identity), national origin, age, disability, and genetic information. The FY 2023 Budget requests \$464,650,000 for the EEOC, which includes up to \$31,500,000 for State, Local, and Tribal programs. This request reflects an increase of \$60.160M from the FY 2022 annualized continuing resolution (CR) budget level of \$404,490,000.

The EEOC was created by Title VII of the historic Civil Rights Act of 1964, which prohibited discrimination in employment on the basis of race, color, religion, sex, and national origin throughout the United States. Over the agency’s history, the EEOC’s jurisdiction and workload have grown substantially, due to the increased population and passage of additional federal employment laws. Today, the EEOC is responsible for enforcing the following laws:

- **Title VII of the Civil Rights Act of 1964 (Title VII)**, as amended, which prohibits employment discrimination based on race, color, religion, sex (including pregnancy, sexual orientation and gender identity), and national origin.
- **The Age Discrimination in Employment Act of 1967 (ADEA)**, as amended, which prohibits employment discrimination against workers age 40 and older.
- **The Pregnancy Discrimination Act of 1978 (PDA)**, which amended Title VII to clarify that discrimination based on pregnancy, childbirth, or related medical conditions constitutes sex discrimination and requires employers to treat women affected by pregnancy and pregnancy-related medical conditions the same as any other employees with temporary disabilities with respect to terms and conditions of employment, including health benefits.
- **The Equal Pay Act of 1963 (included in the Fair Labor Standards Act) (EPA)**, as amended, which prohibits sex discrimination in the payment of wages to men and women performing substantially equal work in the same establishment.
- **Titles I and V of the Americans with Disabilities Act of 1990 (ADA)**, as amended, which prohibit employment discrimination based on disability by private and state and local government employers. Section 501 and 505 of the Rehabilitation Act of 1973 provide the same protections for federal employees and applicants for federal employment.
- **Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)**, which prohibits employment discrimination based on an applicant’s or employee’s genetic information (including family medical history).



Together, these laws protect individuals from employment discrimination (including unlawful harassment) based on race, color, religion, sex (including pregnancy, sexual orientation and gender identity), national origin, age, disability, and genetic information. They also make it illegal to retaliate against a person for opposing employment discrimination, filing a charge of discrimination, or participating in an investigation or lawsuit regarding employment discrimination. Finally, provisions in the ADA, the Rehabilitation Act, and GINA strictly limit covered entities from obtaining health-related information from applicants and employees and require that any genetic or medical information a covered entity has about an applicant or employee be kept confidential.

## **B. Chair's Message**

I am pleased to present the Fiscal Year (FY) 2023 Congressional Budget Justification for the U.S. Equal Employment Opportunity Commission (EEOC or the Commission). The FY 2023 Budget request of \$464,650,000 includes \$31,500,000 for state and local fair employment practice agencies (FEPAs) and tribal employment rights organizations (TEROs).

The EEOC was created in direct response to the historic 1963 March on Washington for Jobs and Freedom. The agency first opened its doors in 1965 with a simple mission — to prevent and remedy discrimination in our nation's workplaces. Since then, America has made substantial progress toward that goal, but history shows that we cannot take this progress for granted. Today, promoting equal employment opportunity and enforcing the nation's federal workplace anti-discrimination laws are as necessary as ever. We continue to work toward an America where all people have a fair chance to obtain employment, provide for their families, and contribute to our economy. The Commission is firmly committed to this goal and will build on its proud legacy of civil rights accomplishments to help achieve it.

### **Fiscal Year 2023 Priorities**

The Biden-Harris Administration has called for a whole-of-government approach to addressing systemic discrimination and advancing equal opportunity, and the EEOC has a critical role in achieving that agenda. As Chair, I am focused on strengthening and rebuilding the agency to ensure the EEOC has the resources it needs to fulfill our mission and effectively enforce the law. With the President's mark, the EEOC will focus, in particular, on three broad areas - racial justice and systemic discrimination on all protected bases, pay equity, and the civil rights impact of the COVID-19 pandemic.

### **Racial Justice and Systemic Discrimination**

As the primary federal agency that enforces laws against employment discrimination, the EEOC will continue to play a large role in promoting racial justice and equity in the workplace. The nation is facing the very urgent issue of systemic discrimination including in the area of employment. With this proposed budget, the Commission will provide renewed attention to tackling systemic employment discrimination in all forms and on all bases - including but certainly not limited to unlawful harassment. Eliminating systemic barriers to equal opportunity in the workplace will allow the EEOC to leverage its work to

achieve the greatest impact. The EEOC has numerous tools to combat systemic discrimination and harassment, including outreach and education, technical assistance, and enforcement and will use all of them to achieve change on a broad scale. A robust systemic program is an important part of these efforts and will allow the EEOC to make changes on a national, regional or industry level while helping substantial numbers of employees at once.

Over the past five fiscal years, nearly a third of all charges filed with the agency have alleged some form of racial discrimination. The focus on systemic discrimination while also investigating individual charges will help address the long-standing problem of discrimination based on race more effectively than a focus on individual charges alone.

Combatting systemic discrimination need not always be adversarial. The EEOC will also continue to play an important role in working with employers who seek guidance on how to appropriately respond to questions about fairness in their own practices through technical assistance, outreach and education, and guidance. With the Commission's partners across the federal government, we can help employers eliminate systemic discrimination and proactively promote diversity, equity, inclusion, and accessibility in employment.

#### Pay Equity

Although it has been more than 50 years since the Equal Pay Act and Title VII of the Civil Rights Act of 1964 outlawed pay discrimination, significant and unjustified pay disparities still persist. Today, women working full-time make only 82 cents to the dollar when compared to white non-Hispanic males, and the gap is even wider for women of color, Native American and indigenous women, immigrants and workers with disabilities.

Although not all pay disparities result from discrimination, discrimination in pay and promotions as well as other discriminatory factors like race and gender segregation in jobs and assignments contribute to the problem. The EEOC will continue to use all of the tools at its disposal, including outreach and education, enforcement and, where necessary, litigation to address pay discrimination and unjustified wage gaps. The Commission will also pursue ways to advance pay equity and combat pay discrimination through pay data collection, following the forthcoming recommendations of the National Academies of Sciences, to help the agency better focus its resources to address more effectively discriminatory compensation practices and narrow the pay gap.

#### Civil Rights Impact of the Pandemic

The COVID-19 pandemic has proved to be a civil rights crisis in addition to a public health crisis and economic crisis. COVID-19 and its economic fallout have disproportionately impacted people of color, women, older workers, individuals with disabilities, and other vulnerable workers.

On April 28, 2021, I convened a public hearing to explore the many ways in which the COVID-19 pandemic has impacted civil rights in the workplace. In addition, the Commission has and will continue to provide numerous resources to assist employers and

employees as they grapple with pandemic-related issues. As the public health situation evolves, EEOC continues to field a high volume of stakeholder questions concerning re-entry to physical workplaces, vaccination policies, testing and masking requirements, and the future of work. The EEOC stands poised to address these dynamic and emerging issues in collaboration with our colleagues throughout the administration.

### Strengthening the Agency

Finally, I have made it a priority to rebuild and strengthen the agency. The Commission has a critical role to play in addressing many urgent civil rights issues - including employment-related impacts of the COVID-19 pandemic, racial justice, unlawful harassment, pay equity, and implementation of the Supreme Court's historic decision in *Bostock v. Clayton County*, which affirmed protections against discrimination based on sexual orientation and gender identity - to name just a few. It is crucial that the Commission have the resources and tools it needs to continue to protect and advance civil rights, both now and far into the future. First and foremost, that requires ensuring that the Commission has sufficient staff necessary to address its expanding workload.

By fiscal year 2020, the EEOC's full-time staffing had dropped to its lowest level in four decades, from over 3,390 employees in 1980 to fewer than 2,000 employees in Fiscal Year 2020. During that same period, even as the agency's resources declined, its workload expanded due to the increase in the U.S. population and passage of important new legislation that created new civil rights protections, such as the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, and the Genetic Information Nondiscrimination Act of 2008. Fortunately, Congress' support in the EEOC's FY 2021 budget has made it possible to begin rebuilding the agency's capacity. In FY 2021, I authorized additional hiring to fill more than 450 positions throughout the agency - predominantly front-line staff (investigators, mediators, attorneys, and administrative staff, among other positions) to help restore our ability to fulfill the agency's vital role in helping prevent and remedy employment discrimination. The addition of these new employees in mission-critical positions is a down payment on what I hope will be a long-term investment to ensure that the EEOC has resources commensurate with its task. With the President's mark and robust workforce planning, I plan to continue to invest in hiring and training to empower our staff to advance the agency's mission and vigorously enforce the laws entrusted to EEOC.

In addition to hiring new staff, the EEOC is working to ensure that its own employment practices embody the agency's values and to support employees by providing the tools, and other resources employees need to be as effective as possible in their work. The Commission continues to embrace the principles of equal employment in its own workplace, recognizing that doing so will enhance the EEOC's overall effectiveness. In addition to providing workplace flexibilities, I have authorized increased training to support EEOC employees. Working in partnership with internal stakeholders, including the EEOC's union and labor-management forums, this process will provide the self-assessments and information to foster employee engagement, satisfaction, and productivity within the EEOC's workforce.

The EEOC was established as a result of America's bipartisan, national commitment to civil rights. As such, the institution serves as tangible proof that the causes of justice and

equality are greater than hatred, division and bigotry. That legacy and our work are critically important to the American people and to this administration as we rebuild the economy to work for everyone and confront the urgent civil rights issues of our time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charlotte A. Burrows". The signature is fluid and cursive, with the first name "Charlotte" being more prominent.

Charlotte A. Burrows  
Chair  
U.S. Equal Employment Opportunity Commission

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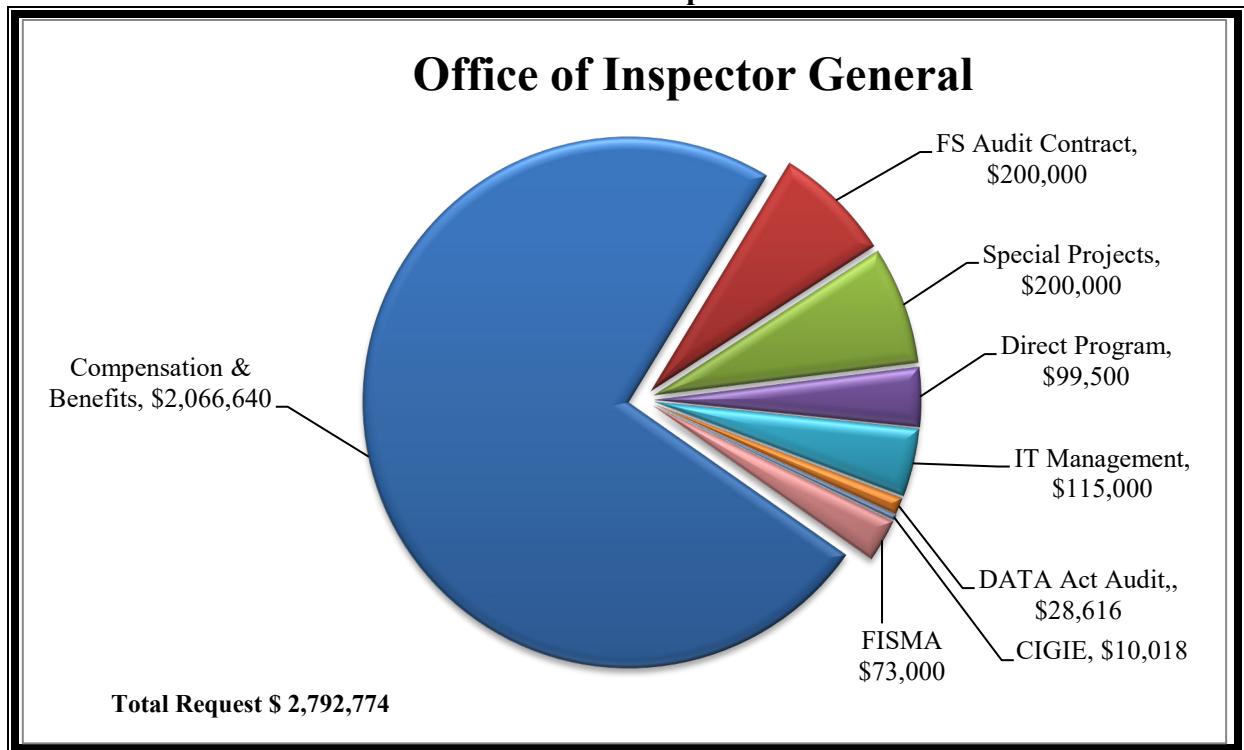
## II. OFFICE OF INSPECTOR GENERAL FUNDING INFORMATION

The EEOC is covered by the Inspector General Act of 1978, as amended (U.S.C. App), and the table below provides the following information under the Inspector General Reform Act of 2008 (Pub. L. No. 110-409): an aggregate request for the Office of Inspector General (OIG); amounts required for OIG training; and amounts in support of the Council of the Inspectors General on Integrity and Efficiency (CIGIE).

Office of Inspector General Initial Request	\$2,792,774
Aggregate amount of funds	\$2,792,774 <sup>1</sup>
Amount requested in OIG budget for training	\$62,000 <sup>2</sup>
Amount requested to support CIGIE	\$ 10,018 <sup>3</sup>

Chart 1 below shows the Inspector General's Funding Request by Operating Plan line items.

**Chart 1: Office of Inspector General**



<sup>1</sup> This is the total aggregate request for the OIG.

<sup>2</sup> The Inspector General certifies that this amount would satisfy all OIG training requirements for FY 2023.

<sup>3</sup> .0036 percent of \$2,792,774 or \$10,018 will support the Council of Inspectors General on Integrity and Efficiency (CIGIE).

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### III. BUDGETING AND ACCOUNTING INFORMATION

#### A. Appropriation Language

U.S. Equal Employment Opportunity Commission

##### **Salaries and Expenses**

For necessary expenses of the Equal Employment Opportunity Commission as authorized by Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621), the Equal Pay Act of 1963 (29 U.S.C. § 206), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101), Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. § 705), the Civil Rights Act of 1991 (Pub. L. 102-166), the Genetic Information Nondiscrimination Act (GINA) of 2008 (42 U.S.C. § 2000ff), the ADA Amendments Act of 2008 (Public Law 110-325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111-2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and up to \$31,500,000 for payments to State Local and Tribal enforcement agencies for authorized services to the Commission, [\$404,490,000] \$464,650,000 of which \$60,160,000 shall remain available until September 30, 2024: Provided further, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,250 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

*Note. —A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Continuing Appropriations Act, 2022 (Division A of P.L. 117-43, as amended). The amounts included for 2022 reflect the annualized level provided by the continuing resolution.*

## B. Staffing and Funding Profile

Table 1 below depicts the EEOC's total agency staffing and funding profile by Strategic Objectives and Programs for FYs 2021 through 2023.

**Table 1: Total Agency Staffing and Funding Profile**

FY 2021 to FY 2023 (Dollars in thousands*)				
	FY 2021 (Actual)	FY 2022 (Annualized CR)	FY 2023 (Request)	Change From FY 2022
<b>Strategic Objective I: Combat and prevent employment discrimination through the strategic application of the EEOC's law enforcement authorities</b>				
1. Private Sector Enforcement	\$303,284	\$307,217	\$361,160	\$53,943
State, Local and Tribal	\$31,500	\$31,500	\$31,500	\$0
2. Federal Sector Enforcement	\$63,706	\$59,773	\$65,990	\$6,217
<b>Total Strategic Objective I</b>	<b>\$398,490</b>	<b>\$398,490</b>	<b>\$458,650</b>	<b>\$60,160</b>
<b>Strategic Objective II: Prevent employment discrimination and promote inclusive workplaces through education and outreach</b>				
Outreach (Non-Fee based)	\$6,000	\$6,000	\$6,000	\$0
<b>Total Strategic Objective II</b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>\$0</b>
<b>Agency Total</b> (includes Strategic Objective III Resources listed below)	<b>\$404,490</b>	<b>\$404,490</b>	<b>\$464,650</b>	<b>\$60,160</b>
<b>Total Full-Time Equivalents**</b>	<b>1,927</b>	<b>2,070</b>	<b>2,145</b>	<b>75</b>
<b>Management Objective: Achieve organizational excellence</b>				
<b>Highlighted Resource Areas:</b> [Information Technology]	<b>\$25,305</b>	<b>\$20,380</b>	<b>\$25,773</b>	<b>\$5,393</b>

\*May not add due to rounding.

\*\*Includes 14 FTE Reimbursable from Revolving Fund.

### C. Analysis of Change

The Analysis of Change, Table 2, below indicates the material changes to the EEOC's appropriation request for FY 2022 to FY 2023.

**Table 2: Analysis of Change**

<b>FY 2023</b> (Dollars in thousands)			
	<b>FY 2022 (Annualized CR)</b>	<b>FY 2023 (Request)</b>	<b>Net Change (+/-)</b>
<b>Spending Authority</b> <i>(Includes State, Local and Tribal)</i>	<b>\$404,490</b>	<b>\$464,650</b>	<b>\$60,160</b>
<b>Explanation of Changes:</b>			<b>Amount</b>
Compensation and Benefits	294,171	334,839	40,668
<b>Total Compensation and Benefits*</b>	294,171	334,839	40,668
<b>Subtotal Compensation Changes</b>			<b>\$40,668</b>
<b>Program Support Changes</b>			
1. State, Local and Tribal Programs	31,500	31,500	(0)
2. Information Technology Enterprise Systems	20,380	25,773	5,393
3. Chief Human Capital Officer (OCHCO)	3,696	6,985	3,289
4. Additional program increases		10,810	10,810
<b>Program Support Changes</b>			
<b>Total Net Change</b>			<b>\$60,160</b>

\* FY 2023 Compensation and Benefits (C&B) reflects agency estimates as of February 2022. The estimate includes a 4.6 percent pay increase - \$7.572; employee performance awards – \$6.338M.

#### D. Object Class – Agency Summary

Table 3 - below shows the changes in the EEOC's object class funding over three fiscal years.

**Table 3: Object Class Schedule – Agency Summary**

<b>Agency Summary Requirements by Object Class FY 2021 to FY 2023 (Dollars in thousands*)</b>			
<b>OBLIGATIONS BY OBJECT CLASS</b>	<b>FY 2021 (Actual)</b>	<b>FY 2022 (Annualized CR)</b>	<b>FY 2023 (Request)</b>
<b>Personnel Compensation</b>			
11.1 Full-time permanent (FTP)	\$198,750	\$201,661	\$230,536
11.3 Other than FTP	1,246	2,200	2,200
11.5 Other personnel compensation	6,586	5,000	5,000
<b>Total Personnel Compensation</b>	<b>206,582</b>	<b>208,861</b>	<b>237,736</b>
12.1 Civilian personnel benefits	73,177	85,310	97,103
<b>Total Compensation and Benefits</b>	<b>279,759</b>	<b>294,171</b>	<b>334,839</b>
21.1 Travel of persons	415	2,000	2,000
22.0 Transportation of things	38	25	25
23.1 Rental payment to GSA	32,225	33,424	34,202
23.2 Other rent/communications	4,515	4,500	4,500
24.0 Printing and reproduction	308	100	100
25.1 State, local and tribal contracts	31,500	31,500	31,500
25.2 Security services (including DHS)	3,979	3,589	3,769
25.2 Other services from non-federal sources	39,521	22,281	40,815
25.2 Litigation support	1,251	3,500	3,500
25.3 Other goods & services from federal sources	5,320	5,200	5,200
26.0 Supplies and materials	3,928	3,000	3,000
31.0 Equipment	1,731	1,200	1,200
<b>Total Other Object Classes</b>	<b>124,731</b>	<b>110,319</b>	<b>129,811</b>
<b>Agency Total</b>	<b>\$404,490</b>	<b>\$404,490</b>	<b>\$464,650</b>

\*May not add due to rounding

**E. Object Class Summary- Technology Modernization Fund (TMF)**

**Table 4: Object Class Schedule – Technology Modernization Fund Summary**  
(No Year Funding)

<b>OBLIGATIONS BY OBJECT CLASS</b> <b>(Dollars in thousands*)</b>	<b>FY 2020</b> <b>(Transferred)</b>	<b>FY 2022</b> <b>(Pending)</b>
25.2 Other services from non-federal sources	2,000	2,000
<b>Total Object Classes</b>	<b>2,000</b>	<b>2,000</b>
<b>Technology Modernization Fund Total</b>	<b>\$2,000</b>	<b>\$2,000</b>

#### **IV. ENTERPRISE RISK MANAGEMENT PLAN**

During FY 2021, the EEOC continued to improve the agency's enterprise risk management (ERM) framework, which identifies, prioritizes, and manages institutional risk at all levels of the agency. In FY 2020, the ERM Handbook was updated to reflect the importance of supply chain risks in developing the agency's risk registers and profiles. The agency will continue to incorporate ERM into decision-making and focus on the integration of risk management and internal controls. As the EEOC's ERM program matures, the Handbook will continue to keep pace with industry standards. Anticipated updates include cybersecurity and information and physical security.

The agency's risk management approach supports our ability to identify, analyze, and appropriately respond to strategic risks across the full spectrum of the EEOC's activities. Through ERM, we:

- Provide a structured, disciplined, and consistent approach to assessing risk.
- Identify strategic risks that threaten the EEOC's achievement of its long-term objectives and goals and manage those risks at the enterprise level through an Enterprise Risk Steering Committee that is delineated in the ERSC Charter and the ERM Policy Handbook.
- Ensure that risks are managed in a manner that maximizes the value the EEOC provides to the nation consistent with defined risk appetite and risk tolerance levels.
- Align our strategy, processes, people, technology, and information to support agile risk management.
- Provide greater transparency into risk by improving our understanding of interactions and relationships between risks in support of improved risk-based decision making.
- Establish clear accountability and ownership of risk.

Risk management has become central to the EEOC's mission, vision, and culture. All employees are expected to adopt the principles of risk management developed through the ERM program as it is progressively expanded to all offices and program areas, and to apply the standards, tools, and techniques within their assigned responsibilities. With this commitment to ERM, the EEOC can ensure the widest application of equal employment practices throughout the nation in the most efficient and cost-effective manner. See Appendix C.

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## V. STRATEGIC PLAN AND PERFORMANCE MEASURES

### A. The Strategic Plan for Fiscal Years 2018 - 2022

#### 1. Introduction

*The U.S. Equal Employment Opportunity Commission Strategic Plan for Fiscal Years 2018-2022* (“Strategic Plan” or “Plan”) establishes a framework for achieving the EEOC’s mission to “Prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace,” so that the nation may realize the Commission’s vision of “Respectful and inclusive workplaces, with equal employment opportunity for all.”

Through enactment of the GPRA Modernization Act of 2010 (GPRAMA), Congress has directed executive departments, government corporations, and independent agencies to develop and post a Strategic Plan on their public websites every four fiscal years. The implementing guidance in Circular A-11 from the Office of Management and Budget (OMB) instructs agencies on the necessary elements required in an agency’s plan and the requirements to publish a new plan with the beginning of each new term of an administration. The Commission approved the EEOC’s Strategic Plan on February 12, 2018. It is located at [https://www.eeoc.gov/eeoc/plan/strategic\\_plan\\_18-22.cfm](https://www.eeoc.gov/eeoc/plan/strategic_plan_18-22.cfm).

To accomplish our mission and achieve the proposed vision, the EEOC is committed to pursuing the following strategic objectives and outcome goals:

**Strategic Objective I – Combat and prevent employment discrimination through the strategic application of the EEOC’s law enforcement authorities.** The corresponding outcome goals are: 1) Discriminatory employment practices are stopped and remedied, and victims of discrimination receive meaningful relief; and 2) Enforcement authorities are exercised fairly, efficiently, and based on the circumstances of each charge or complaint. The five performance measures and FY 2020 results for these measures are more fully described in Section VI.B., starting on Page 25.

**Strategic Objective II – Prevent employment discrimination and promote inclusive workplaces through education and outreach.** The corresponding outcome goals are: 1) Members of the public understand the employment discrimination laws and know their rights and responsibilities under these laws; and 2) Employers, unions, and employment agencies (covered entities) prevent discrimination, effectively address EEO issues, and support more inclusive workplaces. The three performance measures and FY 2021 results for these measures are more fully described in Section VII.B., starting on Page 54.

**Strategic Objective III (Management Objective) – Achieve Organizational Excellence.** The corresponding outcome goals are: 1) Staff exemplify a culture of excellence, respect and accountability; and 2) Resource allocations align with priorities to strengthen outreach, education, enforcement and service to the public. The four performance measures and FY 2021 results for these measures are more fully described in Section VIII.B., starting on Page 66.

The Plan presents clear and realistic strategies for achieving each outcome goal and identifies 12 performance measures with annual targets to track the EEOC's progress as it approaches FY 2023. The agency's strategic objectives, outcome goals, and related performance measures are depicted in the following Strategic Plan Diagram.

MISSION		VISION
Prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace.		Respectful and inclusive workplaces with equal employment opportunity for all.
<b>Strategic Objective I</b> Combat and prevent employment discrimination through the strategic application of the EEOC's law enforcement authorities.	<b>Strategic Objective II</b> Prevent employment discrimination and promote inclusive workplaces through education and outreach.	<b>Management Objective</b> Achieve organizational excellence.
<p><b>Outcome Goal I.A:</b> Discriminatory employment practices are stopped and remedied, and victims of discrimination receive meaningful relief.</p> <p>Strategy I.A.1: Rigorously and consistently implement the Strategic Enforcement Plan to focus resources on the EEOC's priorities and to integrate agency responsibilities and activities.</p> <p>Strategy I.A.2: Use administrative and litigation mechanisms to identify and attack discriminatory policies and practices, including systemic practices.</p> <p>Strategy I.A.3: Use the EEOC's decisions and oversight activities to target discriminatory policies and practices in federal agencies.</p> <p>Strategy I.A.4: Seek remedies to end discriminatory practices and deter future discrimination.</p> <p>Strategy I.A.5: Seek remedies that provide meaningful relief to individual victims of discrimination.</p> <p><b>Outcome Goal I.B:</b> Enforcement authorities are exercised fairly, efficiently, and based on the circumstances of each charge or complaint.</p>	<p><b>Outcome Goal II.A:</b> Members of the public understand the employment discrimination laws and know their rights and responsibilities under these laws.</p> <p>Strategy II.A.1: Broaden the use of technology to expand our reach to diverse populations.</p> <p>Strategy II.A.2: Target outreach to vulnerable workers and underserved communities.</p> <p><b>Outcome Goal II.B:</b> Employers, unions, and employment agencies (covered entities) prevent discrimination, effectively address EEO issues, and support more inclusive workplaces.</p> <p>Strategy II.B.1: Utilize modern technology and media to expand our reach to employers and other covered entities.</p> <p>Strategy II.B.2: Promote promising practices that employers can adopt to prevent discrimination in the workplace.</p> <p>Strategy II.B.3: Target outreach to small and new employers.</p>	<p><b>Outcome Goal III.A:</b> Staff exemplify a culture of excellence, respect, and accountability.</p> <p>Strategy III.A.1: Recruit, develop, and retain skilled and committed employees.</p> <p>Strategy III.A.2: Advance performance management to maximize organizational improvement.</p> <p>Strategy III.A.3: Advance diversity and inclusion in the workplace.</p> <p>Strategy III.A.4: Develop and support innovation and collaboration to foster employee engagement and morale.</p> <p>Strategy III.A.5: Continuously implement quality practices in all programs.</p> <p>Strategy III.A.6: Foster constructive employee and labor management relations.</p>

<b>MISSION</b>		<b>VISION</b>
Prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace.		Respectful and inclusive workplaces with equal employment opportunity for all.
<b>Strategic Objective I</b> Combat and prevent employment discrimination through the strategic application of the EEOC's law enforcement authorities.	<b>Strategic Objective II</b> Prevent employment discrimination and promote inclusive workplaces through education and outreach.	<b>Management Objective</b> Achieve organizational excellence.
<p>Strategy I.B.1: Rigorously and consistently implement the Strategic Enforcement Plan to focus resources on the EEOC's priorities and to integrate agency responsibilities and activities.</p> <p>Strategy I.B.2: Rigorously and consistently implement the charge management systems for private sector and state and local government charges.</p> <p>Strategy I.B.3: Further develop and rigorously and consistently implement a case management system for federal sector hearings and appeals.</p>	<p>Correlated Strategies: Strategy II.A.3/II.B.4: Provide up-to-date, accessible guidance and training on the requirements of employment discrimination laws.</p> <p>Strategy II.A.4/II.B.5: Increase the knowledge of targeted audiences through focused, innovative collaborations with internal and external stakeholders.</p>	<p>Strategy III.A.7: Strive to model the workplace practices the EEOC promotes.</p> <p><b>Outcome Goal III.B:</b> Resource allocations align with priorities to strengthen outreach, education, enforcement, and service to the public.</p> <p>Strategy III.B.1: Embrace and invest in technology to transform the way the EEOC serves the public and to improve productivity.</p> <p>Strategy III.B.2: Expand the use of data and technology to support, evaluate, and improve the agency's programs and processes.</p> <p>Strategy III.B.3: Prioritize and actively manage available fiscal resources to best achieve the agency's mission.</p>

PERFORMANCE MEASURES		
<b>STRATEGIC OBJECTIVE I:</b> Combat and prevent employment discrimination through the strategic application of the EEOC's law enforcement authorities.	<b>STRATEGIC OBJECTIVE II:</b> Prevent employment discrimination and promote inclusive workplaces through education and outreach.	<b>MANAGEMENT OBJECTIVE:</b> Achieve organizational excellence.
<p><b>Performance Measure 1 for Outcome Goal I.A.:</b> By FY 2022, a significant proportion of the EEOC and FEPA's resolutions contain targeted, equitable relief.</p> <p><b>Sub-Measure 1a.:</b> By FY 2022, 86-88 percent of the EEOC's resolutions contain targeted, equitable relief.</p> <p><b>Sub-Measure 1b.:</b> By FY 2022, 17-19 percent of FEPA's resolutions contain targeted, equitable relief.</p> <p><b>Performance Measure 2 for Outcome Goal I.A.:</b> In each year through 2022, the EEOC continues to favorably resolve at least 90 percent of enforcement lawsuits.</p> <p><b>Performance Measure 3 for Outcome Goal I.A.:</b> Each year through 2022, the EEOC reports on its efforts to identify and resolve systemic discrimination.</p> <p><b>Performance Measure 4 for Outcome Goal I.A.:</b> By FY 2022, an increased percentage of federal agencies subject to oversight activities or compliance reviews change their employment practices based on the EEOC's recommendations.</p>	<p><b>Performance Measure 6 for Outcome Goal II.A. and II.B.:</b> By FY 2022, the EEOC modernizes and expands utilization of technology to ensure the public has greater access to information about their rights and responsibilities.</p> <p><b>Performance Measure 7 for Outcome Goal II.A. and II.B.:</b> By FY 2022, the EEOC leverages collaborations with significant partner organizations to assist in breaking employment barriers.</p> <p><b>Performance Measure 8 for Outcome Goal II.A.:</b> By FY 2022, the EEOC updates existing guidance and training materials, and creates new, user-friendly resource tools to address and prevent workplace discrimination.</p>	<p><b>Performance Measure 9 for Outcome Goal III.A:</b> The EEOC's performance improves with respect to employee engagement and inclusiveness.</p> <p><b>Performance Measure 10 for Outcome Goal III.A:</b> Feedback surveys and other mechanisms provide baseline measures of services provided to those with whom the EEOC interacts.</p> <p><b>Performance Measure 11 for Outcome Goal III.B:</b> Monitor yearly progress on modernization of charge/case management systems for program offices until completed in 2022.</p> <p><b>Performance Measure 12 for Outcome Goal III.B:</b> The EEOC's budgetary resources for FY 2018-2022 align with the Strategic Plan.</p>

PERFORMANCE MEASURES		
<b>STRATEGIC OBJECTIVE I:</b> Combat and prevent employment discrimination through the strategic application of the EEOC's law enforcement authorities.	<b>STRATEGIC OBJECTIVE II:</b> Prevent employment discrimination and promote inclusive workplaces through education and outreach.	<b>MANAGEMENT OBJECTIVE:</b> Achieve organizational excellence.
<b>Performance Measure 5 for Outcome Goal I.B.:</b> By FY 2022, a significant proportion of investigations, conciliations, hearings, and appeals meet established quality criteria.  <b>Sub-Measure 1a.:</b> By FY 2022, 88 percent of charge investigations and conciliations meet criteria established in the Quality Enforcement Practices Plan.  <b>Sub-Measure 1b.:</b> By FY 2022, 90 percent of federal sector hearings and appeals meet criteria established in the Federal Sector Quality Practices Plan.		

## **VI. STRATEGIC OBJECTIVE I – Combat and prevent employment discrimination through the strategic application of the EEOC’s enforcement authorities**

### **A. Introduction**

Strategic Objective I, to combat and prevent employment discrimination through the strategic application of the EEOC’s law enforcement authorities, reflects the EEOC’s primary mission of preventing unlawful employment discrimination through: 1) the administrative (investigation and conciliation) and litigation enforcement mechanisms with which Congress has entrusted the agency in regard to private employers, labor organizations, employment agencies, and state and local government employers; and 2) the adjudicatory and oversight mechanisms with which Congress has entrusted the agency in regard to federal employers.

There are two outcome goals for Strategic Objective I:

**Outcome Goal I.A:** Discriminatory employment practices are stopped and remedied, including through meaningful relief to victims of discrimination; and

**Outcome Goal I.B:** Enforcement authorities are exercised fairly, efficiently, and based on the circumstances of each charge or complaint.

The EEOC currently conducts its enforcement activities under the guidance of the Strategic Enforcement Plan (SEP) for FYs 2017-2021. The SEP for FYs 2017 through 2021 was approved by vote of the Commission in December 2016. The previous SEP for FYs 2013 through 2016, issued in December 2012, was the successor to the 1996 National Enforcement Plan (NEP). Both SEPs established substantive area priorities and set forth strategies to integrate all components of the EEOC's private, public, and federal sector enforcement to have a sustainable impact in advancing equal opportunity and freedom from discrimination in the workplace.

The current SEP focuses efforts on activities likely to advance equal opportunity and freedom from discrimination in the workplace. The SEP recognizes that to be an effective national law enforcement agency, the Commission must focus on activities that have strategic impact. Strategic impact is defined as a significant effect on the development of the law or on promoting compliance across a large organization, community, or industry. The significance of an issue and the potential outcome determine strategic impact, in addition to the number of individuals affected.

It also recognizes that an individual charge or case can have strategic impact. Effective strategic enforcement includes a balance of individual and systemic cases, and of national and local issues, acknowledging that each may have strategic impact in varied ways.

In addition, the SEP clarifies how the SEP priorities will be integrated into the EEOC’s charge management system, the Priority Charge Handling Procedures (PCHP), created in 1995. Finally, it also reaffirms the importance of strengthening the integration of staff efforts across programs and offices and ensuring accountability to operate as "One EEOC."



These efforts are essential to ensure that the agency's resources are leveraged most effectively.

Performance Measures 1 through 5 were developed by the Commission, including their corresponding sub-measures, to track the agency's progress in achieving its outcome goals. Performance Sub-Measure 1b also tracks the performance of the EEOC's state and local partners.

Table 5, shown below, outlines our budget information for the agency's enforcement programs under Strategic Objective I.


**Table 5: Budget request Summary for  
Strategic Application of Law Enforcement Authorities**

FY 2021 to FY 2023 (Dollars in thousands*)			
	FY 2021 (Actual)	FY 2022 (Annualized CR)	FY 2023 (Request)
<b>Private Sector Enforcement</b>	<b>\$303,284</b>	<b>\$307,217</b>	<b>\$361,160</b>
Administrative Charge Resolution	206,061	208,733	245,384
Mediation	23,570	23,876	28,068
Litigation	73,653	74,608	87,708
State, Local and Tribal	31,500	31,500	31,500
<b>Federal Sector Enforcement</b>	<b>\$63,706</b>	<b>\$59,773</b>	<b>\$65,990</b>
Hearings	34,885	32,731	36,134
Appeals	20,326	19,071	21,055
Mediation	1,215	1,140	1,259
Oversight	7,281	6,831	7,542
<b>Total</b>	<b>\$398,490</b>	<b>\$398,490</b>	<b>\$458,650</b>

\*May not add due to rounding.


## B. Performance Measures and Results

**Performance Measure 1 for Outcome Goal I.A.:** By FY 2022, a significant proportion of the EEOC and Fair Employment Practices Agencies (FEPA) resolutions contain targeted, equitable relief (TER).

<b>Sub-Measure 1a: By FY 2022, 86-88 percent of the EEOC's resolutions contain targeted, equitable relief.</b>			
	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
Targets	84-86 percent	85-87 percent	86-88 percent
Results	92.4 percent	93.6 percent	
			<b>Target Exceeded</b>

An important activity undertaken by both the EEOC and state and local FEPAs is negotiating resolutions of charges after an investigation has determined that there is reasonable cause to believe that unlawful employment discrimination has occurred. Because every investigation is dependent on the facts of the case, it is neither appropriate nor feasible to set a target for the number of reasonable cause determinations the agency makes. However, it is appropriate to set a goal for the type of relief that should be sought in resolutions of cases once reasonable cause has been found.


The FY 2021 target for Performance Sub-Measure 1a was for at least 85-87 percent of the EEOC's resolutions to contain targeted, equitable relief. Targeted, equitable relief means any non-monetary and non-generic relief (other than the posting of notices in the workplace about the case and its resolution), which explicitly addresses the discriminatory employment practices at issue in the case, and which provides remedies to the aggrieved individuals or prevents similar violations in the future. Such relief may include customized training for supervisors and employees, development of policies and practices to deter future discrimination, and external monitoring of employer actions, as appropriate. By the end of the fiscal year, the agency had far exceeded the targeted range; reporting 781 administrative resolutions and legal resolutions with TER out of a total of 834 resolutions, or 93.6 percent.

<b>Sub-Measure 1b: By FY 2022, 17-19 percent of FEPA resolutions contain targeted, equitable relief.</b>			
	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
Targets	16-18 percent	16.5-18.5 percent	17-19 percent
Results	20.7 percent	20.9 percent	
			<b>Target Exceeded</b>

The FY 2021 target for Performance Sub-Measure 1b was for at least 16.5-18.5 percent of Fair Employment Practices Agencies (FEPA) resolutions contain targeted, equitable relief.


By the end of the fiscal year, the FEPAs had exceeded the targeted range, reporting 1,064 FEPA merit resolutions with TER out of 5,085 merit resolutions, or 20.9 percent.

Both Sub-Measures 1a and 1b under Performance Measure 1 were designed to encourage the EEOC and the FEPAs to seek relief that goes beyond monetary damages for individual victims of discrimination. Performance Measure 1b measures all FEPA resolutions, which acknowledges the differences in their administrative procedures. Unlike the EEOC, not all FEPAs engage in conciliation. This measure ensures that the protection of equitable relief that the FEPAs obtained is captured.

<b>Performance Measure 2: By FY 2022, the EEOC favorably resolves at least 90 percent of the agency's enforcement lawsuits.</b>			
	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
Targets	90 percent	90 percent	90 percent
Results	95.8 percent	95.7 percent	
			<b>Target Exceeded</b>


Performance Measure 2 places a premium on maintaining the high level of successful resolutions in our litigation program. Successful resolutions include cases decided by favorable court order and those concluded through a consent decree or a settlement agreement in litigation. Achieving success for this measure ensures that we continue to exercise our prosecutorial discretion responsibly, while allowing us to take on challenging issues and litigate complex cases, including cases of systemic discrimination. As stated in the SEP for FYs 2017-2021, effective strategic enforcement includes a balance of individual and systemic cases, and those involving national and local priority issues, recognizing that each may have strategic impact in varied ways. This measure is significant because cases that involve priority issues under the SEP are often challenging and resource intensive, especially in cases involving emerging or developing issues and systemic cases.

The FY 2021 target for Performance Measure 2 was for 90 percent of the agency's enforcement lawsuits to be favorably resolved. At the end of the fiscal year, the agency had exceeded the target; with 132 out of 138, or 95.7 percent of its enforcement lawsuits resolved favorably.

<b>Performance Measure 3: Each year through 2022, the EEOC reports on its efforts to identify and resolve systemic discrimination.</b>			
	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
Targets	Report issued.	Report issued.	Report issued.
Results	The report was issued on October 23, 2020.	The report was issued on October 19, 2021.	
			<b>Target Met</b>

Performance Measure 3 focuses on the use and reporting of data to ensure the EEOC has a coordinated, strategic, and effective approach to systemic enforcement. To track the agency's progress in identifying and resolving systemic discrimination, the FY 2021 target for this performance measure requires the EEOC to maintain data and release a report annually detailing the agency's efforts to identify and resolve systemic discrimination.

The EEOC has posted specific information concerning its systemic program for [fiscal years 2019](#), 2020 and 2021 [on its website](#). It includes information on the number of ongoing systemic investigations, the number of systemic resolutions, the systemic conciliation rate, and monetary relief recovered. In addition, preliminary information about systemic activity was collected, tabulated, and reported to the Commission in Strategic Enforcement Plan briefings throughout the fiscal year.

<b>Performance Measure 4: By FY 2022, an increased percentage of federal agencies subject to oversight activities or compliance reviews change their employment practices based on the EEOC's recommendations.</b>			
	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
Targets	60 percent of federal agencies have compliant reasonable accommodation procedures.  60 percent of federal agencies have a compliant anti-harassment policy.  60 percent of recommendations made in agency program evaluations completed in FY 2018 are substantially implemented	75 percent of federal agencies have compliant reasonable accommodation procedures.  65 percent of federal agencies have a compliant anti-harassment policy.  65 percent of recommendations made in agency program evaluations completed in FY 2019 are substantially implemented.	90 percent of federal agencies have compliant reasonable accommodation procedures.  75 percent of federal agencies have a compliant anti-harassment policy.  70 percent of recommendations made in agency program evaluations completed in FY 2020 are substantially implemented.
Results	61.3 percent federal agencies have compliant reasonable accommodation procedures.  62.6 percent of federal agencies have a compliant anti-harassment policy.  76.5 percent of recommendations made in agency program evaluations completed in FY 2018 were substantially implemented as of September 30, 2020.	79.4 percent of federal agencies have compliant reasonable accommodation procedures.  68.7 percent of federal agencies have a compliant anti-harassment policy.  Two program evaluations were conducted in FY 2019 but were not completed by the end of the fiscal year.	
			<b>Target Partially Met*</b>

\* Target(s) Partially Met: A rating assigned to target results where: 1) at least half of the activities targeted for completion were completed; or 2) we were unable to assess the results because full year data was not yet available.


Performance Measure 4 recognizes that because the federal government is the largest employer in the United States, reducing unlawful employment discrimination in the federal sector is an integral part of combatting employment discrimination. Moreover, as the largest employer in the United States, the federal government has significant 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 jobseekers.

The FY 2021 targets for Performance Measure 4 were designed to capture the percentage of reasonable accommodations procedures, anti-harassment procedures, and program evaluation recommendations from EEOC that were implemented by agencies during the fiscal year.

By the end of the fiscal year, 135 out of 170 agencies, or 79.4 percent of federal agencies receiving feedback from the EEOC had compliant reasonable accommodation procedures. Also, as of September 30, 2021, 68.7 percent, or 134 out of 195 federal agencies that received EEOC feedback had compliant anti-harassment policies. During the fiscal year, to ensure that 65 percent of federal agencies substantially implemented agency


recommendations in program evaluation reports, the EEOC had to review compliance and record successful completion of targets based on prior recommendations. Despite initiating two program evaluations in FY 2019, due to the scope of the evaluations involving large Departments, the EEOC did not complete the evaluations until FY 2020. Consequently, there were no recommendations to implement in FY 2021, as the recommendation and implementation cycle spans a two-year period.

**Performance Measure 5 for Outcome Goal I.B.:** By FY 2022, a significant proportion of investigations, conciliations, hearings, and appeals meet established quality criteria.

<b>Performance Measure 5 Sub-Measure 1a: By FY 2022, 88 percent of charge investigations and conciliations meet criteria established in the Quality Enforcement Practices (QEP) Plan.</b>			
	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
Targets	86 percent	87 percent	88 percent
Results	87.5 percent	90.9 percent	
			<b>Target Exceeded</b>

Performance Measure 5 builds on the EEOC’s previous Strategic Plan with a metric focused on quality in both the private and federal sector programs. For the private sector, the Commission approved a plan for Quality Enforcement Practices for Effective Investigations and Conciliations (QEP) in September 2015. The QEP promotes the rigorous implementation of quality investigations and conciliations with progress goals established for each year of the Plan. In FY 2016, the EEOC applied the criteria established under the QEP to a sample of investigations and conciliations to establish benchmarks for offices to use in FY 2017. In FY 2018, the benchmarks were used to project future targets.

The FY 2021 target for Performance Sub-Measure 1a was for 87 percent of EEOC’s charge investigations and conciliations to meet criteria established in the QEP. Due to agency-wide telework related to COVID-19, the agency conducted 20 technical assistance visits virtually, reviewing 1 percent of the agency’s closed file inventory for quality criteria. A total of 710 closed charge files were reviewed, including 332 conciliations. Overall, the agency exceeded its FY 2021 target of 87 percent of investigations meeting established standards, with 90.9 percent of charge files reviewed meeting the criteria established in the QEP; an increase of 3.9 percent from FY 2020. In the review of conciliation resolutions, 97.2 percent of the criteria in closed conciliations met established quality standards, which is an increase of 4.6 percent from FY 2020.

<b>Performance Measure 5 Sub-Measure 1b: By FY 2022, 90 percent of federal sector hearings and appeals meet criteria in the Federal Sector Quality Practices Plan.</b>			
	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
Targets	87 percent	88.5 percent	90 percent
Results	87.6 percent*	91.8 percent	
			<b>Target Exceeded</b>

For the federal sector, Performance Sub-Measure 1b builds on the Federal Sector Quality Practices (FSQP) approved by the Commission on January 10, 2017, which includes quality components for hearings and appeals. In FY 2018, the agency established a baseline and projected future targets for federal sector hearings and appeals to meet criteria established in the FSQP. The agency implemented a checklist for assessing quality practices and applied it to a sampling of draft decisions to create a baseline from which to set FSQP quality improvement goals in the outlying years. The baseline established was 80 percent of the files to meet the quality standards.

The FY 2021 target for this measure was for the EEOC to increase the percentage of federal sector hearings and appeals that meet criteria established in the FSQP to 88.5 percent. After identifying the metrics to evaluate the quality of decisions and selected cases in FY 2021, the EEOC reviewed approximately 10 percent of closed hearings files and 3.1 percent of appeals, which resulted in 88.8 percent of federal sector hearings cases reviewed and 94.8 percent of federal appeals reviewed meeting the quality standards. The combined overall results were 91.8 percent, exceeding the annual target.



## C. Program Areas

### 1. Private Sector Enforcement

#### Management of the Charge Workload to Enforce the Nation's Federal Workplace Anti-Discrimination Laws

The public's demand for the EEOC's services to resolve charges of discrimination continues to challenge the agency, even as we invest in staff and systems to strengthen our enforcement, deliver excellent service to the public, and promote compliance with federal civil rights laws. Because of the high demand for the EEOC's services and in order to implement the agency's mission of eradicating employment discrimination more effectively, in 1995 the Commission adopted the use of Priority Charge Handling Procedures (PCHP). PCHP, as implemented, categorizes charges for priority handling based on the likelihood of an investigation resulting in a finding of reasonable cause to believe discrimination occurred. EEOC uses PCHP to make determinations regarding the amount of resources to commit to different investigations, emphasizing that the investigation for each case should be appropriate to the particular charge – taking into account EEOC's resources. The EEOC has periodically renewed its focus on implementation of PCHP and other strategies to achieve and maintain a balanced and sustainable inventory.

In FY 2021, the agency prioritized ensuring that it had sufficient staff to address its expanding workload. During FY 2021, the agency began rebuilding its staff, which in FY 2020, had reached its lowest level in four decades. The EEOC authorized hiring for more than 450 positions and ended the year with more than 2,100 employees. Notably, the majority of positions were filled by individuals who were new to the agency and predominately front-line staff (investigators, mediators, attorneys, and equal employment specialists, among other positions). As a result of this hiring effort, the EEOC was able to address critical service and morale issues by restoring staffing losses in key areas. These hires also better positioned the agency to provide quality services to the public and ensure timely and appropriate resolution of discrimination charges.

With a focus on increased staffing, the EEOC was able to realize significant program accomplishments. For example, in FY 2021, the pending inventory level was maintained in a range that provides a manageable workload, with 42,811 charges in the private sector, a slight increase over FY 2020 levels. Having additional staff to focus on inventory management enhances service to the public and allows staff additional time and resources to devote to developing and resolving meritorious charges of discrimination. As a result, the agency increased the overall merit factor rate in private sector charges from 17.4 percent in FY 2020 to 19.2 percent in FY 2021, secured over \$350.7 million in monetary relief for individuals during the administrative process, including the successful resolution of 41.1 percent of conciliations resulting in over \$39.7 million in monetary relief (a \$950,000 increase from FY 2020), and obtained targeted, equitable relief in 92.6 percent of all conciliation agreements.

In addition to significant hiring, we also continued to focus on additional approaches to utilize a multi-pronged effort to ensure that we are managing our inventory efficiently and providing quality service to charging parties and respondents, while focusing agency resources on charges where the government can have the greatest impact on workplace discrimination. We will continue to focus on innovative approaches and to invest in systems to better serve the public, and advance the agency's mission of preventing and remedying discrimination. The EEOC has devoted significant resources to transforming our paper system to a digital charge system with additional features to provide the parties with online capabilities to interact with agency staff, submit relevant documents, and review charge status. In early FY 2018, we fully migrated our Online Intake System to all of our field offices. This combined with continued efforts to automate charge processing in FY 2021, transition to a new charge tracking and reporting system, and commitments to incorporate PCHP throughout the charge lifecycle and effective staff training, ensures the EEOC is positioned for efficient quality workload management.

Training of staff in effective case management is critical to efficient resolution of charges and new investigator training also remains important for the newly hired investigators. The EEOC will continue to provide refresher training to investigators on PCHP. The agency trained 28 new investigators and 33 Investigative Support Assistants (ISAs) in FY 2021, as well as an additional 103 new investigators, 48 ISAs, and 30 Office Automation Assistants (OAAs) in the first quarter FY 2022. Another new investigator training is scheduled for second quarter FY 2022. Additionally, training will be provided during FY 2022 on new and emerging issues that all investigators will need to effectively handle, including matters related to COVID-19 (e.g., discrimination related to disability, religious accommodation, and discrimination and harassment against Asian-American and Pacific Islanders), increased awareness surrounding LGBTQI+ issues to ensure robust implementation of the Supreme Court's landmark decision in *Bostock v Clayton County*, and EEOC's alignment with Executive Order 13175 and our relationship with Native American Tribes and Tribal Employment Rights Offices (TEROs).

With regard to the agency's commitment to and focus on excellent public service, the EEOC has worked to bridge potential gaps in the intake process by creating a new position in 2018, the Senior Intake Support Assistant (SISA). Under the "One EEOC" framework, OFP's SISAs have assisted offices throughout the country with the most need, by providing timely intake services where otherwise it may not have been possible. SISAs provide administrative and technical support to field offices for the receipt of inquiries and conduct interviews for potential charges of discrimination under EEOC's laws. SISAs are responsible for conducting and documenting pre-charge interviews, conducting pre- and post-charge counseling, preparing charges of discrimination, and serving notices of charge filings to Respondents. Success of the SISA program over the past four years has been significant, as SISAs have been assigned to both large projects requiring extra intake support and small projects to accommodate temporary intake staffing challenges, and while taking on other tasks needing additional staff support. Growing out of the success of the SISA program, OFP created a new position in FY 2021, the National CRTIU Coordinator. This position was filled at the end of fiscal year 2021 and the incumbent manages,

analyzes, and oversees intake operations throughout the country, as well as supervises the SISAs.

By focusing on efficient and effective charge management including operating on a fully digital platform, putting the most resources into potentially meritorious charges, conducting training to develop both new and tenured employees, and enhancing public service, EEOC will be positioned to make the greatest impact on eradicating workplace discrimination in FY 2022 and beyond.

Chart 2 below shows actual pending inventory at fiscal year end from FY 2019 through FY 2021 and anticipated workload maintenance from FY 2022 through 2025.

**Chart 2: Private Sector Charges Pending – Ending Inventory**

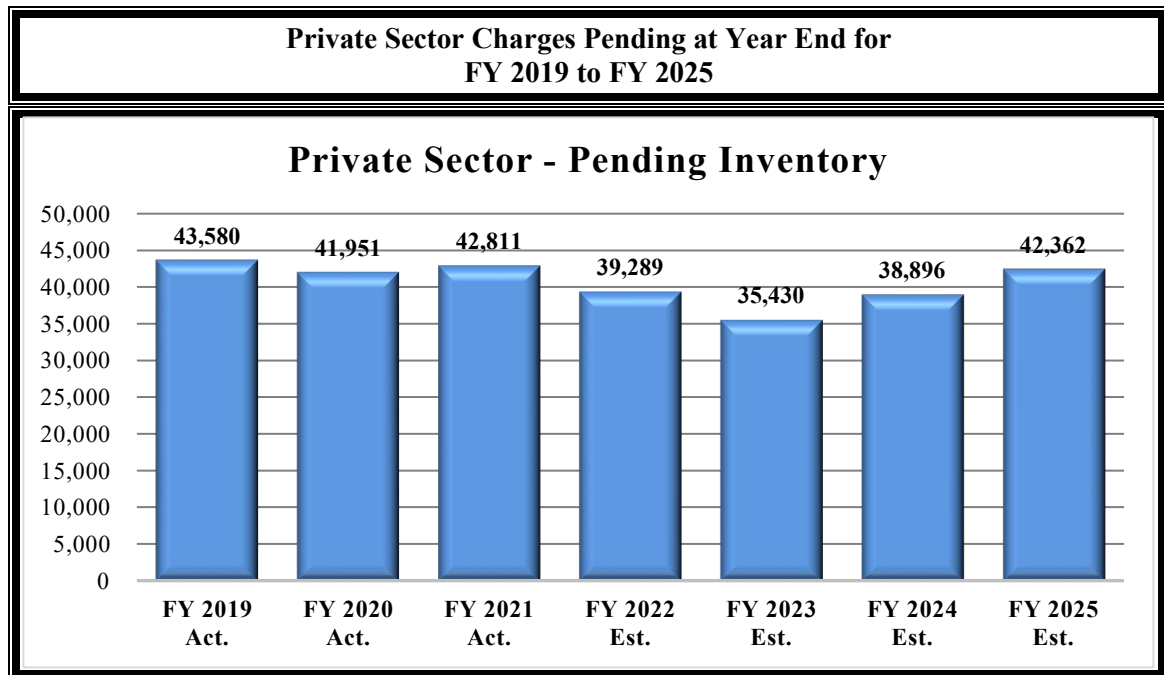
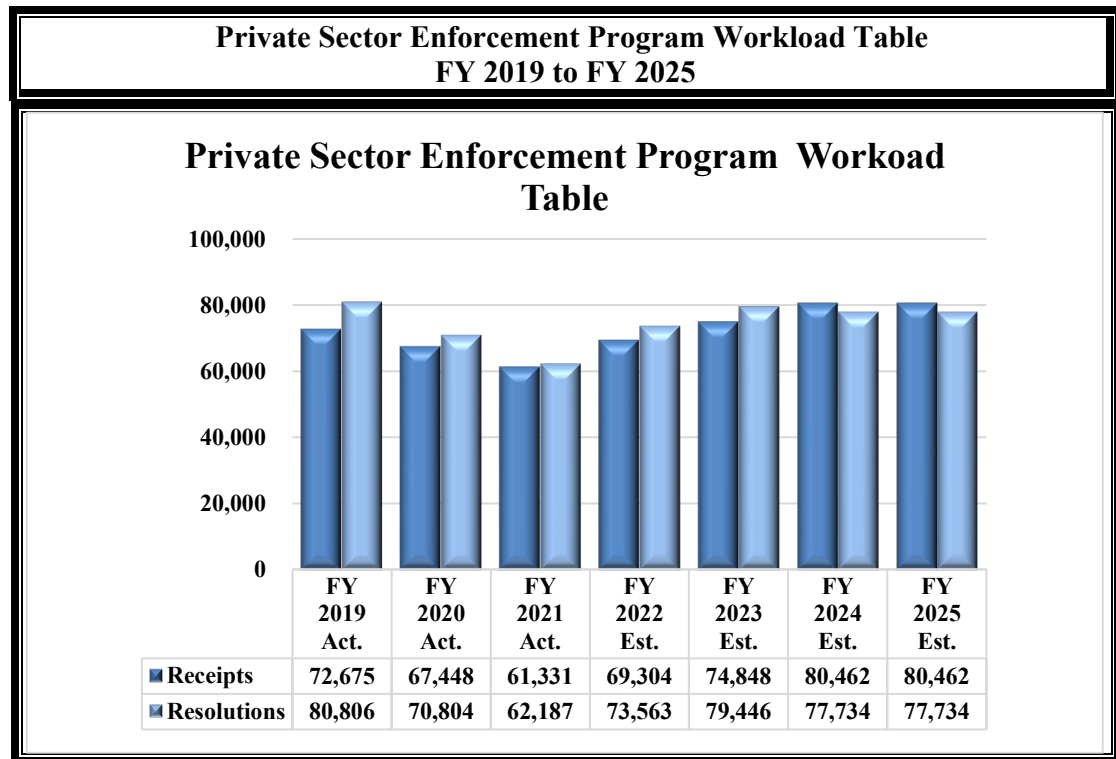


Chart 3 on the next page depicts the actual workload for private sector enforcement for FYs 2019 through 2021 and projected workload through FY 2025. Chart 3 illustrates the expected reversal in the decline in receipts the EEOC experienced from FY 2018 through FY 2021. We expect an increase in receipts to FY 2019 levels and higher due to the anticipated post-pandemic return to the workplace beginning in FY 2022. In the face of these conditions, the agency intends to direct efforts to manage the inventory levels by consistently using priority charge handling procedures (PCHP) as well as incorporating other strategies.

**Chart 3: Private Sector Enforcement Program Workload Table**



\*Pending beginning inventory adjusted to reflect charge activity spanning FYs.

Table 6 on the next page details private sector charges received by statute for FYs 2019, 2020 and 2021 and the projected charges through FY 2025, organized by statute.

**Table 6: Charges Filed by Statute**

<b>Charges Filed by Statute FY 2019 to FY 2025</b>							
	FY 2019 (Act.)	FY 2020 (Act.)	FY 2021 (Act.)	FY 2022 (Est.)	FY 2023 (Est.)	FY 2024 (Est.)	FY 2025 (Est.)
<b>Title VII Only</b>							
Charges filed	36,154	32,257	28,525	32,689	35,304	37,952	37,952
Charges resolved	40,926	34,280	29,471	34,263	37,004	39,779	39,779
<b>Title VII with Concurrents*</b>							
Charges filed	51,109	46,158	41,764	47,311	51,096	54,928	54,928
Charges resolved	57,285	49,206	42,683	49,396	53,348	57,349	57,349
<b>Age Discrimination in Employment Act Only</b>							
Charges filed	5,551	4,806	4,386	4,947	5,343	5,744	5,744
Charges resolved	6,009	5,340	4,351	5,202	5,618	6,039	6,039
<b>Age Discrimination in Employment Act w/Concurrents</b>							
Charges filed	15,573	14,183	12,965	14,612	15,781	16,964	16,964
Charges resolved	17,147	15,334	13,060	15,257	16,477	17,713	17,713
<b>Equal Pay Act Only</b>							
Charges filed	42	33	21	29	31	33	33
Charges resolved	53	34	26	32	35	37	37
<b>Equal Pay Act with Concurrents</b>							
Charges filed	1,117	980	885	1,004	1,084	1,165	1,165
Charges resolved	1,310	1,143	933	1,114	1,204	1,294	1,294
<b>Americans with Disabilities Act Only</b>							
Charges filed	13,860	13,932	13,030	14,520	15,681	16,857	16,857
Charges resolved	14,892	13,809	12,868	14,365	15,514	16,678	16,678
<b>Americans with Disabilities Act w/Concurrents</b>							
Charges filed	24,238	24,324	22,843	25,403	27,435	29,493	29,493
Charges resolved	26,270	24,546	22,783	25,483	27,522	29,586	29,586
<b>Genetic Information Nondiscrimination Act Only</b>							
Charges filed	14	9	19	15	17	18	18
Charges resolved	13	8	11	10	11	12	12
<b>Genetic Information Nondiscrimination Act w/Concurrents</b>							
Charges filed	209	440	242	363	392	421	421
Charges resolved	284	263	237	269	291	312	312
<b>Total*</b>							
Charges filed	72,675	67,448	61,331	69,304	74,848	80,462	80,462
Charges resolved	80,806	70,804	62,187	73,563	79,446	85,606	85,606

\*Totals do not reflect issues/bases filed under more than one statute.

### Mediation Program

A key component of the Commission's enforcement strategy is the continued emphasis on the use of alternate dispute resolution (ADR) as an effective tool to resolve charges of discrimination early when appropriate. We continue to pursue efforts to secure greater participation by employers, through the use of informational materials, and outreach events that highlight the benefits of mediation for employers.

The program continues to receive positive feedback from participants. Based on the responses to an annual survey of participants in our mediation program, charging parties (employees, job applicants, and retirees) and respondents continue to express their confidence in the level of service provided under this process. In FY 2019, 96.8 percent of all participants indicated that they would utilize the mediation process in a future charge filed with the EEOC. This is a direct measure of the public's confidence in our mediation program. Furthermore, successes in our mediation program have a positive impact on our pending charge inventory levels. In FY 2020, the survey was placed on hold due to remote mediations. Pursuant to a contract issued in FY 2021, independent researchers developed an updated electronic survey that mirrored the EEOC's adaptation to on-line video mediations from previously in-person sessions. The results from the revised survey instrument is scheduled to be available during the second quarter of FY 2022.

The mediation program continues to enhance the Commission's efforts to timely resolve discrimination charges. In FY 2021, the agency achieved 6,644 successful resolutions out of 9,365 charges that were mediated. During FY 2021, mediations were completed in an average of 89 days with over \$76.6 million in benefits secured. Federal sector mediations were also conducted in FY 2021 by staff mediators, with 639 sessions conducted. These mediated resolutions not only assisted the Commission in reducing the federal sector workload, it also permitted administrative judges to further concentrate their efforts on conducting hearings and rendering decisions in the federal complaint process. The Commission increased hiring activity for new mediators in FY 2021, adding 21 staff mediators to its internal neutral roster.

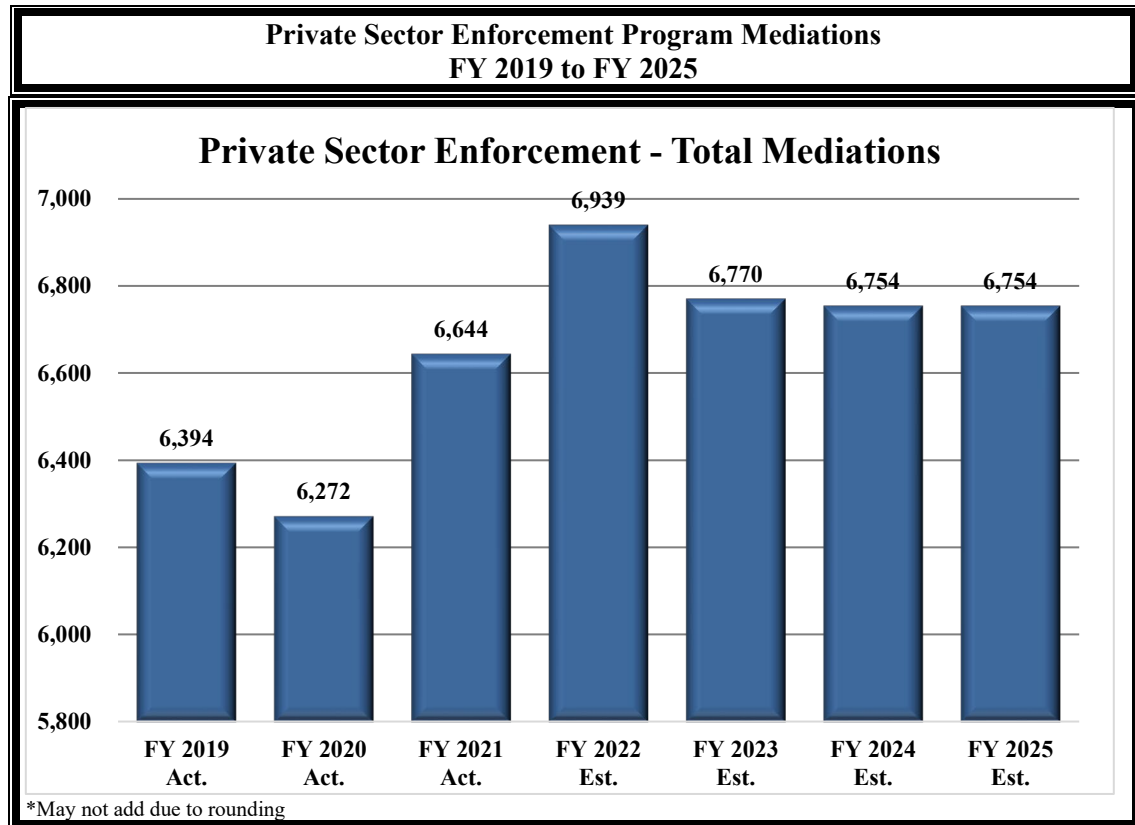
As an outgrowth of the shift to remote work as a result of the pandemic, additional resources were made available to expand the use of appropriate technological practices that allowed mediations to be conducted virtually, via secure internet platforms. Prior to the pandemic health crisis, mediation sessions were conducted face-to-face, with the mediator and parties physically present. However, consistent with safety guidelines implemented during the pandemic, the in-person preference for such sessions became untenable. Offices continue to employ Zoom for Government supplemented by Microsoft Team to convene and conduct pending mediation sessions by telephone, and by online platforms.

Outreach to employer representatives and other stakeholders highlights the value of ADR to resolve charges of discrimination filed with the Commission. The success of the mediation program encourages other employers to participate in our mediation program. To that end, the Respondent participation rate increased to 33.4 percent

from 31.7 percent in FY 2020, as mediation staff continued to provide information to smaller employers that, in the past, have declined to participate in the program.

Chart 4 below reflects the level of mediations projected for FYs 2022 through FY 2025. These will return to FY 2018 levels in successive years, due largely to the end of the mediation pilot program and additional hiring.

**Chart 4: Private Sector Enforcement Program Mediations**



#### State, Local and Tribal Programs

The FY 2021 appropriation increased funding for State, Local and Tribal Programs activities to \$31,500,000 compared to FY 2020's \$30,500,000. The FY 2023 request maintains the funding level set in FY 2021 to fund our relationship with the fair employment practices agencies (FEPAs) and tribal employment rights Offices (TEROs).

The FEPAs help the EEOC resolve charges of employment discrimination and prevent duplication of effort, resulting in a more efficient use of resources for both the EEOC and the FEPAs. They also participate in the development and presentation of outreach and education events, frequently joining with the EEOC field staff to provide training on Federal, state and local employment discrimination laws. Similarly, TEROs help the EEOC in addressing issues of employment discrimination on or near Indian reservations.



We have strengthened our relationship with TEROs and FEPAs and identified areas where we can achieve efficiencies for all parties. The primary focus continues to be on information sharing, training and enhanced communication between the EEOC and its TERO and FEPA partners.

Further, the Administration has made a key priority of requiring all federal agencies to abide by our nation-to-nation federal government trust relationship with Native American tribes. To this end, the EEOC in FY 2021, pursuant to Executive Order 13175, engaged for the first time in consultations with Tribal Leaders to develop an agency-wide process for conducting such consultations in the future. This engagement goes beyond previous agency efforts and is expected to enhance the EEOC's ability to reach people on tribal lands to ensure they know their rights under the laws enforced by the EEOC. This new EEOC endeavor involves outreach to all federally recognized tribes, well beyond the 62-64 TEROs with whom the agency has customarily contracted. This will likely increase the actual number of TEROs with whom the EEOC contracts in the future.

We have also continued to engage with our FEPA partners to implement the strategic goal that links the FEPAs' accomplishments to the EEOC's Strategic Plan. This includes mechanisms such as model work-sharing agreements to encourage FEPA support of Strategic Enforcement Plan (SEP) priorities. During FYs 2018 through 2020, we continued to provide training and guidance to the staff of our FEPA partners on a range of topics including charge processing and technical discussions. We continued this work in FY 2021 and FY 2022 as well. Furthermore, in FY 2022, the EEOC is looking to increase the number of joint activities conducted with FEPAs.

Throughout FYs 2017 and 2018, the EEOC worked to enhance our legacy Integrated Mission System (IMS) to provide electronic notifications and document exchange between the EEOC and FEPAs. Since the beginning of FY 2019, the EEOC and the FEPAs have been able to electronically exchange notifications of Charges of Discrimination (Form 5) that are dual-filed with the corresponding agency and have access to electronic copies of the Form 5 and Notice of Dual-Filing data (Form 212). Electronic document exchange is also being utilized to make the Substantial Weight Review process more efficient.

Modernization of the FEPA component of our legacy case management system was included in the EEOC's Technology Modernization Fund (TMF) proposal, which was approved in early FY 2020. With TMF resources and EEOC IT development and modernization funding, the FEPA component of the EEOC's new Agency Records Center (ARC) was launched to FEPA partners in January 2022. Dedicated technical resources have been acquired to support our FEPA partners on their usage of the modernized case management system.

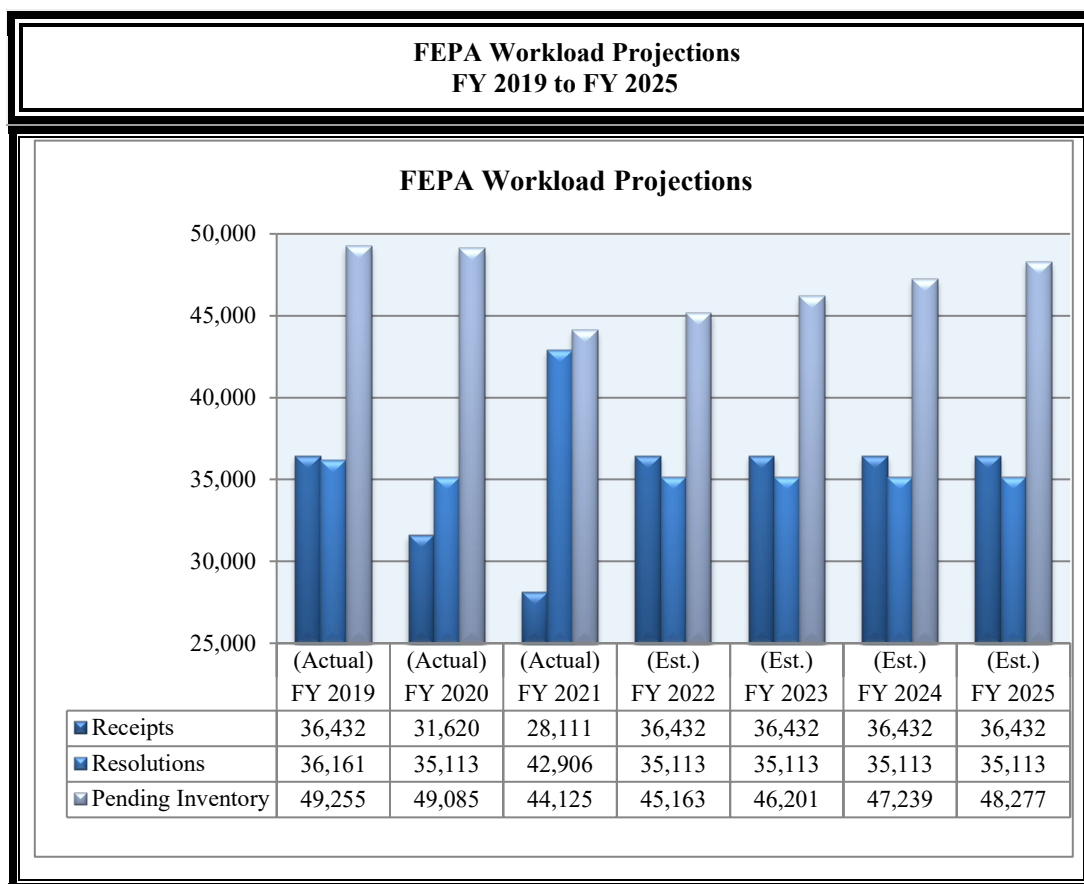
During FY 2021, State, Local and Tribal Programs received \$31.5 million as part of the agency's overall appropriation. In FY 2020 and FY 2021, the reimbursement rate amount remained steady at \$800 per contract charge resolution.



During FY 2021, the EEOC continued to gather and monitor targeted equitable relief data reported by FEPAs. For FY 2021, the proportion of FEPA-reported resolutions containing TER exceeded the FY 2021 target of 16.5 to 18.5 percent, with 20 percent achieved.

Chart 5 below shows the actual FEPA receipts, total resolutions and pending inventory for FYs 2019 - 2021, and projections for FYs 2022- 2025.

**Chart 5: FEPA Workload Projections**



### Systemic Program

Tackling systemic discrimination - where a discriminatory pattern or practice or policy has a broad impact - is an integral and critical part of the mission of the EEOC. Systemic discrimination creates barriers to opportunity that causes widespread harm to workers, workplaces, and our economy. Systemic investigations and lawsuits address significant legal issues that have a broad impact on an industry, profession, company or geographic area.

The EEOC has worked to remove discriminatory obstacles to equal opportunity and to institute promising practices in thousands of workplaces. As a direct result of the

EEOC's systemic investigations and lawsuits, several thousands of workers have received jobs, wages, and benefits and many more have benefited from positive changes in workplace practices. The EEOC's success rate for conciliation of systemic matters was 56 percent in FY 2021. In those cases that the EEOC was not able to resolve in the conciliation process, the EEOC achieved a 96percent success rate in the systemic lawsuits resolved in FY 2021.

In FY 2021, the EEOC field offices resolved over 378 systemic investigations and obtained over \$24 million in remedies during the administrative process. These resolutions included voluntary conciliation agreements in over 99 systemic investigations in which the Commission had found reasonable cause to believe that discrimination occurred. At the litigation phase, the EEOC resolved 26 systemic suits in FY 2021 for a total of \$22.7 million in remedies for 1,671 victims of discrimination.

To reinvigorate and expand the agency's systemic program, in FY 2023 additional lead systemic investigators will be hired across the country to augment the existing pool. These investigators are specially trained to identify and investigate systemic discrimination, obtain appropriate monetary relief for many aggrieved victims of discrimination, and non-monetary relief to effectively change workplaces and prevent future discrimination. The skills needed to perform these tasks are specialized and distinct from the skills needed to investigate an individual or small class case and more systemic lead investigators would contribute to improving the number and quality of our systemic investigations. New trial attorney hires will ensure that lead systemic investigators receive appropriate guidance and legal advice while investigating potential systemic violations. Additional labor economists and other expert witnesses will be hired to provide analytical support for systemic investigations, as well as consulting and testifying services for systemic litigation. Increased resources will be directed to key positions that will provide national systemic coordination.

In FY 2021, the EEOC revived the agency's systemic conference, which had been cancelled in FYs 2019 and 2020. This brought lead systemic investigators and systemic coordinators from around the country together with our staff of experts in the Office of Enterprise Data and Analytics (OEDA) and the Office of General Counsel's (OGC) Research and Analytical Services (RAS), and a select number of attorneys, for a virtual training conference and to discuss systemic issues. The EEOC plans to conduct one or two lead systemic investigator conferences annually, which will be especially important as the agency promotes investigators to lead positions or hire additional lead systemic investigators. These conferences have been invaluable in the past to conduct training, exchange ideas, and develop working relationships. The agency held a virtual systemic conference in FY 2021, but hybrid or in-person conferences in FY 2022 and FY 2023 will be even more valuable toward accomplishing this vital program.

### Litigation

Since 1972, the Commission's litigation program has served a vital role in fulfilling the agency's mandate to enforce the federal civil rights employment laws. The

Commission has long emphasized that the litigation program should focus on cases that have the potential to impact multiple workplaces or large groups of applicants or employees, emerging issues where the agency's expertise may be especially critical to achieving a successful outcome, and individual cases where broader law enforcement goals can be advanced with the successful resolution of the case. In addition, the litigation program focuses on population groups and geographic locations where private enforcement of anti-discrimination laws is lacking, and where individuals have minimal access to the legal system to protect their rights. In all of its litigation, the EEOC seeks to secure targeted equitable relief as well as monetary relief for all aggrieved individuals.

In FY 2021, the EEOC resolved 138 cases for approximately \$34 million in relief, achieving a favorable result in 96 percent of all litigation resolutions. Since FY 2019, the number of suit resolutions has far outpaced the number of new suit filings, resulting in a declining active docket in each of the last several fiscal years. The declining docket correlates with trial attorney staffing levels. In FY 2019, OGC had 132 trial attorneys and filed 144 suits, but in FY 2020 the number of trial attorneys dropped to 118 and suit filings dropped to 93. After trial attorney staffing levels returned to 131 in FY 2021, suits filings rose to 116 cases. The agency projects an increase in suit filings of at least 20 percent in FY 2022 (over FY 2021 levels) and, with this budget request, another measurable increase in suit filings in FY 2023.

The agency intends that the additional resources requested will permit us to focus more energy on filing suits addressing high priority issues, including suits to protect the rights of LGBTQI+ individuals and suits addressing the civil rights impact of the COVID-19 pandemic. In addition, the agency will continue to bring cases that involve discriminatory barriers to employment, systemic racism, patterns of sexual and other forms of harassment, protecting the rights of immigrants and other vulnerable populations, and discriminatory pay practices. Systemic suit filings have remained relatively steady in recent years, with 16 systemic suits filed in FY 2019, 13 systemic suits filed in FY 2020, and 13 systemic suits filed in FY 2021. The agency plans to file at least 20 systemic suits in FY 2022, and with the additional resources contemplated in this request, will increase systemic filings again in FY 2023, covering a range of issues, in all regions of the country.

To achieve these outcomes, the agency needs to rebuild its attorney and legal support ranks and to hire additional in-house expert staff, who will litigate these cases and provide legal support and guidance to investigators. In FY 2021, we started to rebuild by hiring two regional attorneys, a supervisory trial attorney, 30 trial attorneys, 2 appellate attorneys, 9 legal assistants, one regional attorney's secretary, and 5 paralegals, recouping some staffing losses. In FY 2022, the agency plans to hire additional attorneys, and to backfill any FY 2021 staff losses. Many new attorney hires will be concentrated in offices that have been historically understaffed, particularly in the southern region. In FY 2022, the agency also plans to hire additional paralegals to increase its capacity to handle cross-district and high impact litigation, several additional experts in the fields of labor economics and industrial psychology, and several headquarters managers, attorneys, and support staff, to assist in the development and support of litigation. With this proposed budget, in FY 2023,

the agency plans to hire at least 15 additional trial attorneys, 4 paralegals, and several in-house experts, along with automatic backfills. These hires will bring the litigation program above its FY 2018 staffing levels, ensure that each district is appropriately staffed, and well-equip the agency to rebuild and expand its docket and fulfill the Administration's priorities.

In addition to these proposed staffing increases, the agency expects increases in litigation expenses as its docket expands. Much of the agency's litigation requires depositions, expert witness contracts, and litigation support expenses. As the pandemic recedes, the agency expects some increase in travel expenses. The agency also plans to increase its investments in training and litigation technology, including new attorney and supervisory trial attorney training as well as new forensic software and technology training. These investments in infrastructure will better position the agency to advance its civil rights mission.

## **2. Federal Sector Programs**

### **Federal Sector Enforcement Activities**

In the federal sector, the EEOC enforces statutes that mandate all federal personnel decisions be made free of discrimination on the basis of race, color, religion, age, sex, national origin, reprisal, genetic information or disability. These statutes require that agencies establish programs of equal employment opportunity for all federal employees and job applicants. The EEOC has adjudicatory responsibilities in the federal EEO complaints process and oversight responsibilities for federal programs.

As a result of the 2012 revisions to Commission regulations at 29 C.F.R. § 1614.102(e), the SEP, and the Federal Sector Complement Plan, the Commission's Office of Federal Operations is working with agencies' EEO Programs to ensure they are compliant with all of the Commission's regulations, decisions, policies and directives.

The EEOC works to ensure that the federal government is the leader in creating an inclusive, barrier-free workplace that empowers employees to achieve superior results in service to our country. Concurrent with these efforts, agencies must position themselves to attract, develop and retain a highly qualified workforce that can deliver results to the American people. Equal opportunity in the federal workplace is key to accomplishing this goal; agencies must hire and promote talented and qualified employees without regard to race, color, religion, national origin, sex, age, disability or genetic information.

Title VII of the Civil Rights Act of 1964 and Section 501 of the Rehabilitation Act of 1973 provide the Commission with its mandate that all federal personnel decisions be made free of discrimination and require federal agencies to establish affirmative programs of equal employment opportunity (EEO) for all federal employees and job applicants (42 U.S.C. §2000e-16 and 29 U.S.C. §791). Under these laws, and through subsequent statutes and amendments, Congress gave the EEOC oversight responsibility over EEO programs in the federal government to ensure that equality of opportunity is provided to the nearly three million people across the country and

around the world who have dedicated their careers to public service. EEOC Management Directive 715 (MD-715) is the roadmap that guides agencies in identifying and removing barriers to equal employment opportunity so that the American people have a model federal work force that fully reflects the contributions, skills, and talents of all its employees.

Additionally, Congress mandated that the EEOC act as the enforcement authority for complaints of discrimination brought by applicants and employees in the federal sector. The Commission implements this authority through regulations that establish procedures for federal employees or job applicants to file complaints of employment discrimination. The agency charged with discrimination is responsible for informal counseling, and, if a complaint is filed and that complaint is accepted, the agency is also responsible for investigating the claims raised therein. At the conclusion of the investigation, or after 180 days following the filing of a complaint, the complainant may request a hearing before an EEOC Administrative Judge (AJ). Instead of requesting a hearing, the complainant may request that the agency issue a final decision on the matter. The agency's final decision, or final action after a hearing, may be appealed to the Commission.

#### *Federal Sector Improvements – Hearings*

The overarching goal of the EEOC's federal sector program is to enforce of the nation's laws prohibiting employment discrimination in the federal workplace. One way the Commission fulfills this mandate is through its vigorous federal sector hearings program. With 24 hearing units located throughout the United States, the program provides federal sector complainants with a full, fair, and impartial adjudication of their EEO complaints.

In FY 2021, the EEOC secured over \$89,663,953 million dollars in relief for parties who requested hearings. At the end of FY 2021, there were a total of 7,664 hearings requests received, which reflects a decrease of 6.2 percent over the number received in FY 2021 (8,167). Additionally, in FY 2021, the Commission's hearings program resolved a total of 9,082 complaints. Much of the progress in reducing inventories in FY 2018 through 2020 was due to the enhancements made to the hearings process. As our workload table on the next page projects, with the full productivity of our new hires in FY 2021 and FY 2022, as well as the continuing enhancements to the hearings process, the FY 2023 resolutions are anticipated to increase to 10,148, an 11.7 percent increase over the FY 2021 levels. We project, as shown in Table 7 on the next page, that with the focus on the processing enhancements implemented and additional staffing, the declines in the pending inventory levels will continue each year, so that by FY 2022, the inventory will stand at 9,386, and by FY 2023, it will be at 8,299. If this projection holds true, by FY 2023, the overall pending inventory will be reduced more than 18.8 percent. In addition to the focus on managing the pending inventory, the hearings program is targeting the resolution of older cases in the inventory and utilizing case management strategies to balance field inventories. As a result, during FY 2021, the aged inventory was reduced by 11.6 percent. Resolutions resulted in a 6.0 percent reduction of pending cases that were more than 300 days old. The reduction of pending and aged inventory will have a positive impact on the agency's

ability to more timely process the hearings complaints received and better serve participants in the hearings process.

**Table 7: Hearings Workload Projections**

<b>Hearings Workload Projections FY 2019 to FY 2025</b>							
<b>Workload</b>	<b>FY 2019* (Actual)</b>	<b>FY 2020* (Actual)</b>	<b>FY 2021* (Actual)</b>	<b>FY 2022 (Estimate)</b>	<b>FY 2023 (Estimate)</b>	<b>FY 2024 (Estimate)</b>	<b>FY 2025 (Estimate)</b>
Hearings Beginning	14,536	12,674	11,666	10,225	9,386	8,299	8,072
Receipts	9,177	8,167	7,664	9,100	9,100	9,300	9,300
Consolidations	(173)	(39)	(23)	(39)	(39)	(39)	(39)
<b>Total Workload</b>	<b>23,540</b>	<b>20,802</b>	<b>19,307</b>	<b>19,286</b>	<b>18,447</b>	<b>17,560</b>	<b>17,333</b>
Resolutions	10,608	9,897	9,082	9,900	10,148	9,488	9,488
Pending	12,933	10,905	10,225	9,386	8,299	8,072	7,845

\*Pending beginning inventory adjusted to reflect case activity spanning FYs.

These workload projections include the positive impact we anticipate with the full implementation of the federal Case Management System. In accordance with the Strategic Plan for FYs 2012-2016, the federal sector working group created a Case Management System to provide a mechanism for identifying and categorizing the federal sector hearings and appeals inventory and for tracking Commission priorities. The goal of the system is to expedite and tailor case processing commensurate with agency resources.

The key feature of the hearings Case Management Plan is the requirement that the EEOC's Administrative Judges (AJ) hold an initial conference at the start of the hearings process. The underlying principle is that early proactive intervention by the AJ, especially prior to the start of discovery by the parties, will lead to more efficient adjudication of cases and an overall reduction in the time and resources spent on a case. The results from the hearings Case Management System are positive. The pre-hearing conferences facilitate settlement and set the parties' expectations and provide an opportunity to discuss how much discovery is needed. Identified benefits include: 1) early education; 2) early mediation; 3) early identification of issues/partial dismissals/amendments; 4) fewer motions; and 5) greater time to dedicate to the more substantial and complicated cases, and to conduct research on novel issues. We will continue to evaluate and quantify the efficiencies gained through this Case Management System while also working to identify the most effective practices to increase efficiencies across the agency.

The agency continued its focus on expanding the use of technology to make the federal hearings and appeals process faster and more effective. For more than seven

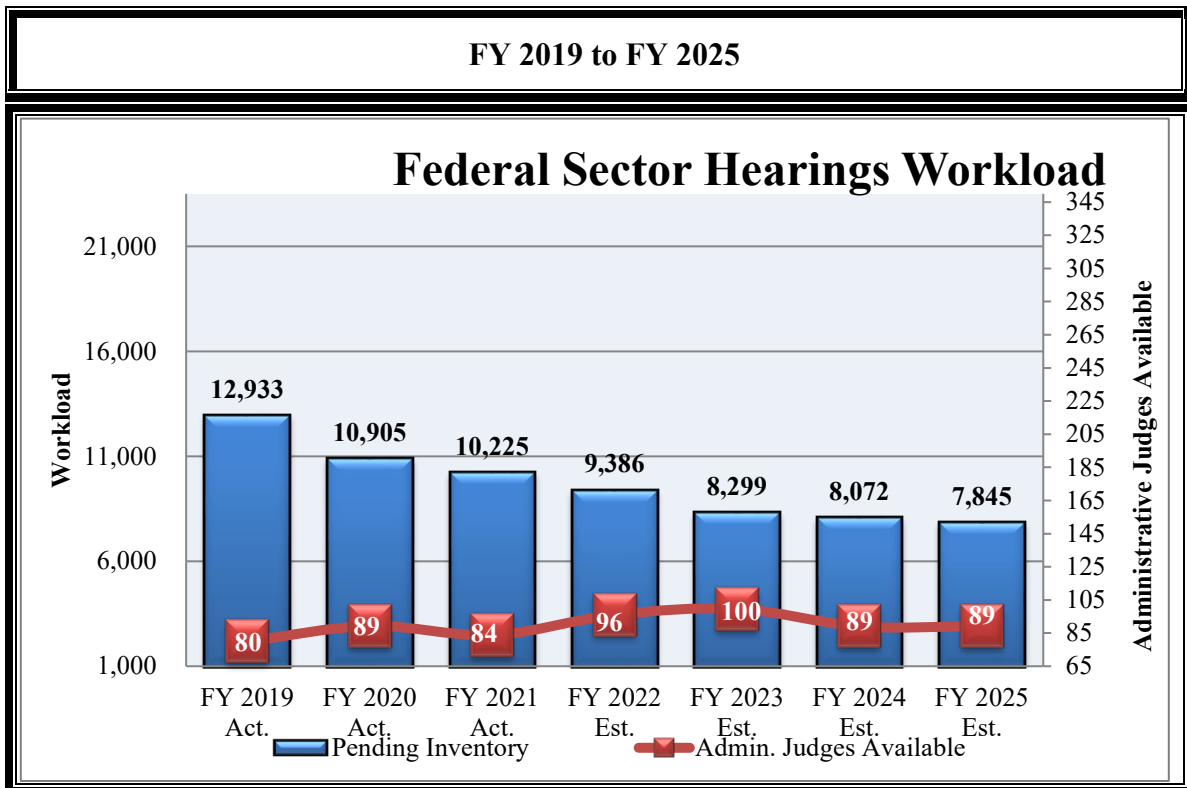


years, the EEOC has provided agencies with a digital method for submitting complaint-related documents. During FY 2015, this digital process was enhanced and integrated into our Federal Sector EEO Portal (FedSEP). Beginning in 2017, administrative judges have been able to upload their orders and decisions for access by the agencies in cases before them. Using the FedSEP portal, agencies can easily upload all documents for both hearings and appeals. This laid the groundwork for plans to expand FedSEP access in FY 2018 to complainants through the creation of the EEOC Public Portal. The EEOC Public Portal also provides complainants with the capability of accessing hearings cases, uploading and transmitting hearings-related documents, and receiving of hearings-related documents issued by the agency and the Administrative Judge. The system also allows complainants to request a hearing or appeal online; and to review the status of the hearing or appeal case. In addition to the gains in efficiency and cost savings, these technological innovations will make the hearings and appeals process more transparent for all parties and help reduce the agency's reliance on support staff to prepare and scan paper documents received by the parties.

Priorities for the federal sector hearings program launched in FY 2018 and continuing through FY 2022 included exploring additional tools to leverage technology in order to increase both the quality and efficiency of decisions issued by its AJs, thereby helping to manage the growing hearings inventory. Such investments will further improve service and increase efficiencies for federal employees and federal agencies utilizing the federal sector hearings process.

Chart 6 on the next page demonstrates the workload and number of administrative judges assigned to handle hearings complaints for FYs 2019 through 2021 and projections for FYs 2022 through 2025. The increase in resolutions in FYs 2021 and 2022 reflect the continued use of the new case management procedures highlighted above. In addition, resolutions will substantially increase as a result of the projected hiring in FY 2021 and FY 2022. The decline in inventory levels allows for more timely processing of both newly filed and older cases using the enhanced procedures. The ability to increase the resolution rate in FY 2022 and 2023 will be enhanced by the expanded use of case management techniques and greater efficiencies achieved with technology in the hearings process. We anticipate this prompting a decline in the pending inventory through FY 2025.

**Chart 6: Federal Sector Hearings Workload**



*Federal Sector Appeals Programs*

One vital function of EEOC is its comprehensive program designed to advance equity in federal government employment, including for people of color and others who have been historically underserved, marginalized and adversely affected by persistent inequality. With the goal of affirmatively advancing equity, civil rights and equal opportunity, the EEOC has the responsibility for serving as the neutral arbiter in the federal sector for appeals from agency decisions on equal employment opportunity (EEO) complaints, collective bargaining agreement grievances alleging discrimination against federal agencies, and reviewing decisions by the Merit Systems Protection Board containing allegations of discrimination in appealable actions under 29 C.F.R. Part 1614.

The appellate decisions issued by the Commission serve as a vehicle for the development and promulgation of the Commission's policy and legal interpretation on emerging and evolving civil rights law that impact not only the federal sector, but also workers and employers throughout the nation. Moreover, the decisions serve to educate federal sector complainants, agencies, and the public sector about the law; guide federal agencies in their efforts to become model workplaces; and vindicate the public interest in eradicating discrimination in federal employment.



Advancing equity requires a systematic approach to embedding fairness in decision-making processes. The Commission ensures that its federal appellate adjudicatory functions are fair and efficient, and that the decisions issued apply relevant law and precedent to the unique facts presented in each individual case. The EEOC's federal sector appellate attorneys exercise this adjudicatory responsibility while at the same time recognizing their responsibility to effectively manage the appellate inventory to ensure that decisions are issued as expeditiously as possible. The table below details EEOC's appellate adjudication results and projections.

**Table 8: Appeals Workload Projections**

<b>FY 2019 to FY 2025</b>							
<b>Workload</b>	<b>FY 2019 (Actual)</b>	<b>FY 2020 (Actual)</b>	<b>FY 2021 (Actual)</b>	<b>FY 2022 (Est.)</b>	<b>FY 2023 (Est.)</b>	<b>FY 2024 (Est.)</b>	<b>FY 2025 (Est.)</b>
Appeals Beginning	2,942	3,072	3,381	3,416	4,031	4,644	5,147
Receipts	4,224	4,617	4,207	4,418	4,528	4,418	4,418
<b>Total Workload</b>	<b>7,166</b>	<b>7,689</b>	<b>7,588</b>	<b>7,834</b>	<b>8,559</b>	<b>9,062</b>	<b>9,565</b>
Resolutions	4,094	4,308	4,172	3,803	3,915	3,915	3,915
Pending	3,072	3,381	3,416	4,031	4,644	5,147	5,650

In its effort to eliminate discrimination in the federal sector, the EEOC's appellate federal sector program issues appellate decisions; orders make whole relief to victims of discrimination; orders that responsible agency officials receive appropriate training; orders agencies to consider taking discipline against responsible agency employees; refers, as appropriate, appellate decisions to the Office of Special Counsel (OSC) for the consideration of discipline under OSC's prohibited personnel action authority; requires agencies to post notices to all employees of decisions finding discrimination at the relevant agency facility; and ensures agency compliance with such orders.

The EEOC continues to explore operational improvements that can be achieved as the result of revisions to work processes. Through collaboration, training, and educational outreach, the Commission's federal sector appellate adjudicatory body has partnered with federal agencies to speed record submissions by leveraging technology, perfecting defective records, and reducing wasted efforts spent on records not ripe for adjudication.

The EEOC has been successful in managing its appellate inventory through improvements in technology. The EEOC has recognized the efficiency and cost savings that can be achieved by creating a digital infrastructure for the exchange of

hearings and appeals related documentation. In FY 2015, the EEOC deployed the adjudicatory components of the Federal Sector EEO Portal (FedSEP). Using the FedSEP portal, agencies can upload documentation for hearings and appeals. The EEOC has continued to provide technical assistance to agencies and made numerous refinements to FedSEP based on federal agency stakeholder feedback.

More recently, the EEOC has expanded the efficiency of its digital infrastructure through its deployment of the federal sector components of the EEOC Public Portal. Complainants can now use these components of the EEOC Public Portal to request a hearing or appeal online and submit appeal and hearing related documentation. In addition to the gains in efficiency and cost savings, these technological innovations make the appellate process more transparent for all parties because the appellate record is available to the parties via their respective portals. Additionally, these efforts reduce the EEOC's reliance on appellate support staff to prepare and scan paper documentation received by the parties. The Commission has continued to disseminate information to federal agencies and the public on how to use the Portal, and its federal sector and information technology offices have continued to collaborate to improve the Portal experience.

In addition to leveraging technology to improve the processing of appeals, the EEOC is using its Case Management System to bring consistency and greater efficiencies to the processing of federal sector complaints through the early categorization of incoming hearings and appeals. The EEOC continues to identify all "broad impact" appellate cases, as well as those that implicate areas of focus identified by the Commission.

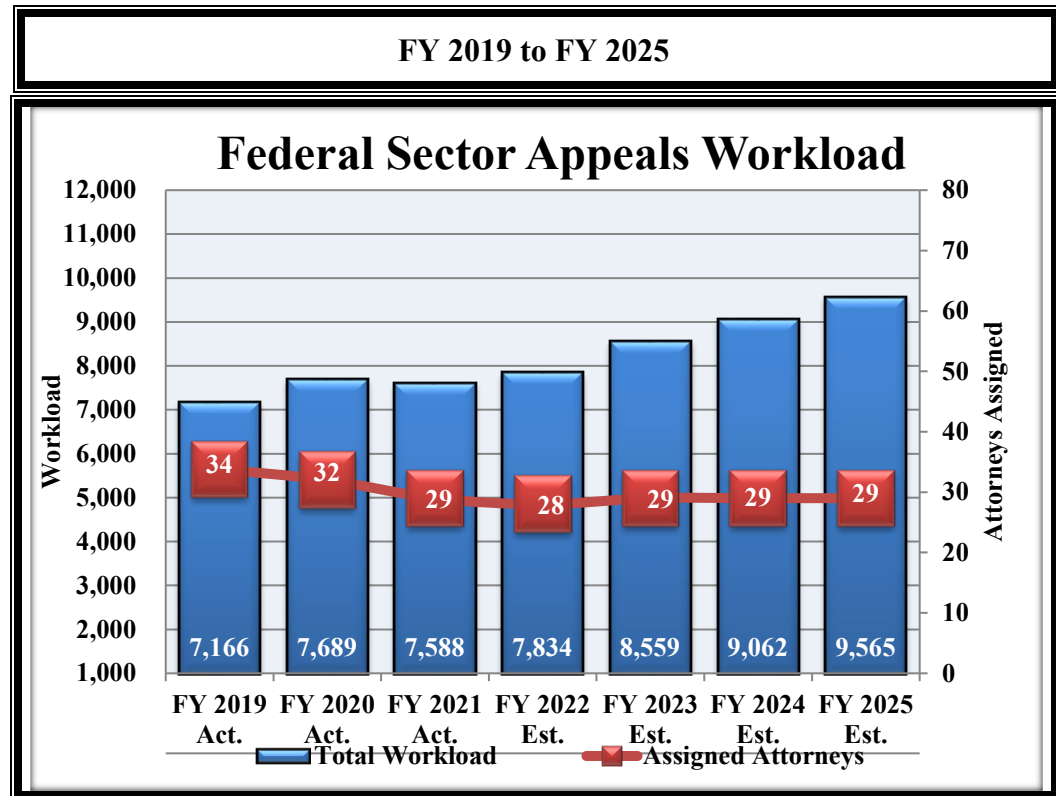
A critical component called for by the Case Management System was the development and implementation of a Federal Sector Quality Practices Plan that was approved by the Commission in early FY 2017. The practices identified are designed to deliver excellent and consistent service in the EEOC's adjudication of federal sector hearings and appeals and fulfill the Commission's oversight responsibilities for ensuring federal agencies' compliance with EEO laws.

While the implementation of the Case Management System has permitted the EEOC to identify priority cases, and new technology has created greater efficiency in processing appeals, the agency still needs to effectively manage its appellate inventory by employing targeted management techniques. As part of this effort, in recent fiscal years the Commission targeted for adjudication the oldest appeals in the inventory, while simultaneously resolving a significant percentage of new appeals within 180 days.

As a result of these efforts, at the end of FY 2021, the EEOC had issued 4,172 appellate decisions, and made 99 findings of discrimination. During this same period, the EEOC's appellate program secured \$10.9 million in monetary relief for victims of discrimination in the federal sector. In addition, the EEOC's federal appellate program issued 82 decisions that addressed one or more of the priority issues identified in the EEOC's Strategic Enforcement Plan (SEP).

Chart 7 below identifies the actual workload inventory and number of attorneys assigned to adjudicate appeals of EEO complaints for FYs 2019, 2020 and 2021, and projections for FYs 2022 through 2025.

**Chart 7: Federal Sector Appeals Workload**



The EEOC will continue to explore strategies to slow the rate of growth of its inventory by using sound case management principles and process improvement techniques without compromising quality. EEOC will control the appellate inventory by focusing on resolving its oldest cases; prioritizing cases with the broadest impact; and quickly addressing those appeals which seek to preserve access to the EEO process.

EEOC will continue its assessment and categorization process to identify impactful issues, Commission priority cases, and agencies in need of federal sector technical assistance, guidance and outreach, and program evaluations. Appeals will be assigned in a manner consistent with the Commission's strategic goals and public service. The office will issue decisions that place improperly dismissed complaints back into the EEO process while evidence is readily available and assure that inappropriate cases (for instance, those that fail to satisfy statutes of limitations or jurisdictional requirements) are quickly identified and resolved. Cases in this category represent about 40 percent of the incoming appeals. At the same time the office will systematically address its inventory control efforts by identifying methods to improve the quality of agency submissions.

The EEOC's federal sector appellate attorneys will continue their education and outreach efforts and share their expertise with other offices and agencies in proactive prevention of equal employment opportunity law violations and attaining model employer status through decisions designed to address pressing issues confronting federal agencies.

### *Oversight of Federal Agencies' EEO Programs*

The EEOC has oversight responsibility for ensuring that federal agencies maintain continuing affirmative programs to promote equal opportunity and to identify and eliminate any barriers to participation. The EEOC's Management Directive 715 (MD-715) serves as the roadmap and tool kit for agencies to achieve the overall goal of making the federal government a model EEO workplace. MD-715 requires agencies to assess their progress and programs on at least a yearly basis on: (1) agency leadership's demonstrated commitment to EEO; (2) integration of EEO into the agency's strategic mission; (3) management and program accountability; (4) proactive prevention of unlawful discrimination; (5) complaint processing efficiency; and (6) responsiveness and legal compliance with the EEOC's regulations and orders.

The EEOC works with agencies to promote model EEO program policies and practices that foster an inclusive work culture and prevent employment discrimination by using several oversight tools. These tools include technical assistance visits followed by written feedback, formal program evaluations, opportunities to pilot new complaint processing techniques designed to enhance efficiency, technology advances, improving compliance, researching and producing analytical reports on topics of interest to the federal EEO community, and providing fee-based and no-cost training and outreach to the federal community.

The EEOC sets new oversight goals each fiscal year that are tailored to achieve improvements, address emerging issues and promote the government's goal of becoming a model EEO employer. This fiscal year, we also worked on the drafting and execution of Presidential Executive Order 14035, Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce. This Order complements our work under MD-715 and enhances key partnerships with the White House, the Office of Management and Budget, and the Office of Personnel Management.

For FY 2021, the EEOC established several technical assistance goals. The first is to ensure that 65 percent of agencies have compliant reasonable accommodation procedures by the end of FY 2021. To meet this goal, our staff has discussed the status of the procedures with agencies during technical assistance meetings and provided written feedback to agencies, upon request. As of a result of these efforts, at the end of FY 2021, 79.4 percent of federal agencies that have received EEOC feedback have compliant reasonable accommodation procedures. The EEOC also established a goal to ensure that 65 percent of agencies have a compliant anti-harassment policy by the end of FY 2021. At the end of FY 2021, the EEOC met this goal, determining that 68.7 percent of federal agencies that have received FSP feedback now have compliant anti-harassment policies. In FY 2021, the EEOC

established a goal to conduct 65 technical assistance visits with agencies and issue a feedback letter within 180 days of each visit. As of September 30, 2021, our staff conducted 75 technical assistance visits with agencies and timely issued 92 percent of feedback letters to federal agencies. In FYs 2022 and 2023, the EEOC will continue with technical assistance efforts with a focus on reasonable accommodations for employees with disabilities and prevention of workplace harassment.

The EEOC continues to conduct research, which it presents to agencies to assist them in maintaining continuing affirmative programs to promote equal opportunity and to identify and eliminate any barriers to full and fair workplace participation. As of September 30, 2021, the EEOC completed research on Understanding Sex, Sexual Orientation, and Gender Identity Terminology and Measurement. The EEOC also continued a study on the status of persons with disabilities in the federal workforce, research on nonreporting of harassment in the federal sector, work on an examination of special rates and pay plans used within federal agencies to conduct meaningful grade level analysis, and research on the use and effectiveness of Alternative Dispute Resolution (ADR) within federal agencies.

During FY 2021, the EEOC continued to advance technology to improve communication within the federal community and to enhance the EEOC's analytical capabilities. For example, the EEOC updated the Form 462 (complaint processing statistical report) and MD-715 dashboards improving the reliability and retrievability of the EEOC's data. The Commission's continued development of this system gradually will incorporate its legacy data into the platform (Form 462 and MD-715 data from 2006 to 2012) and other sources of data, including complaint data for hearings and appeals, the Federal Employee Viewpoint Survey, the Census data, and responses to correspondence. In FYs 2022 and 2023, the EEOC will continue to work with the large federal payroll providers, Interior Business Center, National Finance Center and Defense Civilian Personnel Advisory Service to facilitate digital upload of federal agency workforce data into the EEOC's FedSEP portal. This effort will eliminate hundreds of staff hours necessary for each federal agency to submit statutorily required reports to EEOC.

To provide ongoing legal updates to the entire EEO community, the EEOC published on its public website four issues of the EEO Digest in FY 2021. This publication is a summary of important EEO cases and generally contains an article on a topic of interest for federal sector EEO programs. In FYs 2022 and 2023, the EEOC will continue to issue the Digest with focused articles that support current efforts in the federal sector EEO community.

Concurrent with these oversight responsibilities in the federal sector, the Commission continues its education efforts to assist all stakeholders by: (1) creating and conducting fee-based training through the Revolving Fund; (2) creating and conducting customized EEO training for EEO professionals, managers, employees and other stakeholders; (3) forming strategic partnerships, and (4) participating in free outreach activities, including conferences, summits, meetings and other events where the Commission's presence would add value.

During the current fiscal year, the EEOC has strengthened and expanded the impact of its federal training and outreach activities by leveraging the use of the internet and other technological approaches in an increasingly broad and progressive manner. The EEOC has transitioned 100 percent of its federal sector training course catalog of paid courses from traditional in-person only offerings to completely virtual, allowing it to seamlessly meet the needs of stakeholders during a period in which in-person training would not have been possible due to the global pandemic. The transition to a 100 percent virtual course platform also has allowed the EEOC to increase the number of participants per course at less cost than providing the same in an in-person format (no costs incurred for the rental of event space, course material printing costs eliminated, and no costs incurred for trainer travel expenses). For FY 2022 and 2023, the Commission has secured additional online platforms that will allow broader reach and increase the quality of our online courses. The new platforms will allow for on-demand recording of training which allows the Commission to share information widely.

The EEOC further made significant strides in broadening the Commission's reach by way of no-cost outreach initiatives such as webinars, online information sessions, and social media. The EEOC has realized an increase in participation in webinars and online information sessions during FY 2021. The EEOC also has shown a marked increase in engagement across each of its social media platforms. In addition to broadening its reach to stakeholders across the popular social media platforms during this fiscal year, the EEOC utilizes a podcast, "EEOC Micro-Learning Moments", across global platforms Apple iTunes, Google Podcast, and Spotify. As evidenced by these efforts, the EEOC exceeded its goal of increasing participation and engagement by 20 percent in FY 2021. In FY 2022 and 2023, the Commission will continue to leverage technology to expand no-cost outreach to a broader audience. During FY 2021, the EEOC has secured agreements with many large stakeholder groups in order to offer future no-cost outreach to their stakeholders using the Commission's online platforms.



## **VII. STRATEGIC OBJECTIVE II - Prevent employment discrimination and promote inclusive workplaces through education and outreach**

### **A. Introduction**

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. Strategic Objective II, to prevent employment discrimination and promote inclusive workplaces through education and outreach, reflects the EEOC's obligation to deter employment discrimination before it occurs. Investigations, conciliations, and litigation are only some of the means that the EEOC uses to fulfill its mission and vision. Educational and outreach programs, projects, and events are also cost-effective law enforcement tools because they promote understanding of EEOC's laws and voluntary compliance. All parties benefit when the workplace is free of discrimination and everyone has access to equal employment opportunity.

There are two outcome goals for Strategic Objective II:

**Outcome Goal II.A:** Members of the public understand the employment discrimination laws and know their rights and responsibilities under these laws; and


**Outcome Goal II.B:** Employers, unions, and employment agencies (covered entities) prevent discrimination, effectively address EEO issues, and support more inclusive workplaces.

The EEOC targets its education and outreach program to individuals who historically have been victims of employment discrimination. The Commission also provides outreach and education to particularly vulnerable communities that may be unfamiliar with our laws, such as those who are new to the workforce or low-skilled workers and new immigrants. Moreover, it is important for the agency to provide technical assistance to underserved segments of the employer community, including small and new businesses. Given their size and limited resources, such businesses 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.

The EEOC often cooperates with other departments and agencies in the performance of educational and outreach activities. The state and local FEPAs are important partners in this regard, as are the Department of Labor's Office of Federal Contract Compliance Programs and the Department of Justice's Civil Rights Division.

Moreover, the EEOC regularly reviews the agency's sub-regulatory documents and updates or augments these materials with plain language, as needed, on a priority basis each year. This reinforces the EEOC's continued focus on providing clear and easy to understand materials for the diverse array of audiences that the agency serves. Performance Measures 6 through 8 were developed by the Commission to track the agency's progress in achieving these outcomes.

## B. Performance Measures and Results

<b>Performance Measure 6: By FY 2022, the EEOC modernizes and expands utilization of technology to ensure that members of the public have greater access to information about their rights and responsibilities.</b>			
	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
1 target(s)	Implement user experience surveys. Identify and increase access to information in at least two additional priority areas.	Report on user experience surveys. Identify and increase access to information in at least two additional priority areas.	Report on user experience surveys. Identify and increase access to information in at least two additional priority areas.
Results	<p>The EEOC began implementation of surveys to measure the quality of the public's experience with, and the usefulness of, EEOC's digital services.</p> <p>The EEOC also worked to increase access to information, including migrating the EEOC website to a modern content management system and implementing social media campaigns about the EEOC's mediation program and for vulnerable populations.</p>	<p>The EEOC finalized work toward implementing a survey tool for the website – utilizing the GSA-sponsored tool – to establish a baseline on the number of user responses.</p> <p>The EEOC increased access to information by implementing social media public education campaigns regarding retaliation, gender-based pay disparities, and gender discrimination based on sexual orientation and gender identity.</p>	
			<b>Target Partially Met*</b>


\* Target(s) Partially Met: A rating assigned to target results where: 1) at least half of the activities targeted for completion were completed; or 2) we were unable to assess the results because full year data was not yet available.

Performance Measure 6 focuses on strengthening and expanding the impact of the EEOC's education and outreach activities by expanding use of technology. The implementation of a technology plan created in FY 2018 will better facilitate the dedication of resources to the most critical needs. The EEOC also focuses its technological advances on priority areas and specific communities to increase public access to information about rights and responsibilities under the laws the EEOC enforces. The FY 2021 target for Performance Measure 6 was for the EEOC to report on the user experience surveys as directed and increase access to information in at least two additional priority areas.

In FY 2021, the agency continued to build upon the effort to employ customer experience surveys on the website, most notably by implementing the plan that was developed in FY 2020. The EEOC selected the General Services Administration's (GSA) Touchpoints tool, designed the survey – including choosing the appropriate pages on the website to place the survey – and submitted a request for Paperwork Reduction Act (PRA) approval to the Office of Management and Budget (OMB) in August 2021. While the package was not cleared by OMB in time for posting of the survey questions in FY 2021, it was approved early in FY 2022.




Additionally, the agency conducted three new social media campaigns during the fiscal year: 1) Increasing awareness of workplace retaliation through an interactive campaign on Facebook; 2) Increasing awareness of gender-based pay disparities through a coordinated effort on Twitter; and 3) Increasing awareness of workplace protections against sexual orientation and gender identity discrimination, including an [explainer video](#). The explainer video was the first time the EEOC has used this method to communicate with the public.

<b>Performance Measure 7: By FY 2022, the EEOC leverages collaborations with significant partner organizations to assist in reducing and eliminating employment barriers.</b>			
	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
Targets	Conduct program evaluation to assess impact of these partnerships on employment in targeted communities. Reset baseline if needed.	Maintain the FY 2019 baseline measure of 70 partnership events held.	Maintain or increase baseline measures by a TBD amount.
Results	Self-assessment efforts and program evaluation steps have been completed and data from virtual events held during this period due to the pandemic are under review to determine if any adjustments to the baseline are needed.	The agency maintained the number of significant partners nationwide and increased the number to 131 joint partnership events with employer and employee groups.	
			<b>Target Exceeded</b>

The EEOC is in a unique position to serve as a conduit to promote effective partnerships and to strengthen relationships among diverse groups with common goals. As a result, the agency believes it can facilitate effective interactions that can lead to reducing or eliminating employment barriers. For example, connecting an employer association with an advocacy group seeking to eliminate recruitment and hiring barriers may help to prevent discrimination and create job opportunities for qualified job seekers. Performance Measure 7 leverages the agency's long-term significant partnerships with advocacy groups (particularly those that represent vulnerable or underserved workers) and associations or organizations that represent employers to achieve sustained benefits for the communities the EEOC serves.

The FY 2021 target for Performance measure 7 was to maintain the FY 2019 baseline measure of 70 joint partnership events held. The agency maintained the number of significant partners and increased the number of joint events with employer and advocacy groups to 131 events – a significant increase over the FY 2019 achievement. All district offices maintained the number of significant partners and contributed to the overall results. A program reassessment launched in FY 2020 was completed in FY 2021 to determine the baseline measure for FY 2022.

<b>Performance Measure 8: By FY 2022, the EEOC updates existing guidance and training materials, and creates new, user-friendly resource tools to address and prevent workplace discrimination.</b>			
	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
Targets	Produce or update at least two additional resource or guidance documents on priority list. Reconfirm or reorder priorities	Produce or update at least two resource or guidance documents on the updated priority list.	Produce or update at least two additional resource or guidance documents on updated priority list.
Results	The agency reordered its priorities and produced or updated at least two additional resource or guidance documents.	The agency produced and/or updated more than two resource or guidance documents that had been prioritized, including two new sub regulatory documents, two new formal opinion letters, and updates to five existing sub regulatory documents	
			<b>Target Met</b>

Performance Measure 8 ensures that the EEOC’s sub-regulatory guidance documents and resource materials are reviewed and that, where necessary, they are updated and use plain language. 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 them. While the regulations issued by the Commission set the basic legal framework for the implementation of those laws, sub-regulatory materials, including the EEOC’s Compliance Manual, provide more tangible assistance to those with rights and responsibilities under such laws. These materials may or may not require a vote of the Commission and may include a range of guidance material, best practices, question and answer documents (Q and A’s), and fact sheets.

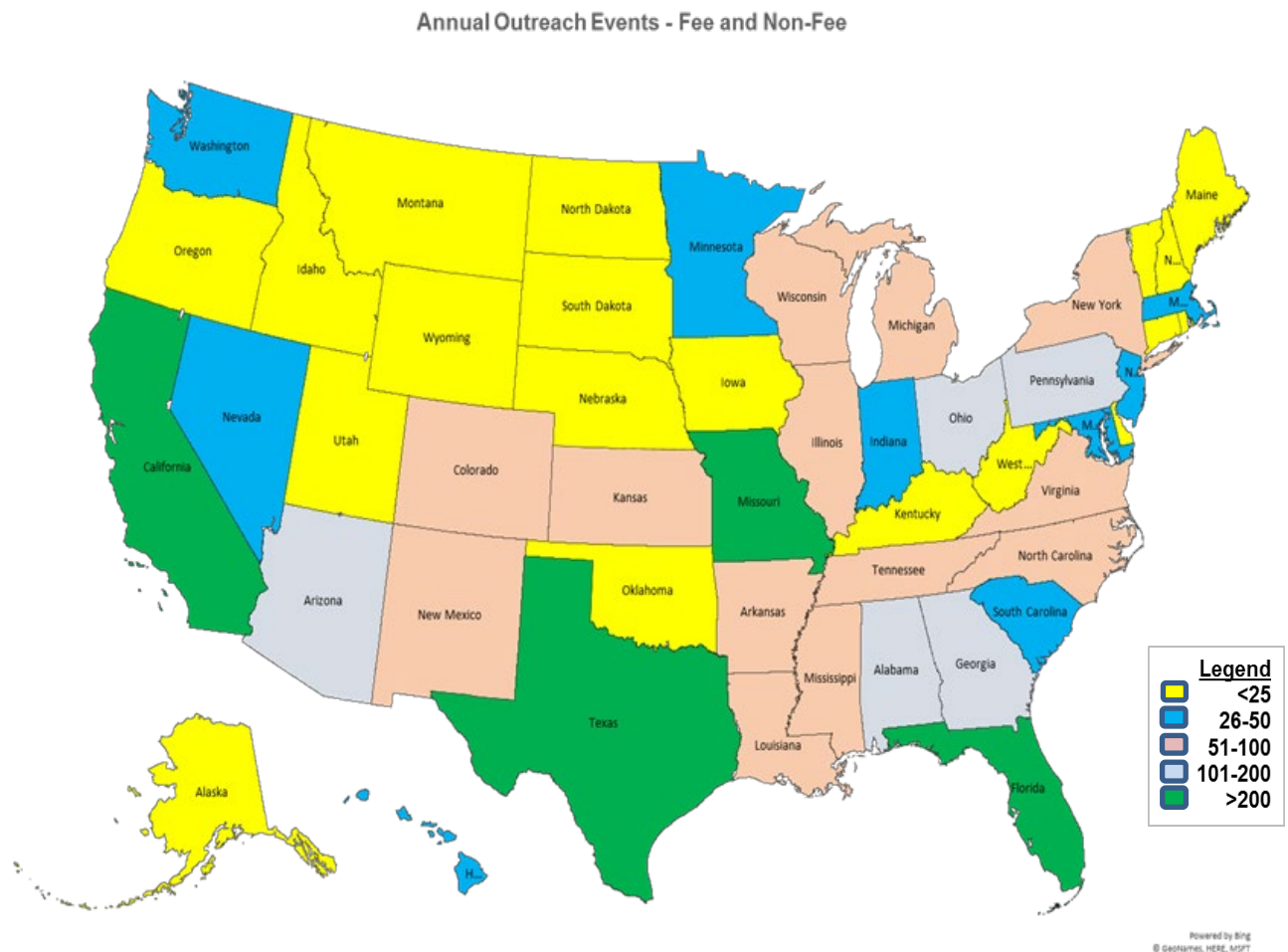
The FY 2021 target for Performance Measure 8 was for the EEOC to produce or update at least two resource or guidance documents on the agency’s updated priority list that focuses on the most critical for action. The EEOC drafted two new sub regulatory documents in fiscal year 2021: 1) [Federal Laws Protect You Against Employment Discrimination During the COVID-19 Pandemic | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#); and 2) [Protections Against Employment Discrimination Based on Sexual Orientation or Gender Identity | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#).

The agency also updated at least the following five sub regulatory documents during FY 2021: 1) [What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#) (updated on December 16, 2020 and May 28, 2021 – the most recent version of each individual question is identified in the document on the EEOC’s website); 2) [EEOC Efforts for Veterans with Disabilities | U.S. Equal Employment Opportunity Commission](#); 3) [Veterans and the Americans with Disabilities Act: A Guide for Employers | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#); 4) [Veterans | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#); and 5) [Section 12: Religious Discrimination | U.S.](#)

[Equal Employment Opportunity Commission \(eeoc.gov\)](https://www.eeoc.gov). Additionally, the following Formal Opinion Letters were completed during the fiscal year: 1) [Opinion Letter on Individual Coverage Health Reimbursement Arrangements and the ADEA](#); and 2) [Opinion Letter on the Older Workers Benefit Protection Act](#).

### C. Outreach

As the map on the next page shows, we have provided and will continue to provide outreach and education to individuals in all 50 states as well as the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands and the U.S. Territories of American Samoa, Guam, the Commonwealth of Northern Mariana Islands, and Wake Island. With the FY 2023 Budget for outreach activities, we will expand our outreach to individuals across the United States, including underserved areas. We plan to continue to target specific events to address the employment discrimination issues that are particular to geographic areas or stakeholder communities. In FY 2021, the EEOC conducted over 2,325 outreach events reaching more than 254,830 individuals nationwide with information about employment discrimination and their rights and responsibilities in the workplace, and we anticipate similar outreach levels in FY 2022.



Through public relations, training and education, the EEOC enhances public awareness of employment discrimination and the importance of preventing such discrimination in America's workplaces. Our outreach is meant to provide knowledge and an understanding of workplace conditions that may give rise to violations of the statutes we enforce.

The EEOC targeted outreach to vulnerable workers and underserved communities in FY 2021, conducting 649 outreach events and reaching 71,024 participants. This focused outreach included immigrant and farm worker communities, as well as communities with individuals reluctant to come forward to complain about employment discrimination. Field offices collaborated with partner organizations to extend our reach and better serve vulnerable workers and underserved communities, which included conducting over 1,103 partnership events reaching 105,943 attendees. To enhance the EEOC's ability to identify and reach vulnerable or underserved populations, a data visualization tool was developed, allowing field offices to readily obtain demographic data by county. The EEOC anticipates that in FY 2023 and beyond, this tool will increasingly be modified with additional data that will further its usefulness. Also, as the nation recovers from the effects of the pandemic, in FY 2023 the EEOC will strengthen its efforts to conduct in-person outreach to vulnerable communities.

The EEOC played a pivotal role in promoting racial justice and confronting systemic barriers in the workplace in FY 2021. The EEOC reached out to Asian Americans, African Americans, and other groups and conducted outreach through listening sessions, panel discussions, trainings and other meetings to strategize ways to combat racial and ethnic harassment and discrimination. The EEOC's field offices facilitated the exchange of information across district offices, coordinated community engagement efforts with other federal agencies, and collaborated with the White House Initiative on Asian Americans Native Hawaiians and Pacific Islanders (WHIAANHPI) Executive Director, Initiative staff, and the White House Office of Public Engagement (WH OPE) in response to the unprecedented rise in hate crimes and incidents against Asian American and Pacific Islander communities around the nation. Through regional roundtables, technical assistance programs, regular planning calls, resource-sharing, virtual convenings, and webinars, the EEOC worked with the WHIAANHPI Regional Network to address specific community needs and feedback. During FY 2021, the agency conducted 261 outreach sessions involving issues related to race, which were attended by 35,162 individuals, and 245 sessions on national origin discrimination, with 16,521 attendees.

EEOC field offices conducted listening sessions, trainings, and meetings on the rights of LGBTQI+ individuals to be free from employment discrimination, including hosting 186 outreach events related to LGBTQI+ matters, which reached 19,208 individuals in FY 2021.

Outreach, education and training are essential tools that the EEOC uses to prevent and remedy pay discrimination. During FY 2021, there were 124 outreach sessions with 24,248 individuals involving issues related to equal pay.

The COVID-19 pandemic has had an enormous impact on, and created challenges for, both workers and employers. In the face of the difficult circumstances caused by the COVID-19 pandemic, the EEOC has prioritized conducting outreach and educating the public on rights and responsibilities under federal workplace discrimination laws. The EEOC has also provided workers, employers and other stakeholders updated information about the interplay of COVID-19 and federal EEO laws. During FY 2021, there were 313 outreach events related to COVID-19, reaching 39,827 individuals.

In FY 2023, the EEOC will continue to deter and prevent employment discrimination by conducting outreach, education and training in the areas of racial justice and systemic discrimination on all protected bases, pay equity, and the civil rights impact of the COVID-19 pandemic.

The EEOC also prioritized outreach, education, and technical assistance to underserved segments of the employer community, including small and new businesses. Given their size and limited resources, these businesses are often less able to take advantage of commercial training programs and less likely to have in-house human resources professionals to assist them with compliance. In FY 2021, agency offices conducted 460 outreach events directed toward small businesses, reaching 27,495 small business representatives.

The EEOC continued to promote its public website containing the online Small Business Resource Center, a one-stop source of information created to give small businesses the tools to understand the federal anti-discrimination laws and to prevent employment discrimination in their workplaces. The EEOC's website also provides quick access to the names and contact information of the EEOC's Small Business Liaisons in our field offices. These liaisons answer questions from small business owners related to policies and practices to comply with EEOC's laws.

The online material in the Small Business Resource Center is geared toward small businesses who need answers fast. In addition to giving clear, general information on the EEOC's laws and on ways the EEOC can assist small businesses, the site features answers to frequently asked questions, guidance for making employment decisions in common scenarios, and pointers for developing good workplace policies. It also has tips for small businesses on a variety of potential workplace discrimination issues to aid businesses in averting problems before they arise.

The Small Business Association Office of the National 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 most recent report to Congress for FY 2019, which was published in FY 2021, gave the EEOC an "A" rating across-the-board, the highest ratings possible, reflecting the SBA's recognition of the EEOC's strong commitment to assist this important sector of the economy. The report also highlighted the EEOC's non retaliation policy as an example of an effective policy. During FY 2023, the EEOC will continue to enhance its efforts to build on its outreach to the small business community.

## 1. Non-fee-based Outreach

Table 9 below shows funding for Outreach (non-fee-based). Our Budget request for FY 2023 for Strategic Objective II is \$6 million. The proposed request for FY 2023 will support our existing outreach activities across the United States.

**Table 9: Budget request Summary through Outreach**

FY 2021 to FY 2023 (Dollars in thousands)			
	FY 2021 (Actual)	FY 2022 (Annualized CR)	FY 2023 (Request)
<b>Outreach (Non-fee-based)</b>	\$6,000	\$6,000	\$6,000
<b>Total</b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>\$6,000</b>

## 2. Fee-based (Revolving Fund – Education, Technical Assistance and Training)

The EEOC Training Institute (Training Institute) provides fee-based training and technical assistance to stakeholders from both the private and public sector. The operations of the Training Institute are funded through the EEOC's Revolving Fund, which is an instrument established by Congress in 1992 to enable the EEOC to charge reasonable fees for specialized products and services developed and delivered as part of the Commission's training and technical assistance efforts. The Revolving Fund (RF) serves as the mechanism through which the EEOC is able to collect payments, thus offsetting some of the costs devoted to training and technical assistance to external entities and allowing the agency to offer more non-fee-based outreach events to those populations less able to pay for training.

The Training Institute provides a wide variety of fee-based training to assist private sector employers, and state, local, and federal government agencies in educating their managers and employees on the laws enforced by EEOC and how to prevent and eradicate discrimination in the workplace. The Training Institute also offers workshops, courses, and conferences on a variety of EEO compliance issues including but not limited to current developments regarding EEOC guidance. Additionally, the Training Institute provides Respectful Workplaces employee training, Leading for Respect manager and supervisor training, and compliance training related to the 2016 Report of the Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace.

In FY 2021, the Training Institute conducted virtual workshops, courses, conferences, and Customer Specific Training (CSTs) for a total of 399 events with 19,864 attendees. Below is a more in-depth explanation of each type of program offered by the Training Institute in FY 2021.

**Technical Assistance Program Workshops.** In FY 2021, the RF introduced new product lines to take advantage of the virtual training environment and to provide even



more opportunities for employees and employers to receive training, education, and information about their respective rights and obligations to prevent and eradicate workplace discrimination. The Training Institute offered 1-hour (breakfast and lunch briefings), 2-hour, 3-hour (half-day), and 5-hour (full-day) workshops. These workshops were extremely successful as they allowed EEOC field offices to partner together, pool their creative ideas and resources, and maximize revenue potential. These workshops received excellent evaluations from attendees. In FY 2021, the Training Institute conducted 31 national (1, 2, 3, and 5-hour) workshops with 5,824 attendees. In FY 2021, the RF also introduced a national Diversity, Equity and Inclusion Workshop series. The first workshop, “Diversity, Equity, and Inclusion: Unconscious Bias in the Workplace” was held on August 24, 2021 and had 600 attendees. This two-hour workshop had the highest numbers of attendees in RF history other than the EXCEL Conferences. The RF currently plans to continue to offer this workshop as well as other workshops in the DE&I series on a continual and rolling basis in FY 2022.

**Customer Specific Training.** The Customer Specific Training (CST) programs provide training and education for employees, managers, supervisors, and human resource professionals from private sector employers and State, local, and federal government agencies on their EEO responsibilities and how to prevent and eradicate workplace discrimination. The Training Institute can design customized courses to be delivered at employers’ worksites, including virtual delivery during this pandemic period. In FY 2021, the Training Institute conducted 195 virtual CST events that reached 6,898 attendees. Of those events, 73 events focused on Respectful Workplaces employee training (1,029 attendees) and Leading for Respect manager and supervisor training (813 attendees).

**National Federal Courses and Federal Agency Training.** The Training Institute offers federal courses that are designed to meet training requirements for EEO practitioners working throughout the federal government. In FY 2021, there were 53 national federal courses with approximately 2,016 attendees and 119 federal agency training sessions with approximately 4,300 attendees. Of the federal agency training sessions, 62 focused on Respectful Workplaces employee training and Leading for Respect manager and supervisor training.

Due to federal agency COVID-19 guidelines, the RF did not conduct any in-person training in FY 2021. It used virtual platforms to meet the training needs of its external stakeholders. As a result, the RF successfully met its financial, operational, and program requirements.



Table 10 below shows the financial summary of the Revolving Fund.

**Table 10: Summary of Financing for the Revolving Fund**

<b>FY 2019 to FY 2025</b> <i>(Dollars in thousands*)</i>							
	<b>FY 2019 Actual</b>	<b>FY 2020 Actual</b>	<b>FY 2021 Actual</b>	<b>FY 2022 Est.</b>	<b>FY 2023 Est.</b>	<b>FY 2024 Est.</b>	<b>FY 2025 Est.</b>
<b>Total Obligations</b>	4,557	3,776	3,662	4,644	4,750	4,500	4,375
<b>Offsetting collections from:</b>							
Federal Funds	1,901	1,421	1,705	1,752	1,875	1,800	1,700
Non-Federal Sources	3,563	1,734	1,861	1,612	2,800	3,100	2,750
Unobligated balance, start of year	2,298	3,266	2,645	2,549	1,269	1,194	1, 594
Unobligated balance, end of year	3,205	2,645	2,549	1,269	1,194	1,594	1,669
Net Budget Authority**	7,762	6,421	6,211	5,913	5,944	6,094	6,044

\*May not add due to rounding

\*\*Balanced Budget and Emergency Deficit Control Act (BBEDCA) Section 256(k) (2): Mandatory Sequestration for FY 2020, \$177,000, FY 2021, \$228,000, FY 2022, \$171,000, FY 2023, \$171,000 (included in the Net Budget Authority line above.)

## EXAMINING CONFLICTS IN EMPLOYMENT LAWS CONFERENCE

In FYs 2022 and 2023, the EEOC will build on the success of its annual Examining Conflicts in Employment Laws (EXCEL) Training Conference, which has been held for more than 20 years. EXCEL is directed at both federal sector and private sector EEO practitioners.

In FY 2021, the agency held its 24th Annual EXCEL Training Conference for both federal sector and private sector EEO practitioners. The conference was held virtually for the second year due to the COVID-19 pandemic. The conference received outstanding feedback from participants. There were 826 attendees and 7 conference exhibitors from the federal and private sectors. The conference offered 36 workshops and several breakout sessions that covered COVID-19 related topics as well as significant employment law and EEO compliance issues. In FY 2022, the agency will celebrate the 25th Anniversary of the EXCEL Conference and it is scheduled as a virtual conference.

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## **VIII. MANAGEMENT OBJECTIVE – Achieve organizational excellence**

### **A. Introduction**

The EEOC's Management Objective, achieving organizational excellence, seeks to improve management functions with a focus on information technology, infrastructure enhancement and accountable financial stewardship. These areas are cross-cutting and require integration and coordination across the agency to foster organizational excellence from internal and external perspectives.


The EEOC has developed two outcome goals for the agency's Management Objective:

**Outcome Goal III.A:** Staff exemplify a culture of excellence, respect and accountability; and

**Outcome Goal III.B:** Resource allocations align with priorities to strengthen outreach, education, enforcement and service to the public.

Performance Measures 9 through 12 were developed to support these strategies.

## B. Performance Measures and Results


<b>Performance Measure 9: The EEOC's performance improves with respect to employee engagement and inclusiveness.</b>			
	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Targets</b>	<p>Conduct annual focus groups with employees and climate assessments to obtain feedback on agency culture.</p> <p>The EEOC's FEVS scores for employee engagement and inclusiveness will maintain or increase in relation to the prior-to-current year changes in comparable government agency averages.</p> <p>Develop and adjust action plans, as necessary, in response to focus group feedback and prior year FEVS results.</p>	<p>Conduct annual focus groups with employees and climate assessments to obtain feedback on agency culture.</p> <p>The EEOC's FEVS scores for employee engagement and inclusiveness will maintain or increase in relation to the prior-to-current year changes in comparable government agency averages.</p> <p>Develop and adjust action plans, as necessary, in response to focus group feedback and prior year FEVS results.</p>	<p>Conduct annual focus groups with employees and climate assessments to obtain feedback on agency culture.</p> <p>The EEOC's FEVS scores for employee engagement and inclusiveness will maintain or increase in relation to the prior-to-current year changes in comparable government agency averages.</p> <p>Develop and adjust action plans, as necessary, in response to focus group feedback and prior year FEVS results.</p>
<b>Results</b>	<p>In July 2020, OPM delayed the launch of the FY 2020 FEVS survey due to the COVID-19 pandemic, which corresponded to a delay in the availability of data from the FEVS and New IQ scores for review and assessment.</p> <p>In August 2020, the agency recruited volunteers to help with its employee engagement efforts.</p>	<p>Due to the COVID-19 Pandemic, the FY 2020 FEVS results were not released until May 2021.</p> <p>In June 2021, the EEOC reestablished the BEST Workgroup to address the results of the FY 2020 FEVS.</p> <p>In September 2021, the BEST Workgroup developed recommendations for the Chair based on FY 2020 FEVS results.</p>	
			<b>Target Met</b>

Performance Measure 9 takes a holistic approach to assessing and strengthening the agency's efforts to improve employee engagement and inclusiveness. The EEOC does not focus solely on improving Federal Employment Viewpoint Survey (FEVS) scores because that is only one snapshot of agency performance. Annual focus groups and climate assessments enable ongoing feedback mechanism to engage with staff and seek their input on solutions to agency challenges.

The FY 2021 targets for this measure were to conduct annual focus groups and climate assessment(s) with employees for feedback on agency culture, implement plans as necessary, and to maintain or increase the EEOC's FEVS scores. Baseline FEVS scores on EEOC staff engagement and inclusiveness quotients (New IQ) were established in FY 2018 and increased by 4 percent in FY 2019. However, due to the COVID-19 pandemic, the FY 2020 FEVS results were not released by OPM until May 2021.

In June 2021, the EEOC reestablished the BEST Workgroup and corresponding sub workgroup to address five focus areas.

Through these workgroups, the EEOC planned to analyze the FY 2020 FEVS results, collect additional focus group data, make recommendations, and help develop plans for the top five challenge areas. In September 2021, the BEST Workgroup developed recommendations for the Chair based on the FY 2020 FEVS results.

<b>Performance Measure 10: Feedback surveys and other mechanisms provide baseline measures of services provided to those with whom the EEOC interacts.</b>			
	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Targets</b>	Continue to implement feedback surveys and other mechanisms, adjusting the measures and targets, as necessary.  Set goals for improvement or maintenance at the beginning of each fiscal year and review results at the end.	Continue to implement feedback surveys and other mechanisms, adjusting the measures and targets, as necessary.  Set goals for improvement or maintenance at the beginning of each fiscal year and review results at the end.	Continue to implement feedback surveys and other mechanisms, adjusting the measures and targets, as necessary. Set goals for improvement or maintenance at the beginning of each fiscal year and review results at the end.
<b>Results</b>	The EEOC received the TMF award in January 2020 and assembled user requirements workgroups to help develop a new case management system for the agency.  The agency held internal discussions and established a new TMF project internal feedback option to solicit comments and ideas related to development of the modernized charge/case management system  The annual ADR satisfaction survey was not administered in FY 2020 due to the pandemic, which necessitated a shift by the agency to the development of an electronic survey for use beginning in FY 2021.  The EXCEL conference surveys are still under review.	A variety of feedback surveys and other mechanisms were utilized throughout the fiscal year, including workgroup sessions, demonstrations of applications, electronic survey reviews, and an annual conference to generate feedback necessary to support continued access to EEOC services provided to the public.  These surveys were designed to address the goal of enhanced customer service with a particular emphasis on virtual and online interactions necessitated by the pandemic; feedback received during the year was reviewed to identify enhancements for FY 2022.	
			<b>Target Met</b>


Performance Measure 10 focuses on obtaining feedback on services provided to the public. It also supports the goal of obtaining and evaluating feedback from the targeted audiences the Commission serves to allow better measurement of the agency's service delivery and increased accessibility.

The FY 2021 target for Performance Measure 10 was to continue to implement feedback surveys and related mechanisms from the public and targeted audiences the EEOC serves, to adjust the measures and targets, as necessary, and set goals for improvement or maintenance of the agency's service delivery and increased accessibility annually.

As part of the annual assessment of the ADR program, an e-survey was issued at the end of FY 2021 to provide an assessment of participant satisfaction on the adaptation to remote mediation sessions. Results are expected in FY 2022. Also, during the fiscal year, the Revolving Fund utilized revised survey measures to secure feedback from attendees at all workshops, customer specific trainings, and the annual EXCEL Conference. The FY 2021 EXCEL conference design and presentations were modified based on FY 2020 conference feedback and the agency plans to build on feedback received from the FY 2021 conference to make further enhancements in FY 2022.

Additionally, the agency held listening sessions to gather feedback from the public concerning the quality of services provided under maximum telework during the pandemic. The feedback will be used to determine if there are practices, deployed during the pandemic, that should be continued after staff reentry to physical office space.

**Performance Measure 11 for Outcome Goal III.B:** Monitor yearly progress on modernization of charge/case management systems for program offices until completed in 2022.


<b>Performance Measure 11: Monitor yearly progress on modernization of charge/case management systems for program offices until completed in 2022.</b>			
	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Targets</b>	Report on progress quarterly and adjust the plan, as necessary.	Report on progress quarterly and adjust the plan, as necessary.	Report on progress quarterly and adjust the plan, as necessary.
<b>Results</b>	<p>TMF funding was received in January 2020 and, thereafter, supported the technical and management programs. As the funding was four months later than planned, the TMF Board approved a commensurate change in the program's dates.</p> <p>The EEOC met with and provided program oversight briefings to the TMF/GSA project team on a monthly basis and to the TMF Board each quarter. The agency hosted a US Digital Services Discovery Sprint review of its TMF program.</p> <p>The agency also received approval from the TMF Board to move the FEPA development efforts to coincide with the EEOC Private development/deployment efforts.</p> <p>The private/FEPA applications are targeted for delivery in 2021.</p>	<p>The EEOC continued to deliver program oversight briefings to the Technology Modernization Fund (TMF)/ General Services Administration (GSA) project team, senior agency managers, and the TMF Board throughout the fiscal year.</p> <p>By year-end, the system was completing final user acceptance testing with a plan for roll-out of the first phase in early calendar year 2022.</p>	
			<b>Target Met</b>

Performance Measure 11 allows the agency to track and assess progress on migration to a fully digital charge/complaint environment. The benefits of such modernization include improved collaboration and knowledge sharing, enhanced data integrity, reduced paper file storage or manual archiving/disposition requirements; and allowing a more mobile workforce. Streamlined services and increased responsiveness to users throughout the process will be regularly evaluated. The FY 2021 target for Performance Measure 11 was to report on progress quarterly and adjust the plan, as necessary.

The modernization team defined and developed an end-to-end charge management solution for the agency's private sector processes and the accompanying processes for its FEPA partners. Over 200 requirements workgroup meetings, requirement reviews, and demonstrations were conducted in support of this program. These requirement efforts were critical to the development of nine common services, which are the foundation of the modernized system, and 20 app modules, which are the enabling tools for private sector and FEPA processes. The private sector component of the modernized system, now branded as the Agency Records Center (ARC), was deployed early in calendar year 2022.

to 145 EEOC and FEPA offices, with demonstrations of the system and training for staff before full implementation. Following completion of this first stage of deployment, development of ARC will shift to modernizing the federal sector and litigation services components.

Briefings were provided throughout the fiscal year to senior agency managers and the TMF Board to apprise them of the project's progress and to solicit feedback and input on key issues and proposed modifications to system design and launch. Status updates were also shared with the General Services Administration in accordance with TMF requirements.

<b>Performance Measure 12: The budget process prioritizes funding for the EEOC's strategic goals.</b>			
	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Targets</b>	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement and management priorities as approved by agency head.  Meet all submission deadlines.	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement and management priorities as approved by agency head.  Meet all submission deadlines.	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement and management priorities as approved by agency head.  Meet all submission deadlines.
<b>Results</b>	The EEOC's FY 2021 Congressional Budget was submitted to Congress on February 10, 2020.  The EEOC's final FY 2020 Operating Plan was approved by the Chair on January 31, 2020.  The EEOC's FY 2022 Performance Budget was submitted to OMB on September 14, 2020.	The EEOC's FY 2022 Congressional Budget was submitted to Congress on May 28, 2021.  The EEOC's final FY 2021 Operating Plan was approved by the Chair on March 8, 2021.  The EEOC's FY 2023 Performance Budget was submitted to OMB on September 13, 2021.	
			<b>Target Met</b>

At every level within the EEOC, a common understanding of how the strategic priorities direct the work of the agency is necessary for success. The EEOC will achieve this common understanding in various ways, including integrating Strategic Plan goals within performance standards and ensuring that budget submissions from each component office explain how the agency's resources will be used to implement the strategies and goals outlined in the Strategic Plan. By developing a strong and clear message for use in budget documents and other publications, the agency demonstrates the nexus between its budget requests, allocations, and operating plans and the achievement of its mission and vision.

The FY 2021 targets for Performance Measure 12 were to submit the EEOC's FY 2022 Congressional Budget Justification and the 2021 Operating Plan and prepare the EEOC's FY 2023 Performance (OMB) Budget that aligns resources with the Strategic Plan. The



final FY 2021 Operating Plan was approved by the Chair on March 8, 2021. The agency's FY 2022 Congressional Budget Justification was submitted to Congress on May 28, 2021. The FY 2023 Performance Budget was submitted to OMB on September 13, 2021.

## C. Program Areas

### 1. Highlighted Resource Area

Table 11 below shows our highlighted budgetary resources for Information Technology (IT) and Human Capital planning (OCHCO) under Strategic Objective III. For this strategic objective, the agency's resources are allocated between Strategic Objective I and Strategic Objective II to identify the full cost of conducting our front-line programs, including all of the elements of our operations supporting those programs.

**Table 11: Highlighted Resource Area**

<b>Excellent &amp; Consistent Services Through a Skilled and Diverse Workforce and Effective Systems</b> (Dollars in thousands*)				
	<b>FY 2021 (Actual)</b>	<b>FY 2022 (Annualized CR)</b>	<b>FY 2023 (Request)</b>	<b>Change From FY 2022</b>
<b>Information Technology</b>	\$25,305	\$20,380	\$25,773	\$ 5,393
<b>Total</b>	\$25,305	\$20,380	\$25,773	\$ 5,393

### 2. Human Resources

#### a. Workforce Planning

The EEOC has undergone several changes to its operations and workforce over the years. As a result of the pandemic in FYs 2020 and 2021, the EEOC successfully pivoted and adjusted operations to effectively deliver its mission and results. In order to continue to service the public effectively, the EEOC must conduct workforce planning to holistically staff and analyze the impact of changes in the laws and the workplace and develop and implement strategies to reshape/reform existing workforce structures, staffing, and functions for its offices.

In August 2017, OPM conducted a human capital management evaluation. The purpose of the evaluation was to assess the EEOC's strategic management of human capital, the efficiency and effectiveness of its human resources programs, and compliance with merit system principles, laws, and regulations. The findings indicated that the EEOC lacked comprehensive information and plans to recruit strategically its current workforce, plan for future staffing levels and leadership continuity, and ensure its training programs support agency needs. In FY 2018 through FY 2020, the EEOC started a workforce planning initiative and made comprehensive changes with improvements to hiring, recruitment, training, and retention. As a result of the pandemic, the EEOC effectively adjusted operations in FY 2020 and 2021 due to the pandemic but must now complete robust workforce planning with ongoing analysis and staffing plans that allow leadership to identify and use

human capital (and technology) strategies best suited to support the EEOC's current and future organizational goals in FY 2022, FY 2023, and beyond.

#### **b. Training and Retention**

The EEOC is focused on training and developing employees at all levels – non-supervisory employees, team leads, supervisors, managers, and executive-level staff. The EEOC will accomplish this continuous learning at all levels through talent management, ensuring our Headquarters and Field Offices identifies and closes skills gaps, and implements and maintains programs to attract, recruit, develop, promote, and retain quality and diverse talent so the agency can accomplish its mission.

The EEOC will continue to provide all employees with a comprehensive training program through four primary approaches: 1) training activities responsive to their individual development plans (IDP); 2) internally-sponsored, instructor-led courses, workshops, and webinars; 3) training programs addressing position-related competency needs; and 4) online courses available through the EEOC Learning Management System (LMS). We will use a strategic approach to deliver these training programs for effective talent management. In FY 2022 and beyond, we will use agency strategic goals, focusing on necessary competencies, and develop a Talent Management and Leadership Succession Plan for employees at all levels. The plan will be the result of reviewing a variety of resources, including other agencies' leadership succession plans, Field and Headquarters perspectives, Office of Personnel Management (OPM) guidance, Government Accountability Office (GAO), the EEOC Office of Inspector General (OIG) Reports, and information regarding organizational planning for succession in both the private and public sectors. We will also consider the EEOC's performance reports, employee surveys, our Human Capital Operating Plan, and guidance/feedback on aspects of the plan from the EEOC Executive Resources Board.

We intend to address our future leadership needs in a coordinated and thoughtful manner. The Talent Management and Leadership Succession Plan will provide the reasoning and blueprint for addressing the anticipated loss of experienced leaders by providing a process to identify and prepare well-qualified individuals to lead the agency into the future. Strong leadership will ensure a continued commitment to the agency's mission and successful accomplishment of our goals.

During FY 2022, we will continue to expand web-based and virtual training as the EEOC continues to make significant investments in IT resources to increase bandwidth and modernize computer systems to handle increased traffic to train and develop employees at all levels. Due to the COVID-19 pandemic in FY 2020 and 2021, virtual training opportunities increased – allowing the EEOC to convey relevant information and timely updates to our staff in all of our 15 Districts and Headquarters locations.

The EEOC launched a new, more robust LMS in FY 2021, that significantly aided the agency in strategically planning and administering learning and talent management activities for its staff, tracking employee course completions, conducting pre- and

post-testing to measure results, and gathering data needed to submit required reports on agency training activities to OPM. In FY 2022, the EEOC plans to use additional system capabilities to deliver quality training for the workforce, to include a new authoring tool to allow for the creation of online course content and internal and external training programs.

In FY 2021, newly hired Investigators were provided with a two-week intensive training session. Also, during FY 2021, training on the interplay of COVID-19 and employment discrimination laws, and a series of four training sessions on identifying, investigating and conciliating systemic discrimination were conducted for all enforcement staff nationwide. For FY 2023, we will develop and deliver training to address the needs of staff as they perform their investigative duties in an evolving environment of technological advances, Commission priorities, and legal developments. This training will equip staff with the skills and knowledge to continue to respond to dynamic changes to our processes and the resultant impact on their duties and responsibilities.

Because the EEOC has begun rebuilding the agency's capacity by hiring many new attorneys in FY 2021, we conducted a three-day, virtual New Trial Attorney Orientation training early in FY 2022. We also hope to have Supervisory Trial Attorneys from across the country come together for a conference in FY 2022. This conference is vital to engagement and retention of the primary quality control members of the field legal units, as they share strategies and best practices about litigation and performance management.

In FY 2021, the agency conducted two, three-day deposition skills training sessions for trial attorneys in field legal units, in collaboration with the National Institute for Trial Advocacy (NITA). In these two sessions, we trained 31 trial attorneys through a nationwide, virtual platform. In April 2021, OGC and NITA conducted a four-day trial skills training for 30 trial attorneys. In FY 2022, OGC conducted the first of two skills-based training sessions with NITA, on oral advocacy. Thirty trial attorneys attended. These learning-by-doing trainings enhance the ability of trial attorneys to litigate cases independently and bring quality advocacy to the litigation program. In late FY 2022, we plan to conduct training for trial attorneys regarding systemic litigation. This training will develop critical skills for field attorneys as they rebuild our systemic litigation dockets. As we bring on new staff, we will need to provide these types of trainings in FY 2023 to position us for success going forward.

In FY 2021, we held training for approximately 30 trial attorneys on electronic stored information (ESI) matters. The training covered the EEOC's internal ESI policies, litigation support services, preserving, collecting and producing ESI from claimants and aggrieved individuals, and obtaining ESI from defendants. In addition, we held basic and advanced training on the agency's e-discovery review platform (Relativity) for approximately 100 attorneys and legal support staff. Recognizing the importance of technology, we have also arranged monthly technology trainings for trial attorneys and legal support staff, highlighting various technological tools which can make their work more efficient. In FY 2022, we are offering paralegals and legal support staff legal professional development training. We will also offer additional hands-on

training in Relativity in late FY 2022. As we bring on new staff, we will need to provide these types of trainings in FY 2023 to position us for success going forward.

The EEOC will strive to make continuous improvements to our training programs to ensure our employees at all levels have the knowledge and skills to effectively perform their duties. In FY 2022, the EEOC will also provide mandated training requirements to employees and basic software maintenance for training systems. In addition, the EEOC will partner with the Small Agency Council to provide expanded training courses from Shared Service providers Training Centers.

### **c. Performance Management**

In FY 2020 and 2021, the EEOC satisfied the requirements outlined in the Office of Management and Budget (OMB) memorandum (M-19-24) regarding “Guidance on Awards for Employee and Agency Workforce Fund Plan.” In accordance with M-19-24, the EEOC implemented a balance between performance/rating-based awards and individual/contribution awards that supported the strategic use of awards and recognition throughout the year and addressed workforce challenges by allocating rating-based awards in a manner that recognize high performing employees. Per OMB guidance, in FY 2022, the increase in awards spending will support agency pay for performance efforts and be no less than 1 percentage point of our General Schedule (GS) and Senior Executive Service (SES) levels salary spending in FY 2021.

### **d. Recruitment and Retention**

In FY 2022, in support of our Workforce Planning initiative, the EEOC will develop a Recruitment and Retention Strategic Plan for the field and headquarters offices to improve overall recruitment and retention to ensure we retain increased staffing levels.

The EEOC will continue to comply with OPM and OMB guidance and executive orders to streamline the Federal recruitment requirements, simplify the hiring process, providing tools and resources needed to attract and retain talent at all levels. To support our Recruitment and Retention strategy to fill and retain positions year-round, the EEOC will use hiring flexibilities to rebuild agency staffing including encouraging Schedule A hiring of persons with disabilities; continued use of non-competitive veterans hiring appointments; using the Pathways Programs (Internship, Recent Graduates, and Presidential Management Fellows) for entry level positions; Military Spouses appointments; collaborate with AmeriCorps VISTA/Peace Corps for various appointments; and build strategic partnerships and alliances with stakeholders such as Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), Asian American and Pacific Islander Serving Institutions (AAPISIs), Tribal Nations, local high schools, and colleges/universities.

At the same time, as part of the Workforce Planning’s recruitment and retention strategy, the EEOC will closely monitor and analyze separations due to retirements, transfers to other agencies, and departure to the private sector by deploying retention programs such as training, hiring opportunities, and retention incentives to ensure we retain our talent and staffing numbers.

In FY 2022, the EEOC will continue to provide American Sign Language interpreting services, reasonable accommodations, Federal Occupational Health Work-Life programs, and Employee Assistance Programs for our entire workforce to support work-life balance that ultimately helps with employee retention to maintain and support the EEOC workforce.

#### **e. Addressing Internal Workplace Issues**

RESOLVE is the EEOC's internal Alternative Dispute Resolution (ADR) program that provides a forum for the informal resolution of workplace disputes (including grievances and EEO complaints) among the Commission's staff at headquarters and the 53 field offices. Mediation is the most commonly used ADR process within the program. Informal resolution can also be used in lieu of, prior to, or after mediation. If several employees are involved in a conflict, group facilitation may be used to address office wide concerns. We have seen that addressing workplace issues early and effectively helps foster amicable working relationships, enhances employee morale and productivity, and reduces the financial and other resources associated with workplace conflict. Our ADR program will: 1) continue outreach to all of the Commission's staff, 2) will serve as a resource for individual employees and groups of employees, and 3) continue to conduct seminars to help employees develop conflict resolution skills.

The Office of Equal Opportunity (OEO) processes federal sector complaints of discrimination submitted by EEOC employees and applicants. OEO is also responsible for implementing the agency's Affirmative Employment Program (AEP) to proactively prevent potential discrimination before it occurs and to meet the congressionally mandated goal of making the EEOC a model workplace.

### **3. Public Service**

Across the agency, we are working to better serve the public by making our services easier to access, reducing wait times and providing information in plain language that is readily understood.

Through our Intake Information Group (IIG), the EEOC expanded the agency's public accessibility by phone, e-mail and video phone service for the deaf and hard of hearing. The IIG consists of in-house staff who serve as the first line of contact for many members of the public and is accessible via toll-free phone lines and e-mail. The IIG received close to 400,000 calls in FY 2021; and it is on track for a similar call volume in FY 2022. In FY 2021, an average of 41 percent of callers utilized the Interactive Voice Response (IVR) information system and needed no further assistance. Centralizing this first point of access to the public to a single entity has a significant impact on our field offices by enabling them to spend more time on investigating and resolving charges of discrimination. Many of these callers seek general information about their rights, office locations and phone numbers and other types of information more efficiently provided through this centralized service. In FY 2021, on average each month our Information Intake Representatives (IIRs) answered more than 12,000 calls, 4,300 emails and approximately 70 video phone transactions

from individuals wanting more information or wishing to discuss their situation with an IIR. In FY 2021, approximately 70 percent of calls, emails and videophone calls answered by the IIRs were fully resolved by the IIR without being referred to other staff in the EEOC field offices. Assessing all contact channels combined, the IIG received more than 440,000 transactions in FY 2021 and we anticipate a higher volume in FY 2022. Investments made in the Intake Information Group have allowed the EEOC to expand its reach and more efficiently serve the public. Previously the EEOC's investigators in each EEOC office responded to calls from the public. In FY 2021, our staff of approximately 43 IIRs, handled over 300,000 contacts without the need to forward them to EEOC investigators. As noted above, using IIRs to handle calls allows investigators to be more productive and efficient and enhances our service to the public. In FY 2021, each EEOC investigator continued to resolve an average of 129 charges.

As noted above, the EEOC has also increased the agency's accessibility to individuals who are deaf and hard of hearing. As technology has moved forward, video phones have become the preferred method of communication for many individuals whose primary language is American Sign Language (ASL). When instituted, the EEOC was one of only three federal agencies (along with the Federal Communications Commission and the Small Business Administration) offering interactive video calls to the public. Staff members were hired to answer and respond to calls using ASL through videophones. Callers who are deaf or hard of hearing are able to have direct access to the EEOC staff, rather than through intermediaries, such as interpreters or video relay service. In FY 2021 over 800 video calls were handled by the IIG and we anticipate that number to increase in FY 2022. We will continue to assess the public demand for ASL services to determine if additional staffing resources are needed to support this aspect of our service to the public.

The IIG continues to lead the way in advancing full-time telework, thus helping to reduce our physical footprint and reduce costs. What began as a partnership with the National Telecommuting Institute (NTI), a non-profit organization whose mission is to identify and develop work-at-home jobs for individuals who have physical disabilities, has now expanded. In addition to the seven individuals hired through NTI, the option for 100 percent telework had been expanded to all IIR's. Prior to the pandemic, 74 percent of the IIR's teleworked full-time. During the period of the agency's shift to 100 percent telework due to the pandemic, the IIG operations were able to successfully continue with all staff working remotely. The IIG was able to operate at optimal levels because of the experience gained during prior years of using telework.

In order to address the increasing demand for public services via email, the IIG has proposed an expansion of its current program to include a Dedicated Email Response Team. Inbound emails to the IIG have increased over 102 percent since 2011. Given the overall national shift to digital communication (email communication in particular), the IIG expects that email inquiries to the EEOC, via the IIG, will approach, if not exceed, 50,000 during FY 2022.

The results of expanding the IIG to include a Dedicated Email Response Team would significantly serve to improve the IIG's operation outcomes, assist the public, and, in



turn, advance the EEOC's mission. As more and more EEOC stakeholders increasingly turn to email for information and guidance from the EEOC, a Dedicated IIG Email Response Team will be trained and fully equipped to provide timely, accurate, and thorough responses that are in accordance with EEOC Policy. EEOC stakeholders will be able to implement these EEOC-approved responses on a broad basis which will affect large sections of the workforce. An IIG Dedicated Email Response Team will thus facilitate widespread dissemination, education, and promotion of EEOC Policy Guidance with respect to a wide range of issues, including complex and current issues, thus significantly advancing the EEOC's mission.

Beyond the contacts made through our IIG, another significant part of our work is addressing inquiries that do not ultimately become charges. These inquiries involve significant amount of staff time. In many instances where inquiries are submitted, staff interview the individual in depth and counsel the individual as to their rights, responsibilities and the process. In FY 2021, the EEOC received more than 173,700 inquiries in field offices, including 116,800 inquiries through the new online inquiry and appointment scheduling system.

The EEOC has had a continual focus on enhancing its charge intake services, including through the expansion of walk-in hours, and issuance of a plain language brochure to assist potential charging parties in understanding their rights and the EEOC charge handling process. Individuals may now contact the agency by phone, by mail, by e-mail, and by facsimile, by going to the EEOC's website, or by visiting the EEOC field offices. In October 2018 the agency expanded the Online Inquiry and Scheduling System to all 53 field offices. This system allows potential charging parties to submit a pre-charge inquiry for review and provide on-line scheduling of appointments for intake interviews.

Likely due to the expansion of the online intake and scheduling system, there has been a 6.7 percent increase in the number of individuals who contacted the EEOC about an employment issue.

#### **4. Information Technology - Digital Transformation**

The EEOC is committed to digital transformation to increase its efficiency and to provide timely and effective service to the public. This encompasses everything the agency does, from increasing the efficacy of its administrative processes to better supporting mission-related activities in enforcement and litigation that are directed at stopping and remedying unlawful employment discrimination. These efforts are organized around three strategic IT goals:

- Transform the way the EEOC serves the public by making its charge complaint, and appeal processes transparent and providing information to its constituents online and on demand.
- Streamline processes to improve customer service for constituents, including individuals, state and local partners, Federal agencies, businesses and other organizations.



- Improve productivity by providing agency employees secure access to the tools, data and documents they require.

The first and most important effort of the agency’s digital transformation efforts is the modernization of its charge/case management system. The EEOC’s Strategic Plan required that the EEOC “complete a shared vision and develop high-level plans with resource requirements for modernizing [our] charge/case management system.” To meet this goal the agency engaged in a year-long effort with the Technology Modernization Fund (TMF), an innovative funding vehicle that uses a competitive vetting process to make funds available to federal agencies for technology improvements. After a process that included developing project proposals, a high-level project plan, a technical architecture, and a full business case, the TMF Board awarded the agency \$4 million dollars, in two \$2 million tranches. The TMF funds were received in early 2020 and provided the EEOC with the resources to modernize the legacy technology and data structure of its now 20-year old Integrated Mission System (IMS) over a three-year period.

Over the last 18 months, the modernization team defined and developed an end-to-end charge management solution to enable the agency’s Private Sector processes and the accompanying processes for its Fair Employment Practices Agency (FEPA) partners. Nearly 200 requirements workgroup meetings, requirement reviews, and demonstrations have been conducted to date in support of this program. These requirement efforts were critical to the development of nine common services, which are the foundation of the modernized system, and 20 app modules, which are the enabling tools for Private Sector and FEPA processes.

The modernized system – now branded as the Agency Records Center (ARC) – was deployed in January 2022. The EEOC completed this large-scale deployment – to 145 EEOC and FEPA offices – after significant user acceptance testing and training efforts. The agency is committed to the change management activities crucial to the program’s success and developed and presented more than 35 national-led trainings and demonstrations. Feedback for this effort was universally positive. The EEOC is modernizing Litigation and Federal Sector Services, for delivery in FY 2022 and FY 2023, respectively.

Modernizing its legacy charge/case management while also transitioning to new, more effective, peripheral digital systems is complex, and the success of both is essential to the agency’s mission. These supplementary efforts have included:

- The EEOC previously launched our Public Portals, providing online services for parties to submit inquiries, schedule an interview, formalize charges, exchange documents, identify processing preferences, check status, and update contact information – without the need to visit an EEOC office or use mail services. Similarly, the EEOC deployed electronic services to our public sector constituents, bringing the EEOC’s federal sector online services on par with the private sector. The companion Federal Sector EEO Portal (FedSEP), which provides online services to Federal Agency OEO

offices, integrates with the public sector side of the EEOC Public Portal for information and document exchange.

In FY 2020, we conservatively estimated that the use of private sector online services saved over 41,000 hours of investigator time (almost two weeks per investigator). Electronic service also results in printing/postal/processing savings for the field offices' clerical staff, freeing each enforcement office administrative assistant from more than seven days of work to perform other tasks. In addition to these cost savings and efficiency gains, the EEOC's Public Portals proved to be a critical success factor in the agency's ability to provide continuity of services to the public during the COVID-19 pandemic.

Beginning in FY 2023, the EEOC will enhance its Public Portals with expanded data, new services, and improved notifications made available by the modernized ARC system.

- In FY 2020, the agency modernized its over ten-year old external website, eeoc.gov. The new website is based on secure open-source technologies and improves our constituents experience, better promotes the agency's message, integrates more effectively with our social media activities, supports multi-language capabilities, provides a mobile responsive platform for easier viewing on phones and tablets, and is fully compliant with applicable accessibility standards. In FY 2021 the agency integrated multi-language capabilities into eeoc.gov to further reduce barriers in providing information and services to our constituents.

Also, during FY 2021, the EEOC migrated its out-of-support legacy intranet site, InSite, to SharePoint. Both the eeoc.gov and inSite migration efforts help partially resolve an open OIG finding regarding "out-of-date infrastructure supporting legacy EEOC systems and services." The migration of EEOC's final at-risk system, our legacy Document Management System, to SharePoint, will be completed during FY 2022 – closing out this multi-year risk finding.

- In accordance with another of the EEOC's Strategic Plan goals – to "[align resources] with priorities to strengthen outreach [and] education," in FY 21, the agency conducted market research for cloud-based software-as-a-service Outreach and Engagement solutions to support the activities of OFP, OFO, and OGC. The procurement and deployment of a solution will take place in FY 2022.

For digital transformation projects to achieve the goals of increased efficiency and improved service, the EEOC needed to invest in the infrastructure necessary to support a digital workplace. Accomplishments and plans in this area include:

- The EEOC previously expanded Field Offices and Headquarters network capacity to better support operations and prepare for the transition to unified communications, including investments to replace outdated network

equipment. These efforts provided highly available, secure, data communication capabilities that are critical to our development of digital workplace. Bandwidth expansion was completed in FY 2021 via the Federal Enterprise Infrastructure Solutions (EIS) contract. EIS is expected to reduce the agency's annual data communications costs by nearly 50 percent, which are being re-invested in increased bandwidth and will enable agency personnel to communicate with voice, video and data from all locations. The network investments for the EEOC's Headquarters, Virtual Private Network (VPN), and Microsoft Office 365/Azure connections enabled the EEOC to support fulltime remote telework brought on by the COVID-19 pandemic.

During FYs 2022 and 2023, the EEOC will continue to modernize our network infrastructure and will implement enterprise wireless capabilities, facilitating communication and collaboration throughout the EEOC office space and removing physical workstation-based connectivity limitations.

- In FY 2020, the agency completed its shift from its aging Novell directory and file services to investments in Microsoft Office 365 and Azure. Completion of these efforts enabled the agency to migrate its primary device operating system to Windows 10 during FY 2021. To address concerns associated with deploying a major upgrade during the pandemic and fulltime remote work, the EEOC developed a fully automated re-imaging / restore process that allowed laptop migrations to be performed via three methods, all following strict COVID-19 protocols: no-contact on-premise laptop swaps/upgrades, curbside (drive-through) laptop swaps, and shipped swaps. The new Windows 10 image significantly improves end-point security, provides modern web browsers and Office tools, and enhances remote work performance through improved VPN access. During FYs 2022 and 2023, the EEOC will refresh end-user equipment – mobile devices, laptops, peripherals, and multi-function devices – and will plan for and deploy the Windows 11 upgrade.
- To improve remote collaboration and communication capabilities during the COVID-19 pandemic, the EEOC aggressively deployed Microsoft Teams enterprise-wide. Deploying and utilizing Teams so rapidly, including developing written guidance, video presentations and remote training, helped transform the way the EEOC communicates – as EEOC employees are now able to use the enhanced chat, file, meeting and videoconferencing capabilities in Teams. This effort was expanded to provide Teams voice capabilities enterprise-wide, enabling staff to make and receive external calls during full-time remote work.

During FY 2021, the EEOC continued the implementation of Microsoft Teams unified communications to replace and consolidate legacy telephone systems in use by the EEOC Headquarters and Field Offices. Teams Phone Deployments, including delivering physical phones to support office reopening, will be completed in 2021. Completion of the migration to

unified communications will save the agency over \$1.2 million annually, which will be reinvested in other needed IT services.

- The EEOC continued its migration from on-premises and hosted data centers to cloud services. In FY 2021, the agency developed a roadmap and long-term success goals for its Azure Commercial tenant, including governance, policy enforcement, cost management, automation, and integrated security – factors that will enable the EEOC to leverage secure cloud services and manage costs going forward. The agency increased its Azure Commercial workload usage and, at the same time, reduced costs by leveraging Azure Hybrid Use Benefits, reserving Virtual Machine instances, and automating storage repository cleanup. These initiatives resulted in over \$67,000 in savings between October 2020 and May 2021. OIT sponsored Microsoft's Employee Skill Initiative (ESI) program for training and technical certifications, and provided enrollment, monthly updates, and encouragement to OIT staff, the Field Office IT Specialists, OEDA, and the Litigation Support technical team.
- One of the significant challenges associated with the COVID-19 pandemic was provisioning laptops to the summer interns that were preparing to on-board. Understanding the importance of this resource, and the time constraints related to their service, in less than one month the EEOC designed and provisioned a secure Windows Virtual Desktop (WVD) environment for interns use. WVD allows interns to securely connect to EEOC systems and services from their personal laptops at their remote locations. Using the EEOC's Azure cloud infrastructure, WVD services can be ramped up or down to more efficiently and cost effectively meet these fluctuating needs. By the end of February 2022, the EEOC has serviced over 1,000 interns with its WVD platform. Due to the success of this effort, the WVD platform is being expanded to support EEOC's continuity of operations, advanced data analytics, and litigation support requirements.

Securing the EEOC's digital workplace is a critical part of the agency's plans, with priorities developed and put in place to protect data that is central to the agency's mission and the privacy of the people the EEOC serves. The EEOC acquired several systems and services what will enhance security capabilities to better identify, analyze, and resolve internal vulnerabilities.

- The EEOC is implementing Cisco Identity Services Engine to provide upgraded authentication for network, VPN and wireless access. Additional security and privacy controls will be implemented during FYs 2022 and 2023, including architecting and employing a layered, segmented network security model, meeting Trusted Internet Connection (TIC) 3.0 requirements, and making progress towards a zero-trust network and systems architecture.
- In 2020, EEOC automated the enforcement of least privilege for system administrators, requiring that escalated privileges be requested for a specific function and duration, reducing risk of compromise and expanding audit and

log capabilities. In FY 2021, the EEOC deployed Hardware Security Module (HSM) dedicated cryptographic components into the agency's infrastructure to provide enterprise PKI certificates for workstations, servers, applications, and other IT security efforts. In FYs 2022 and 2023, the agency will focus on enhancing Governance, Risk, and Compliance (GCR), Vulnerability Disclosure Program (VDP), and operational continuous monitoring capabilities. These expanded controls will significantly reduce cybersecurity risk and allow the agency to better meet FISMA requirements and standards. Additionally, the agency will expand its Identity Management (IM) capabilities to bolster its security controls against account compromise.

- The EEOC will continue to comply with Federal security mandates, including the recent *Executive Order on Improving the Nation's Cybersecurity*. In FY 2018, the EEOC implemented Office 365 multi-factor authentication (MFA) and PIV-based device authentication for privileged users. During FY 2020, Office 365 MFA was implemented enterprise wide. With the implementation of Windows 10 and removal of the last of its legacy Novell dependencies, the EEOC will expand remote authentication protections and substantially complete deployment of PIV-based device authentication within 150 days after the Agency begins reentry from full-time telework.
- In FY 2022, the EEOC is scheduled to coordinate with DHS to conduct a "High Value Asset" (HVA) security assessment review of the new ARC case management system and its Azure-based environment. The ARC system is being designated as an HVA due to its support of EEOC mission essential functions.

On the privacy front, EEOC implemented Office 365 Data Loss Prevention (DLP) technologies to monitor outgoing external email transmissions for content containing sensitive information, such as Social Security numbers. In FY 2021, the agency also implemented EEOC Secure Share, a secure file transfer solution that enables the agency and external parties to exchange files in a HIPPA and FIPS 140-2 compliant manner. The EEOC will continue to deploy and utilize data-at-rest encryption and other data loss prevention technologies within SharePoint and Azure to better protect and secure the agency's sensitive data.

Another key IT focus is Enterprise Analytics and Reporting, as the agency has recognized the need to better utilize its data for analytics, such as to support decision making, and operational reporting, to support mission results. The EEOC migrated its IMS-based analytics to Microsoft Power BI the agency to retire its aging and unsecure Hyperion environment in early FY 2022. For the remainder of FY 2022 and in FY 2023, this work will turn to developing Power BI-based reporting and analytics services for its new ARC charge management system.

As outlined above, in FYs 2021 and 2022, the EEOC achieved many of our multi-year digital transformation milestones – realizing the related benefits, efficiencies, and cost savings. With sufficient funding in FY 2023, the EEOC will continue to use its newly acquired technologies to their fullest potential – modernizing its network infrastructure,

improving digital services, enhancing information security and privacy, and migrating legacy systems to modern cloud-based solutions.

## **5. Finance and Administration**

### **Office Rehabilitations and Relocations**

The EEOC continues to collaborate with the General Services Administration to right-size space to achieve optimum assigned staff and space capacity ratio of a 70 percent or more capacity utilization rate of EEOC-occupied space.

We continue to prioritize, plan, and execute imminent lease expiration, opportune space reductions, and other major space management operations in support of the agency's strategic objectives and overall mission.

The EEOC continues to incorporate space reduction or sustainment measures to comply with amended OMB memorandum M-12-12 "Promoting Efficient Spending to Support Agency Operations," Executive Order 13589 requirements to reduce operating costs and "Reduce the Footprint (RTF)." Measures we employ include, but are not limited to the following:

- The EEOC will employ measures to not increase our total square footage from the FY 2015 RTF baseline. The agency will return to GSA or lessor unneeded or underutilized space (rightsizing); and identify "off-setting" office space to reduce when we must exceed the FY 2015 RTF baseline for one or more of the EEOC's offices.
- Adherence to Agency Space Allocation Guidelines, for universal application of personnel and office space requirements that include a designated number of two-person private offices dependent upon the total square feet of the office.
- For maximum economic efficiency, the Commission continues to plan space requirements for both the short and long terms and "right-size" offices in conjunction with lease expiration operations. We also take advantage of re-programmed funds for independent space actions such as security and safety improvements and furniture replacement in offices that habitually renew leases in federal spaces.
- The EEOC will also undertake a review of all space needs, current and emerging to ensure that we maximize our space utilization and update our space allocation guidelines to adjust for a post-COVID work environment.

Based on the above, the following is a summary of FY 2021 completed space actions and FYs 2022-2024 planned space actions:

- FY 2021: Completed lease award, relocation and Tenant Improvement projects: Albuquerque, Minneapolis, Oakland, San Antonio, San Jose, Seattle (Information Intake Group), and Washington, D.C. (HQ and the Washington Field Division).



- FY 2022: Expiring leases and lease awards, anticipated relocations and office wide re-configuration Commission projects: Charlotte, Dallas, Indianapolis, Little Rock, Los Angeles, Louisville, Milwaukee, Memphis, Nashville, Norfolk, New York, Pittsburgh, San Diego, and Savannah.
- FY 2023: Anticipated expiring lease, relocation and office wide re-configuration Commission projects: Cincinnati, Cleveland, Detroit, Greenville, Newark, Richmond, and Tampa.
- FY 2024: Anticipated expiring lease, relocation and office wide re-configuration Commission projects: Raleigh.

#### Financial Management and Data Analysis

The “Digital Accountability and Transparency Act of 2014” (DATA Act) requires agencies to designate Agency Senior Accountable Officer (SAO) to meet the legislative and regulatory requirements.

The EEOC’s designated SAO is the CFO. The EEOC is taking steps to improve budget, performance and financial data as prescribed by the “Digital Accountability and Transparency Act of 2014” (DATA Act).

#### Financial and Spending Data Analysis and Compliance

The EEOC currently uses an outdated Oracle Contract Life Cycle Management (CLM) System to procure goods and services. The CLM has many system and control limitations, does not produce 508-compliant documents, and is no longer in compliance with basic regulatory requirements, including the DATA Act, clause and form updates, e.g., Standard Form 26 (SF26), Item 13 is not updated to reflect the past update from March 2013 of “41 U.S.C. 3304(a)”, the authority for using other than full and open competition. Additional help desk support requests for data fix scripts are often required to resolve historical data inputs and revisions to prior workarounds for technical integration obstacles which were required for processing obligations prior to system upgrades. Examples which have surfaced include the following: the inability to receive negative dollar amounts for processing modifications for de-obligations; and, the inability to override actions previously requiring “approved without reporting” for award processing or actions requiring the “technical connectivity failure” option after the FY 2018 system upgrade.

The EEOC is taking various complementary approaches and controls to overcome the CLM system limitation and non-compliance challenges to meet the legislative and regulatory mandates, and to satisfy the DATA Act requirements.

#### Security, Safety, Emergency Preparedness and Continuity of Operations

In FY 2022, the Commission will complete the installation of an Enterprise Physical Access Control System (ePACS) in all 53 Field Offices and Headquarters. This will bring the EEOC into compliance with HSDP-12, FIPS 201, NIST SP 800-116 and

DHS/Interagency Security Committee standards and guidance. Ongoing support, life cycle replacement, office relocation installation, service and maintenance are required.

In FY 2019, the Commission embarked on mitigating active shooter vulnerabilities within their Field Office's intake areas for offices located in buildings without physical security screening (x-ray and magnetometer) and armed Protective Security Officers. The EEOC, working with GSA, collaborated to install ballistic resistant glass transaction windows in 16 locations without physical security screening and armed Protective Security Officers. The final installation will be complete in FY 2022. Future office relocations into buildings without physical security screening and armed Protective Security Officers will include ballistic glass transaction window installations.



## **IX. VERIFICATION AND VALIDATION OF DATA**

The agency's private sector, federal sector, and litigation programs require accurate enforcement data, as well as reliable financial and human resources information, to assess the EEOC's operations and performance results and make sound management decisions. The EEOC continues to ensure the accuracy of program information and analysis of the information.

The EEOC continually reviews the information it collects in our databases for accuracy by using statistical software (e.g., SAS, PowerBI, etc.) and program reviews of a sample of records during field office technical assistance visits. In addition, headquarters offices regularly conduct analyses to review the information collected in order to identify erroneous entries requiring correction to collection procedures.

The modernization of the agency's legacy IMS application to the new ARC system will significantly improve the collection and validation for our program data related to charge intake, investigation, mediation, conciliation and FEPA functions – migrating away from manual activity-based data entry to automated event-driven recordation. Data integrity associated with our litigation and federal sector functions will similarly be improved as these components are migrated into ARC in FYs 2022 and 2023. The EEOC Public Portal also allows EEOC constituents (charging parties/complainants and respondents) to review and update their personal/business information. During these modernization efforts, the EEOC has identified many areas where we will be able to further improve and automate our current processes and related data integrity. Because several performance measures require data to assess our achievements, it is significant that we can now obtain more reliable data more quickly.

The EEOC's Office of Inspector General (OIG) continues to review the agency's data validity and verification procedures, information systems, and databases and offer recommendations for improvements. The agency uses the OIG's information and recommendations to continually improve the EEOC's systems and data.

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## **X. 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. Program evaluation is a thorough examination of program design and/or operational effectiveness that uses rigorous methodologies and statistical and analytical tools. These evaluations also rely on external and internal agency expertise to enhance analytical perspectives and to lend credence to the methodologies employed, the evaluation processes and findings, and any subsequent recommendations for the program under review.

Independent program evaluations played an important role in formulating the strategic objectives and performance goals detailed in the EEOC's Strategic Plan and helped shape some of the program issues and key focus areas for improvement. They are an invaluable management tool to guide the agency's strategic efforts in attaining high levels of productivity and program efficiency, effectiveness, and accountability. Consistent with the agency's focus on improving the effectiveness of government through rigorous evaluation and evidence-based policy initiatives, the EEOC will continue to consider appropriate program areas for evaluation each year. This review will ensure that the agency's efforts align with the EEOC's budget and other programmatic priorities.

In FY 2021, the agency continued its work on the following evaluation projects: 1) The Interagency Agreement (IAA) between the EEOC and the Committee on National Statistics (CNSTAT) of the National Academies of Sciences, Engineering, and Medicine for a Panel to Evaluate the Quality and Utility of Compensation and Hours Worked Data Collected from U.S. Employers by the EEOC through the EEO-1 Project; 2) the Mediation Survey Modernization Project; and 3) the EEOC's Data and Modernization Program. See Appendix B for more detail.

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## XI. ADMINISTRATION AND SUPPORT

### A. Introduction

We are constantly seeking ways to achieve organizational excellence by improving our organizational capacity through sound management of our resources. Maximizing effective use of our resources is essential to achieving our enforcement and outreach goals.

### B. Freedom of Information Act Workload

The data suggests that the number of requests received under the Freedom of Information Act (FOIA) will stabilize at slightly under 15,200 by FY 2025.

Table 12 below depicts the actual FOIA workload for FYs 2019 - 2021, and projections for the number of requests received, processed, and pending for FYs 2022 - 2025.

Based on actual FY 2021 workload data, Table 12 below projects the number of FOIA requests to be received each year from FYs 2022 - 2025 as approximately 15,148 requests each year. Based on FY 2021 data, the number processed each year is estimated to be up to approximately 17,804 in FY 2022, and slightly under 15,200 in FY 2023 and through FY 2025.

**Table 12: Freedom of Information Act (FOIA)**

FY 2019 to FY 2025*							
	FY 2019 (Actual)	FY 2020 (Actual)	FY 2021*** (Actual)	FY 2022 (Est.)	FY 2023 (Est.)	FY 2024 (Est.)	FY 2025 (Est.)
Carryover Previous Year	3,698**	746****	1,935	1,095	0	0	0
Receipts	17,794	16,287	15,596	15,148	15,148	15,148	15,148
Total Workload	21,492	17,033	17,531	16,243	15,148	15,148	15,148
Processed***	20,559	15,098	16,436	17,804	15,148	15,148	15,148
Pending FOIA	933	1,935	1,095	0	0	0	0

\* May not add due to rounding

\*\* Carryover Previous Year inventory adjusted to reflect FOIA activity spanning FYs

\*\*\* Processed FOIA is the projected estimate for four quarters. As of December 31, 2021, the EEOC had received 3,787 FOIA requests and processed 4,451 requests. At this rate, when the requests processed is multiplied by four, the year end result is 17,804 processed FOIA requests.

\*\*\*\* Updated numbers are from the FY 2021 first quarterly report cleared by DOJ.

### **C. GINA Study Commission**

Section 8 of Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008 requires that a commission designated by members of Congress be established on May 21, 2014 to review the developing science of genetics and to make recommendations to Congress regarding whether to provide a disparate impact cause of action under GINA. To date, Congress has not designated any members. In order to abide by our statutory responsibilities, should such a Commission be established, we anticipate that we would need to cover the following costs for the eight-member commission: shared rent and security; IT services; per diem, including air fare; postal services; and other miscellaneous expenses.

To be known as the Genetic Nondiscrimination Study Commission, this commission would be located in a facility maintained by the EEOC. Although members will not receive compensation for the performance of services for the commission, the statute requires that members receive travel expenses, including per diem, while away from their homes or regular places of business in the course of performing services for the commission. The statute authorizes sums to be appropriated to the EEOC as shall be necessary to carry out the requirements of Section 8.

## APPENDIX A: GENERAL STATEMENT OF LAWS

The U.S. Equal Employment Opportunity Commission (the EEOC or Commission) was established under Title VII of the Civil Rights Act of 1964 (78 Stat. 253, 42 U.S.C. 2000e et seq.), and became operational on July 2, 1965. The EEOC is a bipartisan Commission comprised of five members, who are appointed by the President, with the advice and consent of the Senate, for rotating five-year terms. No more than three members may come from the same political party. The President designates one Commissioner to serve as Chair and another Commissioner to serve as Vice Chair. In addition to the Commissioners, the President appoints a General Counsel to a four-year term to support the Commission and oversee the agency's litigation programs.

The EEOC is charged with ensuring justice and equality in the workplace by *stopping and remedying unlawful discrimination*. The EEOC fulfills its mission through the implementation of a vigorous law enforcement program that includes investigation, conciliation, mediation, and litigation, complemented by an outreach program that provides information, guidance, and technical assistance to help prevent discrimination.

### Statutes Enforced

The EEOC enforces the employment provisions of Title VII, which prohibit discrimination on the basis of race, color, religion, sex, or national origin by private and state or local employers with 15 or more employees; by employment agencies; by labor organizations with 15 or more members; by joint labor-management training and apprenticeship programs; and by the federal government. In 1978, Title VII was amended to enact the Pregnancy Discrimination Act (PDA), which requires employers to treat pregnancy, childbirth, or a medical condition related to pregnancy or childbirth as any other medical condition with respect to terms of employment, including health benefits.

In addition to Title VII; the EEOC enforces the Age Discrimination in Employment Act of 1967 (ADEA); the Equal Pay Act of 1963 (EPA); Sections 501 and 505 of the Rehabilitation Act of 1973; Titles I and V of the Americans with Disabilities Act of 1990 (ADA); and Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA).

The ADEA protects individuals age 40 and older from age-based employment discrimination. It covers private employers with at least 20 or more employees, state and local governments, employment agencies, labor organizations with 25 or more members, and the federal government. The ADEA was amended in 1990 by the Older Workers Benefit Protection Act to prohibit age discrimination in fringe benefits and to limit waivers of ADEA claims.

The EPA prohibits sex-based discrimination in the payment of wages to men and women performing substantially equal work in the same establishment. The EPA applies to most employers.

Titles I and V of the ADA prohibit employment discrimination against qualified individuals on the basis of an employee's or applicant's disability. The act covers both private sector and state or local government employers with 15 or more employees,

employment agencies, and labor organizations with 15 or more members, and joint labor-management training and apprenticeship programs. Sections 501 and 505 of the Rehabilitation Act protect qualified individuals from employment discrimination on the basis of disability by the federal government, and section 501 requires that federal employers undertake affirmative action on behalf of individuals with disabilities.

The ADA and the Rehabilitation Act both require employers to make reasonable accommodations for individuals with disabilities absent undue hardship (i.e. significant difficulty or expense). The laws also regulate when employers may ask for certain medical information, require medical testing, and disclose employee medical records, regardless of whether the affected individual is a qualified individual with a disability. The ADA Amendments Act of 2008 broadened the definition of “disability” under the ADA and the Rehabilitation Act.

Title II of GINA protects individuals against employment discrimination based on genetic information, including information about an individual’s genetic tests and the genetic tests of an individual’s family members, as well as information about an individual’s family medical history. GINA covers employers with 15 or more employees, including state and local governments as well as employment agencies; labor organizations; joint labor-management training and apprenticeship programs; and the federal government. GINA also strictly limits access to genetic information and requires that covered entities maintain the confidentiality of any genetic information that they obtain.

All of the EEOC-enforced laws prohibit retaliation. Title VII, ADEA, ADA, the Rehabilitation Act, and GINA prohibit retaliation against individuals who have reasonably opposed discrimination, or who have filed a charge, served as a witness, or otherwise participated in an EEO proceeding. The EPA prohibits retaliation against an individual because he has filed a complaint (internal or with an enforcement agency) or instituted or testified in a proceeding.

### Enforcement Methods

#### *Private Employers, State and Local Government Respondents*

Members of the public may file charges alleging employment discrimination in violation of EEOC-enforced laws with an EEOC field office. Charges also may be initiated by the EEOC’s Commissioners or, alternatively, “on behalf of” another person by an individual or organization, such as a union or civil rights group. After charges are filed, the EEOC’s staff members investigate and the EEOC may issue a determination of “reasonable cause” or dismiss the charge for a variety of reasons. If the agency determines there is reasonable cause to believe unlawful discrimination occurred, it attempts to resolve the charge through conciliation. The EEOC also attempts to settle charges through mediation, in lieu of an investigation or at any stage of an investigation. Under Title VII, the ADEA, ADA and GINA, filing a charge generally is a prerequisite to filing a lawsuit. Filing a charge of discrimination is not a prerequisite to filing a suit under the EPA.

EEOC-enforced laws authorize the EEOC to file suit in federal district court in order to remedy employment discrimination if it is unable to achieve resolution through voluntary



conciliation. If, however, the charge of discrimination involves allegations under Title VII, the ADA or GINA against a state or local government, the EEOC refers it to the Attorney General, who may file suit in federal court. The EEOC may bring its own suits alleging violations of the ADEA or EPA by state or local governments.

### Federal Agency Respondents

The EEOC also oversees a separate administrative process for employment discrimination claims against the federal government. The federal government, as an employer, is subject to these anti-discrimination requirements through Section 717 of Title VII; Section 15 of the ADEA; Section 501 of the Rehabilitation Act; the EPA; and Section 201 of GINA. These laws provide the EEOC with oversight responsibility, including the authority to maintain procedures used by federal departments and agencies in processing internal complaints of employment discrimination. In addition, the EEOC has jurisdiction to review final administrative decisions of departments or agencies on their discrimination complaints.

The EEOC may award relief to federal employees, applicants and former employees to remedy harm suffered by violations of these laws and may monitor federal agencies' compliance. It also is responsible for ensuring that federal departments and agencies maintain programs of equal employment opportunity, including by posting equal employment opportunity data pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the "No FEAR Act") – including the additional responsibilities under the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020 amendments – to help Congress, federal agencies, and the public assess whether and to what extent agencies are meeting their EEO responsibilities.

### Data Reporting and Record Keeping

Under section 709(c) of Title VII, the EEOC may require covered entities to keep records that are relevant to determining whether the law has been violated and may require reporting from this information. Pursuant to this authority, the EEOC requires covered private employers, state or local governments, and labor organizations to file periodic reports providing data on the makeup of their workforces or memberships by gender and racial/ethnic categories. The EEOC uses this data in charge investigations and other enforcement activities. It also uses this data to produce reports about the status of workers by race, ethnicity, or gender in selected industries.

Section 709(e) of Title VII forbids the EEOC or any EEOC officer or employee from making public any information before a Title VII proceeding is instituted that involves that information. EEOC staff who violate this prohibition may be found guilty of a criminal misdemeanor and could be fined or imprisoned. The EEOC directly imposes this Title VII confidentiality requirement on all of its contractors, including contract workers and contractor companies, as a condition of their contracts. With respect to other federal agencies with a legitimate law enforcement purpose, the EEOC gives access to information collected under Title VII *only* if the agencies agree, by letter or memorandum of understanding, to comply with the confidentiality provisions of Title VII. For the EEOC,

its agents and contractors, Title VII only permits disclosure of information after suit is filed in a particular matter on the issues that were investigated at the administrative level.

With respect to data-sharing with FEPAs, Title VII states that the EEOC may give FEPAs information (including EEO-1 data) about employers in their jurisdiction on the condition that it not be made public prior to the institution of a proceeding under state or local law involving such information. The EEOC's current practice is to share with a contracted FEPA the EEO-1 data filed by an organization within the FEPA's jurisdiction. The contracts include provisions imposing obligations with respect to confidentiality, privacy and data security. The EEOC may also share data with a non-contracted FEPA only if specified internal review protocols are followed and such sharing is deemed appropriate. In such instances, non-contracted FEPAs will be required to formally agree to confidentiality, privacy and data security requirements. The general rule is that EEO-1 data for an employer within the FEPA's jurisdiction will be shared. However, the policy recognizes and allows for additional data to be shared to assist labor market analyses, in some instances. Title VII authorizes the EEOC to decline to honor a FEPA's subsequent requests for information if the FEPA violates Title VII's confidentiality requirements.

#### Leadership and Coordination of Federal EEO Efforts

Under Executive Order 12067, the EEOC provides leadership and coordination to all federal departments' and agencies' programs enforcing federal statutes, executive orders, regulations and policies that require equal employment opportunity. The executive order instructs the EEOC to eliminate conflict, competition, duplication and inconsistency when coordinating these programs and to promote efficiency and effectiveness. All federal departments and agencies are required to cooperate with and assist the EEOC in performing these functions and are required to furnish the EEOC with such reports and information as it may require, including any proposed rules, regulations, policies, procedures or orders concerning equal employment opportunity during their development and in final at least 15 working days before issuance.

## **APPENDIX B: EVALUATION AND EVIDENCE**

### **1. Agency Context**

#### **a. Current Efforts and Future Plans**

The EEOC recognizes the importance of data driven decision-making and the transformative role data can have to make the federal government more efficient and to better serve the American people. The EEOC is committed to building our capacity to provide viable evidence and better integrate our information and data policy into budget, performance and management decision making. As a basis for this emphasis, we are guided by:

- The EEOC’s Strategic Plan and its prioritization across the agency’s long-term strategic goals and objectives;
- Foundations for Evidence-Based Policymaking Act of 2018;
- OMB Guidance including OMB M-21-27, OMB M-20-12, and OMB M-19-23;
- Executive Order on “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government;”
- Executive Order on “Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce;
- Presidential Memorandum on “Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking;” and,
- Executive Order on “Improving the Nation’s Cybersecurity.”

#### **b. Recent Major Progress**

The EEOC continues to make great strides with its Data and Analytics Program that was implemented in FY 2018. The goals of this program include, for example, enhancing the transparency of agency functions and operations, reducing burden on our stakeholders, augmenting agency use of modern data analytics to drive data-driven decision making, and promoting greater public access to the data.

#### **c. Current Barriers**

The EEOC, having made significant initial strides to modernize its methods of data collection, reporting, and access in recent years, will require additional funding in FY 2022 and FY 2023 to continue the agency’s work to implement data-driven decision-making, enterprise-wide, and to use data to deliver on the EEOC’s mission and serve both the agency and the public. The agency’s proposed FY 2023 funding request to modernize the EEOC’s data and analytics directly support the Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government and the Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking.

## 2. Evaluation Projects

In FY 2021, the agency continued work on the following evaluation projects: The Interagency Agreement (IAA) between the EEOC and The Committee on National Statistics (CNSTAT) of the National Academies of Sciences, Engineering, and Medicine for a Panel to Evaluate the Quality and Utility of Compensation and Hours Worked Data Collected from U.S. Employers by the EEOC through the EEO-1 project; the Mediation e-Survey Modernization Project; and the EEOC's Data and Analytics Modernization Program.

**The Interagency Agreement (IAA) between the EEOC and The Committee on National Statistics (CNSTAT) of the National Academies of Sciences, Engineering, and Medicine for a Panel to Evaluate the Quality and Utility of Compensation and Hours Worked Data Collected from U.S. Employers by the EEOC through the EEO-1 Project Examining the EEOC's Collection of Employer Compensation Data for 2017 and 2018.** The EEOC's large scale collection of pay information between July 15, 2019 and February 14, 2020 affords an opportunity to review the methods used and the circumstances of the collection, to document lessons learned, and to identify ways to improve potential future collections. The panel will consider existing data quality and data utility frameworks for this data and will conduct analyses of the compensation data to assess its quality and usefulness for various purposes. The final report will provide the expert panel's conclusions and recommendations to inform the agency's approach to future data collections.

**Mediation Survey Modernization Project.** Beginning in FY 2020, EEOC mediation participants will be able to share their perceptions by completing a survey electronically, in English or Spanish. The project benefits include fewer steps in the process of distributing the survey to participants, faster receipt of survey responses, reduced data entry and elimination of postage. The mediation program has conducted only telephone or video mediations since March 2020, a departure from the in-person model implemented in 1999. In FY 2021, this project was expanded to not only include mediation participants, but EEOC mediators. The EEOC also increased its efforts to reach underserved communities by making the survey available in Haitian/Creole and Chinese.

**The EEOC's Data and Analytics Modernization Program:** Beginning in FY 2018 and continuing into FY 2023, the goals of the modernization program – are to enhance transparency of agency functions and operations, reduce burden on our stakeholders, augment agency use of modern data analytics to drive data-driven decision making, and promote greater public access to the data.

Specific initiatives the EEOC's Data and Analytics Modernization Program include:

***Modernize the EEOC's Data Collections.*** Conducted by the EEOC with assistance from National Opinion Research Center (NORC) at the University of Chicago, a leading federal survey data contractor, this project focuses on modernizing the EEO-1, 3, 4, and 5 data collections. Through this work, the EEOC has conducted an initial assessment of Paperwork Reduction Act (PRA)

Information Clearance Request (ICR) packages, to identify potential opportunities to strengthen ICRs. In addition, the first phase of a comprehensive evaluation to conduct a full review of the EEOC's current methods of data collection and reporting with an eye toward identifying innovations and efficiencies has been completed. The EEOC issued a new five-year contract for the EEO Data Collections that will implement new strategies and innovations identified in the evaluation.

In addition, to ensure that all employers eligible to file the EEO-1, 3, 4, and 5 are included in the data collection frame/roster, EEOC proposes to:

- Utilize External Sources to Continuously Update Frame for EEO Data Collections and Improve Agency's Employer Master List by developing a multi-year contract with an external vendor or vendors to provide annual updates to all EEO data collection frames, and the agency's Employer Master List.
- Develop an Interagency Agreement with Census Bureau to conduct a study matching the most recent EEO-1 roster with Census Bureau establishment survey rosters to ascertain completeness, missing entities, etc.

***Provide Secure Access to the EEOC's Restricted Data for Research and Statistical Purposes.*** To protect the EEOC's restricted-access data released for research purposes, the agency through an Interagency Agreement with the Census Bureau is establishing through the Federal Statistical Research Data Center, a modern, secure, and privacy protected approach to facilitate access to protected data for external researchers.

***EEOC Explore.*** This project enhances the transparency of agency functions and operations by facilitating and simplifying access to agency publicly releasable data by creating easily accessible public use files, documentation, and a web-enabled, state-of-the-art, user-friendly, data query and mapping tool, to facilitate access, and encourage greater use of the EEOC's publicly available data. The initial public launch displays EEO-1 aggregated files for FY 2014 – FY 2018. Additional years of EEO-1 and other EEO data collection files will be added each year as data becomes available for publication. This publicly accessible tool is located at [www.eeoc.gov/statistics/employment/jobpatterns/eeo1](http://www.eeoc.gov/statistics/employment/jobpatterns/eeo1).

***Data Visualizations for the Public.*** The EEOC has created new data visuals to accompany the existing data summary product it releases to the public in tabular format. The purpose of these visuals is to display enforcement data in a simple, comprehensible, and visually appealing way for all our internal and external stakeholders. These products represent the EEOC's first major new type of data product in more than 20 years. These data visualizations illustrate statistics for employment discrimination charges and resolutions for the general public as well as specialists in anti-discrimination law and are part of the agency's broader effort to bring greater transparency to the EEOC's operations. The agency also is creating customized visualizations for use by internal stakeholders in each district to support

enforcement and outreach functions of the agency. For example, one application of the visualizations will be to identify demographic characteristics and counties of residence of populations more vulnerable to workplace discrimination.

***Data Visualization Tool for EEOC Outreach and Education Coordinators***

The EEOC has created an interactive data visualization tool for internal stakeholders in the EEOC's Office of Field Programs to support outreach and education activities. Using public-use Census Bureau data and the Tableau visual analytics platform, the tool enhances data-driven decision making by enabling users to identify counties, EEOC districts, and states with relatively high concentrations of vulnerable workers by race and ethnicity, sex, age, and disability, and depicts the proximity of every Tribal Area to the nearest EEOC office. The tool provides other characteristics of vulnerable worker populations including median income and foreign languages spoken. Future versions of the tool will overlay the Census data with EEOC EEO data collection data and historical charge data to also inform enforcement activities.

***Evaluate the Efficacy of Existing Relevant Federal Data Sets.*** The EEOC is working to identify other federal sources of administrative and survey data (e.g. Bureau of Labor Statistics, Census Bureau) that, alone or in combination with existing EEOC data, may allow exploration into detecting and developing new tools and models for increasing understanding and awareness, identifying solutions, and implementing actions targeting the reduction of illegal employment discrimination.

## **APPENDIX C: ENTERPRISE RISK MANAGEMENT**

### **BACKGROUND**

The EEOC Enterprise Risk Management Policy Handbook established formal Enterprise Risk Management (ERM) within the EEOC in accordance with Section II of OMB Circular A-123, ERM and Internal Control are components of a robust governance framework. ERM as a discipline deals with identifying, assessing, and managing risks. Through adequate risk management, agencies can concentrate efforts on key points of failure and reduce or eliminate the potential for disruptive events. OMB Circular No. A-123 defines management's responsibilities for ERM and includes requirements for identifying and managing risks.

The EEOC recognized that many risks within the organization are interrelated and cannot be effectively and efficiently managed independently within a given Headquarters or Field Office. The interconnected risks facing the EEOC must be managed across the organization and, in many instances, in coordination with the agency and its stakeholders. Therefore, the EEOC Enterprise Risk Steering Committee (ERSC) was established to oversee the development and implementation of processes used to analyze, prioritize, and address risks across the EEOC. The ERSC is composed of the following representatives:

- Chief Risk Officer (CRO) and Committee Chair
- Director, Office of Field Programs
- Director, Office of Federal Operations
- District Director Representative
- Regional Attorney Representative
- Field/Area/Local Office Director Representative
- Chief Information Officer (CIO)
- Chief Information Security Officer (CISO)
- Director, Office of Enterprise Data and Analytics
- Deputy General Counsel
- Associate Legal Counsel
- Chief Financial Officer (CFO)
- Chief Human Capital Officer (CHCO)
- Associate Director, Office of Communications and Legislative Affairs (OCLA)

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## APPENDIX D: AGENCY RESPONSES TO PL 115-414 GOOD ACCOUNTING OBLIGATION IN GOVERNMENT ACT (GAO-IG Act)

This bill requires each federal agency, in its annual budget justification, to include a report on: (1) each public recommendation of the Government Accountability Office (GAO) that is classified as "open" or "closed, unimplemented"; (2) each public recommendation for corrective action from the agency's office of the inspector general (OIG) for which no final action has been taken; and (3) the implementation status of each such recommendation.

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
<b>Audit of the Equal Employment Opportunity Commission's FY 2019 Financial Statements (OIG Report No. 2019-002-AOIG)</b>	November 19, 2019	Recommend that the EEOC ensures the existing policy in place is followed and documentation of the process is reviewed by the CFO or their designee on a quarterly basis	<p>Completed Testing and validation pending. Improved accountability for the Unliquidated Obligations Review (UDO) process by developing and implementing oversight procedures to promote accountability by the program offices and the proper administration of contract/obligation closeout procedure in accordance Federal Acquisition Regulations (FAR).</p> <p>Developed/enhanced an UDO review guide to assist those conducting the review.</p> <p>Provided clarity and guidance on the types of documentation needed to support a decision to retain or de-obligate funds.</p>
<b>Performance Audit of the EEOC Commercial Charge Card Program (OIG Report Number 2018-007-AOIG)</b>	May 31, 2019	<p>Purchase Cards - the Administrative Officer or District Resources Manager should maintain documentation of all account closures electronically or in hard copy.</p> <p>Travel Cards - The Charge Card Program Manager should maintain documentation of all account closures electronically or in hard copy.</p>	Completed. Test and validation pending. Correspondence circulated to Approving Officials and Purchase Card holders August 21, 2019 to enforce procedures that ensures the maintenance of documentation on all account closures electronically or in hard copy.

<b>Audit Report Name Month and Year Report was Issued</b>	<b>Date of Report</b>	<b>Recommendation</b>	<b>Implementation Status</b>
<b>Independent Evaluation of the U.S. Equal Employment Opportunity Commission's Compliance with Provisions of the Federal Information Security Modernization Act of 2014 (OIG Report Number 2018-004- AOIG)</b>	March 6, 2019	The OIT needs to analyze and resolve internal vulnerabilities.	Work in progress OIT is working with the Office of the Chief Financial Officer to mitigate critical vulnerabilities identified with security cameras and EPAC services. Reviewing printer vulnerabilities and requirements related to Novell iPrint (device installer) printing utility software. These three items along with use of continued legacy software, accounted for the majority of the newly identified internal vulnerabilities. Analyzing and resolving internal vulnerabilities with the remaining infrastructure is on-going.
<b>Independent Evaluation of the EEOC Compliance with Provisions of the Federal Information Security Modernization Act of 2014 (FISMA) for FY 2017 (OIG Report Number 2017-07- AOIG)</b>	December 18, 2017	<p>Recommend the EEOC OIT develop and implement a Trusted Internet Connection (TIC) program in accordance with Office of Management and Budget requirements to assist in protecting the agency's network from cyber threats.</p> <p>Recommend EEOC OIT conduct an e-authentication risk assessment based on NIST SP 800-63-3 Digital Identity Guidelines suite, for the EEOC's digital services and fully implement multi-factor authentication for logical and remote access enterprise-wide.</p>	<p>Work in progress.</p> <p>Completed. Testing and validation pending. OIT completed e-authentication assessments for its digital systems in FY 2019. Within the Microsoft Action Directory configuration, PIV-based access was implemented for the EEOC's highest risk users, OIT domain administrators. In addition to PIV, domain administrators must also use Microsoft's multi-factor authentication to execute administrative functions. The new Window 10 image removes Novell dependencies and PIV access will be deployed as a follow-on component to the Windows 10 roll-out during FY 2020.</p>

<b>Audit Report Name Month and Year Report was Issued</b>	<b>Date of Report</b>	<b>Recommendation</b>	<b>Implementation Status</b>
<b>Independent Evaluation of the U.S. EEOC's Compliance with Provisions of the Federal Information Security Modernization Act of 2014 (FISMA) (OIG Report Number 2016-08- EOIG)</b>	January 4, 2017	EEOC OIT should review and analyze critical, high, and medium vulnerabilities. These vulnerabilities should be resolved to avoid compromise of the EEOC's systems; or the agency should document acceptance of the risk or reclassification of the risk.	Work in progress Completion is pending test and validation.
<b>Performance Audit of the Agency's Personnel Security Program (OIG Report Number 2013-08- PSA)</b>	September 15, 2014	<p>Develop and implement policies and procedures to address the safeguarding, transfer, storage, or disposal of classified information. The policy should include the requirements for Memorandum of Understanding between agencies.</p> <p>Implement a formalized training program for individuals who use classified information as a part of their duties. If an external agency is to assume the responsibility of training these individuals, this agreement should be documented in an MOU.</p> <p>Immediately correct any known weaknesses. If the EEOC determines not to correct a noted weakness, the EEOC should document this analysis and their acceptance of the associated risk.</p>	<p>Work in progress "Standard Operating Procedure for Classified National Security Information: A Procedural Handbook for the Proper Safeguarding of Classified National Security Information" was submitted in DRAFT form.</p> <p>Training slides are complete and are included in the draft policy.</p> <p>Implementing a Personnel Security Program for national security positions is on hold per Agency Head(s).</p> <p>Work in progress.</p>

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
<b>Evaluation of EEOC Federal Hearings and Appeals Process (OIG Report Number 2018-01-EOIG)</b>	March 30, 2020	<p>Standardize on-boarding activities and training programs required for new AJs and other staff working at the District and Field offices, so that the Federal hearings experience is consistent for both complainants and agencies across offices. The updated AJ Handbook can be used as a foundation for training materials and should include directions on how to access other standardized on-boarding activities and additional training programs.</p> <p>Ensure future process changes are implemented according to change management best practices noted by GAO.</p> <p>Office of Information Technology (OIT), in partnership with OFP and OFO re-evaluate IMS requirements, and requirements for the framework of its successor system, to determine what additional reporting functionalities are needed in order to analyze data about staff and office productivity</p> <p>OIT developers should meet directly with software users, such as OFO attorneys and supervisory attorneys and OFP AJs and Supervisory AJs (SAJ) to determine additional requirements.</p>	<p>Work in progress Developing standardized training for new AJs. The revised AJ Handbook will be the foundation for the new AJ training. Training will also consist of the laws the EEOC enforces as well as standard operating procedures. Estimated completion time, End of the 4th Quarter FY 2020.</p> <p>Work in progress.</p> <p>Work in progress IMS is being replaced and the modern system replaces some reports with dashboards. Additionally, OFP is working with OIT to develop modern reporting requirements to be delivered with the new charge management system.</p> <p>Work in progress The Charge/Case Management Modernization Governance Charter outlines a governance framework to ensure that the TMF effort is led by the Agency's program offices in partnership with the IT organization. This framework outlines roles and responsibilities for small team workgroups, which will include application users such as those outlined in the recommendation, to transform current business processes to efficient digital workflows, recommend new policies and procedures, and assist with the change management process. Estimated time completion time, Federal Hearings and Appeals 4th Quarter FY 2022.</p>

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
		OFO and OFP, in partnership with OIT should consider development of an IMS training guide or document that is consistently updated and reviewed following upgrades, enhancements or modifications of the software.	Charge-Case Management Modernization Governance Charter highlighted the program risk associated with “Communication” and established the framework to help mitigate this risk through training and documentation.
		Examine the staffing model of the appeals intake process to determine if the dedicated resources are sufficient for ensuring processes are completed in a timely manner.	Work in progress. OFO will conduct additional reviews to determine appropriate staffing and looked to whether staff from ARP can assist in this function, or if additional staff is required.
		Assign a target amount of days for intake so that management can determine if changes implemented impact the efficiency of the process.	Work in progress. OFO has deployed an internal Lean Six Sigma (LSS) Team tasked with examining the appellate decision. Phase One focused on adjudication. Phase One 4th Quarter of FY 2020. Phase 2 – examining the current intake process from receipt of appeal documentation, through completion of the record and forwarding to AR for adjudication. 2nd Quarter FY 2021.
		Evaluate and assess timeline improvement after the use of the new contractors.	Completed. Procurement Orders completed and approved for two contractors. It was determined that the increased resources suffice.

<b>Audit Report Name Month and Year Report was Issued</b>	<b>Date of Report</b>	<b>Recommendation</b>	<b>Implementation Status</b>
<b>Evaluation of EEOC's Contracts Administration Activities (OIG Report Number 2019-001- EOIG)</b>	March 11, 2020	<p>OCFO should review and update the Contract File Content Checklist to reflect current documents maintained in the file.</p> <p>ASD should review and update the COR Appointment Letter as needed and specifically address the maintenance of electronic contract files.</p> <p>OCFO should revise EEOC Order 360.001 as needed to assist CORs in performing their duties. Include implementation guidance for contract administration activities, such as submitting contract modifications.</p>	<p>Work in progress.</p> <p>Work in progress.</p> <p>Work in progress.</p>
<b>Transmittal of Management Letter Report for FY 2020 Financial Statement Audit (OIG Report Number 2020-002- AOIG)</b>	December 16, 2020	<p>Recommend that EEOC management create a control where management reviews, on a sample basis, at least quarterly, the approved PP&amp;E disposals/retirements or conformity to the EEOC SOP for OIT Excess Property that states, "When equipment is disposed of and SF 120, SF 122, or SF 120 copy using GSAXcess, is approved by the EEOC Approving Official(s), CSD Backup or Property management who have been found to not adhere to requirements of the SOPs for OIT Excess Property and require them to obtain additional training, to include certifying they have read the Approval Officials responsibilities, as it relates to the aforementioned control.</p> <p>Recommend that EEOC ensures the existing policy in place is followed and documentation of the process is reviewed by the CFO or heir designee on a quarterly basis.</p>	<p>Work in progress. When office conditions permit, the manual physical inventory will be conducted.</p> <p>Work in progress. This control was tested in the year-end testing 9/30/21. The recommendation is a repeat finding from FY 2019. (Financial Statement 2019 2019-002-AOIG issued 11/19/2019)</p>

<b>Audit Report Name Month and Year Report was Issued</b>	<b>Date of Report</b>	<b>Recommendation</b>	<b>Implementation Status</b>
<b>Federal Information Security Modernization Act of 2014 (FISMA) FY 2019 Performance Audit (OIG Rpt. No. 2019-004-AOIG)</b>	February 20, 2020	Recommend EEOC OIT review and remediate critical-risk, high-risk and medium-risk vulnerabilities in accordance with EEOC OIT's assessment of risk. If risk is not remediated, then we recommend EEOC OIT document the acceptance of the risk.	Work in progress. EEOC security officers will continue efforts to mature OIT's software patching and vulnerability management program. OIT will increase efficiencies in (1) evaluating current vulnerability remediation lifecycles as well as scenarios which affect these lifecycles; (2) exploring vulnerability management timelines and remediation procedures; and (3) drafting, approving and implementing improved vulnerability management standard operating procedures (SOP).
<b>Performance Audit of the EEOC's Charge Card Program (OIG Rpt. No. 2020-004-AOIG)</b>	March 24, 2021	<p>Recommend that the Office of the Chief Financial Officer of the U.S. Equal Employment Opportunity Commission enhance the documentation, monitoring, and enforcement of its controls over the closure of charge card (purchase and travel) accounts.</p> <p>Recommend the EEOC ensure that emailed policy memos are promptly updated in the appropriate EEOC Directives Transmittal Order.</p> <p>Recommend that the Office of the Chief Financial Officer of the U.S. Equal Employment Opportunity Commission enhance the documentation and monitoring of controls over the validation process of charge card transactions.</p> <ul style="list-style-type: none"> <li>• For purchase cards, EEOC management should create a control where management reviews, on a sample basis, purchase cards transactions to ensure all obligating</li> </ul>	Work in progress.

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
		<p>documents and purchase orders are in conformity with EEOC Directives Transmittal Order 360.003, Commercial Purchase Charge Card Program Practical User's Guide.</p> <p>• For travel cards, EEOC management should create a control where management reviews, on a sample basis, travel card transactions to ensure all travel authorization or vouchers and receipts are in conformity with EEOC Directives Transmittal Order 345.001, Travel and Transportation Administrative Policies and Procedures Manual.</p> <p>We recommend EEOC management update its policies and procedures to include all required safeguards and internal controls to be compliant with the Government Charge Card Abuse Prevention Act of 2012. In addition, the EEOC should create a monitoring control to review the policy when changes or updates are made to federal law or Office of Management and Budget or General Services Administration guidance.</p>	<p>Work in progress.</p> <p>Work in progress.</p> <p>Work in progress.</p>
<p><b>Evaluation of the EEOC Compliance with Provisions of the Federal Information Security Modernization Act of 2014 (FISMA) for FY 2020 (OIG Report No. 2020-003-AOIG)</b></p>	<p>May 18, 2021</p>	<p>We recommend the EEOC's Office of Information Technology (OIT) review and remediate critical-risk and high-risk vulnerabilities in accordance with the EEOC OIT's assessment of risk. Where risk acceptance is required for vulnerabilities based on EEOC's network operation, we recommend that EEOC formally document the risk acceptance along with any associated mitigation activities.</p>	<p>Work in progress.</p>



Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
Evaluation of the EEOC's Social Media Program (OIG Report No. 2020-001-EOIG)	July 26, 2021	Hire people with specialized expertise to manage the social media program and its assets specifically a dedicated social media manager and part-time (or contract) graphic designer and multimedia specialist.	Work in progress. Created staffing plan for OCH approval pending hiring authorization, post and hire for a designer/multimedia specialist.
		Simplify the EEOC's social media architecture by consolidating many of the existing social media channels and limiting creation of new channels.	Work in progress. Determined criteria for evaluating if a social media channel is successful or should exist as a separate channel. Identified all existing social media channels and evaluated whether they should be consolidated. Consolidated and cleaned up existing social media channels. Ensured official social media channels are consistently branded across platforms. Completion depending on test and validation.
		Ensure all social media managers have access to a scheduling tool within one account.	Completed. All social manager users began using Agorapulse and evaluates scheduling tools. Test and validation completed.
		Implement a consistent content approval process run by OCLA.	Work in progress. After a social media manager is hired, develop criteria for content that needs to be approved and a content approval
		Facilitate a mandatory monthly meeting among all EEO social media managers.	Completed. Identified all EEOC employees responsible for social media. Monthly meetings began 11/21. Test and validation completed
		Implement an ongoing training series for all staff involved in the EEOC social media program.	Work in progress. After the social media manager is hired, develop a schedule of potential trainings. Identify outside course offerings that would fit within the agency's training budget.
		Create and use an editorial calendar or social media content.	Completed. Created and used an editorial calendar, including adding OCH strategic topic priorities. A screenshot of the editorial calendar with dates and topics were provided. Testing and validation completed.

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
		Develop content based on topics with strong performance and that uses social media best practices, including consistent branding for multimedia content and a greater number of videos.	Work in progress. Review analytics and use social listening tools to measure content engagement, identify topics that perform strongly, and target audience interests. Develop and distribute content based on findings and strategic topic priorities. Review analytics. Create additional multimedia content and videos subject to new staff resources.
		Employ new social media tactics to reach vulnerable audiences.	Work in progress. Define vulnerable audiences. Use 2021 social media use reports to determine best platforms and types of interest to reach defined audiences. Identify social media tactics most effective with particular audiences. Post content or partner with other organizations with reach into vulnerable populations and use tactics on platforms most likely to reach defined audiences. Review analytics adjust as necessary.
		Execute new tactics based on channels that generate traffic to EEOC web pages.	Work in progress. Review analytics and identify posts with highest click thru rates. Identify target EEOC web pages. Develop and distribute content pointing to those pages based on the results of the above analysis.
		Use paid media to support improved reach and engagement.	Work in progress. Identify appropriate campaigns/initiatives for paid media support. Resources permitting, buy ads to improve reach and engagement for appropriate campaigns.
		Complete revisions to the social media handbook and provide to all staff managing social media channels.	Work in progress. Following review of social media accounts, revise social media handbook draft. Circulate for review and revisions. Distribute final updated social media handbook.
		Complete at least four social media campaigns per year (one per quarter) to prompt growth of social media	Work in progress. Develop a plan for four social media campaigns based on OCH/strategic priorities. Implement first campaign.

<b>Audit Report Name Month and Year Report was Issued</b>	<b>Date of Report</b>	<b>Recommendation</b>	<b>Implementation Status</b>
		<p>channels and higher audience engagement.</p> <p>Establish objectives for the social media program that include quantified targets.</p> <p>Begin quarterly reporting on social media outcomes, using an online dashboard to ease data collection.</p>	<p>Completed.</p> <p>Established baseline of social media metrics through end of FY 21.</p> <p>Established FY 22 objectives for each social media platform. Test and validation completed.</p> <p>Work in progress.</p> <p>Quarterly reporting will begin after all social media managers are using a shared scheduling tool.</p>
<b>Transmittal of Management Letter Report for Audit of the EEOC's FY 2021 Financial Statements (OIG Rpt. No. 2021-005-AOIG)</b>	January 19, 2022	We recommend EEOC ensures the existing policy in place for Undelivered Orders is followed and documentation of the process is reviewed by the CFO or their designee on a quarterly basis.	Work in progress. This is a repeat finding from the FY 2020 Financial Statement (2020-001-AOIG issued 11/12/2020).
<b>GAO: Gender Pay Differences: The Pay Gap for Federal Workers Has Continued to Narrow, but Better-Quality Data on Promotions Are Needed</b>	December 3, 2020	The Chair of EEOC should take steps to assess the quality of the promotion data in the MD-715 report and address data discrepancies with agencies in a timelier manner.	Work in progress.

<b>Audit Report Name Month and Year Report was Issued</b>	<b>Date of Report</b>	<b>Recommendation</b>	<b>Implementation Status</b>
<b>GAO: Workplace Sexual Harassment: Experts Suggest Expanding Data Collection to Improve Understanding of Prevalence and Costs</b>	October 16, 2020	As part of the Equal Employment Opportunity Commission's plans to implement a new data system, the Chair of the Equal Employment Opportunity Commission should assess the feasibility of developing the agency's capacity to systematically analyze retaliation charge data, including the protected activities associated with these charges.	As part of the development of ARC, the EEOC assessed the feasibility of developing the capacity to systematically analyze retaliation data.
<b>Freedom of Information Act: Agencies Are Implementing Requirements but Additional Actions Are Needed</b>	June 25, 2018	(1) The Chair of EEOC should designate a chief FOIA officer at the assistant secretary level or equivalent.  (2) The Chair of EEOC should take steps to develop and document a plan that fully addresses best practices with regards to reduction of backlogged FOIA requests.	EEOC has a designated chief FOIA officer.  Work in progress





**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

131 M STREET NE  
WASHINGTON, DC 20507  
[WWW.EEOC.GOV](http://WWW.EEOC.GOV)